

Report to the Future Melbourne (Planning) Committee

Agenda item 6.2

Ministerial Planning Referral: ID-2020-3
1 & 3 Southgate Avenue and 16-60 City Road, Southbank

18 May 2021

Presenter: Larry Parsons, Head Statutory Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee (FMC) of Melbourne Planning Scheme Amendment c390melb (the Amendment) which seeks to facilitate the redevelopment of the land located at 1 and 3 Southgate Avenue and 16-60 City Road, Southbank (refer Attachment 2 – Locality Plan).
2. The applicant is ARA Australia c/o Urbis, land ownership is mostly ARA Australia along with Langham Hotel and City of Melbourne, and the architect is Fender Katsalidis.
3. The Amendment request was made to the Minister for Planning under section 20(4) of the *Planning and Environment Act 1987* (Act) and referred to Council for comment under section 20(5).
4. The Amendment seeks to introduce a new site specific planning control via a new schedule to the Specific Controls Overlay and Incorporated Document (ID) '3 Southgate Avenue, Southbank 3006 – May 2020'. The ID is a masterplan for the site and defines the land uses, building envelope and public benefits to be delivered; with detailed development plans subject to conditions.
5. The masterplan includes new podium level retail food and beverage tenancies, a 26 level commercial office building, pedestrian links to the Melbourne Arts Precinct and upgrades along City Road. Significantly, a new 2,000m² north-facing privately owned, publically accessible open space will be delivered.
6. The proposal and the Amendment is a culmination of a collaborative process between the Council's urban planners and designers, the Department of Environment, Land, Water and Planning (DELWP) and the applicant that was initiated given the strategic significance and opportunities of the site.

Key issues

7. The key issues relate to land use; built form and public realm impacts; public benefits; preliminary arrangements for parking, loading, traffic and waste management; and sustainable building design.
8. The proposed land uses align with the Capital City Zone Schedule 3, noting that the ID exempts the proposal from the Planning Scheme land use and built form controls.
9. The built form is appropriately managed through significant setbacks from the Yarra River corridor (32m to the podium and 50m to the tower); provides an 'in the round' building treatment; incorporates well-articulated design detail, fenestration and massing breaks; delivers an activated podium; and does not overshadow significant publicly accessible open space. Conditions can be applied to manage potential public realm impacts (such as wind and tree protection).
10. Although not formally applicable, the public benefits in the form of publically accessible open space, public land upgrades, links to the Arts Centre and to Hamer Hall, are consistent with the relevant state and local planning policies and strategic initiatives. The public benefits are supported and will be secured and delivered by the ID with appropriate legal agreements. Although the publically accessible open space will remain in private ownership, its function and design will be subject to a project brief developed by Council to ensure that it contributes to the character and function of the area, including the renewal of Southbank Promenade.
11. Retention in private ownership of the 2,000m² of raised publicly accessible open space, avoids potentially significant Council liability for maintenance of, and damage caused by, a landscaped space built over structures and uses belonging to others.
12. The preliminary parking, loading, traffic, sustainable building design and waste storage and collection arrangements are appropriate at this stage in the process, with detailed design to be considered through the submission of development plans and supporting expert reports.

Recommendation from management

13. That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports Melbourne Planning Scheme Amendment C390 subject to the changes and conditions outlined in the delegate report (refer to Attachment 4 of the report from management).

Attachments:

1. Supporting attachment (Page 3 of 122)
2. Locality Plan (Page 4 of 122)
3. Plans (Page 5 of 122)
4. Delegate Report (Page 65 of 122)

Supporting Attachment

Legal

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

Finance

4. There are no direct financial issues arising from the recommendations contained within this report. The publically accessible open space remains in private ownership and avoids Council responsibilities with regard to maintenance and damage.

Conflict of interest

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

Health and safety

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

Stakeholder consultation

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

Relation to Council policy

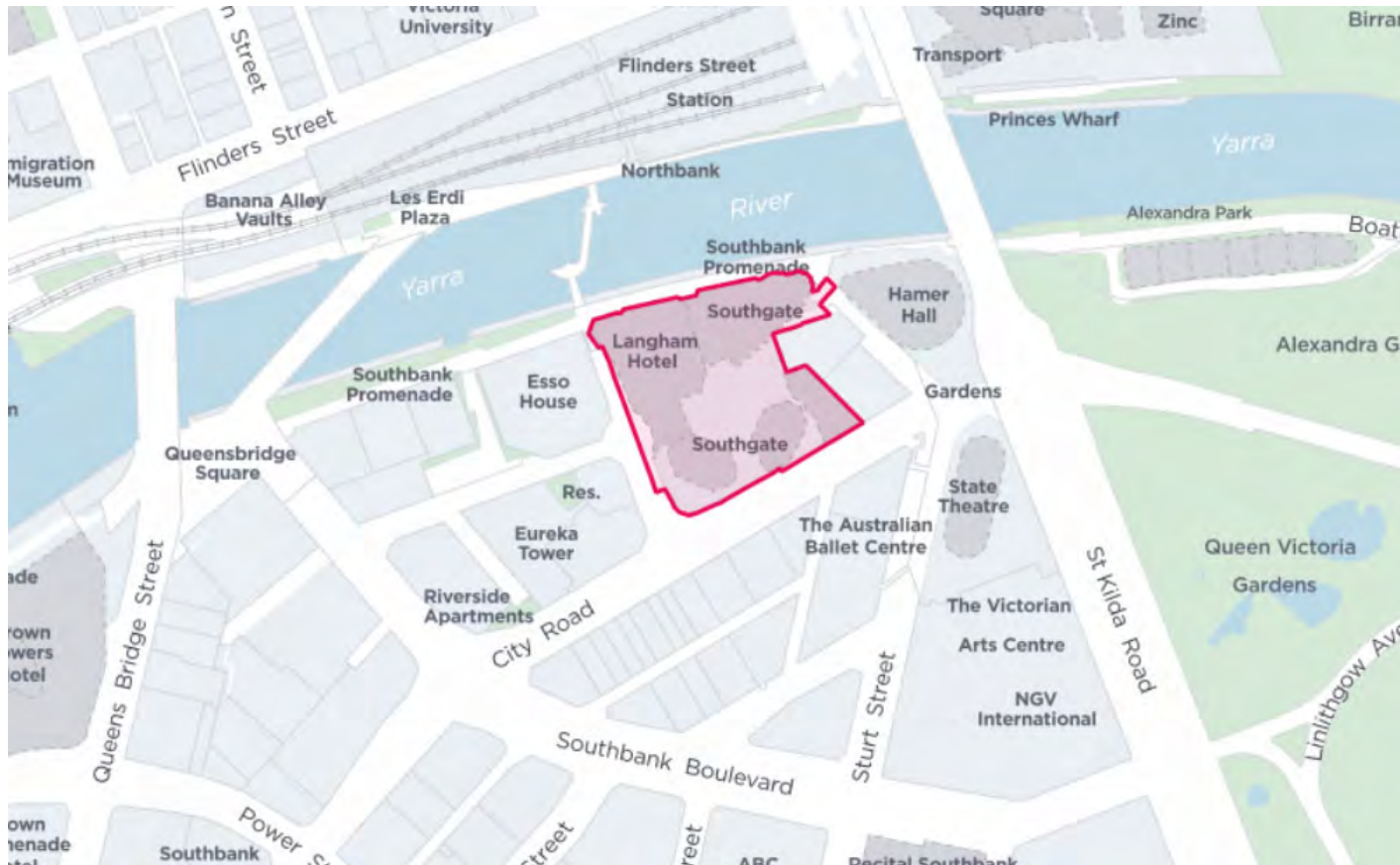
8. Relevant Council policies are discussed in the attached delegate report (refer to Attachment 4).

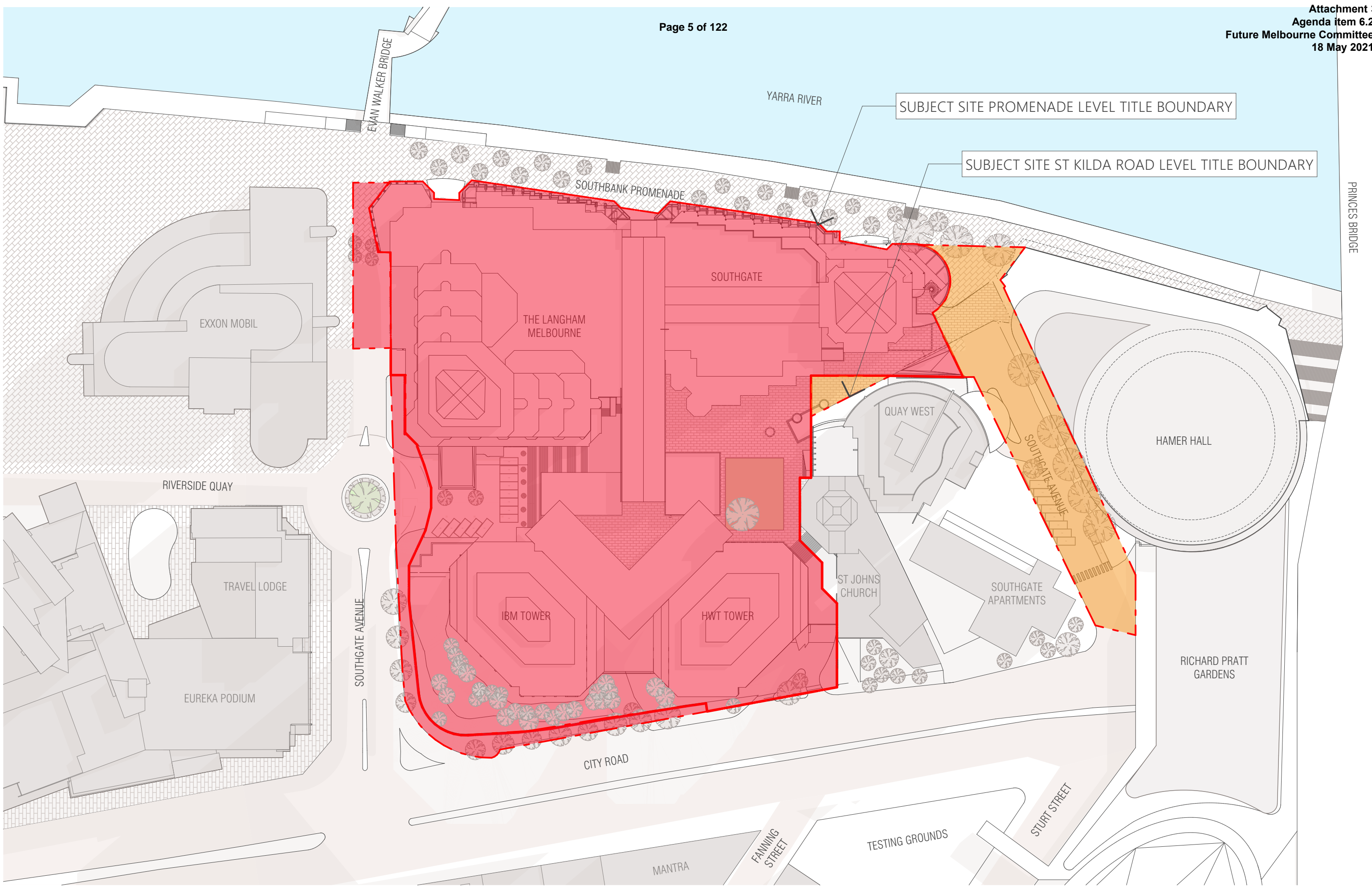
Environmental sustainability

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

Locality Plan

1 & 3 Southgate Avenue and 16-60 City Road, Southbank







SOUTHGATE
3 SOUTHGATE AVENUE SOUTHBANK
MELBOURNE 3006

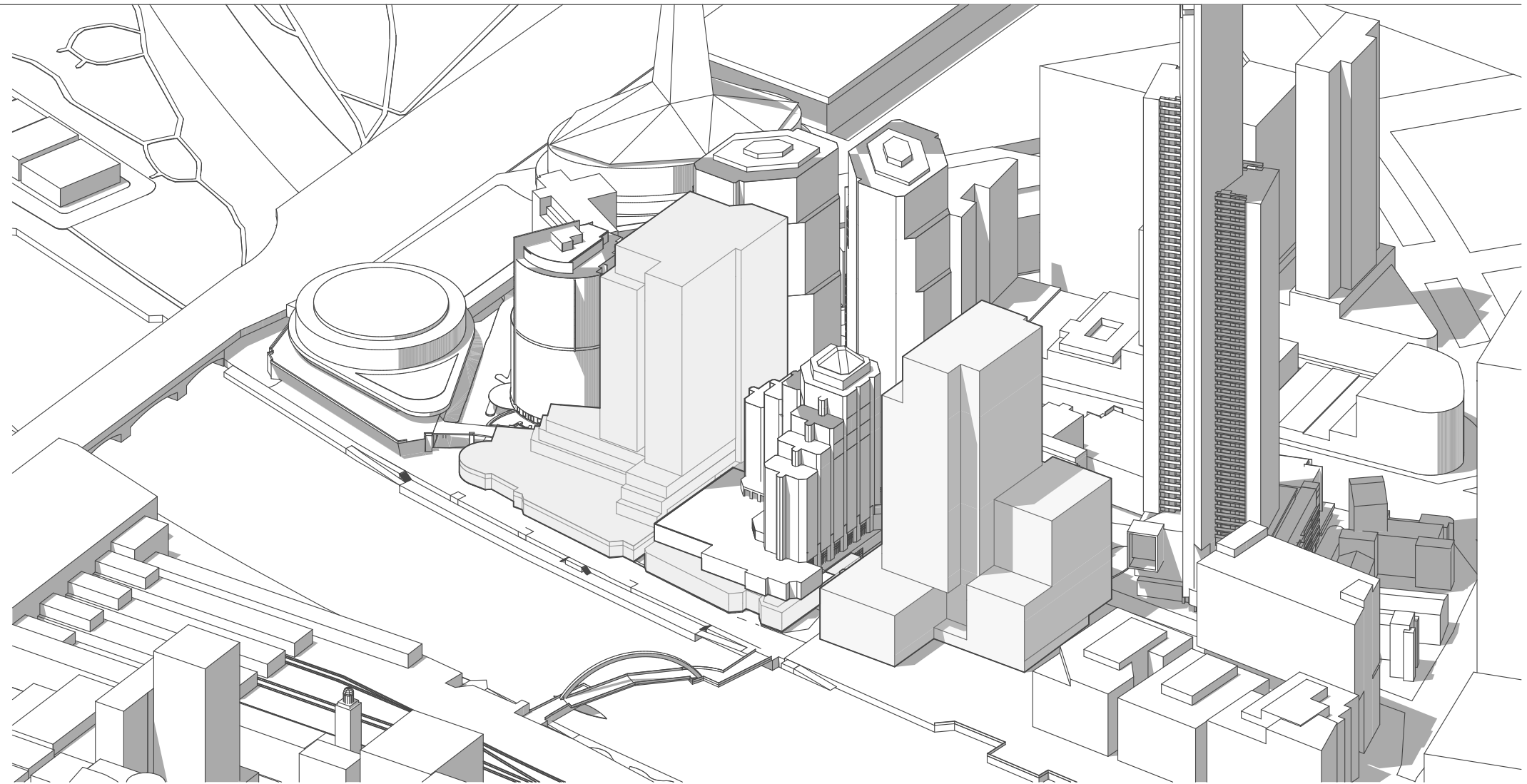
PROJECT NO: 17152

MASSING AND DEVELOPMENT ENVELOPE PLANS

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SOUTHGATE DRAWING INDEX

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REVISION		REVISION
-	DEVELOPMENT PLANS	JZ 28.01.2021

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PROJECT

SOUTHGATE
3 SOUTHGATE AVENUE SOUTHBANK
MELBOURNE VICTORIA 3006

DRAWING TITLE

COVER PAGE

FENDER KATSALIDIS
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TELEPHONE: +61 3 8696 3888
FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

ISSUE PURPOSE

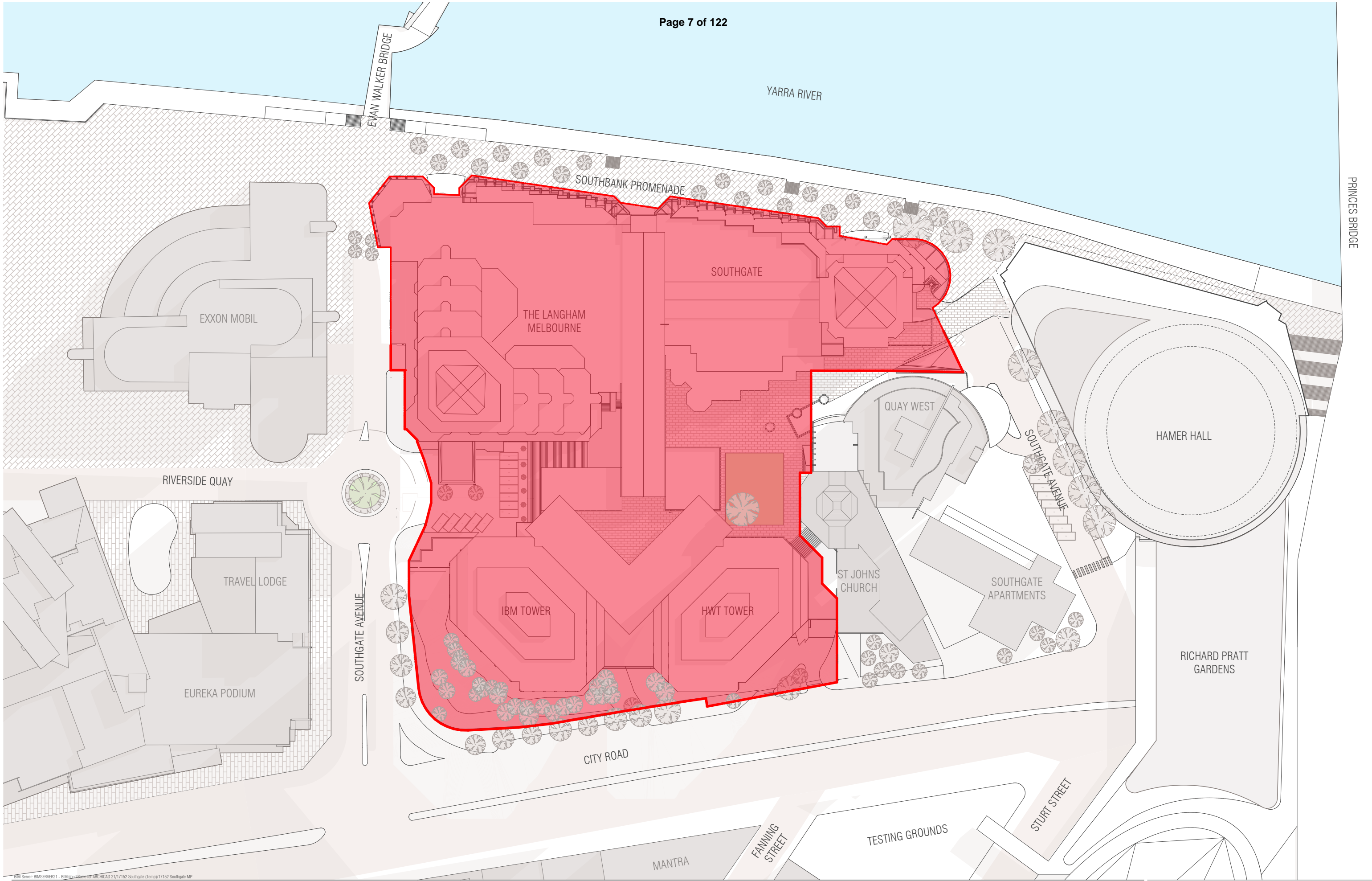
TOWN PLANNING



REV.

DRAWING NO.

MP000



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PROJECT
 SOUTHGATE
 3 SOUTHGATE AVENUE SOUTHBANK
 MELBOURNE VICTORIA 3006

DRAWING TITLE
 LOCALITY PLAN

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 FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

ISSUE PURPOSE
 TOWN PLANNING



REV. **DRAWING NO.**
 - **MP016**

North West Parcel
Land to be converted into Open Space (Total 94m²)

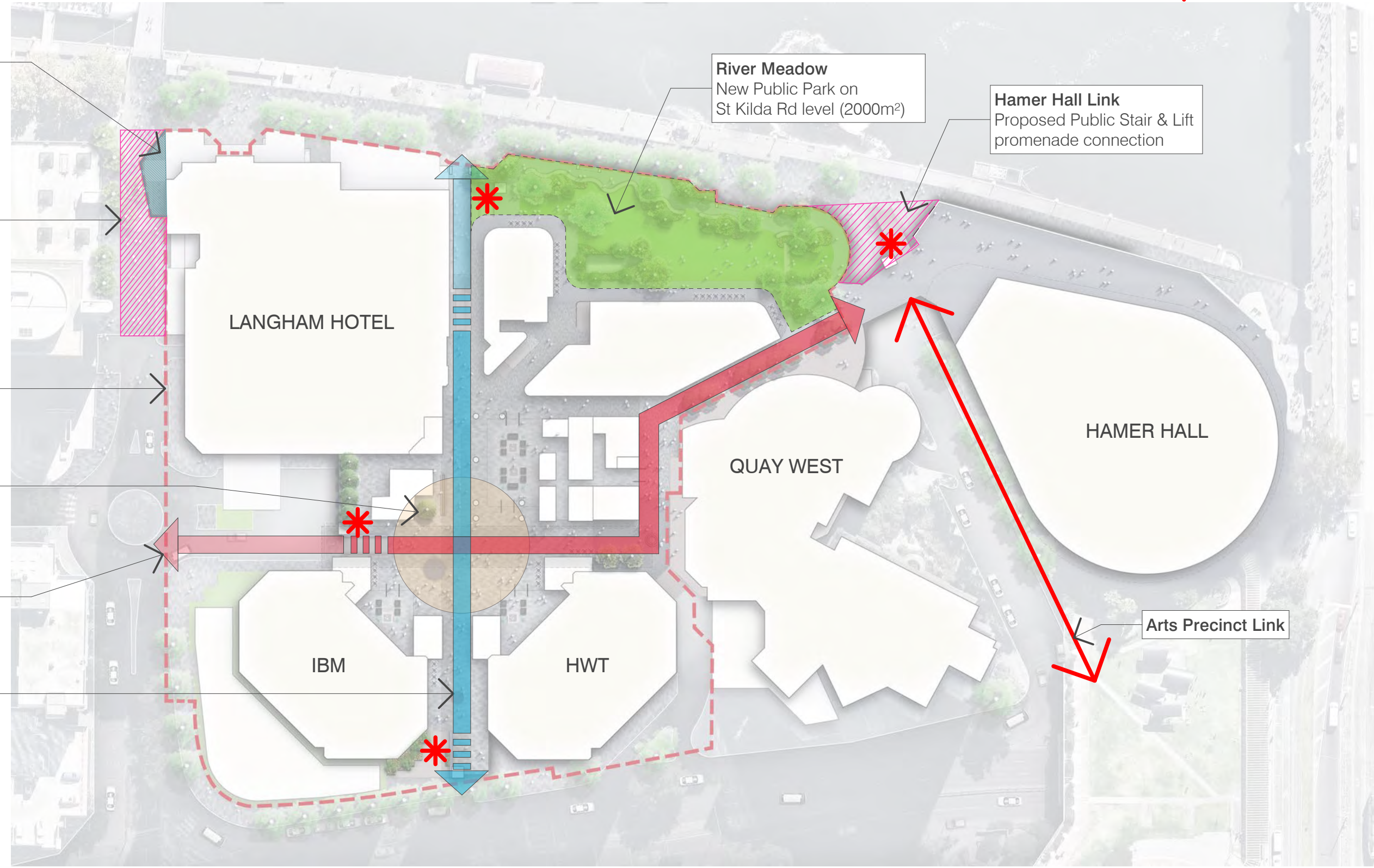
North West Public Land
Proposed North West corner upgrade to Southgate Avenue

Site boundary

NEXUS
Proposed plaza

Proposed East-West connection through precinct

Proposed North-South connection through precinct



River Meadow
New Public Park on St Kilda Rd level (2000m²)

Hamer Hall Link
Proposed Public Stair & Lift promenade connection

Arts Precinct Link

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3 SOUTHGATE AVENUE SOUTHBANK
MELBOURNE VICTORIA 3006

DRAWING TITLE
PUBLIC BENEFIT PLAN

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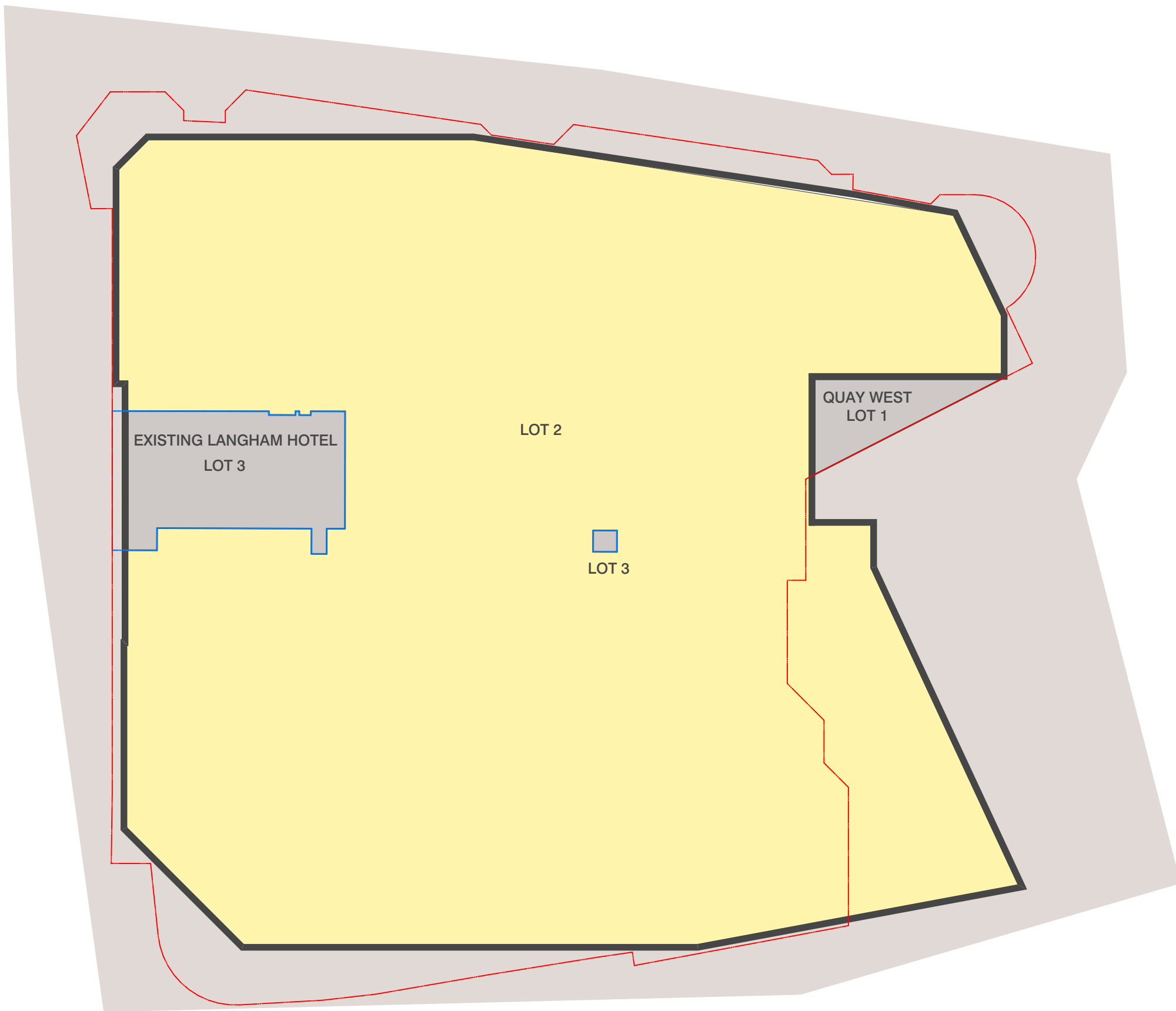
ISSUE PURPOSE
TOWN PLANNING



REV. - **DRAWING NO.** MP017

FLOOR PLAN LEGEND

- EXISTING
- PROPOSED NEW WORKS
- PROPOSED DEVELOPMENT ENVELOPE
- BUILDING ENTRANCES
- SITE BOUNDARY
- LANGHAM SITE BOUNDARY



