

07/03/2013
C70**SCHEDULE 14 TO THE DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO14**.

KINNEARS PRECINCT FOOTSCRAY

This schedule applies to the former Kinnears Ropeworks site, bound by Kinnear Street to the north, Farnsworth Avenue to the east and Ballarat Road to the south.

1.0**Requirements before a permit is granted**15/11/2012
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A permit may be granted for the following, before a Development Plan has been approved:

- Any earthworks associated with the remediation of the land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the *Environment Protection Act 1970* provided the works are carried out in accordance with a Construction Management Plan prepared in accordance with this Schedule.
- The construction of that part of any building which is associated with the remediation of the land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the *Environment Protection Act 1970* provided the works are carried out in accordance with a Construction Management Plan prepared in accordance with this Schedule.
- The removal of any building for the purpose of remediation of the land in accordance with or for the purposes of obtaining a Certificate or Statement of Environmental Audit under the *Environment Protection Act 1970* provided the works are carried out in accordance with a Construction Management Plan prepared in accordance with this Schedule.
- Minor buildings or works provided the buildings or works do not prejudice the preparation and approval of the Development Plan.
- Consolidation of land.
- Subdivision which does not prejudice the preparation and the approval of the Development Plan.
- Removal or creation of easements or restrictions.

2.0**Conditions and Requirements for Permits**15/11/2012
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Except for a permit issued as provided for under Clause 1.0, a permit must contain conditions or requirements which give effect to the provisions and requirements of the approved Development Plan.

Prior to the commencement of the permitted buildings or works a detailed Construction Management Plan must be prepared to the satisfaction of the responsible authority. In considering the Construction Management Plan the responsible authority must take into account any comments received from VicRoads, Heritage Victoria and Public Transport Victoria within 21 days of the date of referral of the Construction Management Plan to the relevant authorities. The Construction Management Plan must include, but is not limited to, the following:

- Staging of construction;
- Protection of heritage fabric consistent with any conditions attached to any permit or exemption issued for the relevant demolition, subdivision, buildings or works pursuant to the *Heritage Act 1995*;
- Management of public access and linkages around the site during construction;
- Site access, parking and traffic management;
- Any works within the Ballarat Road, Kinnear Street and/or Farnsworth Avenue road reserve;

- Any impacts on public transport operations;
- Sediment control and site drainage;
- Hours of construction;
- Control of noise, dust and soiling of roadways;
- Discharge of polluted waters;
- Demolition & excavation;
- Storage of construction materials;
- Location of site offices, & cranes;
- Public safety;
- Management of potentially contaminated materials;
- Collection and disposal of building and construction waste;
- Methodology for responding to complaints associated with the construction works and provide site manager contact details.

All development must be carried out in accordance with the approved Construction Management Plan to the satisfaction of the responsible authority.

3.0 Requirements for Development Plan

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A Development Plan must be generally in accordance with the Kinnears Ropeworks Indicative Concept Plan, September 2012 forming part of this Schedule to the satisfaction of the responsible authority. The Development Plan may, with the consent of the responsible authority, be prepared in two stages with one stage relating to the land or part of the land in Precincts 2, 5 or 6 with the other stage in relation to all of the land in Precincts 1, 3 and 4 together with any part of the land not covered by any stage for part of Precincts 2, 5 or 6.

The Transport Management Plan and the Integrated Transport Plan components of the Development Plan relevant to the particular stage must also be prepared to the satisfaction of Public Transport Victoria and VicRoads and must be based on an assessment of the likely transport impacts of the proposed full development of the whole of the former Kinnears Ropeworks site.

The Development Plan must be consistent with a Conservation Management Plan prepared for the site and approved by the Executive Director, Heritage Victoria, or any permit issued by the Executive Director, Heritage Victoria, to the satisfaction of the Responsible Authority.

The Development Plan must be informed by and comprise the following documents, reports, guidelines and plans:

Heritage Plan

The Heritage Plan must set out the relevant permits or exemptions issued by Heritage Victoria or any Conservation Management Plan or Heritage Action Plan endorsed by the Executive Director of Heritage Victoria for the subdivision, demolition and development proposed in the Development Plan (or any stage of the Development Plan).

