

PORT PHILLIP PLANNING SCHEME

INCORPORATED DOCUMENT

11-41 Buckhurst Street, South Melbourne
February 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

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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 (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 Minister for Planning is the responsible authority for administering Clause 45.12 of the Planning Scheme with respect to 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) 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;
 - 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 for the use and development of the land in Clause 3 for a mixed-use development comprising dwellings, offices 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, collectively known as 11-41 Buckhurst Street, South Melbourne being the land comprising of the following parcels, legally and otherwise described as:

Lot no.	Volume and Folio	Otherwise known as
Lot 1 on Plan of Sub 336133G	Vol 10268 Fol 445	11-15 Buckhurst Street, South Melbourne
Lot 2 on Plan of Sub 336133G	Vol 10268 Fol 446	17-21 Buckhurst Street, South Melbourne
Lot 1 on Title Plan 870714Q	Vol 05369 Fol 783	23 Buckhurst Street, South Melbourne
Land in Plan of Consolidation 168916K	Vol 09842 Fol 594	25-27 Buckhurst Street, South Melbourne
Lot 1 on Title Plan 677064G (formerly known as part of Crown Allotment 19 Section 56A City of South Melbourne Parish of Melbourne South)	Vol 04068 Fol 494	29 Buckhurst Street, South Melbourne
Land in Plan of Consolidation 100545.	Vol 08888 Fol 863	31-37 Buckhurst Street, South Melbourne
Crown Allotment 16 Section 56A City of South Melbourne Parish of Melbourne South	Vol 08777 Fol 466	39-41 Buckhurst Street, South Melbourne



Figure 1: Map of Land subject to this Incorporated Document

4. CONTROL

Exemption from the Planning Scheme requirements

- 4.1. The land may be used and developed in accordance with the specific control contained in Clause 4 of this document.
- 4.2. The control in this Clause 4 prevails over any contrary or inconsistent provision in the Planning Scheme.
- 4.3. 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.
- 4.4. A permit is required to subdivide the Land except where the subdivision creates a road and no additional lot is created.
- 4.5. An application for subdivision is exempt from the requirements in Clause 45.11 (Infrastructure Contributions Overlay) of the Planning Scheme but not from the requirements in Clause 53.01 (Public Open Space Contributions) if applicable.
- 4.6. Notwithstanding Clauses 4.4 and 4.5, 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

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

Amended plans

4.8. Before the development starts, excluding demolition, excavation, piling and site preparation works, amended plans must be submitted to and approved by the Minister for Planning. 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 entitled Project No. 2091, Drawing Nos: TP00.00 to TP10.12 all Rev D, all dated 06 May 2020 and Development Summary Rev 13 dated 04 June 2020, prepared by Hayball Architects but modified to show:

- a) The ground floor level pedestrian link from Buckhurst Street to Buckhurst Lane redesigned to show:
 - i. Increased width of the southern end of the link to at least 4.0 metres to improve accessibility, provide a clear line of sight and eliminate recesses.
 - ii. Provision of disabled access at the Buckhurst Lane (southern) entry.
 - iii. Width of the void areas above the Buckhurst Street (northern) entry (Levels 01-04) increased to align with the full width of the entry.
 - iv. Height of the 'link' increased to be greater than its width.
 - v. A more legible/distinguishable entry at the Buckhurst Lane (southern) end.
 - vi. Increase in the extent of clear glazing and openings of retail tenancies interfacing the internal 'link' to enhance visual surveillance and activation.
 - vii. Full height glazing at both building entries.
- b) Provision of openable windows for commercial tenancies along the Buckhurst Street/Buckhurst Lane façade at the ground floor.
- c) Details of tower elevations from the podium communal area.
- d) Details that demonstrate that vertical fins to east and west tower elevations will not unreasonably impact on access to daylight and external views.
- e) Storage zones located within the corridors of Levels 1-3 integrated within the design (camouflaged or shown as a feature) so as to not appear as 'back-of house' facilities in a highly visible public location, or alternatively, relocated to a less visible location.
- f) The eastern accessway into the building increased to 1500mm in width and provided with a bicycle channel (e.g. similar to commercial entry from Buckhurst Lane).
- g) Provision of details, revised plans and cross-sectional diagrams (as appropriate) showing:
 - i. The existing footpath level along Buckhurst Street raised to a minimum of 2.4 metres AHD for as much of the site frontage as possible with appropriate transitions to the existing back of kerb level and the footpath levels of the adjoining sites, without

compromising accessibility between the footpath, adjoining properties and the interior of the building.

