

Report to Council

Agenda item 6.2

**Ministerial Planning Referral: TPMP-2019-20
600 Lonsdale Street, Melbourne**

Council

Presenter: Jane Birmingham, Practice Leader Land Use and Development

28 April 2020

Purpose and background

1. The purpose of this report is to advise the Council of a Ministerial Planning Application seeking approval to demolish the existing building and construct buildings and works for the purpose of a multi-storey building at 600 Lonsdale Street, Melbourne (refer Attachment 2 – Locality Plan).
2. The applicant is 600 Lonsdale St Pty Ltd AMF 600 Lonsdale St Partnership C/- Urbis Pty Ltd, the owner of the land is 600 Lonsdale St Pty Ltd, and the architects are SOM Architects Pty Ltd and Fender Katsalidis Architects Pty Ltd.
3. The land is located within the Capital City Zone Schedule 1 (CCZ1) and is affected by Design and Development Overlay Schedules 10 (DDO10, General Development Area) and 12 (Noise Attenuation Area) and Parking Overlay Schedule 1 (PO1, CCZ – Outside the Retail Core). A planning permit is required to allow demolition of the existing buildings, construction of buildings and works and a reduction in bicycle parking requirements.
4. The land is located on the north-western corner of the intersection of Lonsdale Street and King Street and has a total site area of approximately 1,923 m². The site is currently developed with a part-two, part-three storey concrete rendered office building.
5. The application proposes a 40 level (154.93 metres to top of plant) mixed use tower with a podium and three levels of basement. The proposal has a total gross floor area of 52,976 m², a floor area ratio of 24.6:1 and comprises 24,836 m² of office space, 20,589 m² of hotel space with 288 rooms and hotel amenities and 1,377 m² of retail uses.
6. The Department of Environment, Land, Water and Planning (DELWP), on behalf of the Minister for Planning, has formally referred the application to Council as a recommending referral authority.

Key issues

7. The proposal responds positively to the built form outcomes of DDO10 with the exception of the 43.9 metres length of the 78.65 metre high section of the street wall along King Street. Subject to a condition requiring this section of the King Street street wall to be no more than 25 metres in length, the proposal is of high quality, will achieve a human scale and will respond appropriately to the site's context.
8. In accordance with Clause 22.03, the floor area uplift requirement has been more than satisfied via the provision of office space and therefore is supported. The office use is to be secured via a Section 173 Agreement for a minimum 10 year period via a recommended permit condition.
9. The application seeks to reduce the statutory bicycle parking requirements for the hotel component of the proposal. The reduction is supported for the hotel guests however not for hotel staff. A condition is recommended to require 15 additional bicycle spaces for hotel staff.
10. The proposal is consistent with key aspects of the seriously entertained Melbourne Planning Scheme Amendment C308. This includes ensuring car parking is located underground, providing multiple pedestrian entry points to the site, the provision of weather protection, the use of high quality and tactile materials, a fine grain design at the lower levels and building programming which engages pedestrians.

Recommendation from management

11. That the Council resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council does not object to the proposal subject to the conditions outlined in the delegate report (refer to Attachment 4).

Attachments:

1. Supporting Attachment/ (Page 2 of 98)
2. Locality Plan (Page 3 of 98)
3. Selected Plans (Page 4 of 98)
4. Delegate Report (Page 65 of 98)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority for determining this application.
2. The Minister for Planning has referred the application to Melbourne City Council pursuant to S.55 of the *Planning and Environment Act 1987* on 15 April 2019.

Finance

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

Conflict of interest

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

Health and Safety

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

Stakeholder consultation

6. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the *Planning and Environment Act 1987*.

Relation to Council policy

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

Environmental sustainability

8. The Environmentally Sustainable Design (ESD) Report submitted with the application demonstrates that the development will achieve the ESD performance requirements of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management).
9. Permit conditions requiring implementation of the ESD initiatives are recommended.

Locality Plan

Attachment 2
Agenda item 6.2
Council
28 April 2020

600 Lonsdale Street, Melbourne



DELEGATE REPORT

MINISTERIAL PLANNING REFERRAL

| | |
|---|--|
| Melbourne City Council application number: | TPM-2019-20 |
| DELWP application number: | PA1900615 |
| Applicant: | 600 Lonsdale St Pty Ltd AMF 600 Lonsdale St Partnership C/- Urbis Pty Ltd |
| Owner: | 600 Lonsdale St Pty Ltd |
| Architect: | SOM Architects Pty Ltd and Fender Katsalidis Architects Pty Ltd |
| Address: | 600 Lonsdale Street, Melbourne |
| Proposal summary: | Demolition of the existing building and construction of buildings and works for the purpose of a multi-storey building and a reduction in bicycle parking requirements |
| Cost of works: | \$180 million |
| Date received by Melbourne City Council: | 27 June 2019 |
| Date of Report: | 5 April 2020 |
| Melbourne City Council status: | Recommending Referral Authority |
| Responsible officer: | Kate Yuncken, Principal Urban Planner |

1. SUBJECT SITE AND SURROUNDS

1.1. The site

The subject site (the Site) is located on the north-western corner of the intersection of Lonsdale Street and King Street. The Site has a frontage to Lonsdale Street of approximately 47.75 metres and 40.40 metres to King Street and has a total area of approximately 1,923 m². The Site slopes 1.4 metres in a western direction across the frontage of Lonsdale Street and slopes 1.0 metre in a southern direction along the King Street frontage.

The Site is developed with a part two, part three storey concrete rendered office building. The building was originally built in 1925 and was significantly altered in 1985 and strata subdivided into 17 units. The building has no heritage grading. Vehicular access to basement car parking is provided via an existing single-width crossover along Lonsdale Street. The Site also has a landscaped courtyard, a rooftop terrace and a mini-gymnasium with a sauna.

The Site is not affected by any easements or restrictive covenants.



Figure 1 Photo of the Site viewed from the intersection of Lonsdale Street and King Street. Source: Urbis Report dated September 2019.



Figure 2 Photo of the Site viewed from the intersection of Lonsdale Street and King Street. Source: Streetview accessed 5 April 2020 September 2019.



Figure 3 Photo of the south site of the intersection of Lonsdale Street and King Street. Source: Streetview accessed 5 April 2020 September 2019



Figure 4 Locality Plan. Source: Council's GIS 5 April 2020

1.2. Surrounds

The main characteristics observed in the area include:

- To the west and north of the Site at 618 Lonsdale Street is an L-shaped lot which shares the western and part of the northern boundary with the Site. 618 Lonsdale Street has a two storey heritage brick building to the front and a 46 storey residential building behind and extends around the north-western corner of the Site.

Further west along Lonsdale Street is the West Side Place development which is currently under construction. This development comprises four multi-level buildings to be used as retail, residential and hotel purposes.

- To the north at 271 King Street is a two-storey rendered brick building used for retail purposes. Further north are two, double storey brick buildings constructed in 1870. These buildings are used for retail purposes. None of these buildings are heritage graded.

- To the south is Lonsdale Street which is 23 metres wide and allows for two-way traffic in an east-west direction across four lanes.

Over Lonsdale Street is 293-241 King Street which contains a two storey brick gothic revival building. This building has a C grading pursuant to Council's *Central Activities District Conservation Study* and Amendment C258 proposes a Significant grading. Adjoining this site to the west at 597-603 Lonsdale Street is an ungraded two storey brick and concrete building. Both of these buildings are used as a nightclub known as the Men's Gallery.

Further west along Lonsdale Street at 605 - 611 Lonsdale Street is a 50 storey apartment building with basement car parking.

Further south along King Street at 225 - 237 King Street is a 13 level office building with two ground floor retail tenancies and a basement car park. The building was completed 1990 and is occupied by Victoria University.

- To the east of the Site is King Street, which is approximately 26 metres wide and allows for two-way traffic in a north-south direction across five lanes.

On the north east corner of Lonsdale Street and King Street is the former Kilkenny Inn at 248-250 King Street. This site comprises a three storey brick building and a two storey building. Both buildings are used as a nightclub known as Goldfingers Men's Club. These two buildings are graded A and B respectively in Council's *Central Activities District Conservation Study* and Amendment C258 proposes a Significant grading.

Further south on the south east corner of Lonsdale Street and King Street at 240 King Street is the Colonial Hotel. This site comprises two, three storey bluestone former warehouses built between 1854 and 1858. The site is on the Victorian Heritage Register. These buildings are used as a pub known as the Colonial Hotel and a nightclub known as Brown Alley.

2. PLANNING HISTORY OF THE SITE AND SURROUNDS

There are no recent or relevant planning permits issued for this site or surrounds.

