

**Report to the Future Melbourne (Planning) Committee****Agenda item 5.2****Ministerial Planning Referral: ID-2020-4****13 October 2020****12 Riverside Quay, Southbank and the triangular parcel of land to the southwest****Presenter:** Evan Counsel, Director Planning and Building**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee (FMC) of Melbourne Planning Scheme Amendment C391MELB which seeks to facilitate the redevelopment of the land located at 12 Riverside Quay, Southbank and the 215m<sup>2</sup> triangular parcel of land to the southwest (refer Attachment 2 – Locality Plan).
2. The applicant is Nice Future International Investment Pty Ltd c/o Tract Consultants Pty Ltd, the owner is Nice Future International Investment Pty Ltd and the architect is Hayball. Melbourne City Council (Council) owns the triangular parcel of land to the southwest corner of the site.
3. The amendment request was made to the Minister for Planning under section 20(4) of the *Planning and Environment Act 1987* (Act) and referred to Council for comment under section 20(5).
4. The amendment seeks to introduce a new site specific planning control via a new schedule to the Specific Controls Overlay and Incorporated Document (ID) '12 Riverside Quay, Southbank – May 2020'. The ID is a masterplan for the site and defines the land uses, building envelope and public benefits to be delivered; with detailed development plans subject to conditions.
5. The masterplan includes a new maximum 30 storey (120m) high commercial building arranged as a 'village (campus) of forms'. Significantly, a new 1,000m<sup>2</sup> unencumbered north facing public open space is to be transferred to Council with a \$1 million financial contribution toward the design and delivery of the space. An additional 478m<sup>2</sup> of land at the site's edges is also to be transferred to Council to enable widening of Southgate Avenue and Riverside Quay and future streetscape improvements. Along the western boundary approximately 254-351m<sup>2</sup> of privately owned, publically accessible land will deliver new potential for activation and outdoor dining.
6. The proposal and the amendment is a culmination of a collaborative process between the Council's urban planners and designers, the Department of Environment, Land, Water and Planning (DELWP) and the applicant that was initiated given the strategic significance and opportunities of the site.

**Key issues**

7. The key issues relate to land use; built form and public realm impacts; public benefits; preliminary parking, loading, traffic and waste management; and sustainable building design.
8. With the exception of 'Accommodation', the proposed land uses align with the Capital City Zone Schedule 3, with no section 2 (permit required) land uses allowed under the ID. 'Accommodation' is not allowed under the ID to secure the strategic land use and recognised public benefit as office.
9. The built form is appropriately managed as a 'village of forms' across the site, having due regard for its abuttals and the surrounding context; delivering a successful human scale. Importantly, the higher building forms are appropriately setback and recessive from the Yarra River, Birrarung and Southbank Promenade. Subject to conditions, appropriate provisions and management of potential public realm impacts (such as wind and overshadowing) have been successfully accounted for. The site layout and building envelope has been carefully considered 'in the round' in response to design principles and feedback from the OVGAs and Council's Statutory Planning and Urban Design Teams.
10. Although not formally applicable, the public benefits are consistent with the relevant state and local planning policies, strategic initiatives, relevant guidelines and broader Council policies. The public benefits are supported, will be secured and delivered by the ID, and the land to be vested in Council is suitable to be transferred to and maintained by Council in perpetuity.
11. The preliminary parking, loading, traffic and waste storage and collection arrangements are appropriate at this stage in the process, with detailed design to be considered through the submission of development plans and supporting expert reports.

12. Subject to recommended changes and conditions, the building's sustainable design standards will achieve the current performance measures and align with the policy intent proposed by Council's recently endorsed Melbourne Planning Scheme Amendment C376 (Sustainable Building Design).

**Recommendation from management**

13. That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports Melbourne Planning Scheme Amendment C391 subject to the changes and conditions outlined in the delegate report (refer to Attachment 4 of the report from management).

**Attachments:**

1. Supporting attachment (Page 3 of 84)
2. Locality Plan (Page 4 of 84)
3. Plans (Page 5 of 84)
4. Delegate Report (Page 27 of 84)

## Supporting Attachment

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### Legal

1. The Minister for Planning is the Planning Authority for determining this amendment request.
2. It is the responsibility of DELWP on behalf of the Minister for Planning to consult with the responsible authority or any other person before exercising the powers under subsection (2) or (4) of section 20 of the Act.
3. The Minister for Planning has consulted with the Council under section 20(5) of the Act.

### Finance

4. There are no direct financial issues arising from the recommendations contained within this report.
5. Following completion and vesting of the new public open space in Council, Council will be responsible for the ongoing maintenance.

### Election Period

6. Notifying the DELWP of Council's support in relation to Ministerial Planning Referral: ID-2020-4 is not a prohibited decision for the purposes of the Election Period Policy.

### Conflict of interest

7. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

### Health and safety

8. Relevant planning considerations such as traffic and waste management, potential amenity impacts and potentially contaminated land that could impact on health and safety have been considered within the amendment request and assessment process.

### Stakeholder consultation

9. The amendment request was made under section 20(4) of the Act and referred to the Council under section 20(5) of the Act.

### Relation to Council policy

10. Relevant Council policies are discussed in the attached delegate report (refer to Attachment 4).

### Environmental sustainability

11. The ID requires the following Environmentally Sustainable Design (ESD) performance standards that achieve the current measures and generally align with Council's proposed Melbourne Planning Scheme Amendment C376 – Sustainable Building Design:
  - 11.1. A minimum (mandatory) 5 Star NABERS Energy rating or equivalent.
  - 11.2. An aspirational (preferred) 6 Star NABERS Energy rating or equivalent.
  - 11.3. A minimum (mandatory) 3 points for Wat-1 credit under Green Star or equivalent.
  - 11.4. An aspirational (preferred) 4 Star NABERS Water rating or equivalent.
  - 11.5. A minimum (mandatory) 5 Star Green Star Design and As Built or equivalent.
  - 11.6. An aspirational (preferred) 6 Star Green Star Design and As Built or equivalent.
12. Within six months of occupation of the development, a report must be submitted detailing the initiatives implemented within the completed development that achieve the performance outcomes specified in the endorsed ESD Statement.

# Locality Plan

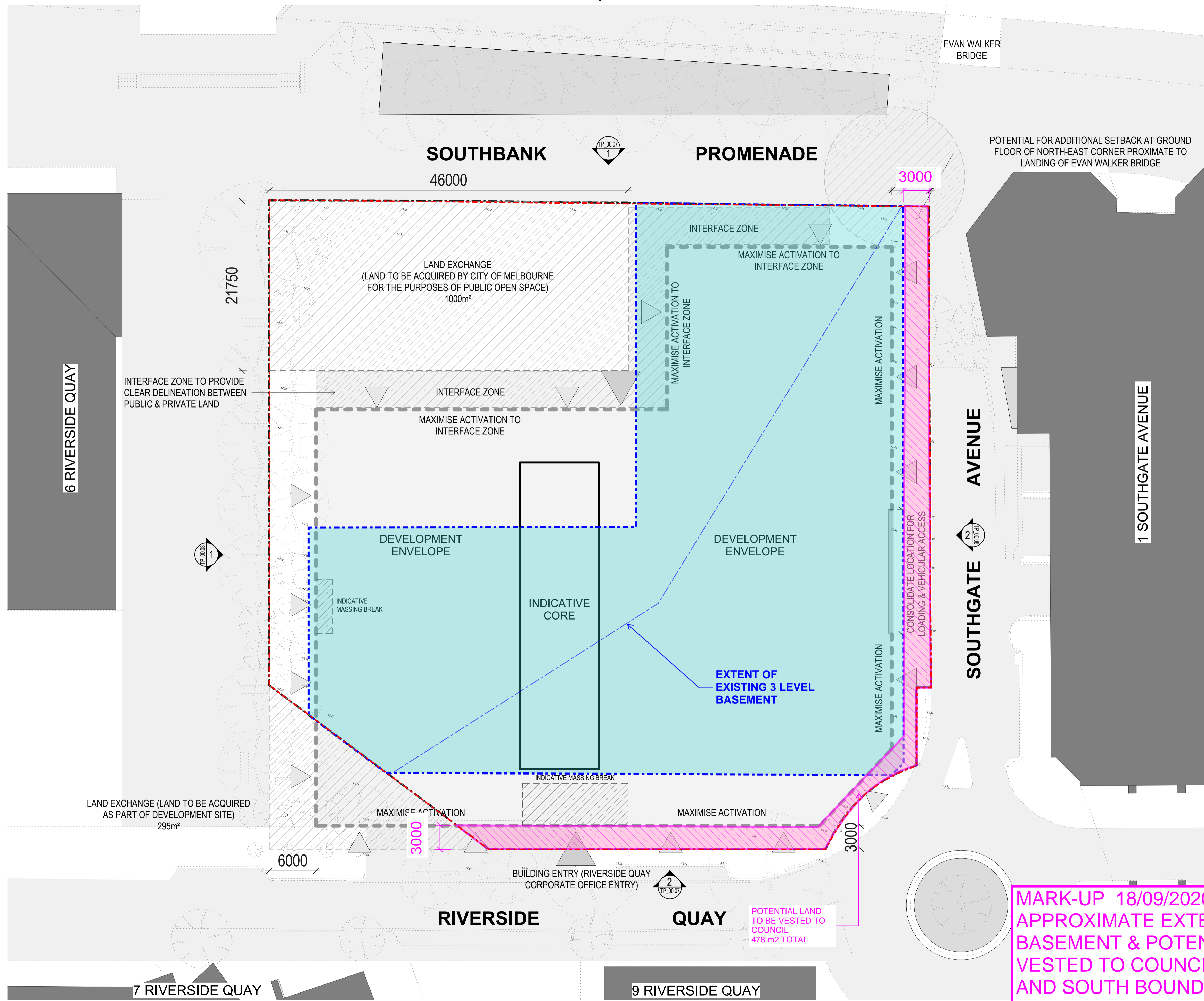
## 12 Riverside Quay, Southbank



Proposed Specific Controls Overlay - Schedule 26 Map

6,898m<sup>2</sup> site area



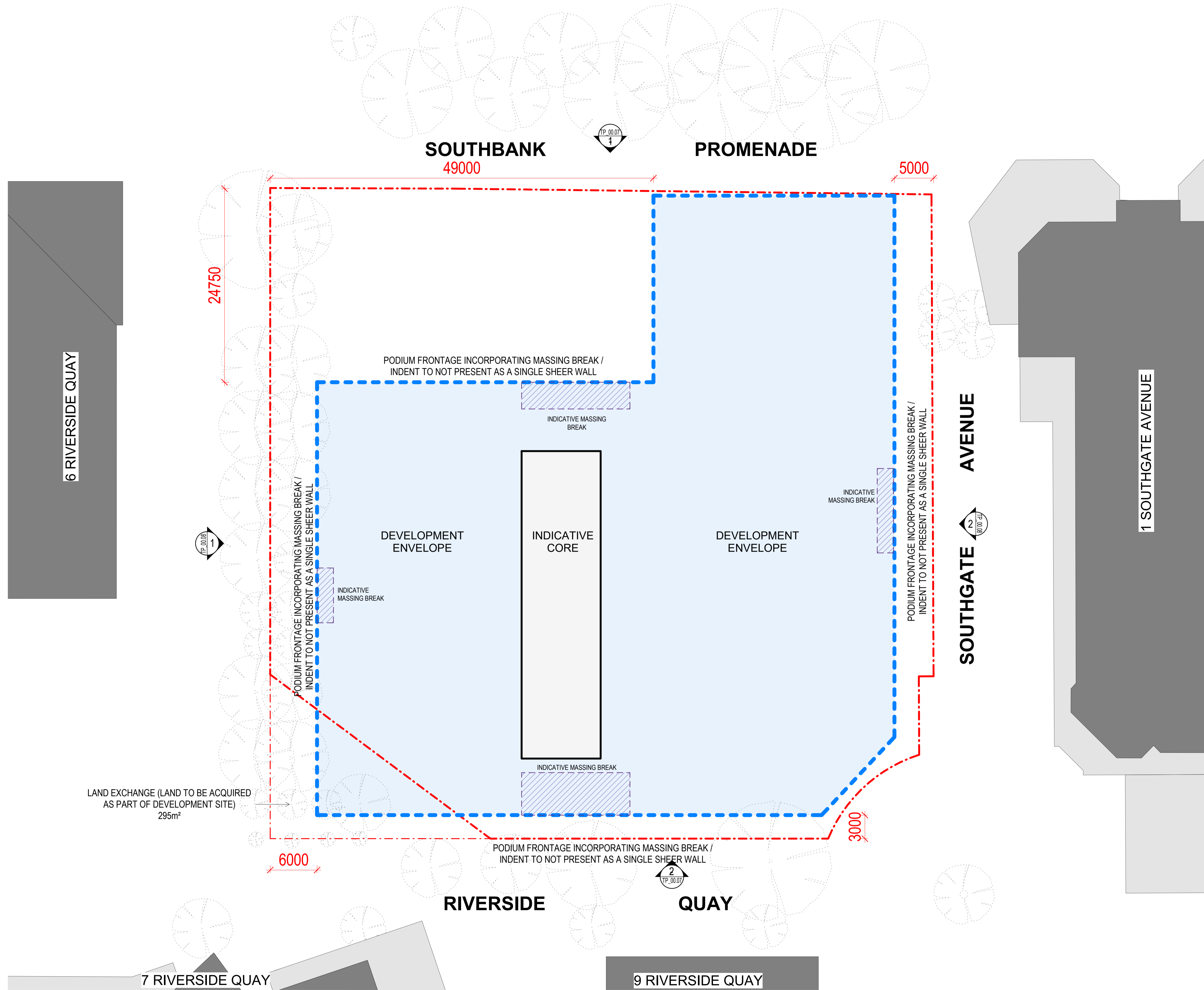


**MARK-UP 18/09/2020**  
**APPROXIMATE EXTENT OF EXISTING**  
**BASEMENT & POTENTIAL LAND TO BE**  
**VESTED TO COUNCIL TO THE EAST**  
**AND SOUTH BOUNDARIES**

<b>Project Title</b> 12 Riverside Quay Southbank	<b>Drawing Title</b> GROUND PLAN	<b>Status</b> SKETCH DESIGN	<b>Project No</b> 2213	<b>Drawing No</b> TP_00.01	<b>Revision</b> A	<b>Drawn By</b> Checked By Date Printed Scale	<b>Author</b> Checker 21-May-20 11:00:33 AM 1: 250@ A1		<b>Rev</b>   <b>Date</b>   <b>Description</b> A   2020.05.18   PLANNING SUBMISSION
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Melbourne : 4/135 Sturt Street Southbank, VIC 3006 T +61 3 9699 3644  
 Sydney : GroundFloor11-1 Buckingham Street, Surry Hills, NSW 2010 T +61 2 9660 9329  
 Brisbane : Level 12, 324 Queen Street, Brisbane Qld 4000 T +61 7 3211 9821  
 ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521,  
 Richard Leonard 7522, David Tordoff 8028





Project Title  
12 Riverside Quay  
Southbank

Drawing Title  
LEVEL 1-5

Status  
SKETCH DESIGN

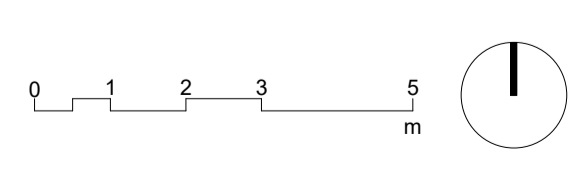
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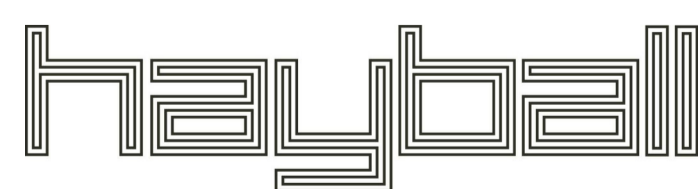
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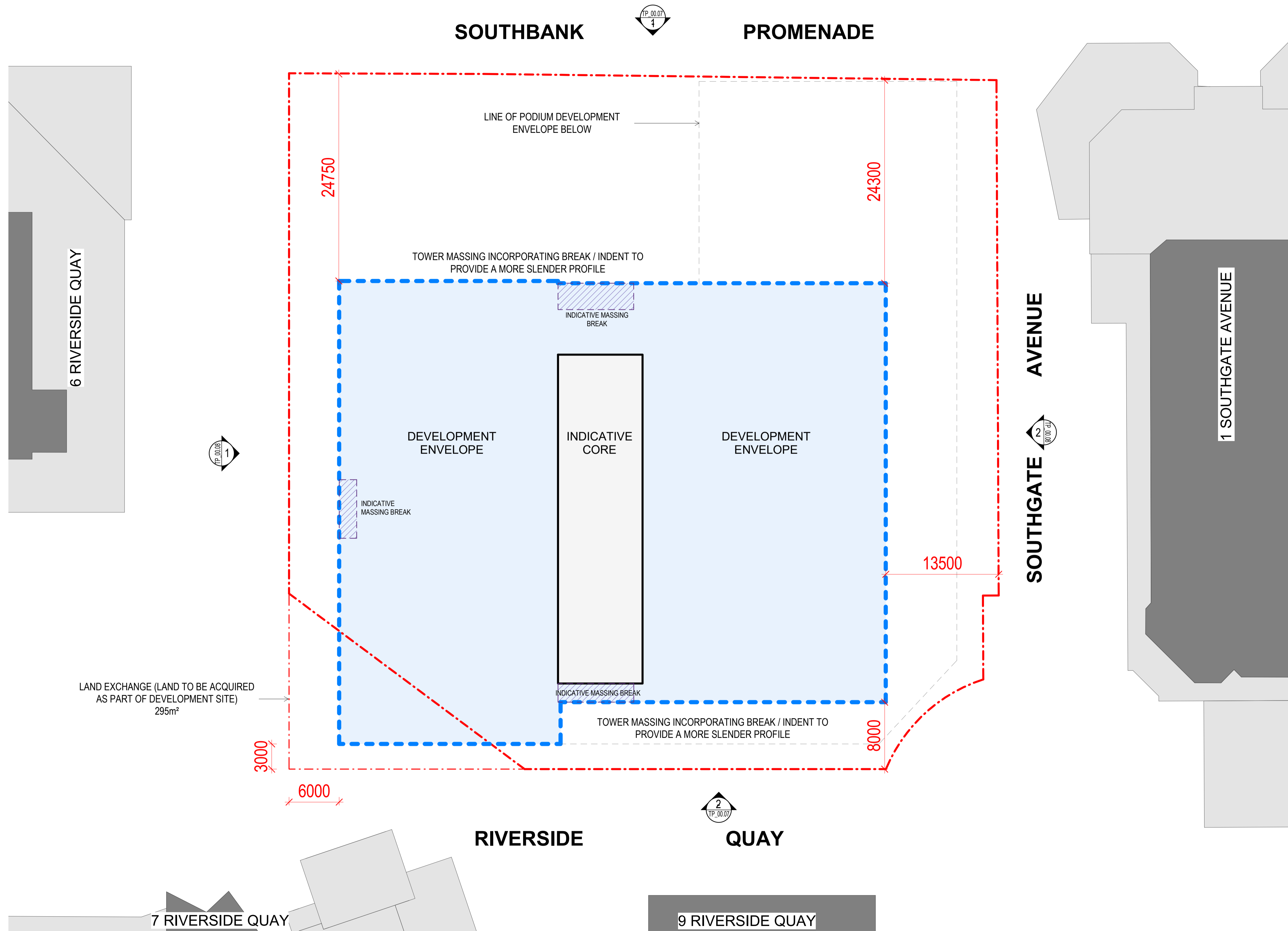


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2	2020.09.18	PLANNING UPDATE

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Project Title  
12 Riverside Quay  
Southbank

Drawing Title  
LEVEL 6-7

Status  
SKETCH DESIGN

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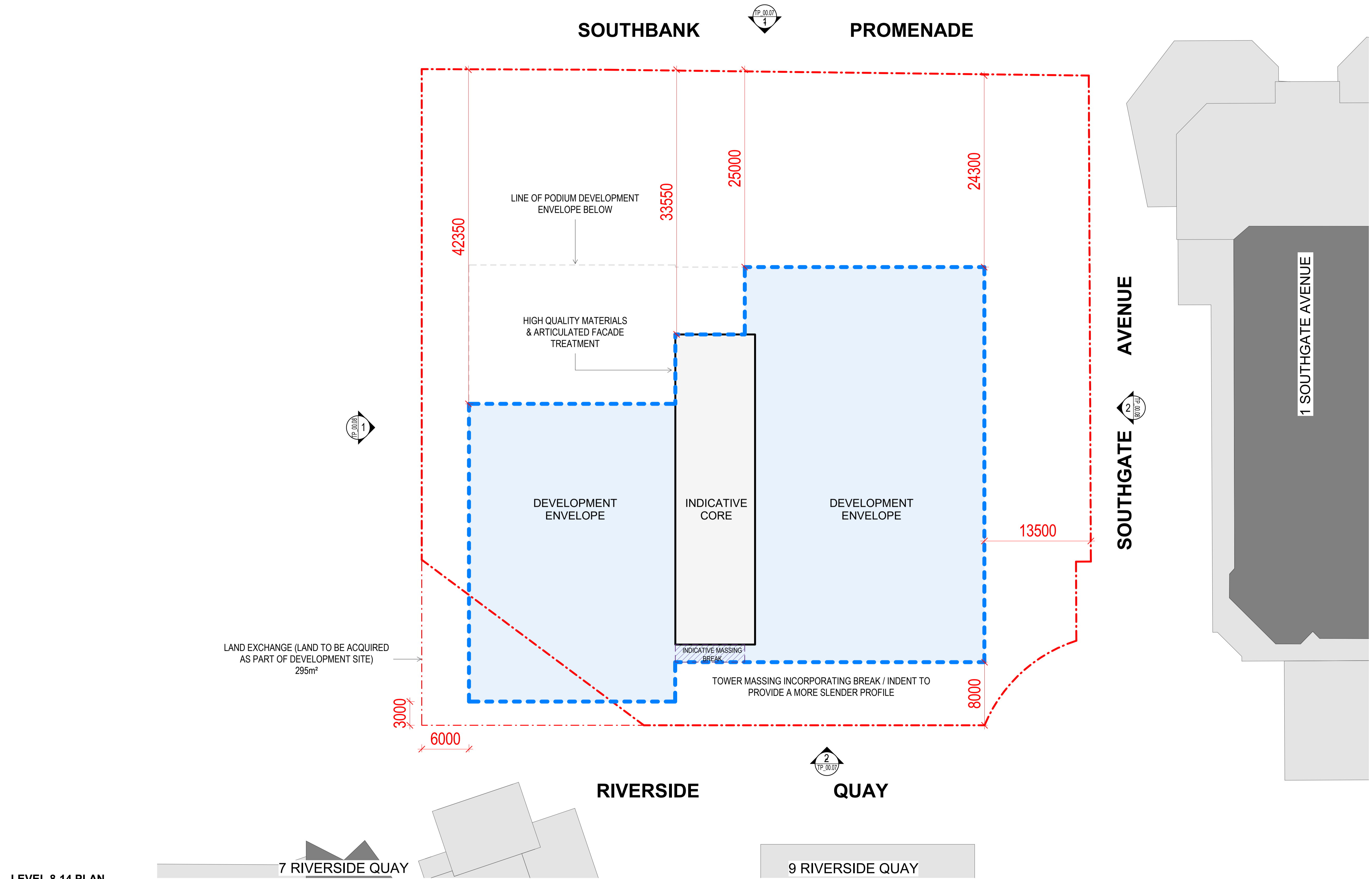
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LEVEL 8-14 PLAN

Project Title  
12 Riverside Quay  
Southbank

Drawing Title  
LEVEL 8-14

Status  
SKETCH DESIGN

Project No  
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Drawing No  
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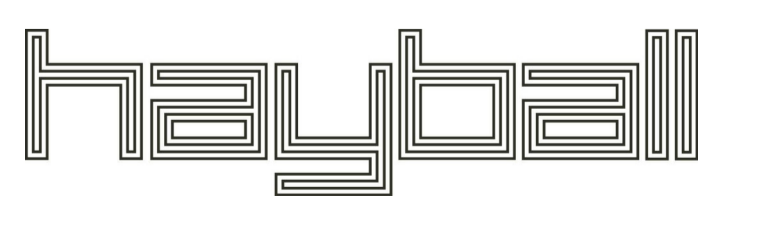
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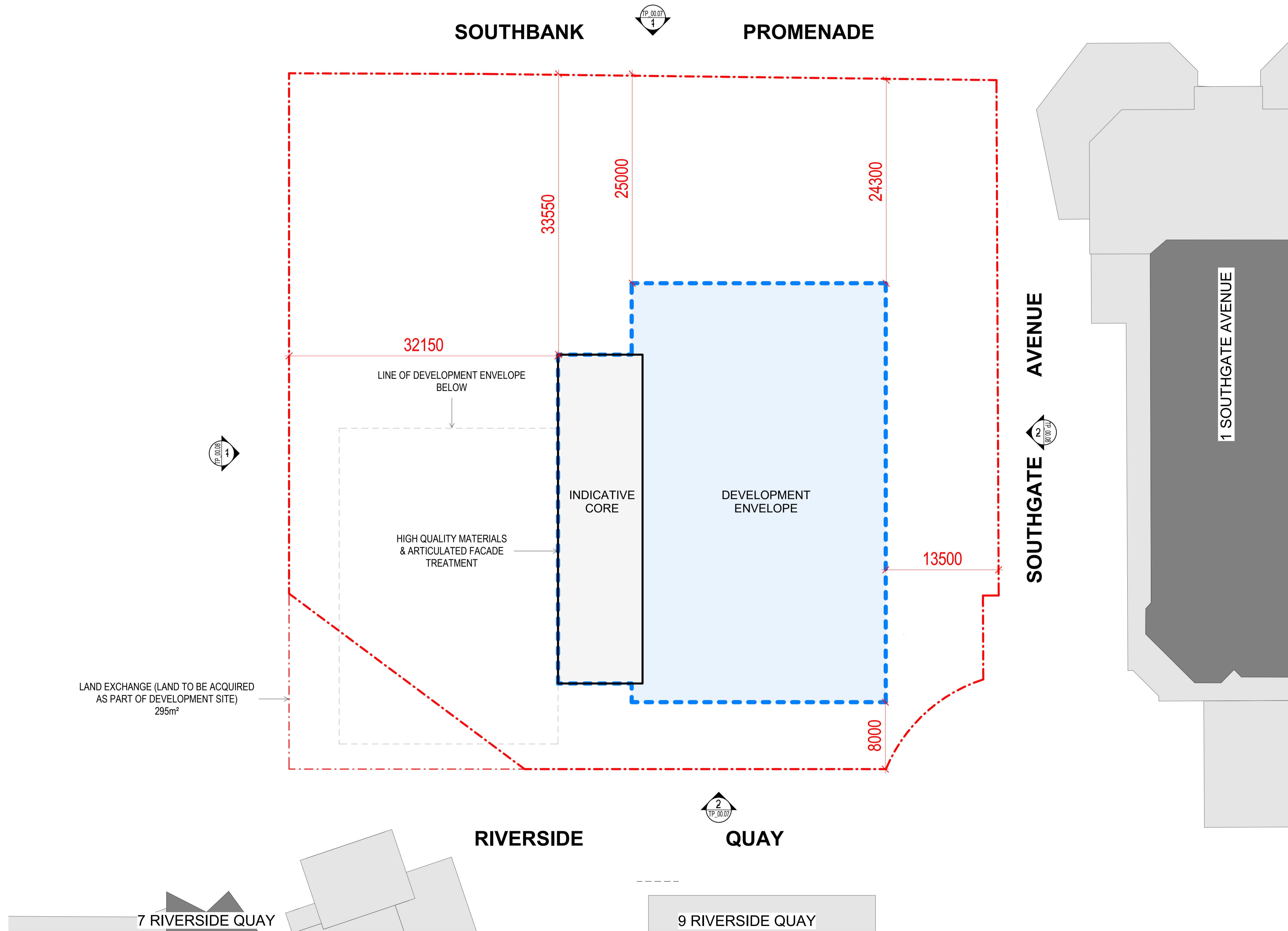
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**Project Title**  
12 Riverside Quay  
Southbank

