

PORT PHILLIP PLANNING SCHEME

INCORPORATED DOCUMENT

Specific controls for 203-205 Normanby Road, Southbank

Incorporated document pursuant to Section 6(2)(j) of the *Planning and Environment Act 1987*  
Incorporated document in the Schedules to Clauses 45.12 and 72.04 of the Port Phillip Planning Scheme  
(July 2020)

## 1. INTRODUCTION

- 1.1 This document is an Incorporated Document in the schedules to Clauses 45.12 and 72.04 of the Port Phillip Planning Scheme (the Planning Scheme) pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.
- 1.2 The Minister for Planning is the Responsible Authority for administering Clause 45.12 of the Planning Scheme with respect of this Incorporated Document except that:
- The City of Port Phillip is the Responsible Authority for matters expressly required by the Incorporated Document to be endorsed, approved or done to the satisfaction of the City of Port Phillip;
  - 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;
  - The City of Port Phillip is the Responsible Authority for the enforcement of the Incorporated Document.

## 2. PURPOSE

- 2.1 To facilitate the demolition of the existing building on the land identified in Clause 3 for the use and development of a mixed-use development comprising dwellings and retail premises and alteration of access to a road in Road Zone Category 1 in accordance with Clause 4 of this document.

## 3. LAND DESCRIPTION

- 3.1 The control in Clause 4 applies to the land at 203-205 Normanby Road, Southbank, being the land contained in Certificates of Title Volume 9630 Folio 211 and Volume 9433 Folio 933 and more particularly described in Title Plans TP276279U and TP276156M. The land is identified in Figure 1 below.



Figure 1: 203-205 Normanby Road, Southbank

## 4. CONTROL

- 4.1 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.
- 4.2 The control in Clause 4 prevails over any contrary or inconsistent provision in the Planning Scheme.

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

- 4.3 Subject to Clause 4.2, no planning permit is required for, and no provision in the Planning Scheme operates to prohibit, control or restrict the use or development of the land in accordance with the provisions contained in this Clause 4.
- 4.4 A permit is required to subdivide the land and any such application is:
- a) Exempt from the requirements in Clause 45.11 (Infrastructure Contributions Overlay) of the Planning Scheme.
  - b) Exempt from the requirements in Clause 53.01 (Public Open Space Contributions) of the Planning Scheme.
- 4.5 Notwithstanding Clauses 4.3 and 4.4, any permit allowing subdivision of the land must include a condition requiring payment to the City of Port Phillip 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 approved documents**

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

### **Amended Plans**

- 4.7 Before the development starts, excluding demolition, bulk excavation, piling and site preparation works, amended plans must be submitted to and approved by the Responsible Authority in consultation with the City of Port Phillip. 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. 1949, Drawing Nos. S06\_A03.01 Rev 7, S06\_A03.02 Rev 7, S06\_A03.03 Rev 7, S06\_A03.04 Rev 8, S06\_A03.05 Rev 3, S06\_A10.01 Rev 8, S06\_A10.02 Rev 7, S06\_A10.13 Rev 7, S06\_A10.04 Rev 8, S06\_A11.01 Rev 8, S06\_A20 Rev 5, and S06\_A21 Rev 3, all dated 23 October 2019, prepared by Hayball Architects but modified to show:
- a) A re-designed northern podium facade that contributes to a high quality public realm commensurate with the main road location.
  - b) A re-designed southern podium facade that provides improved integration and a high quality presentation to the future linear park.
  - c) High quality artwork or other form of visual interest on the western podium wall sufficient for it to present acceptably as an external face of the building (unless a building is constructed to the shared boundary and fully obscures views to this wall before development starts).
  - d) Podium facades above ground floor to better enable views into the commercial tenancies from side angles.
  - e) The northern and southern tower facades refined in line with the overarching architectural approach to the building, including incorporating shading on the northern facade.
  - f) Apartment layouts that meet the windows standard in Clause 58.07-3 of the Port Phillip Planning Scheme.
  - g) The car spaces located between ramps on the mezzanine and levels 1 to 3 deleted.
  - h) The car spaces adjacent to walls/columns/stores to incorporate 300mm clearance.
  - i) Provision of a deep soil planter box north of the apartment 5 screen to create greater physical separation between the communal terrace and the private open space for that apartment.
  - j) Equitable disabled access as part of the podium and ground floor redesign, demonstrated through pathway diagrams and appropriately dimensioned and annotated drawings.
  - k) Safe access for cyclists and other users incorporated into the southern ground floor design.
  - l) Air conditioning system components that are located internal to the building or otherwise not visible from public views or in areas designated for private open space.
  - m) Fixed screens to separate the private terraces on level 30.
  - n) Vehicle access ramping contained within the subject site.
  - o) Reduced ground floor setback from Normanby Road to a maximum of 0.5 metres.

