

# PORT PHILLIP PLANNING SCHEME

## INCORPORATED DOCUMENT

### **277-289 Ingles Street, Port Melbourne**

June 2021

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 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 Port Phillip 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 Port Phillip Planning Scheme.
- 1.4. The Minister for Planning (Minister) is the Responsible Authority for administering Clause 45.12 of the Port Phillip Planning Scheme with respect of this Incorporated Document except that:
  - a) Port Phillip City Council is the Responsible Authority for matters expressly required by the Incorporated Document to be endorsed, approved or done to the satisfaction of Port Phillip City Council;
  - b) Port Phillip City Council is the Responsible Authority for matters under Division 2 of Part 9 of the *Planning and Environment Act 1987*, except where an agreement makes provision for development contributions, for which the Victorian Planning Authority is the Responsible Authority;
  - c) Port Phillip City Council is the Responsible Authority for the enforcement of the Incorporated Document.

## 2. PURPOSE

- 2.1. To facilitate the demolition of existing buildings on the land identified in Clause 3 for a staged use and development of four multi-storey buildings comprising dwellings, residential hotel, supermarket, office and retail premises in accordance with Clause 4 of this document.

## 3. LAND DESCRIPTION

- 3.1. The control in Clause 4 applies to the land at 277-289 Ingles Street, Port Melbourne, being the land contained in Certificate of Title Volume 11579, Folio 257 and more particularly described as Lot S7 and part of Common Property No.1 on Plan of Subdivision 619903F. The land is identified in Figure 1 below:

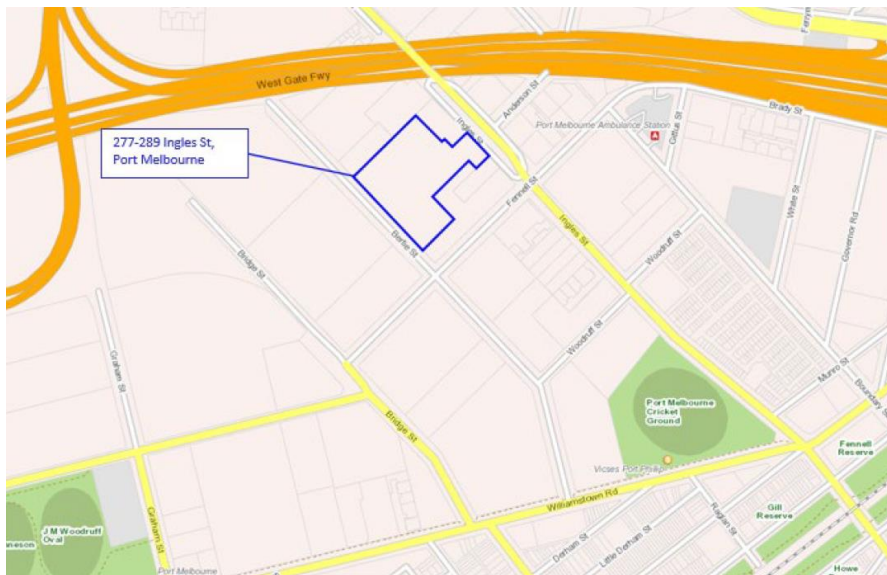


Figure 1: Map of Land subject to this Incorporated Document

## 4. CONTROL

## **Exemption from the Planning Scheme requirements**

- 4.1. Subject to Clause 4.2, 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 and any such application is:
  - a) Exempt from the requirements in Clause 45.11 (Infrastructure Contributions Overlay) of the Port Phillip Planning Scheme.
  - b) Exempt from the requirements in Clause 53.01 (Public Open Space Contributions) of the Port Phillip Planning Scheme.
- 4.3. Notwithstanding Clause 4.2(b), any permit allowing subdivision of the land must include a condition requiring payment to Port Phillip City Council before a statement of compliance is issued, of a public open space contribution equal to 8% of the site value of the land.

## **Compliance with the endorsed plan**

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

## **Amended Master Plan**

- 4.5. Before the commencement of the development, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, an amended Master Plan must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the master plans entitled Drawings TP-109-TP-126, TP-201- TP-210, TP-300-TP-308, TP-310, TP-312-TP319, TP-400-TP-402, TP-500-TP-502, TP-504, TP-601, all Rev 2, dated 10 December 2019 and TP-127 (Rev 3), TP-209-1 (Rev 3), TP-309 & TP-311 (Rev 3), all dated 24 February 2020, prepared by Bruce Henderson Architects, but modified to show:
  - a) Changes to building setbacks in accordance with Drawings Sk-04- SK-09 and corresponding changes to dwelling numbers and mix and floor areas generally in accordance with Drawing SK-10 (Proposed Accommodation Schedule), all drawings prepared by Bruce Henderson Architects dated 11 August 2020 but further modified to show;
    - i. Provision of a 6 metre setback on northern boundary adjacent to the heritage building extended up the entire podium to create a 6 metre wide laneway clear to sky (i.e. the laneway relocated onto the subject site).
    - ii. Towers 3 and 4 setback 10 metres clear from centreline of laneway at the northern boundary.
    - iii. Tower 4 relocated 3 metres further south and the western end of the east-west laneway reconfigured to allow 10 metres clear from centreline of east-west laneway to southern edge of relocated Tower 4.
  - b) Changes to laneways and pedestrian connections through the site and increased active frontages generally in accordance with Drawing SK-11, prepared by Bruce Henderson Architects, dated 11 August 2020;
  - c) Increased active frontages along the northern and southern façades of Stage 1 generally in accordance with Drawing SK-12, prepared by Bruce Henderson Architects, dated 11 August 2020;
  - d) Modifications to the central east-west laneway in accordance with Drawings SK-14 to SK-16, prepared by Bruce Henderson Architects, dated 26 October 2020;
  - e) A minimum 6 metre building separation between Building 2 and Building 3-4 podiums;
  - f) A 'mid-block' pedestrian crossing across the new road, generally at the convergence of the two 'north-south' internal lanes, between Stages 2 and Stages 3-4, or an alternative arrangement to the satisfaction of Port Phillip City Council;

- g) Car parking provided at a rate which does not exceed the requirements of Clause 3 of Schedule 1 ( Parking Overlay) of the Port Phillip Planning Scheme;
- h) Bicycle parking, motorcycle parking and car share spaces provided at a rate consistent with the requirements of Clause 4.2 of Schedule 1 to the Capital City Zone of the Port Phillip Planning Scheme, unless otherwise agreed with the Responsible Authority;
- i) Ground, podium rooftop and tower rooftop plans to detail principal open space, laneways and pedestrian connections;
- j) Cross-section drawings of all buildings including maximum heights with dimensions and levels measured to Australian Height Datum (AHD);
- k) Elevation drawings of all buildings including nominal details of materials and finishes;
- l) Key dimensions of all parks, landscape buffers, accessways, residential lobbies and other key areas within the development, as applicable;
- m) Changes to meet the requirements of the wind assessment in the corresponding clause(s) below.

