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Proposed
GC81

SCHEDULE 1 [PPPS] 4 [MPS] TO CLAUSE 37.04 CAPITAL CITY ZONE

Shown on the planning scheme map as **CCZ1 [PPPS] 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 which is well serviced by public transport [MPS], [within core areas well serviced by public transport [PPPS]]. [CCZ Objs p3]

To ~~achieve the population targets, job growth and residential densities [within each precinct [MPS]] of Fishermans Bend and enable a scale of growth that is aligned align the~~ resident population target of 12,000 people and the worker population target of 6,000 workers (based on a 100% build out of Lorimer) with the provision of infrastructure. [CCZ Objs p4]

To ~~provide require social housing a public benefits where the scale of to be provided as a pre-requisite for allowing~~ development which exceeds nominated Floor Area Ratios. [CCZ Objs p5]

To ~~manage encourage the transition from a primarily industrial area to a high density mixed use area over time and to support the continued operation of existing industrial uses which are compatible with or facilitate the urban renewal of Fishermans Bend and to apply the agent of change principle to ensure that new development for sensitive uses incorporates measures to mitigate potential amenity impacts from those industrial uses.~~

Commented [A1]: Response to Inchcape submission – acknowledging that both industrial and non industrial uses may continue to be compatible with urban renewal and should be supported

Commented [A2]: This is covered in general terms by the objective and the specifics are dealt with in the body of the control. 'agent of change principle is undefined and not helpful where both parties need to be responsive to facilitate the process of renewal.

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Table of uses

Section 1 - Permit not required

Use	Condition
Accommodation (other than Dwelling, Corrective institution, Motel, Residential aged care facility, Residential hotel, Residential village and Retirement village)	Must meet the threshold distance from industrial and/or warehouse uses referred to in the table to Clause 52.10. [PPPS] The land must be no less than 300m from the land at 223-235 Boundary St, 310-324 Ingles St and 209-221 Boundary St, Port Melbourne. [MPS] Must not be within 450 metres of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map #. [PPPS] Must not be within 100 metres of the Port Melbourne to Symex Holdings pipeline as shown on Map #. [PPPS]
Art and craft centre	
Bank	Must be located [in a core area [PPPS]] with frontage to a primary or secondary active frontage street.

Commented [A3]: As per CoM doc L12 – responsive to concerns of EPA.

Commented [A4]: Not relevant to Lorimer

COM EDITS TO MINISTER FOR PLANNING MAY 14 VERSION
 MINISTER FOR PLANNING PART C CITY OF MELBOURNE CLOSING SUBMISSIONS VERSION

PORT PHILLIP [PPPS] MELBOURNE [MPS] PLANNING SCHEME
 COMBINED CCZ

BASED ON MINISTER'S PART A VERSION WITH PARAGRAPH NUMBERS ADDED

Use	Condition
Child care centre	<p>Must meet the threshold distance from industrial and/or warehouse uses referred to in the table to Clause 52.10. [PPPS]</p> <p>The land must be more than 300m from 223-235 Boundary St, 310-324 Ingles St and 209-221 Boundary St, Port Melbourne. [MPS]</p> <p>Must not be within 450 metres of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map #. [PPPS]</p> <p>Must not be within 100 metres of the Port Melbourne to Symex Holdings pipeline as shown on Map #. [PPPS]</p>
Cinema based entertainment facility	<p>Must be located [in a core area] [PPPS] with frontage to a primary or secondary active frontage street.</p> <p>Must not be within 450 metres of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map #. [PPPS]</p> <p>Must not be within 100 metres of the Port Melbourne to Symex Holdings pipeline as shown on Map #. [PPPS]</p>
Department store	<p>Must be located in a core area with frontage to a primary or secondary active frontage street.</p>
Display home	
[Dwelling] [PPPS]	<p>[Must be in a Non-Core area. [PPPS]]</p> <p>[Must meet the threshold distance from industrial and/or warehouse uses referred to in the table to Clause 52.10. [PPPS]]</p> <p>[Must be more than 300m from 223-235 Boundary St, 310-324 Ingles St and 209-221 Boundary St, Port Melbourne. [MPS]]</p> <p>Must not be within 450 metres of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map #. [PPPS]</p> <p>Must not be within 100 metres of the Port Melbourne to Symex Holdings pipeline as shown on Map #. [PPPS]</p>
Education centre	<p>Must meet the threshold distance from industrial or warehouse uses referred to in the table to Clause 52.10. [PPPS]</p> <p>The land must be more than 300m from 223-235 Boundary St, 310-324 Ingles St and 209-221 Boundary St, Port Melbourne. [MPS]</p>
Home occupation	<p>Must meet requirements of Clause 52.11.</p>
Informal outdoor recreation	
Minor sports and recreation facility	
Office (other than Bank)	
Railway station	

