

PORT PHILLIP PLANNING SCHEME

INCORPORATED DOCUMENT

Specific controls for 22 Salmon Street, Port Melbourne

August 2022

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

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 pursuant to section 6(2)(j) of the *Planning and Environment Act 1987 (the Act)*.
- 1.2. The land identified in Clause 3 of this document may be used and developed in accordance with the specific control contained in Clause 4 of this document.
- 1.3. The control in Clause 4 prevails over any contrary or inconsistent provision in the Port Phillip Planning Scheme.
- 1.4. The Minister for Planning (**the Minister**) is the Responsible Authority for administering Clause 45.12 of the Port Phillip Planning Scheme with respect of this Incorporated Document except that:
 - a) The 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 the Port Phillip City Council (or **the Council**).
 - b) The Port Phillip City Council is the Responsible Authority for matters under Division 2 of Part 9 of the *Planning and Environment Act 1987*, except where an agreement makes provision for development contributions, for which the Victorian Planning Authority is the Responsible Authority.
 - c) The Port Phillip City Council is the Responsible Authority for the enforcement of this Incorporated Document.

2. PURPOSE

- 2.1. To facilitate the demolition of existing buildings, use and development of the land identified in Clause 3 for three, multi-storey buildings comprising accommodation (dwellings), offices and retail premises (including supermarkets) and create or alter access to a road in a Transport Zone 2 in accordance with Clause 4 of this document.

3. LAND DESCRIPTION

- 3.1. The control in Clause 4 applies to the Land at 22 Salmon Street, Port Melbourne being the land contained in Certificate of Title Volume 09757 Folio 814 and more particularly described as Crown Allotment 2 Section 67D City of Port Melbourne Parish of Melbourne South. The land is identified in Figure 1 below:



Figure 1: Map of Land subject to this Incorporated Document (22 Salmon Street, Port Melbourne)

4. CONTROL

Exemption from the Port Phillip Planning Scheme requirements

- 4.1. Subject to Clause 4.2, no planning permit is required for, and no provision in the Port Phillip Planning Scheme operates to prohibit, control or restrict the use or development of the Land in accordance with the provisions contained in Clause 4.
- 4.2. A permit is required to subdivide the Land except where the subdivision creates a road, and no additional lot is created and any such application is:
 - a) Exempt from the requirements in Clause 45.11 (Infrastructure Contributions Overlay) of the Port Phillip Planning Scheme
 - b) Exempt from the requirements in Clause 53.01 (Public Open Space Contributions) of the Port Phillip Planning Scheme, if applicable.
- 4.3. Notwithstanding Clauses 4.2(b), any permit allowing subdivision of the Land must include a condition requiring payment to the Port Phillip Council (the 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

- 4.4. 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

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

Detailed Development Plans

- 4.6. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, amended plans must be submitted to and be 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). The plans must be generally in accordance with the architectural plans titled Drawing TP000-TP655, dated 22 December 2021, prepared by DKO and Armsby Architects, but modified to show:
 - a) Provision of a minimum plot ratio not used for Dwelling of 1.8:1, in addition to a detailed design of car parking areas demonstrating how the building floor to floor heights, layout and design will facilitate future conversion of car parking areas to other employment generating uses to achieve a minimum plot ratio not used for Dwelling of 1.9:1 in accordance with Clause 22.15-4 of the Port Phillip Planning Scheme.
 - b) Compliance with Standard D15 (Internal views objective) of the Port Phillip Planning Scheme for windows T2-3B, T2-2B, T1-3D on Levels 4 to 16.
 - c) The retention of existing Salmon Street Trees identified as Trees 1, 5, 6 and 14 in the Arboricultural Report at Clause 4.20 of this incorporated document.
 - d) Provision of access from the three communal residential facilities to the communal terrace.
 - e) Development Schedule and relevant plans to include,
 - i. Both, the net and gross areas of all non-residential floor uses (e.g., retail, and commercial floor areas), and
 - ii. Basement 1 and 2 car park gross floor areas (GFA) included in the GFA and totals counts.
 - f) Streetscape works including footpaths and ramps along Salmon Street notated '*Indicative only – Final Design to be to the satisfaction of the Council*'.

