

PORT PHILLIP PLANNING SCHEME

INCORPORATED DOCUMENT

Specific controls for 365-391 Plummer Street, Port Melbourne

October 2021

Incorporated document pursuant to Section 6(2)(j) of the *Planning and Environment Act 1987*
Incorporated document in the Schedules to Clauses 45.12 and 72.04 of 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 use and development of the land identified in Clause 3 for the demolition of existing buildings, a staged use and development of four multi-storey buildings comprising Accommodation (dwellings), Offices, Retail premises (including Restaurant and Shop) and Indoor recreation facility, provide additional car parking under the Parking Overlay and create or alter access to a road in a Road Zone Category 1 in accordance with Clause 4 of this document.

3. LAND DESCRIPTION

- 3.1 The control in Clause 4 applies to the Land at 365-391 Plummer Street, Port Melbourne being the Land contained in Certificate of Titles Volume 10968, Folio 163 – Lot 1 on Plan of Subdivision 542653D, Volume 10968, Folio 164 – Lot 2, Plan of Subdivision 542653D, Volume 09040, Folio 185 – Land in Plan of Consolidation 102846. The Land is identified in Figure 1 below.

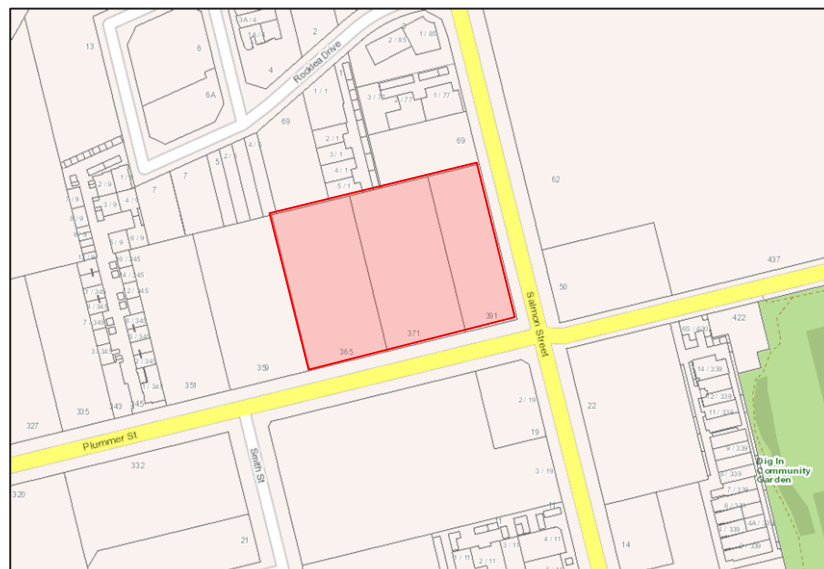


Figure 1: Map of Land subject to this Incorporated Document (365-391 Plummer Street, Port Melbourne)

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.

Masterplan

- 4.6. Before any stage of the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, an amended masterplan must be submitted to and be approved by the Responsible Authority. The plans must be generally in accordance with the plans titled Masterplan, prepared by Elenberg Fraser, dated 5 June 2020, but modified to show:
 - a) Principal dimensions, including natural ground level, building ground floor levels, and maximum building heights, with heights expressed to Australian Height Datum (AHD) for all plans and elevations.
 - b) Compliance with the maximum street wall heights identified in Section 2.7 of Clause 43.02 (Design and Development Overlay Schedule 33) of the Port Phillip Planning Scheme including (but not limited to) street walls interfacing the park, central laneway and western laneway.
 - c) Setbacks above the street wall increased to comply with the minimum distances identified in Section 2.8 of Clause 43.02 (Design and Development Overlay Schedule 33) including (but not limited to) the park, central laneway and western laneway and generally in accordance with the Concept Plan, prepared by Elenberg Fraser, dated 28 May 2021.
 - d) The western laneway boundary updated to be generally in accordance with the Concept Plan, prepared by Elenberg Fraser, dated 28 May 2021 as follows:
 - i. No vehicle crossing to the western laneway from Plummer Street. All access to and from the laneway must be via the new east-west road along the northern (rear) boundary of the Land.
 - ii. Details of shared vehicle and pedestrian access to the western laneway included in the masterplan, architectural and landscape documentation.
 - e) A minimum plot ratio not used for a Dwelling of 0.5:1, 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 an overall minimum plot ratio not used for Dwelling of 1.15:1.

