

## Appendix E - Recommended Conditions

### Amended Plans

1. 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 CHT Architects and titled 67-69 Buckhurst Street, South Melbourne, Job No: 20072 and Drawing No's: TP0.00 Rev P2 dated 21/06/2021; TP0.02 Rev P1 dated 01/03/2021; and TP0.03 Rev P2; TP1.00 Rev B; TP1.01 Rev B; TP1.02 Rev B; TP1.03 Rev B; TP1.04 Rev B; TP1.06 Rev B; TP1.07 Rev B; TP1.15 Rev P2; TP2.00 Rev P2; TP2.01 Rev P2; TP2.02 Rev P2; TP2.03 Rev P2; TP2.04 Rev P2; TP2.05 Rev P2; TP3.00 Rev P2; TP3.01 Rev P2; TP4.00 Rev P2; TP4.01 Rev P2; TP5.01 Rev P1; TP5.02 Rev P1; TP5.03 Rev P1; and TP5.04 Rev P1 all dated 21/06/2021;
  - a) The Level 06 / podium rooftop pergola to be a maximum height of 3.0m.
  - b) The Level 15 storage areas, WC facilities and covered structure to be deleted and the services reconfigured to reduce the dominance of services at this level.
  - c) The ground floor office with café to be constructed to the Buckhurst Street and Rosherville Place street edge.
  - d) Repositioning of columns to the Buckhurst Street façade to allow open view lines to the building entry.
  - e) The secondary entry from Rosherville Place redesigned to provide a consistent street edge to Rosherville Place.
  - f) The secondary entry from Rosherville Place redesigned to allow view lines and DDA compliant access to the lift lobby area.
  - g) The staircase presented to Rosherville Place redesigned to allow a more visible staircase that sits more equal with the lifts within the podium levels.
  - h) The use of lighter coloured materials to Rosherville Place staircase.
  - i) Podium levels redesigned so the columns are limited to a maximum of two storeys in height with upper levels featuring a clear horizontal break beyond that provided by the black powder coated horizontal window framing.
  - j) The proposed light coloured, and slender profile of the brickwork / face brick to the podium levels replaced with a dark red / brown hand-laid brick. Reuse of the existing brickwork is encouraged and can be supplemented with other recycled brick if there are insufficient quantities for the podium.
  - k) Provision of openable windows for commercial tenancies along the Buckhurst Street and Rosherville Place at the ground floor.
  - l) Provision of details, revised plans and cross-sectional diagrams (as appropriate) showing:
    - i. The existing footpath level along Buckhurst Street raised to a minimum of 2.4 metres AHD for as much of the site frontage as possible with appropriate transitions to the existing back of kerb level and the footpath levels of the adjoining sites, without compromising accessibility between the footpath, adjoining properties and the interior of the building.
    - ii. The interim landscape and public realm design from the back of kerb of the Buckhurst Street road reserve to the title boundary across the frontage of the subject site.
    - iii. Graduated and seamless transitions between the public and private realm (extending from the back of kerb of the Buckhurst Street Road Reserve through to the commercial tenancy and building entry etc) and must meet Melbourne Water flood level requirements. The streetscape interface design provided must be designed to strike an appropriate balance between mitigating against the impact of flood and providing useable internal physical spaces with an inviting visual connection between Buckhurst Street and the interior of the building.
    - iv. Future proofing of the floor level design at the eastern and western ends of the development along the Buckhurst Street frontage by integrating the capability to infill and raise the lower floor level of the building along the street front commercial areas and building entries to match a future Buckhurst Street footpath level of a minimum of 2.4 metres to AHD.