- g) Floor plans of any mezzanine levels.
- h) Elevation and section drawings to show the heights of podium balustrades.
- i) Extended awnings to the Plummer Street and Salmon Street footpaths where colonnade protection is not available. Awnings should align with proposed footpaths and not impact on existing or future mature street trees.
- j) Provision of additional pedestrian access to/from the western commercial lift lobbies and the staff parking areas to improve accessibility for cyclists, and relocating resident and commercial bicycle parking closer to residential cores.
- k) The number, location, dimensions and height clearance of disabled parking spaces in accordance with Clause 52.06-5 of the Port Phillip Planning Scheme and the Australian Standard.
- l) Provision of bicycle spaces and motorcycle spaces in accordance with Table 2 at clause 37.04s01 of the Port Phillip Planning.
- m) Provision of car share spaces in accordance with the Traffic Report at Clause 4.33 of this incorporated document.
- n) Provision of shower/changerooms in accordance with Table 2 to Clause 52.34-5 of the Port Phillip Planning Scheme.
- o) Provision of at least 25% of all car spaces with access to an electric vehicle charging infrastructure.
- p) The basement level and eastern portion of parking at Level 1 to include parking and/or space for loading for vans and cars for the commercial and smaller retail uses.
- q) Swept path diagrams demonstrating that the proposed carriageway width can suitably provide:
 - min. 0.5m clearance envelope for semi-trailers / large vehicles swept paths from the existing buildings on the south side;
 - min. 0.5m clearance from columns along north side to edge of carriageway; and
 - vehicle entry/exit swept paths to and from Salmon Street do not impinge on the laneway footpath;
- r) The building setback so as to not overhang the carriageway below a minimum height clearance of 5.0 metres, including suitable clearances to accommodate lighting (as required) as per Clause 4.7(d) of this incorporated document.
- s) The footpath adjacent to the new laneway to:
 - extend the full length of the lane, including the 3 x vehicle crossings revised to the Council's pedestrian priority design Drawing CPP1504 and;
 - include a kerb and channel from Salmon Street to the eastern end of the Tower 3 lobby and from the loading bay entry to the eastern boundary and a defined edge in a durable material in between.
- t) The southern kerb of the laneway to be no lower than the adjacent property to the south and the southern laneway designed to ensure all runoff is to be captured within the laneway before discharging to Council stormwater assets.
- u) The Salmon Street footpath and crossing designed to the Council's Pedestrian priority design Drawing CPP1504.
- v) Vehicle crossings to incorporate pedestrian sight triangles in accordance with Clause 52.06 of the Port Phillip Planning Scheme.
- w) A temporary barrier / fencing provided along the southern edge of the laneway (except where a wall is located on the boundary). The barrier must be designed to prevent vehicles from neighbouring properties accessing the laneway and minimise traffic collisions until such times as the adjoining property to the south and / or the linear park in this general location is delivered. Swept path diagrams demonstrating any barrier should not impact the safe entry and egress from the loading area, to the satisfaction of Council.

- x) Detailed cross-section drawings of the Salmon Street vehicle entry and pedestrian crossing and the three crossings off the side lane including the east-west axis (Salmon Street) and the north-south axis through each of the three crossings.
- y) Any footpath along the east (rear) boundary increased in width to a minimum of 1.5m or as otherwise agreed by Council.
- z) The 1:5 grade between ground and Basement 1 and the length of the 1:10 ramps in accordance with Clause 52.06 of the Port Phillip Planning Scheme.
- aa) The length, widths (including carriageway and kerbs) and Relative Levels of all ramp sections and cross-section drawings showing height clearances of the ramps in accordance with the Australian Standard.
- bb) Essential services such as power connections, switchboards located to address flooding impacts.
- cc) Any changes, technical information and plan notations (or otherwise) required as a consequence of any provision in Clause 4 of this Incorporated Document.

Legal agreement for laneway construction and public access and landscape maintenance

- 4.7. Before the development starts, excluding demolition, bulk excavation and site preparation works and works to remediate contaminated land the owner of the land must:
- i. Enter into an agreement under Section 173 of the Act with the Responsible Authority, with the Minister specified as a party to the agreement; and
 - ii. Register the Agreement on the Title for the Land in accordance with Section 181 of the Act; and
 - iii. Provide the Council with the dealing number confirming the registration on the Title.

The agreement must be in a form to the reasonable satisfaction of the Council, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority and Minister's reasonable costs and expense (including legal expenses) incidental to the preparation, registration of the agreement. The agreement must provide the following:

- a) Full construction of the laneway off Salmon Street to the satisfaction of and no cost to the Council before the occupation of the building;
- b) Give rights of public access to the laneway located within the subject land 24 hours, 7 days a week but for the lane to remain at all times in private ownership as part of the subject land;
- c) The owner must, at its cost, maintain the laneway to the same standards as is reasonably required by the Council for the adjoining road(s);
- d) All requirements of the Council being met regarding the design and physical treatment of the laneway including landscaping, street furniture, lighting to AS4282:2019 (*Control of the obtrusive effects of outdoor lighting*) and servicing infrastructure.

