

**Amendment C226 Incorporated Document : ID-2013-2  
Australian Broadcasting Corporation Melbourne 120-130 Southbank  
Boulevard and 102-118 Sturt Street, Southbank**

**3 December 2013**

**Presenter:** Martin Williams, Executive Officer Planning

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of the formal request by the Australian Broadcasting Corporation (ABC) for the Minister for Planning to prepare and approve an amendment to the Melbourne Planning Scheme via Section 20(4) of the *Planning and Environment Act 1987*. Section 20(4) of the Act enables the Minister to amend a planning scheme with exemption from notice requirements.
2. Amendment C226 seeks to introduce an Incorporated Document titled 'ABC Melbourne Accommodation Project, September 2013' into the Melbourne Planning Scheme to facilitate the redevelopment of the existing ABC building at 120-130 Southbank Boulevard and the adjoining property at 102-118 Sturt Street, Southbank (refer Attachment 2 – Locality Plan and Attachment 3 – Proposed Plans).
3. The redevelopment of the site includes the demolition of the building at 102-118 Sturt Street Southbank, and partial demolition, alterations and additions to the existing ABC building at 120 Southbank Boulevard to allow for the creation of an integrated ABC Southbank Centre for the purposes of office, media production studios, food and drink premises (other than Hotel and Tavern), orchestral rehearsal and public performance spaces.

**Key issues**

4. The key considerations associated with the proposal are:
  - 4.1. Impact on the local traffic network caused by loading and unloading. The majority of loading and unloading can be contained onsite, however approximately once a month large trucks transporting sets will load/unload from Moore Street. It has been highlighted to the applicant that application to City of Melbourne will be required to reserve road space to avoid unreasonably impeding access along Moore Street.
  - 4.2. Ground level activation to Southbank Boulevard, Sturt Street and Moore Street. The interface with the public realm is generally acceptable however additional work is required along Moore Street to provide for a more active and engaging ground level interface.
  - 4.3. Amenity impacts to adjoining residents. The ABC has undertaken a consultation process with adjoining residents. Consequently the building has been designed to minimise the impacts of building bulk, overshadowing and overlooking to adjoining residents. Further conditions are recommended in order to minimise the impact of day to day operations of the ABC such as noise and loading and unloading of sets etc.
  - 4.4. Demolition of the C graded heritage building at 102-118 Sturt Street. The removal of the building is supported by Council's Heritage Advisor.
  - 4.5. Amendment C208 seeks to introduce Development Contributions into the Melbourne Planning Scheme. The amendment is currently on public exhibition until 16 December 2013. Whilst still at an early stage of the process it is considered appropriate that a contribution be sought.

**Recommendation from management**

5. That the Future Melbourne Committee resolve that a letter be sent to the Department of Transport, Planning and Local Infrastructure advising that the proposed redevelopment of the ABC site is supported by the City of Melbourne and it is appropriate that the Minister for Planning invoke section 20(4) of the *Planning and Environment Act 1987*, subject to the recommended conditions contained within the delegate report (refer Attachment 4).

**Attachments:**

1. Supporting Attachment
2. Locality Plan
3. Proposed Plans
4. Delegate Report

## **Supporting Attachment**

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### **Legal**

1. The report accurately reflects the relevant legal issues.

### **Finance**

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

### **Conflict of interest**

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

### **Stakeholder consultation**

4. Council officers have not advertised the application or referred this to any other referral authorities. This is the responsibility of the DTPLI acting on behalf of the Minister for Planning who is the responsible authority.

### **Relation to Council policy**

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

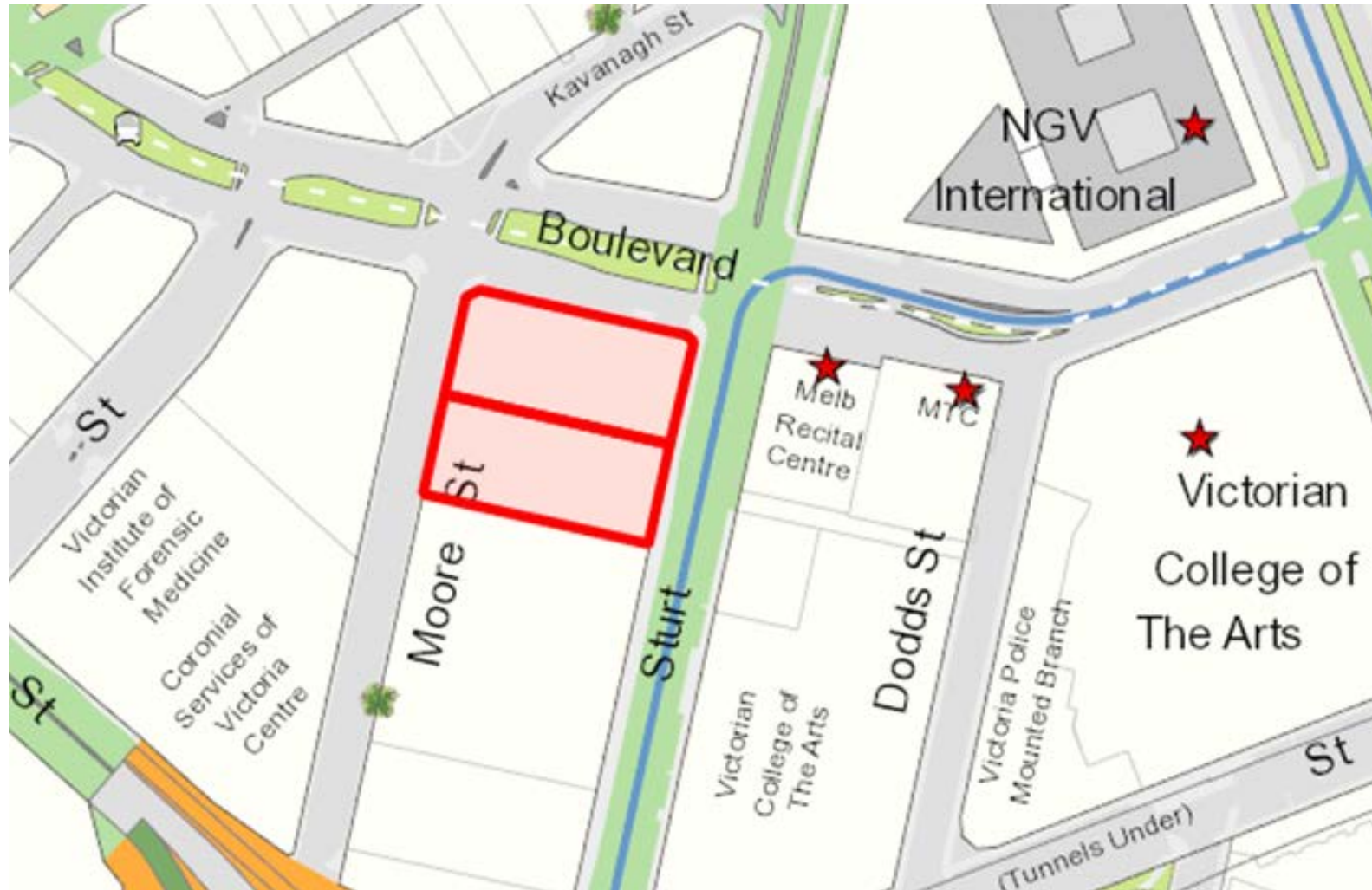
### **Environmental sustainability**

6. The applicant has submitted that the ABC is committed to a sustainable development and seeks to achieve 5 stars Green Star office design v3 rating, which represents a standard of Australian Excellence.

Upon an assessment of the ESD information submitted with the application, it was considered that additional information, specifically details are required to verify that the development has the design potential to meet relevant performance measures of Clause 22.19 of the Melbourne Planning Scheme.

