

19/07/2018
C221**SCHEDULE 13 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO13**.

WEST MELBOURNE WATERFRONT – 156-232 KENSINGTON ROAD, WEST MELBOURNE**1.0 Requirement before a permit is granted**19/07/2018
C221

A planning permit may be granted to demolish a building or to carry out site preparation works and related activities before a development plan has been prepared.

Any permit granted must not prejudice the future use and development of the land in accordance with the vision for the site stated at 3.0 of this schedule.

2.0 Conditions and requirements for permits19/07/2018
C221

Except for a permit issued as provided for under Clause 1.0 of this schedule, a permit must contain the permit conditions or meet the requirements set out in this clause, as appropriate.

A permit for development must meet the mandatory requirements set out in Table 1 of this schedule.

A permit must not be granted for a development that does not meet the mandatory requirements set out in Table 1 of this schedule.

A permit may be issued for a development that varies a discretionary requirement set out in Table 1 of this schedule, as long as any such development provides the relevant outcome sought in Table 1.

If a planning permit allows a use or development for part of the land included in this overlay, the permit must show (either by words or diagrammatically):

- How the use or development allowed by the permit is consistent with and will facilitate delivery of no less than 7.06% of the land included in this overlay being set aside and ultimately zoned for public open space generally in accordance with Figure 1- Indicative Framework Plan.
- How the use or development authorised by the permit will integrate with any previously approved and remaining stages of development of the land.

An application for a planning permit must provide the following:

- Site plans drawn to scale which show:
 - Vehicle access and the location and layout of all carparking and loading areas and all pedestrian and cyclist ingress, egress and access way locations consistent with the Integrated Transport and Access Plan that forms part of the development plan.
 - Links between proposed pedestrian and cyclist access ways and the existing public transport network.
 - Details of drainage works.
 - Stages, if any, of development and the proposed treatment of areas not required for immediate use.
- Fully dimensioned floor plans, elevations and cross section plans of all built form, including streetscape elevations.
- A floor schedule which describes the size and number of proposed dwellings and other uses and demonstrating a range of dwelling types and bedroom numbers including three bedroom apartments.
- Shadow diagrams on the hour between 9am and 3pm on 21 June and 22 September.

- A landscape plan prepared by a Landscape Architect that includes proposed landscape treatments for the interface with the Maribyrnong River consistent with the public realm plan that forms part of the development plan.
- A plan which identifies all structures and treatments, including public art, proposed in the public realm.
- A Safety Management Study having regard to AS 2885.1-2012 in relation to the AusNet pipeline which runs along Hobsons Road and Childers Street.
- A design statement that identifies how odour and dust emissions from surrounding uses will be mitigated by the layout and built form of the development.
- A Wind Assessment for the proposed development which addresses matters raised in the wind assessment that forms part of the development plan.

Requirement - Materials and finishes

Development must make use of a high-quality palette of materials and finishes including, for development along the northern interface and along the river, materials that are non-reflective to ensure the safety of trains and to minimise potential impacts on river users.

Requirement - Noise protection

Prior to occupation of a dwelling allowed by the permit, an acoustic report must be submitted confirming that the development achieves the requirements set out in the acoustic and vibrations assessment that forms part of the development plan.

Any development allowed by a permit must:

- Be fitted with suitable air conditioning and /or mechanical ventilation system to the satisfaction of the Responsible Authority unless the maximum noise level of 35dB(A)Leq for bedrooms can be achieved with all the windows half open and the doors closed.
- Have walls, roof, windows, doors and external glazing and the air conditioning or ventilation system designed by a qualified acoustical consultant who must certify that the incorporation of the design features recommended by the consultant will achieve the specified noise level, based on the external noise levels measured by the consultant as part of a noise level assessment conducted to the satisfaction of the Responsible Authority.

Condition - Flood mitigation

Prior to commencement of the works authorised by the permit, the owner of the land must enter into an agreement with Melbourne Water and the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 whereby the owner covenants that:

- Prior to the occupation of the works authorised by the permit, the owner of the land is to provide for safe pedestrian and vehicular access from the development during a peak flood event (1 in 100-year flood level) to the satisfaction of Melbourne Water and the Responsible Authority.
- The finished floor level of any residential building be constructed to a minimum of 600 mm above the applicable 1 in 100-year flood level of 2.46 metres to AHD.
- No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.

