

Planning Panels Victoria
Fishermans Bend Planning Review Panel
Draft Amendment GC81

310 – 324 Ingles Street & 225 Boundary Street, Port Melbourne

Date of Inspection: various (most recent 19 March 2018)

Date of Report: March 2018

Report prepared for **Submitter No. 89, 163 and 165**

Report prepared by **Marco Negri**



310 – 324 Ingles Street & 225 Boundary Street, Port Melbourne

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Attachment 1 Guide to Expert Evidence

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Planning Provisions

1 Introduction

- 1 I have been requested by Ponte - Business Lawyers for Business, on behalf of Submitter No. 89, 163 and 165 (**the Submitter**), to consider whether the Draft Fishermans Bend Framework (**the Framework**) and the Draft Planning Scheme Amendment (**the Amendment**) provide adequate protection of the Submitter's existing and permitted operations from the encroachment of the sensitive uses now promoted for the urban renewal precinct and to identify any required changes.
- 2 Attachment 1 provides a response to the Planning Panels Victoria Guide to Expert Evidence.
- 3 I have limited my analysis of the Framework and the Amendment to the specific instructions and, in particular, the implications on the continued operation of a concrete batching plant on the Submitter's property.
- 4 In preparing this report, I have:
 - Reviewed the current planning controls and the current strategic framework;
 - Reviewed the draft Framework;
 - Reviewed the draft Amendment material;
 - Reviewed Submission No. 89;
 - Inspected the site and the broader Urban Renewal Precinct;
 - Read Planning Permit No. 1586 that authorised the establishment of a concrete batching plant on the land;
 - Read Planning Permit No. TP-2015-578 that authorised the construction of an office building and the use of land for the purpose of a concrete batching plant;
 - Read Planning Permit No. TP-2017-447 that authorised the construction of buildings and works associated with an existing concrete batching plant;
 - Reviewed Ministerial Advisory Committee reports;
 - Read the Department of Environment, Land, Water and Planning – Fishermans Bend Buffer Assessment – October 2016;
 - Read the Minister for Planning's Part A Response in respect of the Fishermans Bend Draft Planning Scheme Amendment GC81; and
 - Read the Minister for Planning's Part B Submission in respect of the Fishermans Bend Draft Planning Scheme Amendment GC81.



2 The Submitter's Land

- 5 The submitter owns and operates a concrete batching plant on land at 310-324 Ingles Street, Port Melbourne.
- 6 The use commenced approximately 30 years ago following the grant of Planning Permit No. 1586 (issued 6 October 1987). The plant operates 24 hours a day and 7 days a week.
- 7 The submitter also owns land at 225 Boundary Street, Port Melbourne. Planning Permit No. TP-2015-578 (issued 21 April 2016) authorised the construction of an office building and the use of the land for the purpose of a concrete batching plant. This permit is yet to be acted on and has been extended to allow commencement by 21 April 2020.
- 8 I am advised that the submitter is one of four tier-one suppliers of concrete in Victoria. Another tier-one supplier of concrete (Submitter 248) operates a concrete batching plant on neighbouring land at 213 Boundary Street, Port Melbourne.
- 9 My instructions indicate that:

Generally, speaking concrete has a relatively short 'life' once all the batch ingredients are placed in a concrete truck at the batching plant for mixing.

Australian Standard AS 1379 – 2007 Specification and supply of concrete provides that:

4.2.5 Period for completion of discharge

Discharge of all the concrete in a batch shall be completed within 90 min from the commencement of mixing [in a concrete truck], or before proper placement and compaction of the concrete can no longer be accomplished, whichever occurs first.

The 90 min limitation may be waived by agreement between the customer and the supplier if, after that period, the consistency of the concrete is such that it can be properly placed and compacted without the addition of any more water to the mixer.

NOTE: In hot dry weather, or other ambient conditions contributing to premature stiffening, initial set may occur at less than 90 min from commencement of mixing and the period available for placement and compaction may be likewise reduced. Conversely, in cold weather it may be possible to increase the limit.

4.4.3 Duration of delivery

The duration of delivery shall be limited to the extent that the requirements of Clause 4.2.5 are satisfied.



2 The Submitter's Land

High strength concrete has a shorter life than lower strength concrete.

There is a large demand for high strength concrete in the Melbourne CBD and inner Melbourne as high strength concrete is required for most towers, tunnels and like infrastructure..

- 10 The concrete batching plants that operate in this locality are well located at the edge of central Melbourne to respond to the current and anticipated demand for high strength concrete in a timely manner having regard its short 'life'.
- 11 The current intention is for the concrete batching plants to operate from the properties 'forever'.
- 12 The development of the Fishermans Bend urban renewal precinct will provide further demand for high strength concrete in this location.

3 The Submission

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- 13 Submission 89 highlights the significance and value of the concrete batching plant that operates from the land.
 - 14 In addition to the current operations on the Ingles Street land, which are intended to continue, the permitted operations on the Boundary Street land will provide double the (concrete batching) capacity of the existing operations on the land.
 - 15 It describes the 24-hour nature of the operation, the intensity of the activity and the strategic importance of the location close to the central City to service major development and infrastructure projects.
 - 16 The potential adverse amenity impacts are described and include:
 - Impact associated with heavy vehicle movements 24 hours a day 7 days a week;
 - Dust nuisance; and
 - Noise transfer.
 - 17 At present, the impacts are said to be mitigated to an acceptable degree given the location within an industrial area.
 - 18 The submission indicates that the concrete batching plant is of vital importance and is intended to operate from this location for the foreseeable future.
 - 19 Concerns are expressed about the conflict that will arise between the batching plant operation and the uses that are promoted within the Lorimer Precinct (high density residential development, open space, arts and cultural hub, educations and community hub (primary) and sports and recreation hub).
 - 20 Whilst noting that the draft controls have attempted to deal with this conflict, it expresses concerns that they have not gone far enough.
 - 21 Among other matters it seeks:
 - A more rigorous articulation of the requirements for an Amenity Impact Plan; and
 - Third party notice and review for extant industrial activities.



4 The Framework

22 The properties that are the subject of the submission are included in the Lorimer Precinct in the draft Fishermans Bend Framework.

23 The Vision for this precinct is:

A vibrant, mixed use precinct close to the Yarra River and connected to Melbourne's CBD, Docklands and emerging renewal areas.

24 Under Sustainability goal 1 (a connected and liveable community), Objective 1.8 is to:

Plan and design new development to respond to existing and future infrastructure and land uses.

25 Strategy 1.8.2 is to:

Require development to mitigate against negative amenity impacts such as noise, vibration, odours and light pollution associated with adjoining/nearby infrastructure and land uses.

26 The properties form part of an investigation area for an arts and cultural hub (p.53).

27 The properties are to the south-east of the proposed Lorimer Central Open Space that forms part of a linear open space network that traverses the precinct generally to the north of the land and also to the east across Boundary Street.

28 There is an investigation area for an education and community hub (primary) to the north of the land along Lorimer Street and also to the east across Boundary Street.

29 There is an investigation area for a sport and recreation hub west on the opposite side of Ingles Street.

30 A new road is proposed along the southern side of the properties. New roads and lanes are proposed to traverse the properties.



5 Amendment GC81

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- 31 Amendment GC81 proposes changes to the Melbourne and Port Phillip Planning schemes to implement the draft Fishermans Bend Framework.
- 32 Of relevance to the submitter's land, the proposed amendments to the Melbourne Planning Scheme include:
- Modifications to the Municipal Strategic Statement through amendments to Clause Nos. 21.02, 21.04, 21.08, 21.13, 21.16, 21.17;
 - Modifications to the Local Planning Policy Framework by replacing Clause 22.27 with a new Clause 22.27 Fishermans Bend Urban Renewal Area Local Policy;
 - Replacement of Schedule 4 to the Capital City Zone with a new schedule;
 - Replacement of Schedule 67 to the Design & Development Overlay with a new schedule;
 - Replacement of Schedule 13 to the Parking Overlay with a new schedule;
 - Inclusion of the land in the Environmental Audit Overlay; and
 - Consequential amendments to schedules to Clauses 61.03 and 81.01



5 Amendment GC81

5.1 Municipal Strategic statement

- 33 The proposed changes to the Municipal Strategic Statement of the Melbourne Planning Scheme, of relevance to the submission, include:
- Altering a general reference to ‘*the Fishermans Bend industrial area*’ to the ‘*Fishermans Bend Employment Precinct which is one of Victoria’s National Employment and Innovation Clusters (NEIC)*’ (Clause 21.02);
 - Altering the general reference to ‘*the Fishermans Bend industrial area*’ to the ‘*Fishermans Bend Employment Precinct as a National Employment and Innovation Cluster*’ (Clause 21.08-3);
 - Describing the vision for the Urban Renewal Area and the Lorimer Precinct (Clause 21.13-3); and
 - Describing the preferred character for the Lorimer Precinct (Clause 21.13-3).

5.2 Local Planning policy

- 34 Amendment GC81 proposes to replace the policy at Clause 22.27 (Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area) with a new Clause 22.27.

- 35 The objective of the new proposed policy is:

To implement the Fishermans Bend Vision, September 2016 and Fishermans Bend Framework, XX 2018.

To create a prosperous community that will support diverse employment opportunities across all precincts that build on proximity to the Central City and Port of Melbourne.

To promote employment generating floor space that supports growth in the knowledge, creative, design, innovation, engineering, and service sectors.

To support the creation of a precinct of design excellence.

To create thriving, lively mixed-use neighbourhoods that have distinct identity and character, which fosters social cohesion.

To encourage the provision of community infrastructure, open space and housing diversity to support the creation of a diverse and inclusive community.

- 36 There are policies relating to:

- Providing for employment floor area;
- Dwelling density;
- Community and diversity;
- Design excellence;

5 Amendment GC81

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- Achieving a climate adept, water sensitive, low carbon, low waste community;
 - Energy;
 - Urban heat island;
 - Sea level rises and water recycling and management;
 - Waste management
 - Public and communal open space;
 - New streets, laneways and pedestrian connections;
 - Smart cities;
 - Sustainable transport; and
 - Floor area uplifts.

37 The proposed Clause 22.27 does not include policy to guide the assessment of applications for sensitive uses encroaching on existing industrial uses.

5 Amendment GC81**5.3
Schedule 4 to the Capital
City Zone**

38 The purpose of Schedule 4 (Fishermans Bend Urban Renewal Area) to the Capital City Zone is:

To implement the Fishermans Bend Vision, September 2016 and the Fishermans Bend Framework, XX 2018.

To create a world leading sustainable area that incorporates sustainable transport patterns and best practice sustainable design into all developments.

To create a highly liveable mixed-use area that prioritises employment uses over residential uses, within core areas well serviced by public transport.

To achieve the population targets, job growth and residential densities within each precinct of Fishermans Bend and enable a scapl of growth that is aligned with the provision of infrastructure.

To require a public benefit where the scale of growth exceeds planned infrastructure provision.

39 The schedule to the zone includes provision in relation to:

- The use of land;
- Subdivision;
- Buildings and works;
- Advertising signs

40 The Table of uses at Clause 1.0 includes various sensitive uses as Section 1 permit not required uses subject to conditions including a condition that:

Must meet the threshold distance from industrial/and or warehouse uses referred to in the table to Clause 52.10.

41 Where the condition is not met a permit is required.

42 The application requirements at Clause 2.0 include a requirement for an Amenity Impact Plan to accompany an application for specified sensitive uses that do not meet the relevant threshold distance of Clause 52.10. The plan is required to include, as appropriate:

- *A site plan that identifies the type and nature of the industrial/warehouse uses surrounding the site.*
- *An assessment of the impact of the proposed sensitive use on existing industry/warehouse uses*

5 Amendment GC81

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- *An assessment of the amenity impact of nearby port operations, freight routes or major transport infrastructure on the proposed sensitive uses.*
 - *Measures proposed to mitigate potential amenity impacts of existing industry/warehouse uses or port, freight, transport infrastructure on the proposed sensitive use, to within acceptable levels.*

43 There are Decision guidelines at Clause 2.0 including the relevant guideline:

Whether the proposal incorporates appropriate measures to mitigate against adverse amenity from existing uses.

44 An application to use land (other than for a nightclub, tavern, hotel or adult sex bookshop) is exempt from the notice and review requirements of the Act.

45 There are provisions relating to Subdivision that require the provision of new streets, laneways and public open space in accordance with specific maps (Clause 3.0).

46 There are buildings and works requirements (Clause 4.0) that:

- Mandate the provision of new street, laneways, and open space in accordance with specific maps;
- Prohibit access to specific roads; and
- Establish maximum floor area ratios.

6 Planning Implications

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- 47 Managing the transition from a functioning, active industrial precinct to a more diverse urban environment that is an affordable and accessible place to live and work is not without its challenges.
- 48 Some industrial activities will relocate from Fishermans Bend as land values increase relative to other available industrial land in metropolitan Melbourne.
- 49 Other industrial activities, such as the concrete batching plants, that draw a benefit from the location due to the accessibility and proximity to the Central City, have an economic imperative to stay.
- 50 The construction activity required to deliver the urban renewal precinct will further increase demand and heighten the imperative for the concrete batching plants to remain.
- 51 Consistent with these observations, Submitter No. 89 intends to operate a concrete batching plant on land in the Lorimer Precinct 'forever'.
- 52 The Framework Plan and proposed local planning policy do not adequately acknowledge the likelihood of industrial activities remaining within the urban renewal precinct for the life of the project. There is also no acknowledgement that some industrial activities, such as the concrete batching plants, will provide the materials required to construct the buildings and infrastructure necessary to realise the vision for the urban renewal precinct and enable delivery in a timely manner having regard to the 'life' of the material.
- 53 The Framework Plan, Municipal Strategic Statement and Local Planning Policy should provide an acknowledgement that industrial activities will remain.
- 54 There should also be an acknowledgement that concrete batching plants, whilst having adverse amenity potential (dust, noise and truck movements) provide necessary infrastructure for the construction of the urban renewal area and are appropriately located within the urban renewal area.
- 55 The retention of the concrete batching plants in the Lorimer precinct for the life of the urban renewal is appropriate having regard to:
 - The close proximity to the central city;
 - The nomination of the whole precinct as a Core Activity Area to the immediate north of the Sandridge Core Activity Area; and
 - The location adjoining the West Gate Freeway.
- 56 A mechanism for managing the conflict between the extant industrial activities and the sensitive uses promoted by the framework is required.

6 Planning Implications

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- 57 Schedule 4 to the Capital City Zone proposes such a mechanism.
- 58 A sensitive use within the threshold distance of Clause 52.10 will require a permit and the permit applicant will be required prepare an Amenity Impact Plan that addresses various matters.
- 59 This approach is generally supported.
- 60 As currently drafted, however, the provision will be difficult to administer. The efficacy of the approach will rely on the rigour of the permit applicant and the responsible authority in identifying industrial uses, analysing the adverse amenity potential and providing a means to mitigate such impacts. This rigorous analysis is to occur on a site by site basis without reference to the operator of the particular industry.
- 61 It will be the responsibility of the permit applicant to carry out a land use survey to determine the type and nature of industrial uses near the site. Given the extent of industrial activities in and around the precinct and the various threshold distances at Clause 52.10, this will be a very difficult task.
- 62 There will also be a need to understand the potential amenity impacts associated with the affected industrial activities and to identify measures to mitigate potential impacts. Again this is to be determined by the permit applicant absent of consultation with the operator of the use.
- 63 The Amenity Impact Plan is then lodged with the application to the responsible authority. It is assessed by the responsible authority absent of consultation with the operator of the affected industrial activity. It is also unclear as to whether the responsible authority will have the necessary specialist skills to undertake such a review.
- 64 Submitter 89 seeks to remedy this situation by conferring third party rights on the owners and occupiers of the affected industrial properties.
- 65 I do not support this approach.
- 66 It is appropriate for the use and development of land in the Fishermans Bend to be exempt from notice and review to enable the realisation of the vision for the urban renewal precinct without being unnecessarily frustrated by third party involvement.
- 67 The approach proposed by the Minister should be augmented by a detailed audit of all uses with adverse amenity potential that have buffers in the Fisherman Bend Urban Renewal Area. The Audit should:
- Include a map that identifies the location of each use;
 - Include the address of each use;
 - Specify the applicable Clause 52.10 threshold distance; and

6 Planning Implications

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- Identify the potential amenity impacts associated with the use.

