

# **PORT PHILLIP PLANNING SCHEME**

## **INCORPORATED DOCUMENT**

**Specific controls for 17 Rocklea Drive, Port Melbourne**

**July 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 Port Phillip Planning Scheme

## 1. INTRODUCTION

- 1.1. This document is an Incorporated Document in the schedules to Clauses 45.12 and 72.04 of the Port Phillip Planning Scheme (the Planning Scheme) pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.
- 1.2. The Land identified in Clause 3 of this document may be used and developed in accordance with the specific control contained in Clause 4 of this document.
- 1.3. The control in Clause 4 prevails over any contrary or inconsistent provision in the Planning Scheme.
- 1.4. The Minister for Planning (the Minister) is the Responsible Authority for administering Clause 45.12 of the Planning Scheme with respect of this Incorporated Document except that:
  - a) The Port Phillip 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 Council.
  - b) The Port Phillip 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 Port Phillip City Council is the Responsible Authority for the enforcement of the 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 and use and development of a multi-storey building comprising accommodation (dwellings) and retail premises (including restaurant) and provide additional car parking under the Parking Overlay in accordance with Clause 4 of this document.

## 3. LAND DESCRIPTION

- 3.1. The control in Clause 4 applies to the Land at 17 Rocklea Drive, Port Melbourne being the land contained in Certificate of Title Volume 10512, Folio 983 commonly known as Lot 12 on Plan of Subdivision 429646H. The Land is identified in Figure 1 below.



Figure 1: Map of Land subject to this Incorporated Document (17 Rocklea Drive, 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 and any such application is:
  - a) Exempt from the requirements in Clause 45.11 (Infrastructure Contributions Overlay)
  - b) Exempt from the requirements in Clause 53.01 (Public Open Space Contributions) of the Planning Scheme, if applicable.
- 4.3. Notwithstanding Clause 4.2(b), any planning permit allowing subdivision of the land must include a condition requiring payment to the 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 endorsed plan**

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

### **Amended plans**

- 4.6. Before the development starts, excluding demolition, excavation, piling and site preparation works, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and fully dimensioned including to show natural ground level, floor levels, wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD) and three copies plus an electronic copy must be provided. The plans must be generally in accordance with the architectural plans prepared by Elenberg Fraser, dated 10 February 2020, but modified to show:
  - a) Consistency between the architectural drawings and the landscape plans.
  - b) The possibility of all car parks being converted to an alternative use.
  - c) Finished floor levels (FFLs) of all ground floor areas including dwellings, substation and other building services to the Australian Height Datum (AHD).
  - d) The inclusion of ground floor planter boxes along the eastern frontage of the building.
  - e) Compliance with the mandatory overshadowing controls of Clause 43.02 Design Development Overlay – Schedule 33 of the Planning Scheme.
  - f) All bicycle facilities designed in accordance with the relevant Australian Standards.
  - g) The Tower 2 waste chutes connecting with the 'Resi Waste Room 02'.
  - h) The location of 15 visitor bicycle parking spaces in a safe, secure or highly visible ground floor location(s) within and/or adjacent to the building.
  - i) Articulation / architectural resolution of expanses of blank wall facing the west (side) and north (rear) boundaries.
  - j) Deletion of bluestone paving, fixed seating and screens on the footpath in lieu of asphalt and lawn and portable street furniture in accordance with the Council's construction and footpath trading standards, or as otherwise agreed with the Council.
  - k) Alterations to the podium rooftop design to allow views down to the street for passive surveillance and neighbourhood safety.

- l) Confirmation the rooftops can accommodate the solar PV panels and achieve the solar reflectance index identified in the Sustainability Management Plan prepared by Cundall, dated 25 February 2020.
- m) An assessment for each apartment type to demonstrate compliance with Clause 58 (Better Apartments Design Standards) of the Planning Scheme.
- n) Demonstrated compliance with the requirements of Clause 58 (Better Apartments Design Standards) of the Planning Scheme for each dwelling.
- o) Any changes, technical information and plan notations (or otherwise) required as a consequence of any provision in Clause 4 of this Incorporated Document.

