

# **Metro Tunnel: Over Site Development – CBD South**

**Incorporated Document**

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October 2017

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

## 1. INTRODUCTION

- 1.1 This document is an Incorporated Document in the schedule to clause 52.03 and the schedule to clause 81.01 of the Melbourne Planning Scheme (**Planning Scheme**), and is made pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.
- 1.2 This Incorporated Document is to be read in conjunction with ‘Melbourne Metro Rail Project – Incorporated Document, May 2017’ as amended from time to time (**MMRP Incorporated Document**).

## 2. PURPOSE

- 2.1 The purpose of this Incorporated Document is to permit and facilitate the use and development of the land described in clause 3 for the purposes of an over site development above the Railway station approved under the MMRP Incorporated Document (**OSD**), in accordance with the controls in clauses 4, 5 and 6.

## 3. LAND DESCRIPTION

- 3.1 This Incorporated Document applies to the land as defined by the black lines as shown on the map in Appendix 1 (**OSD Land**).

## 4. THIS DOCUMENT ALLOWS

- 4.1 This document allows for demolition, including bulk excavation, and the development and use of the OSD Land for Shop, Food and drink premises (excluding Hotel and Tavern unless with the consent of the Minister for Planning), Office, Place of assembly, Education centre, Residential hotel, and advertising signage generally in accordance with the following plans and subject to the requirements of this document:
- a) Building envelope plan drawing no. TAS-CYP-OS-00-DRG-ARC-CBS-01 prepared by HSL and dated 16 October 2017;
  - b) Ground plane access plan drawing no. TAS-CYP-OS-00-DRG-ARC-CBS-02 prepared by HSL and dated 16 October 2017.

In this document OSD Incorporated Plans means the above drawings at 4.1(a) and 4.1(b).

## 5. CONTROL

- 5.1 Despite any provision to the contrary or any inconsistent provision in the Planning Scheme, no planning permit is required for, and no provision in the Planning Scheme operates to prohibit, control or restrict any works required for integration with the Railway station on the OSD Land, site preparation, demolition, bulk excavation works and site retention works, provision of bicycle parking, advertising signs and the development and use of the OSD Land in accordance with this Incorporated Document for the purposes of, or related to, developing and using the OSD except as provided for in clause 5.2.
- 5.2 The control in clause 5.1 of this Incorporated Document does not apply to:
- c) the use and development of land for the purposes of the Metro Tunnel Project which is subject to the controls in the MMRP Incorporated Document.
  - d) advertising signs unless they are in accordance with the advertising signage strategy approved under condition 6.13.
- 5.3 For the avoidance of doubt, the ‘Melbourne Metro Rail Project – Infrastructure Protection Areas – Incorporated Document (December 2016)’ and schedule 70 to clause 43.02 (Design and Development

Overlay) of the Planning Scheme do not apply to use and development carried out under this Incorporated Document.

## 6. CONDITIONS

6.1 The development and use permitted by this Incorporated Document must be undertaken in accordance with the following conditions:

### 6.2 MASTERPLAN

6.2.1 Prior to the submission of development plans under condition 6.3, a masterplan in accordance with the OSD Incorporated Plans must be submitted and approved by the Minister for Planning. The masterplan must include design objectives and the following design principles as appropriate:

- a) building envelope;
- b) shadow analysis – (Federation Square and Flinders Street Station steps);
- c) site access including universal access;
- d) building maintenance, servicing and waste;
- e) bicycle storage and access;
- f) diversity of use;
- g) interface with adjacent building;
- h) environmentally sustainable design initiatives;
- i) building façade;
- j) public art strategy; and
- k) urban design.

6.2.2 The masterplan approved under condition 6.2.1 may be amended from time to time with the approval of the Minister for Planning in consultation with the Melbourne City Council.

### 6.3 DEVELOPMENT PLANS

6.3.1 Prior to commencement of building or works associated with the OSD (excluding any works required for integration with the Railway station on the OSD Land, demolition, bulk excavation and site preparation works), development plans generally in accordance with the masterplan approved under condition 6.2 and in accordance with the OSD Incorporated Plans, must be submitted to and be approved by the Minister for Planning in consultation with Melbourne City Council.

