

- The 20 m wide Proposed Road Reserve land is partially in Lot S103 on PS724267V and Crown Land. The land ownership and access, and construction would need to be addressed / resolved prior to the permit being issued.
- Further information will need to be obtained from the applicant in relation to the future use of the land (5 m strip along the southern boundary and 13 m wide strip along the eastern boundary). Noting that the proposed architectural plans show projections, stairs and visitor bike spaces within the 13 m wide strip along the east and proposed canopies along the south and into the 5 m wide strip.
- Windows are being proposed on the north and western title boundaries. The property does not benefit from light and air rights over the property to the north (Lot S103 on PS724267V), to the east (Lot S12 on PS724267V) and to the west Lot S103 on PS724267V. Prior to the issue of the permit light and air rights must be obtained over the abutting property boundaries.
- Proposed canopy extends into the abutting title boundary to the north and proposed building encroaches into the abutting property to the north from Level 6 onwards. All proposed works must be within the existing title boundaries.
- Visitor bike racks are being proposed within the abutting title boundary and on land outside the subject site. All proposed works must fall within the existing title boundary.

#### Officer comment

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

- Appropriate access, light and air easements. It is noted that Section 6A(3)(c) of the *Planning and Environment Act 1987* states "[a] planning scheme must not...allow a person to proceed under section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction over land that the person does not own". Having regard to this, access issues should be resolved prior to the issuing of any permit or the permit preamble should be updated to reflect any creation of easements.
- Relocation of visitor bicycle spaces within the title boundary on 194 Lorimer Street, Docklands.
- Ensure any canopy projections comply with Road Encroachment Guidelines.

#### **6.1.7 Green Infrastructure and Environmentally Sustainable Design**

The application was referred to the City of Melbourne's Senior Green Infrastructure and Environmentally Sustainable Design Officer whose comments can be summarised as follows:

- The development commits to a level of sustainability that meets the objectives of Clause 15.01-2L-01 (Energy and Resource Efficiency) and Clause 19.03-3L (Stormwater Management) of the Melbourne Planning Scheme.
- Additional evidence is required to demonstrate that the proposal achieves 5 star Green Star benchmark.

### Officer comment

The Sustainability Management Plan should include a clear commitment to achieving a certified 5 star rating and also ensure these commitments are reflected on any architectural plans. These items form part of the recommended conditions in the Officer recommendation for an amended Sustainability Management Plan.

#### **6.1.8 Heritage Advisor**

The application was referred to the City of Melbourne's Heritage Advisor as the Site is subject to a proposed Heritage Overlay under Planning Scheme Amendment C394 and also seeks to grade Shed 21 as a significant building.

The Heritage Advisor's comments can be summarised as follows:

- The Heritage Impact Statement for the proposed tower development with regard to the proposed change to setting and appreciation of Shed 21 can generally be accepted.
- The new development is distinct from the heritage shed and has been developed with regard for the close proximity of the heritage shed as a separate entity.
- It can be accepted that the proposal has been developed with regard to the objectives and design guidelines of the Heritage Policy associated with the Melbourne Planning Scheme.
- The forward going use of Shed 21 must be explored further including a management plan for its maintenance, upkeep and conservation. To address this a conservation Management Plan for Shed 21 should be prepared.

### Officer comment

This above item forms part of the recommended conditions in the officer recommendation for a Conservation Management Plan.

#### **6.1.9 Homes Melbourne**

The application was referred to the City of Melbourne's Homes Melbourne team who were supportive on the proposals offering of affordable housing.

### Officer comment

These items form part of the recommended conditions for affordable housing in the officer recommendation. Affordable housing is discussed further under Section 7.7 of the report.

## **7 ASSESSMENT**

The key issues in the assessment of the application are:

- Compliance with the approved Development Plan.
- Built form having regard to DDO12 and DDO49.
- Response to Shed 21 and Heritage Implications.
- Traffic and parking.
- Environmentally sustainable design.
- Potentially contaminated land.

- Affordable housing offering.

- 

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## 7.1 Development Plan

Where relevant, an assessment of the proposed development's compliance with the principles of the endorsed Development Plan is provided below. Overall, the proposed development is considered to be generally in accordance with the Development Plan.

### 7.1.1 Section 3.2 – Land Use

The proposal responds to Section 3.2 – Land Use as follows:

- The proposed land use mix comprises food and drink premises, community services space / place of assembly and dwellings. These land uses are identified within the approved Development Plan for the Site.
- The Development Plan anticipates the 'possibility' of a Health and Wellbeing Hub (850-1,500 square metres). While this has not been incorporated as a part of the Application the ground floor provides a total area of 853 square metres of 'community services space'. Supporting documentation with the Application highlights that this space could be used for the purpose of an indoor recreational facility, arts and cultural facilities, meetings spaces or a neighbourhood house.

The Officer recommendation includes a requirement for this space to be made available for the purpose of a 'community services space' to the satisfaction of Melbourne City Council.

### 7.1.2 Section 3.3 – Urban Structure

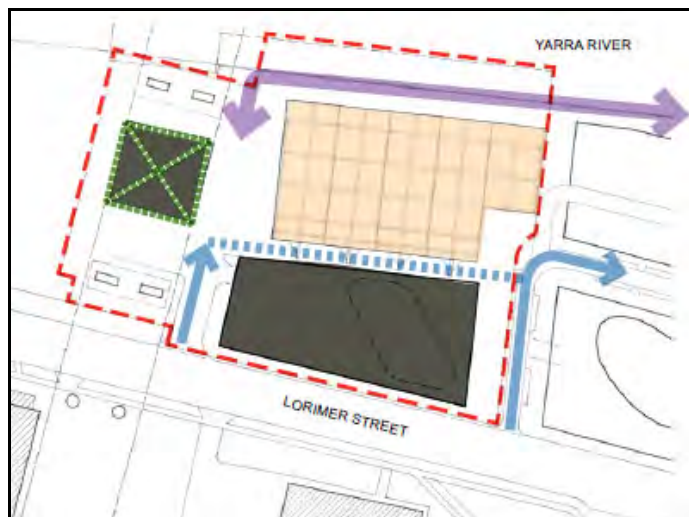


Figure 12: Urban Structure (Development Plan)

The proposal responds to Section 3.3 – Urban Structure as follows:

- Access is proposed around the building consistent with the above plan. Access to the east will be provided in conjunction with the future development of the Mirvac owned land.

- Details of the promenade access does not form part of the Application, however, the proposal does not prejudice the ability for this to be achieved as a part of any further development of the broader site.

### 7.1.3 Section 3.4– Street Network

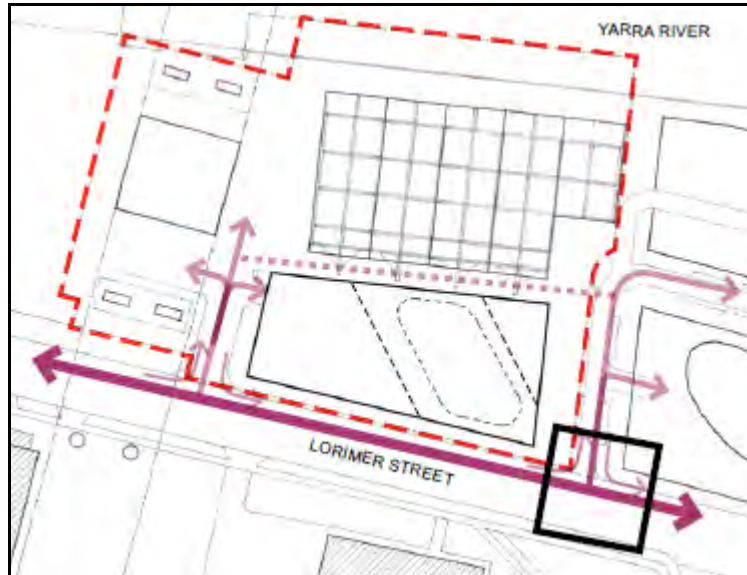


Figure 13: Street Network (Development Plan)

The proposal responds to Section 3.4 – Street Network as follows:

- Vehicle access is proposed to the west of the Site from Lorimer Street adjacent to the Bolte Bridge.
- The development allows area for the future road connection to the east to occur and the officer recommendation includes a condition for the signalisation of this area prior to the occupation of any dwellings.
- The streets to the east, north and west within the land at 206 Lorimer Street, Docklands will remain in the ownership of Development Victoria, however, conditions in the officer recommendation require these areas to be designed in accordance with Council requirements.