BASED ON MINISTER'S PART A VERSION WITH PARAGRAPH NUMBERS ADDED

Use	Condition
Place of assembly (other than Amusement parlour, Function centre and Nightclub)	Must not be within 450 metres of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map #. [PPPS] Must not be within 100 metres of the Port Melbourne to Symex Holdings pipeline as shown on Map #. [PPPS]
Retail premises (other than Hotel, Shop and Tavern) Restricted retail premises	Must not exceed 1000 square metres gross leasable floor area, [and be located in a core area [PPPS]].
Residential aged care facility Residential hotel Motel	Must meet the threshold distance from industrial or warehouse uses referred to in the table to Clause 52.10. [PPPS] The land must be more than 300m from 223-235 Boundary St, 310-324 Ingles St and 209-221 Boundary St, Port Melbourne. [MPS]
Shop (other than Adult sex bookshop, Department store, Supermarket and Restricted retail premises)	
Supermarket	Must be located [in a core area [PPPS]] with frontage to a primary active frontage street.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Accommodation (other than Dwelling, Corrective institution, Motel, Residential aged care facility, Residential hotel, Residential village and Retirement village)	
Car park	Must not be an open lot car park.
Dwelling	4
Function centre Hotel Industry Leisure and recreation (other than Informal outdoor recreation, Minor sport and recreation facility, Motor racing track and Racecourse) Nightclub Residential village Retirement village Tavern Transport terminal (other than Airport and Railway station) Utility installation Warehouse	

Any other use not in Section 1 or 3

Section 3 - Prohibited

Use

Airport
Agriculture (other than Apiculture and Crop raising)
Brothel
Cemetery
Corrective institution
Motor racing track
Racecourse
Pleasure boat facility

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Use of land

Requirements of This Schedule

The following requirements apply to the use of land:

- The use of land must be generally in accordance with the Maps # in this schedule.
- ~~Use of the land for a dwelling must not exceed:~~
 - A permit must not be granted for the use of land for a dwelling and the floor area of a building must not be altered to increase the amount of floorspace used for a dwelling unless the floor area to be used for a dwelling does not exceed:
- ~~The Dwelling Floor Area Ratio specified in Table 1 or in a core area [PPPS]~~
 - The Dwelling Floor Area Ratio specified in Table 1 [in a core area [PPPS]]
 - [The Floor Area Ratio specified in Table 1 in a non core area [PPPS]] or
 - ~~except where~~ an agreement made under section 173 and registered on title under section 181 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 provides for~~ requires the landowner to provide Social Housing a Public Benefit in accordance with the *How To Calculate Floor Area Uplift In Fishermans Bend Incorporated Document*.

These requirements do not apply to an application for the use of land in accordance with a building which is authorised by a planning permit for buildings and works issued before the approval date of Amendment GC81.

Conditions Required by This Schedule

A permit granted for a sensitive use on land within 450 metres of the South Melbourne to Brooklyn pipeline or the Dandenong to West Melbourne pipeline or within 100 metres of the Port Melbourne to Symex Holdings pipeline as shown on Map # must include a condition requiring that before development including demolition starts, a construction management plan addressing the protection of the pipeline must be prepared in consultation with the operator of the pipeline and submitted to and approved by the responsible authority. [PPPS]

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: [CCZ 2.0p1]

Commented [A5]: Structure and terminology of the head clause.

Commented [A6]: The FAR is regulated under buildings and works. The primary reason to include it here is to deal with the confined situation of a change of use.

Commented [A7]: Note – not specifically contemplated by the head clause.

Commented [A8]: Not relevant to Lorimer so confined to PPPS.

