Attachment 7: Scenario 2B from p 29 of Pearson (2018)
SCENARIO 2B - FAU FOR AFFORDABLE HOUSING

Parameters

The following parameters have been applied for Scenario 2b:

- Floor area ratio of 5.4:1, including an FAR of 1.7:1 for non-residential land uses within each development
- Incorporation of proposed controls in Capital City Zone (Schedule 4), Fishermans Bend Urban Renewal Area Local Policy and Design & Development Overlay (Schedule 67)
- Adherence to the same 3D modelling assumptions as in Scenario 1a (Figure 4.5, page 20)
- Use of proposed street network outlined in Figure 20 of the Fishermans Bend draft Framework
- Achieve 6% affordable housing across the Lorimer Precinct (374 affordable dwellings) through a Floor Area Uplift. This results in a 10.5% affordable housing provision on sites that can accommodate additional yield within the proposed built form controls.
- This will also include 8 market value dwellings for every affordable dwelling provided (approximately 2,992 dwellings).

Figure 4.15: 3D outcome of built form in Scenario 2b, using an FAU to deliver 6% affordable housing across the Lorimer Precinct (equal to 375 dwellings)

*5.5% of total dwellings and 6% of FAR dwellings (excluding recent residential permits)
Attachment 8: Planning Permit for 150 Turner Street
PLANNING PERMIT

ADDRESS OF THE LAND: 150-160 Turner Street, Port Melbourne

THE PERMIT ALLOWS: Demolition of existing structures, and development of the land for the construction of a multi-storey building and use of land as dwellings in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

Plans for Endorsement, Layout Not Altered and Completion

1. Before the development starts, including demolition, bulk excavation and site preparation works, amended plans must be submitted for endorsement by the Responsible Authority. The plans must be generally in accordance with the plans prepared by Artisan Architects, Project No.10136, marked “Revision D” and “Revision E” and dated 16 and 22 June 2016, and amended where necessary to incorporate and show:

(a) the setbacks of the tower to be consistent with the plan marked TP06 Rev E;

(b) the height of the building to be 36 storeys (where levels 8-36 are in the form shown on TP06 Rev E) plus roof plan; and

(c) the Wind Mitigation measures marked “Vipac’s Wind Measures” prepared by Artisan Architects, dated June 2016;

(d) A demolition plan, clearly showing all structures and features to be removed and any temporary works to secure the site;

(e) Ground floor plans for Stage 1 and Stage 2 (as completed), clearly showing the final access and layout arrangements for each stage;

(f) Detailed renders, elevations and sections of the podium frontages, clearly showing the podium interfaces and detailing how the wind screens have been integrated into the building design to achieve street activation and maintain pedestrian sight lines.

(g) Deletion of all specific commercial land use references;

(h) Any changes required by the Wind Assessment Report (where relevant to be shown on plans);
(i) Any changes required by the Environmentally Sustainable Design report as specified by the corresponding condition below (where relevant to be shown on plans);

(j) Any changes required by the Waste Management Plan as specified by the corresponding condition below (where relevant to be shown on plans);

(k) Any changes required by the Traffic Impact Assessment as specified by the corresponding condition below (where relevant to be shown on plans);

(l) Any changes required by the Acoustic Report as specified by the corresponding condition below (where relevant to be shown on plans).

Layout not Altered and Completion

2 The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Staging

3 Before the development starts, including demolition, bulk excavation and site preparation, a staging plan must be submitted to and be approved by the Responsible Authority in consultation with Melbourne City Council. When approved, the plan will be endorsed and will then form part of the permit. The development must construct all stages in the order as shown on the endorsed plan, unless otherwise agreed by the Responsible Authority. The staging plan must include (but is not limited to) the following:

(a) Timelines of commencement and completion of each stage of development;

(b) Public realm works and landscaping.

(c) Temporary protection works including lighting and safety measures.

4 Once each stage of development has started it must be completed to the satisfaction of the responsible authority.

VicRoads

5 The 4m building setback (taken as a measurement from the drip line of the CityLink / Bolte Bridge off ramp) must be maintained for the entire length of the western boundary of the subject land.

Building Appurtenances

6 All building plant and equipment on roofs and public thoroughfares must be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery and equipment, including but not limited to all air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment shall be to the satisfaction of the Responsible Authority.

