

**INCORPORATED
DOCUMENT**

**THE UNIVERSITY OF MELBOURNE
FISHERMANS BEND CAMPUS**

THE UNIVERSITY OF MELBOURNE

XXXXX 2020

MELBOURNE PLANNING SCHEME

Incorporated Document:

The University of Melbourne Fishermans Bend Campus, Port Melbourne

1. INTRODUCTION

This document is an Incorporated Document in the schedule to Clause 45.12 and the schedule to Clause 72.04 of the Melbourne Planning Scheme (**the Planning Scheme**) pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

2. PURPOSE

This Document facilitates the use and development of the land described in Clause 3 for the purpose described in Clauses 4 and 5.

3. LAND DESCRIPTION

This Incorporated Document applies to part of the land at 221-245 Salmon Street, Port Melbourne (**the Land**), described as Lot 2 in Certificate of Title Volume 10914, Folio 545 and shown on Figure 1 below.



Figure 1: Map of Land subject to the Incorporated Document

4. CONTROL

Despite any provision to the contrary or any inconsistent provision in the Melbourne Planning Scheme, no planning permit is required for, and no provisions in the Melbourne Planning Scheme operate to prohibit, control or restrict the use or development of the land in accordance with this Incorporated Document for the purposes of, or related to, demolition of buildings, constructing, maintaining or using the development in accordance with the Incorporated Document.

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This Incorporated Document allows for demolition, bulk excavation, piling, site preparation and any retention works, and the use and development of the land for an education centre, place of assembly, leisure and recreation, industry, office, retail (excluding hotel and tavern unless with the written consent of the Minister for Planning) and other complementary uses including use of land to sell and consume liquor (on-premises licence) in association with another approved use and for temporary outdoor events, and advertising signage.

The use and development of the Land must be undertaken generally in accordance with the following plans/documents and subject to the conditions at Clause 5.

- The University of Melbourne Fishermans Bend Campus Masterplan prepared by Grimshaw Architects, dated 27 April 2020.

Despite anything to the contrary in Clause 5, no planning permit is required for the following:

- Temporary structures and prototypes constructed in association with education centre and industry uses;
- Plant and equipment used in association with education centre and industry uses;
- Small scale buildings and structures and additions less than 2,000 square metres gross floor area that comply with Clause 5 and, in particular, the building envelope plan and floor area ratio control at condition 9; and
- Internal rearrangement of the layout of a building.

For this purpose, Floor Area Ratio is the gross floor area above ground of all buildings on the land, including all enclosed areas, services, lifts, car stackers and covered balconies, divided by the area of the site. Voids and associated service elements should be considered as multiple floors of the same height as adjacent floors or 5.0 metres if there is no adjacent floor, except for the ground level, which is measured at floor to ceiling of 24m.

5. CONDITIONS

The use and development permitted by this Incorporated Document must be undertaken in accordance with the following conditions:

Masterplan

1. Prior to the submission of Stage 1 development plans under condition 2, a Masterplan must be submitted to and be approved by the Minister for Planning, in consultation with the Office of the Victorian Government Architect and Melbourne City Council. The Masterplan must be generally in accordance with the University of Melbourne Fishermans Bend Campus Masterplan, prepared by Grimshaw Architects, dated 27 April 2020 and include:
 - a) An existing conditions plan;
 - b) A demolition plan and heritage building retention and reuse plan;
 - c) Site layout plan;
 - d) Building envelope plan;
 - e) Floor Area Ratio control (consistent with condition 9);
 - f) Design criteria to guide the preparation of development plans that includes:
 - i. criteria for the design, location and function of through building links such as arcades, plazas, atria or similar

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- ii. criteria for the consideration of overshadowing of key open spaces on and off the site, including new streets, lanes, plazas and the like. The criteria must establish performance standards to measure whether overshadowing impacts on these spaces is appropriate.
- g) Staging plan.

The Masterplan approved under this Clause may be amended from time to time with the approval of the Minister for Planning.