Commented [A9]: unnecessary

COM EDITS TO MINISTER FOR PLANNING MAY 14 VERSION

MINISTER FOR PLANNING PART C CITY OF MELBOURNE CLOSING SUBMISSIONS VERSION

PORT PHILLIP [PPPS] MELBOURNE [MPS] PLANNING SCHEME
COMBINED CCZ

BASED ON MINISTER'S PART A VERSION WITH PARAGRAPH NUMBERS ADDED

- An application to use the land for a dwelling, residential village or retirement village must be accompanied by a report which addresses: [CCZ 2.0p2]
 - How the proposal contributes to an activated frontage [CCZ 2.0p3]
 - ~~How the proposal achieves the dwelling density of the Fishermans Bend Urban Renewal Local Policy, including a~~ An assessment of the composition and size of dwellings proposed [CCZ 2.0p4]
 - A land budget showing the gross floor area of a building which is to be used for dwelling and non-dwelling uses and the gross floor area of shared spaces and spaces excluded from the calculation of gross floor area.
 - If the Dwelling Floor Area Ratio specified in Table 1 is exceeded, the infrastructure implications of the exceedence.
 - How the proposal contributes to the job growth targets and employment floor area set out in the Fishermans Bend Urban Renewal Area Local Policy. [CCZ 2.0p5]
- An application to use land for accommodation, dwelling, motel, residential aged care facility, residential hotel, residential village, retirement village, hostel, child care centre, education centre ~~or informal outdoor recreation use~~ [on land that is within 300m from 223-235 Boundary St, 310-324 Ingles St and 209-221 Boundary St, Port Melbourne [MPS]]; [on land which does not meet the threshold distance from industrial or warehouse uses referred to in the table in Clause 52.10 [PPPS]], must be accompanied by an Amenity Impact Plan that responds to the *Existing Industrial Uses with Adverse Amenity Potential Incorporated Document* and include, as appropriate: [CCZ 2.0p6]
 - ~~[Measures to mitigate potential amenity impacts from any concrete batching plants within 300m of the land to acceptable levels [MPS]]~~
 - Measures to mitigate potential amenity impacts from any existing industrial or warehouse use referred to in the table in Clause 52.10 [PPPS]
 - [A site plan identifying the type and nature of any industrial or warehouse use within the threshold distance referred to in the table in Clause 52.10 and any permits granted for the upgrade or expansion of such use. [PPPS] [CCZ 2.0p7]
 - A site plan identifying the location type and nature of the concrete batching plants within 300m of the land. [MPS]
 - An assessment of the impact of the proposed sensitive use on any existing industrial or warehouse uses referred to in the table in Clause 52.10 [PPPS] [CCZ 2.0p8]
 - An assessment of the impact of the ~~per~~ proposed sensitive use on the concrete batching plants within 300m of the land. [MPS]
 - ~~[An assessment of the amenity impact of nearby port operations, freight routes or major transport infrastructure on the proposed sensitive uses. [CCZ 2.0p9]]~~
 - Measures proposed to mitigate potential amenity impacts of any [existing industrial or warehouse use referred to in the table in Clause 52.10 [PPPS] [existing concrete batching plants [MPS] ~~or port, freight or transport infrastructure~~ on the proposed sensitive use, to within acceptable levels. [CCZ 2.0p10]
- An application to use land for accommodation, dwelling, motel, residential aged care facility, residential hotel, residential village, retirement village, hostel, child care centre, education centre or informal outdoor recreation use must be accompanied by, as appropriate:
 - An assessment of the amenity impact of nearby [port operations [PPPS]] freight routes (including Lorimer Street) or major transport infrastructure (including the West Gate Freeway) on the proposed sensitive uses. [CCZ 2.0p9]
 - Incorporation of noise attenuation measures internally and externally in accordance with Australian Standard 2107 and SEPP N- 1. [CCZ 4.0p43][PPPS]
- An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate: [CCZ 2.0p11]

Commented [A10]: this is a section 1 use

Commented [A11]: delete unless made available prior to the amendment proceeding.

Commented [A12]: Repeated below

Commented [A13]: Not relevant to the trigger for such a plan – which is the concrete batching plants. Taken below as a separate bullet point.

BASED ON MINISTER'S PART A VERSION WITH PARAGRAPH NUMBERS ADDED

- The purpose of the use and the types of processes to be utilised. [CCZ 2.0p12]
- The type and quantity of goods to be stored, processed or produced. [CCZ 2.0p13]
- How land not required for immediate use is to be maintained. [CCZ 2p.0p14]
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority. [CCZ 2.0p15]
- Whether a notification under the *Occupational Health and Safety Regulations 2017* is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the *Dangerous Goods (Storage and Handling) Regulations 2012* is exceeded. [CCZ 2.0p16]
- The likely effects, if any, on the neighbourhood and the urban renewal of Fishermans Bend, including: [CCZ 2.0p17]
 - ↳ Noise levels. [CCZ 2.0p18]
 - ↳ Air-borne emissions. [CCZ 2.0p19]
 - ↳ Emissions to land or water. [CCZ 2.0p20]
 - ↳ Traffic, including the hours of delivery and despatch. [CCZ 2.0p21]
 - ↳ Light spill or glare. [CCZ 2.0p22]

~~A permit granted for a sensitive use on land within 450 metres of the South Melbourne to Brooklyn pipeline or the Dandenong to West Melbourne pipeline or within 100 metres of the Port Melbourne to Symex Holdings pipeline as shown on Map # must include a condition requiring that before development including demolition starts, a construction management plan addressing the protection of the pipeline must be prepared in consultation with the operator of the pipeline and submitted to and approved by the responsible authority. [PPPS]~~

Commented [A14]: Relevance to Lorimer?

Commented [A15]: Moved – this is a mandatory permit condition

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: [CCZ 2.0p26]
 - Delivers dwelling ~~diversity and dwelling density that aligns with the population targets~~ and provision of community infrastructure. [CCZ 2.0p27]
 - Exceeds the Dwelling Floor Area Ratio in Table 1 and, if so, the infrastructure implications of the exceedence.
 - Creates an activated ground floor[, particularly in core areas [PPPS]]. [CCZ 2.0p28]
 - Provides affordable housing and housing for key workers.
 - Provides home-offices or communal facilities that support 'work from home' or 'mobile' employment. [CCZ 2.0p29]
- The impact the proposal has on the realisation of employment targets, ensuring that employment uses are maximised and safeguarded in [core [PPPS]] areas well serviced by public transport. [CCZ 2.0p30]
- Whether the use provides for employment uses in line with targets set out in the Fishermans Bend Urban Renewal Area Local Policy. [CCZ 2.0p31]

BASED ON MINISTER'S PART A VERSION WITH PARAGRAPH NUMBERS ADDED

- Temporary uses of land not immediately required for the proposed use. [CCZ 2.0p32]
- [If a dwelling is located within a buffer area to the Port of Melbourne, whether the intensity of use is appropriate to its location. [CCZ 2.0p33] [PPPS]]
- Whether the proposal incorporates appropriate measures to mitigate against adverse amenity from [ongoing use of the concrete batching plants [MPS]] existing industrial or warehouse uses referred to in the table to Clause 52.10 [PPPS]. [CCZ 2.0p34]
- [The impact of the proposed use on the amenity of the future urban renewal area;
- Whether the grant of the permit will prejudice the achievement or orderly development of the future urban structure for the area;

Commented [A16]: Eg for new industrial uses

- [The views of the pipeline licensee in respect of a permit application to use land for a sensitive use where the land is within:
 - 450 metres of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map #; or
 - 100 metres of the Port Melbourne to Symex Holdings pipeline as shown on Map #. [PPPS]]

Commented [A17]: Not relevant to Lorimer so confine to PPPS.

