

No further public notification was required.

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

## **6 INTERNAL REFERRALS**

### **6.1 City Design**

The application was referred to City Design whose comments can be summarised as follows on the Masterplan from June 2022 and Stage A plans from May 2022:

#### Response to Fishermans Bend Framework Street Network

The current development proposal seeks variations to the approved Fishermans Bend Framework. Specifically:

##### East-West Street

- The proposed development narrows the cross-section of the street from 22 metres to 20 metres. There is concern with the reduced cross section as well as its proposed configuration. For example the Framework anticipates it as a future public road and therefore should be unencumbered from private structures such as ramps and bicycle parking. Furthermore the cross section only appears to have a footpath on the southern side of the street rather than on both sides.
- The 22 metre public road reserve needs to continue unencumbered to the western property boundary. The Framework Plan shows the undercroft of the Bolte Bridge being repurposed as public open space. This east-west street provides a crucial connection to this space.
- The full 22 metre cross section is needed as a public road reserve as it will serve not only movement functions, but also play important roles in urban ecology, mitigation of the urban heat island effect, water sensitive urban design and mitigation of flooding. It is also important for urban form legibility and coherence that the cross-section is a consistent 22 m width across this site and all other development sites that include this road.

##### Central North-South Street – “Public Plaza”:

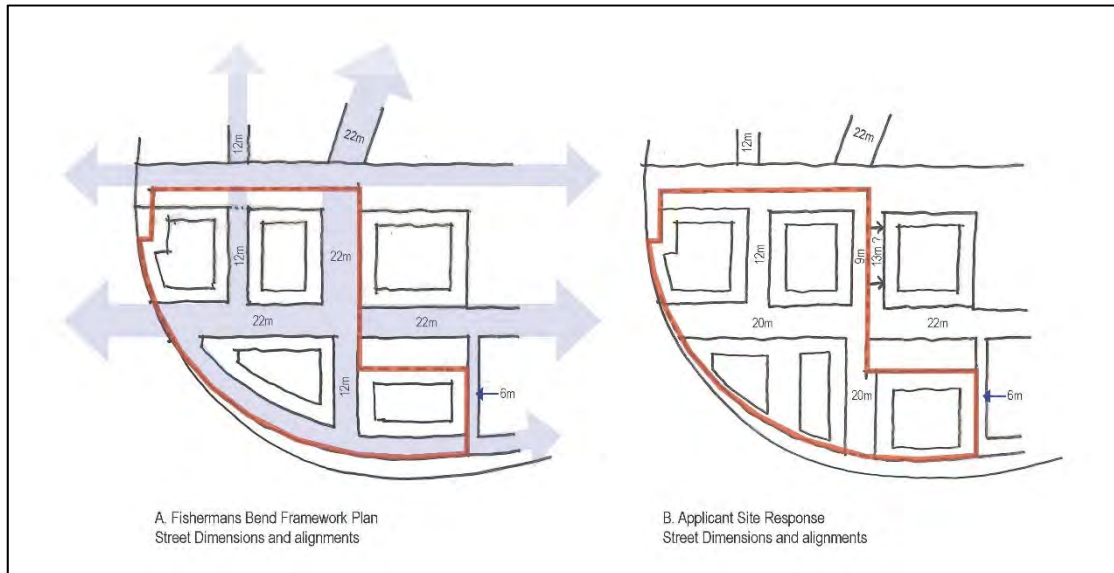
- The Framework Plan shows this area as a 12 metre road reserve. Irrespective of whether it is open or closed to vehicles this area is considered to play an important role from a movement perspective and public space perspective. This area appears to operate more as a private space and as communal area for future users of the towers. It is also considered that further details are required on what the potential impacts may be from removing vehicles from this area.
- This area also appears encumbered by basement levels of car parking.

##### Eastern North-South Street

- It appears that this street has been shifted eastwards and the development is not delivering the full portion of the street width required by the Framework Plan. It should be delivered in accordance with the Framework Plan.

### Rear service road

- The Framework shows a continuous 12 m public road reserve providing a role of both service access and separation of development from the West Gate Freeway. It is considered a greater separation should occur and that built form should also not overhang this area. The Framework Plan has this area shown with a 12 metre width which also assists in creating an openness to the sky.



**Figure 24 – Comparison of Fisherman Bend Framework Plan layout compared to proposed layout**

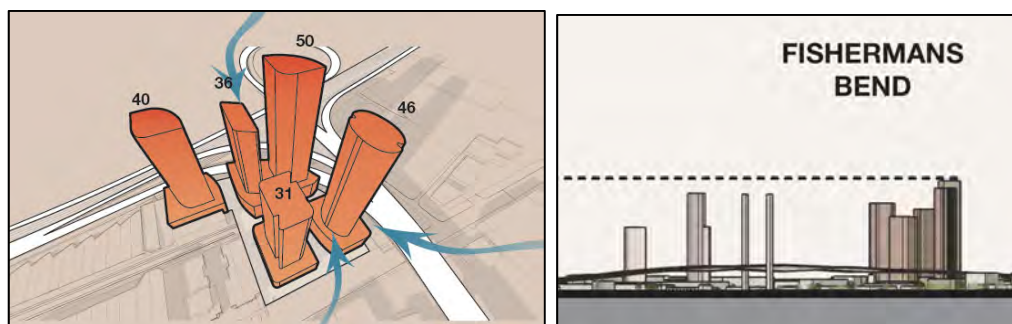
### Building Mass and Design Detail

The following outlines concerns with the proposed building mass and design for the Masterplan:

- The rounded street interfaces along the blocks and curved street walls of the podiums are not considered to achieve the preferred outcome and impact on the urban structure. These outcomes are considered to impact the street definition as it is laid out in the Framework. We recommend the provision of better street edge definition to address this matter.
- The upper towers of the development are also shown as rounded volumes that appear to turn away from the street alignments. The towers appear to reference the CityLink motorway language rather than the orthogonal street network of Lorimer. We recommend tower shapes and orientation that reflect the street network and provide a visual connection of building faces responding to streets and urban spaces. In addition we recommend architectural tower articulation and character differentiation to a high degree to break down the scale of the development and create an urban grain that responds positively to the context of the wider Lorimer Precinct.
- A cohesive overall design strategy is required that articulates the architectural narrative, derived from contextual analysis and building function. We require

further clarification on the chosen design language for the podiums or towers. This will help to provide some general design direction and specific guidance for the future stages A to E. The application design packages for the 5 stages are required to address the following:

- A building façade strategy, including materials palette and design precedents that detail the design rationale and intent for the podium and tower form.
  - Three dimensional renders of the development in context, taken from key vantage points.
  - A materials palette to confirm the quality of concrete finishes, tiling and transparent and opaque coloured glazing.
  - Streetscape and open space detailed landscape design, including sections.
  - Survey plan that confirms title boundaries (including the relation to CityLink infrastructure).
- The subject site is located within an area where hybrid, predominantly high-rise building typologies (16 storeys and taller) are encouraged with a built form that contributes to a varied and architecturally interesting skyline. The proposal at 31, 36, 40, 46 and 50 storeys, provides a height difference of 4-6 storeys. This is not considered to be a discernible height difference to achieve the desired variation in skyline. Particularly tower B and E are currently closely related in height, 50 and 46 storeys, which from various angles could be perceived as one volume. More height difference together with differentiated architecture / typology is required to achieve the varied built form outcome. Achieving an 8-10 storey height difference between towers is recommended.



**Figure 25 – Tower shaping and height**

- Table 4 of Clause 43.02 (Design and Development Overlay Schedule 67) of the *Melbourne Planning Scheme* requires towers above 20 storeys to be setback 10 metres from the street walls. This is not provided for Tower E (south-western elevation) which is currently 5 metres. There is also concern with the proximity of this built form to CityLink.

#### Public Interface and Landscaping

There are concerns with the current design of the ground plane and how areas which have been identified as public within the approved Framework function more as an independent private space. These areas also appear to incorporate a number of fixed

elements which could obstruct generous footpath movement such as outdoor dining, public art, inconsistent paving finishes, raised planters and fixed furniture elements.

Further landscaping detail is required within any Landscape Masterplan. For example information on the following should be provided:

- Cross sections to demonstrate:
  - The relationship between open space / streetscapes and buildings including key levels.
  - Deep soil provisions for tree planting in accordance with the Better Apartments Design Standards.
- Further information regarding the incorporation of WSUD.
- Further information regarding the integration and access to the public realm during various staging packages.

Another item to note when considering the ground plan is the extent of car parking entry points. We recommend that these entries be consolidated to reduce the impact to pedestrians and the public realm.

### Stage A

City Design continue to reiterate concerns with the proposed Masterplan, however, made the following observations regarding Stage A which can be summarised as follows:

- The façade design treatment does not reflect the expected level of design quality and differentiation as set out in the Framework. The podium is designed in one architectural language with an identical treatment around the perimeter. We recommend that variation in the podium facade treatment is pursued in response to the various street interfaces. Character and design differences might be appropriate between the 22 metre wide collector streets, the green boulevard at Turner Street and the interior smaller neighbourhood street.
- For instance, we are not unsupportive of a colonnade treatment on the ground floor but suggest that this may be limited to the Turner Street frontage and the eastern 22 metre wide street, so that the hierarchy of streets in the precinct will be reinforced and supported by the building.
- The entry canopy pergola structures are extruded from the building and significantly protrude into the public streets. This will reinforce a privatised urban character, and is not supported. The public streets need to have a strong public design language with a clearly defined building boundary and contained private realm.
- Specific attention is required for the quality of the podium façade at the southern end of the building. The ramp to the underground car park creates an inactive street frontage. By extending the corner of the building on the south-western side there may be an opportunity to extend the retail (Retail-5) to the southern east-west street, reducing the impact of the blank wall.
- As raised earlier in our advice, we are concerned that the current design of the ground plane presents as a private, campus style environment rather than a piece of the city.

- We recommend that 'Neighbourhood Street' be redesign to be straight rather than curving towards the corners to meet the east-west street and that footpaths extend through on both sides of the street.
- We recommend that the ground plane design be consolidated and simplified to prioritise the hierarchy of the space, reduce visual clutter and present as public streets.
- The porte-cochere in the linear park remains not supported.



**Figure 26 – North south internal plaza**

### **Planner's Response**

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

- An amended Masterplan which more closely aligns with the road layout as shown in Schedule 67 of the Design and Development Overlay. For example the east-west road must be increased from 20 to 22 metres and free of any encumbrance. It is noted that the southern service road identified in the Fishermans Bend Framework was not included in the mapping detail associated with DDO67.
- Recommend more height difference to the towers together with differentiated architecture / typology to achieve the varied built form outcomes.
- A façade strategy for each stage including material palette and design precepts, that detail the rationale and intent for the podium and tower forms.
- Amendments to the podium and towers to more appropriately respond to the new roads, particularly the increase from 20 to 22 metre central road.
- Amendments to the Stage A plans to reduce the design features that project into identified future public areas.

### **6.2 Traffic Engineering**

The application was referred to Traffic Engineering whose comments can be summarised as follows on the Masterplan:

- The Melbourne Planning Scheme (MPS) has a maximum limitation of 1,068 spaces. Accordingly, the proposed car parking provision of 1,560 spaces is not supported, as it would contribute to traffic congestion and would be counterproductive to achieving our sustainable transport goals, as outlined in Transport Strategy 2030. Although TIA indicates it is proposed to provide additional parking during the early stages of development, while the public transport options are still limited, measures should be taken to ensure that ultimately the MPS limit is not exceeded. This could include providing little or no parking during the last few stages, or later repurposing the parking provided for the early stages. Although TIA indicates the parking is sold to residents and cannot be repurposed, other options should be explored such as initially providing additional parking (> MPS) for the early stages as shared parking, which could then be repurposed during the later stages.
- The TIA does not contain any traffic analysis to show the impact of the overall site on the surrounding road network, which is unacceptable. Comprehensive traffic analysis of the impact of the overall site on the surrounding road network must be undertaken, including SIDRA analysis of the Turner St / Ingles St, Turner St / Graham St, Lorimer St / Graham St and Lorimer St / Ingles St intersections. Given the currently poor public transport provisions in this area, the following conservative traffic generation rates must be used in the analysis:
  - 0.5 vehicles / space for residential spaces
  - 1 vehicle / space for retail and office spaces.
- Swept path assessments should be undertaken for all the required design vehicles, demonstrating access both to / from Turner St and along the internal roads. Vehicles must be able to simultaneously access and egress the site, to ensure inbound vehicles don't stop in the street while waiting for outbound vehicles to exit.
- In order to ensure that entering vehicles don't stop on-street and obstruct pedestrians / traffic while waiting for external doors to open, the doors should be offset at least 6 m from the site boundaries. Alternatively, the doors at / near site boundaries could be left open during peak periods and closed off-peak.
- The car parking spaces, grades, accessways, head clearances, etc must be designed generally in accordance with the MPS and / or AS/NZS 2890.1:2004 (AS). The grades of all entry ramps must be  $\leq 1:10$  for the first 5 m into the site.
- Sight triangles of 2 x 2.5 m must be provided at all exits from the site to ensure the visibility of pedestrians, as required by the MPS / AS.
- The proposed bicycle parking provision is supported. The design / dimensions of the bicycle parking should comply with the relevant Australian Standards or Bicycle Network guidelines.
- At least 22 motorcycle space must be provided.
- Comprehensive Loading Management Plans (LMPs) must be prepared for each stage of the development, specifying how the access / egress of loading vehicles is to be managed, so that any potential conflicts are satisfactorily addressed.
- At least 2 car share and electric charging spaces must be provided on-site for each tower, to meet the likely demand.

