

PORT PHILLIP PLANNING SCHEME

INCORPORATED DOCUMENT

6 & 8 Boundary Street, South Melbourne

NOVEMBER 2022

Incorporated document pursuant to Section 6(2)(j) of the *Planning and Environment Act 1987*

Incorporated document in the Schedules to Clauses 45.12 and 72.04 of the Port Phillip Planning Scheme

1. INTRODUCTION

- 1.1. This document is an Incorporated Document in the schedules to Clauses 45.12 and 72.04 of the Port Phillip Planning Scheme (the Planning Scheme) pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.
- 1.2. The land identified in Clause 3 of this document may be used and developed in accordance with the specific control contained in Clause 4 of this document.
- 1.3. The control in Clause 4 prevails over any contrary or inconsistent provision in the Planning Scheme.
- 1.4. The Port Phillip City Council is the Responsible Authority for administering and enforcement of Clause 45.12 of the Planning Scheme with respect of this Incorporated Document except that:
 - a) The Victorian Planning Authority is the responsible authority for matters under Division 2 of Part 9 of the Act relating to any agreement that makes provision for development contributions;

2. PURPOSE

- 2.1. To facilitate the demolition of the existing building and use and development of the land identified in Clause 3 for a multi storey residential development, in accordance with Clause 4 of this document.

3. LAND DESCRIPTION

- 3.1. The control in Clause 4 applies to the land at 6 & 8 Boundary Street, South Melbourne being the land contained in Certificate of Title Volume 09132 Folio 797 and more particularly described as Lot 1 on Title Plan 178115Y and Certificate of Title Volume 08034 Folio 102 and more particularly described as Lot 1 on Plan of Subdivision 027264. The land is identified in Figure 1 below.