~~A permit granted for a sensitive use on land within 450 metres of the South Melbourne to Brooklyn pipeline or the Dandenong to West Melbourne pipeline or within 100 metres of the Port Melbourne to Symex Holdings pipeline as shown on Map # must include a condition requiring that before development including demolition starts, a construction management plan addressing the protection of the pipeline must be prepared in consultation with the operator of the pipeline and submitted to and approved by the responsible authority. [PPPS]~~

Commented [A18]: Not relevant to Lorimer so confine to PPPS and take above under conditions.

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Subdivision

~~The subdivision of land must be generally in accordance with Maps # of this schedule. This requirement does not apply to an application for the subdivision of land in accordance with a planning permit for buildings and works issued before the approval date of Amendment GC81.~~

Commented [A19]:

Commented [A20]: Repeated below

Permit requirements

Requirements of this Schedule

The following requirements apply to subdivide land:

- The subdivision of land must be generally in accordance with Maps # of this schedule.
- The layout of the subdivision must apportion the streets, roads and laneways shown on Map # between adjacent landholdings where a street, road or laneway is shown as straddling or adjacent to a title boundary.
- The layout of the subdivision must make provision for any new roads, streets or laneways [PPPS] generally in accordance with Maps #. [CCZ 3.0p2]
- Car parking areas must 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]

Commented [A21]: CoM only supports this provision if the Minister is a determining referral authority or if some other mechanism is used to avoid potential liability for compensation

Commented [A22]: To respond, for example, to the Hanson/Barro interface and the new subdivision of 111 Lorimer St, for example. If the streets and laneways are to be mapped in GIS, then the need for this paragraph may be avoided.

These requirements do not apply to:

- a subdivision of land which is generally in accordance with a planning permit for buildings and works issued before the approval date of Amendment GC81; or
- an application for subdivision associated with a continuing lawful use of land for industry or warehouse existing prior to gazettal of Amendment GC81.

Commented [A23]: While the 'requirements' do not apply, the subdivision will still need to be assessed against the new decision guidelines which call up consistency with the maps.

BASED ON MINISTER'S PART A VERSION WITH PARAGRAPH NUMBERS ADDED
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 makes provision for the roads, streets, laneways [PPPS] and open spaces [PPPS] generally in accordance with the ~~relevant~~ 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: [CCZ 3.0p9]
 - The location, shape and size of the site. [CCZ 3.0p10]
 - The location of any existing buildings, car parking areas and private open space. [CCZ 3.0p11]
 - The location, shape and size of the proposed lots to be created. [CCZ 3.0p12]
 - The location of any easements on the subject land. [CCZ 3.0p13]
 - Any abutting roads. [CCZ 3.0p14]
 - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate. [CCZ 3.0p15]
- ~~A land budget showing the extent of land provided as a Public Benefit. [CCZ 3.0p16]~~

Commented [A24]: Refer to L12 p 16 for a discussion of the importance of consolidated car parking.

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]
- On sites where multiple buildings are proposed, whether the subdivision will prejudice or promote consolidated car parking for the whole site.
- 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]

- BASED ON MINISTER'S PART A VERSION WITH PARAGRAPH NUMBERS ADDED**
- In considering whether a permit should be granted for the subdivision of land associated with an ongoing existing use of land for industry or warehouse, the Responsible Authority must consider, as appropriate:
 - The impact of the proposed subdivision on the amenity of the future urban renewal area;
 - Whether the grant of the permit will prejudice the achievement or orderly development of the future urban structure for the area shown on Maps # to this schedule;
 - The extent to which the subdivision will facilitate an important ongoing use of the land during the transition from an industrial area to a high density mixed use precinct;
 - Whether the subdivision supports the continued operation of an existing industrial use which is consistent with or will facilitate the urban renewal of Fishermans Bend.

Commented [A25]: As this is a decision guideline I has been relocated.

Existing industrial and warehouse uses

~~The application requirements, conditions on permits and permit requirements for subdivision do not apply to an application for subdivision associated with a continuing lawful use of land for industry or warehouse.~~

Commented [A26]: Relocated to provide clarity due to confusion caused by the phrase 'permit requirements'

~~In considering whether a permit should be granted for the subdivision of land associated with an ongoing existing use of land for industry or warehouse, the Responsible Authority must consider, as appropriate:~~

- ~~The impact of the proposed subdivision on the amenity of the future urban renewal area;~~
- ~~Whether the grant of the permit will prejudice the achievement or orderly development of the future urban structure for the area;~~
- ~~The extent to which the subdivision will facilitate an important ongoing use of the land during the transition from an industrial area to a high density mixed use precinct;~~
- ~~Whether the subdivision supports the continued operation of an existing industrial use which will facilitate the urban renewal of Fishermans Bend.~~

4.0 Buildings and works

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Permit Requirements

No permit required

No permit required

No permit is required to construct a building or construct or carry out works for the following: [CCZ 4.0p16]

- An addition of or modification to a verandah, awning, sunblind or canopy of an existing building. [CCZ 4.0p18]

Requirements of this Schedule

The following requirements apply to an application for buildings and works:

- The construction of a building, and the carrying out of works, must be generally in accordance with the relevant Maps # of this schedule.
This requirement does not apply to:

Commented [A27]: All permit triggers have been gathered together under this heading except for demolition requirements

Commented [A28]: This heading is used to distinguish requirements from permit triggers and uses terminology from the head clause

Commented [A29]: These are 'requirements' but not permit triggers.