- p) Maximised adaptability of car parking areas on Levels 3 and 4 to enable potential future conversion.
- q) Canopies above Normanby Road and Woodgate Street at least 3 metres above Street level but no higher than 4.5 metres above street level.
- r) Relocation of the bin storage areas to the rear of the loading bay to provide a convenient path for collection.
- s) Any changes required to meet the requirements of the Façade Strategy in the corresponding condition(s) below.
- t) Any changes required to meet the requirements of the Landscaping Strategy in the corresponding condition(s) below.
- u) Any changes required to meet the requirements of the Lighting Strategy in the corresponding condition(s) below.
- v) Any changes required to meet the requirements of the Traffic Impact Assessment Report in the corresponding condition(s) below.
- w) Any changes required to meet the requirements of the Waste Management Plan in the corresponding condition(s) below.
- x) Any changes required to meet the noise attenuation and mitigation requirements in the corresponding condition(s) below.
- y) Any changes required to meet the applicable accessibility provisions of the Building Code of Australia and the applicable provisions of the Disability (Access to Premises – Buildings) Standards 2010 in the corresponding condition(s) below.
- z) Any changes required to meet the requirements of the Wind assessment in the corresponding condition(s) below.
- aa) Any changes required to meet the drainage/engineering requirements in the corresponding condition(s) below.
- bb) Any changes required to meet the requirements of Melbourne Water in the corresponding condition(s) below.
- cc) Any changes required to meet the Environmentally Sustainable Design, Green Star and Third Pipe requirements in the corresponding condition(s) below, including details of rooftop solar PV on the roof plan.
- dd) Any changes required to meet the Department of Transport requirements in the corresponding condition(s) below. Any changes required to meet the noise attenuation and mitigation requirements in the corresponding condition(s) below.
- ee) Any changes and technical information required as a consequence of any other provision in Clause 4.

**Layout and use of the development not to be altered**

- 4.8 The 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.

**Aboriginal cultural heritage**

- 4.9 Before the development starts, including demolition, excavation, piling, 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 Cultural Heritage Management Plan (CHMP) has been approved for the Land.
- 4.10 All works on the Land must be carried out or constructed in accordance with the requirements of any approved CHMP or otherwise in accordance with the requirements of the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2018*.

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

- 4.11 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 Responsible Authority in consultation with the City of Port Phillip. Unless specified otherwise by the Responsible Authority, the Façade Strategy must 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 all typical 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.

## **Reflectivity**

- 4.12 Except with the consent of the Responsible Authority, all external façade, 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 and Public realm**

- 4.13 Before the development starts, excluding demolition, bulk excavation, piling, site preparation, a detailed landscaping and public realm plan(s) must be submitted to and approved by the City of Port Phillip. The plan(s) must include:
- a) A planting schedule of all proposed trees and other vegetation including botanical name, common names, pot sizes, sizes at maturity, and quantity of each plant and their protection and maintenance.
  - b) How the landscaping responds to water sensitive urban design principles, including how rainwater will be captured, cleaned and stored.
  - c) Details of all hard-landscaping materials, finishes and treatments and urban design elements including paving, lighting, seating and balustrading.
  - d) Details of surface materials and finishes and construction of retaining walls, pathways, kerbs and access ways.
  - e) Compliance of proposed public realm works with disabled access requirements.
  - f) Elevations, sections, levels and details including materials and finishes of public realm works including reconstruction of public assets.
- 4.14 All trees must be of advanced maturity at the time of planting unless otherwise agreed by the City of Port Phillip.

## **Lighting strategy**

- 4.15 Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a detailed lighting strategy must be prepared and approved by the City of Port Phillip. This strategy must:
- a) Identify all proposed lighting sources, lux levels and spillage details and address how the lighting will integrate with the existing lighting in the interfacing public spaces.
  - b) Require all public lighting to conform with AS1158, AS3771 and the Public Lighting Code September 2001.

