

Report to the Future Melbourne Committee

Agenda item 6.2

Serial Planning Referral: ID-2021-3
13-33 Hartley Street, Docklands

15 February 2022

Presenter: Marjorie Kennedy, Head of Statutory Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of Melbourne Planning Scheme Amendment C413MELB (the Amendment) which seeks to facilitate the redevelopment of land at 13-33 Hartley Street, Docklands (Attachment 2 – Locality Plan). This site is located within the Fishermans Bend Urban Renewal Area.
2. The applicant is Hatch Roberts Day who is acting on behalf of the owner who is Claric Ninety-Nine Pty Ltd. The architect is MGS Architects.
3. The Amendment seeks to introduce a new site specific planning control via a new schedule to the Specific Controls Overlay (SCO) and Incorporated Document (ID) '13-33 Hartley Street, Docklands'. The Amendment request was made to the Minister for Planning under section 20(4) of the *Planning and Environment Act 1987* (Act) and referred to Council for comment under section 20(5) of the Act.
4. The site is located in Capital City Zone, Schedule 4 (Fishermans Bend Urban Renewal Area), Design and Development Overlay Schedule 67 (Fisherman's Bend - Lorimer Precinct), Environmental Audit Overlay, Parking Overlay Schedule 13 (Fishermans Bend Urban Renewal Area) and Infrastructure Contributions Overlay Schedule 1 (Fishermans Bend Infrastructure Contributions Plan).
5. Due to the current planning framework and provisions, the SCO / Incorporated Document process is the only mechanism currently available to redevelop the site.
6. The proposal seeks to demolish the existing buildings and construct a new building that has a podium and tower format. The proposed building will have 50 levels and has a height of 164 metres. The proposed building will contain dwellings, office, and retail premises land uses.
7. The proposed Amendment is a culmination of a collaborative process between the Council, the Department of Environment, Land, Water and Planning and Development Victoria that was initiated given the strategic significance and opportunities of the project.

Key issues

8. While the Incorporated Document can exempt the proposal from Planning Scheme requirements, there are key issues to be considered in regard to the appropriateness of the built form in relation to DDO67 (Fisherman's Bend - Lorimer Precinct) and the policy provisions of Clause 22.27 (Fishermans Bend Urban Renewal Area Policy).
9. The proposed built form complies with the built form requirements, including podium and tower heights and setbacks and is therefore not considered to introduce unreasonable amenity impacts to the public realm or adjoining sites.
10. The proposed materials and design of the development are generally supported based on best practice urban design principles, subject to a façade strategy to further refine the design.
11. The proposal provides less than the maximum car parking rate set by the Parking Overlay, Schedule 13 and seeks to greatly exceed the minimum bicycle parking facilities; ensuring this development will encourage sustainable transport.
12. The proposal includes the provision of a large portion of the site to be set aside for a public park and a new road, responding appropriately to the future vision of Fishermans Bend.
13. The proposal seeks to provide a minimum of 2 per cent (7 dwellings) of the dwellings to be gifted to a housing provider as social housing.

Recommendation from management

14. That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports the proposed planning scheme amendment subject to the updated draft incorporated document, which includes altered and additional conditions as outlined in the delegate report (refer Attachment 4 of the report from management).

Attachments:

1. Supporting Attachment (Page 3 of x)
2. Locality Plan (Page 4 of x)
3. Selected Plans (Page x of x)
4. Delegate Report (Page x of x)

Supporting Attachment

Legal

1. Section 20(4) of the Act provides that the Minister may exempt himself from any of the requirements of sections 17, 18 and 19 of the Act and the regulations under the Act in respect to the Amendment (exhibition and notice), if the Minister considers that compliance with any of those requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate.
2. Section 20(5) of the Act provides that the Minister may consult with the responsible authority or any other person before exercising the powers under subsection (4).
3. The proposed controls and development have been assessed against the relevant provisions of the Act and Melbourne Planning Scheme.

Finance

4. There are no direct financial issues arising from the recommendations contained within this report.

Conflict of interest

5. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Health and Safety

6. Relevant planning considerations such as traffic and waste management, potential amenity impacts and potentially contaminated land that could impact on health and safety have been considered within the planning permit application and assessment process. No other Occupational Health and Safety issues or opportunities have been identified.

Stakeholder consultation

7. The Minister for Planning referred the application to Council in accordance with Section 20(5) of the Act. The Minister has not required any further public consultation.

Relation to Council policy

8. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

Environmental sustainability

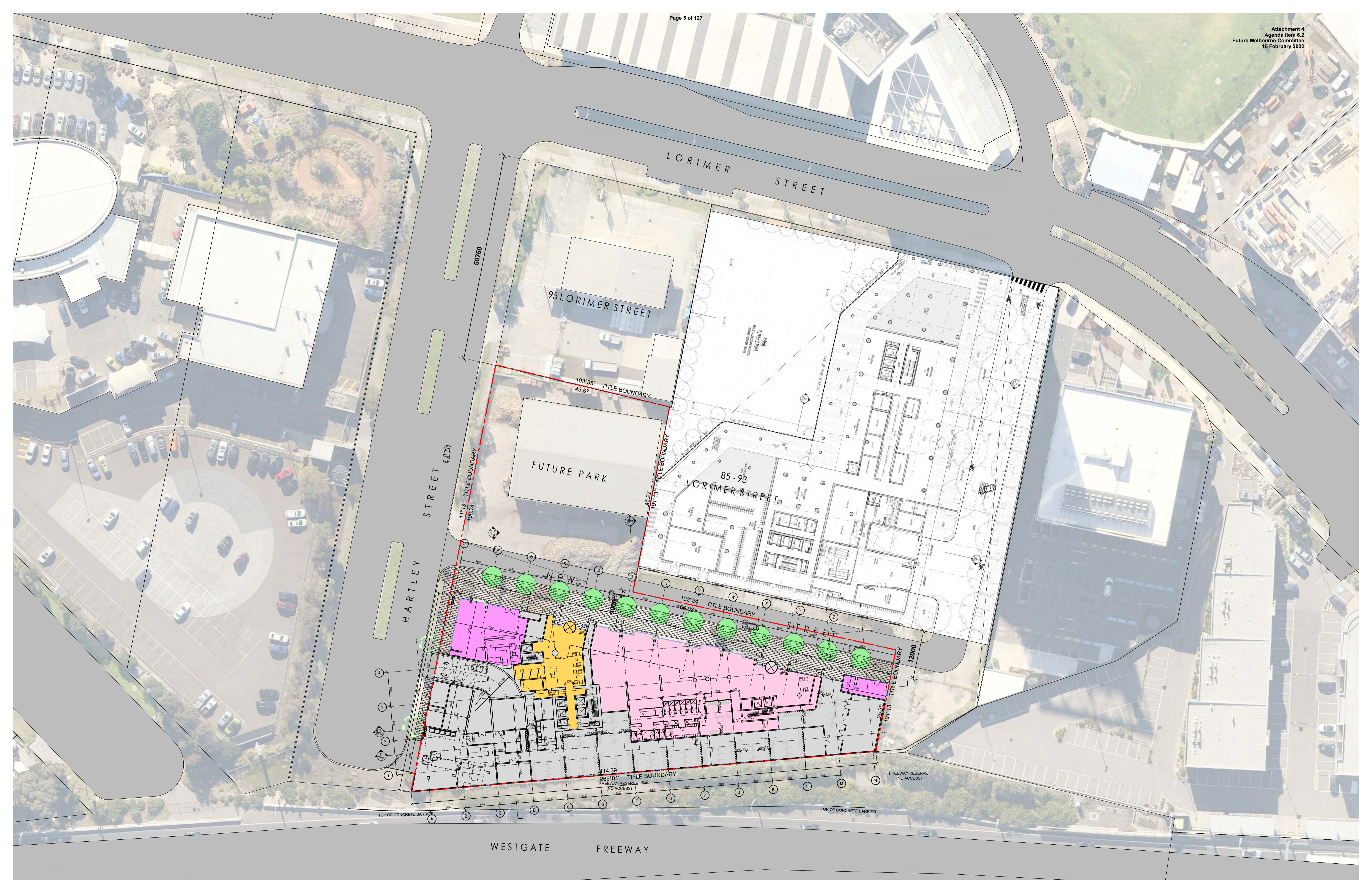
9. The Environmentally Sustainable Design report submitted with the application confirms the proposed development will generally achieve the relevant performance measures set out in Clauses 22.19 (Energy, Water and Waste Efficiency) and 22.23 (Stormwater Management) of the Melbourne Planning Scheme.

Locality Plan

Attachment 2
Agenda item 6.2
Future Melbourne Committee
15 February 2022

13-33 Hartley Street, DOCKLANDS





REVISIONS
N 24.09.2021 PRELIM

CJ

PROJECT
13 - 33 HARTLEY STREET DOCKLANDS

PROJECT NUMBER
14105

CLIENT
CLARIC 99

DRAWING TITLE
SITE PLAN

DRAWN BY
CJ

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DATE
01.06.2016

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TP01

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PLANNING APPLICATION ISSUE

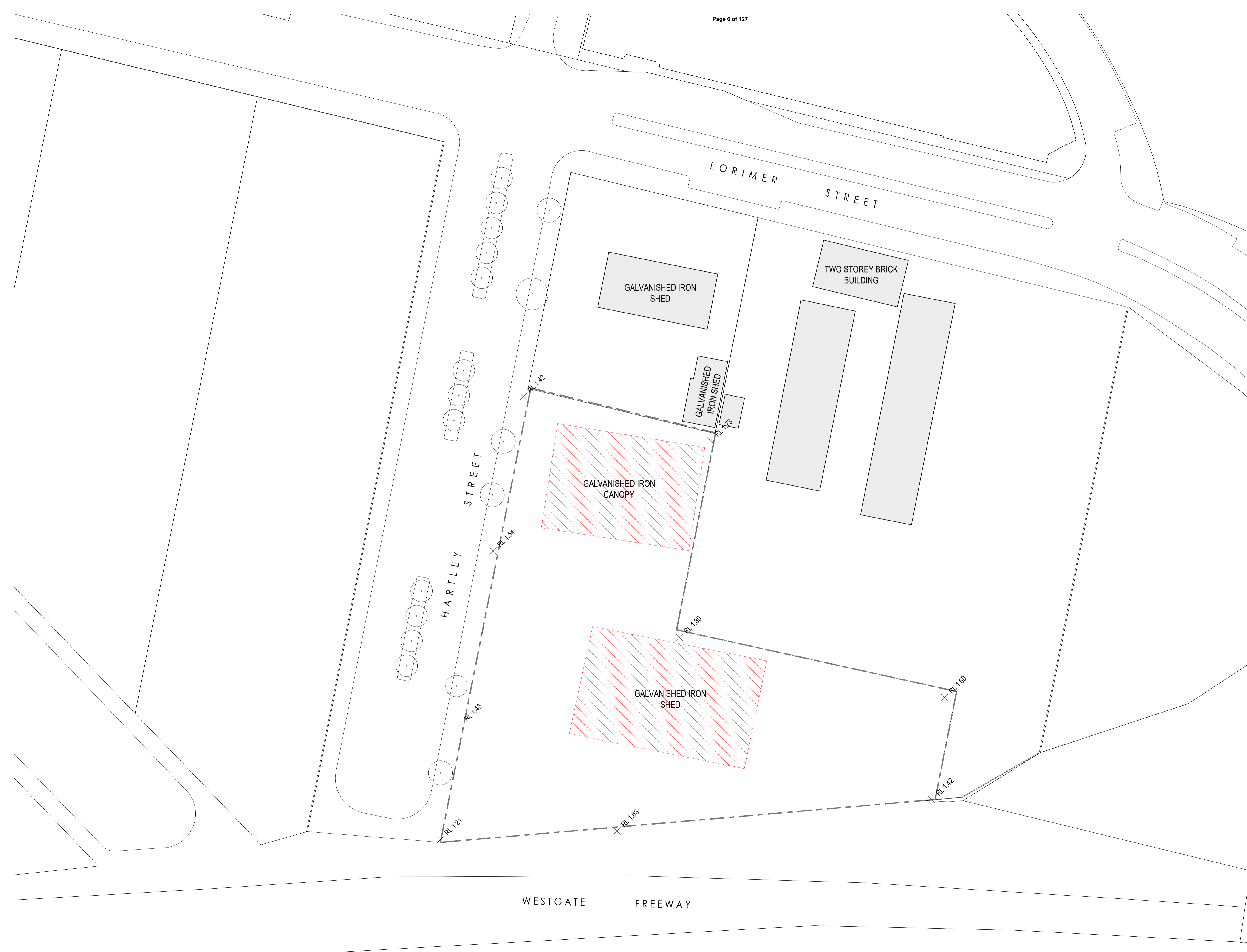
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LEGEND

-  EXISTING TREES
-  EXISTING SURROUNDING BUILDINGS
-  BUILDINGS TO BE DEMOLISHED
-  SITE BOUNDARY



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PROJECT
13 - 33 HARTLEY STREET DOCKLANDS

PROJECT NUMBER
14105

CLIENT
CLARIC 99

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DEMOLITION PLAN

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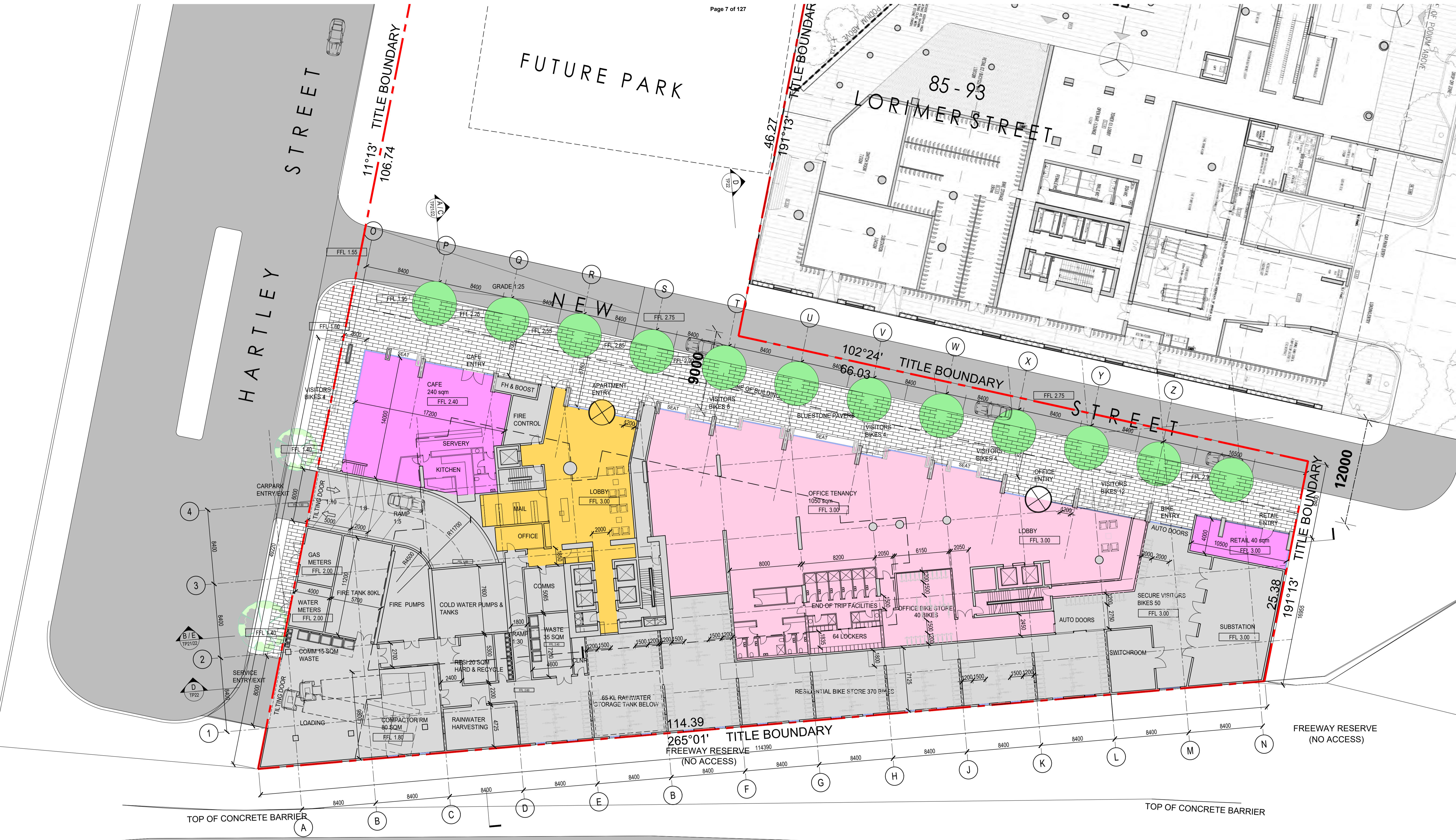
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13 - 33 HARTLEY STREET DOCKLANDS

PROJECT NUMBER
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PROJECT NUMBER
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CLIENT
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DRAWING TITLE
 PODIUM LEVEL 2 PLAN

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PROJECT NUMBER
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CLIENT
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PODIUM LEVEL 3 PLAN

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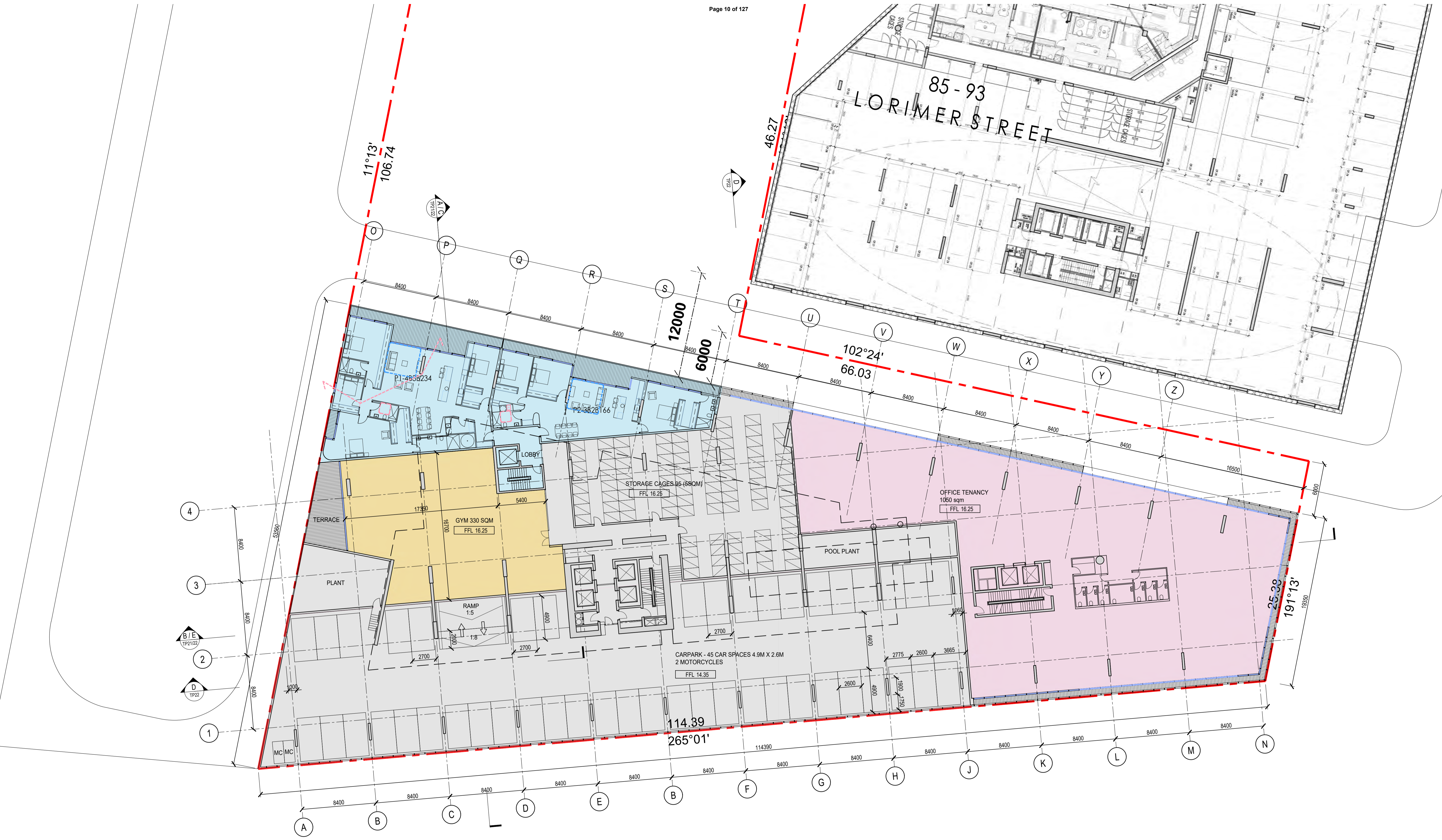
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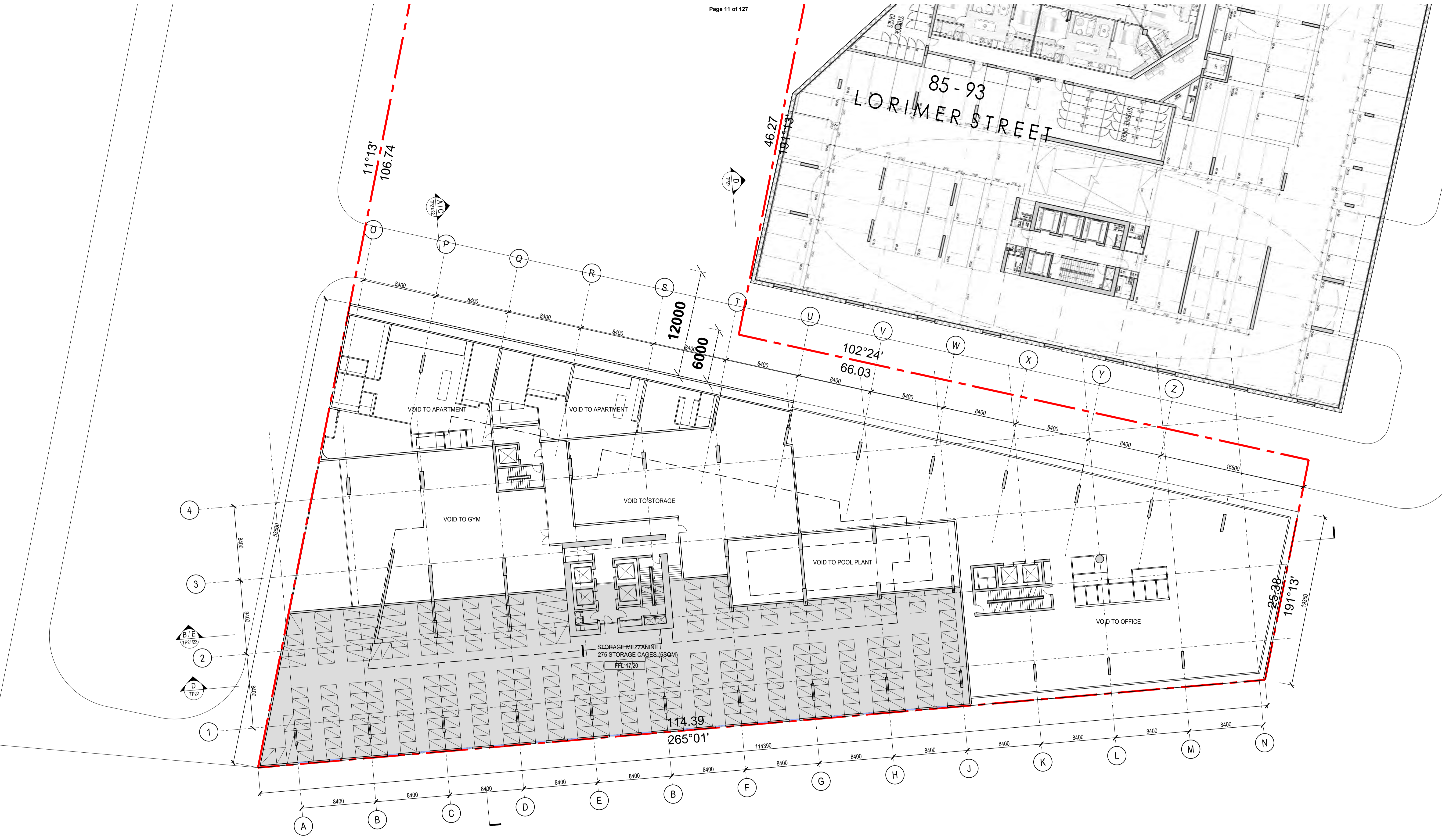
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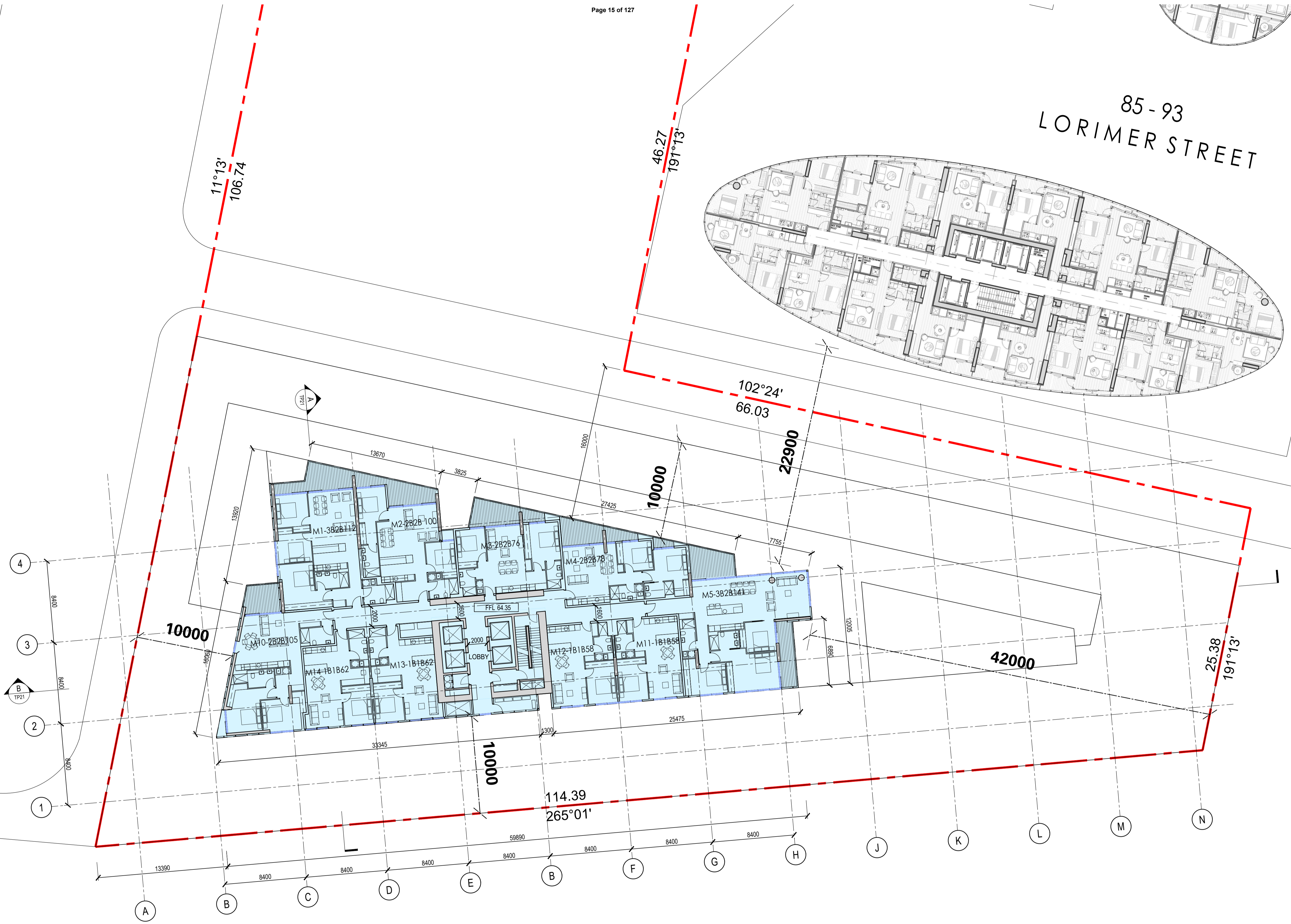
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14105

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LEVELS 13 - 18 PLAN

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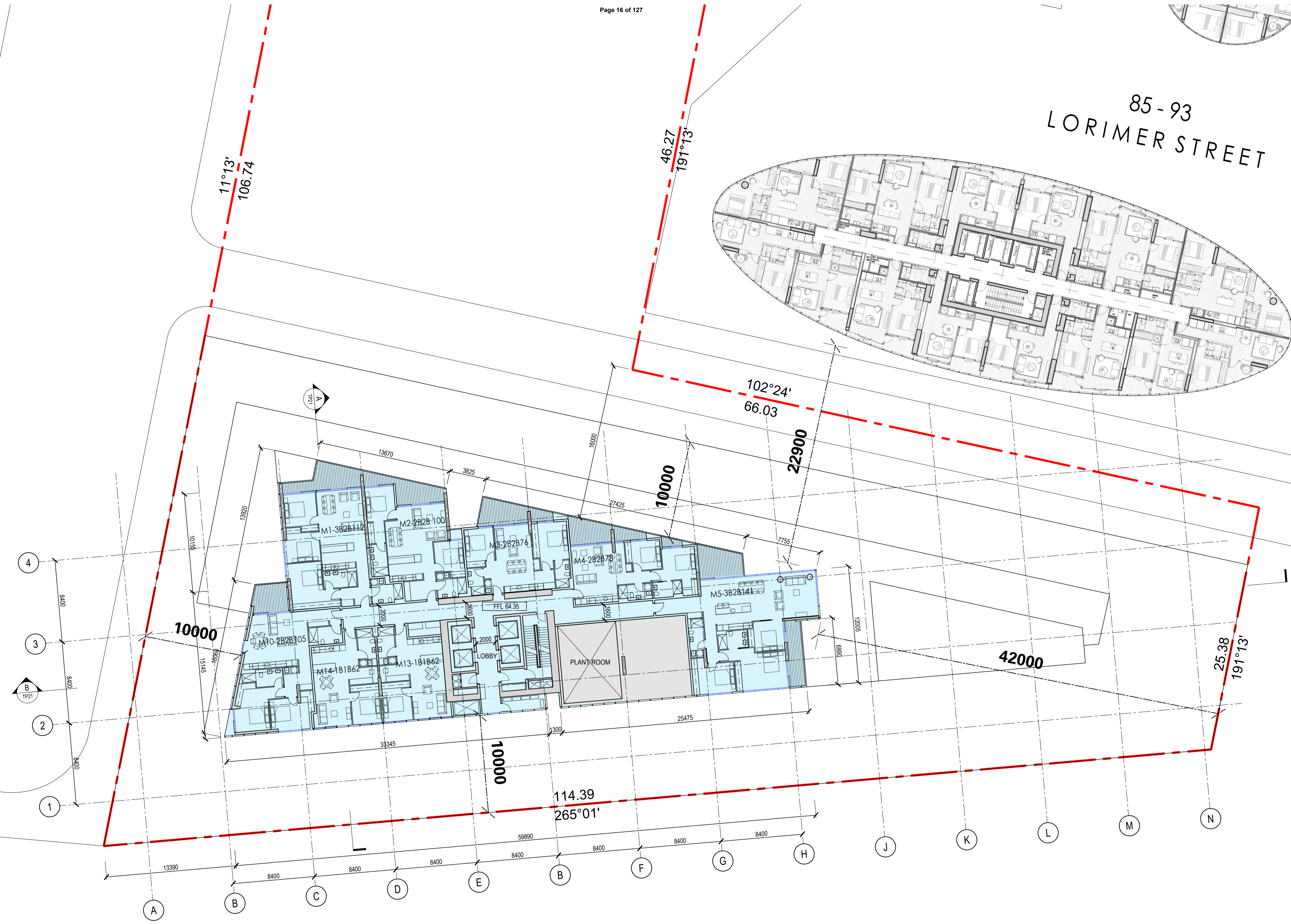
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14105

CLIENT
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LEVELS 19 PLAN

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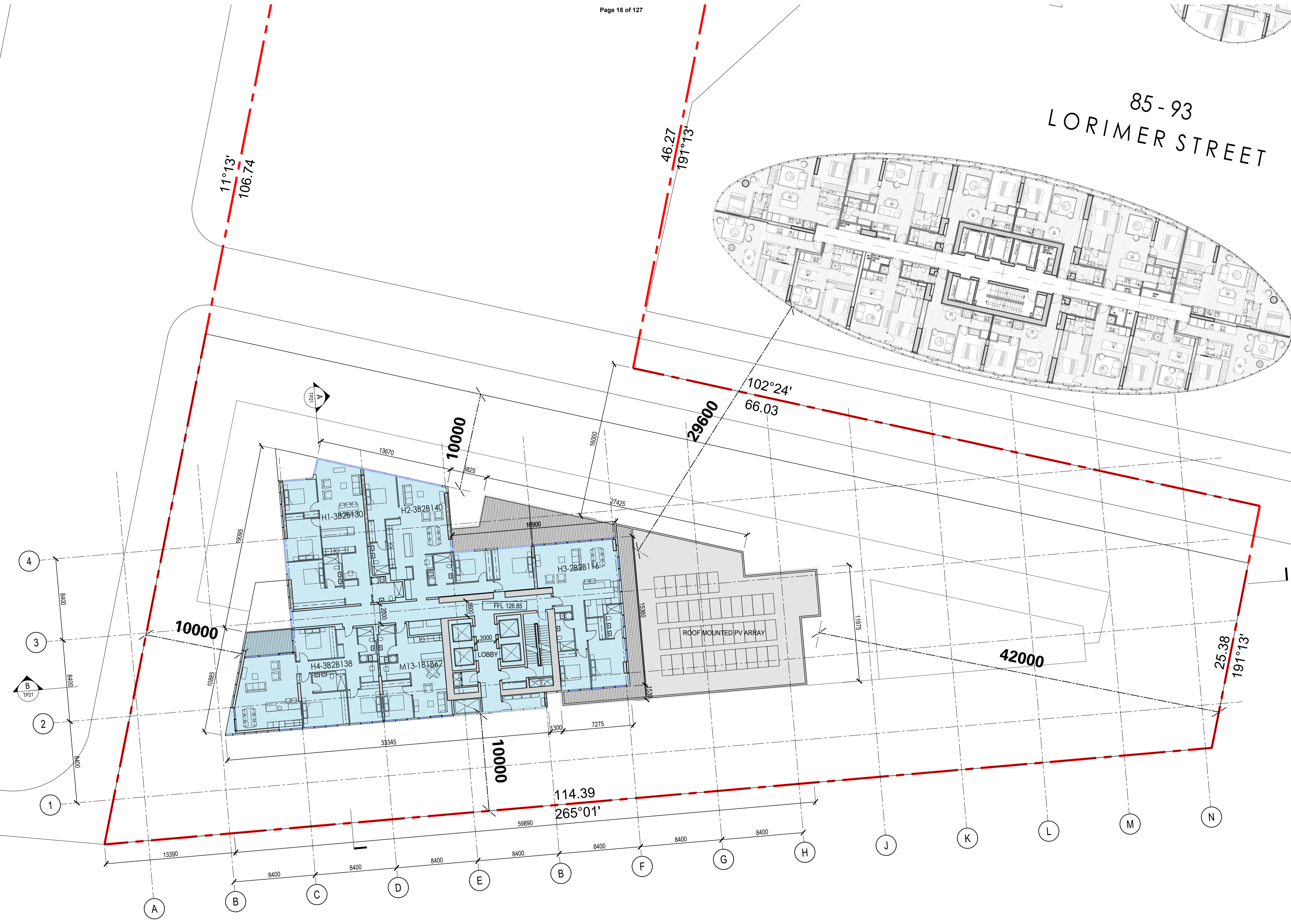
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14105