6.3.2 The development plans must include, as appropriate:

- a) Detailed site layout plans including the proposed uses;
- b) Architectural, public realm plans and elevations including lighting, signage, pedestrian access, bicycle access, waste collection and storage, loading and other ancillary facilities;
- c) Demarcation between the OSD and the development and use approved under the MMRP Incorporated Document;
- d) Elevations to demonstrate high quality architectural screening treatment of services to Flinders Street;
- e) Detailed plans demonstrating that the canopy(ies) to Swanston Street and any other projections accommodate street trees;
- f) A detailed development schedule;
- g) Demonstrated integration of the OSD with the Metro Tunnel Project and associated works;
- h) The incorporation of the existing public art on the Port Phillip Arcade façade;
- i) Any changes as required to comply with the objectives and design outcomes set out in the *Metro Tunnel Project Urban Context Report, CBD South Oversight Development* (Jones and Whitehead) (16 October 2017); and
- j) Any changes as required by the façade strategy approved under condition 6.8.

6.3.3 Prior to the submission of the development plans to the Minister for Planning for approval, the development plans must be referred to the Urban Design and Architectural Advice Panel (UDAAP) or as nominated by the Minister for Planning. The UDAAP or the nominated body must have regard to the urban context report specified by Condition 6.7.1. The development plans submitted to the Minister for Planning for approval must be accompanied by all written comments received from the UDAAP or the nominated body.

#### **6.4 LOADING, BICYCLE AND VEHICLE ACCESS**

6.4.1 The development plans submitted under condition 6.3 must meet the following requirements:

- a) If any alterations to the street and footpath adjacent to the site are carried out by the developer of the OSD, the alterations must be in accordance with the Melbourne City Council's Engineering Services design standards;
- b) If the motor vehicle crossing at Royston Place is constructed by the developer of the OSD, the crossing must be at a minimum constructed to match the existing condition at no cost to the Minister for Planning or the Melbourne City Council and to the satisfaction of the Melbourne City Council;
- c) The number and type of bicycle facilities to be provided must comply with the requirements set out in the tables at Appendix 2, unless the Melbourne City Council is satisfied that a lesser number is sufficient;
- d) On site loading and unloading must occur within the shared facility provided under the MMRP Incorporated Document; and
- e) Motor vehicles entering and exiting the OSD Land must do so in a forward direction only, except where reversing out of the OSD Land in order to exit onto Flinders Lane in a forward direction.

6.4.2 Prior to commencement of development, swept path diagrams must be provided which demonstrate that the range of vehicles can access the shared loading facility provided under the MMRP Incorporated Document to the satisfaction of the Melbourne City Council.

#### **6.5 LAYOUT NOT ALTERED**

6.5.1 The development and use must be carried out in accordance with the approved development plans except for any alterations or modifications with the prior written consent of the Minister for Planning.

#### **6.6 STAGING**

6.6.1 The development authorised by this Incorporated Document may be completed in stages if a staging plan is submitted and approved to the satisfaction of the Minister for Planning in consultation with Melbourne Metro Rail Authority.

6.6.2 A staging plan must set out when development plans and other plans as required by this Incorporated Document will be submitted for each stage.

6.6.3 Any corresponding obligations under this Incorporated Document may be completed in stages.

#### **6.7 URBAN CONTEXT REPORT**

6.7.1 In conjunction with the submission of development plans under Condition 6.3, an urban context report which demonstrates how the OSD is in accordance with the objectives and design outcomes set out in the *Metro Tunnel Project Urban Context Report, CBD South Over Site Development* (Jones and Whitehead) (16 October 2017) must be submitted to and be approved by the Minister for Planning.