3. APPLICATION BACKGROUND

3.1. Pre-application

A pre-application discussion was held at the Department of Environment, Land, Water & Planning (DELWP) on 20 March 2019. Further meetings have been held with the agencies and the applicant during the application process.

3.2. Application history

On 24 June 2019 the application was received by DELWP, seeking planning permission for:

- Demolition of the existing building on site pursuant to the Capital City Zone Schedule 1 (37.04s1-4.0).
- To construct a building and carry out works pursuant to the Capital City Zone Schedule 1 (37.04-4).
- To construct a building or carry out works pursuant to Design and Development Overlay Schedule 10 (43.02-2).
- To carry out buildings and works associated with noise sensitive uses pursuant to Design and Development Overlay Schedule 12 (43.02-2).

- Reduction in bicycle parking requirements pursuant to Clause 52.34-2 Bicycle Facilities.

On 17 July 2019 DELWP requested further information (RFI) pursuant to Section 54(1) of the *Planning and Environment Act 1987*.

The applicant responded to the initial RFI with an updated Urban Context Report and Architectural Plans on 18 September 2019 and 19 September 2019 respectively.

DELWP referred the application to Melbourne City Council pursuant to S.55 of the *Planning and Environment Act 1987* on 1 November 2019.

4. THE PROPOSAL

4.1. Summary of the proposal

Broadly, the application comprises:

- Demolition of the existing building on site
- Construction of a 42 level mixed use (hotel, commercial office and retail) building and associated services and facilities, including on-site car parking.

4.2. Detailed Information (Architectural Drawings dated 4 October 2019)

4.2.1 Site layout and Gross Floor Area

| | | | |
|---|-----------------------|-------------------------------|--|
| Total Site Area: | 1,923 m ² | Office Floor Area | 24,836 m ² |
| Floor Area | 47,288 m ² | Hotel | 20,589 m ² 288 hotel rooms |
| Total Gross Floor Area including basements | 52,976 m ² | Retail/Shop Floor Area | 1,377 m ² |

4.2.2 Floor Area Uplift and Public Benefit

| | | | |
|---|--|--|-----------------------|
| Floor Area Ratio (FAR) | 47,384 m ² | Floor area uplift (FAU) sought by the office use: | 12,774 m ² |
| Proposed FAR: | $\frac{47,384 \text{ m}^2}{1,923 \text{ m}^2} = 24.64$ 24.64:1 | Total value of FAU | \$7,025,700 |
| PUBLIC BENEFIT 12,774 x \$1500 = \$19,161,000 The public benefit is over and above the required amount. | | | |

4.2.3 Building Height and Setbacks

| | | | |
|-------------------------|-----------------|-----------------------------------|---|
| Number of levels | 40 (plus plant) | Number of basement levels: | 3 |
|-------------------------|-----------------|-----------------------------------|---|

| | | | | |
|--|---|----------------------------|--|---------|
| Total Building Height as defined by DDO10 (as measured from the centre point of Lonsdale Street) | 154.93 metres (including plant) | Street Wall Height: | Lonsdale Street: 79.93 m King Street: 78.65 m | |
| Minimum Tower Setbacks (above street wall): | South (Lonsdale Street) | 5.2 m | East (King Street) | 5 m |
| | North (618 Lonsdale & 269-271 King Street) | 5.23 m | West (618 Lonsdale Street) | 12.03 m |

4.2.4 Access, car parking, bicycle facilities and loading / unloading

| Car parking, bicycle facilities and loading and unloading | | | |
|---|--|----------------------------|----------------------------|
| Car parking spaces: | 42 | Bicycle spaces: | 118 |
| Motorcycle spaces: | 8 | Bicycle facilities: | 10 showers and 126 lockers |
| Parking access: | Car parking access will be via Lonsdale Street and a car lift will transfer the vehicles to the basement levels. | | |
| Loading / unloading: | Loading access will be via Lonsdale Street. The loading area is located in the north west section of the site on the ground level. | | |

4.2.5 Building Programme

| Level | Use |
|---------------------------|---|
| Basement levels 03 | Car parking and building services |
| Basement levels 02 | Bicycle storage, staff facilities, housekeeping and building services |
| Basement level 01 | Retail and building services |
| Ground level | Retail, hotel lobby and pedestrian plaza |
| Levels 1 | Office lobby and conference space |
| Levels 2-17 | Office |
| Levels 18 | Office and hotel |
| Levels 19-40 | Hotel |
| Levels Roof | Plant, building services including photovoltaic |

4.2.6 Façade design and treatment

The architectural response is of stacked volumes, recessed façade surfaces and greening and integrated outdoor terraces in between volumes. A terracotta fin system is proposed to be attached to and extend from the external glazing of façade. The applicant has stated this approach has been proposed so that the building:

Resonates...with Melbourne's rich history of faience facades, this approach utilises a material that is simultaneously ancient and thoroughly contemporary. The variety of colour and glaze options available enable the facade to be finely tuned to subtly respond to its surrounds and reinforce the overarching massing and

articulation strategy, while also significantly reducing solar heat gain and improving the energy performance of the building.

The application proposes significant green infrastructure in the form of raised planters on terrace levels, vertical gardens and climbing plants. The intent of this green infrastructure is to connect the terraces and introduce greenery and amenity to each level through a series of vertical reveals.



Figure 5 perspective aerial from the south and Figure 6 perspective King Street from the south. Source: SOM Architects Pty Ltd and Fender Katsalidis Architects Pty Ltd dated 16 September 2019



Figure 7 perspective from the north along King Street, Figure 8 perspective from the east along Lonsdale Street and Figure 9 perspective from the west along Lonsdale Street. Source: SOM Architects Pty Ltd and Fender Katsalidis Architects Pty Ltd dated 16 September 2019

4.3. Discussion Plans

Following feedback received from both DELWP and CoM officers the Applicant provided discussion plans on 17 February 2020. The changes included:

- The green infrastructure on the King Street podium widened to 12 metres and shifted to the north end of the King Street façade.
- The horizontal reveal within the podium level shifted down one level to align with the heritage parapet of 618 Lonsdale Street.
- The ground floor building line moved towards King Street.
- The introduction of fixed elements to create indoor / outdoor seating with operable screening.
- Re-shaping of the 'urban living room,' by extending the lobby and retail kiosk further south.
- The integration of landscape elements in the 'urban living room'.
- Green infrastructure brought down to the pedestrian level.
- Introduction of a planter bench in the plaza area.
- An increase the number of pedestrian entrances from King Street.



Figure 10 perspective from the north along King Street and Figure 11 perspective from the east along Lonsdale Street. Source: SOM Architects Pty Ltd and Fender Katsalidis Architects Pty Ltd discussion plans dated 17 February 2020. Green wall has shifted further north.

The Applicant provided a further revised ground plan on 5 March 2020 following additional feedback from DELWP and CoM officers. The key change was a reduction in the depth of the recessed areas along King Street to no greater than 500mm.

FOR DISCUSSION ONLY

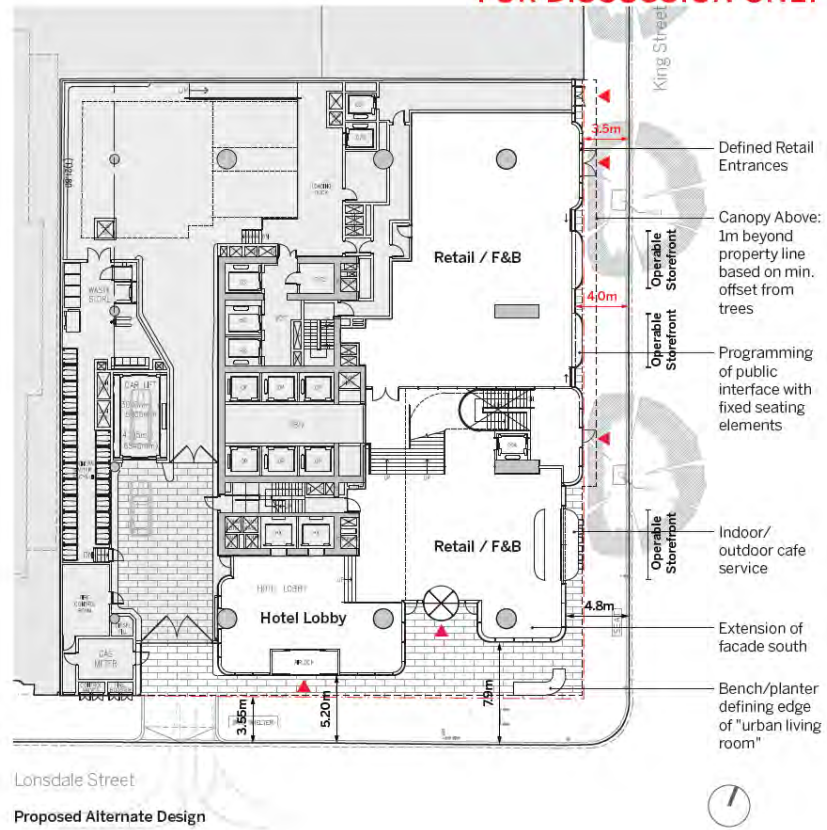


Figure 12 ground floor plan. Source: SOM Architects Pty Ltd and Fender Katsalidis Architects Pty Ltd discussion plans dated 5 March 2020