### **Staging**

4.6. Before the development commences, excluding demolition, excavation, piling and site preparation works and works to remediate contaminated land, a Staging Plan must be submitted to and be approved to the satisfaction of the Responsible Authority. This Staging Plan must be generally in accordance with the plans entitled Drawing TP127, Rev 3 dated 24 February 2020, prepared by Bruce Henderson Architects, but modified to show:

- a) Details of staging of the development, including the sequencing of construction of all roads, lanes and public open space, construction access, staging of actual building elements, dealing with any interim solutions, split-staged construction, ownership and management delineation and the like;
- b) The delivery of the east-west laneway between Stage 2 and Stages 3-4 delivered entirely as part of Stage 2 (or whichever stage is delivered first);
- c) Construction of linear park adjacent to Stage 2 and Stages 3-4 to extend to full width of east-west laneway for Stage 2 (or whichever stage is delivered first);
- d) Plans detailing any public realm works, including those to Ingles and Bertie Street(s); and
- e) Details of any proposed temporary treatment and use of vacant land.

The development must proceed in the order of the stages as shown on the endorsed plan(s), unless otherwise agreed to in writing by the Responsible Authority.

### **Detailed Development Plans**

4.7. Before the development for each stage commences, excluding demolition, bulk excavation, piling, site preparation and any retention works, detailed development plans must be submitted to and be approved by the Minister. 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 AHD and an electronic copy must be provided. The plans must be generally in accordance with the approved Amended Master Plan at clause 4.5, but modified to show:

- a) Changes to accord with the Amended Master Plan;
- b) Existing conditions, including any earlier stages;
- c) Detailed dimensioned plans of all podium and tower levels detailing car, motorcycle and bicycle parking and associated access ways, loading bays, waste storage rooms and collection points, stores, back of house for the commercial tenancies, including access to waste stores and a loading bay, nominal dwelling layouts (where applicable) and layout of other land uses;
- d) Detailed ground, podium rooftop and tower rooftop plans showing open space, laneways and pedestrian connections, landscaping and sustainable design features (as applicable);
- e) Finished floor levels to AHD of all ground floor areas including car parks and building services;

- f) Design detail of the northern interface of the podium to 289 Ingles Street to ensure an appropriate level of articulation to the frontage above Level 1 through the sleeving of car parking with active uses along this elevation;
- g) The detailed design of indoor and outdoor communal spaces to show provision of specific facilities for different users, including children;
- h) Provision of small retail/food and drink tenancies located within the commercial lobbies, where permissible;
- i) Resolution of office core and provision of amenities within the tenancies;
- j) Elevation drawings showing design details, materials and finishes of tower and podium facades;
- k) Provision of further design detail of the wall on boundary of Building 1 (Hotel building) to ensure an appropriate level of articulation in the interim period, until the adjacent site is developed;
- l) Façade detailing of cantilevering podium rather than provision of painted finishes;
- m) Detailed cross-section drawings of all buildings, including at the ground level for each commercial and retail tenancy, showing finished floor levels to AHD of both external and internal areas and their interface between the public and private realm demonstrating physical and visual connection between streets/laneways/open spaces and interior of the tenancies. A range of measures such as minimal transitional areas within retail tenancies and public realm urban design outcomes (slopes and stairs etc.) can be utilised to achieve this outcome;
- n) Any raised finished floor levels to open space areas and laneways integrated into the public realm to provide for spill out activation and seating, while also providing for integrated approaches to disabled access.
- o) The provision of operable windows for tenancies at ground level, having interfaces with open space areas and laneways, as appropriate;
- p) Details of how the northern elevation of the podium levels of Building 1 (where it interfaces with the common property Roadway) will architecturally integrate the presentation of the car park with the balance of the facade;
- q) Detailed elevation and cross-section drawings of ground level transitions from footpath level to any vehicle entries and raised building entries and internal lanes within the site;
- r) Details of how the transition spaces between steps and tenancy frontages will offset adverse impacts on active frontages due to flood requirements;
- s) All ground level tenancies and lobbies provided with direct accessibility from adjoining streets or laneways;
- t) All publicly accessible areas and laneways promoting Crime Prevention through Environmental Design (CPTED) principles and appropriate public amenity including (but not limited to) way-finding, legibility, connectivity within the site and surrounding streets, be open to the sky and provide for quality hard and soft landscaping and lighting;
- u) The layout of all dwellings (including affordable housing) and communal open spaces within residential towers of Stages 2 and 4 to comply with Clause 58 (Apartment Developments) of the Port Phillip Planning Scheme;
- v) At least 20% of all residential apartments within the development provided with 3-bedroom dwellings;
- w) The layout and design of the car parks and ramps to meet the design standards of Clause 52.06 (Car Parking) of the Port Phillip Planning Scheme, including provision of pedestrian sight lines at vehicle access points or an alternative solution to the satisfaction of Port Phillip City Council;
- x) First-floor level car parking spaces notated as 'Car spaces to be converted to bicycle parking spaces if commercial and retail staff bicycle parking demand exceeds supply';
- y) The location of residential and non-residential car parking spaces in each stage clearly delineated;
- z) The number and location of car share spaces in each stage with residential and non-residential car parking spaces clearly delineated;

