

Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

Planning Permit Application: TP-2019-834
363 King Street, West Melbourne

4 May 2021

Presenter: Larry Parsons, Practice Leader Land Use and Development

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of Planning Application TP-2019-834 for land located at 363 King Street, West Melbourne (refer Attachment 2 – Locality Plan).
2. The applicant and architect is Gray Puksand and the owner of the land is GHK No. 2 Pty Ltd.
3. The land is located within the Mixed Use Zone (MUZ) and is affected by Design and Development Overlay Schedule 12 (DDO12 - Noise Attenuation Area) and Schedule 33 (DDO33 – CBD Fringe) and Heritage Overlay – Schedule HO841 (357-369 King St, West Melbourne).
4. This application seeks planning approval for partial demolition and construction of a multi-level office building and reduction in car parking provision.
5. The development comprises partial demolition of the rear portion of the existing heritage building, alterations and construction of a 13 storey office building. The front portion of the heritage building would be retained as the building podium, with the office building set back seven metres from the façade. The addition adopts a contemporary appearance with curtain wall glazing and prominent horizontal banding.
6. Public notice of the application was undertaken and 22 objections have been received.

Key issues

7. The key issues for consideration are the appropriateness of the land use, the extent of demolition, the built form response (including heritage impacts, height, setbacks and Floor Area Ratio), public realm impacts (including overshadowing) and equitable development.
8. The proposed development will respond appropriately to its heritage context, complying with Local Planning Policy Clause 22.05 (Heritage Places outside the Capital City Zone) and Clause 22.17 (Urban Design outside the Capital City Zone), will meet the requirements of Schedule 33 to the Design and Development Overlay, and will not result in unreasonable amenity impacts to the public realm or adjacent properties.
9. Permit conditions are recommended to ensure that the proposal delivers an acceptable heritage outcome, delivers a high quality architectural design response and secures appropriate sustainability targets.

Recommendation from management

10. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit subject to the conditions set out in the delegate report (refer Attachment 4 of the report from management).

Attachments:

1. Supporting Attachment (Page 2 of 68)
2. Locality Plan (Page 3 of 68)
3. Selected Plans (Page 4 of 68)
4. Delegate Report (Page 32 of 68)

Supporting Attachment

Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (the Act) sets out requirements in relation to applications for permits pursuant to the relevant planning scheme.
2. As objections have been received, sections 64 and 65 of the Act provide that the responsible authority must give the applicant and each objector notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The responsible authority must not issue a permit to the applicant until the end of the period in which an objector may apply to the VCAT for a review of the decision or, if an application for review is made, until the application is determined by the VCAT.

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 material or general conflict of interest in relation to the matter of the report.

Health and Safety

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

Stakeholder consultation

6. Public notice of the application has been undertaken to surrounding owners and occupiers, pursuant to Section 52 of the Act.

Relation to Council policy

7. Relevant Council policies are discussed in the attached delegate report (refer 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. Recommended conditions require the development to be carried out in accordance with a submitted ESD Report.

Locality Plan

TP-2019-834 - 363 King Street, West Melbourne



GRAY PUKSAND



ARCHITECTURAL DRAWING LIST - ...	
Sheet Number	Sheet Name
S000	COVER PAGE
S010	DEMOLITION PLANS AND ELEVATIONS
S020	DEVELOPMENT SUMMARY
S021	EXISTING SITE PLAN
S022	PROPOSED SITE PLAN
S101	GROUND FLOOR & BASEMENT
S102	LEVEL 1 & 2
S103	LEVEL 3 & 4
S104	LEVEL 5 & 6
S105	LEVEL 7 & 8
S106	LEVEL 9 & 10
S107	LEVEL 11 & 12
S108	ROOF PLAN
S301	EAST & SOUTH ELEVATIONS
S302	NORTH & WEST ELEVATIONS
S304	EXTERNAL FINISHES BOARD
S305	DETAILED EAST ELEVATION
S310	SECTIONS
S320	22nd September at 9am-10am
S321	22nd September at 11am-12pm
S322	22nd September at 1pm-2pm
S323	22nd September at 3pm
S324	22nd June at 9am-10am
S325	22nd June at 11am-12pm
S326	22nd June at 1pm-2pm
S327	22nd June at 3pm
S400	3D PERSPECTIVE
S401	3D PERSPECTIVE

C:\Revised\118121 - 363 King Street_TP10_Rev02_GP.Plt
18/09/2020 4:17:33 PM

DISCLAIMER

This document may not be secure, may be corrupted in transmission or due to software incompatibility and/or may be amended or altered by third parties after leaving Gray Puksand's possession.

Gray Puksand is not responsible for and accepts no liability for such matters. Subject only to any conflicting provision within any prior binding agreement by Gray Puksand (which agreement may also contain additional conditions relating to this document and its use).

1. The content of this document is confidential and copyright in it belongs to Gray Puksand. They are permitted only to be opened, read and used by the addressee.

2. All users of this document must carry out all relevant investigations and must examine, take advice as required and satisfy themselves concerning the contents, correctness and sufficiency of the attachment and its contents for their purposes.

3. To the extent permitted by law, all conditions and warranties concerning this document or any use to which they may be put (whether as to quality, outcome, fitness, care, skill or otherwise) whether express or implied by statute, common law, equity, trade, custom or usage or otherwise are expressly excluded.

4. Any person using or relying on this document releases indemnifies, and will keep indemnified, Gray Puksand against all claims, liabilities, loss, costs and expenses arising directly or indirectly out of or in connection with such use or reliance including without limitation any misrepresentation, error or defect in this document.

Contractors to use Architectural drawings for set out.

Figured Dimensions take precedence over Scaled Dimensions. Any Discrepancies should be immediately referred to the Architect. All work to comply with N.C.C. Statutory Authorities & Relevant Australian Standards.

NSW Nominated Architects Scott Moylan 7147 Craig Saltmarsh 6599

REV	DESCRIPTION	DATE
TP1		14/10/2019
TP2		13/03/2020
TP3		04/09/2020
TP4		15/09/2020

PROJECT NO 118121
DRAWN
CHECKED
APPROVED

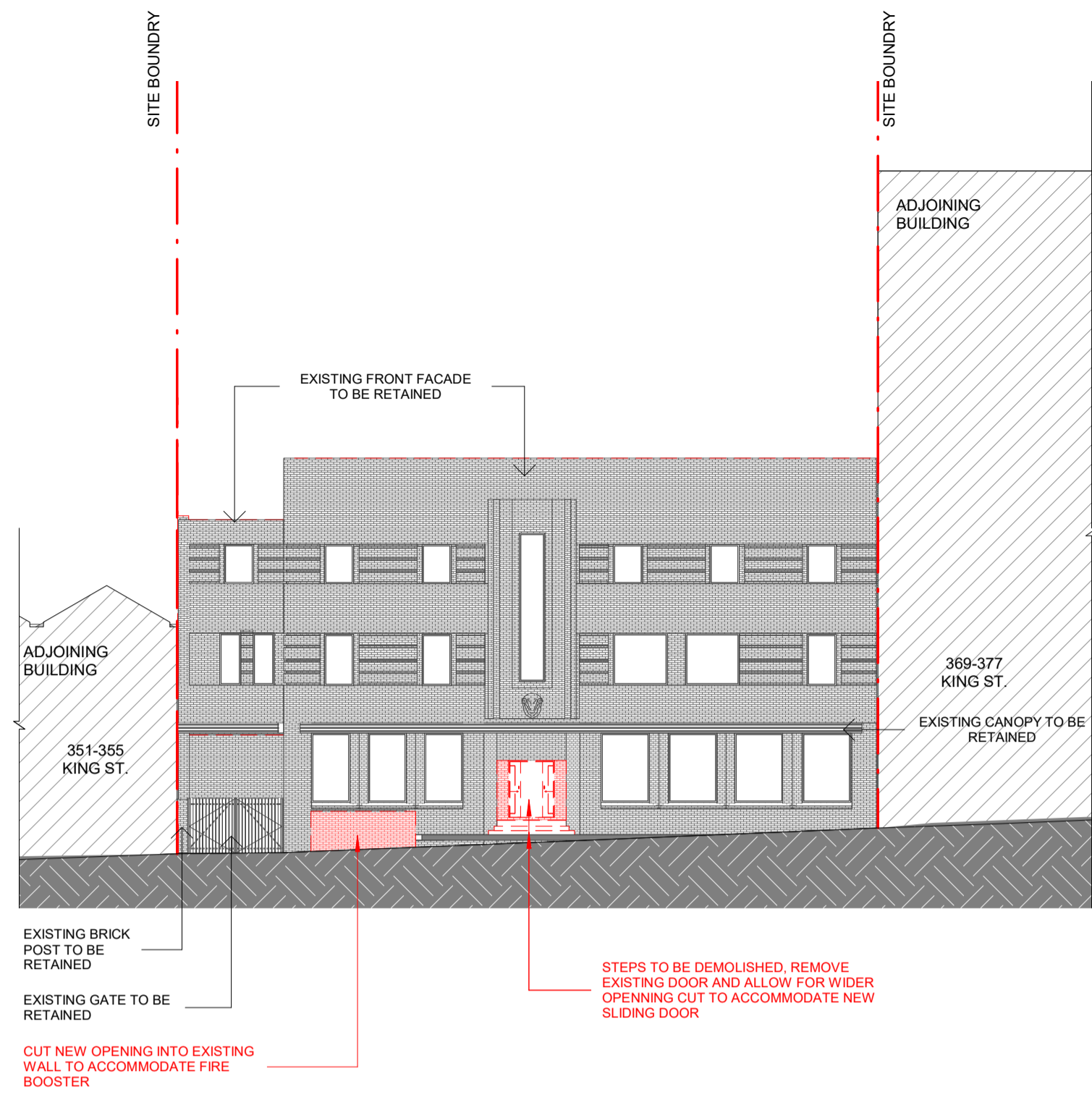
**PROPOSED
RE-DEVELOPMENT**

363 KING ST. WEST MELBOURNE

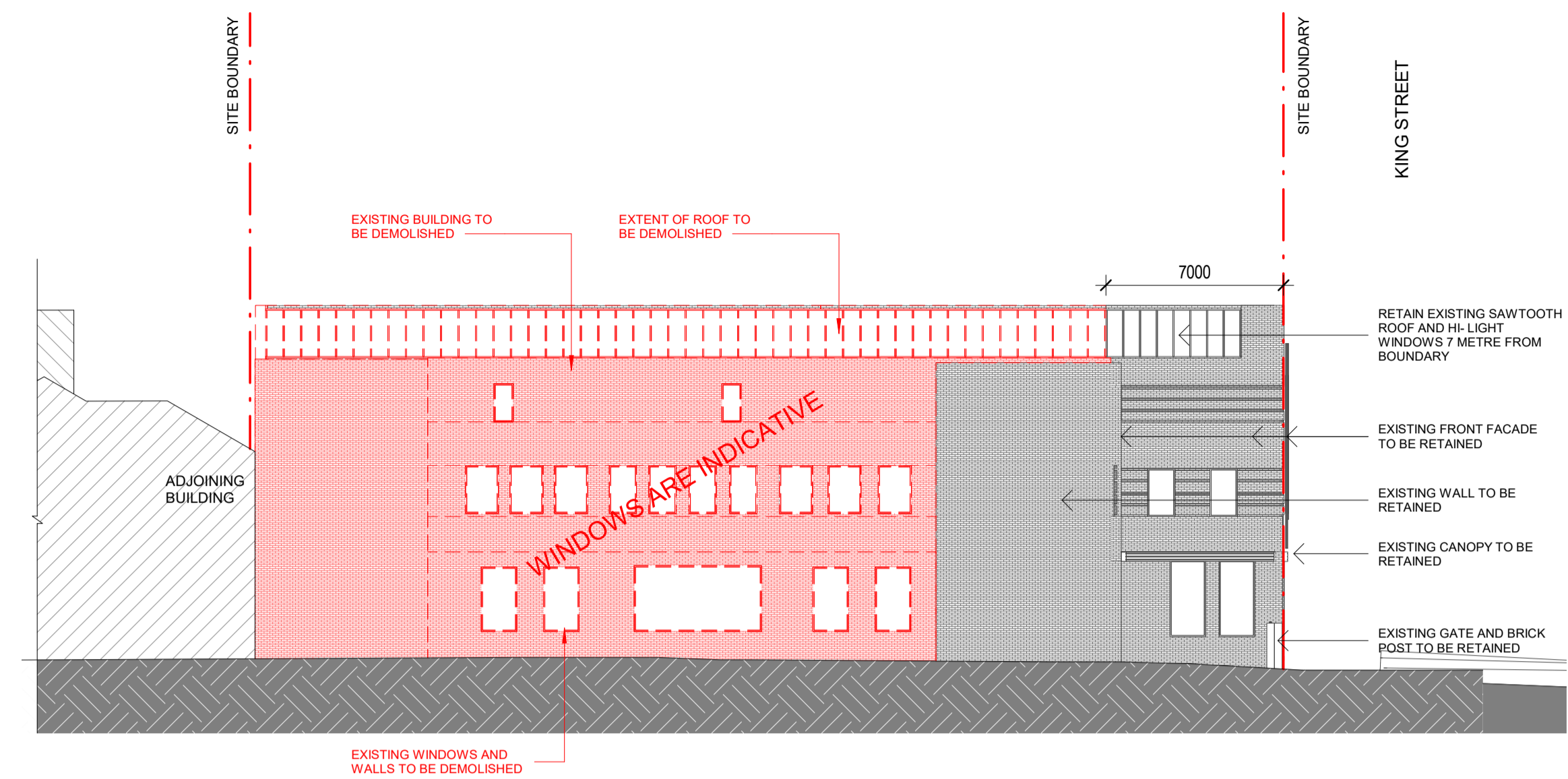
TOWN PLANNING

COVER PAGE

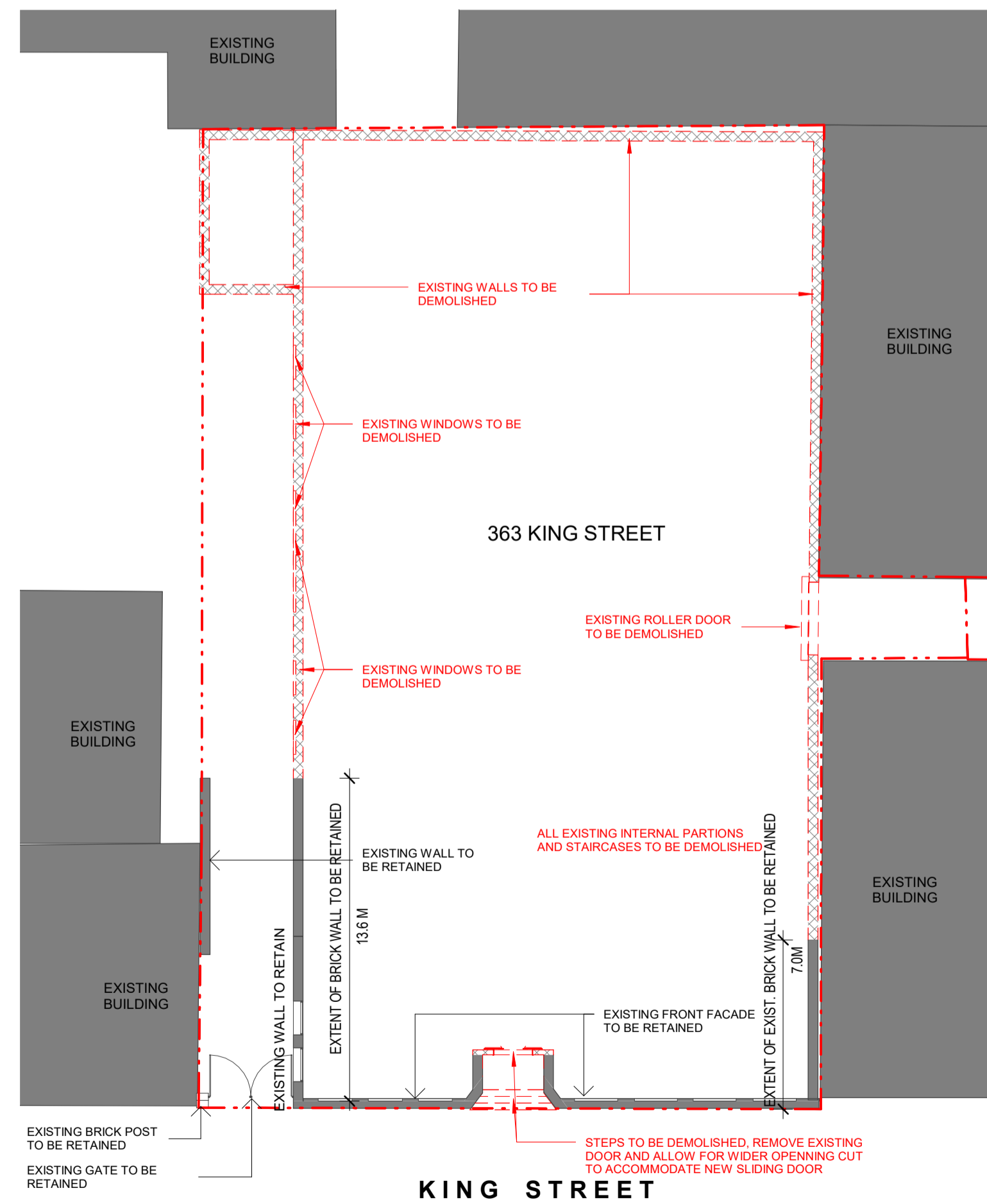
DWG # **S000** REV **TP4**



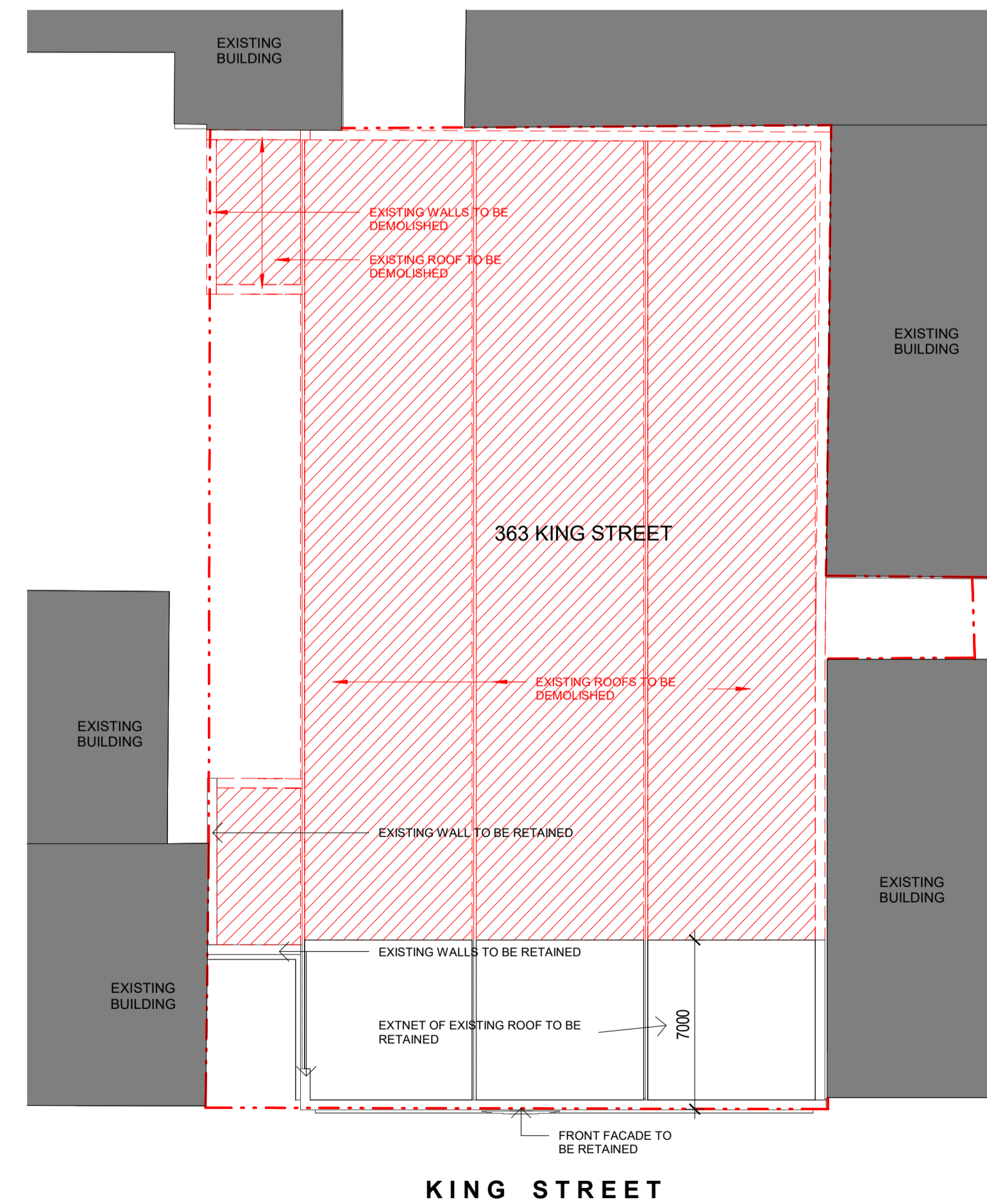
2 DEMOLITION - EAST ELEVATION
A052 SCALE 1:200



3 DEMOLITION - SOUTH ELEVATION
A052 SCALE 1:200



1 DEMOLITION - GROUND FLOOR PLAN
S301 SCALE 1:200



4 DEMOLITION - ROOF PLAN
S301 SCALE 1:200

18/09/2020 4:36:01 PM C:_Revit\118121 - 363 King Street_R19_Revit.dwg



DEVELOPMENT SUMMARY

SITE AREA	1113 (m²)
TOTAL NLA	5520 (m²)
GFA	8762 (m²)
GFA ABOVE GROUND	7791 (m²)

NOTES:

NLA Net Leasable Area is all commercial / retail areas measured to the inside face of all enclosing walls.

GFA Gross Floor Area for all covered built areas including basement carparks measured to the outside face of the exterior walls.

GFA Above Ground Gross Floor Area above ground excludes basement GFA.

Total Site area includes Lot 1&2 TP128310J & Lot 1 on TP947534R (carriageway easement off Jeffcott Street).

LV	OFFICE NLA (m ²)	TENANCY (m ²)	CORRIDOR (m ²)		GFA (m ²)	GFA ABOVE GROUND (m ²)
BA	-	-	-		971	-
GF	-	268	-		943	943
1	547.75	-	26		720.75	720.75
2	548.75	-	26		720.75	720.75
3	353.75	-	26		513.75	513.75
4	387.75	-	26		546.75	546.75
5	387.75	-	26		546.75	546.75
6	383.75	-	26		542.75	542.75
7	383.75	-	26		542.75	542.75
8	383.75	-	26		542.75	542.75
9	383.75	-	26		542.75	542.75
10	383.75	-	26		542.75	542.75
11	383.75	-	26		542.75	542.75
12	383.75	-	26		542.75	542.75
TOTAL	4940	268	312		8762	7791

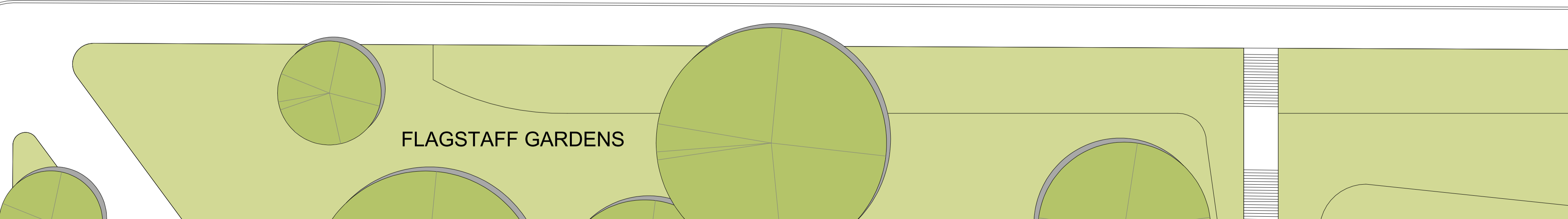
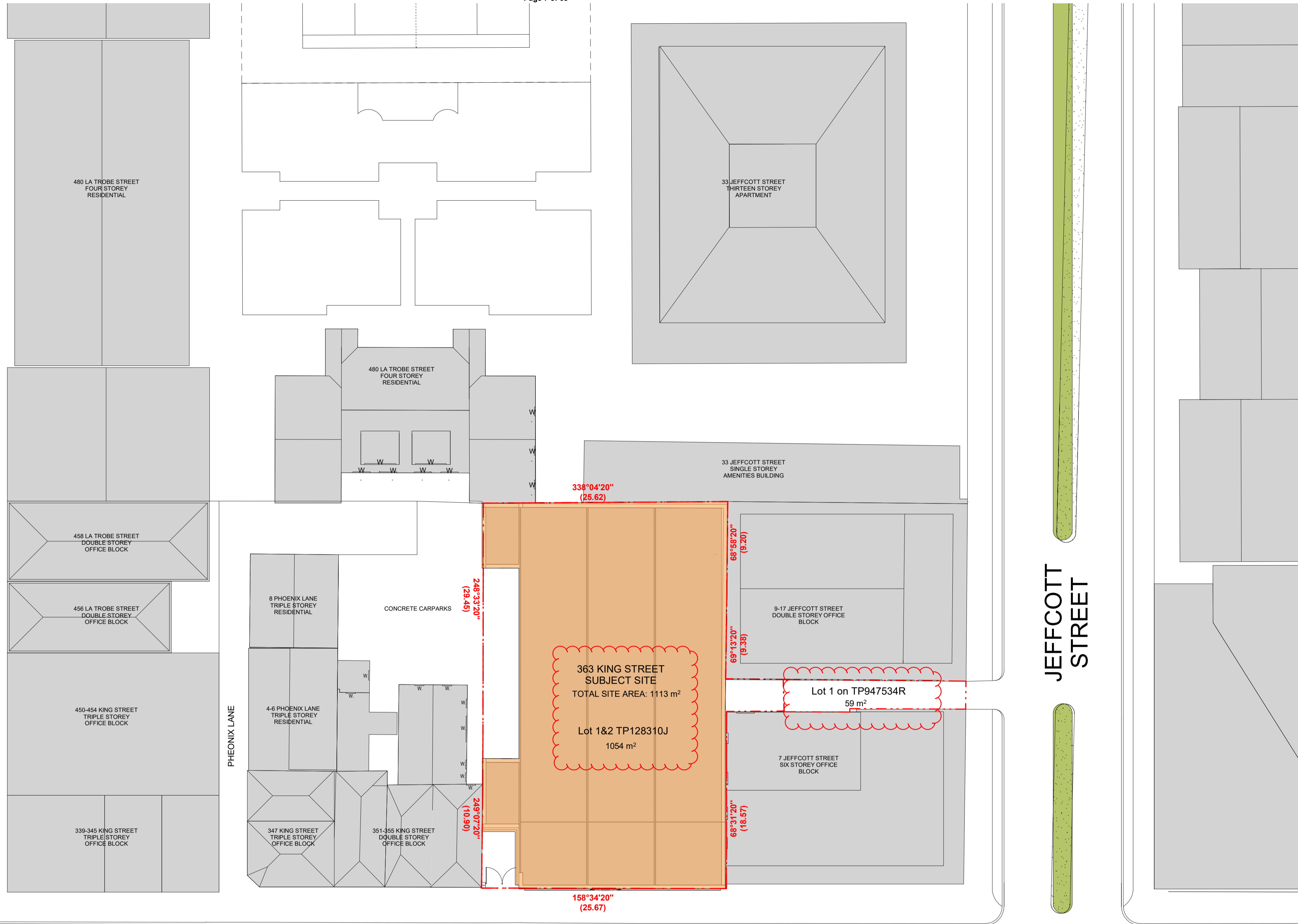
LV	CARSPACES	BIKES	VISITOR BIKES	LOCKERS
BA	14	-	-	-
GF	-	36	8	50