68 Consultation in respect of the audit should then be held with:

- The owner/occupier of the land said to have adverse amenity potential;
- The EPA; and
- The City of Melbourne and the City of Port Phillip.

69 The audit should then be adopted and incorporated into the Planning Schemes.

70 The Amenity Impact Plan required under Schedule 4 to the Capital City Zone should provide a response to the audit in identifying the location of industrial/warehouse uses and in determining techniques to mitigate impacts.

71 The audit should be review on a regular basis (2 years) during the life of the urban renewal to ensure that it continues to be current and relevant.

72 The EPA should be nominated as a recommending referral authority to assist with a specialist review of the Amenity Impact Plan.

73 This approach will allow for the responsible authority to make an assessment of the Amenity Impact Plan with the assistance of the EPA and in the context of a precinct wide analysis of adverse amenity potential in the urban renewal area that has been the subject of consultation with the key stakeholders.

74 The Schedule to the Capital City Zone includes provisions that prevent a permit being granted for subdivision and buildings and works unless the application provides for infrastructure specified on particular maps (roads, lanes and open space areas). Such requirements should not apply to applications for subdivision or buildings and works that are associated with the extant industrial uses.

7 Conclusions

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- 75 In order to manage the adverse amenity potential of extant industrial activities that currently operate in the urban renewal area I have recommended modifications to:
- The Draft Framework Plan;
 - The Municipal Strategic Statement (Clause 21.02, Clause 21.08 and Clause 21.08-3);
 - The Local Planning Policy Framework (Clause 22.27); and
 - Schedule 4 to the Capital City Zone.
- 76 In addition a comprehensive audit of industrial uses should be prepared and incorporated into the planning schemes following consultation with key stake holders (owners and occupiers of the industrial properties, the EPA and the Councils).
- 77 The EPA should be a recommending referral authority to assist the decision maker in determining whether the Amenity Impact Plan prepared in respect of an application is acceptable.
- 78 The Fishermans Bend Framework should be modified to include:
- an acknowledgement of the economic and strategic importance of some extant industrial activities, including the concrete batching plants;
 - an acknowledgment that the transition from an industrial area will take some time and that some uses with Adverse Amenity Potential will also be required to be retained for economic and strategic reasons and to assist in the urban renewal of the precinct;
 - an acknowledgment that the retention of these uses will result in land use conflict and that such conflict should be accepted as a deliberate consequence of the urban renewal and should be managed consistent with the agent of change principle; and
 - within the precinct delivery summaries, an acknowledgment of the need to consider existing industrial uses, including concrete batching plants.
- 79 My recommended amendments to the Municipal Strategic Statement, Local Planning Policy and schedule to the Capital City Zone are included at Attachment 2.
- 80 I have also recommended the preparation of an *Audit of all Uses with Adverse Amenity Potential* with buffer distances that impact on the Fishermans Bend Urban Renewal Precinct.
- 81 Such Audit should consist of a Map identifying the location of the use and a report providing a description of each use and a summary of the potential adverse amenity implications.



7 Conclusions

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- 82 It should be the subject of consultation with the EPA, owners of the affected properties and the operators of the uses with adverse amenity potential to better understand the activities and the potential amenity implications.
- 83 The *Audit of all Uses with Adverse Amenity Potential* should be incorporated into the Melbourne & Port Phillip Planning Schemes pursuant to *section 6(2)(j) of the Planning and Environment Act 1987* to assist permit applicants and the responsible authority.
- 84 The audit should be reviewed and updated a regular basis (minimum 2 yearly intervals).

MARCO C NEGRI
DIRECTOR
CONTOUR CONSULTANTS AUST PTY LTD

Attachment 1

Guide to Expert Evidence

A1

Attachment 1 - Guide to Expert Evidence

Name and Address	Marco Cristoforo Negri is a Director of Contour Consultants Australia Pty Ltd, Town Planners and Practices from Level 1, 283 Drummond Street, Carlton, in Victoria.
Professional Qualifications	Bachelor of Applied Science (Planning) Graduate Diploma of Planning & Design Member of the Planning Institute of Australia
Professional Experience	1986-1995: Town Planner in Local Government 1995-2002: Senior Town Planning Management in Local Government 2002-Present: Town Planning Consultant
Areas of Expertise	Strategic and Statutory Planning. Planning assessment of land use and development applications including major retail, residential and commercial developments. Expert advice to local government on a variety of statutory and strategic planning projects including policy development in relation to housing, retail, environmental and heritage issues. Advice to commercial clients covering the management of urban development.
Expertise to Prepare this Report	Professional training and experience in town planning and specialist experience in both residential and commercial development.
Instructions which Defined the Scope of this Report	I received written instructions from Ponte Business Lawyers by letter dated 19 March 2018 on behalf of Submitter No. 89.
Facts, Matters and Assumptions Relied Upon	Inspections of the subject land and the broader Fishermans Bend Urban Renewal Precinct
Documents Taken Into Account	Refer to Section 1 of the Report.
Identity of Persons Undertaking the Work	I prepared this report.
Summary of Opinion	Refer to the Conclusion of my report.
	I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.
	MARCO C NEGRI DIRECTOR CONTOUR CONSULTANTS AUST PTY LTD

Attachment 2

Recommended Changes to Planning Provisions

MELBOURNE PLANNING SCHEME (EXTRACT)
MELBOURNE MSS – REVIEW PANEL DAY 1 VERSION
 EXHIBITED VERSION WITH UNCHANGED CLAUSES REMOVED AND SELECTED PARAGRAPHS NUMBERED

21.02 MUNICIPAL PROFILE

12/09/2013

Proposed GC81

Context and history

12/09/2013

C162

Melbourne's growth

12/09/2013

C162

People City

12/09/2013

C162

Creative City

12/09/2013

C162

Prosperous City

12/09/2013

Proposed GC81

Metropolitan Melbourne is a global city. Along with Sydney and Brisbane, it is a key hub in Australia's eastern seaboard economic region and gateway of trade, commerce and culture linking into the world economy. [Melb 21.02-5 p1]

In 2011 there were over 461,000 people employed in the municipality. Employment has grown at 3.5 per cent per year since 2002, faster than the state average of 2.4 per cent. The Central City has grown at 3.7 per cent since 2001 and by 2011, 319,000 workers were employed there. (SGS 2011, Employment Forecasts) [Melb 21.02-5 p2]

With Greater Melbourne's largest concentration of government and advanced business services, the City makes a substantial contribution to Victoria's prosperity. In 2008 the City of Melbourne occupied 0.4 per cent of the land area in the Melbourne Statistical Division but its gross local product (GSP), at an estimated at \$56,824 million, was approximately 20.5% of Victoria's GSP and 25.8% of the GSP of the Melbourne Statistical Division. Melbourne's community also extends overseas with a large ex-pat community based overseas further extending the global business connection. (Economy ID 2012, Economic Profile) [Melb 21.02-5 p3]

The Central City is the State's main retail centre. The Retail Core in the Hoddle Grid's is Victoria's largest retail centre with about 526,000 square metres of retail floor space and an annual turnover of around \$2.18 billion. (City Research, CLUE 2010) [Melb 21.02-5 p4]

The City has a traditional manufacturing and industry base with over 5,990,000 square metres of floor space in the municipality used for industrial purposes. (City Research, CLUE 2010) In recent times, there has been substantial change in the manufacturing sector with many manufacturing uses in the inner City areas relocating to areas on the periphery of Melbourne or offshore. In the Fishermans Bend [Employment Precinct which is one of Victoria's National Employment and Innovation Clusters \(NEIC\)](#) ~~industrial area, however,~~ the City has a vibrant industrial ~~area~~ ~~precinct~~ with head offices of leading manufacturers and nationally important clusters in aviation and aerospace and defence. There is also an ongoing need for industrial uses *in the broader Fishermans Bend Urban Renewal Area* that service the other activities in the City, ~~the~~ *that support the* construction sector and *provide* for *the* management of waste. [Melb 21.02-5 p5] [Negri]

21.02-6 Knowledge City

12/09/2013

C162

Eco-City

12/09/2013

C162

Connected City

12/09/2013

C162

21.04 SETTLEMENT

21.04–1 Growth Area Framework

As the municipality continues to grow and develop, the culture and functioning of the City in twenty years time will be very different from today. However, through these changes the characteristics of the city we value today must be retained. [Melb 21.04-1 p1]

This can be achieved by: targeting urban growth and development into specific areas of the City; enabling ongoing but incremental growth and development in those parts of the City needing constant renewal of their vitality, and by maintaining the existing character in valued established areas. [Melb 21.04-1 p12]

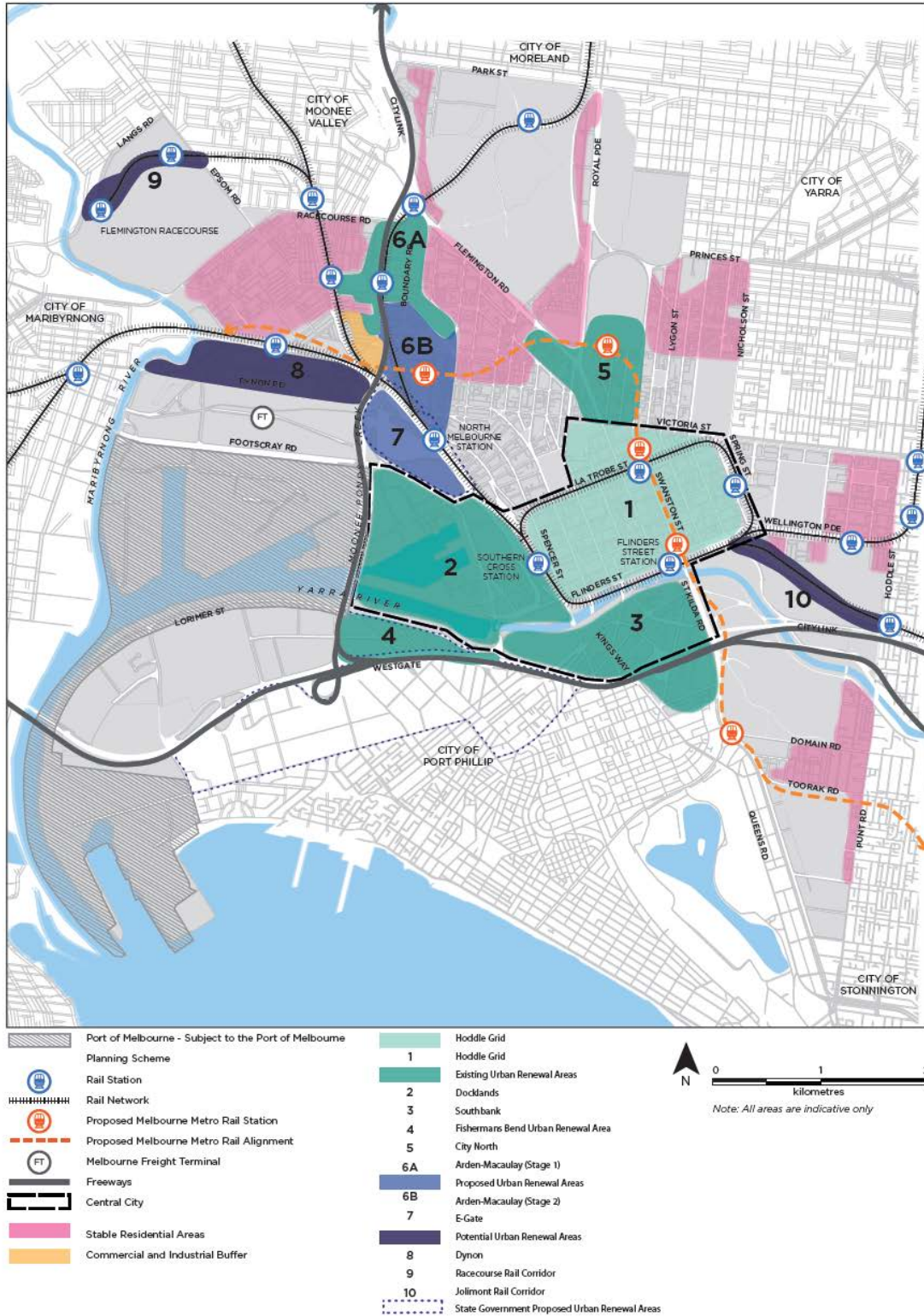
The focus of this MSS is on promoting areas of growth and protecting areas of stability. Areas of ongoing and incremental growth will continue to be regulated under the current planning scheme controls. The MSS identifies five types of areas: [Melb 21.04-1 p3]

- The original city centre (the Hoddle Grid) [Melb 21.04-1 p4]
- Urban renewal areas [Melb 21.04-1 p5]
- Proposed urban renewal areas [Melb 21.04-1 p6]
- Potential urban renewal areas [Melb 21.04-1 p7]
- Stable residential areas [Melb 21.04-1 p8]

The Growth Area Framework Plan at Figure 1 identifies these areas. [Melb 21.04-1 p9]

MELBOURNE PLANNING SCHEME (EXTRACT)
 MELBOURNE MSS – REVIEW PANEL DAY 1 VERSION
 EXHIBITED VERSION WITH UNCHANGED CLAUSES REMOVED AND SELECTED PARAGRAPHS NUMBERED

Figure 1 Growth Area Framework Plan



21.04–1.1 The original city centre – the Hoddle Grid

21.04–1.2 Urban renewal areas

23/10/2017
 Proposed
 GC81

The urban renewal areas are Southbank, Docklands and the Fishermans Bend Urban Renewal Area. These areas have been planned and designed to provide for the expansion of the Central City in optimal living and working environments with a new mix of uses, higher density of development and excellent provision for walking, cycling and public transport services. Here change is guided by well-developed structure plans and master plans adopted by State Government and Council. [Melb 21.04–1.2 Intro p1]

The design of the buildings, streets, public open spaces should be integrated over whole precincts with provision of utilities services to minimise the precinct's greenhouse gas emissions, optimise water management, mitigate the effects of extreme storm events, reduce the urban heat island and take precautions against sea level rise. [Melb 21.04–1.2 Intro p2]

Southbank

Docklands

Fishermans Bend Urban Renewal Area

The area measuring ~~over 480-240~~ hectares is part of the expanded Central City. The four mixed use precincts have ~~has~~ been declared a site of State significance and rezoned as part of an expansion to the expanded Capital City Zone. [Melb 21.04–1.2 FB p1]

This rezoning expands the Capital City Zone by more than 50 per cent and is expected to accommodate jobs and residents within four mixed use precincts and one employment precinct. [Melb 21.04–1.2 FB p2]

The urban renewal area is also within the City of Port Phillip municipality. The area adjoins the Docklands and Southbank existing urban renewal areas. [Melb 21.04–1.2 FB p3]

City North

Arden-Macaulay

21.04–1.3 Proposed Urban Renewal Areas

23/10/2017
 C190(Part 1)

21.04–1.4 Potential Urban Renewal Areas

29/01/2015
 C225

21.04–1.5 Stable Residential Areas

29/01/2015
 C225

MELBOURNE PLANNING SCHEME (EXTRACT)
MELBOURNE MSS – REVIEW PANEL DAY 1 VERSION
 EXHIBITED VERSION WITH UNCHANGED CLAUSES REMOVED AND SELECTED PARAGRAPHS NUMBERED

21.04–2**Growth**

23/10/2017
 C190(Part 1)

Objective 1 To provide for the anticipated growth in the municipality over the next 20 years.

- Strategy 1.1 Retain the Hoddle Grid area as the core of the Central City and plan for its ongoing change and growth.
- Strategy 1.2 Direct new urban growth into the Docklands and Southbank Urban Renewal Areas.
- Strategy 1.3 Plan and design Urban Renewal areas to provide optimal living and working environments, to be energy, water and waste efficient and adapted to predicted climate change.
- Strategy 1.4 Plan identified Urban Renewal Areas, and define their exact extent, through structure planning for the local area.
- Strategy 1.5 Ensure new development in Urban Renewal Areas does not compromise the preferred future renewal of the area.
- Strategy 1.6 In the longer term, consider sites of Potential Urban Renewal at Dynon Road, the Jolimont Rail Corridor, the Racecourse Rail Corridor. Urban renewal of these areas will be dependant on the resolution of other related infrastructure planning.