- f) Bicycle parking, motorcycle parking and car share spaces provided at the minimum rates specified in Table 2 of Clause 37.04 (Capital City Zone Schedule 1) of the Port Phillip Planning Scheme, unless otherwise agreed by the Responsible Authority.
- g) Ground, podium rooftop and tower rooftop plans to detail principal open spaces, laneways and pedestrian connections, landscaping (including opportunities for deep soil planting) and sustainable design features.
- h) Elevation and cross-section detail drawings of all buildings and basement levels including ground level transitions from footpath level to any vehicle entries and raised building entries and internal laneways within the site.
- i) The final design plans and cross section drawings of the new road, park laneways which must be to the Council's design and engineering standards and give priority to pedestrians and cyclists.
- j) The park designed to a neighbourhood park standard in accordance with the 'Draft Public Space Strategy, prepared by Port Phillip City Council, dated August 2020' unless otherwise agreed by the Responsible Authority.
- k) Loading bays and waste areas for each stage within the development.
- l) Deletion of all vehicle access from Plummer Street.

Staging

4.7. Before any stage of the development starts, excluding demolition, excavation, piling and site preparation works and works to remediate contaminated land, a Staging Plan must be submitted to and be approved by the Responsible Authority. This Staging Plan must be generally in accordance with the Master Plan, prepared by Elenberg Fraser, dated 5 June 2020 and include:

- a) Details of staging of the development, including the sequencing of construction of all roads, lanes and public open space, construction access, staging of actual building elements, dealing with any interim solutions, split-staged construction, ownership and management delineation and the like.
- b) The delivery of the new east-west road along the northerly boundary as part of Stages 1 and 4.
- c) The delivery of the new north-south laneways as part of Stages 2, 3 and 4.
- d) Construction of the new park as part of Stage 3.
- e) Plans and information detailing any public realm works.
- f) Details of any proposed temporary treatment and use of vacant land.

The development must proceed in the order of the stages as shown on the endorsed Staging Plan(s), unless otherwise agreed to in writing by the Responsible Authority.

Detailed Development Plans

4.8. Before each stage of 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) and three copies plus an electronic copy must be provided. The plans must be generally in accordance with the plans prepared by Elenberg Fraser, dated 5 June 2020 but modified to show:

- a) Any changes required by the masterplan under this Incorporated Document.
- b) Existing conditions, including any earlier completed stages.
- c) Detailed floor plans including setbacks, dimensions and internal layouts.

- d) Detailed elevations and cross sections that reflect the design outcomes represented in the 'Podium Architecture' and 'Tower Architecture' sections in the Urban Context Report, prepared by Elenberg Fraser, dated 12 June 2020.
- e) Elevations (including dimensions) confirming the schedule of materials, colours and glazing design in accordance with the Façade Strategy.
- f) The layout of all car parking and loading areas showing the arrangement of spaces and access aisles.
- g) A detailed assessment demonstrating compliance with Clause 58 (Better Apartments Design Standards) of the Port Phillip Planning Scheme (where applicable).
- h) Bike rack spacing and aisle width, and which racks/areas are visitor/resident/staff spaces.
- i) Details of how the podium floor areas can be adapted to accommodate employment generating uses in the future.
- j) Storage areas provided for each individual dwelling and areas (m³) shown.
- k) Car parking spaces, access aisle dimensions, ramp grades and lengths, clearance between walls/columns in accordance with Clause 52.06 of the Port Phillip Planning Scheme or as otherwise agreed to in writing by the Responsible Authority.
- l) Bicycle parking in accordance with the Capital City Zone Schedule 1 of the Port Phillip Planning Scheme including the required number of spaces and their allocation for all dwellings and all non-residential floor areas.
- m) Pedestrian sight triangles.
- n) Compliance with Building Entry and Circulation objectives and standards under Clause 58 (Better Apartments Design Standards) of the Port Phillip Planning Scheme.
- o) Active land uses and frontages for Plummer Street, Salmon Street, the new road, laneways and park in accordance with Map 3 of Clause 43.02 (Design and Development Overlay Schedule 33) of the Port Phillip Planning Scheme or as otherwise agreed in writing by the Responsible Authority.
- p) Plant and services concealed from the public realm and integrated with the façade strategy.
- q) Access to people with limited mobility.
- r) Access to bicycle parking and end-of-trip facilities.
- s) Access between loading areas and 'back-of-house' and waste stores.
- t) Communal open spaces which include a range of facilities, garden and recreation areas, with consideration given to opportunities for a range of users as required by Clause 22.15- 4.2 of the Port Phillip Planning Scheme.
- u) Notations to ensure equitable access for residents in Stage 4 to the communal open space areas within other stages of the development.
- v) Essential services such as power connections, switchboards located to address flooding impacts.
- w) At least 25% of all car spaces on all levels, in all stages to have access to a common source electric vehicle charging point.
- x) Any changes or plan notations requiring the development approved under this incorporated document to meet:
 - the requirements of the Façade Strategy in the corresponding condition(s) below.
 - the requirements for external reflectivity in the corresponding condition(s) below.
 - the requirements for Landscaping and the Public Realm in the corresponding condition(s) below.
 - the requirements for tree protection in the corresponding condition(s) below.
 - the requirements for Traffic, Parking and Loading and Unloading in the corresponding condition(s) below.

