

MATERIAL LEGEND

AL-01	Aluminium louver roof – crown	GL-01	Glazed curtain wall – tower office
AL-02	Aluminium louver façade – crown	GL-02	Glazed curtain wall – crown
CN-01	Fair faced concrete – loading dock, core and columns	GL-03	Glazed curtain wall – bridge
CF-01	Ceramic façade – core	GL-04	Glazed frameless rain screen – plaza levels
CF-02	Ceramic façade – tower core/ glazed openings	GL-05	Glazed frameless façade – plaza/ curved façade with operable glazing
CF-03	Ceramic façade – tower core/ crown	GL-06	Glazed frameless façade – plaza/ curved façade with timber fins
CF-04	Ceramic façade/ cast aluminium – podium core/ L01	GL-07	Glazed frameless façade – plaza/ curved façade with operable glazing
		PV-01	Photovoltaic panels – roof
		RF-01	Canopy – plaza/ lightweight structure with low-iron glass panels
		SC-01	Fins – plaza/ expanded metal
		WD-01	Timber – tower soffit

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Nominated Architect
 Ray Brown, NSWARB 6359

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A	For Pre-Application	23/06/2020
B	For Planning Application	09/11/2020
C	HV RFI Response	16/02/2021
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G	Revised Planning Application	22/02/2022

- Commercial
- Terrace
- Plant
- Lobby / EOT
- Proposed Walls
- Existing Walls
- Site Subdivision & Fire Separation Line
- Proposed Demolition walls

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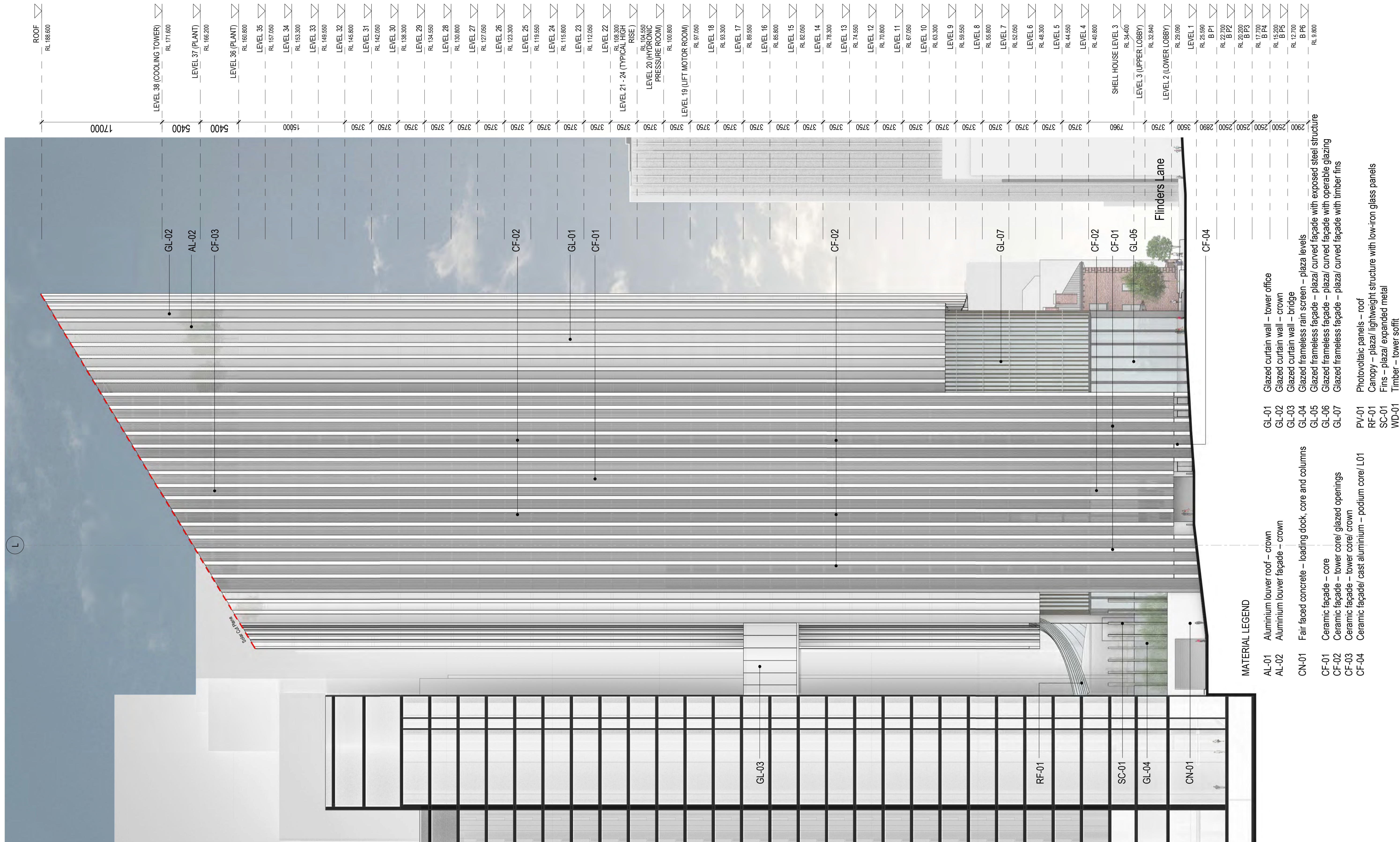
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 ABN 90 131 245 684

checked I+A scale 1 : 250@A1
 drawn I+A project no 190244

project
 1 SPRING STREET, MELBOURNE

drawing
 NORTH ELEVATION

drawing no. DA2000 issue G



MATERIAL LEGEND

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CF-02	Ceramic façade – tower core/ glazed openings	GL-05	Glazed frameless façade – plaza/ curved façade with exposed steel structure
CF-03	Ceramic façade – tower core/ crown	GL-06	Glazed frameless façade – plaza/ curved façade with operable glazing
CF-04	Ceramic façade/ cast aluminium – podium core/ L01	GL-07	Glazed frameless façade – plaza/ curved façade with timber fins
		PV-01	Photovoltaic panels – roof
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		WD-01	Timber – tower soffit

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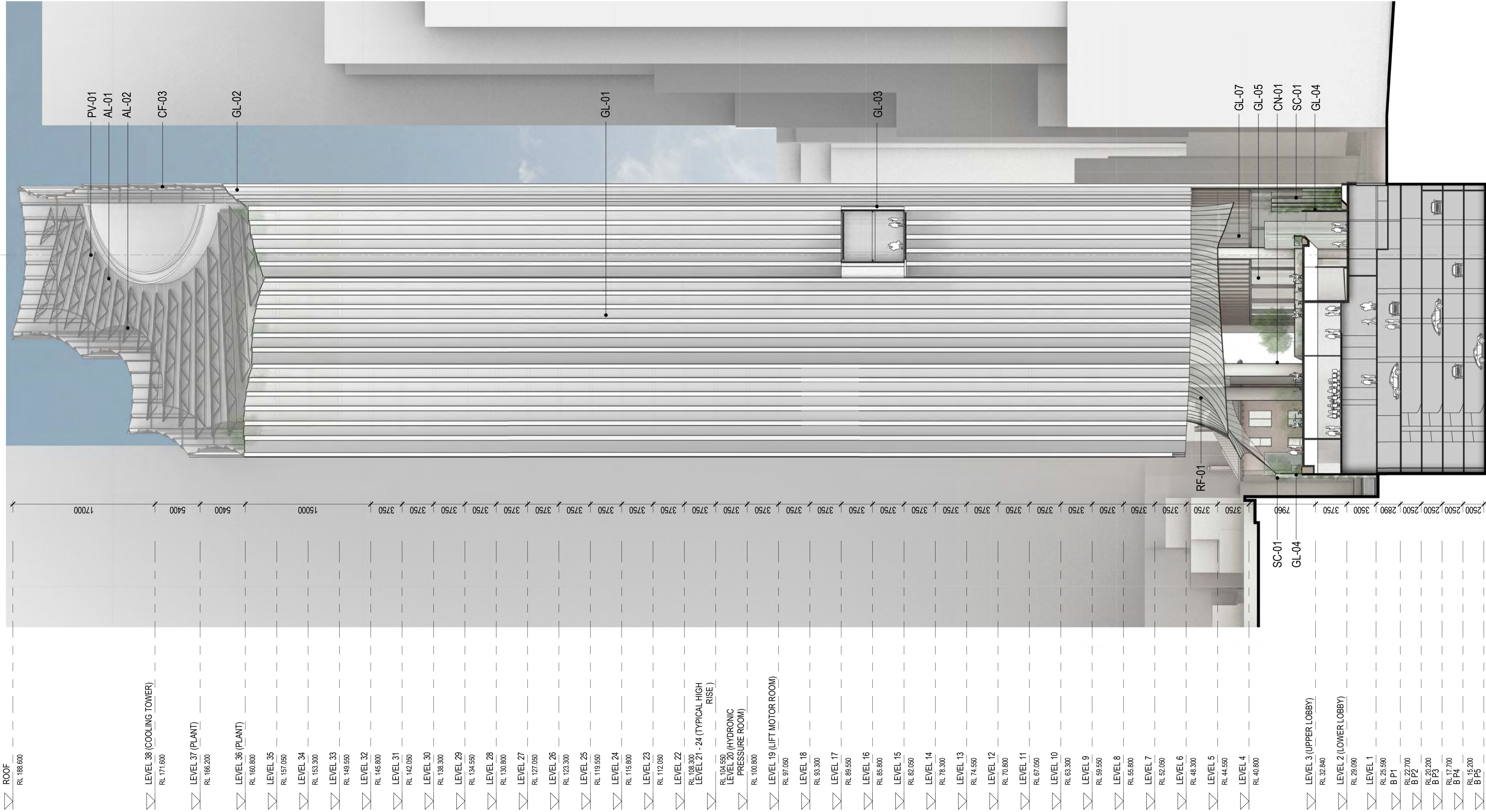
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project
1 SPRING STREET, MELBOURNE

drawing
EAST ELEVATION

drawing no. DA2001
issue G

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- GL-01 Glazed curtain wall – tower office
- GL-02 Glazed curtain wall – crown
- GL-03 Glazed curtain wall – bridge
- GL-04 Glazed frameless rain screen – plaza levels
- GL-05 Glazed frameless façade – plaza/ curved façade with exposed steel structure
- GL-06 Glazed frameless façade – plaza/ curved façade with operable glazing
- GL-07 Glazed frameless façade – plaza/ curved façade with timber fins
- PV-01 Photovoltaic panels – roof
- RF-01 Canopy – plaza/ lightweight structure with low-iron glass panels
- SC-01 Fins – plaza/ expanded metal
- WD-01 Timber – tower soffit

- AL-01 Aluminium louver roof – crown
- AL-02 Aluminium louver façade – crown
- CN-01 Fair faced concrete – loading dock, core and columns
- CF-01 Ceramic façade – core
- CF-02 Ceramic façade – tower core/ glazed openings
- CF-03 Ceramic façade – tower core/ crown
- CF-04 Ceramic façade/ cast aluminium – podium core/ L01

MATERIAL LEGEND

ROOF	RL 168.600
LEVEL 38 (COOLING TOWER)	RL 171.600
LEVEL 37 (PLANT)	RL 166.200
LEVEL 36 (PLANT)	RL 160.800
LEVEL 35	RL 157.050
LEVEL 34	RL 153.300
LEVEL 33	RL 149.550
LEVEL 32	RL 145.800
LEVEL 31	RL 142.050
LEVEL 30	RL 138.300
LEVEL 29	RL 134.550
LEVEL 28	RL 130.800
LEVEL 27	RL 127.050
LEVEL 26	RL 123.300
LEVEL 25	RL 119.550
LEVEL 24	RL 115.800
LEVEL 23	RL 112.050
LEVEL 22	RL 108.300
LEVEL 21 - 24 (TYPICAL HIGH RISE)	RL 104.550
LEVEL 20 (HYDROMIC PRESSURE ROOM)	RL 100.800
LEVEL 19 (LIFT MOTOR ROOM)	RL 97.050
LEVEL 18	RL 93.300
LEVEL 17	RL 89.550
LEVEL 16	RL 85.800
LEVEL 15	RL 82.050
LEVEL 14	RL 78.300
LEVEL 13	RL 74.550
LEVEL 12	RL 70.800
LEVEL 11	RL 67.050
LEVEL 10	RL 63.300
LEVEL 9	RL 59.550
LEVEL 8	RL 55.800
LEVEL 7	RL 52.050
LEVEL 6	RL 48.300
LEVEL 5	RL 44.550
LEVEL 4	RL 40.800
LEVEL 3 (UPPER LOBBY)	RL 32.840
LEVEL 2 (LOWER LOBBY)	RL 29.090
LEVEL 1	RL 25.590
B P1	RL 22.700
B P2	RL 20.200
B P3	RL 17.700
B P4	RL 15.200
B P5	RL 12.700
B P6	RL 9.900

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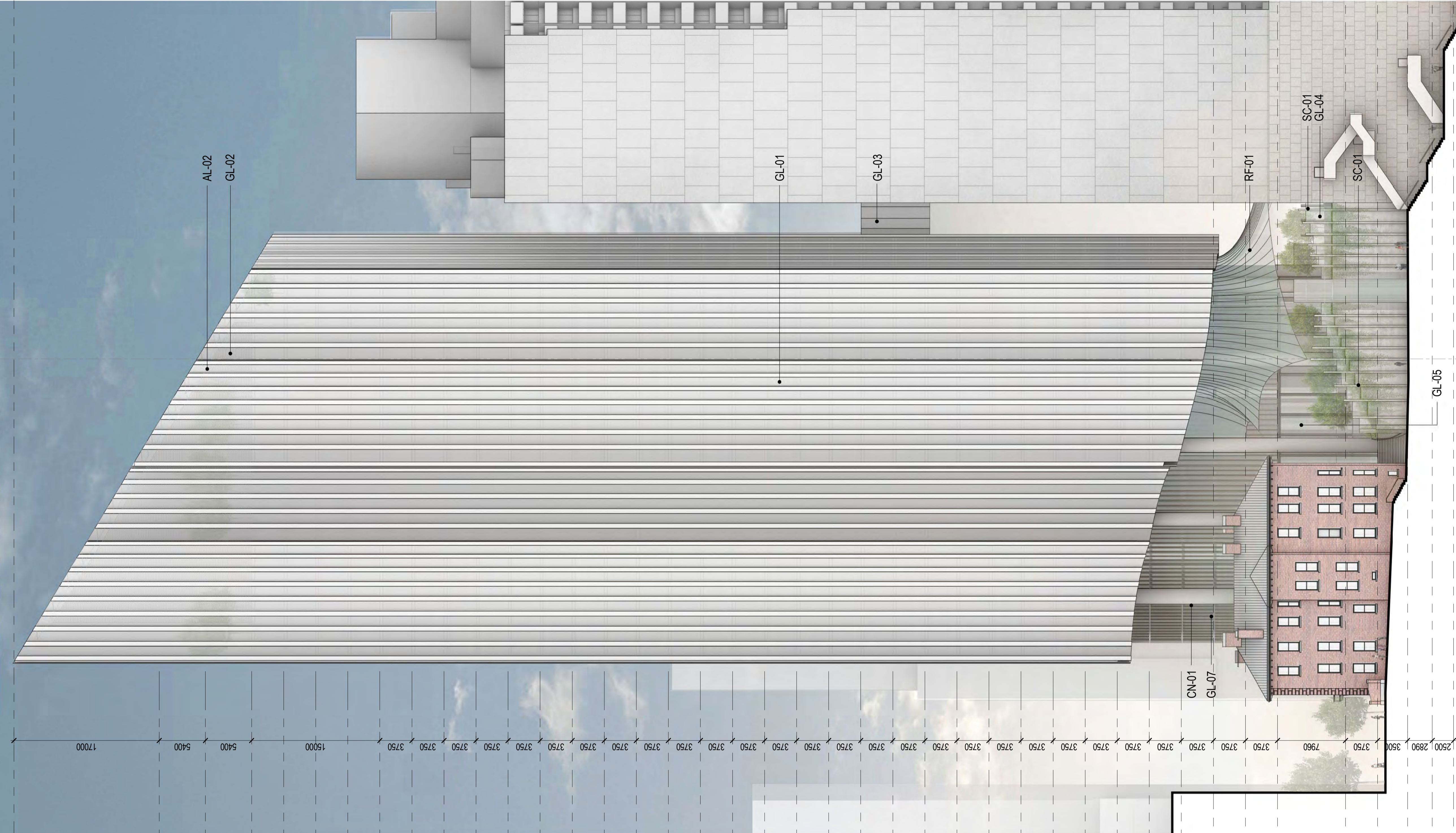
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project
 1 SPRING STREET, MELBOURNE
 drawing
SOUTH ELEVATION
 drawing no.
DA2002
 issue
G

ROOF
RL 188.600

L



LEVEL 38 (COOLING TOWER)
RL 171.800

LEVEL 37 (PLANT)
RL 166.200

LEVEL 36 (PLANT)
RL 160.800

LEVEL 35
RL 157.050

LEVEL 34
RL 153.300

LEVEL 33
RL 149.550

LEVEL 32
RL 145.800

LEVEL 31
RL 142.050

LEVEL 30
RL 138.300

LEVEL 29
RL 134.550

LEVEL 28
RL 130.800

LEVEL 27
RL 127.050

LEVEL 26
RL 123.300

LEVEL 25
RL 119.550

LEVEL 24
RL 115.800

LEVEL 23
RL 112.050

LEVEL 22
RL 108.300

LEVEL 21 - 24 (TYPICAL HIGH RISE)
RL 104.550
LEVEL 20 (HYDRO-PRESSURE ROOM)
RL 100.800

LEVEL 19 (LIFT MOTOR ROOM)
RL 97.050

LEVEL 18
RL 93.300

LEVEL 17
RL 89.550

LEVEL 16
RL 85.800

LEVEL 15
RL 82.050

LEVEL 14
RL 78.300

LEVEL 13
RL 74.550

LEVEL 12
RL 70.800

LEVEL 11
RL 67.050

LEVEL 10
RL 63.300

LEVEL 9
RL 59.550

LEVEL 8
RL 55.800

LEVEL 7
RL 52.050

LEVEL 6
RL 48.300

LEVEL 5
RL 44.550

LEVEL 4
RL 40.800

LEVEL 3 (UPPER LOBBY)
RL 32.840

LEVEL 2 (LOWER LOBBY)
RL 29.090

LEVEL 1
RL 25.340

B P1
RL 21.590

B P2
RL 17.840

B P3
RL 14.090

B P4
RL 10.340

B P5
RL 6.590

B P6
RL 2.840

RL 9.800

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- CF-03 Ceramic façade - lower core/ crown
- CF-04 Ceramic façade/ cast aluminium - podium core/ L01
- GL-01 Glazed curtain wall - tower office
- GL-02 Glazed curtain wall - crown
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- GL-04 Glazed frameless rain screen - plaza levels
- GL-05 Glazed frameless façade - plaza/ curved façade with exposed steel structure
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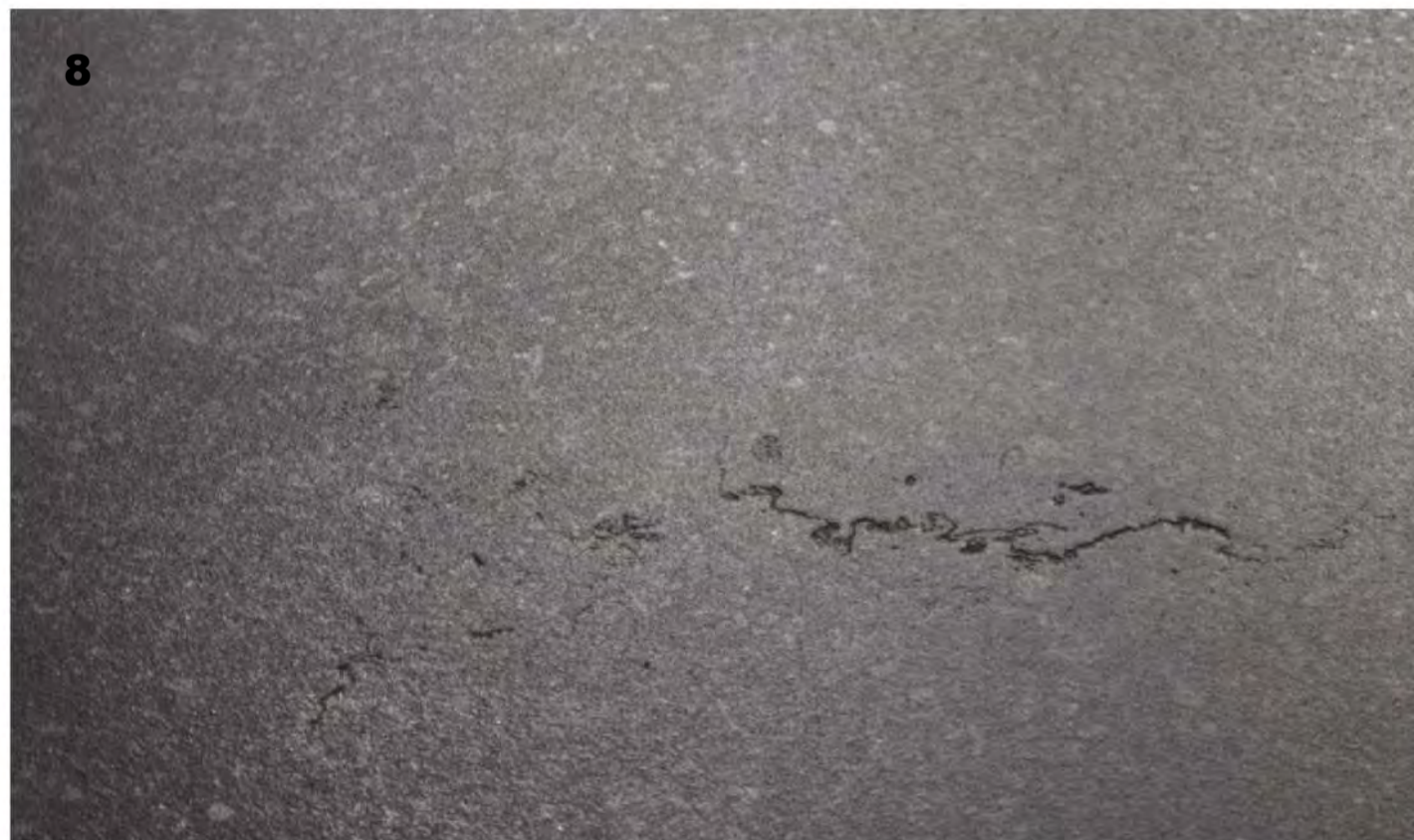
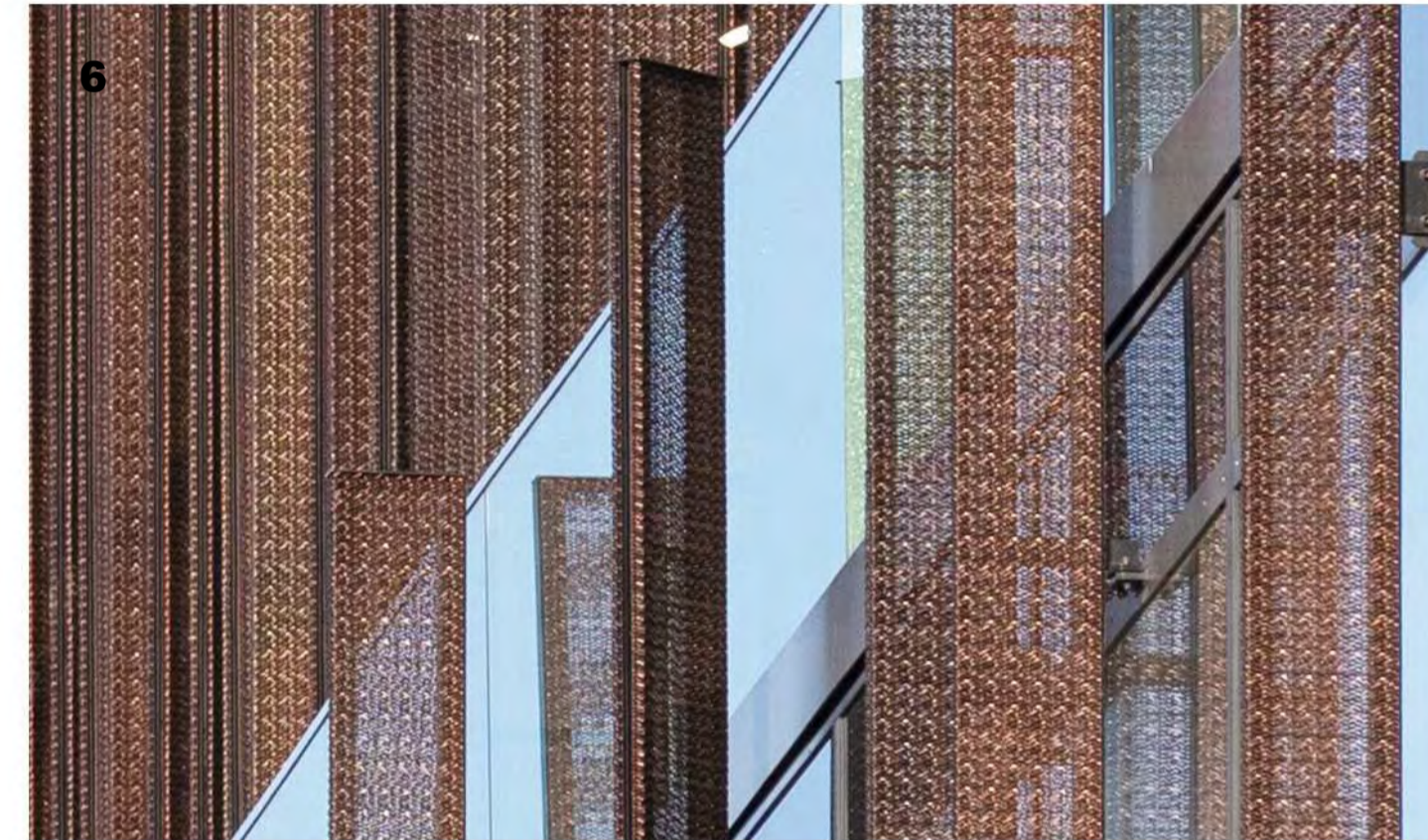
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project
1 SPRING STREET, MELBOURNE

drawing
WEST ELEVATION

drawing no. DA2003 issue G



1 + 2 Ceramic

High performance architectural terracotta product
 Special profiled shape with internal steel reinforcement
 Pure white color with matte finish
 Reference product: www.nbkterracotta.com

3 Steelwork

Exposed architectural steelwork to AESS category 4
 Fabricated sections with integrated and concealed services
 Highly decorative coating
 Light grey color with matte finish

4 Textured plaster

Plaster to match existing finish of Tower 1 meeting room walls

5 Fair faced concrete

High quality fair faced concrete to class 2 AS
 Consistent color and natural appearance
 Selected aggregates

**6 Landscaped fins
 (subject further design development)**

Expanded aluminium cladding mounted to
 High quality steelwork partially designed for canopy support
 Highly decorative coating

7 Timber

Australian hardwood in large formats
 Species: Tasmanian Oak
 Finish: oiled or equivalent

8 Bluestone

Australian Bluestone
 150x600mm long ribbons laid random
 Finish: Rough sawn and/ or sandblasted

9 Marble

White marble stone in large three dimensional formats
 Consistent visual appearance with discreet veins

Notes

Tower façade glazing – extra clear double or triple glazing/
 straight panels/ low-iron glass with a minimum of 60% light
 transmission and a maximum of 16% outer reflection

Podium façade glazing – extra clear single or double glass units/
 straight and curved panels/ up to two storey high panels
 supported by cable net or glass mullions/ low-iron glass

Plaza roof glazing – lightweight support system and
 low-iron glass panels subject to further design development

Plaza rain screen – frameless extra clear single glazing / curved
 and straight panels / low-iron glass

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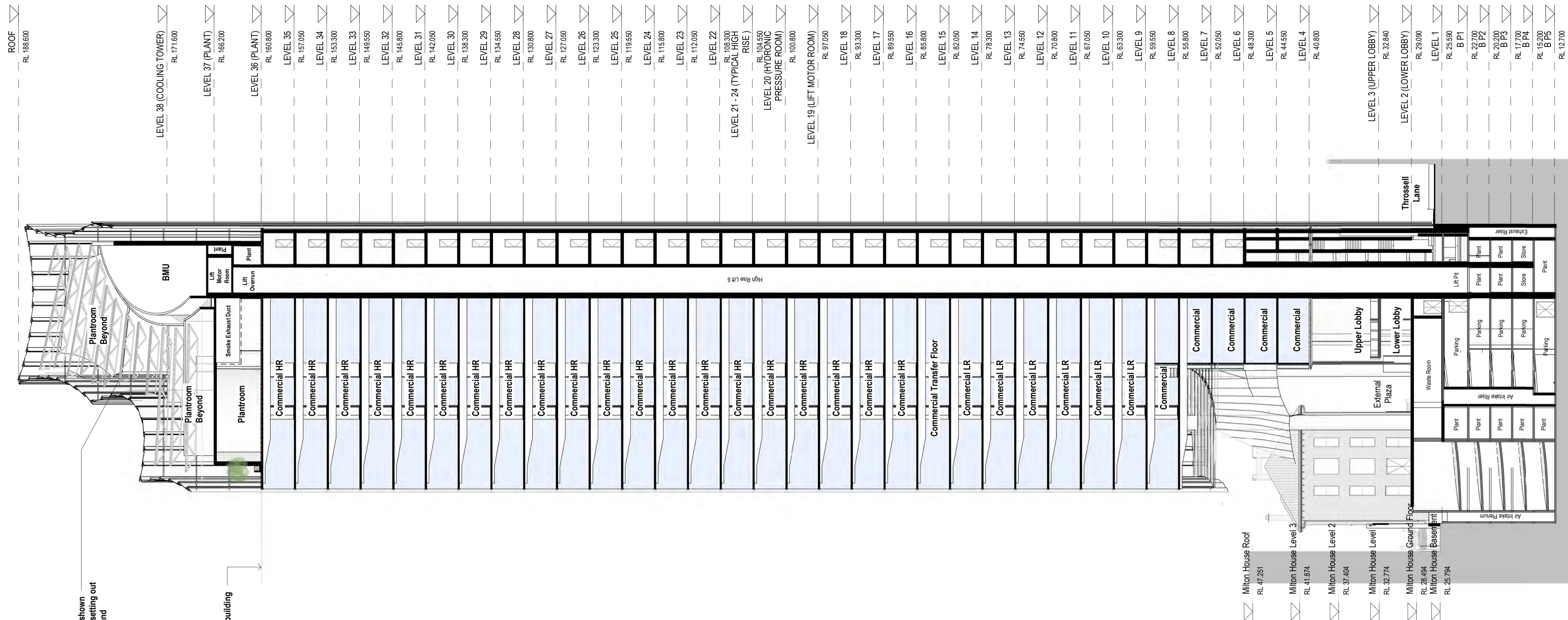
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drawn	I+A	project no	190244

project
 1 SPRING STREET, MELBOURNE

drawing
 MATERIAL BOARD

drawing no.	DA2004	issue	G
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PV panels and structure shown indicatively. Design and setting out to be further developed and coordinated

Maximum height of building (160.80 m)

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project
1 SPRING STREET, MELBOURNE

drawing
SECTION 1 - EAST / WEST

drawing no.	DA2500	issue	G
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L

LEVEL 38 (COOLING TOWER)
RL 171.600

LEVEL 37 (PLANT)
RL 166.200

LEVEL 36 (PLANT)
RL 160.800

LEVEL 35
RL 157.050

LEVEL 34
RL 153.300

LEVEL 33
RL 149.550

LEVEL 32
RL 145.800

LEVEL 31
RL 142.050

LEVEL 30
RL 138.300

LEVEL 29
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LEVEL 28
RL 130.800

LEVEL 27
RL 127.050

LEVEL 26
RL 123.300

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LEVEL 24
RL 115.800

LEVEL 23
RL 112.050

LEVEL 22
RL 108.300

LEVEL 21 - 24 (TYPICAL HIGH RISE)
RL 104.550

LEVEL 20 (HYDROSTATIC PRESSURE ROOM)
RL 100.800

LEVEL 19 (LIFT MOTOR ROOM)
RL 97.050

LEVEL 18
RL 93.300

LEVEL 17
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LEVEL 9
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LEVEL 8
RL 55.800

LEVEL 7
RL 52.050

LEVEL 6
RL 48.300

LEVEL 5
RL 44.550

LEVEL 4
RL 40.800

SHELL HOUSE LEVEL 3
RL 34.400

LEVEL 3 (UPPER LOBBY)
RL 32.840

LEVEL 2 (LOWER LOBBY)
RL 29.090

LEVEL 1
RL 25.340

B P1
RL 22.700

B P2
RL 20.200

B P3
RL 17.700

B P4
RL 15.200

B P5
RL 12.700

B P6
RL 9.800

PV panels and structure shown
indicatively. Design and setting out
to be further developed and
coordinated

Maximum height of building
(160.8M)

Planning Envelope -
No Overshadowing Height Plane

132.9 m

Bridge
Connection

Flinders Lane

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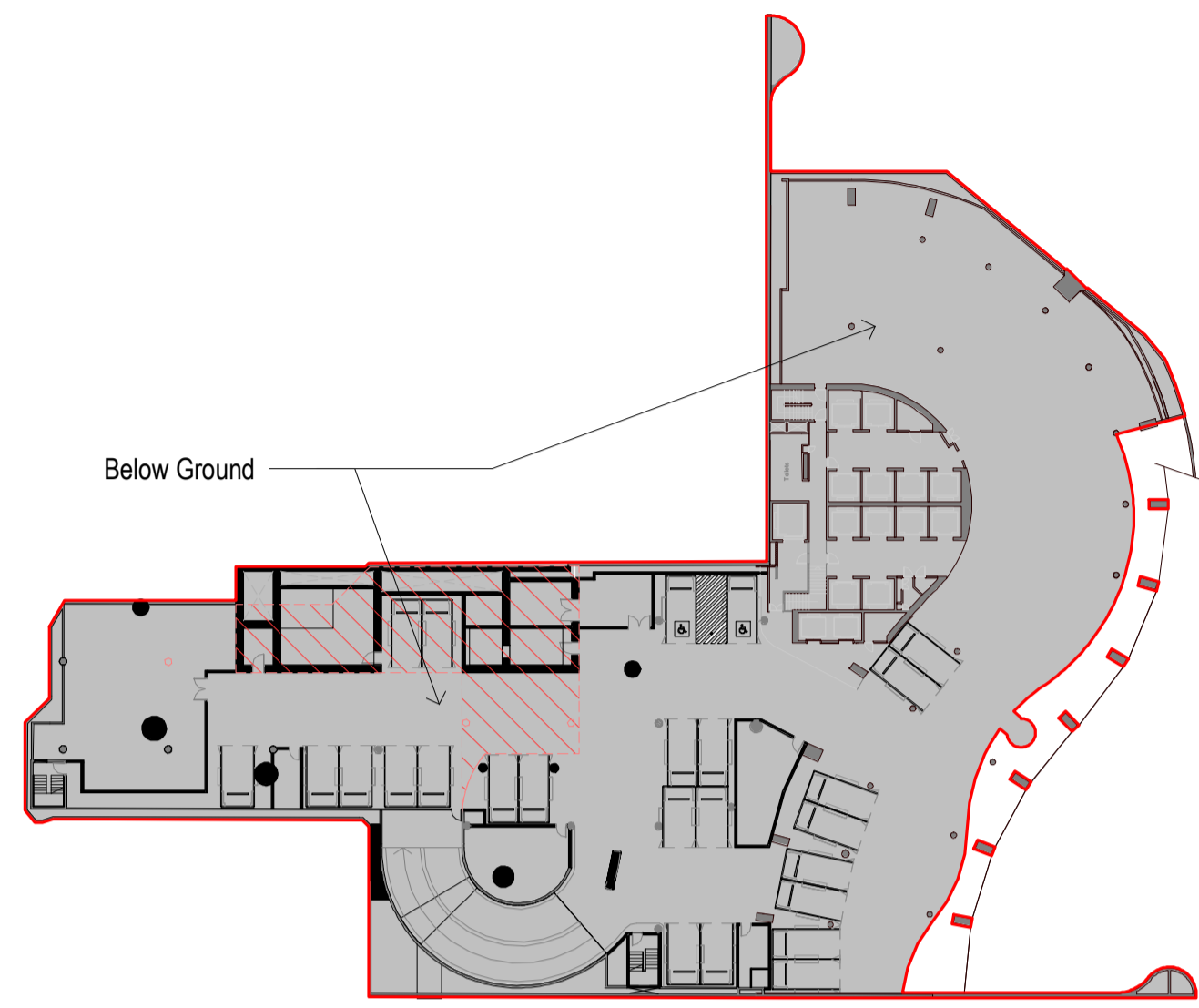
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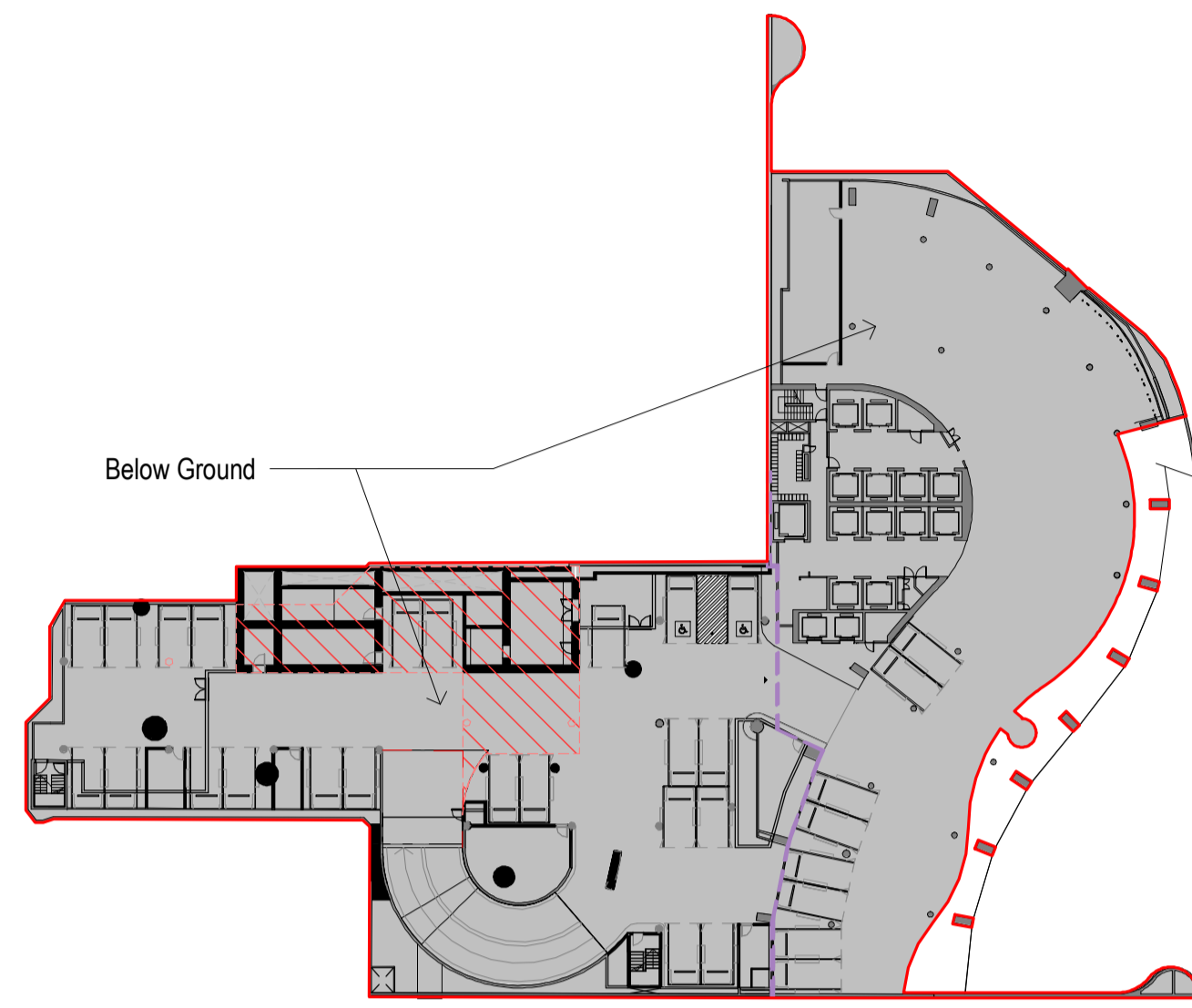
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project
 1 SPRING STREET, MELBOURNE
 drawing
 SECTION 2 - NORTH SOUTH
 drawing no.
 DA2501
 issue
 G
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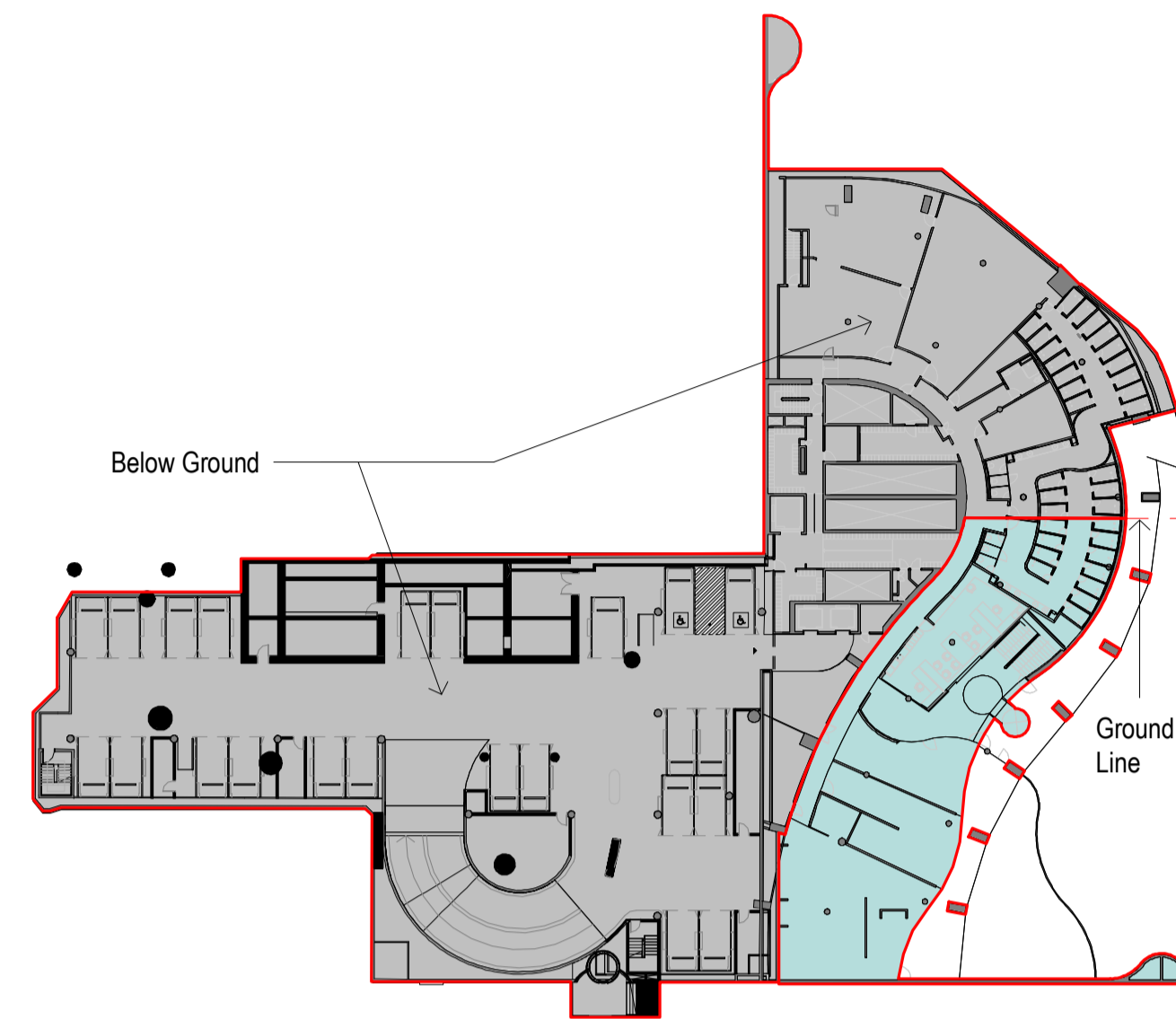
Basement P5

GFA N/A - Below Ground



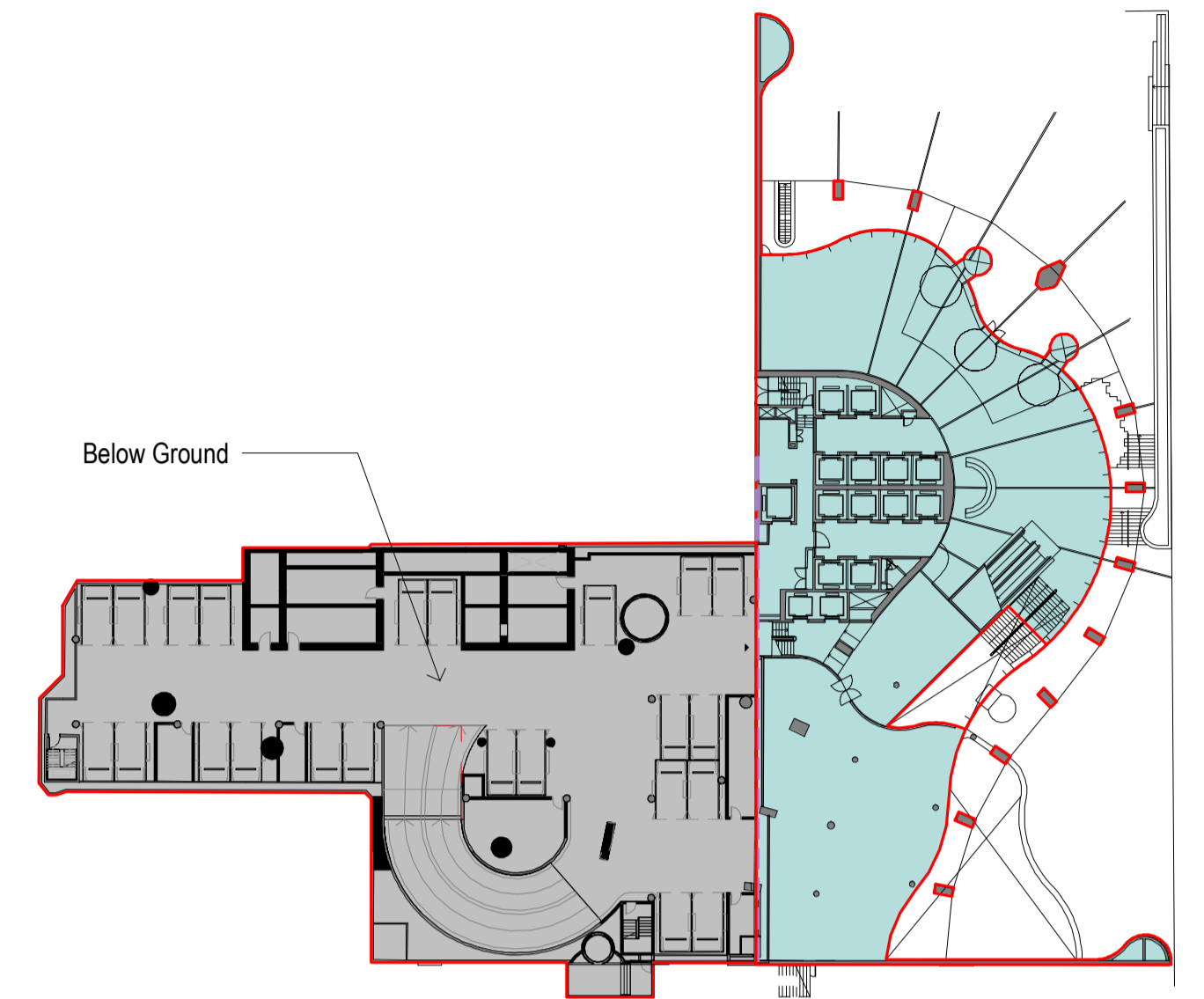
Basement P4

GFA N/A - Below Ground



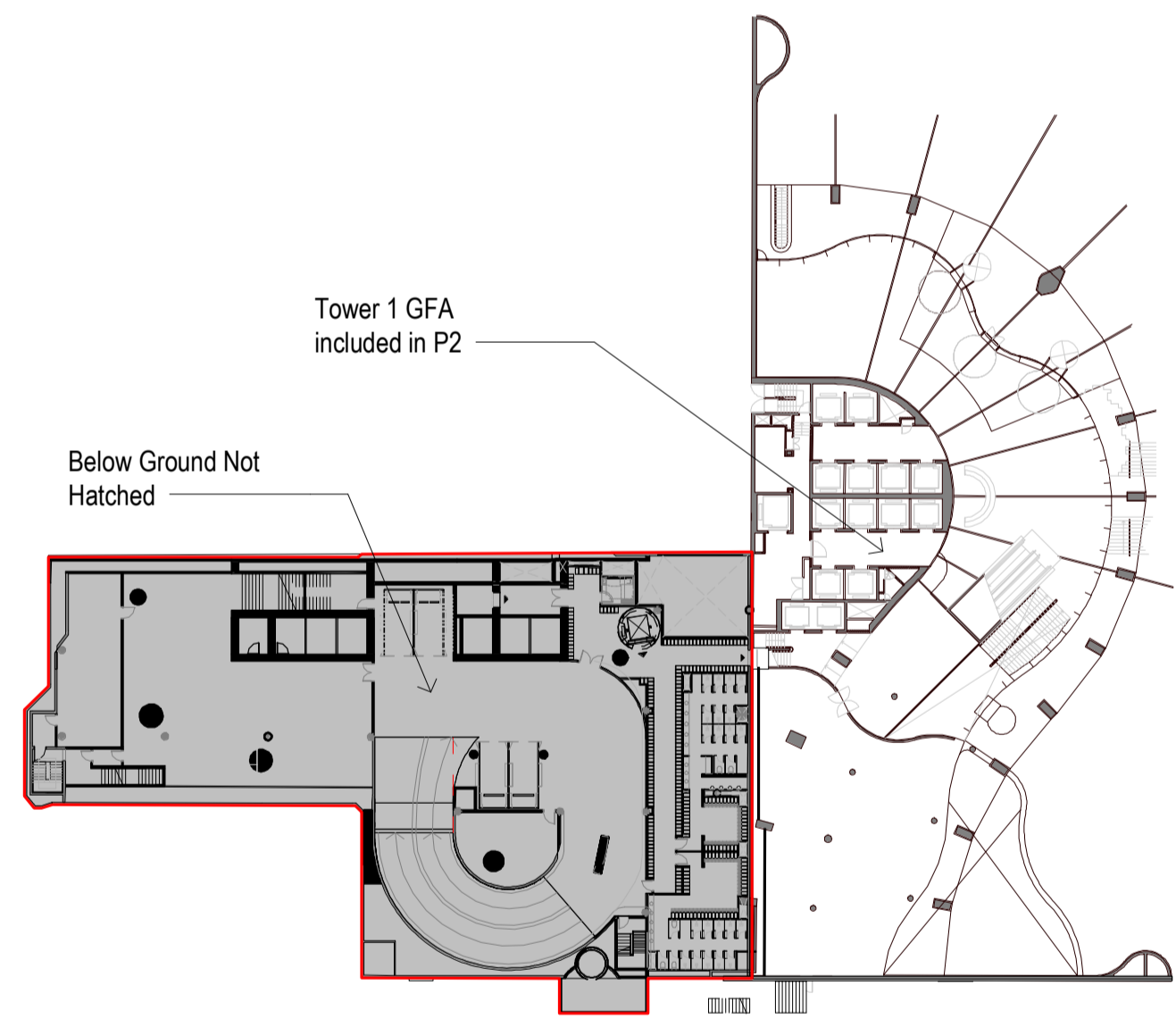
Basement P3 / Lower Lobby Podium

Tower 1 GFA 539 sqm



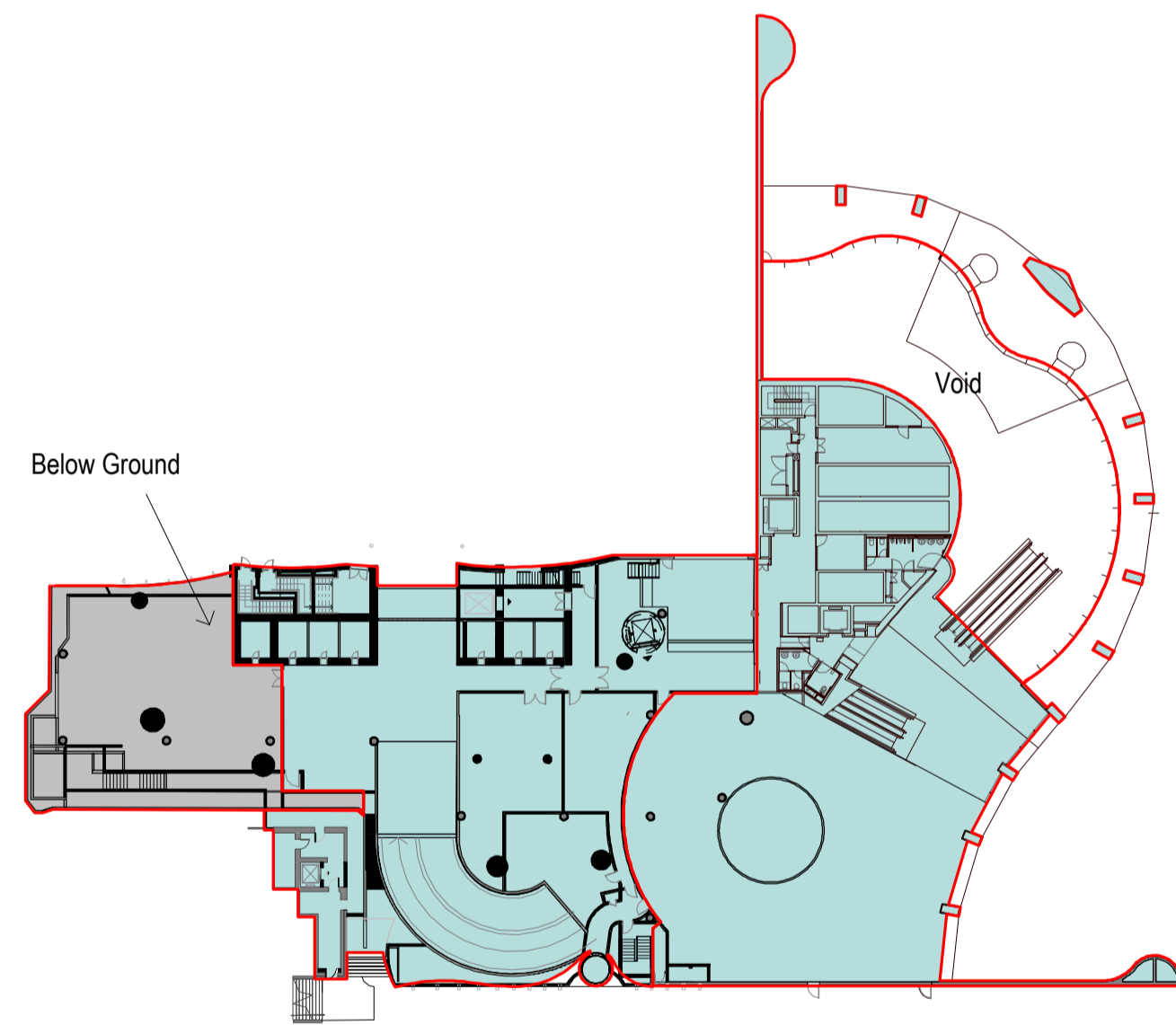
Basement P2 / Main Lobby Podium

Tower 1 GFA 1,267 sqm



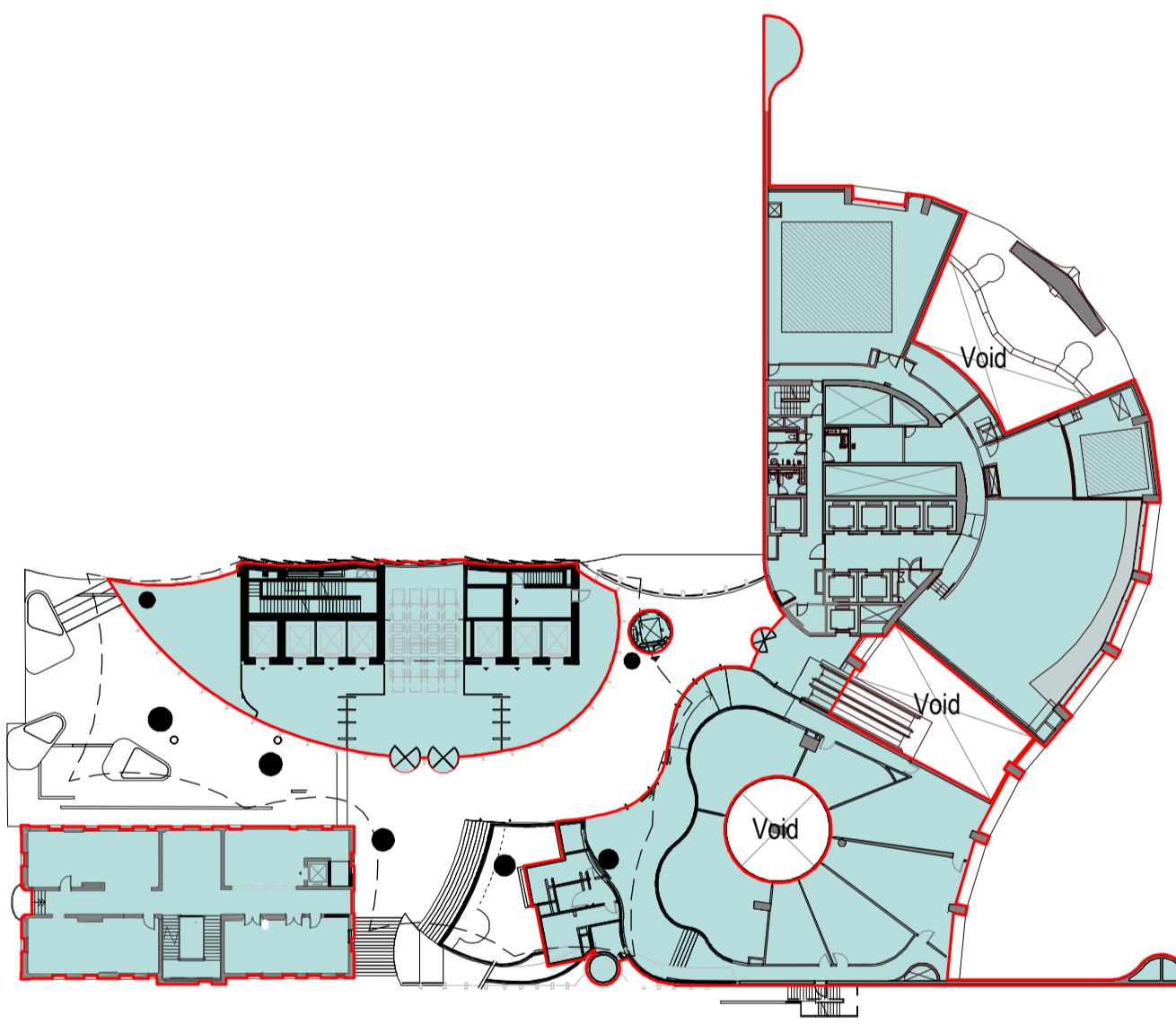
Basement P1

Tower 1 GFA N/A (Refer to P2)