TOTAL NLA (4940+268+312) = 5520 m²

LA TROBE STREET

JEFFCOTT STREET

KING STREET

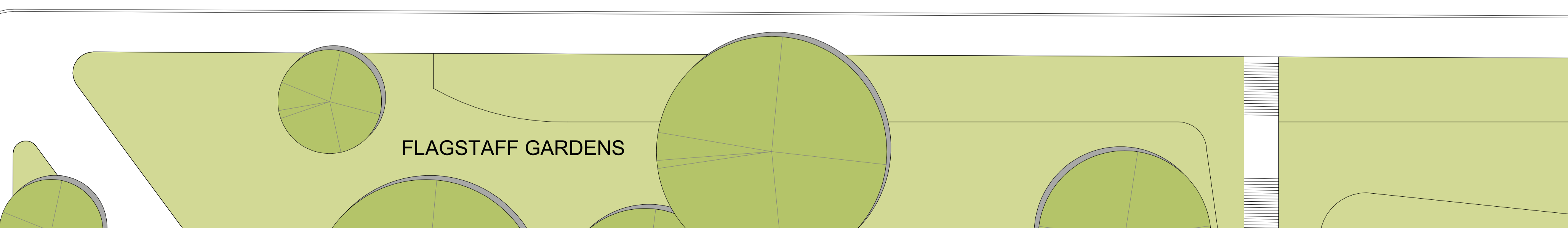
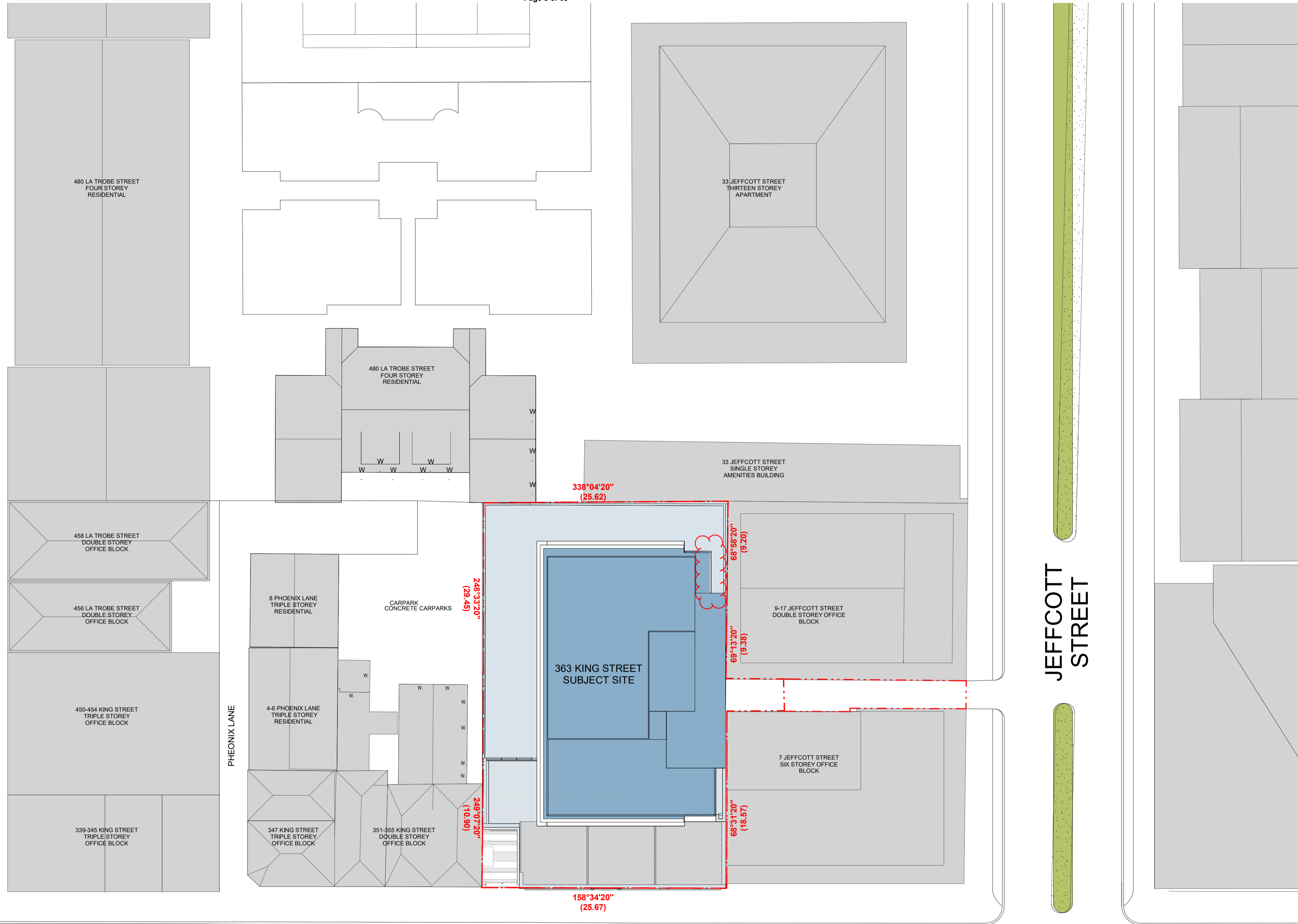


1 EXISTING SITE PLAN
S301 SCALE 1:250

LA TROBE STREET

JEFFCOTT STREET

KING STREET

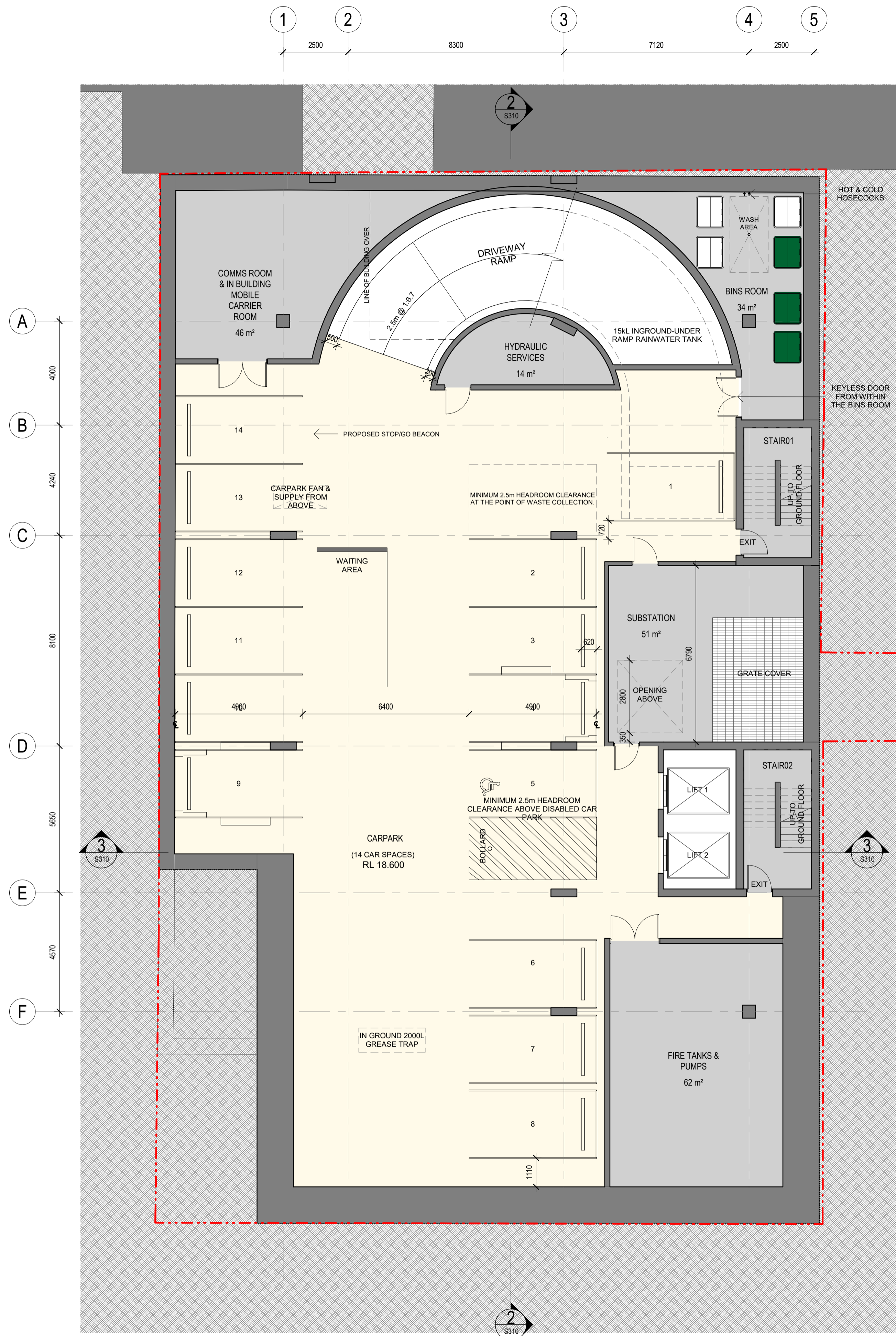


C:_Revit\18121 - 363 King Street_R19_Rev01_CPT.rvt

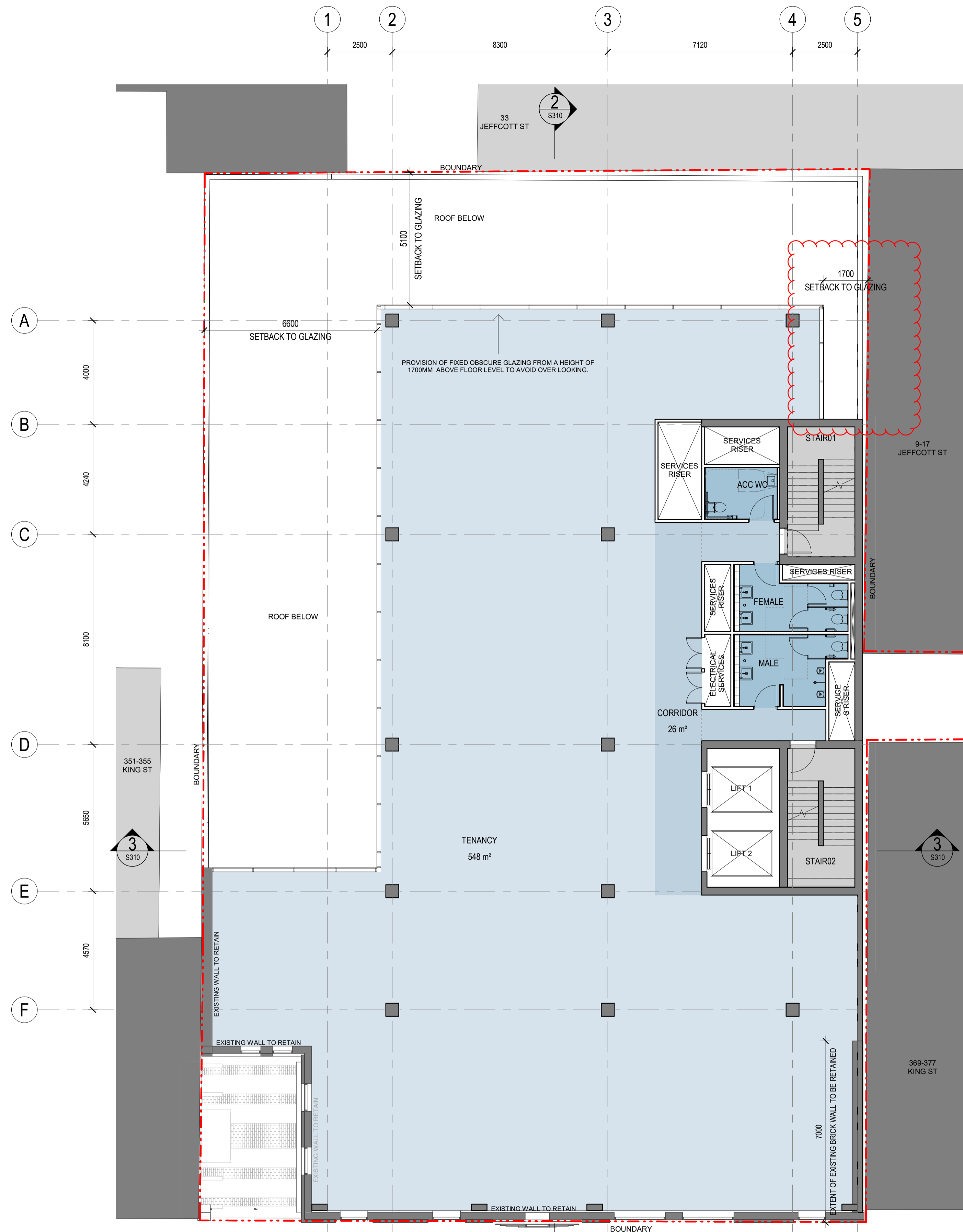
18/09/2020 4:36:05 PM

1 PROPOSED SITE PLAN
S301 SCALE 1:250

PROPOSED SITE PLAN

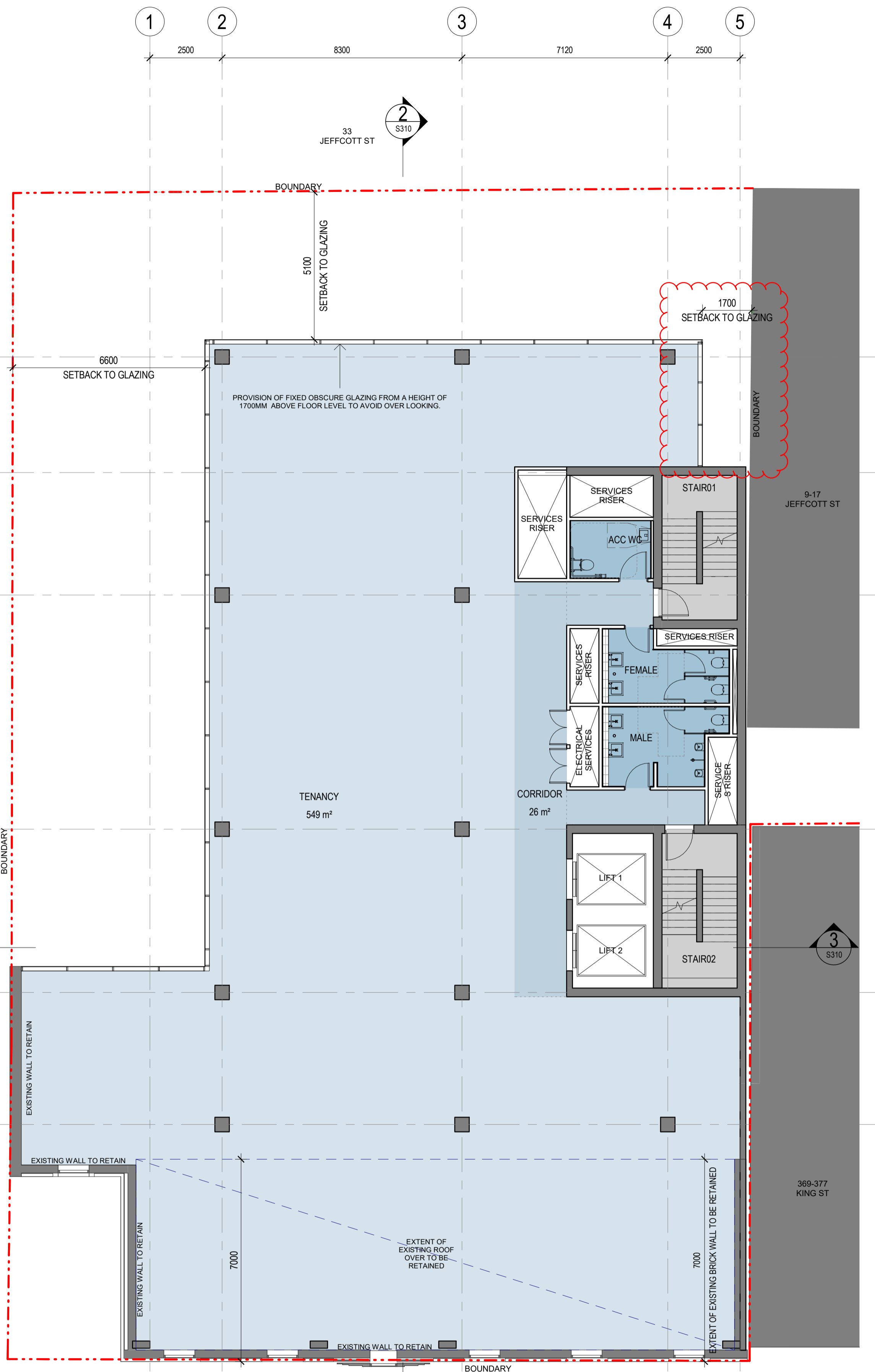


NOTE:
 AS TO THE LAND SHOWN MARKED "E-1" AND "E-2"
 THE CARRIAGE WAY EASEMENT RESERVED BY
 CONVEYANCE REGISTERED BOOK 544 NO.604
 AS TO THE LAND SHOWN MARKED "E-2"
 ANY RIGHTS OR EASEMENTS IN FAVOUR OF THE
 MELBOURNE AND METROPOLITAN BOARD OF
 WORKS AS SET OUT IN DOCUMENT NO. 523461 IN
 THE RECORD BOOK OF THE OFFICE OF TITLES.



1 LEVEL 1 FLOOR PLAN
S301 SCALE 1:100

KING STREET

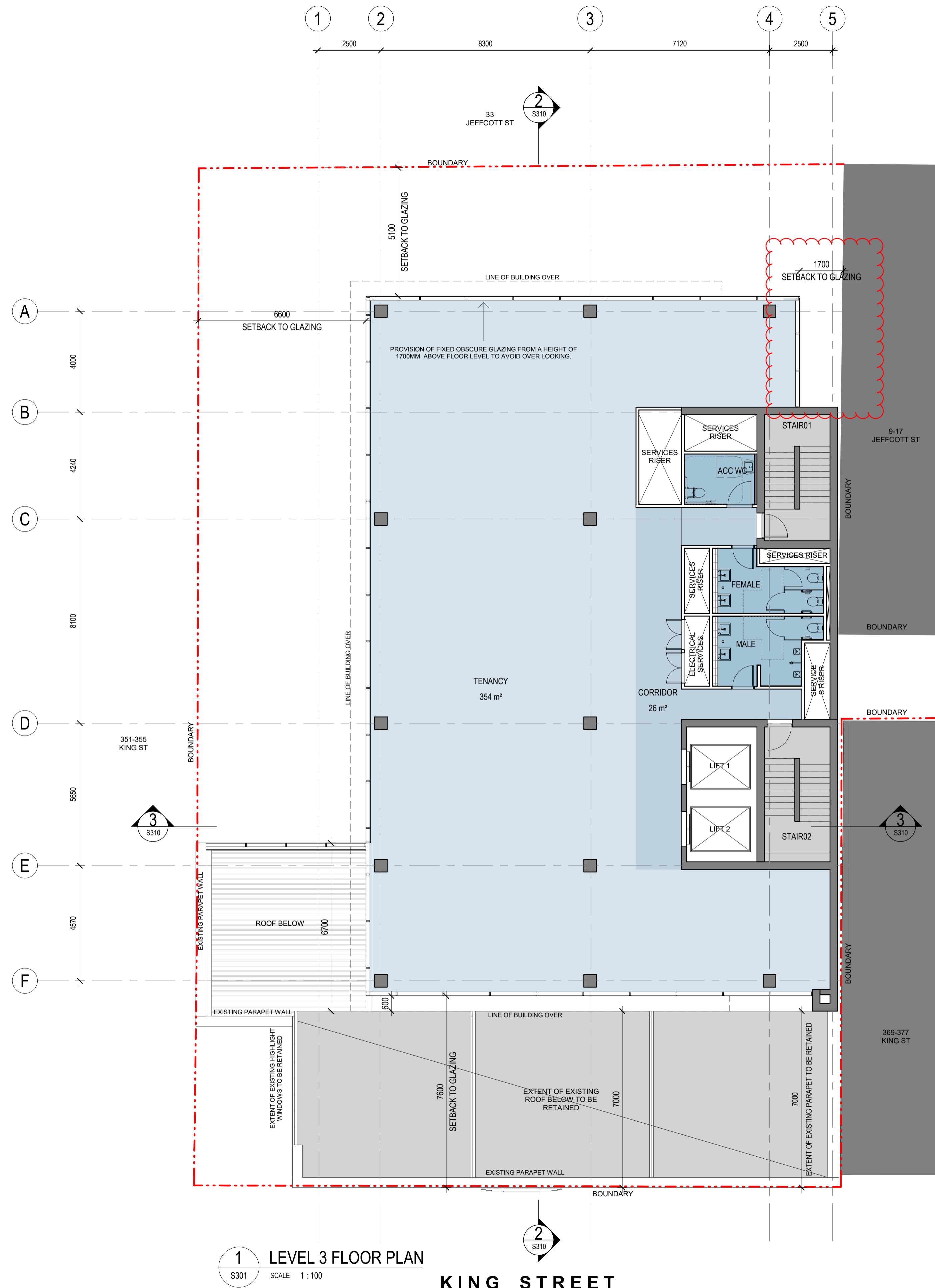


2 LEVEL 2 FLOOR PLAN
S301 SCALE 1:100

KING STREET

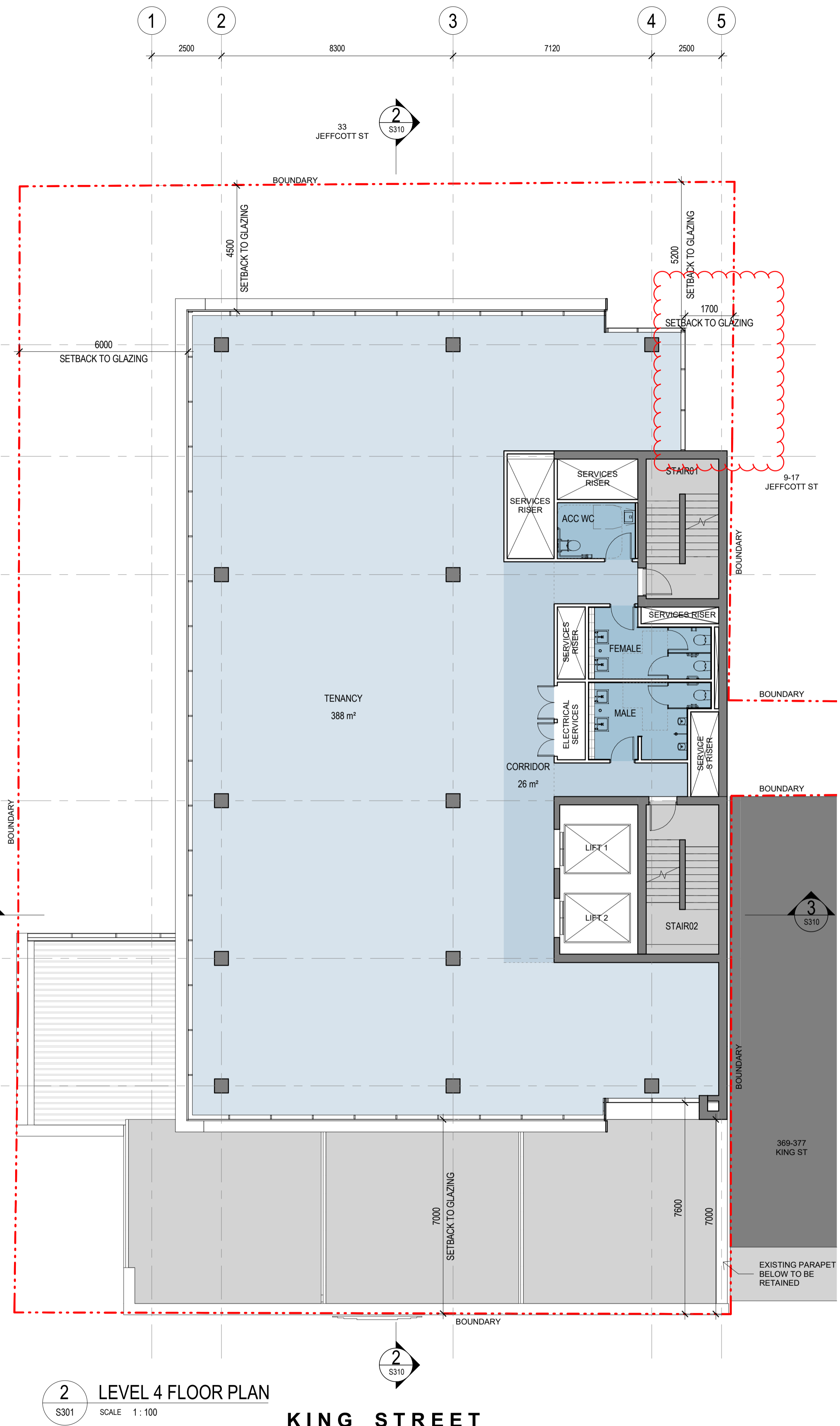
C:_Revit\118121 - 363 King Street_R19_Revit_GPT.rvt

