

PORT PHILLIP PLANNING SCHEME

INCORPORATED DOCUMENT

2-14 Thistlethwaite Street, South Melbourne

March 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 PortPhillip Planning Scheme

1. INTRODUCTION

- 1.1. This document is an Incorporated Document in the schedules to Clauses 45.12 and 72.04 of Port Phillip Planning Scheme (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 in clause 4 of this incorporated 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 of this Incorporated Document except that:
 - a) Port Phillip City Council is the responsible authority for matters expressly required by the Incorporated Document to be endorsed, approved or done to the satisfaction of Port Phillip City Council;
 - b) 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 the existing building for the use and development of the land identified in Clause 3 for 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 at 2-14 Thistlethwaite Street, South Melbourne being the land contained in Certificates of Title Volume 09153 Folio 444 and more particularly described as Crown Allotment 3 Section 56A City of South Melbourne Parish of Melbourne South.



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 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.

Layout and use of the development not to be altered

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

Amended Development Plans

- 4.9. Before the development starts, excluding demolition, excavation, piling and site preparation works to remediate contaminated land, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and fully dimensioned including to show natural ground level, floor levels, wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD) and three copies plus an electronic copy must be provided. The plans must be generally in accordance with the architectural plans prepared by Ammache Architects entitled Job No: 2-14 Thistlethwaite, Sheet Nos. A01, A02, A03, A04, A05, A06, A07, A08, A09, A10, A11, A12, A13, A14 and A15, all dated 30 March 2020, but modified to show:
 - a) Gentle, graduated and seamless transitions between the public and private realm to meet Melbourne Water flood level requirements as per corresponding conditions below. Appropriate physical and visual connection between Thistlethwaite Street and the interior of building must also be achieved.
 - b) The building entry (main lobby entrance) fronting Thistlethwaite Street brought forward to align with the street boundary.
 - c) The enhancement of the relationship of the two retail tenancies to internal building (main) lobby through provision of clear glazing, doors, active uses and the like.

- d) The removal of the solid elements of the building around the retail tenancy entries fronting Thistlethwaite Street and their replacement with clear glazing.
- e) Accentuation of the internal stairs through a design feature approach to identify and improve visibility and use by occupants and visitors of the development to promote this is an alternative and sustainable option to using lifts from the ground floor level and up through the podium.
- f) The floor plates of some of the tenancies linked through internal circulation stairs to promote connectivity and active design, providing alternative layout options for future tenants.
- g) The entrance to the building lobby off the Tates Place provided with a clear sense of address, sightlines for safety and accessibility, such as, but not limited to, relocation of the fire services to allow direct visual link with the lifts.
- h) Modifications of design detailing to achieve an industrial character of the development through the following methods:
 - i. The application of the 'brick finish' materiality to the mail room fronting Thistlethwaite Street and returning bricks at the corners and extending to the side party walls along the south western boundary and the exposed boundary wall along the north eastern boundary.
 - ii. Complementing the adjacent industrial façade in materiality, window openings, proportion and symmetry.
 - iii. Provision of further depth to the window openings in the façade to express the masonry construction, create a sense of shadow and articulation to the façade which is reminiscent of the industrial character of Fishermans Bend.
 - iv. At the ground floor level along Buckhurst Lane, exposing and architecturally resolving the visual appearance of services by providing semi permeable gates, consistent with the industrial references.
 - v. The location and dimensions of all building services and utility installations; all such services and installations (other than Buckhurst Lane) must be architecturally resolved and incorporated into the design of the building and minimise facing any street or laneway. Air vents façade in a dark colour to blend in with the brickwork and present as an integrated part of the architecture.
- i) Details of flood resilient design including waterproof doors and windows, elevated power outlets and building materials.
- j) A Services Plan and Report prepared by a suitably qualified person detailing the type, location and service authority requirements for the building based the height of the building, number of units, visibility and ease of accessibility, operational requirements including distances from entries and connection points, and safety.
- k) 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.
- l) 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.