## Locality Plan

120-130 Southbank Boulevard and 102-118 Sturt Street, Southbank



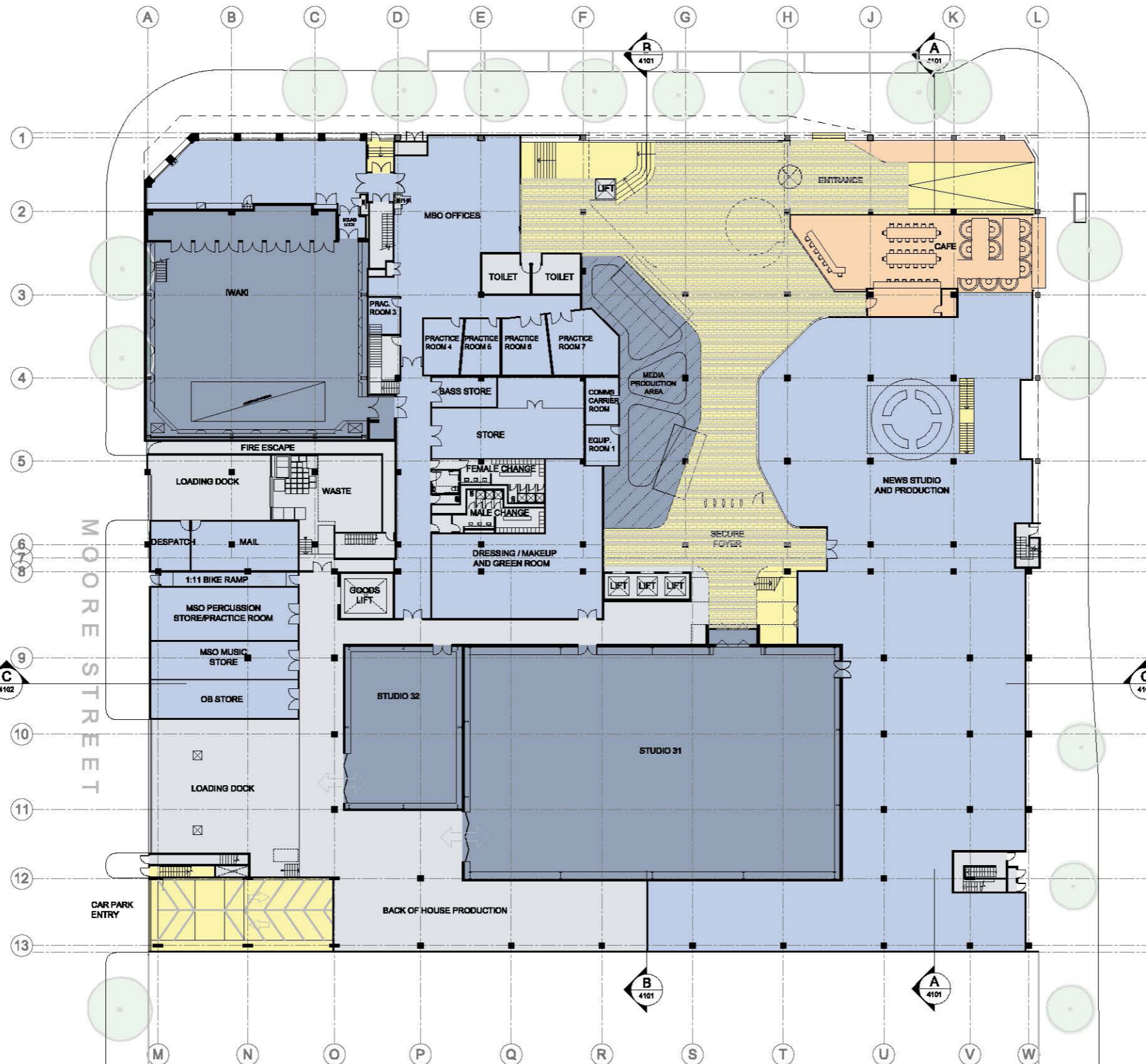


**ARTIST IMPRESSION - VIEW FROM SOUTHBANK BOULEVARD**



**ARTIST IMPRESSION - VIEW FROM SOUTHBANK BOULEVARD & STURT STREET**

SOUTH BANK BOULEVARD



ABC MAP

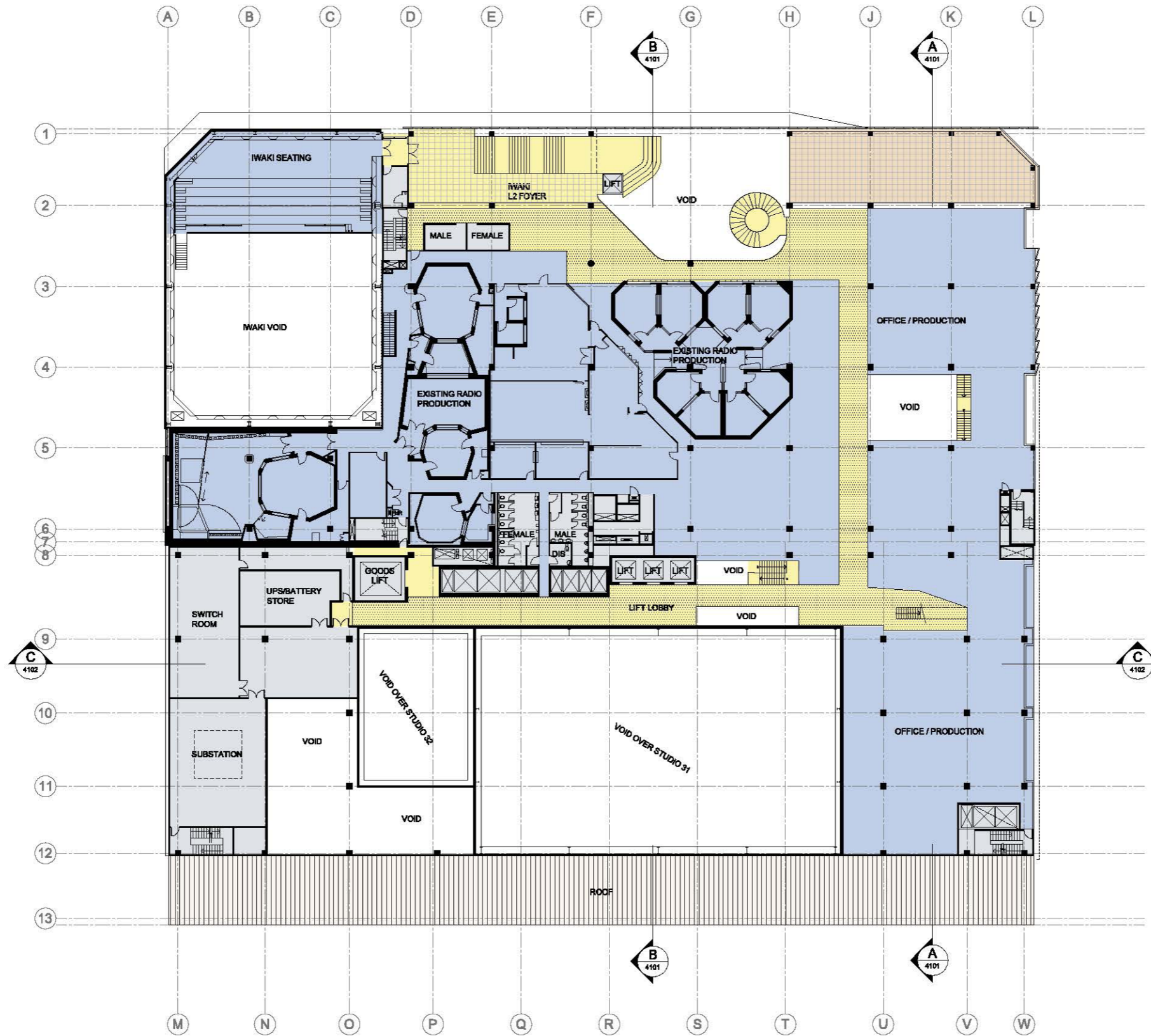
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 Drawing Number: A-1030  
 Drawing Title: LEVEL 1 FLOOR PLAN  
 Scale: 1:250@A1  
 Revision: 04

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ABC MAP

Project Number: 311001  
 Drawing Number: A-1040  
 Drawing Title: LEVEL 2 FLOOR PLAN  
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 Revision: Q4

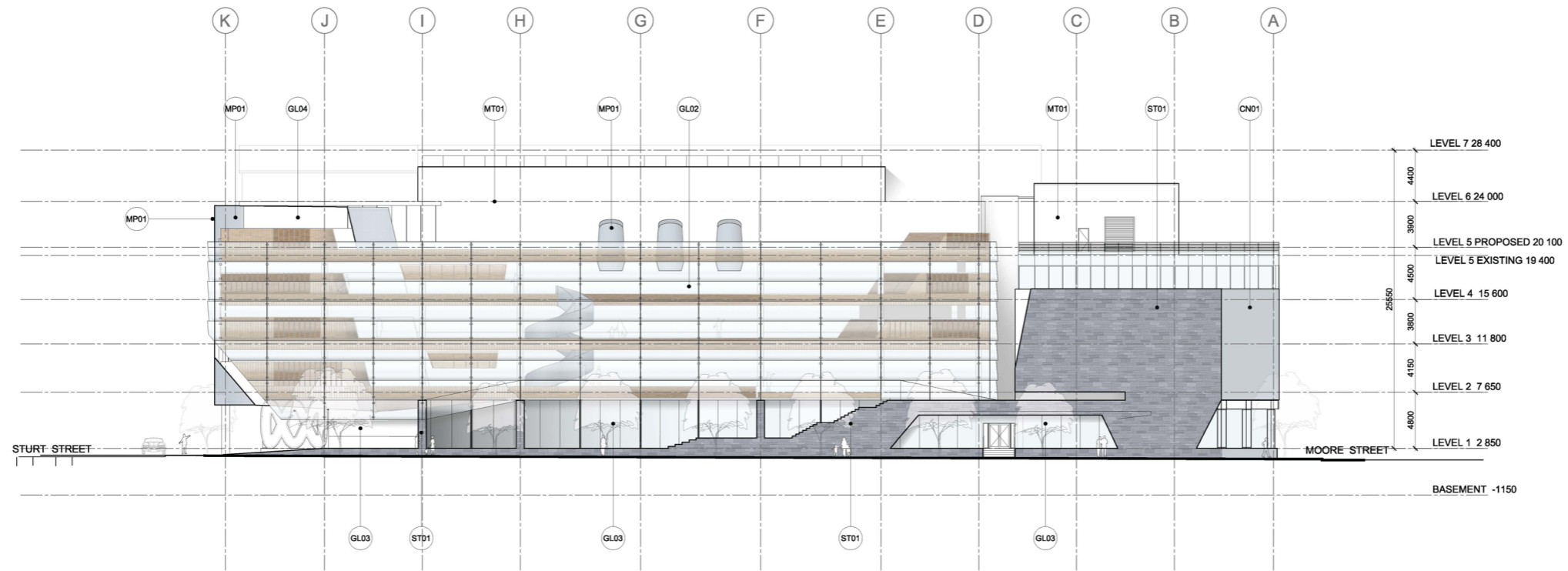
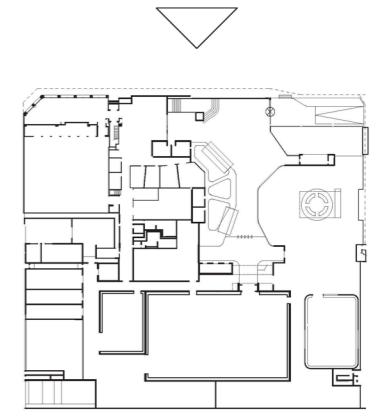
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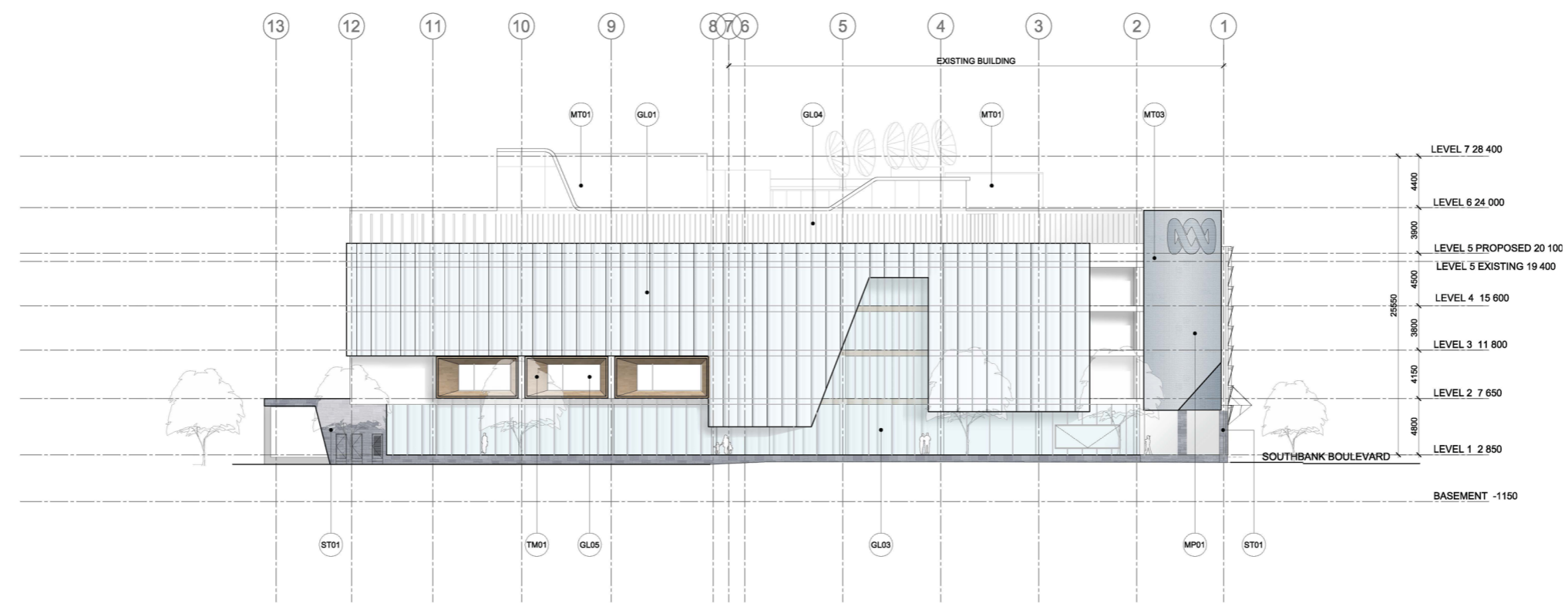
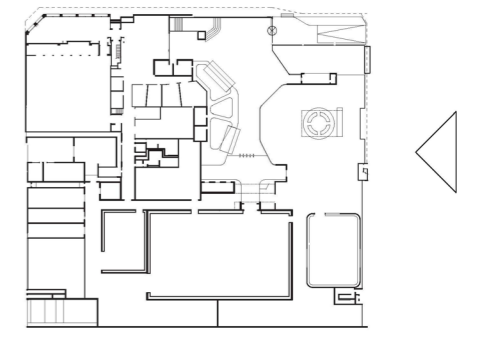


