

Report to the Future Melbourne (Planning) Committee

Agenda item 6.3

Planning Permit Application: TP-2020-427 Yarra River adjacent to Lower Promenade, Southbank (north of 4 Riverside Quay)

18 May 2021

Presenter: Larry Parsons, Head of Statutory Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a planning permit application which seeks approval for buildings and works for a pontoon and structure to be used as a restaurant, construction and display of signage and a reduction of bicycle parking on the Yarra River adjacent to Lower Promenade, Southbank (north of 4 Riverside Quay) (refer to Attachment 2, Locality Plan). The pontoon is proposed to be in place for three years, according to a lease agreed with Parks Victoria. The application was amended to address initial officer comments.
2. The applicant is Auld Planning Pty Ltd on behalf of Australian Venue Co Pty Ltd, the land manager is Parks Victoria and the architects are Burton Carter Pty Ltd.
3. The land is located within the Capital City Zone Schedule 1 and is affected by Design and Development Overlay Schedule 60 (Area 1), Land Subject to Inundation Overlay and Parking Overlay Schedule 1.
4. The application is exempt from third party notice and appeal rights. A total of two objections have been received relating to the lack of bicycle parking.

Key issues

5. Key issues for consideration are built form and views, activation of the precinct, native green infrastructure, servicing and waiver of bicycle facilities and the appropriateness of the proposal having regard to the decision guidelines of the Capital City Zone, the design objectives and built form controls of Design and Development Overlay Schedule 60 and decision guidelines of Clause 52.34 Bicycle Facilities.
6. The proposed development is considered to be consistent with the relevant built environment and signage policies that apply to the land. The proposal responds to the surrounding context to limit visual impacts. The height of the proposed pontoon will not overwhelm the public realm nor significantly block key views. The first floor as amended is predominantly open air, except for the centrally located bar.
7. The proposal will reactivate this section of the city by drawing people to it with a vibrant and active use. The proposal offers outdoor dining, which is considered to be healthy and safe, subject to adhering to COVID-19 measures.
8. The lease is limited to three years, at which time the permit requires all structures to be removed.
9. The proposed green infrastructure both aquatic planting and 'above-ground' planter systems on the pontoon's upper and ground floor levels is strongly supported.
10. Servicing is resolved, including a waste management plan.
11. The waiver of bicycle facilities (11 bicycle spaces) is supported in this case. Bicycles would need to be wheeled through the public access and open areas on board. The area is well served by public transport and there are nearby bicycle parking options.

Recommendation from management

12. That the Future Melbourne Committee resolves to issue a Permit subject to the conditions outlined in the Delegate Report (refer Attachment 4 of the report from management).

Attachments:

1. Supporting Attachment (Page 2 of 34)
2. Locality Plan (Page 3 of 34)
3. Selected Plans (Page 4 of 34)
4. Delegate Report (Page 16 of 34)

Supporting Attachment

Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (the Act) sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme.
2. The application is exempt from third party notice and review, but has received two informal objections.

Finance

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

Conflict of interest

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

Health and Safety

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

Stakeholder consultation

6. The application is exempt from the notice and review requirements of Section 52 of the Act.
7. Pursuant to Section 56(1) of the Act, Melbourne Water has responded to the application and does not object to the proposed development subject to conditions contained in the attached Delegate Report (refer Attachment 4).

Relation to Council policy

8. Relevant Council policies are discussed in the attached Delegate Report (refer Attachment 4).

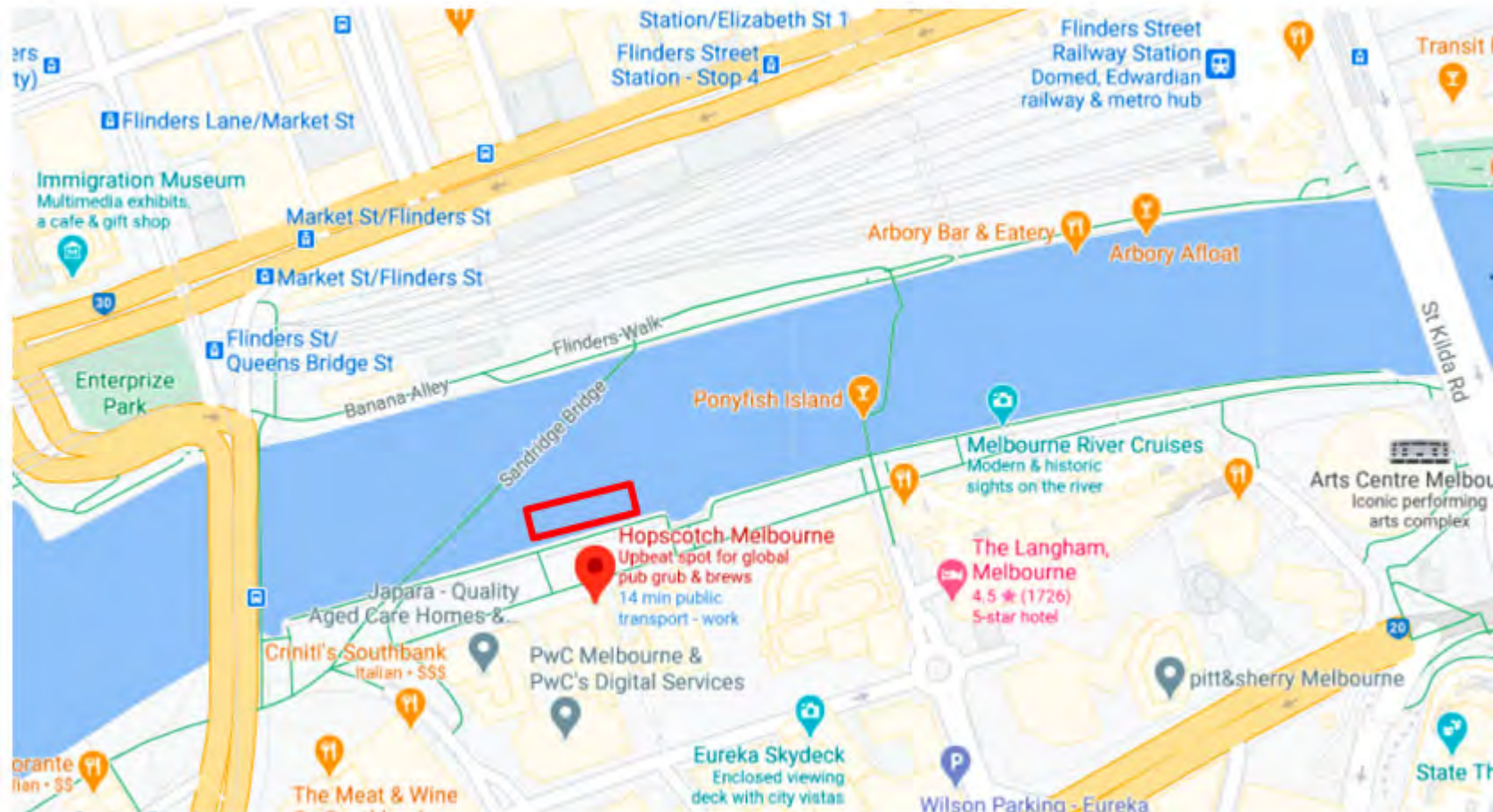
Environmental sustainability

9. The proposal achieves the relevant performance measures set out in Clause 22.19 (Energy, Water and Waste Efficiency) of the Melbourne Planning Scheme.
10. The proposal includes green infrastructure both aquatic planting and 'above-ground' planter systems on the pontoon's upper and ground floor levels. A range of plant types is proposed, including the native edible species proposed, as well as climbing plants for the proposed climbing structures.

Locality Plan

Attachment 2
Agenda item 6.3
Future Melbourne
Committee 18 May 2021

Yarra River adjacent to Lower Promenade, Southbank
(north of 4 Riverside Quay)





CLIENT: AUSTRALIAN VENUE CO.

PROJECT: YARRA BOTANICALS



PERSPECTIVE B ORIGINAL



PERSPECTIVE B - ON THE UPPER PROMENADE LOOKING NORTHEAST AT HIGH TIDE

DATE	REVISION	AMENDMENT	BY
21.01.19	B	AMENDED DESIGN	A.J.G.
22.01.19	C	AMENDED DESIGN BAR, DJ AND FOUNTAIN	A.J.G.
20.05.2020	D	TP SHADOW DIAGRAM	J.L.
28.06.2020	E	RESPONSE TO COUNCIL QUERIES	A.J.G.
12.08.2020	F	COUNCIL INFORMATION ADDED	A.J.G.
24.08.2020	G	COUNCIL ENTRY LIPS REMOVED	A.J.G.
25.08.2020	H	COUNCIL REVISED WALKWAY BALUSTRADE	J.L.
20.09.2020	I	COUNCIL REF	J.L.
21.01.2021	J	TP REVISION	A.G.

THESE DESIGN PLANS & SPECIFICATIONS ARE THE COPYRIGHT PROPERTY OF BURTON & CARTER PTY LTD. NO PART MAY BE REPRODUCED OR COPIED WHOLLY OR IN PART WITHOUT THE WRITTEN PERMISSION OF BURTON & CARTER PTY LTD.



Burton & Carter Pty Ltd
A.C.N. 005 903 275

514 City Rd
South Melbourne, Victoria, 3205
Australia
P: +61 3 9669 9471
F: +61 3 9669 3064
E: burtonandcarter@bigpond.com

Chiao Si Chuan
Chengchi, Qing, Yantai
Zhangjin 3rd 26 11th 2 Linn, 610015
P: 0011 28 8626 1359
F: 0011 28 8626 1359

project managers
architects
interior designers
building surveyors
building inspectors

CLIENT AUSTRALIAN VENUE CO.
PROJECT YARRA BOTANICALS

DATE 27/01/2021
DRAWN J.L.
CHECKED
JOB No. 19006

SCALE

DWG No.
TP08
REVISION
J



PERSPECTIVE G ORIGINAL



PERSPECTIVE G - FROM SOUTHBANK PROMENADE LOOK AT THE PROPOSED PONTOON, YARRA BOTANICALS AT HIGH TIDE

DATE	REVISION	AMENDMENT	BY
21.01.19	B	AMENDED DESIGN	A.J.G
20.01.19	C	AMENDED DESIGN BAR, DJ AND FOUNTAIN	A.J.G
20.05.2020	D	TP SHADOW DIAGRAM	J.L.
28.08.2020	E	RESPONSE TO COUNCIL QUERIES	A.J.G
12.08.2020	F	COUNCIL INFORMATION ADDED	A.J.G
24.08.2020	G	COUNCIL ENTRY LIPS REMOVED	A.J.G
26.08.2020	H	COUNCIL REVISED WALKWAY BALUSTRADE	A.J.G
20.08.2020	I	COUNCIL REF	J.L.
21.01.2021	J	TP REVISION	A.G.

THESE DESIGN PLANS & SPECIFICATIONS ARE THE COPYRIGHT PROPERTY OF BURTON & CARTER PTY LTD. NO PART MAY BE REPRODUCED OR COPIED WHOLLY OR IN PART WITHOUT THE WRITTEN PERMISSION OF BURTON & CARTER PTY LTD.



Burton & Carter Pty Ltd
A.C.N. 005 903 275

514 City Rd
South Melbourne, Victoria, 3205
Australia
T: +61 3 9595 4711
F: +61 3 9596 3264
E: burtonandcarter@bigpond.com

Chiao Si Chuan
Chengchi, Qing, Yantai
Zhanglin 2nd 26 11th 2 11th, 610015
T: 0011 28 8626 1359
F: 0011 28 8626 1359

project managers
architects
interior designers
building surveyors
building inspectors

CLIENT AUSTRALIAN VENUE CO.
PROJECT YARRA BOTANICALS

DATE 27/01/2021
DRAWN J.L.
CHECKED
JOB No. 19006

SCALE

DWG No.
TP13
REVISION
J



SITE PLAN

DATE	REVISION	AMENDMENT	BY
21.01.19	B	AMENDED DESIGN	A.J.G.
22.03.19	C	AMENDED DESIGN BAR, DJ AND FOUNTAIN	A.J.G.
20.05.2020	D	TP SHADOW DIAGRAM	J.L.
28.06.2020	E	RESPONSE TO COUNCIL QUERIES	A.J.G.
12.08.2020	F	COUNCIL INFORMATION ADDED	A.J.G.
24.08.2020	G	COUNCIL ENTRY LIPS REMOVED	A.J.G.
25.08.2020	H	COUNCIL REVISED WALKWAY BALUSTRADE	A.J.G.
20.08.2020	I	COUNCIL REF	J.L.
21.01.2021	J	TP REVISION	A.G.

THESE DESIGN PLANS & SPECIFICATIONS ARE THE COPYRIGHT PROPERTY OF BURTON & CARTER PTY LTD. NO PART OF THESE DRAWINGS OR CONTENTS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF BURTON & CARTER PTY LTD.