Proposed Alternate
View from King and Lonsdale Street, looking Northwest

Figure 13 perspective from Lonsdale Street and King Street intersection. Source: SOM Architects Pty Ltd and Fender Katsalidis Architects Pty Ltd discussion plans dated 5 March 2020



Proposed Alternate

View from King and Lonsdale Street, looking Northwest

Figure 14 perspective of the corner of Lonsdale Street and King Street intersection. Source: SOM Architects Pty Ltd and Fender Katsalidis Architects Pty Ltd discussion plans dated 5 March 2020



Proposed Alternate

View from Lonsdale Street, looking North

Figure 15 perspective of Lonsdale Street. Source: SOM Architects Pty Ltd and Fender Katsalidis Architects Pty Ltd discussion plans dated 5 March 2020



Proposed Alternate
View from King Street, looking South

Figure 16 perspective along King Street. Source: SOM Architects Pty Ltd and Fender Katsalidis Architects Pty Ltd discussion plans dated 5 March 2020

5. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

| | |
|--------------------------------------|---|
| <p>State Planning Policies</p> | <ul style="list-style-type: none"> ▪ Clause 11 – Settlement ▪ Clause 13 – Environmental Risks and Amenity ▪ Clause 15 – Built Environment and Heritage ▪ Clause 17 – Economic Development ▪ Clause 18 – Transport ▪ Clause 19 – Infrastructure |
| <p>Municipal Strategic Statement</p> | <ul style="list-style-type: none"> ▪ Clause 21.02 – Municipal Profile ▪ Clause 21.03 – Vision ▪ Clause 21.04 – Settlement ▪ Clause 21.06 – Built Environment and Heritage ▪ Clause 21.08 – Economic Development ▪ Clause 21.09 – Transport ▪ Clause 21.10 – Infrastructure ▪ Clause 21.11 – Local Areas ▪ Clause 21.12 – Hoddle Grid ▪ Clause 21.17 – Reference Documents |
| <p>Local Planning Policies</p> | <ul style="list-style-type: none"> ▪ Clause 22.01 – Urban Design within the Capital City Zone ▪ Clause 22.02 – Sunlight to Public Spaces |

| | |
|--|--|
| | <ul style="list-style-type: none"> ▪ Clause 22.03 – Floor Area Uplift and Delivery of Public Benefits ▪ Clause 22.04 – Heritage Places within the Capital City Zone ▪ Clause 22.19 – Energy, Water and Waste Efficiency ▪ Clause 22.20 – CBD Lanes ▪ Clause 22.23 – Stormwater Management |
|--|--|

| Statutory Controls | |
|--|---|
| Capital City Zone Schedule 1 | <p>A planning permit is required to construct a building or construct or carry out works under the Capital City Zone.</p> <p>A planning permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works under the Capital City Zone.</p> |
| Design and Development Overlay Schedule 3 – Traffic Conflict | <p>A permit is not required to construct a building or carry out works other than those associated with the creation or alteration of a crossover or vehicle access way. This control applies to the King Street frontage of the site. No crossover or vehicle access way is proposed in this section of the site, therefore no planning permit is required under this schedule.</p> |
| Design and Development Overlay Schedule 10 – General Development Area Built Form | <p>A planning permit is required to construct a building or construct or carry out works (other than works at the ground level and other minor works) under the Schedule 10 of Clause 43.02.</p> <p>A permit can only be granted to vary the preferred requirement for any design element where it can be demonstrated that the development will achieve the relevant design objectives and built form outcomes.</p> |
| Design and Development Overlay Schedule 12 - Noise Attenuation Area | <p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.</p> <p>Clause 2.0, Requirements, of Schedule 12 states that any 'new or refurbished development or any conversion of part or all of an existing building that will accommodate new residential or other noise-sensitive uses must:</p> <ul style="list-style-type: none"> • Be designed and constructed to include noise attenuation measures. These measures must achieve a maximum noise level of 45 dB in habitable rooms with windows closed when music is emitted from the Major Sports and Recreation Facility in the Melbourne Docklands Area. • Be fitted with ducted air conditioning if the new or refurbished development is within 400 metres of the centre point of the Docklands Major Sports and Recreation Facility. • Have external glazing and doors and the air conditioning or ventilation system in all new residential and other noise-sensitive use and development designed by a recognised acoustic consultant.' |
| Parking Overlay Schedule 1 | <p>Where no part of the site is used for dwellings the number of car parking spaces must not exceed the number calculated use one of the following:</p> |

| Maximum spaces = $\frac{5 \times \text{net floor area of buildings on the site in sq m}}{1000 \text{ sqm}}$ Or $\frac{12 \times \text{site area in sqm}}{1000 \text{ sqm}}$ | | | | |
|---|---------------------------------|----------------|-------------------------|-------------------|
| Use | Size/No. | Statutory Rate | Car Parking Requirement | Parking Provision |
| Residential Hotel | 20,175 ^{m²} | 5 x NFA/1000 | Maximum of 100 | 43 |
| Shop | 1,129 ^{m²} | 5 x NFA/1000 | Maximum of 5 | |
| Office | 17,792 ^{m²} | 5 x NFA/1000 | Maximum of 88 | |
| Total | | | 193 (max) | |
| Based on this assessment the maximum number of spaces that could be provided would be 193. As the proposed development only provides 43 spaces, no permit is required. | | | | |

| Particular Provisions | | | | | | | | | | | | | | | | | | | | | |
|--|--|---|--|---|--|-------------------------|---|-----|----------------------------|----------------------------|-------------------------|-------------------------------------|---------------------|-----------------------------------|-----------------------------------|-----------------------|--------|----------------------|-----------------------------------|-------------------------------------|----------------------------|
| Clause 52.06 Car Parking | A permit is required to provide more than the maximum parking provision specified in a schedule to the Parking Overlay. The proposal does not seek to provide more than the maximum number of spaces and a permit is therefore not required under Clause 52.06. | | | | | | | | | | | | | | | | | | | | |
| Clause 52.34, Bicycle Facilities | A permit may be granted to reduce or waive the bicycle parking requirement. <table border="1"> <thead> <tr> <th>Use</th> <th>Size / No</th> <th>Statutory requirement residents / employees</th> <th>Statutory requirement Visitors / Customers</th> <th>Bicycle spaces required</th> </tr> </thead> <tbody> <tr> <td>Residential Building, other than listed in table (Residential Hotel)</td> <td>288</td> <td>1 to each 10 lodging Rooms</td> <td>1 to each 10 lodging rooms</td> <td>29 staff 29 customer</td> </tr> <tr> <td>Retail premise other than specified</td> <td>1,377m²</td> <td>1 space per 300m² LFA</td> <td>1 space per 500m² LFA</td> <td>5 staff 3 customer</td> </tr> <tr> <td>Office</td> <td>17,792m²</td> <td>1 space per 300m² NFA</td> <td>1 space per 1,000m² NFA</td> <td>59 employee 18 customer</td> </tr> </tbody> </table> | Use | Size / No | Statutory requirement residents / employees | Statutory requirement Visitors / Customers | Bicycle spaces required | Residential Building, other than listed in table (Residential Hotel) | 288 | 1 to each 10 lodging Rooms | 1 to each 10 lodging rooms | 29 staff 29 customer | Retail premise other than specified | 1,377m ² | 1 space per 300m ² LFA | 1 space per 500m ² LFA | 5 staff 3 customer | Office | 17,792m ² | 1 space per 300m ² NFA | 1 space per 1,000m ² NFA | 59 employee 18 customer |
| Use | Size / No | Statutory requirement residents / employees | Statutory requirement Visitors / Customers | Bicycle spaces required | | | | | | | | | | | | | | | | | |
| Residential Building, other than listed in table (Residential Hotel) | 288 | 1 to each 10 lodging Rooms | 1 to each 10 lodging rooms | 29 staff 29 customer | | | | | | | | | | | | | | | | | |
| Retail premise other than specified | 1,377m ² | 1 space per 300m ² LFA | 1 space per 500m ² LFA | 5 staff 3 customer | | | | | | | | | | | | | | | | | |
| Office | 17,792m ² | 1 space per 300m ² NFA | 1 space per 1,000m ² NFA | 59 employee 18 customer | | | | | | | | | | | | | | | | | |
| The proposal requires 143 bicycle spaces and provides 118 bicycle spaces which does not meet the requirements of this provision. | | | | | | | | | | | | | | | | | | | | | |