18/09/2020 4:38:23 PM



1 LEVEL 3 FLOOR PLAN
S301 SCALE 1:100

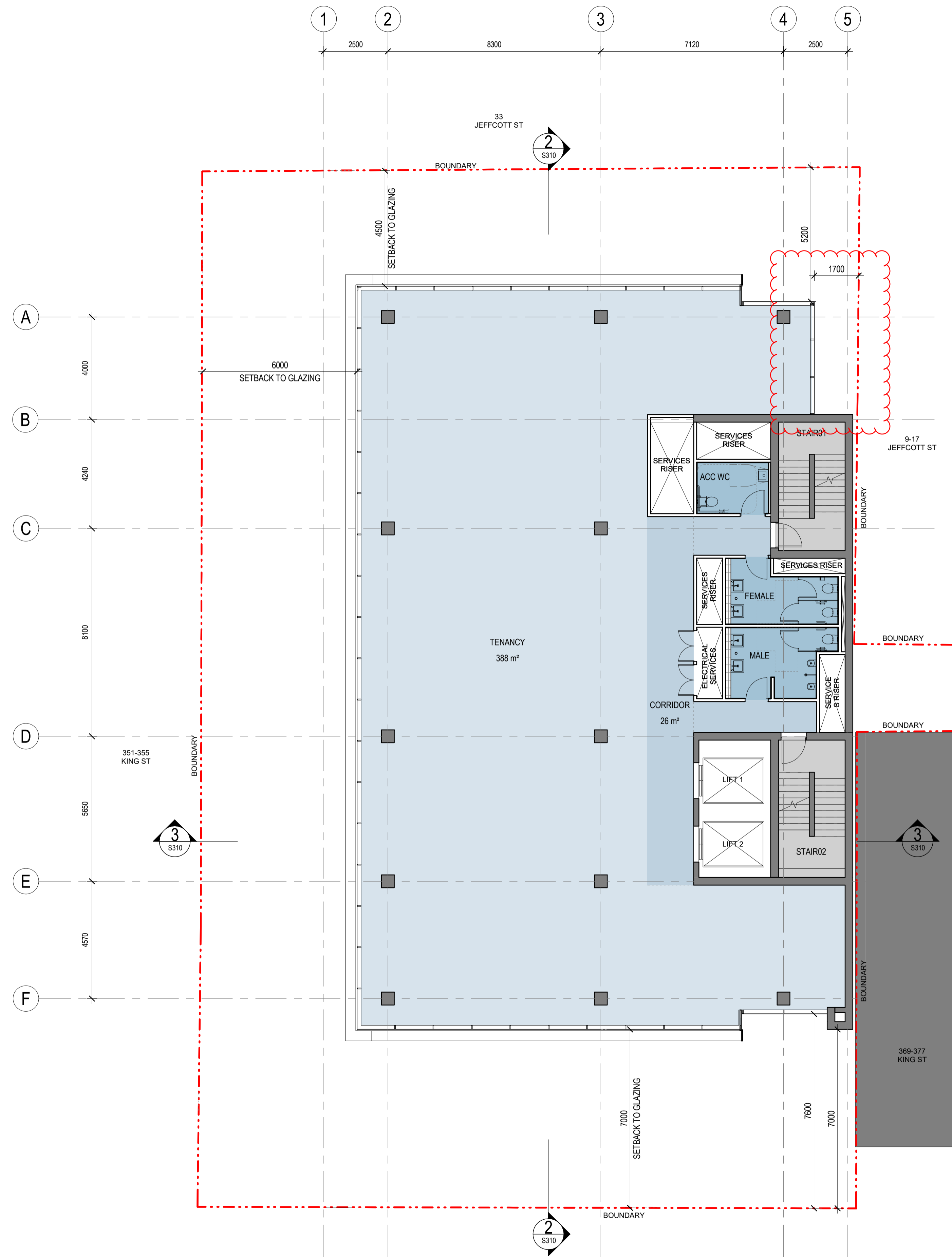
KING STREET



2 LEVEL 4 FLOOR PLAN
S301 SCALE 1:100

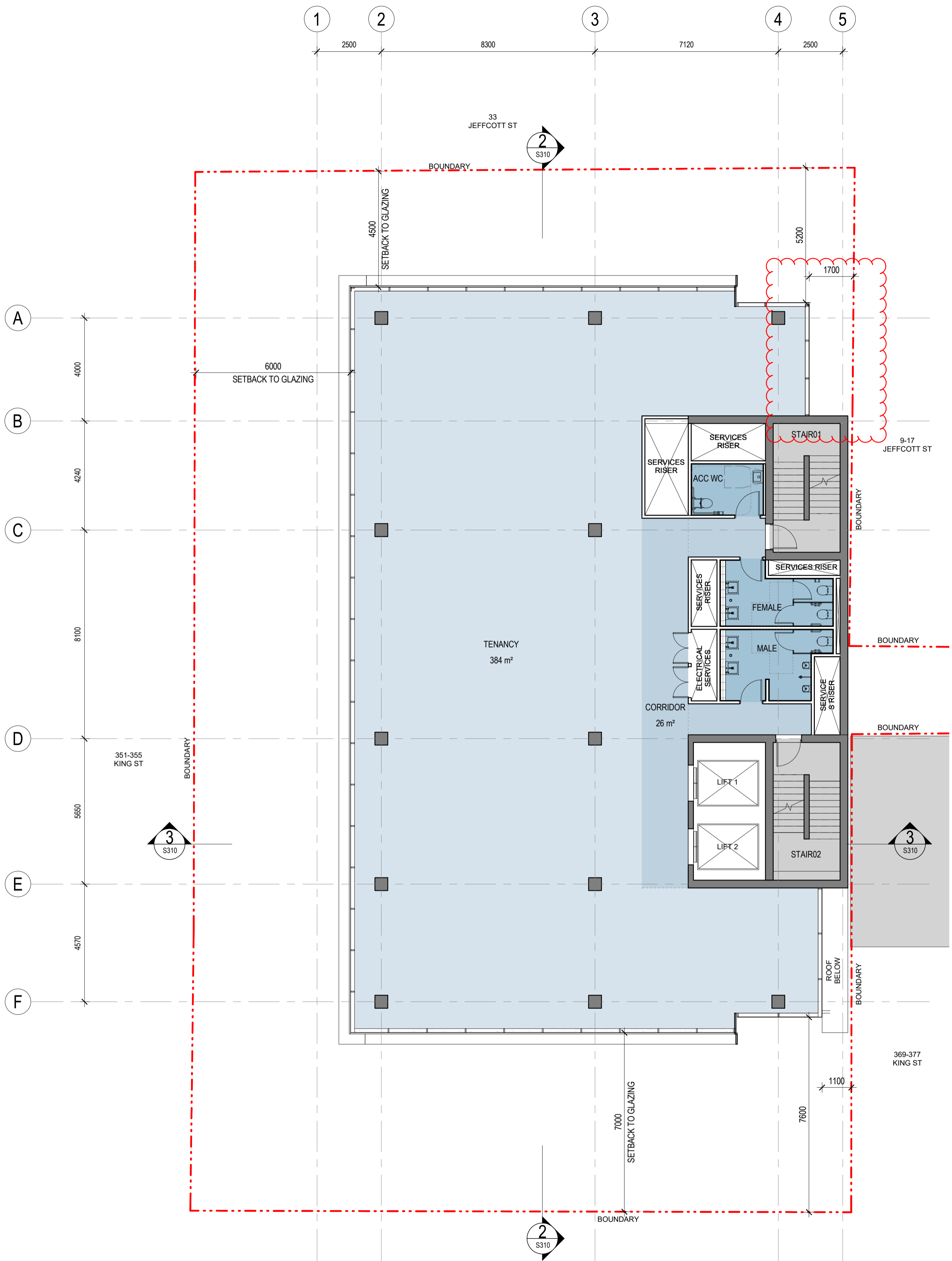
KING STREET

C:_Revit\118121 - 363 King Street_R19_Revit_GPT.rvt
18/09/2020 4:35:24 PM



1 LEVEL 5 FLOOR PLAN
S301 SCALE 1:100

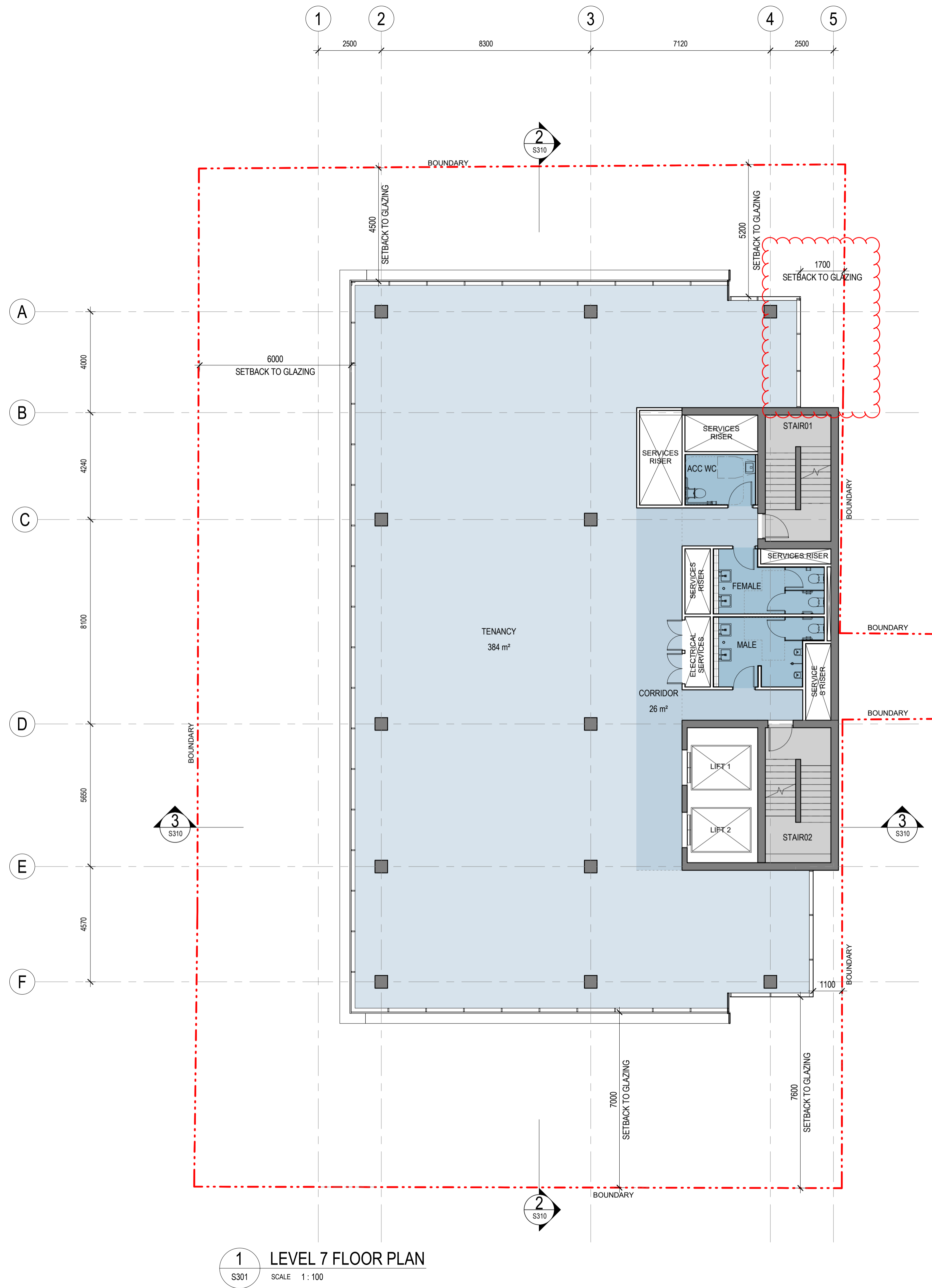
KING STREET



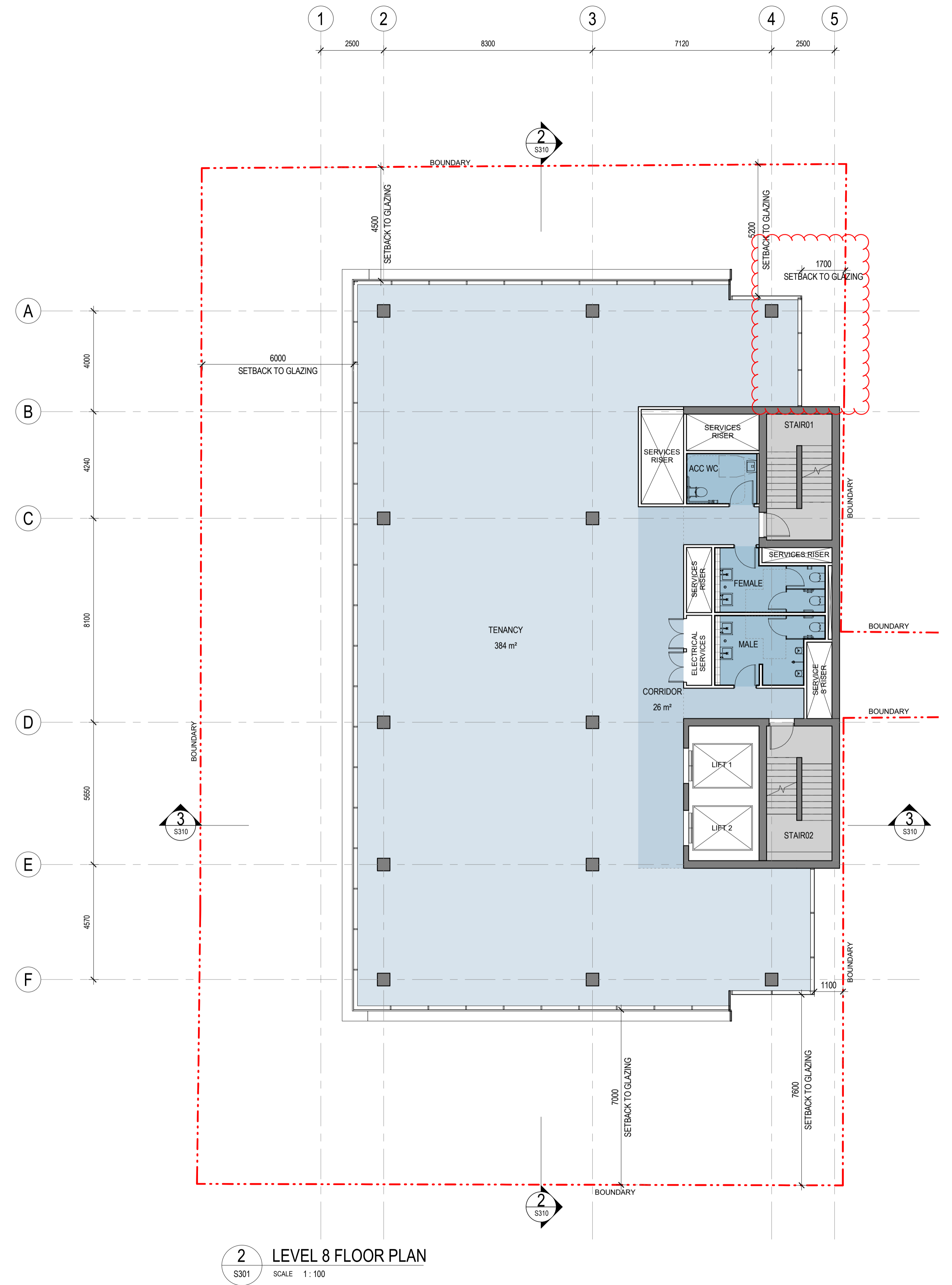
2 LEVEL 6 FLOOR PLAN
S301 SCALE 1:100

KING STREET

C:_Revit\118121 - 363 King Street_R10_Revit_GP.rvt 18/09/2020 4:35:25 PM

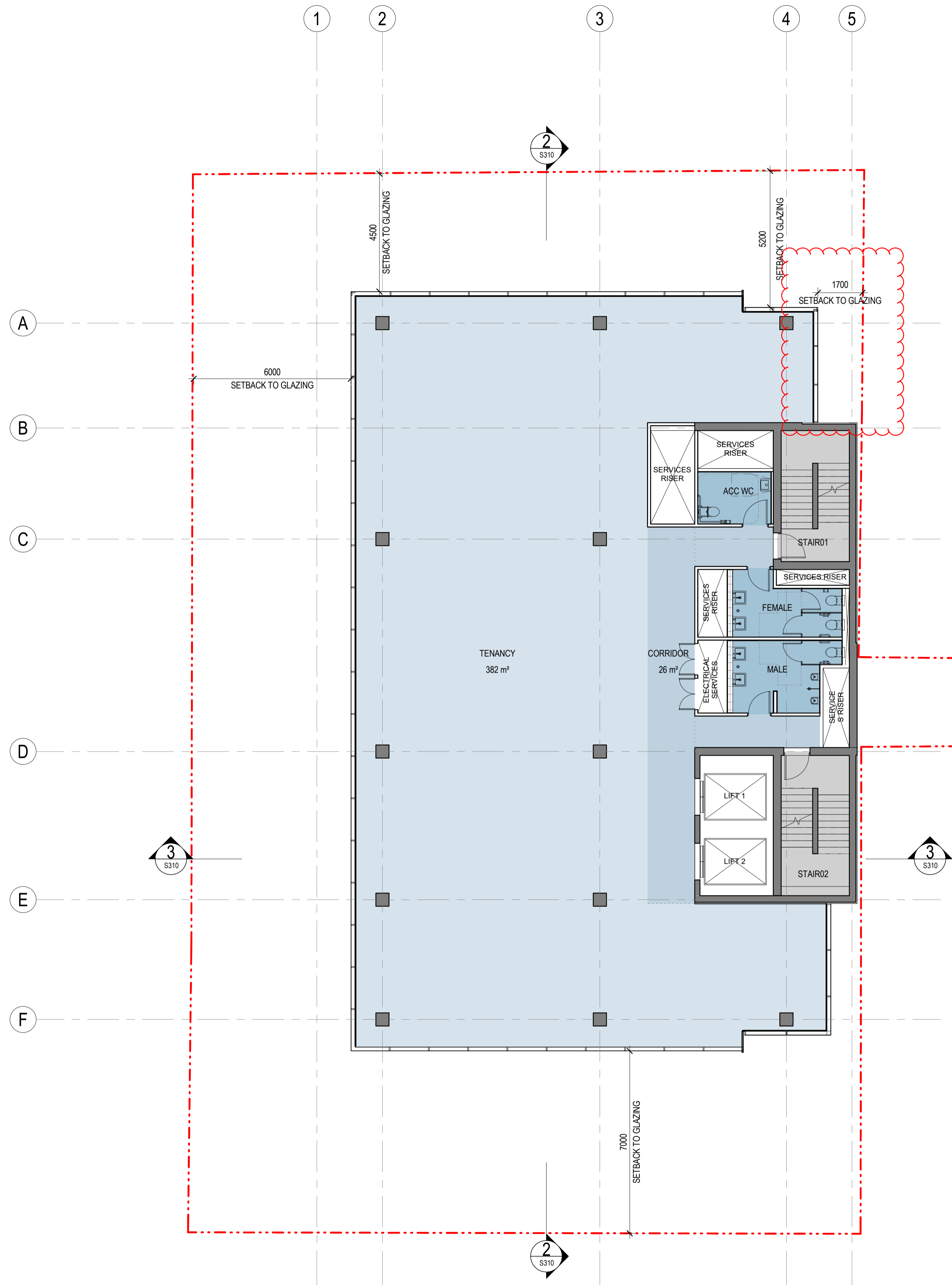


1 LEVEL 7 FLOOR PLAN
S301 SCALE 1:100

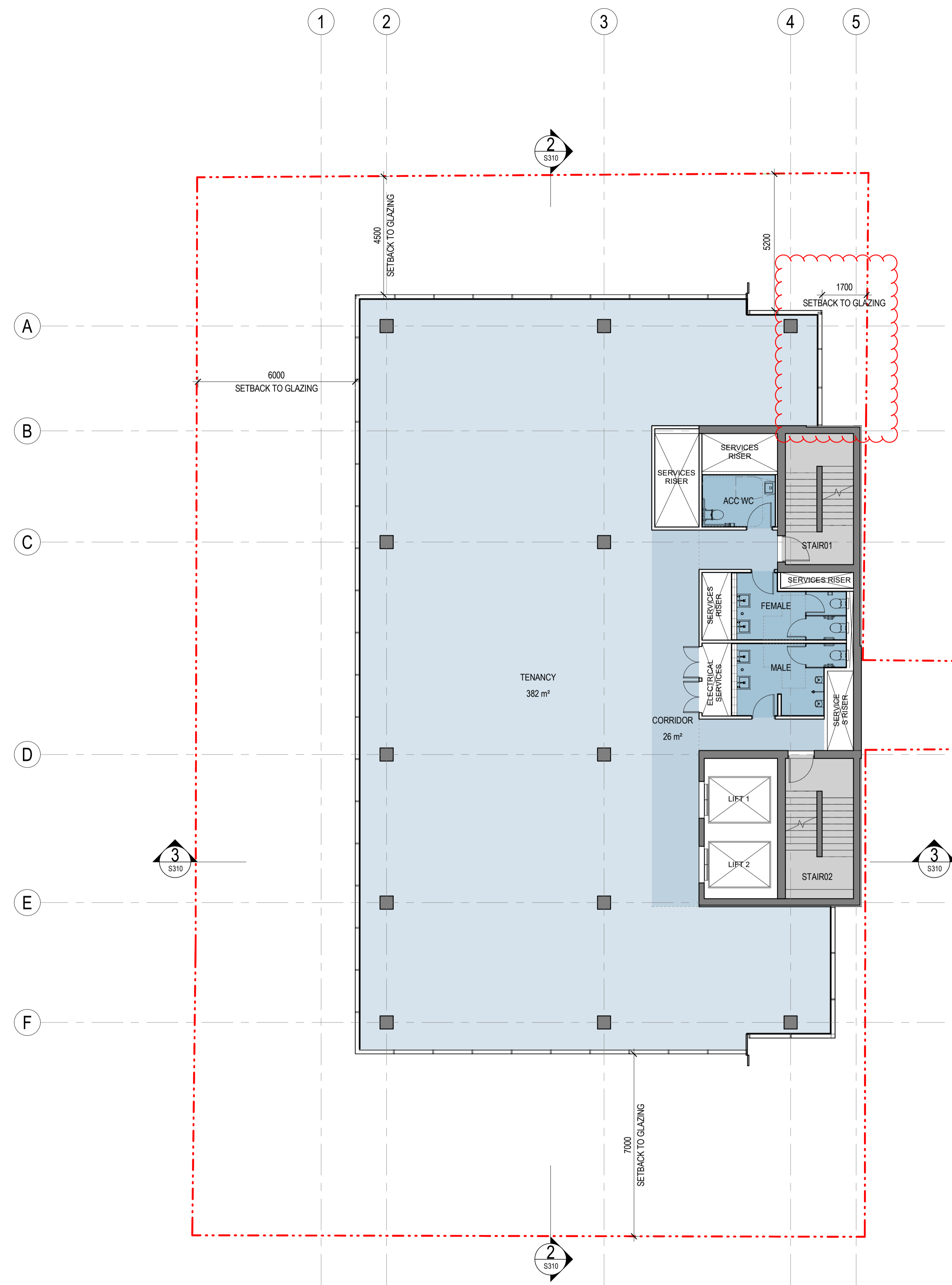


2 LEVEL 8 FLOOR PLAN
S301 SCALE 1:100

C:_Revit\118121 - 363 King Street_R19_Revit_CPT.rvt
18/09/2020 4:35:25 PM

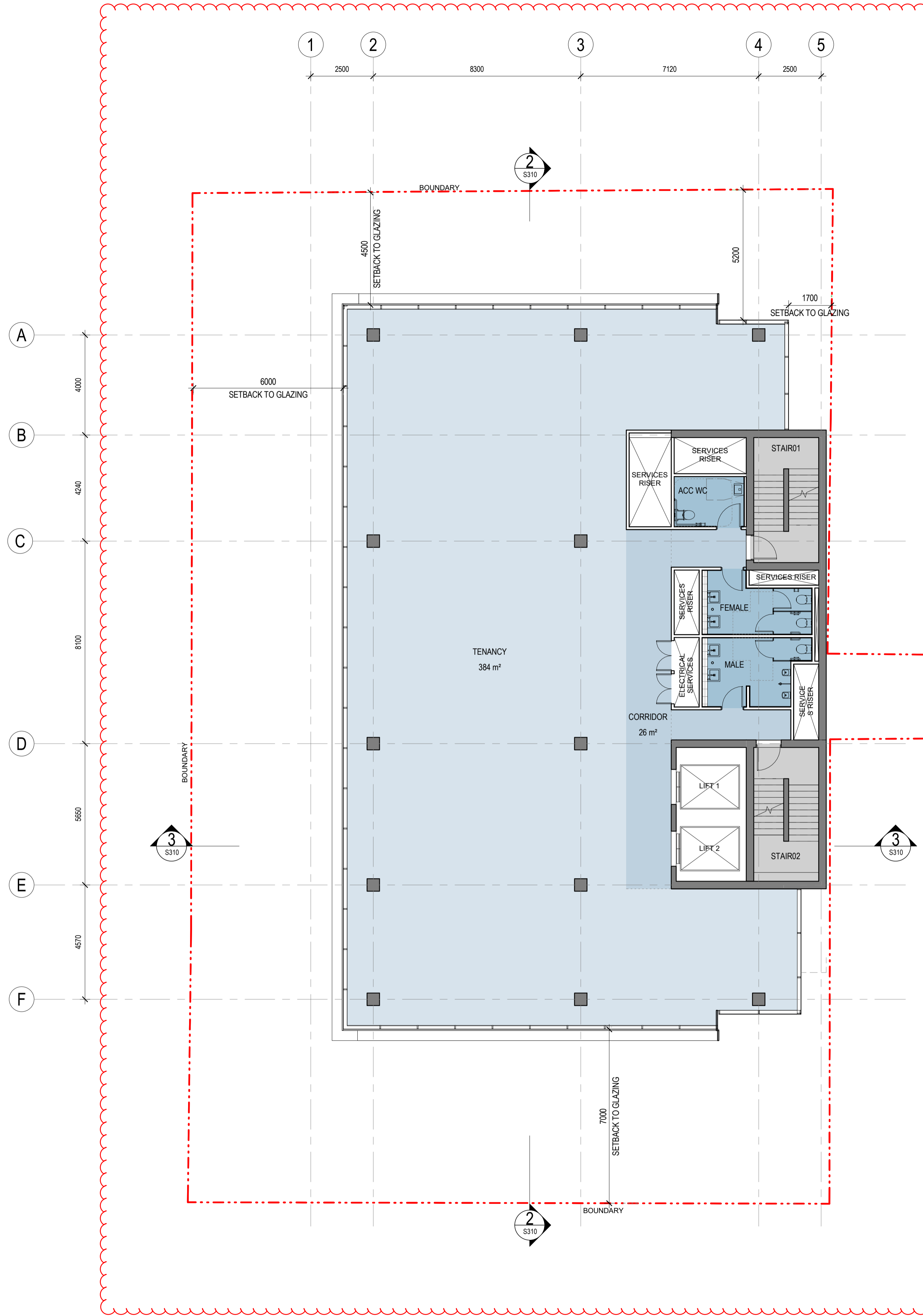


1 LEVEL 9 FLOOR PLAN
S301 SCALE 1:100

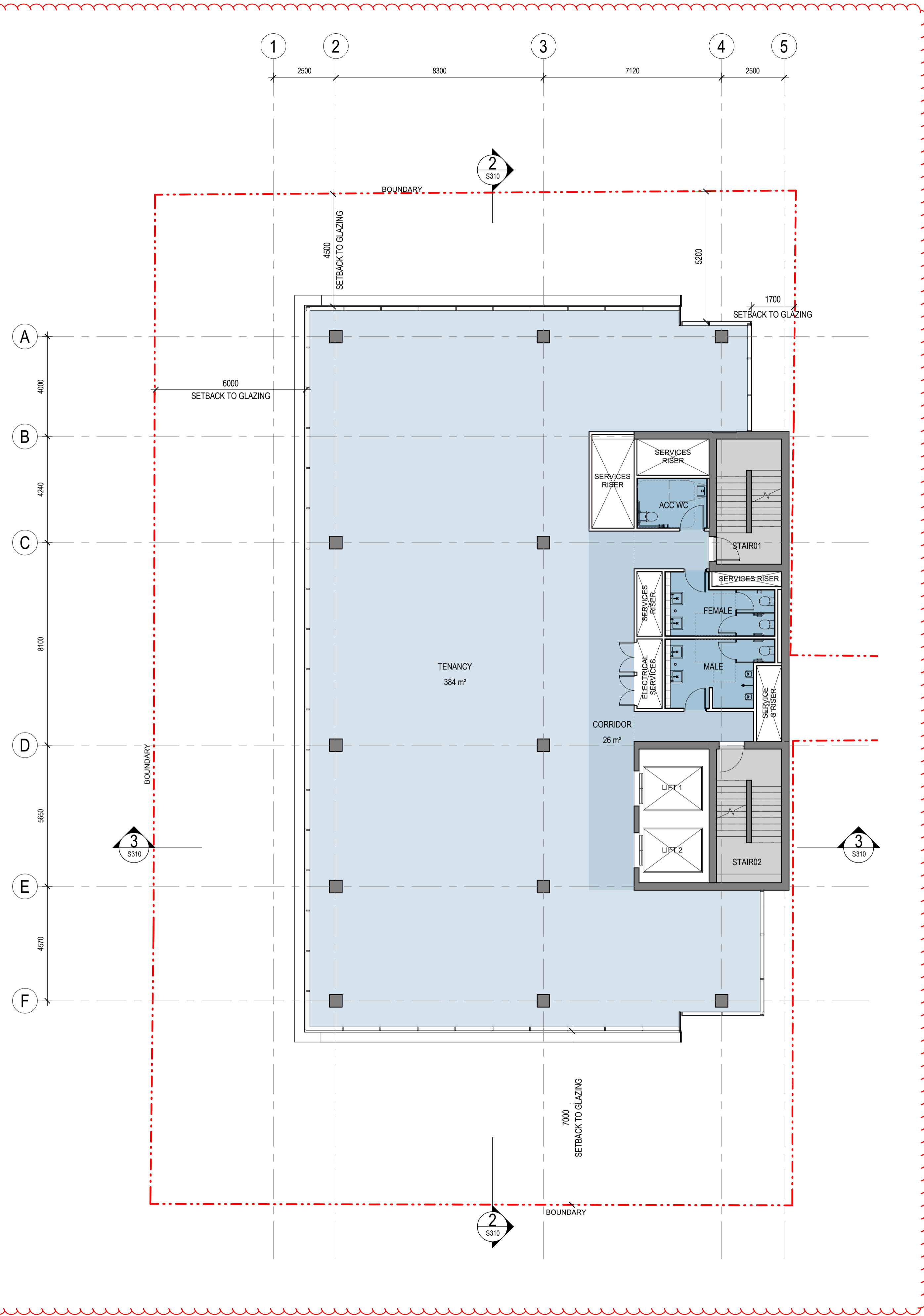


2 LEVEL 10 FLOOR PLAN
S301 SCALE 1:100

18/09/2020 4:36:30 PM C:_Revit\118121 - 363 King Street_R10_Revit_GFP.rvt

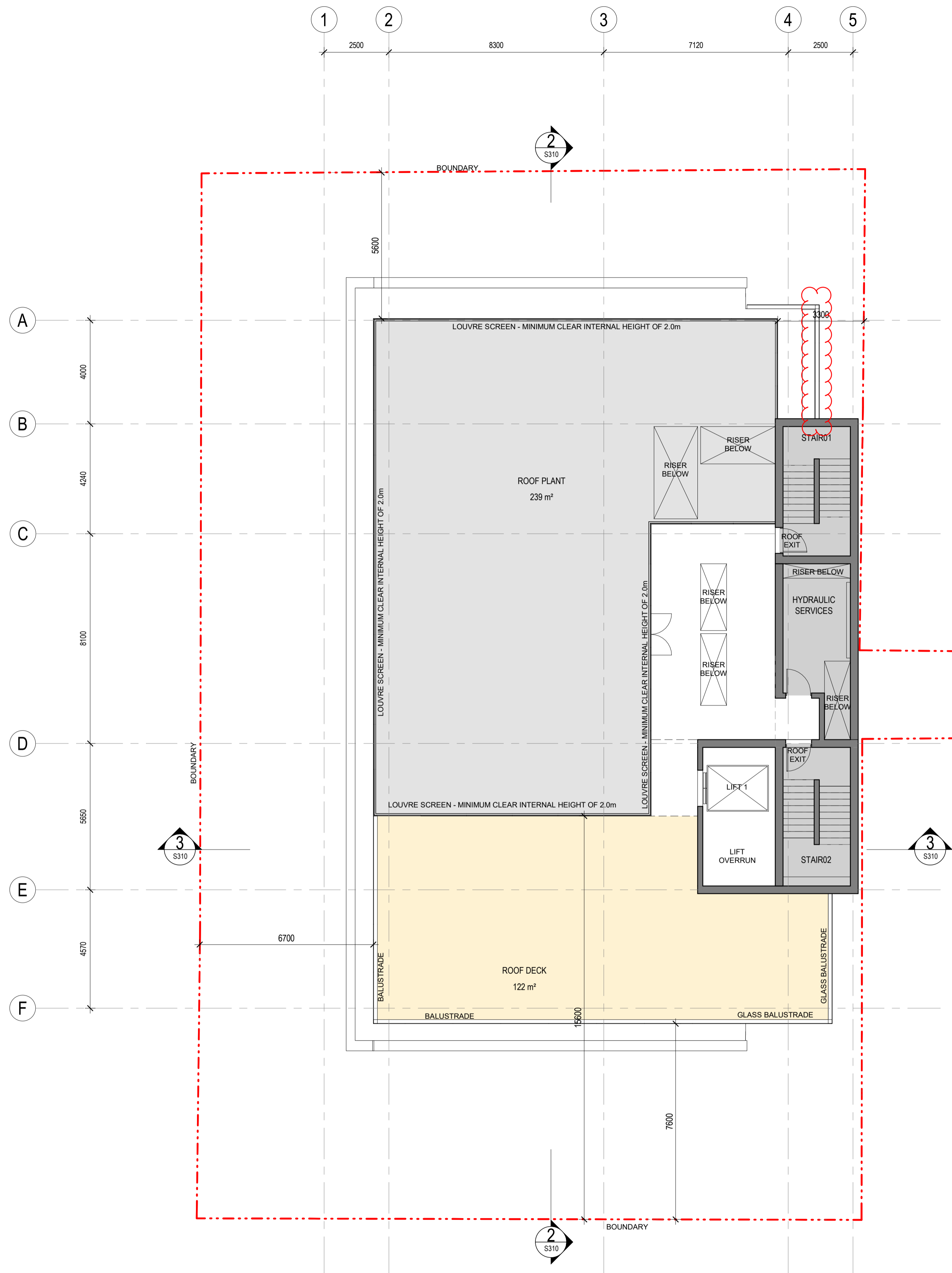


1 LEVEL 11 FLOOR PLAN
 S301 SCALE 1:100



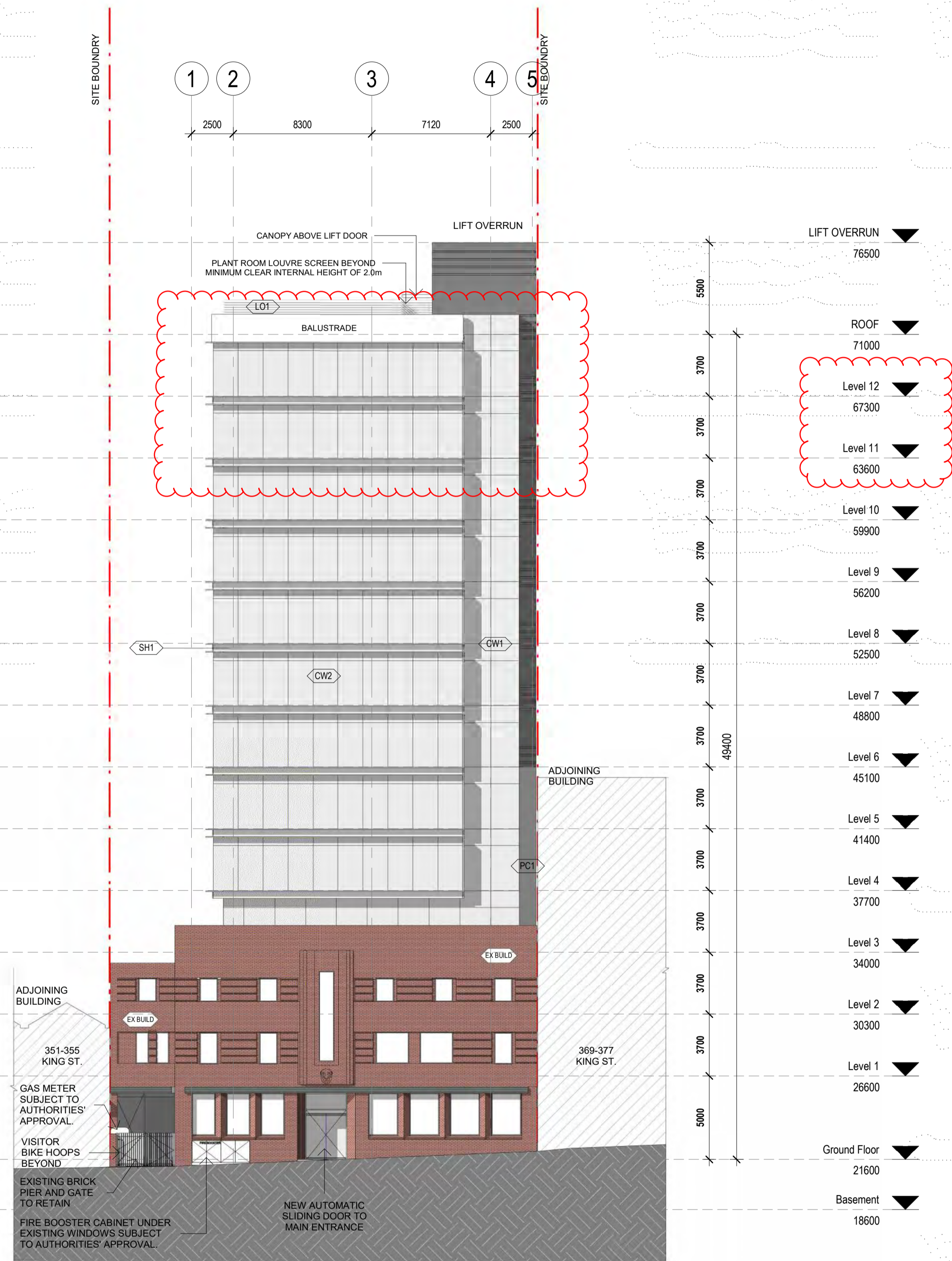
3 LEVEL 12 FLOOR PLAN
 S301 SCALE 1:100

18/09/2020 4:36:31 PM C:_Revit\118121 - 363 King Street_R10_Revit_GFP.rvt

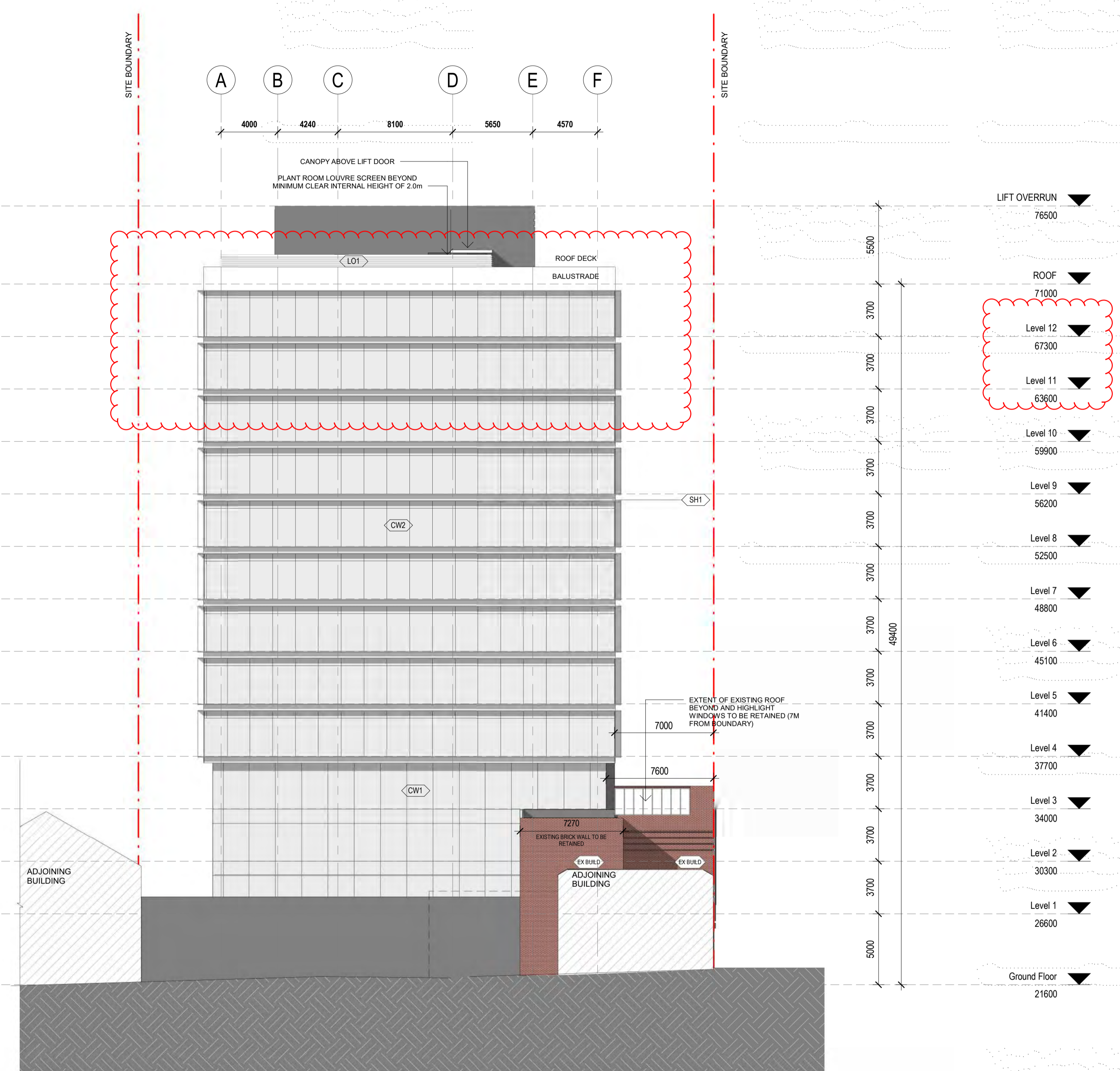


C:_Revit\118121 - 363 King Street_R19_Revit_CPT.rvt
18/09/2020 4:36:33 PM

1 ROOF PLAN
S301 SCALE 1:100

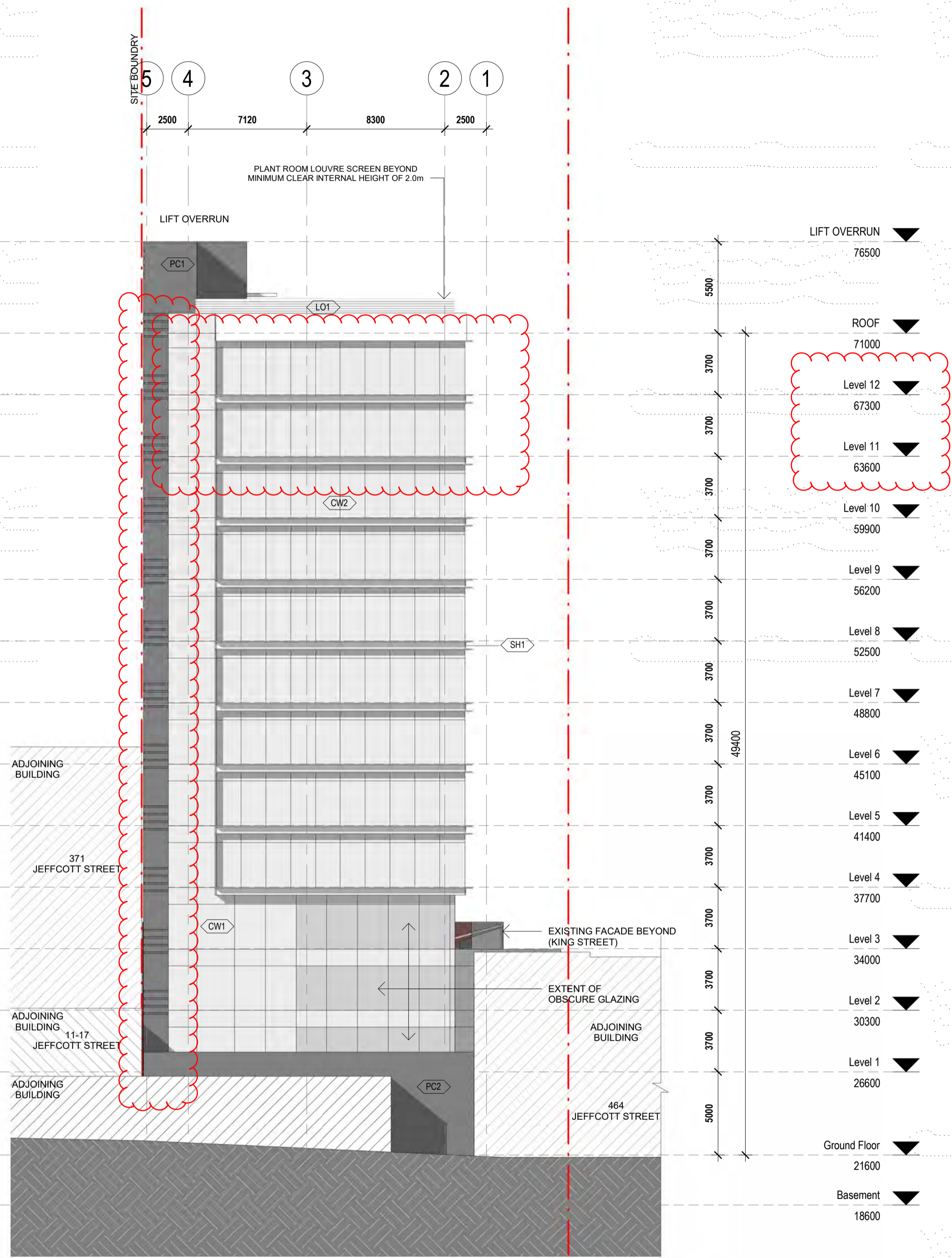


1 EAST ELEVATION
A052 SCALE 1:200

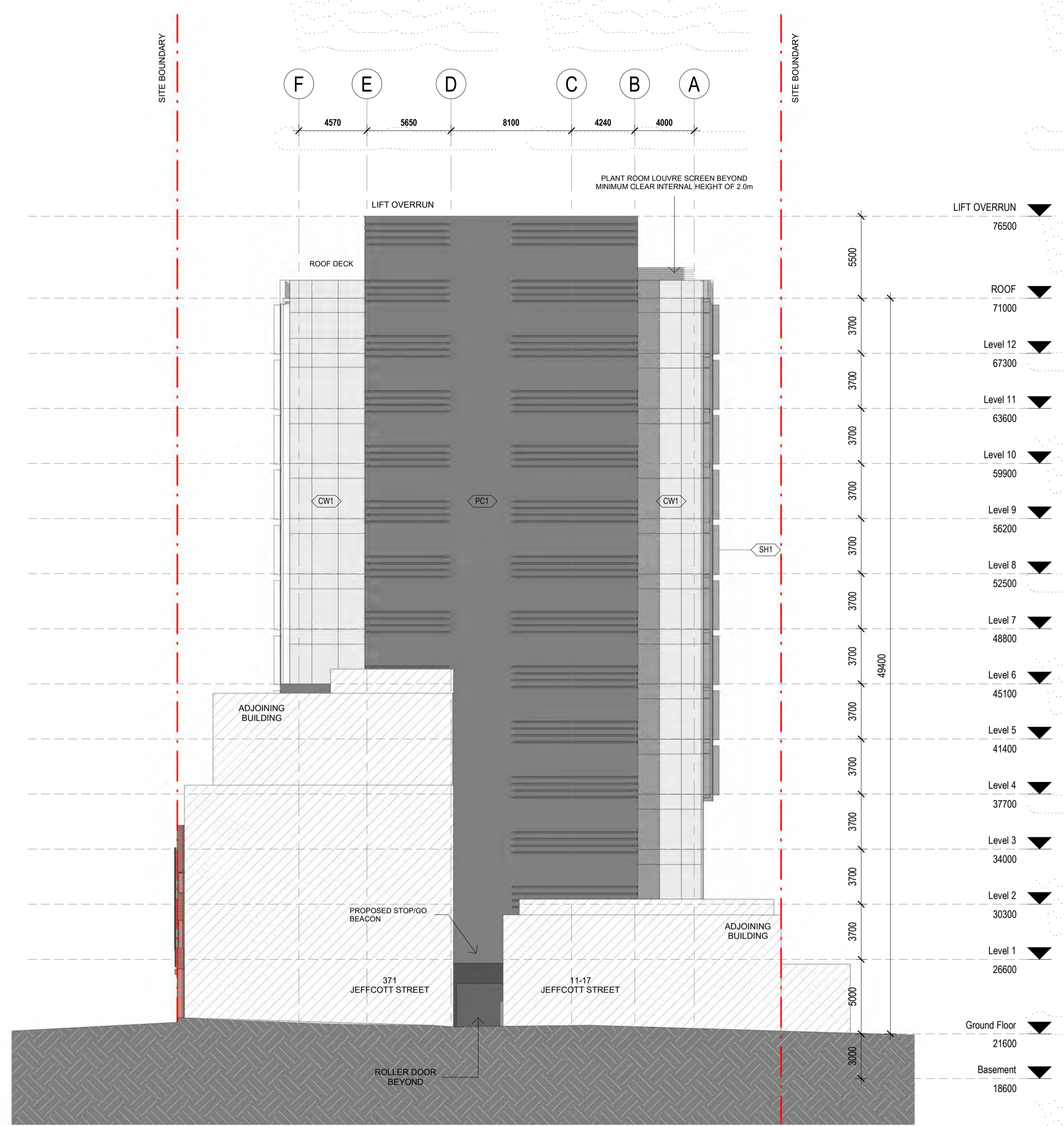