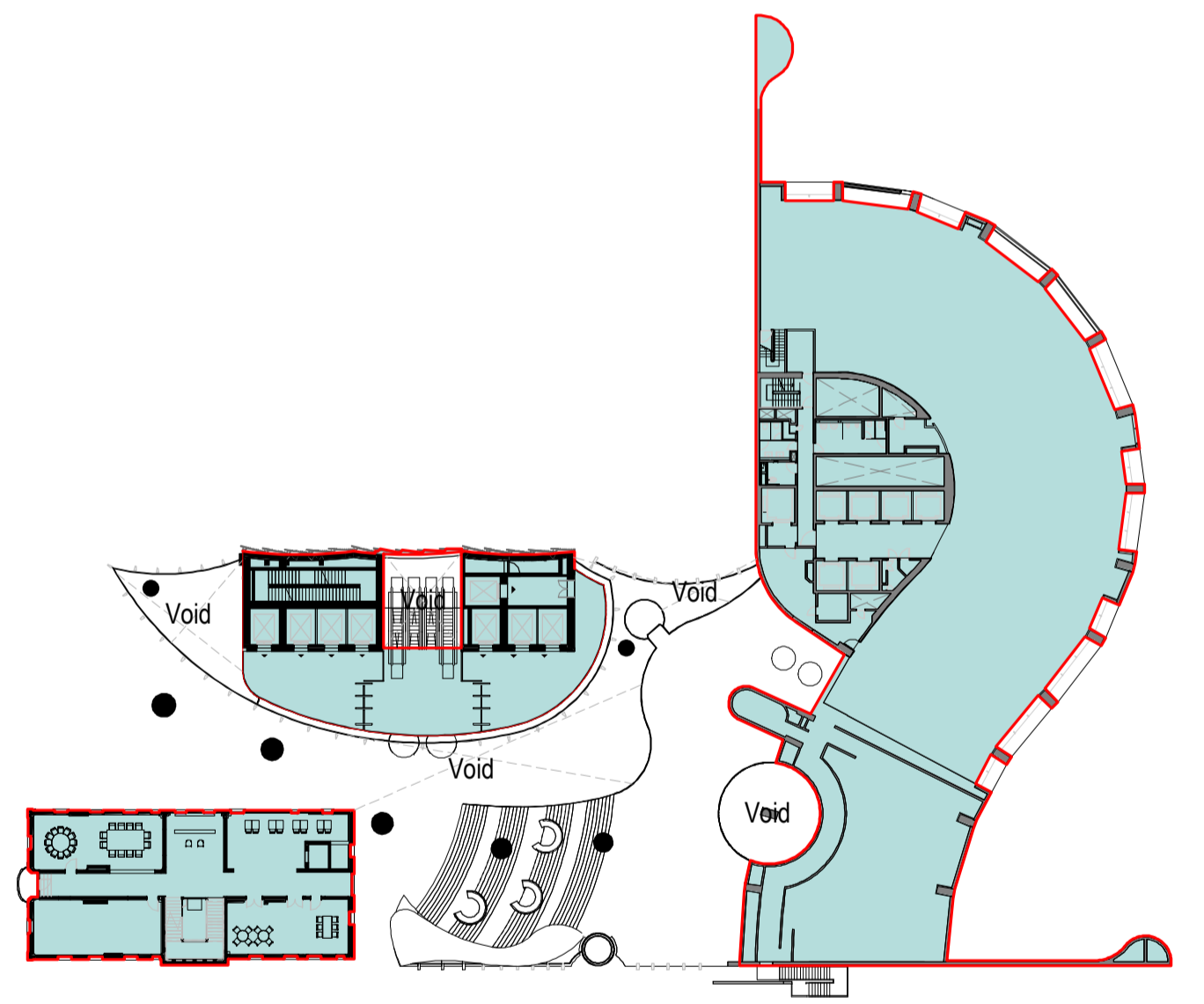
Level 1

Tower 1 GFA 1,120 sqm
Tower 2 GFA 1,077 sqm



Level 2

Tower 1 GFA 1,577 sqm
Tower 2 GFA 509 sqm
Milton House GFA 328 sqm



Level 3

Tower 1 GFA 1,483 sqm
Tower 2 GFA 352 sqm
Milton House GFA 328 sqm

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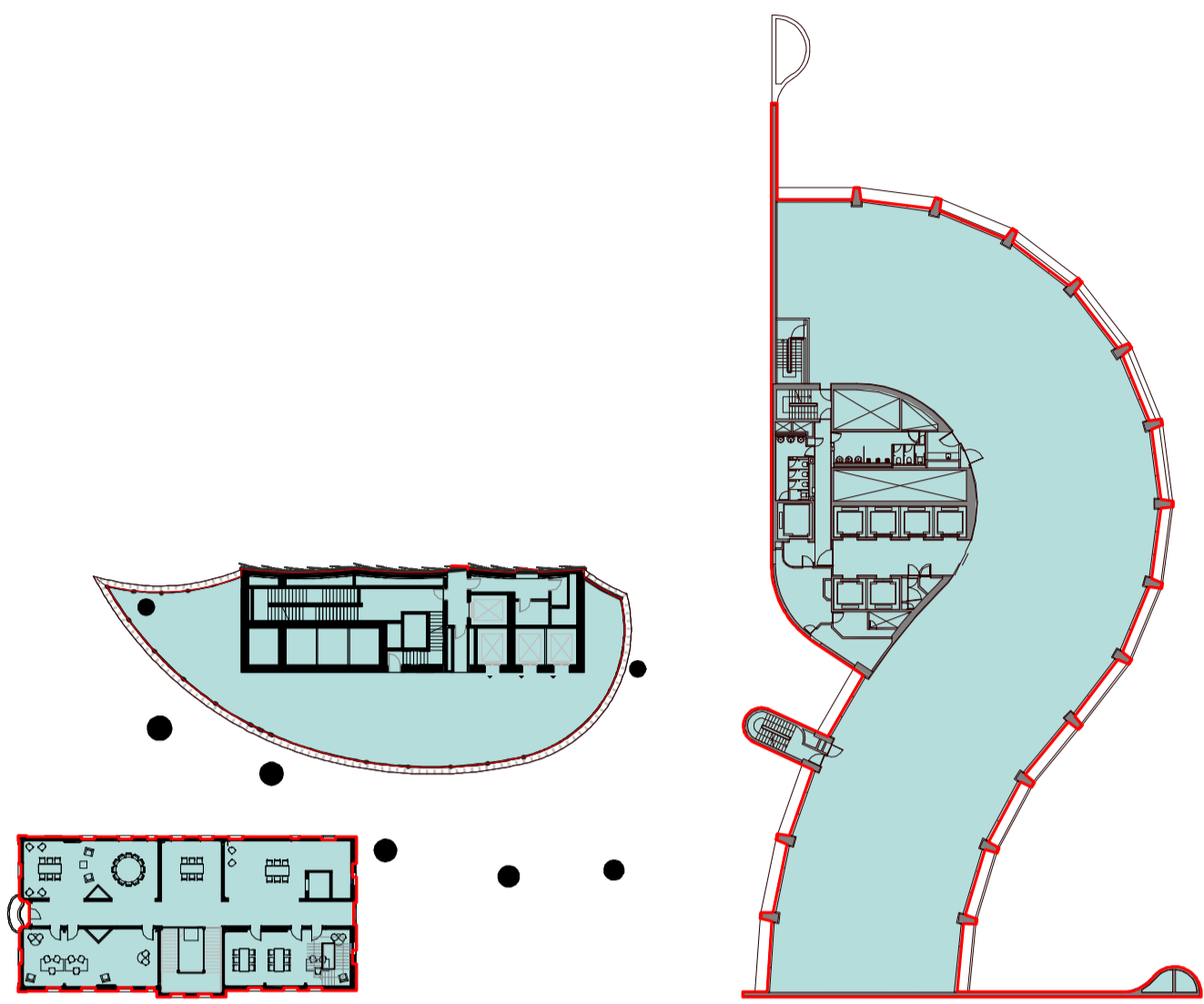
project
1 SPRING STREET, MELBOURNE

drawing
GFA DIAGRAM 1

drawing no.
DA9500

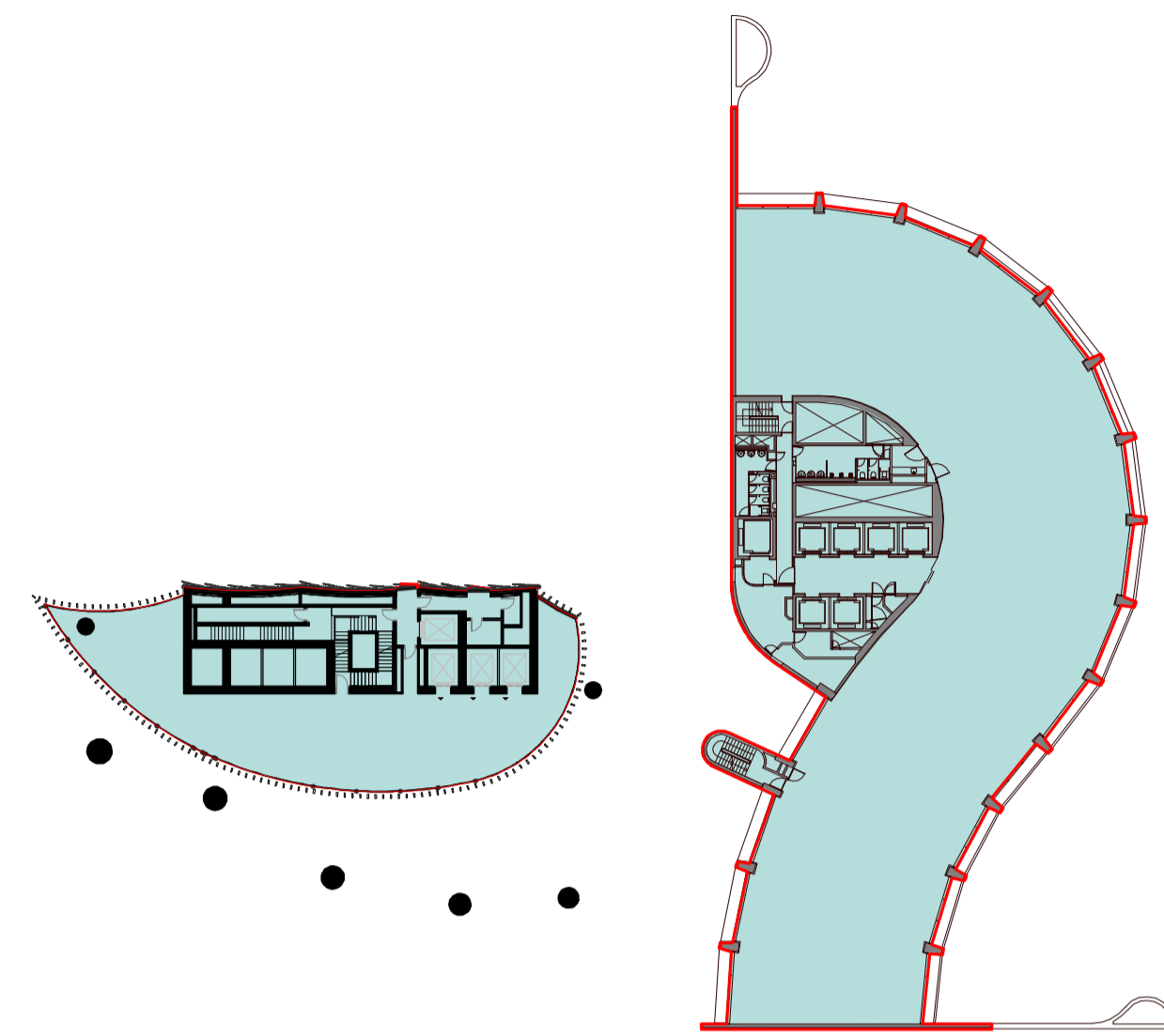
issue
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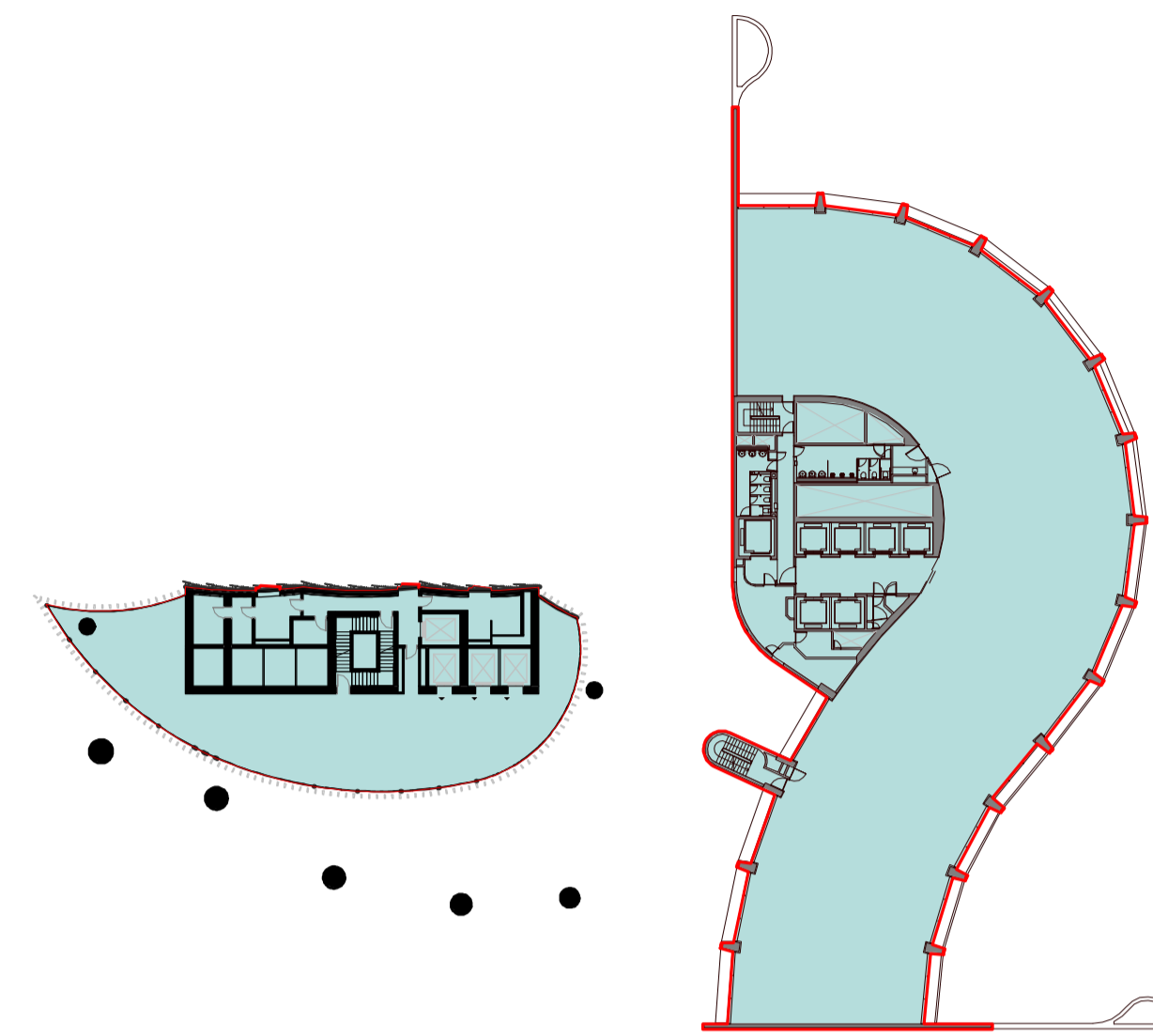
Tower 1 GFA 1,485 sqm
Tower 2 GFA 493 sqm
Milton House GFA 328 sqm

Level 4



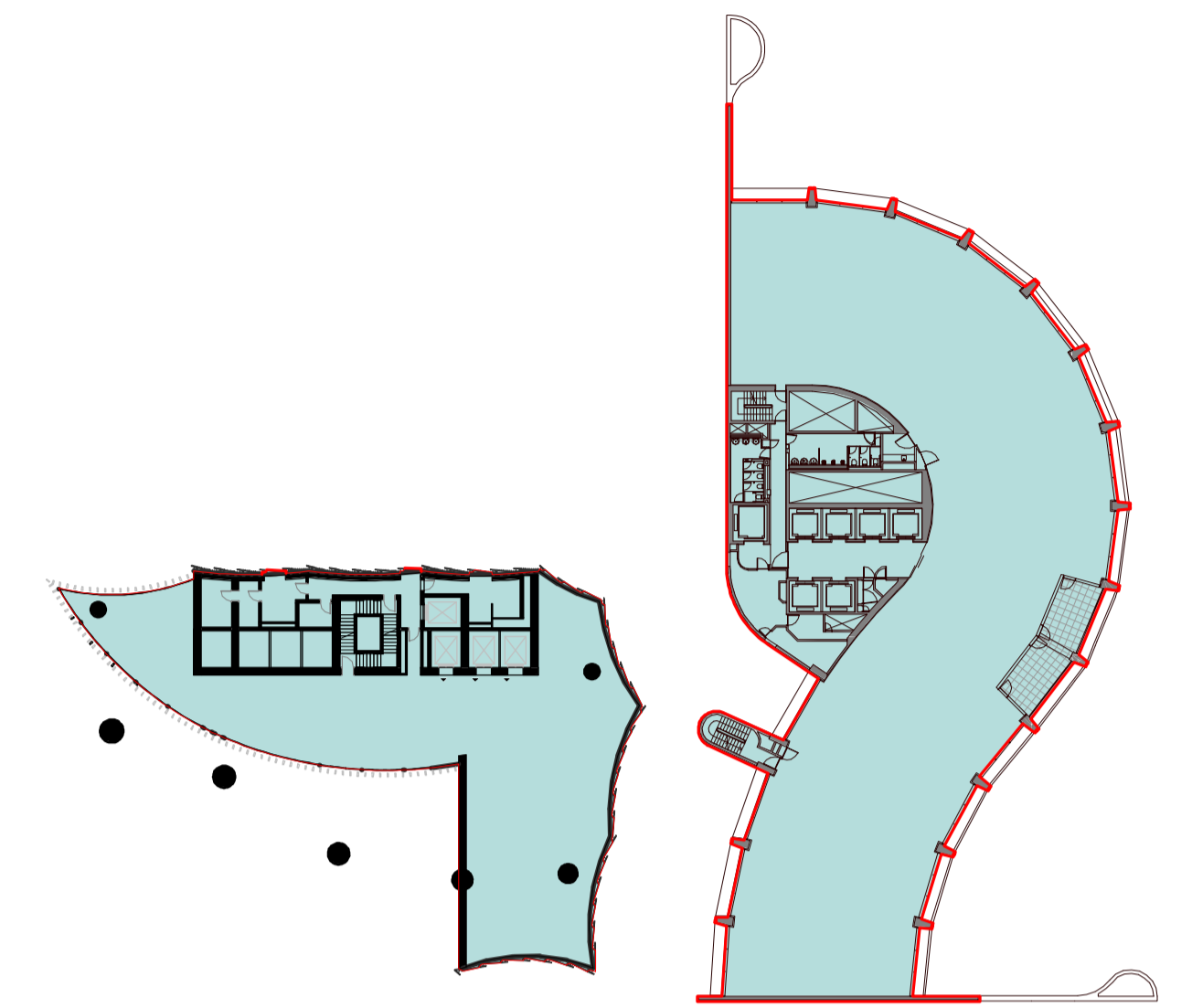
Tower 1 GFA 1,474 sqm
Tower 2 GFA 493 sqm

Level 5



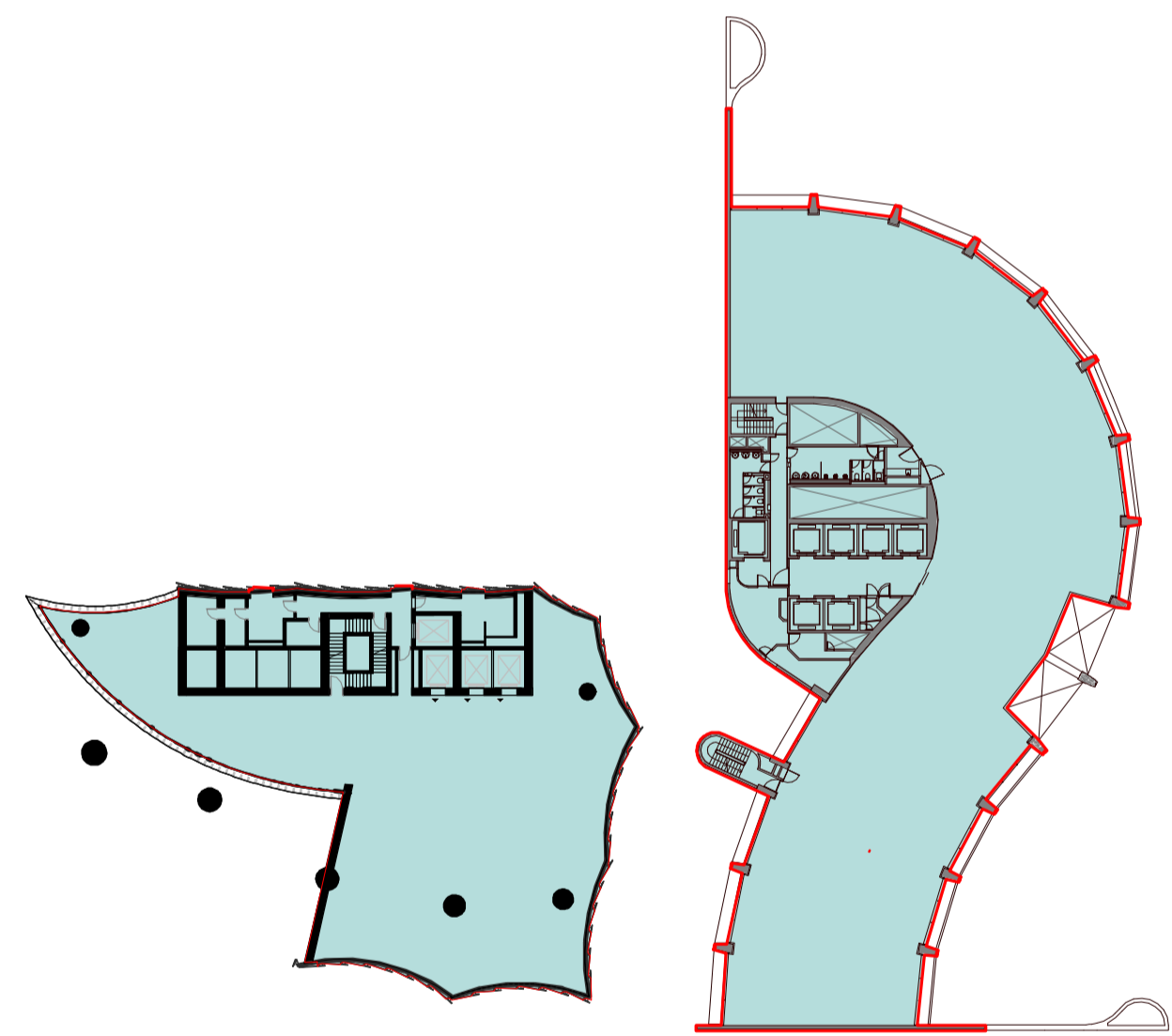
Tower 1 GFA 1,474 sqm
Tower 2 GFA 494 sqm

Level 6



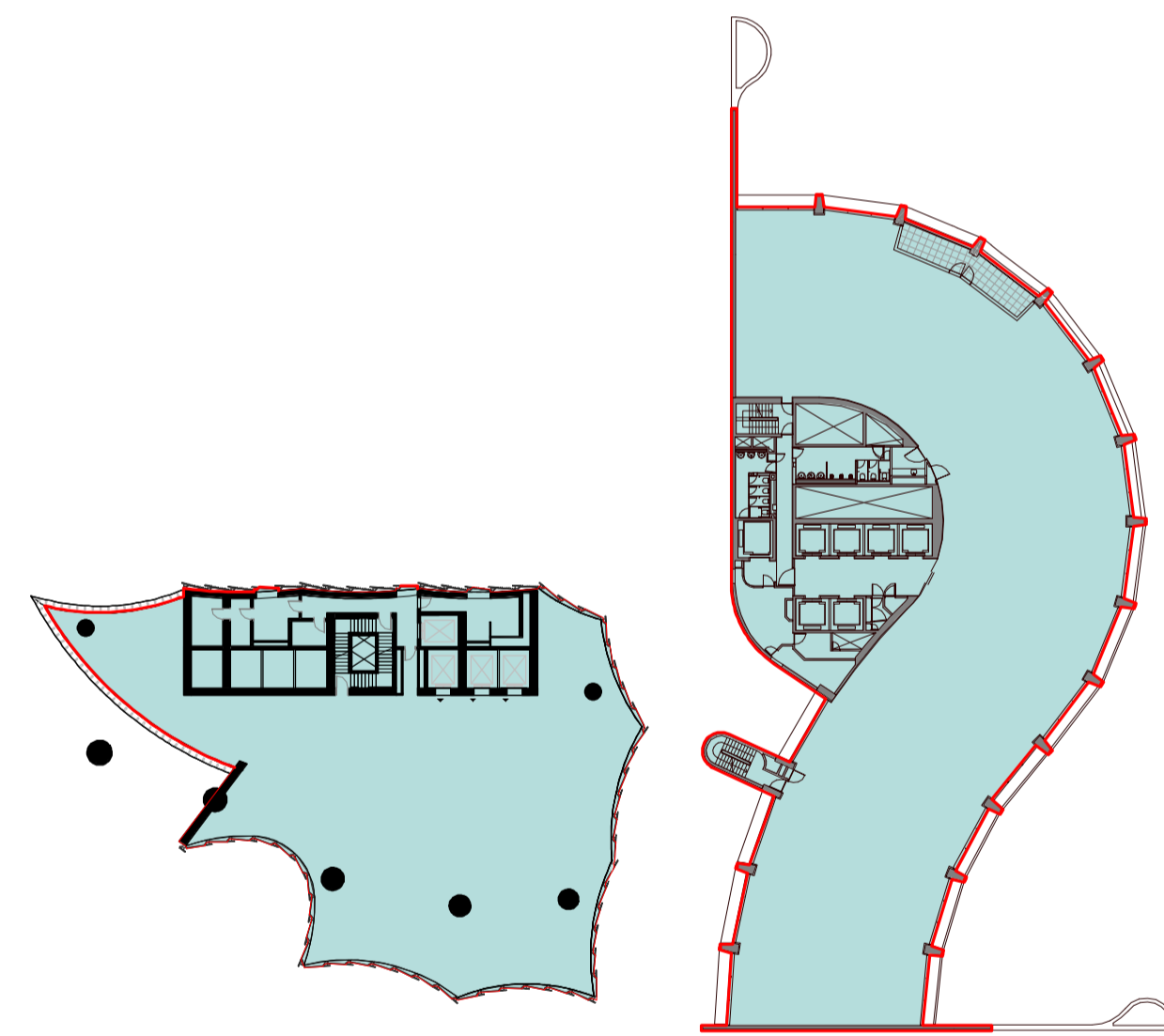
Tower 1 GFA 1,474 sqm
Tower 2 GFA 752 sqm

Level 7



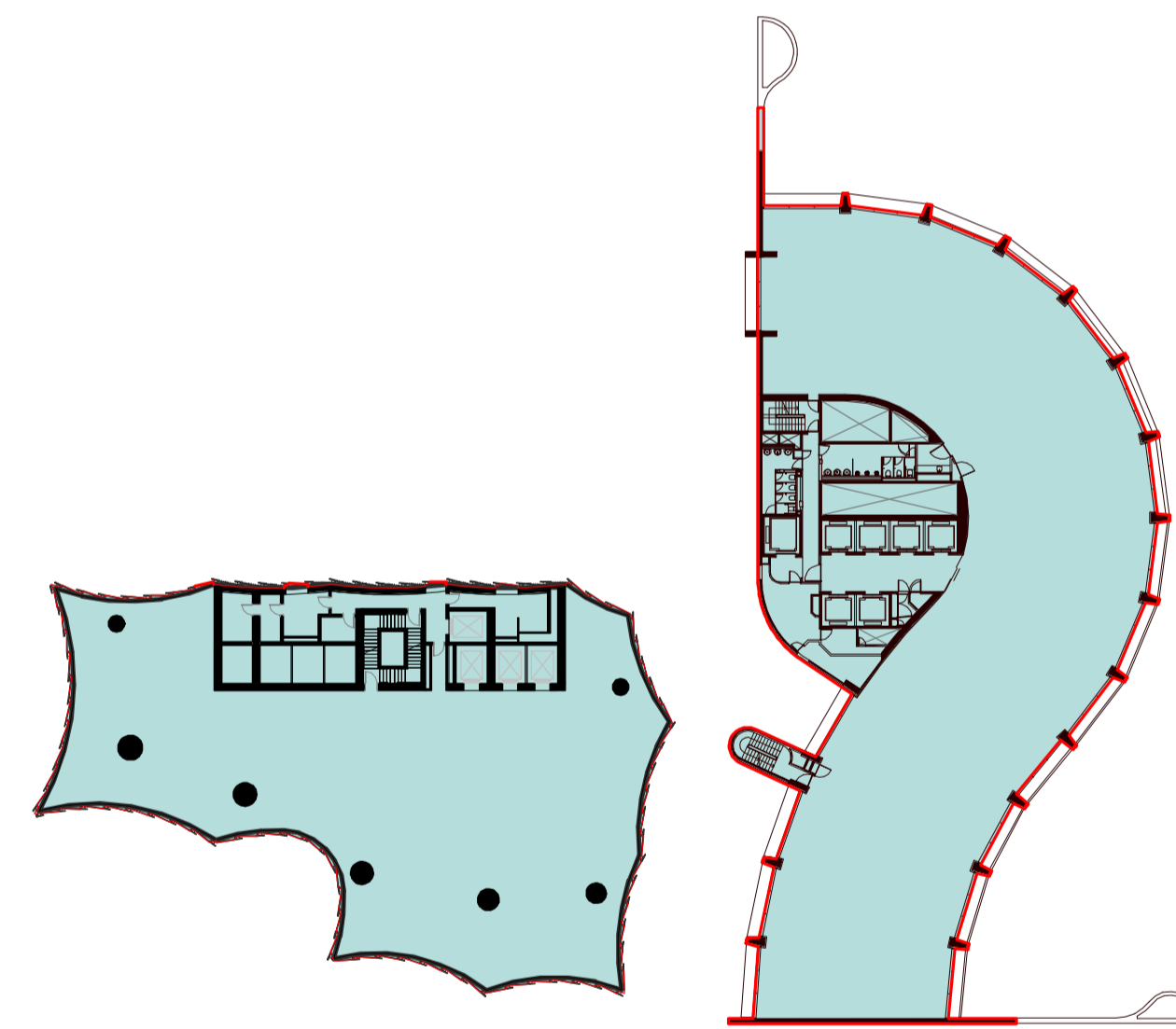
Tower 1 GFA 1,434 sqm
Tower 2 GFA 890 sqm

Level 8



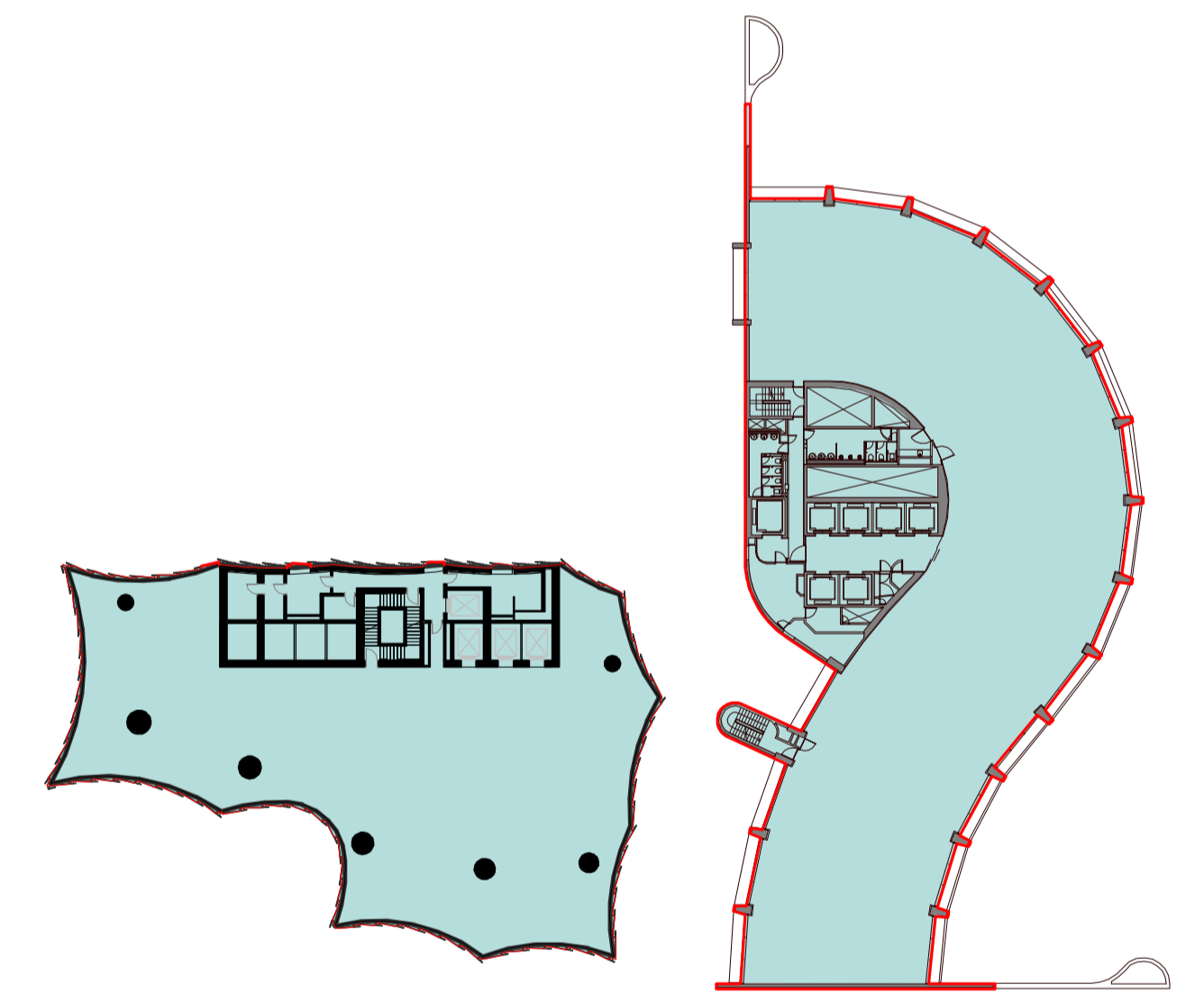
Tower 1 GFA 1,474 sqm
Tower 2 GFA 957 sqm

Level 9



Tower 1 GFA 1,474 sqm
Tower 2 GFA 1,113 sqm

Level 10



Tower 1 GFA 1,474 sqm
Tower 2 GFA 1,113 sqm

Level 11

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Ray Brown, NSWARB 6359

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checked	I+A	scale	1 : 550@A1
drawn	I+A	project no	190244

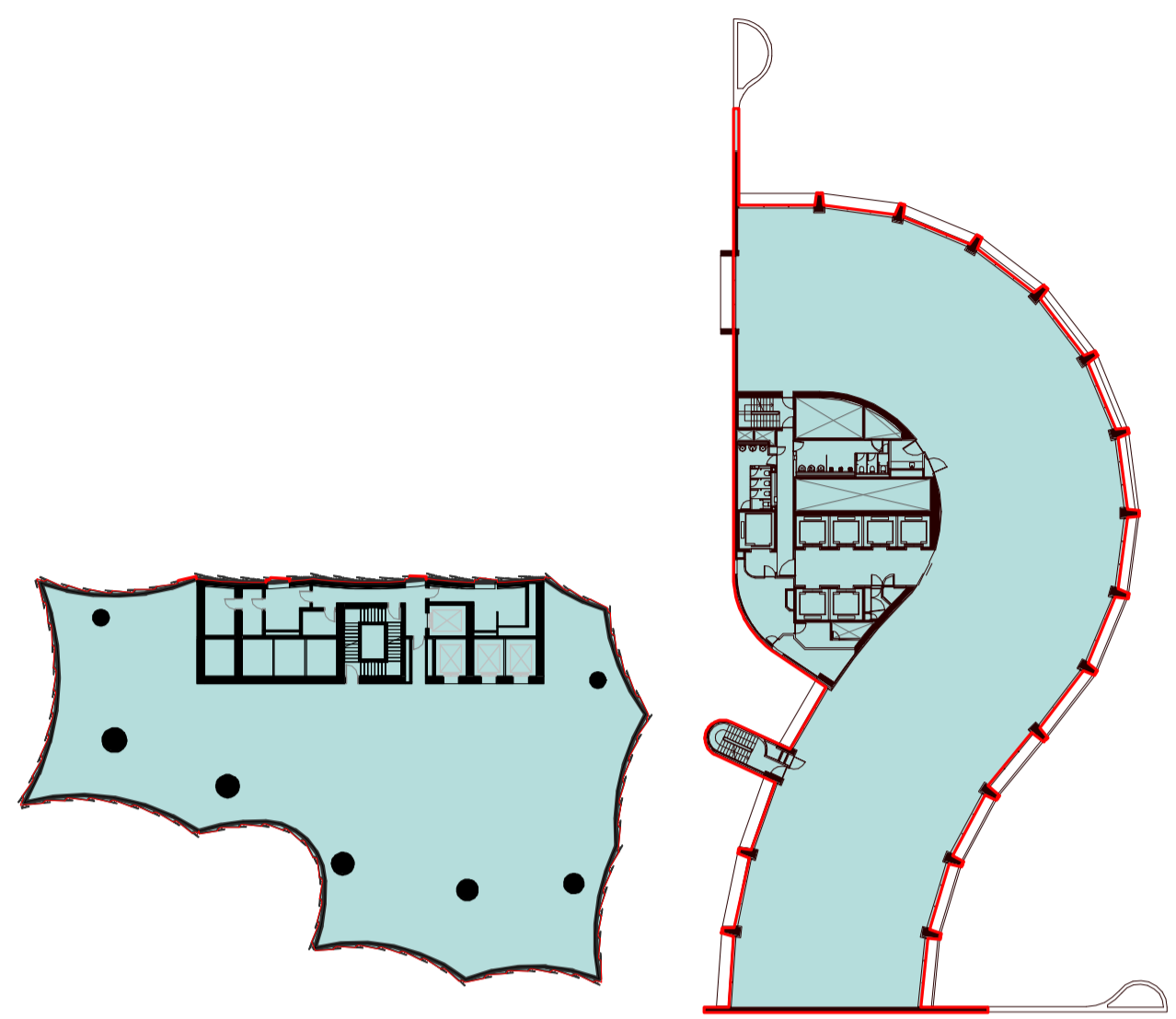
project
1 SPRING STREET, MELBOURNE

drawing
GFA DIAGRAM 2

drawing no.
DA9501

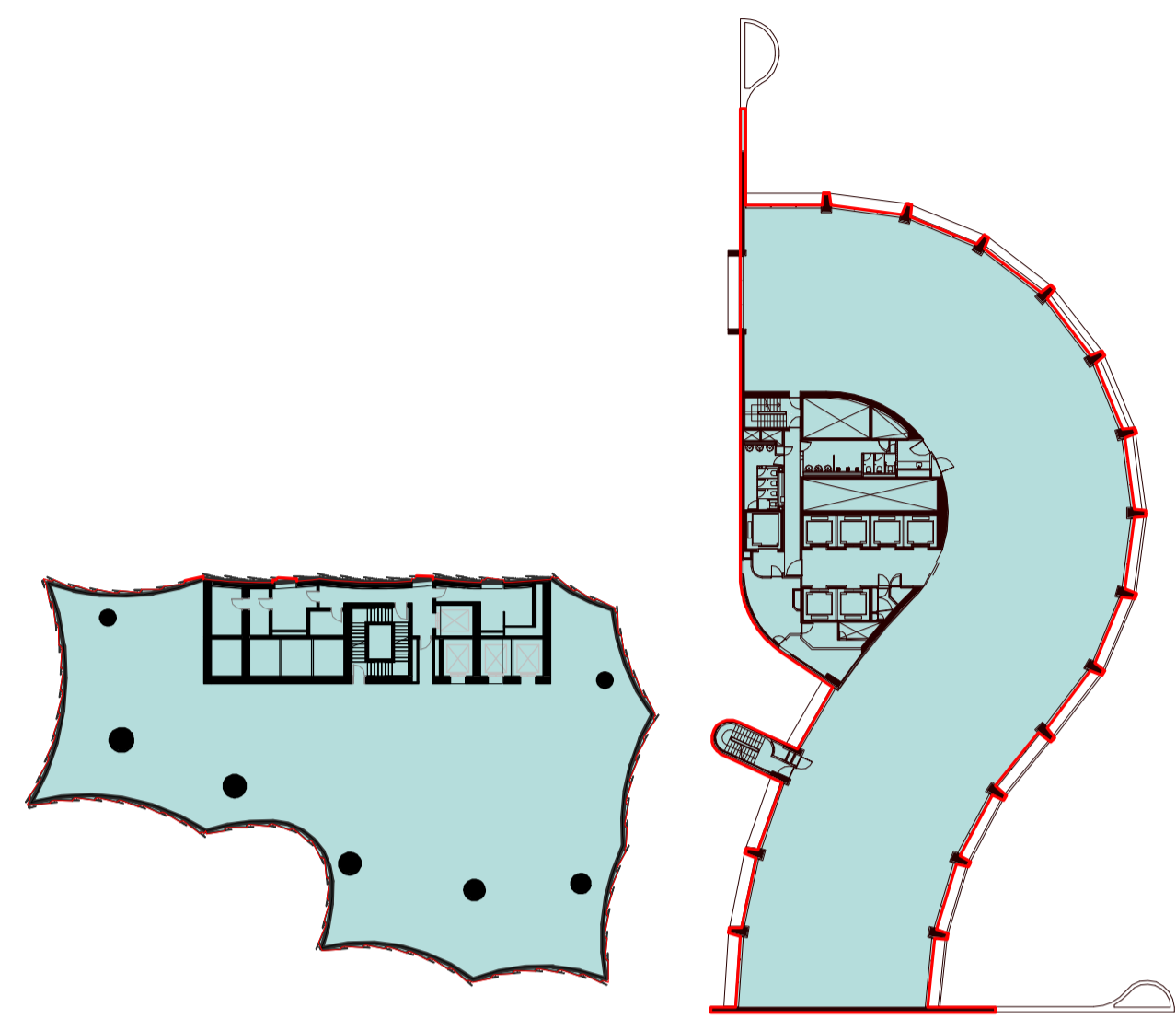
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22/02/2022 5:15:36 PM



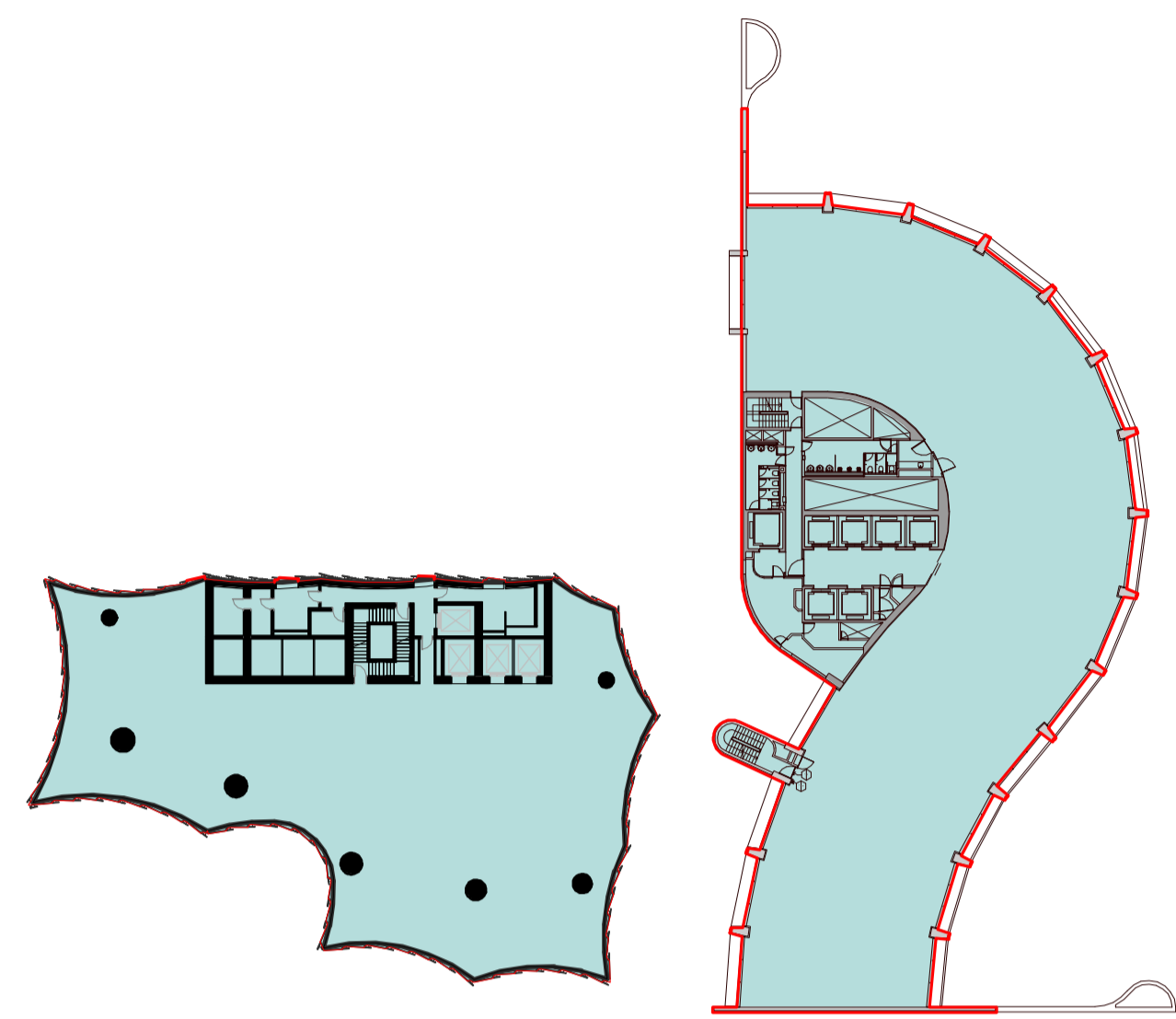
Tower 1 GFA 1,474 sqm
Tower 2 GFA 1,113 sqm