### **Aboriginal Cultural Heritage**

- 4.7. Before the development starts, including demolition, excavation, piling, site preparation works and works to remediate contaminated land, one of the following must be provided to the Responsible Authority:
- a) A report prepared by a suitably qualified professional confirming to the satisfaction of the Responsible Authority that a Cultural Heritage Management Plan (CHMP) pursuant to the *Aboriginal Heritage Act 2006* is not required; or
  - b) A certified Preliminary Aboriginal Heritage Test (PAHT) under sections 49B and 49C of the *Aboriginal Heritage Act 2006* in respect of the development of the Land; or
  - c) A letter from Aboriginal Victoria confirming a CHMP has been approved for the Land.
- 4.8. All buildings and 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 and Materials and Finishes**

- 4.9. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a Façade Strategy must be submitted to and approved by the by the Responsible Authority, in consultation with the Council. The Façade Strategy must be generally in accordance with the Urban Context Report, prepared by Elenberg Fraser, dated 10 February 2020 and must include:
- a) A concise description by the architect of the building design concept and how the façade works to achieve this.
  - b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations and/or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with clear coding.
  - c) Elevation details generally at a scale of 1:50, or other suitable scale agreed to by the Responsible Authority, illustrating typical building details, entries and doors, utilities, and any special features which are important to the building's presentation.
  - d) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
  - e) Information about how the façade will be accessed, maintained and cleaned.
  - f) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high-quality built form outcome in accordance with the design concept.
  - g) Details of any façade illumination, in accordance with the lighting strategy required by the corresponding condition below.
  - h) Articulation / architectural resolution of expanses of blank wall facing the west (side) and north (rear) boundaries.

- i) Integration of the substation facing Rocklea Drive.
- j) Details of the reflective index of façade materials including non-glazed materials exposed to summer sun.

### Reflectivity

- 4.10. Except with the 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 of the facade.

### Affordable Housing

- 4.11. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner must enter into an agreement with the Responsible Authority, with the Minister a party to the agreement, under section 173 of the *Planning and Environment Act 1987*, for the delivery of affordable housing (as defined in the Act).
- 4.12. The agreement must be registered on title to the Land and the owner must be responsible for the expense of preparation and registration of the agreement including the Responsible Authority's and Minister's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and ending of the agreement (where applicable).
- 4.13. The agreement must be in a form to the satisfaction of the Responsible Authority and the Minister and must 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 *Planning and Environment Act 1987* 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 Clause 4.13(a); or
    - iii. any other mechanism providing a contribution of equivalent or higher value to Clause 4.13(a)(i) to the satisfaction of the Responsible Authority.
  - b) The affordable housing delivered under Clause 4.13(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,
 unless otherwise agreed in writing by the Responsible Authority.
  - c) Provide that if the affordable housing is delivered under Clause 4.13(a), 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.
- 4.14. The agreement may provide that:

- a) In lieu of delivering all or part of the affordable housing in accordance with Clause 4.13(a), the Responsible Authority 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 Minister are satisfied that:
    - i) the owner 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.
- 4.15. 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).

### **Lighting Strategy**

- 4.16. 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 Council. This plan must identify all proposed lighting sources, lux levels and spillage details and address how the lighting will integrate with the existing lighting in the interfacing public spaces.
- 4.17. All public lighting must conform with *AS1158.3.1-2000 Lighting for roads and public spaces Pedestrian area (Category P) lighting – Performance and design requirements*, *AS/NZS 428:2019.2 Control of the obtrusive effects of outdoor lighting* and the *Public Lighting Code December 2015 (v2)*.
- 4.18. The approved lighting plan must be implemented as part of the development to the satisfaction of the Council.

