

MELBOURNE PLANNING SCHEME

INCORPORATED DOCUMENT

12 RIVERSIDE QUAY, SOUTHBANK

NOVEMBER 2020

This is an incorporated document under the Melbourne Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

1. INTRODUCTION

This document is an incorporated document as listed within the Clause 72.04 and the applicable schedule of the Melbourne Planning Scheme.

2. LAND DESCRIPTION

This document applies to the following parcels of land:

- All the land known as 12 Riverside Quay, Southbank comprised in Certificate of Title Volume 09962 Folio 031 and is contained within Lot 5 of PS304276N.
- A portion of land known as 8-10 Riverside Quay, Southbank comprised in Certificate of Title Volume 11520 Folio 637 contained within Reserve No. 1 on Plan of Subdivision No 730107K.
- A portion of Certificate of Title Volume 10343 Folio 530 (Attachment 9) and is contained within Road R1 on Plan of Subdivision 411060Q.

Together known as 'the land', being all of the land within the black line on the Plan of Survey which is Attachment 1 to this Incorporated Document.

3. APPLICATION OF PLANNING SCHEME PROVISIONS

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

4. EXPIRY OF THIS SPECIFIC CONTROL

The development of the Land permitted under this Incorporated Document must commence within three years of the gazettal date of Amendment C391melb to this Scheme and must be completed within six years of the gazettal date of Amendment C391melb to this Scheme. The use permitted under this Incorporated Document must commence within six years of the gazettal date of Amendment C391melb to this Scheme.

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

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

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

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

5. THIS DOCUMENT ALLOWS:

Despite any provision to the contrary in the Planning Scheme, the land may be used and developed, including demolition, for the purpose of a multi-level building containing Office, Childcare Centre, Education Centre, Retail Premises (other than Adult Sex Book Shop, Department Store, Hotel and Tavern (Bar)), and Place of Assembly (other than Amusement Parlour and Nightclub) and Accommodation, and removal of the reservation of that part of the land set aside as a reserve subject to the conditions of this incorporated document.

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

- 12 Riverside Quay Southbank, Ground Plan, Sketch Design, 2213 TP_00.01 Rev: 2, Dated 18/09/2020
- 12 Riverside Quay Southbank, Level 1-5, Sketch Design, 2213 TP_00.02 Rev: 2, Dated 18/09/2020

- 12 Riverside Quay Southbank, Level 6-7, Sketch Design, 2213 TP_00.03 Rev: 2, Dated 18/09/2020
- 12 Riverside Quay Southbank, Level 8-14, Sketch Design, 2213 TP_00.04 Rev: 2, Dated 18/09/2020
- 12 Riverside Quay Southbank, Level 15-24, Sketch Design, 2213 TP_00.05 Rev: 2, Dated 18/09/2020
- 12 Riverside Quay Southbank, Level 25-29, Sketch Design, 2213 TP_00.06 Rev: 2, Dated 18/09/2020
- 12 Riverside Quay Southbank, Elevations, Sketch Design, 2213 TP_00.07 Rev: 2, Dated 18/09/2020
- 12 Riverside Quay Southbank, Elevations, Sketch Design, 2213 TP_00.08 Rev: 2, Dated 18/09/2020

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

Detailed Development Plans

1. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with the Responsible Authority, detailed development plans including full architectural drawings, plans, sections, elevations and renders of the development must be submitted to and be approved by the Responsible Authority in consultation with Melbourne City Council.

