## ATTACHMENTS TO LORIMER SUBMISSION

<table>
<thead>
<tr>
<th>No</th>
<th>Attachment description</th>
<th>Date</th>
<th>Page</th>
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<tbody>
<tr>
<td>1</td>
<td>Extract from Geographia ‘Dwelling, Future Population and Household Structure Data – Southbank and Docklands’</td>
<td>April 2018</td>
<td>1</td>
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<tr>
<td>2</td>
<td>Lorimer Built Form Testing and Capacity Modelling Report</td>
<td>May 2018</td>
<td>9</td>
</tr>
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<td>3</td>
<td><em>SM253 Pty Ltd v Minister for Planning</em> VCAT Order</td>
<td>27 November 2017</td>
<td>20</td>
</tr>
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<td>4</td>
<td><em>BEG Developments Pty Ltd v Minister for Planning</em> VCAT Order</td>
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<td>5</td>
<td>Draft Parking Overlay Melbourne Planning Scheme</td>
<td>9 May 2018</td>
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<td>8</td>
<td>Draft CCZ Melbourne Planning Scheme</td>
<td>9 May 2018</td>
<td>96</td>
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Dwelling, Future Population and Household Structure Data - Southbank and Docklands

Data sourced from:
Dwellings

There are currently 8,123 private dwellings in Docklands. By 2037, this is expected to increase to 18,584.
Future Population

By 2037, the population of Docklands is expected to reach 24,694. This is 49.55% higher than the population in 2017.
Household Structure

The forecast household structure in Docklands is detailed in the graph below.
There are currently 13,752 private dwellings in Southbank. By 2037, this is expected to increase to 29,771.
Future Population

By 2037, the population of Southbank is expected to reach 48,610. This is 56.67% higher than the population in 2017.
Household Structure

The forecast household structure in Southbank is detailed in the graph below.
NEW BASELINE CAPACITY FOR LORIMER

Revised proposed FAR (Option 3)

Initial modelling has been undertaken that shows the theoretical capacity of Lorimer if all properties were to develop to the assigned Floor Area Ratio, excluding recent residential permits. This information helps provide a baseline capacity, to understand the impacts of the proposed built form controls on the ability to meet the baseline FAR on all sites. Each capacity figure comprises of dwellings from approved residential permits (known as ‘DAM dwellings’) and dwellings derived from the proposed Floor Area Ratios (known as ‘FAR dwellings’). The baseline scenario also applies the discretionary 1.25:1 FAR or 1.7:1 FAR for non-residential land uses to each property, depending on the site’s location.

The Fishermans Bend draft Framework projects the population of 12,000 residents by the year 2050 (see Figure 1). There are two current residential development permits in Lorimer which will already deliver 2,654 residents (see Figure 1.7 of CoM submission ‘Lorimer Built Form testing and capacity modelling’). These two residential developments need to be considered into the development of a Floor Area Ratio.

The proposed FARs of 4:1 and 5.4:1 result in 10,608 residents, and a population density of 473 and 636 residents per hectare respectively. When combined with the number of ‘DAM’ residents resulting from recent residential permits, this results in a total population of 13,262 people.

### Planning for Lorimer 2050

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2025</th>
<th>2050</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population projections</td>
<td>280</td>
<td>3440</td>
<td>10,000</td>
</tr>
<tr>
<td>Household number projections</td>
<td>0</td>
<td>1900</td>
<td>5882</td>
</tr>
<tr>
<td>Job projections</td>
<td>1920</td>
<td>2200</td>
<td>6000</td>
</tr>
<tr>
<td>Open space (hectares)</td>
<td>0ha</td>
<td>4.36ha</td>
<td>5.04ha</td>
</tr>
<tr>
<td>Total precinct size (hectares)</td>
<td>Gross:25ha</td>
<td>Net developable site area:25ha</td>
<td></td>
</tr>
</tbody>
</table>

Figure 1. Capacity statistics for Lorimer outlined in the Fishermans Bend draft Framework (page 72).

**Addenda 1 - Fishermans Bend Planning Panel Built Form & Capacity Modelling (City of Melbourne 2018)**

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**Figure 2.** Capacity outputs for Lorimer if all properties were to develop to a 5.4:1 FAR on the southern half of Lorimer and a 4:1 FAR on the northern half of Lorimer (excluding current approved residential permits).

*workers are expressed as a minimum on the basis that non-residential FAR can be increased within the maximum FAR, if the residential FAR is similarly decreased*
**Model parameters**

The following parameters have been used for the revised modelling:

- For sites that are situated to the north of the Lorimer green spine, a revised FAR of 4:1, including an FAR of 1.25:1 for non-residential land uses.
- For sites that are situated to the south of the Lorimer green spine, the FAR of 5.4:1 remained. This included an FAR of 1.7:1 for non-residential land uses.
- For each site, the FAR has been applied to the property boundary, with the exception of Lorimer Place, where the FAR was applied to specific land parcels (see Figure 7).
- The proposed built form controls in Chapter 6 of Hodyl & Co’s expert evidence.
- The overshadowing controls for new public open space in accordance with the Document 156b.

There is one proposed open space that is not modelled in accordance with Thompson’s expert evidence. Figure “(ix)” of Thompson’s report shows a proposed open space on 161-189 Turner Street that comprises of approximately 50% of the land area. The City of Melbourne’s modelling (shown in Figure 3) shows the southern portion of this area with built form. As this segment of Turner Street will serve a ‘retail spine’ to the precinct, the presence of smaller scale built form will help to activate the street whilst still increasing the dimensions of the open space from the exhibited version.

*The City of Melbourne has adopted the same criteria to identify ‘unencumbered open space’ as stated by Thompson (Table B1, page 20). It is assumed that the different quantum of unencumbered open space between both sets of modelling is due to the City of Melbourne’s reduction in neighbourhood open space (see Figure 3) and the modelling of the widths of new streets and laneways as identified in the Fishermans Bend draft Framework, whilst also complying with the overshadowing requirements for each space.*
**REVISED MODELLING PARAMETERS**

**Model parameters**

Figure 5 shows the street wall height controls, as articulated on page 48 of Hodyl and Co’s expert evidence.

There is one proposed open space that is not modelled in accordance with Thompson’s expert evidence. Figure ‘(ix)’ of Thompson’s report shows a proposed open space on 161-189 Turner Street that comprises of approximately 50% of the land area. The City of Melbourne’s modelling (shown in Figure 3) shows the southern portion of this area with built form. As this segment of Turner Street will serve a ‘retail spine’ to the precinct, the presence of smaller scale built form will help to activate the street whilst still increasing the dimensions of the open space from the exhibited version.

As the proposed street and laneway network from the draft Framework has not been revised since the introduction of Thompson’s expert evidence, there are a number of caveats to Figure 5 that should be noted. For clarity, Figure 5 doesn’t spatially map the new control for street wall heights intersecting at a corner, however this control is reflected in the modelling outcome (Figure 7). For the purposes of the 3D model outcome (Figure 7), there are four properties that now have different public open space allocation. Consequently, the proposed street/laneway network for these properties has changed to respond to these new open spaces. All plans in this report reflect the City of Melbourne’s revised urban structure for these sites, which has been used to model the proposed revised FARs outlined in Option 3 (see page 2).

One of the design principles for Lorimer is a strong and direct relationship between the proposed street network, open space network and built form. It is recommended that the proposed urban structure for Lorimer be revised and finalised prior to the finalisation of new built form controls. Further clarification is also required for the status of the proposed tram corridor, and whether it is included as a ‘street’ of 22 metre of greater.

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<table>
<thead>
<tr>
<th>Street width</th>
<th>Maximum street wall height for buildings up to 38 metres</th>
<th>Maximum street wall height for buildings greater than 38 metres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 12m</td>
<td>15.4 m (preferred) 23 m (mandatory)</td>
<td>15.4 m (preferred) 23 m (mandatory)</td>
</tr>
<tr>
<td>Greater than 12m and less than 22m</td>
<td>23m</td>
<td>23m</td>
</tr>
<tr>
<td>22m or greater</td>
<td>30m</td>
<td>23m</td>
</tr>
<tr>
<td>Lorimer</td>
<td>N/A - all core area</td>
<td>-</td>
</tr>
</tbody>
</table>

Figure 6. Proposed street wall height controls as outlined in Hodyl & Co expert evidence, page 48.

Site is affected by the revised open space network (according to Thompson expert evidence). The site’s urban structure and street/laneway network will need to be revised from the draft Framework before specific street wall heights can be accurately mapped.

- Streets/lanes with a width of 12m or less - preferred street wall height is 15.4m (4 storeys) and maximum street wall height is 23m (6 storeys)
- Streets/lanes with a width greater than 12m and less than 22m - street wall height must not exceed 23m (6 storeys)
- Streets/lanes with a width of 22m or greater and overall building height up to 38 metres - street wall height must not exceed 30m (8 storeys)
- Streets/lanes with a width of 22m or greater and overall building height greater than 38 metres - street wall height must not exceed 23m (6 storeys)

Figure 5. Map of the proposed street wall heights according to Hodyl & Co’s expert evidence and Thompson’s proposed open space network.
Context

The Fishermans Bend Draft Framework sets a population of 12,000 residents and 6,000 workers by 2050, which forms part of the overall Fishermans Bend population target of 80,000 residents and 80,000 workers. These figures, set out in the Fishermans Bend Vision (2016) have formed the basis of infrastructure planning and the development of the draft Framework to date. CoM have contended that it is prudent to plan for the total capacity of a precinct rather than to a point in time. Previous modelling carried out by CoM has demonstrated that if the current FAR of 5.4:1 is applied across all sites in Lorimer and the approved permits proceed, this will deliver 15,392 residents and 7,545 workers. This FAR will not only lead to a dominant podium-tower typology across the precinct, but it will also deliver 22% above the current population target on which infrastructure has been planned for in Lorimer. This also does not account for any uplift in population that could be delivered through the FAU mechanism.

This report sets out additional modelling prepared by CoM to analyse what a reduced FAR may look like in order to deliver a diversity of built form outcomes and typologies other than the typical podium tower typologies that the exhibited FAR and built form controls in Lorimer will generate.

Revised capacity modelling

The two approved residential development permits in Lorimer will deliver 2,654 residents, which need to be factored into the total population target and considered in developing a revised FAR.

In order to achieve a 12,000 population in Lorimer at 100% build out, the proposed FAR controls could be revised in a number of ways including:

Option 1:
- 2:1 FAR (including 0.6:1 FAR for non-residential land use) for the northern half of Lorimer to the north of the Turner Street green spine.
- 5.4:1 FAR (including 1.7:1 FAR for non-residential land use) for the southern half of Lorimer to the south of the Turner Street green spine.

CoM have acknowledged that Option 1 would result in unusual built form outcomes from the lack of transition between the northern and southern halves of Lorimer precinct and unduly restrain development capacity in the north of the precinct.

Option 2:
- 4:1 FAR (Including 1.25:1 FAR for non-residential land use) across the whole of Lorimer.

CoM take a pragmatic approach to Option 2, in that whilst an FAR of 4:1 provides equity across the precinct and provides a greater diversity of built form typologies (particularly important to the north of Lorimer given overshadowing constraints) the compromised context of the freeway and elevated structures in the southern half of the precinct provides the opportunity for greater density with little impact on amenity.

Option 3:
- 4:1 FAR (Including 1.25:1 FAR for non-residential land use) across the North side of the Turner Street Green Spine.
- 5.4:1 FAR (including 1.7:1 FAR for non-residential land use) for the southern half of Lorimer.

Option 3 has been proposed as a pragmatic compromise which protects the important amenity considerations of northern Lorimer but does not arbitrarily restrict development to the south of the precinct, particularly in light of the existing permits and less constraints around overshadowing.

Revised modelling has been undertaken that shows the theoretical capacity of Lorimer for Option 3 if all properties were to develop to these assigned Floor Area Ratios, excluding recent residential permits.
Modelling outcome

The revised modelling for Lorimer confirms that a FAR of 4:1 to the north of the green spine facilitates a greater diversity of building typologies on a site, whilst also complying with the proposed built form controls outlined in Chapter 6 Hodyl & Co expert evidence. This reduced FAR also enables the precinct’s capacity to more closely align with the projected 12,000 population that is outlined in the draft Framework (with the assumption that all sites will develop, excluding approved residential permits).

It is important to note that the design requirements of car parking in Lorimer will limit the presence of certain building typologies, such as perimeter block and open block typologies. Lorimer’s soil and flooding conditions require for most car parking to be built above ground in a podium (sleeved with active land uses). If car parking is provided in one building (i.e. consolidated) for large sites with multiple buildings, then the objectives of built form diversity can be achieved.

Despite the revised building parameters, the site at 323-327 Ingles Street is still unable to achieve a FAR of 5.4:1. This anomaly was also raised on page 23 of City of Melbourne’s ‘Lorimer Built Form Testing & Capacity Modelling’.

Figure 7. Revised built form outcome for Lorimer
Impact of car parking on built form

Case Study 1: 826-846 Lorimer Street, Port Melbourne

The first case study for 826-846 Lorimer Street provides an example of a possible built form outcome under a revised FAR of 4:1 (Option 3). Figure 6.1 demonstrates that a reduced FAR to 4:1 enables a greater diversity of building typologies to be delivered on a site, whilst also complying with the proposed controls in Hodyl & Co’s expert evidence (Chapter 6) and the proposed street network of the Fishermans Bend draft Framework.

The car parking provision for this development (see Figure 8.1) has been concentrated in ‘Building 1’ and ‘Building 2’. The car parking is located in the centre of both podiums and sleeved with non-residential land uses (10 metre depth) on all interfaces with new streets or laneways. This response also allows for the minimum widths required to accommodate enough car parking space for both residential and non-residential uses.

The consolidation of the car parking allows for ‘Building 3’ to accommodate a building typology with communal private open space at ground level. Figure 6.1 shows a perimeter block building as one example of a typology that can be delivered within the 4:1 FAR and a ‘consolidated’ car parking approach.

<table>
<thead>
<tr>
<th>PROPERTY</th>
<th>SITE AREA (m²)</th>
<th>FLOOR AREA RATIO</th>
<th>RES GFA SITE AREA (m²)</th>
<th>NON-RES GFA SITE AREA (m²)</th>
<th>DWELLINGS</th>
<th>TOTAL CAR SPACES REQUIRED</th>
<th>CAR PARKING GFA (m²)</th>
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<tr>
<td>826-846 Lorimer Street</td>
<td>14,306 m²</td>
<td>4.1 (1.25:1 for non-res land use)</td>
<td>39,344</td>
<td>17,833</td>
<td>332</td>
<td>345</td>
<td>10,350</td>
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Figure 8.1: Case Study 1 tests the impact of proposed residential and non-residential car parking rates on the built form outcome for 826-846 Lorimer Street Port Melbourne, applying a Floor Area Ratio of 4:1.

Figure 8.2: Car parking capacity requirements for sites in Case Study 1.
Impact of car parking on built form

Case Study 2: Lorimer Place

In the first stage of modelling titled “Lorimer Built Form Testing & Capacity Modelling, March 2018”, the City of Melbourne has applied the proposed 5.4:1 FAR to each property boundary across the precinct. In the case of strata titled properties, such as Lorimer Place, the FAR was also applied to the property boundary, assuming that any proposed public open space would need to be delivered through the FAR rather than through land acquisition. For properties where more than half of their area was assigned to new streets, laneways and open space, this meant that they were classified as ‘unable to deliver the FAR’, as seen in Figure 4.8-4.10 of City of Melbourne’s initial submission (March, 2018).

For case study 2, the proposed FAR for each site has been applied. In the case of Lorimer Place, the proposed FAR (4:1) has been applied to the four larger land parcels that are adjacent to Lorimer Street. It is assumed that the rest of Lorimer Place will be purchased and converted to public open space and a future tram corridor. Sites 880-884 Lorimer Street have been modelled together as they fall under the same ownership.

The sites that have been tested are:
1. 876 Lorimer Street, Port Melbourne
2. 880-884 Lorimer Street, Port Melbourne (Submitter nos 130 & 162).
3. 8 Rogers Street, Port Melbourne

Case Study 2 explores two different built form outcomes depending on the distribution of car parking across the site. The soil and flooding conditions in Lorimer requires most car parking to be situated above ground. The outcome seen in Figure 9.2 consolidates the car parking space where possible to allow for ground level private open space to occur.

Figure 9.2 and 9.3 demonstrate how consolidating car parking can impact the built form outcome on sites with multiple subdivided lots. In Figure 9.2, all four storeys in the podium for Building 2a will accommodate all car parking space required for the site. The levels containing car parking will be sleeved with ‘active’ land uses for a depth of 10 metres. This ‘consolidated’ approach leaves an opportunity for Building 2b to include ground-level private open space.