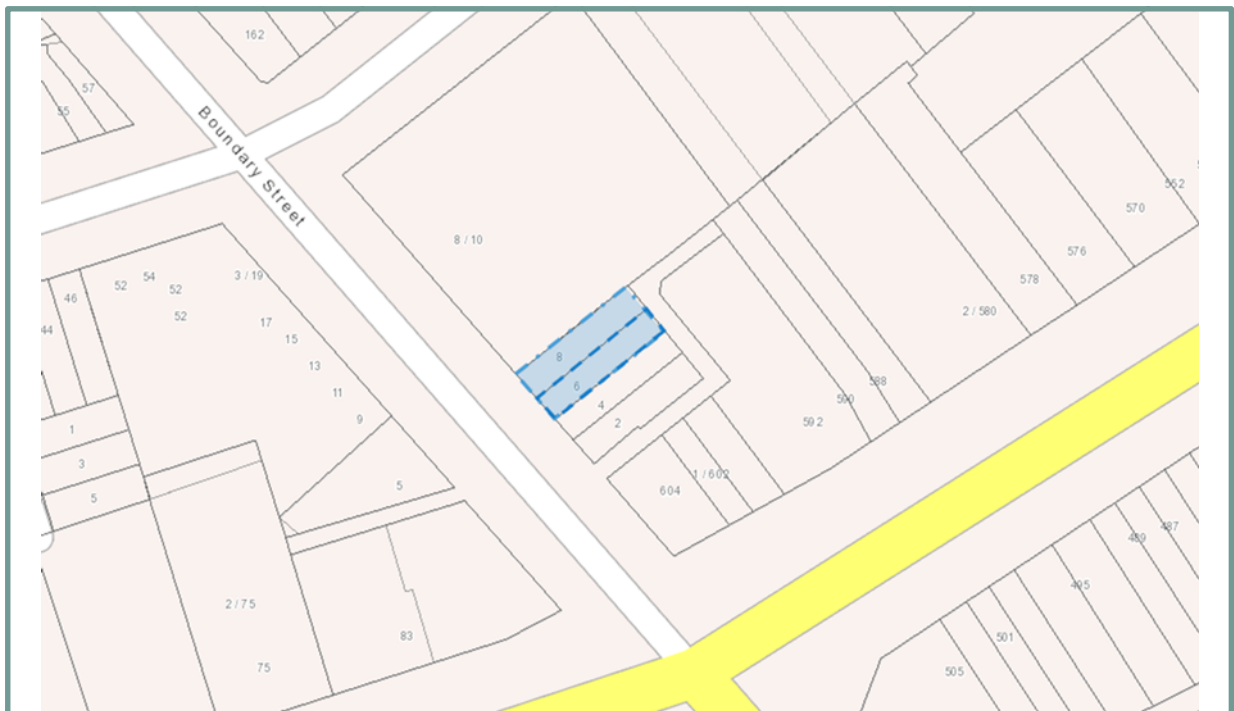


Figure 1: Map of Land subject to this Incorporated Document

4. CONTROL

Exemption from the Planning Scheme requirements

- 4.1. Subject to Clause 4.4, no planning permit is required for, and no provision in the Planning Scheme operates to prohibit, control or restrict the use or development of the Land in accordance with the provisions contained in Clause 4.
- 4.2. A permit is required to subdivide the Land except where the subdivision creates a road, and no additional lot is created, and any such application is:
 - a) Exempt from the requirements in Clause 45.11 (Infrastructure Contributions Overlay) of the Planning Scheme.
 - b) Exempt from the requirements in Clause 53.01 (Public Open Space Contributions) if applicable.
- 4.3. Notwithstanding Clauses 4.4(b), any permit allowing subdivision of the Land must include a condition requiring payment to Council, before a statement of compliance is issued, of a public open space contribution equal to 8% of the site value of the Land.
- 4.4. A permit is required to remove or vary an easement under Clause 52.02 (Easements, Restrictions and Reserves).

Compliance with the endorsed plan

- 4.5. The use and development of the land must be undertaken generally in accordance with all documents approved under Clause 4.

Layout and use of the development not to be altered

- 4.6. The use and development on the land as shown on the approved plans must not be altered or modified without the prior written consent of the Responsible Authority

Amended plans

- 4.7. Before the development starts, excluding demolition, excavation, piling and site preparation works, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and fully dimensioned including to show natural ground level, floor levels, wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD) and three copies plus an electronic copy must be provided. The plans must be generally in accordance with the architectural plans prepared by 'Steven Trenevski' entitled '8 South Melbourne PL' Drawings TP 1.0-7.0 inclusive, all Rev 4 dated 20 June 2022, but modified to show:
- a) Any changes, technical information and plan notations (or otherwise) required as a consequence of any provision in Clause 4 of this Incorporated Document.
 - b) Plan notations for lighting to main building entries, pedestrian areas and car parking.
 - c) An annotation in accordance with the design standards of Table D7 of Standard D17 (Accessibility objective) of Clause 58 (Apartment Developments) to confirm compliance with either Design Option A or B.
 - d) An annotation in accordance with the design standards of Table D10 of Standard D20 (Storage objective) of Clause 58 (Apartment Developments) to confirm compliance with the total minimum storage volume.
 - e) All plant, equipment and services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally must be identified on plans.

Reflectivity

- 4.8. Except with the consent of the Responsible Authority, all external façade material and finishes must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.

Landscaping and Public Realm

- 4.9. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a detailed landscaping and public realm plan(s) must be submitted to and approved by the Responsible Authority. The plan(s) must include:
- a) A planting schedule of all proposed trees and other vegetation including botanical name, common names, pot sizes, sizes at maturity, and quantity of each plant and their protection and maintenance.
 - b) How the landscaping responds to water sensitive urban design principles, including how rainwater will be captured, cleaned and stored.
 - c) Details of all hard-landscaping materials, finishes and treatments and urban design elements including paving, lighting, seating and balustrading.
 - d) Details of surface materials and finishes and construction of retaining walls, pathways, kerbs and access ways.
 - e) Elevations, sections, levels and details including materials and finishes of public realm works including reconstruction of public assets.
 - f) An Arboricultural assessment of the street tree fronting site on Boundary Street which incorporates a Tree Management Plan; if the tree is proposed to be retained. Any tree protection measures should include Tree Protection Zones in accordance with AS4970-2009 and be shown on the landscape and site plans.

