This document is an incorporated document in the Stonnington Planning Scheme pursuant to the Section 6(2)(j) of the Planning and Environment Act 1987
1.0 INTRODUCTION

The document is an Incorporated Document at the schedule to Clause 45.12 and the schedule to Clause 72.04 of the Stonnington Planning Scheme (planning scheme).

The land identified in Clause 3.0 of this document may be developed in accordance with the specific controls and clauses contained in Clause 6.0 of this document.

The provisions of this document prevail over any contrary or inconsistent provision in the planning scheme.

2.0 PURPOSE

The purpose of this incorporated document is to permit the development of the land described in Clause 3.0 for the construction of a mixed-use building and a reduction in the car parking requirements, generally in accordance with the plans approved under Clause 5.0 and subject to the clauses at Clause 6.0 of this incorporated document.

3.0 ADDRESS OF THE LAND

This document applies to the land at 489-505 Toorak Road, Toorak (Plan CP105501) that is affected by the SCO9 and as identified in Figure 1 below.

Figure 1: Land subject to this incorporated document highlighted in red
4.0 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

Despite any provision to the contrary or any inconsistent provision in the planning scheme, no planning permit is required for, and no planning provision in the planning scheme operates to prohibit, restrict or regulate the use and development of the land for the purposes of the development permitted by this document.

5.0 THIS DOCUMENT ALLOWS

The Incorporated Document allows the development of an eight-storey mixed-use building consisting of a three-storey basement car park, supermarket, food and drink premises and office floorspace, and a public through-block link connecting Toorak Road and Jackson Street, generally in accordance with the following ‘Incorporated Plans” prepared by Elenberg Fraser, dated 6 July 2020 but modified to include changes required by the clauses of this Incorporated Document at Clause 6.0 of this document:

A0000 – Site Plan and Drawing List
A0001 – Site Context Plan
A0002 – Site Survey Plan
A0097 – Basement Level B3
A0098 – Basement Level B2
A0099 – Basement Level B1
A0100 – Ground Floor Plan
A0101 – Level 01 Floor Plan
A0102 – Level 02 Floor Plan
A0103 – Level 03 Floor Plan
A0104 – Level 04 Floor Plan
A0105 – Level 05 Floor Plan
A0106 – Level 06 Floor Plan
A0107 – Level 07 Floor Plan
A0109 – Roof Plan
A0900 – Toorak Rd Existing & Proposed South Elevations
A0901 – Proposed East and West Elevations
A0902 – Jackson St Existing & Proposed North Elevations
A0903 – Proposed East Elevation
A0950 – Section A-A
A0951 – Section B-B
A0990 – Threshold Interface Sections
A1100 – Section Detail

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

6.0 THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:
1. Before the commencement of the development, 1 copy of plans drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the revised plans amended on 6 July 2020 but modified to show:

   a) A revised strategy for the positive activation of the southern half of the public laneway; this may include, for instance, relocating the deli and bakery elements of the supermarket to the laneway edge, together with the addition of a small café; use of public art and/or graphics on the west wall of the laneway; and lighting for safety all to the satisfaction of the Responsible Authority;

   b) A detailed façade strategy for all aspects to provide greater detail of the proposed design, materiality and colour scheme to the satisfaction of the Responsible Authority. The strategy must specify clear glazing to the ground floor level Toorak Road frontage and to the public laneway, high quality finishes and attractive lighting to the satisfaction of the Responsible Authority;

   c) Elevations to confirm no glazing to the northern wall opposite the south facing apartments within 28-30 Jackson Street;

   d) Setback the glazed east wall at Levels 05 and 06 opposite No. 509-511 Toorak Road by no less than 1.0 metre from the east boundary;

   e) Elevations to include all operable windows, doors and vents;

   f) Adjustable exterior shading for the east and west facing glazing or a suitable alternative to the satisfaction of the Responsible Authority;

   g) Fixed shading to the north;

   h) At least two operable openings (spaced apart) for each tenancy for passive ventilation;

   i) The introduction of suitable wind breaks to the public laneway to ensure that the criteria for stationary activities is achieved for all seated areas and the standing criteria is achieved for the laneway;

   j) External Finishes Schedule SCH-001 updated to note all proposed external building materials and finishes and corresponding notations to be included on all elevations;

   k) Notations confirming that the northern doors to the Level 1 Roof Garden are only to be used for maintenance purposes and must be otherwise closed at all times;

   l) RLs of natural ground and heights of all proposed walls above natural ground to be reinstated on all elevations;

   m) The canopy along Toorak Road to be shown dimensioned on elevations and sections and noted as being detachable;

   n) The canopy must be setback a minimum of 0.75 metre off the kerb and channel along Toorak Road;