**MATERIAL FINISHES LEGEND:**

CN01	PRECAST CONCRETE
CN02	CUSTOM PATTERN PRECAST CONCRETE
GL01	CURTAIN WALL GLAZING SYSTEM WITH CERAMIC FRIT
GL02	VERANDAH PINNED FRAMELESS - CLEAR GLAZING
GL03	FRAMELESS SHOP FRONT GLAZING
GL04	FRAMED GLAZING SYSTEM, LEVEL 5
GL05	FRAMELESS CLEAR GLAZING
GL06	DARK GLAZING SLOT
MP01	CUSTOM METAL PANEL CANOPY & FEATURE FACADE ELEMENT
MT01	ALUCOBOND PANEL
ST01	BLUESTONE
TM01	SOLID TIMBER

01 NORTH ELEVATION  
1:250





**MATERIAL FINISHES LEGEND:**

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CN02	CUSTOM PATTERN PRECAST CONCRETE
GL01	CURTAIN WALL GLAZING SYSTEM WITH CERAMIC FRIT
GL02	VERANDAH PINNED FRAMELESS - CLEAR GLAZING
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MP01	CUSTOM METAL PANEL CANOPY & FEATURE FACADE ELEMENT
MT01	ALUCOBOND PANEL
ST01	BLUESTONE
TM01	SOLID TIMBER

01 EAST ELEVATION  
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ABC MAP

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 Drawing Title: EAST ELEVATION  
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 Revision: 04

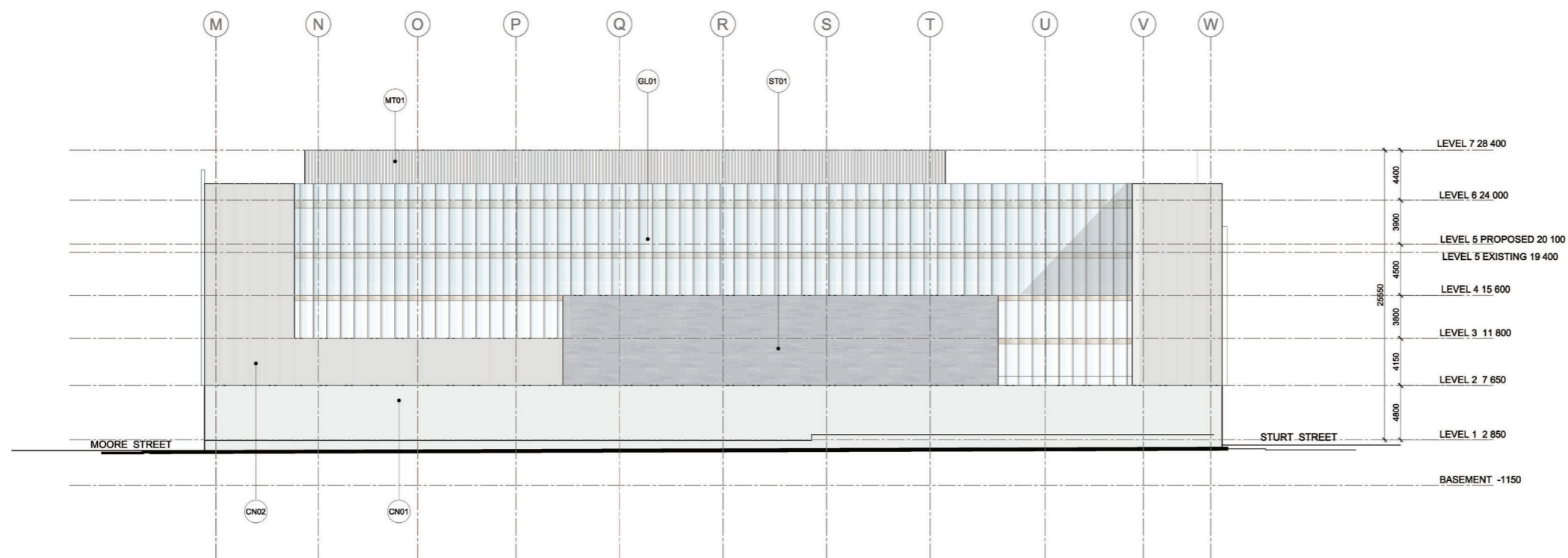
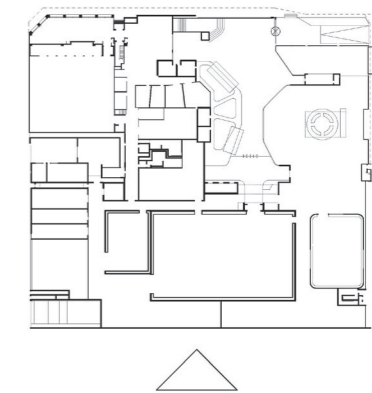
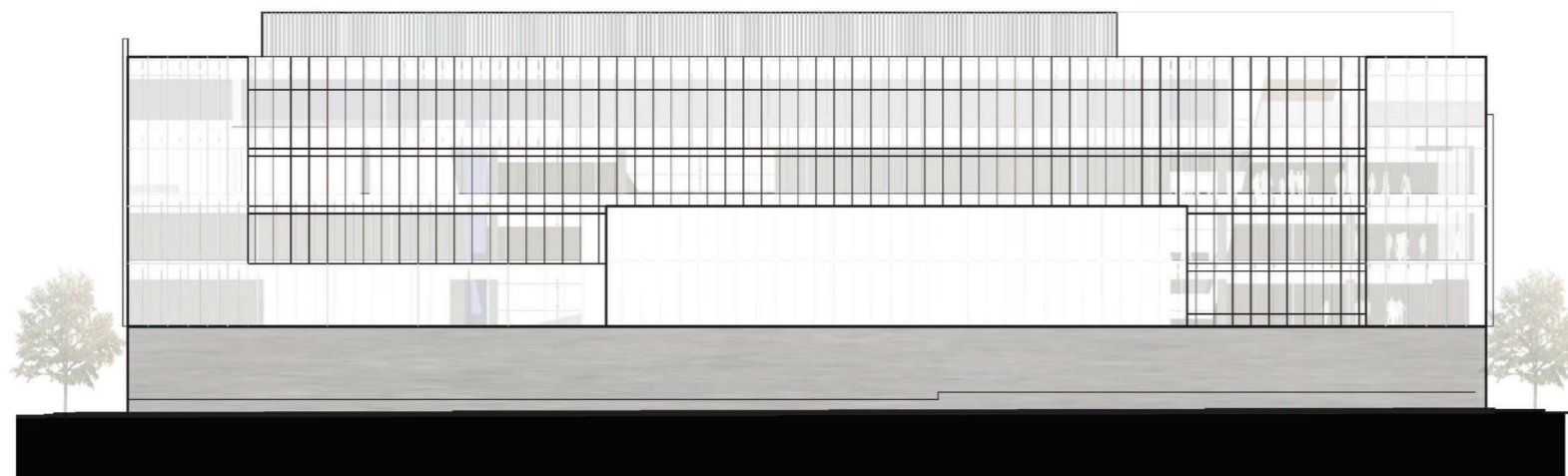
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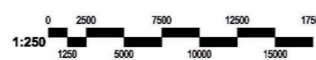


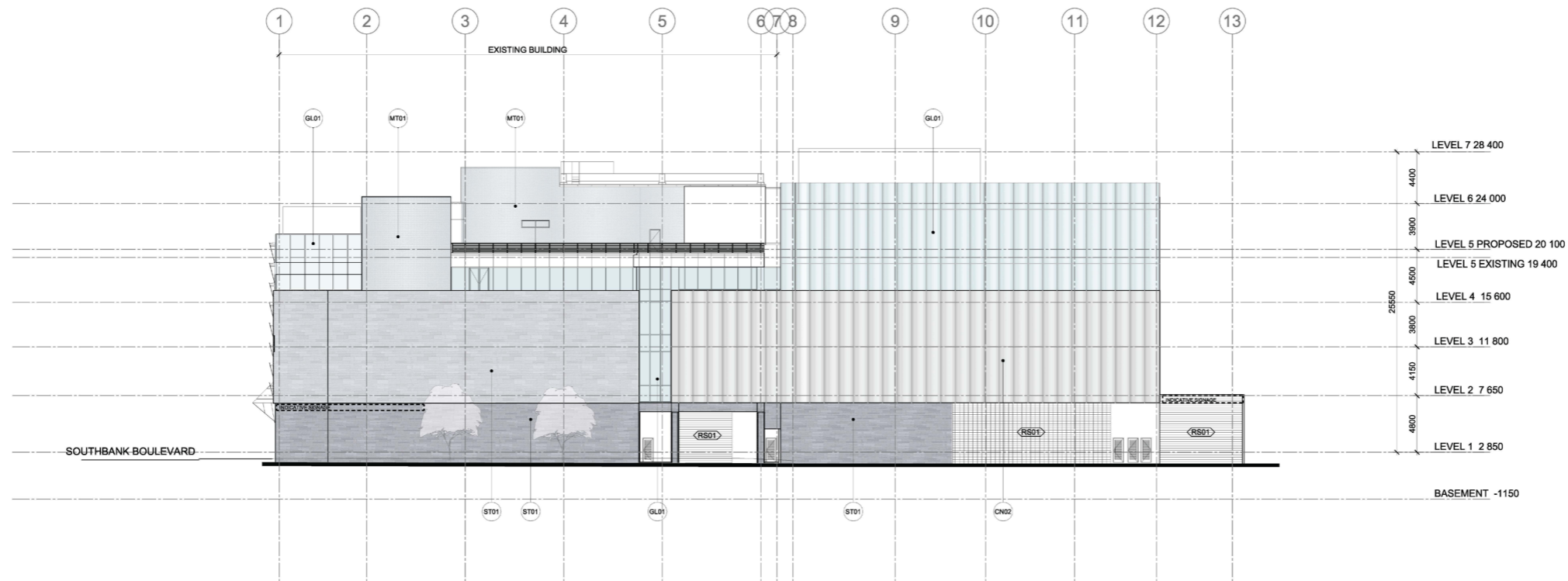
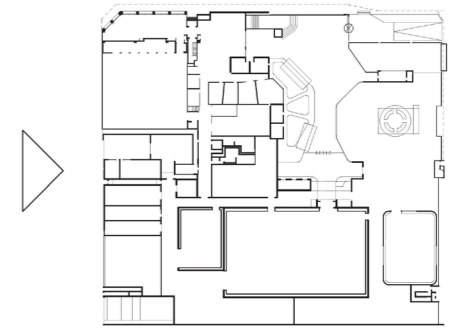
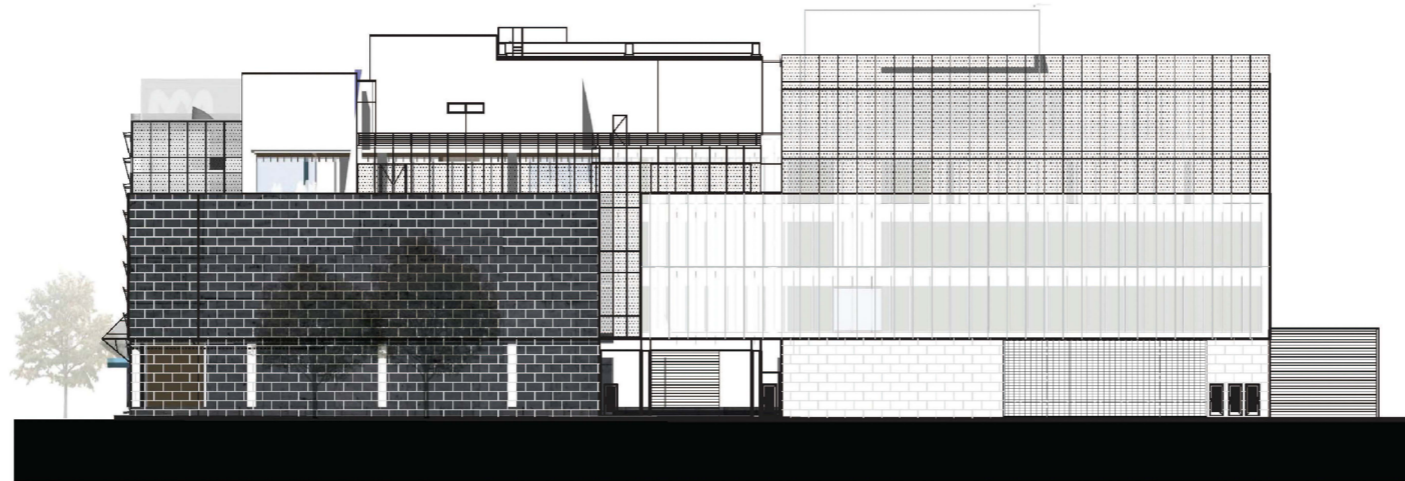


