

PORT PHILLIP PLANNING SCHEME

INCORPORATED DOCUMENT

'400 – 430 City Road, Southbank, December 2010'

This document is an incorporated document in the Planning Scheme pursuant to Section 6(2)(j) of the Planning and Environment Act 1987.

INTRODUCTION:

This document is an incorporated document in the Schedule to Clause 52.03 and the Schedule to Clause 81.01 of the Port Phillip Planning Scheme (the Scheme).

Despite any provision to the contrary in the Scheme, pursuant to Clause 52.03 of the Scheme the land identified in this incorporated document may be used and developed in accordance with the specific controls contained in this document, including the 'Incorporated Plans' prepared by Crone Partners Architects titled 'mixed use development, 400 - 430 City Road, Southbank' and Site Image Landscape Architects titled '400 - 412 City Road, Southbank.'

In the event of any inconsistency between the specific controls contained in this document and any provision of the Scheme, the specific controls contained in this document will prevail.

ADDRESS OF THE LAND:

The land at 400 - 430 City Road, 10 - 24 Cecil Street and 115 - 131 Whiteman Street, Southbank, in the City of Port Phillip, (the land) described as:

- 400-406 City Road | Lot 2 PS421775P Volume 10439 Folio 972
- 408-410 City Road | Lot 4 PS081733 Volume 08737 Folio 019
- 412-430 City Road | Lot 2 PS080418 Volume 11044 Folio 270
- 115-125 Whiteman Street | Lot 2 TP801369V Volume 08912 Folio 301
- 10-24 Cecil Street & 127-131 Whiteman Street | Lot 1 PS421775P Volume 10439 Folio 971

APPLICATION OF PLANNING SCHEME PROVISIONS:

The following provisions of the Port Phillip Planning Scheme do not apply to the land identified in this Incorporated Document:

- Clause 32.04 – Mixed Use Zone and schedule
- Clause 43.01 - Heritage Overlay
- Clause 43.02 – Design and Development Overlay and schedules
- Clause 52.01 - Public open space contribution and subdivision
- Clause 52.02 – Easements, Restrictions and Reserves
- Clause 52.04 – Satellite Dish
- Clause 52.05 - Advertising Signs
- Clause 52.06 – Car Parking
- Clause 52.07 – Loading and Unloading of Vehicles
- Clause 52.19 – Telecommunications Facility
- Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
- Clause 52.34 – Bicycle facilities
- Clause 52.35 – Urban Context Report and Design Response for Residential Development of four or more storeys
- Clause 52.36 – Integrated Public Transport Planning

PURPOSE:

- To recognise the strategic importance of the land for a major mixed use redevelopment situated in the Melbourne Central Activities District (CAD), which includes Southbank, and is in close proximity to the South Melbourne Major Activity Centre with good access to a variety of transport modes including public transport facilities.

THIS DOCUMENT ALLOWS:

Part demolition of existing buildings and use and development of the land for multiple Dwellings, Residential hotel, Display home, Food and drink premises, Car park in association with uses on the site, Car sales, Shops, Medical Centre, alteration of access to a Road Zone – Category 1, generally in accordance with the following ‘Incorporated Plans’ prepared by Crone Partners Architects and Site Image Landscape Architects:

INCORPORATED PLANS	
Drawing Number	Drawing Title
DA010 (A)	Context Plan
DA011	Demolition Plan
DA012 (A)	Proposed Phasing Plan
DA020 (A)	Site Analysis Plan
DA021 (A)	Design Response Plan
DA030	Heritage City Road
DA031 (A)	Heritage Cecil Street
DA032	Heritage Proposed Retention Works
DA100	Basement Plan
DA101 (A)	Ground Floor Plan
DA101A	Mezzanine Level
DA102 (A)	Level 1
DA103 (A)	Level 2
DA104 (A)	Level 3
DA105 (A)	Level 3a
DA106 (A)	Level 4
DA107 (A)	Level 4a
DA108 (A)	Level 5
DA109 (A)	Level 6
DA110 (A)	Level 7-9
DA111 (A)	Level 10-17
DA112 (A)	Level 18-19
DA113 (A)	Level 20
DA114 (A)	Level 21-22
DA115 (A)	Level 23
DA116 (A)	Level 24-26
DA117 (A)	Level 27
DA118 (A)	Level 28
DA119 (A)	Level 29
DA120 (A)	Level 30
DA121 (A)	Level 31
DA122 (A)	Level 32-38
DA123 (A)	Level 39
DA124 (A)	Roof Plan
Tower 1	
DA150	Tower 1 – Level 4
DA151	Tower 1 – Level 5-9
DA152	Tower 1 – Levels 10-19 & 21-27
DA153	Tower 1 – Level 20
DA154	Tower 1 – Level 28-38
Tower 2	
DA155	Tower 2 – Level 4