Level 12



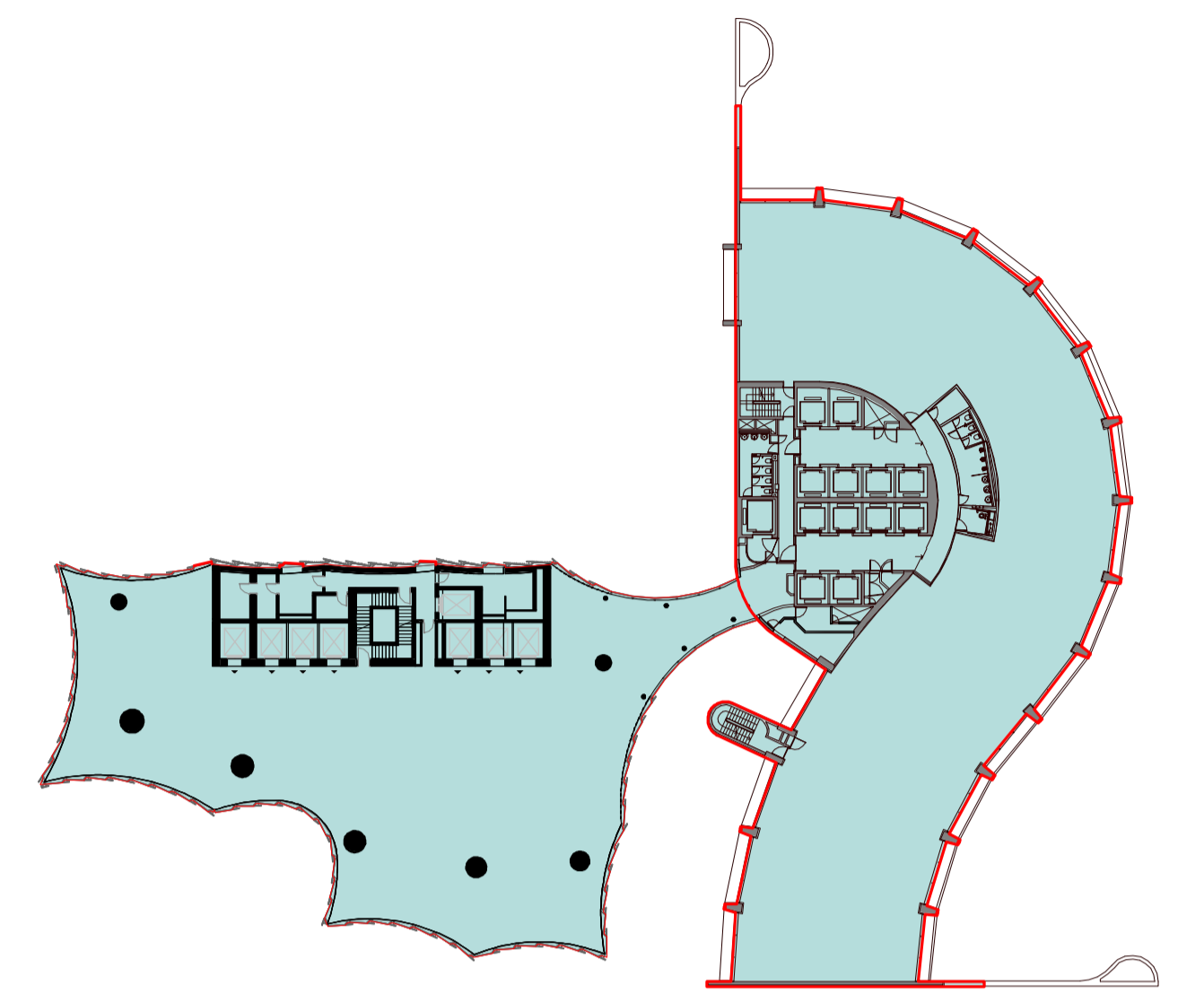
Tower 1 GFA 1,474 sqm
Tower 2 GFA 1,113 sqm

Level 13



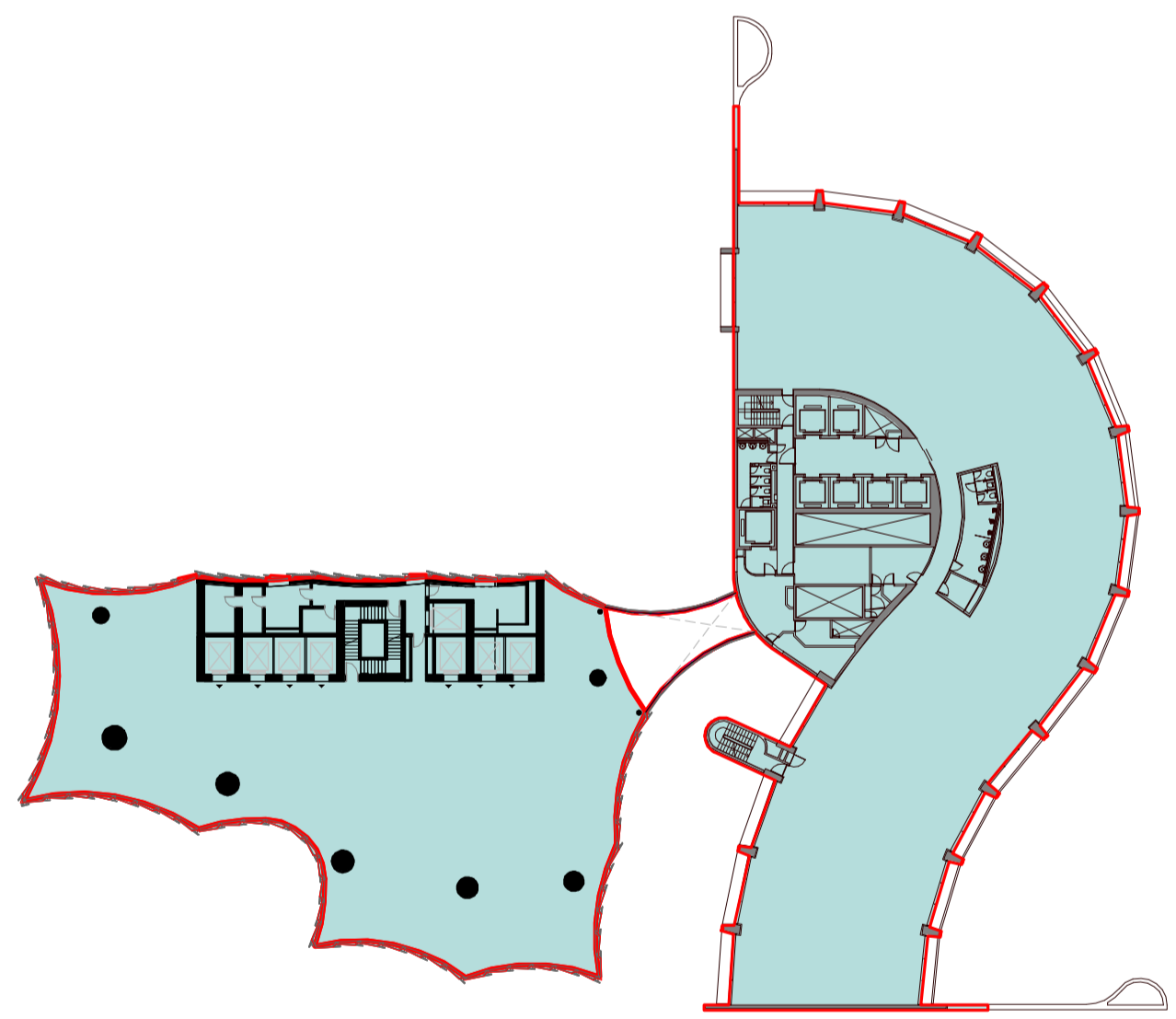
Tower 1 GFA 1,474 sqm
Tower 2 GFA 1,113 sqm

Level 14



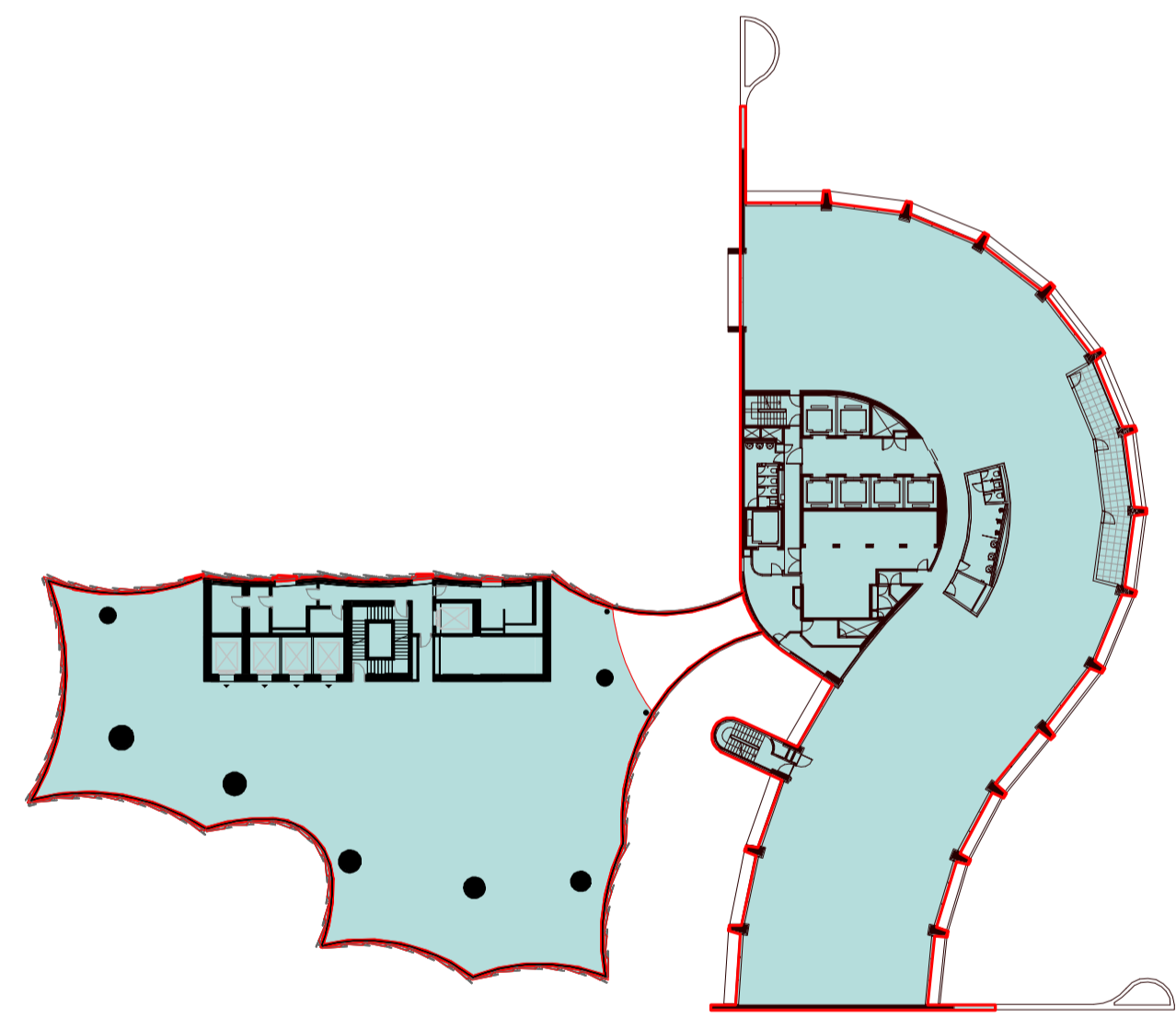
Tower 1 GFA 1,474 sqm
Tower 2 GFA 1,113 sqm

Level 15



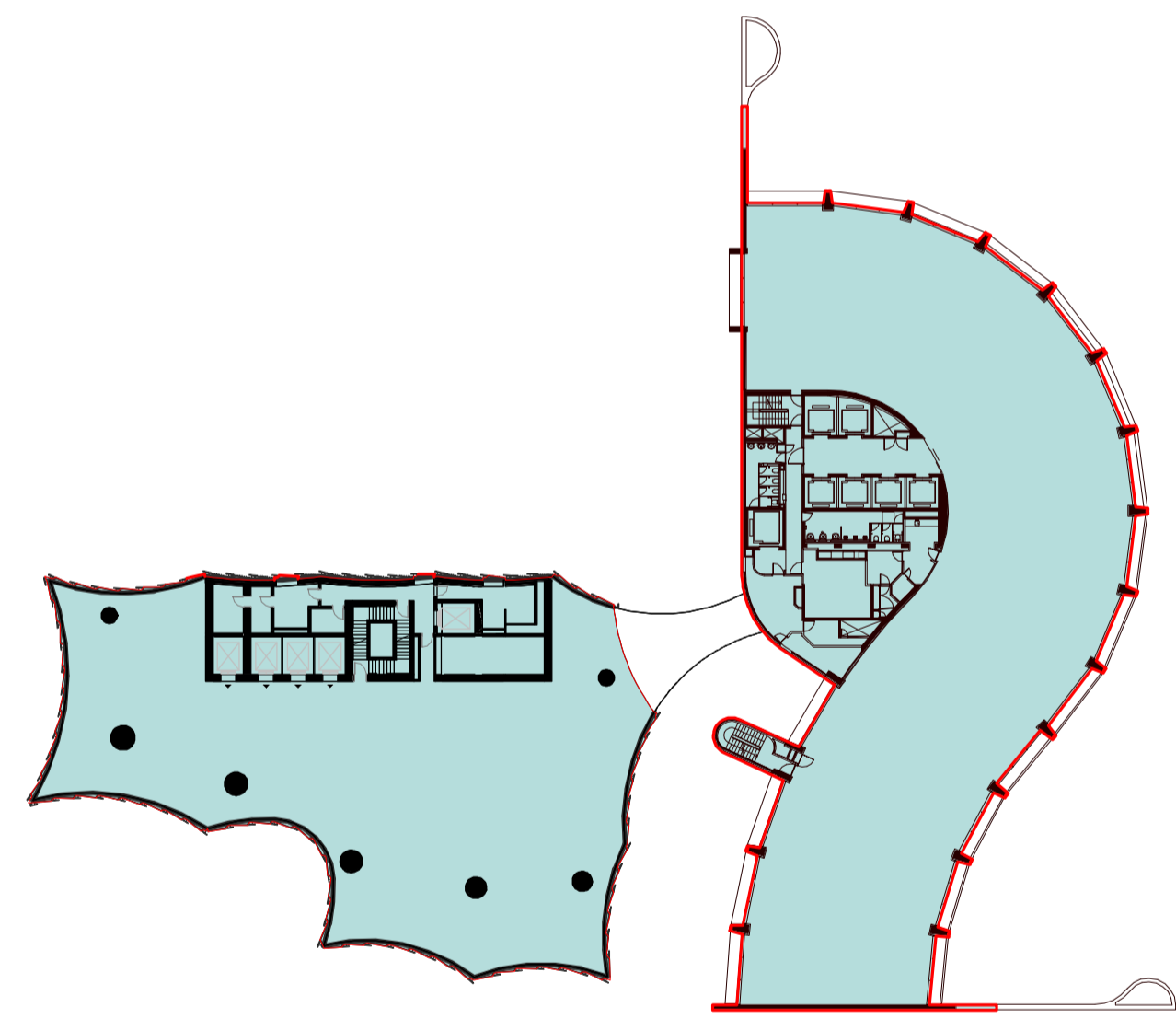
Tower 1 GFA 1,474 sqm
Tower 2 GFA 1,113 sqm

Level 16



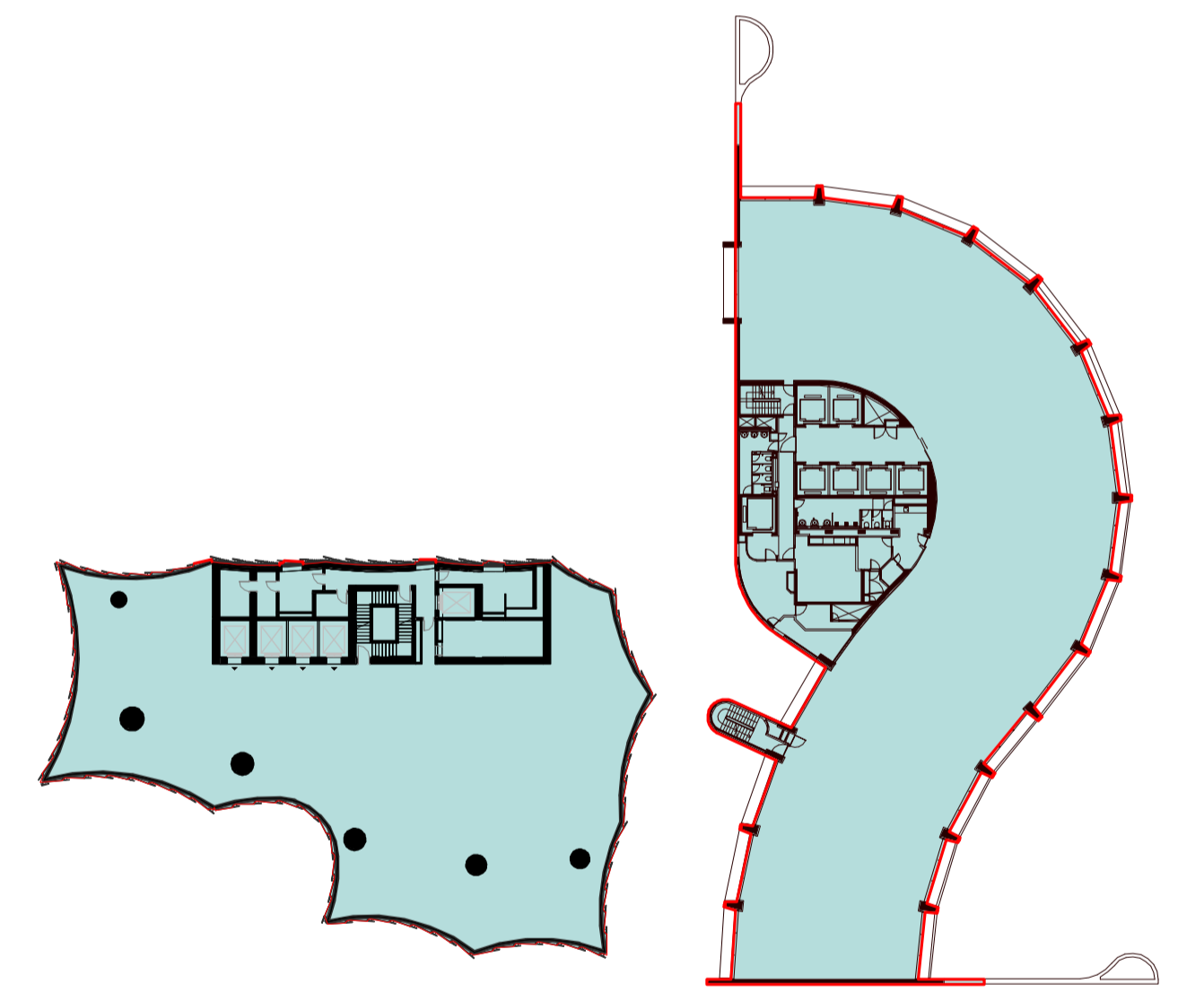
Tower 1 GFA 1,474 sqm
Tower 2 GFA 1,113 sqm

Level 17



Tower 1 GFA 1,474 sqm
Tower 2 GFA 1,113 sqm

Level 18



Tower 1 GFA 1,474 sqm
Tower 2 GFA 1,113 sqm

Level 19

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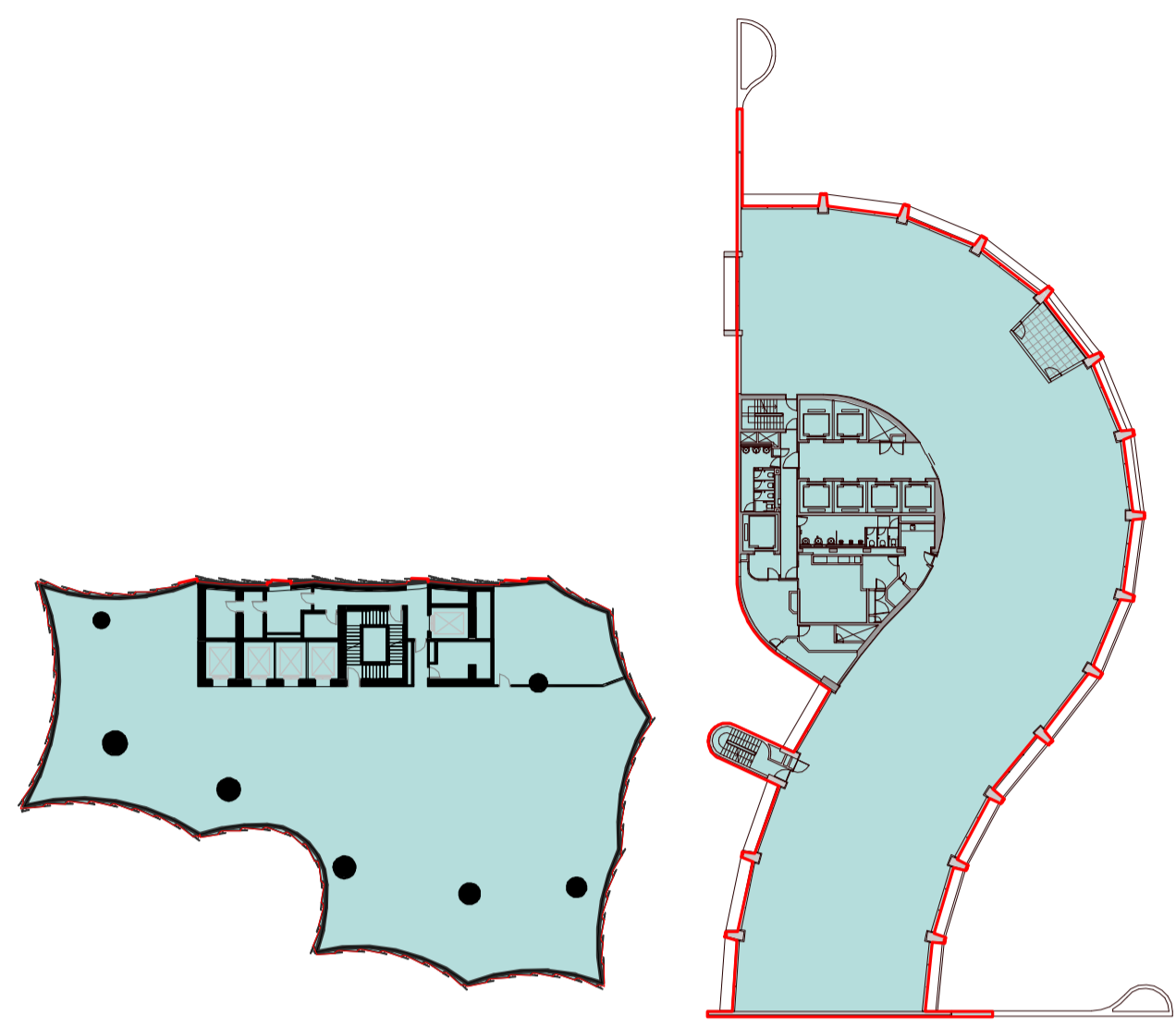
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1 SPRING STREET, MELBOURNE

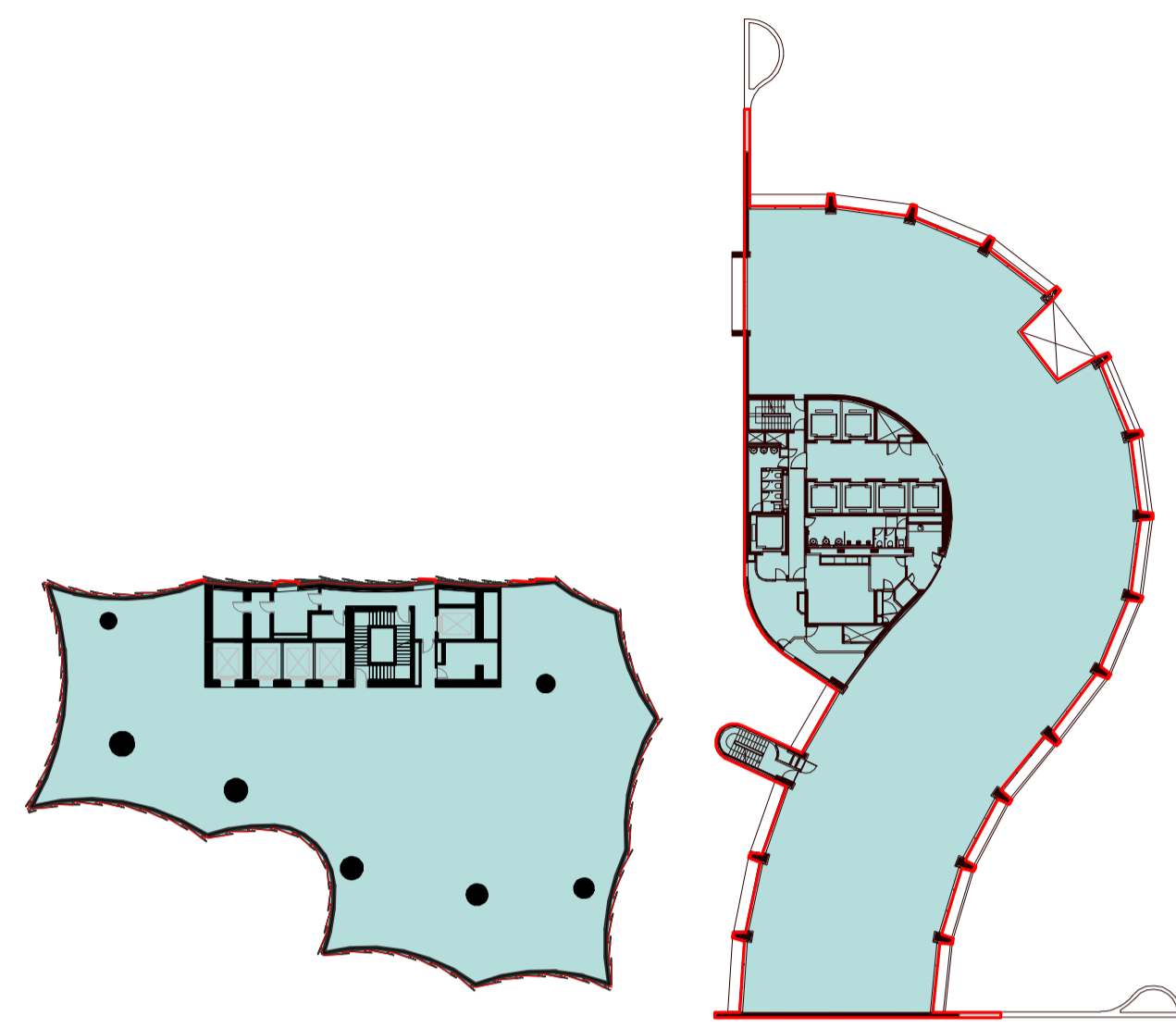
drawing
GFA DIAGRAM 3

drawing no.	DA9502	issue	G
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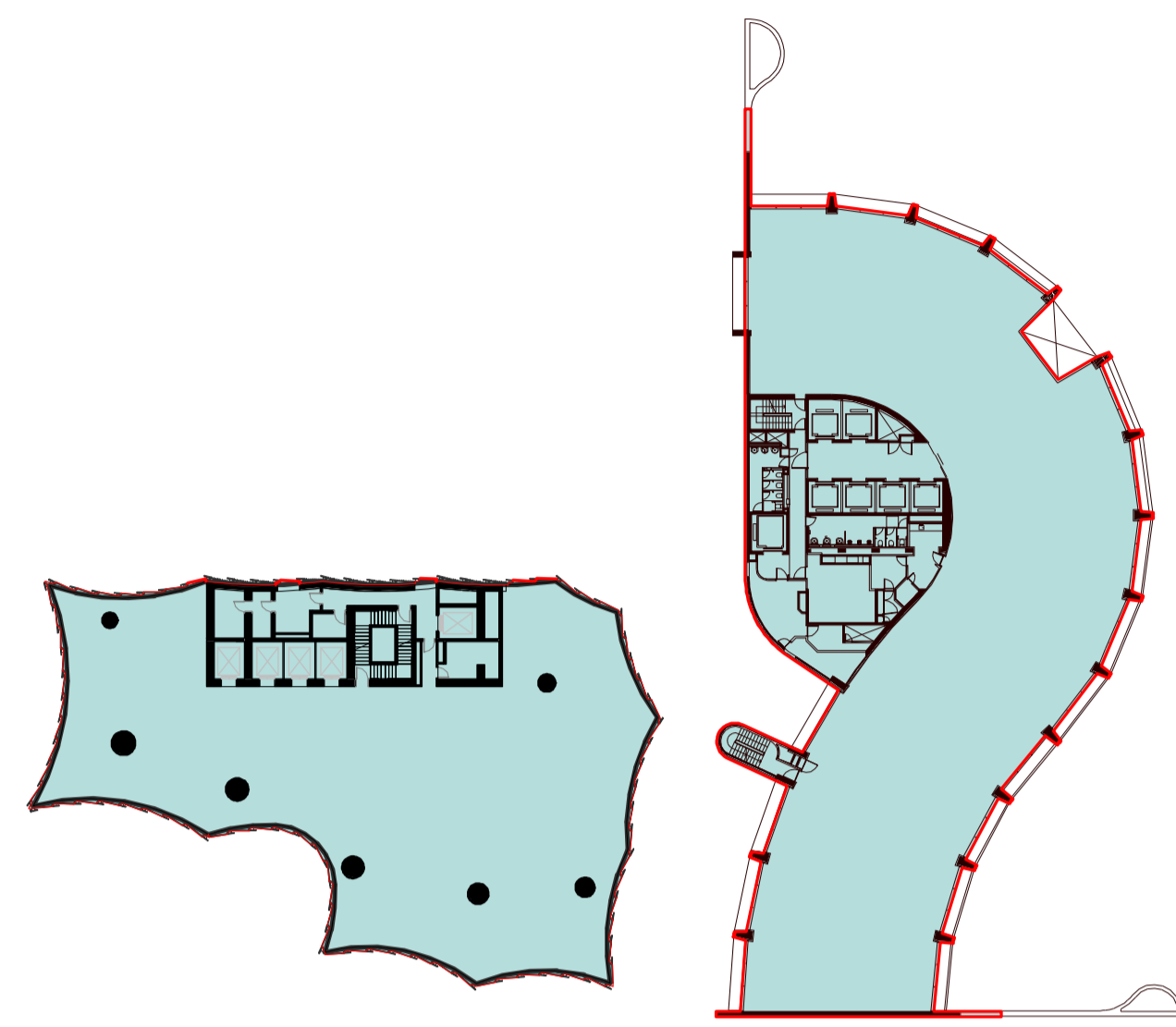
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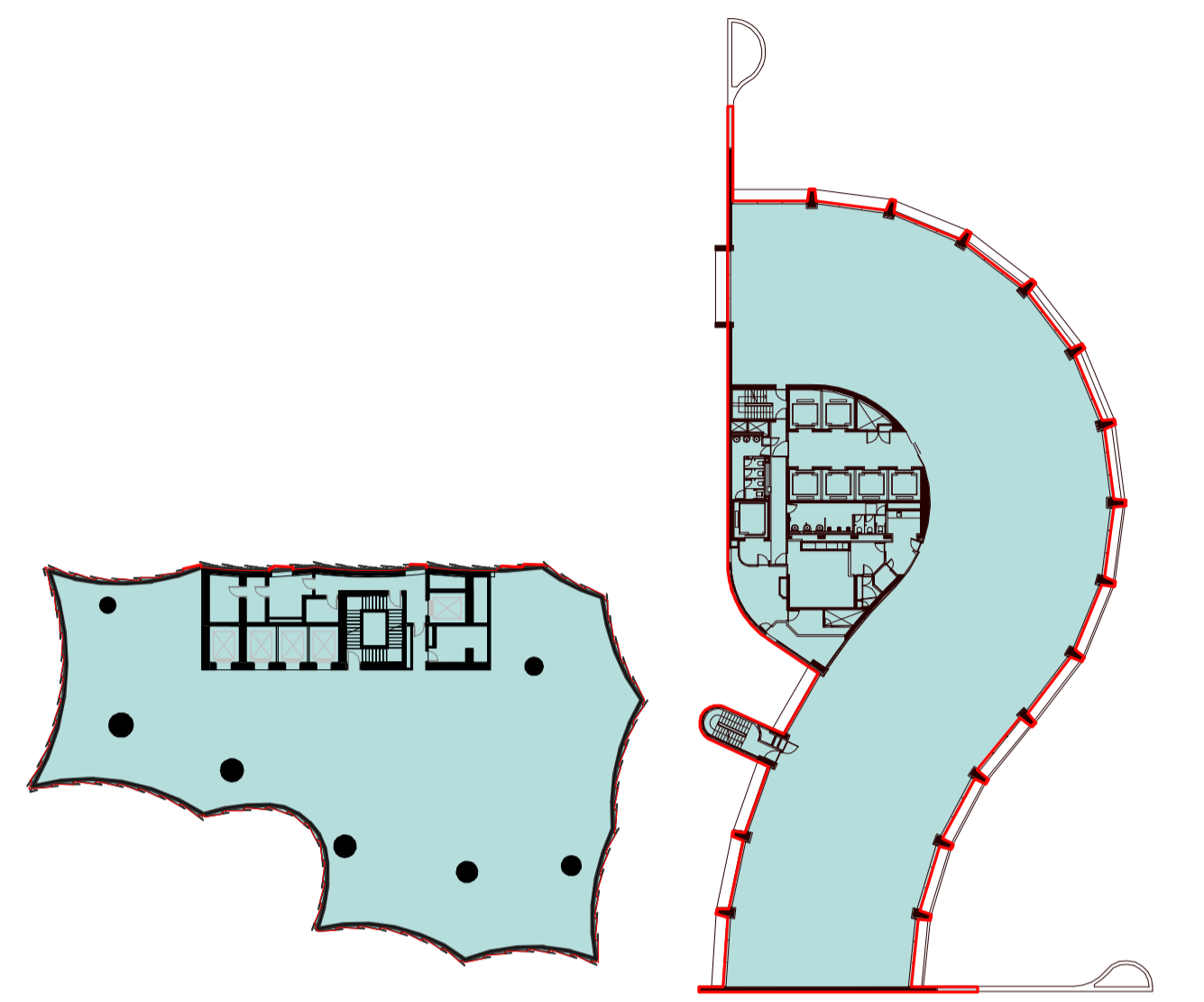
Tower 1 GFA 1,474 sqm
Tower 2 GFA 1,113 sqm
Level 20



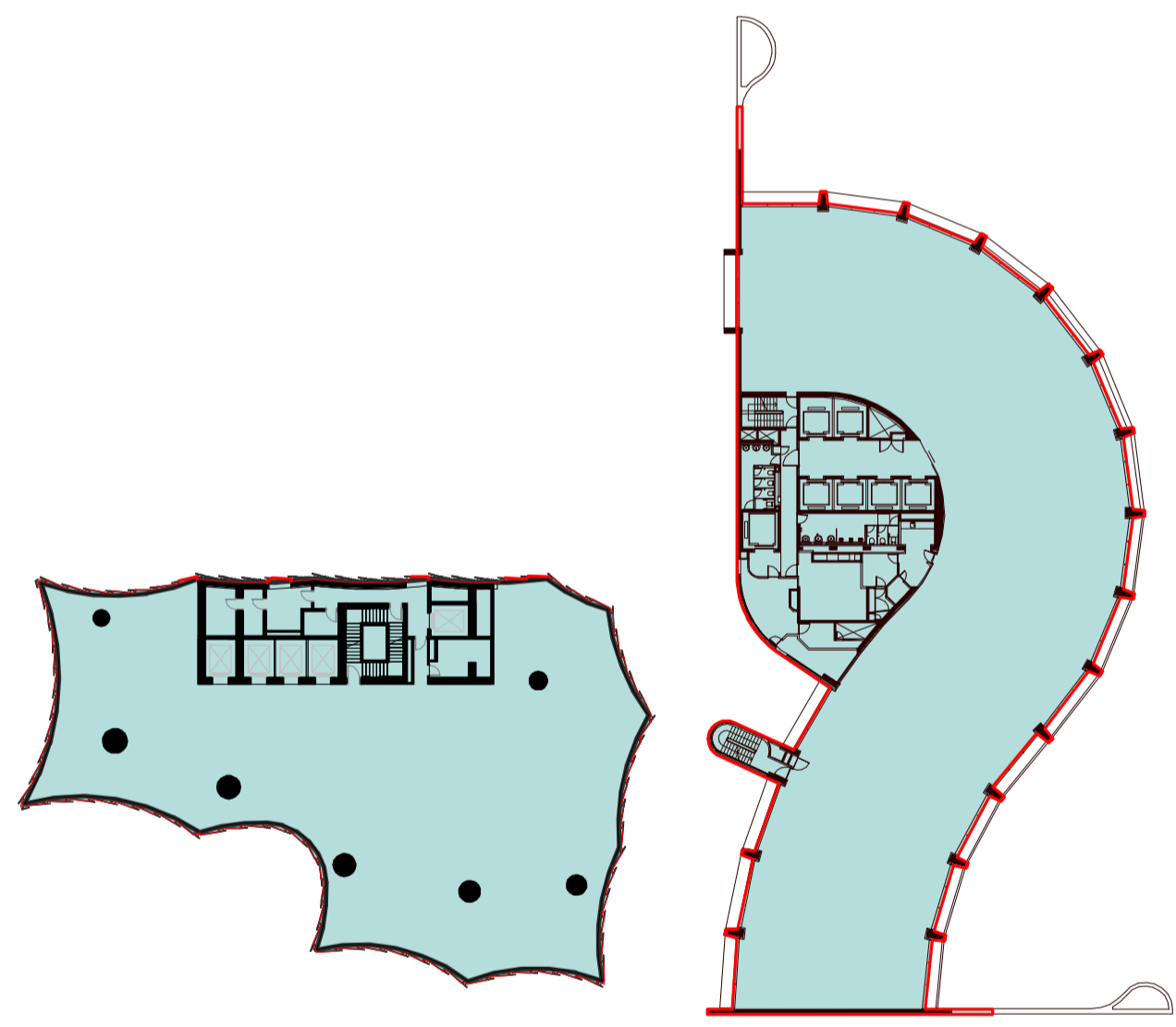
Tower 1 GFA 1,455 sqm
Tower 2 GFA 1,113 sqm
Level 21



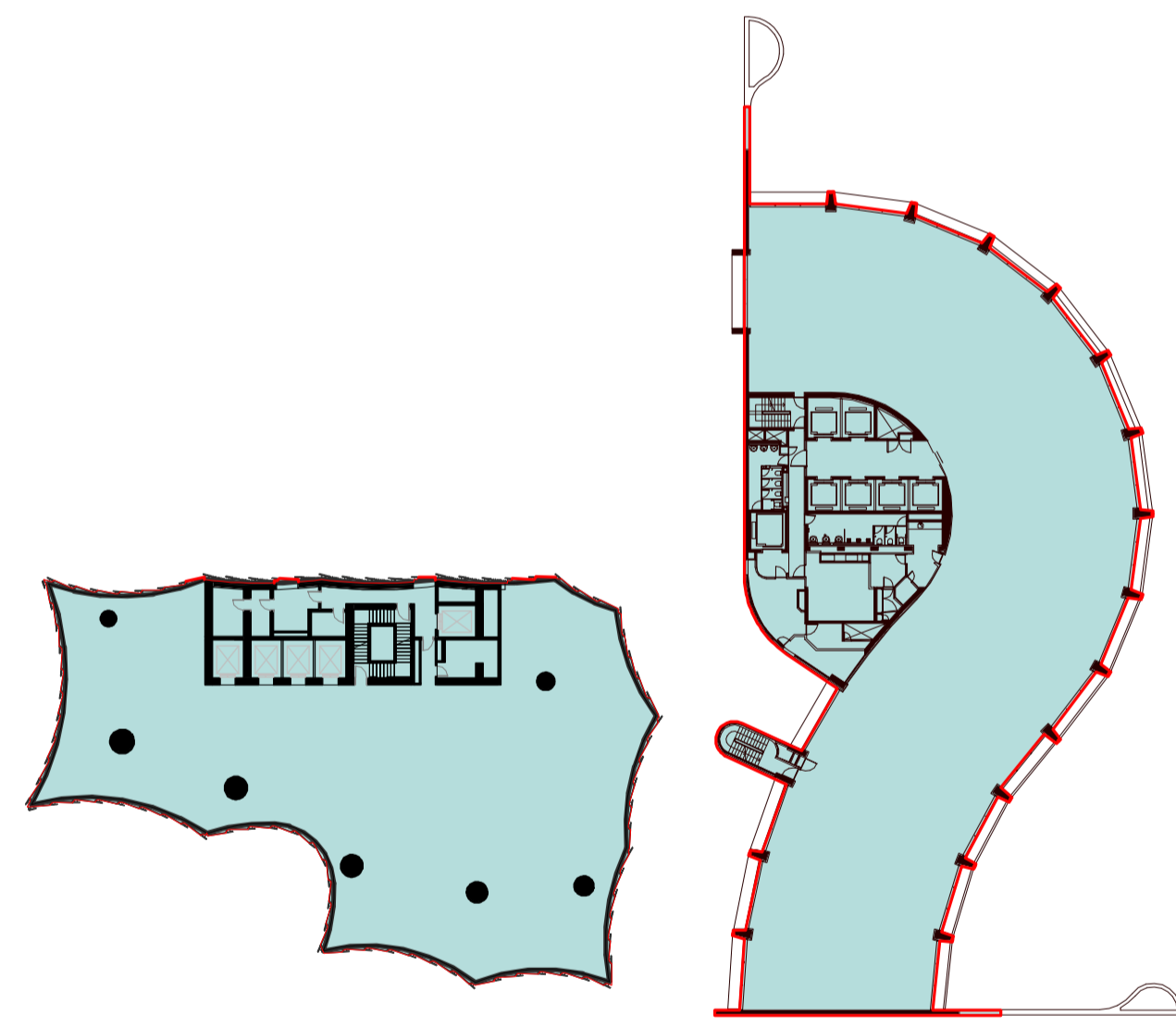
Tower 1 GFA 1,455 sqm
Tower 2 GFA 1,113 sqm
Level 22



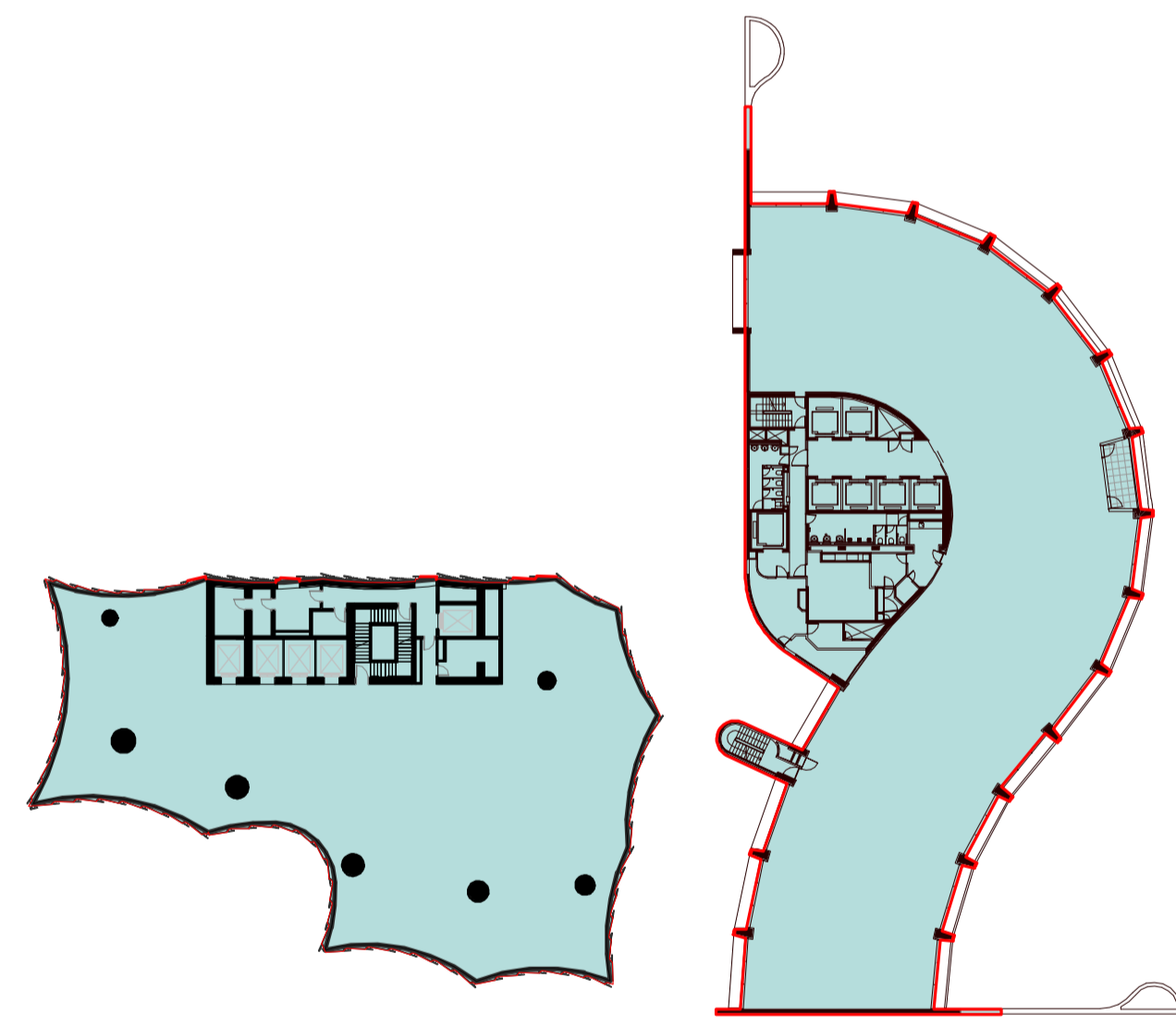
Tower 1 GFA 1,474 sqm
Tower 2 GFA 1,113 sqm
Level 23



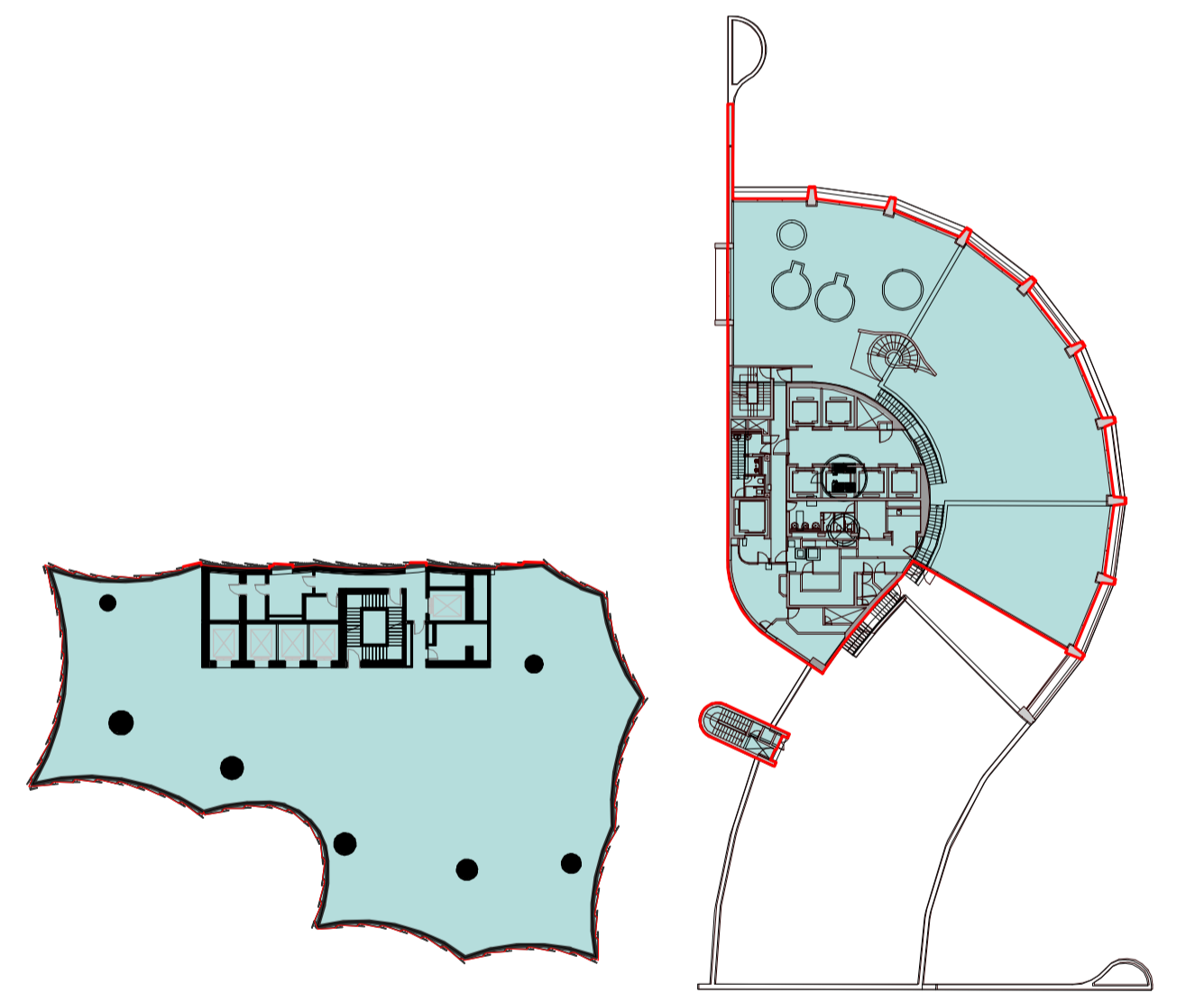
Tower 1 GFA 1,474 sqm
Tower 2 GFA 1,113 sqm
Level 24