2 SOUTH ELEVATION
A052 SCALE 1:200

CODE	ELEMENT
EX BUILD	EXISTING BUILDING - RED BRICK
CW1	CURTAIN WALL TYPE 1 - GREY VISION GLASS
CW2	CURTAIN WALL TYPE 2 - GREY VISION GLASS WITH HORIZONTAL SUN SHADING
SH1	SUN SHADE TYPE 1 (HORIZONTAL FRAMES) POWDERCOATED ALUMINIUM - COLOUR CHARCOAL
PC1	SMOOTH PRE-CAST CONCRETE COLOUR CHARCOAL
PC2	SMOOTH PRE-CAST CONCRETE (BOUNDARY PARTYWALL) COLOUR NEUTRAL CONCRETE
LO1	PLANT SCREEN LOUVRE - POWDERCOATED ALUMINIUM COLOUR CHARCOAL



2 WEST ELEVATION
A052 SCALE 1:200



1 NORTH ELEVATION
A052 SCALE 1:200

CODE	ELEMENT
EX BUILD	EXISTING BUILDING - RED BRICK
CW1	CURTAIN WALL TYPE 1 - GREY VISION GLASS
CW2	CURTAIN WALL TYPE 2 - GREY VISION GLASS WITH HORIZONTAL SUN SHADING
SH1	SUN SHADE TYPE 1 (HORIZONTAL FRAMES) POWDERCOATED ALUMINIUM - COLOUR CHARCOAL
PC1	SMOOTH PRE-CAST CONCRETE COLOUR CHARCOAL
PC2	SMOOTH PRE-CAST CONCRETE (BOUNDARY PARTYWALL) COLOUR NEUTRAL CONCRETE
LO1	PLANT SCREEN LOUVRE - POWDERCOATED ALUMINIUM COLOUR CHARCOAL

18/09/2020 4:37:12 PM C:\Revit\118121 - 363 King Street_R19_Rev02_GP.rvt



PC1



PC2



SH1/LO1



CW1 / CW2



EX BUILD

CODE	ELEMENT
EX BUILD	EXISTING BUILDING - RED BRICK
CW1	CURTAIN WALL TYPE 1 - GREY VISION GLASS
CW2	CURTAIN WALL TYPE 2 - GREY VISION GLASS WITH HORIZONTAL SUN SHADING
SH1	SUN SHADE TYPE 1 (HORIZONTAL FRAMES) POWDERCOATED ALUMINIUM - COLOUR CHARCOAL
PC1	SMOOTH PRE-CAST CONCRETE COLOUR CHARCOAL
PC2	SMOOTH PRE-CAST CONCRETE (BOUNDARY PARTYWALL) COLOUR NEUTRAL CONCRETE
LO1	PLANT SCREEN LOUVRE - POWDERCOATED ALUMINIUM COLOUR CHARCOAL



