



687 Mount Alexander Road, Moonee Ponds

August, 2023

## MOONEE VALLEY PLANNING SCHEME

Incorporated Document

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This document is an incorporated document in the Moonee Valley Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987

OFFICIAL

## 1.0 INTRODUCTION

This document is an Incorporated Document in the schedules to Clause 45.12 - Specific Controls Overlay (SCO) and Clause 72.04 - Incorporated Documents of the Moonee Valley Planning Scheme (scheme).

The land identified in Clause 2.0 of this document may be used and developed in accordance with the specific controls contained in Clauses 6.0 and 7.0 of this document.

The Minister for Planning is the Responsible Authority for administering Clause 45.12 of the Planning Scheme with respect to this Incorporated Document except that:

- a) Moonee Valley 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 Moonee Valley City Council; and
- b) Moonee Valley City Council is the Responsible Authority for the enforcement of the Incorporated Document.

## 2.0 LAND DESCRIPTION

This document applies to 687 Mount Alexander Road, Moonee Ponds (Land in Plan of Consolidation 379163T) known as 'the land' being all of the land within SCO2.



## 3.0 APPLICATION OF PLANNING SCHEME PROVISIONS

Despite any provision to the contrary or any inconsistent provision in the scheme, pursuant to Clause 45.12 of the scheme the land identified in the incorporated document may be used and developed in accordance with the specific controls contained in this document.

In the event of any inconsistency between the specific controls contained in this document and general provisions of the scheme, the specific controls contained in this document will prevail.

#### **4.0 EXPIRY OF THIS SPECIFIC CONTROL**

The development of the land permitted under this Incorporated Document must:

- Commence within two (2) years of the gazettal date of Amendment C233moon to this scheme.
- Be completed within four (4) years of the gazettal date of Amendment C233moon to this scheme.

The use permitted under this Incorporated Document must commence within 4 years of the gazettal date of Amendment C233moon to this scheme.

The Minister for Planning may extend the period for commencement if a request is made in writing before the time for commencement expires or within six months afterwards.

The Minister for Planning may extend the date for the completion of the development if a request is made in writing before the time for completion expires or within 12 months after the time for completion expires and the development is started lawfully before the approval expired.

#### **5.0 PURPOSE**

The purpose of this incorporated document is to permit the use and development of the land for a multi-storey mixed use building containing a residential hotel (with ancillary retail uses) and office generally in accordance with the plans approved in Clause 6.0 of this document and subject to the Clause 7.0 conditions of this document.

#### **6.0 DETAILED DEVELOPMENT PLANS:**

This document allows the use and development of the land for the purposes of the project set out in the detailed development plans endorsed under the conditions of this incorporated document. Detailed development plans must be generally in accordance with the plans prepared by CHT Architects, titled 687 Mount Alexander Road, Moonee Ponds – Mixed Use Development, Revision P12 and dated 1/03/2022, and referenced as follows:

- TP0.00, TP0.01B, TP0.1C, TP0.01D, TP0.02-TP0.04, TP1.00, TP1.01-TP1.15, TP2.01-TP2.05, TP3.01-TP3.03, TP5.00-TP5.02 and TP6.01

including any amendment of the plans that may be approved from time to time under the clauses of this document.

#### **7.0 CONDITIONS**

The following conditions apply to the use and development allowed by this incorporated document:

##### **Amended Plans**

1. Before the development commences (excluding preliminary site works,

demolition, bulk excavation, retention, footings and foundations, and any clean up works, or as may otherwise be agreed in writing by the Responsible Authority), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Incorporated Document. The plans must be drawn to scale with dimensions and be generally in accordance with the plans prepared by CHT Architects 2 as described in clause 6.0 hereof but modified to show:

- a) Any wind mitigation measures and changes to the built form as a consequence of Condition 6;
  - b) A Sustainability Management Plan and associated updates to the plans in accordance with Condition 18;
  - c) Any changes to built form required as a result of the Waste Management Plan in accordance with Condition 23;
  - d) All built form (except balconies and architectural features) must be contained within the title boundaries of the subject site, with no projections into the public realm;
2. The development as shown on the endorsed plans (including other material that forms part of this Incorporated Document) must not be altered (unless the Moonee Valley Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. Before the development commences (excluding preliminary site works, demolition, bulk excavation, retention, footings and foundations, and any clean up works, or as may otherwise be agreed in writing by the Responsible Authority), a 3D model of the development and its surrounds must be submitted to and approved by the Responsible Authority. The model must be in conformity with the Department of Environment, Land, Water and Planning Infrastructure Advisory Note – 3D Digital Modelling.