Commented [A30]: CoM only supports this provision if the Minister is a determining referral authority or if some other mechanism is used to avoid potential liability for compensation

BASED ON MINISTER'S PART A VERSION WITH PARAGRAPH NUMBERS ADDED

- an application to amend a permit issued before the approval date of Amendment GC81
- an application for buildings and works associated with a continuing lawful use of land which existed prior to Amendment CG81.

Permit requirements

- A permit ~~must not~~cannot be granted 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 the relevant Map # of this schedule, unless no other access is possible. [CCZ 4.0p2]

Commented [A31]: This heading has only be used to describe permit triggers rather than 'requirements' – see below.

Commented [A32]: Relevance to Lorimer?

Floor Area Ratio

- A permit ~~must not~~cannot be granted to construct a building or construct or carry out works with a Dwelling Floor Area Ratio and a Total Floor Area Ratio in excess of those Floor Area Ratios in Table 1 unless: [CCZ 4.0p3]
 - An agreement made under section 173 and registered on title under section 181 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 must provide for a Public Benefit~~; [CCZ 4.0p6] or requires the landowner to provide Social Housing within the Lorimer precinct and in accordance with How To Calculate Floor Area Uplift In Fishermans Bend Incorporated Document [CCZ 4.0p3] [CCZ 4.0p6]; or
 - For a permit amendment, the extent of non-compliance with the Dwelling Floor Area Ratio and Total Floor Area Ratios in Table 1 is not increased.
- A permit cannot be granted to construct a building or construct or carry out works with a Floor Area Ratio in excess of 110% of the Total Floor Area Ratio in Table 1.
- A permit cannot be granted to construct a building or construct or carry out works unless the development includes the construction of the Minimum Non-Dwelling Floor Area Ratio in Table 1.
 This requirement does not apply if any of the following apply:
 - an agreement made under section 173 and registered on title under section 181 of the Planning and Environment Act 1987 between the landowner, the Responsible Authority and the local council (if not the Responsible Authority) requires the landowner to provide the Minimum Non-Dwelling Floor Area Ratio in Table 1 in some other way to the satisfaction of the Responsible Authority (eg in another building or at some future time); or
 - the application is associated with the continued operation or expansion of an existing use; or
 - the built form envelope available makes it impractical to provide the Minimum Non-Dwelling Floor Area Ratio in Table 1. [PPPS]

Commented [A33]: If there is a proposal to allow FAU to be provided between the Sandridge and Montague precincts, that could be specified in the Port Phillip DDO but CoM does not accept that there should be an ability to provide the social housing elsewhere in exchange for uplift in its municipality.

Commented [A34]: If the MAC's recommendation is adopted – namely the open book examination, then that exemption could be included here.

Table 1: Floor Area Ratios

Precinct	Core area [PPPS]	Non-core area [PPPS]
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BASED ON MINISTER'S PART A VERSION WITH PARAGRAPH NUMBERS ADDED

	Total Floor Area Ratio	Dwelling Floor Area Ratio	Minimum non-dwelling Floor Area Ratio	
<u>Lorimer (L1, L2, L3) [MPS]</u>	<u>4:1</u>	<u>2.75:1</u>	<u>1.25:1</u>	<u>N/A</u>
<u>Lorimer (L4) [MPS]</u>	<u>5.4:1</u>	<u>3.7:1</u>	<u>1.7:1</u>	<u>N/A</u>
Wirraway [PPPS]	4.4:1	2.2:1		2.4:1
Sandridge [PPPS]	7.4:1	3.7:1		3.3:1
Montague [PPPS]	6.3:1	4.7:1		3.6:1

— Bicycle, Motorcycle and Car share parking

- Developments must provide bicycle, motorcycle and car share parking in accordance with Table 2.

Table 2: Parking Provision

Type of parking	For developments of more than 50 dwellings		For developments with over 10,000 sqm non-residential floor space	
	Provision rate	Provision rate for visitor spaces	Provision rate	Provision rate for visitor spaces
Bicycle spaces	1 per dwelling	1 per 10 dwellings	1 per 50 sqm of net non-residential floor area	1 per 1000 sqm of net non-residential floor area
Motorcycle spaces	1 per 50 dwellings	None specified	1 per 100 car parking spaces	None specified
Spaces allocated to a car share scheme	For developments of more than 180 dwellings: 1 space per 90 dwellings	None specified	For all developments with 120 or less car spaces: A minimum of 2 spaces For developments with more than 120 car spaces: 1 per 60 car parking spaces	None specified

Commented [A35]: This was only in the CoM version due to drafting complexities. The Minister's version is preferred and so there is no need for a floorspace trigger and the drafting works without a floorspace trigger.

