

MELBOURNE PLANNING SCHEME

Incorporated Document

Freshwater Place Southbank, August 2001 (Amended 2012)

This document is an incorporated document in the Melbourne Planning Scheme pursuant to Section 6(2)(j) of the Planning and Environment Act 1987

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INTRODUCTION:

This document is an incorporated document in the schedule to Clause 81 of the Melbourne Planning Scheme.

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

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

ADDRESS OF THE LAND:

2-26 & 30-50 Southbank Boulevard, 17-23 Queensbridge Street and 127-131 & 133-141 Queensbridge Square, Southbank

THIS DOCUMENT ALLOWS:

Development including demolition and removal of existing buildings and use of the land for the purposes of Dwelling, Residential hotel, Office, Food and drink premises, Shop (other than Adult sex bookshop), associated public open space, ancillary car parking and public car park, generally in accordance with the plans prepared by Bates Smart Architects and titled:

- “Freshwater Place Scheme 1” dated July 2001, Drawing Nos TP1.1 - 1.21
- “Freshwater Place Scheme 2” dated July 2001, Drawing Nos TP2.1A - 2.23A

THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

1. Prior to the commencement of the use and development hereby permitted, excluding demolition, bulk excavation and site retention works, the owner(s) must submit amended scaled plans to the satisfaction of the responsible authority in consultation with the City of Melbourne (the Council) 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 generally in accordance with the plans prepared by Bates Smart Architects but modified to show:
 - a Detailed architectural plans, elevations and sections, indicating location, height, dimensions, design, use and floor area of all buildings and works including numbers of car spaces, all canopies, projections, wind mitigation devices and architectural features.

- b Provide design detail and revisions of all the ground floor and podium level elevations (indicating uses) and all street facades at a scale of 1:200, including car park screening devices in order to ensure:
 - i the provision, suitability and extent of public activities and access to the entire Queensbridge Square, Southbank Boulevard frontage;
 - ii. active street frontages to Queensbridge Square and Southbank Boulevard with a minimum of two thirds of the frontages to be activated and have direct access to street level;
 - iii. internal podium elevations to make a positive architectural contribution to the open square;
 - iv. a continuous pedestrian route along Southbank Boulevard by either the deletion of the colonnade and alignment of the building with the title boundary, or relocation of the car park shuttle lifts;
 - v. consideration of personal safety in design of pedestrian spaces;
 - vi. the contribution to the future public use and amenity of Queensbridge Square through the activation of as much of the frontage as possible with compatible uses providing public access, services and amenities.
 - vii. that the public open space network is not adversely subjected to wind and weather impacts associated with the development;
 - viii. that high quality pedestrian amenity and safety at all interfaces with the development is established and maintained.
- c The provision of weather protection to Queensbridge Square frontage.
- d Design development details of the Power Street frontage to reinforce the built form edge.
- e Detailed design of the display suite.
- f A schedule, annotated plans and samples of all external materials, finishes and treatments. These details shall include but not be limited to the colour, type of materials, construction and appearance and provide details of all external fixtures including lighting. Such treatment should prevent view into the car park areas.
- g A detailed landscape plan including:
 - i. Details of the location, species selection, planter boxes, automatic irrigation and urban design elements such as paving materials, lighting of public areas with dimensioned relative levels and a landscape management and maintenance plan;
 - ii. Clear demarcation of public realm and private spaces;
 - iii. A public areas works plan for each stage of the development including landscaping details for all adjoining footpaths, building setback areas and publicly assessable areas including arrangements for pedestrian/bicycle/vehicular circulation in the public square and laneways of the development;

- iv. Suitable landscaping if required to mitigate against possible wind affects if identified by a further wind report;
 - v. Use of podium roof level and incorporate surface treatments that present interesting patterns and elements when viewed from above. The communal areas on top of the podium roof are to be accessible to adjacent residents of the apartments.
 - h. Deletion of the north loading dock on Southbank Boulevard servicing the retail areas and alterations to the road frontage to facilitate loading from the street.
 - i. The location and design details of all car park intake and exhaust vents, which shall be positioned in order to minimise the impact of noise and wind speed on pedestrian and residential amenity, open space and adjoining properties.
 - j. Details of all traffic control points and systems at each access/egress point.
 - k. The suitable location and provision of secure bicycle and motorcycle spaces and the relevant access arrangements for such facilities.
 - l. Deletion of any details in relation to signage and structures for signage, with the exception of the interactive digital sign shown on the façade of drawing numbers TP 1.14A and TP 2.16A.
2. The use and development of any land or building or part thereof as shown on the endorsed plans must not be altered or modified in any way without the prior consent of the responsible authority.
 3. Demolition must not commence until a demolition plan has been submitted to and approved by the responsible authority.
 4. The use of the land for the purpose of open lot car parking must cease within two years of the date of approval of the amendment.
 5. The approved landscape plan must be implemented within 6 months of the completion of the development or stages of development as may otherwise be agreed with the responsible authority and the area(s) concerned shall be subsequently maintained to the satisfaction of the responsible authority. The cost of all works associated with the implementation of the plan must be borne by the owner(s) of the land.
 6. Seating provided outside the title boundary of the subject site is to be subject to the further approval of Council.
 7. Prior to the commencement of the use and development (or any staged development) hereby permitted, a detailed Construction Management Plan (CMP) must be prepared to the satisfaction of the responsible authority in consultation with the Council, outlining how the owner will manage the environmental and construction issues associated with the development. The CMP must address demolition, bulk excavation and management of the construction sites and land disturbance, hours of operation, noise, dust, traffic management, soiling of roadways, discharge of polluted waters, improper disposal of waste contaminated soil / asbestos and pollution of ground water.
 8. Access to and from the development from Power Street shall be by way of left turn movement only.