Figure 9.1: Four larger sites in Lorimer Place to be tested for Case Study 2

Figure 9.2: Built form outcome when car parking is consolidated on sites with multiple buildings
Impact of car parking on built form

Figure 9.3 shows the required car parking for each property distributed across all podiums across a site. There are a number of key differences in built form outcome between Figure 9.2 and 9.3, including:

- The absence of perimeter block/open block building typologies removes the opportunity for ground-level private open space.
- The first two levels each development (podium) comprise of car parking, sleeved with non-residential land use.
- The upper levels of developments have been configured to maximise sunlight and daylight into as many dwellings as possible. Therefore, upper level floorplates are no more than 25 metres in depth, to align with the Better Apartment Design Standards.

In conclusion, both Case Study 1 and Case Study 2 demonstrate that a lower FAR of 4:1 and a ‘consolidated’ car parking approach both increase the opportunity for more diverse built form, such as perimeter block and open block typologies. However, the built form outcome will also be influenced by:

- The location of proposed streets and laneways,
- Car parking provision rates and design requirements for car parking space
- Other proposed built form controls (e.g. street wall heights, setbacks above the street wall and overshadowing controls)
- Additional design standards, such as the Better Apartment Design Standards and minimum tower floorplates.

<table>
<thead>
<tr>
<th>PROPERTY</th>
<th>SITE AREA (m²)</th>
<th>FLOOR AREA RATIO</th>
<th>RES-GFA SITE AREA (m²)</th>
<th>NON-RES-GFA SITE AREA (m²)</th>
<th>DWELLINGS</th>
<th>TOTAL CAR SPACES REQUIRED</th>
<th>CAR PARKING GFA (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 876 Lorimer Street</td>
<td>1,503 m²</td>
<td>4:1 (1.25:1 for non-res land use)</td>
<td>4,134</td>
<td>1,879</td>
<td>34</td>
<td>36</td>
<td>1,086</td>
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<tr>
<td>2. 880-884 Lorimer Street (Submitor no. 130)</td>
<td>4,550 m²</td>
<td>4:1 (1.25:1 for non-res land use)</td>
<td>12,513</td>
<td>5,687</td>
<td>105</td>
<td>109</td>
<td>3,288</td>
</tr>
<tr>
<td>3. 8 Rogers Street</td>
<td>3,994 m²</td>
<td></td>
<td>10,985</td>
<td>4,993</td>
<td>92</td>
<td>96</td>
<td>2,886</td>
</tr>
</tbody>
</table>

Figure 9.3: Built form outcome when sites when car parking is equally distributed across all buildings within a site

Figure 9.4: Car parking capacity requirements for sites in Case Study 2
Capacity of 225 Boundary Street & 312 Ingles Street Port Melbourne (concrete batching plant)

Under the proposed controls outlined on page 3 of this report, both properties of 312 Ingles Street and 225 Boundary Street have the following capacity outputs.

<table>
<thead>
<tr>
<th>PROPERTY</th>
<th>SITE AREA (m²)</th>
<th>FLOOR AREA RATIO</th>
<th>RES GFA SITE AREA (m²)</th>
<th>NON-RES GFA SITE AREA (m²)</th>
<th>DWELLINGS</th>
<th>RESIDENTS</th>
<th>WORKERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>312 Ingles Street &amp; 225 Boundary Street (Port Melbourne)</td>
<td>1,503 m²</td>
<td>5.4:1 (1.7:1 for non-res land use)</td>
<td>53,835</td>
<td>24,735</td>
<td>454</td>
<td>820</td>
<td>419</td>
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</tbody>
</table>

Figure 10.1: Capacity statistics for 225 Boundary Street & 312 Ingles Street Port Melbourne

It should be noted that number of workers recorded in Figure 10.1 doesn’t reflect the number of existing workers located on site. It simply reflects the 1.7:1 FAR for non-residential land use.
ORDER

1 Under section 127 and clause 64 in schedule 1 of the Victorian Civil and Administrative Tribunal Act 1998, the permit application is amended by:

(a) Substituting plans TP001-0 – TP230, Revision 2 dated 25 September 2017, prepared by Plus Architecture as the permit application plans;

(b) Including ‘use of the land for accommodation pursuant to the provisions of the Capital City Zone – Schedule 1’ as a permission sought under the permit application.

2 In application no P1604/2017, the decision of the Responsible Authority is set aside.

3 In permit application PA170223 a permit is granted and directed to be issued for the land at 253–272 Normanby Road SOUTH MELBOURNE VIC 3205 in accordance with the endorsed plans and on the conditions set out in Appendix A. The permit allows:

Staged development including demolition of the existing building, the construction of a multi-storey building, use of land for accommodation, and to create or alter access to a road in a Road Zone Category 1, in accordance with the endorsed plans.
4  The hearing listed to commence on 28 November 2017 is cancelled ad the dates vacated.
5  There is no order as to costs.

S. R. Cimino
Member

APPEARANCES:
For Applicant  Mr A. Finanzio SC of counsel, instructed by Herbert Smith Freehills
For Responsible Authority  Ms K. Morris, solicitor, Harwood Andrews
For Port Phillip City Council  Ms T. Bisucci and Ms E. Marson, solicitors, Best Hooper
REASONS

1 This matter relates to an application under Section 79 of the *Planning and Environment Act 1987* against the Minister for Planning’s failure to grant a permit within the prescribed time for the construction of a multi-storey residential apartment tower on the subject land.

2 At the compulsory conference held on 1 November 2017, the parties made substantial progress toward the resolution of this matter by consent. The matter was set down for administrative mention. Subsequent to the compulsory conference, they have filed a request for orders by consent to the effect that a permit be granted subject to an agreed set of conditions.

3 The agreed conditions include those required by Vicroads and Public Transport Victoria. Both these authorities indicating that they do not oppose the grant of a permit subject to the inclusion of their conditions.

4 Accordingly, this order is made at the request of the parties and with their consent as an outcome of a compulsory conference.

5 The Tribunal regards the consent of the responsible authority to be a confirmation to the Tribunal that:
   - the responsible authority is of the opinion that the permit is appropriate having regard to the matters it is required to consider under section 60 of the Act, including the balanced application of the strategies and policies of the relevant planning scheme and is otherwise in conformity with the provisions of the planning scheme and the *Planning and Environment Act 1987*;
   - the proposed orders will not result in any change to the proposed use or development which would materially affect any person other than the parties to the proceeding.

6 Based on the information available to the Tribunal, including the discussion at the compulsory conference, I consider it is appropriate to make these orders pursuant to Section 93 of the *Victorian Civil and Administrative Tribunal Act 1998*.

S. R. Cimino
Member
APPENDIX A

<table>
<thead>
<tr>
<th>PERMIT APPLICATION NO:</th>
<th>PA170223</th>
</tr>
</thead>
</table>
| LAND:                  | 253-273 Normanby Road  
|                        | SOUTH MELBOURNE VIC 3205 |

WHAT THE PERMIT ALLOWS:
Staged development including demolition of the existing building, the construction of a multi-storey building, use of land for accommodation, and to create or alter access to a road in a Road Zone Category 1, in accordance with the endorsed plans.

CONDITIONS

Amended Plans

1. Before the development starts, including demolition, bulk excavation, site preparation works and any works required pursuant to conditions 16-19, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies (plus an electronic copy) must be provided. The plans must generally be in accordance with the plans TP001-00-TP230 Revision 2 dated 25 September 2017, prepared by Plus Architecture, but modified to show the following:

(a) The built form of the Stage 1 ‘L’ tower modified to reduce overshadowing of Fennel Reserve at the September equinox to the extent detailed in the amended plans prepared by Plus Architecture, Revision 2, dated 13 October 2017;

(b) The height of the Stage 2 ‘I’ tower to not exceed 40 storeys.

(c) A demolition plan clearly showing all structures to be removed, including the removal and reinstatement of redundant crossovers.

(d) The proposed eastern laneway is to be constructed in bluestone paving.

(e) External and internal lighting to be identified.

(f) The provision of continuous canopies along the Normanby Road, Boundary Street and laneway retail frontages of the site, with heights of between 3m-4.5m above footpath level.
(g) Redesign or relocation of the loading bays to reduce the length of reversing manoeuvres, not block other traffic/parking spaces, and provide satisfactory swept path clearance for delivery vehicles and sightline splays at corners.

(h) The waste and recycling bin rooms to be correctly labelled, and accord with the endorsed Waste Management Plan.

(i) Levels 1 to 4 of the building to be constructed in a manner that allows for them to be adaptively reused in the future by the demolition of the level 2 and level 4 slabs.

(j) The number of car parking spaces for the retail/commercial floor area reduced to not more than 1 space per 100m² (including the residential hotel).

(k) The number of motorcycle parking spaces to comply with Clause 45.09 of the Port Phillip Planning Scheme.

(l) The location and type of not less than 1316 bicycle parking spaces.

(m) End of trip facilities in accordance with the requirements of Clause 52.34 of the Port Phillip Planning Scheme, located in a central location and accessible to all non-residential uses.

(n) Direct access from the lift core (via a corridor) to the podium rooftop provided for dwellings above the residential hotel in the Stage 2 tower.

(o) The allocation of at least 30% of dwellings as three-bedroom dwellings, or otherwise capable of conversion to three-bedroom dwellings.

(p) Dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority.

(q) Architectural features, excluding wind mitigation canopies, revised to not overhang title boundaries more than 300mm.

(r) Revisions to the built form or internal layout of dwellings at the internal ‘L’ junction of the Stage 2 tower to angle and offset views between dwellings.

(s) All plans and elevations to be fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD).

(t) Detailed elevations, renders and sections of the ground level frontages to Normanby Road, Boundary Street, Woodgate Street and the eastern laneway, clearly showing the interfaces at a scale of 1:50.

(u) All plant, equipment and services (including all external air conditioning, heating units and hot water systems) which are to be
located externally. Any air-conditioning units on balconies must be located to maximise the availability of balcony space for outdoor living activities and screened to minimise the visibility of the air conditioning units.

(v) Any changes required by the endorsed Environmental Wind Assessment Report as specified by the corresponding condition below (where relevant to be shown on plans).

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

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

(y) Any changes required by the endorsed Sustainability Management Plan as specified by the corresponding condition below (where relevant to be shown on plans).

(z) Any changes required by the endorsed Water Sensitive Urban Design Response as specified by the corresponding condition below (where relevant to be shown on plans).

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

(bb) Any changes required by the endorsed Staging Plan as specified by the corresponding condition below (where relevant to be shown on plans).

(cc) Any changes to meet the floor level requirements of Melbourne Water as specified by the corresponding conditions below.

(dd) Any changes to meet the requirements of VicRoads as specified by the corresponding condition below.

**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.

**Wind Mitigation**

3 Before the development starts, including demolition, bulk excavation, site preparation works but excluding any works required pursuant to conditions 16-19, an amended comprehensive wind tunnel testing and environmental Wind Impact Assessment Report of the development must be prepared by a suitably qualified engineering consultant. The Wind Assessment must be submitted to and be to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. This report must be generally in accordance with that
prepared by Vipac Engineers & Scientists and dated 14 June 2017, but modified to address all changes required under Condition 1 of this permit.

Any further modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas must be carefully developed as an integrated high quality solution with the architectural and landscape design and not rely on screens in the public realm, to the satisfaction of the Responsible Authority.

4 The recommendations and requirements of the endorsed Wind Impact Assessment Report must be implemented to the satisfaction of and at no cost to the Responsible Authority prior to the occupation of the development.

Waste Management

5 Before the development starts, including demolition, bulk excavation, site preparation works but excluding any works required pursuant to conditions 16-19, an amended Waste Management Plan (WMP) shall be submitted to and approved by Port Phillip City Council. The WMP must be generally in accordance with the WMP prepared by Leigh Design and dated 14 June 2017 but further modified to address all required changes under Condition 1 of this permit and must also:

(a) Demonstrate an adequate waste management arrangement for the premises in accordance with the City of Port Phillips Community Amenity Local Law No: 3.

(b) Revise the waste management arrangements to reduce the amount of waste collection traffic (such as incorporation of a compaction unit).

(c) Incorporate one (or more) charity bins.

6 The WMP must comply with Council guidelines. Waste storage and collection arrangements must not be altered without the prior approval of Council.

Noise Attenuation

7 Before the development starts, including demolition, bulk excavation, site preparation works but excluding any works required pursuant to conditions 16-19, a report from a qualified acoustic consultant, must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Watson Moss Growcott and dated 7 June 2017 but must ensure that external noise intrusion into apartment bedroom and living areas – measured in accordance with AS/NZS2107/2000 Acoustics – Recommended Design Sound levels and Reverberation Times for Building Interior – must achieve the following:

(a) Between 10pm and 7am, the noise in bedrooms areas must not exceed LAeq (9 hour) 40dB(A).
(b) Between 7am and 10pm, the noise in living rooms must not exceed LAeq (15 hour) 45dB(A).

The noise attenuation measures specified in the acoustic report for the development must be implemented prior to occupancy at no cost to and be to the satisfaction of the Responsible Authority.

**Sustainable Management Plan**

8 Before the development starts, including demolition, bulk excavation, site preparation works but excluding any works required pursuant to conditions 16-19, an amended Sustainable Management Plan (SMP) report must be submitted to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must be generally in accordance with the report prepared by Sustainability House and dated 9 June 2017, but further modified to address the following:

(a) The proposal is to achieve a 5 star Green Star – Design & As Built v.1.2 (or equivalent certification) rating which will be certified as achieved by an appropriately qualified, independent Green Star Accredited Professional to the approval of the Responsible Authority.

(b) Provision of effective treatment to glazed walls of habitable rooms on the north-east and north-west to improve thermal comfort.

9 The performance outcomes specified in the SMP for the development must be implemented prior to occupancy at no cost to the Responsible Authority or Port Phillip City Council and be to the satisfaction of the Responsible Authority. Any change during design, which affects the approach of the endorsed SMP, must be assessed by an accredited ESD professional. The revised statement must be endorsed by the Responsible Authority before the development starts.

**Water Sensitive Urban Design Response**

10 Before the development starts, including demolition, bulk excavation, site preparation works but excluding any works required pursuant to conditions 16-19, an amended Water Sensitive Urban Design (WSUD) Response must be submitted to the satisfaction of Port Phillip City Council. When approved, the report will be endorsed and will then form part of the permit. The report must be generally in accordance with the report prepared by Sustainability House and dated 9 June 2017, but further modified to address the following:

(a) Set out proposed stormwater treatment measures for the development and demonstrate how they would meet the relevant stormwater quality objectives of Clause 22.12 Stormwater Management (Water Sensitive Urban Design) of the Port Phillip Planning Scheme.
(b) Provide a response to the water management requirements of Objectives 7.1 and 7.2 of the Fishermans Bend Strategic Framework Plan dated July 2014 (amended September 2016) which specifies water for toilet flushing to be provided from on-site stormwater collection and a requirement for developments to be third pipe ready for future connection to a precinct-wide alternative water supply.

(c) Include justification for how the development meets the objectives of Clause 22.12 if the water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended) are not met.

(d) Outline details to show the design capturing 100% of stormwater on-site and either re-use or treating the water prior to discharging off-site.

(e) Outline details indicating which catchment areas are connected to their respective treatment types (i.e. rainwater tanks and rain gardens etc.).

11 The performance outcomes specified in the endorsed Water Sensitive Urban Design Response must be implemented prior to occupancy at no cost to Port Phillip City Council and be to the satisfaction of Council.

Traffic and Loading Management

12 Before the development starts, including demolition, bulk excavation, site preparation works but excluding any works required pursuant to conditions 16-19, a revised Traffic Report must be submitted to and approved by Port Phillip City Council. Except with the prior written consent of the Responsible Authority, all elements of the report must be implemented prior to the occupation of the development. The report must be generally in accordance with the Traffic Impact Assessment Report prepared by TTM Consulting (Vic) Pty Ltd and dated 9 June 2017 but modified to address:

(a) The internal design of the car parking areas is to be in accordance with Clause 52.06 of the Port Phillip Planning Scheme unless otherwise approved by Port Phillip City Council.

(b) At least eight car parking spaces are to be identified as share car spaces.

(c) Detail the dimensions of all aisle and car park sizes.

(d) Remove any non-conforming or potentially unsafe parking spaces.

(e) Provide details on plans of parking allocation for different uses.

(f) Demonstrate satisfactory ramp grades and ramp and car park height clearances.

(g) Provide swept path confirmation that ramps in the ground floor level have sufficient clearance to allow two-way passing of large (B85 and B99) vehicles.

(h) Clarify traffic generation assumptions for the proposal.
(i) Incorporate traffic surveys of SIDRA analysis of nearby critical intersections (including Normanby Road and Boundary Street, and Woodgate Street and Montague Street) to demonstrate the likely traffic impact from the proposal.

(j) Incorporate sightline triangles for all intersections.

13 Car and bicycle parking, loading areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose to the satisfaction of the Responsible Authority.

14 The loading and unloading of vehicles and delivery of goods to and from the premises must at all times take place within the boundaries of the site.

