

PORT PHILLIP PLANNING SCHEME

INCORPORATED DOCUMENT

Johnson Street Park

August 2024

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*

1.0 INTRODUCTION

- 1.1 This document is an incorporated document in the *Port Phillip Planning Scheme (Planning Scheme)* pursuant to section 6(2)(j) of the *Planning and Environment Act 1987 (Act)*.
- 1.2 The Port Phillip City Council is the Responsible Authority for administering and enforcing Clause 45.12 of the Planning Scheme with respect to this Incorporated Document.
- 1.3 The land identified in Clause 3.0 may be used and developed in accordance with the provisions of this document.

2.0 PURPOSE

- 2.1 This incorporated document has been prepared to facilitate the use and development of the Johnson Street Park, generally in accordance with the Concept Plan at **Appendix 1 (Project)** as identified in the *Fishermans Bend Framework 2018*.

3.0 LAND DESCRIPTION

- 3.1 This document applies to the land required for the Johnson Street Park identified in **Figure 1** below (**Land**).



5.0 THIS DOCUMENT ALLOWS:

- 5.1 The use and development of the Land generally in accordance with the Concept Plan at **Appendix 1** including, but not limited to:
- Demolition and removal of buildings and works including (but not limited to) the removal of crossovers, street furniture, street parking, and traffic islands.
 - Remediation works to address any soil contamination.
 - Development of land for informal outdoor recreation including (but not limited to) earthworks, gas pipeline protection works, measures to mitigate potential amenity impacts in the amenity buffer area, landscaping, park furniture, footpaths, bicycle lanes, bicycle parking, public lighting, public artwork, and signage.
 - Development of land including (but not limited to) roadworks, alteration of access, crossovers, line marking, street furniture, powerlines and associated works and infrastructure.
 - Demolition, installation and relocation of above and below ground services and infrastructure.
 - Development associated with water sensitive urban design treatments and flood mitigation.

The use and development of the land must be in accordance with the detailed development plans endorsed under the conditions of this Incorporated Document.

6.0 THE FOLLOWING CONDITIONS APPLY TO THE USE AND DEVELOPMENT PERMITTED BY THIS DOCUMENT

Early Site Preparation Works

- 6.1 Unless otherwise agreed by the Responsible Authority, references to 'early site preparation works' refer to demolition, excavation, site preparation works, site retention, works required to undertake an environmental assessment or audit, works required to remediate contaminated land or the relocation of infrastructure or services.

Detailed Development Plans

- 6.2 Prior to the commencement of the development, excluding early site preparation works, plans of the Project must be submitted to, and approved by, the Responsible Authority in consultation with the Department of Transport and Planning (Precincts - Fishermans Bend). The plans must be generally in accordance with the Concept Plan at **Appendix 1** of this Incorporated Document.

Layout not altered

- 6.3 When approved the plans, schedules and reports referred to in the conditions of this Incorporated Document will be endorsed by the Responsible Authority. The development as shown on the plans, schedules and reports must not be altered without the prior written consent of the Responsible Authority.

Aboriginal Cultural Heritage

- 6.4 Prior to the commencement of the development, including early site preparation works, 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.
- 6.5 All development 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*.

Demolition Management Plan

- 6.6 Prior to the commencement of the development, including early site preparation works or as otherwise agreed with the Responsible Authority, a detailed Demolition Management Plan (DMP) must be submitted to and approved by the Responsible Authority. The DMP must address the following matters to the satisfaction of the Responsible Authority:
- 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, including any requirements of the Stormwater Management Plan required by Clause 6.8.
 - i) Management of public access and vehicle, bicycle and pedestrian linkages around the site during demolition.
 - j) Protection of existing vegetation.
 - k) Site access and traffic management (including any temporary disruptions to adjoining vehicular, bicycle and pedestrian accessways).
 - l) Management of potentially contaminated land.
 - m) Decommissioning of any services to the specification of relevant service authorities.
 - n) Details of any interim (temporary) buildings or works (including, but not limited to, landscaping works to activate and improve the site and street frontage) to be constructed in the event of works ceasing and the site remaining vacant for 6 months after completion of the demolition.

Demolition must be carried out in accordance with the approved DMP to the satisfaction of the Responsible Authority.

Construction Management Plan

- 6.7 Prior to the commencement of the development, excluding early site preparation works or as otherwise agreed by the Responsible Authority, a Construction Management Plan (CMP) must be submitted to, and approved by, the Responsible Authority. The CMP must address the following matters to the satisfaction of the Responsible Authority:
- a) Construction hours.
 - b) Control of construction noise to minimise impact on neighbouring properties.
 - c) Maintaining cleanliness in abutting streets.
 - d) Minimising disruption to pedestrian access along footpaths through a Pedestrian Access Management Plan.
 - e) Management of parking of construction worker vehicles (including construction machinery), management of site deliveries and traffic management.
 - f) Stormwater and sediment control, including any requirements of the Stormwater Management Plan required by Clause 6.8.
 - g) Protection of existing vegetation.
 - h) The waste removal process and duration, including the positions of trucks, equipment and rubbish bins, including the on-site storage of waste construction bins as much as practicable during the project's construction stages.