### **Landscaping and Public Realm**

- 4.19. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a detailed landscaping and public realm plan(s) must be submitted to and be approved by the Council. The plan(s) must be generally in accordance with the plans prepared by Jack Merlo, dated 2 March 2020, and include:
  - a) Deletion of *Ficus pumila* and *Nandina domestica*.
  - b) The inclusion of ground floor planter boxes along the eastern frontage of the building.
  - c) A planting schedule of all proposed trees and other vegetation including botanical name, common names, pot sizes, sizes at maturity, and quantity of each plant and their protection and maintenance.
  - d) How the landscaping responds to water sensitive urban design principles, including how rainwater will be captured, cleaned and stored.
  - e) Details of all hard landscaping materials, finishes and treatments and urban design elements including paving, lighting, seating and balustrading.
  - f) Details of surface materials and finishes and construction of any retaining walls, pathways, kerbs and access ways.
  - g) Elevations, sections, levels and details including materials and finishes of any public realm works.
- 4.20. Prior to the commencement of all landscaping works, a Landscape Management Plan detailing the ownership, maintenance regime and management responsibilities of the open spaces associated with the development must be submitted to and be approved by the Council.
- 4.21. All landscaping shown in the approved landscape and public realm plans must be carried out and completed prior to occupation of buildings unless otherwise agreed by the Council and thereafter maintained to the satisfaction of the Council.

## **Tree Protection**

- 4.22. Before the development starts, including demolition, excavation, piling, site preparation works, and works to remediate contaminated land:
- a) A Tree Protection Management Plan (TPMP), setting out how the Council owned nature strip trees on Rocklea Drive will be protected during construction, must be submitted to and approved by the Council. The TPMP should generally follow the layout of Section 5 (i.e. General, Tree Protection Plan, Pre-construction, Construction stage and Post Construction) of AS4970 'Protection of trees on development sites' and must include tree protection fencing.

## **No Damage to Existing Street Trees**

- 4.23. The buildings and works must not cause any damage to any retained existing street tree. Any existing street tree must not be removed, lopped or pruned (including root pruning) without the prior consent of the Council. Root pruning of any tree must be carried out to the satisfaction of the Council prior to the construction of buildings or works, including crossover works.

## **Removal and Replacement of Street Trees**

- 4.24. Before the development starts, the amenity value and removal and replacement cost of the Council owned nature strip trees on Rocklea Drive must be paid by the owner/developer to the Council. Removal and replacement, including 24 months maintenance of the street trees, may only be undertaken by the Council.

## **Demolition Management Plan**

- 4.25. Before demolition starts, a detailed Demolition Management Plan (DMP) must be submitted to and approved by the Council. The DMP's objectives must be to minimise the impact of works associated with the demolition on neighbouring buildings and structures and activities conducted in the area generally. The DMP 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).
  - l) Details of temporary buildings or works (such as landscaping works to activate and improve the site and street frontage) to be constructed should works cease and the site remain vacant for 6 months after completion of demolition.
- 4.26. Demolition must be carried out in accordance with the approved DMP to the satisfaction of the Council.

## **Construction Management - Piling**

- 4.27. Piling must be by bored, screw, or sheet piling (or similar), unless otherwise agreed by the Council.