CLIENT
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LEVEL 39 PLAN

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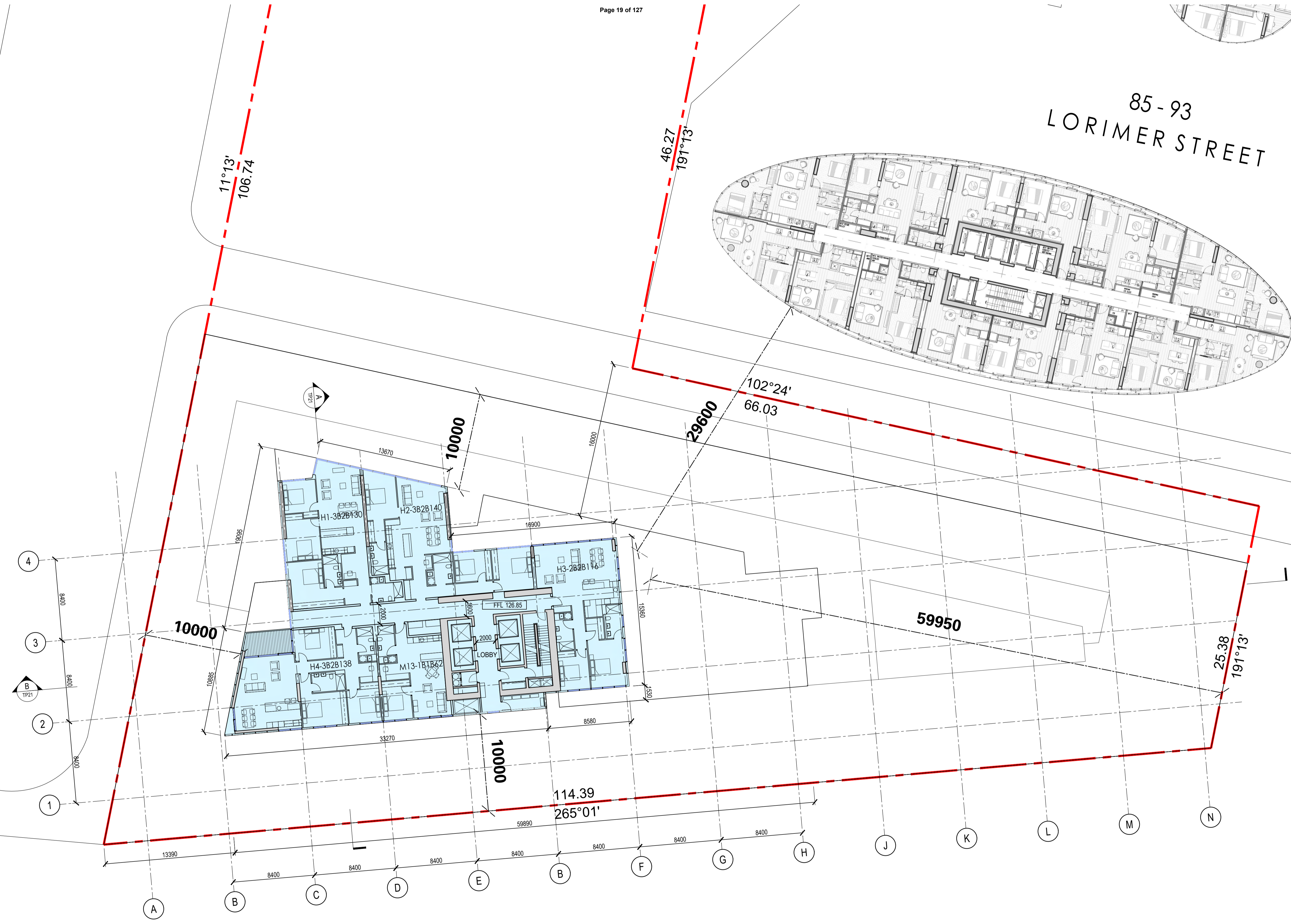
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PROJECT
13 - 33 HARTLEY STREET DOCKLANDS

PROJECT NUMBER
14105

CLIENT
CLARIC 99

DRAWING TITLE
LEVELS 40 - 49 PLAN

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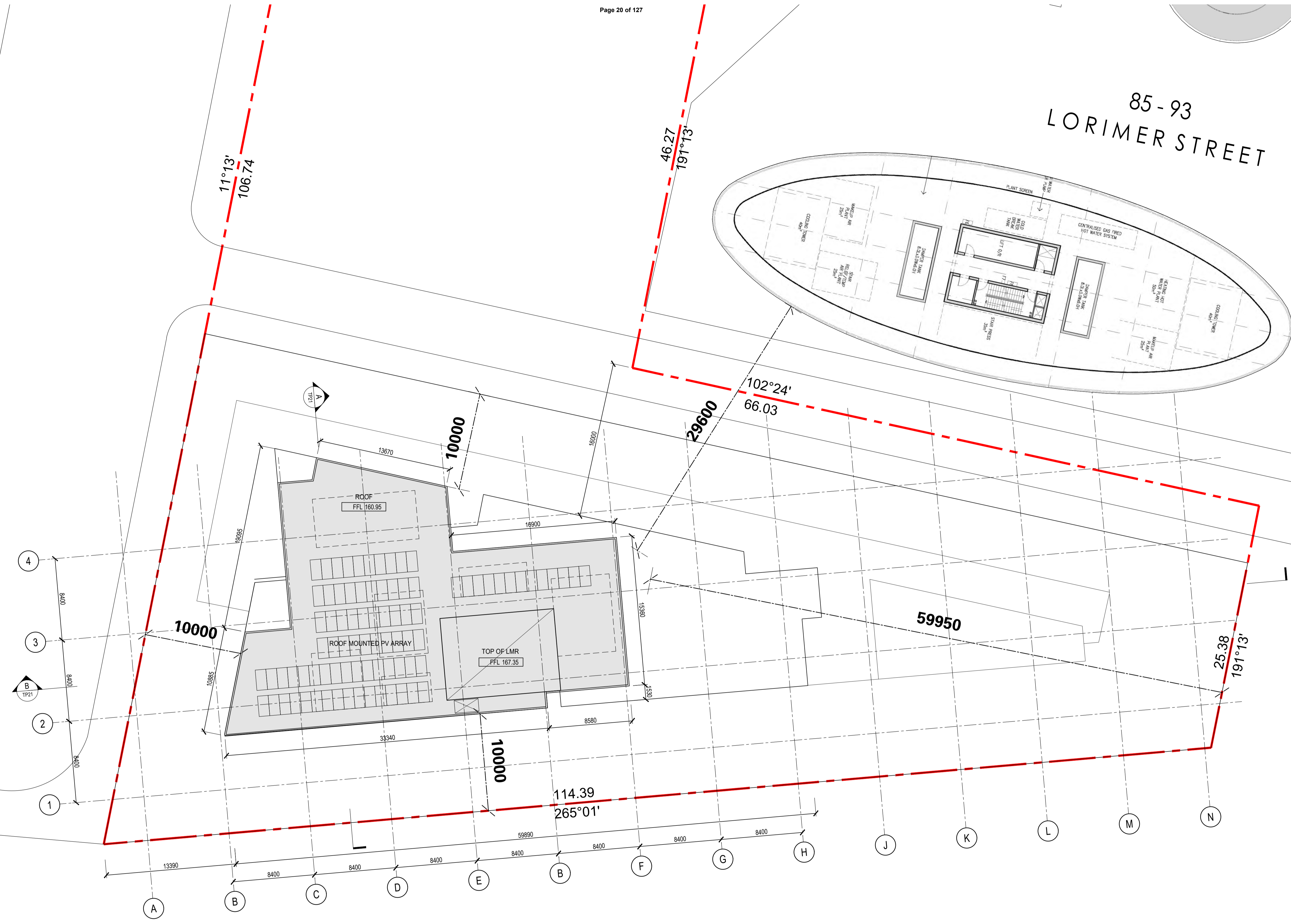
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PROJECT NUMBER
14105

CLIENT
CLARIC 99

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ROOF PLAN

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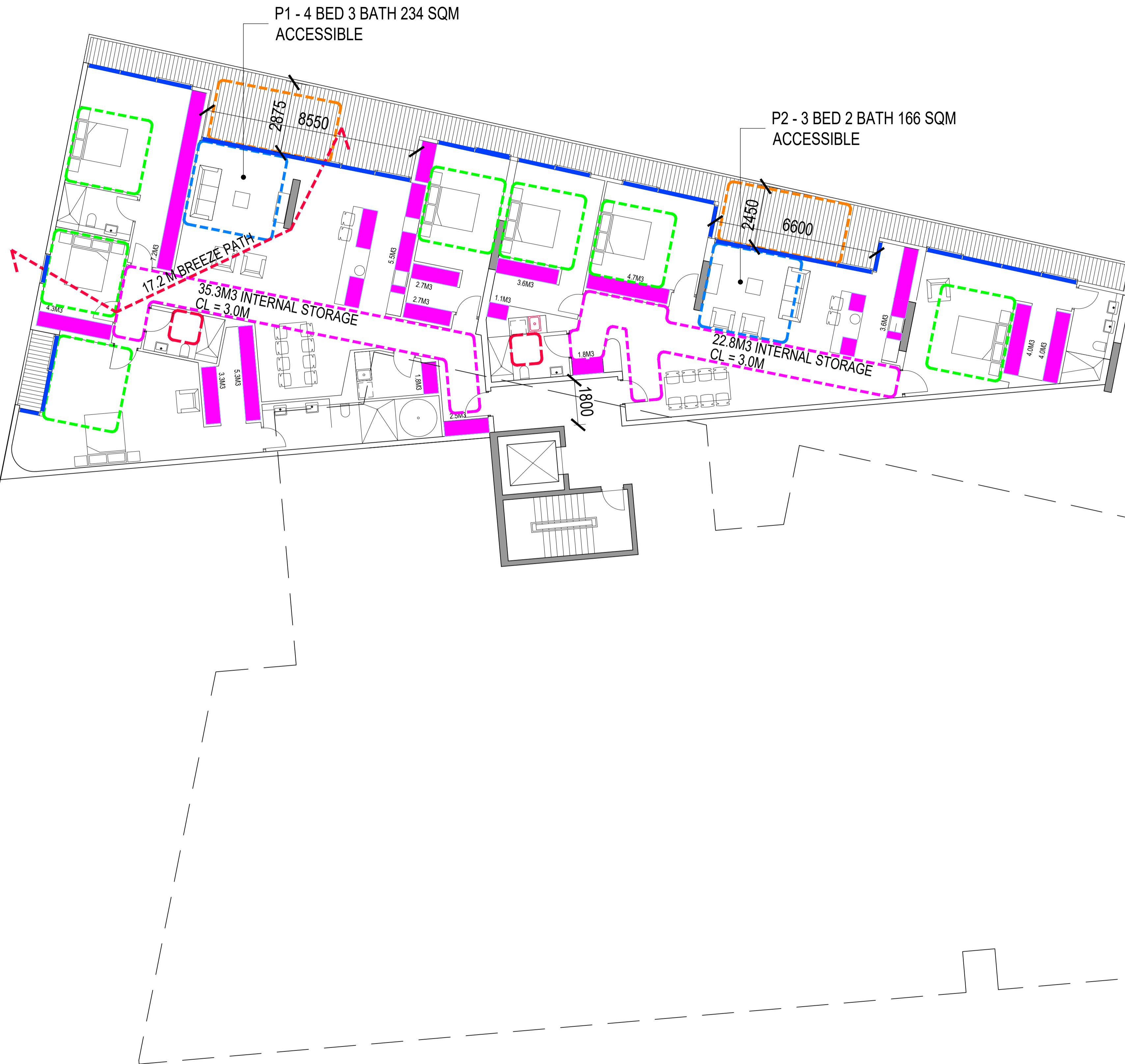
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- MINIMUM LIVING ROOM DIMENSIONS
1 BEDROOM = 3.3M WIDE/10 SQM
2+ BEDROOMS = 3.6M WIDE/12 SQM
- MINIMUM BEDROOM DIMENSIONS
MAIN BEDROOM = 3 X 3.4M
OTHER BEDROOMS = 3 X 3M
- ACCESS PATH
MIN. 1.2M WIDE
- ACCESSIBLE BATHROOM
MIN. 1.2M X 1.2M
- PRIVATE OPEN SPACE
1 & 2 BEDROOM MIN. 2M DEEP/8 SQM
3+ BEDROOM MIN. 2.4M DEEP/12 SQM
- ↪ BREEZE PATH
MIN. 5M MAX. 18M

REVISIONS
N 24.09.2021 PLANNING APPLICATION ISSUE CJ

PROJECT 13 - 33 HARTLEY STREET DOCKLANDS

PROJECT NUMBER 14105

CLIENT CLARIC 99

DRAWING TITLE TYPICAL APARTMENTS 01 BADS ASSESSMENT

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LEGEND

- MINIMUM LIVING ROOM DIMENSIONS
1 BEDROOM = 3.3M WIDE/10 SQM
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MIN. 5M MAX. 18M



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PROJECT
13 - 33 HARTLEY STREET DOCKLANDS

PROJECT NUMBER
14105

CLIENT
CLARIC 99

DRAWING TITLE
TYPICAL APARTMENTS 02
BADS ASSESSMENT

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20.09.2021

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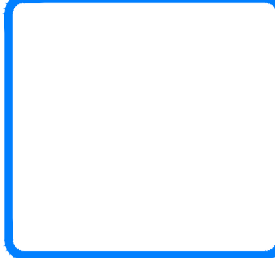
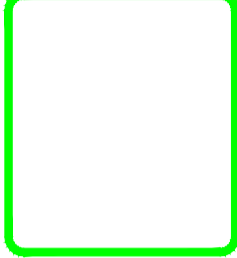


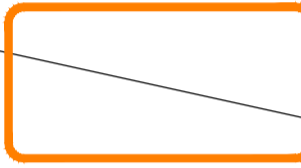

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LEGEND	
	MINIMUM LIVING ROOM DIMENSIONS 1 BEDROOM = 3.3M WIDE/10 SQM 2+ BEDROOMS = 3.6M WIDE/12 SQM
	MINIMUM BEDROOM DIMENSIONS MAIN BEDROOM = 3 X 3.4M OTHER BEDROOMS = 3 X 3M
	ACCESS PATH MIN. 1.2M WIDE
	ACCESSIBLE BATHROOM MIN. 1.2M X 1.2M
	PRIVATE OPEN SPACE 1 & 2 BEDROOM MIN. 2M DEEP/8 SQM 3+ BEDROOM MIN. 2.4M DEEP/12 SQM
	BREEZE PATH MIN. 5M MAX. 18M



REVISIONS
N 24.09.2021 PLANNING APPLICATION ISSUE CJ

PROJECT
13 - 33 HARTLEY STREET DOCKLANDS

PROJECT NUMBER
14105

CLIENT
CLARIC 99

DRAWING TITLE
TYPICAL APARTMENTS 03
BADS ASSESSMENT

DRAWN BY
CJ

CHECKED BY
CJ

DATE
20.09.2021

SCALE
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DRAWING NUMBER
TP19


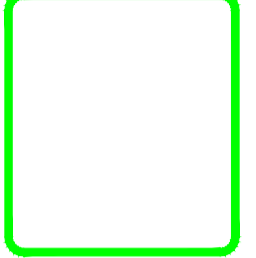
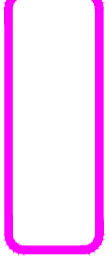

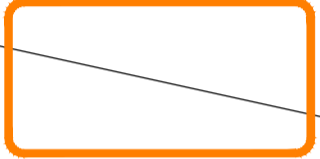

REVISION
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LEGEND	
	MINIMUM LIVING ROOM DIMENSIONS 1 BEDROOM = 3.3M WIDE/10 SQM 2+ BEDROOMS = 3.6M WIDE/12 SQM
	MINIMUM BEDROOM DIMENSIONS MAIN BEDROOM = 3 X 3.4M OTHER BEDROOMS = 3 X 3M
	ACCESS PATH MIN. 1.2M WIDE
	ACCESSIBLE BATHROOM MIN. 1.2M X 1.2M
	PRIVATE OPEN SPACE 1 & 2 BEDROOM MIN. 2M DEEP/8 SQM 3+ BEDROOM MIN. 2.4M DEEP/12 SQM
	BREEZE PATH MIN. 5M MAX. 18M



REVISIONS
N 24.09.2021 PLANNING APPLICATION ISSUE CJ

PROJECT 13 - 33 HARTLEY STREET DOCKLANDS

PROJECT NUMBER 14105

CLIENT CLARIC 99

DRAWING TITLE TYPICAL APARTMENTS 04 BADS ASSESSMENT

DRAWN BY CJ

CHECKED BY CJ

DATE 20.09.2021

SCALE 1:100 @ A1 - 1:200 @ A3

DRAWING NUMBER TP20

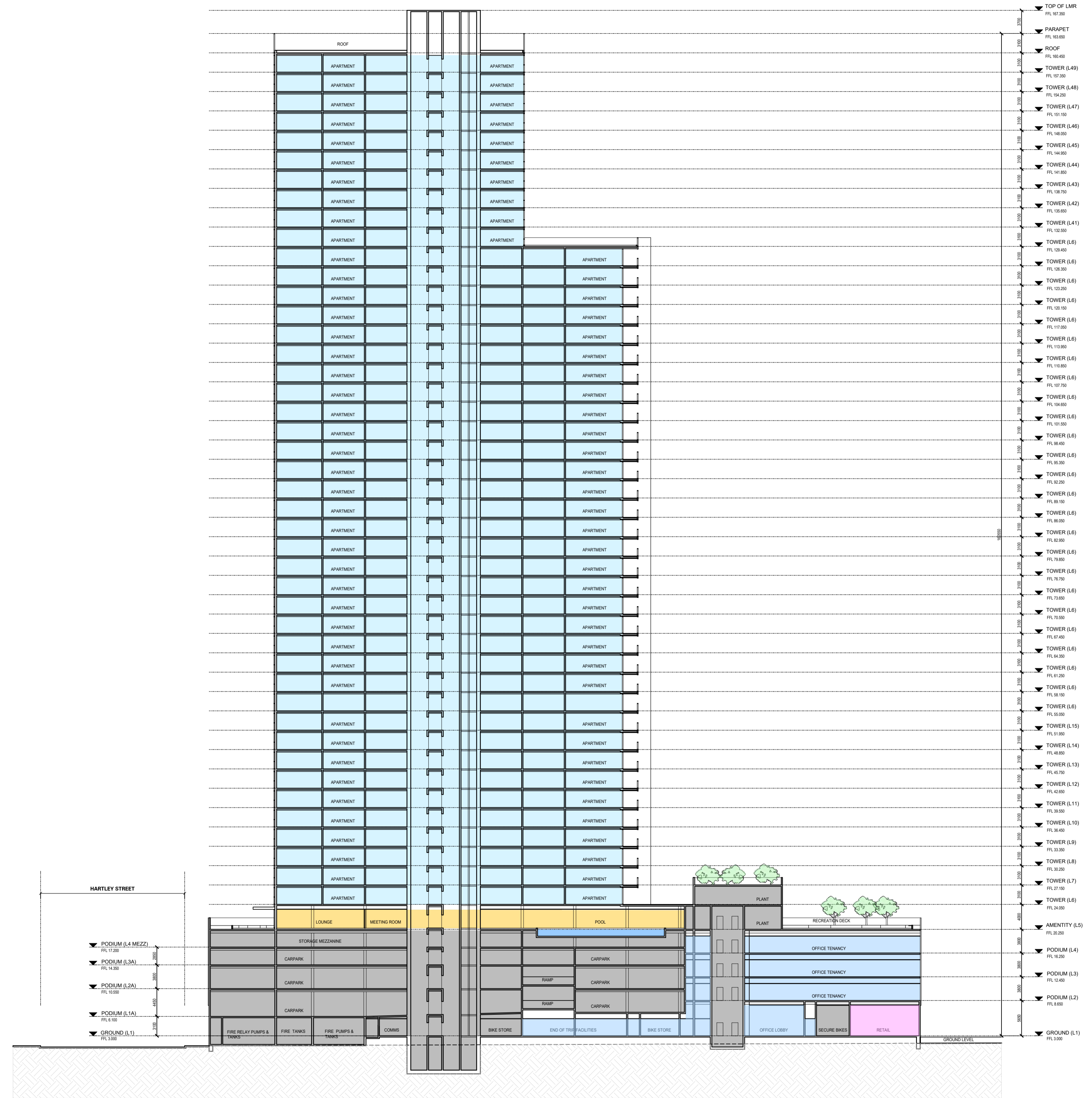
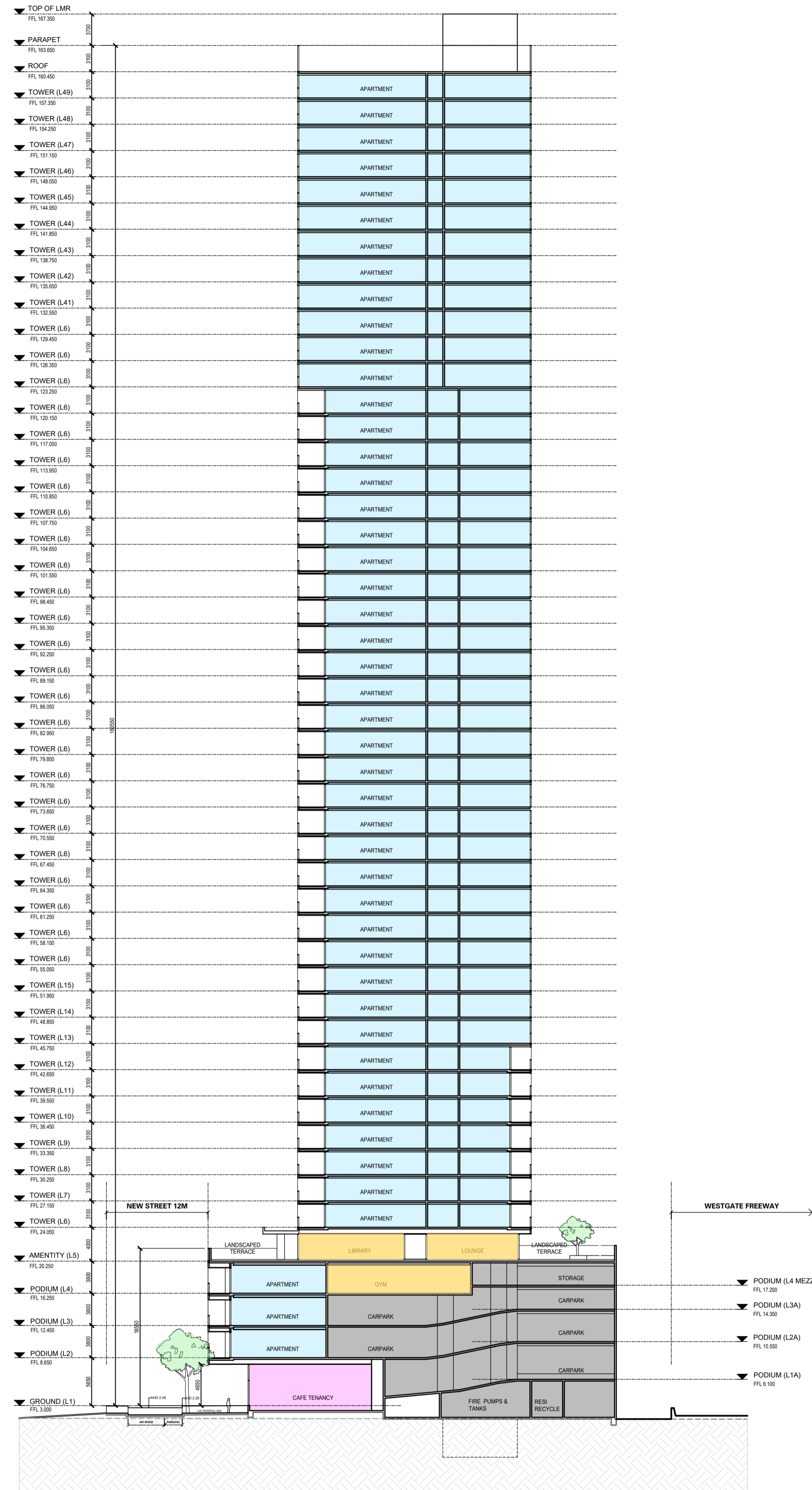
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N 24.09.2021 PLANNING APPLICATION

PROJECT
13 - 33 HARTLEY STREET DOCKLANDS

PROJECT NUMBER
14105

CLIENT
CLARIC 99

DRAWING TITLE
SECTION AA
SECTION BB

DRAWN BY
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CHECKED BY
-

DATE
17.10.2016

SCALE
1:400 @ A1 - 1:800 @ A3

DRAWING NUMBER
TP21

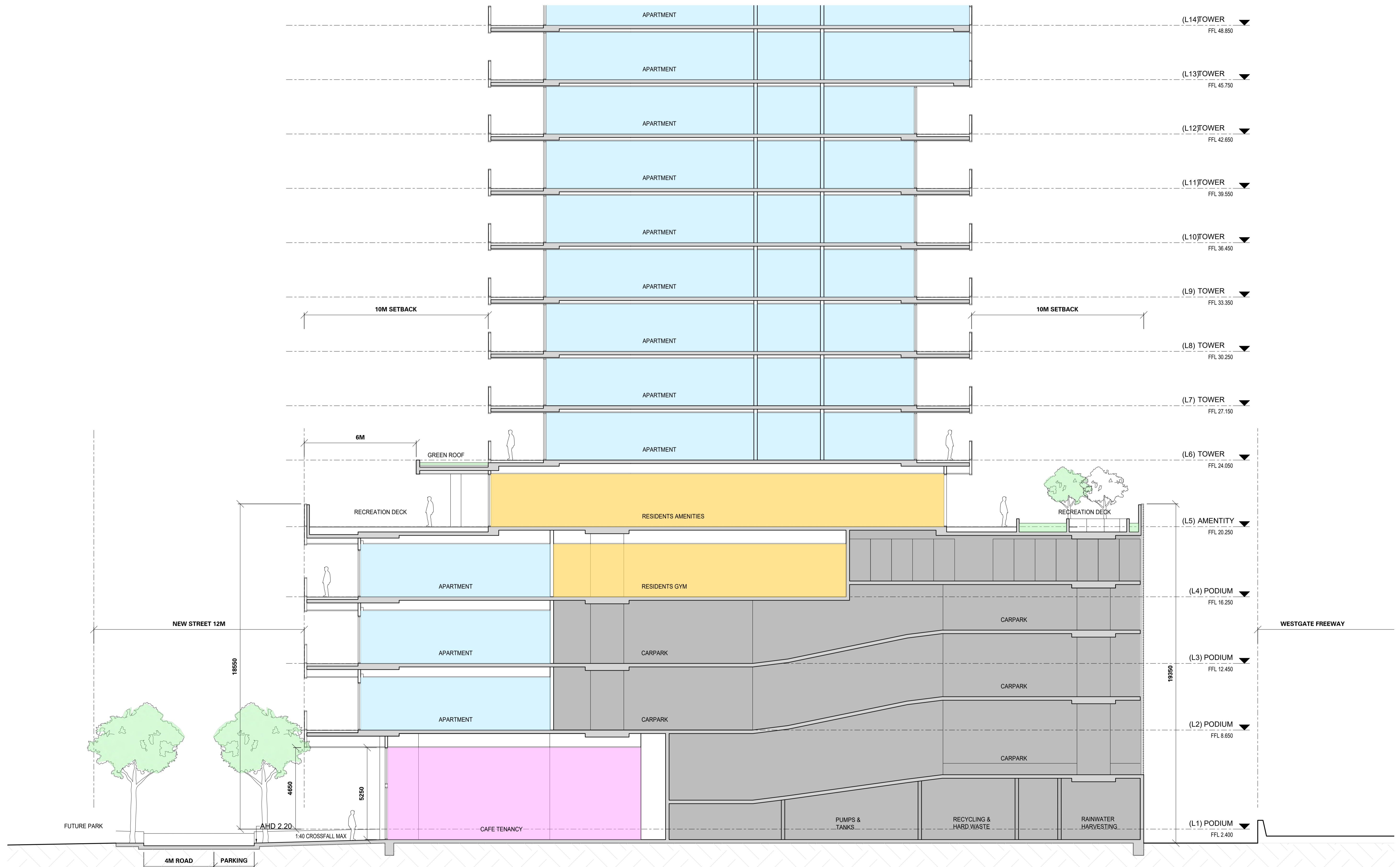
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1 SECTION CC
SCALE 1:100

REVISIONS N 24.09.2021 PLANNING APPLICATION	PROJECT 13 - 33 HARTLEY STREET DOCKLANDS	PROJECT NUMBER 14105	CLIENT CLARIC 99	DRAWING TITLE SECTION CC	DRAWN BY -	CHECKED BY -	DATE 17.10.2016	SCALE 1:400 @ A1 - 1:800 @ A3	DRAWING NUMBER TP22	REVISION N
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2 SECTION D
SCALE 1:100

REVISIONS
N 24.09.2021 PLANNING APPLICATION

PROJECT
13 - 33 HARTLEY STREET DOCKLANDS

PROJECT NUMBER
14105

CLIENT
CLARIC 99

DRAWING TITLE
SECTION DD

DRAWN BY

CHECKED BY

DATE
17.10.2016

SCALE
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DRAWING NUMBER
TP23

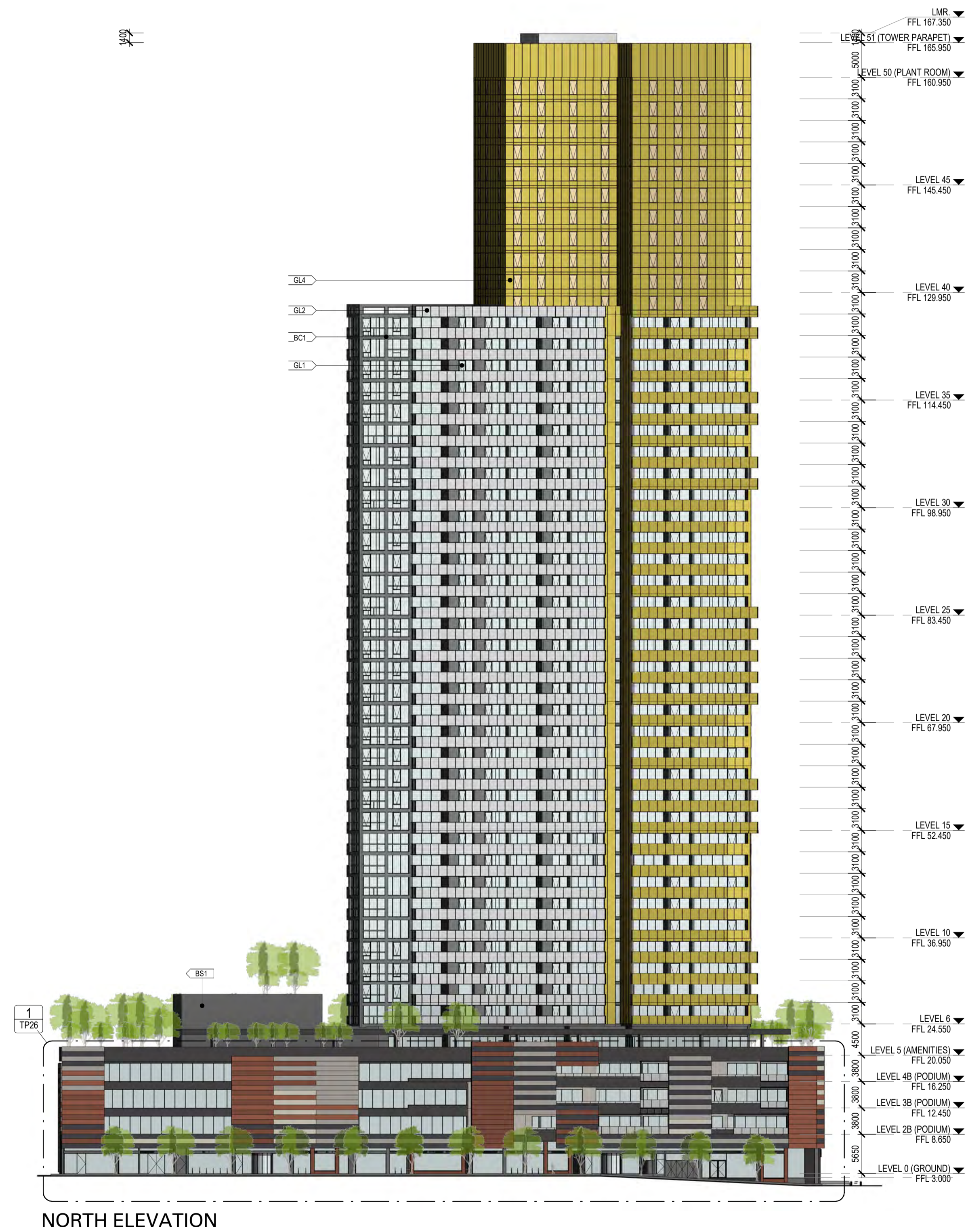
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PLANNING APPLICATION ISSUE

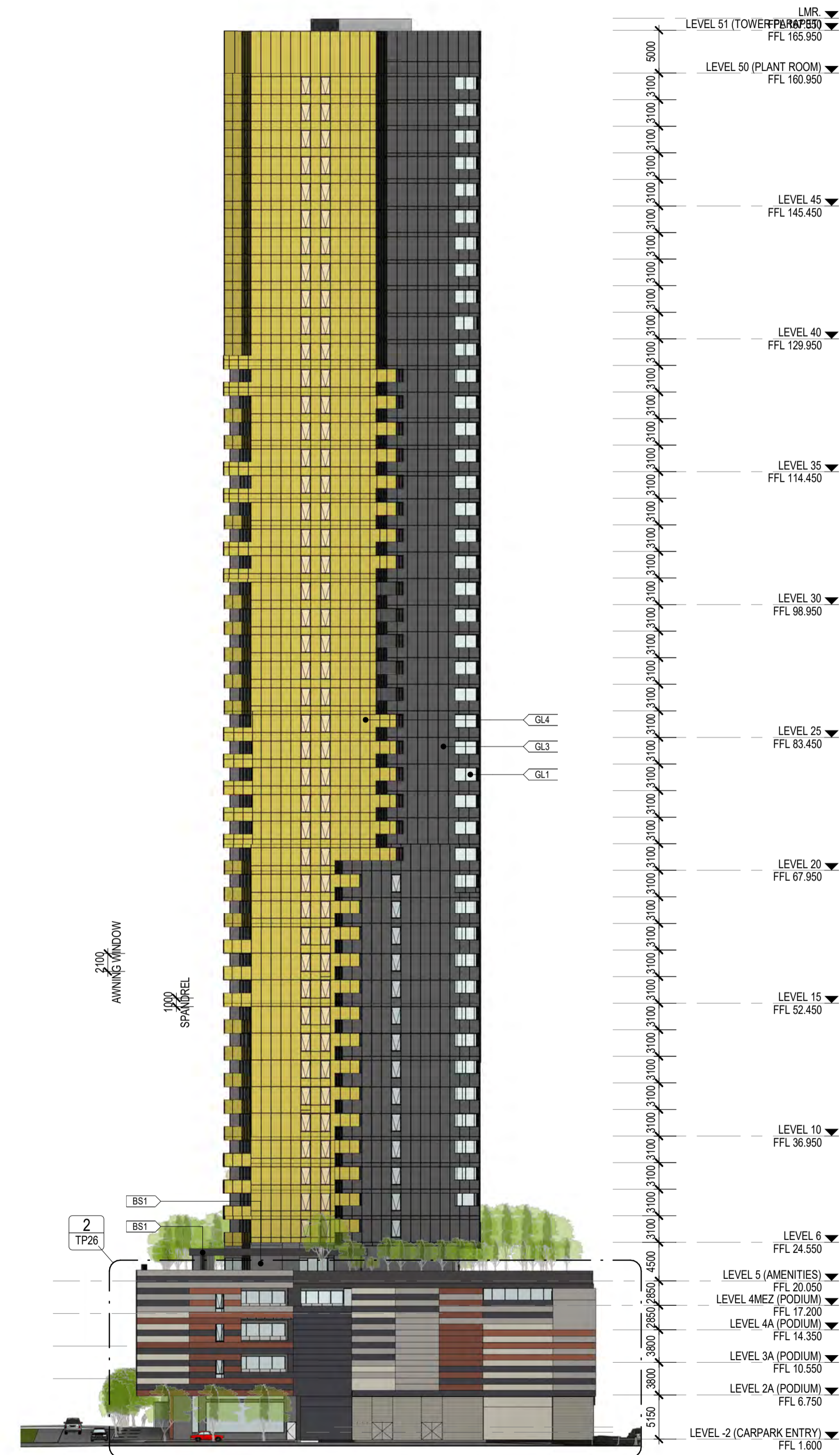
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NORTH ELEVATION



WEST ELEVATION

REVISIONS

PROJECT: 13-33 Hartley Street, Docklands

PROJECT NUMBER

CLIENT

DRAWING TITLE
ELEVATIONS - NORTH & WEST

DRAWN BY
Author

CHECKED BY
Checker

DATE
October 2021

SCALE
1 : 400

@ A1 SIZE
@ A3 SIZE

DRAWING NUMBER
TP24

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SOUTH ELEVATION

REVISIONS

PROJECT:
13-33 Hartley Street, Docklands

PROJECT NUMBER
CLIENT

DRAWING TITLE
ELEVATIONS - SOUTH & EAST

DRAWN BY
Author

CHECKED BY
Checker

DATE
October 2021

SCALE
1 : 400
@ A1 SIZE
@ A3 SIZE

DRAWING NUMBER
TP25

REVISION



EAST ELEVATION

DRAWING NUMBER
TP25

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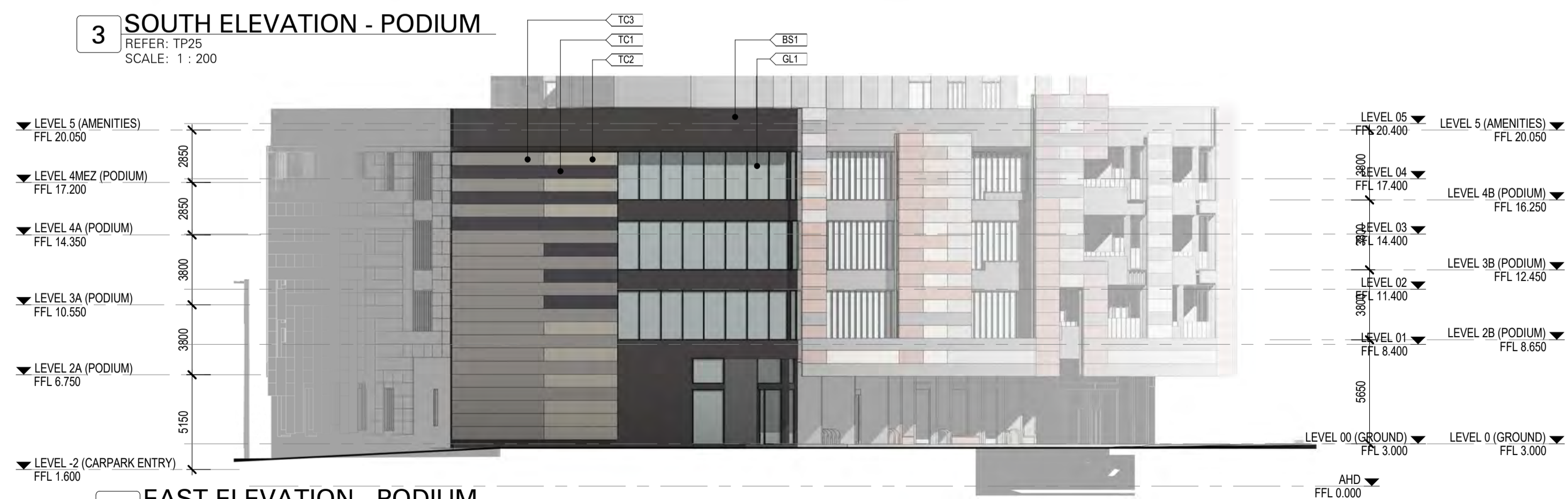
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REFER: TP24
SCALE: 1 : 200



2 WEST ELEVATION - PODIUM
REFER: TP24
SCALE: 1 : 200



3 SOUTH ELEVATION - PODIUM
REFER: TP25
SCALE: 1 : 200



4 EAST ELEVATION - PODIUM
REFER: TP25
SCALE: 1 : 200

REVISIONS

PROJECT:
13-33 Hartley Street, Docklands

PROJECT NUMBER

CLIENT

DRAWING TITLE
ELEVATIONS - PODIUM
LEVELS

DRAWN BY
M.K.

