

# **Melbourne Planning Scheme**

**Melbourne Planning Scheme – Amendment C289**

**Incorporated Document**

**447 Collins Street, Melbourne, Transitional Arrangements May 2016**

**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 - Schedule**

## **INTRODUCTION**

This document is an incorporated document in the schedule to Clause 52.03 and schedule to Clause 81.01 of the Melbourne Planning Scheme.

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

## **LAND DESCRIPTION**

This document applies to land at 433-455 Collins Street Melbourne, (also known as 447 Collins Street Melbourne) contained in Certificate of Title Volume 100043 Folio 738 and being Crown Allotment 15 Section 3 City of Melbourne Parish of Melbourne North.

The land is the city block bounded by Collins Street, Market Street, Flinders Lane and William Street, Melbourne.

## **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 Capital City Zone
- Clause 43.02 Design and Development Overlay
- Clause 45.09 Parking Overlay
- Clause 52.06 Car Parking
- Clause 52.07 Loading and Unloading of Vehicles
- Clause 52.34 Bicycle Facilities
- Clause 52.36 Integrated Public Transport

## **EXPIRY OF THIS SPECIFIC CONTROL**

The use and development of the subject land permitted under this Incorporated Document must commence within two years of the gazettal date of Amendment C289 to this Scheme and must be completed within five years of the gazettal date of Amendment C289 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 three months afterwards.

For the avoidance of doubt the specific control in 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.

## **THIS DOCUMENT ALLOWS**

Despite any provision to the contrary in the Scheme the land may be used and developed including demolition for two multi-level, terraced high-rise towers joined at the upper levels and containing Office, Dwellings, Residential hotel, Retail premises (other than Adult sex bookshop, Department store, and Hotel), Place of assembly (other than Amusement parlour), and Gymnasium and associated car parking, Public Open Space, public realm area and pedestrian links, subject to the conditions of this Incorporated Document.

The use and development of the land must be generally in accordance with the detailed development plans endorsed under the conditions of this Document and must be generally in accordance with the October 2015 design concept for the building and public realm prepared by SHoP Architects and

Woods Bagot (and as subsequently modified) and the following concept plans prepared and approved as part of this Document:

- Cover page showing image of the development Drawing Number reference SK-0000 date issued 23/05/2016
- Building Envelope & Program Stack Drawing Number reference SK-0600 date issued 23/05/2016
- Building Height and Setbacks Drawing Number reference SK-0601 date issued 23/05/2016
- Building Sections Drawing Number reference SK-0602 date issued 23/05/2016
- Building Sections Drawing Number reference SK-0603 date issued 23/05/2016
- Integrated Ground Level Concept Plan Drawing Number reference SK-0604 date issued 23/05/2016
- Pedestrian Access from Surrounding Streets Drawing Number reference SK-0605 date issued 23/05/2016
- Vehicle Access Flinders Lane Level Drawing Number reference SK-0606 date issued 23/05/2016
- Ground Plane Axonometric Drawing Number reference SK-0607 date issued 23/05/2016
- Indicative Development Schedule reference SK-0608 date issued 23/05/2016
- Ground Plane Concepts - Collins to Flinders Drawing Number reference SK-0609 date issued 23/05/2016
- Ground Plane Concepts - Market Street Drawing Number reference SK-0610 date issued 23/05/2016
- Ground Plane Concepts - Market Amphitheatre Drawing Number reference SK-0611 date issued 23/05/2016
- Ground Plane Concepts - William Street Drawing Number reference SK-0612 date issued 23/05/2016

## **THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT**

### **Detailed Development Plans**

**1.** Before the development starts, other than the early site preparation works approved under Condition 14, 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. Three copies and a 3D Digital copy must be provided.

**2.** The detailed development plans must be generally in accordance with the October 2015 design concept for the building and public realm area developed by SHoP Architects and Woods Bagot (and as subsequently modified) and the concept plans approved as part of this Document. The detailed development plans must be supported by a comprehensive Urban Context Report and Architect Design Statement. The detailed development plans must provide at least the following information:

- a) An assessment against the concept plans approved as part of this Incorporated Document;
- b) The title boundary and details of all projections over the title boundary;

