

DELWP WITHOUT PREJUDICE VERSION – DRAFT

PORT PHILLIP PLANNING SCHEME

INCORPORATED DOCUMENT

6 & 8 Boundary Street, South Melbourne

DATE TO BE INSERTED

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

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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 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 Planning Scheme.
- 1.4. The Minister for Planning is the responsible authority for administering Clause 45.12 of the Planning Scheme with respect of this Incorporated Document except that:

4.48.1a) _____ 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;

4.48.2b) _____ 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;

4.48.3c) _____ The City of Port Phillip is the responsible authority for the enforcement of the Incorporated Document.

2. PURPOSE

- 2.1. To facilitate the use and development of the land identified in Clause 3 for a multi storey residential development, in accordance with Clause 4 of this document.

3. LAND DESCRIPTION

- 3.1. The control in Clause 4 applies to the land at 6 & 8 Boundary Street, South Melbourne being the land contained in Certificate of Title Volume 09132 Folio 797 and more particularly described as Lot 1 on Title Plan 178115Y and Certificate of Title Volume 08034 Folio 102 and more particularly described as Lot 1 on Plan of Subdivision 027264. The land is identified in Figure 1 below.

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Figure 1: Map of Land subject to this Incorporated Document

4. CONTROL

Exemption from the Planning Scheme requirements

- 4.1. The land may be used and developed in accordance with the specific control contained in Clause 4 of this document.
- 4.2. The control in this Clause 4 prevails over any contrary or inconsistent provision in the Planning Scheme.
- 4.3. Subject to Clause 4.4, no planning permit is required for, and no provision in the Planning Scheme operates to prohibit, control or restrict the use or development of the Land in accordance with the provisions contained in Clause 4.
- 4.4. A permit is required to subdivide the Land except where the subdivision creates a road and no additional lot is created.
- 4.5. An application for subdivision is exempt from the requirements in Clause 45.11 (Infrastructure Contributions Overlay) of the Planning Scheme but not from the requirements in Clause 53.01 (Public Open Space Contributions) if applicable.
- 4.6. Notwithstanding Clauses 4.4 and 4.5, any permit allowing subdivision of the Land must include a condition requiring payment to Council, before a statement of compliance is issued, of a public open space contribution equal to 8% of the site value of the Land.
- 4.7. A permit is required to remove or vary an easement under Clause 52.02 (Easements, Restrictions and Reserves).

Compliance with the endorsed plan

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

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- Any changes required to meet the requirements of the Façade Strategy in the corresponding condition(s) below.
- Any changes required to meet the requirements for Landscaping and the Public Realm in the corresponding condition(s) below.
- Any changes required to meet the requirements for Traffic, Parking and Loading and Unloading in the corresponding condition(s) below.
- Any changes required to meet the requirements of the Waste Management Plan in the corresponding condition(s) below.
- Any changes required to meet the requirements of Melbourne Water in the corresponding condition(s) below.
- Any changes required to meet the requirements of APA group in the corresponding condition(s) below.
- Any changes required to meet the Stormwater Drainage System Design and Water Sensitive Urban Design requirements in the corresponding condition(s) below.
- Any changes required to meet the Environmentally Sustainable Design, Green Star and Third Pipe requirements in the corresponding condition(s) below, including details of the proposed roof top solar PV.
- Any changes to meet the requirements of the Tree Protection and Management Plan requirements in the corresponding condition(s) below.
- Any changes required to meet the Streetscape Interface Design requirements in the corresponding condition(s) below.

Aboriginal Cultural Heritage

- 4.11. Before the development starts, including demolition, bulk excavation and site preparation works and works to remediate contaminated land, one of the following must be provided to the Responsible Authority:
- a) A report prepared by a suitably qualified professional confirming to the satisfaction of the Responsible Authority that a Cultural Heritage Management Plan (CHMP) pursuant to the *Aboriginal Heritage Act 2006* is not required; or
 - b) A certified Preliminary Aboriginal Heritage Test (PAHT) under sections 49B and 49C of the *Aboriginal Heritage Act 2006* in respect of the development of the land; or
 - c) A letter from Aboriginal Victoria confirming a CHMP has been approved for the land.
- 4.12. 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

- 4.13. 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 in consultation with the City of Port Phillip. Unless specified otherwise by the Responsible Authority, the Façade Strategy must ~~be generally in accordance with the Design response dated xxxxx prepared by XXXXXXXXXXXXXXXX~~ and also include:
- a) Material schedule in accordance with the specifications outlined on Page 18 of the Eco Results Sustainable Design Assessment Report No: 2021-2695-SDA
 - a)b) A concise description by the architect of the building design concept and how the façade works to achieve this.
 - b)c) 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.