- ii. The interim landscape and public realm design from the back of kerb of the Buckhurst Street road reserve to the title boundary across the frontage of the subject site.
 - iii. Graduated and seamless transitions between the public and private realm (extending from the back of kerb of the Buckhurst Street Road Reserve through to the commercial, retail tenancy and building entry etc) and must meet Melbourne Water flood level requirements. The streetscape interface design provided must be designed to strike an appropriate balance between mitigating against the impact of flood and providing useable internal physical spaces with an inviting visual connection between Buckhurst Street and the interior of the building.
 - iv. Future proofing of the floor level design at the eastern and western ends of the development along the Buckhurst Street frontage by integrating the capability to infill and raise the lower floor level of the building along the street front retail/commercial areas and building entries to match a future Buckhurst Street footpath level of a minimum of 2.4 metres to AHD.
- h) The location and dimensions of all building services and utility installations; all such services and installations must be architecturally resolved and incorporated into the design of the building and minimised facing any street or laneway.
 - i) A Services Plan and Report prepared by a suitably qualified person detailing the type, location and service authority requirements for the building based on the height of the building, number of units, visibility and ease of accessibility, operational requirements including distances from entries and connection points, and safety.
 - j) Consistent paving treatment for the pedestrian footpath that runs the length of the Buckhurst Street boundary.
 - k) A detailed elevation scaled at not less than 1:50 to demonstrate the Buckhurst Street frontages along the ground level to a height of 4.9 metres AHD, excluding any solid plinth or base, are at least 80% clear glazing.
 - l) A detailed design of the proposed internal and external communal areas on Level 4 to include areas for people to interact casually, children to play, etc.
 - m) Plan notations for the project to achieve a minimum 5 Star Green Star Design and As-Built rating (or equivalent) with the Green Building Council of Australia.
 - n) Plan notations for the project to include the Sustainable Design Measures and Water Sensitive Urban Design measures of the approved Sustainable Management Plan and Water Sensitive Urban Design Response.
 - o) The design and layout of all dwellings to achieve compliance with the requirements of Clause 58 (Apartment Developments) of Port Phillip Planning Scheme.
 - p) Full visibility splay provided to the Buckhurst Lane vehicle exit.
 - q) Longitudinal section of access ramps including annotated lengths, widths and relative levels.

- r) Plan notations for all vehicle crossing works to be in accordance with Port Phillip City Council Vehicle Crossing Guidelines and Standard Drawings.
- s) Details of any roller door at the vehicle entry including setbacks to ensure vehicles queuing do not overhang the footpath.
- t) A warning system (such as light) to alert drivers of entering/exiting the site
- u) Details of access arrangements / restrictions (e.g. swipe card access or similar) for the two basement levels
- v) The number of car parking spaces proposed and allocation for each type of bedroom apartments, retail and office spaces detailed on floor plans
- w) Parking spaces dimensions and clearance to walls/columns in accordance with clause 52.06
- x) The number and location of car share spaces.
- y) At least 25% of all car spaces to incorporate access to the EV main that is supplying the six EV charging points.
- z) Plan notations for the mechanical car stackers specification.
- aa) The disabled car park design to meet AS 2890.6.
- bb) Floor to ceiling headroom clearance heights in the car park and along all ramps (confirming min. 3.6m clearance for mechanical stackers), and the length, width and levels of all ramps.
- cc) Loading area headroom clearance as per AS 2890.2 2018.
- dd) Access from the loading bay to the apartment lobby for residents
- ee) Dedicated bike maintenance bay (minimum 2.5m x 1.5m) clearly marked and signed adjacent to bike parking area and include:
 - All-In-One bike 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 time-clocks or sensors set to a minimum of 10 minutes, all to the satisfaction of the Head, Transport for Victoria.
- ff) Plan notations requiring the project to meet:
 - Any changes required to meet the requirements of the Façade Strategy in the corresponding condition(s) below.
 - Any changes required to meet the requirements for external reflectivity in the corresponding condition(s) below.
 - Any changes required to meet the requirements for Landscaping and the Public Realm in the corresponding condition(s) below.
 - Any changes required to meet the requirements for Traffic, Parking and Loading and Unloading in the corresponding condition(s) below.