3.0

Requirements for development plan

19/07/2018
C221

The development plan must be consistent with the following vision and respond to the following principles and objectives and principles:

Vision

An exemplary mixed use development including a number of visually complementary buildings, which enhance the Maribyrnong River frontage and provide opportunities for riverside activity consistent with the Maribyrnong River Valley Design Guidelines 2010.

Principles and objectives

Land Use

- A mix of land uses, focussing commercial uses at the northern end of the site, and with only commercial uses along Kensington Road at ground level (except for residential lobbies).
- Any larger format retail uses (such as a supermarket) to be sleeved with smaller tenancies.
- Activation of the first five levels of buildings at the street edge with residential or commercial uses to achieve a visual relationship between occupants of upper floors and pedestrians.
- Varied accommodation typologies suitable for a range of household sizes and types.
- Floorspace for community services such as child care and creative industries.
- Buildings that can be adapted to a range of uses over time.
- Ensure that the proposed use does not compromise established land uses on adjoining and nearby land, including the Port of Melbourne.

Urban Design and Public/Private Realm

- The design of the public realm must achieve design excellence and include a high-quality palette of materials and finishes.
- High quality communal and private outdoor spaces sufficient for the needs of residents and workers and located to receive good access to sunlight.
- Enhance the role of the Maribyrnong River as a pedestrian and cycle route.
- Views and access to the Maribyrnong River from Kensington Road.
- Generous pedestrian links with high quality paving materials and lighting.
- Appropriate tree canopy cover having regard to the City of Melbourne Urban Forest Strategy 2012-2032.

Environmentally Sustainable Design

- Take advantage of opportunities for innovative precinct scale environmental sustainability initiatives.

Built Form

- Development of the site consistent with the Maribyrnong River Valley Design Guidelines 2010.
- All buildings should be designed to maintain a diverse, interesting and articulated built form which considers the relationship between buildings within the site.
- Ensure that the scale and quality of design elements reflect the distance at which the building is viewed and experienced from Kensington Road and the Maribyrnong River.
- Ensure that buildings do not visually dominate the waterfront and building massing provides a high quality public realm outcome within the site.
- All building frontages to Kensington Road, internal streets and to the Maribyrnong River should be modulated and articulated in their presentation.

- Ensure built form along the northern boundary abutting the rail line provides visual interest through the use of design elements and articulation.
- Minimise overshadowing within the site and on adjoining land.
- Ensure that new development provides a high level of amenity for future occupants, by providing all bedrooms with windows that are visible from all points in the bedroom.
- Floorplates are to be designed to maximise opportunities for direct sunlight, natural cross ventilation and passive heating and cooling.
- All habitable rooms must have good natural light.
- The building typologies chosen (e.g. podium/tower or an alternative typology) should create a permeable network of buildings that facilitates a good pedestrian experience, with floorplates sized, and upper levels spaced, to ensure good internal access to daylight.

Pedestrian Permeability, Traffic Management and Bicycle and Car Parking

- Provide a network that:
 - complements and connects with the surrounding network;
 - considers existing traffic access requirements for the Melbourne Seafood Centre located opposite the northern part of the site including access for 19.0m articulated vehicles;
 - recognises the primacy of pedestrian and bicycle access within the site and provides a high level of amenity and connectivity for pedestrians and cyclists;
 - provides safe access for pedestrians and bike users at all times of the day and night;
 - allows for manoeuvrability of emergency and service vehicles; and
 - is of sufficient width to accommodate footpaths, street trees, and water sensitive urban design.
- Manage traffic impacts associated with the new development to ensure safe access to, and egress from, the site and to minimise disruption to movement along Kensington Road.
- Ensure the pedestrian network allows for ease of movement within the site:
 - Street blocks including the northern interface with the railway line should not exceed 100 metres in length on any side.
 - Secondary streets or laneways should be included in blocks over 70 metres in length.
- The provision of convenient and direct pedestrian movement north south through the site (in addition to Kensington Road and the shared path along the River) is encouraged. The width of the three east west connections between Kensington Road and the Maribyrnong River should be sized to provide good spacing between buildings and to accommodate footpaths, bicycle paths and street trees and should generally be in accordance with the widths shown on the Indicative Framework Plan.
- Ensure direct pedestrian and cycle access is provided from Kensington Road to the Maribyrnong River shared path at intervals of at least every 100 metres.
- Ensure that the ‘shared zone’ as illustrated on the Indicative Framework Plan (Figure 1) is designed so that it is a low speed environment and that priority is afforded to pedestrian movements.
- Ensure service entries, where required, are provided along the northern boundary of the site and do not undermine the public realm.