- aa) At least 25% of all car spaces on all levels, in all stages, to have access to an electric vehicle charging point;
- bb) Vehicle crossings reduced in width to 6 metres, or if greater than 6.1 metres width, to include an intermediate pedestrian refuge or alternative solution to the satisfaction of Port Phillip City Council;
- cc) Plan notations for all vehicle crossing works to be in accordance with Port Phillip City Council Vehicle Crossing Guidelines and Standard Drawings;
- dd) Proposed location of any boom gate or similar barrier at the vehicle entry including setbacks to ensure vehicles queuing do not overhang the footpath;
- ee) Details of bicycle end-of-trip facilities, conveniently located to principle bicycle parking areas for buildings in Stage 2, 3 and 4;
- ff) Visitor bicycle parking integrated into the design so as to not clutter the public realm and impede access/activation of site edges;
- gg) All bicycle facilities installed in accordance with the Australian Standard AS 2890.3 1993 Parking facilities Part 3: Bicycle parking facilities;
- hh) Dedicated bicycle maintenance bay (minimum 2.5 metres x 1.5 metres) clearly marked and signed adjacent to bicycle parking area and include:
  - All-In-One bicycle service rack with tools
  - Air pump suitable for bicycle tyres
  - Water tap, wall mounted and positioned over a grated drain.
  - General purpose power outlet.
  - Suitable lighting, with timeclocks or sensors set to a minimum of 10 minutes
 all to the satisfaction of the Head, Transport for Victoria.
- ii) Any changes required to meet the requirements of the Staging Plan in the corresponding clause(s) below;
- jj) Any changes required to meet the requirements of the Façade Strategy in the corresponding clause(s) below;
- kk) Any changes required to meet the requirements of the Landscaping Strategy in the corresponding clause(s) below;
- ll) Any changes required to meet the requirements for new Roads and Laneways in the corresponding clause(s) below;
- mm) Any changes required to meet the requirements of the Lighting Strategy in the corresponding clause(s) below;
- nn) Any changes required to meet the requirements of the Traffic Impact Assessment Report in the corresponding clause(s) below;
- oo) Any changes required to meet the requirements of the Waste Management Plan in the corresponding clause(s) below;
- pp) Any changes required to meet the requirements of the Wind Assessment in the corresponding clause(s) below;
- qq) Any changes required to meet the requirements of the Amenity Impact Report in the corresponding clause(s) below;
- rr) Any changes required to meet the noise attenuation and mitigation requirements in the corresponding clause(s) below;
- ss) Any changes required to meet the drainage/engineering requirements in the corresponding clause(s) below;
- tt) Any changes required to meet the Environmentally Sustainable Design, Green Star and Third Pipe requirements in the corresponding clause(s) below, including details of rooftop solar PV on the roof plan;

- uu) Any changes required to meet the requirements of Melbourne Water in the corresponding clause(s) below;
- vv) Any changes required to meet the Department of Transport requirements in the corresponding clause(s) below;
- ww) Any changes required to meet the applicable accessibility provisions of the Building Code of Australia and the applicable provisions of the Disability (Access to Premises – Buildings) Standards 2010 in the corresponding clause(s) below;
- xx) Any changes and technical information required as a consequence of any other provision in Clause 4.

#### **Layout and Use of the Development not to be Altered**

- 4.8. 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.

#### **Aboriginal Cultural Heritage**

- 4.9. Before the development starts, including demolition, bulk excavation and site preparation works and works to remediate contaminated land, one of the following must be provided to the Responsible Authority:
- a) A report prepared by a suitably qualified professional confirming to the satisfaction of the Responsible Authority that a Cultural Heritage Management Plan (CHMP) pursuant to the *Aboriginal Heritage Act 2006* is not required; or
  - b) A certified Preliminary Aboriginal Heritage Test under sections 49B and 49C of the *Aboriginal Heritage Act 2006* in respect of the development of the land; or
  - c) A letter from Aboriginal Victoria confirming a CHMP has been approved for the land.
- 4.10. All works on the land must be carried out or constructed in accordance with the requirements of any approved CHMP or otherwise in accordance with the requirements of the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2018*.

#### **Section 173 Agreement for New Lanes, Public Open Space and Parks**

- 4.11. Before the development starts, excluding demolition, bulk excavation, piling, site preparation works and remediation works, the owner must enter into an agreement with Responsible Authority, with the Minister a party to the agreement, under Section 173 of the *Planning and Environment Act 1987* to the satisfaction of both parties for the delivery of new lanes, public open space and parks.
- 4.12. The agreement must be registered on title to the land and the owner must be responsible for the expense of preparation and registration of the agreement, including Responsible Authority's and the Minister's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and ending of the agreement (where applicable).
- 4.13. The owner must provide the Responsible Authority with the dealing number confirming the registration on the title(s).
- 4.14. The agreement must be in a form to the satisfaction of Responsible Authority and must include covenants that run with title to the land to provide the following:
- a) Full construction of the internal lanes, public open space and parks in accordance with the approved Staging Plan to the satisfaction of and at no cost to Responsible Authority before the occupation of the building(s) in each stage.
  - b) Rights of access to the open space, parks, including the western linear park and all outdoor laneways and the proposed road zone within the site to the public at all times and ensure that access is maintained in a safe and sightly condition but for these to remain at all times in private ownership as part of the subject land;
  - c) Require public access to the ground level pedestrian links between Bertie Street and Ingles Street (via the northern accessway through Stages 2, 3 and 4 podiums) between 7.00am and 9.00pm, daily, unless otherwise agreed by the Responsible Authority.

- d) The owner, and once formed, the Owners Corporation(s) for the land must, at its cost, maintain the laneways, public open space and parks to the same standards as is reasonably required by Responsible Authority for roads, public open space and parks.
- e) All requirements of Responsible Authority being met regarding the design and physical treatment of the laneways, public open space and parks including surface materials and treatments, landscaping, street furniture, lighting, servicing infrastructure and water sensitive urban design.
- f) Require that a bank guarantee to the value of 50% of the construction cost of the laneways, public open space and parks be deposited with Responsible Authority prior to the commencement of works for each stage of the development. The bank guarantee will be returned upon final completion of the laneways, public open space and parks for each stage of the development to the satisfaction of Responsible Authority.

### **Façade Strategy and Materials and Finishes**

4.15. Before each stage of the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a Façade Strategy must be submitted to and approved by the Responsible Authority. Unless specified otherwise by the Responsible Authority, the Façade Strategy must be generally in accordance with the Urban Design Report, prepared by Hansen Partnership Pty Ltd, dated August 2019 and also include:

- a) Details of the reflective index of façade materials including non-glazed materials exposed to summer sun;
- b) Key design details, architecture and materiality of commercial and retail tenancies, to reflect/complement the use.
- c) Details of treatment (such as provision of awnings or window furnishing or similar), to reduce heat gain and manage glare along the northern, eastern and western facades/windows;
- d) Façade detailing of cantilevering podium rather than provision of painted finishes, if applicable;
- e) Façade detail demonstrating an attractive and positive interface of podiums with the lanes and the public realm. The ground floor façades must enhance pedestrian experience.
- f) A concise description by the architect of the building design concept and how the façade works to achieve this;
- g) Elevation details generally at a scale of 1:50 or 1:100 illustrating typical podium details, entries and doors, and utilities, typical tower detail, and any special features which are important to the building's presentation;
- h) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material;
- i) Information about how the façade will be accessed and maintained and cleaned, including any planting if proposed;
- j) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high quality built, durable outcome in accordance with the design concept;
- k) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application, appearance, depth and profile. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with clear coding.