- the requirements for New Roads and Laneways in the corresponding condition(s) below.
- the requirements of the Waste Management Plan in the corresponding condition(s) below.
- the requirements for Noise Attenuation and Mitigation in the corresponding condition(s) below.
- the requirements for Disability access in the corresponding condition(s) below.
- the requirements of the Wind assessment in the corresponding condition(s) below.
- the requirements for drainage and engineering the corresponding condition(s) below.
- the requirements for Environmentally Sustainable Design in the corresponding condition(s) below.
- the requirements of Department of Transport in the corresponding condition(s) below
- the requirements of Melbourne Water in the corresponding condition(s) below.

Affordable Housing

- 4.9. 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 the 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).
- 4.10. 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).
- 4.11. 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 4.11(a); or
 - iii. any other mechanism providing a contribution of equivalent or higher value to Clause 4.11(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 4.11(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.

- c) Provide that if the affordable housing is delivered under Clause 4.11(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.

4.12. The agreement may provide that:

- a) In lieu of delivering all or part of the affordable housing in accordance with Clause 4.11(a), the Responsible Authority, in consultation with the Minister for Planning 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.

4.13. 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

4.14. 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.

4.15. 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

4.16. Before the development of each stage 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 Council. Unless otherwise specified by the Responsible Authority, the Façade Strategy must be generally in accordance with the Urban Context Report, prepared by Elenberg Fraser, dated 12 June 2020 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 Minister for Planning, illustrating typical building details, entries and doors, utilities, and any special features which are important to the building's presentation.

- d) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
- e) Information about how the façade will be accessed, maintained and cleaned.
- f) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high-quality built form outcome in accordance with the design concept.
- g) 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

- 4.17. 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

- 4.18. 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

- 4.19. Before the development of each stage starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a detailed landscaping and public realm plan(s) for that stage must be submitted to and approved by the Council. The plan(s) must be generally in accordance with the Landscape Masterplans, prepared by Jack Merlo Design, dated 28 August 2019, and include:
- a) Any changes required to accord with the amended Masterplan and Detailed Development Plans required by this incorporated document.
 - b) Landscape plans to be consistent with the architectural plans endorsed under this Incorporated Document
 - c) 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.
 - d) How the landscaping responds to water sensitive urban design principles, including how rainwater will be captured, cleaned and stored.
 - e) Details of all hard landscaping materials, finishes and treatments (including around building entrances) and urban design elements including paving, lighting, seating and balustrading.
 - f) Details of surface materials and finishes and construction of retaining walls, pathways, kerbs and access ways.
 - g) Elevations, sections, levels and details including materials and finishes of public realm works including reconstruction of any public assets.
 - h) Design of the new road, laneways and park which responds to the surrounding uses.
 - i) All paving surrounding the development to be bluestone (or as otherwise agreed to in writing by the Council).
 - j) Deletion of synthetic turf from the plans and replacement with landscaping.
 - k) Access for occupants of the Tower 4 building to the communal open space on the podium roof of other buildings.