Objective 2 To direct growth to identified areas.

- Strategy 2.1 Support the ongoing development of the Hoddle Grid.
- Strategy 2.2 Support ongoing urban renewal and Central City expansion in:
- Southbank
 - Docklands
 - Fishermans Bend Urban Renewal Area
 - City North
 - Arden-Macaulay
- Strategy 2.3 Plan for urban renewal in:
- E-Gate
- Strategy 2.4 Consider potential for urban renewal in:
- Dynon,
 - Jolimont Rail Corridor
 - Racecourse Rail Corridor
- Strategy 2.5 Develop Structure Plans to guide the local detail of urban renewal.

21.04–3**Implementation**

29/01/2015
 C225

Update structure plans for the existing urban renewal areas and implement structure plans into the planning scheme for proposed urban renewal areas.

21.08 Economic Development

12/09/2013

Proposed
GC81

Retail

Retailing is an important component of Melbourne's Capital City function. The Hoddle Grid will remain the State's pre-eminent retail centre and retailing in its Retail Core needs to be maintained and enhanced as a world class shopping district while respecting the character and heritage of this areas existing buildings and lanes.

There is a need to support the provision of local shops to serve the residential and working communities in local centres. A proliferation of eating and entertainment uses should not undermine the character and range of services offered in these local centres.

Business

The Central City is the prime location for commerce in metropolitan Melbourne, and along with the St Kilda Road commercial area, is of state significance. Areas zoned Mixed Use and Commercial around the Central City have traditionally provided locations for business activities, which support Capital City functions. These areas are under increased pressure for housing, and it is important to ensure their ongoing functioning and viability as business areas, which serve both local community needs and Capital City business activity.

Industry

Manufacturing uses in the inner City areas will continue to relocate to more competitive industrial locations in outer metropolitan Melbourne. The City of Melbourne, however offers unique locational and access advantages, particularly for advanced manufacturing industries. These industries and associated research have consolidated in the municipality. They are cleaner and more compatible with dense inner urban settings and need to be, protected and supported.

Industries can affect the amenity and environment of nearby sensitive land uses such as residential. Carefully manage this tension between the traffic, noise and other impacts of industrial operations and the amenity of surrounding residential areas.

There is also an ongoing need for industrial uses in the Fishermans Bend Urban Renewal Area that support the construction sector in the delivery of goods and services to the Central City, as well as for the development and infrastructure necessary to realise the renewal. [Negri]

Knowledge

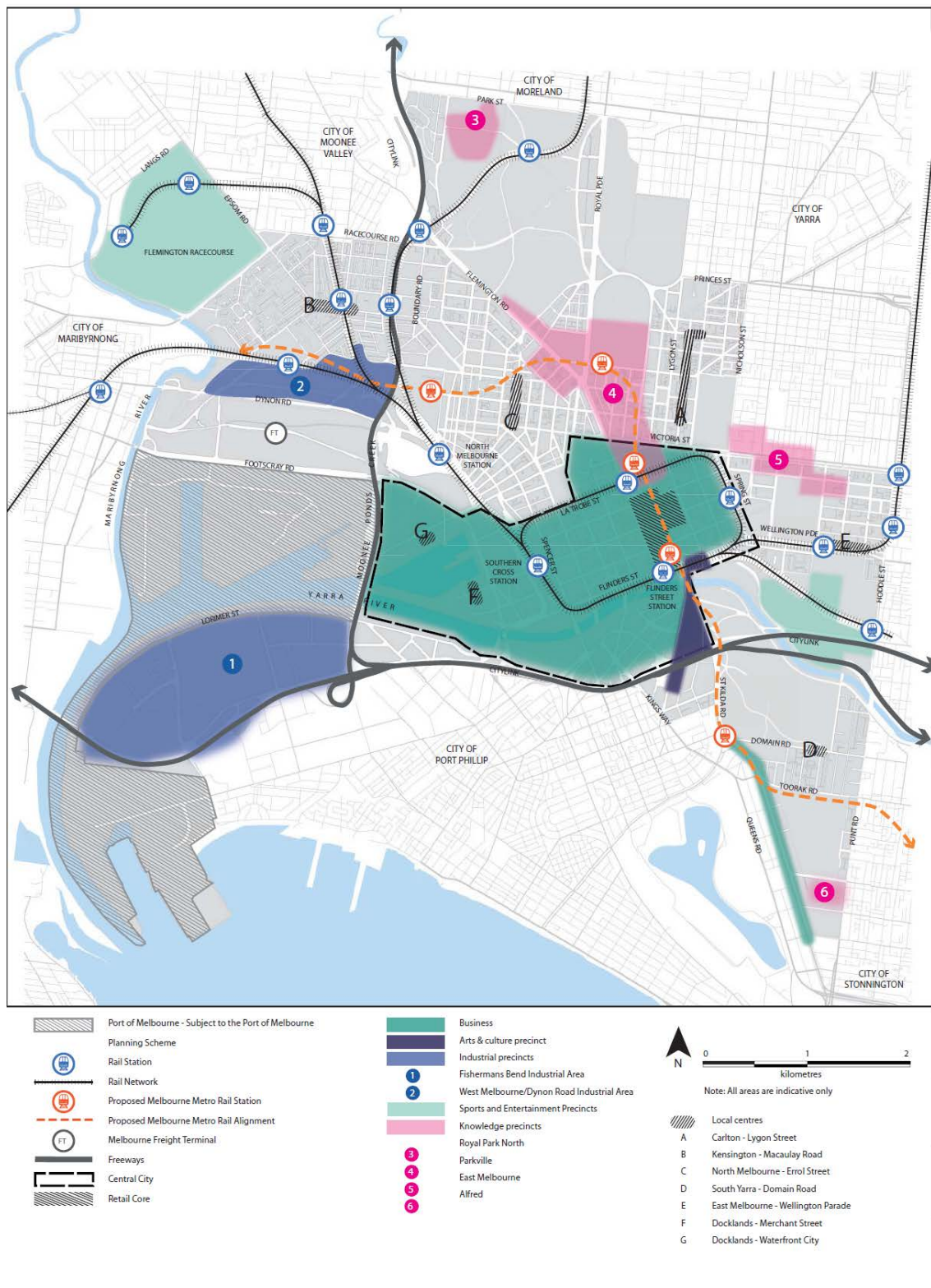
Innovation in business is central to Melbourne's economic vitality and its role as a globally competitive Capital City. The municipality is a dense centre of world standard services and research activity particularly in the financial, engineering, biotechnology and design sectors.

The University of Melbourne and RMIT University, the city campuses of four other universities and a number of TAFE institutes are able to link locally with industry, business, hospitals and research institutes in the Parkville, Alfred Hospital St Vincent's Hospital precincts.

This dense co-location of business, education, and medical and, research centres will be supported to strengthen the City's competitive and innovative capacity.

MELBOURNE PLANNING SCHEME (EXTRACT)
MELBOURNE MSS – REVIEW PANEL DAY 1 VERSION
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Figure 3 Economic Development Map



21.08 – 1 Retail12/09/2013
C162**21.08 – 2 Business**12/09/2013
C162**21.08 – 3 Industry**

12/09/2013

Proposed
GC81**Objective 1 To improve the long term viability and security of the City's industries.**

Strategy 1.1 Support the development of Fishermans Bend Employment Precinct as a National Employment and Innovation Cluster ~~Industrial Precinct and~~ as the City's primary industrial area and the preferred location for clean, advanced manufacturing, research and development, and ancillary services.

Strategy 1.2 ~~Ensure~~ ~~Limit~~ the development of commercial and retail uses in the Fishermans Bend Employment Precinct ~~industrial area, which are not ancillary to industrial use~~ supports the vision as Australia's leading design, engineering and advanced manufacturing precinct.

Strategy 1.3 Facilitate the on going role of industry in the West Melbourne Industrial Precinct.

Strategy 1.4 Support the ongoing 24 hour function of the Port of Melbourne and associated industries as Australia's leading container port.

Strategy 1.5 Support the ongoing function of freight uses in the West Melbourne Industrial Precinct and the development of the Melbourne Freight Terminal to better integrating Port operations and Fishermans Bend Employment Precinct ~~industrial area~~ with the rail network.

Strategy 1.6 Support industrial uses within the Fishermans Bend Urban Renewal Area that assist the construction sector in the delivery of goods and services to the Central City as well as for the development and infrastructure necessary to realise the renewal. [Negri]

Objective 2 To encourage industries to adopt the highest standards of environmental management practice.

Strategy 2.1 Encourage industries to adopt Environmental Management Plans and ensure new industrial uses incorporate measures to minimise noise and environmental impacts.

Strategy 2.2 Ensure that the appearance and operation of transport, manufacturing and wholesale and distribution industries minimise their adverse impacts on the surrounding road network and on the amenity and condition of the public realm.

21.08 – 4 Maritime precincts12/09/2013
C162**Objective 1 To promote water transport for recreational and commuter use as part of a larger integrated transport system and consistent with maintaining safe and efficient Port operation.**

Strategy 1.1 Maintain opportunities for potential future transport access to the rivers.

Strategy 1.2 Ensure the capacity for necessary shore based infrastructure such as adequate mooring facilities and passenger and service access.

Strategy 1.3 Minimise the extent of marina encroachment into navigable waterways especially in the Docklands.

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21.08 – 5 Knowledge precincts

12/09/2013
C162

Objective 1 To support education, medical and research activities.

- Strategy 1.1 Support the operation, development and clustering of education research centres and associated uses whilst protecting the amenity of Residential and Mixed Use zoned areas.
- Strategy 1.2 Support the increased integration of the tertiary education facilities into the public realm of the City through better access connections and the design of new development.
- Strategy 1.3 Encourage research and development uses in appropriate zones throughout the City.
- Strategy 1.4 Discourage the encroachment of non-residential uses associated with research, education and medical institutions into adjoining Residential Zones and parkland.
- Strategy 1.6 Manage the off-site impacts of education and research facilities such as car parking and traffic to protect the character and amenity, (including visual amenity) of adjoining areas.

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21.13 URBAN RENEWAL AREAS

21.13-3 Fishermans Bend Urban Renewal Area - Lorimer

14/11/2016

Proposed
GC81

~~The area measuring 250 hectares within the City of Melbourne and City of Port Phillip municipalities has been declared a site of State significance and rezoned as part of an expanded Capital City Zone.~~ [21.13-3 p1]

~~The area is now part of the Expanded Central City and will accommodate CBD jobs and residents, in high densities.~~ [21.13-3 p2]

~~The Fishermans Bend Strategic Framework Plan, July 2014 (amended September 2016) sets out the long term vision for the area, and includes statutory requirements for development of the area. This document is incorporated in this planning scheme pursuant to the Schedule to Clause 81.01.~~ [21.13-3 p3]

The State Planning Policy identifies Fishermans Bend as a priority urban renewal area. It is an unparalleled renewal opportunity within Melbourne. It will provide for 80,000 jobs (40,000 within the mixed use precinct and 40,000 in the Employment Precinct) and a range of well serviced, high density housing options for 80,000 people. Lorimer is planned to accommodate 12,000 residents and 6,000 jobs. [21.13-3 p4]

The Lorimer precinct will promote a mix of residential, retail, commercial, entertainment and employment opportunities that complements the functions and built form of the Central City and Docklands. The area will provide opportunities for co-location of employment and housing, increasing productivity through decreased travel times for residents [21.13-3 p5]

Fishermans Bend urban renewal project is driven by the fundamental principles of economic prosperity, social equity and environmental quality that takes advantage of its close proximity to existing employment, residential and transport links in the Central City/ Southbank/ Docklands areas. Design excellence and environmental sustainability is fundamental to delivering a high quality, high amenity urban environment and realising the vision for a highly liveable urban renewal area. [21.13-3 p6]

The Fishermans Bend Urban Renewal Area will seek to achieve an affordable housing target of 6% across the precincts. Delivering improved housing affordability, choice and a diversity in this key area of Melbourne. [21.13-3 p7]

The Lorimer precinct has a distinct role in realising the vision for Fishermans Bend and will have its own distinct character and identity. [21.13-3 p8]

Housing [21.13-3 p9]

- Ensure new residential areas have a strong sense of community and are welcoming and convenient places to live. [21.13-3 p10]
- Encourage a vibrant, mixed use precinct close to the Yarra River and connected to Melbourne's Central City, Docklands and other emerging urban renewal areas. [21.13-3 p11]
- Encourage a high density mixed use precinct centred around a linear green spine and open spaces. To create an important recreational and biodiversity green link, promoting a healthy and diverse lifestyle for people of all ages and backgrounds. [21.13-3 p12]

Economic Development [21.13-3 p13]

- Ensure Lorimer has excellent access to employment and public transport, being located on the doorstep of the Central City, Docklands and adjacent to the Fishermans Bend Employment Precinct (NEIC), connected by the northern Tram Route. [21.13-3 p14]
- Encourage development to deliver high levels of amenity, focus on the attraction and retention of talent, and to support investment and growth in the knowledge, creative, design, research, education, innovation, engineering, advanced manufacturing and service sectors. [21.13-3 p15]

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- [Encourage mixed use outcomes across the four mixed use precincts that create a significant employment growth, complementing existing industries in the Employment Precinct \(NEIC\), and build on strengths in aeronautical and automotive engineering and defence.](#) [21.13-3 p16]
- ***[Support the continued operation of industrial uses in Lorimer that assist the construction sector in the delivery of goods and services to the Central City, as well as for the development and infrastructure necessary to realise the renewal.](#)***[Negri]
- [Ensure that new development implements measures to mitigate *against* potential amenity impacts from existing industry and warehouse uses, or from ongoing port operations.](#) [21.13-3 p17] **[Negri]**

Built Environment and Heritage [21.13-3 p18]

[Encourage a visual and physical connection to the Yarra River through a series of new north-south laneways that will stitch the precinct across Lorimer Street through to the Yarra River.](#) [21.13-3 p19]

[Encourage a diversity of mid and high-rise buildings with taller buildings located along the less sensitive interface of the West Gate Freeway providing an attractive architectural backdrop to the precinct.](#) [21.13-3 p20]

[Encourage a mix of courtyard, perimeter block apartments, and tower developments with hybrid developments that accommodate a mix on larger sites strongly encouraged.](#) [21.13-3 p21]

[Ensure heights are reduced in key locations to protect existing and proposed open spaces from being overshadowed.](#) [21.13-3 p22]

[Encourage defined frontages with retail uses activate ground level interfaces with open spaces. Large and smaller format commercial uses are also encouraged within podium or lower levels of development.](#) [21.13-3 p23]

[Ensure towers are well spaced to provide for outlook and view through to the river, with setbacks to protect amenity of streets and laneways.](#) [21.13-3 p24]

[Encourage higher street walls along the freeway interface, providing a buffer from freeway traffic.](#) [21.13-3 p25]

Sub-precincts: Preferred character outcomes [21.13-3 p26]

[The following outlines the preferred character within each sub-precinct within the Lorimer precinct \(refer Map 10: Sub-precincts within the Fishermans Bend Urban Renewal Area\)](#) [21.13-3 p27]

Table 1: Preferred future character

<u>Lorimer</u>	<u>Preferred character</u>
<u>Area L1</u>	<p>Hybrid developments of mid-rise perimeter blocks and tower developments [21.13-3 p27]</p> <p>Slender towers located to minimise overshadowing impacts on the Lorimer Parkway [21.13-3 p28]</p> <p>Provision of private and communal open space with good access to sunlight to provide high levels of amenity for residents and workers. [21.13-3 p29]</p> <p>Activation of the Lorimer Parkway, Ingles Street and the new north-south street through a diversity of fine-grain frontages, nominally 4-8 metres wide. [21.13-3 p30]</p> <p>Lower street wall heights along Lorimer Parkway to maximise the amount of sunlight penetrating between tower elements to reach the southern side of the parkway [21.13-3 p31]</p>