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| | The applicant's traffic consultant Traffix Group states 93 spaces will be allocated to staff. The proposal requires 10 showers and provides 10 showers and change rooms for females and males. The proposed end of trip facilities meet the requirements of this provision. |
|--|---|

| General Provisions | |
|--|--|
| Clause 65.01 – Approval of an application or plan | The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause, which include the matters set out in Section 60 of the Planning and Environment Act 1987. |
| Clause 66 – Referral and Notice Provisions | <p>These provisions set out the kinds of applications which must be referred under section 55 of the Act or for which notice must be given under section 52(1)(c) of the Act. The provisions do not apply to the seeking of advice about an application or where a responsible authority may choose to give notice under another sub-section of section 52(1) of the Act. □</p> <p>Schedule to Clause 66.04 lists Melbourne City Council as a recommending referral authority.</p> |
| Clause 2.0 of 72.01 –Administration and enforcement of this scheme | The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres. |

6. RELEVANT PLANNING SCHEME AMENDMENTS

In addition to the preceding policies, Amendment C258 and Amendment C308 to the Melbourne Planning Scheme are also of relevance.

6.1 Amendment C258

Amendment C258 is now seriously entertained and proposes to revise local heritage policies as well as introduce two new incorporated documents into the Melbourne Planning Scheme; the Heritage Precinct Statements of Significance incorporated document and the Heritage Places Inventory incorporated document.

The Heritage Places Inventory incorporated document would introduce a new grading system in accordance with which buildings are attributed a level of significance. To this end, the existing letter grading system (A, B, C and D) would be replaced by 'Significant', 'Contributory' and 'Non-contributory'.

Although the existing building on site is not listed in the new grading system, there are a number of nearby properties which are and they have been identified in the Section 1.2 of this report.

6.2 Amendment C308

Amendment C308 and the Central Melbourne Design Guide were adopted by Council on Tuesday 26 November 2019.

Amendment C308 seeks to introduce a revised urban design policy in the form of a Design and Development Overlay 1 (DDO1) into the Melbourne Planning Scheme with a complementary illustrative guide, the Central Melbourne Design Guide. The amendment seeks to improve the urban design quality of development in the central city and Southbank.

Amendment C308 was sent to the Minister for Planning on 12 December 2019 for final approval to be included in the Melbourne Planning Scheme. Amendment C308 is therefore considered to be a seriously entertained planning control.

7. PUBLIC NOTIFICATION

The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the *Planning and Environment Act 1987*.

8. REFERRALS

The application was referred to the following internal departments and a summary of the advice provided is noted below.

8.1 Urban Design

Urban Design provided advice on 8 August 2019 and 25 March 2020. The following are summarised points in response to the application plans dated 16 September 2019 and the discussion plans dated 14 February 2020 and 05 March 2020. All sets of plans are prepared by SOM Architects Pty Ltd and Fender Katsalidis Architects Pty Ltd.

Massing

- Supportive of the stacked volumes, recessed façade surfaces, greening and integrated outdoor terraces in between volumes. If well resolved in response to the context this could be an appropriate way to break down the overall scale of the form.
- The width of the King Street 80 metre street wall beyond the 25m length results in a significant breadth of form which undermines the intent to enable a slender corner volume envisioned by DDO10.
- The rebate in the King Street street wall proposed in both the application plans and discussion plan is ineffective in breaking up the bulk of the form.
- Recommend a more slender tower volume of 25m in length or less for the King Street street wall with a clear setback transition to a lower street wall. This alternative street wall will respond to the context and the grain of the heritage buildings on the other three corner sites.
- Do not support the current corner volume on King Street and massing proposed, specifically in the urban context of this prominent corner of Lonsdale and King Streets and the specific context of heritage buildings around the intersection.
- Both street walls push the maximum 40 metre height to both frontages, and results in a substantial and overbearing bulk in the local context of heritage buildings on the other street corners.
- The general massing arrangement should be reconsidered in this respect with flanking street wall heights which are responsive to the scale of adjacent form. This item has not been addressed in the proposed alternate and is still an area of concern particularly at the interface with 618 Lonsdale Street.
- The built form interface with 618 Lonsdale Street has been addressed through a lowered recess at the height of the neighbouring heritage building. This is an improvement to the application plans. It is preferred to introduce a set back from the heritage volume from the street above a lower street wall, in order to achieve a sensitive scale relationship. The upper bulk of the podium (as pointed out above) has not changed from the submitted plan and needs reconsideration.

Public interface

- The ground floor layout and public interface in the 05 March 2020 discussion plans has greatly improved. There is a much tighter relationship of activated spaces and

clear definition of footpath and building line / reduction of undercroft space. The extra entry at King Street and operable storefronts are positive additions and a flexible arrangement that can properly respond to the Melbourne climate.

- The 'urban living room' in 05 March 2020 discussion plans has been positively redesigned in line with the King Street improvements.
- Recommend the main office entrance not to be recessed. This recess space is potentially an unsafe nook and litter trap. By aligning the entrance with the set-back south facade the entrance would benefit from better surveillance and visibility to the street corner.
- The corner element 'Bench/Planter' is supported. Preference this to a bench, not a planter, as the size is very limited and vegetation might fail on this busy street corner.

Greening Strategy

- Support the greening strategy of the building façade as it both breaks up the bulk of the building mass and contributes to green amenity for the building and the streetscape.
- The greening strategy for the ground floor appears to rely on informally positioned hanging plants which are in contrast with the strong structural green elements of the façade above.
- Advocate for more strong interaction of the greening surfaces and amenity spaces with the streetscapes of King Street and Lonsdale Streets. It is recommended to physically bringing green elements / green walls down to ground level. This would further 'ground' the building into the streetscape. The ground floor and hanging plants should be reconsidered.

Design Detail

- The materiality at the building base has been positively addressed in the 05 March 2020 discussion plans by exposing the beam and canopy edge, giving the ground floor stronger definition.

8.2 Traffic Engineering

Council's Traffic Engineers provided comments on 10 July 2019 which are summarised below:

Car Parking Provision / Layout / Site access and egress

- The car parking provision supported.
- Carpark layout and internal vehicle movement is supported.
- The loading area has been designed for vehicles up to 6.4 metres with turning movement diagrams provided to confirm access to the two loading spaces.
- Recommend all vehicle movements into and out of this development should be via a left turn in / left turn out arrangement. The nature of traffic including public transport buses using Lonsdale Street requires this arrangement.

Bicycle Parking

- The proposal requires 143 bicycle spaces and provides 118 bicycle spaces which does not meet the requirements of this provision. It is proposed to allocate the spaces in line with the statutory rate for the retail and office uses, and the shortfall only relates

to the hotel component. Supports is given to the short fall subject to the proposal providing an additional 15 spaces which should be a condition of permit.

- The proposal requires 10 showers and provides 10 showers and change rooms for females and males. The proposal end of trip facilities meets the requirements of this provision.

8.3 Waste and Recycling

Council's Waste Engineers advised that the waste storage and collection arrangements proposed in the Waste Management Plan (WMP) prepared by WasteTech Services dated 20th June 2019 were acceptable.

8.4 Civil Engineering

Council's Civil Engineers provided comments and standard conditions and notes on 11 July 2019. Below are summarised points from these comments:

- Pursuant to the Road Management Act 2004 (the Act) any works within the road reserve of King Street, an arterial road, requires the written consent of VicRoads, the Coordinating Road Authority. Footpaths, nature strips and medians of such roads fall under the City of Melbourne's control although the Act specifically states that the Coordinating Road Authority gives conditions for works on these roads and the "road" is the reserve from building line to building line. Subsequently our conditions for non-road works on footpaths, nature strips and medians of arterial roads are listed below.
- The proposed crossing is located next to the existing bus shelter. This matter should be referred to Public Transport Victoria for comment.

8.5 Land Survey

Council's Land Survey team provided comments on 11 July 2019:

- It is not clear if windows are being proposed on both the western and northern boundary of the subject land (levels 1-3). The subject land does not benefit from a light and air easement over the abutting titles.

8.6 Urban Sustainability

Council's Urban Forestry and Ecology team provided standard street tree management conditions and the following advice on 30 March 2020:

- The revisions to the building canopy shown in the 05 March 2020 provide greater separation to public trees and should allow for less impediment to future growth and management.
- Given that most negative impacts to public trees occur at demolition or construction stages when space constraints lead to increased pressure for removal or significant pruning. Whilst the planning scheme does not require applicants to consider how a building will be demolished or constructed, it is a factor for council. The Tree Retention and Removal Policy will support minimal pruning and the retention of trees.