15 The number of car parking spaces for dwellings must not exceed 0.83 car spaces per dwelling.

Environmental Audit

16 Before the development starts, excluding demolition, bulk excavation, site preparation works and any works to remediate contaminated land, the permit holder must provide:

(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 issued for the land, the buildings and works and the use of the land must comply with all directions and conditions contained within the Statement.

18 Where a Statement of Environmental Audit is issued for the land, before the commencement of the use, and before the issue of a Statement of Compliance under the Subdivision Act 1988 for the approved building, and before the issue of an occupancy permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

19 Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the permit holder must enter into an agreement with Port Phillip City Council pursuant to Section 173 of the Planning and Environment Act 1987, which must be executed before the commencement of the permitted use and before the certification of the Plan of Subdivision under the Subdivision Act 1988 for the approved building. All such expenses related to the Section 173 Agreement
including drafting, negotiating, lodging, registering, execution and ending of the Agreement, including those incurred by Council, must be met by the permit holder.

**Staging Plan**

20 Before the development starts, excluding demolition, bulk excavation, site preparation works and any works required pursuant to conditions 16-19, a staging plan must be submitted to and be approved by the Responsible Authority. 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.

(d) Temporary works on the vacant site (where not otherwise being used as a construction work zone or for a temporary land sales office) should it remain vacant for 6 months after completion of the demolition.

(e) Temporary works on the vacant site (where not otherwise being used as a construction work zone or for a temporary land sales office) where demolition or construction activity has ceased for 6 months, or an aggregate of 6 months, after commencement of the construction.

Temporary works must be constructed to the satisfaction of the Responsible Authority and may include:

(i) The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage.

(ii) Landscaping of the site for the purpose of public recreation and open space.

Once each stage of development has started it must be completed to the satisfaction of the Responsible Authority.

**Façade Strategy**

21 Before the development starts, excluding demolition, bulk excavation, site preparation works and any works required pursuant to conditions 16-19, a Façade Strategy must be submitted to and approved by the Responsible Authority. When approved this will form part of the endorsed plans. All materials, finishes and colours must be in conformity with the approved
Facade Strategy to the satisfaction of the Responsible Authority. The Facade Strategy must detail:

(a) A concise description by the architect of the building design concept and how the façade works to achieve this.

(b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with clear coding.

(c) Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail, and any special features which are important to the building’s presentation.

(d) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.

(e) Information about how the façade will be accessed and maintained and cleaned, including planting where proposed.

(f) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high quality built outcome in accordance with the design concept.

Affordable Housing

22 Before the development starts, excluding demolition, bulk excavation and site preparation works, the owner of the land must enter into an agreement with Port Phillip City Council pursuant to Section 173 of the Planning and Environment Act 1987 regarding the provision of affordable housing. The owner of the land must pay all of Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement must provide for the following:

(a) 6% of the total number of dwellings (rounded down to the nearest whole number) are to be offered for sale to a registered Housing Association or Housing Provider before the development commences. The number and type of dwellings to be offered for sale to a registered Housing Association or Housing Provider and the price at which they are to be offered is to accord with Table A below:

Table A
Any dwellings offered for sale in accordance with (a) above which are not purchased by a registered Housing Association or Housing Provider before the development commences must be converted to a residual economic benefit. Before any part of the development is occupied, the owner of the land must gift/transfer (at no cost) to a Housing Association or Housing Provider affordable housing dwellings. The number and type of affordable housing dwellings gifted/transferred is determined by the sum of the economic benefit of each residual/unsold dwelling divided by the corresponding List Prices for each dwelling type. (For the purposes of this condition the terms economic benefit, List Prices and the types of dwellings are those set out in Table A).

(b) If the number of dwellings within the development is altered at any time before the development is completed, the affordable housing offer will be recalculated to ensure that 6% of the total number of dwellings is provided as affordable housing.

(c) In addition to the requirements of (a) and (b), before any part of the development is occupied, the owner of the land must gift/transfer (at no cost) 1 x two bedroom dwelling to a Housing Association or Housing Provider of affordable housing dwellings.

(d) The registered Housing Association or Housing Provider must be to the satisfaction of Port Phillip City Council and the Responsible Authority.

(e) One bicycle space must be allocated to each dwelling.

**Development Contributions**

23 Before the development starts, excluding demolition, bulk excavation, site preparation works and any works required pursuant to conditions 16-19, the owner of the land must enter into an agreement 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 owner of the land must pay all reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement must:

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Number of dwellings to be offered for sale</th>
<th>Target Income Group</th>
<th>Offer Price</th>
<th>List Price</th>
<th>Economic Benefit per dwelling</th>
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<td>4</td>
<td>Very Low</td>
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<td>$60,000</td>
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<td>3</td>
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<tr>
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<td>2</td>
<td>Low/Moderate</td>
<td>$625,000</td>
<td>$630,000</td>
<td>$5,000</td>
</tr>
</tbody>
</table>
(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.
(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 Victorian Planning Authority or their successor.
(e) Confirm that contributions will be payable to the Victorian Planning Authority or their successor.
(f) Confirm that the contributions will be used by Victorian 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) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

**Landscaping Plan**

24 Before the development starts, excluding demolition, bulk excavation, site preparation works and any works required pursuant to conditions 16-19, unless otherwise agreed to by the Responsible Authority, a Landscape Plan must be submitted to and be approved by the Responsible Authority in consultation with Port Phillip City Council. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail all hard and soft landscaping proposed on the site and be generally in accordance with the Landscape Plan prepared by John Patrick Landscape Architects and dated 14 June 2017 but modified to show:

(a) Bluestone paving within the eastern laneway.
(b) Vegetation provided for wind amelioration is to be semi-mature at the time of planting.

25 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved landscaping works must be completed. Once completed, the landscaping works must be
maintained in accordance with the endorsed plan to the satisfaction of Port Phillip 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.

3D Model

26 Before the development starts, excluding demolition, bulk excavation, site preparation works and any works required pursuant to conditions 16-19, 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. In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority, before these modifications are approved.

Street Trees

27 The proposed development and works must not cause any damage to any existing street tree to be retained. Root pruning of any adjacent street tree must be carried out to the satisfaction of Port Phillip City Council prior to the construction of any crossover/works.

28 All adjacent street trees to be retained will require a tree protection zone which complies with AS4970-2009 at all times throughout the demolition and construction phase of the development. A tree protection fence is to be installed around any tree that is likely to be impacted by construction. The fence is to be constructed in a diamond or square position around each tree trunk from 4 panels of a minimum height 1.8m x minimum length 2.1m, interlocking by bolted clamps and concrete pads. No entry to this area is permitted without the consent of Port Phillip City Council.

29 The provision of additional street trees is to be coordinated with Port Phillip City Council and all costs associated with additional street tree planting are to be met by the permit holder.

SEPP N-1 and N-2

30 Noise levels must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) and State Environment Protection Policy N-2
(Control of Music Noise from Public Premises) to the satisfaction of the Responsible Authority.

Public Transport Victoria Conditions

31 The permit holder must take all reasonable steps to ensure that disruption to bus operations along Normanby Road are kept to a minimum during the construction of the development. Foreseen disruptions must be communicated to Public Transport Victoria fourteen (14) days prior.

32 The existing bus stop and associated infrastructure on Normanby Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

Melbourne Water Conditions

33 The ground floor must be constructed with finished floor levels set no lower than 2.4 metres to Australian Height Datum (AHD).

34 The ramp servicing the basement must be constructed at ground level no lower than 3.0 metres to Australian Height Datum (AHD).

35 Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

36 All electrical and plumbing fittings must be to the standards of the Relevant Authority for areas subject to inundation, for all services contained within the lower ground floor.

37 All open space within the property must be set at existing natural surface level so as not to obstruct the passage of overland flows.

38 Any new fence must be of an open style of construction (minimum 50% open) to allow for the passage of floodwaters/overland flows.

39 Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

40 The depth of the footings must be adequate to satisfy the angle of repose relative to the drain as per Melbourne Water's specification. Refer to the Melbourne Water Web site Standard Drawing: 'Angle of Repose - Footing Design' for details.

VicRoads Condition

41 Before the use approved by this permit commences the following must be completed at no cost to and to the satisfaction of the Roads Corporation:
(a) install a “Left in only” sign from Normanby Road into the porte cochere;
(b) install a “No Entry” sign from Woodgate Street into the porte cochere;
(c) line marking for one way traffic flow (southbound) along internal eastern accessway.

This condition is open and flexible as to how the material for the access way is governed, provided the directional arrow is white in colour

Building Appurtenances

42 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.

Materials and Finishes

43 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.

Services and Infrastructure

44 Before the development is occupied, vehicle crossings must be constructed in accordance with Port Phillip City Council’s current Vehicle Crossing Guidelines and standard drawings and all redundant crossings must be removed and the footpath, nature strip, kerb and road reinstated as necessary at cost of the permit holder to the satisfaction of Port Phillip City Council.

45 Before the development is occupied, the permit holder shall:

(a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for development.
(b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
(c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of reinstatement.

46 Before the development is occupied, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the permit holder to the satisfaction of the relevant authority and the Responsible
Authority. All costs associated with any such modifications must be borne by the permit holder.

47 Before the occupation of the development allowed by this permit, the development must include dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority to the satisfaction of the Responsible Authority.

48 All new services to the property including water, electricity, gas, sewerage, telephone and telecommunications (whether by means of a line or cable) must be installed underground and located in a position approved by Port Phillip City Council. All costs associated with any such works must be borne by the permit holder.

49 All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads.

Walls on or facing a Boundary

50 Before the development is occupied, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

Permit Expiry

51 This permit will expire if:

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

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

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

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

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

(ii) 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.
ATTACHMENT FOUR - *BEG Developments Pty Ltd v Minister for Planning* VCAT Order (23 January 2018)
ORDER

1. The hearing scheduled for 10.00 am on the 20th February 2018 for three days is vacated.

2. The parties to this application for review have advised the Member that they have reached agreement in relation to the matters in dispute and that they consent to the Tribunal making an order implementing their agreement.

3. Pursuant to section 127 and clause 64 of Schedule 1 of the Victorian Civil & Administrative Tribunal Act 1998, the permit application is amended by substituting, for the permit application plans, the following plans filed with the Tribunal:

   Prepared by: CHT Architects

   Drawings:  
   TP0.00 Rev F dated 5 December 2017  
   TP0.01 to TP0.04 Rev E dated 1 December 2017  
   TP1.01 Rev F dated 5 December 2017  
   TP1.02 to TP1.08 Rev E dated 1 December 2017  
   TP1.12 to TP1.14 Rev E dated 1 December 2017  
   TP2.01 to TP2.04 Rev E dated 1 December 2017  
   TP3.01 to TP3.06 Rev E dated 1 December 2017  
   TP3.07 Rev F dated 5 December 2017  
   TP4.01 to TP4.06 Rev F dated 5 December 2017  
   TP5.01 to TP5.03 Rev E dated 5 December 2017
4 The order of this Tribunal is that in Planning Permit Application No. PA1500028 a permit is granted and directed to be issued for the land at 245-251 Normanby Road, South Melbourne VIC 3205 generally in accordance with the substituted plans and subject to the conditions included in Appendix A to these orders.

5 The permit allows:
   - Demolition of the existing building(s), construction of a multi-storey building and construction and/or carrying out of works in the Capital City Zone (CCZ1) and Design and Development Overlay (DDO30).
   - Use of land for Accommodation (dwellings) in the Capital City Zone (CCZ1)
   - Creation or alteration of access to a road in a Road Zone Category 1 (RDZ1).

6 No order as to costs.

Frank Dawson
Member
REMARKS

1 Pursuant to section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998*, this order is made at the request of the parties and with their consent.

2 The Tribunal regards the consent of the responsible authority to be a confirmation to the Tribunal that:

   a the responsible authority is of the opinion that the permit or amended permit is appropriate having regard to the matters it is required to consider under section 60 of the Act, including the balanced application of the strategies and policies of the relevant planning scheme and is otherwise in conformity with the provisions of the planning scheme and the *Planning and Environment Act 1987*;

   b the proposed orders will not result in any change to the proposed use or development which would materially affect any person other than the parties to the proceeding.

7 Based on the information available to the Tribunal, I consider it is appropriate to make these orders.

Frank Dawson

*Member*
APPENDIX A – PERMIT CONDITIONS

<table>
<thead>
<tr>
<th>PERMIT APPLICATION NO</th>
<th>PA1500028</th>
</tr>
</thead>
</table>
| LAND                  | 245-251 Normanby Road  
                        South Melbourne Vic 3205 |

**WHAT THE PERMIT ALLOWS**

The permit allows:

- Demolition of the existing building(s), construction of a multi-storey building and construction and/or carrying out of works in the Capital City Zone (CCZ1) and Design and Development Overlay (DDO30);
- Use of land for Accommodation (dwellings) in the Capital City Zone (CCZ1);
- Creation or alteration of access to a road in a Road Zone Category 1 (RDZ1);
- generally in accordance with the substituted plans.

**CONDITIONS**

1. Before the development starts, including demolition, bulk excavation and site preparation works, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies (plus an electronic copy) must be provided. The plans must generally be in accordance with the plans prepared by CHT labelled:

   - TP0.00 Rev F dated 5 December 2017;
   - TP0.01 to TP0.04 Rev E dated 1 December 2017;
   - TP1.01 Rev F dated 5 December 2017;
   - TP1.02 to TP1.08 Rev E dated 1 December 2017;
   - TP1.12 to TP1.14 Rev E dated 1 December 2017;
   - TP2.01 to TP2.04 Rev E dated 1 December 2017;
   - TP3.01 to TP3.06 Rev E dated 1 December 2017;
   - TP3.07 Rev F dated 5 December 2017;
• TP4.01 to TP4.06 Rev F dated 5 December 2017;
• TP5.01 to TP5.03 Rev E dated 5 December 2017;

but modified to show the following:

(a) The conversion of all office areas in the podium levels to residential.

(b) A demolition plan clearly showing all structures to be removed, including the removal and reinstatement of redundant crossovers.

(c) Provision of ground level bicycle parking hoops within the building forecourt.

(d) The proposed western laneway is to be constructed in bluestone paving.

(e) Natural ventilation is to be provided to the podium car parking levels.

(f) End of trip facilities in accordance with the requirements of Clause 52.34 of the Port Phillip Planning Scheme are to be accessible to all commercial uses.

(g) The allocation of dwellings as affordable housing dwellings in accordance with the corresponding condition below.

(h) Dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority.

(i) The treatment of the bicycle storage façade is to be semi-transparent to allow for a sense of occupation and activity as viewed from Woodgate Street.

(j) Architectural features, excluding wind mitigation canopies, revised to not overhang title boundaries more than 300mm, with a minimum vertical clearance of 2.7m from the footpath level.

(k) Revisions to the tower façade to add visual interest and improve the slender appearance of the tower through material treatment and façade articulation.
(l) All plant, equipment and services (including all external air conditioning, heating units and hot water systems) are to be located externally. Any air-conditioning units on balconies must be located to maximise the availability of balcony space for outdoor living activities and screened to minimise the visibility of the air-conditioning units.

(m) All plans and elevations are to be fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD).

(n) Detailed elevations, renders and sections of the ground level frontages to Normanby Road, Woodgate Street and the western laneway, clearly showing the interfaces at a scale of 1:50.

(o) Any changes required by the endorsed Environmental Wind Assessment Report as specified by the corresponding condition below (where relevant to be shown on plans).

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

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

(r) Any changes required by the endorsed Sustainability Management Plan as specified by the corresponding condition below (where relevant to be shown on plans).

(s) Any changes required by the endorsed Water Sensitive Urban Design Response as specified by the corresponding condition below (where relevant to be shown on plans).

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

(u) Any changes to meet the floor level requirements of Melbourne Water as specified by the corresponding conditions below.
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.

Wind Mitigation

3. Before the development starts, including demolition, bulk excavation and site preparation works, an amended comprehensive wind tunnel testing and environmental Wind Impact Assessment Report of the development must be prepared by a suitably qualified engineering consultant. The Wind Assessment must be submitted to and be to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. This report must be generally in accordance with that prepared by Vipac Engineers & Scientists and dated 3 April 2017, but modified to address all changes required under Condition 1 of this permit.

Any further modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas must be carefully developed as an integrated high quality solution with the architectural and landscape design and not rely on screens in the public realm, to the satisfaction of the Responsible Authority.

4. The recommendations and requirements of the endorsed Wind Impact Assessment Report must be implemented at no cost to and be to the satisfaction of the Responsible Authority prior to the occupation of the development.

Waste Management

5. Before the development starts, including demolition, bulk excavation and site preparation works, an amended Waste Management Plan (WMP) must be submitted to and approved by Port Phillip City Council. The WMP must be generally in accordance with the report prepared by Leigh Design and dated 4 April 2017 but modified to address all required changes under Condition 1 of this permit. The WMP must comply with Council guidelines. Waste storage and collection arrangements must not be altered without the prior approval of Council.