- m) The location and dimensions of all building services and utility installations; all such services and installations must be architecturally resolved and incorporated into the design of the building and minimised facing any street or laneway.
- n) A Services Plan and Report prepared by a suitably qualified person detailing the type, location and service authority requirements for the building based on the height of the building, visibility and ease of accessibility, operational requirements including distances from entries and connection points, and safety.
- o) Service access doors should be designed as to not open over public footpaths, however if this is a safety requirement then:
  - i. Adequate signage must be installed on the doors.
  - ii. Are self-closing and can be held fully open against the building wall for the time personnel are occupying the facility;
  - iii. In the fully open position do not encroach more than 100mm into the Road Reserve; and
  - iv. Have a minimum clearance of 150mm from the footpath surface.
- p) Consistent paving treatment for the pedestrian footpath that runs the length of the Buckhurst Street boundary.
- q) A detailed elevation scaled at not less than 1:50 to demonstrate the Buckhurst Street frontages along the ground level, excluding any solid plinth or base, are at least 80% clear glazing.
- r) A detailed design of the proposed external communal areas on Level 6 to include areas for people to interact casually etc.
- s) Deletion of planter boxes at Level 1 which would sit outside the title boundary. These planters may be recessed to within the podium façade.
- t) Separation of male and female sanitary facilities throughout the tower floorplates.
- u) Details of solar PV detailed on the roof plan and consistent with the SMP.
- v) Plan notations for the project to achieve a minimum 5 Star Green Star Design and As-Built rating (or equivalent) with the Green Building Council of Australia.
- w) Plan notations for the project to include the Sustainable Design Measures and Water Sensitive Urban Design measures of the approved Sustainable Management Plan and Water Sensitive Urban Design Response.
- x) Extent of car parking reduced to provide for a maximum of one level or 13-car parking spaces over two-levels or zero car parking provision on site. If there is zero car parking provision the requirements of Conditions 1(y) to 1(ff) are redundant.
- y) Longitudinal section of access ramps to the car lifts including annotated lengths, widths and relative levels to Melbourne Water flooding requirements.
- z) Plan notations for all vehicle crossing works to be in accordance with Port Phillip City Council Vehicle Crossing Guidelines and Standard Drawings.
- aa) Details of any roller door at the vehicle entry including setbacks to ensure vehicles queuing do not overhang the footpath.
- bb) A warning system (such as light) to alert drivers of entering/exiting the site
- cc) Details of access arrangements / restrictions (e.g. swipe card access or similar) for the car lifts.
- dd) At least 50% of all car spaces to incorporate access to the EV main.
- ee) Plan notations for the mechanical car stackers specification.
- ff) At least one disabled car park design to meet AS 2890.6.
- gg) Design of bicycle spaces as per the design requirements of Clause 52.34-6 of the Port Phillip Planning Scheme.
- hh) Details of Bicycle Signage as per the requirements of Clause 52.34-7 of the Port Phillip Planning Scheme.
- ii) 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 time-clocks or sensors set to a minimum of 10 minutes, all to the satisfaction of the Head, Transport for Victoria.
- jj) Number of waste bins and capacity to align with the Waste Management Plan.

kk) Plan notations requiring the project to meet:

- Any changes required to meet the requirements of the Façade Strategy in the corresponding condition(s) below.
- Any changes required to meet the requirements for external reflectivity in the corresponding condition(s) below.
- Any changes required to meet the requirements for Landscaping and the Public Realm in the corresponding condition(s) below.
- Any changes required to meet the requirements for Traffic, Parking and Loading and Unloading in the corresponding condition(s) below.
- Any changes required to meet the requirements of the Waste Management Plan in the corresponding condition(s) below.
- Any changes required to meet the requirements of the Wind assessment in the corresponding condition(s) below.
- Any changes required to meet the requirements of Melbourne Water in the corresponding condition(s) below.
- Any changes required to meet the requirements of APA group in the corresponding condition(s) below.
- Any changes required to meet the Stormwater Drainage System Design and Water Sensitive Urban Design requirements in the corresponding condition(s) below.
- Any changes required to meet the Environmentally Sustainable Design, Green Star and Third Pipe requirements in the corresponding condition(s) below.
- Any changes required to meet the Streetscape Interface Design requirements in the corresponding condition(s) below.

#### **Layout and use of the development not to be altered**

2. The development and use on the land as shown on the approved plans must not be altered or modified without the prior written consent of the Responsible Authority.