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

- 4.28. Before the development starts, excluding demolition, piling, excavation, site preparation works, and works to remediate contaminated land, an updated traffic engineering assessment including functional layout plans and other supporting information as appropriate must be submitted to and be approved by the Council. The traffic engineering assessment must be generally in accordance with the Traffic Engineering Assessment, prepared by Traffix Group, dated April 2020 but modified to include:
- a) The number of residential car parking spaces must not exceed an average of one space per dwelling unless otherwise agreed by the Council.
  - b) Swept path plans confirming:
    - i. A B85 and B99 vehicle can enter/exit and pass along the length of all ramps at the same time.
    - ii. Entry and exit for all critical car parking spaces such as end of aisle, adjacent to columns or walls car spaces.
  - c) Details of car share arrangements including provider(s).
  - d) At least 25% of all car spaces on all levels to have access to an electric vehicle charging point.
- 4.29. The internal design of the car park and loading docks, the positioning of boom gates, card readers, control equipment, including car park control points, and ramp grades must be generally in accordance with Clause 52.06 of the Planning Scheme or as otherwise agreed by the Council.
- 4.30. The loading and unloading of vehicles and delivery of goods to and from the building must at all times take place within the boundaries of the site and should not obstruct access to the car park of the development to the satisfaction of the Council.
- 4.31. Traffic access and parking and loading/unloading arrangements must not be altered without the prior written consent of the Council.
- 4.32. Before the development is occupied, vehicle crossings must be constructed in accordance with the Council's Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Council. All redundant crossings must be removed and the footpath, nature strip, kerb and road reinstated as necessary at the cost of the owner/developer and to the satisfaction of the Council.
- 4.33. The area set aside for car parking and access of vehicles and other accessways must be constructed, delineated and clearly lined marked to indicate each car space, the access ways and the direction in which vehicles must proceed along the accessways in accordance with the endorsed plans. Parking areas and accessways must always be kept available for these purposes and maintained to the satisfaction of the Council.
- 4.34. Mechanical exhaust systems to the car park must be sound attenuated to prevent noise nuisance to the occupants of the building and surrounding properties to the satisfaction of the Council.
- 4.35. Bicycle parking must be provided, located and appropriately signed in accordance with the endorsed plans.

## **Waste Management Plan**

- 4.36. Before the development 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 by the Council. The WMP must be generally in accordance with the WMP prepared by Leigh Design, dated 22 April 2020, but amended to include:
- a) An increase in the number of waste and recycling bins or an increase in the number of collections to adequately service the dwellings.
  - b) Details confirming the position and width of the 'resi bin room' door and the width of the door to the bin chute room, confirming they can accommodate the specified bins.
  - c) Details of how resident loading is to occur.

- 4.37. The approved WMP must be implemented to the satisfaction of the Council. Waste storage and collection must be undertaken in accordance with the WMP and conducted in such a manner so as not to affect the amenity of the surrounding area and cause any interference with the circulation and parking of vehicles on abutting streets, to the satisfaction of the Council.
- 4.38. Waste storage and collection arrangements detailed in the approved WMP must not be altered without the prior consent of the Council.

### **Noise Attenuation**

- 4.39. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, an acoustic report generally in accordance with the report prepared by Acoustic Logic Consultancy Pty Ltd, dated 1 June 2022 must be submitted to and approved by the Responsible Authority. The report must confirm the development has been designed and constructed so as to conform with the following internal noise level criteria:
- a) Bedrooms: 35 dB(A) Leq,8h (10pm to 6am)
  - b) Living Rooms: 40 dB(A) Leq,16h (6am to 10pm)
- 4.40. The use must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues).
- 4.41. 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 Divisions 1 and 3 of Part 5.3 - Noise, of the *Environment Protection Regulations 2021* to the satisfaction of the Council.

### **Disability Access**

- 4.42. Before development is occupied, a Disability Discrimination Act Assessment/Audit, prepared by a suitably qualified consultant, must be submitted to the 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**

- 4.43. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, an amended comprehensive wind tunnel test and environmental climate assessment report must be submitted to and approved by the Responsible Authority, in consultation with the Council. The amended report must be generally in accordance with the report prepared by Windtech, dated 30 August 2019, but modified to address any changes required under this incorporated document and must:
- a) Include wind tests taken at various points within the surrounding public realm and podium and tower rooftop open space areas to determine the wind impacts of the development and provide recommendations for any modifications which must be made to the design of the building to improve any adverse wind conditions.
  - b) Demonstrate (or provide built form recommendations) that the development will ensure all publicly accessible areas, including footpaths will not be unreasonably affected by 'unsafe wind conditions' as specified in Table 7 of Schedule 33 to Clause 43.02 (Design and Development Overlay) of the Planning Scheme.
  - c) Demonstrate (or provide built form recommendations) that the development will be able to achieve 'comfortable wind conditions' as specified in Table 7 of Schedule 33 to Clause 43.02 (Design and Development Overlay) of the Planning Scheme.

