

Report to the Future Melbourne (Planning) Committee

Agenda item 6.2

Ministerial Planning Referral: ID-2020-6
111 Lorimer Street, Fisherman's Bend

8 December 2020

Presenter: Evan Counsel, Director Planning and Building

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a site specific planning scheme amendment lodged with the Minister for Planning and referred to Council for comment. The amendment seeks permission to apply a Specific Controls Overlay (SCO) to 111 Lorimer Street, Fisherman's Bend and, in turn, include a related Incorporated Document in the planning scheme.
2. As Schedule 1 of the Fisherman's Bend Infrastructure Contributions Overlay (ICO1) states a permit must not be granted to develop land until such time as an Infrastructure Contributions Plan has been incorporated into the planning scheme, the SCO/Incorporated Document process is the only mechanism currently available to redevelop the site. The Minister for Planning has called in 26 affected applications, each of which must now be considered via the SCO/Incorporated Document process.
3. The proposed mixed use building would stand to a height of 29 storeys and comprise office and retail space at lower levels with apartments in the tower above. The building would be set back from both the Lorimer Street and eastern property boundary to accommodate a new tram line and roadway respectively, totalling 1,200 square metres of land to be vested for public infrastructure.
4. The applicant is Contour Consultants, the owners are RARE Costa Super Pty. Ltd. and Costa Asset Management and Rothe Lowman designed the building.
5. The site is located in Capital City Zone, Schedule 4 (Fisherman's Bend Urban Renewal Area), Design and Development Overlay, Schedule 67 (Fisherman's Bend - Lorimer Precinct), Special Building Overlay (SBO), Environmental Audit Overlay (EAO), Parking Overlay, Schedule 13 (Fisherman's Bend Urban Renewal Area) and Infrastructure Contributions Overlay, Schedule 1 (Fisherman's Bend Infrastructure Contributions Plan). Lorimer Street also forms part of a Road Zone, Category 1 (RDZ1).

Key issues

6. 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, and the policy provisions of Clause 22.27 (Fisherman's Bend Urban Renewal Area), as follows:
 - 6.1. At 29 storeys the proposal exceeds the preferred height of 18 storeys. However, the surrounding context contains buildings of similar height and there are no adverse overshadowing impacts.
 - 6.2. There are no tower setbacks to the east or west but these are narrow interfaces and the tower is designed to provide substantial setbacks to the long street frontages to north and south.
 - 6.3. Excess residential parking is provided compared with the Parking Overlay. This can be conditioned.
 - 6.4. The need to provide non-residential floor space on site is not met, given the plot ratio of all non-residential uses is 0.9:1 whereas the provisions specify a minimum 1.7:1. This can be conditioned.
 - 6.5. The need to ensure 20% of dwellings comprise three or more bedrooms is not met, given only 12% of the proposed apartments would feature three or more bedrooms. This can be conditioned.
 - 6.6. Given 20 (or 6%) of the proposed dwellings would be affordable, this policy objective is met.

Recommendation from management

7. That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Council supports the proposed planning scheme amendment subject to the altered and additional conditions outlined in the delegate report (refer attachment 4 of the report from management).

Attachments:

1. Supporting Attachment (Page 2 of 77)
2. Locality Plan (Page 3 of 77)
3. Selected Plans (Page 4 of 77)
4. Delegate Report (Page 25 of 77)

Supporting Attachment

Legal

1. The proposed controls and development have been assessed against the relevant provisions of the *Planning and Environment Act 1987* and Melbourne Planning Scheme.

Finance

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

Conflict of interest

3. 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

4. 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

5. The Minister for Planning referred the application to Council in accordance with Section 20(5) of the *Planning and Environment Act 1987*. The Minister has not required any further public consultation.

Relation to Council policy

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

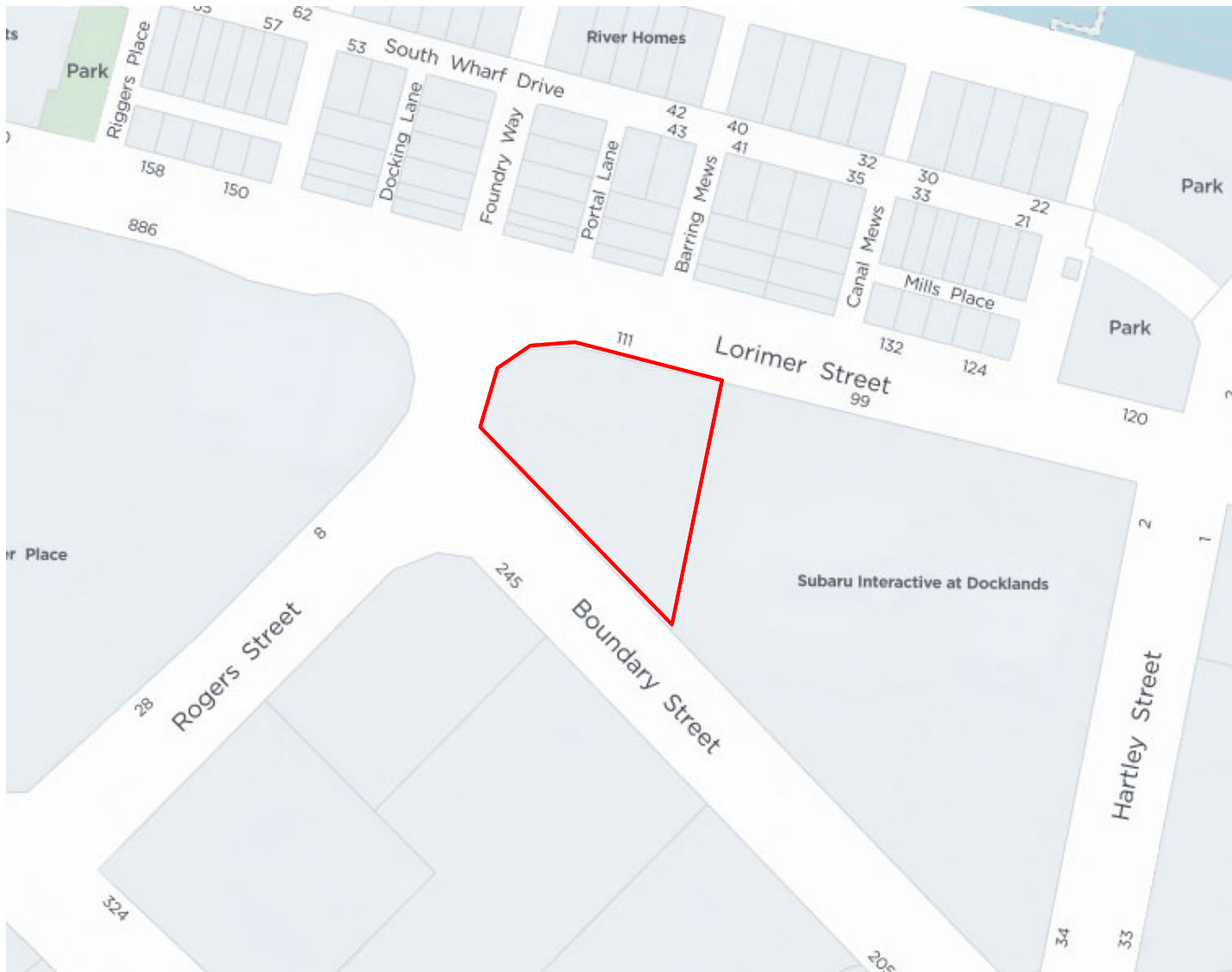
Environmental sustainability

7. The Environmentally Sustainable Design (ESD) 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

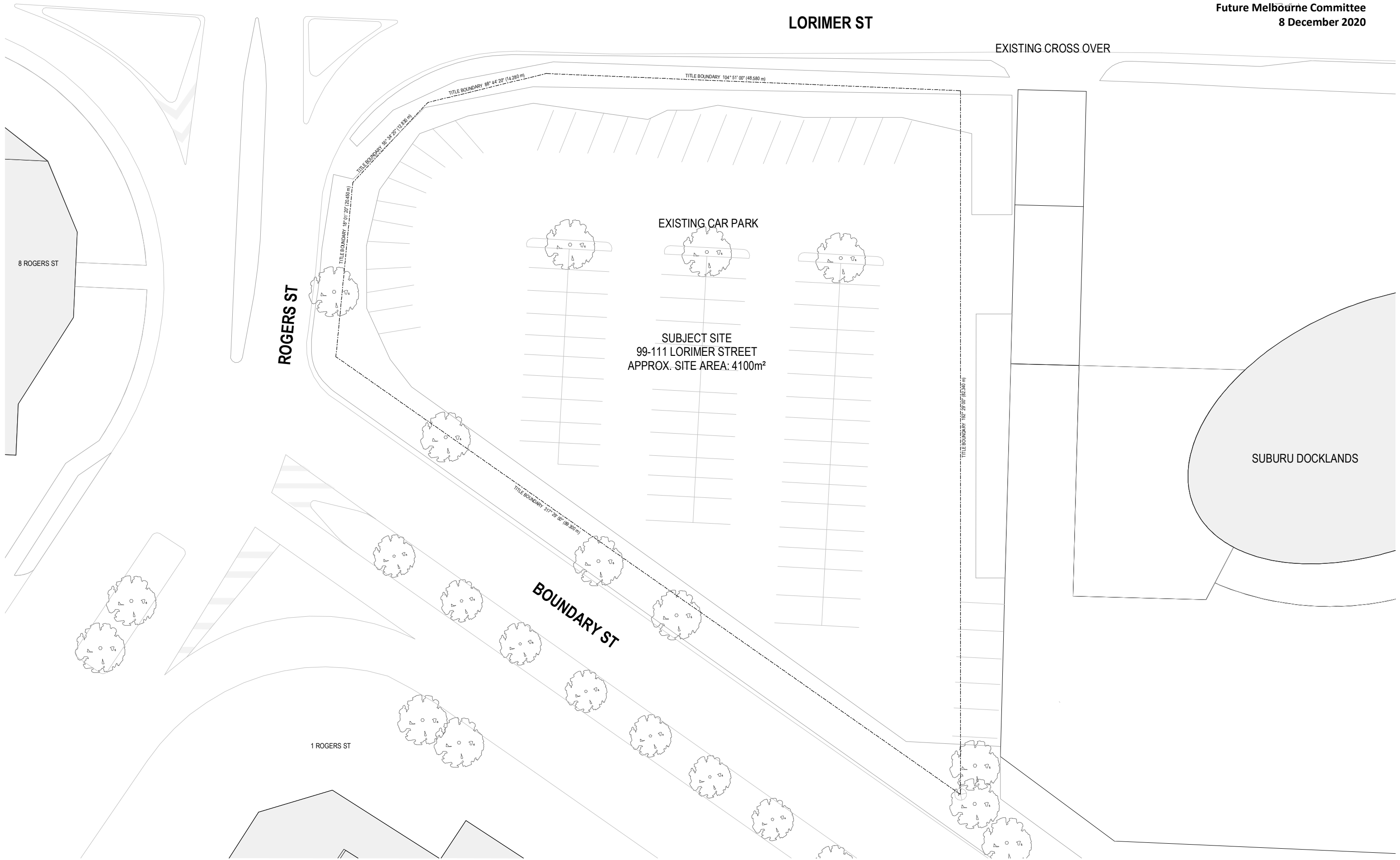
Attachment 2
Agenda item 6.2
Future Melbourne Committee
8 December 2020

111 Lorimer Street, Fisherman's Bend



LORIMER ST

EXISTING CROSS OVER



Revisions / 29.07.19 Town Planning Submission

ML

Project / Mixed Use Development

Drawing / SITE PLAN EXISTING

Project No / 217039

Date / 05/13/19

Author / OB

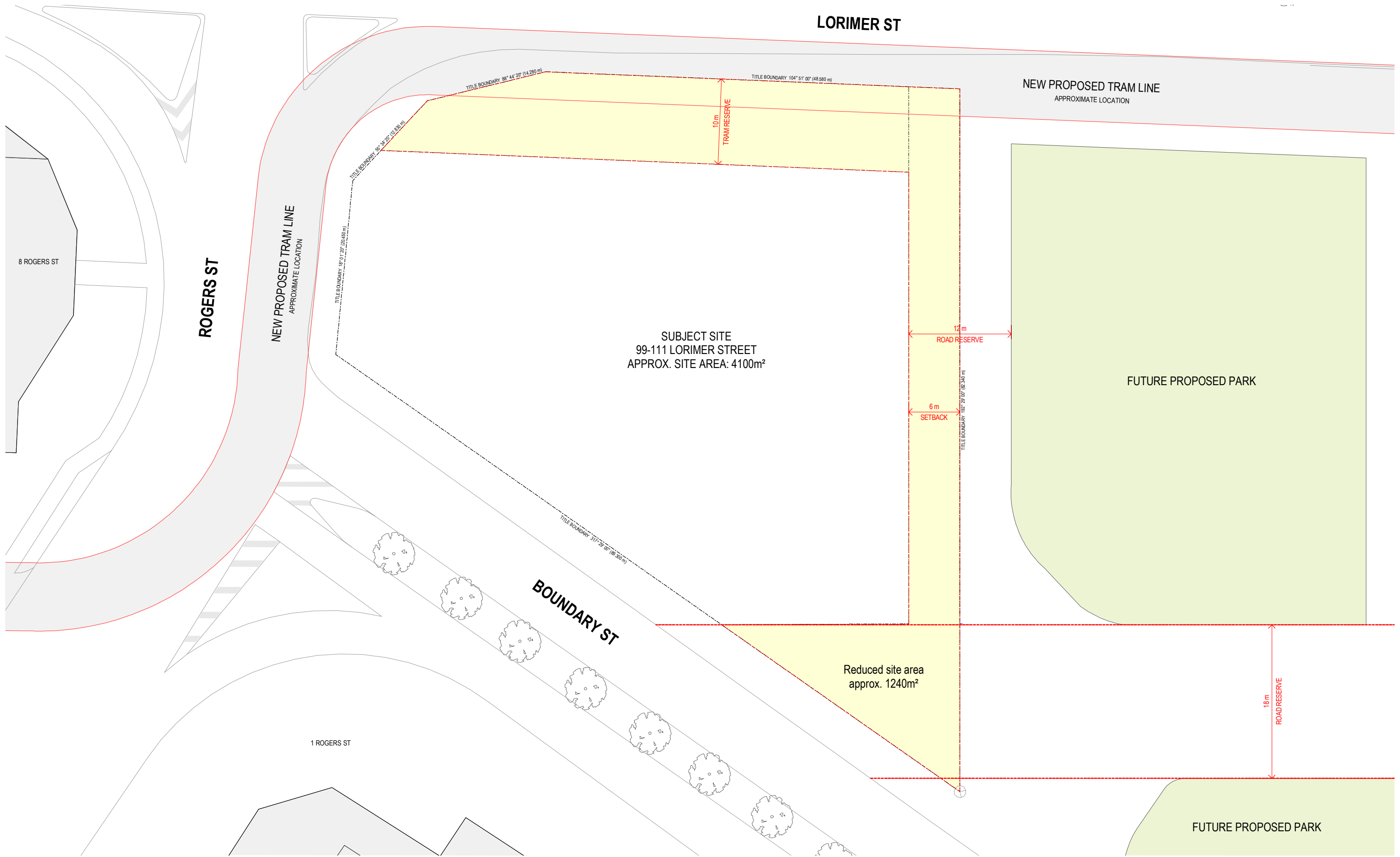
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Drawing No. / TP00.01 -

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Project / Mixed Use Development

