

MELBOURNE PLANNING SCHEME

Incorporated Document

ABC Melbourne New Office and Studio Accommodation Project (Southbank)

December 2013

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

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INTRODUCTION

This document is an Incorporated Document in the Schedule to Clause 81 of the Melbourne Planning Scheme and gives effect to a specific site control for the purpose of Clause 52.03 of the Scheme.

The land identified in the 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.

If there is any inconsistency between the specific controls and the general provisions of the Scheme, the specific controls in this document will prevail.

LAND DESCRIPTION

The Incorporated Document applies to land at 120-130 Southbank Boulevard, Southbank and 102-118 Sturt Street, Southbank.

(Crown Allotment 16A Section B City of South Melbourne Parish of Melbourne South and Crown Allotment 17 Section B City of South Melbourne Parish of Melbourne South.)

The subject land is generally bounded by Sturt Street, Southbank Boulevard and Moore Street Southbank with the south boundary abutting the boundary of the Sutherland Place apartment complex at 120 Sturt Street Southbank.

THIS INCORPORATED DOCUMENT ALLOWS

The use and development of the land, including demolition of the building at 102-118 Sturt Street Southbank, and partial demolition and alterations and additions to the building at 120-130 Southbank Boulevard to allow construction of an integrated ABC Southbank Centre for the purposes of, but not limited to: Office, Media Production Studio, Food and Drink Premises (other than Hotel and Tavern), Orchestral Rehearsal and Public Performance Spaces and display of business identification signage generally in accordance with the following 'Incorporated Plans' prepared by Cox Architecture and titled 'ABC Melbourne Accommodation Project' dated September 2013.

(Plan details may change subject to amendments required by condition 1 or altered under the provisions of condition 2)

Proposed Site Plan Ref A-0010 Rev 03

Existing Site Plan Ref A-0020 Rev 01

Site Demolition Plan Ref A-1501 Rev 01

Basement Floor Plan Ref A-1020 Rev 04

Level 1 Floor Plan Ref A- 1030 Rev 04

Level 2 Floor Plan Ref A-1040 Rev 04

Level 3 Floor Plan Ref A -1050 Rev 04

Level 4 Floor Plan Ref A -1060 Rev 04

Level 5 Floor Plan Ref A-1070 Rev 04

Level 6 Floor Plan Ref A-1080 Rev 04

Level 7 Roof Plan Ref A-1090 Rev 04

North Elevation Ref A- 3101 Rev 04

East Elevation Ref A-3102 Rev 04

South Elevation Ref A-3103 Rev 3

West Elevation Ref A -3104 Rev 3

Section AA and BB Ref A- 4101 Rev 03

Section CC Ref A-4102 Rev 03

THE FOLLOWING CONDITIONS APPLY TO THIS INCORPORATED DOCUMENT:

Incorporated and amended plans

1. Prior to the commencement of the use and development (excluding demolition and site preparation work), amended plans to the satisfaction of the Responsible Authority in consultation with the City of Melbourne must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the incorporated document. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must generally be in accordance with the plans prepared by Cox Architecture (*Town Planning Submission, 20 September 2013*) but modified to show:
 - a. A greater level of articulation, material variation and interaction to the Sturt Street ground level facade including improvements to indirect views into the news studio and production areas. Plans and elevations should be provided at a scale of 1:50 or otherwise agreed with the responsible authority.
 - b. Weather protection or canopies on the Sturt Street side of the building. Canopies may be intermittent on the building but must generally protect pedestrians from the weather.
 - c. A detailed car parking layout plan to scale and with dimensions and layout of car spaces, ramp grades and access lanes. Design standards should be in accordance with the requirements of Australian Standard AS2890.1 or the Melbourne Planning Scheme to the satisfaction of the Responsible Authority.
 - d. Redesign of the ground level corner of the building at Southbank Blvd and Sturt Street to improve the legibility of the entry to the ABC foyer and the cafe.
 - e. Dimensions and details (materials, colours etc.) of the projections over the northern boundary.