- Any changes required to meet the requirements of the Waste Management Plan in the corresponding condition(s) below.
- Any changes required to meet the Noise Attenuation and Mitigation requirements in the corresponding condition(s) below.
- Any changes required to meet the requirements of the Wind assessment in the corresponding condition(s) below.
- Any changes required to meet the requirements of Melbourne Water in the corresponding condition(s) below.
- Any changes required to meet the requirements of APA group in the corresponding condition(s) below.
- Any changes required to meet the Stormwater Drainage System Design and Water Sensitive Urban Design requirements in the corresponding condition(s) below.
- Any changes required to meet the Environmentally Sustainable Design, Green Star and Third Pipe requirements in the corresponding condition(s) below.
- Any changes required to meet the Streetscape Interface Design requirements in the corresponding condition(s) below.

Layout and use of the development not to be altered

4.9. The development and use 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

4.10. 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 (PAHT) 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.

4.11. 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*.

Façade Strategy & Materials and Finishes

4.12. Before 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 by the Responsible Authority in consultation with Port Phillip City Council. Unless specified otherwise by the Responsible Authority, the Façade Strategy must be generally

in accordance with the plans prepared by Hayball, Project No. 2091, Drawing No: TP00.00 to TP10.12 all Rev D, dated 06 May 2020 and also include:

- a) A concise description by the architect of the building design concept and how the façade works to achieve this.
- b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. 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.
- c) Elevation details generally at a scale of 1:50, or other suitable scale agreed to by the Minister for Planning, illustrating typical building details, entries and doors, utilities, and any special features which are important to the building's presentation.
- d) 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.
- e) Information about how the façade will be accessed, maintained and cleaned.
- f) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high-quality built form outcome in accordance with the design concept.
- g) Details of materials and finishes within the physical and visual reach of pedestrians to demonstrate these will be of high quality, robust, and require low maintenance.
- h) Details of façade treatment for the east and west elevations of the podium to reduce visual bulk.

Streetscape Interface Design

4.13. Prior to the endorsement of plans under condition 4.8, the applicant must submit a detailed Streetscape Interface Design demonstrating a suitable transition from the internal floor layouts to the Buckhurst Street footpath to the satisfaction of the Responsible Authority. The plans submitted must:

- a) Be generally in accordance with the Montague Precinct Plan or as otherwise approved to the satisfaction of the responsible authorities at the time of endorsement;
- b) Detail finished floor levels to demonstrate the minimum finished floor levels as required by Melbourne Water being:
 - 2.4m AHD to retail uses (with the exception of any transitional areas that could be used for temporary retail and active uses subject to the impact of flood events and/or areas containing landings, steps of ramps to the satisfaction of Melbourne Water),
 - 3.0m AHD to entry points that could allow entry of floodwaters to the basement, including stairwells, windows, openings and vents;
 - 3.0m AHD to residential uses;or as otherwise agreed in writing by Melbourne Water,
- c) Any level changes required between street level and internal ground floor be integrated into the building design and public realm works to maintain good physical and visual connection between street and building interior;
- d) Design elements and materials be resilient including waterproof doors and windows, elevated power outlets and the like;

- e) Essential services such as power connections, switchboards and other critical services be located to address flooding impacts;
- f) Include cross-sections;
- g) Trees to be retained / removed;
- h) Treatment of level changes (e.g. batters, retaining walls)
- i) DDA compliant pedestrian accesses; and
- j) Details on staging works including flexibility in construction to facilitate transition in finished flood levels to integrate public realm works.