Noise Attenuation

6. 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. The report must be generally in accordance with the report prepared by Acoustic Logic and dated 28 October 2015 but must ensure that external noise intrusion into apartment bedroom and living areas – measured in accordance with AS/NZS2107/2000 Acoustics – Recommended Design Sound levels and Reverberation Times for Building Interior – must achieve the following:

(a) Between 10pm and 7am, the noise in bedroom areas must not exceed Lₐₑq. (9 hour) 40dB(A).

(b) Between 7am and 10pm, the noise in living rooms must not exceed Lₐₑq. (15 hour) 45dB(A).

(c) Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

The noise attenuation measures specified in the acoustic report for the development must be implemented prior to occupancy at no cost to and be to the satisfaction of the Responsible Authority.

**Sustainable Management Plan**

7. Before the development starts, including demolition, bulk excavation and site preparation works, an amended Sustainable Management Plan (SMP) report must be submitted to the satisfaction of Port Phillip City Council. When approved, the report will be endorsed and will then form part of the permit. The report must be generally in accordance with the report prepared by Ark Resources and dated 4 March 2017, but further modified to address the following:

(a) The proposal is to target a 5 star rating under the Green Star – Design & As Built v.1.2 or equivalent.

(b) State the project’s Green Star benchmarking and ESD related claims offered in the SMP and drawings will be certified as achieved by an appropriately qualified, independent Green Star Accredited Professional to the approval of the Responsible Authority. If the project is not to be certified, the measures to be taken to achieve each point to be claimed must be described in detail.
(c) Proposed innovation points must be linked to the individual credits being claimed.

(d) Details of where lighting is to be controlled by daylight, timer, and and/or occupancy sensors.

(e) Provision of effective shading to glazed walls of habitable rooms on the north-east, and north-west, or suitable alternative to improve thermal comfort.

(f) Confirmation that the screen located around the solar panels will not overshadow them.

8. The performance outcomes specified in the SMP for the development must be implemented prior to occupancy at no cost to the Responsible Authority or Port Phillip City Council and be to the satisfaction of the Responsible Authority. Any change during design, which affects the approach of the endorsed SMP, must be assessed by an accredited ESD professional. The revised statement must be endorsed by the Responsible Authority before the development starts.

Water Sensitive Urban Design Response

9. Before the development starts, including demolition, bulk excavation and site preparation works, a Water Sensitive Urban Design Response must be submitted to the satisfaction of Port Phillip City Council. When approved, the report will be endorsed and will then form part of the permit. The report must:

(a) Set out proposed stormwater treatment measures for the development and demonstrate how they would meet the relevant stormwater quality objectives of Clause 22.12 Stormwater Management (Water Sensitive Urban Design) of the Planning Scheme;

(b) Demonstrate that runoff from 100% of the roof would be captured and that at least 50% of the runoff volume from a 5 year 72 hour storm event would be successfully retained;

(c) Stormwater runoff storage with a capacity of at least 0.5 cubic metres per 10m2 of roof area, equipped with power and water management telecommunications.
10. The performance outcomes specified in the endorsed Water Sensitive Urban Design Response must be implemented prior to occupancy at no cost to Port Phillip City Council and be to the satisfaction of Council.

Traffic and Loading Management

11. Before the development starts, including demolition, bulk excavation and site preparation works, a revised Traffic Report must be submitted to and approved by Port Phillip City Council. Except with the prior written consent of the Responsible Authority, all elements of the report must be implemented prior to the occupation of the development. The report must be generally in accordance with the Traffic Impact Assessment Report prepared by TTM Consulting (Vic) Pty Ltd and dated April 2017 but modified to address:

(a) At least one car parking space is to be identified as a share car space.

(b) Updated swept path diagrams demonstrating satisfactory vehicle access to and from the end car parking spaces in car park levels 1-4.

(c) Swept paths for small rigid vehicles demonstrating access to and from the loading bay area when there is more than one service vehicle in the loading area.

(d) Car parking and loading area ramp grades are to comply with AS2890.1 and AS2890.2.

(e) A longitudinal section of the ramp and loading area to confirm clearances for a small rigid truck.

(f) Natural ventilation provided to the podium car parking levels.

(g) Improved visual permeability (i.e. setbacks) to the left of the ramp to the loading bay/car parking area.

(h) Dimensions of the loading bay with the following minimum dimensions:

   (i) Area: 27.4 square metres.
   (ii) Length: 7.6 metres.
   (iii) Width: 3.6 metres.
   (iv) Height clearance: 4.0 metres.
12. Car and bicycle parking, loading areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose to the satisfaction of the Responsible Authority.

13. The loading and unloading of vehicles and delivery of goods to and from the premises must at all times take place within the boundaries of the site.

**Environmental Audit**

14. Before the development starts, including demolition, bulk excavation and site preparation works, but excluding works to remediate contaminated land, the permit holder must provide:

   (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.

15. Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use of the land must comply with all directions and conditions contained within the Statement.

16. Where a Statement of Environmental Audit is issued for the land, before the commencement of the use, and before the issue of a Statement of Compliance under the *Subdivision Act 1988*, and before the issue of an occupancy permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

17. Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the permit holder must enter into an agreement with Port Phillip City Council pursuant to Section 173 of the *Planning and Environment Act 1987*, which must be executed before the commencement of the permitted use and before the certification of the Plan of Subdivision under the *Subdivision Act 1988*. All such expenses related to the Section 173 Agreement including drafting, negotiating, lodging, registering, execution and ending of the Agreement, including those incurred by Council, must be met by the permit holder.
Remediation Works Plan

18. Before any remediation works are undertaken in association with the environmental audit, a ‘remediation works plan’ must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out before the issue of a Certificate of Compliance.

Facade Strategy

19. Before the development starts, excluding demolition, bulk excavation and site preparation works, a Façade Strategy must be submitted to and approved by the Responsible Authority. When approved this will form part of the endorsed plans. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Façade Strategy for the development must be generally in accordance with the Design Intent Statement prepared by CHT Architects (including all typical façade details and materials in the plans and renders) unless otherwise agreed with the Responsible Authority. The Façade Strategy must detail:

(a) A concise description by the architect of the building design concept and how the façade works to achieve this.

(b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with clear coding.

(c) Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail, and any special features which are important to the building’s presentation.

(d) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
(e) Information about how the façade will be accessed and maintained and cleaned, including planting where proposed.

(f) Example prototypes and/or precedents that demonstrate the intended design outcome indicated plans and perspective images to produce a high quality built outcome in accordance with the design concept.

**Affordable Housing**

20. Before the development starts, excluding demolition, bulk excavation and site preparation works, the owner must:

(a) Enter into an agreement under Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority;

(b) Register the agreement on the title(s) for the land in accordance with Section 181 of the *Planning and Environment Act 1987*; and

(c) Provide the Responsible Authority with the dealing number confirming the registration on the title.

The agreement must be in a form to the satisfaction of Responsible Authority, and the owner must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority’s reasonable costs and expenses (including legal expenses) incidental to the preparation, registration, and ending of the agreement. The agreement must contain covenants to be registered on the title of the property so as to run with the land, and must provide the following:

i) 6% of the total number of dwellings (rounded down to the nearest whole number) to be offered for sale to a Housing Trust or registered Housing Association or Housing Provider approved by Port Phillip City Council within a minimum period of three months and maximum of twelve months from the date the development commences, at a discount of 40% of the value of the dwellings as determined by an independent valuer at the time the dwellings are offered for sale and conditional on all dwellings (offered for sale) being:

- transferred to one single Housing Trust or registered Housing Association or Housing Provider in one single transaction (i.e. all 6% sold to the same entity and in a single transaction); and
- managed as affordable housing in perpetuity by a single Housing Trust or registered Housing Association or Housing Provider; and
- set aside for occupation by low income residents to the satisfaction of Port Phillip City Council.
All 6% of the dwellings offered for sale to the Housing Trust or registered Housing Association or Housing Provider must be:

- one bedroom dwellings;
- tenure blind;
- dispersed throughout the development to the satisfaction of the Responsible Authority;
- allocated one bicycle space per dwelling.

AND

ii) If twelve months after the development commences 6% of the total number of dwellings have not been sold to a single Housing Trust or registered Housing Association or Housing Provider in accordance with (i) above, 2.5% of the total number of dwellings (rounded down to the nearest whole number) must be transferred to a single Housing Trust or registered Housing Association or Housing Provider approved by Port Phillip City Council at no cost to the Housing Trust or registered Housing Association or Provider, on the issue of the certificate of occupancy. The dwellings transferred to the Housing Trust or registered Housing Association or Housing Provider must be:

- one bedroom dwellings;
- tenure blind;
- dispersed throughout the development to the satisfaction of the Responsible Authority;
- managed as affordable housing in perpetuity;
- set aside for occupation by low income residents to the satisfaction of Port Phillip City Council;
- allocated one bicycle space per dwelling;

Development Contributions

21. Before the development starts, excluding demolition and site preparation works, the permit holder must enter into an agreement 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 must:

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

- $15,900 per dwelling.
• $18,000 per 100m² of gross commercial floor area.
• $15,000 per 100m² of gross retail floor area.

(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 Victorian Planning Authority or their successor.

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

(f) Confirm that the contributions will be used by Victorian 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.

The permit holder must pay all reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

**Landscaping Plan**

22. Before the development starts, excluding demolition, bulk excavation and site preparation works, unless otherwise agreed to by the Responsible Authority, a Landscape Plan must be submitted to and be approved by the Responsible Authority in consultation with Port Phillip City Council. When approved, the plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Landscape Plan
prepared by Hansen Partnership and dated 8 March 2017 but modified to show:

(a) Bluestone paving within the laneway.
(b) Canopy trees within the laneway are to be semi-mature at the time of planting.
(c) Planting outside of the title boundaries deleted.

23. 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 Port Phillip 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.

3D Model

24. Before the development starts, excluding 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. In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority, before these modifications are approved.

The 3D model must be accompanied by a signed statement declaring that by submitting the model, the applicant / owner grants, and warrants that they are authorised to grant, the State of Victoria and the City of Port Phillip free of charge a sub-licensable, irrevocable, non-exclusive worldwide licence to use the model for any planning related purpose, and that further the applicant / owner indemnifies the State of Victoria and the City of Port Phillip against any loss, damage, claim, action or expense which the State of Victoria and the City of Port Phillip (including their officers, employees and agents) suffer as a direct result of a breach of this warranty.
**Street Trees**

25. The proposed development and works must not cause any damage to any existing street tree. Root pruning of any adjacent street tree must be carried out to the satisfaction of Port Phillip City Council prior to the construction of any crossover/works.

26. All adjacent street trees will require a tree protection zone which complies with AS4970-2009 at all times throughout the demolition and construction phase of the development. A tree protection fence is to be installed around any tree that is likely to be impacted by construction. The fence is to be constructed in a diamond or square position around each tree trunk from 4 panels of a minimum height 1.8m x minimum length 2.1m, interlocking by bolted clamps and concrete pads. No entry to this area is permitted without the consent of Port Phillip City Council.

27. The provision of additional street trees is to be coordinated with Port Phillip City Council and all costs associated with additional street tree planting are to be met by the permit holder.

**SEPP N-1 and N-2**

28. Noise levels must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) and State Environment Protection Policy N-2 (Control of Music Noise from Public Premises) to the satisfaction of the Responsible Authority.

**Melbourne Water Conditions**

29. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water’s drains or waterways.

30. Finished floor levels of the Retail areas must be constructed no lower than 2.4 metres to Australian Height Datum (AHD).

31. Finished floor levels of the street lobbies must be constructed no lower than 2.4 metres to AHD.
32. Finished floor levels of the ground floor lift areas, fire pump, domestic water pump/break tank, fire control room, gas meters, substation, communications room must be constructed no lower than 3 metres to AHD.

33. All electrical and plumbing fittings must be to the standards of the Relevant Authority for areas subject to inundation, for all services contained within the ground floor.

34. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Building Appurtenances

35. 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.

Materials and Finishes

36. 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.

Services and Infrastructure

37. Before the development is occupied, vehicle crossings must be constructed and standard drawings and all redundant crossings must be removed and the footpath, nature strip, kerb and road reinstated as necessary at cost of the permit holder to the satisfaction of Port Phillip City Council.

38. Before the development is occupied, all disused or redundant vehicle crossings must be removed and the area re-instated with footpath, nature strip and kerb and channel at the cost of the permit holder and to the satisfaction of Port Phillip City Council.

39. Before the development is occupied, the permit holder shall:
(a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for development.

(b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.

(c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of reinstatement.

40. Before the development is occupied, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the permit holder to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the permit holder.

41. Before the occupation of the development allowed by this permit, the development must include dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority to the satisfaction of the Responsible Authority.

42. All new services to the property including water, electricity, gas, sewerage, telephone and telecommunications (whether by means of a line or cable) must be installed underground and located in a position approved by Port Phillip City Council. All costs associated with any such works must be borne by the permit holder.

43. The construction of the development must comply with the provisions of any agreements between the permit holder and the relevant water authority relating to the supply of water, recycled water or the provision of sewerage as appropriate. All works in relation to the supply of water, recycled water or sewerage must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant water authority.

44. The construction of the development must comply with the provisions of any agreements between the permit holder and the relevant energy authority relating to the supply of energy as appropriate. All works in relation to the supply of energy must be completed prior to the issue of a
Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant energy authority.

45. All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads.

Walls on or facing a Boundary

46. Before the development is occupied, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

Permit Expiry

47. This permit will expire if:

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

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

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

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.

- End of Conditions

Permit Notes:
As at 23 January 2018, 6% of the total number of dwellings comprises 20 dwellings and 2.5% of the total number of dwellings comprises of eight dwellings.
SCHEDULE 1[PPPS] 13[MPSS] TO CLAUSE 45.09 PARKING OVERLAY

Shown on the planning scheme map as PO1[PPPS], PO13[MPSS].

FISHERMANS BEND URBAN RENEWAL AREA

1.0 Parking objectives to be achieved

To achieve the target of 80% of trips by sustainable transport as set out in the Fishermans Bend Framework XXXX and minimise road congestion in the Fishermans Bend urban renewal area. [PO 1.0 p1]

To create a liveable and connected community that uses active transport options in preference to private motor vehicles. [PO 1.0 p2]

To encourage consolidated car parking on large sites, precinct based car parking, the future adaptation of car parking to other uses, the evolution of transport share schemes and innovations in transport technology. [PO 1.0 p3]

To ensure the design of car parking areas within developments deliver a high quality public realm by minimising the impact of car parking on the streetscape and maintaining active street frontages. [PO 1.0 p4]

To ensure the appropriate design of car share parking.

2.0 Permit requirement

None specified

3.0 Number of car parking spaces required

If a use is specified in the table below, the maximum number of car parking spaces that can be provided for the use is calculated by multiplying the rate specified for the use by the accompanying measure. [PO 3.0 p1]

Table 1: Maximum car parking spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling, Retirement Village, Residential Village</td>
<td>0.5</td>
<td>To each dwelling</td>
</tr>
<tr>
<td>Industry</td>
<td>1</td>
<td>To each 150 square metres of gross floor area</td>
</tr>
<tr>
<td>Office</td>
<td>1</td>
<td>To each 100 square metres of gross floor area</td>
</tr>
<tr>
<td>Place of assembly</td>
<td>1</td>
<td>To each 100 square metres of gross floor area</td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td>1</td>
<td>To each 100 square metres of gross floor area</td>
</tr>
<tr>
<td>Retail premises</td>
<td>1</td>
<td>To each 100 square metres of gross floor area</td>
</tr>
<tr>
<td>Supermarket</td>
<td>2</td>
<td>To each 100 square metres of gross floor area</td>
</tr>
</tbody>
</table>

For all other uses listed in Table 1 of Clause 52.06-5, the rate in Column B of Table 1 in Clause 52.06-5 applies as the maximum car parking rate. [PO 3.0 p2]
4.0 Application requirements and decision guidelines for permit applications

Application Requirements

Where a permit is sought to provide more than the maximum parking provisions specified in cl 3.0 of this schedule for a dwelling, a transition statement must be submitted with the application demonstrating how the additional car parking will be transitioned to other uses over time.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 52.06-3 to provide more than the maximum parking provisions specified in cl 3.0 of this schedule: [PO 4.0 p1]

- The objectives listed at Section 1.0 of this Schedule
- Whether car parking is to be provided in a stand-alone building that is able to transition to other uses over time. [PO 4.0 p2]
- The proportion of dwellings which contain 3 or more bedrooms.
- Whether the provision of parking is needed to support a non-residential use of land that existed prior to the land being rezoned to the Capital City Zone on 5 July 2012. Whether the provision of car parking negatively impacts the creation of a high quality, active public realm. [PO 4.0 p3]
- The future adaptability of the car parking areas and ability to transition to future uses over time. [PO 4.0 p4]
- Impacts the proposed car parking rates will have on creating sustainable transport patterns, which preference walking, cycling and public transport use. [PO 4.0 p5]
- Whether car share, motocycle and bicycle parking is provided in excess of the requirements contained in the Capital City Zone schedule 4.