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Area L2	Mid-rise developments with activated laneways leading to Lorimer Street and the Yarra River [21.13-3 p32]
Area L3	<p>Slender towers located to minimise overshadowing of the Lorimer parkway [21.13-3 p33]</p> <p>Lower street wall heights along Lorimer parkway to maximise the amount of sunlight penetrating between tower elements to reach the southern side of the parkway. [21.13-3 p34]</p>
Area L4	<p>Hybrid developments of mid-rise perimeter blocks and tower developments [21.13-3 p35]</p> <p>Well-spaced towers that avoid a wall-of-towers effect when viewed from the Yarra River, Lorimer Parkway, internal streets and the West Gate Freeway [21.13-3 p36]</p> <p>Towers that create a visual landmark to the West Gate Freeway recognising that this is an important arrival point into the central city [21.13-3 p37]</p> <p>Location and design of towers to minimise overshadowing of parks and streets in the Sandridge precinct [21.13-3 p38]</p> <p>Activation of new north-south laneways and streets</p> <p>Lower street wall heights on the east and west of the new large park on Turner Street [21.13-3 p39]</p> <p>Elsewhere, higher street wall heights that assist in mitigating noise pollution from the West Gate Freeway into the Lorimer Precinct. [21.13-3 p40]</p> <p>Service access only on the new service road along the West Gate boundary [21.13-3 p41]</p> <p>Buildings designed and constructed to mitigate against the impacts associated with existing industrial uses including concrete batching plants. [Negri]</p>

[Transport](#) [21.13-3 p42]

- [Support the creation of the northern tram route along Turner Street and Lorimer Street providing direct, high frequency public transport connection to Docklands and the Central City.](#) [21.13-3 p43]
- [Support the creation of new or upgraded bridges over the Freeway at Ingles Street and Graham Street to provide public transport, bike and pedestrian access to Sandridge.](#) [21.13-3 p44]
- **[Support the continued transport infrastructure to existing industrial uses, including the concrete batching plants. \[Negri\]](#)**

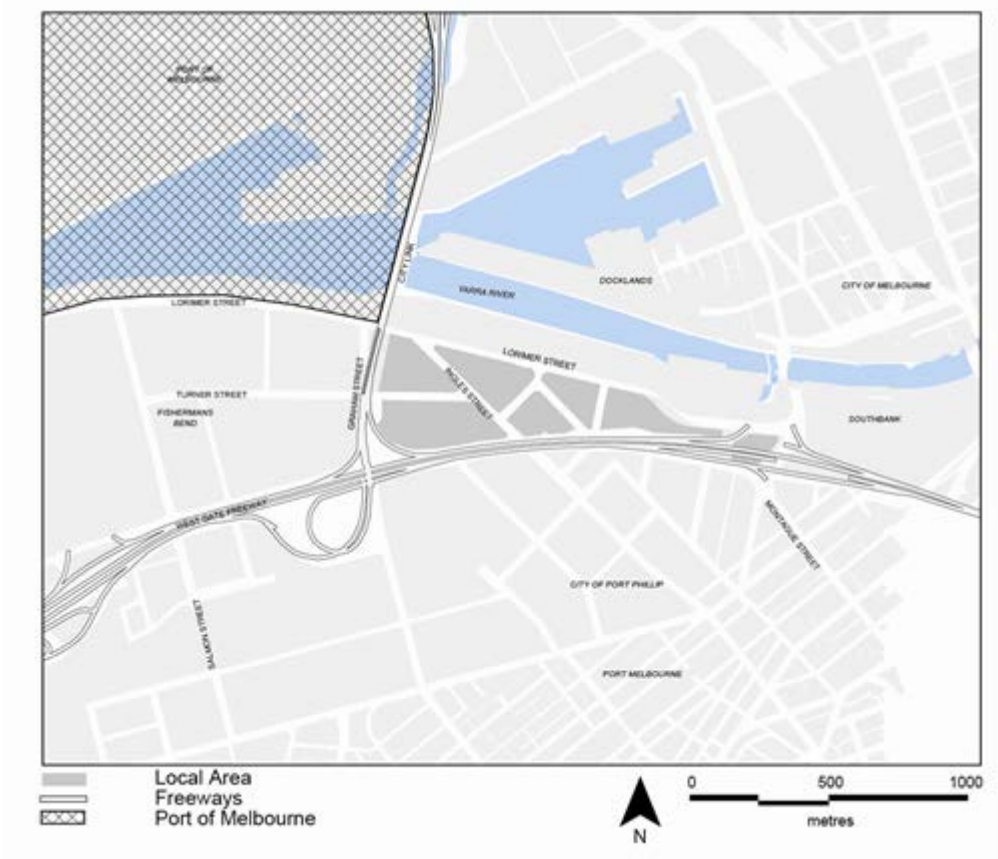
[Infrastructure](#) [21.13-3 p45]

- [Support the creation of the Lorimer Central Open Space located in the heart of the precinct, between Ingles and Boundary Streets](#) [21.13-3 p46]
- [Support Turner Street closure and widening to create a new Linear Parkway along the tram route, and creating a green link to the new Lorimer West Open Space, and additional green link connecting to new open space at intersection of Hartley and Lorimer Streets.](#) [21.13-3 p46]
- [Support a network of new streets and laneways to transform the existing industrial scale blocks into a walkable neighbourhood.](#) [21.13-3 p48]
- [Support a pop-up community hub created on land adjacent to the Bolte Bridge, evolving into a Health and Well-Being Hub. Education and Community Hub \(primary\) is located in the north eastern part of the precinct, and an Art and Cultural Hub is located in the south eastern part of the precinct.](#) [21.13-3 p49]

- [Encourage new facilities to be delivered as part of mixed use development, located in close proximity to the Lorimer Central Open Space or Hartley Street Open Space and northern tram route.](#) [21.13-3 p50]
- [Encourage a Sports and Recreation hub \(or part of cluster\) to be delivered as part of mixed use development, located within the 'investigation area' at the western part of the precinct.](#) [21.13-2p51]

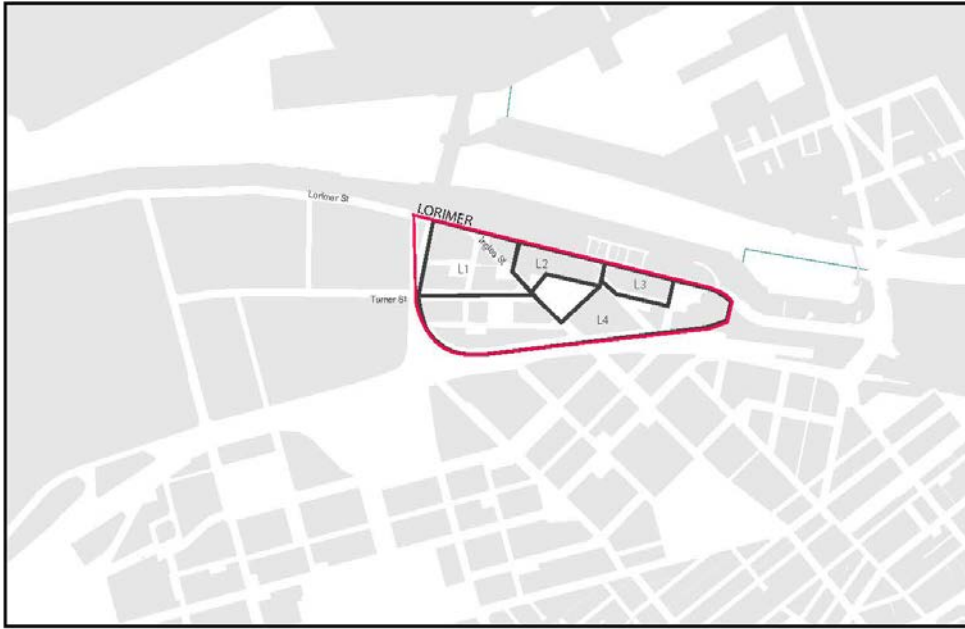
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Figure 9: Fishermans Bend Urban Renewal Area



[Figure 10: Sub-precincts within Fishermans Bend Urban Renewal Area](#)

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LEGEND	
	Precinct Boundary
	Sub-precinct Boundary

21.16 OTHER LOCAL AREAS

29/01/2015
Proposed GC81

Fishermans Bend ~~Industrial Area~~ Employment Precinct

29/01/2015
Proposed
GC81

The Fishermans Bend Employment Precinct is one of Victoria's National Employment and Innovation Clusters (NEIC) is the area of industrial land to the west of the city adjacent to the Port of Melbourne. The Port of Melbourne is covered by a separate planning scheme administered by the Minister for Planning. While not the responsible authority for the Port, the City of Melbourne must ensure an appropriate interface and access to the Port as Australia's largest container and general cargo port. [21.16-6 p1]

The continued protection of industry and the Port from encroachment by residential and other sensitive uses will be important. [21.16-6 p2]

Economic Development

- Support the development of limited convenience retail and professional services in the area ~~Fishermans Bend~~ to support the area's growing workforce. [21.16-6 p3]
- Support advanced manufacturing and associated research and development organisations especially within the aerospace and automotive sectors to locate in the precinct ~~Fishermans Bend~~, to provide mutual benefit through proximity to existing businesses and activities. [21.16-6 p4]
- Support development of the area as a National Employment and Innovation Cluster ~~Corporate precinct as an area~~ to attract new manufacturing business and corporate headquarters, focused on research and technology. [21.16-6 p5]
- Support the development of the ~~Small Medium Enterprise~~ precinct as a transitional area separating the larger manufacturing industries to the west from more intensive industrial businesses to the north east and encourage a variety of business and industrial uses and business incubators. [21.16-6 p6]
- Discourage small scale industrial and commercial development and subdivision in ~~Fishermans Bend~~ precinct that is not related to advanced manufacturing and research and development uses. [21.16-6 p7]
- Manage the interface between ~~the Docklands' future residents of nearby areas~~ by encouraging emission free or office based manufacturing uses and development ~~in Lorimer Street (near the interface with Docklands) that are complementary to the adjacent Docklands development.~~ [21.16-6 p8]
- Encourage larger manufacturing businesses to locate in the western portion of ~~Fishermans Bend precinct in the Corporate Precinct~~ to minimise conflict with ~~the Docklands development~~ future residents of nearby areas. [21.16-6 p9]
- Discourage the location of sensitive activities in ~~Fishermans Bend~~ the precinct that are not compatible with the operations of the Port of Melbourne or other industrial activities. [21.16-6 p10]

Built Environment and Heritage

- Strengthen pedestrian and cycle connections and support provision of open space and links through Fishermans Bend between the Port Melbourne foreshore, the Hoddle Grid and Westgate Park. [21.16-6 p11]
- Ensure that development in Fishermans Bend visible from Docklands does not detract from the appearance or visual amenity of the Docklands area. [21.16-6 p12]
- Support improvements to the physical infrastructure, urban design and amenity of Fishermans Bend to make the area a high quality urban environment and more attractive for business. [21.16-6 p13]
- Encourage a high standard of visual amenity along Lorimer Street to reinforce the image of Fishermans Bend and to strengthen main vistas and views. [21.16-6 p14]

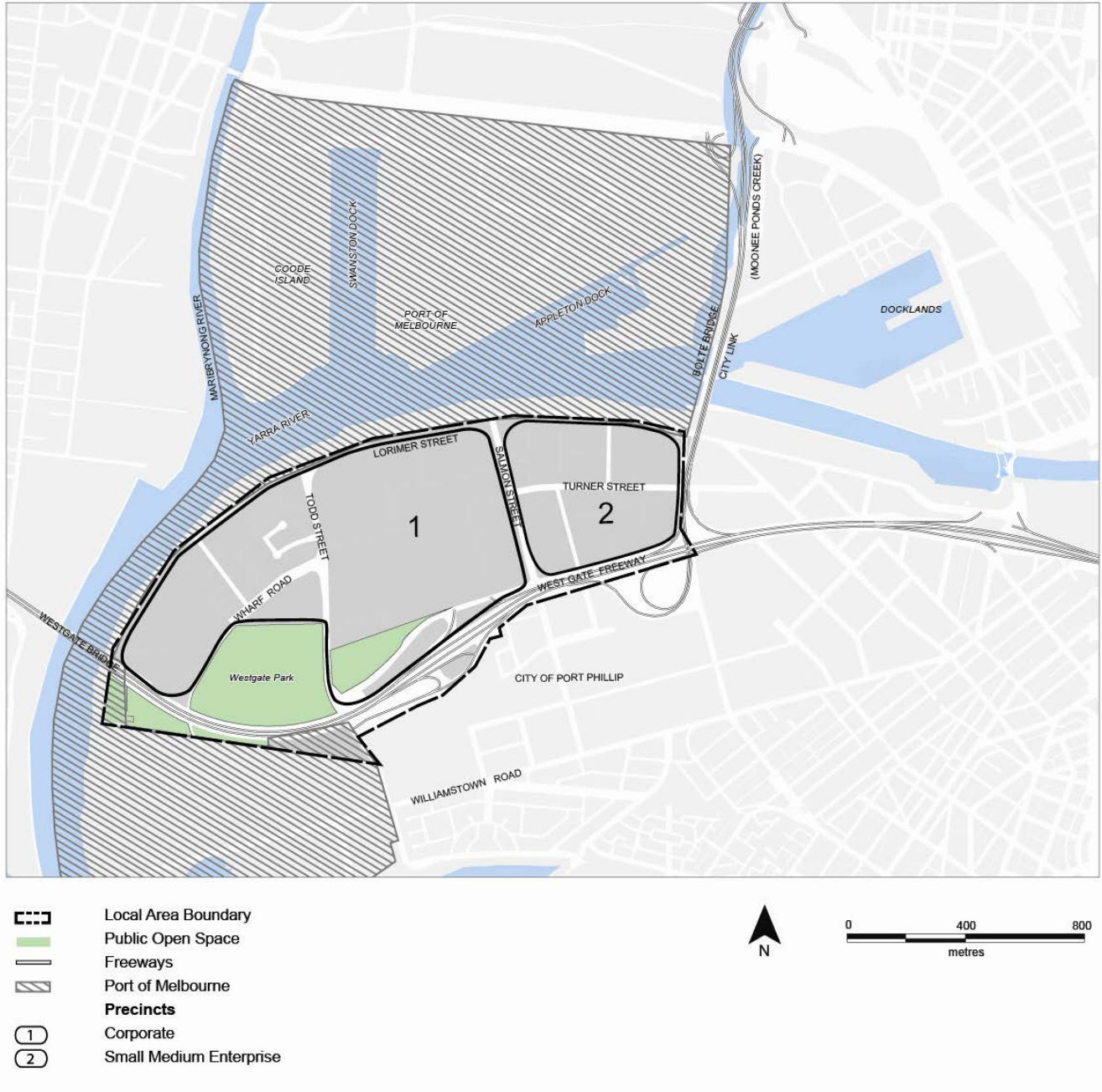
- Encourage large front landscaped setbacks on larger industrial sites in Fishermans Bend. [21.16-6 p15]
- Discourage the location of car parking along Lorimer Street where it is visible from the street. [21.16-6 p16]
- Discourage high wire mesh fencing at street frontages particularly along Lorimer Street. [21.16-6 p17]
- Enhance the environmental and open space values of Westgate Park. [21.16-6 p18]
- Enhance open space in Fishermans Bend to provide for the needs of the working population. [21.16-6 p19]

Transport

- Support the extension of bus, fixed and light rail services to Fishermans Bend. [21.16-6 p20]
- Support the development of transport infrastructure required for the Port of Melbourne in Fishermans Bend including planning for future rail links to Webb Dock to the south, heavy vehicles and freight and protecting shipping lanes. [21.16-6 p21]
- Support the extension of heavy rail to Webb Dock. [21.16-6 p22]

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Figure 21: Fishermans Bend Industrial Area



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21.17 REFERENCE DOCUMENTS

31/08/2017

General

Proposed
GC81

Housing and community

Business and Retail

Urban Form and Structure and character

Parks

Transport and Access

Environment

Local Area Plans

[Fishermans Bend Urban Renewal Area](#)

[Fishermans Bend Vision 2015](#)

[Fishermans Bend Framework 2017](#)

[Fishermans Bend Community Infrastructure Plan 2017](#)

[Fishermans Bend Urban Design Strategy 2017](#)

[Fishermans Bend Open Space Plan 2017](#)