   o) A bollard installed in each of the shared areas of the accessible car parking bays;

   p) Columns within the parking modules to be dimensioned in full;

   q) Notations to confirm a minimum floor grade of 1:100 is provided for outdoor areas and 1:200 for covered areas to allow for drainage, as required by the Australian Standards;

   r) The proposed splays for the new vehicle crossing to be 1.3m wide on either side of the crossings, in accordance with Council’s Vehicle Crossing Policy;

   s) Screening to all glazing that faces east and allows for views within 9 metres of private open space or a habitable room window on the adjoining property. The screening devices must be detailed on plans with dimensions, materials and transparency to demonstrate that they are 1.7 metres high above finished floor level.
and no more than 25 per transparent to the satisfaction of the Responsible Authority;

t) Sections of the public laneway detailing the treatment of the west boundary wall and the void;
u) The provision of signage to the Toorak Road frontage to direct the public to the visitor bicycle parking located at the rear of the public laneway;
v) Elevations to be provided of all facades, including portions of the north elevation behind the abutting apartment building, internal elevations re-entrant corners (i.e. south of the east void/light well and west-facing 'notch');
w) Any changes as required to meet Clauses 4 (Landscape Plan), 6 (Sustainable Management Plan), 8 (Schedule of materials), 10 (Wind Tunnel Test), 12 (Acoustic report), 23 (3D model), 30 (Water Sensitive Urban Design Response) and 33 (Waste Management Plan); all to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason, without the prior written consent of the Responsible Authority.

3. The supermarket glazing must not be visually obscured by shelving or frosted glazing, to Toorak Road and the public laneway at any time, without the prior written consent of the Responsible Authority.

4. Before the commencement of the development, a landscape plan to be prepared by a landscape architect or suitably qualified or experienced landscape designer, must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the endorsed plans. The landscape plan must be drawn to scale with dimensions. The landscape plan must show:
   a) A survey (including botanical names) of all existing vegetation to be retained and/or removed
   b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
   c) A 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.
   d) An excavated 1m deep common root growth trench beneath the footpath in Jackson Street backfilled with structural soils and containing 3 new street trees;
   e) The 3 new trees to Jackson Street frontage must be specified as Acer ‘Autumn Blaze’;
   f) An excavated 1m deep common root growth trench between the edge of the new building and the car park which is backfilled with structural soils and contains 6 new trees;
   g) The 6 new trees must be compatible to Melbourne’s climate and attain a mature height of 12–15 metres;
   h) Dimensions of the common root growth trenches to be clearly notated on the plans;
   i) Details of the green roof terrace at Level 1 and on the roof plan, as well as the vertical landscaping proposed on the northern wall of the stair shaft, including plant species, soil volumes and irrigation systems;
   j) Details of the irrigation to the planters on all terraces; all to the satisfaction of the Responsible Authority.

5. Before the occupation of the development, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
Authority. Landscaping must then be maintained thereafter to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

6. Before the commencement of the development a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Clause 1. The report must be generally in accordance with the Sustainability Management Plan dated 30 September 2019 and prepared by IGS, but modified to include the following:

   a) Demonstrate that the proposal achieves at least 10% above minimum NCC compliance for energy.
   b) All 'Items to be marked on floor plans' as described in the BESS Report included in the relevant drawings.
   c) Update daylight modelling to demonstrate how the building achieves the BESS threshold of 2% DF for 30% of the floor area. If the minimum best practice cannot be achieved specify higher VL T for poorer performing spaces and include other methods to improve the energy efficiency of the building.
   d) BESS Water 4.1 Building Systems Water Use Reduction and the SMP indicate that a temporary storage tank is to be provided for a minimum of 80% of the routine fire protection system test water. Support this claim by indicating location of tank on plans.
   e) If the proposed development is to be mostly mechanically ventilated, ensure that the proposed development include heat recover ventilators (in order to preserve indoor temperatures while providing fresh (outside) air) for all regularly occupied spaces.

All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the Sustainable Management Plan may occur without written consent of the Responsible Authority.

7. Prior to the occupation of the development, a report from the author of the Sustainability Management Plan, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

8. Before the commencement of the development, a schedule of construction materials, external finishes and colours to the satisfaction of the Responsible Authority must be submitted and approved. All materials must be confirmed as having no more than 25% reflectivity. In addition, insulation assumptions must be listed on materials schedules or architectural plans. When approved, the schedule will be endorsed and will form part of the endorsed plans.

9. Except with the written consent of the Responsible Authority, Elenberg Fraser Architects must be retained to complete and provide architectural oversight prior to and during construction of the project as shown in the endorsed plans and endorsed schedule of materials, including but not limited to Design Development, Contract Documentation and Construction-phase quality assurance services.

