

MELBOURNE PLANNING SCHEME

INCORPORATED DOCUMENT

Specific controls for 850-858 Lorimer Street, Port Melbourne

March 2022

Incorporated document pursuant to Section 6(2)(j) of the *Planning and Environment Act 1987*

Incorporated document in the Schedules to Clauses 45.12 and 72.04 of the Melbourne Planning Scheme

1. INTRODUCTION

- 1.1. This document is an Incorporated Document in the schedules to Clauses 45.12 and 72.04 of the Melbourne Planning Scheme (the Planning Scheme) pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.
- 1.2. The land (the subject 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 Melbourne Planning Scheme with respect of this Incorporated Document except that:
 - a) The Melbourne City Council (the Council) is the responsible authority for matters expressly required by the Incorporated Document to be endorsed, approved or done to the satisfaction of the Melbourne City Council.
 - b) The Melbourne 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 Melbourne 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 three multi-storey buildings comprising Accommodation (Dwellings), Offices and Retail premises and create or alter access to a road in a Transport Zone 2 in accordance with Clause 4 of this document.

3. LAND DESCRIPTION

- 3.1 The control in Clause 4 applies to the land at 850 Lorimer Street, Port Melbourne (the Land), described in the following Certificates of Titles described as Lot 1 on Plan of Subdivision 306409K (Volume 10062, Folio 698), Lot 2 on Plan of Subdivision 306409K (Volume 10062, Folio 699), Lot 3 on Plan of Subdivision 306409K (Volume 10314, Folio 130) and Common Property on Plan of Subdivision 306409K (Volume 10062, Folio 701). The land is identified in Figure 1 below.

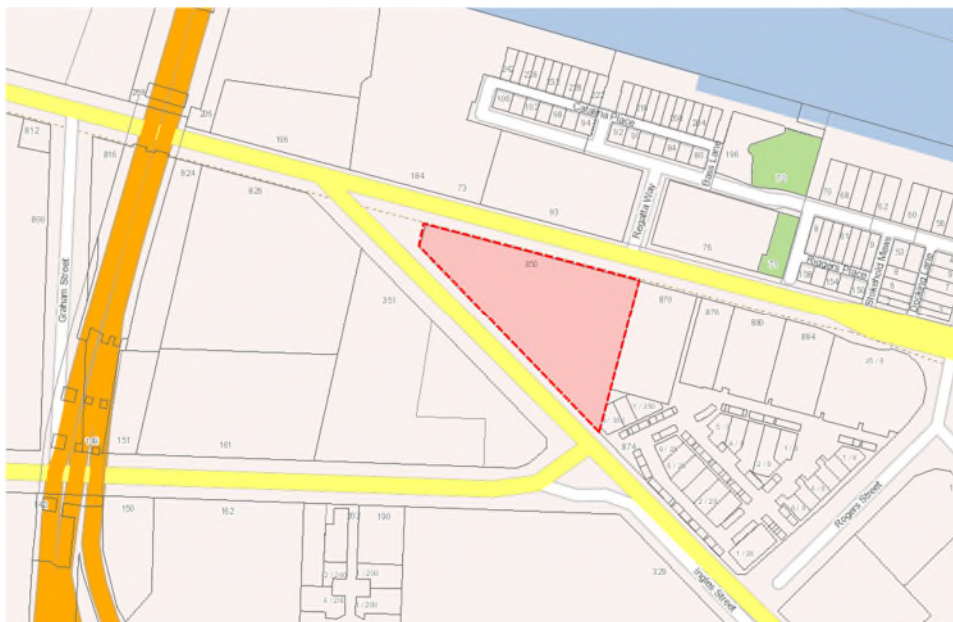


Figure 1: Map of the land subject to this Incorporated Document (850-858 Lorimer Street, Port Melbourne)

4. CONTROL

Exemption from the Planning Scheme requirements

- 4.1. Subject to Clause 4.2, no planning permit is required for, and no provision in the Planning Scheme operates to prohibit, control or restrict the use or development of the Land in accordance with the provisions contained in Clause 4.
- 4.2. A permit is required to subdivide the land or to vary or remove any easement 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 Planning Scheme.
 - b) Exempt from the requirements in Clause 53.01 (Public Open Space Contributions) of the 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 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 approved documents