Construction works must be carried out in accordance with the approved CMP to the satisfaction of the Responsible Authority.

Stormwater Management Plan

- 6.8 Prior to the commencement of the development, including early site preparation works or as otherwise agreed by the Responsible Authority, a Stormwater Management Plan (SMP) must be prepared by an appropriately qualified engineer and submitted for approval to the Responsible Authority. The SMP must indicate the protection of the water quality of Port Phillip Bay from adverse environmental impacts and the control of sediment both during and post construction, to the satisfaction of the Responsible Authority.

This should include protection measures – including smart devices (i.e., sensors or otherwise) – installed as required to ensure that no solid waste, sediment, sand, clay or stones from the demolition, construction or ongoing use of the site enters the stormwater drainage system.

Contamination and Remediation Works

- 6.9 Prior to the commencement the development, excluding early site preparation works or as otherwise agreed in writing by the Responsible Authority, one of the following must be provided to the Responsible Authority:

- a) A Preliminary Risk Screen Assessment (PRSA) Statement in accordance with the *Environment Protection Act 2017* stating that an environmental audit is not required for the use, or the proposed use; or
 - b) An Environmental Audit Statement (EAS) under Part 8.3 of the *Environment Protection Act 2017* stating that the land is suitable for the use or proposed use.
- 6.10 If an Environmental Audit is necessary, then prior to the commencement of remediation works, a Remediation Works Plan (RWP) must be approved by the appointed auditor and submitted to 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.
- 6.11 Where an EAS is provided, all the conditions of the EAS must be complied with to the satisfaction of the Responsible Authority prior to the commencement of the use. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. The written confirmation of compliance must be in accordance with any requirements in the EAS regarding verification of required works.

Public Lighting Plan

- 6.12 Before the development starts, excluding early site preparation works or as otherwise agreed by the Responsible Authority, a detailed lighting plan must be prepared and approved by the Responsible Authority.

This plan must:

- a) Include a street lighting assessment and delivery plan (as required) for the new footpaths within and adjoining Johnson Street park and 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) Require all public lighting to generally conform with the relevant lighting category from the relevant Australian Standards, that is AS1158 series - Lighting for Roads and Public Spaces, AS/NZS 428:2019.2 Control of the obtrusive effects of outdoor lighting, AS/NZS 428:2019.2 Control of the obtrusive effects of outdoor lighting and the Public Lighting Code December 2015 (v2) or as otherwise approved by the Responsible Authority.

The approved lighting plan must be implemented as part of the development to the satisfaction of the Responsible Authority. The approved lighting plan must be implemented as part of the development to the satisfaction of the Responsible Authority.

Construction Management Plan – High Pressure Gas Pipeline

- 6.13 Prior to the commencement of development including early site preparation works or as otherwise agreed by the Responsible Authority, a Construction Management Plan addressing the protection of the pipeline must be prepared in consultation with the operator of the pipeline and submitted to and approved by the relevant gas pipeline authority and written consent of the approved documents provided to the Responsible Authority.

Temporary Use, Buildings and Works

- 6.14 Should the land referred to in Clause 3.1 remain vacant for six months after the approval date of this Incorporated Document, or construction activity has ceased for an aggregate of six months after commencement of the construction, the following buildings or works and uses may occur with the consent of the Responsible Authority:
- a) Temporary uses to activate the area, including but not limited to:
 - Use as a shop, market or food and drink premises.
 - Art gallery, museum, or library
 - b) Temporary buildings or works to activate the area, including but not limited to:
 - The construction of temporary buildings for short-term retail use.
 - Landscaping of the site for the purpose of public recreation and open space.
 - Landscaping of the site for the purpose of public recreation and open space.
- 6.15 All temporary uses cease and all temporary buildings, works, structures must be removed upon request by the Responsible Authority to facilitate the use and development allowed under this Incorporated Document and Concept Plan at Appendix 1.

Other Conditions

- 6.16 Plans and other documents may be prepared and approved for separate components or stages of the Project, but each plan or document must be approved before commencement of works for that component or stage.
- 6.17 The plans and other documents may be amended from time to time to the satisfaction of the Responsible Authority. In deciding whether a plan or document is satisfactory or whether to consent to an amendment to a plan or document, the Responsible Authority or relevant approving authority may seek the views of other relevant parties.
- 6.18 The use and development of the land must be undertaken generally in accordance with all approved plans and documents.
- 6.19 Before the development starts, excluding demolition, excavation, piling, site preparation works, works required to undertake an environmental assessment or audit, works to remediate contaminated land (or as otherwise agreed by the Responsible Authority), an Amenity Impact Report prepared by a suitably qualified environmental consultant must be submitted to and approved by the Responsible Authority in consultation with the Environmental Protection Agency.