22. XX FISHERMANS BEND URBAN RENEWAL AREA

--/~/20--
 Proposed
 GC81

This policy applies to use and development of all land within Fishermans Bend affected by the Capital City Zone Schedule 1[PPPS] 4[MPS] or Design and Development Overlay Schedule 30[PPPS] 67[MPS]. [LPP p1]

To the extent of any inconsistency with another local policy, this local policy prevails. [LPP p2]

22.XX-1 Policy basis

--/~/20--
 Proposed
 GC81

This policy implements the vision for Fishermans Bend, as set out in the *Fishermans Bend Framework, XX 2018* as a ‘thriving place that is a leading example for environmental sustainability, liveability, connectivity, diversity and innovation’ that will accommodate 80,000 residents, 40,000 jobs and be Australia’s largest Green Star – Community. [LPP-1 p1]

22.XX-2 Objectives

--/~/20--
 Proposed
 GC81

To implement the Fishermans Bend Vision, September 2016 and Fishermans Bend Framework, XX 2018. [LPP-2 p1] [Negri]

To create a prosperous community that will support diverse employment opportunities across all precincts that build on proximity to the Central City and Port of Melbourne. [LPP-2 p2]

To promote employment generating floor space that supports growth in the knowledge, creative, design, innovation, engineering, and service sectors. [LPP-2 p3]

To support the creation of a precinct of design excellence. [LPP-2 p4]

To support the continued operation of industrial uses within the Fishermans Bend Urban Renewal Area that assist the construction sector in the delivery of goods and services to the Central City, as well as for the development and infrastructure necessary to realise the renewal. [Negri]

To apply the agent of change principle to ensure that new development implements measures to mitigate against potential amenity impacts from existing industry and warehouse uses, or from ongoing port operations. [Negri]

To create thriving, lively mixed-use neighbourhoods that have distinct identity and character, which fosters social cohesion. [LPP-2 p5]

To encourage the provision of community infrastructure, open space and housing diversity to support the creation of a diverse and inclusive community. [LPP-2 p6]

22.XX-3 Policy

--/~/20--
 Proposed
 GC81

Providing for employment floor area

It is policy to enable the creation of at least 40,000 jobs in the Fishermans Bend Capital City Zone precincts by: [LPP-3 p1]

- Locating the highest densities of employment opportunities close to existing and planned public transport. [LPP-3 p2]
- Encouraging all development [in the core areas[PPPS]] to set aside non-residential floor area to provide floor area for employment generating uses. To enable this, Table 1 to this policy outlines the preferred minimum floor area ratio which should be set aside for a use other than Dwelling. [LPP-3 p3]

Table 1 Minimum floor area ratio not used for Dwelling [MPS]

Precinct	Minimum floor area ratio not used for Dwelling
Lorimer [MPS]	1.7:1 [MPS]

Table 1 Minimum floor area ratio not used for Dwelling [PPPS]

Precinct	Minimum floor area ratio not used for Dwelling (Core Areas)
Wirraway [PPPS]	1.9:1 [PPPS]
Sandridge [PPPS]	3.7:1 [PPPS]
Montague [PPPS]	1.6:1 [PPPS]

Where development [in the core areas [PPPS]] provides less than the minimum floor area ratio set out in Table 1 to this policy, consideration will be given to: [LPP-3 p4]

- Whether the built form envelope available on the site makes it impractical to provide the minimum floor area ratios. [LPP-3 p5]
- Whether the application is associated with the continued operation or expansion of an existing employment or residential use on site that is currently less than the minimum floor area ratio. [LPP-3 p6]
- Whether the building floor to floor heights, layout and design will facilitate future residential to commercial use or for car parking areas to be converted to alternate uses. [LPP-3 p7]
- Whether the development can demonstrate that it is contributing to the employment objectives of this policy while providing less than the minimum floor area ratio. [LPP-3 p8]

Dwelling density

It is policy to deliver dwelling densities that achieve the overall population targets for Fishermans Bend. Higher dwelling densities should be located in areas with a high provision of proposed public transport infrastructure. These densities have been set to deliver a range of housing opportunities across each precinct to support a diverse range of households and a diverse and vibrant community by: [LPP-3 p9]

- Ensuring densities are aligned with the preferred character of each precinct area. [LPP-3 p10]
- Ensuring the available yield possible through a Floor Area Ratio is not delivered as large numbers of small dwellings that compromise the preferred dwelling diversity. [LPP-3 p11]
- Ensuring that densities do not create adverse outcomes within specific precinct areas. [LPP-3 p12]
- Encouraging a diversity of dwellings within each precinct and within development sites. [LPP-3 p13]

The dwelling densities outlined at Table 2 to this policy apply to all development in order to deliver these outcomes. [LPP-3 p14]

Table 2 Dwelling density

Precinct	Maximum Dwelling: density/ha – Core area	Maximum Dwelling: density/ha – non-core area
Lorimer		255
Wirraway	139	131
Sandridge	311	154
Montague	301	198

Community and diversity

It is policy to deliver a range of housing opportunities for a diverse community, including family friendly dwellings, developments that allow people to age in place, key worker housing, and affordable housing by: [LPP-3 p15]

- Supporting the provision of six per cent affordable housing across Fishermans Bend. [LPP-3 p16]
- Encourage any affordable housing provided to comprise a range of built form typologies. [LPP-3 p17]
- Encouraging proposals of more than 300 dwellings to provide the following percentage of 3 bedroom dwellings: [LPP-3 p18]
 - [Lorimer: 20 per cent [MPS]] [LPP-3 p19]
 - [Wirraway: 30 per cent [LPP-3 p20]]
 - [Sandridge: 20 per cent [LPP-3 p21]]
 - [Montague: 25 per cent [PPPS]] [LPP-3 p22]
- Encouraging design that delivers family friendly housing through: [LPP-3 p23]
 - The development of mid-rise housing with access to private open space. [LPP-3 p24]
 - Locating family friendly housing on the lower levels of development with direct visual access to communal play spaces. [LPP-3 p25]
 - Living room sizes that exceed minimum requirements to enable multiple uses and/or areas. [LPP-3 p26]
 - Access to outdoor communal green space on ground level, podium levels or roof tops. [LPP-3 p27]
 - Providing children’s communal active indoor play or recreation space as part of indoor communal spaces. [LPP-3 p28]
 - Locating sufficient storage areas in areas with easy access to dwellings. [LPP-3 p29]
- Encouraging communal open spaces within residential development to create opportunities for social interaction and a sense of community. This includes facilities, garden and recreation areas, with consideration given to opportunities for a range of users. [LPP-3 p30]
- Encouraging the early delivery of community infrastructure hubs. [LPP-3 p31]

Design excellence

It is policy to create a place of design [excellence [PPPS]] by: [LPP-3 p32]

- Encouraging built form typologies that align with the precinct character area as detailed in the Municipal Strategic Statement. [LPP-3 p33]
- Encouraging variation in the design of buildings and spaces, to create a unique city image and assist in way-finding. [LPP-3 p34]

PORT PHILLIP [PPPS] MELBOURNE [MPS] PLANNING SCHEME
COMBINED LPP – REVIEW PANEL CONSOLIDATED DAY 1 VERSION
BASED ON MINISTER’S PART A VERSIONS WITH PARAGRAPH NUMBERS ADDED

- Encouraging large sites with multiple buildings, to incorporate a range of built form typologies. [LPP-3 p35]
- Encouraging large sites to create a fine grain, pedestrian scale environment. [LPP-3 p36]
- Ensuring the design of buildings contributes to a high quality public realm. [LPP-3 p37]
- Encouraging developments to deliver spaces, including open spaces for people to meet, gather, socialise, exercise and relax. [LPP-3 p38]
- Delivering variation in massing, building height, and roof forms and staggering or offsetting of tower footprints where there are multiple towers. [LPP-3 p39]
- Encouraging design to respond to non-aboriginal and aboriginal heritage and culture through interpretive design. [LPP-3 p40]
- Encouraging the design of buildings to respond to the existing industrial built form. [LPP-3 p41]
- Encouraging the retention or re-use of existing industrial building elements. [LPP-3 p42]
- Ensuring a materials palette and building finishes that respond to the industrial context and social history of the area. [LPP-3 p43]

Achieving a climate adept, water sensitive, low carbon, low waste community [LPP-3 p44]

It is policy to create a benchmark for sustainable and resilient urban transformation that supports the creation of a climate adept, water sensitive, low carbon, low waste community. This will be achieved through the following areas of sustainability. [LPP-3 p45]

Energy

Creating a low carbon community that provides energy efficient design will be achieved by encouraging: [LPP-3 p46]

- Developments to achieve a 20 per cent improvement on current National Construction Code energy efficiency standards. This includes energy efficiency standards for building envelopes and for lighting and building services. [LPP-3 p47]
- Residential developments to achieve an average 7 star NatHERS rating for each building. [LPP-3 p48]
- Development to incorporate renewable energy generation, on-site energy storage, and opportunities to connect to a future precinct-wide or locally distributed low-carbon energy supply. [LPP-3 p49]

Urban heat island

Creating a climate adept community that is resilient to extreme weather events will be achieved by encouraging: [LPP-3 p50]

- Non-glazed facades materials exposed to summer sun to have a low solar absorptance. [LPP-3 p51]
- At least 70 per cent of the total site area should comprise building or landscape elements that reduce the impact of the urban heat island effect including: [LPP-3 p52]
 - Vegetation, green roofs and water bodies. [LPP-3 p53]
 - Roof materials, shade structures or hard scaping materials with high solar reflectivity index, including solar panels. [LPP-3 p54]
- Building design to include provision for green roofs and green walls and deep planters for canopy trees to maximise shading. [LPP-3 p55]

Sea level rise and water recycling and management

Creating a water sensitive community where the design of developments accommodates sea level rise and storm events by ensuring: [LPP-3 p56]

- Any level changes required between street level and elevated ground floor levels are integrated into the design of buildings to maintain good physical and visual connection between the street and internal ground floor spaces. This may include use of footpath level building entries with internal level changes. Where development requires raised floor levels: [LPP-3 p57]
 - Development uses stepped internal levels to maximise street engagement at ground floor. [LPP-3 p58]
 - Finished floor levels, balconies or terraces are raised up to 1.2 metres allow street surveillance whilst maintaining privacy. [LPP-3 p59]
 - Ramp structures are well designed, high quality and are located internal to buildings where possible. [LPP-3 p60]
 - Exterior ramps are well integrated with the building and contribute to the quality and character of the public realm. [LPP-3 p61]
 - The location of essential services, such as power connections, switchboards and other critical services anticipates and addresses potential flooding events. [LPP-3 p62]
- Buildings include installation of a third pipe for recycled water: [LPP-3 p63]
 - To supply non-potable uses including toilet flushing to all properties and commercial spaces, irrigation and laundry, unless otherwise agreed by the relevant water authority. [LPP-3 p64]
 - With an agreed building connection point designed in conjunction with the relevant water [supply[PPPS]] authority to ensure readiness to connect to future precinct-scale recycled water supply. [LPP-3 p65]
- Rainwater is captured from 100 per cent of suitable roof harvesting areas and retained in a rainwater tank with a capacity of 0.5 cubic metres for every 10 square metres of catchment area. [LPP-3 p66]
- Rainwater tanks are 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. [LPP-3 p67]
- Rainwater captured from suitable harvesting areas is re-used for toilet flushing, laundry and irrigation or, as a last option, controlled release. [LPP-3 p68]
- Development and public realm layout and design integrate best practice Water Sensitive Urban Design. [LPP-3 p69]

Waste management

Create a low waste community that is designed to provide best practice waste and resource recovery management, by ensuring: [LPP-3 p70]

- Development responds to any precinct waste management plan, if one exists. [LPP-3 p71]
- Where practicable, developments create opportunities to: [LPP-3 p72]
 - Optimise waste storage and efficient collection methods. [LPP-3 p73]
 - Combine commercial and residential waste storage. [LPP-3 p74]
 - Share storage or collections with adjacent developments. [LPP-3 p75]
 - Separate collection for recycling, hard waste, and food and green waste. [LPP-3 p76]

Public and communal open spaces

It is policy to create publicly accessible, private and communal open spaces within developments, by: [LPP-3 p77]

- Ensuring where public open space is provided on site: [LPP-3 p78]
 - Open space is encouraged to be at least 500 square metres with a minimum dimension of 20 metres. [LPP-3 p79]
 - Open space is designed to the satisfaction of the responsible authority. [LPP-3 p80]
- Encouraging development with an interface to existing or proposed open space to: [LPP-3 p81]
 - Ensure no unreasonable amenity or microclimate impacts on the open space. [LPP-3 p82]
 - Ensure pedestrian and vehicle movement to or from the development does not unreasonably impact on the function, useability or amenity of the open space. [LPP-3 p83]
 - Integrate any publicly accessible open space within the development with adjoining areas of open space. [LPP-3 p84]
- Ensuring any communal open space, including rooftop and podium spaces are designed to meet the needs of a range of users. [LPP-3 p85]
- Encouraging internal communal open spaces to connect to external communal open spaces and be designed as multifunctional, adaptable spaces. [LPP-3 p86]
- Encouraging the provision of additional public open space at ground level, and ensure the location, design and layout of proposed public open space which contributes to the creation of a network of passive, informal and informal recreational spaces: [LPP-3 p87]
 - Has direct street access and where possible is co-located with other existing or proposed open spaces. [LPP-3 p88]
- Discourage the use of encumbered land as ‘additional public open space’. This space has an ancillary public open space function for active uses and biodiversity opportunities. [LPP-3 p89]

New streets, laneways and pedestrian connections

It is policy to create a connected, permeable and accessible community that prioritises walking, cycling, and public transport use, by: [LPP-3 p90]

- Ensuring new streets, laneways and pedestrian connections are: [LPP-3 p91]
 - No more than 100 metres apart, and no more than 50 metres apart in core areas as shown on Map 1 to the Capital City Zone Schedule 1 [PPPS] 4 [MPS], or within 200 metres of public transport routes. [LPP-3 p92]
 - Align with and connected to existing and proposed streets, laneways and paths. [LPP-3 p93]
 - Provide direct access to existing or proposed public transport stations and routes. [LPP-3 p94]
- Ensuring any new shared streets or shared laneways are designed to prioritise pedestrian movement and safety and designed to: [LPP-3 p95]
 - A maximum design speed of 10km/hr in accordance with the 9 metre road cross section. [LPP-3 p96]
 - A maximum design speed of 5km/hr in accordance with the 6 metre road cross section. [LPP-3 p97]
- Encouraging on sites more than 3000 square metres, new streets, laneways or paths to be used to create mid-block through links and define and separate buildings. [LPP-3 p98]

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- Encouraging on sites with a street frontage of less than 100 metres, new streets, laneways or paths to be located along a side boundary. [LPP-3 p99]
- Encouraging new streets and laneways to be designed to: [LPP-3 p100]
 - Enable views straight through the street block. [LPP-3 p101]
 - Have active frontages[, if the site is in a core area[PPPS]]. [LPP-3 p102]
 - Be open to the sky and allow for the planting of canopy trees. [LPP-3 p103]

Smart cities

It is policy to encourage developments to include smart city technology, by: [LPP-3 p104]

- Embedding smart technology and installing digital sensors and actuators into built form to collect digital data. [LPP-3 p105]
- Embedding opportunities for ‘smart’ and responsive urban management and practices into the design and operation of infrastructure and buildings and services. [LPP-3 p106]
- Encouraging smart infrastructure to be installed on existing infrastructure. [LPP-3 p107]
- Integrating ‘smart’ management and design of energy, water, and waste infrastructure that supports efficient use of resources. [LPP-3 p108]
- Ensuring developments provide provision for the delivery of high speed data networks. [LPP-3 p109]
- Ensuring that all technology and data systems comply with best practices. [LPP-3 p110]

Sustainable transport

It is policy to encourage developments to be designed to support 80 per cent of movements being made via active and public transport, by: [LPP-3 p111]

- Providing high levels of and easy access to bicycle parking facilities, including end of trip change rooms, showers and lockers. [LPP-3 p112]
- Facilitating the delivery of future public transport including new trams, train and bus routes. [LPP-3 p113]
- Designing internal connections to give priority to bicycle and pedestrian movements. [LPP-3 p114]
- Delivering new streets and laneways to provide easy walking and cycling permeability. [LPP-3 p115]
- Discouraging development from providing more than the maximum number of car spaces allowed and include provision for future conversion of car parking to alternative uses over time. [LPP-3 p116]
- Reducing impacts of new vehicle access points on pedestrian, public transport and bicycle priority routes. [LPP-3 p117]
- Providing information to residents and employees about local walking, cycling and public transport routes. [LPP-3 p118]