When the Landscape Plan is approved, it will become an endorsed plan forming part of this approval.

- 4.10. All landscaping shown in the approved landscape and public realm plans must be carried out and completed prior to occupation of buildings and thereafter maintained to the satisfaction of the Responsible Authority

Completion of Landscaping

- 4.11. The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.

Landscaping Maintenance

- 4.12. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

Removal and Replacement of Street Trees

- 4.13. Any Council owned trees shown on the endorsed plans to be removed must not be removed, lopped or pruned without prior consent of the Responsible Authority. If removal is approved, the amenity value along with removal and replacement costs must be reimbursed to Council by the developer.

Demolition Management Plan

- 4.14. Before demolition starts, a detailed Demolition Management Plan (DMP) must be submitted to and approved by the Responsible Authority. The DMP's objectives must be to minimise the impact of works associated with the demolition on neighbouring buildings and structures and activities conducted in the area generally. The DMP must address the following matters:

- a) Staging of dismantling/demolition.
- b) Site preparation.
- c) Public safety, amenity and site security.
- d) Management of the construction site and land disturbance.
- e) Operating hours, noise and vibration controls.
- f) Air and dust management.
- g) Waste and materials reuse.
- h) Stormwater and sediment control.
- i) Management of public access and vehicle, bicycle and pedestrian linkages around the site during demolition.
- j) Protection of existing artworks in the public realm.
- k) Site access and traffic management (including any temporary disruptions to adjoining vehicular, bicycle and pedestrian access ways).
- l) Details of temporary buildings or works (such as landscaping works to activate and improve the site and street frontage) to be constructed should works cease and the site remain vacant for 6 months after completion of demolition.

- 4.15. Demolition must be carried out in accordance with the approved DMP to the satisfaction of the Responsible Authority.

Construction Management – Piling

- 4.16. Piling works must not include driven piling. Piling must be by bored, screw, or sheet piling or similar only to the satisfaction of the Responsible Authority.

Traffic, Parking and Loading/Unloading

- 4.17. Before the development starts, excluding demolition, piling, excavation, site preparation works, and works to remediate contaminated land, an updated traffic engineering assessment including functional layout plans and other supporting information as appropriate must be submitted to and approved by the Responsible Authority. The traffic engineering assessment must be generally in accordance with the Traffic Impact Assessment Report prepared by Ratio dated December 2021 but modified to include:

- a) Any design changes required by Melbourne Water in response to flooding requirements.

- 4.18. The internal design of the car park and loading docks, the positioning of boom gates, card readers, control equipment, including car park control points, and ramp grades must be generally in accordance with the Australian and New Zealand Standard 2890.1-2004 and to the satisfaction of the Responsible Authority.
- 4.19. Traffic access and parking and loading/unloading arrangements must not be altered without the prior written consent of the Responsible Authority.
- 4.20. Before the development is occupied, vehicle crossings must be constructed in accordance with the Port Philip City Council's Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, nature strip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority
- 4.21. The area set aside for car parking and access of vehicles and accessways must be constructed, delineated and clearly lined marked to indicate each car space, the access ways and the direction in which vehicles must proceed along the accessways in conformity with the endorsed plans. Parking areas and accessways must always be kept available for these purposes and maintained to the satisfaction of the Responsible Authority.
- 4.22. Mechanical exhaust systems to the car park must be sound attenuated to prevent noise nuisance to the occupants of the building and surrounding properties to the satisfaction of the Responsible Authority.
- 4.23. Bicycle parking must be provided, located and appropriately signed in accordance with the endorsed plans.