Affordable Housing

- 4.8. Before the development starts, excluding demolition, bulk excavation, piling, site preparation works, and works to remediate contaminated land the landowner must enter into an agreement with Responsible Authority, with the Minister specified as a party to the agreement, under section 173 of the Act, to the satisfaction of both parties, for the delivery of affordable housing (as defined in the Act).
- 4.9. The agreement must be registered on title to the Land and the landowner must be responsible for the expense of preparation and registration of the agreement including the Responsible Authority's and the Minister's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and ending of the agreement (where applicable).
- 4.10. The agreement must be in a form to the satisfaction of both parties and include covenants that run with title to the Land to:
- a) Provide for the delivery of at least 6% of the total number of apartments for affordable housing (as defined by Section 3AA of the Act) 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 Clause 4.10(a); or
 - iii. any other mechanism providing a contribution of equivalent or higher value to Clause 4.10(a)(i) to the satisfaction of both parties.
- b) Unless otherwise agreed in writing by the Responsible Authority, in consultation with the Minister, the affordable housing delivered under Clause 4.10(a) must:
- i. be delivered within the development approved by this incorporated document;
 - ii. take the form of one or two or three-bedroom dwellings generally representative of the approved dwelling mix unless otherwise required by a registered housing agency or other housing provider;
 - 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.
- iv. Provide that if the affordable housing is delivered under Clause 4.10(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 Act and by reference to relevant Regulations, Ministerial Notices, Orders in Council and the like.

4.11. The agreement may provide that:

- a) In lieu of delivering all or part of the affordable housing in accordance with Clause 4.10(a), the Responsible Authority, in consultation with the Minister 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 Minister are satisfied that:
- i) the landowner 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.

4.12. 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).

Aboriginal Cultural Heritage

4.13. 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 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.

4.14. 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 and Materials and Finishes

4.15. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a Façade Strategy must be submitted to and approved by the by the Responsible Authority. Unless otherwise specified by the Responsible Authority, the Façade Strategy must be generally in accordance with the Urban Context Report dated December 2021, prepared by Kinetica and drawings dated December 2021, prepared by DKO and Armsby 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 (including voids in communal areas) 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) Demonstrate how external shading to glazing (if applicable) is incorporated into the façade strategy.
- h) Demonstrate how plant and services will be integrated into the façade and concealed when viewed from the public realm.

Reflectivity

4.16. 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 surface.

Adaptability

4.17. All podium floor areas required to demonstrate adaptability under this incorporated document must be retained in a single or consolidated title as common property unless otherwise agreed to in writing by the Responsible Authority.

Landscaping and Public Realm

4.18. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a detailed landscaping and public realm plan(s) must be submitted to and approved by the Council. The plan(s) must be generally in accordance with the plans prepared by Hamilton Landscape Architects dated 21 December 2021 - Rev D), and include:

- a) A public realm works plan for Salmon and Plummer Streets, detailing the landscaping design, details of street trees and furniture and public realm infrastructure, pathways and associated structures, including the pocket park public realm works.

- b) The retention of existing Salmon Street Trees identified as Trees 1, 5, 6 and 14 in the Arboricultural Report at Clause 4.20 of this incorporated document.
- c) Elevations, sections, levels and details including materials and finishes of public realm works including reconstruction of any public assets.
- d) Details of the design, function and utility of the rooftop communal open space for Level 12 Tower 1, Level 17 and Level 20 Tower 2 and Level 13 Tower 3.
- e) Landscape plans to be consistent with the architectural plans endorsed under this Incorporated Document
- f) A planting schedule of all proposed trees and other vegetation including botanical name, common names, pot sizes, soil volumes, sizes at maturity, and quantity of each plant and their protection and maintenance.
- g) Inclusion of flood mitigation and stormwater run-off measures and best practice water sensitive urban design.
- h) How the landscaping responds to water sensitive urban design principles, including how rainwater will be captured, cleaned and stored.
- i) Details of all hard landscaping materials, finishes and treatments (including around building entrances) and urban design elements including paving, lighting, seating and balustrading.
- j) Details of surface materials and finishes and construction of retaining walls, pathways, kerbs and access ways.
- k) Design of the new laneways and park which responds to the surrounding uses.
- l) All paving surrounding the development to be bluestone (or as otherwise agreed to in writing by the Council).
- m) A date stamp on the plans depicting the day it was last revised/amended.

4.19. All landscaping shown in the approved landscape and public realm plans must be carried out and completed prior to occupation of the development and thereafter maintained to the satisfaction of the Council.

Tree Protection

4.20. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a Tree Protection Management Plan (TPMP), must be submitted to and approved by Council. The TPMP must demonstrate how Council owned nature strip trees on Salmon Street and a tree on adjoining land at 16 Salmon Street identified as Trees 1, 2, 5, 6 and 14 in the Arboricultural Report, prepared by John Patrick Landscape Architects Pty Ltd, dated 22 February 2017 will be protected during construction.

Where any works encroach into 10% or more of the Tree Protection Zone, or into the Structural Root Zone of any tree, a non-destructive root investigation (NDRI) must be conducted and documented, with a root map to show the location, depth and diameter of all roots found along the line of the proposed works. The findings, photographs and recommendations must be included in the TPMP.

When approved the TPMP will be endorsed and form part of the incorporated document. The TPMP should generally follow the layout of Section 5 (i.e. *General, Tree Protection Plan, Pre- construction, Construction stage and Post Construction*) of AS4970-2009 '*Protection of trees on development sites*'.