Legal Agreements

Buckhurst Street Streetscape Interface

4.14. Prior to occupation, the owner must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority and Port Phillip City Council and make application to the Registrar of Titles to have the agreement recorded on the title to the land under section 181 of the Act to the satisfaction of the Responsible Authority. The agreement must provide that:

- a) The owner of the land will raise the finished floor levels of the interior of the building at ground level to align with the future increased height of Buckhurst Street footpath levels at the direction and to the satisfaction of the Responsible Authority.
- b) The cost of any works associated with upgrading the building to ensure access and regulatory compliance with relevant legislation is to be borne by the owner/occupier of the land as required.
- c) The owner and occupiers of the land and building must not make any claims whatsoever for costs incurred as a result of the streetscape works within the public realm and/or any loss or disruption of businesses or amenity as a result of the streetscape works.

The agreement must include covenants that run with title to the Land.

The owner of the Land must pay all reasonable legal costs and expenses of this agreement including preparing, execution and registration.

Access to pedestrian link

4.15. Prior to occupation, the owner must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority and Port Phillip City Council and make application to the Registrar of Titles to have the agreement recorded on the title to the land under section 181 of the Act to the satisfaction of the Responsible Authority. The agreement must:

- a) Require public access to the ground level pedestrian link between Buckhurst Street and Buckhurst Lane between 7.00am and 9.00pm, daily.

The agreement must include covenants that run with title to the Land.

The owner of the Land must pay all reasonable legal costs and expenses of this agreement including preparing, execution and registration.

Reflectivity

4.16. Except with the consent of the Minister for Planning, 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

4.17. 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 Port Phillip City Council. The plan(s) must be generally in accordance with the plans prepared by Memla Pty Ltd, Project No: 2339, Dwg No's: 1 and 2 both Revision A and dated 11 March 2020 and accompanying report, and include:

- a) A planting schedule of all proposed trees and other vegetation including botanical name, common names, soil depths and/or pot sizes, and volumes, height and canopy width 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 for onsite use and the location and type of irrigation systems to be used including the location of water tanks.
- 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) Details of podium and terrace planting that is water efficient, located and designed to be sustainable, viable and resilient and appropriate to micro-climate conditions.
- g) Landscaping works within land owned by Port Phillip City Council designed and constructed to Port Phillip City Council's standard materials, plant species and finishes.
- h) Provide for the through-block pedestrian connection from Buckhurst Street to Buckhurst Lane, generally in accordance with the Ground Floor Plan as amended by Condition 4.8.
- i) Verandahs / awnings with a maximum height of 5.0m above NGL provided to Buckhurst Street and Buckhurst Lane to improve the pedestrian experience and provide weather protection from wind, sun and rain.
- j) The depth of any verandah / awning over Buckhurst Street must not impact on any existing street tree or proposed street tree plantings – as to be agreed as part of the design response to future public realm works.
- k) Planters around the water feature are designed to facilitate sitting and respite.
- l) Details of buildings and trees on neighbouring properties with a structural or root protection zone within the title boundary, including street trees.
- m) Location of servicing infrastructure for future assets such as the three conduits as a contingency for additional electrical assets within the public realm.

4.18. 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 Port Phillip City Council.

Tree Protection

4.19. 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 Buckhurst Street will be protected during construction, must be submitted to and approved by the responsible authority. 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 Buckhurst Street to comply with AS 4970 - 2009 Tree protection on development sites to the satisfaction of Port Phillip City Council.

No Damage to Existing Street Tree

4.20. 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

- 4.21. Any Port Phillip City 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 Council by the developer.
- 4.22. Before the development starts, the amenity value and removal and replacement cost of Port Phillip City Council owned nature strip trees on Buckhurst Street must be paid by the applicant/owner to Port Phillip City Council. 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. Before the development starts, 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) Show all public lighting in conformity with AS1158.3.1-2000 *Lighting for roads and public spaces Pedestrian area (Category P) lighting – Performance and design requirements*, AS/NZS 428:2019.2 *Control of the obtrusive effects of outdoor lighting* and the Public Lighting Code December 2015 (v2).

The approved lighting plan must be implemented as part of the development to the satisfaction of Port Phillip City Council. The approved lighting plan must be implemented as part of the development to the satisfaction of Port Phillip City Council.

Demolition Management Plan

- 4.24. 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 and be consistent with any Remediation Works Plan (RWP). 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.
- m) Management of potentially contaminated land.

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

Construction Management - Piling

4.26. Piling works must not include driven piling. Piling must be by bored, screw, or sheet piling or similar only to the satisfaction of Port Phillip City Council.