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DA156	Tower 2 – Levels 5-17
DA157	Tower 2 – Levels 18-28
Tower 3	
DA158	Tower 3 – Levels 5 & 6
DA159	Tower 3 – Levels 7-26
DA160	Tower 3 – Levels 27-29
Tower 4	
DA161	Tower 4 – Levels 7-22
DA162	Tower 4 – Levels 24-31
DA163	Tower 4 – Levels 32-38
Sections	
DA210 (A)	Schematic Site Section
DA211	Tower 4 – Cross Section A-A
DA212	Street Wall Height & Setback Section a-a
DA213	Street Wall Height & Setback Section b-b
DA214	Proposed Crossover Sections
Elevations	
DA300 (A)	Tower 1 – North Elevation
DA301	Tower 1 – East Elevation
DA302	Tower 1 – South Elevation
DA303	Tower 1 – West Elevation
DA304	Tower 2 – North elevation
DA305 (A)	Tower 2 – East Elevation
DA306 (A)	Tower 2 – South Elevation
DA307 (A)	Tower 2 – West Elevation
DA308	Tower 3 – North East Elevation
DA309 (A)	Tower 3 – South East Elevation
DA310	Tower 3 – South West Elevation
DA311	Tower 3 – North West Elevation
DA312	Tower 4 – North East Elevation
DA313	Tower 4 – South East Elevation
DA314	Tower 4 – South West Elevation
DA315	Tower 4 – North West Elevation
DA316 (A)	Tower 1 – Cecil Street Podium Elevation
DA320 (A)	City Road Street Elevation
DA321 (A)	Whiteman Street Elevation
DA322 (A)	Cecil Street Elevation
Landscaping	
LPP000 (C)	Plant Schedule
LPP001 (D)	Site Plan
LPP101 (E)	Ground Level
LPP102 (B)	Level 4 & 5
LPP130 (C)	Corner of City Road & Whiteman Street
LPP104 (D)	The Western End of The Laneway
LPP105 (E)	The Middle Part of Laneway
LPP106 (E)	The Eastern End of Laneway
LPP107 (E)	Level 5
LPP201 (C)	Sections 01

and including any amendment of the plans that may be approved from time to time under the conditions of this document. Once approved, these plans will be the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

Endorsed Plans

1. The development must be carried out generally in accordance with the Incorporated Plans or the endorsed plans that may be approved from time to time by the Responsible Authority.
2. Prior to the commencement of development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, piling, footings, ground

beams and ground slab, if required, amended plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority following any recommended design changes to the laneway resulting from Condition 25 (Wind assessment). The plans must be drawn to scale with dimensions and three copies must be provided.

Layout not altered and satisfactory completion

3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Staging Plan

5. The development of the land may be undertaken in stages. Prior to the commencement of development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, piling, footings, ground beams and ground slab, a staging plan must be submitted to and be to the satisfaction of the Responsible Authority.

Materials

6. Prior to the commencement of each stage of development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, piling, footings, ground beams and ground slab, a sample board including a colour rendered and notated plan /elevation that illustrates the location and details of all external materials and finishes must be submitted to and be to the satisfaction of the Responsible Authority. All finishes and surfaces of all external buildings and works, including materials and colours must be in conformity with the approved sample board and plan(s) to the satisfaction of the Responsible Authority.