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 3 SOUTHGATE AVENUE SOUTHBANK
 MELBOURNE VICTORIA 3006

DRAWING TITLE
 BASEMENT 02 FLOOR PLAN

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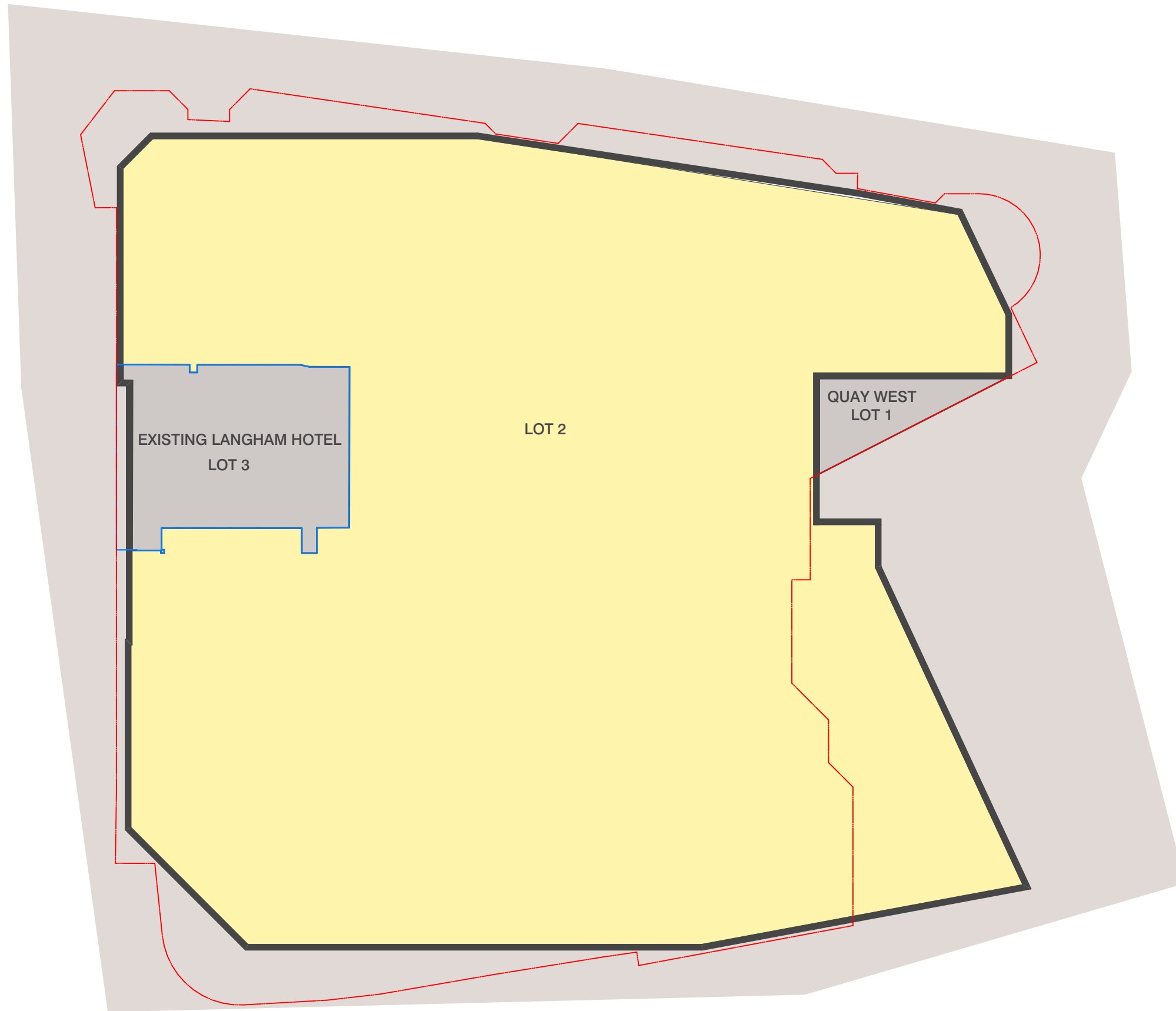
ISSUE PURPOSE
 TOWN PLANNING



REV. - **DRAWING NO.**
MP098

FLOOR PLAN LEGEND

- EXISTING
- PROPOSED NEW WORKS
- PROPOSED DEVELOPMENT ENVELOPE
- BUILDING ENTRANCES
- SITE BOUNDARY
- LANGHAM SITE BOUNDARY



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 3 SOUTHGATE AVENUE SOUTHBANK
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 BASEMENT 01 FLOOR PLAN

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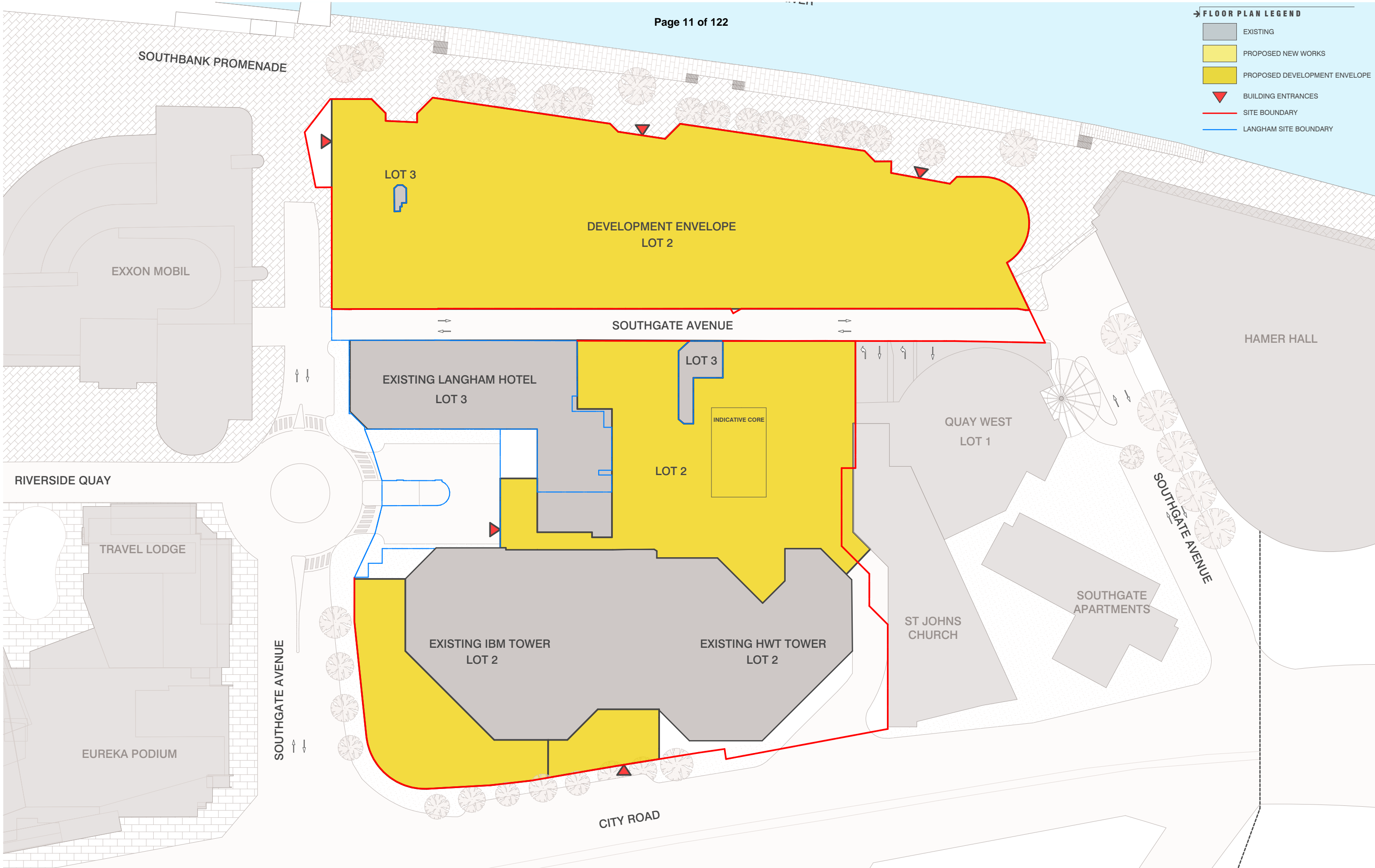
ISSUE PURPOSE
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REV. - **DRAWING NO.** MP099

FLOOR PLAN LEGEND

- EXISTING
- PROPOSED NEW WORKS
- PROPOSED DEVELOPMENT ENVELOPE
- BUILDING ENTRANCES
- SITE BOUNDARY
- LANGHAM SITE BOUNDARY



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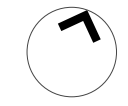
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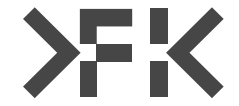


PROJECT
 SOUTHGATE
 3 SOUTHGATE AVENUE SOUTHBANK
 MELBOURNE VICTORIA 3006

DRAWING TITLE
 GROUND FLOOR PLAN
 SOUTHBANK PROMENADE LEVEL

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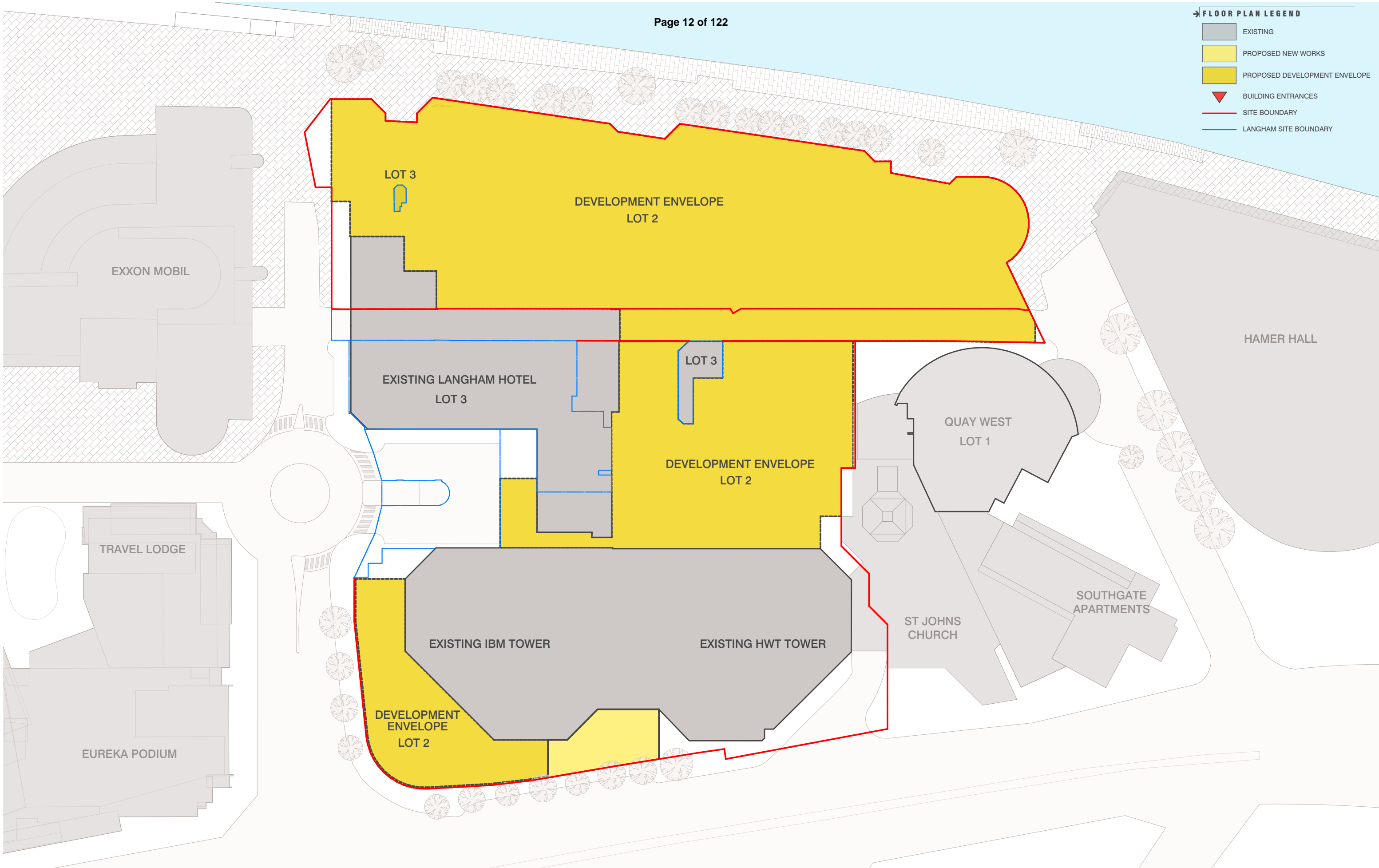
ISSUE PURPOSE
 TOWN PLANNING



REV. - **DRAWING NO.** MP100

FLOOR PLAN LEGEND

- EXISTING
- PROPOSED NEW WORKS
- PROPOSED DEVELOPMENT ENVELOPE
- BUILDING ENTRANCES
- SITE BOUNDARY
- LANGHAM SITE BOUNDARY



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PROJECT
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 3 SOUTHGATE AVENUE SOUTHBANK
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DRAWING TITLE
 MEZZANINE LEVEL

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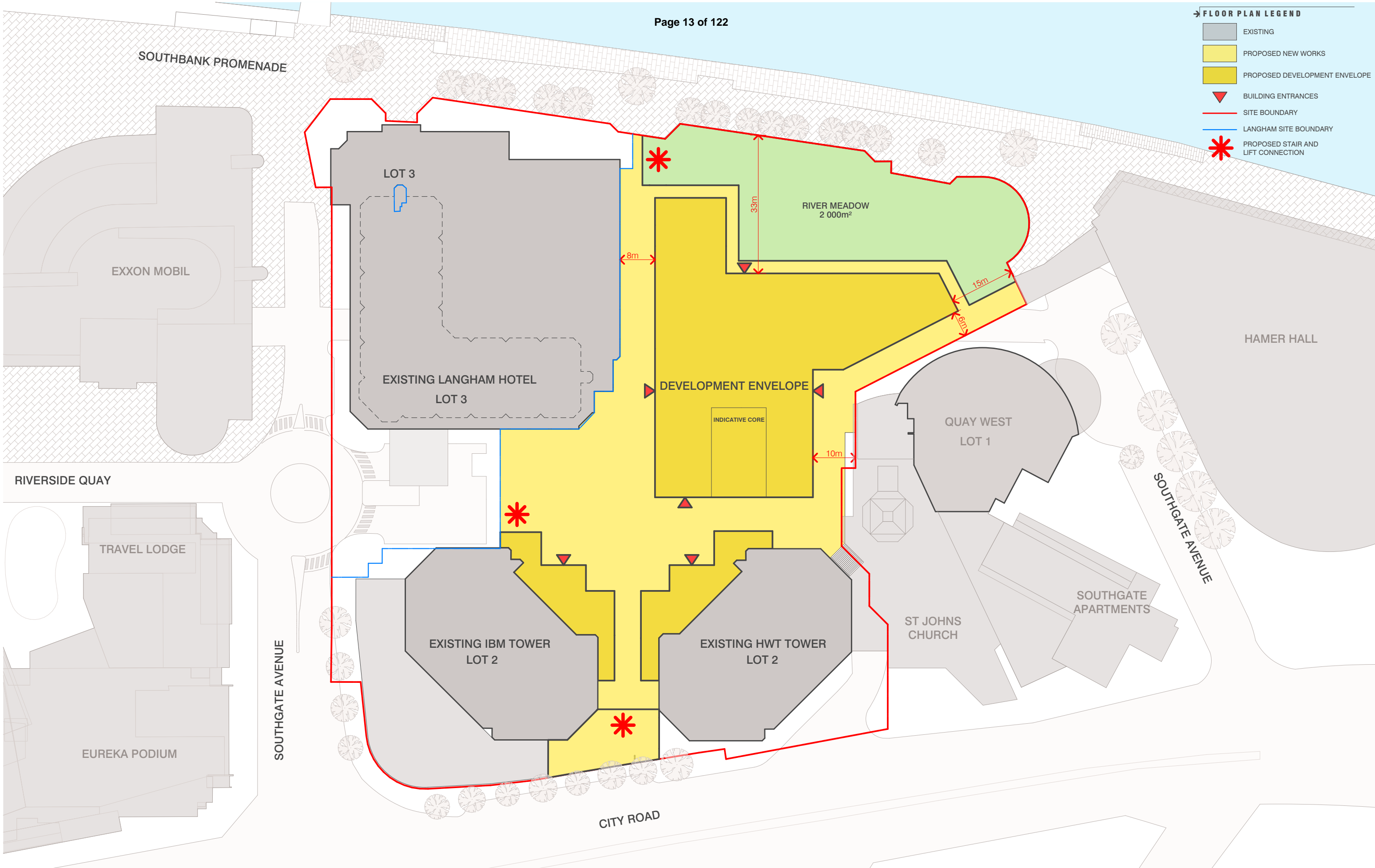
ISSUE PURPOSE
 TOWN PLANNING



REV. **DRAWING NO.**
 - **MP101**

FLOOR PLAN LEGEND

- EXISTING
- PROPOSED NEW WORKS
- PROPOSED DEVELOPMENT ENVELOPE
- BUILDING ENTRANCES
- SITE BOUNDARY
- LANGHAM SITE BOUNDARY
- ✱ PROPOSED STAIR AND LIFT CONNECTION



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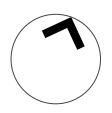
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PROJECT
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 3 SOUTHGATE AVENUE SOUTHBANK
 MELBOURNE VICTORIA 3006

DRAWING TITLE
 LEVEL 02 FLOOR PLAN

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 FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

ISSUE PURPOSE
 TOWN PLANNING

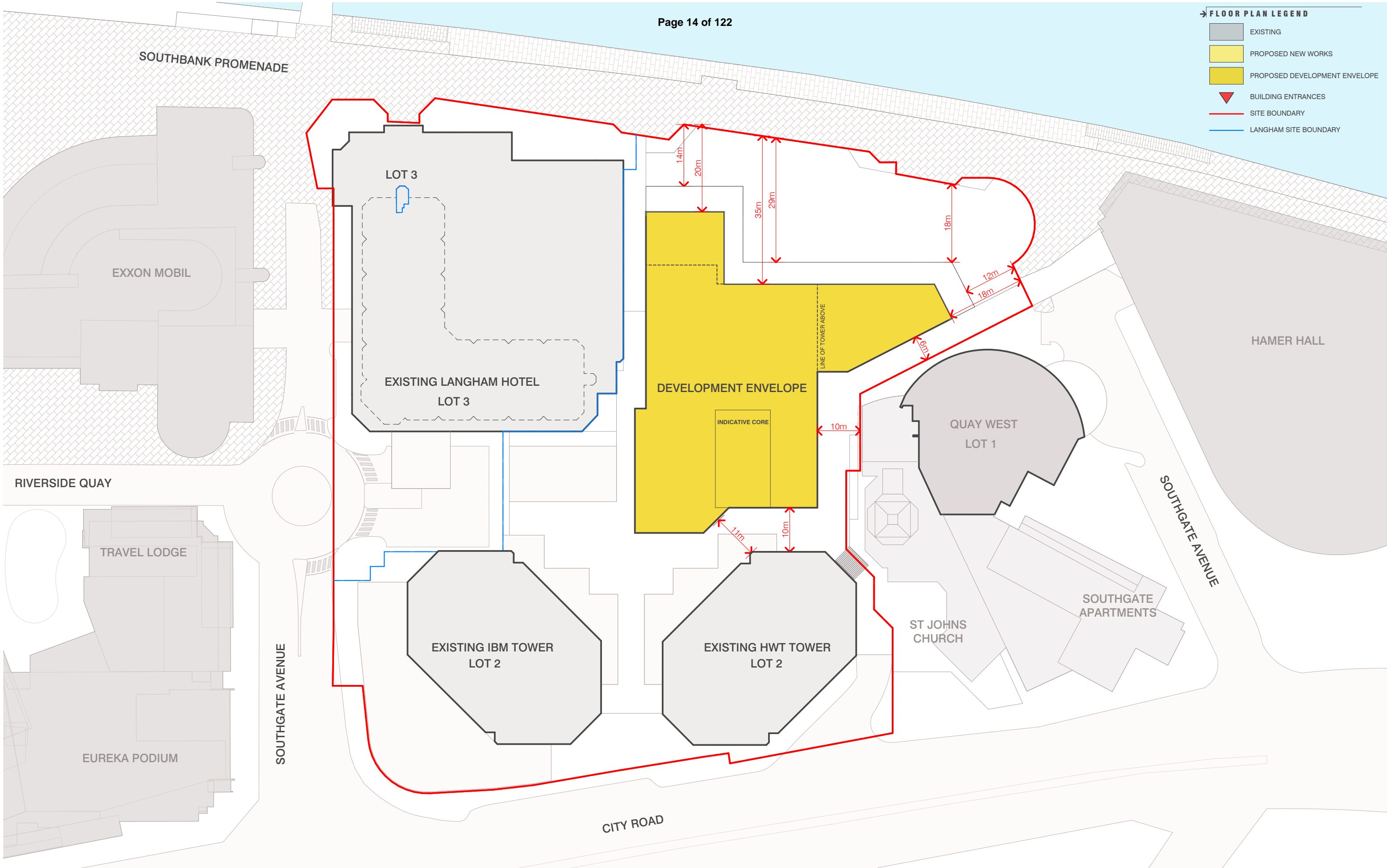


REV.
 -

DRAWING NO.
 MP102

FLOOR PLAN LEGEND

- EXISTING
- PROPOSED NEW WORKS
- PROPOSED DEVELOPMENT ENVELOPE
- BUILDING ENTRANCES
- SITE BOUNDARY
- LANGHAM SITE BOUNDARY



BIM Server: BIMSERVER21 - BIMcloud Basic for ARCHICAD 21/17152 Southgate (Temp)/17152 Southgate MP

REVISION	DATE	BY
DEVELOPMENT PLANS	28.01.2021	JZ

REVISION	DATE	BY

QUALITY ASSURANCE (FK IS A CERTIFIED COMPANY TO ISO 9001:2015)
 THIS PROJECT IS SUBJECT TO THE FK QUALITY ASSURANCE SYSTEM
 SCHEMATIC DESIGN REVIEW FOR THIS PROJECT IS COMPLETE. DATE OF REVIEW: 29.05.2020
 DESIGN DEVELOPMENT REVIEW FOR THIS PROJECT IS YET TO BE COMPLETED.
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DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
JZ	28.01.2021	JL	28.01.2021	17152	1:800 @ A3 1:400 @ A1

PROJECT
 SOUTHGATE
 3 SOUTHGATE AVENUE SOUTHBANK
 MELBOURNE VICTORIA 3006

DRAWING TITLE
 LEVEL 03 FLOOR PLAN

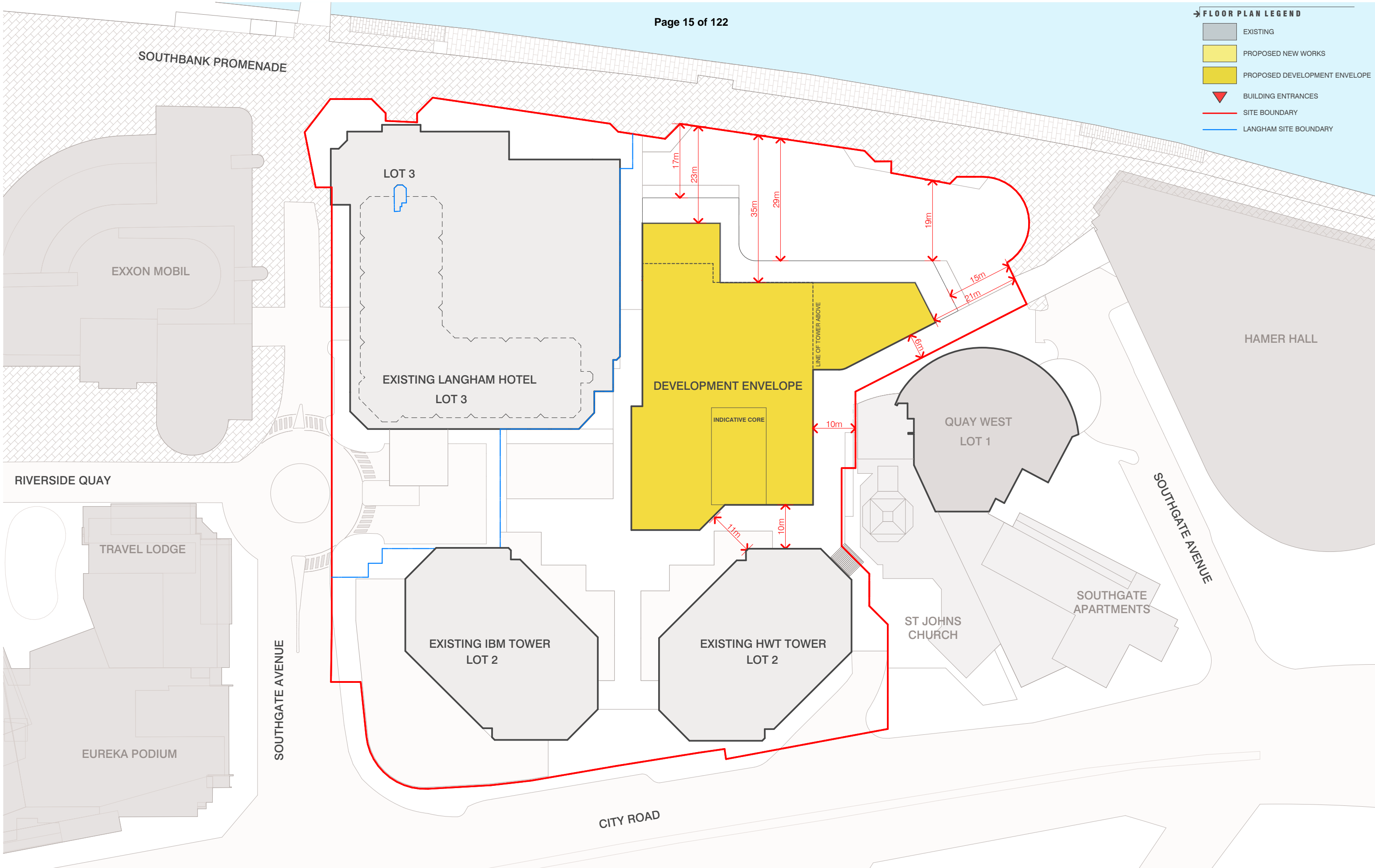
FENDER KATSALIDIS
 WWW.FKAUSTRALIA.COM
 2 RIVERSIDE QUAY, SOUTHBANK
 VICTORIA 3006 AUSTRALIA
 TELEPHONE: +61 3 8696 3888
 FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

ISSUE PURPOSE
 TOWN PLANNING

REV. - **DRAWING NO.** MP103

FLOOR PLAN LEGEND

- EXISTING
- PROPOSED NEW WORKS
- PROPOSED DEVELOPMENT ENVELOPE
- BUILDING ENTRANCES
- SITE BOUNDARY
- LANGHAM SITE BOUNDARY



BIM Server: BIMSERVER21 - BIMcloud Basic for ARCHICAD 21\17152 Southgate (Temp)\17152 Southgate MP

REVISION	DATE	BY
DEVELOPMENT PLANS	28.01.2021	JZ

REVISION	DATE	BY

QUALITY ASSURANCE (FK IS A CERTIFIED COMPANY TO ISO 9001:2015)
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DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
JZ	28.01.2021	JL	28.01.2021	17152	1:800 @ A3 1:400 @ A1