- c) A detailed development schedule including the mix and type of apartments; the maximum number of hotel room (keys); the total Gross Floor Area (GFA) using the definition in 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) and type of communal facilities provided for residents; area (sqm) of private open space provided per apartment; area (sqm) allocated for waste storage and collection, loading and unloading and building services and equipment;
- d) An area of at least 474sqm of designated Public Open Space within the title boundary on Collins Street in accordance with the Agreement reference AL145012R under Section 173 of the *Planning and Environment Act 1987* and registered on the title to the land;
- 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 Collins Street, William Street, Market Street and Flinders Lane 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 tower levels;
- 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 visibility;
- i) Detailed floor plans for all levels in the building including typical floor plans where appropriate;
- j) Details of communal facilities including the winter garden on the upper levels of the building provided for residents;
- k) Typical apartment layouts with dimensions demonstrating a high standard of internal amenity and showing no bedrooms that rely on borrowed light or bedrooms that do not have windows in the external wall of the building or face a private balcony or terrace;
- l) Detailed roof plan;
- m) 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 37;
- n) Coloured images of the building and public realm in context;
- o) An appropriate interface to Market Street to provide the opportunity to extend and integrate the public realm works on the subject land onto the west side of the Market Street road reserve in a manner that enhances pedestrian access, landscaping and the public realm;
- p) The requirements of Public Transport Victoria;
- q) Arrangements for waste storage and collection in accordance with the Waste Management Plan approved under Condition 34;
- r) Environmentally Sustainable Design (ESD) features required in accordance with the ESD Statement approved under Condition 28;
- s) Any design requirements to achieve acceptable wind conditions at street level and for the public realm areas within the development including the 474sqm of Public Open Space on Collins Street as recommended in the Wind Analysis Report approved under Condition 26;
- t) Any design requirements as a result of the Disability Audit approved under Condition 33;
- u) Any design requirements to achieve acceptable acoustic conditions as recommended in the Acoustic Report approved under Condition 31.

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

**3.** Before the development starts, other than early site preparation works approved under Condition 14, a 3D digital model of the proposed buildings and works (including architectural features and roof - mounted plant, services and equipment) in a format to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority. This information is for the purpose of assessing

shadow effects and the visual impacts of the proposed development, as well as providing a public record of the proposed form.

4. 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.

#### **Overshadowing of the Yarra River and banks**

5. The 3D digital model must provide accurate and complete information to the satisfaction of the Responsible Authority to verify that the development (including architectural features and roof mounted building plant, services and equipment) does not overshadow the south bank of the Yarra River between 11am and 2pm on 22 June and show the extent of shadow on the surface water of the Yarra River and the extent of shadow on the north bank of the Yarra River.

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

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

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 Firms**

9. Except with the consent of the Responsible Authority, SHoP Architects and Woods Bagot 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 following completion of the development**

10. Projections over the title boundary should comply with the Melbourne City Council 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.

12. The owner must seek a tenure /authorisation under the *Land Act 1958* from the relevant State Government department for building projections over Crown land. That tenure /authorisation must indemnify State Government and the land manager against any claims regarding the projections. Should the owner of the land seek to commence works prior to the issue of this tenure/authorisation, the owner must enter into a legal agreement under Section 173 of the *Planning and Environment Act 1987* concerning liability of those parts of the development projecting into air-space and sub-soil of land under the care and management of Melbourne City Council. The owner must pay all other party's reasonable costs and expenses of this agreement, including preparation, execution and registration on title.

#### **Projections into the air-space above and sub-soil below the designated Public Open Space on Collins Street.**

13. Before the designated Public Open Space on Collins Street is vested in the City of Melbourne in accordance with the Agreement reference AL145012R registered on the title to the land, 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 be registered on the title to the land and provide for at least the following:

- Liability and maintenance of those parts of the development projecting into the air-space or sub-soil of the Public Open Space on Collins Street to be vested in the City of Melbourne , and disclaiming any right or intention to make any claim or application relating to adverse possession of the land;

- Liability and maintenance of those parts of the development projecting into air-space or sub-soil of the Public Open Space on Collins Street to be vested in the City of Melbourne, including provision of an indemnity and comprehensive insurance cover against damage and injury resulting from the erection and use of the projection to the satisfaction of Melbourne City Council;
- Providing for the payment to the Melbourne City Council of one lump sum licence fee of such amount as may be reasonably determined by a certified practising property valuer appointed by Melbourne City Council for that purpose.

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

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

**14.** Before early site preparation works start on the site, detailed plans showing the early 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, excavation, site retention, soil investigation and soil remediation works. All early site preparation works must be in accordance with the approved plans.

#### **Street Tree Protection Management Plan**

**15.** Before the development starts, including 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 submitted to 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.

**16.** Before the development starts, including early site preparation works, 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.