- Formal Road Safety Audits must be undertaken prior to occupation of each stage of the development, which should include access arrangements into / from the site, as well as internal circulation / layout. The findings of the Audits should be incorporated into the detailed design at the developer's expense.
- A comprehensive Green Travel Plan (GTP) must be prepared for this development, which would further encourage the use of sustainable transport.
- A Traffic Impact Assessment was not submitted for Stage A which is required and may require alterations to the design.

### **Planner's Response**

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

- The oversupply of car parking is of concern. While the development may need to provide a car parking rate greater than the Parking Overlay in the initial Stages this should be reduced for subsequent stages.
- An amended Traffic Impact Assessment must be prepared to provide greater detail on the level of impact this proposed development will have on not just the immediate precinct but the broader area. A traffic impact assessment must also be provided for each stage.
- Other matters such as compliance plans to demonstrate compliance with Clause 52.06 dimensions, submission of a Loading Management Plan, Road Safety Audit and Green Travel Plan.

### **6.3 Civil Design**

The application was referred to Civil Design whose comments can be summarised as follows on the Masterplan from June 2022 and Stage A plans from May 2022:

- Council will not accept the handover of internal roads while construction activity within the development precinct is incomplete. All roads must be fully designed and constructed to Council satisfaction prior to the handover. We do not agree to accept the ownership of partially completed road infrastructure.
- City Infrastructure require the coordinated completion of road infrastructure.
- The masterplan proposal is inconsistent with the Fishermans Bend Framework plan. City Infrastructure request the applicant provide further information, including reports and analysis of the proposed internal road network. It is also recommended to amend the masterplan to comply with the Fishermans Bend Framework Road network details.
- A detailed development staging strategy is required for this precinct, the strategy must consider infrastructure delivery and construction methodology:

The strategy is to include the following considerations:

- Implementing the proposed stages in a safe and appropriate manner.
- Facilitating subsequent sequencing.
- Minimising redundant works.
- Proposed linkages to future streets.
- An effective utility services strategy covering all stages.
- Connectivity / Relationship between the subject development and surrounding land, neighbouring developments and relevant future Precinct Structural Plan.

- Geotechnical reports and pavement designs for the road reserves in light of approved Environmental audits to ensure that long-term environmental and ground settlement effects are minimised / managed.
- Objection is made to the proposed construction of any private features / assets (e.g. stairs, TGSI etc.) outside of the property title boundary. Stairs should be set back sufficiently to enable all necessary tactile ground surface indicators to be installed within the property curtilage.
- 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. Any projections over the road reserve must be clearly referenced on a supporting document or plan.
- The applicant must provide a comprehensive Stormwater Management Plan for the development site with regard to the Lorimer precinct catchment and the proposed development. The report shall include a strategy for the management of Overland flow paths for the 100-year ARI (1% AEP) and consideration for the upstream drainage.
- Objection is made to the "porte-cochere" and as the open area to be dedicated to the public. It appears that the proposed "porte-cochere" only serves the new towers and as such shall be wholly contained within the private property.
- The east-west Road that is to be dedicated to the public must be of a constant 22 m width over its whole length up the east property boundary with a footpath on both sides. Access to the proposed "porte-cochere" shall be via standard vehicle crossings across the footpath.
- The north-south 12 m wide Road shall have a footpath on both sides with its east footpath linking with the 22 m wide east-west Road south footpath until such time the 22 m wide east-west Road is extended as part of the adjacent redevelopment to the east.
- Note that vehicular turn around will need to be provided at the west end of the east-west 22 m wide Road until such time the future Graham Street connection is constructed.
- The 12 m wide service road along the rear of the site adjacent to the freeway that is to be dedicated to the public shall be 12 m wide, unlimited in height and depth. The proposal appears to indicate that all 3 south towers encroach onto the proposed service road, which is not supported.
- Note that there are some discrepancies in the "Fishermans Bend Framework" that require a 12 m wide road in its Figure 6 – Road Network but an 18 m wide road on its Figure 18 – Delivering Lorimer and that this matter needs to be clarified with the relevant Authority.
- Note that a vehicular turn around will need to be provided at the east end of the service road until such time it is extended as part of the adjacent redevelopment to the east.
- Inclusion of standard conditions to deal with drainage, projections, ground water management, street works, footpaths and lighting.



### **Planner's Response**

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

- Amendments to the masterplan to address the same concerns raised by City Strategy and City Design in relation to road widths and that they be unencumbered by any projections or private assets.
- Stormwater Management Plan, Staging Plan and inclusion of standard conditions manage drainage, projections, ground water management, street works, footpaths and lighting.
- It is noted that Civil Design raised concern with the "porte-cochere" that was previously proposed within the Turner Street setback, however, this was resolved in the amended masterplan dated June 2022. The Stage A plans dated May 2022 were not updated to reflect the amended masterplan and therefore a recommended condition includes deletion of the reference to the "port-cochere".

### **6.4 Waste and Recycling**

The application was referred to Waste Services whose comments can be summarised on the masterplan and waste management plan as follows:

- Further clarification is required in relation to the frequency of waste compactors collections.
- Details are required on the recycling chutes and the extent of them across the Site.
- Additional space must be provided for both hard waste and e-waste.
- There are inconsistencies within the plan and standard details not shown on the masterplan.
- Increasing the number of 240 L bins provided for organics and glass will make it possible to reduce collections from 3 to 2 times per week.
- Developers must ensure it is at least as easy to dispose of organics (and glass when the service is provided) as it is to dispose of garbage.

### **Planner's Response**

To address the above issues, the officer's recommendation is to include conditions in the ID to require updated drawings and a waste management plan to address the items above.

### **6.5 Green Infrastructure and ESD**

The application was referred to Council's Green Infrastructure and ESD team whose comments can be summarised as follows based of the Sustainability Management Plan submitted with the masterplan:

#### **Environmentally Sustainable Development**

- Prior to the commencement of each Stage of the development hereby approved, the applicant must submit to and have approved in writing by the Responsible Authority, a revised Sustainability Report generally in accordance with the submitted report, but amended to include:

- a) A full Green Star pathway as well as any preliminary calculations or modelling undertaken to identify eligibility for points targeted under the Green Star pathway included as an appendix to the ESD Statement.
- b) The provision of solar PV panels included as part of the development.
- Prior to the commencement of buildings and works of each Stage, 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.
- Within 12 months of the first occupation of the building(s) of each Stage, 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).
- Any significant change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional and a revised statement must be submitted to and endorsed by the Responsible Authority prior to the commencement of construction.

### **Third Pipe and Rain Tank**

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

### **Planner's Response**

The Officer recommendations includes these conditions and note that ESD measures will need to be prepared for each stage.

### **6.6 Land Survey**

The application was referred to the Land Survey team whose comments can be summarised as follows:

- The application must be referred to Infrastructure and Assets to obtain specific comments in relation to the internal access ways and whether these should be vested in Council as a Reserve on a Plan of Subdivision (noting the basement structure underneath and clearance which is required).
- Prior to occupation of Stage A, the internal access ways which provide access to Stages A, B, C, D & E must be named in accordance with the Geographic Place Names Act 1998 to provide appropriate street addressing

to the buildings. Any proposed road name must comply with the Naming rules for places in Victoria, Statutory requirements for naming roads, features and localities 2016, and the Geographic Place Names Act 1998.

### **Planner's Response**

The conditions provided by Land Survey relating to vesting and naming are recommended to be included in the ID.

### **6.7 City Strategy**

The application was referred to City Strategy whose comments can be summarised as follows on the Masterplan from June 2022 and Stage A from May 2022:

- The applicant masterplan proposes to achieve a non-residential floor space provision of 23,000 m<sup>2</sup> GFA which equates to ratio of 1:1 to site area. This is 0.7 plot ratio short – an under provision of 16,100 m<sup>2</sup> GFA for non-residential floor space. The permit being sought is for the master plan of a staged development that will be delivered incrementally over time as it becomes feasible for the applicant. Therefore it is recommended the total required non-residential floor space provision be delivered in a staged approach, as it becomes viable.
- The Fishermans Bend Framework outlines that streets play not only an important role as movement corridors and networks for pedestrians, cyclists, vehicles and service vehicles, but also play important roles in urban ecology, mitigation of the urban heat island effect, water sensitive urban design and mitigation of flooding. Even though some streets and roads may not perform major traffic functions, their cross-section widths are still required in their entirety and in public ownership, in order to perform their other network roles and functions.
- Map 1 from Schedule 4 to Clause 37.04 Capital City Zone of the Melbourne Planning Scheme shows the following public roads to be created for the Site:
  - A. An east-west “New road – 22 m wide” extending across the entirety of the property from eastern to western boundary, in full 22 m width for its entire length.
  - B. A north-south “New road – 22 m wide” extending north from Turner Street, south to the new east-west 22 m road, in full 22 m width for its entire length.
  - C. A “10 m landscape setback” also coded as “New public open space” along the entire northern boundary to Turner Street.
  - D. A north-south “new road – 12 m wide” extending north from Turner Street, south to the new east-west 22 m road, in full 12 m width for its entire length.

- E. A north-south “new road – 12 m wide” extending north from the new east-west 22 m road, south to the southern title boundary with the West Gate Freeway, in full 12 m width for its entire length.
- F. A north-south “New laneway – 6 m wide (Location indicative)” on the adjacent 329-349 Ingles Street property, extending north from the new east-west 22 m road, south to the southern title boundary with the West Gate Freeway, in full 6 m width for its entire length.

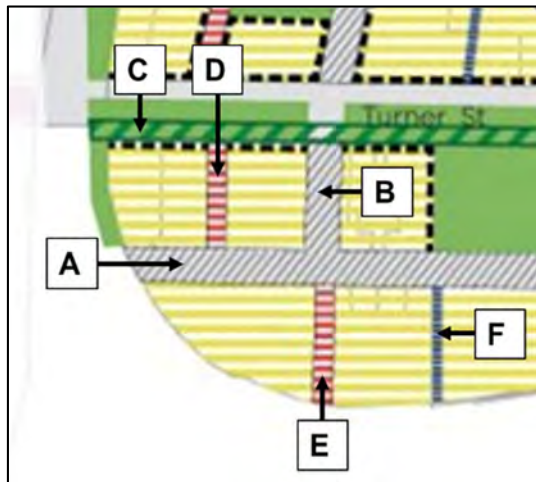


Figure 27 – Map 1 associated with Schedule 4 of the Capital City Zone

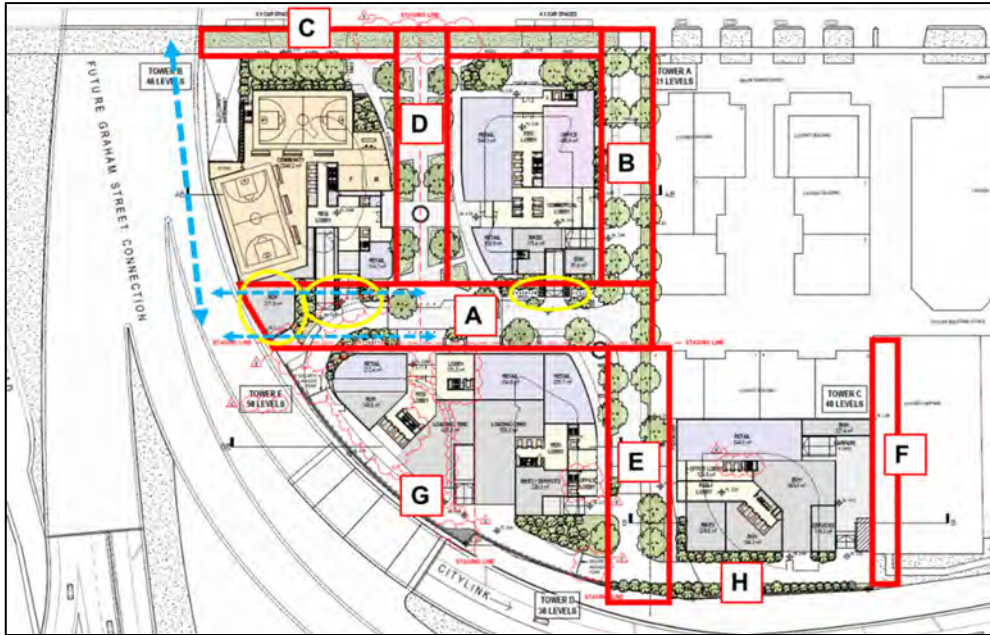


Figure 28 – Implications of road layout on the proposed masterplan

- The “Fishermans Bend - Definition Plan, 162-188 Turner Street, Print Date: 7/12/2018”, provides further more precise detail of the required alignment of the new public roadways and new park created by the landscape setback. The widths noted are consistent with those required by Schedule 4 to Clause 37.04.