8.7 Environmentally Sustainable Design (ESD) and Green Infrastructure

Council's Senior Green Infrastructure and ESD Officer provided comments and standard conditions on 21 November 2020. Below are summarised key points:

- The development generally has good ESD targets. The ESD report is of an excellent standard with good documentation of targets and accompanying material in appendices to support the application targets.

- Green Star pathway requires updating to remove ineligible Innovation credit.
- The ESD report's proposed Green Star pathway targets an appropriate mix of targets and Green Star points for a 5 Star rating (equivalent), with a total target score of 65.
- The development is targeting a 5 Star NABERS Energy performance level, to be confirmed through modelling.
- The development is targeting an excellent target of minimum 40% greenhouse gas emissions reduction from a Green Star baseline building. Detailed modelling is to be provided prior to occupation as part of the overall as-built documentation package.
- A 50kW solar PV system is proposed for the rooftop, and the ESD report contains a PV feasibility study indicating payback for the system is achieved in less than 5 years. This is an excellent outcome for the development and for the city.
- The landscape concept is well resolved, and shows extensive green infrastructure and landscaping elements at various levels through the building.
- The Water Sensitive Urban Design Report addresses the requirements of Clause 53.18 – Stormwater Management in Urban Development and Clause 22.23 Stormwater Management (Water Sensitive Urban Design).
- The report includes MUSIC modelling to demonstrate compliance via specification of a 25kL rainwater tank for building reuse and a proprietary stormwater treatment device.

8.8 City Design

Council's City Design team provided comments on 18 July 2019:

- The 'Landscape Report for Town Planning' by McGregor Coxall is illustrative and high-level ideas only. It is expected that a schematic landscape design based on the architectural design will be prepared and submitted for comment to demonstrate design intent and feasibility. It is further expected that detailed designs will be submitted prior to implementation.

9 ASSESSMENT

9.1 Key Issues

The key issues in the consideration of this application include:

- Whether the proposed Floor Area Uplift provides a public benefit in accordance with the requirements of Clause 22.03 (Floor Area Uplift and Delivery of Public Benefits).
- Whether the proposed development is acceptable, having regard to the design objectives, built form requirements and built form outcomes of Clause 22.01 – Urban Design within the Capital City Zone and the applicable Design and Development Overlay Schedules.
- Other relevant matters including building separation, bicycle parking, proposed Amendment C308 and ESD.

9.2 Floor Area Uplift

The Capital City Zone Schedule 1 states that:

A permit must not be granted or amended (unless the amendment does not increase the extent of noncompliance) to construct a building or construct or carry out works with a floor area ratio in excess of 18:1 on land to which schedule 10 to the Design and Development Overlay applies unless:

- a public benefit as calculated and specified in a manner agreed to by the responsible authority is provided; and
- the permit includes a condition (or conditions) which requires the provision of a public benefit to be secured via an agreement made under section 173 of the Planning and Environment Act 1987.

The Floor Area Ratio (FAR) for the proposal is 24.64:1, derived from the site area of 1,923m² and proposed Floor Area of 47,384 m² as defined in Schedule 1 to the Capital City Zone (CCZ1). The proposed floor area uplift for commercial office is 12,774 m².

Clause 22.03 (Floor Area Uplift and Delivery of Public Benefits) is relevant to this proposal given that the proposed building exceeds a Floor Area Ratio (FAR) of 18:1.

An independent valuation of the office space has not been provided. In accordance with DELWP’s guidelines on *How to Calculate Floor Area Uplifts and Public Benefits*, the subject site is located within the Spencer Precinct of Melbourne’s CBD and therefore attracts a rate of \$5,000 per m² of gross realisation value (GRV) for commercial. The DELWP guidelines also identify office use as a public benefit.

Based on the GRV set out in Clause 22.03, a public benefit of \$7,025,700 is required to offset the uplift in area. The actual value of public benefit to be provided significantly exceeds the required benefit at \$19,161,000, is nearly three times the Floor Area Uplift sought and as such is supported. In accordance with Clause 22.03 it is recommended that a condition be placed on the permit requiring a Section 173 Agreement to be registered on title requiring the office use to be secured for a minimum of 10 years.

9.3 DDO Schedule 10 (General Development Area – Built Form) (DDO10)

DDO10 seeks to ensure that development respects the built form, scale and urban structure of the Central City and provides clear parameters to guide appropriate built form outcomes.

Table 3 to Schedule 10

A permit can only be granted to vary the preferred requirement for any design element where it can be demonstrated that the development will achieve the relevant design objectives and built form outcomes.

| Design Element | Preferred Requirement | Modified Requirement | Built Form Outcomes |
|--------------------|-----------------------|--|--|
| Street wall height | Up to 20 metres | The street wall height must be no greater than: <ul style="list-style-type: none"> • 40 metres; or • 80 metres where it: <ul style="list-style-type: none"> • defines a street corner where at least one street is a main street | Street wall height is scaled to ensure: <ul style="list-style-type: none"> • a human scale. • an appropriate level of street enclosure having regard to the width of the street with lower street wall heights to narrower streets. • consistency with the prevalent parapet height of adjoining buildings. • height that respects the scale of adjoining heritage places. • adequate opportunity for daylight, |

| | | | |
|--|--|--|--|
| | | <p>and the 80 metre high street wall should not extend more than 25 metres along each street frontage, and/or</p> <ul style="list-style-type: none"> fronts a public space including any road reserve wider than 80 metres. | <p>sunlight and skyviews in the street.</p> <ul style="list-style-type: none"> definition of main street corners and/or public space where there are no significant impacts on the amenity of public spaces. maintenance of the prevailing street wall height and vertical rhythm on the street. |
|--|--|--|--|

Response

The Lonsdale Street and King Street street walls meet the Modified Requirement. The King Street street wall, however does not meet a number of the built form outcomes.

Lonsdale Street wall

The street wall height on Lonsdale Street is 79.9 metres high for a length of 25 metres when measured from the corner of King Street. The street wall height then lowers to 40 metres. The Lonsdale Street street wall is considered an appropriate response as it is consistent with the built form outcomes for the following reasons:

- The 79.9 metre street wall with a length of 25 metres results in this element of the building presenting as a slender form which defines the street corner.
- The 40 metre street wall, although higher than the adjoining podium at 618 Lonsdale Street, is a similar height to prevailing street walls further along Lonsdale Street.
- The 17 February 2020 plans show the horizontal reveal within the podium level shifted down one level to align with the parapet of 618 Lonsdale Street. This approach is supported as it responds positively to the adjoining heritage building.

King Street wall

Along King Street the street wall height is 78.65 metres for a length of 43.9 metres when measured from the corner of Lonsdale Street. Both the application plans and discussion plans propose a landscaped balcony within the street wall. The provision of a landscaped balcony for both schemes is considered to be ineffective in breaking up the bulk of the form of the street wall.

To break up the bulk of the street wall it is recommended the 78.65 metre street wall be no longer than 25 metres in length when measured from the corner of Lonsdale Street and King Street. The street wall after 25 metres in length should be reduced to a maximum height of 40 metres and set back a minimum of 5 metres from King Street. This recommended built form change would achieve a more slender tower volume along King Street, similar to the Lonsdale Street elevation. The recommended changes to the street wall would also provide an acceptable human scale response.

The recommended reduced street wall length results in a floor area reduction of approximately 72.3 m² for each level from Levels 11 to 19. This results in an overall reduction in floor area of 650 m², comprising of 506 m² of office floor area and 144.6 m² of hotel floor area.

The reduced floor area cannot be redistributed within the proposed levels. The proposal seeks the maximum built form envelope allowed under the modified requirements of DDO10 with the exception of the 3.57 metre podium setback on the northern boundary and the

varying podium setbacks to the western boundary.

The northern setback allows for the northern façade to be architecturally articulated and also provides amenity by way of light and air to the proposed office floorplate. The western setbacks provide a better amenity outcome to the existing apartment building at 618 Lonsdale Street, Melbourne and a more efficient rectilinear floor plate for the proposal.

The only option for the proposal to regain the loss in floor area would be to add an additional level to the tower element of the proposal whilst also providing compliant setbacks.

Lower podium levels

All street frontages are of high quality and achieve a human scale. This is achieved by solidifying the ground level, breaking up the mass of the frontages with entry points, landscape elements, informal seating and the use of high quality materials.