PROJECT
 SOUTHGATE
 3 SOUTHGATE AVENUE SOUTHBANK
 MELBOURNE VICTORIA 3006

DRAWING TITLE
 LEVEL 04 FLOOR PLAN

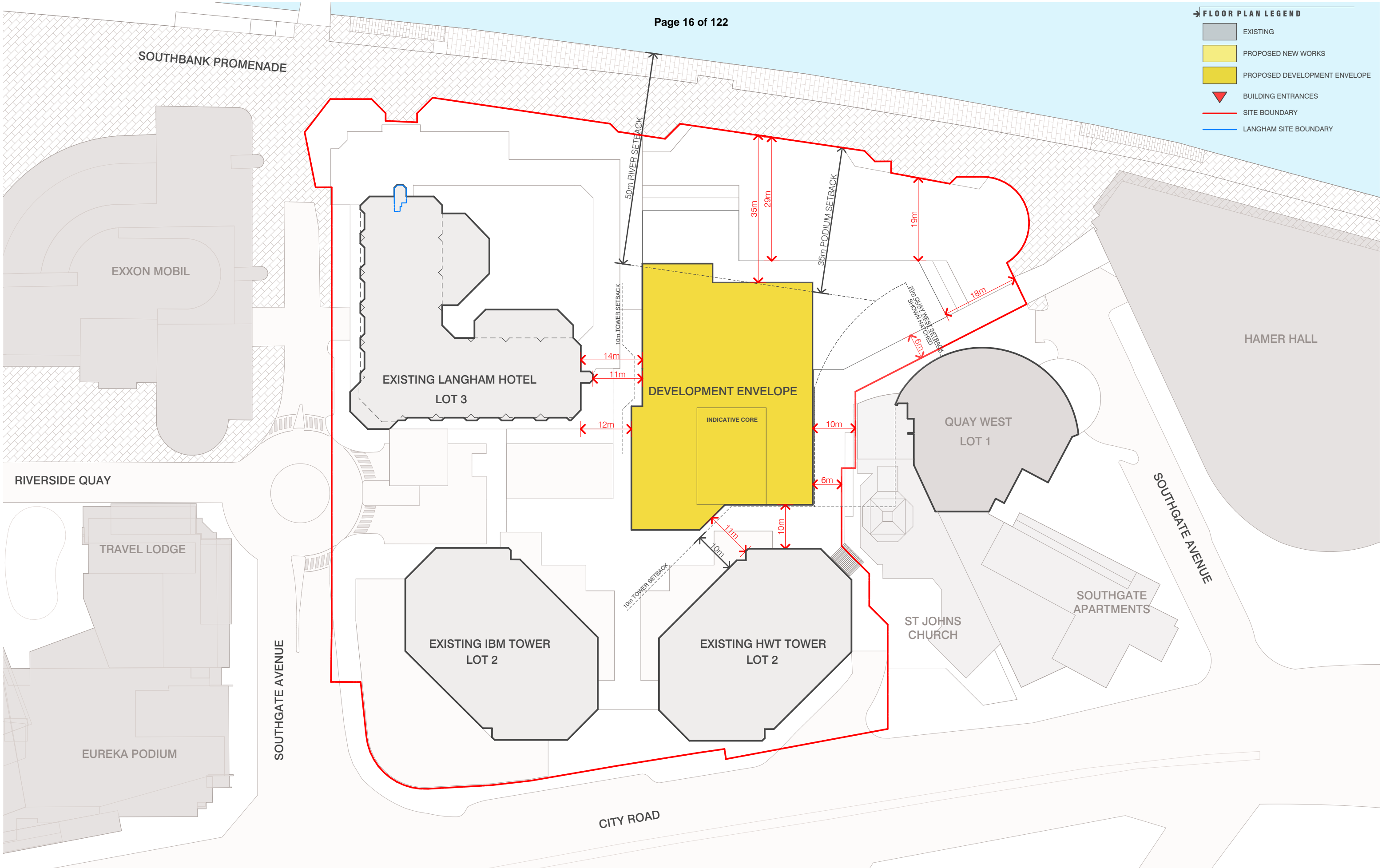
FENDER KATSALIDIS
 WWW.FKAUSTRALIA.COM
 2 RIVERSIDE QUAY, SOUTHBANK
 VICTORIA 3006 AUSTRALIA
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 FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

ISSUE PURPOSE
 TOWN PLANNING

REV. - **DRAWING NO.** MP104

FLOOR PLAN LEGEND

- EXISTING
- PROPOSED NEW WORKS
- PROPOSED DEVELOPMENT ENVELOPE
- BUILDING ENTRANCES
- SITE BOUNDARY
- LANGHAM SITE BOUNDARY



BIM Server: BIMSERVER21 - BIMcloud Basic for ARCHICAD 21/17152 Southgate (Temp)/17152 Southgate MP

REVISION	DATE	BY
DEVELOPMENT PLANS	28.01.2021	JZ

REVISION	DATE	BY

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DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
JZ	28.01.2021	JL	28.01.2021	17152	1:800 @ A3 1:400 @ A1

PROJECT
 SOUTHGATE
 3 SOUTHGATE AVENUE SOUTHBANK
 MELBOURNE VICTORIA 3006

DRAWING TITLE
 LEVEL 05 FLOOR PLAN

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 2 RIVERSIDE QUAY, SOUTHBANK
 VICTORIA 3006 AUSTRALIA
 TELEPHONE: +61 3 8696 3888
 FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

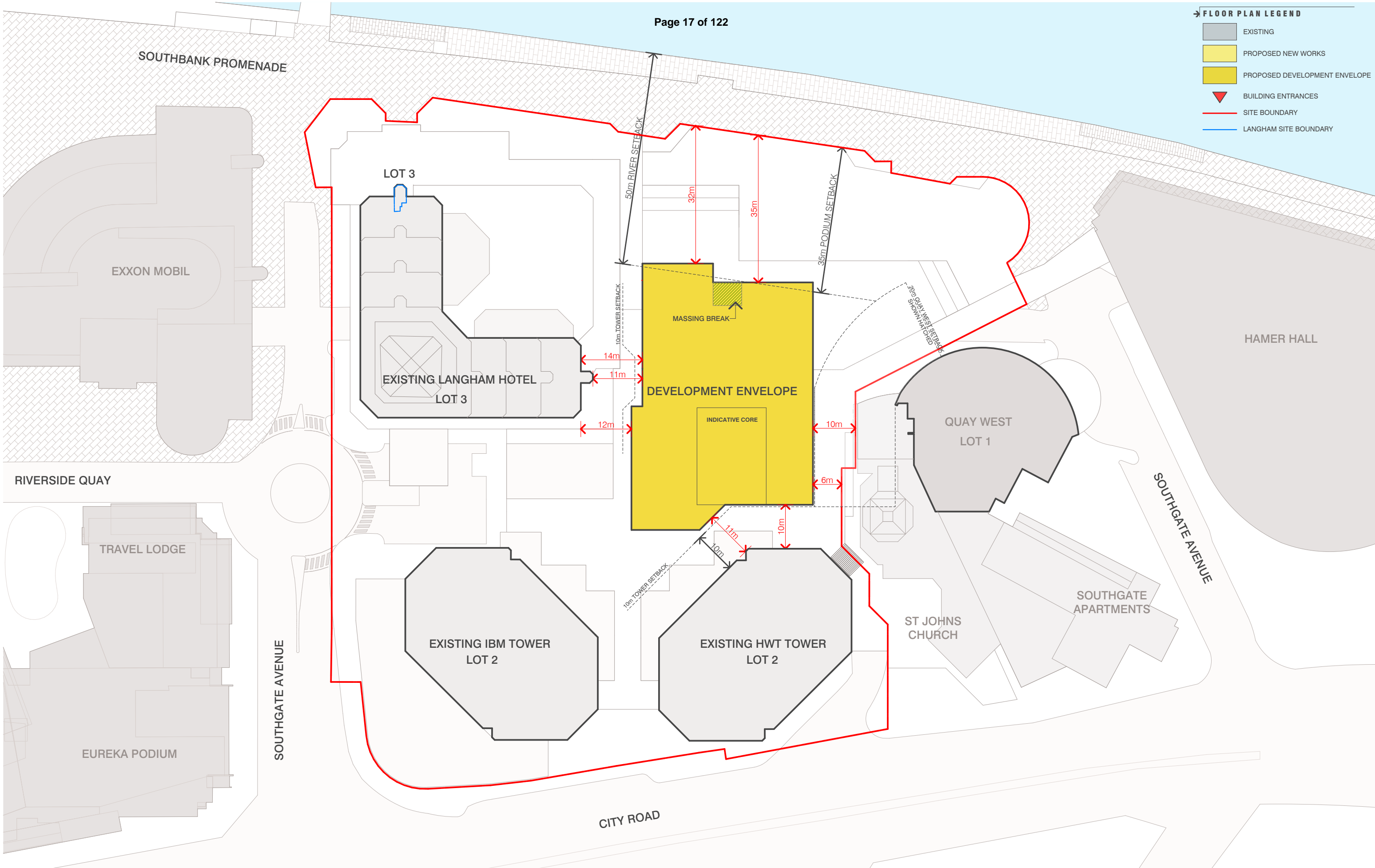
ISSUE PURPOSE
 TOWN PLANNING

FK

REV. DRAWING NO.
 - MP105

FLOOR PLAN LEGEND

- EXISTING
- PROPOSED NEW WORKS
- PROPOSED DEVELOPMENT ENVELOPE
- BUILDING ENTRANCES
- SITE BOUNDARY
- LANGHAM SITE BOUNDARY



BIM Server: BIMSERVER21 - BIMcloud Basic for ARCHICAD 21/17152 Southgate (Temp)/17152 Southgate MP

REVISION	DATE	BY
DEVELOPMENT PLANS	28.01.2021	JZ

REVISION	DATE	BY

QUALITY ASSURANCE (FK IS A CERTIFIED COMPANY TO ISO 9001:2015)
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DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
JZ	28.01.2021	JL	28.01.2021	17152	1:800 @ A3 1:400 @ A1



PROJECT
 SOUTHGATE
 3 SOUTHGATE AVENUE SOUTHBANK
 MELBOURNE VICTORIA 3006

DRAWING TITLE
 TOWER LOW RISE FLOOR PLAN

FENDER KATSALIDIS
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 2 RIVERSIDE QUAY, SOUTHBANK
 VICTORIA 3006 AUSTRALIA
 TELEPHONE: +61 3 8696 3888
 FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

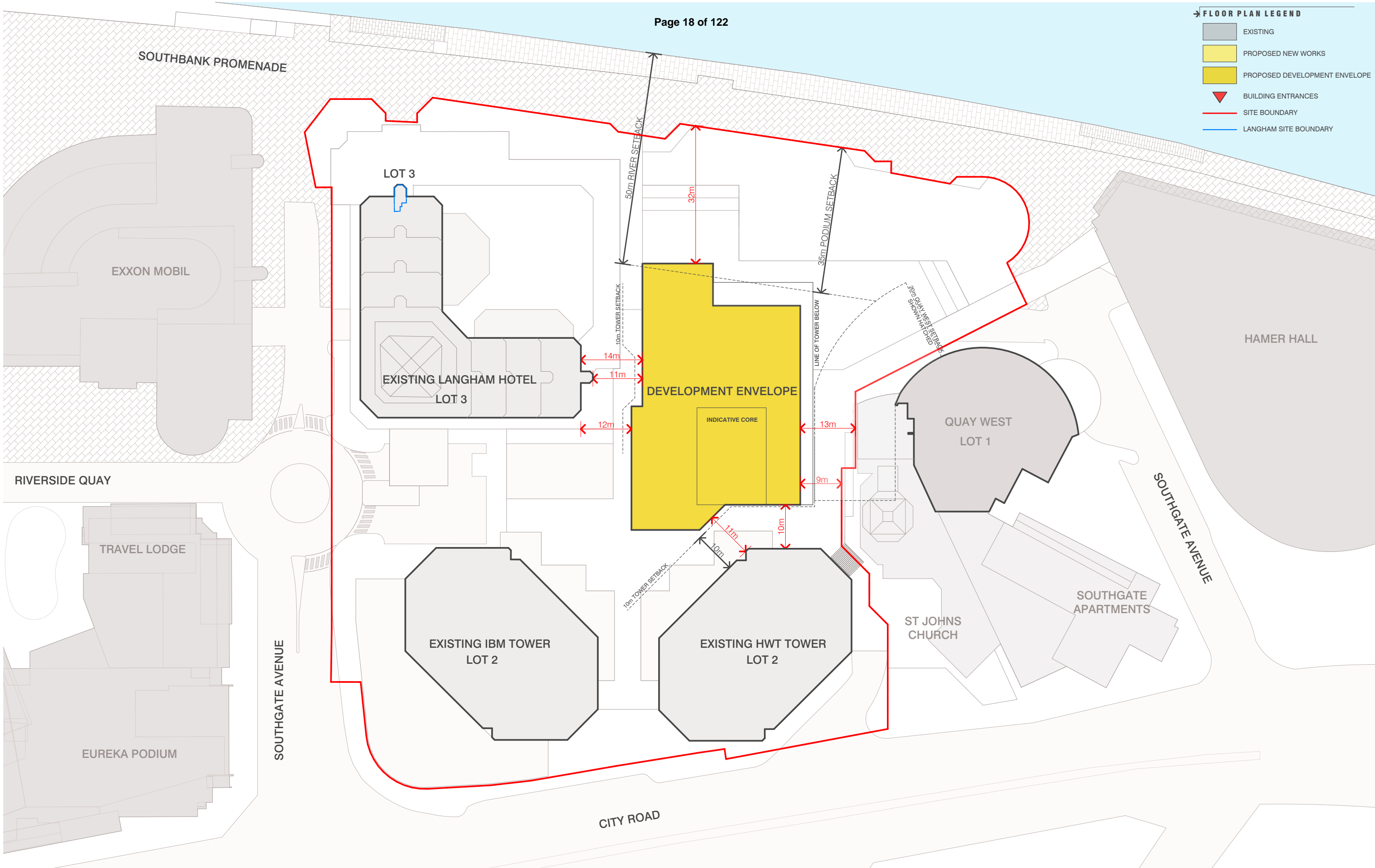
ISSUE PURPOSE
 TOWN PLANNING



REV. **DRAWING NO.**
 - **MP108**

FLOOR PLAN LEGEND

- EXISTING
- PROPOSED NEW WORKS
- PROPOSED DEVELOPMENT ENVELOPE
- BUILDING ENTRANCES
- SITE BOUNDARY
- LANGHAM SITE BOUNDARY



BIM Server: BIMSERVER21 - BIMcloud Basic for ARCHICAD 21/17152 Southgate (Temp)/17152 Southgate MP

REVISION	DATE	BY	REVISION
DEVELOPMENT PLANS	28.01.2021	JZ	

QUALITY ASSURANCE (FK IS A CERTIFIED COMPANY TO ISO 9001:2015)
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DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
JZ	28.01.2021	JL	28.01.2021	17152	1:800 @ A3 1:400 @ A1

PROJECT
 SOUTHGATE
 3 SOUTHGATE AVENUE SOUTHBANK
 MELBOURNE VICTORIA 3006

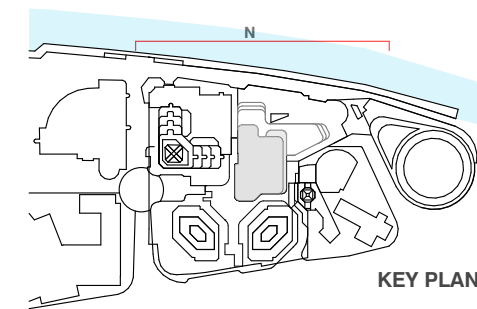
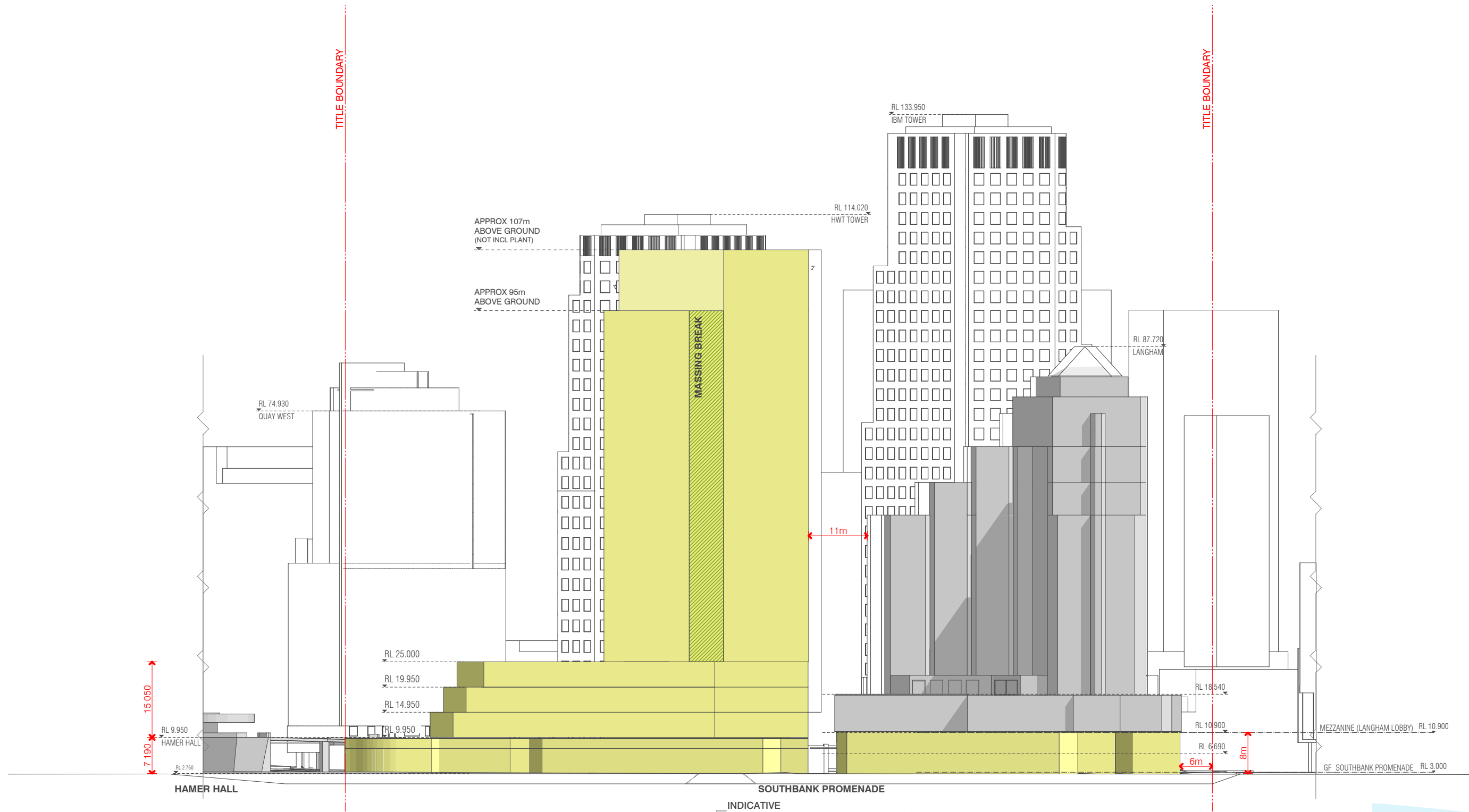
DRAWING TITLE
 TOWER HIGH RISE FLOOR PLAN

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 WWW.FKAUSTRALIA.COM
 2 RIVERSIDE QUAY, SOUTHBANK
 VICTORIA 3006 AUSTRALIA
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 FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

ISSUE PURPOSE
 TOWN PLANNING



REV. **DRAWING NO.**
 - **MP123**



KEY PLAN

BIM Server: BIMSERVER21 - BIMcloud Basic for ARCHICAD 21\17152 Southgate (Temp)\17152 Southgate MP

REVISION	REVISION
DEVELOPMENT PLANS	JZ 28.01.2021

QUALITY ASSURANCE (FK IS A CERTIFIED COMPANY TO ISO 9001:2015)
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DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
TW	28.01.2021	JL	28.01.2021	17152	1:800 @ A3 1:400 @ A1

PROJECT
 SOUTHGATE
 3 SOUTHGATE AVENUE SOUTHBANK
 MELBOURNE VICTORIA 3006

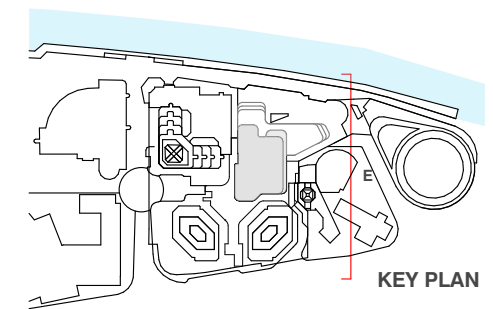
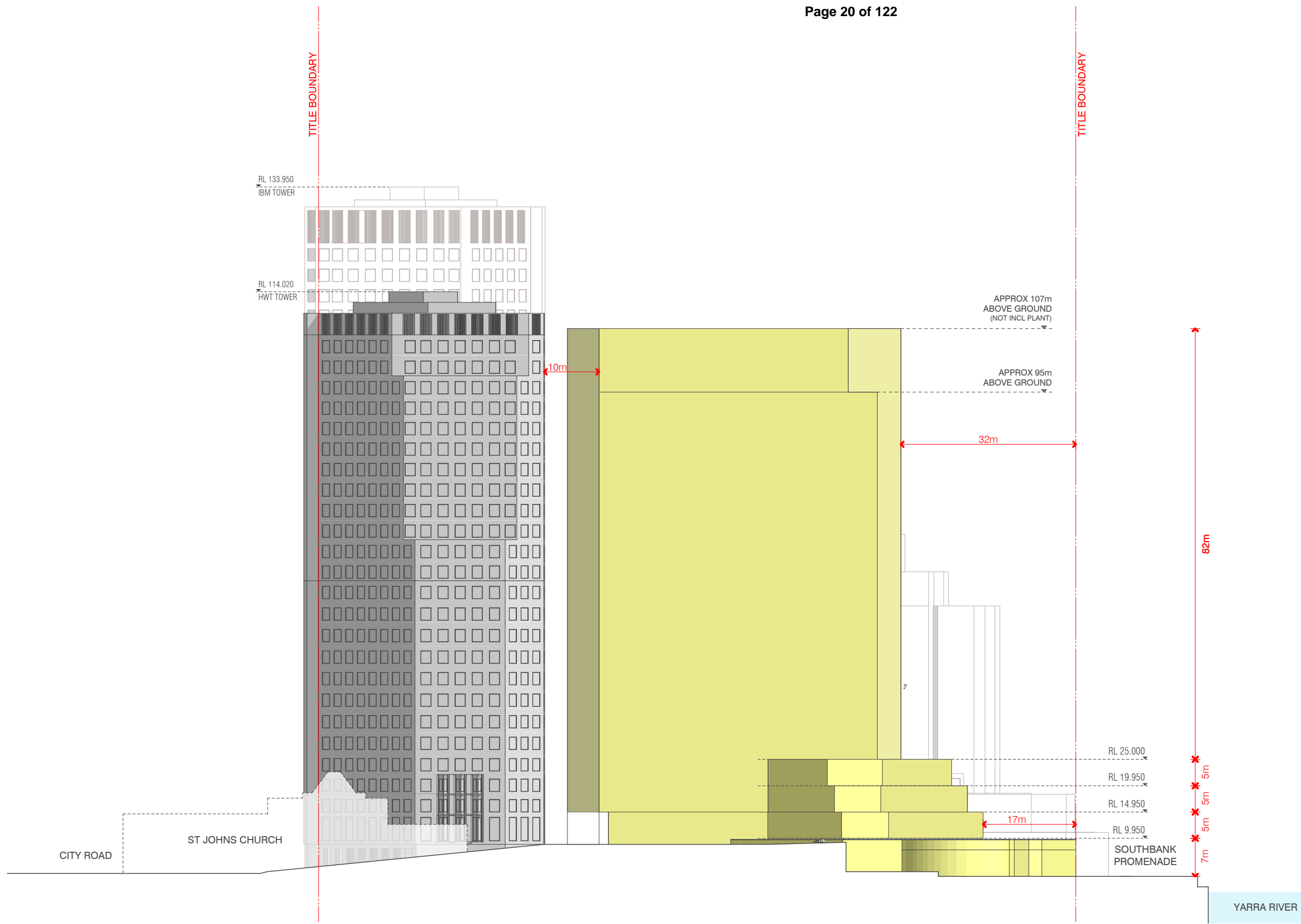
DRAWING TITLE
 NORTH ELEVATION

FENDER KATSALIDIS
 WWW.FKAUSTRALIA.COM
 2 RIVERSIDE QUAY, SOUTHBANK
 VICTORIA 3006 AUSTRALIA
 TELEPHONE: +61 3 8696 3888
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ISSUE PURPOSE
 TOWN PLANNING



REV. **DRAWING NO.**
 - **MP200**



BIM Server: BIMSERVER21 - BIMcloud Basic for ARCHICAD 21/17152 Southgate (Temp)/17152 Southgate MP

REVISION	DATE	BY
DEVELOPMENT PLANS	28.01.2021	JZ

REVISION

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DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
TW	28.01.2021	JL	28.01.2021	17152	1:800 @ A3 1:400 @ A1

PROJECT
 SOUTHGATE
 3 SOUTHGATE AVENUE SOUTHBANK
 MELBOURNE VICTORIA 3006

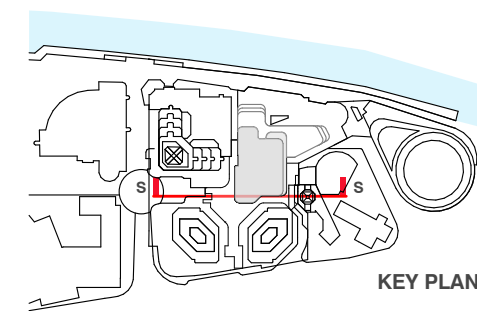
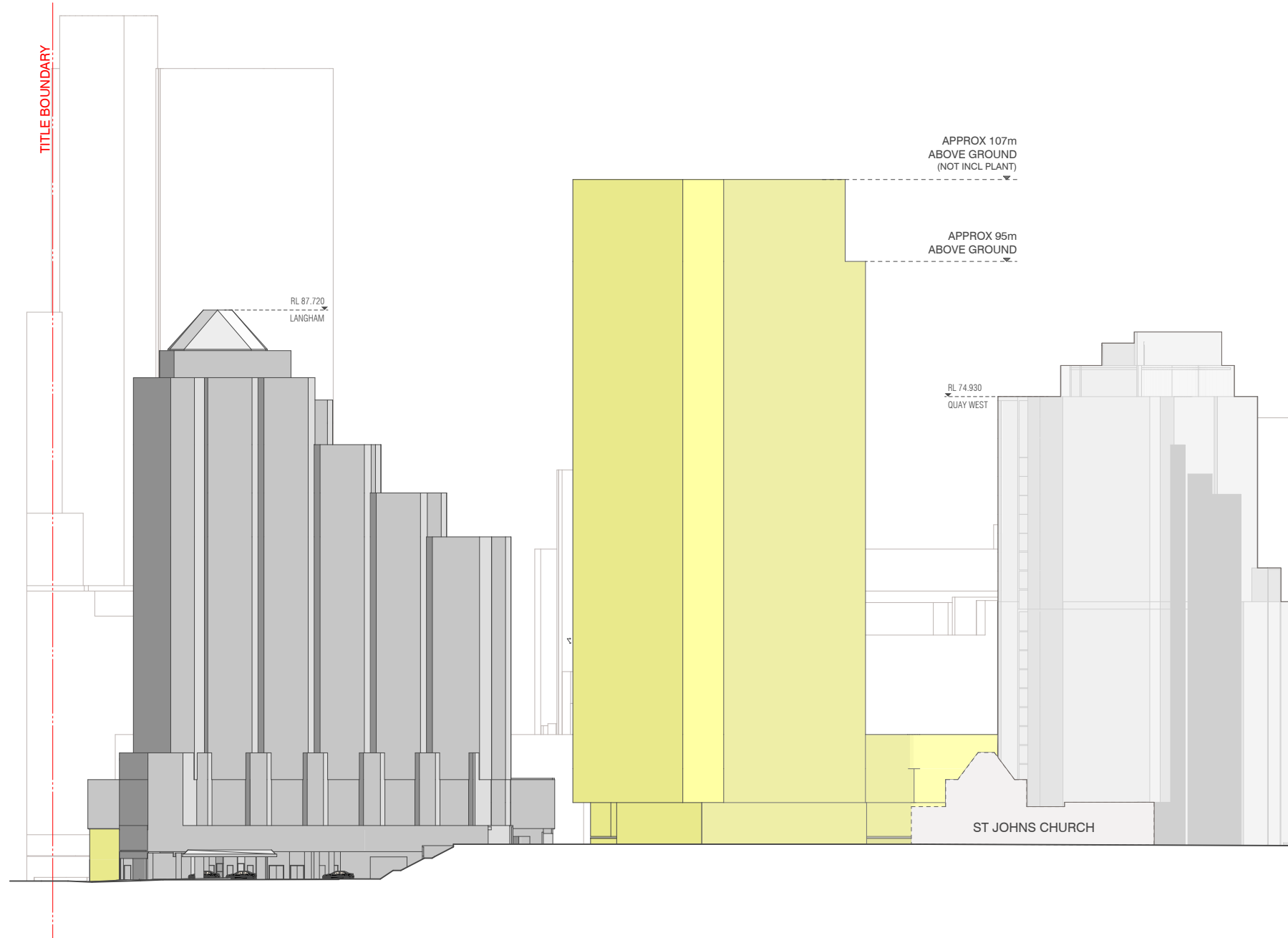
DRAWING TITLE
 EAST ELEVATION

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 2 RIVERSIDE QUAY, SOUTHBANK
 VICTORIA 3006 AUSTRALIA
 TELEPHONE: +61 3 8696 3888
 FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

ISSUE PURPOSE
 TOWN PLANNING



REV. - **DRAWING NO.** MP202



BIM Server: BIMSERVER21 - BIMcloud Basic for ARCHICAD 21\17152 Southgate (Temp)\17152 Southgate MP

REVISION	REVISION
DEVELOPMENT PLANS	JZ 28.01.2021

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 ■ SCHEMATIC DESIGN REVIEW FOR THIS PROJECT IS COMPLETE. DATE OF REVIEW: 29.05.2020
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DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
TW	28.01.2021	JL	28.01.2021	17152	1:800 @ A3 1:400 @ A1