#### **Façade Strategy and Materials and Finishes Plan**

4. Before the development commences (excluding preliminary site works, demolition, bulk excavation, retention, footings and foundations, and any clean up works, or as may otherwise be agreed in writing by the Responsible Authority) a Façade Strategy and Materials and Finishes Plan must be submitted to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will form part of this incorporated document. This must detail:
  - a) Elevations at a scale of 1:20 or 1:50 illustrating typical entries and doors;
  - b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - c) Information about how the façade will be maintained;
  - d) A materials schedule and coloured drawings and renders outlining colours, materials and finishes and measures to limit (to the extent possible) graffiti adhesion on walls to the street, including doors, perforations and upper levels (where necessary).

#### **Ongoing Architect Involvement**

5. As part of the ongoing progress and development of the site, CHT Architects or another architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - a) Oversee design and construction of the development;
  - b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority

### **Wind Impact Assessment**

6. Concurrent with the submission of plans for endorsement under Clause 7, a wind impact assessment consistent with the requirements of the Wind provisions at Clause 4.4 to Schedule 1 to the Activity Centre Zone of the Moonee Valley Planning Scheme, must be submitted to the Responsible Authority for approval. The assessment must undertake a comprehensive scale model wind tunnel test of the proposed development and surrounding properties to the satisfaction of the Responsible Authority, including the approved development at 8-24 Everage Street, Moonee Ponds. The assessment must clearly reference all relevant development plans and be prepared by a suitably qualified expert to the satisfaction of the Responsible Authority.
7. When approved, the wind impact assessment will be endorsed and will form part of the Incorporated Document. The provisions, recommendations and requirements of the endorsed wind impact assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Services**

8. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of Moonee Valley City Council.

### **Construction Management Plan**

9. Prior to the commencement of works a Construction & Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority, in consultation with Moonee Valley City Council, detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
  - a) Hours of construction;
  - b) Parking and traffic movement of all workers vehicles and construction vehicles;
  - c) Scaffolding and hoarding for the site;
  - d) Allocated areas for loading and unloading;
  - e) Site evacuation plan and procedure;
  - f) Occupational health and safety policy;

- g) Hazard identification and control;
- h) Environmental management and waste minimization;
- i) Management of onsite stormwater and contamination: a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;
- j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
- k) Chemical storage;
- l) Noise and vibration;
- m) Risk assessment;
- n) Works timetable; and
- o) Number of workers expected of work on the site at any one time.

Once submitted and approved the works detailed by the Construction & Site Management Plan must be carried out to the satisfaction of the Moonee Valley City Council.

### **Drainage**

10. Prior to the commencement of works all WSUD details, such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by Moonee Valley City Council.
11. Following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by Moonee Valley City Council which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
  - a) Inspection frequency;
  - b) cleanout procedures;
  - c) as installed design details/diagrams including a sketch of how the system operates; and
  - d) a report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this incorporated document, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

The WSUD Maintenance Program may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder' User's Guide or a Building Maintenance Guide.

12. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be

controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of Moonee Valley City Council.

### **Vehicle Access**

13. All obsolete and unnecessary vehicle crossings must be removed and reinstated to footpath, nature strip and kerb and channel, to the satisfaction of Moonee Valley City Council.
14. The relocation of any public authority assets must be at the cost of the owner and be to the satisfaction of the relevant authority.
15. Any change in levels to match existing surface levels along the property boundary line must be made within the property boundary of the site to the satisfaction of the Moonee Valley City Council.
16. Prior to the commencement of buildings and works, detailed engineering drawings to show the construction of the right of way must be submitted to and approved by Moonee Valley City Council. The Right of Way is to be surveyed and designed by a qualified surveyor/civil engineer respectively. The plans are to indicate, existing surface levels, proposed surface levels and construction of the Right of Way in accordance with Moonee Valley City Council Drawing No.34 (Asphalt Right of Ways Typical Sections).
17. Construction of the right of way as specified in this incorporated must be completed prior to the issue of an occupancy permit to the satisfaction of Moonee Valley City Council.