**Drawing Title**  
LEVEL 15-24

**Status**  
SKETCH DESIGN

**Project No**  
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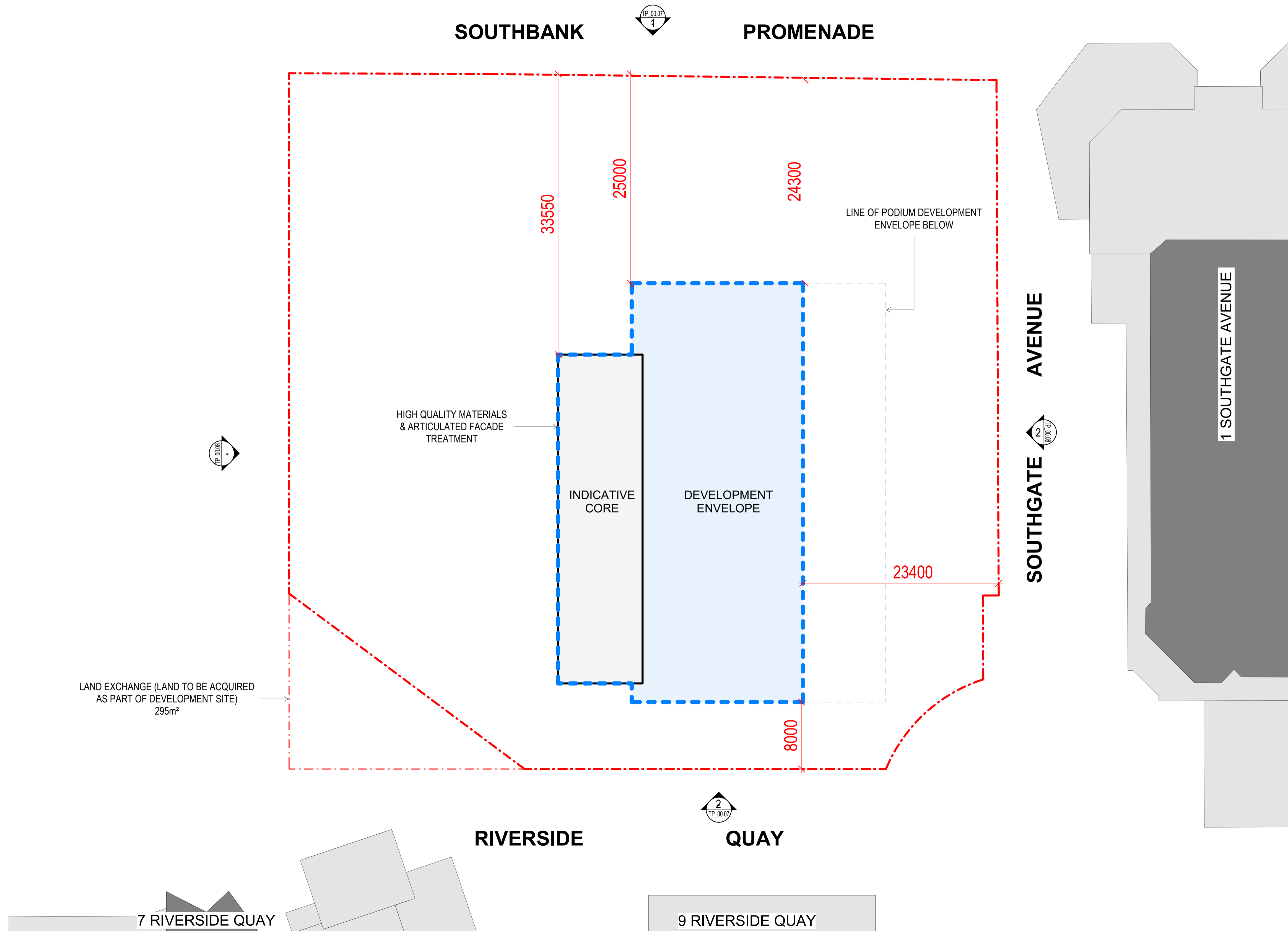
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Project Title  
12 Riverside Quay  
Southbank

Drawing Title  
LEVEL 25-29

Status  
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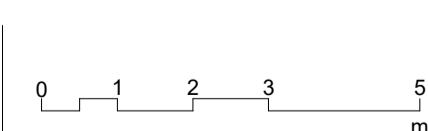
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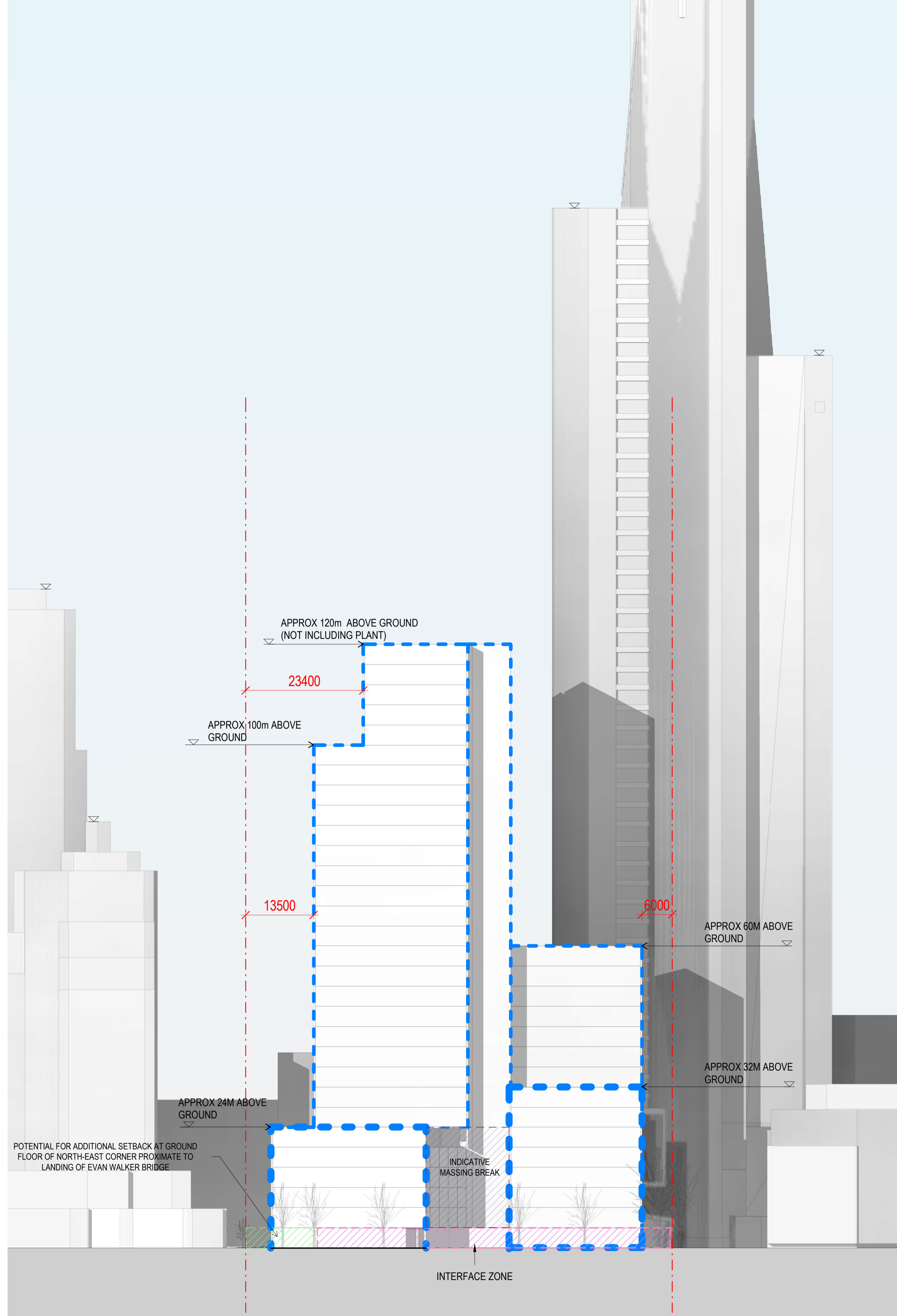


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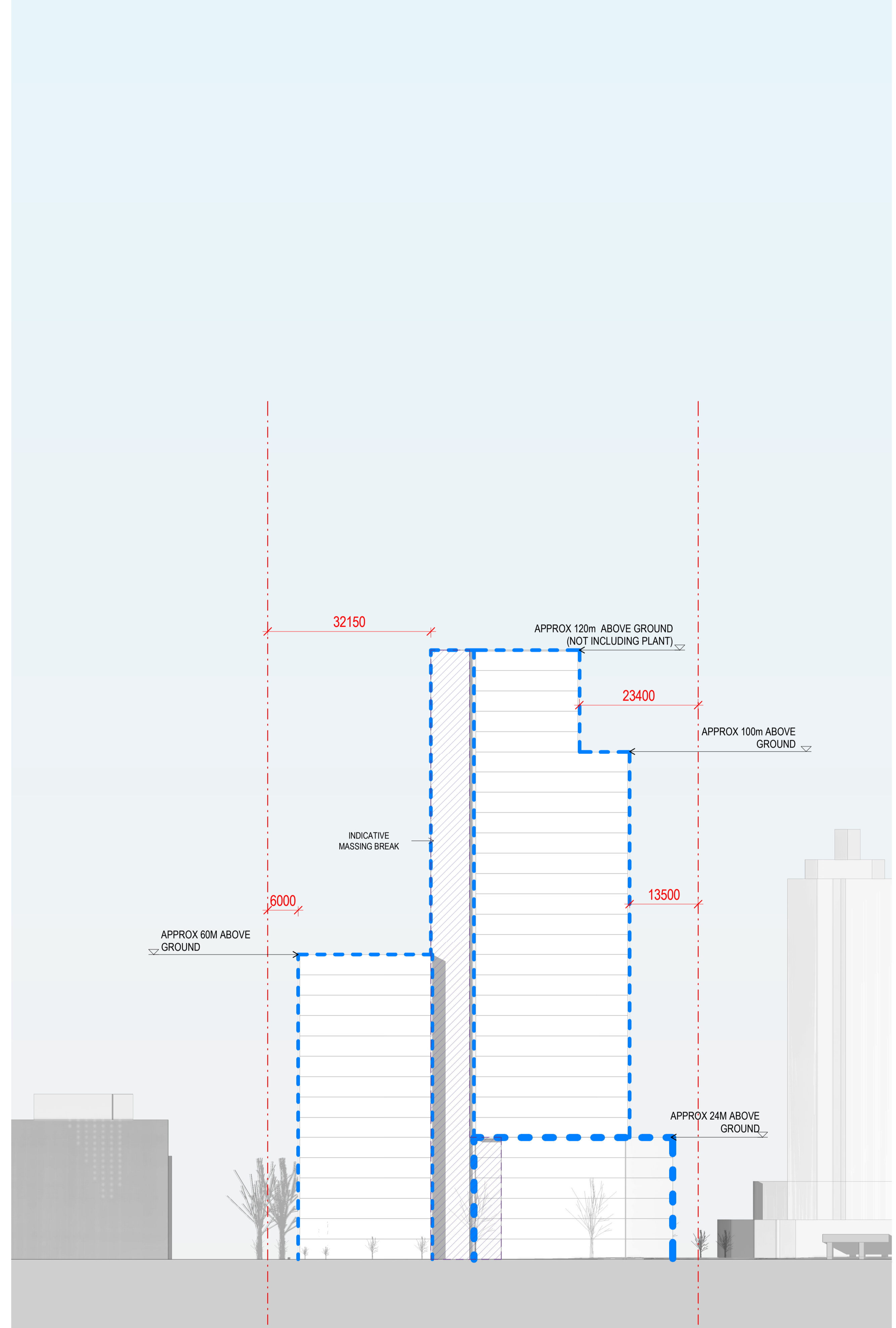
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TP NORTH ELEVATION



TP SOUTH ELEVATION

Project Title  
12 Riverside Quay  
Southbank

Drawing Title  
ELEVATIONS

Status  
SKETCH DESIGN

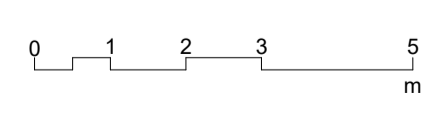
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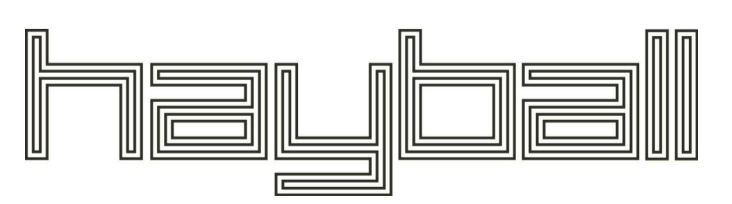
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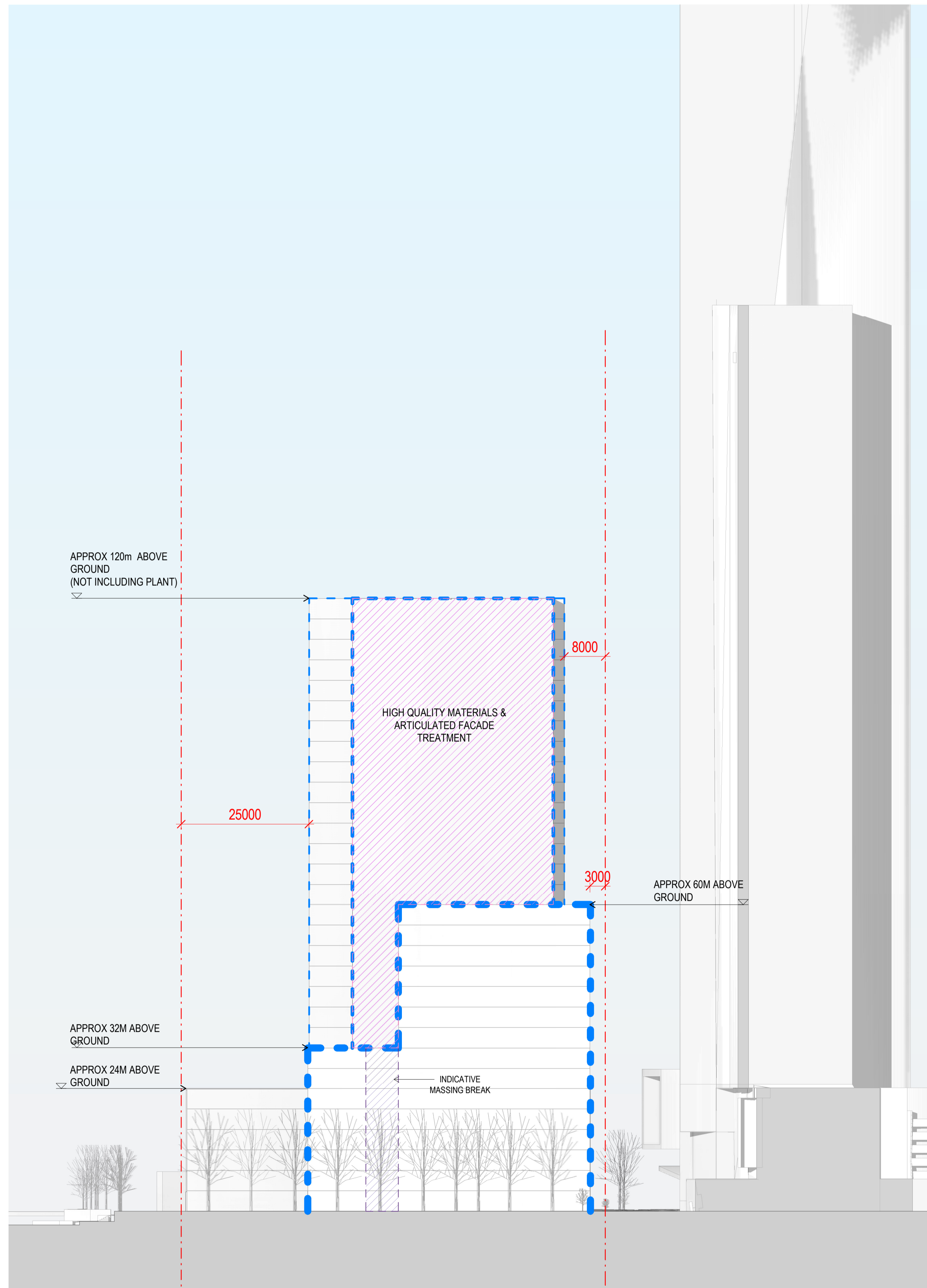


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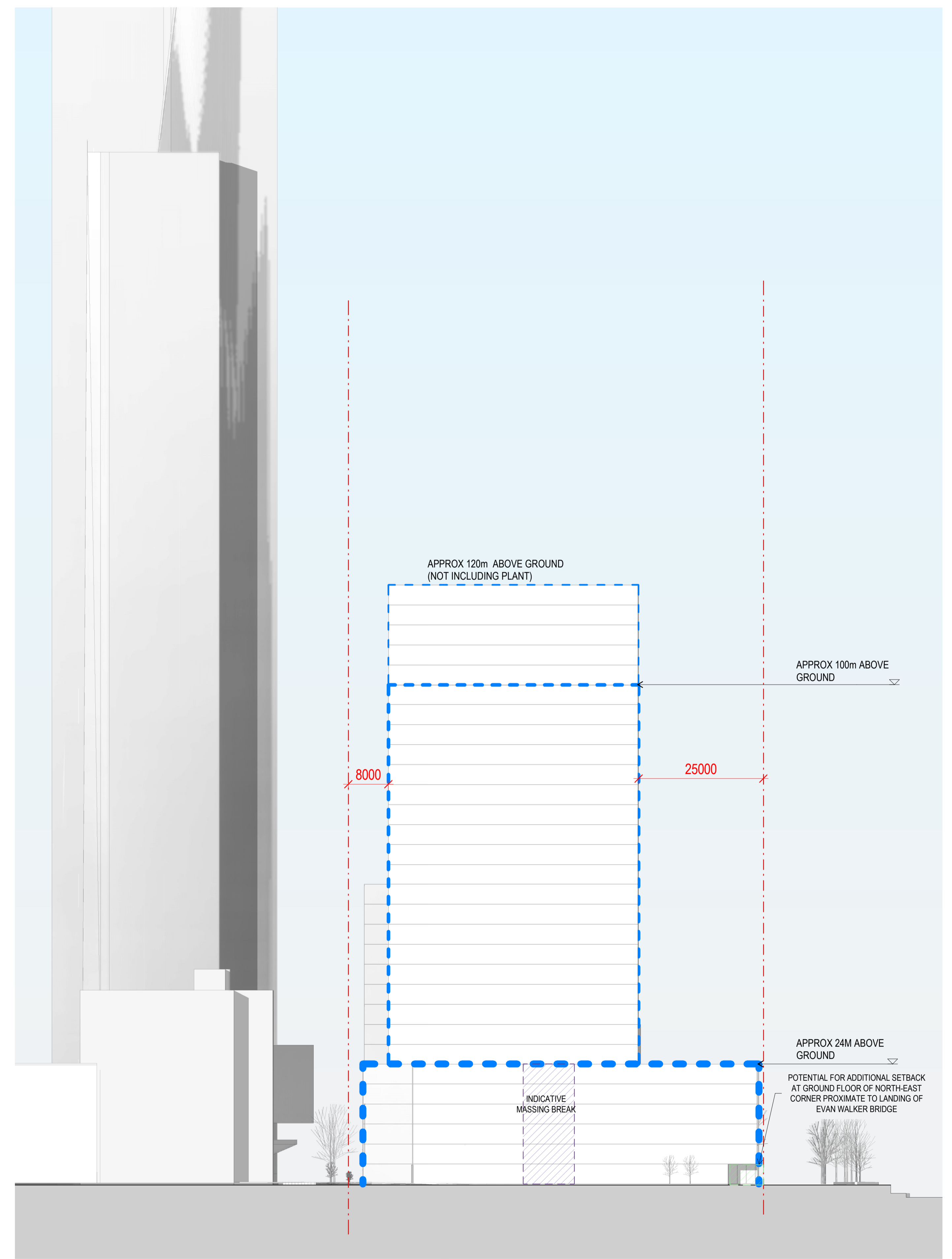
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 Richard Leonard 7522, David Tordoff 8028







TP WEST ELEVATION



TP EAST ELEVATION

Project Title  
 12 Riverside Quay  
 Southbank

Drawing Title  
 ELEVATIONS

Status  
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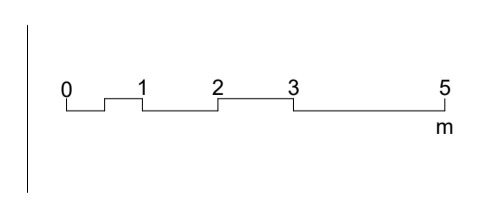
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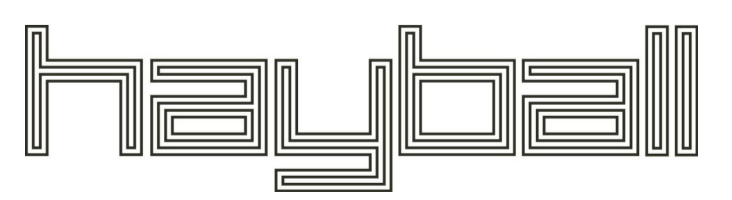
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**MELBOURNE PLANNING SCHEME**

INCORPORATED DOCUMENT

**12 RIVERSIDE QUAY, SOUTHBANK**

**MAY 2020**

**This is an incorporated document under the Melbourne Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.**

## 1. INTRODUCTION

This document is an incorporated document as listed within the Clause 72.04 and the applicable schedule of the Melbourne Planning Scheme.

Despite any provision to the contrary in the Scheme, the land identified in this incorporated document may be used and developed in accordance with the specific controls contained in this document. The specific controls may exclude other controls of the Scheme.

In the event of any inconsistency between the specific controls contained in this document and any provision of the Scheme, the specific controls contained in this document will prevail.

## 2. LAND DESCRIPTION

This document applies to the following parcels of land: -

- All the land known as 12 Riverside Quay, Southbank comprised in Certificate of Title Volume 09962 Folio 031 and is contained within Lot 5 of PS304276N.
- A portion of land known as 8-10 Riverside Quay, Southbank comprised in Certificate of Title Volume 11520 Folio 637 contained within Reserve No. 1 on Plan of Subdivision No 730107K.
- A portion of Certificate of Title Volume 10343 Folio 530 (Attachment 9) and is contained within Road R1 on Plan of Subdivision 411060Q.

Together known as 'the land', being all of the land within the black line on the Plan of Survey which is **Attachment 1** to this Incorporated Document.

## 3. APPLICATION OF PLANNING SCHEME PROVISIONS

The following Clauses of the Melbourne Planning Scheme do not apply to the land identified in this Incorporated Development:

- Clause 37.04 Schedule 3 to the Capital City Zone
- Clause 43.02 Schedule 1 to the Design and Development Overlay
- Clause 43.02 Schedule 3 to the Design and Development Overlay
- Clause 43.02 Schedule 60 to the Design and Development Overlay
- Clause 45.09 Schedule 1 to the Parking Overlay
- Clause 52.02 Easements, Restrictions and Reserves
- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- Clause 52.36 Integrated Public Transport
- Clause 53.01 Public Open Space Contribution and Subdivision

## 4. EXPIRY OF THIS SPECIFIC CONTROL

The use and development of the Land permitted under this Incorporated Document must commence within three years of the gazettal date of Amendment C391melb to this Scheme and must be completed within six years of the gazettal date of Amendment C391melb to this Scheme. The use permitted under this Incorporated Document must commence within six years of the gazettal date of Amendment C391melb to this Scheme.

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

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

This Incorporated Document will expire twelve months after the date of the issuing of the Certificate of Occupancy for the development or as otherwise agreed in writing by the Responsible Authority.

Upon expiry of the site specific control, the land may be used and developed only in accordance with the provisions of the planning scheme in operation at that time.

## **5. THIS DOCUMENT ALLOWS:**

Despite any provision to the contrary in the Planning Scheme, the land may be used and developed (including demolition) for the purpose of a multi-level building containing Office, Childcare Centre, Education Centre, Retail Premises (other than Adult sex book shop or Department Store), Place of Assembly (other than amusement parlour), Accommodation (other than Corrective institution), Car Park, Minor Sports and Recreation Facility, and removal of the reservation of that part of the land set aside as a reserve subject to the conditions of this Incorporated Document.

