

Report to the Future Melbourne (Planning) Committee

Agenda 6.1

**Ministerial Planning Referral: TPMR-2019-24
102-156 City Road, Southbank**

3 March 2020

Presenter: Jane Birmingham, Practice Leader Land Use and Development

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application seeking approval for the demolition of the existing building; construction of a multi storey mixed use development over two towers with basements; create or alter access to a Road Zone; and remove an easement at 102-156 City Road, Southbank (refer Attachment 2 – Locality Plan).
2. The applicant is Beulah SB Developments Pty Ltd ATF Beulah Development Trust c/- Urbis Pty Ltd, the owner of the land is Beulah SB Nominees Pty Ltd and the architects are Cox Architecture and UN Studio.
3. The land is located within the Capital City Zone Schedule 3 (CCZ3); and is affected by Design and Development Overlay Schedules 1 (DDO1-A3 – Active Street Frontages), 3 (DDO3 – Traffic Conflict) and 10 (DDO10 – General Development Area); and Parking Overlay Schedule 1 (PO1 – Capital City Zone – Outside the Retail Core). A planning permit is required for the demolition of the existing building and the construction of buildings and works.
4. The application proposes demolition of the existing building on-site and the construction of a multi-storey, two tower development over a common podium and basement levels. The taller tower (East Tower) measures 365.1m (102 storeys) and the lower tower (West Tower) measures 250m (59 storeys). The height of the building requires separate approval from aviation authorities. The development includes a mix of residential, hotel, office, retail, childcare centre and place of assembly uses.
5. The Department of Environment, Land, Water and Planning (DELWP), on behalf of the Minister for Planning, has referred the application to the City of Melbourne as a recommending referral authority.

Key issues

6. The key issues relate to the built form, residential amenity, and the provision of Floor Area Uplift (FAU) and associated public benefits.
7. Subject to minor amendments secured through conditions, the proposal will comply with the modified requirements of DDO10 including setbacks, street wall heights, overshadowing and wind impacts. The proposal responds positively to the requirements of DDO1 in that all street frontages are of high quality and achieve a human scale. The proposal will deliver a high level of amenity for residential apartments.
8. The proposal is consistent with key aspects of the proposed, and now seriously entertained, Melbourne Planning Scheme Amendment C308 (Urban Design in the central city and Southbank). This includes ensuring that car parking is underground, having multiple entry points to the site, providing links through the development to the public realm, the use of high quality materials and a building program that engages the pedestrian that includes a positive mix of uses for public activity.
9. The proposed Floor Area Ratio (FAR) is 38.16:1 equating to a required FAU of \$137,287,700. The FAU requirements have been more than satisfied via the provision of office space (27,233sqm) equating to an FAU of \$149,781,500. The office use is secured for a minimum 10 year period via permit conditions requiring a S173 agreement.
10. The applicant has also proposed additional public benefits in the form of podium level 24/7 publicly accessible open space, a \$5,000,000 development contribution toward Council's Southbank Boulevard upgrades, a 100 place child care centre, and a Community Conference and Entertainment Facility to be made available to a not-for-profit organisation. These aspects of the proposal are also secured via permit conditions requiring a S173 agreement.

Recommendation from management

11. That the Future Melbourne Committee:

11.1. Resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council does not object to the application subject to the conditions outlined in the delegate report (refer to Attachment 4 of the report from management).

11.2. Notes:

11.2.1. That the applicant is yet to receive support/approval for the proposed building height from the relevant aviation authority.

11.2.2. Notwithstanding, the assessment of this planning application is based on the proposal as submitted by the applicant.

11.2.3. Any changes to the proposal required as a result of aviation restrictions will require further planning approval.

Attachments:

1. Supporting Attachment (Page 3 of 193)
2. Locality Plan (Page 4 of 193)
3. Selected Plans (Page 5 of 193)
4. Delegate Report (Page 134 of 193)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority for determining this application.
2. The Minister for Planning has referred the application to Melbourne City Council pursuant to S.55 of the *Planning and Environment Act 1987* on 16 August 2019.

Finance

3. There are no direct financial issues arising from the recommendations contained within this report.

Conflict of interest

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

Health and Safety

5. Relevant planning considerations such as traffic and waste management and potential amenity impacts that could impact on health and safety have been considered within the planning permit application and assessment process.

Stakeholder consultation

6. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the *Planning and Environment Act 1987*.

Relation to Council policy

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

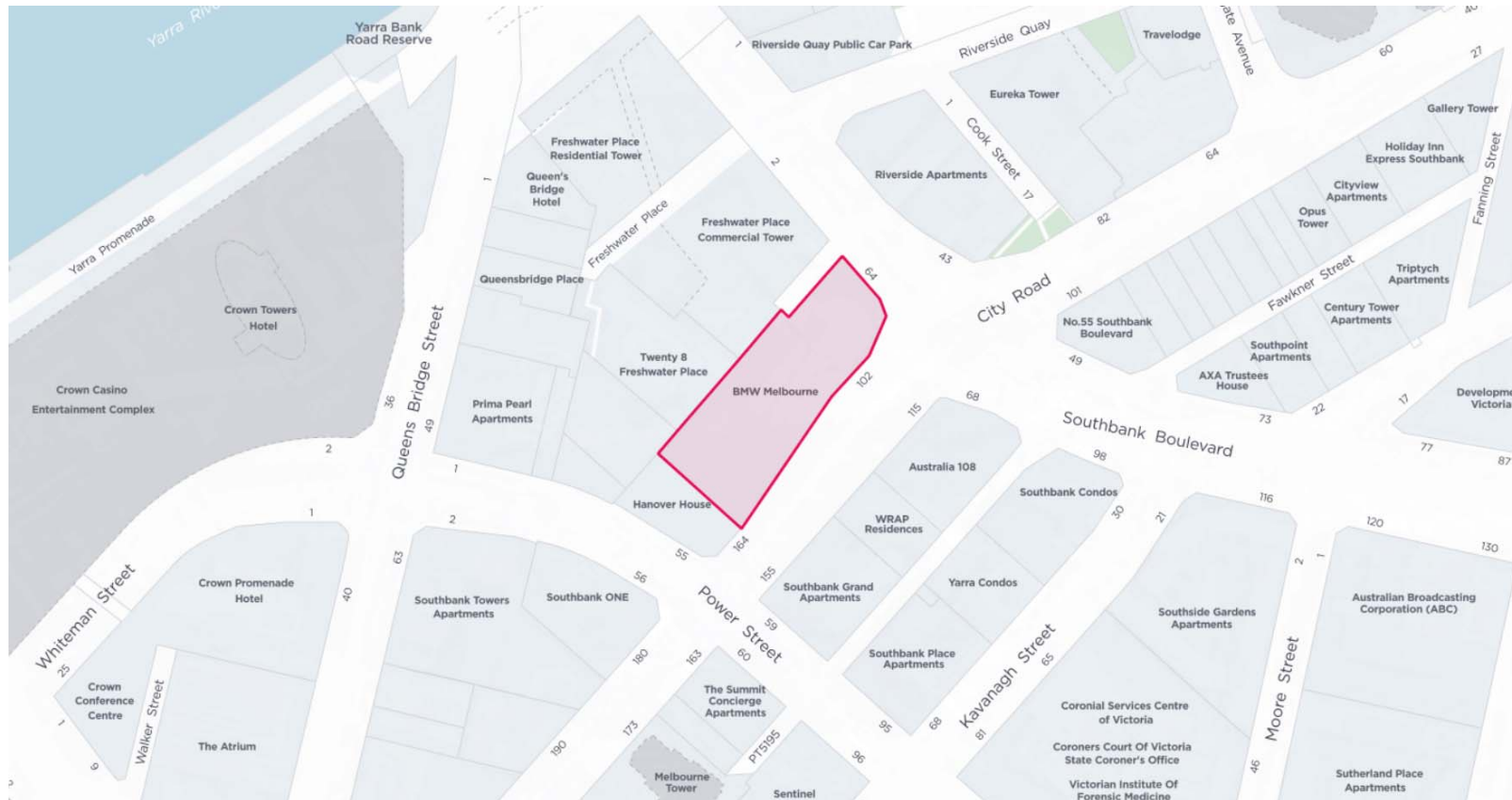
Environmental sustainability

8. The Environmentally Sustainable Design (ESD) Report submitted with the application demonstrates that the development will achieve the ESD performance requirements of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management).
9. Permit conditions requiring implementation of the ESD initiatives are recommended.

Locality Plan

Attachment 2
Agenda item 6.1
Future Melbourne Committee
3 March 2020

102-156 City Road, Southbank



DELEGATE REPORT

MINISTERIAL PLANNING REFERRAL

Council Application number:	TPMR-2019-24
DELWP Application number:	PA1900647
Applicant:	Beulah SB Developments Pty Ltd ATF Beulah Development Trust c/- Urbis Pty Ltd
Owner:	Beulah SB Nominees Pty Ltd
Architect:	UNS / COX
Address:	102-156 City Road, Southbank
Proposal:	Demolition of the existing building; construction of a multi storey mixed use development over two towers with basements; create or alter access to a Road Zone; and remove an easement
Cost of works:	\$395 million
Date received by City of Melbourne:	16 August 2019
Responsible officer:	Richard Cherry, Senior Urban Planner

1. SUBJECT SITE AND SURROUNDS

1.1 Site

The subject site is located on the north-west side of City Road, Southbank. It has a frontage to City Road of approximately 127m and a frontage to Southbank Boulevard of approximately 36m. The site backs onto Waterfall Lane for approximately 40m, as well as the following properties: 2-50 Southbank Boulevard, 28 Freshwater Place, 38 Freshwater Place and 158 City Road. The site has an overall area of 6,191m².

The site is known as Land in Plan of Consolidation 359703A. An easement known as E-2 is located towards the south-west portion of the land and is for the purposes of a powerline, benefiting CitiPower Limited.

The site is currently developed with a two storey concrete and steel office / retail building with a multi-level car park at the south-west end. The building was purpose built as a car showroom in 1996 and is currently occupied by BMW. On-site parking and loading is accessed via a wide crossover off City Road towards the southern end of the site with secondary access located off Waterfall Lane.

1.2 Surrounds

The site is located in an area surrounded by several high-rise developments.

City Road, a category 1 Road Zone, is a wide arterial road that connects Alexandra Avenue to the east and Bay Street, Port Melbourne. City Road is aligned with tall

street walls and minimal setbacks to towers above. The towers are tall, including Australia 108 (317m) located on the opposite side of City Road (Figure 6), Eureka Tower (297m) to the north-east (Figures 4 & 10) and Prima Pearl (244m) to the west (Figures 4 & 5).

Such is the Capital City zoning of the surrounds, the area is characterised by a broad mix of built form and associated uses. Several apartment buildings have been constructed in the area more recently. Other uses include commercial (office), retail and some hotels.

The following properties have a direct abuttal to the subject site:

- 2-50 Southbank Boulevard: a 38 storey office building (Figure 5) with an interface to Waterfall Lane and a carriageway that provides vehicular access from Waterfall Lane to Power Street (Figure 11).
- 28 Freshwater Place: a 25 storey office building with lower level commercial car parking (Figure 5) with an interface to a carriageway that provides vehicular access from Waterfall Lane to Power Street (Figure 11).
- 38 Freshwater Place: a vacant parcel of land.
- 158 City Road: a six storey office building with planning approval for a 46 storey apartment building.

The following features and amenities define the immediate surrounding area:

- Yarra River
- Yarra Promenade
- Hoddle Grid (Central City)
- Crown Casino Complex
- West Gate Freeway entrance
- Tram networks along Kings Way and Queens Bridge Street.

Further afield is the National Gallery of Victoria (NGV), the Royal Botanic Gardens and Flinders Street Station.



Figure 1: Map of subject site and surrounds



Figure 2: Aerial of subject site and surrounds (31 August 2019)



Figure 3: Aerial of subject site's immediate context (NearMap: 17 December 2019)



Figure 4: 3D aerial of subject site's immediate built form context (Google Maps)



Figure 5: Site from City Road looking west



Figure 6: Built form opposite the site on City Road



Figure 7: City Road looking south-east



Figure 8: Corner City Road / Southbank Boulevard



Figure 9: Entry from City Road



Figure 10: Entry from Power Street

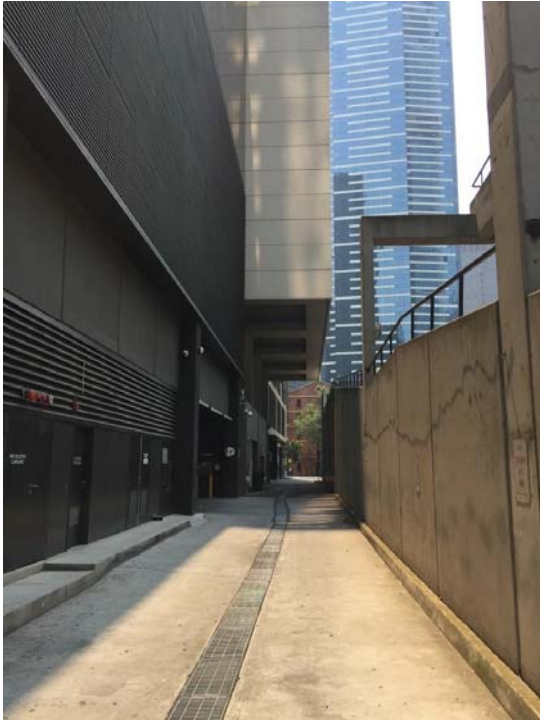


Figure 11: Carriageway at rear of site



Figure 12: Entry from Waterfall Lane

2. BACKGROUND

2.1. Site Approval History

TP number	Description of Proposal	Date of Permit
TP-1995-1122	Removal of easement for transmission of electricity purposes affecting lot 1 in PS336797C, (E-1, E-2 & E-5 in that plan)	7 February 1996
TP-1995-1244	To construct an externally illuminated business sign	7 May 1996
TP-1995-518	Develop and use site for purposes of car sales, motor vehicle repairs, spare parts sales, associated administration and car parking	18 December 1995
TP-1996-372	Removal and variation of easements affecting lot 1 in PS336797C	1 October 1996
TP-1996-570	To erect and display business advertising signs	23 July 1996
TP-1998-682	To provide infill glazing to the existing multi-level car storage area	23 July 1998
TP-1999-13	Alterations, additions and demolition for the construction of a new showroom and office to the existing building	15 March 1999
TP-2000-67	To erect four internally illuminated business signs	24 February 2000
TP-2002-1262	Alterations and two storey addition to the existing building	13 February 2003
TP-2004-877	Extension of motorcycle showroom	14 October 2004
TP-2010-789	Buildings and works to carry out external alterations including construction of a new entrance, canopy and roller door	1 November 2010
TP-2016-30	Alterations and additions to existing building, including an increase in the gross floor area	4 March 2016

2.2. Design Competition

Prior to any pre-application meetings with the Department of Land, Environment, Water and Planning (DELWP) and the City of Melbourne, the applicant established a design competition that included presentations to Melbourne University, created a publicly accessible pop-up pavilion which showcased the entrants and a publicly accessible future cities symposium which integrated art, technology and revealed the designs. The competition jury was made up of experts in the architecture and development industry. The “Beulah” entrant by UNS and COX was the winning design.

2.3. Pre-Application Discussions (PA-2019-266)

Several pre-application meetings were held between the Department of Land, Environment, Water and Planning (DELWP), the City of Melbourne and the permit applicant. With the exception of detailed design matters, the general concept of a two tower proposal over a common podium and basements has been consistent throughout the pre-application to lodgement process.