Floor area uplift

It is policy to ensure where a floor area uplift is sought that the responsible authority, in consultation with the receiving agency of the proposed public benefit(s) considers the following: [LPP-3 p119]

- Whether the public benefit(s) is consistent with state and local policy, strategic initiatives. [LPP-3 p120]
- Whether the quantity and value of the floor area uplift has been appropriately calculated. [LPP-3 p121]

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- Whether the proposed public benefit(s) can be realistically delivered and secured by a suitable legal agreement, and [LPP-3 p122]
- Whether the proposed public benefit is supported by the proposed receiving agency and can be maintained. [LPP-3 p123]

Adverse Amenity Potential

- **It is policy to support the continued operation of industrial uses within the Fishermans Bend Urban Renewal Area that assist the construction sector in the delivery of goods and services to the Central City, as well as for the development and infrastructure necessary to realise the renewal. This will be achieved by:**
 - **applying the agent of change principle to ensure that new development implements measures to mitigate against potential amenity impacts from existing industry and warehouse uses, or from ongoing port operations.**
 - **Requiring that an application for a sensitive use within the threshold distance set out at Clause 52.10 is accompanied by an Amenity Impact Plan that is prepared to respond to the industrial activities identified in the Audit of all Uses with Adverse Amenity Potential Incorporated Document.**
 - **Considering the views of the Environment Protection Authority.[Negri]**

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Definitions [LPP 4 p0]

The following definitions apply for the purposes of interpreting this policy: [LPP 4 p1]

Dwelling densities per hectare (dw/ha) means the number of dwellings on the site divided by the gross developable area (hectares) of the site. [LPP 4 p2]

Family-friendly housing means housing that supports the living arrangements of families, particularly with children. A visual relationship between the internal apartment areas and communal spaces provided for recreation and play are critical. [LPP 4 p3]

Floor area ratio means the gross floor area divided by the gross developable area. [LPP 4 p4]

Gross developable area means the area of the proposal land, including any proposed roads or laneways, new public open space and land for community infrastructure (public benefit). [LPP 4 p5]

Gross floor area means the area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies. Dedicated communal residential facilities and recreation spaces are excluded from the calculations of gross floor area. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3 metres if there is no adjacent floor. [LPP 4 p6]

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Reference documents

Fishermans Bend Vision, September 2016 [LPP 5 p1]

Fishermans Bend Framework, XX 2018 [LPP 5 p2]

Fishermans Bend Community Infrastructure Plan 2017 [LPP 5 p3]

Fishermans Bend Urban Design Strategy 2017 [LPP 5 p4]

Fishermans Bend Waste and Resource Recovery Strategy 2017 [LPP 5 p5]

How to calculate floor area uplift and public benefits in Fishermans Bend [LPP 5 p6]

22.XX -5 Incorporated documents

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Audit of all Uses with Adverse Amenity Potential [Negri]

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

Shown on the planning scheme map as **CCZ1 [PPPS] CCZ4 [MPS]**.

FISHERMANS BEND URBAN RENEWAL AREA

Purpose

To implement the Fishermans Bend Vision, September 2016 and the Fishermans Bend Framework, XX 2018. [CCZ-Obj's p1] [Negri]

To create a world leading sustainable area that incorporates sustainable transport patterns and best practice sustainable design into all developments. [CCZ Obj's p2]

To create a highly liveable mixed-use area that prioritises employment uses over residential uses, [within core areas well serviced by public transport [PPPS]]. [CCZ Obj's p3]

To achieve the population targets, job growth and residential densities [within each precinct [PPPS]] of Fishermans Bend and enable a scaple of growth that is aligned with the provision of infrastructure. [CCZ Obj's p4]

To require a public benefit where the scale of growth exceeds planned infrastructure provision. [CCZ Obj's p5]

Support the continued operation of industrial uses to assist the construction sector in the delivery of goods and services to the Central City, as well as for the development and infrastructure necessary to realise the renewal of Fishermans Bend. [Negri]

To apply the agent of change principle to ensure that new development implements measures to mitigate against potential amenity impacts of existing industry and warehouse uses, or from ongoing port operations. [Negri]

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Table of uses

Section 1 - Permit not required

Use	Condition
Accommodation (other than Dwelling, Corrective institution, Motel, Residential aged care facility, Residential hotel, Residential village and Retirement village)	Must meet the threshold distance from industrial and/or warehouse uses referred to in the table to Clause 52.10.
Art and craft centre	
Bank	Must be located [in a core area [PPPS]] with frontage to a primary or secondary active frontage street.
Child care centre	Must meet the threshold distance from industrial and/or warehouse uses referred to in the table to Clause 52.10.
Cinema based entertainment facility	Must be located [in a core area [PPPS]] with frontage to a primary or secondary active frontage street.
Department store	Must be located in a core area with frontage to a primary or secondary active frontage street.
Display home	
[Dwelling [PPPS]]	[Must be in a Non-Core area. Must meet the threshold distance from industrial and/or warehouse uses referred to in the table to Clause 52.10. [PPPS]]

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Use	Condition
Education centre	Must meet the threshold distance from industrial or warehouse uses referred to in the table to Clause 52.10.
Home occupation	Must meet requirements of Clause 52.11.
<u>Informal outdoor recreation</u>	<u>Must meet the threshold distance from industrial or warehouse uses referred to in the table to Clause 52.10 (Negri)</u>
Minor sports and recreation facility Office (other than Bank) Place of assembly (other than Amusement parlour, Function centre and Nightclub) Railway station	
Retail premises (other than Hotel, Shop and Tavern) Restricted retail premises	Must not exceed 1000 square metres gross leasable floor area, [and be located in a core area [PPPS]].
Residential aged care facility Residential hotel Motel	Must meet the threshold distance from industrial or warehouse uses referred to in the table to Clause 52.10.
Shop (other than Adult sex bookshop, Department store, Supermarket and Restricted retail premises)	
Supermarket	Must be located [in a core area[PPPS]] with frontage to a primary or secondary active frontage street.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Car park	Must not be an open lot car park.
Dwelling	
Function centre Hotel Industry Leisure and recreation (other than Informal outdoor recreation, Minor sport and recreation facility, Motor racing track and Racecourse) Nightclub Residential village Retirement village Tavern Transport terminal (other than Airport and Railway station) Utility installation Warehouse	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use

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

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Use of land

Application requirements

The following application requirements apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority: [CCZ 2.0p1]

- An application to use the land for a dwelling, residential village or retirement village must be accompanied by a report which addresses: [CCZ 2.0p2]
 - How the proposal contributes to an activated frontage [CCZ 2.0p3]
 - How the proposal achieves the dwelling density of the Fishermans Bend Urban Renewal Local Policy, including an assessment of the composition and size of dwellings proposed [CCZ 2.0p4]
 - How the proposal contributes to the job growth targets and employment floor area set out in the Fishermans Bend Urban Renewal Area Local Policy. [CCZ 2.0p5]
- An application to use land for **accommodation**, a dwelling, **a motel, a residential aged care facility, residential hotel**, residential village, retirement village, hostel, child care centre, education centre or informal outdoor recreation use which does not meet the threshold distance from industrial or warehouse uses referred to in the table to Clause 52.10, or that is within 300 metres of any existing warehouse or industrial use, must be accompanied by an Amenity Impact Plan **that has been prepared to respond to the Audit of all Uses with Adverse Amenity Potential Incorporated Document, and which** includes, as appropriate: [CCZ 2.0p6] **[Negri]**
 - A site plan that identifies the type and nature of the industrial/warehouse uses surrounding the site [CCZ 2.0p7] **and any permits granted for the upgrade or expansion of industrial/warehouse uses. [Negri]**
 - An assessment of the impact of the proposed sensitive use on existing industry/warehouse uses [CCZ 2.0p8]
 - An assessment of the amenity impact of nearby port operations, freight routes or major transport infrastructure on the proposed sensitive uses. [CCZ 2.0p9]
 - Measures proposed to mitigate potential amenity impacts of existing industry/warehouse uses or port, freight, [or [MPS]] transport infrastructure on the proposed sensitive use, to within acceptable levels. [CCZ 2.0p10]
- An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate: [CCZ 2.0p11]
 - The purpose of the use and the types of processes to be utilised. [CCZ 2.0p12]
 - The type and quantity of goods to be stored, processed or produced. [CCZ 2.0p13]
 - How land not required for immediate use is to be maintained. [CCZ 2p.0p14]
 - Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority. [CCZ 2.0p15]

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- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded. [CCZ 2.0p16]
- The likely effects, if any, on the neighbourhood, including: [CCZ 2.0p17]
 - Noise levels. [CCZ 2.0p18]
 - Air-borne emissions. [CCZ 2.0p19]
 - Emissions to land or water. [CCZ 2.0p20]
 - Traffic, including the hours of delivery and despatch. [CCZ 2.0p21]
 - Light spill or glare. [CCZ 2.0p22]

Exemption from notice and review

An application for the use of land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [CCZ 2.0p23]

This exemption does not apply to an application to use land for a nightclub, tavern, hotel or adult sex bookshop. [CCZ 2.0p24]

Referral of applications

In accordance with section 55 of the Act, an application to use land for accommodation, dwelling, motel, residential aged care facility, residential hotel, residential village, retirement village, hostel, child care centre, education centre or informal outdoor recreation use which does not meet the threshold distance from industrial or warehouse uses referred to in the table to Clause 52.10, or that is within 300 metres of any existing warehouse or industrial use, must be referred to the Environment Protection Authority. [Negri]

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority: [CCZ 2.0p25]

- If a dwelling is proposed, whether the proposal: [CCZ 2.0p26]
 - Delivers dwelling diversity and dwelling density that aligns with the population targets and provision of community infrastructure. [CCZ 2.0p27]
 - Creates an activated ground floor, particularly in core areas as per Map 1 of this schedule [PPPS]. [CCZ 2.0p28]
 - Provides home-offices or communal facilities that support ‘work from home’ or ‘mobile’ employment. [CCZ 2.0p29]
- The impact the proposal has on the realisation of employment targets, ensuring that employment uses are maximised and safeguarded in [core [PPPS]] areas well serviced by public transport. [CCZ 2.0p30]
- Whether the use provides for employment uses in line with targets set out in the Fishermans Bend Urban Renewal Area Local Policy. [CCZ 2.0p31]
- Temporary uses of land not immediately required for the proposed use. [CCZ 2.0p32]
- If a dwelling is located within a buffer area to the Port of Melbourne, whether the intensity of use is appropriate to its location. [CCZ 2.0p33]
- Whether the proposal incorporates appropriate measures to mitigate against adverse amenity from existing uses. [CCZ 2.0p34]

3.0 Subdivision

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Permit requirements

The following requirements apply to *the subdivision of land other than the subdivision of land associated with the continued operation of an industrial uses* subdivide land: [Negri]

- The layout of the subdivision must make provision for any new streets, laneways[, [PPPS]] or public open space generally in accordance with Map 2 and Map 3 of this schedule. [CCZ 3.0p2]
- Car parking areas are to be retained in a single or a consolidated title as common property, unless the responsible authority is satisfied that this requirement is not required. [CCZ 3.0p3]

Application requirements [CCZ 3.0p4]

The following application requirements apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority: [CCZ 3.0p5]

- The location of abutting roads, services, infrastructure[, [PPPS]] and street trees. [CCZ 3.0p6]
- Information which demonstrates how the subdivision makes provision for the streets, laneways[, [PPPS]] and open spaces[, [PPPS]] generally in accordance with Map 2 and Map 3 of this schedule. [CCZ 3.0p7] *This does not apply to an application to subdivide land relating to the continued operation of an industrial use. [Negri]*
- Information which demonstrates how the subdivision will allow for the transition of car parking spaces to alternate uses over time. [CCZ 3.0p8] *This does not apply to an application to subdivide land relating to the continued operation of an industrial use. [Negri]*
- A layout plan, drawn to scale and fully dimensioned showing: [CCZ 3.0p9]
 - The location, shape and size of the site. [CCZ 3.0p10]
 - The location of any existing buildings, car parking areas and private open space. [CCZ 3.0p11]
 - The location, shape and size of the proposed lots to be created. [CCZ 3.0p12]
 - The location of any easements on the subject land. [CCZ 3.0p13]
 - Any abutting roads. [CCZ 3.0p14]
 - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate. [CCZ 3.0p15]
- A land budget showing the extent of land provided as a public benefit. [CCZ 3.0p16] *This does not apply to an application to subdivide land relating to the continued operation of an industrial use. [Negri]*

Exemption from notice and review

An application for the subdivision of land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [CCZ 3.0p17]

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority: [CCZ 3.0p18]

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- Whether the layouts of streets, laneways and open space are consistent with those shown in Map 2 and Map 3 of this schedule. [CCZ 3.0p19] **This does not apply to an application to subdivide land relating to the continued operation of an industrial use. [Negri]**
- The contribution the proposed subdivision makes to a fine grain precinct, and pedestrian and bicycle permeability. [CCZ 3.0p20] **This does not apply to an application to subdivide land relating to the continued operation of an industrial use. [Negri]**
- Whether the proposed car parking areas are designed for future adaptation or repurposing of land in line with the future provision of public transport. [CCZ 3.0p21] **This does not apply to an application to subdivide land relating to the continued operation of an industrial use. [Negri]**
- Where the application to subdivide land provides for residential development, the objectives of Clause 56. [CCZ 3.0p22]
- Whether the subdivision provides for the necessary utilities infrastructure to service the development of the subdivided parcels, and allows for shared trenching. [CCZ 3.0p23]
- Whether any proposed staging of development is appropriate. [CCZ 3.0p24]
- Impacts the subdivision may have on landscape opportunities along street frontages, particularly for large canopy trees. [CCZ 3.0p25]
- Whether the subdivision can accommodate an appropriate building envelope. [CCZ 3.0p26]

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Buildings and works**Permit requirement**

A permit must not be granted to construct a building or construct or carry out works where the provision for any new streets, laneways, [PPPS] or public open space generally in accordance with Map 2 and Map 3 is not provided. [CCZ 4.0p1] **This does not apply to an application to construct a building or construct or carry out works associated with the continued operation of an existing industrial/warehouse use. [Negri]**

A permit must not be granted to construct a building or construct or carry out works where the vehicle access points and crossovers are located along roads designated as ‘no cross overs permitted’ in Map 2 of this schedule, except where a new street or laneway is being created in accordance with that plan, or no other access is possible. [CCZ 4.0p2] **This does not apply to an application to construct a building or construct or carry out works associated with the continued operation of an existing industrial/warehouse use. [Negri]**

A permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) to construct a building or construct or carry out works with a floor area ratio in excess of the floor area ratios in Table 1 unless: [CCZ 4.0p3]

- **The application is to construct a building or construct or carry out works associated with the continued operation of an existing industrial/warehouse use. [Negri]**
- In a core area as defined on Map 1 of this schedule: [CCZ 4.0p4]
 - The additional floor area that results from exceeding the floor area ratio is not used for Dwelling, or [CCZ 4.0p5]
 - A public benefit and floor area uplift as calculated and specified in a manner agreed to and approved by the responsible authority is provided, and the permit includes a condition (or conditions) which requires the [provision of the [MPS]] public benefit to be secured via an agreement made under section 173 of the *Planning and Environment Act 1987*, or [CCZ 4.0p6]
 - A combination of the above. [CCZ 4.0p7]
- **[In a non-core areas as defined on Map 1 of this schedule: [CCZ 4.0p8]**

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- a public benefit, as calculated and specified in a manner agreed to, and approved by, the responsible authority, is provided, and the permit includes a condition (or conditions) which requires the public benefit to be secured via an agreement made under section 173 of the *Planning and Environment Act 1987*. [PPPS] [CCZ 4.0p9]

Table 1 Floor area ratios

Precinct	Core area	Non-core area [PPPS]
Lorimer [MPS]	5.4:1	
Wirraway [PPPS]	4.1:1	2.1:1
Sandridge [PPPS]	8.1:1	3.3:1
Montague [PPPS]	6.1:1	3.0:1

The requirements set out above do not apply to an application to construct a building or construct or carry out works associated with the continued operation of an existing use.

