

# **Montague Community Park and associated Streetscape Works**

## **Incorporated Document**

**August 2017**

## **1.0 INTRODUCTION**

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

The land identified in this document may be used and developed in accordance with the control in this document.

The control in this document prevails over any contrary or inconsistent provisions in the Port Phillip Planning Scheme.

## **2.0 PURPOSE**

The purpose of the control in this document is to facilitate the Montague Community Park and associated Streetscape Works (the project).

## **3.0 LAND**

The control in this document applies to the land required for the Montague Community Park and associated Streetscape Works (the project area) as shown in Figure 1 of this document.

## **4.0 CONTROL**

Despite any provision to the contrary or any inconsistent provision in the Port Phillip Planning Scheme, no planning permit is required for, and no planning provision in the Port Phillip Planning Scheme operates to prohibit or restrict, the use or development of the land in the project area for the project.

The project includes, but is not limited to, the following use and development:

- Delivery of the Montague Community Park and associated Streetscape Works within the project area, being part of the *Ferrars Street Education and Community Precinct Proposed Works (June 2016)*.
- Demolition of buildings and works at 2–4 Buckhurst Street to enable use as part of the community park.
- Closure of road and removal of associated parking in Gladstone Street (between Kerr Street and Ferrars Street) to form part of the community park.
- Closure of road and removal of associated parking in Ferrars Street (between Gladstone Street and Buckhurst Street) to form part of the community park.
- Part closure of road and construction of streetscape works in Kerr Street (between Gladstone Street and Buckhurst Street).
- Streetscape works in Douglas Street.
- Streetscape works in Ferrars Street (between Buckhurst Street and Thistlethwaite Street).
- Remediation works to address soil contamination.
- Creation of public open space (community park), including grass, footpaths, lighting and landscaping.
- Installation of infrastructure to support open space use.
- Design and construction of a concrete slab over the gas pipeline within the works precinct.
- New landscaping within the streetscape areas.
- Water sensitive urban design treatments and flood mitigation works within the streetscape and open space area.

- Introduction of school drop-off parking in Ferrars Street and school drop-off parking and bus parking in Kerr Street.
- Relocation of services.
- DDA compliant accessible pathway to 96 tram stop ramp.

## 5.0 CONDITIONS

The use and development permitted by this document must be undertaken generally in accordance with the *Montague Community Park and associated Streetscape Works Concept Plan* at Figure 2 of this document and in accordance with the following conditions:

### Plans and Sections

- 5.1 Detailed plans and sections (including details of any advertising signs) of the project to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority.

### Construction Management Plan

- 5.2 A Construction Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. The plan must include, but is not limited to, details of the following:
- a) Construction hours.
  - b) Control of construction noise to minimise impact on neighbouring properties.
  - c) Maintaining cleanliness in abutting streets.
  - d) Minimising disruption to pedestrian access along footpaths.
  - e) Management of parking of construction worker vehicles (including construction machinery), management of site deliveries and traffic management.
  - f) The waste removal process and duration, including the positions of trucks, equipment and rubbish bins, including the on-site storage of waste construction bins as much as practicable during the project's construction stages.

Once submitted and approved the works detailed in the Construction Management Plan must be carried out to the satisfaction of the responsible authority.

### Stormwater Management Plan

- 5.3 A Stormwater Management Plan must be prepared by an appropriately qualified engineer to the satisfaction of the responsible authority and submitted for the written consent of the responsible authority. The plan must indicate the protection of the water quality of Port Phillip Bay from adverse environmental impacts and the control of sediment both during and post construction. This should include protection measures installed as required to ensure that no solid waste, sediment, sand, clay or stones from the construction site enters the stormwater drainage system.

## Floodplain Management

- 5.4 Works on land in the project area affected by the Special Building Overlay must be undertaken to the satisfaction of the relevant floodplain management authority.

## Contamination

- 5.4 Prior to the commencement of any buildings and works, the applicant must undertake an Environmental Site Assessment (ESA) of the site to determine if the site is suitable for the proposed use. The ESA must include the following:

- A determination of the condition of the site and its suitability for the proposed use and development.
- Specific actions about how protection and remediation are to be managed (Remediation Action Plan).
- Requirements for subsequent proposals that require a planning permit.

The assessment must be carried out by a suitably qualified environmental professional who is acceptable to the responsible authority. The recommendations and requirements of this assessment, if any, must be implemented prior to the commencement of any buildings and works, to the satisfaction of the responsible authority.

Should the environmental assessment reveal that an Environmental Audit of the site is necessary, then prior to the commencement of any buildings and works the applicant must provide either:

- a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
- b) A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. This Statement must state that the site is suitable for the intended uses.

Where a Statement of Environmental Audit is provided, all the conditions of the Statement must be complied with to the satisfaction of the Responsible Authority prior to the commencement of the use and development. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. The written confirmation of compliance must be in accordance with any requirements in the Statement conditions regarding verification of required works.

All costs associated with the ESA, potential Environmental Audit, remediation, ongoing maintenance and/or monitoring must be borne by the Minister for Planning and City of Port Phillip Council in accordance with the Land Use Deed for the site (commenced on 22 December 2015).

