

PORT PHILLIP PLANNING SCHEME

477- 481 Plummer Street, Port Melbourne (part)

INCORPORATED DOCUMENT

June 2020

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 (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:
  - a) 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;
  - b) 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;
  - c) The City of Port Phillip is the responsible authority for the enforcement of the Incorporated Document.

## 2. PURPOSE

- 2.1. To facilitate the redevelopment of the land identified in Clause 3 for the partial demolition of existing buildings and the use and development of the land for supermarket, retail (inclusive of food and drink premises and bottle shop), take away food premises, sale of packaged liquor, display of advertising signage, provision of 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 477-481 Plummer Street, Port Melbourne, described as Part of Crown Allotment 8 Section 67D, City of Port Melbourne Parish of Melbourne South (Volume 10325, Folio 024). The land is identified in Figure 1 below.

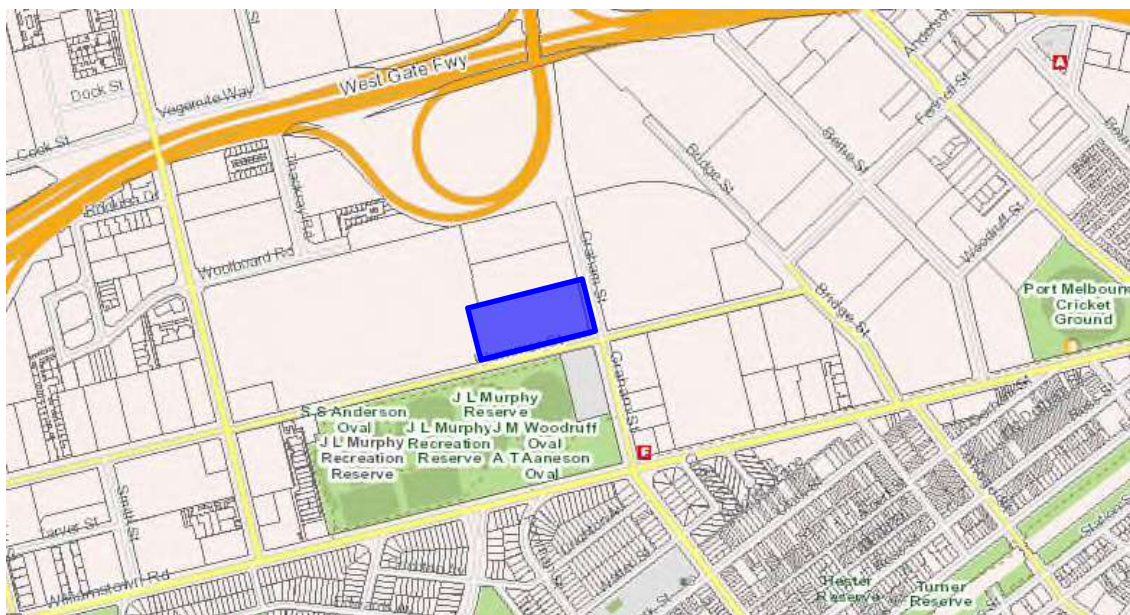


Figure 1: 477-481 Plummer Street, Port Melbourne.

## **4. CONTROL**

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

- 4.1. No planning permit is required for, and no provision in the Planning Scheme operates to prohibit, control or restrict the use or development (other than subdivision) of the land in accordance with the provisions contained in Clause 4.

### **Compliance with the endorsed plan**

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

### **Use and Development**

- 4.3. The development and layout of uses on the land as shown on the approved plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 4.4. The use of the land for a supermarket, bottle shop, take away food premises and sale of packaged liquor must cease within 10 years of gazettal of Amendment C168port.
- 4.5. Within 10 years and 6 months of gazettal of Amendment C168port, at the full cost of the owner:
- a) All crossovers to Plummer Street must be demolished and the kerb, channel and footpath reinstated to the satisfaction of the Department of Transport.