CHECKED BY
C.J.

DATE
October 2021

SCALE
1 : 200
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@ A3 SIZE

DRAWING NUMBER
TP26

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5 DETAIL NORTH ELEVATION - PODIUM
 REFER: TP26
 SCALE: 1 : 100



6 DETAIL NORTH ELEVATION - PODIUM
 REFER: TP26
 SCALE: 1 : 100

REVISIONS

PROJECT:
13-33 Hartley Street, Docklands

PROJECT NUMBER

CLIENT

DRAWING TITLE
ELEVATIONS - DETAIL
STREET LEVEL

DRAWN BY
Author

CHECKED BY
Checker

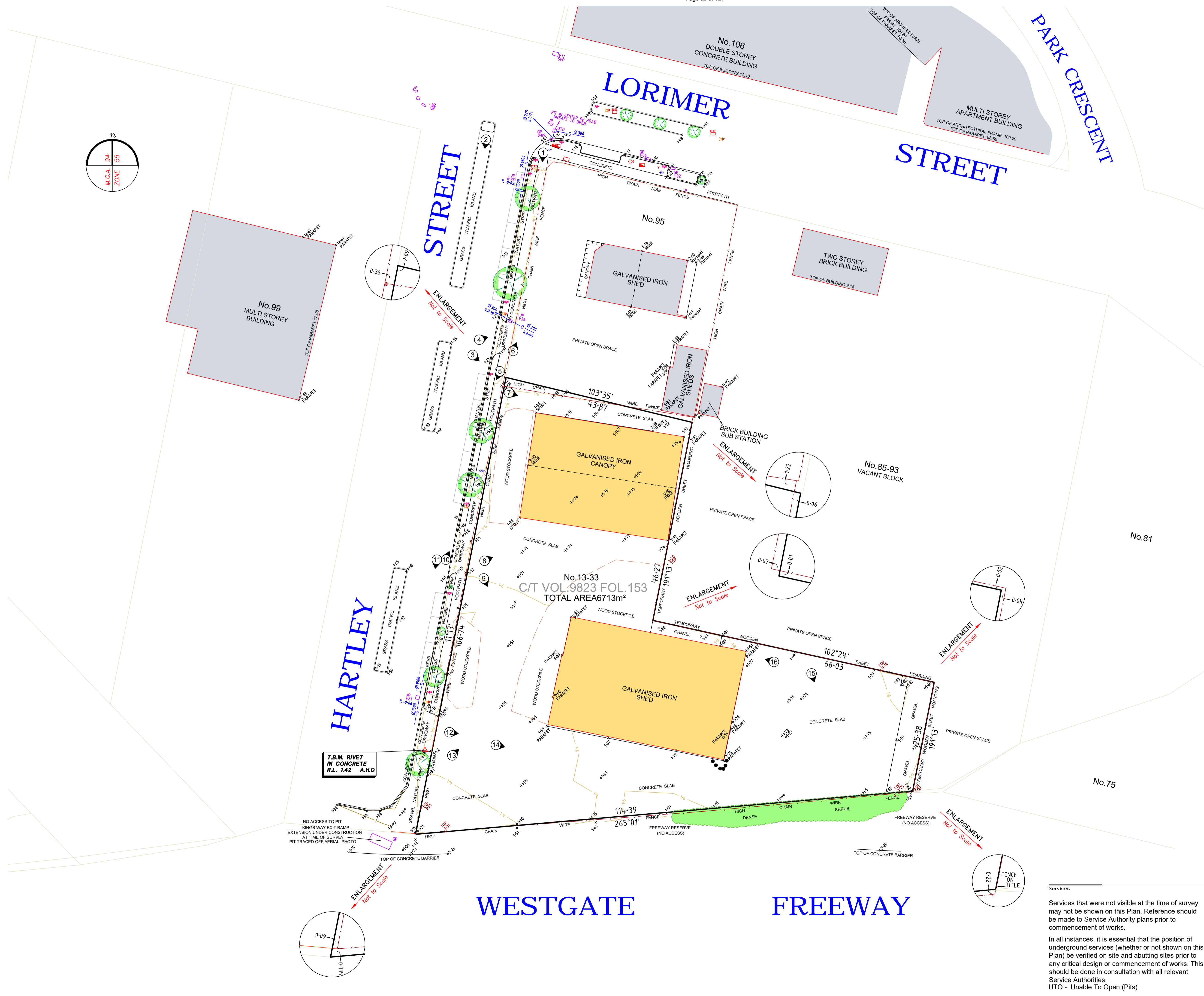
DATE
October 2021

SCALE
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@ A3 SIZE

DRAWING NUMBER
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Legend

4	Instrument Station	▲
104	Existing Surface	×
201	Tree > 2m	⊕
211	Line of Trees	—
309	Grated Pit	⊠
310	Junction Pit	⊠
403	Edge of Bitumen	—
406	Lip of Kerb/Channel	—
407	Invert of Kerb/Channel	—
408	Back of Kerb/Channel	×
410	Pedestrian Path	—
411	Driveway	—
418	Parking Bay	—
419	Edge of Concrete	×
421	Edge of Paving	×
503	Sign	—
521	Bollard	●
602	Shed	—
603	Building	—
604	Verandah / Porch	—
617	Wall	×
633	Parapet	×
634	Ridge Line	×
635	Spouting	×
711	Light Pole	—
712	Electricity Pole	—
716	Electricity Pit	—
721	Telecom Pit	—
729	Telecom Pit	—
751	Stop Valve	—
753	Fire Hydrant	—
761	Stay for Pole	—
762	Unclassified Pit	—
903	Fence	—
904	Gate	—
910	Top of Fence	×
950	Title	—
998	Digital Cadastral Map Base	—

Notations

Date of Survey February 2016
 Inverts of Pits add on August 2016
 Land Subject to Easement - Nil

This Plan is to be read in conjunction with the attached Surveyors Report.

The location of buildings beyond site boundaries are indicative only.

Information relating to abutting properties has only been shown where visible or accessible.

Aerial photograph linework (Layer 641) is approximate only (derived from an aerial photograph).

The Digital Cadastral Map Base linework (Layer 998) is indicative only and should not be used for design purposes.

Windows on neighbouring properties have been located remotely and categorised by visual interpretation only.
 HW - Habitable Window
 NHW - Non-Habitable Window
 H - Window head
 S - Window sill

Add 0°01'40" for Title Bearings
 Refer to drawing 3115000BA for site photographs.
 Direction of photographs shown thus

All dimensions and survey marks shown on this Plan should be verified/confirmed by all contractors and consultants prior to any future construction & site works.

Levels shown thus $\text{RL} \pm \text{value}$ are to Australian Height Datum vide MMB 65 with a stated value of RL1.490

Refer to frozen layers with a suffix of -L for levels.
 Refer to frozen layers with a suffix of -C for crosses.
 Refer to frozen layer "TRIANGLE" for 3D Triangles.

Contour Interval 0.2 metres.

Scale	1:400	
Certified	Ross Nicholson	Licensed Surveyor
Drawn	TD	
Date	16/08/16	
Survey Data	3115005.see	
CAD drawing number	3115000AB	
Original sheet size	A1	
Client	MGS Architects C/- Chris Jones	
Project	13- 33 Hartley Street Docklands	
Details	Boundary Re-establishment Feature & Level Survey C/T Vol. 9823 Fol. 153	
Sheet	1 of 1	
Job Number	31150	

Services

Services that were not visible at the time of survey may not be shown on this Plan. Reference should be made to Service Authority plans prior to commencement of works.

In all instances, it is essential that the position of underground services (whether or not shown on this Plan) be verified on site and abutting sites prior to any critical design or commencement of works. This should be done in consultation with all relevant Service Authorities.
 UTO - Unable To Open (Pits)

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 A.B.N 15 169 138 827
 P.O. Box 5075, South Melbourne, Vic 3205
 16 Eastern Road, South Melbourne
 Vic 3205 Australia
 Tel (03) 9699 1400 Fax (03) 9699 5992



MINISTERIAL PLANNING REFERRAL DELEGATE REPORT

CoM Application Number:	ID-2021-3
DELWP Reference Number:	Planning Scheme Amendment C413melb
Applicant:	Hatch Roberts Day
Owner:	Claric Ninety-Nine Pty Ltd
Architect:	MGS Architects
Address:	13-33 Hartley Street, Docklands
Proposal:	Amendment to Melbourne Planning Scheme to apply Specific Controls Overlay (SCO) to land and introduce a new Incorporated Document
Cost of Works:	\$150 million
Date Application Received by CoM:	18 October 2021
Responsible Officer:	Ryan Cottrell, Principal Urban Planner

1 SUBJECT SITE AND SURROUNDS

1.1 Subject Site

The subject site (the Site) is located on the east side of Hartley Street, Docklands, near the Westgate Freeway (Figure 1).

The Site is formally referred to as Crown Allotment 9D Section 103 City of South Melbourne Parish of Melbourne South. There are no restrictive easements or covenants applied to the land relevant to this application.

The Site is irregular in shape with a frontage to Hartley Street that measures approximately 406 m and a total area of approximately 6,714 square metres.

The Site is currently used as store yard and contains two large, part open-sided, single storey structures that are used as weather protection for the use.

The land is accessed via two vehicle cross-overs at Hartley Street; one at the centre of the Site and one on the southern-most side of the Hartley Street boundary.

The Site is identified to potentially contain Aboriginal culture heritage significance as it may contain dune deposits. The northern-most part of the Site is also identified to potentially contain Aboriginal culture heritage significance as it is near a waterway (Figure 3).

This application has been supplied with a due diligence report that concludes that there has been significant ground disturbance on the land and a mandatory Cultural Heritage Management Plan (CHMP) is not required.

The Site is not included in the City of Melbourne's Heritage Places Inventory February 2020 Part A (Amended May 2021) or Part B (the Inventory).

Figure 1 – The Site

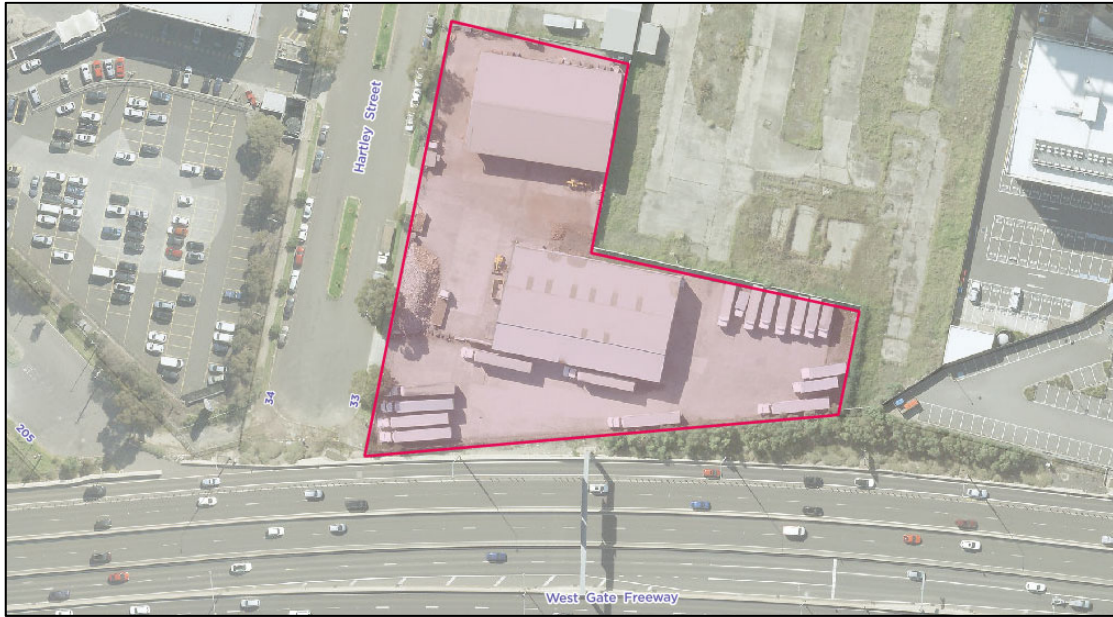


Figure 2 – The Site (viewed from Hartley Street)

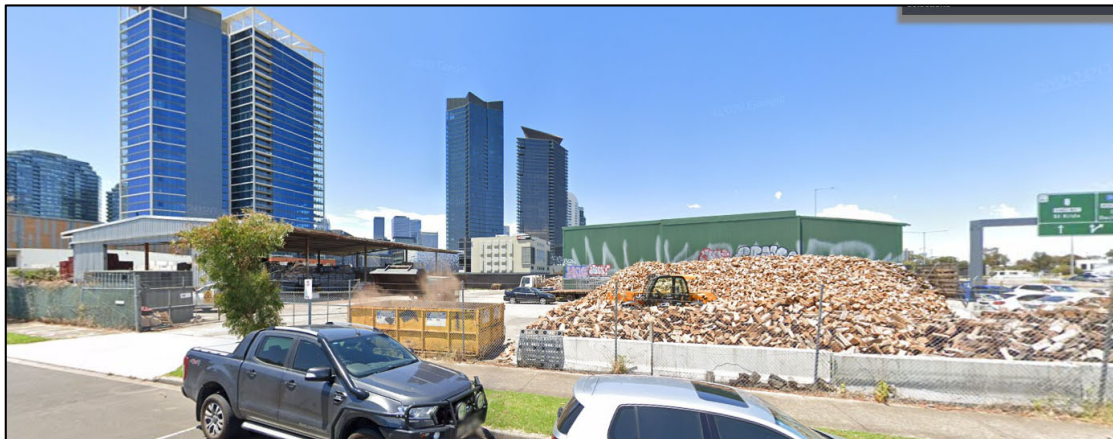
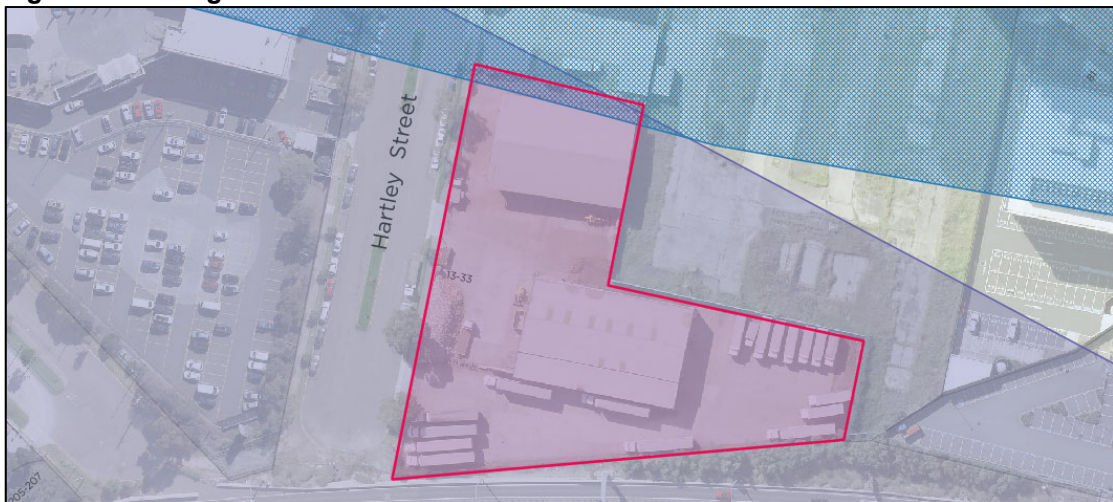


Figure 3 – Aboriginal cultural sensitive areas



1.2 Surrounds

The Site is located near the southern boundary of the municipality of Melbourne. The surrounds typically contain larger sites that contain industrial and commercial uses.

In recent years, this part of Docklands has undergone significant changes that include several larger scale buildings that contain residential and commercial uses. Many of the residential uses are north of Lorimer Street which is north of the Site (Figure 4).

There are several large scale developments in the surrounds that are approved and proposed (pending planning determination) (Figure 5).

Figure 4 – The Site and surrounds (looking north)

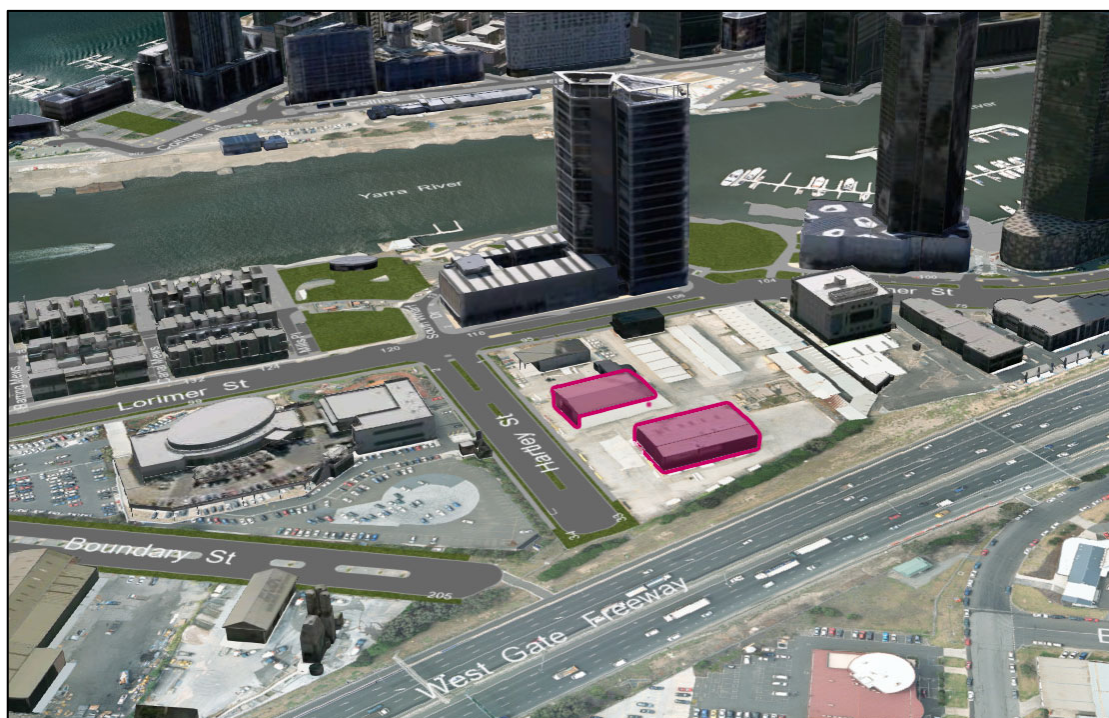
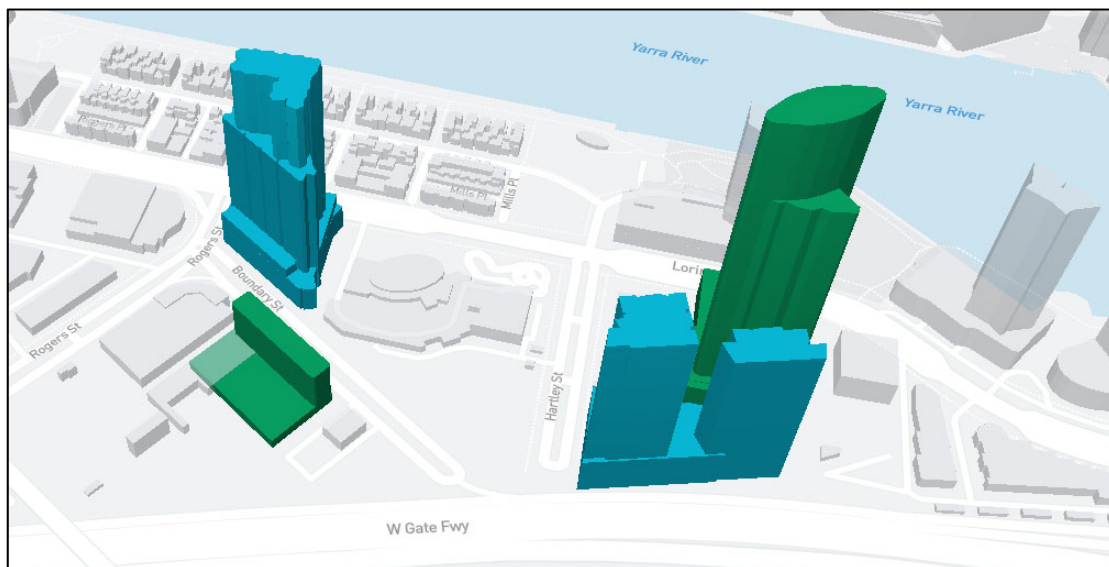


Figure 5 - Development Activity model (green is approved; blue is proposed)



The surrounds and sites adjoining the Site are summarised as follows (Table 1).

Table 1 – Surrounding site descriptions	
Address	Description
North	
85-93 Lorimer Street, Docklands	A large site that has an approval for a 74 storey tower. This approval is further discussed at Section 2.2.1 of this report.
95 Lorimer Street, Docklands	A single storey concrete & iron warehouse / showroom with ground level parking that was built in 1999.
Lorimer Street road reserve	A 30 metre wide road reserve. This Road is in a Road Zone, Category 1.
South	
West Gate Freeway	A large freeway that connects the north, east, south, and west areas of metropolitan Melbourne. The freeway is elevated with grass / landscaping underneath. This Road is in a Road Zone, Category 1.
East	
75 Lorimer Street, Docklands	A business park of 21 two storey concrete office units with associated parking that was completed in 2008.
81-83 Lorimer Street, Docklands	A five storey concrete office building with ground level parking that was built in 2011.
West	
99 Lorimer Street, Docklands	A vehicle showroom and office complex of 2.189 hectares. This building is two storeys high and was built in 2001.
Hartley Street	A 30 metre wide road reserve.
205-207 Boundary Street, Port Melbourne	A small parcel of vacant land.
213 Boundary Street, Port Melbourne	A large site used for storage and distribution of cement construction materials that contains a single storey steel building and associated structures.
225 Boundary Street, Port Melbourne	A large site with a single storey brick and steel warehouse that was built around 1950.
1 Rogers Street, Port Melbourne	Single storey steel warehouse that was built around 1980.
312 Ingles Street, Port Melbourne	A large site used for the storage and distribution of cement and concrete building materials. This site contains three single storey concrete and steel buildings and ancillary equipment.

111 Lorimer Street, Docklands	Currently contains an open air car park. There is an incorporated document for this site for a large scale building. Refer to Section 2.2.2 of this report for additional information.
----------------------------------	--

2 BACKGROUND AND HISTORY

2.1 Fishermans Bend

Fishermans Bend is one of Australia's largest urban renewal project covering approximately 480 hectares of mainly industrial land. The area includes land in the City of Melbourne and the City of Port Phillip.

Fishermans Bend is identified as a priority precinct in Plan Melbourne and will play a key role in accommodating significant population and employment growth.

In 2012, the former Minister for Planning declared Fishermans Bend a project of State significance and approved Melbourne Planning Scheme (MPS) Amendment C170 and Port Phillip Planning Scheme Amendment C102.

On 3 October 2016 the Minister for Planning released the Fishermans Bend Vision – The next chapter in Melbourne's growth story, September 2016.

In November 2016 the Minister introduced interim planning controls as part of Planning Scheme Amendment GC50 (updated by Amendment GC59).

In October 2017, the Minister released the draft Fishermans Bend Framework. Proposed permanent planning controls through draft Amendment GC81 were prepared to enable the realisation of the Vision and support implementation of the Framework.

On 19 December 2017 and 21 February 2018, the Minister called in twenty six applications for land use and development in Fishermans Bend from VCAT (pursuant to clause 58(2)(a) of Schedule 1 to the Victorian Civil and Administrative Tribunal Act 1998) and from himself (as the responsible authority under section 97B of the Planning and Environment Act 1987) (the Applications).

Consideration of the Applications was deferred until the permanent planning controls for Fishermans Bend were approved as it was considered that the cumulative impact of the applications raised major issues of policy.

On 5 October 2018, Planning Scheme Amendment GC81 was gazetted into the MPS. The amendment introduced permanent controls, including the Infrastructure Contributions Overlay (ICO), which prohibits the grant of a permit until an Infrastructure Contributions Plan (ICP) has been approved and incorporated into the MPS. Therefore, to allow for development to be approved in the interim, the Minister has invited the submission of a Planning Scheme Amendment to allow for site-specific controls that will facilitate the redevelopment of the site.

An advisory committee, known as The Fishermans Bend Standing Advisory Committee (FBSAC) was appointed pursuant to section 151 of the Planning and Environment Act 1987 to advise the Minister and MCC on outstanding issues relating to site-specific planning controls. The FBSAC is designed to facilitate proposals to redevelop land within Fishermans Bend prior to the introduction of an Infrastructure Contributions Plan. Site specific planning controls relate to:

- land subject to permit applications called in by the Minister before the approval of Amendment GC81; and

- land subject to a proposal for use and development in Fishermans Bend that responds to local policy set out in the relevant planning scheme, meets the requirements of the controls introduced by Amendment GC81 and makes appropriate development contributions.

Land subject to permit applications called in by the Minister before the approval of Amendment GC81

The FBSAC is to consider a site-specific planning control to facilitate a proposal for land use and development within Fishermans Bend, subject to the proposal:

- a) Responding to local policy;
- b) Meeting the requirements of the Design and Development Overlay, Parking Overlay and Capital City Zone other than:
 - i. the dwelling density requirement;
 - ii. the requirement to be generally in accordance with the Fishermans Bend Framework (September, 2018); and
 - iii. the permit condition requirement to enter a section 173 agreement to provide a new road or laneway; and
- c) Making appropriate development contributions.

In relation to the requirements to be generally in accordance with the Fishermans Bend Framework (September 2018), new roads and laneways should be provided by proponents.

Proponents who lodged a permit application prior to the approval of GC81, may prepare a site specific planning control to facilitate a proposal which responds to the permanent planning controls as set out in above.

2.2 History for 13-33 Hartley Street, Docklands

This referral / application follows an earlier request for comments from the Department of Environment, Land, Water, and Planning (DELWP) in relation to a previous iteration of the proposed development that was lodged with DELWP on 30 June 2017 (refer to Planning Application TPM-2016-19).

On 18 February 2018, the Minister called in the planning application, inviting the applicant for TPM-2016-19 to lodge a site specific Planning Scheme Amendments in light of the gazettal of Amendment GC81 into the MPS.

2.3 Planning applications

The following applications, listed as considered relevant to the current proposal, have previously been considered for the north adjoining sites (Table 2):

Table 2: Planning Application History			
Reference	Address	Description of Application	Decision & Date
TPM-2014-19 (DELWP referral)	85-93 Lorimer Street, Docklands	Demolition of existing buildings and construction of two mixed use towers	Response issued: 10/10/2014
PA-2015-41	The Site and 95-97 Lorimer Street, Docklands	Development of a multi-level building for use as residential apartments. Proposal includes	Response issued: 22/06/2015

		provision of public open space on the site.	
PA-2016-123	The Site	Construction of a residential development including 2 towers	Response issued: 22/06/2016
TPM-2016-19 (DELWP referral)	The Site	Demolition of the existing buildings and construction of mixed use building comprising dwellings, retail (other than Adult sex bookshop, Department store, Hotel and Tavern) and place of assembly (including exhibition centre, function centre, hall, library and place of worship).	Response issued: 06/12/2017
PA-2017-5	The Site	Proposed 40 level building consisting of: 925 m ² community facility at ground level, 2 cafe tenancies at ground level, 20 affordable dwellings, 326 dwellings, 246 car spaces, 33 motorcycles spaces, 294 bicycle spaces, 368 storage cages.	Response issued: 16/05/2017
TPM-2014-19/A (DELWP referral)	85-93 Lorimer Street, Docklands	Amend Condition 8 and delete Conditions 40 and 41 of the Planning Permit - 2014001587-1	Response issued: 05/07/2019
PAM-2020-293 (DELWP Pre-Application)	The Site	PRE-APPLICATION WITH DELWP Hartley St, Docklands - PA1600119	Response issued: 16/11/2020
ID-2020-6	111 Lorimer Street, Docklands	Planning Scheme Amendment C364MELB.	Response Issued: 08/12/2020

2.3.1 13-33 Hartley Street, Docklands

TPM-2016-19 is of relevance as this referral from DELWP was submitted for a development similar to the development proposed under this application.

The proposal included applying for the demolition of the existing buildings on site and the construction of a mixed use building of 140.7 metres in total height and 40 storeys (5 storey podium and 35 storey tower above).

The proposal contained 349 dwellings, and a total gross floor area of 54,005 square metres.

On 17 December 2017, MCC's Future Melbourne Committee (FMC) provided DELWP with advice stating it did not object to the proposal subject to conditions.

2.3.2 85-93 Lorimer Street, Docklands

TPM-2014-19(A) is of relevance as it relates to a multi-storey development on the adjoining site to the north at 85-93 Lorimer Street, Docklands.

MCC was referred the application for comments and advised the Minister that it supported the application subject to conditions.

Development approval for this referral was given by the Minister on 14 July 2015.

This approval contains a 74 storey development with a podium / tower format with dwellings and lower level commercial uses (Figure 6).

The development drawings include the introduction of a new street that runs east / west at the site's south boundary as well as a large park at the north-west part of the site that is to be available to the public.

The approval did not include the land at 95 Lorimer Street (adjoining that site to the west); however, the north-west park area is to be connected to the land at 95 Lorimer Street which is also designated to be set aside for a public park (Figure 7). The road is to be part constructed on the land and part constructed on the north part of the Site.

Figure 6 – TPM-2014-19(/A) (looking south-east)

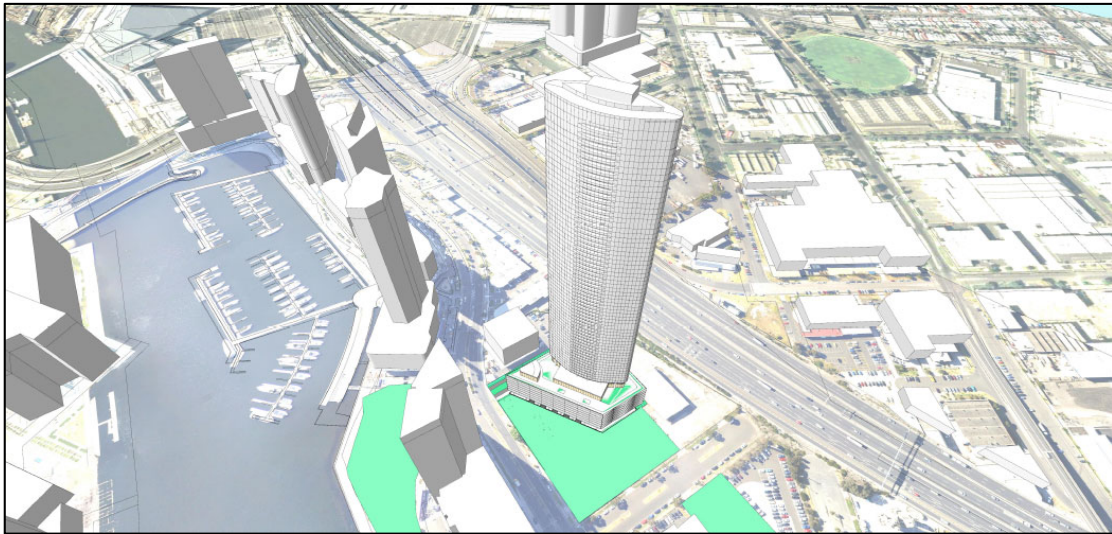
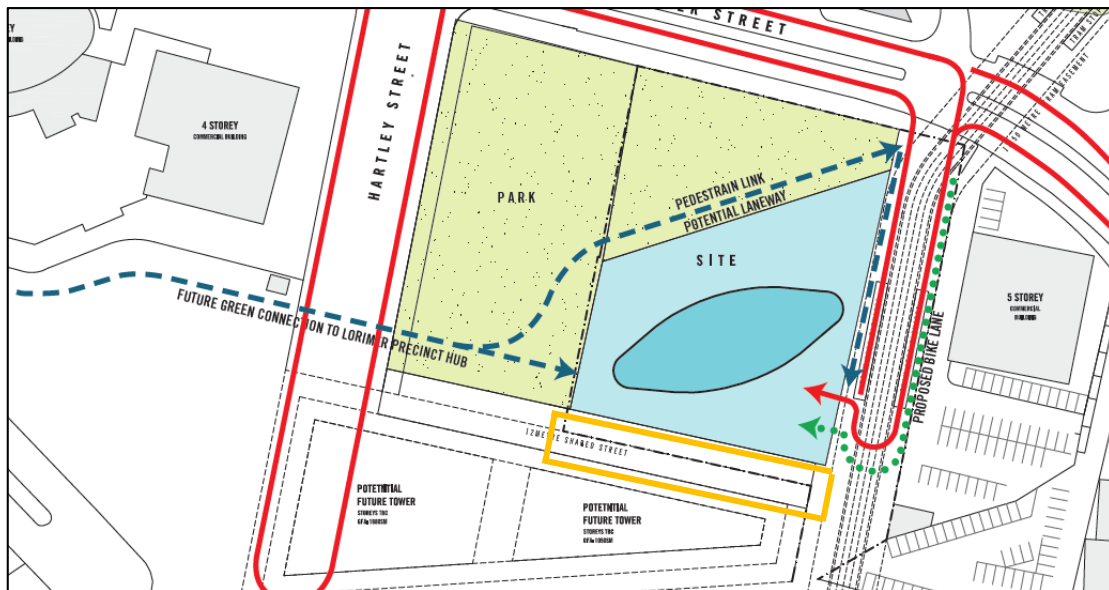


Figure 7 – Site plan for TPM-2014-19(/A) (new road shown in orange rectangle) (95 Lorimer Street shown as 'Park')



2.3.3 95-97 Lorimer Street, Docklands

This referral / application included a planning report that noted 95-97 Lorimer Street, Docklands is to be compulsorily acquired by the Victorian State Government. This site adjoins the Site's northern boundary and contains a single storey concrete and iron warehouse that was built in 1999. This site is owned by the same owner as the Site and this land is to be developed to contain a public park.

2.3.4 111 Lorimer Street, Docklands

ID-2020-6 is also relevant as it relates to a large scale development at 111 Lorimer Street, Docklands that was called in by the Minister after MPS Amendment GC81.

This application sought approval for a 29 storey building with 349 dwellings as well as office, retail, and place of assembly uses (Figure 8).

On 8 December 2020, MCC's FMC formed a position of support for ID-2020-6 subject to conditions.

To date, the application has not been determined by the Minister nor has it been incorporated into the MPS.

Figure 8 – ID-2020-6



3 PROPOSAL

On 18 October 2021, MCC received notice from DELWP of an application to amend the MPS to facilitate the redevelopment of the Site.

Though lodged in accordance with Section 20(4) of the *Planning and Environment Act 1987*, the application was referred to Council in accordance with Section 20(5). Whereas Section 20(4) does not allow for consultation, Section 20(5) allows this, albeit limited only. In this case, this includes MCC.

3.1 Planning Scheme Amendment

This application seeks approval to amend the MPS to introduce site specific controls governing the future use and development of the land.

The proposed primary control is the Specific Controls Overlay (SCO). The purpose of this overlay is to apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.