**17.** 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 and public access around the site;
- c) Site access and traffic management ,including any disruptions to adjoining vehicular and pedestrian access ways;
- d) Reasonable measures including an Early Works Traffic Management Plan developed in consultation with Public Transport Victoria to ensure that disruption to adjacent public transport services and facilities is kept to a minimum and public transport infrastructure is protected from damage;
- e) Any works within the adjoining street network road reserves including footpaths;
- f) Stormwater and sediment control;
- g) Operating hours, noise and vibration controls;
- 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) Reasonable measures developed in consultation with CitiPower to protect its assets on the site;
- n) Program and completion date.

### **Temporary works**

**18.** In the event that the land remains vacant for more than 6 months after the completion of the early site preparation works approved under Condition 14, or demolition or construction activity ceases for a period of 6 months, or 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 Melbourne City Council to ensure that an active street frontage and/or landscaping is provided to all site frontages.

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

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

### **Developer of the land**

**20.** Any development must be undertaken by Cbus 447 Collins Street Pty Ltd or a subsidiary or parent company of Cbus 447 Collins Street Pty Ltd (Developer) or any joint venture entity or as otherwise agreed in writing with the Responsible Authority.

### **Construction Management Plan**

**21.** Before the development starts, other than early site preparation works approved under Condition 14, a detailed Construction Management Plan (CMP) must be submitted to and approved by Melbourne City Council. The CMP may be staged and is to be prepared in accordance with the Melbourne City Council Construction Management Plan Guidelines and is to consider at least the following:

- a) Staging of construction;
- b) Management of public safety and public access around the site during construction;
- c) Site access and traffic management including any disruptions to adjoining vehicular and pedestrian access ways;
- d) Reasonable measures including a Construction Traffic Management Plan developed in consultation with Public Transport Victoria to ensure that disruption to adjacent public transport services and facilities is kept to a minimum and public transport infrastructure is protected from damage;
- e) Any works within the adjoining street network road reserves;
- f) Stormwater and sediment control;
- g) Operating hours, noise and vibration controls;
- h) Air and dust management;
- i) Waste and material reuse;
- j) Street trees to be retained and protected;
- k) Street trees to be removed, lopped or pruned;
- l) Public asset protection ; and
- m) Reasonable measures developed in consultation with CitiPower to protect its assets.

## Environmental Assessment

**22.** Before the development starts, other than early site preparation works approved under Condition 14, the owner must undertake an environmental assessment of the site, including the designated Public Open Space on Collins Street, to determine if it is suitable for its use. This assessment must be carried out by a suitably qualified environmental professional who is acceptable to the responsible authority. The recommendations and requirements of this assessment, if any, must be implemented prior to the occupation of the building to the satisfaction of the Responsible Authority.

Should the environmental assessment reveal that an Environmental Audit of the site is necessary then prior to the occupation of the building the owner must provide:

- 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*. This Statement must state the site is suitable for the intended uses.

**23.** 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.

**24.** Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. The written confirmation of compliance must be in accordance with any requirements in the Statement conditions regarding verification of required works.

**25.** If there are any conditions of a Statement of Environmental Audit that the Responsible Authority, acting reasonably, considers requires significant ongoing maintenance and/or monitoring, the owner must enter into an Agreement under Section 173 of the *Planning and Environment Act 1987* with Melbourne City Council. This Agreement must be executed on title prior to the occupation of the building. The owner must pay all of Melbourne City Council's reasonable legal costs and expenses of the agreement, including preparation, execution and registration on title.

## Wind Analysis Report

**26.** Before the development starts, other than early site preparation works approved under Condition 14, a Wind Analysis Report prepared by a suitably qualified person must be undertaken and submitted to and be to the satisfaction of the Responsible Authority. The Wind Analysis Report must:

- Explain the effect of the development on the wind conditions in publicly accessible areas impacted by the development;
- At a minimum, model the wind effects of the development and its surrounding buildings (existing and proposed) using wind tunnel testing;
- Identify the principal role of each part of the publicly accessible areas for sitting, standing or walking purposes;
- Not rely on any trees or other elements within public areas for wind mitigation;
- 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 Collins Street.

**27.** 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 Collins Street 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

**28.** Before the development starts, other than the early site preparation works approved under Condition 14, an *Environmentally Sustainable Design (ESD) Statement* prepared by an accredited 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:

- NABERS Office- Energy 5 Stars or equivalent.
- A 5 star (office) rating under Green Star Design v3 rating tool or equivalent.
- A 5 star (residential) rating under Green Star Design v1 rating tool or equivalent.