No permit required

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

- The construction or modification of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works. [CCZ 4.0p17]
- An addition or modification to a verandah, awning, sunblind or canopy of a building. [CCZ 4.0p18]
- External works to provide disabled access to a building or works that complies with legislative requirements. [CCZ 4.0p19]
- Building or works which rearrange, alter or renew a plant area if the area or height of the plant equipment is not increased. [CCZ 4.0p20]
- Bus and tram shelters required for public purposes by or on behalf of the Crown or a public authority. [CCZ 4.0p21]

Conditions on permits

For a permit granted to construct a building, other than alterations and additions to an existing building ***or a proposed building for an existing industrial/warehouse use, [Negri]*** conditions must be included to the effect that: [CCZ 4.0p22]

- Prior to the commencement of buildings and works, evidence must be submitted that demonstrates the project has been registered to seek a minimum 4 Star Green Star Design and As-Built rating (or equivalent) with the Green Building Council of Australia. [CCZ 4.0p23]
- Prior to the occupation of the building, evidence must be submitted that demonstrates the building can achieve a minimum 4 Star Green Star Design Review certification (or equivalent). [CCZ 4.0p24]
- Within 12 months of occupation of the building, certification must be submitted that demonstrates that the building has achieved a minimum 4 Star Green Star Design and As Built rating (or equivalent). [CCZ 4.0p25]
- Where a permit is granted to construct a building, other than alterations and additions to an existing building, where the building is within 50 metres of a potential future

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metro alignment shown on Map 2 of this schedule, a condition must be included to the effect that: [CCZ 4.0p26]

- Prior to the commencement of buildings and works, plans must be submitted to the satisfaction of the responsible authority in consultation with Transport for Victoria showing that the proposed building footings and foundations will not compromise delivery of the proposed future metro alignment. [CCZ 4.0p27]

Demolition or removal of buildings requirements

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

- The demolition or removal of temporary structures. [CCZ 4.0p29]
- The demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation and/or local law. [CCZ 4.0p30]

Before deciding on an application to demolish or remove a building or works, the responsible authority must consider any need for a condition to enter an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* between the landowner and the responsible authority to the effect of requiring: [CCZ 4.0p31]

- Temporary buildings or works on the vacant site should it remain vacant for six months after completion of the demolition. [CCZ 4.0p32]
- Temporary buildings or works on the vacant site where demolition or construction activity has ceased for six months, or an aggregate of six months[, [PPPS]] after commencement of the construction. [CCZ 4.0p33]
- Temporary buildings or works may include: [CCZ 4.0p34]
 - The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage. [CCZ 4.0p35]
 - Landscaping of the site for the purpose of public recreation and open space. [CCZ 4.0p36]

Application requirements

The following application requirements apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority: [CCZ 4.0p37]

- A written urban context report documenting the key planning influences on the development and how it relates to its surroundings. [CCZ 4.0p38]
- A design response, detailing how the proposal responds to the Fishermans Bend Urban Renewal Area Local Policy and how the design makes provision for the streets, laneways, and open spaces, generally in accordance with Map 2 and Map 3 of this schedule. [CCZ 4.0p39]
- A 3D digital model suitable for insertion into the responsible authority’s interactive city model. [CCZ 4.0p40]
- An assessment and report of the proposed floor area ratio and if the proposed floor area ratio exceeds the floor area ratio in Table 1 of this schedule, details of the public benefit and/or, additional floor area not to be used for Dwelling to be provided. [CCZ 4.0p41]
- An application for buildings and works associated with **accommodation, a dwelling child care centre, education centre, informal outdoor recreation, motel, residential aged care facility, residential hotel, residential village, retirement village or hostel [Negri]** located within 100 metres of a freight alignment shown in the *Fishermans Bend Framework, XX 2018* or located within 100 metres of the West Gate freeway, or located within 300 metres of an existing industry must be accompanied by the following information to show how the development is designed to protect future occupants from potential adverse amenity impacts, including: [CCZ 4.0p42]

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- Incorporation of noise attenuation measures [internally and externally] [PPPS] in accordance with Australian Standard 2107 and SEPP N- 1. [CCZ 4.0p43]
- Measures to protect against the impacts of vibration, light pollution, and odours and poor air quality. [CCZ 4.0p44]
- Any technical or supporting information necessary, prepared by suitably qualified professionals, including: [CCZ 4.0p45]
 - Environmentally Sustainable Design Statement addressing ESD, Waste and Water management [CCZ 4.0p46]
 - Sustainable Transport Plan demonstrating how the development supports sustainable travel behaviour and promotes active transport modes [CCZ 4.0p47]
 - Landscape Plan for all areas of open space, except private open space for dwellings, providing for biodiversity, canopy tree planting, water sensitive urban design [PPPS] and microclimate management of buildings. [CCZ 4.0p48]
- A demolition plan, detailing the staging of demolition and any temporary works proposed. [CCZ 4.0p49]

The above information requirements do not apply to an application to construct a building or construct or carry out works associated with the continued operation of an existing industrial/warehouse use. [Negri]

Exemption from notice and review

An application to demolish or remove a building or to construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [CCZ 4.0p50]

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority: [CCZ 4.0p51]

- Whether the layouts of streets, laneways and open space are consistent with those shown in Map 2 and Map 3 of this schedule. [CCZ 4.0p52]
- How the proposal contributes to establishing sustainable transport as the primary mode of transport through integrated walking, cycling and pedestrian links. [CCZ 4.0p53]
- Whether the development compromises the function, form and capacity of public spaces and public infrastructure. [CCZ 4.0p54]
- Whether the proposal delivers design excellence, and contributes to creating a range of built form typologies. [CCZ 4.0p55]
- Whether the building design at street level provides for active street frontages, pedestrian engagement and weather protection. [CCZ 4.0p56]
- Whether the proposal delivers a diversity of households and housing typologies, and provides the necessary community infrastructure and facilities. [CCZ 4.0p57]
- Any impacts to the future metro train alignment and potential future elevated freight alignment. [CCZ 4.0p58]
- Whether the proposal includes appropriate mitigation measures to protect against off-site amenity impacts [associated with existing uses] [PPPS]. [CCZ 4.0p59]
- Whether the proposal is designed for all deliveries, servicing and waste management to occur on-site. [CCZ 4.0p60]
- Any constraints to vehicle access to the site, the impact of vehicle access on the provision of public transport, pedestrian and cyclist safety. [CCZ 4.0p61]
- The proposed 4 Star Green Star Design and As-Built rating (or equivalent). [CCZ 4.0p62]

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- Whether appropriate sustainable water, waste and energy management is proposed. [CCZ 4.0p63]
- Where part of a site is developed, whether an agreement has been entered into to ensure that the floor area ratio across the site will not be exceeded and whether the development is sited so that adequate setbacks are maintained in the event that the site is subdivided or otherwise altered to create a separate future development site. [CCZ 4.0p64]
- If a public benefit is proposed: [CCZ 4.0p65]
 - The appropriateness of the value of the public benefit(s) commensurate to the increase in floor area ratio sought. [CCZ 4.0p66]
 - The management and maintenance of the public benefit(s). [CCZ 4.0p67]
 - How the public benefit will be delivered in a complete and timely manner. [CCZ 4.0p68]
- The views of Transport for Victoria for any proposal to construct a building, other than alterations and additions to an existing buildings that are within 50 metres of a potential future elevated freight route shown in the *Fishermans Bend Framework, XX 2018* to ensure the proposed building location and access points will not compromise construction of the future freight route. [CCZ 4.0p69]
- Whether residential development includes floor plate layouts and servicing strategies that demonstrate a future capacity to allow one and two bedroom dwellings to be combined and adapted into three or more bedroom dwellings. [CCZ 4.0p70]

5.0

Advertising signs

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A permit is required to construct and display a sign except for: [CCZ 5.0p1]

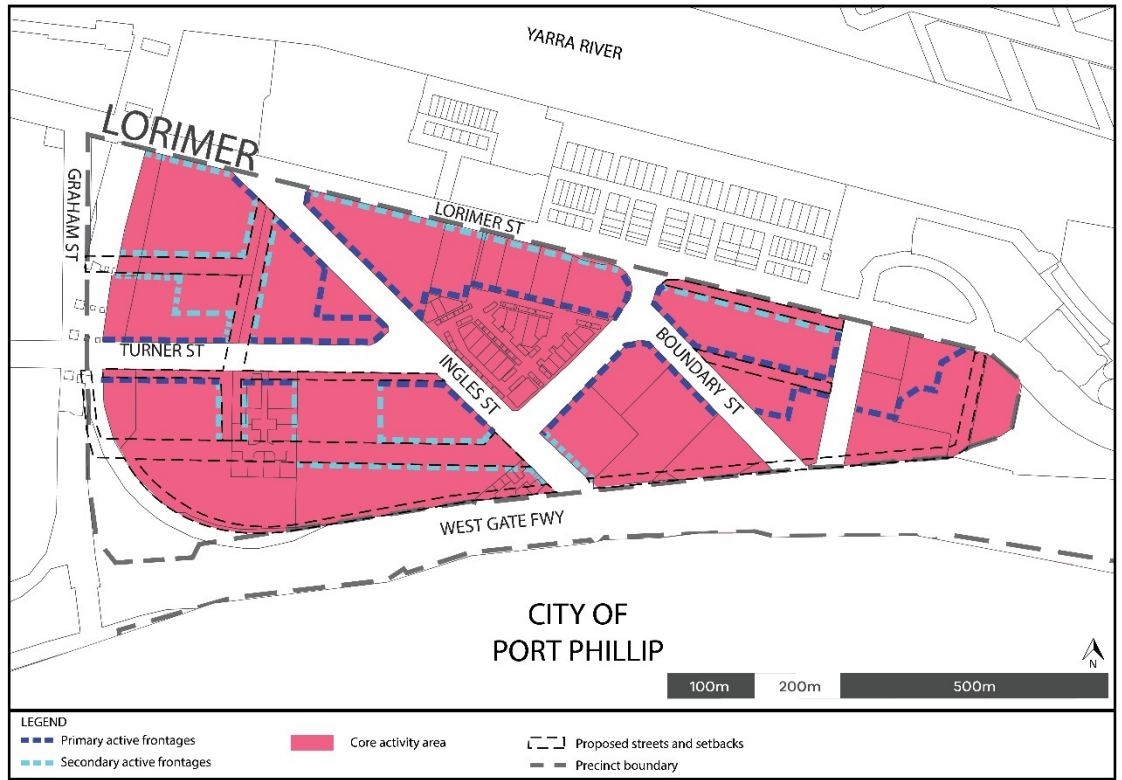
- Advertising signs exempted by Clause 52.05-4. [CCZ 5.0p2]
- Renewal or replacement of an existing internally illuminated business identification sign. [CCZ 5.0p3]
- A home occupation sign with an advertisement area not more than 0.2 square metres. [CCZ 5.0p4]
- A direction sign where there is only one to each premises. [CCZ 5.0p5]
- [In core areas as shown on Map 1 of this schedule, a [PPPS] [A [MPS]] business identification sign, bed and breakfast sign, home occupation sign, or promotion sign, that have a combined total advertisement area to each premises not exceeding 8 square metres. [CCZ 5.0p6]
- [In core areas as shown on Map 1 of this schedule, an [PPPS] [An [MPS]] internally illuminated sign of no greater than 1.5 square metres and the sign is not above a verandah or more than 3.7 metres above pavement level. The sign must [also [PPPS]] be more than 30 metres from a residential zone or pedestrian or traffic lights. [CCZ 5.0p7]
- [In core areas as shown on Map 1 of this schedule, a [PPPS] [A [MPS]] non-illuminated sign provided no part of the sign protrudes the fascia of the building. [CCZ 5.0p8]

Exemption from notice and review

An application to construct and display a sign is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [CCZ 5.0p9]

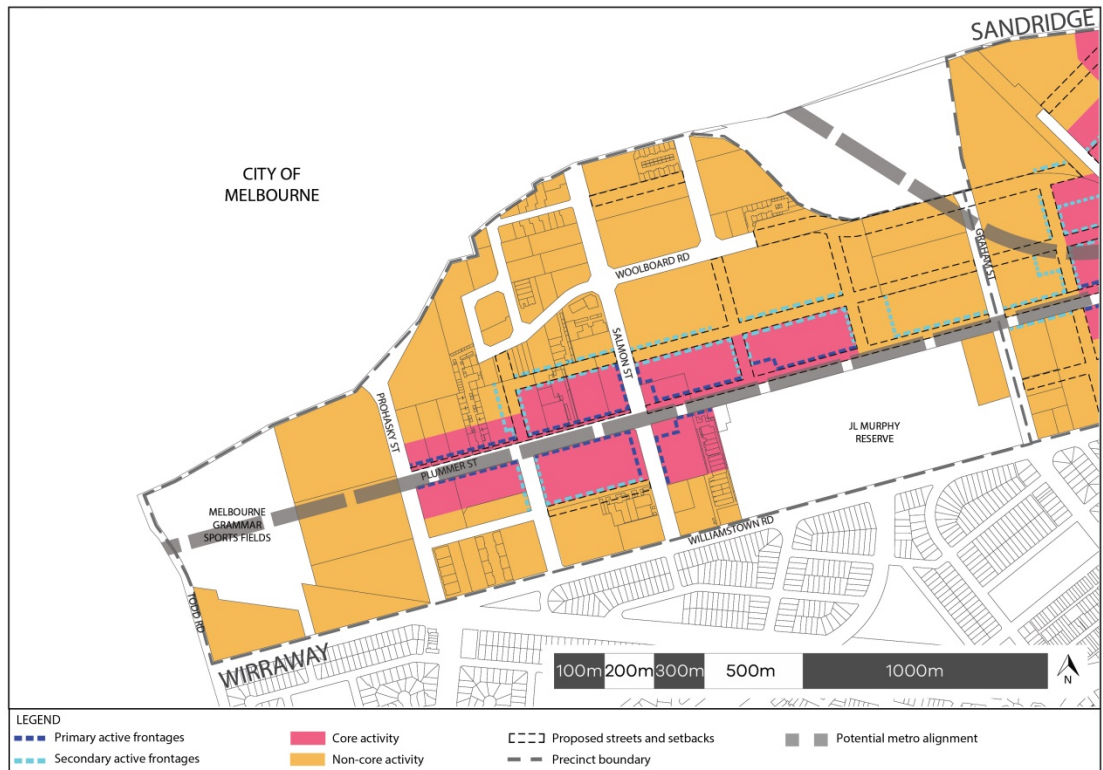
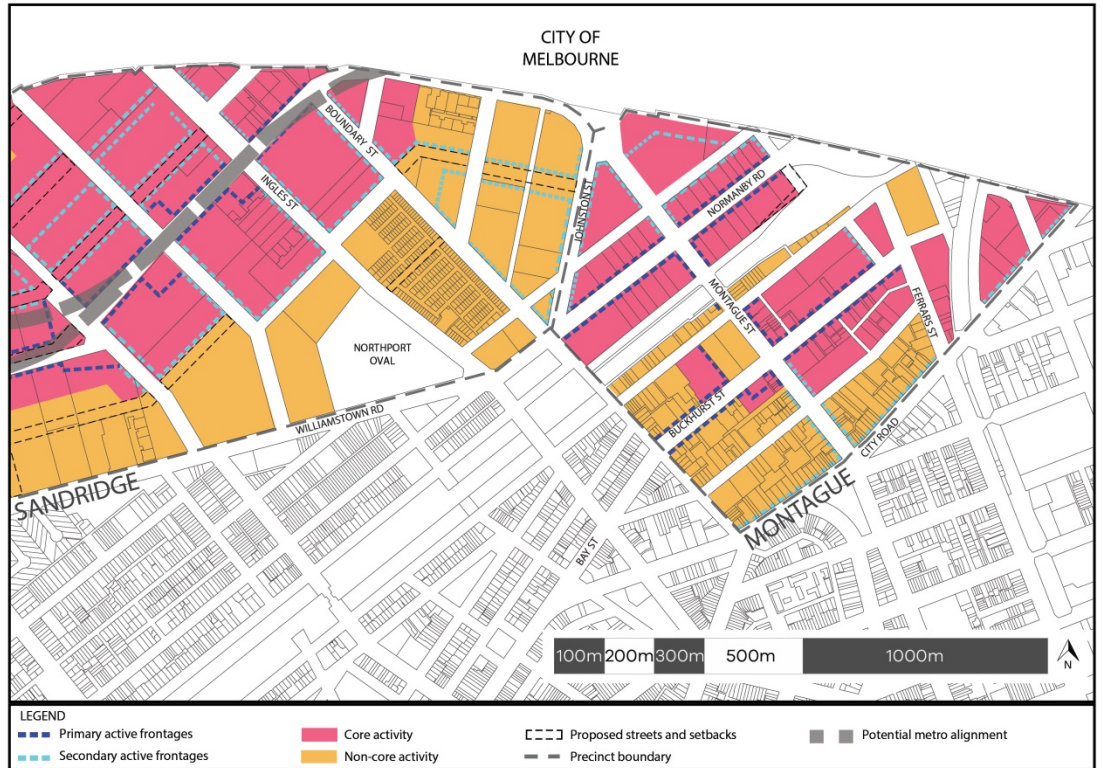
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Map 1 Core areas and active street frontages [MPS]