The detailed design has evolved with the key milestones noted below:

- Pre-application of 24 April 2019
- Pre-application of 12 June 2019
- OVGA Design Review of 18 June 2019
- Pre-application of 26 June 2019
- Design workshop of 3 July 2019.

Key issues raised during the development of the design include:

- Tower setbacks from boundary and within site (DDO10)
- Public benefits for Floor Area Uplift requirements
- Overshadowing
- Ability to landscape and provide greenery to the towers
- Public stair location
- Opportunity for pedestrian link through Freshwater Place
- Melbourne Water flood issues
- Integration with public realm works to surrounding street networks.

2.4. Application Material

The extent of material Council has received throughout the application process is as follows:

Material	Date Received
Original application material referred by DELWP	16 August 2019
Response to DELWP’s RFI letter of 2 September 2019	4 October 2019
Response to DELWP’s follow up RFI letter of 21 October 2019	8 November 2019
Updated set of RFI response documents (assessment plans)	22 November 2019
Several written responses to outstanding matters	Various

3. PROPOSAL

The application proposes:

- Demolition of the existing buildings on-site (and associated excavation).
- Construction of a multi storey, two tower development over a common podium and basement levels.
 - The basement covers the entire site for the first three levels and is set back from the east boundary for the remaining levels. Basement Level 1 comprises bicycle parking spaces and storage cages. Basement Level 2 comprises a supermarket and services. Basement Level 3 comprises services. Basement Level 4 comprises a loading and bin holding area, bin room and services. Basement Levels 5-7 comprises car parking spaces and services.
 - The podium is constructed to all site boundaries, but with various setbacks on the south elevation interspersed with outdoor terraces. The podium comprises a mix of retail and place of assembly uses, residential, hotel and office lobbies, office end-of-trip facilities, plant and services areas, external stairs and voids. The podium roof includes a public garden area, a separate outdoor childcare area, and a running track around the north, east and west perimeter.
 - The east tower comprises a mix of retail and dwelling uses interspersed by green pocket parks, amenities and plant rooms. A public conservatory crowns the top two levels of the tower.
 - The west tower comprises a mix of retail, place of assembly, childcare centre, office and residential hotel uses; as well as hotel facilities and amenities and plant rooms. A restaurant crowns the top level of the tower.
- Vehicle access is located at the rear of the site off Waterfall Lane, leading into a porte cochere shared drop-off zone, two truck lifts for Basement 4 and car entry. Vehicle access is also proposed through the approved development at 25-35 Power Street / 38 Freshwater Pace, off Power Street.
- Removal of existing crossovers to City Road (altering access to a Road Zone, Category 1).
- Removal of an existing easement for powerline purposes under the authority of CitiPower. The easement is 2m in width, runs in a north-west to south-east direction and is located towards the south-west portion of the site.
- Detailed design:
 - The two towers have been designed with a twisted structure. The east tower introduces a twist in the north and west elevations from Level 44 up to Level 90. The west tower introduces a twist in the east and south elevations from Level 13 up to Level 33. A green spine is proposed on these elevations to create a vertical greening garden up to the top of each tower. The green spine twists are best illustrated in Figure 13. Landscaping is also proposed throughout the building, including green walls and podium planting.
 - Materials include a mix of glazing, gold coloured aluminium cladding, tile / ceramic cladding and glass balustrades.

- Specific details of the proposal are as follows:

Dwellings	One bedroom apartments: 341 Two bedroom apartments: 263 Three bedroom apartments: 146 Four bedroom apartments: 24 Penthouses: 15 Total: 789
Residential Hotel	Hotel rooms: 202 Hotel residences: 120 Total: 322
Office	27,233m ² Net Leasable Area
Retail (including Food and Drink Premises and Supermarket)	32,261m ² Gross Lettable Area
Childcare Centre	1,204m ² Net Leasable Area (100 child places)
Conference and Entertainment Facilities	6,799m ² Net Leasable Area
Exhibition Centre	1,438m ² Gross Lettable Area
Conservatory	1,758m ² Gross Lettable Area
Building Height	East Tower: 365.1 metres (102 storeys) West Tower: 250 metres (59 storeys)
Podium Height	40 metres
Basement	7 levels
Setbacks Above Podium (Min / Max)	East Tower North: 5 metres / 9.8 metres South: 5 metres / 8.6 metres East: 5 metres West Tower North: 5 metres / 9 metres South: 5 metres / 7 metres West: 5 metres
Tower Separation (Min)	26.89 metres
Gross Floor Area (GFA)	Basement: 28,523m ² Above Ground: 236,245m ² Total: 264,768m ²
Floor Area Ratio (FAR)	38.16:1
Public Benefits	Office Publicly accessible open areas
Car Parking Spaces	Traditional: 229 Car Share: 20 Total: 249
Bicycle Spaces	Residential: 713 Office / Visitor: 329 Total: 1042
Motorbike Spaces	6
Storage Cages	430



Figure 13: Proposed towers showing twisted landscape façades

4. PLANNING SCHEME PROVISIONS

Section	Policy
Planning Policy Framework	Clause 11.02-2S – Structure Planning; Clause 11.03-1S – Activity Centres Clause 11.03-2S – Growth Areas Clause 15.01-1S – Urban Design Clause 15.01-2S – Building Design Clause 15.02-1S – Energy and Resource Efficiency Clause 16.01-1S – Integrated Housing Clause 16.01-2S – Location of Residential Development Clause 16.01-3S – Housing Diversity Clause 16.01-4S – Housing Affordability Clause 17.01-1S – Diversified Economy Clause 17.02-1S – Business Clause 17.04-1S – Facilitating Tourism Clause 18.02-1S – Sustainable Personal Transport Clause 18.02-4S – Car Parking

Local Planning Policy Framework	<p>Clause 21.06 – Built Environment and Heritage</p> <p>Clause 21.07 – Housing</p> <p>Clause 21.08 – Economic Development</p> <p>Clause 21.13-1 – Southbank (Urban Renewal Areas)</p> <p>Clause 22.01 – Urban Design within the Capital City Zone</p> <p>Clause 22.02 – Sunlight to Public Spaces</p> <p>Clause 22.03 – Floor Area Uplift and Delivery of Public Benefits</p> <p>Clause 22.19 – Energy, Water and Waste Efficiency</p> <p>Clause 22.23 – Stormwater Management (WSUD)</p>
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Statutory Controls	
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<p>Clause 37.05 Capital City Zone 3</p>	<p><u>Use</u></p> <p>Pursuant to Schedule 3 of Clause 37.04-1, Accommodation (Dwelling and Residential Hotel), Office, Child Care, Place of Assembly (Conference and Exhibition Centre), Retail (Food and Drink Premises and Supermarket) are Section 1 – As-of-Right uses and a permit is not required.</p> <p>No Section 2 or 3 uses are proposed.</p> <p><u>Development</u></p> <p>Pursuant to Clause 37.04-4, a permit is required to:</p> <ul style="list-style-type: none"> • Construct a building or construct or carry out works unless the schedule to this zone specifies otherwise; and • Demolish or remove a building or works if specified in the schedule to this zone. <p>Pursuant to Schedule 3:</p> <ul style="list-style-type: none"> • A permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) to construct a building or construct or carry out works with a floor area ratio in excess of 18:1 on land to which schedule 10 to the Design and Development Overlay applies unless: <ul style="list-style-type: none"> • a public benefit as calculated and specified in a manner agreed to by the responsible authority is provided; and • the permit includes a condition (or conditions) which requires the provision of a public benefit to be secured via an agreement made under section 173 of the Planning and Environment Act 1987. <p>For the purpose of this schedule the floor area ratio is the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, divided by the area of the site. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor.</p> <ul style="list-style-type: none"> • A permit is required to demolish or remove a building or works.
Clause 43.02	Pursuant to Clause 43.02-2, a permit is required to construct a

Design and Development Overlay 1-A3, 3 and 10	building or construct or carry out works.
Clause 45.09 Parking Overlay 1	<p><u>Car Parking Rates</u></p> <p>Pursuant to Schedule 1 of Clause 45.09, a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of this schedule. This does not include the provision of additional car parking, to the satisfaction of the responsible authority, which is required to serve:</p> <ul style="list-style-type: none"> • On site use for dwellings or a residential hotel. <p>Where a site is used partly for dwellings and partly for other uses, the maximum number of spaces allowed:</p> <ul style="list-style-type: none"> • For that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling. • For that part of the site devoted to other uses, (excluding common areas serving the dwellings) must not exceed the number calculated using one of the following formulas: <ul style="list-style-type: none"> • 5 x net floor area of buildings on that part of the site in m² / 1000m²; or • 12 x that part of the site area in m² / 1000m². <p><u>Motorcycle Parking Rates</u></p> <p>All buildings that provide on-site car parking must provide motorcycle parking for the use of occupants and visitors, at a minimum rate of one motor cycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.</p>

Particular Provisions	
Clause 52.02 Easements, Restrictions and Reserves	<p>Pursuant to Clause 52.02, a permit is required before a person proceeds:</p> <ul style="list-style-type: none"> • Under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant. • Under Section 24A of the Subdivision Act 1988. • Under Section 36 of the Subdivision Act 1988 to acquire or remove an easement or remove a right of way.
Clause 52.06 Car Parking	<p>Pursuant to Clause 52.06-3, a permit is required to provide more than the maximum parking provision specified in a schedule to the Parking Overlay.</p> <p>Car parking should be designed in accordance with the design standards within Clause 52.06.</p>
Clause 52.29 Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road	<p>Pursuant to Clause 52.29, a permit is required to create or alter access to a road in a Road Zone, Category 1.</p>
Clause 52.34	<p>Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the</p>

Bicycle Facilities	required bicycle facilities and associated signage has been provided on the land. Pursuant to Clause 52.34-2, a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.
Clause 58 Apartment Developments	Pursuant to Clause 58, provisions in this clause apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, if the apartment development is in the Capital City Zone.

Operational Provisions	
Clause 72.01 Responsible Authority for this Planning Scheme	The Minister for Planning is the responsible authority for this planning permit application as the gross floor area for the development exceeds 25,000 m ² .

Planning Scheme Amendments	
Amendment C308 Central Melbourne Design Guide	Amendment C308 (including the Central Melbourne Design Guide) was adopted by Council on Tuesday 26 November 2019. Amendment C308 seeks to introduce a revised urban design policy in the form of a Design and Development Overlay Schedule 1 (DDO1) into the Melbourne Planning Scheme with a complementary illustrative guide, the Central Melbourne Design Guide. The amendment seeks to improve the urban design quality of development in the central city and Southbank. Amendment C308 was sent to the Minister for Planning on 12 December 2019 for final approval to be included in the Melbourne Planning Scheme. Amendment C308 is therefore considered to be a seriously entertained planning control.

5. PUBLIC NOTIFICATION

In accordance with Section 55 of the *Planning and Environment Act 1987* and Clause 66.04 of the Melbourne Planning Scheme, DELWP has referred the application to the City of Melbourne as a recommending referral authority.

It is noted that the application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the *Planning and Environment Act 1987*.

6. INTERNAL REFERRALS

6.1. Urban Design

Thank you for referring the proposed drawings by Cox and UN Studio for the construction of an ambitious mixed use twin-tower proposal at the intersection of Southbank Boulevard and City Road, Southbank. We note that we have attended a number of pre-application meetings following the competitive design process, in addition to the OVG Design Review Panel session. We have previously contributed verbal comments and questions regarding the drawing package, however this is the first opportunity to provide formal commentary.

Discussion

Competitive Design

- *We support the commitment of Beulah to design excellence processes through the exploration of a Competitive Design Process (albeit in this instance not endorsed by the AIA). In order to avoid significant transformation between the competition phase and planning lodgement we encourage a stronger engagement with DELWP and CoM in the brief preparation phase prior to the competition. A clearer pre-competition engagement can establish a clear 'reference design' and performance parameters, similar to the established process in the City of Parramatta. This can avoid time-loss and additional design and consultant expenses. We are happy to speak with the development team about this in further detail as part of our Design Excellence Program (2019-2030) which has recently been released in draft form.*

Public benefit

- *We defer to the Planning Team regarding the calculation of public benefit. However we note that **Urban Design would be concerned if an elevated private terrace were to be considered a public benefit.** While this space is a fantastic amenity for significant building population we would not perceive this to be a space which would be regularly used by the broader Southbank community. Further we are unclear whether the private terrace calculation includes the 'childcare outdoor' space.*
- *We strongly support the approach of providing a contribution to the Southbank Boulevard works to bring forward this latter phase in parallel with the development. We defer to City Design Studio regarding the details of this program.*

Building Height and Shadow Impacts

- *The site is located within proximity to a series of existing Super-tall buildings including Australia 108 and Eureka set within the broader Southbank tall building cluster with forms consistently around 150m in height. Given the lack of strategic planning guidance around building height, the key determinants of **building height are limited to CASA approval, shadow, wind impacts, building bulk and the public realm relationship.***
- *We support the splitting of the allowable mass into a twin tower approach on a large irregular plot which allows for a sharing of light and sun to the street, as well as a skyline of well-spaced forms. Urban Design would have strongly objected to a singular slab form of some 100m as presented by a number of the alternative design teams.*
- *The rotating location of the green spine is particularly successful in medium to long range views in avoiding the presentation of two adjacent identical glass forms. This results in a constant changing dynamic of glass façade adjacent to the more heavily modulated green spine façade as it is viewed from different vantage points.*
- *We note the proposal does not yet have approval from CASA regarding the projection above the established height datum of Australia 108 and Eureka. If the proposal reduces in height it is important that the **asymmetrical scale***

distinction is maintained between the two towers of at least 50m, to avoid the appearance of merging into a singular conjoined form. On this basis, the height distinction demonstrated in the discussion drawing would be acceptable, although **we regret the loss of the conservatory from the building top in this alternative scheme.**

- We note an increase in shadow after 2pm to the linear park along Grant Street from the taller tower form. We defer to Planning regarding the extent and duration of shadow to this space, which is protected under Clause 22.02.
- We note that the wind report diagrams demonstrate that the new form results in an improvement on the existing conditions directly adjacent to the subject site, but appears to worsen the wind effects on the public realm across City Road to the south. We defer to Planning regarding the acceptability of this outcome.

Urban Structure

- We support the use of Waterfall Lane and the private lane off Power Street for all vehicle access in order to avoid impact on the remaining street frontages of City Road and Southbank.
- We support the creation of a new north-south through lobby link through the >100m frontage to City Road to provide for an alternative route through to Southbank Boulevard.
- **Critical to the success of the broader neighbourhood and avoiding a 'cul de sac' development is the link through to Freshwater Place and Queensbridge Square** to the north. This is highly important to sustaining the metropolitan scale retail and entertainment offer outlined in the basement and podium levels of the proposal by bringing foot traffic through from Queensbridge Square.
- The connection to the north has been shown as an 'opportunity' in earlier sketches however we are concerned that the design detail in the application drawings would preclude its realisation. This includes the large wall and configuration of the drop off area. A detailed discussion drawing should be provided to demonstrate how the ground floor could enable this connection, including a direct, raised pedestrian crossing through the porte cochere and generous, legible opening in this wall. **The directness and generosity of the link** is key, given the dog-leg path to the north of the plaza within Freshwater Place.
- We encourage a permanent resolution of the problematic series of private lanes, easements and Waterfall Place to the north in conjunction with neighbouring properties. This network will continue to create confusion in the future for delivery vehicles, trucks and rideshare. **A simplified, shared continuous route through the block from Power Street to Waterfall Lane** of uniform width is strongly preferred.
- We would strongly prefer a Waterfall Lane interface comprising minimum column widths as distinct from sheer walling, and clearly distinct lightweight and removable infill, as a worst case scenario to allow for long term flexibility.