### **Reflectivity**

4.16. Except with the consent of the Responsible Authority, all external facade materials 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 surface of the facade.

### **Landscaping and Public Realm**



4.17. Prior to commencement of development for each stage, 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 Port Phillip City Council. The plan(s) must be generally in accordance with the Landscape Plans prepared by Craig Eldridge Design dated 19-08-2019 but amended to show:

- a) Any changes to accord with the Amended Master Plan;
- b) A schedule of all soft and hard landscaping and treatments;
- c) How the landscaping responds to ground floor level changes, minimising the need for ramps and stairs;
- d) Details of green facades, podium or terrace planting that is water efficient, located and designed to be sustainable, viable and resilient and appropriate to micro-climate conditions;
- e) Plans, elevations and cross-sections associated with the podium level green facade to include appropriate vegetation selection, planting arrangement, details of irrigation and maintenance and any other requirements to ensure the ongoing health and vitality of plants in accordance with the landscape vision;
- f) Vegetation selection, planting arrangement, details of irrigation, ongoing maintenance and management and replacement of trees provided along the Bertie Street setback to ensure the ongoing health and vitality of plants and that mature trees are present here at all times;
- g) How the landscaping responds to water sensitive urban design principles, including how rainwater will be captured, cleaned and stored and the location and type of irrigation systems to be used including the location of water tanks and water sensitive urban design principles, as appropriate;
- h) Location of buildings and trees on neighbouring properties within three metres of the boundary, including street trees;
- i) Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant; and their protection and maintenance;
- j) Details of surface finishes of any retaining walls, pathways, kerbs and laneways;
- k) The surface materials for the northern linear park predominantly permeable grassed surfaces;
- l) Details of the northern linear park relationship with the adjoining future road to the north;
- m) A min 2.5 metre (w) pedestrian footpath adjacent to the buildings in Stage 4, along the northern side of the site;
- n) Street trees on the new road regularly spaced between 8-15 metres depending on the species;
- o) Deletion of the triangular ground level planters between Stages 2 and 4 (north and south sides) in lieu of trees in grates that allow for greater pedestrian permeability and sightlines;
- p) Deletion of *Pennisetum alopecuroides*;
- q) Details of deep soil zones for tree planting and confirmation podium level trees are wind stable;
- r) Details of all urban design elements including paving, lighting, seating and balustrading;
- s) Elevations, sections, levels and details including materials and finishes of any public realm works.

4.18. All trees must be of advanced stock (minimum 45 litre pot or bag and 2.5 metres tall when planted) unless otherwise agreed in writing by Port Phillip City Council.

4.19. Before each stage of the development is occupied, all landscaping for that stage as shown in the approved landscape and public realm plans must be carried out and completed and thereafter maintained to the satisfaction of Port Phillip City Council.

#### **Tree Protection**

4.20. Before the development starts, including demolition, excavation, piling, site preparation works, and works to remediate contaminated land:

- a) A Tree Protection Management Plan (TPMP), setting out how Port Phillip City Council owned nature strip trees on Ingles Street and Bertie Street will be protected during construction, must be submitted to and approved by Port Phillip City Council. When approved the TPMP will be endorsed and form part of the approval. The TPMP should generally follow the layout of Section 5 (i.e. *General, Tree Protection Plan, Pre- construction, Construction stage and Post Construction*) of AS4970 'Protection of trees on development sites'.
- b) A tree protection fence must be erected around Port Phillip City Council owned nature strip trees on Ingles Street and Bertie Street to comply with AS 4970 - 2009 Tree protection on development sites to the satisfaction of the City of Port Phillip.

#### **No Damage to Existing Street Tree**

- 4.21. The proposed works must not cause any damage to any retained existing street tree. Any existing street tree must not be removed, lopped or pruned (including root pruning) without the prior consent of Port Phillip City Council. Root pruning of any tree must be carried out to the satisfaction of Port Phillip City Council prior to the construction of buildings or works including crossover works.

#### **Removal and Replacement of Street Trees**

- 4.22. Any Council owned trees shown on the endorsed plans to be removed must not be removed, lopped or pruned without prior consent from Port Phillip City Council. If removal is approved, the amenity value along with removal and replacement costs must be reimbursed to Port Phillip City Council by the developer. Removal and replacement, including 24 months maintenance of the street trees, may only be undertaken by Port Phillip City Council.

#### **Public Lighting Plan**

- 4.23. Prior to commencement of development for each stage, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a detailed lighting plan must be prepared and approved by Port Phillip City Council. This plan must:
- a) Identify all proposed lighting sources, lux levels and spillage details and address how the lighting will integrate with the existing lighting in the interfacing public spaces.
  - b) Require all public lighting to conform with AS1158, AS3771 and the Public Lighting Code September 2001.
- 4.24. The approved lighting plan must be implemented as part of the development to the satisfaction of Port Phillip City Council.

#### **Traffic, Parking and Loading/Unloading**

- 4.25. Before the development starts, excluding demolition, piling, excavation, site preparation works, and works to remediate contaminated land, an updated Traffic Engineering Assessment (TEA) including functional layout plans and other supporting information as appropriate must be submitted to and approved by Port Phillip City Council. The TEA must be generally in accordance with the Traffic Engineering Assessment prepared by Traffix Group, dated 27 August 2019, but modified to include:
- a) Swept path plans confirming:
    - A B85 and B99 vehicle can enter/exit and pass along the length of all ramps at the same time.
    - Entry and exit for all critical car parking spaces e.g. end of aisle, adjacent to columns or walls.
  - b) At least 25% of all car spaces on all levels, in all stages to have access to an electric vehicle charging point.
- 4.26. The internal design of the car parks 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 Clause 52.06 of the Port Phillip Planning Scheme and/or the Australian and New Zealand Standard 2890.1-2004 and to the satisfaction of Port Phillip City Council.
- 4.27. The loading and unloading of vehicles and delivery of goods to and from the premises must at all times take place within the boundaries of the site and should not obstruct access to the car parks of the development to the satisfaction of Port Phillip City Council.