**MATERIAL FINISHES LEGEND:**

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CN02	CUSTOM PATTERN PRECAST CONCRETE
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ST01	BLUESTONE
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01 SOUTH ELEVATION  
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**MATERIAL FINISHES LEGEND:**

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TM01	SOLID TIMBER

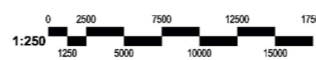
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ABC MAP

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 Revision: 03

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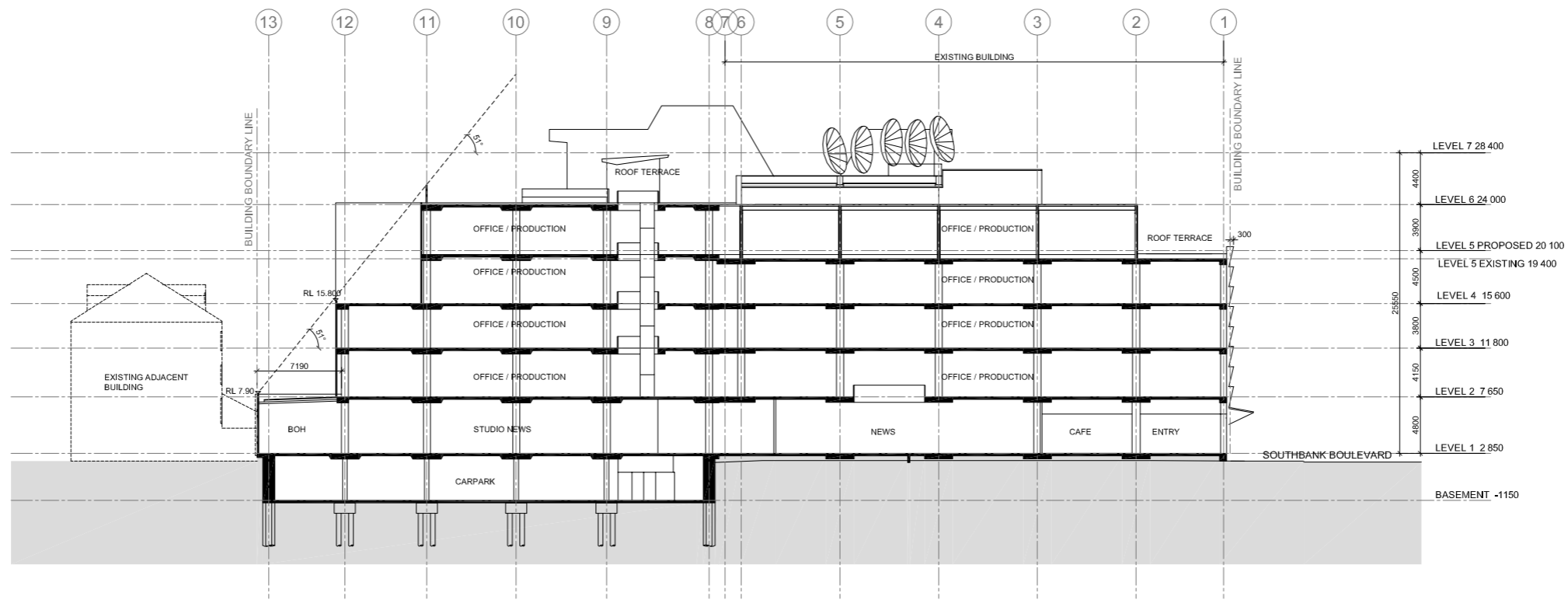


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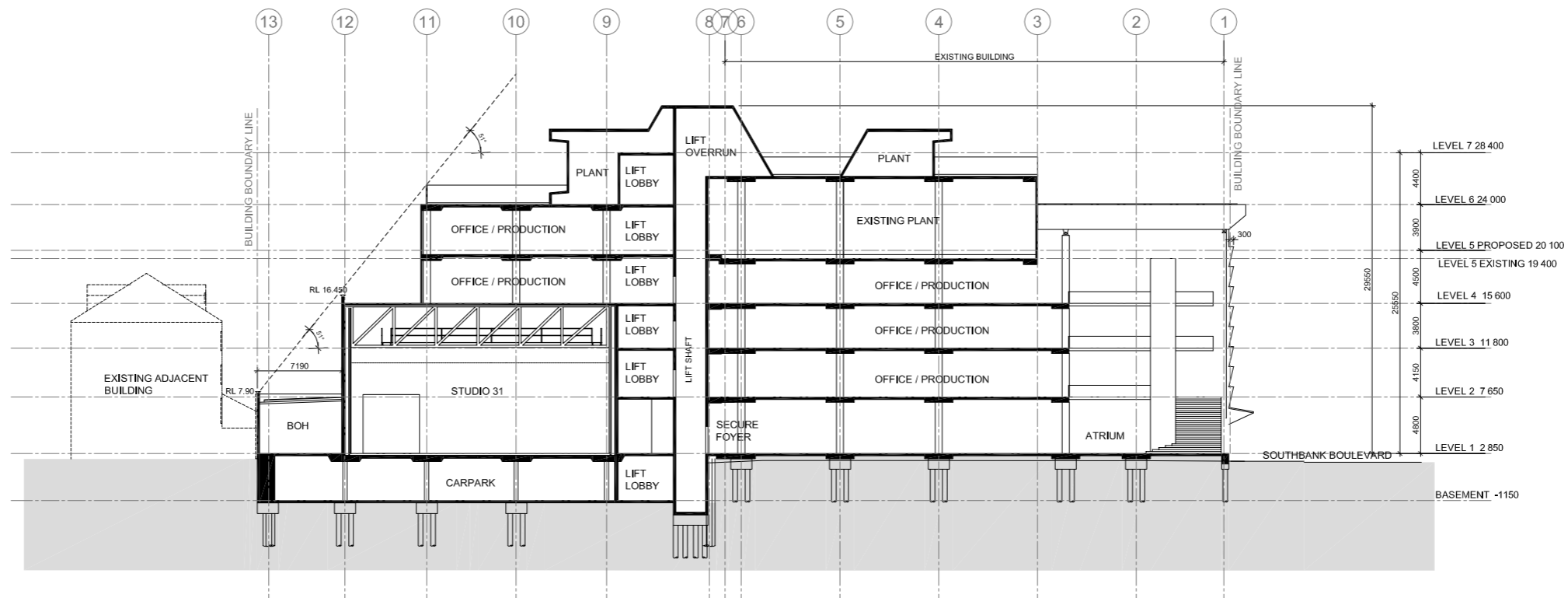
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02 SECTION BB  
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## PLANNING REPORT

### MINISTERIAL REFERRAL

<b>Application number:</b>	<b>ID-2013-2</b>
<b>DTPLI Application number:</b>	Amendment C226
<b>Applicant / Owner / Architect:</b>	Meredith Withers / ABC / Cox Architecture
<b>Address:</b>	120-130 Southbank Boulevard, SOUTHBANK VIC 3006, 102-118 Sturt Street, SOUTHBANK VIC 3006
<b>Proposal:</b>	<p>Planning Scheme Amendment C226 - Melbourne Accommodation Project to allow:</p> <p>The use and development of the land, including demolition of the building at 102- 118 Sturt Street Southbank, and partial demolition and alterations and additions to the building at 120 Southbank Boulevard to allow construction of an integrated ABC Southbank Centre for the purposes of, but not limited to: Office, Media Production Studio, Food and Drink Premises (other than Hotel and Tavern), Orchestral Rehearsal and Public Performance Spaces and display of business identification signage generally in accordance with the following 'Incorporated Plans' prepared by Cox Architecture and titled 'ABC Melbourne Accommodation Project' dated September 2013.</p>
<b>Date received by City of Melbourne:</b>	26 September 2013
<b>Responsible officer:</b>	Brendan Cousins

## 1. SUBJECT SITE AND SURROUNDS

### 1.1. The site

The land to be developed is comprised of two separate parcels located on the southern side of Southbank Boulevard at 120-130 Southbank Boulevard and between Sturt Street and Moore Street at 102-118 Sturt Street, Southbank.

#### Aerial Photo / Locality Plan



There are no easements registered on the titles to the land. The combined site area is 7523sqm and the site has frontages to Moore Street, Southbank Boulevard and Sturt Street, Southbank.