Development Plans

2. Prior to the commencement of development for each stage, excluding demolition, bulk excavation, piling, site preparation and any retention works, development plans must be submitted to and be approved by the Minister for Planning. 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 Masterplan approved under condition 1.

The development plans must include, as appropriate:

- a) Existing conditions, including any earlier stages if relevant;
- b) Detailed site layout plans including the location of publicly accessible open space and on site connections;
- c) Design detail of through-block links, including height and width and general surface materials;
- d) Indicative land uses;
- e) Architectural plans and elevations including pedestrian access, vehicle and bicycle access, loading and other services;
- f) The location of through building links such as arcades, atria, plazas or similar.
- g) Details of overshadowing of open space within the site and off the site, including new roads, streets, lanes, plazas and the like.
- h) Details of retained and/or adapted heritage buildings and structures;
- i) A detailed development schedule, including cumulative floor areas for all stages approved, demonstrating compliance with the Floor Area Ratio control at condition 9;
- j) Details of how undeveloped land will be treated in the interim for future stages;
- k) Materials and finishes in accordance with the façade strategy required in the corresponding conditions below;
- l) Any changes required as a result of recommendations of further wind testing if required by the corresponding conditions below;
- m) Any changes as a result of further Environmentally Sensitive Design (ESD) assessments required by the corresponding conditions below;
- n) Any changes as a result of the Traffic Management Plan required by the corresponding conditions below; and
- o) Any changes as a result of the Waste Management Plan required by the corresponding conditions below.

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Land Use and Development

3. The use and development of the Land as shown on the endorsed development plans must not be altered or modified without the prior written consent of the Minister for Planning.

Staging

4. In conjunction with the submission of development plans for each stage under condition 2, a staging plan must be submitted to and approved by the Minister for Planning. The staging plan may be amended with the approval of the Minister for Planning.
5. The uses and development authorised by this Incorporated Document may be completed in stages in accordance with the approved staging plan under Condition 1g.
6. Within 6 months of the commencement of each stage of development or otherwise agreed by the Minister for Planning, a Whole of Site Management Plan must be submitted to and approved by the Minister. The plan must show the whole site and how land in subsequent stages is to be managed and maintained.

Continuity of Construction

7. Unless otherwise approved by the Minister for Planning, the development of each stage shall be constructed in a continuous manner in accordance with the approved staging plan. Temporary works must be constructed on the Land if there is any anticipated delay in the construction schedule for a time period of more than six months for any given stage. Temporary works may include landscaping of the land for the purpose of public recreation and open space.
8. Plans for the temporary works must be submitted to and be approved by the Minister for Planning, in consultation with the Melbourne City Council and the works must be completed within three months of the temporary works being approved, unless otherwise approved by the Minister for Planning.

Campus Density

9. Consistent with the approved Masterplan, the overall development should not exceed the preferred Floor Area Ratio of 3.2:1, which equates to 230,000 sqm.
10. Consent from the Minister for Planning is required to exceed the preferred Floor Area Ratio approved in the Masterplan, should the cumulative assessment in the development plans for any stage demonstrate that it will be exceeded. In considering a request to exceed the preferred Floor Area Ratio, the Minister for Planning must consider as appropriate:
 - a) The contribution of the use(s) and development to the education, employment and innovation objectives of the Fishermans Bend National Employment and Innovation Cluster or any other applicable planning policy or strategy that may be approved by the Minister for Planning from time to time;
 - b) Consistency with the building envelope plan in the approved Masterplan;
 - c) Consistency with the design principles in the approved Masterplan;
 - d) The potential for both on-site and off-site amenity impacts and how any impact is to be mitigated; and
 - e) Availability of sustainable transport infrastructure.

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Education and Innovation Uses

11. Prior to occupation of the development for each stage, a Partnership Charter must be submitted to the Minister for Planning for information purposes. The Charter should guide key external partnerships and inform leasing arrangements to deliver innovative uses and activities.