Waste Management Plan

- 4.24. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land an amended Waste Management Plan must be prepared and submitted to and be approved by Responsible Authority. The Plan must be generally in accordance with the Waste Management Plan prepared by EcoResults dated 14 December 2021 but modified to include:
 - a) Delete reference to the modification of Council waste bins.
 - b) Use of 2 x 240 litre general waste bins and 2 x 240 litre recycling bins.
 - c) Nominate storage space for hard / e-waste in the bin storage area.
 - d) Waste collection bins to be placed on the kerbside of Boundary Street for collection.
- 4.25. The approved Waste Management Plan must be implemented to the satisfaction of the Responsible Authority. Waste storage and collection must be undertaken in accordance with the approved Waste Management Plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

Noise Attenuation

- 4.26. All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with Division 1 and 3 of Part 5.3 - Noise, of the Environment Protection Regulations 2021 to the satisfaction of the Responsible Authority.

Development Contributions

- 4.27. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into agreement(s) pursuant to section 173 of the *Planning and Environment Act 1987* with the Victorian Planning Authority and the Responsible Authority and make application to the Registrar of Titles to have the agreement(s) registered on the title to the land under section 181 of the Act to the satisfaction of the Responsible Authority. The agreement(s) must:
 - a) Require the developer to pay a development contribution of:
 - \$17,113.74 per dwelling;

- b) Require that development contributions are to be indexed annually from 1 July 2020 using the Price Index of Output of the Construction Industries (Victoria) issued by the Australian Bureau of Statistics.
- c) Require registration of the Agreement on the titles to the affected lands as applicable.
- d) Include a schedule of the types of infrastructure to be delivered by the Victorian Planning Authority or their successor.
- e) Confirm that contributions will be payable to the Victorian Planning Authority or their successor.
- f) Confirm that the Victorian Planning Authority or its successor, will use the contributions to deliver the schedule of types of infrastructure.
- g) Require payment of the development contribution/s before the earliest of the following:
 - The issue of an occupancy permit for the development; or
 - The issue of a statement of compliance in relation to the subdivision of the land in accordance with the development allowed under this specific control.
- h) Confirm the procedure for refunding monies paid if an approved Development Contribution Plan or Infrastructure Contributions Plan for the area is less than the amount stipulated in the section 173 agreement.
- i) Make provision for its removal from the land following completion of the obligations contained in the agreement.
- j) Require the owner of the Land to pay all reasonable legal cost and expense of this agreement including preparation, execution and registration on title.

Drainage/Engineering

- 4.28. Before the development starts excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, or as otherwise agreed by the Responsible Authority, a stormwater drainage system design incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority. The stormwater drainage system design must:
- Include a detailed response to Clause 22.12 (Stormwater Management (Water Sensitive Urban Design) of the Port Phillip Planning Scheme'
 - Incorporate a legal point of discharge (LPD) to the kerb and channel at the front of the property to the satisfaction of the Responsible Authority.
- 4.29. The stormwater drainage system must be constructed in accordance with the design approved under this incorporated document, connected to the existing stormwater drainage system and completed prior to the occupation of the building to the satisfaction of the Responsible Authority.
- 4.30. The sewer boundary trap for the property to be located within the property boundary.

Melbourne Water (Flooding, Drainage and Sea Level Rise)

- 4.31. The finished floor levels of all ground floor areas (including all lift and stair lobbies) must be constructed at a height no lower than 3.00 m to AHD. Minimal transitional areas containing landings, steps or ramps may be allowed at lower levels, to the satisfaction of Melbourne Water.
- 4.32. The finished floor level to the entrance of the car stacker garage must be set no lower than 2.5 m to AHD and is to be protected by a self-closing flood barrier to a height of no lower than 500mm in order to provide protection to a height of 3.0 m to AHD. This is to prevent floodwaters entering the garage area including the pit associated with the car stacker.
- 4.33. All areas with electrical installations (e.g., electrical substations, switch rooms etc) must be set no lower 3.00 m to AHD or as specified by the relevant authority.
- 4.34. Prior to responsible authority endorsement, amended plans must be submitted to council and Melbourne Water for approval that demonstrate that Melbourne Water's requirements have been met. The current

plans need to be amended to show the finished floor level of the car stacker garage no lower than 2.5 m to AHD.