- 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 endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

Amended Masterplan and Stage 1

- 4.6. Before the development starts, excluding demolition, excavation, piling and site preparation works and works to remediate contaminated land, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and fully dimensioned and must be generally in accordance with the Architectural Drawings prepared by Hayball, dated 22 May 2020 (Version 2) and Urban Context Report prepared by Hayball, dated 25 May 2020, but modified to show:
 - a) All plan and elevation drawings to show principal dimensions, including natural ground level, building ground floor levels, and maximum building heights, with heights expressed to Australian Height Datum (AHD).
 - b) Cross-section drawings of all buildings, including basement levels.
 - c) Elevation drawings of all buildings including nominal details of materials and finishes.
 - d) Elevation and cross-section detail drawings of ground level transitions from footpath level to any vehicle entries and raised building entries and internal lanes within the site.
 - e) AHD levels for the retailing tenancies for Stage 1 provided on the ground floor plans or details of stepping to understand how this level change will be managed, particularly to the eastern road.
 - f) Details of how level changes will be managed to enable direct universal access to the buildings from the street without the need for excessive external ramping.
 - g) The incorporation of a direct access to the northern lobby of Stage 1 from the new eastern road.
 - h) The provision of Canopy weather protection along Ingles Street and the new eastern road.
 - i) AHD levels for natural ground / street level with the provision of level changes occurring on-site only.
 - j) All tenancies, including Soho units, provided with internal access to the waste areas with paths of travel shown for all tenancies to their respective waste areas (unless otherwise agreed).

- k) All internal doors/access points for the commercial tenancies.
- l) Swept path diagrams showing the complete journeys of all required vehicles, demonstrating all turns to/from both Lorimer Street and Ingles Street to/from the site.
- m) Garage doors either offset at least 6m from the site boundary, or, left open during peak periods and closed off-peak.
- n) Ramp grades of <1:10 for the first 5m from site boundaries at the access and pedestrian sight triangles of 2m x 2.5m at the exits from the carparks into the new road and intersections of the new road with both Lorimer Street and Ingles Street.
- o) The new 6.6m wide road intersecting with Ingles Street perpendicularly, designed as a standard City of Melbourne crossover with a width of less than 6m generally in accordance with the report prepared by Stantec (GTA) dated 23 April 2021. The footpath along Ingles Street should be continuous across the new road, without pedestrians having to give way to exiting traffic.
- p) The provision of 'No Right Turn' signs both into and out of the site at the Ingles Street intersection with the new road.
- q) The car share spaces nominated on the plans.
- r) The location and allocation of bicycle spaces on the plans, ensuring convenient access for each allocated use.
- s) The location and allocation of motorcycle spaces nominated on the plans.
- t) A notation identifying that the public "Plaza" at the north end of the new shared road does not form part of the 'road'.
- u) The provision of solar PV panels included as part of the development.
- v) Stormwater treatment assets.
- w) Any changes, technical information and plan notations (or otherwise) required as a consequence of any provision in Clause 4 of this Incorporated Document.

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 Architectural Drawings prepared by Hayball, dated 22 May 2020 (Version 2) and Urban Context Report prepared by Hayball, dated 25 May 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 portion of the new road along the east boundary as part of Stage 1.

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 Stage 2

- 4.8. Before the relevant 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 and must be generally in accordance with the Architectural Drawings prepared by Hayball, dated 22 May 2020 (Version 2) and Urban Context Report prepared by Hayball, dated 25 May 2020, but modified to show:
- a) Existing conditions, including any earlier completed stages.
 - b) Detailed floor plans including setbacks, dimensions and internal layouts.

- c) Detailed elevations of all buildings and podiums and cross-section drawings of all buildings, including basement levels.
- d) Elevation drawings of all buildings including nominal details of materials and finishes.
- e) All plan and elevation drawings to show principal dimensions, including natural ground level, building ground floor levels, and wall and building heights (including maximums), with heights expressed to Australian Height Datum (AHD).
- f) Elevation and cross-section detail drawings of ground level transitions from footpath level to any vehicle entries and raised building entries and internal lanes within the site.
- g) Car parking space, access aisle dimensions, ramp grades and lengths, clearance between walls/columns in accordance with Clause 52.06 (or as otherwise agreed by the Responsible Authority in consultation with Melbourne City Council).
- h) The incorporation of direct access to the lobbies associated with the two tower buildings of Stage 2 from Ingles Street.
- i) A Better Apartment Design Standards assessment ensuring compliance with all Clause 58 (Apartment Developments) standards and objectives, unless otherwise agreed by the Responsible Authority.
- j) Any changes, technical information and plan notations (or otherwise) required as a consequence of any provision in this Incorporated Document.