PROJECT
 SOUTHGATE
 3 SOUTHGATE AVENUE SOUTHBANK
 MELBOURNE VICTORIA 3006

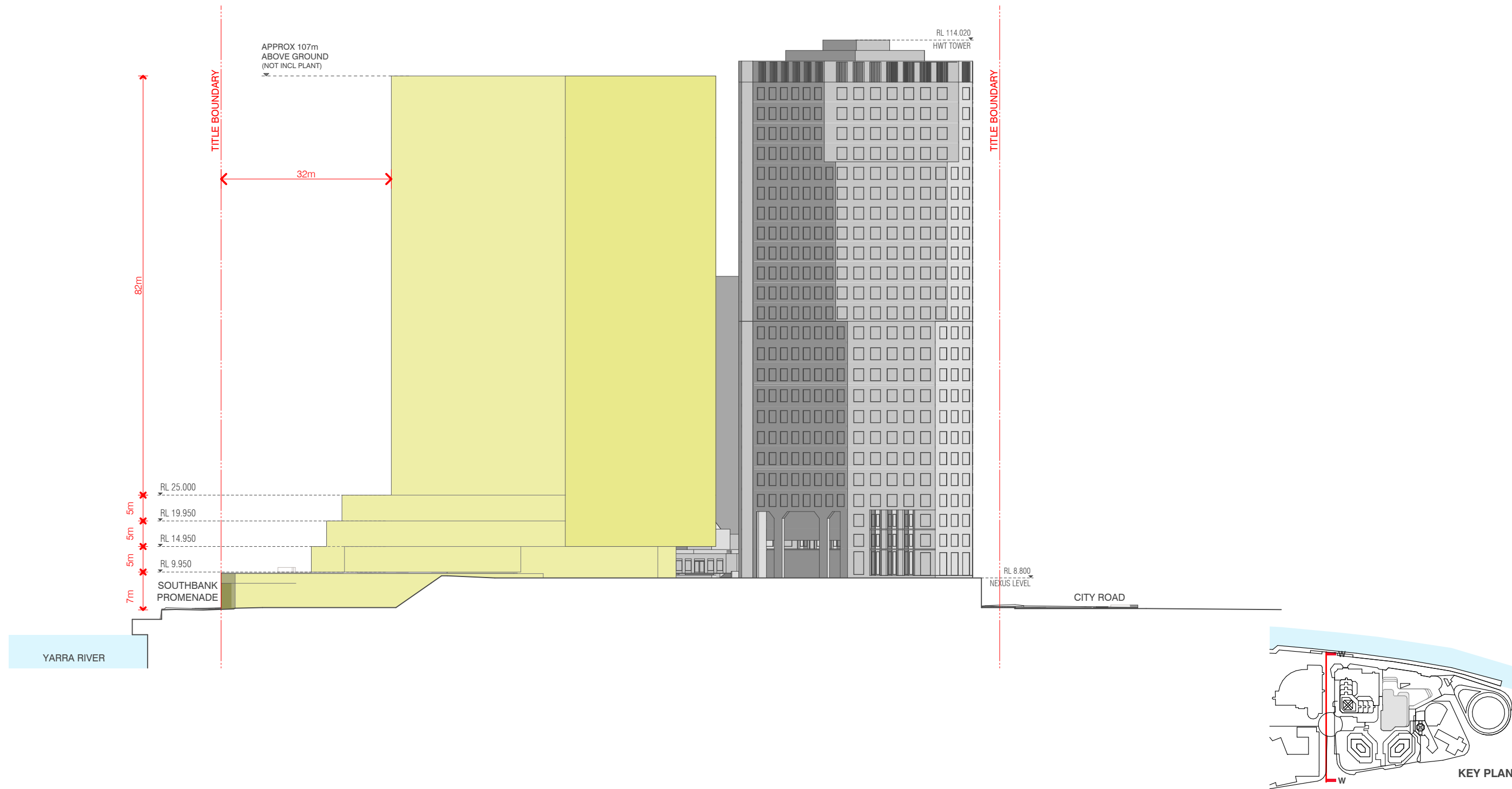
DRAWING TITLE
 NEXUS ELEVATION SOUTH

FENDER KATSALIDIS
 WWW.FKAUSTRALIA.COM
 2 RIVERSIDE QUAY, SOUTHBANK
 VICTORIA 3006 AUSTRALIA
 TELEPHONE: +61 3 8696 3888
 FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

ISSUE PURPOSE
 TOWN PLANNING



REV. **DRAWING NO.**
 - **MP204**



BIM Server: BIMSERVER21 - BIMcloud Basic for ARCHICAD 21/17152 Southgate (Temp)/17152 Southgate MP

REVISION	DATE	BY
DEVELOPMENT PLANS	28.01.2021	JZ

REVISION

QUALITY ASSURANCE (FK IS A CERTIFIED COMPANY TO ISO 9001:2015)

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DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
TW	28.01.2021	JL	28.01.2021	17152	1:800 @ A3 1:400 @ A1

PROJECT

SOUTHGATE
3 SOUTHGATE AVENUE SOUTHBANK
MELBOURNE VICTORIA 3006

DRAWING TITLE
NEXUS ELEVATION WEST

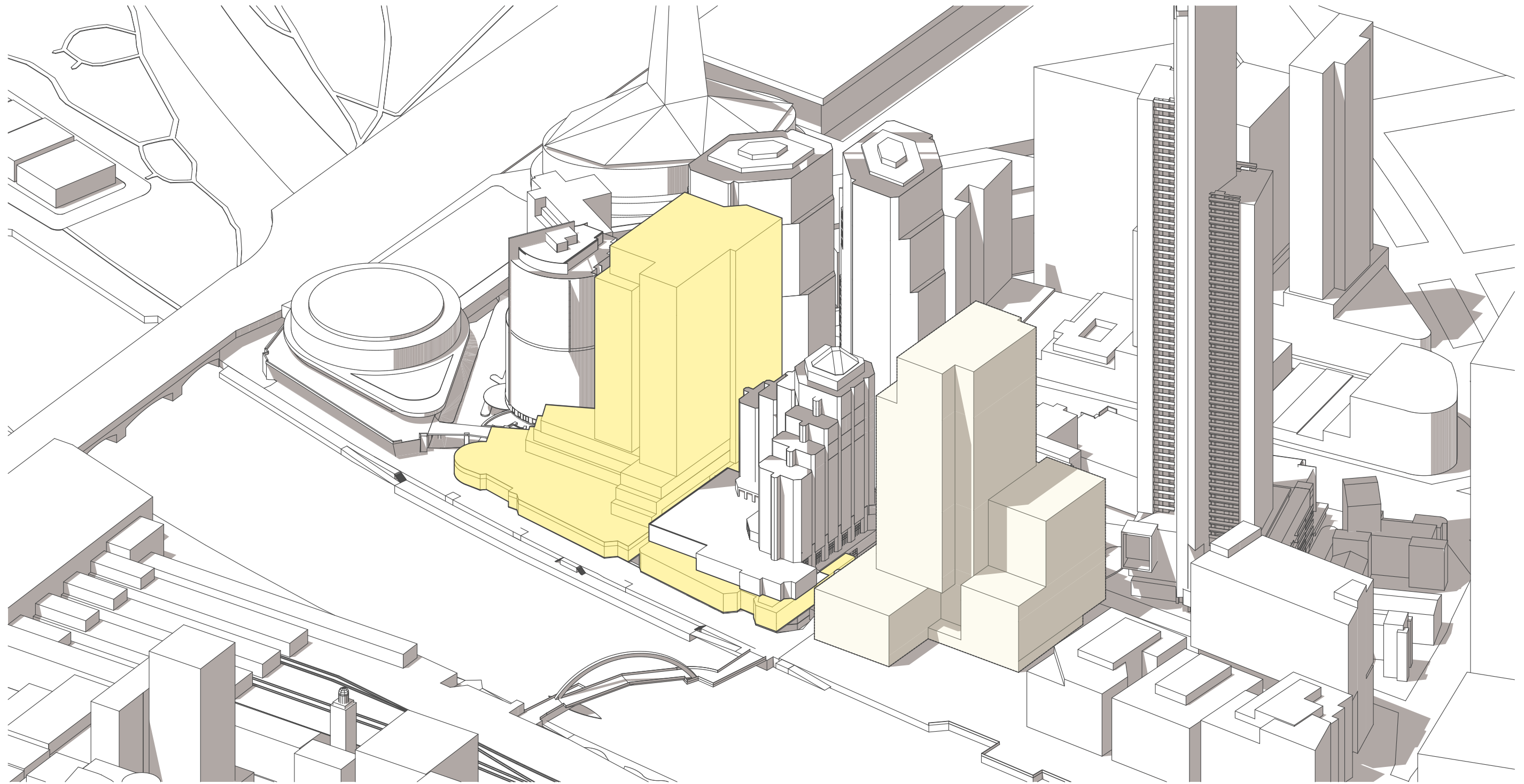
FENDER KATSALIDIS

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VICTORIA 3006 AUSTRALIA
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FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

ISSUE PURPOSE
TOWN PLANNING



REV. DRAWING NO.
MP205



- SOUTHGATE PROPOSED DEVELOPMENT
- 12 RIVERSIDE QUAY APPROVED DEVELOPMENT ENVELOPE

BIM Server: BIMSERVER21 - BIMcloud Basic for ARCHICAD 21\17152 Southgate (Temp)\17152 Southgate MP

REVISION	REVISION
DEVELOPMENT PLANS	JZ 28.01.2021

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DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
TW	28.01.2021	JL	28.01.2021	17152	AS SHOWN@A3 1:400 @ A1

PROJECT
 SOUTHGATE
 3 SOUTHGATE AVENUE SOUTHBANK
 MELBOURNE VICTORIA 3006

FENDER KATSAIDIS
 WWW.FKAUSTRALIA.COM
 2 RIVERSIDE QUAY, SOUTHBANK
 VICTORIA 3006 AUSTRALIA
 TELEPHONE: +61 3 8696 3888
 FENDER KATSAIDIS (AUST) PTY LTD ACN 092 943 032



ISSUE PURPOSE
 TOWN PLANNING

REV. **DRAWING NO.**
 - **MP706**

DRAWING TITLE
 3D MASSING PROPOSED



ARA ASSET MANAGEMENT PTE LTD

SOUTHGATE

FURTHER THOUGHTS

SEPTEMBER 2020

FENDER KATSALIDIS

CONTENTS

TOWER

CONTEXT

FURTHER THOUGHTS

PODIUM

PROMENADE

TOWER
CONTEXT











FLOORPLATE

1,892M² NLA



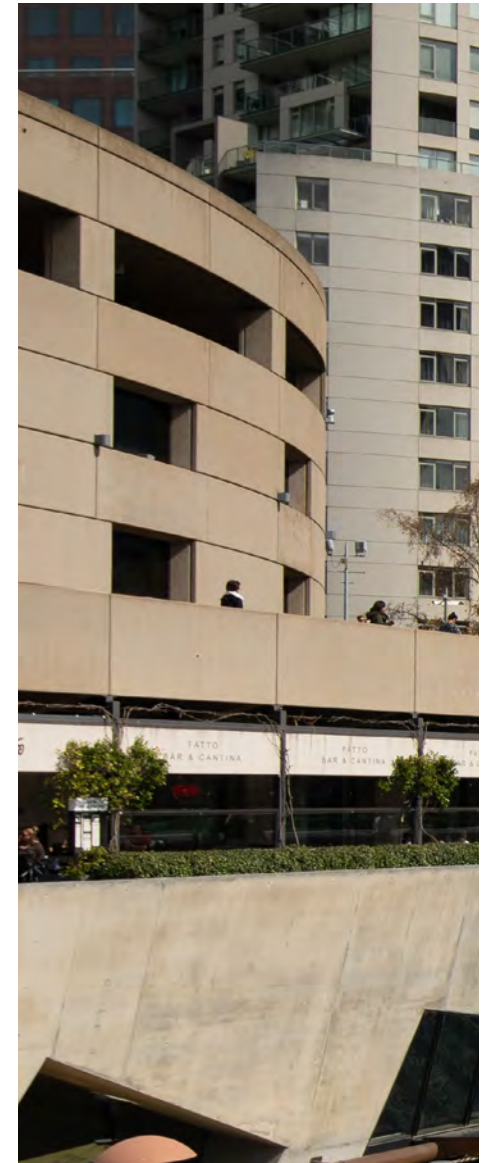
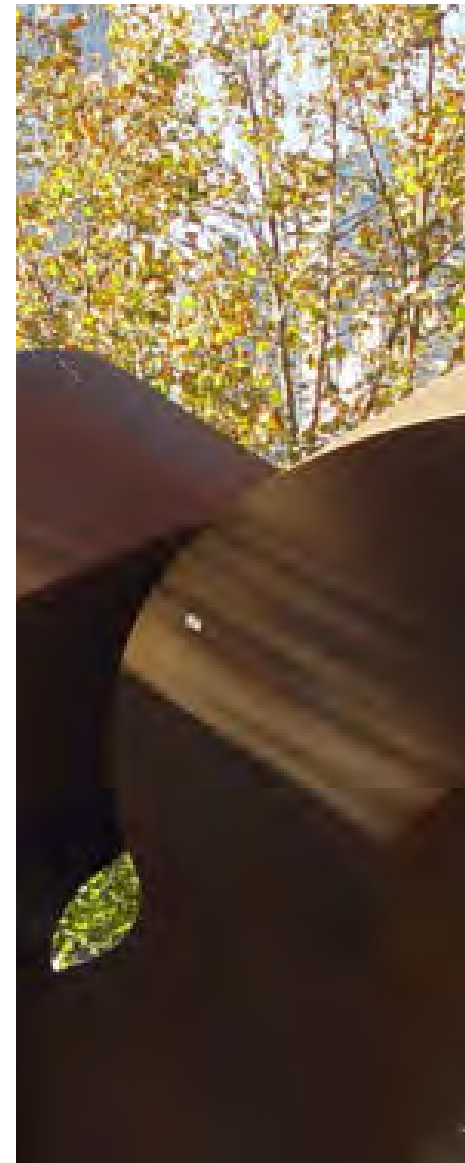
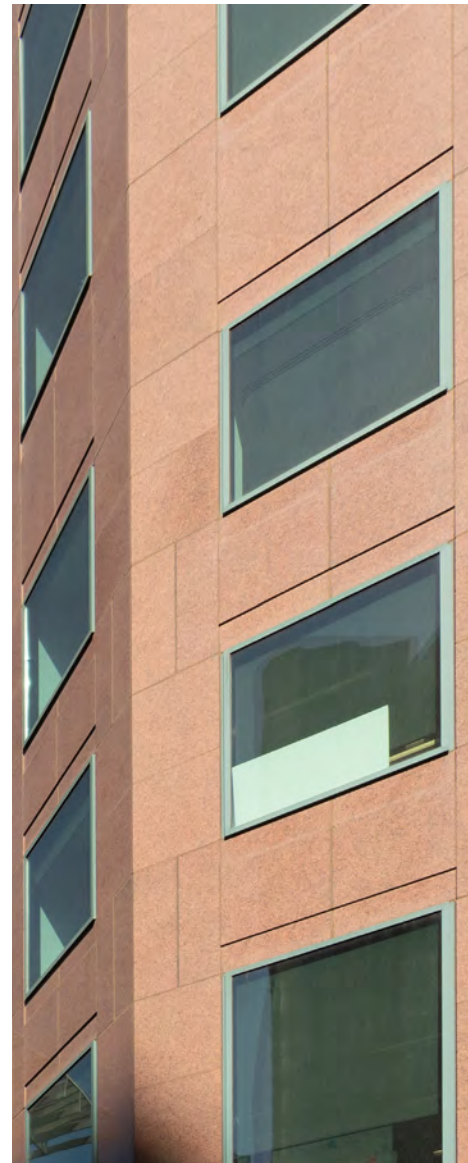
SOUTHGATE CONTEXT

BUILT FORM



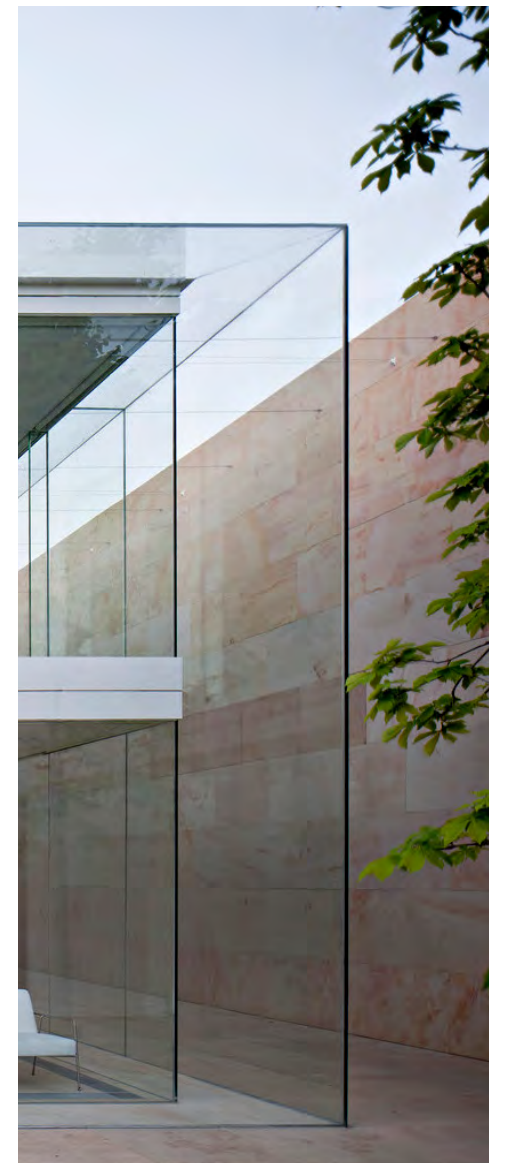
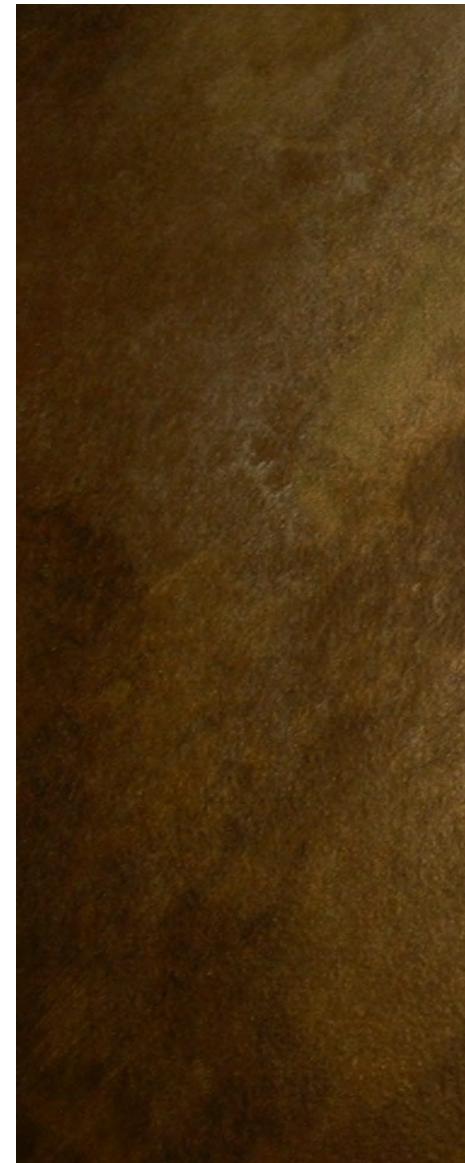
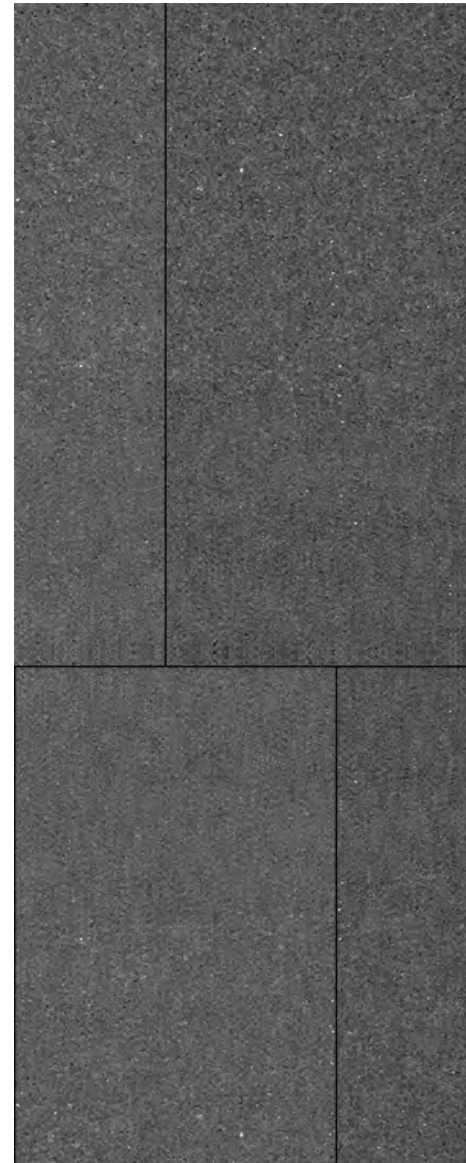
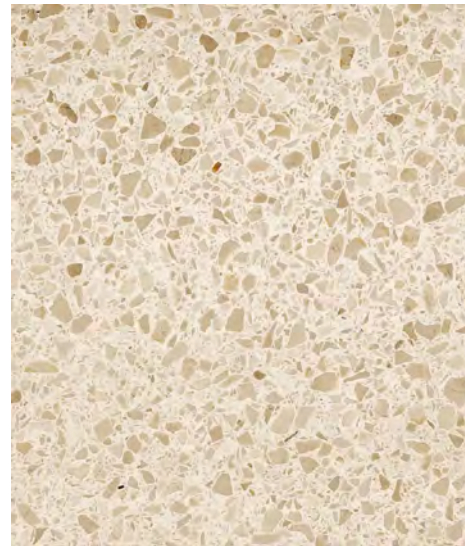
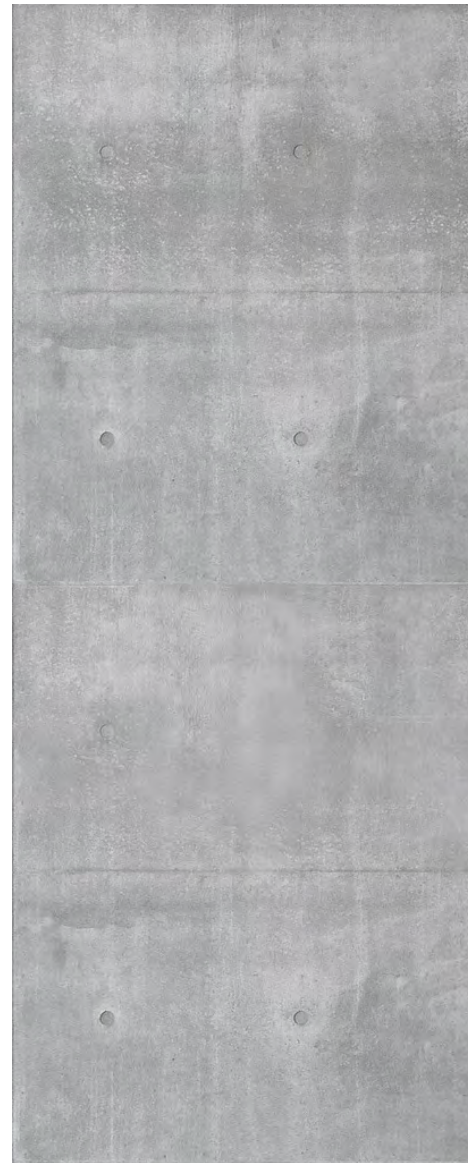
SOUTHGATE CONTEXT

COLOURS



SOUTHGATE CONTEXT

MATERIALS



TOWER
FURTHER THOUGHTS

VIGNETTE CURRENT



VIGNETTE

FURTHER THOUGHTS



YARRA VIEW

CURRENT



YARRA VIEW

FURTHER THOUGHTS



YARRA VIEW

FURTHER THOUGHTS



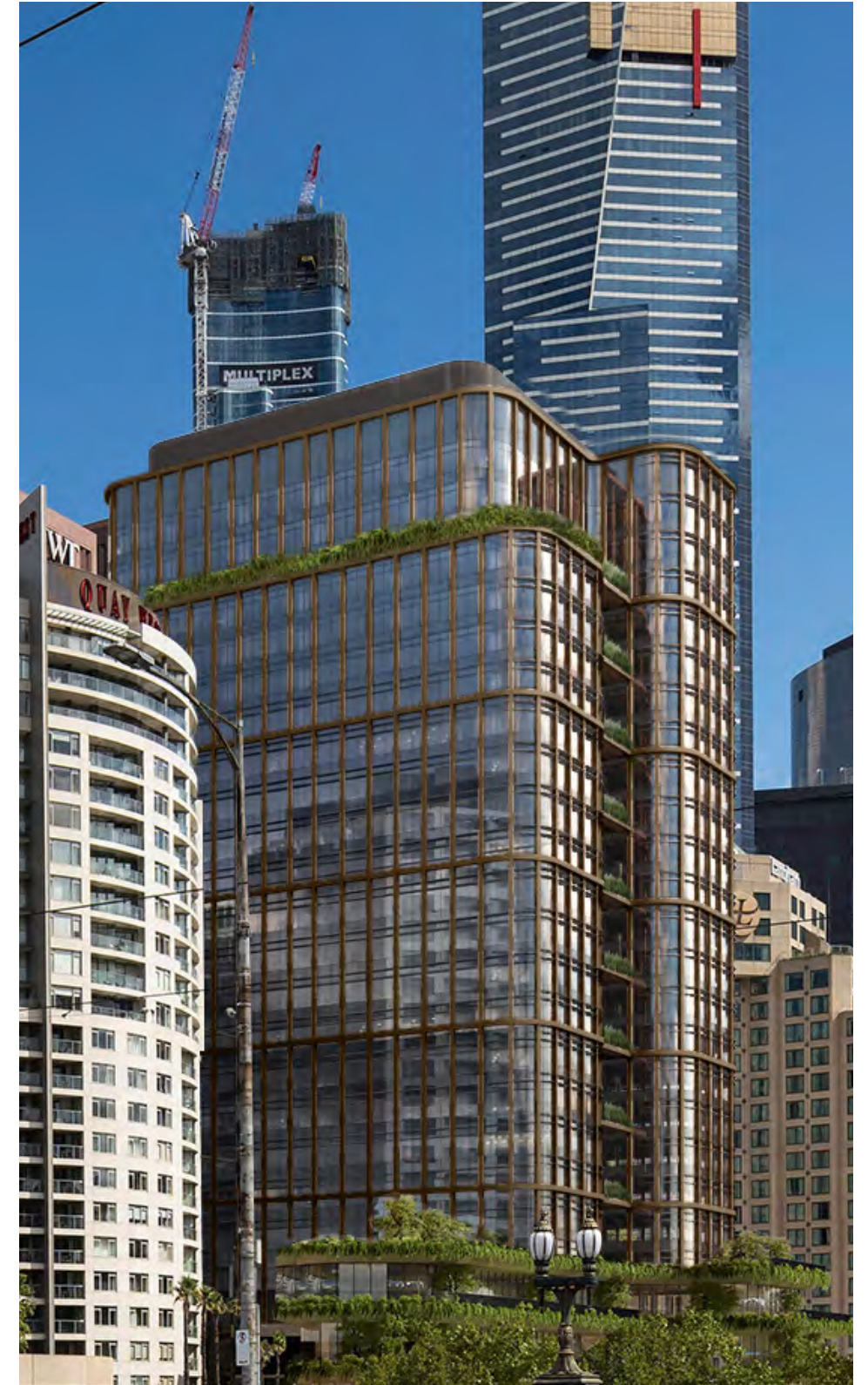
PRINCES BRIDGE VIEW

CURRENT



PRINCES BRIDGE VIEW

FURTHER THOUGHTS

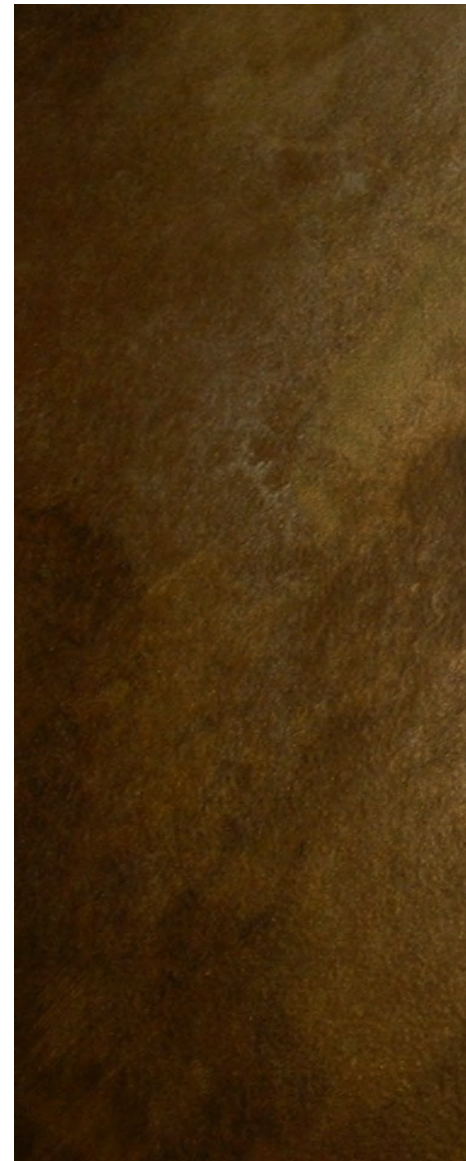
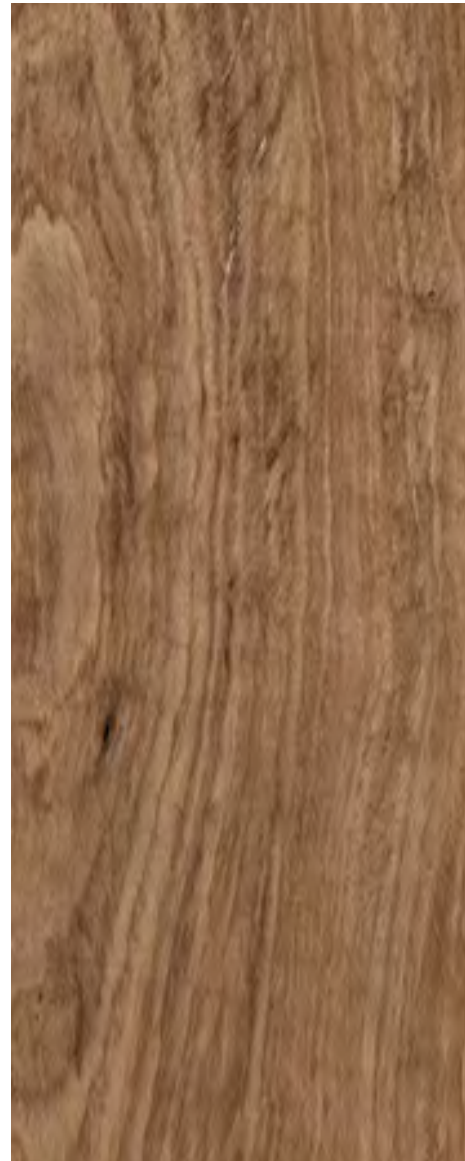