Traffic, Parking and Loading/Unloading

4.27. 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 Port Phillip City Council. The traffic engineering assessment must be generally in accordance with the Traffic Engineering Assessment Report prepared by One Mile Grid, dated 22 June 2020 but modified to include:

- a) Number of car parking spaces proposed and allocation for each type of bedroom apartments, retail and office spaces should be provided.
- b) Impact of the roller door service/loading vehicle entering/exiting the loading area.
- c) confirm the size of the service vehicle swept path assessment and demonstrate that the service vehicle will not overhang onto the accessway aisle.
- d) Allocation, operation and management of tandem car spaces.
- e) Swept path plans confirming:
 - A B85 and B99 vehicle can enter/exit and pass along the length of all ramps at the same time.

- Delivery and waste collection truck access to and from the loading bay.
 - Entry and exit for all critical car parking spaces e.g. end of aisle, adjacent to columns or walls.
- f) On-going monitoring and review of car-share demand within the building with a commitment to increasing the number of spaces if there is demonstrated demand. A review must be submitted within 12 months of occupation.
- g) At least 25% of all car spaces to incorporate access to the EV main that is supplying the EV charging points.
- 4.28. 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 Port Phillip City Council.
- 4.29. 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 park of the development to the satisfaction of Port Phillip City Council.
- 4.30. Traffic access and parking and loading/unloading arrangements must not be altered without the prior written consent of Port Phillip City Council.
- 4.31. Before the development is occupied, vehicle crossings must be constructed in accordance with Port Phillip City Council's 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.
- 4.32. 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.
- 4.33. 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.
- 4.34. Bicycle parking must be provided, located and appropriately signed in accordance with the endorsed plans.

Waste Management Plan

- 4.35. 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 to Port Phillip City Council. The Plan must be generally in accordance with the Waste Management Plan dated 01 April 2020 prepared by Leigh Design but modified to include:
- a) Separate bin room for commercial and residential waste.
 - b) Details of back-of-house access to the Refuse Zone(s) for the retail tenancies.
 - c) Details of clearance widths to the waste rooms

d) Details of security to the waste rooms such as doors/roller doors.

4.36. The approved Waste Management Plan must be implemented to the satisfaction of Port Phillip City Council. 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

4.37. Before the development starts, excluding demolition and site preparation works, an Acoustic Report prepared by a qualified acoustic consultant must be submitted to and approved by the Responsible Authority. The report must achieve compliance with the following noise criteria for all dwellings within the development of:

- a) 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am and;
- b) 40dB(A) for living areas, assessed as an LAeq,16h from 6am to 10pm;

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.

4.38. 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.

Incorporation of Noise Attenuation Measures

4.38 Upon completion and prior to the occupation of the building(s) 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 dwellings incorporate the noise attenuation measures as specified in the endorsed Acoustic Report and shown on the endorsed plans.
- Verifying the dwellings achieve the internal noise levels specified in the corresponding condition(s) in this approval.

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

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

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

Disability Access

4.39. Before 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.

Wind Assessment

4.40. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, an amended comprehensive wind tunnel test and environmental climate assessment report must be submitted to and approved by the Minister for Planning in consultation with Port Phillip City Council. The amended report must be generally in accordance with the Pedestrian Wind Environment Study prepared by Windtech Pty Ltd dated 11 May 2020 but modified to address all changes required under this clause and must:

- a) 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 30 to Clause 43.02 Design and Development Overlay of Port Phillip Planning Scheme (i.e. include in the assessment of major nearby developments under construction and approved and communal open space areas), including:
 - 6-78 Buckhurst Street,
 - 2-14 Thistlethwaite Street
 - 134-142 Ferrars Street and
 - an assessment distance of approximately 42m to include a greater extent of the pedestrian areas on Buckhurst Street (northern footpath and new linear park on southern side), George Street, Tates Place and the northeast portion of the new park on the corner of George and Thistlethwaite Streets.
- b) Carry out the wind tests on a model of the approved building inclusive of the modifications required to determine the wind impacts of the development;
- c) 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 and communal open space areas.
- d) Demonstrate (or provide built form recommendations) that the development will ensure all publicly accessible areas, including but not limited to, footpaths, open space areas and parks, road intersections, entrances to tenancies will not be unreasonably affected by 'unsafe wind conditions' as specified in Table 7 of Schedule 30 to Clause 43.02 Design and Development Overlay of Port Phillip Planning Scheme.
- e) Demonstrate (or provide built form recommendations) that the development will be able to achieve 'comfortable wind conditions' as specified in Table 7 of Schedule 30 to Clause 43.02 Design and Development Overlay of Port Phillip Planning Scheme.