Construction and Demolition Management Plan

- 4.9. Before the demolition starts, a detailed Construction and Demolition Management Plan (CDMP) must be submitted to and approved in writing by the Council. The CDMP 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).

Tree Protection Plan

- 4.10. Before the development starts, including demolition and bulk excavation, a Tree Protection Plan (TPP) must be provided to the satisfaction of the Council (Urban Forestry & Ecology). The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
- a) City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
 - b) Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries, loading zones and machinery locations.
 - c) Site specific details of the temporary tree protection fencing to be used to isolate public trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the works.

- d) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.
- e) Full specifications of any pruning required to public trees with reference to marked images.
- f) Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
- g) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).

Aboriginal Cultural Heritage

- 4.11. Before the development starts, including demolition, bulk excavation and site preparation works and works to remediate contaminated land, one of the following must be provided to the Responsible Authority:
- a) A report prepared by a suitably qualified professional confirming to the satisfaction of the Responsible Authority that a Cultural Heritage Management Plan (CHMP) pursuant to the *Aboriginal Heritage Act 2006* is not required; or
 - b) A certified Preliminary Aboriginal Heritage Test (PAHT) under sections 49B and 49C of the *Aboriginal Heritage Act 2006* in respect of the development of the land; or
 - c) A letter from Aboriginal Victoria confirming a CHMP has been approved for the land.
- 4.12. All works on the land must be carried out or constructed in accordance with the requirements of any approved CHMP or otherwise in accordance with the requirements of the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2018*.

Façade Strategy

- 4.13. 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 in writing by the Responsible Authority. Unless specified otherwise by the Responsible Authority, the Façade Strategy must be generally in accordance with the requirements of this incorporated document and include:
- a) Further landscape resolution and 1:20 architectural detail to depict planters embedded within the facade treatment to ensure the vertical greening depicted on elevations and renders will be viable.
 - b) 1:20 sectional details depicting the condition where 'perforated brick' is used as a facade screen over glazing.
 - c) Detailed 1:20 or 1:50 ground floor elevations clearly depicting the detailed design of ground floor thresholds and interfaces, including treatments to services frontages, glazing framing, shrouds or canopies around all key building entries, integrated seating to plinths, any operable windows to maximise connectivity with the street, the glazing interface to bicycle parking, and additional canopies for weather protection.
 - d) Additional details and material specification for services doors and garage doors to better reflect their function and provide added visual interest and transparency, including consideration of any textured finish or screening pattern design.
 - e) The clear depiction of all building entry doors to retail and commercial tenancies at the ground floor on overall building elevations and 1:20 detailed elevations, and consideration of other measures to emphasise their identity of entries including well-designed shrouds or localised canopies.
 - f) Specification of glazing to ensure a highly levels of transparency and reflectivity to not exceed 20%, except with the prior written consent of the Responsible Authority.

Reflectivity

- 4.14. Except with the prior written consent of the Responsible Authority, all external facade 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.

Affordable Housing

- 4.15. Before the development of the relevant stage 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 *Planning and Environment Act 1987*, to the satisfaction of both parties, for the delivery of affordable housing (as defined in the Act).
- 4.16. 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).
- 4.17. 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 4.17(a); or
 - iii. any other mechanism providing a contribution of equivalent or higher value to Clause 4.17(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 4.17(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 4.17(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.
- 4.18. The agreement may provide that:

- a) In lieu of delivering all or part of the affordable housing in accordance with Clause 4.17(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.

4.19. 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).