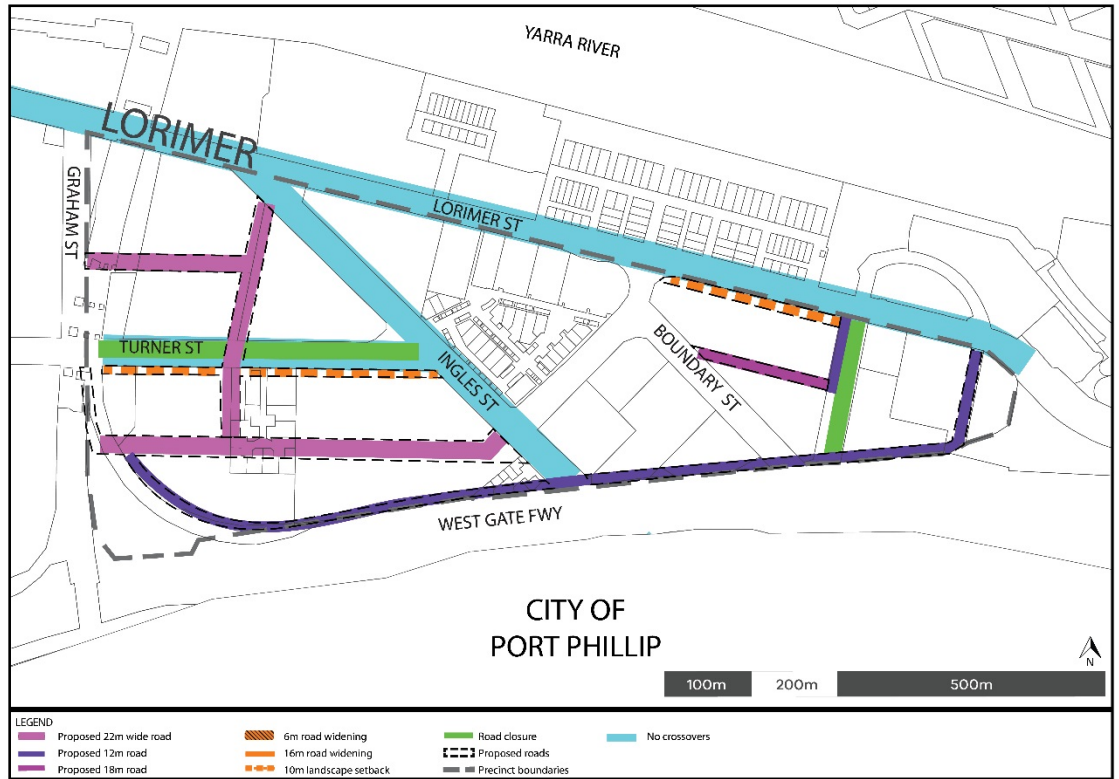
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Map 1 core and non-core areas and active street frontages (Map 1 consists of the following two map parts) [PPPS]



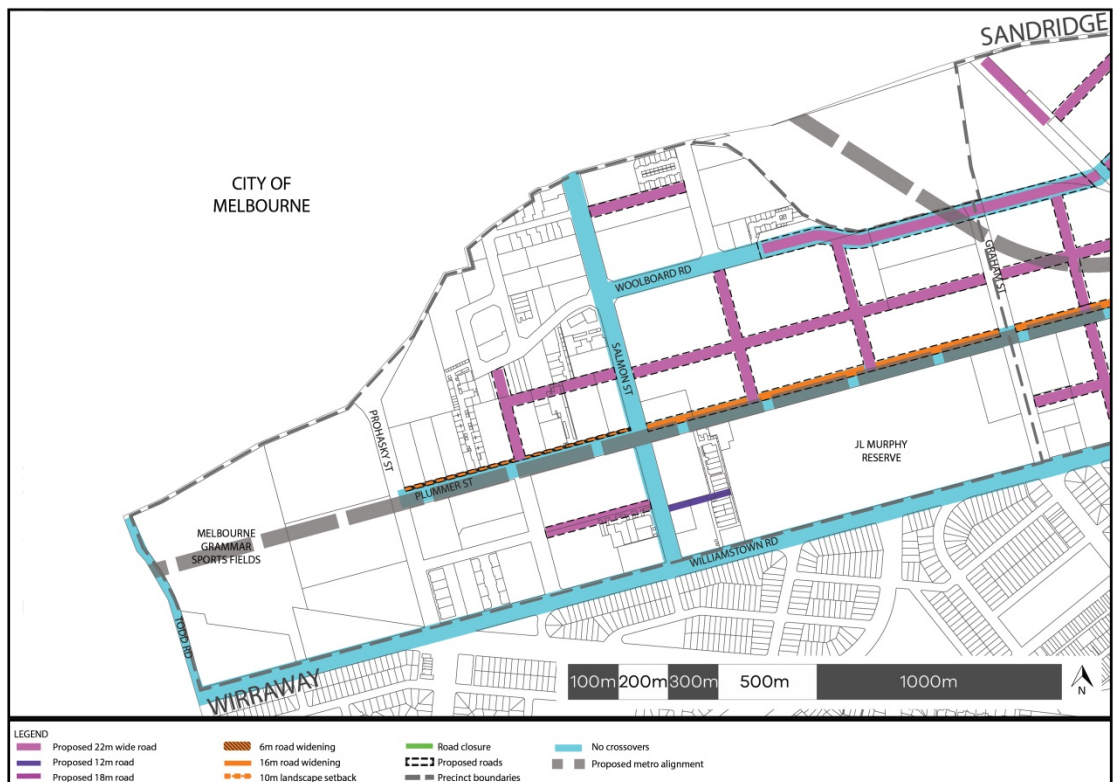
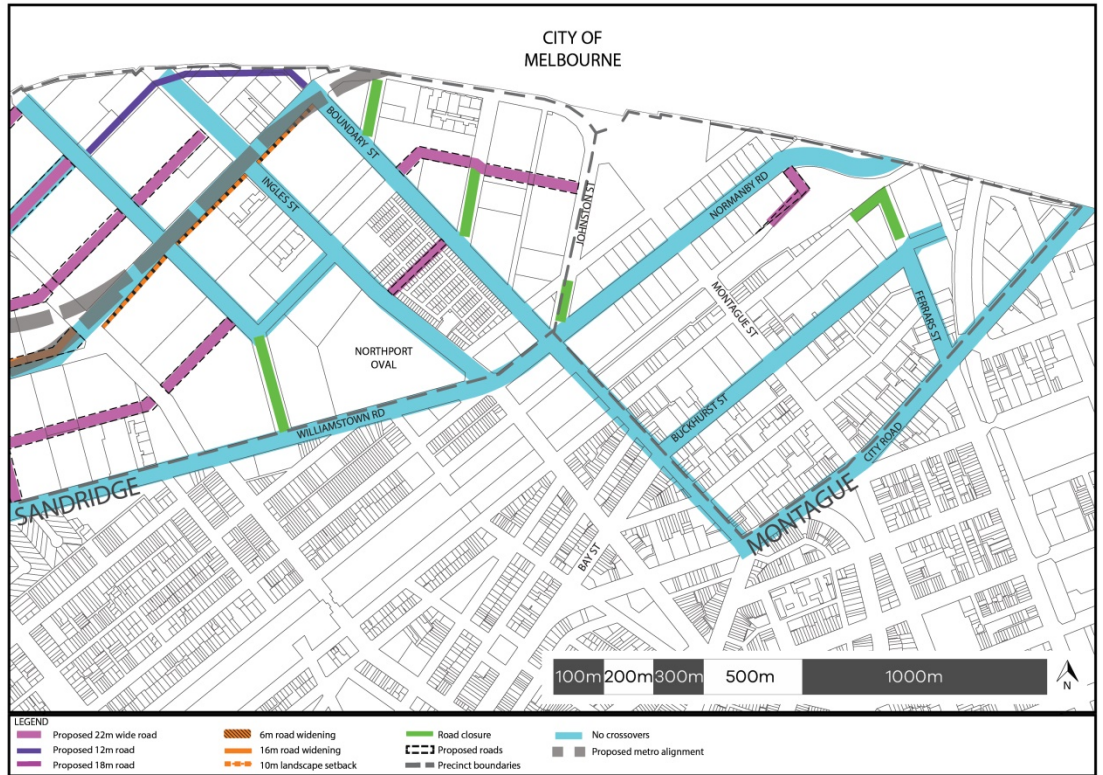
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Map 2 Street and laneway layout [MPS]



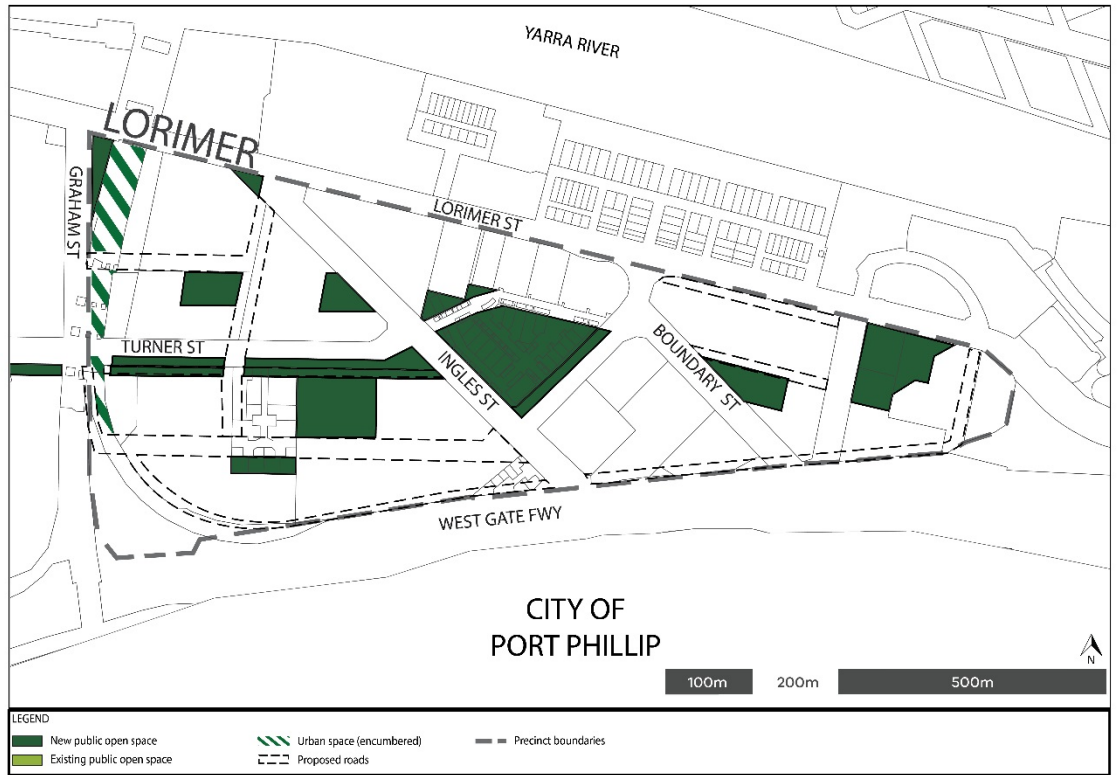
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Map 2 Street and laneway layout (Map 2 consists of the following two map parts) [PPPS]



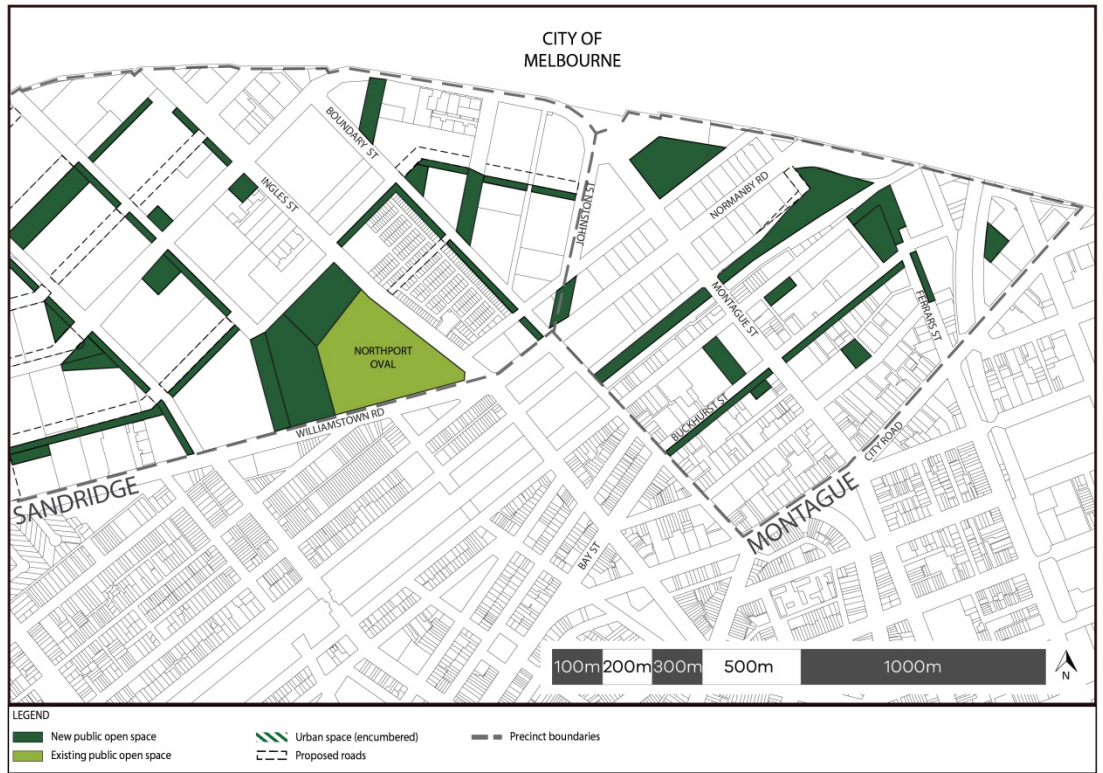
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Map 3 Open space layout [MPS]



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Map 3 Open space layout (Map 3 consists of the following two map parts) [PPPS]



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Definitions

The following definitions apply for the purposes of interpreting this schedule: [CCZ Def.0p1]

Active frontage street is a street shown as ‘Primary active frontage’ or a ‘Secondary active frontage’ on Map 1. [CCZ Def.0p2]

Core land and non-core land is located as shown on Map 1. [CCZ Def.0p3]

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

Gross developable area means the area of the proposal land, including any proposed streets or laneways, new public open space and land for community infrastructure (public benefit). [CCZ Def.0p5]

Gross floor area means the area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies. Dedicated communal residential facilities and recreation spaces are excluded from the calculations of gross floor area. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor [CCZ Def.0p6]

New public open space is land identified [in the *Fishermans Bend Framework, XX 2018* and as shown [MPS]] in Map 3 and is to be provided for public recreation or public resort, or as parklands, or for use for active or passive public open space. [CCZ Def.0p7]