#### **Uses**

3. The use of the 'Wellness' area at Level 01 to be exclusively available to occupants of the building and operate as an ancillary use to the office building.

#### **Façade Strategy & Materials and Finishes**

4. 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. Unless specified otherwise by the Responsible Authority, the Façade Strategy must be generally in accordance with the application plans but updated to 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 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 Minister for Planning, 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 materials and finishes within the physical and visual reach of pedestrians to demonstrate these will be of high quality, robust, and require low maintenance.

### **Streetscape Interface Design**

- 5. Prior to the endorsement of plans under condition 1, the applicant must submit a detailed Streetscape Interface Design demonstrating a suitable transition from the internal floor layouts to the Buckhurst Street footpath to the satisfaction of the Port Phillip City Council. The plans submitted must:
  - a) Be generally in accordance with the Montague Precinct Plan or as otherwise approved to the satisfaction of the responsible authorities at the time of endorsement;
  - b) Detail finished floor levels to demonstrate the minimum finished floor levels as required by Melbourne Water being:
    - All entry points that could allow entry of floodwaters to a basement (including stairwells) windows, openings and vents must be set no lower than 3 metres to AHD.
    - Basement entry ramps must incorporate a flood proof apex set no lower than 3 metres to AHD to prevent floodwaters entering the basement levels during a flood event.
    - the FFLs for the office components of the building to be constructed to a minimum height of 3 metres to AHD, and retail components be constructed no lower than 2.4 metres to AHD.
  - c) Any level changes required between street level and internal ground floor be integrated into the building design and public realm works to maintain good physical and visual connection between street and building interior;
  - d) Design elements and materials be resilient including waterproof doors and windows, elevated power outlets and the like;
  - e) Essential services such as power connections, switchboards and other critical services be located to address flooding impacts;
  - f) Include cross-sections;
  - g) Trees to be retained / removed;
  - h) Treatment of level changes (e.g. batters, retaining walls)
  - i) DDA compliant pedestrian accesses; and
  - j) Details on staging works including flexibility in construction to facilitate transition in finished flood levels to integrate public realm works.

### **Legal Agreement - Buckhurst Street Streetscape Interface**

- 6. Prior to occupation, the owner must enter into an agreement under 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 recorded on the title to the land under section 181 of the Act to the satisfaction of the Responsible Authority. The agreement must provide that:
  - a) The owner of the land will raise the finished floor levels of the interior of the building at ground level to align with the future increased height of Buckhurst Street footpath levels at the direction and to the satisfaction of the Responsible Authority.
  - b) The cost of any works associated with upgrading the building to ensure access and regulatory compliance with relevant legislation is to be borne by the owner/occupier of the land as required.
  - c) The owner and occupiers of the land and building must not make any claims whatsoever for costs incurred as a result of the streetscape works within the public realm and/or any loss or disruption of businesses or amenity as a result of the streetscape works.

The agreement must include covenants that run with title to the Land.

The owner of the Land must pay all reasonable legal costs and expenses of this agreement including preparing, execution and registration.

### **Legal Agreement – New Laneway**

7. Prior to occupation of the building allowed by this permit, the owner must enter into an agreement under 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 recorded on the title to the land under section 181 of the Act to the satisfaction of the Responsible Authority. The agreement must provide that:
  - a) The owner of the land will construct the new laneway within the extent of the property boundary at no cost to Council.
  - b) The owner is to deliver an interim construction standard as agreed by Council and bond the final construction until the other half width of the lane is to be constructed, at which time the owner (or Council using the bond) must deliver the final configuration of the laneway within the extent of the property boundary as per any final design specifications.
  - c) The new laneway to be transferred to or vested in the relevant road authority (i.e. Council) as a public road at no cost to the relevant road authority.
  - d) The owner and occupiers of the land and building must not make any claims whatsoever for costs incurred as a result of the streetscape works within the public realm and/or any loss or disruption of businesses or amenity as a result of the streetscape works.

The agreement must include covenants that run with title to the Land.