- 4.28. Traffic access and parking and loading/unloading arrangements must not be altered without the prior written consent of Port Phillip City Council.
- 4.29. Before each stage of the development is completed, vehicle crossings must be constructed in accordance with Port Phillip City Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of Port Phillip City Council. 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 Port Phillip City Council.
- 4.30. The areas 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 be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
- 4.31. All mechanical exhaust systems to the car parks must be sound attenuated to prevent noise nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.
- 4.32. Bicycle parking must be provided, located and appropriately signed in accordance with the endorsed plans.

### **New Roads and Laneways**

- 4.33. Prior to commencement of each stage of development, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, Engineering Drawings and Computations (as applicable) must be submitted to and approved by Port Phillip City Council on the following matters:
  - a) All road works and associated drainage to the satisfaction of Port Phillip City Council.
  - b) A cross section of the new Road must be submitted showing above and below ground placement of services, streetlights and trees (as applicable).
  - c) The plans and cross section of the new Road must demonstrate how services, driveways and street lights will be placed so as to achieve the street reserve width and accommodate street tree planting (as applicable).
  - d) Independent drainage, the direction of stormwater runoff and a point of discharge for the land to the satisfaction of Port Phillip City Council.
  - e) Underground reticulated water (including dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network), sewerage, gas, electricity and telecommunications located and bundled (utilising common trenching) to the satisfaction of Port Phillip City Council and the relevant servicing authority(s).
  - f) All works for stormwater, Water Sensitive Urban Design, drainage, street trees, and landscaping.
  - g) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements.
  - h) A plan certified by an engineer showing the extent and depth and compaction of fill in excess of 300mm placed on the land.
  - i) Payment to Port Phillip City Council of an engineering design checking fee equivalent to 0.75% of the values of documented works.
- 4.34. Before each stage of the development is occupied, any land identified or set aside as a new road or laneway on the approved plans must be transferred to, or vested in the relevant road authority as a public road at no cost to the relevant road authority. This does not apply to a new laneway that is agreed to be retained in private ownership to the satisfaction of Port Phillip City Council.

### **Amended Waste Management Plan**

- 4.35. Before each stage of the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land a Waste Management Plan (WMP) must be prepared and submitted to and be approved by Port Phillip City Council. The WMP must be generally in accordance with the WMP, prepared by Leigh Design, dated 28 August 2019, but amended to include:

- a) Details of separate residential and commercial/retail bins (unless the residential bins are only used via a chute system);
- b) The location of chutes on all floors of all buildings;
- c) Details of chute systems;
- d) The number of bins in each stage to be consistent with the number of bins specified in the approved WMP;
- e) Provision for Commingled recycling bins for the supermarket;
- f) Provision for Hard waste, E-waste and Organic/Green waste storage and a charity bin in each stage.

4.36. The approved WMP must be implemented to the satisfaction of Port Phillip City Council. Waste storage and collection must be undertaken in accordance with the approved WMP 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**

4.37. Before the development starts, excluding demolition and site preparation works, an amended Acoustic Report must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the Acoustic Report prepared by Octave Acoustics, dated 30 August 2019 and:

- a) Specify noise attenuation measures to achieve a maximum noise level not greater than:
  - 35dB(A) for bedrooms (including hotel bedrooms), assessed as an LAeq,8h from 10pm to 6am; and
  - 40dB(A) for living areas, assessed as an LAeq,16h from 6am to 10pm.
- b) Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed and be based on average external noise levels measured as part of a noise level assessment.

### **Incorporation of Noise Attenuation Measures**

4.38. Upon completion and prior to the occupation of each residential (including residential hotel) stage allowed by this approval, a report by a suitably qualified acoustic consultant must be submitted to, approved by and be to the satisfaction of the Responsible Authority certifying that the hotel rooms and dwellings achieve a maximum noise level of:

- Certifying that the dwellings and hotel rooms incorporate the noise attenuation measures as specified in the endorsed Acoustic Report and shown on the endorsed plans.
- Verifying the dwellings and hotel rooms achieve the internal noise levels specified in the corresponding clause(s) in this approval.

The report must detail the set-up on site and methodology of the testing process.

Where post construction measurements and testing show internal noise levels exceeding those specified in the corresponding clause above, the applicant must make rectifications and re-test as necessary to demonstrate compliance with the noise levels to the satisfaction of the Responsible Authority.

The cost of certification acoustic works must be met by the developer.

4.39. 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 State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of Port Phillip City Council.

### **Amenity Impact Report**

4.40. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, an Amenity Impact Report prepared by a suitably qualified

environmental consultant must be submitted to and approved by Port Phillip City Council. The report must be generally in accordance with the Amenity Impact Report, prepared by GHD, dated July 2019.

The approved Amenity Impact Report must be implemented to the satisfaction of Port Phillip City Council.

### **Disability Access**

- 4.41. Before each stage of the development is occupied, a Disability Discrimination Act Assessment / Audit, prepared by a suitably qualified consultant, must be submitted to Port Phillip City Council. This document must provide an assessment of the development (including public realm works or publicly accessible areas) against the applicable accessibility provisions of the Building Code of Australia and the applicable provisions of the Disability (Access to Premises – Buildings) Standards 2010.

### **Amended Wind Assessment**

- 4.42. Before the development starts, excluding demolition, excavation, piling, and site preparation works, and works to remediate contaminated land, an amended Wind Assessment report, including wind tunnel testing must be undertaken by a suitably qualified engineering consultant. The report must be submitted to and approved by the Responsible Authority in consultation with Port Phillip City Council. The report must be generally in accordance with the Wind Assessment Report, prepared MEL Consultants, dated August 2019 but amended to:

- a) Reflect all changes to the building as required by Clauses 4.5 and 4.7 and any other features that may impact wind conditions.
  - b) Include wind tests taken at various points within the surrounding public realm with an assessment area determined in accordance with Clause 2.11 of Schedule 32 to Clause 43.02 (Design and Development Overlay) of Port Phillip Planning Scheme and communal open space areas, carried out on a model of the approved building inclusive of the modifications required to determine the wind impacts of the development and provide recommendations for any modifications which must be made to the design of the building to improve any adverse wind conditions within the public realm, communal open space areas and podium rooftop areas.
  - c) Demonstrate (or provide built form recommendations) that the development will ensure all publicly accessible areas, including footpaths will not be unreasonably affected by unsafe wind conditions as specified in Table 7 of Schedule 32 to Clause 43.02 (Design and Development Overlay) of Port Phillip Planning Scheme.
  - d) Demonstrate (or provide built form recommendations) that the development will be able to achieve 'comfortable wind conditions' as specified in Table 7 of Clause 2.11 of Schedule 32 to Clause 43.02 (Design and Development Overlay) of Port Phillip Planning Scheme. The following wind comfort criteria must be achieved for areas within the assessment distance:
    - Sitting: Areas in the public realm that are designated for outdoor seating;
    - Standing: The building / tenancy entries and the podium and tower rooftop open space areas; and
    - Walking: The remaining publicly accessible areas including footpaths and nature strips on Ingles Street, Bertie Street, the new and existing roads and laneways within and adjoining the site.
  - e) Require built form recommendations for wind mitigation to be architecturally resolved and integrated solutions that minimise reliance on screens and awnings.
  - f) Locate all mitigation solutions within the site unless approved by the Responsible Authority in consultation with Port Phillip City Council.
  - g) Limit the depth of any awning over any adjacent footpath to not impact on any existing street tree or proposed street tree planting.
- 4.43. Any further modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas must be carefully developed as an integrated high-quality solution with the architectural design and must not rely on street trees or wind amelioration screens or awnings within the public realm to the satisfaction of Port Phillip City Council.

- 4.44. The recommendations and requirements of the approved Wind Assessment Report must be implemented to the satisfaction of Port Phillip City Council before the development is occupied.
- 4.45. Each stage of the development must incorporate the recommendations of the endorsed Wind Impact Assessment Report to the satisfaction of and at no cost to the Responsible Authority prior to the occupation of the development.

## **Drainage**

- 4.46. Before the first stage of the development starts excluding demolition, excavation, piling, and 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 Port Phillip City Council. The stormwater drainage system design must:
- a) Include a response to Clause 22.12 (Stormwater Management (Water Sensitive Urban Design) of the Port Phillip Planning Scheme for the whole of the land; and
  - b) Incorporate a legal point of discharge (LPD) to the satisfaction of Port Phillip City Council.
- 4.47. Before each stage of the development starts, excluding demolition, excavation, piling, and 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 Port Phillip City Council. The stormwater drainage system design must:
- a) Include a detailed response to Clause 22.12 (Stormwater Management (Water Sensitive Urban Design) of the Port Phillip Planning Scheme for that stage.
  - b) Incorporate a legal point of discharge (LPD) to the satisfaction of Port Phillip City Council'.
- 4.48. 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 Port Phillip City Council.

## **Port Phillip City Council Engineering Requirements**

- 4.49. Before the occupation of each stage of the land, the following must be undertaken or caused to be provided to the satisfaction of Port Phillip City Council:
- a) The land must be independently drained and provided with a legal point of discharge;
  - b) Full construction of all new roads and footpaths, and drainage;
  - c) Fire plugs and water supply in accordance with the requirements of the Metropolitan Fire and Emergency Services (MFB) 'Planning Guidelines for Emergency Vehicle Access and Minimum Water Supplies within the Metropolitan Fire District (Guideline No: GL-27)' to the satisfaction of Port Phillip City Council Fire Safety Officer and the Chief Officer of the Metropolitan Fire Brigade;
  - d) Full construction of vehicle crossings in accordance with Port Phillip City Council specifications;
  - e) Underground reticulated water (including dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network), sewerage, gas, electricity and telecommunications located and bundled (utilising common trenching) to the satisfaction of Port Phillip City Council and the relevant servicing authority(s);
  - f) Payment to Port Phillip City Council of a supervision fee equivalent to 2.5% of the actual cost of street construction works as specified in the relevant Street Construction Contract Schedule;
  - g) Issue of a Final Completion Certificate by Port Phillip City Council Asset Management Section, for the acceptance of street construction, site grading etc;
  - h) Landscaping including open space and common property areas and planting of mature (2-3 metres height) street trees along the new Road and Bertie Street;
  - i) Filling, shaping and grading of the land to drain satisfactorily to an approved place of discharge;
  - j) Street nameplates or payment in this respect;

- k) Steel or concrete poles for public street lighting;
- l) Street lighting in accordance with the relevant Australian Standard;
- m) Payment of a bond, to be held by Port Phillip City Council, to ensure that all works are satisfactorily completed (including defect rectification), and landscaping works are maintained to the satisfaction of Port Phillip City Council for a period of 12 months, after which Port Phillip City Council will assume responsibility for maintenance of landscaping works within the public roads;
- n) A full set of 'as constructed' digitised construction plans for works, roads and drainage;
- o) A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the lots; and
- p) The new Road vested in Port Phillip City Council as a Road.

### **Demolition Management Plan**

4.50. Before demolition starts, a detailed Demolition Management Plan (DMP) must be submitted to and approved by Port Phillip City Council. 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 the site and street frontage) to be constructed should works cease and the site remain vacant for 6 months after completion of demolition.

4.51. Demolition must be carried out in accordance with the approved DMP to the satisfaction of Port Phillip City Council.

### **Construction Management - Piling**

4.52. Piling must be by bored, screw, or sheet piling (or similar), unless otherwise agreed in writing by Port Phillip City Council.

### **Development Contributions**

4.53. 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 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 *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. The agreement(s) must:

- a) Require the developer to pay a development contribution of:

- \$16,916.51 per dwelling,
  - \$191.51 per sqm of gross office/commercial floor area,
  - \$159.59 per sqm of gross retail floor area.
- b) Any development contribution required by Clause 4.53a may be offset by any agreed costs of delivering of agreed infrastructure, to the satisfaction of Port Phillip City Council and the Fishermans Bend Taskforce.
- c) 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.
- d) Require registration of the Agreement on the titles to the affected lands as applicable.
- e) Include a schedule of the types of infrastructure to be delivered by the Victorian Planning Authority or their successor.
- f) Confirm that contributions will be payable to the Victorian Planning Authority or their successor.
- g) Confirm that the contributions will be used by Victorian Planning Authority or their successor, to deliver the schedule of types of infrastructure.
- h) Require payment of the development contribution(s) before the earliest of the following:
- The issue of an occupancy permit for any stage of the development; or
  - The issue of a statement of compliance where final lots are created, in relation to the subdivision of the land in accordance with the development allowed under this Incorporated Document,
- to the satisfaction of the Responsible Authority.
- i) Confirm the procedure for refunding monies paid if an approved Development Contributions Plan or Infrastructure Contributions Plan for the area is less than the amount stipulated in the Agreement.
- j) The Agreement must make provision for its removal from the land following completion of the obligations contained in the Agreement.

