

# **Melbourne Planning Scheme**

**Melbourne Planning Scheme – Amendment C288**

**Incorporated Document**

**55 Southbank Boulevard, Southbank, February 2017**

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

**Incorporated Documents – Clause 52.03 and Clause 81.01 - Schedule1.**

# Melbourne Planning Scheme

## 1. INTRODUCTION:

This document is an incorporated document in the schedules to Clause 52.03 and schedule to Clause 81 of the Melbourne Planning Scheme.

The land identified in the document may be developed and used in accordance with the site specific controls in this document. The specific controls may exclude other controls of the Scheme.

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

## 2. LAND DESCRIPTION:

This document applies to land known as 55 Southbank Boulevard, Southbank (formally Allotment 32a, Section 86 City of South Melbourne, Parish of Melbourne South) **(Land)**.

The land is bounded by City Road to the north, Southbank Boulevard to the south west, Fawkner Street to the south east and the property at 89-91 City Road to the north east.

## 3. APPLICATION OF PLANNING SCHEME PROVISIONS:

The following provisions of the Melbourne Planning Scheme do not apply to the proposal approved by this Incorporated Document

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 10 to the Design and Development Overlay  
Clause 43.02 Schedule 27 to the Design and Development Overlay  
Clause 45.09 Schedule 1 to the Parking Overlay

## 4. EXPIRY OF THIS SPECIFIC CONTROL:

The use and development of the Land permitted under this Incorporated Document must commence within two years of the gazettal date of Amendment C288 to this Scheme and must be completed within five years of the gazettal date of Amendment C288 to this Scheme. The use permitted under this Incorporated Document must commence within five years of the gazettal date of Amendment C288 to this Scheme.

The Minister for Planning may extend the period for completion if a request is made in writing before the time period for completion expires or within six months afterwards if works have not commenced, or twelve months afterwards if the development started lawfully before this Incorporated Document 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 Scheme, the following is approved under the provisions of this document:

Partial demolition and redevelopment of the existing building and use and development of the Land for the purpose of a multi-level building containing office, retail and 'residential hotel' uses subject to the conditions of this Incorporated Document and in accordance with plans endorsed under the conditions of this document." The use and development of the Land must be generally in accordance with the detailed development plans to be endorsed under Condition 1 of this document, which must be

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generally in accordance with the following plans submitted by Bates Smart, dated 22 March 2016, 23 March 2016 and 27 July 2016:

Bates Smart - M11703\_55 Southbank Boulevard - Town Planning Submission Document - BASEMENT LEVEL PLAN – Dated 27/07/16

Bates Smart - M11703\_55 Southbank Boulevard - Town Planning Submission Document - GROUND LEVEL PLAN - Dated 22/03/16

Bates Smart - M11703\_55 Southbank Boulevard - Town Planning Submission Document - MEZZANINE LEVEL PLAN – Dated 22/03/16

Bates Smart - M11703\_55 Southbank Boulevard - Town Planning Submission Document - TYPICAL OFFICE PLAN- Dated 23/03/16

Bates Smart - M11703\_55 Southbank Boulevard - Town Planning Submission Document - LEVEL 06 OFFICE PLAN- Dated 23/03/16

Bates Smart - M11703\_55 Southbank Boulevard - Town Planning Submission Document - LEVEL 07 AMENITIES AND PLANT PLAN- Dated 23/03/16

Bates Smart - M11703\_55 Southbank Boulevard - Town Planning Submission Document - LEVEL 8 HOTEL PLAN- Dated 23/03/16

Bates Smart - M11703\_55 Southbank Boulevard - Town Planning Submission Document - LEVEL 9 HOTEL PLAN- Dated 23/03/16

Bates Smart - M11703\_55 Southbank Boulevard - Town Planning Submission Document - LEVEL 10 HOTEL PLAN- Dated 23/03/16

Bates Smart - M11703\_55 Southbank Boulevard - Town Planning Submission Document - LEVEL 11-17 HOTEL PLAN- Dated 23/03/16

Bates Smart - M11703\_55 Southbank Boulevard - Town Planning Submission Document - ROOF PLAN - Dated 23/03/16

Bates Smart - M11703\_55 Southbank Boulevard - Town Planning Submission Document - SECTION AA - Dated 23/03/16

Bates Smart - M11703\_55 Southbank Boulevard - Town Planning Submission Document - SECTION BB - Dated 23/03/16

Bates Smart - M11703\_55 Southbank Boulevard - Town Planning Submission Document - SECTION CC - Dated 23/03/16