Landscaping and Public Realm Plan

7 Before the development starts, excluding demolition, bulk excavation and site preparation, unless otherwise agreed to by the Responsible Authority, a Landscape and Public Realm Plan must be submitted to and be approved by the Responsible Authority in consultation with the Melbourne City Council. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:

(a) Provision for the nominated site setbacks to Lorimer Street and to the south to be appropriately landscaped and maintained to serve as publically accessible accessways until the land is vested in Melbourne City Council at the time of subdivision.
(b) A schedule of all soft and hard landscaping treatments. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant, and all hard landscaping treatments.

c) Urban design elements including, but not limited to, paving, lighting, seating and public art.

d) Clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.

e) How the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation.

8 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved landscaping and public realm plan must be completed. Once completed, the landscaping and public realm works must be maintained in accordance with the endorsed plan to the satisfaction of the Melbourne City Council by:

(a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan.

(b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose.

(c) Replacing any dead, diseased, dying or damaged plants.

Construction Management

9 Before the development starts, a detailed Demolition and Construction Management Plan must be submitted to and approved by the Melbourne City Council. This Demolition and Construction Management Plan is to be prepared in accordance with the Melbourne City Council – Construction Management Plan Guidelines and must be to the satisfaction of the Melbourne City Council.

Materials and Finishes

10 Before the development starts, excluding demolition, bulk excavation and site preparation works, a printed schedule and coded sample board including a colour rendered and notated plan/elevation that illustrates the location and details of all external materials and finishes must be submitted to and be to the satisfaction of the Responsible Authority and when approved will form part of the endorsed plans. All finishes and surfaces of all external buildings and works, including materials and colours must be in conformity with the approved schedule to the satisfaction of the Responsible Authority.

11 Except with the consent of the Responsible Authority, all external materials must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the surface.

Noise Attenuation

12 Before the development starts, including demolition, bulk excavation and site preparation works, a report from a qualified acoustic consultant, must be submitted to the satisfaction of the Responsible Authority. Any recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority. The report must be generally in
accordance with the report prepared by Vipac Engineers & Scientists and dated 9 September 2013 and the letter prepared by SLR Consulting dated 22 June 2016. The report must certify that:

(a) The development has been designed to limit internal noise levels to a maximum of 45 dB in accordance with AS2107; and

(b) The development has been designed and treated with noise attenuation measures so that the concrete batching plant operating noise levels between 10pm and 7am within apartment bedrooms and living rooms (upon completion, with furnishings and with windows and doors closed) is limited to a maximum of 45 dB in accordance with AS2107.

Wind Mitigation

13 Before the development starts, including demolition, bulk excavation and site preparation, an amended comprehensive wind tunnel testing and environmental Wind Climate Assessment report of the development by a suitably qualified engineering consultant must be undertaken to achieve walking comfort criteria on footpaths, standing comfort criteria at building entrances and walking comfort criteria on balconies/terrace. The Wind Assessment must be submitted to and be to the satisfaction of the Responsible Authority. This report must be generally in accordance with that prepared by Vipac Engineers & Scientists and dated 8 October 2015. Any further modifications made to the development by way of amendment to the plans referred to in Condition 1 must ensure that the comfort criteria achieved and referred to in the 8 October 2015 Vipac report is not reduced and must be carefully developed as an integrated high quality solution with the architectural and landscape design to the satisfaction of the Responsible Authority.

14 The recommendations and requirements of the endorsed Wind Assessment Report must be implemented at no cost to and be to the satisfaction of the Responsible Authority.

Development Contributions

15 Before the development starts, excluding demolition and site preparation works, the owner of the land must enter into an agreement(s) pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority and make an application to the Registrar of Titles to have the agreement(s) registered on the title to the land under Section 181 of the Act, to the satisfaction of the Responsible Authority. The agreement(s) must:

(a) Require the developer to pay a development contribution of:

(i) $15,900 per dwelling.

(ii) $18,000 per 100m² of gross commercial floor area.

(iii) $15,000 per 100m² of gross retail floor area.

or other amount outlined within an approved development contribution plan to the satisfaction of the Responsible Authority.

(b) Require that development contributions are to be indexed annually from 1 July 2015 using the Price Index of Output of the Construction Industries (Victoria) by the Australian Bureau of Statistics.

(c) Require registration of the Agreement on the titles to the affected lands as applicable.
(d) Include a schedule of the types of infrastructure to be delivered by the Metropolitan Planning Authority or their successor.

(e) Confirm that contributions will be payable to the Metropolitan Planning Authority or their successor.