5.0 Financial contribution requirement

None specified. [Po 5.0p1]

6.0 Requirements for a car parking plan

The following requirements must be shown on a car parking plan, in addition to the matters that must be shown on plans prepared under Clause 52.06-8: [PO 6.0p1]

- Any spaces allocated to car share parking, motocycle parking and bicycle parking.
- Car share parking spaces should be provided as follows:
  - [CoM to insert design standards for car share as required]
- If a green travel plan is provided under another provision of the scheme, any relevant information specified in the green travel plan. [PO 6.0p2]

7.0 Design standards for car parking

The following design standards for car parking and other requirements for the design and management of car parking must be met: [PO 7.0 p1]

Vehicle access ways, crossovers and car park entries should be provided from service roads, side or rear laneways or secondary streets (in order of preference) where available.

All crossovers (except those on the service road adjacent to the freeway) should:

- Be consolidated to provide shared access to multiple buildings. [PO 7.0 p2]
- Be designed to give priority to pedestrian movement. [PO 7.0 p3]
- Include intermediate pedestrian refuges if the vehicle access or crossover is more than 6 metres. [PO 7.0 p7]

Unless no other vehicle access point is available, vehicle access ways and crossovers and vehicle loading/unloading areas must not be located on: [PO 7.0 p8]
- Roads and streets designated as “no crossover” on Map 2 to the Capital City Zone schedule 4

Unless no other vehicle access point is available, vehicle access ways and crossovers and vehicle loading/unloading areas should not be located on:
- Roads designated as public transport routes. [PO 7.0 p9]
- Existing or proposed on-road or off-road cycling paths or strategic cycling corridors. [PO 7.0 p11]
- Primary or secondary active street frontages as defined in the Capital City Zone schedule [in a core area]. [PO 7.0 p15]

The design and layout of car parking areas should: [PO 7.0 p13]
- Ensure the efficient layout of car parking spaces, including through the use of mechanical systems.
- Ensure the layout and design of car parking areas encourages sharing of car parking spaces between different uses with different peak demand patterns. [PO 7.0 p14]
- Include provision for future conversion of car parking areas to alternative employment generating uses. [PO 7.0 p15]
- Allow natural ventilation, without compromising the provision of activated frontages. [PO 7.0 p16]
- Ensure the use of car lifts, turntables and stackers do not result in cars queueing on the street. [PO 7.0 p17]
- Include the provision for internal queuing and minimise the need for cars to queue on the street. [PO 7.0 p18]
- Provide dedicated parking for car share and car charging stations. [PO 7.0 p19]
- Make provision for easily accessible short term temporary parking and drop-off/pick up zones. [PO 7.0 p20]

8.0 Decision guidelines for car parking plans

The following decision guidelines apply for car parking plans provided to the responsible authority under Clause 52.06-8: [PO 8.0 p1]
- Whether the car parking plan encourages sustainable transport patterns, which preference walking, cycling and public transport use. [PO 8.0 p2]
- The extent to which the car parking areas (not located within a basement) are designed for future adaptation and repurposing. [PO 8.0 p3]
- Any impacts car parking areas have on creating high amenity active streets. [PO 8.0 p4]
- Whether alternative access to the site is constrained and no other access is possible. [PO 8.0 p5]

9.0 Reference document

*Fishermans Bend Framework XXXX*

*Fishermans Bend Integrated Transport Plan 2017* [PO 9.0 p1]
SCHEDULE 67 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO67.

FISHERMANS BEND – LORIMER PRECINCT

1.0 Design objectives

To implement the Fishermans Bend Vision, September 2016 and the Fishermans Bend Framework, XX 2018.

To encourage a diversity of mid and high-rise scale courtyard, perimeter and open block apartments and tower developments, including hybrid developments on larger sites, with taller buildings located along the interface of the West Gate Freeway.

To ensure the scale, height and setbacks of development protect sunlight penetration to Lorimer’s linear spine and other identified public open spaces, streets and laneways, and facilitate comfortable wind conditions, to deliver a high quality public realm.

To ensure building separation and setbacks achieve high levels of internal amenity for all development.

To encourage buildings to be designed so that they are capable of being adapted to facilitate a reduction in car dependence, and an increase of commercial floor space, and to ensure that flood protection measures do not detract from the public realm.

2.0 Buildings and works

Buildings and works for which no permit is required

A permit is not required to construct a building or construct or carry out works for an addition of or modification to a verandah, awning, sunblind or canopy of an existing building.

Requirements

The following buildings and works requirements apply to an application to construct a building or construct or carry out works.

An application for buildings and works:

- Should meet the built form requirements within this schedule unless it is specified that a permit cannot be granted to vary the requirement.
- Must achieve the built form outcomes within this schedule.

Where an application for buildings and works does not meet any preferred built form requirement, it must demonstrate how the corresponding built form outcome is to be met.

Definitions

Building height means the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building excluding:

- Non-habitable architectural features not more than 3.0 metres in height.
- Building services and communal recreation facilities setback at least 3.0 metres behind the building façade.

Building separation distance means the shortest horizontal distance between two separate buildings or towers, including projections such as balconies, building services and architectural features on the same site.

Comfortable wind conditions means a mean wind speed from any wind direction with probability of exceedance less than 20 per cent of the time, equal to or less than:

- 3 metres/second for sitting areas.
- 4 metres/second for standing areas.
- 5 metres/second for walking areas.

**Unsafe wind conditions** means the hourly maximum 3 second gust which exceeds 20 metres/second from any wind direction considering at least 16 wind directions with the corresponding probability of exceedance percentage.

**Laneway** means a road reserve of 9 metres or less in width.

**Mean wind speed** means the maximum of:
- Hourly mean wind speed, or
- Gust equivalent mean speed (3 second gust wind speed divided by 1.85).

**Publicly accessible private plaza** means a privately owned space provided and maintained by the property owner for public use.

**Street** means a road reserve of greater than 9 metres in width.

**Street wall** means any part of the building constructed within 300mm of a street or laneway boundary, or the commencement of the reserve of any proposed new street or laneway within a site, but does not include any part of the building constructed within 300mm of a publicly accessible private plaza.

**Street wall height** means the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the street wall excluding non-habitable architectural features not more than 3 metres in height.

**Building typologies**

<table>
<thead>
<tr>
<th>PRECINCT</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>All precincts</td>
<td>Where a podium and tower building typology is proposed, a fine grain and permeable public realm is achieved through small block sizes (using laneways), multiple ground floor tenancies and multiple building entrances and public access points.</td>
</tr>
<tr>
<td>In Area L1 and Area L3</td>
<td>A diversity of building typologies, including hybrid developments of mid-rise perimeter and open blocks and lower developments. Where mid-rise perimeter and open block typologies are adopted, private and communal open space with good access to sunlight to provide high levels of amenity be provided. Slender towers with lower street wall heights along Lorimer Parkway to minimising overshadowing impacts on the Lorimer Parkway.</td>
</tr>
<tr>
<td>In Area L2</td>
<td>A diversity of building typologies, including hybrid developments of mid-rise perimeter and open blocks, and excluding podium and tower building typologies. Where mid-rise perimeter and open block typologies are adopted, private and communal open space with good access to sunlight to provide high levels of amenity be provided. Lower scale development to interface with Lorimer Central.</td>
</tr>
<tr>
<td>In Area L4</td>
<td>Predominantly podium and tower building typology developments interspersed with mid-rise perimeter and open blocks. Well-spaced towers that avoid a wall-of-towers effect when viewed from the Yarra River, Lorimer Parkway, internal streets and the West Gate Freeway. Towers that create a visual landmark to the West Gate Freeway by providing a taller built form backdrop with</td>
</tr>
</tbody>
</table>
Building height

Table #: Building height

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>A new building should not exceed the building heights shown in Map # to this schedule.</td>
<td>The height of new buildings in <strong>Area L2</strong> shown in Map # to this schedule contribute to the delivery of mid-rise developments leading to Lorimer Street and the Yarra River. Their heights contribute to the creation of a visual landmark to the West Gate Freeway, providing a backdrop of taller development to Lorimer. The height of new buildings in <strong>Area L4</strong> on Map # to this schedule contribute to the creation of a visual landmark to the West Gate Freeway, providing a backdrop of taller development to Lorimer. The height of new buildings in all areas must:</td>
</tr>
<tr>
<td></td>
<td>• Respond to the preferred future precinct character and facilitate built form diversity. • Contribute to a varied and architecturally interesting skyline. • Minimise overshadowing of parks and streets.</td>
</tr>
</tbody>
</table>
Street wall height

**Table #: Street wall height**

<table>
<thead>
<tr>
<th><strong>BUILT FORM REQUIREMENTS</strong></th>
<th><strong>BUILT FORM OUTCOMES</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred Street wall height</td>
<td>Maximum Street wall height</td>
</tr>
<tr>
<td>The street wall height must not exceed <strong>10 storeys</strong>.</td>
<td>Whether the increased street wall height will deliver a building typology that is not podium/tower.</td>
</tr>
<tr>
<td>A permit cannot be granted to vary this requirement, with the exception of street walls to the West Gate Freeway interface (including service lanes).</td>
<td>Whether the increased street wall height will contribute to a finer grain of built form presenting to the street.</td>
</tr>
<tr>
<td>For all other streets and laneways, the maximum street wall height requirement applies.</td>
<td>With the exception of street walls to the West Gate Freeway interface (including service lanes), the street wall is scaled to ensure:</td>
</tr>
<tr>
<td></td>
<td>• A human scale.</td>
</tr>
<tr>
<td></td>
<td>• An appropriate level of street enclosure having regard to the width of the street with lower street wall heights to narrower streets.</td>
</tr>
<tr>
<td></td>
<td>• The parapet height of adjoining approved or existing buildings.</td>
</tr>
<tr>
<td></td>
<td>• Adequate opportunity for daylight, sunlight and skyviews in the street.</td>
</tr>
<tr>
<td></td>
<td>Where two different street walls meet on a corner site, the higher street wall is to turn the corner and appropriately transition back to the preferred street wall height for that street.</td>
</tr>
<tr>
<td></td>
<td>New street walls along the northern side of Lorimer Parkway shown on Map # maximise sunlight penetration to the southern side of the parkway.</td>
</tr>
<tr>
<td></td>
<td>New street walls along the eastern and western side of the new park on Turner Street shown on Map # maximise sunlight penetration to the park.</td>
</tr>
<tr>
<td></td>
<td>New street walls along the interface with the West Gate Freeway are raised in height to assist with mitigating noise pollution from the freeway into the Lorimer Precinct.</td>
</tr>
</tbody>
</table>
Setbacks above the street wall from new and existing streets and laneways

For the purpose of this built form requirement the setback of a building above a street wall from a street or laneway is the shortest horizontal distance from the building façade to the street or laneway boundary or commencement of the proposed street or laneway reserve.

Table #: Setbacks above the street wall

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred Setback</td>
<td>Minimum Setback</td>
</tr>
<tr>
<td>To be confirmed. Streets:</td>
<td>To be confirmed. Streets:</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Laneways:</td>
<td>Laneways:</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Setbacks to new building facades ensure:
- Upper levels of buildings do not dominate the view from streets and laneways.
- Comfortable wind conditions in the public realm are achieved where appropriate.
- Adequate daylight and sunlight into streets and laneways is achieved where appropriate.
- Views to the sky from streets and laneways.
- Taller buildings transition down in height to adjacent areas that have a lower height limit, so as not to visually dominate or compromise the character of adjacent existing low-scale development areas.

Setbacks from side and rear boundaries and building separation

The side and rear setbacks requirements specified in Table # also apply to buildings within the same development.

For the purpose of determining minimum building separation distance between buildings on the same site:
- The minimum setback distances provided in Table # are to be doubled.
- The minimum setback distance is to be measured from the face of each building.

Table #: Side or rear setbacks and building separation within a site
### BUILT FORM REQUIREMENTS  

<table>
<thead>
<tr>
<th>Preferred Setback &amp; Building Separation</th>
<th>Minimum Setback &amp; Building Separation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>To be confirmed.</strong></td>
<td><strong>To be confirmed.</strong></td>
</tr>
</tbody>
</table>

### BUILT FORM OUTCOMES

To create a continuous wall condition at the street interface up to the street wall height.

To ensure buildings are designed and spaced to ensure:

- Sun penetration and mitigation of wind impacts at street level.
- Provision of reasonable sunlight, daylight, privacy and outlook from habitable rooms, for both existing and potential developments on adjoining sites.
- Buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them.
- Visual bulk is minimised.

To ensure high quality internal amenity outcomes within buildings related to outlook, daylight, overlooking, and offsetting direct views between buildings both to adjoining sites and within a site with multiple buildings.

---

**Overshadowing**

- No additional shadow is cast across any of the existing or proposed public open spaces, streets or residential zoned land shown in the relevant maps of this schedule except for Lorimer Central, as specified in Map # of this schedule.

- No additional shadow is cast above the preferred street wall height over the existing or proposed public open spaces shown in the relevant maps of this schedule as Lorimer Central, as specified in Map # of this schedule.

A permit cannot be granted to vary this requirement.

**Wind effects on the public realm**

**Table #: Wind effects on the public realm**

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings and works with a total building height in excess of 40 metres:</td>
<td>To ensure that the ground-level wind gust speeds do not cause unsafe wind conditions to pedestrians adjacent to the development or to pedestrians adjacent to public spaces.</td>
</tr>
</tbody>
</table>
Must not cause unsafe wind conditions. A permit cannot be granted to vary this requirement;

Should achieve comfortable wind conditions; in publicly accessible areas within a distance equal to half the longest width of the building above 40 metres in height measured from all façades, or half the total height of the building, whichever is greater as shown in the figure below.

To ensure that the proposed development achieves comfortable wind conditions commensurate to the identified principal role of publicly accessible areas for sitting, standing or walking.

![Wind Conditions Diagram]

Active street frontages

Table #: Active street frontages

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>On streets marked as primary active street on the relevant maps to this schedule, buildings should provide:</td>
<td>Activation of the primary and secondary active frontage streets as shown on Map # through a diversity of fine-grain frontages, nominally 4-8 metres wide.</td>
</tr>
<tr>
<td>- At least 80 per cent visual permeability along the ground level of the building to a height of 2.5, allowing for a solid plinth or base.</td>
<td>Activated streets and laneways leading to Lorimer Street, connecting with the north south connections through the Yarra’s Edge development to provide access to the Yarra River.</td>
</tr>
<tr>
<td>- Pedestrian entries at least every 15 m.</td>
<td>Activation of the street abutting the tram way through Lorimer Central to create the heart of Lorimer.</td>
</tr>
<tr>
<td>On streets marked as secondary active streets on the relevant maps to this schedule, buildings should provide:</td>
<td>Activation of new north-south laneways and streets.</td>
</tr>
<tr>
<td>- At least 60 per cent visual permeability along the ground level of the building to a height of 2 m.</td>
<td>Service access only on the new service road along the West Gate boundary.</td>
</tr>
<tr>
<td>Buildings fronting primary or secondary active streets should provide footpath canopies where retail uses are proposed.</td>
<td>Buildings are designed to address and define existing or proposed streets or open space and provide direct pedestrian access from the street to ground floor uses.</td>
</tr>
<tr>
<td>Buildings should provide openable windows and balconies within street walls up to six storeys in height.</td>
<td>On a corner, buildings are designed to address both street frontages.</td>
</tr>
<tr>
<td>Buildings are designed to create activated building facades with non-glazed windows and regularly spaced and well articulated entries.</td>
<td></td>
</tr>
</tbody>
</table>
Buildings should provide entrances that are no deeper than one third of the width of the entrance.

Buildings are designed to consolidate services within sites and within buildings, and ensure any externally accessible services or substations are integrated into the façade design.

Buildings on streets not marked as primary or secondary active frontages in Map # may comprise residential development at ground level, provided that the building is designed to achieve a:

- Sense of address by providing direct individual street entries to dwellings and/or home offices; and
- Balance between privacy and activation using a mix of low height, solid and transparent balustrade, terrace or fence elements, and incorporating vegetation where possible.