Site Planning

- *We support the additional setback provided at the Southbank Boulevard frontage to avoid an abrupt relationship between the bottom of the urban stair and the public realm, while maintaining the language of a continuous colonnade from the Freshwater Place complex to the north.*
- *We support the indentation of the City Road frontage with controlled outdoor areas within the title boundary as well as setback areas adjacent to building entries. This approach maintains the definition of a consistent building edge to the street while providing for a thickened threshold that provides respite from the hostile City Road environment.*
- *The proposed level management in response to the Melbourne Water floodplain requirements is exemplary, with internal level transitions along the street frontages, and the avoidance of ramps or platform lifts in the public realm.*

Massing

- *The unusual urban condition of a prominent corner to two main streets, and a lack of cohesive street character along City Road invites a non-traditional massing approach to tower and base.*
- *We support the revised massing that responds to VDRP commentary regarding the opportunity for a stronger 'grounding' of the eastern tower at the prominent City Road and Southbank Boulevard intersection, while the western tower adopts a stepped transition from the podium language up into the 'green spine'.*
- *The expression of the substantial tower columns and opening up of the corner greatly aids the legibility and generosity of the urban stair, while a lower podium volume is maintained at the Southbank Boulevard frontage, in response to the dominant condition along Southbank Boulevard to the north.*
- *We support the heavy modulation and depth within the podium, with expressed slab and blade edges providing an urban scale and a perception of weight and mass. This effect breaks down the overall volume of the podium into smaller elements and further emphasises the comparative lightness of the tower form above, with its flatter profile and uniform setback. Despite the setback being less than the preferred 10m around the perimeter, we find that the heavily rusticated podium with a reduced setback creates a much more successful human scale outcome when compared to the prospect of a flatter podium with a compliant 10m tower setback.*
- *We support the revised expression of the auditorium as a distinct luminous or translucent object, nested between the two tower forms. This provides legibility of this publicly accessible program and highlights the visual break between the eastern and western tower in oblique views along City Road.*
- *We support the arrangement of the tower floorplates to minimising direct outlook between the two adjacent towers across the setback (26.89m at its shortest distance as the green spine rotates).*
- *It is positive to note the removal of plant from the rooftop and integration within intermediate levels within the tower plan. This facilitates usable rooftop*

areas, and ensures a well-considered skyline profile free of visible service enclosures.

Building Program

Ground Floor

- *Noting the significant building population relative to the building footprint we support the creation of a number of building entries from each street frontage to allow greater dispersal and manage congestion to surrounding footpaths. Further, the new public realm along Waterfall Lane contributes additional footpath capacity.*
- *We encourage the provision of a secondary southern access to the residential / hotel lobby (western tower) to enable a more convenient route from the City Road frontage.*
- *We support the limited proportion of building services on the ground floor level, which adheres to the principles of Amendment C308 (seriously entertained), ensuring a high proportion of the ground floor dedicated to active uses. The adoption of basement parking is instrumental in securing this outcome, as well as enabling a complex multi-level active program above ground floor in lieu of vehicle storage.*
- *Further, where service elements face the street these are handled successfully, including positioning under the stairs, using the setback colonnade space off City Road to reduce their visibility while maintaining convenient authority access. The result is a highly active perimeter to both street frontages.*
- *We support the compression of the office lobby at the ground floor, and adoption of a multiple level lobby accessed via escalators to the first floor. This arrangement elevates the security point above ground level and enables unrestricted public access throughout the ground plane. The small frontage and ground floor footprint is offset by the generous vertical proportions resulting from a triple height void which is expressed as a legible double height portal to the City Road frontage.*

Urban stair and podium terrace

- *We note the stair width at the lower level has greatly increased following the VDRP feedback. From the competition stage to the early drawings the stair had compressed to a minor element. It has now been restored to a generous profile and is fully located within the title boundary to allow a generous public realm along Southbank Boulevard. The column locations through the widened stair define stopping space and a positive edge condition along the stair.*
- *We note with the increase in podium height since the competition that the stair no longer reaches the public podium terrace in a straight run, and requires a switchback with a more narrow profile. While this is disappointing, we note that at this height the stair will perform a stronger inter-floor role rather than a continuous movement corridor.*
- *We support the terrace widening adjacent to the stair at key points of program to allow clearly distinct stopping space alongside the primary movement space. However we note the zone annotated 'outdoor showroom'*

on the public stair and seek clarity on its use. Will this be secured and preclude public access, will it retain a perception of publicness?

- *We are comfortable with the narrowing of the stair to around 2m in width at the upper podium levels; however **encourage the stairs in the lower level to maintain a broad generous width from Level 02 to Level 03.** We understand this is a limited space with complex needs for access around the stair, but it would assist as the last flight of stairs within the direct sightline from Southbank Boulevard.*
- ***We encourage further consideration of how weather protection will be achieved** along the urban stair and adjacent terraces. We would prefer the design team consider retractable elements such as canvas blinds and umbrellas, and avoiding plastic blinds and screens added by tenants later on. If considered from the outset, these elements could add further vitality and texture to the open stair space.*
- *Similarly the final stair from the uppermost retail to the auditorium would preferably have a comparable width to the stair at Level 07 to ensure this feels more public and promotes inter-floor use. At present it appears buried within the mass and would lose legibility as a result.*
- *We are also confused by the apparent remnant stair on the Level 09 drawing which doesn't connect to Level 08 below. This may be a drafting error but confirmation would be helpful.*
- *We are unclear as to how the access is obtained to the running track from the adjacent program. Is this to be accessible from adjacent retail and other uses or only direct from the roof terrace space? It appears that the child care terrace would obstruct access.*

Tower amenity

- *We strongly support the ambition for multiple storey communal landscape spaces adjacent to the green spine distributed up the tower. This provides a valuable common space for the community, particularly noting the rooftop and conservatory will not be retained for exclusive use by the community. Similar attempts at stacked communal area within a tower form have been trialled in Southbank in Habitat Tower and Triptych. The proposal appears to offer the containment and protection of the more successful Triptych and avoid the overly exposed, underutilised terraces of Habitat.*
- *We support the provision of light to most corridors within the hotel and residential towers. Where these are expressed as deep void elements we request clarification on whether these are operable / open or effectively glazed both at the corridor and façade?*
- *Where the low-rise lift drops off an additional habitable room is positioned inboard to the plan in C20 without ventilation or natural light. While this is shown as a study it would function as a bedroom due to its enclosure. This contrasts to the study in apartments such as C15 which are clearly an open study nook within a circulation area. We would prefer this space to be annexed in the corridor as resident storage or similar as opposed to a habitable room.*

- *We support the conservatory space with its separate secure lift access and potentially spectacular events space, with double height voids and extensive landscaping in a weather controlled environment.*

Public Interfaces

Southbank Boulevard

- *We support the distinct approach to the Southbank Boulevard frontage, with a ground floor setback, and continuation of the colonnade presentation from Freshwater Place to the north. Tall bi-fold tenancy doors provide an open and generous presentation befitting of the scale of the future Southbank Boulevard public realm.*
- *It is positive to note the emphasis on balconies at the first floor suspended between the columns to bring activity to the building edge and benefit from the views over the future public realm. Further, we support the 800mm projecting planter at Level 02, consistent with the provisions of Amendment C308 to encourage habitable uses overlooking the street from commercial program.*
- *We note a number of versions are shown of the canopy to Southbank Boulevard in renders and drawings, however we assume the planter and projecting glass canopy represent the final version. We have **concerns with the extent of the canopy projection and its impact upon medium to long tree growth** within Southbank Boulevard. We would prefer this canopy be pulled back to no more than 3.5m in width.*

City Road

- *We strongly support the evolution of the City Road frontage comprising greater depth and inclusion of winter garden and threshold spaces between tenancies and the street. This provides protected spaces from the hostile City Road frontage behind a plinth condition, and ensures tenancies at this frontage will be more attractive, and therefore generate more activation. These exterior terraces also successfully circumvent flood plain restrictions on interior floor space by allowing additional usable space at street level.*
- *The inclusion of planters and vertical landscaping to provide a 'veil' to the frontage is also encouraged, providing outlook from the interior as well as a softened public realm. The breaks in the plinth and planter elements clearly demarcate the tenancy entry points and where absent, mark the primary building entry point to the market place.*
- *Further we support the emerging approach to bar height tables, banquette seating and other elements which increase the thickness and usability of the City Road frontage. We strongly advocate for further development of a 'kit of parts' for shop fronts along this frontage.*
- *We note the drawings show the entry from City Road differently in a number of drawings and renders. Drawings allude to a large scale urban **'tilt door' to this primary entry. However we question the acoustic and wind implications of this element.** It would be good to further test and refine options for this entry to balance climatic comfort with a desire for openness and publicness.*

Waterfall Lane and Porte cochere

- *We note the improvements to the alignment, sightlines and building edge along Waterfall Lane, given this will be the primary arrival point to the site to and from the Southbank Promenade and Hoddle Grid. This provides for a clearer 'street typology' environment, whilst the definition provided by the expression of columns provides protection from cars and more intimate gathering spaces. We are comfortable that the provided images demonstrate that the sightlines to the clad car lift wall will ensure the legibility of the lobby from within Southbank Boulevard.*
- *We had previously sought clarification on the scale of the porte cochere. The height appears to be shown differently in a number of views including RFI Page 98 and Page 100.*
- *From drawings it appears the **void at Level 1 above Waterfall Lane / porte cochere has been removed, and we are concerned with the resultant reduction of the generosity and publicness of the space** at just 4.26m in height (including suspended ceiling). Further, the single height of the space disconnects the first floor retail from this important arrival point. The low slung, deep undercroft space reinforces the dominance of the vehicle use of the space and misses the potential to recall the attractiveness of a space such as the Sofitel (Pope Joan). We strongly advocate for a double height ceiling uniformly throughout the majority of this space and a stronger emphasis on the soffit design to ensure a quality of space befitting of the ambition of the overall project. A more raw expression of the slab and concrete structure would be highly desirable within this space as distinct from a more generic suspended and clad ceiling approach.*
- *We note that a flood control gate is positioned adjacent to the private lane to the west but limited detail is provided as to its appearance or function. It also appears that while this space is sealed, the area would remain open to flood waters from the east and Southbank Boulevard. Further clarification is required on this element.*

Design Quality

- *We note the provision of renders without landscaping. This helps in understanding the appearance of the form in the event that the maintenance regime for the green infrastructure fails in the medium to long term. From the private images we are suitably convinced that there is sufficient investment in the filigree and depth of the ceramic / terracotta form of the green spine, which contrasts with the flatter glass façades with hooded operable windows and provide order and definition to the tower. We are confident that the overall appearance of the tower would still maintain its design integrity in the event the greenery failed.*
- *The relationship between the massing strategy and materiality will be critical to the success of the form and its response to surrounding streets. The mass achieved through the expression of columns, slab edges, blade walls and balustrade elements are highly important in offsetting the supertall profile of the tower form. It is imperative that these elements that connote mass, tactility and weight are not value managed to a metal or rendered finish, and*

that they are secured in the proposed concrete, terracotta, ceramic or GRC finish that they are intended.

- *We note that photo textures have been liberally applied in the renders to communicate the desired ‘stone-like’ effect, and an aluminium substituted finish would be markedly flatter, more reflective and compromised by panel joints. **We would not support a substantively aluminium façade system in the podium and green spine.** We are concerned about this possibility given the substitution at 308 Exhibition Street of GRC for aluminium.*
- *We support the variation of the façade boxes over the glass aspect of the tower, as they respond to program and solar access. We note the more square profile boxes tend to appear institutional and monotonous, while the vertical boxes are more successful in lengthening and accentuating the vertical proportions of the tower.*
- *A number of materials within the podium form are unclear in the submitted drawings. We are unclear of what material the balustrade is intended to be along the urban stairs. This is a prominent component of the façade composition and it is critical that this is a high quality finish. We support the intent for a tone / materiality contrast with the primary podium materiality which allows for a legible reading of the stair as it snakes its way up the City Road elevation.*
- *We **encourage exploration of finer detail in the columns and plinths at the lower levels of the form**, including the use of stone or tiles in order to bring the superscaled structure down to a more delicate human scale closer to the public realm.*
- *We note the reference to an ‘art wall’ in some images. We encourage the procurement of a public art strategy to be integrated throughout the project, internally and externally. **We would strongly encourage any public art opportunity to engage with the themes explored through the Southbank Boulevard project** including ‘revealed geology’ or other themes relating to the history of the area’s association with the Birrarung / Yarra River.*
- *We note the **soil depth to the communal rooftop garden in Section AA PT3 appears insufficient for planting**, however we are not sure how diagrammatically to take this section. We defer to Ben Foster regarding the viability of the on-structure landscaping throughout the project and proposed management regime.*

Planner’s Response

The key issues raised in the above urban design referral comments are:

1. Introduction of a link from the subject site through to Freshwater Place and Queensbridge Square.
2. Clarification of the use of the “outdoor showroom” on the public stair with the preference for this space to remain public.
3. An increased public stair width from Level 2 to 3.
4. Access to and usability of the podium running track.
5. Clarification of whether hotel corridors are ventilated.

6. Function of study nooks without ventilation or natural light within various apartments.
7. Clarification of City Road entry “tilt door”.
8. Ceiling height of the porte cochere.
9. Clarification of podium materials.
10. Exploration of finer detail in the columns and plinths at the lower levels.
11. Opportunity for public art.

A response to the above comments is as follows:

1. A future link is essential. It would be expected that at a minimum, consideration is given now to ensure that a link is delivered as soon as achievable. A demonstration of how the connection could be achieved within the subject site’s title boundary could be introduced by way of condition in any permit granted – **refer recommended Condition 1e.**
2. Level 2 podium terrace at the top of the public stairs is notated on the plans as “outdoor showroom”. A condition could be included in any permit granted requiring clarification of this area and to ensure that it remains publicly accessible – **refer recommended Condition 1f.**
3. The podium stairs from level 2 up to level 3 are narrower than the lower level public stairs. Any opportunity to increase the width of these stairs is encouraged and could be introduced by way of condition in any permit granted – **refer recommended Condition 1g.**
4. It is unclear from the plans how the podium (level 8) running track is accessed and whether it can be used by the public or residents / guests / employees of the building. Application material suggests the track is open for use by visitors, which would be encouraged. Further details should be included on the plans to demonstrate how the running track is accessed by the public, by way of condition in any permit granted – **refer recommended Condition 1h.**
5. A notation on the plans could be introduced by way of condition in any permit granted to confirm whether hotel corridor glazing is openable at levels 46-55 – **refer recommended Condition 1i.**
6. Some apartments include study areas that do not have direct access to ventilation or daylight. These areas are not present in all apartments and are generally small in scale and located near entries and off corridors. As such, their design is acceptable and these spaces could essentially be used as further storage for occupants as required. Their layout and dimensions do not appear to be of a size that would suggest they could become bedrooms.
7. The ground floor plans notates the City Road entrance as having a “tilt door”. Various renders show this entry as having bi-fold doors. Clarification could be required by way of condition in any permit granted – **refer recommended Condition 1j.**
8. The height of the porte cochere is essential to the perception of publicness and generosity, and key to feeling like a pedestrian rather than purely a vehicle space. A double height space was a key component in the original drawings – refer comparisons in Figures 14 and 15 below. Council’s view remains that it is

critical to provide generous vertical proportions to the porte cochere as a major arrival point for a substantial building population. The double height space would not necessarily need to follow the kink in the ground level footpath below. Possibilities could include a straight line or segments with cantilevered elements above. The delivery of a double height porte cochere could be introduced by way of condition in any permit granted – **refer recommended Condition 1k.**



Figure 14: Porte cochere (previous scheme)

Figure 15: Porte cochere (proposed scheme)

9. All materials could be clarified through a Façade Strategy, which would also allow Council to ensure high quality materials and finishes are delivered to the satisfaction of the Responsible Authority in consultation with the City of Melbourne – **refer recommended Condition 1p and 12.**
10. The exploration of finer detail in the columns and plinths at the lower levels could be introduced through a Façade Strategy as per item 9 above – **refer recommended Condition 1p and 12.**
11. It is agreed that there is significant opportunity for a public art strategy to be realised throughout the project, internally and externally. A standard public art condition could be included in any permit granted – **refer recommended Condition 32.**

6.2. Traffic Engineering

Engineering Services (Traffic) has reviewed the RFI documents submitted for TPMR-2019-24, in particular Appendix B – response to MCC Traffic Referral Comments and additional traffic advice prepared by GTA Consultants, and considers the actions / responses satisfactory, subject to the following ‘prior to occupation’ conditions on any planning permit issued:

- *Written agreement from 2 Southbank Boulevard is required for proposed signage and linemarking plan in Waterfall Lane, which gives priority of movement to the proposed development.*
- *Written agreement from adjacent property occupiers is required for proposed signage and linemarking plan for alterations to the common property driveway access via Power Street.*
- *A 1:16 grade should be provided between the Power Street easement and the truck lifts in accordance with the Australian Standards or alternatively a ground clearance check of the proposed grades could be completed in accordance with the relevant Australian Standards.*
- *A Loading Management Plan must be prepared for the operation of the loading areas and combined access / queuing areas to the basement car parking and loading docks, ensuring that the lift and access to a loading dock*

is available on a trucks arrival. The LMP should also restrict truck access to / from Power Street (not Southbank Boulevard).