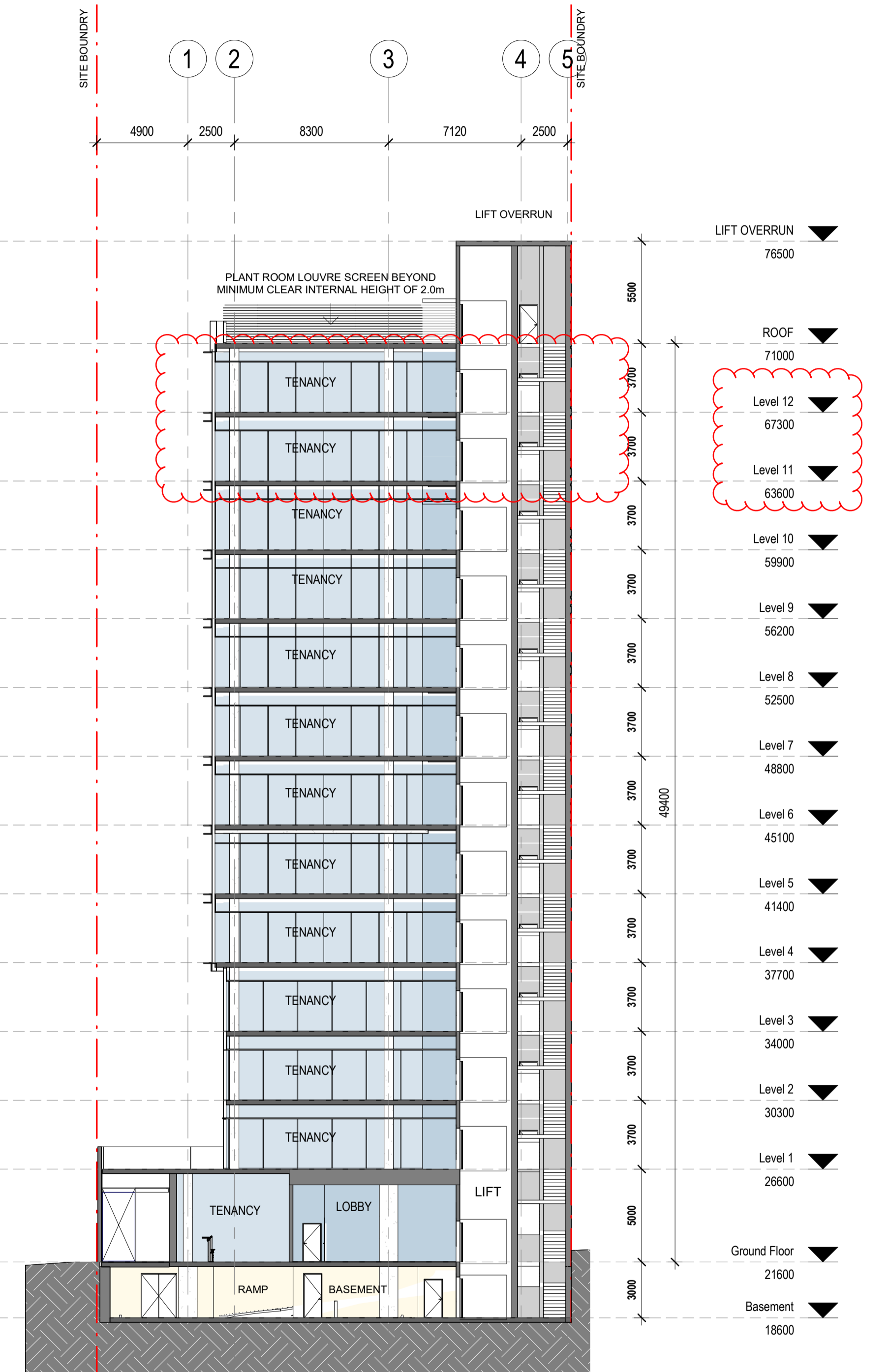
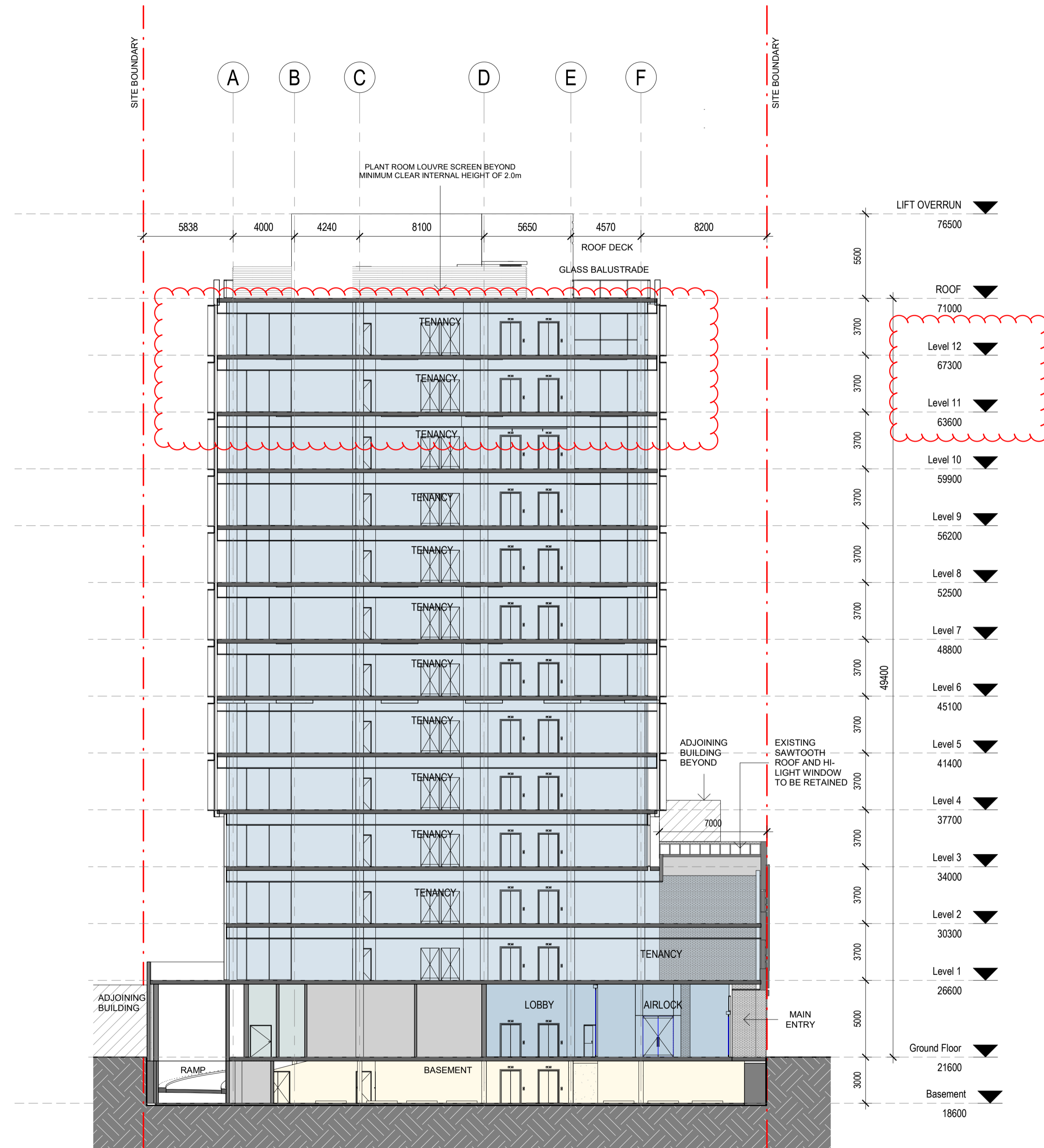
18/09/2020 4:13:23 PM

1 Detailed Elevation - King Street A3-A

A052 SCALE 1:100



DETAILED EAST ELEVATION



2 SECTION 1
A052 SCALE 1:200

3 SECTION 2
A052 SCALE 1:200

18/09/2020 4:37:22 PM C:_Revit\118121 - 363 King Street_R19_Revit_GP.rvt



1 22nd September at 9am
S301 SCALE 1:500



2 22nd September at 10am
S301 SCALE 1:500

18/09/2020 4:37:34 PM C:\Revit\118121 - 363 King Street_R19_Revit.dwg GP.M



1 22nd September at 11am
S301 SCALE 1:500



2 22nd September at 12pm
S301 SCALE 1:500

C:_Revit\118121 - 363 King Street_R19_Revit_GP.rvt

18/09/2020 4:37:47 PM



1 22nd September at 1pm
S301 SCALE 1:500



2 22nd September at 2pm
S301 SCALE 1:500

18/09/2020 4:37:55 PM C:\Revit\118121 - 363 King Street_R19_Revit.dwg



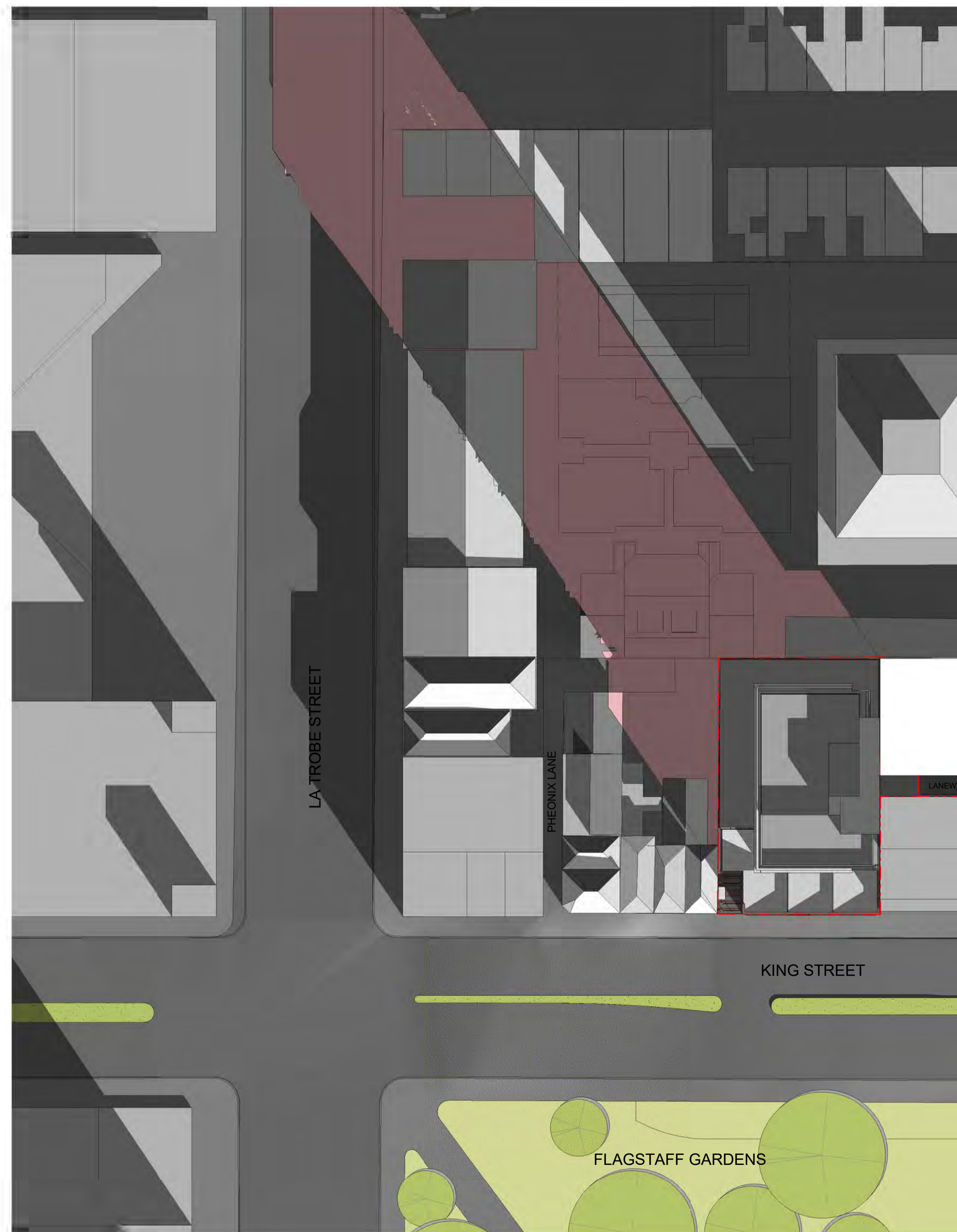
1 22nd September at 3pm
 S301 SCALE 1:500

22nd September at 3pm

18/09/2020 4:38:07 PM C:\Revit\18121 - 363 King Street_R19_Revit_CPM



1 22nd June at 9am
S301 SCALE 1:500



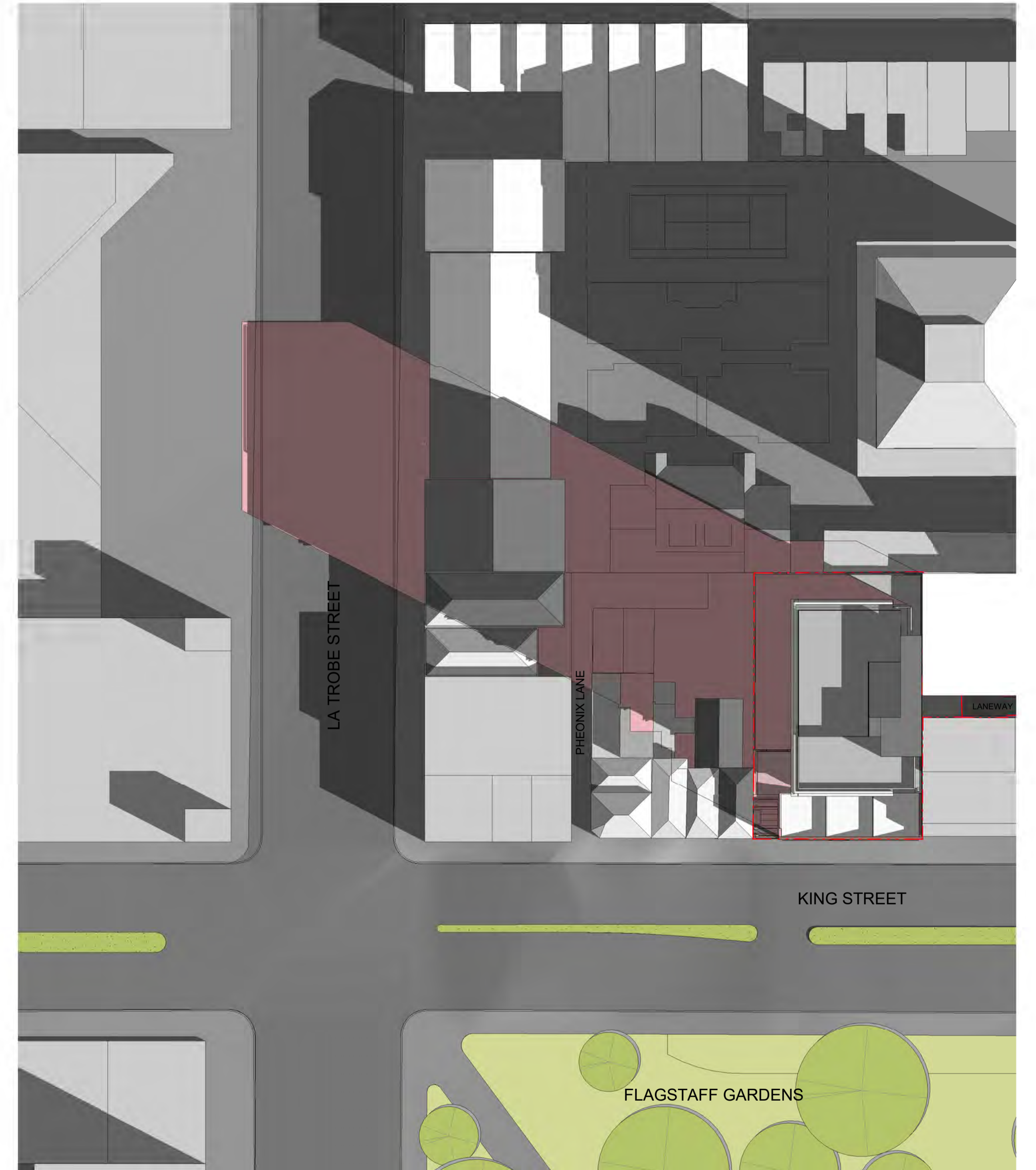
2 22nd June at 10am
S301 SCALE 1:500

22nd June at 9am-10am

18/09/2020 4:39:24 PM C:_Revit\118121 - 363 King Street_R19_Rev01_GP.rvt

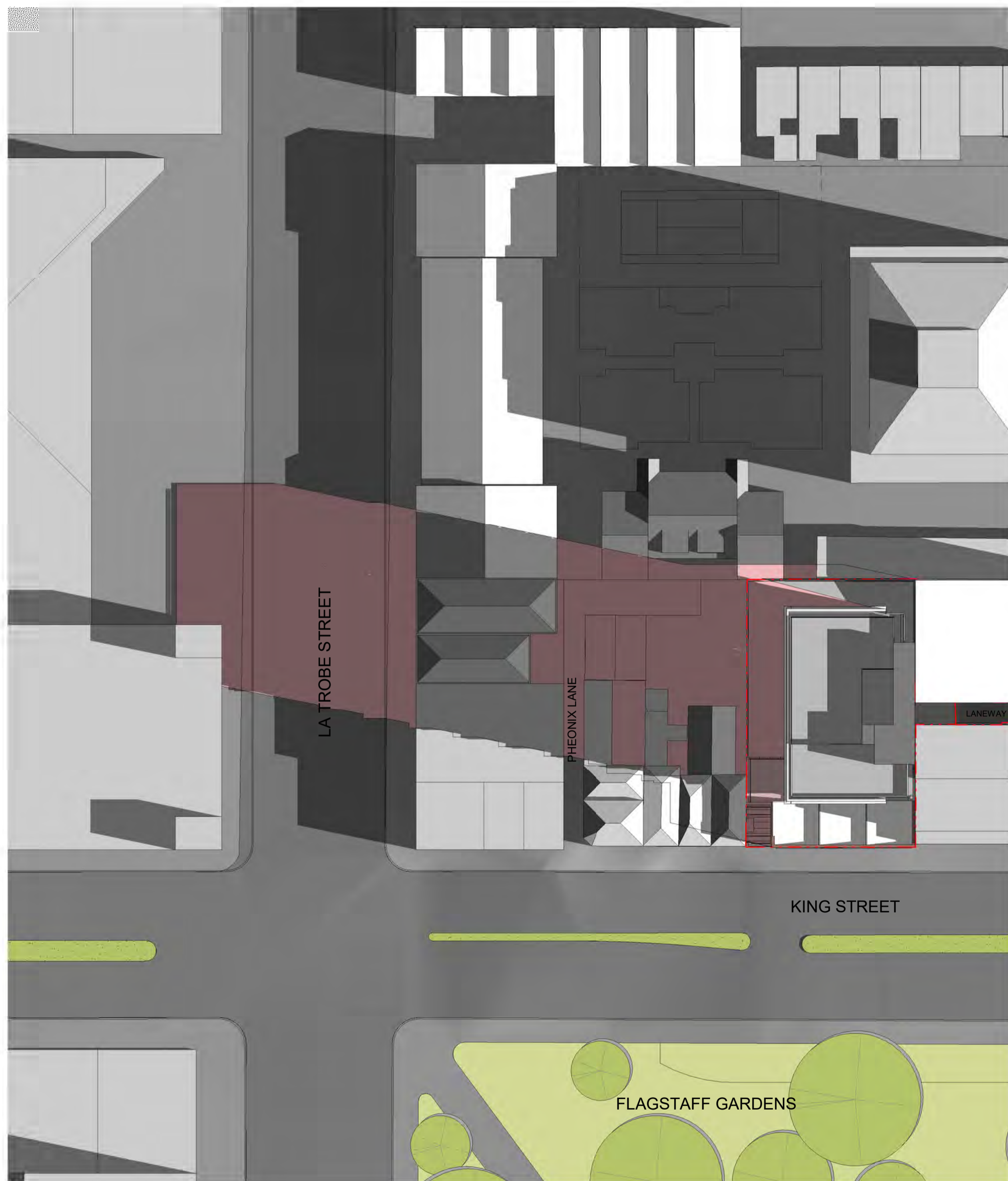


1 22nd June at 11am
S301 SCALE 1:500

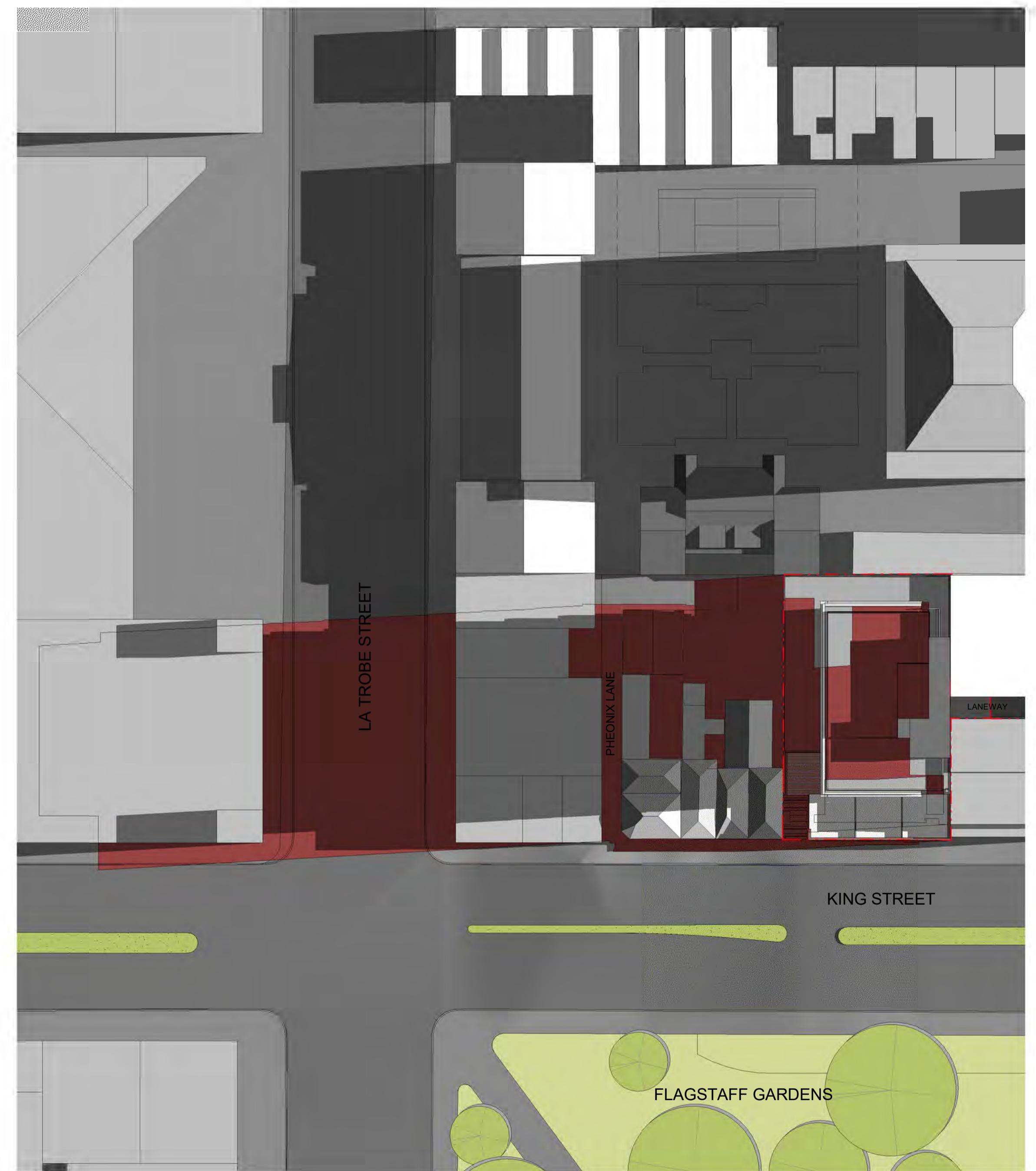


2 22nd June at 12pm
S301 SCALE 1:500

18/09/2020 4:39:37 PM C:\Revit\118121 - 363 King Street_R19_Revit.dwg

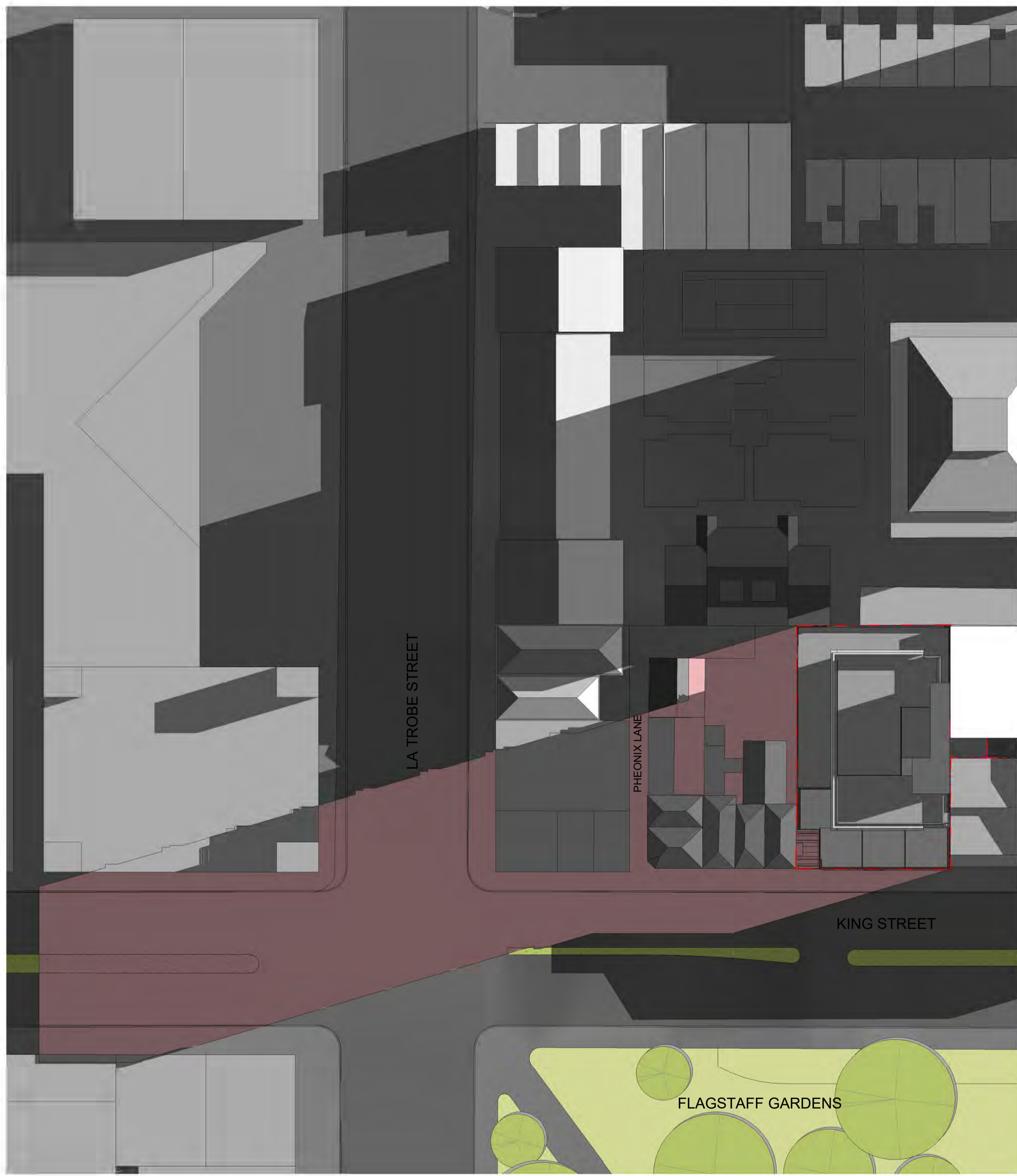


1 22nd June at 1pm
S301 SCALE 1:500



2 22nd June at 2pm
S301 SCALE 1:500

18/09/2020 4:38:50 PM C:_Revit\118121 - 363 King Street_R19_Revit_CIP.rvt



1 22nd June at 3pm
 S301 SCALE 1:500



3D PERSPECTIVE



PLANNING REPORT

Application Number	TP-2019-834
Address	363 King Street, West Melbourne
Applicant	Gray Puksand C/- Urbis
Owner	GHK No. 2 Pty Ltd
Architect	Gray Puksand
Proposal	Partial demolition, construction of a multi-level office building and reduction in car parking provision
Cost of works	\$20,034,000
Planning Controls	Mixed Use Zone Design and Development Overlay Schedule 12 (DDO12) Design and Development Overlay Schedule 33 (DDO33) Heritage Overlay – Schedule HO841 (357-369 King St, West Melbourne) Clause 52.06 (Car Parking)
Key Planning Considerations	Demolition Heritage impacts Built form and urban design Use of the land for office. Amenity impacts Sustainability Traffic
Public Notice	Sign(s) posted on-site and letters sent to adjoining property owners/occupiers
No. of Objections	22
Key Issues raised by objectors	Built Form, including scale, setbacks and appearance Heritage impacts Amenity impacts, including daylight loss, overshadowing & overlooking Traffic impacts Construction impacts
Consultation	Correspondence with permit applicant on multiple occasions, leading to the submission of two sets of amended drawings in response to Council concerns. Correspondence with adjoining residents / owners regarding the proposal.
Recommendation	Notice of Decision to Grant a Permit
How does the decision address the key relevant planning issues and concerns raised by objectors?	Subject to conditions, the proposed development will respond appropriately to its heritage context, complying with Local Planning Policy Clause 22.05 (Heritage Places outside the Capital City Zone) and Clause 22.17 (Urban Design outside the Capital City Zone), will meet the requirements of Schedule 33 to the Design and Development Overlay, and will not result in unreasonable amenity impacts to the public realm or adjacent properties..
Delegate Report Ref	DM# 14522404