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- e)d) Elevation details generally at a scale of 1:50, or other suitable scale agreed to by the Minister for Planning, illustrating typical building details, entries and doors, utilities, and any special features which are important to the building's presentation.
- e)e) 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)f) Information about how the façade will be accessed, maintained and cleaned.
- f)g) 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

4.14. Except with the consent of the Minister for Planning, all external façade material 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

4.15. 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 City of Port Phillip. The plan(s) must ~~be generally in accordance with the plans prepared by XXXXXXXXXXXXXXXX dated XXXXXXXX and accompanying report, and~~ 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) Elevations, sections, levels and details including materials and finishes of public realm works including reconstruction of public assets.

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

Landscape Plan

4.17. Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. The Landscape Plan must be generally in accordance with the Landscape Plan (prepared by Acre) submitted with the application but amended to incorporate:

- a) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- b) A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
- c) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
- d) The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works and be consistent with the architectural plans;

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- e) A range of plant types from ground covers within the Boundary Street frontage and be provided at adequate planting densities.
- f) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
- g) Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
- h) The location of tree protection measures illustrated to scale and labelled on the Ground Floor Plan as per the endorsed Tree Management Plan.
- i) Any changes as required by Condition 1.

When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit.

Completion of Landscaping

4.18. The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.

Landscaping Maintenance

4.19. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

Tree Protection

4.20. An Arboricultural Impact Assessment prepared by a suitably qualified Arborist (AQF level 5 or equivalent) and include:

- any onsite trees which meet the definition of a significant tree under Council's Local Law,
- all onsite trees to be retained,
- trees on neighbouring properties with TPZs that fall within the subject site,
- the nature strip tree(s) adjacent the property.

The report must follow the guidelines from Council Arboriculture Victoria and comply with the Australian Standard 4970:2009 Protection of Trees on Development Sites.

Should the report find that any works encroach into 10% or more of the Tree Protection Zone, or into the Structural Root Zone of any tree, and the design cannot be modified to reduce the incursion, then 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 should be presented in the impact assessment report.

4.21. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:

- a) A Tree Management Report (written report) must provide details of:
 - i. Any non-destructive root investigation undertaken to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - ii. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.

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- iv. How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - v. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - vi. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - vii. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
- b) A Tree Protection Plan (scaled drawing) must provide details of:
- i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - ii. The location of tree protection measures illustrated to scale and labelled
 - iii. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
 - iv. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - v. Any pruning to be undertaken being in accordance with AS4373-2007.
 - vi. A notation to refer to the Tree Management Report.

Tree Protection

4.22. All protection measures identified in the Tree Management Report must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Report and Tree Protection Plan, to the satisfaction of the Responsible Authority.

Tree Protection

4.23. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the endorsed Tree Management report and Tree Protection Plan must be submitted to the Responsible Authority.

Street Tree Protection

4.24. Tree Protection Fencing is to be established around the tree protection zone of the Boundary Street street trees prior to demolition and maintained until all works on site are complete.

- a) The fencing is to be a 1.8 metre high temporary fence constructed using chain wire / cyclone mesh panels, with shade cloth attached (if required), held in place with concrete feet/pads. Alternative materials may be used, if approved by the Responsible Authority.
- b) The fencing is to encompass the entire nature strip with each end beyond the TPZ of each tree as shown in the Tree Protection and Management Plan (drawing).
- c) No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ, unless approved in the endorsed Tree Protection and Management Plan.

~~4.46.~~

Removal and Replacement of Street Trees

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~~4.17.4.25.~~ Any Council owned trees shown on the endorsed plans to be removed must not be removed, lopped or pruned without prior consent from the City of Port Phillip. If removal is approved, the amenity value along with removal and replacement costs must be reimbursed to Council by the developer.

~~4.18. Before the development starts, the amenity value and removal and replacement cost of the Council owned nature strip trees on Boundary Street must be paid by the applicant/owner to the City of Port Phillip. Removal and replacement, including 24 months maintenance of the street trees, may only be undertaken by the City of Port Phillip.~~

Demolition Management Plan

~~4.19.4.26.~~ 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 and improve the site and street frontage) to be constructed should works cease and the site remain vacant for 6 months after completion of demolition.

~~4.20.4.27.~~ Demolition must be carried out in accordance with the approved DMP to the satisfaction of the City of Port Phillip.

Construction Management - Piling

~~4.21.4.28.~~ Piling works must not include driven piling. Piling must be by bored, screw, or sheet piling or similar only to the satisfaction of the City of Port Phillip.

Traffic, Parking and Loading/Unloading

~~4.22.4.29.~~ 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 City of Port Phillip. The traffic engineering assessment must be generally in accordance with the Traffic Impact Assessment Report prepared by Ratio dated December 2021 but modified to include:

- a) Any design changes required by Melbourne Water in response to flooding requirements.