The existing Australian Broadcasting Corporation (ABC) building is constructed at 120 -130 Southbank Boulevard with the second parcel of land at 102-118 Sturt Street occupied by a C graded heritage building previously used in association with the motor trade, now currently used as a public car park.

### 1.2. Surrounds

The immediate area is characterised by generally lower scale built form, particularly along the south side of Southbank Boulevard and along Sturt and Moore streets.

The main features observed in the area include.

- North – Carlton and United Breweries. 6 storey office building.
- South - Sutherland Place apartments. Residential development of 4 stories in height with a central communal courtyard. There are north facing windows and courtyards which are setback from the southern boundary of the development site.
- East – Melbourne Recital Hall a 5 storey building.

- West – Southside Gardens, a 4 level residential development.

## 2. THE PROPOSAL

The ABC has formally requested the Minister for Planning to approve an amendment to the Melbourne Planning Scheme to facilitate the redevelopment of the existing ABC building at 120-130 Southbank Boulevard and the adjoining property at 102-118 Sturt Street, Southbank. The Incorporated Document seeks to allow the following:

The use and development of the land, including demolition of the building at 102-118 Sturt Street, Southbank, and partial demolition and alterations and additions to the building at 120 Southbank Boulevard to allow construction of an integrated ABC Southbank Centre for the purposes of, but not limited to, Office, Media Production studio and Food and drink premises (other than Hotel and Tavern), orchestral rehearsal and public performance spaces and display of business identification signage generally in accordance with the following 'Incorporated Plans' prepared by Cox Architecture and titled 'ABC Melbourne Accommodation Project' dated September 2013.

Specifically the development proposes the demolition of the existing C graded building at 102-118 Sturt Street and the construction of alterations to the existing ABC building at 120-130 Southbank Boulevard and a new building/additions (11664sqm) at 102-118 Sturt Street.

The new floor area will accommodate the following:

- New news room and news studio on the ground floor.
- New TV production studios (31 and 32) on the ground floor.
- Retention and expansion of radio production.
- New administration areas on level 3, 4 and 5.
- Cafe on the ground floor with frontage to Sturt Street and the main entrance into the building at the corner of Southbank Boulevard and Sturt Street.
- Retention of the Iwaki Auditorium and practice spaces for the MSO on the ground floor.
- All loading and vehicle access from Moore Street.
- A modified and integrated ground floor plan that includes larger audience gathering spaces and a generous foyer area that will be available to the public and could be used for broadcasting on an informal basis.

Specific details and dimensions are detailed below:

<b>Building height</b>	29.55 metres
<b>Front, side and rear setbacks</b>	North - 0 metres South – Minimum 7.19 metres East – 0 metres West - 0 metres
<b>Gross floor area (GFA)</b>	31,663sqm with 11,664sqm being additional floor area.
<b>Car parking spaces</b>	77 spaces (for staff only)
<b>Bicycle facilities and</b>	80 staff bicycle spaces. There are nine visitor spaces

<b>spaces</b>	however they are not located on the land.
<b>Loading/unloading</b>	Via Moore Street only. The majority of loading will be conducted from the two loading areas, one associated with the operation of the site as a TV studio and the other for services such as waste.  Approximately once a month larger set trucks (19 metre articulated vehicles) will use Moore Street for deliveries as they are too large to fit onsite.
<b>Vehicle access</b>	Via Moore Street only. Redundant crossing on Sturt Street to be removed

### 3. BACKGROUND

#### 3.1. Pre-application discussions

The plans presented at the pre-application meeting showed a similar level of detail to that which is under consideration.

The key issues raised by Council Officers at the pre application meeting were:

- Consultation with nearby residents.
- Traffic.
- Vehicle access and loading.
- Activation of the ground floor level on all street frontages.

#### 3.2. Site history

The following planning permits issued for this site are considered relevant to this application:

TP number	Description of Proposal	Decision & Date of Decision
TP-1996-363	Demolition of the existing building and development of a six level building incorporating ground floor supermarket, three levels of car park and two levels of office use in accordance with the attached endorsed plans.	5 December 1996

The above permit although issued a number of years ago is noteworthy as it approved the removal of the heritage graded building at 102-118 Sturt Street.

### 4. PLANNING SCHEME PROVISIONS

Planning Scheme Amendment C226 seeks to exempt the proposal from the following clauses:

- Clause 37.04 Capital City Zone- Schedule 3 Southbank
- Clause 43.01 Heritage Overlay



- Clause 43.02 Schedule 1 to the Design and Development Overlay (Active Street frontages- Capital City Zone )
- Clause 43.02 Schedule 3 to the Design and Development Overlay ( Traffic Conflict Frontage- Capital City Zone)
- Clause 43.02 Schedule 27 to the Design and Development Overlay ( City Link Exhaust Stack Environs)
- Clause 43.02 Schedule 60 to the Design and Development Overlay (Southbank)
- Clause 45.09 Schedule 1 to the Parking Overlay
- Clause 52.06 Car Parking
- Clause 52.07 Loading and unloading of vehicles

To determine whether the development is appropriate in this context, it is considered necessary to assess the development against the following Planning Scheme Provisions:

State Planning Policies	<p>Clause 15.01-1 Urban Design</p> <p>Clause 15.01-5 Energy and Resource Efficiency</p> <p>Clause 15.03-1 Heritage</p> <p>Clause 18.02-1 Sustainable personal transport</p>
Municipal Strategic Statement	<p>Clause 21.10-6 Cultural/Arts and Entertainment</p> <p>Clause 21.13-1 Southbank</p>
Local Planning Policies	<p>Clause 22.01 Urban Design within the Capital City Zone</p> <p>Clause 22.04 Heritage Places within the Capital City Zone</p> <p>Clause 22.19 Energy , Water and Waste Efficiency</p>

Statutory Controls	
Capital City Zone Schedule 3	<p>A permit is required for the following:</p> <ul style="list-style-type: none"> <li>• to construct a building or construct or carry out works.</li> <li>• to demolish or remove a building or works.</li> <li>• to construct and display a sign (internally illuminated business identification signage)</li> <li>• the use of the land as a media production studio (undefined use)</li> </ul>
Design and Development Overlay 1 – A2 Active Street frontage	<p>A permit is required to carry out buildings and works located at ground level.</p>

Design and Development Overlay 3 – Traffic Conflict Frontage	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. There will be no creation of or alteration to a crossover or vehicle access way is proposed therefore a planning permit is not required.
Design and Development Overlay, Schedule 27 City Link Exhaust Stack	A permit is required to construct a building or construct or carry out works. A permit is not required to construct a building or construct or carry out works however where a permits is required to use land or for the construction a building under another requirement, notice must be given to EPA, Transurban City Link Ltd and the Roads Corporation.
Design and Development Overlay Schedule 60 – A4A	A permit is required to construct a building or construct or carry out works. Area 4A recommended height control is 40 metres.
Heritage Overlay Schedule 391	A permit is required demolish or remove a building, construct and display a sign and to construct a building and construct and carry out works.
Parking Overlay 1	A permit is required to provide parking in excess of a rate as specified by the overlay. A maximum provision of 90 applies, the proposal includes 77.

Particular Provisions	
Clause 52.05, Advertising Signs	The Capital City Zone states that: Advertising sign requirements are at Clause 52.05. This zone is not in a category at Clauses 52.05-6 to 52.05-10.
Clause 52.07 Loading and Unloading of Vehicles	Pursuant to Clause 52.07 a permit is required to reduce or waive the loading and unloading space requirements associated with the manufacture, servicing, storage or sale of goods or materials.
Clause 52.34, Bicycle Facilities	A permit may be granted to reduce or waive the bicycle parking requirement. Based on 24,123sqm of net area the development should provide 80 staff spaces, 24 visitor spaces and 8 showers A reduction is required as no visitor spaces will be provided onsite.
Clause 52.36, Integrated Public Transport Planning	An application for an office of 10,000sqm or more leasable space must be referred to PTV for comment.

General Provisions	
Clause 61.01 – Administration and enforcement of this scheme	The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres.
Clause 65 – Approval of an application or plan	Decision Guidelines, which includes the matters set out in Section 60 of the Planning and Environment Act 1987.

### **Planning Scheme Amendment C208 – Development Contributions Plan**

Amendment C208 implements actions from the Council-adopted Southbank and City North Structure Plans. The plans identify capital works projects including public realm, drainage, and community infrastructure to support the anticipated population growth and change in land use in these areas.

Amendment C208 is currently on public exhibition from 31 October 2013 until 16 December 2013.

The subject site is affected by the proposed Development Contributions Plan Overlay Schedule 2 (DCP2) and is located in the central precinct. Under the DCP any permit granted must:

- Be consistent with the provisions of the relevant development contributions plan.
- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

Table 3 to the proposed Schedule 2 requires that any non-residential development located in the central precinct incurs a development contribution of \$2,594.47 per 100sqm of floor space.

## **5. PUBLIC NOTIFICATION**

The Minister has power to amend a planning scheme under section 20(4) of the Planning and Environment Act 1987. In exercising this power, the Minister exempts him/herself from all requirements of section 17, 18 and 19 (notification requirements) of the Act.

Generally, the Minister can consider using these powers if, amongst other matters, the proposal is of State or regional significance.

The City of Melbourne is being consulted under the provisions of section 20(5) of the Act.

## **6. REFERRALS**

The application was referred to the following internal departments, whose comments are summarised as follows:

- Urban Design

No objection to the proposal however it was noted:

- Further design work should be investigated to ensure the achievement of a compelling piece of architecture worthy of the significance of the ABC and the prominence of the site.
- More should be done to provide an attractive and engaging ground floor frontage to Moore Street.
- We support the inclusion of a café accessed directly from the street. Its contribution may be even stronger if located right on the corner, where the current plan shows a thoroughfare effectively duplicating movement along the footpath

- Engineering Services Group

Traffic

Engineering Services (traffic) raised a number of concerns in their comments of 8 October 2013. The main concerns relate to car parking layout, visitor bicycle parking, loading bay access and layout.

A response to Traffic (and Waste) comments was provided by the applicant on 29 October 2013. Whilst a number of the previous issues have been resolved there are still some matters that require further resolution. Engineering Services has indicated that these issues are able to be resolved through modified plans. These matters relate specifically to dimensions shown on plans, ramp grades, traffic safety measures such as mirrors and loading/unloading.

Waste

The Waste Management Plan (WMP) complies with Council's 2012 Waste Guidelines and is satisfactory subject to the ground floor waste room access been demonstrated to be adequate.

Civil engineering

No objection subject to standard conditions.

- Council's Heritage Consultant

No objection to the removal of the C Graded building subject to the following matters being addressed:

- That the applicant provides clear justification of the specific conditions that make dismissal of heritage concerns acceptable for this particular site and project.
- That the record of the existing building to be demolished include a 3D model to the standards of the *City Of Melbourne 3D Modelling Requirements*.

The applicant submitted a response on the 1 November 2013, which is deemed to address the above matters.

- Land Survey

No objection, subject to titles being consolidated prior to the commencement of the works.