When approved, the detailed development plans will form part of the incorporated document. The plans must be drawn to scale and fully dimensioned, including heights to Australian Height Datum for all levels, parapets, roof plant and architectural features on all elevations.
2. The detailed development plans must be generally in accordance with the massing / development envelope plans and public realm areas approved as part of this incorporated document. The detailed development plans must be supported by a comprehensive Urban Context Report and Architect Design Statement generally in accordance with the Urban Context and Design Response Report by Hayball dated May 2020. The detailed development plans must provide the following information:
 - a) The title boundary and any projections over the title boundary, including details of any adjustments to the title boundary to those as at the date of this incorporated document.
 - b) A detailed development schedule, including the total Gross Floor Area (GFA) using the definition in Clause 73.01 the Melbourne Planning Scheme and the GFA allocated to the proposed uses; the total number and allocation of car parking spaces; number and type of bicycle facilities; privately owned public realm areas (sqm); Council owned reserve and roads (sqm); area (sqm) allocated for waste storage and collection, loading and unloading, and building services and equipment.
 - c) An area of at least 1,000sqm of unencumbered land within the title boundary at the north-west corner of the site adjoining Southbank Promenade and Riverside Quay Reserve for public open space in accordance with the massing / development envelope plans and public realm areas approved as part of this incorporated document.
 - d) Design details at 1:50 scale (or as otherwise agreed with the Responsible Authority) of the lower podium levels including the street levels to all interfaces to show active frontages, a clear sense of address and a high level of visual interest and engagement with the street.
 - e) Design details at 1:50 scale (or as otherwise agreed with the Responsible Authority) of the lower podium levels including the interfaces to the public open space to demonstrate careful consideration of the building entries, and the function and character of the threshold from private to public land.
 - f) Design details at 1:50 scale (or as otherwise agreed with the Responsible Authority) of the podium elevations demonstrating the adoption of a 'massing breaks' on all interfaces to reinforce a sense of fine grain and that the podium mass does not present as a single form.
 - g) Design details at 1:50 scale (or as otherwise agreed with the Responsible Authority) of the tower levels.

- h) Detailed floor plans for all levels in the building including typical floor plans where appropriate.
- i) Detailed roof plan.
- j) Any changes required by the Façade Strategy under Condition 3.
- k) Any changes required by the detailed Wind Impact Assessment under Condition 15.
- l) Any changes required by the detailed Environmentally Sustainable Design (ESD) Statement under Condition 17.
- m) Arrangements for waste storage and collection in accordance with the Waste Management Plan under Condition 21.
- n) Detailed vehicle access and car park layout plans for all basement and service levels including car parking spaces, ramp grades, aisle widths, head clearances, bicycle facilities, loading areas, pedestrian access and internal circulation in accordance with the Car Parking and Traffic Management Report under Condition 23.
- o) Coloured images of the building and privately owned public realm area in context.
- p) Any changes required by the Road Safety Audit under Condition 27.
- q) The existing basement modified to provide a minimum vertical clearance of at least 1.5m between the road level and any projection below the land to be vested in Council as a road reserve.
- r) All doors and openings adjoining the title boundary, as adjusted, designed to comply with Melbourne City Council's Road Encroachment Guidelines.

Façade strategy

3. Before the development starts, other than demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with the Responsible Authority, a Façade Strategy must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. When approved, the Façade Strategy will form part of the endorsed plans. All materials, finishes, and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority.

The Façade Strategy must illustrate the distinct identities of the different massing components (including the tower) in order to reinforce the perception of a 'village of forms' and the adoption of more robust and tactile materials with a stronger sense of mass to podium levels. The presentation of all elevations that are highly visible from key vantage points require the adoption of high-quality materials and details to avoid blank wall interfaces.

The Façade Strategy must detail:

- a) A concise description by the architect of the building design concept and how the façade works to achieve this.
- b) Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail and any special features which are important to the building's presentation.
- c) Cross section or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or materials.
- d) Information about how the façade will be accessed and maintained and cleaned.
- e) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high quality built form outcome in accordance with the design concept.

Materials and finishes

4. Before the development starts, other than demolition of the existing building and early site preparation works approved under Conditions 12 and 13, a schedule and samples of all external materials, colours and finishes including a colour rendered and notated plans/elevations must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council.

External glazing

5. Except with the written consent of the Responsible Authority, all external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.