9. All vehicle movements to and from the site shall be in a forward direction.
10. There shall be no gate or obstruction to the movement of vehicles within 6.0 metres of the property line.
11. The slope of any driveway within the development is to be no steeper than 1 in 20 for 7 metres from the property line.
12. Prior to the commencement of the development the owner(s) must provide a traffic engineering and control works assessment report to the satisfaction of the responsible authority, VicRoads' and the Council. The report must provide information on the type, volume and distribution of the development traffic generated by the subject development, the impact of the development traffic on the surrounding road network and details of mitigating works required to restore operating conditions to acceptable levels. The scope of this report is to be agreed by VicRoads and the responsible authority in consultation with the Council.
13. Such mitigating works as required in the report must be undertaken to the satisfaction of VicRoads and the Council. Funding of the mitigating works will be as determined between the parties. The monitoring of traffic and the funding of a solution must be included in an agreement under Section 173 of the Planning & Environment Act 1987 between the owner(s), VicRoads and the Council.
14. A minimum of 25% of the total number of public car parking spaces approved must be designated and used only for short stay parking (between the hours of 9.30 am to 5.00 pm on any weekday (Monday to Friday) not being a public holiday, unless otherwise approved to the satisfaction of the responsible authority. The short stay spaces must be located on the levels of the car park closest to the car park entry and exit points.
 - The short stay spaces must be clearly identified and sign posted on the site as being available for short stay parking only.
 - The short stay spaces must be unavailable for use between 6.00 am and 9.30 am on any weekday (Monday to Friday) not being a public holiday.
15. The carparking at levels 2 -7 under the office tower in Freshwater Place Scheme one (1) shall not form part of the public car park facility.
16. Prior to the commencement of the construction of the public car park facility, a report must be submitted to the satisfaction of the responsible authority in consultation with the Council detailing how the facility is to be designed and effectively operate as a 'Safe City Car Park' utilising personal supervision and/or effective technological safety monitoring systems at all times.
17. The internal design of the car park including loading docks and the arrangements for ingress and egress must be designed generally in accordance with Australian Standard 2890.1-1993 to the satisfaction of the responsible authority in consultation with the Council.
18. 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. The

car parking spaces must not be used for any other purpose and all access aisles must be kept clear at all times.

- 19 The car parking spaces must be sequentially numbered on the site and internal signage must be clearly displayed at all entrances and within each level of the car park, indicating which spaces are dedicated for short-term and long-term use to the satisfaction of the responsible authority.
- 20 Bicycle parking must be provided and conveniently located to the satisfaction of the responsible authority.
- 21 The parking area and loading and unloading area must be kept available for that use at all times and the car-parking spaces and access-ways must not be obstructed or otherwise rendered inaccessible.
- 22 A sign or a flashing warning device must be installed at the car park access/egress points to Power Street, Southbank Boulevard and Queensbridge Street to alert pedestrians of existing vehicular traffic and vice versa. Car park entry doors must not be outward swinging.
- 23 The development should include provision of bollards or other suitable pedestrian / vehicle separation devices at the car park entrances to the foyer and lift areas and laneways within the development and at vehicle access/egress points.
- 24 A car park attendant(s) must be present on the premises at all times that the public car parking facility is open to the public. The attendant must be authorised by the owners and operators of the premises to make statements and admissions on their behalf to any appropriately authorised officer of the responsible authority or the Council, concerning the operation of the premises. The attendant(s) must also be authorised to permit entry to an authorised officer of the responsible authority or the Council for the purposes of enforcing the short-term car parking requirements.
- 25 The owner of the subject land shall not be permitted to alter existing street levels in Power Street, Southbank Boulevard, Queensbridge Street and Queensbridge Square for the purpose of constructing a new vehicle crossing or pedestrian entrances without first obtaining approval from the Council or VicRoads if the road is declared under the provisions of the Transport Act 1983.
- 26 The owner of the subject land shall construct all necessary vehicle crossings and demolish all unnecessary vehicle crossings and reconstruct in sawn bluestone the footpaths adjacent to the property in Queensbridge Square and Southbank Boulevard, at no cost to the Council and in accordance with all specifications of the Council.
- 27 Following the completion of construction works, the owner(s) shall be responsible for the reconstruction of all affected footpaths including the removal of all unnecessary crossovers and reinstatement of all areas of affected footpath and kerbing. These works must be undertaken in accordance with all Council specifications to the satisfaction of the responsible authority in consultation with Council.
- 28 All garbage and other waste material must be stored in an area within the subject site and set aside for such purpose to the satisfaction of the responsible authority and the Council.