Drawing / SITE PLAN CONSTRAINTS

Project No / 217039 Date / 05/13/19 Author / JS

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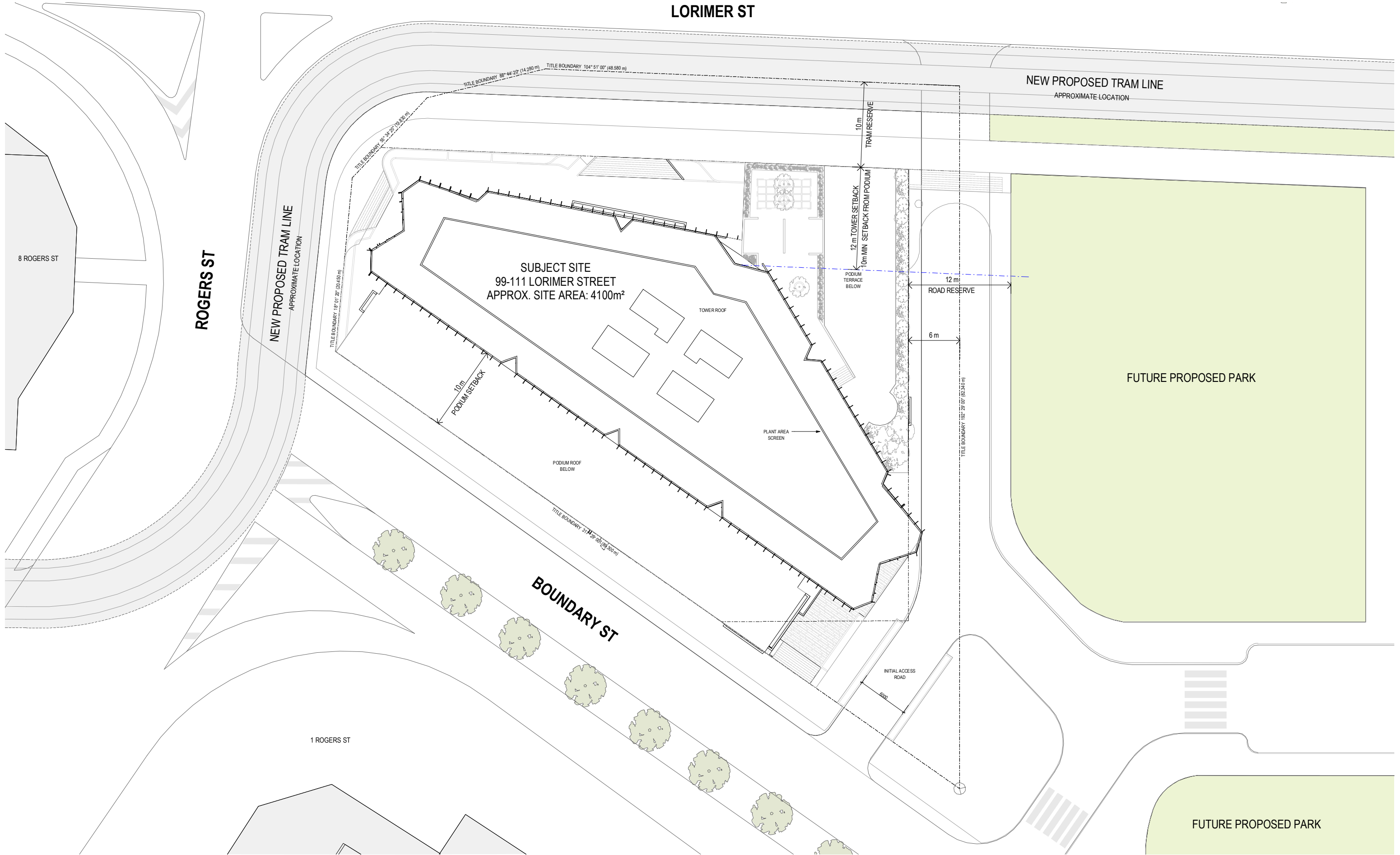
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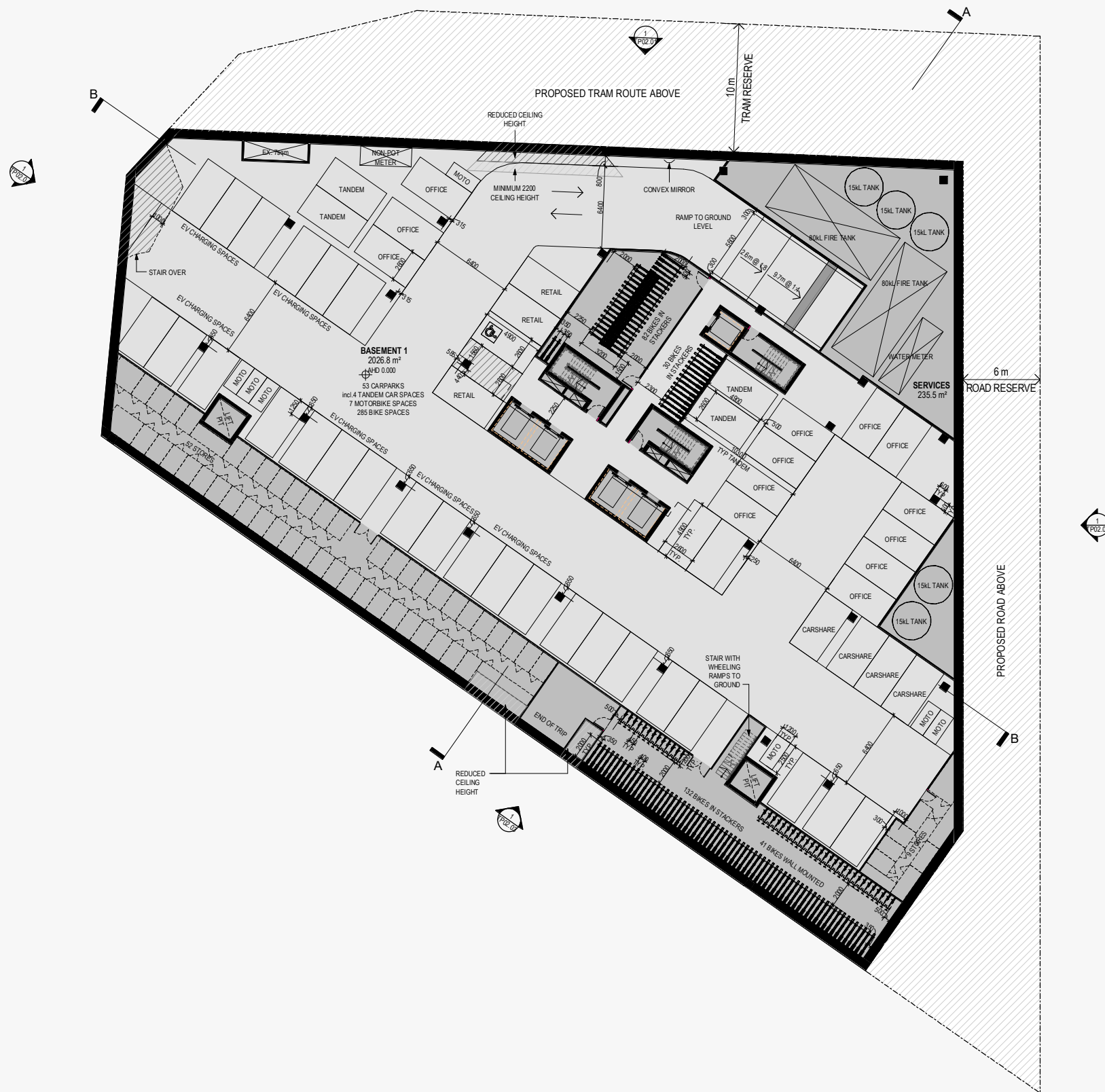
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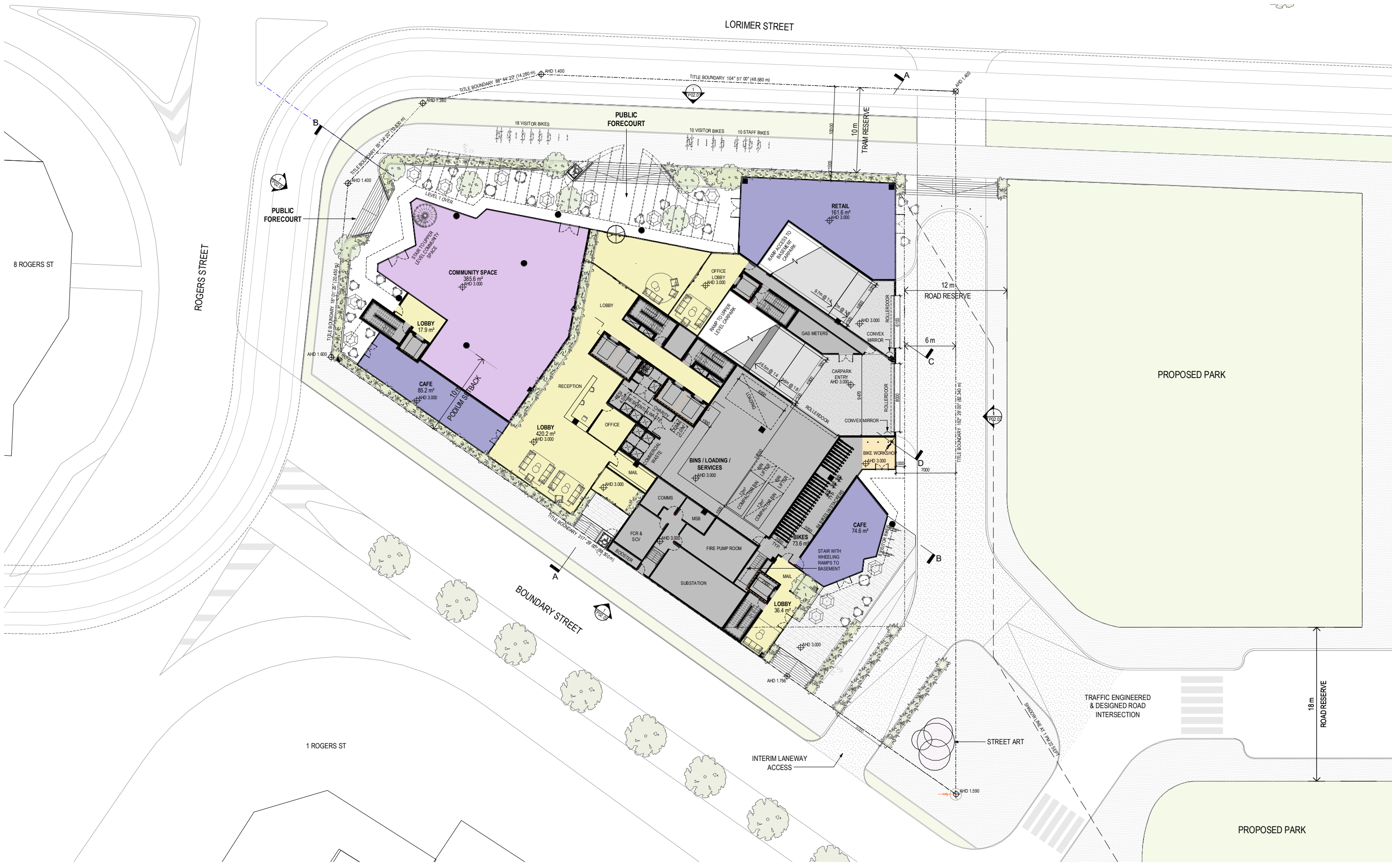
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LORIMER ST







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Project / Mixed Use Development Drawing / GROUND LEVEL

Project No / 217039 Date / 13/05/2019 Author / JS Scale: @ A1 / 1 : 200

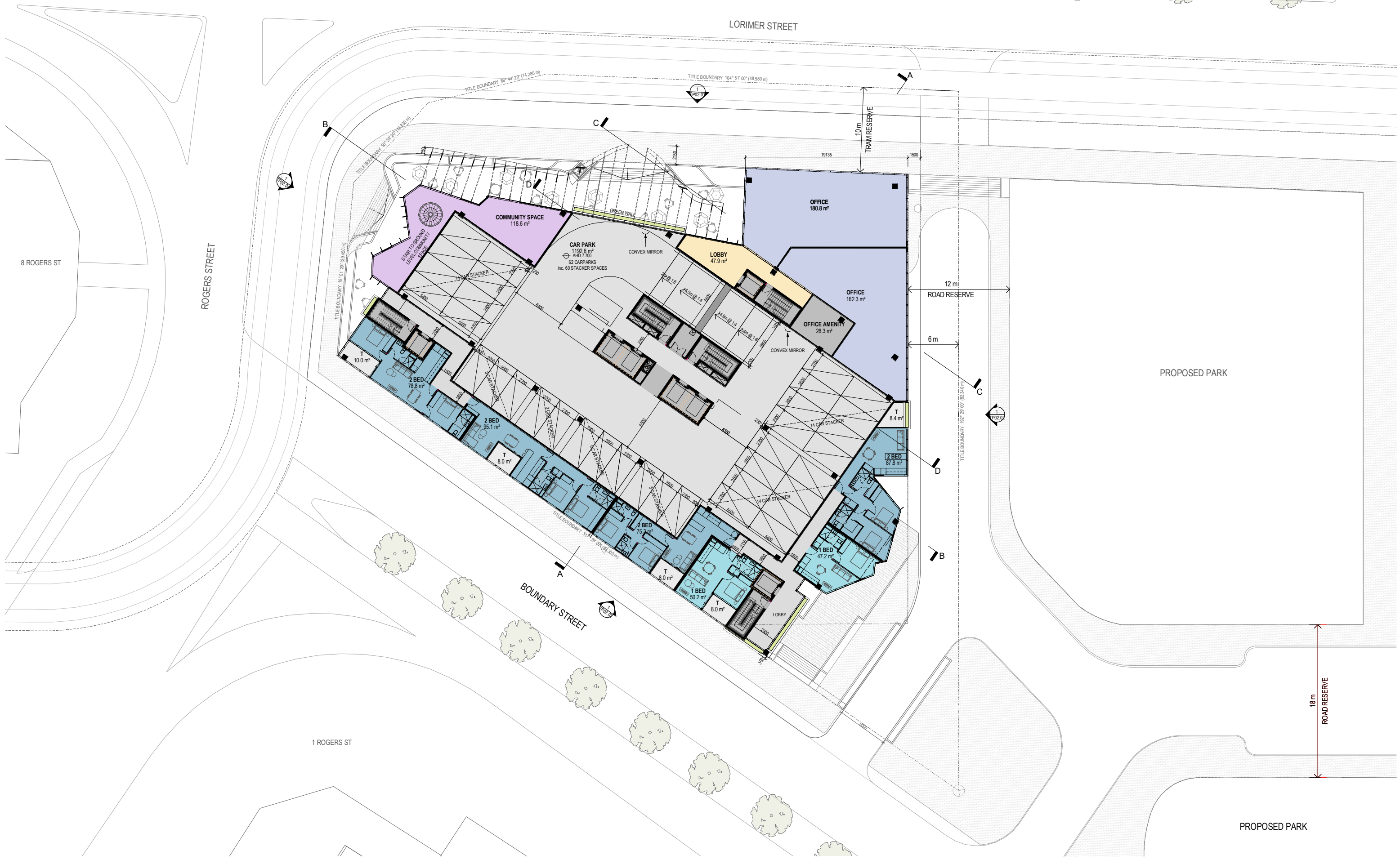
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8 ROGERS ST

ROGERS STREET

LORIMER STREET

PROPOSED PARK

BOUNDARY STREET

1 ROGERS ST

PROPOSED PARK

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Project / Mixed Use Development Drawing / LEVEL 01

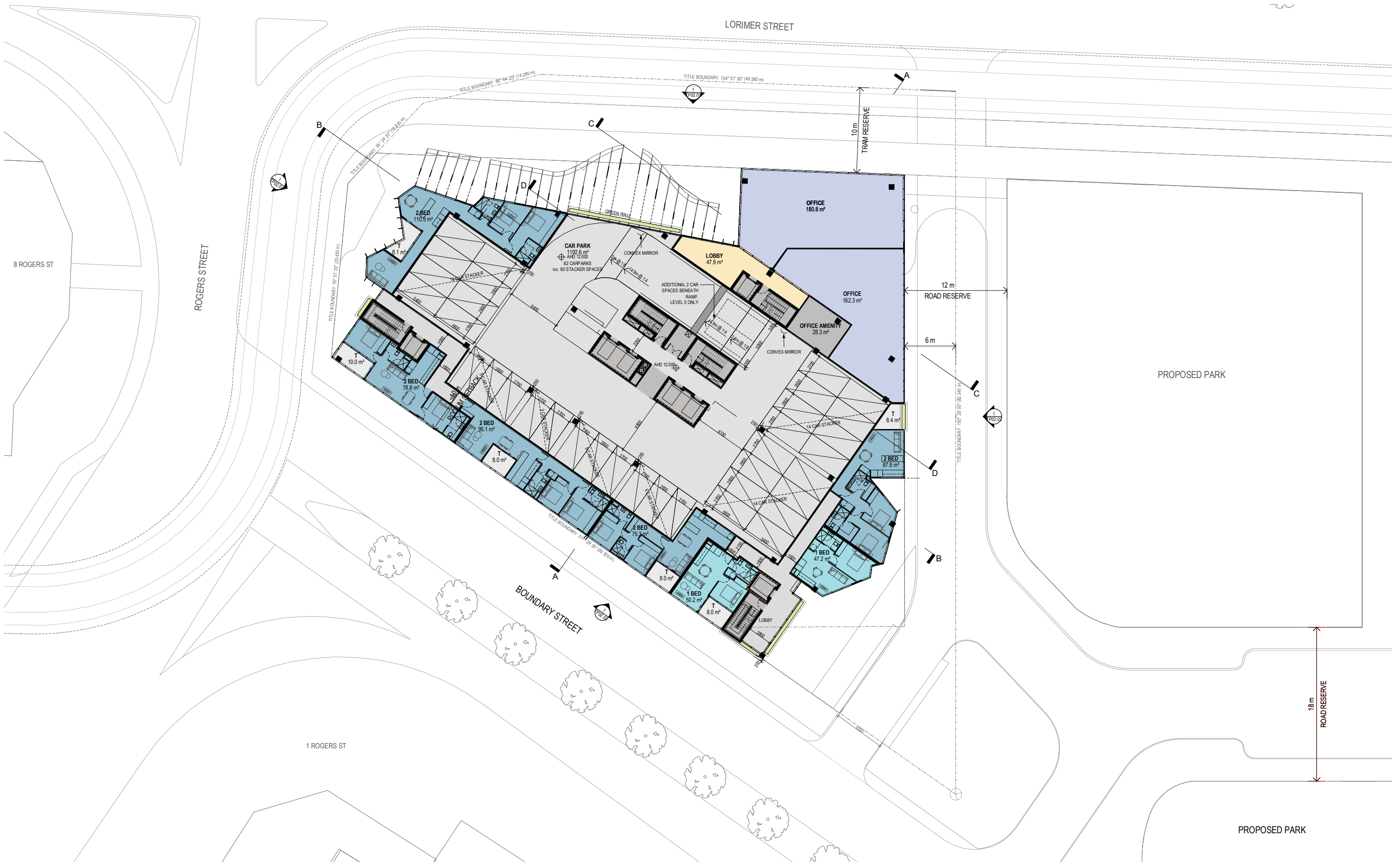
Project No / 217039 Date / 13/05/2019 Author / JS Scale: @ A1 / 1 : 200

Drawing No / TP01.03 -

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Project / Mixed Use Development

Drawing / LEVEL 02 - 05 - TYP. PODIUM

Project No / 217039 Date / 05/16/19

Author / MT

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Drawing No. / TP01.04 -

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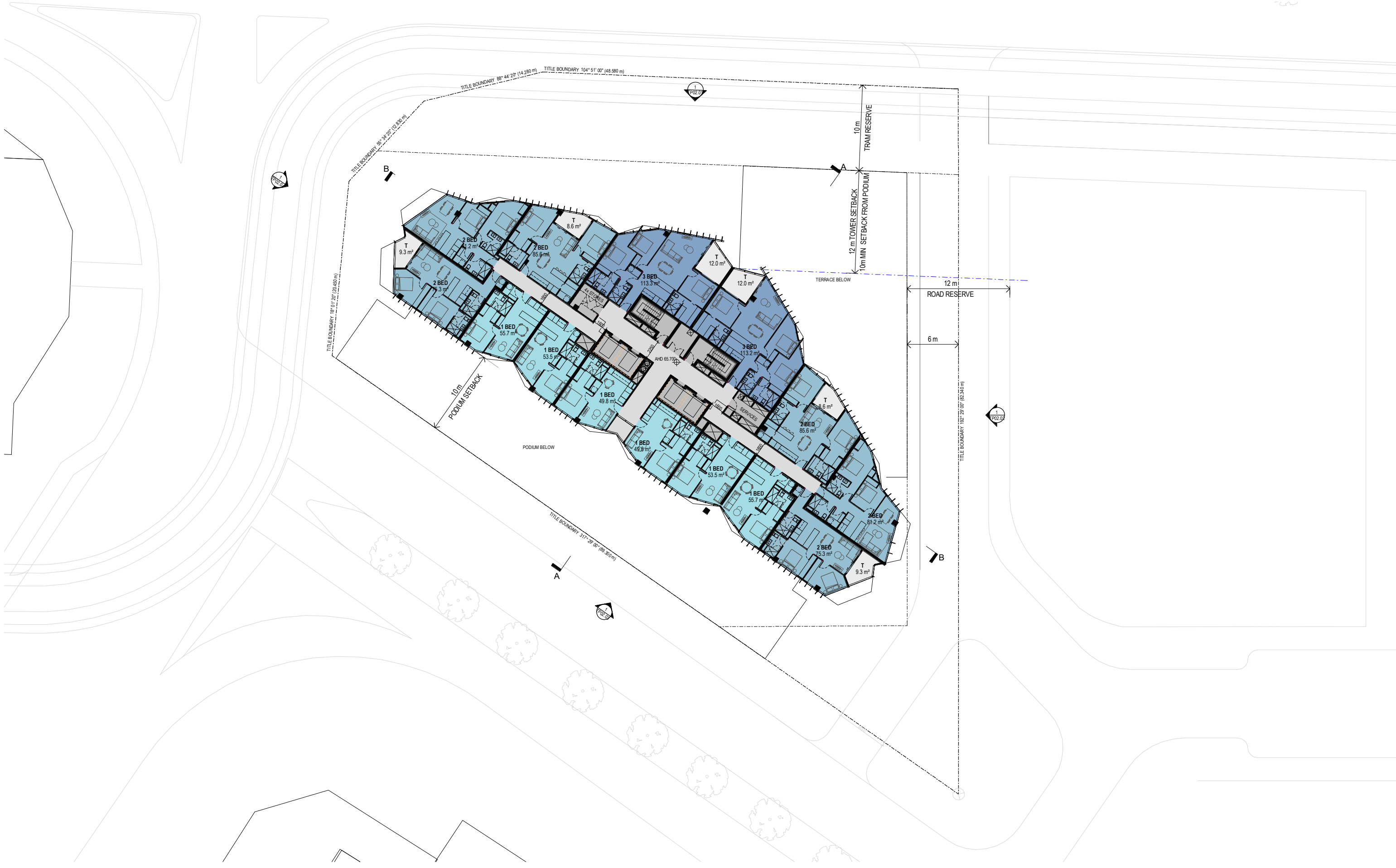
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Project / **Mixed Use Development** Drawing / **LEVEL 17 TO 20 - TYP.** Project No / **217039** Date / **13/05/2019** Author / **JS** Scale: @ A1 / **1 : 200** Drawing No. / **TP01.08**