Layout not altered and satisfactory completion

6. When approved, the plans, schedules and reports referred to in the conditions of this incorporated document will be endorsed by the Responsible Authority or Melbourne City Council, as stated. The use and development as shown on the plans, schedules and reports must not be altered without the prior written consent of the Responsible Authority or Melbourne City Council, as stated.
7. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
8. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Retention of architectural firm

9. Except with the written consent of the Responsible Authority in consultation with Melbourne City Council, Hayball must be retained to complete the detailed development plans and to provide architectural oversight during construction of the detailed design, as shown in the endorsed plans, façade strategy and the endorsed schedule of materials and finishes, to the satisfaction of the Responsible Authority.

Projections over the title boundary

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

Demolition and early site preparation works

12. Before the demolition of the existing building and early site preparation works start on the site, detailed plans showing the early site preparation works must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. The plans must be to scale and fully dimensioned. The early site preparation works permitted under this condition are restricted to demolition, bulk excavation, site retention, soil investigation and soil remediation works. All early site preparation works must be in accordance with the approved plans.
13. Before the demolition of the existing building and early site preparation works start on the site, an Early Works Demolition and Construction Management Plan (EWDCMP) must be submitted to and approved by Melbourne City Council. The EWDCMP must be prepared in accordance with Melbourne City Council's Construction Management Plan Guidelines. The EWDCMP is to consider at least the following:
 - a) Staging of works.
 - b) Public safety, amenity and security.
 - c) Management of public access and linkages around the site during construction.
 - d) Site access and traffic management, including any disruptions to adjoining vehicular and pedestrian access ways.
 - e) Any works within the adjoining reserves and street networks, including footpaths.
 - f) Hours of construction.
 - g) Noise and vibration controls.
 - h) Air and dust management.
 - i) Stormwater and sediment control.
 - j) Arrangements for managing stockpiled soil before it is removed from the site.

- k) Collection and disposal of demolition and construction waste.
- l) Street trees to be retained and protected.
- m) Street trees to be removed, lopped or pruned.
- n) Public assets to be protected.
- o) Program and completion date.

Temporary works

14. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with Melbourne City Council, the owner of the land must enter into an agreement with Melbourne City Council pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for the following:

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

the owner must construct temporary works on the land to the satisfaction of Melbourne City Council.

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

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

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

Wind tunnel assessment

15. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with the Responsible Authority, a Wind Tunnel Assessment prepared by a suitably qualified person must be undertaken and submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. The Wind Tunnel Assessment must:

- a) Respond to the wind effects provisions and definitions in Schedule 60 to the Design and Development Overlay.
- b) Explain the effect of the development on the wind conditions in publicly accessible areas impacted by the development as well as any balconies and/or rooftop areas within the development.
- c) At a minimum, model the wind effects of the development and its surrounding buildings (existing and proposed) using wind tunnel testing.
- d) Identify the principal role of each part of the publicly accessible areas for sitting, standing or walking purposes.
- e) Not rely on any trees within publicly accessible areas for wind mitigation.
- f) Make recommendations for modifications to the design of the building, if required, to achieve comfortable wind conditions consistent with the identified principal role for publicly accessible areas as well as any balconies and/or rooftop areas within the development.

16. Any modifications to the development to ensure comfortable wind conditions to the surrounding streets, building entries, publicly accessible areas and any balconies and/or rooftop areas within the development must be carefully developed as an high quality integrated architectural solution to the satisfaction of the Responsible Authority and implemented at no cost to the Responsible Authority.