Bates Smart - M11703\_55 Southbank Boulevard - Town Planning Submission Document - NORTH ELEVATION - Dated 23/03/16

Bates Smart - M11703\_55 Southbank Boulevard - Town Planning Submission Document - SOUTH ELEVATION - Dated 23/03/16

Bates Smart - M11703\_55 Southbank Boulevard - Town Planning Submission Document - EAST ELEVATION - Dated 23/03/16

Bates Smart - M11703\_55 Southbank Boulevard - Town Planning Submission Document - WEST ELEVATION - Dated 23/03/16

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### 6. THE FOLLOWING CONDITIONS APPLY TO THE USE AND DEVELOPMENT :

#### Amended Plans

1. Before the development starts, including any demolition works and/or site preparation works, amended plans must be submitted to and be approved in writing 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 (plus an electronic copy including a 3D digital version) must be provided. The plans must generally be in accordance with the plans submitted by Bates Smart dated 22 March 2016, 23 March 2016 and 27 July 2016, (as listed in Section 5 of the Incorporated Document) but modified to show the following:
  - (a) Redesign of the eastern façade to provide greater articulation and visual interest;
  - (b) Provision of 44 Bicycle spaces in accordance with the requirements of Clause 52.34; the design of bicycle spaces should comply with Clause 52.34-4; way finding signage should be provided to comply with Clause 52.34-5; and a notation confirming that the spaces are available to all occupants/users of the building;
  - (c) Removal of car park spaces along the eastern boundary in the basement level (as shown on plans dated 27 July 2016);
  - (d) All parking areas that are subject to a revised layout to be compliant with the design standards of Clause 52.06 of the Melbourne Planning Scheme;
  - (e) Confirmation that all of the approved new works do not result in any new structures that encroach onto any Council land;
  - (f) Any changes required as a result of the revisions to provide for a 5-star rating under Green Star Multi Unit Residential rating tool or equivalent; and
  - (g) Details of proposed ground floor modifications to ensure that appropriate articulation and visual connection to the entrance (existing and proposed) is provided.

#### Layout Not Altered and satisfactory completion

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

#### Legal Agreement

3. Unless otherwise agreed in writing with Melbourne City Council, before the development starts, including demolition and/or site preparation works, 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 owner of the land must pay all of Melbourne City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement must provide for the following:
  - (a) The serviced apartments provided on the Land are to be used for the exclusive purpose of providing accommodation in serviced rooms for persons away from their normal place of residence, in accordance with the endorsed plans. These serviced apartments must not be subdivided, or sold separately for any reason without the prior consent of Melbourne City Council.

#### Demolition and Construction Management Plan

4. Before the development starts, including demolition and/or site preparation works, a detailed Demolition and Construction Management Plan must be submitted to and approved by Melbourne City Council (Construction Management Group). This Demolition and Construction Management Plan may be staged and is to 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;

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- (d) stormwater and sediment control;
- (e) waste and material reuse; and
- (f) traffic management.

### Street Trees

5. Before the development starts, including any early site preparation works, a Tree Protection Management Plan (according to AS 4970-2009, Section 5 or more recent standard) must be prepared by a suitably qualified and experienced Arborist (refer to AS4970-2009 or more recent standard) and be submitted to and approved in writing by Melbourne City Council. The Tree Protection Management Plan must include recommendations to ensure the viability of the trees adjacent to the land before, during and after construction, to the satisfaction of Melbourne City Council.
6. Before the development starts, including any early site preparation works, unless otherwise agreed in writing by Melbourne City Council, a bond calculated by Melbourne City Council for the protection of Council trees adjacent to the land must be submitted to Melbourne City Council. The bond is equal to the combined amenity and ecological value of trees to be protected. The bond will be returned when the works are completed to the satisfaction of Melbourne City Council.

### 3D Model Submission

7. Before the development starts, including site preparation works, 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 the Responsible Authority and be to the satisfaction of the Responsible Authority in conformity with the Department of Environment, Land, Water and Planning Advisory Note 3D Digital Modelling. In the event that substantial modifications are made to the building envelope, a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority, before these modifications are approved.

### Façade Strategy

Before the development starts, excluding any demolition and/or site preparation works, a Façade Strategy must be submitted to and be to the satisfaction of the Responsible Authority. 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 Façade Strategy for the development must be generally in accordance with plans prepared by submitted by Bates Smart 22 March 2016, 23 March 2016 and 27 July 2016 (as listed in Section 5 of the Incorporated Document) and 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 the materials and finishes linking them to a physical sample board with clear coding;
  - (c) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material;
  - (d) Information about how the façade will be accessed and maintained and cleaned, including planting where proposed;
  - (e) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on the plans and perspective images to produce a high quality built outcome in accordance with the design concept;
8. Except with the 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.