- d) Demonstrate achievement of the wind comfort criteria outlined in Schedule 33 to Clause 43.02 (Design and Development Overlay) of the Planning Scheme for areas within the assessment distance as follows:
- i. Sitting: Areas in the public realm that are designated for outdoor seating;
  - ii. Standing: The building / tenancy entries and the podium and tower rooftop open space areas;
  - iii. Walking: The remaining publicly accessible areas including footpaths and nature strips on both site frontages to Rocklea Drive.
- 4.44. Any further modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas must be carefully developed as an integrated high-quality solution with the architectural design and must not rely on street trees or wind amelioration screens within the public realm, to the satisfaction of the Responsible Authority.
- 4.45. The recommendations and requirements of the approved Wind Impact Assessment Report must be implemented to the satisfaction of the Responsible Authority before the development is occupied.

### Development Contribution

- 4.46. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the Land must enter into agreement(s) pursuant to section 173 of the *Planning and Environment Act 1987* with the Responsible Authority and make application to the Registrar of Titles to have the agreement(s) registered on the title to the Land under section 181 of the Act to the satisfaction of the Responsible Authority. The agreement(s) must:
- a) Require the developer to pay a development contribution of:
    - \$18,403.34 per dwelling;
    - \$208.34 per square metre of gross retail floor area.
  - b) Require that development contributions are to be indexed annually from 1 July 2022 using the *Price Index of Output of the Construction Industries (Victoria)* issued by the Australian Bureau of Statistics.
  - c) Require registration of the agreement on the title(s) to the affected Land as applicable.
  - d) Include a schedule of the types of infrastructure to be delivered by the Victorian Planning Authority or their successor.
  - e) Confirm that contributions will be payable to the Victorian Planning Authority or their successor.
  - f) Confirm that the contributions will be used by Victorian Planning Authority or their successor, to deliver the schedule of types of infrastructure.
  - g) 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 Incorporated Document.
  - h) 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 agreement.
  - i) The agreement must make provision for its removal from the Land following completion of the obligations contained in the agreement.

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

## **Overshadowing**

- 4.47. The building must not result in any overshadowing of parks protected by mandatory overshadowing controls as shown on Map 4 of Clause 43.02 - Schedule 33 (Design Development Overlay) of the Planning Scheme.

## **Drainage/Engineering**

- 4.48. Before the development starts excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, or as otherwise agreed by the Council, a stormwater drainage system design incorporating integrated water management design principles, must be submitted to and approved by the Council. The stormwater drainage system design must:
- a) Include a detailed response to Clause 22.12 (Stormwater Management (Water Sensitive Urban Design) of the Planning Scheme.
  - b) Incorporate a legal point of discharge to the satisfaction of the Council.
- 4.49. The stormwater drainage system must be constructed in accordance with the approved plans, connected to the existing stormwater drainage system and completed prior to the occupation of the building to the satisfaction of the Council.

## **Environmental Audit**

- 4.50. Before 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 1970*; or
  - b) A statement issued by an environmental auditor appointed under the *Environment Protection Act 1970* 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**

- 4.51. 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.
- 4.52. 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 1970* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.
- 4.53. 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 owner(s) of the Land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*, 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*. The agreement must be registered on title to the Land and the owner must be responsible for the expense of preparation and registration of the agreement including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and ending of the agreement (where applicable).