### 7.1.4 Section 3.5 – Public Realm Elements

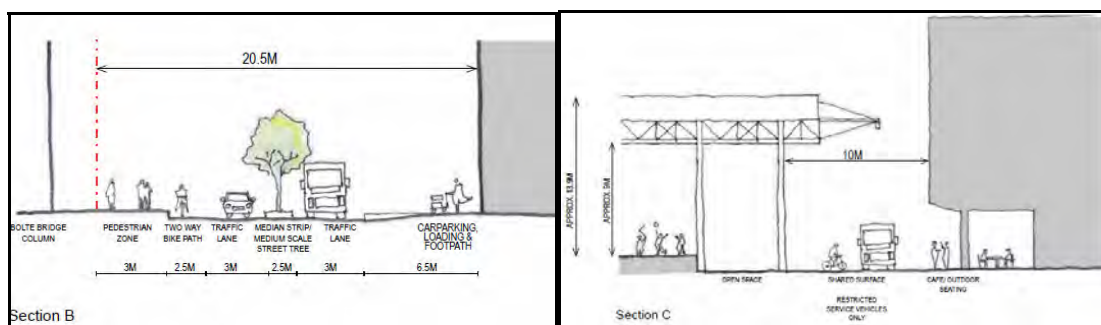


Figure 14: Cross Section B and C (Development Plan)

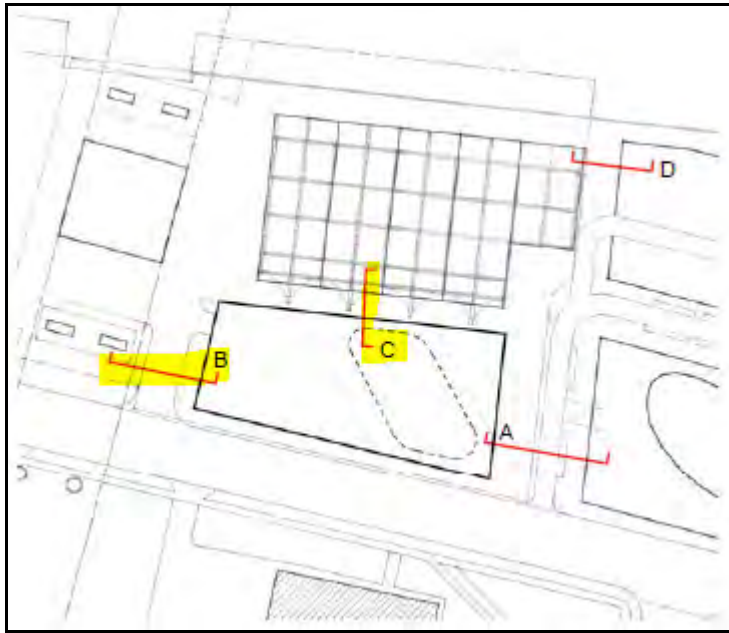


Figure 15: Cross Section B and C (Development Plan)

The proposal responds to Section 3.5 – Public Realm Elements as follows:

- The Development Plan seeks an ‘access road’ of 20.5 metres (Section B) between the Bolte Bridge and to the west of the proposed building. The application has responded to this public realm area and allows for 20 metres to accommodate the future area for vehicular, pedestrian and bicycle access.
- The Development Plan seeks an ‘East- West shared laneway’ of 10 metres (Section C) between Shed 21 and to the north of the proposed building. The application has responded to this and proposes an area of 10.9 metres.
- The application does not compromise the ability for the delivery of other surrounding access roads to the east.
- The design and details of the public realm areas are yet to be determined, however, the officer recommendation includes conditions requiring further details of these areas to be provided to ensure they are delivered in accordance with the Development Plan and the Docklands Design and Construction Standards. It must be noted that these areas are to remain in private ownership as the vesting of these future public realm is not supported by Council’s City Infrastructure team at this time.

### 7.1.5 Section 3.6.1 – Built Form Principles

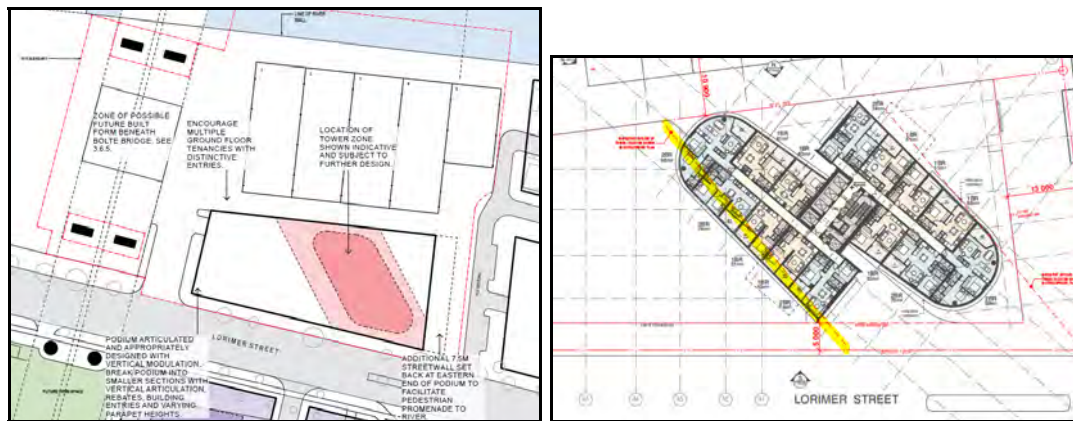


Figure 16: Location of tower on podium from the Development Plan compared to the proposed 'S' shape tower form.

The proposal responds to Section 3.6.1 – Built Form Principles as follows:

- The Development Plan provides an indicative tower form and general siting above the podium which can be seen above.
- The proposed tower is generally consistent with the tower envelope noting the encroachment outside the envelope to the west which is considered to be minor.
- The podium setback is generally consistent with the envelope which allows for sufficient pedestrian, vehicular and bicycle movement around the site. It allows for future landscaping and street furniture.
- The podium and ground floor provide textured panelling, metal cladding, and balconies which assist in creating active frontages and visual interest. Notwithstanding, the officer recommendation includes the requirement for a façade strategy as well as for further design efforts to be made particularly to the southern forecourt area and western elevation. These recommendations are consistent with the City of Melbourne's City Design comments.
- The ground floor incorporates active uses such as food and drinks premises and community services spaces. These outcomes assist in an active and fine grain public interface to Lorimer Street and the surrounding future public realm areas.

### 7.1.6 Section 3.6.2 – Future Context Cross Section and Section 3.6.3 - Lorimer Street Mixed Use Site

The proposal generally responds to Section 3.6.2 – Future Context Cross Section and Section 3.6.3 - Lorimer Street Mixed Use Site as follows:

- The Development Plan seeks to achieve an overall building height of 90 metres. The proposal seeks a height of 102.8 metres (excluding rooftop services) which exceeds the height anticipated by the Development Plan.
- The Development Plan indicates a podium of up to 20 metres. The proposed height is 22.5 metres and exceeds the Development Plan by 2.5 metres.
- While the proposed overall height does exceed that identified in the Development Plan, on balance the increase in height is considered acceptable. The proposal is

still aligned with the built form outcomes sought by the Development Plan allowing for views to key features identified within the plan while providing a floorplate generally in line with that anticipated by the Development Plan. Further justification is provided under Section 7.2.2. of the report.