Adaptable buildings

Table #: Adaptable buildings

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings should be designed with minimum floor to floor heights at ground level of at least 4.0 metres and of at least 3.8 metres for lower levels up to the height of the street wall, or 4 storeys whichever is the greater. Car parking areas not within a basement should have level floors and a floor-to-floor height not less than 3.8 metres (except for ramps) and should make provision for future conversion of car parking areas to alternative uses over time. Ramped parking structures which preclude adaptation for other uses should be avoided. Where podium parking is proposed, the carpark must be located on the first floor or above. Mechanical systems should be utilised to reduce the footprint of car parking areas. The area of any ground floor of a building occupied by building services, including waste, loading and parking should be less than 40% of the total site area. Service areas should be consolidated and located away from the public realm to maximise activation of the public realm. Any externally accessible services or substations should be integrated into the façade design. Car parking should be sleeved with active uses so that it is not visible from the public realm or adjoining sites. Internal layouts and floor plates should be flexible and adaptable with minimal load bearing walls that maximise flexibility for retail or commercial refits. Car parking areas should be of a size and dimension that they can adapt to other uses over time.</td>
<td>Buildings designed to accommodate employment uses and provide for future adaptation or conversion of non-employment generating uses (including car parking) to employment generating uses over time. Car parking designed so that it can be transitioned to other uses over time. Car parking designed to minimise its footprint within a building. A safe and high quality interface between the public and private realm through the arrangement of uses internal to a building. Car parking and building services that do not detract from the public realm. A high level of wellbeing for building occupants, through the internal configuration of development providing natural light, ventilation, outlook and thermal comfort. Dwellings are designed to enable the consolidation or reconfiguration over time to alter the number of bedrooms.</td>
</tr>
</tbody>
</table>
Floorplate layout designed to enable one and two bedroom dwellings to be combined or adapted into three or more bedroom dwellings.

Exemption from notice and review

An application for construction of a building or to construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [DDO 2.0p143]

3.0 Subdivision

None specified. [DDO 3.0p1]

Exemption from notice and review

An application to subdivide land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [DDO 3.0p3]

4.0 Advertising signs

None specified. [DDO 4.0p1]

5.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority: [DDO 5.0p1]

- The key elements of the future urban structure of Lorimer. [DDO 5.0p2]
- The preferred built form outcomes identified in this schedule. [DDO 5.0p3]
- Whether the cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale and microclimate conditions including overshadowing and wind effects.
- Whether the proposed building setbacks are sufficient to allow equitable access to privacy, sunlight, daylight and outlook from habitable rooms for both existing and potential development on adjoining sites.
- The effect of the proposed buildings and works on solar access to existing and proposed open spaces having regard to:
  - the area of additional overshadowing relative to the area of remaining sunlit space compared with the total areas of the public space;
  - any adverse impact on the natural landscaping, including trees and lawn or turf surfaces in the public space; and
  - whether allowing additional shadows on other public spaces such as streets and laneways, is reasonable having regard to their orientation and shadows cast by adjacent buildings.
- Where the proposed building is to be used for accommodation or other sensitive uses; whether the building has been designed to mitigate adverse amenity impacts arising from the ongoing use of the existing concrete batching plants located in the block boundaries bounded by Rogers and Buondary Streets and the Westgate Freeway.
- Whether the proposal delivers design excellence, and contributes to creating a range of built form typologies. [DDO 5.0p4]
- The impacts of built form and visual bulk on daylight, sunlight and sky views from within public open spaces, streets, laneways or on adjoining heritage places. [DDO 5.0p5]
- The internal amenity of the development and the amenity and equitable development opportunities of adjoining properties. [DDO 5.0p6]
- The impacts of wind on the amenity and useability of nearby public open spaces, streetscapes or the public realm. [DDO 5.0p7]
### MUNICIPAL PROFILE

#### Context and history

Melbourne’s growth

In 2011 there were over 461,000 people employed in the municipality. Employment has grown at 3.5 per cent per year since 2002, faster than the state average of 2.4 per cent. The Central City has grown at 3.7 per cent since 2001 and by 2011, 319,000 workers were employed there. (SGS 2011, Employment Forecasts)

Metropolitan Melbourne is a global city. Along with Sydney and Brisbane, it is a key hub in Australia’s eastern seaboard economic region and gateway of trade, commerce and culture linking into the world economy. [Melb 21.02-5 p1]

With Greater Melbourne’s largest concentration of government and advanced business services, the City makes a substantial contribution to Victoria’s prosperity. In 2008 the City of Melbourne occupied 0.4 per cent of the land area in the Melbourne Statistical Division but its gross local product (GSP), at an estimated at $56,824 million, was approximately 20.5% of Victoria’s GSP and 25.8% of the GSP of the Melbourne Statistical Division. Melbourne’s community also extends overseas with a large ex-pat community based overseas further extending the global business connection. (Economy ID 2012, Economic Profile) [Melb 21.02-5 p2]

The Central City is the State’s main retail centre. The Retail Core in the Hoddle Grid’s is Victoria’s largest retail centre with about 526,000 square metres of retail floor space and an annual turnover of around $2.18 billion. (City Research, CLUE 2010) [Melb 21.02-5 p3]

The City has a traditional manufacturing and industry base with over 5,990,000 square metres of floor space in the municipality used for industrial purposes. (City Research, CLUE 2010) [Melb 21.02-5 p4]

#### People City

#### Creative City

#### Prosperous City

The Fishermans Bend Employment Precinct which is one of Victoria’s National Employment and Innovation Clusters (NEIC) industrial area, however, the City has a vibrant industrial area with head offices of leading manufacturers and nationally important clusters in aviation and aerospace and defence. There is also an ongoing need for industrial uses that service the other activities in the City, the construction sector and for management of waste. [Melb 21.02-5 p5]

#### Knowledge City

#### Eco-City

#### Connected City
21.04 SETTLEMENT

21.04–1 Growth Area Framework

As the municipality continues to grow and develop, the culture and functioning of the City in twenty years time will be very different from today. However, through these changes the characteristics of the city we value today must be retained.

This can be achieved by: targeting urban growth and development into specific areas of the City; enabling ongoing but incremental growth and development in those parts of the City needing constant renewal of their vitality, and by maintaining the existing character in valued established areas.

The focus of this MSS is on promoting areas of growth and protecting areas of stability. Areas of ongoing and incremental growth will continue to be regulated under the current planning scheme controls. The MSS identifies five types of areas:

- The original city centre (the Hoddle Grid)
- Urban renewal areas
- Proposed urban renewal areas
- Potential urban renewal areas
- Stable residential areas

The Growth Area Framework Plan at Figure 1 identifies these areas.
Figure 1 Growth Area Framework Plan
21.04–1.1 The original city centre – the Hoddle Grid

21.04–1.2 Urban renewal areas

The urban renewal areas are Southbank, Docklands and the Fishermans Bend Urban Renewal Area. These areas have been planned and designed to provide for the expansion of the Central City in optimal living and working environments with a new mix of uses, higher density of development and excellent provision for walking, cycling and public transport services. Here change is guided by well-developed structure plans and master plans adopted by State Government and Council. [Melb 21.04–1.2 Intro p1]

The design of the buildings, streets, public open spaces should be integrated over whole precincts with provision of utilities services to minimise the precinct’s greenhouse gas emissions, optimise water management, mitigate the effects of extreme storm events, reduce the urban heat island and take precautions against sea level rise. [Melb 21.04–1.2 Intro p2]

Southbank

Docklands

Fishermans Bend Urban Renewal Area

The area measuring over 480.240 hectares includes four mixed use precincts which are part of the expanded Central City, and the Employment Precinct. The four mixed use precincts have been declared a project of State significance and rezoned as part of an expansion to the expanded Capital City Zone. One of these mixed use precincts, Lorimer, is within the City of Melbourne. [Melb 21.04–1.2 FB p1]

This rezoning expanded the Capital City Zone by more than 50 per cent and is expected to accommodate jobs and residents within four mixed use precincts. [Melb 21.04–1.2 FB p2]

The urban renewal area is also within the City of Port Phillip municipality. The area adjoins the Docklands and Southbank existing urban renewal areas. [Melb 21.04–1.2 FB p3]

City North

Arden-Macaulay

21.04–1.3 Proposed Urban Renewal Areas

21.04–1.4 Potential Urban Renewal Areas

21.04–1.5 Stable Residential Areas
Growth

Objective 1 To provide for the anticipated growth in the municipality over the next 20 years.

Strategy 1.1 Retain the Hoddle Grid area as the core of the Central City and plan for its ongoing change and growth.

Strategy 1.2 Direct new urban growth into the Docklands and Southbank Urban Renewal Areas.

Strategy 1.3 Plan and design Urban Renewal areas to provide optimal living and working environments, to be energy, water and waste efficient and adapted to predicted climate change.

Strategy 1.4 Plan identified Urban Renewal Areas, and define their exact extent, through structure planning for the local area.

Strategy 1.5 Ensure new development in Urban Renewal Areas does not compromise the preferred future renewal of the area.

Strategy 1.6 In the longer term, consider sites of Potential Urban Renewal at Dynon Road, the Jolimont Rail Corridor, the Racecourse Rail Corridor. Urban renewal of these areas will be dependant on the resolution of other related infrastructure planning.

Objective 2 To direct growth to identified areas.

Strategy 2.1 Support the ongoing development of the Hoddle Grid.

Strategy 2.2 Support ongoing urban renewal and Central City expansion in:

- Southbank
- Docklands
- Fishermans Bend Urban Renewal Area
- City North
- Arden-Macaulay

Strategy 2.3 Plan for urban renewal in:

- E-Gate

Strategy 2.4 Consider potential for urban renewal in:

- Dynon,
- Jolimont Rail Corridor
- Racecourse Rail Corridor

Strategy 2.5 Develop Structure Plans to guide the local detail of urban renewal.

Implementation

Update structure plans for the existing urban renewal areas and implement structure plans into the planning scheme for proposed urban renewal areas.
Economic Development

Retail

Retailing is an important component of Melbourne’s Capital City function. The Hoddle Grid will remain the State’s pre-eminent retail centre and retailing in its Retail Core needs to be maintained and enhanced as a world class shopping district while respecting the character and heritage of this areas existing buildings and lanes.

There is a need to support the provision of local shops to serve the residential and working communities in local centres. A proliferation of eating and entertainment uses should not undermine the character and range of services offered in these local centres.

Business

The Central City is the prime location for commerce in metropolitan Melbourne, and along with the St Kilda Road commercial area, is of state significance. Areas zoned Mixed Use and Commercial around the Central City have traditionally provided locations for business activities, which support Capital City functions. These areas are under increased pressure for housing, and it is important to ensure their ongoing functioning and viability as business areas, which serve both local community needs and Capital City business activity.

Industry

Manufacturing uses in the inner City areas will continue to relocate to more competitive industrial locations in outer metropolitan Melbourne. The City of Melbourne, however offers unique locational and access advantages, particularly for advanced manufacturing industries. These industries and associated research have consolidated in the municipality. They are cleaner and more compatible with dense inner urban settings and need to be, protected and supported.

Industries can affect the amenity and environment of nearby sensitive land uses such as residential. Carefully manage this tension between the traffic, noise and other impacts of industrial operations and the amenity of surrounding residential areas.

Knowledge

Innovation in business is central to Melbourne’s economic vitality and its role as a globally competitive Capital City. The municipality is a dense centre of world standard services and research activity particularly in the financial, engineering, biotechnology and design sectors.

The University of Melbourne and RMIT University, the city campuses of four other universities and a number of TAFE institutes are able to link locally with industry, business, hospitals and research institutes in the Parkville, Alfred Hospital St Vincent’s Hospital precincts.

This dense co-location of business, education, and medical and, research centres will be supported to strengthen the City’s competitive and innovative capacity.
Figure 3 Economic Development Map
Objective 1 To improve the long term viability and security of the City’s industries.

Strategy 1.1 Support the development of Fishermans Bend Employment Precinct as a National Employment and Innovation Cluster industrial precinct and as the City’s primary industrial area and the preferred location for clean, advanced manufacturing, research and development, and ancillary services.

Strategy 1.2 Ensure the development of commercial and retail uses in the Fishermans Bend Employment Precinct industrial area, which are not ancillary to industrial use supports the vision as Australia’s leading design, engineering and advanced manufacturing precinct.

Strategy 1.3 Facilitate the ongoing role of industry in the West Melbourne Industrial Precinct.

Strategy 1.4 Support the ongoing 24 hour function of the Port of Melbourne and associated industries as Australia’s leading container port.

Strategy 1.5 Support the ongoing function of freight uses in the West Melbourne Industrial Precinct and the development of the Melbourne Freight Terminal to better integrating Port operations and Fishermans Bend Employment Precinct industrial area with the rail network.

Strategy 1.6 Support the ongoing use of the concrete batching plants located between Boundary and Rogers Streets and the West Gate freeway in the transition of the Lorimer precinct from an industrial precinct to a high density mixed use precinct, recognising their significance and the role they play in urban renewal.

Objective 2 To encourage industries to adopt the highest standards of environmental management practice.

Strategy 2.1 Encourage industries to adopt Environmental Management Plans and ensure new industrial uses incorporate measures to minimise noise and environmental impacts.

Strategy 2.2 Ensure that the appearance and operation of transport, manufacturing and wholesale and distribution industries minimise their adverse impacts on the surrounding road network and on the amenity and condition of the public realm.

Objective 1 To promote water transport for recreational and commuter use as part of a larger integrated transport system and consistent with maintaining safe and efficient Port operation.
Strategy 1.1 Maintain opportunities for potential future transport access to the rivers.

Strategy 1.2 Ensure the capacity for necessary shore based infrastructure such as adequate mooring facilities and passenger and service access.

Strategy 1.3 Minimise the extent of marina encroachment into navigable waterways especially in the Docklands.

21.08 – 5 Knowledge precincts

Objective 1 To support education, medical and research activities.

Strategy 1.1 Support the operation, development and clustering of education research centres and associated uses whilst protecting the amenity of Residential and Mixed Use zoned areas.

Strategy 1.2 Support the increased integration of the tertiary education facilities into the public realm of the City through better access connections and the design of new development.

Strategy 1.3 Encourage research and development uses in appropriate zones throughout the City.

Strategy 1.4 Discourage the encroachment of non-residential uses associated with research, education and medical institutions into adjoining Residential Zones and parkland.

Strategy 1.6 Manage the off-site impacts of education and research facilities such as car parking and traffic to protect the character and amenity, (including visual amenity) of adjoining areas.
21.13 URBAN RENEWAL AREAS

21.13-3 Fishermans Bend Urban Renewal Area - Lorimer

The area measuring 250 hectares within the City of Melbourne and City of Port Phillip municipalities has been declared a site of State significance and rezoned as part of an expanded Capital City Zone. [21.13-3 p1]

The area is now part of the Expanded Central City and will accommodate CBD jobs and residents in high densities. [21.13-3 p2]

The Fishermans Bend Strategic Framework Plan, July 2014 (amended September 2016) sets out the long term vision for the area, and includes statutory requirements for development of the area. This document is incorporated in this planning scheme pursuant to the Schedule to Clause 81.01. [21.13-3 p3]

The State Planning Policy identifies Fishermans Bend as a priority urban renewal area. It is an unparalleled renewal opportunity within Melbourne. It will provide for 80,000 jobs (40,000 within the mixed use precinct and 40,000 in the Employment Precinct) and a range of well serviced, high density housing options for 80,000 people at 100% build out. Lorimer is planned to accommodate 12,000 residents and 6,000 jobs at 100% build out. [21.13-3 p4]

The Lorimer precinct will provide a mix of residential, retail, commercial, entertainment and employment land uses that complement the functions and built form of the Central City and Docklands. The Lorimer precinct will provide both employment and housing, implementing the sustainable transport objectives of the Framework through decreased travel times for residents. [21.13-3 p5]

Fishermans Bend urban renewal project is driven by the fundamental principles of economic prosperity, social equity and environmental quality that takes advantage of its close proximity to existing employment, residential and transport links in the Central City/ Southbank/ Docklands areas. Design excellence and environmental sustainability is fundamental to delivering a high quality, high amenity urban environment and realising the vision for a highly liveable urban renewal area.

Delivering a fine grain and permeable public realm will be achieved in Lorimer precinct through small block sizes (using laneways), multiple ground floor tenancies and multiple building entrances and public access points within a highly livable and walkable urban environment with a walkscore of 90 or more. A diversity of mid-rise and high-rise scale courtyard, perimeter and open blocks and tower on podium developments are encouraged in the Lorimer precinct. [21.13-3 p6]

Lorimer precinct will deliver 6% affordable housing. [21.13-3 p7]

The Lorimer precinct has a distinct role in delivering the Vision for Fishermans Bend. It will have its own distinct character and identity. [21.13-3 p8]

Vision and strategic framework plan

The Fishermans Bend Vision (September 2016) and the Fishermans Bend Framework (##### 2018) set out 10 strategic directions and 8 sustainability goals each of which are to be delivered in Lorimer precinct.