Sale and consumption of liquor

12. Before the commencement of the sale and consumption of liquor within a stage or part of a stage, a red-line plan showing the area for the sale and consumption of liquor must be submitted to and approved by Minister for Planning in consultation with the Melbourne City Council.
13. The area for the sale and consumption of liquor as shown on the endorsed red-line plan must not be altered without the prior written consent of the of the Melbourne City Council.
14. Before the sale and consumption of liquor starts within a stage or part of a stage, a Management Plan detailing the nature of the use must be submitted to and approved by the Melbourne City Council. The Plan must detail the following as appropriate:
 - a) Hours of operation for all parts of the premises.
 - b) The number of patrons permitted on the premises at any time liquor is being sold or consumed.
 - c) Details of the provision of music.
 - d) Security arrangements including hours of operation and management to minimise queues outside the venue.
 - e) Entry and exit locations.
 - f) Pass-out arrangements.
 - g) Training of staff in the management of patron behaviour.
 - h) A complaint management process.
 - i) Management of any outdoor areas to minimise impacts on the amenity of nearby properties.
 - j) Management of patrons who are smoking.
 - k) Lighting within the boundaries of the site.
 - l) Security lighting outside the premises.
 - m) General rubbish storage and removal arrangements, including hours of pick up.
 - n) Bottle storage and removal arrangements, including hours of pick up.
 - o) Noise attenuation measures including the use of noise limiters.
15. A premises must be managed in accordance with an associated Management Plan under condition 14 to the satisfaction of the of the Melbourne City Council. A Management Plan must not be altered without the written consent of the Melbourne City Council.

Heritage

16. Demolition must be undertaken generally in accordance with the Demolition Plan in the approved Masterplan.
17. Prior to the demolition of the existing buildings and structures known as Plant 3, Plant 5, the Social Centre and the Technical Centre, or as otherwise agreed with the Minister for Planning, a Heritage Strategy must be submitted to and approved by the Minister for Planning. The Strategy must be prepared by a qualified heritage consultant and be generally in accordance with the heritage design criteria of the Masterplan. The Strategy should address the proposed salvage of heritage fabric and future installation and interpretation of the industrial history of the land.

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Façade Strategy

18. In conjunction with the submission of development plans for each stage under condition 2, a Façade Strategy must be submitted to and approved by the Minister for Planning, in consultation with the Office of the Victorian Government Architect and Melbourne City Council. The Façade Strategy must be generally in accordance with the development plans and detail:
- a) A concise description by the architect of the building design concept and how the façade works to achieve this;
 - b) Elevation details generally at a scale of 1:50 or 1:100 illustrating typical podium details (including entries, doors and utilities), typical tower detail, and any special features which are important to the building's presentation;
 - c) 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;
 - d) Design of plant, services and equipment;
 - e) Details on any proposed façade/rooftop greening strategy;
 - f) Information about how the façade will be accessed, maintained and cleaned;
 - g) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high quality built, durable outcome in accordance with the design concept; and
 - h) 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 and/or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with coding.
19. Except with the consent of the Minister, light reflectivity from external materials and finishes must not reflect more than 20% of specular visible light, to the satisfaction of the Minister for Planning.
20. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Minister.

Through building links and connections

21. In conjunction with the submission of development plans for each stage under condition 2, a through buildings links and connections strategy must be submitted to and approved by the Minister for Planning, in consultation with Melbourne City Council. The through buildings links and connections strategy must be generally in accordance with the development plans and detail:
- a) how the links and connections are to operate, including how these spaces will be accessed and function
 - b) how the location and design of the links and connections meet relevant design criteria in the approved Masterplan
 - c) An access strategy, including general hours the links will be open to the public and a strategy to manage access when the links are closed.
22. The design, detailing and the quality, durability and type of materials and finishes to all elevations of the links and connections, including the ceiling/roof elevations must be to the satisfaction of the Minister for Planning.