PODIUM
FURTHER THOUGHTS



PODIUM

MATERIALITY



PODIUM VIEW

CURRENT



PODIUM VIEW

FURTHER THOUGHTS



PODIUM VIEW

FURTHER THOUGHTS



PODIUM VIEW

CURRENT



PODIUM VIEW

FURTHER THOUGHTS



PODIUM VIEW

FURTHER THOUGHTS



PODIUM VIGNETTE

CURRENT



PODIUM VIGNETTE

FURTHER THOUGHTS



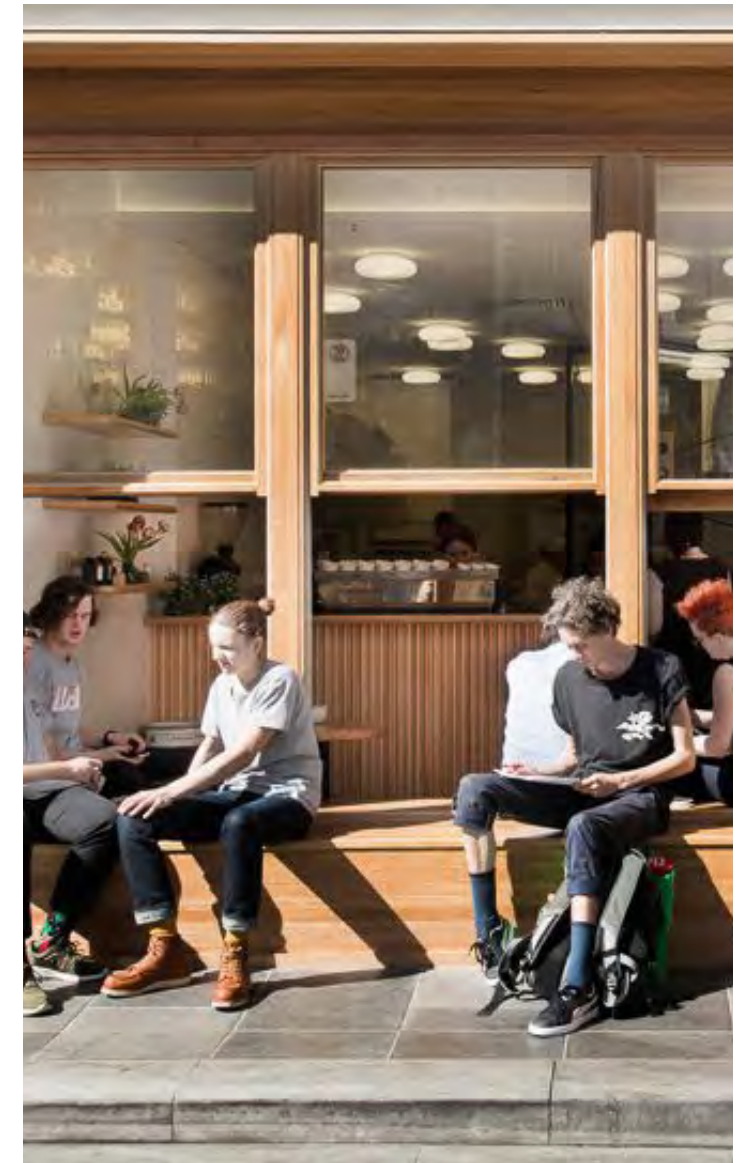
PODIUM VIGNETTE

FURTHER THOUGHTS



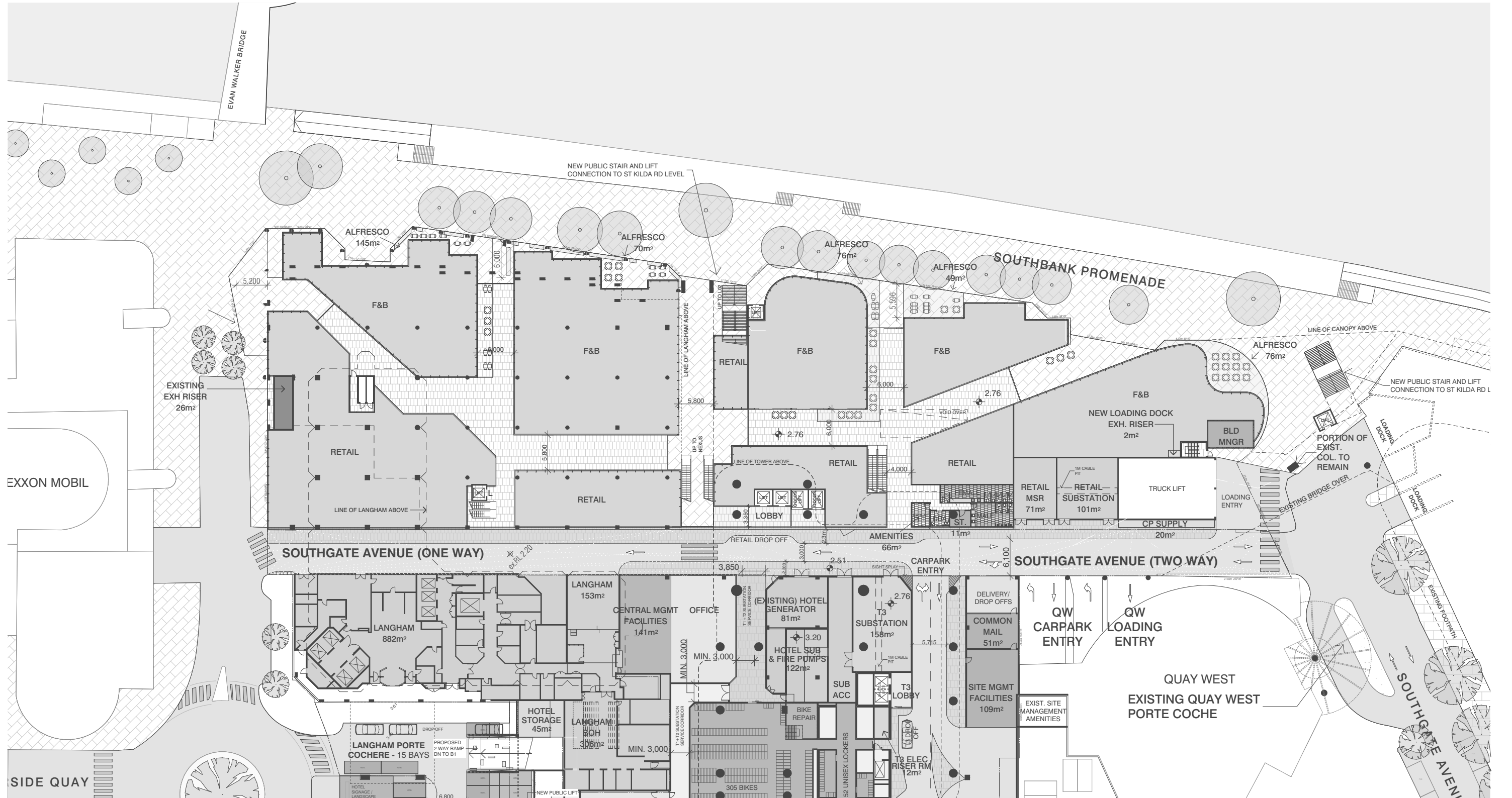
RETAIL FACADES

VISUAL, ACTIVE, OPERABLE

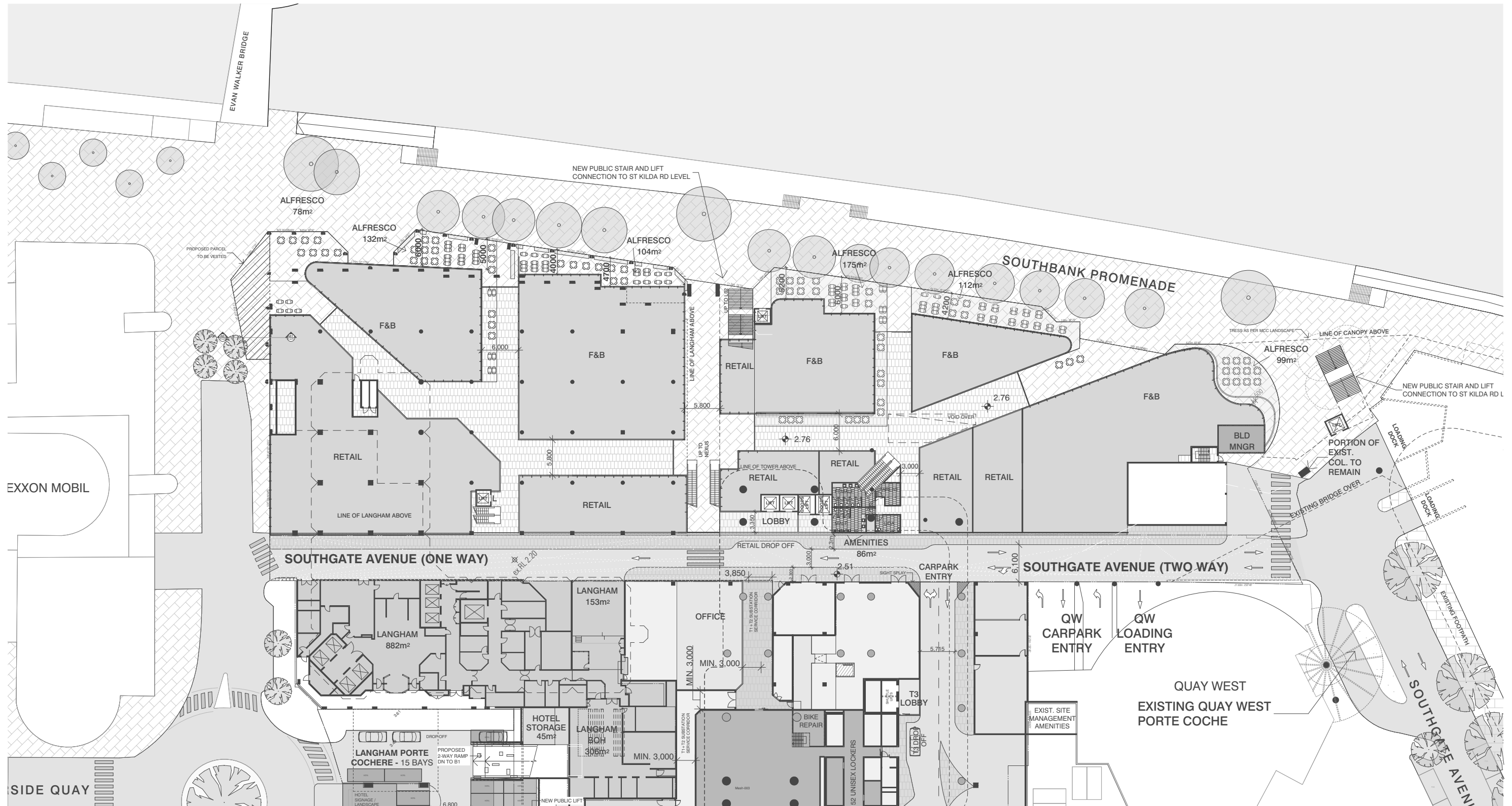


PROMENADE
FURTHER THOUGHTS

PROMENADE CURRENT



PROMENADE INCREASED SETBACK



PROMENADE CURRENT



PROMENADE

INCREASED SETBACK



PROMENADE CURRENT



PROMENADE

INCREASED SETBACK



THANK YOU



MINISTERIAL PLANNING REFERRAL DELEGATE REPORT

CoM Application Number:	ID-2020-3
DELWP Reference Number:	Planning Scheme Amendment c390melb
Applicant:	ARA Australia c/- Urbis
Owner:	Various
Architect:	Fender Katsalidis
Address:	3 Southgate Avenue, Southbank
Proposal:	Amendment to Melbourne Planning Scheme to apply Specific Controls Overlay (SCO) to land and introduce a new Incorporated Document – 3 Southgate Ave, Southbank (Southgate) – through proposed Melbourne Planning Scheme Amendment c390melb
Cost of Works:	\$208 million
Date Application Received by CoM:	16 July 2020
Responsible Officer:	Richard Cherry

1 SUBJECT SITE AND SURROUNDS

The Southgate site has a formal address of 1 & 3 Southgate Avenue and 16-60 City Road, Southbank. The subject site comprises an unusual shape and is bound by the Southbank Promenade to the north, Hamer Hall, Quay West apartments and St Johns Church to the east, Southgate Avenue to the west and City Road to the south. The site is serviced by a single service road (Southgate Avenue), which bisects the site in an east-west direction and loops back to City Road at both ends. The site contains four existing buildings being, Langham Hotel, Southgate Retail centre, the HWT and IBM office towers, and has a total area of approximately 19,589sqm. The site's development was facilitated by an Act of Parliament and has a complex ownership structure and multiple easement overlays. The Langham Hotel sits within its own Title. The Langham Hotel is excluded from this proposal.

Southgate is located over a large area and includes a complex number of registered encumbrances and unregistered easements and ancillary arrangements which are negotiated with the Langham. In general, Southgate links to the public realm on two different levels. There is a pedestrian easement which traverses diagonally across the site from Hamer Hall to Langham Hotel.

The subject site adjoins Southbank Promenade and the Yarra River to the north.

The site adjoins New St Johns Church, Quay West apartments and Hamer Hall to the east, with the main pedestrian interfaces being at St Kilda Road level. The New St John's Lutheran Church comprises a triple storey brick building with pedestrian

access from City Road and Southgate Avenue. The Church is individually listed within the City of Melbourne's Heritage Overlay (HO1218) and within the Southbank Heritage Inventory 2019. Quay West apartments comprise a 28 storey (82 metre) residential apartment tower, with access provided from Southgate Avenue and vehicular access provided via City Road. Hamer Hall provides main pedestrian access via St Kilda Road and secondary access via Southbank Promenade; contains various food and beverage tenancies at the Southbank Promenade level; and currently contains public open space via a pedestrian bridge link to Southgate at the St Kilda Road level adjacent to the common boundary and additional public open space to the south (Richard Pratt Gardens). Hamer Hall is affected by HO760, which extends over the wider Victoria Arts Centre Precinct. It is also on the Victorian Heritage Register (Citation H1500).

The subject site adjoins City Road to the south, a major arterial road comprising three lanes of traffic in each direction. There is a left in and left out access to the basement car park from City Road. Further south is the Melbourne Arts Precinct, comprising various facilities including the Arts Centre Melbourne (Theatres) and the National Gallery of Victoria (NGV).

The site abuts Southgate Avenue and No. 12 Riverside Quay to the west. Southgate Avenue comprises a local access (no-through) road providing service and vehicular access to the Southbank Promenade and Southgate development from City Road. On the west side of the Southgate Avenue road reserve is No. 12 Riverside Quay (Exxon Building), currently comprising 18 storeys (68 metres) at its highest point and containing frontages to Southbank Promenade and Riverside Quay, with vehicular and service entries from Southgate Avenue. This site has Ministerial approval for a 30 storey (120m high) commercial building supported by Council as ID-2020-4.

The site is located with access to a wide variety of services, infrastructure and facilities including:

- Flinders Street Station located approximately 120 metres north;
- St Kilda Road and Flinders Street Tram Stops located approximately 280 metres north-east;
- Crown Casino Precinct, including Yarra Promenade featuring mixed commercial and retail uses, located approximately 390 metres west;
- The Arts Precinct directly adjacent to the site to the east and south;
- Public open space at Southbank Promenade and the Yarra River corridor located at the northern interface;
- Public open space at Alexandra Gardens located approximately 150 metres east.



Figure 1: Application site (Source: application material)

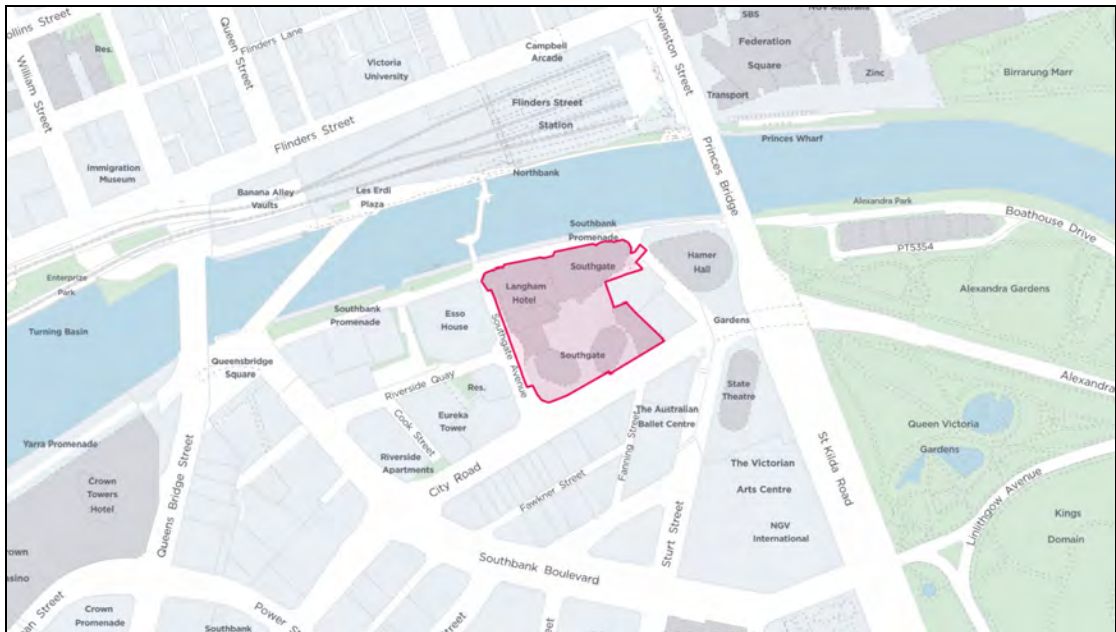


Figure 2: Map of subject site and surrounds



Figure 2: Aerial of subject site and surrounds



Figure 4: Aerial of subject site and surrounds looking south (source: Google Maps)

2 BACKGROUND AND HISTORY

On 16 July 2020 Council received notice from the Minister for Planning of an application to amend the Melbourne Planning Scheme to facilitate the redevelopment of the subject site. Though lodged in accordance with Section 20(4) of the *Planning and Environment Act 1987*, the application was referred to Council in accordance with Section 20(5). Whereas Section 20(4) does not allow for consultation, Section 20(5) allows this, albeit limited. In this case, it includes Council.

The Minister has invited the submission of a Planning Scheme Amendment to allow for site-specific controls that will facilitate the redevelopment of the site.

Refer Section 3.1 of this report for further details.

3 PROPOSAL

3.1 Planning Scheme Amendment

This application seeks approval to amend the Melbourne Planning Scheme to introduce site specific controls governing the future use and development of the land. These controls would operate independently of those which govern surrounding sites and as such allow for an alternate development model.

The proposed primary control is the Specific Controls Overlay (SCO). The purpose of this overlay is *to apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.*

Clause 45.12-1 (Use or Development) of the SCO states:

Land affected by this overlay may be used or developed in accordance with a specific control contained in the incorporated document corresponding to the notation on the planning scheme map (as specified in the schedule to the overlay). The specific control may:

- *Allow the land to be used or developed in a manner that would otherwise be prohibited or restricted;*
- *Prohibit or restrict the use or development of the land beyond the controls that may otherwise apply; and*
- *Exclude any other control in this scheme.*

In this case, the schedule to the SCO would be amended to reference a new schedule number (yet to be determined). This, in turn, would introduce a new Incorporated Document (ID) entitled 'Southgate Redevelopment Project – 3 Southgate Avenue, Southbank 3006 – May 2020' (date updated as required); the stated objective of which is to deliver new podium level retail food and beverage tenancies, a 26 level commercial office building, a 2,000 square metre publically accessible open space, pedestrian links to the Melbourne Arts Precinct and upgrades along City Road.

In summary, the proposal seeks to amend the Melbourne Planning Scheme (Planning Scheme Amendment) by introducing:

- A new site Specific Control Overlay to the Schedule to Clause 45.12 (Specific Controls Overlay);
- An update to the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme).

3.2 Proposed Development

In summary, the development the proposed SCO and ID seek to facilitate:

- Partial demolition of the Southgate complex at 3 Southgate Avenue, including demolition of retail levels below the Langham Hotel at future stage (retention of IBM and HWT towers);
- Internal rearrangement of two levels of basement car parking, including rearrangement of services and car parking layout and provision of approximately 619 car parks (down from the current 962 car parks);
- Construction of a new 26 level building comprising 21 storeys of commercial office and a five-storey podium which will include a mix of retail, food & beverage and commercial uses;
- The proposed new building has a height of RL 108.60 to the roof parapet with a total height of plant at RL 113.3;

- Creation of a 2,000m² public open space (provisionally referred to as 'River Meadow') at Level 2 above the Promenade;
- Substantial upgrade to the internal 'nexus' area at the base of the IMB and HWT towers, including the upgrade to existing lobby areas for these towers;
- Upgrades to create a building entry from City Road and potential for future development at City Road / Southgate Avenue corner;
- Langham driveway and car park works to revitalise this area and better connect to the site from the west;
- Revitalisation of the existing Southgate retail / food & beverage levels below the Langham Hotel in the western portion of the site;
- Early works to prepare the site for construction.

Off-site works:

- A public stair and lift connection from Southbank Promenade to Level 2 'River Meadow';
- A new expanded pedestrian connection between Hamer Hall and the site at Level 2 ('River Meadow').

Specific details of the proposal are as follows:

DESIGN COMPONENT	PROPOSED
Proposed Uses	Retail (range of retail offers and food & beverage) Commercial Office
Site Area	19,589 sqm (inclusive of Langham site which falls within title boundary)
Total Area of Development (GFA)	59,335 sqm
Proposed Commercial GFA	47,895 sqm (38,991sqm NLA)
Tower floorplate range (NLA)	1,708 sqm – 1,939 sqm
Proposed Retail GFA	23,000 sqm (12,623 sqm GLA)
Plot Ratio (FAR)	8.2:1
Height of new building	26 levels 108.6 RL to top of parapet 113.30 RL to top of plant
Podium Height	22.24m (25.0m RL)
Street Wall Height	7.19m (9.95m RL)
Key Setbacks	To northern title boundary – 36m (averaged across building frontage) To Yarra River – 50m To Quay West – 20.48m To Langham Hotel – 11.8m to services, 12.15m to hotel proper To HWT – 10.45m - 11.3m To Eastern boundary – 6.8m – 10.1m
Car Parking	619 spaces (down from 962 currently)
Vehicle Access	Access via Southgate Avenue (generally as per existing arrangements)
Loading Area	Loading Dock retained at Basement 2 and new Loading Dock at Ground level in north-eastern corner off Southgate Avenue.