The use and development of the land must be in accordance with the detailed development plans endorsed under the conditions of the Incorporated Document and must be generally in accordance with the following plans;

- 12 Riverside Quay Southbank, Ground Plan, Sketch Design, 2213 TP\_00.01 Rev: A, Dated 18/05/2020
- 12 Riverside Quay Southbank, Level 1-5, Sketch Design, 2213 TP\_00.02 Rev: A, Dated 18/05/2020
- 12 Riverside Quay Southbank, Level 6-7, Sketch Design, 2213 TP\_00.03 Rev: A, Dated 18/05/2020
- 12 Riverside Quay Southbank, Level 8-14, Sketch Design, 2213 TP\_00.04 Rev: A, Dated 18/05/2020
- 12 Riverside Quay Southbank, Level 15-24, Sketch Design, 2213 TP\_00.05 Rev: A, Dated 18/05/2020
- 12 Riverside Quay Southbank, Level 25-29, Sketch Design, 2213 TP\_00.06 Rev: A, Dated 18/05/2020
- 12 Riverside Quay Southbank, Elevations, Sketch Design, 2213 TP\_00.07 Rev: A, Dated 18/05/2020
- 12 Riverside Quay Southbank, Elevations, Sketch Design, 2213 TP\_00.08 Rev: A, Dated 18/05/2020

## **6. THE FOLLOWING CONDITIONS APPLY TO THE USE AND DEVELOPMENT PERMITTED BY THIS DOCUMENT:**

### **Detailed Development Plans**

1. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Condition 11, or as otherwise agreed with the Responsible Authority, detailed development plans including full architectural drawings, plans, sections and elevations and coloured renders of the development must be submitted to and be approved by the Responsible Authority in consultation with Melbourne City Council.

When approved the detailed development plans will form part of the Incorporated Document. The plans must be drawn to scale with dimensions and show heights to Australian Height Datum for all levels on all elevations and include the parapet and roof plan and all architectural features.

2. The detailed development plans must be generally in accordance with the massing / development envelope plans and public realm area approved as part of this Incorporated Document. The detailed development plans must be supported by a comprehensive Urban Context Report and Architect Design Statement. The detailed development plans must provide the following information:

- a) An assessment against the massing / development envelope approved as part of this Incorporated Document.
- b) The title boundary and details of all projections over the title boundary, including details of any adjustments to the title boundaries to those as at the date of this Incorporated Document.
- c) A detailed development schedule including the total Gross Floor Area (GFA) using the definition in Clause 73.01 the Melbourne Planning Scheme and the GFA allocated to the proposed uses; the total number and allocation of car parking spaces; number and type of bicycle facilities; public realm area (sqm); area (sqm) allocated for waste storage and collection, loading and unloading and building services and equipment.
- d) An area of at least 1000 sqm of Public Open Space within the title boundary at the north-west corner of the site adjoining Southbank Promenade in accordance with the massing / development envelope plans and public realm area approved as part of this Incorporated Document.
- e) Design details at 1:50 scale (or as otherwise agreed with the Responsible Authority) of the lower podium levels including the street levels to Riverside Quay, Southgate Avenue, and Southbank Promenade to show active frontages, a clear sense of address and a high level of visual interest and engagement with the street.
- f) Design details at 1:50 scale (or as otherwise agreed with the Responsible Authority) of the lower podium levels including the street levels to the public open space to demonstrate careful consideration of the entry location, the nature of the threshold from private to public land, and landscaping strategies to ensure a strong sense of engagement to the public realm.
- g) Design details at 1:50 scale (or as otherwise agreed with the Responsible Authority) of the pedestrian access from the surrounding streets and through-site links and all frontages to public realm areas within the development to show active frontages and a high level of surveillance.
- h) Design details at 1:50 scale (or as otherwise agreed with the Responsible Authority) of the east and west podium elevations demonstrating the adoption of a 'massing break' on both frontages to reinforce a sense of fine grain along these interfaces and that the podium mass does not present as a single form.
- i) Design details at 1:50 scale (or as otherwise agreed with the Responsible Authority) of the tower levels.
- j) Detailed floor plans for all levels in the building including typical floor plans where appropriate.
- k) Detailed roof plan.
- l) Any design requirements to achieve acceptable wind conditions at street level and for the public realm areas within the development including the 1000sqm Public Open Space on Southbank Promenade as recommended in the Wind Analysis Report approved under Condition 14.
- m) Environmentally Sustainable Design (ESD) features required in accordance with the ESD Statement approved under Condition 16.
- n) Arrangements for waste storage and collection in accordance with the Waste Management Plan approved under Condition 21.

- o) Detailed vehicle access and car park layout plans for all basement and service levels including car parking spaces, ramp grades and aisle widths in accordance with the Car Parking and Traffic Management Report prepared and approved under Condition 22.
- p) Coloured images of the building and public realm in context.

### **Façade Strategy**

3. Before the development starts, other than demolition of the existing building and early site preparation works approved under Condition 11, or as otherwise agreed with the Responsible Authority, a Façade Strategy must be submitted to and be to the satisfaction of the Responsible Authority in consultation with Melbourne City Council. When approved this will form part of the endorsed plans. All materials, finishes, and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority.

The strategy must illustrate the distinct identities of the different massing components (including the tower) in order to reinforce the perception of a 'village of forms' and the adoption of more robust and tactile materials with a stronger sense of mass to podium levels. The presentation of all elevations that are highly visible from key vantage points require the adoption of high-quality materials and details to avoid blank wall interfaces.

The Façade Strategy must detail:

- 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 materials and finishes linking them to a physical sample board with clear coding.
- c) Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail and any special features which are important to the building's presentation.
- d) Cross section or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and or materials.
- e) Information about how the façade will be accessed and maintained and cleaned.
- f) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high quality built form outcome in accordance with the design concept.

### **External glazing**

4. Except with the written consent of the Responsible Authority, all external glazing 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.

### **Layout not altered and satisfactory completion**

5. When approved the plans, schedules and reports referred to in the conditions of this Incorporated Document will be endorsed by the Responsible Authority or the Melbourne City Council, as stated. The use and development as shown on the plans, schedules and reports must not be altered without the prior written consent of the Responsible Authority.
6. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

7. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

#### **Retention of Architectural Firm**

8. Except with the written consent of the Responsible Authority, Hayball must be retained to complete the detailed development plans and to provide architectural oversight during construction of the detailed design, as shown in the endorsed plans, façade strategy and the endorsed schedule of materials and finishes, to the satisfaction of the Responsible Authority.

#### **Projections over the title boundary**

9. Projections over the title boundary should comply with the Melbourne City Council Road Encroachment Guidelines to the satisfaction of Melbourne City Council.
10. All projections over the title boundary must be drained to a legal point of discharge in accordance with plans and specifications first approved by Melbourne City Council.

#### **Early site preparation works**

11. Before early site preparation works start on the site, detailed plans showing the early site preparation works must be approved by the Responsible Authority in consultation with Melbourne City Council. The plans must be to scale and with dimensions and three copies must be provided. The early site preparation works permitted under this condition are restricted to demolition, bulk excavation, site retention, soil investigation and soil remediation works. All early site preparation works must be in accordance with the approved plans.
12. Before early site preparation works start on the site, an Early Works Demolition and Construction Management Plan (EWDCMP) must be approved by Melbourne City Council. The EWDCMP may be staged and is to be prepared in accordance with the Melbourne City Council –Construction Management Plan Guidelines. The EWDCMP is to consider at least the following:
  - a) Staging of works.
  - b) Public safety, amenity and security.
  - c) Site access and traffic management, including any disruptions to adjoining vehicular and pedestrian access ways.
  - d) Any works within the adjoining street network road reserves including footpaths.
  - e) Operating hours, noise and vibration controls.
  - f) Air and dust management.
  - g) Stormwater and sediment control.
  - h) Arrangements for managing stockpiled soil before it is removed from the site.
  - i) Collection and disposal of demolition waste.
  - j) Street trees to be retained and protected.
  - k) Street trees to be removed, lopped or pruned.
  - l) Public assets to be protected.
  - m) Program and completion date.

#### **Temporary works**

13. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Condition 11, or as otherwise agreed with the Responsible Authority, the owner of the land must enter into an agreement with the Melbourne City Council pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for the following:
  - a) if the land remains vacant for 6 months after completion of the demolition;
  - b) if demolition or construction activity ceases for a period of 6 months; or

- c) if construction activity ceases for an aggregate of 6 months after commencement of the construction,

the owner must construct temporary works on the land to the satisfaction of the Responsible Authority.

Before the commencement of construction of the temporary works, details of the works must be submitted to and be to the satisfaction of the Melbourne City Council. Temporary works may include:

- a) The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage; or
- b) Landscaping of the site for the purpose of public recreation and open space.

The owner of the land must pay all of Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

### **Wind Tunnel Assessment**

- 14. Before the development starts, other than early site preparation works approved under Condition 11, or as otherwise agreed with the Responsible Authority, a Wind Tunnel Assessment prepared by a suitably qualified person must be undertaken and submitted to and be to the satisfaction of the Responsible Authority. The Wind Tunnel Assessment must:
  - a) Explain the effect of the development on the wind conditions in publicly accessible areas impacted by the development.
  - b) At a minimum, model the wind effects of the development and its surrounding buildings (existing and proposed) using wind tunnel testing.
  - c) Identify the principal role of each part of the publicly accessible areas for sitting, standing or walking purposes.
  - d) Not rely on any trees or other elements within public areas for wind mitigation.
  - e) Make recommendations for modifications to the design of the building, if required, to achieve comfortable wind conditions consistent with the identified principal role for publicly accessible areas, including the designated Public Open Space on Southbank Promenade.
- 15. Any modifications required to the development in order to ensure comfortable wind conditions to the surrounding streets, building entries, publicly accessible areas and the Public Open Space on Southbank Promenade must be carefully developed as an integrated high quality architectural and landscape solution to the satisfaction of the Responsible Authority and implemented at no cost to the Responsible Authority.

### **Environmentally Sustainable Design Statement**

- 16. Before the development starts, other than the early site preparation works approved under Condition 11, or as otherwise agreed with the Responsible Authority, an Environmentally Sustainable Design (ESD) Statement prepared by a suitably qualified professional shall be submitted to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the following:
  - a) NABERS Office- Energy 5 Stars or equivalent.
  - b) A 5 star (office) rating under Green Star Design v3 rating tool or equivalent.
- 17. The performance outcomes specified in the ESD Statement must be implemented prior to occupancy at no cost to the Responsible Authority or Melbourne City Council and be to the satisfaction of the Responsible Authority.

18. Any change during design which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority before construction starts.
19. Prior to the occupation of each stage of the building approved under this Incorporated Document, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans.

#### **Water Sensitive Urban Design**

20. Before the development starts, other than the early site preparation works approved under Condition 11, or as otherwise agreed with the Responsible Authority, a stormwater drainage system incorporating integrated water cycle management design principles must be submitted to, and approved, by the Melbourne City Council. The system must be constructed prior to the occupation of the development and provision made to connect this system to Melbourne's City Council's underground stormwater drainage system.

#### **Waste Management Plan**

21. Before the development starts, other than early site preparation works approved under Condition 11, or as otherwise agreed with the Responsible Authority, a Waste Management Plan (WMP) shall be prepared and submitted to Melbourne City Council for endorsement. The WMP should detail the waste storage and collection arrangements including dimensions and comply with Council's 'Guidelines for Preparing a Waste Management Plan 2017'. Waste storage and collection arrangements must not be altered without prior written consent of Melbourne City Council.

#### **Car Parking and Traffic Management**

22. Before the development starts, other than early site preparation works approved under Condition 11, or as otherwise agreed with the Responsible Authority, a Car Parking and Traffic Management Report prepared by a suitably qualified traffic consultant, must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council.

The Car Parking and Traffic Management Report must:

- a) Address the number of car parking spaces and bicycle facilities provided; integrate with the approved Waste Management Plan and inform the detailed internal design of the car park and loading areas.
  - b) Specify and assess all relevant traffic, access and parking matters and pedestrian safety to the satisfaction of the Responsible Authority and recommend traffic mitigation works and management measures, if required, to manage the traffic impacts generated by the development.
  - c) Address the location and design of the vehicle crossings on Southgate Avenue, including pedestrian safety, and be prepared in consultation with Melbourne City Council. Priority should be given to pedestrians on the street over vehicles entering/exiting the site.
23. All traffic mitigation works and management measures as recommended in the Car Parking and Traffic Management Report must be implemented at no cost to the Responsible Authority or Melbourne City Council and must be to the satisfaction of Melbourne City Council.

#### **Maximum Number of Car Spaces**

24. The development must not provide more than the maximum total number of car parking spaces permitted in accordance with Schedule 1 to the Parking Overlay at Clause 45.09. The detailed car park layout plans approved under Condition 2 must show the number of car parking spaces allocated to the uses within the development, to the satisfaction of the Responsible Authority.



### **Road Safety Audit**

25. Before the occupation of the development a formal Road Safety Audit must be undertaken, assessing access/loading arrangements and any potential conflicts between all road users, both in the vicinity of the car park access and within the car park to the satisfaction of the Melbourne City Council (Engineering Services). The recommendations of the Audit must be incorporated into the final layout at the owner's expense.

### **Loading**

26. Before the development starts, other than early site preparation works approved under Condition 11, or as otherwise agreed with the Responsible Authority, a Loading Management Plan must be submitted to and be approved by the Melbourne City Council, specifying how the access/egress of loading vehicles is to be managed and ensuring that:
- a) The delivery needs of the various uses of the development can be accommodated;
  - b) Vehicles do not queue on-street;
  - c) Vehicles are able to both access/egress the land in a forward direction;
  - d) Any potential conflicts between various vehicles (and other road users) are satisfactorily addressed; and
  - e) The loading facilities should be designed generally in accordance with the relevant Australian Standard.

### **Bicycle facilities**

27. The development must provide bicycle facilities to satisfy, and preferably exceed, the minimum requirements of Clause 52.34 Bicycle facilities of the Scheme, to the satisfaction of the Responsible Authority. The design of bicycle spaces should comply with Clause 52.34-4 and way finding signage should be provided to comply with Clause 52.34-5.

### **Building Appurtenances**

28. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.
29. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.

### **Landscaping Plan**

30. Before the development starts, other than early site preparation works approved under Condition 11, or as otherwise agreed with the Responsible Authority, a detailed landscape plan prepared by a suitably qualified landscape architect must be submitted and approved by the Responsible Authority in consultation with Melbourne City Council. This plan must the following:
- a) Details of all surface finishes including pathways, driveways, terrace or decked areas.
  - b) The landscape design of all publicly accessible areas at ground level.
  - c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes and sizes at maturity.
  - d) Detailed planter sections including soil volumes and growing media.
  - e) Urban design elements including, but not limited to, paving, lighting, seating and public art.

- f) Clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.
- g) How the development responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used, including the location of any rainwater tanks to be used for irrigation.
- h) A landscape maintenance plan detailing:
  - i. Ownership and management responsibilities of landscaped areas.
  - ii. The proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion.
  - iii. A Landscape Irrigation Performance Specification.

Landscaping must be implemented in accordance with the landscape plan to the satisfaction of the Responsible Authority.

- 31. Before the occupation of the development, landscape works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.
- 32. All landscape works (including within all common areas of the development) must be maintained to the satisfaction of the Responsible Authority.

### **Tree Protection Plan**

- 33. Before the development starts, or as otherwise agreed with the Responsible Authority, a Tree Protection Plan (TPP) must be provided to the satisfaction of the Melbourne City Council (Urban Forestry & Ecology) for any public trees that may be affected by the development. The TPP must be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
  - a) Melbourne City Council asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
  - b) Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries.
  - c) Site specific details of the temporary tree protection fencing to be used to isolate publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
  - d) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree.
  - e) Full specifications of any pruning required to publicly owned trees.
  - f) Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
  - g) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).
- 34. All works (including bulk excavation), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Melbourne City Council.
- 35. Following the approval of a Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by Council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted on, the Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.
- 36. If a Construction Management Plan or Traffic Management Plan change any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed Tree Protection Plan (TPP), a revised TPP must be provided to the satisfaction of, and approved by, the Melbourne City Council – Urban Forestry & Ecology.

### **Public Open Space & Development Adjustment**

37. Before occupation of any part of the completed development as shown on the endorsed plans, an area of at least 1000sqm of the land at the north-western corner of the land adjoining Southbank Promenade as shown on the endorsed plans must be vested in Melbourne City Council as Public Open Space to the satisfaction of Melbourne City Council at no cost to either Melbourne City Council or the Responsible Authority.
38. In the event that the part of the land cross-hatched on the Plan of Survey attached to this Incorporated Document as Attachment 1 is not transferred to the owner of the land prior to commencement of development other than early site preparation works approved under Condition 11, or as otherwise agreed with the Responsible Authority, the endorsed plans or plans submitted or to be submitted for endorsement shall be amended to the satisfaction of the Responsible Authority in consultation with Melbourne City Council to exclude from the land to be developed such cross-hatched part of the land.

### **Removal of the Reserve**

39. Prior to the commencement of the development other than early site preparation works approved under Condition 11, a plan showing the detailed dimensions of that part of the land from which Reserve No. 1 on Plan of Subdivision No 730107K is hereby permitted to be removed.

### **Construction Management Plan**

40. Before the development starts, other than early site preparation works approved under Condition 11, or as otherwise agreed with the Responsible Authority, a detailed construction management plan must be submitted to and be approved by the Melbourne City Council – Construction Management Group. This construction management plan must be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider the following:
  - a) public safety, amenity and site security.
  - b) operating hours, noise and vibration controls.
  - c) air and dust management.
  - d) stormwater and sediment control.
  - e) waste and materials reuse.
  - f) traffic management.
  - g) protection of street trees.

### **Civil Works**

41. Existing street and footpath levels in Southgate Promenade, Southgate Avenue and Riverside Quay must not be altered for the purpose of constructing new vehicle crossovers or pedestrian entrances without first obtaining approval from Melbourne City Council.
42. Before the use / occupation of the development starts, or as otherwise agreed with the Responsible Authority, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, to the satisfaction of Melbourne City Council.
43. Before the use / occupation of the development starts, or as otherwise agreed with the Responsible Authority, the footpaths adjoining the site along Southgate Avenue and Riverside Quay must be reconstructed in new sawn bluestone together with associated works including the renewal/reconstruction of kerb and channel and modification of services as necessary at the cost

of the developer, in accordance with plans and specifications first approved by the Melbourne City Council.

44. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Melbourne City Council.
45. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Melbourne City Council. All street furniture such as street litter bins recycling bins, seats and bicycle rails must be supplied and installed on footpaths outside the proposed building to plans and specifications first approved by the Melbourne City Council.

### **Lighting Plan**

46. Before the development starts, other than early site preparation works approved under Condition 11, or as otherwise agreed with the Responsible Authority, a lighting plan must be prepared to the satisfaction of the Melbourne City Council. The lighting plan should be generally consistent with the Melbourne City Council's Lighting Strategy and include the provision of public lighting in Southgate Promenade, Southgate Avenue and Riverside Quay. The lighting works must be undertaken prior to the commencement of the use/occupation of the development, in accordance with plans and specifications first approved by the Melbourne City Council.

### **Signs**

47. No signs are to be erected, painted or displayed on the land without the permission of the Responsible Authority or Melbourne City Council unless in accordance with the provisions of the Melbourne Planning Scheme.

### **3D Digital Model of Buildings and works**

48. Prior to the occupation of the development, or as otherwise agreed with the Responsible Authority, a 3D digital model of the development and its immediate surrounds, as appropriate, must be submitted to, and must be to the satisfaction of the Responsible Authority.
49. In the event that substantial modifications are made to the building envelope and design, a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority, before these modifications are approved.

### **Notes**

**END OF DOCUMENT**

*Planning and Environment Act 1987*

**MELBOURNE PLANNING SCHEME**

**AMENDMENT C391MELB**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Minister for Planning.

The Melbourne Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of one (1) attached map sheet.

**Overlay Maps**

1. Amend Planning Scheme Map No. 8SCO in the manner shown on the one (1) attached map marked "Melbourne Planning Scheme, Amendment C391melb".

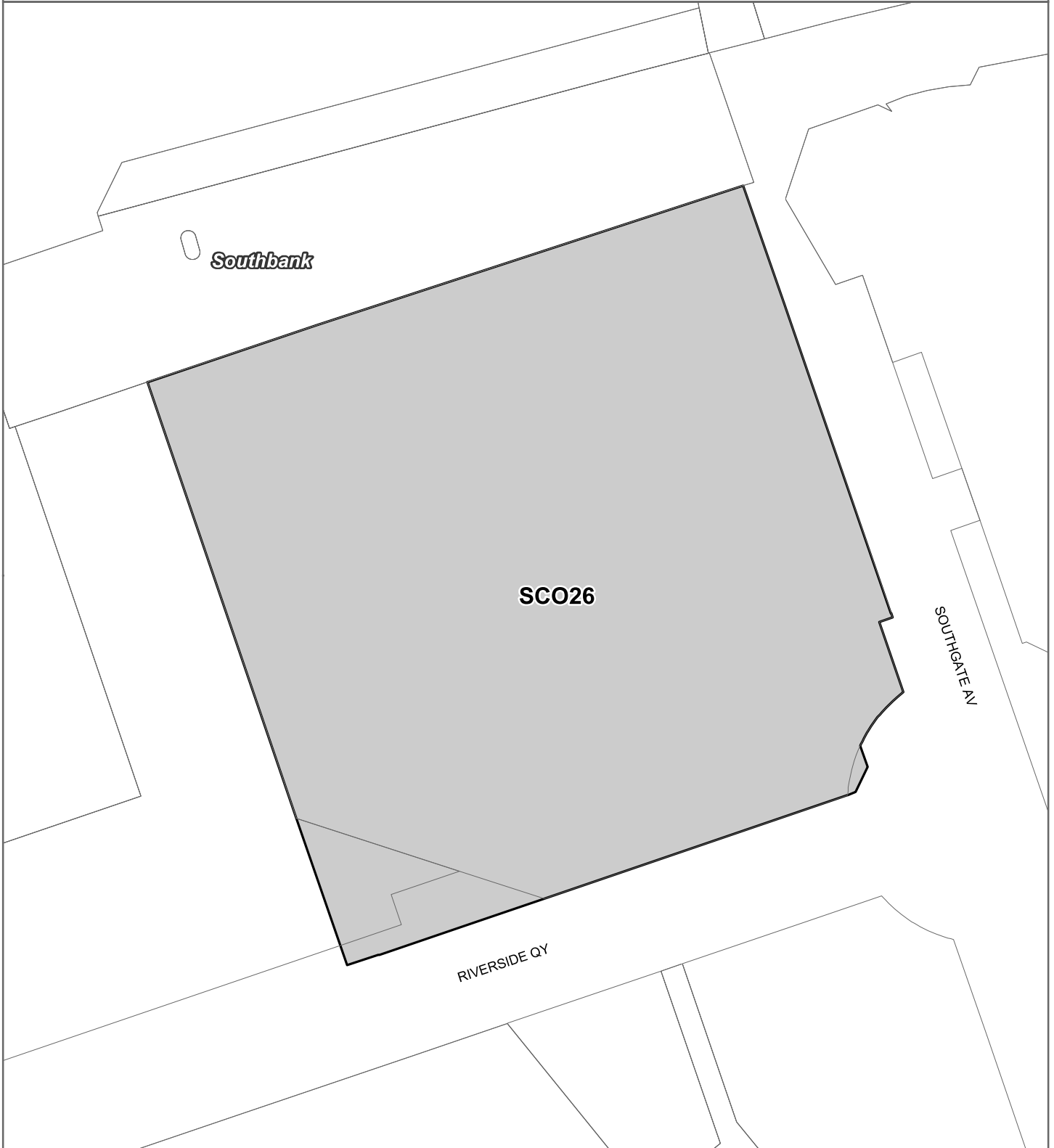
**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:



2. In **Overlays** – Clause 45.12, replace the Schedule with a new Schedule in the form of the attached document.
3. In **Incorporated Document** – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

End of document

MELBOURNE PLANNING SCHEME - LOCAL PROVISION  
**AMENDMENT C391melb**



**LEGEND**

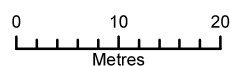
-  SCO - Specific Controls Overlay - Schedule 26
-  Local Government Area



Part of Planning Scheme Map 8SCO

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Planning Group  
 Print Date: 11/06/2020  
 Amendment Version: 1



Environment,  
 Land, Water  
 and Planning

## DELEGATE REPORT

### MINISTERIAL PLANNING REFERRAL

<b>COM application number:</b>	ID-2020-4
<b>DELWP application number:</b>	C391MELB
<b>Applicant / Owner / Architect:</b>	Nice Future International Investment Pty Ltd c/- Tract Consultants Pty Ltd /  Nice Future International Investment Pty Ltd / Hayball
<b>Address:</b>	12 Riverside Quay, Southbank and the 215m <sup>2</sup> triangular parcel of land to the southwest
<b>Proposal:</b>	Melbourne Planning Scheme Amendment C391MELB to facilitate the redevelopment of the land for a multi-storey mixed-use building and new public open space
<b>Cost of works:</b>	\$350 million
<b>Received by City of Melbourne:</b>	29 July 2020
<b>City of Melbourne status:</b>	Consultee under section 20(5) of the <i>Planning and Environment Act 1987</i>
<b>Responsible officer:</b>	Ashley Treloar, Principal Urban Planner

## 1 SUBJECT SITE AND SURROUNDS

### 1.1 Site

12 Riverside Quay, Southbank is an 'island' site bound by Southbank Promenade to the north, Southgate Avenue to the east, Riverside Quay to the south and Riverside Quay Reserve to the west. The site has an irregular shape with a concave corner to the southeast and a splayed corner to the southwest. The land within the title boundary is approximately 6,603m<sup>2</sup> in area and is generally flat with a minimal fall.

12 Riverside Quay is developed with a 15 storey concrete office building with three levels of basement parking and servicing, known as Esso House. Built in 1995, Esso House was designed by Peddle Thorpe Architects and formerly owned by ExxonMobil. The existing building features a glazed atrium and internal and external landscaped areas that are generally inaccessible to the public. Vehicle access to 226 car parking spaces in the basement is provided via Southgate Avenue. The existing building is vacant.

The proposed amendment applies to the land within the title boundary of 12 Riverside Quay and the 215m<sup>2</sup> triangular parcel of land to the southwest that forms part of Riverside Quay Reserve to the west and the Riverside Quay road reserve to the south.