## Remediation Works Plan

- 4.54. 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

### Sustainability Management Plan and Green Star

- 4.55. Before the development starts, excluding demolition, excavation, piling, site preparation works, retention works, and works to remediate contaminated land, a revised Environmentally Sustainable Design (ESD) Statement must be prepared by an accredited professional and must be submitted to and be approved by the Council. The ESD Statement must be generally in accordance with the Sustainable Management Plan, prepared by Cundall, dated 25 February 2020, but modified to show:
- a) 5 Star Green Star Design and As-Built rating (or equivalent) with the Green Building Council of Australia.
  - b) Demonstrate compliance with Clause 22.15-4.5 (Achieving a climate adept, water sensitive, low carbon, low waste community) of the Planning Scheme which should achieve a 20% improvement based on National Construction Code 2019 energy efficiency standards including for building envelopes, lighting and building services.
  - c) Details of Fishermans Bend Urban Renewal Area specific integrated water management requirements, including tank sizing, third pipe and rain tank(s).
  - d) Details of compliance with Heat Island Effect requirements of Clause 22.15 (Achieving a climate adept, water sensitive, low carbon, low waste community) of the Planning Scheme.
  - e) Deletion of reliance on proprietary devices for stormwater management.
- 4.56. The performance outcomes specified in the approved ESD Statement must be implemented prior to occupancy at no cost to the Responsible Authority or the Council and be to the satisfaction of the Responsible Authority.
- 4.57. 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 endorsed by the Council prior to the commencement of construction.
- 4.58. Where alternative Environmentally Sustainable Design measures are proposed to those specified in this clause, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes.
- 4.59. Prior to the commencement of buildings and works, evidence must be submitted to the satisfaction of the Council, that demonstrates the project 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.
- 4.60. Within 12 months of occupation of the 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).

### Water Sensitive Urban Design

- 4.61. Prior to the endorsement of plans under this Incorporated Document, a Water Sensitive Urban Design (Stormwater Management) Report that outlines proposed stormwater treatment measures must be submitted to, be to the satisfaction of and approved by the Council.
- a) The report must demonstrate how the development meets the water quality performance objectives as set out in the *Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO)* or as amended. This can be demonstrated by providing:

- i. A STORM report with a score of 100% or greater (or MUSIC modelling for large scale developments).
  - ii. A plan showing the catchment area in m<sup>2</sup>.
  - iii. The stormwater device included on the relevant floor plans (devices are to include raingarden(s), rainwater tank(s), permeable paving etc. or a combination of one or more).
- b) The report must demonstrate how the stormwater device will be maintained on an on-going basis. This can be demonstrated by providing a maintenance manual including the following information;
- i. A full list of maintenance tasks.
  - ii. The required frequency of each maintenance task (monthly, annually etc.).
  - iii. Person responsible for each maintenance task.

4.62. Prior to the occupation of the building, a report (or reports) from the author of the approved Sustainability Management Plan and Water Sensitive Urban Design Response, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority and must confirm all measures specified in the approved SMP and WSUD reports have been implemented.

#### Third pipe and rain tank water

4.63. A third pipe must be installed for recycled water and rainwater to supply all non-potable uses within the development for toilet flushing, fire services, irrigation, laundry and cooling, unless otherwise agreed by the relevant water authority.

4.64. 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.

4.65. 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.

#### **3D Model**

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

4.67. All building plant and equipment on the roofs and public thoroughfares must be concealed to the satisfaction of the Council.

#### **Advertising Signs**

4.68. No advertising signs either external or internal to the building/s shall be erected, painted or displayed without the prior written approval of the Council.

## Department of Transport

### Amended Plans

4.69. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, amended plans must be submitted to and approved by the Responsible Authority in consultation with the Head Transport for Victoria. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must show:

- a) a dedicated bike maintenance bay (minimum 2.5 metres x 1.5 metres) clearly marked and signed adjacent to the 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,

all to the satisfaction of the Head, Transport for Victoria.

### Green Travel Plan

4.70. Prior to the occupation of the development, a Green Travel Plan must be submitted to and approved by the Responsible Authority in consultation with the Council 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.

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

### Prior to Occupancy

4.72. Prior to the occupation of the development, all works outlined on the endorsed plans for the bike maintenance facilities must be completed at no cost to and to the satisfaction of the Responsible Authority.

### **Expiry**

4.73. 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) The development is not started within four (4) years from the gazettal date of Amendment C183port; or
- b) The development is not completed within six (6) years from the gazettal date of Amendment C183port; or
- c) The use is not started within one (1) year of completion of the development.

**Notes:**

**Head, Transport for Victoria**

*Separate consent may be required from the Head, Transport for Victoria under the Road Management Act 2004 for any buildings and works (including projections, canopies, fixed shading devices, balcony framing, or construction works etc) undertaken outside the title boundary within a Transport Zone 2.*

**END OF DOCUMENT**