~~4.23.4.30.~~ 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.

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~~4.24.4.31.~~ 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.

~~4.25.4.32.~~ Traffic access and parking and loading/unloading arrangements must not be altered without the prior written consent of the City of Port Phillip.

~~4.26.4.33.~~ Before the development is occupied, vehicle crossings must be constructed in accordance with the City of Port Phillip's 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.

~~4.27.4.34.~~ The area set aside for car parking and access of vehicles and accessways must be constructed, delineated and clearly lined marked to indicate each car space, the access ways and the direction in which vehicles must proceed along the accessways in conformity with the endorsed plans. Parking areas and accessways must always be kept available for these purposes and maintained to the satisfaction of the Responsible Authority.

~~4.28.4.35.~~ 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 Responsible Authority.

~~4.29.4.36.~~ Bicycle parking must be provided, located and appropriately signed in accordance with the endorsed plans.

Waste Management Plan

~~4.30.4.37.~~ Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land 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 prepared by EcoResults dated 14 December 2021 but modified to include:

- a) Delete reference to the modification of Council waste bins.
- b) Use of 2 x 240 litre general waste bins and 2 x 240 litre recycling bins.
- c) Nominate storage space for hard / e-waste in the bin storage area.
- d) Waste collection bins to be placed on the kerbside of Boundary Street for collection and relocated there via the main entry lobby and not the laneway.
- e) Modifications to the internal layout to accommodate the requirements of part (d) and level changes within the building. This may include the provision of a wheelie bin ramp, bin lift trolley or similar to the satisfaction of Council's Waste Management and Building Departments.

~~4.31.4.38.~~ 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

~~4.32.4.39.~~ Before the development starts, excluding demolition and site preparation works, an Acoustic Report prepared by a qualified acoustic consultant must be submitted to and approved by the Responsible Authority. The report must achieve compliance with the following noise criteria for all dwellings within the development of:

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

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed and be based on average external noise levels measured as part of a noise level assessment.

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- a) Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed and be based on average external noise levels measured as part of a noise level assessment.

~~4.40. 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 the Responsible Authority.~~

~~4.33. 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

~~4.34.4.41.~~ Before 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.

Development Contribution

~~4.35.4.42.~~ Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into agreement(s) pursuant to section 173 of the *Planning and Environment Act 1987* with the Victorian Planning Authority and the Responsible Authority and make application to the Registrar of Titles to have the agreement(s) registered on the title to the land under section 181 of the Act to the satisfaction of the Minister for Planning. 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; and
 - \$159.59 per sqm of gross retail floor area.
- b) Require that development contributions are to be indexed annually from 1 July 2020 using the Price Index of Output of the Construction Industries (Victoria) issued by the Australian Bureau of Statistics.
- c) Require registration of the Agreement on the titles to the affected lands as applicable.
- d) Include a schedule of the types of infrastructure to be delivered by the Victorian Planning Authority or their successor.
- e) Confirm that contributions will be payable to the Victorian Planning Authority or their successor.
- f) Confirm that the Victorian Authority Planning or its successor, will use the contributions to deliver the schedule of types of infrastructure.
- g) Require payment of the development contribution/s before the earliest of the following:
- The issue of an occupancy permit for the development; or
 - The issue of a statement of compliance in relation to the subdivision of the land in accordance with the development allowed under this specific control.
- h) Confirm the procedure for refunding monies paid if an approved Development Contribution Plan or Infrastructure Contributions Plan for the area is less than the amount stipulated in the section 173 agreement.
- i) Make provision for its removal from the land following completion of the obligations contained in the agreement.

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

Overshadowing

~~4.36. The building must not result in any overshadowing of parks protected by mandatory overshadowing controls as shown on Map 4 of Clause 43.02 Schedule XX (Design Development Overlay) of the Port Phillip Planning Scheme.~~

Drainage/Engineering

~~4.37-4.43.~~ Before the development starts excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, or as otherwise agreed by the Responsible Authority , a stormwater drainage system design incorporating integrated water management design principles, must be submitted to and approved by the City of Port Phillip. The stormwater drainage system design must:

- Include a detailed response to Clause 22.12 (Stormwater Management (Water Sensitive Urban Design) of Port Phillip Planning Scheme'
- Incorporate a legal point of discharge (LPD) to the kerb and channel at the front of the property to the satisfaction of Port Phillip City Council.

~~4.44.~~ 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.

~~4.45. The sewer boundary trap for the property to be located within the property boundary.~~

Melbourne Water (Flooding, Drainage and Sea Level Rise)

~~4.38-4.46.~~ XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Environmental Audit

~~4.39-4.47.~~ Before the development starts, excluding demolition, excavation, piling and site preparation works, and works to remediate contaminated land, or a sensitive use commences on the land, the Minister for Planning 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.