#### **6.8 FAÇADE STRATEGY**

6.8.1 In conjunction with the submission of development plans under Condition 6.3, a façade strategy must be submitted to and be approved by the Minister for Planning, in consultation with Melbourne City Council and the UDAAP (or as nominated by the Minister for Planning). The

façade strategy must be generally in accordance with the masterplan. All materials, finishes and colours must be in conformity with the approved façade strategy to the satisfaction of the Minister for Planning. The façade strategy for the development must include:

- a) A concise description by the architect of the building design concept and how the façade works to achieve this;
- b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with clear coding;
- c) 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;
- d) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material;
- e) Information about how the façade will be accessed and maintained and cleaned, including planting where proposed; and
- f) Example prototypes and/or precedents that demonstrate the intended design outcome indicated in plans and perspective images, to produce a high quality built outcome in accordance with the design concept.

6.8.2 The approved façade strategy must not be altered without the prior consent of the Minister for Planning in consultation with UDAAP (or as nominated by the Minister for Planning) and the Melbourne City Council.

## 6.9 CONSTRUCTION MANAGEMENT PLAN

6.9.1 Prior to the commencement of development (or any stage of development), a construction management plan (CMP) must be submitted and approved by the Melbourne City Council. The CMP must be prepared in accordance with the *Melbourne City Council – Construction Management Plan Guidelines (Guidelines)* and must be consistent with the construction environmental management plan (CEMP) required under the MMRP Incorporated Document Environmental Management Framework. To the extent of any inconsistency between the Guidelines and the CEMP, the requirements of the CEMP shall prevail. The CMP is to consider, but not be limited to, the following:

- a) Public safety, amenity and site security;
- b) Operating hours, noise and vibration controls;
- c) Air and dust management;
- d) Stormwater and sediment control;
- e) Waste and materials reuse;
- f) Traffic management consistent with the construction traffic management plan approved under condition 6.10;
- g) Demolition;
- h) Bulk excavation;
- i) Accessibility to emergency services;
- j) Management of the construction site and land disturbance;
- k) Discharge of polluted waters;
- l) Disposal of contaminated soil (if any);
- m) Asbestos (if any); and
- n) Pollution of ground water.

- 6.9.2 The approved CMP must be implemented to the satisfaction of the Melbourne City Council and must not be altered without the prior consent of the Melbourne City Council.

#### **6.10 CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

- 6.10.1 Prior to commencement of development (or any stage of development), a construction traffic management plan (**CTMP**) must be submitted to and approved by Transport for Victoria, in consultation with the Melbourne City Council.
- 6.10.2 The CTMP must outline how public transport operations and traffic will be managed throughout the construction of the OSD and how impacts to public transport are mitigated. The endorsed CTMP must be implemented to the satisfaction of Transport for Victoria and must not be altered without the prior consent of the Transport for Victoria in consultation with the Melbourne City Council. All traffic management and mitigation costs will be at the full cost of the developer.
- 6.10.3 The CTMP must provide information on truck routes, number of trucks per hour accessing the OSD Land and truck waiting areas.
- 6.10.4 The CTMP must detail how traffic including pedestrians and cyclists will be managed around the OSD Land and other road closures associated with the development.

#### **6.11 WASTE MANAGEMENT PLAN**

- 6.11.1 Prior to commencement of the development a waste management plan (**WMP**) prepared by a suitably qualified and experienced waste engineer must be submitted to and be approved by Melbourne City Council. The WMP must generally be in accordance with the masterplan approved under condition 6.2 and detail waste storage and collection arrangements that respond to the following requirements:
- a) Waste management systems must demonstrate that both OSD and underground station waste services can operate in a compatible and efficient way;
  - b) Storage facilities for all garbage and other waste material must occur within the OSD Land; and
  - c) All waste collection operations must occur within the OSD Land.
- 6.11.2 The approved WMP must be implemented to the satisfaction of the Melbourne City Council. The approved WMP must not be altered without the prior consent of the Melbourne City Council.