4.41. 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 within the public realm to the satisfaction of Port Phillip City Council.

4.42. The recommendations and requirements of the approved Wind Impact Assessment Report must be implemented to the satisfaction of Port Phillip City Council before the development is occupied.

Development Contribution

4.43. 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:
 - \$16,916.51 per dwelling;
 - \$191.51 per sqm of gross office/commercial floor area; and
 - \$159.59 per sqm of gross retail floor area.
- b) Any development contribution required by Clause 4.44a may be offset by agreed costs of providing any agreed infrastructure, to the satisfaction of Fishermans Bend Taskforce (or their successor) and Port Phillip City Council.
- 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 Victorian Authority Planning or its successor, will use the contributions 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 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.
- i) 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.
- j) Make provision for its removal from the land following completion of the obligations contained in the agreement.
- k) Require the owner of the Land to pay all reasonable legal cost and expense of this agreement including preparation, execution and registration on title.

Overshadowing

4.44. The building must not result in any overshadowing of parks protected by mandatory overshadowing controls as shown on Map 4 of Clause 43.02 Schedule 30 (Design Development Overlay) of Port Phillip Planning Scheme.

Drainage/Engineering

4.45. 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 Port Phillip City Council. The stormwater drainage system design must:

- Include a detailed response to Clause 22.12 (Stormwater Management (Water Sensitive Urban Design) of Port Phillip Planning Scheme'
- Incorporate a legal point of discharge (LPD) to the satisfaction of Port Phillip City Council. The nearest Port Phillip City Council stormwater pit is at the intersection of Buckhurst and Kerr Street, near the northern boundary of 120-132 Ferrars Street. The LPD for the development may need to be constructed to connect to Port Phillip City Council stormwater pit.

4.46. 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.

Environmental Audit

4.47. 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 Minister for Planning 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.

Compliance with Statement of Environmental Audit

4.48. 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 approval must comply with all directions and conditions contained within the statement.

4.49. 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.

4.50. 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

4.51. 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

Sustainability Management Plan & Water Sensitive Urban Design

4.52. 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 1.1.1i) of this approval, an amended Sustainability Management Plan and Water Sensitive Urban Design Response (WSUDR) must be submitted to, be to the satisfaction of and approved by Port Phillip City Council. The SMP and WSUDR must be generally in accordance with the Sustainability Management Plan & Water Sensitive Urban Design Response prepared by JBA Consulting Engineers Pty Ltd, Rev V1C, dated 12 June 2020, but modified to show:

- a) Details of external shading to habitable rooms in the north-east and north-west tower elevations (if proposed).
- b) The number of bicycle spaces to be consistent with the architectural plans.
- c) The catchment for the rainwater tank enlarged to include trafficable areas and the tank size increased to respond to the 0.5m³ per 10m² of catchment area requirement (CCZ1).
- d) Response to high solar heat loads during Summer to north and west facing glazing area, particularly the tower windows facing Buckhurst Street.
- e) Clarification of access to natural daylight in the Daylight Analysis to podium apartments.
- f) Nominate a responsible person or entity for the Building Management credit in the Green Star credits list, or as otherwise agreed.
- g) Domestic hot water to be provided by a heat pump to achieve net-zero greenhouse gas emissions from building operations in future.
- h) The rainwater tank to be connected to all commercial toilets throughout the development or discharged through controlled release.
- i) At least 25% of all car spaces provided with access to the EV charging points

Where alternative Environmentally Sustainable Design measures are proposed to those specified in this condition, Port Phillip City Council may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes.

Water Sensitive Urban Design

4.48 Prior to the endorsement of plans under Clause 4.8 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 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) 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.),
- iii) Person responsible for each maintenance task.

4.53. 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 Port Phillip City Council and must confirm all measures specified in the approved SMP and WSUD report have been implemented.