No Damage to Existing Street Tree

4.21. The buildings and 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 the Council. Root pruning of any tree must be carried out to the satisfaction of the Council prior to the construction of buildings or works, including crossover works.

4.22. A tree protection fence must be erected around the Council owned nature strip trees on Salmon Street to comply with AS 4970 - 2009 s and maintained in sound order until the completion of the development to the satisfaction of the Council.

Removal and Replacement of Street Trees

- 4.23. Any Council owned trees shown on the endorsed plans to be removed must not be removed, lopped or pruned without prior consent from the Council. If removal is approved, the amenity value along with removal and replacement costs must be reimbursed to Council by the landowner/developer.
- 4.24. Before the development starts, the amenity value and removal and replacement cost of the Council owned nature strip trees on Salmon and Plummer Streets must be paid by the landowner/developer to the Council. Removal and replacement, including 24 months maintenance of the street trees, may only be undertaken by the Council.

Public Lighting Plan

- 4.25. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a detailed lighting plan must be prepared and approved by the Council. This plan must 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.
- 4.26. All public lighting must conform with AS1158.3.1-2000 *Lighting for roads and public spaces Pedestrian area (Category P) lighting – Performance and design requirements*, AS/NZS 428:2019.2 *Control of the obtrusive effects of outdoor lighting* and the *Public Lighting Code December 2015 (v2)*.
- 4.27. The approved lighting plan must be implemented as part of the development to the satisfaction of the Council.

Demolition Management Plan

- 4.28. Before demolition starts, a detailed Demolition Management Plan (DMP) must be submitted to and approved by the 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.
- 4.29. Demolition must be carried out in accordance with the approved DMP to the satisfaction of the Council.

Temporary Works

- 4.30. The landowner/developer must construct temporary buildings or works (such as landscaping works to activate and improve the site and street frontage) for the development should:
- a) the land remain vacant for 6 months after completion of the demolition; or
 - b) demolition or construction activity ceases for a period of 6 months; or
 - c) construction activity ceases for an aggregate of 6 months after commencement of the construction,

4.31. Before the construction of the temporary works start for the development, details of the works must be submitted to and be to the satisfaction of the Council. Temporary works may include:

- a) the construction of temporary buildings for short-term community or commercial use. Such structures shall include the provision of an active street frontage; or
- b) landscaping of the site or buildings and works for the purpose of public recreation and open space.

Construction Management - Piling

4.32. Piling must be by bored, screw, or sheet piling or similar only unless otherwise agreed in writing by the Council.

Traffic, Parking and Loading/Unloading

4.33. Before the development starts, excluding demolition, piling, excavation, site preparation works, and works to remediate contaminated land, an updated traffic engineering assessment including functional layout plans and other supporting information as appropriate must be submitted to and approved by the Council. The traffic engineering assessment must be generally in accordance with the Transport Engineering Assessment, prepared by Traffix Group, dated July 2021 and updated as per with memo by Traffix Group date 22 December 2021 and include:

- a) 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 Council.
- b) 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 Council.
- c) Traffic access and parking and loading/unloading arrangements must not be altered without the prior written consent of the Council.
- d) Before the development is occupied, vehicle crossings (eg. Drawing CPP15040) must be constructed in accordance with the Council's Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Council. All redundant crossings must be removed and the footpath, nature strip, kerb and road reinstated as necessary at the cost of the landowner/developer and to the satisfaction of the Council.
- e) 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 accordance with the endorsed plans. Parking areas and accessways must always be kept available for these purposes and maintained to the satisfaction of the Council.
- f) Mechanical exhaust systems to the car park must be sound attenuated to prevent noise nuisance to the occupants of the building and surrounding properties to the satisfaction of the Council.
- g) Bicycle parking must be provided, located and appropriately signed in accordance with the endorsed plans.
- h) Details of the ongoing review and monitoring of car share provision to ensure adequate supply to meet future demands.
- i) A Car Park Management Plan setting out access arrangements, hours of public parking, car share arrangements and management, removal vehicle arrangements, tradesperson parking arrangements etc.

New Road and Laneways

4.34. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, engineering drawings and computations (as applicable) must be submitted to and approved by the Council for the following matters:

- a) The laneway and associated drainage.

- b) A cross section of the new laneway showing above and below ground placement of services, streetlights and trees (as applicable).
- c) The plans and cross section of the new laneway must demonstrate how services, driveways and streetlights will be placed so as to achieve the street reserve width and accommodate street tree planting (as applicable).
- d) Independent drainage, the direction of stormwater runoff and a point of discharge for the land.
- e) Underground reticulated water (including dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network), sewerage, gas, electricity and telecommunications located and bundled (utilising common trenching) which must also be to the satisfaction of the relevant servicing authority(s).
- f) All works for stormwater, water sensitive urban design, drainage, street trees, and landscaping.
- g) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements.
- h) A plan certified by an engineer showing the extent and depth and compaction of fill in excess of 300mm placed on the Land.