- m) Modification of the raised planters facing Thistlethwaite Street and Buckhurst Lane in lieu of a landscape design which allows access to the building edge and views down to the street and lane for surveillance.
- n) Plan notations for street tree protection.
- o) Measures to improve natural light in the podium levels such as one or more lightwells, and skylights.
- p) Detailed dimensioned design of bicycle facilities including minimum 1.5m aisle access.
- q) An electric bike charging installation.
- r) Vehicle crossings reduced in width to 6.0m, or if greater than 6.1m width to include an intermediate pedestrian refuge.
- s) Provision of convex mirrors and a warning light at the Buckhurst Lane car park exit.
- t) Plan notations for all vehicle crossing works to be in accordance with Port Phillip City Council Vehicle Crossing Guidelines and Standard Drawings.
- u) Details of any boom gate or similar barrier at the vehicle entry (or confirmation none is proposed), including setbacks (if required) to ensure vehicles queuing to enter do not unreasonably impede pedestrian or vehicle movements along the lane. A Traffic Report must be submitted to demonstrate acceptable queuing times.
- v) Plan notations for the mechanical car stacker specification.
- w) The disabled car park design to meet AS 2890.6.
- x) At least 25% of all car spaces with access to a common source electric vehicle charging point.
- y) Headroom clearance in the car park (confirming min. 3.8m clearance for mechanical stackers).
- z) Loading area headroom clearance as per AS 2890.2 2018.
- aa) Back-of-house access from the ground floor level retail tenancies to the bin room.
- bb) Storage space for Hard waste, E-waste. Organic/green waste and a Charity bin.
- cc) Plan notations requiring the project to meet:
 - i. Any changes required to meet the requirements of the Façade Strategy in the corresponding condition(s) below.
 - ii. Any changes required to meet the requirements for external reflectivity in the corresponding condition(s) below.
 - iii. Any changes required to meet the requirements for Landscaping and the Public Realm in the corresponding condition(s) below.
 - iv. Any changes required to meet the requirements for Traffic, Parking and Loading and Unloading in the corresponding condition(s) below.
 - v. Any changes required to meet the requirements of the Waste Management Plan in the corresponding condition(s) below.

- vi. Any changes required to meet the Noise Attenuation and Mitigation requirements in the corresponding condition(s) below.
- vii. Any changes required to meet the requirements of the Wind assessment in the corresponding condition(s) below.
- viii. Any changes required to meet the requirements of Melbourne Water in the corresponding condition(s) below.
- ix. Any changes required to meet the Stormwater Drainage System Design and Water Sensitive Urban Design requirements in the corresponding condition(s) below.
- x. Any changes required to meet the Environmentally Sustainable Design, Green Star and Third Pipe requirements in the corresponding condition(s) below.

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 plans required by Clause 4.6 are approved, 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 Design response dated March 2020 prepared by Ammache Architects 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 Responsible Authority, 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) Building plant, equipment and utility installations facing a street or lane minimised, and architecturally integrated into the design of the building.
- h) Details of all hard-landscaping materials, finishes and treatments and urban design elements including retaining wall, paving, kerbs, accessway, lighting, seating and balustrading.
- i) Elevations, sections, levels and details including materials and finishes of public realm works including reconstruction of public assets.
- j) Any level changes required to meet flood level requirements incorporated holistically into the design.

Reflectivity

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

Landscaping

4.14. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, detailed Landscape Plans must be submitted to and approved by Port Phillip City Council. The plans must be generally in accordance with the Landscape Plans titled Job No. 19-306, Drawing Nos. TP01 Rev B dated 18-03-2020 and TP02 Rev C dated 01-04-2020 prepared by John Patrick Landscape Architects Pty Ltd, and updated to include:

- a) Detailed landscape plans of the podium rooftop showing how this would be executed, including but not limited to:
 - Sitting areas, circulation areas and tree plantings (shown on the Architectural Drawings), including details of how the trees would be stabilised against wind effects.
 - Evidence that the impermeable wind screens extending out from the tower at the podium level will not inhibit circulation and amenity of the users.
 - A reduction in hard surfaces at podium rooftop level.
- b) Modification of the raised planters facing Thistlethwaite Street and Buckhurst Lane in lieu of a landscape design which allows access to the building edge and views down to the street and lane for surveillance.
- c) Plan and elevation details of any wind mitigation structures integrated into the landscape design.