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## **Acoustic Measures**

9. Before the development starts, a report from a qualified acoustic consultant must be submitted to and approved in writing by the Responsible Authority certifying that the development has been designed to limit internal noise levels to a maximum of 45dB in accordance with relevant Australian Standards for acoustic control. The recommendations in the approved Acoustic Report must be implemented, at no cost to the Responsible Authority.
10. Before the occupation of the development, a report from a qualified acoustic consultant must be submitted to the satisfaction of the Responsible Authority certifying that the development has been designed to limit internal noise levels to a maximum of 45dB in accordance with relevant Australian standards for acoustic control.

## **Environmentally Sustainable Design (ESD)**

11. Before the development starts, a revised Environmentally Sustainable Design (ESD) Report must be submitted to and be approved in writing by the Responsible Authority which demonstrates that the proposal would achieve a 5-star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent. The recommendations of the approved report must be implemented prior to occupancy, at no cost to the Melbourne City Council and be to the satisfaction of the Responsible Authority. Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited ESD professional. Any revised statement must be submitted to and approved in writing by the Responsible Authority before the development starts.

## **Wind Mitigation**

12. The performance outcomes specified in the Wind Assessment Report by MEL Consultants (dated September 2015) for the development must be met and maintained to the satisfaction of the Responsible Authority. Any change to the building design, will require the submission in writing of a revised Wind Assessment Report to the Responsible Authority. Any revised Wind Assessment Report must be approved in writing by the Responsible Authority with any recommendations implemented to the satisfaction of the Responsible Authority before the development starts.

## **Car Parking, Loading/Unloading and Waste Management**

13. The car parking provision, access and loading must be generally in accordance with the Traffic Impact Assessment prepared by GTA Consultants dated 10 September 2015 and GTA addendum to Traffic Report dated 17 December 2015.
14. The areas set aside for the parking of vehicles within the site must not be operated as a public car parking facility.
15. All mechanical exhaust systems to the car park must be sound attenuated to prevent noise nuisance to the occupants of the surrounding properties, to the satisfaction of Melbourne City Council.
16. All deliveries/servicing, waste storage, collection and loading and unloading of vehicles must at all times take place within the boundaries of the site. Scaled swept paths for the large waste collection vehicles must be clearly shown on plans from the entry road/laneway.
17. The outcomes and procedures outlined in the Waste Management Plan (WMP) by Leigh Design (dated 7 September 2015) must be implemented to the satisfaction of Melbourne City Council. Waste storage and collection arrangements must not be altered without the prior approval of Melbourne City Council.
18. No waste collection bin or surplus materials generated by the permitted uses may be deposited or stored outside the site and bins must be returned to the waste storage areas as soon as practicable after waste collection.

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## **Advertising Signs**

19. No advertising signs shall be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the provisions of the Melbourne Planning Scheme.

## **Building Appurtenances**

20. All building plant and equipment on roofs and public thoroughfares 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, flues, all exhausts including car parking and communications equipment shall be to the satisfaction of the Responsible Authority.
21. Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single, unobtrusive area on each building in the development to the satisfaction of the Responsible Authority, unless otherwise approved by the Responsible Authority.

## **Crossovers, Footpaths and Access**

22. Before the occupation of the proposed residential hotel, all necessary works to the existing vehicle crossing on to Fawkner Street must be constructed and completed to the satisfaction of Melbourne City Council. The works must provide for a permanent improvement to the existing access that does not result in major alterations to the existing internal parking area. Any works in respect of the footpath, vehicular access, kerb and channel at this access point must be in accordance with plans and specifications first approved by Melbourne City Council.
23. Before the occupation of the proposed residential hotel, unless otherwise agreed in writing with Melbourne City Council, the footpath adjoining the site along City Road, Southbank Boulevard and Fawkner Street must be reconstructed in sawn bluestone together with the associated works including the reconstruction of the kerb with 300mm sawn bluestone and channel with 2500mm sawn bluestone gutterstone and/or services as necessary, at the cost of the owner in accordance with plans and specifications approved by Melbourne City Council.

## **Protection of easements**

24. No building or works may be constructed over any easement without the prior written consent of the beneficiary of the easement.

**END OF DOCUMENT**