Burton & Carter Pty Ltd
A.C.N. 005 903 275

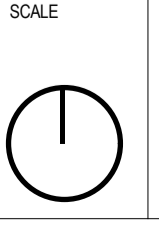
514 City Rd
South Melbourne, Victoria, 3205
Australia
T: +61 3 9595 9471
F: +61 3 9596 3064
E: burtonandcarter@bigpond.com

Chloe O'Connell
Chengxiang Qian
Zhangjun Zhu
Zhangjun Zhu
T: 0011 28 8626 1359
F: 0011 28 8626 1359

project managers
architects
interior designers
building surveyors
building inspectors

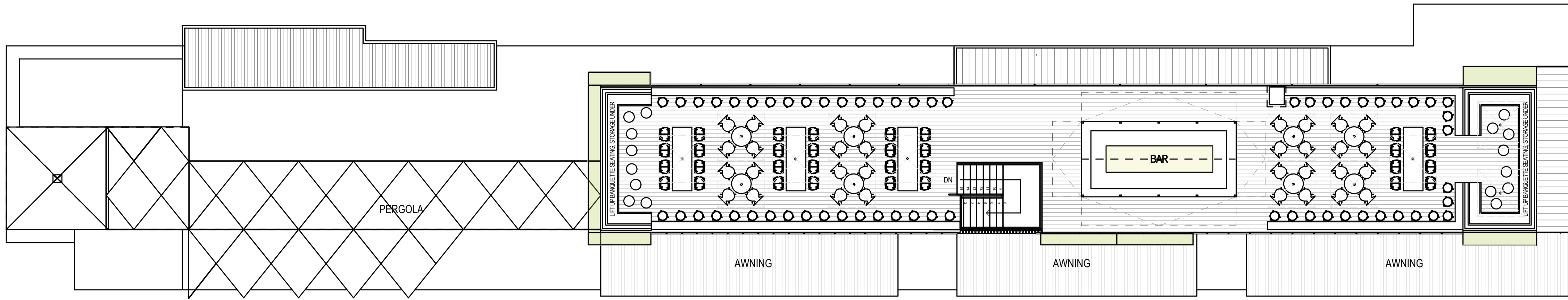
CLIENT	AUSTRALIAN VENUE CO.
PROJECT	YARRA BOTANICALS

DATE	27/01/2021
DRAWN	J.L.
CHECKED	
JOB No.	19006

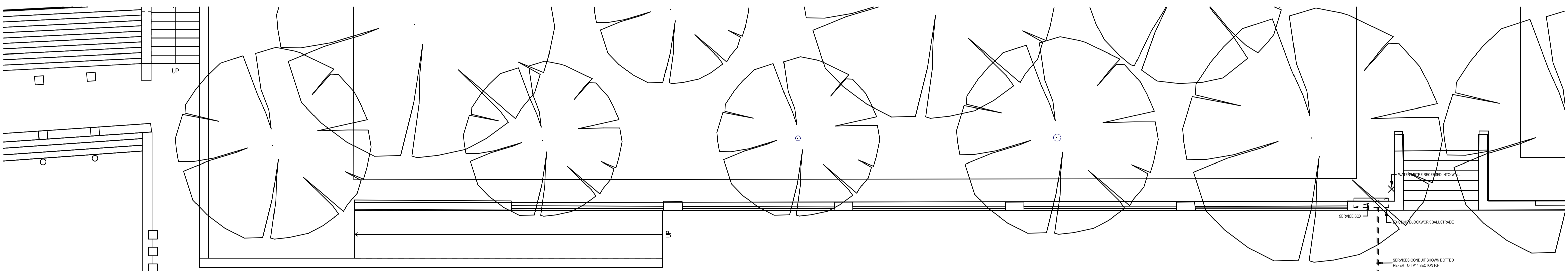


DWG No.	TP00A
REVISION	J

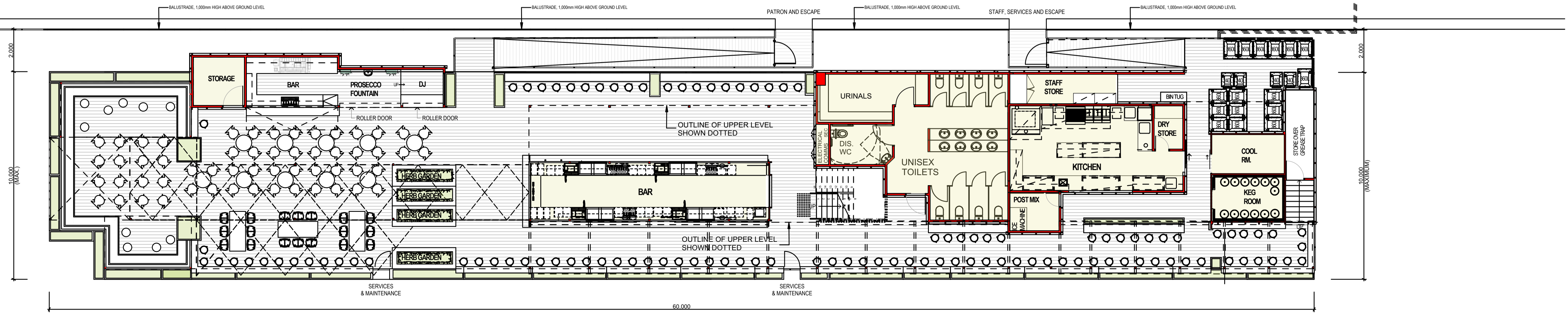
SOUTHBANK PROMENADE



UPPER LEVEL PLAN
SCALE: 1:100



SOUTHBANK PROMENADE



YARRA RIVER

GROUND LEVEL PLAN
SCALE: 1:100

DATE	REVISION	AMENDMENT	BY
21.07.19	B	AMENDED DESIGN	A.J.G.
22.03.19	C	AMENDED DESIGN BAR, DJ AND FOUNTAIN	A.J.G.
20.05.2020	D	TP SHADOW DIAGRAM	J.L.
28.05.2020	E	RESPONSE TO COUNCIL QUERIES	A.J.G.
12.06.2020	F	COUNCIL INFORMATION ADDED	A.J.G.
24.06.2020	G	COUNCIL ENTRY LIPS REMOVED	A.J.G.
25.06.2020	H	COUNCIL REVISD WALKWAY BALUSTRADE	A.J.G.
20.08.2020	I	COUNCIL REF	J.L.
21.01.2021	J	TP REVISION	A.G.

THESE DESIGN PLANS & SPECIFICATIONS & THE COPYRIGHT HEREIN ARE THE PROPERTY OF THE ARCHITECTS PARTNERSHIP & CONSULTANTS PTY LTD. NO PARTS MAY BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF BURTON & CARTER PTY LTD.



Burton & Carter Pty Ltd
A.C.N. 005 993 275

514 City Rd
South Melbourne, Victoria, 3205
Australia
T: +61 3 9594 9471
F: +61 3 9594 3564
E: burtonandcarter@bigpond.com

Chao Si Chuan
Chengchi, Qing Yang
Zhangzhou No. 26 Phase 2 Lane, 610015
T: 0011 28 8626 1399
F: 0011 28 8626 1359

project managers
architects
interior designers
building surveyors
building inspectors

CLIENT AUSTRALIAN VENUE CO.
PROJECT YARRA BOTANICALS

DATE 27/01/2021
DRAWN J.L.
CHECKED
JOB No. 19006

SCALE 1:100

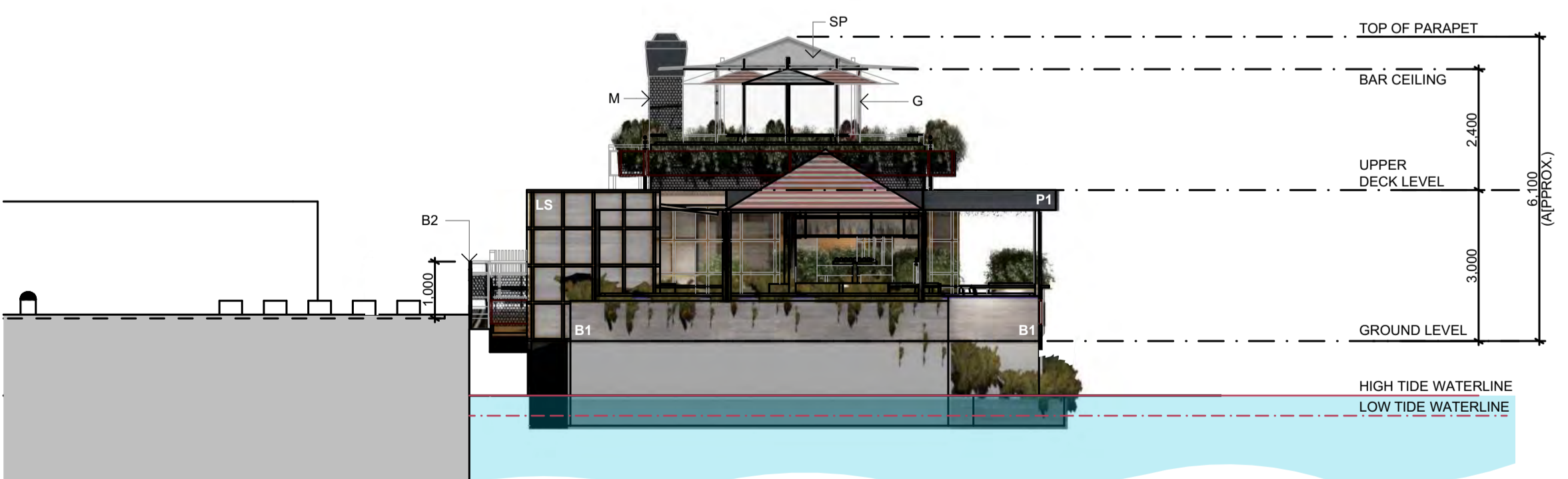
DWG No. TP01
REVISION J



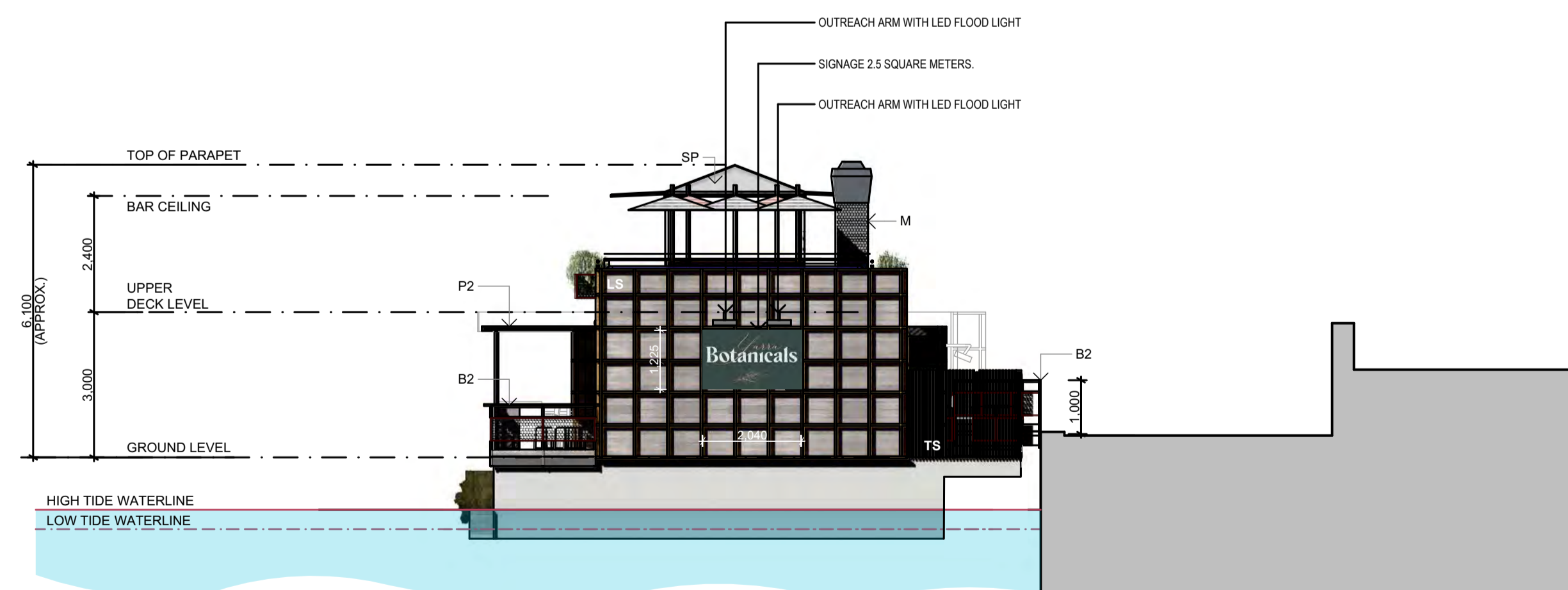
NORTH (WATERFRONT) ELEVATION
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100



EAST ELEVATION
SCALE 1:100



WEST ELEVATION
SCALE 1:100

LEGEND	
SP	SUNPAL MULTI 18mm COLOUR SOLAR ICE
LS	50 X 75 INNOWOOD OR SIMILAR APPROVED LATTICE FRAME MOUNTED OVERSHADOW CLAD PANELS WITH SELECTED STAIN FINISH
B1	SHADOW CLAD OR SIMILAR APPROVED CLADDING WITH SELECTED STAIN FINISH ON ALUMINIUM BALUSTRADE FRAMING SYSTEM
B2	LOCKER R25448 PERFORATED METAL SCREEN IN POWDER COAT FINISH ON ALUMINIUM BALUSTRADE FRAMING SYSTEM WITH HIGH BENCH OR ALUMINIUM HANDRAIL WHERE INDICATED
P1	PERGOLA STRUCTURE WITH REO MESH INFILL, SUPPORTED BY STEEL POST POWDER COAT FINISH BLACK
P2	PERGOLA STRUCTURE WITH RETRACTABLE AWNING, SUPPORTED BY STEEL POST POWDER COAT FINISH BLACK
P3	PERGOLA STRUCTURE WITH FIXED AWNING, SUPPORTED BY STEEL POST POWDER COAT FINISH BLACK
SG	STEEL BALUSTRADE GALVANISED FINISH, 1,000mm HIGH ABOVE GROUND LEVEL
G	STEEL COLOUR GREY
M	STEEL MESH COLOUR GREY
TS	INNOWOOD OR SIMILAR APPROVED 50mm BATTEN SCREEN

DATE	REVISION	AMENDMENT	BY
21.01.19	B	AMENDED DESIGN	A.J.G.
20.03.19	C	AMENDED DESIGN BAR, DJ AND FOUNTAIN	A.J.G.
20.05.2020	D	TP SHADOW DIAGRAM	J.L.
28.08.2020	E	RESPONSE TO COUNCIL QUERIES	A.J.G.
12.08.2020	F	COUNCIL INFORMATION ADDED	A.J.G.
24.08.2020	G	COUNCIL ENTRY LIPS REMOVED	A.J.G.
25.08.2020	H	COUNCIL REVISED WALKWAY BALUSTRADE	J.L.
20.08.2020	I	COUNCIL RF	J.L.
21.01.2021	J	TP REVISION	A.G.

THESE DESIGN PLANS & SPECIFICATIONS ARE THE COPYRIGHT PROPERTY OF BURTON & CARTER PTY LTD. NO PARTS MAY BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF BURTON & CARTER PTY LTD.