Levels 5 to 9 on the northern elevation of the podium have been setback 3.57 metres from the title boundary. This setback is strongly supported because it allows for the northern elevation to be articulated through the provision of glazing, shading and an integrated terrace. If no setback was provided this elevation would present as a blank wall.

Daylight and sunlight

The site is located on the north west corner of Lonsdale Street and King Street with significant built form to the north and west of the site. The existing built form context and location of the site results in no unreasonable reduction in daylight and sunlight to the public realm as a result of the street wall heights.

| Design Element | Preferred Requirement | Modified Requirement | Built Form Outcomes |
|--|--|--|---|
| Building setbacks above street wall | Above the street wall, towers and additions should be setback 10 metres from the title boundary. | Above the street wall, towers must be setback a minimum of 5 metres from the title boundary. | Towers and additions are setback to ensure: <ul style="list-style-type: none"> large buildings do not visually dominate the street or public space. the prevalent street wall scale is maintained. overshadowing and wind impacts are mitigated. The tower or addition includes a distinctly different form or architectural expression. |
| Response | | | |
| The proposed setbacks are as follows: <i>Lonsdale Street – 5.2 metres</i> <i>King Street - 5 metres</i> The street setbacks above the street walls meet the Modified Requirement. The 5 metre tower setbacks are acceptable. The street walls, subject to reducing the length of the 78.65 metre King Street street wall, provide a human scale and respond to the prevailing character. The stacked tower form is a distinctly different form and architectural expression to the surrounding towers and is supported. The overshadowing of the public realm and wind impacts are discussed below. | | | |

| Design | Preferred | Modified Requirement | Built Form Outcomes |
|--------|-----------|----------------------|---------------------|
|--------|-----------|----------------------|---------------------|

| Element | Requirement | | |
|---|---|--|---|
| Building setbacks from side boundaries and rear boundaries (or from the centre line of an adjoining laneway) and tower separation within a site | Above the street wall or 40 metres (where there is no street wall), towers and additions should be setback a minimum of 5 metres or 6% of the total building height whichever is greater. | <p>Towers and additions up to 80 metres in height:</p> <p>Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres.</p> <p>Towers and additions of no more than 80 metres in height may be constructed up to one side or rear boundary, excluding a laneway, if an existing, approved, proposed or potential building on an adjoining site is built to that boundary and if a minimum setback of 5 metres is met to all other side and rear boundaries and the centre line of any adjoining laneway. Buildings of no more than 80 metres in height, may be constructed to a second side or rear boundary if an adjoining site cannot, by legal restriction benefitting the application site, be developed above the street wall height.</p> <p>Towers exceeding 80 metres in total height:</p> <p>Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres and must meet the design element requirements for tower floorplate.</p> <p>Tower separation within a site:</p> <p>Towers must be separated by a minimum of 10 metres.</p> | <p>Towers and additions are designed and spaced to ensure:</p> <ul style="list-style-type: none"> • sun penetration and mitigation of wind impacts at street level. • provision of reasonable sunlight, daylight, privacy and outlook from habitable rooms, for both existing and potential developments on adjoining sites. • floorplate layout or architectural treatment limits direct overlooking between habitable rooms. • buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them. • buildings do not visually dominate heritage places and streetscapes, nor significant view lines. |
| Response | | | |
| <p><i>Western boundary setback – 12.03 metres</i></p> <p>The total building height is 154.93 metres which requires a setback of 9.30 metres to achieve the 6% preferred requirement.</p> <p>The 12.03 metre setback to the western boundary is supported. The setback provides greater separation between the proposed tower and the existing apartment tower to the west. The increased separation is supported because it provides a better amenity outcome to the existing apartment building at 618 Lonsdale Street, Melbourne.</p> <p>The overshadowing of the public realm and wind impacts are discussed below.</p> <p>Given the significant setbacks and separation from other built form the proposal does not result in unreasonable amenity impacts on neighbouring and nearby properties.</p> | | | |

| Design Element | Preferred Requirement | Modified Requirement | Built Form Outcomes |
|--|---|--|--|
| Tower floorplate | The tower floorplate is determined by the preferred requirement for building setbacks from side and rear boundaries and tower separation within a site, and the modified requirement for building setback(s) above the street wall. | The tower floorplates above the street wall for a tower above 80 metres in height may be adjusted in terms of location and/or shape but must not: <ul style="list-style-type: none"> • result in an increase in the floorplate area • be situated less than 5 metres from a side or rear boundary (or from the centre line of an adjoining laneway) • be less than 5 metres to a street boundary • be less than 10 metres to an adjoining tower on the site. | The adjusted floorplate is designed and spaced to: <ul style="list-style-type: none"> • reduce impact on existing and potential neighbours in terms of privacy, outlook, daylight and sunlight access. • minimise visual bulk. • reduce impact on public spaces, including overshadowing and wind effects and reduced visual dominance. • buildings do not visually dominate heritage places and streetscapes, nor significant view lines. • buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them. |
| Response | | | |
| <p><i>Northern boundary setback – 5.23 metres</i></p> <p>The application seeks to modify the northern setback through an adjusted floorplate design. The adjusted floorplate results in a greater tower separation between the existing apartment tower at 618 Lonsdale Street and proposed tower. The adjusted floorplate is supported because it will provide a better amenity outcome for the residential tower.</p> <p>As shown in the diagram below, the adjusted floorplate design does not result in an increase in the floorplate area.</p> <p>The reduced side setback will not have an adverse impact on the two storey commercial building at 271 King Street as there is no outlook toward the Site.</p> | | | |

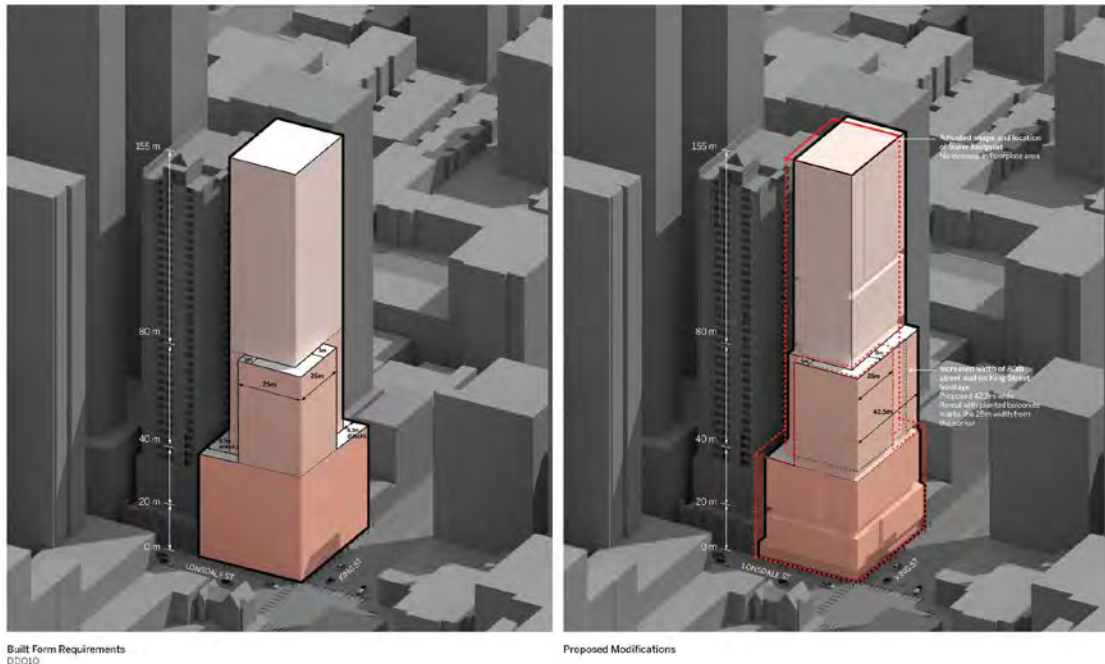


Figure 17 proposed building massing. SOM Architects Pty Ltd and Fender Katsalidis Architects Pty Ltd dated 16 September 2019