### 7.1.7 Section 3.6.4 – Lorimer Street Mixed Use Site Design Considerations

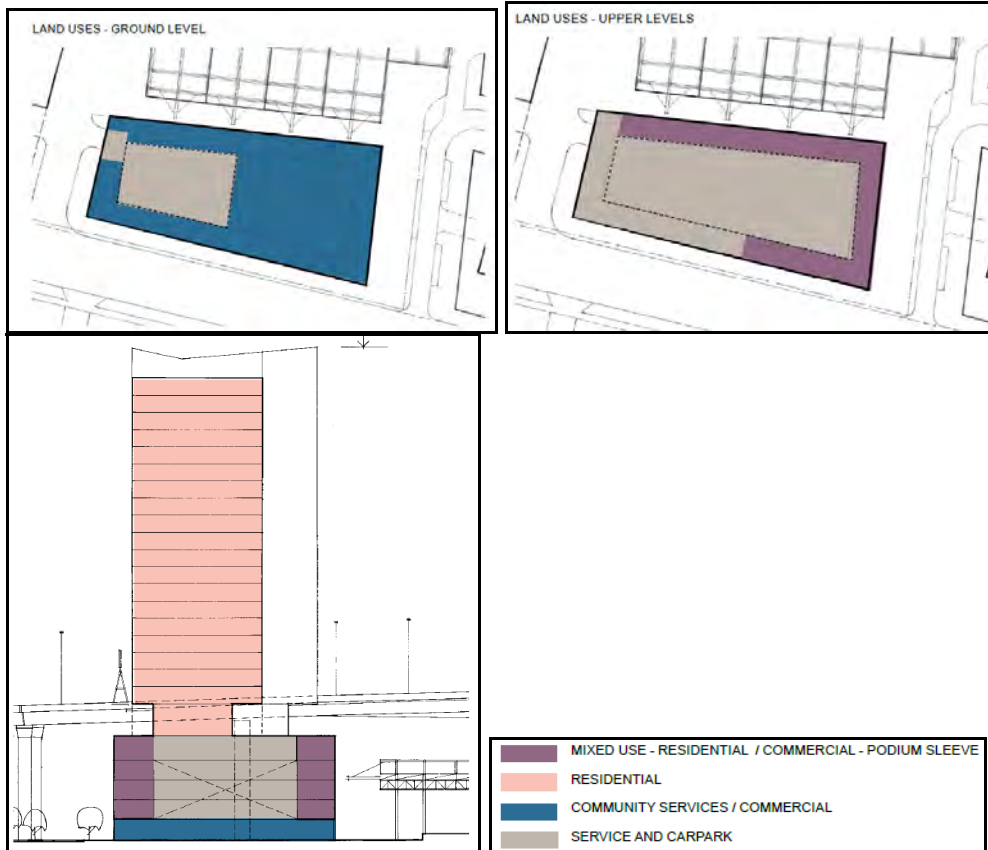


Figure 17: Location of uses and functions within the building (Development Plan)

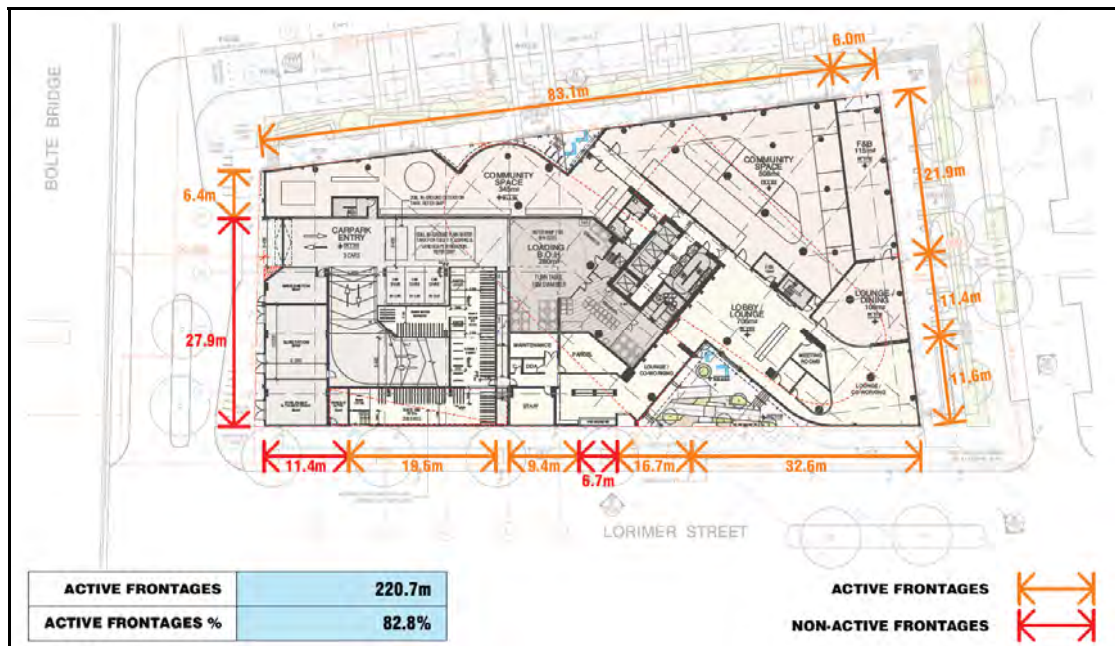


Figure 18: Location of active and non-active frontages generally consistent with the Development Plan

The proposal generally responds to Section 3.6.4 – Lorimer Street Mixed Use Site Design Consideration as follows:

- Services and vehicular access into the building are located along the west.
- The extent of sleeving of the car parking within the podium is consistent with the Development Plan.
- The ground floor accommodates an area of 853 m<sup>2</sup> as community service space.
- The proposal provides 82.8% of active frontages at the ground floor level, however, an increase in activation is required to the west. The accumulation of the building's services such as substations and vehicle access impact on the visual interest to this façade. The officer recommendation includes a condition to increase activation of this interface.
- The proposal departs from Section 3.6.4 of the Development Plan which anticipates approximately 200 dwellings (proposed 402 dwellings) and a Gross Floor Area of approximately 32,500 m<sup>2</sup> (proposed 50,766 m<sup>2</sup>). On balance this is considered acceptable for the following reasons:
  - The proposal provides an affordable housing offering which is discussed further under Section 7.7 of the report.
  - Public realm works and a community service space are proposed as a part of the application. While these areas may remain in private ownership they must be designed and prepared in accordance with Council requirements.
  - The views and vistas required to be protected by the Development Plan are maintained. This is discussed further under Section 7.1.9 of the report.
  - In the context of Yarra's Edge the proposal is situated in a unique location between the Bolte Bridge, Shed 21 and the Lorimer Street / Ingles Street



intersection. The increase in Gross Floor Area will not result in any unreasonable amenity impacts nor will it undermine the broader orderly development of the area. It is also one of the last sites to be developed along Yarra's Edge as anticipated by the Development Plan.