## Other Conditions

- 5.5 Unless otherwise stated, the plans and other matters listed in Clause 5 must be approved prior to the commencement of works. Plans and other documents may be prepared and approved for separate components or stages of the project but each plan or document must be approved before commencement of works for that component or stage.

5.6 The plans and other documents may be amended from time to time to the satisfaction of the responsible authority or relevant approving authority. In deciding whether a plan or document is satisfactory or whether to consent to an amendment to a plan or document, the responsible authority or relevant approving authority may seek the views of other relevant parties.

5.7 The use and development of land in the project area must be undertaken generally in accordance with all approved plans and documents.

## **6.0 EXPIRY**

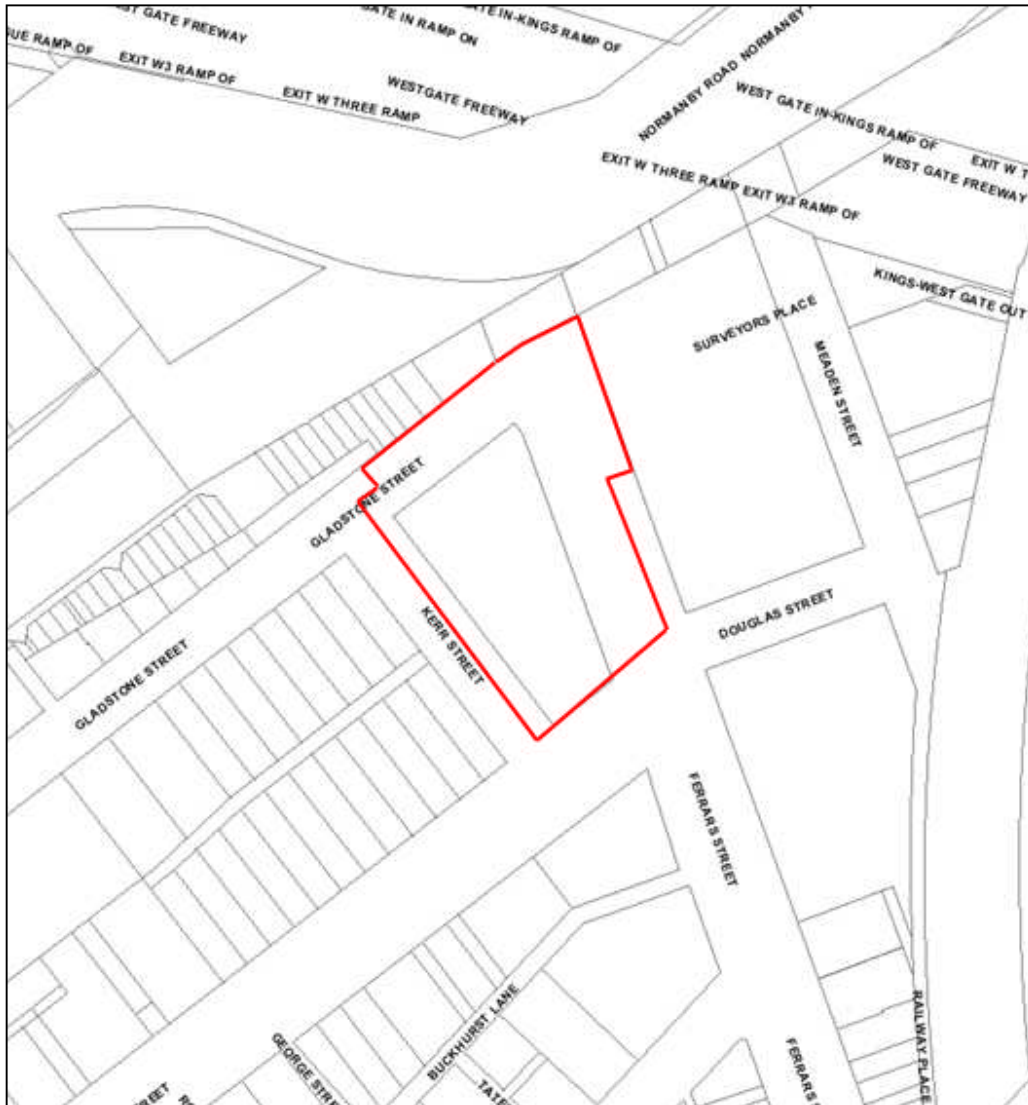
The control in this document expires if any of the following circumstances applies:

- The development allowed by the control is not started by 30 March 2018.
- The development allowed by the control is not completed by 30 March 2026.

The responsible authority may extend these periods if a request is made in writing before the expiry date or within three months afterwards.

Figure 1

Project Area for the Montague Community Park and associated Streetscape Works



**Figure 2**  
**Concept Plan – Montague**  
**Community Park and**  
**associated Streetscape Works**

- Montague Precinct Open Space
- Douglas Street visitor parking
- Kerr Street drop-off zone, loading zone & bus parking
- The 'Knuckle' - junction for traffic calming and connection between the park, school & wider community
- Ferrars Street drop-off zones & visitor parking