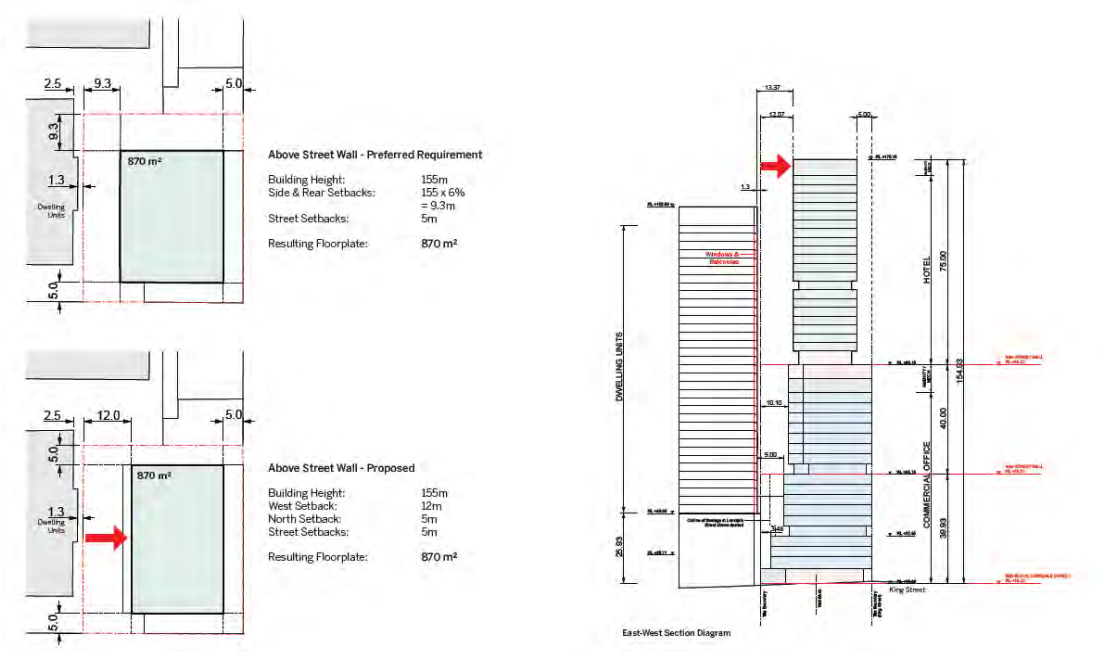


Figure 17 Base Floorplate and Adjusted Floorplate. SOM Architects Pty Ltd and Fender Katsalidis Architects Pty Ltd dated 16 September 2019

9.4 Clause 22.01 Urban Design within the Capital City Zone

Subject to a lowered street wall height along King Street, the proposal responds positively to the objectives and policy requirements of Clause 22.01 – Urban Design within the Capital City. The proposal achieves this for the following reasons:

- The street walls maintain a pedestrian scale at street level.
- There is sufficient separation between towers to ensure a high level of amenity is retained.
- The building envelope responds to the site's context.
- The lower portion of the building aligns with the street pattern and respects the continuity of the street walls.
- The stacked volumes, recessed façade surfaces and greening and integrated outdoor terraces in between volumes provide articulation and identity to the building.
- The building has been designed in the round, is of a high standard, and provides visual interest.
- The roof profile has been designed to contribute to the architectural quality of the city skyline.
- The publicly accessible forecourt provides additional area for pedestrian flows, people to wait at the bus stop and passive recreation.

9.5 Proposed Amendment C308

The proposal is consistent with key aspects of this proposed amendment as follows:

- The ground floor and first floor layouts provide a mixture of activation including retail spaces and lobby areas with numerous entry points which engages the pedestrian.
- The use of high quality and tactile materials and fine grain design.
- Weather protection in the form of canopies over the footpaths of both Lonsdale Street and King Street.
- The car parking is underground.

9.6 Wind

DDO10 sets out requirements that must and should be met in relation to wind effects. The Wind Effects section of the Schedule notes that:

‘a permit must not be granted for buildings and works...that would cause unsafe wind conditions in publicly accessible areas’ in proximity to the proposed building.

The Wind Effects section also states that:

‘a permit should not be granted for buildings and works...that do not achieve comfortable wind conditions in publicly accessible areas’ in proximity to the proposed building.

MEL Consultants conducted wind tunnel tests applying the Wind Effects distance criteria set by DDO10 and using a 1/400 scale model of the proposed development. The simulated wind conditions for all test locations in the streetscapes surrounding the development have been shown to pass the standing criterion, with many test locations satisfying sitting criteria.

The wind assessment prepared by MEL Consultants dated October 2019 concludes that:

For the Proposed Configuration, wind conditions for in the surrounding streetscapes around the 600 Lonsdale Street development have been shown to achieve the walking criterion, while the entrances have been shown to have wind conditions that achieve the standing criterion.

The Exterior Outdoor Terraces and Skylobby on the upper levels have been shown to achieve the walking criterion with many Test Locations achieving the standing criterion. Examples of localised screening around these terraces have been shown to achieve wind conditions meeting the sitting criterion for some terraces and Skylobby locations.

The wind assessment demonstrates compliance with the wind requirements of DDO10 and is supported.

9.7 Sunlight to public space

The Site is not located within the vicinity of areas of major public open space and is not located within close proximity to any of the spaces detailed in Table 1 or Table 2 to Schedule 10 of the Design and Development Overlay. The closest public space to the Site is the Melbourne City Council's Merritts Place Reserve. Shadow diagrams prepared by the permit applicant demonstrate that this space is not impacted by any additional shadows from 10am-2pm at equinox.

The proposal therefore meets the mandatory overshadowing controls of DDO10 and is supported.

9.8 Parking Overlay Schedule 1 (Capital City Zone – Outside the Retail Core) (PO1)

Given the proposed 43 car parking spaces will not exceed the maximum car parking rate of 193 spaces, a permit is not required under this overlay. Council's traffic engineers are supportive of the car parking provision.

9.9 Bicycle Facilities

Clause 52.34 Bicycle Facilities provides the statutory requirements for onsite bicycle parking and facilities. The application generates a statutory bicycle parking requirement of 143 bicycle spaces and provides 118 bicycle spaces. The proposal therefore does not meet the requirements of this provision.

The bicycle spaces are proposed to be allocated in line with the statutory rate for the retail and office uses and therefore the only shortfall relates to the hotel component. The City of Melbourne's traffic engineers agree with the applicant's traffic consultant that the hotel use is unlikely to generate a significant demand for bicycle parking, particularly for guests of the residential hotel.

Both the applicant's traffic consultant and the City of Melbourne's traffic engineers have recommended that the proposal should provide an additional 15 spaces to cater for any requirement generated by the hotel staff. This requirement could be addressed by permit condition.

The proposed end of trip facilities of 10 showers and change rooms meet the requirements of Clause 52.34.

9.10 Sustainability

Clause 22.19 Energy, Water and Waste Efficiency provides that it is policy to encourage buildings that:

- Minimise greenhouse gas emissions and maximise energy efficiency.
- Minimise mains potable water consumption and encourage the use of alternative water sources, such as rainwater and grey water.
- Provide the facilities that will enable building users and occupants to reduce waste sent to landfill, maximise the recycling and reuse of materials and support the municipality's progress towards becoming a resource and material-efficient city.

The Sustainability Management Plan identifies that the proposed development has acceptable ESD targets to satisfy Clause 22.19. It has committed to achieving a minimum 5 Star Green Star Design and 5 Star NABERS Energy performance level.

The application proposes a 50kW solar PV system on the rooftop, The ESD report contains a PV feasibility study indicating payback for the system is achieved in less than 5 years. This is strongly supported as it is an excellent outcome for the future owners of the site and Melbourne as a whole.

Permit conditions for implementation of the recommendations of the Sustainability Management Plan are recommended to ensure that the building meets the ESD targets.

Subject to conditions, the proposed development will meet the relevant requirements of Clause 22.19.

9.11 Stormwater Management (Water Sensitive Urban Design)

Clause 22.23 Stormwater Management (Water Sensitive Urban Design) sets out the following objectives:

- To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).
- To promote the use of water sensitive urban design, including stormwater re-use.

Subject to the conditions recommended by Council's ESD Officer and Principal Engineer (Infrastructure) being included on any permit, it is considered that the proposed development will meet the relevant requirements of Clause 22.23.

9.12 Green façades and landscaping

The green facades and landscaping are strongly supported from both environmental and design perspectives. The landscape concept is well resolved, and shows extensive green infrastructure and landscaping elements at various levels through the building which contribute to a green amenity for the building and the streetscape.

To ensure the green facades and landscaping are successful and maintained, it is recommended that a detailed Landscape Plan, Landscape Maintenance Plan and Irrigation Performance Specification be required, submitted and approved prior to commencement of development.

The green facades and landscaping assist in breaking up the bulk of the building mass. It is recommended that the green façade and landscaping be brought down to ground level to further 'ground' the building into the streetscape. This matter could be addressed by permit condition.