- d) A planting schedule of all proposed trees and other vegetation including botanical name, common names, pot sizes, sizes at maturity, and quantity of each plant and their protection and maintenance.
- e) Details of green facades, podium and terrace planting that is water efficient, located and designed to be sustainable, viable and resilient and appropriate to micro-climate conditions.
- f) Plan, elevation and cross-section drawings of the green facade including details of:
 - Appropriate vegetation selection to realise the vertical landscaping;
 - Irrigation and drainage;
 - Responsibility for and a schedule of annual maintenance.
 - Details of the maintenance and management of the façade and green wall(s).
- g) Details of 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 and drainage systems to be used including the location of water tanks.

4.15. All landscaping shown in the approved landscape and public realm plans must be carried out and completed prior to occupation of the building and thereafter maintained to the satisfaction of Port Phillip City Council.

Tree Protection

4.16. 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 the two (2) Council owned nature strip trees on Thistlethwaite 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 the two (2) Council owned nature strip trees on Thistlethwaite Street to comply with AS 4970 - 2009 Tree protection on development sites to the satisfaction of Port Phillip City Council.
- c) No Damage to Existing Street Tree

4.17. 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

4.18. Any Council owned trees shown on the endorsed plans to be removed must not be removed, lopped or pruned without prior consent from Port Phillip City Council. If removal

is approved, the amenity value along with removal and replacement costs must be reimbursed to Council by the developer before the development starts. Removal and replacement, including 24 months maintenance of new street trees may only be undertaken by Port Phillip City Council.

Demolition Management Plan

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

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

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

Construction management - piling

4.21. Piling works must not include driven piling. Piling must be by bored, screw, or sheet piling or similar only unless otherwise agreed by Council through an approved Construction Management Plan.

Traffic, Parking and Loading/Unloading

4.22. Before the plans required by Clause 4.9 are approved, 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 Impact Assessment Report prepared by TTM Consulting (rev 3) dated 27 March 2020.

- a) Details of loading / waste collection arrangements and management.
- b) Updated swept path plans showing:

- The outline of the useable car stacker platform width/length/columns etc.
 - Provision of convex mirrors and a warning light at the Buckhurst Lane entry;
 - The carriageway width of Buckhurst Lane.
 - Details of all level changes and any flood mitigation treatment required at the Buckhurst Lane entry.
 - Entry and exit clearance for end spaces e.g. adjacent to walls or columns, per stacker specification.
 - Delivery and waste collection truck access to and from the waste room.
- c) Vehicle stacker specification details confirming:
- The pit depth for the Klaus Trendvario 4300-200;
 - Vehicles can reverse onto the platforms;
 - Headroom clearance.
- d) At least 25% of all car spaces with access to a common source electric vehicle charging point.
- 4.23. 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.
- 4.24. 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.
- 4.25. Traffic access and parking and loading/unloading arrangements must not be altered without the prior written consent of Port Phillip City Council.
- 4.26. Before the development is occupied, vehicle crossings must be constructed in accordance with the 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.
- 4.27. 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 be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
- 4.28. All mechanical exhaust systems to the car park must be sound attenuated to prevent noise nuisance to the occupants of surrounding properties, to the satisfaction of the Responsible Authority.
- 4.29. Bicycle parking must be provided, located and appropriately signed in accordance with the endorsed plans.

Waste Management Plan

- 4.30. Before the plans required by Clause 4.9 are approved, 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 23 May 2019 and updated on 24 March 2020, prepared by Ecoresults but modified to:

- a) Provision for organic/green waste storage;
- b) Provision for Hard waste, charity bin and E-waste.
- c) Details of back-of-house access to the Refuse Zone(s) for the retail tenancies.
- d) Details of ventilation, washing and vermin prevention for the waste room.
- e) Details of security to the waste rooms such as doors / roller doors.
- f) Swept path plan for waste collection truck access to and from the waste room.
- g) Confirmation all waste collection will be outside of peak car traffic times.
- h) Confirmation of the maximum operating height of the waste collection vehicle and minimum roof clearance within the car park.