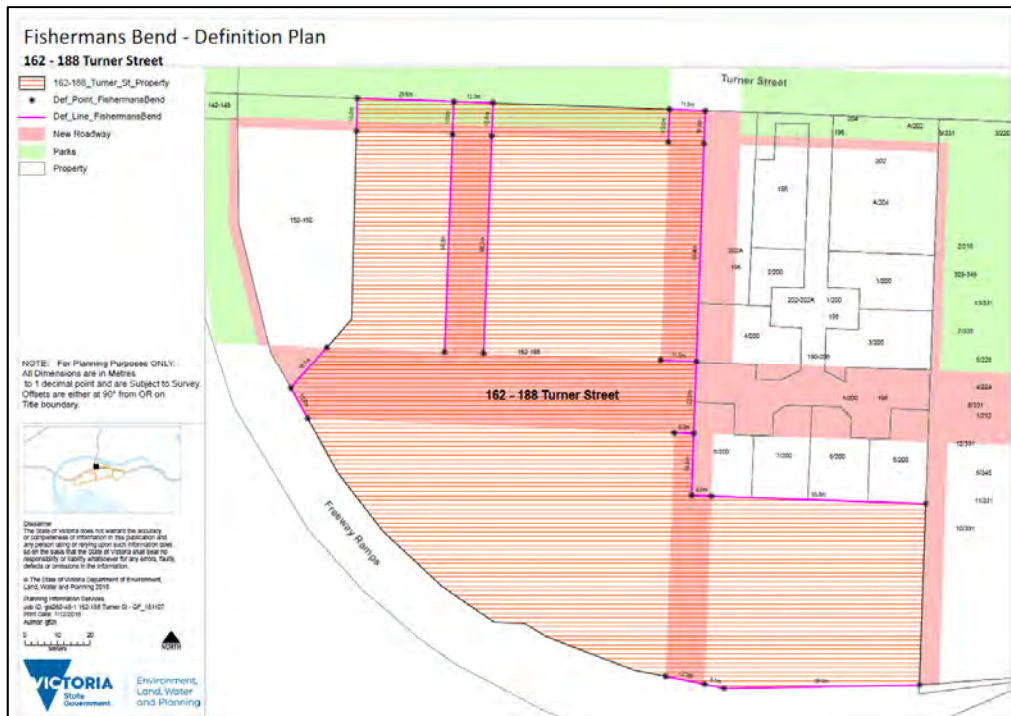


Figure 29 – Fishermans Bend - Definition Plan, 162-188 Turner Street, Print Date: 7/12/2018

- The proposed masterplan is still not generally in accordance with Map 1 of Schedule 4 to Clause 37.04 nor the above Fishermans Bend - Definition Plan.

#### Community Facility / Sports and Recreation Advice

- The Fishermans Bend Framework identifies as a strategy the planning and delivery of a Sport and Recreation Hub at location within the western third of the Lorimer Precinct.
- CoM's conversations with Sport and Recreation Victoria in 2016 identified the opportunity for a 6-8 court facility on the site of 150-188 Turner Street, with each court planned to a netball court size (as largest court size).
- CoM Community Sport and Recreation Facility Planning, 2022 has identified a need for a 3-4 court indoor stadium and 2 outdoor multi-use courts within the Lorimer Precinct.
- The proposed master plan includes a "community centre" incorporating two indoor courts on the ground floor of the north-west building.
- The proposed two-court facility is not functionally fit-for-purpose for CoM's needs, too small a facility to be operationally viable for CoM to operate, and there has been no consultation with CoM about tenure / whether CoM would be willing to take on as a potential owner / operator / manager of the facility. The City of Melbourne does not agree to the vesting / ownership / maintenance of only 2 x courts.
- The potential community benefit provided by the delivery of the proposed 2 x basketball courts proposed by the applicant will not offset the payment of any developer contributions.

#### **Planner's Response**

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

- An amended masterplan which increases the extent of non-residential floor space to 1.7:1 in accordance with Clause 22.27-4.1 of the Melbourne Planning Scheme.
- Show public road reserves, as per the assigned width, full length, and precise alignment outlined in Map 1 of Schedule 4 to Clause 37.04 of the Melbourne Planning Scheme and defined in further detail in "Fishermans Bend - Definition Plan, 162-188 Turner Street, Print Date: 7/12/2018". Specifically this includes:
  - An east-west 22 m wide public road reserve extending across the entirety of the property from eastern to western boundary, in full 22 m width for its entire length.
  - The western 11 m wide half of a north-south 22 m wide public road reserve straddling the boundary between 162-188 Turner Street and 190-206 Turner Street property, extending north

from Turner Street, south to the new east-west 22 m road. The remaining eastern 11 m width is to be located on the neighbouring 190-206 Turner Street property.

- An east-west 10 m landscape setback, along the entire northern boundary to Turner Street, to be incorporated as a widening to the existing Turner Street road reserve.
- A north-south 12 m wide public road extending north from Turner Street, south to the new east-west 22 m road, in full 12 m width for its entire length. The road reserve may be closed to vehicular traffic and opened to pedestrian and bicycle movement only.
- While there is a preference for a 12 metre wide rear service road Map 1 of Schedule 4 to Clause 37.04 does not require this which is also confirmed in the Fishermans Bend - Definition Plan above. It is noted that the proposal incorporates a private rear service road which is considered acceptable despite not being the complete 12 metre width. Subject to achieving the complete 22 metre east-west connection there will be adequate access and circulation throughout the development site in future.
- All existing and future public road reserves to be shown unencumbered below ground level, unencumbered at ground level and unencumbered above ground level. All proposed private structures including, but not limited to, ramps, basement car parking, back of house compounds, building overhangs and bicycle parking, must be shown as located on private property outside of all existing and future public road reserves.
- Existing and proposed road reserve title boundaries and dimensions to be shown on all architectural plans and sections.
- Show a gate at the entrance to the eastern section of the private rear service road where it intersects with the north-south 12 m wide public road reserve.
- An agreement under section 173 of the Act must be entered into between the landowner, the responsible authority and the local council (if not the responsible authority) which provides for the:
  - Construction of the new road or laneway to the satisfaction of the Melbourne City Council and the relevant road management authority.
  - Transfer of the new road or laneway to or vesting in the relevant road authority as a public road at no cost to the relevant road authority at a time agreed by Melbourne City Council. This does not apply to a new laneway that is agreed to be retained in private ownership to the satisfaction of the responsible authority.
- A note that car parking areas to be delivered in the private realm must be retained in a single or a consolidated title as common property.

- Provision of four multi-purpose indoor courts with runoff space, and additional space for court divider/s and spectator viewing. The dimensions and design of the courts must be to the satisfaction of the Melbourne City Council. This includes provision of ancillary facilities for the multi-purpose courts including storage, change rooms, reception and first aid room, and access to car parking. The design of these facilities must be to the satisfaction of the Melbourne City Council. The following items are of note:
  - The proposal only recommends two courts associated with Tower B, however, given the short fall of non-residential floor space the additional courts could assist with this matter. Furthermore there is an expectation that this site provides 'community infrastructure' in line with the objections of Clause 22.27 (Fishermans Bend Urban Renewal Area Policy) and therefore if four courts cannot be achieved any other outcome must still be to the satisfaction of Melbourne City Council.
  - The Fishermans Bend Framework 2018 plan includes a strategy at 3.1.1 indicating that Lorimer is to provide '1 Sport and recreation hub' and therefore the offering of four multi-purpose courts would assist in achieving this strategic vision.

## **7 ASSESSMENT**

This assessment will include:

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

### **7.1 The appropriateness of the Special Control Overlay (SCO)**

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

The ICO states that a permit must not be granted (including for permit applications called in by the Minister before the approval of Planning Scheme Amendment GC81, such as that proposed development), until such time as an Infrastructure Contributions Plan (ICP) has been incorporated into the planning scheme. On the basis no such ICP currently exists, permits cannot yet be issued for qualifying developments in accordance with the terms of the overlay.

To allow for development to be approved in the interim, the Minister has invited the submission of a Planning Scheme Amendment for 26 affected applications, to allow



for site-specific controls that will facilitate the redevelopment of each individual site. Applications must now be considered through the SCO / ID process.

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

The application material has not included any detail of proposed contributions and the applicant understands a development contribution condition would be applied to any ID issued. Development Contributions are discussed further at Section 7.8 of this report.

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

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

## **7.2 Fishermans Bend**

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

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

The proposed development would provide 23,000 m<sup>2</sup> floor area for employment generating uses (office / commercial and retail), which equates to a plot ratio of **1.1:1** which would not meet the minimum policy requirement.

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

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

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

- A large portion of the Site is required to be set aside for new roads as per DDO67.
- Stage 1 of the masterplan is intended to accommodate Acciona Geotech in a new National Headquarters. As such the proposed commercial floor space for Stage 1 is not speculative and it is anticipated to create 860 direct ongoing jobs. It is noted that this proposal would allow the continuation and expansion of an existing use of the site.

- Floor to ceiling heights are 3.8 metres in stage 2-5 consistent with the adaptable building recommendations as per DDO67.

It is acknowledged the Site intends to accommodate Acciona Geotech's National Headquarters, however, the same level of detail or certainty has not been provided for Stage 2-5 due to the proposed masterplan approach. It is anticipated that the Site will develop in subsequent stages and therefore it is considered reasonable that the total required non-residential floor space provision could be provided as it becomes viable.

Full compliance with Clause 22.27-4.1 (Providing for employment floor area) requires a total area of 39,100 m<sup>2</sup> GFA for non-residential floor space. As such, the Officer recommendation includes a condition requiring an increase in commercial area be included on the ID.

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

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

In this instance, the total number of three or more bedroom dwellings does not achieve compliance with only 15%. It is noted that the proposal provides for some flexible dwelling layout and therefore it is considered there is scope to amend internal layouts while still ensuring full compliance with BADS to increase the number of three-bedroom or more to a minimum of 20%. Therefore the Officer recommendation includes a condition requiring an increase from 15% to a minimum of 20% be included on the ID.

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

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

The application material states that 6 per cent of the development will be set aside for affordable housing for each stage and therefore this outcome complies with the policy.

As such, the Officer recommendation includes a condition in the ID to secure this outcome for the Site.

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

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

## **7.3 Land Use**

The proposal seeks to use the land for dwellings, office, retail and a minor sports and recreation facility.

In this instance, a dwelling(s) requires a permit based on the proximity to three existing concrete batching facilities at 824 Lorimer Street, Port Melbourne, 213 Boundary Street, Port Melbourne and 310 Ingles Street / 223 Boundary Street, Port Melbourne.

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

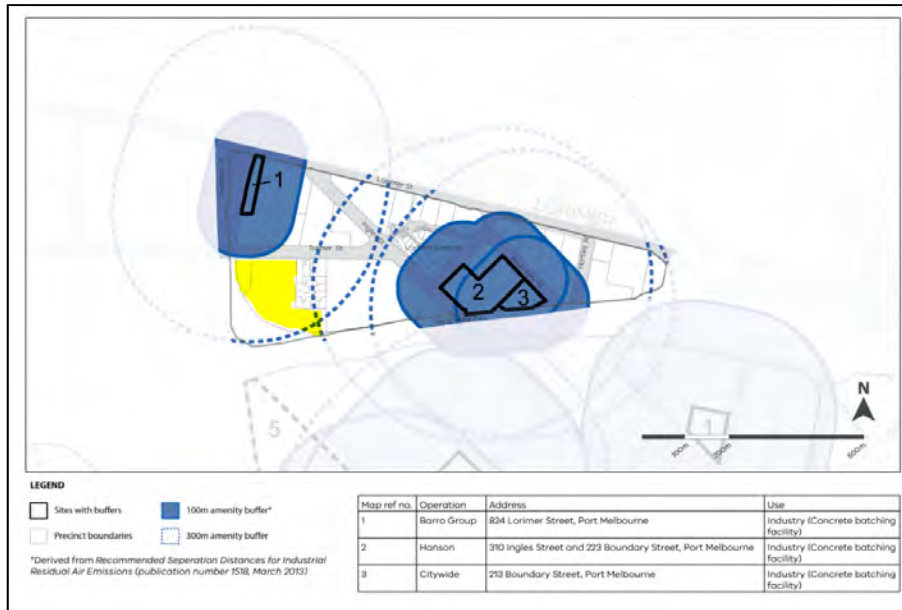
- The proposed use is consistent with a purpose of CCZ4 which seeks to create a highly liveable mixed-use area.
- The use will contribute to the creation of a mixed-use neighbourhood, which is a stated policy objective of Clause 22.27.
- The use is supported by an Amenity Impact Plan (AIP) which notes the nearby industrial uses, assesses the impact of the proposed sensitive uses on the existing industrial uses, and considers that appropriate design measures can be included to mitigate potential amenity impacts to the proposed sensitive uses. See Section 7.3.1 of this report for further assessment of the amenity buffer area.
- The use is supported by an acoustic report that concludes that noise from the surrounding area will not unreasonably detract from the amenity of the proposed dwellings. See Section 7.3.2 for a detailed assessment of the acoustic considerations.
- The Site is near public transport options that will service the needs of the future residents.
- The proposal provides some housing diversity with a mix of dwellings with various bedroom numbers.
- The Site and proposal have adequately provided for services and infrastructure.
- The proposal generally satisfies the specific requirements of the CCZ regarding dwelling density and transport requirements. This is further assessed at Section 7.3.3 of this report.