Housing [21.13-3 p9]

- Ensure new residential areas provide for a connected and livable community and are inclusive and healthy places to live. [21.13-3 p10]
- Encourage a vibrant, mixed use precinct close to the Yarra River and connected to Melbourne’s Central City, Docklands and other emerging urban renewal areas. [21.13-3 p11]
- Encourage a high density mixed use precinct centred around Lorimer Parkway, an important recreational and biodiversity green link, promoting a healthy and connected community for people of all ages and backgrounds. [21.13-3 p12]
**Economic Development** [21.13-3 p13]

- Ensure Lorimer has excellent access to employment and public transport, being located on the doorstep of the Central City, Docklands and adjacent to the Fishermans Bend Employment Precinct (NEIC), connected by the northern Tram Route. [21.13-3 p14]

- Encourage development to deliver opportunities for economic development through a focus on the attraction and retention of key workers and the investment and growth in the knowledge, creative, design, research, education, innovation, engineering, advanced manufacturing and service sectors. [21.13-3 p15]

- Encourage mixed use outcomes to create significant employment opportunities, complementing existing industries in the Employment Precinct (NEIC), and building on strengths in aeronautical and automotive engineering and defence. [21.13-3 p16]

- Ensure that new development manages and mitigates potential adverse amenity impacts from existing industry and warehouse uses, or from ongoing port operations. [21.13-3 p17]

**Built Environment and Heritage** [21.13-3 p18]

Encourage visual and physical connectivity to the Yarra River through a series of new north-south laneways shown on the Plan below across Lorimer Street through to the Yarra River. [21.13-3 p19]

Encourage a diversity of building typology with exterior finishes, materials and architectural detailing of demonstrably high quality to form an attractive taller built form backdrop to the West Gate Freeway and to provide a buffer between the freeway and the remainder of the precinct. [21.13-3 p20]

Encourage perimeter and open block developments with small block sizes divided by laneways, multiple ground floor tenancies and multiple building entrances and public access points. [21.13-3 p21]

Ensure heights are reduced in key locations to protect existing and proposed open spaces from being overshadowed. [21.13-3 p22]

Encourage active and fine-grain street frontages including retail uses to activate ground level interfaces with open spaces. Large and smaller format commercial uses are also encouraged within podium or lower levels of developments. [21.13-3 p23]

Ensure towers are well spaced to provide for outlook and views through to the river.

Ensure buildings are designed to protect the amenity of streets and laneways. [21.13-3 p24]

Encourage higher street walls along the freeway interface, providing a buffer from freeway traffic. [21.13-3 p25]

Avoid large floorplate tenancies directly at a boundary to a street, lane or pedestrian connection unless sleeved by fine grain uses at ground level.

Car parking should be sleeved with active uses so that the car parking is not visible from the active realm.

**Sustainability**

Lorimer precinct aspires to achieve a 6 Star Green Star Communities rating at a precinct level with individual buildings achieving:

- 5 Star Green Star Design & As Built rating for buildings over 5,000m²; and
- 4 Star Green Star Design & As Built rating for buildings 50-5,000m².
Sub-precincts: Preferred character outcomes [21.13-3 p26]

The following outlines the preferred character within the Lorimer precinct (refer Map 10: Sub-precincts within the Fishermans Bend Urban Renewal Area) [21.13-3 p27]

Table 1: Preferred future character

<table>
<thead>
<tr>
<th>Lorimer</th>
<th>Preferred character</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area L1</td>
<td>A diversity of building typologies, including hybrid developments of mid-rise perimeter and open blocks and tower developments. Where mid-rise perimeter and open block typologies are adopted, private and communal open space with good access to sunlight to provide high levels of internal amenity be provided. Slender towers located to minimise overshadowing impacts on the Lorimer Parkway. Activation of the Lorimer Parkway, Ingles Street and the new north-south street through a diversity of fine-grain frontages. Lower street wall heights along Lorimer Parkway to maximise the amount of sunlight penetrating between tower elements to reach the southern side of the parkway.</td>
</tr>
<tr>
<td>Area L2</td>
<td>A diversity of building typologies, including hybrid developments of mid-rise perimeter and open blocks, and excluding podium and tower building typologies. Where mid-rise perimeter and open block typologies are adopted, private and communal open space with good access to sunlight to provide high levels of internal amenity be provided. Lower scale development to interface with Lorimer Central. Mid-rise developments with activated laneways leading to Lorimer Street and the Yarra River.</td>
</tr>
<tr>
<td>Area L3</td>
<td>A diversity of building typologies, including hybrid developments of mid-rise perimeter and open blocks and tower developments. Where mid-rise perimeter and open block typologies are adopted, private and communal open space with good access to sunlight to provide high levels of internal amenity be provided. Slender towers with lower street wall heights along Lorimer Parkway to minimising overshadowing impacts on the Lorimer Parkway. Lower street wall heights along Lorimer parkway to maximise the amount of sunlight penetrating between tower elements to reach the southern side of the parkway.</td>
</tr>
<tr>
<td>Area L4</td>
<td>Predominantly podium and tower building typology developments interspersed with mid-rise perimeter and open blocks. Well-spaced towers that avoid a wall-of-towers effect when viewed from the Yarra River, Lorimer Parkway, internal streets and the West Gate Freeway. Towers that create a visual landmark to the West Gate.</td>
</tr>
</tbody>
</table>
Freeway by providing a taller built form backdrop with exterior finishes materials and architectural detailing of demonstrably high quality.

Development minimises overshadowing of parks and streets in the Sandridge precinct.

Activation of new north-south laneways and streets

Lower street wall heights on the east and west of the new large park on Turner Street [21.13-3 p39]

Elsewhere, higher street wall heights that assist in mitigating noise pollution from the West Gate Freeway into the Lorimer Precinct [21.13-3 p40]

Service access only on the new service road along the West Gate boundary [21.13-3 p41]

**Transport** [21.13-3 p42]

- Support the creation of the northern tram route along Turner Street and Lorimer Street identified in Map ## providing direct, high frequency public transport connection to Docklands and the Central City. [21.13-3 p43]

- Support the creation of new or upgraded bridges over the Freeway at Ingles Street and Graham Street identified in Map ## to provide public transport, bike and pedestrian access to Sandridge [21.13-3 p44]

- **Support the continued transport infrastructure** access to existing industrial uses, including the concrete batching plants, during the transition from an industrial precinct to a high density mixed use precinct.

**Infrastructure** [21.13-3 p45]

- Support the creation of the Lorimer Central Open Space located in the heart of the precinct, between Lorimer Street, Ingles Street, Boundary Street and Rogers Street and identified in Map ## [21.13-3 p46]

- Support Turner Street closure and widening to create Lorimer Parkway along the tram route, creating a green link to the new Lorimer West Open Space identified in Map ##, and an additional green link connecting to new open space at the intersection of Hartley and Lorimer Streets identified in Map ##. [21.13-3 p46]

- Support a network of new streets and laneways, including green streets and blue laneways, to transform the existing industrial scale blocks into a walkable neighbourhood. [21.13-3 p48]

- Support a pop-up community hub created on land adjacent to the Bolte Bridge, evolving into a Health and Well-Being Hub identified in Map ##.

- An Education and Community Hub (primary) is located in the north eastern part of the precinct identified in Map ##, and an Art and Cultural Hub is located in the south eastern part of the precinct identified in Map ##. [21.13-3 p49]

- Encourage a Sports and Recreation Hub to be delivered as part of mixed use development, located within the ‘investigation area’ at the western part of the precinct identified in Map ##. [21.13-2p51]

**Flooding, sea level rise and water sensitive design**
- The individual and combined impacts of sea level rise and flooding from storm events should be managed through a combination of precinct-wide and property-specific physical and management measures including:
  - A comprehensive flooding and drainage plan for the Fisherman’s Bend Urban Renewal Area which incorporates water sensitive urban design principles into the design of public spaces including streets, laneways and parks.
  - A levy to protect the Lorimer precinct, and other areas of the Fisherman’s Bend Urban Renewal Area, from expected rise in sea levels.
  - Buildings designed to mitigate the potential impact of flooding while maintaining activity at the ground level insofar as practicable.
  - Where other measures are not practicable, the raising of internal floor levels above the street level whilst still maintaining good physical and visual connection between the street and internal ground floor spaces.
Figure 9: Fishermans Bend Urban Renewal Area
Figure 10: Sub-precincts within Fishermans Bend Urban Renewal Area

Insert a new plan similar to the plan at p 73 of the Framework identifying the following:

- Northern tram route;
- New or upgraded bridges over the Freeway at Ingles Street and Graham Street;
- Lorimer Central Open Space;
- Lorimer Parkway;
- Lorimer West Open Space;
- Hartley Street Open Space;
- Health and Wellbeing Hub investigation area;
- Education and Community Hub investigation area;
- Sports and Recreation Hub investigation area;
- all proposed streets and laneways shown on Fig 20 of the Framework.
OTHER LOCAL AREAS

Fishermans Bend Employment Precinct

The Fishermans Bend Employment Precinct is one of Victoria’s National Employment and Innovation Clusters (NEIC) is the area of industrial land to the west of the city adjacent to the Port of Melbourne. The Port of Melbourne is covered by a separate planning scheme administered by the Minister for Planning. While not the responsible authority for the Port, the City of Melbourne must ensure an appropriate interface and access to the Port as Australia’s largest container and general cargo port. [21.16-6 p1]

The continued protection of industry and the Port from encroachment by residential and other sensitive uses will be important. [21.16-6 p2]

Economic Development

- Support the development of limited convenience retail and professional services in the area Fishermans Bend to support the area’s growing workforce. [21.16-6 p3]
- Support advanced manufacturing and associated research and development organisations especially within the aerospace and automotive sectors to locate in the precinct Fishermans Bend, to provide mutual benefit through proximity to existing businesses and activities. [21.16-6 p4]
- Support development of the area as a National Employment and Innovation Cluster Corporate precinct as an area to attract new manufacturing business and corporate headquarters, focused on research and technology. [21.16-6 p5]
- Support the development of the Small Medium Enterprise precinct as a transitional area separating the larger manufacturing industries to the west from more intensive industrial businesses to the north east and encourage a variety of business and industrial uses and business incubators. [21.16-6 p6]
- Discourage small scale industrial and commercial development and subdivision in Fishermans Bend precinct that is not related to advanced manufacturing and research and development uses. [21.16-6 p7]
- Manage the interface between the Docklands future residents of nearby areas by encouraging emission free or office based manufacturing uses and development in Lorimer Street (near the interface with Docklands) that are complementary to the adjacent Docklands development. [21.16-6 p8]
- Encourage larger manufacturing businesses to locate in the western portion of Fishermans Bend precinct in the Corporate Precinct to minimise conflict with the Docklands development future residents of nearby areas. [21.16-6 p9]
- Discourage the location of sensitive activities in Fishermans Bend the precinct that are not compatible with the operations of the Port of Melbourne or other industrial activities. [21.16-6 p10]

Built Environment and Heritage

- Strengthen pedestrian and cycle connections and support provision of open space and links through Fishermans Bend between the Port Melbourne foreshore, the Hoddle Grid and Westgate Park. [21.16-6 p11]
- Ensure that development in Fishermans Bend visible from Docklands does not detract from the appearance or visual amenity of the Docklands area. [21.16-6 p12]
- Support improvements to the physical infrastructure, urban design and amenity of Fishermans Bend to make the area a high quality urban environment and more attractive for business. [21.16-6 p13]
Encourage a high standard of visual amenity along Lorimer Street to reinforce the image of Fishermans Bend and to strengthen main vistas and views. [21.16-6 p14]

Encourage large front landscaped setbacks on larger industrial sites in Fishermans Bend. [21.16-6 p15]

Discourage the location of car parking along Lorimer Street where it is visible from the street. [21.16-6 p16]

Discourage high wire mesh fencing at street frontages particularly along Lorimer Street. [21.16-6 p17]

Enhance the environmental and open space values of Westgate Park. [21.16-6 p18]

Enhance open space in Fishermans Bend to provide for the needs of the working population. [21.16-6 p19]

**Transport**

Support the extension of bus, fixed and light rail services to Fishermans Bend. [21.16-6 p20]

Support the development of transport infrastructure required for the Port of Melbourne in Fishermans Bend including planning for future rail links to Webb Dock to the south, heavy vehicles and freight and protecting shipping lanes. [21.16-6 p21]

Support the extension of heavy rail to Webb Dock. [21.16-6 p22]
Figure 21: Fishermans Bend Industrial Area
21.17 REFERENCE DOCUMENTS

31/08/2017

Proposed

GC81

General

Fishermans Bend Urban Renewal Area
Fishermans Bend Vision (September 2016)
Fishermans Bend Framework (#### 2018)
Fishermans Bend Community Infrastructure Plan 2017
Fishermans Bend Urban Design Strategy 2017
Fishermans Bend Public Space Strategy 2017
Fishermans Bend Integrated Transport Plan 2017
Fishermans Bend Sustainability Strategy 2017
SCHEDULE 4 (MPS) TO CLAUSE 37.04 CAPITAL CITY ZONE

Shown on the planning scheme map as CCZ4 (MPS).

FISHERMANS BEND URBAN RENEWAL AREA

Purpose

To implement the Fishermans Bend Vision, September 2016 and the Fishermans Bend Framework, XX 2018. [CCZ Objs p1]

To create a world leading sustainable area that incorporates sustainable transport patterns and best practice sustainable design into all developments. [CCZ Objs p2]

To create a highly liveable mixed-use area that prioritises employment uses over residential uses. [CCZ Objs p3]

To align the resident population target of 12,000 people and the worker population target of 6,000 people in Lorimer on a 100% build out with the provision of infrastructure. [CCZ Objs p4]

To provide public benefits where the scale of development exceeds nominated Floor Area Ratios. [CCZ Objs p5]

1.0

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Dwelling, Corrective institution, Motel, Residential aged care facility, Residential hotel, Residential village and Retirement village)</td>
<td>The land must be further than 300 m from the land used for concrete batching plants located at 223-235 Boundary St and 310-324 Ingles St and 209-221 Boundary St Port Melbourne.</td>
</tr>
<tr>
<td>Art and craft centre</td>
<td>Must be located with frontage to a primary or secondary active frontage street.</td>
</tr>
<tr>
<td>Bank</td>
<td>Must be located with frontage to a primary or secondary active frontage street.</td>
</tr>
<tr>
<td>Child care centre</td>
<td>The land must be further than 300 m from the land used for concrete batching plants located at 223-235 Boundary St and 310-324 Ingles St and 209-221 Boundary St Port Melbourne.</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td>Must be located with frontage to a primary or secondary active frontage street.</td>
</tr>
<tr>
<td>Department store</td>
<td>Must be located with frontage to a primary or secondary active frontage street.</td>
</tr>
<tr>
<td>Display home</td>
<td>Must meet requirements of Clause 52.11.</td>
</tr>
<tr>
<td>Dwelling</td>
<td>The land must be further than 300 m from the land used for concrete batching plants located at 223-235 Boundary St and 310-324 Ingles St and 209-221 Boundary St Port Melbourne.</td>
</tr>
<tr>
<td>Education centre</td>
<td>The land must be further than 300 m from the land used for concrete batching plants located at 223-235 Boundary St and 310-324 Ingles St and 209-221 Boundary St Port Melbourne.</td>
</tr>
<tr>
<td>Home occupation</td>
<td>Must meet requirements of Clause 52.11.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Minor sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td>Office (other than Bank)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Function centre and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Railway station</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Hotel, Shop and Tavern)</td>
<td>Must not exceed 1000 square metres gross leasable floor area.</td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td>The land must be further than 300 m from the land used for concrete batching plants located at 223-235 Boundary St and 310-324 Ingles St and 209-221 Boundary St Port Melbourne.</td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Motel</td>
<td></td>
</tr>
<tr>
<td>Shop (other than Adult sex bookshop, Department store, Supermarket and Restricted retail premises)</td>
<td></td>
</tr>
<tr>
<td>Supermarket</td>
<td>Must be located with frontage to a primary or secondary active frontage street.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car park</td>
<td>Must not be an open lot car park.</td>
</tr>
<tr>
<td>Function centre</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation, Minor sport and recreation facility, Motor racing track and Racecourse)</td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td></td>
</tr>
<tr>
<td>Residential village</td>
<td></td>
</tr>
<tr>
<td>Retirement village</td>
<td></td>
</tr>
<tr>
<td>Tavern</td>
<td></td>
</tr>
<tr>
<td>Transport terminal (other than Airport and Railway station)</td>
<td></td>
</tr>
<tr>
<td>Utility installation</td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>
Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport</td>
</tr>
<tr>
<td>Agriculture (other than Apiculture and Crop raising)</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Cemetery</td>
</tr>
<tr>
<td>Corrective institution</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Racecourse</td>
</tr>
<tr>
<td>Pleasure boat facility</td>
</tr>
</tbody>
</table>

2.0 Use of land

Permit Requirements

The use of land must be generally in accordance with Maps # of this schedule.

Application requirements

The following application requirements apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- An application to use the land for a dwelling must be accompanied by a report which addresses:
  - The infrastructure implications of exceeding the Dwelling Floor Area Ratio
  - An assessment of the composition and size of dwellings proposed

- An application to use land for a dwelling, a residential village, retirement village, hostel, child care centre or education centre on land that is within 300m of the land used for concrete batching plants at 223-235 Boundary St, 310-324 Ingles St and 209-221 Boundary St Port Melbourne must be accompanied by as appropriate, measures proposed to mitigate the potential amenity impacts of the concrete batching plants, including the impacts of vehicles accessing those sites, on the proposed sensitive use, to within acceptable levels.