### 7.1.8 Section 3.6.6 – Solar Access and Shadows

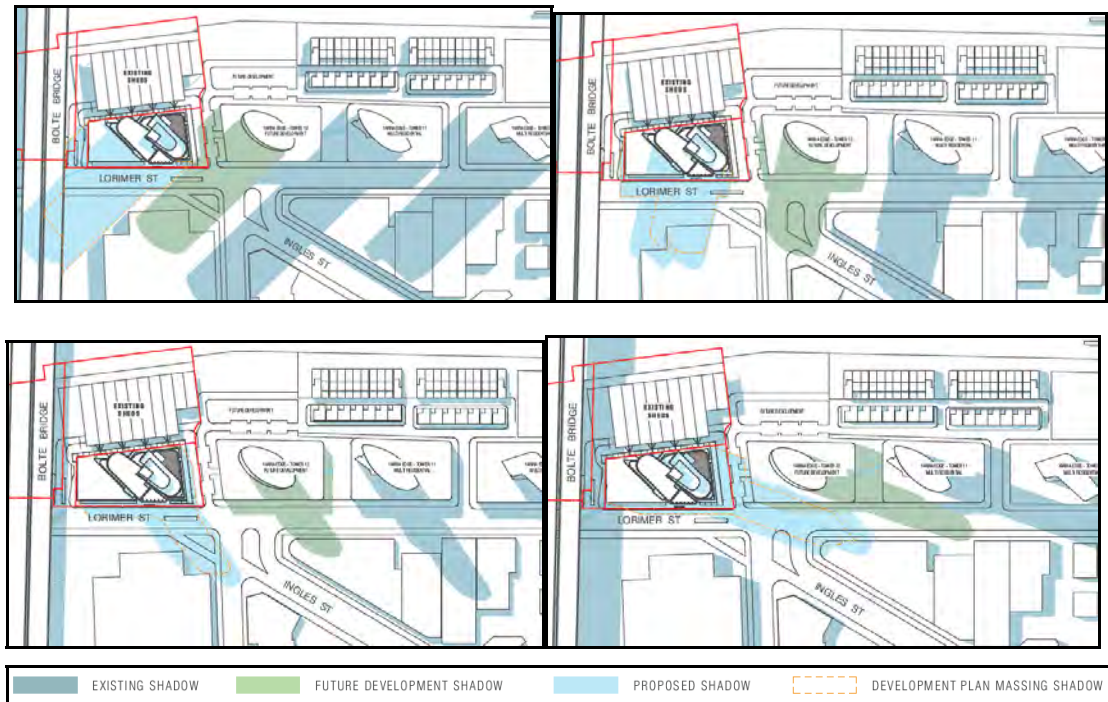


Figure 19: Shadowing from proposed built form compared with indicative Development Plan shadow diagrams

The proposal generally responds to Section 3.6.6 – Solar Access and Shadows as follows:

- The proposed podium and tower are located in the area generally anticipated by the Development Plan.
- The Development Plan acknowledges the primary public domain is located adjacent to the water and due to the siting of the proposal there are no shadowing implications to this area.
- The shadowing diagrams provided within the Development Plan are acknowledged to be indicative. Notwithstanding, the proposed shadows generally follows the outline anticipated by the Development Plan.
- While the extent of shadow extends beyond that of the Development Plan it does not create any unreasonable offsite amenity impacts noting that the impacted areas are predominately to the Bolte Bridge, Lorimer Street and Ingles Street road reserves.
- The proposal is located to the north of a future Public Open Space within the Lorimer Precinct on the corner of Ingles Street and Lorimer Street. The Development Plan anticipates shadowing to this area at 1pm on 22 September. Furthermore Map 5 associated with Schedule 4 (Lorimer Precinct) to the Capital City Zone identifies this area to have 'no overshadowing controls'. Map 5 does

also show other Open Space area within proximity to the Site, however, this is underneath the Bolte Bridge and is anticipated to be impacted by shadowing regardless due to its location.



Figure 20: Lorimer Precinct location of Future Public Open Spaces

### 7.1.9 Section 3.6.7 – View Analysis

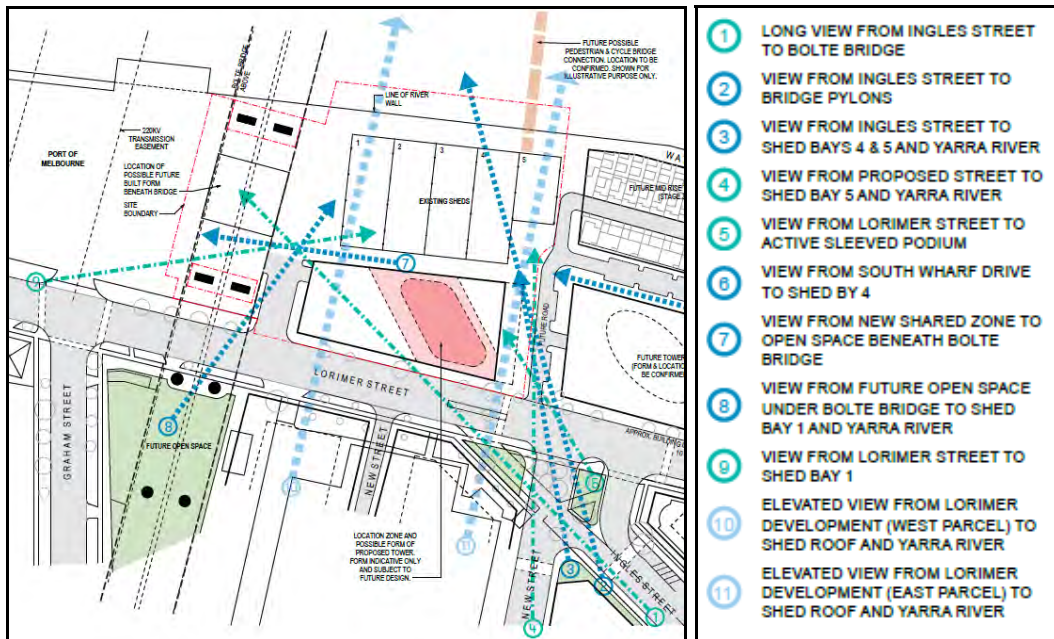


Figure 21: Important views and vistas (Development Plan)

The proposal responds to Section 3.6.7 – View Analysis as follows:

- The key view line from the Ingles Street approach to the Bolte Bridge is maintained through the siting of the tower form which is generally in alignment with the Development Plan.
- The podium is setback and sited in accordance with the Development Plan and from a pedestrian perspective allows for views to the Yarra River, Shed 21 and Bolte Bridge.

### 7.1.10 Section 3.6.8 – Flood Mitigation

The proposal responds to Section 3.6.8 – Flood Mitigation as follows:

- The development has embedded flood mitigation measures into the design which includes raising of the ground level.
- The Development Plan requires all new lots to be filled to a minimum of 600 mm above the applicable 1% AEP flood level of 2.4 m to Australian Height Datum. The ground floor sits at a minimum of 3.1 m AHD which is marginally greater than the 600 mm Melbourne Water requirement.
- In addition to the above, Melbourne Planning Scheme Amendment C384 has been prepared and authorised. The Amendment applies the updated Special Building Overlay (SBO3) to the Site. In this instance the City of Melbourne is the relevant flood authority, however, it is anticipated the measure implemented in response to Melbourne Water requirements associated with the Development Plan will adequately address flooding implications.

### 7.1.11 Section 3.7 – Future Ownership



Figure 22: Future ownership

The Development Plan provides a potential future private and public ownership diagram at section 3.7 for the Bolte Precinct West site however, as suggested within the internal referral comments, discussions regarding future ownership arrangements are ongoing and there is currently no agreement to purchase or occupy the land, nor is there any obligation for Council to enter into such an agreement.

Other than the area to the south along Lorimer Street the vesting of any public realm works surrounding the site at 194 Lorimer Street, Docklands is not supported by City Strategy and City Infrastructure. The proposed public realm works do not appear to

comply with Council requirements such as the Docklands Design and Construction Standards due to the change in levels and projections.

Furthermore there is still uncertainty on the function and use of Shed 21. Therefore the vesting of any assets through this particular planning permit application process is not considered necessary as the public realm works primarily seek to service the development on the Site. It is also worth noting that section 3.7 of the Development Plan suggests the public area could be created as Crown Land.

## **7.2 Design and Development Overlay**

### **7.2.1 Schedule 12**

The Site is affected by Design and Development Overlay Schedule 12 which seeks to ensure that new or refurbished developments for new residential and other noise sensitive uses constructed in the vicinity of the Docklands Major Sports and Recreation Facility include appropriate acoustic measures to attenuate noise levels, in particular music noise, audible within the building; and to ensure that land use and development in the vicinity of the Docklands Major Sports and Recreation Facility is compatible with the operation of a Major Sports and Recreation Facility.

An acoustic report, prepared by Acoustic Logic dated December 2021, has been submitted with the application. The report makes general recommendations for glazing, roof / ceiling and external walls in order to comply with the requirements of DDO12. The officer recommendation includes a condition to ensure endorsement and compliance with the submitted acoustic report.