The owner of the Land must pay all reasonable legal costs and expenses of this agreement including preparing, execution and registration

### **Legal Agreement – Ann Street and Rosherville Place Upgrade**

8. Prior to occupation of the building allowed by this permit, the owner must enter into an agreement under 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 recorded on the title to the land under section 181 of the Act to the satisfaction of the Responsible Authority. The agreement must provide that:
  - a) The owner of the land must upgrade Ann Street and Rosherville Place to install drainage and lighting infrastructure to Council's specifications at no cost to Council.
  - b) The owner of the land must upgrade the paving of Ann Street to Council's specifications at no cost to Council.

The owner of the Land must pay all reasonable legal costs and expenses of this agreement including preparing, execution and registration

### **Reflectivity**

9. Except with the consent of the Minister for Planning, all external façade material 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 glass surface.

### **Roads and laneways**

10. Before the development starts excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, Engineering Drawings and Computations (as applicable) must be submitted to and approved by the City of Port Phillip for the following matters:
  - a) All road works and associated drainage to the satisfaction of the City of Port Phillip.
  - b) A cross section of the new road must be submitted showing above and below ground placement of services, streetlights and trees (as applicable).
  - c) The plans and cross section of the new road must demonstrate how services, driveways and street lights will be placed so as to achieve the street reserve width and accommodate street tree planting (as applicable).

- d) Independent drainage, the direction of stormwater runoff and a point of discharge for the land to the satisfaction of the City of Port Phillip.
  - e) Underground reticulated water (including dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network), sewerage, gas, electricity and telecommunications located and bundled (utilising common trenching) to the satisfaction of the City of Port Phillip and the relevant servicing authority(s).
  - f) All works for stormwater, Water Sensitive Urban Design, drainage, street trees, and landscaping.
  - g) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements.
  - h) A plan certified by an engineer showing the extent and depth and compaction of fill in excess of 300mm placed on the land.
  - i) Payment to the City of Port Phillip of an engineering design checking fee equivalent to 0.75% of the values of documented works.
11. Before the issue of a Statement of Compliance for the subdivision of the land or occupation of the building approved under this permit, the following must be undertaken or caused to be provided to the satisfaction of the City of Port Phillip:
- a) The land must be independently drained and provided with a legal point of discharge;
  - b) Full construction of all new roads and footpaths, and drainage at no cost to the City of Port Phillip unless otherwise agreed;
  - c) Fire plugs and water supply in accordance with the requirements of the Metropolitan Fire and Emergency Services (MFB) 'Planning Guidelines for Emergency Vehicle Access and Minimum Water Supplies within the Metropolitan Fire District (Guideline No: GL-27)' to the satisfaction of the City of Port Phillip Fire Safety Officer and the Chief Officer of the Metropolitan Fire Brigade;
  - d) Vehicle crossings;
  - e) Underground reticulated water (including dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network), sewerage, gas, electricity and telecommunications located and bundled (utilising common trenching) to the satisfaction of the City of Port Phillip and the relevant servicing authority(s).
  - f) Payment to the City of Port Phillip of a supervision fee equivalent to 2.5% of the actual cost of street construction works as specified in the relevant Street Construction Contract Schedule for the roadway to be transferred to the City of Port Phillip as a public road.
  - g) Issue of a Final Completion Certificate by the City of Port Phillip Asset Management Section, for the acceptance of street construction, site grading etc;
  - h) Filling, shaping and grading of the land to drain satisfactorily to an approved place of discharge;
  - i) Street nameplates or payment in this respect;
  - j) Steel or concrete poles for public street lighting;
  - k) Street lighting in accordance with the relevant Australian Standard;
  - l) Payment of a bond, to be held by the City of Port Phillip, to ensure that all works are satisfactorily completed (including defect rectification), and landscaping works are maintained to the satisfaction of the City of Port Phillip for a period of 12 months, after which the City of Port Phillip would assume responsibility for maintenance of landscaping works within the public roads;
  - m) A full set of 'as constructed' digitised construction plans for works, roads and drainage;
  - n) A certified plan showing the extent and depth of fill in excess of 300mm placed on the land.