- 4.16 The approved lighting strategy must be implemented as part of the development to the satisfaction of the City of Port Phillip.

#### **Demolition Management Plan**

- 4.17 Before demolition starts, a detailed Demolition Management Plan (DMP) must be submitted to and approved by the City of Port Phillip. The DMP's objectives must be to minimise the impact of works associated with the demolition on neighbouring buildings and structures and activities conducted in the area generally. The DMP must address the following matters:
- a) Staging of dismantling/demolition
  - b) Site preparation
  - c) Public safety, amenity and site security
  - d) Management of the construction site and land disturbance
  - e) Operating hours, noise and vibration controls
  - f) Air and dust management
  - g) Waste and materials reuse
  - h) Stormwater and sediment control
  - i) Management of public access and vehicle, bicycle and pedestrian linkages around the site during demolition
  - j) Protection of existing artworks in the public realm
  - k) Site access and traffic management (including any temporary disruptions to adjoining vehicular, bicycle and pedestrian access ways)
  - l) Details of temporary buildings or works (such as landscaping works to activate the site and street frontage) to be constructed should works cease and the site remain vacant for 6 months after completion of demolition.
- 4.18 Demolition must be carried out in accordance with the approved DMP to the satisfaction of the City of Port Phillip.

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

- 4.19 Before the development starts, excluding demolition, piling, excavation, and site preparation works, and works to remediate contaminated land, an updated traffic engineering assessment including functional layout plans and other supporting information as appropriate must be submitted to and approved by the City of Port Phillip. The traffic engineering assessment must be generally in accordance with the Traffic Impact Assessment Report prepared by TTM Consulting dated 24 June 2015 (amended 26 July 2019) and the supplementary 'response to traffic issues' document dated 22 October 2019 but updated to reflect changes to the amended plans as required by Clause 4.7.
- 4.20 The internal design of the car park and loading docks, the positioning of boom gates, card readers, control equipment, including car park control points, and ramp grades must be generally in accordance with the Australian and New Zealand Standard 2890.1-2004 and to the satisfaction of the City of Port Phillip.
- 4.21 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 the City of Port Phillip.
- 4.22 Traffic access and parking and loading/unloading arrangements must not be altered without the prior written consent of the City of Port Phillip.
- 4.23 Before the development is completed, vehicle crossings must be constructed in accordance with the City of Port Phillip's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the City of Port Phillip. All redundant crossings must be removed and the footpath, nature strip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the City of Port Phillip.

#### **Waste Management Plan**

- 4.24 Before the development starts, an amended Waste Management Plan must be prepared and submitted to and be approved by to the City of Port Phillip. The Plan must be generally in accordance with the Waste Management Plan dated 1 May 2019 prepared by Leigh Design but modified to provide:
- a) Details of bin allocation and collection points.

- b) Separate refuse rooms for residential and commercial tenements if achievable
- c) Compaction equipment for the development.
- d) Space allocation for compost/organic bin for future council services.
- e) Space allocation for charity and E-waste bins.

4.25 The approved Waste Management Plan must be implemented to the satisfaction of the City of Port Phillip. Waste storage and collection must be undertaken in accordance with the approved Waste Management Plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

### **Noise Attenuation**

4.26 Upon completion and prior to the occupation of the building 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 achieve a maximum noise level of:

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

based on average external noise levels measured as part of a noise level assessment.

The report must detail the set-up on site and methodology of the testing process. Where post construction measurements and testing show internal noise levels exceeding those specified in the corresponding condition above, the applicant must make rectifications and re-test as necessary to demonstrate compliance with the noise levels to the satisfaction of the Responsible Authority.

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

4.27 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 the City of Port Phillip.

### **Disability Access**

4.28 Before the development is occupied, a Disability Discrimination Act Assessment / Audit, prepared by a suitably qualified consultant, must be submitted to the City of Port Phillip. 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**

4.29 Before the development starts, excluding demolition, excavation, piling, and 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 Responsible Authority in consultation with the City of Port Phillip. The amended report must be generally in accordance with the report prepared by Vipac Engineers and Scientists, dated 4 July 2019 but modified to address all changes required under this Clause 4 and must:

- a) Reflect all changes to the building as required by Clause 4.7 and any other features that may impact wind conditions.
- b) Include wind tests taken at various points within the surrounding road network and podium rooftop spaces, carried out on a model of the approved building inclusive of the modifications required to determine the wind impacts of the development and provide recommendations for any modifications which must be made to the design of the building to improve any adverse wind conditions within the public realm and podium rooftop and open space areas.
- c) Demonstrate (or provide built form recommendations) that the development will ensure all publicly accessible areas, including footpaths will not be affected by 'unsafe wind conditions' as specified in Table 7 of Schedule 30 to Clause 43.02 Design and Development Overlay of the Port Phillip Planning Scheme.