- Building

No objection subject to the projection comply with the road encroachment guidelines

- Local Policy

No objection, and provided the following comments

- the amendment removes the requirement for a permit, provided the development is generally in accordance with the incorporated plan:
- The incorporated plan should therefore reflect the controls in the scheme as it applies to this site.
- Top of page 3, the City of Melbourne is the responsible authority.
- Tree planning

No objection, however indicated a preference that the plans be modified to reduce the extent of the projection so that pruning is not required, while still providing adequate weather protection for pedestrian comfort.

- Sustainability

The submitted ESD report is light on specific details and Sustainability that a condition that to be included on the Incorporated Document.

## **7. ASSESSMENT**

The key issues in the consideration of this application are:

- Whether the development is of State significance
- Heritage
- Built form
- Amenity impacts
- Engineering (traffic, loading and waste)

### **Whether the development is of State significance**

The applicant has submitted that a planning scheme amendment via 20(4) of the Planning and Environment is required for the following reasons:

The amendment is required to facilitate the ABC Melbourne Accommodation Project in Southbank. The development is linked to Federal Government funding and is required to commence demolition/construction in January 2014. The planning permit application process could delay the commencement and jeopardise the project's funding.

The implementation of 20(4) by the Minister is considered appropriate in this instance. The redevelopment of site for the ABC is considered to be of a State significance and will have a positive impact upon not just the immediate area but will also to the greater Melbourne area, regional Victoria and Nationally.

The redevelopment of the site will consolidate ABC's position in Southbank and is consistent with the relevant policy directions and objectives of the Melbourne Planning Scheme for this part of Southbank. It will contribute to the development of the Sturt Street Cultural Spine and reinforce this part of Southbank as an Arts precinct and will also help ensure that there will be jobs in a niche employment market (news, TV, film and the arts).

## Heritage

The demolition of the existing C graded building at 102-118 Sturt Street is considered reasonable in this context. It is noted that the removal of a heritage graded building, particularly a C graded building, would normally be opposed unless there was significant and reasonable justification, and detailed replacement building plans are provided.

The applicant's heritage consultant states that the:

‘demolition of the building would have a heritage impact but not of an order that would significantly detract from the heritage of the City of Melbourne’; however, the

‘demolition of the building is justified because of the community benefits that derive from the replacement building in terms of its specialist function, contribution to Southbank and quality of the architecture and materials and finishes’.

City of Melbourne's Heritage Advisor states that ‘the building is of insufficient architectural interest to warrant its partial retention with an architecturally unrelated backdrop’. Furthermore it was considered that the ‘primary visual interest is focused upon its tower and that the incorporation of sufficient depth to retain a sense of integrity to the building would significantly disrupt the architectural program’.

In this context the demolition of the graded building is justified and is adequately supported by the relevant policy directions and decision guidelines of the MPS including Clauses 15.03, 22.04 and 42.03. The replacement building delivers an appropriate design response which balances the conflicting objectives of the MPS and the development of a building that is of justified State significance and that supports a net community benefit.

Appropriate conditions will be included in relation to demolition and supplying archival records of the existing building, which will be a sufficient historical record.

## Built form

The built form proposed by the development is supported in principle. The proposed height of 29.55 metres is below the 40 metre height control for the area (DDO60 4A) and is consistent with the scale of the existing streetscape and nearby commercial buildings. The built form located on the southern side of the development graduates from the maximum height of 29.55 metres to a lower residential scale which mitigates building bulk impacts to this more sensitive interface.

Urban design generally supports the design response however stated:

‘Further design work should be investigated to ensure the achievement of a compelling piece of architecture worthy of the significance of the ABC and the prominence of the site’.

A priority of the project, as advised by the applicant, is to enhance and promote opportunities for involvement in, and awareness of the various programs and activities of the ABC. Ground level activation along Sturt Street and the new façade treatment to Southbank Boulevard, “the great verandah’ are designed to engage the public realm with the operations of the ABC. The ‘great verandah’ is designed to project over the property boundary line by 1000mm and will be constructed as a highly transparent and operable skin to the building. It does not include any habitable space. Southbank Boulevard and Sturt Street are not Council managed roads and approval to project into this space will be required from the Department of Environment and Primary Industries (DEPI).

The 1000mm projection is considered appropriate in this context. It will not impact upon the existing street trees and will engage the public realm. Southbank Boulevard is a wide road, and the encroachment will not impact upon the feeling of openness and space for the public realm. As the Southbank Boulevard frontage is north facing, details will be required of the façade materials/treatments to ensure that the transparency of the building is balanced with the environmental design performances. The cafe location should also be redesigned to better promote activity and activation on this corner of the site. The applicant has submitted that they are reviewing the design of the café and entry location.

Subject to submission of this information it is considered that the Southbank Boulevard and Sturt Street facades are supported and will promote activation and interest with the public realm consistent with DDO1 A2 and DDO60 A4.

The design treatment of the Moore Street frontage is less successful and it is recommended that further design work be undertaken to provide an attractive and engaging ground floor frontage. Although it is acknowledged that essential operations such as loading and unloading and storage are required along this frontage, greater transparency and activation of the ground level plan should be provided, particularly as this area transitions to nearby residential properties.

### **Amenity impacts**

Prior to the lodgement of the application, the ABC organised a structured stakeholder consultation process with the owners and occupiers in the immediate area. Primary interest came from owners and occupiers of the adjoining property at 120 Sturt Street (residential). The main concerns related to visual bulk, overshadowing and overlooking. Meeting minutes and responses have been submitted with the application.

The design of the southern side of the development, which abuts 120 Sturt Street is heavily influenced by the issues raised by the residents. Overall, the built form of the development has appropriate regard for adjoining residential uses. The southern portion of the building has been designed to minimise overshadowing and bulk to the residents at 120 Sturt Street and fritted glazing has been used on the southern façade to mitigate overlooking. No external lighting will be used on the southern façade and plant equipment will be set back and baffled to meet SEPP N-1. It is recommended that SEPP N-2 should be included in the Incorporated Document to help mitigate the impact of music from the building. The building height is modest (29.55 metres) and will not cause any adverse wind impacts to adjoining properties.

Additional information should be required in relation to the level 6 Terrace which is located in close proximity to the 120 Sturt Street building to ensure there will be no amenity impact caused by activities in this area including, but not limited to noise, hours of operation and overlooking.

Although the built form of the development is sensitive to adjoining properties, there are a number of issues relating to the day to day functions of the site as the ABC, specifically in relation to loading and unloading. This issue will be addressed below.

### **Engineering (traffic, loading and waste)**

#### **Traffic**

Initial City of Melbourne traffic comments raised a number of issues that required a response prior to the approval of the Incorporated Document. These issues were considered to have a significant impact upon the function of the basement car park and the local traffic network, in particular to Moore Street.

The majority of the concerns have been either addressed by the applicant or can now be satisfied by the submission of amended plans detailing matters such as dimensions, ramp grades and the location of mirrors and other traffic devices.

#### **Loading/unloading**

Although it is acknowledged that the most appropriate location for loading and unloading is from Moore Street, the final design response and detail of loading management has not been fully resolved at the time of writing this report.

The northernmost loading dock is required for general servicing such as mail and waste, whilst the larger southern loading dock is used for TV production trucks and can accommodate 3 x 12.5 metre trucks. Both loading docks are appropriately located and dimensioned however, ESG note that the swept path diagrams show tight access to the loading dock if all 3 bays are in use. This may have an impact upon the footpath which will be mounted by the northernmost vehicle. This is not an acceptable situation and must be addressed prior to the construction of the development.



On a semi-regular basis (approximately once a month) large set trucks (19 metres) will need to park in Moore Street as they will not fit in the onsite loading bays. It is not an acceptable outcome for any trucks to double park within Moore Street for any extended period of time. Moore Street is a no through road which means that any obstruction will have a significant impact to local traffic flow. Furthermore, a truck 19 metres in length will need to reverse into Southbank Boulevard rather than doing a complicated turning manoeuvre in Moore Street. ESG will only allow access for this vehicle along the frontage of the property. Adequate space on street must be reserved and an application made to CoM with at least 7 days' (5 working days) notice. This detail must be including in the traffic and loading/unloading management plan, to mitigate impact to the local road network, residents and nearby businesses.

### **Waste**

The waste management plan adequately complies with Council's 2012 Waste Guidelines however access to and the layout of the waste room must be modified prior to the commencement of the development. The applicant has submitted information that adequately responds to the above concerns. Amended plans should be required that provide more detail with regards to the dimensions of the waste room, lift access and access from the waste room to the loading bay.

### **Other matters**

#### **Signage**

Two large business identification signs of the iconic ABC logo are shown integrated into the building design, one at the ground level of the northern elevation and one on the top of the north-eastern corner of the eastern elevation.

Limited detail is provided in relation to the ABC logos, however it has been submitted that these signs are concepts and require further development. Consequently additional detail of the signs should be provided and appropriate standard signage conditions should be included in the Incorporated Document. It is also recommended that the Incorporated Document should exclude Clause 52.05 Advertising signs from applying to the land.

Only the ABC logos are being sought for approval under the Incorporated Document and any other signage on the building will require separate planning approval to the City of Melbourne via the typical planning permit process.

#### **Street trees**

There are number of street trees located around the boundaries of the site. The proposed canopy and 'grand verandah' will impact upon the street trees along Southbank Boulevard. A number of street trees along Moore Street will be impacted upon by the new vehicle crossovers. Replanting opportunities will be possible on Sturt Street.

The preferred position is for new development to have limited impact to existing street trees. The applicant has submitted that it is possible to limit pruning on Southbank Boulevard by reducing the projection of the “grand verandah” to 1000mm and the width of the canopy from 2300mm to 2000mm.

The loss of street trees is considered to be offset by the benefits of removing crossovers to Sturt Street and the possibility of replanting. A tree protection management plan should be submitted to City of Melbourne’s Tree Planning Department prior to the commencement of the development.

### **Bicycle parking and facilities**

The development proposes 80 staff bicycle spaces provided within the basement of the building. Access to the basement for cyclists is via the vehicle ramp and the goods lift which is accessed through the loading bay. Both access points have the potential for vehicle conflict and in particular the goods lift could be difficult to access if the loading bays are occupied. The change rooms are located on ground level but are disconnected from the bicycle storage area. No visitor bicycle parking is provided on site, with the applicant proposing 9 hoops outside the Southbank Boulevard frontage.

ESG are not fully supportive of the arrangements for access, visitor parking or shower facilities. It is not considered that these matters have been fully resolved by the design response and should be addressed prior to the commencement of the development. The nine visitor bike spaces should be contained within the property boundaries and with easy access to the public realm.

### **Sustainability**

ESD information was submitted with the application, The applicant has submitted that the ABC is committed to a sustainable development and seeks to achieve 5 stars Green Star office design v3 rating, which represents a standard of Australian Excellence.

It is considered that additional information is required to verify that the development has the design potential to meet the relevant performance measures of Clause 22.19-5.