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Open Space and Landscaping

23. Prior to commencement of development for each stage, excluding demolition, bulk excavation, piling, site preparation and any retention works, or as otherwise agreed to by the Minister for Planning, a Landscape Plan for each stage must be submitted to and approved by the Minister for Planning in consultation with Melbourne City Council. The Landscape Plan for that stage must be generally in accordance with the Masterplan approved under condition 1, and include:
- a) A schedule of all open space areas and their public access arrangements;
 - b) A schedule of all soft and hard landscaping and treatments;
 - c) Water sensitive urban design outcomes, as appropriate;
 - d) Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - e) Soil depths and volumes if planting is proposed over a basement or sub-structure;
 - f) Irrigation systems;
 - g) The detailed design and viability of any vertical façade, podium rooftop and/or rooftop planting systems;
 - h) Any heritage fabric to be installed and interpreted within open spaces;
 - i) Details of surface finishes of any retaining walls, pathways, laneways and kerbs; and
 - j) Details of an integrated palette of public open space furniture including seating, rubbish bins and bicycle hoops.
24. Prior to the commencement of all landscaping works for each stage, an Open Space and Landscape Management Plan detailing the ownership, public access arrangements, maintenance regime and management responsibilities of the open spaces associated with the development must be submitted to and be approved by the Minister for Planning.
25. The approved landscaping must be completed within six (6) months of the completion of each stage of development, or as otherwise agreed to by the Minister.

Legal Agreement

26. Prior to occupation of the development, the owner of the Land must enter into an agreement with the Minister for Planning pursuant to section 173 of the *Planning and Environment Act 1987* regarding publicly accessible open space and external through site connections. The agreement must:
- a) provide that the owner of the Land will remain the owner of, and will be responsible for, the open space and connections in perpetuity;
 - b) require the owner of the Land to maintain public access to the open space and connections in accordance with the Access Strategy (approved under Condition 21c)
 - c) provide that the owner of the Land is solely responsible for the care and maintenance of the open space and connections at the owner of the Land's cost and to the satisfaction of the Responsible Authority.

The owner of the Land must pay all of the Minister for Planning's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

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Lighting Plan

27. Prior to the commencement of development of each stage, excluding demolition, bulk excavation, piling, site preparation and any retention works, or as otherwise agreed to by the Minister for Planning, a Lighting Plan must be submitted to and be approved by the Minister for Planning, in consultation with the Melbourne City Council. The Plan must address the permanent lighting of the public realm associated with that stage of the development.

Wayfinding and Advertising Signage

28. Prior to commencement of development for each stage, excluding demolition, bulk excavation, piling, site preparation and any retention works, or as otherwise agreed to by the Minister for Planning, a Way Finding and Advertising Signage Strategy must be submitted to and be approved by the Minister for Planning in consultation with Melbourne City Council. The Strategy must include indicative locations for integrated wayfinding and advertising and business identification signs.

Environmentally Sustainable Design

29. Prior to commencement of development for each stage, excluding demolition, bulk excavation, piling, site preparation and any retention works, an Environmentally Sustainable Design (ESD) Statement must be prepared by an accredited professional and submitted to and approved by the Minister for Planning. The ESD Statement must generally be in accordance with the Masterplan approved under condition 1 and demonstrate that the development can achieve a minimum:
 - a) 5 Star Green Star Design and As-Built rating (or equivalent) with the Green Building Council of Australia.

The performance outcomes specified in the approved ESD Statement must be implemented prior to occupancy at no cost to the Minister for Planning or the Melbourne City Council and be to the satisfaction of the Minister for Planning.
30. Any significant change during detailed design, which affects the approach of the approved ESD Statement, must be assessed by an accredited professional and a revised statement must be endorsed by the Minister for Planning prior to the commencement of construction of that stage.

Third Pipe and Rain Tank

31. A third pipe must be installed for recycled water to supply non-potable uses within the development for toilet flushing, fire services, irrigation, laundry and cooling, unless otherwise agreed by the relevant water supply authority.
32. A building connection point must be provided from the third pipe, designed in conjunction with and to the satisfaction of the relevant water supply authority, to ensure readiness to connect to a future precinct-scale recycled water supply.