#### **6.12 ENVIRONMENTALLY SUSTAINABLE DESIGN STATEMENT & INTERNAL AMENITY**

- 6.12.1 Prior to commencement of development, an environmentally sustainable design statement (**ESD Statement**) from a suitably qualified environmental engineer must be submitted to and be approved by the Minister for Planning, in consultation with Melbourne City Council. The ESD Statement must be generally in accordance with the Masterplan and must:
- a) align with the commitments and objectives outlined in the Melbourne Metro Rail Authority Sustainability Strategy and Sustainability Policy to achieve positive environmental, social and economic outcomes through the implementation of sustainable design initiatives; and
  - b) demonstrate that the building is capable of achieving a minimum:
    - I. 6 Star Green Star Design & As Built rating tool (Version 1.2 of the Green Building Council of Australia);
    - II. 5 Star NABERS Energy Rating for base building; and
    - III. The WELL Building standard version 1 (Gold Core & Shell Rating).
- 6.12.2 The approved ESD Statement must be implemented to the satisfaction of the Minister for Planning, and must not be altered without the prior written consent of the Minister for Planning.

### **6.13 ADVERTISING AND BUSINESS IDENTIFICATION SIGNAGE**

6.13.1 Prior to commencement of development (excluding any works required for integration with the Railway station on the OSD Land, demolition, bulk excavation and site retention works), an advertising signage strategy must be submitted to and be approved by the Minister for Planning in consultation with Melbourne City Council.

6.13.2 The advertising signage strategy must include indicative locations or elevations for advertising and business identification signs including clear demarcation of appropriate locations for Railway station signs, an assessment of the cumulative impact of all advertising and business identification signs and wayfinding within the OSD precinct to demonstrate how proposed signs do not result in visual clutter, as well as measures to prevent interference with station access and wayfinding.

6.13.3 The approved advertising signage strategy must not be altered without the prior written consent of the Minister for Planning.

### **6.14 LEGAL AGREEMENTS**

6.14.1 Prior to commencement of development, the owner of the OSD Land must enter into an agreement(s) under section 173 of the *Planning and Environment Act 1987* with the responsible authority and the Minister for Planning (if the Minister for Planning is not the responsible authority).

6.14.2 The owner of the OSD land to be developed must pay all of the Minister for Planning's and/or Council's reasonable legal costs and expenses of this agreement(s), including preparation execution, registration.

6.14.3 The agreement(s) must provide for a Land Management Agreement to be entered into between the owner of the OSD Land and the tenant under the lease of the OSD Land from the State which provides for the following matters:

- a) Services and structures shared across the Railway station and OSD including structures, plant, services, infrastructure, egress and circulation, integrated waste management and access arrangements.
- b) The proposed pedestrian pathways, waste disposal and vehicle access facilities must remain accessible to all occupants of the development in perpetuity;
- c) All vehicles entering and exiting Flinders Lane must do so in a forward direction. Vehicles must not reverse across footpaths; and
- d) Compliance with the approved advertising signage strategy.

### **6.15 ACOUSTIC AMENITY**

6.15.1 If the development plans include a Residential hotel, prior to the commencement of development (excluding any works required for integration with the Railway station on the OSD Land, demolition, bulk excavation and site retention works), a report from a qualified acoustic consultant must be submitted to and be approved by the Minister for Planning certifying that the development has been designed to limit internal noise levels in habitable rooms of residential uses adjacent to high levels of external noise (with windows closed) to a maximum of 45dB in accordance with the relevant Australian Standards for acoustic control.

6.15.2 Any building that will accommodate a Residential hotel use must:

- a) be designed and constructed to include noise attenuation measures; and
- b) have external glazing, doors, air conditioning systems and ventilation systems which have been designed by a recognized acoustic consultant.

### **6.16 STORMWATER**

6.16.1 A storm water drainage system for the development must be constructed at no cost to Melbourne City Council and provision must be made to connect to Melbourne City Council's

underground stormwater drainage system and where necessary, upgrade the system to accept the discharge from OSD Land in accordance with plans and specifications first approved by Melbourne City Council.