### **RECOMMENDATION**

That the City of Melbourne advise the Minister that the proposed redevelopment of the ABC site is supported and it is appropriate in this case that the Minister uses Section 20(4) of the *Planning and Environment Act 1987*, subject to the recommend conditions and modifications to the Incorporated Document detailed at appendix 1.

Signature:  
**Brendan Cousins**  
Senior Planning Officer

Date: 14 November 2013

## **APPENDIX 1 RECOMMENDED INCORPORATED DOCUMENT**

### **Melbourne Planning Scheme**

#### **Incorporated Document**

**‘ABC Melbourne Accommodation Project, September 2013’**

### **INTRODUCTION**

This document is an Incorporated Document in the Schedule to Clause 81 of the Melbourne Planning Scheme and gives effect to a specific site control for the purpose of Clause 52.03 of the Scheme.

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

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

### **LAND DESCRIPTION**

The Incorporated Document applies to land at 120 Southbank Boulevard Southbank (Crown Allotment 16A Section B City of South Melbourne Parish of Melbourne South) and 102-118 Sturt Street Southbank (Crown Allotment 17 Section B City of South Melbourne Parish of Melbourne South).

The subject land is generally bounded by Sturt Street, Southbank Boulevard and Moore Street Southbank with the south boundary abutting the boundary of the Sutherland Place apartment complex at 120 Sturt Street Southbank.

### **APPLICATION OF PLANNING SCHEME PROVISIONS**

The following clauses in the Melbourne Planning Scheme do not apply to the land identified in this Incorporated Document:

- Clause 37.04 Capital City Zone- Schedule 3 Southbank
- Clause 43.01 Heritage Overlay
- Clause 43.02 Schedule 1 to the Design and Development Overlay (Active Street frontages- Capital City Zone )
- Clause 43.02 Schedule 3 to the Design and Development Overlay ( Traffic Conflict Frontage- Capital City Zone)
- Clause 43.02 Schedule 27 to the Design and Development Overlay ( City Link Exhaust Stack Environs)
- Clause 43.02 Schedule 60 to the Design and Development Overlay (Southbank)
- Clause 45.09 Schedule 1 to the Parking Overlay
- Clause 52.05 Advertising signs
- Clause 52.06 Car Parking

- Clause 52.07 Loading and unloading of vehicles

## **USE AND DEVELOPMENT OF LAND**

### **Views of relevant authorities**

Before deciding on amended plans submitted for approval under Condition 1 and 2 in this Incorporated Document, the responsible authority shall consider, as appropriate, the views of the following authorities:

- City of Melbourne
- CityLink Melbourne Limited in relation to the potential impact on the operation of the CityLink Exhaust Stack
- EPA in relation to the potential impact on the operation of the CityLink Exhaust Stack.

### **THIS INCORPORATED DOCUMENT ALLOWS**

The use and development of the land, including demolition of the building at 102-118 Sturt Street Southbank, and partial demolition and alterations and additions to the building at 120 Southbank Boulevard to allow construction of an integrated ABC Southbank Centre for the purposes of, but not limited to: Office, Media Production Studio, Food and Drink Premises (other than Hotel and Tavern), Orchestral Rehearsal and Public Performance Spaces and display of business identification signage generally in accordance with the following 'Incorporated Plans' prepared by Cox Architecture and titled 'ABC Melbourne Accommodation Project' dated September 2013.

(Plan details may change subject to required amendments required by condition 1)

Proposed Site Plan Ref A-0010 Rev 03

Existing Site Plan Ref A-0020 Rev 01

Site Demolition Plan Ref A-1501 Rev 01

Basement Floor Plan Ref A-1020 Rev 04

Level 1 Floor Plan Ref A- 1030 Rev 04

Level 2 Floor Plan Ref A-1040 Rev 04

Level 3 Floor Plan Ref A -1050 Rev 04

Level 4 Floor Plan Ref A -1060 Rev 04

Level 5 Floor Plan Ref A-1070 Rev 04

Level 6 Floor Plan Ref A-1080 Rev 04

Level 7 Roof Plan Ref A-1090 Rev 04

North Elevation Ref A- 3101 Rev 04

East Elevation Ref A-3102 Rev 04

South Elevation Ref A-3103 Rev 3

West Elevation Ref A -3104 Rev 3

Section AA and BB Ref A- 4101 Rev 03

Section CC Ref A-4102 Rev 03

**THE FOLLOWING CONDITIONS APPLY TO THIS INCORPORATED DOCUMENT:**

**Incorporated and amended plans**

1. Prior to the commencement of the use and development, amended plans to the satisfaction of the Responsible Authority in consultation with the City of Melbourne must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the incorporated document. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must generally be in accordance with the plans prepared by Cox Architecture but modified to show:
  - a. Dimensions and details (materials, colours etc.) of the projections over the northern boundary
  - b. Additional detail of the ABC logos (business identification signs) located on the north and eastern elevations. Additional detail should include dimensions, materials and colours and illumination levels (if appropriate)
  - c. Moore Street ground level (west elevation) redesigned to present as a more visually transparent, interesting and active frontage.
  - d. Increased setbacks of the northern façade and canopy to ensure there will be no impact to existing street trees, as required by condition 40.
  - e. A minimum of 9 visitor bicycle spaces located within the boundaries of the property.
  - f. Additional detail of the waste storage room including dimensions, number of bins and access arrangements.
  - g. Improved access to the bicycle storage area and associated shower facilities, to avoid potential vehicle and loading conflicts.
  - h. Any modifications to the roof terrace, if required by condition 13 (roof terrace)
  - i. Any modifications to the roof terrace, if required by condition 30 (disability audit)
  - j. Any modifications to the roof terrace, if required by condition 33 (loading management plan)
  - k. Improved access to the southernmost loading dock that that allows the northernmost vehicle to enter/exit without mounting the footpath or kerb.The amended plans must be to the satisfaction of the Responsible Authority in consultation with the City of Melbourne and when approved will be the endorsed plans of this permit.
2. The use and development must be carried out generally in accordance with the Incorporated Plans, or such modified plans which may be substituted with the consent of the Responsible Authority in consultation with the City of Melbourne.

3. The use and development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority in consultation with the City of Melbourne.
4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority in consultation with the City of Melbourne.

#### **Archival record of 102-118 Sturt Street Southbank**

5. Prior to the commencement of demolition of 102-118 Sturt Street Southbank, the preparation of a full archival record must be undertaken by an appropriately qualified person to the satisfaction of the Responsible Authority in consultation with the City of Melbourne. The record must be submitted to the Responsible Authority and the City of Melbourne and should consist of a full photographic survey of the building; preparation of measured drawings plans and elevations and a report which documents the history and architecture of the building. Once approved, this document must be made publicly available at the State Library of Victoria or equivalent and a copy provided to the City of Melbourne.

#### **Demolition**

6. Prior to the commencement of demolition, a Demolition Management Plan must be prepared in consultation with the City of Melbourne and be submitted to and approved to the satisfaction of the City of Melbourne. The Demolition Management Plan must address the demolition strategy, expected duration, protection of boundary conditions and street frontages/public footpaths, site access, hours and days of operation, noise, dust, traffic management, site security, lighting and hoarding and public safety.  
  
VicRoads and Yarra Trams must be consulted in the preparation of the Demolition Management Plan.
7. All demolition must be carried out in accordance with the approved Demolition Management Plan to the satisfaction of the Responsible Authority in consultation with the City of Melbourne.
8. Demolition must not commence until the Responsible Authority in consultation with the City of Melbourne is satisfied that substantial progress has been made towards obtaining the necessary building permits for the integrated development of the land generally in accordance with this Incorporated Document and the owner (or nominee) has entered into a genuine contract for the construction of the integrated development, or otherwise as agreed in writing by the Responsible Authority in consultation with the City of Melbourne.
9. Construction of the integrated development must commence within 6 months of the commencement of the demolition of 102-118 Sturt Street, or as otherwise agreed in writing by the Responsible Authority in consultation with the City of Melbourne.
10. Prior to the commencement of the development, including demolition, a report prepared by a suitably qualified Structural Engineer, or equivalent, must be submitted to the Responsible Authority and the City of Melbourne, demonstrating the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention, to the satisfaction of the Responsible Authority in consultation with the City of Melbourne. The recommendations contained within this report must be implemented at no cost to Responsible Authority and the City of Melbourne and be to the satisfaction of the Responsible Authority and the City of Melbourne.

### **Site Consolidation**

11. Prior to the occupation of the building, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab, a plan of consolidation into one title for the whole of the land must be registered at Land Victoria.

### **Construction Management Plan**

12. Prior to the commencement of development, a Construction Management Plan (CMP) must be prepared in consultation with the City of Melbourne and be submitted to and approved to the satisfaction of the City of Melbourne. The CMP should outline how the environmental and construction issues associated with the development will be managed. The CMP is to be prepared in accordance with the City of Melbourne – Construction Management Plan Guidelines and address:

- Integration with the Demolition Management Plan approved under this Incorporated Document
- Public safety, amenity and site security
- Operating days/hours
- Noise and vibration controls
- Protection of street trees and other public assets
- Air and dust management
- Stormwater and sediment control
- Waste and materials reuse
- Traffic and parking management
- Any measures to address site conditions
- Any additional reasonable measures to protect the reasonable amenity of the residents of Sutherland Place and Southside Gardens.

VicRoads and Yarra Trams must be consulted in the preparation of the Construction Management Plan.

### **Roof terrace**

13. Prior to the commencement of the use, herby permitted, a management plan/report must be submitted to the Responsible Authority in consultation with the City of Melbourne detailing the use of the level 6 roof terrace. The report should provide detail as to the proposed use of the terrace including hours of operation and methods that will be used to minimise impact on adjoining residential properties.

### **Materials and finishes**

14. Prior to the commencement of the development, including demolition, a schedule and sample board (and A3 File copy) including colour rendered and notated plans and elevations that illustrate the location and details of all external materials and finishes must be submitted to and approved to the satisfaction of the Responsible Authority in consultation with the City of Melbourne. All finishes and surfaces of all external buildings and works including materials and colours

must be in conformity with the approved schedule to the satisfaction of the Responsible Authority in consultation with the City of Melbourne.

### **Environmentally Sustainable Design**

15. Prior to the commencement of the development, an Environmentally Sustainable Design (ESD) Statement must be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority in consultation with the City of Melbourne. The ESD Statement must demonstrate that the office component of the building has been designed to achieve the following:

- NABERS Office Energy rating of 5 stars or equivalent
- 3 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Office rating tool or equivalent AND
- An overall rating of 5 star Green Star office rating under the current version of Green Star – Office rating tool or equivalent.

The ESD statement must verify that the proposed development has been designed to achieve the above performance targets and demonstrate how the development will achieve the objectives of the policy 22.19-2 and the policy requirements of 22.19.3 by the following means or equivalent:

- Energy Modelling reports and/or completed Green Star energy calculator following the relevant Green Star rating tool requirements or NABERS protocol
- Completed Wat-1 calculator
- Detailing how the development has been designed to achieve an overall 5 star Green Star office rating including self-assessed Green Star office rating and outlining which credits are being included in the design.