Streetscape and Landscape Works Plan

7. Prior to the commencement of development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, piling, footings, ground beams and ground slab, a Streetscape and Landscape Works Plan and associated technical specifications to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of the endorsed plans. The plans must be generally in accordance with the Incorporated Plans prepared by Site Image, but modified to show:
 - a) Existing conditions including traffic lane widths, crossovers, road alignments, line marking, on-street parking and signage;
 - b) Landscaping of the outdoor communal area on the podium level adjacent to Tower 1 and Tower 2 (which will include BBQ facilities and a pergola);
 - c) Footpath reconstruction/paving and kerb extensions on the perimeter of the land;
 - d) Street tree planting and species;
 - e) Street lighting and street furniture (bins, seating, directional signage, bicycle racks) as required;
 - f) DDA compliant pedestrian crossings;
 - g) Drop off/collection arrangements for the hotel;
 - h) The retention of the bluestone kerb, pitcher and channel along Whiteman Street to the existing depth;
 - i) Details of new and reinstated vehicle crossovers, including clear pedestrian priority;
 - j) Proposed road alignments and traffic lane widths, treatment of intersections, line marking, signage and on-street car parking noting that there is to be no net loss of on-street car parking;

- k) The inclusion of Copenhagen-style bike lanes along Cecil Street that are to be constructed by Council; and
 - l) Streetscape works that incorporate water sensitive urban design (WSUD) treatments, including tree infiltration pits at proposed new tree locations, raingardens at kerb outstands and permeable paving at suitable selected locations. All WSUD to be in accordance with Council and industry best practice guidelines.
8. Unless otherwise agreed in writing by the Responsible Authority, all buildings and works in conformity with the endorsed Streetscape and Landscape Works Plan in condition 7, must be constructed and installed at a cost borne by the owner of the land and at no cost to the Responsible Authority or VicRoads and be completed to the satisfaction of the Responsible Authority and VicRoads within three (3) months of the completion of the building work or any stages thereof, and then maintained to the satisfaction of the Responsible Authority.
9. The owner of the land is responsible for the cost of vegetation maintenance for the first twelve (12) months after planting all street tree planting, including replacement of any vegetation removed or destroyed during that period, with vegetation of the same variety and a similar size as the remaining plantings, after which the Responsible Authority shall assume responsibility for maintenance.

Construction Management Plan

10. Prior to commencement of development, a Construction Management Plan (CMP) must be submitted to the Responsible Authority and be to its satisfaction. The CMP shall include details of, but not be limited to the following:
- a) hours of demolition and construction;
 - b) methods to contain dust, dirt and mud within the site and the method and frequency of clean up procedures, including the management of on-site storage waste construction bins and vehicle washing;
 - c) Management of parking of construction machinery and workers vehicles;
 - d) Management of site deliveries and unloading and lifting points with expected frequency, and traffic management in the vicinity;
 - e) Minimising disruption to pedestrian access along footpaths;
 - f) Measures to minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours;
 - g) The provision of adequate environmental awareness training for all on-site contractors and sub contractors;
 - h) A liaison officer for contact by the public and the responsible authority in the event of relevant queries or problems experienced;

Once approved the Plan will form part of the endorsed plans and all works must be carried out in accordance with the Plan.

Demolition Method Statement

11. Prior to commencement of development, a 'Demolition Method Statement' (DMS) prepared by a qualified structural engineer must be submitted to and be approved by the Responsible Authority. When approved, the DMS will form part of the endorsed plans. The DMS must fully describe and clearly demonstrate that the construction methods to be used on site will ensure that the building fabric required to be retained on the endorsed plans will be safeguarded during and after the demolition process has occurred. The DMS may need to include reference to staging of demolitions on site in some instances. The DMS must detail the necessary protection works required to retain individual walls, chimneys, flooring, roofing and other heritage features of significance during demolition.

Environmental Sustainable Design (ESD) Initiatives

12. The following ESD initiatives must be incorporated into the development to the satisfaction of the Responsible Authority and must not be altered without the written consent of the Responsible Authority.
- Thermally efficient façade (as required for BCA compliance), including double glazing and additional insulation, reducing the need for heating and cooling within apartments.
 - Solar hot water: All towers will include a gas boosted Solar Hot Water system, with the solar component providing an approximate 25% contribution to average annual hot water demand. Solar collector panels (approximately 88m²) located on the roof of each tower will have minimum 60% efficiency and be located facing north.
 - Lighting: provide energy efficient compact fluorescent lighting to common areas and car parks. To ensure lighting is only on when it is required, car parks, lobby spaces and external areas will have motion detectors or daylight sensors as appropriate.
 - Energy efficient (at least 3 star rated or inverter technology) reverse cycle air-conditioning units will be provided to apartments.
 - Heat recovery of pool ventilation system.
 - Separate central kitchen exhaust system with variable speed fans.
 - Installation of water efficient tapware, showers and toilets (4 star WELS rated or better).
 - Fire test water to be collected and reused.
 - Provision of stormwater harvesting to all four towers, reticulated to supply approximately 55% of toilet flushing requirements, and also to provide landscape irrigation, swimming pool make-up water and washdown facilities for the hotel tower.
 - The provision of stormwater harvesting will also divert the water from the stormwater system, and depending on tank levels function as stormwater retention, reducing run-off and peak flows and thus reducing the urban flash flood risk.
 - Kitchens in both the apartments and serviced apartments will be manufactured from timber from sustainable sources, e.g. FSC certified or plantation timber.
 - There will be equal access to refuse and recyclable disposal (e.g. recycling points on each level adjacent to refuse chutes).
 - Provision of on site bicycle spaces for residents in accordance with the endorsed plans.
 - Average 6 star - First Rate Star Rating for residential towers.
 - Smart Metering to allow residents to easily monitor energy use.
 - Low VOC paints, sealants, adhesives, floor & ceiling coverings.
 - Energy and water efficient dishwashers (within one star of the highest available rating (i.e. 3 Star Energy rated, 4 Star WELS rated) to be supplied with each apartment.