- An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:
  - The purpose of the use and the types of processes to be utilised.
  - The type and quantity of goods to be stored, processed or produced.
  - How land not required for immediate use is to be maintained.
  - Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
  - Whether a notification under the Occupational Health and Safety Regulations 2017 or the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
  - The likely effects, if any, on the neighbourhood and the future urban renewal of the Lorimer precinct, including:
    - Noise levels.
    - Air-borne emissions.
    - Emissions to land or water.
    - Traffic, including the hours of delivery and despatch.
    - Light spill or glare.
Exemption from notice and review

An application for the use of land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [CCZ 2.0p23]

This exemption does not apply to an application to use land for a nightclub, tavern, hotel or adult sex bookshop. [CCZ 2.0p24]

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority: [CCZ 2.0p25]

- If a dwelling is proposed:
  - whether the proposal delivers dwelling diversity [CCZ 2.0p26]
  - the infrastructure implications of exceeding the Dwelling Floor Area Ratio;
- Temporary uses of land not immediately required for the proposed use. [CCZ 2.0p32]
- Whether the proposal incorporates appropriate measures to mitigate against adverse amenity from the concrete batching plants. [CCZ 2.0p34]

3.0 Subdivision

Permit requirements

The following requirements apply to subdivide land:

- The subdivision of land must be generally in accordance with Maps # of this schedule.
- Car parking areas are to be retained in a single or a consolidated title as common property, unless the responsible authority is satisfied that this requirement is not required. [CCZ 3.0p3]

Application requirements [CCZ 3.0p4]

The following application requirements apply to an application for a permit to subdivide land under Clause 37.04-3, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority: [CCZ 3.0p5]

- The location of abutting roads, services, infrastructure [PPPS] and street trees. [CCZ 3.0p6]
- Information which demonstrates how the subdivision responds to Maps # of this schedule. [CCZ 3.0p7]
- Information which demonstrates how the subdivision will allow for the transition of car parking spaces to alternate uses over time. [CCZ 3.0p8]
- On sites where multiple buildings are proposed, information which demonstrates how the subdivision will promote consolidated car parking for the whole site.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site. [CCZ 3.0p9]
  - The location of any existing buildings, car parking areas and private open space. [CCZ 3.0p10]
  - The location, shape and size of the proposed lots to be created. [CCZ 3.0p11]
  - The location of any easements on the subject land. [CCZ 3.0p12]
  - Any abutting roads. [CCZ 3.0p13]
  - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate. [CCZ 3.0p14]
- A land budget showing the extent of land provided as a Public Benefit. [CCZ 3.0p16]

Exemption from notice and review
An application for the subdivision of land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [CCZ 3.0p17]

Decision guidelines
The following decision guidelines apply to an application for a permit to subdivide land under Clause 37.04-3, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority: [CCZ 3.0p18]
- The contribution the proposed subdivision makes to a fine grain precinct, and pedestrian and bicycle permeability. [CCZ 3.0p20]
- Whether the proposed car parking areas are designed for future adaptation or repurposing of land in line with the future provision of public transport. [CCZ 3.0p21]
- Where the application to subdivide land provides for residential development, the objectives of Clause 56. [CCZ 3.0p22]
- Whether the subdivision provides for the necessary utilities infrastructure to service the development of the subdivided parcels, and allows for shared trenching. [CCZ 3.0p23]
- Whether any proposed staging of development is appropriate. [CCZ 3.0p24]
- Impacts the subdivision may have on landscape opportunities along street frontages, particularly for large canopy trees. [CCZ 3.0p25]
- Whether the subdivision can accommodate an appropriate building envelope. [CCZ 3.0p26]

4.0 Buildings and works

No permit required
No permit is required to construct a building or construct or carry out works for the following: [CCZ 4.0p16]
- The construction or modification of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works. [CCZ 4.0p17]
- An addition or modification to a verandah, awning, sunblind or canopy of a building. [CCZ 4.0p18]
- External works to provide disabled access to a building or works that complies with legislative requirements. [CCZ 4.0p19]
- Building or works which rearrange, alter or renew a plant area if the area or height of the plant equipment is not increased. [CCZ 4.0p20]

Permit requirements
The construction of a building, and the carrying out of works, must be generally in accordance with the Maps # of this schedule.
A permit must not be granted or amended to construct a building or construct or carry out works where the vehicle access points and crossovers (not including openings for a road) are located along roads designated as ‘no cross overs permitted’ in Map # of this schedule, unless no other access is possible. [CCZ 4.0p2]
Floor Area Ratio

A permit must not be granted or amended (except where the amendment does not increase the extent of non-compliance) to construct a building or construct or carry out works unless:
- the development provides the Minimum Non-Dwelling Floor Area Ratio in Table 1 or
- an agreement made under section 173 of the Planning and Environment Act 1987 has been entered into between the landowner and the Responsible Authority which requires the Minimum Non-Dwelling Floor Area Ratio in Table 1 to be provided to the satisfaction of the Responsible Authority.

A permit must not be granted or amended (except where the amendment does not increase the extent of non-compliance) to construct a building or construct or carry out works with a Floor Area Ratio in excess of the Total Floor Area Ratios in Table 1 unless an agreement made under section 173 of the Planning and Environment Act 1987 has been entered into between the landowner, the Responsible Authority and the local council (if not the Responsible Authority) which requires the landowner to provide Social Housing within the Lorimer precinct at no cost and in perpetuity in accordance with the requirements of the Public Benefit Guidelines. [CCZ 4.0p3] [CCZ 4.0p6]

A permit must not be granted or amended (except where the amendment does not increase the extent of non-compliance) to construct a building or construct or carry out works with a Floor Area Ratio in excess of 110% of the Total Floor Area Ratios in Table 1.

Table 1 Floor Area Ratios

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Total Floor Area Ratio</th>
<th>Minimum Non-Dwelling Floor Area Ratio</th>
<th>Dwelling Floor Area Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lorimer South</td>
<td>5.4:1</td>
<td>1.7:1</td>
<td>3.7:1</td>
</tr>
<tr>
<td>Lorimer North</td>
<td>4:1</td>
<td>1.25:1</td>
<td>2.75:1</td>
</tr>
</tbody>
</table>

Alternative Parking

A permit must not be granted to construct a building or construct or carry out works for a dwelling in a development of more than 50 dwellings unless the following parking is provided unless the responsible authority is satisfied that a lesser provision is sufficient:

- Spaces allocated for motorcycles at a minimum rate of one motor-cycle parking space per 50 dwellings. [PO 6.0p3]
- A minimum of 2 car parking spaces allocated to car share parking.
- For developments of more than 180 dwellings, car shares spaces provided at a rate of one space for every 90 dwellings. [PO 6.0p2]

A permit must not be granted to construct a building or construct or carry out works for non-residential development with a floorspace in excess of 10,000 sqm unless the following alternative parking is provided unless the responsible authority is satisfied that a lesser provision is sufficient:

- Spaces allocated for motorcycles at a minimum rate of one motor-cycle parking space per 100 car parking spaces. [PO 6.0p3]
- A minimum of 2 car parking spaces allocated to car share parking.
- For developments including more than 120 car parking spaces, car shares spaces provided at a rate of one space for every 60 car parking spaces. [PO 6.0p2]
A permit must not be granted to construct a building or construct or carry out works unless the following bicycle parking is provided unless the responsible authority is satisfied that a lesser provision is sufficient:

- Spaces allocated for bicycles at a minimum rate of one bicycle parking space per dwelling and one visitor bicycle space per 10 dwellings: [PO 6.0p4 and p5]
- A minimum of one bicycle parking space per 50 square metres of net non-residential floor area, and one visitor bicycle space per 1000 square metres of net non-residential floor area. [PO 6.0p6].

For mixed use developments, the permit requirements for motor cycle parking, bicycle parking and car share parking are applicable to each component of the development.

Conditions on permits

Any permit for the development of land in excess of the Total Floor Area Ratio must include a condition that requires that, before the development starts, application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act.

A permit granted to construct a building or to construct or carry out works must include conditions which require the following:

- Prior to the commencement of buildings and works, evidence must be submitted that demonstrates the project has been registered to seek the relevant minimum standard as set out in Table # [CCZ 4.0p23]
- Prior to the occupation of the building, evidence must be submitted that demonstrates the building can achieve the relevant minimum standard as set out in Table # [CCZ 4.0p24]
- Within 12 months of occupation of the building, certification must be submitted that demonstrates that the building has achieved the relevant minimum standard as set out in Table # [CCZ 4.0p25]

<table>
<thead>
<tr>
<th>Development</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>New buildings or additions containing</td>
<td>5 Star Green Star Design and As-Built rating (or equivalent) with the Green Building Council of Australia</td>
</tr>
<tr>
<td>≥ 10 dwellings or</td>
<td></td>
</tr>
<tr>
<td>≥ 5,000 sqm floorspace</td>
<td></td>
</tr>
<tr>
<td>Other buildings and alterations and additions greater than 50 sqm</td>
<td>4 Star Green Star Design and As-Built rating (or equivalent) with the Green Building Council of Australia</td>
</tr>
</tbody>
</table>

Table #

Where a new road, street or laneway is proposed on the land, and the road, street or laneway is not funded through a Development Contributions Plan or an Infrastructure Contributions Plan, a permit must include a condition that requires that an agreement must be made under section 173 of the Planning and Environment Act 1987 between the landowner, the Responsible Authority and the local council (if not the Responsible Authority) which requires the landowner to design and construct that part of the road, street or laneway on the land to the satisfaction of the Responsible Authority and the relevant
road management authority and to transfer or, or vest in the relevant road authority, that land as a public road at no cost to the relevant road authority.

Demolition or removal of buildings requirements

A permit is required to demolish or remove a building or works, except for:

- The demolition or removal of temporary structures. [CCZ 4.0p28]
- The demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation and/or local law. [CCZ 4.0p30]

Before deciding on an application to demolish or remove a building or works, the responsible authority must consider any need for a condition requiring an agreement made under section 173 of the Planning and Environment Act 1987 to be entered into by the landowner and the Responsible Authority and the local council (if not the Responsible Authority) to the effect of requiring:

- Temporary buildings or works on the vacant site should it remain vacant for six months after completion of the demolition. [CCZ 4.0p31]
- Temporary buildings or works on the vacant site where demolition or construction activity has ceased for six months, or an aggregate of six months after commencement of the construction. [CCZ 4.0p32]
- Temporary buildings or works may include:
  - The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage. [CCZ 4.0p34]
  - Landscaping of the site for the purpose of public recreation and open space. [CCZ 4.0p36]

Application requirements

The following application requirements apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A written urban context report documenting the key planning influences on the development and how it relates to its surroundings. [CCZ 4.0p37]
- A design response, detailing how the proposal responds to the Fishermans Bend Urban Renewal Area Local Policy and how the design responds to the relevant Map in the Schedule. [CCZ 4.0p39]
- A 3D digital model suitable for insertion into the Responsible Authority’s interactive city model. [CCZ 4.0p40]
- An assessment and report of the proposed floor area ratio and if the proposed Total Floor Area Ratio exceeds the Total Floor Area Ratio in Table 1 of this schedule, details of the Public Benefit. [CCZ 4.0p41]
- An application for buildings and works associated with the use of land for a dwelling, a residential village, retirement village, hostel, child care centre or education centre on land that is within 300m of the land used for concrete batching plants at 223-235 Boundary St, 310-324 Ingles St and 209-221 Boundary St Port Melbourne must be accompanied by as appropriate, measures proposed to mitigate the potential amenity impacts of the concrete batching plants, including the impacts of vehicles accessing those sites, on the proposed sensitive use, to within acceptable levels. [CCZ 2.0p10]
- Any technical or supporting information necessary, prepared by suitably qualified professionals, including:
  - Environmentally Sustainable Design Statement addressing ESD, Waste and Water management [CCZ 4.0p45]
• Sustainable Transport Plan demonstrating how the development supports sustainable travel behaviour and promotes active transport modes. [CCZ 4.0p47]

• Landscape Plan for all areas of open space, except private open space for dwellings, providing for biodiversity, canopy tree planting, water sensitive urban design [PPPS] and microclimate management of buildings. [CCZ 4.0p48]

- A demolition plan, detailing the staging of demolition and any temporary works proposed. [CCZ 4.0p49]

- A transition statement demonstrating how car parking can be transitioned to other uses over time

**Exemption from notice and review**

An application to demolish or remove a building or to construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [CCZ 4.0p50]

**Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 37.04-4, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority: [CCZ 4.0p51]

- Whether the layouts of streets, laneways and open space are consistent with those shown in the relevant Map of this schedule. [CCZ 4.0p52]

- How the proposal contributes to establishing sustainable transport as the primary mode of transport through integrated walking, cycling and pedestrian links. [CCZ 4.0p53]

- Whether the development compromises the function, form and capacity of public spaces and public infrastructure. [CCZ 4.0p54]

- Whether the proposal delivers design excellence, and contributes to creating a range of built form typologies. [CCZ 4.0p55]

- Whether the building design at street level provides for active street frontages, pedestrian engagement and weather protection. [CCZ 4.0p56]

- Whether the proposal delivers a diversity of households and housing typologies, and provides the necessary community infrastructure and facilities. [CCZ 4.0p57]

- Any impacts on infrastructure arising from the additional population arising from floorspace in excess of the Total Floor Area Ratio and the extent to which they have been mitigated by the proposal.

- The social benefit associated with any Public Benefit delivered as part of the development.

- Whether the proposal includes appropriate mitigation measures to protects against off-site amenity impacts [associated with existing uses][PPPS]. [CCZ 4.0p59]

- Whether the proposal is designed for all deliveries, servicing and waste management to occur on-site. [CCZ 4.0p60]

- Any constraints to vehicle access to the site, the impact of vehicle access on the provision of public transport, pedestrian and cyclist safety. [CCZ 4.0p61]

- Whether appropriate sustainable water, waste and energy management is proposed. [CCZ 4.0p63]

- Whether residential development includes floor plate layouts and servicing strategies that demonstrate a future capacity to allow one and two bedroom dwellings to be combined and adapted into three or more bedroom dwellings. [CCZ 4.0p70]
5.0 Advertising signs

A permit is not required to construct and display a sign for: [CCZ 5.0p1]
- Advertising signs exempted by Clause 52.05-4. [CCZ 5.0p2]
- Renewal or replacement of an existing internally illuminated business identification sign. [CCZ 5.0p3]
- A home occupation sign with an advertisement area not more than 0.2 square metres. [CCZ 5.0p4]
- A direction sign where there is only one to each premises. [CCZ 5.0p5]
- [A MPS] business identification sign, bed and breakfast sign, home occupation sign, or promotion sign, that have a combined total advertisement area to each premises not exceeding 8 square metres. [CCZ 5.0p6]
- [An MPS] internally illuminated sign of no greater than 1.5 square metres and the sign is not above a verandah or more than 3.7 metres above pavement level. The sign must [also PPPS] be more than 30 metres from a residential zone or pedestrian or traffic lights. [CCZ 5.0p7]
- [A MPS] non-illuminated sign provided no part of the sign protrudes the fascia of the building. [CCZ 5.0p8]

Exemption from notice and review

An application to construct and display a sign is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [CCZ 5.0p9]

5.0 Exemptions and Requirements for Ongoing Industrial Uses

The application requirements, conditions on permits and permit requirements of this schedule do not apply to an application for subdivision or an application for buildings and works in association with an ongoing existing use of land for industry or warehouse.

In considering whether a permit should be granted for the subdivision of land or for buildings and works in association with an ongoing existing use of land for industry or warehouse, the Responsible Authority must consider, as appropriate:
- whether the proposal appropriately mitigates the impacts of the use on the future urban renewal area
- the extent to which the works will facilitate an important ongoing use of the land during the transition from an industrial area to a high density mixed use precinct.

Definitions

The following definitions apply for the purposes of interpreting this schedule: [CCZ Def.0p1]

Active frontage street is a street shown as ‘Primary active frontage’ or a ‘Secondary active frontage’ on the relevant Map to this schedule. [CCZ Def.0p2]

Dwelling floor area ratio means [insert definition]

Floor area ratio means the gross floor area divided by the gross developable area. [CCZ Def.0p4]

Gross developable area means the area of the proposal land, including any proposed streets or laneways, new public open space and land for community infrastructure. [CCZ Def.0p5]

Gross floor area means the area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies. Dedicated communal residential facilities and recreation spaces are excluded from the calculations of gross floor area.
area. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor [CCZ Def ip6]

Non-dwelling floor area ratio means [insert definition]

Public Benefit means the provision of Social Housing

Social Housing has the same meaning as in the Housing Act 1983.

Total Floor Area Ratio means [insert definition]