Waste Management Plan

- 4.35. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land a Waste Management Plan (WMP) must be submitted to and approved by the Council. The WMP must be generally in accordance with the WMP prepared by Leigh Design, dated 22 July 2021, but modified to show:
- a) All content updated to reference the architectural plans titled Drawing TP000-TP655, dated 22 December 2021, prepared by DKO and Armsby Architects.
- 4.36. The approved WMP must be implemented to the satisfaction of the Council. Waste storage and collection must be undertaken in accordance with the approved WMP and must be conducted in such a manner so 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.

Incorporation of Noise Attenuation Measures

- 4.37. Before the development is occupied, a report by a suitably qualified acoustic consultant must be submitted to, approved by and be to the satisfaction of the Council which must:
- a) Certify that the dwellings incorporate the noise attenuation measures as specified in the endorsed Acoustic Report prepared by Acoustic Logic, dated 1 December 2020 and shown on the endorsed plans.
 - b) Verify the dwellings achieve the internal noise levels specified in the corresponding clause(s) in this approval.

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 clause above, the applicant must make rectifications and re-test as necessary to demonstrate compliance with the noise levels to the satisfaction of the Council.

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

- 4.38. All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with Division 1 and 3 of Part 5.3 - Noise, of the *Environment Protection Regulations 2021* to the satisfaction of Council.

Disability Access

- 4.39. Before the development is occupied, a Disability Discrimination Act Assessment/Audit, prepared by a suitably qualified consultant, must be submitted to the Council. This document must provide an assessment of the development (including public realm works and publicly accessible areas) against the applicable accessibility provisions of the *Building Code of Australia* and the applicable provisions of the *Disability (Access to Premises – Buildings) Standards 2010*.

Wind Assessment

4.40. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, an amended comprehensive wind tunnel test and environmental climate assessment report must be submitted to and approved by the Council. The amended Wind Assessment must be generally in accordance with the report prepared by Vipac Engineers and Scientists, dated 27 November 2020, but modified to address all changes required under Clause 4 of this Incorporated Document and must (unless otherwise agreed in writing by the Council:

- a) Demonstrate that the development will result in local wind conditions that maintain a safe and pleasant pedestrian environment on footpaths and other public spaces for walking, sitting or standing.
- b) Include wind tests taken at various points within the surrounding road network, including, 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 open space areas, including rooftops.
- c) Demonstrate (or provided built form recommendations) that the development will ensure all publicly accessible areas, including footpaths will not be unreasonably affected by 'unsafe wind conditions' as specified in Table 7 to Clause 43.02 Design and Development Overlay Schedule 33 of the Port Phillip Planning Scheme.
- d) Demonstrate (or provide built form recommendations) that the development will achieve 'comfortable wind conditions' as specified in Table 7 of Clause 43.02 Design and Development Overlay Schedule 33 of the Port Phillip Planning Scheme.
 - i. Sitting: All existing or proposed parks including linear parks and the podium rooftop Communal Terrace.
 - ii. Standing: Both footpaths of Plummer and Salmon Streets and outside other retail / commercial tenancies and pedestrian entry areas and the Level 03 to Level 05 terraced stairs; and
 - iii. Walking: Remaining publicly accessible areas.
- e) Ensure wind management treatments are located wholly within the development site and:
 - i. do not rely on tree plantings along the pedestrian footpath along Salmon Street and/or Plummer Street.
 - ii. do not impact on DDA accessibility or impede wayfinding through the new laneway.

4.41. Any further modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas must be carefully developed as an integrated high-quality solution with the architectural design and should not rely on street trees or wind amelioration screens within the public realm to the satisfaction of the Council.

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

Development Contribution

4.43. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the landowner must enter into agreement(s) pursuant to Section 173 of the *Planning and Environment Act 1987* (the Act) 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 landowner to pay a development contribution of:
 - i. \$18,403.34 per dwelling;
 - ii. \$208.34 per sqm of gross office/commercial floor area; and
 - iii. \$173.62 per sqm of gross retail floor area.

- b) Any development contribution required by Clause 4.43(a) may be offset by any agreed costs of delivering approved changes to community infrastructure, including the new park which is to be delivered as part of the development to the satisfaction of the Council in consultation with the Fishermans Bend Taskforce (Department of Jobs, Precincts and Regions).
- c) Require that development contributions are to be indexed annually from 1 July 2022 using the *Price Index of Output of the Construction Industries (Victoria)* issued by the Australian Bureau of Statistics.
- d) Require registration of the Agreement on the titles to the affected lands as applicable.
- e) Include a schedule of the types of infrastructure to be delivered by the Victorian Planning Authority or their successor.
- f) Confirm that contributions will be payable to the Victorian Planning Authority or their successor.
- g) Confirm that the Victorian Authority Planning or its successor, will use the contributions to deliver the schedule of types of infrastructure.
- h) Require payment of the development contribution/s before the earliest of the following:
 - i. The issue of an occupancy permit for the development; or
 - ii. The issue of a statement of compliance in relation to the subdivision of the land in accordance with the development allowed under this specific control.
- i) Confirm the procedure for refunding monies paid if an approved Development Contribution Plan or Infrastructure Contributions Plan for the area is less than the amount stipulated in the section 173 agreement.
- j) The agreement must make provision for its ending and removal from the land following completion of the obligations contained in the agreement.