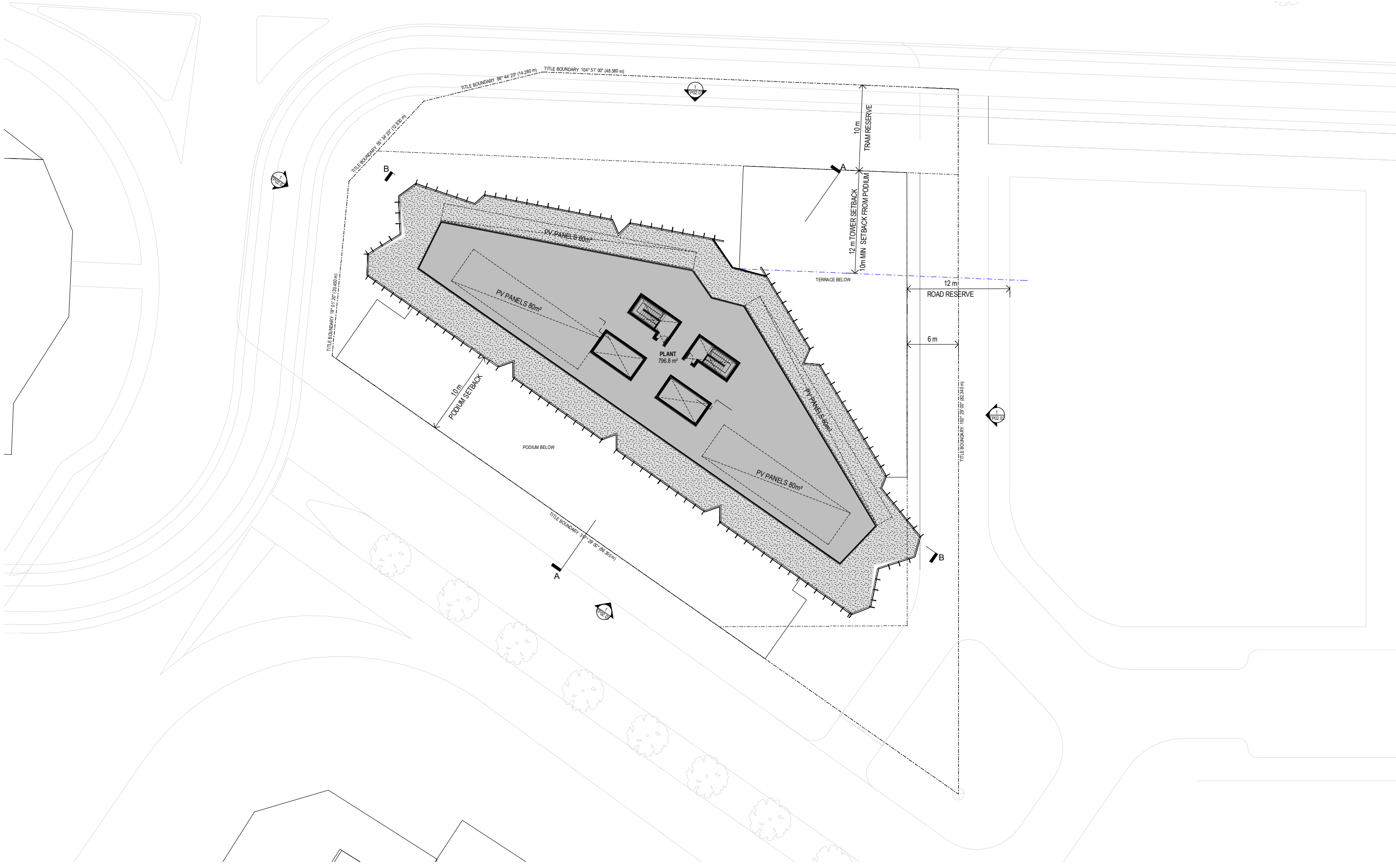
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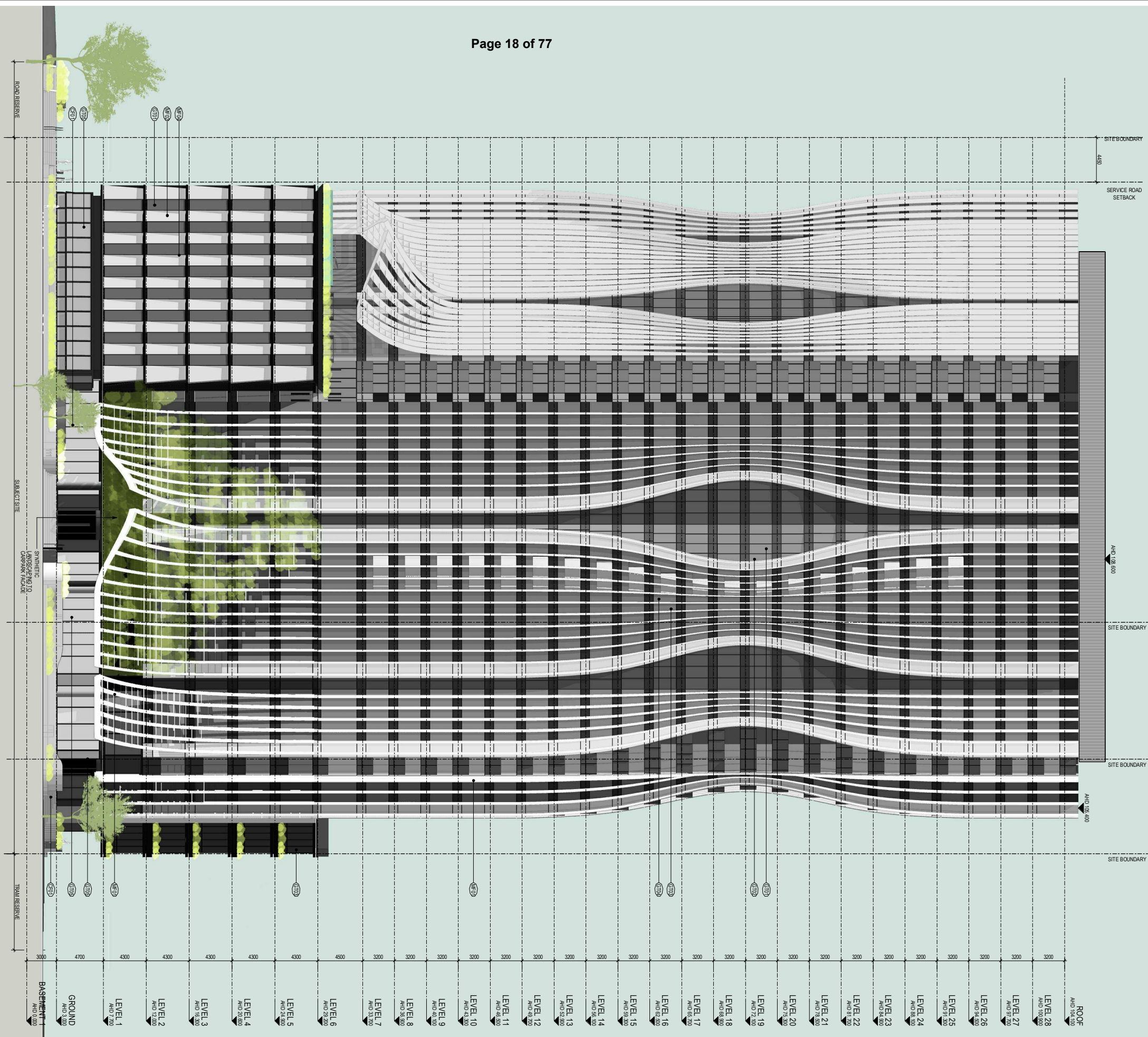
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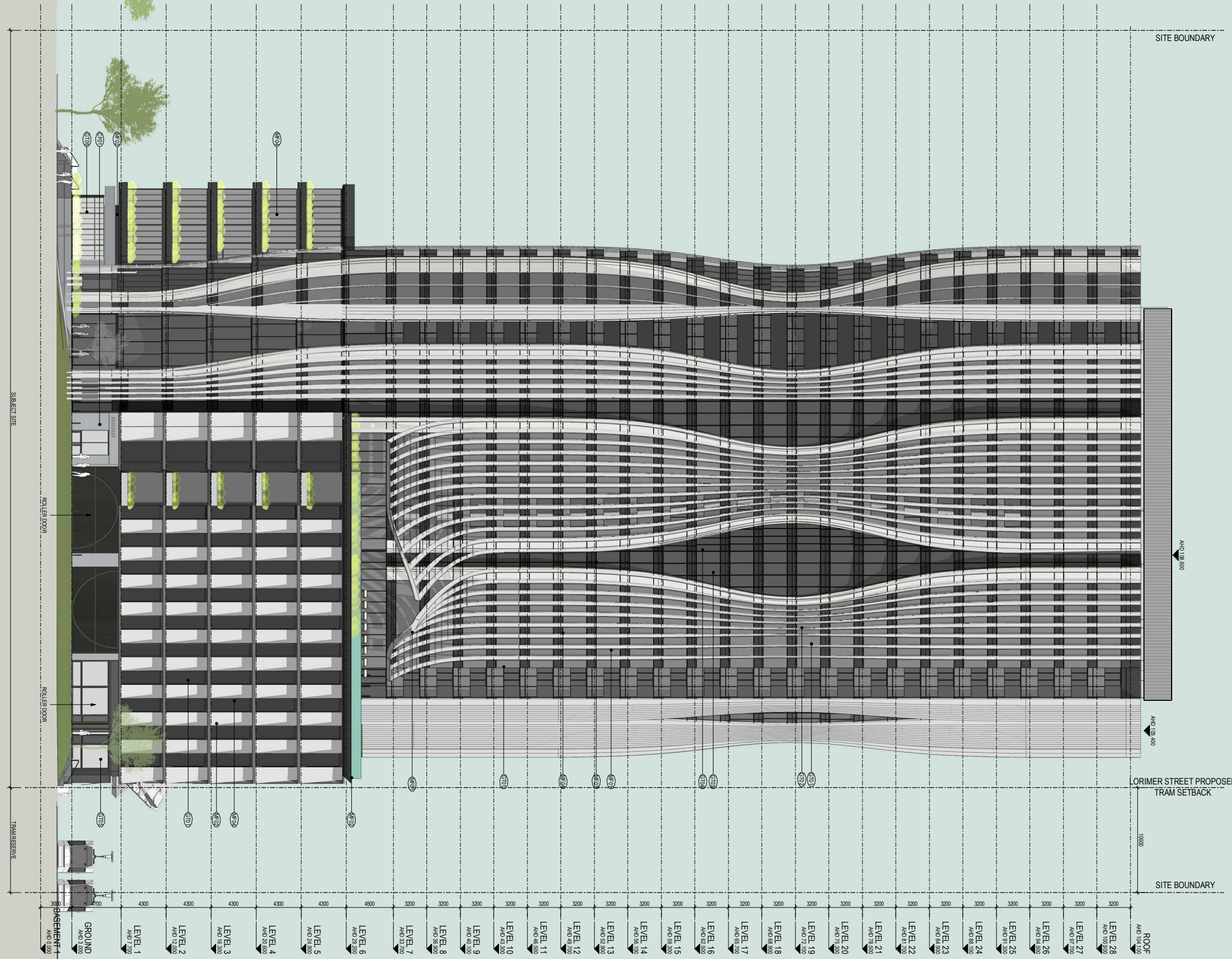
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Project / Mixed Use Development Drawing / NORTH ELEVATION - LORIMER STREET Project No / 217039 Date / 13/05/2019 Author / JS Scale: @ A1 / 1 : 200 Drawing No. / TP02.01 -

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Project / Mixed Use Development

Drawing / EAST ELEVATION - SERVICE ROAD

Project No / 217039

Date / 13/05/2019

Author / JS

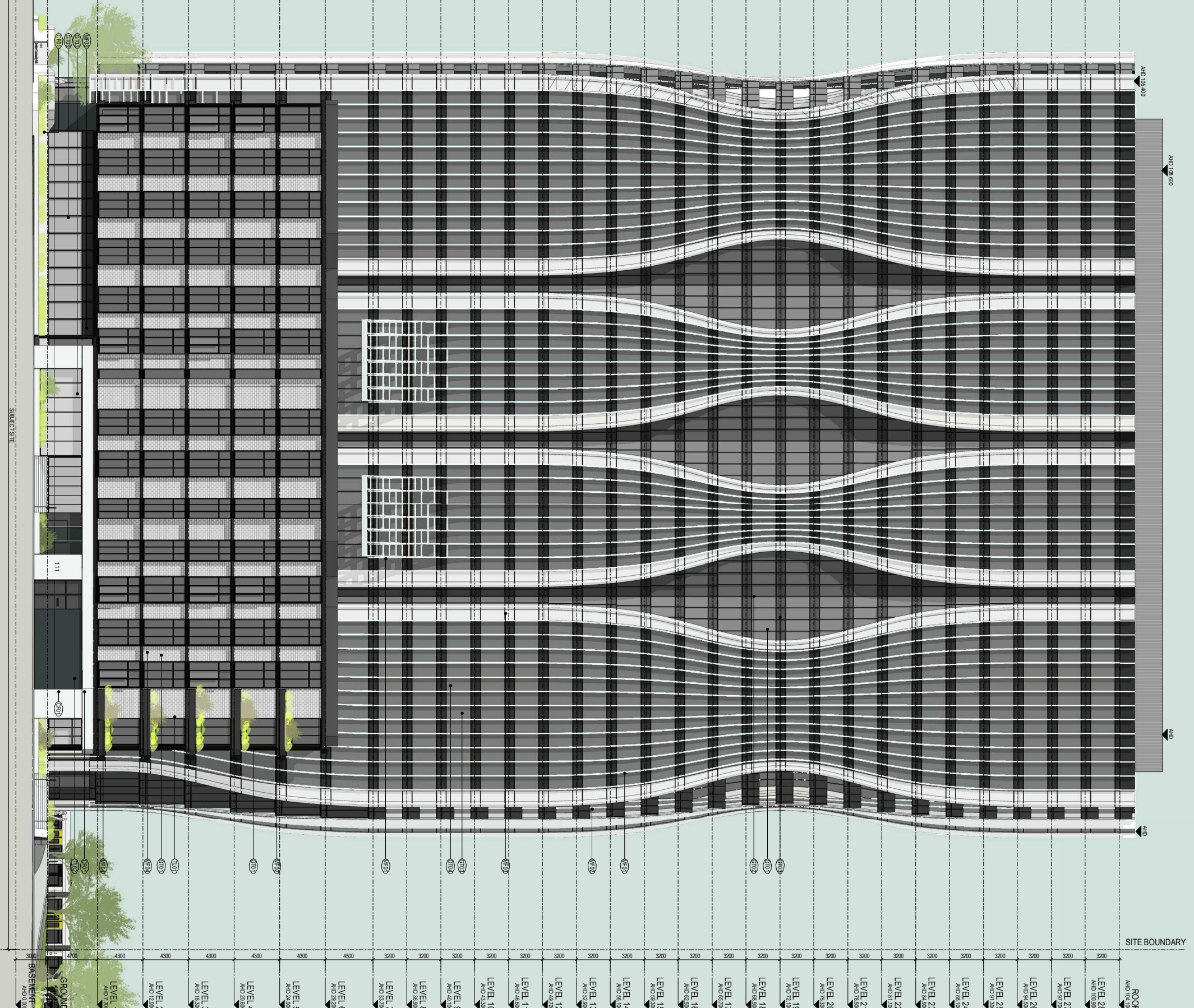
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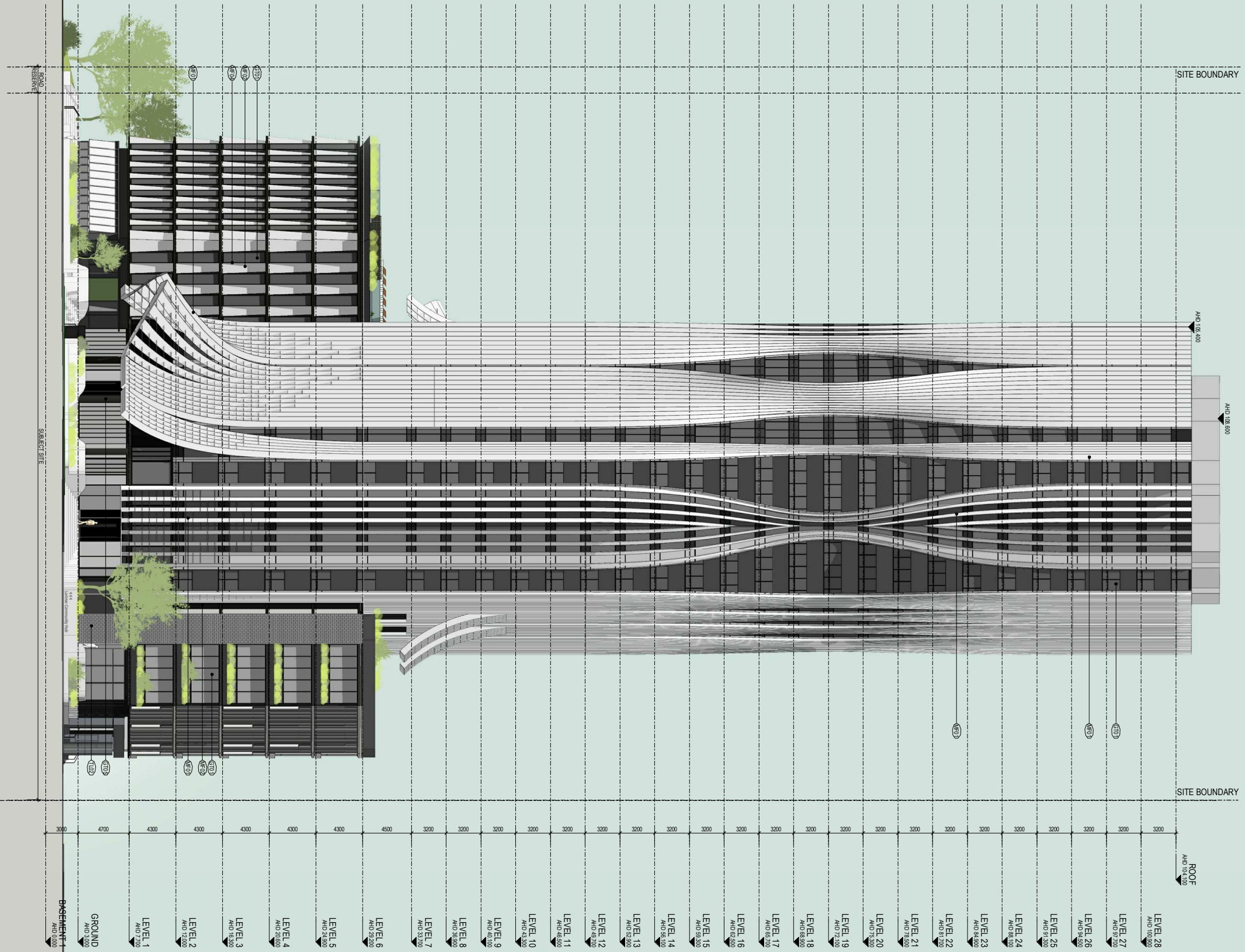
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Project / **Mixed Use Development** Drawing / **SOUTH ELEVATION - BOUNDARY STREET** Project No. / **217039** Date / **13/05/2019** Author / **JS** Scale: @ A1 / **1 : 200** Drawing No. / **TP02.03 -**

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Revisions / 29.07.19 Town Planning Submission ML