- f. Moore Street ground level elevation, uses and layout redesigned to present as a more visually transparent, safe, interesting and active frontage.
- g. A greater level of transparency, resolution and materiality for the service bays on Moore Street including improved framing and design techniques.
- h. General location, details and necessary screening of telecommunications and broadcasting equipment. Increased setbacks of the northern façade and canopy to ensure there will be no impact to existing street trees, as required by the corresponding condition of this incorporated document.
- i. A minimum of 9 visitor bicycle spaces located within the boundaries of the property.
- j. Additional detail of the waste storage room including dimensions, number of bins and access arrangements.
- k. Improved access to the bicycle storage area and associated shower facilities, to avoid potential vehicle and loading conflicts.
- l. Any modifications to the roof terrace, if required by the corresponding condition of this incorporated document (roof terrace).
- m. Any modifications to the plans, if required by the corresponding condition of this incorporated document (disability audit).
- n. Any modifications to the plans, if required by the corresponding condition of this incorporated document (loading management plan).
- o. Improved access to the southernmost loading dock that that allows the northernmost vehicle to enter/exit without mounting the footpath or kerb.

The amended plans when approved will be the Incorporated Plans. .

- 2. The use and development as shown on the Incorporated Plans must not be altered or modified without the prior written consent of the Responsible Authority in consultation with the City of Melbourne.
- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Archival record of 102-118 Sturt Street Southbank

- 4. Prior to the commencement of demolition of 102-118 Sturt Street Southbank, the preparation of a full archival record must be undertaken by an appropriately qualified person to the satisfaction of the Responsible Authority in consultation with the City of Melbourne. The record must be submitted to the Responsible Authority and the City of Melbourne and should consist of a full photographic survey of the building; preparation of measured drawings plans and elevations and a report which documents the history and architecture of the building. Once approved, this document must be made publicly available at the State Library of Victoria or equivalent and a copy provided to the City of Melbourne.

Demolition

- 5. Prior to the commencement of demolition, a Demolition Management Plan must be prepared in consultation with the City of Melbourne and be submitted to and approved to the satisfaction of the City of Melbourne. The Demolition Management Plan must address the demolition strategy, expected duration, protection of boundary conditions and street frontages/public footpaths, site access, hours and days of operation, noise, dust, traffic management, site security, lighting and hoarding and public safety.

VicRoads and Yarra Trams must be consulted in the preparation of the Demolition Management Plan.

6. All demolition must be carried out in accordance with the approved Demolition Management Plan to the satisfaction of the City of Melbourne.
7. Demolition must not commence until the Responsible Authority in consultation with the City of Melbourne is satisfied that substantial progress has been made towards obtaining the necessary building permits for the integrated development of the land generally in accordance with this Incorporated Document and the owner (or nominee) has entered into a genuine contract for the construction of the integrated development, or otherwise as agreed in writing by the City of Melbourne.
8. Construction of the integrated development must commence within 6 months of the commencement of the demolition of 102-118 Sturt Street, or as otherwise agreed in writing by the City of Melbourne.
9. Prior to the commencement of the development, including demolition, a report prepared by a suitably qualified Structural Engineer, or equivalent, must be submitted to the City of Melbourne, demonstrating the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention, to the satisfaction of the City of Melbourne. The recommendations contained within this report must be implemented at no cost to the City of Melbourne and be to the satisfaction of the City of Melbourne.

