

FISHERMANS BEND

Help shape the future of this growing inner city precinct



HOW TO CALCULATE FLOOR AREA UPLIFTS AND PUBLIC BENEFITS IN FISHERMANS BEND

This document provides guidance about the public benefit ratios that are to be applied in the Fishermans Bend Area covered by Capital City Zone Schedules 4 to the Melbourne Planning Scheme and Schedules 1 to the Port Phillip Planning Scheme.

This publicly available document is updated regularly.

FLOOR AREA UPLIFT AND PUBLIC BENEFIT

A Public Benefit provided must be:

- within a Public Benefit category listed in the Public Benefits Schedule; and
- be in the ratio in accordance with the Public Benefits Schedule.
- Achieve the other requirements for the type of Public Benefit category set out in the guidelines

The public benefit may be greater than the ratio allows for, but the floor area uplift may not.

For the purposes of this document:

- The Floor Area Uplift is floor area that exceeds the maximum floor area ratio set out in Schedule 4 in the Melbourne Planning Scheme and Schedule 1 in the Port Phillip Planning Scheme to the Capital City Zone, as applicable.
- The floor area and floor area ratio of a building are calculated in accordance with Schedule 4 in the Melbourne Planning Scheme and Schedule 1 in the Port Phillip Planning Scheme to the Capital City Zone, as applicable.

PUBLIC BENEFITS SCHEDULE

The categories of available Public Benefits are listed in the Table below.

The agreement to any Public Benefit is at the discretion of the responsible authority and is conditional on support from the receiving agency (if the receiving agency is not the responsible authority).

The receiving agency is the body to which the Public Benefit will be transferred or which will become the formally designated manager of the Public Benefit.

The amount of Public Benefit allowed is subject to the Floor Area Uplift ratios set out in table 2 Public Benefits Ratios.

Agreed Public Benefits must be delivered to the satisfaction of the responsible authority and the receiving agency (if different) prior to the occupation of the development. The legal agreement may require a financial bond to guarantee adequate delivery of the Public Benefit. The Responsible Authority will maintain a register of Public Benefit legal agreements.

The legal agreement will generally require the Public Benefit to be fit for purpose and if required accompanied by a certificate of environment audit issued for the land in accordance with, or a statement by an accredited auditor approved under, Part 1XD of the *Environment Protection Act 1970* that the environmental conditions of the land are suitable for use by the sensitive use.

.

Figure 1: Public benefits category

Public benefit category	Description
Affordable housing	<p>Is housing ‘gifted’ (provided in perpetuity with the assets transferred at no cost) to a Registered Affordable Housing Association and achieves requirements set out below:</p> <p>The affordable housing must comply with the requirements set out below.</p>
Additional public open space	<p>Public open space proposed is in additional to:</p> <ul style="list-style-type: none"> • any public open space required to be provided in accordance with the Framework (as shown in the open space network map x in Schedule 4 to the Capital City Zone Melbourne Planning Scheme and Schedule 1 to the Capital City Zone Port Phillip Planning Scheme). • any public open space contributions in the form of land for the purposes of Clause 52.01 of the scheme. • any communal open spaces provided on site exclusively for the use of residents and occupants of the development, or any publicly accessible communal open space which is proposed to be retained in private or owners corporate ownership. <p>The additional public open space must comply with the requirements set out below.</p>
Delivery of community infrastructure	<p>Delivery of only the Education and Community hubs, Sports and Recreation hubs, Health and Well-being hubs or Arts and Cultural hubs, as detailed and defined in the <i>Fishermans Bend Community Infrastructure Plan 2017</i>.</p> <p>Sites are to be located within an ‘investigation area’ relevant to the type of Community Infrastructure proposed as a Public Benefit, as shown in the Fishermans Bend Framework, Month 2018.</p> <p>The community infrastructure must comply with the requirements set out below.</p>

Figure 2: Public benefits ratio

Public benefit category	Public benefit ratio
Affordable housing	Eight additional dwellings to each affordable housing unit, providing the affordable housing unit mix replicates (size etc) the dwelling mix constructed and delivered for the market by the developer.
Additional public open space	One additional dwelling to the equivalent value of the additional public open space. The value will be subject to the approval of the Valuer General and subject to approval by the Victorian Government Monitor.
Delivery of community infrastructure	One additional dwelling to the equivalent value of the community infrastructure. The value will be subject to the approval of the Valuer General and subject to approval by the Victorian Government Land Monitor.

OTHER REQUIREMENTS FOR PUBLIC BENEFITS

Affordable housing

Where affordable housing is proposed as a public benefit, the Responsible Authority will:

- ensure affordable housing provided is appropriate to the needs of a low to moderate income household in terms of size, quality, accessibility and location;
- encourage the affordable housing component to be provided as a mix of 1, 2 and 3 bedrooms that reflect the overall dwelling composition of the building with internal layouts identical to other comparable dwellings in the building, unless by agreement with the receiving agency;
- ensure the affordable housing is externally indistinguishable from other dwellings, unless by agreement with the receiving Registered Affordable Housing Association, unless by agreement with the receiving agency.

Community infrastructure

Where a community infrastructure hub is proposed as a public benefit, it must ensure that the community infrastructure complies with the requirements set out in the relevant design specifications and:

- meets the minimum floor space requirements for the type of community infrastructure facility proposed; and
- includes the 'core' facility and the identified 'main co-located facilities'; or
- if proposed as part of a cluster of community infrastructure facilities collectively creating a hub, is not more than a 200 metre walking distance of a primary facility;
- includes efficient, innovative, flexible, adaptable, hardworking primary and multipurpose spaces that will be fit for use and for multiple user groups and ages;
- provides for opportunities for programming the community use of spaces over periods of the day and night to meet the diverse needs of the community;

- includes provision for supporting infrastructure (toilets, change rooms, storage, administration, catering, loading) within the design and layout of the building;
- is clearly visible and accessible from the street.

Open space

Where additional public open space is proposed as a public benefit, the additional public open space must be at ground level, and have a location, design and layout that:

- contributes to the creation of a network of passive, formal and informal recreation spaces;
- has direct street access and where possible is co-located with other existing or proposed open spaces;
- has appropriate solar orientation and protection from wind;
- is open to the sky;
- is fit for purpose;
- should be at least 1000 square metres with a minimum dimension of 30 metres.

© The State of Victoria Department of Environment, Land, Water and Planning 2017



This work is licensed under a Creative Commons Attribution 4.0 International licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The

licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, the Victorian Government logo and the Department of Environment, Land, Water and Planning (DELWP) logo. To view a copy of this licence, visit

<http://creativecommons.org/licenses/by/4.0/>

Printed by <Insert Name of printer - Suburb>

ISBN XXX-X-XXXX-XXX-X (print)

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Accessibility

If you would like to receive this publication in an alternative format, please telephone the DELWP Customer Service Centre on 136186, email customer.service@delwp.vic.gov.au, or via the National Relay Service on 133 677 www.relayservice.com.au. This document is also available on the internet at www.delwp.vic.gov.au.

October 2017