Development plan

The Development Plan must be generally in accordance with the Indicative Framework Plan, as shown in Figure 1. The access connections and building footprints shown on the Indicative Framework Plan are indicative only.

The development plan must address the views of Melbourne Water, Environmental Protection Authority, Department of Environment, Land, Water and Planning, Port of Melbourne, VicTrack and the City of Maribyrnong.

The Development Plan must include the following:

- The urban context and existing conditions showing topography, the top of the Maribyrnong River bank, the surrounding and on-site land uses, buildings, noise and odour sources, access points, adjoining roads, cycle and pedestrian paths and public transport. Views to be protected and enhanced, including views of and from the site.
- Plans or diagrams showing the following
 - Demolition works and their location.
 - Building envelopes including maximum building heights, building setbacks, and building depths.
 - Conceptual elevations.
 - Street and movement networks, including pedestrian and cycling connections.
 - Cross sections, indicating level changes across the site.
 - Orientation and overshadowing demonstrating how development within the proposed building envelopes can comply with the following requirements:
 - built form must not cast a shadow over the proposed public open space located along the Maribyrnong River between 9 am and 3 pm for a minimum of five hours on 22 September;
 - built form must not cast a shadow over the proposed public open space located along the Maribyrnong River between for a minimum of 3 hours at the winter solstice;
 - reasonable levels of sunlight will be provided to other areas of the public realm, including the street network, on 22 September and at the winter solstice.
- Key land use and development opportunities and constraints.
- The provision of not less than 7.06% of the area of the site, provided as public open space along the Maribyrnong River.
- The mix of land uses.
- The proposed built form edge to the river, including an analysis of whether the triangular spaces between the proposed development and the Maribyrnong River shown on the Indicative Framework Plan provide an appropriate response to the river.
- Images which show how the proposed built form will be viewed from the Buddhist temple and Newell's paddock.
- If it is proposed to develop the land included in this overlay in stages, the staging plan must identify, to the satisfaction of the Responsible Authority:
 - The proposed sequencing of development, the indicative timing of the provision of infrastructure and services and overall integration with other development stages.
 - Vehicular access points, road infrastructure works and traffic management for each stage of the development.

A **Public Realm Plan** for the Maribyrnong River frontage (being that part of the land between the top of the bank of the Maribyrnong River to the edge of the proposed built form fronting the river) and for the Kensington Road frontage. The Public Realm Plan must be prepared by a Landscape Architect and have regard to the City of Melbourne Open Space Strategy 2012 and show:

- A site survey with current bank alignment, overlaid parcel boundaries, existing shared path and defined top of bank;
- Cross sections at regular intervals along the river frontage showing all built form envelopes within 30 m of the top of the river bank, the location of the public shared path, the existing ground level, the proposed/modified ground level and the defined top of bank;
- At least 7.06% of the land included in this overlay being set aside and ultimately zoned for public open space generally in accordance with Figure 1- Indicative Framework Plan, namely along the Maribyrnong River frontage of the site;
- A coherent vision for the Maribyrnong River frontage, including the nomination of spaces for public use;
- Land uses within buildings that interface with the river and with Kensington Road;
- The interface between the public and private realm including how direct access from residential or commercial developments will be managed to avoid privatisation of the public realm;
- Flood management setbacks;
- An outline landscape plan including:
 - A survey of existing vegetation to be retained and/or removed;
 - A weed management program;
 - Buildings and trees on neighbouring properties within three metres of the title boundary;
 - Details of surface finishes located on recreational pathways, maintenance access or any other pathways near waterways;
 - An indicative planting schedule including details of plant species (indigenous species must be used within the proposed public open space);
- Details of proposed bank treatments and assets below the shared path that do not compromise bank stability or result in increased erosion of the Maribyrnong River;
- How wind and sun will be managed and mitigated to provide a comfortable pedestrian environment; and
- Details of all improvements to be provided within the Maribyrnong River open space including details of proposed street furniture including lighting, seating, bins etc.