- 4.35. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
- 4.36. Prior to commencement of works, design plans of the self-closing flood barrier unit including details of general principles of operation, intake structures, control pit details, alarms, flood barrier rise times, risk assessment, maintenance schedule and monitoring of operations must be submitted and approved by Melbourne Water. Prior to the commencement of works, a Flood Risk Management Plan (FRMP) prepared by a suitably qualified professional must be provided to the satisfaction and approval of Melbourne Water and the Responsible Authority. The FRMP is to detail ongoing effective management of flood risks. The approved FRMP must include:
- a) Details of how the self-closing flood barrier unit is to be regularly maintained and managed for the life of the structure.
 - b) Details of how the self-closing flood barrier unit is to be maintained and managed during a flood event.
 - c) How access to the car stacker garage will be managed leading up to, during and following a flood event (including notification, signage etc).

If, on a formal review of the FRMP, it is proposed to amend the FRMP the proposed amendments and proposed updated FRMP (if appropriate) must be submitted to Melbourne Water and the Responsible Authority for approval. When approved, the updated FRMP will be the FRMP for the purposes of this permit. Melbourne Water may require the permit holder to provide to Melbourne Water and to the Responsible Authority and independent peer review by a suitably qualified person at the permit holder's cost, to the satisfaction of Melbourne Water for Melbourne Water's approval.

- 4.37. The FRMP must be implemented to the satisfaction of the Responsible Authority and Melbourne Water.
- 4.38. Rainwater tanks must be shown with 10m³ of storage per 200m² of roof area for the buildings.
- 4.39. Rainwater tanks must be shown to be designed to discharge in response to predicted rainfall events that could cause flooding

Environmental Audit

- 4.40. Before the development starts, excluding demolition, excavation, piling and site preparation works, and works to remediate contaminated land, or a sensitive use commences on the land, the Responsible Authority must be provided with either:
- a) A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or the proposed use; or
 - b) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use; or
 - c) A certificate of environmental audit issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
 - d) A statement issued by an environmental auditor appointed under the *Environmental Protection Act 1970* in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

Compliance with Statement of Environmental Audit

- 4.41. Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the statement.
- 4.42. Where a Statement of Environmental Audit is issued for the land, before the commencement of the use, and before the issue of a Statement of Compliance under the Subdivision Act 1988, and before the issue of an occupancy permit under the Building Act 1993, a letter prepared by an Environmental Auditor

appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

- 4.43. Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the owner(s) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning & Environment Act 1987, which must be executed before the commencement of the permitted use and before the certification of the Plan of Subdivision under the Subdivision Act 1988. All such expenses related to the Section 173 Agreement including drafting, negotiating, lodging, registering, execution and ending of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s).

Remediation Works Plan

- 4.44. Before any remediation works are undertaken in association with the environmental audit, a 'remediation works plan' must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plans are permitted to be carried out before the issue of a Certificate or Statement of Environmental Audit.

Environmentally Sustainable Design

- 4.45. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land and prior to endorsement of plans under Clause 4.46 of this approval, an amended Sustainability Design Assessment Plan and Water Sensitive Urban Design Response (WSUDR) must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The SMP and WSUDR must be generally in accordance with the Sustainability Design Assessment Plan prepared by EcoResults (Report No: 2021-2695-SDA), dated 14 December 2021, but modified to show:
- a) How a 20 per cent improvement on current National Construction Code energy efficiency standards could be achieved. This includes energy efficiency standards for building envelopes and for lighting and building services.
 - b) A site plan demonstrating how at least 70% of the site area would consist of vegetation or appropriate materials to reduce Urban Heat Island objective set out at Clause 22.15 -4.5.
 - c) The number of bicycle spaces to be consistent with the architectural plans.
 - d) Provisions of a Construction Site Management Plan.
 - e) Annotation on the plans for electric vehicle infrastructure.
 - f) Provide additional notes on the drawings and in the report, which shows the private open space area of each apartment will be provided with an external tap and floor waste.
 - g) Light-coloured or reflective finishes for the non-visible flat roofs.
 - h) Materials to correspond with <https://www.portphillip.vic.gov.au/planning-and-building/where-do-istart/sustainable-design> "The 10 Sustainable Building Categories" section for requirements under this category.
 - i) Rainwater tank capacity to meet the FBURA tank sizing requirement of 0.5m³ per 10m² of roof catchment.
 - j) The rainwater tank to connected to all toilets throughout the development.
- 4.46. Where alternative Environmentally Sustainable Design measures are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes.