- d) Demonstrate (or provide built form recommendations) that the development will be able to achieve 'comfortable wind conditions' as specified in Table 7 of Schedule 30 to Clause 43.02 Design and Development Overlay of the Port Phillip Planning Scheme.
  - e) Meet the DDO30 requirements for wind effects on the public realm.
  - f) Correspond to the comfortable wind conditions criteria in DDO30.
  - g) Assess comfort criteria to all components of common areas and open balconies.
- 4.30 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 the City of Port Phillip.
- 4.31 The recommendations and requirements of the approved Wind Impact Assessment Report must be implemented to the satisfaction of the City of Port Phillip before the development is occupied.

### **Development Contribution**

- 4.32 Before the development starts, excluding demolition, excavation, piling, and site preparation works, and works to remediate contaminated land, the owner of the land must enter into agreement(s) pursuant to section 173 of the *Planning and Environment Act 1987* with the Responsible Authority and make application to the Registrar of Titles to have the agreement(s) registered on the title to the land under section 181 of the 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,
    - \$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 its successor.
  - f) Confirm that the contributions will be used by Victorian Planning Authority or its successor, 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 of the land in accordance with this specific control; 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) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

The owner of the land to be developed must pay all reasonable legal cost and expenses of this agreement, including preparation, execution and registration on title.

### **Drainage/Engineering**

- 4.33 Before the development starts excluding demolition, excavation, piling, and site preparation works, and works to remediate contaminated land, or as otherwise agreed by the Responsible Authority, a stormwater drainage system design, incorporating integrated water management design principles, must be submitted to and approved by the City of Port Phillip.
- 4.34 The stormwater drainage system must be constructed in accordance with the design approved under this incorporated document, connected to the existing stormwater drainage system and completed prior to the occupation of the building to the satisfaction of the City of Port Phillip.



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

- 4.35 With the exception of retail and non-habitable transitional areas, all other ground floor areas (including lift and stair lobbies) must be set no lower than 3.0 metres to Australian Height Datum (AHD) which is 600mm above the applicable projected flood level of 2.4 metres to AHD.
- 4.36 The retail areas must be set no lower than 2.4 metres to AHD with the exception of areas containing landings, steps or ramps which may be constructed at a lower finished floor level to the satisfaction of Melbourne Water. The area for seating should be at least 4 metres wide to allow two rows of seating and circulation areas.
- 4.37 All areas with electrical installations (e.g. Electrical Sub-Stations, Switch-rooms etc) must be set no lower than 3.0 metres to AHD.
- 4.38 The basement entry points of the proposed development must be set no lower than 3.0 metres to AHD
- 4.39 Prior to the commencement of buildings and works, a Flood Risk Management Plan prepared by an accredited risk management professional must be submitted to the satisfaction of Melbourne Water and endorsed by the Responsible Authority covering any areas within the building with finished floor levels below 2.4 metres to AHD (including any at grade transition areas). Any requirements of the Flood Risk Management Plan endorsed under this Incorporated Document must be implemented to the satisfaction of the Responsible Authority and Melbourne Water at all times. The Flood Risk Management Plan must address any matter relevant to managing flood risk at the site, to the satisfaction of Melbourne Water, including:
- a) identify the flood risk/s
  - b) clearance from electrical and other services
  - c) implement flood resilient construction materials within flood affected areas of the building
  - d) provide for on-going building maintenance
  - e) identify a clear protocol to activate the flood response plan
  - f) provide for the installation of flood depth indicators
  - g) provide for the installation of flood advisory signs
  - h) describe evacuation procedures and assembly points; and
  - i) include a recovery procedure after the flood has receded.
- 4.40 Where finished floor levels are below 2.4 metres to AHD, prior to the occupation of the development, enter into an agreement with the Responsible Authority and Melbourne Water pursuant to Section 173 of the Planning and Environment Act 1987. The Agreement must be registered on title and must provide for the following to the satisfaction of the Responsible Authority and Melbourne Water:
- a) Prospective and future owners of the property to be informed that the Land and building is subject to inundation from flood waters
  - b) Melbourne Water to be indemnified against any loss or damages associated with flooding; and
  - c) The implementation of the approved Flood Risk Management Plan.
- All costs associated with the creation, review, execution and registration of the agreement must be borne by the proponent and/or land owner/s.