The landowner must pay all reasonable legal costs and expenses of this agreement including preparation, execution and registration on title.

Overshadowing

- 4.44. The buildings and works must not result in any overshadowing of parks protected by mandatory overshadowing controls as shown on Map 4 of Clause 43.02 Design Development Overlay Schedule 33 of the Port Phillip Planning Scheme.

Port Phillip City Council Engineering Requirements

- 4.45. Before the occupation of the development, the following must be undertaken to the satisfaction of the Council:
- a) The land must be independently drained and provided with a legal point of discharge.
 - b) Full construction of all new lanes and footpaths, and drainage.
 - c) Fire plugs and water supply in accordance with the requirements of the *Metropolitan Fire and Emergency Services (MFB) Planning Guidelines for Emergency Vehicle Access and Minimum Water Supplies within the Metropolitan Fire District* (Guideline No: GL-27) to the satisfaction of the Council's Fire Safety Officer and the Chief Officer of the Metropolitan Fire Brigade.
 - d) Full construction of vehicle crossings in accordance with the Council's specifications.
 - e) Underground reticulated water (including dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network), sewerage, gas, electricity and telecommunications located and bundled (utilising common trenching) to the satisfaction of the Council and the relevant servicing authority(s).
 - f) Landscaping including open space and common property areas and planting of mature (2-3 metres height) street trees along the new road.
 - g) Filling, shaping and grading of the land to drain satisfactorily to an approved place of discharge.
 - h) Steel or concrete poles for public street lighting.

- i) Street lighting in accordance with the relevant Australian Standard.
- j) Payment of a bond, to be held by the Council, to ensure that all works are satisfactorily completed (including defect rectification), and landscaping works are maintained to the satisfaction of Port Phillip City Council for a period of 12 months, after which Port Phillip City Council will assume responsibility for maintenance of landscaping works within the public roads;
- k) A full set of 'as constructed' digitised construction plans for works, roads and drainage.
- l) A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the lots.

Drainage/Engineering

- 4.46. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, or as otherwise agreed by the Council, a Stormwater Drainage System Design for the whole of the development incorporating integrated water management design principles, must be submitted to and approved by the Council. The stormwater drainage system design must:
- a) Include a response to Clause 22.12 (Stormwater Management (Water Sensitive Urban Design) of Port Phillip Planning Scheme for the whole of the development.
 - b) Incorporate a legal point of discharge (LPD) to the satisfaction of the Council.
- 4.47. Before the development starts, excluding demolition, excavation, piling, and site preparation works, and works to remediate contaminated land, or as otherwise agreed by the Council, a Stormwater Drainage System Design of the development, incorporating integrated water management design principles, must be submitted to and approved by the Council. The stormwater drainage system design must:
- a) Include a detailed response to Clause 22.12 (Stormwater Management (Water Sensitive Urban Design) of the Port Phillip Planning Scheme.
 - b) Incorporate a LPD to the satisfaction of the Council.
- 4.48. 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 any building to the satisfaction of the Council.

Environmental Audit

- 4.49. Before the development starts, excluding demolition, excavation, piling and site preparation works, and works to remediate contaminated land, or a sensitive use commences or before the construction or carrying out of buildings and works in association with a sensitive use commences (excluding any works necessary to undertake a required assessment or audit, or exempted by Clause 45.03-1 of the Port Phillip Planning Scheme:
- a) A Preliminary Risk Screen Assessment (PRSA) Statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or the proposed use and a copy of this Statement must be provided to the Council; or;
 - b) An Environmental Audit Statement (EAS) under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use and a copy of this Statement must be provided to the Council.

Compliance with of Environmental Audit Statement

- 4.50. Where an Environmental Audit Statement is issued for the Land, the buildings and works and the use(s) of the Land that are the subject of this Incorporated Document must comply with all directions and conditions contained within the statement.
- 4.51. Where an Environmental Audit Statement is issued for the Land, before the commencement of the use, and before the issue of a Statement of Compliance under the *Subdivision Act 1988*, and before the issue of an occupancy permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under the *Environment Protection Act 2017* must be submitted to the Council to verify that the directions and conditions contained within the statement have been satisfied.

- 4.52. Where an Environmental Audit Statement is issued for the Land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the landowner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Act, which must be executed before the commencement of the permitted use and before the certification of the Plan of Subdivision under the *Subdivision Act 1988*. All such expenses related to the Section 173 Agreement including drafting, negotiating, lodging, registering, execution and ending of the Agreement, including those incurred by the Responsible Authority, must be met by the landowner.