The ESD statement shall detail the design initiatives already incorporated into the design and outlines those initiatives that will be considered during detailed design, construction and operation of the buildings. The ESD statement shall include evidence or refer to plans and other reports for incorporated and proposed ESD design initiatives.

The ESD statement should identify the responsibilities and a schedule for implementation and ongoing management of incorporated and proposed sustainability design initiatives.

All relevant ESD design initiatives shall be shown on the plans and other relevant reports.

### **Building services plant and equipment**

16. All building plant and equipment must be concealed to the satisfaction of the Responsible Authority in consultation with the City of Melbourne. The construction of any additional plant, machinery and equipment including, but not limited to all air-conditioning equipment, ducts and exhausts shall be screened to the satisfaction of the Responsible Authority in consultation with the City of Melbourne.

### **Amenity**

17. The noise generated from the land must at all times comply with the requirements of the State Environment Protection Policy, (Control of Noise from Commerce, Industry and Trade) No. N-1, and State Environment Protection



Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority.

18. Prior to the commencement of the use an acoustic report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Responsible Authority. When approved the report will be endorsed and will form part of the permit. The report must include the results of acoustic testing verifying that the maximum noise levels will comply with SEPP No N-1 and SEPP N-2 is achieved to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the City of Melbourne prior to commencement of the use.
19. No bottles or other waste materials may be removed between the hours of 10.00pm and 7.00am the following day, seven days a week.

### **Waste Management Plan**

20. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Leigh Design dated 13 September 2013. The submitted WMP must not be modified or altered without prior consent of the City of Melbourne – Engineering Services.
21. All garbage/waste /recycling storage and collection must be generally in accordance with the approved Waste Management Plan to the satisfaction of the Responsible Authority in consultation with the City of Melbourne.
22. All garbage and other waste material must be stored in an area within the land and set aside for such purpose and screened from public view to the satisfaction of the Responsible Authority in consultation with the City of Melbourne.
23. No waste bin or surplus materials generated by the permitted uses may be deposited or stored outside and bins must be returned to the waste storage areas as soon as practicable after waste collection.

### **Traffic and Transport Assessment**

24. Prior to the commencement of the development, a Traffic and Transport Assessment of the proposed development prepared by a recognised traffic consultant must be submitted to and approved to the satisfaction of the Responsible Authority in consultation with the City of Melbourne. The Traffic and Transport Assessment must include a detailed car parking layout plan to scale and with dimensions submitted for endorsement as part of this Incorporated Document. The dimensions and layout of car spaces, ramp grades and access lanes and design standards should be in accordance with the requirements of Australian Standard AS2890.1 and/or the Melbourne Planning Scheme to the satisfaction of the City of Melbourne.
25. The areas for the parking of vehicles must be clearly indicated on the floor and the boundaries of all car parking spaces and access lanes and the direction in which vehicles should proceed along the access lanes must be in conformity with the endorsed plans.
26. The car parking facilities must not be used for any other purpose and all access aisles must be kept clear to the satisfaction of the Responsible Authority in consultation with the City of Melbourne.
27. The areas set aside for parking on the endorsed plans must only be used in connection with the lawful uses carried out on the site and must not be operated as a public car parking facility, unless otherwise agreed in writing by the Responsible Authority and in consultation with the City of Melbourne.

28. The number of car parking spaces shown on the car park layout plan must not exceed the maximum number permitted under Schedule 1 to the Parking Overlay at Clause 45.09 in the Melbourne Planning Scheme.
29. A warning device/sign must be installed at the car park entry alerting pedestrians when vehicles are exiting the building, to the satisfaction of the Responsible Authority in consultation with the City of Melbourne.

### **Loading management plan**

30. Prior to the commencement of the development, a loading and unloading management plan must be prepared by a recognised traffic consultant in consultation with the ABC and must be submitted to and approved to the satisfaction of the Responsible Authority in consultation with the City of Melbourne. The loading and unloading management plan must include the following:
  - a. Hours of operation for each loading dock.
  - b. Proposed usage of each loading dock.
  - c. Types of vehicles that will be loading and unloading to the site.
  - d. Details, include hours, frequency of any loading that is proposed outside of the property boundaries.
  - e. Standard procedures to ensure that there will be minimal impact upon local traffic along Moore Street and Southbank Boulevard.

The loading and unloading management plan must be to the satisfaction of, and be approved by, the Responsible Authority in consultation with the City of Melbourne. Once approved, the loading and unloading management plan will form a part of the endorsed documents under incorporated document. The operation of the use must be carried out in accordance with the endorsed loading and unloading management plan unless with the prior written consent of the Responsible Authority.

31. At least 7 days (5 business days) prior to any loading or unloading activities outside the boundaries of the subject site, a kerbside parking area of adequate length to accommodate the proposed vehicle must be reserved adjacent to the premises by contacting the City of Melbourne – Permits Branch.

### **Travel Smart Plan**

32. Prior to the occupation of the new building, a Travel Smart Plan must be prepared by a suitably qualified professional and be approved by the Responsible Authority. The initiatives identified in the Travel Smart Plan must be implemented to the satisfaction of the Responsible Authority.

### **Disability Audit**

33. Prior to commencement of each stage of development, excluding site preparation works, demolition, temporary sheds or structures for construction purposes, bulk excavation, site preparation and retention works, soil remediation, piling, footings, ground beams and ground slabs, the applicant must commission a Disability Audit of the development and undertake any modifications to the development as required by the audit to the satisfaction of the Responsible Authority in consultation with the City of Melbourne.

### **Drainage, crossovers and street levels**

34. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the City of Melbourne – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne’s underground stormwater drainage system.
35. Prior to the commencement of the use/occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.
36. The footpaths adjoining the site along Sturt Street, Southbank Boulevard and Moore Street must be reconstructed in sawn bluestone together with associated works including the reconstruction or relocation of kerb and channel and/or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.
37. Existing street levels in Sturt Street, Southbank Boulevard and Moore Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the City of Melbourne – Engineering Service.
38. All pedestrian ramps must be designed and constructed in accordance with AS 1428:2009 Design for Access and Mobility and should be fitted with ground surface tactile indicators (TGI's). Details of the TGI's must be submitted to and approved by City of Melbourne – Engineering Services prior to their installation.

### **Street Trees**

39. Prior to commencement of the works a Tree Protection Management Plan (TPMP) must be submitted to the satisfaction of the City of Melbourne - Urban Landscapes. The TPMP must outline how council trees will be protected during demolition and construction activities. A bank guarantee equivalent to the combined environmental and amenity values of any council tree will be held against this TPMP for the duration of the works.
40. Any projections or canopies over the property boundary must not impact the canopies of existing trees or limit the provision of future street trees to the satisfaction of the City of Melbourne - Urban Landscapes.

### **Projections over street alignment**

41. The owner of the property must seek a tenure /authorisation under the Land Act 1958 from the Department of Sustainability and Environment for the building projections over Crown Land. The tenure/authorisation must indemnify the City of Melbourne against any claims regarding the projections. Should the owner of the property seek to commence works prior to the issue of the tenure/authorisation, the owner must enter into a legal agreement under Section 173 of the *Planning and Environment Act 1987* concerning the liability of those parts of the development projecting into airspace or subsoil of land under the care and management of the City of Melbourne. The owner of the property to be developed must pay all the City of Melbourne’s reasonable legal costs and expenses of this agreement including preparation, execution and registration on title.

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

**Environmental assessment: 102-118 Sturt Street Southbank**

43. Prior to the commencement of the development, excluding demolition and works necessary to undertake the environmental assessment, the owner of the land at 102- 118 Sturt Street must undertake an environmental assessment of this land to determine if it is suitable for the proposed uses. The assessment must be carried out by a suitably qualified environmental professional who is acceptable to the Responsible Authority. The recommendations of this assessment, if any, must be implemented prior to the occupation of the building at 102-118 Sturt Street to the satisfaction of the Responsible Authority.

Should this assessment reveal that an Environmental Audit of the site is necessary, then prior to the occupation of the building at 102-118 Sturt Street the owner of the land must provide either:

- A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*, or
- A Statement of Environmental Audit under Section 53Z of the *Environment Protection Act 1970*. The Statement must state that the site is suitable for the intended uses.

Where a statement of Environmental Audit is provided, all the conditions of the Statement must be complied with to the satisfaction of the Responsible Authority prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. In addition, sign-off must be in accordance with any requirements in the Statement regarding verification of required works.

If there are any conditions of Statement of Environmental Audit that the Responsible Authority considers require significant on-going maintenance and /or monitoring, the owner must enter into a Section 173 Agreement under the *Planning and Environment Act 1987*. This agreement must be executed on title prior to the occupation of the building at 102-118 Sturt Street. The owner must meet all costs associated with the drafting and execution of the Agreement including those incurred by the Responsible Authority.

**Advertising signs**

44. The signs, including their structure as shown on the endorsed plan, must at all times be maintained in good order and condition, to the satisfaction of the Responsible Authority.
45. The location, size, material of construction, colours, wording and degree of illumination of the signs shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority in consultation with the City of Melbourne.
46. The signs must not be animated or contain any flashing light.
47. The lighting of the signs must be so positioned that no direct light or glare shall be visible from any roadway or from any adjoining property, to the satisfaction of the Responsible Authority in consultation with the City of Melbourne.

48. No advertising signs shall be erected, painted or displayed without the written permission of the Responsible Authority unless in accordance with the Incorporated Plans or amended plans to the satisfaction of the Responsible Authority in consultation with the City of Melbourne.

### **Expiry**

49. This Incorporated Document will expire if one of the following circumstances applies:

- a. The development is not started within three (3) years of the date of the approval of the amendment.
- b. The development is not completed within five (5) years of the date of the approval of the amendment.

The Responsible Authority in consultation with the City of Melbourne may extend the periods referred to if a request is made in writing before these controls expire or within three months afterwards.

### **NOTES**

Any requirement to temporarily relocate street lighting must be first approved by the City of Melbourne – Engineering Services.

All street lighting temporarily relocated must be reinstated to the satisfaction of the City of Melbourne - Engineering Services.

Any requirement to temporarily relocate and/or remove street furniture must be first approved by the City of Melbourne –Engineering Services.

All street furniture temporarily relocated and/or removed must be reinstated to the satisfaction of the City of Melbourne – Engineering Services.

All necessary approvals and permits are to be first obtained from the City of Melbourne – Manager Engineering Services Branch and VicRoads and the works performed to the satisfaction of the City of Melbourne – Engineering Services and VicRoads

No council tree is to be pruned, root-pruned, damaged or removed without the prior written consent of the City of Melbourne - Urban Landscapes.

Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.

## **APPENDIX 2 INTERNAL REFERRAL REFERENCES**

- Urban Design (DM# 8170297)
- Engineering Services Group (DM# 81673070)
- Civil engineering (DM #8169116)
- Council's Heritage Consultant (DM# 8179275)
- Land Survey (DM#8177458)
- Building (No DM#)
- Local Policy (DM#8226651)
- Tree planning (DM# 8175468)
- Sustainability (DM#8226646)