### **Landscaping and Public Realm**

12. 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 approved by Port Phillip City Council. The plan(s) must be generally in accordance with the plans prepared by Jack Merlo, Project Number 20.083, Drawing Status TP01 Rev D, TP02 Rev D, TP03 Rev D, TP04 Rev D, TP05 Rev D and TP06 Rev D updated to include:
- a) A planting schedule of all proposed trees and other vegetation including botanical name, common names, soil depths and/or pot sizes, and volumes, height and canopy width at maturity, and quantity of each plant and their protection and maintenance.

- b) A mixture of native and indigenous flora and fauna that are tolerant to the environmental conditions of the area including potential for future overshadowing as neighbouring properties are developed.
- c) How the landscaping responds to water sensitive urban design principles, including how rainwater will be captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of water tanks.
- d) Details of all hard-landscaping materials, finishes and treatments and urban design elements including paving, lighting, seating and balustrading.
- e) Details of surface materials and finishes and construction of retaining walls, pathways, kerbs and access ways.
- f) Elevations, sections, levels and details including materials and finishes of public realm works including reconstruction of public assets.
- g) Details of podium and terrace planting that is water efficient, located and designed to be sustainable, viable and resilient and appropriate to micro-climate conditions.
- h) Verandahs / awnings with a maximum height of 5.0m above NGL provided to Buckhurst Street and Rosherville Place to improve the pedestrian experience and provide weather protection from wind, sun and rain.
- i) The depth of any verandah / awning over Buckhurst Street must not impact on any existing street tree or proposed street tree plantings – as to be agreed as part of the design response to future public realm works.
- j) Planters around the water feature are designed to facilitate sitting and respite.
- k) Location of servicing infrastructure for future assets such as the three conduits as a contingency for additional electrical assets within the public realm.

13. All landscaping shown in the approved landscape and public realm plans must be carried out and completed prior to occupation of buildings and thereafter maintained to the satisfaction of Port Phillip City Council.

#### **Tree Protection**

14. 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 Port Phillip City Council owned nature strip trees on Buckhurst Street will be protected during construction, must be submitted to and approved by the responsible authority. When approved the TPMP will be endorsed and form part of the approval. 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'.
  - b) A tree protection fence must be erected around Port Phillip City Council owned nature strip trees on Buckhurst Street to comply with AS 4970 - 2009 Tree protection on development sites to the satisfaction of Port Phillip City Council.

#### **No Damage to Existing Street Tree**

15. The proposed 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 Port Phillip City Council. Root pruning of any tree must be carried out to the satisfaction of Port Phillip City Council prior to the construction of buildings or works including crossover works.

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

16. Any Port Phillip City Council owned trees shown on the endorsed plans to be removed must not be removed, lopped or pruned without prior consent from Port Phillip City Council. If removal is approved, the amenity value along with removal and replacement costs must be reimbursed to Council by the developer.

17. Before the development starts, the amenity value and removal and replacement cost of Port Phillip City Council owned nature strip trees on Buckhurst Street must be paid by the

applicant/owner to Port Phillip City Council. Removal and replacement, including 24 months maintenance of the street trees, may only be undertaken by Port Phillip City Council.

### **Public Lighting Plan**

18. 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 Port Phillip City Council. This plan must:
- a) 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.
  - b) Show all public lighting in conformity 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).

The approved lighting plan must be implemented as part of the development to the satisfaction of Port Phillip City Council. The approved lighting plan must be implemented as part of the development to the satisfaction of Port Phillip City Council.

### **Demolition Management Plan**

19. Before demolition starts, a detailed Demolition Management Plan (DMP) must be submitted to and approved by Port Phillip City 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 and be consistent with any Remediation Works Plan (RWP). 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.
  - m) Management of potentially contaminated land.
20. Demolition must be carried out in accordance with the approved DMP to the satisfaction of Port Phillip City Council.

### **Construction Management - Piling**

21. Piling works must not include driven piling. Piling must be by bored, screw, or sheet piling or similar only to the satisfaction of Port Phillip City Council.