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No permit Application requirement

~~An application to construct or extend a building of four or less storeys must, where the building includes two or more dwellings, be accompanied by a design response and report explaining how the proposed design meets the objectives of Clause 55.~~

No permit required

~~No permit is required to construct a building or construct or carry out works for the following:~~ [CCZ 4.0p16]

~~* An addition of or modification to a verandah, awning, sunblind or canopy of an existing building.~~ [CCZ 4.0p16]

Conditions Required By This Schedule on permits

A permit granted to construct a building or to construct or carry out works, other than alterations and additions to an existing building or buildings and work for an existing use, must include conditions required by the incorporated document *ESD Requirements In Fishermans Bend* and conditions which require:

~~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 a minimum 4 Star Green Star Design and As-Built rating (or equivalent) with the Green Building Council of Australia.~~ [CCZ 4.0p23]
- ~~* Prior to the occupation of the building, evidence must be submitted that demonstrates the building can achieve a minimum 4 Star Green Star Design Review certification (or equivalent).~~ [CCZ 4.0p24]
- ~~* Within 12 months of occupation of the building, certification must be submitted that demonstrates that the building has achieved a minimum 4 Star Green Star Design and As-Built rating (or equivalent).~~ [CCZ 4.0p25]
- Installation of a third pipe for recycled water to supply non potable uses within the development for toilet flushing, fire services, irrigation, laundry and cooling, unless otherwise agreed by the relevant water authority.
- Provision of an agreed building connection point from the third pipe designed in conjunction with the relevant water supply authority to ensure readiness to connect to a future precinct-scale recycled water supply.
- Provision of a rainwater tank:
 - with a minimum capacity of 0.5 cubic metres for every 10 square metres of catchment area to capture rainwater from 100% of suitable roof rainwater harvesting areas;
 - fitted with a first flush device, meter, tank discharge control and water treatment with associated power and telecommunications equipment approved by the relevant water authority.

[A permit granted to construct a building within 50 metres of a potential future metro alignment shown on the relevant Map of this schedule, must also include a condition to the effect that: [CCZ 4.0p26] [PPPS] 4]

- ~~* [Prior to the commencement of buildings and works, plans must be submitted to the satisfaction of the responsible authority in consultation with Transport for Victoria~~

Commented [A36]: This document can sit outside the CCZ and be updated as required (noting it is incorporated and hence will require a scheme amendment if it is amended)

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showing that the proposed building footings and foundations will not compromise
delivery of the proposed future metro alignment. [CCZ 4.0p27] [PPPS]

[A permit allowing a sensitive use on land within 450 metres of the South Melbourne to Brooklyn pipeline or the Dandenong to West Melbourne pipeline or within 100 metres of the Port Melbourne to Symex Holdings pipeline as shown on Map # must include a condition requiring that before development starts, including demolition, a construction management plan addressing the must be submitted to and approved by the responsible authority. The plan must be endorsed by the operator of the relevant high pressure pipeline.] [PPPS]

Where a new road, street or laneway is proposed on the land, and the road, street or laneway is not funded through an Infrastructure Contributions Plan or a Development Contributions Plan, a permit must include a condition requiring an agreement to be made under section 173 Agreement and registered on title under section 181 of the *Planning and Environment Act 1987* between the landowner, the responsible authority and the local council (if not the responsible authority) which provides for the:

- Construction of the new road, street or laneway to the satisfaction of the Responsible Authority and the relevant road management authority; and
- Transfer of the new road, street or laneway to, or vesting in the relevant road authority as a public road at no cost to the relevant road authority. This does not apply to a new laneway if the Responsible Authority has agreed in writing to the laneway being retained in private ownership.

Commented [A37]: CoM considers that the DCP should be referred to here, especially as it is the current system.

Commented [A38]: Responsive to submissions of Mr Canavan on behalf of the land at 351 Ingles St

Demolition or removal of buildings requirements

A permit is required to demolish or remove a building or works, except for: [CCZ 4.0p28]

- The demolition or removal of temporary structures. [CCZ 4.0p29]
- 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: [CCZ 4.0p31]

- Temporary buildings or works on the vacant site should it remain vacant for six months after completion of the demolition. [CCZ 4.0p32]
- Temporary buildings or works on the vacant site where demolition or construction activity has ceased for six months, or an aggregate of six months [PPPS] after commencement of the construction. [CCZ 4.0p33]
- Temporary buildings or works may include: [CCZ 4.0p34]
 - The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage. [CCZ 4.0p35]
 - 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: [CCZ 4.0p37]

- A written urban context report documenting the key planning influences on the development and how it relates to its surroundings. [CCZ 4.0p38]