### **7.2.2 Schedule 49**

Schedule 49 to the Design and Development Overlay states that a permit is not required to construct a building or construct or carry out works if the requirements of Table 1 and Table 2 to this schedule are met.

The Site is in Area 1 within the DDO49, where a 75 metre preferred height applies due to the location of the proposed tower on the Little Bourke Street axis.

The Voyager Apartments situated to the east of the Site is an example of a single tower within the precinct that has already exceeded the preferred heights of DDO49. That particular development also does not achieve these requirements as it has an overall height of approximately 130 metres (43 storeys).

The overlay was introduced in 2008 prior to any substantial redevelopment of the area including the Yarra's Edge and Lorimer Precinct Edge. For example the following outcomes have been approved and constructed in recent years:

- Tower 10 - 1181 South Wharf Drive (The Wharf Club / Forge Apartments)
  - 30 storey building comprising apartments and amenities.
- Tower 8 – 1-13 Point Park Crescent, Docklands
  - 25 storey building comprising apartments and amenities.
- Tower 9 – 118-122 Lorimer Street, Docklands
  - 44 storey building comprising apartment, townhouses, and amenities.
- Tower 6 – 92-102 Lorimer Street, Docklands (Array Apartments)
  - 39 storey mixed use building comprising apartments and amenities.

While any application must respond to all relevant and applicable planning controls it is noted that the Bolte Precinct West Development Plan Addendum is the most recent review of the Site. The Development Plan went through a lengthy and detailed planning assessment process which resulted in final approval by the Minister for Planning on 24 June 2019. It is considered that the Development Plan reflects the current development expectations for the area compared to the DDO49.

In light of this the preferred height as specified within the Development Plan (90 metres), which varies from that within the DDO49 (75 metres) reflects the current planning vision for the site.

While the proposal departs from the preferred height outlined by the DDO49, it still achieves compliance with the remaining design objectives, including a complementary design to surrounding developments within the Precinct; preservation of existing vistas; wind mitigation measures and supports the ability for future public access to the waterfront.

### 7.3 Shed 21 and Heritage Response

The existing shed structure known as Shed 21, located at 206 Lorimer Street to the Site's north are in the process of formal recognition for heritage value. Planning Scheme Amendment C394 is seriously entertained and seeks to grade Shed 21 as Significant in an ungraded streetscape.

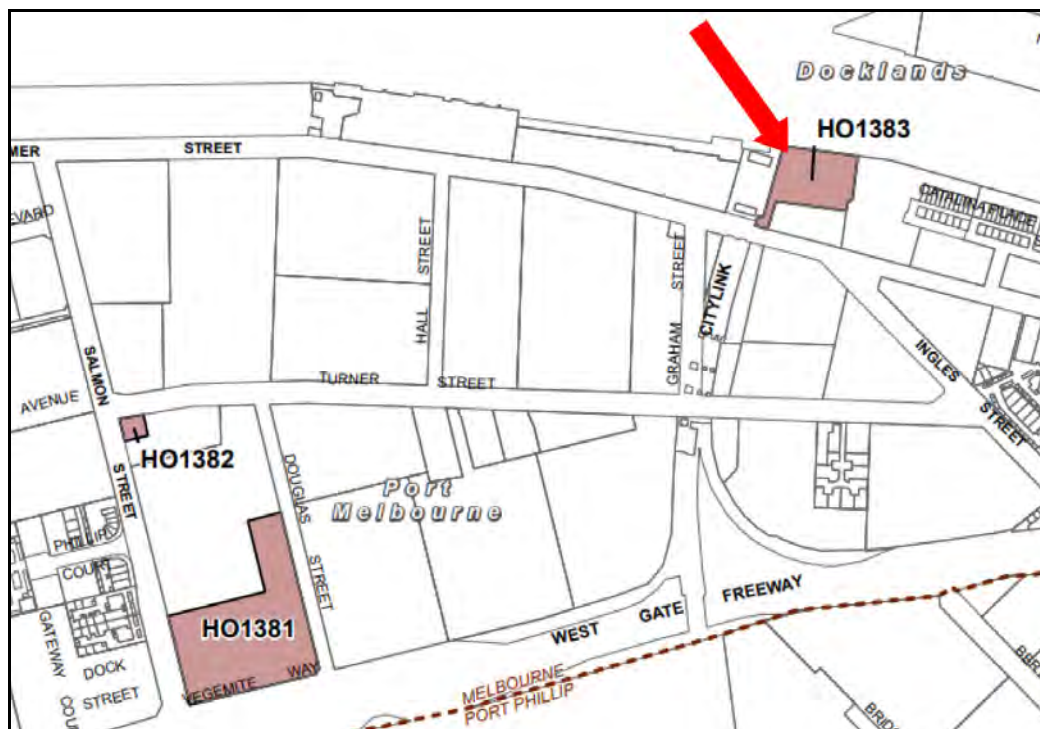


Figure 23: Heritage Overlay (HO1383) associated with Amendment C394

The application recognises the importance of preserving these sheds for their social, cultural and structural value and provides a complementary design approach to the northern interface. The response includes:

- A 10.9 metre setback from the proposed building's podium wall to the pillars of the sheds to ensure adequate physical and visual distinction.
- The uses located within the northern aspect of the ground floor are designated as community services spaces which demonstrate potential to integrate with the future public use of the sheds.

- The canopy along the northern interface directly references the repeating gable roof form of the sheds. Interpretive and art materials are distributed around the building to celebrate the significance and history of Shed 21. Furthermore, the proposed design activates the interface between the proposed and existing structures through at-grade connections, stepped landscaping with street furniture, planting and canopy cover.

Importantly, the proposal's design response was reviewed and generally supported by Council's Heritage Advisor. This was subject to the inclusion of a Conservation Management Plan for Shed 21 which forms part of the officer recommendation.

## **7.4 Traffic, Parking and Waste**

### **7.4.1 Car Parking**

Referring to Section 6.1 of this report, Council's Traffic Engineers support the proposed provision of car parking.

Parking Overlay Schedule 11 requires a permit to provide car parking in excess of the maximum number specifies:

- A maximum of two car parking spaces per dwelling
- Four spaces per each 100 m<sup>2</sup> of retail gross floor area.

PO11 allows for a maximum of 832 car spaces. The proposal provides 202 car spaces, an outcome supported by Council's Traffic Engineers as well as the PO11 and requirements of the Development Plan.

### **7.4.2 Bicycle Parking**

The proposal provides a total of 205 bicycle parking spaces in excess of the statutory requirement by 81 spaces. This outcome was supported by Council's Traffic Engineering team.

The design / dimensions of the bicycle parking must comply with the relevant Australian Standards and Bicycle Network guidelines which forms part of the officer recommendation.

### **7.4.3 Waste Services**

Referring to Section 6.1 of this report, a Waste Management Plan has been submitted and reviewed by Council's Waste Services team. There are outstanding items that can be resolved via an amended waste management plan. Once this is undertaken it is considered the proposed waste arrangement will be suitable for endorsement.

## **7.5 Environmentally Sustainable Development**

The proposal is considered to achieve an appropriate response when assessed against Clause 15.01-2L-01 (Energy and Resource Efficiency) and Clause 19.03-3L (Stormwater Management) of the Melbourne Planning Scheme. As noted in Section 6.1 of this report further details are required to ensure the commitments stipulated within the Sustainability Management Plan are achievable.

To ensure the commitments are achievable and that there is consistency between the plans and ESD report, an amended report is requested within the officer recommendation.

## **7.6 Environmental Audits**

Pursuant to Clause 37.05-8 (Docklands Zone), before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or

informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the timing for which must be to the satisfaction of the responsible authority having regard to the Melbourne Docklands Environmental Management Plan as amended, either:

- A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or proposed use; or
- An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use; or
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
- An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

A Statement of Environmental Audit, issued by Senversa Pty. Ltd. has been submitted with the application.