Clause 45.12-1 (Use or Development) of the SCO states:

Land affected by this overlay may be used or developed in accordance with a specific control contained in the incorporated document corresponding to the notation on the planning scheme map (as specified in the schedule to the overlay). The specific control may:

- *Allow the land to be used or developed in a manner that would otherwise be prohibited or restricted;*
- *Prohibit or restrict the use or development of the land beyond the controls that may otherwise apply; and*
- *Exclude any other control in this scheme.*

In this case, the schedule to the SCO would be amended to reference a new schedule number (yet to be determined). This, in turn, would introduce a new Incorporated Document (ID) entitled 'Specific controls for 13-33 Hartley Street, Docklands'.

The stated purpose of the ID is to facilitate the demolition of the existing buildings on the Site for the use and development of a multi-storey building comprising retail premises, offices and dwellings.

Importantly, Clause 4 of the draft ID specifically states:

4.1 Subject to Clause 4.2, no planning permit is required for, and no provision in the Planning Scheme operates to prohibit, control or restrict the use or development of the land in accordance with the provisions contained in Clause 4.

4.2 A permit is required to subdivide the land and any such application is:

- a) Exempt from the requirements in Clause 45.11 (Infrastructure Contributions Overlay) of the Planning Scheme.*
- b) Exempt from the requirements in Clause 53.01 (Public Open Space Contributions) of the Planning Scheme.*

In summary, the proposal seeks to amend the MPS by introducing:

- An Incorporated Document to the Schedule to Clause 51.01 (Specific Sites and Exclusions) to facilitate the proposed development;
- A new site Specific Control Overlay to the Schedule to Clause 45.12 (Specific Controls Overlay); and
- An update to the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme).

3.2 Application material

The documents assessed in this application are listed at Table 3:

Table 3 – Application documents		
Document	Author/title	Date
Title	Crown Allotment 9D Section 103 City of South Melbourne Parish of Melbourne South.	29/06/2021
Urban Context and Planning Report	Hatch Roberts Day	10/2021

Request for further information response	Hatch Roberts Day	11/10/2021
Traffic and Transport Assessment	Impact Traffic Engineering Pty Ltd	04/10/2021
Clause 58 Assessment	Hatch Roberts Day	10/2021
Draft Incorporated Document	Amendment C413MELB Planning Application No. PA1600119	Not dated
Landscape Plan	Outlines Landscape Architecture	09/08/2017
Cultural heritage due diligence report	Archaeology at Tardis Heritage Advisors	11/07/2017
Economic report	Ethos Urban	09/2021
Development Drawings	MGS Architects – Drawings TP01 (Rev N), TP02 (Rev N), TP03 (Rev N), TP04 (Rev N), TP05 (Rev N), TP06 (Rev N), TP07 (Rev N), TP08 (Rev N), TP09 (Rev N), TP10 (Rev N), TP11 (Rev N), TP12 (Rev N), TP13 (Rev N), TP14 (Rev N), TP15 (Rev N), TP16 (Rev N), TP17 (Rev N), TP18 (Rev N), TP19 (Rev N), TP20 (Rev N), TP21 (Rev N), TP22 (Rev N), TP23 (Rev N), TP24 (Rev N), TP25 (Rev N), TP26, and TP27.	01/06/2021
Waste Management Plan	Leigh Design Pty Ltd	23/09/2021
Acoustic Report	Renzo Tonin & Associates	29/09/2021
Amenity Impact Plan	GHD Pty Ltd	09/2019
Sustainability Management Plan	WSP	09/2021
Wind impact assessment	Cermak Peterka Petersen	23/09/2021

3.3 Proposed Development

In summary, the development the proposed SCO and ID seek to facilitate comprises:

- Demolition of the existing buildings on the Site.
- Construction of a multi-storey building with a podium / tower format.
- Construction of a new 6 metre wide road through the Site that runs east – west.
- The development proposes the following materials and colours:
 - Clear, light grey, grey, and bronze glazing on the tower elevations and clear glazing on the podium elevations.

- Grey, dark grey, cream, and terracota coloured Terracade (ceramic product) cladding at the podium.
- Bluestone columns, concrete spadrels, bronze aluminium cladding, grey aluminium cladding and gold aluminium cladding at the ground level.

The proposal does not seek to provide details of the northern part of the Site (the northern portion of the 'L' shaped lot). This land is set aside for a future park and notated on the plans.

The proposal includes:

- Retail premises, residential lobby, office, car parking, access, end of trip facilities, and services at the ground level (nominated as Level 1 on the drawings).
- Office, car parking, services, and dwellings at Level 2.
- Office, car parking, services, and dwellings at Level 3.
- Office, car parking, services, communal gym (associated with dwellings), and dwellings at Level 4.
- Storage and services at Level 4 mezzanine.
- Communal lounge / library / pool, outdoor terrace, and services at Level 5.
- Dwellings and services from Level 6 to Level 49.
- Services on the roof.

The proposal seeks to provide 2 per cent of the housing stock as social housing.

Specific details of the proposal are as follows (Table 4):

Table 4: Summary of proposed development	
Site Area	6,714 square metres
Proposed Gross Floor Area	59,982 square metres.
Floor Area Ratio	8.93:1 (59,982 (GFA above ground) / 6,714 (Site Area))
Built Form	
Number of storeys above the ground	50 (includes a mezzanine at level 4)
Maximum Building Height	164.35 metres (measured at the centre of the site frontage to Hartley Street to the top of the tower parapet (excludes plant and lift overrun)).
Number of basement levels	0
Street Wall Height	10 metres at the western frontage to Hartley Street (measured to the top of the parapet / terrace balustrade).

Setbacks	<p><u>Podium</u></p> <p>The proposed podium is constructed to the south and east boundaries and partially constructed to the west boundary with the exception of a section to the north fronting Hartley Street that is setback 2.6 metres to allow for outdoor seating for the retail premises café.</p> <p>The podium is setback 8.8 metres from the north boundary where the new road is located and provide for a minimum footpath width of 5.5 metres.</p> <p>The upper parts of the podium are constructed to the south, east, and west boundaries and the north elevation is set back 6 metres from the north boundary to allow for the new road.</p> <p><u>Tower</u></p> <p>Above the podium and up to Level 12, the tower is set back 10 metres from the south and west boundaries, 13.35 metres from the east boundary, and 10 metres to the south boundary of the new road that runs east to west through the Site.</p> <p>From Level 13 to Level 39, the tower is set back 10 metres from the south and west boundaries, 42 metres from the east boundary, and 10 metres to the south boundary of the new road.</p> <p>From Level 40 to Level 49, the tower is set back 10 metres from the south and west boundaries, 59.95 metres from the east boundary, and 10 metres to the south boundary of the new road.</p>
Land use	
Retail / Commercial	<p>4,610 square metres, including:</p> <ul style="list-style-type: none"> ▪ 4,330 square metres of office floor area. ▪ 280 square metres of retail floor area.
Dwellings	<p>370 dwellings, including:</p> <ul style="list-style-type: none"> ▪ 124 3 / 4 bed dwellings. ▪ 124 2 bed dwellings. ▪ 122 1 bed dwellings. <p>The proposal intends on providing 2 per cent of the total number of dwellings (7 dwellings) as social housing.</p>
Traffic	
Car parking spaces	<p>176 car parking spaces, including:</p> <ul style="list-style-type: none"> ▪ 158 spaces allocated to dwellings. ▪ 18 spaces allocated to retail / commercial.
Bicycle facilities	<p>492 bicycle parking spaces. 460 of which are located in a secure area. 8 showers and 64 lockers are provided on site.</p>
Motorcycle spaces	18
Access	

Cars	<p>Car access is located where the existing central cross-over is located at Hartley Street.</p> <p>Loading and waste vehicles are proposed to access the Site via the existing cross-over at the southern end of the Hartley Street boundary.</p>
Pedestrians	<p>There are several pedestrian access points fronting the new street on the north elevation of the podium.</p>

Refer to Figures 9 - 30 for images of the proposal.

Figure 9 – Demolition plan



Figure 10 – Proposed ground level

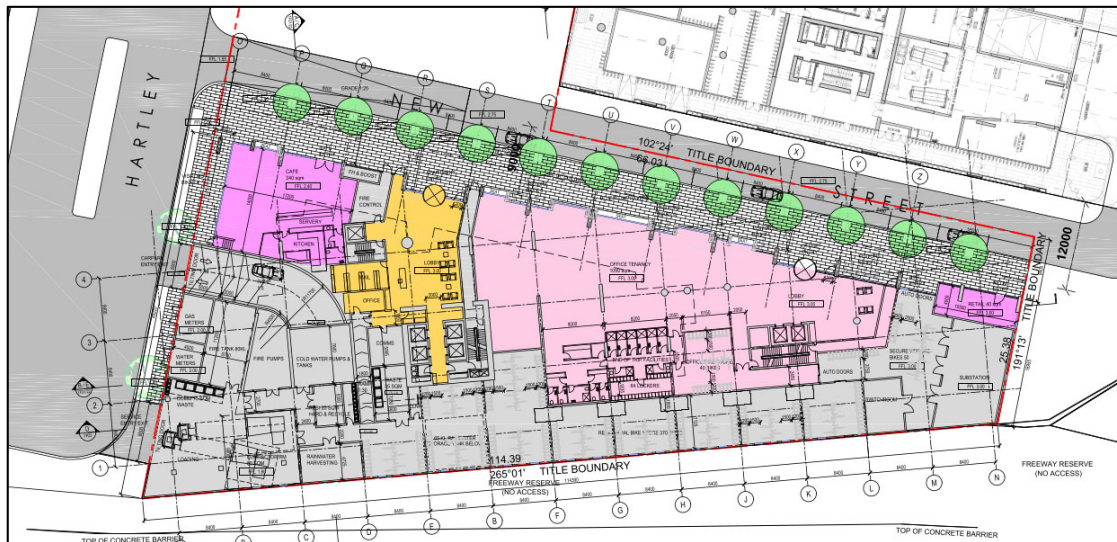


Figure 11 – Proposed floor 2 - 3 plan

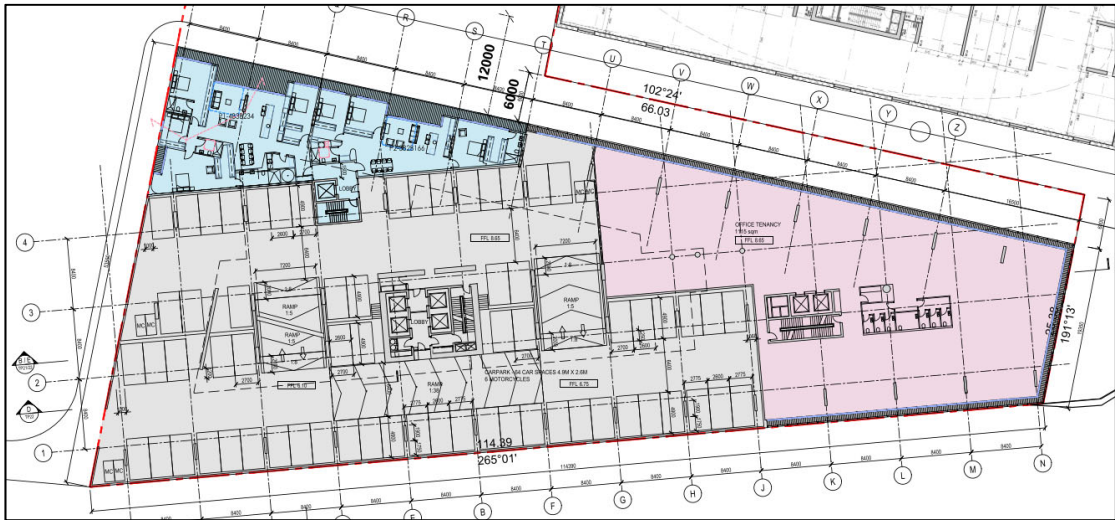


Figure 12 – Proposed floor 4 plan

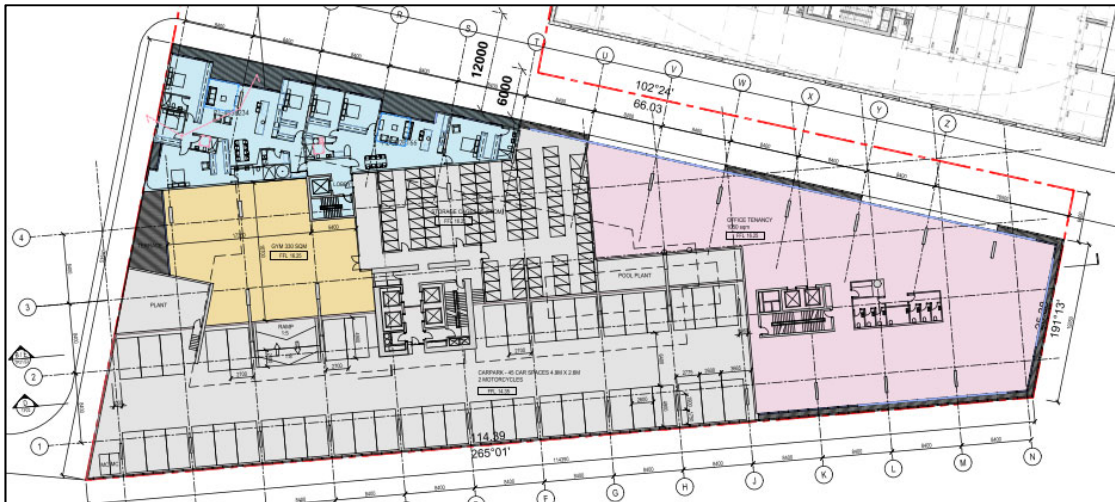


Figure 13 – Proposed floor 4 mezzanine plan

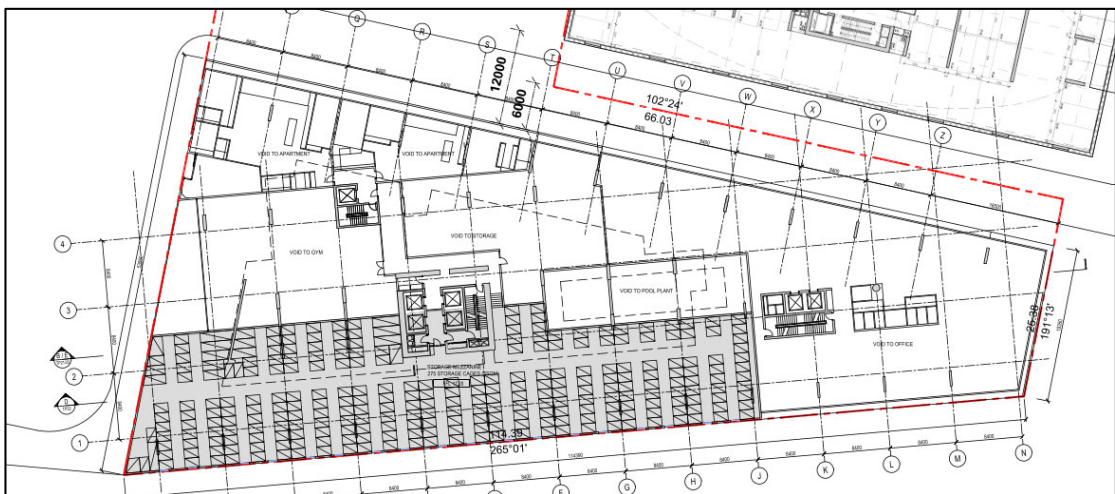


Figure 14 – Proposed floor 5 plan (top of podium)

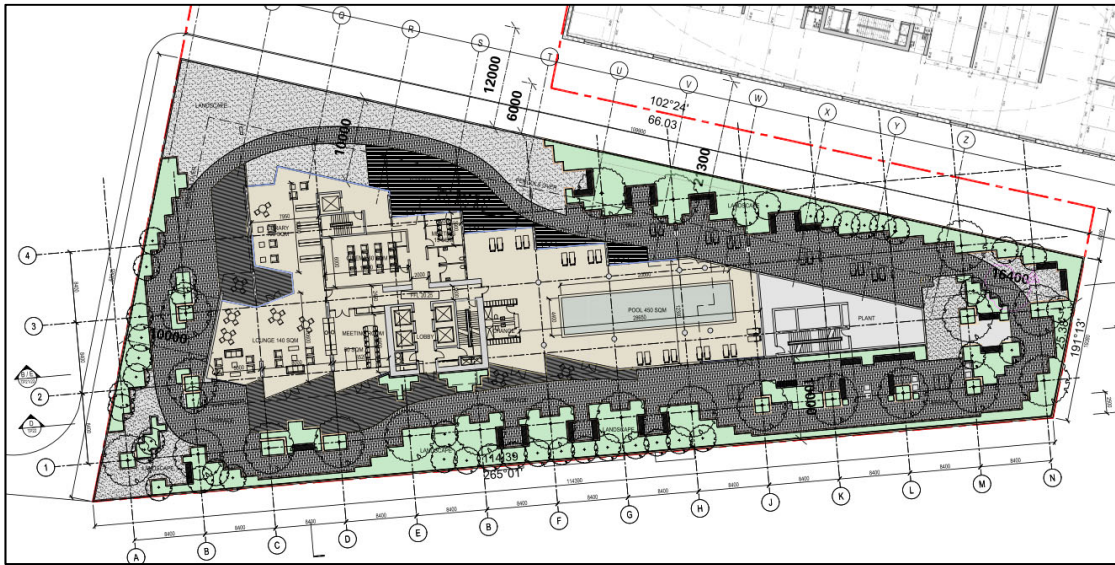


Figure 15 – Proposed floor 6 plan

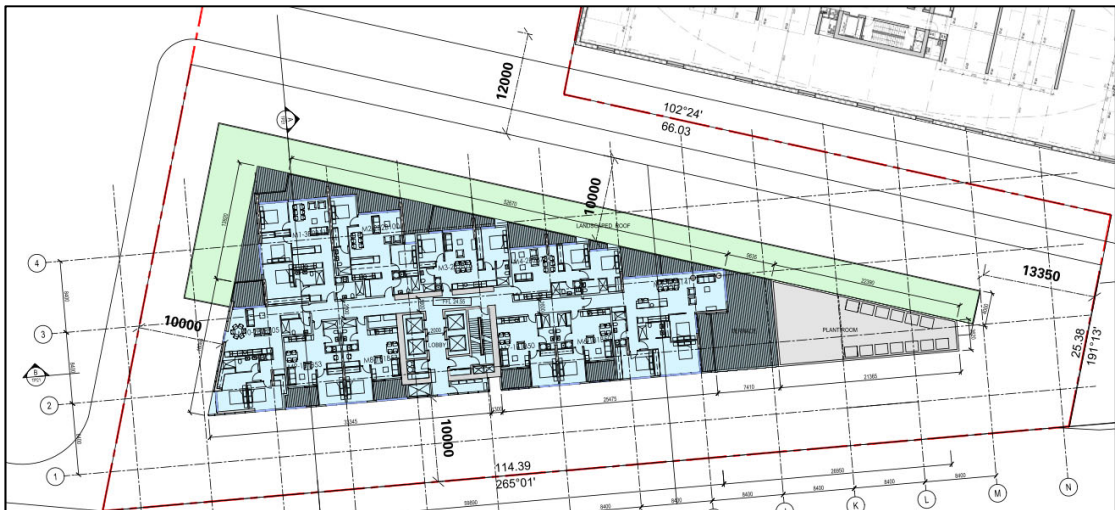


Figure 16 – Proposed floor 7 - 12 plan



Figure 17 – Proposed floor 13 – 18 plan

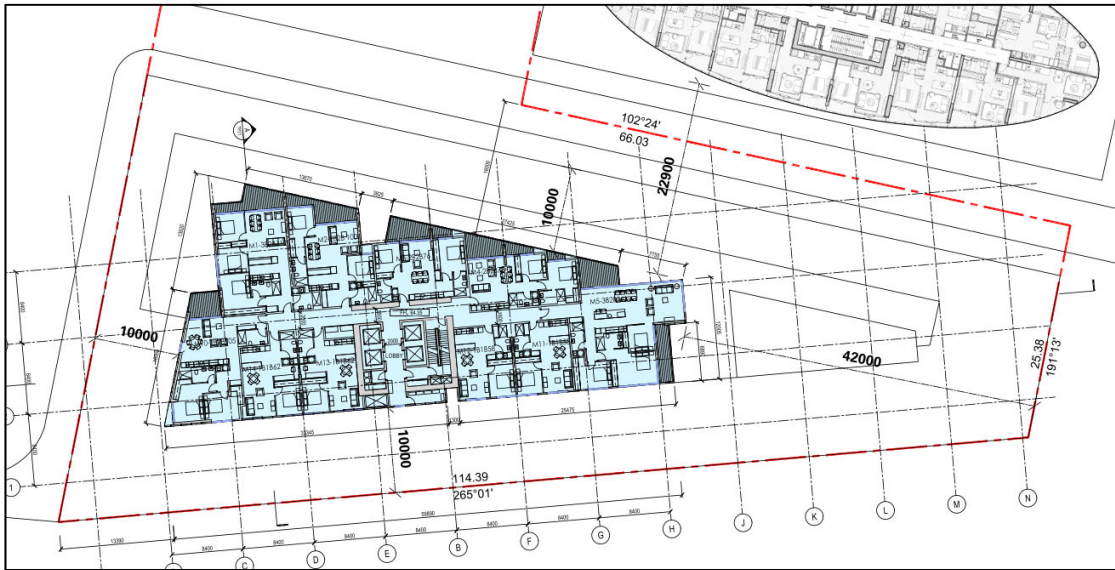


Figure 18 – Proposed floor 19 plan

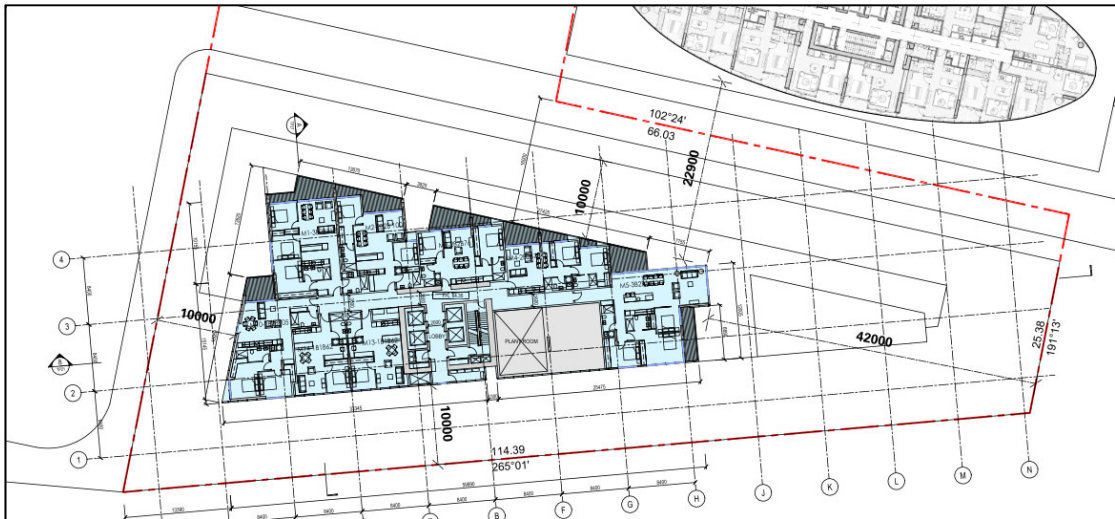


Figure 19 – Proposed floor 20 – 38 plan

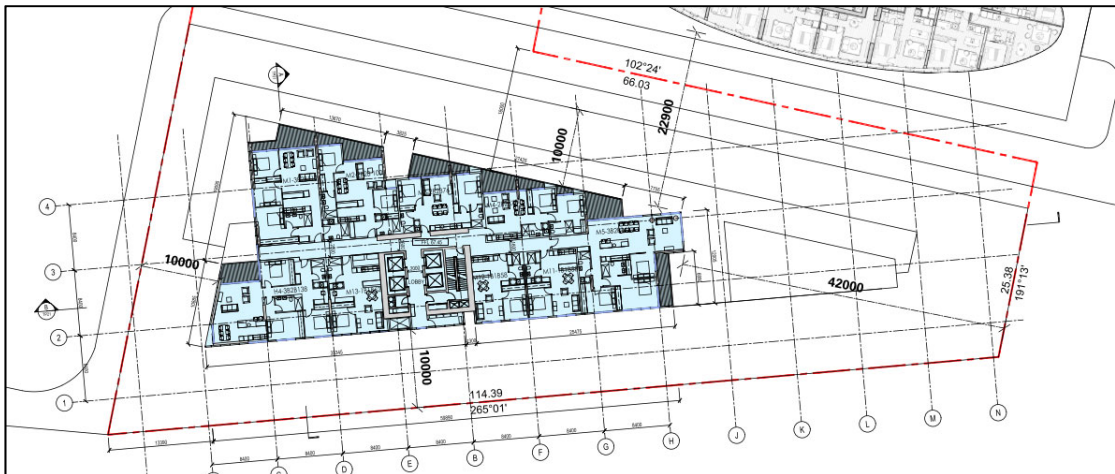


Figure 20 – Proposed floor 39 plan

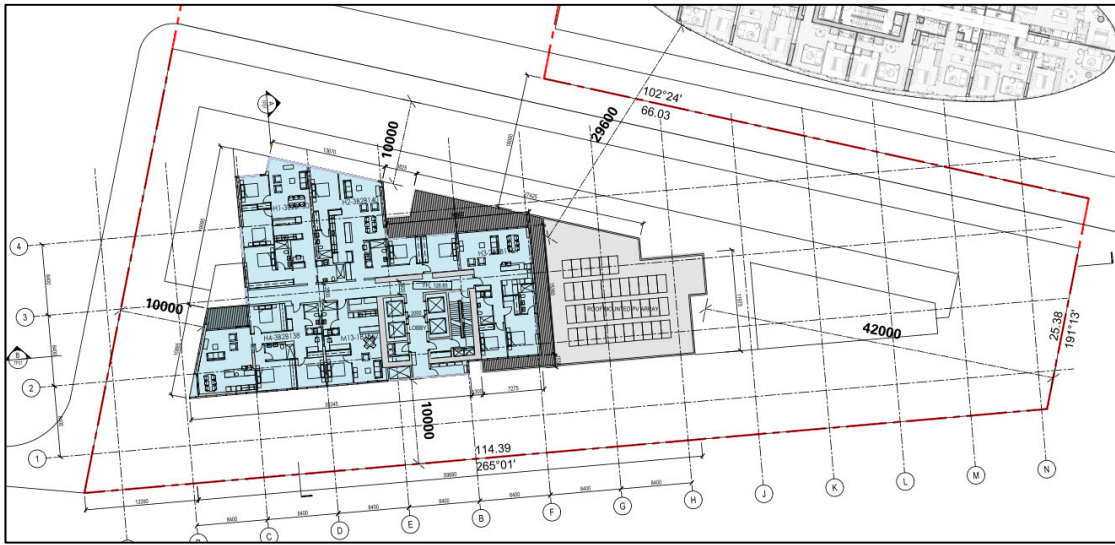


Figure 21 – Proposed floor 40 – 49 plan

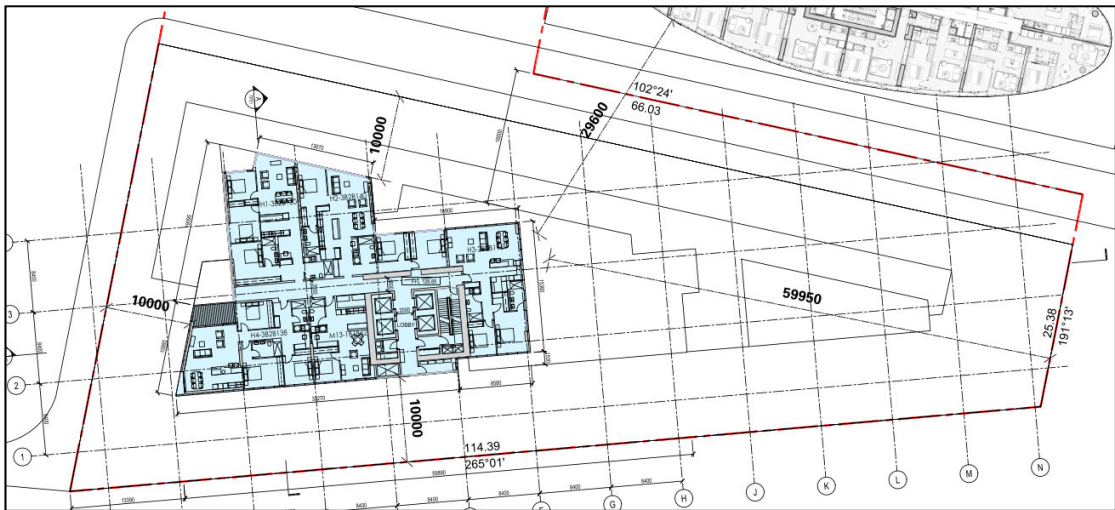


Figure 22 – Proposed roof plan

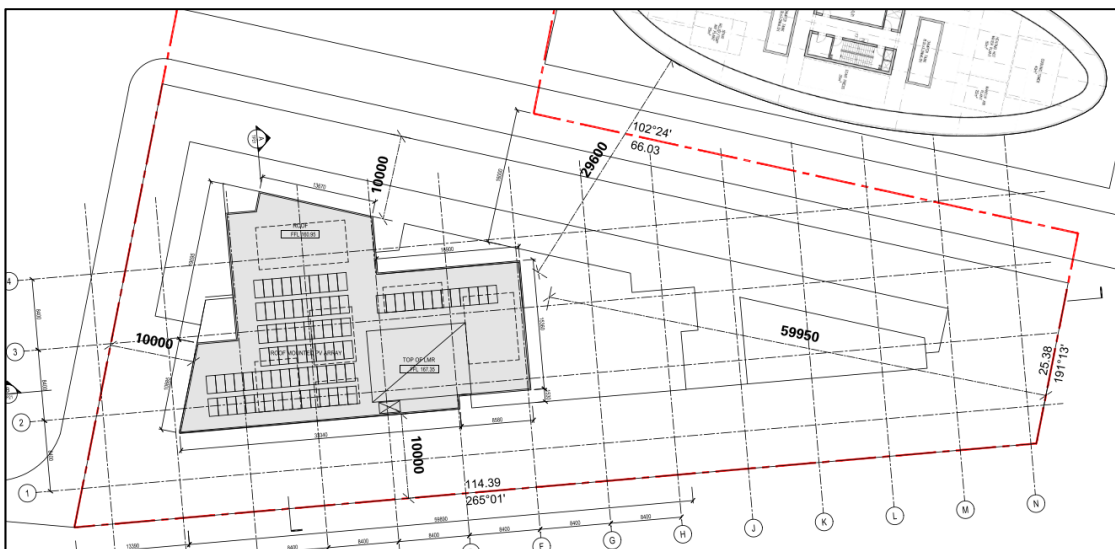


Figure 23 – Proposed north and west elevations



Figure 24 – Proposed south and east elevations

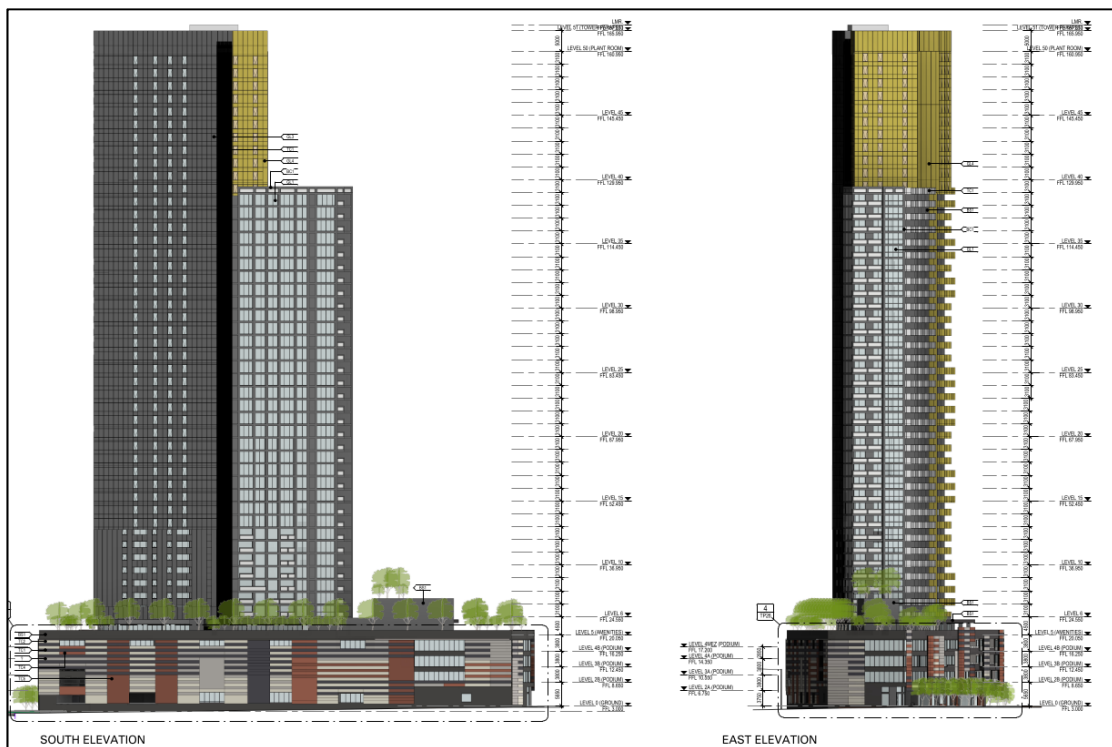


Figure 25 – Proposed north podium elevation

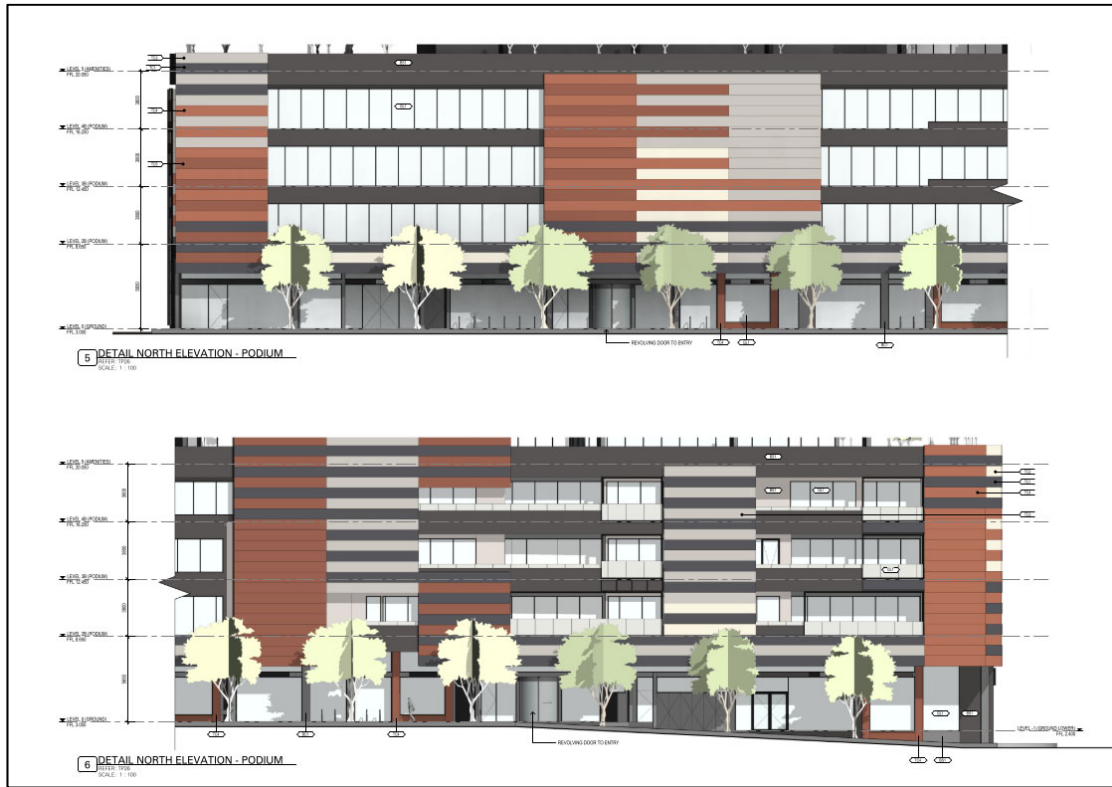


Figure 26 – Proposed south podium elevation

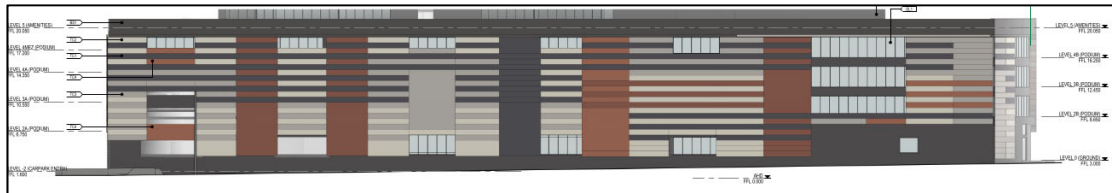


Figure 27 – Proposed east podium elevation



Figure 28 – Proposed west podium elevation



Figure 29 – 3D west elevation (Hartley Street)

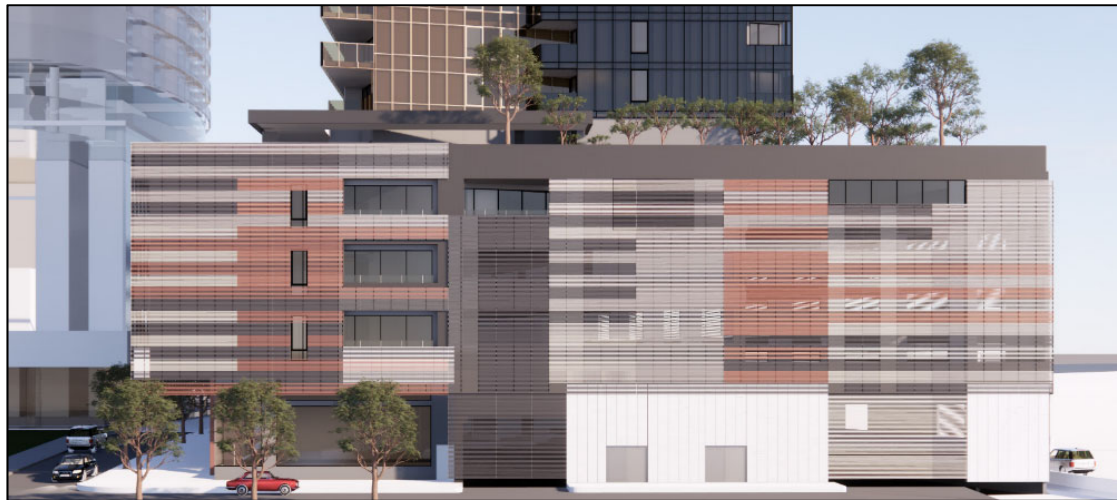


Figure 30 – 3D images



4 PLANNING FRAMEWORK AND STATUTORY CONTROLS

Table 5 below contains the relevant framework and statutory controls that apply to the Site.