**29.** 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.

**30.** 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.

#### **Acoustic report**

**31.** Before the development starts, other than early site preparation works approved under Condition 14, 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. The recommendations in the approved Acoustic Report must be implemented, at no cost to the Responsible Authority.

**32.** 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.

#### **Disability Audit**

**33.** Before the development starts, other than early site preparation works approved under Condition 14, the owner 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. In particular, the Disability Audit must address the pedestrian access from William Street, Collins Street, Flinders Lane and Market Street and the through-site pedestrian links to ensure appropriate DDA compliant access.

#### **Waste Management Plan**

**34.** Before the development starts, other than early site preparation works approved under Condition 14, 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 2014'. Waste storage and collection arrangements must not be altered without prior written consent of Melbourne City Council.

**35.** 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.

#### **Loading on site**

**36.** The loading and unloading of vehicles and delivery of goods to and from the development must at all times must take place within the boundaries of the site.

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

**37.** Before the development starts, other than early site preparation works approved under Condition 14, 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.

**38.** The Car Parking and Traffic Management Report must:

- 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;

- 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;
- Address the location and design of the vehicle crossings on Flinders Lane, 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.

**39.** 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.

**40.** Before the development starts, other than early site preparation works approved under Condition 14, detailed car park layout plans to scale and with dimensions for all car parking and service levels within the development must be submitted to and approved to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

**41.** The car park layout plans must be designed to be generally in accordance with the design standards for car parking at Clause 52.06-8 of the Scheme unless Melbourne City Council agrees otherwise. A swept path assessment must be provided to demonstrate that suitable access is provided for all vehicles, which can enter and exit the site in a forward direction only.

**42.** 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. The car parking spaces must not be used for any other purpose and all access aisles must be kept clear.

**43.** The areas set aside for the parking of vehicles within the development must not be operated as a public car park.

**44.** 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 the Responsible Authority.

**45.** A warning device/sign must be installed at the vehicle crossings on Flinders Lane alerting pedestrians when vehicles are exiting the development to the satisfaction of the Responsible Authority.

**46.** The functional design of the vehicle crossings on Flinders Lane and any associated changes to the traffic management arrangements on Flinders Lane to facilitate vehicle access must be prepared in consultation with Public Transport Victoria and to the satisfaction of Melbourne City Council.

**47.** Vehicle entrance /egress points to Flinders Lane must be designed to ensure that all vehicles enter and exit by making left turn movements only. Right turn movements across tram tracks on Flinders Lane will not be permitted.

**48.** Any changes to public transport infrastructure to facilitate vehicle access require Public Transport Victoria's prior written approval to the satisfaction of the Responsible Authority.

**49.** Vehicular ingress and egress must not be modified from that shown on the endorsed plans without the written consent of the Responsible Authority.

**50.** The position of boom gates, card readers and any other access control equipment must be specified and designed to ensure that no on-street queuing of vehicles occurs to the satisfaction of Melbourne City Council.

**51.** No vehicle is permitted to reverse onto Flinders Lane from the land.

**Car parking spaces – maximum number and allocation to 3 bedroom apartments**

**52.** 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 40 must show the number of car parking spaces allocated to the uses within the development, to the satisfaction of the Responsible Authority.

**53.** A maximum of two car parking spaces may be allocated to each genuine three bedroom apartment from the maximum total number of car parking spaces provided with an associated reduction in the number of spaces allocated for the other uses within the development, to the satisfaction of the Responsible Authority.

### **Bicycle facilities**

**54.** 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**

**55.** All building plant and equipment on the roofs, balcony areas and the public realm 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.

**56.** Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single point unobtrusive area on the building in the development to the satisfaction of the Responsible Authority, unless otherwise approved by the Responsible Authority.

### **External glazing**

**57.** 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.

### **Façade Strategy**

**58.** Before the development starts, other than early site preparation works approved under Condition 14, a Façade Strategy must be submitted to and be to the satisfaction of the Responsible Authority in consultation with Melbourne City Council and the Office of the Victorian Government Architect (OVGA). 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 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**

**59.** Before the development starts, other than early site preparation works approved under Condition 14, a schedule and coded sample board including colour rendered and notated plans/elevations that illustrate the location and details of all external materials and finishes must be submitted to and be to the satisfaction of the Responsible Authority and when approved will form part of the endorsed plans. 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.