#### **6.17 DECISION GUIDELINES**

- 6.17.1 In considering approval of the development plans under condition 6.3 the Minister for Planning must consider the extent to which the development plans are generally in accordance with the masterplan approved under condition 6.2.
- 6.17.2 In considering any amendments to the masterplan under condition 6.2.2, the Minister for Planning must consider whether approval of the plan will:
- a) facilitate an integrated, transit oriented development that includes publicly available spaces at the lower levels adjacent to the Railway station on the OSD Land, and does not adversely impact the operation of the Railway station (including but not limited to passenger movement and station access);
  - b) facilitate a development that provides a high quality architectural response; and
  - c) in association with adjoining existing and potential development, support high quality pedestrian amenity in the public realm, in relation to human scale.

#### **7. EXPIRY**

- 7.1** The control in this Incorporated Document expires if any of the following circumstances applies:
- a) The development allowed by the control is not started by 31 December 2024.
  - b) The development allowed by this control is not completed by 31 December 2028.
  - c) The use allowed by the control is not started by 31 December 2028.
  - d) The Railway station on the OSD Land is relocated or deleted from the Metro Tunnel Project.
- 7.2** The Minister for Planning may extend these periods if a request is made in writing before the expiry date or within six months afterwards.

**END OF DOCUMENT**



## APPENDIX 1 - OSD LAND



## APPENDIX 2 - REQUIRED BICYCLE FACILITIES

Tables 1, 2 and 3 to this Appendix set out the number and type of bicycle facilities required. Bicycle facilities are required if the use is listed in column 1 of the table. The number of bicycle facilities required for a use is the sum of columns 2 and 3 of the tables.

If in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number.

A bicycle space for an employee or resident must be provided either in a bicycle locker or at a bicycle rail in a lockable compound.

A bicycle space for a visitor, shopper or student must be provided at a bicycle rail.

**Table 1 – Bicycle spaces**

Use	Employee/resident	Visitor/shopper/student
<b>Amusement parlour</b>	None	2 plus 1 to each 50 sq m of net floor area
<b>Convenience restaurant</b>	1 to each 25 sq m of floor area available to the public	2
<b>Education centre other than specified in this table</b>	1 to each 20 employees	1 to each 20 full-time students
<b>Hotel</b>	1 to each 25 sq m of bar floor area available to the public, plus 1 to each 100 sq m of lounge floor area available to the public	1 to each 25 sq m of bar floor area available to the public, plus 1 to each 100 sq m of lounge floor area available to the public
<b>Library</b>	1 to each 500 sq m of net floor Area	4 plus 2 to each 200 sq m of net floor area
<b>Market</b>	1 to each 50 stalls	1 to each 10 stalls
<b>Medical centre</b>	1 to each 8 practitioners	1 to each 4 practitioners
<b>Office other than specified in this table</b>	1 to each 300 sq m of net floor area if the net floor area exceeds 1000 sq m	1 to each 1000 sq m of net floor area if the net floor area exceeds 1000 sq m
<b>Place of assembly other than specified in this table</b>	1 to each 1500 sq m of net floor Area	2 plus 1 to each 1500 sq m of net floor area
<b>Residential building other than specified in this table</b>	In developments of four or more storeys, 1 to each 10 lodging rooms	In developments of four or more storeys, 1 to each 10 lodging rooms
<b>Restaurant</b>	1 to each 100 sq m of floor area available to the public	2 plus 1 to each 200 sq m of floor area available to the public if the floor area available to the public exceeds 400 sq m.
<b>Retail premises other than specified in this table</b>	1 to each 300 sq m of leasable floor area	1 to each 500 sq m of leasable floor area
<b>Shop</b>	1 to each 600 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres	1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres
<b>Take-away food premises</b>	1 to each 100 sq m of net floor Area	1 to each 50 sq m of net floor Area

**TABLE 2 – SHOWERS**

<b>Use</b>	<b>Employee/resident</b>	<b>Visitor/shopper/student</b>
<b>Any use listed in Table 1</b>	If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.	None

**TABLE 3 – CHANGE ROOMS**

<b>Use</b>	<b>Employee/resident</b>	<b>Visitor/shopper/student</b>
<b>Any use listed in Table 1</b>	1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room.	None