- l) Details of the design, function and utility of the rooftop communal open space for each respective tower within the development.
- m) Inclusion of flood mitigation and stormwater run-off measures and best practice water sensitive urban design.

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

Tree Protection

4.21. Before any stage of the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land:

- a) A Tree Protection Management Plan (TPMP), setting out how Council owned nature strip trees on Plummer and Salmon Streets will be protected during construction, must be submitted to and approved by the Responsible Authority in consultation with the Council. 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 '*Protection of trees on development sites*'.
- b) A tree protection fence must be erected around the Council owned nature strip trees on Plummer and Salmon Streets to comply with *AS 4970 - 2009 Tree protection on development sites* to the satisfaction of the Council.

No Damage to Existing Street Tree

4.22. 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.

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 Plummer and Salmon 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 any stage of 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).

4.29. Demolition must be carried out in accordance with the approved DMP to the satisfaction of the Council.

Footings and Foundations Near the Proposed Future Metro Alignment

4.30. Before any stage of the development starts, plans must be submitted to the satisfaction of the Responsible Authority in consultation with Transport for Victoria showing that the proposed building footings and foundations will not compromise delivery of the proposed future Metro alignment.

Construction Management - Piling

4.31. Piling must be by bored, screw, or sheet piling or similar only unless otherwise agreed by the Council through an approved Construction Management Plan.

Temporary Works

4.32. The landowner/developer must construct temporary buildings or works (such as landscaping works to activate and improve the site and street frontage) for any stage of 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,

4.33. Before the construction of the temporary works start for any stage of 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.

Traffic, Parking and Loading/Unloading

- 4.34. Before each stage of 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 August 2019, but modified to include:
- a) Any changes as a result of the removal of direct vehicle access from Plummer Street.
 - b) A queuing assessment to determine the likely 98th percentile queue length. All queuing must be contained wholly within the site.
 - c) A swept path assessment showing vehicle access can still be achieved in areas where blind aisles are not provided.
 - d) Evidence of assessment (B85 design vehicle) in the form of a swept path analysis (noting critical spaces include end spaces, spaces adjacent to columns/walls, DDA spaces etc).
 - e) Swept path assessment to include two-way traffic flow for all access ramps located within the off-street car park (demonstrating B85 and B99 vehicles simultaneously using the ramps with suitable clearance).
 - f) A minimum height clearance provided above ramps.
 - g) Number of car parking and motorcycle spaces allocated to each site tenancy.
 - h) Updated traffic generation assessment to reflect the actual number of car parking spaces for each respective stage (including consideration of cumulative trip generation for other surrounding developments).
 - i) Plans for each stage to show the location and dimensions to accommodate the operation of the nominated waste collection vehicles and swept path diagram confirmation of truck accessibility (including for the largest service vehicle to be used on the site).
 - j) Details of how residents can load and unload during moving in/out.
 - k) Demonstrate that all loading (commercial and residential) will be contained wholly within the site.
 - l) Details of bicycle parking and associated end of trip facilities (showers, change rooms).
 - m) Provision for visitor/customer bicycle spaces in publicly accessible areas.
 - n) At least 25% of all car spaces on all levels, in all stages to have access to an electric vehicle charging point.
 - o) Provision for electric bicycle charging.
 - p) Details of access from the residential lobbies and retail and commercial tenancies and back of house to the loading bays for deliveries / furniture moving and waste disposal.
- 4.35. 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.
- 4.36. 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.
- 4.37. Traffic access and parking and loading/unloading arrangements must not be altered without the prior written consent of the Council.
- 4.38. Before the development is occupied, vehicle crossings 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.

- 4.39. 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.
- 4.40. 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.
- 4.41. Bicycle parking must be provided, located and appropriately signed in accordance with the endorsed plans.

New Road and Laneways

- 4.42. Before any stage of 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) All road works and associated drainage.
 - b) A cross section of the new road and laneways showing above and below ground placement of services, streetlights and trees (as applicable).
 - c) The plans and cross section of the new road and laneways 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.
 - i) Payment to the Council of an engineering design for the road and laneways checking fee equivalent to 0.75% of the value of documented works.
 - j) The laneways should remain in private ownership but need to be constructed to the design and technical standards of the Council including sawn bluestone paving, lighting, street furniture, services and landscaping including water sensitive urban design.
- 4.43. Before the relevant stage of the development is occupied, any land identified or set aside as a new road on the approved plans must be transferred to or vested in the relevant road authority as a public road at no cost to the relevant road authority. This does not apply to the new laneway(s) which are to be retained in private ownership.