Landscaping and Public Realm

4.20. Before the development of each Stage starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, detailed landscaping and public realm plans must be submitted to and be approved in writing by the Responsible Authority. This detailed plan must be generally in accordance with the landscape plans prepared by Tract Consultants dated 25 May 2020 and the requirements of this incorporated document, but amended to include:

- a) Detailed design of the portion of the eastern road located on the subject land, including design of public lighting and drainage and clearly showing the proposed arrangement during the interim period when the road is only 6 metres wide.
- b) Detailed plans and additional landscaping detail demonstrating the resolution of the eastern 'pedestrian laneway' on the subject land, including consideration of designated zones for pedestrian movement, planting and seating, and wind mitigation strategies.
- c) The Irrigation and Maintenance section updated to include reference to the management and maintenance of both the temporary and the final ground level works within title.
- d) Run-off collection details around the raised brick planters in the pedestrian laneway.
- e) A detailed breakdown of soil volumes and planter depths for all on structure planting.
- f) A Landscape Maintenance Plan to further detail the ongoing maintenance of on-structure planters, including specific provision for maintenance beyond the fifty-two-week period following Practical Completion.
- g) A planting schedule of all proposed trees and other vegetation including botanical names, common names, pot sizes, soil volumes, sizes at maturity, and quantity of each plant and their protection and maintenance.
- h) How the landscaping responds to water sensitive urban design principles, including how rainwater will be captured, cleaned and stored and the location and type of irrigation systems to be used including the location of water tanks and water sensitive urban design principles, as appropriate.
- i) Details of all hard-landscaping materials, finishes and treatments (including around building entrances) and urban design elements including paving, lighting, seating and balustrading.
- j) Details of surface materials and finishes and construction of retaining walls, pathways, kerbs and access ways.
- k) Elevations, sections, levels and details including materials and finishes of public realm works including reconstruction of any public assets.
- l) Inclusion of innovative approaches to flood mitigation and stormwater run-off, and best practice Water Sensitive Urban Design (WSUD).

Public Realm Works

- 4.21. Before any stage of the development starts, including demolition, excavation, piling, site preparation works and works to remediate contaminated land, plans must be provided to the satisfaction of the Council that demonstrate existing public trees can be successfully retained without detrimental impacts to their health and longevity (unless otherwise agreed). The plans must be accompanied by an Arboricultural Impact Assessment from a suitably qualified Arborist in accordance with AS4970-2009 – Protection of trees on development sites.
- 4.22. 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.

Public Tree Removal / Pruning

- 4.23. No public tree adjacent to the site can be removed or pruned in any way without the prior written approval of the Council.

Public Tree Protection

- 4.24. All works (including demolition), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Council.
- 4.25. Following the approval of a Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted on, the Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.

Legal Agreement – Temporary Park

- 4.26. Before the commencement of the use/occupation of Stage 1 of the development, the owner of the land must enter into an agreement with the Responsible Authority (as identified in Clause 1 of this Incorporated Document) pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must provide the following:
- a) Be registered on the relevant certificate(s) of title to which it affects;
 - b) Deliver the construction and completion of the temporary park located on the Stage 2 site, by the Owner, in accordance with plans and specifications first approved by the Melbourne City Council – City Design Studio;
 - c) Give rights of public access to the temporary park located within the subject land 24 hours a day, 7 days a week, but to remain at all times in private ownership as part of the subject land as marked on an agreed plan;
 - d) The owner must, at its cost, maintain the temporary park to standards as required by the Melbourne City Council;
 - e) Include timing of construction of the temporary park to be before the occupation of the Stage 1 building; and
 - f) All requirements of the Melbourne City Council - City Design Studio being met regarding the design and physical treatment of the park, including landscaping, furniture, lighting and servicing infrastructure.

The owner of the land must pay all of the Melbourne City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title

Legal Agreement – Public Plaza

4.27. Prior to the commencement of the use/occupation of Stage 1 of the development, the owner of the land must enter into an agreement with the Responsible Authority (as identified in Clause 1 of this Incorporated Document) pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must provide the following:

- a) Be registered on the relevant certificate(s) of title to which it affects;
- b) Give rights of public access to the east-west Public Plaza within the subject land identified as “5” within the Urban Context Report dated 25 May 2020 (Street & Public Realm Character) 24 hours a day, 7 days a week, but to remain at all times in private ownership as part of the subject land as marked on an agreed plan;
- c) The owner must, at its cost, maintain the plaza in accordance with any endorsed Landscape Plan to the satisfaction of the Melbourne City Council; and
- d) Include timing of construction of the plaza to be before the occupation of the relevant abutting building.