Compliance with Statement of Environmental Audit

~~4.40-4.48.~~ Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the statement.

~~4.41-4.49.~~ Where a Statement of Environmental Audit 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 Section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

~~4.42-4.50.~~ Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the owner(s) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning & Environment Act 1987*, 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 owner(s).

Remediation Works Plan

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~~4.43-4.51.~~ Before any remediation works are undertaken in association with the environmental audit, a 'remediation works plan' must be submitted to and approved by the Responsible Authority. 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 a Certificate or Statement of Environmental Audit.

**Environmentally Sustainable Design
Sustainability Management Plan & Water Sensitive Urban Design**

~~4.44-4.52.~~ 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 ~~4.534-4~~ of this approval, an amended Sustainability ~~Management Design Assessment~~ Plan and Water Sensitive Urban Design Response (WSUDR) must be submitted to, be to the satisfaction of and approved by the City of Port Phillip. The SMP and WSUDR must be generally in accordance with the Sustainability ~~Management Design Assessment~~ Plan prepared by ~~EcoResults~~, dated ~~14 December 2021~~, but modified to show:

- ~~a) How a 20 per cent improvement on current National Construction Code energy efficiency standards. This includes energy efficiency standards for building envelopes and for lighting and building services.~~
- ~~b) A site plan demonstrating how at least 70% of the site area would consist of vegetation or appropriate materials to reduce Urban Heat Island objective set out at Clause 22.15 -4.5.~~
- ~~a) Details of external shading to habitable rooms in the north-east and north-west tower elevations (if proposed).~~
- ~~c) -The number of bicycle spaces to be consistent with the architectural plans.~~
- ~~d) Provisions of a Construction Site Management Plan.~~
- ~~e) Annotation on the plans for electric vehicle infrastructure.~~
- ~~f) Provide additional notes on the drawings and in the report, which shows the private open space area of each apartment will be provided with an external tap and floor waste.~~
- ~~g) Light-coloured or reflective finishes for the non-visible flat roofs.~~
- ~~h) Materials to correspond with <https://www.portphillip.vic.gov.au/planning-and-building/where-do-istart/sustainable-design> "The 10 Sustainable Building Categories" section for requirements under this category.~~
- ~~b)i) Rainwater tank capacity to meet the FBURA tank sizing requirement of 0.5m³ per 10m² of roof catchment.~~
- ~~e)i) The rainwater tank to connected to all toilets throughout the development.~~

~~4.45-4.53.~~ Where alternative Environmentally Sustainable Design 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.

Water Sensitive Urban Design

~~4.494.48~~ Prior to the endorsement of plans under Clause 4.9 of this Incorporated Document, a Water Sensitive Urban Design (Stormwater Management) Report that outlines proposed stormwater treatment measures must be submitted to, be to the satisfaction of and approved by the City of Port Phillip.

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 (or MUSIC modelling for large scale developments),
- b) A plan showing the catchment area in square metres,

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- c) 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.),

Person responsible for each maintenance task.

4.54. Prior to the occupation of the building, a report (or reports) from the author of the Sustainability Management Plan & Water Sensitive Urban Design Response approved under this Incorporated Document, or similarly qualified person or company, must be submitted to the satisfaction of the City of Port Phillip and must confirm all measures specified in the approved SMP and WSUD report have been implemented.

Site Management Water Sensitive Urban Design (larger Multi-Unit Developments)

4.55. The developer must ensure that:

- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

Green Star rating

4.46-4.56. 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.

4.47-4.57. 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

4.48-4.58. A third pipe must be installed for recycled and rainwater to supply all non-potable uses within the development for toilet flushing, fire services, irrigation, laundry and cooling, unless otherwise agreed by the relevant water authority.

4.49-4.59. 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.

4.50-4.60. 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.

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~~4.54.4.61.~~ Rainwater captured from roof harvesting areas must be re-used for toilet flushing and irrigation, or controlled release.

3D Model

~~4.52.4.62.~~ Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land (or as otherwise agreed with the Minister for Planning), a 3D digital model of the development and its immediate surrounds must be submitted to and approved by the Minister for Planning. 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 Minister for Planning.

Building Appurtenances

~~4.53.4.63.~~ All building plant and equipment on the roofs and public thoroughfares must be concealed to the satisfaction of the City of Port Phillip.

Expiry

~~4.54.4.64.~~ The control in this document expires in respect of land identified in Clause 3 of this document if any of the following circumstances apply:

- a) development of that land has not commenced within three (3) years of the approval date of Amendment [C204port](#); or
- b) development is not completed within five (5) years of the approval date of Amendment [C204port](#), or;
- c) The uses permitted in this Incorporated Document do not commence within five (5) years of the approval date of Amendment [C204port](#).

END OF DOCUMENT