Environmentally sustainable design statement

17. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with the Responsible Authority, an Environmentally Sustainable Design (ESD) Statement prepared by a suitably qualified professional shall be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. The ESD Statement must be generally in accordance with the Environmentally Sustainable Design (ESD) Statement Phase 1 by Atelier Ten dated May 2020 and demonstrate that the building has the preliminary design potential to achieve the following:
 - a) A minimum (mandatory) 5 Star NABERS Energy rating or equivalent.
 - b) An aspirational (preferred) 6 Star NABERS Energy rating or equivalent.
 - c) A minimum (mandatory) 3 points for Wat-1 credit under the Green Star – Office rating tool or equivalent.
 - d) An aspirational (preferred) 4 Star NABERS Water rating or equivalent.
 - e) A minimum (mandatory) 5 Star Green Star Design and As Built or equivalent.
 - f) An aspirational (preferred) 6 Star Green Star Design and As Built or equivalent.
18. Any change during design which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be submitted to and endorsed by the Responsible Authority in consultation with Melbourne City Council before construction starts.
19. Within six months of occupation of the development, a report must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council, which details the initiatives implemented within the completed development that achieve the performance outcomes specified in the endorsed ESD Statement.

Water sensitive urban design

20. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with Melbourne City Council, a stormwater drainage system incorporating integrated water cycle management design principles must be submitted to and approved by Melbourne City Council. The system must be constructed prior to occupation of the development and provision made to connect this system to Melbourne City Council's underground stormwater drainage system.

Waste management plan

21. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with Melbourne City Council, a detailed Waste Management Plan (WMP) must be submitted to and approved by Melbourne City Council generally in accordance with the preliminary WMP by WSP dated 23 April 2020, but amended to include:
 - a) The handling, storage and collection of all waste undertaken onsite.
 - b) An emphasis on resource recovery in order to reduce the overall amount of waste going to landfill.
 - c) Collections of each waste stream limited to a maximum of three times per week, except for food organics.
 - d) Compactors for waste streams generating over 25,000L per week (for waste streams that can be collected in compactors) unless an alternative collection methodology is approved by Council.

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

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

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

Car parking and traffic management

23. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with the Responsible Authority, a Car Parking and Traffic Management Report prepared by a suitably qualified traffic consultant, must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. The Car Parking and Traffic Management Report must be generally in accordance with the preliminary Traffic Engineering Assessment by Traffix Group Pty Ltd dated May 2020 and:
- a) Address the number of car parking spaces and bicycle facilities provided; integrate with the approved Waste Management Plan and inform the detailed internal design of the car parking and loading areas.
 - b) Specify and assess all relevant access, parking, loading and traffic matters, including pedestrian and cyclist safety and recommend traffic mitigation works and management measures, if required, to manage the traffic impacts generated by the development.
 - c) Address the location and design of the vehicle crossings on Southgate Avenue, including pedestrian and cyclist safety. Priority should be given to pedestrians over vehicles entering/exiting the site.
24. All traffic mitigation works and management measures as recommended in the Car Parking and Traffic Management Report must be implemented at no cost to the Responsible Authority or Melbourne City Council and must be to the satisfaction of Melbourne City Council.

Maximum number of car spaces

25. The development must not provide more than the maximum total number of car parking spaces permitted in accordance with Schedule 1 to the Parking Overlay at Clause 45.09. The detailed car park layout plans approved under Condition 2 must show the number of car parking spaces allocated to the uses within the development to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

Minimum number of motorcycle parking spaces

26. The development must not provide less than one motorcycle parking space per 50 car parking spaces within the basement car park.

Road safety audit

27. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with Melbourne City Council, a formal independent desktop Road Safety Audit of the development must be undertaken prior to construction, at the owner/developer's expense, which should include the vehicular/ bicycle/ pedestrian access arrangements, loading arrangements and internal circulation and layout, as well as any works in the public realm. The findings of the Audit must be incorporated into the detailed design, at the owner/developer's expense. When provided to the satisfaction of Melbourne City Council, the Road Safety Audit will be endorsed by Melbourne City Council to form part of this incorporated document.