The owner of the land must pay all of the Melbourne City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Legal Agreement – New Laneways and Roads

4.28. Before the commencement of the use/occupation of Stage 1, the owner of the land must enter into an agreement under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority (as identified in Clause 1 of this Incorporated Document) for the delivery of new laneways and roads. The agreement must provide the following:

- a) Be registered on the relevant certificate(s) of title to which it affects;
- b) Full construction of the central laneway and portion of the eastern road in accordance with the approved Staging Plan to the satisfaction of, and at no cost to the Melbourne City Council before the occupation of the building(s) in each respective stage;
- c) Give rights of public access to the central laneway and portion of the eastern road within the subject land 24 hours a day, 7 days a week, but to remain at all times in private ownership as part of the subject land as marked on an agreed plan;
- d) Ensure that access is maintained except when routine inspection and maintenance is being undertaken and other exceptions that may be agreed to in writing by the parties.
- e) The Owners' Corporation must at its cost, maintain the central laneway and portion of the eastern road within the subject land to standards as required by the Melbourne City Council;

The owner must pay all of the Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title

Traffic, Parking and Loading/Unloading

4.29. All traffic access and parking and loading/unloading arrangements must not be altered without the prior written consent of the Responsible Authority.

4.30. Prior to the first occupation of the development hereby approved, 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 Responsible Authority.

4.31. Prior to the first occupation of the development hereby approved, details of the extent to which the laneway extending along the eastern property boundary will act as a pedestrian and/or shared space must be submitted to and approved in writing by the Responsible Authority.

- 4.32. Prior to the commencement of the development hereby permitted, a formal independent desktop Road Safety Audit of the proposed development must be undertaken, at the developer's expense, which should include the vehicular/bicycle/pedestrian access arrangements, loading arrangements, internal circulation/layout, the design/layout of the new road, the pedestrian path along the eastern boundary and all works within the public realm and consideration of the proposed paths of travel shown in Stage 2 of which includes the requirement for pedestrians to cross internal roadways to access waste storage areas. The findings of the Audit should be incorporated into the detailed design, at the developer's expense to the satisfaction of the City of Melbourne – Infrastructure & Assets.

Loading Management Plan

- 4.33. Prior to the first occupation of each Stage of the development hereby approved (excluding demolition and bulk excavation), a Loading Management Plan (LMP) must be prepared, specifying how the access/egress of loading vehicles is to be managed to the satisfaction of the City of Melbourne – Infrastructure & Assets. A Dock Manager should be employed, responsible for controlling the operation of the loading bay and unloading of goods. If it is necessary to undertake any reversing manoeuvres within the site, the Dock Manager's responsibilities should include:

- a) Present on site during all periods when deliveries are to be undertaken.
- b) Act as spotter for any reversing movements into the loading bay.
- c) Act as informal traffic controller to discourage pedestrian movements when vehicles reverse.
- d) Ensure conflicts do not occur between loading and other vehicles.
- e) Ensure that space used for vehicle manoeuvring is kept clear of other vehicles/obstructions at all times.

Waste Management Plan

- 4.34. Before the development of each Stage starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, an amended Waste Management Plan (WMP) must be submitted to and approved in writing by the Council. This WMP must be generally in accordance with the Waste Management Plan prepared by Leigh Design, dated 26 May 2020, but amended to address the following:

- a) Any changes required under this Incorporated Document.
- b) The development is entitled to bi-monthly hard waste collections of up to 4m³ for the residential hard waste.
- c) Confirm that the residential compactors will be available for use at the completion of Stage 2.
- d) Address organic waste generation and management.
- e) The swept path diagrams for the hook-lift vehicle needs to show a 9.8m truck, to account for the compactor overhang. Confirm that there are no obstructions (kerbs, walls, etc) in the path of the vehicle.
- f) All chutes termination points are to be fully enclosed.
- g) Include swept path diagrams for a MRV which will perform collections of municipal hard waste.
- h) Include cross sectional diagrams showing sufficient height clearances for the hook lift vehicles.
- i) Confirm the clearance between the compactors and between the compactors and side walls.