The owner of the land must pay all reasonable legal costs and expenses of this Agreement including preparation, execution and registration on title.

### **Overshadowing**

- 4.54. The buildings must not result in any overshadowing of parks protected by mandatory overshadowing controls as shown on Map 4 of Clause 43.02 Schedule 32 (Design Development Overlay) of the Port Phillip Planning Scheme.

### **Environmental Audit**

- 4.55. 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 (with the exception of any works required by an accredited auditor), the Responsible Authority must be provided with either:
- a) A certificate of environmental audit issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
  - b) 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.
- 4.56. Where a Statement of Environmental Audit is provided, all the conditions of the Statement must be complied with to the satisfaction of the Responsible Authority and prior to occupation of the development. Written confirmation of compliance with the Statement of Environmental Audit must be provided by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or other person acceptable to the Responsible Authority.



In addition, the written confirmation of compliance must be in accordance with any requirements in the Statement of Environmental Audit regarding the verification of works.

- 4.57. If there are conditions on the Statement of Environmental Audit that require significant ongoing maintenance and/or monitoring, the owner of the Land must enter into a legal agreement in accordance with section 173 of the *Planning and Environment Act 1987* with the Responsible Authority to require the owner of the Land to carry out any ongoing maintenance and/or monitoring as recommended in the Statement of Environmental Audit. The Agreement must be executed and registered on title prior to occupation of the development. The owner of the Land must meet all costs associated with the drafting and execution of this agreement including those incurred by the Responsible Authority.

#### **Remediation Works Plan**

- 4.58. 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.

#### **Amended Sustainability Management Plan**

- 4.59. Before any stage of the development starts, excluding demolition, bulk excavation, piling, site preparation and any retention works, an amended Sustainable Management Plan (SMP) must be prepared by an accredited professional and must be submitted to and be approved by Port Phillip City Council. The SMP must be generally in accordance with the SMP prepared by Umow Lai, dated 27 August 2019, and demonstrate that the buildings can achieve a minimum:
- a) 5 Star Green Star Design and As-Built rating (or equivalent) with the Green Building Council of Australia;
  - b) Twenty (20) per cent improvement on 2019 National Construction Code Section J energy efficiency requirements;
  - c) Deletion of the proprietary stormwater treatment system in lieu of measures in accordance with the Water Sensitive Urban Design report in the corresponding clause below, unless otherwise agreed with the Port Phillip City Council;
  - d) Details of daylight access modelling or calculations for the commercial tenancies;
  - e) Details of compliance with Heat Island Effect requirements;
  - f) Details of the reflective index of façade materials including non-glazed materials exposed to summer sun, as appropriate;
  - g) Shading of north, east and west facades / windows to reduce heat gain and manage glare, as required to meet NatHERS or Section J of the NCC2019 as applicable'.
- 4.60. The performance outcomes specified in the approved SMP Statement must be implemented prior to occupancy at no cost to Port Phillip City Council and be to the satisfaction of Port Phillip City Council.
- 4.61. Where alternative Environmentally Sustainable Design (ESD) measures are proposed to those specified in this clause, Port Phillip City Council may vary the requirements of this clause at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes.
- 4.62. Any significant change during detailed design, which affects the approach of the endorsed SMP, must be assessed by an accredited professional and a revised statement must be endorsed by Port Phillip City Council prior to the commencement of construction.

#### **Water Sensitive Urban Design**

- 4.63. Before any stage of the development starts, excluding demolition, bulk excavation, piling, site preparation, and any retention works and works to remediate contaminated land, a Water Sensitive Urban Design (Stormwater Management) Report that outlines proposed stormwater treatment measures must be submitted to and approved by Port Phillip City Council.

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 MUSIC model;
- A plan showing the catchment area in m<sup>2</sup>;
- 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;

- A full list of maintenance tasks;
- The required frequency of each maintenance task (monthly, annually etc.);
- Person responsible for each maintenance task;

4.64. Prior to the occupation of the building(s), a report (or reports) from the author of the Sustainability Management Plan and Water Sensitive Urban Design Report approved under this Incorporated Document, or similarly qualified person or company, must be submitted to the satisfaction of Port Phillip City Council and must confirm measures specified in the approved SMP and WSUD report have been implemented.

### **Green Star rating**

4.65. Prior to commencement of development for each stage, excluding demolition, bulk excavation, piling, site preparation and any retention works, evidence must be submitted to the satisfaction of Port Phillip City Council, 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.

4.66. Within 24 months of occupation of the building, certification must be submitted to the satisfaction of Port Phillip City Council, 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**

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

4.68. 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.

4.69. 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.

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

### **3D Model**

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

Responsible Authority. The 3D model must be in accordance with the Technical Advisory Note for 3D Digital Model Submissions prepared by the Department of Environment, Land, Water and Planning.

If substantial modifications are made to the building envelope(s) a revised 3D digital model must be submitted to and approved by the Responsible Authority.

### **Building Appurtenances**

4.72. All building plant and equipment on the roofs are to be concealed and acoustically treated (as applicable) to the satisfaction of Port Phillip City Council. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of Port Phillip City Council.

4.73. Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single point on each building in the development to the satisfaction of the Responsible Authority, unless otherwise approved by the Responsible Authority.

### **No External Amplified Equipment**

4.74. Without the further written consent of the Responsible Authority, no form of public address system, loudspeakers or sound amplification equipment must be used so as to be audible outside the premises.

### **Advertising Signs**

4.75. No advertising signs either external or internal to the building/s shall be erected, painted or displayed without the prior written approval of the Responsible Authority, unless otherwise in accordance with Clause 52.05 of the Port Phillip Planning Scheme.

### **Melbourne Water (Flooding, Drainage and Sea Level Rise)**

4.76. With the exception of retail areas and commercial lobbies the Finished Floor Levels (FFLs) of all ground floor areas (including all lift and stair lobbies) must be set no lower than 3.0 metres to AHD, or as otherwise agreed by Melbourne Water.

4.77. The FFLs of retail areas and commercial lobbies must be set no lower than 2.7 metres to AHD for buildings 1 and 2, with the exception of transitional areas containing landings, steps or ramps to the satisfaction of Melbourne Water. This does not include lift and stair lobbies which must be constructed with minimum FFLs of 3.0 metres to AHD, or as otherwise agreed by Melbourne Water.