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

22. 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 approved by Port Phillip City Council. The traffic engineering assessment must be generally in



accordance with the Traffic Engineering Assessment Report prepared by One Mile Grid, 200654TIA001G-F and dated 13 July 2021 but modified to include:

- a) Justification for the proposed 50% AM and PM car parking occupancy rates or alternatively re-submit the queuing and conflict assessment using a more appropriate rate.
  - b) Number of car parking spaces proposed.
  - c) Swept path diagrams to show a B99 and B85 vehicle can adequately pass one another. The propping of vehicles along Ann Street is not supported. All queuing should be contained within the site.
  - d) Adequate clearance distance when entering and egressing the car lift.
  - e) Car parking dimensions on the proposed car parking stacker specification to both Australian Standards and Planning Scheme parking bay dimensions.
  - f) At least 50% of all car spaces to incorporate access to the EV main that is supplying the EV charging points.
  - g) An access grade of not steeper than 10% within 5 metres of the frontage.
23. The internal design of the car park, the positioning of boom gates, card readers, control equipment, including car park control points, and ramp grades must be generally in accordance with the Australian and New Zealand Standard 2890.1-2004 and to the satisfaction of Port Phillip City Council.
  24. The loading and unloading of goods to and from the premises must not obstruct access to the car park of the development to the satisfaction of Port Phillip City Council.
  25. Traffic access and parking arrangements must not be altered without the prior written consent of Port Phillip City Council.
  26. Before the development is occupied, vehicle crossings must be constructed in accordance with Port Phillip City Council's Vehicle Crossing Guidelines and standard drawings to the satisfaction of Port Phillip City Council. 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 Port Phillip City Council.
  27. The area set aside for car parking and access of vehicles and 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 conformity with the endorsed plans. Parking areas and accessways must always be kept available for these purposes and maintained to the satisfaction of the Responsible Authority.
  28. 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 Responsible Authority.
  29. Bicycle parking must be provided, located and appropriately signed in accordance with the endorsed plans.

### **Waste Management Plan**

30. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land an amended Waste Management Plan must be prepared and submitted to and be approved by to Port Phillip City Council. The Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid, 200654WMP001C-F and dated 5 July 2021 but modified to include:
  - a) A rear-mini-loader waste vehicle to be used for waste collections with a spotter to be used to manage vehicle reversing into Ann Street.
  - b) Waste collection to occur between the vehicular access and the waste bin room on Ann Street.
  - c) Waste collection to only occur between 10am and 2pm.
  - d) Bin collection time to ensure compliance with Council's Local Laws requirements.
  - e) Details of clearance widths to the waste rooms
  - f) Details of security to the waste rooms such as doors/roller doors.
  - g) Discussion regarding transport the number of skip-bins and distance for collection to comply OH&S requirements.
31. The approved Waste Management Plan must be implemented to the satisfaction of Port Phillip City Council. Waste storage and collection must be undertaken in accordance with the approved Waste Management Plan and must be conducted in such a manner as not to affect the amenity of

the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

### **Noise Attenuation**

32. 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 State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of Port Phillip City Council.

### **Disability Access**

33. Before development is occupied, a Disability Discrimination Act Assessment / Audit, prepared by a suitably qualified consultant, must be submitted to Port Phillip 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**