- *A formal independent desktop Road Safety Audit of the proposed development should be undertaken at the developer's expense, which should include the vehicle / bicycle / pedestrian access arrangements, loading arrangements and internal circulation / layout. The audit should also include the design / operation of Waterfall Lane. The findings of the audit should be incorporated into the detailed design, at the developer's expense.*

Planner's Response

The above items could be formally introduced through conditions on any permit granted – **refer recommended Conditions 6-10.**

6.3. Waste Services

The applicant submitted a standard Waste Management Plan with the application. For a development of this scale, Council considers it an incredible opportunity for the applicant to achieve best practice in order to improve the functionality of the development, while responding to Council's resource recovery strategy.

As such, Waste Services has prepared the following condition that could be included in any permit granted to ensure that there is scope for the Waste Management Plan to evolve as the proposal is further developed and to provide 'wiggle room' for both Council and the applicant at endorsement stage as necessary:

Prior to the commencement of the development, a waste management plan shall be submitted to and approved by the Melbourne City Council – Waste and Recycling Branch. The WMP must detail waste storage and collection arrangements that meet the standards set in the City of Melbourne 'Guidelines for preparing a waste management plan' that are current at the time of submission and respond to the following requirements:

- a) Waste management systems must demonstrate that waste services can operate in an efficient manner that minimises waste collection vehicle movements to and from the site;*
- b) Storage facilities for all general, recycling and organic waste must occur within the site;*
- c) All waste collection operations must occur within the site; and*
- d) The development must demonstrate 'best practice' in relation to waste minimisation and resource recovery.*

Refer recommended Conditions 1q and 5.

6.4. Civil Design

The proposed development includes streetscape improvement works in City Road, Southbank Boulevard and widening of Waterfall Lane.

Pursuant to the Road Management Act 2004 (the Act) any works within the road reserve of City Road, an arterial road, requires the written consent of VicRoads, the Coordinating Road Authority. Footpaths, nature strips and medians of such roads fall under the City of Melbourne's control. Subsequently our conditions for works on footpaths, nature strips and medians of arterial and municipal roads are listed below.

The Infrastructure team supports proposed improvements to the public realm. However, we recommend removing from the drawings references to the bluestone paving within the road reserve. The footpaths width and scope of streetscape

improvement works should be determined in consultation with the City of Melbourne's City Design Studio, prior to the commencement of the works.

We object to the proposed construction of stairs to the property boundary. Stairs should be set back sufficiently to enable all necessary tactile ground surface indicators to be installed within the property curtilage.

All projections over the street alignment must conform to Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate. Reference may be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting on street trees, clearances from face of kerb and surface pavement.

City Road

The existing footpath adjoining the site is narrowed down from 5.0 to 2.4 metres along City Road. The Ground Floor Level of the building shall be redesigned to provide a minimum of 4.0 metres wide continuous footpath along the site. The existing footpath is only 2.4 metres wide outside of 158 City Road. However, the building has a significant setback from the road reserve which shall allow widening of the footpath in the future.

Southbank Boulevard

The existing kerb heights and footpath cross-falls provide limited opportunities for the provision of DDA compliant footpath adjoining the site along Southbank Boulevard. The developer shall determine the finished Ground Floor levels of the building and footpath in consultation with the City of Melbourne, prior to the commencement of the building works on site.

The application should be referred to the Department of Environment, Land, Water and Planning to comment on the glazed canopy and terrace projecting into airspace of Southbank Boulevard. The projections shall be designed, constructed and kept in a structurally sound, safe and sightly condition.

Waterfall Lane

The architectural drawings show widening of Waterfall Lane. The widened part of the carriageway and one metre of footpath adjoining the residential drop off car parking spaces shall be vested in Council as a road under the provision of the Subdivision Act 1988. The road should have a minimum clearance of 6.0 metres above and 2.0 metres below the surface pavement. The lower level of the road is required for the provision of public services. The basement of the building should be redesigned outside of the lower part of the road. The pedestrian pathway adjacent to the widened part of the road shall remain private and form part of the subject land.

The raised planter boxes shall be redesigned at least one metre away from the face of kerb to allow car door opening, installation of parking signs, street lighting poles and services. The bicycle hoops shall be redesigned in parallel to the kerb alignment and located at least 1.5 metres away from the face of kerb.

The full width of Waterfall Lane, including widened part of the road shall be reconstructed with centrally located open stormwater channel (250x100mm wide bluestone gutterstone), including the provision of drainage, street lighting, signage to the satisfaction of the City of Melbourne.

Planner's Response

The applicant has provided a response to the Civil Design comments raised. Civil Design has provided further comments in relation to some of these outstanding items, which are summarised as follows:

- Civil Design has recommended that the open stairs at the City Road / Southbank Boulevard corner be set back from the property boundary so tactile indicators can be installed.

The applicant responded by stating:

The location of the stairs is within the boundary and designed to planning code and building code. This was done in consultation with DELWP and City of Melbourne. Location of the stairs is critical to the architectural language and relocation will have a civic, urban, architectural and commercial implication.

An application will be made with Vic Roads to place tactile indicators at the base of the stairs in the public realm.

Civil Design responded by stating:

The installation of tactile indicators within the road reserve is generally determined in consultation with the responsible road authority, in this instance the City of Melbourne. The building code does not allow installation of tactile indicators within the road reserve. The stairs shall be designed with 900mm setback from the property boundary to allow installation of tactile indicators within the property curtilage.

A condition to set the stairs back a minimum 900mm from the property boundary to allow for the installation of tactile indicators could be included in any permit granted – **refer recommended Condition 11.**

- Civil Design has recommended that the building maintains a setback from the City Road title boundary to provide for a minimum 4m wide footpath. The building is set in from the boundary in various locations along City Road; however there are portions of the footpath that would result in reduced widths.

The applicant responded by stating:

The building is design to the boundary as per planning code and no public works overlay is in place. The footpath width is adequate for the pedestrian flow. The podium will not be set back from the property boundary. This is critical to the architecture and has commercial implications.

Please refer to TP-0-45-1000, TP-0-45-1010 and TP-0-45-1020 of the architectural plan set, which illustrates the adequacy of the existing footpath widths in this location.

Civil Design responded by stating:

The existing buildings on the subject site and 158 City Road have significant setback from the narrow part of the footpath in City Road. The footpath widening is required due to:

- *increase in pedestrian activities in the public realm, which will occur as a result of the development and pedestrian growth in this area*
- *the provision of DDA compliant access into the building from Power Street*
- *visibility and surveillance of the public environment*
- *creation of continuous walking environment between Power Street and Southbank Boulevard, which will support activation of the public realm and benefit the development.*

The subject site and City Road footpath is not subject to a Public Acquisition Overlay, which would otherwise allow Melbourne City Council to acquire the footpath. The proposed building sits within the title boundary and is therefore accepted.

- Civil Design has recommended that the developer determine the finished Ground Floor levels of the building and footpath in consultation with the City of

Melbourne, prior to the commencement of the building works on site as the existing kerb heights and footpath cross-falls provide limited opportunities for the provision of DDA compliant footpath adjoining the site along Southbank Boulevard.

This is reflected in standard Civil Design conditions – **refer recommended Conditions 13-21**.

- Civil Design has recommended that widening of Waterfall Lane and one metre of footpath adjoining the residential drop off car parking spaces should be vested in Council as a road under the provision of the Subdivision Act 1988 and the road should have a minimum clearance of 6.0 metres above and 2.0 metres below the surface pavement – the lower level of the road is required for the provision of public services. Civil Design has also recommended that the basement of the building should be redesigned outside of the lower part of the road.

The applicant responded by stating:

These car spaces will not be vested in Council. The spaces are located on a private lane outside the road corridor.

Civil Design responded by stating:

The new part of the road forms part Waterfall Lane and it shall become public road. This includes positives for the developer / occupants as the City of Melbourne becomes responsible for the care and management of the road, including parking control. The proposed road widening requires the provision of drainage and street lighting in road. It should be almost impossible to divide the drainage system, provide public lighting and delineation in surface pavement between private and public parts of the road. The road is open for the general public and it shall provide appropriate support to withstand loading from vehicular traffic.

This is reflected in standard Civil Design conditions – **refer recommended Conditions 13-21**. Note that this is in addition to Land Survey's comments at Section 6.5 below, specifically regarding the location of the residential drop-off car spaces.

- Civil Design has recommended that the raised planter boxes be redesigned at least one metre away from the face of kerb and the bicycle hoops be redesigned in parallel to the kerb alignment and located at least 1.5 metres away from the face of kerb.

A condition to this effect could be included in any permit granted – **refer recommended Condition 1m**.

- Civil Design has recommended that the full width of Waterfall Lane, including the widened part of the road shall be reconstructed with centrally located open stormwater channel (250x100mm wide bluestone gutterstone), including the provision of drainage, street lighting, signage to the satisfaction of the City of Melbourne.

This is reflected in standard Civil Design conditions – **refer recommended Conditions 13-21**.

6.5. Land Survey

- *Proposed canopy must comply with Council's Road Encroachment Operational Guidelines.*
- *Southbank Boulevard is a Government Road and canopy will require Land Tenure Authorisation.*

- *Prior to the commencement of works including demolition, easement shown as E-2 on PC359703A, for powerline purposes must be removed.*
- *Any openings on the northern boundary must be removed as the subject land has no rights of light and air access over the abutting property.*
- *The location of existing easements should be added to the swept paths provided over the properties facing Power Street.*
- *Residential drop off car spaces must not be located or partially located over public land (Waterfall Lane).*

Planner's Response

The items raised could be provided by way of conditions in any permit granted – **refer recommended Conditions 1a, 1b, 1n and 31.**

6.6. ESD / Green Infrastructure / Open Space

General

The overall development sustainability aspirations and landscape concept are of a high standard, with elements of the proposal of world leading quality.

It is noted that the sustainability targets have been reduced somewhat from the benchmarks set during the successful design competition:

- *The references to Passive House design and certification for the residential component have been removed. This is disappointing as other tall building projects worldwide have achieved Passive House certification (32 storey Bolueta building, Bilbao, Spain, and the Passive House students' residence at Cornell Tech in New York being two notable examples)*
- *The NABERS Energy targets for the Office component have been reduced from 6 to 5 stars.*

The proposal otherwise has excellent targets that will enable it to reach Australian best practice performance if all targets are carried through to completion. Prior to commencement of development, an amended ESD report will be required that provides significantly more detail on the project, its commitments and predicted performance.

The ESD report includes some innovative approaches, including parametric optimisation of facades. The conclusions from this modelling have not been included, and while useful for a design process do not give any insight into the final configuration of the building or its glazing required glazing performance.

Recommendations

Third Party Sustainability Rating Tools

The ESD Report should be more explicit in the commitment to achieve a certified 5 star Green Star rating. This commitment should be included in Section 2.1 Sustainable Management Key Goals. Current language around aligning to Green Star targets will not be sufficient. A proposal of this scale would be expected to fully commit to a certified as-built rating as a minimum.

The ESD report should be clear in communicating the approach to achieving a Green Star certification and the associated Green Star pathway should reflect this, currently the pathway includes 4 separate scoring options for the different use categories within the development. The level of discussion around this needs improvement

Energy

For the residential portion of the development, the NatHERS aspiration of average 6.5 Star, 5.5 Star minimum in line with Green Star requirements is not sufficiently ambitious enough for a project of this scale, especially as “reducing greenhouse gas emissions and ongoing running costs are a key driver for this project”. A 7.5 Star average, with a 6.5 star minimum would be a more appropriate response and in line with current industry best practice performance.

While the rhetoric of the ESD report and the submission as a whole espouses an aspirational world’s best practice project, the actual commitments included in the report are far less aspirational. The commitments made for energy efficiency are to meet the National Construction Code requirements and to achieve the minimum performance required by Clause 22.19 of the planning scheme.

The aspirations included in the report are commendable and if followed through will result in a good outcome, but unless firm commitments to higher levels of sustainable practice are made at the planning stage, it can only be assumed that the project will meet its minimum requirements only.

Water

The proposal targets water efficiency in line with Clause 22.19 requirements.

The inclusion of a greywater recycling plant to provide additional non-potable resources to the building for irrigation and other end uses is excellent and will greatly improve the resilience of the building. The location of the proposed greywater treatment plant must be shown on the architectural plans.

Green Infrastructure

The greening concept is well communicated and contains a good level of detail for a preliminary concept. Given the extent of the greening proposed, a higher level of resolution will be required to fully assess the ongoing feasibility of all the greening elements. Overall the concept has considered microclimate impacts, wind constraints, critical irrigation and maintenance requirements including green waste management and provided indicative soil volume provisions for the building. The provision of a full landscape package will be required prior to commencement of development. As a concept the level of detail provided is satisfactory.

The specification of a greywater treatment plant to provide water for irrigation of the extensive green infrastructure is an essential inclusion and is to be commended.

The use of the beta Green Factor tool would be welcomed to assist in demonstrating the environmental benefits of the green infrastructure design and we would be happy to facilitate this. Beulah has been engaging with City of Melbourne to investigate opportunities for collaboration in this area.