- 4.35. All waste storage and collection must be undertaken in accordance with the approved Waste Management Plan (WMP) and must be conducted in such a manner as not to affect the amenity of the surrounding area and not cause any interference with the circulation and parking of vehicles on abutting streets.

Civil Design Requirements

- 4.36. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by City of Melbourne – Infrastructure and Assets.
- 4.37. Before the development starts, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by City of Melbourne – Infrastructure and Assets. This system must be constructed prior to the occupation of the development

and provision made to connect this system to the City of Melbourne's underground stormwater drainage system. Where necessary, the City of Melbourne's drainage network must be upgraded to accept the discharge from the site in accordance with plans and specifications first approved by City of Melbourne – Infrastructure and Assets. Prior to the commencement of the use/occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by City of Melbourne – Infrastructure and Assets.

- 4.38. Before the use/occupation of the development starts, all necessary vehicle crossings must be constructed, and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by City of Melbourne – Infrastructure and Assets.
- 4.39. All new roads (including the provision of footpaths, public lighting, drainage, street trees, pavement marking, signage, street furniture, etc.) must be constructed prior to the occupation of the relevant stage of the development.
- 4.40. All portions of roads and laneways affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by City of Melbourne – Infrastructure and Assets.
- 4.41. The kerb and channel adjoining the site along Ingles Street must be reconstructed in new sawn 300mm wide bluestone kerb and 250mm wide bluestone channel at the cost of the developer, in accordance with plans and specifications first approved by City of Melbourne – Engineering Services.
- 4.42. The footpaths adjoining the site along Lorimer and Ingles streets must be reconstructed in asphalt together with associated works including the renewal/reconstruction of kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by City of Melbourne – Infrastructure and Assets.
- 4.43. Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from City of Melbourne – Infrastructure and Assets.
- 4.44. Existing public street lighting must not be altered without first obtaining the written approval of City of Melbourne – Infrastructure and Assets.
- 4.45. Existing street furniture must not be removed or relocated without first obtaining the written approval of City of Melbourne – Infrastructure and Assets.
- 4.46. All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on Lorimer Street and Ingles Street outside the proposed buildings (as applicable) to plans and specifications first approved by City of Melbourne – Infrastructure and Assets.
- 4.47. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a detailed lighting plan must be prepared and approved by the Responsible Authority. This plan must:
 - a) Identify all proposed lighting sources, lux levels and spillage details and address how lighting will integrate with existing lighting in the interfacing public spaces; and
 - b) Be generally consistent with Council's Lighting Strategy, and include the provision of public lighting in Lorimer St, Ingles St and the new roads.
 - c) Require all public lighting to conform with AS1158, AS3771 and the Public Lighting Code December 2015 (v2).
 - d) The lighting works shall include undergrounding of the public lighting cables in Lorimer and Ingles streets.
 - e) The approved lighting plan must be implemented as part of the development to the satisfaction of the Council.
- 4.48. The lighting works must be undertaken prior to the commencement of the use/occupation of the development, at the cost of the developer, in accordance with plans and specifications approved by the Council.

Land Survey Conditions

- 4.49. Any proposed Canopy must comply with the Councils Road Encroachment Guidelines.
- 4.50. Prior to occupation, the north-south access ways which links Lorimer Street and Ingles Street must be named in accordance with the Geographic Place Names Act 1998 to provide appropriate street addressing for the retail tenancies. Any proposed road name must comply with the Guidelines for Geographic Names 2010, and the Geographic Place Names Act 1998.

Noise Attenuation

- 4.51. Before the relevant 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 Stantec, dated 26 May 2020, but modified to include an assessment of the detailed design of Stage 2 against the requirements of Clause 58.04-3 of the Melbourne Planning Scheme.
- 4.52. The recommendations in the Acoustic Report must be implemented prior to the commencement of the use/occupation of the relevant stage of the development.
- 4.53. 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 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

- 4.54. 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.

Amenity Impact Plan

- 4.55. The recommendations set out in the Amenity Impact Plan prepared by GHD and dated June 2019 must be implemented to the satisfaction of the Responsible Authority prior to the first occupation of each Stage of the development hereby approved.