4.31. 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

4.32. The building construction must incorporate noise attenuation measures to achieve internal design sound levels for the office spaces of:

- 40-45 dB(A) Leq 1hr, based on office areas with façade fully closed, in accordance with the endorsed Acoustic Assessment Report.

Incorporation of Noise Attenuation Measures

4.33. Upon completion and prior to the occupation of the building(s) allowed by this permit, 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 building incorporates the noise attenuation measures as specified in the endorsed Acoustic Assessment Report and shown on the endorsed plans.
- Verifying the building achieves 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 shows 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.

4.34. 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.

Disability Access

4.35. 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

4.36. Before the development starts, excluding demolition, excavation, piling, and site preparation works, and works to remediate contaminated land, an amended Pedestrian Wind Environment Study must be submitted to and approved by the Responsible Authority in consultation with Port Phillip City Council. The amended Study must be generally in accordance with the Pedestrian Wind Environment Study prepared by Windtech dated 31 October 2019 but modified to address all changes required under this Clause 4 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 major nearby developments, under construction and approved, and communal open space areas);
- 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) Include in the assessment the major nearby developments under construction, approved at 15-35 Thistlethwaite Street, 6-70 Buckhurst Street, and 15-87 Gladstone Street.
- e) Demonstrate (or provide built form recommendations) that the development will ensure all publicly accessible areas, including footpaths will not be adversely 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.
- f) Demonstrate (or provide built form recommendations) that the development should 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.
- g) Demonstrate achievement of the wind comfort criteria outlined in Clause 2.11 of DDO30 for areas within the assessment distance as follows:
 - Standing: The Thistlethwaite Street footpath frontage of the site; and
 - Walking: The remaining publicly accessible areas

- 4.37. Any further modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas must be located within the development (not on public land), carefully developed as an integrated high-quality solution with the architectural design and not rely on street trees or rely on wind amelioration screens within the public realm to the satisfaction of Port Phillip City Council.
- 4.38. 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

- 4.39. 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:
 - \$191.51 per sqm of gross office/commercial floor area; and
 - \$159.59 per sqm of gross retail floor area.
 - b) Require that development contributions are to be indexed annually from 1 July 2020 using the Price Index of Output of the Construction Industries (Victoria) issued by the Australian Bureau of Statistics.
 - c) Require registration of the Agreement on the titles to the affected lands as applicable.
 - d) Include a schedule of the types of infrastructure to be delivered by the Victorian Planning Authority or their successor.
 - e) Confirm that contributions will be payable to the Victorian Planning Authority or their successor.
 - f) Confirm that the Victorian Authority Planning or its successor, will use the contributions to deliver the schedule of types of infrastructure.
 - g) Require payment of the development contribution/s before the earliest of the following:
 - The issue of an occupancy permit for the development; or
 - The issue of a statement of compliance in relation to the subdivision of the land in accordance with the development allowed under this specific control.
 - h) Confirm the procedure for refunding monies paid if an approved Development Contribution Plan or Infrastructure Contributions Plan for the area is less than the amount stipulated in the section 173 agreement.
 - i) Make provision for its removal from the land following completion of the obligations contained in the agreement.

- j) Require the owner of the Land to pay all reasonable legal cost and expense of this agreement including preparation, execution and registration on title.

Overshadowing

4.40. 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

4.41. 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.

4.42. 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

4.43. Before the development starts excluding demolition, excavation, piling and site preparation works, and works to remediate contaminated land or a sensitive use commences on the land, the Responsible Authority must be provided with either:

- a) A 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.

Environmentally Sustainable Design

Sustainability Management Plan & Water Sensitive Urban Design Response

4.44. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated, an amended Sustainability Management Plan (SMP) must be submitted to, be to the satisfaction of and approved by Port Phillip City Council. The SMP must be generally in accordance with the SMP prepared by EcoResults Consultants, dated 25 March 2020, but modified to show:

- a) A commitment to and details of how the development will achieve a 5 Star Green Star Design & As Built rating with a 10% buffer above the minimum 60-point requirement. $60 + 6 = 66$ points = Five Star "Australian Excellence".
- b) The Implementation Schedule amended to reflect the Green Star credit requirements.
- c) How the project will achieve a 20% increase on minimum NCC energy efficiency standards, as required in the Fishermans Bend Urban Renewal Area Policy at Clause 22.15-4.5 of the Planning Scheme.