Project / Mixed Use Development

Drawing / WEST ELEVATION - ROGERS STREET

Project No / 217039

Date / 05/13/19

Author / MT

Scale: @ A1 / 1 : 200

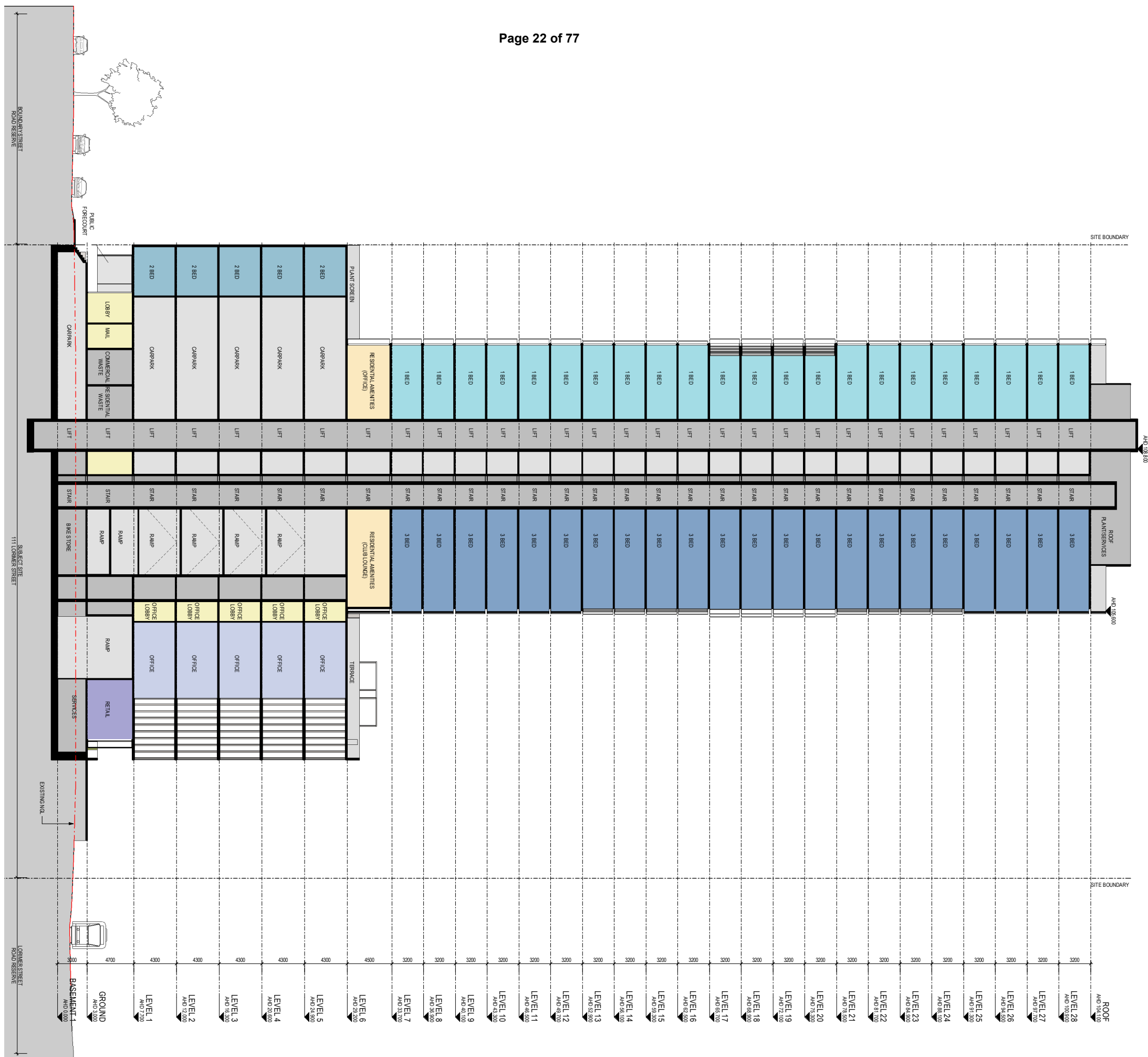
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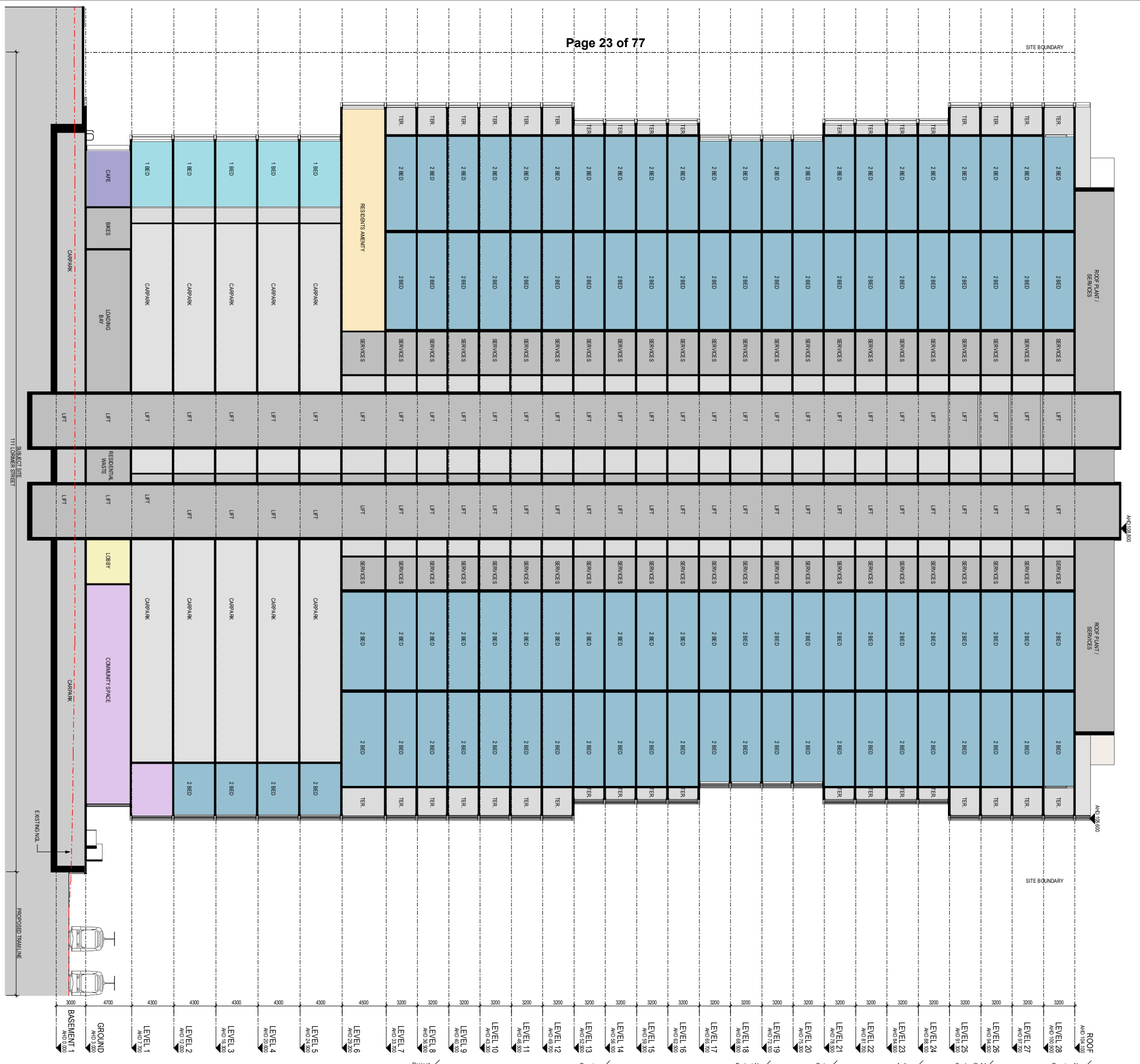
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Project / Mixed Use Development

Drawing / SECTION B

Project No / 217039

Date / 05/13/19

Author / MT

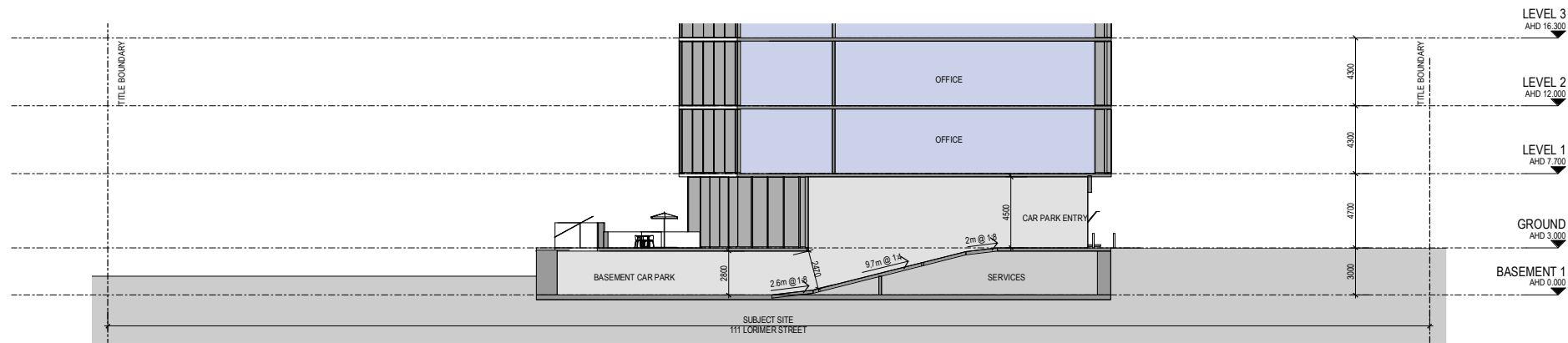
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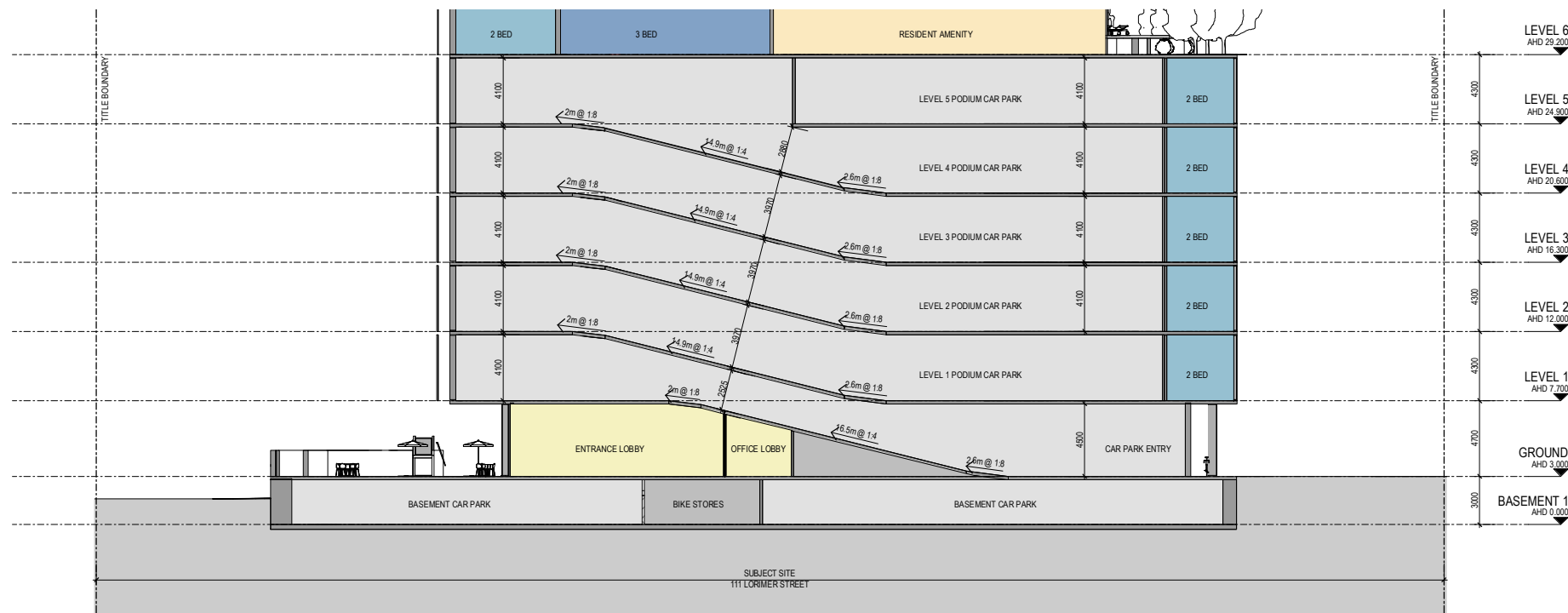


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RAMP SECTION C - G to B1 Upper



RAMP SECTION D - G to L1 Upper

MINISTERIAL PLANNING REFERRAL DELEGATE REPORT

Application number:	ID-2020-6
DELWP reference:	Planning Scheme Amendment C364
Applicant / Owner / Architect:	Contour Consultants RARE Costa Super Pty. Ltd. & Costa Asset Management Pty. Ltd. Rothe Lowman
Address:	111 Lorimer Street, Fisherman's Bend
Proposal:	Amendment to Melbourne Planning Scheme to apply Specific Controls Overlay (SCO) to land and introduce a new Incorporated Document
Cost of works:	\$100,000,000
Date received by City of Melbourne:	15 September 2020
Responsible officer:	Connor Perrott, Principal Urban Planner

1. SUBJECT SITE AND SURROUNDS

1.1. The site

The subject site is located on the southern side of Lorimer Street, east of the Rogers Street intersection. Measuring approximately 4,100 square metres, the site is currently used as a car park in association with the adjoining motor vehicle dealership (Subaru) to the east.

Though the site measures in excess of 4,000 square metres, its effective developable area is less than this (approximately 2,909 square metres) owing to the need to provide road and transport infrastructure on site. This includes a six metre wide laneway along the eastern boundary and 10 metre wide tram reserve along the northern boundary.

The aerial image overleaf shows the site in greater detail.

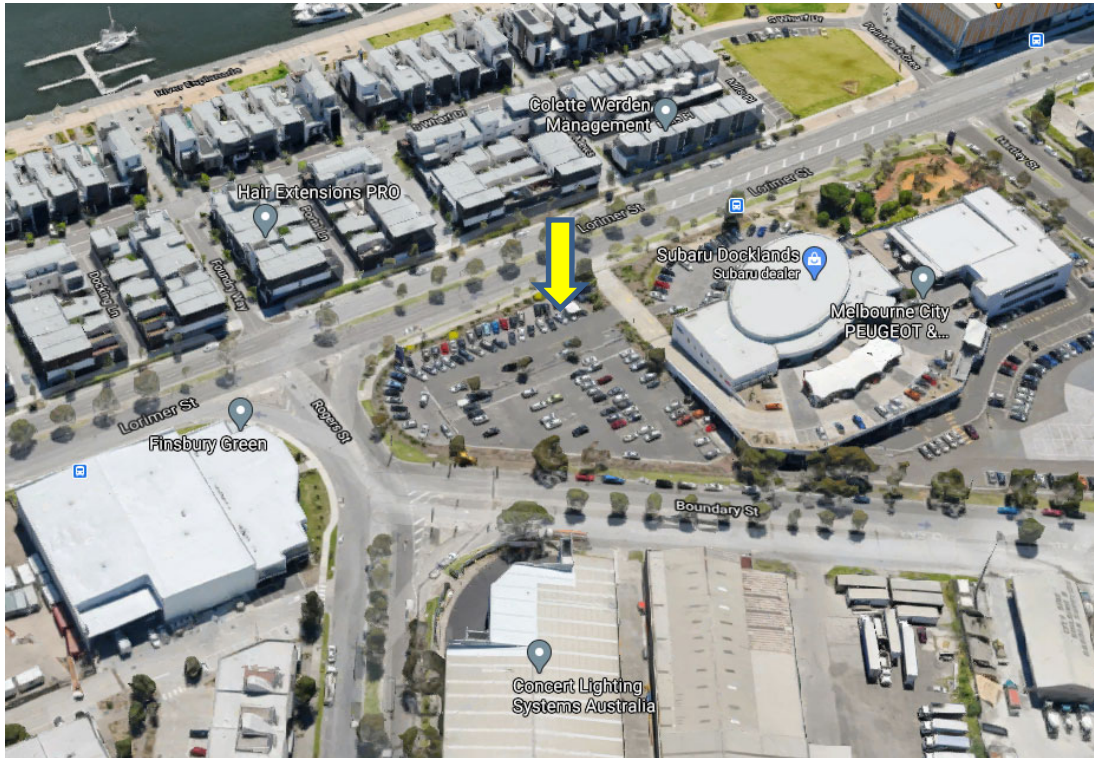


Figure 1 - Aerial view of site (source: Google Maps)

1.2. Surrounds

Subaru comprises a two-storey sales building and yard, service centre and off-road test track. These facilities may be accessed off Lorimer Street, Hartley Street to the east or Boundary Street to the south.

Boundary Street terminates a short distance to the south-east where it intersects with the Westgate Freeway. Only emergency and service vehicles may access the freeway at this point.

To the south of the site, across Boundary Road, stands a row of industrial buildings typical of the prevailing built form character of the surrounding area. Permission has previously been granted to demolish these buildings (or parts thereof) to accommodate new warehouses, offices and showrooms.

To the west of the site, across Rogers Street, stands a two-storey office and warehouse building. Approved in 2011, this building occupies the north-eastern corner of a larger business park extending to Ingles Street to the south-west.

To the north of site, across Lorimer Street, land is used for residential purposes. This includes rows of three-storey townhouses and multi-storey towers to the north-west and north-east.

2. BACKGROUND AND HISTORY

On 15 September 2020 Council received notice from the Minister for Planning of an application to amend the Melbourne Planning Scheme to facilitate the redevelopment of the subject 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 Council.

This referral follows an earlier request for comments in relation to a previous iteration of the proposed development (refer Planning Application TPM-2018-3). This original application sought approval for a multi-storey mixed-use building standing to a height of 150 metres.

On the basis this application was subsequently called in by the Minister (refer details overleaf) Council did not provide a formal response.

Documents submitted in support of the current application show that representatives from the Department of Environment, Land, Water and Planning (DELWP) met with the applicant prior to lodgement.

Council Officers did not attend this meeting.

3. STATUTORY CONTROLS

The following provisions of the Melbourne Planning Scheme apply:

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; and 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; Clause 21.13 - Urban renewal areas
Local Planning Policies:	Clause 22.02 - Sunlight to public spaces; Clause 22.19 - Energy, water and waste efficiency; Clause 22.23 - Stormwater management (Water Sensitive Urban Design); and Clause 22.27 - Fisherman's Bend urban renewal area policy

Statutory Controls	
Clause 37.04 - Capital City Zone, Schedule 4 (Fisherman's Bend urban renewal area)	<p>In accordance with the provisions of the CCZ, a permit is required to construct a building/construct and carry out works unless the relevant schedule specifies otherwise. Though a permit is not required for certain building works in accordance with Schedule 4, this does include developments such as that proposed.</p> <p>In accordance with the table of uses, community centres (place of assembly), office and retail (up to a maximum of 1,000 square metres) are as of right and as such do not require a permit. Though residential uses are also as of right, this is subject to the host site not being located within an 'amenity buffer area'. On the basis the site is located within such an area, a permit is required for residential uses in this case.</p> <p>Schedule 4 shows that the site is also located within the 'Core Area where a maximum dwelling density of 339 units per hectare applies. This provision is discussed further overleaf.</p>

	<p>In addition to this, Schedule 4 also sets out minimum parking requirements as follows:</p> <ul style="list-style-type: none"> ▪ 1 bicycle space per dwelling; ▪ 1 visitor bicycle space for every 10 dwellings; ▪ 1 motorcycle space for every 50 dwellings; and ▪ 2 car share spaces and 1 additional space for every 25 car parking spaces on site.
<p>Clause 36.04 - Road Zone</p>	<p>The Lorimer Street frontage of the site forms part of a Road Zone, Category 1 (RDZ1). A permit is required to create or alter access to such a road where the new/altered access point would be used in association with uses which also require a permit in accordance with this zone.</p> <p>Clause 36.04-1 states that a permit is required for each of the proposed uses. As such, a permit is also required for the proposed access point leading onto Lorimer Street from the subject site.</p> <p>The Minister, as the Responsible Authority, must refer the application to Transport Victoria in accordance with the provisions of this clause.</p>
<p>Clause 43.02 - Design and Development Overlay, Schedule 67 (Fisherman's Bend - Lorimer precinct)</p>	<p>Clause 43.02-2 states that a permit is required to construct a building and construct or carry out works unless the relevant schedule specifies otherwise. Though Schedule 67 states that a permit is not required for certain building works, this does not include a development such as that proposed.</p> <p>Clause 2.4 specifies, by precinct, preferred building typologies. The site is located in Area L3 where 'Hybrid (predominantly mid-rise)' forms are preferred.</p> <p>In addition to this, Map 2 shows that a 62 metre (18 storey) preferred building height also applies together with a maximum street wall height of six storeys (refer Map 3). Elements above this should be setback 10 metres behind the street wall.</p> <p>Importantly, Clauses 2.7 and 2.8 allow for varied building forms, including reduced setbacks.</p> <p>Schedule 67 also sets out performance measures relating to:</p> <ul style="list-style-type: none"> ▪ Clause 2.6 - Overshadowing. This clause states new buildings must not cast shadows in excess of those which would be cast by permitted street wall heights across identified public spaces at certain times. <p>In this case, additional shadows must not be over the proposed public parks immediately to the east and south-east between 10.00am and 1.00pm on 22 September.</p> <ul style="list-style-type: none"> ▪ Clause 2.11 - Wind. This clause states that new buildings exceeding a height of 40 metres must not cause unsafe wind conditions within publically accessible areas adjacent to a site (measured to half the longest width of the building or half its height, whichever is the greater). In this case, the assessment area is 51 metres (being half the height of the building). <p>Importantly, new buildings should allow for comfortable wind conditions throughout the assessment area. This is</p>

	<p>defined as:</p> <p><i>The hourly mean wind speed from all wind directions combined with a probability of exceedance of 20%, is less than or equal to:</i></p> <ul style="list-style-type: none"> - 3 metres/second for sitting areas; - 4 metres /second for standing areas; and - 5 metres/second for walking areas. <p><i>Hourly mean wind speed is the maximum of:</i></p> <ul style="list-style-type: none"> - The hourly mean wind speed; or - The gust equivalent mean speed (3 second gust wind speed divided by 1.85. <ul style="list-style-type: none"> ▪ Clause 2.12 - Active frontages. This clause states that new buildings should address and define existing and proposed streets and open spaces, comprise activated facades and minimise indents and restricted view lines. Entrances should be no deeper than one third their width and street walls should feature openable windows and balconies. <p>Specifically, this clause states (as relevant to this application):</p> <ul style="list-style-type: none"> - Building services should occupy no more than 40% of the ground floor level; - Along secondary streets (Lorimer Street and the new laneway which would extend along the eastern property boundary), at least 60% of the frontage should be clear glazed to a height of 2.5 metres (excluding solid plinths) <ul style="list-style-type: none"> ▪ Clause 2.13 - Adaptable buildings. This clause states that new buildings should be designed so as to allow for the conversion of non-employment floor space to employment use in the future up to the street wall height. This includes the provision of floor to floor clearances at ground level no less than four metres and no less than 3.8 metres above this at lower floors. <p>The floor to floor clearances of above ground car parking should also be no less than 3.8 metres.</p> <p>In addition to this, one and two bedroom dwellings should be designed/laid out to allow for future conversion into larger units.</p>
<p>Clause 44.05 - Special Building Overlay</p>	<p>This clause states that a permit is required to construct a building/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>

Clause 45.03 - Environmental Audit Overlay	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.
Clause 45.09 - Parking Overlay, Schedule 13 (Fisherman's bend urban renewal area)	<p>This clause sets out, by land use, maximum car parking rates as follows:</p> <ul style="list-style-type: none"> ▪ Retail - 1 space per 100 square metres of gross floor area; ▪ Office - 1 space per 100 square metres of gross floor area; ▪ Place of assembly - 1 space per 100 square metres of gross floor area; and ▪ Dwellings - 0.5 spaces for every one and two bedroom unit and 1 space for every unit comprising three or more bedrooms. <p>Whilst the number of spaces provided on site in association with the retail and office components of the development complies with the provisions of this clause, an increased number of residential spaces is proposed.</p> <p>It appears no on site car parking spaces would be allocated to the place of assembly and this again complies with the provisions of this clause.</p>
Clause 45.11 - Infrastructure Contributions Overlay, Schedule 1 (Fisherman's Bend Infrastructure Contributions Plan)	<p>This clause states that a permit must not be granted for a development such as that proposed until such time as an Infrastructure Contributions Plan (Plan) has been incorporated into the planning scheme. Any permit granted must reflect the provisions of the Plan and include conditions giving effect to the levies required by the schedule.</p> <p>To date no Plan has yet been incorporated into the planning scheme.</p> <p>This provision is discussed further overleaf.</p>

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 the matters set out in Section 60 of the <i>Planning and Environment Act 1987</i> .
Clause 66.02 - Use and development referrals	The Minister must consult all relevant authorities. In accordance with this clause this includes Transport Victoria.
Clause 66.03 - Referral of applications under other state standard provisions	The Minister must consult all relevant authorities. In accordance with this clause this includes Melbourne Water and Transport Victoria.