### **Public realm works and landscaping**

#### **Design Integrity**

**60.** Except with the consent of the Responsible Authority, Oculus (Landscape Architecture + Urban Design) must be retained to prepare the detailed landscape plans for the public realm and the designated Public Open Space on Collins Street, and to provide professional oversight during the construction of the landscaping and public realm works, as shown in the endorsed detailed landscape plans to the satisfaction of Melbourne City Council.

#### **Site Landscaping and public realm works**

**61.** Before the development starts, other than early site preparation works approved under Condition 14, detailed landscape plans prepared by a suitably qualified landscape architect must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. The detailed landscape plans must be generally in accordance with the Integrated Ground Level Concept Plan Drawing Number reference SK-0604 date issued 23/05/2016, the Pedestrian Access from Surrounding Streets Drawing Number reference SK-0605 date issued 23/05/2016, the Ground Plane Axonometric Drawing reference SK-0607 date issued 23/05/2016 and the Ground Plane Concepts for Collins Street to Flinders ( SK-0609 date issued 23/05/2016) ; Market Street (SK-0610 date issued 23/05/2016), Market Amphitheatre (SK-0611 date issued 23/05/2016) and William Street (SK-0612 date issued 23/05/2016) endorsed as part of the Incorporated Document and include the 474sqm of designated Public Open Space on Collins Street. The City of Melbourne Technical Notes should form the basis for the design of all public realm works and landscaping.

**62.** The detailed landscape plans must be to the satisfaction of the Responsible Authority in consultation with Melbourne City Council. When approved, the plans will be endorsed and will then form part of the Incorporated Document. The detailed landscape plans must be drawn to scale with dimensions and three copies must be provided.

**63.** The detailed landscape plans must be integrated with the building design and show or include the following information:

- a) Compliance with the City of Melbourne's Technical Notes;
- b) A schedule of all soft and hard landscape materials and treatments including a planting schedule;
- c) The position, soil planting depth, type and spread of all trees proposed on the site;
- d) Urban design elements including but not limited to paving, lighting, seating and public art;
- e) A clear demarcation of the public realm and private spaces and an ownership and management plan;
- f) Details of public access from the surrounding streets and through-site links, including DDA compliance;
- g) Water Sensitive Urban Design techniques for on-site irrigation purposes;
- h) Any street trees to be removed, lopped or pruned;
- i) Comfortable wind conditions to support proposed planting and proposed principal uses that include sitting, standing and walking.

**64.** Before the use or occupation of the development, or by such later date as approved in writing by the Responsible Authority, the landscaping and public realm works shown on the endorsed landscaped plans including the 474sqm of designated Public Open Space on Collins Street must be constructed

and completed at no cost to the Melbourne City Council and to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

**65.** The areas set aside for landscaping and public realm on the detailed landscape plans must not be used for any other purpose.

**66.** No street tree adjacent to the site may be removed, lopped, pruned or root- pruned without the prior consent of Melbourne City Council.

**67 .** Any trees in adjoining streets which are shown on the endorsed plans to be removed, relocated or replaced must not be removed without the prior written consent of Melbourne City Council. All costs in connection with the removal, relocation or replacement of a tree including any payment for the amenity value of the tree to be removed, must be met by the owner.

**68.** The landscaping and public realm works shown on the endorsed detailed landscape plans must be maintained and be to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

### **Designated Public Open Space on Collins Street**

**69.** The detailed landscape plans must provide an area of at least 474sqm of designated Public Open Space within the title boundary on Collins Street to be available for public recreation and enjoyment and satisfies the owner's obligations in the Agreement (reference AL145012R) under Section 173 of the *Planning and Environment Act 1987* registered on the title to the land.

**70.** The design of the designated Public Open Space on Collins Street must be to the satisfaction of Melbourne City Council and must be integrated with the design of the landscaping and public realm works within the balance of the development.

**71.** Before the use or occupation of the development, or by such later date as approved in writing by the Responsible Authority, the landscaping and public realm works shown on the endorsed landscaped plans for the 474sqm of designated Public Open Space on Collins Street must be constructed and completed at no cost to the Melbourne City Council and to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

**72.** From the date the designated Public Open Space on Collins Street is vested in the City of Melbourne in accordance with the Agreement (reference AL145012R) under Section 173 of the *Planning and Environment Act 1987*, Melbourne City Council is responsible for the on-going maintenance of the Public Open Space.