### **Detailed Development Plans**

- 4.6. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, amended plans must be submitted to and approved by the Responsible Authority. The amended plans must generally be in accordance with the architectural plans dated 23 January 2020, prepared by Hames Sharley Architects but modified to show:
- a) The identification of the food outlet zone.
  - b) Any changes required to meet the requirements of the Landscaping requirements in the corresponding clause(s) below.
  - c) Any changes required to meet the requirements of the Lighting Strategy in the corresponding clause(s) below.
  - d) Any changes required to meet the requirements of the Traffic Impact Assessment Report in the corresponding clause(s) below.
  - e) Any changes required to meet the requirements of the Waste Management Plan in the corresponding clause(s) below.
  - f) Any changes required to meet the applicable accessibility provisions of the Building Code of Australia and the applicable provisions of the Disability (Access to Premises – Buildings) Standards 2010 in the corresponding clause(s) below.
  - g) Any changes required to meet the drainage/engineering requirements in the corresponding clause(s) below.
  - h) Any changes required to meet the requirements of Melbourne Water in the corresponding clause(s) below.
  - i) Any changes required to meet the Environmentally Sustainable Design, Green Star and Third Pipe requirements in the corresponding clause(s) below.
  - j) Any changes required to meet the Department of Transport requirements in the corresponding clause(s) below.
  - k) Any changes and technical information required as a consequence of any other provision in Clause 4.

## Aboriginal Cultural Heritage

- 4.7. 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.
- 4.8. 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*.

## Reflectivity

- 4.9. Except with the consent of the Responsible Authority, all new external materials 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

- 4.10. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a detailed landscaping plan must be submitted to and approved by the City of Port Phillip. The plan(s) must be dimensioned and drawn to scale and generally in accordance with the landscape concept plan prepared by Urbis (drawing no. LCP\_001 dated 27 March 2020, Revision G) and must show:
- a) The location of all existing vegetation to be retained and/or removed.
  - b) The location of buildings and trees on neighbouring properties within 3 metres of the title boundaries.
  - c) 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.
  - d) Deep soil zones of at least 1.5m or planter pits for canopy trees as appropriate.
  - e) How the landscaping responds to water sensitive urban design principles, including how rainwater will be captured, cleaned and stored.
  - f) Details of all hard-landscaping materials finishes and treatments and urban design elements including paving, lighting, seating and balustrading.
  - g) Details of surface materials and finishes and construction of retaining walls, pathways, kerbs and access ways.
  - h) Details of landscaping treatments between the food outlet zone and the adjacent vehicle accessway to provide separation and visual interest from publicly accessible areas.
- 4.11. Prior to practical completion, elevations, sections, levels and details including materials and finishes of public realm works including reconstruction of public assets must be submitted to and approved by the City of Port Phillip and carried out to the City of Port Phillip's satisfaction.
- 4.12. All landscaping shown in the approved landscape plan must be carried out and completed prior to occupation of building and thereafter maintained to the satisfaction of the City of Port Phillip.

## External Lighting

- 4.13. Before 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 City of Port Phillip. This plan must:
- a) Identify all proposed lighting sources (including illuminated advertising signs), lux levels and spillage details and address how the lighting will integrate with the existing lighting in the interfacing public spaces.
  - b) Require all public lighting to conform with AS1158, AS3771 and the Public Lighting Code September 2001.
- 4.14. The approved lighting plan must be implemented as part of the development to the satisfaction of the City of Port Phillip.
- 4.15. All outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent light from the site causing any detriment to the locality.

### **Demolition and Construction Management Plan**

- 4.16. Before the development starts (including demolition), a detailed Demolition and Construction Management Plan must be submitted to and approved by the City of Port Phillip. The Demolition and Construction Management Plan objectives must be to minimise the impact of works associated with the demolition and construction on neighbouring buildings and structures and activities conducted in the area generally. The Demolition and Construction Management Plan 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 and construction.
  - j) Protection of public assets as appropriate.
  - 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 or landscaping (to activate, secure and enhance the visual presentation of the site and street frontage) should the site remain vacant for 6 months after completion of all practical building works.
- 4.17. Demolition and construction activity must be carried out in accordance with the approved Construction and Demolition Management Plan to the satisfaction of the City of Port Phillip.