Table 5 - relevant framework and statutory controls	
Planning Policies	
Planning Policy Framework	Clause 11 – Settlement Clause 13 – Environmental Risks and Amenity Clause 15 – Built Environment and Heritage Clause 16 – Housing Clause 17 – Economic Development Clause 18 – Transport Clause 19 – Infrastructure
Municipal Strategic Statement	Clause 21.04 – Settlement Clause 21.06 – Built Environment and Heritage Clause 21.07 – Housing Clause 21.08 – Economic Development Clause 21.09 – Transport Clause 21.10 – Infrastructure

	<p>Clause 21.13 – Urban Renewal Areas</p> <p>Clause 21.13-3 – Fishermans Bend Urban Renewal Area</p> <p>Clause 21.17 – Reference Documents</p>
<p>Local Planning Policies</p>	<p>Clause 22.02 – Sunlight to Public Spaces</p> <p>Clause 22.19 – Energy, Water and Waste Efficiency</p> <p>Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)</p> <p>Clause 22.27 – Fisherman’s Bend Urban Renewal Area Policy</p>
<p>Statutory Controls</p>	
<p>Clause 37.04</p> <p>Capital City Zone</p> <p>Schedule 4</p>	<p><u>Use</u></p> <p>Pursuant to Schedule 4 to the Capital City Zone:</p> <ul style="list-style-type: none"> ▪ Office is a Section 1 Use (no permit required). ▪ Retail Premises is a Section 1 Use (no permit required) provided it does not exceed 1,000 m² of gross leasable floor area. The proposed Retail Premises across the overall development does not exceed 1,000 m²; therefore, a permit is not required. ▪ Dwelling is a Section 1 Use (no permit required) on the basis that it is not within an Amenity buffer shown within Map 3 of CCZ4. The site is located within an Amenity buffer area and therefore a permit is required. <p>The site is also located within the ‘Core Area’ where a maximum dwelling density of 339 units per hectare applies. This is further discussed at Section 7 of this report.</p> <p><u>Development</u></p> <p>Pursuant to Schedule 4 to the Capital City Zone, a permit is required to construct a building or construct or carry out works and to demolish or remove a building or works.</p> <p><u>Parking</u></p> <p>Schedule 4 to the Capital City Zone sets out minimum bicycle, motorcycle and car share parking space requirements for development of more than 50 dwellings and developments with over 10,000 square metres of non-residential floor space. The proposal does not have more than 10,000 square metres of commercial floor area, therefore the following requirements apply:</p> <p>Dwellings:</p> <ul style="list-style-type: none"> ▪ 1 resident bicycle space per dwelling (370 spaces). ▪ 1 visitor bicycle space per 10 dwellings (37 spaces). ▪ 1 resident motorcycle space per 50 dwellings (7 spaces). ▪ 2 car share scheme spaces plus 1 per 25 car spaces (9 Spaces).
<p>Clause 43.02</p> <p>Design and Development Overlay</p> <p>Schedule 67</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.</p> <p>Clause 2.4 of Schedule 67 to the Design and Development Overlay specifies preferred building typologies by precinct.</p>

	<p>In accordance with Map 1, the site is located in Area L4 where 'Hybrid (predominantly high-rise)' forms are preferred.</p> <p>In accordance with Map 2, the Site is in an area with no specified building height.</p> <p>In accordance with Map 3:</p> <ul style="list-style-type: none"> ▪ Type A (applies to the new frontage to the proposed new road) (preferred street wall of minimum 4 storeys and maximum 6 storeys). ▪ Type D (applies to the Hartley Street frontage) - Preferred minimum street wall height of 4 storeys and maximum street wall height of 6 storeys where the building is greater than 10 storeys). <p>Schedule 67 sets out performance measures relating to, amongst other things:</p> <ul style="list-style-type: none"> ▪ Overshadowing (Clause 2.6). This clause states that buildings must not cast any additional shadow above the shadows cast by hypothetical buildings built to the maximum street wall height and existing buildings over the proposed public park to the north between 11am and 2pm on 22 September. ▪ Wind Effects on the Public Realm (Clause 2.11). This clause states that buildings and works higher than 40 m must not cause unsafe wind conditions in publicly accessible areas within the assessment distance from all façades; and should achieve comfortable wind conditions in publicly accessible areas within the assessment distance from all façades. ▪ Adaptable Buildings (Clause 2.13). This clause states that buildings should provide for the future conversion of those parts of the building accommodating non-employment uses to employment uses; and car parking can be adapted to other uses over time.
<p>Clause 44.05 Special Building Overlay</p>	<p>Pursuant to Clause 44.05-2, a permit is required to construct a building or to construct or carry out works.</p> <p>Clause 44.05-6 states that an application must be referred to the relevant floodplain management authority (Melbourne Water) unless in the opinion of the Responsible Authority, the proposed development satisfies requirements or conditions previously agreed by the authority.</p> <p>The Minister, as the Responsible Authority, must refer the application to Melbourne Water as necessary in accordance with the provisions of this clause.</p>
<p>Clause 45.03 Environmental Audit Overlay</p>	<p>This clause states that prior to the commencement of a sensitive use (in this case this includes the residential component of the building) either a certificate of environmental audit or a statement that the site is suitable for its intended uses must be issued.</p>
<p>Clause 45.09 Parking Overlay Schedule 13</p>	<p>Pursuant to Schedule 13 to the Parking Overlay, maximum car parking rates are as follows:</p> <ul style="list-style-type: none"> ▪ Dwelling – 0.5 spaces to each one and two bedroom dwelling and 1 space to each 3 or more bedroom dwelling. ▪ Office – 1 space to each 100 m² of gross floor area. ▪ Retail Premises – 1 space to each 100 m² of gross floor area.

	<p>Pursuant to Clause 2.0 of Schedule 13 to the Parking Overlay, a permit is required to provide more than the maximum parking provision specified for a use in Table 1 to this schedule.</p> <p>There are 370 dwellings (including 124 three or more bedroom dwellings), allowing a maximum of 247 car parking spaces for dwellings.</p> <p>The proposal also contains 4,330 square metres of office floor area and 280 square metres of retail floor area which allows a maximum of:</p> <ul style="list-style-type: none"> ▪ 43.3 car parking spaces for offices. ▪ 2.8 car parking spaces for retail premises. <p>The proposal contains 158 car parking spaces for dwellings and 18 car parking spaces for office and retail. The plans do not specify how many car parking spaces are allocated to the retail premises; further information is required to determine if a permit is required.</p> <p>The proposal does not seek to exceed the maximum car parking rate for office and dwellings; therefore, a permit is not required.</p>
<p>Clause 45.11 Infrastructure Contributions Overlay Schedule 1</p>	<p>This clause states that a permit must not be granted to construct a building or construct or carry out works until an infrastructure contributions plan has been incorporated into the planning scheme. The requirements of the relevant infrastructure contributions plan incorporated into this scheme apply to the development of land covered by this overlay.</p> <p>To date, no infrastructure contributions plan has been incorporated into the planning scheme.</p> <p>This provision is discussed further at Section 7 of this report.</p>
Particular Provisions	
<p>Clause 52.06 Car Parking</p>	<p>In this instance the Parking Overlay Schedule 13 provides maximum car parking rates for the proposed uses.</p>
<p>Clause 52.29 Land adjacent to a Road Zone, Category 1</p>	<p>The land is located adjacent the West Gate Freeway which is a Road in a Road Zone, Category 1.</p> <p>Pursuant to Clause 52.29-2, a permit is required to:</p> <ul style="list-style-type: none"> ▪ Create or alter access to: <ul style="list-style-type: none"> ○ A road in a Road Zone, Category 1. ○ Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road. <p>In this instance, the application does not create any new direct vehicle access from the West Gate Freeway.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.</p> <p>Pursuant to Clause 52.34-2, a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.</p> <p>Pursuant to Clause 52.34-5, Tables 1, 2 and 3 to this clause set out the number and type of bicycle facilities required. Bicycle facilities are required if the use is listed in column 1 of the table. The number of bicycle facilities required for a use is the sum of columns 2 and 3 of the tables.</p>

	<p>If in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number.</p> <p>Table 1 to Clause 52.34-5 sets out the following requirements:</p> <p><u>Dwellings:</u></p> <ul style="list-style-type: none"> ▪ In developments of four or more storeys, 1 bicycle parking space is required to each 5 dwellings for residents. ▪ In developments of four or more storeys, 1 bicycle parking space is required to each 10 dwellings for visitors. <p>As such the proposal requires:</p> <ul style="list-style-type: none"> ▪ 74 bicycle parking spaces for residents. ▪ 37 bicycle parking spaces for visitors. <p><u>Office:</u></p> <ul style="list-style-type: none"> ▪ 1 bicycle parking space is required to each 300 square metres of net floor area if the net floor area exceeds 1000 square metres for employees. ▪ 1 bicycle parking space is required to each 1000 square metres of net floor area if the net floor area exceeds 1000 square metres for shoppers. <p>As such, the proposal requires:</p> <ul style="list-style-type: none"> ▪ 14 bicycle parking spaces for employees. ▪ 4 bicycle parking spaces for visitors. <p><u>Retail Premises:</u></p> <ul style="list-style-type: none"> ▪ 1 bicycle parking space is required to each 300 square metres of leasable floor area for employees. ▪ 1 bicycle parking space is required to each 500 square metres of leasable floor area for shoppers. <p>As such, the proposal requires:</p> <ul style="list-style-type: none"> ▪ 1 bicycle parking space for employees. ▪ 1 bicycle parking space for visitors. <p>The proposal provides a total of 492 bicycle parking spaces, 410 being in a secure location, leaving 82 spaces for visitors that are accessible 24/7.</p> <p>The proposal satisfies the resident, employee, and visitor requirement; therefore, a permit is not required.</p> <p>Pursuant to Table 2 to Clause 52.34-5, If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.</p> <p>The proposal requires 15 bicycle parking spaces for employees which requires 2 showers. The proposal provides 8 showers, satisfying the requirement.</p> <p>Pursuant to Table 3 Clause 52.34-5, 1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room.</p>
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	The proposal provides a change room to each shower, satisfying the requirement.
Clause 53.01 Public Open Space Contribution and Subdivision	<p>This application does not seek to subdivide the land however, Clause 53.01 is relevant as the Incorporated Document seeks to waive the public open space contribution requirement.</p> <p>The proposal is located in the Fishermans Ben Urban Renewal Area (Area C) at Map 3 in the schedule to Clause 53.01 which nominates an 8 per cent contribution rate.</p> <p>This provision is discussed further at Section 7 of this report.</p>
Clause 53.18 Stormwater Management in Urban Development	<p>Pursuant to Clause 53.18, an application to construct a building or construct or carry out works:</p> <ul style="list-style-type: none"> ▪ Must meet all of the objectives of Clauses 53.18-5 and 53.18-6. ▪ Should meet all of the standards of Clauses 53.18-5 and 53.18-6.
Clause 58 Apartment Development s	<p>Clause 58 applies to an application to construct an apartment development, if:</p> <ul style="list-style-type: none"> ▪ The apartment development is in the Capital City Zone. <p>A development:</p> <ul style="list-style-type: none"> ▪ Must meet all of the objectives of this clause. ▪ Should meet all of the standards of this clause.
General Provisions	
Clause 65 Decision Guidelines	The Minister for Planning is the Responsible Authority and must determine if the proposed development will generate acceptable outcomes with reference to the provisions of this clause. This includes, amongst other things, the matters set out in Section 60 of the <i>Planning and Environment Act 1987</i> .
Clause 66.02 Use and Development Referrals	<p>The Minister for Planning must consult all relevant authorities.</p> <p>Pursuant to Clause 62.02-11, an application to construct a building comprising 60 or more dwellings and 10,000 square metres or more of office leasable floor area must be referred to Head, Transport for Victoria (Department of Transport) as a determining referral authority.</p>
Clause 66.03 Referral of Permit Applications Under Other State Standard Provisions	<p>The Minister for Planning must consult all relevant authorities.</p> <p>Pursuant to Clause 66.03, an application to create or alter access to, or to subdivide land adjacent to a road declared as a freeway or an arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road, or land in a PAO if the Roads Corporation is the acquiring authority for the land, subject to exemptions specified in the clause, must be referred to Roads Corporation (Department of Transport) as a determining referral authority.</p>
Clause 66.04 Referral of Permit Applications under Local Provisions	<p>The Minister for Planning must consult all relevant authorities.</p> <p>Pursuant to the Schedule to Clause 66.04, any permit application to construct a building or to construct or carry out works under Schedule 4 to the Capital City Zone must be referred to Melbourne Water as a recommending referral authority; and any permit application for development with a gross floor area exceeding 25,000 m² within the</p>

	Capital City Zone must be referred to Melbourne City Council as a recommending referral authority.
Clause 66.06 Notice of Permit Applications Under Local Provisions	<p>Ordinarily the Minister for Planning must notify all relevant authorities.</p> <p>Pursuant to the Schedule to Clause 66.06, where a permit is required for the construction of a building or the construction and carrying out of works under Schedule 4 to the Capital City Zone, the Secretary to the Department of Environment, Land, Water and Planning must be notified; and where a permit is required within 50 metres of the proposed Metro alignment, possible tram routes, proposed bus routes and possible elevated freight routes under Schedule 4 to the Capital City Zone, Transport for Victoria must be notified.</p> <p>However, on the basis this application is being considered in accordance with Section 20(5) of the <i>Act</i>, it is not known if the Minister notified these bodies.</p>
Clause 72.01 Responsible Authority for this Planning Scheme	<p>The Minister for Planning is the Responsible Authority in this case.</p> <p>Should the Incorporated Document be approved, Melbourne City Council would be responsible for the future assessment of related plans.</p>

5 PUBLIC NOTIFICATION

The Minister for Planning referred the application to Council for comment in accordance with Section 20(5) of the Planning and Environment Act 1987.

No further public notification was required.

Council's advice will assist the Minister in determining if the proposed amendment should be referred to the Fishermans Bend Standing Advisory Committee for further consideration.

6 INTERNAL REFERRALS

6.1 Urban Design

We generally provide support towards the shift in design direction, which addresses a number of ongoing concerns, including:

- *Establishment of an overarching design narrative.*
- *Massing updates and compositional moves to reduce the perception of tower bulk, and improving tower 'slenderness'.*
- *The use of the robust and visually interesting 'terracade baguettes' across the podium façade.*

A number of urban design concerns have arisen as a result of significant design changes. The following should be addressed to ensure a high quality, contextually responsive design:

- *Enhancement of fine-grain detail at the streetscape interface level, including variation of materiality, depth and grain. The previous design had made positive moves in providing an increased level of human-scaled design at the streetscape level.*
- *Further break-down of horizontal bulk of the podium, particularly to Hartley Street (north). Refer to the report discussion below for recommendations to achieve this.*

- *Clarification of ambiguity around podium and street level materials, specifically BS1 – ‘spandrel concrete’.*
- *Achieving a higher level of tower façade articulation, to avoid large expanses of darkly tinted curtain walls. The unbroken dark grey and gold, highly reflective mass could potentially appear overwhelming from some vantage points and can cause potential glare issues. Recommendations to provide façade depth, articulation and shading are provided in the report discussion below.*
- *Provision of a material legend on overall building elevations and detailed streetscape elevations.*
- *Other detailed matters contained within the discussion section of this report.*

We provide the following detailed review with consideration of our previous advice provided on 8 July 2021, and new matters raised as a result of design updates.

6.1.1 Building Mass

Compliance with DDO heights & set-backs

- *Massing and layout updates to the upper tower levels achieve some visual break-up to the tower, and achieve a more slender visual appearance, particularly from the north and south vantage points.*
- *The gridded articulation over the eastern tower mass, the massing updates, and the use of two strong glazing tones is successful in breaking down the visual bulk of the tower forms. The simplicity of the approach compared to previous is successful.*
- *While overall massing and composition has improved, we have some concerns regarding the oversimplification of the facade into simple glazed curtain walls. This is exacerbated though the removal of balconies on upper levels to the south.*
- *We recommend providing some additional articulation to the southern tower elevation. This could be achieved through a version of the ‘grid’ façade design to the east, and the reintroduction of balconies. We refer to the Design Detail section of this report for further recommendations related to tower design.*
- *We defer to planning in regards to assessment of overall height and bulk against the requirements of the planning scheme.*

6.1.2 Public Interface Quality

Maximise activation of public realm

- *Improved street activation, as achieved during the application process, remain a part of the updated scheme. This includes the removal of excessive bicycle parking along the corner café interface, and integrated seating to promote further activity to this edge.*
- *Activation to Hartley Street (west) has been extended through the relocation of the fire control room (moved to North façade, with minimal impact).*

Ground plane design includes the use of ‘terracade’ and concrete, including the services cabinets. While we support the use of the terracade, we question the blanket application of this material across multiple varied elements of the podium facade, including the ground plane. The ground level elevations could benefit from being visually distinct, with a higher level of human-scale, nuance and detail. This should be achieved through the integration of shrouds, plinths and pilasters, with a consideration

of more textured and robust materials. This was a successfully achieved though the previous design; however, a level of fine-grain detail has been lost with the design updates (Figure 31 and 32).

Figure 31 – Previous street level elevation



Figure 32 – Proposed street level elevation – less detail and diversity of materials



6.1.3 Design detail

Podium design

- The podium façade design has been reimagined, alongside minor changes to floor plans (amalgamation of balconies across the northern podium façade). The design includes a concrete base, and screening elements composed of 'terracade baguettes' (a type of clay batten.);
- We support the natural tones and the artistic inspiration behind the podium design, and believe a stronger design concept and narrative has been achieved;

- *We have some concerns with the excessive use of screening across wide expanses of the façade, and the lack of clarity around other podium materiality (glazing framing, concrete);*
- *The screen design has some benefits, including creating a visually interesting but permeable interface to the podium car parking. We are concerned that the screen can also cause disconnect between internal spaces and the street level affecting a sense of activation and passive surveillance. The screen can also obstruct views and daylight penetration from residential units. Further, the expansive horizontal battens applied across the whole podium façade potential creates a homogenous expression which emphasises the width of the form, especially to Hartley Street. The immediate precinct suffers from some other overly wide and screened podium frontages, and we recommend that a higher level of design quality is achieved to this site to establish a higher quality precedent for emerging precinct character; and*
- *Without the break-down of separated balconies, the width of the podium form is exacerbated. There is a missed opportunity to create a differentiated façade language across the podium form to respond to the differences in internal function across the façade width (commercial, and residential).*

To address the above concerns, we recommend the following:

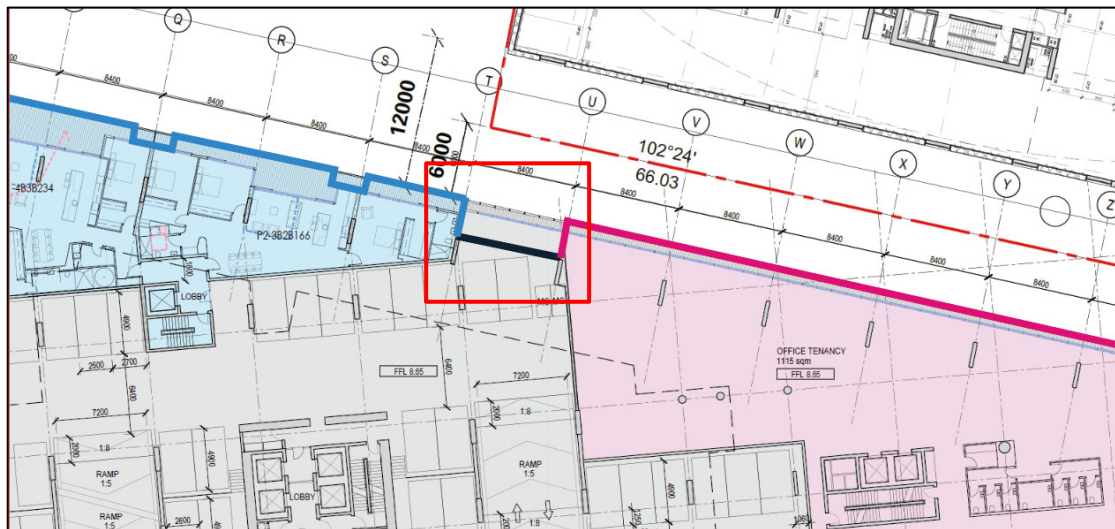
- *Further nuance in the application of the ‘terracade’ screening treatment, to avoid any screening over windows into habitable residential spaces. A potential way to address this is providing cut-outs to the screen where it sits over windows, or address the residential façade with a different façade design;*
- *Provide vertical breaks in the façade. This could be established through reinstating the separated balconies, and through recesses in mass. We identify an opportunity for a substantial recess associated with the podium car parking interfacing at the north elevation (Figure 33 and 34);*
- *Differentiate the design language across the Hartley Street façade to further breakdown the podium horizontality. This could be implemented through potentially adopting a more ‘gridded’ language across the residential portion of the façade (similar to the eastern tower design), to have a more human-scale, residential language (avoiding obstruction of windows); and*
- *A monolithic but visually interesting rain screen design could be more appropriate over the commercial component of the façade, and for podium car-park screening. We recommend the proposed design concept is maintained to these components of the façade only;*
- *Besides the ‘terracade baguettes’, the primary material used to the podium façade is BS1 – ‘concrete spandrel’, which occurs across podium façade and ground plane. Considering its extensive application, this material should be highly robust, and have a natural pigment. A texture could be considered to add further variation and dynamism to the podium and ground plane expression to the street. The balance between the concrete spandrels and terracade baguettes is a crucial*

part of achieving the design quality of the proposal, so this material should be accurately specified with additional detail.

Figure 33 – Podium façade design to the new road and Hartley Street



Figure 34 – Plan viewing showing a façade break



Tower design

- *We note that the removal of balconies and the overuse of a dark, tinted glazing gives the towers southern and western façade an overly homogenous and potentially dominating expression. To the western façade, this has the effect of reducing the visual ‘slenderness’ of the tower.*
- *We recommend further articulation or solidity to the tower facades, particularly to areas of the façade which may require some opacity (solid walls, privacy requirements, etc.). This could be achieved though extending the ‘grid’ design which extends over the eastern tower component across the tower façade, or*

the incorporation of some carefully introduced concrete elements to create breaks in the glazing. This will also contribute to sun shading and limiting heat gain to the tower, to remove overreliance on darkly tinted glass.

- *We do not support the overuse of darkly tinted glass, which creates disconnect between internal function and the street level. We also note that highly reflective glazing can cause excessive and uncomfortable glare to the public realm. We require all glazing reflectivity to be contained to 15% or less.*
- *While the concept of breaking up form through different variations of tinted glass can be supported (with added articulation), we recommend a more lightly tinted, subtle and less reflective variants of glazing to achieve this affect.*

Planner's Response

There are outstanding concerns relating to:

- The oversimplification of the façade.
- A lack of finer grain detail at the ground level.
- The extensive use of screening that results in a loss of activation / passive surveillance.
- The overuse of certain materials that reduces visual interest.
- Lack of clarity regarding the podium materiality.
- Overly long frontages without balconies or rebates that contribute to undesirable mass.

To address these issues, the officer's recommendation is to include a façade strategy conditions in the ID to require:

- Shrouds, plinths and pilasters with textured and robust materials to enhance the ground level frontage.
- Greater detail and articulation to the façades such as concrete (or similar) grids, spandrels, lighter glazing, shading elements, vertical breaks, and recesses.
- Cut-outs to the screens that cover windows, or address the residential façade with a different façade design.
- A more detailed material legend for the overall building elevations and detailed streetscape elevations.
- Further nuance in the application of the 'terracade' screening treatment and the application of more texture to promote visual interest.
- Reduce glazing reflectivity to 15 per cent.

Urban design matters are further assessed at Section 7 of this report.

6.2 Traffic Engineering

I refer to a Traffic & Transport Assessment (TTA) by Impact of 4/10/2021 in relation to the above application, which includes:

- *370 dwellings*
- *4,330 m² office*
- *280 m² café / retail*

- 176 car parking spaces
- 492 bicycle spaces
- 18 motorcycle spaces.

Car parking and access

As the Melbourne Planning Scheme (MPS) has a maximum limitation of 292 spaces, the proposed provision is considered to be acceptable.

A note should be placed on the planning permit, stating: "Council will not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development. The developments in this area are not entitled to resident parking permits. Therefore, the residents/occupants/visitors of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions".

*The internal layout of the car park including all ramp grades/widths/transitions, dimensions of car spaces, aisle widths, height clearances, etc should generally comply with the MPS or the relevant Australian Standards**. The grade of the entry ramp must be 1:10 for the first 5m into the site.*

*In order to ensure that vehicles entering the site don't stop on the footpath and obstruct pedestrians/traffic while waiting for the entry doors to open, the doors should be offset at least 5m from the site boundary. Alternatively, the doors at/near the site boundary could be left open during afternoon peak period**.*

*As the 2x2.5m pedestrian sight triangle has not be provided at the exit from the car park, a signaling system/flashing devices should be installed, designed to alert pedestrians of exiting vehicles and vice versa**. Further measures should be installed, including a convex mirror within the site for drivers to view pedestrians, a narrow road hump close to the exit to ensure low speed of exiting vehicles and electronic sign facing the exiting drivers reminding them to give way to pedestrians.*

A total of 9 car share spaces must be installed on site (not in the New Street), as required by MPS.

Loading

*The proposed loading arrangements would result in vehicles having to reverse into the site, creating safety concerns for pedestrians. A turntable could be installed to ensure vehicles can enter / exit the site in a forward direction. A comprehensive Loading Management Plan (LMP) is required**, specifying how the access / egress of loading vehicles is to be managed, so that any potential conflicts are satisfactorily addressed. A Dock Manager should be employed, responsible for controlling the operation of the loading bay and unloading of goods**. A signalling system may be required to alert other road users when loading vehicles are entering/egressing the loading bay. If it is not possible to provide a turntable, then any reversing manoeuvres either into / from the site should only be made with the assistance of the Dock Manager, to act as a 'spotter' and stop pedestrians while vehicles are manoeuvring**. Appropriate signage / warning lights would also be required to warn pedestrians when a vehicle is manoeuvring**.*

New Street

The New Street is proposed to run along the northern boundary of the site, intersecting with Hartley St. While the street will be 12 m wide between building lines, its preferred layout / operation has not been finalised, pending input from various City of Melbourne's branches. Accordingly, we will provide further advice in relation to the

layout / operation of the street at a later stage, outside the planning process for this application.

Bicycle and motorcycle parking

A proposed bicycle and motorcycle parking provisions are supported. The design / dimensions of the bicycle parking must comply with the relevant Australian Standards / Bicycle Network guidelines.

Traffic generation

Assuming traffic generation rate of 0.3 vehicle / space, the site is expected to generate the following volumes:

AM Peak		PM Peak	
In	Out	In	Out
11	42	32	21

While the TTA indicates it is proposed install traffic signals at the Hartley St / Lorimer St intersection to accommodate the generated traffic, it is unclear how this would be funded. It is therefore recommended the developer contribute to the funding of the traffic signals. Given that Lorimer St is an Arterial Road and the Department of Transport (DoT) is responsible for the operation of signalised intersections, this application should be formally referred to DoT. Ultimately, the detailed design / operation of the traffic signals must be to the satisfaction of the DoT.

Road Safety Audit

Formal Road Safety Audit should be undertaken, during the concept design and post implementation stages, of the proposed layout / operation of the New Street, the proposed access arrangements, internal layout and vehicular circulation within the subject site and the operation of the loading bay. The findings of the Audit must be incorporated into the design at the developer's expense**.

**** to the satisfaction of Melbourne City Council – Infrastructure and Assets.**

Planner's Response

To address the above issues, the officer's recommendation is to include conditions in the ID to require updated drawings / documents including:

- The internal layout of the car park including all ramp grades / widths / transitions, dimensions of car spaces, aisle widths, height clearances, and the grade of the entry ramp must be 1:10 for the first 5 m into the site.
- The car park doors to be either offset 5 metres from the title boundary or open during peak times is included in the officer recommendation to ensure there are no unsafe pedestrian and vehicle conflicts resulting from access to the Site.
- A 2 metre x 2.5 metre pedestrian sight triangle at the exit from the car park, a signaling system / flashing devices, convex mirror, a narrow road hump close to the exit to ensure low speed of exiting vehicles, and electronic sign facing the exiting drivers reminding them to give way to pedestrians. These measures will ensure there will not be unsafe pedestrian and vehicle conflicts.
- A total of 9 car share spaces must be installed on site (not in the New Street), as required by MPS.
- A loading management plan (LMP) to ensure there are no safety concerns.

- A formal road safety audit be undertaken.

6.3 Civil Design

Tenure Issues

The proposed development includes construction of a new street and allocation of land for a future park. Prior to the commencement of the occupation of the development, the new street and park must be vested in Council as a Road and Reserve respectively on a plan of subdivision.

Comments

The proposed new street is an extension to the proposed street at the southern boundary of the approved development at 85-93 Lorimer Street. Layout of this street must be finalised in consultation with Council's City Design and Transport / Parking teams.

We require that the whole portion of 12 m new street (south of the approved development and north of current development) to be designed at this stage including trees, drainage and street lighting.

Approved development is required to construct only half of 12 m street. We want to know the interim arrangement when the street is only 6 m wide south of the approved development.

Funding, design and construction of Future Park must be finalised in consultation with Council's City Design team.

The subject site is located within flood overlay LSIO3 and advice must be sought from Melbourne Water.

We object to the outward opening doors projecting into the Hartley Street footpath. The doors shall be redesigned such that they do not project beyond the street alignment when open, when closed or when being opened or closed.

The maximum permissible width of a vehicle crossover without a pedestrian refuge is 7.6 metres. The crossings wider than 7.6 metres should include the provision of a minimum of 2.0 metres long pedestrian refuge islands at 7.6 metre spacing.

The proposed crossing is located next / within an existing street tree in the road reserve. This matter should be referred to the Urban Forest and Ecology Team for comment.

Planner's Response

It is recommended the supplied conditions be included in the ID.

A summary of the key Civil Design items to be addressed is as follows:

- The park shown on the drawings and new road are required to be vested in Council. (the design, funding, and vesting of the park is considered later in this report).
- The delivery of the new road will be managed under a separate application to the City Design and Transport teams.
- Further information relating to the section of road shared with 93 Lorimer Street is required. The applicant is required to address this and it is recommended the TTA be updated in a condition in the ID to address the road and how it will connect to the north site.

- Civil Design object to the outward swinging door into Hartley Street. It is recommended this be resolved by a condition in the ID.
- The maximum permissible width of a vehicle crossover without a pedestrian refuge is 7.6 metres. It is recommended that a condition in the ID be included requiring a pedestrian refuge to be shown on the plans.

6.4 Waste and Recycling

- *WMP waste estimates (Table 1) do not separate garbage from organics – please use the 2021 Guidelines for Waste Management Plans.*
- *Table 1: please specify days of operation required for commercial uses (i.e. 7 days).*

Residential:

- *An inadequate bin volume has been provided for organics: 10 x 240 L bins 3 times per week = 7200 L of organics per week. Estimated organic waste = 9260 L per week.*
- *A 13 cubic metre compactor for garbage is not required given the separate collection of organics - a 10 cubic metre compactor should be adequate for garbage.*
- *Please provide dimensions for compactors.*
- *WMP needs to show correct bin colours for organics bins (green lids).*
- *Please show access route for residents to hard waste / organic waste rooms.*
- *Residential hard waste and organic bin rooms are incorrectly named on plan drawing (it says “hard and recycle”). Please give dimensions for each room. NB: 4 m² of floor area is required for hard waste in addition to e-waste. CoM can provide e-waste bins (either 240 L or 660 L) – we recommend to allow space for these and show on plan.*
- *The WMP nominates 2 Council hard waste collections per month, but needs to specify 2 collections of 4 cubic meters. Also, the WMP should state that residential hard waste will need to be presented in the loading area by Building Manager prior to Council hard waste collections.*
- *Plan drawing for bin types / layout should show bins clearly labelled or coloured for each waste stream.*
- *Chute exits and any safety enclosures not clearly shown in plan drawings.*
- *Temporary bin holding area needs to be shown in loading dock: For organics bins (and for spare waste bins if required).*
- *Hook-lift vehicles need to be shown propped one metre in front of compactors (and are to sit entirely within property boundary for collections).*

Commercial:

- *There is an inadequate volume of garbage bins: 2 x 1100 L, 3 times per week = 6600 L. This is not enough for an estimated 9266 L per week of garbage. We recommend 3 x 1100 L bins collected 3 times per week.*
- *The commercial waste bin area is too small: 15 m² is provided for the proposed 13 m² of bins (which is inadequate as per previous point). No space is shown for hard waste / e-waste.*

- *Is the commercial bin area fenced off? If it is, the fence appears to be going through a 240 L bin.*
- *Please show internal access routes for commercial tenants (e.g. café and retail) to commercial bin area.*

General:

- *An elevation drawing is required showing adequate height clearance for waste trucks. A reduced height clearance of 4.5 m is accepted if compactors will be chamfered and an articulated hook used. In which case the WMP needs to specify compactors will be chamfered.*
- *Please change wording in Section 1.3: the WMP cannot say additional collections “as often as required and on any day required”. The WMP must be adequate to cater for peak waste periods.*
- *Section 2.1 states that “the operator shall assist residents to dispose (sic) large cardboard items and any other wastes unsuitable for chute disposal”. More specific detail needed. NB: residents need access to residential bin store room.*

Planner’s Response

The additional information / changes requested by Waste Services is recommended to be required as a condition in the ID.

6.5 Green Infrastructure and ESD

General

The development generally has good ESD targets to satisfy the relevant clauses (refer below) of the Melbourne Planning Scheme. The proposal is committed to a 5 Star Green Star Design and As Built v1.3 rating.

Relevant planning scheme clauses with sustainability elements for the development include:

- *Capital City Zone – Schedule 4 (Fishermans Bend Urban Renewal Area).*
- *Clause 22.27-4.5 (Fishermans Bend Urban Renewal Area Policy - Achieving a climate adept, water sensitive, low carbon, low waste community).*

Observations

Management

Project is not currently registered with the GBCA but proof of registration for a 5 Star Green Star Design and As Built v1.3 certified rating (or equivalent) is required now as this will be a final review prior to construction. The GBCA is no longer accepting registration under the D&AB V1.3 tool and the project will need to seek certification under Green Star Buildings.

It is proposed that residential and commercial components of the project be certified under two separate Green Star ratings at this stage. Further discussion with Green Building Council of Australia (GBCA) will occur to confirm the certification approach.

A minimum 10% points buffer (i.e. minimum 66 points) is being pursued, with the potential 5 Star pathways achieving 70 and 71 points. A Green Star Accredited Professional (GSAP) will be appointed.

Water

A 65 kL rainwater tank is located below podium Level 1, a third pipe connection for recycled water and rainwater will be provided for all non-potable uses and landscaping will have buried drip irrigation.

Fixtures and fittings are within one WELS star of best available, except for showerheads which are specified as <9L/min.

Energy

The building will have a 54 kWp rooftop solar PV system (124 panels, 410 W each shown on plans), and is all-electric except for gas cooking (exclusion proposed to be evaluated during further design stages). It is recommended gas be excluded from the whole development.

Preliminary energy modelling of a sample of dwellings achieved an average 7.4 Star rating, with a minimum rating of 5.8 Star rating. Development is committed to achieving an average 7-star NatHERS rating for the building, in line with Clause 22.27.

With reference to Clause 22.27 requirements, the applicant has stated that an improvement above NCC 2019 will be further assessed in the next stage of design but does not expect a 20% improvement to be achievable as listed in Clause 22.27 (citing step change of NCC 2019 occurring after introduction of this planning clause). Compliance with minimum NCC 2019 requirement is deemed satisfactory in this instance.