Clause 66.04 - Referral of permit applications under local provisions	The Minister must consult all relevant authorities. In accordance with this clause this includes Melbourne Water.
Clause 66.06 - Notice of permit applications under local provisions	<p>Ordinarily the Minister must notify all relevant authorities. In accordance with this clause this includes Transport Victoria. On the basis this application is however being considered in accordance with Section 20(5) of the Act, it is not known if the Minister notified Transport Victoria.</p> <p>Notwithstanding this, in accordance with the preceding clauses, the Minister referred the application to Transport Victoria in its capacity as a Determining Referral Authority.</p>
Clause 72.01 - Responsible Authority for this planning scheme	<p>The Minister is the Responsible Authority in this case.</p> <p>Should the ID be approved, Council will be responsible for the future assessment of related plans.</p>

4. THE PROPOSAL

This application seeks approval to amend the Melbourne Planning Scheme to introduce site specific controls governing the future use and development of the land. These controls would operate independently of those which govern surrounding sites and as such allow for an alternate development model.

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 and 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 111 Lorimer Street, Docklands', the stated objective of which is *to facilitate the use and development of the land for a multi-storey mixed-use building comprising a community space, food and drink premises, retail, offices and dwellings with associated car and bicycle parking.*

Importantly, Clause 4.2 of the draft ID specifically excludes the requirements of Clause 45.11 (Infrastructure Contributions Overlay). This is on the basis the application is exempt from these requirements in accordance with the Fisherman's Bend Urban Renewal Area (FBURA) Terms of Reference. This point is discussed further overleaf.

The development the proposed SCO and ID seek to facilitate is detailed further in Table 1 below.

Building height:	29 storeys
Street wall height:	Six storeys
Uses:	<p>Dwellings: 349 comprising:</p> <ul style="list-style-type: none"> - 145 one bedroom (including 10 affordable units); - 159 two bedroom (including 10 affordable units); - 45 three bedroom; and - 27,041 square metres of net saleable floor space <p>Office: 1,715 square metres</p> <p>Retail: 321 square metres</p> <p>Place of assembly: 504 square metres</p>
Resident amenity space:	1,318 square metres (including a pool and associated terrace, gym, lounge, kitchen/dining room, gardens)
Parking:	<p>Cars: 365 comprising:</p> <ul style="list-style-type: none"> - Residential - 345 (including four share spaces); - Office - 17; - Retail - 3; - Place of assembly - 0; - Electric vehicle parking spaces - 18 (included within total number of spaces) <p>Bicycles: 395 comprising:</p> <ul style="list-style-type: none"> - Residential - 349; - Residential visitor - 36; and - Staff - 10
Publically accessible space:	1,200 square metres (30% of site area)

Table 1: Building details and quantum of uses

The proposed building would be setback six metres from the eastern property boundary and 10 metres from the northern boundary to accommodate a roadway and future tram line respectively. Access to all on-site parking facilities and service areas may be obtained via this new roadway.

At ground floor level the building would comprise three retail spaces, a place of assembly (otherwise referred to as a 'community space' or 'local node'), lobbies leading to upper level residential and office uses and building services, including bicycle parking and loading facilities.

Levels 01 - 05 would comprise car parking, residential and office uses. These residential/office spaces would be located around the perimeter of the building to conceal views to the parking facilities occupying the centre of the site.

Residential amenities, including an external pool/terrace and gym, would be provided above this at Level 06 (podium roof top) together with additional dwellings.

The upper levels of the building would accommodate dwellings only within the generally triangular form of the proposed tower. A silver metal framework would extend the height of the tower and is designed to mitigate the wind effects generated by the building (refer discussion overleaf). This framework would adopt an hour glass form and curve outward to act as a canopy over the Lorimer Street entry to the building and also over the aforementioned residential amenities at podium roof top level.

Figures 2 to 10 below and overleaf show the proposed building in greater detail.



Figure 2 - Proposed ground floor plan (source: application plans prepared by Rothe Lowman)



Figure 3 - Typical podium floor plan (source: application plans prepared by Rothe Lowman)



Figure 4 - Level 06 (podium rooftop) showing residential amenities and the triangular form of the tower above (source: application plans prepared by Rothe Lowman)



**Figure 5 - The proposed development as viewed from the north across Lorimer Street
(source: application plans prepared by Rothe Lowman)**



**Figure 6 - The development as viewed from the adjacent future public open space to the east
(source: application plans prepared by Rothe Lowman)**



**Figure 7 - View looking north to new laneway extending along eastern boundary
(source: application plans prepared by Rothe Lowman)**



**Figure 8 - Lorimer Street frontage of building showing proposed community space and
future tram stop adjacent to site
(source: application plans prepared by Rothe Lowman)**



**Figure 9 - Lorimer Street frontage of building showing feature curved canopy
(source: application plans prepared by Rothe Lowman)**



Figure 10 - Proposed resident amenities at podium roof top level
(source: application plans prepared by Rothe Lowman)

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 Fisherman's Bend Standing Advisory Committee for further consideration.

6. REFERRALS

The application was referred to the following Council departments for comment.

6.1. City Strategy

General -

- The height of the proposed building is considered to be excessive and could set an undesirable precedent; and
- Given existing uncertainties regarding the delivery of future infrastructure, this application is considered to be premature.

Affordable housing -

- The affordable units would be delivered via a 'Build to Rent' scheme. This is not a preferred model on the basis the asset would not then be transferred to a housing provider. These providers are highly regulated and Council can be certain units would only be occupied by eligible households;
- If the developer retains ownership of the affordable units and leases at discounted market rates, the resultant housing contribution is significantly diminished;
- If later on-sold it is unclear if the units would remain affordable; and

- It is unclear how rents will be regulated and cross-checked against relevant income brackets.

Transport and parking -

- The number of car parking spaces provided on site should not exceed the maximum number permitted by the relevant statutory controls;
- Parking spaces should not form part lots of other titles so as to allow for their flexible use and in order to respond to increased/decreased demands for parking facilities over time;
- Car share spaces should be provided in accordance with the minimum requirements of the relevant statutory controls and be available for public use. This will require the implementation of a bespoke security system providing public access to parking levels only;
- Whilst existing modes of transport to access the site/area are limited, this will only improve in the future;
- The applicant has not demonstrated why the travel patterns of future occupants of this development would differ from the metropolitan average. As such, sufficient justification for the increased number of car parking spaces on site has not been provided; and
- The amenity value of the new laneway extending along the eastern boundary and providing access to parking facilities should be maximised to also encourage pedestrian/cyclist activity here.

Flooding and urban design -

- The finished level of the ground floor could be reduced from 3.0 metres AHD to 2.4 metres AHD. This is permissible here in accordance with the provisions of Melbourne Water's *Planning for Sea Level Rise Guidelines* (2017) and would assist in improving accessibility around the site;
- Accessibility would be further improved by way of the provision of a ramp adjacent to the main entry to the building off Lorimer Street. This would replace the proposed platform lifts which are susceptible to failure in flood events; and
- Terraced landscaping and seating should be provided in place of the single height planters extending part way around the building. This would again assist in improving accessibility and also better soften the appearance of the building.

Community space -

- The proposed community space is poorly defined. How will it be used? Will it be leased? Will it be offered freehold?; and
- It is unclear upon what basis Council would accept responsibility for this space.

The Incorporated Document -

- Statements should be included in the draft ID confirming that if the proposed development is not constructed the ID then no longer applies;
- Additional provisions with regard to urban design and existing and proposed Council policies should also be included in the ID; and
- Explicit statements confirming the development will not overshadow identified future public open spaces in accordance with the relevant statutory controls and policies should also be added to the ID.

6.2. Environmentally Sustainable Development (ESD) Officer

- Acceptable ESD targets are proposed;
- The Green Star approach is supported;

- The Green Star target (five stars) should be enshrined by way of a condition upon any permit issued;
- All preliminary calculations and modelling used to identify Green Star pathway points should be included in the ESD report as an appendix;
- The proposed energy performance target (average NatHERS rating of 7.0 stars) reflects current best practice;
- Lighting efficiency exceeds minimum building code requirements by 30-50%;
- Overall energy consumption is less than the preferred maximum;
- Whilst the plant species to be provided are acceptable in principle further information is required to assess their viability. This includes details of planter depths and soil volumes. These details should be included upon a comprehensive landscape plan to be submitted prior to the commencement of development. This plan should also include details of all maintenance measures (including beyond the initial 52-week period following practical completion); and
- The applicant should consider the provisions of the Council's Green Factor tool to better understand what additional landscaping could be provided on site.

6.3. Infrastructure and Assets

Traffic Engineering -

- The number of car parking spaces provided on site exceeds that preferred by the relevant statutory controls. Conversely, the number of car share spaces provided on site (four) is less than that required (15);
- The number of car parking spaces provided should be reduced in accordance with the provisions of Schedule 13 of the PO;
- Future residents of the development will not be eligible for on-street parking permits;
- The submitted swept path diagrams show that waste collection vehicles would impede access to upper level car parking when stopped in the loading bay. The design/layout of the loading bay and/or access way must therefore be altered to enable the free passage of passing vehicles;
- Swept path diagrams confirming comfortable access to the building from Lorimer Street to Boundary Street and into and throughout the on site car park are required for further consideration;
- The garage doors to on site parking and loading facilities should be setback six metres from the adjacent laneway so as to not impede access along this shared space;
- The gradient of the bottom five metres of car park ramps should be no greater than 1:10;
- Pedestrian sight line triangles measuring 2.0 metres by 2.5 metres should be provided at the exit to the car park as well as at the laneway and Boundary Street intersection;
- Bicycle and motorcycle parking in excess of the requirements of the relevant statutory controls should be provided on site in order to further encourage these sustainable modes of transport;
- A Loading Management Plan (LMP) must be submitted for further consideration. This LMP must confirm that a Loading Bay Manager will be employed to oversee the loading/unloading of vehicles at all times;
- Two narrow Watt Profile speed humps should be provided along the length of the new laneway extending along the eastern property boundary;
- This laneway should intersect perpendicularly with Boundary Road and feature a standard City of Melbourne crossover no less than six metres wide;
- 'No Right Turn' signs should be installed at the laneway/Boundary Street intersection;

- The footpath along Boundary Street should be continuous and pedestrians should not be required to give way to vehicles entering the site here;
- It is considered that the anticipated number of vehicle movements generated by the development would not impact adversely upon the function of the surrounding road network; and
- It is recommended that a Road Safety Audit be carried out prior to the commencement of the development.

Civil Engineering -

- All proposed reservations (road and tramway) are consistent with the provisions of the Fisherman's Bend Framework and as such are acceptable in principle;
- The laneway extending along the eastern side of the site should not however be elevated or feature stairs at its northern end. If approved as currently proposed, this northern end of the laneway should be declared a reserve;
- On the basis only the western half of the laneway would be delivered with this development, details regarding interim access points to the building (if required) and the treatment of the space are required;
- It appears the south-eastern corner of the building would be located upon land to be declared a road. All structures should be setback behind this land/road. On the basis only the western half of the road would be delivered with this development, details of interim access points (if required) and the treatment of the space are again required;
- All stairs should be setback from property boundaries to enable the provision of tactile indicators within the curtilage of the site; and
- All vehicle crossovers wider than 7.6 metres must feature a pedestrian refuge.

Waste -

- The submitted Waste Management Plan (WMP) is unacceptable. The following matters remain outstanding/require clarification:
 - The development would be entitled to a bi-monthly residential hard waste collection of four cubic metres. This should be included in the WMP;
 - The residential waste collection path of travel appears to extend through a wall. The plans must be amended to show unimpeded access between the on site waste store and collection point;
 - Inconsistencies exist between the submitted documents. The WMP states 11 cubic metre compactors will be used whereas the submitted drawings show 12 cubic metre compactors;
 - As noted by the Council's Traffic Engineers, waste collection vehicles would impede access to upper level car parking when stopped in the loading bay;
 - Swept path diagrams confirming comfortable access through the site and to the waste collection point are required for further consideration;
 - Sections showing all clearances above the waste collection point are also required; and
 - The separation distance between the compactors is not clearly shown. The submitted plans should be updated accordingly.

6.4. Landscape Officer

- The provision of green infrastructure upon and around the building is welcome and supported. Clarification is however required with regard to the plant species to be provided;

- Both the landscape and architectural plans must match, this includes not only with regard to plant species but also the locations of landscaped areas, soil depths/volumes, irrigation, drainage and maintenance measures;
- A suitable row of trees should be provided along the eastern side of the new laneway to create canopy cover;
- The laneway will remain in private ownership and confirmation is required as to the extent to which it will be formally managed as a pedestrian or shared space;
- The stair leading to the new laneway off Lorimer Street prevents universal access and as such is opposed;
- Clarification is required with regard to the use and intent of the green space at the intersection of the new laneway and the east-west street. This space should be clearly detailed on both the architectural and landscape plans;
- All materials/finishes used in public spaces should comply with Council's design and engineering standards;
- A defined boundary treatment should be provided along the edge of the future adjacent public open space to the east (Lorimer Park). Alternatively, notes should be added to the endorsed plans confirming this treatment and the design/layout of the park design are to be confirmed at a later date by Council;
- Water Sensitive Urban Design (WSUD) devices/initiatives should be considered at this stage of the design process and not deferred to a later date. To this end, Paragraph 4.42 of the draft ID should specify this;
- The draft ID states that plans submitted for endorsement must be generally in accordance with the application plans. A number of matters however remain outstanding (as above) and these must first be addressed; and
- The landscape condition of the draft ID should be amended to require the submission of plans in stages, starting with an agreed initial design and followed by detailed plans. The landscape condition should also include reference to the need to submit a maintenance schedule for privately owned/managed areas.

6.5. Land Survey

- The exclusion of subdivision provisions and conditions from an ID is typical;
- A separate permit will be required at a later date to subdivide the building;
- Enclosed floor space and balconies will project over the proposed laneway extending along the eastern property boundary. Any future proposal to vest this laneway in Council should therefore exclude these projections. Alternatively, the projections could be deleted; and
- If the projections were retained and the road vested in Council prior to any subdivision application being lodged, a projections agreement and one off license fee and/or possible discontinuance and sale might later be required.

6.6. Urban Design

- Advice was provided in 2018 in relation to a previous iteration of this development. This amended proposal marks a significant departure from that previously considered;
- The deletion of the porte cochere previously proposed is welcome as is the 10-metre setback now provided along the Lorimer Street frontage;
- The increased extent of activation around the building is also welcome, including the additional landscaping now proposed;
- At 29 storeys, the building exceeds the preferred height limit (18 storeys) and is well above that recently approved at 310 - 324 Ingles Street (nine storeys) immediately to the south;

- What is considered an appropriate building height will ultimately be determined by the extent of overshadowing of adjacent future public open spaces. Shadow diagrams confirming this at both 22 June and 22 September are required;
- The materials and finishes of the proposed building are vitally important, particularly at pedestrian/podium level;
- Force and effect must be given to the proposed landscape treatment of the building and surrounding publically accessible areas. This will assist in ensuring sufficient space, soil depth and irrigation systems are provided; and
- A facade strategy should be provided for further consideration. This strategy should show the depth and articulation of the building and confirm that all service cupboards and the like will be concealed behind finishes that integrate with surrounding treatments.

7. ASSESSMENT

Whilst the existing statutory controls governing the site set out current land use and built form expectations, these would become redundant should the proposed SCO and Incorporated Document be approved. To this end, the key matters for consideration are the appropriateness of the proposed control and their relationship with the provisions of Clause 22.27 (Fisherman's Bend urban renewal area policy).

Of particular note, this clause states:

- A minimum non-residential plot ratio of 1.7:1 applies. On the basis a non-residential plot ratio of 0.9:1 is proposed, the development fails this provision of Clause 22.27;
- 20% of dwellings should comprise three bedrooms. Given only 12% of the proposed apartments would be this size, the development again fails this provision of Clause 22.27; and
- 6% of dwellings should be affordable. 20 (or 6%) of the proposed dwellings would be affordable as required.

Performance standards relating to design excellence, energy efficiency, landscaping, flood resilience, waste management, communal open space, connectivity, sustainable transport and land use also apply. These matters are discussed in greater detail below.

7.1. The appropriateness of the Special Control Overlay (SCO)

It is considered that the SCO is an appropriate mechanism to guide the future use and development of the site. Indeed this is the only route to approval available in that part of Fisherman's Bend subject to the provisions of Schedule 1 of the Infrastructure Constructions Overlay (ICO).

This overlay states that a permit must not be granted for qualifying developments such as that proposed until such time as an Infrastructure Contributions Plan (Plan) has been incorporated into the planning scheme. On the basis no such Plan currently exists, permits cannot yet be issued for qualifying developments in accordance with the terms of the overlay.

This, in turn, resulted in the Minister calling in 26 affected applications, each of which must now be considered via the SCO/ID process. Though this circumvents the need to consider the provisions of the ICO, land owners must still provide/contribute toward future infrastructure. In accordance with the subsequent FBURA Terms of Reference, 'appropriate' contributions only must be made.

In this case the proposed contributions include land and community facilities. The merits of these contributions are discussed further below.

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 further below.

7.2. Land uses

The proposed development would comprise community (place of assembly), retail, office and residential uses. Of these, the place of assembly, retail and office uses are as of right in CCZ4 and a permit is required for residential uses on the basis the site is located within an 'amenity buffer area' (as shown on Map 3 of CCZ4) only. This is due to the proximity of two concrete batching plants. This matter is discussed further below.

Given the proposed uses are consistent with the provisions of CCZ4, it is considered that all are acceptable in principle. These uses will contribute to the creation of a mixed-use precinct; a stated policy objective of Clause 22.27.

Importantly, the maximum dwelling density set out in CCZ4 (339 units per hectare) does not apply on the basis this application (together with the 25 others the subject of the ICO and previously called in by the Minister) is exempt from this restriction in accordance with the FBURA Terms of Reference. To this end, increased dwelling densities can now be considered.

In what is intended to be an exemplar city precinct, increased densities such as that proposed are considered to be entirely acceptable. This only adds to the sustainability credentials of the area and in a location such as this so near the central city and benefitting from (future) immediate public transport services, increased densities reinforce the principles of land use planning and would generate increased social, environmental and economic benefits. This is of course also dependent upon an acceptable building form and this matter is discussed further below.

Notwithstanding acceptance of increased density on site, the proposed dwelling mix and balance of land uses does not comply with the provisions of Clause 22.27. As proposed, a reduced number of three bedroom dwellings would be provided and the amount of non-residential floor space is less than preferred.

Though Clause 22.27 states that 20% of dwellings should comprise three or more bedrooms and only 12% (or 45) of the proposed units would be this size/type, it is considered that a reduced number of such units can be accepted in this case. This is on the basis adjoining one and two bedroom dwellings could reasonably be combined and converted into larger units if market demand exists. Importantly, such an outcome is foreshadowed by Schedule 67 of the DDO.

Whilst the number of affordable units provided on site (20, or 6% of the total number) complies with policy, the model via which these units would be delivered is questioned. Preferably, units would be transferred and managed by a housing provider. This, in turn, would ensure that identified eligible households are able to access affordable housing.

In accordance with the applicant's preferred model (build to rent) local housing needs may not be adequately addressed and once on-sold units may no longer be occupied by eligible tenants. To this end, it is recommended that the applicant engage an identified housing provider to deliver and manage all affordable units.

Concerns also exist with regard to the proposed community space (place of assembly). The proposed tenancy is currently ill-defined and as such it is unclear how the space would operate, what function it would serve and how it would be managed.

Whilst the provision of such a community asset is welcome in principle, further consideration must be given to its precise operation, including its management regime.

7.3. Built form

If the proposed SCO/ID were approved the provisions of Schedule 67 of the DDO would not apply. It is noted that this schedule sets out a preferred building height here of 62 metres (18 storeys), whereas the proposed building would stand to a height of 29 storeys (102 metres).

The applicant's justification for this increased height is in part existing, permitted and approved building heights in the surrounding area. As shown in Figure 11 below, these heights generally increase from west to east (from Fisherman's Bend to the central city).