Tower 1 GFA 1,474 sqm
Tower 2 GFA 1,113 sqm
Level 25



Tower 1 GFA 1,474 sqm
Tower 2 GFA 1,113 sqm
Level 26



Tower 1 GFA 943 sqm
Tower 2 GFA 1,113 sqm
Level 27

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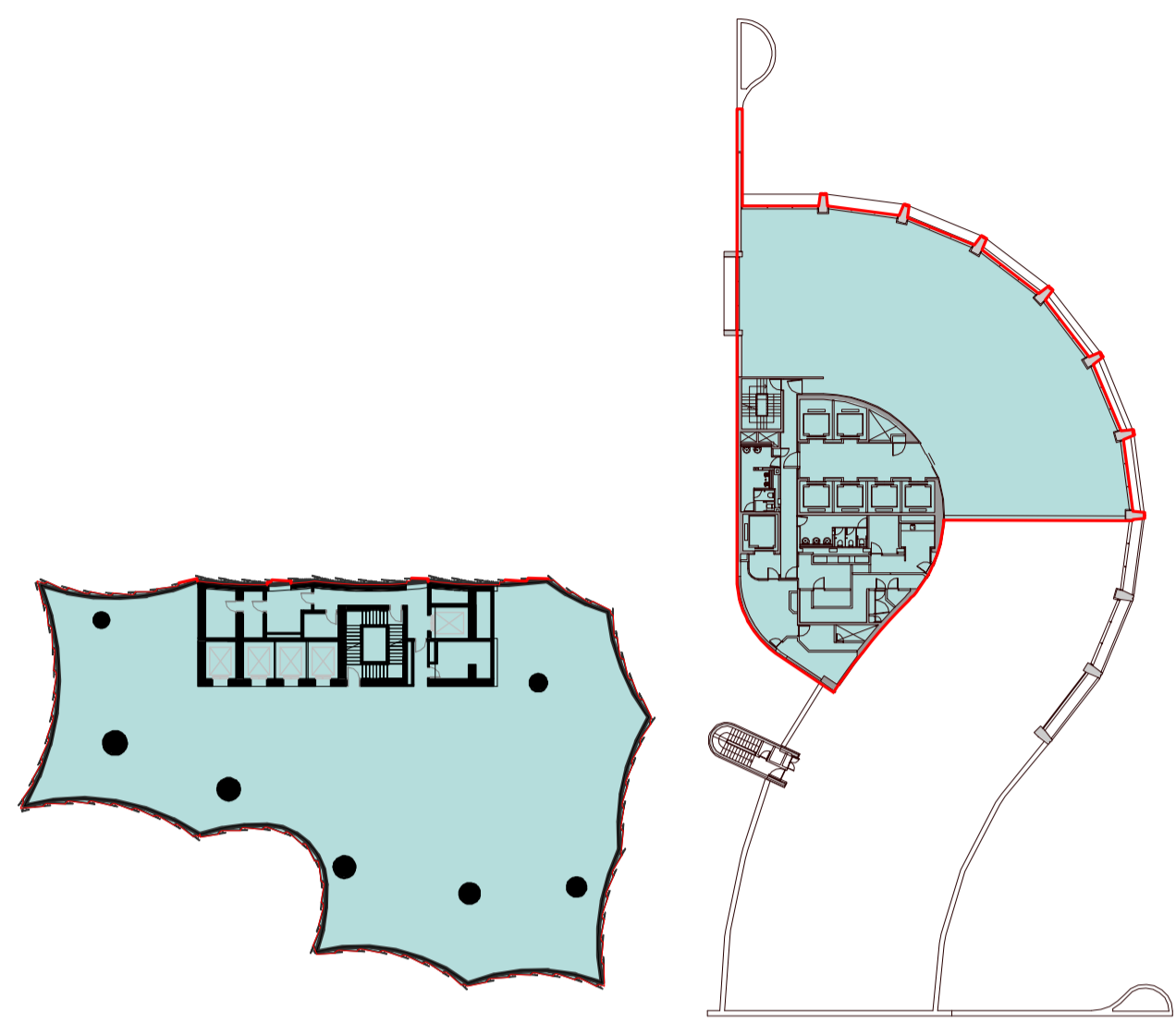
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checked	I+A	scale	1 : 550@A1
drawn	I+A	project no	190244

project
1 SPRING STREET, MELBOURNE

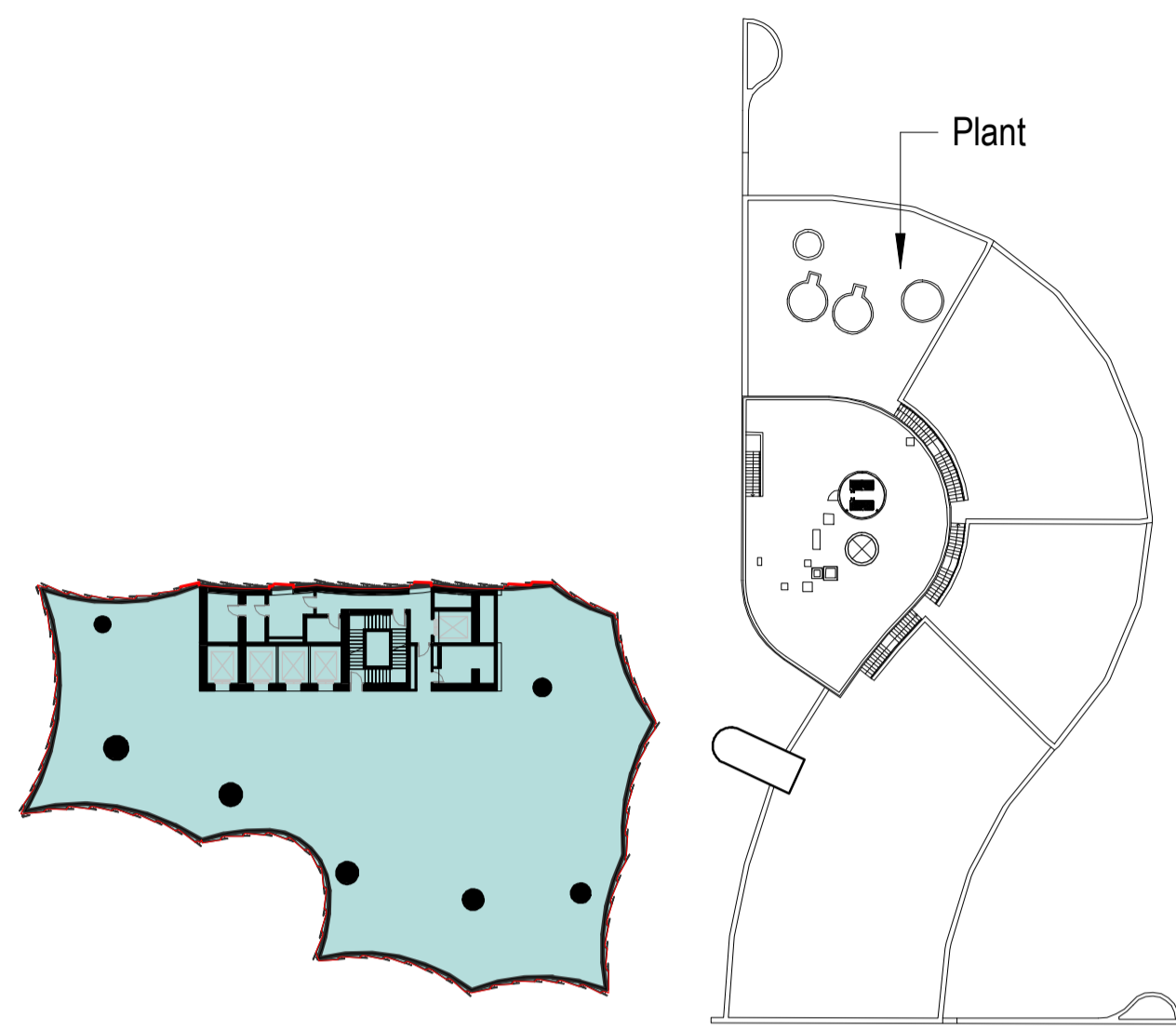
drawing
GFA DIAGRAM 4

drawing no.	DA9503	issue	G
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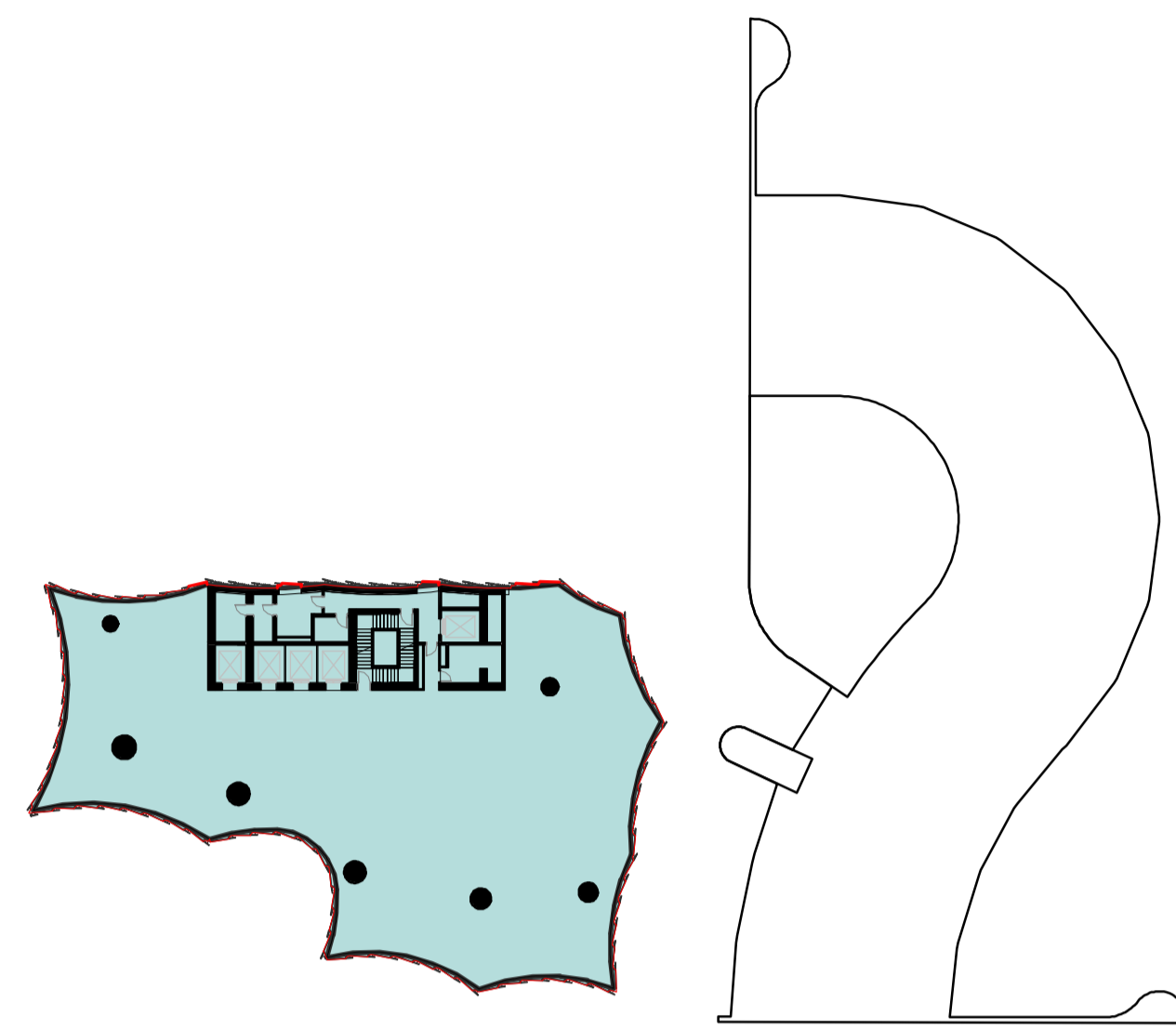
Tower 1 GFA 797 sqm
Tower 2 GFA 1,113 sqm

Level 28



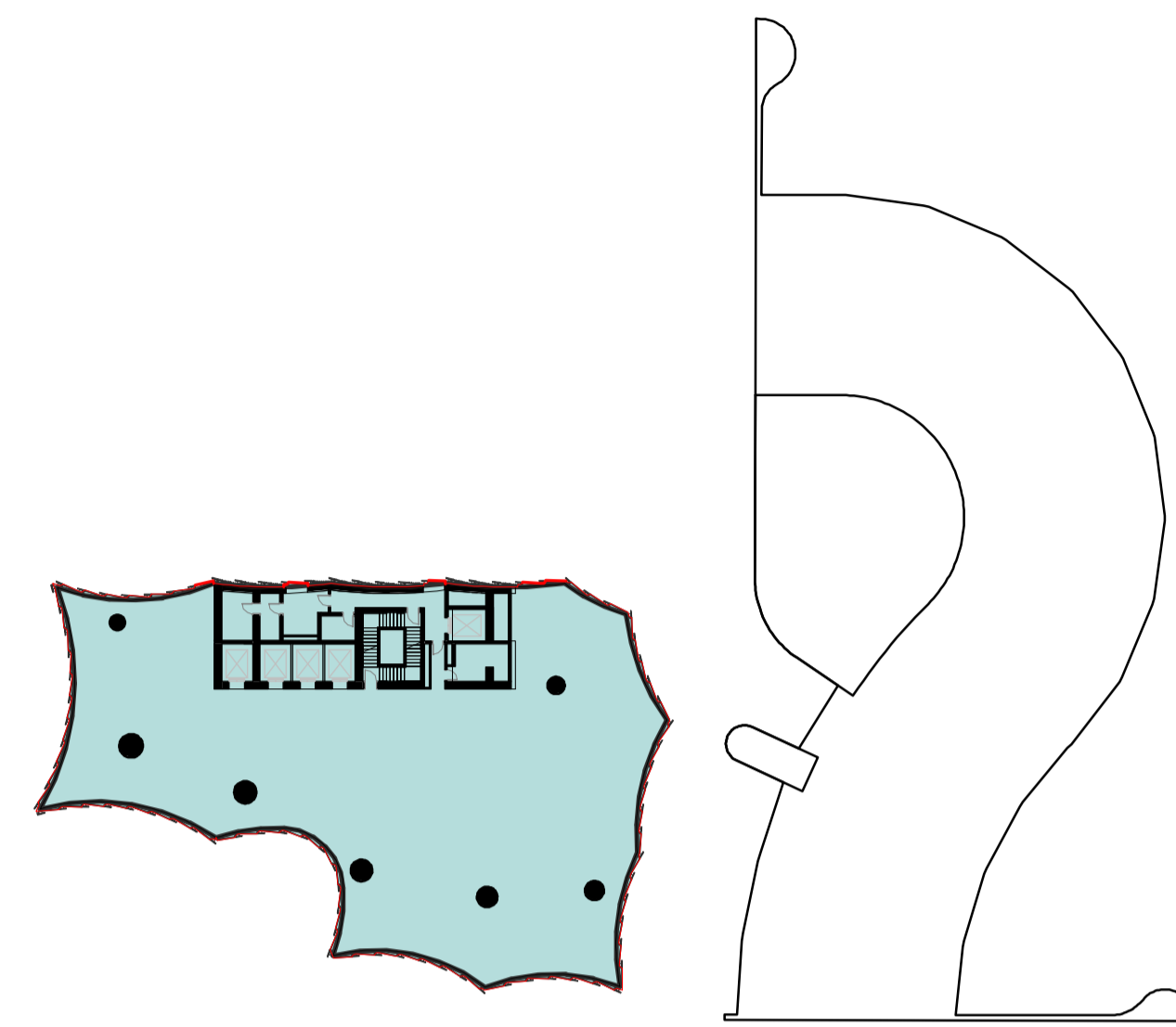
Tower 2 GFA 1,113 sqm

Level 29



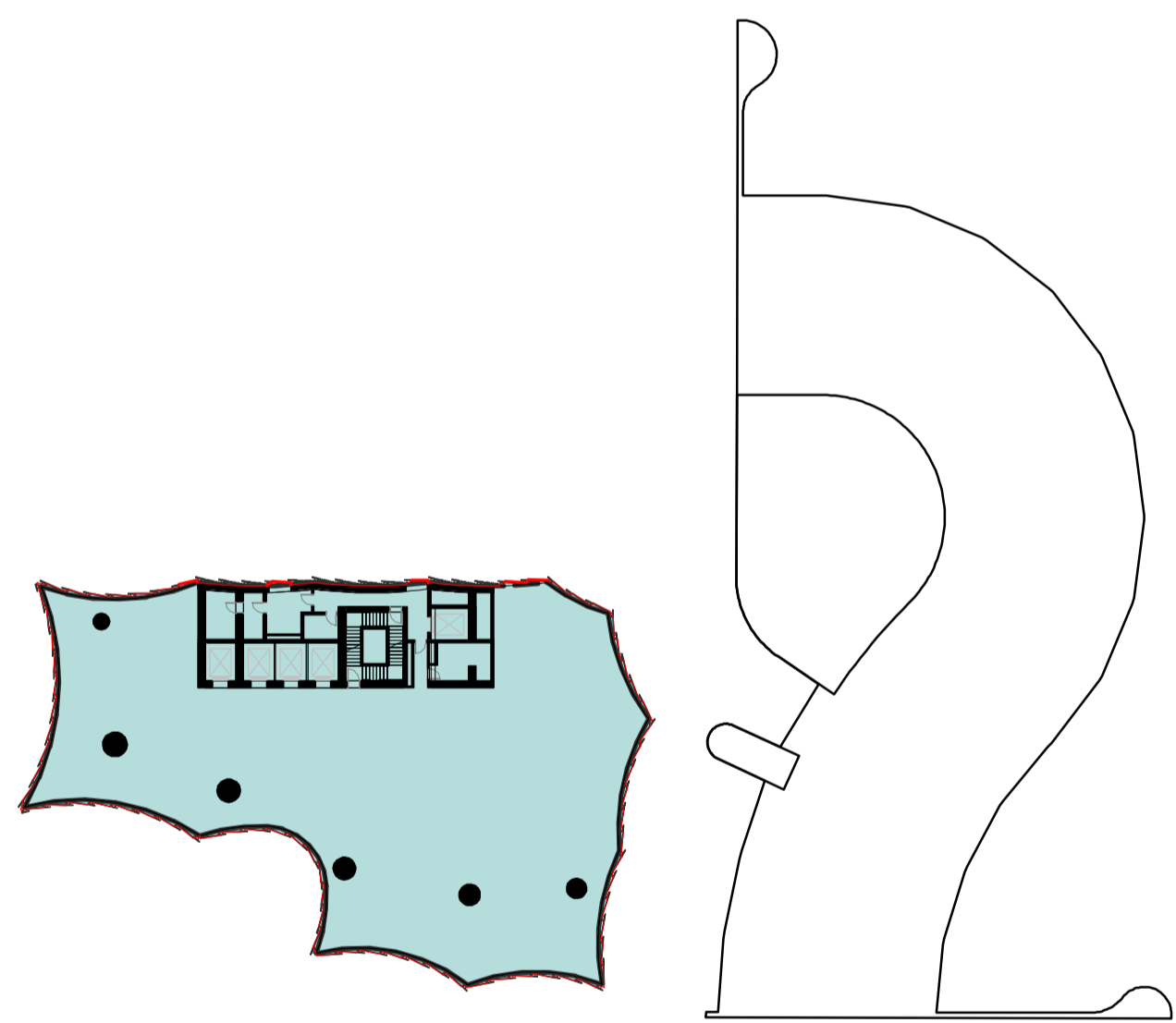
Tower 2 GFA 1,113 sqm

Level 30



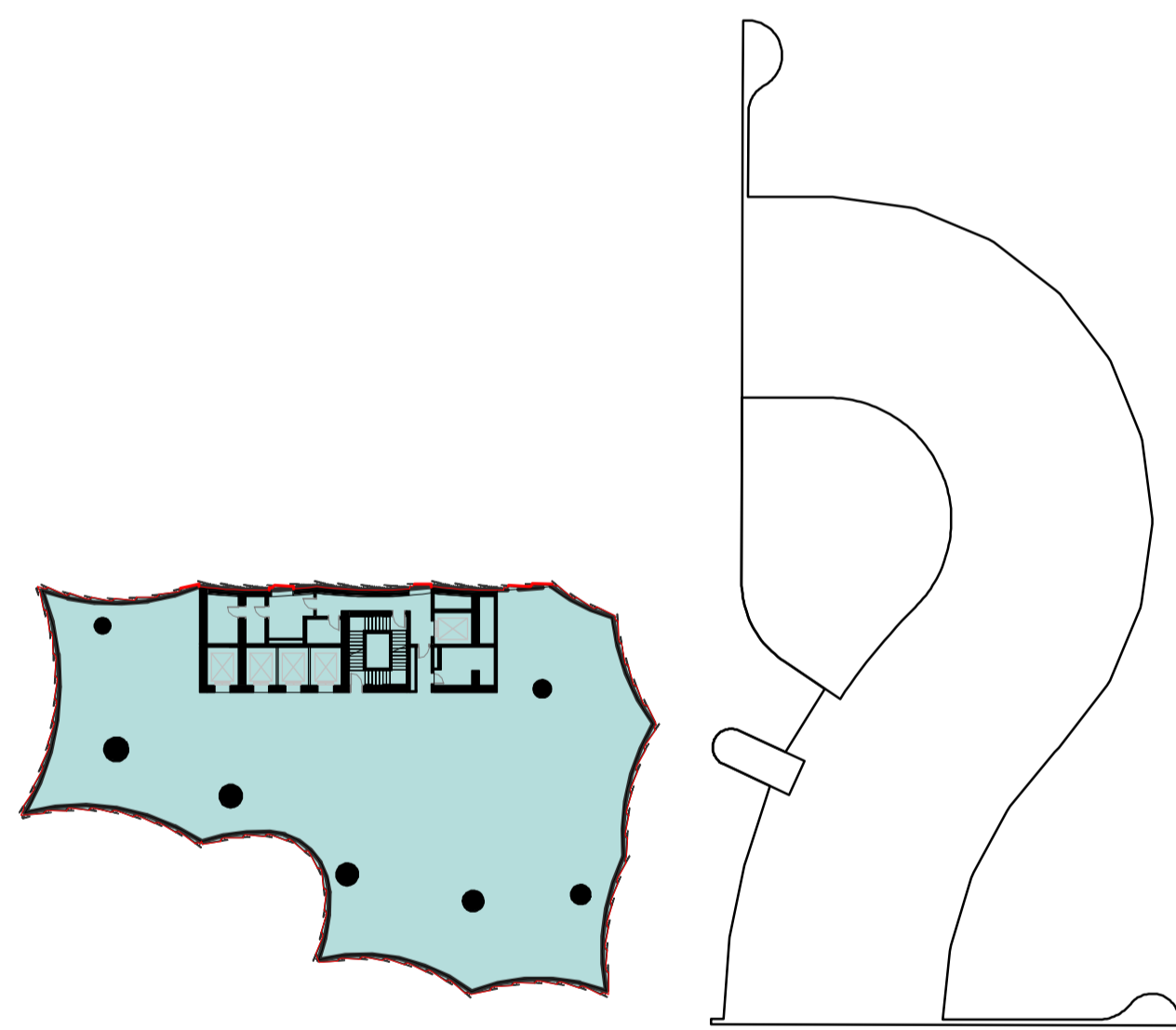
Tower 2 GFA 1,113 sqm

Level 31



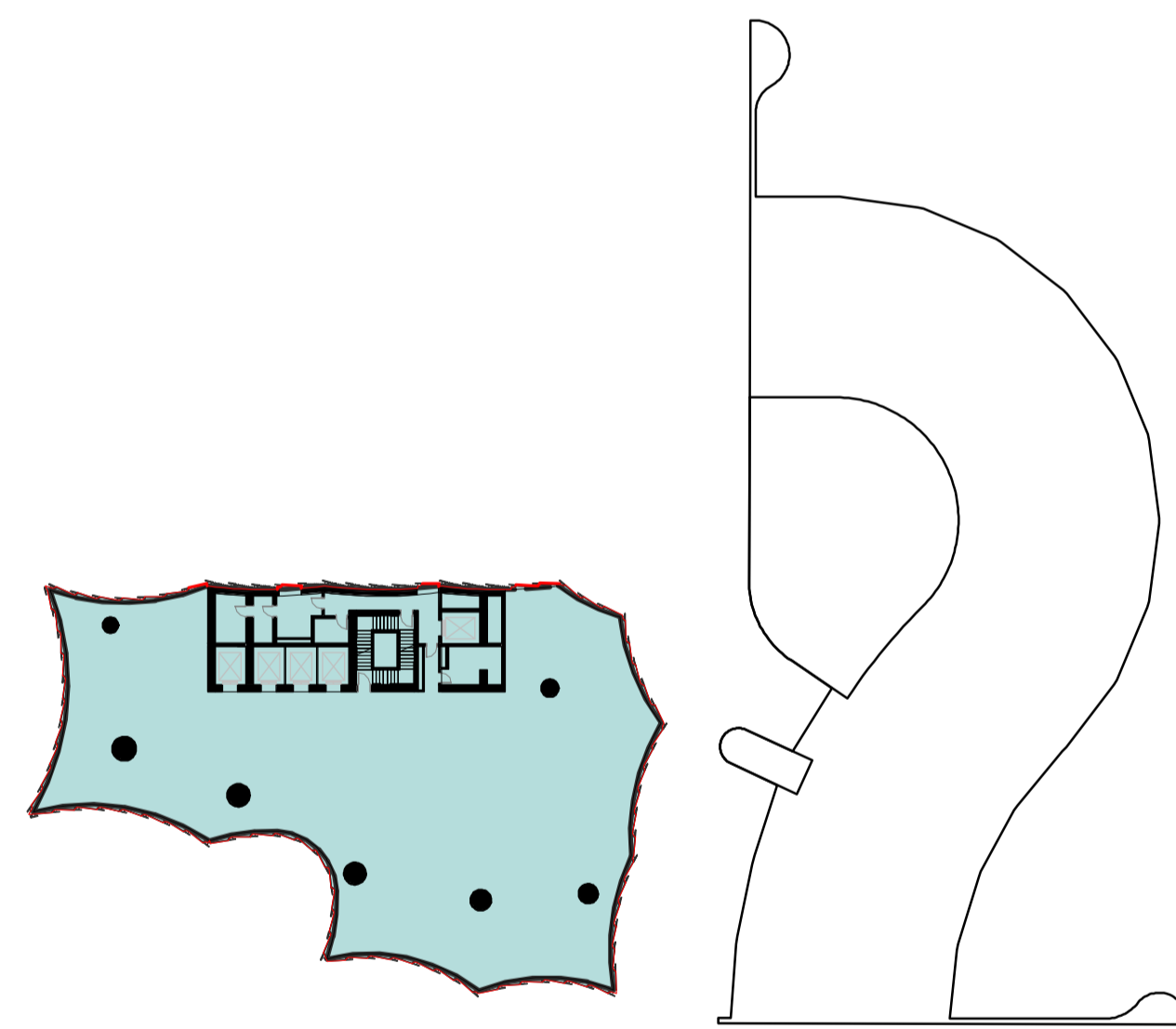
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Level 32



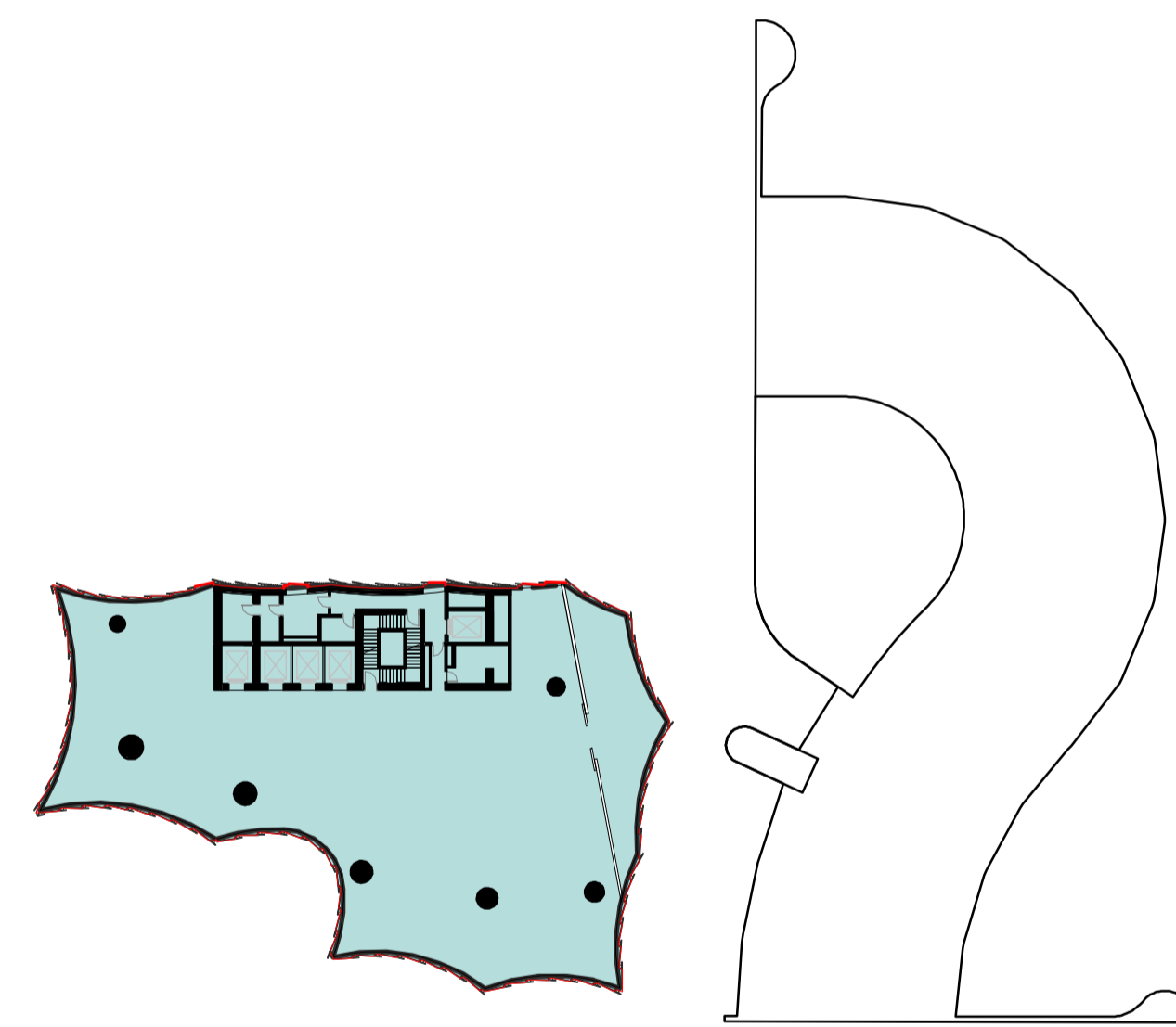
Tower 2 GFA 1,113 sqm

Level 33



Tower 2 GFA 1,113 sqm

Level 34



Tower 2 GFA 1,113 sqm

Level 35

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- Proposed Demolition walls

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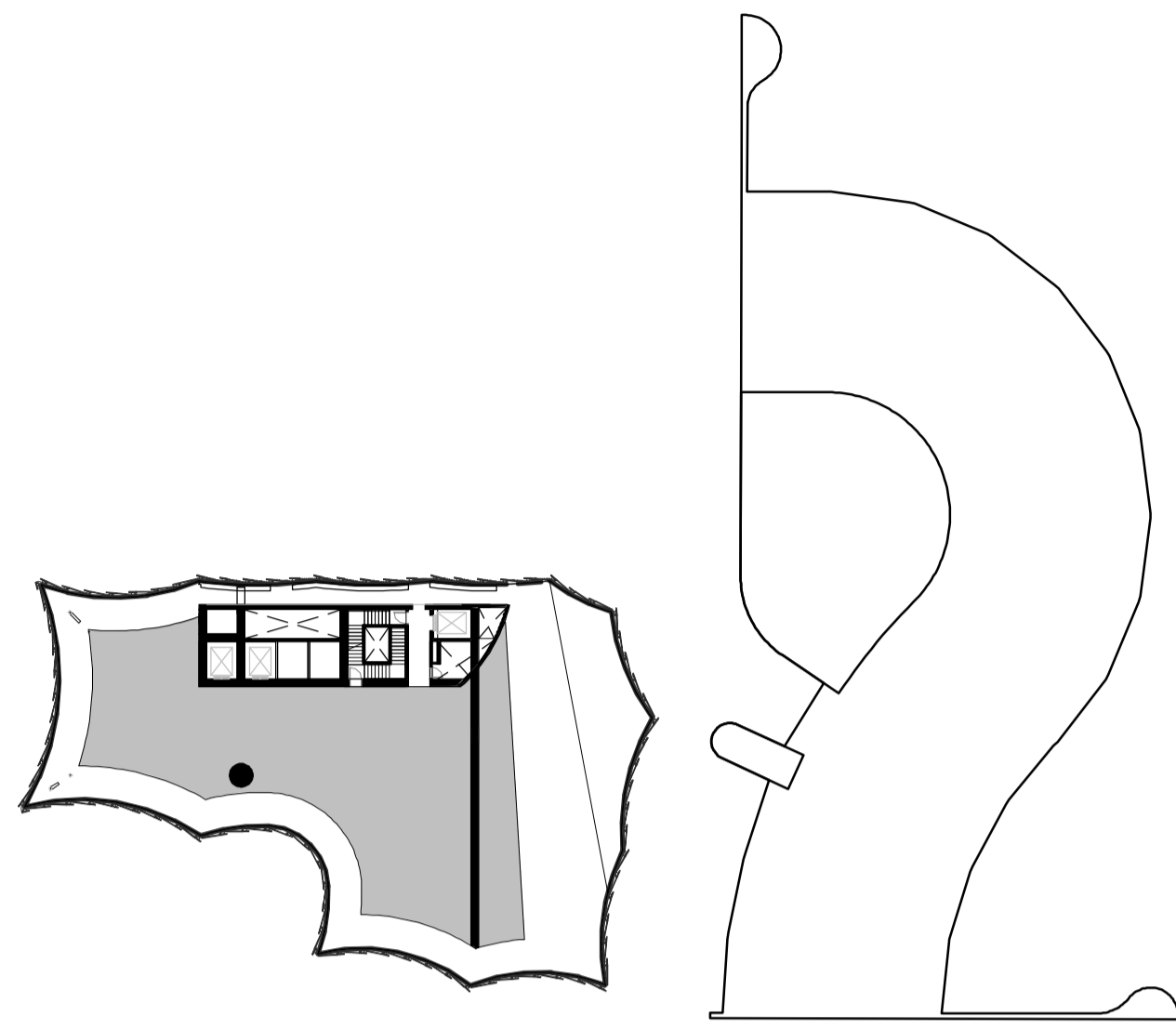
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checked	I+A	scale	1 : 550@A1
drawn	I+A	project no	190244

project
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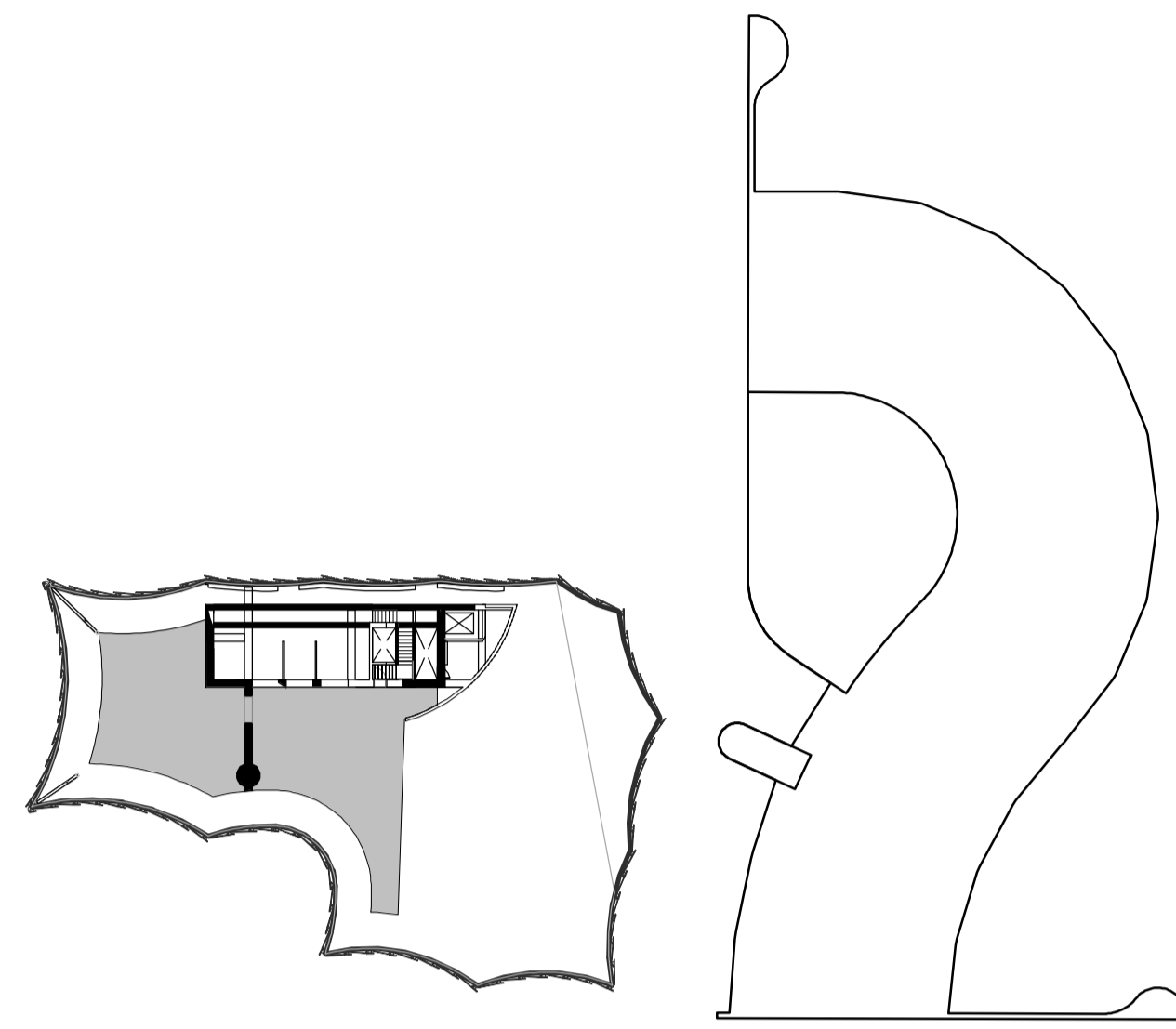
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GFA DIAGRAM 5

drawing no. **DA9504** issue **G**



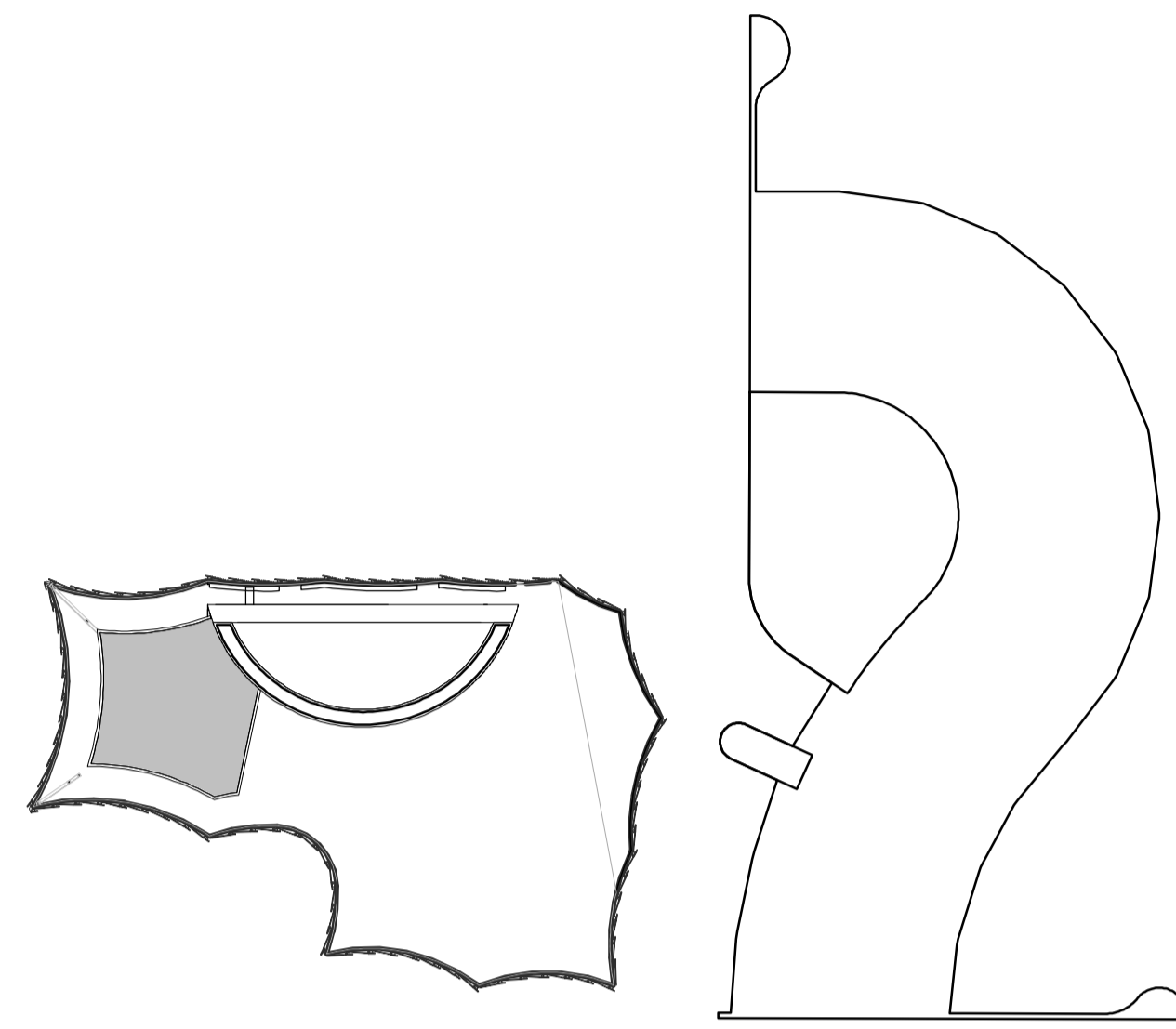
GFA N/A - Plant Room

Level 36



GFA N/A - Plant Room

Level 37



GFA N/A - Plant Room

Level 38

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- Existing Walls
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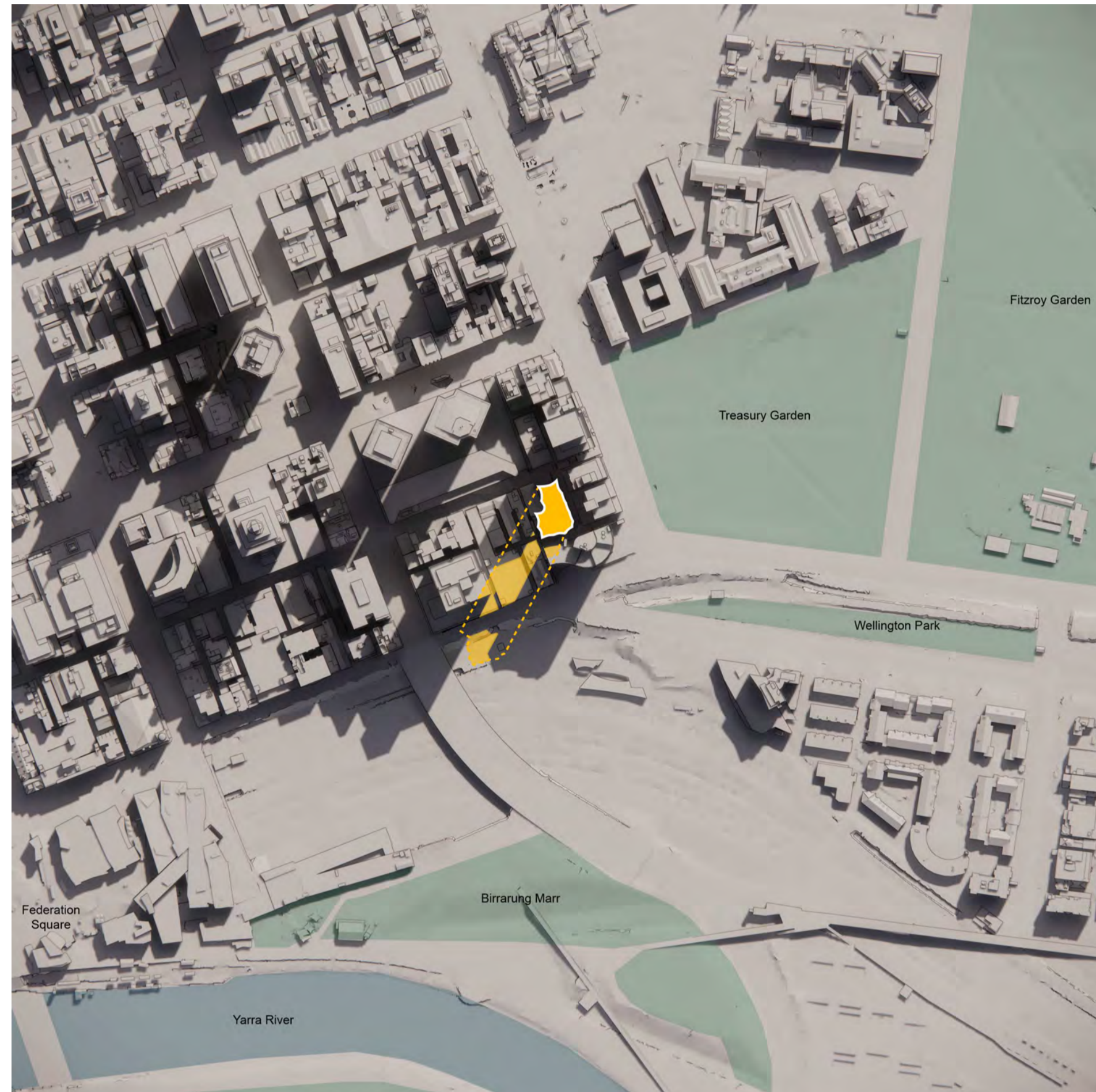
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checked	Checker	scale	1 : 550@A1
drawn	Author	project no	190244

project
1 SPRING STREET, MELBOURNE

drawing
GFA DIAGRAM 6

drawing no. **DA9505** issue **G**



11AM - 22/09



12PM - 22/09



1PM - 22/09

 Additional Shadow By Proposed Development

 Shadow By Proposed Development

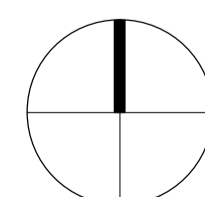
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-  Lobby / EOT

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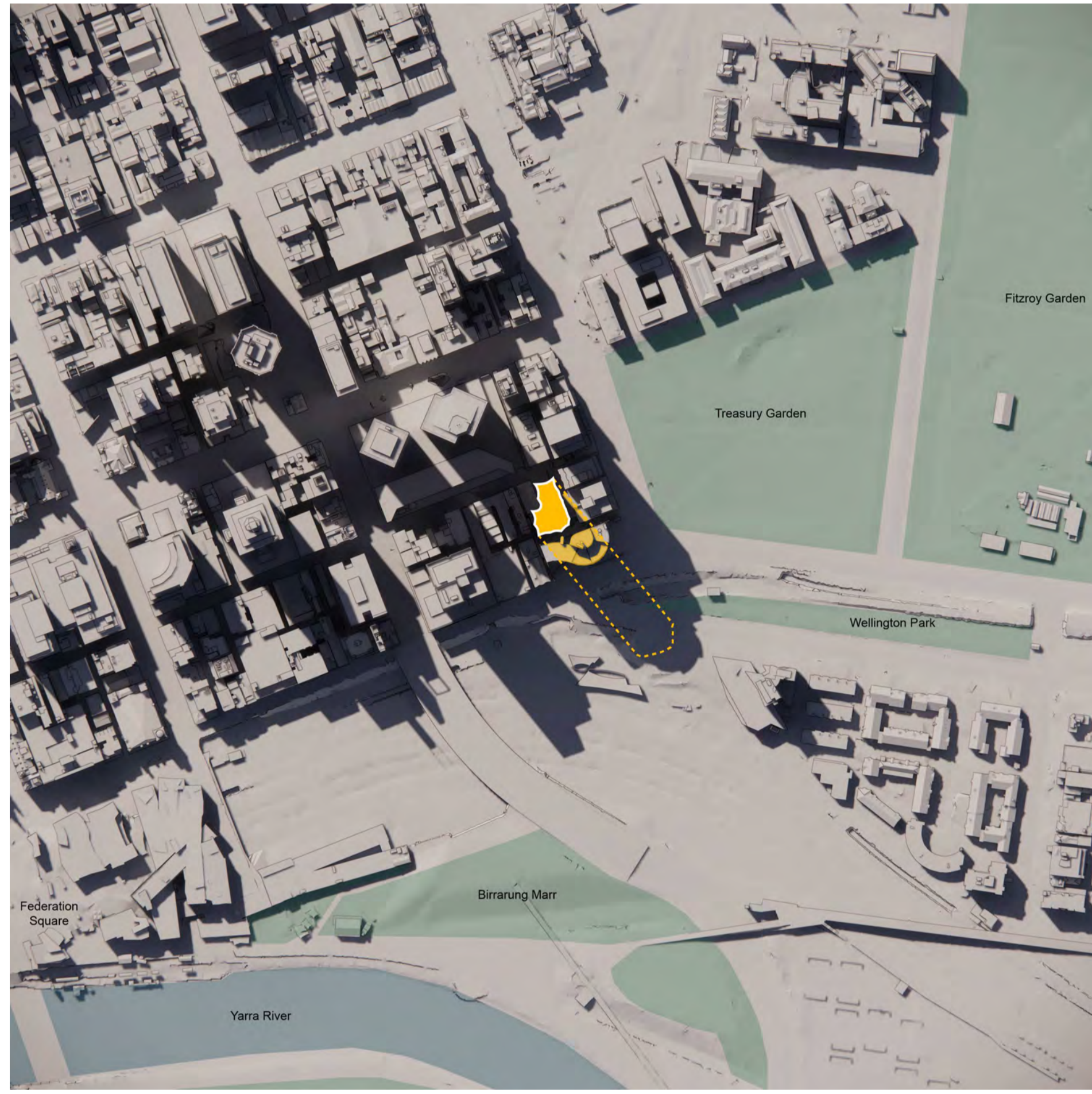
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drawn	I+A	project no.	190244

project
1 SPRING STREET, MELBOURNE

drawing
SHADOW DIAGRAMS - SEPTEMBER

drawing no. **DA9600** issue **G**

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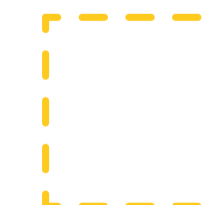
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3PM - 22/09



Additional Shadow By Proposed Development



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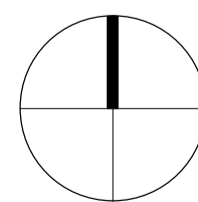
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ABN 90 131 245 684

checked	I+A	scale	
drawn	I+A	project no	190244

project
1 SPRING STREET, MELBOURNE

drawing
SHADOW DIAGRAMS -
SEPTEMBER

drawing no. **DA9601** issue **G**

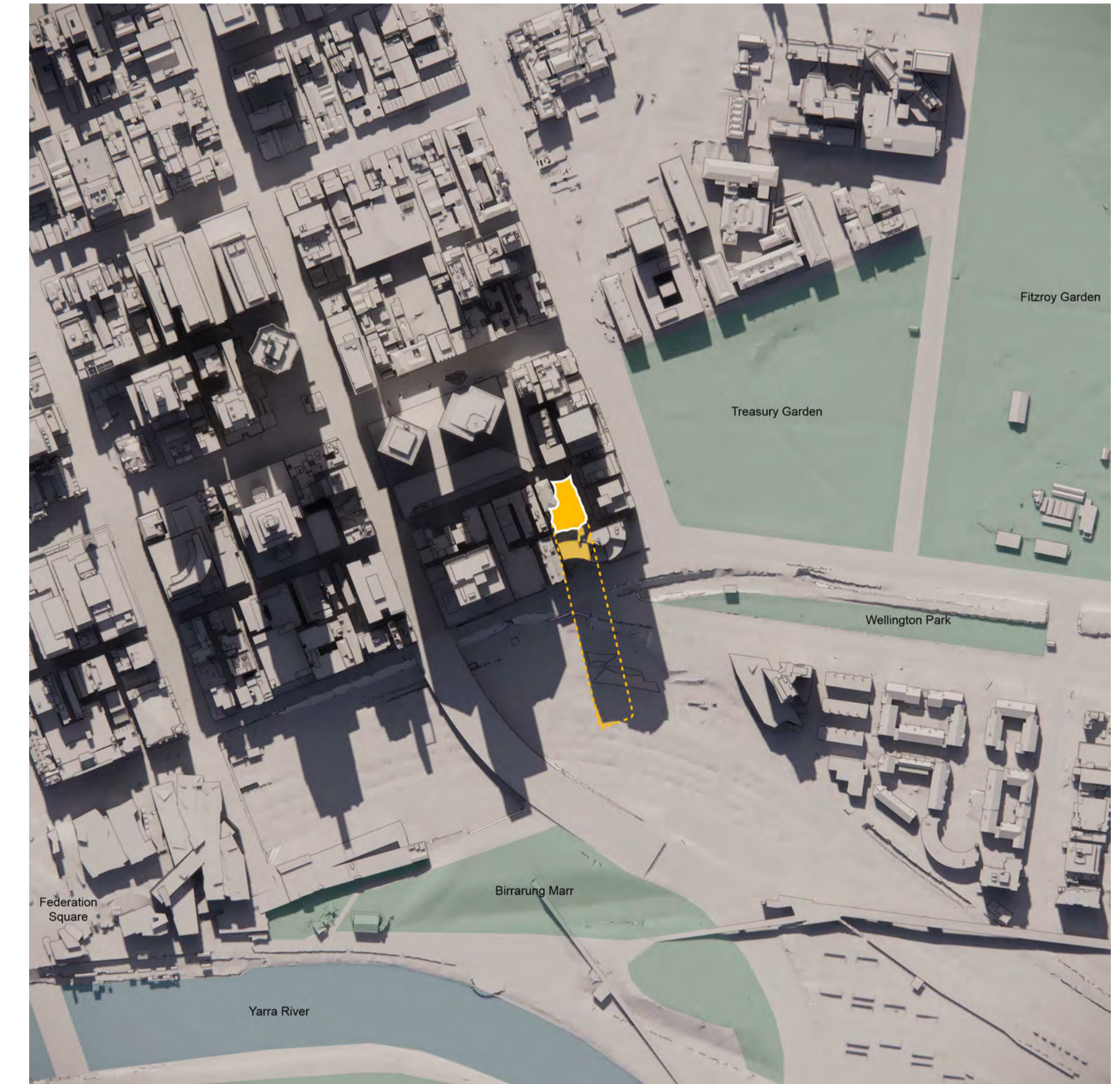
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11AM - 22/04