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

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

Parking and loading

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

Visitor parking sign

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

Loading

31. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with Melbourne City Council, a Loading Management Plan must be submitted to and be approved by Melbourne City Council, specifying how the access/egress of loading vehicles is to be managed and ensuring that:
 - a) The delivery needs of the various uses within the development can be accommodated;
 - b) Vehicles do not queue on-street;
 - c) Any potential conflicts between various vehicles (and other road users) are satisfactorily addressed; and
 - d) The loading facilities are designed generally in accordance with the relevant Australian Standard.

Bicycle facilities

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

Building appurtenances

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

Landscaping plan for the new public open space to be vested in Council

36. Within four months of a request from the owner/applicant, Melbourne City Council must develop a functional design brief for the new public open space to be vested in Melbourne City Council as a reserve. The functional design brief must define the aim and scope of works as well as the process of sequential submission and approval of the schematic design documentation, design development documentation and construction documentation for the public open space.
37. Within six months of the provision of the functional design brief, or as otherwise agreed with Melbourne City Council, the owner/applicant is to prepare the schematic design for the public open space in accordance with the functional design brief. The drawings and documentation must be submitted to and approved by Melbourne City Council.
38. The financial contribution towards the cost of the design and delivery of the public open space by the owner must not be less than \$1,000,000 but the owner of its own volition may contribute in excess of this amount.
39. The works as shown on the approved drawings and documentation must be completed to the satisfaction of Melbourne City Council within six months of occupation of the building, or as otherwise agreed with Melbourne City Council.

Landscaping plan for privately owned areas

40. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with the Responsible Authority, a detailed landscape plan, landscape maintenance plan and irrigation performance specification for the development, excluding the areas to be vested in Melbourne City Council as a reserve and road, prepared by a suitably qualified landscape architect must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. The documents must include the following:
- a) Details of all surface finishes, including pathways, driveways, terrace or decked areas.
 - b) The landscape design of all publicly accessible areas at ground level.
 - c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, and sizes at maturity.
 - d) Detailed planter sections including, soil volumes and schedules of species with consideration given to soil volume requirements and growing medium proposed, and indicative irrigation and drainage layouts and growing media.
 - e) Urban design elements including, but not limited to, paving, lighting, seating and public art.
 - f) Clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.
 - g) How the development responds to water sensitive urban design principles, including how stormwater will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used, including the location of any rainwater tanks.
 - h) Further detail with respect to the ongoing maintenance beyond the 52 week period following practical completion.
 - i) Detailed irrigation performance specifications.

This landscape plan must be to the satisfaction of the Responsible Authority in consultation with Melbourne City Council and when approved shall form a part of the endorsed plans of this incorporated document.

41. Except with the prior written consent of the Responsible Authority in consultation with Melbourne City Council, the approved landscaping plan must be implemented prior to occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.

Tree protection plan

42. Before the development starts, or as otherwise agreed with Melbourne City Council, a revised Arboricultural Assessment and Report and Tree Protection Plan must be submitted to and approved by Melbourne City Council. The documents must demonstrate how publicly owned trees will be protected during the construction activities associated with the development. The documents must be generally in accordance with the Arboricultural Assessment and Report by Treelogic Pty Ltd dated 11 May 2020 and in accordance with AS 4970-2009 – Protection of Trees on Development Sites. The documents must include but not be limited to:
- a) An assessment of all trees on or adjacent to the site, including their retention value.
 - b) Tree protection recommendations for the trees to be retained in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites to ensure their long-term health, including tree protection zones (for roots and canopies) and structural root zones.
 - c) Statements that outline that all options have been exhausted for trees identified for removal in accordance with Council's Tree Retention and Removal Policy.
 - d) Recommendations for the location of new tree plots or planters with appropriate soil volumes that will ensure replacement trees for any removed trees provide equivalent amenity value.
 - e) Melbourne City Council asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).