Waste Management

33. Prior to commencement of the development for each stage, excluding demolition, bulk excavation, piling, site preparation and any retention works, a Waste Management Plan (WMP) prepared by a qualified waste engineer must be submitted to and be approved by Melbourne City Council – Engineering Services. The WMP must generally be in accordance with the Masterplan approved under condition 1 and detail waste storage and collection arrangements.

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34. The approved WMP must be implemented to the satisfaction of the Melbourne City Council. The approved WMP must not be altered without the prior consent of the Melbourne City Council – Engineering Services.

Wind Assessment

35. Prior to commencement of development for each stage, excluding demolition, bulk excavation, piling, site preparation and any retention works, a Wind Assessment, including wind tunnel testing, must be submitted to and be approved by the Minister for Planning. The Assessment must demonstrate that suitable wind conditions can be achieved to the satisfaction of the Minister for Planning. The wind report should not rely on trees for suitable wind conditions within the adjoining public realm. Any further modifications required to the development to ensure acceptable wind conditions to the adjoining public realm and public open space must be carefully developed as an integrated high quality architectural and urban design solution.
36. The recommendations of the approved Wind Assessment must be implemented at no cost to the Minister for Planning or the Melbourne City Council and be to the satisfaction of the Minister for Planning.

Construction Management Plan

37. Prior to the commencement of development for each stage, a Construction Management Plan (CMP) must be submitted to and approved by Melbourne City Council. The CMP must outline how environmental and construction issues associated with the development will be managed and is to consider the following:
- a) Staging of construction;
 - b) Excavation works, site preparation, soil removal, site remediation, retention works, ground works and temporary structures;
 - c) Public safety, amenity and site security;
 - d) Hours of construction;
 - e) Air and dust management;
 - f) Stormwater and sediment control;
 - g) Waste and material reuse;
 - h) Site access and traffic management (including any temporary disruptions to adjoining vehicular, pedestrian and cyclist access ways);
 - i) Any works within the adjoining street network, road reserves or public spaces;
 - j) Discharge of polluted waters;
 - k) Control of noise, vibrations, dust and soiling of roadways and/or pathways;
 - l) Collection and disposal of building and construction waste.

The approved CMP must be implemented to the satisfaction of the Melbourne City Council and must not be altered without the prior consent of the Melbourne City Council.

Noise

38. The approved use (including education) and development must comply with the requirements of the Environment Protection Authority's (EPA) State Environment Protection Policy (Control

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of Noise from Industry, Commerce and Trade) No.N-1 (SEPP N-1), unless otherwise agreed to in writing by the EPA.

Transport Impact Assessment

39. Prior to commencement of each stage of development, excluding demolition, bulk excavation, piling, site preparation and any retention works, a Transport Impact Assessment (TIA), generally in accordance with the TIA prepared by GTA, dated September 2019, must be submitted to and approved by the Minister for Planning in consultation with Melbourne City Council. The Assessment must include:
- a) Car parking at a rate that encourages alternative modes of transport to the private motor vehicle;
 - b) Consideration of any off-site parking;
 - c) Bicycle parking in excess of the requirements at Clause 52.34 of the Melbourne Planning Scheme;
 - d) Swept paths demonstrating appropriate access arrangements to the site including all internal parking areas and loading and servicing requirements.

Green Travel Plan

40. Prior to occupation of each stage of the development, a Green Travel Plan must be submitted to and approved by the Minister for Planning in consultation with the Melbourne City Council. The Green Travel Plan must encourage the use of sustainable modes of transport by occupiers of the land.