12PM - 22/04



1PM - 22/04

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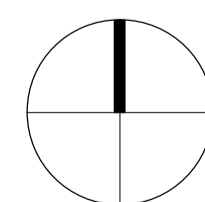
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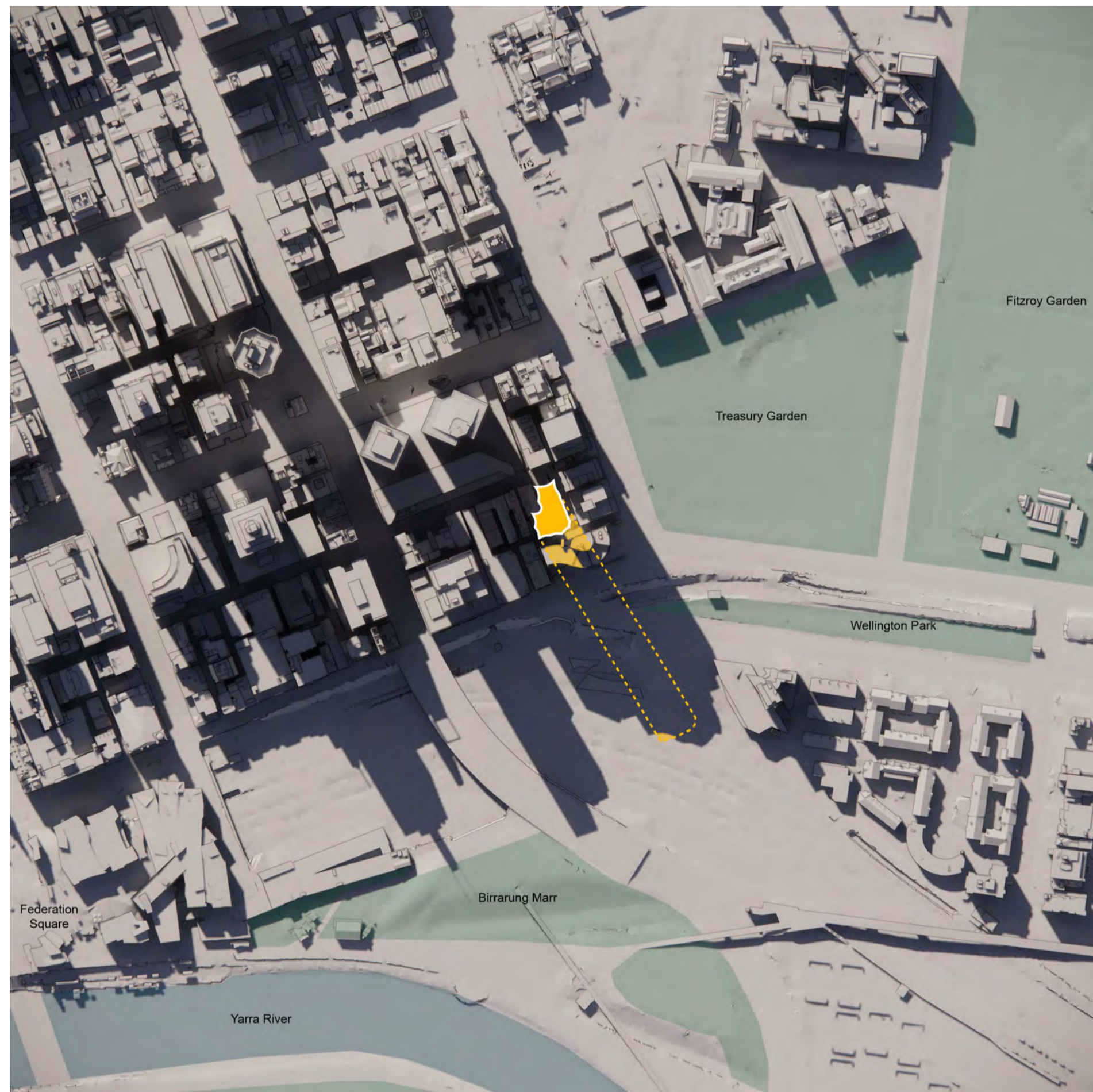
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 drawn I+A project no 190244

project
 1 SPRING STREET, MELBOURNE

drawing
 SHADOW DIAGRAMS -APRIL

drawing no. **DA9602** issue **G**

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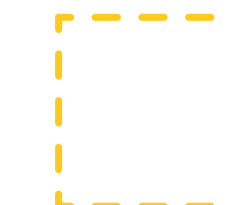
2PM - 22/04



3PM - 22/04



Additional Shadow By Proposed Development



Shadow By Proposed Development

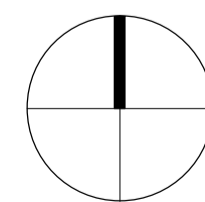
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E	Revised Planning Application	17/12/2021
G	Revised Planning Application	22/02/2022



- Commercial
- Terrace
- Plant
- Lobby / EOT

- Proposed Walls
- Existing Walls
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- Proposed Demolition walls

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checked	I+A	scale	
drawn	I+A	project no	190244

project
1 SPRING STREET, MELBOURNE

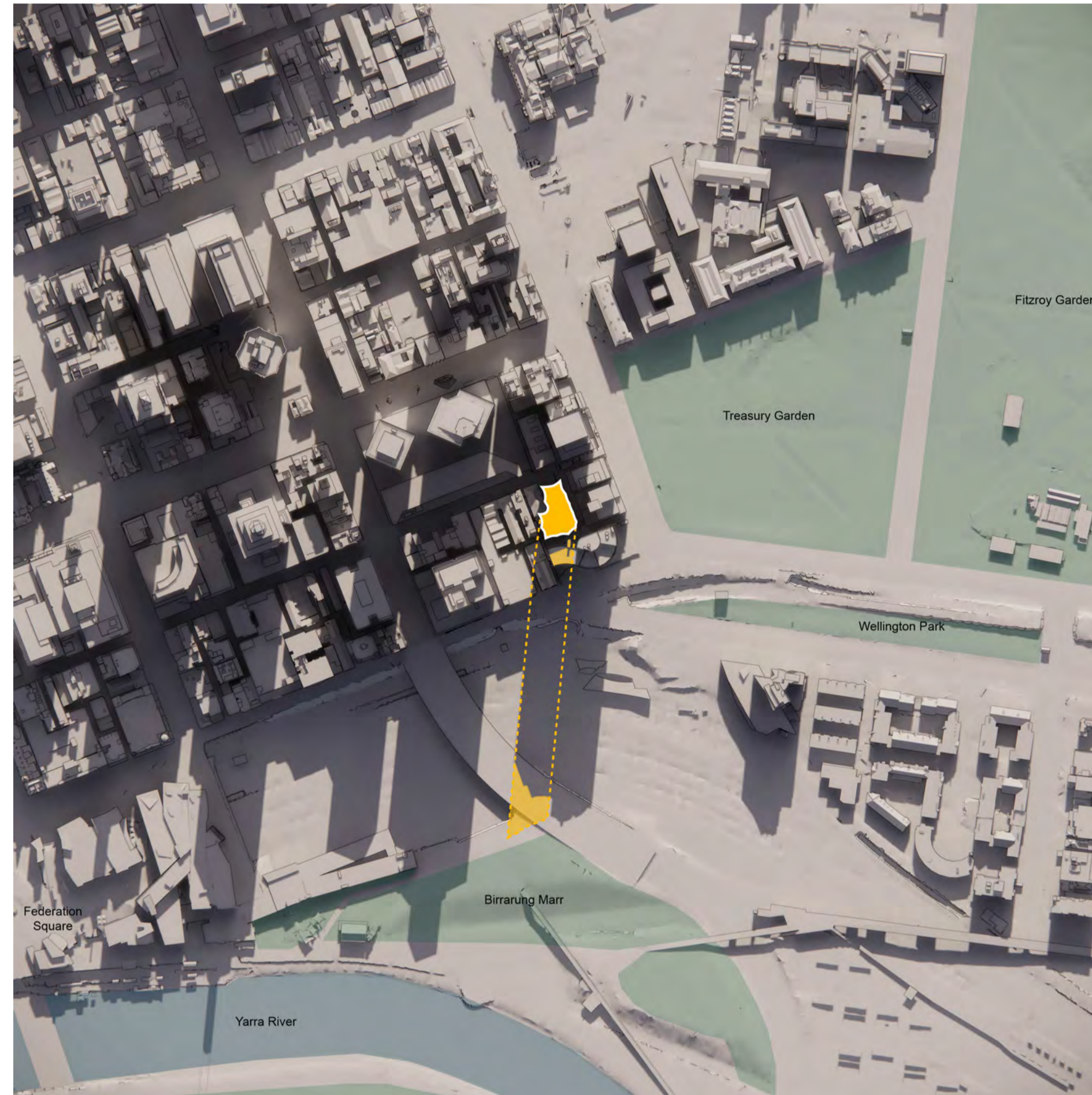
drawing
SHADOW DIAGRAMS -APRIL

drawing no. **DA9603** issue **G**

22/02/2022 5:16:27 PM



11AM - 22/06



12PM - 22/06



1PM - 22/06

 Additional Shadow By Proposed Development

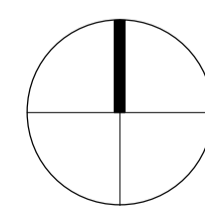
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



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issue	amendment	date
B	For Planning Application	09/11/2020
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checked I+A scale
 drawn I+A project no 190244

project
 1 SPRING STREET, MELBOURNE

drawing
 SHADOW DIAGRAMS - JUNE

drawing no. **DA9604** issue **G**

22/02/2022 5:16:32 PM



2PM - 22/06



3PM - 22/06

 Additional Shadow By Proposed Development

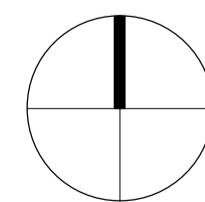
 Shadow By Proposed Development





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B	For Planning Application	09/11/2020
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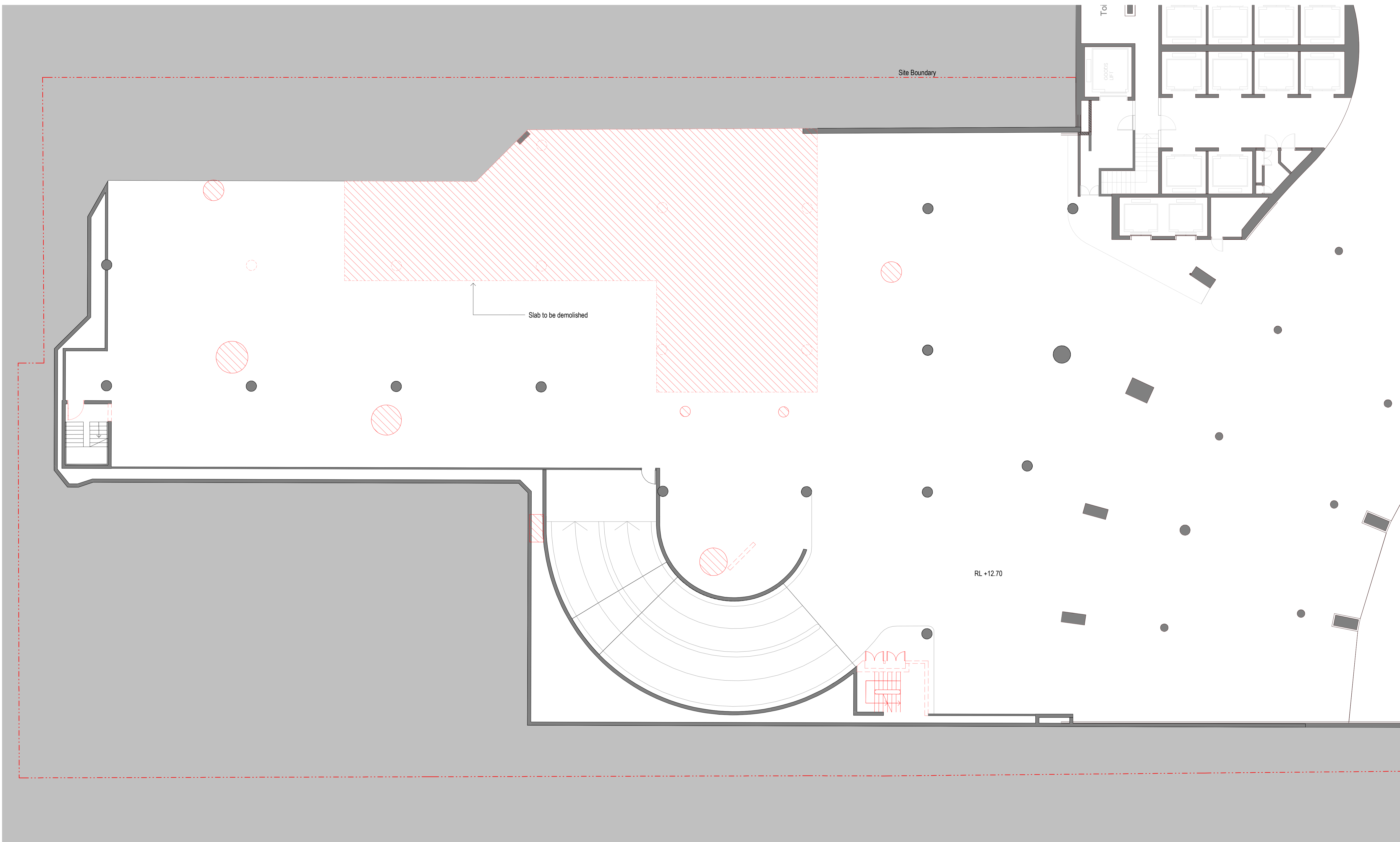
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drawn	I+A	project no	190244

project
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drawing
 SHADOW DIAGRAMS - JUNE

drawing no. **DA9605** issue **G**

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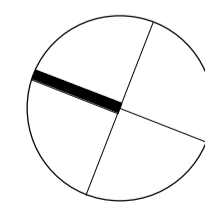
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B	For Planning Application	09/11/2020
C	HV RFI Response	16/02/2021
E	Revised Planning Application	17/12/2021
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G	Revised Planning Application	22/02/2022



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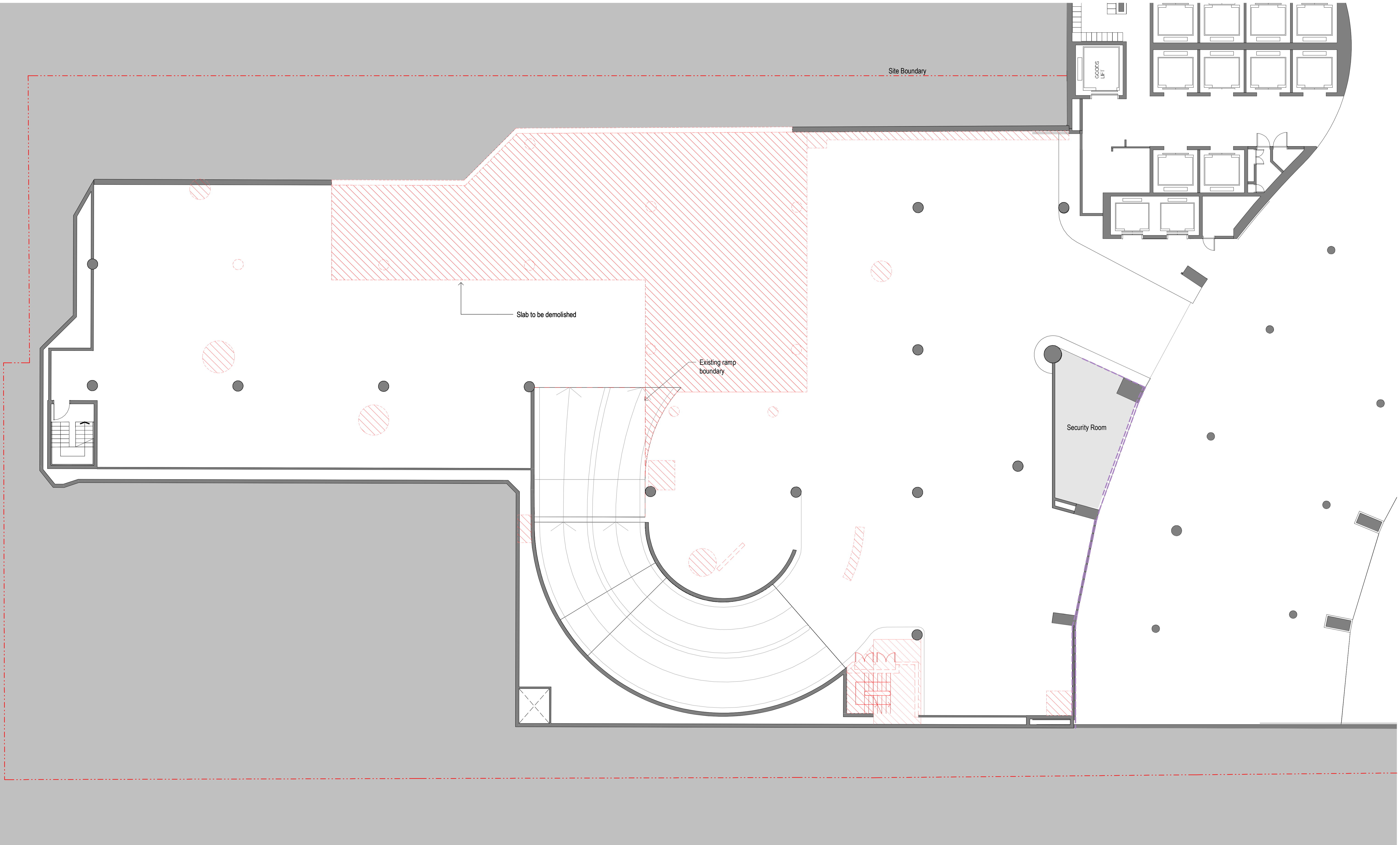
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drawn	I+A	project no	190244

project
1 SPRING STREET, MELBOURNE

drawing
DEMOLITION P5

drawing no. **DA9700** issue **G**

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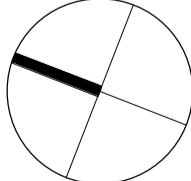
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issue	amendment	date
B	For Planning Application	09/11/2020
C	HV RFI Response	16/02/2021
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drawn	I+A	project no	190244

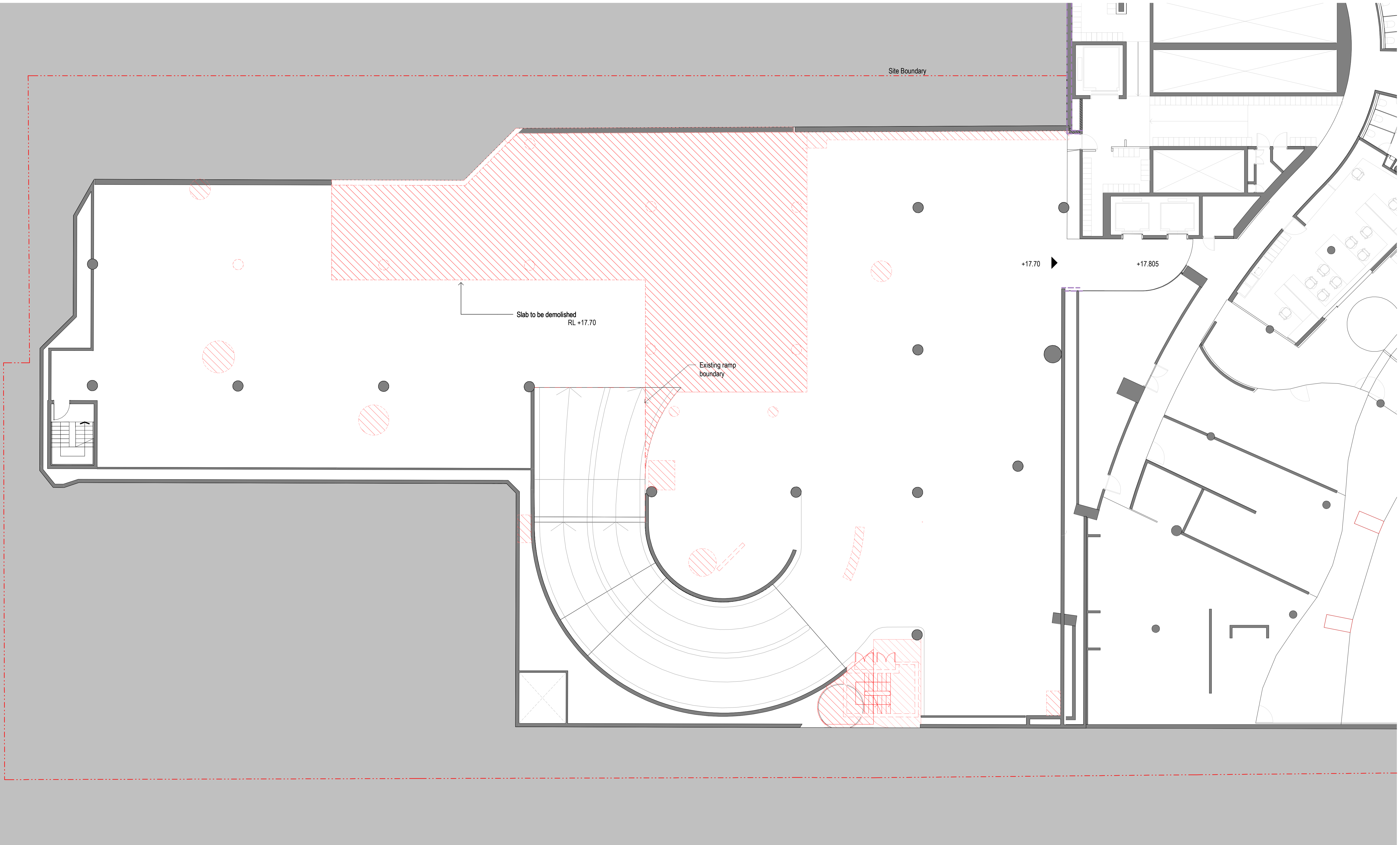
project
1 SPRING STREET, MELBOURNE

drawing
DEMOLITION P4

drawing no.
DA9701

issue
G

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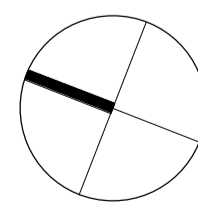
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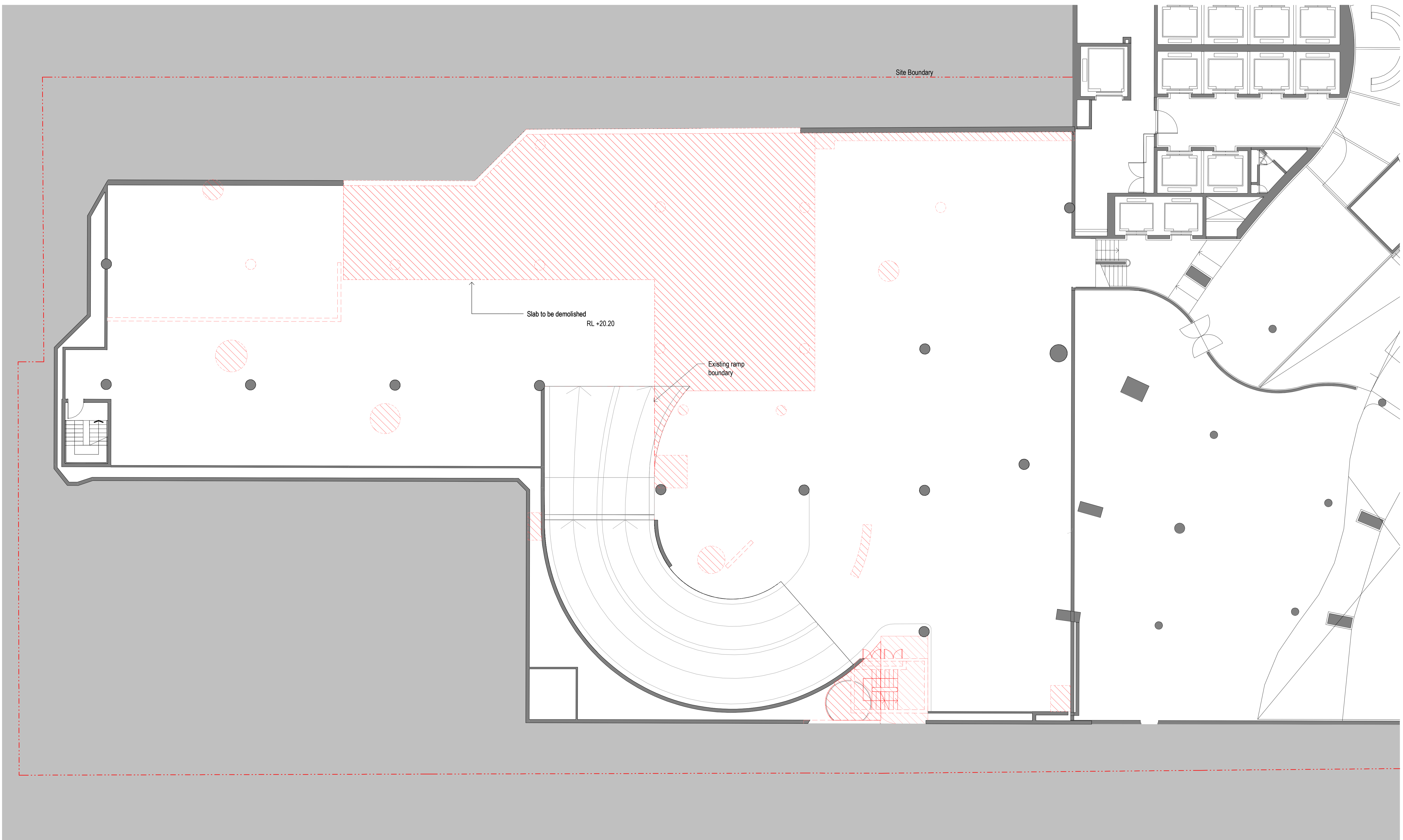
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drawn	I+A	project no	190244

project
1 SPRING STREET, MELBOURNE

drawing
DEMOLITION P3

drawing no. **DA9702** issue **G**

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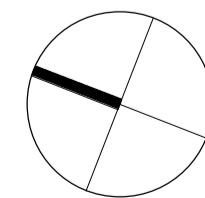
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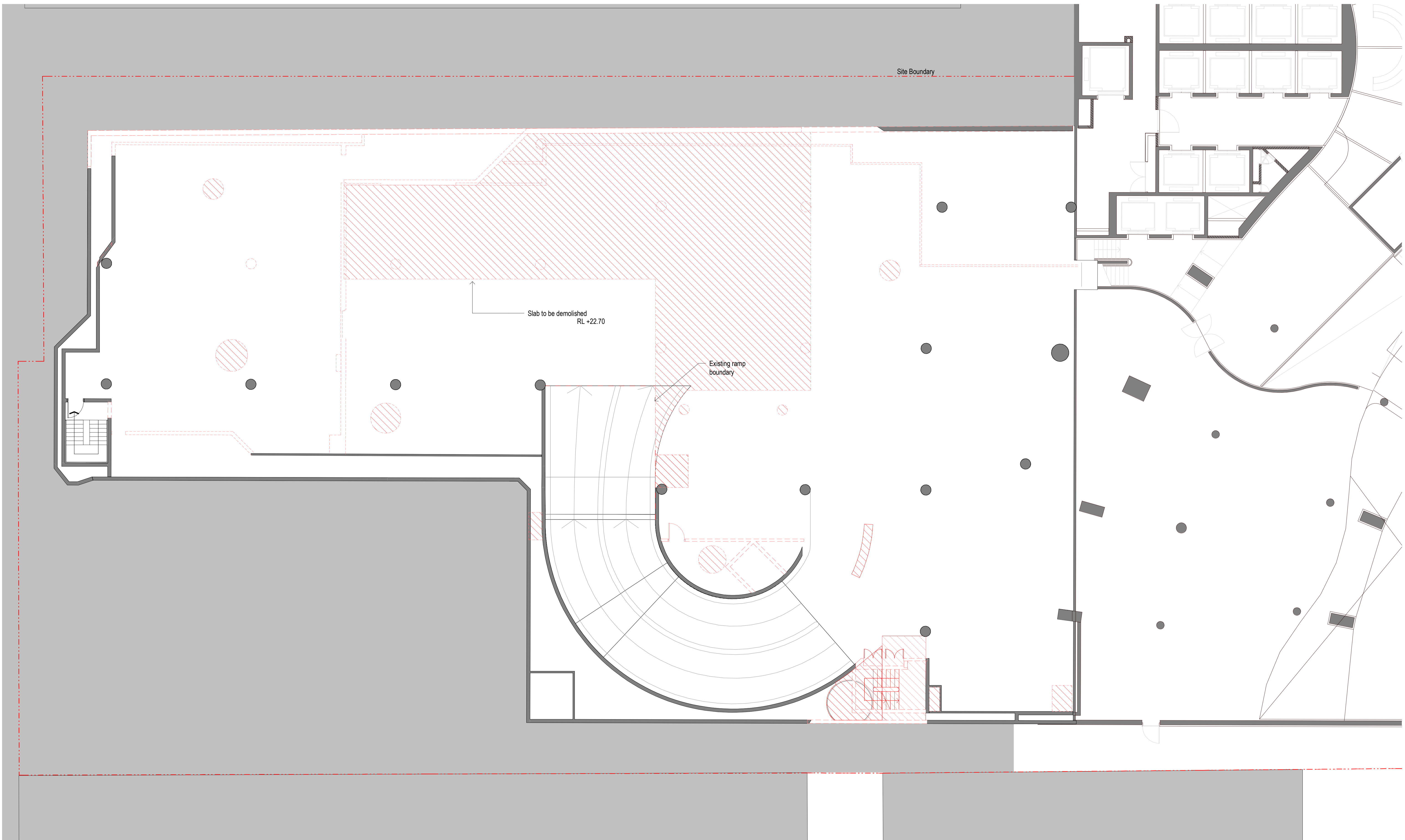
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drawn	I+A	project no	190244

project
1 SPRING STREET, MELBOURNE

drawing
DEMOLITION P2

drawing no. **DA9703** issue **G**

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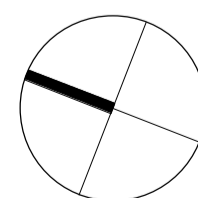
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drawn	I+A	project no	190244

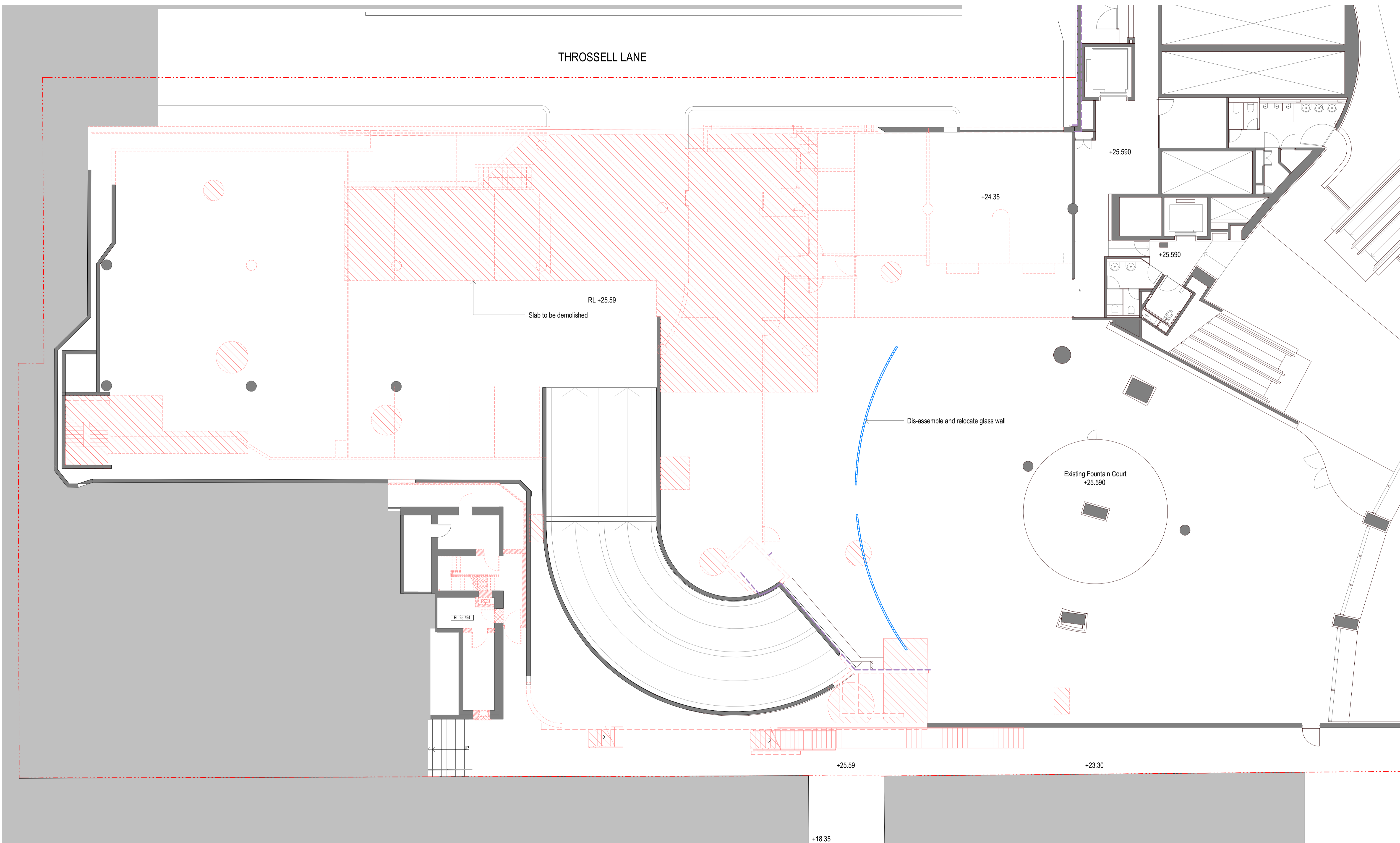
project
1 SPRING STREET, MELBOURNE

drawing
DEMOLITION P1

drawing no. **DA9704** issue **G**

22/02/2022 5:16:52 PM

THROSSELL LANE



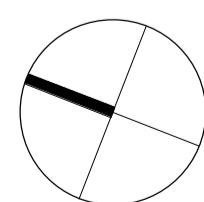
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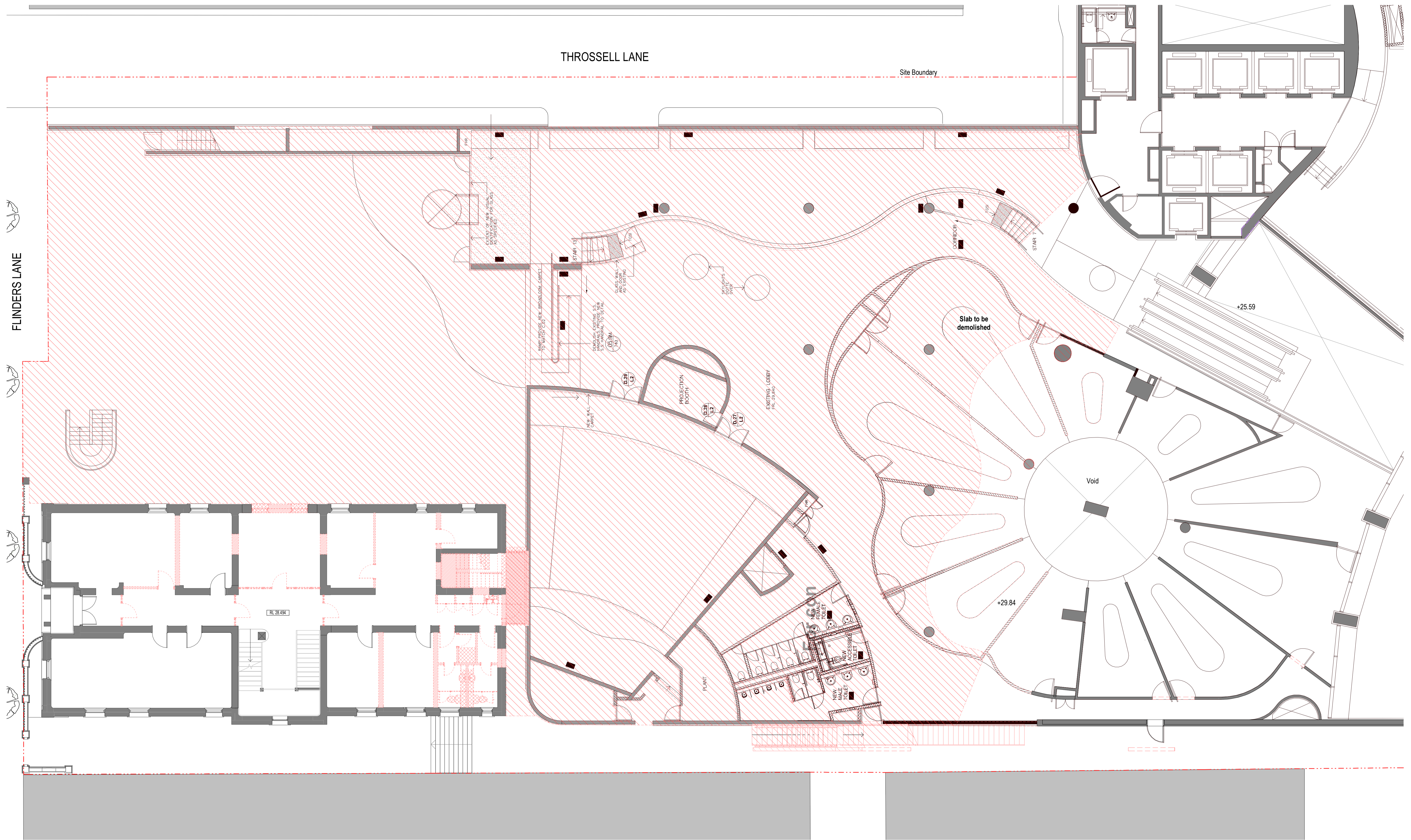
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drawn	I+A	project no	190244

project
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drawing
DEMOLITION LEVEL 1

drawing no. **DA9705** issue **G**

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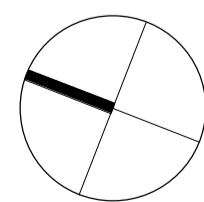
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B	For Planning Application	09/11/2020
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drawn	I+A	project no	190244

project
1 SPRING STREET, MELBOURNE

drawing
DEMOLITION LEVEL 2

drawing no.
DA9706

issue
G

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FLINDERS LANE

THROSSELL LANE

Slab to be demolished

+34.40

Void

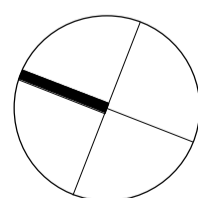
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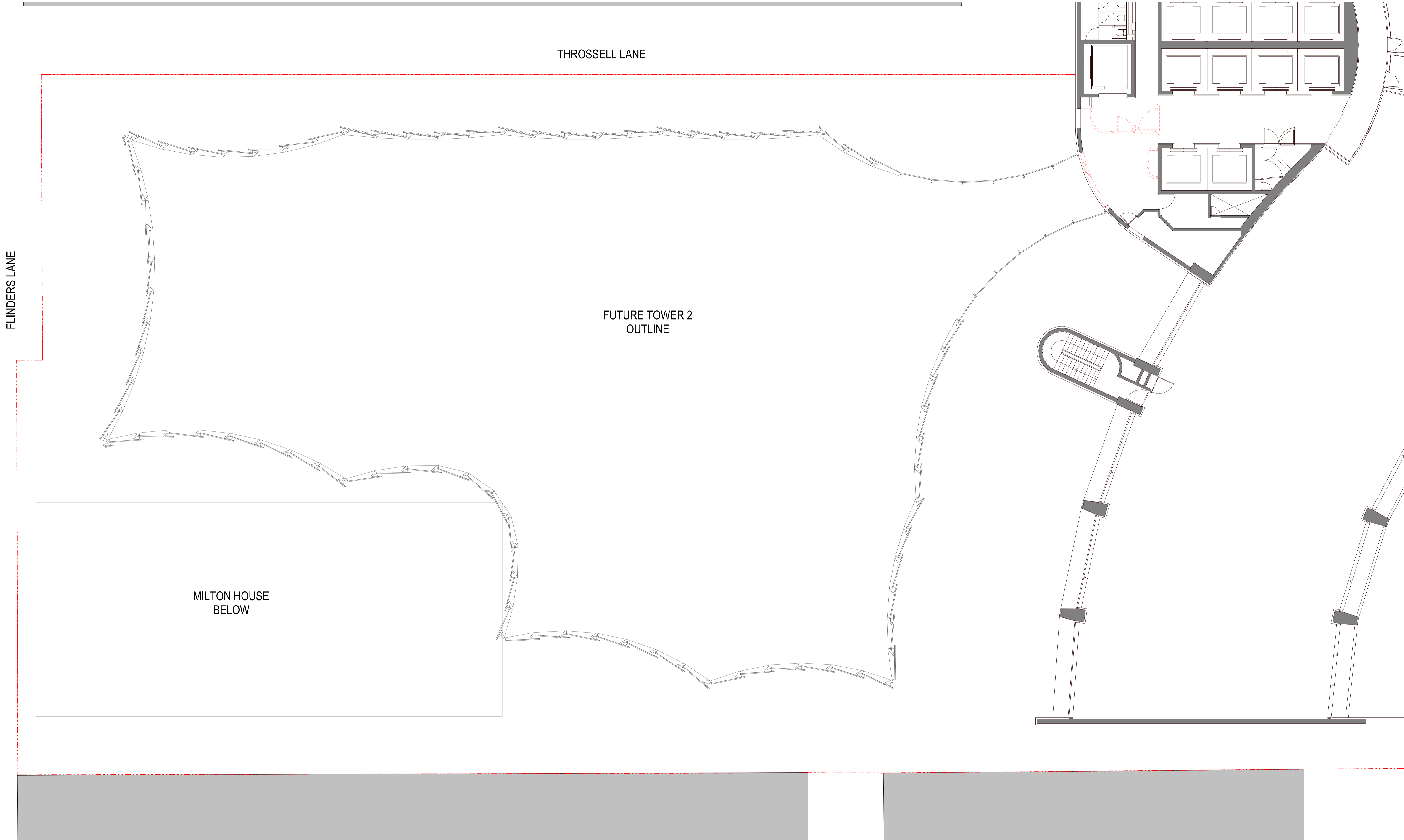
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project
1 SPRING STREET, MELBOURNE

drawing
DEMOLITION LEVEL 3

drawing no. **DA9707** issue **G**

22/02/2022 5:17:03 PM



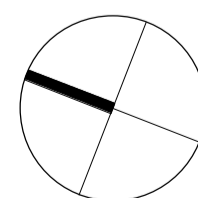
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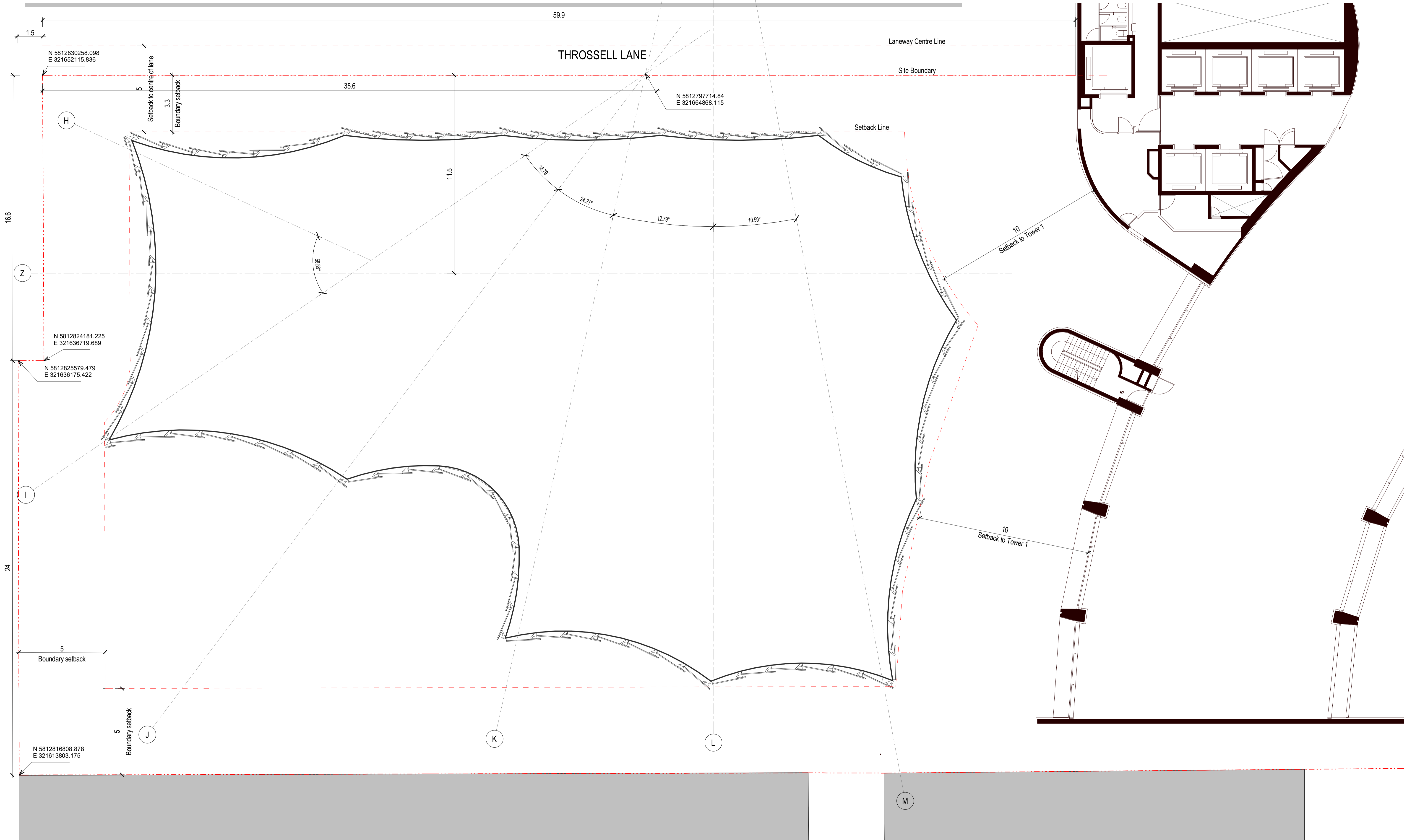
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drawn	I+A	project no	190244

project
1 SPRING STREET, MELBOURNE

drawing
DEMOLITION LEVEL 15

drawing no. **DA9708** issue **G**

22/02/2022 5:17:06 PM

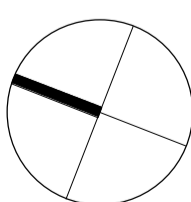


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issue	amendment	date
B	For Planning Application	09/11/2020
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drawn	I+A	project no	190244

project
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drawing
GRID SET-OUT PLAN

drawing no.
DA9709

issue
G

22/02/2022 5:17:09 PM

Milton House, Melbourne Planning Application

SHEET LIST MILTON HOUSE	
Sheet Number	Sheet Name
DA-0000	COVER SHEET
DA-0001	SITE PLAN
DA-0501	PLANS / DEMOLITION
DA-0502	ELEVATIONS / DEMOLITION
DA-0503	ELEVATIONS / DEMOLITION
DA-1001	PLANS / PROPOSED
DA-2001	ELEVATIONS / PROPOSED 1
DA-2002	ELEVATIONS / PROPOSED 2
DA-2501	SECTIONS / PROPOSED
DA-6002	TOWER 2 OVERLAY OVER MILTON HOUSE HVR



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issue	amendment	date
D	Preliminary	08/12/2021
E	Revised Planning Application	17/12/2021
F	Revised Planning Application	02/02/2022
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drawn	I+A	project no	190244

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drawing
COVER SHEET

drawing no. DA-0000 issue G

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Nominated Architect
Ray Brown, NSWARB 6359

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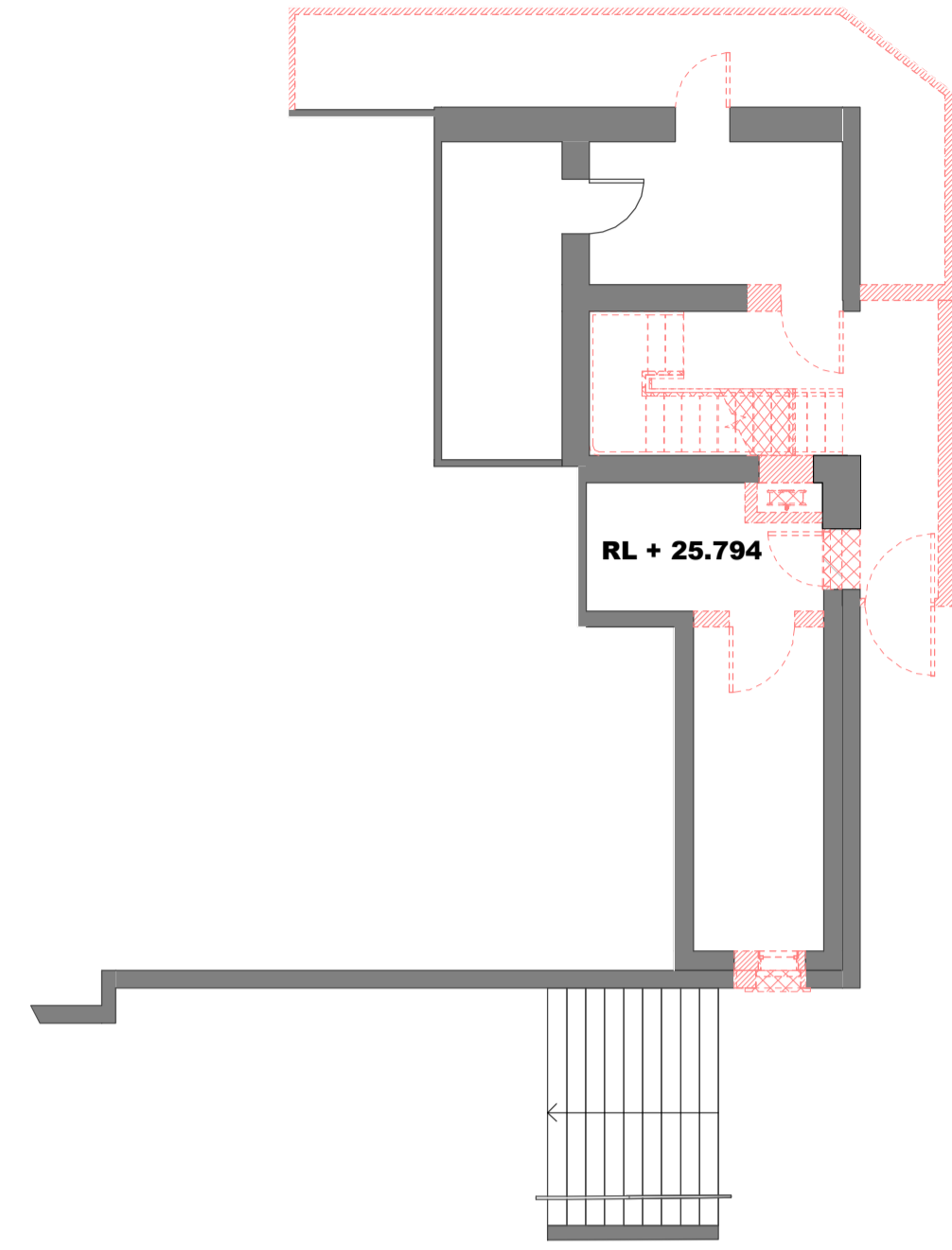
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project
1 SPRING STREET, MELBOURNE