Planning Report

A planning report that includes:

- The proposed arrangement of uses across the site, including residential, office, shop and other uses so as to create a mixed use environment. The proposed floor space for the non-residential uses must be guided by a retail assessment and Economic Impact Assessment Report to the satisfaction of the responsible authority.
- How the proposed Development Plan will meet the requirements of Clause 15.01-1, Clauses 55 and/or 56 (as appropriate) of the Scheme.

- Demonstrates how the recommendations of the Heritage Plan, Site Remediation Strategy, Social Infrastructure Report and Ecologically Sustainable Design Strategy (as appropriate) have been incorporated into the proposed development of the land.

Site and Staging Plan

A site master plan and an indicative staging plan must be provided. The indicative staging plan should identify:

- The proposed sequencing of development;
- Vehicular access points, road infrastructure works and traffic management for each stage of development;
- Interface/access treatments.

Design Guidelines

Design Guidelines must be provided containing, but not limited to, the following:

- Indicative building heights and setbacks;
- Shadow diagrams internal and external to the site for the equinox between 11.00am and 2.00pm based on the building envelopes or arrangement shown in the proposed Development Plan;
- Indicative waste storage and collection points;
- Development concept plans including indicative elevations and cross sections;
- Indicative building materials, treatments, including reflectivity details, and architectural styles throughout the site;
- Indicative siting and orientation of buildings having regard to passive energy efficiency techniques and the relevant considerations of Clause 15.01-1 and Clause 55 (as appropriate) of the Scheme;
- Indicative treatments for key interface areas (e.g. between open space areas and proposed development, within existing streetscapes, and between residential and non-residential land uses and the proposed development);
- Any particular and relevant design measures recommended by the Activity Centre Design Guidelines (DSE 2005), the Design Guidelines for Higher Density Residential Development (DSE 2004) and Safer Design Guidelines Victoria (Crime Prevention Victoria and DSE 2005);
- Any particular and relevant design measures recommended by the Heritage Plan, Ecologically Sustainable Design Strategy, Transport Analysis & Management Plan and the Site Remediation Strategy (as appropriate).

The Guidelines must be consistent with the following vision and objectives:

Vision

“To create a sustainable, residential and part mixed use precinct for Footscray, including ancillary local services that integrates with the local neighbourhood and complements the Footscray Central Activities Area offering opportunities to live in an inner urban environment close to the Maribyrnong River”

General Objectives

Urban Design / Urban Structure

- To promote urban legibility and public access and wayfinding to and through the site.
- To complete and complement existing street network by responding to the alignment of major civic elements (Droop Street, Empire Street and Eldridge Streets).

- To protect the amenity of publicly accessible spaces by ensuring that they receive suitable solar access between 11.00am and 2.00 pm on 22 September.

Built Form

- To ensure new buildings are well spaced and offset to distribute access to outlook and sunlight between built forms and manage overlooking between habitable room windows where possible.
- To provide a diverse built form assembly through a building hierarchy informed by the new public realm and hierarchy of adjoining streets.
- To ensure that the form, bulk and scale of new development considers the potential future built form and land use on adjacent sites.
- To demonstrate high quality built form interpretations and outcomes that contribute to the built form character of the neighbourhood and its surrounds.
- Design for lower level facade treatments and pedestrian environments that activate the street.
- Building heights must consider and respond to the over shadowing effects within the site and on surrounding residential properties and the Droop Street retail precinct and public realm areas.
- To provide wind climate design to ameliorate adverse wind conditions at street level, public spaces, balconies and adjoining properties.
- To provide acoustic design treatments that addresses the impact of existing and potential noise particularly from road traffic.
- To collectively form a coherent and identifiable precinct.

Architecture

- To demonstrate exemplary contemporary architecture that recognises, retains where appropriate, interprets and complements the heritage legacy of the site consistent with the recognised significance of the heritage place as set out in the registration under the *Heritage Act 1995*.
- To provide a design response that deters property vandalism and graffiti.

Public Realm

- To create a public realm environment based on a diversity of public spaces which display a range of scales and proposed uses having the potential to accommodate a variety of activities.
- To provide integrated public art.
- To ensure public spaces receive suitable solar access.