Stormwater

While a 65 kL rainwater tank is to be included, and points from relevant stormwater discharge and quality credits have been claimed in the Green Star pathway, evidence demonstrating compliance with planning scheme stormwater objectives (e.g. Clauses 22.23 and 53.18) has not been provided. It is also not clear whether the proposed tank capacity meets the requirements of Clause 37.04 relating to 0.5 cubic metres for every 10 square metres of catchment area given the harvesting catchment areas have not been defined.

Indoor Environment Quality (IEQ)

Development pursuing 1 point (i.e. 40% nominated area) to achieve required daylight levels. Indoor pollutants to be reduced through selection of materials & finishes compliant with Green Star requirements.

Transport

Bicycle parking and end of trip facilities has been provided in exceedance of Green Star requirements. Green Star points pathway lists a potential initiative of 9 car park spaces to be allocated for electric vehicles and charging stations, subject to confirmation during detailed design.

Waste

Leigh Design has prepared a Waste Management Plan for the development and target for 95% of construction demolition waste to be diverted from landfill is being pursued.

Urban Ecology

To meet the 70% urban heat reducing surface requirement of Clause 22.27, the development includes landscaping covering almost 57% of the total site area (including a ground level park, trees at Level 1, landscaped area at Level 5 and green roofs at Level 6 and 7), in addition to rooftop solar PV and light-coloured Level 5 paving and light-coloured roofing material. It is proposed this achieves 79%.

Preliminary Green Star Ecological Value calculator shows 2 points may be available.

The concept landscape plans do not adequately show the full scope of the landscaping within the proposed development. Podium Level 1 is not represented and Level 06 Green Roof is also not represented in the concept package.

A condition for a complete landscape package is suggested.

Green Factor

It is also suggested that the application could incorporate benchmarking of the buildings' green infrastructure quality by voluntary use of the City of Melbourne's Green Factor tool.

Planner's Response

The additional information / changes requested by Green Infrastructure have been incorporated into the Officers recommended conditions.

6.6 City Design

The application was referred to Council's City Design who noted that the privately accessed landscaped areas of the development were straight forward and further detail would be required and could be required through conditions.

They noted their design obligations regarding the proposed 'Future Park' that should be discussed with Open Space Planning.

They also noted the design of the new road and footpath should be guided by MCC's Civil Team.

Planner's Response

There are no issues raised by City Design other than the coordination and delivery of the 'Future Park' and new road which will be managed by other Council departments.

It is recommended that a condition relating to landscaping design and management be included in the ID.

6.7 Land Survey

Response

The following comments are provided by Land Survey in response to the internal referral of the above application:

New Street

New Street appears to include land outside the title boundary. Further clarification should be obtained by the applicant in relation to how it will be constructed and any proposed reciprocal easement rights which may be required to achieve access.

The application must be referred to Infrastructure and Assets for comment in relation to whether or not the Street should be vested in Council as a Road on a Plan of Subdivision.

Should Infrastructure and Assets require Vesting of the Road, the draft Incorporated Document will need to be amended to include a condition which requires vesting.

For example:

Vesting of Roads

Prior to the commencement of development (excluding demolition), the east west access way must be vested in Council as a road under the provision of the Subdivision Act 1988. The road is to have no upper or lower limit and must exclude any structure above and below to the satisfaction of the Responsible Authority – the City of Melbourne.

Infrastructure and Assets will need to provide comment on the road specifications, height & depth limitations and width.

Should Infrastructure and Assets not require the road to be vested, in order to achieve the required access way, reciprocal carriageway easement rights must be created on both titles in favour of each other. This will require an amendment to the incorporated document purpose to allow for the creation of easement. Further investigation will need to be undertaken on how the easement is to be created on the abutting title in favour of the subject land.

Example of Creation of Easement Condition should Road not be vested.

Creation of Easement

Prior to the commencement of the development, the owner must lodge with the Responsible Authority, an application for certification pursuant to Section 23 of the Subdivision Act 1988 for the Creation of a Carriageway Easement in favour of the property at 85-93 Lorimer Street Docklands. When certified by the Responsible Authority and a Statement of Compliance has issued, the plan must lodge at the Land Victoria for registration and evidence of registration must be provided to the Responsible Authority as compliance of this condition.

Naming

Naming of New Street

New Street must be named prior to occupation to provide for appropriate addressing of the ground floor uses. This will require a condition along the following lines to be included on the Incorporated Document:

- *Prior to occupation, the east west access way referred to as New Street must be named in accordance with the Geographic Place Names Act 1998 to provide appropriate street addressing for the development.*
- *Any proposed road name must comply with the Naming Rules for Places in Victoria, Statutory Requirements for Naming Roads, Features and Localities 2016.*

Windows on the boundary

The proposal shows windows along the southern and eastern boundary for which the subject land does not benefit from a right to light and air over the abutting title boundary. It is recommended that this right be obtained prior to the commencement of any works or

Legal Agreement for openings on boundary

Prior to the commencement of the use and / or development on the land, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:

- a) *The windows / openings on the boundary must be removed when the adjoining property is further developed in a manner that the Responsible Authority considers would affect these windows / openings.*

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

Proposed Exemption of Clause 53.01 – Public Open Space Contribution

The Incorporated Document seeks to exempt Clause 53.01 in lieu of the open space being provided as a part of the development.

The applicant should provide a submission which includes a Clause 53.01 & 22.26 assessment in relation to the open space being provided as a part of the development. The submission should make specific reference to the developer's intent in relation to the open space whether or not is its intended to be vested in Council as a Reserve on a Plan of Subdivision or whether it will be retained in private ownership. Should it be retained in private ownership, Council should object to the proposed exemption to Clause 53.01.

The above information along with the application must be referred to Parks and Open Space to provide specific comment on the open space and whether or not it's appropriate.

Should Parks and Open Space support the vesting of the open space, the following condition must form part of the Incorporated Document.

Vesting of Reserve

Prior to the commencement of development (excluding demolition) and or prior to the issue of a statement of compliance for the subdivision of the land, the Open Space must be vested in Council as a Reserve under the provision of the Subdivision Act 1988. The Reserve is to have no upper or lower limit and must exclude any structure above and below to the satisfaction of the Responsible Authority – the City of Melbourne.

Proposed Exemption of Infrastructure Contributions Overlay

Land Survey does not deal with Infrastructure Contributions. Comments in relation to the proposed exemption should be referred to the appropriate area.

Planner's Response

The conditions provided by Civil Design relating to vesting the road are recommended to be included in the ID.

A condition requiring the naming of the new street is recommended to be included in the ID.

It is recommended that a section 173 agreement condition be applied to the ID that will require the windows on the boundary to be closed should the adjoining land be developed.

A suite of conditions relating to the design, funding, and ownership are recommended to be included in the ID to ensure it is appropriately delivered.

6.8 Urban Forest and Ecology

General

These comments refer to the potential impacts of the proposal on public trees and are made in accordance with the Tree Retention and Removal Policy.

Comments

The application documents do not include an Arboricultural Impact Assessment (AIA), which would identify impacts to eight existing public trees located on Hartley Street, some of which are mature and visually significant specimens. In accordance with DDO67, the absence of an AIA makes it difficult to comment on the following decision guideline:

Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.

It is noted that proposed crossovers may impact the most mature tree on Hartley Street.

The proposed new street would seemingly seek to mitigate the loss of existing public trees on the eastern side of Hartley Street with the twelve new tree plots identified. Once constructed, the development at 85-95 Lorimer Street would mean large sections of the new street will be in shade and may also contribute to wind funnelling. As such, ensuring adequate soil volumes are provided, alongside appropriate tree selection, will be critical to enable trees to access deep soil and reach their full potential.

Interconnected tree plots (continuous soil trench) and structural soil beneath hard surfaces would provide more optimal growing conditions, rather than individual tree plots with limited soil volumes. Coordination of utility connections and other services will be critical in providing this outcome.

Should a permit be issued the following conditions should be included.

Planner's Response

Standard Urban Forest and Ecology conditions have been provided and it is recommended they are included in the ID.

6.9 City Strategy

Affordable Housing

The City of Melbourne is committed to delivering more affordable housing within the municipality because it helps to create a more inclusive community and deliver significant economic benefits. If we do nothing, demand for social and affordable housing is expected to almost triple to 27,100 homes by 2036. There are major economic benefits associated with delivering more affordable housing.

The provision of affordable housing in private sector developments is currently voluntary in Victoria. As part of the planning permit process, a developer may negotiate the delivery of affordable housing. Developers in the property market typically aim to achieve a stable profit margin through the construction and sale of housing. If the requirements for affordable housing are determined well in advance, developers are able to anticipate the cost and accordingly pay less for land, enabling them to deliver the required housing contribution.

Affordable Housing Strategy

The Affordable Housing Strategy (2020) has five key priorities with a set of corresponding actions focusing on what the City of Melbourne can do to address the affordable housing crisis.

Key to this proposal is Priority 3: Facilitate more affordable rental housing through the planning system.

On land that is owned by the City of Melbourne, up to 25 per cent of all future residential development should be affordable housing, with potential to increase this in urban renewal areas where appropriate.

The proposal

The proposal is for 2% of all dwellings (or seven (7) affordable housing dwellings) within the proposed development. The affordable housing dwellings will be gifted to the Director of Housing or a Registered Housing Authority.

Response

City Strategy supports the proposal and requests the permit includes a condition to ensure the affordable housing dwellings are provided with certainty and managed by a suitable registered provider.

The following text can be negotiated with the applicant but should be used as a starting point for the conversation. These conditions have been used previously with other Development Planning applications.

Suggested permit conditions:

- (a) Prior to the issue of a statement of compliance for the subdivision of the land, the owner will enter into a binding agreement with a registered housing agency and/or Homes Victoria for the provision of affordable housing as defined by the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority in consultation with Melbourne City Council, requiring:*
 - i) unencumbered ownership of not less than 2% of all dwellings or 7 dwellings (whichever is greatest and rounded to the nearest whole number) to be gifted and transferred to the registered housing agency and/or Homes Victoria for nil consideration and costs.*
 - ii) management of not less than 2% of all dwellings or 7 dwellings (whichever is greatest and rounded to the nearest whole number) to be assumed by the registered housing agency and/or Homes Victoria, for leasing as affordable housing.*
- b) If the affordable housing dwellings **are not transferred** for nil consideration and costs or assumed for management by a registered housing agency and/or Homes Victoria within 12 months of the date of the **binding agreement referred to above**, the owner must develop an agreement to pay the City of Melbourne within 60 days after this sunset date, a sum of money equal to the cumulative market value of not less than 2% of all dwellings or 7 dwellings (whichever is greatest and rounded to the nearest whole number) to ensure the affordable housing dwellings are delivered nearby and within the municipality within an agreed time period.*

Transport and Parking

The Fishermans Bend Framework

The Fishermans Bend Framework (2018) includes a 12 m wide service access street along the southern edge of 13-33 Hartley Street. The service access street would connect the southern end of Hartley Street to the new street to be provided to the east of the site as part of the 85-93 Lorimer Street permit. This 12m wide service access street is proposed to eventually run the entire length of Lorimer's interface with the West Gate Freeway, providing rear access to all properties along the southern perimeter of the precinct, enabling higher quality place outcomes in other streets in the precinct.

The Framework also identifies Hartley Street as the future landing point for a public and active transport bridge across the freeway to Sandridge.

The Proposal

The service access street has not been included in this proposal due to identified challenges in developing the site if were to be provided. Instead a new 12 m wide east west street is proposed to the north of the development site connecting Hartley Street to the new street to the east. The rationale for this proposed change (see 6.7 Social Contribution to the Community - p. 58 Planning Report) makes reference to an alternative street layout in the Fishermans Bend Strategic Framework Plan July 2014 (Amended September 2016) and the approved plans for 85-93 Lorimer Street.

The proposal gives minor consideration to the potential impact of the proposed Hartley Street public and active transport bridge on the site. Granted, the proponent's Planning Report does state that it has "sought clarification from the Department of Transport (DoT) in respect to the proposed alignment of the elevated tram line within the Hartley St road reserve. Despite repeated attempts, the DoT has not provided any information" (p. 7).

Response

Given that urban renewal in Lorimer precinct is still in its infancy, the City of Melbourne acknowledges the challenges the proponent faces in developing a scheme that balances both its own short term requirements while considering the longer term vision for the precinct.

However, the rationale provided for the removal of the service access street and alternative street layout is not considered sufficient at this stage due to its potential to create short term access and infrastructure issues as well as compromising the long term delivery of the Fishermans Bend Framework.

The Lorimer and Hartley Street intersection form a crucial part of the Fishermans Bend public and active transport corridor, connecting the entire urban renewal area to the central city. Upgrading this intersection in the short term to accommodate increased local vehicle movements would necessitate significant regret works once the final intersection upgrade is delivered as part of the public transport corridor. Once the tram is delivered additional local vehicle movements would make an already complex intersection more complicated creating unnecessary delays for trams and other road uses. Hartley Street will also face further urban design challenges of integrating a bridge in this location. It would be preferred if vehicle access to the site were provided via the new street to the east, avoiding Hartley Street altogether.

Not delivering the service access street proposed in the Fishermans Bend Framework on this site would create a precedent for future development applications to do the same and risks compromising its delivery and the realisation of the broader vision for Lorimer precinct.

The alternative 12 m street proposed on the site has limited public benefit due the blank ground floor interface of 85-93 Lorimer Street concealing a substation and rainwater tanks. This would create a poor interface outcome lacking passive surveillance of the street with the potential to create an unsafe public realm.

The City of Melbourne would be happy to work with the proponent and the Victorian Government to resolve challenges around access in this part of Lorimer precinct to ensure the needs of specific development applications are balanced with the long term outcomes sought in Fishermans Bend.

New Street Design

City of Melbourne requests contraflow cycle access be included in the design – this is to facilitate local cycle access, including to / from the proposed development. This could be a dedicated painted or protected lane, or other appropriate allowance for cycling in the contraflow direction.

City of Melbourne would also like the broader design to be reconsidered. A shared zone-type design is preferred (e.g. non-asphalt surface treatment, no kerbs, low vehicle speeds). This design is preferable regardless of whether New St is signposted as a shared zone.

Car Share

City of Melbourne is not satisfied by the response to car share requirements. The applicant should:

- *Provide the car share bays on-site, not on New St:*
 - *On-street car share is managed and allocated by City of Melbourne through a separate process under the Car Share Policy.*
- *Engage with a car share operator to provide on-site car share vehicles.*

The following conditions should be part of any approved permit:

“Where car share spaces are provided, they should be designed such that:

- *Car share bays must be marked on the plans.*
- *Car share bays must be signed and marked for car share vehicles only.*
- *Car share vehicles must be on-site when the building receives the certificate of occupancy.*
- *Car share bays must be collectively owned by the Owners Corporation and not available for sale.*
- *Car share vehicles must be publicly accessible (the security system should enable access 24/7 for those with a car share booking).*
- *Car share parking bays must be easy to find, bunched together, not provided in a mechanical parking device, and located in the most accessible level of a multi-storey car park (such as near entrances to enable direct and immediate access).*
- *Car share bays must be EV ready.*
- *Consideration should be given to the potential expansion of car share bays”.*

Issues regarding the delivery of open space

The required Landscape Plan (S 4.11 of the draft Incorporated Document) should include the proposed future park to be provided on the site to the north side of the new street. The design should integrate with the approved Landscape Plan for 85-93 Lorimer Street, and allow for future expansion into 95 Lorimer Street, to the satisfaction of the City of Melbourne.

Note: The site at 95 Lorimer Street (not part of this application) is identified as 100% open space in the Fishermans Bend Framework. The acquisition of 95 Lorimer Street is an essential component in the realisation of the overall desired open space outcome incorporating parts of 13-33 Hartley Street and 85-93 Lorimer Street. Certainty of its acquisition for public purpose use must be provided by the Victorian Government prior to the approval of this application.

General comments on the Incorporated Document and Instruction Sheet

As is the case with incorporated documents which facilitate development in this way, there is always a concern that if the development does not go ahead as proposed there will be insufficient guidance for decision makers to assess amended proposals. For this reason we recommend an additional paragraph to clearly state that if the development does not go ahead as proposed in the architectural plans referred to in the incorporated document then the incorporated document will no longer apply and the provisions of the Melbourne Planning Scheme will apply.

Subject to advice from the Urban Design team, we recommend adding a new “Urban Design” section which would include principles around activation and interface with the public realm including:

- *Public interfaces and design detail principles from the Central Melbourne Design Guide.*

- *The principle of balancing safety, equitable access and good design in the context of urban design for flood affected areas.*

Planner's Response

Social / affordable housing

The above comments note that affordable housing is vital for ensuring Victorians can reasonably access housing. It is noted the application seeks to provide 2 per cent social housing rather than affordable housing.

The economic report submitted with the application notes that 2 percent social housing equates to approximately 6 per cent affordable housing.

Clause 22.27 requires affordable housing with guidance on social housing uplift to vary the dwelling density requirements at Schedule 4 to the CCZ.

As such, the comments and conditions are noted and recommended to be included in the ID. Social and affordable housing are further discussed at Section 7 of this Report.

Transport

The proposal has designed the new east to west road to align with the north adjoining property that has development approval that includes a new road.

While it is understood there is a different location for the road in the Fishermans Bend Framework 2018 (Figure 35), DDO67 contains a different road / lane arrangement which the proposal seeks to comply with (Figure 36).

Given there is approval for the north adjoining site that contains a portion of road, it is considered reasonable to allow this application to construct a connecting road through the site in its proposed location.

Map 4 to DDO67 nominates a 6 metre wide lane, whereas this proposal seeks to construct a 12 metre wide road. The proposed road is considered to be a balanced outcome comparing the framework against the planning control (DDO67) and additional land for the road exceeding DDO67's width prescription.

It is acknowledged that DOT is yet to provide further guidance on transport matters. It is understood they will be providing the Minister with referral advice which should be considered prior to this ID being determined.

The comments regarding car share will be addressed in the recommended condition to include them within the Site.

Noting that civil design have provided a condition for the road to be constructed to their specifications, it is recommended the condition be updated to include consultation with City Strategy to address their design requirements.

Park

It is agreed that the acquisition of 95 Lorimer Street (north of the Site) is required to see the future park and amenity of the Lorimer Precinct enhanced and fully realised.

ID Expiry

The proposed incorporated document condition contains expiry conditions. If the development is not commenced in the timeframe, it will expire.

Figure 35 – Road arrangement as per the Fishermans Bend Framework 2018

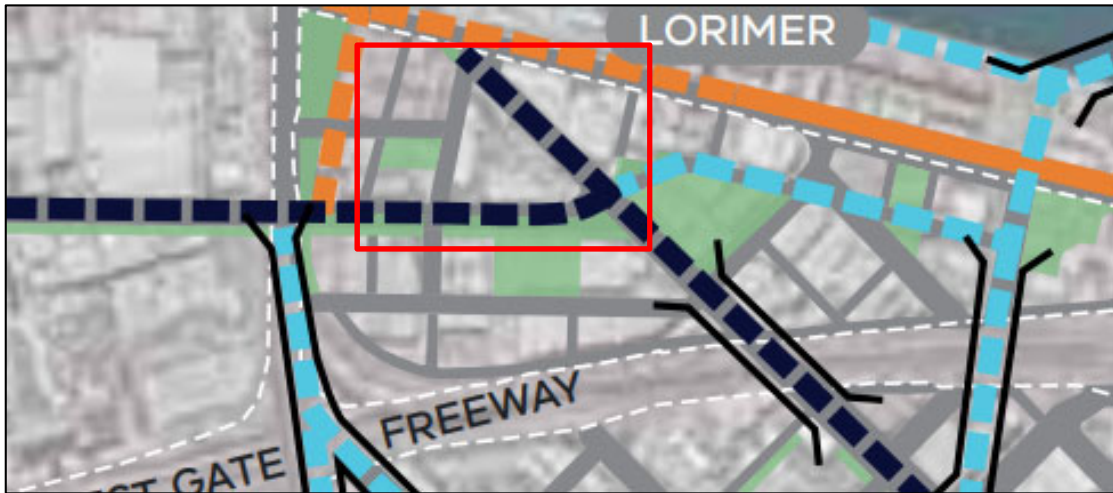
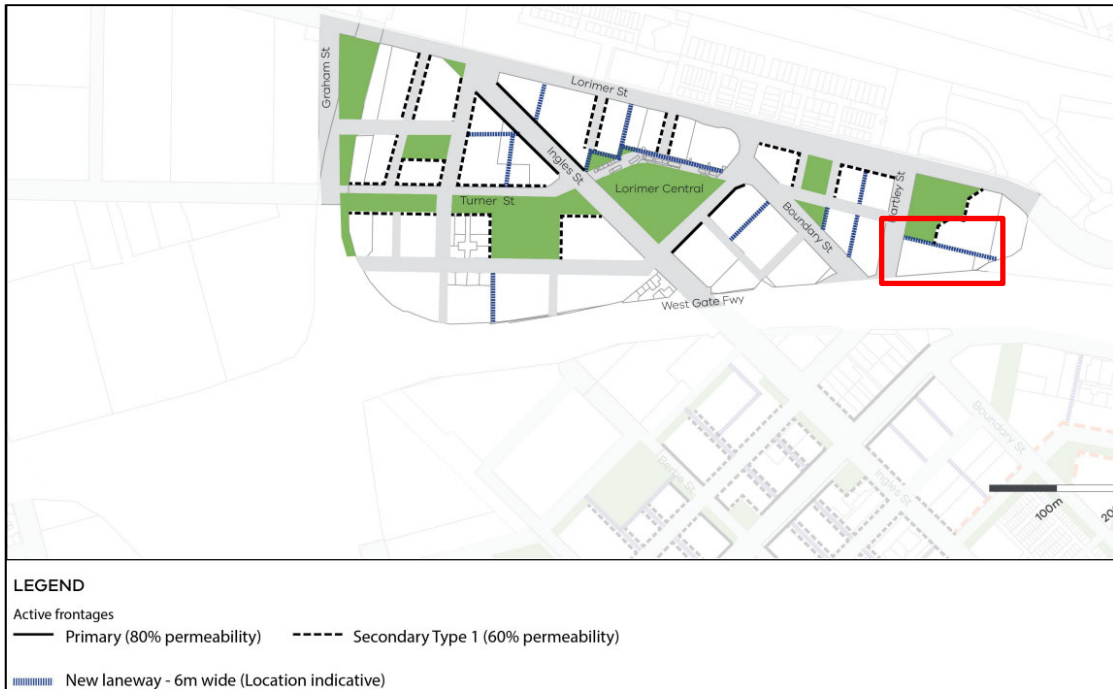


Figure 36 – Map 4 from DDO67



6.10 Open Space Planning

- *Ensuring there's surety in securing all parcels of land required for the new open space. Acknowledging that the land at 95 Lorimer St is not part of this application, it's critical to secure 95 Lorimer in order to develop a functional area of open space.*
- *Clarity around who is responsible for delivering the park, noting CoM would want to approve the design brief and the design of the park area.*
- *Clarity regarding the funding for the cost of any land purchase, and the design and construction of the new open space (to be borne by the developer or by others).*

In relation to the draft Incorporated Document:

- *S 4.2 notes the developer is exempt from open space contributions. I think there's merit in confirming what the developer is providing in lieu of an open space contribution (for example the land and/or the cost of design and construction of the park)*
- *S 4.11 requires a Landscape Plan be developed, which is focused on the building and its immediate surrounds. It appears to me to be silent on landscaping of the park area, which is fine if we're clear responsibility for this sits elsewhere.*
- *S 4.19 requires a demolition management plan. Once again it's not clear to me whether this requires the developer to demolish the buildings on the park area and address any site contamination.*

Planner's Response

The applicant has not provided information regarding how the northern part of the Site will be redeveloped for a future park.

Given development is occurring on the northern part of the land in the form of demolishing the existing buildings, it is considered appropriate to condition that land to be vested in the City of Melbourne in line with the above land survey comments.

Additionally, it is recommended that plans be required for the park via a condition in the ID.

The visibility of the condition in the ID relating to the park will prompt the appropriate information to be present to both DELWP and CoM to better understand how the park will be delivered. Upon receipt of further information and clarity, the recommended conditions may be adjusted as required.

7 ASSESSMENT

This assessment will include:

- Considering the appropriateness of lodging an application for an SCO and ID.
- Considering the proposal's response to the relevant strategic documents for Fishermans Bend.
- Assessing the proposed land uses which require a permit.
- Assessing the proposed built form and how it responds to the requirements of the CCZ4, DDO67, and other relevant built environment policies.
- Assessing the proposal's response to the objective and standards of Clause 58.
- Considering the proposal's traffic related matters.
- Considering appropriate development contributions.

7.1 The appropriateness of the Special Control Overlay (SCO)

The SCO is an appropriate mechanism to guide the future use and development of the site, it is the only route to approval available in this part of Fishermans Bend, as a consequence of the provisions of Schedule 1 of the Infrastructure Contributions Overlay (ICO).

The ICO states that a permit must not be granted (including for permit applications called in by the Minister before the approval of Planning Scheme Amendment GC81, such as that proposed development), until such time as an Infrastructure Contributions

Plan (ICP) has been incorporated into the planning scheme. On the basis no such ICP currently exists, permits cannot yet be issued for qualifying developments in accordance with the terms of the overlay.

To allow for development to be approved in the interim, the Minister has invited the submission of a Planning Scheme Amendment for 26 affected applications, to allow for site-specific controls that will facilitate the redevelopment of each individual site. Applications must now be considered through the SCO / ID process.

Though the 'call in' circumvents the need to consider the provisions of the ICO, land owners must still provide / contribute toward future infrastructure. In accordance with the subsequent Fishermans Bend Standing Advisory Committee Terms of Reference, 'appropriate' contributions must be made.

The application material has not included any detail of proposed contributions and the applicant understands a development contribution condition would be applied to any ID issued. Development Contributions is discussed further at Section 7 of this report.

As per the terms of the draft ID, a planning permit would not be required to use / develop the site in accordance with the existing controls that govern the site. As such, the ID must provide the guidance necessary to clearly direct the future redevelopment of the site.

The merits of the draft ID are discussed throughout this report.

7.2 Fishermans Bend

Whilst the existing statutory controls governing the Site set out current land use and built form expectations (refer Section 4 of this report), these would no longer apply should the proposed SCO and ID be approved. To this end, the key matters for consideration are the appropriateness of the proposed control and its response to the provisions of Clause 22.27 (Fishermans Bend Urban Renewal Area Policy), Design and Development Overlay Schedule 67, and the Capital City Zone Schedule 4.

This application has been submitted with an economic report that provides information relevant to a development of this scale in Fishermans Bend. The following points from the report are relevant:

- There have been several cases in Fishermans Bend where limited pre-sales have resulted in developments not proceeding to construction.
- The University of Melbourne are investing in a custom built engineering and design campus projected to open in 2025.
- The Site is situated amongst other larger scale residential developments.
- There are no firm commitments for public transport (light / heavy rail) at this time.
- The Site is 1.6 km from Southern Cross Rail Station, 0.9 km from the Collins Street tram line, and 1.1 km from the Montague light rail station which connects to the tram network.
- The report compares 2 per cent social housing versus 6 per cent affordable housing. It finds the Investment return rate (IRR) for both options as being comparable with both IRR's being marginally below 20 per cent. It is understood that an IRR of 20 per cent is an industry expectation for property development.

The policy at Clause 22.27 are assessed below with the above economic information in mind.

7.2.1 Providing for Employment Floor Area (non-residential plot ratio of 1.7:1)

The proposed development would provide 4,610 m² floor area for employment generating uses (office / commercial and retail), which equates to a plot ratio of **0.68:1** which would not meet the minimum policy requirement.

Pursuant to Clause 22.27-4.1, where development in the core areas provides less than the minimum plot ratio set out in Table 1 to this policy, the responsible authority will consider as appropriate:

- Whether the built form envelope available on the site makes it impractical to provide the minimum plot ratios.
- Whether the application is associated with the continued operation or expansion of an existing employment or residential use on site.
- Whether the building's floor to floor heights, layout and design will facilitate future conversion from residential to employment generating uses or from car parking areas to other employment generating uses.
- Whether the development can demonstrate that it is contributing to the employment objectives of this policy while providing less than the minimum plot ratio.

The following points regarding the proposal and the above requirements are relevant:

- A large portion of the Site is required to be set aside for a future park and a new road as per DDO67. This land occupies approximately 40.3 per cent (2,707 square metres) of the Site.
- The floor plates for the podium and tower are limited by the 4 storey maximum height requirement and tower setback requirements of DDO67.
- The applicant has stated the car park at level 2 of the podium could be adaptable to be converted to office floor area.
- The lot has an irregular shape.
- The proposal provides a mixture of office, retail, and dwelling uses.
- The non-residential plot ratio for the development (excluding the road and public park land) is **1.15:1** (non-commercial floor area divided by development site area (total site area minus land set aside for contributions)).

Based on the above points, the proposed shortfall of a non-residential plot ratio is considered acceptable based on the Site context, design requirements, and strategic planning requirements for a park and new road.

7.2.2 Community and Diversity (Providing at least 20% three bedroom dwellings)

Pursuant to Clause 22.27-4.3 developments with 100 or more dwellings within the Lorimer area should provide 20 per cent of total number of dwellings with three or more bedrooms.

The proposal responds appropriately by meeting the minimum policy requirement by:

- Providing good dwelling typology diversity, including 124 three or four bedroom dwellings, which equates to 33.5% of the 370 dwellings in total. This meets the minimum requirement of 20 per cent.
- Providing social housing.

7.2.3 Providing for Affordable housing (Providing at least 6% of dwellings as affordable housing)

Pursuant to Clause 22.27, developments should provide 6 per cent affordable housing and a social housing uplift where developments exceed the number of dwellings allowable under the dwelling density requirement at Schedule 4 to the CCZ.

In this instance, the dwelling density does not apply to the application as per the Fishermans Bend Standing Advisory Committee Terms of Reference.

The application material states that 2 per cent of the development will be set aside for social housing, rather than 6 per cent affordable housing.

The application states that 2 per cent social housing equates to 7 dwelling of the 370 proposed dwellings which is noted at section 7.2 of this report as having a similar value to 6 per cent affordable housing.

Based on the policy at Clause 22.27, the officer recommendation is to include conditions in the ID that require 6 per cent affordable housing be provided rather than the proposed 2 per cent social housing.

7.2.4 Performance standards relating to design excellence, energy efficiency, flood resilience, waste management, communal open space, landscaping, connectivity, sustainable transport and land use

Clause 22.27-4.4 to Clause 22.27-4.10 relating to the above are assessed in greater detail throughout this assessment below.

7.3 Land Use

The proposal seeks to use the land for dwellings, office, and retail.

In this instance, a dwelling(s) requires a permit based on the proximity to two existing concrete batching facilities at 213 Boundary Street, Port Melbourne and 310 Ingles Street / 223 Boundary Street, Port Melbourne.

The proposed use of the land for dwellings is considered acceptable for the following reasons:

- The proposed use is consistent with a purpose of CCZ4 which seeks to create a highly liveable mixed-use area.
- The use will contribute to the creation of a mixed-use neighbourhood, which is a stated policy objective of Clause 22.27.
- The use is supported by an Amenity Impact Plan (AIP) which notes the nearby industrial uses, assesses the impact of the proposed sensitive uses on the existing industrial uses, and recommends measures to mitigate potential amenity impacts to the proposed sensitive uses. See Section 7.3.1 of this report for further assessment of the amenity buffer area.
- The use is supported by an acoustic report that concludes that noise from the surrounding area will not unreasonably detract from the amenity of the proposed dwellings. See Section 7.3.2 for a detailed assessment of the acoustic considerations.
- The Site is near public transport options that will service the needs of the future residents.
- The proposal provides good housing diversity with a mix of dwellings with various bedroom numbers.
- The Site and proposal have adequately provided for services and infrastructure.

- The proposal generally satisfies the specific requirements of the CCZ regarding dwelling density and transport requirements. This is further assessed at Section 7.3.3 of this report.

7.3.1 Amenity Buffer Area

Being a renewal area, the Site and its immediate surrounds comprises a variety of land uses. This includes a range of commercial and industrial premises. Clause 22.27-4.10 recognises the potential amenity impacts which may result and as such states that it is policy:

- *To ensure new uses and the expansion of existing uses with potential adverse amenity impacts do not prejudice the urban renewal of Fisherman's Bend.*
- *For applications that may be affected by adverse amenity impacts, require the preparation of an Amenity Impact Plan that includes measures to mitigate adverse amenity impacts.*

In accordance with Map 3 of CCZ4, the site is located within an identified amenity buffer area on the basis it is located within 300 m of two concrete batching facilities at 213 Boundary Street, Port Melbourne and 310 Ingles Street / 223 Boundary Street, Port Melbourne. As such, in accordance with Clause 4.4 of CCZ4, an Amenity Impact Plan (AIP) is required.

The submitted AIP (prepared by GHD and dated September 2019) states that given the concrete batching plants are existing industries, the EPA recommended buffer distance guideline is the relevant guideline to be used, which outlines the separation distance to be met for the concrete batching plants and other existing industries.

The AIP notes the proposed development is not constrained for a residential use when appropriate buffer distances (EPA Default and GHD directional) are applied to the existing industries including the two concrete batching plants surrounding the site. It also states the Site is located outside the 100 metre EPA default and GHD directional buffers.

The AIP also contemplates emissions from vehicles using the Westgate Freeway and also includes noise considerations as part of the report.

The AIP notes the following design elements that will aid in mitigating against potential amenity concerns:

- Restricting dwellings at the ground level.
- The dwellings at the podium are located on the north side of the building, avoiding the Westgate Freeway.
- The plans show the dwellings at the podium with their private open spaces located on the north part of the building, not the west which has an outlook to the industry uses.
- Apartments located at the tower with primary outlooks to the west have been avoided so as to mitigate potential amenity impacts associated with the two concrete batching plants to the west of the Site.

The AIP concludes:

Based on the findings of this report and the assumption that the management of potential air and noise impacts would be addressed during the design phase, utilising mitigation measures that sufficiently mitigate amenity impacts, the subject site's amenity is not considered to be adversely impacted. In turn, the proposed development of the subject site is not likely to result in disamenity to the existing industries.

Section 5 of the AIP provides 'mitigation strategies' that tie into the conclusion which says that the physical design of the building will provide for the necessary mitigation of amenity concerns from the industrial uses; the report does not contain specific recommendations to ensure the proposal will comply.

In order to ensure that the AIP and development plans continue to align throughout the realisation of the development and provide acceptable amenity outcomes, it is recommended that a condition in the ID be included to require the report to be updated to refer to the 'strategies' as recommendations.

This will ensure that any design modification or future change to the building will also require the report to be updated to ensure amenity conditions are acceptable.

The potential noise impacts are discussed at Section 7.3.2 of this report.

7.3.2 Acoustic considerations

An Acoustic Report prepared by Renzo Tonin & Associates, dated 29 September 2021, has been submitted with the application and notes that it will form part of the previously discussed AIP. The report determines that:

- The West Gate Freeway is the dominant source of noise at the Site.
- Noise levels from the nearest noise-intensive commercial operation, the concrete plant at 213 Boundary Street, complied with EPA 1826-P1 (formerly SEPP N-1) noise limits at the Subject Development.

Importantly, the report determines that no significant noise impact from the concrete batching sites is expected as that use complies with the relevant noise emission requirements.

While being a requirement under the CCZ4, noise is also contemplated by Clause 58 which relates to apartment development. Importantly, Standard D16 of Clause 58.04-3 states that building should ensure that noise inside a dwelling from external sources should not exceed:

- 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

The acoustic report does not provide specific recommendations to ensure the dwellings will comply with the above. As such, it is recommended that a condition be included in the ID that requires the acoustic report to provide a recommendation to ensure the above noise criteria are met.

7.3.3 Outstanding CCZ4 Requirements

In addition to the permit requirements for land use and development and an Amenity Impact Plan set out in the CCZ4, the control also provides for certain requirements to be met. The requirements are individually listed and assessed below at Table 6 which finds the proposal to satisfy the requirements.