### **Food Outlet Zone**

- 5.1. The operation of the food outlet zone will require a licence management agreement to be entered into with the City of Port Phillip. Any temporary events will be held in accordance with the terms of the agreement once established and to the satisfaction of the City of Port Phillip.
- 5.2. Before the use of any of the food trucks or vans for serving food can commence, a plan must be submitted to and approved by the Responsible Authority. The plan must show:



- a) No more than 7 food trucks or similar food dispensing vans shall operate from the land at any one time.
- b) Details on plan confirming the maximum number of 'takeaway food premises' (i.e nominated food trucks or similar) intended to be operating at any given time and the location of patron amenities.
- c) Details on plan confirming that each 'take away food premises' will be allocated up to a maximum of 10 seats per premises.
- d) Details of how the food outlet zone set aside for 'food trucks' will be converted into an attractive edge of the development when not in use.

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

- 5.3. Before 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 submitted to and approved by the City of Port Phillip. The updated traffic engineering assessment must be generally in accordance with the Traffic Impact Assessment report prepared by GTA consultants, dated 26 March 2020 (revision D) and amended to include:
  - a) Confirmation of pedestrian sight splays at all vehicle exits;
  - b) Details of crossing widths including dimensioned pedestrian refuges as required.
  - c) Confirmation that the car park has been designed to meet the design standards of Clause 52.06 including car space dimensions, clearance from walls / columns / obstructions, aisle widths, ramp clearances etc.
  - d) Confirmation, including on plans, of the number and location of staff car parking.
  - e) Details, including on plans and cross-section drawings, of loading areas conveniently located near commercial spaces.
  - f) Details for the provision and incorporation of common source EV charge points within the car park.
  - g) Details of Green Travel Plan measures
  - h) Details and location of staff and patron bicycle parking.
- 5.4. The internal design of the car park and loading docks, 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.
- 5.5. Traffic access and parking and loading/unloading arrangements must not be altered without the prior written consent of the City of Port Phillip.
- 5.6. Before the development is completed any approved changes to the existing 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.
- 5.7. Any loading and unloading of goods and all manoeuvring of vehicles must only be carried out within title boundaries of the land.
- 5.8. The food outlet zone must not be converted into overflow parking when not in use.

### **Waste Management Plan**

- 5.9. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land a Waste Management Plan for the development generally in accordance with the Waste Management Plan prepared by WSP dated 25 March 2020 (revision C) must be prepared to the satisfaction of the City of Port Phillip.
- 5.10. 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.

- 5.11. All bins and receptacles used for the collection and storage of garbage, bottles and other wastes must be kept in a storage area to the satisfaction of the City of Port Phillip. This storage area must, to the satisfaction of the City of Port Phillip, be:
- a) properly paved and drained to a legal point of discharge;
  - b) screened from view with a suitably designed enclosure;
  - c) supplied with adequate hot and cold water; and
  - d) maintained in a clean and tidy condition free from offensive odours.

### **Disability Access**

- 5.12. Before the development is occupied, a Disability Discrimination Act Assessment, 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 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.

### **Loading and Delivery Management Plan**

- 5.13. Prior to the commencement of the use, a Loading and Delivery Management Plan (LDMP) must be submitted to and be approved by the City of Port Phillip. The LDMP should consider measures to minimise the impacts of deliveries on the amenity of the area and specify the frequency of deliveries and hours in which they are to be undertaken. The LDMP must be periodically reviewed to the satisfaction of the City of Port Phillip.
- 5.14. 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.

### **Drainage/Engineering**

- 5.15. 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 for that stage, must be submitted to and approved by the City of Port Phillip.
- 5.16. 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.

### **Amenity Requirements**

- 5.17. The use and development of the land must be constructed and managed that the amenity of the area is not detrimentally affected through the:
- a) transport of materials, goods or commodities to or from the land;
  - b) appearance of any building, works, stored goods or materials;
  - c) emission of noise, artificial light, vibration, smell, fumes, smoke, steam, soot, ash, dust, waste water, waste products or oil; or
  - d) the presence of vermin;
  - e) storage of goods and materials, as no goods may be stored or left exposed outside of the permitted building (other than in designated storage areas) so as to be visible from any public road or thoroughfare.

## Noise Attenuation

- 5.18. 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.
- 5.19. No external sound amplification equipment, loud speaker, siren or other audible signalling device will be installed on the land.
- 5.20. All security alarms or similar devices installed on the land, where practical will be of a silent or baffled type approved by the Standards Association of Australia and must be connected to a registered security service.