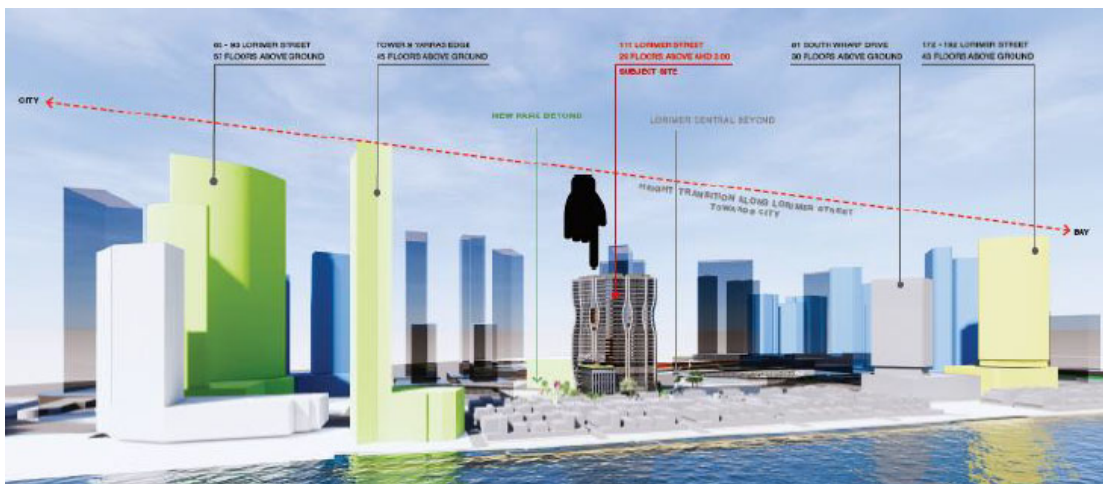


Figure 11 - The proposed development together with nearby higher building forms (source: application plans prepared by Rothe Lowman)

Notwithstanding this, Schedule 67 is not structured in this way and in fact allows for both higher and lower forms to the west of the site (24 and 10 storeys respectively). Importantly, no height limit exists to the south-west and south-east and as such the applicant's contention that building heights increase from west to east may ultimately reflect the predominant future built form structure of this renewal area.

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 adjacent public open space to the south-east.

Schedule 67 states that the shadows cast over this open space between 10.00am and 1.00pm on 22 September should not extend beyond those which would be cast by a compliant street wall (six storeys). As shown in Figure 12 below, the proposed building would not overshadow proposed adjacent future open spaces between 10.00am and 1.00pm on 22 September. As such, it is considered that the height of the proposed building is acceptable in this regard.

It is noted that the provisions of Planning Scheme Amendment C278 (Sunlight to public parks) do not apply here.

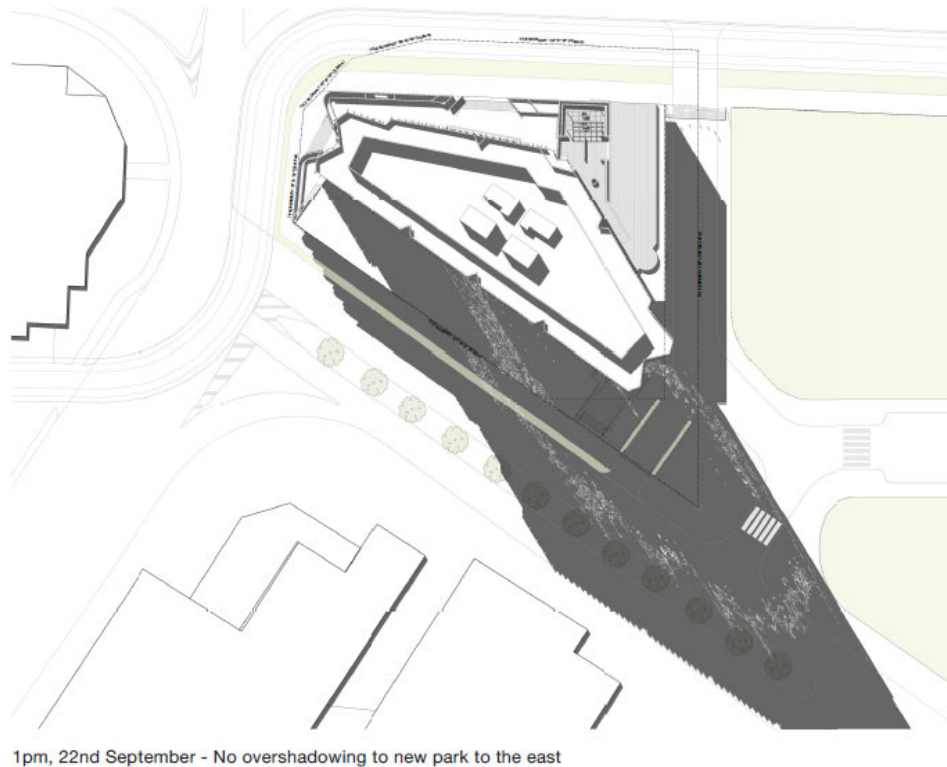


Figure 12 - Diagram confirming the development will not overshadow proposed public open spaces at the times specified by Schedule 67 of the DDO (source: application plans prepared by Rothe Lowman)

Importantly, Council's Urban Designers did not explicitly object to the height of the building, advising only that it should not overshadow adjacent future open spaces. Again, as shown in Figure 12, this would not be the case.

In addition to Schedule 67, consideration must also be given to the provisions of Clause 22.02 (Sunlight to public spaces).

This clause states that new buildings should not unreasonably reduce the amenity of public spaces by way of increased overshadowing between 11.00am and 2.00pm on 22 September.

Though shadows would be cast over the western part of the adjacent future open space to the south-east at 2.00pm, it is considered that this would not alone unreasonably reduce the amenity value of this space. To this end, the vast majority of this adjacent future open space would remain free of shadows at the identified times.

Importantly, the increased height of the building also allows for the provision of additional floor space on site. This, in turn, again reinforces the sustainability credentials of the site and is consistent with the overarching intent of Clause 22.27.

Given the building would not overshadow adjacent future open spaces at identified times and otherwise represents a sustainable outcome, it is considered that its increased height is acceptable in principle.

Notably, Schedule 67 allows for a variety of heights (eight to 24 storeys and elsewhere no limit applies) and as such the proposed building would not stand alone as an incongruous element of the streetscape. Indeed, similar height buildings (24 storeys) are permitted a short distance to the west and as such at 29 storeys the proposed building would sit comfortably within this context.

Importantly, the eastern end of the tower would project over the new laneway. This includes enclosed floor space. In accordance with the advice of the Council's Land Survey Officer, if the laneway were later vested in Council, a projections agreement and one-off license fee and/or possible discontinuance and sale may be required in the future.

Notwithstanding this, it is considered that the proposed projection is otherwise generally acceptable. To this end, the projection would not impact adversely upon the adjacent future public open space to the east given its generous setback behind the new laneway. Again, the projecting element would also not cast additional shadows over this adjacent future open space.

Though Schedule 67 seeks a 10 metre setback above the street wall, the proposed development adopts a varied approach. To this end, it provides a generous setback to long street frontages however builds out the narrow ends. In lieu of a squared-off central form it sculpts the building as a wedge shape which reduces its visual bulk and overshadowing of the proposed public open space to the east.

Though the proposed projection is not typical, it is noted that built form variations such as this are permitted by Clauses 2.7 and 2.8 of Schedule 67. To this end, Clause 2.8 states that variations above the street wall may be accepted where altered setbacks:

- *Help deliver comfortable wind conditions in the public realm;*
- *Enable adequate daylight and sunlight in streets and laneways;*
- *Allow for views to the sky from the street or laneway;*
- *Do not overwhelm the public realm; and*
- *Minimise the visual bulk of upper floors when viewed from streets and laneways.*

By virtue of the sense of spaciousness that would exist around the building, it is considered that the proposed projecting element would not alone impact adversely upon the public realm, including by way of impeding sunlight access to streets/laneways or views to the sky from adjacent public spaces. Whilst the tower would overshadow elements of the new laneway later in the day, this is not alone a direct result of the proposed projection. Importantly, views to the sky would otherwise be maintained around the building in accordance with Clause 2.8.

Whilst the western edge of the tower is also built up to the street wall, at this interface this assists in holding what will in the future be a prominent street corner. As such, it is considered that a higher, more robust interface is appropriate here.

The form of the remainder of the building is considered to be appropriate in context. This includes the height of the street wall (six storeys as permitted) and the setbacks of the tower from both the Lorimer Street and Boundary Road frontages. These setbacks range in depth up to 12 metres and provide for a clear distinction between the street wall and tower.

Importantly, the applicant is of the view that the building does not feature 'sides' or a 'rear'. On the basis the building would be viewed in the round and accessible from all frontages, this is agreed and as such the side and rear setback requirements of Schedule 67 need not be considered.

7.4. Public interfaces

Clause 2.12 of Schedule 67 of the DDO states that new buildings should address and define existing and proposed streets and open spaces. The related performance standards state that services should occupy no more than 40% of the ground floor of a building and along secondary streets (in this case Lorimer Street and the proposed laneway along the eastern property boundary) no less than 60% of the frontage should be clear glazed to a height of 2.5 metres (excluding solid plinths).

With reference to Figure 2, in excess of 60% of the ground level frontages of the building would be activated. Though inactive elements would be located along both the Boundary Road and eastern frontages of the development, these are generally limited and appropriately finished.

Importantly, the entirety of both the Lorimer Street and Rogers Street frontages would be activated, as would key elements of the eastern frontage opposite future adjacent public open spaces. These elements will enliven these important public interfaces and ensure the building appropriately addresses its surrounds.

Notably, these active elements would be complemented by low-level perimeter landscaping. This will assist in softening the appearance of the building and, as it relates to the eastern frontage, ensure the development appropriately blends with the aforementioned future adjacent open spaces. Notwithstanding this, in accordance with the comments of City Strategy Officers, terraced planters, seating and ramps are preferred in lieu of the single height planters currently proposed. Such terraced elements allow for a more gradual transition between the public and private realms and further assist in improving accessibility.

Figures 7 to 9, 13 and 14 show the ground level frontages of the building in greater detail. Importantly, these frontages are largely glazed as required by Schedule 67 and again ensure an appropriate degree of activation as well as provide for the passive surveillance of internal and adjacent external spaces.



**Figure 13 - Lorimer Street frontage showing access point to office and community space
(source: application plans prepared by Rothe Lowman)**



**Figure 14 - East-facing street wall of podium as viewed from adjacent future public open space
(source: application plans prepared by Rothe Lowman)**

The extent of activation continues the height of the street wall via the provision of dwellings and office space. Balconies and louvered sections are provided intermittently around the perimeter of the building and these assist in creating a sense of depth and articulation. Notwithstanding this, it is considered that additional balconies should be required, not only to create added depth and visual relief but also in the interests of improving the internal amenity value of certain apartments. This point is discussed further below.

Whilst elements of the centralised car park will be visible from the Lorimer Street frontage, this will generally be concealed from view behind the feature metal screen adorning the building. Importantly, adjacent to the visible elements of parking levels, this screen curves outwards to enclose a key feature landscape and in doing so draws the eye from upper level parking.

Notwithstanding this, it is noted that car parking levels have been designed to accommodate other uses in the future should this be required (refer Section 7.8.2 overleaf). This will assist in further activating the Lorimer Street frontage.

7.5. Sustainable transport

7.5.1 Parking facilities

In accordance with Schedule 13 of the PO, a maximum of 217 cars should be provided on site. 197 of these would be allocated to the residential component of the development, 17 to the office component and three to the retail component.

In addition to this, Schedule 4 of the CCZ states that two car share spaces plus one additional share space should be provided on site for every 25 parking spaces provided.

Whilst the number of spaces provided on site in association with the retail and office components of the development complies with the provisions of Schedule 13, the number of residential spaces provided exceeds that preferred by the schedule and the number of share spaces provided (four) is less than that required by CCZ4 (15).

Car share facilities/spaces are a key component of any sustainable transport strategy. These facilities not only provide for the convenience of private car ownership but also assist in reducing the environmental effects associated with this.

Given the (planned future) sustainability credentials of the site and surrounding precinct, it is considered that the required number of share spaces should be provided on site. Importantly, these spaces could be drawn from the excess number of residential spaces currently proposed (of which there are 148). There would, in turn, then remain 137 excess residential spaces. This is the equivalent of the Level 01 and Level 02 car parks and 13 of the spaces on Level 03.

As previously noted, the relevant statutory controls and policies that apply here advocate an exemplar urban renewal area. Indeed the overarching purposes of Clause 22.27 include *to create a connected, permeable and accessible community that prioritises walking, cycling and public transport.*

The provision of excess parking on site does not respond to this objective. As such, it is considered that a reduced number of spaces should be provided and, in turn, the resultant surplus area given over to other uses. This might include additional non-residential floor space which would, in turn, assist in increasing the minimum floor area ratio of such uses nearer to the 1.7:1 preferred by policy (currently 0.9:1 only). This represents the siting of additional desired land uses in what will be a highly accessible inner-city precinct served by immediate and direct public transport links to the central business district.

Importantly, in accordance with the comments of City Strategy, remaining car parking spaces should not form part lots of titles. This, in turn, would allow for their flexible use and to respond to the increasing/decreasing demands of individual households/tenancies for parking over time. This might also allow for the public use of these spaces together with dedicated car share spaces. This would however be subject to the provision of a satisfactory on-site security system.

Though the number of bicycle parking spaces provided on site (395) far exceeds that otherwise required by Clause 52.34 (Bicycle facilities) of the Melbourne Planning Scheme (114, comprising 104 resident/resident visitor spaces, seven office/office visitor space, two community space (place of assembly) spaces and one retail space) the provision of additional office and retail bicycle parking spaces (currently 10 spaces only provided) would assist in encouraging the desired modal shift. Importantly, the provision of such additional office/retail spaces would also assist in addressing any increased demands generated for bicycle facilities as a result of the non-residential floor space provided in lieu of excess car parking.

7.5.2 Access

Though the proposed laneway extending along the eastern property boundary reflects the provisions of the Fisherman's Bend Framework, concerns exist with regard to its level and configuration. To this end, this new roadway would be elevated and be accessible via stairs only at its northern end (off Lorimer Street).

As noted by both City Strategy and the Council's Civil Engineers, these stairs should be replaced by a ramp and the land declared a reserve. Importantly, if the ground level of the building were also lowered in accordance with the advice of City Strategy (from 3.0 metres AHD to 2.4 metres AHD), a more comfortable transition to Lorimer Street would result. Importantly, this proposed alterations would also need to be confirmed by Melbourne Water.

In addition to this, it is unclear if the proposed laneway would be wide enough to accommodate comfortable entry/exit to/from the building in the interim and until such time as the eastern half of the laneway is delivered together with the future redevelopment of 99 Lorimer Street (Subaru). This point must be clarified prior to the determination of the application.

7.6. Amenity

7.6.1 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 *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.*

In accordance with Map 3 of CCZ4, the site is located within an identified amenity buffer area (refer Figure 15 overleaf). This is on the basis it is located within 100 metres of two concrete batching plants; Citywide (213 Boundary Road) and Hanson (223 Boundary Road and 310 Ingles Street). As such, in accordance with Clause 4.4 of CCZ4, an Amenity Impact Plan (Plan) is required.

The submitted Plan (prepared by WSP and dated 24 July 2020) states that both Citywide and Hanson are also located within the Environment Protection Agency's (EPA's) preferred threshold distance to sensitive uses and as such should be considered site constraints. This includes in terms of both air quality and noise impacts. Notwithstanding this, both plants employ best practice environmental management measures and as such off-site effects are generally limited.

To this end, air quality impacts are currently low and via the implementation of certain mitigation measures, residual effects would be negligible. These measures include the use of mechanical ventilation systems, air filtration devices and the appropriate siting of air intakes.

Insofar as potential noise impacts are concerned, the Plan states that the use of acoustic glazing would be sufficient to limit the transfer of both traffic and industrial noise. This, in turn, ensures that internal noise levels will satisfy the provisions of State Environment Protection Policy No. N-1 (Control of noise from commerce, industry and trade).

Notwithstanding this, the Plan notes that external spaces on site will remain subject to the effects of nearby noise sources. As this relates to the aforementioned concrete batching plants, this could only be addressed by way of altered on site operations and this would require ongoing consultation and negotiation.

Importantly, noise impacts such as this are an expected bi-product of the redevelopment of any renewal area, particularly where this includes sensitive uses such as those now proposed. Notably, existing nearby concrete batching plants continue to supply this renewal area and as such their siting here is strategically important. This point is recognised by CCZ4, the overarching objectives of which include *to support the continued operation of strategically important existing uses and existing industrial uses that provide services to the construction industry, and ensure new development includes measures to mitigate potential amenity impacts from those industrial uses.*

Again, appropriate mechanisms will however be implemented to safeguard the internal amenity of the building and, in turn, the health and well-being of future occupants.

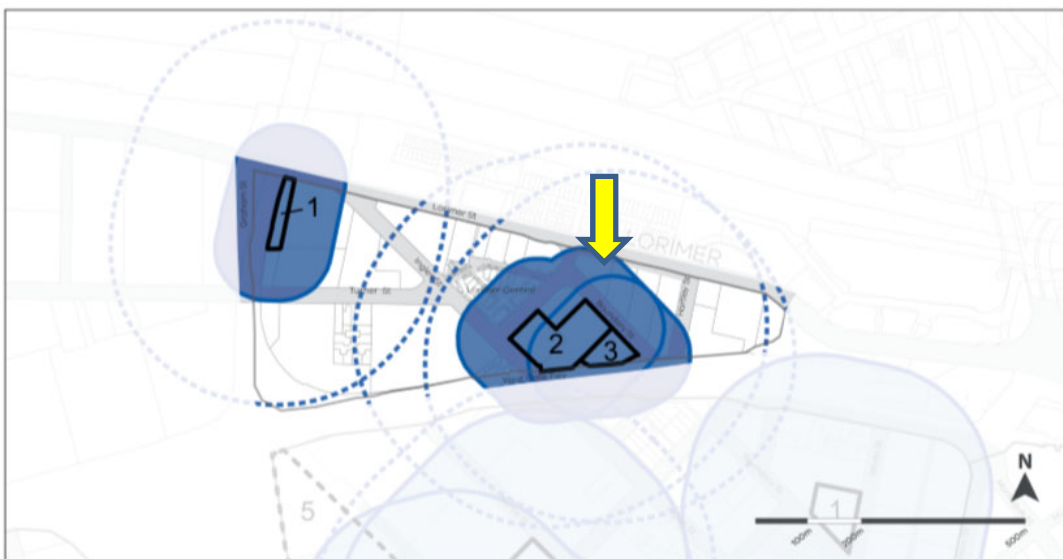


Figure 15 - Map 3 of CCZ4 showing location of site within amenity buffer area. Site marked by yellow arrow (source: Melbourne Planning Scheme)

7.6.2 Wind

As previously noted, Clause 2.11 of Schedule 67 of the DDO states that new buildings exceeding a height of 40 metres must not cause unsafe wind conditions within a defined radius of the site (in this case 51 metres).

Importantly, new buildings should also provide for comfortable wind conditions throughout the assessment area and this is defined as:

The hourly mean wind speed from all directions combined with a probability of exceedance of 20% is less than or equal to:

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

Hourly mean wind speed is the maximum of:

- The hourly mean wind speed; or
- The gust equivalent mean speed (3 second gust wind speed divided by 1.85).

The assessment submitted in support of the application shows that at all test locations around the site the walking criteria and, at many locations, standing criteria would be satisfied. In addition to this, at podium roof top level (residential amenity space), the safety criteria would also be satisfied.

Importantly, the performance standards of Schedule 67 apply to publically accessible areas adjacent to a site only, not on site spaces. As such, wind speeds/effects at podium level need not be further considered.

The key public spaces adjacent to the site are the future open spaces to be provided to the east and south-east.

The test location plan forming part of the submitted wind report does not include an assessment of wind effects at these future open spaces and to this end it is unclear if the standing and sitting criteria could be achieved here.

On the basis these open spaces would act as key local amenities, it is imperative wind conditions are comfortable. This equates to at least satisfying the standing criteria.

Importantly, this would apply within the defined radius required by Schedule 67 (51 metres) and would include the western and north-western parts of adjacent future open spaces only.

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.

It is recommended that the Minister be advised that prior to determining the application, a revised wind impact assessment should be required for further consideration. This assessment must confirm that the standing criteria will be satisfied across those parts of adjacent future open spaces within the defined assessment area set out in Schedule 67 of the DDO.

7.6.3 Internal amenity

The proposed development would comprise a variety of apartment types. This includes a range of one, two and three-bedroom units.

With reference to Clause 58 (Apartment developments) of the Melbourne Planning Scheme, it is noted that the functional layout of each apartment type generally complies with relevant performance standards. To this end, the sizes/layouts of all habitable rooms satisfy the objectives of Clauses 58.07-1 (Functional layout objective) and 58.07-2 (Room depth objective) as well as the related minimum standards.