An **Integrated Transport and Access Plan** which includes:

- Expected traffic generation and the impact on the existing road network over a 24 hour period.
- Location of vehicle egress and ingress points.
- An investigation of the best location and design of the loop road, including:
 - whether any part of the loop road should run along part or all of the northern title boundary;
 - how to ensure that the loop road maintains a low speed, shared pedestrian environment;
 - how to minimise the impact of the loop road on the public open space along the river;

- the impact of the access and egress associated with the loop road on street trees and on the traffic management associated with the commercial uses to the east of Kensington Road.
- A detailed functional design of Kensington Road along the site frontage that considers (but is not limited to) the following:
 - Extent of required road reserve;
 - Impact of the loss of parking along both sides of Kensington Road;
 - Retention of 19 metre semi-trailer access to/from the Melbourne Seafood Centre site at 133 Kensington Road West Melbourne;
 - Safe cross-sections of through lanes with respect to buses, commercial vehicles and bicycles;
 - Street trees and poles on both sides of the carriageway.
 - The provision of a movement network to, from and within the site that:
 - connects with and complements the form and structure of the surrounding network;
 - recognises the primacy of pedestrian and bicycle access within the site;
 - provides a high level of amenity and connectivity;
 - allows for appropriate levels of manoeuvrability for emergency and service vehicles; and
 - are of sufficient width to accommodate footpaths, street trees, water sensitive urban design and bicycle lanes.
- The identification of active travel and public transport upgrades along the Maribyrnong River and Kensington Road frontage;
- The identification of appropriate traffic mitigation measures which can practically be provided in association with the proposal which may include ameliorative road works (such as in the nature of signal optimisation or the removal of on-street car spaces) at the intersections of:
 - Dynon and Kensington Roads; and
 - Kensington Road with Epsom Road and Macaulay Road.

A preliminary **Wind Assessment** which sets criteria against which any permit applications are to be assessed which ensures that:

- Accessible areas for public or private use satisfy comfortable walking criterion of 7.5m/s for the Weekly Gust Equivalent Mean Wind Speeds, which corresponds to 16m/s for the annual maximum gust wind speeds.
- All outdoor seating areas such as café seating and short duration stays, including building entries, satisfy the short exposure criterion of 5.5m/s for the Weekly Gust Equivalent Mean Wind Speeds, which corresponds to 13m/s for the annual maximum gust wind speeds.
- All areas to be used for long duration stay activities, such as restaurant use, satisfy the long exposure criterion of 3.5m/s for the Weekly Gust Equivalent Mean Wind speeds, which corresponds to 10m/s for the annual maximum gust wind speeds.
- All areas also satisfy the Safety Limit Criterion of 23m/s for the annual maximum gust wind speeds.
- Design measures minimise the effect of wind to streets and public open spaces.

An **Infrastructure Analysis Report** addressing as appropriate the location of existing and proposed infrastructure on the site.

An **Environmental Sustainable Development Report** identifying the precinct scale environmentally sustainable initiatives to be included in the development.

An **Acoustic and Vibrations Assessment** that details how future development will meet the following acoustic requirements:

For railway noise:

- Noise intrusion of railway and associated infrastructure noise sources to noise sensitive receivers shall not exceed:
 - 55 dBLA_{max} (bedrooms)
 - 60 dBLA_{max} (living room areas)
 - (LA_{max} is to be measured as the 95th percentile of the highest value of the A weighted sound pressure level reached between 6am to 10pm (day) or 10pm to 6am (night)).

For other noise:

- Any new or refurbished development or any conversion of part or all of an existing building that will accommodate new residential or other noise-sensitive uses must achieve a maximum noise level of 35dB(A)Leq for bedrooms and 40dB(A)Leq for living rooms in each case with all windows and doors closed, unless there is no suitable air conditioning and/or mechanical ventilation, in which case the maximum noise level of 35dB(A)Leq for bedrooms and 40dB(A)Leq for living rooms must be achieved with all the windows half open and the doors closed. (The applicable measurement period for bedrooms is 10pm - 6am and the applicable measurement period for living rooms is 6am – 10pm).

A Risk Assessment for the site in relation to Industrial Residual Air Emissions to inform the appropriate location of residential and sensitive land uses that includes:

- An assessment of potential odour and dust emissions;
- Volume of products and waste products;
- Waste management;
- Topography, weather and climate;
- Pollution reports;
- An assessment of upset conditions;
- Proposed mitigation measures and associated responsibilities;
- A plan of the site showing suitable location/s for residential and sensitive uses as appropriate.