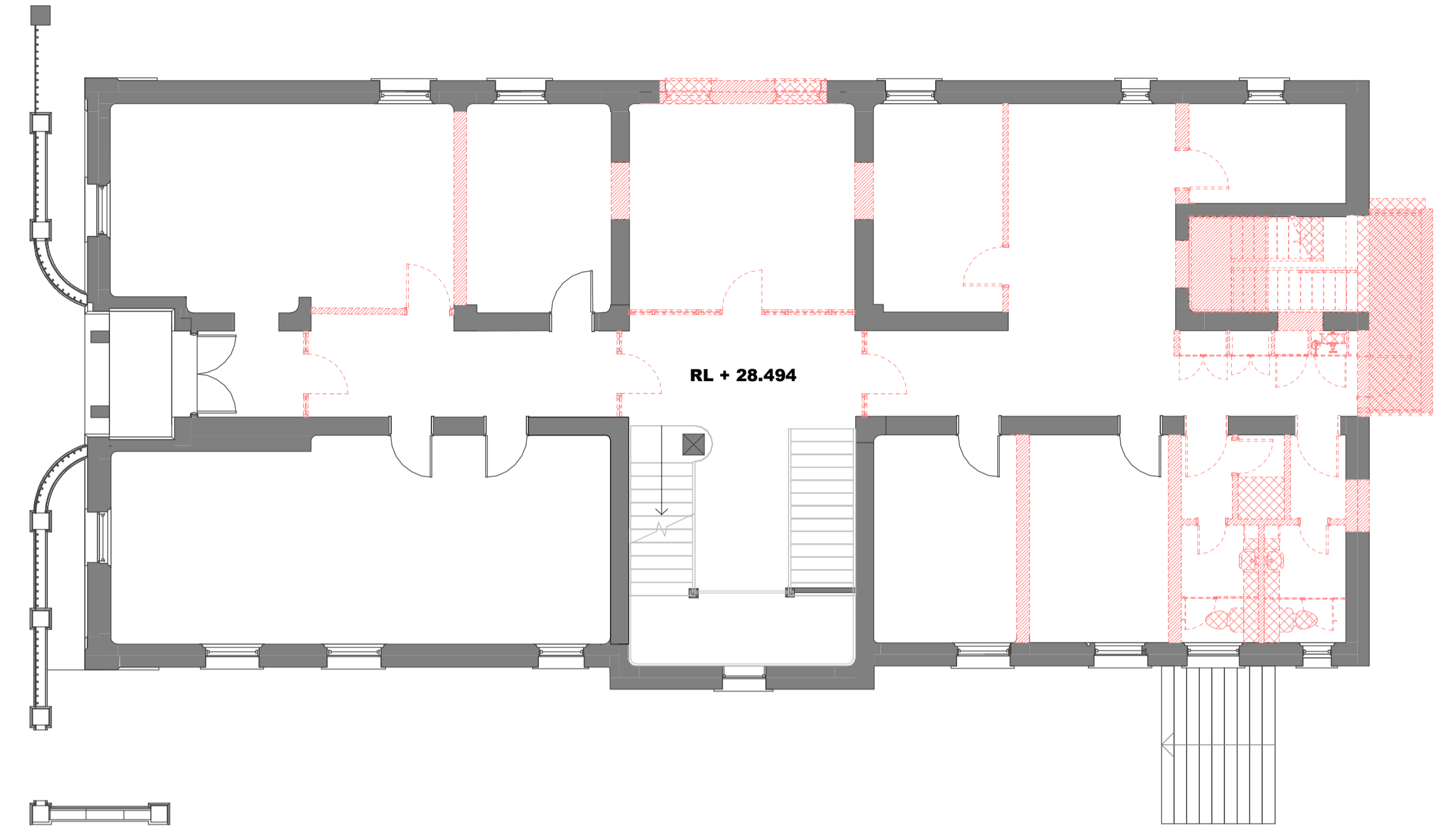
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SITE PLAN

drawing no. **DA-0001** issue **G**

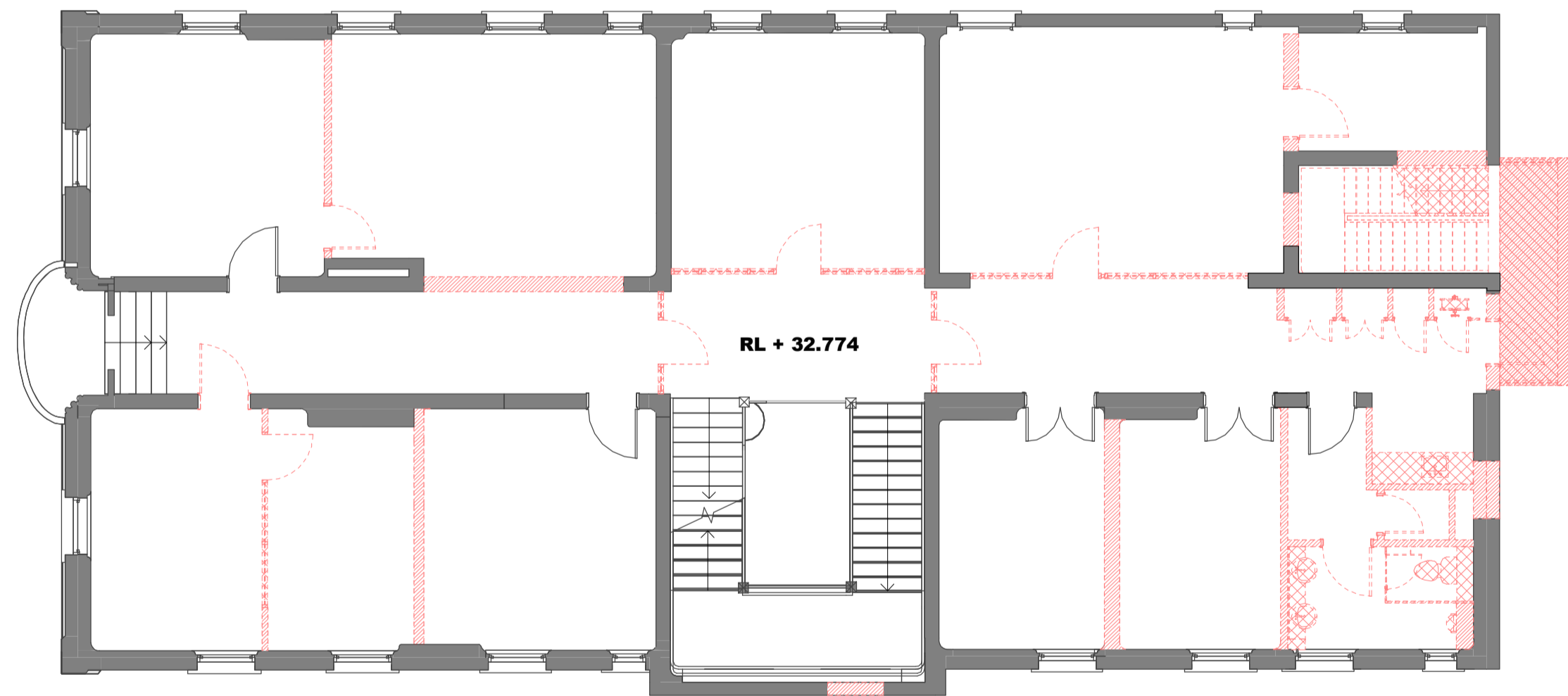
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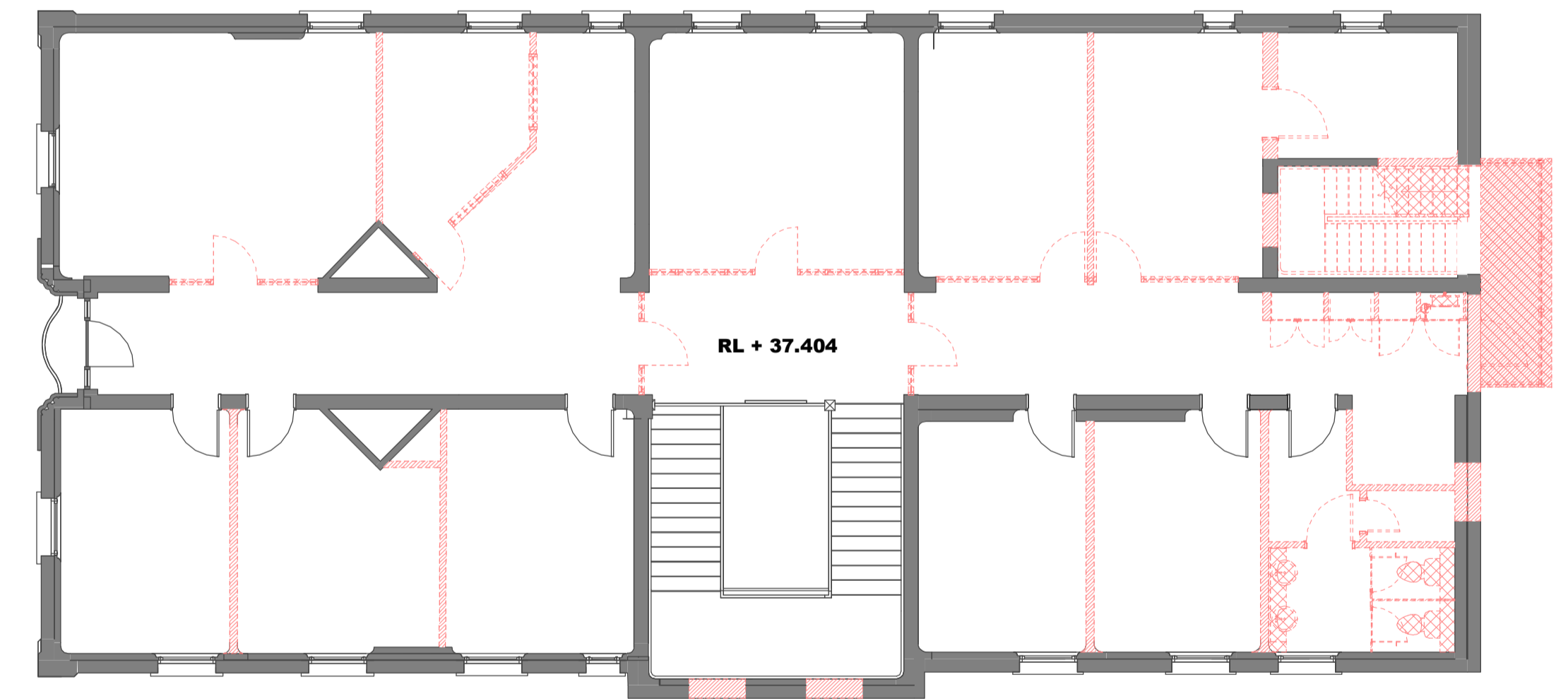
Basement Plan / Demolition
Sc. 1.100



Ground Floor (Level 02) Plan / Demolition
Sc. 1.100



1st Floor (Level 03) Plan / Demolition
Sc. 1.100



2nd Floor (Level 04) Plan / Demolition
Sc. 1.100

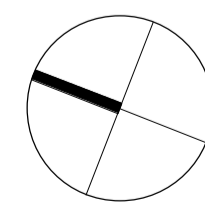
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drawn	I+A	project no	190244

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1 SPRING STREET, MELBOURNE

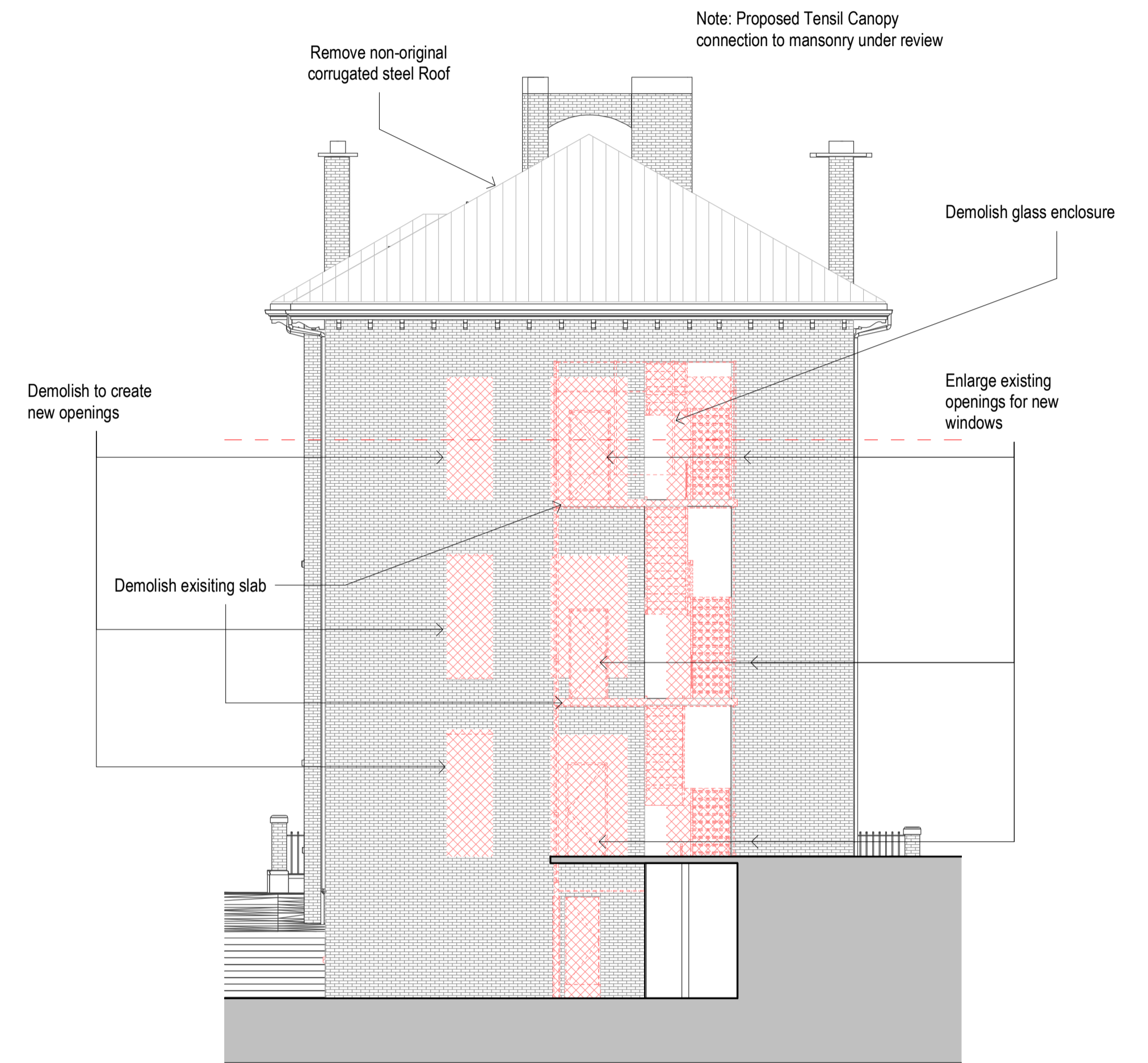
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drawing no. **DA-0501** issue **G**

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East Elevation (Demolition)
Sc. 1:100



South Elevation Demolition
Sc. 1:100

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drawn	I+A	project no	190244

project
1 SPRING STREET, MELBOURNE

drawing
ELEVATIONS / DEMOLITION

drawing no.	DA-0502	issue	G
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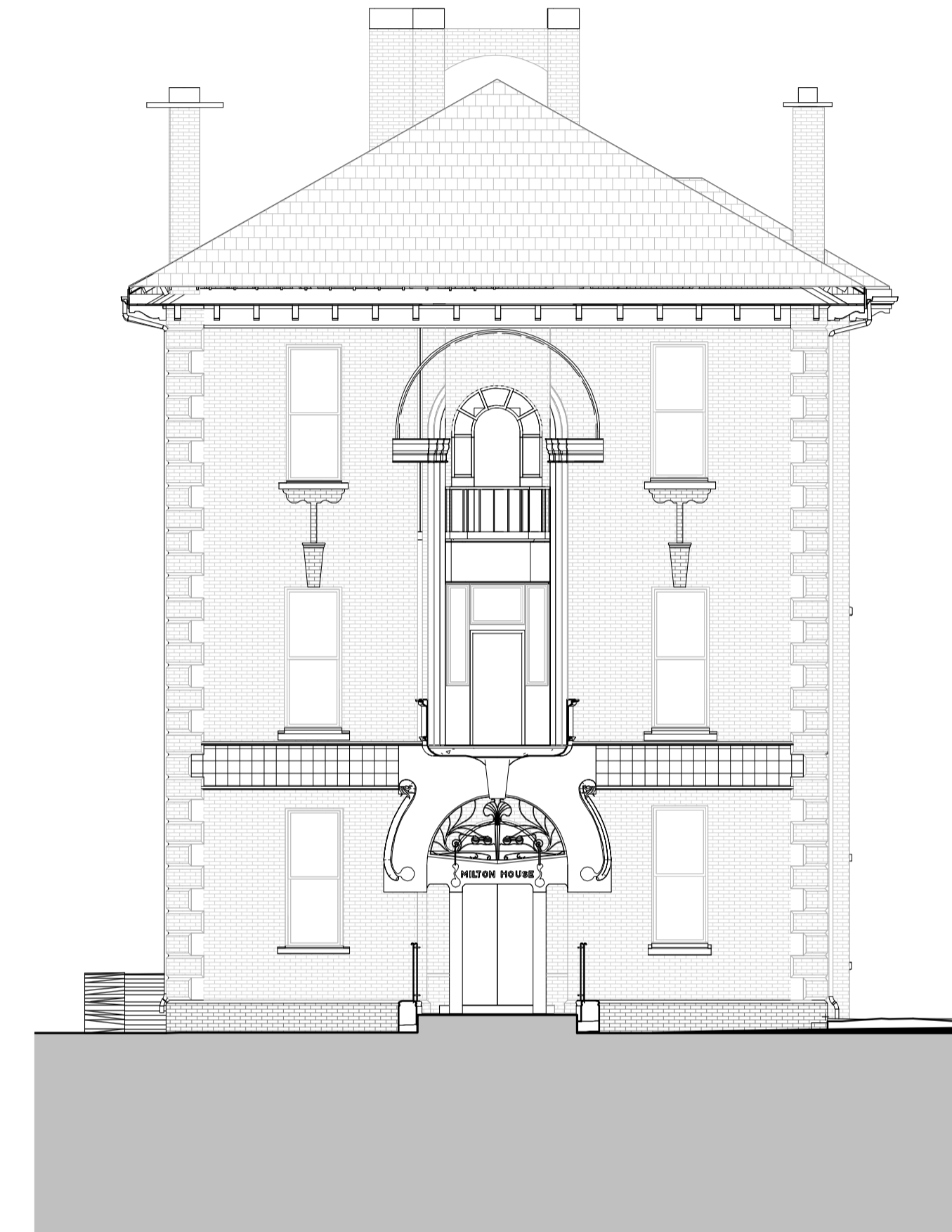
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Note: Proposed Tensile Canopy connection to masonry under review



West Elevation (Demolition)
Sc. 1.100

Note: Proposed Tensile Canopy connection to masonry under review



North Elevation Demolition
Sc. 1.100

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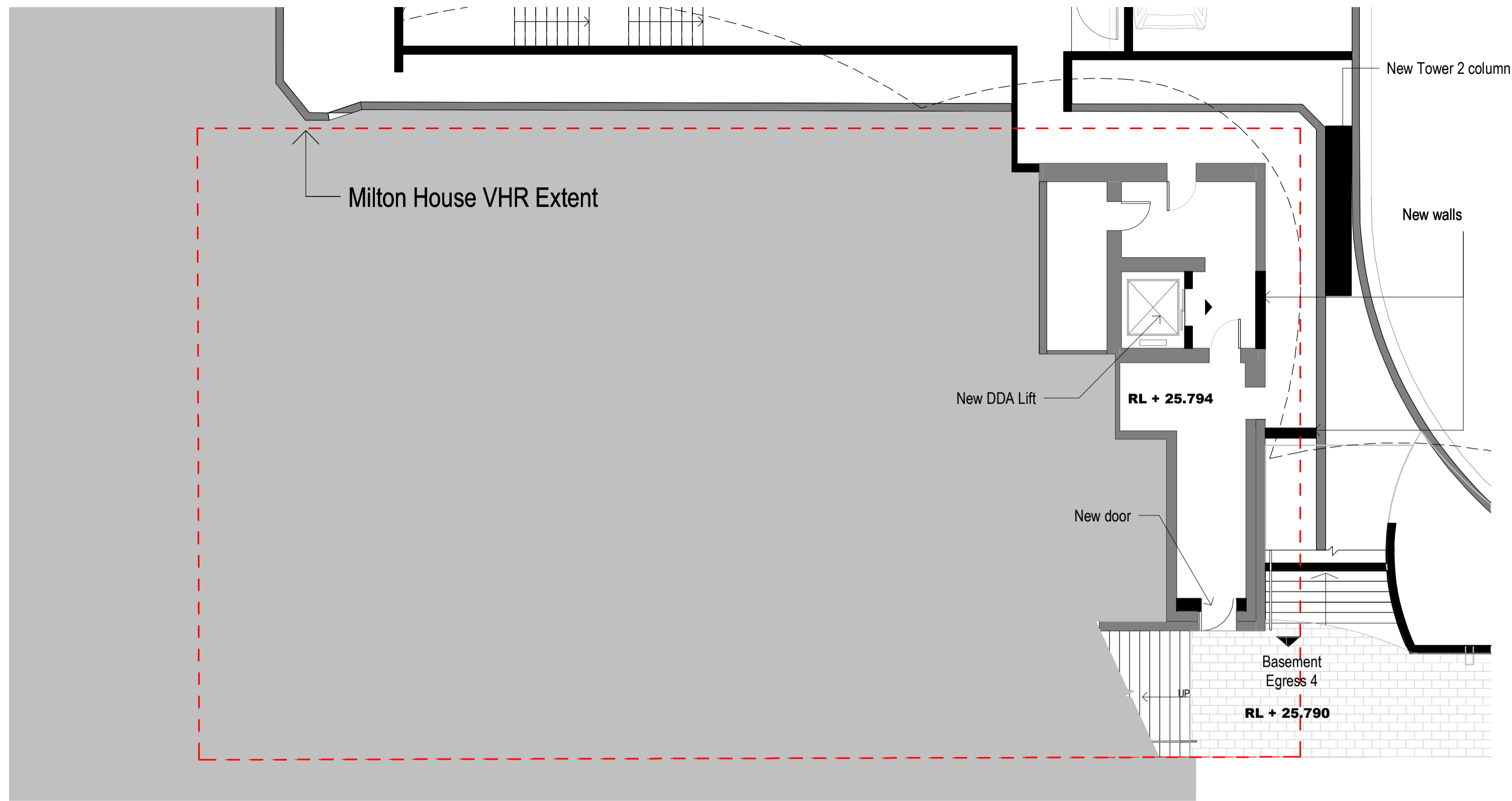
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drawn	Author	project no	190244

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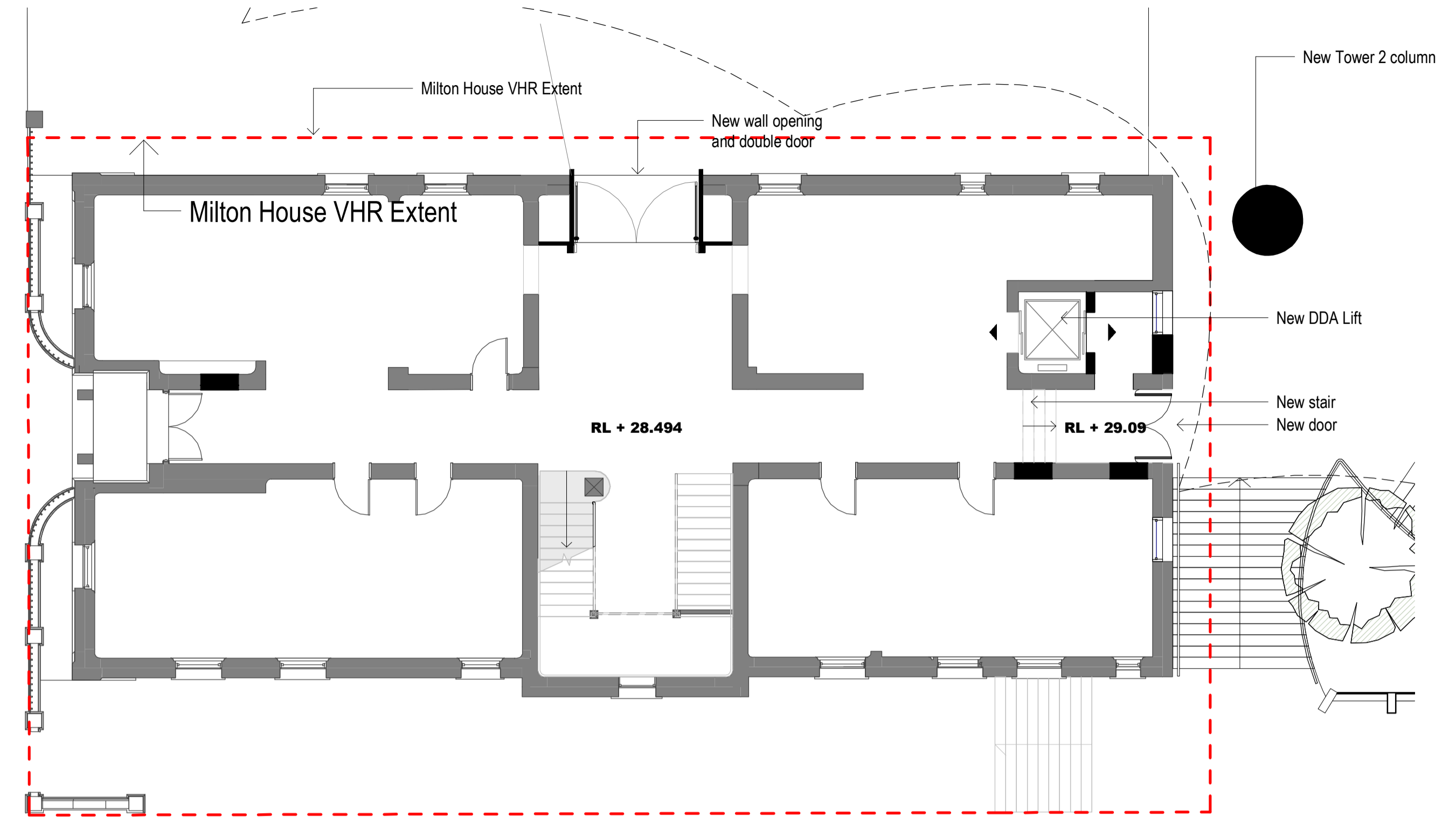
drawing
ELEVATIONS / DEMOLITION

drawing no.	DA-0503	issue	G
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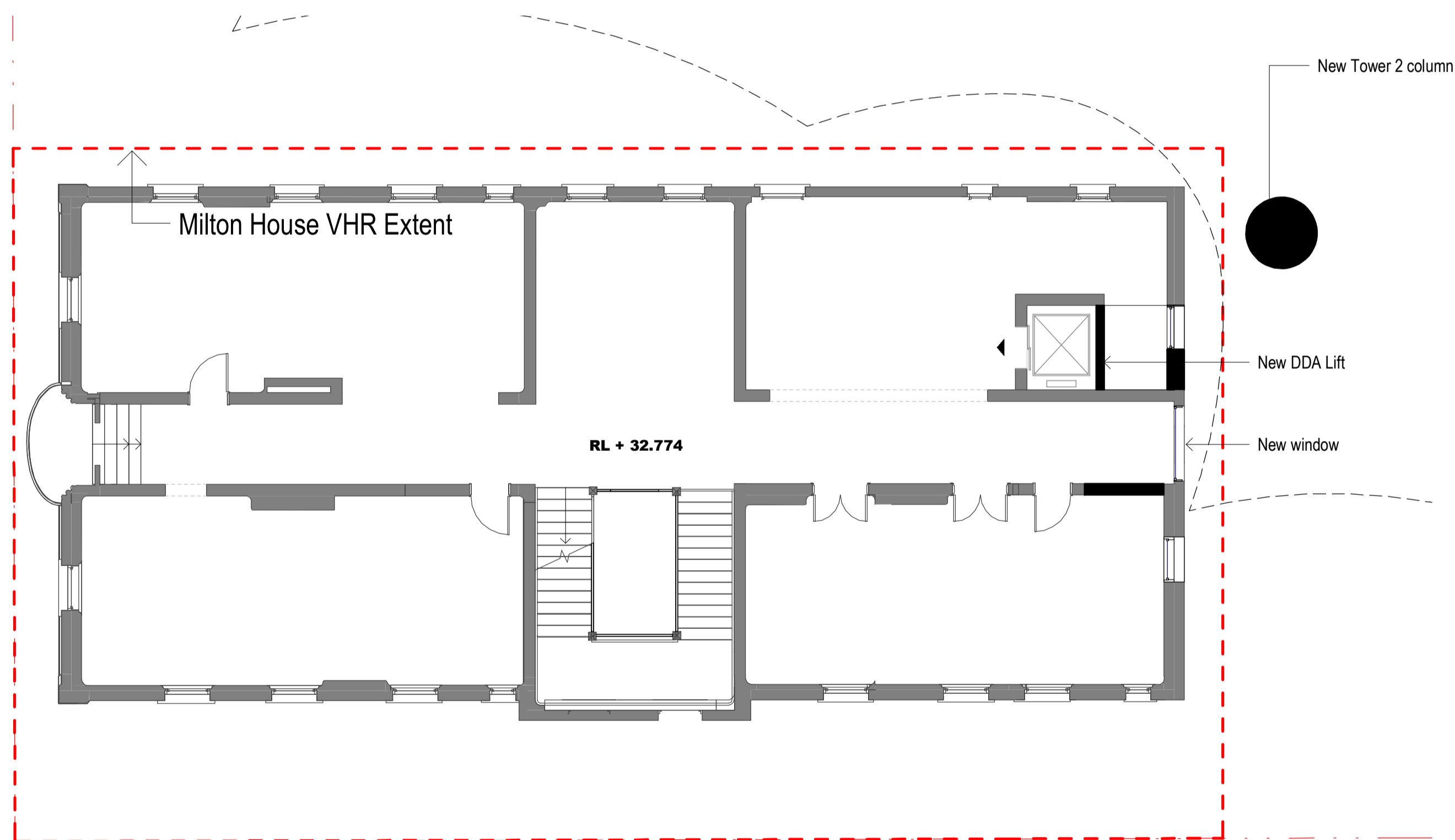
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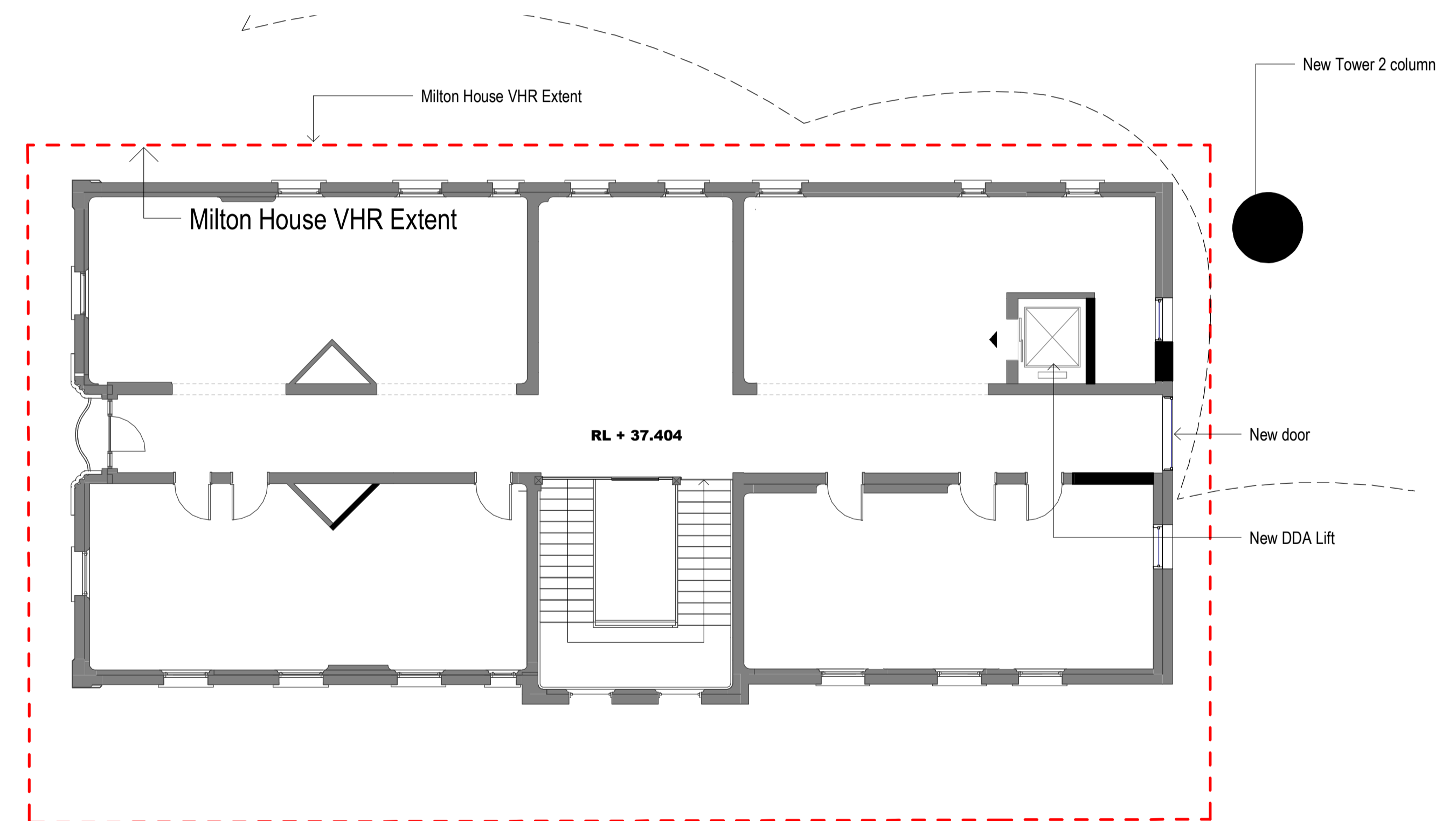
Basement Plan / Proposed
Sc. 1.100



Ground Floor (Level 02) Plan / Proposed
Sc. 1.100



1st Floor (Level 03) Plan / Proposed
Sc. 1.100



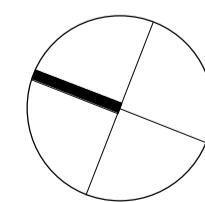
2nd Floor (Level 04) Plan / Proposed
Sc. 1.100

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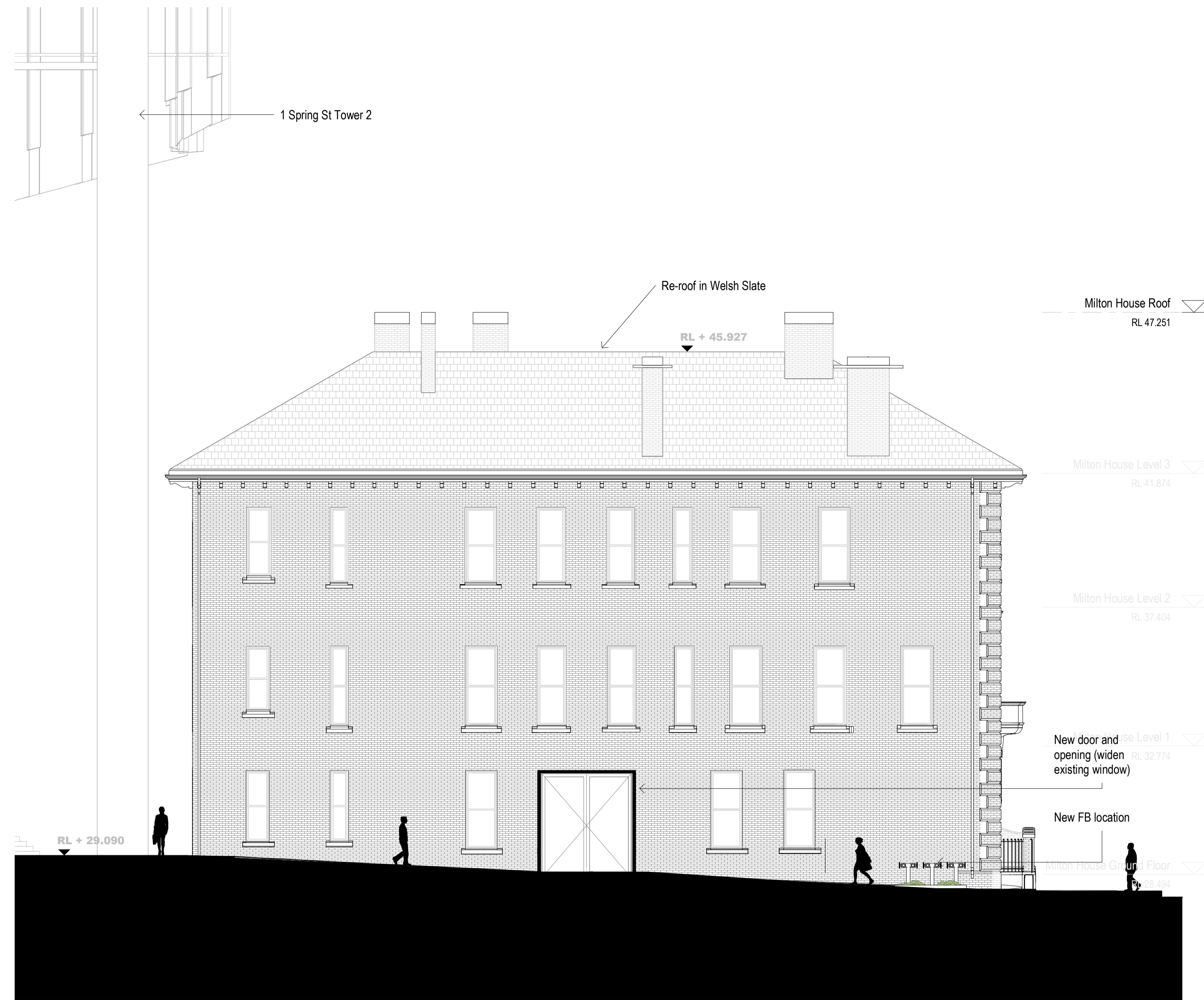
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drawn	I+A	project no	190244

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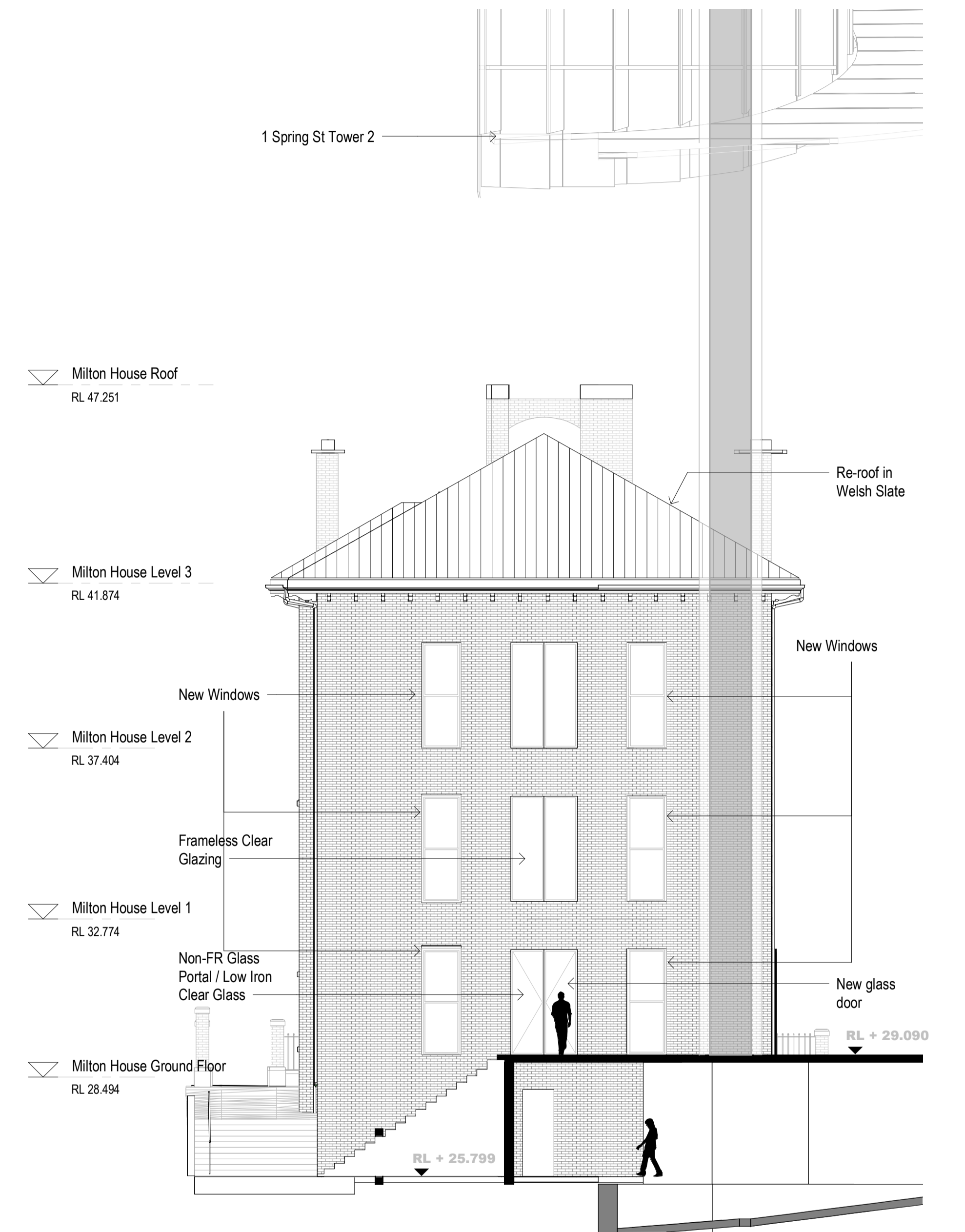
drawing
PLANS / PROPOSED

drawing no. **DA-1001** issue **G**

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East Elevation / Proposed
Sc. 1:100



South Elevation / Proposed
Sc. 1:100

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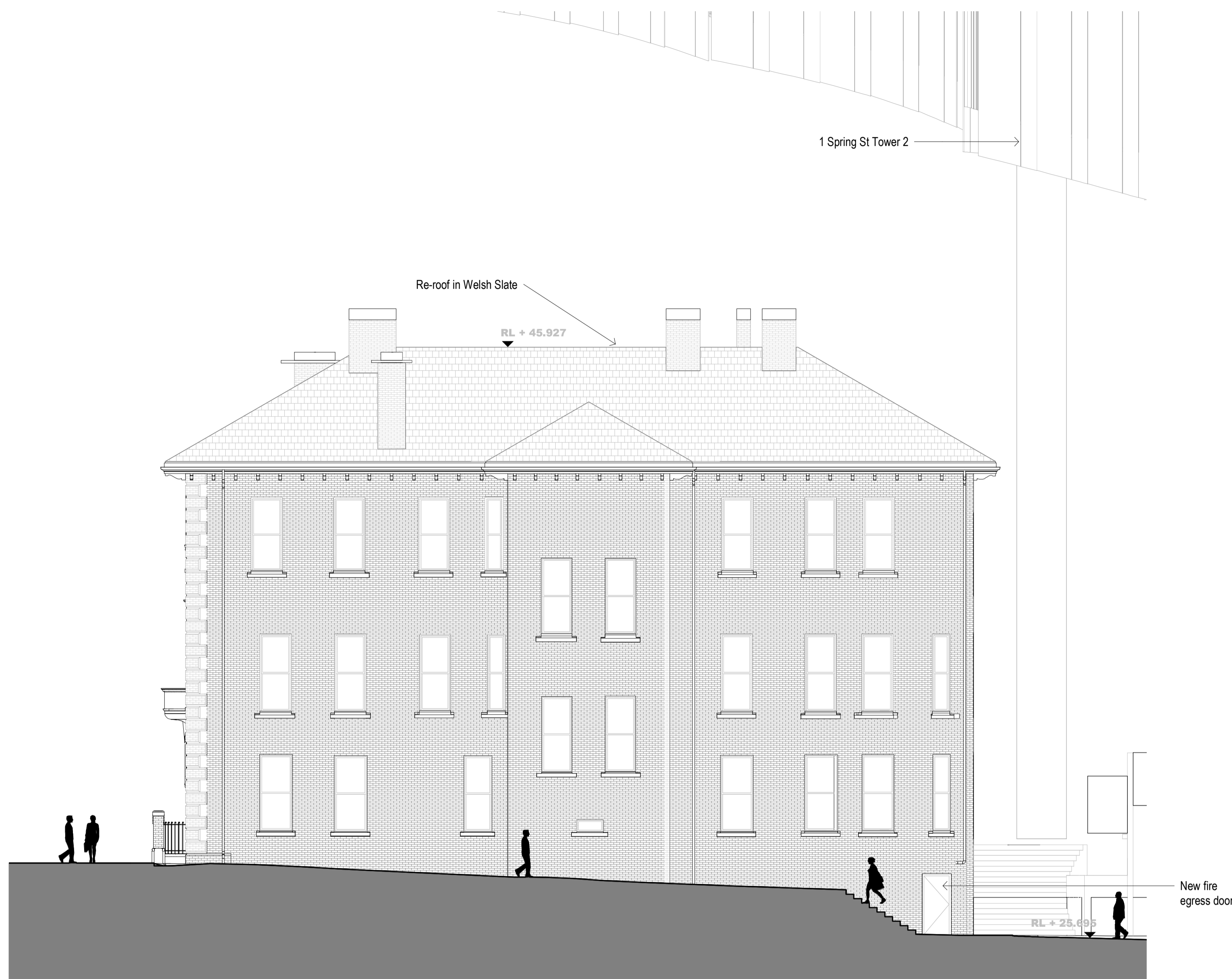
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1 SPRING STREET, MELBOURNE

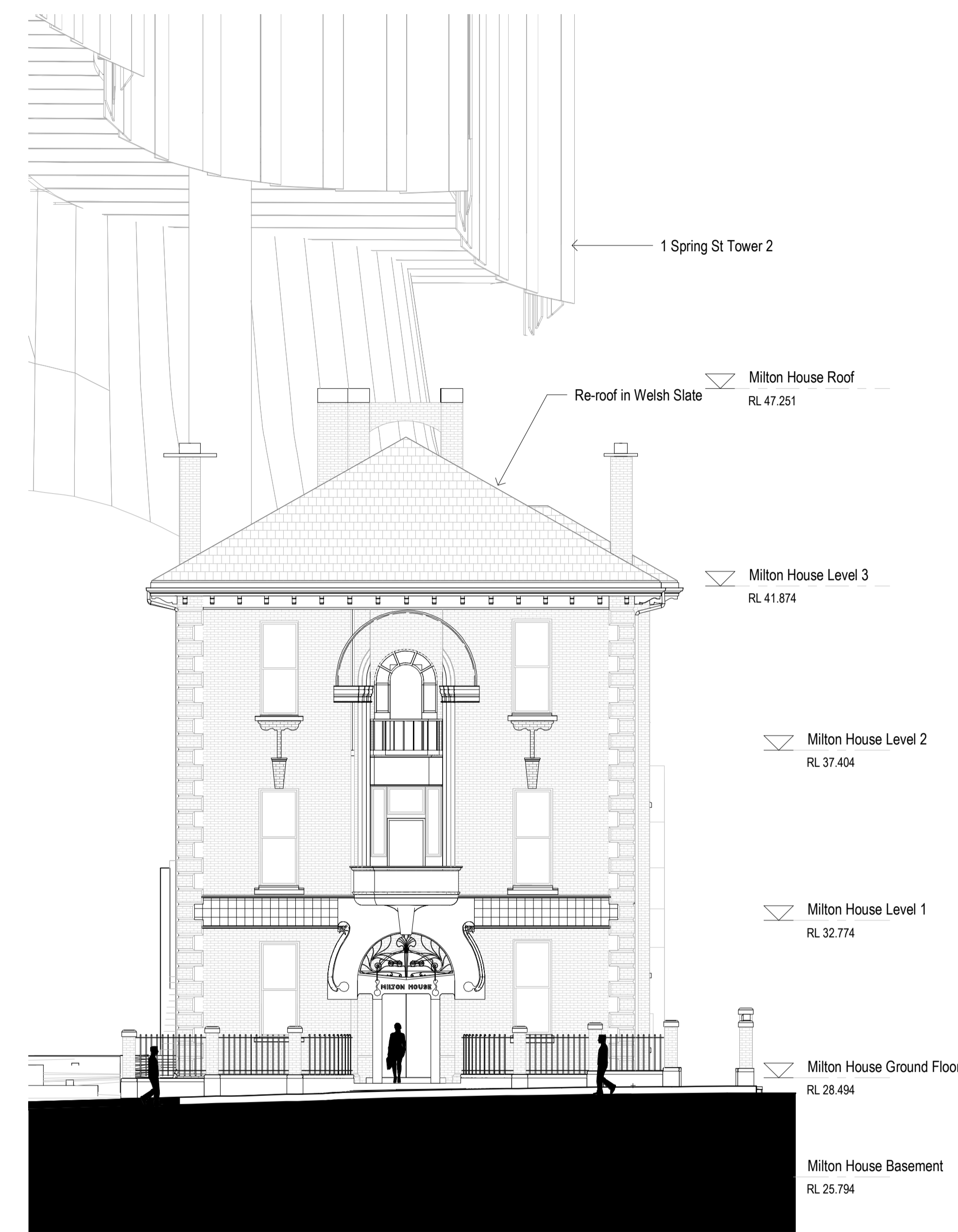
drawing
ELEVATIONS / PROPOSED 1

drawing no. **DA-2001** issue **G**

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West Elevation / Proposed
Sc. 1:100



North Elevation / Proposed
Sc. 1:100

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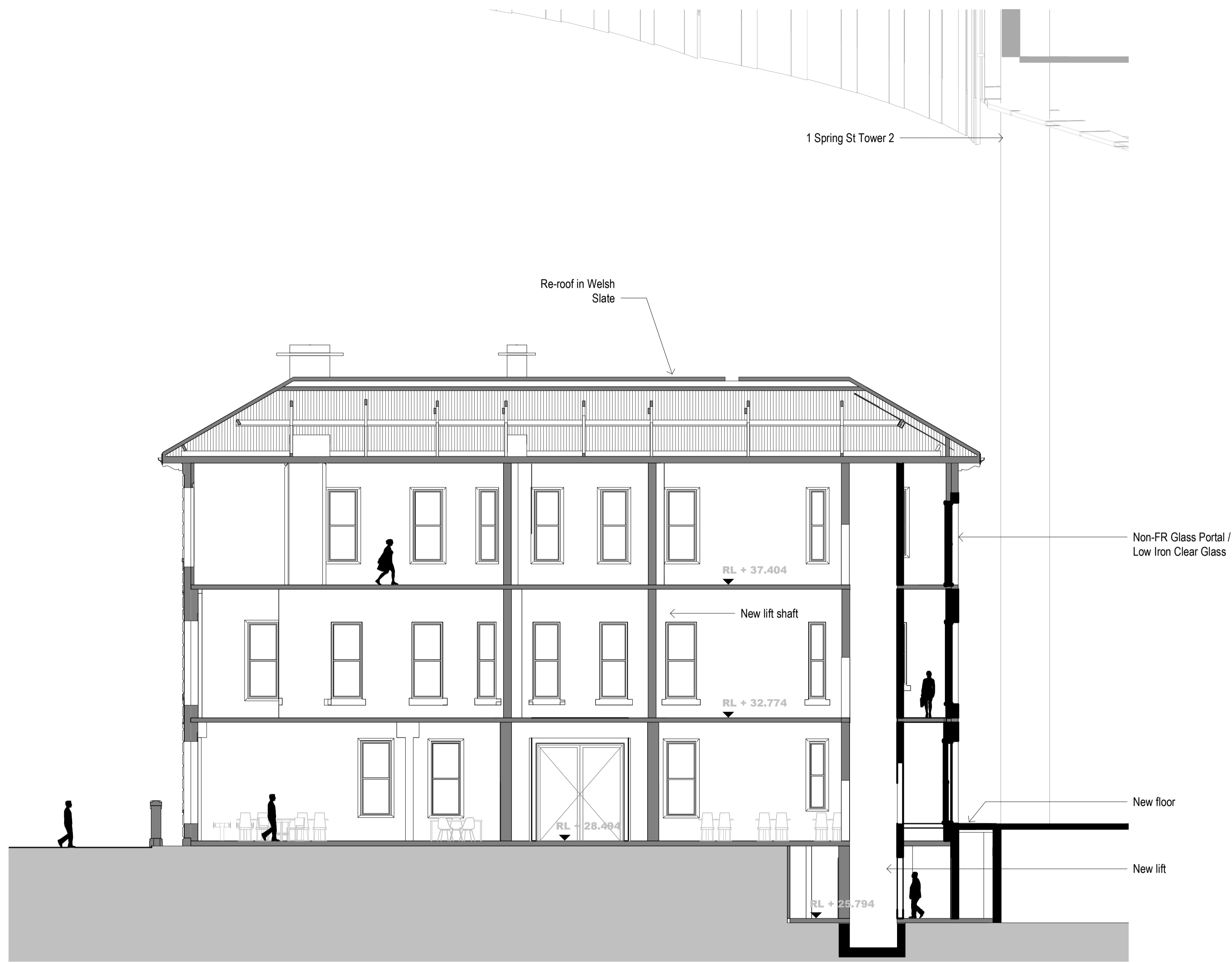
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1 SPRING STREET, MELBOURNE