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- A design response, detailing how the design makes provision for the streets, laneways, generally in accordance with the relevant map of this 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 detailing how the proposal responds to the Fishermans Bend Urban Renewal Area Local Policy.
- ~~If land is to be used for a dwelling, a land budget showing the gross floor area of a building which is to be used for dwelling and non-dwelling uses and the gross floor area of shared spaces and spaces excluded from the calculation of gross floor area.~~
- ~~An assessment and report of the proposed floor area ratio and if the proposed floor area ratio exceeds the Floor Area Ratios in Table 1 of this schedule, details of the Public Benefit Social Housing and the additional floor area that is to be provided. [CCZ 4.0p41]~~
- An application for buildings and works associated with accommodation, dwelling, motel, residential aged care facility, retirement village, residential village, residential hotel, hostel, child care centre, education centre, ~~or located within 100 metres of a freight alignment shown in the relevant Map of this schedule [PPPS] or located within 100 metres of the West Gate freeway~~ ~~or~~ which does not meet the threshold distance from ~~industrial or warehouse uses referred to in the table to Clause 52.10, [PPPS]~~ ~~]~~ ~~within 300m of the concrete batching plants referred to in the table to Clause 52.10 [MPS]~~ must be accompanied by ~~an amenity impact plan that responds to the Existing Industrial Uses with Adverse Amenity Potential Incorporated Document and include, as appropriate: [CCZ 2.0p6]~~
 - ~~[A site plan identifying the type and nature of any industrial or warehouse use within the threshold distance referred to in the table in Clause 52.10 and any permits granted for the upgrade or expansion of such use. [PPPS] [CCZ 2.0p7]~~
 - ~~A site plan identifying the location of the concrete batching plants within 300m of the land. [MPS]~~
 - ~~Measures proposed to mitigate potential amenity impacts of any [existing industrial or warehouse use referred to in the table in Clause 52.10 [PPPS]] [existing concrete batching plants [MPS]] on the proposed sensitive use, to within acceptable levels. [CCZ 2.0p10]~~
- ~~the following information to show how the development is designed to protect future occupants from potential adverse amenity impacts, including: [CCZ 4.0p42]~~
 - ~~Incorporation of noise attenuation measures in accordance with Australian Standard 2107 and SEPP N-1. [CCZ 4.0p43]~~
 - ~~Measures to protect against the impacts of vibration, light pollution, and odours and poor air quality. [CCZ 4.0p44]~~
- An application for buildings and works associated with accommodation, dwelling, motel, residential aged care facility, residential hotel, residential village, retirement village, hostel, child care centre, education centre must be accompanied by, as appropriate:
 - An assessment of the amenity impact of nearby ~~[port operations [PPPS]] freight routes [including Lorimer Street [MPS]] or major transport infrastructure including the West Gate Freeway on the proposed sensitive uses. [CCZ 2.0p9]~~
 - ~~Incorporation of noise attenuation measures internally and externally in accordance with Australian Standard 2107 and SEPP N-1. [CCZ 4.0p43] [PPPS]~~
- Any technical or supporting information necessary, prepared by suitably qualified professionals, including: [CCZ 4.0p45]
 - ~~Environmentally Sustainable Design Statement Sustainability Management Plan addressing ESD, Waste and Water management [CCZ 4.0p46]~~

Commented [A39]: delete unless made available prior to the amendment proceeding.

Commented [A40]: Repeated below

Commented [A41]: Not relevant to the trigger for such a plan – which is the concrete batching plants. Taken below as a separate bullet point.

Commented [A42]: Drafted to be consistent with cl 2.0as per Barro submission.

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- 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.
- An application to construct or extend a building of four or less storeys must, where the building includes two or more dwellings, be accompanied by a design response and report explaining how the proposed design meets the objectives of Clause 55 for an application to construct or extend a building of four or less storeys where the building includes two or more dwellings.

Commented [A43]: Moved – there were two 'application requirements' headings.

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 proposal responds satisfactorily to the Fishermans Bend Urban Renewal Area Local Policy
- Whether the layouts of streets, laneways and open space are consistent with those shown in the relevant ~~Maps~~ 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 to the future metro train alignment and potential future elevated freight alignment. [CCZ 4.0p58] [PPPS]]
- The social benefit associated with the provision of Social Housing or affordable housing or key worker housing delivered as part of the development.
- Any impacts on infrastructure arising from the additional population arising from floorspace in excess of the Total Floor Area Ratio specified in Table 1 and the extent to which they have been mitigated by the proposal.

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- Whether the proposal includes appropriate mitigation measures to protect against off-site amenity impacts [associated with existing concrete batching plants] [MPS] [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]
- ~~The proposed 4 Star Green Star Design and As-Built rating (or equivalent).~~ [CCZ 4.0p62]
- Whether appropriate sustainable water, waste and energy management is proposed. [CCZ 4.0p63]
- Where only part of a site is developed, whether 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) to ensure that the Floor Area Ratios across the whole of the site will not be exceeded and whether the development is sited so that adequate setbacks are maintained in the event that the site is subdivided or otherwise altered to create a separate future development site. [CCZ 4.0p64]
- ~~If a Public Benefit is proposed.~~ [CCZ 4.0p65]
 - ~~[CCZ 4.0p66]~~
 - ~~The management and maintenance of the Public Benefit(s).~~ [CCZ 4.0p67]
- [The views of Transport for Victoria for any proposal to construct a building, other than alterations and additions to an existing buildings that are within 50 metres of a potential future elevated freight route shown in the relevant Map to this schedule to ensure the proposed building location and access points will not compromise construction of the future freight route. [CCZ 4.0p69] [PPPS]]
- 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]
- Whether residential development of four or less storeys meets the objectives of Clause 55.
- In considering whether a permit should be granted for the buildings and works associated with an existing use of land for industry or warehouse, the Responsible Authority must consider, as appropriate:
 - The impact of the proposed buildings and works on the amenity of the future urban renewal area;
 - Whether the grant of the permit will prejudice the achievement or orderly development of the future urban structure for the area as shown on maps #;
 - The extent to which the buildings and works will facilitate an important ongoing use of the land during the transition from an industrial area to a high density mixed use precinct;
 - Whether the buildings and works support the continued operation of an existing industrial use which is consistent with or will facilitate the urban renewal of Fishermans Bend.
- ~~A permit allowing a sensitive use on land within 450 metres of the South Melbourne to Brooklyn pipeline or the Dandenong to West Melbourne pipeline or within 100 metres of the Port Melbourne to Symex Holdings pipeline as shown on Map # must include a condition requiring that before development starts, including demolition, a construction management plan addressing the must be submitted to and approved by~~