A Stormwater and Flood Management Plan, prepared by a suitably qualified person(s) to the satisfaction of Melbourne Water and the Responsible Authority that identifies and considers:

- The historical flooding of the site;
- The unique flooding characteristics of the site, in particular aspects such as flood conveyance, flood storage and accessibility during floods. A model should be prepared demonstrating the 'base case', impacts of redevelopment on the land and mitigation options;
- The control of flows in and around the site for discharges up to and including the 1 in 100-year ARI event;
- Works required to create safe pedestrian and vehicle access and egress to and from the land;
- That residential buildings are to attain a finished floor level of a minimum of 600mm above the applicable 1 in 100-year flood level of 2.46 metres to AHD; and
- Mitigation works in the context of local conditions that do not prejudice potential future regional outcomes.

Figure 1 - Indicative Framework Plan

INDICATIVE FRAMEWORK PLAN

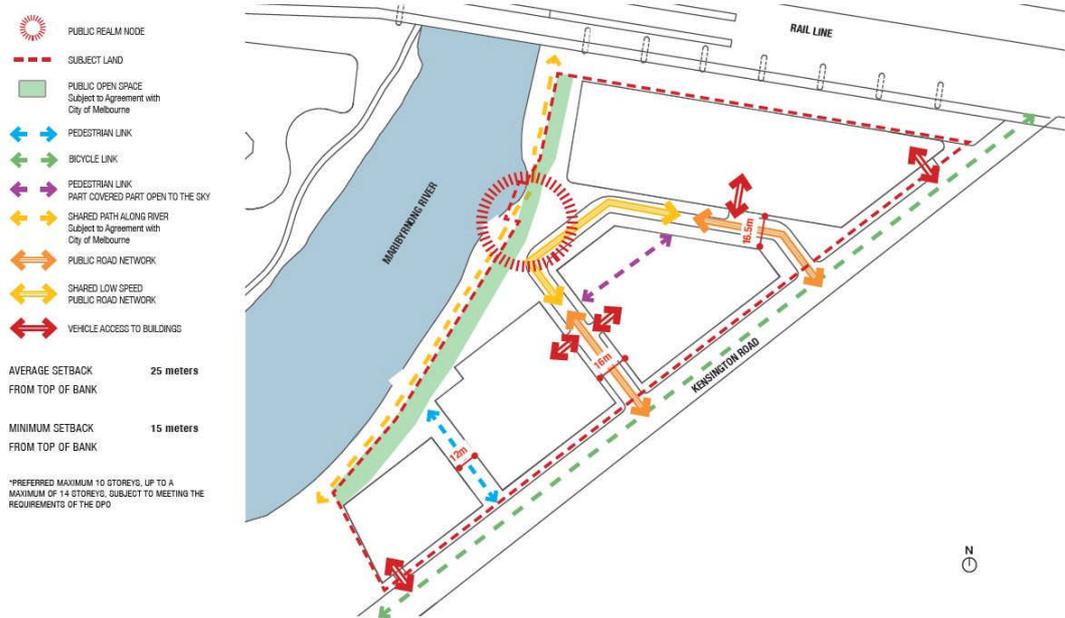


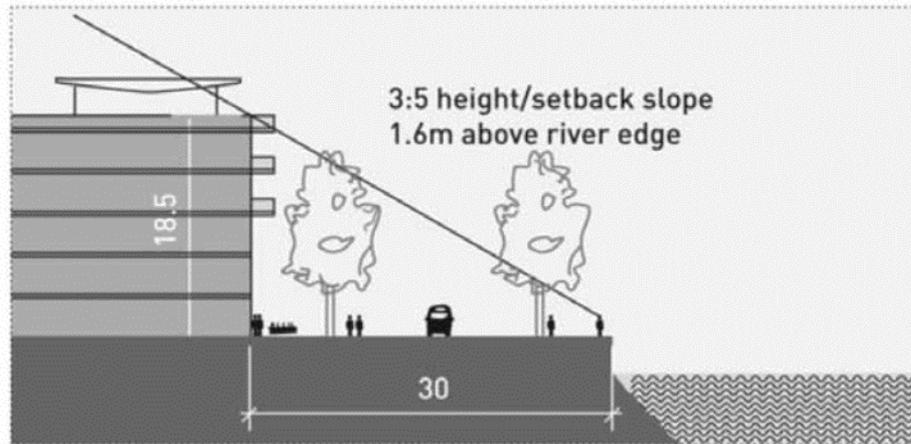
Table 1 - Built Form Requirements

Built Form Element	Mandatory requirement	Discretionary requirement	Outcome sought
Setback of all built form from Kensington Road site boundary	2 metres minimum		The area set aside is to be transferred to the council to be included in the road reserve, and a footpath is to be constructed within the 2 m at the expense of the developer so as to facilitate pedestrian movements along Kensington Road.
Height of street wall on Kensington Road	Maximum of 6 storeys in height and minimum of 3 storeys in height		A diverse street wall height (i.e. varied in height) which does not dominate the pedestrian experience along Kensington Road and ensures satisfactory levels of sunlight along Kensington Road. To create a human scale experience along Kensington Road.
Height and setbacks of built form above the maximum street wall height on Kensington Road		Above the street wall, upper levels should be set back generally within a 45 degree angle from the street wall.	To minimise the impact of upper levels on the pedestrian experience.
Setback of built form from the top of the Maribyrnong riverbank	15 metres minimum setback and 25 m average setback.		To respond to the <i>Maribyrnong River Design Guidelines 2010</i> .

Built Form Element	Mandatory requirement	Discretionary requirement	Outcome sought
Height and setback of built form from the top of the Maribyrnong riverbank, measured at eye height (1.6 metres from natural ground level)	A ratio of 3:5 (height to setback) in accordance with the Maribyrnong River Valley Design Guidelines 2010 (refer Figure 2 of this schedule)		To respond to the <i>Maribyrnong River Design Guidelines 2010</i> . To ensure that built form does not visually dominate the waterfront.