- f) Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries. The Construction and Traffic Management Plan requirements must relate directly to those provided to Melbourne City Council in relation to any other permit conditions.
 - g) Site specific details of the temporary tree protection fencing to be used to isolate publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
 - h) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned trees.
 - i) Full specifications of any pruning required to publicly owned trees.
 - j) Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
 - k) Name and contact details of the project arborist who will monitor the implementation of the TPP for the duration of the development.
 - l) Details of the frequency of the project arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to Melbourne City Council's email via trees@melbourne.vic.gov.au.
43. All works, including bulk excavation, within the Tree Protection Zone of publicly owned trees must be undertaken in accordance with the endorsed Arboricultural Assessment and Report and Tree Protection Plan and supervised by a suitably qualified arborist where identified in the report, except with the further written consent of Melbourne City Council.
44. Following the approval of the endorsed Arboricultural Assessment and Report and Tree Protection Plan a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the Tree Protection Plan for the duration of construction activities. The bond amount will be calculated by Melbourne City Council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted on, Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.
45. If a Construction Management Plan or Traffic Management Plan change any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed Arboricultural Assessment and Report and Tree Protection Plan, a revised Tree Protection Plan must be provided to the satisfaction of Melbourne City Council. When provided to the satisfaction of Melbourne City Council, the revised Tree Protection Plan will be endorsed to form part of this incorporated document and will supersede any previously endorsed Tree Protection Plan.
46. If any public trees are proposed for removal at any stage of the development under an Arboricultural Assessment and Report and Tree Protection Plan endorsed under this incorporated document, then prior to the commencement of the development, the applicant must submit a Street Tree Plot Replacement Strategy to Melbourne City Council, which shows replacement and/or additional tree plots in accordance with Melbourne City Council's Tree Retention and Removal Policy. When provided to the satisfaction of Melbourne City Council, the Street Tree Plot Replacement Strategy will be endorsed to form part of this incorporated document.
47. Prior to occupation of the development, the replacement and/or additional street tree plots shown on the Street Tree Plot Replacement Strategy endorsed under this incorporated document must be constructed at no cost to Melbourne City Council and be to the satisfaction of Melbourne City Council.

Public open space and development adjustment

48. Before occupation of any part of the completed development, an area of at least 1,000sqm of the land in the north-western corner of the site adjoining Southbank Promenade and Riverside Quay Reserve as shown on the endorsed plans must be vested in Melbourne City Council on the Plan of Subdivision as a Reserve (unlimited in height and depth) as Public Open Space to the satisfaction of Melbourne City Council at no cost to either Melbourne City Council or the Responsible Authority.
49. In the event that the part of the land cross-hatched in the south-western corner on the Plan of Survey attached to this incorporated document as Attachment 1 is not transferred to the owner of

the land prior to commencement of development, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with the Responsible Authority, the endorsed plans or plans submitted or to be submitted for endorsement shall be amended to the satisfaction of the Responsible Authority in consultation with Melbourne City Council to exclude from the land to be developed such cross-hatched part of the land.

Removal of the reserve

50. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with Melbourne City Council, a plan showing the detailed dimensions of that part of the land from which Reserve No. 1 on Plan of Subdivision No 730107K is hereby permitted to be removed must be submitted to the satisfaction of Melbourne City Council.

Discontinuance of public road

51. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with Melbourne City Council, the relevant portion of road which is to be built on, contained within Certificate of Title Volume 10343 Folio 530 and known as Road R1 on Plan of Subdivision No. 411060Q, forming part of Riverside Quay, Southbank must be formally discontinued and consolidated with the subject land.