A standard Environmental Audit condition is included as a part of the officer recommendation. It is also recommended via a proposed condition for a Section 173 Legal Agreement to ensure any potential future assets are remediated before being vested in Council.

## **7.7 Affordable housing offering**

The proposal seeks to provide 5% affordable housing on the total number of dwellings (402 dwellings). While in this instance affordable housing is not mandated by the Melbourne Planning Scheme it is considered an appropriate outcome given the strategic context and scale of development. It is important to note the site sits within close proximity to the Fishermans Bend Urban Renewal Area and more specifically the Lorimer Precinct.

The officer recommendation includes a condition for 6% affordable housing which is considered reasonable for the following reasons:

- The proposal exceeds the Gross Floor Area and dwelling yield numbers anticipated by the Development Plan and therefore an offering of affordable housing consistent with the Fishermans Bend Urban Renewal Area in which this site sits in close proximity to is considered appropriate.
- The *Fishermans Bend Framework 2018* includes policy initiatives for the delivery of 6% affordable housing. While the Site is not within Fishermans Bend it anticipates development within the area to offer 6% affordable housing.
- Homes Melbourne provided support for the proposal to provide 6% affordable housing and supported the affordable housing conditions in the officer recommendation.

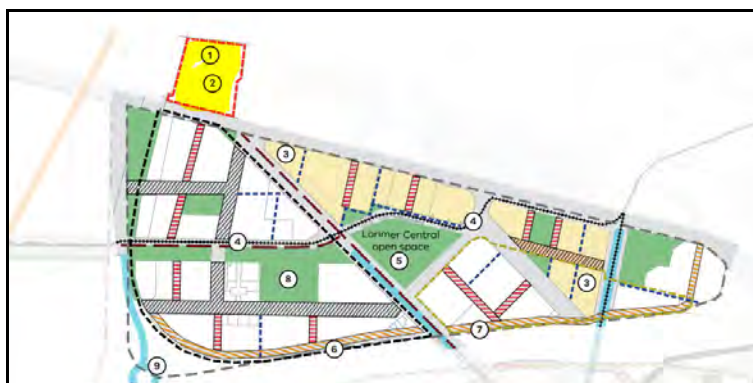


Figure 24: 194 Lorimer Street, Docklands in the context of the Lorimer Precinct.

## 7.8 Apartment Developments

The proposed dwellings have been designed to generally comply with Clause 58 – Better Apartment Design Standards including functional layouts, room depths, window locations, storage, private open space and accessibility.

Where Clause 58 Standards are not met, an assessment against the objectives is as follows:

### 7.8.1 Dwelling Diversity – Clause 58.02-3

The proposal does not appropriately respond to Clause 58.02-3 with regard to dwelling diversity. The proposed dwelling mix is outline below:

- 402 dwellings comprising the following:
  - 233 one bedroom
  - 154 two bedroom
  - 15 three bedroom

Whilst the Site is located in Yarra's Edge it is within proximity to the Fishermans Bend Urban Renewal Area. It is acknowledged that Clause 11.03-6L-06 is not applicable to this application, however, it provides some strategic guidance on the expectations around the dwelling mix for development within the Fishermans Bend area. The policy recommends that development provide 20 per cent of three-bedroom dwellings for developments of more than 100 dwellings. In addition the Development Plan at Section 3.6.4 anticipates approximately 200 dwellings. When considering these matters the proposal must make further efforts to offer greater dwelling diversity. The floor plate is capable of being modified to reduce the extent of one bedroom dwellings to enable a greater number of three or more bedroom dwellings. Consolidating the number of dwellings would also assist in the proposal more closely aligning with the numbers anticipated by the Development Plan.

Whilst applying a rate of 20% may not be reasonable as the Site falls outside of the Fishermans Bend Urban Renewal Area it should still offer a greater diversity of dwellings. Therefore the officer recommendation includes a condition for the proposal to achieve a minimum of 10% three or more bedroom dwellings whilst still ensuring compliance with BADS.



### 7.8.2 Building Entry and Circulation – Clause 58.05-2

The proposal meets the objectives of Clause 58.05-2, however, does not achieve full compliance with Standard D19 with regard to providing natural ventilation within some of the corridors.

Of particular concern is the lack of natural ventilation for the corridors associated with Levels 2-5. The areas of concern are outlined in red below.

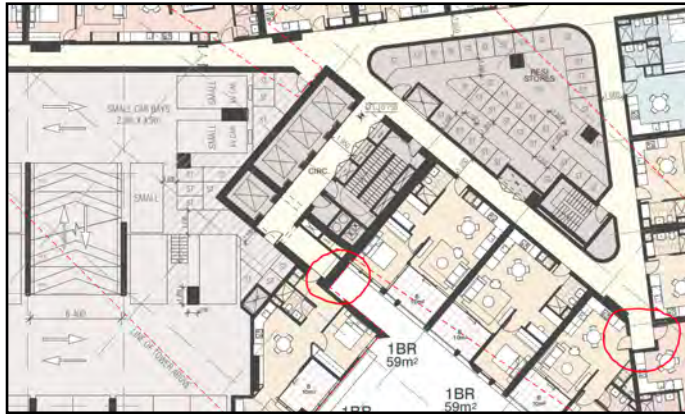


Figure 25: Level 2-5 corridors

It is considered reasonable for the proposal to achieve strict compliance with Standard D19. This would not only result in improved ventilation but also result in access to natural light for these corridors. Modifications to the corridor and potential minor layout changes are considered achievable and therefore the officer recommendation includes a condition for the proposal to be compliant with Standard D19.

### 7.8.3 Natural Ventilation – Clause 58.07-4

The proposal does not achieve compliance with Standard D29 as only 30% of the dwellings have appropriate cross ventilation rather than 40%.

Dwellings that do not meet the technical requirements of the Standard continue to achieve an acceptable level of natural ventilation, as they are shallow in depth and provide for multiple windows which often face different aspects. As a result this outcome still allows for breeze paths. Further, all dwellings within the building are provided operable windows which allow for occupants to effectively manage the natural ventilation of their dwelling.

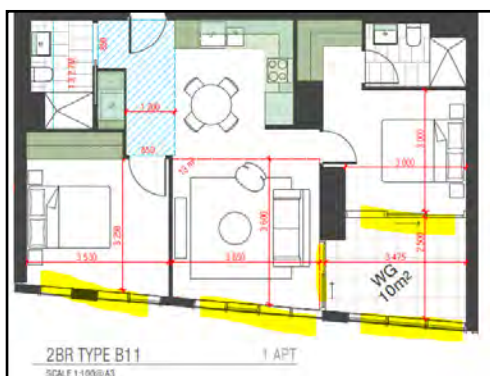


Figure 26: Example dwelling where Standard D29 is not achieved, however, ventilation opportunities are still available due to extent of windows in dwellings

The 'S' shape of the tower also impacts on the ability for the development to achieve full compliance with Standard D29.

Therefore, while the proposal does not technically meet all the requirements of Standard D29 it is considered acceptable for the reasons listed above.

## **7.9 Conclusion**

The proposed development demonstrates compliance with relevant planning policy, the anticipated development patterns set out by the Development Plan and will make a positive contribution to the broader Docklands area.