### **7.3.1 Amenity Buffer Area**

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

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

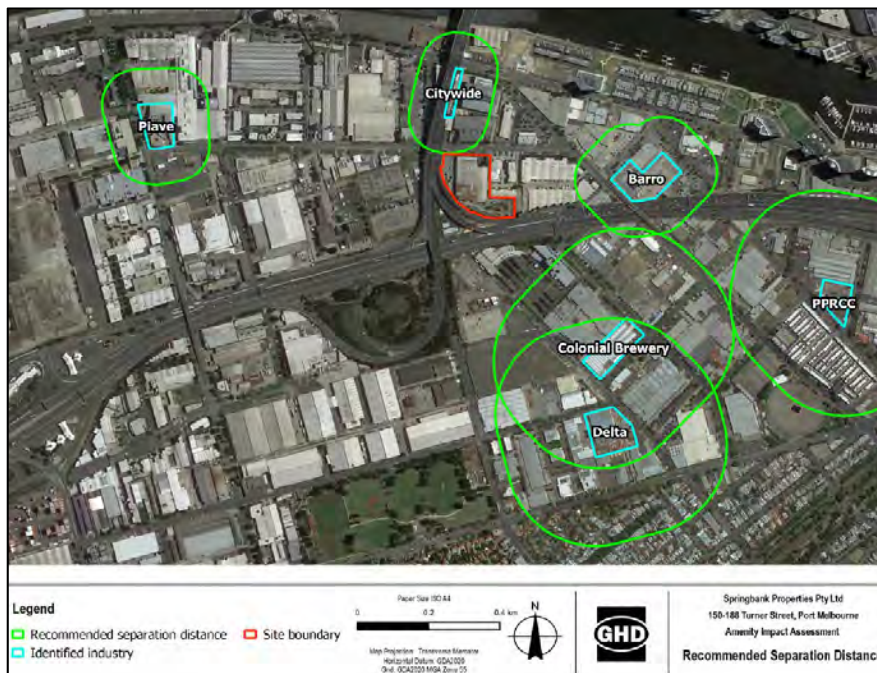
In accordance with Map 3 of CCZ4, the site is located within an identified amenity buffer area on the basis it is located within 300 m of concrete batching. As such, in accordance with Clause 4.4 of CCZ4, an Amenity Impact Plan (AIP) is required.



**Figure 30 – Map 3 Amenity buffers associated with Schedule 4 of the Capital City Zone**

The submitted AIP (prepared by GHD and dated 11 March 2022) states that given the concrete batching plants are existing industries, the EPA recommended buffer distance guideline is the relevant guideline to be used, which outlines the separation distance to be met for the concrete batching plants and other existing industries.

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



**Figure 31 – Proposal site outside the 100 metre EPA default and GHD directional buffers**

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

The AIP concludes:

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

Section 6 of the AIP provides 'mitigation strategies' that tie into the conclusion which says that the physical design of the building will provide for the necessary mitigation of amenity concerns from the industrial uses; the report does not contain specific recommendations to ensure the proposal will comply.

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

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

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

### 7.3.2 Acoustic considerations

An Acoustic Report prepared by AECOM, dated 22 October 2021, has been submitted with the application and notes that it will form part of the previously discussed AIP.

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

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

The acoustic report does not provide specific recommendations to ensure the dwellings will comply with the above. As such, an Officer recommendation includes a condition in the ID for the acoustic report to provide recommendations to ensure the above noise criteria are met.

### 7.3.3 Outstanding CCZ4 Requirements

In addition to the permit requirements for land use and development and an Amenity Impact Plan set out in the CCZ4, the control also provides for certain requirements to be met. The requirements are individually listed and assessed below at Table 4 which ultimately finds the proposal satisfies the requirements.

Table 4 - CCZ4 requirements	
Requirement	Assessment
Dwelling Density	<b>Not applicable</b> The Fishermans Bend Standing Advisory Committee Terms of Reference confirms the proposal does not need to comply with the dwelling density requirement.

	<p>The Site has an area of approximately 2.3 hectares, the dwelling density provision of 339 dwellings per hectare, would otherwise have allowed 779.7 dwellings to be accommodated on the Site (the proposal is for 1526 dwellings).</p>
<p>Bicycle, Motorcycle and Car Share parking</p>	<p><b>Satisfied</b></p> <p>The proposal contains 1526 dwellings, with the employment generating floor space greater than the 10,000 m<sup>2</sup> threshold (23,000 m<sup>2</sup>).</p> <p>The proposal makes provision of the following bicycle, motorcycle and car share parking for the residential component:</p> <ul style="list-style-type: none"> <li>▪ 2,068 bicycle spaces: <ul style="list-style-type: none"> <li>○ 1,579 spaces for residents</li> <li>○ 306 spaces for employees</li> <li>○ 183 spaces for visitors</li> </ul> </li> <li>▪ A minimum of 22 motorcycle parking spaces.</li> <li>▪ A minimum of 2 car share and electric charging spaces provided for each tower.</li> </ul>
<p>Green Star Rating</p>	<p><b>Satisfied</b></p> <p>The Sustainability Management Plan supports the proposal and confirms the project is committed to meeting a 5-star Green Star design.</p>
<p>Third Pipe and Rain Tank</p>	<p><b>Satisfied</b></p> <p>The proposal has been designed to reflect an environmentally sustainable development outcome and as such will satisfy the required conditions subject to the Officer recommended conditions.</p>
<p>Roads and Laneways</p>	<p><b>Satisfied</b></p> <p>The proposal seeks to deliver road reserves. In the case of this proposal all infrastructure is to be delivered by the proponents however the future roads are to be designed to Council satisfaction.</p> <p>As per the requirements of the CCZ4, where a new road or laneway is proposed on the land, and the road, street or laneway is not funded through an Infrastructure Contributions Plan, a permit granted to construct a building or to construct or carry out works must include a condition requiring the following:</p> <ul style="list-style-type: none"> <li>• An agreement under section 173 of the Act must be entered into between the landowner, the responsible authority and the local council (if not the responsible authority) which provides for the: <ul style="list-style-type: none"> <li>○ Construction of the new road or laneway to the satisfaction of the responsible authority and the relevant road management authority; and</li> <li>○ Transfer of the new road or laneway to or vesting in the relevant road authority as a public road at no cost to the relevant road authority. This does not apply to a new laneway that is agreed to be retained in private ownership to the satisfaction of the responsible authority.</li> </ul> </li> </ul> <p>It is recommended this be included in the ID, however, additional wording has been included in regard to the timing for when this infrastructure is</p>

	vested noting that the development of the land to the east is required to provide a full carriageway width of 22 metres.
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## 7.4 Built form

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

### 7.4.1 Building Typologies

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

- Proposing a podium / tower format.
- Providing a four or more storey podium height while ensuring it does not go above maximum heights.
- Ensuring the tower element is somewhat slender.
- Avoiding unreasonable overshadowing to the Sandridge Precinct which is located in the municipality of the City of Port Phillip as most of the overshadowing will fall on the Westgate Freeway and not on any new public open space as identified within the Fishermans Bend Framework.

### 7.4.2 Building Height

The Site is located in an area of DDO67 that does not specify a height limit, however, it anticipates towers of 16 storeys or more. The proposed building heights of the five towers are of concern for the following reasons:

- The proposal at 31, 36, 40, 46 and 50 storeys, provides a height difference of 4-6 storeys. This is not considered to be discernible height difference to achieve the desired variation in skyline.
- Tower B and E are of concern as their height of 50 and 46 stories could be perceived as one volume particularly when viewed from the Bolte Bridge and Yarra River.

It is likely more height difference together with differentiated architecture / typology would achieve an improved outcome. Therefore an Officer recommendation includes a condition for achieving a minimum of 8 storey height difference between the towers without further increasing the height of any tower.

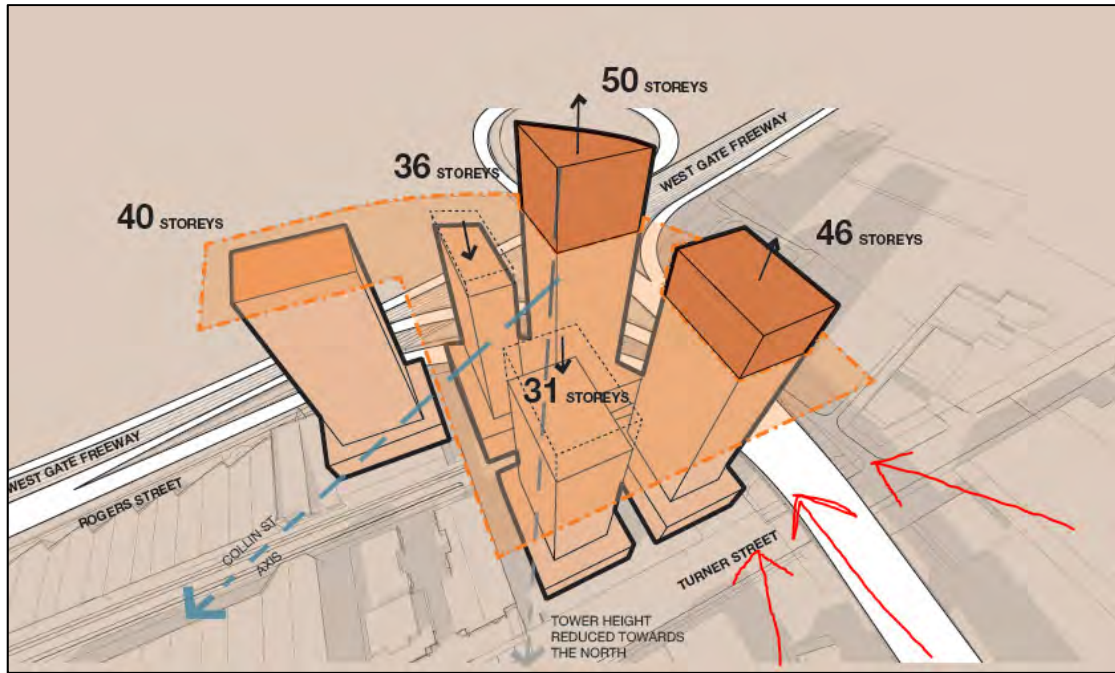


Figure 32 – Tower height variation

### 7.4.3 Overshadowing

While 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 any existing or future public open space.

DDO67 states that the shadows cast should not occur to existing or proposed public open spaces shown in Map 5 between the hours specified in Table 2. Due to the location of the towers on the Site and within the broader Lorimer precinct they do not result in any shadowing implication to the relevant areas identified in Map 5 associated with the DDO76.

It is noted that Public Open Space ‘D’ is within proximity to the Site, however, the extent of shadowing occurs from Tower A after 3pm and is therefore outside the times stipulated in Table 2. Further, for completeness, the shadowing of the towers are unlikely to have any unreasonable implications on any sensitive existing or future land uses associated with Sandridge.

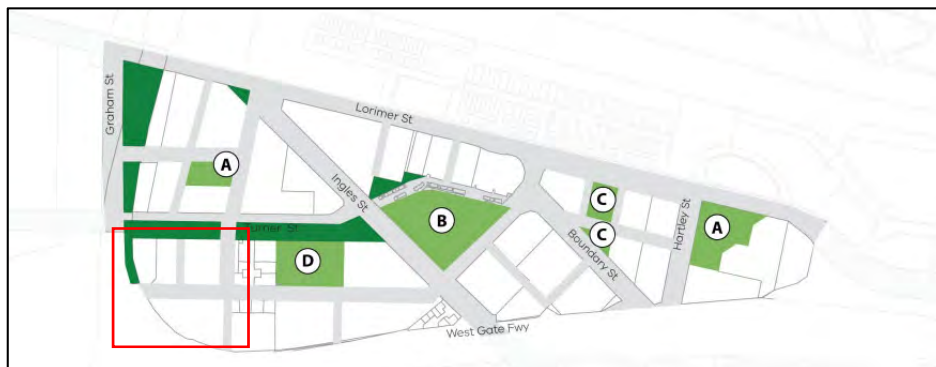


Figure 33– Map 5 to DDO67





Figure 34 – 3pm shadow to future open space ‘D’

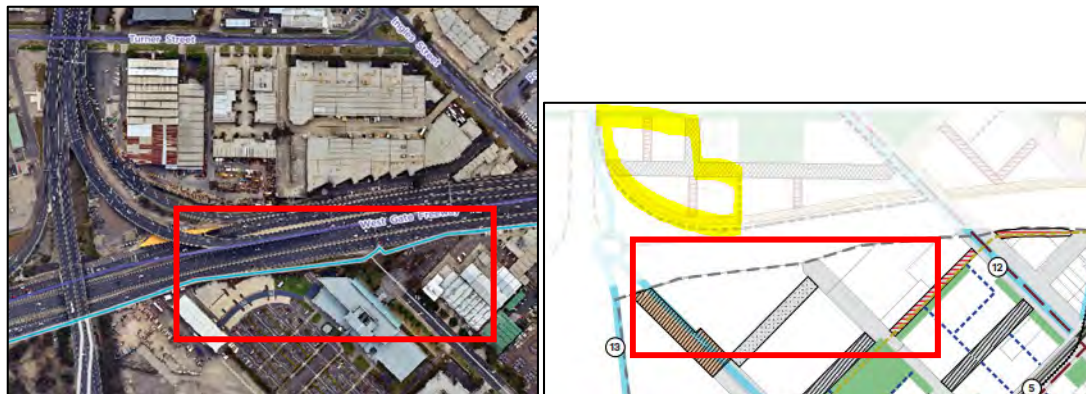


Figure 35 – Existing and future affected properties

#### 7.4.4 Street wall height

DDO67 provides the following street wall height requirements for:

- Turner Street: Street wall Type A – preferred minimum street wall of 4 storeys, maximum mandatory street wall height of 6 storeys.
- South of new east-west road: Street wall Type B – preferred minimum street wall of 4 storeys and maximum street wall height of 8 storeys.
- North of new east-west road, Public Plaza and either side of new north-south road: Street wall Type C - preferred minimum street wall of 4 storeys, maximum street wall height of 6 storeys.