Table 6 - CCZ4 requirements	
Requirement	Assessment
Dwelling Density	<p>Not applicable</p> <p>The Fishermans Bend Standing Advisory Committee Terms of Reference confirms the proposal does not need to comply with the dwelling density requirement.</p> <p>The Site has an area of approximately 6,700, the dwelling density provision of 339 dwellings per hectare, would otherwise have allowed 227</p>

	<p>dwellings to be accommodated on the Site (the proposal is for 370 dwellings).</p>
<p>Bicycle, Motorcycle and Car Share parking</p>	<p>Satisfied</p> <p>The proposal contains 370 dwellings, with the employment generating floor space less than the 10,000 m² threshold.</p> <p>The proposal makes provision of the following bicycle, motorcycle and car share parking for the residential component:</p> <ul style="list-style-type: none"> ▪ 370 secure bicycle spaces for the residents (1 space per dwelling). ▪ 82 visitor spaces, 50 of which are secure at ground level and located within the development, with a further 32 abutting the building's front façade. This provision exceeds the requirement by 45 spaces. ▪ 18 motorcycle spaces within the podium carpark, which exceeds the requirement by 11 spaces. ▪ 9 car share spaces are required. No car share spaces are nominated within the podium carpark however the applicant has noted they could be. As such, it is recommended that a condition requiring the spaces be included on the ID.
<p>Green Star Rating</p>	<p>Satisfied</p> <p>The Sustainability Management Plan supports the proposal and confirms the project is committed to meeting a 5-star Green Star design.</p> <p>This requirement is best dealt with by Council's ESD team; refer to Section 6 of this report.</p>
<p>Third Pipe and Rain Tank</p>	<p>Satisfied</p> <p>The proposal has been designed to reflect an environmentally sustainable development outcome and as such will satisfy the required conditions.</p> <p>This requirement is best dealt with by Council's ESD team; refer to Section 6 of this report.</p>
<p>Roads and Laneways</p>	<p>Satisfied</p> <p>The proposal seeks to deliver the balance (and majority) of New Street, which is an east – west street that will primarily benefit the residents of 85-93 Lorimer St who wish to travel inbound along Lorimer St. The land take associated with New Street within the subject site is approximately 920 m².</p> <p>The requirement notes that a permit condition must be included to require the applicant to enter a legal agreement under Section 173 of the Planning and Environment Act 1987. It is recommended this be included in the ID.</p>

7.4 Built form

If the proposed SCO / ID were approved, the provisions of the CCZ4 and DDO67 would not apply however, they are to be considered as per the terms of reference for Fishermans Bend. Notwithstanding, the provisions of these controls are an appropriate built form assessment guide in this instance and the proposal is assessed against these design outcomes below.

7.4.1 Building Typologies

DDO67 shows the Site within Area L4 which seeks a predominately high-rise building typology. The proposal complies with this typology as well as responding appropriately to the preferred precinct character by:

- Proposing a podium / tower format.
- Providing a four storey podium height.
- Ensuring the tower element is somewhat slender subject to the recommended conditions.
- Avoiding unreasonable overshadowing to the Sandridge Precinct which is located in the municipality of the City of Port Phillip as most of the overshadowing will fall on the Westgate Freeway.

7.4.2 Building Height

The Site is located in an area of DDO67 that does not specify a height limit. The proposed building height is considered to be acceptable for the following reasons:

- The height reasonably responds to the surrounding built form context which contains several large scale buildings (Figure 37 and 38).
- The height of the tower and design is distinct from the existing and approved taller buildings within the surrounds, ensuring there will a diverse and interesting skyline (Figure 39).
- The height will not interrupt views to the Yarra River from other properties as the Site adjoins the Westgate Freeway.

Figure 37 – Built form context



Figure 38 – Built form context (Development Activity Model)**Figure 39 – 3D render of the proposal amongst existing and approved buildings**

7.4.3 Overshadowing

Whilst the existing and desired future built form character of the area is a key factor in determining what constitutes appropriate building heights on-site, so too is the effect of the proposed building upon the general amenity of the immediate surrounding area.

This includes the extent to which it would overshadow the proposed future public open space to the north which is nominated as a future park – refer area ‘A’ in Figure 40 and the shadow diagrams at Figure 41.

DDO67 states that the shadows cast over this open space between 11am and 2pm on 21 June to 22 September should not extend beyond those which would be cast by a compliant street wall (four storeys).

The application material demonstrates that the proposed development would not cast shadow over the proposed future open space, complying with the policy.

The proposal also avoids unreasonable shadow impacts to public and private property, noting the shadows cast throughout the day fall on roads south of the West Gate Freeway as commercial properties (Figure 41 and 42). Where the southern commercial properties are affected, most impacts apply to a car park (Figure 42).

Figure 40 – Map 5 to DDO67

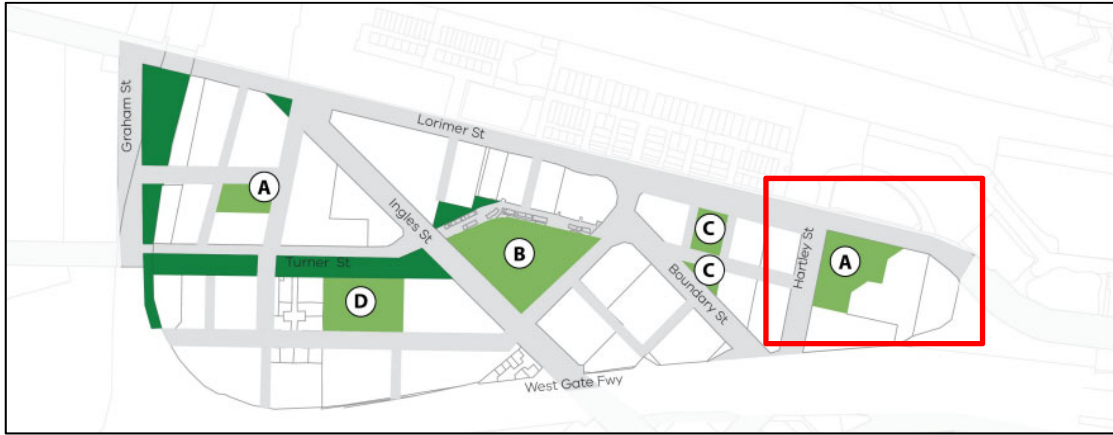


Figure 41 – Shadow diagrams

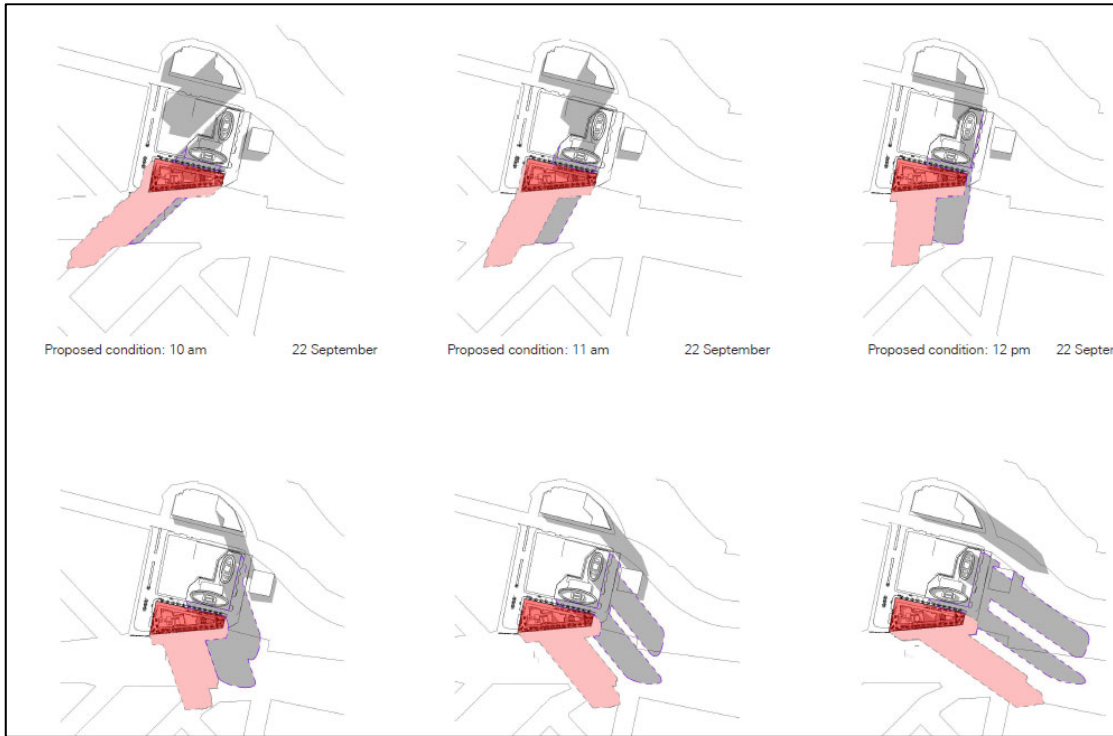
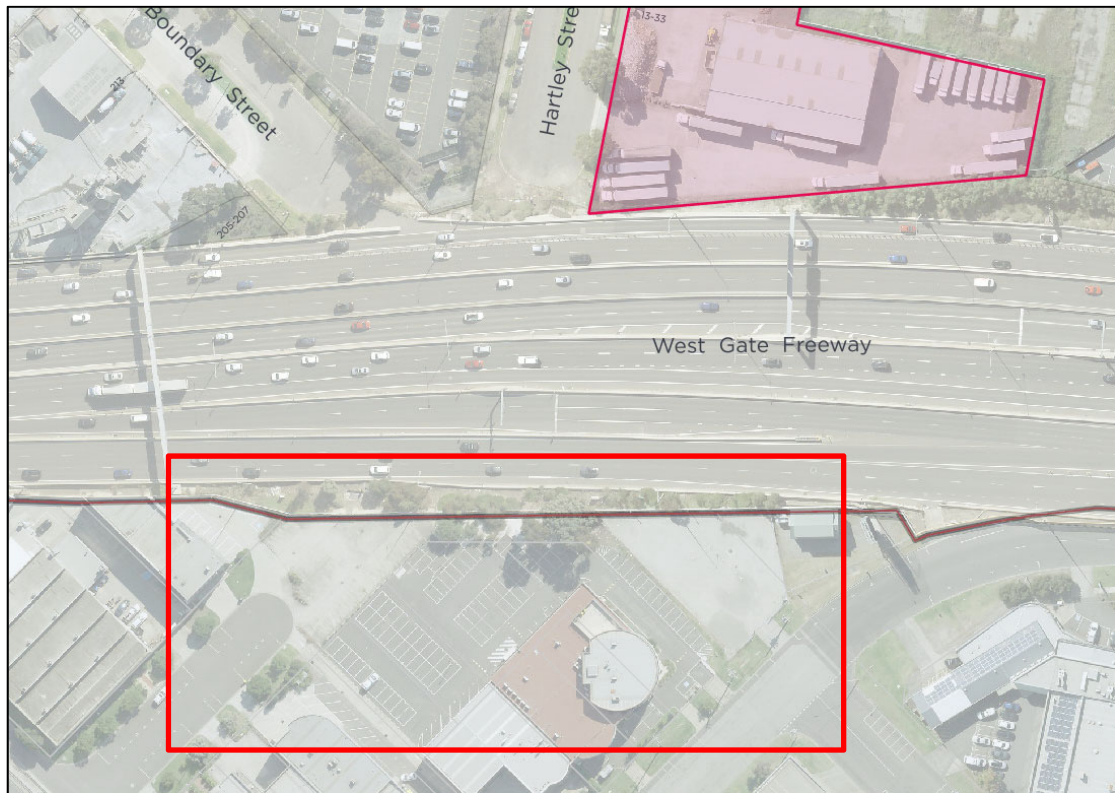


Figure 42 – Affected properties



7.4.4 Street wall height

DDO67 provides the following street wall height requirements for:

- Hartley Street: Street wall Type D – preferred minimum street wall of 4 storeys, maximum mandatory street wall height of 6 storeys.
- The new road: Street wall Type A – preferred minimum street wall of 4 storeys, maximum mandatory street wall height of 6 storeys.

The proposal seeks to construct a 4 storey street wall height to both Hartley Street and the new road which complies with the prescriptive requirement set by DDO67.

In terms of the built form outcomes for the street walls, the following elements are supported:

- The height is considered to be a reasonable pedestrian scale.
- Views to the sky and adequate daylight will be maintained, noting the location of Site does not allow for shadows to be cast to the north where the proposed new road is located.

While the height is supported, the design of the podium and its wide horizontal form to the new road should be improved as per Council's Urban Design team's comments at Section 6 of this report.

Breaking up the horizontal mass through inserting vertical breaks and inserting more openings to the podium façade screening materials where windows are located will improve the human scale of the development. This will ensure the podium's horizontal mass does not overwhelm the public realm.

As stated at Section 6 of this report, a façade strategy requiring these changes will adequately address the issues.

7.4.5 Setbacks above the street wall

DDO67 contains the following setback requirement for buildings above the street wall:

Location	Qualification	Preferred Setback	Minimum Setback
Where the building fronts a street that runs beside:	where building height is \leq 8 storeys	5 metres	3 metres
	where building height is $>$ 8 storeys	10 metres	5 metres
<ul style="list-style-type: none"> ▪ the West Gate Freeway ▪ the City Link overpass ▪ an elevated road structure 	where building height is \leq 8 storeys	5 metres	3 metres
	where building height is $>$ 8 storeys and \leq 20 storeys	10 metres	5 metres
	where overall building height is $>$ 20 storeys	10 metres	10 metres

The proposal is greater than 20 storeys and does not have a frontage to a street at the the Westgate Freeway interface. As such, the table stipulates that the proposal requires a 10 metre setback above the street wall to Hartley Street and the new road.

The proposal provides 10 metre setbacks above the street walls, complying with the requirement.

The proposed setbacks above the street wall are considered to be acceptable as they:

- Help deliver wind impact mitigation.
- Enable adequate daylight and views to the sky when in the public realm.
- Reduce upper level building bulk.

7.4.6 Side and rear setbacks

DDO67 contains the following side and rear setback requirements:

Part of building	Building height	Qualification	Preferred setback	Minimum setback
Below the Maximum street wall height	none specified	if not within 300 mm of a side or rear boundary	9 metres	6 metres
Above the Maximum street wall height	≤ 20 storeys	where the building below the Maximum street wall height is built on the boundary	10 metres	5 metres
		other buildings	10 metres	10 metres
	> 20 storeys	where the building has direct interface with: <ul style="list-style-type: none"> ▪ West Gate Freeway ▪ City Link overpass 	10 metres	5 metres
		other buildings	10 metres	10 metres

The proposal contains built form on the side and rear boundaries and is greater than 20 storeys. As such, the table stipulates there are no side and rear setback requirements below the maximum street wall height (as the building is to be on the boundaries) and requires a 10 metre setback above the street wall to the south and east boundaries.

The proposal provides 10 metre setbacks above the street walls to the south and east boundaries, complying with the requirement.

The proposed setbacks to the side and rear boundaries above the street wall are considered to be acceptable as they:

- Help deliver wind impact mitigation.
- Provide reasonable separation to the Westgate Freeway.
- Reduce upper level building bulk.
- Contributes to a more slender tower form.

7.4.7 Building separation within a site

The proposal does not seek to construct more than one building on the Site.

7.4.8 Wind effects on the public realm

DDO67 states that buildings and works higher than 40 m:

- *Must not cause unsafe wind conditions as specified in Table 7 in publicly accessible areas within the assessment distance from all façades.*
- *Should achieve comfortable wind conditions as specified in Table 7 in publicly accessible areas within the assessment distance from all façades.*

A wind report was provided with the application, dated 23 September 2021 concludes:

Being larger than most surrounding structures, the proposed development will have some effect on the local wind environment, though is expected to remain similar to existing wind conditions for most locations.

Away from building corners the wind conditions around the development are expected to be classified as acceptable for pedestrian walking from a MPS comfort perspective and pass the safety criterion.

Locations near building corners are likely to be classified as uncomfortable under the MPS comfort criteria, and exceed the safety criterion. High wind speeds at building corners would be expected to exist for most developments within the Docklands precinct, and are not considered a direct product of the specific design of the proposed development.

To quantify the wind conditions around the site, including the adjacent motorway, a wind tunnel test would be required. It is recommended that any wind tunnel testing take place during the detailed design stage such that mitigation measures can be developed to specifically target locations planned for activation.

The report identifies there will be unsafe wind conditions for pedestrians at locations near building corners and does not make specific recommendations to resolve the issue.

DDO67 stipulates that a mandatory requirement regarding unsafe conditions. As such the proposal cannot be supported under DDO67.

Though the provisions of Schedule 67 would not apply if the SCO / ID were approved, it is nevertheless considered that relevant performance measures such as this should be applied to safeguard the amenity of future public spaces.

As such, it is recommended that a condition be included on the ID to provide an updated wind assessment that provides recommendations that will achieve safe wind conditions.

7.4.9 Active street frontages

DDO67 states that new buildings should address and define existing and proposed streets; create activated building façades with windows and legible entries; and consolidate services within sites and within buildings, and ensure any externally accessible services or substations are integrated into the façade design. The related performance standards state that:

- Services should occupy less than 40% of the ground floor of a building.
- Along primary streets (in this case Hartley Street and the proposed road) at least 80% of the ground level frontage should be clear glazed to a height of 2.5 metres (excluding solid plinths).

Services

The proposed development contains services that occupy approximately 15 per cent of the ground floor of the building. The proposed services are acceptable as they are primarily located at the south part of the building away from the main frontages so they do not significantly reduce the frontages from being active.

Primary Streets

The proposed road complies with the active frontage requirement.

While the Hartley Street frontage does not contain a minimum of 80 per cent of the frontage as glazing, the proposal is acceptable as it:

- Locates an active use at the corner of the intersection of Hartley Street and the new road.
- Provides extensive glazing and activation along the new road by locating office and retail tenancies at this frontage as well as the building's lobby.

- Minimises services and vehicle access points where possible and locates them to the rear of the Site (south).

Canopies

DDO67 states that canopies should be provided over footpaths where retail uses are proposed. The submitted drawings identify the ground level being set back under the first level to achieve an undercroft that will provide adequate weather protection.

Car Parking

All ground level car parking is located above the ground level and within the building so that it is generally sleeved from view. There is car parking located at the podium at the Hartley Street elevation however, the car parking is at level 1 and above. Where this occurs the elevation is screened; this is acceptable given the scale of the building and number of car parking spaces for the proposed dwellings.

7.4.10 Adaptable Buildings

DDO67 seeks developments to be designed with adaptable buildings by providing for the future conversion of those parts of the building accommodating non-employment uses to employment uses; and adaptable car parking that can be adapted to other uses over time. An assessment against the built form requirements is as follows:

Building Element	Adaptability Opportunity	Assessments
Lower levels up to the height of the street wall	At least 4.0 metres floor to floor height at ground level. At least 3.8 metres floor to floor height for other lower levels.	The internal layout of the podium levels result in varying floor-to-floor heights. However, the ground level is generally greater than 4 metre in height and the upper podium levels meet the minimum 3.8 metre requirement. This is acceptable as it will allow adaptability.
Car parking areas	In areas not in a basement: <ul style="list-style-type: none"> • Level floors. • A floor-to-floor height at least 3.8 metres. Mechanical parking systems to reduce the area required for car parking	The proposed podium car parking has floor-to-floor heights between 2.85 metres and 3.8 metres which enables parts of the car parking areas to be adaptable. This is acceptable given the proposal provides far less car parking spaces than 1 space per dwelling; avoiding the promotion of private motor vehicles.
Dwelling layout	The ability for one and two-bedroom dwellings to be combined or adapted into three or more bedroom dwellings.	There is potential for the floor plates to be altered to combine the 1 and 2 bedroom dwellings to greater larger dwellings. The 1 and 2 bedroom dwellings are side by side to easily enable the change if required to meet demand in the future.
Internal layout	Minimal load bearing walls to maximise flexibility for retail or commercial refits	The plans show that load bearing walls are contained to building cores and columns to enable this if required.

7.4.11 Building Finishes

DDO67 states that:

- Buildings should avoid blank façades.

- Building walls facing a street or public place should be detailed to provide visual interest.
- Buildings fronting main roads should use materials and finishes with a perpendicular reflectivity less than 15 per cent, measured at 90 degrees to the façade surface.

The proposal successfully avoids blank walls and provides high quality materials.

As per the assessment from Council's Urban Design team, a façade strategy should be required through a condition in the ID. The recommended façade strategy will seek to include more design detail, texture, and design techniques to improve the presentation of the development's podium and tower elements and reduce mass.

It is therefore considered reasonable to require a detailed Façade Strategy by way of condition in the ID.

7.5 Clause 58 – Apartment developments

Clause 58 sets out objectives and standards relating to apartment developments. The proposal satisfies each of the objectives and standards of Clause 58 and is supported.

The proposed dwellings have generous floor to ceiling heights, cross ventilation, functional room sizes, appropriate daylight, and good access to internal amenity while successfully limiting amenity impacts such as overlooking.

7.6 Traffic and Parking

7.6.1 Car Parking

In accordance with PO13 and the calculations provided at Section 4 of this report, no more than 293 car parking spaces should be provided on-site. This includes a maximum of 247 spaces for dwellings, 43 spaces for office and 3 spaces for retail.

Referring to Section 3.3 of this report, the number of on-site car spaces proposed would not exceed the maximum specified in PO13 for all uses.

In addition to the Parking Overlay provisions, CCZ4 states that nine car share spaces are required. The applicant has confirmed this could be achieved and it is recommended to be included on the drawings via a condition in the ID.

With conditions, the proposed development would comply with the requirements of the Scheme regarding car parking. The proposed car parking provision is considered to be acceptable.

7.6.2 Bicycle Parking

In accordance with CCZ4 and the calculations provided at Section 4 of this report, the proposed bicycle parking greatly exceeds the requirements of CCZ4 and Clause 52.34 of the Scheme.

The resident and employee bicycle parking spaces are secure and conveniently located at the ground level. There are 32 externally located and 50 internally located bicycle parking spaces for visitors and shoppers which are at the ground level and conveniently located to promote cycling. The proposed bicycle parking is supported.

7.6.3 Motorcycle Parking

In accordance with the CCZ4 and the calculations provided at Section 4 of this report, at least eight motorcycle spaces should be provided on-site. The proposal seeks to provide 18 spaces which exceeds the requirement.

The spaces are located throughout the car parking levels which is appropriate as they will be secure. This is supported.

7.7 Environmentally Sustainable Design

Refer discussion at Section 6 of this report.

7.8 Development Contributions

In assessing the appropriateness of a site specific planning control to facilitate a proposal, the Terms of Reference states that the Advisory Committee must consider, amongst other things:

- *The provision of appropriate development contributions in the form of monetary contribution, land contribution, works in kind or a combination of these and the extent to which they are consistent with, and contribute to, the objectives of the Framework.*

The Fishermans Bend Framework lists the following key infrastructure projects for the Lorimer Precinct:

Medium Term (2020-2025)

- Pop up community hub in Bolte West precinct
- Lorimer health and wellbeing hub
- Lorimer education and community hub
- Northern tram corridor
- Lorimer Central open space.

Long-Term (2025+)

- Lorimer sports and recreation hub
- Lorimer arts and cultural hub
- Lorimer West open space
- Graham / Bridge Street pedestrian bridge.

The proposal shows one new road introduced to the Site and a future park. However, this land is a requirement of the related structure plan and as such should be considered a site constraint as opposed to a contribution. Further, no community facilities are proposed within the proposed development, no detail of the proposed design of the park or road are included in the application or how and when it will be vested and who will pay for the implementation of the construction of the park.

Notwithstanding this, it is noted that if the provisions of the Macaulay urban renewal area Development Contributions Plan Overlay (DCPO) were applied (and it is assumed basic infrastructure costs would remain similar), the following rates would be payable:

- \$17,053 per dwelling.
- \$193 per m² of gross office / commercial floor area.
- \$161 per m² of gross retail floor area.

Given the proposed development would comprise 370 dwellings, 280 square metres of gross retail floor area and 4,330 square metres of gross office / commercial floor area, applying the Macaulay contribution rates, a total contribution of \$7,190,380 would otherwise be required.

Payment in accordance with the above contribution is recommended to be required by a condition in the ID, which is considered to reflect assumed local infrastructure costs.

7.9 Public Open Space Contribution Exemption

The application seeks to include a condition in the ID stating that the development and its future subdivision will be exempt from the public open spaces requirement of Clause 53.01.

Pursuant to Clause 53.01, a person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*.

Pursuant to the schedule to Clause 53.01, the Fishermans Bend Urban Renewal Area has a contribution rate of 8 per cent.

The applicant has not provided reasons in their application that justify their proposal for the exemption from the public open space requirement. Based on a lack of clarity and information, the exemption is not supported. This is consistent with other recent recommendations to the Minister from Council regarding IDs within the surrounds which were not exempt from the requirements of Clause 51.03, including ID-2020-5 and ID-2020-6.

The proposed draft condition in the ID exempting the requirement of Clause 53.01 is recommended to be struck out in the officer's recommendation and the 8 per cent requirement be introduced.

7.10 Flooding

Refer discussion at Section 6.9 of this report, noting that the site is partially affected by a 100 Year Flood area and Clause 66.04 requires the Minister to refer the application to Melbourne Water as a recommending referral authority (refer Section 4 of this report).

7.11 Contamination

The land is located in the Environmental Audit Overlay (EAO) which requires documentation to confirm the land is suitable for the proposed accommodation uses.

The draft ID conditions submitted for this application include conditions requiring this information. It is recommended these conditions be updated to include the standard MCC condition text as this text reflects the current wording of the EAO.

These conditions will adequately provide for the rehabilitation of the land.

7.12 Cultural Heritage

The site is located in an area of Aboriginal Cultural Heritage Sensitivity. The applicant has submitted a report that states:

This investigation has reviewed the statutory obligations associated with both the Aboriginal Heritage Act 2006 and the Victorian Heritage Act 1995. The proposed Residential Development, 13 Hartley Street, Docklands will not require the preparation of a mandatory CHMP because the activity area has undergone significant ground disturbance and is now not considered an area of legislated cultural heritage sensitivity.

There are no further historic archaeological or heritage matters that need to be addressed prior to development of the road and subdivision taking place.

If during any stage of the development any suspected heritage items are exposed, then the contractor should call Archaeology at Tardis to assess the find and make any necessary management arrangements.

DELWP has advised that a standard condition can be included in the ID requiring either a report prepared by a suitably qualified professional confirming to the satisfaction of the Responsible Authority that a Cultural Heritage Management Plan (CHMP) pursuant to the *Aboriginal Heritage Act 2006* is not required; or a certified Preliminary Aboriginal Heritage Test (PAHT) under sections 49B and 49C of the *Aboriginal Heritage Act 2006* in respect of the development of the land; or a letter from Aboriginal Victoria confirming a CHMP has been approved for the land.

Given evidence has been provided confirming a CHMP is not required, it is recommended the draft condition referring to this material on the ID be deleted.

7.13 Construction Matters

Given the scale of the proposal, a demolition and construction management plan is recommended to be included as a condition in the ID.

8 CONCLUSION

It is considered that the proposal is acceptable and supported subject to the recommended conditions set out in the draft version of the Incorporated Document (refer Appendix 1).

9 RECOMMENDATION

It is recommended that the Department of Environment, Land, Water and Planning be advised that Melbourne City Council supports the proposed amendment subject to the draft Incorporated Document at Appendix 1.

Appendix 1: Draft Incorporated Document

City of Melbourne Planning Officer instruction note: The following conditions in **blue text** have been submitted in a draft ID by the applicant. The conditions in **black text** are recommended to be included in addition to the proposed conditions. Conditions with a ~~strikeout~~ are recommended to be removed as they are provided for under MCC conditions or not required based on the information submitted with the application.

INCORPORATED DOCUMENT

SPECIFIC CONTROLS FOR 13-33 HARTLEY STREET, DOCKLANDS

DATE TO BE UPDATED

Incorporated document pursuant to Section 6(2)(j) of the *Planning and Environment Act 1987*.

Incorporated document in the Schedules to Clauses 45.12 and 72.04 of the Melbourne Planning Scheme.

1. INTRODUCTION

- 1.1. This document is an Incorporated Document in the schedules to Clauses 45.12 and 72.04 of the Melbourne Planning Scheme (the Planning Scheme) pursuant to section 6(2)(j) of the Planning and Environment Act 1987.
- 1.2. The land identified in Clause 3 of this document may be used and developed in accordance with the specific control contained in Clause 4 of this document.
- 1.3. The control in Clause 4 prevails over any contrary or inconsistent provision in the Planning Scheme.
- 1.4. The Minister for Planning is the responsible authority for administering Clause 45.12 of the Planning Scheme with respect of this Incorporated Document except that:
 - a) The City of Melbourne is the responsible authority for matters expressly required by the Incorporated Document to be endorsed, approved or done to the satisfaction of the City of Melbourne;
 - b) The Victorian Planning Authority is the responsible authority for matters under Division 2 of Part 9 of the Act relating to any agreement that makes provision for development contributions;

- c) The City of Melbourne is the responsible authority for the enforcement of the Incorporated Document.

2. PURPOSE

- 2.1 To facilitate the demolition of the existing buildings on the land identified in Clause 3 for the use and development of a multi-storey building comprising retail premises, office and dwellings in accordance with Clause 4 of this document.

3. LAND DESCRIPTION

- 3.1. The control in Clause 4 applies to the land at 13-33 Hartley Street, Docklands being the land contained in Certificate of Title Volume 09823 Folio 153 and more particularly described as Crown Allotment 9D Section 103 City of South Melbourne Parish of Melbourne South. The land is identified in Figure 1 below.

4. CONTROL

Exemption from the Planning Scheme requirements

- 4.1 Subject to Clause 4.2, no planning permit is required for, and no provision in the Planning Scheme operates to prohibit, control or restrict the use or development of the land in accordance with the provisions contained in Clause 4.
- 4.2 A permit is required to subdivide the land and any such application is:
 - a) Exempt from the requirements in Clause 45.11 (Infrastructure Contributions Overlay) of the Planning Scheme.
 - b) must include a condition requiring payment to Melbourne City Council, before a Statement of Compliance is issued, of a public open space contribution equal to 8% of the site value of the Land.
 - ~~c) Exempt from the requirements in Clause 53.01 (Public Open Space Contributions) of the Planning Scheme.~~

Compliance with the endorsed plan

- 4.3 The use and development of the land must be undertaken generally in accordance with all documents approved under Clause 4.

Layout and use of the development not to be altered

- 4.4 The development and layout of uses on the land as shown on the approved plans must not be altered or modified without the prior written consent of the Responsible Authority.

Amended Development Plans

- 4.5 Before the development starts, excluding demolition, excavation, piling and site preparation works and works to remediate contaminated land, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and fully dimensioned including to show natural ground level, floor levels, wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD). The plans must be generally in accordance with the plans prepared by MGS Architects [list relevant plans and date of preparation] but modified to show:
 - ~~a) The design and layout of all dwellings to achieve compliance with the requirements of Clause 58 (Apartment Developments) of the Melbourne Planning Scheme, in particular:~~
 - ~~▪ Urban Context (Standard D1)~~
 - ~~▪ Dwelling diversity, (Standard D3)~~

- Integration with the street (Standard D5)
 - Energy efficiency (Standard D6)
 - Landscape (Standard D10)
 - Integrated water and storm water management (Standard D13)
 - Building setback (Standard D14)
 - Noise (Standard D16)
 - Accessibility (Standard D17)
 - Building entry and circulation (Standard D18)
 - Private open space (Standard D19),
 - Building Storage objective (Standard D20)
 - Common property (Standard D21)
 - Waste and recycling (Standard D23)
 - Functional layout (Standard D24)
 - Room depth (Standard D25)
- b) The grade of the vehicle entry ramp being no less than 1:10 for the first 5 metres from the Hartley Street boundary into the site.
- c) Garage doors either offset at least 5 m from the site boundary, or, a note stating the garage doors will be left open during peak periods and closed off-peak.
- d) Pedestrian sight triangles of 2 m x 2.5 m at the exits from the carparks into the new road and intersections of the new road with both Lorimer Street and Ingles Street.
- e) A signalling system / flashing devices, designed to alert pedestrians of exiting vehicles and vice versa. Further measures may be required to be installed, including a convex mirror within the site for drivers to view pedestrians, a narrow road hump close to the exit to ensure low speed of exiting vehicles and electronic sign facing the exiting drivers reminding them to give way to pedestrians to the satisfaction of the Responsible Authority – City Infrastructure.
- f) The ground level outward swinging doors on the west elevation to Hartley Street contained within the title boundary.
- g) The Hartley Street vehicle crossover shown to have a maximum width of 7.6 metres or a pedestrian refuge if the width exceeds 7.6 metres.
- h) The inclusion of 9 car share car parking spaces within the development unless otherwise agree to by the Responsible Authority.
- i) Plan notations requiring the project to meet:
- Any changes required to meet the requirements of the Façade Strategy in the corresponding condition(s) below.
 - Any changes required to meet the requirements for external reflectivity in the corresponding condition(s) below.
 - Any changes required to meet the requirements for Landscaping and the Public Realm in the corresponding condition(s) below.

- Any changes required to meet the requirements for Traffic, Parking and Loading and Unloading in the corresponding condition(s) below.
- Any changes required to meet the requirements of the Waste Management Plan in the corresponding condition(s) below.
- Any changes required to meet the Noise Attenuation and Mitigation requirements in the corresponding condition(s) below.
- Any changes required to meet the requirements of the Amenity Impact Plan Report in the corresponding condition(s) below.
- Any changes required to meet the requirements of the Wind assessment in the corresponding condition(s) below.
- Any changes required to meet the requirements of Melbourne Water in the corresponding condition(s) below.
- Any changes required to meet the Environmentally Sustainable Design, Green Star and Third Pipe requirements in the corresponding condition(s) below.

Retention of Design Team

4.6 Except with the written consent of the Responsible Authority, the primary design team of MGS Architects must be retained throughout the design development and documentation phases of the development, and up until completion.

Aboriginal Cultural Heritage

~~4.7 Before the development starts, including demolition, bulk excavation and site preparation works and works to remediate contaminated land, one of the following must be provided to the Responsible Authority:~~

- ~~a) A report prepared by a suitably qualified professional confirming to the satisfaction of the Responsible Authority that a Cultural Heritage Management Plan (CHMP) pursuant to the Aboriginal Heritage Act 2006 is not required; or~~
- ~~b) A certified Preliminary Aboriginal Heritage Test (PAHT) under sections 49B and 49C of the Aboriginal Heritage Act 2006 in respect of the development of the land; or~~
- ~~c) A letter from Aboriginal Victoria confirming a CHMP has been approved for the land.~~

~~4.8 All works on the land must be carried out or constructed in accordance with the requirements of any approved CHMP or otherwise in accordance with the requirements of the Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2018.~~

Section 173 Agreement(s) for the New Road, Development Contributions, Lorimer Precinct Eastern-Open Space, Openings on boundaries, and Affordable Housing

New Road

~~4.9 [Detail to be prepared through amendment assessment process]~~

4.10 Prior to the commencement of the use and development on the land, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:

- a) Construction of the new road or laneway to the satisfaction of the responsible authority and the relevant road management authority; and
- b) Transfer of the new road or laneway to or vesting in the relevant road authority as a public road at no cost to the relevant road authority.

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

Lorimer Precinct Eastern Open Space

4.11 Prior to the commencement of the use and development on the land, the owner of the land must enter into an agreement with Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:

- a) Construction of a public park at the northern part of the land nominated as 'Future Park' as shown on the development drawings referred to in condition 4.5 of this document to the satisfaction of Melbourne City Council.
- b) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use of the land as a park to the satisfaction of Melbourne City Council; and
- c) Transfer or vesting the above mentioned land to Melbourne City Council with no upper or lower limit at no cost to Melbourne City Council.

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

Development Contribution

4.12 Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, the owner must enter into an agreement with the Melbourne City Council pursuant to section 173 of the Planning and Environment Act 1987 and make application to the Registrar of Titles to have this agreement registered on the title of the land under section 181 of the Act. The agreement(s) must:

- a) Require the payment of a development contribution of:
 - \$17,053 per dwelling.
 - \$193 per m² of gross office/commercial floor area.
 - \$161 per m² of gross retail floor area.
- b) Any development contribution required by Clause 4.12a may be offset by any agreed costs of delivering approved changes to community infrastructure, including the 'Future Park' on the northern part of the land which is encouraged to be delivered as part of the development to the satisfaction of Melbourne City Council in consultation with the Fishermans Bend Taskforce;
- c) Require these contributions to be indexed annually from 1 July 2020 using the Price Index of Output of the Construction Industries (Victoria) issued by the Australian Bureau of Statistics;

- 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 the Victorian Planning Authority or their successor to deliver the identified schedule of infrastructure items;
- g) Require payment of the contributions prior to the earliest of the following:
 - The issue of an occupancy permit for the development; or
 - The issue of a statement of compliance in relation to the subdivision of the land in accordance with the development allowed under this specific control.
- h) Confirm the procedure for refunding monies paid if an approved Development Contribution Plan or Infrastructure Contributions Plan for the area specifies a lesser amount stipulated in the section 173 agreement; and
- i) The agreement must make provision for its removal from the land following completion of the obligations contained therein.

The owner of the Land must pay all reasonable legal cost and expenses of the agreement including preparation, execution and registration on title.

Legal Agreement for openings on boundary

4.13 Prior to the commencement of the use and development on the land, the owner of the land must enter into an agreement with the Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:

- a) The windows/openings on the boundary must be removed when the adjoining property is further developed in a manner that the Responsible Authority considers would affect these windows / openings.

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

Temporary activation of future park

4.14 Prior to the commencement of the demolition or removal of existing buildings or works (excluding demolition or removal of temporary structures) on the land, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide that the owner must construct temporary works on the northern part of the land referred to as 'Future Park' as shown in the plans referred to in Condition 4.5 (referred to as the Park Land below) to the satisfaction of the Responsible Authority for the duration of the period in the following scenarios:

- a) If the Park Land remains vacant for one year after commencement of the demolition; and
- b) If the Park Land is not required to be used for construction storage or facilities.

Prior to the commencement of construction of the temporary works, details of the works must be submitted to and be to the satisfaction of the Responsible

Authority. The temporary works must be completed within 6 months of approval of the temporary works.

Temporary works may include:

- a) The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage; or
- b) Landscaping of the site for the purpose of public recreation and open space.

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.