### **Environmental Audit**

- 4.41 Before the development starts excluding demolition, excavation, piling and site preparation works, and works to remediate contaminated land or a sensitive use commences on the land (with the exception of any works required by an accredited auditor), the Responsible Authority must be provided with either:
- a) A certificate of environmental audit issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
  - b) A statement issued by an environmental auditor appointed under the *Environmental Protection Act 1970* in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
- 4.42 Where a Statement of Environmental Audit is provided, all the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the Responsible Authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a

suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

- 4.43 If there are conditions on a Statement of Environmental Audit that the Responsible Authority considers require significant ongoing maintenance and/or monitoring, the landowner must enter into a Section 173 Agreement under the Planning and Environment Act 1987. The Agreement must be executed on title prior to the commencement of the use and prior to the issue of a Statement of Compliance under the Subdivision Act 1988. The landowner must meet all costs associated with drafting and execution of the Agreement, including those incurred by the Responsible Authority

### **Environmentally Sustainable Design**

#### **Sustainable Management Plan and Water Sensitive Urban Design**

- 4.44 Before the development starts, excluding demolition, piling, excavation and site preparation works, and works to remediate contaminated land, a Sustainable Management Plan (SMP) and Water Sensitive Urban Design Response (WSUDR) must be submitted to and approved by the City of Port Phillip. The SMP and WSUDR must be generally in accordance with the Sustainable Management Plan and Water Sensitive Urban Design Response prepared by Simpson Kotzman Rev H dated 24 October 2019 but modified to show:
- (a) Any changes required to reflect the design approved under Clause 4.7 if any aspects of the SMP, NatHERS and Green Star Design and As-Built rating and individual Green Star credits may be affected.
  - (b) An updated Green Star spreadsheet to reflect the current version of Green Star Design and As-Built and that reflects the actual proposed design and specification.
  - (c) A current Confirmation of Registration Certificate for a Green Star Design and As-Built Rating of the proposed project by the Green Building Council of Australia.
  - (d) A current Green Star Design Review Rating Certificate showing that the project has achieved a 5 Star Design Review Rating and is therefore on track to achieving the 5 Star Green Star Design and As Built Rating. This should include the respective Green Star scorecard with the independent assessor's comments and points achieved for each credit and category. This scorecard needs to match Simpson Kotzman's submitted Green Star spreadsheet above.
  - (e) Details of any external shading to habitable rooms in the north-west and south-west tower elevations.
  - (f) Correction of references to the number of bike parking spaces to be consistent with the architectural plans.
  - (g) Rainwater tank capacity to meet the FBURA tank sizing requirement of 0.5m<sup>3</sup> per 10m<sup>2</sup> of roof catchment.
  - (h) The rainwater tank to connected to all toilets throughout the development.
  - (i) Green roof components on the podium roof clearly specified.
  - (j) Renewable energy generation maximised on the roof top.

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

- 4.45 Before the development is occupied, a report (or reports) from the author of the Sustainability Management Plan & Water Sensitive Urban Design Response approved under this Incorporated Document, or similarly qualified person or company, must be submitted to the satisfaction of the City of Port Phillip and must confirm all measures specified in the approved SMP and WSUD report have been implemented in accordance with the approved plans.

#### **Green Star rating**

- 4.46 Prior to the commencement of buildings and works, evidence must be submitted to the satisfaction of the City of Port Phillip 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.

- 4.47 Within 12 months of occupation of the building, certification must be submitted to the satisfaction of the City of Port Phillip, 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**

- 4.48 A third pipe must be installed for recycled water to supply non-potable uses within the development for toilet flushing, fire services, irrigation, laundry and cooling, unless otherwise agreed by the relevant water authority.
- 4.49 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.
- 4.50 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;
  - 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.
- 4.51 Rainwater captured from roof harvesting areas must be re-used for toilet flushing, washing machine and irrigation or, controlled release.