The proposal seeks to construct street wall heights consistent with Table 3 associated with the DDO67.

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

- The height is considered to be a reasonable pedestrian scale.
- Views to the sky and adequate daylight will be maintained.

While the height is supported, the design of the podium and its rectangular form should be improved as per Council's City Design team's comments at Section 6.1 of this report.

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

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

#### 7.4.5 Setbacks above the street wall

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

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

The proposal is greater than 20 storeys and shares an interface with the CityLink overpass. As such, the table stipulates that the proposal requires a 10 metre setback above the street wall to all interfaces other than CityLink where it can be reduced to no less than 5 metres.

The proposal provides 10 metre setbacks above the street walls and 5 metres from the CityLink overpass, complying with the requirements.

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

- Help deliver wind impact mitigation.

- Enable adequate daylight and views to the sky when in the public realm.
- Reduce upper level building bulk.

#### 7.4.6 Side and rear setbacks

DDO67 contains the following side and rear setback requirements:

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

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

The proposal provides 10 metre setbacks above the street walls and 5 metres where the building has direct interface with the CityLink overpass, complying with the requirement.

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

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

#### 7.4.7 Building separation within a site

DDO67 building separation within the site is as follows:

Part of building	Building height	Preferred building separation	Minimum building separation
Below the Maximum street wall height		12 metres	6 metres
Above the Maximum street wall height	≤ 20 storeys	20 metres	10 metres
	> 20 storeys	20 metres	20 metres

Between the towers the proposed building separation complies with the above table. As the proposed towers are greater than 20 storeys, a minimum 20 metres is sought by the DDO. The proposed tower separation ranges from a maximum of 40 metres between the towers to the north and south of the new east-west road. Tower D and E have a building separation of 20.4 metres which still complies with the above table.

#### 7.4.8 Wind effects on the public realm

DDO67 states that buildings and works higher than 40 m:

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

A wind report was provided with the application, prepared by Windtech and dated 22 October 2021 concludes:

*The results of this assessment indicate that the subject development is relatively exposed to the three prevailing wind directions. The hot spots that occur as a result of the three prevailing wind directions have been consolidated and shown on the Figure 9a and Figure 9b for the Ground Level and podium communal terrace areas within and around the proposed development. As a result, there is a potential that wind impacts will affect the comfort/safety of pedestrian trafficable areas within and around the site. The CityLink Pass and the West Gate Freeway are expected to provide some shielding from the westerly and southerly prevailing winds for the Ground Level, communal terraces and some of the podium level private terraces. Additionally, the future developments around this precinct have the potential to provide some shielding and could reduce prevailing wind exposure.*

*The general design of the reference scheme incorporates several beneficial features to reduce the effect of the prevailing wind impacts.*

*The report has highlighted potential hot-spots that need to be considered in the detailed design and where stationary activities are to be avoided or require substantial wind mitigation. General mitigation strategies have been suggested in the report which should be confirmed and refined by means of a quantitative wind tunnel model study at the detailed planning permit application stage.*

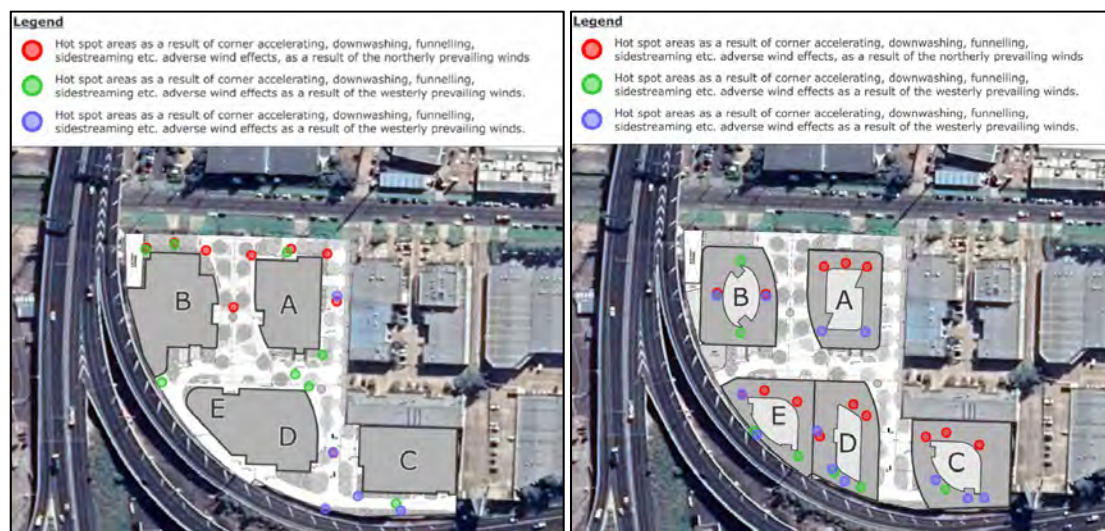


Figure 36 – Figure 9a and 9b referred to in Windtech report dated October 2021

The report identifies there will be potential for wind to impact the comfort / safety of pedestrians within and around the Site.

It is a mandatory requirement of DDO67 in regard to proposed built form creating unsafe wind conditions. As such, as designed the proposal cannot be supported under DDO67.

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

As such, the Officer recommendation includes a requirement for an updated wind assessment that provides recommendations to ensure safe wind conditions are achieved.

#### **7.4.9 Active street frontages**

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

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

#### Services

The proposed development contains services that have been strategically located away from sensitive interfaces or primary streets. The Officer recommendation on the drafted ID includes a requirement for confirmation of compliance with this matter is shown for Stages 2-5.

#### Primary Streets

The proposed street front to Turner Street complies with the active frontage requirement. Specifically the proposal:

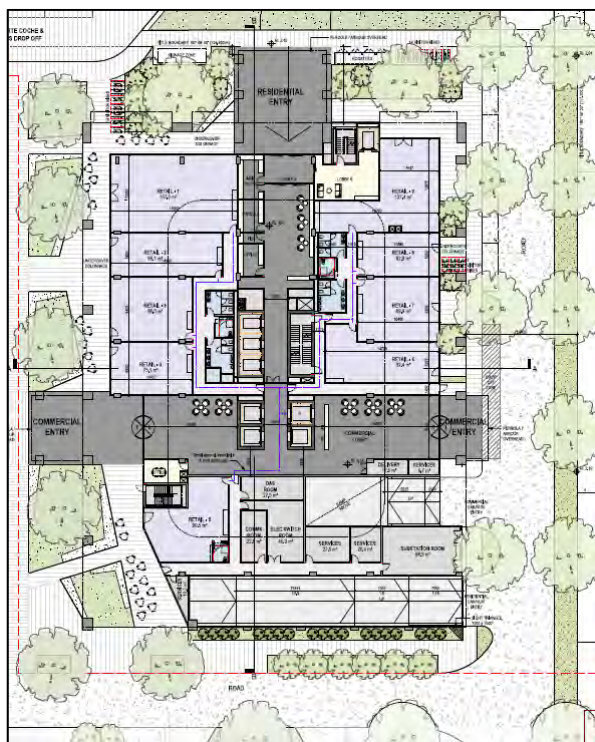
- Locates active uses at Turner Street.
- Provides extensive glazing and activation with retail tenancies at this frontage as well as the building's lobby.
- Minimises services and vehicle access points where possible and locates them to the rear of the Site (south east corner).



**Figure 37 – Stage A proposal with active frontage to Turner Street**

Canopies

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

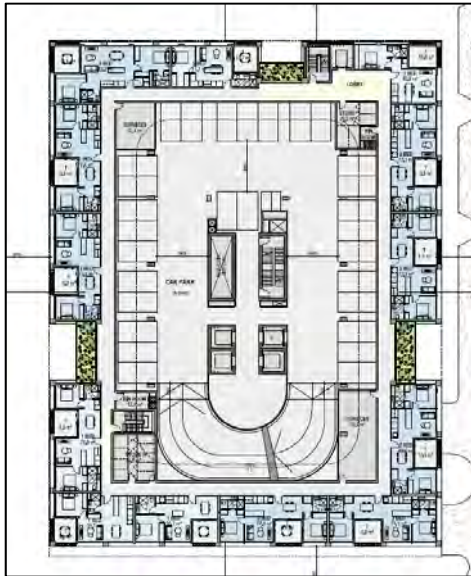


**Figure 38 – Canopies around the building providing weather protection to retail premises**

Car Parking

All car parking is either located within a basement level or has been generally sleeved from view. There is car parking located at the podium levels however, the car parking is at levels 1 and above. Where this occurs the elevation is screened; this is

acceptable given the scale of the buildings and number of car parking spaces for the proposed dwellings required.



**Figure 39 – Car parking within podium sleeved behind dwellings**

#### 7.4.10 Adaptable Buildings

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

Building Element	Adaptability Opportunity	Assessments
Lower levels up to the height of the street wall	At least 4.0 metres floor to floor height at ground level. At least 3.8 metres floor to floor height for other lower levels.	The internal layout of the podium levels result in varying floor-to-floor heights. However, the ground level is generally greater than 4 metre in height and the upper podium levels meet the minimum 3.8 metre requirement. It is noted that strict compliance with this outcome has not been achieved for Stage 1 (Tower A), however, this is on balance considered acceptable as there is a known end commercial user for the building and the levels could still be adapted to provide future dwelling opportunities.
Car parking areas	In areas not in a basement: <ul style="list-style-type: none"> <li>• Level floors.</li> <li>• A floor-to-floor height at least 3.8 metres.</li> </ul> Mechanical parking systems to reduce the area required for car parking.	The proposed podium car parking (except for Tower A) has floor-to-floor heights of 3.8 metres which allows for adaptability and complies.
Dwelling layout	The ability for one and two-bedroom dwellings to be combined or adapted	There is potential for the floor plates to be altered to combine the 1 and 2 bedroom dwellings to create larger dwellings.

	into three or more bedroom dwellings.	The 1 and 2 bedroom dwellings are side by side to easily enable the change if required to meet demand in the future.
Internal layout	Minimal load bearing walls to maximise flexibility for retail or commercial refits	The plans show that load bearing walls are contained to building cores and columns to enable this if required.

### 7.4.11 Building Finishes

DDO67 states that:

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

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

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

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

## 7.5 Clause 58 – Apartment developments

Clause 58 sets out objectives and standards relating to apartment developments. The proposal satisfies each of the objectives and standards of Clause 58 and is supported for Stage A. The proposed dwellings have generous floor to ceiling heights, cross ventilation, functional room sizes, appropriate daylight, and good access to internal amenity while successfully limiting amenity impacts such as overlooking.

Full compliance must also be achieved for subsequent stages and therefore an Officer recommendation includes a condition in the ID for compliance with Clause 58.

## 7.6 Traffic and Parking

### 7.6.1 Car Parking

In accordance with PO13 and the calculations provided at Section 4 of this report, no more than 1,068 car parking spaces should be provided on-site.

The proposal contains 1,560 car parking spaces and therefore exceeds the maximum car parking rate.

The proposed car parking arrangement was not supported by Council's Traffic Engineering team. While it is acknowledged that currently the Site is not as well serviced by public transport as is anticipated in the future, alternative solutions should be explored to reduce the extent of car parking. It is reasonable in the initial stage to provide a higher rate for Tower A, however, the subsequent stages should reduce the extent of car parking to ensure that by the completion of Tower E the broader Site achieves compliance with the provisions of the Parking Overlay.



Furthermore due to the floor-to-ceiling heights of the car parking spaces within the podiums associated with Tower B to E there is scope for these to be adapted to reduce the number of spaces across the Site.

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

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

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

### **7.6.2 Bicycle Parking**

In accordance with CCZ4 and the calculations provided at Section 4 of this report, the proposed bicycle parking greatly exceeds the requirements of CCZ4 and Clause 52.34 of the Scheme. The Site is anticipated to provide a total of 2,068 bicycle parking spaces comprising of the following:

- 1,579 spaces for residents
- 306 spaces for employees
- 183 spaces for visitors

Due to the masterplan approach details on the location for Stages B to E have not been provided and therefore an Officer recommendation includes a requirement for these details to be provided and to ensure spaces are secure, practical and accessible.

While details have not been provided on the masterplan Council's Traffic Engineering supported the proposed bicycle parking approach as outlined in the submitted Traffic Impact Assessment prepared by GTA Consulting dated 11 November 2021.

### **7.6.3 Motorcycle Parking**

In accordance with the CCZ4 and the calculations provided at Section 4 of this report, at least 22 motorcycle spaces should be provided on-site.

The location of the spaces has not been indicated and an Officer recommendation requires details of their location across the Site.

## **7.7 Environmentally Sustainable Design**

Refer to discussion at Section 6 of this report.