10. Before the commencement of the development, a suitably qualified person must undertake an updated comprehensive wind tunnel test of the entire development and a Wind Climate Assessment Report must be provided for the written endorsement of the Responsible
Authority. The wind tunnel test must quantify the environmental wind conditions in the streetscapes immediately adjacent to the new building, including the Council car park and within the public laneway, confirming that the wind targets can be achieved based on the revised plans. Any modifications required to the development in order to ensure acceptable wind conditions must be submitted to and approved by the Responsible Authority as part of the plans for endorsement. The design details of any wind mitigation works must receive the endorsement of the owner/applicant’s wind climate experts, referencing the use of architectural features and planting to resolve any issued identified.

11. Prior to the occupation of the development, a report from the author of the Wind Climate Assessment Report, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Wind Climate Assessment Report have been implemented in accordance with the approved Plan.

12. Before the commencement of the development, an acoustic report must be submitted to and approved by the Responsible Authority to demonstrate how the commercial building, including the mechanical plant and equipment, car parking doors and loading bay, will be acoustically treated to minimise noise transmission to the adjoining residential properties, to the satisfaction of the Responsible Authority. The acoustic report must confirm that:
   a) Noise from mechanical plant and equipment associated with the project is to be designed to comply with the relevant noise criteria. These include the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1) and sleep disturbance targets of 60 dBA Lmax outside openable windows of dwellings; and
   b) Noise from carpark access gates and loading bay will meet SEPP N-1.

13. Prior to the occupation of the development, all acoustic measures proposed in the acoustic report must be incorporated to the satisfaction of the Responsible Authority.

14. Prior to the occupation of the development, the owner of the land must enter into an agreement with the Responsible Authority pursuant to the provisions of Section 173 of the Planning and Environment Act 1987 and covenant as follows:
   a) That the requirements contained in this agreement must form part of any lease of the premises which the owner of the land under this incorporated document may enter into with another party;
   b) Pursuant to the provisions of Section 181 of the Planning and Environment Act 1987 this agreement must be registered with the Registrar of Titles and must run with the land;
   c) The owner of the land must pay the legal costs and be responsible for the preparation and registration of the said agreement;
   d) The terms of the agreement must stipulate that the owner must:
      i. maintain 24 hour public access, 7 days a week, to the public laneway at the Owner's cost;
      ii. assume responsibility for all security and risk in the public laneway;
      iii. ensure that the public laneway is kept and maintained in good and tenantable repair including, without limitation, undertaking any necessary making good or renewal necessary to maintain it in good and tenantable repair, to the reasonable satisfaction of Council;
      iv. ensure the public laneway is kept and maintained at all times in a structurally sound and safe condition to the reasonable satisfaction of Council;
v. regularly clean the public laneway to a standard to the reasonable satisfaction of Council;
vi. ensure the public laneway complies with all applicable laws and legal requirements; and
vii. the Owner and Council agree that the public laneway shall at all times remain in private ownership as part of the Subject Land.

15. Any poles, service pits or other structures/features on the footpath required to be relocated to facilitate the development must be done so at the cost of the applicant and subject to the relevant authority’s consent.
16. All utility services to the subject land and buildings approved as part of this document must be provided underground to the satisfaction of the Responsible Authority by completion of the development.
17. The level of the footpaths and/or laneways must not be lowered or altered in any way to facilitate access to the site.
18. Prior to occupation, access for persons with disabilities must be provided in compliance with the Disability Discrimination Act 1992 and such access must be maintained at all times the building is occupied or in use.
19. Prior to the occupation of the development, a Car Parking Management Plan is to be submitted to the satisfaction of Council and it must include:
   a) Car parking allocation to individual tenancies and shared uses;
   b) Opportunities for a sharing of the office spaces with the supermarket and food and drinks premises on weekends;
   c) Details of the signing and line marking of parking spaces;
   d) Details of any access controls to the parking area (such as boom gates); and
   e) Details of the management of the 2-hour time restricted parking for Basement Level 01; and
   f) Confirmation that no fees will be charged for customers of the supermarket or food and drinks premises within the 2 hour time restriction; all to the satisfaction of the Responsible Authority.
20. The development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
21. The development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).
22. Prior to the commencement of the development, a Construction Management Plan must be submitted to the Responsible Authority for approval. The Construction Management Plan must include details on how the construction will be undertaken so it has minimal impact on the environment. Details to be provided in the Construction Management Plan will include, but are not be limited to:
   a) Full work schedule/construction management plan for each individual stage to ascertain impacts on surrounding properties;
   b) Public/worker access and safety issues;
   c) Hours of construction activity (including at what stage "out of hours works" are proposed and what type of works are to be conducted outside the hours of operation;
   d) The location of hoardings, hoists and workers amenities;
   e) The location of public precautions, loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
f) Details as to how traffic and pedestrian safety and amenity will be controlled within the vicinity of the site and its surrounds;