## Hours of Operation

- 5.21. The use of the land for a supermarket shall only operate between the hours of 6:00am and midnight each day of the week, unless with the consent of the Responsible Authority.
- 5.22. The use of the land for a bottle shop shall operate in accordance with the following:
  - a) 9am to 11pm Monday to Saturday
  - b) 10am to 11pm Sunday
  - c) 12pm to 11pm ANZAC day
  - d) No trading on Good Friday and Christmas Day.
- 5.23. The use of the land for a takeaway food premises shall only operate between the hours of 6am to 10pm each day of the week, unless with the consent of the Responsible Authority.

## Development Contribution

- 5.24. 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 Responsible Authority and make application to the Registrar of Titles to have the agreement(s) registered on the title to the land under section 181 of the Act to the satisfaction of the Responsible Authority. The agreement(s) must:
  - a) Require the developer to pay a development contribution of:
    - \$159.59 per sqm of gross floor area used for a retail premises (including supermarket, bottle shop or take way food premises).
  - 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) Confirm that contributions will be payable to the Victorian Planning Authority or their successor.
  - e) Confirm that the contributions will be used by Victorian Planning Authority or their successor, to deliver the schedule of types of infrastructure.
  - f) Require payment of the development contribution prior to the commencement of the use of the land for the purpose of a supermarket.
  - g) 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.
  - h) Confirm the procedure for providing an offset in full of the contribution paid under this agreement against future contributions that may be payable in respect of the land under an approved Development Contribution Plan or Infrastructure Contributions Plan.



- i) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

The owner of the Land must pay all reasonable legal cost and expense of this agreement including preparation, execution and registration on title.

### **Environmentally Sustainable Design**

- 5.25. Prior to the commencement of development, an Environmentally Sustainable Design (ESD) report must be submitted to and be approved by the City of Port Phillip. The measures included in the ESD report must be implemented prior to occupation of the building, to the satisfaction of the City of Port Phillip.

### **Green Star rating**

- 5.26. 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 4 Star Green Star Design and As-Built rating (or equivalent) for that stage with the Green Building Council of Australia.
- 5.27. Within 12 months of occupation of the building under any stage, certification must be submitted to the satisfaction of the City of Port Phillip, that demonstrates that the building within that stage has achieved a minimum 4 Star Green Star As-Built rating (or equivalent).

### **Third pipe and rain tank water**

- 5.28. An agreed building connection point must be provided from the third pipe, designed to the satisfaction of the relevant water supply authority, to ensure readiness to connect to a future precinct-scale recycled water supply.
- 5.29. A rainwater tank must be provided that:
  - a) Is in accordance with the approved Environmental Sustainable Design (ESD) report.
  - 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.
- 5.30. Rainwater captured from roof harvesting areas must be re-used for selected toilet flushing, washing machine and irrigation, or controlled release.

### **Building Appurtenances**

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

### **3D Model**

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

### **Transport for Victoria**

#### Integrated Transport Plan

- 5.33. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, an Integrated Transport Plan must be submitted to and approved by the Responsible Authority in consultation with the Head, Transport for Victoria. The Integrated Transport Plan must include (but is not limited to) details of:

- a) an assessment of all modes of access to and from the site including end of trip facilities.
- b) a car parking assessment using precinct data to justify the increase in parking provisions.
- c) a SIDRA analysis of the traffic distribution by the development at all access points defined and explained.
- d) a Road Safety and Safety System Audit for all modes of transport with particular regard to the proposed school opposite the site and the provision of a school safety zone.
- e) a list of identified buildings, works and mitigation measures required to implement the Integrated Transport Plan including:
  - i. the installation of appropriate signs, line marking, (including barrier lines opposite the eastern access), splitter island and associated road works permitting only “left turn in” and “left turn out” vehicular access from the eastern car park to Plummer Street.
  - ii. Installation of appropriate sign(s) facing eastbound traffic at the western and eastern vehicular access on Plummer Street advising motorists to use Graham Street to access the bottle shop.
  - iii. Installation of advance warning signs facing eastbound motorists along Plummer Street advising of supermarket car park entry and associated car parking entry signs.