Spacing between buildings		<p>Minimum separation of buildings within the site:</p> <p>Buildings up to 13.5 metres in height – 12 metres between buildings.</p> <p>Buildings up to 25 metres in height - 12 metres separation for the first 13.5 metres of height and 18 metres separation for the part of the building that is between 13.5 to 25 metres in height.</p> <p>Buildings over 25 metres in height – 12 metres separation for the first 13.5 metres of height, 18 metres separation for the part of the building that is between 13.5 to 25 metres in height and 24 metres separation for the part of the building over 25 metres in height.</p> <p>The separation is measured from glazing line to glazing line to the open edge of a balcony.</p> <p>The main building structure (including walls, balconies and other building appurtenances) should not encroach into the setback.</p>	To provide for high levels of amenity within buildings and sunlight to internal streets. Building massing should ensure internal links within the site are comfortable for pedestrians

Built Form Element	Mandatory requirement	Discretionary requirement	Outcome sought
Maximum street wall height of all built form from internal streets and laneways		4 storeys	To provide for high levels of amenity within buildings and along the street network within the site. Building massing should ensure internal links within the site are high quality streets that comfortable for pedestrians.
Overall building height (excluding plant and equipment and architectural features)	14 storeys maximum building height	10 storeys preferred height	Height up to 14 storeys may be permitted, if: - The ratio of 3:5 (height to setback) continues to be met; and - No additional shadow is cast, beyond that which would be cast by 10 storeys, over the Maribyrnong River, public open space, the internal street network or the footpath on Kensington Road between 11am-2pm on 22 September; and - 15% of the gross floor area above 10 storeys is shown as set aside within the building or in another part of the development for affordable housing
Public connections (pedestrian or pedestrian/vehicle) between Kensington Road and the Maribyrnong River front.	Minimum of 3 public connections		Provide public access to the river front. Provide pedestrian permeability through the development and to the river.
Maximum height of ground floor above the finished level of the an abutting street		1.2 metres	To encourage a connection between the street and the uses abutting the street.
Setback from the northern title boundary			Activation of the interface with the railway line to provide a safe and attractive environment and to utilise the site's northern orientation while responding to the acoustic and vibration impacts of the railway line.
Car parking visible from the public realm		Not more than 20% of the length of frontages at ground level or the first five levels of the building.	Ensure a high quality public realm and activation of the street network.

Figure 2 to Table 1 – Height to setback ration calculation



Source: Maribyrnong River Valley Design Guidelines