## **7.8 Development Contributions**

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

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

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

#### Medium Term (2020-2025)

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

#### Long-Term (2025+)

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

The proposal shows new roads, however, these areas are requirements of the Site as identified in Map 1 associated with Schedule 4 of the Capital City Zone and as such should be considered a site requirement / constraint as opposed to a contribution. No specific details of the proposed roads have been included in the application or how and when they will be vested.

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

- \$17,538.55 per dwelling.
- \$198.55 per m<sup>2</sup> of gross office / commercial floor area.
- \$161.45 per m<sup>2</sup> of gross retail floor area.

Payment in accordance with the above contribution is recommended to be required by a condition in the ID, which is considered to reflect assumed local infrastructure costs. Furthermore it is noted that these contribution rates are consistent with the ones DELWP has included in their draft ID.

### **7.9 Public Open Space Contribution Exemption**

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

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

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

The applicant has not provided reasons in their application that justify their proposal for the exemption from the public open space requirement.

Based on a lack of clarity and information, the exemption is not supported.

## **7.10 Contamination**

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

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

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

## **7.11 Cultural Heritage**

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

*The activity area is situated within the extent of a geological unit labelled coastal dune deposits (Qd11) which under the Aboriginal Heritage Regulations 2007 would be considered an area of cultural, heritage sensitivity.*

Conclusive evidence of significant ground disturbance within the activity area has been demonstrated through an assessment of the current state and the historical development of the activity area. It is evident the area has undergone significant ground disturbance as defined by regulation 4 of the Aboriginal Heritage Regulations 2007. As a result of significant distance, the activity area is not an area of cultural heritage sensitivity, as outlined by Regulation 28 of the Aboriginal Heritage Regulations 2007.

Given evidence has been provided confirming a CHMP is not required, the ID does not include the requirement for a CHMP.

## **7.12 Construction Matters**

Given the scale of the proposal, a construction management plan is recommended to be included as a condition in the ID which will need to be provided on a staged approach.

## **8 CONCLUSION**

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

## **9 RECOMMENDATION**

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

## Appendix 1:

### Draft Incorporated Document

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

# MELBOURNE PLANNING SCHEME

## INCORPORATED DOCUMENT

### Specific controls for 150 to 160 Turner Street, Port Melbourne and 174 to 188 Turner Street, Port Melbourne

#### DATE TBC

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 (the subject land) identified in Clause 3 of this document may be used and developed in accordance with the specific control contained in Clause 4 of this document.
- 1.3. The control in Clause 4 prevails over any contrary or inconsistent provision in the Planning Scheme.
- 1.4. The Minister for Planning is the responsible authority for administering Clause 45.12 of the Melbourne Planning Scheme with respect of this Incorporated Document except that:
  - a) The Melbourne City Council (the Council) is the responsible authority for matters expressly required by the Incorporated Document to be endorsed, approved or done to the satisfaction of the Melbourne City Council.
  - b) The Melbourne City Council is the Responsible Authority for matters under Division 2 of Part 9 of the *Planning and Environment Act 1987*, except where an agreement makes provision for development contributions, for which the Victorian Planning Authority is the Responsible Authority.
  - c) The Melbourne City Council is the Responsible Authority for the enforcement of this Incorporated Document.

#### 2. PURPOSE

- 2.1. To facilitate the use and development of the land identified in Clause 3 for the demolition of existing buildings, a staged use and development of **five towers and four podiums** comprising Accommodation (Dwellings), Offices and Retail premises, **Minor Sports and Recreation Facility** and create or alter

access to a road in a Transport Zone 2 in accordance with Clause 4 of this document.

### 3. LAND DESCRIPTION

3.1 The control in Clause 4 applies to the land at 150 to 160 Turner Street, Port Melbourne and 174 to 188 Turner Street, Port Melbourne (the Land), described in the following Certificates of Titles described as Crown Allotment 17D, 20A(Part) and 20C, Melbourne South City of Port Melbourne and Crown Allotment 20D, Melbourne South City of Port Melbourne. The land is identified in Figure 1 below.



Figure 1: Map of the land subject to this Incorporated Document

### 4. CONTROL

#### Exemption from the Planning Scheme requirements

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

- 4.3. Notwithstanding Clauses 4.2(b), any permit allowing subdivision of the Land must include a condition requiring payment to Council, before a statement of compliance is issued, of a public open space contribution equal to 8% of the site value of the Land.

#### **Compliance with the approved documents**

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

#### **Layout and use of the development not to be altered**

- 4.5. The use and development on the land as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

#### **Amended Masterplan and Stage A Development Plans**

- 4.6. Before the development starts, excluding demolition, excavation, piling and site preparation works and works to remediate contaminated land, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and fully dimensioned and must be generally in accordance with the Architectural Drawings prepared by [RotheLowman Masterplan dated June 2022](#), but modified to show:
- a) [Road reserves as per the assigned width, full length, and precise alignment outlined in Map 1 of Schedule 4 to Clause 37.04 of the Melbourne Planning Scheme and defined in further detail in 'Fishermans Bend –Definitions Plan, 162-188 Turner Street, Print Date 7/12/2018'](#). Specifically this includes:
    - i. [An east-west 22m wide road reserve extending across the entirety of the site from eastern to western boundary, in full 22m width for its entire length.](#)
    - ii. [The western 11m wide half of a north-south 22m wide public road reserve straddling the boundary between 162-188 Turner Street and 190-206 Turner Street property, extending north from Turner Street, south to the new east-west 22m road. The remaining eastern 11m width is to be located on the neighbouring 190-206 Turner Street property.](#)
    - iii. [An east-west 10m landscape setback, along the entire northern boundary to Turner Street, to be incorporated as a widening to the existing Turner Street road reserve.](#)
    - iv. [A north-south 12m wide public road reserve extending north from Turner Street, south to the new east-west 22m road, in full 12m width for its entire length. The road reserve may be closed to vehicular traffic and opened to pedestrian and bicycle movement only.](#)
  - b) [All existing and future public road reserves to be shown unencumbered below ground level, unencumbered at ground level and unencumbered above ground level. All proposed private structures including, but not limited to, ramps, basement car parking, back of house compounds,](#)

building overhangs and bicycle parking, must be shown as located on private property outside of all existing and future public road reserves.

- c) Existing and proposed road reserve title boundaries and dimensions to be shown on all architectural plans and sections.
- d) An increase in the extent of non-residential floor space to 1.7:1 in accordance with Clause 22.27-4.1 of the Melbourne Planning Scheme to the satisfaction of the Responsible Authority.
- e) A minimum of 20 per cent three or more bedroom dwellings in accordance with Clause 22.27-4.3 of the Melbourne Planning Scheme.
- f) Provision of four collocated multi-purpose courts, runoff space, court divider and team and spectator viewing, with a contiguous column free clear-span area of 75m x 47m and a height clearance of 10 metres. The design of the courts must be to the satisfaction of the Melbourne City Council or an alternative community facility to the satisfaction of Melbourne City Council.
- g) Provision of ancillary facilities for the multi-purpose courts including reception, administration office, foyer, toilets, 2 x multi-purpose community rooms, court change rooms, umpire change rooms, equipment store, first aid room and car parking. The design of these facilities must be to the satisfaction of the Melbourne City Council.
- h) Alteration to Tower B and E to ensure there is an 8 storey difference without increasing the overall height of either tower, or alternative design solution which achieves a comparable outcome of variation in tower form.
- i) Amendments to the street edge definition and improvements on the orientation of the towers to achieve greater visual connection to the amended road layout in accordance with Map 1 of Schedule 4 to Clause 37.04 of the Melbourne Planning Scheme.
- j) Provision of car parking in accordance with Schedule 13 to Clause 45.09 of the Parking Overlay.
- k) Provision of Bicycle, Motorcycle and Car sharing parking in accordance with Section 4.2 associated with Schedule 4 to Clause 37.04 Capital City Zone. These must be identified on plans and located in convenient and accessible locations.
- l) AHD levels for natural ground / street level with the provision of level changes occurring on-site only.
- m) A note that car parking areas to be delivered in the private realm must be retained in a single or a consolidated title as common property in accordance with Section 3.1 associated with Schedule 4 to Clause 37.04 Capital City Zone.
- n) Ramp grades of <1:10 for the first 5m from site boundaries at the access and pedestrian sight triangles of 2m x 2.5m at the exits.
- o) Stormwater treatment assets.
- p) Removal of any signage from the plans that would require planning permission under Clause 52.05 (Signs) of the Melbourne Planning Scheme.
- q) The requirements of the Façade Strategy in accordance with the corresponding condition(s) below.



- r) The requirements of the Waste Management Plan in accordance with the corresponding condition(s) below.
- s) The requirements for external reflectivity in accordance with the corresponding condition(s) below.
- t) The requirements for Landscaping in accordance with the corresponding condition(s) below.
- u) The requirements for Traffic, Parking and Loading in accordance with the corresponding condition(s) below.
- v) The requirements for new Roads and Laneways in accordance with the corresponding condition(s) below.
- w) The requirements for Acoustic measures in accordance with the corresponding condition(s) below.
- x) The requirements of the Amenity Impact Report in accordance with the corresponding condition(s) below.
- y) The requirements of the Wind assessment in accordance with the corresponding condition(s) below.
- z) All Environmentally Sustainable Design requirements in accordance with the corresponding condition(s) below.
- aa) All Third Pipe requirements in accordance with the corresponding condition(s) below.
- bb) Any changes, technical information and plan notations (or otherwise) required as a consequence of any provision in Clause 4 of this Incorporated Document.

## Staging

- 4.7. Before any stage of the development starts, excluding demolition, excavation, piling and site preparation works and works to remediate contaminated land, a Staging Plan must be submitted to and be approved by the Responsible Authority. This Staging Plan must be generally in accordance with the plans prepared by Rothelowman dated June 2022 and include:
- a) Details of staging of the development, including the sequencing of construction of all roads, lanes and public open space, construction access, staging of actual building elements, dealing with any interim solutions, split-staged construction, ownership and management delineation and the like.
  - b) Implementing the proposed stages in a safe and appropriate manner.
  - c) Facilitating subsequent sequencing.
  - d) Minimising redundant works.
  - e) Proposed linkages to future streets.
  - f) An effective utility service strategy covering all stages.
  - g) Connectivity/ relationship between the subject site and surrounding land, neighbouring developments and relevant future strategic documents.
  - h) Geotechnical reports and pavement designs for the road reserves in light of approved Environmental audits to ensure that long-term environmental and ground settlements effects are minimised/ managed.

The development must proceed in the order of the stages as shown on the endorsed Staging Plan(s), unless otherwise agreed to in writing by the Responsible Authority.

### **Amended Stage A Development Plans**

- 4.8. Concurrently with the endorsement of the Amended Masterplan/ Staging Plan and before the development starts, excluding demolition, excavation, piling and site preparation works and works to remediate contaminated land, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and fully dimensioned and must be generally in accordance with the Architectural Drawings prepared by Rothelowman Stage A dated May 2022, but modified to show:
- a) An amendments as a result of the Amended Masterplan and Staging Plan.
  - b) Alternative ground floor design that remove the reliance on the colonnade treatment particularly to the east, south and west.
  - c) Reduction or removal of the canopy pergola structure which extrudes from the building into public realm areas.
  - d) Alterations to the southern façade street wall to improve its level of activation.
  - e) Removal of the 'port-cochere and bus drop off area' shown on the Stage A plans.

### **Detailed Development Plans (Stage 2 to 5)**

- 4.9. Before the relevant stage of the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, amended plans must be submitted to and be approved by the Responsible Authority. The plans must be drawn to scale and fully dimensioned and must be generally in accordance with the Architectural Drawings prepared by Rothelowman dated June 2022, but modified to show:
- a) Full design detail for the relevant tower and podium.
  - b) Existing conditions, including any earlier completed stages.
  - c) Detailed floor plans including setbacks, dimensions and internal layouts.
  - d) Detailed elevations of all buildings and podiums and cross-section drawings of all buildings, including basement levels.
  - e) Elevation drawings of all buildings including nominal details of materials and finishes.
  - f) All plan and elevation drawings to show principal dimensions, including natural ground level, building ground floor levels, and wall and building heights (including maximums), with heights expressed to Australian Height Datum (AHD).
  - g) Elevation and cross-section detail drawings of ground level transitions from footpath level to any vehicle entries and raised building entries and internal lanes within the site.
  - h) Car parking space, access aisle dimensions, ramp grades and lengths, clearance between walls/columns in accordance with Clause

52.06 (or as otherwise agreed by the Responsible Authority in consultation with Melbourne City Council).

- i) A Better Apartment Design Standards assessment ensuring a high level of compliance with all Clause 58 (Apartment Developments) standards and objectives, ~~unless otherwise agreed by the Responsible Authority.~~
- j) Any changes, technical information and plan notations (or otherwise) required as a consequence of any provision in this Incorporated Document.

### **Construction and Demolition Management Plan**

4.10. Before the demolition starts, a detailed Construction and Demolition Management Plan (CDMP) must be submitted to and approved in writing by the Council. 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).

### **Tree Protection Plan**

4.11. Before the development starts, including demolition and bulk excavation, a Tree Protection Plan (TPP) must be provided to the satisfaction of the Council (Urban Forestry & Ecology). The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:

- a) City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
- b) Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries, loading zones and machinery locations.
- c) Site specific details of the temporary tree protection fencing to be used to isolate public trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the works.
- d) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.