B+C **Burton & Carter Pty Ltd**
A.C.N. 005 903 275

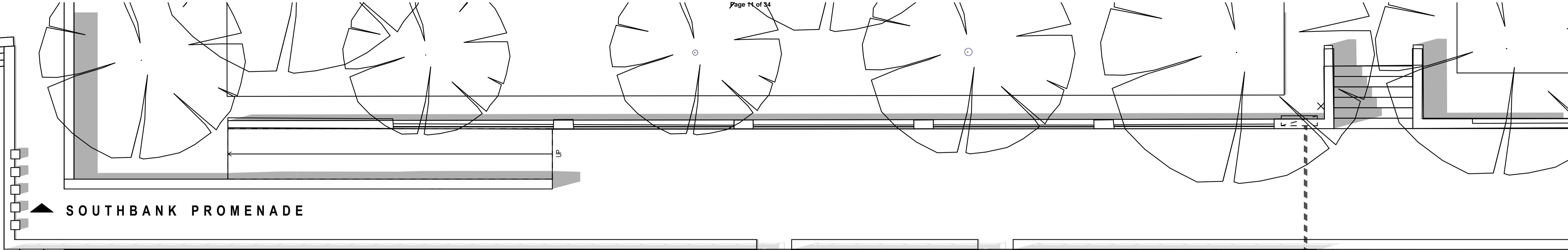
514 City Rd
South Melbourne, Victoria, 3205
Australia
T: +61 3 9669 9471
F: +61 3 9669 3064
E: burtonandcarter@bigpond.com

Chao Si Chuan
Chengdu, Qing Yang
Zhangjun Zhu, 26 Fing 2, Liu, 610015
T: 0011 28 8628 1359
F: 0011 28 8628 1359

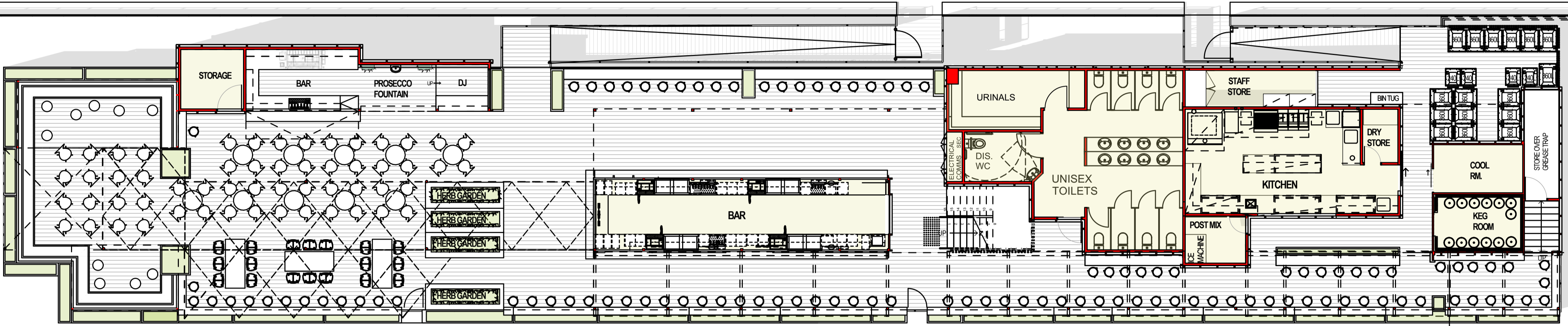
project managers
architects
interior designers
building surveyors
building inspectors

CLIENT	AUSTRALIAN VENUE CO.
PROJECT	YARRA BOTANICALS

DATE	27/01/2021	SCALE	1:100	DWG No. TP02 REVISION J
DRAWN	J.L.	CHECKED		
JOB No.	19006			

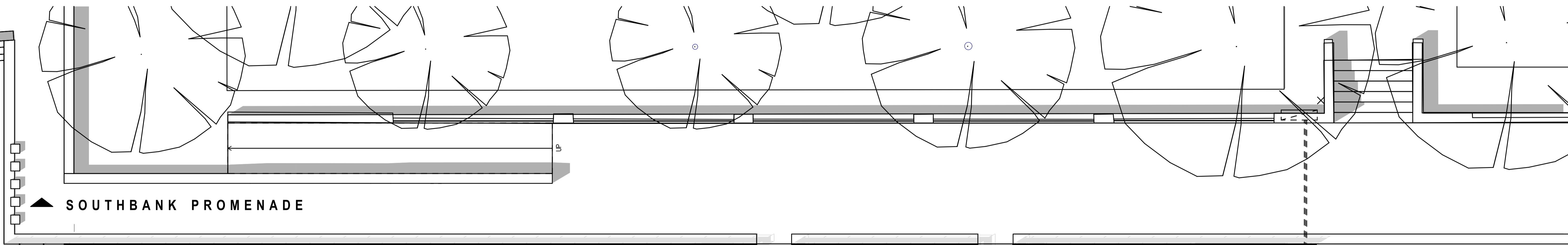


SOUTHBANK PROMENADE

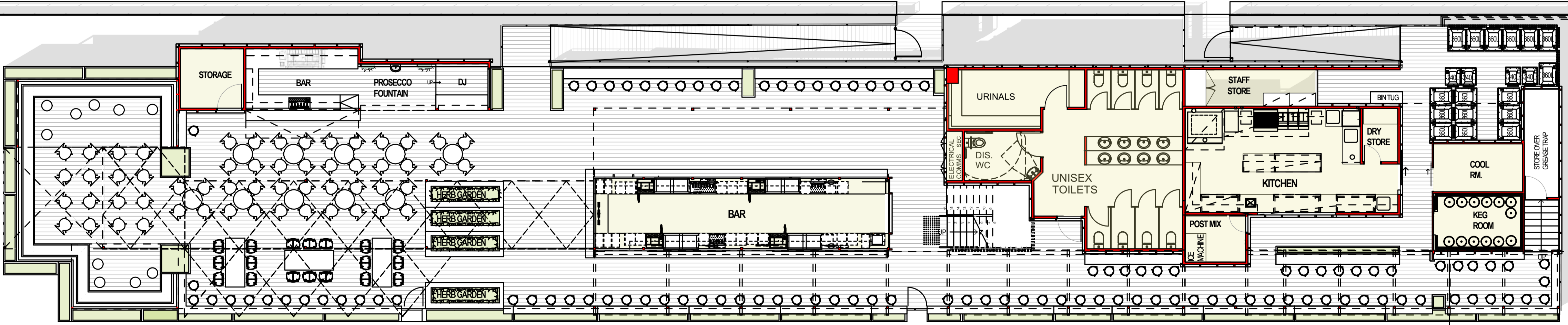


22nd SEPTEMBER 9:00am HIGH TIDE PROPOSED SHADOW DIAGRAM
SCALE: 1:100

EXISTING SHADOW
PROPOSED SHADOW



SOUTHBANK PROMENADE



22nd SEPTEMBER 10:00am HIGH TIDE PROPOSED SHADOW DIAGRAM
SCALE: 1:100

EXISTING SHADOW
PROPOSED SHADOW

DATE	REVISION	AMENDMENT	BY
21.07.19	B	AMENDED DESIGN	A.J.G.
22.01.19	C	AMENDED DESIGN BAR, DJ AND FOUNTAIN	A.J.G.
20.05.2020	D	TP SHADOW DIAGRAM	J.L.
28.05.2020	E	RESPONSE TO COUNCIL QUERIES	A.J.G.
12.06.2020	F	COUNCIL INFORMATION ADDED	A.J.G.
24.06.2020	G	COUNCIL ENTRY LIPS REMOVED	A.J.G.
25.06.2020	H	COUNCIL REVISED WALKWAY BALUSTRADE	J.L.
20.08.2020	I	COUNCIL REF	J.L.
21.01.2021	J	TP REVISION	A.G.

THESE DESIGN PLANS & SPECIFICATIONS & THE COPYRIGHT HEREIN ARE THE PROPERTY OF THE ARCHITECTS FIRM & BURTON & CARTER PTY LTD AND MUST NOT BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF BURTON & CARTER PTY LTD.



Burton & Carter Pty Ltd
A.C.N. 005 903 275

519 City Rd
South Melbourne, Victoria, 3205
Australia
T: +61 3 9599 9471
F: +61 3 9599 3264
E: burtonandcarter@bigpond.com

Chase Si Chuan
Charlyng Qing Tang
Zhangjun Zhu, 26 Hae 2 Lane, 610015
T: 0011 28 8626 1399
F: 0011 28 8626 1359

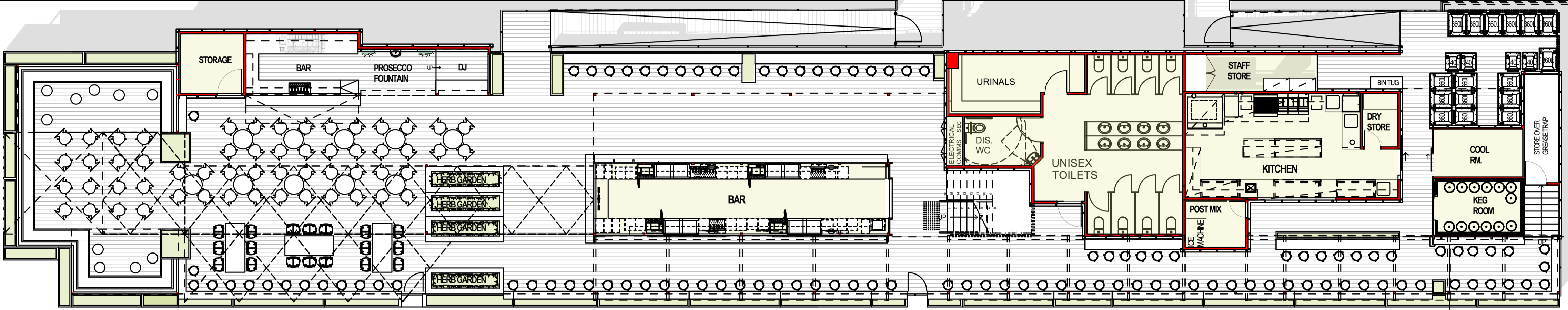
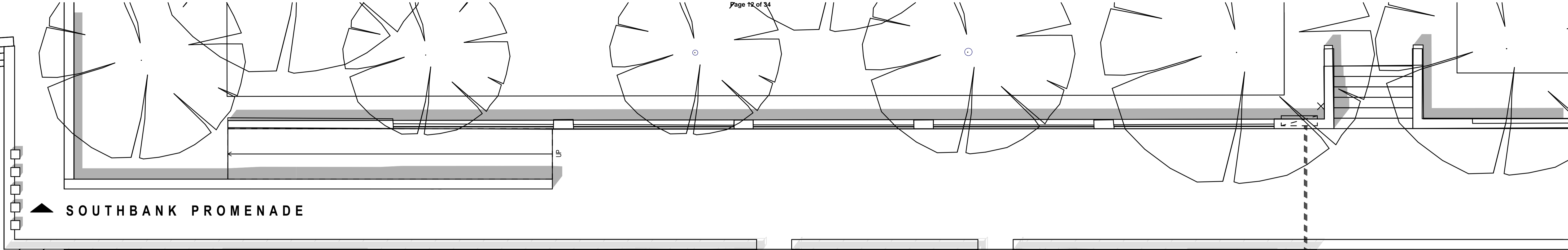
project managers
architects
interior designers
building surveyors
building inspectors

CLIENT AUSTRALIAN VENUE CO.
PROJECT YARRA BOTANICALS

DATE	27/01/2021
DRAWN	J.L.
CHECKED	
JOB No.	19006

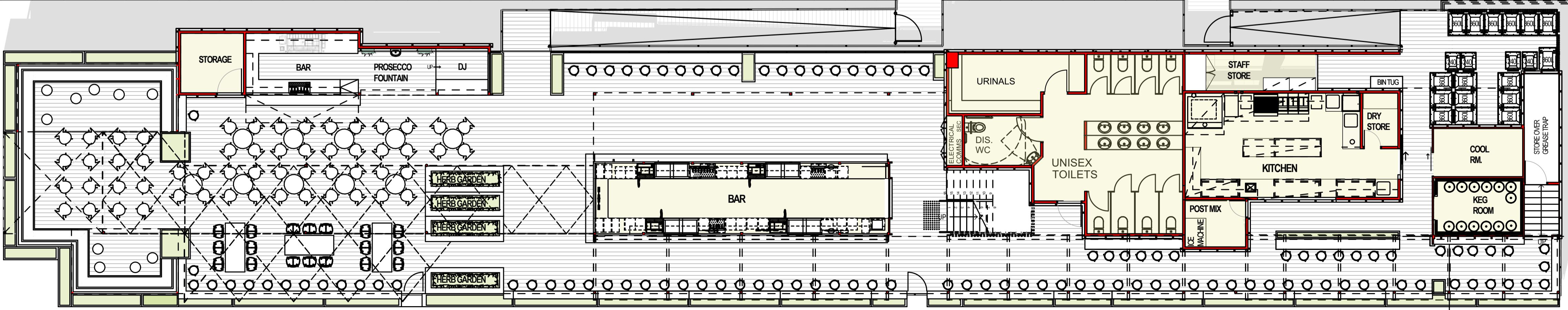
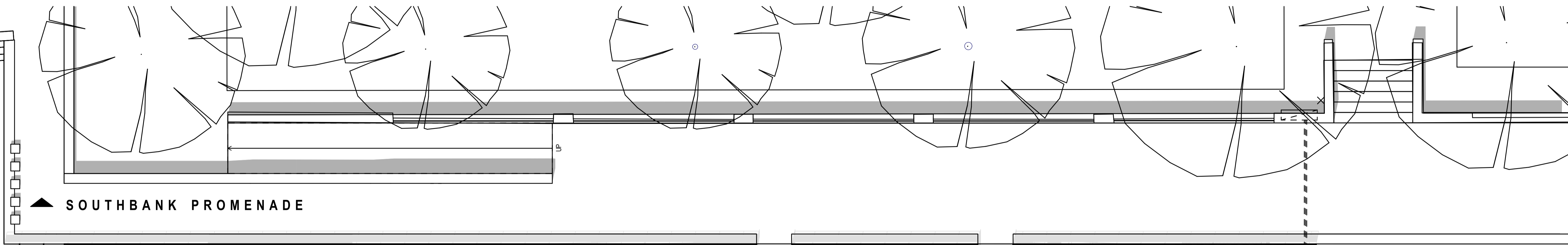
SCALE	1:100
-------	-------

DWG No.	TP03
REVISION	J



22nd SEPTEMBER 11:00am HIGH TIDE PROPOSED SHADOW DIAGRAM
SCALE: 1:100

EXISTING SHADOW
PROPOSED SHADOW



22nd SEPTEMBER 12:00pm HIGH TIDE PROPOSED SHADOW DIAGRAM
SCALE: 1:100

EXISTING SHADOW
PROPOSED SHADOW

DATE	REVISION	AMENDMENT	BY
21.01.19	B	AMENDED DESIGN	A.J.G.
20.01.19	C	AMENDED DESIGN BAR, DJ AND FOUNTAIN	A.J.G.
20.05.2020	D	TP SHADOW DIAGRAM	J.L.
28.05.2020	E	RESPONSE TO COUNCIL QUERIES	A.J.G.
12.06.2020	F	COUNCIL INFORMATION ADDED	A.J.G.
24.06.2020	G	COUNCIL ENTRY LIPS REMOVED	A.J.G.
25.06.2020	H	COUNCIL REVISED WALKWAY BALUSTRADE	J.L.
20.08.2020	I	COUNCIL REF	J.L.
21.01.2021	J	TP REVISION	A.G.