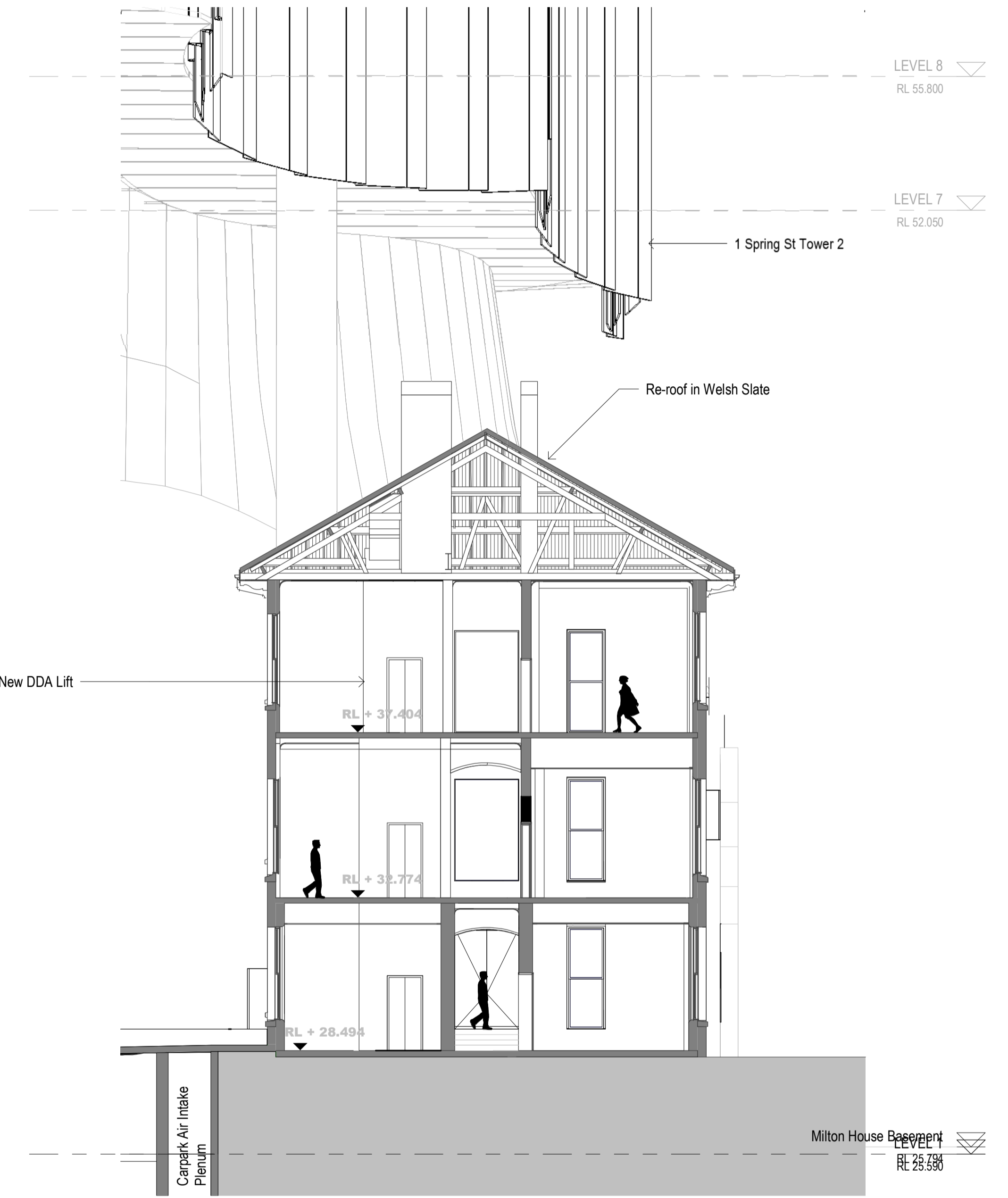
drawing
ELEVATIONS / PROPOSED 2

drawing no.	DA-2002	issue	G
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**North / South section / Proposed
Sc. 1.100**



**East / West section / Proposed
Sc. 1.100**

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checked	I+A	scale	1 : 100@A1
drawn	I+A	project no	190244

project
1 SPRING STREET, MELBOURNE

drawing
SECTIONS / PROPOSED

drawing no.	DA-2501	issue	G
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DELEGATE REPORT MINISTERIAL PLANNING REFERRAL

City of Melbourne file reference:	ID-2021-1
PS Amendment No.	C401MELB
Applicant:	Phillip Nominees Pty Ltd
Owner:	Phillip Nominees Pty Ltd
Architect:	Ingenhoven + Architectus
Address:	1 Spring Street & 21-25 Flinders Lane, Melbourne
Proposal summary:	<p>Planning Scheme Amendment under Section 20(4) of the P&E Act 1987 to introduce a site-specific Incorporated Document and Specific Controls Overlay over the subject site, allowing the following development:</p> <ul style="list-style-type: none"> • Partial demolition of Milton House and Shell House, including reduction of the existing northern publicly accessible private plaza. • Construction of a new 32-storey (excluding 3 plant levels) commercial office building (new Tower 2) with mixed retail and publicly accessible foyer at Levels 2-3. • Refurbishment of Milton House. • New connections through to Shell House (aka Tower 1).
Cost of works:	\$203.5 million
Date received by DELWP	10 November 2020
Date received by City of Melbourne:	23 June 2021
City of Melbourne Status	Consultee (notice received under S.20(5) of the <i>Planning and Environment Act 1987</i>)
Responsible officer:	Colin Charman, Principal Urban Planner

1 SUBJECT SITE AND SURROUNDS

1.1 Subject Site

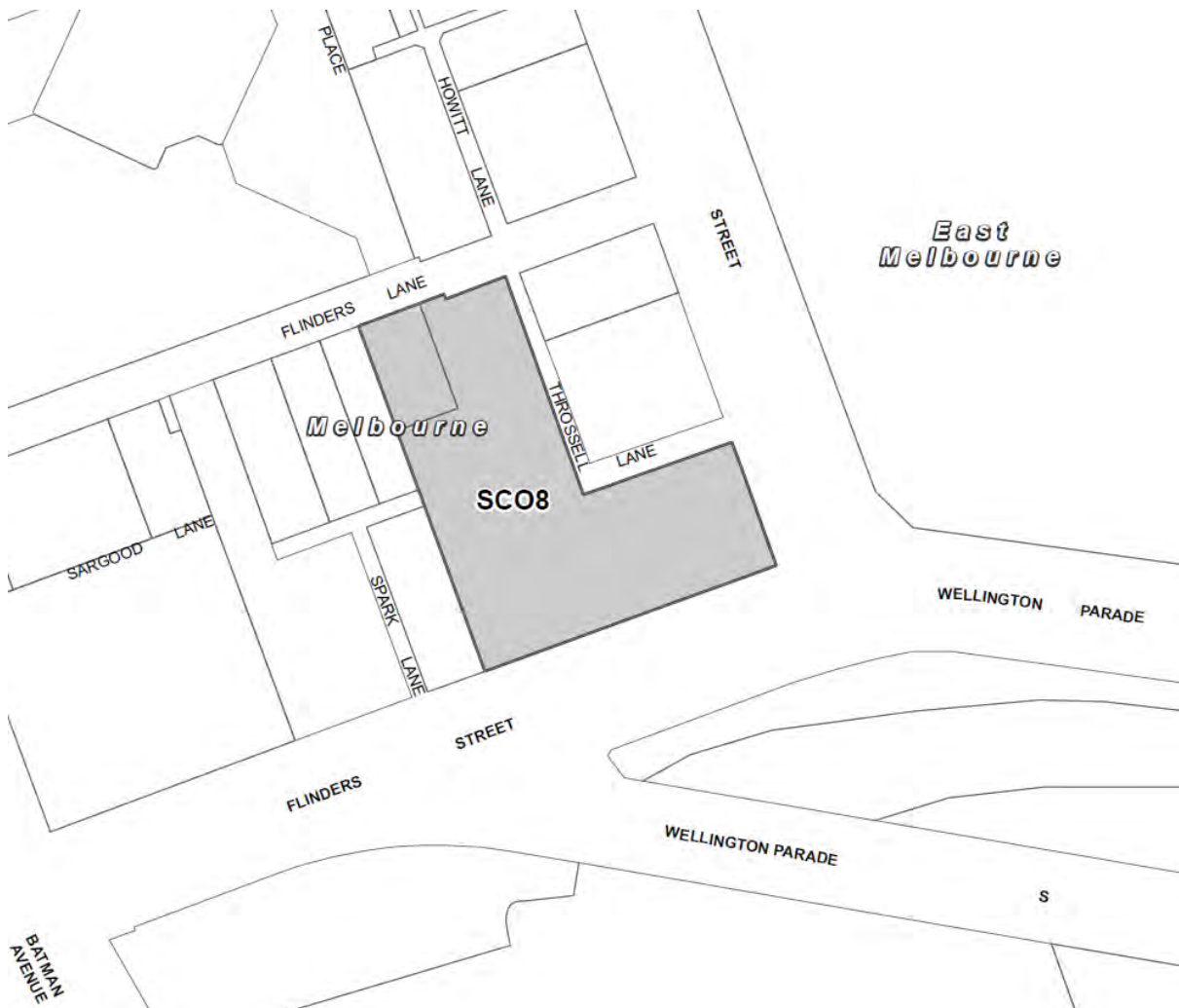
Melbourne Planning Scheme Amendment C401 (**Amendment C401**) concerns the land known as No.1 Spring Street & 21-25 Flinders Lane, Melbourne an L-shaped planning unit comprising five (5) parcels of land formally described as follows:

- Lot 1 on Title Plan 800196G (Volume 10644, Folio 888)
- Lot 1 on Title Plan 183307K (Volume 09369, Folio 620)
- Lot 1 on Title Plan 900356D (Volume 09369, Folio 621)
- Lot 1 on Title Plan 900360N (Volume 09369, Folio 622)
- Lot 1 on Title Plan 841342R (Volume 09979, Folio 053).

The site is occupied by two buildings of heritage value; Milton House, a three-storey brick building which fronts Flinders Lane, and Shell House, a 28 storey geometric curved tower which fronts the southern Flinders Street / Spring Street edge of the subject site, and is prominent within the city's skyline.

The project area for the development proposed under Amendment C401 engages the northern part of the subject site, and proposes a 35 storey tower (excluding three plant levels) that will be built into the void between the two extant heritage assets on-site, with a comprehensive reassembly of the ground plane and shared podium between the proposed 'Tower 2' and Shell House (aka Tower 1).

The Specific Controls Overlay and Incorporated Document proposed by Amendment C401 would apply to the entirety of the land at 1 Spring Street & 21-25 Flinders Lane, Melbourne (**the subject site**), as shown in the below excerpt from the draft Map Sheet proposed to be introduced into the Melbourne Planning Scheme.



Excerpt from proposed Map 8SCO (Specific Controls Overlay – Schedule 8) under Amendment C401

Table: Subject Site Details / Dimensions	
Street Frontage:	<p>Flinders Lane Frontage 40.58 metres to Flinders Lane (north), an 11 metre wide single carriageway laneway with parallel parking available either side of the main reserve. The southern side of Flinders Lane abutting the subject site is occupied by four Weeping Myrtle street tree plots, including the following assets:</p> <ul style="list-style-type: none"> ▪ Asset ID: 1793369 ▪ Asset ID: 1441687 ▪ Asset ID: 1357971 ▪ Asset ID: 1286795 <p>The Landscape Plan prepared by Oculus for Amendment C401 appears to show that these street trees will be retained.</p> <p>Throssell Lane Frontage 100.69 metres to Throssell Lane (59.88 metres oriented north-south and 40.81 metres oriented east-west), a 3.4 to 7 metre wide laneway, currently obstructed due to construction activity occurring at 13-23 Spring Street.</p> <p>Flinders Street Frontage 81.14 metres to Flinders Street (south), a 30 metre wide dual carriageway with central Tramway reserve. The northern side of Flinders Street abutting the subject site is occupied by six London Plane Tree street tree plots. As works primarily relate to the Flinders Lane frontage it is not anticipated that these street trees will be impacted by development.</p> <p>Spring Street Frontage 34.03 metres to Spring Street (east), a 30 metre wide dual carriageway with a central Tramway reserve. The western side of Spring Street abutting the subject site is occupied by three Dutch Elm street tree plots. As works primarily relate to the Flinders Lane frontage it is not anticipated that these street trees will be impacted by development.</p> <p>Spark Lane Frontage 4.44 metres to Sparks Lane (west), the terminus of a 4.5 metre wide laneway configured in a T-shape, connecting to Flinders Street to the south and Sargood Lane to the west.</p>
Site Depth:	95.96 m (maximum depth measured from Flinders Lane title boundary to Flinders Street title boundary).
Site Area:	5,245 m ²
Topography:	<p>The site is characterised by several significant level changes. Notably there is:</p> <ul style="list-style-type: none"> ▪ A 3 metre fall along the Flinders Lane frontage, from west to east. ▪ A 10 metre fall between the Flinders Lane frontage and Flinders Street frontage, from north to south. ▪ An 8 metre (approx.) fall from the site's level and the surface level of Spark Lane to the west.

1.2 Heritage Status

The subject site is affected by two Individual (i.e. site-specific) Heritage Overlays, and is not included in any Precinct Heritage Overlay. Each Individual Heritage Overlay relates to a heritage place included on the Victorian Heritage Register, canvassed below.



Individual Heritage Overlay HO637 (VHR 0582) Milton House, 21-25 Flinders Lane, Melbourne

Milton House is included on the Victorian Heritage Register (Reference No. H582).

The Statement of Significance for Milton House in the Victorian Heritage Register describes the heritage place as follows:

Milton House is a three-storey brick building with an almost Georgian symmetrical facade with quoined corners and deep, bracketed eaves. The linked chimneys suggest the English Baroque of Hawksmoor. The central bay incorporates a major arch of American Romanesque character.

The overall classical form is probably attributable to the architects Sydney Smith and Ogg, but much of the detail is thought to be that of their consultant Robert Haddon, the leading local exponent of the art nouveau: in particular the ornamental terracotta band, the sinuous broken label mould of the entrance arch, the wrought-iron work within the arch, and the use of brick strips to link windows of the first and second floors - all of which are more or less characteristic of Haddon's work elsewhere.

The interior of the building is plain and functional, and is an early example of the use of covered skirtings for hospital purposes.

The glass includes some very subtle and some very bold combinations of colour; single pieces of mixed hue; motifs resembling snails and sunflowers seen on edge like parasols; abstract

renderings of scenes such as the sun shining on waves; and other compositions of exquisitely contrived tension and asymmetry.

Built as a private hospital in 1901 for the eminent Melbourne surgeon, William Moore, who was the first master of surgery graduate of the University of Melbourne, Milton House was subsequently a rooming house, reverted to a medical context in its use by the Victorian Health Commission for X-ray purposes and later became government offices.



Individual Heritage Overlay HO1235 (VHR H2364) Shell House, 1 Spring Street, Melbourne

Shell House is included on the Victorian Heritage Register (Reference No. H2365).

An excerpt from the Statement of Significance for Shell House in the Victorian Heritage Register is provided below:

Shell House was the third headquarters building erected for the Shell Company of Australia Ltd in Melbourne. Constructed in 1985-89, the building replaced earlier headquarters constructed in 1933 and 1958 and was occupied by Shell until 2003-2004.

The company commissioned the highly regarded commercial architect and leading Australian modernist, Harry Seidler, to design Shell House. Seidler was trained by Modernist architects in the United States before arriving in Australia in 1948 and throughout his career his work continued to display the ideals of this movement.

This included the use of basic geometric shapes, sculptural and simple form, visual expression of structure and generous civic spaces. Seidler continued to explore skyscraper design from the 1960s to the 1990s, producing a series of office buildings in Australia and overseas. Shell House is the only example of these built in Victoria.

Shell House won a number of awards including the Royal Australian Institute of Architects Victoria Merit Award in 1991 and the National RAI Award in the same year.

1.3 Site Photographs



Flinders Lane frontage showing Throssell Lane scaffolding, captured: 27 October 2021



Flinders Lane frontage showing existing plaza adjacent to Milton House, captured: 27 October 2021



Flinders Lane showing western through-block link, captured 27 October 2021



Photographs of western through-block link, captured 27 October 2021

Left: Facing south from Flinders Lane.

Right: Facing north from Flinders Street



Photo taken while sitting in existing northern publicly accessible private plaza adjacent to Milton House facing Flinders Lane, captured 27 October 2021



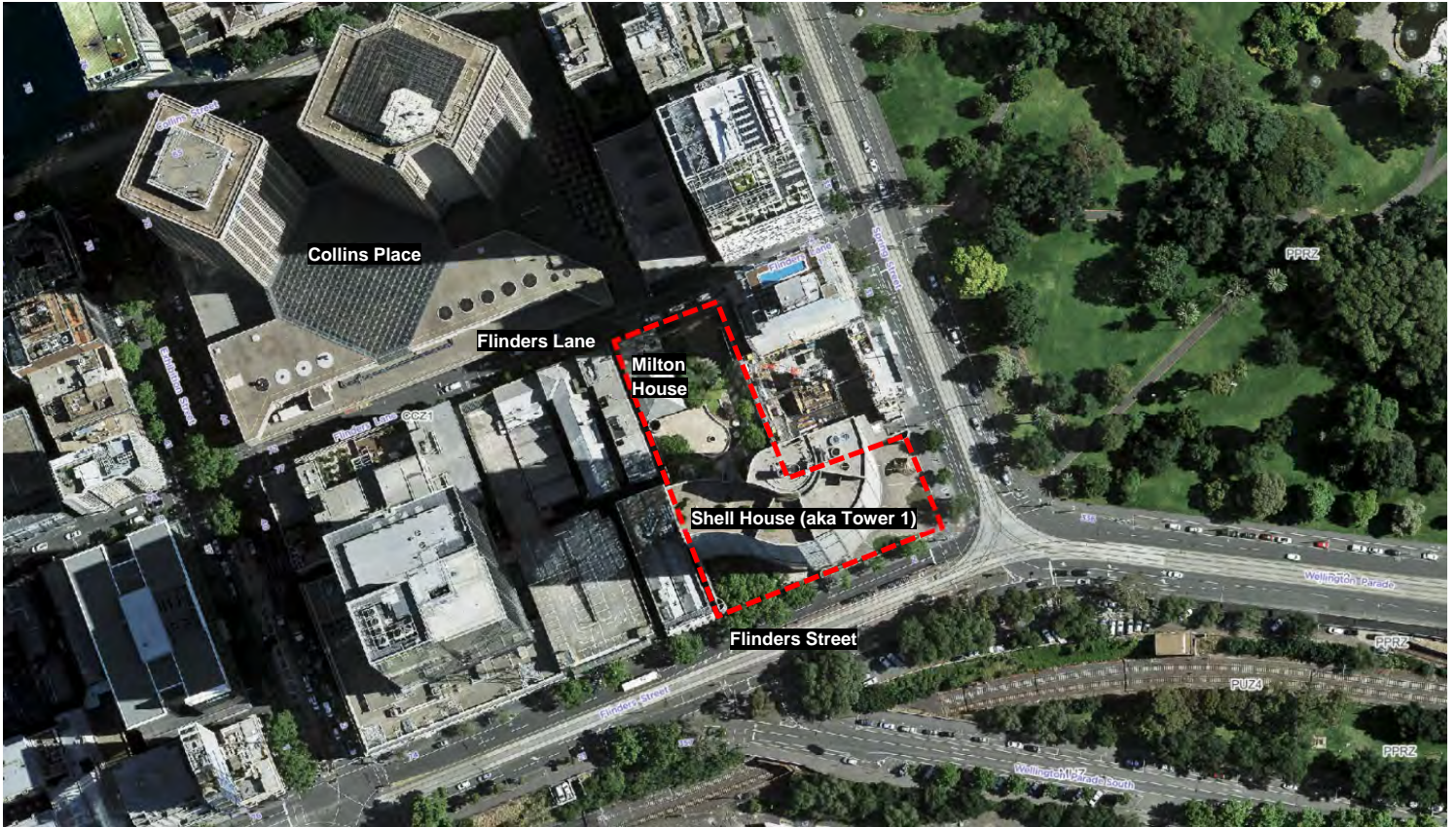
Photo taken while sitting in existing northern publicly accessible private plaza adjacent to Milton House facing Milton House, captured 27 October 2021



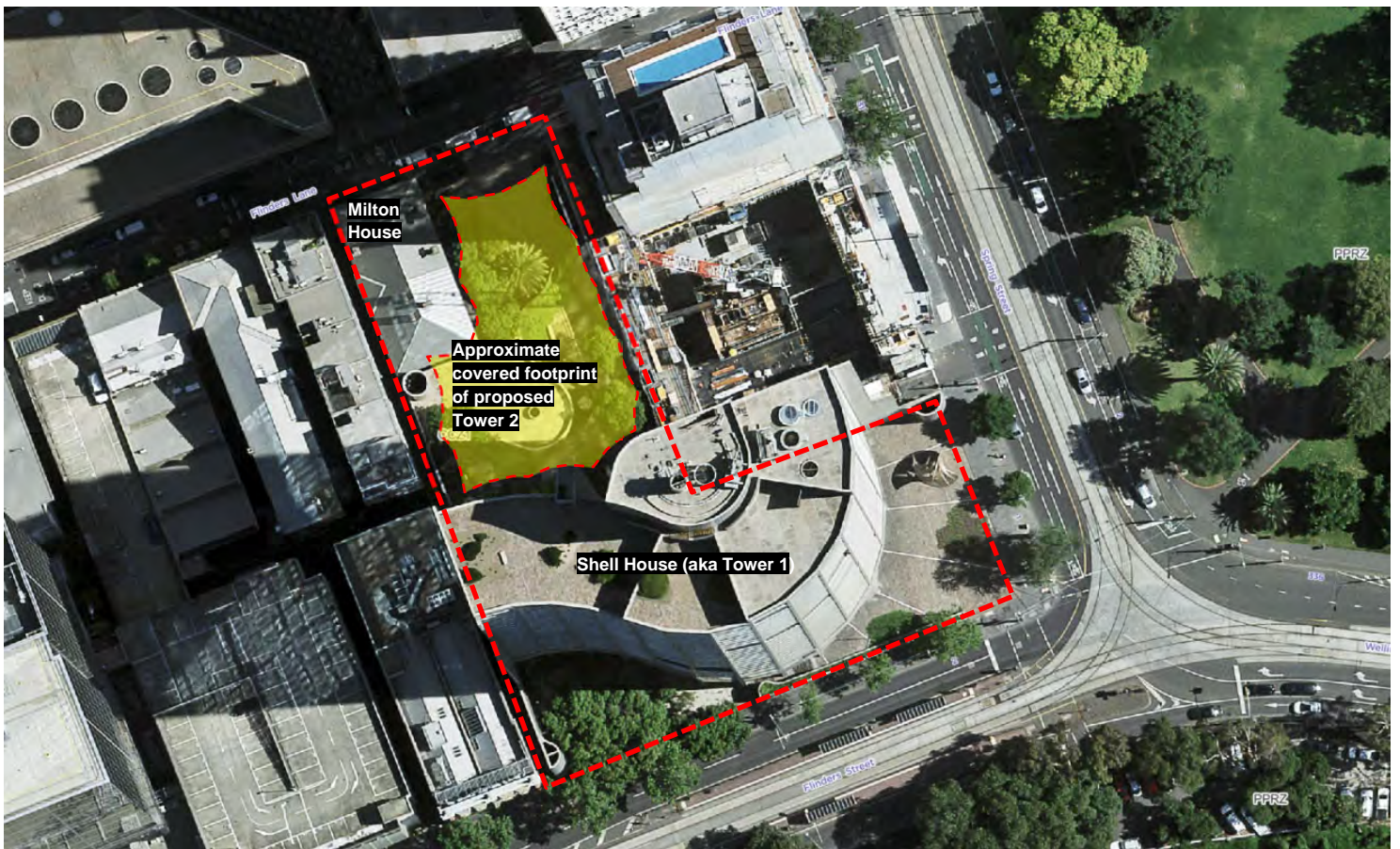
Flinders Street frontage of 1 Spring Street (showing Shell House and adjoining Lindrum heritage building), captured: 27 October 2021



Flinders Street (facing east toward Shell House), captured 27 October 2021



CoMPASS Aerial Photograph (captured: January 2021)



CoMPASS Aerial Photograph with approximate location of Tower 2 floorplate

1.4 Strategic location within CBD

The subject site is located at the south-eastern most corner of the Hoddle Grid, abutting the intersection of Flinders Street and Spring Street, ensuring that any new tower development at this site will be visible behind Shell House within the City's skyline when viewed from across the Yarra to the south.

Clause 21.04 Growth Area Framework provides that the Hoddle Grid will be managed to facilitate continued growth where appropriate and limit change or the scale of development in identified locations to preserve valued characteristics. A strong emphasis will be placed on a quality public realm and good pedestrian amenity and connectivity.

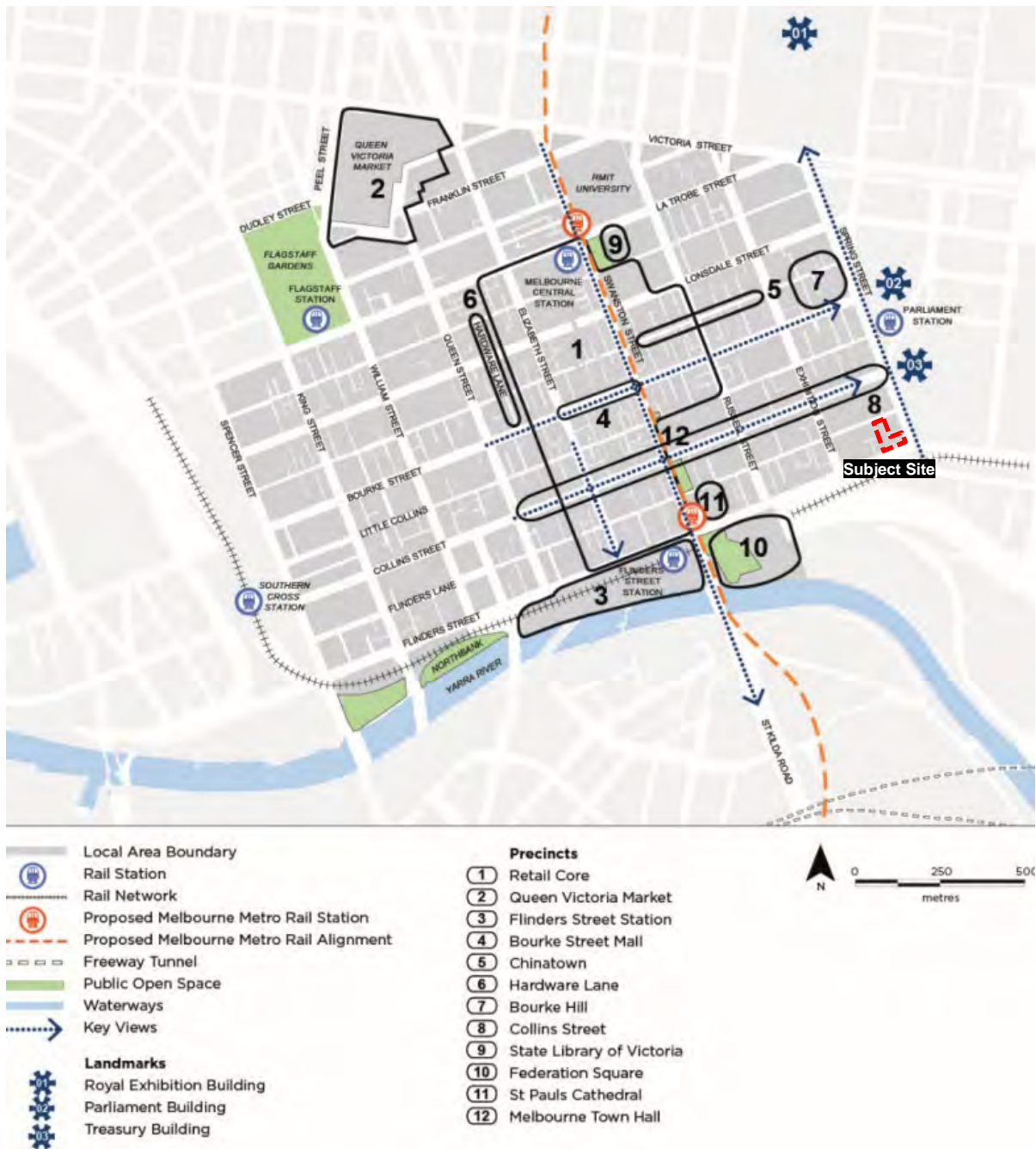
Clause 21.12 Hoddle Grid provides further guidance on the ambitions for this precinct, and includes the following relevant policy statements relating to economic development and built environment and heritage:

Economic development

- *Encourage the development of a range of complementary precincts within the Hoddle Grid that offer a diverse range of specialist retail, cultural and entertainment opportunities.*

Built Environment and Heritage

- *Ensure that the design of tall buildings in the Hoddle Grid promote a human scale at street level especially in narrow lanes, respects the street pattern and provides a context for heritage buildings.*
- *Ensure that new tall buildings add architectural interest to the city's sky line.*
- *Ensure tower buildings are well spaced and sited to provide equitable access to an outlook and sunlight for all towers.*
- *Ensure high quality and robust public space design in arcade and laneway upgrades.*



Excerpt from Figure 6: Hoddle Grid of Clause 21.12 Hoddle Grid, with subject site's location annotated

1.5 Archaeology and Heritage Inventory

Milton House at 21-25 Flinders Lane is included in the Victorian Heritage Inventory (VHI) (H7822-1951), and is identified as a known historical (non-indigenous) archaeological site in Victoria.

The *Heritage Act 2017* protects all significant archaeological sites, regardless of ownership.

It is the responsibility of the property owner and / or developer to obtain approval from the Executive Director, Heritage Victoria to develop a site included in the Victorian Heritage Inventory, prior to commencing any works associated with the development.

As at the date of this report, no evidence of any approval to undertake works at the subject site under the *Heritage Act 2017* has been provided by the applicant.

1.6 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 Meetings

A pre-application meeting was held between the Department of Environment, Land, Water and Planning (DELWP), City of Melbourne (CoM) and the permit applicant on 22 July 2020, prior to the lodgement of Amendment C401 with the Minister for Planning.

Feedback provided by CoM in response to this pre-application meeting on 22 July 2020 included specific commentary from Planning, with input from Urban Design, on the proposed development scheme.

The below provides a summary of the issues raised:

Setting aside the proposals merits as a piece of architecture, we wish to raise fundamental issues with the principle of a tower in this location. The three key issues relate to:

- *The heritage significance of the plaza.*
- *The new DDO1 provisions relating to the retention of open-to-sky plazas.*
- *The visual dominance to Milton House.*

2.1.2 Office of the Victorian Government Architect

The Office of the Victorian Government Architect considered the proposal at a meeting held on 9 July 2020.

Minutes from this meeting shared with the Department, Applicant and Council on 4 August 2020 emphasised the importance and challenge of finding the appropriate 'fit' for additional form into the Shell House heritage setting, and included specific commentary highlighting the important contribution made by the northern publicly accessible plaza to Flinders Lane in terms of public space.

2.1.3 Lodgement of Amendment C401

On 10 November 2020, Amendment C401 was received by DELWP, but not submitted to the CoM until June 2021. There were informal briefings and commentary during the intervening period, but no significant design changes.

City of Melbourne received formal notice of Amendment C401 from DELWP on 23 June 2021 under section 20(5) of the P&E Act 1987. The covering letter accompanying this notice included the following summary of Amendment C401:

The amendment seeks to facilitate the development of a new mixed-use building via an incorporated document and application of the Specific Controls Overlay. The development would deliver a new office building with lower level retail, a new 31-level commercial office building delivering approximately 36,910 square metres of floor area, and redevelopment of the existing plaza.

The amendment would allow the land to be developed in accordance with the incorporated document, '1 Spring Street & 21-25 Flinders Lane, Melbourne, November 2020'. The incorporated document and the architectural plans provide an outline of the form and layout of the proposed development.

As submitted, Amendment C401 did not include changes to address the fundamental concerns raised by CoM at the pre-application meeting held on 22 July 2020.

Specifically, Amendment C401 was not modified to:

- **Reduce the extent of the existing plaza lost to the development proposal**

In the intervening period between when CoM was notified of Amendment C401 and the date of this report, Melbourne Planning Scheme Amendment C308 (Amendment C308) has been gazetted and now forms part of the planning scheme.

For reasons addressed in the assessment section of this report, the gazettal of Amendment C308 presents new challenges to Amendment C401 that reinforce early concerns raised at the pre-application meeting held on 22 July 2020.

A summary of Amendment C308 is provided in Section 2.2 of this report.

- **Revise the design of the tower design to lessen its visual dominance over Milton House or Shell House**

In the intervening period between when CoM was notified of Amendment C401 and the date of this report, Heritage Victoria has refused two applications relating to each heritage asset; Milton House and Shell House, on the subject site that would facilitate the development proposed under Amendment C401.

For reasons addressed in the assessment section of this report, this refusal provides relevant context to the assessment of the proposed development against DDO10.

A detailed account of Heritage Victoria's refusal of each application is provided in Section 2.3 of this report.

2.1.4 August Plaza Presentation

On 27 August 2021, the applicant supplied a Plaza Strategy, prepared by Urbis Pty Ltd for the proposed development under Amendment C401.

The applicant provided the following description of this supplementary document:

The purpose of the Plaza Strategy is to provide an overview of the key design principles utilised in the revitalisation of the proposed Flinders Lane plaza at 1 Spring Street, Melbourne. This strategy makes it clear that the proposed plaza is far more significant and far more superior than the current public space offering at the site.

The Plaza Strategy argued that the existing public plaza to Flinders Lane:

- *Was designed as a secondary entry to the tower and presents as such.*
- *Is privately-owned and managed and is clearly branded through its design.*
- *Functions as little more than a smokers' lounge and walkway.*
- *Has little to no activation along its four frontages.*
- *Lacks a direct connection to Milton House, or benefit from any food and beverage or retail activation.*
- *Offers limited weather protection.*
- *Proximity to the Treasury Gardens (green space) and Collins Place (all weather) means there is little reason for people to use it as a respite or 'pause' space, as people might in other parts of the central city.*
- *The poor design of the existing external upper-level (Level 03) plaza means this space is often windswept and closed to public access.*

2.1.5 Design Concept Packages

In October and November 2021, the applicant presented Design Concept Packages, prepared by Ingenhoven + Architectus to CoM and DELWP showcasing potential modifications to the plaza and lower portion of the tower to address concerns raised by CoM's Urban Design Team.

An electronic copy of the documentation discussed during this presentation was provided to DELWP and CoM on 20 October 2021, and included the following comments from the applicant:

It is noted that whilst we examined the potential to remove the canopy above the plaza we have concluded it was not a viable option due to the existing and future wind conditions caused by the existing and proposed buildings. A canopy is required to provide a reasonable environment for future users of the plaza.

The opportunity to create a more activated plaza is enabled by the relocation of the lobby escalators to the central point under the tower. This also enables the existing level 3 slab to be retained. This area is much larger than the currently proposed level 3 and will be able to accommodate a large café sufficient to activate the area and draw the public in.

We have also included the potential future opportunity to expand the café operations into level 3 of 1 Spring Street. This level is currently used for plant and data room serving the existing tower and any expansion of the café would only occur if this was relocated elsewhere in the building. We note that the relocation of the plant room will be difficult and we consider the expansion of the café into this space as a potential future opportunity that will not form part of the initial project.

Similarly the opening of the site to Sparks Lane is a future possibility subject to the upgrading of the laneway along with the development of the surrounding sites. The purpose of showing these is not to include them in the current project but to demonstrate that the design is 'future-proofing' the opportunity for these links to be made at a later date.

We look forward to your consideration of these options. As we discussed we are not intending to formally submit amending plans but would welcome the current plans being 'conditioned' to require modifications in line with those proposed in the presentation. If you have any queries please do not hesitate to come back to me or the team.

The applicant disclaimed a number of potential options discussed in the Design Concept Package prepared by Ingenhoven + Architectus received on 20 October 2021 in the email accompanying this documentation.

Potential options shown in the Design Concept Package, which the applicant indicated at the time were not possible, included:

- The removal of the canopy above the interior foyer areas (this would support the reassessment of these areas as public plazas under DDO1), which the applicant concluded was not a viable option due to wind conditions.
- Expansion of the level 3 foyer to connect to Shell House (Tower 1), where the area identified on the design concept plan as accommodating a potential restaurant is currently used for plant and data room to serve the existing tower.
- Opening of the site to Sparks Lane, which could only occur if the laneway was upgraded and all adjoining sites developed.

The Design Concept Package did not explore or highlight areas of what is referred to as the 'External plaza' that will be open to the sky or built over.

Of the above three options shown in the Design Concept Package, only the addition of a connection to Sparks Lane has ultimately been incorporated into the February 2022 resubmission.

2.1.6 November Design Concept Package

On 16 November 2021, the applicant supplied a further Design Concept Package prepared by Ingenhoven + Architectus for the proposed development under Amendment C401.

The applicant provided the following description of the key changes contemplated in this Design Concept Package.

The key elements of the amending concept include:

- *The maintenance of a curvilinear façade design that creates a visually striking architectural response to the site context.*
- *No overhang of Milton House.*
- *An increase in the vertical separation of the ‘underside’ of the tower and the top of Milton House.*
- *The creation of a ‘self-contained’ lobby for the office tower, together with the other design responses, as per our earlier discussions regarding the plaza design.*
- *An increase in the height of the building by three levels given the smaller floor plate that accommodates the greater required setbacks (we have checked that the tower continues to comply with DDO 10 with the exception of the 1 Spring Street stairwell). We have also closely checked the shadowing of Birrarung Marr and confirm that the additional height is below the shadow plane.*

City of Melbourne Planning provided summarised officer-level advice on Amendment C401 and the ‘November Design Concept Package’ to the permit applicant on 30 November 2021.

The advice provided by CoM Planning to the applicant broadly identified that while revisions to the tower floorplate of proposed Tower 2 to remove the overhang / cantilever over Milton House was a positive step, these changes appeared to be at the expense of the tower floorplate further encroaching into the northern publicly accessible plaza offering, diminishing the contribution to the public realm made by the development and failing to respond to the requirements of DDO1.

The ‘November Design Concept Package’ generally foreshadowed changes to the proposed development under Amendment C401 included in the resubmission package submitted in two parts, on 23 December 2021 and on 24 February 2022.

2.1.7 24 February 2022 Resubmission (Assessed Plans)

On 24 February 2022 the applicant provided a full suite of amended architectural plans and supporting documents for Amendment C401.

The following key changes have been made to the development proposed under Amendment C401, reflected in the 24 February 2022 resubmission package:

- *The realignment of column C4 adjacent to the south-east corner of Milton House and the subsequent revision of the façade line of the tower above.*

This change results in a slight overhang of the façade line of the tower over part of the eave line of Milton House. It is confirmed that no part of the tower extends over the brick façade line of Milton House. The change is required to ensure that the column can align with below ground structures.

The change has occurred as a result of structural investigations, which assessed a number of options (please refer to the enclosed column study for further detail on the alternative options). Based on this assessment, we consider the upright column (Option 3), to be the best outcome for the overall design. This option improves pedestrian circulation within the plaza and results in only a very minor projection of the tower façade over the southern eave of Milton House.

- *The proposed projection will be negligible, particularly noting the vertical distance between Milton House and the underside of the façade, which will ensure that this element will not read as an overhang when viewed from within the public realm.*
- *Revision to the shape of the western wall. This wall is now proposed in a stepped arrangement to allow for planting.*
- *Revision to the canopy material. The canopy is to be constructed from clear, low iron glass, which will be suspended from a lightweight structure.*

We note that we are open to further discussion on the proposed canopy treatment and alternative options, if required.

- *Minor updates to the arrangement of the western laneway, including the alignment of the lift.*
- *The addition of fire curtains to the basement levels and Level 2 to provide for fire separation between Tower 1 and Tower 2.*
- *Reduction in the size of the Level 35 terrace area to provide additional Office NLA.*
- *Revision of the solar PV array layout to suite the new shape of the tower.*

2.2 Planning Scheme Amendments

In the intervening period between when Amendment C401 was referred to CoM for comment and the date of this report, Planning Scheme Amendment C308: Urban design in the central city and Southbank has been gazetted to form part of the Melbourne Planning Scheme.

Amendment C308 is highly relevant to proposed Amendment C401, making the following changes to the Melbourne Planning Scheme:

- *Deleting Clause 22.01 Urban Design in the Capital City Zone.*
- *Deleting Schedule 3 (Traffic Conflict Frontage) and Schedule 4 (Weather Protection) to the Design and Development Overlay.*
- *Replacing Schedule 1 to the Design and Development Overlay with a new comprehensive urban design focussed planning control, which applies to the entire Central City and Southbank area. The new DDO1 affects the entirety of the subject site.*

DDO1 (as introduced by Amendment C308) includes a number of design requirements that promote human-scale design initiatives and plaza design that is open to the sky and has access to sunlight.

Notably, DDO1 includes the following design requirement, which is directly relevant to the proposed development under Amendment C401, which seeks to erode the external northern publicly accessible plaza facing Flinders Lane.

Development should retain at least 50 per cent of any existing publicly accessible private plaza where:

- *It is oriented to a main street or street.*
- *It helps reduce pedestrian congestion.*
- *A high quality space with opportunities for stationary activity can be achieved.*

Where a plaza contributes to the significance of a heritage place, retention of more than 50 per cent of the plaza may be required to conserve the heritage values of the place.

It is important to note that the owners of 1 Spring Street, Phillip Nominees, submitted to the C308 Planning Panel “that it is neither appropriate nor necessary for all plazas or for the entirety of any one

plaza to be open to the sky in order to achieve high quality urban design which is inviting, stimulating and practical.”¹

The Planning Panel for Amendment C308 decided to maintain the DDO1 requirement stating: “However, on balance, the Panel thinks that it is better to specify that plazas be open to the sky ...”

Phillip Nominees’ submission also objected to the DDO1 requirement that seeks retention of private plazas or at least 50% thereof.

However, again diverging from Phillip Nominee’s submission, the Planning Panel for Amendment C308 supported the DDO1 requirement seeking the retention of plazas, and stated: “They (plazas) add to the richness and vitality of the urban fabric. However, the Panel agrees that the quality of some plazas is low and redevelopment of part of the plaza to add active uses can improve their quality.”

The Planning Panel hearing for Amendment C308 was held in March 2019, and the Panel’s report issued on 16 May 2019 and publicly circulated shortly thereafter (including its response to Phillip Nominees’ submission and affirmation of Council’s recommended form of DDO1 in Amendment C308).

This occurred over a year prior to the first pre-application meeting occurring in relation to the project at 1 Spring Street, providing substantial notice of the likely form of the final controls applying to the northern plaza and expectation of openness and retention.

The external northern publicly accessible private plaza facing Flinders Lane directly contributes to the significance of Shell House, as evidenced by Heritage Victoria’s reasons for refusing Application P33300, which sought permission for the demolition of these spaces and development of the proposed tower.

DDO1 therefore encourages retention of a greater proportion of the northern publicly accessible plaza facing Flinders Lane, sufficient to conserve the heritage values of the place.

The expectations now set out under DDO1 in the Melbourne Planning Scheme and affecting the subject site sit at odds with the proposed development under Amendment C401.

The applicant for PSA C401melb continues to maintain that the interior area offered by the project constitutes a ‘plaza’ and should be considered as such for the purpose of applying the requirements under DDO1, despite it being covered (not open to sky) by a lightweight / glazed canopy, and largely constituting a spacious corporate foyer with open areas occupied by commercial uses (café).

2.3 Heritage Victoria Applications

On 10 November 2020 two permit applications were lodged by the applicant for Amendment C401 with Heritage Victoria, including:

- Permit Application P33301 – Milton House, 21-25 Flinders Lane, Melbourne (H0582)
- Permit Application P33300 – Shell House, 1 Spring Street, Melbourne (H2365).

Under Section 100 of the *Heritage Act 2017*, Heritage Victoria (HV) provided a copy of both applications to the City of Melbourne (HV-2020-56 & HV-2020-57).

The City of Melbourne’s submission was prepared by Council’s Heritage Advisor and confirmed through the Internal Delegation Panel Minutes of 15 April 2021 after Councillor review. This submission was then forwarded to HV on 23 April 2021 indicating non-support for the applications, due to the extent of demolition of the heritage place and the negative impacts of the new building on the heritage place.

Heritage Victoria issued a notice of refusal in respect of each application on 4 August 2021.

¹ ‘Amendment C308: Central Melbourne Urban Design Panel Report’, Planning Panels Victoria, 19 May 2019, p.46 of 96

The applicant submitted a request for review of the refusals by the Heritage Council. However, on 11 November 2021 the Minister for Planning issued a notice to Heritage Victoria calling in the heritage refusals under Section 109 of the Heritage Act 2017.

At this stage, details of the process for assessment on behalf of the Minister have not yet been confirmed.

The reasons given for the refusal of each application by Heritage Victoria are provided below.

2.3.1 Notice of Refusal – Permit No. P33301 – Milton House, 21-25 Flinders Lane, Melbourne (H0582)

What has been refused?

Projection of a tower into the airspace at the rear, introduction of a new opening to the east elevation, works to the south elevation, removal of internal partition walls, introduction of an internal lift, structural works for seismic compliance and external conservation works including reinstatement of original roof cladding (Welsh slate).

Reasons for refusal

- *The proposed works are related to the construction of a tower and new plaza at 1 Spring Street (Shell House) and to allow for engagement between Milton House and the new development.*
- *The scale and bulk of the tower proposed for 1 Spring Street (Shell House) and its cantilevering above Milton House would have significant visual impact on the place and is detrimental to the cultural heritage significance of the place.*
- *The current commercial use of Milton House appears to be viable without the proposed changes.*

2.3.2 Notice of Refusal – Permit No. P33300 – Shell House, 1 Spring Street, Melbourne (H2365)

What has been refused?

Partial demolition of the north plaza and basement below, partial demolition of Levels 1 and 2 including demolition of circulation spaces, the theatrette and conference rooms, demolition of the roof garden on Level 3, and construction of a tower with 31 levels plus 3 plant levels.

Reasons for refusal

- *The demolition of the existing north plaza back to the north face of the existing tower, including the entrance passage, conference centre, theatrette and Level 3 roof garden would cause substantial harm to the cultural heritage significance of the place. It would permanently and irreversibly demolish original fabric and spaces, and would significantly diminish the legibility of Harry Seidler's original concept and design of the place.*
- *The construction of a 33 level tower on the north plaza would have significant physical and visual impacts on the place. Of similar footprint and taller than the existing tower, it would create an entirely new development at the place and would disrupt the visual and physical connections between 1 Spring Street and Flinders Lane. The scale and bulk of the new tower would dominate the north section of the place and almost entirely block views to the north elevation of the tower. The existing external plaza would be substantially reduced in size and the remainder of the plaza would be enclosed.*

- *The proposal is based on highest and best use of the place and not the cultural heritage significance of the place. It is considered to be an overdevelopment of the heritage place.*
- *The current commercial and public uses remain viable and the commercial use generates income to cover the costs of conservation and maintenance.*

3 PROPOSAL

3.1 Plans / Reports Considered in Assessment

Table: Assessed Application Documents			
#	Plan / Report Title	Plan/Report Author	Plan/Report Date
1A	Planning report	Urbis Pty Ltd	February 2022
1B	Covering letter accompanying February resubmission	Urbis Pty Ltd	24 February 2022
2	Re-establishment boundary plan (BP003686J)	-	Retrieved on 22 September 2020
3	Boundary re-establishment feature and level plan	Veris Pty Ltd	8 August 2019
4A	Development summary	-	Received 24 February 2022
4B	FAR GFA Calculation review	WTP Australia Pty Ltd	16 December 2021
4C	Supporting statement for development from Harry Seidler & Associates	Harry Seidler & Associates	28 October 2020
4D	Urban design assessment – Tower 2	Jones & Whitehead Pty Ltd	21 October 2020
5	Architectural plans – 1 Spring Street, Melbourne, Tower 2	Ingenhoven + Architectus	22 February 2022 (Issue G)
6	Architectural plans – Milton House, Melbourne	Ingenhoven + Architectus	22 February 2022 (Issue G)
7	Architectural review of Tower 2	Philip Goad	13 October 2020
8A	Urban context report	Ingenhoven + Architectus	18 February 2022 (Issue A)
8B	Column study	Ingenhoven + Architectus	20 January 2022
8C	Plaza Strategy	Urbis Pty Ltd	February 2022
9	Heritage Impact Statement	Lovell Chen	February 2022
10	Economic benefit snapshot	Urbis Pty Ltd	December 2021
11	Green travel plan	GTA Consultants (Vic) Pty Ltd	17 December 2021 (Issue D)
12	Landscape report	Oculus	21 February 2022 (Revision H)
13	Sustainability management plan	ARUP	18 February 2022 (Revision 03)
14	Transport impact assessment	GTA Consultants (Vic) Pty Ltd	16 December 2021 (Issue D)

15	Waste management plan	WSP Pty Ltd	16 December 2021 (Revision 06)
16	Wind report	Mel Consultants Pty Ltd	18 February 2022 (Revision 02)
17	WSUD Statement	ARUP	15 December 2021 (Issue 3)
18	Planning Scheme Amendment Docs.	-	-

3.2 Summary of Proposed Development

Amendment C401 broadly proposes to introduce a site-specific Incorporated Document and Specific Controls Overlay over the subject site, allowing the following development:

- **Demolition**

Milton House

Partial demolition of Milton House, including the removal of the rear fire stair and glass enclosure, and the creation of an opening at the ground-level of the eastern façade to provide a new entry point from the redesigned northern plaza.

Shell House

Partial demolition of Shell House, the northern plaza and removal of basement below, partial demolition of Levels 1 and 2, including the roof garden on Level 3.

- **Construction of Tower 2 (and associated alterations to Shell House)**

A new 35-storey (excluding 3 plant levels) commercial office building, with an overall height of RL188.600 (measuring 160.88 metres above a spot level of RL27.72 at the centre of the site's Flinders Lane frontage, and 170.1 metres above a spot level of 18.5 at the centre of the site's Flinders Street frontage).

Tower 2 will be provided with a new 5 level basement including 178 car parking spaces (6 disabled accessible car parking spaces), with access via Throssell Lane, and will include two new retail tenancies and café in a spacious internal foyer area across Levels 2-3 providing access to both Tower 2 and Shell House at the rear.

Levels 4 to 32 of the tower will be occupied by commercial office floorspace, including a bridge connection to Shell House at Level 15.

- **Renovation of Milton House**

Milton House is to be renovated by internally reconfiguring the building, providing 3 levels of converted retail floorspace.

- **Redesign of northern public plaza (facing Flinders Lane)**

The existing northern public plaza facing Flinders Lane is proposed to be demolished and replaced with a new public plaza. A large part of the new public plaza will be covered by the soffit of proposed Tower 2, including two large structural columns.

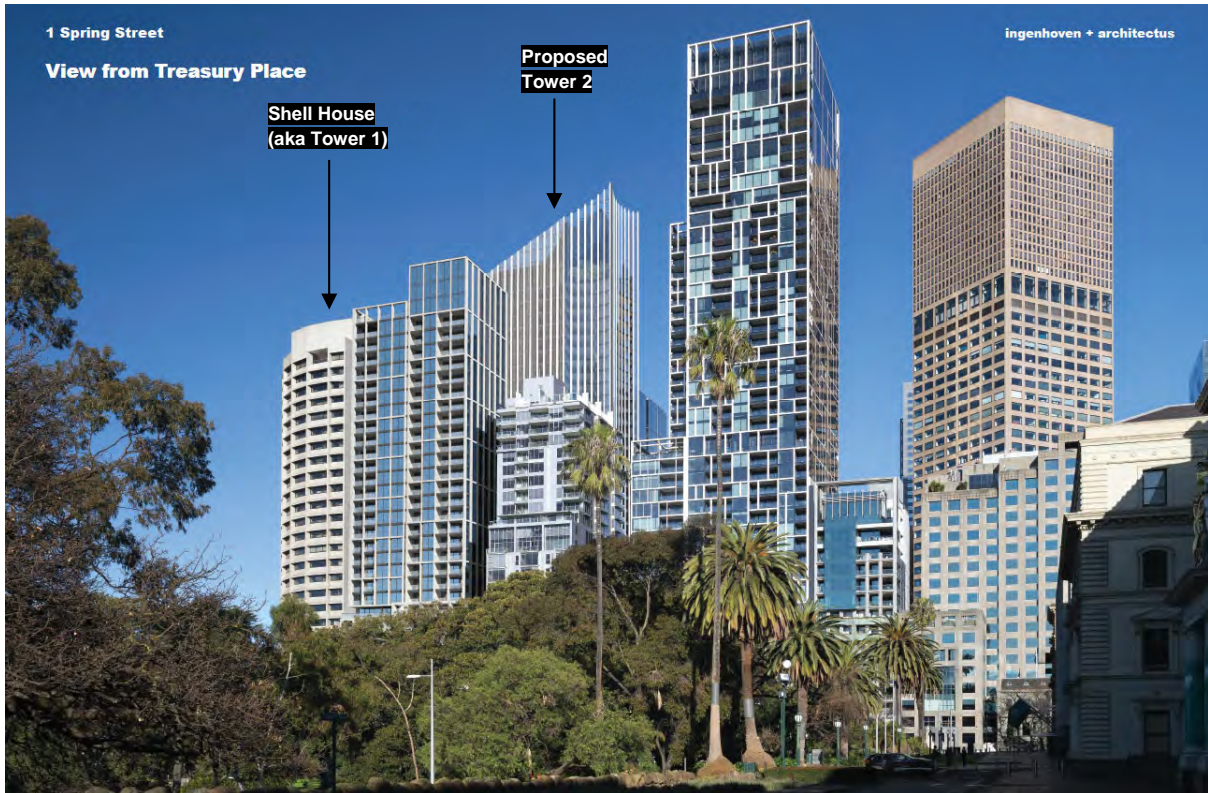
3.3 3D Renders and Visualisations



Excerpt from Urban Context Report showing render of proposed Tower 2 in City Skyline as viewed from the south bank of the Yarra (p.2 of 94)



Excerpt from Urban Context Report showing render of proposed Tower 2 in City Skyline as viewed from Wellington Parade (p.54 of 94)



Excerpt from Urban Context Report showing render of proposed Tower 2 in City Skyline as viewed from Treasury Place (p.56 of 94)



Excerpt from Urban Context Report showing façade design of proposed Tower 2 and cantilevered design over Milton House (p.64 of 94)



Excerpt from Urban Context Report showing presentation of proposed Tower 2 to Flinders Lane, as viewed at street level (p.57 of 94)



Excerpt from Urban Context Report showing presentation of Tower 2 soffit and interface with Milton House to Flinders Lane (p.3 of 94)



Excerpt from Urban Context Report showing proposed skybridge connection between level 15 of proposed Tower 2 and Shell House (aka Tower 1) (p.94 of 94)



Excerpt from Urban Context Report showing interior foyer area (facing Shell House connection) (p.44 of 94)



Excerpt from Urban Context Report showing café seating in interior foyer area (facing Milton House) (p.41 of 94)

3.4 Ground Plane & Streetscape

To activate the new plaza and create a new destination in the precinct, new retail and food & beverages are introduced to the space, bookending the plaza with a new amphitheatre and landscaped areas in between.