Section 173 Agreement for New Road

- 4.44. Before any stage of the development starts, excluding demolition, bulk excavation and site preparation works, and works to remediate contaminated land, the landowner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* which provides for the:
- a) Construction of the new road to the satisfaction of the Responsible Authority and the relevant road management authority; and
 - b) Transfer of the new road to the relevant road authority or vesting in the relevant road authority as a public road at no cost to the relevant road authority. This does not apply to a new laneway that is agreed to be retained in private ownership to the satisfaction of the Responsible Authority.

Section 173 Agreement for New Lanes, Public Open Space and Parks

- 4.45. Before any stage of the development starts, excluding demolition, bulk excavation and site preparation works and works to remediate contaminated land, the landowner must:
- a) Enter into an agreement under Section 173 of the *Planning and Environment Act 1987* (the Act) with the Responsible Authority to the satisfaction of both parties for the delivery of new lanes, public open space and parks;
 - b) Register the Agreement on the relevant Title for the Land in accordance with Section 181 of the Act; and
 - c) Provide the Responsible Authority with the dealing number confirming the registration on the Title(s).
 - d) The agreement must be in a form to the satisfaction of the Responsible Authority, and the landowner must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement and ending of the agreement (where applicable). The agreement must include covenants that run with the Land to provide the following:
 - i. Full construction of the internal laneways, public open space and the park in accordance with the approved Staging Plan to the satisfaction of, and at no cost to the Port Phillip City Council before the occupation of the building(s) in each stage;
 - ii. Rights of public access to the internal laneways, public open space and the park within the Land, 24 hours, 7 days a week except when routine inspection and maintenance is being undertaken and other exceptions that may be agreed to in writing by the parties.
 - iii. Ensure that access is maintained in a safe and sightly condition but for these to remain at all times in private ownership as part of the Land;
 - iv. The landowner, and once formed, the Owners' Corporation must at its cost, maintain the laneways, public open space and the park to the same standards as is reasonably required by Port Phillip City Council for roads, public open space and park;
 - v. The landowner must at its cost, maintain the park generally in accordance with the endorsed Landscape Master Plan;
 - vi. All requirements of Port Phillip City Council being met regarding the design and physical treatment of the laneways, public open space and the park including surface materials and treatment, landscaping, street furniture, lighting, servicing infrastructure and water sensitive urban design; and
 - vii. Require that a bank guarantee to the value of 50% of the applicable construction cost of the laneways, public open space and the park be deposited with the City of Port Phillip prior to the commencement of works for each stage of the development. The bank guarantee will be returned upon final completion of the laneways, public open space and the park for each stage of the development to the satisfaction of the Port Phillip City Council.

Waste Management Plan

- 4.46. Before each stage of 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 for each stage must be generally in accordance with the WMP prepared by Leigh Design, dated 30 August 2019, but modified to show:
- a) Provision of space for organic/food bins for future Council waste services.
 - b) All bins clearly drawn on the plan showing the number and type bins at each bin location within the development.
 - c) Separation of commercial and residential bins.
 - d) All bin rooms achieving convenient access.
 - e) Information on how all residential tenants will access the hard waste areas.

- f) Information regarding the arrangements of residential bin collections to the loading bay.
 - g) Explanation how a clear path of movement will be provided between bin rooms and loading bays.
 - h) Nomination of loading bays for Stages 1 or 2.
 - i) Bin rooms conveniently located to the Stage 3 and 4 loading bays.
 - j) Details of access from commercial back-of-house areas to the bin stores and/or loading bays.
 - k) Commercial and residential bin stores or areas for recycling waste, green waste, e-waste, food waste, hard rubbish or charity bins clearly identified.
- 4.47. 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.

Noise Attenuation

- 4.48. Before any stage of the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, an updated Acoustic Report prepared by a qualified acoustic consultant must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the Acoustic Report, prepared by Acoustic Logic, dated 17 July 2019 and address Clause 58.04-3 of the Port Phillip Planning Scheme.
- 4.49. 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 Port Phillip City Council. A report prepared by a suitably qualified professional demonstrating compliance with the requirements of this condition must be submitted prior to the commencement of the use.