Green Star rating

4.54. Prior to the commencement of buildings and 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.

4.55. Within 12 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

4.56. 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.

4.57. 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.

4.58. 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.

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

3D Model

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

Building Appurtenances

4.61. All building plant and equipment on the roofs and public thoroughfares must be concealed and acoustically treated (as applicable) to the satisfaction of Port Phillip City Council.

Advertising Signs

4.62. 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 Planning Scheme.

Affordable Housing

4.63. Before the development starts, excluding demolition, bulk excavation, piling, site preparation works, and remediation works, the owner must enter into an agreement with the Responsible Authority and Port Phillip City Council under section 173 of the Planning and Environment Act 1987, to the satisfaction of the Responsible Authority, for the delivery of affordable housing (as defined in the Planning and Environment Act 1987).

4.64. 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 and Port Phillip City Council's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and ending of the agreement (where applicable).

4.65. The agreement must include covenants that run with title to the land to:

- a) Provide for the delivery of at least seven dwellings or 6% of total number of dwellings permitted under the dwelling density rate specified at clause 2.1 of 37.04s1 of the Port Phillip Planning Scheme, rounded up to the nearest whole number, for affordable housing as defined by Section 3AA of the Planning and Environment Act 1987 before the development is occupied. The dwelling density for the site (with area of 2,365sqm at 450 dwellings per hectare) is 106 dwellings.
- b) Provide for the gifting of one social housing dwelling for every eight additional private dwellings provided above the dwelling density permitted at clause 22.15-4.3 of the Port Phillip Planning Scheme (rounded up to the nearest whole number), to a registered housing provider to the satisfaction of the Responsible Authority.
- c) In respect of Clause 4.65(a) and unless otherwise agreed by the Responsible Authority, utilise one or more of the following mechanisms for the delivery of the 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 to or higher than that required at 4.65(a); or

- iii. any other mechanism, such as build to rent and/or shared equity, providing a contribution of equivalent to or higher value than Clause 4.65(a)(i) to the satisfaction of the Responsible Authority.
- d) The Affordable housing delivered under Clause 4.65(a) and 4.65(b) must:
- i. be delivered within the development approved by this control;
 - ii. take the form of one or two or three-bedroom dwellings 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.
- e) Provide that if the affordable housing is delivered under Clause 4.65(a), 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 Act and by reference to relevant Regulations, Ministerial Notices, Orders in Council and the like.

4.66. The agreement may provide that:

- a) In lieu of delivering all or part of the affordable housing in accordance with Clause 4.65(a) and 4.65(b), the Responsible Authority 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 Port Phillip City Council 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.

4.67. 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).

Melbourne Water (Flooding, Drainage and Sea Level Rise)

4.68. With the exception of retail areas and street front entrance lobbies, the Finished Floor Levels (FFLs) of all ground floor areas must be set no lower than 3.0 metres (m) to Australian Height Datum (AHD).

4.69. The FFLs of retail areas and entrance lobbies must be set no lower than 2.4 metres to AHD, with the exception of transitional areas containing landings, steps or ramps, to the satisfaction of Melbourne Water.

- 4.70. Areas with finished floor levels below 2.4 metres to AHD must be constructed with flood resilient design elements and materials, including waterproof doors and windows, elevated power outlets, and flood resistant floor and wall materials etc.
- 4.71. All areas with electrical installations (e.g. electrical substations, switch rooms etc) must be set no lower 3.0 metres to the AHD.
- 4.72. All basement entry and exits points, including lift entries, stairwells, windows, openings and vents, that could allow entry of floodwaters to the basement levels, must be set no lower than 3.0 metres to AHD. The basement ramps must incorporate a flood proof apex set no lower than 3.0 metres to AHD, to prevent floodwaters entering the basement levels during a flood event.
- 4.73. Rainwater tanks must be shown with 10m³ of storage per 200m² of roof area for the buildings.
- 4.74. Rainwater tanks must be shown to be designed to discharge in response to predicted rainfall events that could cause flooding.

The Head, Transport for Victoria

- 4.75. Prior to the occupation of the development, a Green Travel Plan must be submitted to and approved by the Responsible Authority in consultation with Port Phillip City Council 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.
- 4.76. The Green Travel Plan when approved must be implemented and complied with to the satisfaction of the and at no cost to Responsible Authority.
- 4.77. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to Head, Transport for Victoria prior to the occupation of the building hereby approved.