## **8 RECOMMENDATION**

That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports the proposal subject to the following:

### **Amended Plans**

1. Prior to the commencement of the development, an electronic set of plans drawn to scale, must be submitted to the Responsible Authority, generally in accordance with the plans prepared by Fender Katsalidis referred to as 'Bolte Precinct West 194 Lorimer Street Docklands' dated August 2022 but amended to show:
  - a. Compliance with Standard D19 associated with Clause 58.05-2 to allow for natural light and ventilation to corridors to the satisfaction of the Responsible Authority.
  - b. All bicycle facilities provided to be in accordance with Clause 52.34, entirely located within 194 Lorimer Street, Docklands and the visitor parking to be publicly accessible at all times.
  - c. Consolidation of one bedroom dwellings to increase the extent of three or more bedroom dwellings to 10% whilst still ensuring compliance with Clause 58 of the Melbourne Planning Scheme to the satisfaction of the Responsible Authority.
  - d. Alterations to the ground floor 'community services space' to ensure it is unencumbered and capable of accommodating a range of uses to the satisfaction of Melbourne City Council and in accordance with the Bolte Precinct West Development Plan Addendum June 2019.
  - e. Amendments to the southern forecourt area to improve its activation, usability and its accessibility from a pedestrian perspective.
  - f. Design modifications and use of alternate materials to improve the visual interest of the western interface to reduce impact of the garage doors, service walls and cabinets.
  - g. Provision of a 2.0 metre long pedestrian refuge island associated with the vehicle crossing from Lorimer Street.
  - h. Ramp grade of <1:10 must be provided for the first 5 m from site boundary at the access. Pedestrian sight triangles of 2 x 2.5 m must be provided at the exit from the carpark, as required by Melbourne Planning Scheme.
  - i. Any changes required by the Conservation Management Plan at condition 6 of this permit.
  - j. Any changes required by the Waste Management Plan at condition 20 of this permit.

- k. Any changes required by the Loading Management Plan at condition 21 of this permit.
- l. Any changes required by the Road Safety Audit at condition 22 of this permit.
- m. Any changes required by the Environmentally Sustainable Design at condition 26 of this permit.
- n. Any changes required by the Landscape Strategy at condition 28 of this permit.
- o. Any changes required by the Wind Report at condition 30 of this permit.
- p. Any changes required by the Acoustic Report at condition 32 of this permit.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

### **Endorsed Plans**

- 2. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.

### **Façade Strategy**

- 3. Concurrent with the endorsement of plans pursuant to Condition 1, a Façade Strategy and Materials and Finishes must be submitted to and be approved by the Responsible Authority. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Façade Strategy must be generally in accordance with the development plans and must detail:
  - a. A concise description by the architect(s) of the building design concept and how the façade works to achieve this.
  - b. Elevation details generally at a scale of 1:50 illustrating typical lower level details, balcony niches, entries and doors, and utilities, typical tower detail, and any special features which are important to the building's presentation.
  - c. Cross sections or another method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and / or material.
  - d. Information about how the façade will be accessed and maintained and cleaned, including any planting.
  - e. 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.
  - f. 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.
  - g. Specification of glazing to ensure high levels of transparency and reflectivity to not exceed 15%.
  - h. 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. It should address but not be limited to the following items:

- i. Confirmation of the quality, texture and grain of the specified materials in the podium. Details on any potential maintenance of certain materials such as the 'stacked pipe'.
- ii. Further detail is required within the material palette including detail on how pigments and textures will be achieved.
- iii. Further details on the western interface to improve visual interest and its human scale.

### **Reflectivity**

4. 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.

### **Architect to be retained**

5. Except with the consent of the Responsible Authority, Fender Katsalidis Architects must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of Responsible Authority.

### **Conservation Management Plan**

6. Prior to the commencement of the development including any demolition, bulk excavation, construction or carrying out of works, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will then form part of the permit. It must include but not be limited to the following:
  - a. Detail on the maintenance, upkeep and conservation of Shed 21.
  - b. Details of how Shed 21 is going to be protected during any construction works.
  - c. Further details on the interface and relationship between Shed 21 and the building at 194 Lorimer Street, Docklands.
  - d. Details on the expected or proposed use of Shed 21.

### **Construction Management Plan**

7. Prior to the commencement of the development, excluding demolition or bulk excavation, a detailed construction management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group. This construction management plan must be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider the following:
  - a. public safety, amenity and site security.
  - b. operating hours, noise and vibration controls.

- c. air and dust management.
- d. stormwater and sediment control.
- e. waste and materials reuse.
- f. traffic management.

#### **Drainage of projections**

- 8. 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 – City Infrastructure.

#### **Drainage system upgrade**

- 9. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – City Infrastructure. This system must be constructed prior to the occupation of the development and provision made to connect this system to the 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 Responsible Authority – City Infrastructure.

#### **Public Realm**

- 10. The public realm must be designed and constructed in accordance with the current Docklands Design and Construction Standards for Infrastructure Works.
- 11. Prior to the occupation of the development, the 5 metre area along Lorimer Street must be declared as Public Highway and vested in Council / Head Transport for Victoria as a Road on plan of subdivision to the satisfaction of the City of Melbourne / Head Transport for Victoria. The new road is to be unlimited in height and depth and must exclude any structure above and below the surface of the roads.
- 12. Other than the 5 metre area along Lorimer Street all other roads are to remain the responsibility of the land owner(s) in perpetuity, unless otherwise agreed in writing by the relevant Responsible Authority.

#### **Demolish and construct access**

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

#### **Street works required**

- 14. All new or altered portions of road (including the provision of footpaths, public lighting, street trees, pavement marking and signage) must be constructed prior to the occupation of the development, in accordance with plans and specifications first approved by the City of Melbourne - City Infrastructure.

#### **Street levels not to be altered**

- 15. Existing street levels must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from City of Melbourne – City Infrastructure.

### **Existing street lighting not altered without approval**

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

### **Street furniture**

17. All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on all footpaths outside the proposed building and the park to plans and specifications first approved by City of Melbourne - City Infrastructure.

### **Public lighting**

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

### **Road Encroachments**

19. All projections over future 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.

### **Waste Management Plan**

20. Prior to the commencement of the development, an amended Waste Management Plan (WMP) must be submitted and then approved by the Melbourne City Council – Waste Services. The WMP must be in accordance with the submitted Waste Management Plan prepared by Ratio Consultants dated 10 August 2022, but amended to show:
  - a. Residential organic waste to be managed using a bin based system with bins to be a maximum size of 240 L.
  - b. Glass to be collected as part of the commingled recycling stream.
  - c. Commercial and residential waste to be stored separately from each other, so that only the intended user has access to their bin storage area.
  - d. Swept paths diagrams are to show the waste vehicle's manoeuvres from / to Lorimer Street.
  - e. The MRV needs to be shown in the collection position, ensuring there is adequate clearance to the rear for loading and manoeuvring of bins (minimum 2 m clearance).
  - f. Consideration should be given to an alternative design or access point to improve access for residents and commercial tenants.

- g. The path of travel for residents particularly for apartments 0001-0009 to ensure it is free of stairs to mitigate OH&S issues.

Once approved, the WMP will be endorsed to form part of the permit. Waste storage and collection arrangements must not be altered without prior consent of the Melbourne City Council – Waste Services.

### **Traffic**

- 21. Prior to the commencement of the development excluding any demolition, bulk excavation, construction or carrying out of works, 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 – Traffic Engineering. 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.
- 22. Prior to the commencement of the development excluding any demolition, bulk excavation, construction or carrying out of works, a formal independent Road Safety Audit must be undertaken prior to construction of the development, including assessment of internal layout, access arrangements, loading management arrangements, pedestrian / bicycle access / movements within the site and in the public realm, and assessment of potential conflicts between vehicles / pedestrians / cyclists, to assess the road safety issues affecting all road users. The findings of the Audit should be incorporated into the design at the developer's expense to the satisfaction of the City of Melbourne – Traffic Engineering.
- 23. Prior to the occupation of the development hereby approved, the provision of traffic signalisation at the Lorimer Street and Ingles Street intersection must be delivered to the satisfaction of Head Transport for Victoria in consultation with City of Melbourne – Infrastructure & Assets. The signalisation must be funded by the developer.
- 24. Right turns from the western access point into Lorimer Street are to be prohibited to the satisfaction of City of Melbourne and Head Transport for Victoria.

### **Land Survey**

- 25. Prior to the commencement of the development excluding demolition, the owner must lodge with the Responsible Authority, an application for certification pursuant to Section 23 of the Subdivision Act 1988 for the Creation of a Carriageway and Light and Air Easement. When certified by the Responsible Authority and a Statement of Compliance has issued, the plan must lodge at

Land Victoria for registration and evidence of registration must be provided to the Responsible Authority as compliance of this condition.