Access and Transport

- To maximise opportunities for access to, and use of, public and active transport modes and to encourage legibility and convenience of movement into and within the site.
- To ensure that the proposed development does not have an unreasonable impact on safety and efficiency of the surrounding road network.

Lighting

- To provide for safe and convenient vehicular and pedestrian access to be located in areas throughout the site and its surrounds.

Car Parking

- To minimise, where practical, the impact of vehicles on public space.
- Vehicular access to car parking should be appropriately sited to avoid conflict with pedestrian and bicycle activity.
- Ensure that above ground parking is suitably concealed with active podium frontage where appropriate, a retained heritage element or within buildings that display a high level of architectural resolution.

- Indicative car parking provision and indicative locations of bicycle storage spaces and car spaces. Garage door indicative design treatments and indicative areas for visitor parking and taxi pick up drop offs.

Heritage

- To ensure that the recognised significance of the heritage place as set out in the registration under the *Heritage Act 1995* is maintained having regard to the long term viability of the heritage place and the creative use of selected buildings or part of buildings.

Landscape

- To improve the amenity of public spaces and edges of the project.

Ecologically Sustainable Design (ESD)

- To incorporate recognised and proven ESD measures to aid in the reduction of energy and water consumption, the generation of waste and greenhouse emissions.

Precinct Objectives

Rope Walk Precinct

- Public realm – to provide for public circulation and the opportunity for wider public use and enhance the public realm along Kinnear Street.
- Mix of uses – to accommodate a range of uses encouraging active ground floor uses, where appropriate.

Ballarat Road Precinct

- Public realm – to provide safe, secure and pleasant pedestrian paths into and through the precinct to connect with the east-west street and improve the amenity and appearance of the Ballarat Road frontage.
- Mix of uses – to provide a mixture of active and residential uses to provide diversity of housing choice and activity along Ballarat Road.

George Kinnear Piazza

- Public realm – to create a series of activated public spaces at the cultural core of the site.
- Mix of uses – to provide a mix of uses that embrace, front and activate the central retail and community activities core.

Droop Street Precinct

- Building – to incorporate a building of iconic status which displays design excellence to mark the Droop Street axis.
- Public realm – to provide for public circulation and the opportunity for wider public usage.
- Mix of uses – to encourage activities that establish a community focus at the site.

Michael Americo Precinct

- Public realm – to provide for public circulation and the opportunity for wider public access and usage and enhance the public realm along Kinnear Street.
- Mix of uses – to encourage residential uses;

Western Precinct

- Public realm – To provide for public circulation, the opportunity for wider public access and usage and to enhance the public realm along Kinnear Street and Ballarat Road.
- Mix of uses – To encourage residential uses.

Transport Management Plan

A Transport Management Plan (TMP) which provides the following details:

- The likely traffic generation of the proposed development;
- Results from Micro-Simulation modelling showing the likely traffic impacts of the proposed development on the land surrounding the precinct and the broader road network, and any works necessary to mitigate unreasonable delays to public transport services caused by traffic generated by the proposed development, including the implementation and indicative timing of such works;
- A road safety audit of the design and proposed traffic management measures and recommendations;
- The proposed intersection treatments at Eldridge and Empire Streets, Droop Street and Ballarat Road, and Kinnear Street and Farnsworth Avenue providing vehicular access to the site;
- Recommended car parking and bicycle parking rates and the location of on-site car and bicycle parking for the neighbourhood activity centre and associated uses, medium to high density residential precincts, and community services;
- Movement networks within the precinct for vehicles, bicycles and pedestrians;
- The internal street network including the layout, proposed reservation widths, cross-sections and urban design treatment concepts;
- The internal street network configuration should not cause any unreasonable impact on the functionality of the site access points;
- Traffic management measures and signalisation;
- Existing and proposed public transport routes and stops in the vicinity of the precinct;
- The location of bicycle and pedestrian paths in the vicinity of and connections to the precinct;
- Details of connections from the precinct to existing roads and means of vehicular ingress and egress from the precinct to surrounding roads;
- Any mitigation works required to reduce unreasonable delays to public transport arising from the development of the land to which the Development Plan applies;
- Any relocation of public transport stops arising from the development must comply with the Commonwealth *Disability Discrimination Act 1992*, and particularly the technical requirements of the *Disability Standards for Accessible Public Transport 2002*, to which the Development Plan applies;
- Details of how the proposed development within the site manages the impact on the surrounding road network and public transport systems;
- Points of access to the site from the adjoining roads, including any treatments necessary to enable access to the site.