Whilst the communal facilities and open spaces provided on site also satisfy the requirements of Standard D7, a significant number of one and two bedroom apartments (136 or 40% of the total number) do not feature private open spaces/balconies.

The objective of Clause 58.05-3 is *to provide adequate open space for the reasonable recreation and service needs of residents.*

The related standard (D19) sets out minimum balcony dimensions by unit size, as follows:

Dwelling type	Minimum area	Minimum dimension
Studio/1 bedroom dwelling	8 square metres	1.8 metres
2 bedroom dwelling	8 square metres	2 metres
3 or more bedroom dwelling	12 square metres	2.4 metres

Excluding the balconies of two unit types (D and H), the size and layout of all other balconies comply with the provisions of Standard D19.

Whilst the balconies of Type D and H units are not the necessary minimum dimension at certain points, this can be accepted on the basis the overall sizes of these balconies (eight square metres) still complies with Standard D19. To this end, these balconies will still provide for the service needs of future occupants.

Notwithstanding this, it is considered that a greater percentage of the proposed dwellings should feature a private open space/balcony. Whilst this would require significant alterations to the internal layout of the building and also reduce yield, it is noted that at 11 storeys in excess of the preferred height control, the building would still realise a higher yield than perhaps originally anticipated.

On the basis the provision of additional open spaces/balconies would also likely require alterations to the feature metal screen and, in turn, effect the wind mitigation strategy of the development, this represents a fundamental change.

Though it may be argued an increased number of external open spaces/balconies is not appropriate here given the site is located within an amenity buffer area, this does not reflect the longer term vision for this important renewal precinct.

To safeguard the amenity and service needs of future occupants, it is recommended that additional winter gardens similar to those currently proposed be provided elsewhere. This would provide residents with a functional space serving as either an internal or external living area as and when the occupant chooses. To this end, operable louvres could be closed at noisier times to limit the effects of surrounding sources (nearby concrete batching plants and traffic) and at quieter times louvres could be opened to provide for a semi-external space and the natural ventilation of units.

Whilst again this represents a significant departure from the proposed internal layout of the development, it would be generally consistent with the provisions of Clause 58.05-3 and, in turn, assist in improving the amenity value of those units which do not currently feature external spaces.

Again, these flexible use areas could not only be converted as necessary to suit particular environmental conditions and in response to site constraints (including both noise and wind) but would also safeguard the long-term amenity of future residents.

Though again it may be the case that the provision of such spaces requires significant alterations to the feature metal screen adorning the building, it may also be the case that operable louvres could be incorporated into/sit behind this screen so as to not disturb the important function (wind mitigation) it serves.

Figure 16 below shows the podium level winter gardens currently proposed. A response similar to this is recommended in accordance with the preceding discussion.

Without prescribing a particular minimum percentage, it is considered that the majority of units should feature open spaces/winter gardens, be it in accordance with the preceding suggestions or otherwise. This would again comply with the provisions of Clause 58.05-3 and ensure future occupants benefitted not only from the suite of communal spaces on site but also dedicated and flexible private open spaces.

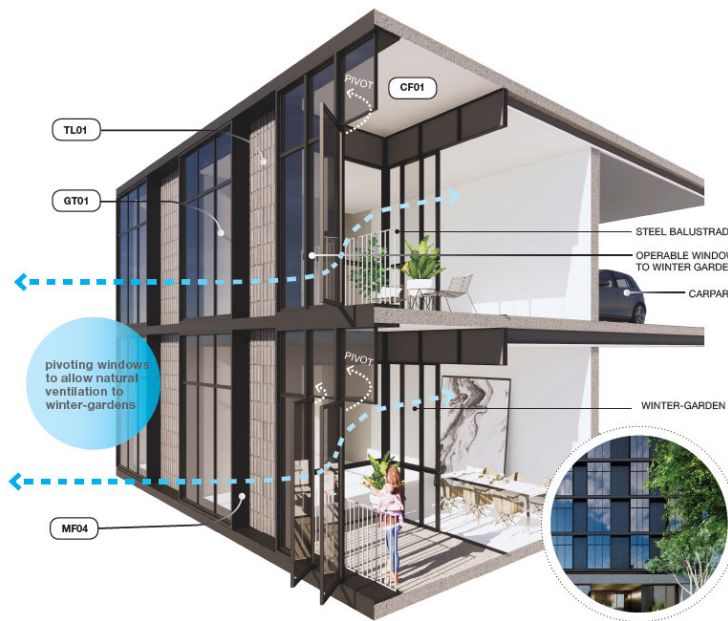
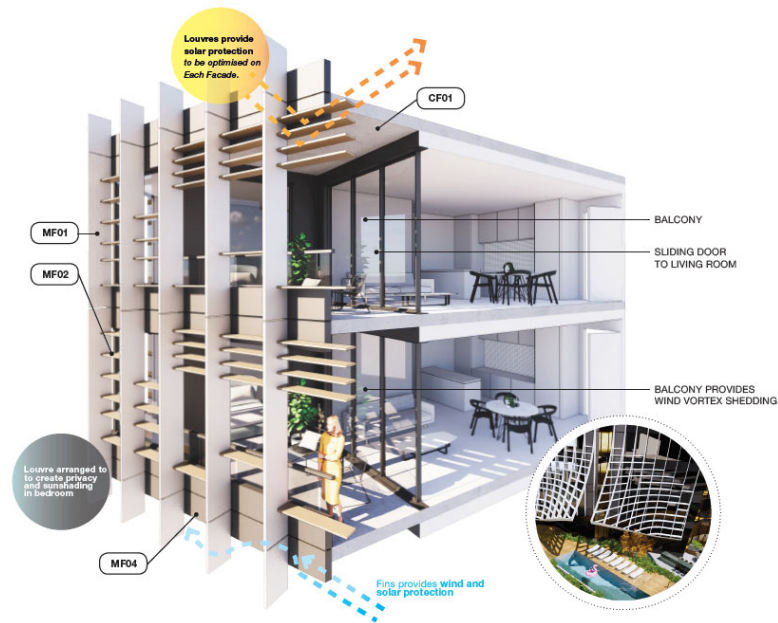


Figure 16 - Podium level winter garden detail
(source: application plans prepared by Rothe Lowman)



**Figure 17 - Tower level apartment detail showing proposed balconies
(source: application plans prepared by Rothe Lowman)**

7.7. Development contributions

In lieu of the contributions which may otherwise have been required by the ICO, in accordance with the FBURA Terms of Reference, the applicant is offering land (to the value of \$6,000,000) and community facilities (\$2,000,000). Importantly, these values are as stated by the applicant and equate to \$5,000 per square metre of land and \$3,968 per square metre of community space.

In support of this offer, the applicant advises that the value of that part of the site not developed to accommodate public space (the tram reserve and eastern laneway) is approximately \$150,000,000. This assumes 50% of this land could be built to 29 storeys to match the remainder of the development. This is however questioned given this would likely result in additional overshadowing of adjacent future public open spaces in contravention of Schedule 67 of the DDO. In addition to this, the land is a requirement of the related structure plan and as such should be considered a site constraint as opposed to a contribution.

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:

- Dwelling - \$17,053 per unit;
- Retail floor space - \$161 per square metre; and
- Commercial (office) floor space - \$193 per square metre.

Given the proposed development would comprise 349 dwellings, 321 square metres of retail floor space and 1,715 square metres of office floor space, applying the Macaulay contribution rates, a total contribution of \$6,334,173 would otherwise be required.

The proposed contribution (land and community space) is \$1,665,827 more than this guiding figure. Notwithstanding this significant excess, the applicant has included the condition otherwise required in association with the DCPO in the draft ID. Though this condition does not specify per dwelling and square metre rates, it is considered that the aforementioned figures should be added as these reflect assumed local infrastructure costs.

7.8. Other matters

7.8.1 Cultural heritage

The northern extremity of the site is situated within a designated area of Aboriginal cultural heritage sensitivity. Notwithstanding this, the submitted cultural impact assessment (prepared by Archaeology at Tardis, dated September 2017) confirms the land is no longer considered to be culturally sensitive in accordance with the requirements and interpretations of the *Aboriginal Heritage Act 2006*. This is on the basis of previous activities carried out on site and within the surrounding area. Given this, a Cultural Heritage Management Plan (CHMP) is not required.

Importantly, no registered Aboriginal heritage features exist within the activity area (the site) or within 50 metres of its boundaries. As such, the submitted assessment concludes there is also no need to carry out further on site archaeological investigations.

7.8.2 Adaptive re-use

As previously noted, Clause 2.13 of Schedule 67 of the DDO advocates the future re-use of service areas (including car parking). To this end, minimum floor heights are required (at ground floor level this equates to four metres to first floor level and above this 3.8 metres floor to floor).

At 4.7 metres and 4.3 metres (and 3.8 metres within car parking levels), the floor-to-floor heights of the ground and upper levels of the podium respectively meet/exceed the requirements of the Clause 2.13. As such, it is considered that these levels could reasonably be re-purposed in the future should this be required.

Importantly, all parking levels are flat and feature a length of external wall which would, in turn, allow for the provision of alternative uses here together with balconies/external spaces. Though nearer the centre of each parking level sensitive uses could not perhaps be provided given the distance to external walls, the remaining space could be combined with adjacent offices or, at Level 01, the proposed community space (place of assembly).

Whilst a reduced number of three bedroom units is proposed, as previously noted, abutting one and two bedroom units could reasonably be combined and converted into larger apartments should this be required prior to sale.

8. THE DRAFT ID

In accordance with the preceding discussion, the following matters/issues remain outstanding:

- The extent to which the ID would apply. Statements should be included in the ID confirming that if the proposed development is not commenced within three years the ID no longer applies.
- Projections over declared land. It appears the south-eastern corner of the building would extend onto land to be declared a road in the future. In the

event the laneway extending along the eastern boundary were to be vested in Council in the future, a projections agreement and a one-off license fee and/or possible discontinuance and sale will be required.

Similarly, all ground level stairs should be setback behind property boundaries to enable the provision of tactile indicators within the curtilage of the site. As previously noted, if the ground floor level of the building was able to be lowered, fewer stairs would be required and this may, in turn, create the space necessary to provide tactile indicators within property boundaries.

- Site access. On the basis only the western half of the proposed laneway extending along the eastern property boundary would be delivered with this development, details regarding interim access points to the building (if required) and the interim treatment of the laneway are required.
- The limited number of private open spaces/balconies/winter gardens provided. It is recommended that additional flexible internal/external spaces similar to the winter gardens provided at podium level be provided elsewhere throughout the building also. These spaces would enable future occupants to regulate their private environment in response to site constraints, be it noise from nearby concrete batching plants and traffic or high level winds.

Though this would require the internal reconfiguration of the building, this need not impact upon the feature metal screen. Operable louvres could be incorporated into this screen or sit behind it.

It is recommended that the majority of units, including a mix of one, two and three bedroom apartments, be provided with these flexible spaces.

- Finished levels and public access. The finished level of the ground floor could be reduced from 3.0 metres AHD to 2.4 metres AHD. This is permissible here in accordance with the provisions of Melbourne Water's *Planning for Sea Level Rise Guidelines* (2017) though should be confirmed by Melbourne Water.

A reduced ground floor level would also enable the provision of a DDA compliant ramp leading to the main entry to the building off Lorimer Street. A ramp is preferred here to the platform lifts currently proposed given these are often susceptible to failure, particularly during flood events.

A lowered ground floor level would also better accommodate terraced landscaping and seating around the perimeter of the building. This, in turn, would assist in softening the appearance of the development and is preferred to the single height planters currently proposed.

A reduced ground floor level would, in turn, allow for the level of the laneway extending along the eastern property boundary to also be reduced. This would also facilitate the provision of a ramp in place of the stairs currently linking the laneway with Lorimer Street. This ramp and all associated land should then be reserved.

- The excess number of car parking spaces provided on site. The number of resident spaces provided should be reduced to the maximum preferred by Schedule 13 of the PO (197). Of the remaining 148 resident spaces, 11 should be used as share spaces and the balance (137) deleted in favour of additional non-residential floor space. This would increase the plot ratio of such uses nearer to the preferred 1.7:1.

Additional bicycle parking spaces commensurate with this additional non-residential floor space should also be provided.

Remaining car parking spaces should not form part lots of titles. This would allow for their flexible use and to respond to the increasing/decreasing demands of building occupants over time. This would also allow for the public use of these spaces together with dedicated share spaces. A bespoke security system would be required to manage this.

- Functional design/layout. The design/layout of the loading/unloading bay should be altered so as to ensure access to upper level car parking spaces is not impeded.

To ensure this, swept path diagrams confirming comfortable access to the building from Lorimer Street to Boundary Street and into and throughout the on site car park are required.

Garage doors should be setback no less than six metres from the proposed laneway so as to ensure access along this shared space is not restricted by vehicles queuing awaiting entry to the building.

The gradient of the bottom five metres of all ramps should be no greater than 1:10 and pedestrian sight line triangles measuring 2.0 metres by 2.5 metres should be provided at the exit to the car park as well as at the laneway and Boundary Street intersection.

Two narrow Watt Profile speed humps should also be provided along the length of the laneway and this shared space should intersect perpendicularly with Boundary Street and feature a standard City of Melbourne crossover no less than six metres wide.

In addition to this, 'No Right Turn' signs should be installed at the laneway/Boundary Street intersection and the footpath here should be continuous. Pedestrians should not be required to give way to vehicles entering the laneway/site.

A Loading Management Plan (LMP) is also required. This LMP should confirm that a Loading Bay Manager will be employed to oversee the loading/unloading of vehicles at all times.

- The management regime underpinning the delivery of the affordable units. Preferably these units would be transferred to a housing provider rather than be delivered via the build to rent scheme. This will ensure that identified households are able to access required housing.
- The purpose and function of the community space. As proposed, this space is ill-defined and it is unclear how it would operate and be managed.

Whilst the provision of such a community asset is welcome in principle, further consideration must be given to its precise operation, including its management regime.

- The content of the development contributions condition. This condition should be updated to include the following interim figures:
 - Dwelling - \$17,053 per unit;
 - Retail floor space - \$161 per square metre; and
 - Commercial (office) floor space - \$193 per square metre.
- The treatment of the façade of the building. Though a façade strategy would be required in accordance with the draft ID, additional text should be added to the related condition. This includes the need to ensure the strategy adequately shows the depth and articulation of the building and confirms all service cupboards and the like will be concealed behind finishes that integrate with surrounding treatments.

- The formalisation of the Green Star target (five stars) by way of a condition upon the ID;
- The formalisation of all preliminary calculations/modelling used to identify Green Star pathway points (as an appendix to the ESD report) by way of a condition upon the ID;
- Further details of the landscape treatment of the site, including species selection, planter depths and soil volumes. These details should be secured by way of an amended landscape plan condition together with details of all maintenance measures for both publically accessible and privately owned/managed land beyond the initial 52-week period following practical completion.

This condition should also require the submission of landscape plans in stages, including an agreed initial design followed by a detailed plan. These plans should also show/include:

- The provision of a DDA compliant ramp in place of the stair leading to the laneway off Lorimer Street;
- Details of the use/intent of the green space at the intersection of the laneway and Boundary Road;
- The specifications of all materials used in the public realm to be in accordance with the Council's design and engineering standards; and
- Details of all Water Sensitive Urban Design (WSUD) devices/initiatives to be provided on site. As such, Paragraph 4.42 of the draft ID should be amended accordingly (refer overleaf).

9. CONCLUSION

It is considered that, subject to recommended changes and condition, the proposed amendment is acceptable.

Notwithstanding this, key issues exist. These include the reduced number of three-bedroom dwellings and non-residential uses compared with policy, the limited number of private open spaces/balconies provided and the excess number of car parking spaces on site. These issues together undermine the amenity values and sustainability credentials of the development respectively. To this end, the limited number of open spaces/balconies provided reduces the amenity value of affected units and excess parking contravenes the overarching objectives of this intended exemplar precinct. This additional parking could be converted to non-residential floor space

These outstanding issues are not however insurmountable and the proposal is supported subject to the recommended alterations set out in the tracked changes version of the draft ID (refer Appendix 1).

10. 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 following altered text set out in red below.

Appendix 1:
Draft Incorporated Document

MELBOURNE PLANNING SCHEME

INCORPORATED DOCUMENT

Specific controls for 111 Lorimer Street, Docklands

DATE TO BE INSERTED

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. **Notwithstanding this, the control and this Incorporated Document apply only to the development detailed on Dwg. Nos. TP00.01 to TP03.03 dated 13 May 2019 prepared by Rothe Lowman (and required and proposed amendments to these plans) and expires three years from the date of approval of this Incorporated Document.**
- 1.4. The Minister for Planning is the responsible authority for administering Clause 45.12 of the Planning Scheme with respect to 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 use and development of the land for a multi-storey, mixed-use building comprising a community space, food and drink premises, retail, offices and dwellings with associated car and bicycle parking **generally in accordance with Dwg. Nos. TP00.01 to TP03.03 dated 13 May 2019 prepared by Rothe Lowman (and required and proposed amendments to these plans).**

3. LAND DESCRIPTION

- 3.1. The control in Clause 4 applies to the land at 111 Lorimer Street, Docklands being the land contained in Certificate of Title Volume 10172, Folio 371, Crown Allotment 12B Section 103 City of South Melbourne Parish of Melbourne South. The land is identified in Figure 1 below.

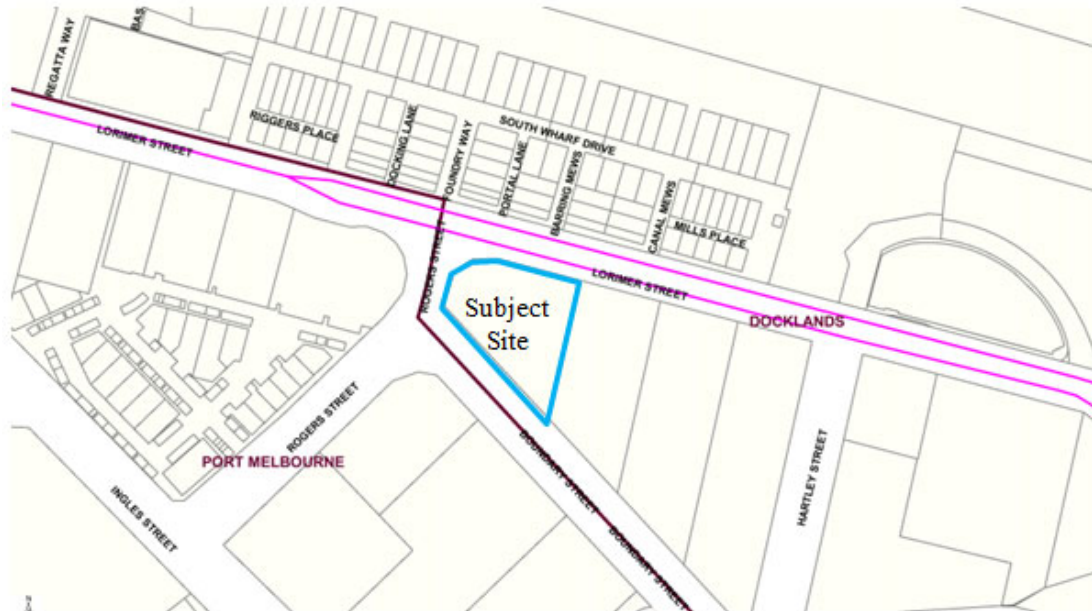


Figure 2: Map of Land subject to this Incorporated Document

4. CONTROL

Exemption from the Planning Scheme requirements

- 4.1. 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 this Clause 4 with the exception of:
 - a) any subdivision of the land under the Planning Scheme, except where the subdivision creates a road to be vested in the City of Melbourne and does not otherwise create any additional lots.
- 4.2. An application for subdivision is exempt from the requirements in Clause 45.11 (Infrastructure Contributions Overlay) of the Planning Scheme.