THESE DESIGN PLANS & SPECIFICATIONS ARE THE COPYRIGHT PROPERTY OF BURTON & CARTER PTY LTD. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF BURTON & CARTER PTY LTD.



Burton & Carter Pty Ltd
A.C.N. 005 903 275

114 City Rd
South Melbourne, Victoria, 3205
Australia
T: +61 3 9594 9471
F: +61 3 9594 3264
E: burtonandcarter@bigpond.com

Chao Si Chuan
Charlyng Qing Yung
Zhangjun Zhu, 26 Hae 2 Lane, 610015
T: 0011 28 8628 1399
F: 0011 28 8628 1359

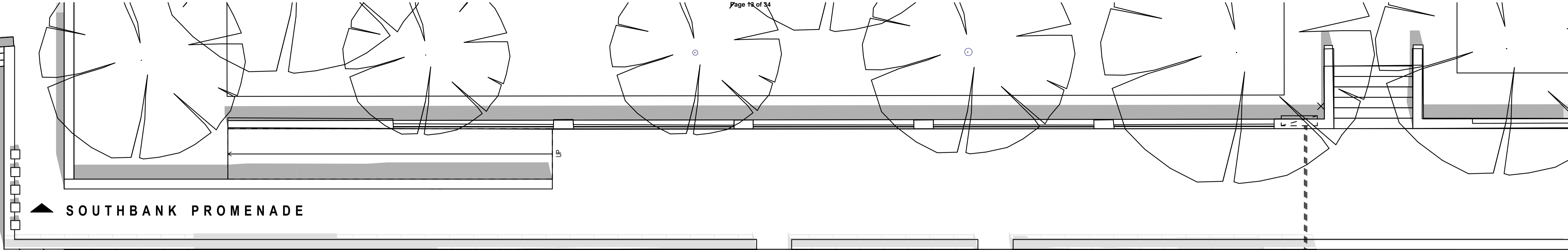
project managers
architects
interior designers
building surveyors
building inspectors

CLIENT AUSTRALIAN VENUE CO.
PROJECT YARRA BOTANICALS

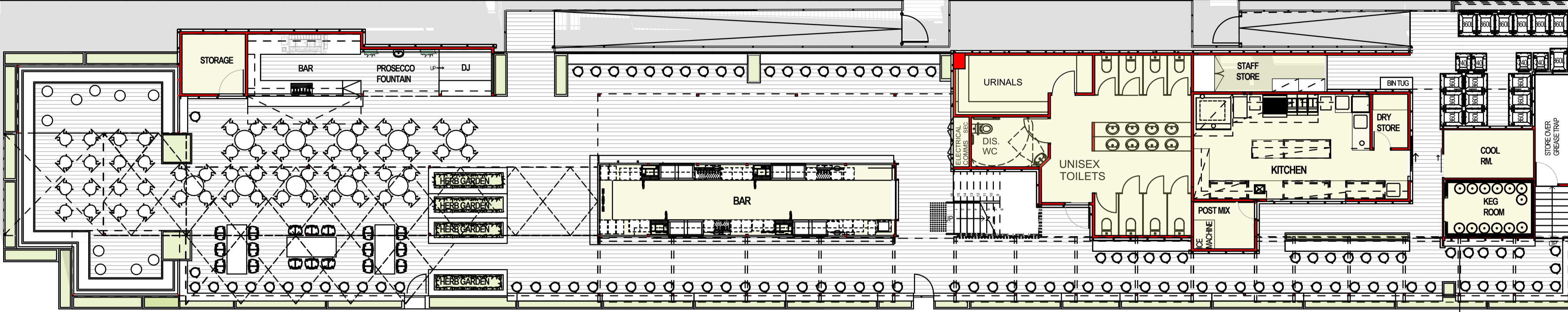
DATE	27/01/2021
DRAWN	J.L.
CHECKED	
JOB No.	19006

SCALE	1:100
-------	-------

DWG No.	TP04
REVISION	J

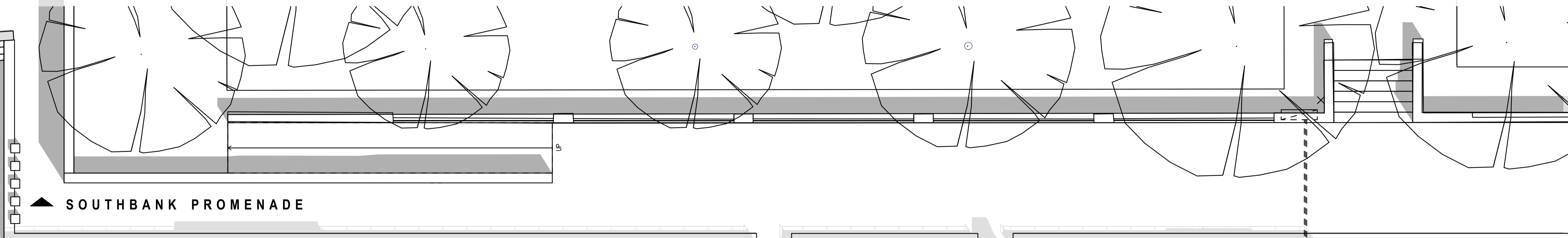


▲ SOUTHBANK PROMENADE

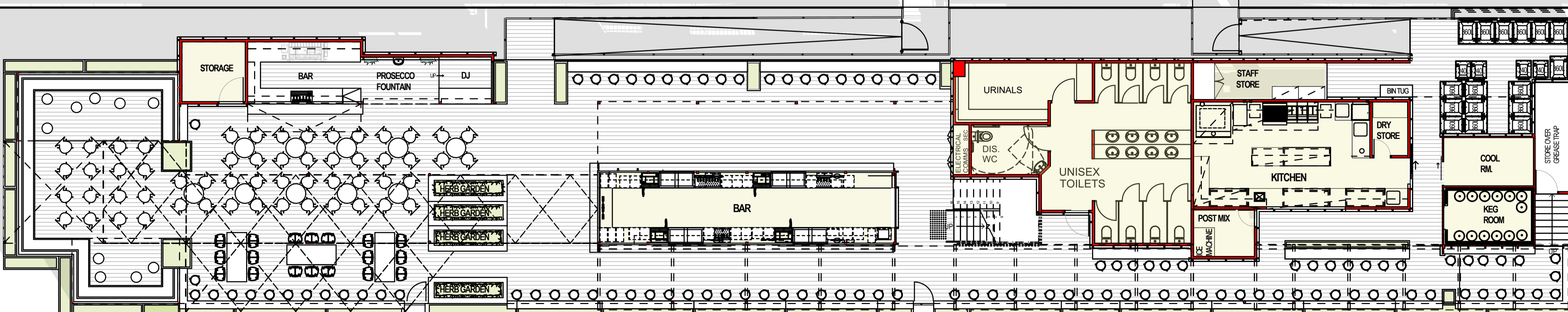


22nd SEPTEMBER 1:00pm HIGH TIDE PROPOSED SHADOW DIAGRAM
SCALE: 1:100

EXISTING SHADOW
PROPOSED SHADOW



▲ SOUTHBANK PROMENADE



22nd SEPTEMBER 2:00pm HIGH TIDE PROPOSED SHADOW DIAGRAM
SCALE: 1:100

EXISTING SHADOW
PROPOSED SHADOW

DATE	REVISION	AMENDMENT	BY
21.07.19	B	AMENDED DESIGN	A.J.G.
20.01.19	C	AMENDED DESIGN BAR, DJ AND FOUNTAIN	A.J.G.
20.05.2020	D	TP SHADOW DIAGRAM	J.L.
28.05.2020	E	RESPONSE TO COUNCIL QUERIES	A.J.G.
12.06.2020	F	COUNCIL INFORMATION ADDED	A.J.G.
24.06.2020	G	COUNCIL ENTRY LIPS REMOVED	A.J.G.
25.06.2020	H	COUNCIL REVISED WALKWAY BALUSTRADE	J.L.
20.08.2020	I	COUNCIL REF	A.J.G.
21.01.2021	J	TP REVISION	A.G.

THESE DESIGN PLANS & SPECIFICATIONS & THE COPYRIGHT HEREIN ARE THE PROPERTY OF THE ARCHITECTS FIRM, BURTON & CARTER PTY LTD. NO PART MAY BE REPRODUCED OR COPIED WHOLLY OR PARTIALLY WITHOUT THE WRITTEN PERMISSION OF BURTON & CARTER PTY LTD.



Burton & Carter Pty Ltd
A.C.N. 005 903 275

114 City Rd
South Melbourne, Victoria, 3205
Australia
T: +61 3 9599 9471
F: +61 3 9599 3264
E: burtonandcarter@bigpond.com

Chase Si Chuan
Chengxi, Qing Yang
Zhangzhou No. 26 Hui 2 Lane, 610015
T: 0011 28 8626 1399
F: 0011 28 8626 1359

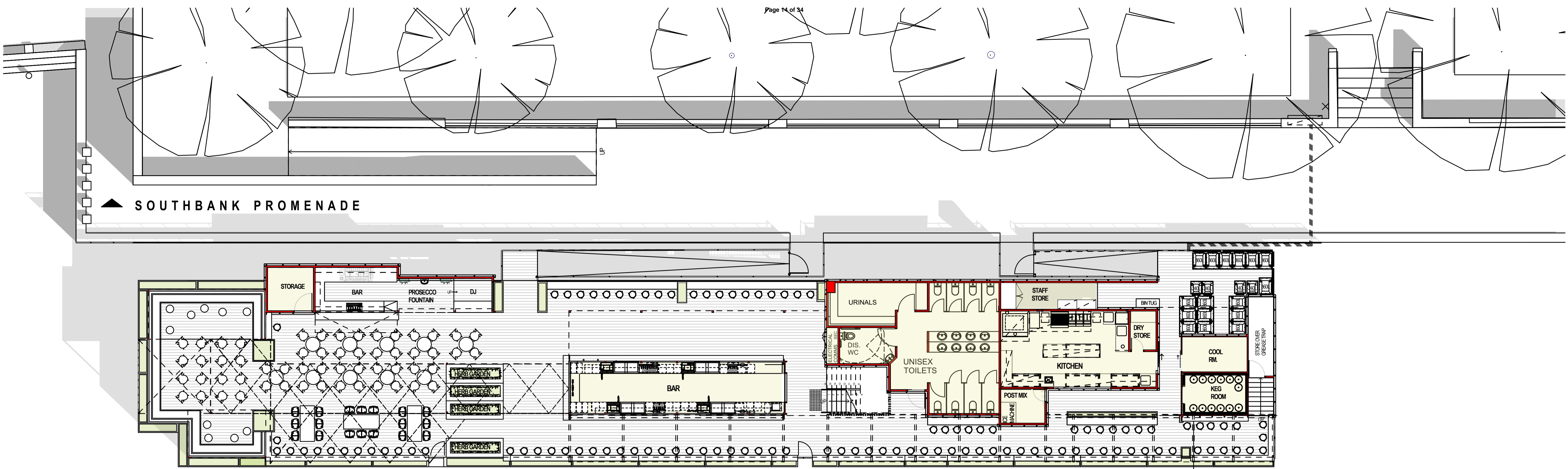
project managers
architects
interior designers
building surveyors
building inspectors

CLIENT AUSTRALIAN VENUE CO.
PROJECT YARRA BOTANICALS

DATE	27/01/2021
DRAWN	J.L.
CHECKED	
JOB No.	19006

SCALE	1:100
-------	-------

DWG No.	TP05
REVISION	J



22nd SEPTEMBER 3:00 pm HIGH TIDE PROPOSED SHADOW DIAGRAM
SCALE: 1:100

- EXISTING SHADOW
- PROPOSED SHADOW

DATE	REVISION	AMENDMENT	BY
21.07.19	B	AMENDED DESIGN	A.J.G.
20.03.19	C	AMENDED DESIGN BAR, DJ AND FOUNTAIN	A.J.G.
20.05.2020	D	TP SHADOW DIAGRAM	J.L.
28.05.2020	E	RESPONSE TO COUNCIL QUERIES	A.J.G.
12.06.2020	F	COUNCIL INFORMATION ADDED	A.J.G.
24.06.2020	G	COUNCIL ENTRY LIPS REMOVED	A.J.G.
25.06.2020	H	COUNCIL REVISED WALKWAY BALUSTRADE	J.L.
20.08.2020	I	COUNCIL RF	J.L.
21.01.2021	J	TP REVISION	A.G.

THESE DESIGN PLANS & SPECIFICATIONS ARE THE COPYRIGHT PROPERTY OF BURTON & CARTER PTY LTD. NO PARTS MAY BE REPRODUCED OR COPIED WHOLLY OR PARTIALLY WITHOUT THE WRITTEN PERMISSION OF BURTON & CARTER PTY LTD.