Stormwater and Water Sensitive Urban Design

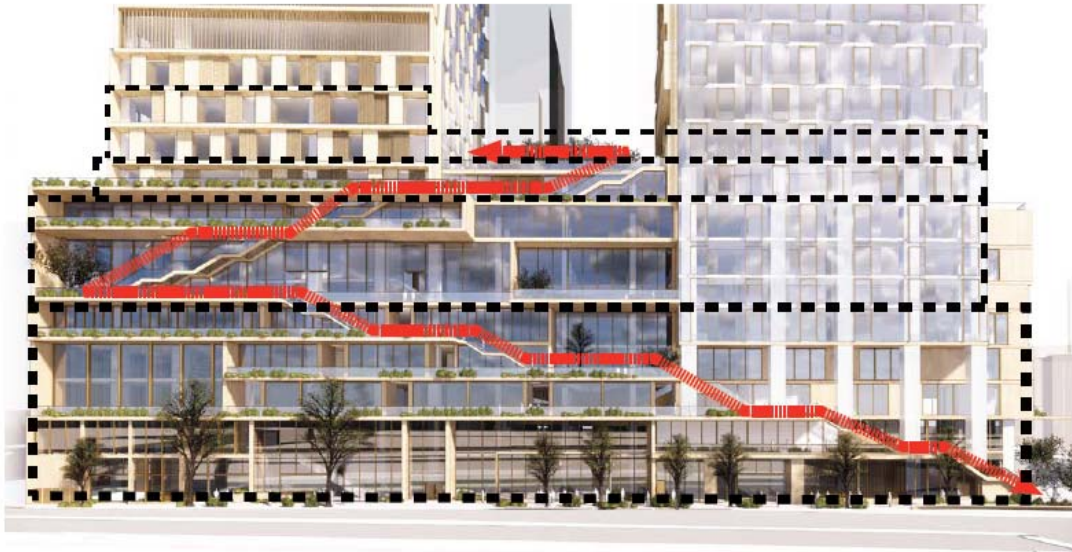
The project complies with Clause 22.23 through the use of a 100kL of rainwater harvesting connected to internal toilets.

Proposed Public Spaces within the development

Public Elevated City Square (5,000 m² for \$26,534,154 FAU value)

Location

The proposed publicly accessible open space is located on level 9, between the two proposed towers. Its current layout provides a limited offer for the public to visit and acts as the tower separation between two tall towers.



The image above demonstrates the path required to walk to the proposed public open space over nine levels (or 40 metres in height). Lift access will also be available. The walking path up to this space provides limited interest along the way. Areas designated as public space are paved terraces without amenities such as seating, planting (except to the edge) or activities. It is unclear whether this path is proposed for exercise purposes, or the main proposed method of entry to this location.

Extract from Planning report: 7.2.3. PODIUM ROOFTOP

The podium rooftop has been designed as a point of intersection between the podium and core uses within the rising tower forms. The podium rooftop unfolds at the culmination of the pathway created by the progressing stepped platforms of the podium levels and urban stair, creating a publicly accessible ‘civic square’.

This space will have a flexibility in its use, allowing room for the hosting of an array of events and activities that will naturally bring diverse groups together. The podium rooftop is envisaged as a space beyond work and home, where users will be encouraged to dwell and enjoy the comfort and amenity of their surrounds.

The current proposed concept has a general lack of ground plane green space. The multi-stepped design is highly complex and creates limited useable spaces, flexibility and has accessibility concerns. It presents as a circulation space, forecourt and outdoor dining space for the building uses, rather than a public park.

Shade

The proposed City Square is highly shaded from both the development itself and existing towers located to the north of the site. This shading will impact the usability of the space.

Management and maintenance of City Square and stairs up to the space

From the documentation it is unclear who will manage this space. The Urbis report suggests it will move to the Crown to be considered as part of the Floor Area uplift requirements. The public benefit calculations in the Urbis report include the following statement related to City Square:

We consider this component of the development to address the category of Public Benefits described by the DELWP document as Publicly Accessible Areas within the Proposed Building. DELWP's description of this category encompasses independent floor space suitable for public or a registered not for profit use with appropriate access from public area or street. The provision may include one or more of the following components:

- a) An enclosed area whose title is transferred to a public authority, municipal council or the Crown*
- b) An enclosed area leased at a peppercorn rent to a public authority, municipal council or the Crown for a period of at least 10 years*
- c) Fit-out works such as finishes, fixed furnishings, lighting, air conditioning and other services necessary for the proper functioning of the area to the satisfaction of the receiving agency, but excluding structure, building envelope or general servicing (unless those are transferred to the receiving agency)*
- d) In all cases, related administrative and / or holding costs as justified.*

The City of Melbourne would not agree to the transfer of title, or ongoing maintenance of this space as it does not fulfil the Criteria for Land Contributions set out in clause 22.26 of the Melbourne Planning Scheme. Whilst we understand this does not form the proposed Open Space Contribution, we require all proposed public spaces that are planned to be owned and / or maintained by CoM to adhere to these requirements.

Further Information Required

- The location of the proposed greywater treatment plant must be shown on the architectural plans.*
- Running track – is this publicly accessible and are there change facilities? Some documentation advises that this is for use by the public but it is unclear how the public will know how to access this space, when it is open and if it will be clearly signposted. The logical access from the public stairs does not look possible from the plans provided.*
- Future Garden - is the Future Garden free entry or is there a cost to enter (unclear as to whether this is a publicly accessible space)? It says it will be used for events. If public, how often will it be open to the public (times and days per year)?*
- Contribution to Southbank Boulevard - Proposed \$5,000,000 contribution to the development of Southbank Boulevard Open space welcomed without any conditional requirements from the applicants.*

Recommended Conditions

Environmentally Sustainable Design (ESD) Review

Prior to commencement of development of any building approved under this permit, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, providing further detail on the targets included in the amended ESD report must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must include the following:

- a) A clearly articulated approach committing to achieving third party sustainability certification for the development.*
- b) Project registration for the relevant sustainability certification scheme(s).*
- c) Firm commitments to energy performance in line with world-leading project aspirations.*
- d) All calculations, modelling reports, specification extracts, architectural drawing excerpts etc. that have been produced to demonstrate compliance with the targets included in the endorsed ESD report. A Green Star Design Review assessment may be used to fulfil this requirement.*

Verification of Environmentally Sustainable Design (ESD)

Prior to the occupation of any building approved under this permit, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans. The report must include all final calculations and modelling reports, commissioning and testing reports, building user guides and other supplementary materials etc. that have been produced to demonstrate compliance with the relevant targets included in the endorsed ESD report.

Certification of Environmentally Sustainable Design (ESD)

Following formal certification under the third party schemes referred to in the endorsed ESD report, copies of the certificates must be submitted to the Responsible Authority.

Landscape Package

Prior to commencement of development, a detailed scheme for landscaping and planting in connection with the proposed development must be submitted to, and be approved by the Responsible Authority. This should include:

- a) landscape plans with detailed planter sections including soil volumes, wind protection, maintenance access etc*
- b) schedules of species with soil volume requirements and growing media proposed*
- c) a complete landscape irrigation design*
- d) a Landscape Maintenance Plan providing details of proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion.*

Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The

landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.

Planner's Response

Regarding ESD and Green Infrastructure comments above, the recommended conditions could be included in any permit granted – **refer recommended Conditions 1s and 27-30.**

The indicative location of the greywater treatment plant could be formally introduced in the plans by way of permit condition – **refer recommended Condition 1c.**

Regarding Open Space Planning comments above:

- The public stairs located on the podium have been further refined through more updated plans and are considered to promote exploration and activity of each podium level all the way up to the podium roof civic square. Urban Design supports this arrangement.
- Shading is discussed at Section 7.5 of this report.
- Public benefits are discussed at Section 7.6 of this report.

6.7. Urban Forest and Ecology

General

These comments refer to the potential impacts of the proposal on publicly owned trees and are made in accordance with the Tree Retention and Removal Policy (the Policy).

Comments

With regard to impacts on public trees, the applicant's response to the RFI request at DM#12912931 is noted. Whilst the potential impacts of basements locations within tree protection zones can be further established with non-destructive excavations, other impacts of works within the public realm (footpath upgrades and service etc) have not been assessed. Also, beyond these cumulative impacts, is the physical space required for demolition and construction. The Arboricultural Impact Assessment makes recommendations to the applicant that have not been confirmed as feasible. These include construction activities being confined to the subject site etc. Demolition and construction methodologies are unlikely to have been finalised and as such, a fully informed Tree Protection Plan will be required.

Planner's Response

Standard conditions were included in the referral comments, which could be introduced in any permit granted – **refer recommended Conditions 4g and 33-36.**

6.8. City Design

The following points refer to the Urbis letter of 4 October 2019 providing tables of responses to requests for further information.

- *Appendix B, Table 6, point 2 responds satisfactorily to our previous comments that public realm streetscape works outside the development title boundary should be removed from the drawings.*
- *Appendix B, Table 6, point 8 regarding a potential permit condition for further detail responds satisfactorily to City Design's previous internal comments on façade greening and interior landscape but we defer to Urban Sustainability's view.*
- *Appendix B, Table 6, point 1 refers to the DELWP request for wind tunnel testing of ground level conditions. The Applicant has provided the RWDI*

Pedestrian Wind Study of 1 October 2019 which identifies a resulting deterioration of wind comfort and wind safety around the development. The Urbis Public Benefit report (Appendix A, paragraph A.11) refers to the development site's interface with the planned Southbank Boulevard open space and the Applicant has previously showed related indicative public realm concepts in the submission. Whilst the local wind conditions are complex and not the sole product of a single development we recommend the Pedestrian Wind Study gives further consideration to built form works to improve ground level public realm / open space wind conditions.

Planner's Response

The wind conditions item raised is considered valid and is discussed in greater detail at Section 7.5.2 of this report.

7. EXTERNAL REFERRALS

DELWP has referred the application to the following authorities, in addition to the City of Melbourne:

- CitiPower
- Melbourne Water
- Public Transport Victoria
- VicRoads.

8. ASSESSMENT

8.1. Uses

Referring to Section 3 of this report, the following uses are proposed:

- Dwellings
- Residential Hotel
- Office
- Retail (including Food and Drink Premises and Supermarket)
- Childcare Centre
- Conference and Entertainment Facilities
- Exhibition Centre
- Conservatory.

All uses proposed are as-of-right and do not require a planning permit.

The mix of uses proposed is supported. They provide a broad range of residential, commercial, retail, entertainment, cultural and community uses that complement the mixed use function and purpose of the Capital City Zone. The uses are spread throughout the building, including several public uses located within the highly activated podium.

8.2. Demolition

Demolition is supported. The existing building on-site is of no heritage or cultural significance. If the land remains vacant for 6 months after completion of the demolition, the owner must construct temporary works on the land to the satisfaction of the Responsible Authority – **refer recommended Condition 3.**

8.3. Design and Development Overlay Schedule 1 (Area 3)

The site is affected by Design and Development Overlay Schedule 1-A3. An assessment against the design objectives and requirements is as follows:

Design objectives

Design Objective	Response
To ensure ground floor frontages are pedestrian oriented and add interest and vitality to city streets.	The ground floor is highly activated along all street frontages.
To provide continuity of ground floor shops along streets and lanes within the retail core.	A mix of retail tenancies and pedestrian entries are located along the majority of all public interfaces.
To ensure ground floor frontages contribute to city safety by providing lighting and activity.	As the ground floor is highly activated and open to the public, it will deliver a safer city.

Requirements – Area 3 (Major Pedestrian Areas and Key Pedestrian Routes Within CCZ3 and MUZ)

Requirement	Response
Buildings should provide a positive architectural response when viewed from street level and provide active street frontages and opportunities for engagement with pedestrians, by providing: At least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or window which allows occupants to engage with the street.	As described by Council's Urban Designer, the heavy modulation and depth within the podium provides an urban scale and a perception of weight and mass. The heavily rusticated podium creates a successful human scale outcome. The entire ground level building along City Road and Southbank Boulevard is provided with entries or windows.

8.4. Design and Development Overlay Schedule 3

The site is affected by Design and Development Overlay Schedule 3. An assessment against the design objectives and requirements is as follows:

Design objectives

Design Objective	Response
To promote pedestrian flow, safety and amenity.	All public interfaces are active and will promote safety for pedestrians; enhancing general amenity in an area that would benefit from an improved functional space.
To improve opportunities for the enhancement of roads for pedestrian use by discouraging further access to off-street car parking across traffic conflict frontages.	All traffic movements are being removed from City Road and will be located at the rear of the site to minimise conflict. The vehicle access area at the rear is a shared space with pedestrians; however, it has been designed with this in mind and is considered appropriate subject to a higher porte cochere ceiling.
To minimise conflict between pedestrians and vehicles on footpaths.	Refer above.

Requirements

Requirement	Response
Vehicular ingress or egress points, excluding loading and unloading bays, should not be constructed on a traffic conflict frontage or in a lane leading off a traffic conflict frontage.	No vehicle access is located off City Road or Southbank Boulevard. An existing crossover along City Road will be removed, improving this frontage.
Vehicular ingress or egress points must not be constructed on a traffic conflict frontage, or in a lane leading off a traffic conflict frontage within the Retail Core Area - Schedule 2 to the Capital	Not applicable – the site is not located within Schedule 2 to the Capital City Zone.

City Zone.	
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8.5. Design and Development Overlay Schedule 10

The site is affected by Design and Development Overlay Schedule 10. An assessment against the relevant criteria and requirements is as follows:

8.5.1. Built Form

Design Objectives

Objective	Response
To ensure development achieves a high quality of pedestrian amenity in the public realm in relation to human scale and microclimate conditions such as acceptable levels of sunlight access and wind.	<p><u>Human Scale</u></p> <p>As described by Council's Urban Designer, the heavy modulation and depth within the podium provides an urban scale and a perception of weight and mass. The heavily rusticated podium creates a successful human scale outcome.</p> <p><u>Sunlight</u></p> <p>The siting of the towers with substantial separation and offsets ensures that sunlight can be reached throughout the building and podium at certain times of the day.</p> <p><u>Wind</u></p> <p>Wind conditions are discussed at Section 7.5.2 of this report.</p>
To ensure that development respects and responds to the built form outcomes sought for the Central City.	Refer to Table 3 below.
To encourage a level of development that maintains and contributes to the valued public realm attributes of the Central City.	The immediate area is undergoing substantial changes to the built form and streetscape character. Once a heavily vehicle-oriented intersection, new developments that have direct line of sight to the corners of City Road and Southbank Boulevard are improving the public realm and pedestrian attributes of this part of the Central City. The proposed building has been successfully designed to further enhance these attributes as described in detail at Section 6.1 of this report.
To ensure that new buildings provide equitable development rights for adjoining sites and allow reasonable access to privacy, sunlight, daylight and outlook for habitable rooms.	The podium is generally built to all boundaries and the towers have various setbacks from all title boundaries. The building has been sited and designed to provide equitable development rights for adjoining sites, while allowing reasonable access to privacy, sunlight, daylight and outlook for habitable rooms.
To provide a high level of internal amenity for building occupants.	<p>The development has been designed to offer occupants of the proposed building a high level of internal amenity within the two towers, due to their floorplates, siting, setbacks, offsets and orientation.</p> <p>Internal amenity is further assessed at Section 7.14 of this report.</p>
To ensure the design of public spaces and buildings is of a high quality.	Public spaces within the site have been discussed throughout this report. In summary, they achieve a high quality outcome for users of this new precinct building.
To encourage intensive developments in the Central City to adopt a podium and tower format.	A podium and tower (two towers) format is adopted, which is a preferred outcome on a large site such as this.