Legal Agreement for Affordable Housing

4.15 Before the development starts, excluding demolition, bulk excavation, piling, site preparation works, and remediation works, the owner must enter into an agreement with the Responsible Authority and Melbourne City Council under Section 173 of the Act, to the satisfaction of the Responsible Authority, for the delivery of affordable housing (as defined in the Act).

4.16 The agreement must be registered on title to the Land and the owner must be responsible for the expense of preparation and registration of the agreement including the Responsible Authority and Melbourne City Council's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and ending of the agreement (where applicable).

4.17 The agreement must be in a form to the satisfaction of the Responsible Authority and Melbourne City Council and must include covenants that run with title to the Land to:

- a) Provide for the delivery of at least 6% of the total number of dwellings, for affordable housing as defined by section 3AA of the Act, before the development is occupied. This may be provided by utilising one or more of the following mechanisms for the delivery of affordable housing:
 - i. Transferring dwellings within the development to a registered housing agency or other housing provider or trust entity approved by the Responsible Authority at a minimum 35% discount to market value; or
 - ii. Leasing dwellings within the development as affordable housing under the management of a registered housing agency or housing provider or trust approved by the Responsible Authority at a minimum 35% discount from market rent for a period of not less than 30 years for the building approved under this control. The overall value of the leased dwellings must be equivalent or higher to 4.17(a)(i); or
 - iii. Any other mechanism providing a contribution of equivalent or higher value to Clause 4.17(a)(i) to the satisfaction of the Responsible Authority.
- b) The Affordable housing delivered under Clause 4.17(a) must:
 - iv. Be delivered within the development approved by this control;
 - v. Take the form of one or two or three bedroom dwellings representative of the approved dwelling mix;
 - vi. Be functionally and physically indistinguishable from conventional

- dwelling within the development;
 - vii. Include access to all common facilities within the building at no extra fee for occupants of affordable housing dwellings; and
 - viii. Allocate one or more bicycle parking space per dwelling for the life of the Affordable housing,
unless otherwise agreed in writing by the Responsible Authority.
- c) Provide that if the affordable housing is delivered under Clause 4.17(a)(ii), the agreement must contain a mechanism for review of the minimum discount from market rent by reference to updated income and rental figures upon request by the Responsible Authority to ensure the housing continues to meet the definition of Affordable housing in the Act and by reference to relevant Regulations, Ministerial Notices, Orders in Port Phillip City Council and the like.

4.18 The agreement may provide that:

- a) In lieu of delivering all or part of the affordable housing in accordance with Clause 4.17(a), the Responsible Authority may agree to payment of an equivalent amount of money to a registered housing agency or other housing provider or trust to be expended for affordable housing in the Fishermans Bend Urban Renewal Area provided the Responsible Authority and Melbourne City Council are satisfied that:
 - i. The owner has made best endeavours to secure a registered housing agency recipient or other housing provider or trust for the affordable housing and has not been successful; and
 - ii. The payment amount is equivalent to the value of the affordable housing that would otherwise have to be delivered less the value of any affordable housing provided within the development.

4.19 For the purpose of these provisions, 'value' means the monetary value of a dwelling offered for sale at the date of the transfer (if applicable) or otherwise at the date of the agreement as determined by an independent valuer (appointed by the President of the Australia Property Institute – Victorian Division).

Affordable Housing Management

4.20 Prior to the first occupation of the development, details of the management regime underpinning the delivery of at least 6 per cent of affordable housing units must be provided to and approved in writing by the Responsible Authority. Preferably all affordable housing units would be transferred to a housing provider and occupied in accordance with that provider's eligibility criteria in perpetuity.

Façade Strategy & Materials and Finishes

4.21 Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a Façade Strategy must be submitted to and approved by the by the Responsible Authority. Unless specified otherwise by the Responsible Authority, the Façade Strategy must be generally in accordance with the development Design response prepared by Hatch Roberts Day, dated October 2021 and the development drawings required by condition 4.5 of this Incorporated Document prepared by MGS Architects and also include:

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

- b) A schedule of external 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, or other suitable scale agreed to by the Responsible Authority, illustrating typical building details, entries and doors, utilities, and any special features which are important to the building's presentation.
- d) Cross sections or other documentation method of demonstrating the façade systems,
- e) including fixing details indicating junctions between materials and significant changes in form and/or material.
- f) Information about how the façade will be accessed, maintained and cleaned.
- g) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high-quality built form outcome in accordance with the design concept.
- h) Detailed 1:20 or 1:50 ground floor elevations clearly depicting the detailed design of ground floor thresholds and interfaces, including: treatments to services frontages, glazing framing, shrouds or canopies around all key building entries, integrated seating to plinths, any operable windows to maximise connectivity with the street, the glazing interface to bicycle parking, and additional canopies for weather protection.
- i) The clear depiction of all building entry doors to retail and commercial tenancies at the ground floor on overall building elevations and 1:20 detailed elevations, and consideration of other measures to emphasise their identity of entries including well-designed shrouds or localised canopies.
- j) Specification of glazing to ensure a highly levels of transparency and reflectivity to not exceed 15%.
- k) Adopting shrouds, plinths, and pilasters with texture and robust/natural appearing materials to the ground level of the podium elevations.
- l) Increased design detail to the podium elevations to reduce the horizontal mass including:
 - i. Avoiding the application of screening over windows via cut outs in the façade materials.
 - ii. Introducing significant vertical breaks and a gridded presentation at the podium's north elevation to reduce mass.
 - iii. Adopting a high quality, robust and textured material to spandrels to accompany the proposed 'terracade' screening, to provide material diversity and visual interest.
 - iv. Introducing further articulation to the tower facades by including solid concrete (or similar) grids, more prominent solid spandrels, and / or shading elements / devices, using high quality materials.
- m) Increasing design detail to the tower elevations by including:

- i. Further articulation to the tower facades by included concrete (or similar) grids, more prominent spandrels, and / or shading elements / devices.
- ii. Replacing the dark bronze and grey tinted glazing with a more transparent alternatives.

Reflectivity

4.22 Except with the consent of the Responsible Authority, all external façade materials and finishes must be of a type that does not reflect more than 2015% of visible light when measured at an angle of incidence normal to the surface of the façade.

Landscaping Plan

4.23 Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a detailed landscaping plan(s) must be submitted to and approved by the City of Melbourne. The plan(s) must be generally in accordance with the Landscape Concept Plans prepared by Outlines Landscape Architecture dated August 2017 and updated to include:

- a) The approved Level 5 layout, as endorsed under Condition 4.5.
- b) A landscape concept plan of the planting at ground level within the road reserve of New Street, including the public realm area between New Street and the development's front façade.
- c) A planting schedule of all proposed trees and other vegetation including botanical name, common names, soil depths and or pot sizes and volumes, height and canopy width at maturity, and quantity of each plant and their protection and maintenance.
- d) Details of green facades, podium or terrace planting that is water efficient, located and designed to be sustainable, viable and resilient and appropriate to micro-climate conditions.
- e) Plans, elevations and cross-sections associated with the green facade to include appropriate vegetation selection to realise the cascading landscaping and details of maintenance.
- f) How the landscaping responds to water sensitive urban design principles, including how rainwater will be captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of water tanks.
- g) Details of all hard-landscaping materials, finishes and treatments and urban design elements including paving, lighting, seating and balustrading.
- h) Details of surface materials and finishes and construction of retaining walls, pathways, kerbs and access ways.
- i) Elevations, sections, levels and details including materials and finishes of public realm works including reconstruction of public assets.

4.24 All landscaping shown in the approved landscape plans must be carried out and completed prior to occupation of the building and thereafter maintained to the satisfaction of the City of Melbourne.

4.25 Prior to the commencement of the development, excluding bulk excavation, site preparation, soil removal, site remediation and retention works, a Landscape

Plan, Landscape Maintenance Plan and Irrigation Performance Specification for the land identified as 'Future Park' on the plans referred to in Condition 4.5 must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. These documents must be design in consultation with Melbourne City Council and include:

- a) Details of how the design will connect and respond to the balance of the future park on the northern and western adjoining lots.
- b) Urban design elements, including but not limited to, paving, lighting, seating, public art, and demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.
- c) How the project responds to water sensitive urban design principles, including how stormwater will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks.
- d) Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- e) Detailed planter sections, including soil volumes and schedules of species with consideration given to soil volume requirements and growing medium proposed, and indicative irrigation and drainage layouts.
- f) Further detail with respect to the ongoing maintenance beyond the 52 week period following practical completion.
- g) Detailed irrigation performance specifications.

Except with the prior written consent of the Responsible Authority, the endorsed Landscape Plan must be implemented prior to occupation of the development.

- 4.26 Prior to the first occupation of the development or otherwise agreed to in writing by the Responsible Authority or Melbourne City Council, the land noted as 'Future Park' shown on the drawings referenced at Condition 4.5 must be constructed prior to the land being vested in Melbourne City Council at no cost to Council. The park must be designed and constructed to Council standards and be to the satisfaction of Melbourne City Council.

Tree Protection

~~4.27 Before the development starts, including demolition, excavation, piling, site preparation works, and works to remediate contaminated land:~~

- ~~a) A Tree Protection Management Plan (TPMP), setting out how the Council owned nature strip trees on Hartley Street will be protected during construction, must be submitted to and approved by the responsible authority. When approved the TPMP will be endorsed and form part of the permit. The TPMP should generally follow the layout of Section 5 (i.e. General, Tree Protection Plan, Pre-construction, Construction stage and Post Construction) of AS4970 'Protection of trees on development sites'.~~
- ~~b) A tree protection fence must be erected around the Council owned nature strip trees on Hartley Street to comply with AS 4970 – 2009 Tree protection on development sites to the satisfaction of the City of Melbourne.~~

No Damage to Existing Street Tree

~~4.28 The proposed works must not cause any damage to any retained existing street tree. Any existing street tree must not be removed, lopped or pruned (including~~

~~root pruning) without the prior consent of the City of Melbourne. Root pruning of any tree must be carried out to the satisfaction of the City of Melbourne prior to the construction of buildings or works including crossover works.~~

Removal and Replacement of Street Trees

~~4.29 Any Council owned trees shown on the endorsed plans to be removed must not be removed, lopped or pruned without prior consent from the City of Melbourne. If removal is approved, the amenity value along with removal and replacement costs must be reimbursed to Council by the developer.~~

~~4.30 Before the development starts, the amenity value and removal and replacement cost of the Council owned nature strip tree on Hartley Street must be paid by the applicant/owner to the City of Melbourne. Removal and replacement, including 24 months maintenance of the street trees, may only be undertaken by the City of Melbourne.~~

Tree Protection Plan (insert with Construction Management Plan section)

4.31 Prior to the commencement of any works, including demolition and bulk excavation and following clarification of site access requirements for works, a Tree Protection Plan (TPP) must be provided to the satisfaction of the Responsible Authority (City of Melbourne Urban Forestry & Ecology). The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:

- a. City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
- b. Reference to the any finalised Construction and Traffic Management Plan, including any public protection gantries, loading zones and machinery locations.
- c. Site specific details of the temporary tree protection fencing to be used to isolate public trees from the demolition and or construction activities or details of any other tree protection measures considered necessary and appropriate to the works.
- d. Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.
- e. Full specifications of any pruning required to public trees with reference to marked images.
- f. Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
- g. Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).

Public Tree Removal / Pruning

4.32 No public tree adjacent to the site can be removed or pruned in any way without the written approval of the City of Melbourne.

Public Tree Protection

4.33 All works (including demolition), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.

- 4.34 Following the approval of a Tree Protection Plan (TPP) a bond equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted on, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.
- 4.35 Prior to the commencement of works, a street tree plot plan must be submitted to the satisfaction of the City of Melbourne. The plan must show interconnected tree plots (continuous soil trench) and use of structural soils beneath hard surfaces. All tree plots must be free of services and the plans must show soil volumes provided.
- 4.36 The selection of new trees must align with species considered to be Future Climate ready and to the satisfaction of the City of Melbourne.

Public Lighting Plan

- ~~4.37 Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a detailed lighting plan must be prepared and approved by the City of Melbourne. This plan must:~~
- ~~a) Identify all proposed lighting sources, lux levels and spillage details and address how the lighting will integrate with the existing lighting in the interfacing public spaces.~~
 - ~~b) Require all public lighting to generally conform with AS1158, AS3771 and the Public Lighting Code September 2001.~~
- ~~4.38 The approved lighting plan must be implemented as part of the development to the satisfaction of the City of Melbourne.~~

Construction and Demolition Management Plan

- 4.39 Before demolition starts, a detailed Construction and Demolition Management Plan (CDMP) must be submitted to and approved by the City Melbourne. The CDMP's objectives must be to minimise the impact of works associated with the demolition on neighbouring buildings and structures and activities conducted in the area generally. The CDMP must address the following matters:
- a) Staging of dismantling/demolition.
 - b) Site preparation.
 - c) Public safety, amenity and site security.
 - d) Management of the construction site and land disturbance.
 - e) Operating hours, noise and vibration controls.
 - f) Air and dust management.
 - g) Waste and materials reuse.
 - h) Stormwater and sediment control.
 - i) Management of public access and vehicle, bicycle and pedestrian linkages around the site during demolition.
 - j) Protection of existing artworks in the public realm.
 - k) Site access and traffic management (including any temporary disruptions to adjoining vehicular, bicycle and pedestrian access ways).

- l) Details of temporary buildings or works (such as landscaping works to activate and improve the site and street frontage) to be constructed should works cease and the site remain vacant for 6 months after completion of demolition.

4.40 Demolition and construction works must be carried out in accordance with the approved CDMP to the satisfaction of the City of Melbourne.

Traffic, Parking and Loading/Unloading

4.41 Before the development starts, excluding demolition, piling, excavation, site preparation works, and works to remediate contaminated land, an updated traffic engineering assessment and other supporting information as appropriate must be submitted to and approved by the City of Melbourne. The traffic engineering assessment must be generally in accordance with the Traffic and Transport Assessment prepared by Impact, dated 4 October 2021 but modified to include:

- a) Reference to the number of car parking and bicycle spaces depicted in the plans endorsed under Condition 4.5.
- b) The inclusion of 9 car share car parking spaces within the development unless otherwise agreed to by the Responsible Authority. The car share bays / vehicles must also be:
 - i. Signed and marked for car share vehicles only;
 - ii. On-site when the building receives the certificate of occupancy;
 - iii. collectively owned by the Owners Corporation and not available for sale;
 - iv. Publicly accessible (the security system should enable access 24/7 for those with a car share booking);
 - v. Easy to find, bunched together, not provided in a mechanical parking device, and located in the most accessible level of a multi-storey car park (such as near entrances to enable direct and immediate access); and
 - vi. EV ready

To the satisfaction of the Responsible Authority.

- c) Garage doors either offset at least 5m from the site boundary, or, left open during peak periods and closed off-peak.
- d) Pedestrian sight triangles of 2 m x 2.5 m at the exit from the car park.
- e) A signaling system/flashing devices, designed to alert pedestrians of exiting vehicles and vice versa. Further measures may be required to be installed, including a convex mirror within the site for drivers to view pedestrians, a narrow road hump close to the exit to ensure low speed of exiting vehicles and electronic sign facing the exiting drivers reminding them to give way to pedestrians to the satisfaction of the Responsible Authority – City Infrastructure.
- f) Further information relating to how the new road will align with the east / west section of road at the south part of 85-93 Lorimer Street, Docklands and any alternative measure required if that road is not developed.
- g) Swept path plans confirming:
 - I. A B85 and B99 vehicle can enter/exit and pass along the length of all ramps at the same time.

- i. Delivery and waste collection truck access to and from the loading bay.
 - II. Entry and exit for all critical car parking spaces eg: end of aisle, adjacent to columns or walls.
- 4.42 The internal design of the car park and loading docks, the positioning of boom gates, card readers, control equipment, including car park control points, and ramp grades must be generally in accordance with the Australian and New Zealand Standard 2890.1-2004 and to the satisfaction of the ~~City of Melbourne~~ City Council – City Infrastructure.
- 4.43 Prior to the commencement of the development, including / excluding demolition and bulk excavation, a desktop Road Safety Audit prepared by a suitably qualified professional must be provided to the satisfaction of the Responsible Authority / Melbourne City Council. The Road Safety Audit must address the following matters:
- a) Vehicular / bicycle / pedestrian access arrangements
 - b) Loading arrangements
 - c) Internal circulation / layout and
 - d) All works within the public

When provided to the satisfaction of the Responsible Authority / Melbourne City Council the Road Safety Audit will be endorsed to form part of this permit.

- 4.44 Prior to the commencement of the development hereby approved (excluding demolition and bulk excavation), a Loading Management Plan (LMP) must be prepared, specifying how the access/egress of loading vehicles is to be managed, so that any potential conflicts are satisfactorily addressed to the satisfaction of the City of Melbourne – City Infrastructure. A Dock Manager should be employed, responsible for controlling the operation of the loading bay and unloading of goods to the satisfaction of the City of Melbourne – City Infrastructure. If it is necessary to undertake any reversing manoeuvres into or within the site, the Dock Manager's responsibilities should include:
- a) Being present on site during all periods when deliveries are to be undertaken.
 - b) Acting as spotter for any reversing movements into the loading bay.
 - c) Acting as informal traffic controller to discourage pedestrian movements when vehicles reverse.
 - d) Managing a signalling system to alert other road users when loading vehicles are entering/egressing the loading bay
 - e) Ensuring conflicts do not occur between loading and other vehicles.
 - f) Ensuring that space used for vehicle manoeuvring is kept clear of other vehicles / obstructions at all times.

4.45 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 and should not obstruct access to the car park of the development to the satisfaction of the City of Melbourne.

4.46 Traffic access and parking and loading / unloading arrangements must not be altered without the prior written consent of the City of Melbourne.

~~4.47 Before the development is completed, vehicle crossings must be constructed in accordance with the City of Melbourne's Vehicle Crossing Guidelines and standard drawings to the satisfaction of the City of Melbourne. All redundant crossings must be removed and the footpath, nature strip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the City of Melbourne.~~

4.48 The area set aside for car parking and access of vehicles and access ways must be constructed, delineated and clearly lined marked to indicate each car space, the access ways and the direction in which vehicles must proceed along the access ways in conformity with the endorsed plans. Parking areas and access ways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

4.49 All mechanical exhaust systems to the car park must be sound attenuated to prevent noise nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.

4.50 Bicycle parking must be provided, located and appropriately signed in accordance with the endorsed plans.

Vesting Roads

4.51 Prior to the first occupation of the development or prior to the issue of a statement of compliance for the subdivision of the land, the east west access way must be vested in Council as a road under the provision of the Subdivision Act 1988. The road is to have no upper or lower limit and must exclude any structure above and below to the satisfaction of the Melbourne City Council.

Naming

4.52 Prior to the occupation of the development, the east west access way referred to as New Street must be named in accordance with the Geographic Place Names Act 1998 to provide appropriate street addressing for the development.

4.53 Any proposed road name must comply with the Naming Rules for Places in Victoria, Statutory Requirements for Naming Roads, Features and Localities 2016.

Vesting Land

4.54 Prior to the first occupation of the development or prior to the issue of a statement of compliance for the subdivision of the land or as are the open space as noted on the plans as 'future park' must be vested in Council as a Reserve under the provision of the Subdivision Act 1988. The Reserve is to have no upper or lower limit and must exclude any structure above and below to the satisfaction of Melbourne City Council.

Waste Management Plan

~~4.55 Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land an amended Waste Management Plan (WMP) must be prepared and submitted to and be approved by to the City of Melbourne. The WMP must be generally in accordance with the WMP prepared by Leigh Design dated 23 September 2021, but amended to include:~~

- ~~a) Reference of the approved land uses, floor areas and dwelling numbers as per the plans endorsed under Condition 4.5.~~
- ~~b) Details of back-of-house access to the Refuse Zone(s) for the retail tenancies.~~

~~c) Details of clearance widths to the waste rooms~~

~~d) Details of security to the waste rooms such as doors / roller doors.~~

~~4.56 The approved Waste Management Plan must be implemented to the satisfaction of the City of Melbourne. Waste storage and collection must be undertaken in accordance with the approved Waste Management Plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.~~

4.57 Prior to the commencement of the use and development, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, a Waste Management Plan (WMP) must be prepared, submitted and approved by the Melbourne City Council - Engineering Services. The WMP must detail waste storage and collection arrangements and be prepared with reference to the Melbourne City Council Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without prior consent of the Melbourne City Council - Waste and Recycling.

Noise Attenuation

~~4.58 Before the development starts, excluding demolition, site preparation works and works to remediate contaminated land, an amended Acoustic Report must be prepared and submitted to and be approved by to the City of Melbourne. The Acoustic Report must be generally in accordance with the Acoustic Report prepared by Renzo Tonin & Associates dated 29 September 2021 but amended to include an assessment of all dwellings within the approved layout endorsed under Condition 4.5 demonstrating they achieve compliance with the following noise criteria:~~

~~a) 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am; and~~

~~b) 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm;~~

~~based on average external noise levels measured as part of a noise level assessment.~~

~~and confirming noise criteria of 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am; and~~

~~e) c) 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm;~~

~~based on average external noise levels measured as part of a noise level assessment.~~

4.59 Before the development starts, excluding demolition, site preparation works and works to remediate contaminated land, an amended Acoustic Report must be prepared and submitted to and be approved by to Melbourne City Council. The Acoustic Report must be generally in accordance with the Acoustic Report prepared by Renzo Tonin & Associates dated 29 September 2021, but amended to include recommendations to ensure that the maximum noise levels within the dwellings hereby approved do not exceed:

a) 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am; and

b) 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm;

The noise levels are to be assessed in unfurnished rooms with a finished floor and with the windows closed.

Incorporation of Noise Attenuation Measures

4.60 Upon completion and prior to the occupation of the building(s) allowed by this permit, a report by Renzo Tonin & Associates or other suitably qualified consultant must be submitted to, approved by and be to the satisfaction of the Responsible Authority:

- Certifying that the dwellings incorporate the noise attenuation measures as specified in the endorsed Acoustic Report and shown on the endorsed plans.
- Verifying the dwellings achieve the internal noise levels specified in the corresponding condition(s) in this permit. The report must detail the set-up on site and methodology of the testing process. Where post construction measurement and testing shows internal noise levels exceeding those specified in the corresponding condition above, the applicant must make rectifications and retest as necessary to demonstrate compliance with the noise levels to the satisfaction of the Responsible Authority. The cost of certification acoustic works is to be met by the Permit Applicant.

4.61 All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with ~~noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.~~ the requirements of the EPA Publication 1826.4 (or subsequently updated publication): Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, to the satisfaction of the Responsible Authority.

Amenity Impact Plan Report

4.62 Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, an amended Amenity Impact Plan ~~Report~~ must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the Amenity Impact Plan prepared by GHD dated September 2019, but amended to include:

- a) The mitigation strategies expressed at section 5 of the AIP expressed as recommended measures to mitigate potential amenity impacts to the proposed dwellings from the existing industrial uses.
- ~~b) To include an assessment of the approved development endorsed under Condition 4.5.~~
- ~~c) noise attenuation measures sufficient to achieve in all dwellings:~~
 - ~~▪ 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am;~~
 - ~~and~~
 - ~~▪ 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm;~~

The recommendations in the approved Amenity Impact Plan ~~Assessment and recommend~~ must be implemented to the satisfaction of the Responsible Authority prior to the occupation of the development hereby approved.

Disability Access

4.63 Before the development is occupied, a Disability Discrimination Act Assessment/Audit, prepared by a suitably qualified consultant, must be submitted to the Melbourne. This document must provide an assessment of the development (including public realm works or publicly accessible areas) against the applicable accessibility provisions of the Building Code of Australia and the

applicable provisions of the Disability (Access to Premises – Buildings) Standards 2010.

Wind Assessment

4.64 Before the development starts, excluding demolition, excavation, piling, and site preparation works, and works to remediate contaminated land, an amended Wind Report must be submitted to and approved by the Responsible Authority in consultation with the City of Melbourne. The amended report must be generally in accordance with the report prepared by Cermak, Peterka, Petersen dated September 2021, but amended include an assessment of the approved development endorsed under Condition 4.5 and must:

- a) Include wind tunnel tests taken at various points within the surrounding public realm with an assessment area determined in accordance with Clause 2.11 of Schedule 67 to Clause 43.02 Design and Development Overlay of the Melbourne Planning Scheme and communal open space areas, carried out on a model of the approved building inclusive of the modifications required to determine the wind impacts of the development and provide recommendations for any modifications which must be made to the design of the building to improve any adverse wind conditions within the public realm and communal open space areas.
- b) Include in the assessment the approved development at 85-93 Lorimer Street, Docklands.
- c) Demonstrate (or provide built form recommendations) that the development will ensure all publicly accessible areas, including footpaths will not be adversely affected by 'unsafe wind conditions' as specified in Table 7 of Schedule 67 to Clause 43.02 Design and Development Overlay of the Melbourne Planning Scheme.
- d) Demonstrate (or provide built form recommendations) that the development should achieve 'comfortable wind conditions' as specified in Table 7 of Schedule 67 to Clause 43.02 Design and Development Overlay of the Melbourne Planning Scheme.
- e) Demonstrate achievement of the wind comfort criteria outlined in Clause 2.11 of Schedule 67 to Clause 43.02 Design and Development Overlay of the Melbourne Planning Scheme for areas within the assessment distance as follows:
 - Sitting: The new park and areas in the public realm/ publicly accessible private areas that are designed for outdoor seating;
 - Standing and Walking: The New Street footpath and areas outside building / tenancy entries along New Street; and

4.65 Any further modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas must be located within the development (not on public land), carefully developed as an integrated high-quality solution with the architectural design and may rely on street trees to the satisfaction of the City of Melbourne.

4.66 The recommendations and requirements of the approved Wind Impact Assessment Report must be implemented to the satisfaction of the City of Melbourne before the development is occupied.

Drainage/Engineering

~~4.67 Before the development starts excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, or as otherwise~~

~~agreed by the Responsible Authority, a stormwater drainage system design incorporating integrated water management design principles, must be submitted to and approved by the City of Melbourne.~~

~~The stormwater drainage system design must:~~

- ~~* Include a detailed response to Clause 22.12 (Stormwater Management (Water Sensitive Urban Design) of the Melbourne Planning Scheme'~~
- ~~* Incorporate a legal point of discharge (LPD) to the satisfaction of the City of Melbourne.~~

~~4.68 The stormwater drainage system must be constructed in accordance with the design approved under this incorporated document, connected to the existing stormwater drainage system and completed prior to the occupation of the building to the satisfaction of the City of Melbourne.~~

4.69 Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – City Infrastructure. This system must be constructed prior to the occupation of the development and provision made to connect this system to the existing Melbourne Water main drain in Hartley Street in accordance with plans and specifications first approved by Melbourne Water and Responsible Authority – City Infrastructure as required.

4.70 Prior to the commencement of the use / occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

4.71 Prior to the occupation of the development the new street adjoining the proposed building along its north side must be constructed (including the provision of carriageway, footpaths, public lighting, street trees, pavement marking, signage, street furniture) together with any associated works at the cost of the developer in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure together with consultation with Melbourne City Council – City Strategy.

4.72 All portions of roads and laneways affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

4.73 The footpath adjoining the site along Hartley Street must be reconstructed together with associated works including the renewal of kerb and channel in bluestone and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

4.74 Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – City Infrastructure.

4.75 All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – City Infrastructure.

- 4.76 Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the Responsible Authority, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy, and include the provision of public lighting in the adjacent streets of the development site. The lighting works must be undertaken prior to the commencement of the use/occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

Environmental Audit

- ~~4.77 Before the development starts excluding demolition, excavation, piling and site preparation works, and works to remediate contaminated land or a sensitive use commences on the land, the Responsible Authority must be provided with either:~~
- ~~a) A certificate of environmental audit issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or~~
 - ~~b) A statement issued by an environmental auditor appointed under the *Environment Protection Act 1970* in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.~~

Compliance with Statement of Environmental Audit

- ~~4.78 Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the statement.~~
- ~~4.79 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.~~
- ~~4.80 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 owner(s) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning & 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 the Responsible Authority, must be met by the owner(s).~~
- 4.81 Prior to the commencement of the development (excluding any works necessary to undertake the audit), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the Responsible Authority in accordance with section 210 of the Environment Protection Act 2017 responding to the matters contained in Part 8.3, Division 3 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority. The EAS must either:
- state the site is suitable for the use and development allowed by this permit;

- state the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.

4.82 All the recommendations of the Environmental Audit Statement (EAS) must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land in accordance with the development hereby approved, and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.

4.83 If any of the conditions of the EAS require ongoing maintenance or monitoring, prior to the commencement of the use and prior to the issue of a statement of compliance under the Subdivision Act 1988 the owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority to the effect that all conditions of the EAS issued in respect of the land will be complied with.

Remediation Works Plan

4.84 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 plans are permitted to be carried out before the issue of a Certificate or Statement of Environmental Audit.

Environmentally Sustainable Design

Sustainability Management Plan & Water Sensitive Urban Design Response

4.85 Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated, a Sustainability Management Plan (SMP) and Water Sensitive Urban Design Response (WSUDR) must be submitted to and approved by the City of Melbourne. The SMP must be generally in accordance with the Sustainability Management Plan prepared by WSP dated September 2021, but modified to show:

- a) Proof of registration of the project with the Green Building Council of Australia as per Fisherman's Bend requirements.
- b) A Water Sensitive Urban Design Response satisfying third pipe and rain tank requirements of Clause 37.04 Schedule 4, as well as stormwater management requirements of Clause 22.23 and Clause 53.18.
- c) Detail of proposed light coloured paving and roofing materials to achieve urban heat island requirement of Clause 22.27, with plans to also include relevant annotations or materials specifications.
- d) Commitment to a water efficiency for showerheads of less than 7.5L/min.
- e) Confirmation of EV charging spaces to be allocated.
- f) Prior to commencement of development, a complete Landscape package and Landscape Maintenance Plan, prepared by suitably qualified person(s), must be submitted to the Responsible Authority. The Landscape Package must be to the satisfaction of the Responsible Authority and include the following:
 1. Green infrastructure / Landscape Plan detailing:

- a) Areas designated as deep soil identified on all plans.
- b) Planting schedule and selection (botanical and cultivar names are correct, appropriate species for light conditions) including proposed planting position. (Note: On plans *H. flavum* specified as being on southern end of site but located on eastern side in concept plan) by qualified Horticulturalist.
- c) Soil media and volumes (Meeting with AS/ AS4419, use Growing Green Guide as a reference).
- d) Annotated construction details including cross-sections for all landscape applications.
- e) Planter and plant support structures (materials, dimensions and proposed locations).
- f) Waterproofing measures.
- g) Irrigation, including measures to reduce potable water use (including irrigation maps and drainage solution for GI).
- h) Lighting locations, if applicable.

Green Infrastructure and Landscape Management Plan detailing:

- a) Responsible parties for plant establishment and ongoing maintenance.
- b) Plant establishment schedule and period.
- c) Maintenance schedule for plantings (monitoring of plants, weeding, re-mulching, pest management, fertilising, re-planting) beyond establishment period.
- d) Maintenance schedule for structures and surfaces (cyclic, routine, reactive, emergency and renovation) beyond establishment period.
- e) Replacement timeframes for poorly performing plant stock interfacing with the public realm.
- f) Irrigation specification and irrigation maintenance schedule.
- g) Maintenance Access requirements and sample Agreements for façade greening.

~~4.86 Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated, a Sustainability Management Plan (SMP) and Water Sensitive Urban Design Response (WSUDR) must be submitted to and approved by the City of Melbourne. The SMP must be generally in accordance with the Sustainability Management Plan prepared by WSP dated September 2021, but modified to show:~~

- ~~a) [Detail to be confirmed through amendment assessment process]~~

4.87 Prior to the occupation of the building, a report (or reports) from the author of the Sustainability Management Plan & Water Sensitive Urban Design Response approved under this Incorporated Document, or similarly qualified person or company, must be submitted to the satisfaction of the City of Melbourne and must confirm measures specified in the approved SMP and WSUD report have been implemented.

Green Star rating

- 4.88 Prior to the commencement of buildings and works, evidence must be submitted to the satisfaction of the City of Melbourne, that demonstrates the project has been registered to seek a minimum 5 Star Green Star Design and As-Built rating (or equivalent) with the Green Building Council of Australia.
- 4.89 Within 12 months of occupation of the building, certification must be submitted to the satisfaction of the City of Melbourne, that demonstrates that the building has achieved a minimum 5 Star Green Star Design and As-Built rating (or equivalent).

Third pipe and rain tank water

- 4.90 A third pipe must be installed for recycled and rain water to supply all non-potable outlets within the development for toilet flushing, irrigation, and washing machine, unless otherwise agreed by the relevant water authority.
- 4.91 An agreed building connection point must be provided from the third pipe, designed to the satisfaction of the relevant water supply authority, to ensure readiness to connect to a future precinct-scale recycled water supply.
- 4.92 A rainwater tank must be provided that:
- a) Has a minimum effective volume of 0.5 cubic metres for every 10 square metres of catchment area to capture rainwater from 100% of suitable roof rainwater harvesting areas (including podiums); and
 - b) Is 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.
- 4.93 Rainwater captured from roof harvesting areas must be re-used for toilet flushing, washing machine and irrigation, or controlled release.

No External Amplified Equipment

- 4.94 Without the further written consent of the Responsible Authority, no form of public address system, loudspeakers or sound amplification equipment must be used so as to be audible outside the premises.

Building Appurtenances

- 4.95 All building plant and equipment on the roofs and public thoroughfares must be concealed and acoustically treated (as applicable) to the satisfaction of Melbourne City Council ~~the City of Melbourne~~.

3D Model

- 4.96 Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land (or as otherwise agreed with the Responsible Authority), a 3D digital model of the development and its immediate surrounds must be submitted to and approved by the Responsible Authority. The 3D model must be in accordance with the Technical Advisory Note for 3D Digital Model Submissions prepared by the Department of Environment, Land, Water and Planning.
- 4.97 Prior to the commencement of the development (excluding any demolition, bulk excavation, construction or carrying out of works) a 3D digital model of the approved development must be submitted to, and must be to the satisfaction of the Responsible Authority. The model should be prepared having regard to the Advisory Note - 3D Digital Modelling Melbourne City Council. Digital models provided to the Melbourne City Council may be shared with other government

organisations for planning purposes. The Melbourne City Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. 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.

Advertising Signs

4.98 No advertising signs either external or internal to the building/s shall be erected, painted or displayed without the prior written approval of the Responsible Authority, unless otherwise in accordance with Clause 37.04 and or Clause 52.05 of the Melbourne Planning Scheme.

Melbourne Water Conditions

4.99 [Conditions to be confirmed by amendment assessment / referral process]

Department of Transport conditions or Head, Transport for Victoria

4.100 [Conditions to be confirmed by amendment assessment / referral process]

Expiry

4.101 The control in this document expires in respect of land identified in Clause 3 of this document if any of the following circumstances apply:

- a) development has not commenced within four (4) years after the approval date of Amendment C413MELB; or
- b) development is not completed within seven (7) years after the approval date of Amendment C413MELB.
- c) The uses permitted under this Incorporated Document must commence within one (1) year of the completion of the development approved by Amendment C413MELB to this Scheme.

The Minister for Planning may consent to extend the period for completion if a request is made in writing before the time period for completion expires or within six months afterwards if works have not commenced, or twelve months afterwards if the development started lawfully before this Incorporated Document expired.

This Incorporated Document will expire twelve months after the date of the issuing of the Certificate of Occupancy for the development or as otherwise agreed in writing by the Responsible Authority.

END OF DOCUMENT

NOTES:

Melbourne Water

Melbourne Water may issue a notice under the Water Act 1989 requiring the owner of the subject land to contribute to the cost of flood mitigation and drainage works in the Fisherman's Bend Urban Renewal Area. Any such contribution will be in addition to any contribution required under this Incorporated Document.

Building Approvals

All projections over the street alignment must conform to Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate. Reference can be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face / back of kerb.

Traffic Engineering

Council will not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development. The developments in this area are not entitled to resident parking permits.

Therefore, the residents / occupants / visitors of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions.

All necessary approvals and permits are to be first obtained from the City of Melbourne's Infrastructure and Assets Branch and VicRoads and the works performed to the satisfaction of the responsible road authority.

The applicant is advised that Council will not alter existing on-street parking restrictions to accommodate the access, servicing, delivery and parking demands generated by the development. In accordance with Council policy, future residents will not be eligible for on-street parking permits and will not be exempt from on-street parking restrictions.

Civil Design

All necessary approvals and permits are to be first obtained from the City of Melbourne's Infrastructure and Assets Branch and VicRoads and the works performed to the satisfaction of the responsible road authority.

Urban Forest and Ecology

A tree protection bond can be provided as a bank guarantee or by EFT. A bank guarantee must be:

1. Issued to City of Melbourne, ABN: 55 370 219 287.
2. From a recognised Australian bank.
3. Unconditional (i.e. no end date)
4. Executed (i.e. signed and dated with the bank stamp)

If the bond is to be lodged as an EFT, Council's bank details will be provided on request.

An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.

Any pruning works identified in the Tree Protection Plan will be undertaken once the Tree Protection Bond is lodged, all permits issued and works are ready to commence.

On completion of the works, the bond will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the public trees have not been affected by the works.

Approval for any tree removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited to significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.

All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a trees to be removed, must be met by the applicant / developer / owner of the site. The costs of these works will be provided and must be agreed to before council remove the subject trees.