Burton & Carter Pty Ltd
A.C.N. 005 903 275

514 City Rd
South Melbourne, Victoria, 3205
Australia
T: +61 3 9599 9471
F: +61 3 9599 3264
E: burtonandcarter@bigpond.com

Chiao Si Chuan
Chengchi, Qing Yang
Zhangjien 2nd 26 11th 2 Level, 610015
T: 0011 28 8626 1359
F: 0011 28 8626 1359

project managers
architects
interior designers
building surveyors
building inspectors

CLIENT	AUSTRALIAN VENUE CO.
PROJECT	YARRA BOTANICALS

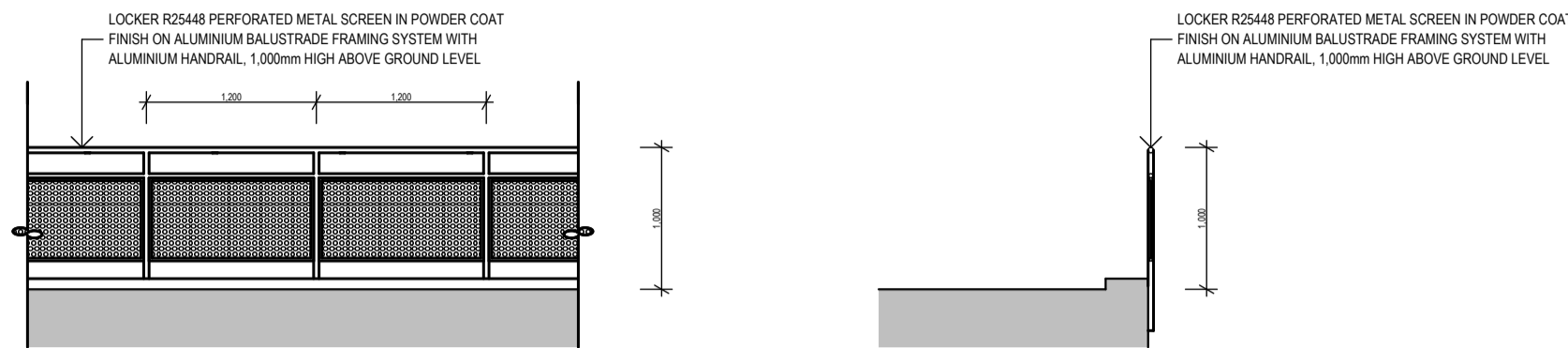
DATE	27/01/2021
DRAWN	J.L.
CHECKED	
JOB No.	19006

SCALE	1:100
-------	-------

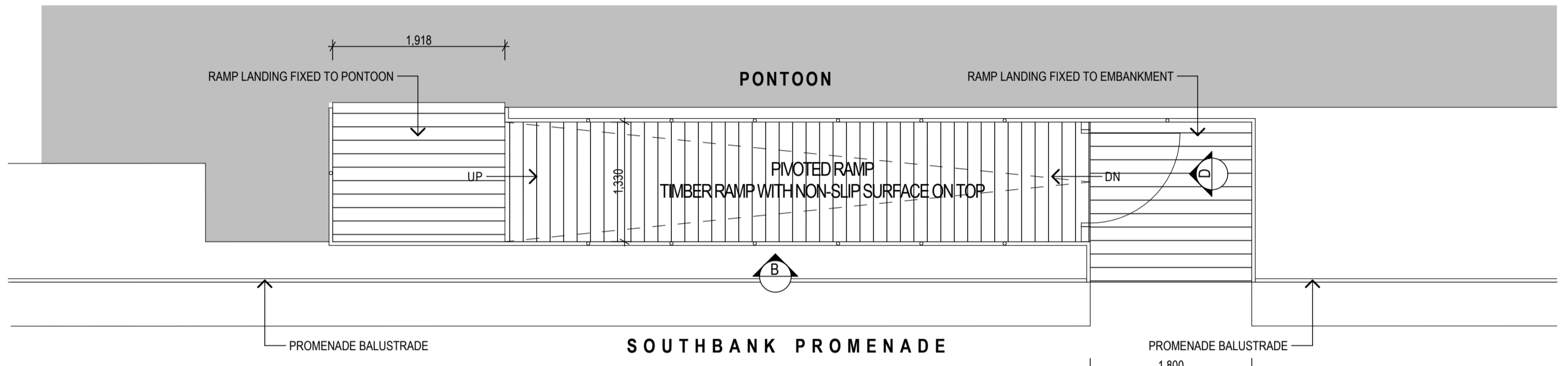
DWG No.	TP06
REVISION	J



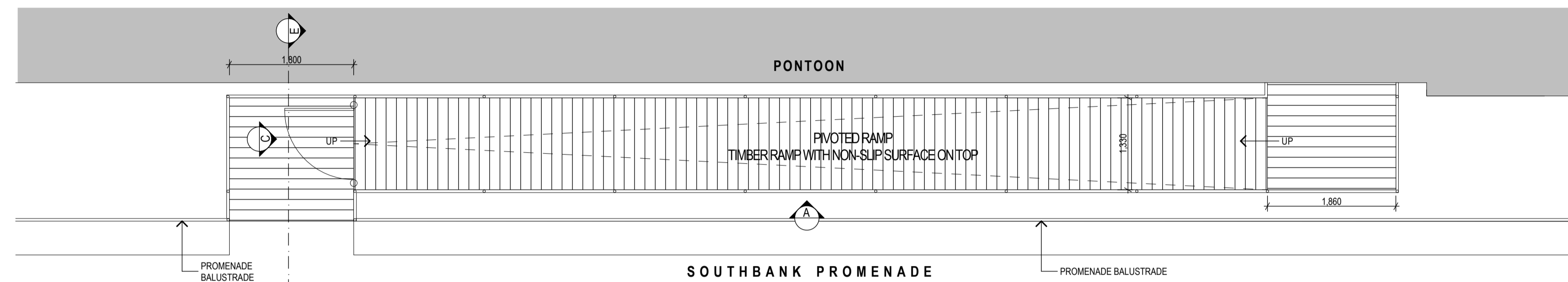
BALUSTRADE ELEVATION FROM WALKWAY
SCALE 1:100



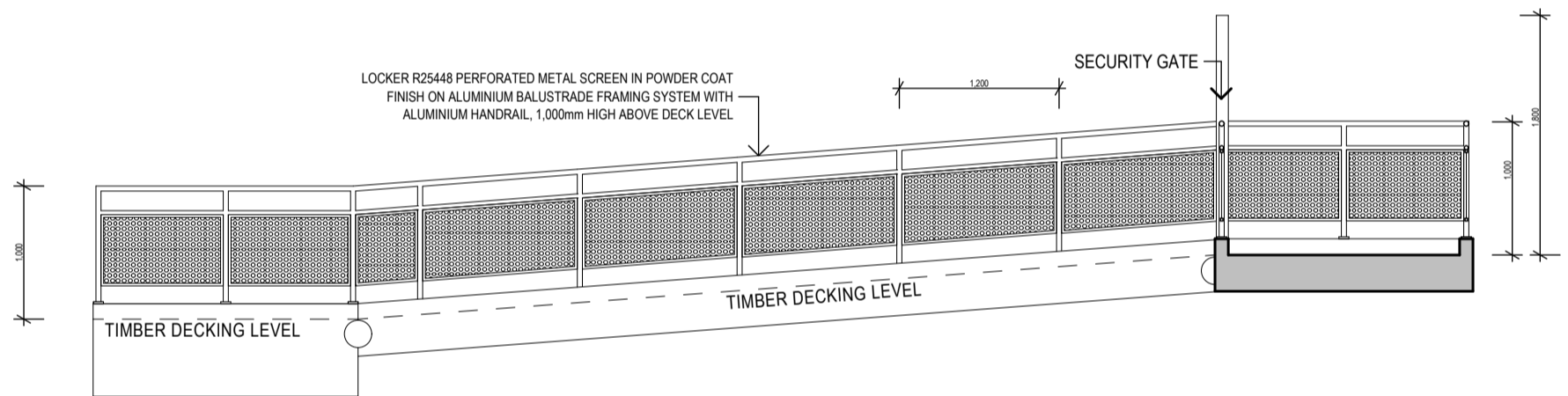
DETAIL - BALUSTRADE ELEVATION FROM WALKWAY
SCALE 1:50



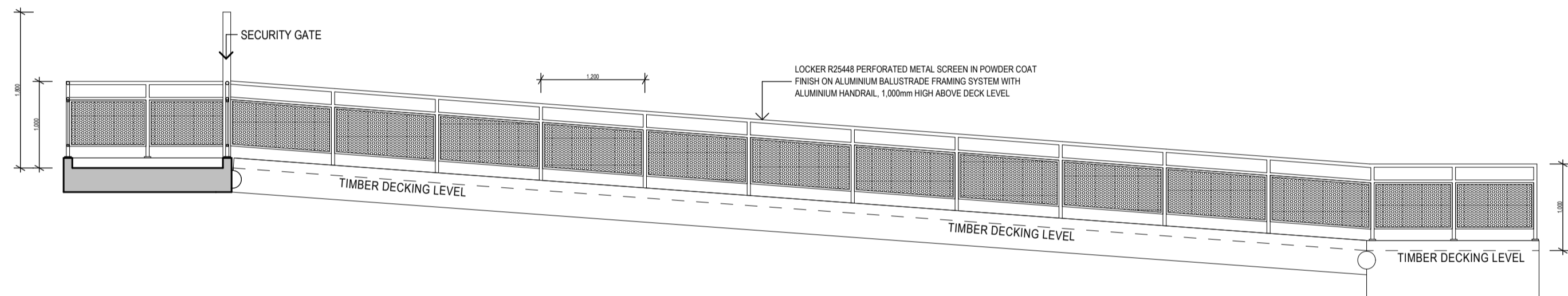
STAFF AND SERVICES ACCESS DETAIL - PLAN
1:50



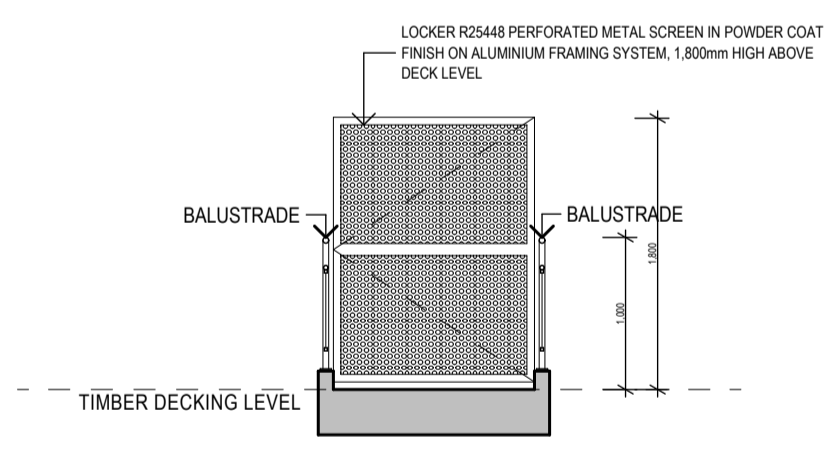
PATRON ACCESS DETAIL - PLAN
1:50



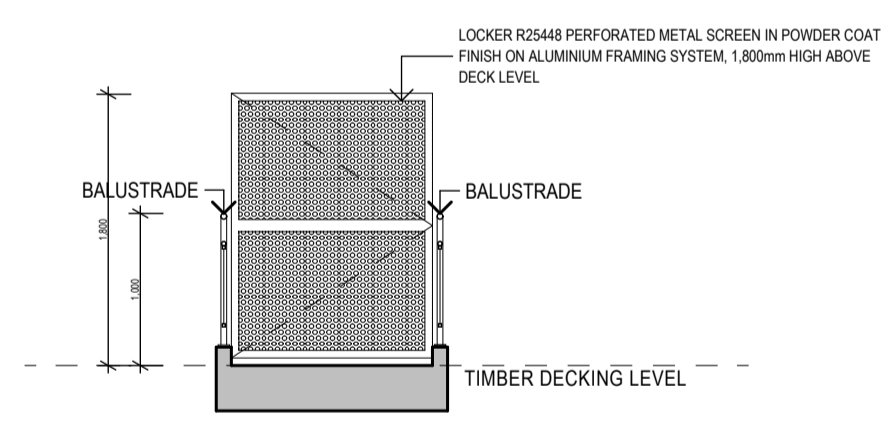
STAFF AND SERVICES ACCESS DETAIL - ELEVATION B
1:50