10 OFFICER RECOMMENDATION

That, for the reasons discussed within this report, the proposal is supported and Melbourne City Council does not object to this application subject to the following permit conditions and notes:

Amended Plans

1. Prior to the commencement of the development, or as may otherwise be agreed with the Responsible Authority, an electronic set of plans, drawn to scale, must be submitted to the Responsible Authority in consultation with the Melbourne City Council, generally in accordance with the plans prepared by SOM Architects Pty Ltd and Fender Katsalidis Architects Pty Ltd dated 16 September 2019 but amended to show:
 - a. The changes shown in the discussion plans dated 05 March 2020 but amended to show:
 - i. The green façade continuing to the ground level
 - ii. The office entrance glazing aligned with the glazing line east of the office entrance
 - iii. Schematic landscape design of all publicly accessible areas at the ground level.
 - b. The 78.65 metre street wall along King Street to be a maximum length of 25 metres when measured from the corner of south east corner of the Site.
 - c. Beyond a length of 25 metres the King Street street wall to be a maximum height of 40 metres, except for levels 5 to 9 which are setback back from the northern boundary by 3.57 metres.
 - d. Any changes as required as a result of the Façade Strategy in Condition 3.
 - e. An additional 15 on-site bicycle spaces for use by hotel staff in accordance with Clause 52.34 of the Melbourne Planning Scheme.

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

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

Façade Strategy

3. Prior to the commencement of the development, or as may otherwise be agreed with the Responsible Authority, a facade strategy and material and finishes must be submitted to the Responsible Authority and approved by the Responsible Authority in consultation with the Melbourne City Council. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority in consultation with the Melbourne City Council. Unless otherwise approved by the Responsible Authority, the Façade Strategy must be generally in accordance with the development plans and must address the following matters:
 - a. A description by the architect of the building design concept and how the façade works to achieve this.

- b. Further details of each façade type to ensure the delivery of a high quality and textured building.
- c. Plans, elevations and sections generally at a scale of 1:50 illustrating typical podium details, entries and doors, utilities, typical tower detail, key junctures, and any special features which are important to the building's presentation.
- d. A schedule of materials, finishes and details, including but not limited to the type and quality of materials, colour and appearance, confirming reflectivity not greater than 20% and providing an assessment of potential impacts relating to glare.
- e. Preliminary profile detail of the terracotta fins which depicts a fully integrated glazing system with no visible gaps between the terracotta fin cladding and glazing line.
- f. Resolution of the ground plane to ensure a high-quality pedestrian environment. Further detailed sections and plans at a scale of 1:50 to understand how the ground floor retail tenancies will interact with each street interface to create a positive relationship with the public realm.

The strategy must illustrate the legibility of the proposal from short and distant views, including the extent of façade pattern, colours and ability to provide richness, texture and depth. This can be provided through montages from various vantage points and / or built model.

Construction Management Plan and Tree Protection

4. Prior to the commencement of the development, or as otherwise be agreed with the Melbourne City Council, a detailed construction and demolition management plan must be submitted to and be approved by the Melbourne City Council – Construction Management Group.

This construction management plan must be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider 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.
 - g. protection of street trees.
5. Prior to the commencement of any works including bulk excavation, a Tree Protection Plan (TPP) must be provided to the satisfaction of the Melbourne City Council (Urban Forestry & Ecology) for any public trees that may be affected by the development. The TPP must be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
 - a. Melbourne City Council asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).

- b. Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries.
 - c. 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.
 - d. Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree. These must be provided for any utility connections or civil engineering works.
 - e. Full specifications of any pruning required to publicly owned trees.
 - f. Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
 - g. 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 Council's email via trees@melbourne.vic.gov.au.
6. All works (including bulk excavation), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the the Melbourne City Council.
 7. Following the approval of a Tree Protection Plan (TPP) 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 TPP for the duration of construction activities. The bond amount will be calculated by Council and provided to the applicant / developer / owner of the site. Should any tree be adversely impacted on, the Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.
 8. 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 Tree Protection Plan (TPP), a revised TPP must be provided to the satisfaction of, and approved by, the Melbourne City Council – Urban Forestry & Ecology.

Legal Agreements

9. Prior to the commencement of the development excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the Responsible Authority, the owner of the land must enter into an agreement with the Responsible Authority and Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must:
 - a. Secure the office use for a minimum of 10 years from the date of issue of a certificate of occupancy for the building. The Agreement must make provision for the removal of this requirement from the land following completion of the obligations contained in the agreement.
 - b. The windows / openings on the boundary must be removed when the adjoining property is further developed in a manner that the Responsible Authority considers would affect these windows / openings.

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

Car parking layout & access to be constructed and maintained in accordance with endorsed plans

10. The areas set aside for car parking, the access of vehicles and access ways must be constructed, delineated and clearly line-marked to indicate each car space, the access ways and the direction in which vehicles must proceed along the access ways, in conformity with the endorsed plans. Parking areas and access ways must be kept available for these purposes at all times and maintained to the satisfaction of the Melbourne City Council.
11. Unless with the written consent of Melbourne City Council all vehicle movements into and out of this development must be via a left turn in and left turn out arrangement.
12. The proposed vehicle crossing shall be redesigned with bluestone straights, radials and constructed to the satisfaction of the Melbourne City Council.

3D Digital Model

13. Prior to the occupation of the development, a 3D digital model of the approved development must be submitted to, and must be to the satisfaction of, the Responsible Authority. The model should be prepared having regard to Advisory Note – 3D Digital Modelling Melbourne City Council. Digital models provided to the Melbourne City Council may be shared with other government organisations for planning purposes. The Melbourne City Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to, and be to the satisfaction of, the Melbourne City Council.

Building Appurtenances and Services

14. 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.
15. 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.
16. All service pipes, apart from roof down pipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.

Implementation of Environmentally Sustainable Design (ESD)

17. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans. The report must include all final calculations and modelling reports to the appropriate standard, commissioning and testing reports, building user guides and other supplementary materials etc. that have been produced to demonstrate compliance with the relevant targets included in the endorsed ESD report.

Landscape Package

18. Prior to commencement of development, an amended scheme for landscaping and planting in connection with the proposed development must be submitted to, and be approved by the Responsible Authority. This should include landscape plans with detailed planter sections including soil volumes and schedules of species with soil volume requirements and growing media proposed, a Landscape Maintenance Plan providing details of proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion and a Landscape Irrigation Performance Specification. Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.

Landscaping

19. Prior to commencement of development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the Melbourne City Council, a scheme for landscaping and planting in connection with the proposed development must be submitted to, and be approved by the Melbourne City Council. This should include landscape plans with detailed planter sections including soil volumes and schedules of species with soil volume requirements and growing media proposed, and a Landscape Maintenance Plan providing details of proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion. Except with the prior written consent of the Melbourne City Council the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Melbourne City Council.

Civil Conditions

20. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the Responsible Authority a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Melbourne City Council. This system must be constructed prior to the occupation of each stage of the development and provision made to connect this system to the Melbourne City Council's underground stormwater drainage system.

21. Prior to the commencement of the use / occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Melbourne City Council.
22. The footpaths adjoining the site along King Street and Lonsdale Street must be reconstructed in sawn bluestone together with associated works including the renewal of kerb and channel, the provision of tree plots, street furniture and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Melbourne City Council.
23. Existing street levels in King Street and Lonsdale Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining the written approval of the Melbourne City Council.
24. 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 the Melbourne City Council.

Waste

25. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by WasteTech Services dated 20th June 2019. The submitted WMP must not be altered without prior consent of the Melbourne City Council.
26. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within three years of the date of this permit.
 - b) The development is not completed within six years of the date of this permit.

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

NOTES

- Pursuant to the Road Management Act 2004 (the Act) any works within the road reserve of King Street, an arterial road, requires the written consent of VicRoads, the Coordinating Road Authority. Footpaths, nature strips and medians of such roads fall under the Melbourne City Council's control although the Act specifically states that the Coordinating Road Authority gives conditions for works on these roads and the "road" is the reserve from building line to building line. Subsequently our conditions for non-road works on footpaths, nature strips and medians of arterial roads are listed below.
- The proposed crossing is located next to the existing bus shelter. This matter should be referred to Public Transport Victoria for comment.
- Existing street furniture must not be removed or relocated without first obtaining the written approval of the Melbourne City Council.

- In order to access the waste storage areas, tenants are required to cross the same pathway that waste collection vehicles will use to access the loading dock. This risk should be mitigated as much as possible with appropriate pedestrian / vehicular management.
- In accordance with the Tree Retention and Removal Policy a bank guarantee must be:
 1. Issued to City of Melbourne, ABN: 55 370 219 287.
 2. From a recognised Australian bank.
 3. Unconditional (i.e. no end date)
 4. Executed (i.e. signed and dated with the bank stamp)

Please note that insurance bonds are not accepted by the City of Melbourne. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.

At the time of lodgement of the bank guarantee the completed Project Arborist Confirmation Form must be provided. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the health of the subject public trees has not been compromised.