34. 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 Minister for Planning in consultation with Port Phillip City Council. The amended report must be generally in accordance with the Wind Impact Assessment prepared by Vipac Engineers and Scientists Limited, Report No: 30N-20-0257-TRP-6824736-8 and dated 13 July 2021 but modified to address all changes required under this condition and must:
  - a) Include wind tests taken at various points within the surrounding public realm with an assessment area determined in accordance with Clause 2.11 of Schedule 30 to Clause 43.02 Design and Development Overlay of Port Phillip Planning Scheme (i.e. include in the assessment of major nearby developments under construction and approved and communal open space areas), including:
    - 6-78 Buckhurst Street,
    - 2-14 Thistlethwaite Street
    - 11-41 Buckhurst Street and
    - an assessment distance of approximately 42m to include a greater extent of the pedestrian areas on Buckhurst Street (northern footpath and new linear park on southern side), George Street, Tates Place and the northeast portion of the new park on the corner of George and Thistlethwaite Streets.
  - b) Carry out the wind tests on a model of the approved building inclusive of the modifications required to determine the wind impacts of the development;
  - c) Provide recommendations for any modifications which must be made to the design of the building to improve any adverse wind conditions within the public realm and communal open space areas.
  - d) Demonstrate (or provide built form recommendations) that the development will ensure all publicly accessible areas, including but not limited to, footpaths, open space areas and parks, road intersections, entrances to tenancies will not be unreasonably affected by 'unsafe wind conditions' as specified in Table 7 of Schedule 30 to Clause 43.02 Design and Development Overlay of Port Phillip Planning Scheme.
  - e) Demonstrate (or provide built form recommendations) that the development will be able to achieve 'comfortable wind conditions' as specified in Table 7 of Schedule 30 to Clause 43.02 Design and Development Overlay of Port Phillip Planning Scheme.
35. 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 Port Phillip City Council.

36. The recommendations and requirements of the approved Wind Impact Assessment Report must be implemented to the satisfaction of Port Phillip City Council before the development is occupied.

### **Development Contribution**

37. 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 Victorian Planning Authority and 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:
    - \$191.51 per sqm of gross office/commercial floor area; and
  - b) Any development contribution required under this condition may be offset by agreed costs of providing any agreed infrastructure, to the satisfaction of Fishermans Bend Taskforce (or their successor) and Port Phillip City Council.
  - 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 Authority Planning 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:
    - The issue of an occupancy permit for the development; or
    - 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.
  - k) Require the owner of the Land to pay all reasonable legal cost and expense of this agreement including preparation, execution and registration on title.

### **Overshadowing**

38. 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 30 (Design Development Overlay) of Port Phillip Planning Scheme.

### **Drainage/Engineering**

39. Before the development starts excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, or as otherwise agreed by the Responsible Authority, a stormwater drainage system design incorporating integrated water management design principles, must be submitted to and approved by Port Phillip City Council. The stormwater drainage system design must:
- Include a detailed response to Clause 22.12 (Stormwater Management (Water Sensitive Urban Design) of Port Phillip Planning Scheme'
  - Incorporate a legal point of discharge (LPD) to the satisfaction of Port Phillip City Council.
- There are currently no drainage assets in Buckhurst Street. Connection to existing drainage infrastructure at Thistlethwaite Street is preferred. This would preferably be via the proposed area of public open space at the corner of Thistlethwaite Street and George Street.

40. The stormwater drainage system must be constructed in accordance with the design approved under this incorporated document, connected to the existing stormwater drainage system and completed prior to the occupation of the building to the satisfaction of Port Phillip City Council.

### **Environmental Audit**

41. Prior to the commencement of construction or carry out of buildings and works authorised by this permit, either:
- A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the intended use; or,
  - An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the intended use.

Where an environmental audit statement is issued, all the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority, prior to commencement of the intended use. Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the Responsible Authority, prior to the commencement of the intended use, and prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*. Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.

Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* that provides for the undertaking of the ongoing maintenance and/or monitoring as required by the environmental audit statement. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, and prior to the issue of a statement of compliance under the *Subdivision Act 1988*. All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).

### **Remediation Works Plan**

42. 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 & Water Sensitive Urban Design**

43. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land and prior to endorsement of plans under Condition 1 of this permit, an amended Sustainability Management Plan and Water Sensitive Urban Design Response (WSUDR) must be submitted to, be to the satisfaction of and approved by Port Phillip City Council. The SMP and WSUDR must be generally in accordance with the Sustainability Management Plan & Water Sensitive Urban Design Response prepared by Ark Resources File No: 701BT and dated 10 March 2021 and NABERS Simulation Report prepared by Ark Resources, File NO: 701BT dated 10 March 2021, but modified to show:
- a) Commitment to achieving a certified rating via the Green Building Council of Australia, as required by mandatory permit requirements at Clause 4.3 of the CCZ1.