### **3D Model**

- 4.52 Before the development starts, excluding demolition, bulk excavation and site preparation works (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**

- 4.53 All building plants and equipment on roofs and public thoroughfares must be concealed to the satisfaction of the Responsible Authority.

### **Advertising Signs**

- 4.54 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.

### **Department of Transport (Roads Authority)**

- 4.55 Before the development starts, unless with the prior written agreement from the Responsible Authority, the owner of the land must obtain a Crown land stratum licence under Section 138A of the *Land Act 1958* for any part of the development that projects more than 300mm beyond the Normanby Road boundary.

## Department of Transport (Network Planning – Transport Group)

- 4.56 Before the development is occupied, a Green Travel Plan (GTP) must be submitted to and approved by the Department of Transport. The Green Travel Plan must include, but not be limited to, the following:
- a) A description of the existing active private and public transport context;
  - b) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - c) Details of GTP funding and management responsibilities including details of a designated 'manager' or 'champion' responsible for coordination and implementation;
  - d) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
  - e) The types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
  - f) Security arrangements to access the employee bicycle storage spaces;
  - g) Reference to electrical vehicle charging points within the car park and provision of electrical infrastructure for future expanded provision;
  - h) A monitoring and review plan requiring review and update of the GTP at least every five years;
  - i) Initiatives that would encourage [residents/employees/visitors/customers/students] of 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 but not limited to:
    - Resident/employee/student welcome packs (e.g.: including provision of Myki/public transport travel card)
    - Promotion of various public transport smartphone applications, such as the Public Transport Victoria app and/or train or tram tracker;
    - Installation of tram, train and bus timetables in prominent locations in lifts and public areas (on noticeboards, etc);
    - Installation of signs in prominent locations advising of the location of existing and proposed car-share schemes, bicycle parking facilities for residents and visitor, tram stops, taxi ranks, railway stations, bus stops and bicycle paths;
    - Installation of signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
    - Details of bicycle parking and bicycle routes;
- 4.57 Once approved, the Green Travel Plan must be implemented and complied with to the satisfaction of the Department of Transport and must not be amended without the prior written consent of the Department of Transport.

## Affordable Housing

- 4.58 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 City of Port Phillip 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*).
- 4.59 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).
- 4.60 The agreement must be in a form to the satisfaction of the Responsible Authority and the City of Port Phillip and must include covenants that run with title to the land to:
- a) Provide for the delivery of at least 6% of the total number of dwellings, for affordable housing as defined by section 3AA of the *Planning and Environment Act 1987*, before the

development is occupied. This may be provided by utilising one or more of the following mechanisms for the delivery of affordable housing:

- i. Transferring dwellings within the development to a registered housing agency or other housing provider or trust entity approved by the Responsible Authority at a minimum 35% discount to market value; or
  - ii. Leasing dwellings within the development as affordable housing under the management of a registered housing agency or housing provider or trust approved by the Responsible Authority at a minimum 35% discount from market rent for a period of not less than 30 years for the building approved under this control. The overall value of the leased dwellings must be equivalent or higher to 4.60(a)(i); or
  - iii. any other mechanism providing a contribution of equivalent or higher value to Clause 4.60(a)(i) to the satisfaction of the Responsible Authority.
- b) The Affordable housing delivered under Clause 4.60(a) 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.
- c) Provide that if the affordable housing is delivered under Clause 4.60(a)(ii), the agreement must contain a mechanism for review of the minimum discount from market rent by reference to updated income and rental figures upon request by the Responsible Authority to ensure the housing continues to meet the definition of Affordable housing in the *Planning and Environment Act 1987* and by reference to relevant Regulations, Ministerial Notices, Orders in Council and the like.

4.61 The agreement may provide that:

- a) In lieu of delivering all or part of the affordable housing in accordance with Clause 4.60(a), 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 the City of Port Phillip 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.

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

### **Expiry**

4.63 The control in this Incorporated Document expires if any of the following circumstances applies:

- a) The development is not started within three (3) years of the approval date of Amendment C163port.
- b) The use is not started within five (5) years after the approval date of Amendment C163port.
- c) The development is not completed within five (5) years after the approval date of Amendment C163port.

**Notes:**

***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.*

**END OF DOCUMENT**