### **Environmentally Sustainable Design (ESD) Statement**

26. Prior to the commencement of the development, an amended Sustainable Management Plan (SMP) report to the satisfaction of the Responsible Authority and prepared by a suitable qualified person must be submitted to and approved by the Responsible Authority. When approved, the amended SMP report will be endorsed and form part of this permit. The amended SMP report must be generally in accordance with the SMP report prepared by ADP (11 August 2022), but modified to include or show:
- a. Daylight modelling to demonstrate Credit 11 Light Quality can be achieved (updated as per comments above).
  - b. A site plan showing materials that reduce urban heat and demonstrate Credit 19 Heat Resilience can be achieved (updated as per comments above).
  - c. A Zero Carbon Action Plan (updated as per comments above).
  - d. Indicate tank size and re-uses, and proprietary devices on town planning drawings.

### **Implementation of Environmentally Sustainable Design (ESD)**

27. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed SMP report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans.

### **Landscape Plan**

28. Prior to commencement of development, a detailed Landscape Plan and Landscape Maintenance Plan must be submitted to the satisfaction of the Responsible Authority and include the following:
- a. Green infrastructure / Landscape Plan detailing:
    - i. Cross sections to demonstrate:
      - The relationship between open space / streetscape and buildings including key levels.
      - Deep soil provisions for tree planting in accordance with the Better Apartments Design Standards.
    - ii. Detailed planting schedule (botanical and cultivar names, pot size and intended mature size and quantities).
    - iii. Soil media and volumes.
    - iv. Annotated construction details including cross-sections for all green infrastructure and landscape elements.
    - v. Planter and plant support structures (materials, dimensions and proposed locations).
    - vi. Waterproofing and drainage measures.



- vii. Irrigation, including measures to reduce potable water use.
  - viii. Compliance with Greenstar Nature pathway credits claimed in relevant SMP or ESD Reports submitted.
- b. Landscape Maintenance Plan specifying:
- i. Responsible parties for plant establishment and planting maintenance beyond the 52 week period.
  - ii. Plant establishment maintenance regime.
  - iii. Maintenance regime for vegetation (monitoring of plants, weeding, re-mulching, pest management, fertilising, re-planting).
  - iv. Maintenance regime for green infrastructure structures and elements (cyclic, routine, reactive, emergency and renovation).
  - v. Replacement timeframes for poorly performing plant stock interfacing with the public realm.
  - vi. Irrigation specification and irrigation maintenance schedule.
  - vii. Maintenance Access requirements.

### **Melbourne Green Factor Tool**

29. Prior to commencement of development, it is recommended that a Green Factor scorecard is submitted. The Green Factor scorecard benchmarks the developments green infrastructure quality and quantity.

A Green Factor scorecard can be prepared at: <https://www.greenfactor.com.au/>

Support from the City of Melbourne is available by contacting [greeningmelbourne@melbourne.vic.gov.au](mailto:greeningmelbourne@melbourne.vic.gov.au)

### **Wind Report**

30. Prior to the commencement of the development (excluding bulk excavation and basement works) wind tests carried out by a suitably qualified consultant, must be carried out on a model of the approved building. An amended report detailing the outcome of the testing must be submitted to and be to the satisfaction of the Responsible Authority. The report must be updated to reflect any changes as a result of condition 1 of the permit to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.

### **Implement Acoustic Measures**

31. Prior to commencement of the occupation of the dwellings the recommendations contained within the Acoustic Report prepared by Acoustic Logic dated December 2021 must be implemented at no cost to the Melbourne City Council and be to the satisfaction of the Responsible Authority.

### **Acoustic Testing**

32. Prior to the occupation of the dwellings, an acoustic report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Responsible Authority. When approved the report will be endorsed and will form part of the permit. The report must verify that the maximum noise levels specified are achieved, to the satisfaction of the Responsible Authority. The

recommendations of the report must be implemented at no cost to the Melbourne City Council prior to commencement of the use.

### **Environmental Audit**

33. Prior to the commencement of the development, a Preliminary Risk Screen Assessment (PRSA) of the site must be conducted by a suitably qualified environmental auditor. The PRSA statement and report must be submitted to the Responsible Authority in accordance with section 205 of the Environment Protection Act 2017 and respond to the matters contained in Part 8.3, Division 2 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority.

If the PRSA requires an Environmental Audit be undertaken, then prior to the commencement of the development, 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 Melbourne City Council 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.

### **Public Access**

34. Before the development starts, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with Melbourne City Council. The agreement must provide the following:

- a. Be at no cost to the Responsible Authority or Melbourne City Council.
- b. Be registered on the relevant certificate(s) of title to which it affects.
- c. Give rights of public access to the eastern area within the subject land identified as "Item 3" within the Memorandum prepared by Veris dated 30 May 2022, 24 hours a day, 7 days a week, but to remain at all times in private ownership as part of the subject land.

- d. The owner must, at its cost, maintain the area in accordance with any endorsed Landscape Plan to the satisfaction of the 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.

### **Community Space**

35. Before the development is occupied, the owner of the land must enter into an agreement with Melbourne City Council, pursuant to Section 173 of the Planning and Environment Act 1987 which requires the owner to facilitate the provision of community space. The agreement must provide for the following:
  - a. A space of no less than 850 square metres within the ground floor of the development to be made available for uses supporting the Community provided that:
    - i The space is made available for lease to Melbourne City Council in the first instance on terms to be agreed.
    - ii Should Council not take up the lease, the space must be made available for an alternative community services use to the satisfaction of Melbourne City Council and be in accordance with the Melbourne Planning Scheme.

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

### **Affordable Housing**

36. Before the development 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).
37. 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).
38. 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 Condition 38(a); or
  - iii. any other mechanism providing a contribution of equivalent or higher value to Condition 38(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 38(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 Condition 38(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.

39. The agreement may provide that:

- a) In lieu of delivering all or part of the affordable housing in accordance with Condition 38(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.

40. 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).

### **Disability Access**

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

### **Features above roof level**

42. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.

### **3D Model**

43. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a 3D digital model of the development and its immediate surrounds must be submitted to and be approved in writing by the Responsible Authority. This 3D model must be in accordance with the *Technical Advisory Note for 3D Digital Model Submissions* prepared by the Department of Environment, Land, Water and Planning (DELWP).

### **Advertising Signs**

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

### **Development Time Limit**

45. This permit will expire if one of the following circumstances applies:
- a. The development is not started within four years of the date of this permit.
  - b. The development is not completed within six years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

### **Notes**

#### **Building Approval Required**

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant

must apply for and obtain appropriate building approval from a Registered Building Surveyor.

### **Building Works to Accord with Planning Permit**

The applicant / owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant / owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

### **Drainage Point and Method of Discharge**

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Responsible Authority prior to the commencement of any buildings or works.

### **Other Approvals May be Required**

This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

### **Civil Design**

All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the responsible authority – City Infrastructure Branch.

### **Roads**

The internal roads should remain the responsibility of the land owner(s) in perpetuity. The City of Melbourne is unlikely to agree to the internal roads being made public.

All necessary approvals and permits are to be first obtained from the City of Melbourne's City Infrastructure Branch and Head Transport for Victoria and the works performed to the satisfaction of the Responsible Road Authority.

### **On-Street Parking**

The City of Melbourne (CoM) will not change the on-street parking restrictions to accommodate the servicing, delivery and parking needs of this development, as the restrictions are designed to cater for other competing demands and access requirements. However, new parking restrictions may be introduced in the surrounding streets at the discretion of the CoM. As per Council's policy, new developments that increase the density of residential development on the site are not entitled to resident parking permits. Therefore, the residents of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions."

### **Amendment C384**

Melbourne Planning Scheme Amendment C384 has been prepared and authorised. The Amendment applies the updated Special Building Overlay (SBO3) to the subject site. You will need to ensure Building Permit requirements / potential future planning permit requirements (i.e. finished floor levels) are considered prior to the commencement of any demolition or works.