Planner	Markus Tschech
Date of application:	18 October 2019
Date of report:	16 April 2021

1 SUBJECT SITE AND SURROUNDS

1.1 Subject Site

Planning Application TP-2019-834 (the Application) concerns the land known as:

- 363 King Street, West Melbourne
- Lots 1 and 2 on Title Plan 128310J & Lot 1 on Title Plan 947534R

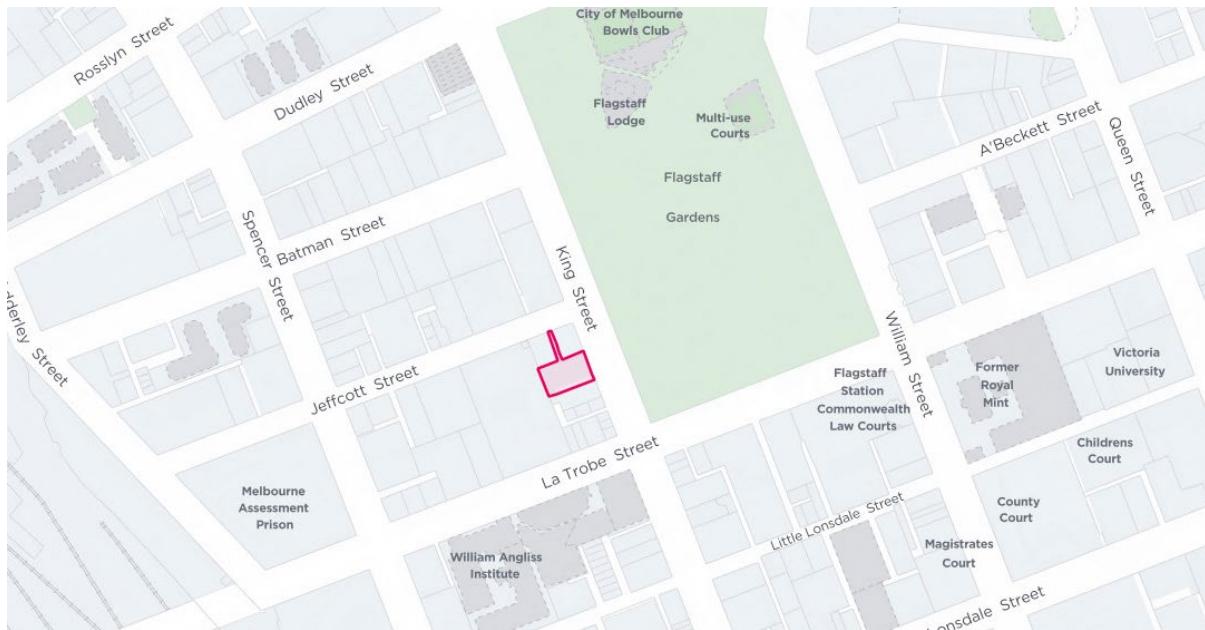


Figure 1 - Site Locality Plan

Table 1: Subject Site Details / Dimensions	
Site Inspection Date:	28 January 2020 & 23 March 2021
Existing Site Conditions:	<p>The subject site is a rectangular shaped allotment, with an adjacent laneway, leading to Jeffcott Street also located on the title.</p> <p>The site is improved by a three storey brick commercial building, which is the former Wool Brokers premises of Ralph A Stuart and Co constructed in the 1930s.</p> <p>The site has a vehicle crossover along the King Street frontage, leading to an open, paved area, along the southern boundary. The building enjoys a vehicular entry point via the private laneway off Jeffcott Street.</p>
Street Frontage:	<p>25 metres to King Street (east)</p> <p>2.92 metres to Jeffcott Street (north)</p>
Site Depth:	29.45 metres
Site Area:	1,113 m ²
Topography:	The land falls by approximately 1.2 metres from south to north, and by approximately 800mm from east to west.

Heritage Grading of Building On-Site	Contributory: <input type="checkbox"/> Significant: <input checked="" type="checkbox"/>	N/A: <input type="checkbox"/>
Heritage Grading of Streetscape	Not Applicable: <input type="checkbox"/> Significant: <input checked="" type="checkbox"/>	N/A: <input type="checkbox"/>

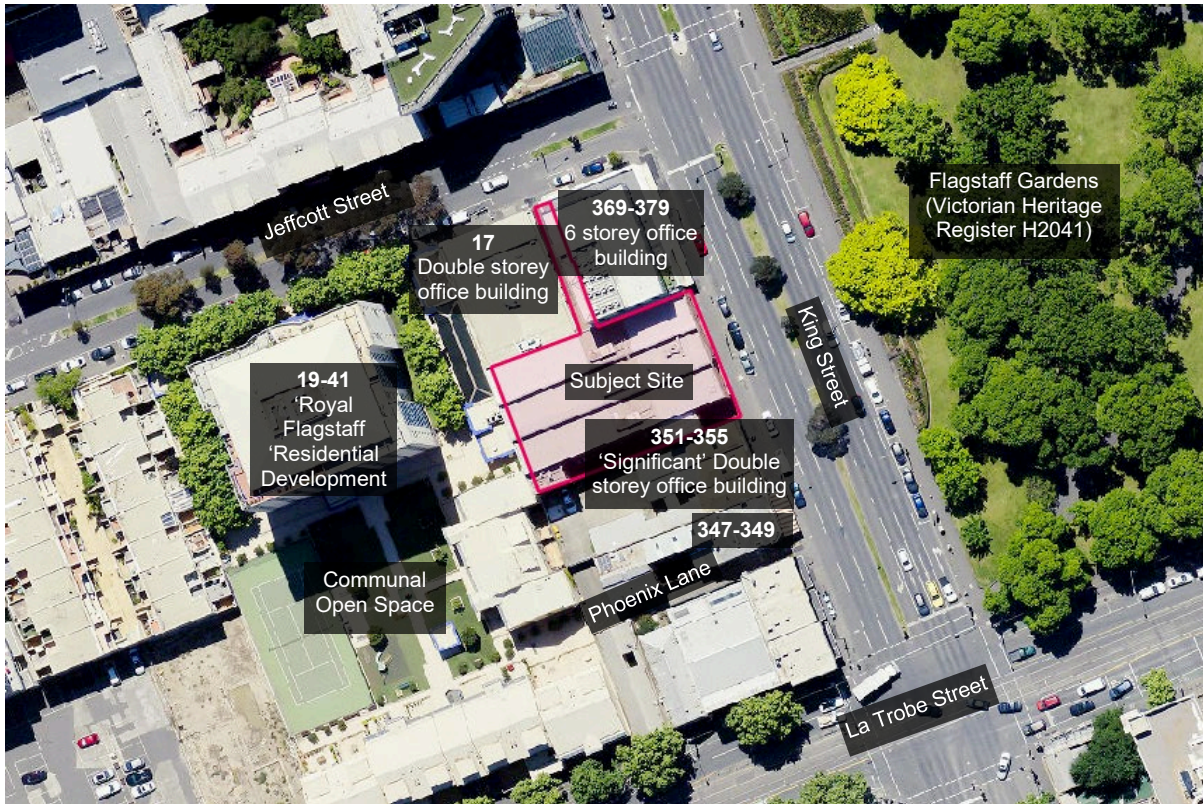


Figure 2 - Marked up Aerometrex Aerial Photo, captured on 3 November 2020



Figure 3 - View of site from Flagstaff Gardens. Taken on 23 January 2020

1.2 Restrictive Covenants / Easements

The register search statement for Lots 1 and 2 on Title Plan 128310J identify that the land is affected by two easements, being E1 – Carriageway Easement, and E2 – Easement in favour of Melbourne Water.

No alterations or works are proposed on these easements and the application will not result in a development that conflicts with the rights conferred by any easement encumbering the property.

1.3 Archaeology and Heritage Inventory

The subject site is not included in the [Victorian Heritage Inventory](#).

1.4 Aboriginal Cultural Heritage

The subject site is not included in an area of legislated cultural heritage sensitivity.

2 BACKGROUND AND HISTORY

2.1 Planning Application History

2.1.1 Pre-application Meeting

A pre-application meeting was held on 28 August 2018. A summary of the key issues raised at this meeting include:

- The northern boundary setback needs to be carefully considered to preserve equitable development rights.
- The western boundary setback needs to be increased to reduce amenity impacts on Royal Flagstaff.
- The height may be excessive and should be somewhere between 40 and 60 metres.

2.1.2 Request for Further Information

Following a preliminary review of the application, Council issued a Request for Further Information (RFI) on 8 November 2019 seeking additional details on drawings, an amended application form, a wind report and a statement from a building services engineer. The RFI also noted preliminary concerns relating to the proposal's response to DDO33, Planning Scheme Amendment C309 and the revised Clause 22.05 (which had not been gazetted at that time).

The permit applicant submitted an amended set of drawings, form and report as part of a response to Council's RFI on 8 July 2020. These amended drawings included substantial changes to the design in response to the concerns raised, including:

- The reduction of the overall building height from 16 storeys to 11 storeys, in order to meet the proposed 6:1 floor area ratio under Amendment C309.
- The increase of the front setback above the retained heritage fabric from three metres to seven metres.
- Increased side and rear boundary setbacks.
- The increased retention of heritage fabric, including the:
 - Southern return
 - Front seven metres of the heritage rooftop
 - North boundary wall for seven metres
 - Sawtooth highlight
- The reduction of commercial NLA from 8,034 m² to 4,645 m².

2.1.3 Section 50 Amendment

Given the extent of changes described above, the permit applicant amended the planning application pursuant to Section 50 of the *Planning and Environment Act 1987* as part of the RFI Response.

The application was amended a second time pursuant to Section 50 of the *Planning and Environment Act 1987* on 1 October 2020 to increase the height by two storeys (from 11 to 13 storeys).

2.1.4 Post-Advertising Consultation

A copy of objections received during the formal notice period, in addition to final feedback from Council's Urban Design Advisor and Heritage Advisor, were provided to the permit applicant on 12 January 2021.

No further changes were made to the advertised plans in response to the above.

3 PROPOSAL

3.1 Plans / Reports considered in assessment

The plans which have been considered in this assessment are identified in Table 1 below:

Table 2: Plans / Reports considered in assessment		
Plan / Report Title	Drawing / Report Author	Drawing / Report Date
Planning Report	Urbis	6 July 2020
RFI Response Letter	Urbis	8 July 2020
Architectural Drawings (S000 – S401)	Gray Puksand	15 September 2020
Urban Context Report	Gray Puksand	July 2020
Title Re-Establishment, Feature & Level Survey Plan	Taylor's	15 February 2019
Environmentally Sustainable Design Statement	Irwinconsult	25 September 2020
Traffic Impact Assessment Report	Irwinconsult	31 July 2020

Heritage Impact Statement	Lovell Chen	2 October 2019
Building Services Statement	WSP	2 July 2020
Desktop Environmental Wind Assessment	MEL Consultants	27 August 2019
Waste Management Plan	Leigh Design	2 March 2018

3.2 Summary of proposed development

The Application seeks planning permission for the following:

- Partial Demolition.
- Construction of a multi-level building to the rear of, and above, the existing building.
- Use of the land for office.
- Reduction in car parking provision.

A summary of the key relevant details of the proposed development are provided in Table 2 below:

Table 3: Summary of proposed development			
Site Area:	1,113 m ²	Total GFA:	7,791 m ²
Site Coverage:	N/A	Net Lettable Area:	5,520 m ²
Floor Area Ratio:	7:1	Minimum Garden Area:	N/A
Built Form			
Number of storeys above ground level:	13	Number of basement levels:	1
Maximum Building Height:	49.4 metres	Street Wall Height:	14.35 metres (existing)
Traffic			
Car parking spaces:	14	Bicycle spaces:	44
Vehicle access:	Via the private laneway to Jeffcott Street		

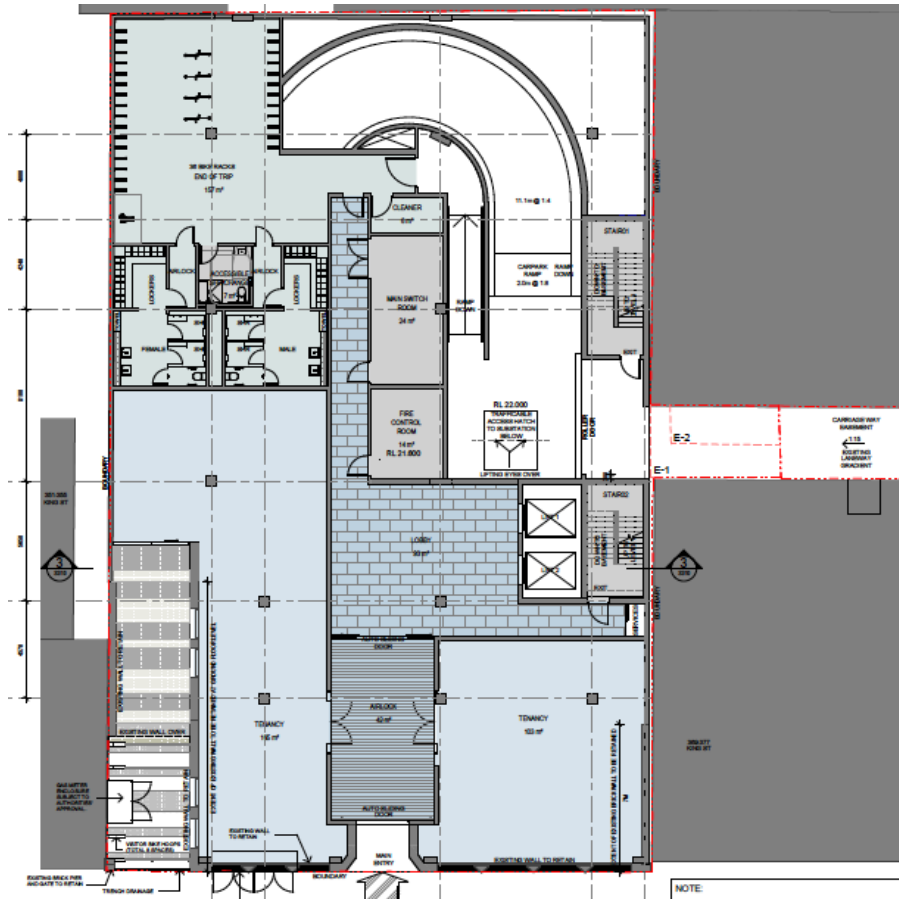


Figure 7 - Proposed Ground Level Plan. From Drawing S101

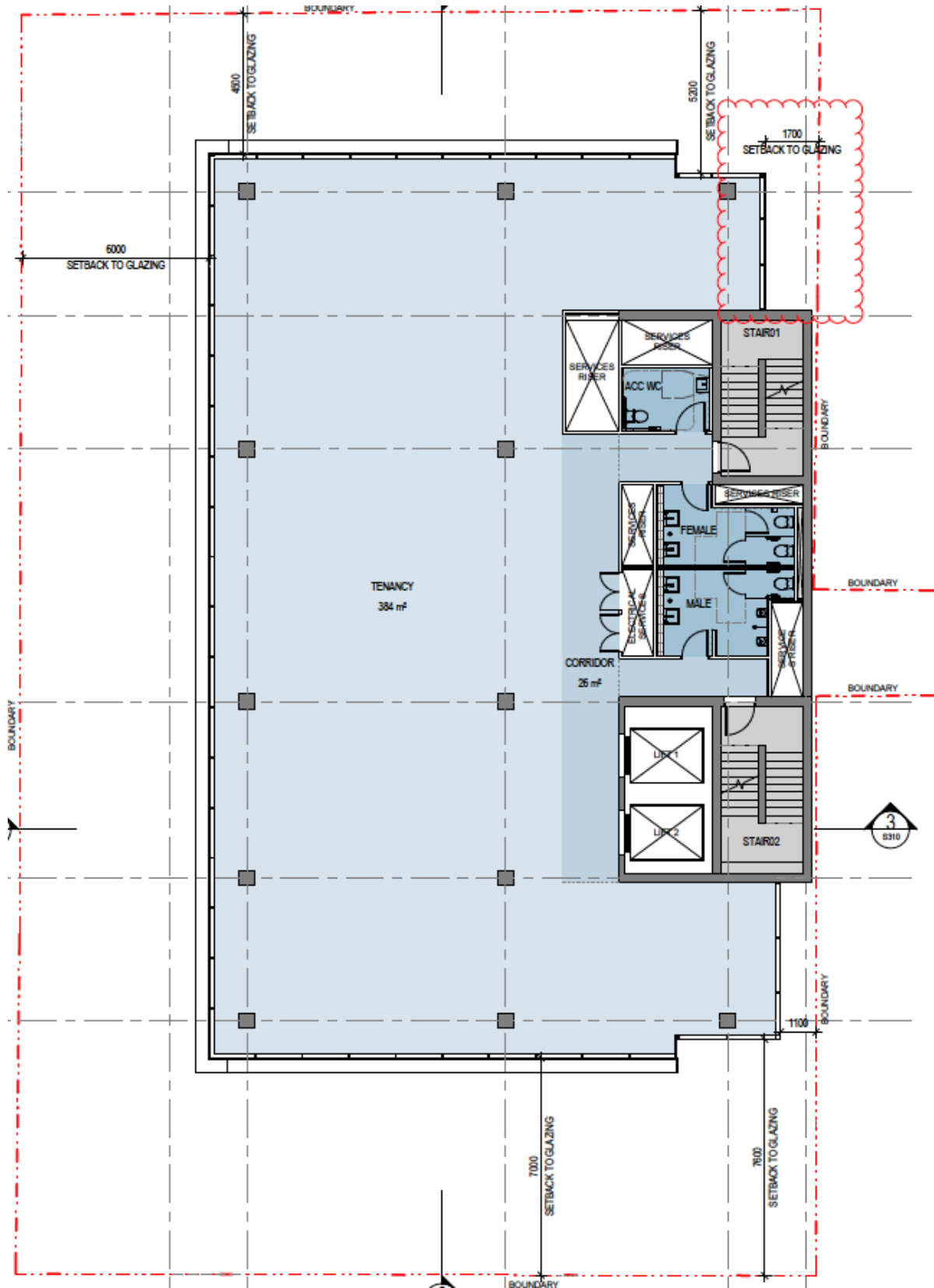


Figure 8 - Proposed Level 8 Plan. From Drawing S105

4 STATUTORY CONTROLS

The following planning controls and requirements of the Melbourne Planning Scheme apply to the subject site and proposed development:

Planning Scheme Provisions	Permit Triggers				
Zone <i>MUZ</i>	Use: <input checked="" type="checkbox"/>	Buildings and Works (including residential development): <input checked="" type="checkbox"/>			N/A: <input type="checkbox"/>
	Signage Category: Category 3 - High Amenity Areas			Permit required for signage? Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	
Overlay(s)					
<i>DDO12</i>	Demolition: <input type="checkbox"/>	Buildings and Works: <input type="checkbox"/>	Other: <input type="checkbox"/>	Special: None Applicable	N/A: <input checked="" type="checkbox"/>
<i>DDO33</i>	Demolition: <input type="checkbox"/>	Buildings and Works: <input checked="" type="checkbox"/>	Other: <input type="checkbox"/>	Special: Discretionary Height Requirement	N/A: <input type="checkbox"/>
<i>HO841</i>	Demolition: <input checked="" type="checkbox"/>	Buildings and Works: <input checked="" type="checkbox"/>	Other: <input type="checkbox"/>	Special: Choose Special Requirement	N/A: <input type="checkbox"/>
Particular Provisions:	Clause 52.06 - Car Parking			Permit Requirement: Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	
	Clause 52.34 - Bicycle Facilities			Permit Requirement: Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	
	Clause 52.29 - Land Adjacent to a Road Zone			Permit Requirement: Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	
RESCODE:	N/A - Council not required to undertake RESCODE assessment				
Heritage Grading	Building Contributory: <input type="checkbox"/> Significant: <input checked="" type="checkbox"/>		Streetscape Significant: <input checked="" type="checkbox"/>		
Heritage Register?	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/> Heritage Register Reference:				

5 STRATEGIC FRAMEWORK

5.1 Planning Policy Framework (PPF)

The relevant provisions of the SPPF include:

- Clause 9 – Plan Melbourne
- Clause 10 – Operation of the State Planning Policy Framework
- Clause 11 – Settlement
- Clause 11.01 – Activity Centres
- Clause 11.02 – Urban Growth
- Clause 11.04 – Metropolitan Melbourne
- Clause 15 – Built Environment and Heritage
- Clause 15.01 – Urban Design
- Clause 15.02 – Sustainable Development
- Clause 15.03 – Heritage
- Clause 17 – Economic Development
- Clause 17.01 – Commercial

5.2 Local Planning Policy Framework (LPPF)

5.2.1 Municipal Strategic Statement (MSS)

The relevant provisions of the MSS include:

- Clause 21.01 – The Municipal Strategic Statement – introduction
- Clause 21.02 – Municipal Profile
- Clause 21.03 – Vision
- Clause 21.04 – Settlement
- Clause 21.04-1 – Growth Area Framework
- Clause 21.06 – Built Environment and Heritage
- Clause 21.16-5 – North and West Melbourne

5.2.2 Local Policies

The relevant local policies are summarised as follows:

- Clause 22.05 – Heritage Places Outside the Capital City Zone
- Clause 22.17 – Urban Design Outside the Capital City Zone
- Clause 22.19 – Energy, Water and Waste Efficiency
- Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)

5.3 Planning Scheme Amendments

In the intervening period between when the application was first received by Council and the date of this report, the following planning scheme amendments have been gazetted, which have altered the planning controls or statutory framework as bearing on the proposed development and subject site.

5.3.1 Amendment C258 (Heritage Policies)

Amendment C258 to the Melbourne Planning Scheme was gazetted on 10 July 2020. The Amendment introduced revised versions of the local heritage policies, well as introduced 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 2020* incorporated document introduced a new grading system in accordance with which buildings are attributed a level of significance. To this end, the previous letter grading system (A, B, C and D) is replaced by 'Significant', 'Contributory' and 'Non-contributory'.

The building on the subject site is listed as 'Significant' and King Street is listed as 'Significant' in the Heritage Places Inventory (July 2020). This is a substantial change from the previous 'C' grading in a 'Level 3' streetscape noted in the pre-C258 Inventory. The revised version Clause 22.05 (Heritage Places outside the Capital City Zone) applies to the proposal.

5.3.1 Amendment C309 (West Melbourne Structure Plan)

The City of Melbourne has developed a new West Melbourne Structure Plan, endorsed by the Future Melbourne Committee (FMC) on 6 February 2018 to replace the 2005 West Melbourne Structure Plan.

The new Structure Plan guides the development of future growth in West Melbourne and outlines tailored built form controls (including a new Schedule 33 to the Design and Development Overlay), character and heritage guidelines; the establishment of a new 'high street' at Spencer Street and the creation of 10,000m² of new open space.

The Structure Plan's stated vision is that:

West Melbourne will retain its unique identity, varied areas of character and mix of uses as it evolves into one of Melbourne's distinct inner urban neighbourhoods and a counterpoint to the central city.

Its heritage and other characterful buildings will provide opportunity for a diverse range of uses. New mixed use development will bring high amenity for residents, workers and visitors. Its wide green streets will provide excellent connections and a network of local places and spaces to rest and play with Spencer Street as a vibrant local high street.'

The Structure Plan identifies the site as being located within the Flagstaff Precinct, bound by King Street to the east; La Trobe Street to the south; Adderley Street to the west; and Dudley Street to the north.

The new DDO33 represents the most up-to-date strategic thinking for the precinct and includes the following key changes as relevant to this site:

- Change of zone to a Special Use Zone – Schedule 6.
- A mandatory Floor area Ratio (FAR) of 6:1 for buildings incorporating accommodation.
- A mandatory Floor area Ratio (FAR) of 7:1 for buildings south of Dudley Street containing only non-accommodation land uses.
- Apply an Environmental Audit Overlay (EAO) to most properties (including the subject site).
- A maximum building height of 16 storeys.
- Street wall height of between 3 and 10 storeys.
- No overshadowing of Flagstaff Gardens between 11am and 2pm on the Equinox.
- Six metre setback above podium from all side and rear boundaries.
- Four metre setbacks above podium from all Laneways.
- Three metre setback above podium from the front boundary.
- Minimum 3.3 metre floor-to-floor heights for non-residential uses or 4 metres if ground floor.

The land use and built form directions and the design recommendations of the Structure Plan are incorporated into proposed Planning Scheme Amendment C309.

Amendment C309 is currently with the Minister for Planning with the request the Minister for Planning prepare and approve the amendment. The revised planning controls are therefore now 'seriously entertained'.

6 GENERAL PROVISIONS

The following general provisions apply to the application:

- Clause 65 – Decision Guidelines, which includes the matters set out in.
- Section 60 of *the Planning and Environment Act 1987*.

7 PUBLIC NOTIFICATION

Public notice of the application was given by sending letters to the owners and occupiers of adjoining and surrounding properties on 16 October 2020 and by instructing the permit applicant to erect one public notice on the King Street frontage of the site for a 14 day period in accordance with Section 52 of the *Planning and Environment Act 1987*.

A signed statutory declaration confirming that the permit applicant had erected the public notice sign(s) in accordance with Council's requirements was returned on 13 April 2021.

8 OBJECTIONS

A total of 22 objections (excluding additional submissions from the same objector) have been received as of the date of this report.