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~~the responsible authority. The plan must be endorsed by the operator of the relevant
high pressure pipeline.~~

Commented [A44]: Moved to Conditions Required by Schedule

5.0 Advertising signs

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GC81

A permit is required to construct and display a sign except 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]
- ~~In core areas as shown on the relevant Map of this schedule, a [PPPS]~~ [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]
- ~~In core areas as shown on the relevant Map of this schedule, an [PPPS]~~ [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]
- ~~In core areas as shown on the relevant Map of this schedule, a [PPPS]~~ [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]

6.0 —Referral of applications

An application for development with a gross floor area exceeding 25,000 [alternatively 40,000] square metres must be referred in accordance with section 55 of the Act to the referral authority specified in the schedule to clause 66.04.

An application for use or development or subdivision for which the Melbourne City Council is the Responsible Authority must be referred in accordance with section 55 of the Act to the referral authority specified in the schedule to clause 66.04.

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Map 1: Montague Urban Structure



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Map 2: Sandridge Urban Structure



LEGEND

- Active frontages
 Primary (80%) Secondary Type 1 (60%) Secondary Type 2 (20%)
- Core area
 - Existing public open space
 - New public open space
 - No crossovers permitted
 - 16m road widening
 - 6m road widening
 - Potential future metro station
 - Potential future metro alignment
 - Road closure
 - New road - 12m wide
 - New laneway (Location indicative)
 - New road - 22m wide
 - New road (Width subject to detailed precinct planning)

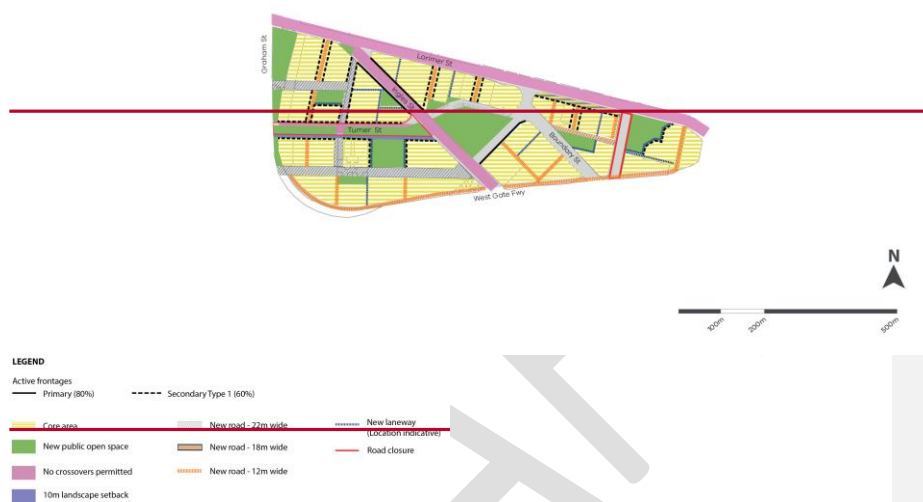
Map3: Wirraway Urban Structure



LEGEND

- Active frontages
 Primary (80%) Secondary Type 1 (60%) Secondary Type 2 (20%)
- Core area
 - Existing public open space
 - New public open space
 - No crossovers permitted
 - 6m road widening
 - 16m road widening
 - Potential future metro alignment
 - Potential future metro station
 - New road - 22m wide
 - New laneway (Location indicative)
 - Potential freight alignment

Map 4: Lorimer Urban Structure



LEGEND

Active frontages	----- Secondary Type 1 (60%)	----- New laneway (Location indicative)
Primary (80%)	----- New road - 22m wide	----- Road closure
Core areas	----- New road - 18m wide	
New public open space	----- New road - 12m wide	
No crossovers permitted		
10m landscape setback		

TBC [based on GIS mapping]

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]

Core area and non-core area are those area identified on the relevant Map [PPPS]. [CCZ Def.0p3]

Dwelling floor area ratio means the gross floor area of a building which is to be used for dwellings divided by the gross developable area. [LPP 4.p4] Within a mixed use building, any floor space shared between dwelling and non-dwelling uses will be included in the calculation of dwelling floor area in proportion to the overall floorspace allocated between dwelling and non-dwelling uses of the land.

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

Gross developable area means the total site area, including any proposed road, laneway and public open space.

[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. 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.0p6]

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Minimum non-dwelling floor area ratio means floor area ratio less the dwelling floor area ratio.

~~Public Benefit~~ means the provision of ~~Social Housing~~ to the satisfaction of the Responsible Authority.

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

Total Floor Area Ratio means the dwelling floor area ratio plus the non-dwelling floor area ratio.

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