### **Public Access**

**73.** Within 6 months of the start of the development, excluding the early site preparation works approved under Condition 14, (or as otherwise agreed in writing with Responsible Authority), the owner must enter into an Agreement with Melbourne City Council pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must be registered on the title to the land and must:

- Give rights of access to the public 24 hours a day 7 days a week to the pedestrian access from William Street, Market Street, Flinders Lane and Collins Street; the through- site pedestrian links, the designated Public Open Space on Collins Street, and the landscaped public realm areas within the development shown on the Integrated Ground Level Concept Plan Drawing Number reference SK-0604 date issued 23/05/2016, the Pedestrian Access from Surrounding Streets Drawing Number reference SK-0605 date issued 23/05/2016, the Ground Plane Axonometric Drawing Number reference SK-0607 date issued 23/05/2016, the Ground Plane Concepts for Collins Street to Flinders (SK-0609 date issued 23/05/2016) ; Market Street (SK-0610 date issued 23/05/2016), Market Amphitheatre (SK-0611 date issued 23/05/2016) and William Street (SK-0612 date issued 23/05/2016) ;
- Identify circumstances (such as safety or security issues) that would justify, at the sole discretion of Melbourne City Council, a reduction in the number of hours or number of days public access is provided, other than the designated Public Open Space on Collins Street which must be available to the public at all times;

- Require the owner to provide appropriate way finding signage; and
- Require the owner to maintain the pedestrian access, through-site pedestrian links and the public realm areas in a safe and sightly condition at all times.

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

#### **Landscaping /public realm improvements in Market Street**

**74.** The detailed development plans submitted under Condition 1 must provide the opportunity to extend and integrate the public realm works on the subject land onto the west side of Market Street in a manner that enhances pedestrian access, landscaping and the public realm to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

**75.** Within 6 months of the start of the development, including early site preparation works approved under Condition 14, the owner must enter into an Agreement with Melbourne City Council pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must be registered on the title to the land and provide for at least the following:

- The owner to prepare plans to upgrade the pedestrian access, landscaping and the public realm in Market Street adjacent to the site (or other streets adjacent to the site) in consultation with and approved to the satisfaction of Melbourne City Council;
- The owner to make a payment of \$3million dollars to Melbourne City Council to fund the approved landscaping and public realm improvements; and
- The date by which the payment is to be made.

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

#### **Protection of easements**

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

#### **Lighting Plan**

**77.** Before the development starts, other than early site preparation works approved under Condition 14 or as may otherwise be agreed with Melbourne City Council, a lighting plan must be prepared and submitted to the satisfaction of Melbourne City Council. The lighting plan must address energy efficient security lighting of the public realm. The plan should be generally consistent with Melbourne City Council's Lighting Strategy and conform with relevant Australian Standards and include details of proposed fittings in a schedule on the plan and must be designed, baffled and located to the satisfaction of Melbourne City Council.

#### **Drainage**

**78.** Before the development starts, other than early site preparation works approved under Condition 14, a stormwater drainage system incorporating integrated water management design principles, must be submitted to and approved by Melbourne City Council. The system must be constructed prior to the occupation of the development and provision made to connect this system to Council's stormwater drainage system.

#### **External Civil works**

**79.** Existing street and footpath levels in Collins Street, Market Street, Flinders Lane and William Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining written approval from Melbourne City Council.

**80.** Before the use/occupation of the development starts, the footpaths adjoining the site along Collins Street, Market Street, Flinders Lane and William Street must be reconstructed in sawn bluestone including the renewal of kerb and channel and or services as necessary and completed at the cost of the owner in accordance with plans and specifications first approved by Melbourne City Council.

**81.** Before the use/occupation of the development starts, 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 Melbourne City Council.

**82.** Existing public street lighting must not be altered without first obtaining written approval from Melbourne City Council.

**83.** Existing street furniture must not be removed or relocated without first obtaining written approval from Melbourne City Council.

**84.** Before the occupation of the development starts, all street furniture such as litter bins or recycling bins, seats, bicycle rails must be installed on adjacent footpaths outside the development to plans first approved by Melbourne City Council.

### **Advertising Signs**

**85.** No advertising signs may be erected, painted or displayed on the development approved under this Incorporated Document. For the avoidance of doubt, the provisions of the Scheme in relation to the display of advertising signs continue to apply to the land.

### **Archaeology**

**86.** If an archaeological site is uncovered in the course of the early site preparation works or later building works, it is an offence under the *Heritage Act* 1995 to knowingly disturb, damage, or excavate without first obtaining the appropriate consent of the Executive Director of Heritage Victoria.

**END OF DOCUMENT**