Environmental Audit Overlay

13. Before a sensitive use (residential use, child care centre, pre school centre or primary school) commences:
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
 - An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

Green Transport Plan

14. Prior to commencement of the use, a green travel plan prepared by a suitably qualified professional must be submitted to and be approved by the Responsible Authority. The green travel plan must provide detailed advice regarding how traffic movements and staff parking will be managed and ensure that alternative non-private vehicle transport modes will be encouraged. The plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The plan must include but not be limited to:
- a) Current tram, train and bus timetables be installed in prominent locations in lifts and public areas (on noticeboards, etc);
 - b) Bicycle parking areas to be installed in well secured and prominent locations;
 - c) Provide a minimum of 16 car sharing parking spaces within the development for use by residents of the proposed development, as well as the wider community.
 - d) Install signs in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities for residents and visitor, tram stops, taxi ranks, railway stations, bus stops and bicycle paths.
 - e) Ensure that access to the on-site parking is restricted and controlled.
 - f) A car parking management plan must be prepared showing how the car parking on the land is to be allocated.

Once approved the Plan will form part of the endorsed plans and must not be altered without the written consent of the Responsible Authority.

Street levels and crossovers

15. Prior to the completion of development or each stage of development, the owner of the subject land must:
- a) Construct all necessary vehicle crossings and demolish all unnecessary vehicle crossings and reconstruct and upgrade the footpaths adjacent to all boundaries of the site together with associated works including the renewal and/or relocation of kerb and channel and the relocation of all services pits and covers as necessary, at no cost to the Responsible Authority and in accordance with plans and specifications first approved by the City of Port Phillip. Any surplus bluestone pitchers must be returned to Council's depot at cost to the permit holder /owner.
 - b) Not alter existing footpath widths and street levels adjacent to the subject land for the purpose of constructing a new vehicle crossing or pedestrian entrances without first obtaining written approval from the City of Port Phillip.
 - c) Undertake any road/on-street parking space line marking/signage works that are required as a result of the development in life long materials prior to the occupation of the dwellings.

Car and bicycle parking

16. The internal design of all car parks and vehicle access ways must be generally in accordance with Australian Standard 2890.1-2004 to the satisfaction of the Responsible Authority.
17. The areas set aside for the parking of vehicles and access ways to the car parks must be:
- a. Constructed and properly formed to such levels that may be used in accordance with the plans;
 - b. Surfaced with an all weather surface or seal coat (as appropriate);
 - c. Drained and maintained;
 - d. Line marked to indicate each car space, loading bay and/or access lane; and
 - e. Clearly marked to show the direction of traffic along access land and driveways.

The car parking spaces must not be used for any other purpose and all access ways must be kept clear.

18. The loading or unloading of vehicles of goods, plant and materials or other items delivered to or dispatched from the land must take place within the boundary of the land in the approved loading bays, except with the written consent of the Responsible Authority.
19. The areas set aside for parking on the endorsed plans are to be used in connection with the lawful uses carried out on the site and must not be operated as a public car-parking facility or any other purpose such as storage, except with the written consent of the Responsible Authority.
20. Bicycle parking must be provided and located in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
21. Each set of tandem car spaces (apart from the car share spaces), or pair of vehicle stacker spaces must be allocated to one residential unit or commercial tenancy except with the further written consent of the Responsible Authority.