Disability Access

- 4.56. 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 Melbourne City Council. This document must provide an assessment of the development (including public realm works or publicly accessible areas) against the applicable accessibility provisions of the Building Code of Australia and the applicable provisions of the Disability (Access to Premises – Buildings) Standards 2010.

Wind Assessment

- 4.57. Before the development of each Stage starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, an amended wind assessment report must be submitted to and be approved by the Responsible Authority. The amended wind assessment must be generally in accordance with the report prepared by Mel Consultants, dated June 2019 and supplementary letter dated 28 May 2020 but modified to address all changes required under this Incorporated Document and must (unless otherwise agreed in writing by the Responsible Authority):
 - a) Maximise wind conditions (including mitigation measures and treatments) to achieve the highest practical criterion as set out in Schedule 67 of the Design and Development Overlay (DDO67) of the Melbourne Planning Scheme; and

- b) Set out proposed mitigation measures to ensure satisfactory wind conditions are achieved in all publicly accessible areas adjacent to the site within the defined assessment area set out in DDO67 of the Melbourne Planning Scheme.
- 4.58. Any further modifications required to the development in order to ensure acceptable wind conditions to surrounding publicly accessible areas must be carefully developed as an integrated high-quality design solution to the satisfaction of the Council.
- 4.59. The recommendations and requirements of the approved Wind Impact Assessment Report must be implemented to the satisfaction of the Council before each stage of the development is occupied.

Development Contribution

- 4.60. 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 4.60a may be offset by any agreed costs of delivering approved changes to infrastructure and the Section 173 Agreement may make provision for works-in-kind in relation to the upgrade of the Lorimer Street-Ingles Street intersection, subject to the agreement of the Department of Jobs, Precincts and Regions and the Responsible Authority. The works-in-kind credit may not exceed the amount listed for these works in any future Infrastructure Contribution Plan or Development Contribution Plan gazetted into the Melbourne Planning Scheme at the time of the agreement. The timing for any credit will be subject to the guidance in any Infrastructure Contribution Plan or Development Contribution Plan unless otherwise agreed, including the views of the Collecting Agency and Development Agency. The design of any intersection works is subject to the approval of the relevant road manager(s).
 - c) Require that development contributions are to be indexed annually from 1 July 2021 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 Planning Authority or its successor, will use the contributions to deliver the schedule of types of infrastructure.
 - h) Require payment of the development contribution/s before the earliest of the following:
 - i. The issue of an occupancy permit for the development; or
 - ii. The issue of a statement of compliance in relation to the subdivision of the land in accordance with the development allowed under this specific control.
 - i) Confirm the procedure for refunding monies paid if an approved Development Contribution Plan or Infrastructure Contributions Plan for the area is less than the amount stipulated in the section 173 agreement.

- j) 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 costs and expenses of this agreement including preparation, execution and registration on title.

Overshadowing

- 4.61. The buildings must not result in any overshadowing of parks protected by mandatory overshadowing controls as shown on Map 5 of Schedule 67 of the Design and Development Overlay (DDO67) of the Melbourne Planning Scheme.

Environmental Audit

- 4.62. 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

- 4.63. 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.
- 4.64. 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.
- 4.65. 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

- 4.66. 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

- 4.67. Before any stage of the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a revised Sustainability report must be submitted to and approved by the Council. The report must be generally in accordance with the submitted Sustainability report prepared by Stantec and dated 27 May 2020, but amended to include:

- a) A full Green Star pathway as well as any preliminary calculations or modelling undertaken to identify eligibility for points targeted under the Green Star pathway included as an appendix to the ESD Statement;
 - b) The provision of solar PV panels included as part of the development.
- 4.68. Before the development of each stage starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, evidence must be submitted to the satisfaction of the Responsible Authority demonstrating the building 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.
- 4.69. Any significant change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional and a revised statement must be submitted to and endorsed by the Council prior to the commencement of construction.

Green Star Rating

- 4.70. Before any stage of the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, 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.
- 4.71. Within 24 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

- 4.72. 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.
- 4.73. 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.
- 4.74. 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.
- 4.75. Rainwater captured from roof harvesting areas must be re-used for toilet flushing, washing machine and irrigation or controlled release.