- 29 The areas shown on the endorsed plans as garbage storage areas must contain a floor waste and water tap and must only be used for garbage storage. No garbage bin or surplus materials generated by the permitted use may be deposited or stored outside the site and bins must be returned to the garbage storage areas as soon as practicable after garbage collection. Waste storage and collection arrangements must be to the satisfaction of the Council.
- 30 Prior to the commencement of the development, excluding demolition, bulk excavation and site retention works, a comprehensive wind tunnel testing of the development must be undertaken by the owner(s) and a Wind Climate Assessment report provided for the written approval of the responsible authority. Any modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets, public areas and podium rooftop spaces must be submitted to and approved by the responsible authority, in consultation with the Council. The design details of any wind mitigation works must receive the endorsement of the owner(s)' wind climate experts and preference should be afforded to the use of architectural features or devices in lieu of above ground level planting.
- 31 With the exception of condition 1(l), no advertising signs shall be erected, painted or displayed without the permission of the responsible authority unless in accordance with the provisions of the Melbourne Planning Scheme.
- 32 The owner(s) of the property must enter into a legal agreement with the Department of Natural Resources and Environment (DNRE) and or the Council under Section 173 of the *Planning and Environment Act 1987* prior to commencement of development concerning liability and maintenance of those parts of the development projecting into airspace or sub-soil of land under the care and maintenance of DNRE and or the Council. The owner(s) of the property to be developed must pay all of DNRE's and or Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. To the extent that the Section 173 Agreement applies to any temporary works, upon completion of the development the Agreement shall lapse and shall be removed from the title.
- 33 The glazing material used on all external walls must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface unless the responsible authority is satisfied otherwise.
- 34 Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal habitable room noise levels with windows closed to a maximum of 45dB(a) in accordance with relevant Australian Standards for acoustic control.
- 35 The development must provide the capacity for television signal distribution to each dwelling and any satellite dishes, antennae or similar structures must be designed and located at a single point to the satisfaction of the responsible authority.
- 36 Details of the management of the internal public spaces and laneways, designed to ensure the availability of public access, must be submitted to and be to the satisfaction of the responsible authority.
- 37 Details of public art to be incorporated into the development is to be submitted to and approved by the responsible authority, in consultation with the Council. The information must include details of the materials, colours and finishes to be applied to the artwork.

- 38 The use of the land for a display suite must cease within ten years of the date of approval of this document.
- 39 The average energy rating for the apartments in each building should achieve or exceed three and a half (3.5) star as measured by the National House Energy Rating Scheme (NatHERS) to the satisfaction of the responsible authority.
- 40 The building and construction design of the office tower is to equal a star rating between three (3) and four (4), determined by using the First Rate Tool from the Sustainable Energy Authority.

Time Limit/Amended Plans

- 41 Notwithstanding other provisions of these conditions, the use and development permitted by this incorporated document will expire if one of the following circumstances applies:
 - The development is not started within two years of the date of approval of the amendment; or
 - The development is not completed before 27 August 2017.

The responsible authority may extend the periods referred to if a request is made in writing before these controls expire or within three months afterwards.

Decision Guidelines

Before deciding on significant changes to the endorsed development plans, the responsible authority shall consider, as appropriate:

- The comments and requirements of relevant authorities.
- The size and shape of the parcel of land to which the building relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the land, building envelope and adjoining land and adjoining development.
- The safe movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking and loading of vehicles and access to parking spaces and loading bays.
- Whether the proposed means of entrance to and egress from the site are adequate.
- The streetscape, the scale and height of the neighbouring buildings and the proposed development, the design of verandahs, access from the street front, the protection of active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.

- The location, area, dimensions and suitability of use of land proposed to be reserved for public use and open space.
- The provision of urban design works and landscaping to the satisfaction of the responsible authority and the Council.
- The effect of the proposed works on sun access to existing open spaces and community places.
- The potential for additional ground level wind speeds and the effect on pedestrian comfort and the amenity of public places.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- The impact on the amenity of any existing dwellings on adjacent sites.
- Where new buildings incorporate dwellings, that the design respects and anticipates the development potential of adjacent sites, to ensure that the future development does not cause a significant loss of amenity to the subject site.
- The design of buildings to provide for solar access, energy efficiency and waste management.

Notes

- The owner of the subject land shall construct a stormwater drainage system for the development at no cost to the Council and make provision to connect this system to Council's underground stormwater drainage system and where necessary, upgrade the system to accept the discharge from the site in accordance with plans and specifications first approved by the Council.
- The development should be referred to Melbourne Water in order for Melbourne Water to assess whether the site is subject to uncontrolled overland stormwater flow.
- The owner(s) must obtain the legal right to use and develop that land fronting Power Street currently held in different ownership prior to use and development on that portion of land.

END OF DOCUMENT