Figure 5: Development Summary (Source: Urbis Planning Report)

3.2.1 Ground Level

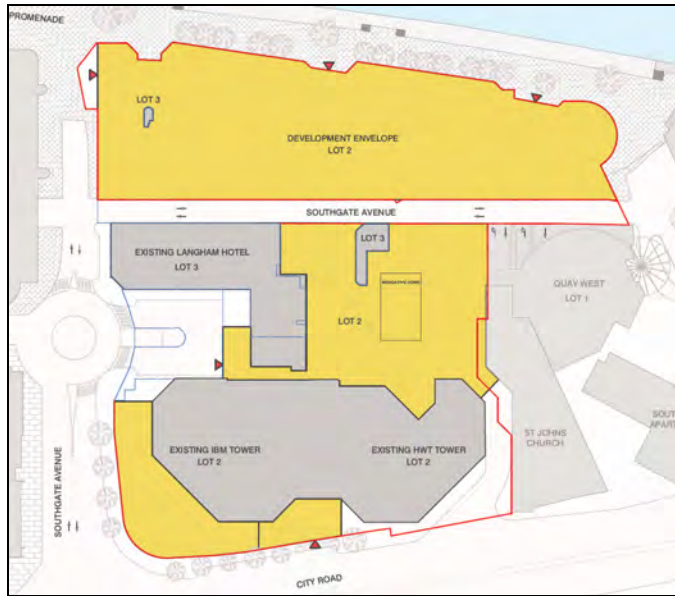


Figure 6: Ground Level Master Plan

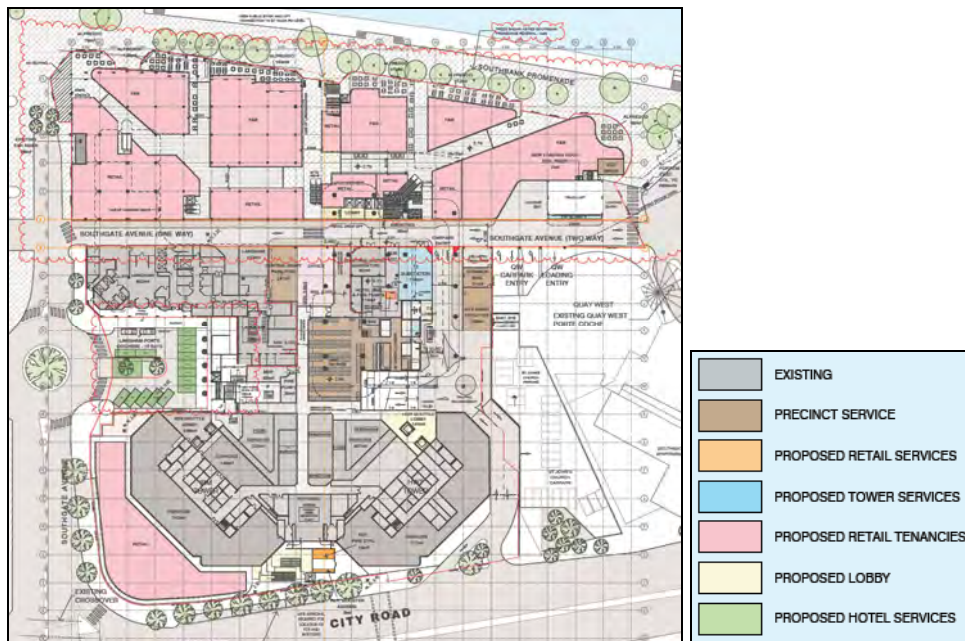


Figure 7: Ground Level detailed plan

3.2.2 Podium

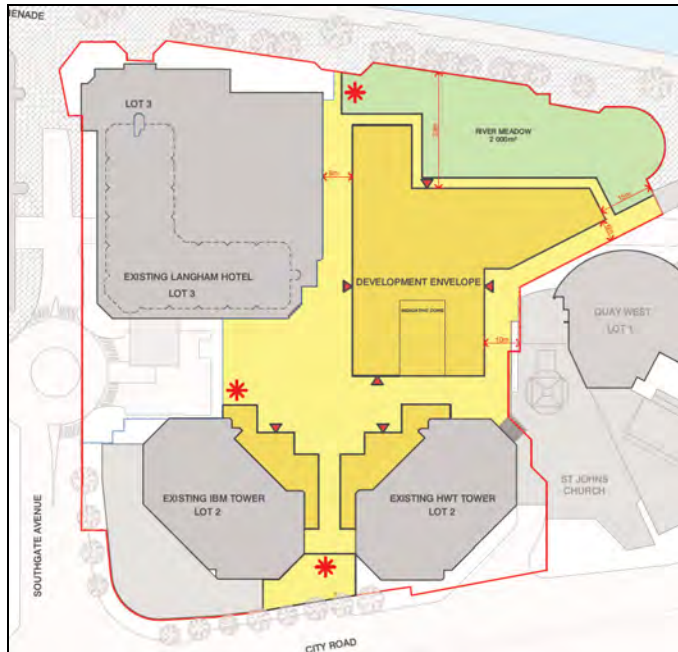


Figure 8: Podium (Level 2) Master Plan

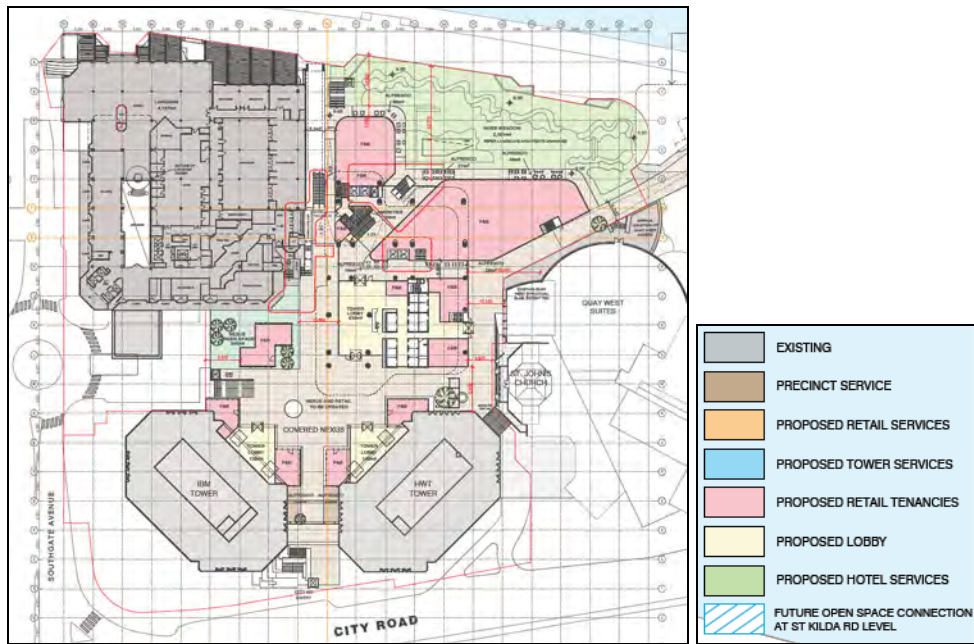


Figure 9: Podium (Level 2) detailed plan

3.2.3 Tower



Figure 10: Upper Tower footprint Master Plan

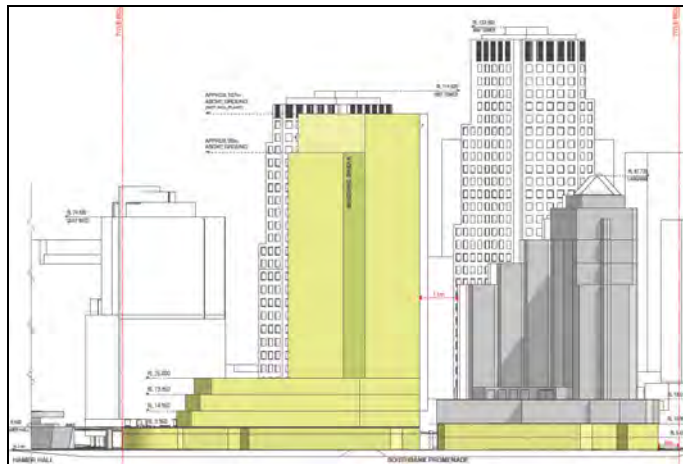


Figure 11: North Elevation Master Plan

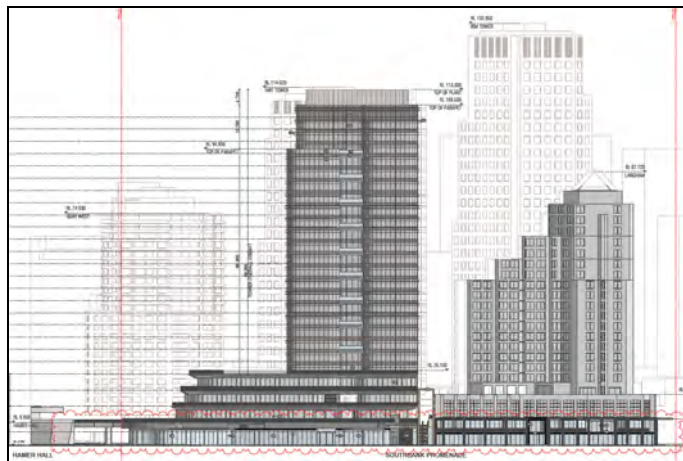


Figure 12: North Elevation detailed plan

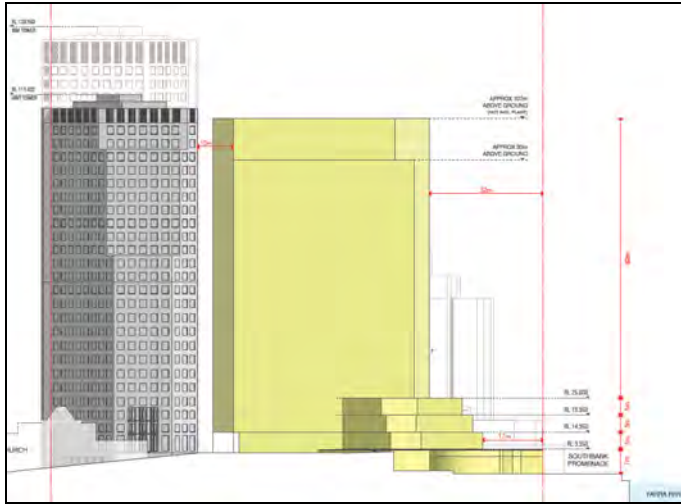


Figure 13: East Elevation Master Plan

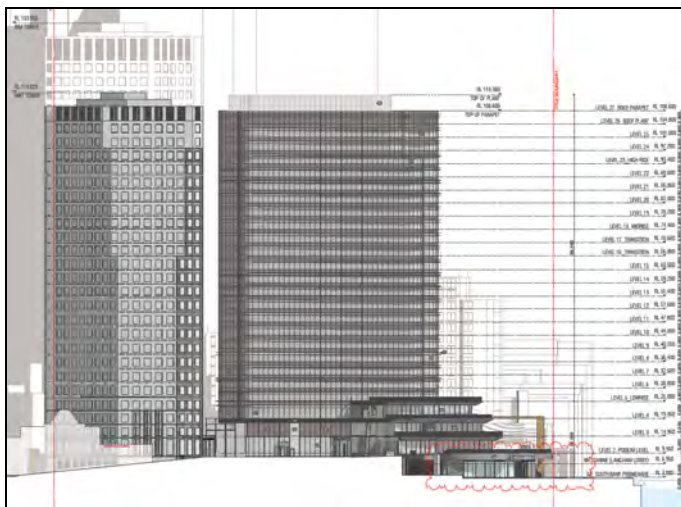


Figure 14: East Elevation detailed plan

3.2.4 Staging



Figure 15: Staging Plan

3.2.5 Renders



Figure 16: Render of proposed development from north side of Yarra River looking south



Figure 17: Render of proposed development from Princes Bridge looking south-west



Figure 18: Render of proposed podium levels including Publicly Accessible Open Space



Figure 19: Render of proposed podium from Southbank Promenade

4 STATUTORY CONTROLS

Planning Policies	
Planning Policy Framework	Clause 15 – Built Environment and Heritage Clause 17 – Economic Development Clause 18 – Transport Clause 19 – Infrastructure
Municipal Strategic Statement	Clause 21.06 – Built Environment and Heritage Clause 21.08 – Economic Development Clause 21.09 – Transport Clause 21.10 – Infrastructure Clause 21.13 – Urban Renewal Areas Clause 21.13-1 – Southbank Clause 21.17 – Reference Documents

Local Planning Policies	<p>Clause 22.01 – Urban Design within the Capital City Zone</p> <p>Clause 22.02 – Sunlight to Public Spaces</p> <p>Clause 22.19 – Energy, Water and Waste Efficiency</p> <p>Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)</p>
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Statutory Controls	
<p>Clause 37.04 Capital City Zone 3</p>	<p><u>Use</u></p> <p>Pursuant to Schedule 3 to the Capital City Zone:</p> <ul style="list-style-type: none"> • Office is a Section 1 Use (no permit required); • Retail Premises is a Section 1 Use (other than Adult sex bookshop, Department store, Hotel and Tavern). <p><u>Development</u></p> <p>Pursuant to Schedule 3 to the Capital City Zone, a permit is required to construct a building or construct or carry out works and to demolish or remove a building or works.</p> <p>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:</p> <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>DDO10 applies to the south portion of the site.</p>
<p>Clause 43.02 Design and Development Overlay 1-A3, 3, 10, 60-A1</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.</p> <p>The relevant DDO Schedules are discussed/assessed in the subsequent sections of this report.</p> <p>It is noted that, pursuant to Schedule 3, a permit is not required to construct a building or carry out works other than those associated with the creation or alteration of a crossover or vehicle access way. The proposal would seek to retain existing vehicle access ways in this instance.</p>
<p>Clause 45.09 Parking Overlay 1</p>	<p>Pursuant to Schedule 1 to the Parking Overlay, maximum car parking rates apply.</p> <p>The proposal seeks to remove existing car parking spaces and therefore, a permit is not required.</p> <p>Car parking is discussed/assessed in the subsequent sections of this report.</p>

Particular Provisions	
<p>Clause 51.01 – Specific Sites and Exclusions</p> <p>Clause 52.06 – Car Parking</p> <p>Clause 52.29 – Land adjacent to a Road Zone, Category 1</p> <p>Clause 52.34 – Bicycle Facilities</p> <p>Clause 53.18 – Stormwater Management in Urban Development</p>	

General Provisions	
<p>Clause 65 Decision Guidelines</p>	<p>The Minister for Planning is the Responsible Authority and must determine if the proposed development will generate acceptable outcomes with reference to the provisions of this clause. This includes, amongst other things, the matters set out in Section 60 of the <i>Planning</i></p>

	<i>and Environment Act 1987.</i>
Clause 66.02 Use and Development Referrals	The Minister for Planning must consult all relevant authorities. Pursuant to Clause 62.02-11, an application to construct a building comprising an increase of more than 1,000 square metres to the leasable floor area of an existing retail premises which is 4,000 or more square metres leasable floor area and 10,000m ² or more of office leasable floor area must be referred to Head, Transport for Victoria (Department of Transport) as a determining referral authority.
Clause 66.03 Referral of Permit Applications Under Other State Standard Provisions	The Minister for Planning must consult all relevant authorities. Pursuant to Clause 66.03, an application to create or alter access to, or to subdivide land adjacent to a road declared as a freeway or an arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road, or land in a PAO if the Roads Corporation is the acquiring authority for the land, subject to exemptions specified in the clause, must be referred to Roads Corporation (Department of Transport) as a determining referral authority.
Clause 66.04 Referral of Permit Applications under Local Provisions	The Minister for Planning must consult all relevant authorities. Pursuant to the Schedule to Clause 66.04, any permit application for development with a gross floor area exceeding 25,000 square metres within the Capital City Zone must be referred to Melbourne City Council as a recommending referral authority.
Clause 66.06 Notice of Permit Applications Under Local Provisions	Ordinarily the Minister for Planning must notify all relevant authorities. Pursuant to the Schedule to Clause 66.06, the Shrine of Remembrance Trustees must be notified for a permit application to display a sign under Clause 52.05 of this scheme and the sign is located above 23 metres to Australian Height Datum.
Clause 72.01 Responsible Authority for this Planning Scheme	The Minister for Planning is the Responsible Authority in this case. Should the Incorporated Document be approved, Council would be responsible for the future assessment of related plans.

5 MELBOURNE PLANNING SCHEME AMENDMENTS

5.1 Amendment C308 – Urban Design in the Central City and Southbank

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

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

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

5.2 Amendment C278 – Sunlight to Parks

Amendment C278 proposes to change the Melbourne Planning Scheme by:

- Amending Clause 22.02 (Sunlight to Public Spaces) to distinguish between public parks within and outside of the Central City and Southbank, and to reflect a shift to protecting winter sunlight access outside of the Central City and Southbank. This policy does not apply to Docklands;
- Introducing a new schedule to the Design and Development Overlay (DDO8). The proposed DDO8 introduces requirements for the protection of winter sunlight

access for public parks in the municipality, excluding the Hoddle Grid, Spring Street South, Southbank and Docklands;

- Amending Clause 21.17 (Reference Documents) to include the 'Sunlight Access to Public Spaces Modelling Analysis Report by Hodyl + Co dated February 2018'.

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

The amendment is not currently considered to be 'seriously entertained'.

5.3 Amendment C376 – Sustainable Building Standards

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

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

Amendment C376 was endorsed by the Future Melbourne Committee (FMC) on 15 September 2020. Council is seeking authorisation from the Minister for Planning to prepare and exhibit the proposed amendment. The amendment is not currently considered to be 'seriously entertained'.

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

6 PUBLIC NOTIFICATION

The Minister for Planning referred the application to Council for comment in accordance with Section 20(5) of the *Planning and Environment Act 1987*.

No further public notification was required.

Notwithstanding, Council has been provided with copies of various correspondence from surrounding owner/occupiers addressed to the Minister for Planning as the responsible authority. The correspondence includes concerns from the Langham Hotel relating to the application process, traffic circulation, pedestrian safety, property rights, built form and amenity; and concerns from neighbouring residents of the Quay West apartment building relating to lack of consultation, application process, traffic management, construction time limits, built form, amenity impacts and property rights (easements).

Council has had regard for these issues, which will ultimately be considered by the Minister for Planning as the responsible authority.

7 INTERNAL REFERRALS

7.1 Urban Design

Urban Design provided various track changes suggestions and recommendations to the Incorporated Document. Broadly, Urban Design is supportive of the proposed redevelopment of the site and has been actively involved in discussions with the applicant and DELWP throughout the process.

Where relevant, the recommendations have been incorporated into the ID conditions – refer Section 10 of this report.

7.2 Traffic Engineering

Traffic Engineering's comments are summarised as follows:

- The number of car spaces is less than the maximum limitation within the Parking Overlay and is supported.
- The car lift and car parking layout including all spaces, ramps, grades, transitions, accessways, height clearances, etc. must be designed in accordance with the MPS, AS/NZS 2890.1:2004 or other relevant Australian Standards – refer ID Condition 33.
- Swept Path Diagrams should be provided, clearly showing all required vehicles travelling along Southgate Ave and turning into/from the site, showing all road infrastructure, kerbs, on-street parking, poles etc – refer ID Condition 30(d).
- Based on one motorcycle space per 100 car parking spaces, as the maximum car parking rate in Parking Overlay Schedule 1, 619 car parking spaces requires at least six motorcycle space should be provided on-site – refer ID Condition 32.
- A comprehensive Loading Management Plan (LMP) should be prepared, specifying how the access/egress of loading vehicles is to be managed, so that any potential conflicts are satisfactorily addressed to the satisfaction of Infrastructure & Assets branch. The TER indicates that 98thile queue from the truck lift is 3 vehicles. This is unacceptable as this would result in significant likelihood of trucks obstructing access for pedestrians. The lifts must be redesigned to ensure that the 98thile queue is zero vehicles – refer ID Condition 37.
- Any redesign of Southgate Avenue will need to be resolved between the applicant and Council's Infrastructure & Assets branch.
- A formal independent Road Safety Audit should be undertaken prior to construction of the development and redesign of Southgate Ave, including assessment of internal layout, access arrangements, loading arrangements, pedestrian/bicycle access/movements within the site and in the public realm, and assessment of potential conflicts between vehicles/pedestrians/cyclists, to assess the road safety issues affecting all road users to the satisfaction of Infrastructure & Assets branch. The findings of the Audit should be incorporated into the design at the developer's expense – refer ID Condition 35.
- Several car share and electric charging spaces should be provided on-site. Car shares exist on City Road and as the basement parking area requires a restrictive commercial agreement, requiring car share spaces in the basement is not considered appropriate. The provision of some electric vehicle charging points is a reasonable request – refer ID Condition 32.

7.3 Civil Design

Civil Design comments are summarised as follows:

- Any alterations to Southgate Avenue east-west section must be to the satisfaction of Council's Traffic / Transport Engineering and any new footpath shall be a minimum 1.5m wide – refer ID Condition 70.
- The height limitation of the North-West Parcel increased to a minimum 5m above road pavement level (currently 4m in the ID) – refer ID Condition 55(c).
- As there are planned upgrade works in Southbank Promenade and the Staging Plan indicates future works to activate City Road, footpath upgrades in these areas is recommended – refer ID Condition 67.

7.4 Waste Services

Waste Service's comments are summarised as follows:

- A development of this size should provide a communal hard waste storage area, so that hard waste collections are consolidated and the collection frequency is minimised. The proposal for hard waste to be managed within the individual tenancies has potential to be problematic, as it is unknown if the individual tenancies have capacity to store hard waste – refer ID Condition 28.
- The WMP states that 'an alternative organics management method may be considered to minimise the waste collection frequency and minimise the presence of trucks on-site and within Melbourne CBD'. In order to align with COM's target to reduce truck movements within the municipality, the management of organic waste using a bin-based system is unacceptable. On-site processing of organic waste is considered best practice for this development, and is to be included in the WMP for approval – refer ID Condition 28.
- Please specify the height clearance (or provide elevation diagrams) available for the hook lift vehicle from the entry point up to the point of collection – refer ID Condition 28.
- Please show all waste equipment (drawn to scale) that is proposed to be stored in the 55m² waste storage area at Basement Level 1 – refer ID Condition 28.
- Please include swept path diagrams for all waste vehicles showing egress and ingress manoeuvres from/to street level – refer ID Condition 28.
- The Road Safety Audit is required to review the risks associated with the transfer of waste from the retail space at ground level across Southgate Avenue – refer ID Condition 35.

7.5 Green Infrastructure

Green Infrastructure's comments are summarised as follows:

General:

- The submission demonstrates that the development could achieve an acceptable outcome for ESD, including achieving a certified rating with the GBCA.
- Designing in external shading to the tower facade would reduce reliance on tinted glazing, allowing improved natural daylight to the office space. Based on the renderings, the overhangs to the tower levels don't appear to be very deep so

would not provide optimal solar shading. This will likely result in a heavier glazing tint being used to reduce solar heat gain, which in turn would reduce natural daylight to the interior. It is therefore recommended that external shading be enhanced as part of the facade design, to optimise energy efficiency, internal comfort and natural daylight – refer ID Condition 24.

- The ESD Statement should clarify whether electric vehicle infrastructure will be provided and this should be detailed on the endorsed floor plans – refer ID Condition 2(p).

Overarching ESD and Green Star Pathway:

- Overall the Green Star approach outlined in the ESD Statement is acceptable although not very detailed.
- The ESD statement refers to achieving a 5* Green Star Design & As Built rating, certified with the GBCA.
- The ESD condition of the Incorporated Document does not stipulate that the project must achieve a certified Green Star rating. The condition should be amended to include a requirement to achieve a 5* Green Star Design and As Built rating, certified by the GBCA – refer ID Condition 24.

Energy & Renewables:

- Condition 18 of the Incorporated Document requires a minimum mandatory 5 star NABERS Energy rating, with 6 stars preferred. The ESD statement says that a 5 star NABERS office base build will be achieved. The proposal therefore meets the Energy Performance Measure at Clause 22.19-5.
- The ESD Statement states that the development will include solar PV on the roof, but does not commit to a minimum system size. The proposed system capacity should be stated in the ESD Statement and solar PV must be included on the roof plan with a notation of the system capacity that is consistent with the commitments in the ESD statement – refer ID Condition 2(i).
- The application proposes to use gas for hot water heating. The applicant is advised to consider amending the proposal to be a gas-free development, in consideration of Melbourne's target to reach net zero greenhouse gas emissions by 2040 and noting the proposed requirement within Planning Scheme Amendment C376 that all development should not incorporate connection to gas services or other non-renewable energy – refer ID Condition 24(g).

Water Efficiency:

- The proposal meets the Water Performance Measure at Clause 22.19-5.
- Grey water from showers and sinks is proposed to be used for toilets and urinals and a 90,000 litre rainwater tank is proposed with water used for irrigation and cooling towers (heat rejection). The location of the rainwater tank must be clearly shown on endorsed plans with notation for tank capacity (90kL) and water reuse (irrigation & heat rejection) – refer ID Condition 2(q).

Stormwater Management:

- A 90kL rainwater tank, a Hydrosystem gross pollutant trap and a four storm-sack gross pollutant trap, is proposed to be installed for stormwater management. A 30.5kL on site detention tank is also proposed to be installed. MUSIC modelling must be provided with the application to demonstrate whether the proposed stormwater management devices would achieve best practice stormwater quality as required by Clause 22.23. The stormwater modelling (MUSIC) must

demonstrate that the tank alone would result in the required total nitrogen and total phosphorus reductions in accordance with Clause 22.23 – refer ID Condition 27.

7.6 City Design

City Design's comments are summarised as follows:

- The proposed bleachers and any other structure overhanging the title boundary would constrain tree planting and adversely affect the amenity of the promenade. The bleachers are not supported.
- All stairs and lifts for access between the promenade and other levels should be contained within the title boundary of the development.
- It is recommended that ample space for outdoor cafés should be maintained at ground level along the promenade, within the title boundary and not encroaching into the public space.
- Ample provision for commercialised outdoor café space should be made that does not encroach into the proposed public open space (River Meadow).
- The proposed Design Panel included in the ID for the purpose of choosing the design of the public open space (River Meadow) is not supported as it does not fit with Council's normal Project Management structure of a Project Working Group that operates at detailed level and a Project Control Group that provides a higher level project endorsement prior to Executive and Council approvals. Reference to a Design Panel could be deleted from the relevant ID condition and updates made that gives the Minister for Planning the ultimate decision on the design of the public open space should the parties (applicant and Council) not agree on the final design within the time period specified – refer ID Conditions 39 and 40.
- The ID should ensure that the public open space structure does not impose inappropriate limitations on design. Provision for the initial design and for flexibility for future redesign and changing use of the space should be ensured, along with details around the provision for, and maintenance of, waterproofing and subsoil drainage within the proposed open space on structure. These provisions would not be resolved within the ID, but would be discussed and determined during the design brief process, which forms a separate ID condition.

7.7 Land Survey

Land Survey's comments are summarised as follows:

- The applicant has provided a written response to the proposed development's connection to the *Southgate Projects Act*. Legal advice may need to be obtained by DELWP as to whether the applicant's interpretation of the *Act* is correct.
- The proposed works appear to extend into the abutting site – St Johns Lutheran Church (Lot 2 on LP217182X Basement Level 2). The applicant and DELWP should determine if the land contained within this Lot needs to be included in the ID.
- Following further review of Agreement R783685X (original Agreement under the 1990 approval), it appears the Minister of Planning is the Responsible Authority for the Agreement as Melbourne City Council is not a party to the Agreement. The applicant should determine if this affects Ending of the Agreement and who is the Responsible Authority for ending of the Agreement. Relevant ID condition may require amending, subject to further review between the applicant and DELWP.

- The applicant should confirm if the proposal will result in a breach of the Registered Agreement (T118526E) (relating to fire safety and building) under the Building Control Act.

7.8 Urban Forest and Ecology

Urban Forest and Ecology's comments are summarised as follows:

- Proposed bleachers and any other structures overhanging the title boundary are not supported given the likely impacts to current tree growth and/or future tree planting.
- Support for the Urban Forest Strategy objective of achieving 40% canopy cover by 2040. New conditions have been proposed to ensure tree canopy data and mitigation is provided along with minor amendments to application ID conditions.

7.9 City Strategy

City Strategy's comments are summarised as follows:

- The ground level activation is supported.
- The existing setback from the title boundary along the promenade should be maintained, to ensure private outdoor seating areas do not encroach into the public promenade.
- The provision of the public open space incorporated into this proposal is supported.
- The proposal will improve the connectivity through this 2 hectare site.
- The open space at Level 2 should not project beyond the title boundary and the stairs and lifts for access between the promenade and other levels should also be contained within the title boundary of the development.
- An additional paragraph is recommended in the ID to clearly state that if the development does not go ahead as proposed in the architectural plans referred to in the incorporated document then the incorporated document will no longer apply and the provisions of the Melbourne Planning Scheme will apply. This is to the satisfaction of the Responsible Authority.
- The completion date for the development has been set at 15 years from gazettal date of the amendment. This is generally longer than other site specific projects. In addition, the conditions relating to the funding of the pedestrian link, stairs and lift have a 10 year expiry date. The expiry date for the development should be aligned to the expiry date for the funding of the access works, but this is to the satisfaction of the Responsible Authority.

7.10 Property / Open Space Planning

Property and Open Space Planning's comments are summarised as follows:

- The proposed 99 year lease arrangement for the public open space (River Meadow) is not supported. It is considered that this proposal meets the definition of public accessible private open space and would provide value to the community by remaining in private ownership and management, with an agreement securing public access. In consultation with the applicant, an amended ID condition has been prepared to secure the River Meadow as a

publicly accessible park with 24 hour access, seven days a week with the exception of a limited number of closures for private events. The public open space, which will be a minimum 2,000m² in area, will remain in private ownership and will be maintained to the same standard as is required by Council for similar public open spaces – refer ID Condition 54.

- Projections over the title boundary into Crown land is not supported.

8 ASSESSMENT

8.1 Land Uses

The proposal seeks to use the land for the purposes of office/commercial and retail.

Pursuant to Schedule 3 to the CCZ, Office and Retail Premises (other than Adult sex bookshop, Department store, Hotel and Tavern) are Section 1 uses (no permit required).

Broadly speaking, the proposed uses are consistent with the purposes of CCZ3 and are supported.

8.2 Built Form

If the proposed SCO/ID were approved, the provisions of DDO1-A3, 3, 10 and 60-A1 would not apply. Notwithstanding, the provisions of these DDO's are an appropriate built form guide in this instance and the proposal is assessed against the relevant design outcomes below.

8.2.1 DDO1-A3

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.

The Incorporated Document references the Southgate Further Thoughts document prepared by Fender Katsalidis Architects, dated September 2020. The render images clearly demonstrate a high level of activation through clear glazing to retail tenancies along Southbank Promenade and is acceptable. The Further Thoughts document is captured in the Façade Strategy condition of the ID.

8.2.2 DDO10 and DDO60

Schedule 10 to the DDO affects the south half of the site where only a small portion of the proposed tower would fall within this schedule, in addition to the lower podium works proposed at the south-west corner of the site.

The Design Objectives of DDO10 seek high quality pedestrian and public amenity; delivery of respectful development; contributes to the public realm; protects adjoining properties' development rights and amenity; introduces a high level of internal amenity; and encourages a podium and tower format.

Schedule 60 to the DDO affects the north half of the site where the majority of the tower and the podium facing Southbank Promenade fall within this schedule.

The Design Objectives of DDO60 seek development that sits comfortably in its context; protects adjoining properties' development rights and amenity; high quality pedestrian and public amenity; protection of views to the Arts Centre Spire; and preserves the significance of the Shrine of Remembrance. Specific to Area 1, the schedule seeks to protect the grandeur of the Yarra River; maintain the existing low-

scale urban form along the river corridor; protect and enhance St Kilda Road as a civic boulevard lined with predominantly low/mid-rise civic and heritage buildings; and maintain the landscape character of St. Kilda Road as a dominant visual element.

The Design Objectives are informed by the more prescriptive Built Form Outcomes within both schedules.

In Schedule 10, it achieves the design objectives and built form outcomes for the following reasons:

- The podium will maintain the existing low-scale street wall along Southgate Avenue and the tower will be set back from the southern streets in excess of 30m and behind the existing taller IBM and HWT towers retained on-site;
- The tower siting will ensure that it does not visually dominate City Road or Southgate Avenue;
- The development fits within the existing podium/tower format already found on the site;
- The tower is separated by more than 10m to each adjacent tower to adequately protect existing daylight and sunlight amenity, as well as oblique outlook in all directions.
- A 6.42m east side setback would be provided adjacent the boundary shared with St Johns Lutheran Church, which meets the minimum setback requirement being 6% of the total building height.

In Schedule 60, Area 1 has a preferred building height of 24m and modified requirement (Floor Area Requirement) of 6:1. The proposed building envelope significantly exceeds the preferred building height (105m approx.) and the modified requirement (8.5:1 within the DDO60 area).