3D Model

- 4.76. 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

- 4.77. 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.
- 4.78. 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

- 4.79. 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

- 4.80. 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 Melbourne Planning Scheme.

Department of Transport

Amended Plans (Stage 1)

- 4.81. Before the development starts on Stage 1, 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) 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) a design of the interface between the proposed tram corridor and the 12 metre wide road alignment along the eastern boundary. In accordance with the Fishermans Bend Framework Plan vehicle access is not permitted through to Ingles Street at this location.
 - c) the installation of signs, line marking and associated road works permitting only "left turn in" and "left turn out" vehicular access from Lorimer Street for both new vehicle crossings onto Lorimer Street
 - d) modification as required and/or removal of any existing car parking spaces, street tree/s and associated road works on the south side of Lorimer Street to accommodate both new vehicular access arrangement.
 - e) new/updated bus stop / shelter and all associated infrastructure for the existing city bound bus stop on the north side of Lorimer Street (as required);
 - f) improved pedestrian access to the city bound bus stop north of Lorimer Street including a pedestrian island in Lorimer Street for pedestrian refuge and connecting footpath.

- g) the inclusion of Passenger Information Displays (PIDS) in the vicinity of the bus stop;
- h) the bus stop clear of any street furniture and obstacles; and
- i) a design compliant with the Disability Discrimination Act 1992 (Cth);

Amended Plans (Stage 2)

4.82. Before the development starts on stage 2, 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) The installation of sign/s, line marking, painted arrow, island and associated road works prohibiting Right turn out movements from Ingles Street onto Lorimer Street.
- b) dedicated bike maintenance bay (minimum 2.5m x 1.5m) clearly marked and signed adjacent to bike parking area and include:
 - All-In-One bike service rack with tools
 - Air pump suitable for bicycle tyres
 - Water tap, wall mounted and positioned over a grated drain.
 - General purpose power outlet.
 - Suitable lighting, with timeclocks or sensors set to a minimum of 10 minutes

4.83. The prohibition of right turn movements onto Lorimer Street from Ingles Street must remain in place until such time as traffic signals are installed at the Lorimer Street/Ingles Street intersection.

Public Transport (Bus Stop Works)

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

Green Travel Plan

4.85. 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 City of Melbourne 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.

4.86. 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

- 4.87. Prior to the occupation of the development, all works outlined on the endorsed plans for each respective stage must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria.
- 4.88. All disused or redundant vehicle crossings along Lorimer 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)

- 4.89. With the exception of retail areas and commercial lobbies, the finished Floor Levels (FFLs) of all ground floor areas (including all lift and stair lobbies,) must be set no lower than 3.0 metres(m) to Australian Height Datum (AHD).
- 4.90. All areas with electrical installations (e.g. electrical substations, switch rooms etc) must be set no lower 3.0 m to the AHD.
- 4.91. Rainwater tanks must be shown with 10m³ of storage per 200m² of roof area for the buildings.
- 4.92. Rainwater tanks must be shown to be designed to discharge in response to predicted rainfall events that could cause flooding.
- 4.93. Any/all basement entry and exits points, including lift entries, stairwells, windows, openings and vents, that could allow entry of floodwaters to the basement levels, must be set no lower than 3 metres to Australian Height Datum.
- 4.94. Any/all basement ramps must incorporate a flood proof apex set no lower than 3 metres to Australian Height Datum to prevent floodwaters entering the basement levels during a flood event.
- 4.95. Transitional areas containing landings, steps or ramps may be allowed at lower levels, to the satisfaction of Melbourne Water. This does not include lift and stair lobbies, which must be constructed with minimum FFLs of 3.0 m to AHD. The FFLs of retail areas and commercial lobbies may be permitted at a height no lower than 2.7 m to AHD, with the exception of frontages on Ingles Street, between the proposed service road and the south eastern corner, where floors should be set no lower than 2.8 m to AHD.

Expiry

- 4.96. The control in this document expires in respect of land identified in Clause 3 of this document if any of the following circumstances apply:
- a) Development has not commenced within three (3) years of the gazettal date of Amendment C361melb; or
 - b) Development is not completed within six (6) years of the gazettal date of Amendment C361melb, or
 - c) Use of the land in any stage of the development has not commenced within one (1) year of completion of that stage of the development.

END OF DOCUMENT