The land subject to the incorporated document is formally described as:

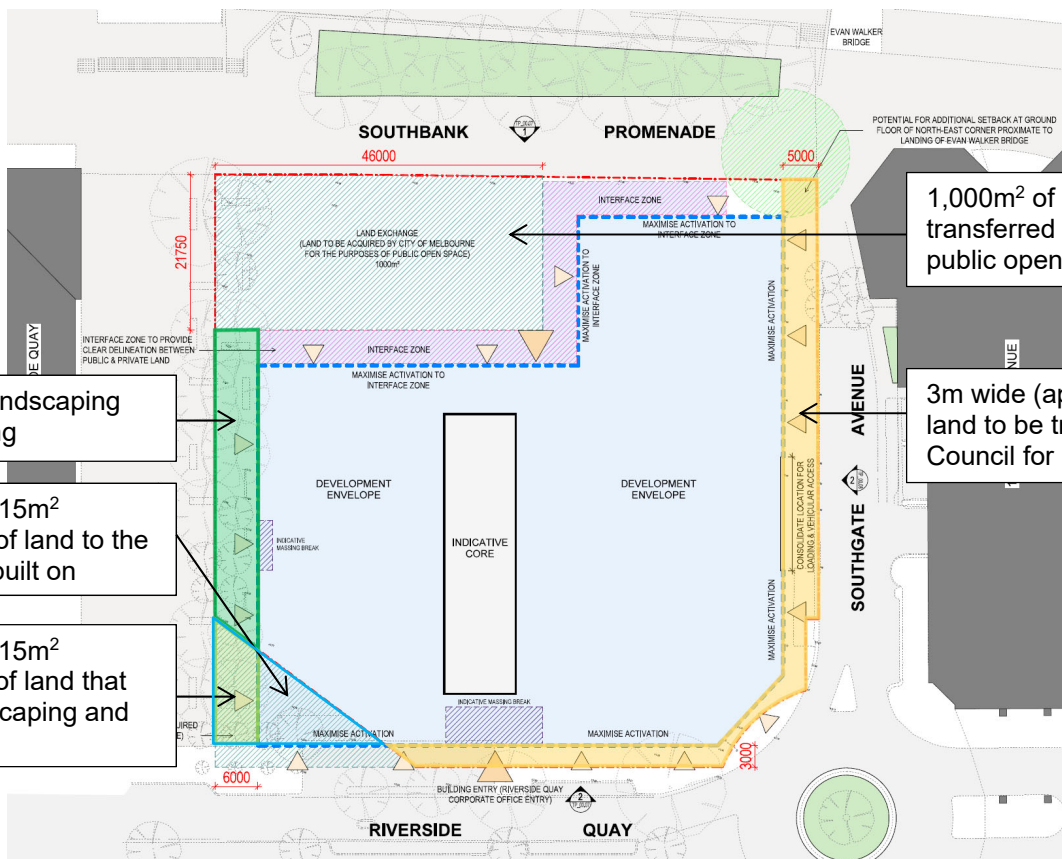
- Lot 5 on Plan of Subdivision 304276.
- Part of Reserve 1 on Plan of Subdivision 730107K.
- Part of Road R1 on Plan of Subdivision 411060Q.

The land is not affected by any restrictive covenants, including the 215m<sup>2</sup> triangular parcel of land to the southwest.

The site is located within an area of Aboriginal cultural heritage sensitivity.



**Aerial Photograph of 12 Riverside Quay dated April 2020 (Source: Council's GIS)**



6m setback for landscaping and outdoor dining

Land within the 215m<sup>2</sup> triangular parcel of land to the southwest to be built on

Land within the 215m<sup>2</sup> triangular parcel of land that will provide landscaping and outdoor dining

1,000m<sup>2</sup> of land to be transferred to Council for new public open space

3m wide (approx.) strips of land to be transferred to Council for road widening

**Proposed Ground Floor Plan with mark-ups by officers (Source: Hayball)**



## **1.2 Surrounds**

### **1.2.1 North**

To the north is the Yarra River and Southbank Promenade. The lower promenade comprises a pedestrian path and landing points for water vessels. The upper promenade comprises a shared path for pedestrians and cyclists, and a grassed reserve with two rows of established trees. To the northeast is the Evan Walker Bridge. Planning Permit TP-2019-703 issued 24 April 2020 allows renewal of Southbank Promenade between Princes Bridge and the Evan Walker Bridge.

### **1.2.2 East**

To the east, on the opposite side of Southgate Avenue are the Langham Hotel (1 Southgate Avenue) and Southgate complex located at 16-60 City Road. This precinct includes the following buildings:

- Southgate podium (4 storeys)
- Langham tower (20 storeys)
- IBM tower (33 storeys)
- HWT tower (28 storeys).

Proposed Melbourne Planning Scheme Amendment C390 has been referred to the Melbourne City Council under section 20(5) of the *Planning and Environment Act 1987* (the Act) and seeks to partially redevelop the Southgate complex, including a new retail podium with 2,000m<sup>2</sup> of elevated public open space and a new 26 storey office tower. The proposed amendment is currently under assessment.

### **1.2.3 South**

To the south, on the opposite side of Riverside Quay are:

- Travelodge Southbank, a 12 storey residential hotel located at 9 Riverside Quay.
- Eureka Tower, a 92 storey apartment building located at 5-7 Riverside Quay.

### **1.2.4 West**

To the west is Riverside Quay Reserve, which includes:

- A paved North-South thoroughfare between Southbank Promenade and Riverside Quay with established trees
- A 'pocket park' with seating, landscaping and play equipment.

On the opposite side of the reserve are the following properties, owned and operated by Mirvac:

- Building 3, an 8 storey office building located at 6 Riverside Quay.
- Riverside Quay Public Car Park, a 9 storey above ground car park and a multi-storey office tower located at 2 Riverside Quay.

### **1.2.5 Surrounds**

The surrounding area includes a mix of retail, office and residential uses with active frontages at ground level along Southbank Promenade.

There is an established pattern of built form on the south side of the Yarra River, characterised by lower building heights fronting the river promenade with distinct bands of higher development as the buildings step away from the river edge.

## **2 BACKGROUND AND HISTORY**

### **2.1 Planning application history**

There is no planning application history relevant to the site and surrounds beyond Planning Permit TP-2019-703 for Southbank Promenade and proposed Amendment C390MELB for the Southgate complex referenced in section 1.2 of this report.

### **2.2 Pre-application discussions**

Pre-application discussions were held prior to lodgement with officers from the City of Melbourne and the Department of Environment, Land, Water and Planning (DELWP) over a period of approximately 12 months during which the applicant and agencies trialled a 'development team' approach that was open, constructive and collaborative to ensure that the proposal was carefully considered from inception. This approach was adopted for this site because of the significant opportunities for public benefits that it offers i.e. unencumbered, north-facing public open space along Southbank Promenade. This process proved successful with the parties working within a partnership agreement approach, establishing and working through the key issues, consulting early with the Office of the Victorian Government Architects (OVGA) and other expert referrals.

### **2.3 Office of the Victorian Government Architect**

DELWP and Council requested an independent design review of the early concepts by the OVGA. An independent design review panel was held on 10 September 2019 and a report provided on 3 October 2019.

While the early concepts reviewed by the OVGA are different to the current proposal, they provide context and background to the masterplan. The OVGA's advice can be summarised as follows. Extracts of the early concepts are provided below.

#### Context

- The subject site is located at a key point of arrival in Southbank.
- The site has four frontages, each with its own characteristics.
- The key pedestrian frontage is to the north along Southbank Promenade.
- To the east, Southgate Avenue has a service role for both this site and the Langham Hotel and Southgate complex.
- To the south, Riverside Quay is dominated by the podiums/ street walls of several towers, including Eureka Tower.
- To the west, is a pedestrian thoroughfare that is part of the open space network that links the promenade to a pocket park to the southwest of the site.

#### Networks and ground plane

- Movement patterns around the site are orthogonal reflecting the Hoddle Grid.
- The site's premier address faces north and is part of the linear pedestrian experience of Southbank Promenade.
- We see little justification for the key moves in the ground plane and the 'desire line' that runs diagonally from the Evan Walker Bridge to the pocket park and Freshwater Place. This shortcut contrasts the orthogonal movement pattern and has too much impact on the design concept (see Figures 3 and 4 below).
- This prominent building on an island site will be seen and experienced in the round and its form must be carefully considered relative to its place.

- At a minimum, the ground floor should contribute to pedestrian activity on at least three sides of the building.

#### Building entry

- The front of the building and the building entrances should be clear and intuitive.
- The site has potential for several building entrances that should be different in nature to address each context or mode of arrival i.e. foot, bicycle or vehicle.
- We consider Southbank Promenade to be the primary address, and the east and west frontages to be more important secondary interfaces than Riverside Quay to the south.

#### Southbank Promenade

- The scale and form of the built edge along Southbank Promenade is fundamental in defining this linear space. We suggest that the built form in the northern part of the site is lower in scale and designed to respect pedestrian amenity. Where the built edge is loose and amorphous, such as at Queensbridge Square, the promenade suffers from a lack of definition and containment. It is important to retain and enhance the nature and integrity of the river walk.

#### Southgate Avenue

- Southgate Avenue is a nodal point that could be a key connector in the street network.
- We understand that the Southgate complex is likely to be redeveloped and we suggest that the two sites have the capacity to enable this street to be a more attractive public space.

#### Riverside Quay

- Riverside Quay is not a distinctive street and would benefit from redefinition.
- The building alignment should allow for clear sightlines along this small street.

#### Public open space

- There is merit in capitalising on the landscaped pedestrian space to the west of the site. There is an opportunity to significantly contribute to this thoroughfare – its proportions and dimensions could be enhanced to make it a more attractive and efficient public open space. There is also the potential to design an active edge and urban landscape to complement the river edge.
- The pocket park suffers from poor adjacencies and could be enhanced by ground level activation on the subject site.
- There may be scope for public benefits other than at ground level. Public spaces and activity on the roofs of the lower podium levels activate the river edge.
- Users of public open space do not have regard for title boundaries, but will respond to a well designed and proportioned area. The public benefit will be more valuable if it is improved together with Southbank Promenade, rather than an isolated onsite offer. We are not convinced that a tilted grassed plane is an appropriate response in this location (see Figures 4, 5 and 6 below).

#### Building height along Southbank Promenade

- The preferred building height for this site in DDO60-A1 (24m high) is unrealistic having regard to the context.

- There is an established condition along Southbank Promenade of low scale built form with taller buildings setback.
- We support a street wall to the promenade that is a maximum of 5 to 6 storeys to maintain a human scale, complement the width of the Yarra River and emphasise the river edge.

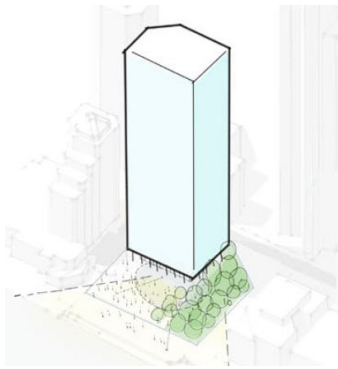
Building form and composition

- The 'hybrid campus' indicative form defined by various constraints shows a low built edge that rises at an angle from the promenade (see Figure 3 below). We do not support bringing the tower height forward to the promenade. There is potential for higher built form to the southern part of the site, however the forms must work together effectively.
- Higher built form can be accommodated stepping away from the promenade, but how the building steps up towards the south requires further testing. Sunlight to the pocket park should not be a primary generator of built form on the site.
- It is critical that the building envelope maintains a reasonable amenity to all streets and spaces around the site. The 'hybrid campus' wedge form generated by sunlight access to the pocket park and view corridors between the Evan Walker Bridge and pocket park, is unfamiliar and if repeated on other sites could lead to a 'carnival' of different forms (see Figure 3 below). While the wedge form suggests a dynamic object, it lacks a sense of river frontage. In contrast, a building form that acknowledges or runs parallel to the promenade will reinforce the line and landscape of the river.

Occupancy

- We support the aspiration for high quality office accommodation in this location. However, there is a need to interrogate the floorplates. The lower levels of the 'hybrid campus' have deep floorplates and the floorspace near the lifts is compromised (see Figure 3 below). The floorplates should be assessed with regard to orientation, sun, shade and internal distances to the building perimeter. The broad expanse of the northwest façade will receive significant heat load, impacting occupant comfort and servicing requirements.

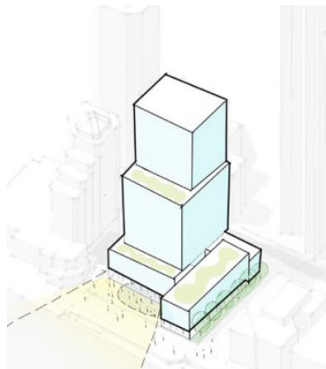
**Form Study based on 13:1 FAR presented to the OVGA (Source: Hayball)**



**Figure 1: Singular Building**

Key concerns:

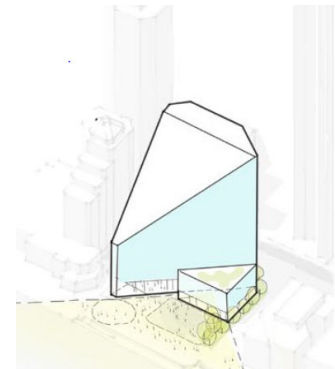
- Height and form does not respect the established character on the south side of the river.
- Does not define the promenade.



**Figure 2: Urban Campus**

Key concerns:

- The public open space in the NE corner is encumbered by the basement.
- Form requires further testing.

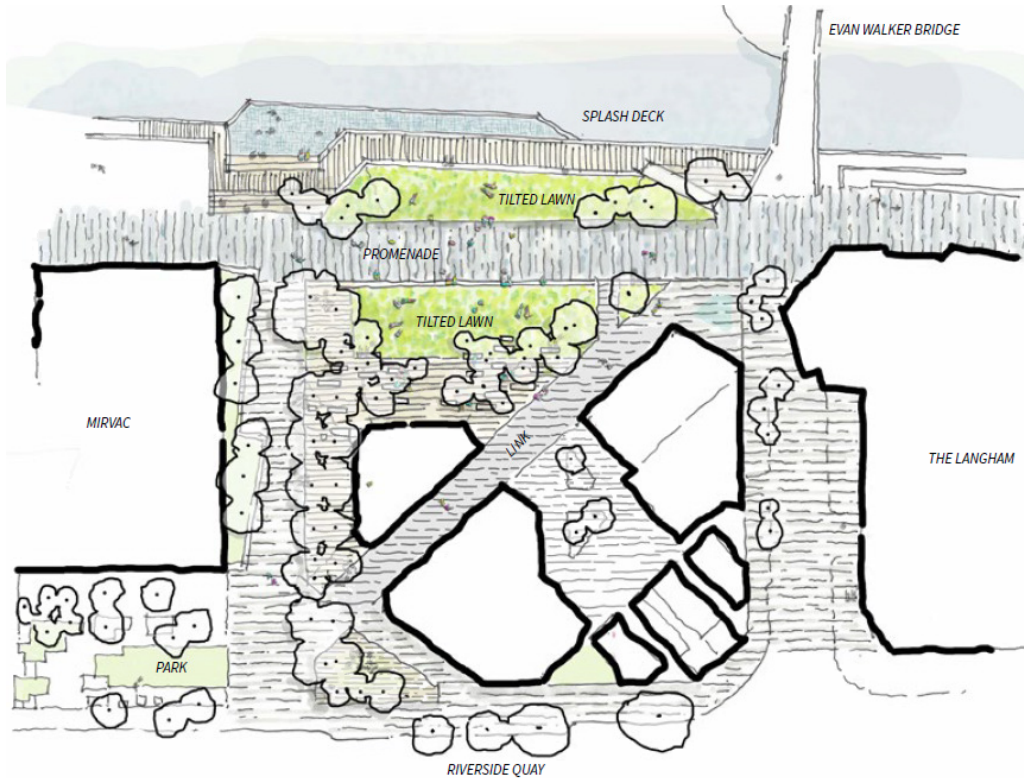


**Figure 3: Hybrid Campus**

Key concerns:

- Height and form does not respect the established character on the south side of the river.
- Does not define the promenade.
- Deep floorplates and heat load.

**Hybrid Campus Ground Plane presented to the OVGA (Source: Hayball)**



**Figure 4: Hybrid Campus Ground Plane**



**Figure 5: Hybrid Campus Concept**



**Figure 6: Hybrid Campus Concept**

**2.4 Revised plans and further information received during the course of the application**

On 21 September 2020, revised plans and further details of the public benefits were received. The key changes are summarised as follows.

**2.4.1 Revised plans**

- A 3m upper level setback from the new public open space so that there are no encumbrances over the reserve in favour of the development for fire protection, light and air, and access for window cleaning.
- The front setback of the western massing component decreased from 48.4m to 42.4m on levels 8 to 14.
- An additional ground floor plan that shows the approximate 3m setbacks from Southgate Avenue to the east and Riverside Quay to the south vested in Council

(478m<sup>2</sup> of land within the title boundary of 12 Riverside Quay). This land is unencumbered except for a small portion at the southeast corner where the basement projects.

- Indicative renders of the new public open space, excluding the 3m upper level setbacks. The landscaping and façade treatments are illustrative and will be considered through the submission of condition 1 development plans.

#### 2.4.2 Public benefits

- Confirmation that the proposed public benefits are:
  - 1,000m<sup>2</sup> (46m long x 21.8m wide) of unencumbered land in the northwest corner of the site transferred to Melbourne City Council for public open space. The Economic Effects Assessment by Deep End Services Pty Ltd dated 15 May 2020 estimates the value of this land to be **\$25 million** (i.e. \$25,000 per m<sup>2</sup>).
  - **\$1 million** financial contribution towards the design and delivery of the new public open space. The function and design of the public open space will be subject to a project brief prepared by Council.
  - Approximate 3m wide strips of land adjacent to Southgate Avenue and Riverside Quay transferred to Melbourne City Council for road widening (478m<sup>2</sup> of land within the title boundaries of 12 Riverside Quay). This land is unencumbered except for a small portion at the southeast corner where the basement projects. Utilising the figures in the document titled 'How to Calculate Floor Area Uplifts and Public Benefits' by DELWP dated November 2016 (i.e. \$15,000 to \$25,000 per m<sup>2</sup>), the value of this land is **\$7.17 to \$11.95 million**. Unfortunately, the applicant was not able to obtain an independent valuation of this land prior to the finalisation of this report.
  - 74,000m<sup>2</sup> to 78,250m<sup>2</sup> GFA (above ground) commercial office space. Utilising the office compared to residential figures in the document titled 'How to Calculate Floor Area Uplifts and Public Benefits' by DELWP dated November 2016 (i.e. \$1,500 per m<sup>2</sup>), the value of this strategically justified office use is **\$111 to \$117.375 million**.

The total value of the proposed public benefits is **\$144.17 to \$155.325 million**.

On 25 September 2020, the applicant confirmed that the existing basement at the southeast corner could be modified, at the developer's expense, to accommodate a minimum clearance of at least 1.5m between the road level and the basement to satisfy Council's requirement for vesting the land.

### 3 PROPOSAL

Proposed Amendment C391MELB to the Melbourne Planning Scheme seeks to facilitate the redevelopment of 12 Riverside Quay and the triangular parcel of land to the southwest for a multi-storey mixed-use building and new public open space.

The amendment request was made under section 20(4) of the Act and was referred to the City of Melbourne under section 20(5) of the Act on 29 July 2020.

The proposed amendment makes changes to the schedule to the Specific Controls Overlay and the schedule to Clause 72.04 (Documents Incorporated into this Planning Scheme) to insert a new document '12 Riverside Quay, Southbank – May 2020'.

The incorporated document is a masterplan for the building envelope and public open space; the detailed development plans and the design and delivery of the public open space will be subject to conditions.

The proposed amendment is required because the built form is a significant departure from the planning controls in DDO60-A1 that apply to the general locality; and the proposal includes significant public benefits for the immediate area, the City of Melbourne and the State of Victoria.

The plans that have been considered in this assessment are the revised plans by Hayball dated 18 September 2020 (Revision 2).

### 3.1.1 Development summary

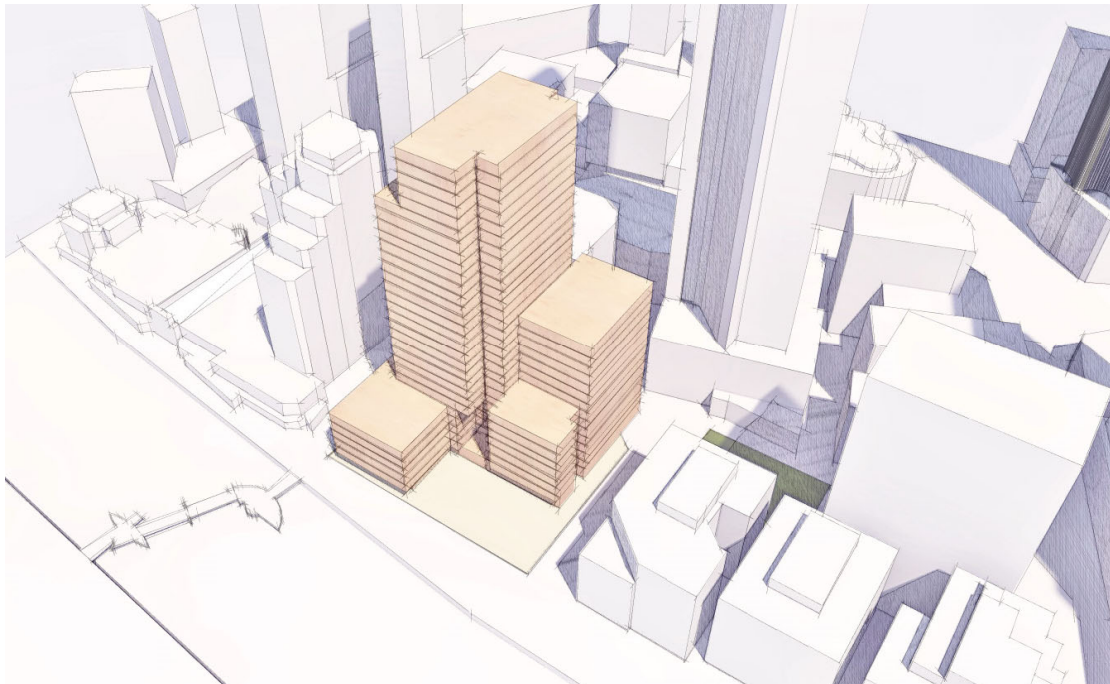
<b>GFA (above ground)</b>	79,000m <sup>2</sup> to 81,250m <sup>2</sup> (approx. having regard to the indicative massing breaks)	
<b>FAR</b>	11.96:1 to 12.31:1 (excl. the 215m <sup>2</sup> triangular parcel of land to the southwest)	
<b>Public open space</b>	1,000m <sup>2</sup> (46m long x 21.8m wide) of unencumbered land in the northwest corner of the site transferred to the Melbourne City Council for public open space.	
<b>Other land vested in Council</b>	478m <sup>2</sup> of land along the east and south boundaries vested in Council for the widening of Southgate Avenue and Riverside Quay. This land is unencumbered except for a small portion at the southeast corner where the basement projects.	
<b>Land uses GFA (above ground)</b>	3,000m <sup>2</sup> to 5,000m <sup>2</sup> retail (approx.) 74,000m <sup>2</sup> to 78,250m <sup>2</sup> office (approx.)	
<b>Building height</b>	Maximum 30 storeys / 120m high, excluding plant	
<b>Street wall height (Southbank Promenade)</b>	Maximum 6 storeys / 24m high, excluding balustrades	
<b>Setbacks from the north boundary (Southbank Promenade)</b>	Ground floor	5m and 26.8m
	Levels 1-5	0m and 24.8m
	Levels 6-7	24.3 to 24.8m
	Levels 8-14	24.3m to 25m, 33.6m and 42.4m
	Levels 15-29	24.3m to 25m, and 33.6m
<b>Setbacks from the east boundary (Southgate Avenue), including the step in the boundary but excluding the concave southeast corner</b>	Ground floor	5m and 3.2m
	Levels 1-5	5m and 3.2m
	Levels 6-24	13.5m and 11.6m
	Levels 25-29	23.4m and 21.5m
<b>Setbacks from the south boundary (Riverside Quay)</b>	Ground floor	3m
	Levels 1-5	3m
	Levels 6-14	3m and 8m
	Levels 15-29	8m and 10.2m



<b>Setbacks from the west boundary (Riverside Quay Reserve)</b>	Ground floor	6m and 51m
	Levels 1-5	6m and 49m
	Levels 6-7	6m
	Levels 8-14	6m, 32.2m, 41m
	Levels 15-29	32.2m, 41m
<b>Interface zones</b>	The ground floor is setback 5m and the upper levels are setback 3m from the 1,000m <sup>2</sup> of new public open space to ensure that it is unencumbered and can be fully designed and landscaped i.e. the building does not rely on the new public open space for access or outdoor dining.	
<b>Indicative massing breaks</b>	Indicative massing breaks are provided on all four sides of the podium.	
<b>Vehicle access</b>	Vehicle access to the parking and servicing in the basement is via Southgate Avenue. The development will retain and reuse the existing basement.	
<b>Car parking</b>	150-180 car parking spaces (approx.).	
<b>Motorcycle parking</b>	4 motorcycle parking spaces (minimum)	
<b>Bicycle facilities</b>	263 bicycle parking spaces (minimum)	
	20 showers and change rooms (minimum)	
<b>Loading / unloading</b>	Onsite loading at ground level and/or within the basement for an 8.8m medium rigid vehicle (MRV).	