(f) Confirm that the contributions will be used by Metropolitan Planning Authority or their successor, to deliver the schedule of types of infrastructure.

(g) Require that payments of 10% is at the time of building permit issue for each stage and 90% made prior to the issue of a statement of compliance for each stage in accordance with the Subdivision Act 1988.

(h) Confirm the procedure for refunding monies paid if an approved development contribution plan for the area is less than the amount stipulated in the Section 173 agreement.

(i) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

(j) Require a bank guarantee to the value of 50% of the development contribution to be provided to the Responsible Authority prior to the commencement of any works. The bank guarantee will be returned upon full payment of the development contribution.

The owner of the land to be developed must pay all reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Environmental Audit

16 Before the development starts, excluding demolition and bulk excavation, the applicant must undertake an environmental assessment of the site to determine if it is suitable for its use. This assessment must be carried out by a suitably qualified environmental professional who is acceptable to the Melbourne City Council. The recommendations and requirements of this assessment, if any, must be implemented prior to the occupation of the building, to the satisfaction of the Melbourne City Council. Should the environmental assessment reveal that an Environmental Audit of the site is necessary then prior to the occupation of the building the applicant must provide either:

(a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or

(b) A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. This Statement must state that the site is suitable for the intended uses.

17 Where a Statement of Environmental Audit is provided, all the conditions of the Statement must be complied with to the satisfaction of the Melbourne City Council prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Melbourne City Council. The written confirmation of compliance must be in accordance with any requirements in the Statement conditions regarding verification of required works.

18 If there are any conditions of a Statement of Environmental Audit that the Melbourne City Council, acting reasonably, consider require a significant ongoing maintenance and/or monitoring, the owner of the land must enter into a Section 173 Agreement under the Planning and Environment Act 1987 with the Council. This Agreement must be executed on
title prior to the occupation of the building. The owner must meet all costs associated with the
drafting and execution of the Agreement including those incurred by Council.

Environmentally Sustainable Design

19 Before the development starts, including demolition, bulk excavation and site preparation
works, an Environmentally Sustainable Design (ESD) Statement, generally in accordance with
the statement prepared by Simpson Kotzman and dated 28 May 2013, or as otherwise to the
satisfaction of the Responsible Authority, shall be submitted to the satisfaction of the
Responsible Authority and must address the plans referred to in Condition 1.

20 The performance outcomes specified in the Environmentally Sustainable Design (ESD)
Statement for the development must be implemented prior to occupancy at no cost to the
Council and be to the satisfaction of the Responsible Authority. Any change during design,
which affects the approach of the endorsed ESD Statement, must be assessed by an accredited
ESD professional. The revised statement must be endorsed by the Responsible Authority
before the development starts.

Traffic, Car Parking and Loading Facilities

21 Before the development starts, including demolition and bulk excavation, the applicant must
submit a revised traffic management report to the Melbourne City Council (Engineering
Services). The report must be generally in accordance with the report prepared by TTM
Consulting and dated 21 October 2015, and must be to the satisfaction of the Council and
must address:

(a) The dimensions of the loading area to be generally in accordance with the requirements
of Clause 52.07 of the Melbourne Planning Scheme, or to the satisfaction of the Council.

(b) Car parking spaces adjacent to a wall or other obstruction must be widened to 2.7m in
accordance with Australian Standards.

(c) Additional swept path diagrams demonstrating that two vehicles can safely pass at the
top of the ramp around the corner.

(d) Further details of the wind screens adjacent to the Turner Street car park egress
confirming that these screens do not obstruct sight lines.

(e) The grade of the 1:8 ramp redesigned in accordance with Australian Standards to ensure
that garbage collection vehicles can traverse the car parking area.

(f) The grade of the 1:12 pedestrian ramps redesigned in accordance with Australian
Standards.

(g) Provision of a chevron line marking treatment along the access aisle adjacent to the lift
core to delineate between pedestrian and vehicle accessways.

Waste Management

22 Before the use and development starts, including demolition, bulk excavation and site
preparation works, a Waste Management Plan (WMP) shall be prepared and submitted to the
Melbourne City Council (Engineering Services). The WMP must be generally in accordance with
the report prepared by Leigh Design and dated 27 October 2015. The WMP must comply with
Council’s ‘Guidelines for Preparing a Waste Management Plan 2015’. Waste storage and
collection arrangements must not be altered without the prior approval of the Council.
3D Model

23 Before the development starts, including demolition, bulk excavation and site preparation works, or as otherwise agreed with the Responsible Authority, a 3D digital model of the development and its immediate surrounds, as appropriate, must be submitted to the Responsible Authority and be to the satisfaction of the Responsible Authority in conformity with the Department of Environment, Land, Water and Planning Advisory Note 3D Digital Modelling.