Integrated Transport Plan

An Integrated Transport Plan (ITP) which provides for the following details:

- The expected demand for travel by people who will live, work or visit the site and target transport mode split to encourage walking, cycling and use of public transport by future residents;
- Existing and proposed public transport routes, stops and infrastructure (e.g. shelters, indented bay/s, signage, pedestrian crossings and potential locations for car sharing facilities) within the precinct and surrounds;
- Existing and proposed pedestrian and bicycle paths and bicycle parking, including connections to public transport stops;
- Details of any proposed public transport, bicycle or pedestrian works on the precinct and adjoining and nearby areas;
- New resident awareness and education program;
- Green Travel Plan initiatives;

- An implementation plan to the satisfaction of the responsible authority which identifies:
 - A schedule of initiatives (e.g. behavioural change program, way-finding strategies) that will be undertaken to encourage walking, cycling and use of public transport by future residents;
 - Provision for ongoing monitoring and review of the implementation of the plan;
 - Responsibilities for ongoing implementation of the ITP including timing of proposed works relative to the staging of the development;
 - Contributions to be made by the owner of the land to which the Development Plan applies to the preparation, monitoring and implementation of the plan including the reasonable cost of works made necessary by the development;
 - The timing, method and security for payment of any contribution.

Landscape Concept Plan

A Landscape Concept Plan which includes:

- An overall landscape master plan for the land in accordance with the proposed staging plan in the Development Plan;
- A description of the hierarchy of open spaces on the site and how it is proposed to provide public access to those spaces;
- Landscape and urban design concepts for proposed open space including the George Kinnear piazza;
- Typical street cross sections;
- A written description of the management of landscaped areas, including sustainable irrigation treatments;
- Details of how the Landscape Concept Plan addresses any requirements of the site remediation strategy for the land.

Ecologically Sustainable Design Strategy

An Ecologically Sustainable Design Strategy (ESD Strategy) which addresses the major components of the proposed development and construction processes and:

- Demonstrates the incorporation of recognised technologies and best practice where practical;
- How compliance with all relevant statutory obligations in environmental sustainability is achieved;
- Identifies and nominates the level of sustainability performance standards proposed and to be adopted;
- Demonstrates options by which the agreed level of sustainable performance standards will be achieved.

The ESD Strategy must be based upon the following principles:

- Energy conservation, with the objective of contributing to industry standards of national and international efforts to reduce energy usage and greenhouse gas emissions;
- Water conservation, ensuring that water resources are managed in a sustainable way;
- Water sensitive urban design and options ensuring the reduction of the impacts of stormwater on bays and catchments consistent with general principles as detailed in the *Urban Stormwater Best Practice Environmental Management Guidelines* (Melbourne Water);
- Transport planning with the aim of encouraging walking, cycling and use of public transport;
- Land-use and transport planning and infrastructure provision to contribute where practical to improved air quality;

- Options to reduce the amount of waste generated and encourage increased reuse and recycling of waste materials;
- Building materials conservation;
- Sustainability options in demolition and construction practices;
- Landscaping considering the provision of habitat, green spaces, and climate control as appropriate;
- Indoor environmental quality and healthy internal environments.

The ESD Strategy must have regard to the following:

- If considered appropriate, the preparation of individual plans dealing with different aspects of the use and development;
- Specify when individual plans are required and must be prepared;
- Identify responsibilities and an implementation and staging strategy;
- A strategy for review, maintenance and monitoring;
- New resident awareness and some education to promote the objectives of sustainability.

Site Remediation Strategy

Unless a Certificate or Statement of Environmental Audit has been issued, a Site Remediation Strategy must be prepared to the satisfaction of the responsible authority. Where a Site Remediation Strategy has been prepared, the responsible authority must consider the Site Remediation Strategy and must provide notice in writing within 28 days confirming that it is satisfied with the Site Remediation Strategy as part of the Development Plan.