Contaminated Land

41. Prior to commencement of development, except Stage 1 as identified in the approved Masterplan, or prior to commencement of each stage of the development, excluding demolition, the owner of the land or the developer must carry out a Preliminary Environmental Assessment (PEA) of the Land to determine if it is suitable for the intended use. This PEA must be submitted to and be approved by the Minister, in consultation with the Environment Protection Authority's (EPA), prior to the commencement of the development, excluding demolition. The PEA should include:
- a) Details of the nature of the land uses previously occupying the land and the activities associated with these land uses. This should include details of how long the uses occupied the land.
 - b) A review of any previous assessments of the land and surrounding sites including details of the anticipated sources of any contaminated materials.
42. Should the PEA recommend that further investigative or remedial work is required to accommodate the intended use(s), then prior to commencement of development, excluding demolition, the owner of the land or the developer must carry out a Comprehensive Environmental Assessment (CEA) of the land to determine if it is suitable for the intended use(s). The CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association. The CEA must be submitted to and be approved by the Minister for Planning prior to the commencement of the development, excluding demolition. The CEA should include:
- a) Details of the nature of the land uses previously occupying the land and the activities associated with these land uses. This includes details of how long the uses occupied the land.

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- b) A review of any previous assessments of the land and surrounding sites (including the PEA), including details of any on-site or off-site sources of contaminated materials. This includes a review of any previous Environmental Audits of the land and surrounding sites.
- c) Intrusive soil sampling in accordance with the requirements of Australian Standard (AS) 44582.1. This includes minimum sampling densities to ensure the condition of the land is accurately characterised.
- d) An appraisal of the data obtained following soil sampling in accordance with ecological, health-based and waste disposal guidelines.
- e) Recommendations regarding what further investigation and remediation work, if any, may be necessary to ensure the land is suitable for the intended use(s).

Prior to occupation of the development, the owner of the land or the developer must submit to the Minister for Planning a letter confirming compliance with any findings, requirements, recommendations and conditions of the CEA.

- 43. Should the CEA recommend that an Environmental Audit of the Land is necessary, then prior to occupation of the development, the owner of the land or the developer must provide either:
 - a) A Certificate of Environmental Audit in accordance with section 53Y of the *Environment Protection Act 1970*; or
 - b) A Statement of Environmental Audit in accordance with section 53Z of the *Environment Protection Act 1970*. This Statement must confirm that the land is suitable for the intended use(s).
- 44. Where a Statement of Environmental Audit is provided, all the conditions of the Statement must be complied with to the satisfaction of the Minister for Planning and prior to occupation of the development. Written confirmation of compliance with the Statement of Environmental Audit must be provided by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or other person to the satisfaction of the Minister for Planning. In addition, the written confirmation of compliance must be in accordance with any requirements in the Statement of Environmental Audit regarding the verification of works.
- 45. If there are conditions on the Statement of Environmental Audit that require significant ongoing maintenance and/or monitoring, the owner of the land must enter into a legal agreement in accordance with section 173 of the Planning and Environment Act 1987 with the Minister for Planning to require the owner of the Land to carry out any ongoing maintenance and/or monitoring as recommended in the Statement of Environmental Audit. The Agreement must be executed and registered on title prior to occupation of the development. The owner of the land must meet all costs associated with the drafting and execution of this agreement including those incurred by the Minister.

Melbourne Water

- 46. To be confirmed in consultation with Melbourne Water

Environment Protection Authority

- 47. To be confirmed in consultation with the EPA

Engineering and Drainage

- 48. To be confirmed in consultation with Council and other relevant authorities and agencies.

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3D Model

49. Prior to commencement of development for each stage, or as otherwise agreed with the Minister, a 3D digital model of the development and its immediate surrounds must be submitted to and be to the satisfaction of the Minister. The 3D Model is to be prepared in accordance with the Department of Environment, Land, Water and Planning's Advisory Note 3D Digital Modelling.
50. If substantial modifications are made to the building envelope, a revised 3D digital model must be submitted to and be to the satisfaction of the Minister.

Expiry

51. The controls in this Incorporated Document expire if any of following circumstances apply:
 - a) The development is not started within three years from the date of this approval.
 - b) The development is not completed within twenty five years from the date of this approval.

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

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