Construction Management Plan

10. Prior to the commencement of development, a Construction Management Plan (CMP) must be prepared in consultation with the City of Melbourne and be submitted to and approved to the satisfaction of the City of Melbourne. The CMP should outline how the environmental and construction issues associated with the development will be managed. The CMP is to be prepared in accordance with the City of Melbourne – Construction Management Plan Guidelines and address:
 - Integration with the Demolition Management Plan approved under this Incorporated Document
 - Public safety, amenity and site security
 - Operating days/hours
 - Noise and vibration controls
 - Protection of street trees and other public assets
 - Air and dust management
 - Stormwater and sediment control
 - Waste and materials reuse
 - Traffic and parking management
 - Any measures to address site conditions
 - Any additional reasonable measures to protect the reasonable amenity of the residents of Sutherland Place and Southside Gardens.

VicRoads and Yarra Trams must be consulted in the preparation of the Construction Management Plan.

Roof terrace

11. Prior to the commencement of the use, hereby permitted, a management plan/report must be submitted to the Responsible Authority detailing the use of the level 6 roof terrace. The report should provide detail as to the proposed use of the terrace including hours of operation and methods that will be used to minimise impact on adjoining residential properties.

Site Consolidation

12. Prior to the occupation of the building, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab, a plan of consolidation into one title for the whole of the land must be registered at Land Victoria.

Materials and finishes

13. Prior to the commencement of the development, excluding demolition and site preparation works, a schedule and sample board (and A3 File copy) including colour rendered and notated plans and elevations that illustrate the location and details of all external materials and finishes must be submitted to and approved to the satisfaction of the Responsible Authority. All finishes and surfaces of all external buildings and works including materials and colours must be in conformity with the approved schedule to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design

14. Prior to the occupation of the development, an Environmentally Sustainable Design (ESD) Statement must be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the office component of the building has been designed to achieve the following:
- NABERS Office Energy rating of 4.5 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 AND
 - An overall rating of 5 star Green Star office rating under the current version of Green Star – Office rating tool or equivalent.

The ESD statement must verify that the proposed development has been designed to achieve the above performance targets and demonstrate how the development will achieve the objectives of the policy 22.19-2 and the policy requirements of 22.19.3 by the following means or equivalent:

- Energy Modelling reports and/or completed Green Star energy calculator following the relevant Green Star rating tool requirements or NABERS protocol
- Completed Wat-1 calculator
- Detailing how the development has been designed to achieve an overall 5 star Green Star office rating including self-assessed Green Star office rating and outlining which credits are being included in the design.

The ESD statement shall detail the design initiatives already incorporated into the design and outlines those initiatives that will be considered during detailed design, construction and operation of the buildings. The ESD statement shall include evidence or refer to plans and other reports for incorporated and proposed ESD design initiatives.

The ESD statement should identify the responsibilities and a schedule for implementation and ongoing management of incorporated and proposed sustainability design initiatives.

All relevant ESD design initiatives shall be shown on the plans and other relevant reports.

Building services, plant and other equipment

15. All building plant and equipment must be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant, machinery and equipment including, but not limited to all air-conditioning equipment, ducts and exhausts shall be screened to the satisfaction of the Responsible Authority.
16. All telecommunications and broadcasting equipment should be appropriately located or screened to minimise impact as much as possible on the surrounding area.

Amenity

17. The noise generated from the land must at all times comply with the requirements of the State Environment Protection Policy, (Control of Noise from Commerce, Industry and Trade) No. N-1, and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority.
18. No bottles or other waste materials may be removed between the hours of 11.00pm and 7.00am the following day, seven days a week.

Waste Management Plan

19. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Leigh Design dated 13 September 2013. The submitted WMP must not be modified or altered without prior consent of the City of Melbourne – Engineering Services.
20. All garbage and other waste material must be stored in an area within the land and set aside for such purpose and screened from public view to the satisfaction of the City of Melbourne.
21. No waste bin or surplus materials generated by the permitted uses may be deposited or stored outside and bins must be returned to the waste storage areas as soon as practicable after waste collection.