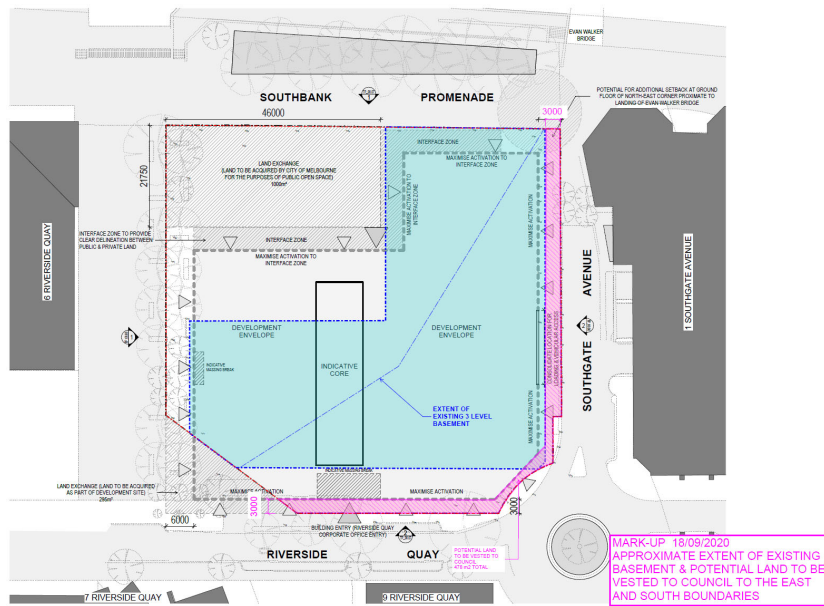
### 3.1.2 Plans, renders and landscape concepts

**Proposed Building Envelope, excluding the massing breaks  
(Source: Hayball)**

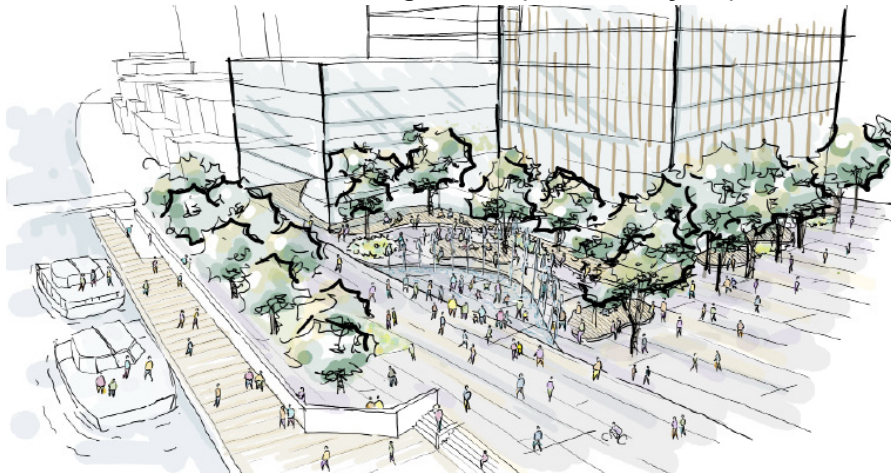




### Proposed Ground Floor (Source: Hayball)



**Indicative Landscape Concepts of the 1,000m<sup>2</sup> of new public open space in the northwest corner and the 6m setback along the west boundary, excluding the interface zones and massing breaks (Source: Hayball)**





**Indicative Renders of the 1,000m<sup>2</sup> of new public open space in the northwest corner. The landscaping and façade treatments are illustrative and will be determined through the submission of condition 1 development plans (Source: Hayball)**



## 4 STATUTORY CONTROLS

The following provisions in the Melbourne Planning Scheme are relevant and/or may be used as a guide to assess the public benefits (i.e. Clauses 22.03 and 22.26).

Planning Policy Framework	<p>Clause 11 – Settlement</p> <p>Clause 12 – Environmental and Landscape Values</p> <p>Clause 15 – Built Environment and Heritage</p> <p>Clause 17 – Economic Development</p> <p>Clause 18 – Transport</p> <p>Clause 19 – Infrastructure</p>
Municipal Strategic Statement	<p>Clause 21.04 – Settlement</p> <p>Clause 21.05 – Environmental and Landscape Values</p> <p>Clause 21.06 – Built Environment and Heritage</p> <p>Clause 21.08 – Economic Development</p> <p>Clause 21.09 – Transport</p> <p>Clause 21.10 – Infrastructure</p> <p>Clause 21.13 – Urban Renewal Areas (Southbank)</p>
Local Planning Policies	<p>Clause 22.01 – Urban Design within the Capital City Zone</p> <p>Clause 22.03 – Floor Area Uplift and Delivery of Public Benefits</p> <p>Clause 22.04 – Heritage Places within the Capital City Zone</p> <p>Clause 22.02 – Sunlight to Public Spaces</p> <p>Clause 22.19 – Energy, Water and Waste Efficiency</p> <p>Clause 22.23 – Stormwater Management (WSUD)</p> <p>Clause 22.26 – Public Open Space Contributions</p>

Statutory controls	
<p>Clause 37.04</p> <p>Capital City Zone</p> <p>Schedule 3</p>	<p>A permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.</p> <p>A permit is required to construct a building or construct or carry out works.</p>
<p>Clause 43.02</p> <p>Design and Development Overlay</p> <p>Schedule 1 Area 3</p>	<p>A permit is required to construct a building or construct or carry out works at ground level.</p> <p>The provisions of this schedule relate to active frontages.</p>
<p>Clause 43.02</p> <p>Design and Development Overlay</p> <p>Schedule 3</p>	<p>A permit is required to construct a building or carry out works associated with the creation or alteration of a crossover or vehicle accessway.</p> <p>The provisions of this schedule relate to traffic conflict frontages.</p>
<p>Clause 43.02</p> <p>Design and Development Overlay</p> <p>Schedule 60 Area 1</p>	<p>A permit is required to construct a building or construct or carry out works.</p> <p>The provisions of this schedule relate to built form, wind effects and overshadowing.</p>

<p>Clause 45.09 Parking Overlay Schedule 1</p>	<p>A permit is required to provide car parking spaces in excess of the car parking rates of this schedule.</p> <p>The provisions of the schedule relate to maximum car parking rates and minimum motorcycle parking rates.</p>
<p>Clause 45.12 Specific Controls Overlay</p>	<p>Land affected by this overlay may be used or developed in accordance with the specific control contained in the incorporated document corresponding to the notation on the planning scheme map (as specified in the schedule to this overlay). The specific control may:</p> <ul style="list-style-type: none"> <li>• Allow the land to be used or developed in a manner that would otherwise be prohibited or restricted.</li> <li>• Prohibit or restrict the use or development of the land beyond the controls that may otherwise apply.</li> <li>• Exclude any other control in this scheme.</li> </ul>
<p>Particular Provisions</p>	
<p>Clause 52.02 Easements, Restrictions and Reserves</p>	<p>A permit is required before a person proceeds:</p> <ul style="list-style-type: none"> <li>• Under section 23 of the <i>Subdivision Act 1988</i> to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.</li> <li>• Under section 24A of the <i>Subdivision Act 1988</i>.</li> <li>• Under section 36 of the <i>Subdivision Act 1988</i> to acquire or remove an easement or remove a right of way.</li> </ul>
<p>Clause 52.06 Car Parking</p>	<p>A car parking plan must be prepared to the satisfaction of the responsible authority before a new use commences. The plan must show, as appropriate:</p> <ul style="list-style-type: none"> <li>• All car parking spaces (whether on the land or on other land).</li> <li>• Access lanes, driveways and associated works.</li> <li>• Allocation of car parking spaces.</li> <li>• Any landscaping and water sensitive urban design treatments.</li> <li>• Finished levels, if required by the responsible authority.</li> </ul> <p>Plans must be provided to the responsible authority whether or not a permit application is being made under Clause 52.06-3 or any other provision of the planning scheme.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>A permit may be granted to vary, reduce or waive the bicycle facilities requirements.</p> <p>The bicycle facilities requirements are:</p> <ul style="list-style-type: none"> <li>• 1 employee space to each 300m<sup>2</sup> of office net floor area if the net floor area exceeds 1,000m<sup>2</sup>.</li> <li>• 1 visitor space to each 1,000m<sup>2</sup> of office net floor area if the net floor area exceeds 1,000m<sup>2</sup>.</li> <li>• 1 employee space to each 300m<sup>2</sup> of retail leasable floor area.</li> <li>• 1 shopper space to each 500m<sup>2</sup> of retail leasable floor area.</li> <li>• If 5 or more employee spaces are required, 1 shower for the first 5 spaces plus 1 shower to each 10 spaces thereafter.</li> <li>• 1 change room for each shower or a communal change room.</li> </ul>

General Provisions	
Clause 65 Decision Guidelines	The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause, which include the matters set out in section 60 of the <i>Planning and Environment Act 1987</i> and the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
Clause 72.04 Documents Incorporated into this Planning Scheme	The documents listed in the table and the schedule to this clause are incorporated documents under section 6(2)(j) of the <i>Planning and Environment Act 1987</i> .  An incorporated document forms part of this planning scheme.

## 5 MELBOURNE PLANNING SCHEME AMENDMENTS

### 5.1.1 Amendment C308 Urban Design in the Central City and Southbank

Amendment C308 proposes new urban design provisions to the Melbourne Planning Scheme by:

- Deleting Clause 22.01 Urban Design within the Capital City Zone.
- Replacing Schedule 1 to the Design and Development Overlay (Active Street Frontages) with a new Schedule 1 (Urban Design within the Central City and Southbank).
- Deleting Schedule 4 to the Design and Development Overlay (Weather Protection) and incorporating these provisions in the new DDO1.

Council has considered the panel report and submitted a final amendment to the Minister for Planning for approval, as such Amendment C308 is considered to be 'seriously entertained'.

### 5.1.2 Amendment C278 Sunlight to Parks

Amendment C278 proposes to change the Melbourne Planning Scheme by:

- Amending Clause 22.02 (Sunlight to Public Spaces) to distinguish between public parks within and outside of the Central City and Southbank, and to reflect a shift to protecting winter sunlight access outside of the Central City and Southbank. This policy does not apply to Docklands.
- Introducing a new schedule to the Design and Development Overlay (DDO8). The proposed DDO8 introduces requirements for the protection of winter sunlight access for public parks in the municipality, excluding the Hoddle Grid, Spring Street South, Southbank and Docklands.
- Amending Clause 21.17 (Reference Documents) to include the 'Sunlight Access to Public Spaces Modelling Analysis Report by Hodyl + Co dated February 2018'.

While the proposed Clause 22.02 applies to the subject site, it does not change the sunlight to public spaces provisions in Southbank and the proposed DDO8 does not apply to the public spaces in Southbank.

Amendment C278 has been set down for a hearing to commence on 12 October 2020 at Planning Panels Victoria. The amendment is not currently considered to be 'seriously entertained'.

### 5.1.3 Amendment C380 Zoning Corrections of Public Open Space

Amendment C380 proposes to change the Melbourne Planning Scheme by:



- Correcting the zoning of Crown land and land vested in Council and the Victorian Government used as public open space.
- Correcting Public Park and Recreation Zone (PPRZ) mapping anomalies affecting private properties.

The proposed amendment seeks to rezone the following land, in proximity to the subject site, PPRZ:

- Yarra River (between Montague Street Bridge and Swan Street Bridge).
- 8-10 Riverside Quay, Southbank (Riverside Quay Reserve), excluding the 215m<sup>2</sup> triangular parcel of land to the southwest that is included within C391MELB.
- Reserve A, 7 Riverside Quay, Southbank (Eureka Reserve).

Subject to Ministerial authorisation, it is anticipated the proposed amendment will be exhibited between November and December 2020. The amendment is not currently considered to be 'seriously entertained'.

#### **5.1.4 Amendment C376 Sustainable Building Standards**

Amendment C376 is a response to the climate and biodiversity emergency and seeks to reach zero net emissions by 2040. It proposes to change the Melbourne Planning Scheme by:

- Amending the Municipal Strategic Statement (MSS) to ensure alignment between the Local Planning Policy Framework (LPPF) and the purpose of the amendment.
- Deleting Clause 22.19 (Energy Water and Waste Efficiency) and Clause 22.23 (Stormwater Management – Water Sensitive Urban Design).
- Inserting Schedule 73 (Sustainable Building Design) to Clause 43.02 Design and Development Overlay.
- Amending Schedules 1, 2, 3, 4 and 5 to Clause 37.04 Capital City Zone and Schedules 1, 2, 3, 5 and 6 to Clause 37.05 Docklands Zone.
- Amending the Schedule to Clause 72.04 Incorporated Documents to include the Guidelines for Waste and Resource Recovery Management Plans.

Amendment C376 was endorsed by the Future Melbourne Committee (FMC) on 15 September 2020. Council will now seek authorisation from the Minister for Planning to prepare and exhibit the proposed amendment. It is anticipated the amendment will be exhibited in the first half of 2021. The amendment is not currently considered to be 'seriously entertained'.

In addition, it is noted that an alternative implementation pathway was endorsed by the FMC that recommends the Minister for Planning introduce a Victorian Planning Provision for a state-wide approach with local schedules.

## **6 PUBLIC NOTIFICATION**

The Minister for Planning has sought the Melbourne City Council's comments under section 20(5) of the Act.

## **7 INTERNAL REFERRALS**

The original submission was referred to the Urban Design, Open Space, Traffic, Waste, Civil, ESD and Green Infrastructure, Urban Forest and Ecology, City Design Studio (Landscape), Land Survey, Property and Leasing, and Site Services teams who provided the following comments (summarised).

The revised plans and further details of the public benefits received 21 September 2020 were referred to Urban Design, Land Survey and Civil. The comments received are also summarised below.

## **7.1 Urban Design**

- Council's Urban Design Team has been part of an extensive engagement process and the Urban Context and Design Response Report by Hayball dated May 2020 is the culmination of this collaborative process and includes many of the urban design principles and objectives discussed to date.
- We lend our support to the report and commend the applicant for the comprehensive documentation of the process and principles.
- We provide the following recommendations to further strengthen the report and ensure the key principles and objectives are captured.

### **7.1.1 Overall comments**

- The structure and clarity of the report establishes a strong framework for assessing subsequent detailed plans.
- We support the diagrams that demonstrate the design principles under the different themes (i.e. movement, hierarchy, massing).
- We recommend that the objectives and principles set out in the report are reflected within the incorporated document.

### **7.1.2 Interface zones**

- Our preference for undercroft spaces is to ensure an adequate height to depth ratio (double or triple height) to provide a sense of openness and daylight. We also encourage movement and outdoor dining zones within these spaces.
- The design principles guiding the interface zones should be further articulated within the report.

### **7.1.3 Ground floor activation**

- We support distributing and maximising active uses along all interfaces.
- We support locating the primary office entry along Riverside Quay, as opposed to the more public-facing Southbank Promenade.
- At this early stage, we appreciate that the ground floor is indicative only. Nonetheless, it is critical to establish a sense of hierarchy in the program, particularly as it relates to the northeast corner. We consider this corner to be the most appropriate location for an art/ public/ community program given its interfaces to three public spaces i.e. Southbank Promenade to the north, the Evan Walker Bridge pinch point to the east and the new public open space to the west. We would not consider a commercial lobby to be appropriate in this location.

### **7.1.4 North-south through block link**

- We support the N-S movement axis within the ground floor, parallel to the core, connecting Riverside Quay to Southbank Promenade and the new public open space.

### **7.1.5 Massing breaks**

- We support the massing breaks to break-up the width of the podium.

- Some diagrams show massing breaks that are not shown on the plans and vice versa.
- We encourage further refinement along all four interfaces to ensure the massing breaks reflect the key building entries.

#### **7.1.6 Response to context**

- We recommended that the third massing principle on page 56 refers to the height of the buildings along Riverside Quay as oppose to the 'city skyline' to demonstrate that the development sits comfortably between the lower built form along Southbank Promenade and the taller buildings on City Road.
- We recommend that the 'Precinct Context' include a section on key public vantage points and that the massing breaks and façade treatments respond to these key views e.g. oblique views on approach and from the bridges, Federation Square, Flinders Walk, Banana Alley etc.

#### **7.1.7 Façade treatment design principles**

- While we appreciate the early thinking on a façade strategy for the tower, it is also important to establish design principles for the podium and ground floor. Given the strategic importance of the site and its interfaces, the site commands an exceptional design response especially at the lower levels where the building is most intimately experienced.
- The report identifies glass and curtain wall construction as a potential material for both the tower and podium (page 60). We have concerns regarding this homogenous approach for both components as it does not respond to the context or human scale of the public interfaces. Additional design principles are required regarding the façade strategies for each massing component, which should have a differentiated approach.
- The lower massing components should incorporate greater articulation, thickness and depth, and more robust and human scale materials such as concrete, brick and timber. We do not support a predominately glass expression at the lower levels of the building.
- We encourage careful consideration of the tower expression given the surrounding masonry towers, such as the Langham, IBM and HWT towers. We would not support a flat, curtain wall expression as it does not incorporate articulation and modulation to convey scale, order and depth.
- The tower design should consider key vantage points and its perception 'in the round'.
- We recommend a distinct material/ massing expression for the tower shoulder that 'hits the ground' to accentuate its vertical / slender proportions.
- While we understand that the report will be referenced within the incorporated document, we stress the importance of reinforcing and capturing the 'consolidated design principles' within the main body of the incorporated document.

#### **7.1.8 Revised plans received 21 September 2020**

The revised plans received 21 September 2020 were referred to the Urban Design Team who had no objection to the 3m upper level setback from the new public open space and reduction in the front setback of the western massing component from 48.4m to 42.4m on levels 8 to 14.



## **7.2 Open Space**

- We confirm our support for the 1,000m<sup>2</sup> of unencumbered public open space at ground level adjoining Southbank Promenade and Riverside Quay Reserve.
- The use and function of the new public open space should be determined by the Melbourne City Council with a functional design brief to be developed by Council. As the future landowner and manager of the public open space, the approval of any landscape plans should rest with the Melbourne City Council.
- The incorporated document should not include any specific design or ascribe any particular function to the new public open space.

## **7.3 Traffic**

### **7.3.1 Car parking**

- PO1 provides a maximum of 300 car parking spaces (5 x 60,000m<sup>2</sup> NLA / 1,000m<sup>2</sup>).
- The proposal provides approximately 150 to 180 car parking spaces, which is supported.
- Car parking must be allocated to tenants of the building.

### **7.3.2 Motorcycle parking**

- PO1 requires one motorcycle parking space per 100 car parking spaces. However, one motorcycle parking space per 50 car parking spaces is encouraged.
- The proposal provides four motorcycle parking spaces, which is supported.

### **7.3.3 Bicycle facilities**

- Clause 52.34 requires 263 bicycle parking spaces, including 190 spaces for office staff, 57 spaces for office visitors, 10 spaces for retail staff and 6 spaces for retail visitors. 20 showers and change rooms are required for staff (i.e. 3,000m<sup>2</sup> retail NLA and 57,000m<sup>2</sup> office NLA).
- The proposed bicycle facilities satisfy the statutory requirements.
- The bicycle parking spaces and access should be provided in accordance with AS2890.3-2015.

### **7.3.4 Access**

- The proposal contemplates rationalising the existing vehicle access to Southgate Avenue to provide a single crossover to serve both parking and loading access.
- Basement car parking will be accessed via an internal ramp.

### **7.3.5 Traffic generation**

- The development could generate up to 72 arrivals and 72 departures in the morning and afternoon peak hours, respectively. This equates to a reduction of 18 vehicle movements during peak hours from the existing generation, were it operational. As such, the development would have a reduced impact on the road network compared to the existing building.

### **7.3.6 Loading**

- An internal loading dock will be provided at ground level accessed via Southgate Avenue, which will serve the retail and office as well as waste collection.
- The loading dock will be designed to accommodate an 8.8 metre MRV.

- We understand that waste collection will be undertaken within the loading dock and will likely utilise compactors, subject to appropriate access arrangements on the site.

#### **7.4 Waste**

- We have reviewed the preliminary Waste Management Plan (WMP) by WSP dated 23 April 2020 and make the following comments for inclusion in the detailed WMP:
  - The handling, storage and collection of waste must be undertaken onsite.
  - The WMP must have an emphasis on resource recovery in order to reduce the overall amount of waste going to landfill.
  - Collections of each waste stream must be limited to a maximum of three times per week.
  - Compactors must be used for waste streams generating over 25,000L per week (for waste streams that can be collected in compactors) unless an alternative collection methodology is approved by Council.

#### **7.5 Civil**

##### **7.5.1 Comments**

- The development includes construction over a portion of road and reserve abutting the subject site to the southwest. Prior to the commencement of the development, the portion of road to be built on should be formally discontinued and the reserve status from the portion of reserve to be built on should be formally removed. The discontinued portion of road and reserve should be consolidated with the subject land.
- All projections over the street alignment must conform to the Building Regulations 2018, part 6, sections 98 to 110 as appropriate. Reference can be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face/ back of kerb.
- The maximum permissible width of a vehicle crossover without a pedestrian refuge is 7.6m. Crossings wider than 7.6m should include the provision of a minimum 2m long pedestrian refuge island at 7.6m spacings.
- The open space to the west of the development must be reconstructed, including drainage, public lighting and street furniture in consultation with Council.

##### **7.5.2 Conditions**

- Discontinuance of public road (DET.14)
- Drainage of projections (PR.09)
- Drainage connection underground (DET.11)
- Demolish and construct access (AC.02)
- Sawn bluestone footpaths (AC.06)
- Street lighting not to be altered without approval (AC.12)
- Street furniture not to be altered without approval
- Street levels not to be altered without approval
- Public lighting
- Street furniture

- Reconstruction of roads

### **7.5.3 Revised plans received 21 September 2020**

The revised plans received 21 September 2020 were referred to Civil who advised that they supported vesting in Council an approximate 3m wide strip of land along the east boundary (Southgate Avenue) and south boundary (Riverside Quay).

In accordance with Council's Road Encroachment Guidelines, the minimum clearance to any projection below road level is 1.5m to facilitate future services. The developer must modify the existing basement at the southeast corner to provide a minimum clearance of at least 1.5m.

The unencumbered widened road reserve/ footpath must be reconstructed in sawn bluestone, including the provision of drainage, public lighting, street furniture and modification of any services as necessary at the cost of the developer, in accordance with plans and specifications first approved by Melbourne City Council.

## **7.6 ESD and Green Infrastructure**

- The Environmentally Sustainable Design (ESD) Statement Phase 1 by Atelier Ten dated May 2020 provides an appropriate level of detail for the masterplan and is of a good standard.

## **7.7 Urban Forest and Ecology**

### **7.7.1 Comments**

- These comments relate to the potential impacts on publicly owned trees and are made in accordance with Council's Tree Retention and Removal Policy.
- The Arboricultural Assessment and Report by Treelogic Pty Ltd dated 11 May 2020 identifies 69 public trees surrounding the site and provides a retention rating in accordance with AS4970-2009. While this rating is of use in private development, it is not of significance in terms of public trees or urban forest management.
- Dependent on detailed design, approximately 12 public trees could be lost. While some of these are small canopy specimens, 5 are larger canopy trees. The new public open space provides some opportunity to mitigate the loss of these trees, but these details cannot be determined at this early stage.
- Other impacts to public trees, including significant pruning or removal, are probable during demolition and construction given the site constraints.
- The applicant should be made aware of Council's Tree Retention and Removal Policy and that tree removal costs and bonds will apply to public trees identified for removal and retention, respectively.

### **7.7.2 Conditions**

- Prior to the commencement of the development, including demolition, bulk excavation and site preparation works, a revised Arboricultural Assessment and Report must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. This plan must include but not be limited to:
  - An assessment of all trees on or adjacent to the site, including their retention value.
  - Tree protection recommendations for the trees to be retained in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development

Sites to ensure their long-term health, including tree protection zones (for roots and canopies) and structural root zones.

- Statements that outline that all options have been exhausted for trees identified for removal in accordance with Council's Tree Retention and Removal Policy.
- Recommendations for the location of new tree plots or planters with appropriate soil volumes that will ensure replacement trees for any removed trees provide equivalent amenity value.

## **7.8 City Design Studio (Landscape)**

- We support the rigorous site planning and design principles resulting in the location of the new public open space and interface zones.
- We appreciate that the incorporated document is a masterplan for the site and that further design work is required. Our observations and comments are primarily concerned with the design and delivery of the new public open space.
- Page 57 of the Planning Report by Tract Consultants Pty Ltd dated 24 July 2020 says:

‘Sections 10.01 and 10.02 of the UCR include a concept design for the new public open space and the site more broadly. The design of the public open space has been carefully crafted by Mala who have been engaged since the inception of the project to inform the design principles which have been established for the site.

Mala have expressed through this concept an opportunity to not only deliver a quality public open space within the boundaries of the site but to also contribute to the broader public realm. This includes future opportunities for improvements to the existing public realm, whilst also ensuring that future upgrades are considered in the design of this new public open space.’

- Page 54 of the Urban Context and Design Response Report by Hayball dated May 2020 says:

‘The adjacent sketches include preliminary spatial arrangements which will be developed further into full concepts including finer grain details, materiality and planting schematics in line with architectural development.’
- While we appreciate the applicant's interest in suggesting opportunities, we recommend that any further design work be subject to Council's participation.
- We recommend that the design of the new public open space be subject to a project brief developed by Council. The project brief should define the aim and scope of works as well as the design and handover process and associated subsequent approvals. The project brief should acknowledge the future renewal of the adjoining public realm managed by the City of Melbourne, which are subject to formal design, engagement and procurement processes.

## **7.9 Land Survey**

### **7.9.1 Comments**

- The upper levels of the building should be setback from the new public open space to avoid any registered encumbrances over the reserve in favour of the development for light and air, and access for window cleaning.

### **7.9.2 Conditions**

- Prior to the commencement of the development, including demolition, the relevant portion of road which is to be built on, contained within Certificate of Title Volume 10343 Folio 530 and known as Road R1 on Plan of Subdivision No. 411060Q, forming part of Riverside Quay, Southbank must be formally discontinued and consolidated with the subject land.
- Prior to the commencement of the development, including demolition, the owner of the land must lodge with the Responsible Authority an application for certification pursuant to Section 24A of the Subdivision Act 1988 for the removal of Reserve No. 1 on Plan of Subdivision No. 730107K. When certified by the Responsible Authority and a Statement of Compliance has been issued, the plan must be lodged at Land Victoria for registration.
- Prior to the commencement of the development, including demolition, all the land for the development must be owned by the one entity and consolidated onto the one certificate of title to the satisfaction of Melbourne City Council.
- Prior to occupation of the development, at least 1,000m<sup>2</sup> of land must be vested as a Reserve (unlimited in height and depth) in Council on the Plan of Subdivision.
- Amendments to the applicant's proposed condition 37 in the incorporated document:
  - Prior to occupation of any part of the completed development, an area of at least 1,000m<sup>2</sup> of land in the northwest corner of the site adjoining Southbank Promenade and Riverside Quay Reserve as shown on the endorsed plans must be vested in Melbourne City Council as a Reserve (unlimited in height and depth) as Public Open Space to the satisfaction of Melbourne City Council at no cost to either Melbourne City Council or the Responsible Authority.