- b) Evidence that the project is registered with the GBCA, targeting a 5-star rating should be provided.
- c) Preliminary NABERS assessment refers to a 6-star gas hot water system being used, whereas the SMP refers to electric heat pump hot water. The details in these two documents must be consistent. Electric heat pump hot water is preferable to eliminate the use of gas in the development, which would contribute to the building's ability to operate with net zero greenhouse gas emissions.
- d) Commitment to purchase of off-site renewable offsets for a minimum duration of ten years.
- e) This proposal includes a 20kW solar PV system but the provision of a battery is not committed to in the SMP, which is a policy objective of the Energy section of the Fishermans Bend Urban Renewal Area Policy at Clause 22.15-4.5
- f) The rainwater tank size must be increased to ensure an effective capacity of at least 28.5kL. The tank must be connected to all non-potable outlets throughout the building to ensure constant drawdown of harvested stormwater to free up tank capacity for stormwater capture in the event of a significant storm.
- g) All taps should be 6 star WELS rated in order to claim the credit for water efficient fixtures in the Potable Water section of Green Star Scorecard.
- h) A site plan demonstrating how at least 75% of the site area would consist of vegetation or appropriate materials to reduce UHI in accordance with the submission guidelines of Green Star credit 25.
- i) At least 50% of all car spaces provided with access to the EV charging points

Where alternative Environmentally Sustainable Design measures are proposed to those specified in this condition, Port Phillip City Council may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes.

44. Prior to the occupation of the building, a report (or reports) from the author of the Sustainability Management Plan & Water Sensitive Urban Design Response approved under this permit, or similarly qualified person or company, must be submitted to the satisfaction of Port Phillip City Council and must confirm all measures specified in the approved SMP and WSUD report have been implemented.

### **Water Sensitive Urban Design**

45. Prior to the endorsement of plans under Condition 1 of this permit, 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 Port Phillip City Council. 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;
- a) A STORM report with a score of 100% or greater (or MUSIC modelling for large scale developments),
  - b) A plan showing the catchment area in square metres,
  - c) 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).

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.
46. Prior to the occupation of the building, a report (or reports) from the author of the Sustainability Management Plan & Water Sensitive Urban Design Response approved under this Incorporated Document, or similarly qualified person or company, must be submitted to the satisfaction of Port Phillip City Council and must confirm all measures specified in the approved SMP and WSUD report have been implemented.

### **Green Star rating**

47. Prior to the commencement of buildings and works, evidence must be submitted to the satisfaction of Port Phillip City 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.
48. Within 12 months of occupation of the building, certification must be submitted to the satisfaction of Port Phillip City 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**

49. A third pipe must be installed for recycled 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.
50. 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 future precinct-scale recycled water supply.
51. 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.
52. Rainwater captured from roof harvesting areas must be re-used for toilet flushing and irrigation, or controlled release.

### **3D Model**

53. Before 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 the development and its immediate surrounds must be submitted to and approved by the Minister for Planning. 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 Minister for Planning.

### **Building Appurtenances**

54. All building plant and equipment on the roofs and public thoroughfares must be concealed and acoustically treated (as applicable) to the satisfaction of Port Phillip City Council.

### **Advertising Signs**

55. 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 Planning Scheme.

### **Melbourne Water (Flooding, Drainage and Sea Level Rise)**

56. All entry points that could allow entry of floodwaters to a basement (including stairwells) windows, openings and vents must be set no lower than 3 metres to AHD. Basement entry ramps must incorporate a flood proof apex set no lower than 3 metres to AHD to prevent floodwaters entering the basement levels during a flood event.

Accordingly, Melbourne Water requires that the FFLs for the office components of the building to be constructed to a minimum height of 3 metres to AHD, and retail components be constructed no lower than 2.4 metres to AHD.

## **The Head, Transport for Victoria**

### **APA Group**

#### **Expiry**

57. This permit will expire if one of the following circumstances applies:

- a) The development is not started within three (3) years of the date of this permit.
- b) The development is not completed within five (5) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.