Air Conditioning Plant

22. Any air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:
 - i) Noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary;
 - ii) Noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).

Noise attenuation for dwellings

23. The development shall be designed and treated with noise attenuation measures in accordance with the recommendations of an accredited professional Acoustic Engineer to achieve the following or otherwise to the satisfaction of the Responsible Authority:
 - i) Between 11pm and 7am in sleeping areas must not exceed $L_{Aeq, 1hour} 35dB(A)$.
 - ii) Between 7am and 11pm in living rooms must not exceed $L_{Aeq, 1hour} 45dB(A)$.

No Equipment or Services

24. All building plant and equipment on the roofs, with the exception of wind turbines and solar panels, are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery and equipment including but not limited to all air-conditioning equipment, ducts, all exhausts including car parking and communications equipment shall be to the satisfaction of the Responsible Authority.

Wind Assessment

25. Prior to the commencement of development, excluding demolition, bulk excavation, site preparation, soil removal, retention works, piling, footings, ground beams and ground slab, a wind assessment report prepared by a suitably qualified professional must assess the laneway wind environment and whether any wind mitigation works are required, and must be submitted to the satisfaction of the Responsible Authority. Design responses to wind mitigation recommendations must:
 - be developed as an integrated solution with the architectural and landscape design;
 - utilise both building features including but not limited to canopies and wind mitigation devices at ground level to ameliorate wind conditions; and

- preserve pedestrian access and key vistas along the laneway and around the buildings.

Waste Management Plan

26. Prior to commencement of each stage of development, excluding demolition, bulk excavation, site preparation, soil removal, retention works, piling, footings, ground beams and ground slab, a Waste Management Plan based on the draft “Best Practice Guidelines for Kerbside Recycling at Multi-Occupancy Residential Developments (Sustainability Victoria June 2006) must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority. Once approved the Plan will form part of the endorsed plans and must not be altered without the written consent of the Responsible Authority. The Plan must include reference to the following:
- The estimated garbage and recycling generation volumes for the whole development.
 - The garbage and recycling equipment to be used and the collection service requirements, including the frequency of collection.
 - The location of, proximity, screening of and space allocated both to the garbage and recycling storage areas and collection points.
 - The path of access for both users and collection vehicles.
 - How noise, odour and litter will be managed and minimised.
 - Approved facilities for washing bins and storage areas.
 - Who is responsible for each stage of the waste management process.
 - How tenants and residents will be regularly informed of the waste management arrangements.
 - Bottles or drink containers associated with the restaurant and hotel uses must not be crushed or emptied into external refuse bins after 7.00pm or before 10.00am on any day of the week unless otherwise agreed to in writing by the Responsible Authority.

The occupier(s) of the site must ensure that the Waste Management Plan approved under this condition is implemented at the commencement of the use and is continuously complied with to the satisfaction of the Responsible Authority.

Waste Management operations

27. All garbage and other waste material must be stored in an area within the land and set aside for such purpose to the satisfaction of the Responsible Authority.
28. All garbage bins must be returned to the garbage storage areas as soon as practicable after garbage collection. Waste storage and collection arrangements must be to the satisfaction of the City of Port Phillip.

Urban Artwork

29. Details of proposed urban art on the site to the value of \$1,000,000 is to be provided to and approved by the Responsible Authority. The proposed urban art can be staged across the development and details shall be provided to the Responsible Authority including the staging, location(s), design, materials and fixing mechanisms. Once approved the plan will form part of the endorsed plans and must not be altered without the written consent of the Responsible Authority. Prior to the completion of each stage of the development that may contain urban art, the respective urban art must be installed to the satisfaction of the Responsible Authority.

Utility Services

30. All utility services to the land, including water, electricity, gas, sewerage, telephone and telecommunications must be installed underground and located in a position approved by the Responsible Authority.

Public Access to Laneway

31. The laneway linking City Road and Whiteman Street must remain accessible to the public at a minimum between the hours of 7am to 7pm daily, or during the trading hours of the internal tenancies, whichever is greater.

Food and Drink Premises Management

32. The restaurants (excluding those located within the hotel) may operate only between the hours of 7.00am and 12 midnight daily unless otherwise agreed in writing by the Responsible Authority.
33. No bottles or other waste materials shall be removed from the site between the hours of 9.00pm and 7.00am Monday to Friday and/or 9.00pm and 9.00am Saturday and Sunday.