Traffic and Transport Assessment

22. The areas for the parking of vehicles must be clearly indicated on the floor and the boundaries of all car parking spaces and access lanes and the direction in which vehicles should proceed along the access lanes must be in conformity with the endorsed plans.
23. The car parking facilities must not be used for any other purpose and all access aisles must be kept clear to the satisfaction of the City of Melbourne.
24. The areas set aside for parking on the endorsed plans must only be used in connection with the lawful uses carried out on the site and must not be operated as a public car parking facility, unless otherwise agreed in writing by the City of Melbourne.
25. A warning sign must be installed at the car park entry alerting pedestrians when vehicles are exiting the building, to the satisfaction of the City of Melbourne.

Loading management plan

26. Prior to the commencement of the development, excluding demolition and site preparation works a loading and unloading management plan must be prepared by a recognised traffic consultant in consultation with the ABC and must be submitted to and

approved to the satisfaction of the City of Melbourne. The loading and unloading management plan must include the following:

- a. Hours of operation for each loading dock.
- b. Proposed usage of each loading dock.
- c. Types of vehicles that will be loading and unloading to the site.
- d. Details include hours, frequency of any loading that is proposed outside of the property boundaries.
- e. Standard procedures to ensure that there will be minimal impact upon local traffic along Moore Street and Southbank Boulevard.

The loading and unloading management plan must be to the satisfaction of, and be approved by, the City of Melbourne. Once approved, the loading and unloading management plan will form a part of the endorsed documents under incorporated document. The operation of the use must be carried out in accordance with the endorsed loading and unloading management plan unless with the prior written consent of the City of Melbourne.

27. At least 7 days (5 business days) prior to any loading or unloading activities outside the boundaries of the subject site, a kerbside parking area of adequate length to accommodate the proposed vehicle must be reserved adjacent to the premises by agreement with the City of Melbourne – Permits Branch.

Travel Smart Plan

28. Prior to the occupation of the new building, a Travel Smart Plan must be prepared by a suitably qualified professional and be approved by the Responsible Authority. The initiatives identified in the Travel Smart Plan must be implemented to the satisfaction of the Responsible Authority.

Disability Audit

29. Prior to commencement of the development (or each stage), excluding demolition and site preparation works the applicant must commission a Disability Audit of the development and undertake any modifications to the development as required by the audit to the satisfaction of the Responsible Authority.

Drainage, crossovers and street levels

30. Prior to the commencement of the development, excluding demolition and site preparation works a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the City of Melbourne – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.
31. Prior to the commencement of the use/occupation of the development, 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 the City of Melbourne – Engineering Services.
32. Any footpaths damaged during construction adjoining the site along Sturt Street, Southbank Boulevard and Moore Street must be reconstructed together with associated works including the reconstruction or relocation of kerb and channel and/or services as

necessary at the cost of the developer, in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.

33. Existing street levels in Sturt Street, Southbank Boulevard and Moore Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the City of Melbourne – Engineering Service.
34. All pedestrian ramps must be designed and constructed in accordance with AS 1428:2009 Design for Access and Mobility and should be fitted with ground surface tactile indicators (TGI's). Details of the TGI's must be submitted to and approved by City of Melbourne – Engineering Services prior to their installation.

Street Trees

35. Prior to commencement of the works a Tree Protection Management Plan (TPMP) must be submitted to the satisfaction of the City of Melbourne - Urban Landscapes. The TPMP must outline how council trees will be protected during demolition and construction activities. A bank guarantee equivalent to the combined environmental and amenity values of any council tree will be held against this TPMP for the duration of the works.
36. Any projections or canopies over the property boundary must not impact the canopies of existing trees or limit the provision of future street trees to the satisfaction of the City of Melbourne - Urban Landscapes.