- d) How the proposal incorporates renewable energy generation, on-site energy storage and opportunities to connect to a future precinct-wide or locally distributed low-carbon energy supply.
- e) How the proposal addresses the third pipe and rain tank requirements set out at Clause 4.3 of Schedule 1 to the Capital City Zone.
- f) How the proposal is designed to reduce the urban heat island effect, in accordance with the requirements of Clause 22.15-4.5 of the Planning Scheme.
- g) Details of how non-glazed facade materials exposed to summer sun would achieve a low solar absorptance.
- h) Details of the proposed green wall including plant species, irrigation and drainage, and maintenance arrangements and responsibilities.
- i) Details of external shading to exposed Northeast and Northwest facing glazing (i.e. not shaded by building geometry or shading devices) to prevent glare and overheating.
- j) Daylight modelling of podium office levels confirming achievement of a daylight factor of 2% or greater.
- k) Measures to improve natural light in the podium levels such as one or more lightwells, and skylights.

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

- 4.45. Prior to the endorsement of plans under condition 4.9 of this Incorporated Document, a Water Sensitive Urban Design (Stormwater Management) Report that outlines proposed stormwater treatment measures must be submitted to, be to the satisfaction of and approved by 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 STORM report with a score of 100% or greater (or MUSIC modelling for large scale developments),
- A plan showing the catchment area in m²,
- The stormwater device included on the relevant floor plans (devices are to include raingarden(s), rainwater tank(s), permeable paving etc. or a combination of one or more).

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

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

- 4.46. 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

- 4.47. 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 (with a 10% buffer, achieving 66 points) with the Green Building Council of Australia.
- 4.48. 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 (with a 10% buffer, achieving 66 points).

Third pipe and rain tank water

- 4.49. A third pipe must be installed for recycled and rain water 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.
- 4.50. 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.
- 4.51. 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.
- 4.52. Rainwater captured from roof harvesting areas must be re-used for toilet flushing and irrigation, or controlled release.

3D Model

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

Building Appurtenances and Air conditioning condensers

- 4.54. All building plant and equipment on the roofs and visible from public thoroughfares must be concealed to the satisfaction of Port Phillip City Council.

Advertising Signs

- 4.55. 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.

Melbourne Water (Flooding, Drainage and Sea Level Rise)

- 4.56. With the exception of retail areas and commercial lobbies the Finished Floor Levels (FFLs) of all ground floor areas (including all lift and stair lobbies,) must be set no lower than 3.0m to Australian Height Datum (AHD).
- 4.57. The FFLs of retail areas and commercial lobbies must be set no lower than 2.4 m to AHD, with the exception of transitional areas containing landings, steps or ramps to the satisfaction of Melbourne Water. This does not include lift and stair lobbies which must be constructed with minimum FFLs of 3.0 m to AHD.
- 4.58. Carparking must be flood proofed to a minimum height of 3.0 m to AHD, including a flood proof apex at a minimum height of 2.2 m to AHD and a 0.8 metre high flood barrier to the satisfaction of Melbourne Water.
- 4.59. All areas with electrical installations (e.g. electrical substations, switch rooms, electrical components of the car stacker etc) must be set no lower 3.0 m to the AHD.
- 4.60. Rainwater tanks must be shown with 10m³ of storage per 200m² of roof area for the buildings.
- 4.61. 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 (TfV)

- 4.62. The endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 4.63. The Green Travel Plan must not be amended without the prior written consent of the Responsible Authority and the Head, Transport for Victoria.
- 4.64. 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.

Expiry

- 4.65. The control in this document expires in respect of land identified in Clause 3 of this document if any of the following circumstances apply:
- a) development has not commenced within three (3) years after the approval date of Amendment C175port; or
 - b) development is not completed within five (5) years after the approval date of Amendment C175port, or
 - c) The uses permitted under this Incorporated Document do not commence with five (5) years after the approval date of Amendment C175port.

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.*

END OF DOCUMENT