No Amplified Music

34. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority.

Section 173 Agreement

35. Prior to the commencement of development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, piling, footings, ground beams and ground slab, the owner of the land must enter into an agreement under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority, and may include the Department of Transport. The agreement must be in a form to the satisfaction of the Responsible Authority and the owner of the land must be responsible for the expense of the preparation of the agreement, including the Responsible Authority’s reasonable costs and expenses (including legal expenses) incidental to the preparation and enforcement of the agreement.

The agreement must provide that the owner agrees that all works required for the following:

- a. Streetscape and Landscape Works Plan required in condition 7 (excluding the Copenhagen-style bike lanes along Cecil Street that are to be constructed at cost by Council); and
- b. Public transport infrastructure including:
 - An additional access ramp (Disability Discrimination Act 2002 - DDA compliant) in a northerly direction along Whiteman Street including necessary vegetation removal required (if any);
 - Two (2) new tram shelters one on each side including seating (DDA compliant);
 - Improved pedestrian links (DDA compliant) from key access locations within the development to all public transport facilities;
 - Lighting and signage plan for the pedestrian links directing pedestrians to all modes of public transport facilities; and
 - A new bus stop layby any bus stop line marking that maybe required in the vicinity of the land;

must be constructed and installed at a cost borne by the owner of the land and at no cost to the Responsible Authority or the Department of Transport and be completed to the satisfaction of the Responsible Authority and Director of Public Transport.

Vic Roads conditions

36. A noise report is required to be undertaken to the satisfaction of VicRoads by a qualified acoustic consultant in accordance with VicRoads' 'Guidelines for Acoustical Consultants'. The applicant is required to undertake and complete any works or measures required by the noise report to the satisfaction of VicRoads, prior to commencement of use.
37. The owner of the land /applicant is required to provide a minimum 3.0 metre building setback from any part of the West Gate Freeway structure to provide for ongoing maintenance of the freeway.
38. Where the owner of the land /applicant determines to provide habitable balconies adjacent to the road reservation:
 - a) the balconies must be totally enclosed with a roof, walls and louvered windows for ventilation purposes; or
 - b) have a balustrade or barrier with a minimum height of 1.1m above the floor of the balcony that is no more than 15mm thick across the top and/or rounded at the top and/or sloped inwards a minimum of 15 degrees at top when measured from the horizontal.

Department of Transport conditions

39. Prior to the commencement of development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, piling, footings, ground beams and ground slab, the development start(s), or other time approved in writing with the Director of Public Transport, amended plans to the satisfaction of the Director of Public Transport must be submitted to and approved by the Director of Public Transport. When approved, the plans will then form part of the endorsed plans. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Provision of an additional access ramp (Disability Discrimination Act 2002 compliant) in a northerly direction along Whiteman Street including necessary vegetation removal required (if any).
 - b) Details of two (2) new tram shelters one on each side including seating in plan and cross section, Disability Discrimination Act (DDA) compliant.
 - c) Details of improved pedestrian links (DDA compliant) from key access locations within the development to all public transport facilities.
 - d) Lighting and signage plan for the pedestrian links directing pedestrians to all modes of public transport facilities.
 - e) Details of the existing bus shelters and stops along City Road and any bus stop line marking that maybe required.
40. Before the completion of the first stage of the development, or other time approved in writing with the Director of Public Transport the works shown on the endorsed plans for public transport above, must be constructed at a cost born by the owner of the land to the satisfaction of the Director of Public Transport and deemed compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002.
41. The land owner must ensure that all track and tram overhead and supporting infrastructure is not damaged or that works do not cause unplanned disruption to operations. Any damage to public transport infrastructure must be rectified to the satisfaction of the Director of Public Transport at the full cost to owner of the land.
42. The land owner must take all reasonable steps to ensure that disruption to bus operations along City Road is kept to a minimum during construction. Foreseen

disruptions to bus operations must be communicated with mitigation measures to the Director of Public Transport and bus operators one (1) week prior.

Time Limit

Notwithstanding other provisions of these conditions, the development permitted by this Incorporated Document will expire if one of the following circumstances applies:

- i) The development is not started within three years of the date of the gazettal of the approved amendment.
- ii) The development is not completed within six years of the date of the gazettal of the approved amendment.

The Responsible Authority may extend the periods referred to if a request is made in writing before these controls expire or within three months afterwards.

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