Projections over street alignment

37. The owner of the property must seek a tenure /authorisation under the Land Act 1958 from the Department of Environment and Primary Industry for any applicable building projections over Crown Land. The tenure/authorisation must indemnify the City of Melbourne against any claims regarding the projections. Should the owner of the property seek to commence works prior to the issue of the tenure/authorisation, the owner must enter into a legal agreement under Section 173 of the *Planning and Environment Act 1987* concerning the liability of those parts of the development projecting into airspace or subsoil of land under the care and management of the City of Melbourne. The owner of the property to be developed must pay all the City of Melbourne's reasonable legal costs and expenses of this agreement including preparation, execution and registration on title.
38. All projections over the street alignment must be drained to a legal point of discharge in accordance with the plans and specifications first approved by the City of Melbourne.

Environmental assessment: 102-118 Sturt Street Southbank

39. Prior to the commencement of the development, excluding demolition and works necessary to undertake the environmental assessment, the owner of the land at 102-118 Sturt Street must undertake an environmental assessment of this land to determine if it is suitable for the proposed uses. The assessment must be carried out by a suitably qualified environmental professional who is acceptable to the Responsible Authority. The recommendations of this assessment, if any, must be implemented prior to the occupation of the building at 102-118 Sturt Street to the satisfaction of the Responsible Authority.

Should this assessment reveal that an Environmental Audit of the site is necessary, then prior to the occupation of the building at 102-118 Sturt Street the owner of the land must provide either:

- A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*, or

- A Statement of Environmental Audit under Section 53Z of the *Environment Protection Act 1970*. The Statement must state that the site is suitable for the intended uses.

Where a statement of Environmental Audit is provided, all the conditions of the Statement must be complied with to the satisfaction of the Responsible Authority prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. In addition, sign-off must be in accordance with any requirements in the Statement regarding verification of required works.

If there are any conditions of Statement of Environmental Audit that the Responsible Authority considers require significant on-going maintenance and /or monitoring, the owner must enter into a Section 173 Agreement under the *Planning and Environment Act 1987*. This agreement must be executed on title prior to the occupation of the building at 102-118 Sturt Street. The owner must meet all costs associated with the drafting and execution of the Agreement including those incurred by the Responsible Authority.

Advertising signs

40. Prior to the display of ABC logos, business identification signage or other associated signage shown on the Incorporated Plans prepared by Cox Architecture and titled '*ABC Melbourne Accommodation Project*' dated September 2013, detailed plans and elevations including exact location, dimensions, materials, colours and illuminations levels (if appropriate) and supporting structure, must be submitted to and approved to the satisfaction of the Responsible Authority. The approved plans will be the endorsed plans under this Incorporated Document.
41. The signs, including their supporting structure as shown on the plans endorsed under this incorporated document, must at all times be maintained in good order and must not be altered or modified without the prior written consent of the responsible authority. No additional signage should be displayed unless approved separately by the City of Melbourne or in compliance with the Melbourne Planning Scheme.

Expiry

42. This Incorporated Document will expire if one of the following circumstances applies:
 - a. The development is not started within three (3) years of the date of the approval of the amendment.
 - b. The development is not completed within five (5) years of the date of the approval of the amendment.
 - c. The use does not start within two (2) years of completion of the development.
 - d. The use is discontinued for a period of two years.

The Responsible Authority may extend the periods referred to if a request is made in writing before these controls expire or within three months afterwards.

NOTES

- Any requirement to temporarily relocate street lighting must be first approved by the City of Melbourne – Engineering Services.
- All street lighting temporarily relocated must be reinstated to the satisfaction of the City of Melbourne - Engineering Services.
- Any requirement to temporarily relocate and/or remove street furniture must be first approved by the City of Melbourne –Engineering Services.
- All street furniture temporarily relocated and/or removed must be reinstated to the satisfaction of the City of Melbourne – Engineering Services.
- All necessary approvals and permits are to be first obtained from the City of Melbourne – Manager Engineering Services Branch and VicRoads and the works performed to the satisfaction of the City of Melbourne – Engineering Services and VicRoads
- No council tree is to be pruned, root-pruned, damaged or removed without the prior written consent of the City of Melbourne - Urban Landscapes.