The concerns in objections received by Council have been summarised below.

Further consideration of the objections is given in section 11 of this report.

8.1 Summary of objector concerns

Built Form / Heritage

- Excessive height.
- Visual bulk.
- Insufficient side and rear boundary setbacks.
- Lack of articulation in façade and excessive glazing.
- Excessive floor-to-floor heights.
- Glare from glazing.
- Inappropriate response to existing and preferred character.
- Impact on the existing heritage building.

Amenity

- Loss of Daylight to the west.
- Overlooking to the west.
- Overshadowing to the south and west, including the communal open space at 33 Jeffcott Street.
- Loss of views to Flagstaff Gardens.

Traffic impacts

- Safety concerns due to overshadowing of the La Trobe / King Street intersection.
- Insufficient car parking.
- Increased pedestrian and vehicular congestion.

Construction Activities, by virtue of:

- Noise.
- Odour.
- Vibrations.

Miscellaneous

- Use of laneway in FAR calculation.
- Devaluation of property.

9 CONSULTATION

The application was discussed on numerous occasions with the permit applicant, which ultimately led to the plans being formally amended prior to advertising on two occasions. In addition to this, a site inspection, together with Council's Heritage Advisor was undertaken in January 2020.

10 REFERRALS

10.1 Internal

Conditions and notes will be included on any permit being granted to give force and effect to the recommendations and advice of Council's internal referral agencies, listed below.

10.1.1 Heritage Advisor

Council's Heritage Advisor provided comments on several occasions throughout the assessment of the application, which led to design changes being incorporated into formally substituted plans.

Final Heritage advice was received on 12 January 2021 and included the following key statements:

- The height of the proposed tower addition would visually dominate the heritage building and would disrupt the appreciation of the building as it presents to the 'significant streetscape'. The height of the

development does not sufficiently moderate height to ensure the prominence of the heritage building is maintained.

- The development does not offer any elements which would enhance the heritage place. Replacement of existing later window frames with the original steel-framed fenestration pattern steel window would enhance the heritage place.
- Retention of 13.5m in length for the sawtooth highlight glazing terminating the south elevation has not been proposed as previously recommended. The smaller retention proposed would truncate the existing view to this part of the heritage fabric from King Street and Flagstaff Gardens, and would diminish an understanding of the original three-dimensional form .

In addition to the above, the advice includes the following recommendations:

- a. *Tower: delete levels 9, 10, 11 and 12. This would reduce height to RL 56.2 at the 7 metre setback and RL 51.7 at the 11 metre setback.*
- b. *Add annotation to the drawings: Within the 7 metre setback, retain of the existing saw-tooth roof structure, associated highlight windows and roof surfaces.*
- c. *Provide a structural engineering design which demonstrates how the retained facades, highlights and roof structure will be supported insitu during and at completion of construction.*
- d. *For the sawtooth highlight windows terminating the south elevation, retain 13.5m in length demonstrate how these will be retained insitu.*
- e. *South sawtooth highlight windows visible from the street.*
- f. *At the King Street façade, replace the existing later aluminium-framed windows with steel-framed windows in the original fenestration pattern as shown at Figure 1, page 5 in the Trethowan report of 2 October 2019.*

Heritage matters are discussed at Section 11.1 of this report.

10.1.2 Urban Design Advisor

Council's Urban Designer reviewed the original application and noted concerns relating to the scale of the proposal, including its height, reduced setbacks and FAR. They also noted concerns in relation to the integration of the proposal with the retained heritage fabric and its materiality.

Revised Urban Design comments were received on 15 September 2020, and included the following statements:

'We note that the submitted drawings represent a revised scheme in response to previous UD and Heritage advice.

We are supportive of a number of design revisions - most notably the increased street setback from 3m to 7m.

A notable design change from the previous iterations include the black tint on the tower glazing, and integration of horizontal, aluminium shading devices. In principle, we are broadly supportive of the general massing approach, including the horizontal expression of the floors to provide a sense of scale and depth within the façade.

However, we note that the predominant use of black tint glazing could result in the following:

- *A visual clash with the retained heritage form; from our perspective, a predominately black tinted tower can appear visually dominant, as opposed to providing a neutral backdrop. We defer to Council's Heritage Advisor for further commentary on whether this response achieves the Heritage objective of visual recessive-ness*
- *An unacceptable level of visual obstruction between the internal spaces and the public realm.*

We inquire as to whether the black tint in the tower has to do with meeting the Section J requirements. Our recommendation is for a reliance on integrated shading to achieve this, rather than a reliance on dark glazing.

Additionally, we require that the reflectivity levels of the glazing units comply with Council's guidelines on glazing reflectivity (max 15%).'

Following the provision of further detail by the applicant on 21 September 2020, noting that it was a grey, rather than black tint, Council's Urban Designer advised that they no longer held concerns relating to the proposed glazing, and recommended the inclusion of a Façade Strategy condition on any permit issued.

10.1.3 Sustainability

The application was referred to ESD and Green Infrastructure Officer who noted numerous concerns, including the claiming of inappropriate Green Star Credits, the lack of a Water Sensitive Urban Design response, insufficient landscape design details and lack of a solar panel feasibility study.

The revised ESD Report, prepared by Irwinconsult, dated 20 October 2020 includes a WSUD Report, confirming a 119% STORM rating and revised Green Star credits. It also notes that solar panels would likely be inefficient due to the limited roof area. Furthermore, the development does not include any opportunities for soft landscaping.

Conditions will be included on any permit requiring the development to be undertaken in accordance with the above report and meet all performance targets.

10.1.4 Traffic Engineer

Council's Traffic Engineer supported the reduced car parking provision or design of car parking and loading areas, subject to conditions.

They did recommend the provision of additional bicycle facilities (while noting compliance with Clause 52.34 – Bicycle Facilities) and pedestrian safety measures at the intersection of the private laneway and Jeffcott Street.

Conditions giving effect to the above will be included on any permit issued.

10.1.5 Civil Design

Council's Principal Engineer (Infrastructure) recommended that a number of conditions be included on any permit being granted to protect Council's road-based assets and integrate the development with Council's stormwater drainage system.

In addition to recommending standard permit conditions, Council's Principal Engineer (Infrastructure) provided the following advice:

'The proposed development includes the provision of access from Jeffcott Street to the subject land through a private road known by the City of Melbourne as PL5152. Prior to the commencement of use, the road from Jeffcott Street to the southern boundary of 371 King Street should be vested in favour of the Melbourne City Council as a public road. This provides positives for the developer as the City of Melbourne becomes responsible for the care, management and parking control of the road.

Prior to the commencement of the development, excluding demolition works on site, the detailed engineering plans showing reconstruction of the new road including the provision of drainage and public lighting shall be submitted to and approved by the Responsible Authority – Infrastructure and Assets.

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 of such roads fall under the City of Melbourne's control. The 'road' is the reserve from building line to building line. Subsequently our conditions for works on footpaths of arterial and municipal roads are listed below.

It is noted that the proposed building is not designed in alignment with the existing building line at 371 King Street. It is considered that the Ground Level of the building is redesigned in alignment with the adjacent buildings. The continuous building line is used effectively by visual impaired people for the purpose of orientation along the footpath. Reference may be made to the Guidelines for Disability Access in the Pedestrian Environment with respect to the movement along paths.'

All recommended conditions will be included on any permit issued. Comments relating to the building alignment, are discussed at Section 11.1 of this report.

10.1.6 Urban Services (Waste Management)

Council's Urban Services Engineer found the submitted Waste Management Plan to be acceptable and recommended that conditions be included on any permit being granted to ensure waste is appropriately managed within the site.

10.2 External

10.2.1 Department of Transport (Determining Referral Authority)

The application was referred to the Department of Transport (DoT) pursuant to Section 55 of the *Planning and Environment Act 1987*.

The DoT confirmed in writing on 15 April 2021 that they do not object to the proposal and did not provide any recommended conditions.

11 ASSESSMENT

11.1 Key Planning Considerations

The key issues for consideration in the assessment of this application include the following:

- Use of the land for an office.
- Heritage impacts.
- Built form and urban design response.
- Amenity impacts, including wind, overshadowing and overlooking.
- Internal amenity.
- Sustainability.
- Traffic impacts.
- Potential contamination.
- Equitable development.
- Objector concerns.

11.2 Use of the land

As noted in Section 3.2 of this Report, the proposal seeks planning permission for the use of the land for office, and must therefore be considered against the purpose of the Mixed Use Zone and relevant State and Local Planning Policy.

The Mixed Use Zone seeks to *"provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality."*

Although the MUZ allows for a range of smaller scale non-residential uses as-of-right, it remains a residential zone and ultimately an appropriate balance must be struck between sufficiently protecting existing residential uses and encouraging an appropriate range of appropriate commercial uses.

Council's MSS, at Clause 21.16-5, includes the subject site within the North and West Melbourne Local Area, which has a strong residential base as well as commercial and industrial uses. Relevant Policy at Clause 21.16-5 seeks to:

- *Support a mix of uses including retail, small scale business uses with some light industrial uses and small to medium enterprises in West Melbourne south of Hawke and Roden Streets, given the proximity to Docklands and the Hoddle Grid.*
- *Support the ongoing operation and establishment of small to medium enterprises and businesses that provide professional and business support services to the Capital City Zone in the Mixed Use Zone of North and West Melbourne adjacent to the Hoddle Grid.*

Although the site is not located *directly* adjacent to the Hoddle Grid, it is within short walking distance of the central city and Docklands.

The West Melbourne Structure Plan states that the Mixed Use Zone has primarily been used to enable a significant increase in residential development and has contributed to a loss of local employment. To address this, it seeks to rezone a significant part of West Melbourne from Mixed Use Zone to Special Use Zone to stem the loss of jobs and facilitate a range of business and employment opportunities.

The Structure Plan includes the site within the 'Flagstaff' precinct, which is envisioned to have¹:

"A mix of uses including residential, businesses, institutions, schools and higher education colleges as well as community facilities. Rezoning the area from Mixed Use Zone to Special Use Zone will ensure the area continues to create local employment opportunities (see Part Two: The Framework, for more information). A mix of dwelling types including affordable housing will be available."

It also states more broadly that²:

"... there is the prospect to support tourism, arts and cultural activities, leveraging off the redevelopment of Queen Victoria Market to transform the central part of West Melbourne into a cultural and creative hub that benefits from its proximity to the tourism assets of the central city."

Furthermore, the draft Special Use Zone – Schedule 6 (SUZ6), which forms part of Amendment C309, and is with the Minister for Planning for approval, indicates that 'office' is a 'Section 1 – Permit not Required Use'.

As such, there is strong Policy support for a greater mix of uses within West Melbourne and on the subject site. With this in mind, it is considered that the use of the site for office can be accommodated as:

- The construction of an office tower would increase the employment opportunities available in West Melbourne.
- This part of West Melbourne, including land immediately to the north, accommodates multiple office buildings.
- The use of the building for office would not result in unreasonable amenity impacts on the residents of the building to the west of the site.

11.3 Heritage

11.3.1 Demolition

The proposal seeks partial demolition of the existing 'Significant' Heritage building. Relevant Policy at Clause 22.05 seeks:

- *To retain fabric, which contributes to the significance, character or appearance of heritage places and precincts.*
- *To encourage retention of the three dimensional fabric and form of a building.*

More specifically, the Policy states that:

'Partial demolition in the case of significant buildings, and of significant elements or the front or principal part of contributory buildings will not generally be permitted.'

Decision Guidelines relevant to the partial demolition of a 'Significant' heritage building include:

- *The assessed significance of the heritage place or building.*
- *The character and appearance of the proposed building or works and their effect on the historic, social and architectural values of the heritage place, and the street.*

¹ West Melbourne Structure Plan – Section 3.2, page 96

² West Melbourne Structure Plan – Objective 4, page 52

- The significance of the fabric or part of the building, and the degree to which it contributes to its three-dimensional form, regardless of whether it is visible.
- Whether the demolition or removal of any part of the building contributes to the long-term conservation of the significant fabric of the building.
- Whether the demolition will adversely affect the conservation of the heritage place.
- Whether there are any exceptional circumstances.

The proposal, as depicted in Figure 9 would involve the retention of at least the front seven metres of the heritage building, with the front 13.6 metre section of the southern wall also retained. All other building fabric, including the majority of internal walls, in addition to small sections of the front façade, would be removed to accommodate the proposed development.

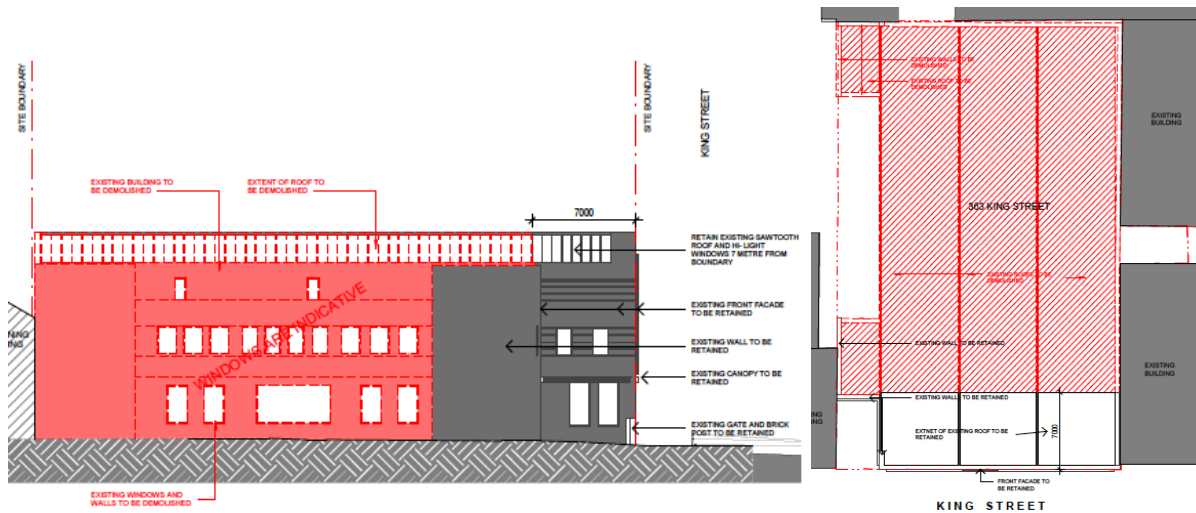


Figure 9 - Extent of proposed demolition. From Drawing S010

Council's Heritage Advisor is generally supportive of the extent of demolition, though raised concerns in relation to the extent of demolition of the sawtooth highlight glazing element above the retained section of wall along the southern elevation. As evidenced by the photo at Figure 10, the section of highlight window referred to in the heritage advice is clearly visible from the La Trobe and King Street intersection.



Figure 10 - Photo of site from La Trobe and King Street intersection. Taken on 23 March 2021

Having regard to the relevant Policy Objectives, Decision Guidelines and comments from Council's Heritage Advisor, it is considered that the extent of demolition is acceptable based on the following:

- The application was submitted to Council in October 2019, approximately nine months prior to the gazettal of Amendment C258 in July 2020; which changed and elevated the designation of the building from 'C' in a 'Level 3' streetscape to 'Significant' in a 'Significant' streetscape.

Since lodgement of the application, the permit applicant has spent considerable time working with Council Officers to address concerns, and has made substantial changes to the design of the development, including retention of the front seven metres of the building when the original design sought to retain only the façade.

To that end, it is considered that the proposed demolition would generally comply with Heritage Policy as it relates to a 'Contributory' building in an ungraded streetscape.

- Other than the demolition of a small portion of the southern elevation, Council's Heritage Advisor is supportive of the extent of demolition proposed. Retention of the remaining section has been discussed with the permit applicant, and they have advised that they would accept a condition on permit requiring its retention.
- Retention of the front seven metres of the building, as well as 13.6 metres of the southern wall, would allow for the existing 'Significant' building to be appreciated as a three-dimensional form within the surrounding streetscape, and from Flagstaff Gardens.
- The proposed partial demolition will allow for the redevelopment of the site and long-term conservation of the heritage place.
- Demolition of the lower portion of the southern façade is necessary to allow for disabled access and the provision of building services that cannot be located elsewhere within the building.

11.3.2 Alterations and Additions

The proposal involves the alteration of the existing building and construction of a 13 storey office building. Relevant Policy at Clause 22.05 states that:

Additions to buildings in a heritage precinct are respectful of and in keeping with:

- *'Key attributes' of the heritage precinct, as identified in the precinct Statement of Significance.*

- *Precinct characteristics including building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation.*
- *Character and appearance of nearby significant and contributory buildings.*
- *Where abutting a lane, the scale and form of heritage fabric as it presents to the lane.*

Additions to significant or contributory buildings:

- *Are respectful of the building's character and appearance, scale, materials, style and architectural expression.*
- *Do not visually dominate or visually disrupt the appreciation of the building as it presents to the street.*
- *Maintain the prominence of the building by setting back the addition behind the front or principal part of the building, and from other visible parts and moderating height.*
- *Do not build over or extend into the air space directly above the front or principal part of the significant or contributory building.*
- *Retain significant roof form within the setback from the building façade together with roof elements of original fabric.*
- *Do not obscure views of façades or elevations associated with the front or principal part of the building.*
- *Are distinguishable from the original fabric of the building.*

Policy also states that:

- *Additions to a significant or contributory building are concealed in significant streetscapes.*
- *All ground level additions to the side of a building should be set back behind the front or principal part of the building.*

The proposal involves a significant redevelopment of the site, with an extension occupying the majority of the land to the rear of the retained heritage building. The extension is thirteen storeys in height, which is ten storeys greater than the heritage building, and will be readily visible from the surrounding streetscape as an office building with dark grey curtain wall glazing.

As illustrated in Figure 11, the design of the development has undergone substantial change in response to comments received from Council's Heritage Advisor and Urban Designer. These changes include:

- A substantial increase in retained heritage fabric (as noted in the preceding section);
- An increase in the front setback from three to seven metres.
- A reduction in height from 16 to 13 storeys.
- Redesign of the façade and materiality.



Figure 11 - 3D renders from the original application (left) and final decision plans (right)

Council's Heritage Advisor is generally supportive of the revised design, noting that the majority of recommendations of the initial advice have been adopted in the final plans. They are, however, of the view that the reduction in height is not sufficient to address their concerns, stating that:

'The height of the proposed tower addition would visually dominate the heritage building and would disrupt the appreciation of the building as it presents to the 'significant streetscape'. The height of the development does not sufficiently moderate height to ensure the prominence of the heritage building is maintained.

...

This is consistent with the preferred 40m maximum height in DDO33. While a lower height would be preferred, particularly when assessed from viewpoints within the Flagstaff gardens, seeking to balance the DDO and local heritage policy considerations, this 40m height profile has been adopted in recommendations.'

To that end, they have recommended the deletion of levels 9, 10, 11 and 12, which would reduce the height from 49.4 to 34.5 metres (not including rooftop services).

Having regard to the relevant Policy Objectives, Decision Guidelines and comments from Council's Heritage Advisor, it is considered that proposed extension is acceptable on heritage grounds, based on the following:

- The 13 storey scale and form of the proposal is consistent with the mixed existing and emerging character of the local area, noting that it is located a short distance north of the Central City and is undergoing substantial change.
- The contemporary design of the façade and use of dark grey glazing is clearly distinguishable from the retained and adjoining heritage buildings.
- The proposed seven metre setback from the front façade will result in an addition which would not dominate, nor unreasonably detract from the prominence of the retained heritage building.

- The 13 storey / 49.4 metre height of the proposed building is generally consistent with the preferred 40 metre height limit in the current DDO33, and well below the 16 storey preferred building height of the C309 version of DDO33.
- A four storey reduction in height, as suggested by Council's Heritage Advisor, would result in a six storey building above the retained building, and would not be concealed from the streetscape.
- All remaining recommendations from Council's Heritage Advisor have been discussed with the applicant who has no concerns with them being included as permit conditions.

Further to the above it is important to note that the subject site is covered by Heritage Overlay – HO841, rather than the broader North & West Melbourne Precinct (HO3). It does not benefit from its own Statement of Significance in Council's *Heritage Precincts Statements of Significance February 2020*.

Lastly, Council's Infrastructure Engineer recommended that a continuous building line be provided along King Street. Providing this would require further modification of the building entry, which is not considered appropriate.

11.4 Built Form and Urban Design

11.4.1 Municipal and Local Planning Policy

The subject site is located within North and West Melbourne precinct of Clause 21.16 (Other Local Areas). Relevant built environment objectives at Clause 21.16-5 seek to:

- *Ensure the area bounded by Latrobe Street, south west of the Flagstaff Gardens provides a contrast in scale between the lower built form of West Melbourne and the higher scale of the Hoddle Grid.*
- *Encourage the re-use of existing warehouse and industrial buildings with efficient recycling potential where these contribute to the traditional mixed use character of the area.*
- *Infill redevelopment and extensions complement the architecture, scale and heritage values of the residential area, especially where it is in a Heritage Overlay.*
- *Support higher building forms in West Melbourne in the area adjacent to the Hoddle Grid.*

Clause 22.17 (Urban Design outside the Capital City Zone) also provides guidance on the design of new buildings in areas such as West Melbourne. Key Objectives that relate to the proposal seek:

- *To ensure that the scale, siting, massing and bulk of development complements the scale, siting, massing and bulk of adjoining and nearby built form.*
- *To ensure that the height of buildings relates to the prevailing patterns of height and scale of existing development in the surrounding area.*
- *To reduce unacceptable bulk in new development.*
- *To ensure that building design including the use of materials and activities at the ground floor frontages of buildings creates and improves pedestrian interest and engagement.*

The proposed development is considered to respond positively to its site context, through its considered façade design, overall scale, form and integration with the heritage building. Its height is consistent with the emerging character of this precinct, and would represent an appropriate transition from the taller built form of the Central City to the lower scale of West Melbourne. Its seven metre setback from the street would minimise any visual bulk impacts, and its inclusion of commercial space along the street frontage would assist in activating the streetscape.

As identified in Section 10.1.2 of this report, Council's Urban Designer has reviewed the proposal and confirmed their support for the proposal, including the increased street setback, general massing and horizontal expression of the office levels. They did, however, raise concerns in relation to the dark glazing and potential heritage impacts resulting from its application; noting that they deferred to Council's Heritage Advisor in this regard. In this instance, Council's Heritage Advisor is of the view that the proposed façade appearance and materiality is appropriate.

The proposal is therefore considered to represent an appropriate response to relevant Municipal and Local Planning Policy.

Notwithstanding the above, a large part of the northern façade, which is built to the boundary, would be finished in a charcoal coloured smooth pre-cast concrete. Given the visibility of this façade, it requires a greater degree of design detail to achieve appropriate visual interest. This can be resolved via a façade strategy condition included on any permit issued.

11.4.2 Design and Development Overlay: Schedule 33 (current)

The subject site is affected by the Design and Development Overlay, Schedule 33 (DDO33) (CBD Fringe). The design objectives of DDO33 seek:

- *To provide a transition between the taller built form of the central city and the lower scale built form of West Melbourne.*
- *To maintain the heritage characteristics of the area by ensuring new development respects the scale of, and provides a transition to, adjoining heritage buildings.*
- *To ensure development limits impact on the amenity and outlook from Flagstaff Gardens.*

The table to DDO33 sets out the following preferred maximum building height, podium height and minimum building setback:

- Maximum building height: 40 metres.
- Podium height: 16 metres or an appropriate lesser height where the site is adjacent to a heritage building.
- Setbacks above the podium: 6 metres from all front, side and rear boundaries and 2 metres from laneways.

In addition, the table to DDO33 also sets out the following relevant Built Form Outcomes:

- *Built form which provides a visual transition between the taller prevailing heights of the CBD and the lower scale built form of West Melbourne.*
- *Development provides a transition to adjoining lower scale heritage buildings by the use of podiums and upper level setbacks.*
- *Development that does not overshadow Flagstaff Gardens between 11am and 2pm on 22 September and 22 June.*
- *Building setbacks that strengthen the pedestrian scale and focus of the area and maintain a sense of open outlook from the Flagstaff Gardens.*

These built form outcomes must be achieved to support development that does not comply with the preferred maximum building height, podium height and minimum building setback.

The proposed development at 49.4 metres in height, is less than ten metres above the preferred 40 metre limit. With a minimum 4.5 metre setback to the rear and zero metre setback to the (perpendicular) laneway, it also does not meet all of the preferred setback requirements.

By way of compliance with the Built Form Outcomes, it is noted that:

- At 13 storeys, the proposal represents an appropriate transition between the taller built form of the Central City and the lower scale built form of West Melbourne.
- The existing three storey podium would be retained, with a six metre setback proposed to the adjacent 'Significant' heritage building to the south.
- As depicted in the submitted Shadow Diagram at Figure 12, the building would not cast a shadow on Flagstaff Gardens until 3pm in the afternoon, in accordance with the relevant requirement.
- The proposed seven metre setback above the retained building is in excess of the six metre preferred minimum, and would minimise the visual impact of the building on the adjacent streetscape and Flagstaff Gardens.
- The zero metre setback to the laneway and 4.5 metre setback to the western boundary fall short of the preferred minimum requirements.



Figure 12 - 22 September Shadow Diagrams at 2pm (left) and 3pm (right). From Drawings S322 & S323

The variation to the preferred side and rear setback requirements is considered to be acceptable based on the following:

- The buildings located to the west of the site are between one and three storeys in height and are fully built to the common boundary. The remaining open space is used for circulation purposes, and does not function as part of the communal open space. A setback of six metres to this interface is therefore not warranted.
- Both buildings to the north of the site are similarly fully built to their boundary. The construction of a building directly along this boundary would not reduce their amenity, and also provide the best opportunity for future redevelopment of both land parcels.

The proposed development is therefore considered to be consistent with the Objectives and Built Form Outcomes of DDO33.

11.4.3 Design and Development Overlay: Schedule 33 (Amendment C309)

As noted at Section 5.3.1, Planning Scheme Amendment C309 has been submitted to the Minister for Planning for approval. Gazettal of this Amendment would result in the application of a revised DDO33 to the subject site. As it is 'seriously entertained', an assessment against the key requirements of the revised DDO33 is outlined in the table below.