- e) Full specifications of any pruning required to public trees with reference to marked images.
- f) Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
- g) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).

### **Aboriginal Cultural Heritage**

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

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

4.13. 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**

4.14. Before the development of each stage 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 requirements of this incorporated document and include:

- a) A concise description by the architect(s) of the building design concept and how the façade works to achieve this.
- b) Three dimensional renders of the development in context, taken from key vantage points;
- c) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high quality built outcome in accordance with the design concept.
- d) Information about how the façade will be accessed and maintained and cleaned, including any planting if proposed.
- e) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, contextually appropriate, durable and fit for purpose. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the

materials and finishes linking them to a physical sample board with coding.

- f) Further landscape resolution and 1:20 architectural detail to depict planters embedded within the facade treatment to ensure the vertical greening depicted on elevations and renders will be viable.
- g) 1:20 sectional details depicting the condition where 'perforated brick' is used as a facade screen over glazing.
- h) Detailed 1:20 or 1:50 ground floor elevations clearly depicting the detailed design of ground floor thresholds and interfaces, including treatments to services frontages, glazing framing, shrouds or canopies around all key building entries, integrated seating to plinths, any operable windows to maximise connectivity with the street, the glazing interface to bicycle parking, and additional canopies for weather protection.
- i) Additional details and material specification for services doors and garage doors to better reflect their function and provide added visual interest and transparency, including consideration of any textured finish or screening pattern design.
- j) The clear depiction of all building entry doors to retail and commercial tenancies at the ground floor on overall building elevations and 1:20 detailed elevations, and consideration of other measures to emphasise their identity of entries including well-designed shrouds or localised canopies.
- k) Specification of glazing to ensure a highly levels of transparency and reflectivity to not exceed 15%, except with the prior written consent of the Responsible Authority.

## Reflectivity

- 4.15. 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 15% of visible light when measured at an angle of incidence normal to the surface.

## New Roads

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

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

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

## Affordable Housing

- 4.17. Before the development of the relevant stage starts, excluding demolition, bulk excavation, piling, site preparation works, and works to remediate contaminated land the landowner must enter into an agreement with the Responsible Authority with the Minister specified as a party to the agreement, under section 173 of the *Planning and Environment Act 1987*, to the satisfaction of both parties, for the delivery of affordable housing (as defined in the Act).
- 4.18. The agreement must be registered on title to the Land and the landowner must be responsible for the expense of preparation and registration of the agreement including the Responsible Authority's and the Minister's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and ending of the agreement (where applicable).
- 4.19. The agreement must be in a form to the satisfaction of both parties and include covenants that run with title to the Land to:
- a) Provide for the delivery of at least 6% of the total number of apartments for affordable housing as defined by Section 3AA of the Act before the development is occupied. This may be provided by utilising one or more of the following mechanisms for the delivery of affordable housing:
    - i. Transferring dwellings within the development to a registered housing agency or other housing provider or trust entity approved by the Responsible Authority at a minimum 35% discount to market value; or
    - ii. Leasing dwellings within the development as affordable housing under the management of a registered housing agency or housing provider or trust approved by the Responsible Authority at a minimum 35% discount from market rent for a period of not less than 30 years for the building approved under this control. The overall value of the leased dwellings must be equivalent or higher to 4.17(a); or
    - iii. any other mechanism providing a contribution of equivalent or higher value to Clause 4.17(a)(i) to the satisfaction of both parties.
  - b) Unless otherwise agreed in writing by the Responsible Authority, in consultation with the Minister, the affordable housing delivered under Clause 4.17(a) must:
    - i. be delivered within the development approved by this incorporated document;
    - ii. take the form of one or two or three-bedroom dwellings generally representative of the approved dwelling mix unless otherwise required by a registered housing agency or other housing provider;
    - iii. be functionally and physically indistinguishable from conventional dwellings within the development;
    - iv. include access to all common facilities within the building at no extra fee for occupants of affordable housing dwellings; and
    - v. allocate one or more bicycle parking space per dwelling for the life of the affordable housing.

- c) Provide that if the affordable housing is delivered under Clause 4.17(a)(ii), the agreement must contain a mechanism for review of the minimum discount from market rent by reference to updated income and rental figures upon request by the Responsible Authority to ensure the housing continues to meet the definition of affordable housing in the Act and by reference to relevant Regulations, Ministerial Notices, Orders in Council and the like.

4.20. The agreement may provide that:

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

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

### **Landscaping and Public Realm**

4.22. Before the development of each Stage 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. This detailed plan must be generally in accordance with the landscape plans prepared by Tract dated October 2021 and the requirements of this incorporated document, but amended to include:

- a) **Cross sections to demonstrate:**
  - **The relationship between open space/streetscapes and buildings including key levels**
  - **Deep soil provisions for tree planting in accordance with the Better Apartments Design Standards**
- b) **Further information regarding the integration and access to the public realm during various staging packages**
- c) A detailed breakdown of soil volumes and planter depths for all on structure planting.
- d) A Landscape Maintenance Plan to further detail the ongoing maintenance of on-structure planters, including specific provision for

maintenance beyond the fifty-two-week period following Practical Completion.

- e) A planting schedule of all proposed trees and other vegetation including botanical names, common names, pot sizes, soil volumes, sizes at maturity, and quantity of each plant and their protection and maintenance.
- f) How the landscaping responds to water sensitive urban design principles, including how rainwater will be captured, cleaned and stored and the location and type of irrigation systems to be used including the location of water tanks and water sensitive urban design principles, as appropriate.
- g) Details of all hard-landscaping materials, finishes and treatments (including around building entrances) and urban design elements including paving, lighting, seating and balustrading.
- h) Details of surface materials and finishes and construction of retaining walls, pathways, kerbs and access ways.
- i) Elevations, sections, levels and details including materials and finishes of public realm works including reconstruction of any public assets.
- j) Inclusion of innovative approaches to flood mitigation and stormwater run-off, and best practice Water Sensitive Urban Design (WSUD).

### **Public Realm Works**

4.23. Before any stage of the development starts, including demolition, excavation, piling, site preparation works and works to remediate contaminated land, plans must be provided to the satisfaction of the Council that demonstrate existing public trees can be successfully retained without detrimental impacts to their health and longevity (unless otherwise agreed). The plans must be accompanied by an Arboricultural Impact Assessment from a suitably qualified Arborist in accordance with AS4970-2009 – Protection of trees on development sites.

4.24. All landscaping shown in the approved landscape and public realm plans must be carried out and completed prior to occupation of buildings under each stage of the development and thereafter maintained to the satisfaction of the Council.

### **Public Tree Removal / Pruning**

4.25. No public tree adjacent to the site can be removed or pruned in any way without the prior written approval of the Council.

### **Public Tree Protection**

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

4.27. Following the approval of a Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the



duration of construction activities. The bond amount will be calculated by council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted on, the Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.

### **Legal Agreement – New Laneways and Roads**

4.28. ~~Before the commencement of the use/occupation of Stage XXXX, the owner of the land must enter into an agreement under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority (as identified in Clause 1 of this Incorporated Document) for the delivery of new laneways and roads. The agreement must provide the following:~~

- ~~a) Be registered on the relevant certificate(s) of title to which it affects;~~
- ~~b) Full construction of XXXX in accordance with the approved Staging Plan to the satisfaction of, and at no cost to the Melbourne City Council before the occupation of the building(s) in each respective stage;~~
- ~~c) Give rights of public access to the XXXX within the subject land 24 hours a day, 7 days a week, but to remain at all times in private ownership as part of the subject land as marked on an agreed plan;~~
- ~~d) Ensure that access is maintained except when routine inspection and maintenance is being undertaken and other exceptions that may be agreed to in writing by the parties.~~
- ~~e) The Owners' Corporation must at its cost, maintain the XXXX within the subject land to standards as required by the Melbourne City Council;~~

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

### **Traffic, Parking and Loading/Unloading**

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

- a) A Comprehensive traffic analysis of the impact of the overall site on the surrounding road network, including SIDRA analysis of the Turner St / Ingles St, Turner St / Graham St, Lorimer St / Graham St and Lorimer St / Ingles St intersections.
- b) Swept path assessments undertaken for all the required design vehicles, demonstrating access both to/from Turner St and along the internal roads. Vehicles must be able to simultaneously access and egress the site, to ensure inbound vehicles don't stop in the street while waiting for outbound vehicles to exit.
- c) A note that a Traffic Impact Assessment must be submit for each stage of development.

- 4.30. A comprehensive Green Travel Plan (GTP) must be prepared for this development, which would further encourage the use of sustainable transport.
- 4.31. All traffic access and parking and loading/unloading arrangements must not be altered without the prior written consent of the Responsible Authority.
- 4.32. 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.
- 4.33. 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.
- 4.34. Prior to the commencement of the development hereby permitted, a formal independent desktop Road Safety Audit of the proposed development must be undertaken, at the developer's expense, which should include the vehicular/bicycle/pedestrian access arrangements, loading arrangements, internal circulation/layout, the design/layout of the new road, the pedestrian path along the eastern boundary and all works within the public realm and consideration of the proposed paths of travel shown in Stage 2 of which includes the requirement for pedestrians to cross internal roadways to access waste storage areas. The findings of the Audit should be incorporated into the detailed design, at the developer's expense to the satisfaction of the City of Melbourne – Infrastructure & Assets.

#### **Loading Management Plan**

- 4.35. Prior to the first occupation of each Stage of the development hereby approved (excluding demolition and bulk excavation), a Loading Management Plan (LMP) must be prepared, specifying how the access/egress of loading vehicles is to be managed to the satisfaction of the City of Melbourne – Infrastructure & Assets. A Dock Manager should be employed, responsible for controlling the operation of the loading bay and unloading of goods. If it is necessary to undertake any reversing manoeuvres within the site, the Dock Manager's responsibilities should include:
- a) Present on site during all periods when deliveries are to be undertaken.
  - b) Act as spotter for any reversing movements into the loading bay.
  - c) Act as informal traffic controller to discourage pedestrian movements when vehicles reverse.
  - d) Ensure conflicts do not occur between loading and other vehicles.
  - e) Ensure that space used for vehicle manoeuvring is kept clear of other vehicles/obstructions at all times.

#### **Waste Management Plan**

- 4.36. Before the development of each Stage 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 Council. This WMP must be generally in accordance with the Waste Management Plan prepared by Leigh Design Pty Ltd, but amended to address the following:

- a) Section 1.1: Indicate that WMP must be prepared for each stage and to clearly label which stage the relevant WMP is for.
  - b) Section 1.3:
    - i. states that residential waste compactors will be collected once per fortnight, however Table 2 indicates a collection frequency of 1-2 times per week. This will need to be clarified.
    - ii. Note: City of Melbourne will be collecting separate organics and glass in future. Private collection of these waste streams is only required until such time that Council provides this service.
  - c) Section 1.4:
    - i. Mentions 3 garbage chutes and 5 recycling chutes in pairs. Provide details how the 5 recycling chutes are paired with the 3 garbage chutes
    - ii. Specify that at least 4m<sup>2</sup> is provided for hard waste storage for Tower A residents, collected once monthly.
  - d) Table 2:
    - i. Adequate space must be allocated for both hard waste and e-waste in each residential tower. Tower A is entitled to 4m<sup>2</sup> for hard waste. Note: Council can provide 240L or 660L e-waste bins
    - ii. If a 9m<sup>3</sup> compactor is provided for residential garbage and a 12m<sup>3</sup> compactor for residential recycling, collection will only be required once per fortnight (as indicated in Section 1.3)
    - iii. Show separate sections for residential and commercial waste in Table 2.
    - iv. The table does not include commercial garbage or recycling and has inadequate provision for commercial organics.
    - v. Increasing the number of 240L bins provided for organics and glass will make it possible to reduce collections from 3 to 2 times per week.
    - vi. The Note under Table 2 suggests that all compactors and bins are provided by the operator. Please note that where there is currently a Council residential FOGO service, the Council provides 120L bins.
  - e) Table 4: Update to show 4 bin types and use AS4123.7 colour coding for all bins.
  - f) Section 2.1: Is not adequate for residents to require the Operator to escort them into the bin store to dispose of their organics, glass, hard waste, e-waste or charity goods. Developers must ensure it is at least as easy to dispose of organics (and glass when the service is provided) as it is to dispose of garbage.
  - g) Section 2.2: When using compactors, buildings must be able to cater for a hook lift vehicle of 10.8m in length, and requiring a 5m height clearance at the point of lift. This clearance must be illustrated in elevation diagrams which show all hanging services at the development's entry and exit point
  - h) Any changes required under this Incorporated Document.
- 4.37. 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.