The Site Remediation Strategy must be consistent with any recommendations of the Environment Protection Authority (EPA) appointed Environmental Auditor (Auditor) conducting the audit of the land. The overall and detailed site analysis forming part of the Site Remediation Strategy should be consistent with the intended use and development as depicted in the proposed Development Plan and staging plan.

The Site Remediation Strategy may be prepared in stages where the Development Plan is prepared in stages.

The Site Remediation Strategy should demonstrate that the site is capable of being remediated to a standard required for the proposed use and development in accordance with EPA guidelines.

The Site Remediation Strategy should at each relevant stage provide an overview of the:

- Potential impacts of any land or ground water contamination (including the potential for vapour intrusion or gas migration) on the proposed land use, the arrangement of land use across the land and any particular design requirements the development may be subject to;
- Heritage issues (if any) relevant to the remediation strategy;
- Proposed works and testing program that has been prepared for the remediation or treatment of any area(s) identified for any clean up as required to achieve a Certificate or Statement of Environmental Audit;
- Recommendations or requirements of the Auditor relevant to the proposed Development Plan or stage of the Development Plan, including ongoing monitoring or testing programs;
- Any other matters which the Auditor considers necessary.

The Site Remediation Strategy when completed should address and make references to (where appropriate):

- Options and a preferred approach to the testing and remediation of soil and groundwater;
- Proposed pattern of land uses across the site;

- Targeted condition of the site as required and specified by the Auditor to suit the proposed range of land uses or development;
- An indicative site map showing locations across the site of any identified contamination and any proposed clean up work;
- Options for remediation technologies taking into account logistics and technology options that are currently available and applicable to all or any potential contaminants that may be identified;
- A schedule of proposed remediation activities;
- Expected pattern/staging and indicative timeframes for signed Certificates or Statements of Environmental Audit across the site following the clean up of the site;
- Indicative site management and monitoring controls that will be necessary following each clean up activity;
- Identify the parties responsible for key activities and for subsequent site management and monitoring.

The Site Remediation Strategy will be amended as required to reflect the recommendations or requirements of the Certificate or Statement of Environmental Audit.

Housing Diversity Report

A Housing Diversity Report explaining the mix of housing on the site including a proportion of the overall housing stock that may be used as affordable housing. The report must also include criteria for determining affordable housing stock.

Social Infrastructure Report

A Social Infrastructure Report must be prepared. The report must consider what social infrastructure is required for the development proposed in the Development Plan including but not limited to appropriate levels of public realm and community infrastructure, including active and passive community open space within the development, and potential public and/or private community facilities such as early childhood and community services.

Services and Infrastructure Report

A Services and Infrastructure Report must be provided to identify all existing and proposed infrastructure requirements and easements (Water, sewerage, gas, electricity, telecommunications, drainage, storm water overland flow points and water sensitive urban design) to service the proposed development.

The report must address the relocation of any underground and above ground services and the potential to underground above ground services.

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Agreement

Prior to the approval of a Development Plan or at such other time as the responsible authority allows, at its own expense, the owner of the land must enter into an agreement with the responsible authority and, as appropriate, with Public Transport Victoria and VicRoads, under Section 173 of the *Planning and Environment Act 1987* for the provision of:

- As appropriate Physical Infrastructure and Social Infrastructure as listed in the Development Plan;
- As appropriate, the requirements set out in the Environmental Audit, Heritage Plan, Ecological Sustainable Design Strategy and Design Guidelines;
- An open space contribution of 5% of the site value of all of the subject land pursuant to Section 18 of the *Subdivision Act 1988* and no other land provision for public open space as part of the contribution unless it is agreed between the responsible authority and the owner.

5.0

Decision guidelines

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Before deciding on a request to approve or amend a Development Plan, the responsible authority must consider as appropriate:

- any views of Public Transport Victoria;
- any views of VicRoads; and
- any views of Heritage Victoria;

which are received by the responsible authority within 28 days of the referral of the Development Plan or amendment to the relevant authority.