4.78. The FFLs of retail areas and commercial lobbies must be set no lower than 2.4 metres to AHD for buildings 3 and 4, with the exception of transitional areas containing landings, steps or ramps to the satisfaction of Melbourne Water. This does not include lift and stair lobbies which must be constructed with minimum FFLs of 3.0 metres to AHD.

4.79. The grading of the internal road must cater for a nominal overland flow from Bertie Street through to Ingles Street, while keeping flood levels 300 mm below floor levels. Plans and computations must be submitted, demonstrating compliance to the satisfaction of Melbourne Water.

4.80. All areas with electrical installations (e.g. electrical substations, switch rooms etc) must be set no lower 3.0 metres to the AHD, or to the satisfaction of the relevant authority.

4.81. Rainwater tanks must be shown with 10m<sup>3</sup> of storage per 200m<sup>2</sup> of roof area for the buildings.

4.82. Rainwater tanks must be shown to be designed to discharge in response to predicted rainfall events that could cause flooding.

### **Department of Transport**

#### **Construction Plans**

4.83. Before the development starts on Stage 1 (excluding demolition and works to remediate contaminated land) detailed construction/engineering plans and structural computations for any construction abutting the potential future metro alignment must be submitted and approved by the Head, Transport for Victoria. The plans must detail all excavation, design and structural computations of the site adjacent

to the potential future metro alignment and minimise impacts on any future railway construction abutting the site.

### **Green Travel Plan**

- 4.84. Prior to the occupation of each stage the development, a Green Travel Plan must be submitted to and approved by the Responsible Authority in consultation with the City of Melbourne and the Head, Transport for Victoria. The Green Travel Plan must include, (but is not limited to), the following:
- a) objectives for the Plan;
  - b) the objectives must be linked to measurable targets, actions and performance indicators;
  - c) a description of the existing active private and public transport context;
  - d) initiatives that would encourage residents, employees and visitors to the development to utilise active private and public transport and other measures that would assist in reducing the amount of private vehicle traffic generated by the site including end of trip facilities;
  - e) timescale and costs for each action;
  - f) the funding and management responsibilities, including identifying a person(s) responsible for the implementation of actions; and
  - g) a monitoring and review plan requiring annual review for at least five years.
- 4.85. The Green Travel Plan when approved must be implemented and complied with to the satisfaction of the and at no cost to Responsible Authority.
- 4.86. Prior to the occupation of each stage of the development, all works outlined on the endorsed plans for the bicycle maintenance facilities must be completed at no cost to and to the satisfaction of the Responsible Authority.

### **Affordable Housing**

- 4.87. Before the development starts, excluding demolition, bulk excavation, piling, site preparation works, and remediation works, the owner of the land must enter into an agreement with the Responsible Authority, with the Minister a party to the agreement, under section 173 of the *Planning and Environment Act 1987*, to the satisfaction of both parties, for the delivery of affordable housing (as defined in the *Planning and Environment Act 1987*).
- 4.88. The agreement must be registered on title to the land and the owner must be responsible for the expense of preparation and registration of the agreement including the Responsible Authority's and the Minister's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and ending of the agreement (where applicable).
- 4.89. The agreement must be in a form to the satisfaction of the Responsible Authority and the Minister and must include covenants that run with title to the land to:
- a) Provide for the delivery of at least 6% of the total number of dwellings provided, for affordable housing as defined by section 3AA of the *Planning and Environment Act 1987*, before Stages 2 and 4 of the development is occupied. This may be provided by utilising one or more of the following mechanisms for the delivery of affordable housing:
    - i. Transferring dwellings within the development to a registered housing agency or other housing provider or trust entity approved by the Responsible Authority at a minimum 35% discount to market value; or
    - ii. Leasing dwellings within the development as affordable housing under the management of a registered housing agency or housing provider or trust approved by the Responsible Authority at a minimum 35% discount from market rent for a period of not less than 30 years for the building approved under this control. The overall value of the leased dwellings must be equivalent or higher to Clause 4.89(a)(i); or
    - iii. any other mechanism providing a contribution of equivalent or higher value to Clause 4.89(a)(i) to the satisfaction of both parties.
  - b) The Affordable housing delivered under Clause 4.89(a) must:
    - i. be delivered within the development approved by this control;

- ii. take the form of one or two or three bedroom dwellings generally representative of the approved dwelling mix;
  - iii. be functionally and physically indistinguishable from conventional dwellings within the development;
  - iv. include access to all common facilities within the building at no extra fee for occupants of affordable housing dwellings; and
  - v. allocate one or more bicycle parking space per dwelling for the life of the Affordable housing,  
unless otherwise agreed in writing by the Responsible Authority.
- c) Provide that if the affordable housing is delivered under Clause 4.89(a)(ii), the agreement must contain a mechanism for review of the minimum discount from market rent by reference to updated income and rental figures upon request by the Responsible Authority to ensure the housing continues to meet the definition of Affordable housing in the *Planning and Environment Act 1987* and by reference to relevant Regulations, Ministerial Notices, Orders in Council and the like.

4.90. The Agreement may provide that:

- a) In lieu of delivering all or part of the affordable housing in accordance with Clause 4.89(a), the Minister for Planning may agree to payment of an equivalent amount of money to a registered housing agency or other housing provider or trust to be expended for affordable housing in the Fishermans Bend Urban Renewal Area provided the Responsible Authority and the Minister are satisfied that:
  - i) the owner has made best endeavours to secure a registered housing agency recipient or other housing provider or trust for the affordable housing and has not been successful; and
  - ii) the payment amount is equivalent to the value of the affordable housing that would otherwise have to be delivered less the value of any affordable housing provided within the development.

4.91. For the purpose of these provisions, 'value' means the monetary value of a dwelling offered for sale at the date of the transfer (if applicable) or otherwise at the date of the Agreement as determined by an independent valuer (appointed by the President of the Australia Property Institute – Victorian Division).

## Expiry

4.92. 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 stage one has not commenced within four (4) years after the gazettal date of Amendment C181port; or
- b) development of stage two has not commenced within six (6) years after the gazettal date of Amendment C181port; or
- c) development of stage three has not commenced within eight (8) years after the gazettal date of Amendment C181port; or
- d) development of stage four has not commenced within ten (10) years after the gazettal date of Amendment C181port; or
- e) use of the land in any stage of the development has not commenced within one (1) years of completion of that stage of the development; or
- f) development of all stages is not completed within 12 years after the gazettal date of Amendment C181port.

*Note: 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**