Remediation Works Plan

- 4.53. Before any remediation works are undertaken in association with the Environmental Audit Statement, a Remediation Works Plan must be submitted to and approved by the Council. The plan must detail all excavation works, as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plans are permitted to be carried out before the issue of an Environmental Audit.

Environmentally Sustainable Design

Sustainability Management Plan

- 4.54. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land and prior to endorsement of plans under Clause 4.11 of this approval, an amended Sustainability Management Plan (SMP) and Water Sensitive Urban Design Response (WSUDR) must be submitted to and approved by the Council. The SMP and WSUDR must be generally in accordance with the Sustainability Management Plan and Water Sensitive Urban Design Response, prepared by Cundall, dated 23 July 2021, but modified to show:

- a) Updating of all content to reference the architectural plans, dated 22 December 2021, prepared by DKO and Armsby Architects.
- b) Any changes required to align with the Green Travel Plan (GTP) endorsed under this incorporated document.
- c) Daylight modelling to demonstrate that at least 90% of living room floor space would achieve a minimum daylight factor of 1.0% and at least 90% of bedroom floor space would achieve a minimum daylight factor of 0.5%.
- d) Details of the natural light and through-flow ventilation performance of the voids between apartments on the east (rear) and south (side) including the 14-15 level T2 Void.
- e) Details of measures to manage solar heat gain on glazed facades;
- f) Rainwater tanks to be connected to all toilets and non-potable outlets in accordance with mandatory third pipe and rain tank requirements at Clause 4.3 to Schedule 1 to the Capital City Zone of the Port Phillip Planning Scheme.
- g) MUSIC modelling to demonstrate that stormwater quality requirements are met.
- h) Commitments to at least 25% of all car spaces, to have access to an electric vehicle charging point.
- i) The provision for electric bicycle charging facilities and car share spaces.

Where alternative Environmentally Sustainable Design (ESD) measures are proposed to those specified in this clause, the 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

- 4.55. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land and prior to endorsement of plans under Clause 4.11 of this Incorporated Document, a Water Sensitive Urban Design (Stormwater Management) Report that outlines proposed stormwater treatment measures must be submitted to and approved by the Council.

The report must demonstrate how the development meets the water quality performance objectives as set out in the *Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO)* or as amended. This can be demonstrated by providing;

- a) A STORM report with a score of 100% or greater.
- b) MUSIC modelling to demonstrate that stormwater quality requirements are met.

- c) A plan showing the catchment area in square metres.
- d) The stormwater device included on the relevant floor plans (devices are to include raingarden(s), rainwater tank(s), permeable paving etc. or a combination of one or more).

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

- i) A full list of maintenance tasks,
 - ii) The required frequency of each maintenance task (monthly, annually etc.),
 - iii) Person responsible for each maintenance task.
- 4.56. Prior to the occupation of any building, a report (or reports) from the author of the SMP and WSUDR approved under this Incorporated Document, or similarly qualified person or company, must be submitted to the satisfaction of the Council and must confirm all measures specified in the approved SMP and WSUD report have been implemented.

Green Star Rating

- 4.57. Prior to the commencement of buildings and works, evidence must be submitted to the satisfaction of the Council, that demonstrates that the development 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.
- 4.58. Within 12 months of occupation of a building, certification must be submitted to the satisfaction of the Council, that demonstrates that the building has achieved a minimum 5 Star Green Star Design and As-Built rating (or equivalent)-

Third Pipe and Rain Water Tank

- 4.59. A third pipe must be installed for recycled and rainwater to supply all non-potable outlets within the development for toilet flushing, fire services, irrigation, laundry and cooling, unless otherwise agreed by the relevant water authority.
- 4.60. 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.
- 4.61. 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.
- 4.62. Rainwater captured from roof harvesting areas must be re-used for toilet flushing, washing machine and irrigation or controlled release.

3D Model

- 4.63. 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. The development must be in accordance with the endorsed 3D model, to the satisfaction of the Responsible Authority.

Building Appurtenances

- 4.64. All building plant and equipment on the roofs are to be concealed and acoustically treated (as applicable) to the satisfaction of the Council. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Council.

4.65. Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single point on each building in the development to the satisfaction of the Council, unless otherwise approved by the Council.

No external amplified equipment

4.66. No form of public address system, loudspeakers or sound amplification equipment must be used so as to be audible outside the premises, unless with the further written consent of the Council.

Advertising Signs

4.67. No advertising signs either external or internal to the building/s shall be erected, painted or displayed without the prior written approval of the Council, unless otherwise in accordance with Clause 52.05 of the Port Phillip Planning Scheme.