Table 3 to Schedule 10

Design Element	Preferred Requirement	Modified Requirement	Built Form Outcomes	Response
Street wall height	Up to 20 metres	<p>The street wall height must be no greater than:</p> <ul style="list-style-type: none"> • 40 metres; or • 80 metres where it: <ul style="list-style-type: none"> • defines a street corner where at least one street is a main street and the 80 metre high street wall should not extend more than 25 metres along each street frontage, and/or • fronts a public space including any road reserve wider than 80 metres. 	<p>Street wall height is scaled to ensure:</p> <ul style="list-style-type: none"> • a human scale. • an appropriate level of street enclosure having regard to the width of the street with lower street wall heights to narrower streets. • consistency with the prevalent parapet height of adjoining buildings. • height that respects the scale of adjoining heritage places. • adequate opportunity for daylight, sunlight and skyviews in the street. • definition of main street corners and/or public space where there are no significant impacts on the amenity of public spaces. • maintenance of the prevailing street wall height and vertical rhythm on the street. 	<p>The podium street wall measures 40m in height to City Road, Southbank Boulevard and Waterfall Lane. Its design, articulation and various insets achieves a human scale and is consistent with the prevailing street wall heights in the immediate surrounding area.</p> <p>The street walls are not directly adjacent any heritage buildings, the closest being Riverside Apartments on the opposite side of Southbank Boulevard – a separation of 33m.</p> <p>The street walls face north-east, north-west and south-east. Daylight and sunlight (where possible) will be adequate with retail tenancies afforded a high level of daylight at all podium levels. Significant tower separation above the podium will ensure sky views beyond the street walls will be achieved.</p> <p>The street wall wraps around the corner of two main streets and has been well-designed as an articulated and high quality form as presented to the public realm.</p>
Building setback(s) above street wall	Above the street wall, towers and additions should be setback 10 metres from the title boundary.	Above the street wall, towers must be setback a minimum of 5 metres from the title boundary.	<p>Towers and additions are setback to ensure:</p> <ul style="list-style-type: none"> • large buildings do not visually dominate the street or public space. • the prevalent street wall scale is maintained. • overshadowing and wind impacts are mitigated. 	<p>Setbacks of 5m are proposed.</p> <p>As identified and described by Council's Urban Designer, despite the setbacks above the street wall being less than the preferred 10m around the perimeter, the heavily rusticated podium with a reduced setback creates a much more successful human scale outcome when compared to the prospect of a flatter podium with a compliant 10m tower</p>

			<ul style="list-style-type: none"> the tower or addition includes a distinctly different form or architectural expression. 	<p>setback.</p> <p>Wind and overshadowing impacts are discussed at Sections 7.5.2 and 7.5.3 of this report respectively.</p> <p>As described by Council's Urban Designer, the rotating green spine is successful in medium to long range views in avoiding the presentation of two adjacent identical glass forms.</p> <p>Moreover, the asymmetrical scale distinction avoids the appearance of the two towers merging into a singular conjoined form.</p>
<p>Building setbacks from side boundaries and rear boundaries (or from the centre line of an adjoining laneway) and tower separation within a site</p>	<p>Above the street wall or 40 metres (where there is no street wall), towers and additions should be setback a minimum of 5 metres or 6% of the total building height whichever is greater.</p>	<p>Towers and additions up to 80 metres in height:</p> <p>Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres.</p> <p>Towers and additions of no more than 80 metres in height may be constructed up to one side or rear boundary, excluding a laneway, if an existing, approved, proposed or potential building on an adjoining site is built to that boundary and if a minimum setback of 5 metres is met to all other side and rear boundaries and the centre line of any adjoining laneway.</p> <p>Buildings of no more than 80 metres in height, may be constructed to a second side or rear boundary if an adjoining site cannot, by legal restriction</p>	<p>Towers and additions are designed and spaced to ensure:</p> <ul style="list-style-type: none"> sun penetration and mitigation of wind impacts at street level. provision of reasonable sunlight, daylight, privacy and outlook from habitable rooms, for both existing and potential developments on adjoining sites. floorplate layout or architectural treatment limits direct overlooking between habitable rooms. buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them. buildings do not visually dominate heritage places and streetscapes, nor significant view lines. 	<p>Both towers exceed 80m in height and have minimum 5m setbacks from side and rear boundaries, including Waterfall Lane.</p> <p>The two towers on-site are separated well in excess of 10m.</p> <p>The siting and design of the towers are such that sun penetration is adequately maintained throughout the day; and reasonable provision is made for sunlight, daylight and privacy. Outlook is not compromised.</p> <p>The floorplate layouts are of a high quality such is the design of each tower, the siting and separation from each other, and the twisted green spines.</p> <p>The towers are distinct in their height and form and will not appear as a continuous wall from the public realm.</p> <p>Heritage buildings in the vicinity will not be unreasonably impacted on.</p>

		<p>benefitting the application site, be developed above the street wall height.</p> <p>Towers exceeding 80 metres in total height:</p> <p>Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres and must meet the design element requirements for tower floorplate.</p> <p>Tower separation within a site:</p> <p>Towers must be separated by a minimum of 10 metres.</p>		
Tower floorplate	The tower floorplate is determined by the preferred requirement for building setbacks from side and rear boundaries and tower separation within a site, and the modified requirement for building setback(s) above the street wall	<p>The tower floorplates above the street wall for a tower above 80 metres in height may be adjusted in terms of location and / or shape but must not:</p> <ul style="list-style-type: none"> • result in an increase in the floorplate area; • be situated less than 5 metres from a side or rear boundary (or from the centre line of an adjoining laneway); • be less than 5 metres to a street boundary; • be less than 10 metres to an adjoining tower on the site. 	<p>The adjusted floorplate is designed and spaced to:</p> <ul style="list-style-type: none"> • reduce impact on existing and potential neighbours in terms of privacy, outlook, daylight and sunlight access. • minimise visual bulk. • reduce impact on public spaces, including overshadowing and wind effects and reduced visual dominance. • buildings do not visually dominate heritage places and streetscapes, nor significant view lines. • buildings do not appear as a continuous wall at street level or from nearby 	<p>The applicant has provided Council with an assessment of the base tower floorplate that identifies the area in square metres that each tower cannot exceed.</p> <p>It has been identified that there is a slight discrepancy between Council's and the applicant's interpretation of the required setback of the East Tower. The applicant's calculation is based on part of the north-west setback being from a "street". Council's calculation is based on this portion of the setback being from a "side and rear boundary".</p> <p>The portion of wall that has been incorrectly calculated is directly opposite the shared boundary with 2-50 Southbank Boulevard, not Waterfall Lane. Therefore, Council considers its interpretation to be correct.</p> <p>This has been discussed with the applicant who subsequently agrees with this interpretation.</p> <p>A revised calculation has been provided by the</p>

			<p>vantage points and maintain open sky views between them.</p>	<p>applicant. In order to retain the base floorplate of the East Tower and a minimum 10m separation between towers, the West Tower's base floorplate has been reduced by 113m².</p> <p>It is likely that the form and shape of the West Tower can be maintained through a minor shaving of setbacks, which would have no discernible visual change or functional impact of this tower. It is essential that office floor area is maintained; as it is relied up on to provide public benefit in response to floor area uplift. Therefore, a condition could be included on any permit granted, requiring a reduction in the West Tower floorplates in line with DDO10 Tower Floorplate mandatory requirements, along with no increase in shadow and no decrease in overall office floor area – refer recommended Condition 1v.</p> <p>On its merits, the towers continues to respond to the Modified Requirement and Built Form Outcomes insofar as:</p> <ul style="list-style-type: none"> • The permit condition would not allow an increase in tower floorplate; • Both towers are not located within 5m of a boundary; • Tower separation is greater than 10m; • The siting adequately addresses privacy, outlook, daylight and sunlight impacts; • The tower separation ensures there are no visual impacts in the round; • Wind and overshadowing are addressed at Sections 7.5.2 and 7.5.3 of this report respectively; and • There would be no negative impacts on nearby heritage buildings.
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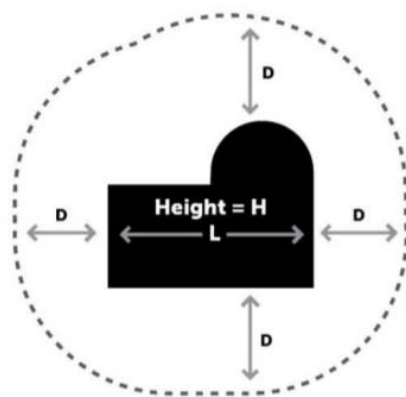
8.5.2. Wind

DDO10 states the following:

A permit must not be granted for buildings and works with a total building height in excess of 40 metres that would cause unsafe wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40 metres in height measured from all façades, or half the total height of the building, whichever is greater as shown in Figure 1.

A permit should not be granted for buildings and works with a total building height in excess of 40 metres that do not achieve comfortable wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40 metres in height measured from all façades, or half the total height of the building, whichever is greater as shown in Figure 1.

Figure 1



Assessment distance D = greater of:
 $L/2$ (Half longest width of building)
 OR
 $H/2$ (Half overall height of building)

The proposed development exceeds 40m in height. DDO10 defines unsafe wind conditions, comfortable wind conditions and mean wind speed.

The Pedestrian Wind Study prepared by RWDI and submitted as part of the application, details that a scale model was built to gauge wind comfort and safety in pedestrian areas. The assessment focused on critical pedestrian areas, including walkways and sidewalks around the project site, building entrances and amenity spaces.

On-Site

The report concludes that the proposed development is expected to cause unsafe wind conditions for pedestrians at locations 79, 80, 84, 87 and 88 – which are on the building's podium levels. Firstly it is noted that the reference images in the wind report are now slightly outdated due to further iterations of the architectural drawings being submitted. Secondly, some of these locations appear to be within the childcare centre's outdoor space, which is not considered a publicly accessible space.

Notwithstanding, DDO10 states that a permit must not be granted for buildings and works with a total building height in excess of 40 metres that would cause unsafe wind conditions in publicly accessible areas. Measures must therefore be taken to improve safety conditions in accordance with the mandatory requirements of DDO10.

Off-Site

With the exception of four key locations, the report concludes that the proposed development is not expected to reduce comfort or safety conditions for pedestrians.

Pages 20 (Existing Pedestrian Wind Safety Conditions) and 21 (Proposed Pedestrian Wind Safety Conditions) of the submitted Wind Report identify four locations (1, 42, 43 and 44) expected to exceed the safety criterion under proposed conditions (these four locations are currently a pass under existing conditions).

One of these locations is on the west side of City Road adjacent the subject site (location 1). Three of these locations are on the east side of City Road, directly opposite the subject site (locations 42, 43 and 44).

The applicant has made the following comments in response to the above non-compliance:

The proposed development has an overall benefit for conditions along City Road, however does cause the current windy conditions on the northern side of City Road to transfer to the southern side.

The wind tunnel models for the surrounding context are based on massing models. However, please note the following comments from RWDI which highlight that what has currently been modelled is a “worse-case” scenario:

- *The podium levels of Australia 108 was modelled as a simplified built form (this is a standard approach), however it is noted that the podium levels of Australia 108 is constructed with articulation and incorporates carpark levels. The car park areas will be ventilated to the external façade and hence significantly reduce the current noted wind conditions which are directed down City Road.*
- *The adjacent “Wrap” and “Southbank Grand” podium built forms incorporate a slight setback at the heritage façade level, as well as ventilated carpark façade levels in the podium, to reduce the downwash to the street level below.*

As such, it is suggested that a number of the street trees, podium articulation and ventilation of the carpark help reduce the wind conditions around this region.

On this basis, it is respectfully requested that a condition along the lines of the following is included to ensure all wind matters are adequately resolved:

Prior to the commencement of the development, excluding demolition, bulk excavation and early site preparation works, an updated Environmental Wind Tunnel Modelling of the development must be submitted. The updated report must generally be in accordance with the Pedestrian Wind Study prepared by RWDI, dated 1 October 2019, and revised to reflect current surrounding building conditions and any changes referenced in Condition 1 of this permit and be to the satisfaction of the Responsible Authority.

Summary

The above comments may be valid; however, they won't be fully known until further wind modelling is undertaken to greater detail of the surrounding area and in accordance with the proposed building's form as depicted in the most recent architectural drawings submitted for assessment. As such, a condition could be included in any permit granted requiring an updated wind report that a) assesses wind conditions based on the true built form detail of the host building and nearby buildings; and b) provide recommendations to the proposed building so that all

locations pass the safety criteria in accordance with the requirements of DDO10 – refer recommended Conditions 1r and 11.

8.5.3. Overshadowing

Table 2 to DDO10 lists key locations that must not be affected by new shadow at certain times of the day, on certain dates. Of relevance to this application, a permit must not be granted for buildings and works which would cast any additional shadow across the following space and during the following hours and dates, unless the overshadowing will not unreasonably prejudice the amenity of the space:

- Australian Centre for Contemporary Art Forecourt between 11am and 2pm, between 22 April and 22 September.

Shadow is cast over the Australian Centre for Contemporary Art Forecourt at 2pm on 22 April – refer Figure 16.

The extent of additional shadow is minimal and inconsequential given the extent of existing shadow already cast over this forecourt and the time of day (i.e. no shadow for the entire day leading up to 2pm). Furthermore, additional studies have been prepared, identifying no shadow cast over this space until 1.55pm. As such, the extent of ‘non-compliance’ is for a total of 5 minutes. The additional shadow will not unreasonably prejudice the amenity of this space and is therefore considered acceptable.

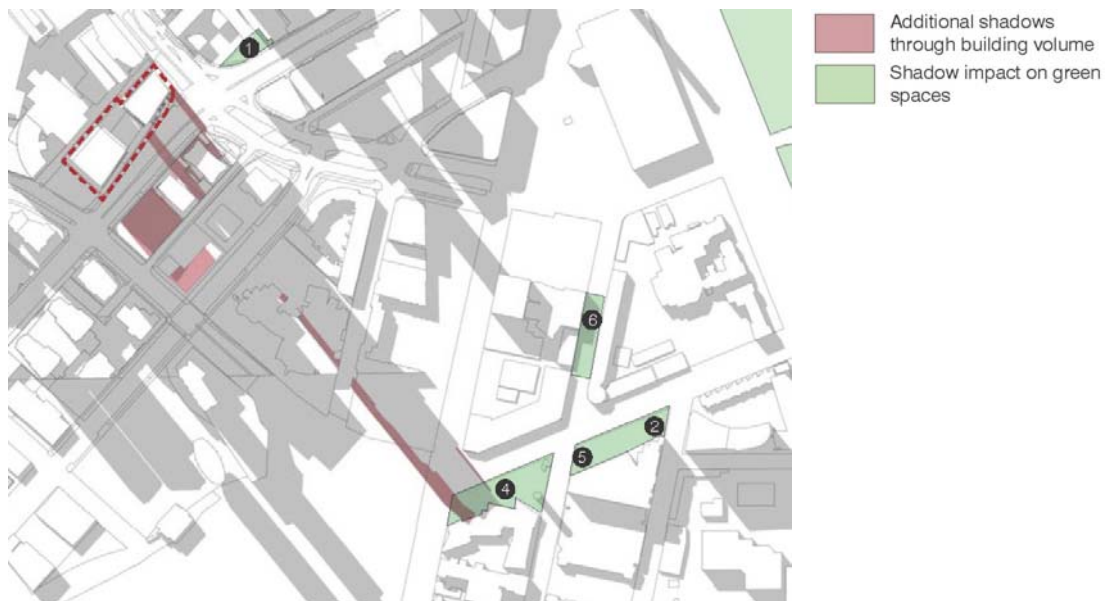


Figure 16: Shadow cast over the Australian Centre for Contemporary Art Forecourt at 2pm on 22 April

8.6. Public Benefits

Schedule 3 to the Capital City Zone states that:

A permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) to construct a building or construct or carry out works with a floor area ratio in excess of 18:1 on land to which schedule 10 to the Design and Development Overlay applies unless:

- a public benefit as calculated and specified in a manner agreed to by the responsible authority is provided; and
- the permit includes a condition (or conditions) which requires the provision of a public benefit to be secured via an agreement made under section 173 of the Planning and Environment Act 1987.