Noise Limits for Entertainment Venues and Outdoor Entertainment Events

- 4.50. The level of noise emitted from the premises must not exceed the permissible levels specified in Division 1 and 4 of Part 5.3 - Noise, of the *Environment Protection Regulations 2021* to the satisfaction of the Responsible Authority. A report prepared by a suitably qualified professional demonstrating compliance with the requirements of this condition must be submitted prior to the commencement of the use.

Disability Access

- 4.51. Before each stage of the development is occupied, a Disability Discrimination Act Assessment/Audit for that stage, 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

- 4.52. Before any stage of 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 Responsible Authority in consultation with the Council. The amended Wind Assessment must be generally in accordance with the report prepared by Windtech, dated 30 August 2019, but modified to address all changes required under Clause 4 of this Incorporated Document and must (unless otherwise agreed in writing by the Responsible Authority:
- 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 be able to 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.
 - e) Ensure wind management treatments are located wholly within the development site/stage and:
 - i. do not rely on tree plantings along the pedestrian footpath along Plummer Street and/or Salmon Street.
 - ii. do not impact on DDA accessibility or impede wayfinding through the new laneway.
- 4.53. 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.
- 4.54. The recommendations and requirements of the approved Wind Assessment Report must be implemented to the satisfaction of the Council before each stage of the development is occupied.

Development Contribution

- 4.55. Before any stage of 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. \$17,538.55 per dwelling;
 - ii. \$198.55 per sqm of gross office/commercial floor area; and
 - iii. \$165.46 per sqm of gross retail floor area.
 - b) Any development contribution required by Clause 4.55(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;
 - c) 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.
 - 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 stage of development; or

- ii. The issue of a statement of compliance in relation to the subdivision of the land in accordance with the development or stage of 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

4.56. 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

4.57. Before the occupation of each relevant stage of the development, the following must be undertaken or caused to be provided 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 roads 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) Payment to the Council of a supervision fee equivalent to 2.5% of the actual cost of street construction works as specified in the relevant Street Construction Contract Schedule.
- g) Issue of a Final Completion Certificate by the Council's Asset Management Section, for the acceptance of street construction, site grading etc.
- h) Landscaping including open space and common property areas and planting of mature (2-3 metres height) street trees along the new road.
- i) Filling, shaping and grading of the land to drain satisfactorily to an approved place of discharge.
- j) Street nameplates or payment in this respect.
- k) Steel or concrete poles for public street lighting.
- l) Street lighting in accordance with the relevant Australian Standard.
- m) 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;
- n) A full set of 'as constructed' digitised construction plans for works, roads and drainage.
- o) A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the lots; and

- p) The new road vested in the Council as a Road.

Drainage/Engineering

- 4.58. Before any stage of 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 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.
- 4.59. Before each stage of the development starts, excluding demolition, excavation, piling, and site preparation works, and works to remediate contaminated land, or as otherwise agreed by the Responsible Authority, a Stormwater Drainage System Design for each relevant stage 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 for that stage.
 - b) Incorporate a LPD to the satisfaction of the Council.
- 4.60. 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

- 4.61. Before any stage of the development starts, excluding demolition, excavation, piling and site preparation works, and works to remediate contaminated land, or a sensitive use commences on the land, the Responsible Authority must be provided with either:
- a) A certificate of environmental audit issued for the land in accordance with Part IXD of the *Environment Protection Act 2017* or
 - b) A statement issued by an environmental auditor appointed under the *Environment Protection Act 2017* 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

- 4.62. 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 Incorporated Document must comply with all directions and conditions contained within the statement.
- 4.63. 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 2017* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.
- 4.64. 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 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

- 4.65. 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 and Green Star:

- 4.66. Before any stage of 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 30 August 2019, but modified to show:
- Details of any external shading to habitable rooms in the north-east and north-west tower elevations.
 - The number of bicycle spaces to be consistent with the architectural plans.
 - Rainwater tank capacity to meet the tank sizing requirement of 0.5m³ per 10m² of roof catchment.
 - The rainwater tank connected to all toilets throughout the development.
 - Demonstrate the catchment area, corresponding tank size and treatment types and show space allocation for that tank on the plans.
 - Demonstrate compliance with Clause 22.15-4.5 (Achieving a climate adept, water sensitive, low carbon, low waste community) of the Port Phillip Planning Scheme which should achieve a 20% improvement based on National Construction Code 2019 energy efficiency standards including for building envelopes, lighting and building services.
 - Demonstrate the apartment typologies will be compliant with Clause 58 of the Port Phillip Planning Scheme (as applicable).
 - Demonstrate how the site will achieve the required reduction in Urban Heat Island under Clause 22.15 of the Port Phillip Planning Scheme, noting the corresponding Green Star credit 25.0 Heat Island Effect Reduction.
 - Details of the reflective index of façade materials including non-glazed façade materials exposed to summer sun.
 - Space allocation for 40kW solar PV.
 - Any changes required to align with the Green Travel Plan (GTP) endorsed under this incorporated document.

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:

- 4.67. Before any stage of 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 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.
- 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.),
- iii) Person responsible for each maintenance task.

- 4.68. 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:

- 4.69. Prior to the commencement of buildings and works, evidence must be submitted to the satisfaction of the Council, that demonstrates that the relevant stage of 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.
- 4.70. 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 Tank Water:

- 4.71. A third pipe must be installed for recycled and rainwater to supply all non-potable outlets within all stages of the development for toilet flushing, fire services, irrigation, laundry and cooling, unless otherwise agreed by the relevant water authority.
- 4.72. 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.
- 4.73. 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.
- 4.74. Rainwater captured from roof harvesting areas must be re-used for toilet flushing, washing machine and irrigation or controlled release.

3D Model

- 4.75. Before any stage of 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 that stage 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

- 4.76. 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.
- 4.77. 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

- 4.78. 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 Responsible Authority.

Advertising Signs

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

Department of Transport

Amended Plans:

- 4.80. Before the development starts on each stage, 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 to the satisfaction of the Head Transport for Victoria. 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) for each stage 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) details of any canopy located along the Plummer Street façade and Salmon Street corner to ensure future tram and traffic signal works are not impacted;
 - d) an updated bus stop and all associated infrastructure for one existing bus stop on Salmon Street;
 - e) a new shelter and barrier kerb as required;
 - f) the inclusion of Passenger Information Displays (PIDS) in the vicinity of the bus stop;
 - g) the bus stop clear of any street furniture and obstacles; and
 - h) a design compliant with the *Disability Discrimination Act 1992 (Cth)*;

Public Transport (Bus Stop Works):

- 4.81. Any request for written consent to disrupt bus operations on Salmon Street during the demolition and construction of any stage 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:

- 4.82. Prior to the occupation of each stage the development, a Green Travel Plan must be submitted to and approved by the Responsible Authority in consultation with the Council and the Head, Transport for Victoria. The Green Travel Plan must include, (but is not limited to), the following:
- a) objectives for the Plan;
 - b) the objectives must be linked to measurable targets, actions and performance indicators;
 - c) a description of the existing active private and public transport context;
 - d) 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;
 - e) timescale and costs for each action;
 - f) the funding and management responsibilities, including identifying a person(s) responsible for the implementation of actions; and
 - g) a monitoring and review plan requiring annual review for at least five years.
- 4.83. 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:

- 4.84. 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 be to the satisfaction of the Head, Transport for Victoria.
- 4.85. 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)

- 4.86. The finished floor levels (FFLs) of all ground floor areas must be set no lower than 3.55 metres to Australian Height Datum (AHD) at the northern boundary, grading down to 3.4 metres to AHD at the south-east corner and to 3.3 metres to AHD on the south-west corner, with the exception of transitional areas containing landings, steps or ramps, to the satisfaction of Melbourne Water.
- 4.87. Rainwater tanks must be shown with 10m³ of storage per 200m² of roof area for the buildings.
- 4.88. Rainwater tanks must be shown to be designed to discharge in response to predicted rainfall events that could cause flooding.

Expiry

- 4.89. 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) use of the land in any stage of the development has not started within one (1) year of completion of that stage of the development; or
 - b) development of the first stage of the development has not started within four (4) years of the gazettal date of Amendment C182port; or
 - c) development is not completed within ten (10) years of the gazettal date of Amendment C182port.

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 Road Zone Category 1. 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 landowner 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 and Graham 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

- *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