Department of Transport

Amended Plans

4.68. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) dedicated bike maintenance bay (minimum 2.5m x 1.5m) clearly marked and signed adjacent to bike parking area and include:
 - i. All-In-One bike service rack with tools;
 - ii. Air pump suitable for bicycle tyres;
 - iii. Water tap, wall mounted and positioned over a grated drain;
 - iv. General purpose power outlet;
 - v. Suitable lighting, with timeclocks or sensors set to a minimum of 10 minutes;
- b) no on street parking or vehicle crossings along the frontage to Plummer Street
- c) an updated bus stop and all associated infrastructure for one existing bus stop on Salmon Street;
- d) a new shelter and barrier kerb as required;
- e) the inclusion of Passenger Information Displays (PIDS) in the vicinity of the bus stop;
- f) the bus stop clear of any street furniture and obstacles; and
- g) a design compliant with the Disability Discrimination Act 1992 (Cth);

Construction Plans

4.69. Before the development starts (excluding demolition and works to remediate contaminated land) detailed construction / engineering plans and structural computations for any construction abutting the potential railway corridor must be submitted and approved by the Head, Transport for Victoria. The plans must detail all excavation, design and structural computations of the site adjacent to the potential railway corridor and minimise impacts on any future railway construction abutting the site.

Public Transport (Bus Stop Works)

4.70. Any request for written consent to disrupt bus operations on Salmon Street during the demolition and construction of the development must be submitted to and approved by the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.

Green Travel Plan

4.71. Prior to the occupation of each residential tower, a Green Travel Plan must be submitted to and approved by the Responsible Authority in consultation with the City of Port Phillip and the Head, Transport for Victoria. The Green Travel Plan must include, (but is not limited to), the following:

- a) The objectives for the Plan. The objectives must be linked to measurable targets, actions and performance indicators;
- b) a description of the existing active private and public transport context;

- c) initiatives that would encourage residents, employees and visitors to the development to utilise active private and public transport and other measures that would assist in reducing the amount of private vehicle traffic generated by the site including end of trip facilities;
- d) timescale and costs for each action;
- e) the funding and management responsibilities, including identifying a person(s) responsible for the implementation of actions; and
- f) a monitoring and review plan requiring annual review for at least five years.

4.72. The Green Travel Plan when approved must be implemented and complied with to the satisfaction of the and at no cost to Responsible Authority.

Prior to Occupation

4.73. Prior to the occupation of the development, all works outlined on the endorsed plans for the updated bus stop, and bike facilities must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria.

4.74. All disused or redundant vehicle crossings along Plummer Street must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to the Head, Transport for Victoria prior to the occupation of the buildings hereby approved.

Melbourne Water (Flooding, Drainage and Sea Level Rise)

4.75. The Finished Floor Levels (FFLs) of all ground floor areas (including all lift and stair lobbies,) must be set no lower than 3.4m to AHD from the north western corner of the site down to 3.2m to AHD at the south western corner of the site.

4.76. Any/all basement entry and exits points, including lift entries, stairwells, windows, openings and vents, that could allow entry of floodwaters to the basement levels, must be set no lower than 300 mm above the identified 1% AEP flood level at their location.

4.77. Any/all basement ramps must incorporate a flood proof apex set no lower than 300 mm above the identified 1% AEP flood level at their location, to prevent floodwaters entering the basement levels during a flood event.

4.78. Prior to the commencement of works on site associated with any planning permit issued, a survey plan is to be prepared by a qualified land surveyor determining the exact location of the asset to the satisfaction of Melbourne Water. The results of the survey are to be included on relevant town planning drawings noting setbacks from the outside of the edge of the drain and be submitted to Melbourne Water for further review and approval.

4.79. Any new building/structure including footings etc. must be set 5.0 metres laterally from the outside the edge of the Rosny Street Main Drain. The depth of the footings must be adequate to satisfy the angle of repose relative to the drain as per Melbourne Water's specification. Refer to Melbourne Water's Build Over Guide for details.

Expiry

4.80. 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) The development has not started within four (4) years of the gazettal date of Amendment C180port; or
- b) The use of the land has not started within one (1) year of completion of the development; or
- c) The development is not completed within ten (10) years of the gazettal date of Amendment C180port.

Notes

Department of Transport

- *Separate consent may be required from Department of Transport (Head, Transport for Victoria) under the Road Management Act 2004 for all buildings and works (including projections, canopies, fixed shading devices, balcony framing etc) undertaken outside the title boundary within a Transport Zone Schedule 2. Department of Transport requests that the written certification of building projections*

qualifying for an exemption be directed to Department of Environment, Land, Water and Planning at property.portphillip@delwp.vic.gov.au.

- *If necessary it may be required that prior to the occupation of the building, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138A (11) of the Land Act 1958 for any elements of the approved development that project more than 300mm beyond the land's Plummer Street title boundary to indemnify the Crown in relation to any claim or liability arising from the projections within the respective road reserves.*

Melbourne Water

- *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 the City of Port Phillip.*
- *Melbourne Water may issue a notice under the Water Act 1989 requiring the landowner 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