However in this instance the building envelope is supported because, in addition to delivering significant public benefits, it achieves the design objectives and built form outcomes in DDO60 for the following reasons:

- It responds to the features of the site and its immediate context;
- The low-scale podium provides a high quality human scale along Southbank Promenade consistent with existing conditions, but further enhanced through activation and articulation;
- The pedestrian experience along Southbank Promenade is enhanced through the provision of a 2,000m² public open space (to be designed and landscaped with a project brief prepared by Council) with pedestrian access from the Yarra River level;
- The podium design will maintain a sense of openness along the Yarra River corridor and maintains its grandeur;
- The tower is set back a minimum 32m from the podium façade adjacent Southbank Boulevard and 50m from the Yarra River corridor;
- The tower height is appropriately graduated on-site as it sits taller than the Langham Hotel, but lower than the IBM and HWT towers facing City Road;
- The setbacks from the front and side boundaries allow daylight and sunlight to penetrate the streets and lower building levels;
- The development does not result in unacceptable wind (subject to conditions) or shadow impacts;

- The tower is set back a minimum 20m from the adjacent Quay West apartments to the east of the site, which is a reasonable outcome that will ensure daylight, sunlight and outlook is maintained to a high level;
- The tower setbacks will ensure that sky views are maintained, particularly from the Yarra River corridor.

8.3 Wind Effects

While a site specific approval is sought, DDO10 and DDO60, as the relevant tests, requires 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.

Preliminary wind tunnel assessment has been undertaken by MEL Consultants, along with further assessment due to evolving architectural plans. The purpose of the wind model study was to undertake measurements of wind conditions in the Southgate Precinct and comment on the need for future wind mitigation features for the proposed development, if required.

In summary the preliminary wind tunnel test concluded that:

- The wind conditions around the Southgate Precinct have been shown to satisfy the Pedestrian Safety criterion.
 - This is an acceptable outcome.
- The wind conditions on the River Meadow and Sky Meadows have been generally shown to pass the standing criterion.
 - Of the six wind test locations, only one has been shown to pass the sitting criteria (noting that none of the test locations within the public part of the open space meet the criteria). At the very least, to ensure this publically accessible open space achieves an appropriate level of comfort, it would be reasonable to ensure that the open space generally meets the sitting criteria. Furthermore, five of six test locations pass the standing criteria; however, it would be reasonable to ensure that entire open space pass the standing criteria. The relevant wind condition in the ID should be amended to ensure the above minimum requirements are met.
- The Nexus will have significant pedestrian activation and it has been demonstrated that the wind conditions in this area would be improved by covering with a canopy, which has been proposed by the architects.
 - This is an acceptable outcome.
- At the Promenade Level, wind conditions will for the majority of test areas meet criteria for sitting, whilst all areas will meet the standing, walking and safety criterion.
 - This is an acceptable outcome.

The wind assessment provided demonstrates that, subject to conditions, the proposal can be designed in a manner that will result in satisfactory wind conditions for the precinct. Notwithstanding the above, further detailed wind testing and analysis will be required as part of the future application process, informed by conditions of the Incorporated Document.

8.4 Overshadowing

While a site specific approval is sought, DDO10 and DDO60, as a relevant tests, lists several spaces to which new built form *must* not and *should* not overshadow during certain hours of the day.

The proposed development would not overshadow any specifically listed space within DDO10, including *any public space, public parks and gardens, public squares, open spaces associated with a place of worship and privately owned public spaces accessible to the public*. This is largely due to the location of the proposed tower to the immediate north of the existing towers towards the south portion of the overall site.

8.5 Public Open Space

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

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

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

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

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

The proposal includes a 2,000m² parcel of land located on the north side of the site at Level 2 of the development to be allocated for public open space – refer Figures 20 & 21. The open space would be accessible from Southbank Promenade as well as at street level from St Kilda Road and through the site. The open space should not overhang any land outside of the site (no 'bleachers are to be included).

While the public open space would remain in private ownership, Council considers this to be the most appropriate mechanism as it would:

- Deliver publicly accessible open space without ongoing and largely unknown maintenance costs and liabilities (including owners corporation charges and regulations);
- Be consistent with Council's Open Space Strategy definition of publicly accessible private open space, which complements the public open space

network but does not serve the same purpose as Council-owned public open space;

- Negate requirements for complicated design and approval processes, unclear boundaries and complicated leasing arrangements; and
- Still enable Council's agreement to the design, use and maintenance of the public open space through appropriate conditions and legal agreements.

The public open space would provide value to the community by remaining in private ownership and management, with an agreement securing public access. Referred to in the draft Incorporated Document as "Publically Accessible Open Space", the area would be secured via Section 173 Agreement – refer ID Condition 54.

The public open space is appropriate having regard to the relevant planning policies and the criteria for public open space at Clause 22.26-5 as set out in the following table:

The size of the land to be used for open space, on its own or in combination with adjoining land.	The public open space will be at least 2,000m ² .
Whether the open space area is located at ground level.	The public open space will be located at-grade with St Kilda Road and the existing pedestrian thoroughfares surrounding Hamer Hall and the broader Arts Precinct. The open space will be elevated from Southbank Promenade, but will be provided with direct access via stairs and lifts.
The type of landscaping which might be provided, including whether the land is capable of supporting a large mature canopy tree and incorporating sustainable water supply and reuse, and moisture retention for passive cooling.	The function and design of the new public open space will be subject to a project brief developed by Council. Specific design brief details will ensure that the open space can support planting of large canopy trees in accordance with Council's objective of achieving 40% canopy cover by 2040 and provide all the necessary WSUD requirements.
The potential to accommodate a range of recreational uses.	The size and location of the public open space ensures that it can accommodate a range of recreational uses and tourism and cultural events informed by a Section 173 Agreement as required by the ID.
Whether the open space is safe and accessible, and its location having regard to a range of transport options and entry from a local street.	The public open space will be safe and accessible, surrounded by active uses and passive surveillance.
Whether the open space enhances the liveability of the neighbourhood by providing visual relief from built form and noise.	The public open space will enhance the liveability of Southbank for residents, workers and visitors by contributing to the open space network along one of the city's busiest public spaces, Southbank Promenade.
Whether the open space receives adequate sunlight (a minimum of 3 hours of direct sunlight between 9am and 3pm on June 22 and at least 5 hours of direct sunlight between 9am and 3pm on September 22).	The public open space is north-facing and will receive sunlight in excess of the minimum criteria. It is also substantially protected from future overshadowing by the mandatory controls protecting the Yarra River to the immediate north.

Whether the open space will remain useable and functional as open space with sea level rise and larger storm events.	The public open space will remain useable and functional as open space with sea level rise and larger storm events given its elevation above ground level.
The impact of adjoining land uses.	The adjoining land uses will complement the new public open space and vice versa.
Whether the land or adjoining land is contaminated.	The site and adjoining land is not known to have been used for industry, mining or the storage of chemicals, wastes, gas or liquid fuel.
The location of the site and open space having regard to biodiversity, habitat corridors and the wider open space network.	The public open space will strengthen the biodiversity, habitat corridors and wider open space network along the Yarra River that features tree canopy.
Whether the open space is restricted by services or easements, including roadways, overhead structures, water and power supply, flood mitigation and drainage infrastructure.	The public open space will be unencumbered above, but will remain in private ownership which will avoid encumbrances below.
Whether the open space contributes to the character and attractiveness of the neighbourhood.	The function and design of the public open space will be subject to a project brief developed by Council to ensure that it contributes to the character and attractiveness of the area, including the renewal of Southbank Promenade.
Whether the open space is visually prominent to maximise its use.	The location and dimensions of the public open space ensures that it is visually prominent to maximise its use i.e. on the north side of the site and extending across the entire site frontage, and visible from afar.
Whether the open space is capable of being transferred to Council and rezoned for public open space.	N/A
Whether the open space is able to be improved, maintained and managed by Council.	N/A

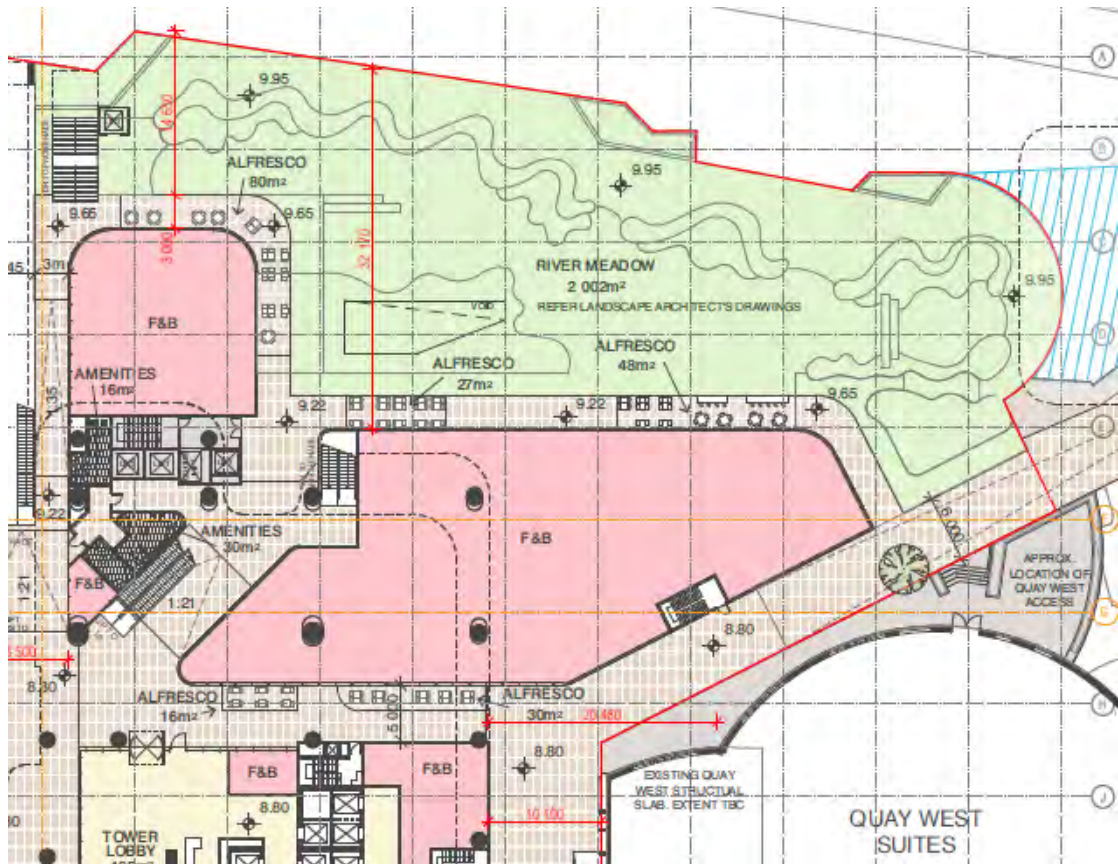


Figure 20: 2,000m² Publicly Accessible Open Space (Source: application material)

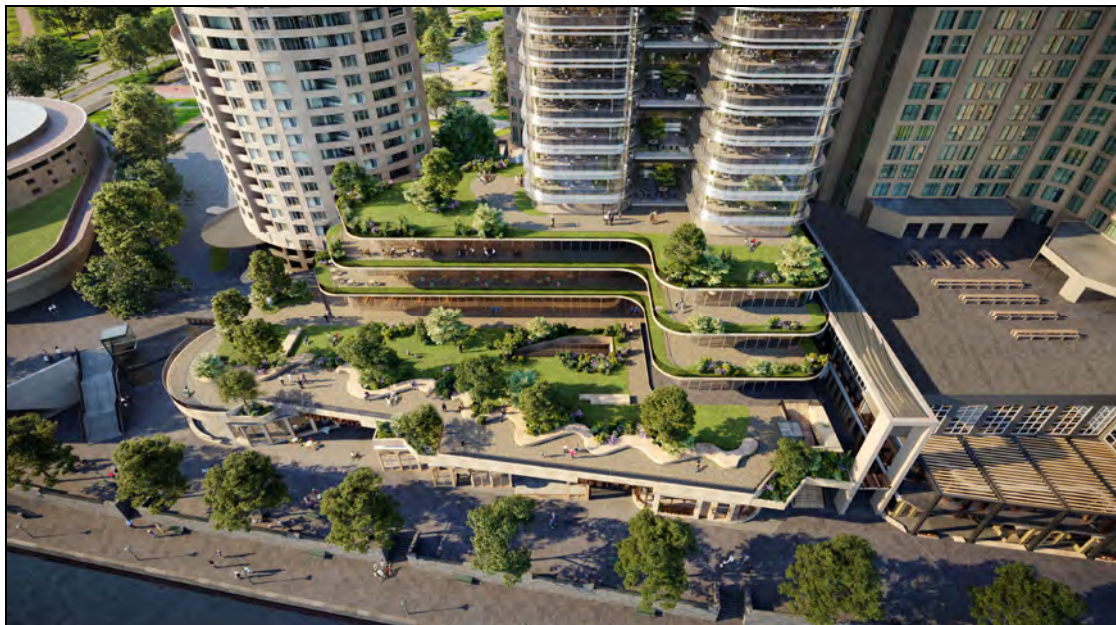


Figure 21: Render of Publicly Accessible Open Space location (Source: application material)

8.6 Other Positive Design Attributes

The proposal would introduce the following additional positive attributes on-site:

- Upgrade the 'nexus' area within the site that fronts the existing HWT and IMB office buildings;
- Upgrade the lobby areas of the existing HWT and IMB office buildings;

- Create a new dedicated pedestrian entry to the precinct from City Road;
- Undertake Langham driveway and car park works to revitalise this area and better connect to the site from the west;
- Revitalise the existing Southgate retail / F&B levels below the Langham Hotel to the west of the site.

8.7 Off-Site Contributions

The proposal identifies several off-site works that are expected to contribute to the long-term pedestrian experience of the immediate surrounding area. These include:

- A future pedestrian connection to the Arts precinct at St Kilda Road level;
- Potential future upgrades to Southgate Avenue on the west side of the site;
- Conversion of the north-west corner of land into open space (94m²);
- City Road streetscape upgrades as required.

These upgrades would be formalised through ongoing commitments between the applicant and Council and will be secured through conditions of the ID.

8.8 Floor Area Uplift / Public Benefit

A public benefit is not required to exceed a 6:1 FAR on land in the CCZ3 affected by DDO60 and the FAR of the proposed building within the area of the site affected by DDO10 is less than 18:1. As such, a formal contribution is not triggered and the policy requirements of Clause 22.03 (Floor Area Uplift and Delivery of Public Benefits) do not apply.

Notwithstanding, the value of the public benefit to be provided as part of this proposal has been quantified by the applicant to demonstrate the significant contribution that the proposed development will make to the City of Melbourne and broader community. The key public benefit to be provided as part of this application is the Publically Accessible Open Space (referenced in the application material as 'River Meadow'). This area of open space would appropriately fall within the Table 2 category of *How to Calculate Floor Area Uplifts and Public Benefits (November 2016)* as "an area retained in private ownership with a legal encumbrance to provide unrestricted public access and an appropriate private maintenance regime".

The applicant claims a lost development yield of 6,406 square metres of leasable office space, by not utilising the airspace over the River Meadow (up to the preferred DDO60 height of 24m). They calculate this sacrifice as a public benefit value of \$22.4M. However, this is ingenuous bearing in mind the additional height being approved in the new office tower behind this open space, to achieve an overall FAR of 8.2:1 (compared with the recommended maximum FAR of 6:1 for most of the site).

The more appropriate public benefit calculation is the cost of constructing and maintaining the private, but publically accessible open space. At 2,000 square metres of landscaped area, this represents a significant investment which we accept justifies the extra development yield, when considered in combination with the other public realm improvements stipulated:

- Publically Accessible Open Space (landscape \$3,760,750);
- North-West Parcel (land \$470,000);
- Links to Arts Precinct (\$3,900,000);
- North-West Public Land (upgrades \$1,260,000);

- Southbank Promenade and Hamer Hall Connection (\$1,500,000).
- TOTAL Contribution: **\$10,890,750**

It should also be noted that although the *Southgate Act* applicable to the site, exempts the development from the standard open space contributions, this exemption is also specifically noted in the Incorporated Document.

This suite of public benefits can be realistically secured and delivered by the Incorporated Document and is supported, including by all relevant internal referrals as set out at Section 7 of this report.

8.9 Traffic, Parking, Loading and Waste

As set out in Section 7.2 of this report, the preliminary traffic, parking (car/bicycle/motorcycle/electric charging) and loading arrangements are acceptable subject to conditions. This includes a further detailed Traffic and Parking Management Plan, along with a Loading Management Plan and Road Safety Audit. These documents would be to the satisfaction of the Responsible Authority in consultation with City of Melbourne.

As set out in Section 7.4 of this report, the waste arrangements as proposed require further changes before being considered to deliver a positive outcome for the site and wider area. This includes further changes relating to communal hard waste collection and management; on-site processing of organic waste; clarification of height clearance available for specific waste vehicles; waste storage area details; confirmation of ingress/egress manoeuvrability; and a risk assessment of the transfer of waste across Southgate Avenue. These details will be required through a comprehensive Waste Management Plan secured through condition in the ID.

8.10 ESD / WSUD

As set out in Section 7.5 of this report, the proposed submission demonstrates that the development could achieve an acceptable outcome for ESD, including achieving a certified rating with the GBCA. The delivery of environmentally sustainable design and water sensitive urban design in accordance with (and exceeding expectations of) Clause 22.19 and 22.23 of the Melbourne Planning Scheme would be secured through conditions in the ID.

8.11 Cultural Heritage

The site is located within an area of Aboriginal Cultural Heritage Significance.

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

Urbis Pty Ltd has identified in its Planning Report that no subterranean works below the existing basement levels are proposed and the area has been substantially altered in the past, therefore a Cultural Heritage Management Plan is not required to be prepared.

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

9 DRAFT INCORPORATED DOCUMENT

The Incorporated Document prepared and submitted by the applicant is generally acceptable subject to the changes and conditions set out in Section 10 of this report, many of which are corrections, conditions required by internal referrals or changes required to adequately secure the design and management of the public open space as a privately owned publically accessible open space.

10 RECOMMENDATION

That DELWP be advised that the Melbourne City Council supports Amendment C390MELB to facilitate the redevelopment of 3 Southgate Avenue, Southbank for a new podium level retail food and beverage tenancies, a 26 level commercial office building, a 2,000 square metre public open space, pedestrian links to the Melbourne Arts Precinct and upgrades along City Road subject to the following changes and conditions within the incorporated document.

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

MELBOURNE PLANNING SCHEME

INCORPORATED DOCUMENT

Southgate Redevelopment Project – 3 Southgate Avenue, Southbank 3006

February 2021

Incorporated document in the Melbourne Planning Scheme pursuant to Section 6(2)(j) of the Planning and Environment Act 1987 (Vic).

1. INTRODUCTION:

This document is an incorporated document in the schedule to Clause 72.04 of the Melbourne Planning Scheme (the Scheme).

Despite any provision to the contrary in the Scheme, the land identified in the document may be developed and used in accordance with the site-specific controls in this document.

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

2. LAND DESCRIPTION:

This document applies to the land known as 1 & 3 Southgate Avenue and 16-60 City Road, Southbank. The property is legally described in:

- Certificate of Title volume 11999 folio 038 described as Lot 2 on Plan of Subdivision 328901G
- Certificate of Title volume 10290 folio 012 described as Lot 3 on Plan of Subdivision 328901G (Langham)

The subject site also includes public land areas for public realm works surrounding the above site, as shown on and described as:

- Crown Land –1F\PP3084D
- Crown Land – 2342\PP3084D
- Government Road - 1H\PP3084D
- City of Melbourne Land with no specific parcel details.

Together known as 'the land', being all of the land within the red dashed and solid line on the Extent of Special Controls Overlay plan SK01a.

3. APPLICATION OF PLANNING SCHEME PROVISIONS:

Despite any provision to the contrary in the Scheme, pursuant to Clause 45.12 of the Scheme the land identified in this incorporated document may be used and developed in accordance with the specific controls contained in this document. In the event of any inconsistency between the specific controls contained in this document and any provision of the Scheme, the specific controls contained in this document will prevail.

For the purposes of public open space, the open space provided in this Incorporated Document is considered to meet the relevant contribution requirements of Clause 53.01 of the Melbourne Planning Scheme. Therefore, the standard Clause 53.01 requirements are excluded for this site.

4. EXPIRY OF THIS SPECIFIC CONTROL

The development of the Land permitted under this Incorporated Document must commence within four years of the gazettal date of Amendment C3904melb to this Scheme and must be completed within 15 years of the gazettal date of Amendment ~~C394melb~~-C390melb to this Scheme. The use permitted under this Incorporated Document must commence within six years of the gazettal date of Amendment ~~C394melb~~-C390melb to this Scheme.

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

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

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

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

5. THIS DOCUMENT ALLOWS:

Despite any provision to the contrary in the Planning Scheme, the land may be used and developed for the following:

- Partial demolition of the existing buildings;
- Use of the land for the purposes of Office, Retail Premises (**other than Adult Sex Book Shop, Department Store, Hotel and Bar**), Childcare Centre and Place of Assembly (**other than Amusement Parlour and Nightclub**);
- ~~Erection of advertising and wayfinding signage; and~~
- Development of the Land including the redevelopment of the Southgate complex and the construction of a multi-level building on the land generally in accordance with the 'Incorporated Plans' prepared by Fender Katsalidis Architects titled 'Southgate, 3 Southgate Avenue, Southbank, Melbourne 3006, Massing and Development Envelope Plans, dated 28 January 2021.

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

- MP016 – Locality Plan
- MP017 – Public Benefit Plan
- MP098 – Basement 02 Floor Plan
- MP099 – Basement 01 Floor Plan
- MP100 – Ground Floor Plan Southbank Promenade Level
- MP101 – Mezzanine Level
- MP102 – Level 02 Floor Plan

- MP103 – Level 03 Floor Plan
- MP104 – Level 04 Floor Plan
- MP105 – Level 05 Floor Plan
- MP108 – Typical Low Rise Floor Plan
- MP123 – Typical High Rise Floor Plan
- MP200 – North Elevation
- MP202 – East Elevation
- MP204 – Nexus Elevation South
- MP205 – Nexus Elevation West
- MP706 – 3D Massing Proposed

and including any amendment of the plans that may be approved from time to time under the conditions of this document. Once approved, these plans will be the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THE USE AND DEVELOPMENT PERMITTED BY THIS DOCUMENT:

Detailed Development Plans

1. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions ~~12-18~~ and ~~1319~~, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, detailed development plans including full architectural drawings, plans, sections and elevations and coloured renders of the development must be submitted to and be approved by the Responsible Authority in consultation with Melbourne City Council.

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

2. The detailed development plans must remain within the dimensioned development envelope approved as part of this incorporated document, except for minor variations for architectural features and building services and any increase in building height as a result of flood levels to the satisfaction of the Responsible Authority in consultation with Melbourne City Council. The detailed development plans must be supported by a comprehensive Urban Context Report and Architect Design Statement generally in accordance with the Master Planning & Urban Context Report by Fender Katsalidis Architects dated April 2020. The detailed development plans must provide the following information:

- a) The title boundary and any projections over the title boundary, including details of any adjustments to the title boundaries to those as at the date of this Incorporated Document.
- b) A detailed development schedule including the total Gross Floor Area (GFA) using the definition in Clause 73.01 the Melbourne Planning Scheme and the GFA allocated to the proposed uses; the total number and allocation of car parking spaces; number and type of bicycle facilities; privately owned public realm area(s) (sqm); Council owned reserve and road(s) (sqm) allocated for waste storage and collection, loading and unloading, and building services and equipment.
- c) An area of at least 2,000 sqm of publicly accessible open space within the title boundary on the northern side of the development site generally in accordance with the "River Meadow" shown on the Massing & Development Envelope plans approved as part of this Incorporated Document, unless otherwise altered by the approved design ratified under Condition ~~34-41~~ of this Incorporated Document.
- d) Design details at 1:100 scale (or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council) of the lower podium levels including the street levels to all interfaces to show active frontages, a clear sense of address

and a high level of visual interest and engagement with the street.

- e) Design details at 1:50 scale (or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council) of the lower podium levels including the interfaces to the public open space to demonstrate careful consideration of the building **canopies, entries, active frontages, and services. Drawings should demonstrate finished material and detail that respond to the human scale, and consider** the function and character of the threshold from private to public land. **Any level changes to the ground floor interface resulting from Melbourne Water requirements should have regard to balancing activation and flood mitigation. Development interface should seek to minimise additional flood impact on Southbank Promenade.**
- f) Design details at 1:50 scale (or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council) of the podium elevations demonstrating the adoption of **a** 'massing breaks' on all interfaces to reinforce a sense of fine grain and that the podium mass does not present as a single form.
- g) Design details at 1:250 scale (or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council) of the tower levels, **including a clear 'massing break' to the river facade, defining two separated volumes.**
- h) Detailed floor plans for all levels in the building including typical floor plans where appropriate.
- i) Detailed roof plan, **including all services, solar PV systems etc.**
- j) Any changes required by the Façade Strategy under Condition 3.
- k) Any changes required by the detailed Wind Impact Assessment under Condition **2245** to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.
- l) Any changes required by the detailed Environmentally Sustainable Design (ESD) Statement under Condition **2448**.
- m) Arrangements for waste storage and collection in accordance with the Waste Management Plan under Condition **2822**.
- ~~n) Coloured images of the building and privately owned public realm area(s) in context.~~
- o) Any changes required by the Road Safety Audit under Condition **3528**.
- p) All doors and openings adjoining the title boundary, as adjusted, designed to comply with Melbourne City Council's Road Encroachment Guidelines.
- q) **The provision of at least 5% electric charging spaces.**
- r) **A minimum 90,000 litre rainwater tank for water reuse (irrigation and heat rejection).**

- s) Replace any reference to “River Meadow” with “Publically Accessible Open Space”.

Façade Strategy

3. Before the development starts, other than demolition of the existing building and early site preparation works approved under Conditions 182 and 193, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, a Façade Strategy must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. When approved this will form part of the endorsed plans. All materials, finishes, and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority.

The strategy must reflect the design intent of the render images labelled ‘Further Thoughts’ in the Southgate Further Thoughts document prepared by Fender Katsalidis Architects, dated September 2020 with the adoption of more robust and tactile materials with a stronger sense of mass to podium levels. The tower design must demonstrate a clear legibility of the vertical recesses within the northern elevation to reduce visual bulk and reinforce the perception of two slender tower profiles. The presentation of all elevations that are highly visible from key vantage points require the adoption of high-quality materials and details to avoid blank wall interfaces. The façade strategy should establish a clear distinction between the tower and podium while adopting a cohesive architectural language throughout the development.

The Façade Strategy must detail:

- a) A concise description by the architect of the building design concept and how the façade works to achieve this.
- b) Elevation details generally at a scale of 1:100 (or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council) illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail and any special features which are important to the building's presentation.
- c) Design sectional details at 1:50 scale of the tower façade system, demonstrating the integration of cladding elements within the curtain wall façade. Vertical and horizontal cladding should appear to be an integrated component of the façade, as opposed to an attached element.
- d) Cross section or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and or materials.
- e) Information about how the façade will be accessed and maintained and cleaned.
- f) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high quality built form outcome in accordance with the design concept.

Materials and Finishes

4. Development should adopt high quality and robust materials across the podium and tower.
5. Before the development starts, other than demolition of the existing building and early site preparation works approved under Conditions 182 and 193, a schedule and samples of all external materials, colours and finishes including a colour rendered and notated plans/elevations must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council.

External glazing

6. Except with the written consent of the Responsible Authority, all external glazing must be of a type that does not reflect more than 2015% of visible light when measured at an angle of incidence normal to the glass surface.

Pedestrian connections

7. Pedestrian connections should consider safety and accessibility, and provide strong public legibility and sightlines through the site.
8. Primary pedestrian connections should provide a minimum width of 6m where possible.
9. Connections should be open to sky where possible or provide weather protection. Any roof structure should maximise daylight access and provide a generous height clearance to reinforce the sense of publicness. Structures should be of high quality material and light weight with considerations for maintenance requirements.

Public stair and lift connection

10. Development should provide at least two sets (to east and west) of public stairs and lift connection along the Southgate Promenade elevation, unless otherwise agreed with the Responsible Authority in consultation with Melbourne City Council.
11. Public stairs and lifts from Southbank Promenade to the new "Publically Accessible Open Space" must be clearly legible and give direct access from the Promenade, and must be established within the property boundary, unless otherwise agreed with the Responsible Authority in consultation with Melbourne City Council.

Layout not altered and satisfactory completion

12. When approved the plans, schedules and reports referred to in the conditions of this Incorporated Document will be endorsed by the Responsible Authority or the Melbourne City Council, as stated. The development as shown on the plans, schedules and reports must not be altered without the prior written consent of the Responsible Authority or Melbourne City Council, as stated.

13. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
14. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Retention of Architectural Firm

15. Except with the written consent of the Responsible Authority in consultation with Melbourne City Council, with the exception of the new public open space detailed under Condition 33 of this Incorporated Document, Fender Katsalidis Architects must be retained to complete the detailed development plans and to provide architectural oversight during construction of the detailed design, as shown in the endorsed plans, façade strategy and the endorsed schedule of materials and finishes, to the satisfaction of the Responsible Authority.

Projections over the title boundary

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

Demolition and early site preparation works

18. Before the demolition of the existing building and early site preparation works start on site, detailed plans showing the early site preparation works must be approved by the Responsible Authority in consultation with Melbourne City Council. The plans must be to scale and fully dimensioned. The early site preparation works permitted under this condition are restricted to demolition, bulk excavation, site retention, soil investigation, soil remediation works, piling, footings, ground beams, ground slabs, relocation or diversion of existing services and the building works identified on the Early Works plan SK02.a prepared by Fender Katsalidis Architects, dated 4 February 2021.

All early site preparation works must be in accordance with the approved plans.

19. Before the demolition of the existing building and early site preparation works start on the site, an Early Works Demolition and Construction Management Plan (EWDCMP) must be submitted to and approved by Melbourne City Council. The EWDCMP must be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines. The EWDCMP is to consider at least the following:
 - a) Staging of works.
 - b) Public safety, amenity and security.
 - c) Management of public access and linkages around the site during construction.
 - d) Site access and traffic management, including any

disruptions to adjoining vehicular and pedestrian access ways.

- e) Any works within the adjoining reserves and street network road reserves including footpaths.
- f) Hours of construction
- g) Noise and vibration controls.
- h) Air and dust management.
- i) Stormwater and sediment control.
- j) Arrangements for managing stockpiled soil before it is removed from the site.
- k) Collection and disposal of demolition waste.
- l) Street trees to be retained and protected.
- m) Street trees to be removed, lopped or pruned.
- n) Public assets to be protected.
- o) Program and completion date.

Temporary works

20. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 182 and 193, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, the owner of the land must enter into an agreement with the Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide for the following:

- a) if the land remains vacant for 42-6 months after completion of the demolition;
- b) if demolition or construction activity ceases for a period of 6 months; or
- c) if construction activity ceases for an aggregate of 6 months after commencement of the construction:

the owner must construct temporary works on the land to the satisfaction of the Responsible Authority to ensure that an active street frontage and/or landscaping is provided at the main site frontages.

Before the commencement of construction of ~~the any~~ temporary works as required by Condition 20, details of the works must be submitted to and be to the satisfaction of the Melbourne City Council. Temporary works may include:

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

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

Staging Plan

21. The development of the land may be undertaken in stages. Prior to the commencement of development, other than early site preparation works approved under Condition 184, or as otherwise agreed with the Responsible Authority, a staging plan generally in accordance with Plan SK018 by Fender Katsalidis Architects dated 21 January 2021 must be submitted to the Responsible Authority for approval. The staging plan may be altered and updated from time to time to the satisfaction of the Responsible Authority.

Wind Tunnel Assessment

22. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 182 and 193, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, a Wind Tunnel Assessment prepared by a suitably qualified person must be undertaken and submitted to and approved by the Responsible Authority. The Wind Tunnel Assessment must:
- a) Respond to the wind effects provisions and definitions in Schedules 10 and 60 to the Design and Development Overlay.
 - b) Explain the effect of the development on the wind conditions in publicly accessible areas impacted by the development as well as any balconies and/or rooftop areas within the development.
 - c) At a minimum, model the wind effects of the development and its surrounding buildings (existing and proposed) using wind tunnel testing.
 - d) Identify the principal role of each part of the publicly accessible areas for sitting, standing or walking purposes, with sitting comfort generally met in Southbank Promenade and publically accessible open spaces including the so-called River Meadow; and standing comfort must be met in all publically accessible open spaces including the so-called River Meadow.
 - e) Not rely on any trees within publicly accessible areas for wind mitigation.
 - f) Make recommendations for modifications to the design of the building, if required, to achieve comfortable wind conditions consistent with the identified principal role for publicly accessible areas as well as any balconies and/or rooftop areas within the development.
23. Any modifications to the development to ensure comfortable wind conditions to the surrounding streets, building entries, publicly accessible areas and any balconies and/or rooftop areas within the development must be carefully

developed as an high quality integrated architectural solution to the satisfaction of the Responsible Authority in consultation with Melbourne City Council and implemented at no cost to the Responsible Authority.

Environmentally Sustainable Design Statement

24. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 182 and 139, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, an Environmentally Sustainable Design (ESD) Statement prepared by a suitably qualified professional shall be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. The ESD Statement must be generally in accordance with the Environmentally Sustainable Design (ESD) Statement NDY Consulting Engineers dated 27 May 2020 and demonstrate that the building has the preliminary design potential to achieve the following:
- a) A minimum (mandatory) 5 Star NABERS Energy rating or equivalent.
 - b) An aspirational (preferred) 6 Star NABERS Energy rating or equivalent.
 - c) A minimum (mandatory) 3 points for Wat-1 credit under the Green Star – Office rating tool or equivalent.
 - d) A minimum (mandatory) 5 Star Green Star Design and As Built or equivalent, certified by the GBCA.
 - e) An aspirational (preferred) 6 Star Green Star Design and As Built or equivalent.
 - f) Enhancement of external shading as part of the façade design to optimise energy efficiency, internal comfort and natural daylight.
 - g) The development is not connected to gas services.
25. Any change during design which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority in consultation with the City of Melbourne before construction starts.
26. Within six months of occupation of the development, a report must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council, which details the initiatives implemented within the completed development that achieve the performance outcomes specified in the endorsed ESD Statement.

Water Sensitive Urban Design

27. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 182 and 193, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, a stormwater drainage system incorporating integrated water cycle management design principles must be submitted to and approved by Melbourne City Council. The system must be constructed

prior to occupation of the development and provision made to connect this system to Melbourne City Council's underground stormwater drainage system. MUSIC modelling must be provided with the application to demonstrate whether the proposed stormwater management devices would achieve best practice stormwater quality as required by Clause 22.23 of the Melbourne Planning Scheme. The stormwater modelling (MUSIC) must demonstrate that the tank alone would result in the required total nitrogen and total phosphorus reductions in accordance with Clause 22.23.

Waste Management Plan

28. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions ~~12-18~~ and ~~13-19~~, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, a detailed Waste Management Plan (WMP) must be submitted to and approved by Melbourne City Council generally in accordance with the preliminary WMP by SALT 3 dated 27 May 2020, but modified to include the following:
- (a) Provision of a communal hard waste storage area, so that hard waste collections are consolidated and the collection frequency is minimised. The proposal for hard waste to be managed is not supported.
 - (b) In order to align with City of Melbourne's target to reduce truck movements within the municipality, the management of organic waste using a bin-based system is unacceptable. On-site processing of organic waste is considered best practice for this development and is to be included in the WMP for approval.
 - (c) Specify the height clearance (or provide elevation diagrams) available for the hook lift vehicle from the entry point up to the point of collection.
 - (d) Show all waste equipment (drawn to scale) that is proposed to be stored in the 55m² waste storage area at Basement Level 1.
 - (e) Include swept path diagrams for all waste vehicles showing egress and ingress manoeuvres from/to street level.

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

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

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

Car Parking and Traffic Management

30. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions ~~182~~ and ~~193~~, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, a Car Parking and Traffic Management Report prepared by a suitably qualified traffic consultant, must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. The Car Parking and Traffic Management Report must be generally

in accordance with the preliminary Traffic Engineering Assessment by Salt 3 dated 11 February 2021 and:

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

Car-Parking Spaces

32. The detailed car park layout plans approved under Condition 2 must show the number of car parking spaces, including at least 5% of electric charging spaces, and 6 motorcycle parking spaces allocated to the uses within the development, to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.
33. The car lift and car parking layout including all spaces, ramps, grades, transitions, accessways, height clearances etc. must be designed in accordance with the Melbourne Planning Scheme, AS/NZS 2890.1:2004 or other relevant Australian Standards for the new/refurbished areas.

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

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

Road Safety Audit

35. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 182 and

139, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, a formal independent desktop Road Safety Audit of the development must be undertaken prior to construction, at the owner/developer's expense, which should include **assessment of internal layout, access arrangements, loading arrangements, pedestrian/bicycle access/movements within the site and in the public realm; assessment of potential conflicts between vehicles/pedestrians/cyclists, to assess the road safety issues affecting all road users; and assessment of the risks associated with the transfer of waste from the retail space at ground level across Southgate Avenue**~~the vehicular/ bicycle/ pedestrian access arrangements, loading arrangements and internal circulation and layout, as well as any works in the public realm.~~ The findings of the Audit must be incorporated into the detailed design, at the owner/developer's expense. When provided to the satisfaction of **City of Melbourne City Council Infrastructure & Assets branch**, the Road Safety Audit will be endorsed by Melbourne City Council to form part of this incorporated document.

Parking and loading

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

Visitor parking sign

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

Loading

37. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 182 and 139, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, a Loading Management Plan must be submitted to and be approved by the **Melbourne City of Melbourne Infrastructure & Assets branch Council**, specifying how the access/egress of loading vehicles is to be managed and ensuring that:
- a) The delivery needs of the various uses within the development can be accommodated;
 - b) Vehicles do not queue on-street;
 - c) Any potential conflicts between various vehicles (and other road users) are satisfactorily addressed; and
 - d) The loading facilities are designed generally in accordance with the relevant Australian Standard.

Bicycle facilities

38. The development must provide bicycle facilities to satisfy, and preferably exceed, the minimum requirements of Clause 52.34 Bicycle facilities of the Scheme, to the satisfaction of the Responsible Authority. The design of bicycle spaces should comply with Clause 52.34-6 and way finding signage should be provided to comply with Clause 52.34-7.

Landscaping plan for the new ~~public open space to be leased by Council~~ Publicly Accessible Open Space

39. Within ~~2 3~~ months of a request from the owner/applicant, Melbourne City Council must develop a ~~functional~~ design brief for the new public open space area of land marked "~~River Meadow~~ Publicly Accessible Open Space" on the Massing & Development Envelope plans and approved ~~as part of this Incorporated Document to be leased to Melbourne City Council as a reserve~~ as per the terms of Condition 55 of this Incorporated Document~~46~~. The ~~functional~~ design brief must define the aim and scope of works, ~~including tree canopy cover and provision for events~~, as well as the process of sequential submission and approval of the schematic design documentation, design development documentation and construction documentation for the public open space ~~and the project's governance structure~~. The project governance structure will include a Project Working Group that operates at detailed level and a Project Control Group that provides a higher level project endorsement prior to Executive and Council approvals.

~~Should bleachers be proposed, the functional design brief must incorporate the bleachers into the design. The bleachers may be considered concurrently with the landscape plan or as a separate stage.~~

40. Within six months of the provision of the design brief, or as otherwise agreed with Melbourne City Council, the Council will prepare and complete a design for the Publicly Accessible Open Space. The design must be prepared in consultation with the landowner and the Responsible Authority. The design must respond to the design brief and site context and adopt key considerations around the integration and interfaces with the Southgate Development and the Arts Precinct. The design must take into consideration relevant requirements of the Melbourne City Council (Engineering Services, Property, Parks & City Greening and Tourism & Events) regarding the design and physical treatment of the Publicly Accessible Open Space including landscaping, furniture, lighting and servicing infrastructure.
41. ~~Should the parties not agree to the final design within the time period specified, the Minister for Planning will make the ultimate decision on the Park design. Within six months of the provision of the functional design brief, or as otherwise agreed with Melbourne City Council, the Owner will convene a design panel comprising up to 6 individuals [do we want to refer to individuals with specific qualifications and experience?] ('Design Panel') for the purpose of choosing the design of the public open space ('River Meadow').~~

~~The Design Panel will comprise:~~

- ~~(a) 2 representatives nominated by the Owner, one of whom will act as the chair of the Design Panel;~~
- ~~(b) up to 2 representatives nominated by the City of Melbourne; and~~
- ~~(c) up to 2 representatives nominated by the responsible authority;~~

~~each nominated through the process set out in below and within the timeframe required.~~

~~The Owner will provide written notice to the City of Melbourne and the responsible authority with details of the representatives it has nominated and will invite those parties to provide nominations. The City of Melbourne and the responsible authority must each nominate their representatives by providing the owner with the name, qualifications, email and phone number of nominees who have agreed to participate in the panel within 14 days of the owner giving this notice.~~

~~The Owner must submit at least two schematic design concepts for the River Meadow to the Design Panel, including options reflecting the bleachers and connection between Hamer Hall and the Public Park as per Conditions 46 and 51, if they have been included in the functional design brief, by providing the concept designs to the Design Panel members via email to the addresses provided.~~

~~The Design Panel must meet within 14 days of receipt of the schematic designs to choose which of the designs submitted will constitute the design of the River Meadow. At that meeting, the Design Panel must select one design by majority decision and is not entitled to pick and choose elements from various designs.~~

~~The chair of the Design Panel will convey the Design Panel's decision promptly to the Owner. If the Design Panel has not been able to agree on the successful design, the Owner must submit the same schematic designs to the responsible authority who must select one of the designs within 14 days of request.~~

- ~~42. The financial contribution towards the cost of the design and delivery of the public open space by the owner must not be less than \$3,760,750, but the owner of its own volition may contribute in excess of this amount.~~
43. The works as shown on the approved drawings and documentation must be completed to the satisfaction of Melbourne City Council within six months of occupation of the office tower, or as otherwise agreed with Melbourne City Council.

Landscaping plan for privately owned areas

44. Before the development starts, other than demolition of the existing building and early site preparation works approved under Conditions 128 and 139, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, a detailed landscape plan, landscape maintenance plan and irrigation performance specification for the development, excluding the area of land marked "River Meadow" on the Massing & Development Envelope plans approved as part of this Incorporated Document, prepared by a suitably qualified landscape architect must be submitted and approved by the Responsible Authority in consultation with Melbourne City Council. The documents must be the following:
 - a) Details of all surface finishes including pathways, driveways, terrace or decked areas.
 - b) The landscape design of all publicly accessible areas at ground level.

- c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes and sizes at maturity.
- d) Detailed planter sections including soil volumes and growing media.
- e) Urban design elements including, but not limited to, paving, lighting, seating and public art.
- f) Clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.
- g) How the development responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used, including the location of any rainwater tanks.
- h) Demonstrate covered and open to sky pedestrian connections and level changes. This should include proposed access hours and security considerations for publically accessible private spaces.
- i) Legible, safe and accessible pedestrian connections.
- j) A landscape maintenance plan detailing:
 - i. Ownership and management responsibilities of landscaped areas.
 - ii. The proposed maintenance regimes with provision for maintenance beyond the fifty-two-week period following Practical Completion.
 - iii. A Landscape Irrigation Performance Specification.

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

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

Tree Protection Plan

- 47. Before the development starts, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, a revised Arboricultural Assessment and Report and Tree Protection Plan (TPP) must be submitted to and approved by Melbourne City Council. The documents must demonstrate how publicly owned trees will be protected during the construction activities associated with the development. The documents must be generally in accordance with the Preliminary Arborist Report by Axiom Tree Management Pty Ltd dated 21 May 2020 and in accordance with AS 4970-2009 –

Protection of Trees on Development Sites. The documents must include but not be limited to:

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

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

48. All works (including bulk excavation), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Arboricultural Assessment and Report and Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Melbourne City Council.

Public Tree Protection Bond

49. Following the approval of the endorsed Arboricultural Assessment and Report and Tree Protection Plan (TPP) a ~~bank guarantee bond~~ equivalent to the combined environmental and amenity values of public trees that may be affected by the development **must be lodged with Melbourne City Council.** **The bond** will be held against the TPP for the duration of construction activities. The bond amount will be calculated by Council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted on, the Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.
50. If a Construction Management Plan or Traffic Management Plan change any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed Arboricultural Assessment and Report and Tree Protection Plan (TPP), a revised TPP must be provided to the satisfaction of, and approved by, the Melbourne City Council. When provided to the satisfaction of Melbourne City Council, the revised TPP will be endorsed to form part of this Incorporated Document and will supersede any previously endorsed TPP.

Public Tree Removal

51. **If any public trees are proposed for removal at any stage, a Development Tree Removal Application will be required that includes statements that outline all options exhausted to retain trees.**
52. If any public trees are proposed for removal at any stage of the development under an Arboricultural Assessment and Report and Tree Protection Plan (TPP) endorsed under this Incorporated Document, then prior to the commencement of the development, the applicant must submit a **Street Public** Tree Plot Replacement Strategy to Melbourne City Council, which shows replacement and/or additional tree plots in accordance with Melbourne City Council's Tree Retention and Removal Policy. **The number of plots must be appropriate to ensure the loss of canopy cover can be mitigated by 2040.** When provided to the satisfaction of Melbourne City Council, the Street Tree Plot Replacement Strategy will be endorsed to form part of this incorporated document.
53. Prior to occupation of the development, the replacement and/or additional street tree plots shown on the **Street Public** Tree Plot Replacement Strategy endorsed under this incorporated document must be constructed at no cost to Melbourne City Council and be to the satisfaction of Melbourne City Council

Legal Agreement - Publically Accessible Open Space

54. Before the development starts, other than demolition of the existing building and early site preparation works approved under Condition 148, or as otherwise agreed with the Responsible Authority, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 regarding the. ~~The agreement must provide for the management of the area of~~ land marked “~~River Meadow~~Publically Accessible Open Space” on the Massing and Development Envelope plans approved as part of this Incorporated Document ~~for a period of 99 years from the commencement of development, including that:~~. The agreement must provide the following:
- a) ~~be at no cost to the Responsible Authority or the Melbourne City Council~~the Public Park is approximately 2,000 square metres in size;
 - b) be registered on the relevant certificate(s) of title which it affects;
 - c) provide a publically accessible open space of at least 2000sqm in area as marked on an agreed plan, to be developed at the Owner’s costs in accordance with the design brief and design process approved under Conditions 39 and 40 of this Incorporated Document;
 - d) The financial contribution towards the cost of the delivery of the 2,000sqm publically accessible open space by the owner, excluding all support structure, waterproofing, provision of services and access ways (bridges, lifts and stairs) which will be at the cost of the development, must not be less than \$3,760,750 (indexed annually), but the owner of its own volition may contribute in excess of this amount;
 - e) the subject land must include agreed, DDA-compliant access points to the public Southbank Promenade (at least one at each end, east and west) and will remain private at all times, but;
 - f) give unpaid access rights to the Publically Accessible Open Space 24 hours a day, 7 days a week, except for temporary closures as agreed with Melbourne City Council, due to the following:
 - i. delivering the staged development of the land;
 - ii. private and commercial events compatible with the active mixed use precinct up to a maximum number of one day per month, unless otherwise agreed by the Responsible Authority;
 - iii. Maintenance, repair, cleaning, emergencies and refurbishment works;
 - g) responsibility for outgoings and utility services;
 - h) the Owner must, at its costs, maintain the Publically Accessible Open Space to the same standards as is required by the Melbourne City Council for similar public open spaces hosting events;
 - i) private outdoor seating and dining must not extend into the Publically Accessible Open Space, except during private and commercial events;
 - j) include timing of construction of the Publically Accessible Open Space to be before the occupation of the relevant abutting buildings;
 - k) the Owner of the land will be responsible for the security of the Publically Accessible Open Space and must maintain public liability insurance;

- l) provision for the redesign and reconstruction of the open space from time to time, according to maintenance requirements, changed functional needs and other circumstances, as agreed by Melbourne City Council and at the cost of the owner.

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

- ~~m) the Public Park is generally accessible to the public, save for during periods of private and public events, maintenance works, emergencies and construction activities or if directed by any authority or required by law;~~
- ~~n) prior to the commencement of the use of the Public Park, the Owner must prepare a 99 year lease between the Owner (Lessor) and the City of Melbourne (Lessee) that includes a Public Park Management plan for approval by the Responsible Authority. The lease must be executed by both the parties prior to the commencement of the use of the Public Park;~~
- ~~e) The Public Park Management Plan referred in item c) will provide for:
 - ~~i. the Public Park to be used for private events by the owner on at least X occasions throughout the year during which time the Public Park, or part of the Public Park, may be closed off to the public;~~
 - ~~ii. the Public Park to be made available for use for public events proposed by the Responsible Authority and approved by the Owner up to a maximum number of X per year;~~
 - ~~iii. the refurbishment, repairs and maintenance of the Public Park;~~
 - ~~iv. Emergency access; and~~
 - ~~v. the use of the Public Park for commercial and other activities, including the provision of services to the public (e.g. buskers and street performers, kiosks, kerbside cafes, coffee carts, public entertainment, public facilities and services, pop-up shops, tourist ticketing points, tour meeting points, visitor guides etc) at the discretion of and subject to the approval of the Owner in consultation with the Responsible Authority.~~~~
- ~~p) the Owner of the land will be responsible for the maintenance of the Public Park and must maintain public liability insurance;~~
- ~~q) the Public Park is to be developed at the Owner's cost and generally in accordance with the functional design brief approved under Condition 33 and the design approved by the Independent Review Panel under Condition 34 of this Incorporated Document.~~

Legal Agreement – North-West Parcel

- 55. Before the development starts other than demolition of the existing building and early site preparation works approved under Condition 182 and 193, or as otherwise agreed with the Responsible Authority, the owner of the land must enter into an agreement with the responsible authority pursuant to Section 173 of the Planning and Environment Act 1987. The agreement relates to the area of land marked "North West Parcel" on the Massing & Development Envelope plans approved as part of this Incorporated Document. The agreement will provide for the following:

- (a) The financial contribution towards the cost of the delivery of the North-West Parcel by the owner, must not be less than \$470,000 (indexed annually), but the owner of its own volition may contribute in excess of this amount;
 - (b) The area is approximately 94 square metres in size.
 - (c) The area is limited in height to approximately 4-5 metres. ~~(RL-6.440)~~
 - (d) The area is to be kept clear of any structure that would impede the clear pedestrian access from the Evan Walker pedestrian bridge to Southgate Avenue.
 - (e) The north west access point to the Southgate building must not be impeded at any time.
 - (f) There area is to be maintained by the City of Melbourne.
56. The detailed development plans submitted under Condition 2 must provide the opportunity to extend and integrate the public realm works on the subject land at the Promenade and St Kilda Road levels in a similar form and design as the Open Space in a manner that enhances pedestrian access, landscaping and the public realm to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

Legal Agreement - Link to Arts Precinct

57. Before the development starts, other than early site preparation works approved under Condition 148, or as otherwise agreed with the Responsible Authority, the owner of the land must enter into an agreement with the responsible authority pursuant to Section 173 of the Planning and Environment Act 1987 providing for the design and construction of a pedestrian link between Southbank Promenade and the Arts Precinct in the area generally identified as the "Arts Precinct Link" in the Massing & Development Envelope plans approved as part of this Incorporated Document. The agreement will provide for the following:
- a) The Owner will make a contribution to the Responsible Authority up to a maximum of \$3,900,000 (indexed annually) for the construction of the Pedestrian Link. The payment may be made progressively upon commencement of construction works but must be finalised prior to occupation of the office tower.
 - b) The Responsible Authority will consult with the Owner on the design, location, timing and functionality of the Pedestrian Link and prior to the commencement of any works associated with the construction of the Pedestrian Link, the Owner must have the opportunity to approve input to any final detailed design;
 - c) The Pedestrian Link must be constructed within 40-15 years of the date of issue of this Incorporated Document, failing which any monetary contribution made by the Owner to the Responsible Authority for the Pedestrian Link must be refunded;
 - d) Upon this Agreement being entered into, the Responsible Authority agrees to remove the Section 173 Agreement with the registered dealing No. R783685X from the title to the land described as Lot 2 on Plan of Subdivision 328901G.

- e) The Owner may request and the Responsible Authority may agree to the Owner undertaking the design and construction of the Pedestrian Link in return for a credit against the Owner's liability to make a monetary contribution. In that event, the parties will enter into a separate agreement pursuant to Section 173 of the *Planning and Environment Act 1987* to record the terms and conditions on which the Owner will undertake those works as an offset against the Owner's liability to make a contribution.

Legal Agreement – Public Land at northern end of Southgate Ave (between Southgate site (Langham) and Exxon Building)

- 58. Unless otherwise agreed in writing, prior to the occupation of the West Retail Podium (as shown on the Staging Plan approved under Condition ~~4521~~), the owner must enter into an agreement with the City of Melbourne and the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*. The owner of the land must pay all the reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement must provide for the following:
 - a) A contribution to upgrade of the public space located between the Southgate site and Exxon Building (identified as "North West Public Land" on the Massing & Development Envelope plans approved as part of this Incorporated Document), via a monetary contribution up to a maximum of ~~one third of the total cost of upgrade works of~~ \$1,2~~650~~,000 (~~indexed annually~~).

Legal Agreement – ~~Southgate-Southbank~~ Promenade and Hamer Hall Connection

- 59. Unless otherwise agreed in writing, prior to the occupation of the Retail Podium and River Meadow Park (as shown on the Staging Plan approved under Condition ~~4521~~), the owner must enter an agreement with the City of Melbourne and the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*. The owner of the land must pay all of the reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement must provide for the following:
 - a) Payment ~~in full~~ for the ~~design and construction of the~~ stairs and lift connection from Southbank Promenade to the Hamer Hall link (identified as the "Hamer Hall Link" on the Massing & Development Envelope plans approved as part of this Incorporated Document), via a monetary contribution or works in kind up to a maximum of \$1,500,000 (~~indexed annually~~).
 - b) Any additional works (including the expansion of the link to Hamer Hall) where a payment will need to be agreed subject to the extent of works and payment.

If the offsite stairs and lift do not proceed within ~~10-15~~ years, this agreement will lapse.

Construction Management Plan

60. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 182 and 193, or as otherwise agreed with the Responsible Authority in consultation with Melbourne City Council, a detailed construction management plan must be submitted to and approved by the Melbourne City Council. This construction management plan must be prepared in accordance with Melbourne City Council's Construction Management Plan Guidelines and is to consider the following:
- a) Management of public access and linkages around the site during construction.
 - b) Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian accessways).
 - c) Any works within the adjoining reserves and street network.
 - d) Public safety, amenity and site security.
 - e) Hours of construction operating hours.
 - f) Noise and vibration controls.
 - g) Air and dust management.
 - h) Stormwater and sediment control.
 - i) Waste and materials reuse.
 - j) Traffic management.
 - k) Protection of street trees.

Building Appurtenances

61. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.
62. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.
63. No building services or architectural features other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.

Civil Works

64. Existing street and footpath levels in roads and open space adjoining the site must not be altered for the purpose of constructing new vehicle crossovers or pedestrian entrances without first obtaining approval from Melbourne City Council.

65. Before the use / occupation of the development starts, or as otherwise agreed with the Melbourne City Council, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by Melbourne City Council.
66. All portions of roads and reserves affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by Melbourne City Council.
67. Before the use / occupation of the development starts, or as otherwise agreed with Melbourne City Council, the footpaths adjoining the site along Southgate Avenue, ~~City Road and Southbank Promenade and Riverside Quay~~ must be reconstructed in new sawn bluestone together with associated works including the renewal of kerb and channel, provision of street furniture and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by Melbourne City Council.
68. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Melbourne City Council.
69. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Melbourne City Council. All street furniture such as street litter bins recycling bins, seats and bicycle rails must be supplied and installed on footpaths outside the proposed building to plans and specifications first approved by the Melbourne City Council.
70. **Any alterations to Southgate Avenue (east-west section) must be to the satisfaction of City of Melbourne Traffic Engineering branch and any new footpath shall be a minimum 1.5 metres wide.**

Lighting Plan

71. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions ~~182~~ and ~~193~~, or as otherwise agreed with Melbourne City Council, a lighting plan must be prepared to the satisfaction of Melbourne City Council. The lighting plan should be generally consistent with Melbourne City Council's Lighting Strategy and include the provision of public lighting in the streets and open space adjacent the subject land. The lighting works must be undertaken prior to the commencement of the use / occupation of the development, in accordance with plans and specifications first approved by Melbourne City Council.

3D Digital Model of Buildings and works

72. Prior to the occupation of the development, or as otherwise agreed with the Responsible Authority, a 3D digital model of the development must be submitted to, and must be to the satisfaction of the Responsible Authority.

73. In the event that substantial modifications are made to the building envelope and design, a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority, before these modifications are approved.

Easement Variations

74. Prior to the commencement of the ~~use-development including demolition~~ contemplated by this Incorporated Plan, the easements depicted on the Easement Plan prepared by Veris dated ~~XXX~~ may be varied generally in accordance with the arrangements depicted on the Easement Plan and Clause 52.02 of the planning scheme does not apply to those easements.

Advertising Signage Strategy

75. Prior to occupation, a Signage Strategy showing the location, details and dimensions of directional, promotional, sky and business identification signs is to be prepared and submitted to the satisfaction of the responsible authority ~~in consultation with City of Melbourne~~.
76. No signs are to be erected, painted or displayed on the land without ~~the separate planning permits~~ ~~permission from~~ the Responsible Authority or Melbourne City Council ~~unless in accordance with the provisions of the Melbourne Planning Scheme~~.

END OF DOCUMENT