Unless otherwise agreed with the Responsible Authority, the report must consider impacts from the Resource Recovery Centre at 79 White Street, Port Melbourne including:

- A site plan identifying the operations at the Resource Recovery Centre .
- An assessment of the impact of the existing use on the Johnson Street Park including (as relevant) odour, air emissions and/or dust or other identified sources of amenity impacts.

- Measures to be incorporated within Johnson Street Park to mitigate amenity impacts from the Resource Recovery Centre.

6.20 The approved Amenity Impact Report must be implemented to the satisfaction of Responsible Authority in consultation with the Environmental Protection Agency.

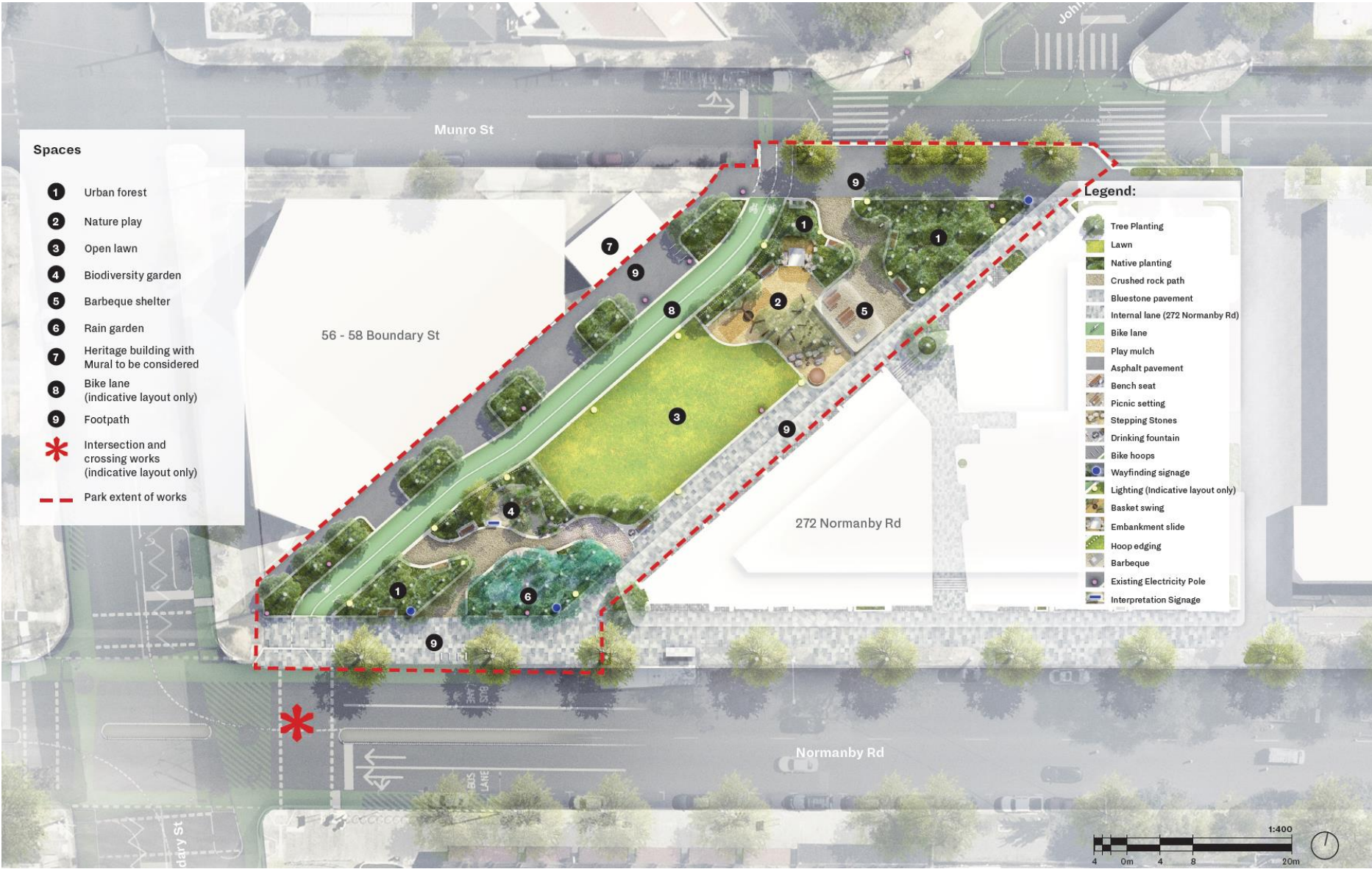
7.0 EXPIRY OF THIS SPECIFIC CONTROL

7.1 The control in this Incorporated Document will expire if any of the following circumstances apply:

- The development is not started within two (2) years of the date of gazettal of Amendment C233port to the Planning Scheme.
- The development is not completed within four (4) years of the date of gazettal of Amendment C233port to the Planning Scheme.

7.2 The Responsible Authority may extend these periods if a request is made in writing before the expiry date or within six months afterwards.

Appendix 1.
Johnson Street Park – Concept Plan



END OF DOCUMENT