### Civil Design Requirements

- 4.38. Before the development starts, a comprehensive Stormwater Management Plan for the development site with regard to the Lorimer precinct catchment and the proposed development. The report shall include a strategy for the management of overland flow paths for the 100-year AR (1% AEP) and consideration for the upstream drainage. This plan must be prepared to the satisfaction of City of Melbourne – Infrastructure and Assets.
- 4.39. Prior to the commencement of the development, a stormwater drainage analysis and design with flood modelling, according to the Fishermans Bend Integrated Water strategy must be submitted to and approved by the 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 the City of Melbourne – Infrastructure and Assets.
- 4.40. 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.
- 4.41. Before the development starts, 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.
- 4.42. Before the use/occupation of the development starts, 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.
- 4.43. All new roads (including the provision of footpaths, public lighting, drainage, street trees, pavement marking, signage, street furniture, etc.) must be constructed prior to the occupation of the relevant stage of the development.
- 4.44. All portions of roads and laneways affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by City of Melbourne – Infrastructure and Assets.
- 4.45. The footpath adjoining the site along Turner Street must be renewed together with associated works including the renewal of kerb and channel and medication of services as necessary at the cost of the developer, in accordance with plans and specifications/ materials first approved by City of Melbourne – Infrastructure and Assets.
- 4.46. ~~The kerb and channel adjoining the site along XXXXX Street must be reconstructed in new sawn 300mm wide bluestone kerb and 250mm wide bluestone channel at the cost of the developer, in accordance with plans and specifications first approved by City of Melbourne – Engineering Services.~~

- 4.47. ~~The footpaths adjoining the site along XXXXX and XXXXX streets must be reconstructed in asphalt 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. Prior to the commencement of the development, excluding preliminary site works, demolition, and any clean up works, or as otherwise agreed, a lighting plan must be prepared to the satisfaction of City of Melbourne. The lighting plan should be generally consistent with Council's Lighting Strategy, and include the provision of public lighting in Turner Street and all proposed new Roads. The lighting works must be undertaken prior to the commencement of the occupation of the development, in accordance with plans and specification first approved by City of Melbourne –Infrastructure and Assets.
- 4.50. Existing public street lighting must not be altered without first obtaining the written approval of City of Melbourne – Infrastructure and Assets.
- 4.51. Existing street furniture must not be removed or relocated without first obtaining the written approval of City of Melbourne – Infrastructure and Assets.
- 4.52. All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed within and adjacent to redevelopment and 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.
- 4.53. 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) Be generally consistent with Council's Lighting Strategy, and include the provision of public lighting in existing streets and the new roads.
  - c) Require all public lighting to conform with AS1158, AS3771 and the Public Lighting Code December 2015 (v2).
  - d) The lighting works shall include undergrounding of the public lighting cables in streets.
  - e) The approved lighting plan must be implemented as part of the development to the satisfaction of the Council.
- 4.54. The lighting works must be undertaken prior to the commencement of the use/occupation of the development, at the cost of the developer, in accordance with plans and specifications approved by the Council.

#### **Land Survey Conditions**

- 4.55. Any proposed Canopy must comply with the Councils Road Encroachment Guidelines.
- 4.56. Prior to occupation of Stage A, the internal access ways which provide access to Stages A, B, C, D & E must be named in accordance with the Geographic Place Names Act 1998 to provide appropriate street addressing

to the buildings. Any proposed road name must comply with the Any proposed road name should comply

### **Noise Attenuation**

- 4.57. Before the relevant stage of the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, an updated Acoustic Report prepared by a qualified acoustic consultant must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the Acoustic Report, prepared by AECOM, but modified to include an assessment of the detailed design of each stage against the requirements of Clause 58.04-3 of the Melbourne Planning Scheme and provide details of the specific measures required to be implemented for each stage.
- 4.58. The recommendations in the Acoustic Report must be implemented prior to the commencement of the use/occupation of the relevant stage of the development.
- 4.59. All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with Division 1 and 3 of Part 5.3 - Noise, of the *Environment Protection Regulations 2021* to the satisfaction of the Council. A report prepared by a suitably qualified professional demonstrating compliance with the requirements of this condition must be submitted prior to the commencement of the use.

### **Noise Limits for Entertainment Venues and Outdoor Entertainment Events**

- 4.60. The level of noise emitted from the premises must not exceed the permissible levels specified in Division 1 and 4 of Part 5.3 - Noise, of the *Environment Protection Regulations 2021* to the satisfaction of the Responsible Authority. A report prepared by a suitably qualified professional demonstrating compliance with the requirements of this condition must be submitted prior to the commencement of the use.

### **Amenity Impact Plan**

- 4.61. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, an amended Amenity Impact Plan ~~Report~~ must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the Amenity Impact Plan prepared by GHD Pty Ltd date March 2022, but amended to include:
  - a) The mitigation strategies expressed in the AIP expressed as recommended measures to mitigate potential amenity impacts to the proposed dwellings from the existing industrial uses.

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

### **Disability Access**

- 4.62. Before each stage of the development is occupied, a Disability Discrimination Act Assessment/Audit for that stage, prepared by a suitably qualified consultant, must be submitted to the Melbourne City Council. This document must provide an assessment of the development (including public

realm works or publicly accessible areas) against the applicable accessibility provisions of the Building Code of Australia and the applicable provisions of the Disability (Access to Premises – Buildings) Standards 2010.

## Wind Assessment

- 4.63. Before the development of each Stage starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, an amended wind assessment report must be submitted to and be approved by the Responsible Authority. The amended wind assessment must be generally in accordance with the report prepared by Windtech dated October 2021 but modified to address all changes required under this Incorporated Document and must (unless otherwise agreed in writing by the Responsible Authority):
- a) Include wind tunnel tests taken at various points within the surrounding public realm with an assessment area determined in accordance with Section 2.11 of Schedule 67 to Clause 43.02 Design and Development Overlay of the Melbourne Planning Scheme and communal open space areas, carried out on a model of the approved building inclusive of the modifications required to determine the wind impacts of the development and provide recommendations for any modifications which must be made to the design of the building to improve any adverse wind conditions within the public realm and communal open space areas.
  - b) Include in the assessment of any relevant approved developments.
    - a) Demonstrate (or provide built form recommendations) that the development will ensure all publicly accessible areas, including footpaths will not be adversely affected by 'unsafe wind conditions' as specified in Table 7 of Schedule 67 to Clause 43.02 Design and Development Overlay of the Melbourne Planning Scheme.
    - b) Demonstrate (or provide built form recommendations) that the development should achieve 'comfortable wind conditions' as specified in Table 7 of Schedule 67 to Clause 43.02 Design and Development Overlay of the Melbourne Planning Scheme.
    - c) Demonstrate achievement of the wind comfort criteria outlined in Section 2.11 of Schedule 67 to Clause 43.02 Design and Development Overlay of the Melbourne Planning Scheme for areas within the assessment distance as follows:
      - Sitting: Areas in the public realm/ publicly accessible private areas that are designed for outdoor seating;
      - Standing and Walking: The New Street footpath and areas outside building / tenancy entries along New Street; and
      - Any further modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas must be located within the development (not on public land), carefully developed as an integrated high-quality solution with the architectural design and may rely on street trees to the satisfaction of the City of Melbourne.
- 4.64. Any further modifications required to the development in order to ensure acceptable wind conditions to surrounding publicly accessible areas must be

carefully developed as an integrated high-quality design solution to the satisfaction of the Council.

- 4.65. The recommendations and requirements of the approved Wind Impact Assessment Report must be implemented to the satisfaction of the Council before each stage of the development is occupied.

### **Development Contribution**

- 4.66. Before any stage of the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the landowner must enter into agreement(s) pursuant to Section 173 of the *Planning and Environment Act 1987* (the Act) with the Responsible Authority and make application to the Registrar of Titles to have the agreement(s) registered on the title to the land under Section 181 of the Act to the satisfaction of the Responsible Authority. The agreement(s) must:
- a) Require the landowner to pay a development contribution of:
    - i. \$17,538.55 per dwelling;
    - ii. \$198.55 per sqm of gross office/commercial floor area; and
    - iii. \$165.46 per sqm of gross retail floor area.
  - b) Any development contribution required by Clause 4.58a may be offset by any agreed costs of delivering of agreed infrastructure, to the satisfaction of Melbourne City Council and the Fishermans Bend Taskforce.
  - b) Require that development contributions are to be indexed annually from 1 July 2021 using the Price Index of Output of the Construction Industries (Victoria) issued by the Australian Bureau of Statistics.
  - c) Require registration of the Agreement on the titles to the affected lands as applicable.
  - d) Include a schedule of the types of infrastructure to be delivered by the Victorian Planning Authority or their successor.
  - e) Confirm that contributions will be payable to the Victorian Planning Authority or their successor.
  - f) Confirm that the Victorian Planning Authority or its successor, will use the contributions to deliver the schedule of types of infrastructure.
  - g) Require payment of the development contribution/s before the earliest of the following:
    - i. The issue of an occupancy permit for the development; or
    - ii. The issue of a statement of compliance in relation to the subdivision of the land in accordance with the development allowed under this specific control.
  - h) Confirm the procedure for refunding monies paid if an approved Development Contribution Plan or Infrastructure Contributions Plan for the area is less than the amount stipulated in the section 173 agreement.
  - i) Make provision for its removal from the land following completion of the obligations contained in the agreement.



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

### **Overshadowing**

- 4.67. The buildings must not result in any overshadowing of parks protected by mandatory overshadowing controls as shown on Map 5 of Schedule 67 of the Design and Development Overlay (DDO67) of the Melbourne Planning Scheme.

### **Environmental Audit**

- 4.68. Prior to the commencement of the development (excluding any works necessary to undertake the audit), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the Responsible Authority in accordance with section 210 of the Environment Protection Act 2017 responding to the matters contained in Part 8.3, Division 3 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority. The EAS must either:

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

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

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

### **Compliance with Statement of Environmental Audit**

- 4.69. Where a Statement of Environmental Audit is issued for the Land, the buildings and works and the use(s) of the Land that are the subject of this Incorporated Document must comply with all directions and conditions contained within the statement.
- 4.70. Where a Statement of Environmental Audit is issued for the Land, before the commencement of the use, and before the issue of a Statement of Compliance under the *Subdivision Act 1988*, and before the issue of an occupancy permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 2017* must be submitted to the Responsible Authority to verify

that the directions and conditions contained within the statement have been satisfied.

- 4.71. Where a Statement of Environmental Audit is issued for the Land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the landowner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Act, which must be executed before the commencement of the permitted use and before the certification of the Plan of Subdivision under the *Subdivision Act 1988*. All such expenses related to the Section 173 Agreement including drafting, negotiating, lodging, registering, execution and ending of the Agreement, including those incurred by the Responsible Authority, must be met by the landowner.

### **Remediation Works Plan**

- 4.72. Before any remediation works are undertaken in association with the environmental audit, a Remediation Works Plan must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works, as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plans are permitted to be carried out before the issue of a Certificate or Statement of Environmental Audit.

### **Environmentally Sustainable Design**

- 4.73. Before any stage of the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a revised Sustainability report must be submitted to and approved by the Council. The report must be generally in accordance with the submitted Sustainability report prepared by Simson Katzman dated October 2021 but amended to include:
- a) A full Green Star pathway as well as any preliminary calculations or modelling undertaken to identify eligibility for points targeted under the Green Star pathway included as an appendix to the ESD Statement;
  - b) The provision of solar PV panels included as part of the development.
- 4.74. Before the development of each stage starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, 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.
- 4.75. Any significant change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional and a revised statement must be submitted to and endorsed by the Council prior to the commencement of construction.

### **Green Star Rating**

- 4.76. Before any stage of the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, evidence must be submitted to the satisfaction of the Council, that demonstrates that the relevant stage of the development 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.
- 4.77. Within 24 months of occupation of a building, certification must be submitted to the satisfaction of the Council, that demonstrates that the building has achieved a minimum 5 Star Green Star Design and As-Built rating (or equivalent).

### **Third Pipe and Rain Tank Water**

- 4.78. A third pipe must be installed for recycled and rainwater to supply all non-potable outlets within all stages of the development for toilet flushing, fire services, irrigation, laundry and cooling, unless otherwise agreed by the relevant water authority.
- 4.79. 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.
- 4.80. 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.
- 4.81. Rainwater captured from roof harvesting areas must be re-used for toilet flushing, washing machine and irrigation or controlled release.

### **3D Model**

- 4.82. Before any stage of the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land (or as otherwise agreed with the Minister for Planning), a 3D digital model of that stage of the development and its immediate surrounds must be submitted to and approved by the Responsible Authority. The 3D model must be in accordance with the *Technical Advisory Note for 3D Digital Model Submissions* prepared by the Department of Environment, Land, Water and Planning. The development must be in accordance with the endorsed 3D model, to the satisfaction of the Responsible Authority.

### **Building Appurtenances**

- 4.83. All building plant and equipment on the roofs are to be concealed and acoustically treated (as applicable) to the satisfaction of the Council. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Council.
- 4.84. Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single point on each

building in the development to the satisfaction of the Council, unless otherwise approved by the Council.

### **Hours of Operation (Retail Premises)**

4.85. Unless with the written consent of the Responsible Authority, the Retail Premises must only be open between 8am and 6pm, Monday to Sunday

### **No external amplified equipment**

4.86. No form of public address system, loudspeakers or sound amplification equipment must be used so as to be audible outside the premises, unless with the further written consent of the Responsible Authority.

### **Advertising Signs**

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

### **Melbourne Water Conditions**

4.88. Melbourne Water to advise.

### **Department of Transport Conditions**

4.89. Department of Transport to advise.

### **Expiry**

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

- a) Development has not commenced within three (3) years of the gazettal date of Amendment C420melb; or
- b) Development is not completed within six (6) years of the gazettal date of Amendment C420melb, or
- c) Use of the land in any stage of the development has not commenced within one (1) year of completion of that stage of the development.

**END OF DOCUMENT**