Built Form Control	Requirement	Response
Floor Area Ratio	7:1 (Where a development contains only non-accommodation land uses)	7:1
Building Height	16 storeys	13 storeys
Street Wall Height	3 -10 storeys	3 storeys
Front Setback Above Podium	3 metres	7 metres
Rear and Side Boundary Setbacks	6 metres	South: 6 metres West: 4.5 – 5.1 metres
Laneway Setback	4 metres	0 metres
Floor-to-Ceiling Heights	4 metres at ground level. 3.3 metres above ground level	Ground: 4.7 metres Above Ground: 3.5 metres

Overshadowing	Development does not overshadow Flagstaff Gardens between 11am and 2pm on 22 September and 22 June.	Proposal does not overshadow Flagstaff Gardens between 11am and 2pm on 22 September and 22 June (refer to Figure 13).
Frontages	Provide active frontages at the ground floor where appropriate particularly along Spencer, King, Dudley and La Trobe Streets.	Two separate commercial tenancies are proposed along the King Street frontage. The existing building entry would be demolished to create an at-grade connection.
Loading and Services	To be located along laneways where possible.	Loading and unloading, including waste collection would be via the private laneway. All services other than Fire Boosters are located away from the building frontage. In response to a request from Council, a letter provided by WSP confirms that: <i>“... the building services, as proposed, is likely to be sufficient to service the development, and the design will accommodate the access requirements of the relevant authorities, subject to further design development and co-ordination post planning permit stage.”</i>

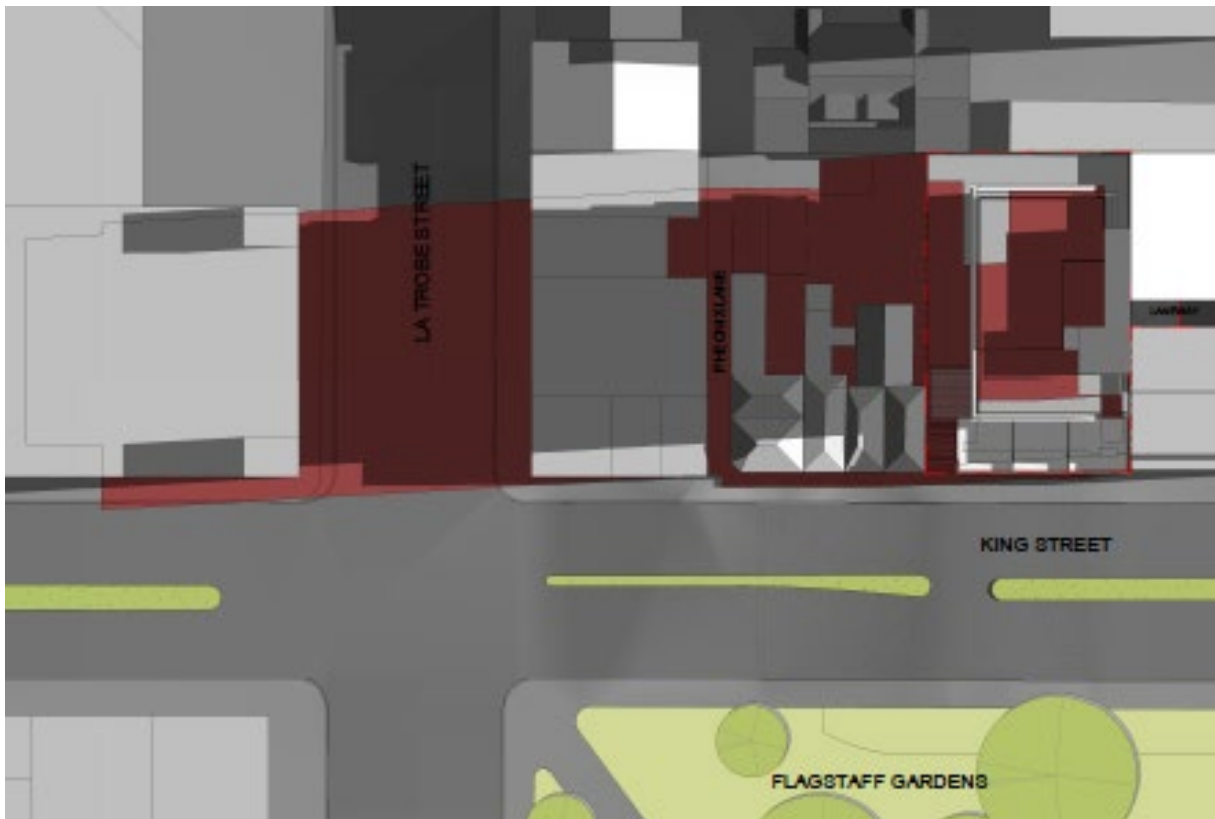


Figure 13 - 22 June Shadow Diagram at 2pm. From Drawing S326

As outlined above, the proposal achieves a high level of compliance with the Built Form Outcomes and Requirements of the revised DDO33. The only requirement which would require a variation is the side and rear setbacks, which remain largely unchanged from the current controls.

11.5 Potential Amenity Impacts

11.5.1 Wind

The Melbourne Planning Scheme does not require the submission of a wind report for development in West Melbourne. Given the 60.5 metre height of the original design, together with reduced setbacks, a wind report was nevertheless requested as part of the RFI to ensure that the proposal would not result in unreasonable wind impacts to the public realm.

The revised design has a height of below 50 metres, a seven metre setback to the street and at least 4.5 metres to the nearest publicly accessible space or balcony on a neighbouring property.

As a result of these design changes, it is not anticipated that the proposal would result in any unreasonable wind impacts on the public realm or adjacent properties. A wind report was therefore not required to be provided by the permit applicant.

11.5.2 Overshadowing

The site adjoins a residential development to the west which includes a large area of communal open space. The area of communal open space includes a tennis court, BBQ areas, grassed and landscaped areas. An aerial photo of this area is reproduced at Figure 14.

A number of residents and owners of this residential development have raised concerns in relation to overshadowing of this space.



Figure 14 – Aerometrex Aerial captured on 3 November 2020 showing the communal open space at 'Royal Flagstaff' to the west of the subject site (outlined in red).

The Shadow Diagrams submitted as part of the application confirm that this area of communal open space would receive additional overshadowing between 9am and some time before midday (refer Figures 15 & 16).



Figure 15 - September 22 Shadow Diagrams at 9am (left) and 10am (right). From Drawing S320

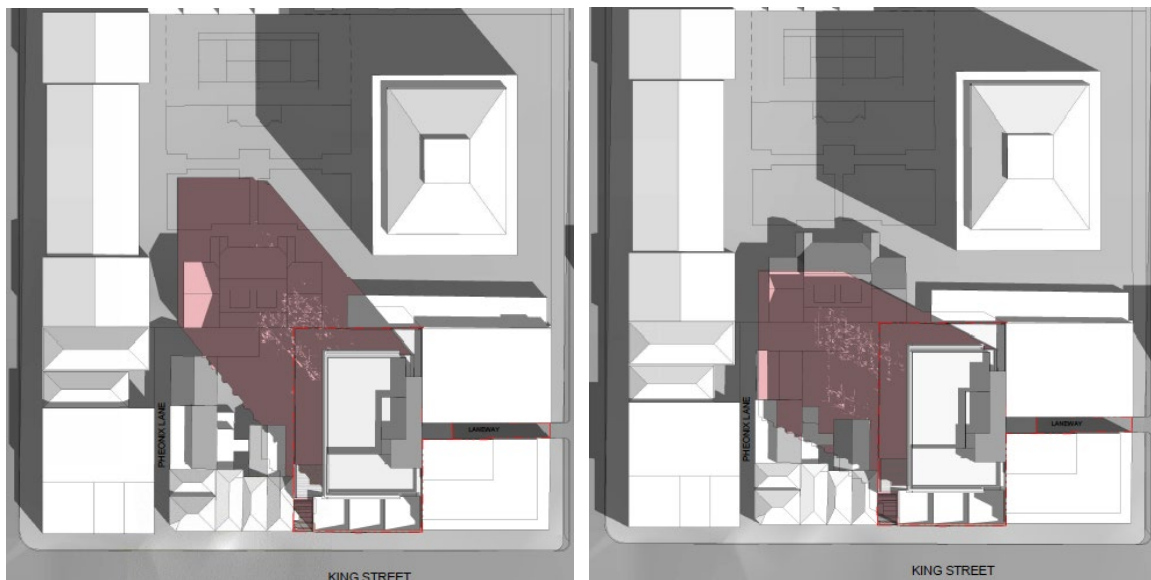


Figure 16 - September 22 Shadow Diagrams at 11am (left) and midday (right). From Drawing S321

A review of the above shadow diagrams confirms that the proposal would have a substantial shadow impact on this adjacent area on the Equinox during the morning period. The shadow diagrams do, however, demonstrate that large areas of communal open space would be unaffected throughout the entire day. Furthermore, the greatest extent of overshadowing is a result of the existing 14 storey building which forms part of the 'Royal Flagstaff' complex.

Based on the above, it is considered that, while the proposal will have an adverse shadowing impact on the communal open space to the west, it is not unreasonable in an inner city context where robust buildings of the type proposed are encouraged by the Melbourne Planning Scheme.

11.5.3 Overlooking

The Melbourne Planning Scheme does not include any overlooking controls for commercial buildings. Notwithstanding, the subject site adjoins a residential property, which has areas of communal open space and windows within close proximity of the common boundary. Privacy and overlooking is therefore a relevant consideration.

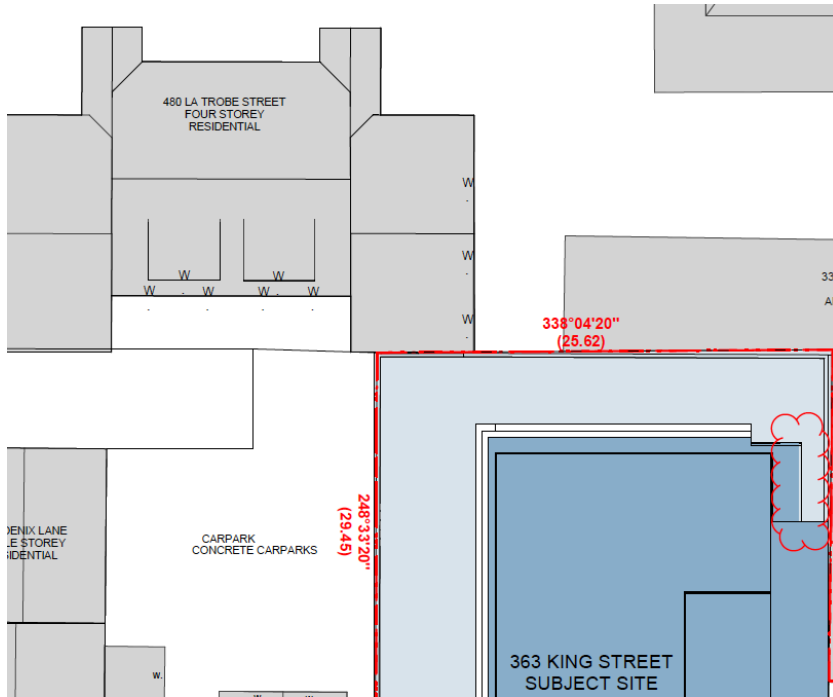


Figure 17 - Proposed Site Plan (Drawing S022), depicting adjacent habitable room windows

In order to minimise the extent of overlooking into the adjacent habitable room windows, levels 1, 2 and 3 of the building have obscure glazing to a height of 1.7 metres where they are within close proximity (refer Figure 18).

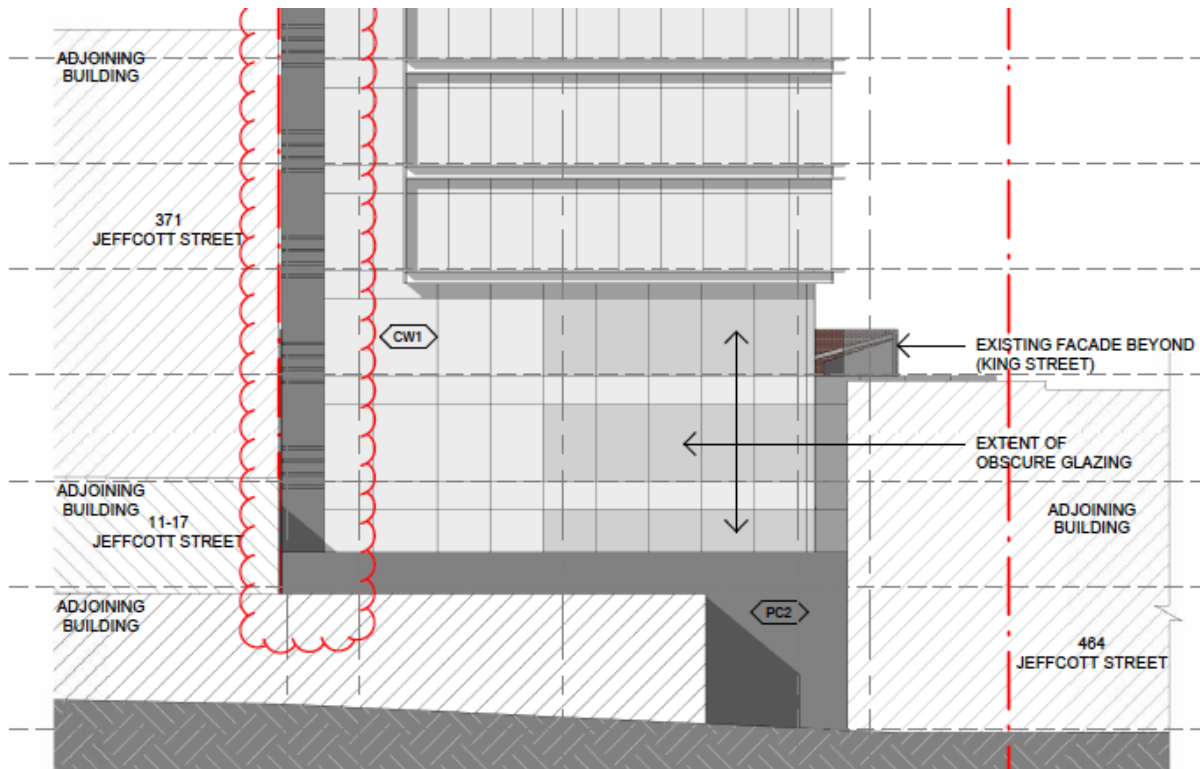


Figure 18 - Proposed West Elevation showing extent of obscure glazing. From Drawing S302

Given the lack of overlooking controls for commercial buildings, minimum 5.1 metre setbacks at levels 1-3 and use of obscure glazing on these levels, it is considered that overlooking into adjacent habitable room windows is adequately mitigated.

11.6 Internal amenity

The proposal is for an office building which has an open floor plate on each level, and locates the lift core, stairwell and amenities on the northern boundary, where it is built to the boundary.

Due to the building and internal layout, each level would enjoy a good level of solar access and does not rely on borrowed amenity across adjoining lots. The building setbacks would also preserve a reasonable outlook irrespective of any future developments on neighbouring land.

11.7 Sustainability

11.7.1 Energy, Water and Waste Efficiency

Clause 22.19 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 proposed development is considered to comply with performance measures set out in Clause 22.19-5 for development, noting the following:

- The development has the design potential to achieve a 5 Star Green Star equivalent rating and 5 Star NABERS Energy Office rating.
- It would achieve 5 points for 'Credit 18' (Potable Water) pursuant to the Green Star rating tool.
- Creation of a high quality internal environment, including high levels of outdoor air and low emission internal finishes.
- Installation of high efficiency water fittings and fixtures.
- Use of responsibly sourced building materials.

Conditions which would give force to the ESD Report will be included on any permit issued.

11.7.2 Stormwater Management (Water Sensitive Urban Design)

The objectives of this policy include:

- *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.*

Clause 22.23 provides that it is policy that development applications relating to new buildings incorporate water sensitive urban design that achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Guidelines, CSIRO 1999 (or as amended).

The permit applicant has supplied an ESD Report confirming that the development would achieve a 119% STORM Rating, exceeding minimum requirements.

Civil Engineering conditions will be included on any permit being granted, as recommended by Council's Principal Engineer (Infrastructure), to ensure that the development complies with Local Planning Policy Clause 22.23.

11.8 Traffic and Engineering

11.8.1 Traffic impacts

Council's Traffic Engineer has not raised any concerns in relation to traffic impacts from the proposal, nor the loading or access arrangements.

Furthermore, it is not considered that the provision of 14 car spaces, accessed via an existing laneway would result in any unreasonable traffic impacts.

11.8.2 Bicycle facilities

Pursuant to Clause 52.34 (Bicycle Facilities), the proposal would need to provide a total of 24 bicycle parking spaces, including 18 spaces for employees and six spaces for guests. It would also need to provide two showers and change rooms.

The development would provide a total of 36 secure bicycle spaces at ground level, and a further eight spaces for guests within the southern setback at ground level. Separate male and female change rooms, with two showers in each would be provided adjacent to the bicycle parking area.

This is considered to be an appropriate outcome, which well exceeds minimum requirements of Clause 52.34 (Bicycle Facilities).

11.8.3 Car parking

Pursuant to Clause 52.06 (Car Parking), the proposal would need to provide a total of 165 car spaces.

A total of 14 car parking spaces are proposed within the single basement level, accessible via the private laneway. The proposal therefore falls far short of the minimum requirements at Clause 52.06.

Notwithstanding this substantial shortfall, the site is located within 220 metres of Flagstaff Train Station, and 45 metres of the tram route along La Trobe Street. Furthermore, the site is located less than 60 metres from the Central City where Parking Overlay – Schedule 1 applies and developments are not required to provide any car parking spaces.

The provision of 14 car parking spaces is therefore considered to be an appropriate outcome, which is also supported by Council's Traffic Engineer.

11.9 Potential contamination

Planning Scheme Amendment C309 would apply an Environmental Audit Overlay (EAO) to the subject site. Pursuant to Clause 45.03 (Environmental Audit Overlay), the requirements of the Overlay only apply to sensitive land uses.

As such, no conditions relating to potentially contaminated land will be included on any permit issued.

11.10 Equitable development rights

It is considered that the layout of the proposed development would allow equitable development opportunities for all neighbouring parcels of land, noting the following:

- The proposed building maintains a six metre setback to the south, which, if replicated would result in a substantial 12 metre building separation.
- The proposed building maintains a 4.5 metre setback to the west, which, if replicated would result in an adequate nine metre building separation.
- The building would be fully built to its northern boundary, which would allow buildings to the north to also build to that boundary.
- The proposed development does not rely on borrowed outlook over any neighbouring site.

11.11 Objector Concerns

Where concerns raised in an objection have not been addressed in the above assessment, these matters have been separately considered below.

11.11.1 Excessive floor-to-floor heights

The proposal would have floor-to-floor heights of 3.7 metres, which is considered appropriate for an office building, where daylight must extend further into a floorplate. The proposed floor-to-ceiling heights are consistent with the C309 version of DDO33.

11.11.2 Glare from glazing

A condition on any permit issued will require a condition restricting glazing to a maximum 15 per cent reflectivity.

11.11.3 Loss of views to Flagstaff Gardens

Any development on the subject site will result in a reduction of views towards Flagstaff Gardens from the west. The provision of a six metre setback along the southern boundary will, however, avoid a continuous line of built form and preserve some views between buildings towards Flagstaff Gardens.

11.11.4 Safety concerns due to overshadowing of the La Trobe / King Street intersection

Overshadowing of a roadway is not considered to be a significant safety concern.

11.11.5 Use of laneway in FAR calculation

Pursuant to Section 2.1 (Definitions) of the C309 version of DDO33, Floor Area Ratio is calculated as follows:

- *Gross floor area includes all enclosed areas, services, lifts, car stackers and covered balconies.*
- *Gross floor area excludes Bonus Floor Area.*
- *The area of the site includes all contiguous titles in the same ownership that form part of the proposed development.*

The adjacent laneway is a contiguous title that is owned by the same company as the building, and forms part of the subject site. The use of this land in FAR calculations is consistent with the definition of such in the C309 version of DDO33.

11.11.6 Construction activities

A Construction Management Plan condition will be included on any permit being granted requiring the developer to prepare and submit a detailed construction management plan to Council's Construction Management group, which, when approved, set out how construction processes will be carried out having regard to the following considerations:

- Public safety, amenity and site security.
- Operating hours, noise and vibration controls.
- Air and dust management.
- Stormwater and sediment control.
- Waste and materials reuse.
- Traffic management.
- Protection of street trees.

11.11.7 Loss of income and devaluation of property

The loss of income or devaluation of a property, in association with a proposed development, does not fall within the remit of Council's discretion when assessing a planning application in accordance with the *Planning and Environment Act 1987*.

12 CONCLUSION

Subject to conditions, the proposed development will respond appropriately to its heritage context, complying with Local Planning Policy Clause 22.05 (Heritage Places outside the Capital City Zone) and Clause 22.17 (Urban Design outside the Capital City Zone), will meet the requirements of Schedule 33 to the Design and Development Overlay, and will not result in unreasonable amenity impacts to the public realm or adjacent properties..

13 RECOMMENDATION

Having considered all relevant provisions of the Melbourne Planning Scheme, in addition to the matters required under Section 60 of the *Planning and Environment Act 1987*, Planning recommends that the Future Melbourne Committee issue:

- A Notice of Decision to Grant a Permit, subject to the conditions set out below.

The above recommendation was presented to the Lord Mayor, Deputy Lord Mayor and Councillors at the Future Melbourne Committee Meeting scheduled for 4 May 2021.

13.1 Permit Preamble

Partial demolition, alterations, construction of a multi-level office building and reduction in the provision of car parking in accordance with the endorsed plans.

13.2 Permit Conditions

Amended Plans

1. Prior to the commencement of the development, including demolition and bulk excavation, plans drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans prepared by Gray Puksand, dated 15 September 2020 (Drawings S000 – S310), but amended to show:
 - a) Annotations to the retained heritage roof, confirming retention of the existing saw-tooth roof structure, associated highlight windows and roof surfaces.
 - b) Retention of the sawtooth highlight windows and immediately adjoining roof (2.9 metre width) along the southern elevation for a distance of approximately 13.6 metres from the front façade (to match the extent of retained wall).
 - c) Replacement of the existing aluminium-framed windows along the King Street facade with steel-framed windows in the original fenestration pattern as shown at Figure 1, page 5 in the Heritage Impact Statement, prepared by Trethowan, dated 2 October 2019.
 - d) Provision of engineering controls, such as convex mirrors, signage or other measures to improve safety for pedestrians crossing in front of the laneway, or as otherwise agreed by the Responsible Authority.
 - e) Any changes required by the endorsed Façade Strategy pursuant to Condition 3.

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

Layout not altered and satisfactory completion

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

Architecture

3. Prior to the commencement of the development, a Façade Strategy must be submitted to and approved by the Responsible Authority. Unless otherwise approved by the Responsible Authority, the Façade Strategy must be generally in accordance with the endorsed plans and must show:
 - a) Detailed design information of external materials, colours, finishes, glazing and reflectivity, to ensure a satisfactory visual and function performance of all facades.
 - b) Use of a higher level of articulation and visual interest to the northern façade including the use of rebates, a high level of material quality, and variation in design treatments.
4. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.
5. Prior to the occupation of the development, all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.

6. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

Heritage Retention (Structural Engineer's Report)

7. Prior to the commencement of the development, including demolition and bulk excavation, a report prepared by a suitably qualified Structural Engineer, or equivalent, must be submitted to the Responsible Authority, demonstrating the means by which the retained portions of building, including the facades, highlights and roof structure, will be supported during demolition and construction works to ensure their retention, to the satisfaction of the Responsible Authority. The recommendations contained within this report must be implemented at no cost to City of Melbourne and be to the satisfaction of the Responsible Authority.
8. Before the development starts, including demolition and bulk excavation, a Conservation Management Plan and a Work Method Statement for the existing building on the land must be submitted to and be approved by Melbourne City Council. The Conservation Management Plan and the Work Method Statement must include:
 - a) Details of how the retained portion of the building is going to be supported during demolition, excavation and construction works.
 - b) Details of the restoration within the building.
 - c) Detailed construction drawings.
 - d) A comprehensive coloured photographic record of the building recording the interior and exterior of the building and accompanied by plans indicating the location of the photographs.
9. When approved, the Conservation Management Plan will form part of the permit. Works to the building at 363 King Street, West Melbourne, approved under this permit must be undertaken in accordance with the Conservation Management Plan to the satisfaction of Melbourne City Council.
10. Before the development starts, including demolition and bulk excavation, a bank guarantee or bond to the value of \$150,000 must be deposited with Melbourne City Council to ensure that the existing building is not demolished except to complete the development in accordance with the endorsed plans. The bank guarantee or bond will be returned when the works are completed to the satisfaction of Melbourne City Council.

Construction Management Plan

11. Prior to the commencement of the development, including demolition and bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group.

This construction management plan must be prepared in accordance with the City of Melbourne - 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.

Waste Management

12. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Leigh Design dated 27 August 2019.

The submitted WMP must not be altered without prior consent of the City of Melbourne – Waste and Recycling.

13. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design

14. 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 ESD report prepared by Irwinconsult dated 25 September 2020, 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, 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.

Civil Design

15. Drainage system upgrade

Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Responsible Authority – Infrastructure and Assets. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system in Jeffcott Street. Where necessary, the City of Melbourne's drainage network must be upgraded to accept the discharge from the site in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.

16. Demolish and construct access

Prior to the commencement of the use, 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 Responsible Authority – Infrastructure and Assets.

17. Roads

All portions of roads and laneways affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.

18. New public road

Prior to the commencement of the development, excluding demolition works on site, the detailed engineering plans showing reconstruction of the road between Jeffcott Street and the southern boundary of 371 King Street must be submitted to and approved by the Responsible Authority – Infrastructure and Assets.

19. Prior to the commencement of use, a portion of the subject land between Jeffcott Street and the southern boundary of 371 King Street must be vested in favour of the Melbourne City Council as a road and reconstructed together with associated works including the provision of drainage, public lighting and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.

20. Footpath

The footpath adjoining the site along King Street must be reconstructed together with associated works including the renewal of kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.

21. Street levels not to be altered

Existing street levels in King Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Infrastructure and Assets.

22. Existing street lighting not altered without approval

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 Responsible Authority – Infrastructure and Assets.

23. Existing street furniture

Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – Infrastructure and Assets.

Building Appurtenances, Services and External Lighting

24. All external lighting of the site, including car parking areas and buildings, must be located, directed and baffled so that no nuisance is caused to adjoining or nearby residents. All external lighting must be energy efficient. External lighting must be to the satisfaction of the Responsible Authority.

25. 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.

26. 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.

27. 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.

3D Digital Model

28. 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 Responsible Authority.

Permit Expiry

29. 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 five 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.

13.3 Permit Notes

Engineering Services Approvals

All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the responsible authority – Engineering Services.

Other Approvals May be Required

This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

Building Approval Required

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

Building Works to Accord with Planning Permit

The applicant / owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant / owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

Projections

All projections over the street alignment must conform to Building Regulations 2006, Part 5, Sections 505 to 514 as appropriate, unless with the report and consent of the Municipal Building Surveyor.

Reference may be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face / back of kerb, which can be located at the following website:

<https://www.melbourne.vic.gov.au/SiteCollectionDocuments/road-encroachment-guidelines.pdf>

Use of Private Laneway in association with construction activities

Council have no jurisdiction to manage, permit or enforce the occupation and use of any private lanes or private parcels of land for the purposes of construction management, except in accordance with Section 9.5 of the City of Melbourne Activities Local Law 2009 which is limited to controlling the hours within which building works may be carried out by builders / contractors.

The occupation and use of private lanes / parcels of land is a civil matter between the parties involved.

On-street Parking Restrictions will not be altered to Accommodate Development

Council will not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development, as the restrictions are designed to cater for a number of other competing demands and access requirements.