Water Sensitive Urban Design

4.47. Prior to the endorsement of plans under Clause 4.9 of this Incorporated Document, a Water Sensitive Urban Design (Stormwater Management) Report that outlines proposed stormwater treatment measures must be submitted to, be to the satisfaction of and approved by the Responsible Authority.

The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended. This can be demonstrated by providing;

- a) A STORM report with a score of 100% or greater (or MUSIC modelling for large scale developments),
- b) A plan showing the catchment area in square metres,
- c) The stormwater device included on the relevant floor plans (devices are to include raingarden(s), rainwater tank(s), permeable paving etc. or a combination of one or more).

The report must demonstrate how the stormwater device will be maintained on an on-going basis. This can be demonstrated by providing a maintenance manual including the following information;

- i) A full list of maintenance tasks,
- ii) The required frequency of each maintenance task (monthly, annually etc.),

Person responsible for each maintenance task.

4.48. Prior to the occupation of the building, a report (or reports) from the author of the Sustainability Management Plan & Water Sensitive Urban Design Response approved under this Incorporated Document, or similarly qualified person or company, must be submitted to the satisfaction of the City of Responsible Authority and must confirm all measures specified in the approved SMP and WSUD report have been implemented.

Site Management Water Sensitive Urban Design (larger Multi-Unit Developments)

4.49. The developer must ensure that:

- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

Green Star rating

4.50. Prior to the commencement of buildings and works, evidence must be submitted to the satisfaction of the Responsible Authority, that demonstrates the project has been registered to seek a minimum 5 Star Green Star Design and As-Built rating (or equivalent) with the Green Building Council of Australia.

4.51. Within 12 months of occupation of the building, certification must be submitted to the satisfaction of the Responsible Authority, that demonstrates that the building has achieved a minimum 5 Star Green Star Design and As-Built rating (or equivalent).

Third pipe and rain tank water

4.52. A third pipe must be installed for recycled and rainwater to supply all non-potable uses within the development for toilet flushing, fire services, irrigation, laundry and cooling, unless otherwise agreed by the relevant water authority.

4.53. An agreed building connection point must be provided from the third pipe, designed in conjunction with the relevant water supply authority, to ensure readiness to connect to a future precinct-scale recycled water supply.

4.54. A rainwater tank must be provided that:

- a) Has a minimum effective volume of 0.5 cubic metres for every 10 square metres of catchment area to capture rainwater from 100% of suitable roof rainwater harvesting areas (including podiums); and
- b) Is 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.

4.55. Rainwater captured from roof harvesting areas must be re-used for toilet flushing and irrigation, or controlled release.

3D Model

4.56. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land (or as otherwise agreed with the Responsible Authority), a 3D digital model of the development and its immediate surrounds must be submitted to and approved by the Responsible Authority.

Building Appurtenances

4.57. All building plant and equipment on the roofs and public thoroughfares must be concealed to the satisfaction of the Responsible Authority.

Expiry

4.58. The control in this document expires in respect of land identified in Clause 3 of this document if any of the following circumstances apply:

- a) development of that land has not commenced within three (3) years of the approval date of Amendment C204port; or
- b) development is not completed within five (5) years of the approval date of Amendment C204port, or;
- c) The use of the land is not started within one year of the completion of the development.

Notes:

Melbourne Water may issue a notice under the Water Act 1989 requiring the owner of the subject land to contribute to the cost of flood mitigation and drainage works in the Fishermans Bend urban renewal area. Any such contribution will be in addition to any contribution required under this Incorporated Document.

END OF DOCUMENT