### **Sustainability Management Plan**

18. Before the development commences (excluding preliminary site works, demolition, bulk excavation, retention, footings and foundations, and any clean up works, or as may otherwise be agreed in writing by the responsible Authority), a Sustainability Management Plan prepared by suitably qualified person that responds to the requirements of Clause 15.01-2L-03 (Environmentally sustainable development) must be submitted to, and be approved in writing by, the Responsible Authority. The approved Sustainability Management Plan must be implemented and appropriately managed during the construction of the development.

### **Green Travel Plan**

19. Before the use of the land commences, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by a suitably qualified person and encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include, but is not limited to, the following:
  - a) A description of the location in the context of alternate modes of transport and objectives for the Green Travel Plan;
  - b) Outline Green Travel Plan measures for the development including, but not limited to:
    - i. Bicycle parking and facilities available on the land; and
    - ii. Monitoring;
  - c) A plan showing the bicycle parking areas to be provided for use by

occupiers; and

- d) Once approved the Green Travel Plan must form part of the planning permit and any ongoing Management Plan for the land, to ensure the Green Travel Plan continues to be implemented by occupiers to the satisfaction of the Responsible Authority.

### **Landscape Plan**

20. Before the development commences (excluding preliminary site works, demolition, bulk excavation, retention, footings and foundations, and any clean up works, or as may otherwise be agreed in writing by the Responsible Authority), a landscape plan been submitted to and approved by the Responsible Authority.
21. Before the building approved by this incorporated document is occupied, all landscaping, (including trees, shrubs and lawn) must be completed in accordance with the endorsed landscape plan to the satisfaction of Moonee Valley City Council.
22. The existing street trees on Mount Alexander Road must not be removed or damaged as a result of the permitted development, unless otherwise agreed to by Moonee Valley City Council.

### **Waste Management Plan**

23. Before the development commences (excluding preliminary site works, demolition, bulk excavation, retention, footings and foundations, and any clean up works, or as may otherwise be agreed in writing by the Responsible Authority), a Waste Management Plan must be submitted to and approved by the Moonee Valley City Council. When approved, the Waste Management Plan will be endorsed and will then form part of this permit.
24. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Moonee Valley City Council.

### **Head, Transport for Victoria/Referral Authorities**

25. XXX

### **Car Parking Management Plan**

26. Before the development commences (excluding preliminary site works, demolition, bulk excavation, retention, footings and foundations, and any clean up works, or as may otherwise be agreed in writing by the Responsible Authority), a Car Parking Management Plan must be submitted to, and be approved by the Responsible Authority in consultation with Moonee Valley City Council. The Car Parking Management Plan must be prepared by a traffic consultant with suitable qualifications. When approved, the Car Parking Management Plan will be endorsed and will form part of the Incorporated Document. The provisions, recommendations and requirements of the endorsed Car Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Noise**

27. Noise levels must not exceed the permissible noise levels stipulated in the



Environment Protection Regulations under the Environment Protection Act 2017 and the Incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) as may be amended from time to time to the satisfaction of Moonee Valley City Council.

28. Should Moonee Valley City Council deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority to demonstrate compliance with the noise criteria described in the above condition, or which outlines any measures considered necessary to achieve compliance.
29. The costs associated with the Acoustic Report shall be borne by the owner. The recommendations of the Acoustic Report must be implemented, and the endorsed plans must be amended to accord with the recommendations contained in the Acoustic Report, all to the satisfaction of the Moonee Valley City Council.
30. Amplified music (including background music) is not permitted to be played other than through a sound system calibrated to ensure compliance with the Environment Protection Regulations under the Environment Protection Act 2017 and the Incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) as may be amended from time to time, with details submitted demonstrating how compliance will be achieved to the satisfaction of the Moonee Valley City Council.
31. Noise levels emanating from service equipment on the land must not exceed the permissible noise levels determined in accordance with the Environmental Protection Regulations 2021, Part 5.3 Noise (Division 3 - Unreasonable and aggravated noise from commercial, industrial and trade premises and entertainment venues) to the satisfaction of the Moonee Valley City Council.

#### **General Amenity**

32. The use permitted by this permit must not adversely affect the amenity (including the residential amenity) of the locality or cause a nuisance or annoyance to a person beyond the land, including through the:
  - a) Transportation of materials, goods or commodities to or from the land;
  - b) Appearance of any building, works or materials;
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;
  - d) Disposal of waste, including disposal of glass bottles, etc.; and
  - e) Presence of vermin,or in any other way, to the satisfaction of the Responsible Authority

**END OF DOCUMENT**