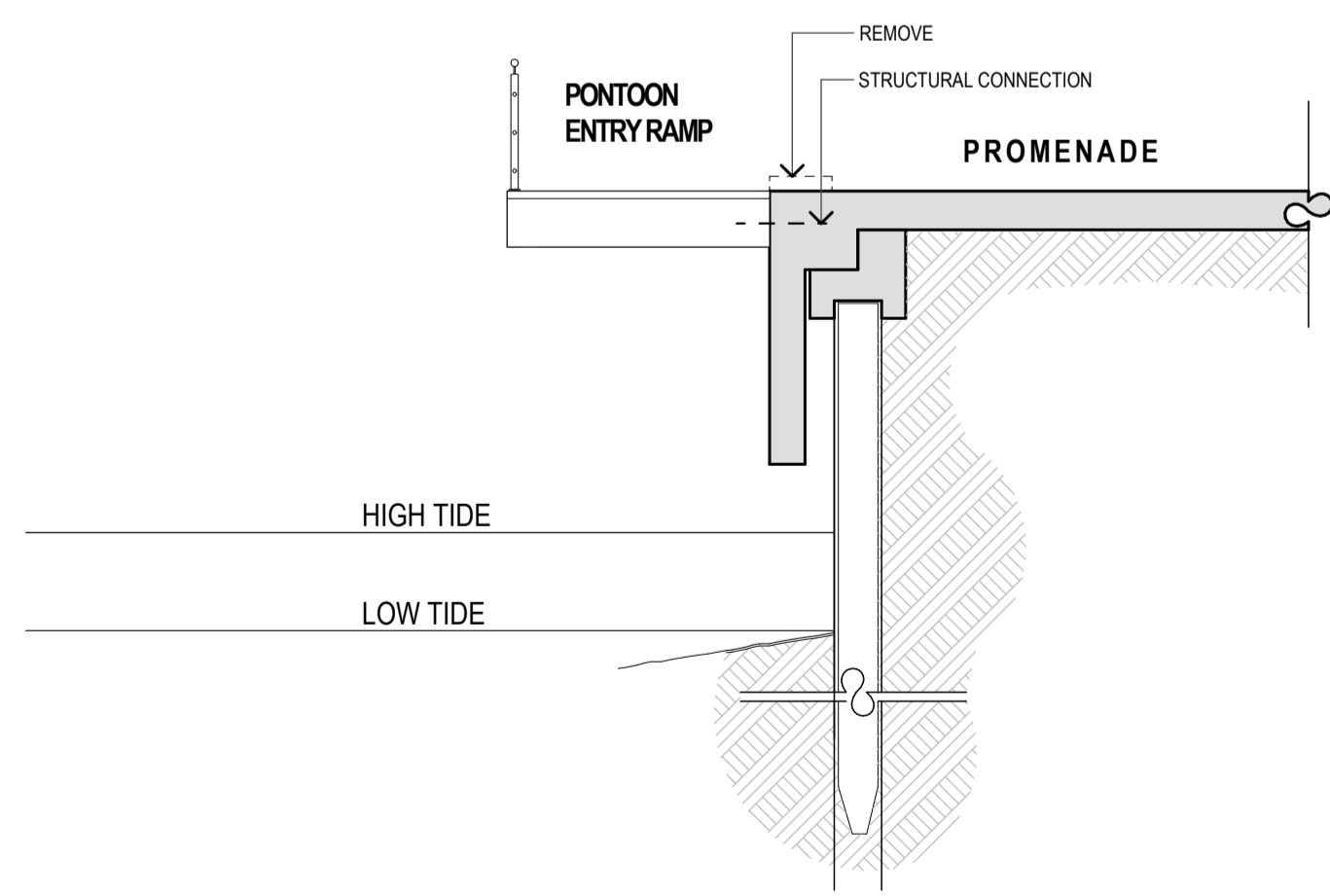
PATRON ACCESS DETAIL - ELEVATION A
1:50



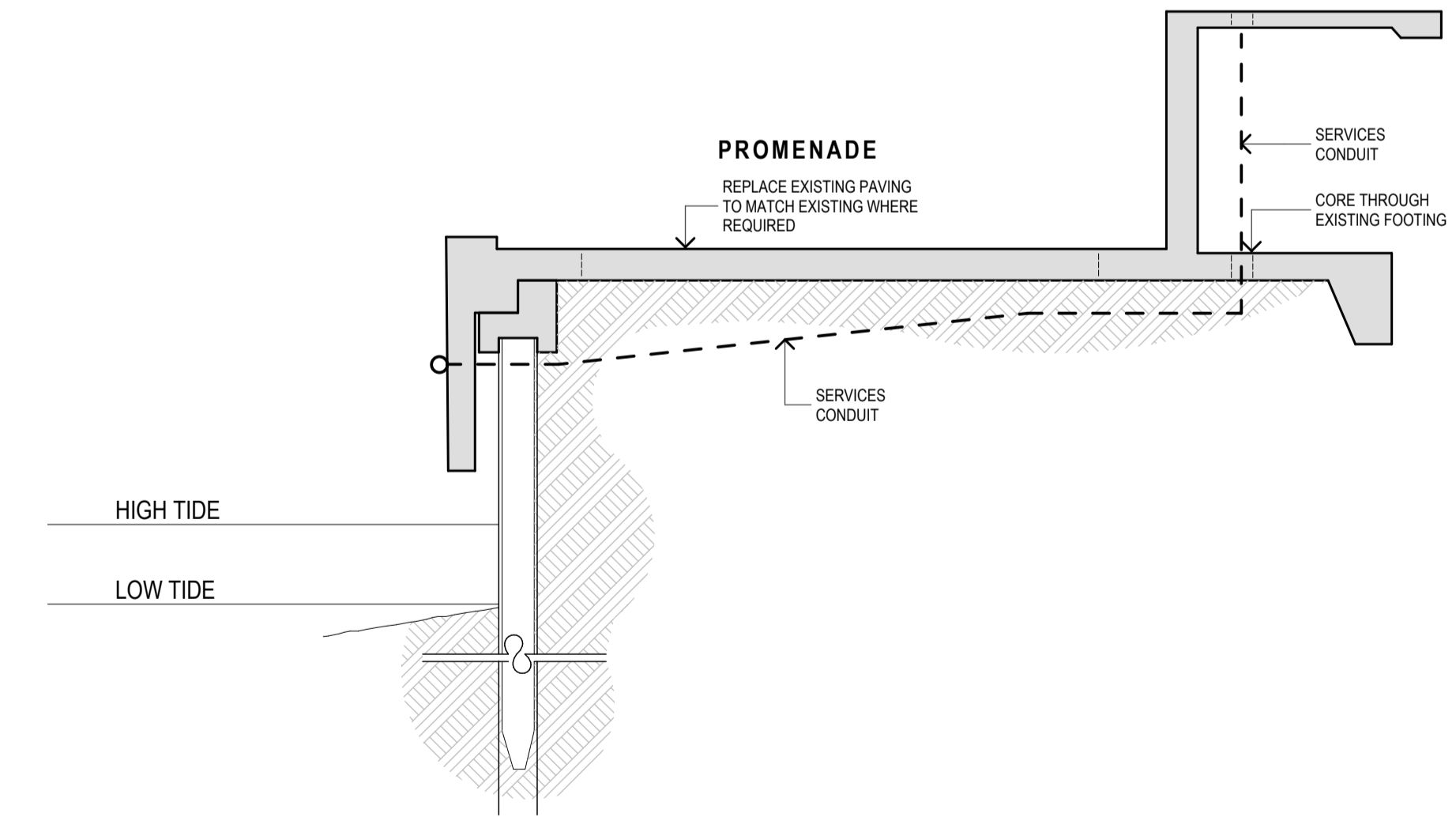
SECURITY GATE DETAIL - ELEVATION D
1:50



SECURITY GATE DETAIL - ELEVATION C
1:50



SECTION E:E - PONTOON ENTRY DETAIL
1:50



SECTION F:F - DIAGRAMMATIC DRAWING OF SERVICES
1:50

DATE	REVISION	AMENDMENT	BY
21/07/19	B	AMENDED DESIGN	A.J.G.
20/01/19	C	AMENDED DESIGN BAR, OJ AND FOUNTAIN	A.J.G.
20/05/2020	D	TP SHADOW DIAGRAM	J.L.
28/05/2020	E	RESPONSE TO COUNCIL QUERIES	A.J.G.
12/05/2020	F	COUNCIL INFORMATION ADDED	A.J.G.
24/05/2020	G	COUNCIL ENTRY LIPS REMOVED	A.J.G.
25/05/2020	H	COUNCIL REVISED WALKWAY BALUSTRADE	A.J.G.
20/05/2020	I	COUNCIL REF	J.L.
21/01/2021	J	TP REVISION	A.G.

THESE DESIGN PLANS & SPECIFICATIONS ARE THE COPYRIGHT PROPERTY OF BURTON & CARTER PTY LTD. NO PARTS MAY BE REPRODUCED OR COPIED WHOLLY OR IN PART WITHOUT THE WRITTEN PERMISSION OF BURTON & CARTER PTY LTD.



Burton & Carter Pty Ltd
A.C.N. 005 903 275

514 City Rd
South Melbourne, Victoria, 3205
Australia
T: +61 3 9595 9171
F: +61 3 9595 3264
E: burtonandcarter@bigpond.com

Chao Si Chuan
Chengdu, Qing Yang
Zhangjun 2nd 26 11th 2 Level, 610015
T: 0011 28 8628 1359
F: 0011 28 8628 1359

project managers
architects
interior designers
building surveyors
building inspectors

CLIENT	AUSTRALIAN VENUE CO.
PROJECT	YARRA BOTANICALS

DATE	27/01/2021
DRAWN	J.L.
CHECKED	
JOB No.	19006

SCALE	1:100, 1:50
-------	-------------

DWG No.	TP14
REVISION	J

DELEGATED PLANNING APPLICATION REPORT

Application number:	TP-2020-427
Applicant:	Australian Venue Co
Address:	Yarra River adjacent to Lower Promenade, Southbank (north of 4 Riverside Quay)
Proposal:	Buildings and works for a temporary pontoon to be used as a restaurant, construction and display of signage and a reduction of bicycle parking
Date of application:	26 June 2020
Responsible officer:	Kate Yuncken

1 SUBJECT SITE AND SURROUNDS

1.1 Site

The subject site (the Site) is the Yarra River and Southbank Promenade adjacent to 4 and 6 Riverside Quay, Southbank. The Site is formally described as:

- Crown Allotment 2026 Parish of Melbourne South, Volume 11752 Folio 896 (Yarra River). The Secretary to the Department of Environment, Land, Water and Planning (DELWP) is the Crown land administrator.
- Crown Allotment 2013 Parish of Melbourne South, Volume 11752 Folio 872 (lower promenade). The Secretary to DELWP is the Crown land administrator. No Crown diagram produced.
- Crown Allotment 15B City of South Melbourne, Parish of Melbourne South, Volume 11753 Folio 165 (upper promenade). Melbourne City Council is the Crown land administrator. No Crown diagram produced.

The Site is not affected by any restrictive covenants.

1.2 Surrounds

The Site is located on the south side of the Yarra River between the Evan Walker Bridge to the east and the Sandridge Rail Bridge to the west.

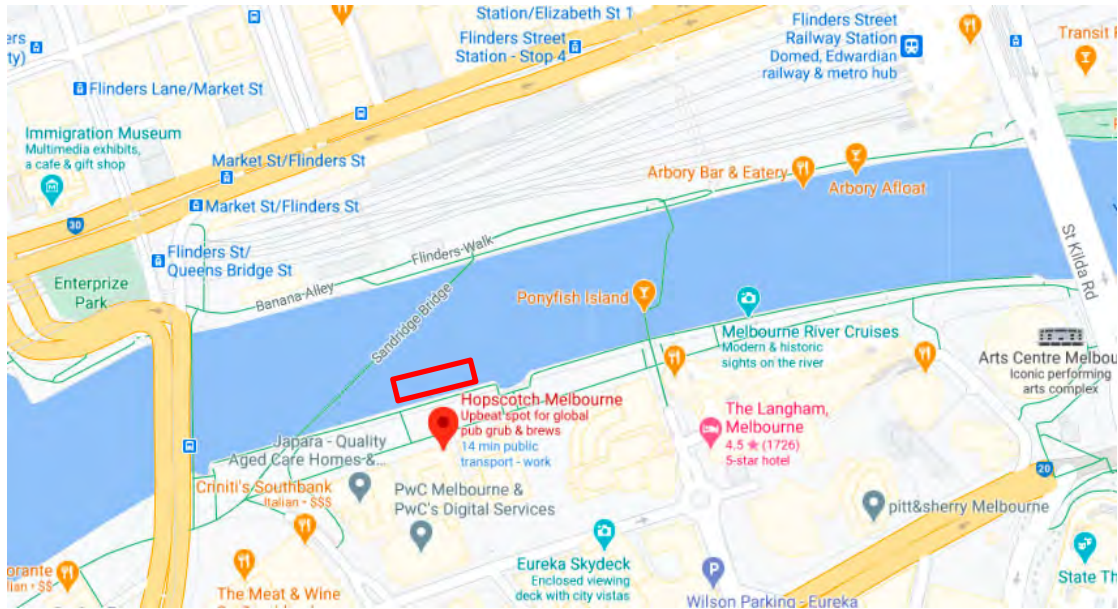
Southbank Promenade has two levels. The lower promenade comprises a pedestrian path and landing points for water vessels. The upper promenade comprises a shared pedestrian and cyclist path and grassed reserve with two rows of public trees.

There is an established pattern of built form on the south side of the Yarra River, characterised by lower building heights along the promenade, with distinct bands of higher development as buildings step away from the Yarra River's edge.

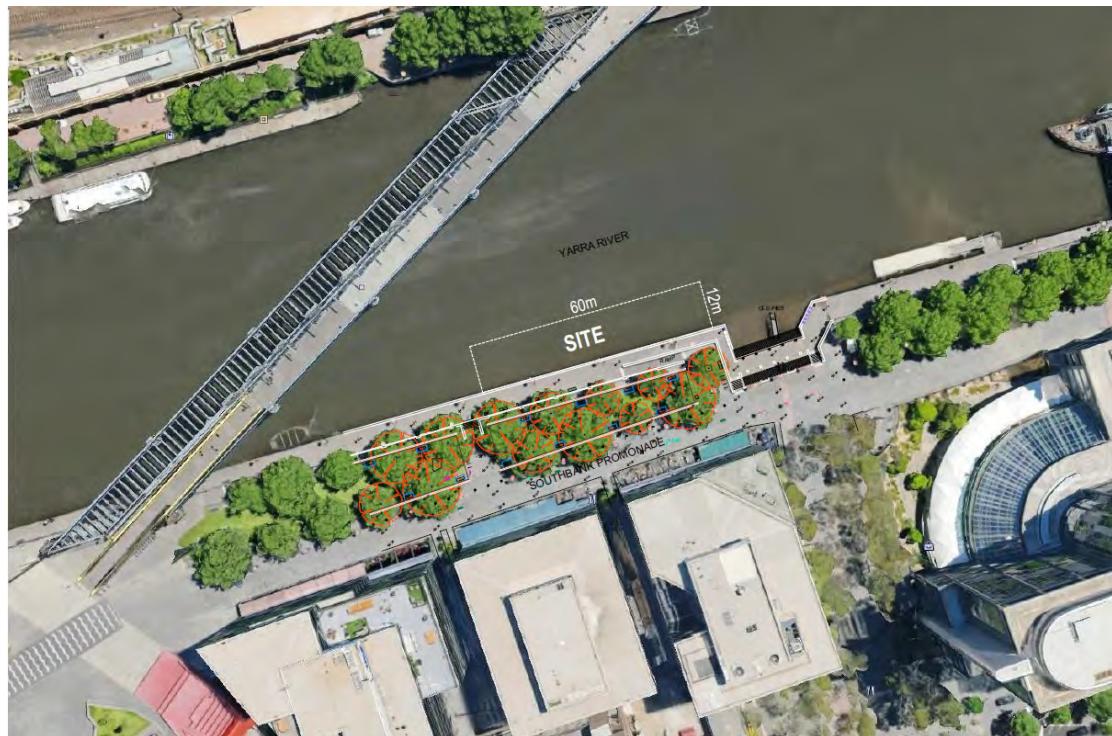
The surrounding area includes a mix of retail, office and residential uses with active frontages at ground level along the promenade.

Arbory Afloat is a restaurant on a temporarily moored and fixed pontoon on the north side of the Yarra River, approximately 225m northeast.

Ponyfish Island is a bar located under the Evan Walker Bridge, approximately 110m northeast. The tavern has a maximum capacity of 150 patrons and staff. The operating hours are 7am to 1am the following day Monday to Saturday, 10am to 1am the following day Sunday, and midday and 1am the following day on Good Friday and Anzac Day. No amplified live music or entertainment is permitted without the prior written consent of the Responsible Authority.



1. Approximate location of the Site and surrounding uses (Google Maps)



2. Location of the Site

2 BACKGROUND AND HISTORY

2.1 Pre-application discussions

Pre-application discussions were held prior to lodgement.

2.2 Parks Victoria's Expression of Interest

The land manager for the Site (this section of the Yarra River) is Parks Victoria.

Parks Victoria issued an expression of interest (EOI) on 8 November 2018 for the Lower Yarra River. The EOI was for activation licences for stationary floating concepts for up to three years. AVC Pty Ltd (permit applicant) have entered into a license with Parks Victoria to construct a floating pontoon restaurant on the Site.

2.3 Planning application history

26 June 2020 - the application was lodged.

27 July 2020 – Council requested additional information

8 October and 11 November 2020 - additional information was received.

20 November and 3 December 2020 - meetings were held with the permit applicant team and council officers.

27 January 2021 - a section 50 amendment was lodged. The changes involved:

- Moving structure approximately 3.3 metres west.
- The upper floor reconfigured to remove the wall on the southern boundary.
- Ground floor reconfigured for the increased number of bins.
- Waste management plan updated.

2.4 Relevant Planning applications

The following applications are relevant to the subject site and surrounds.

Address	Reference	Description	Decision
The Site Lower Ground Southbank Promenade	TP-2019-551	Buildings and works for a pontoon to be used as a tavern with live music and entertainment, construction and display of signage, and a reduction of bicycle parking.	Withdrawn
Evan Walker Bridge, Southbank	TP-2012-510	Buildings and works and use of the land as a tavern (Ponyfish Island).	Permit 22/6/2015

3 PROPOSAL

The application seeks planning permission for buildings and works for a temporary pontoon to be used as a restaurant, construction and display of signage, and a reduction of bicycle parking.

The documents that have been considered in this assessment are:

- Urban Context Report by Auld Planning and Projects
- Floor Plans, Elevations and Perspectives prepared by Burton & Carter Pty Ltd
- Landscape Concept Drawings prepared by Spiire
- Waste Management Plan prepared by Sustainable Design Consultants.