### **7.9.3 Revised plans received 21 September 2020**

The revised plans and further details of the public benefits received 21 September 2020 were referred to Land Survey who supported the 3m upper level setback from the new public open space and recommended the following condition for the setbacks along the east and south boundaries to be vested in Council for the widening of Southgate Avenue and Riverside Quay.

- Prior to the commencement of development, including demolition, the strips of land along Southgate Avenue and Riverside Quay shown on Drawing No. TP\_00.01 Revision A by Hayball dated 18 May 2020 and marked-up 18 September 2020 that have varying dimensions but are no more than 3m wide at any point must be vested in Council as a road under the provisions of the Subdivision Act 1988. The new portions of road are to have no upper or lower limit, with the exception of the portion of the land (south-east corner) that indicates a basement structure below, which is to have a minimum clearance of at least 1.5m below road level (set to the Australian Height Datum), to the satisfaction of Melbourne City Council.

### **7.10 Property and Leasing**

- The Property and Leasing team does not object to the amendment request subject to all tenure matters being resolved prior to the commencement of the development, including demolition.

- Any future development of the land that is within the City of Melbourne's ownership (i.e. a portion of Riverside Quay and Riverside Quay Reserve) will be subject to separate processes to determine whether the sale of the land is acceptable. Any proposal in this respect will be considered against the relevant Council policies and procedures including the Road Discontinuance and Sale Policy, and this will include a statutory public consultation process.
- Should the incorporated document be supported by Council, in no way does this indicate Council's favourable assessment of any future requests for tenure from the applicant.

### **7.11 Site Services**

- Our strong preference is to consolidate the construction management plan (CMP) so that it is considered holistically and can utilise the same hoarding and gantry throughout the site preparation, demolition and construction activities. However in this instance, we are comfortable splitting the CMP due to the current circumstances and the site and project particulars.

## **8 ASSESSMENT**

The key issues in the assessment of the proposed amendment include:

- Is the new public open space appropriate having regard to the State and local planning policies, including an assessment against the criteria at Clause 22.26 (Public Open Space Contributions).
- Is the built form and any subsequent impacts on the public realm appropriate having regard to the design objectives and built form outcomes of DDO1-A3, DDO3, DDO60-A1, the policies at Clause 22.01 (Urban Design within the Capital City Zone) and Clause 22.02 (Sunlight to Public Spaces), and the proposed policies in Amendment C308 (Urban Design in the Central City and Southbank).
- Are the proposed public benefits commensurate to the floor area uplift sought by the masterplan.
- Are the preliminary parking, loading, traffic and waste storage and collection arrangements acceptable.
- Does the development have acceptable ESD and WSUD targets.
- Without prejudice to the separate processes to discontinue the relevant portion of road and consolidate 12 Riverside Quay with the 215m<sup>2</sup> triangular parcel of the land to the southwest, is the principle of consolidating these parcels of land appropriate from a planning perspective. Does the building envelope and incorporated document provide appropriate flexibility for Council and the applicant should the transfer not be executed.
- Other matters, such as Aboriginal cultural heritage sensitivity and internal referral comments.
- Is the incorporated document, including the draft conditions appropriate.

These matters are addressed in turn.

### **8.1 New public open space**

#### **8.1.1 Policy context**

Clause 12.03-1R (Yarra River Protection) includes strategies to retain and enhance people's enjoyment of the Yarra River and its environment by planning for them as a recreation and tourism reserve.

Clause 19.02-6 (Open Space – Metropolitan Melbourne) includes strategies to develop a network of open spaces that are accessible and high quality.

Clause 21.04-1.2 (Urban Renewal Areas) includes strategies to ensure that the design of buildings and open spaces are integrated to minimise greenhouse gas emissions, optimise water management, mitigate the effects of extreme storm events, reduce the urban heat island and take precautions against sea level rise.

Clause 22.01-8 (Public Spaces) encourages development to provide high quality public spaces that have a northerly aspect.

While not directly applicable to the proposed amendment, Clause 22.26 (Public Open Space Contributions) identifies Southbank as a location where land contributions are preferred over cash contributions for the purposes of Clause 53.01 (Public Open Space Contribution and Subdivision), and Clause 22.26-5 sets out a criteria for determining whether land proposed for public open space is appropriate which may be used as a guide. It is noted that there is no legal public open space contribution requirement under Clause 53.01 applicable to this proposal.

### 8.1.2 Assessment

The masterplan includes 1,000m<sup>2</sup> (46m long x 21.8m wide) of unencumbered land in the northwest corner of the site to be transferred to the City of Melbourne for public open space. The new public open space is located adjacent to Southbank Promenade to the north and Riverside Quay Reserve to the west, and has a regular shape with a northerly aspect. Importantly, the new public open space is not contingent upon the consolidation of the 215m<sup>2</sup> triangular parcel of the land to the southwest.

The new public open space is appropriate having regard to the relevant State and local planning policies and the criteria for public open space at Clause 22.26-5 as set out below.

#### Clause 22.26-5 criteria for public open space

a) The size of the land to be used for open space, on its own or in combination with adjoining land.	<p>The new public open space is 1,000m<sup>2</sup> (46m long x 21.8m wide).</p> <p>Combined with Southbank Promenade upper promenade to the north and Riverside Quay Reserve to the west, the combined area is approximately 2,838m<sup>2</sup> (64.8m long x 43.8m wide).</p> <p>The new public open space on its own and in combination with the adjoining land is of a size that can be fully designed and landscaped, and provide for a range formal and informal uses.</p>
b) Whether the open space area is located at ground level.	The new public open space is located at ground level.
c) The type of landscaping which might be provided, including whether the land is capable of supporting a large mature canopy tree and incorporating sustainable water supply and reuse, and moisture retention for passive cooling.	<p>The function and design of the new public open space will be subject to a project brief developed by Council.</p> <p>The size of the new public open space and the building setbacks (above and below ground) ensure that it can support large canopy trees and WSUD.</p> <p>The ground floor is setback 5m so not to rely on the area for access or outdoor dining, and the upper levels are setback 3m so that there are no encumbrances over the reserve in favour of the development for fire protection, light and air, and access for window cleaning.</p>
d) The potential to accommodate	The size and location of the new public open space

a range of recreational uses.	<p>ensures that it can accommodate a range of recreational uses and tourism and cultural events.</p> <p>The function and design of the new public open space will be subject to a project brief developed by Council.</p>
e) Whether the open space is safe and accessible, and its location having regard to a range of transport options and entry from a local street.	The new public open space at ground level, adjoining Southbank Promenade and Riverside Quay Reserve, will be safe and accessible. The podium on two sides of the reserve will provide active frontages and passive surveillance.
f) Whether the open space enhances the liveability of the neighbourhood by providing visual relief from built form and noise.	The new public open space will enhance the liveability of Southbank for residents, workers and visitors by contributing to the open space network along one of the city's busiest public spaces; Southbank Promenade.
g) Whether the open space receives adequate sunlight (a minimum of 3 hours of direct sunlight between 9am and 3pm on June 22 and at least 5 hours of direct sunlight between 9am and 3pm on September 22).	The new public open space is north-facing and will receive sunlight in excess of the minimum criteria. It is also substantially protected from future overshadowing by the mandatory controls protecting the Yarra River to the immediate north.
h) Whether the open space will remain useable and functional as open space with sea level rise and larger storm events.	The new public open space will remain useable and functional as open space with sea level rise and larger storm events.
i) The impact of adjoining land uses.	The adjoining land uses will complement the new public open space and vice versa.
j) Whether the land or adjoining land is contaminated.	The site and adjoining land is not known to have been used for industry, mining or the storage of chemicals, wastes, gas or liquid fuel.
k) The location of the site and open space having regard to biodiversity, habitat corridors and the wider open space network.	The new public open space will strengthen the biodiversity, habitat corridors and wider open space network along the Yarra River that features tree canopy.
l) Whether the open space is restricted by services or easements, including roadways, overhead structures, water and power supply, flood mitigation and drainage infrastructure.	<p>The new public open space is unencumbered above and below ground by built form, services and easements.</p> <p>The need for flood mitigation and drainage infrastructure will be determined by Council as part of the project brief.</p>
m) Whether the open space contributes to the character and attractiveness of the neighbourhood.	The function and design of the new public open space will be subject to a project brief developed by Council to ensure that it contributes to the character and attractiveness of the area, including the renewal of Southbank Promenade.
n) Whether the open space is visually prominent to maximise its use.	The location and dimensions of the new public open space ensures that it is visually prominent to maximise its use i.e. in the northwest corner of the site, at ground level with a 46m long frontage to Southbank Promenade (54.4% of the site frontage).



o) Whether the open space is capable of being transferred to Council and rezoned for public open space.	The new public open space is unencumbered and capable of being transferred to Council and rezoned for public open space.
p) Whether the open space is able to be improved, maintained and managed by Council.	The function and design of the new public open space will be subject to a project brief developed by Council to ensure that it is able to be improved, maintained and managed by Council.

## 8.2 Built form and public realm impacts

### 8.2.1 DDO1-A3

DDO1-A3 affects the street frontage to Southbank Promenade and the return frontages to Southgate Avenue and Riverside Quay Reserve for a length of 9.5m, and requires that at least 80% of these frontages are an entry or window that allows occupants to engage with the street.

The masterplan includes notations to maximise activation along these frontages and is acceptable.

### 8.2.2 DDO3

DDO3 affects the street frontage to Southbank Promenade and the return frontages to Southgate Avenue and Riverside Quay Reserve for a length of 9.5m, and requires that vehicle ingress and egress points, excluding loading bays, are not provided along these frontages or in a lane leading off a traffic conflict frontage.

The vehicle ingress and egress point to the basement parking is located on Southgate Avenue, 29.3m south of the traffic conflict frontage. Southgate Avenue has a road reserve greater than 9m wide and is not defined as a laneway.

### 8.2.3 DDO60-A1

DDO61 includes the following design objectives relevant to the site:

- To ensure that the suitability of each development to its context takes precedence over the individual merit of the building.
- To ensure the height of new buildings does not overwhelm the public domain.
- To allow daylight and sunlight to penetrate the street and lower building levels.
- To ensure development supports high levels of pedestrian amenity in relation to human scale and microclimate conditions within the public realm, including acceptable levels of sunlight and wind.
- To ensure that development provides a high level of amenity for building occupants.

Design objectives specific to Area 1 and relevant to the site include:

- To reinforce the breadth and grandeur of the Yarra River
- To maintain the existing low-scale urban form along the river corridor.

Importantly, the recommended changes to condition 2 of the incorporated document set out in section 9 of this report ensure that the building envelope shown in the masterplan drawings, and assessed below, is the maximum height(s) and minimum setback(s), excluding minor variations for architectural features and building services and any increase in building height as a result of flood levels. The words 'generally in accordance' are not acceptable as they allow for a larger building.

An assessment against the preferred built form controls in Table 4 as applicable to the site is provided below.

**Table 4 to DDO60**

Area	Preferred building height	Modified requirement	Built form outcomes
Area 1 – River Environs	24m	6:1 FAR	<p>Development that protects and enhances the Yarra River, including views to and from it, as an important natural, recreational and tourism asset of Melbourne.</p> <p>Low scale development that enhances the sense of openness along the Yarra River.</p> <p>Development that enhances the prominence of the Yarra River by the grading of building heights down to low along its banks.</p> <p>To ensure that the height of new buildings does not overwhelm the public domain.</p>

**Assessment:**

The proposed building envelope significantly exceeds the preferred and modified built form controls in DDO60-A1.

It is four times the 24m preferred building height; 120m high.

It is double the 6:1 FAR modified requirement; 11.96:1 to 12.31:1 FAR (excl. the 215m<sup>2</sup> triangular parcel of land to the southwest).

However in this instance the building envelope is supported because, in addition to delivering significant public benefits, it achieves the design objectives and built form outcomes in DDO60 and the relevant policies in Clause 22.01 (Urban Design within the Capital City Zone). More specifically, the development is acceptable because:

- It has been carefully considered, in the round, to ensure that it responds to the features of the site and its context.
- The siting and massing of the different components provide an appropriate human scale to Southbank Promenade, Riverside Quay Reserve and the new public open space, and maintain a sense of openness along the Yarra River.
- The development steps up towards the rear of the site to provide an appropriate graduation in height between the lower built form along Southbank Promenade and the taller buildings on City Road.
- The setbacks from the front and side boundaries allow daylight and sunlight to penetrate the streets and lower building levels.
- The development does not result in unacceptable wind and shadow impacts as set out in sections 8.2.4 and 8.2.5 of this report.
- The street wall height to Southbank Promenade, the podium heights to the new public open space and the upper level setbacks reinforce the grandeur of the Yarra River and provide a low scale built form that supports high levels of pedestrian amenity.
- The development protects and enhances the Yarra River by defining the linear pedestrian experience of Southbank Promenade with a low scale built edge and providing 1,000m<sup>2</sup> of unencumbered public open space with a regular shape and northerly aspect that can be fully designed and landscaped with a project brief prepared by Council.
- The siting massing of the development results in a slender tower, provides for the amenity and equitable development of the neighbouring properties (together with the

separation provided by Southgate Avenue, Riverside Quay and Riverside Quay Reserve), ensures that the buildings do not present a continuous wall and maintains sky views.

An assessment against the preferred built form controls in Table 5 as applicable to the site is provided below.

It is noted that Southgate Avenue to the east and Riverside Quay to the south have road reserves greater than 9m wide and are not defined as laneways; therefore the street wall height and upper level street setback provisions apply. Likewise, Southbank Promenade to the north is the main public frontage and the street wall height and upper level street setback controls are applicable. Riverside Quay Reserve to the west is an allotment; therefore the side boundary provisions apply.

**Table 5 to DDO60**

Design element	Requirement	Built form outcomes
Street wall height	Street wall height should not exceed 20m or the preferred building height, whichever is lower.	Street wall height is scaled to ensure: <ul style="list-style-type: none"> <li>• A human scale.</li> <li>• Consistency with the prevalent parapet height of adjoining buildings.</li> <li>• Adequate opportunity for daylight, sunlight and sky views in the street.</li> </ul>
<p><b>Assessment:</b></p> <p><u>Southbank Promenade</u></p> <p>The development exceeds the preferred street wall height by 4m; 24m high (ground floor to level 5). A variation of 4m is supported because it achieves the built form outcomes and is consistent with the buildings to the west.</p> <p><u>Southgate Avenue</u></p> <p>The development is setback from the east boundary and does not have a street wall on Southgate Avenue. Ground floor to level 5 is setback 5m and 3.2m, including the step in the boundary but excluding the concave southeast corner.</p> <p><u>Riverside Quay</u></p> <p>The development is setback from the south boundary and does not have a street wall on Riverside Quay. Ground floor to level 5 is setback 3m.</p>		

**Table 5 to DDO60 continued**

Design element	Requirement	Built form outcomes
Upper level street setbacks	Above the street wall, upper levels of a building should be setback a minimum of 5m.	Buildings are setback to ensure: <ul style="list-style-type: none"> <li>• Larger buildings do not visually dominate the street or public space.</li> <li>• The dominant street wall scale is maintained.</li> <li>• Sun penetration and mitigation of wind impacts at street level.</li> </ul>
<p><b>Assessment:</b></p> <p><u>Southbank Promenade</u></p> <p>The development satisfies the preferred upper level street setback from Southbank Promenade.</p> <p><b>Upper level street setbacks from Southbank Promenade and heights</b></p>		

	Upper level setbacks from the north boundary (front)	Height
Levels 6-7	24.3 to 24.8m	32m high (8 storeys)
Levels 8-14	24.3m to 25m, 33.6m and 42.4m	60m high (15 storeys)
Levels 15-24	24.3m to 25m, and 33.6m	100m high (25 storeys)
Levels 25-29	24.3m to 25m, and 33.6m	120m high (30 storeys)

#### Southgate Avenue

While the development does not have a street wall to Southgate Avenue because the podium is setback, the tower setbacks satisfy the preferred upper level street setback.

#### **Upper level street setbacks from Southgate Avenue and heights**

	Upper level setbacks from the east boundary (side)	Height
Levels 6-24	13.5m and 11.6m	100m (25 storeys)
Levels 25-29	23.4m and 21.5m	120m (30 storeys)

#### Riverside Quay

While the development does not have a street wall to Riverside Quay because the podium is setback, the tower setbacks partly satisfy the preferred upper level street setback.

The western shoulder of the development requires a 2m variation to the preferred upper level street setback. This massing component is setback 3m from the boundary and is 60m high (15 storeys) x 26.2m long.

A variation of 2m is supported having regard to the siting and massing of the development and Eureka Tower, and the separation between the buildings provided by Riverside Quay. Adequate sunlight, daylight, privacy and outlook will be afforded to both buildings in this arrangement. Further, the western shoulder will not visually dominate the streetscape or compromise any adjacent low scale development areas.

#### **Upper level street setbacks from Riverside Quay and heights**

	Upper level setbacks from the south boundary (rear)	Height
Levels 6-14	3m and 8m	60m (15 storeys)
Levels 15-29	8m and 10.2m	120m (30 storeys)

**Table 5 to DDO60 continued**

Design element	Requirement	Built form outcomes
Setback(s) from side boundary	Above 40m, upper levels of a building should be setback a minimum of 5m from a side boundary.	Buildings are setback to ensure: <ul style="list-style-type: none"> <li>Provision of adequate sunlight, daylight, privacy and outlook from habitable rooms, for both existing and proposed developments.</li> <li>Buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain sky views between them.</li> </ul>

#### **Assessment:**

#### Riverside Quay Reserve

The development satisfies the preferred setback from the side boundary to Riverside Quay Reserve, which could also be considered a 'street' given the width of the thoroughfare.

<b>Setbacks from a side boundary (Riverside Quay Reserve) and heights</b>		
	Upper level setbacks from the west boundary (side)	Height
Levels 8-14	6m, 32.2m, 41m	60m (15 storeys)
Levels 15-29	32.2m, 41m	120m (30 storeys)

**Table 5 to DDO60 continued**

Design element	Requirement	Built form outcomes
Ground floor height of a building	The ground floor of a building should have a floor to ceiling height of at least 4m.	Provide potential for active commercial or retail uses.
<b>Assessment:</b>		
The height of the building provides for a 4m floor to ceiling height at ground floor. However, the masterplan does not show this level of detail and provides an average 4m floor to floor for each level.		

### 8.2.4 Wind effects

DDO60 states that a permit should not be granted for buildings and works with a total building height in excess of 40m that does not achieve comfortable wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40m in height measured from all façades or half the total height of the building, whichever is greater.

The desktop Environmental Wind Assessment by Mel Consultants dated 14 May 2020 concludes that the wind conditions within the surrounding streetscapes are expected to be within walking criterion but slightly higher than the existing conditions due to the increased built form, but there is not expected to be any significant additional downward wind flow due to the surrounding shielding.

Full wind tunnel testing will be required through condition 1 development plans to meet the requirements of DDO60.

### 8.2.5 Overshadowing impacts

Clause 22.02 (Sunlight to Public Spaces) and DDO60 state that a permit must not be granted for buildings and works that would cast additional shadow across any public space, public parks and gardens, public squares, open spaces associated with a place of worship and privately-owned publicly-accessible spaces between 11am and 2pm on 22 September, unless the overshadowing will not unreasonably prejudice the amenity of the space.

#### Riverside Quay Reserve

Riverside Quay Reserve is located to the west of the site and includes the thoroughfare and pocket park to the southwest. These areas are already overshadowed by the surrounding buildings, particularly the pocket park, and will be affected by any redevelopment on the site between 11am and 12pm on 22 September. The development overshadows the corner of Riverside Quay Reserve until 1pm on 22 September, as shown in the shadow diagrams below.

Sunlight to the pocket park was one of the key design principles during the early testing of different massing options that resulting in the 'hybrid campus' wedge form (see figure 3 in section 2.3 of this report). However, the OVGA found that sunlight to the pocket park should not be a primary driver for built form on the site and that the following design principles were more important:

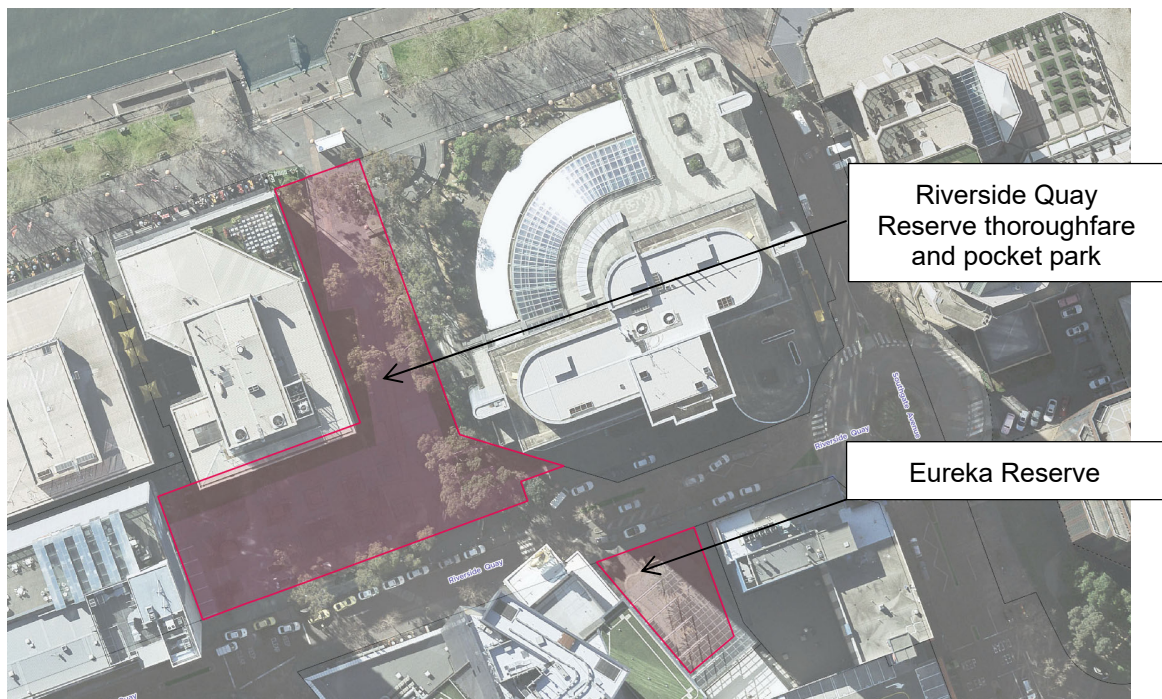
- Enhancing the orthogonal movement patterns around the site.
- Providing definition and containment to Southbank Promenade to maintain the linear pedestrian experience.
- Parallel, low rise built form along the promenade to maintain a human scale, complement the width of the Yarra River and emphasise the river edge.
- Higher built form stepping away from the promenade.
- A building form that responded to its place and context.

Further, it is considered that solar access to the pocket park is already compromised by the existing Esso Building and the Mirvac buildings at 2, 4 and 6 Riverside Quay and that overshadowing from the development will not unreasonably prejudice the amenity of the space in this context.

The 1,000m<sup>2</sup> of north-facing public open space, in a more prominent and accessible location adjoining Southbank Promenade and Riverside Quay Reserve, will also serve to mitigate the increase in overshadowing to the pocket park to the southwest.

### Eureka Reserve

Eureka Reserve is located to the south of the site. It functions as a forecourt to the adjoining buildings and is largely covered by a canopy. Overshadowing from the development will not unreasonably prejudice the amenity of the space as shown in the shadow diagrams below.