The Floor Area Uplift and Delivery of Public Benefits policy at Clause 22.03 applies to land within Schedules 1, 2 and 3 of the Capital City Zone that are also subject to Schedule 10 to the Design and Development Overlay.

The objective of Clause 22.03 is:

- to ensure that a development delivers a commensurate public benefit when Floor Area Uplift is sought.

When a Floor Area Uplift requires the delivery of a public benefit, it is policy to:

- ensure the appropriateness and value of the public benefit(s); and
- ensure the management and maintenance of the public benefit(s); and
- ensure the complete and timely delivery of the public benefit(s).

The applicant has provided substantial material to address the abovementioned requirements, as the proposed Floor Area Ratio equates to 38.16:1.

The independent Public Benefit Report and Valuation Report, both prepared by Urbis, have identified several components of the proposal as forming part of the public benefit calculation. This includes:

- Components identified as Part A. These constitute public benefit outcomes that achieve the Floor Area Ratio uplift and that are provided in line with the requirements of DELWP's guiding document 'How to Calculate Floor Area Uplifts and Public Benefits'; and
- Components identified as Part B. These include the childcare centre, enclosed open space, conference centre, conservatory, public art space and competitive design process and are voluntary outcomes that will offer great benefit to the public, but are provided outside of the abovementioned guiding document (i.e. they fail to strictly meet relevant criteria) and are in excess of the planning scheme requirements.

While the Part B components are commendable and contribute to a broader mix of uses and activities for the precinct, they do not form part of the assessment for the purposes of identifying whether Clause 22.03 is met.

The report identifies that for a Floor Area Ratio of 38.16:1, the required public benefit equates to \$137,287,700.

The applicant identifies the following components under Part A:

1. Upper level open space;
2. Office use;
3. Contribution to Southbank Boulevard upgrades.

An assessment of the Part A components is as follows:

1. A publicly accessible open area is a valid public benefit category. It includes plazas, laneways, required setbacks and parks directly accessible from a public street or public area. The provision may include one or more of the following components:
 - a) An area whose title is transferred to a public authority, municipal council or the Crown;
 - b) An area retained in private ownership with a legal encumbrance to provide unrestricted public access and an appropriate private maintenance regime;
 - c) Civil works such as paving, walls, canopies, artworks, furniture, planting, irrigation, drainage and ancillary works necessary for the proper functioning of the area (but excluding site preparation and any sub-structure), to the satisfaction of the receiving agency.

The application material identifies the upper podium as being publicly accessible 24/7. While the detailed design has changed slightly since the applicant's public benefit report was originally created, the extent of podium public space remains generally consistent. The report identified 4,857m² of elevated public open space, which equates to a public benefit of approximately **\$26 million**.

2. A strategically justified office is a valid public benefit category. It must be secured by legal agreement for a period of at least 10 years.

A total office net floor area of 27,233m² is proposed, which equates to a public benefit of **\$149,781,500**.

3. Southbank Boulevard upgrades are located off-site and therefore do not fall within a relevant category of public benefit that can be provided. This component should therefore sit within Part B. Notwithstanding, the applicant has offered a \$5 million contribution to the Southbank Boulevard upgrades, which could be secured via a Section 173 agreement as a condition in any permit granted – **refer recommended Condition 37**.

The office component alone exceeds the required public benefit of \$137,287,700. The office and publicly accessible open area are considered to meet the objective and policies of Clause 22.03 and could be secured via a Section 173 agreement as a condition in any permit granted – **refer recommended Condition 37**.

An assessment of the Part B components is as follows:

Although these components sit outside the scope of public benefits, they provide a significant additional contribution to the function of this precinct development as a whole.

The childcare centre has been designed for 100 childcare places and includes indoor and outdoor space.

The enclosed open space is designed to draw pedestrians into the building to use the various retail tenancies and market place, which is located in Basement 2.

The conference centre and entertainment facilities will have a community focus and will be available for use by not-for-profit organisations.

The two level roof top conservatory will be open to the public and will be a showcase for landscape technologies and contemporary use of plant species, with views back across the city towards the Botanical Gardens, reinforcing the conceptual relationship and enhancing the users' connection to nature.

The provision of public art space is a great way to promote interaction with local and international artists and display their work.

The competitive design process secured a high quality development.

These uses could be secured via a Section 173 agreement as a condition in any permit granted – **refer recommended Condition 37**.

8.7. Proposed Amendment C308

The proposal is consistent with key aspects of Amendment C308, including:

- An underground car park
- Multiple entry points to the building
- Active and attractive frontages along all streets
- A potential future link through Freshwater Place and Queensbridge Square to the north (subject to permit condition)
- High quality materials and fine grain design to the street walls
- A building program that engages pedestrians.

It is noted that Council's Urban Designer has not raised any issues with the proposed development in relation to Amendment C308.

8.8. Traffic and Parking

The proposal includes:

- Vehicle access at the rear of the site off Waterfall Lane, leading into a porte cochere shared drop-off zone, two truck lifts for Basement 4 and car entry.
- Vehicle access through the approved development at 25-35 Power Street / 38 Freshwater Pace, off Power Street.
- Removal of the existing crossovers to City Road (altering access to a Road Zone, Category 1).
- 229 traditional car parking spaces and 20 car share spaces (249 total)
- 6 motorcycle spaces
- 713 residential bicycle spaces and 329 office/visitor bicycle spaces.

Referring to Section 6.2 of this report, Engineering Services (Traffic) has reviewed the proposal and supports the development subject to conditions – **refer recommended Conditions 6-10.**

An assessment against statutory car and bicycle requirements is as follows:

8.8.1 Car Parking

Pursuant to Schedule 1 of Clause 45.09, a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of this schedule. This does not include the provision of additional car parking, to the satisfaction of the responsible authority, which is required to serve:

- On site use for dwellings or a residential hotel.

Where a site is used partly for dwellings and partly for other uses, the maximum number of spaces allowed:

- For that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling.
- For that part of the site devoted to other uses, (excluding common areas serving the dwellings) must not exceed the number calculated using one of the following formulas:
 - 5 x net floor area of buildings on that part of the site in m² / 1000m²; or

- 12 x that part of the site area in m² / 1000m².

Based on the number of dwellings and net floor area of other uses, a maximum 1,289 spaces are allowed under the Parking Overlay. A total of 249 car spaces are proposed, which is less than the maximum. As such, a permit is not required pursuant to Schedule 1 of Clause 45.09 (Parking Overlay).

8.8.2 Motorcycle Parking

All buildings that provide on-site car parking must provide motorcycle parking for the use of occupants and visitors, at a minimum rate of one motorcycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient. As 249 car parking spaces are proposed, two motorcycle spaces are required. Six motorcycle spaces are proposed and the requirement is met.

8.8.3 Bicycle Parking

Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

The dwelling component has a statutory requirement of 158 resident spaces and 79 visitor spaces – totalling 237 spaces. The remaining uses have a statutory requirement of 237 employee/resident spaces and 133 visitor/shopper spaces – totalling 370 spaces. Combined, a total of 607 bicycle spaces are required.

The proposed development provides a total of 1,042 on-site bicycle spaces, which significantly exceeds the statutory rate. The spaces are variously spread across the uses proposed on-site and are therefore accepted.

Appropriate end-of-trip facilities are provided within the ground floor mezzanine.

8.9. Waste

Referring to Section 6.3 of this report, for a development of this scale, the standard Waste Management Plan submitted with the application was considered insufficient. Council considers it an incredible opportunity for the applicant to achieve best practice in order to improve the functionality of the development, while responding to Council's resource recovery strategy.

As such, Waste Services has prepared a permit condition that ensures there is scope for the Waste Management Plan to evolve as the proposal is further developed and to provide opportunities for both Council and the applicant at endorsement stage as necessary – **refer recommended Conditions 1q and 5.**

8.10. Environmentally Sustainable Development

Referring to Section 6.6 of this report, the overall development sustainability aspirations and landscape concept are of a high standard, with elements of the proposal being of world leading quality. Notwithstanding, the sustainability targets have been reduced somewhat from the benchmarks set during the successful design competition. The proposal otherwise has excellent targets that will enable it to reach Australian best practice performance if all targets are carried through to completion. An amended ESD report could be requested via condition in any permit granted to provide greater detail on the project, its commitments and predicted performance – **refer recommended Conditions 1s and 27-29.**

8.11. Landscaping

A landscape concept has been prepared and submitted. Council's Green Infrastructure department has advised that the greening concept is well communicated and contains a good level of detail for a preliminary concept. Overall the concept has considered microclimate impacts, wind constraints, critical irrigation and maintenance requirements including green waste management and provided indicative soil volume provisions for the building. As a concept the level of detail provided is satisfactory.

Notwithstanding, given the extent of the greening proposed, a higher level of resolution will be required to fully assess the ongoing feasibility of all the greening elements. This will include a complete landscape irrigation design and maintenance plan to ensure that the greenery remains successful in the long term. A full landscape package could be required by way of condition in any permit granted – **refer recommended Condition 30.**

It is also noted that renders showing the proposed development without greening remains high quality and is supported by Council's Urban Designer.

8.12. Aviation

Pan-OPS (Procedures for Air Navigation Services – Aircraft Operations) air traffic control height has been identified by the applicant as 357.2m AHD. The proposed east tower measures 368.1m AHD (365.1m above ground level). The proposed development therefore seeks to exceed the current Pan-OPS aviation height by 10.9m.

Council is yet to receive confirmation from the applicant that support for a variation to this height will be granted by the relevant Aviation authority (Essendon Fields). Notwithstanding, the assessment of this application is based on the proposal submitted by the applicant.

In the event that Aviation does not support the height variation, the applicant has submitted a Section diagram (Figure 17) and written response (below) that demonstrates how a reduced height could be achieved.

Level 9:

- *Convert Retail to Residential*
- *Reduce Floor To Floor ('FTF') from 6m to 3m*

Level 10:

- *Convert Retail to Residential*
- *Reduce FTF from 6m to 4m (as this is below a plant floor)*

Levels 76 & 77:

- *Both Floors have been deleted with levels above shifted down*
- *These are the bottom of non-twist (typical) high rise floors so there will be no impact to the architectural 'twist'.*

Level 94 – sub penthouse level:

- *Reduce FTF from 4.4m to 4m*

Level 95 – penthouse level:

- *Reduce FTF from 5.4m to 5m*

A reduced scheme would result in a lowering of the east tower by 11.1m, below the current Pan-OPS height. The reduced height, from a massing perspective would be considered acceptable, assessed by Council’s Urban Designer as follows:

We note the proposal does not yet have approval from CASA regarding the projection above the established height datum of Australia 108 and Eureka. If the proposal reduces in height it is important that the asymmetrical scale distinction is maintained between the two towers of at least 50m, to avoid the appearance of merging into a singular conjoined form.

The two towers would continue to achieve a height differentiation of well over 50m (104m). Notwithstanding, the building program and any changes resulting from the reduced height, would be to DELWP / Council’s satisfaction and would be assessed as part of a Section 72 Amendment application lodged with DELWP and referred to Council.



Figure 17: Height comparison with a lower tower below Pan-OPS limit

8.13. Easement

Pursuant to Clause 52.02, a permit is required to remove an easement.

The proposal seeks to remove an existing easement, which is currently for the purpose of a powerline, benefitting the authority of CitiPower. The easement is 2m in width, runs in a north-west to south-east direction and is located towards the south-west portion of the site.

The proposal will make the easement redundant with the new development to be connected to all required services and infrastructure (including electricity).

In accordance with Land Survey referral comments at Section 6.5 of this report, a condition could be included in any permit granted requiring the easement to be removed prior to the commencement of works – **refer recommended Condition 31.**

8.14. Apartment Developments (Clause 58)

A Clause 58 assessment has been undertaken and submitted with the application, including a written response to each Standard and accompanying drawings prepared by the project architects that detail compliance. A summary of compliance with the Clause 58 Standards and Objectives is as follows:

Standard	Response
D1 – Urban context	The design responds to the existing and preferred character of the area.
D2 – Residential policy	Higher density residential development is proposed.
D3 – Dwelling diversity	A diverse number of dwelling sizes and bedroom numbers are proposed.
D4 – Infrastructure	The development can be connected to services and infrastructure.
D5 – Integration with the street	Separate pedestrian and vehicle entries are proposed, enhancing all three street frontages.
D6 – Energy efficiency	The development has been designed to maximise daylight and solar access and respond to the relevant energy efficiency requirements – refer Section 6.6 of this report for further details.
D7 – Communal open space	Sufficient communal open space is provided throughout the building for residents and is easily accessible.
D8 – Solar access to communal open space	Adequate solar access is provided for the communal open space areas.
D9 – Safety	All residential access points are easily identified, well-lit and safe.
D10 – Landscaping	Landscaping is provided throughout the building, including the green spines on each tower.
D11 – Access	Vehicle access is provided along Waterfall Lane with other access off an existing vehicle point to Power Street. These are appropriate locations to avoid access off the busier streets of City Road and Southbank Boulevard.
D12 – Parking location	Secure car parking is provided in the basement levels, not visible from the public realm.
D13 – Integrated water and stormwater management	Water Sensitive Urban Design has been integrated into the development – refer Section 6.6 of this report for further details.
D14 – Building setback	Building setbacks are discussed at Section 7.5.1 of this report.
D15 – Internal views	Internal views are limited.
D16 – Noise impacts	An Acoustic Report has been submitted with the application, prepared by Acoustic Logic. Recommendations have been provided to ensure compliance with the relevant assessment criteria, including compliance with SEPP-N1 and SEPP-N2, and glazing thickness – refer recommended Conditions 1u and 23-24.
D17 – Accessibility	91% of hotel residences and 51% of standard dwellings meet the accessibility requirements.
D18 – Building entry and circulation	The residential entry is clearly visible from Waterfall Lane, near the corner of Southbank Boulevard.
D19 – Private open space	Variation required No private open space is provided for any of the dwellings. Residents must rely on communal open space, which is considered acceptable and meets the objective which is to provide adequate private open space for the reasonable recreation and service needs of residents.

D20 – Storage	All dwellings have storage that meets the standard.
D21 – Common property	Common property has been integrated into the development and is functional and capable of efficient management.
D22 – Site services	The installation and maintenance has been considered. Mailboxes are to be located in the residential foyer, managed by a concierge service.
D23 – Waste and recycling	Dedicated waste areas are provided, including a waste room within Basement 4 and bin rooms / chutes at each level.
D24 – Functional layout	Bedroom and living areas meet minimum requirements.
D25 – Room depth	Room depths meet minimum requirements.
D26 – Windows	All habitable rooms have a window in an external wall of the building.
D27 – Natural ventilation	41% of hotel residences and 50.1% of standard dwellings meet the cross ventilation standard.