APA Group

- 4.78. Prior to the commencement of the use and development of the land for a mixed-use development comprising dwellings, office and retail premises, concrete protective slabbing of the gas pipeline is to be provided to the satisfaction of the pipeline owner/operator, APA VTS (Operations) Pty Ltd, along the Buckhurst Street frontage of the site and 38m either side of the site boundaries (unless already slabbed. APA records indicate existing slabbing to Kerr St).
- 4.79. Before the occupation of the development, an Evacuation Management Plan must be submitted to, approved by, and be to the satisfaction of the Responsible Authority. When the

Evacuation Management Plan is approved, it will become an endorsed plan forming part of this approval. The Evacuation Management Plan must provide for the following to the satisfaction of the Responsible Authority:

- a) Evacuation protocols in the event of an incident that compromises the high pressure gas pipeline;
- b) Evacuation must provide for egress away from Buckhurst Street and must not utilise Buckhurst Street as an emergency assembly area for any type of evacuation; and
- c) Other matters as necessary.

Any Future Owners Corporation Rules developed for the site must include a requirement to make future owners and tenants aware of the evacuation management plan. The evacuation management plan must not be amended except with the prior written consent of the Responsible Authority.

4.80. Prior to the commencement of any works, including demolition, within the easement or on land within 50 metres of the gas transmission pipeline easement, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must:

- a) Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.
- b) Avoid significant vibration, heavy loadings stored over the pipeline and Heavy vehicle/ plant crossings of the pipeline within the easement.
- c) Be endorsed by the operator of the gas transmission pipeline where the works are within or crossing the relevant gas transmission easement.
- d) Include any other relevant matter to the satisfaction of the Responsible Authority.

The Responsible Authority must be satisfied that the gas transmission pipeline licensee APA VTS (Operations) Pty Ltd has reviewed and approved the Construction Management Plan. The Construction Management Plan must be implemented to the satisfaction of Responsible Authority. The Construction Management Plan may be amended to the satisfaction of the Responsible Authority.

4.81. Buildings, structures, roadway, pavement, pipeline, cable, fence or any other improvement on or under the land within three metres of the gas transmission pipeline must not be constructed without prior consent in writing from the pipeline licensee/operator (APA VTS (Operations) Pty Ltd). No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.

4.82. Prior to the commencement of any works within 3 metres of the gas transmission pipeline, the proponent must enter a Third Party Works Authorisation with the pipeline licensee/operator APA VTS (Operations) Pty Ltd. Works within the easement must comply with any conditions attached to a third party works approval.

Expiry

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

- e) development has not commenced within three (3) years after the approval date of Amendment C190port; or
- f) development is not completed within five (5) years after the approval date of Amendment C190port, or

- g) the uses permitted under this Incorporated Document do not commence within five (5) years after the approval date of Amendment C190port.

Notes/Advice

Melbourne Water

- *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.*
- *Water Quality measures and flow control measures will be required to be implemented in the design to treat runoff from paved areas to current best practice to the satisfaction of Port Phillip City Council.*

Head, Transport for Victoria

- *Separate consent may be required from the Head, Transport for Victoria under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1. Please contact Head, Transport for Victoria prior to commencing any works.*

APA Group

- *If you are planning on undertaking any physical works on property containing or proximate to a pipeline, or are seeking details on the physical location of a pipeline, please contact Dial Before you Dig on 1100, or APA directly on APAprotection@apa.com.au.*
- *An early works agreement from APA is required for any assessments/approvals that require greater than 1 days assessment or supervision. Lead in times for agreements can be up to 12 weeks. Please contact APA at APAprotection@apa.com.au or 1800 103 452 to discuss the issue.*

Buckhurst Street Footpath

- *Prior to the endorsements of plans under clause 4.8(g) of this approval, it is recommended that you consult with Fishermans Bend Taskforce (or its successor) and Port Phillip City Council to ascertain the final finished floor levels of the Buckhurst Street footpath. The development must respond to any level changes to the satisfaction of the Responsible Authority.*

END OF DOCUMENT