**Aerial Photograph identifying public open space (Source: Council's GIS August 2019)**



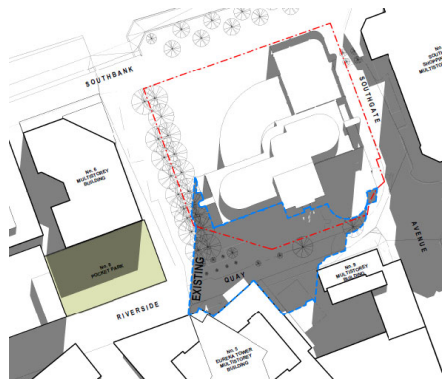
**11am to 3pm on 22 September shadow diagrams for the submitted plans, not the revised plans (Source: Hayball)**



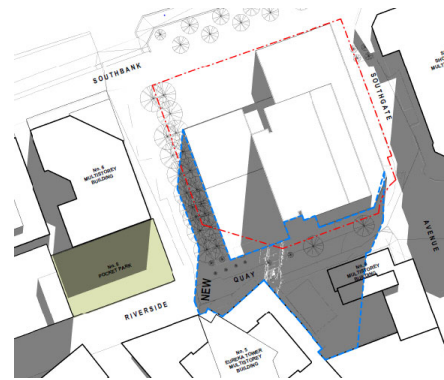
**11am on 22 Sept existing**



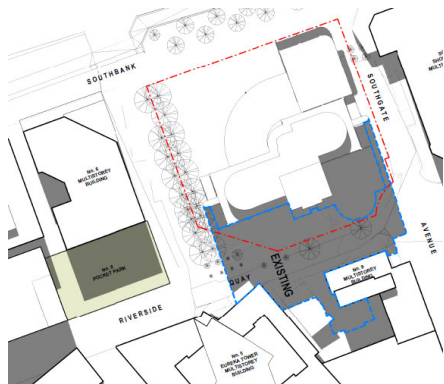
**11am on 22 Sept proposed**



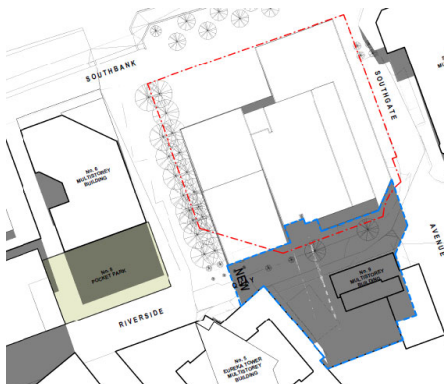
**12pm on 22 Sept existing**



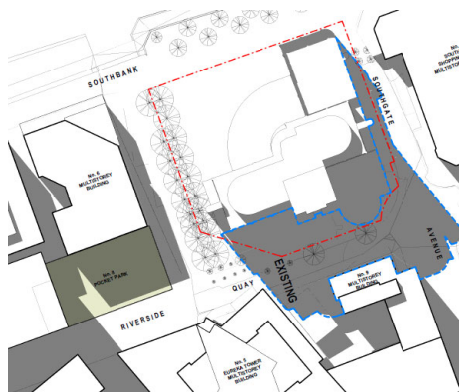
**12pm on 22 Sept proposed**



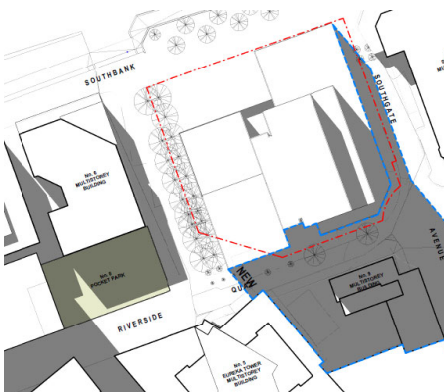
**1pm on 22 Sept existing**



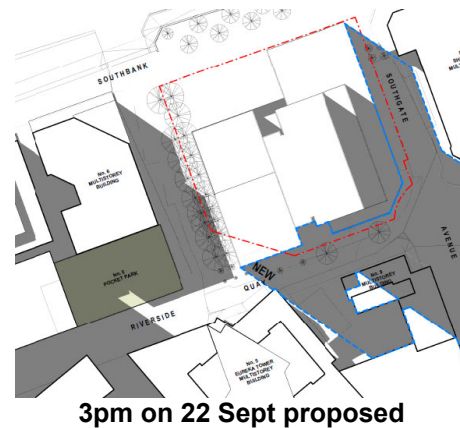
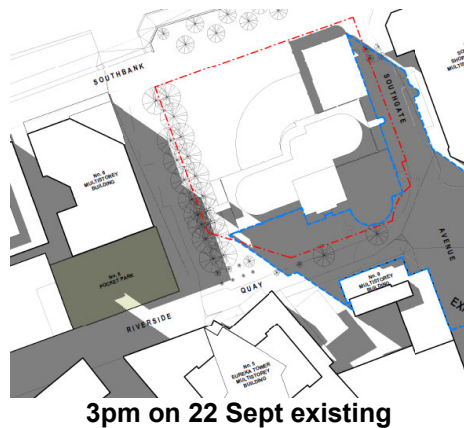
**1pm on 22 Sept proposed**



**2pm on 22 Sept existing**



**2pm on 22 Sept proposed**



### 8.2.6 Clause 22.01 Urban Design within the Capital City Zone

Clause 22.01 (Urban Design within the Capital City Zone) includes the following objectives relevant to the site:

- To ensure that development responds to the underlying framework and fundamental characteristics of the Capital City Zone while establishing its own identity.
- To enhance the physical quality and character of Melbourne’s streets, lanes and built form through sensitive and innovative design.
- To ensure that the design of buildings, public spaces and circulation spaces meets high quality design standards.
- To ensure developments contribute to a high quality public realm and to passive surveillance of the public domain.
- To improve the pedestrian experience by providing a human scale to the street wall, weather protection, sunlight access, summer shadow, comfortable wind conditions and active frontages.
- To connect and integrate Southbank with the Hoddle Grid and Yarra River, providing easy and attractive access from all areas of Southbank to and across the river.

This policy has nine sections. The sections relating to building envelope, building design, pedestrian permeability and connectivity, wind and weather protection, and public spaces are relevant to the masterplan are addressed in turn. The sections relating to facades, city roofs and profiles, projections, and access and safety in public spaces are detailed design matters that will be considered through the submission of condition 1 development plans.

#### Building envelope

The building envelope policies are consistent with the design objectives and built form outcomes in DDO60-A1 as it applies more specifically to the site. As such, no further assessment is required.

#### Building design

The development achieves the building design policies. More specifically:

- The podium in the northeast corner of the site aligns with the built form along Southbank Promenade and respects the continuity of the river edge.



- The new public open space in the northwest corner of the site is a purposeful setback from the street frontage.
- The development has different massing components to provide a distinction between the podium and tower elements and to break-up the building into smaller vertical sections.

#### Pedestrian permeability and connectivity

The policies relating to pedestrian permeability and connectivity are not relevant to the island site.

#### Wind and weather protection

The policies relating to wind effects and downdraughts are addressed in more detail by the wind effects provisions in DDO60 at section 8.2.4 of this report. As such, no further assessment is required.

The policies relating to weather protection, such as canopies and awnings, are detailed design matters that will be considered through the submission of condition 1 development plans. Although it is noted that the 5m ground floor setback and the 3m upper level setback from the new public open space provides a 2m undercroft for weather protection along these interfaces.

#### Public spaces

The development achieves the public spaces policies. More specifically:

- The development provides 1,000m<sup>2</sup> of unencumbered public open space with a regular shape and northerly aspect adjoining Southbank Promenade and Riverside Quay Reserve that will be transferred to Council for use as public open space. The function and design will be subject to a project brief prepared by Council. The public open space will be partly designed and delivered by the applicant to a value of \$1 million.
- The ground floor is setback 5m and the upper levels are setback 3m from the new public open space to ensure that it is not encumbered by easements and restrictions, and can be fully designed and landscaped.
- The building is appropriately sited and massed to provide a human scale and pedestrian environment within the new public open space.
- The adjoining facades provide opportunities for active frontages and passive surveillance.

### **8.2.7 Amendment C308 Urban Design in the Central City and Southbank**

With regard to Amendment C308 (Urban Design in the Central City and Southbank) and the proposed DDO1:

- The urban structure provisions are not relevant to the island site.
- The development achieves the site layout provisions by:
  - Rationalising and building to the street frontage, except where open space is provided.
  - Catering for anticipated pedestrian volumes by providing setbacks around the sides and rear of the building.
  - Providing new public open space that is open to sky, has good solar access, is lined with active frontages, and accessible to people of all abilities.
  - Locating the vehicle access and loading dock off Southgate Avenue away from the traffic conflict frontages.

- The development achieves the building mass provisions by:
  - Breaking-up each elevation into smaller vertical sections with a range of parapet heights and rebates to modulate the facades.
  - Reinforcing the ground floor and street wall as the dominant component with visually recessive upper levels.
  - Stepping-up the building height to provide a graduation between the low scale built form on Southbank Promenade and the taller buildings on City Road, and not relying solely on surface treatments and decorative effects.
- The building program, public interface and design detail provisions will be considered through the submission of condition 1 development plans.

### 8.3 Floor area uplift and public benefits

While a public benefit is not required to exceed a 6:1 FAR on land in the CCZ3 affected by DDO60, is it nonetheless appropriate to understand the value of the floor area uplift sought by the amendment request and assess the proposed public benefits against the policies in Clause 22.03 (Floor Area Uplift and Delivery of Public Benefits). The following calculations are based on the site area of 12 Riverside Quay, Southbank and exclude the 215m<sup>2</sup> triangular parcel of land to the southwest.

#### Floor area uplift and public benefits calculations

1. Base GFA (6:1 FAR)	6 x 6,603m <sup>2</sup> = 39,618m <sup>2</sup>
2. Proposed GFA (above ground)	79,000m <sup>2</sup> to 81,250m <sup>2</sup>
3. Floor area uplift (FAU)	79,000m <sup>2</sup> to 81,250m <sup>2</sup> – 39,618m <sup>2</sup> = 39,382m <sup>2</sup> to 41,632m <sup>2</sup>
4. Base data for valuing FAU (GRV/m <sup>2</sup> )	\$5,000/m <sup>2</sup> offices in Southbank
5. Value of each m <sup>2</sup> of FAU (10% of GRV)	\$5,000/m <sup>2</sup> x 10% = \$500/m <sup>2</sup>
6. Total value of FAU	39,382m <sup>2</sup> to 41,632m <sup>2</sup> x \$500/m <sup>2</sup> = \$19,691,000 to \$20,816,000
7. Value of public benefit to be provided	<b>At least \$19.691 to \$20.816 million</b>
8. Agreed public benefits to be provided	1,000m <sup>2</sup> of land transferred to Council for public open space valued at \$25,000 per m <sup>2</sup> = \$25 million  Financial contribution to the design and delivery of the new public open space = \$1 million  478m <sup>2</sup> of land transferred to Council to widen Southgate Avenue and Riverside Quay valued at \$15,000 to \$25,000 per m <sup>2</sup> = \$7.17 to \$11.95 million  Difference between office (\$5,000 per m <sup>2</sup> ) and residential uses (\$6,500 per m <sup>2</sup> ) valued at \$1,500 per m <sup>2</sup> = \$111 to \$117.375 million  Total value of public benefits =  <b>\$144.17 to \$155.325 million</b>

*Note: the valuation of the 478m<sup>2</sup> of land along the east and south boundaries is based on the estimated values in Table 2, and the office realisation is based on the GRV/m<sup>2</sup> in Table 1, of 'How to Calculate Floor Area Uplifts and Public Benefits', DELWP dated November 2016.*

In this instance, the planning authority and decision maker is the Minister for Planning. Although not formally applicable, the above demonstrates that:

- The public benefits are consistent with the relevant State and local policy, strategic initiatives and relevant guidelines.
- The quality and value of the public benefits and FAU have been appropriately calculated and the public benefits significantly exceed the uplift value.
- The public benefits can be realistically secured and delivered by the incorporated document.
- The public benefits are supported, including all internal referrals as set out at section 7 of this report, and the land is suitable to be transferred to and maintained by Council in perpetuity.

#### **8.4 Parking, loading, traffic and waste**

As set out in sections 7.3 and 7.4 of this report, the preliminary parking, loading and waste storage and collection arrangements are acceptable subject to conditions.

150-180 car parking spaces is less than the maximum rates in PO1.

Four motorcycle parking spaces is double the minimum rate in PO1.

263 bicycle parking spaces and 20 showers and change rooms satisfies the statutory requirements in Clause 52.34 (Bicycle Facilities), however the applicant is strongly encouraged to exceed the minimum rates when preparing the development plans.

The development will utilise the existing vehicle access to Southgate Avenue.

The development will have a reduced impact on the road network compared to the existing building, were it operational, as a result of the reduction of car parking (226 existing spaces; 150-180 proposed spaces).

An internal loading dock will be provided at ground level accessed via Southgate Avenue to accommodate an 8.8 metre MRV.

The preliminary WMP by WSP dated 23 April 2020 includes the following principles and methodology:

- All waste handling, storage and collection will be undertaken on site.
- Waste collection will be limited to a maximum of four collections per week, per stream.
- The internal loading dock will be designed to accommodate the largest vehicle required.
- Swept path diagrams will be submitted with the development plans.

A condition requiring a revised and detailed WMP is recommended to ensure that:

- The final WMP has an emphasis on resource recovery in order to reduce the overall amount of waste going to landfill.
- Waste collection will be limited to a maximum of three collections per week, per stream (not four).
- Compactors must be used for waste streams generating over 25,000L per week (for waste streams that can be collected in compactors) unless an alternative collection methodology is approved by Council.

#### **8.5 ESD and WSUD**

Clause 22.19 requires that developments over 2,000m<sup>2</sup> GFA demonstrate that the building has the preliminary design potential to achieve the relevant performance measures set out in Clause 22.19-5.

Clause 22.19-5 requires the following performance measures for office buildings over 5,000m<sup>2</sup> GFA and retail premises between 2,000m<sup>2</sup> and 5,000m<sup>2</sup> GFA:

- NABERS Office – Energy 5 Stars or equivalent.
- 3 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Office rating tool or equivalent.
- 5 star rating under a current version of the Green Building Council of Australia's Green Star – Office rating tool or equivalent.
- 5 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Retail rating tool or equivalent.

The Environmentally Sustainable Design (ESD) Statement Phase 1 by Atelier Ten dated May 2020 provides an appropriate level of detail for the masterplan and demonstrates that the building has the preliminary design potential to achieve the relevant performance measures.

Clause 22.23 requires that applications be accompanied by a water sensitive urban design (WSUD) response. A WSUD response will be a condition of the incorporated document.

While proposed Melbourne Planning Scheme Amendment C376 (Sustainable Building Standards) is not yet 'seriously entertained' and the Green Factor tool developed by the City of Melbourne is currently voluntary, the proposal aligns with the purpose of the amendment i.e. a development that displays design excellence, including exemplar green infrastructure, and provides significant public benefits. The recommended changes to the incorporated document set out at section 9 of this report align with the performance standards specified as part of Amendment C376.

## **8.6 Property matters**

The proposed amendment applies to the land within the title boundary of 12 Riverside Quay and the 215m<sup>2</sup> triangular parcel of land to the southwest that forms part of Riverside Quay Reserve to the west and the Riverside Quay road reserve to the south. Importantly, the reserve portion is not affected by the restrictive covenant that applies to the remainder of Riverside Quay Reserve.

The reserve portion is an underutilised area of public open space that lacks utility given its location at the rear of the site adjoining Riverside Quay and its irregular shape and southern aspect. The road portion is also somewhat irregular and does not align with the Riverside Quay road reserve further west or the rear boundary of 12 Riverside Quay.

Consolidating this land with 12 Riverside Quay is appropriate from a planning perspective for the following reasons:

- It is an underutilised area of public open space and an irregular portion of road reserve.
- It will enable the development to provide a regular massing component to the southwest corner rather than a splay.
- It will provide continuity to the built form edge adjoining the thoroughfare, pocket park and road reserve rather than a setback that lacks purpose and utility.
- It will provide an active frontage and passive surveillance to the thoroughfare and pocket park.
- It will improve the orthogonal movement patterns around the site.

- The land has no other private land abutments and therefore no other adjoining properties that may benefit from the land.

Notwithstanding, it is noted that the western massing component could be amended to have a splay to the southwest corner, without unreasonably compromising the floorplates, should the transfer not be executed.

Importantly, the conditions in the incorporated document have been carefully considered to ensure that they:

- Do not prejudice the separate processes to discontinue the relevant portion of road and consolidate 12 Riverside Quay with the 215m<sup>2</sup> triangular parcel of the land to the southwest.
- Provide flexibility for Council and the applicant should the transfer of the 215m<sup>2</sup> triangular parcel of the land from Council to the applicant not be executed.
- Ensure that the transfer of the 1,000m<sup>2</sup> of new public open space in the northwest corner and the 478m<sup>2</sup> of land along the east (side) and south (rear) boundaries of 12 Riverside Quay from the applicant to Council is not contingent upon the consolidation of the 215m<sup>2</sup> triangular parcel of the land.

From a planning perspective, it is considered appropriate that the applicant own and maintain the 6m setback along the west (side) boundary to provide landscaping and outdoor dining opportunities within the title boundaries so not to encroach onto Riverside Quay Reserve.

## **8.7 Other matters**

### **8.7.1 Aboriginal cultural heritage sensitivity**

The site is located within an area of Aboriginal cultural heritage significance.

Clause 15.03-2S (Aboriginal Cultural Heritage) promotes the protection and conservation of places of Aboriginal cultural heritage values. Clause 22.04 (Heritage Places within the Capital City Zone) requires that development does not adversely impact Aboriginal cultural heritage values for any site known to contain Aboriginal archaeological relics as indicated in an archaeologist's report.

Tract Consultants Pty Ltd confirmed in email correspondence received 22 September 2020 that the whole of the site has been subject to significant ground disturbance and is not an area of cultural heritage sensitivity as per the Aboriginal Heritage Planning Tool. As such, it is considered that a mandatory Cultural Heritage Management Plan (CHMP) cannot be required.

Tract Consultants Pty Ltd have also confirmed that the owner and the project team are aware of the broader legislative requirements of the *Aboriginal Heritage Act 2006* and will (as is required by law) comply with all requirements under this legislation.

It is noted that, for the purposes of this incorporated document, the planning authority is the Minister for Planning. The responsibility for determining whether or not a CHMP is required therefore rests with DELWP.

### **8.7.2 Internal referral comments**

As set out in section 7.1 of this report, the Urban Design Team took part in the extensive pre-application discussions that led to the current proposal and lend their support to the masterplan and the comprehensive documentation submitted with the proposed amendment.

They did however, make the following recommendations to further strengthen the Urban Context and Design Response Report by Hayball dated May 2020:

- Further articulate the function and character of the interface zones.
- Ensure the massing breaks are clearly shown on all plans and diagrams.
- Refine the massing breaks to reflect the key building entries.
- Revise the text to the third massing principle on page 56 to refer more specifically to the lower built form along Southbank Promenade and the taller buildings on City Road as opposed to the 'city skyline'.
- Include additional public vantage points within the 'Precinct Context'.
- Provide additional design principles for the façade treatments to the podium and tower.

While these recommendations are generally supported, they are considered to be relatively minor and/or detailed design matters. Further, the Urban Context and Design Response Report provides context to the masterplan and guides the assessment of the detailed development plans; it is not a document that will be endorsed. As such, these changes are not required.

### **8.8 Incorporated document, including conditions**

The incorporated document is generally acceptable subject to the changes and conditions set out in section 9 of this report, many of which are corrections, conditions required by internal referrals or additional conditions required as a result of the public benefit negotiations.

Of note are the recommended changes to condition 2 to ensure that the building envelope shown in the masterplan drawings is the maximum height(s) and minimum setback(s), excluding minor variations for architectural features and building services and any increase in building height as a result of flood levels. The words 'generally in accordance' are not acceptable as they allow for a larger building.

## **9 RECOMMENDATION**

That DELWP be advised that the Melbourne City Council supports Amendment C391MELB to facilitate the redevelopment of 12 Riverside Quay and the 215m<sup>2</sup> triangular parcel of land to the southwest for a multi-storey mixed-use building and new public open space subject to the following changes and conditions within the incorporated document.

The incorporated document as proposed by the applicant is below with recommendations, including added and amended conditions, shown in red.

**MELBOURNE PLANNING SCHEME**  
**INCORPORATED DOCUMENT**  
**12 RIVERSIDE QUAY, SOUTHBANK**  
**MAY 2020**

This is an incorporated document under the Melbourne Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

## **1. INTRODUCTION**

This document is an incorporated document as listed within Clause 72.04 and the applicable schedule of the Melbourne Planning Scheme.

Despite any provision to the contrary in the Scheme, the land identified in this incorporated document may be used and developed in accordance with the specific controls contained in this document. The specific controls may exclude other controls of the Scheme.

In the event of any inconsistency between the specific controls contained in this document and any provision of the Scheme, the specific controls contained in this document will prevail.

## **2. LAND DESCRIPTION**

This document applies to the following parcels of land:

- All the land known as 12 Riverside Quay, Southbank comprised in Certificate of Title Volume 09962 Folio 031 and is contained within Lot 5 of PS304276N.
- A portion of land known as 8-10 Riverside Quay, Southbank comprised in Certificate of Title Volume 11520 Folio 637 contained within Reserve No. 1 on Plan of Subdivision No 730107K.
- A portion of Certificate of Title Volume 10343 Folio 530 (Attachment 9) and is contained within Road R1 on Plan of Subdivision 411060Q.

Together known as 'the land', being all of the land within the black line on the Plan of Survey which is Attachment 1 to this incorporated document.

## **3. APPLICATION OF PLANNING SCHEME PROVISIONS**

For the purposes of the land uses and development allowed by this incorporated document, the following Clauses of the Melbourne Planning Scheme do not apply to the land identified in this incorporated document:

- Clause 37.04 Schedule 3 (**Southbank**) to the Capital City Zone
- Clause 43.02 Schedule 1 (**Active Street Frontages**) to the Design and Development Overlay
- Clause 43.02 Schedule 3 (**Traffic Conflict Frontage**) to the Design and Development Overlay
- Clause 43.02 Schedule 60 (**Special Character Areas – Built Form (Southbank)**) to the Design and Development Overlay
- Clause 45.09 Schedule 1 (**Capital City Zone – Outside the Retail Core**) to the Parking Overlay

- Clause 52.02 Easements, Restrictions and Reserves
- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- ~~Clause 52.36 Integrated Public Transport~~
- Clause 53.01 Public Open Space Contribution and Subdivision

#### 4. EXPIRY OF THIS SPECIFIC CONTROL

The ~~use and~~ development of the land permitted under this incorporated document must commence within three years of the gazettal date of Amendment C391melb to this Scheme and must be completed within six years of the gazettal date of Amendment C391melb to this Scheme. The use permitted under this incorporated document must commence within six years of the gazettal date of Amendment C391melb to this Scheme.

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

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

This incorporated document will expire twelve months after the date of the issuing of the Certificate of Occupancy for the development or as otherwise agreed in writing by the Responsible Authority.

Upon expiry of the site specific control, the land may be used and developed only in accordance with the provisions of the planning scheme in operation at that time.

#### 5. THIS DOCUMENT ALLOWS

Despite any provision to the contrary in the Planning Scheme, the land may be used and developed, including demolition, for the purpose of a multi-level building containing Office, Childcare Centre, Education Centre, Retail Premises (other than Adult Sex Book Shop, ~~or~~ Department Store, ~~Hotel and Tavern (Bar)~~); and Place of Assembly (other than Amusement Parlour and Nightclub) ~~and Accommodation (other than Corrective Institution)~~, and removal of the reservation of that part of the land set aside as a reserve subject to the conditions of this incorporated document.

The use and development of the land must be in accordance with the detailed development plans endorsed under the conditions of the incorporated document and must be generally in accordance with the following plans:

- 12 Riverside Quay Southbank, Ground Plan, Sketch Design, 2213 TP\_00.01 Rev: ~~A2~~, Dated 18/0~~59~~/2020
- 12 Riverside Quay Southbank, Level 1-5, Sketch Design, 2213 TP\_00.02 Rev: ~~A2~~, Dated 18/0~~59~~/2020
- 12 Riverside Quay Southbank, Level 6-7, Sketch Design, 2213 TP\_00.03 Rev: ~~A2~~, Dated 18/0~~59~~/2020
- 12 Riverside Quay Southbank, Level 8-14, Sketch Design, 2213 TP\_00.04 Rev: ~~A2~~, Dated 18/0~~59~~/2020
- 12 Riverside Quay Southbank, Level 15-24, Sketch Design, 2213 TP\_00.05 Rev: ~~A2~~, Dated 18/0~~59~~/2020



- 12 Riverside Quay Southbank, Level 25-29, Sketch Design, 2213 TP\_00.06 Rev: ~~A2~~, Dated 18/05/2020
- 12 Riverside Quay Southbank, Elevations, Sketch Design, 2213 TP\_00.07 Rev: ~~A2~~, Dated 18/05/2020
- 12 Riverside Quay Southbank, Elevations, Sketch Design, 2213 TP\_00.08 Rev: ~~A2~~, Dated 18/05/2020

## 6. THE FOLLOWING CONDITIONS APPLY TO THE USE AND DEVELOPMENT PERMITTED BY THIS DOCUMENT

### Detailed development plans

1. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 1344, or as otherwise agreed with the Responsible Authority ~~in consultation with Melbourne City Council~~, detailed development plans including full architectural drawings, plans, sections, elevations and coloured renders of the development must be submitted to and be approved by the Responsible Authority in consultation with Melbourne City Council.

When approved, the detailed development plans will form part of the incorporated document. The plans must be drawn to scale ~~with dimensions and show and fully dimensioned, including~~ heights to Australian Height Datum for all levels, ~~parapets, roof plant and architectural features~~ on all elevations. ~~and include the parapet and roof plant and all architectural features.~~

2. The detailed development plans ~~must remain within the dimensioned development envelope approved as part of this incorporated document, except for minor variations for architectural features and building services and any increase in building height as a result of flood levels to the satisfaction of the Responsible Authority in consultation with Melbourne City Council must be generally in accordance with the massing / development envelope plans and public realm area(s) approved as part of this incorporated document.~~ The detailed development plans must be supported by a comprehensive Urban Context Report and Architect Design Statement ~~generally in accordance with the Urban Context and Design Response Report by Hayball dated May 2020.~~ The detailed development plans must provide the following information:
  - a) ~~An assessment against the massing / development envelope approved as part of this incorporated document.~~
  - b) The title boundary and ~~details of all any~~ projections over the title boundary, including details of any adjustments to the title boundary to those as at the date of this incorporated document.
  - c) A detailed development schedule, including the total Gross Floor Area (GFA) using the definition in Clause 73.01 the Melbourne Planning Scheme and the GFA allocated to the proposed uses; the total number and allocation of car parking spaces; number and type of bicycle facilities; ~~privately owned~~ public realm area(s) (sqm); ~~Council owned reserve and road(s) (sqm);~~ area (sqm) allocated for waste storage and collection, loading and unloading, and building services and equipment.
  - d) An area of at least 1,000sqm of ~~unencumbered land public open space~~ within the title boundary at the north-west corner of the site adjoining Southbank Promenade ~~and Riverside Quay Reserve for public open space~~ in accordance with the massing / development envelope plans and public realm area(s) approved as part of this incorporated document.

- e) Design details at 1:50 scale (or as otherwise agreed with the Responsible Authority **in consultation with Melbourne City Council**) of the lower podium levels including the street levels to **all interfaces Riverside Quay, Southgate Avenue, and Southbank Promenade** to show active frontages, a clear sense of address and a high level of visual interest and engagement with the street.
- f) Design details at 1:50 scale (or as otherwise agreed with the Responsible Authority **in consultation with Melbourne City Council**) of the lower podium levels including the **interfaces-street levels** to the public open space to demonstrate careful consideration of the **building entries entry location**, and the **function and character nature** of the threshold from private to public land., **and landscaping strategies to ensure a strong sense of engagement to the public realm.**
- g) Design details at 1:50 scale (or as otherwise agreed with the Responsible Authority **in consultation with Melbourne City Council**) of the **east and west** podium elevations demonstrating the adoption of **a 'massing breaks'** on **all interfaces** to reinforce a sense of fine grain **along these interfaces** and that the podium mass does not present as a single form.
- h) Design details at 1:50 scale (or as otherwise agreed with the Responsible Authority **in consultation with Melbourne City Council**) of the tower levels.
- i) Detailed floor plans for all levels in the building including typical floor plans where appropriate.
- j) Detailed roof plan.
- k) **Any changes required by the Façade Strategy under Condition 3.**
- l) **Any design requirements to achieve acceptable wind conditions at street level and for the public realm areas within the development including the 1000sqm Public Open Space on Southbank Promenade as recommended in the Wind Analysis Report approved under Condition 14.**  
**Any changes required by the detailed Wind Impact Assessment under Condition 15 to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.**
- m) **Environmentally Sustainable Design (ESD) features required in accordance with the ESD Statement approved under Condition 16.**  
**Any changes required by the detailed Environmentally Sustainable Design (ESD) Statement under Condition 17.**
- n) Arrangements for waste storage and collection in accordance with the Waste Management Plan **approved** under Condition 21.
- o) Detailed vehicle access and car park layout plans for all basement and service levels including car parking spaces, ramp grades, **and** aisle widths, **head clearances, bicycle facilities, loading areas, pedestrian access and internal circulation** in accordance with the Car Parking and Traffic Management Report **prepared and approved** under Condition **2223**.
- p) Coloured images of the building and **privately owned** public realm **area(s)** in context.
- q) **Any changes required by the Road Safety Audit under Condition 27.**
- r) **The existing basement modified to provide a minimum vertical clearance of at least 1.5m between the road level and any projection below the land to be vested in Council as a road reserve.**

- s) All doors and openings adjoining the title boundary, as adjusted, designed to comply with Melbourne City Council's Road Encroachment Guidelines.