5.34. Unless otherwise agreed in writing with the Responsible Authority, prior to the occupation of the development all buildings, works and mitigation measures as recommended in the Integrated Transport Plan must be implemented and maintained, at no cost and to the satisfaction of, the Head, Transport for Victoria.

#### Demolition and Indemnity

5.35. Before the use commences, the owner must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority and Department of Transport and make application to the Registrar of Titles to have the agreement recorded on the title to the land under section 181 of the Act to the satisfaction of the Responsible Authority. The agreement must provide that:

- a) Provide that the operator of the supermarket shall not make any claim whatsoever for any loss or disruption of or to its business as a result of the acquisition of any part of the Land by the relevant Minister and the removal of any building structures or works accommodating the supermarket consequent upon such acquisition.

The owner of the Land must pay all reasonable legal costs and expenses of this agreement including preparing, execution and registration.

#### Green Travel Plan

5.36. Prior to the occupation of the development, a Green Travel Plan must be submitted to and approved by the Responsible Authority. The Green Travel Plan must include, but not be 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 employees and customers of the development to utilise active private and public transport and other measures that would assist in reducing the amount of private vehicle traffic generated by the site including 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.

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

#### Advertising Signs

- 5.38. No advertising signs, other than those approved under Clause 4 of this document, external to the building shall be erected, painted, illuminated, floodlit or displayed without the prior written approval of the Responsible Authority.
- 5.39. The type, location, size, lighting and material or construction of the signs shown on the endorsed plans shall not be altered without the written consent of the responsible authority.
- 5.40. The signs, including their structure, as shown on the endorsed plans must at all times be maintained in good order and condition to the satisfaction of the Responsible Authority.
- 5.41. The signs must only contain a logo or name which identifies the business conducted on the site unless otherwise approved by the Responsible Authority.
- 5.42. All sign(s) must not be reflective or throw glare towards motorists and must be installed totally inside the property line to the satisfaction of the Head, Transport for Victoria.
- 5.43. All lightboxes must be installed and maintained to ensure that the veiled luminance is less than 0.25cd/m<sup>2</sup> throughout the driver's approach to the satisfaction of the Head Transport for Victoria.
- 5.44. The larger sized 16.5m Dan Murphy and Woolworths signs will require a lighting report detailing the output, and how it will be regulated and maintained, to suit the varying conditions, by a suitably qualified lighting engineer to the satisfaction of the Head, Transport for Victoria.
- 5.45. The signs must be dimmable and have a suitable control system that enables maximum lighting levels to be adjusted when illuminated during the day, and the signage must be fitted with photocells (light sensors) that measures the ambient light and control technology, that enables the luminance to automatically adjust, relative to the measured ambient light level to the satisfaction of the Head, Transport for Victoria.

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

- 5.46. The finished floor levels of indoor areas, including supermarket, bottle shop, retail area and amenities, but excluding the internal car parking area, must be set no lower than 3.6 metres to Australian Height Datum (AHD).
- 5.47. The finished floor levels of outdoor areas, including the internal carpark, loading dock, temporary food outlet zone and alfresco seating and decking areas must be set no lower than 3.45 metres to Australian Height Datum (AHD).

#### **Expiry**

- 5.48. The specific controls contained in this document will expire if one of the following circumstances applies:
- a) The development has not commenced within 2 years of the gazettal of Planning Scheme Amendment C168port; or
  - b) The development is not completed within 4 years of gazettal of Planning Scheme Amendment C168port; or
  - c) The use is not commenced within 4 years of gazettal of Planning Scheme Amendment C168port.
  - d) The use of the land is discontinued for a period of two years.

5.49. The Responsible Authority may extend these periods if a request is made in writing before the expiry date or within six months afterwards.

**Notes:**

***Melbourne Water***

*Melbourne Water may issue a notice under the Water Act 1989 requiring the owner of the subject land to contribute to the cost of flood mitigation and drainage works in the Fishermans Bend urban renewal area. Any such contribution will be in addition to any contribution required under this Incorporated Document.*

***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](mailto:property.portphillip@delwp.vic.gov.au)*

*If necessary it may be required that prior to the occupation of the building, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138A (11) of the Land Act 1958 for any elements of the approved development that project more than 300mm beyond the land's Plummer 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.*

**END OF DOCUMENT**