Approved use and development

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

Amended plans

- 4.4 Before the development starts, excluding demolition, excavation, piling and site preparation works, amended plans must be submitted to and approved by the Minister for Planning. The plans must be drawn to scale and fully dimensioned and show all natural ground levels, floor levels, wall and building heights and lengths (with heights to be expressed to Australian Height Datum (AHD)) and three copies plus an electronic copy must be provided. The plans must be generally in accordance with the architectural plans entitled Drawing TP00.01, TP00.02, TP00.03, TP01.01, TP01.02, TP01.03, TP01.04, TP01.05, TP01.06, TP01.07, TP01.08, TP01.09, TP01.10, TP01.11, TP02.01, TP02.02, TP02.03, TP02.04, TP03.01, TP03.02, TP03.03, all dated 13 May 2019 (printed 29 July 2019), prepared by Rothe Lowman Architects but modified to show:
- a). All stairs setback behind property boundaries to enable the provision of tactile indicators within the curtilage of the site;
 - b). Details of any interim access points to the building (if any) required until such time as the eastern half of the proposed laneway is delivered in association with the future redevelopment of 99 Lorimer Street;
 - c). The provision of additional flexible internal/external spaces similar to the winter gardens provided at podium level. These spaces should be provided at both podium and tower levels and comply with the minimum requirements of Standard D19 of Clause 58.05-3 of the Melbourne Planning Scheme;
 - d). The finished level of the ground floor reduced from 3.0 metres AHD to 2.4 metres AHD and a commensurate reduction in overall building height. This reduced ground level would require fewer stairs into the building and allow for the provision of tactile indicators within property boundaries as required by Condition 1(c);
 - e). The deletion of the platform lifts and the provision of a DDA compliant ramp leading to the main entry off Lorimer Street;
 - f). The provision of terraced landscaping and seating around the perimeter of the building in place of the single height planters currently proposed;
 - g). The deletion of the stairs leading to the laneway off Lorimer Street and the provision of a ramp in their place. The lowered ground level required by Condition 1(f) would also allow for the lowering of the laneway and this, in turn, would better accommodate the required ramp;
 - h). The number of car parking spaces provided on site reduced to the maximum number preferred by Schedule 13 of the Parking Overlay of the Melbourne Planning Scheme (197). Of these spaces, 148 should be allocated to residents, 15 should be used as car share spaces and the remaining 34 allocated to commercial uses.
 - i). The re-use of the floor space vacated by deleted car parking spaces for non-residential purposes in accordance with the provisions of Schedule 67 of the Design and Development Overlay of the Melbourne Planning Scheme;
 - j). The provision of additional bicycle parking spaces on site commensurate with the new non-residential floor space/uses required by Condition 1(k) in accordance with the provisions of Clause 52.34 (Bicycle facilities) of the Melbourne Planning Scheme;
 - k). The design/layout of the loading/unloading bay altered so as to ensure access to upper level car parking spaces is not impeded;
 - l). Swept path diagrams confirming comfortable access to the building from Lorimer Street to Boundary Street and into and throughout the on site car park;
 - m). The garage doors leading to car parking/loading facilities setback no less than six metres from the laneway;

- n). The gradient of the bottom five metres of all car park ramps being no greater than 1:10;
- o). The provision of pedestrian sight line triangles measuring 2.0 metres by 2.5 metres at the exit to the car park and at the laneway and Boundary Street intersection;
- p). The provision of two narrow Watt Profile speed humps along the length of the laneway;
- q). The laneway and Boundary Street intersection reconfigured so that these streets meet perpendicular and the provision of a six metre wide standard City of Melbourne crossover here;
- r). The provision of 'No Right Turn' signs at the laneway/Boundary Street intersection;
- s). The provision of a continuous footpath along Boundary Street and across the intersection with the laneway;
- t). The residential waste collection path of travel from the on site store to the collection point;
- u). The size of the waste compactors;
- v). Sections showing all clearances above the waste collection point as required to accommodate relevant size hook vehicles;
- w). The separation distance between the compactors;
- x). The requirements of the Façade Strategy in **accordance with** the corresponding condition(s) below;
- y). The requirements for external reflectivity in **accordance with** the corresponding condition(s) below;
- z). The requirements for Landscaping and the Public Realm in **accordance with** the corresponding condition(s) below;
- aa). The requirements for Traffic, Parking and Loading and Unloading in **accordance with** the corresponding condition(s) below;
- bb). The requirements for new Roads and Laneways in **accordance with** the corresponding condition(s) below;
- cc). All Noise Attenuation and Mitigation requirements in **accordance with** the corresponding condition(s) below;
- dd). The requirements of the Amenity Impact Report in **accordance with** the corresponding condition(s) below;
- ee). The requirements of the Wind assessment in **accordance with** the corresponding condition(s) below;
- ff). The requirements of Melbourne Water in **accordance with** the corresponding condition(s) below.
- gg). All Environmentally Sustainable Design, Green Star and Third Pipe requirements in **accordance with** the corresponding condition(s) below, including details of the proposed roof top solar PV.

Layout and use of the development not to be altered

- 4.5 The development as shown on the approved plans and supporting documents must not be altered or modified without the prior written consent of the Responsible Authority.
- 4.6 The requirements of any Clause in this Incorporated Document may be varied with the prior written consent of the Responsible Authority.

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.

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*.

Façade Strategy & Materials and Finishes

- 4.8 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 in writing by the Responsible Authority. Unless specified otherwise by the Responsible Authority, the Façade Strategy must be generally in accordance with the Design Response dated July 2019 prepared by Rothe Lowman and the requirements of Condition 1 and 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 colours, materials and finishes, including the colour, type and quality of **each** material showing its application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints to show the materials/finishes linking **each** to a physical sample board with clear coding.
 - c) Elevations 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 methods of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
 - e) Information about how the façade will be accessed, maintained and cleaned.
 - f) 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.

- g) Relevant details demonstrating the depth and articulation of the façade at a scale of 1:50 or as otherwise agreed by the Responsible Authority;
- h) Details of all service cupboards showing that these elements will be concealed behind finishes that appropriately integrate with adjacent treatments.

Reflectivity

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

Landscaping and Public Realm

- 4.10 Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, detailed landscaping and public realm plans must be submitted to and be approved in writing by the Responsible Authority. These plans must be submitted in stages, including an agreed initial design followed by a detailed plan. This detailed plan must be generally in accordance with the plans prepared by TCL dated October 2019 and the requirements of Condition 1 but amended to include:

- a) The provision of a DDA compliant ramp in place of the stair leading to the laneway off Lorimer Street (as per Condition 1(i));
- b) Details of the use/intent of the green space at the intersection of the laneway and Boundary Road;
- c) The specifications of all materials used in the public realm in accordance with the Council's design and engineering standards;
- d) Details of all Water Sensitive Urban Design (WSUD) devices/initiatives to be provided on site.
- e) A planting schedule of all proposed trees and other vegetation including botanical name, common names, pot sizes, sizes at maturity and quantity of each plant and their protection and maintenance;.
- f) Details of all planters, including their volumes and growing media;
- 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/finishes, retaining walls, pathways, kerbs and access ways;
- i) Elevations, sections, levels and details including materials/finishes of all public realm works, including the reconstruction of public assets

All landscaping shown in the approved landscape and public realm plans must be carried out and completed prior to the first occupation of the development hereby approved and thereafter maintained to the satisfaction of the Responsible Authority.

Public Lighting Plan

- 4.11 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 Responsible Authority. This plan must:
- a) Identify all proposed lighting sources, lux levels and spillage details and address how lighting will integrate with existing lighting in the interfacing public spaces; and

- b) Require all public lighting to conform with AS1158, AS3771 and the Public Lighting Code September 2001.

The approved lighting plan must be implemented **together with the** development to the satisfaction of the **Responsible Authority**.

Construction and Demolition Management Plan

- 4.12 Before demolition starts, a detailed **Construction and Demolition Management Plan (CDMP)** must be submitted to and approved in writing by the Responsible Authority. 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).

Traffic, Parking and Loading/Unloading

- 4.13 The 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 Australian Standard (AS) 2890.1-2004 and to the satisfaction of the Responsible Authority.
- 4.14 All traffic access and parking and loading/unloading arrangements must not be altered without the prior written consent of the Responsible Authority.
- 4.15 Prior to the first occupation of the development hereby approved, 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 Responsible Authority..
- 4.16 Prior to the first occupation of the development hereby approved, details of the extent to which the laneway extending along the eastern property boundary will act as a pedestrian and/or shared space must be submitted to and approved in writing by the Responsible Authority.
- 4.17 Prior to the commencement of the development hereby permitted, the applicant shall submit to and have approved in writing by the Responsible Authority an independent Road Safety Audit. This Audit must confirm that the design/layout of all roadways, intersections and pathways around the site are appropriate and satisfactorily safeguard the interests of all road users, including motorists, pedestrians, cyclists and persons with limited mobility.
- 4.18 Prior to the first occupation of the development hereby approved (excluding demolition and bulk excavation) a Loading Management Plan (LMP) must be

submitted to and be approved in writing by the Responsible Authority. This plan must detail how the access/egress of loading vehicles will be managed. The plan must also confirm that a Dock Manager will be employed to oversee the loading/unloading of all goods and materials. In addition to this, the plan must state that the reversing of vehicles into the loading bay will only be undertaken with the assistance of the Dock Manager, whose responsibilities in this regard shall include, as a minimum;

- Attendance in the loading bay when all deliveries are being received and waste collected;
- To act as spotter for all vehicles reversing into the loading bay;
- To act as an informal traffic controller while vehicles reverse into the loading bay;
- To ensure conflicts do not occur between loading vehicles and other vehicles; and
- To ensure that the spaces used to manoeuvre vehicles is kept clear of obstructions at all times.

New roads and laneways

- 4.19 Before the development is first occupied, any land identified or set aside as a new road or laneway on the approved plans must be vested in the relevant road authority as a public road at no cost to that authority. This does not apply to a new laneway that is agreed to be retained in private ownership to the satisfaction of the Responsible Authority.

Waste Management Plan

- 4.20 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 submitted to and approved in writing by the Responsible Authority. This WMP must be generally in accordance with the Waste Management Plan prepared by Leigh Design, dated 29 July 2019 but amended to show/include:
- Reference to Council's bi-monthly residential hard waste collection of four cubic metres; and
 - All relevant matters required by Condition 1.
- 4.21 All waste storage and collection must be undertaken in accordance with the approved Waste Management Plan (WMP) and must be conducted in such a manner as not to affect the amenity of the surrounding area and not cause any interference with the circulation and parking of vehicles on abutting streets.

Noise Attenuation

- 4.22 Before the development starts, excluding demolition and site preparation works, an Acoustic Report prepared by a qualified acoustic consultant must be submitted to and approved by the Responsible Authority. The report must:
- a) Specify noise attenuation measures to achieve a maximum noise level not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am and 40dB(A) for living areas, assessed as an LAeq,16h from 6am to 10pm;
 - b) Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed and be based on average external noise levels measured as part of a noise level assessment.

- 4.23 All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration and to ensure compliance with the noise limits set out in State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

Amenity Impact Report

- 4.24 The recommendations set out in the Amenity Impact Report prepared by WSP and dated July 2020 must be implemented to the satisfaction of the Responsible Authority prior to the first occupation of the residential component of the development hereby approved.

Disability Access

- 4.25 Prior to the first occupation of the development hereby approved, a Disability Discrimination Act Assessment / Audit prepared by a suitably qualified consultant must be submitted to and approved in writing by the Responsible Authority. This report must provide an assessment of the development (including publically 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

- 4.26 Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, an amended comprehensive wind tunnel test and environmental climate assessment report must be submitted to and be approved in writing by the Responsible Authority. This amended report must be generally in accordance with the report prepared by Mel Consultants dated 26 September 2019 but modified to address the requirements of Condition 1 and any other requirements of Clause 4.4 and must:

- a) Include wind tests taken at various points within the surrounding area, including Lorimer Park;
- b) Set out all wind effects generated by the development; and
- c) Set out proposed mitigation measures to ensure satisfactory wind conditions are achieved in all publically accessible areas adjacent to the site in accordance with the provisions of Schedule 67 of the Design and Development Overlay of the Melbourne Planning Scheme

Any further modifications required to the development in order to ensure acceptable wind conditions to surrounding publically accessible areas must be carefully developed as an integrated high-quality design solution.

- 4.27 The recommendations and requirements of the approved Wind Impact Assessment Report must be implemented to the satisfaction of the Responsible Authority prior to the first occupation of the development.

Development Contribution

- 4.28 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 Minister for Planning 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 sqm of gross office/commercial floor area; and
 - **\$161** per sqm of gross retail floor area.
- b) 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;
- c) Include a schedule of the types of infrastructure to be delivered by the Victorian Planning Authority or their successor;
- d) Confirm that contributions will be payable to the Victorian Planning Authority or their successor;
- e) Confirm that the contributions will be used by the Victorian Planning Authority or their successor to deliver the identified schedule of infrastructure items;
- f) 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;
- g) 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
- h) 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.

Melbourne Water (Flooding, Drainage and Sea Level Rise)

Melbourne Water to advise

Environmental Audit

4.29 Prior to the commencement of the development (excluding demolition and including bulk excavation), the applicant must carry out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended uses. This PEA must be submitted to and be approved by the Responsible Authority prior to the commencement of the development.

The PEA should include:

- **Details of the nature of the land uses previously occupying the site and the activities associated with these uses. This should include details of how long the uses occupied the site.**
- **A review of any previous assessments of the site and surrounding sites including details of the anticipated sources of any contaminated materials.**
- **Identification of the likelihood of the site being potentially contaminated.**

Should the PEA reveal that further investigative or remedial work is required to accommodate the intended uses, then prior to the commencement of the development (excluding demolition and any works necessary to undertake the assessment), the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended uses.

This CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. This CEA must be submitted to and be approved by the Responsible Authority prior to the commencement of the development. The CEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these uses. This includes details of how long the uses occupied the site.
- A review of any previous assessments of the site and surrounding sites, including details of any on-site or off-site sources of contaminated materials. This includes a review of any previous Environmental Audits of the site and surrounding sites.
- Intrusive soil sampling in accordance with the requirements of Australian Standard (AS) 44582.1. This includes minimum sampling densities to ensure the condition of the site is accurately characterised.
- An appraisal of the data obtained following soil sampling in accordance with ecological, health-based and waste disposal guidelines.
- Recommendations regarding what further investigative and remediation work, if any, may be necessary to ensure the site is suitable for the intended use(s).
- Recommendations regarding whether, on the basis of the findings of the CEA, it is necessary for an Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970 to be performed or a Statement of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970 is required, to ensure the site is suitable for the intended use(s).

The recommendations of the CEA 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.

Prior to the occupation of the development the applicant must submit to the Responsible Authority a letter confirming compliance with any findings, requirements, recommendations and conditions of the CEA.

Should the CEA recommend or the Responsible Authority consider that an Environmental Audit of the site is necessary then prior to the commencement of the development, (excluding demolition and any works necessary to undertake the assessment) the applicant must provide either:

- a. A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970;
- b. A Statement of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970. This Statement must confirm that the site is suitable for the intended use(s).

Where a Statement of Environmental Audit is provided, all of the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land and must be fully satisfied prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or other person acceptable to the Responsible Authority. In addition, the signing off of the Statement must be in accordance with any requirements regarding the verification of remedial works.

If there are conditions on the Statement that the Responsible Authority consider requires significant ongoing maintenance and / or monitoring, the applicant must enter into a legal agreement in accordance with Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. This Agreement must be executed on title prior to the occupation of the building. The owner of the site must meet all costs associated with the drafting and execution of this agreement including those incurred by the Responsible Authority.

Green Star rating

- 4.30 Prior to the commencement of the development hereby approved, the applicant must submit to and have approved in writing by the Responsible Authority, a revised ESD statement generally in accordance with the submitted statement prepared by WSP but amended to include all preliminary calculations/modelling used to identify Green Star pathway points. These calculations/modelling should be included as an appendix to the report.
- 4.31 Prior to the commencement of buildings and works, evidence must be submitted to the satisfaction of the Responsible Authority demonstrating the building 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.
- 4.32 Within 12 months of the first occupation of the building, certification must be submitted to the satisfaction of the Responsible Authority demonstrating the building has achieved a minimum 5 Star Green Star Design and As-Built rating (or equivalent).

Third pipe and rain tank water

- 4.33 A third pipe must be installed for recycled water to supply non-potable uses within the development for toilet flushing, fire services, irrigation, laundry and cooling, unless otherwise agreed by the relevant water authority.
- 4.34 An agreed building connection point must be provided from the third pipe, designed in conjunction with the relevant water supply authority, to ensure readiness to connect to a future precinct-scale recycled water supply.
- 4.35 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.

- 4.36 Rainwater captured from roof harvesting areas must be re-used for toilet flushing and irrigation, or controlled release.

3D Model

- 4.37 Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a 3D digital model of the development and its immediate surrounds must be submitted to and be approved in writing by the Responsible Authority. This 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 (DELWP).

Building Appurtenances

- 4.38 All building plant and equipment must be concealed from view from publically accessible areas adjacent to the site to the satisfaction of the Responsible Authority.

City of Melbourne Engineering Requirements

- 4.39 Prior to the commencement of development the 10m widening of Lorimer Street, the 6m wide portion of north-south road on the eastern side of the redevelopment and the relevant portion of the intersection between the 12m wide north-south road and the future 18m wide east-west link between Boundary St and Hartley Street must be vested in Council as roads under the provision of the Subdivision Act 1988 to the satisfaction of the City of Melbourne – Infrastructure and Asset and Team Leader Land Survey. The new roads are to be unlimited in height and depth and must exclude any structure above and below the surface of the roads.
- 4.40 All vehicle crossovers wider than 7.6 metres must feature a pedestrian refuge.
- 4.41 All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by City of Melbourne - Infrastructure and Assets.
- 4.42 Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by City of Melbourne – Infrastructure and Assets. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne’s underground stormwater drainage system. Where necessary, the City of Melbourne’s drainage network must be upgraded to accept the discharge from the site in accordance with plans and specifications first approved by City of Melbourne – Infrastructure and Assets.
- 4.43 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 City of Melbourne – Infrastructure and Assets.
- 4.44 All new roads or altered portions of road (including the provision of footpaths, public lighting, street trees, pavement marking, signage, street furniture, etc.) must be constructed prior to the occupation of the development, in accordance with plans and specifications first approved by City of Melbourne – Infrastructure and Assets. The whole 12m north-south road and the whole intersection between the 12m wide north-south road and the future 18m wide east-west link between Boundary St and Hartley Street must be fully designed including provision of drainage and public lighting and

fully dimensioned engineering drawings submitted to Council's Infrastructure and Assets as part of the review for consent.

- 4.45 All portions of roads 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 City of Melbourne – Infrastructure and Assets.
- 4.46 The kerb and channel adjoining the site along Rodgers and Boundary streets must be reconstructed with new sawn 300mm wide bluestone kerb and new 250mm wide bluestone gutterstone, at the cost of the developer, in accordance with plans and specifications first approved by City of Melbourne – Infrastructure and Assets.
- 4.47 The footpaths adjoining the site along Lorimer, Rodgers and Boundary streets must be reconstructed together with associated works including the renewal/reconstruction of kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by City of Melbourne – Infrastructure and Assets.
- 4.48 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 City of Melbourne – Infrastructure and Assets.
- 4.49 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 City of Melbourne – Infrastructure and Assets.
- 4.50 Existing street furniture must not be removed or relocated without first obtaining the written approval of City of Melbourne – Infrastructure and Assets.
- 4.51 All street furniture such as street litter bins recycling bins, seats and bicycle rails must be supplied and installed on Lorimer, Rodgers and Boundary streets footpaths outside the proposed building to plans and specifications first approved by City of Melbourne – Infrastructure and Assets.
- 4.52 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 City of Melbourne, 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 Lorimer, Rodgers and Boundary streets and all new roads. The lighting works shall include undergrounding of the public light cables in Lorimer, Rodgers and Boundary streets and must be undertaken prior to the commencement of the use/occupation of the development, in accordance with plans and specifications first approved by City of Melbourne – Infrastructure and Assets.

Advertising Signs

- 4.53 No advertising signs external to the buildings shall be erected, painted or displayed without the prior written approval of the City of Melbourne unless in accordance with the provisions of Clause 52.05 (Sign) of the Melbourne Planning Scheme.

Department of Transport (Network Planning – Transport Group)

Department of Transport to advise

Affordable Housing

- 4.54 Prior to the first occupation of the residential component of the development, details of the management regime underpinning the delivery of the affordable units must be provided to and approved in writing by the Responsible Authority. Preferably all affordable units would be transferred to a housing provider and occupied in accordance with that providers eligibility criteria in perpetuity.

Community space

- 4.55 Prior to the first occupation of the community space, details of the role and function of this space must be provided to and be approved in writing by the Responsible Authority. This includes details of who will manage the space and what services it is expected to offer. If it is intended that the space would be managed by Council, the applicant must detail the basis upon which this would be the case and Council's anticipated liabilities, if any.

Tree Protection

- 4.56 Before the development starts, a tree protection fence must be erected around the northernmost existing street tree on (applicant to confirm precise location) Street in accordance with the provisions of Australian Standard (AS) 4970 - 2009 - Tree protection on development sites, to the satisfaction of the Responsible Authority.

Expiry

- 4.57 This control expires if any of the following circumstances apply:
- a) Development in accordance with Dwg. Nos. TP00.01 to TP03.03 prepared by Rothe Lowman and dated 13 May 2019 has not commenced three (3) years after the approval date of Amendment C364; or
 - b) The use of the land in accordance with Dwg. Nos. TP00.01 to TP03.03 prepared by Rothe Lowman and dated 13 May 2019 has not commenced five (5) years after the approval date of Amendment C364; or
 - c) Development in accordance with Dwg. Nos. TP00.01 to TP03.03 prepared by Rothe Lowman and dated 13 May 2019 is not completed five (5) years after the approval date of Amendment C364.

Notes:

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.

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.

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.

END OF DOCUMENT