### **Façade strategy**

3. Before the development starts, other than demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, a Façade Strategy must be submitted to and approved by ~~be to the satisfaction of~~ the Responsible Authority in consultation with Melbourne City Council. When approved, the Façade Strategy will form part of the endorsed plans. All materials, finishes, and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority.

The Façade Strategy must illustrate the distinct identities of the different massing components (including the tower) in order to reinforce the perception of a 'village of forms' and the adoption of more robust and tactile materials with a stronger sense of mass to podium levels. The presentation of all elevations that are highly visible from key vantage points require the adoption of high-quality materials and details to avoid blank wall interfaces.

The Façade Strategy must detail:

- 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 materials and finishes linking them to a physical sample board with clear coding.~~
- c) Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail and any special features which are important to the building's presentation.
- d) Cross section or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or materials.
- e) Information about how the façade will be accessed and maintained and cleaned.
- f) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high quality built form outcome in accordance with the design concept.

### **Materials and finishes**

4. Before the development starts, other than demolition of the existing building and early site preparation works approved under Conditions 12 and 13, a schedule and samples of all external materials, colours and finishes including a colour rendered and notated plans/elevations must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council.

### **External glazing**

5. Except with the written consent of the Responsible Authority, all external glazing 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.

### **Layout not altered and satisfactory completion**

6. When approved, the plans, schedules and reports referred to in the conditions of this incorporated document will be endorsed by the Responsible Authority or Melbourne City Council, as stated. The use and development as shown on the plans, schedules and reports must not be altered without the prior written consent of the Responsible Authority **or Melbourne City Council, as stated.**
7. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
8. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

#### **Retention of architectural firm**

9. Except with the written consent of the Responsible Authority **in consultation with Melbourne City Council**, Hayball must be retained to complete the detailed development plans and to provide architectural oversight during construction of the detailed design, as shown in the endorsed plans, façade strategy and the endorsed schedule of materials and finishes, to the satisfaction of the Responsible Authority.

#### **Projections over the title boundary**

10. Projections over the title boundary should comply with Melbourne City Council's Road Encroachment Guidelines to the satisfaction of Melbourne City Council.
11. All projections over the title boundary must be drained to a legal point of discharge in accordance with plans and specifications first approved by Melbourne City Council.

#### **Demolition and early site preparation works**

12. Before **the demolition of the existing building and** early site preparation works start on the site, detailed plans showing the early site preparation works must be **submitted to and** approved by the Responsible Authority in consultation with Melbourne City Council. The plans must be to scale and **fully with** dimensions **and three copies must be provided**. The early site preparation works permitted under this condition are restricted to demolition, bulk excavation, site retention, soil investigation and soil remediation works. All early site preparation works must be in accordance with the approved plans.
13. Before **the demolition of the existing building and** early site preparation works start on the site, an Early Works Demolition and Construction Management Plan (EWDCMP) must be **submitted to and** approved by Melbourne City Council. The EWDCMP **must may be staged and is to** be prepared in accordance with Melbourne City Council's Construction Management Plan Guidelines. The EWDCMP is to consider at least the following:
  - a) Staging of works.
  - b) Public safety, amenity and security.
  - c) **Management of public access and linkages around the site during construction.**
  - d) Site access and traffic management, including any disruptions to adjoining vehicular and pedestrian access ways.
  - e) Any works within the adjoining **reserves and** street networks, including footpaths.
  - f) **Hours of construction-Operating hours.**
  - g) Noise and vibration controls.

- h) Air and dust management.
- i) Stormwater and sediment control.
- j) Arrangements for managing stockpiled soil before it is removed from the site.
- k) Collection and disposal of demolition and construction waste.
- l) Street trees to be retained and protected.
- m) Street trees to be removed, lopped or pruned.
- n) Public assets to be protected.
- o) Program and completion date.

### Temporary works

14. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 1344, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, the owner of the land must enter into an agreement with the Melbourne City Council pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for the following:

- a) if the land remains vacant for 6 months after completion of the demolition;
- b) if the demolition or construction activity ceases for a period of 6 months; or
- c) if the construction activity ceases for an aggregate of 6 months after commencement of the construction,

the owner must construct temporary works on the land to the satisfaction of the Responsible Authority.

Before the commencement of construction of the temporary works, details of the works must be submitted to and be to the satisfaction of the Melbourne City Council. Temporary works may include:

- a) The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage; or
- b) Landscaping of the site for the purpose of public recreation and open space.

The owner of the land must pay all of Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

### Wind tunnel assessment

15. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 1344, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, a Wind Tunnel Assessment prepared by a suitably qualified person must be undertaken and submitted to and approved by ~~be to the satisfaction of~~ the Responsible Authority. The Wind Tunnel Assessment must:

- a) Respond to the wind effects provisions and definitions in Schedule 60 to the Design and Development Overlay.
- b) Explain the effect of the development on the wind conditions in publicly accessible areas impacted by the development as well as any balconies and/or rooftop areas within the development.
- c) At a minimum, model the wind effects of the development and its surrounding buildings (existing and proposed) using wind tunnel testing.

- d) Identify the principal role of each part of the publicly accessible areas for sitting, standing or walking purposes.
  - e) Not rely on any trees ~~or other elements~~ within publicly accessible areas for wind mitigation.
  - f) Make recommendations for modifications to the design of the building, if required, to achieve comfortable wind conditions consistent with the identified principal role for publicly accessible areas **as well as any balconies and/or rooftop areas within the development, including the designated Public Open Space on Southbank Promenade.**
16. Any modifications to the development to ensure comfortable wind conditions to the surrounding streets, building entries, publicly accessible areas and **any balconies and/or rooftop areas within the development the Public Open Space on Southbank Promenade** must be carefully developed as an high quality integrated architectural ~~and landscape~~ solution to the satisfaction of the Responsible Authority **in consultation with Melbourne City Council** and implemented at no cost to the Responsible Authority.

#### **Environmentally sustainable design statement**

17. Before the development starts, other than the **demolition of the existing building and** early site preparation works approved under Conditions **12 and 1344**, or as otherwise agreed with the Responsible Authority **in consultation with Melbourne City Council**, an Environmentally Sustainable Design (ESD) Statement prepared by a suitably qualified professional shall be submitted to **and approved by the satisfaction of** the Responsible Authority **in consultation with Melbourne City Council**. The ESD Statement must **be generally in accordance with the Environmentally Sustainable Design (ESD) Statement Phase 1 by Atelier Ten dated May 2020 and** demonstrate that the building has the preliminary design potential to achieve the following:
- a) A minimum (mandatory) 5 Star NABERS Energy rating or equivalent. ~~NABERS Office – Energy 5 Stars or equivalent.~~
  - b) An aspirational (preferred) 6 Star NABERS Energy rating or equivalent.
  - c) A minimum (mandatory) 3 points for Wat-1 credit under the Green Star – Office rating tool or equivalent.
  - d) An aspirational (preferred) 4 Star NABERS Water rating or equivalent. ~~3 points for Wat-1 credit under a current version of the Green Building Council.~~
  - e) A minimum (mandatory) 5 Star Green Star Design and As Built or equivalent. ~~rating under a current version of the Green Building Council of Australia's Green Star – Office rating tool or equivalent.~~
  - f) An aspirational (preferred) 6 Star Green Star Design and As Built or equivalent.
  - g) ~~5 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Retail rating tool or equivalent.~~
18. Any change during design which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be submitted to and endorsed by the Responsible Authority **in consultation with Melbourne City Council** before construction starts.
19. ~~Prior to the occupation of each stage of the building approved under this incorporated document, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance~~



~~outcomes specified in the amended ESD report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans.~~

~~Within six months of occupation of the development, a report must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council, which details the initiatives implemented within the completed development that achieve the performance outcomes specified in the endorsed ESD Statement.~~

### **Water sensitive urban design**

20. Before the development starts, other than the **demolition of the existing building and** early site preparation works approved under Conditions 12 and 1344, or as otherwise agreed with the Responsible Authority **in consultation with Melbourne City Council**, a stormwater drainage system incorporating integrated water cycle management design principles must be submitted to and approved by Melbourne City Council. The system must be constructed prior to occupation of the development and provision made to connect this system to Melbourne City Council's underground stormwater drainage system.

### **Waste management plan**

21. Before the development starts, other than the **demolition of the existing building and** early site preparation works approved under Conditions 12 and 1344, or as otherwise agreed with the Responsible Authority **in consultation with Melbourne City Council**, a **detailed** Waste Management Plan (WMP) must be submitted to and approved by Melbourne City Council **generally in accordance with the preliminary WMP by WSP dated 23 April 2020**, but amended to include:
- a) **The handling, storage and collection of all waste undertaken onsite.**
  - b) **An emphasis on resource recovery in order to reduce the overall amount of waste going to landfill.**
  - c) **Collections of each waste stream limited to a maximum of three times per week, except for food organics.**
  - d) **Compactors for waste streams generating over 25,000L per week (for waste streams that can be collected in compactors) unless an alternative collection methodology is approved by Council.**

The WMP should detail the waste storage and collection arrangements, including dimensions and comply with Council's **'Waste Management Plan Guidelines 2017'**, also having regard to any new or updated version of Council's Guidelines.

Waste storage and collection arrangements must not be altered without prior written consent of Melbourne City Council.

22. **All garbage and other waste material must be stored in an area set aside for such purpose to the satisfaction of the Melbourne City Council.**

### **Car parking and traffic management**

23. Before the development starts, other than **the demolition of the existing building and** early site preparation works approved under Conditions 12 and 1344, or as otherwise agreed with the Responsible Authority **in consultation with Melbourne City Council**, a Car Parking and Traffic Management Report prepared by a suitably qualified traffic consultant, must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. The Car

Parking and Traffic Management Report must be generally in accordance with the preliminary Traffic Engineering Assessment by Traffix Group Pty Ltd dated May 2020 and:

- a) Address the number of car parking spaces and bicycle facilities provided; integrate with the approved Waste Management Plan and inform the detailed internal design of the car parking and loading areas.
  - b) Specify and assess all relevant access, parking, loading and traffic matters, including pedestrian and cyclist safety ~~to the satisfaction of the Responsible Authority~~ and recommend traffic mitigation works and management measures, if required, to manage the traffic impacts generated by the development.
  - c) Address the location and design of the vehicle crossings on Southgate Avenue, including pedestrian and cyclist safety, ~~and be prepared in consultation with Melbourne City Council~~. Priority should be given to pedestrians over vehicles entering/exiting the site.
24. All traffic mitigation works and management measures as recommended in the Car Parking and Traffic Management Report must be implemented at no cost to the Responsible Authority or Melbourne City Council and must be to the satisfaction of Melbourne City Council.

#### **Maximum number of car spaces**

25. The development must not provide more than the maximum total number of car parking spaces permitted in accordance with Schedule 1 to the Parking Overlay at Clause 45.09. The detailed car park layout plans approved under Condition 2 must show the number of car parking spaces allocated to the uses within the development to the satisfaction of the Responsible Authority **in consultation with Melbourne City Council**.

#### **Minimum number of motorcycle parking spaces**

26. The development must not provide less than 1 motorcycle parking space per 50 car parking spaces within the basement car park.

#### **Road safety audit**

27. ~~Before the occupation of the development a formal Road Safety Audit must be undertaken, assessing access/loading arrangements and any potential conflicts between all road users, both in the vicinity of the car park access and within the car park to the satisfaction of the Melbourne City Council (Engineering Services). The recommendations of the Audit must be incorporated into the final layout at the owner's expense.~~

~~Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, a formal independent desktop Road Safety Audit of the development must be undertaken prior to construction, at the owner/developer's expense, which should include the vehicular/ bicycle/ pedestrian access arrangements, loading arrangements and internal circulation and layout, as well as any works in the public realm. The findings of the Audit must be incorporated into the detailed design, at the owner/developer's expense. When provided to the satisfaction of Melbourne City Council, the Road Safety Audit will be endorsed by Melbourne City Council to form part of this incorporated document.~~

#### **Car parking access and layout and access to be constructed and maintained**



28. The accessways and areas set aside for car parking must be constructed, delineated and clearly line-marked to indicate each car space and the direction in which vehicles must proceed along the accessways, in conformity with the endorsed plans. Accessways and parking areas must be kept available for these purposes at all times and maintained to the satisfaction of the Melbourne City Council.

### **Parking and loading**

29. The parking, loading and unloading areas shown on the endorsed plans must be kept available for that use at all times and the car parking spaces and accessways must not be obstructed or otherwise rendered inaccessible.

### **Visitor parking sign**

30. Prior to occupation of the development, any visitor parking spaces shown on the endorsed plans must be identified by the provision of a sign on, or adjacent to the space, to the satisfaction of Melbourne City Council.

### **Loading**

31. Before the development starts, other than the **demolition of the existing building and** early site preparation works approved under Conditions 12 and 1344, or as otherwise agreed with the Responsible Authority **in consultation with Melbourne City Council**, a Loading Management Plan must be submitted to and be approved by the Melbourne City Council, specifying how the access/egress of loading vehicles is to be managed and ensuring that:

- a) The delivery needs of the various uses within the development can be accommodated;
- b) Vehicles do not queue on-street;
- ~~c) Vehicles are able to both access/egress the land in a forward direction;~~
- d) Any potential conflicts between various vehicles (and other road users) are satisfactorily addressed; and
- e) The loading facilities are designed generally in accordance with the relevant Australian Standard.

### **Bicycle facilities**

32. The development must provide bicycle facilities to satisfy, and preferably exceed, the minimum requirements of Clause 52.34 Bicycle Facilities, to the satisfaction of the Responsible Authority. The design of bicycle spaces should comply with Clause 52.34-46 and way finding signage should be provided to comply with Clause 52.34-57.

### **Building appurtenances**

33. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.
34. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.

35. No building services or architectural features other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.

#### **Landscaping plan for the new public open space to be vested in Council**

36. Within 4 months of a request from the owner/applicant, Melbourne City Council must develop a functional design brief for the new public open space to be vested in Melbourne City Council as a reserve. The functional design brief must define the aim and scope of works as well as the process of sequential submission and approval of the schematic design documentation, design development documentation and construction documentation for the public open space.
37. Within 6 months of the provision of the functional design brief, or as otherwise agreed with Melbourne City Council, the owner/applicant is to prepare the schematic design for the public open space in accordance with the functional design brief. The drawings and documentation must be submitted to and approved by Melbourne City Council.
38. The financial contribution towards the cost of the design and delivery of the public open space by the owner must not be less than \$1,000,000 but the owner of its own volition may contribute in excess of this amount.
39. The works as shown on the approved drawings and documentation must be completed to the satisfaction of Melbourne City Council within six months of occupation of the building, or as otherwise agreed with Melbourne City Council.

#### **Landscaping plan for privately owned areas**

40. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 1344, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, a detailed landscape plan, landscape maintenance plan and irrigation performance specification for the development, excluding the areas to be vested in Council as a reserve and road, prepared by a suitably qualified landscape architect must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. ~~This plan~~ The documents must include the following:
- a) Details of all surface finishes, including pathways, driveways, terrace or decked areas.
  - b) The landscape design of all publicly accessible areas at ground level.
  - c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, and sizes at maturity.
  - d) Detailed planter sections including, soil volumes and schedules of species with consideration given to soil volume requirements and growing medium proposed, and indicative irrigation and drainage layouts and growing media.
  - e) Urban design elements including, but not limited to, paving, lighting, seating and public art.
  - f) Clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.
  - g) How the development responds to water sensitive urban design principles, including how stormwater will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used, including the location of any rainwater tanks ~~to be used for irrigation~~.

- h) Further detail with respect to the ongoing maintenance beyond the 52 week period following practical completion.
- i) Detailed irrigation performance specifications.

This landscape plan must be to the satisfaction of the Responsible Authority in consultation with Melbourne City Council and when approved shall form a part of the endorsed plans of this incorporated document.

41. Except with the prior written consent of the Responsible Authority in consultation with Melbourne City Council, the approved landscaping plan must be implemented prior to occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.

### **Tree protection plan**

42. Before the development starts, or as otherwise agreed with the Responsible Authority **in consultation with Melbourne City Council**, a **revised Arboricultural Assessment and Report** and Tree Protection Plan (TPP) must be submitted to and approved by Melbourne City Council. The ~~documents-TPP~~ must demonstrate how publicly owned trees will be protected during the construction activities associated with the development. The ~~documents-TPP~~ must be **generally in accordance with the Arboricultural Assessment and Report by Treelogic Pty Ltd dated 11 May 2020** and in accordance with AS 4970-2009 – Protection of Trees on Development Sites. **The documents must include but not be limited to:**

- a) **An assessment of all trees on or adjacent to the site, including their retention value.**
- b) **Tree protection recommendations for the trees to be retained in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites to ensure their long-term health, including tree protection zones (for roots and canopies) and structural root zones.**
- c) **Statements that outline that all options have been exhausted for trees identified for removal in accordance with Council's Tree Retention and Removal Policy.**
- d) **Recommendations for the location of new tree plots or planters with appropriate soil volumes that will ensure replacement trees for any removed trees provide equivalent amenity value.**
- e) Melbourne City Council asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
- f) Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries. **The Construction and Traffic Management Plan requirements must relate directly to those provided to Melbourne City Council in relation to any other permit conditions.**
- g) Site specific details of the temporary tree protection fencing to be used to isolate publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
- h) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned trees.
- i) Full specifications of any pruning required to publicly owned trees.
- j) Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.

- k) Name and contact details of the project arborist who will monitor the implementation of the TPP for the duration of the development.
- l) Details of the frequency of the project arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to Melbourne City Council's email via [trees@melbourne.vic.gov.au](mailto:trees@melbourne.vic.gov.au).

When provided to the satisfaction of Melbourne City Council, the documents will be endorsed to form part of this incorporated document.

- 43. All works, including bulk excavation, within the Tree Protection Zone of publicly owned trees must be undertaken in accordance with the endorsed **Arboricultural Assessment and Report and Tree Protection Plan** and supervised by a suitably qualified arborist where identified in the report, except with the further written consent of the Melbourne City Council.
- 44. Following the approval of the endorsed **Arboricultural Assessment and Report and Tree Protection Plan (TPP)** a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by Melbourne City Council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted on, Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.
- 45. If a Construction Management Plan or Traffic Management Plan change any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed **Arboricultural Assessment and Report and Tree Protection Plan (TPP)**, a revised TPP must be provided to the satisfaction of Melbourne City Council. **When provided to the satisfaction of Melbourne City Council, the revised TPP will be endorsed to form part of this incorporated document and will supersede any previously endorsed TPP.**
- 46. **If any public trees are proposed for removal at any stage of the development under an Arboricultural Assessment and Report and Tree Protection Plan (TPP) endorsed under this incorporated document, then prior to the commencement of the development, the applicant must submit a Street Tree Plot Replacement Strategy to Melbourne City Council, which shows replacement and/or additional tree plots in accordance with Melbourne City Council's Tree Retention and Removal Policy. When provided to the satisfaction of Melbourne City Council, the Street Tree Plot Replacement Strategy will be endorsed to form part of this incorporated document.**
- 47. **Prior to occupation of the development, the replacement and/or additional street tree plots shown on the Street Tree Plot Replacement Strategy endorsed under this incorporated document must be constructed at no cost to Melbourne City Council and be to the satisfaction of Melbourne City Council.**

#### **Public open space and development adjustment**

- 48. Before occupation of any part of the completed development ~~as shown on the endorsed plans~~, an area of at least 1,000sqm of the land in the north-western corner of the site adjoining Southbank Promenade **and Riverside Quay Reserve** as shown on the endorsed plans must be vested in Melbourne City Council **on the Plan of Subdivision as a Reserve (unlimited in height and depth)** as Public Open Space to the satisfaction of Melbourne City Council at no cost to either Melbourne City Council or the Responsible Authority.

49. In the event that the part of the land cross-hatched in the south-western corner on the Plan of Survey attached to this incorporated document as Attachment 1 is not transferred to the owner of the land prior to commencement of development, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 1344, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, the endorsed plans or plans submitted or to be submitted for endorsement shall be amended to the satisfaction of the Responsible Authority in consultation with Melbourne City Council to exclude from the land to be developed such cross-hatched part of the land.

#### **Removal of the reserve**

50. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 1344, or as otherwise agreed with Melbourne City Council, a plan showing the detailed dimensions of that part of the land from which Reserve No. 1 on Plan of Subdivision No 730107K is hereby permitted to be removed must be submitted to the satisfaction of Melbourne City Council.

#### **Discontinuance of public road**

51. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with Melbourne City Council, the relevant portion of road which is to be built on, contained within Certificate of Title Volume 10343 Folio 530 and known as Road R1 on Plan of Subdivision No. 411060Q, forming part of Riverside Quay, Southbank must be formally discontinued and consolidated with the subject land.

#### **Land survey**

52. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with Melbourne City Council, the owner of the land must lodge with the Responsible Authority an application for certification pursuant to Section 24A of the Subdivision Act 1988 for the removal of Reserve No. 1 on Plan of Subdivision No. 730107K. When certified by the Responsible Authority and a Statement of Compliance has been issued, the plan must be lodged at Land Victoria for registration.
53. Prior to occupation of any part of the completed development, or as otherwise agreed with Melbourne City Council, all the land for the development must be owned by the one entity and consolidated onto the one certificate of title to the satisfaction of Melbourne City Council.
54. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with Melbourne City Council, the strips of land along Southgate Avenue and Riverside Quay shown on Drawing No. TP\_00.01 Revision A by Hayball dated 18 May 2020 and marked-up 18 September 2020 that have varying dimensions but are no more than 3m wide at any point must be vested in Council as a road under the provisions of the Subdivision Act 1988. The new portions of road are to have no upper limit and a lower limit of at least 1.5m below road level (set to the Australian Height Datum), to the satisfaction of Melbourne City Council.

#### **Construction management plan**

55. Before the development starts, other than **the demolition of the existing building and early site preparation works approved under Conditions 12 and 1344**, or as otherwise agreed with the Responsible Authority **in consultation with Melbourne City Council**, a detailed construction management plan must be submitted to and approved by the Melbourne City Council. This construction management plan must be prepared in accordance with Melbourne City Council's Construction Management Plan Guidelines and is to consider the following:
- a) **Management of public access and linkages around the site during construction.**
  - b) **Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian accessways).**
  - c) **Any works within the adjoining reserves and street network.**
  - d) Public safety, amenity and site security.
  - e) **Hours of construction-operating hours.**
  - f) Noise and vibration controls.
  - g) Air and dust management.
  - h) Stormwater and sediment control.
  - i) Waste and materials reuse.
  - j) Traffic management.
  - k) Protection of street trees.

#### **Civil works**

56. Existing street levels **in roads and open space adjoining the site and footpath levels in Southbank Promenade, Southgate Avenue and Riverside Quay** must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from Melbourne City Council.
57. Before the use / occupation of the development starts, or as otherwise agreed with **Melbourne City Council the Responsible Authority**, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, **in accordance with plans and specifications first approved by to the satisfaction of** Melbourne City Council.
58. **All portions of roads and reserves affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by Melbourne City Council.**
59. Before the use / occupation of the development starts, or as otherwise agreed with **Melbourne City Council the Responsible Authority**, the footpaths adjoining the site along Southgate Avenue and Riverside Quay must be reconstructed in new sawn bluestone together with associated works including the renewal of kerb and channel, **provision of street furniture** and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by Melbourne City Council.
60. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Melbourne City Council.



61. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Melbourne City Council.
62. All street furniture such as ~~street litter bins recycling solar~~ bins, seats and bicycle rails must be supplied and installed on footpaths outside the proposed building to plans and specifications first approved by the Melbourne City Council.
63. Before the development starts, other than ~~the demolition of the existing building and~~ early site preparation works approved under Conditions 12 and 1344, or as otherwise agreed with ~~Melbourne City Council the Responsible Authority~~, a lighting plan must be prepared to the satisfaction of Melbourne City Council. The lighting plan should be generally consistent with Melbourne City Council's Lighting Strategy and include the provision of public lighting in ~~the streets and open space adjacent the subject land Southbank Promenade, Southgate Avenue and Riverside Quay~~. The lighting works must be undertaken prior to the commencement of the use / occupation of the development, in accordance with plans and specifications first approved by Melbourne City Council.

### Signs

64. No signs are to be erected, painted or displayed on the land without the permission of the Responsible Authority or Melbourne City Council unless in accordance with the provisions of the Melbourne Planning Scheme.

### 3D digital model

65. ~~Prior to the occupation of the development, or as otherwise agreed with the Responsible Authority, a 3D digital model of the development and its immediate surrounds, as appropriate, must be submitted to, and must be to the satisfaction of the Responsible Authority. In the event that substantial modifications are made to the building envelope and design, a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority, before these modifications are approved.~~

~~Prior to occupation of the development, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, a 3D digital model of the development must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. The model should be prepared having regard to the Advisory Note – 3D Digital Modelling Melbourne City Council. Digital models are provided to Council and other government organisations for planning purposes. The Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. In the event that substantial modifications are made to the building envelope, a revised 3D digital model must be submitted to and approved by the Responsible Authority.~~

### Potentially contaminated land

66. ~~Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, the applicant must carry out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended use(s). This PEA must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council prior to the commencement of the development.~~

~~The PEA should include:~~

- a) Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This should include details of how long the uses occupied the site.
- b) A review of any previous assessments of the site and surrounding sites, including details of the anticipated sources of any contaminated materials.
- c) Identification of the likelihood of the site being potentially contaminated.
- d) Recommendations regarding what further investigative and remediation work, if any, may be necessary to ensure the site is suitable for the intended use(s).

The recommendations of the PEA must be complied with to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

**END OF DOCUMENT**