3. Perspective of the proposal from Upper Promenade looking northeast



PERSPECTIVE G - FROM SOUTHBANK PROMENADE LOOK AT THE PROPOSED PONTOON, YARRA BOTANICALS AT HIGH TIDE

4. Perspective of the proposal from Upper Promenade looking northwest

Details of the proposal can be summarised as follows.

Built form

- The pontoon is to be moored for three years.
- The floating restaurant is proposed to be two-storey with approximately 634m² of floor area. The floating restaurant is to be approximately 10m wide x 60m long x 6.1m high (maximum) and setback 2m from the lower promenade.
- The floating restaurant is proposed to be accessed via two ramps on the lower promenade. The eastern ramp is dedicated to patrons, and the western ramp dedicated to staff and deliveries.

- The lower level (10m x 60m) would have a bar, kitchen, bathrooms, dry and cool rooms, bin store, and indoor and outdoor areas for patrons, including a large deck to the east.
- The upper level (5.5m x 37m) would have a bar and outdoor seating areas for patrons, including decks to the east and west. A kitchen exhaust would be located on the south side of the upper level.
- The floating restaurant features steel pergolas, retractable awnings, removable umbrellas, metal deck roofs, timber-look cladding, perforated metal balustrades and perimeter planter boxes.
- The only works on the Southbank Promenade will comprise a 1 metre high (from the ground level of Southbank Promenade) galvanised steel balustrade. The balustrade will be installed for the pontoon's length as a safety measure and is exempt from requiring a planning permit in the PPRZ.

Landscaping

- Landscaping, with a focus on indigenous planting, is proposed to be integrated into the proposal and forms part of the hospitality offering. Landscaping proposed to be on and around the pontoon includes:
 - Aquatic planting in wetland cages will be to the southern and eastern periphery of the pontoon. The wetland cages will be 0.5m in width, with the top of the cage 0.1m below water level to facilitate the growing conditions for shallow marsh species such as Leafy Twig-rush, Sea Rush and Purple Loosestrife.
 - Elevated planters and deck level planting will prioritise edible native species and herbs that will be used in dishes and cocktails.

Waste arrangements and delivery of goods

A Waste Management Plan has been prepared for the proposed restaurant. Waste will be separated into garbage and recycling waste streams. Garbage and recycling waste will be collected daily and organic waste collected three times per week. Waste will be collected from either Southbank Avenue or Southbank Boulevard.



5. Sites for waste collection - Waste Management Plan prepared by Sustainable Design Consultants.

The applicant confirmed on 26 March 2021 that:

The potential to consolidate waste collection for the pontoon and Hopscotch was considered and discounted very early in the project development. Waste collection from Hopscotch is shared by all tenancies operating from the Mirvac owned and managed building at 2 Riverside Quay. Collections occur from within a loading bay within the building. There is no potential for waste from the pontoon to be stored within the building for collection.

Delivery of goods

The applicant confirmed on 25 March 2021 that:

Deliveries to the Site will be organised in conjunction with AVC's other restaurant tenancy, Hopscotch, at 4 Riverside Quay, Southbank. The same suppliers will be used for both venues. All deliveries will be by hand via trolley, and it is intended that a pragmatic approach will be taken to when goods are moved from the loading bay or Hopscotch to the pontoon. OHS is a key consideration for AVC and safety issues that arise during peak times on the promenade will preclude staff from delivering goods during these times.

Signage

- A 1.95m high x 2.82m long internally illuminated business identification sign on the south elevation.
- A 1.22m high x 2.4m long internally illuminated business identification sign on the west elevation.

Use

Although the proposed use as a restaurant does not require a planning permit, the applicant has provided the following information in regards to the use.

- Maximum capacity: 647 patrons and staff.
- Hours of operation: 10am to 1am the following day, 7 days a week
- Live music will be provided patrons during the following hours:
 - Thursday 6pm to 11pm
 - Friday and Saturday 5pm to 11pm
 - Sunday 5pm to 9pm

Outside of the above times, background music will be played through a computer using selected playlists.

Applicant's response to COVID Safe Practices

- The furniture plan is flexible enough (with loose furniture) to be rearranged to respond to any government recommendations or requirements in place at the time (social distancing, for example).
- Cleaning and sanitising regime will be as per industry best practice.
- The pontoon would utilise COVID-19 safety marshals (that AVC is currently utilising at other venues).
- A digital customer contact tracing platform will be in place.

Bicycle parking

No bicycle parking is proposed on the floating structure.

4 STATUTORY CONTROLS

The following provisions of the Melbourne Planning Scheme apply.

Planning Policy Framework	<p>Clause 11 – Settlement</p> <p>Clause 12 – Environmental and Landscape Values</p> <p>Clause 13 – Environmental Risks and Amenity</p> <p>Clause 15 – Built Environment and Heritage</p> <p>Clause 17 – Economic Development</p> <p>Clause 18 – Transport</p> <p>Clause 19 – Infrastructure</p>
Municipal Strategic Statement	<p>Clause 21.04 – Settlement</p> <p>Clause 21.05 – Environment and Landscape Values</p> <p>Clause 21.06 – Built Environment and Heritage</p> <p>Clause 21.07 – Housing</p> <p>Clause 21.08 – Economic Development</p> <p>Clause 21.09 – Transport</p> <p>Clause 21.10 – Infrastructure</p> <p>Clause 21.13 – Urban Renewal Areas – Southbank</p>
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 22.07 – Advertising signs</p> <p>Clause 22.19 – Energy, Water and Waste Efficiency</p> <p>Clause 22.22 – Policy for Licensed Premises that require a Planning Permit</p>

Definitions	
<p>Building</p> <p>Planning and Environment Act 1987</p>	<p>"Building" includes:</p> <ol style="list-style-type: none"> a. a structure and part of a building or a structure; and b. fences, walls, out-buildings, service installations and other appurtenances of a building; and c. a boat or a pontoon which is permanently moored or fixed to land. <p>In <i>Vandermeer v Mornington Peninsula SC</i> (VCAT Ref No. P2365/2012), the question of the permanency of a pontoon is discussed, whereby it was determined that a "development includes placing a building on land and a building includes a boat or pontoon which is permanently moored or fixed to land. Each includes a floating pontoon fixed to the land in a permanent way in the sense of requiring more than normal action in a boating context to detach the pontoons. Most are fixed with significant metal brackets".</p> <p>Given the nature of the way the pontoon is fixed to the land and the duration it is to be moored (three years) the pontoon and structure is considered to be permanently moored.</p> <p>Affixing is not considered a normal boating action, and therefore is considered to be permanently fixed.</p>

	The floating structure is not just a 'pontoon' but a pontoon with a building on top and requires a permit for buildings and works.
Works Planning and Environment Act 1987	"Works" includes any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil.
Land Planning and Environment Act 1987	"Land" includes: <ul style="list-style-type: none"> a. buildings and other structures permanently fixed to land; and b. land covered with water; and c. any estate, interest, easement, servitude, privilege or right in or over land.
Restaurant Clause 73.03 Land Use Terms	Restaurant is defined by Clause 73.03 Land used to prepare and sell food and drink, for consumption on the premises. It may include: <ul style="list-style-type: none"> a) entertainment and dancing; and b) the supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time. It does not include the sale of packaged liquor

Statutory controls	
Clause 37.04 Capital City Zone Schedule 1	<p>No permit required for the use</p> <p>A permit is not required to use the land as a retail premises (other than Adult sex bookshop, Department store, Hotel, Supermarket, and Tavern). A restaurant use is a retail premises.</p> <p>Permit required for buildings and works</p> <p>A permit is required to construct a building or construct or carry out works.</p> <p>Permit required to reduce or waive bicycle parking</p> <p>A permit is required to construct a building providing fewer than 1 bicycle parking space per 500m² of gross floor area in the case of a new building without on site car parking.</p> <p>Permit required for signage</p> <p>A permit is required to construct or put up for display the proposed signs as they do not satisfy the exemption criteria listed under Schedule 3 to Clause 37.04.</p>
Clause 43.02 Design and Development Overlay Schedule 60-A1	<p>Permit required for buildings and works</p> <p>The Yarra River is affected by DDO60-A1.</p> <p>A permit is required to construct a building or construct or carry out works.</p>
Clause 44.04 Land Subject to Inundation Overlay Schedule 1	<p>Permit required for buildings and works</p> <p>The Yarra River is affected by LSIO.</p> <p>A permit is required to construct a building or construct or carry out works.</p>

Clause 45.09 Parking Overlay Schedule 1	No permit required The Yarra River is affected by PO1. The provisions of this schedule relate to maximum car parking rates. No car parking is proposed, as such no permit is required under this schedule.
---	---

Particular Provisions	
Clause 52.05 Advertising Signs	Permit required for signage The proposed business identification signs do not satisfy the exemption criteria listed under Clause 52.05. Accordingly, a permit is required for the signs associated with the proposal under this particular provision.
Clause 52.34 Bicycle Facilities	Permit required to reduce or waive bicycle parking Pursuant to Clause 52.34-2, a permit is required to reduce or waive any requirement of Clause 52.34-3 and 52.34-4. Table 1 of Clause 52.34-3 specifies rates for bicycle park. The restaurant land uses generates a requirement for: <ul style="list-style-type: none"> 1 employee space to each 100 m² of floor area available to the public. 2 plus 1 to each 200 m² of floor area available to the public if the floor area available to the public exceeds 400 m². The floor area available to the public is 560m ² , as such the restaurant requires 6 employee spaces and 5 visitor spaces. No bicycle parking is proposed, as such a permit is required for a reduction of bicycle parking. Permit required to waive the bicycle facility requirement Table 2 of Clause 52.34-3 states: <ul style="list-style-type: none"> If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter. Table 3 of Clause 52.34-3 states: <ul style="list-style-type: none"> 1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room. The requirement for 6 employee bicycle spaces generates a statutory requirement for one staff shower and change room facility.
Clause 53.06 Live Music and Entertainment Noise	No permit required This clause applies to a live music entertainment venue. The requirements of this clause however only relate to sensitive uses within 50 metres of the Site. There are no sensitive uses as defined by the Clause within 50 metres of the Site. Therefore a planning permit is not required.
General Provisions	
Clause 65 Decision Guidelines	The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause, which include the matters set out in Section 60 of the

	Planning and Environment Act 1987 and the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
--	--

5 OTHER RELEVANT STRATEGIES

5.1 COVID-19 Reactivation and Recovery Plan

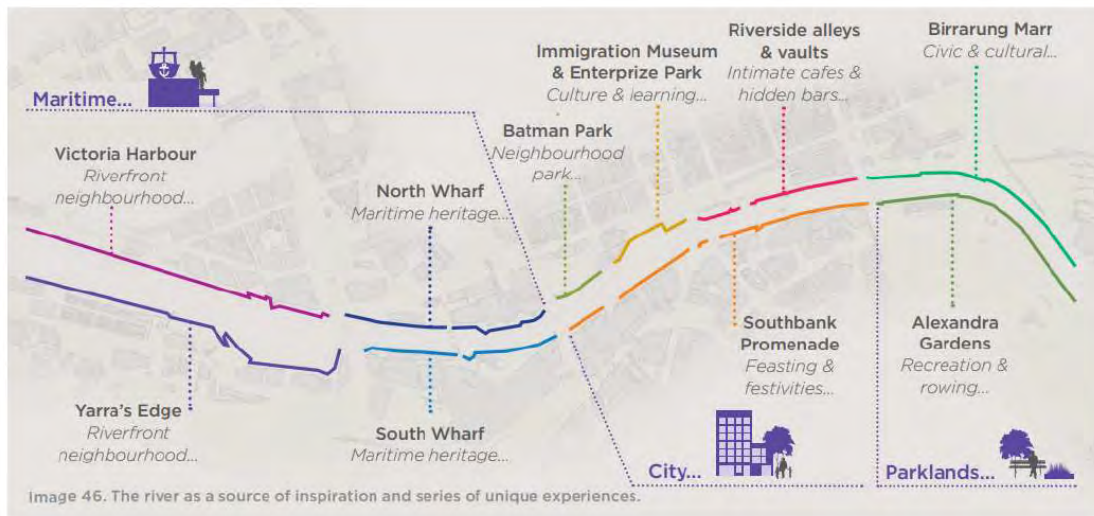
The City of Melbourne’s Reactivation and Recovery Plan September 2020 highlights the immediate actions Council must take to support Melbourne’s recovery and shape the future Melbourne we aspire for.

There are seven initiatives presented in the Plan for reactivation and recovery following the COVID-19 pandemic. The Plan also puts forward priority projects that represent significant opportunities to advance Melbourne's future and inject critical stimulus into the city's, the state's and the country's economy.

5.2 Yarra River – Birrarung Strategy

The City of Melbourne has developed and endorsed the Yarra River – Birrarung Strategy (formerly known as City River Strategy) that will guide Council’s future planning of the inner city reach of the river. The Strategy outlines strategic directions and opportunities over the next 15 years to improve the way we use the Yarra and its edges.

The Strategy recognises that the Yarra is comprised of a series of unique districts. The Site is within the Southbank Promenade “Feasting and festivities” precinct.



6. Yarra River – Birrarung Strategy, City of Melbourne. Page 41

The Yarra River Strategy provides guiding principles for activation proposals along the corridor. Although the Yarra River Strategy is not incorporated into the Melbourne Planning Scheme, these directions have been reviewed and considered in the assessment section of this report.

6 PUBLIC NOTIFICATION

Pursuant to Schedule 1 of Clause 37.04, Schedule 60-A1 of Clause 43.02, Clause 44.04, and Clause 52.34-2 an application for buildings and works for a pontoon to be used as a restaurant, construction and display of signage, and a reduction of bicycle parking is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

7 OBJECTIONS

A total of two objections were received and raised the following concerns about the waiver of bicycle parking:

To exempt the provision of bicycle parking at this location is not acceptable. Bike parking and storage is essential and often the staff of hospitality of these venues are keen bike commuters but have limited access to insufficient safe & secure bike storage.

8 INTERNAL REFERRALS

The application was referred to the following areas of Council for advice. The following is a summary of the advice received.

8.1 Urban Design

Supportive subject to conditions

Assessment

Built form

The two storey structure has been altered significantly and will better allow for views across from the upper promenade level to the river and to the north bank. The western end of the structure presents as a closed façade and will obstruct views from the upper level promenade.

Recommend further opening up of this western part of the barge in line with the open balustrade layout of the rest of the upper deck and with the same transparency.

Signage

The south elevation signage has not been altered as per our previous comments and is still shown at 1.95 X 2.82 metre large. The signage needs to better relate to surrounding business signage, which is restrained and modest.