Reservations for Public Streets

24 Before the development starts, excluding demolition and site preparation works, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with Melbourne City Council and make an application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, to the satisfaction of Council. The agreement must provide for:

(a) the vesting in Melbourne City Council of:
   (i) the 10m setback to the Turner Street site boundary (10m for the Lorimer Parkway shown in the Fisherman's Bend Strategic Framework Plan) identified on TP02, Revision D, prepared by Artisan Architects; and
   (ii) that part of the site on the south side of the building setback (for the proposed 22 metre wide road shown in the Fisherman's Bend Strategic Framework Plan) identified on TP02, Revision D, prepared by Artisan Architects at the time of subdivision;

(b) the construction of a crossover to the satisfaction of the Responsible Authority from the southern car park entry of the proposed building to the 22 metre wide proposed road shown on the Fisherman's Bend Strategic Framework Plan within 12 months of the proposed road being constructed; and

(c) removal of the crossover from Turner Street and reinstatement of the kerb, channel and footpath to the satisfaction of the Responsible Authority within 2 months of the new crossover referred to in condition 24(b) being constructed.

The owner of the land to be developed must pay all reasonable legal costs and expenses of Melbourne City Council relating to this agreement, including preparation, execution and registration on title.

Permit Expiry

25 This permit will expire if:

(a) The development is not commenced within two years of the date of this permit.

(b) The development is not completed within four years of the date of this permit.

(c) The use is not commenced within four years of the date of this permit.

26 Pursuant to Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend:

(a) The commencement date referred to if a request is made in writing before the permit expires or within six months afterwards.

(b) The completion date referred to if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.
Date Issued: 06 Sept. 2016

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.

Notes:
These notes are provided for information only and do not constitute part of this permit or conditions of this permit.

Nothing in this permit or any plans or documents approved in accordance with the conditions of this permit should be taken to imply that the development meets the requirements of the Building Act 1993 and its regulations.

The development must provide for and meet the requirements of the Australian Government Department of Broadband, Communications and Digital Economy publication Fibre in new developments; policy update dated 22 June 2011 (as amended).

The subject site may be identified in Heritage Victoria’s Heritage Inventory as having archaeological potential. If an archaeological site is uncovered in the course of a building project it is an offence under the Heritage Act 1995 to knowingly disturb, damage or excavate without obtaining the consent of the Executive Director of Heritage Victoria. The applicant is therefore advised to contact Heritage Victoria prior to the commencement of any demolition, excavation or works on the site.

The Melbourne City Council will not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development. As per Council’s policy, the developments in this area are not entitled to resident parking permits. Therefore, the residents/occupants of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions.

All necessary approvals and permit for works in the public realm including, but not limited to: temporarily relocate street lighting and their reinstatement, to temporarily relocate and/or remove street furniture, all street furniture such as street litter bins, recycling bins, seats and existing public street lighting must not be altered without the prior consent, and obtained and completed to the satisfaction of the Melbourne City Council (Engineering Services).

Stairs should be set back sufficiently to enable tactile ground surface indicators to be within site boundary. Provision must be made for disabled access into the building in accordance with the Australian Design Standards for Disabled Access, AS 1428, and the Building Code of Australia, and prior to the installation of all pedestrian ramps must be designed and constructed in accordance with AS 1428:2009 Design for Access and Mobility and should be fitted with ground surface tactile indicators (TGI's). Details of the TGI's must be submitted to and approved by Melbourne City Council (Engineering Services).
IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit. (Note: This is not a permit granted under Division 5 or 6 of Part 4 of the Planning and Environment Act 1987.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the Planning and Environment Act 1987.

WHEN DOES A PERMIT BEGIN?

A permit operates:
- from the date specified in the permit; or
- if no date is specified, from:
  (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and a plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
   - the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.

2. A permit for the use of land expires if—
   - the use does not start within the time specified in the permit, or if no time is specified, within two years of the issue of the permit; or
   - the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
   - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
   - the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A(2) of the Planning and Environment Act 1987, or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision:
   - the use or development of any stage is to be taken to have started when the plan is certified; and
   - the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.