9. OFFICER RECOMMENDATION

That the Department of Environment, Land, Water and Planning be advised that the Melbourne City Council does not object to the proposal subject to the following conditions:

1. Amended plans before endorsement

Prior to the commencement of the development on the land, including demolition or bulk excavation, an electronic copy of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the application plans, but amended to show:

- a) Removal of all ground level openings located on the northern boundary.
- b) Redesign of the residential drop-off area so that no car spaces are located over or partially over public land (Waterfall Lane).
- c) The indicative location of the greywater treatment plant.
- d) All future public realm streetscape works located outside the site's title boundaries removed from the drawings.
- e) An indicative location for a future pedestrian link through to Freshwater Place and Queensbridge Square to the north, demonstrating how the connection could be achieved within the subject site's title boundary.
- f) Clarification of the use of the Level 2 podium terrace "outdoor showroom", ensuring that it remains publicly accessible.
- g) Where possible, an increase in the width of the podium stairs from level 2 up to level 3.
- h) Demonstration of how the podium (level 8) running track is accessed by the public.
- i) A notation on the plans confirming whether hotel corridor glazing is operable at levels 46-55.
- j) Details of the "tilt door" located at the ground level pedestrian entrance off City Road.
- k) Changes to the porte cochere to include a double storey ceiling height, generally in accordance with the double height space as shown in the Urban Context Report dated August 2019, in order to improve the perception of publicness and generosity.

- l) The public stairs located at the corner of City Road and Southbank Boulevard set back a minimum 900mm from the property boundary to allow for the installation of tactile indicators.
- m) The planter boxes along Waterfall Lane redesigned at least one metre away from the face of kerb and the bicycle hoops redesigned in parallel to the kerb alignment and located at least 1.5 metres away from the face of kerb.
- n) Detailed dimensions of all proposed canopy clearances ensuring that they comply with Council's Road Encroachment Operational Guidelines.
- o) Any changes to the building in accordance with Condition 20 (Legal Agreement – Civil Design).
- p) Any design revisions to the development in accordance with the endorsed Façade Strategy.
- q) Any design revisions to the development in accordance with the endorsed Waste Management Plan.
- r) Any design revisions to the development in accordance with the endorsed Wind Report.
- s) Any design revisions to the development in accordance with the endorsed Environmentally Sustainable Design Statement.
- t) Any design revisions to the development in accordance with the endorsed Landscape Plan.
- u) Any design revisions to the development in accordance with the endorsed Acoustic Assessment.
- v) Any changes to the proposed tower floorplate areas in accordance with the mandatory Tower Floorplate requirements as set out in Table 3 to Schedule 10 of the Design and Development Overlay, ensuring that a) there is no discernible change to the towers' visual appearance or internal function of the development; b) there is no additional overshadowing; and c) there is no decrease in overall office floor area.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

2. Endorsed plans

The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.

3. Legal Agreement – Demolition in Capital City Zone

Prior to the commencement of the demolition or removal of existing buildings or works (excluding demolition or removal of temporary structures) on the land, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:

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

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

Prior to the commencement of construction of the temporary works, details of the works must be submitted to and be to the satisfaction of the Responsible Authority.

Temporary works may include:

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

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

4. Construction Management Plan

Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group. This construction management plan must be prepared in accordance with the Melbourne City Council – Construction Management Plan Guidelines and is to consider the following:

- a) public safety, amenity and site security.
- b) operating hours, noise and vibration controls.
- c) air and dust management.
- d) stormwater and sediment control.
- e) waste and materials reuse.
- f) traffic management.
- g) a Tree Protection Plan (TPP) for any public trees that may be affected by the development. The TPP must be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
 - i. City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
 - ii. Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries.
 - iii. Site specific details of the temporary tree protection fencing to be used to isolate publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
 - iv. Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree. These must be provided for any utility connections or civil engineering works.
 - v. Full specifications of any pruning required to publicly owned trees.
 - vi. Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
 - vii. Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to Council's email via trees@melbourne.vic.gov.au.

5. Waste Management Plan

Prior to the commencement of the development, including demolition or bulk excavation, a waste management plan shall be submitted to and approved by the City of Melbourne – Waste and Recycling Branch. The WMP must detail waste storage and collection arrangements that meet the standards set in the City of Melbourne 'Guidelines for preparing a waste management plan' that are current at the time of submission and respond to the following requirements:

- a) Waste management systems must demonstrate that waste services can operate in an efficient manner that minimises waste collection vehicle movements to and from the site;
- b) Storage facilities for all general, recycling and organic waste must occur within the site;
- c) All waste collection operations must occur within the site; and
- d) The development must demonstrate 'best practice' in relation to waste minimisation and resource recovery.

These amended plans must be to the satisfaction of the City of Melbourne and when approved shall be the endorsed plans of this permit.

6. Prior to the occupation of the development, written agreement is required from 2-50 Southbank Boulevard for any proposed signage and linemarking plans in Waterfall Lane, which gives priority of movement to the proposed development. Unless otherwise agreed, the written agreement must be submitted to and be to the satisfaction of the City of Melbourne – Engineering Services.
7. Prior to the occupation of the development, written agreement is required from adjacent property occupiers for any proposed signage and linemarking plans, for alterations to the common property driveway access via Power Street. Unless otherwise agreed, the written agreement must be submitted to and be to the satisfaction of the City of Melbourne – Engineering Services.
8. Prior to the occupation of the development, a 1:16 grade must be provided between the Power Street easement and the truck lifts in accordance with the Australian Standards or alternatively a ground clearance check of the proposed grades must be completed in accordance with the relevant Australian Standards, unless otherwise agreed by the City of Melbourne – Engineering Services.

9. Loading Management Plan

Prior to the occupation of the development, a Loading Management Plan (LMP) must be prepared and submitted to the City of Melbourne. Unless otherwise agreed by Council, the LMP must detail the operation of the loading areas and combined access / queuing areas to the basement car parking and loading docks, ensuring that the lift and access to a loading dock is available on a trucks arrival. The LMP should also restrict truck access to / from Power Street (not Southbank Boulevard).

The Loading Management Plan must be submitted to and be to the satisfaction of the City of Melbourne – Engineering Services and when approved, will be endorsed to form part of the permit.

10. Road Safety Audit

Prior to the occupation of the development, a formal independent desktop Road Safety Audit of the proposed development must be prepared and undertaken at the developer's expense and submitted to the City of Melbourne. Unless otherwise agreed by Council, the Audit must include the vehicle / bicycle / pedestrian access arrangements, loading arrangements and internal circulation / layout; and the design / operation of Waterfall Lane. The findings of the audit must be incorporated into the detailed design, at the developer's expense.

The Loading Management Plan must be submitted to and be to the satisfaction of the City of Melbourne – Engineering Services and when approved, will be endorsed to form part of the permit.

11. Wind Report

Prior to the commencement of the development, including demolition or bulk excavation, an updated Pedestrian Wind Study must be submitted to and be to the satisfaction of the Responsible Authority in consultation with the City of Melbourne. Modifications must be made to the design of the development to ensure that all test locations pass the Design and Development Overlay (Schedule 10) safety and comfort criterion, to the satisfaction of the Responsible Authority and City of Melbourne. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.

The updated report must be generally in accordance with the Pedestrian Wind Study prepared by RWDI, dated October 1, 2019, but updated to reflect any changes to the proposed development in accordance with current surrounding building conditions and any changes to the plans as required by conditions of this permit.

12. Façade Strategy

Before the development starts, including demolition, bulk excavation and site preparation works, a Façade Strategy must be submitted to and approved by the City of Melbourne. The Façade Strategy for the redevelopment must detail a full schedule of materials, finishes and details, including but not limited to the colour, type of materials (and quality), construction and appearance. The Façade Strategy must also:

- Deliver high quality materials and finishes to the Council's satisfaction;
- Undertake an exploration of finer detail in the columns and plinths at the lower levels.

13. Drainage of projections

All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Responsible Authority – the City of Melbourne.

14. Drainage system upgrade

Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – 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. Where necessary, the City of Melbourne's drainage network must be upgraded to accept the discharge from the site in accordance with plans and specifications first approved by the Responsible Authority – the City of Melbourne.

15. Demolish and construct access

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 Responsible Authority – the City of Melbourne.

16. DDA compliant footpaths

Prior to the commencement of the development, excluding demolition works on site, the detailed engineering plans showing the provision of footpaths compliant with the *Disability Discrimination Act 1992* requirements must be submitted to and approved by the Responsible Authority – the City of Melbourne.

17. Road

The road adjoining the site along Waterfall Lane must be reconstructed together with associated works including the provision of footpath, drainage, street lighting, signage and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – the City of Melbourne.

18. Sawn bluestone footpaths

The footpaths adjoining the site along City Road and Southbank Boulevard must be reconstructed in sawn bluestone together with associated works including the construction of bluestone kerb and channel, the provision of street furniture and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – the City of Melbourne.

19. Street levels not to be altered

Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – the City of Melbourne.

20. Legal Agreement – Civil Design

Prior to the commencement of the development, including demolition or bulk excavation, the owner of the land must enter into an agreement with the City of Melbourne, pursuant to Section 173 of the Planning and Environment Act 1987. The owner of the land must pay all of the City of Melbourne's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement must provide for the following:

- a) Prior to the commencement of the use / occupation of the development, the widened part of Waterfall Lane is to be vested in Council as a road under the provision of the Subdivision Act 1988.
- b) The widened part of the road is to have an upper level set to the Australian Height Datum lying at least 6.0 metres above the road level.
- c) The widened part of the road is to have a lower level set to the Australian Height Datum lying at least 2.0 metres below the road level, excluding any basement structures but including any related support and indemnity provision to the satisfaction of the Responsible Authority – the City of Melbourne.

21. Public lighting

Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy, and include review of street lighting in the public realm adjoining the site. The lighting works must be undertaken prior to the commencement of the use / occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – the City of Melbourne.

22. Non-reflective glazing

Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

23. Implement acoustic measures

Prior to occupation of the development, the recommendations contained within the Acoustic Assessment prepared by Acoustic Logic, dated 27 June 2019, must be implemented at no cost to the Melbourne City Council and be to the satisfaction of the Responsible Authority.

24. Compliance with SEPP No N-1 and/or SEPP No N-2

The noise generated by the premises 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.

25. No external audio equipment

No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority.

26. No live music

No amplified live music or entertainment is permitted on the premises without the prior written consent of the Responsible Authority.

27. Environmentally Sustainable Design (ESD) Review

Prior to commencement of development of any building approved under this permit, including demolition or bulk excavation, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, providing further detail on the targets included in the amended ESD report must be submitted to the Responsible Authority in consultation with the City of Melbourne. The report must be to the satisfaction of the Responsible Authority and the City of Melbourne and must include the following:

- a) A clearly articulated approach committing to achieving third party sustainability certification for the development.
- b) Project registration for the relevant sustainability certification scheme(s).
- c) Firm commitments to energy performance in line with world-leading project aspirations.

- d) All calculations, modelling reports, specification extracts, architectural drawing excerpts etc. that have been produced to demonstrate compliance with the targets included in the endorsed ESD report. A Green Star Design Review assessment may be used to fulfil this requirement.

28. Verification of Environmentally Sustainable Design (ESD)

Prior to the occupation of any building approved under this permit, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority in consultation with the City of Melbourne and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans. The report must include all final calculations and modelling reports, commissioning and testing reports, building user guides and other supplementary materials etc. that have been produced to demonstrate compliance with the relevant targets included in the endorsed ESD report.

29. Certification of Environmentally Sustainable Design (ESD)

Following formal certification under the third party schemes referred to in the endorsed ESD report, copies of the certificates must be submitted to the Responsible Authority.

30. Landscape Package

Prior to commencement of development, including demolition or bulk excavation, a detailed scheme for landscaping and planting in connection with the proposed development must be submitted to, and be approved by the Responsible Authority in consultation with the City of Melbourne. This should include:

- a) landscape plans with detailed planter sections including soil volumes, wind protection, maintenance access etc;
- b) schedules of species with soil volume requirements and growing media proposed;
- c) a complete landscape irrigation design;
- d) a Landscape Maintenance Plan providing details of proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion.

Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.

31. Removal of Easement

Prior to the commencement of works, including demolition or bulk excavation, the easement shown as E-2 on PC359703A for powerline purposes must be removed.

32. Public Art Strategy

Prior to the occupation of the development, or as otherwise agreed in writing by the Responsible Authority, a site specific public art strategy for the development must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council's Creative Urban Places Team. Once approved by the Responsible Authority, the public art must be installed to the satisfaction of the Responsible Authority within twelve (12) months of the approval date of the public art strategy, or as otherwise agreed in writing by the Responsible Authority. The cost of the public art must be borne by the owner or occupier of the land.

33. Civil Works – Public Tree Protection

The location of service connection and any public realm works, must be designed in a manner that does not impact public trees.

34. Public Trees

Prior to the commencement of any works, including demolition and bulk excavation, an Arboricultural Impact Assessment (AIA) must be provided to the satisfaction of the City of Melbourne. The AIA must outline the impacts to public trees of basement locations following non-destructive excavations within the tree protection zones. The AIA must also be used to inform any civil works proposals and ultimately the Tree Protection Plan.

35. Public Tree Protection

All works (including demolition) within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.

Following the approval of a Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by council and provided to the applicant / developer / owner of the site. Should any tree be adversely impacted on, the City of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.

36. Public Tree Removal

Should any public tree(s) be identified for removal at any stage, approval for removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.

Any application for the removal of public trees must be accompanied by detailed Engineering Plans showing improved public realm greening outcomes to the satisfaction of the City of Melbourne.

All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of tree(s) to be removed, must be met by the applicant / developer / owner of the site. The costs of these works will be provided and must be agreed to before council remove the subject trees.

37. Legal Agreement – Public Benefits

Prior to the commencement of the development, excluding demolition bulk excavation or associated works (i.e. diaphragm wall), or as may otherwise be agreed with the Responsible Authority, the owner of the land must enter into an agreement with the Responsible Authority and Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must:

- a) Deliver the office use and childcare use (as detailed in the 118 City Road, Southbank Public Benefit report dated October 2019 or otherwise amended) for a minimum of 10 years from the date of issue of a certificate of occupancy for the building, unless otherwise agreed to by the Responsible Authority. The Agreement must make provision for the removal of this requirement from the land following completion of the obligations contained in the agreement.
- b) Give rights of public access to the podium level open space 24 hours, 7 days a week, but to remain at all times in private ownership as part of the subject land.
- c) Provide for a financial contribution of \$5,000,000 towards the construction of the Southbank Boulevard Upgrade project between City Road and the Yarra River, to be undertaken by the City of Melbourne.
- d) Provide that the Community Conference and Entertainment Facility is to be made available to a not-for-profit organisation (as detailed in the 118 City Road, Southbank Public Benefit report dated October 2019 or otherwise amended).

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

38. Architectural Oversight

The owner of the land must retain UN Studio and Cox Architecture to complete the design and to provide architectural oversight of the delivery of the detailed design, as shown in the endorsed architectural and design material, during construction unless with the prior written approval of the Responsible Authority in consultation with the City of Melbourne.

39. Development Time Limit

This permit will expire if one or more of the following circumstances apply:

- a) The development is not started within four years of the date of this permit.
- b) The development is not completed within six years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the permit if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

NOTES

Building Approval Required

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

Building Works to Accord with Planning Permit

The applicant / owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant / owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

Drainage Point and Method of Discharge

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Responsible Authority prior to the commencement of any buildings or works.

Other Approvals May be Required

This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

Civil Design

The internal roads should remain the responsibility of the land owner(s) in perpetuity. The City of Melbourne is unlikely to agree to the internal roads being made public.

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 – Manager Engineering Services Branch and VicRoads.

Urban Forest and Ecology

In accordance with the Tree Retention and Removal Policy a bank guarantee must be:

1. Issued to City of Melbourne, ABN: 55 370 219 287.
2. From a recognised Australian bank.
3. Unconditional (i.e. no end date)
4. Executed (i.e. signed and dated with the bank stamp)

Please note that insurance bonds are not accepted by the City Of Melbourne. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.

At the time of lodgement of the bank guarantee the completed Project Arborist Confirmation Form must be provided. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the health of the subject public trees has not been compromised.