Recommend both south elevation and west elevation signage is no larger than the dimensions proposed for the western face: 1.22 X 2.04 metre.

8.2 Green Infrastructure Advice

Supportive subject to conditions

Assessment

Green Infrastructure is proposed through both aquatic planting and “above-ground” planter systems on the upper and ground floor levels of the pontoon. Overall the landscaping proposal is supported.

8.3 Biodiversity

Supportive

Assessment

Supportive of the proposed planting.

Suggest the following:

- There is an opportunity for creating a microhabitat on the underside of the pontoon, presuming the aerodynamics of the hull is not really a concern.
- The application might like to consider something on the upstream side to deflect river debris.
- Habitat structure for mussels and barnacles etc can provide good foraging for black bream in this section of the Yarra.

8.4 Waste Planning and Civil Infrastructure

Supportive

Assessment

Waste Management Plan Version 4 prepared by Sustainable Development Consultants dated March 2021 and found it to be acceptable.

The access arrangements for trucks to service the grease interceptor trap on the pontoon is acceptable.

9 EXTERNAL REFERRALS

Pursuant to Clause 44.04-4 - Land Subject to Inundation Overlay (LSIO) the original application was referred to Melbourne Water on 1 December 2020 and the s50 application on 3 February 2021.

Melbourne Water responded on 23 April 2021 not objecting to the proposed development subject to the conditions.

10 ASSESSMENT

The application seeks approval for a temporary floating restaurant, erection of signage and a reduction of bicycle facilities requirements. The key issues for consideration in the assessment are as follows.

10.1 Referrals

The application was referred to various areas of Council for advice. All areas are supportive of the proposal subject to standard technical conditions. These conditions have been included in the recommendation.

10.2 Land Use

The proposed use as a restaurant does not require planning permission in the Capital City Zone Schedule 1 (CCZ1).

The permitted use is consistent with the purpose of the CCZ1 which is:

- To provide for a range of financial, legal, administrative, cultural, recreational, tourist, entertainment and other uses that complement the capital city function of the locality.

10.3 Potential off site amenity impacts

Music

It is proposed to have amplified music playing at the restaurant and a DJ booth has been provided at ground floor level. No dancefloor is notated on the plans.

The nearest residential uses to the subject site are the Eureka Tower and Freshwater Place. The Langham Hotel is also in proximity to the Site. All of these sensitive uses are located are in excess of 100 metres from the Site. It is considered that this separation is sufficient to ensure the proposed use of amplified music will not have an unreasonable effect on the amenity of nearby noise-sensitive uses.

Waste

The original waste arrangements were not supported by Council's Waste Planning Team. The applicant reviewed the concerns and amended the arrangements to address the concerns raised. The most recent waste management plan has been reviewed and is supported by Council's Waste Planning Team.

10.4 Bicycle Facilities

Clause 52.34 Bicycle Facilities provides the statutory requirements for onsite bicycle parking and facilities. The application generates a statutory bicycle parking requirement of 11 bicycle spaces and one employee shower and change room. No bicycle facilities are proposed therefore a waiver is required.

Although the application is exempt from notice and review, Council has received two objections that raise concerns with the bicycle facilities' waiver.

The waiver of bicycle facilities is supported in this unique circumstance for the following reasons:

- Accessing the Site with bicycles via the ramp and through the restaurant could potentially be an occupational health and safety issue.
- Providing bicycle facilities will significantly reduce the useable floor area of the proposal.
- There are alternative modes of transport available in close proximity to the Site.
- There are accessible bicycle parking spaces in this area of Southbank.

10.5 Built Form

The proposed works are supported subject to a minor change to the west elevation, discussed below. The following elements of the proposal are encouraged by the Urban Design Principles at Clause 21.01 (Urban Design within the Capital City Zone) and the Design Objectives of Design and Development Overlay 60:

- The proposal partially limits views to and from the water of the Yarra River, but due to its low height and open structure it does not significantly interrupt views to the far bank and the buildings beyond. This is considered acceptable, provided the proposal is an isolated structure with a limited occupation (in this case a three year lease, to be reinforced by permit conditions).
- The proposed building envelope responds to the surrounding context by matching the pontoon floor level's heights with the lower and upper promenade, to facilitate views through the structure.

The height of the proposed pontoon will not overwhelm the public realm. The first floor is predominantly open air, with the service bar located in the centre of the floorplate.

The pontoon's western end presents as a closed façade and will obstruct views from the upper level promenade. It is recommended further opening up of this western part of the pontoon in line with the open balustrade layout of the rest of the upper deck and with the same transparency. This can be addressed by condition of permit.

- The pontoon has been designed to maximise passive surveillance opportunities. This response will contribute to the activation of the adjacent pedestrian areas.
- The pontoon utilises visually lightweight and natural treatments, including primarily timber, perforated metal, and native landscaping material palette to integrate with the Yarra River.
- Pedestrian access to the pontoon is located in areas conveniently accessed by existing connections to the lower promenade.
- The pontoon was relocated westward to avoid impacting direct views of the river from the stairways between the upper and lower promenades.
- The proposed development will have a maximum built height of 6.1 metres which is below the 24 metre maximum height of the DDO60.
- Given the proposed pontoon's size, it is considered no adverse wind effects or micro-climate effects will be generated.
- Minor overshadowing of the south bank of the Yarra River will occur as a result of the proposal. During the September equinox, the level of overshadowing would occur to a small area of the Southbank promenade. Given the nature and location of the development, the minor amount of overshadowing is considered acceptable and will not unreasonably impact on the amenity of the promenade.

10.6 Green Infrastructure

Green infrastructure is proposed through both aquatic planting and "above-ground" planter systems on the pontoon's upper and ground floor levels. A range of plant types is proposed, including the native edible species proposed, as well as climbing plants for the proposed climbing structures.

The green infrastructure is strongly supported from both environmental and design perspectives. The landscape concept is well resolved and shows extensive green infrastructure and landscaping elements.

To ensure the green infrastructure is successful and maintained, it is recommended that a detailed Landscape Plan and Green Infrastructure Plan be required, submitted and approved prior to commencement of development.

10.7 Signage

The proposed signage is supported subject to the southern sign being reduced to the same size as the western elevation sign.

The Site is located within the Yarra River Corridor, rendering applicable an assessment against Clause 22.07 (Advertising Signs) and the objectives relevant to the Yarra River Environs.

The south elevation sign has been reduced in size from 2.90 x 4.80 metre to 1.95 x 2.82 metre. However, the sign is still considered too large because it does not relate to surrounding business signage, which is restrained and modest. It is recommended south elevation signage be not larger than the dimensions proposed for the west elevation sign which is 1.22 x 2.04 metre.

The proposed signs (subject to the south elevation sign being reduced) are acceptable, having regard to the relevant policies of the Planning Policy Framework and Local Planning Policy Framework, for the following reasons:

- The signs are located on the walls of the pontoon and are in keeping with the scale of the pontoon.
- The signs are located on south and west elevations of the pontoon which are considered to be less sensitive to important views and vistas along the Yarra River.
- The signs are considered high quality construction and are in keeping with the scale of pontoon and the surrounding built form character.
- The proposed signage will adequately identify the business and will not result in visual clutter.

10.8 City of Melbourne's Reactivation and Recovery Plan 2020

Although the City of Melbourne's Reactivation and Recovery Plan is not incorporated into the Melbourne Planning Scheme the proposal has been assessed against the Plan, and it responds positively for the following reasons:

- The proposal will reactivate this section of the city by drawing people to it with a vibrant and active use.
- The proposal offers outdoor dining, which is considered to be healthy and safe, subject to adhering to COVID-19 measures.
- The proposal supports business and local employment.

10.9 Yarra River - Birrarung Strategy 2019

The Yarra River Strategy provides guiding principles for activation proposals along the corridor. Although the Yarra River Strategy is not incorporated into the Melbourne Planning Scheme, the proposal responds positively to the principles including:

- Diversity of Activities - The proposed use of the land as a restaurant is consistent with the 'theme' of the Southbank Promenade as a 'feasting and festivities' area.
- Visual accessibility - The visual impact on views to the Yarra resulting from the pontoon is minimised through design (discussed above in Built Form assessment section of this report).

10.10 Conclusion

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Planning Permit be issued for the proposal subject to the following conditions:

11 RECOMMENDATION

That a Planning Permit be issued subject to the following conditions:

Revised plans

1. Prior to the commencement of the development excluding early works, and site preparation works or as otherwise agreed with the Responsible Authority, an electronic set of plans drawn to scale and an updated development summary, must be submitted to the Responsible Authority, generally in accordance with the plans prepared by Burton and Carter Pty Ltd dated 27 January 2021 but amended to show:

- a. The solid wall on the western elevation of the first floor to be replaced with an open balustrade (or similar transparent material/s).
- b. The south elevation sign be reduced in size to no larger 1.22 metres in height and 2.04 metres in width.

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

Secondary consent provision

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

Landscape and Green Infrastructure Plan

3. Before buildings and works start, a detailed Landscape (and Green Infrastructure) Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot / tube stock size and quantities of all plants.
 - b) A diversity of indigenous plant species (with a minimum of three species for aquatic planting recommended).
 - c) Plant stock to be planted in semi-advanced sizes and larger pot sizes for instant effect.
 - d) Annotated graphic construction details showing all landscape and green infrastructure applications and structures including proprietary systems and associated irrigation measures, engineered systems, planting, materials, soil media specifications and volumes.
 - e) Clear graphics identifying plant types, such as marshes, rushes, groundcovers and climbers.
 - f) Landscape specification and maintenance notes, including plant establishment and general maintenance requirements.

Landscape Completion

4. The green infrastructure and landscaping as shown on the endorsed Plans must be completed to the satisfaction of the Responsible Authority before the completion of the buildings and works or at such later date as is approved by the Responsible Authority in writing.

No later than fourteen (14) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed and request an inspection.

Green Infrastructure Maintenance

5. The green infrastructure and landscaping as shown on the endorsed Plans must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Plans to the satisfaction of the Responsible Authority.

Construction Management Plan

6. Prior to the commencement of the development, or as otherwise agreed with the Responsible Authority, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group. This construction management plan must be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:
 - a) Staging of construction and demolition.
 - b) Management of public access and linkages around the Site during construction and demolition including consideration of current or anticipated construction activities on nearby sites to avoid simultaneous conflict.
 - c) Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian access ways).
 - d) Any works within the adjoining street network road reserves.
 - e) Sediment control and site drainage.
 - f) Hours of construction and demolition.
 - g) Control of noise, dust and soiling of roadways.
 - h) Discharge of polluted waters.
 - i) Collection and disposal of building and construction waste.
 - j) Reasonable measures to ensure that disruption to adjacent public transport services are kept to a minimum.

Detailed matters

7. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.
8. Light reflectivity from external materials and finishes must not reflect more than 15% of specular visible light, to the satisfaction of the Responsible Authority.

Advertising Signs

9. The location, size, material of construction, and degree of illumination of the signs shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.
10. All outdoor lighting associated with the signs must be located, designed, directed and baffled to comply with Australian Standard AS/NZS 4282:2019 (Control of the Obtrusive Effects of Outdoor Lighting) to the satisfaction of the Responsible Authority so that:
 - a) The lighting does not dazzle, distract or obstruct the view of motorists or pedestrians, obscure traffic signals or constitute a road safety hazard in any way.

- b) The lighting does not cause any adverse effects on adjoining land (including the river).

Waste Management Plan

- 11. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Sustainable Development Consultants dated March 2021. The endorsed WMP must not be altered without prior consent of the Responsible Authority.

Permit Expiry

- 12. This permit expires three years after the completion of the works at which time all structures must be removed and the Site made good to the satisfaction of the Responsible Authority.
- 13. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within one year of the date of this permit.
 - b) The development is not completed within two years of the date of this permit.

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

Melbourne Water Conditions

- 14. Prior to the commencement of works, hydraulic modelling must be undertaken, to the satisfaction of Melbourne Water, which demonstrates that flood levels will not be increased as a result of the proposed development, for a range of flood events, up to and including the 1% AEP flood events.
- 15. Prior to the commencement of works, the applicant must submit a report by a structural engineer, which demonstrates that the proposed floating pontoon / restaurant including mooring can withstand sustained flood flows / velocities and tidal surges during 1 AEP storm event.
- 16. The floating pontoon size of 60mX12m (as proposed) is subject to hydraulic assessment demonstrating no impact on the flood levels of the Yarra River considering various AEP. The assessment to be forwarded to Melbourne Water for approval.
- 17. A complete set of design / engineering plans of the proposed floating pontoon showing floating pontoon rising up corresponding to changes in the Yarra River levels.
- 18. Prior to the commencement of works, a Flood Risk Management Plan must be submitted to the Responsible Authority and Melbourne Water by an accredited risk management professional. This plan must consider and identify the evacuation of occupants in an identified 100 year ARI storm event. The Flood Response Plan must be endorsed to any planning permit issued. Unless otherwise agreed in writing by Melbourne Water, the Flood Risk Management Plan must be binding to successors in title to provide for ongoing effective management of flood risks.

19. The restaurant / Pontoon must be removed from the Yarra River after expiry of the licence (3 years) or a review assessment has to been undertaken to the satisfaction of Melbourne Water.
20. Prior to the commencement of works, a separate Jetty Application must be made directly to Melbourne Water for detailed terms and conditions for construction purposes. A legal Jetty Agreement shall be entered into with Melbourne Water's Asset Services team.
21. Prior to the commencement of works, a formal application must be made directly to Melbourne Water's Asset Services team to conduct any works on or near a Melbourne Water asset (including waterways). Prior to undertaking any works, the proposal must be accepted by Melbourne Water and the contractor must be in receipt of a Melbourne Water Permit to Work. Please contact 131 722 for further information.
22. A Site Environmental Management Plan (SEMP) for the construction period is to be submitted to Melbourne Water for approval. The SEMP must detail sediment and pollution controls that will be implemented during the construction phase of the project.
23. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.
24. Melbourne Water takes no responsibility for any debris and litter build up behind the structure. It is the owner's sole responsibility for the ongoing maintenance of the asset.
25. Melbourne Water requires the owner of the asset to suitably maintain the asset for not only hydraulic function but to maintain the aesthetics of the waterway. Any debris and litter that collects on and around the structure, must be cleared following rain / flood events.

Notes

- This Planning Permit does not represent the approval of other departments of Melbourne City Council such as vehicle access to Southbank Promenade. Such approvals will be assessed on different criteria from that adopted for the approval of this Planning Permit.

12 DECISION

The Lord Mayor, Deputy Lord Mayor and Councillors were notified of the above recommendation on 1 April 2021.

It has been requested that this application be presented to the Future Melbourne Committee for decision.

Signature:

Date affirmed:

Kate Yuncken

Principal Urban Planner