g) The provision of a traffic management plan, including detailed plans that show all items to be placed on any street during all stages of construction in accordance with approval by the responsible Building Surveyor, entry and exit points for construction vehicles (including temporary and permanent vehicle crossings), traffic management during construction including road closures/road occupation/footpath closures, work zones/construction zones to accommodate vehicles and deliveries, and to minimise traffic disruptions to Jackson Street;

h) A Parking Plan to identify where parking will be provided for trades and construction workers ensuring minimal disruption to parking in Jackson Street;

i) Service connections/road and footpath openings and anticipated impact on public land during the connection of different services;

j) Measures to be used to protect the Council infrastructure from damage;

k) Existing services and environmental management;

l) A list of all environmental hazards that the activities on-site pose ie; contaminated soil, materials and waste, dust, stormwater contamination from run-off and washwaters, sediment from the site on roads, construction noise, hours of operation, vibration, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery etc;

m) Protection measures that will be undertaken to minimise the risk of the above hazards being realised;

n) Regular monitoring/inspections of the above protection measures;

o) Identification as to who will be responsible for managing all of the above issues; and

p) Anticipated staging of the development.

The Construction Management Plan must be submitted to the Responsible Authority prior to commencing construction and all buildings and works must be carried out in accordance with the approved Construction Management Plan.

23. Upon submission of plans to be endorsed under clause 1, a digital 3D model of the development site (to Council’s specification) must be submitted to Council’s GIS department for approval.

24. Prior to the occupation of the development, a Loading Management Plan is to be submitted to the Responsible Authority for endorsement. The Loading Management Plan must detail how the loading activities will be managed on site for all tenancies and waste collection, to the satisfaction of the Responsible Authority.

Public Transport for Victoria clauses:

25. Disruption to tram operation along Toorak Road must be avoided during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty-five days (35) prior.

26. All track, tram and overhead infrastructure must not be damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at no cost to Transport for Victoria.

27. Before occupation of the development or any part of the development, a Green Travel Plan must be submitted to and approved by the Head, Transport for Victoria and the Responsible
When approved, the Green Travel plan will be endorsed and will form part of the endorsed plans. The Green Travel Plan must include, but not be limited to, the following:

a) Objectives for the Plan;
b) The objectives must be linked to measurable targets, actions and performance indicators;
c) A description of the existing active private and public transport context;
d) Initiatives that would encourage employees of the development to utilise active private and public transport and other measures that would assist in reducing the amount of private vehicle traffic generated by the site;
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.

28. The endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

29. The Green Travel Plan must not be amended without the prior written consent of the Responsible Authority and the Head, Transport for Victoria.

Public Transport for Victoria clauses end.

30. Before the commencement of the development, a Water Sensitive Urban Design Response addressing the Application Requirements of the Water Sensitive Urban Design Policy must be submitted to the satisfaction of the Responsible Authority. All proposed treatments included within the Water Sensitive Urban Design Response must also be indicated on the plans. But amended to show:

a) All impervious areas must be included in the STORM tool. The STORM Rating Report to be amended accordingly including additional measure as required to achieve best practice.
b) Indicative site management plan which details how the site will be managed through construction.
c) Indicative maintenance program which sets out future operational and maintenance requirements for the rainwater tank and any other stormwater treatment measures needed in order to achieve water quality standards.

31. The development must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.

32. Prior to the occupation of the development, the walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

33. Before the commencement of the development, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must include:

a) Dimensions of waste areas
b) The number of bins to be provided
c) Method of waste and recyclables collection
d) Hours of waste and recyclables collection Method of presentation of bins for waste collection
e) Sufficient headroom within the basement to allow the passage of waste collection vehicles
f) Sufficient turning circles for the waste collection vehicles to drive out of the site in a forward direction
g) Strategies for how the generation of waste and recyclables from the development will be minimised.

When approved, the plan will be endorsed and will then form part of the endorsed plans. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

34. All plant and equipment (including air-conditioning units) shall be located or screened so as to minimise visibility from any of the surrounding footpaths and from overhead views and shall be baffled so as to minimise the emission of unreasonable noise to the environment to the satisfaction of the Responsible Authority.

7.0 EXPIRY OF INCORPORATED DOCUMENT

This Incorporated Document will expire if one of the following circumstances applies:

- The development is not started within one year of the date of the gazettal of amendment C306ston.

The responsible authority may extend the periods referred to if a request is made in writing before these controls expire or within 6 months afterwards.

End of Document