Land survey

52. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with Melbourne City Council, the owner of the land must lodge with the Responsible Authority an application for certification pursuant to Section 24A of the Subdivision Act 1988 for the removal of Reserve No. 1 on Plan of Subdivision No. 730107K. When certified by the Responsible Authority and a Statement of Compliance has been issued, the plan must be lodged at Land Victoria for registration.
53. Prior to occupation of any part of the completed development, or as otherwise agreed with Melbourne City Council, all the land for the development must be owned by the one entity and consolidated onto the one certificate of title to the satisfaction of Melbourne City Council.
54. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with Melbourne City Council, the strips of land along Southgate Avenue and Riverside Quay shown on Drawing No. TP_00.01 Revision A by Hayball dated 18 May 2020 and marked-up 18 September 2020 that have varying dimensions but are no more than 3m wide at any point must be vested in Council as a road under the provisions of the Subdivision Act 1988. The new portions of road are to have no upper limit and a lower limit of at least 1.5m below road level (set to the Australian Height Datum), to the satisfaction of Melbourne City Council.

Construction management plan

55. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with Melbourne City Council, a detailed construction management plan must be submitted to and approved by Melbourne City Council. This construction management plan must be prepared in accordance with Melbourne City Council's Construction Management Plan Guidelines and is to consider the following:
- a) Management of public access and linkages around the site during construction.
 - b) Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian accessways).
 - c) Any works within the adjoining reserves and street network.
 - d) Public safety, amenity and site security.
 - e) Hours of construction.
 - f) Noise and vibration controls.

- g) Air and dust management.
- h) Stormwater and sediment control.
- i) Waste and materials reuse.
- j) Traffic management.
- k) Protection of street trees.

Civil works

- 56. Existing street levels in roads and open space adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from Melbourne City Council.
- 57. Before the use / occupation of the development starts, or as otherwise agreed with Melbourne City Council, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by Melbourne City Council.
- 58. All portions of roads and reserves affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by Melbourne City Council.
- 59. Before the use / occupation of the development starts, or as otherwise agreed with Melbourne City Council, the footpaths adjoining the site along Southgate Avenue and Riverside Quay must be reconstructed in new sawn bluestone together with associated works including the renewal of kerb and channel, provision of street furniture and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by Melbourne City Council.
- 60. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of Melbourne City Council.
- 61. Existing street furniture must not be removed or relocated without first obtaining the written approval of Melbourne City Council.
- 62. All street furniture such as solar bins, seats and bicycle rails must be supplied and installed on footpaths outside the proposed building to plans and specifications first approved by Melbourne City Council.
- 63. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with Melbourne City Council, a lighting plan must be prepared to the satisfaction of Melbourne City Council. The lighting plan should be generally consistent with Melbourne City Council's Lighting Strategy and include the provision of public lighting in the streets and open space adjacent the subject land. The lighting works must be undertaken prior to the commencement of the use / occupation of the development, in accordance with plans and specifications first approved by Melbourne City Council.

Signs

- 64. No signs are to be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the provisions of the Melbourne Planning Scheme.

3D digital model

- 65. Prior to occupation of the development, or as otherwise agreed with the Responsible Authority, 3D digital model of the development must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. The model should be prepared having regard to the relevant advisory notes. In the event that substantial modifications are made to the building envelope, a revised 3D digital model must be submitted to and approved by the Responsible Authority.

Potentially contaminated land

66. Before the development starts, other than the demolition of the existing building and early site preparation works approved under Conditions 12 and 13, or as otherwise agreed with the Responsible Authority, the applicant must carry out a Preliminary Environmental Assessment (PEA) of the 1,000sqm of the land in the north-western corner of the site adjoining Southbank Promenade and Riverside Quay Reserve which is to be vested in Melbourne City Council to determine if it is suitable for the intended use. This PEA must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council prior to the commencement of the development.

The PEA should include:

- a) Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This should include details of how long the uses occupied the site.
- b) A review of any previous assessments of the site and surrounding sites, including details of the anticipated sources of any contaminated materials.
- c) Identification of the likelihood of the site being potentially contaminated.
- d) Recommendations regarding what further investigative and remediation work, if any, may be necessary to ensure the site is suitable for the intended use(s).

The recommendations of the PEA must be complied with to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

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