With the proposed entrance points and much-improved access around the site, connectivity is improved and encouraged north-south and from Spark Lane via Western Lane Way. A DDA compliant lift is provided for step free access between Western Laneway and the new plaza, to further enhance connectivity.



Excerpt from Urban Context Report showing activation and connectivity of proposed external plaza and interior spaces (p.31 of 94)



Excerpt from Urban Context Report showing ground plane layout of Level 2 (at grade with Flinders Lane) and Level 3 (p.46 of 94)

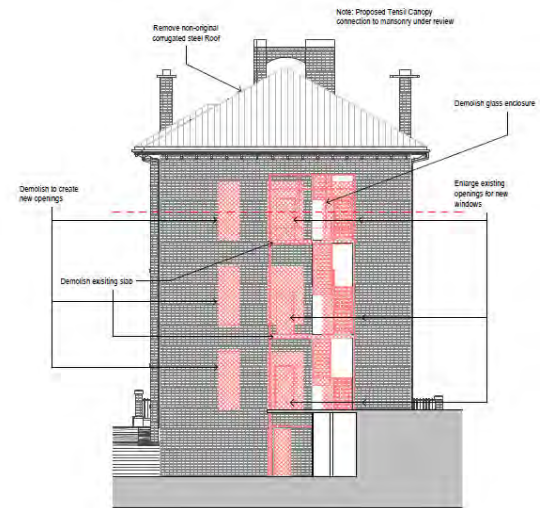


Excerpt from Urban Context Report showing proposed Tower 2 in Flinders Lane streetscape (p.55 of 91)

3.5 Proposed Demolition – Milton House



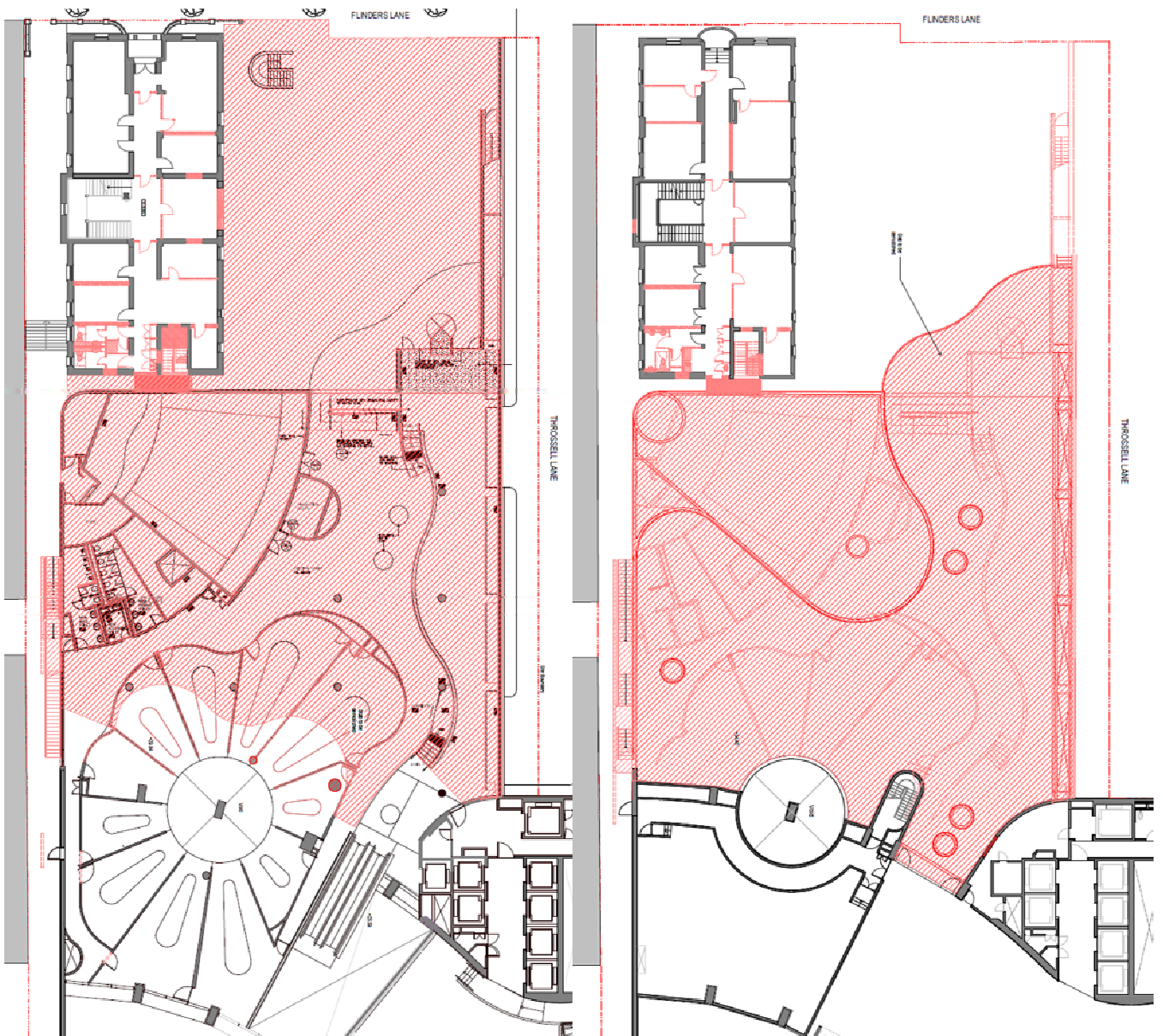
East Elevation (Demolition)
Sc. 1,100



South Elevation Demolition
Sc. 1,100

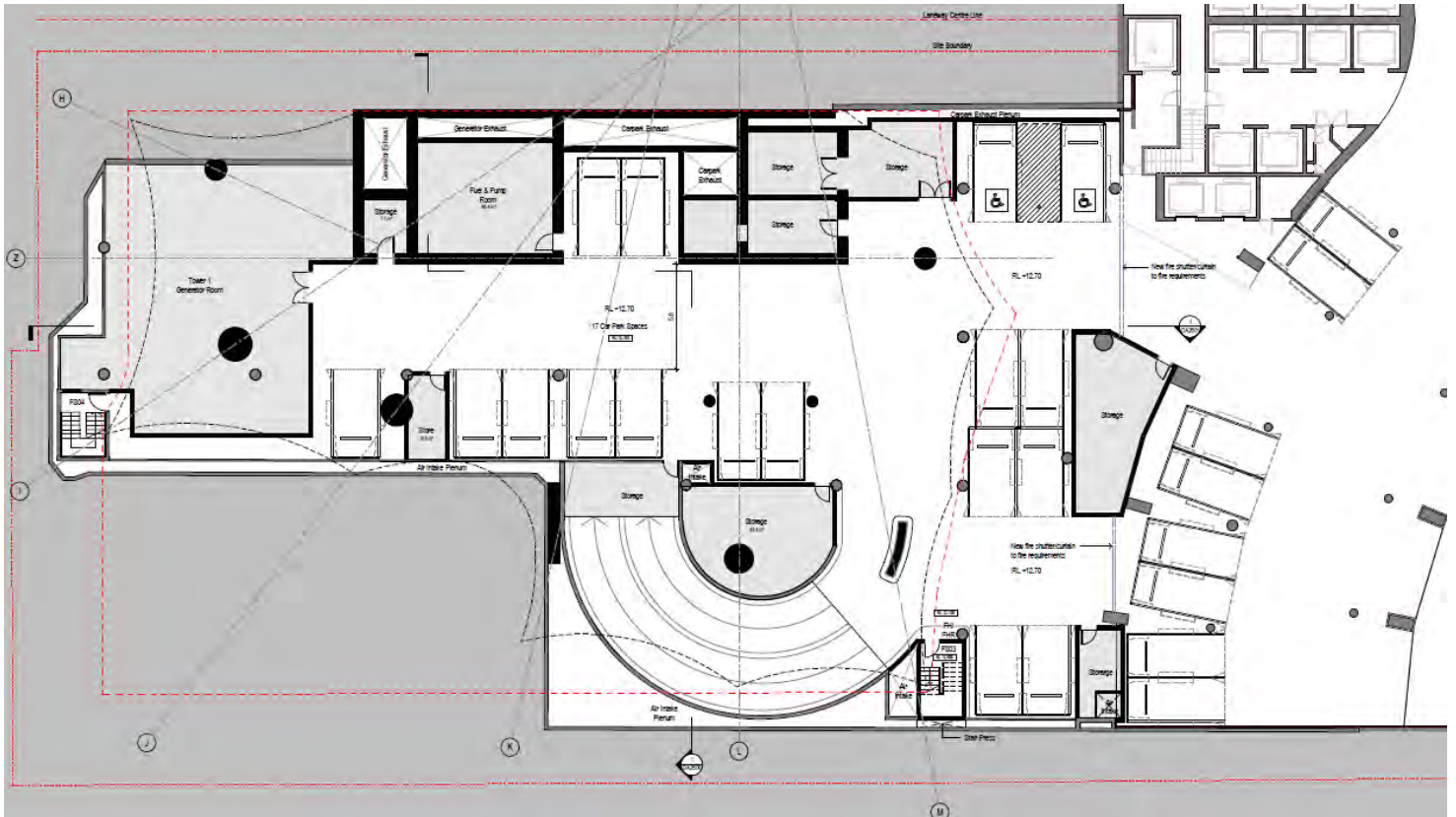
Excerpt from 'Elevations / Demolition', Drawing No. DA0502, Issue G

3.6 Proposed Demolition – Shell House

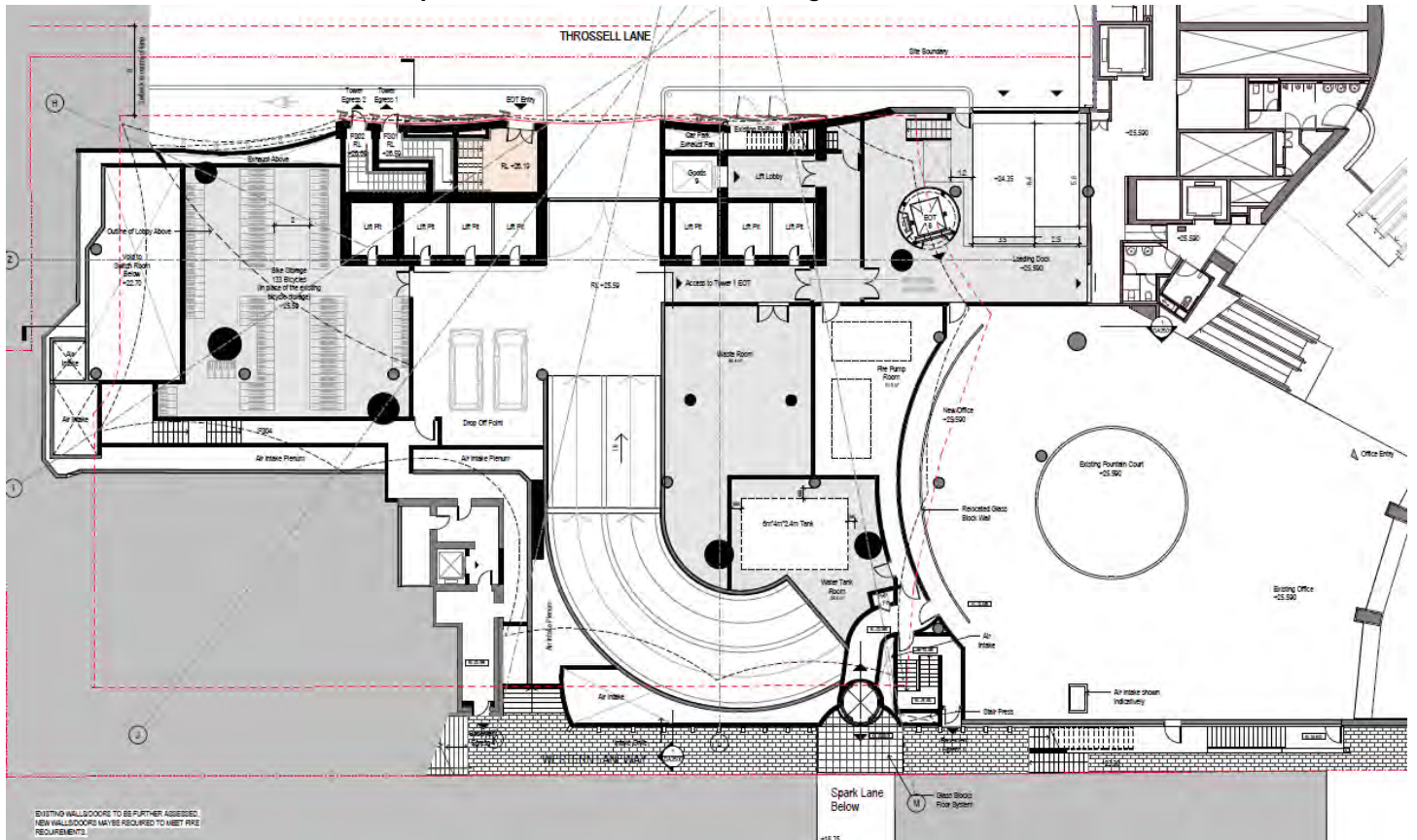


Excerpt from 'Demolition Level 2', Drawing No. DA9706 and 'Demolition Level 3', Drawing No. DA9707, Issue G

3.7 Excerpts from Plans: Basement Floor Plans

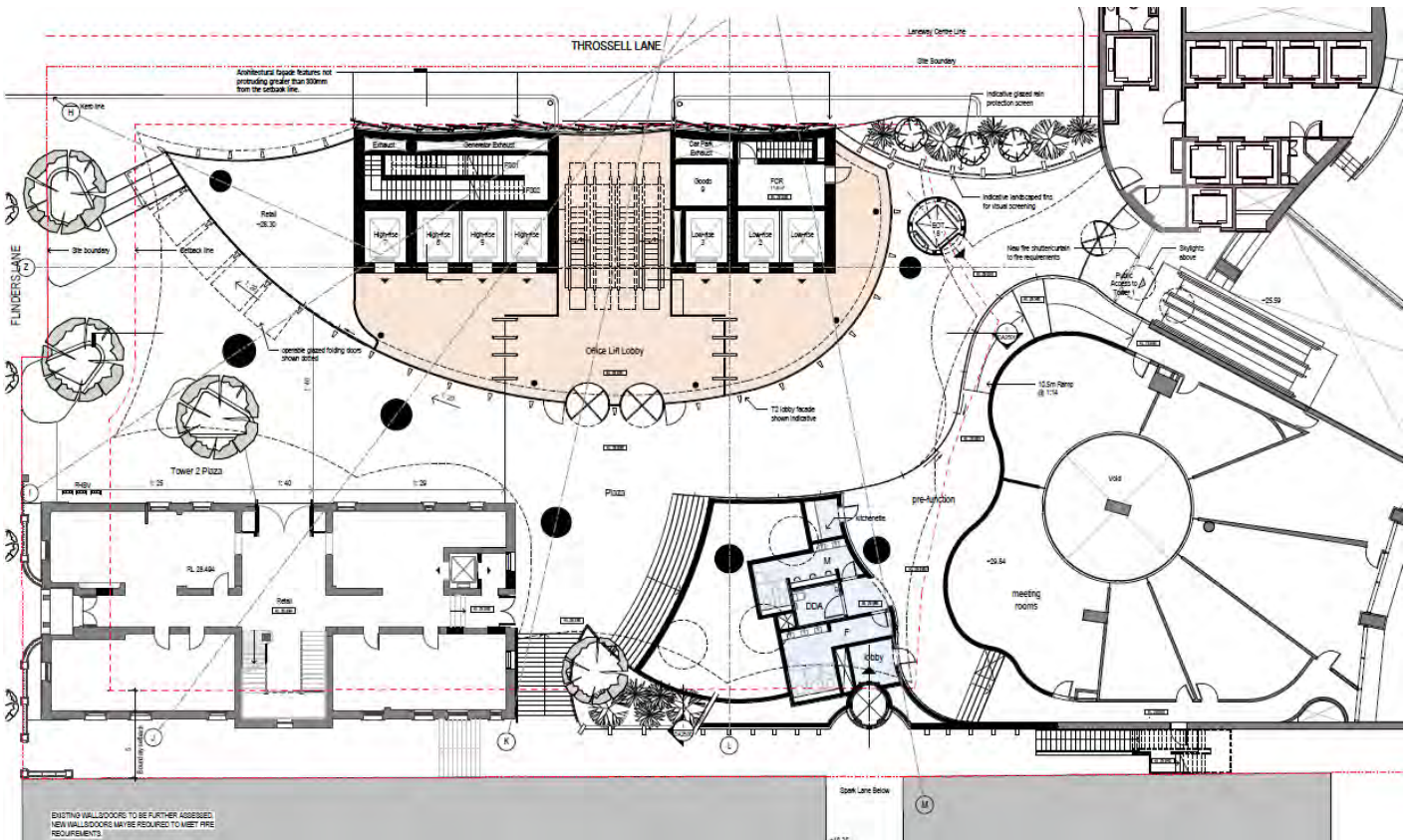


Excerpt from 'Basement P5', Drawing No.DA1001, Issue G

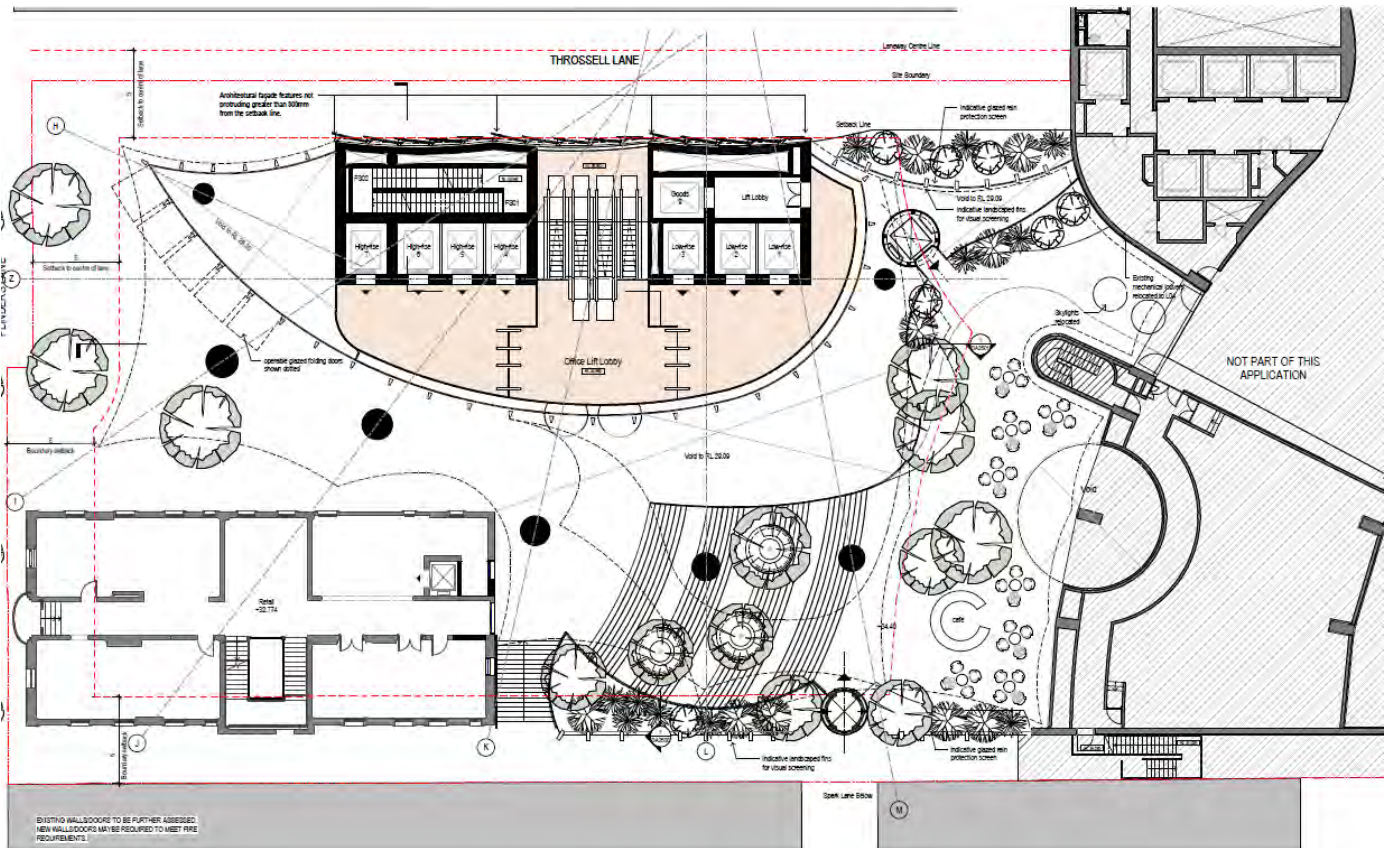


Excerpt from 'Level 1', Drawing No.DA1007, Issue G

3.8 Excerpts from Plans: Ground Floor Plans

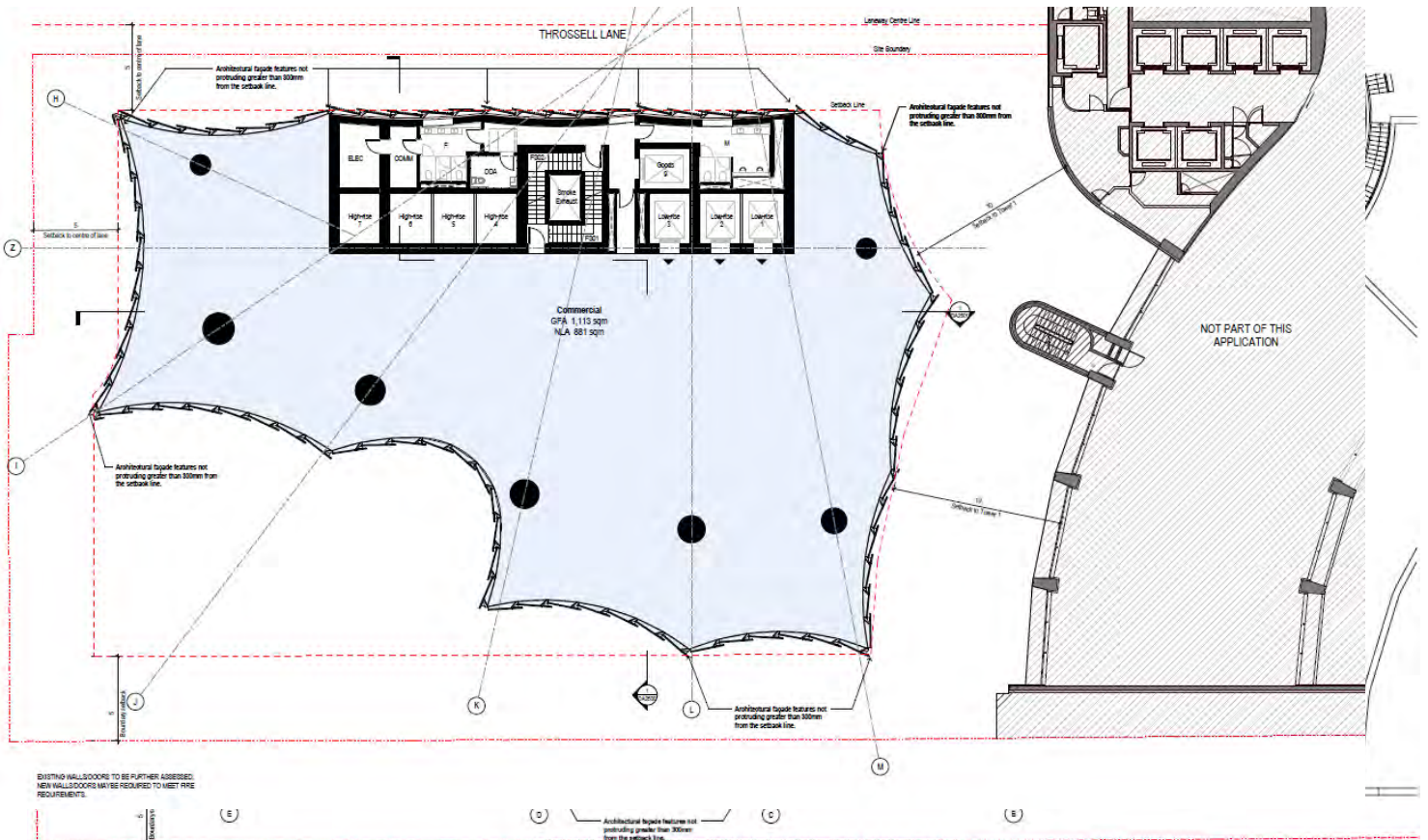


Excerpt from 'Level 2 (Flinders Lane)', Drawing No.DA1008, Issue G

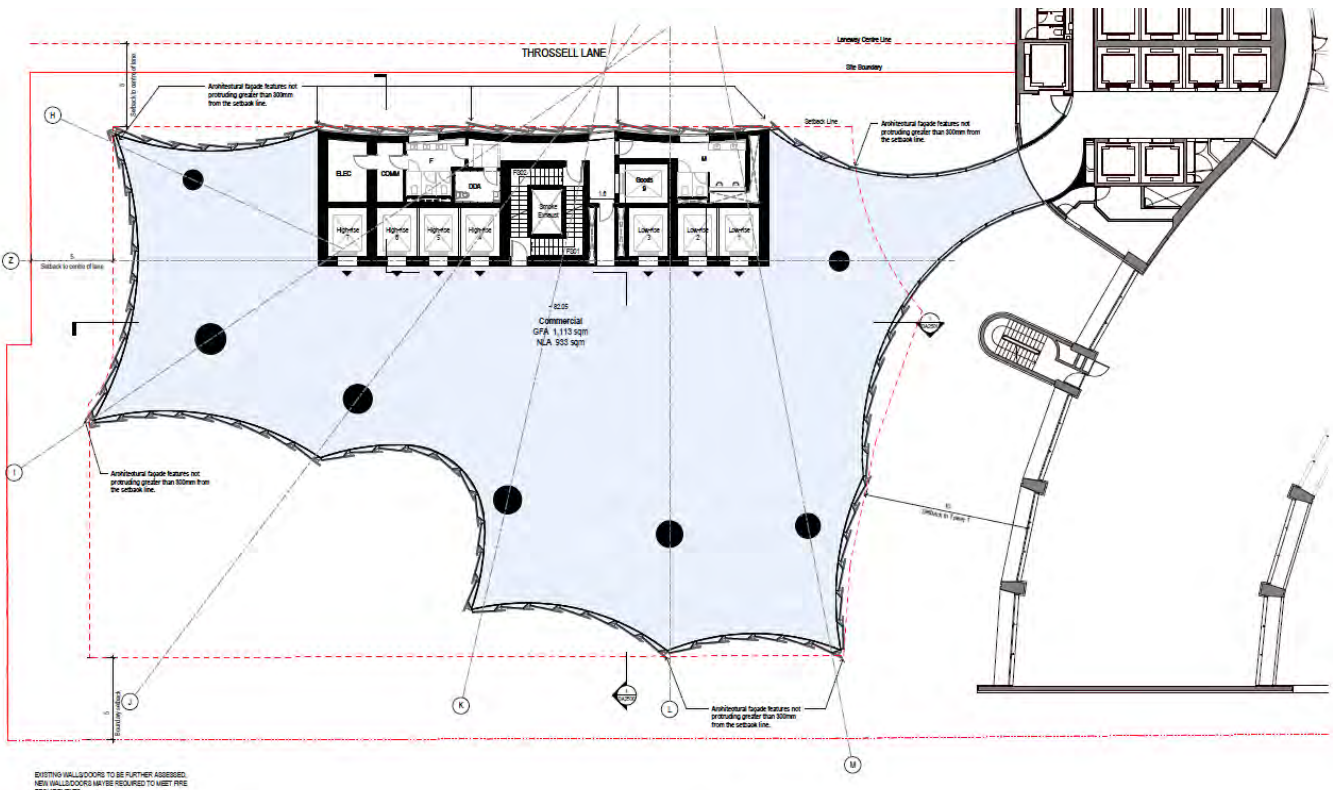


Excerpt from 'Level 3', Drawing No.DA1009, Issue G

3.9 Excerpts from Plans: Typical Floor and Roof Plan



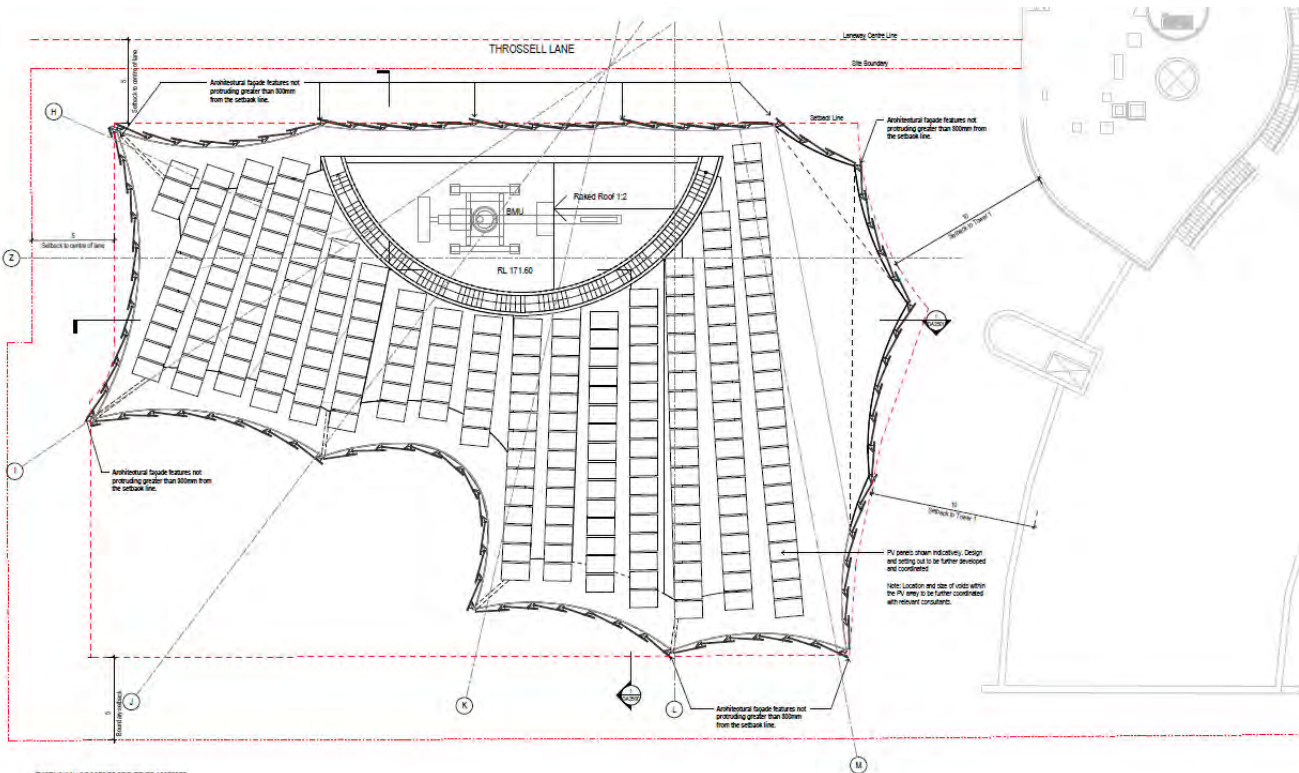
Excerpt from 'Level 10-14 (Typical Low Rise)', Drawing No. DA1016, Issue G



Excerpt from 'Level 15 (Bridge to Tower 1)', Drawing No. DA1017, Issue G

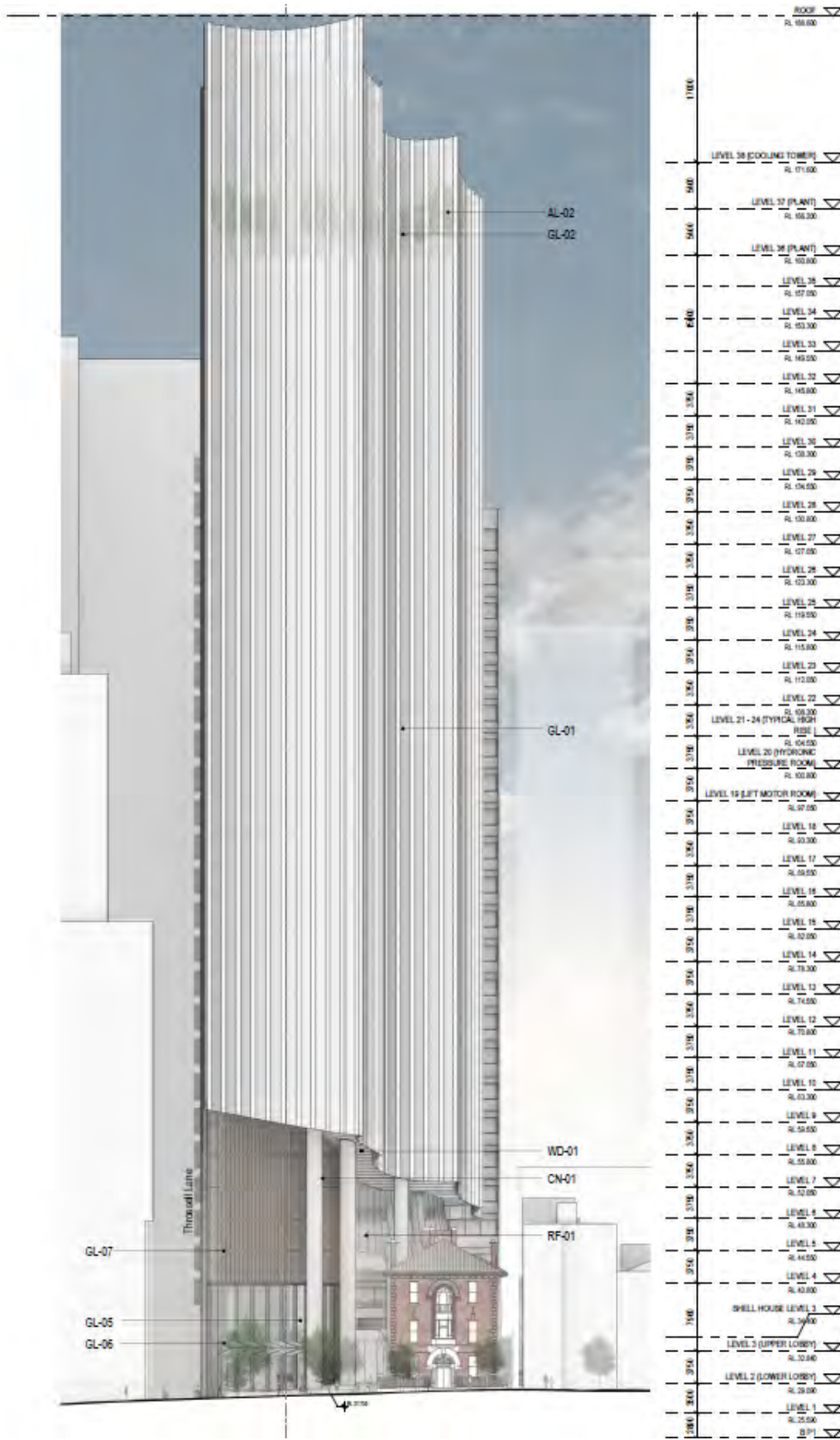


Excerpt from 'Level 36 (Plan)', Drawing No.DA1025, Issue G

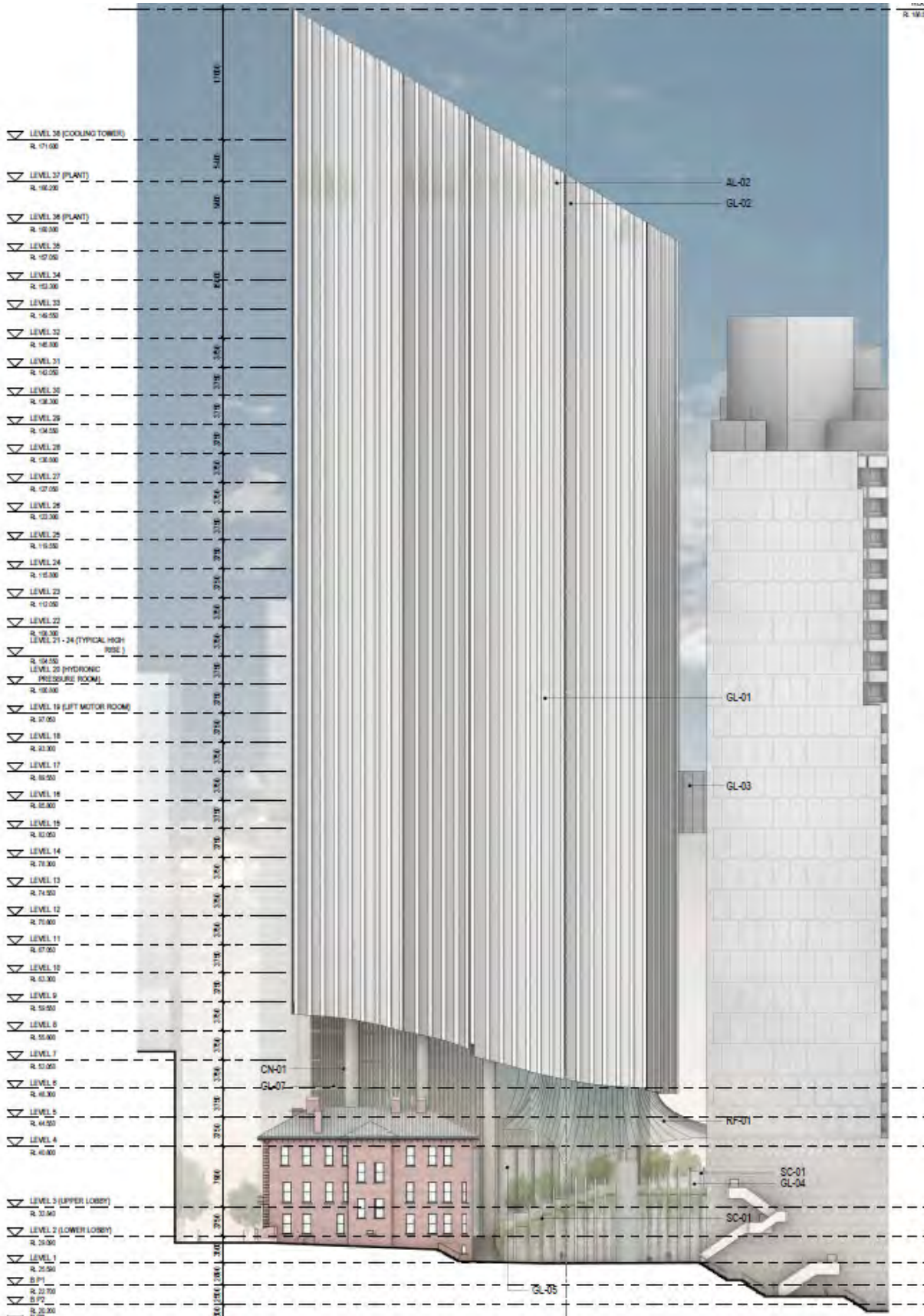


Excerpt from 'Roof', Drawing No.DA1028, Issue G

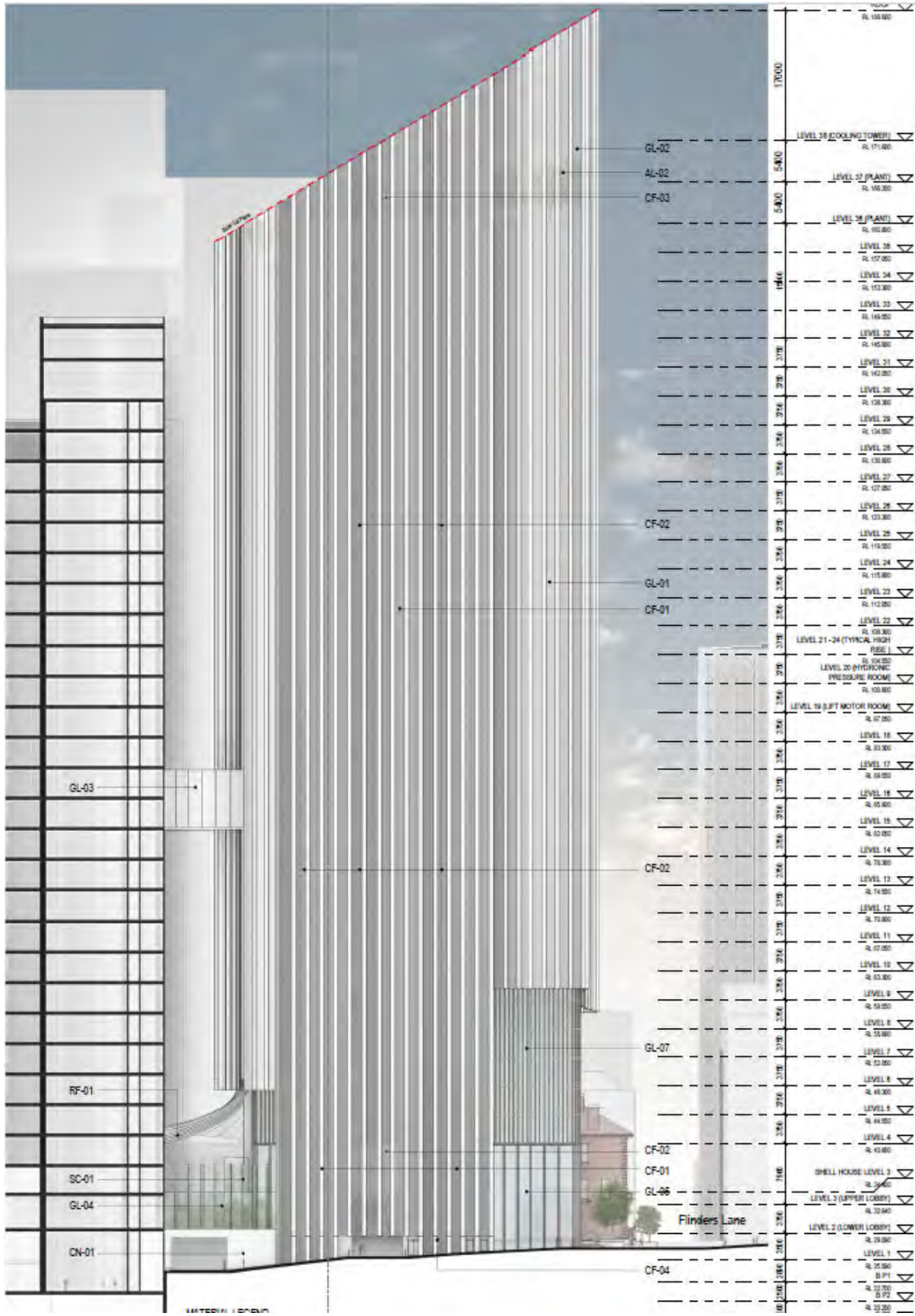
3.10 Excerpts from Plans: Elevations and Sections



Excerpt from 'North Elevation', Drawing No.DA2000, Issue G



Excerpt from 'West Elevation', Drawing No. DA2003, Issue G



Excerpt from 'East Elevation', Drawing No.DA2001, Issue G



Excerpt from 'South Elevation', Drawing No.DA2002, Issue B

3.11 Detailed Information: Built Form

3.11.1 Overall Development Summary (includes Tower 1, Tower 2 and Milton House)

Site Area:	5,246 m ² Whole site	Total GFA: Towers 1 & 2 plus Milton House	78,349 m ²
Floor Area Ratio (excluding basement areas):	14.93:1	Floor area uplift sought:	N/A
Retail NLA:	1,243 m ²	Commercial NLA:	55,547 m ²
Employee Bicycle Parking	289	Car Parking (Existing)	288
Visitor Bicycle Parking	60	Car Parking (Proposed)	178 (-110) 6 disability accessible spaces

3.11.2 Summary Existing Tower 1 (Shell House)

GFA:	41,561 m ²	Maximum Height & No. of Storeys:	RL149 (approx.) ² 28 storeys
Retail NLA:	135 m ²	Commercial NLA:	29,524 m ²
Bicycle spaces (Employees)	98	Bicycle Spaces (Visitors)	30

3.11.3 Summary Refurbished Milton House

GFA:	984 m ²	Maximum Height & No. of Storeys:	RL45.972 ³ 3 storeys
Retail NLA:	887 m ²	Commercial NLA:	N/A

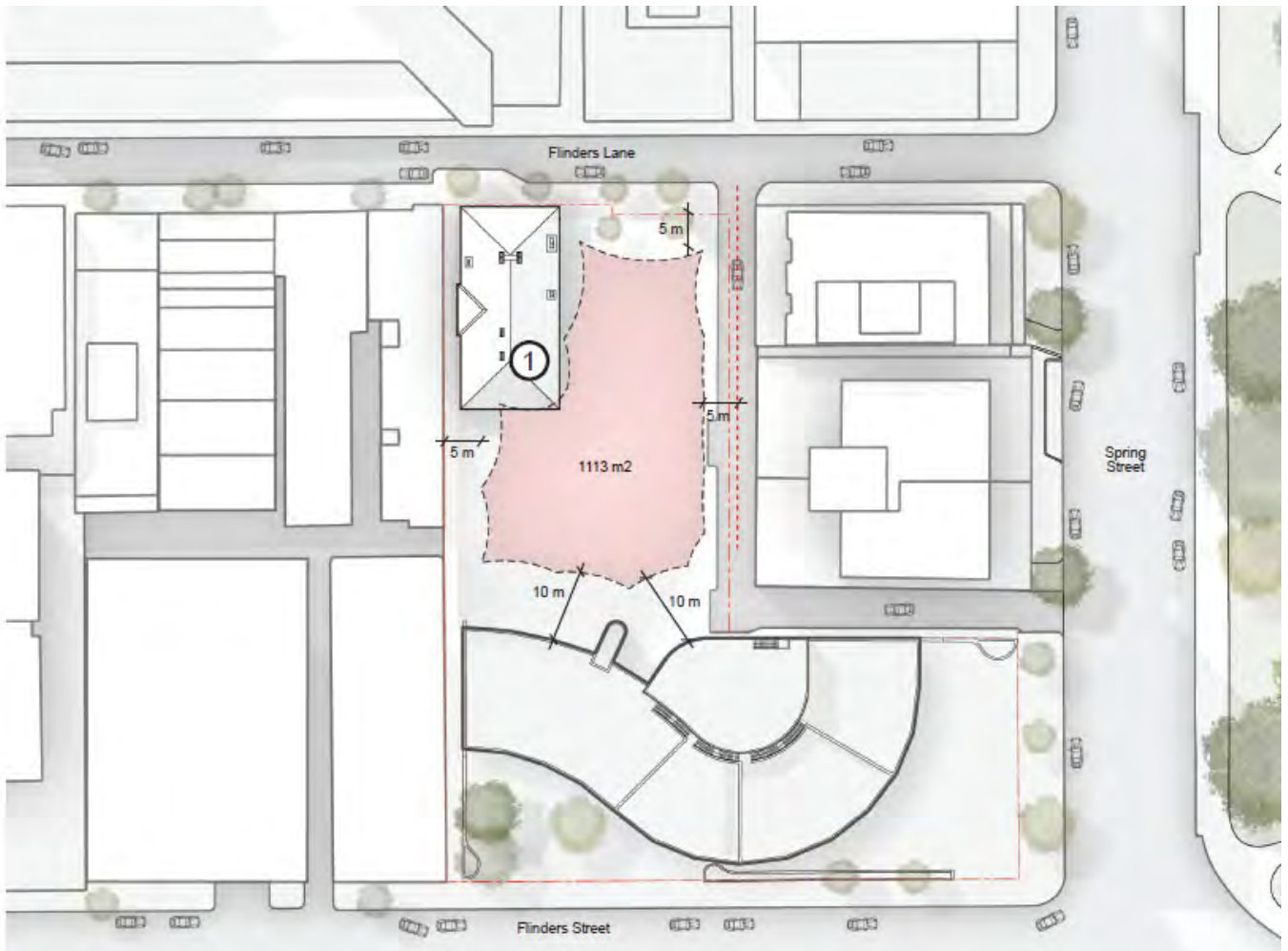
3.11.4 Summary Proposed Tower 2

GFA:	35,804 m ²	Retail NLA:	217 m ²
		Commercial NLA:	26,023 m ²
Maximum number of storeys above ground level	35 storeys (exc. plant) 38 storeys (inc. plant)	Maximum number of basement levels:	5

² RL to apex of Shell House not given. Approximate height is 121m above spot level RL27.72 at centre of Flinders Lane frontage and 130m above spot level RL18.5 at centre of Flinders Street Frontage.

³ 18.252m above spot level RL27.72 at centre of Flinders Lane frontage.

Maximum Building Height: (All heights measured from the top of the parapet, including plant levels)		RL188.600 ⁴	Street Wall Height:	N/A – No Street Wall
Minimum setbacks (Refer to tower setback diagram)	North-West Flinders Lane	5 metres to title boundary	North-East Throssell Lane	5 metres to centre-line of laneway
	South-West 27-29 Flinders Lane	5 metres to title boundary	South-East Shell House	10 metres to exterior façade of Shell House (excluding fire escape)



Tower setback diagram - excerpt from Urban Context Report showing building separation and tower setbacks from boundaries (p.28 of 94)

⁴ 160.88 metres above a spot level of RL27.72 at the centre of the site's Flinders Lane frontage and 170.1 metres above a spot level of 18.5 at the centre of the site's Flinders Street frontage.

4 PLANNING SCHEME PROVISIONS

Amendment C401 is a proponent-led Planning Scheme Amendment, which seeks to make the following changes to the Melbourne Planning Scheme:

Overlay Maps

1. Amend Planning Scheme Map No. 8SCO in the manner shown on the one (1) attached map marked “Melbourne Planning Scheme, Amendment CXXXmelb”.

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

2. In Overlays – Clause 45.12, replace the Schedule with a new Schedule in the form of the attached document.
3. In Operational Provisions – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

Proposed Planning Scheme Map No.8SCO would affect the entirety of the subject site (see Section 1.1 of this report for an excerpt from this plan).

The amended Schedule to *Clause 72.04 Documents Incorporated in this Planning Scheme* would insert the proposed Incorporated Document, ‘1 Spring Street & 21 – 25 Flinders Lane, Melbourne November 2020’ into the Melbourne Planning Scheme.

‘Clause 1.0 Introduction’ sets out the operation of the proposed Incorporated Document and provides:

“The document is an Incorporated Document in the schedule to Clause 45.12 and Clause 72.04 of the Melbourne Planning Scheme (the Scheme).

The land identified in Clause 3.0 of this document may be used and developed in accordance with the specific controls and conditions contained in Clause 6.0 of this document.

The controls in this document prevail over any contrary or inconsistent provision in the Scheme.”

If introduced, the proposed Incorporated Document would have the effect of extinguishing the planning controls applying to 1 Spring Street and authorise the development described in Amendment C401, subject to the conditions outlined in this document.

4.1 Strategic Framework

A list of the relevant policies in the Planning Policy Framework (PPF), Municipal Strategic Statement (MSS) and Local Planning Policy Framework have been set out in Appendix 1 to this report.

Regard has been given to key policies relevant to the proposed development under Amendment C401 in Section 7 of this report.

4.2 Zone / Overlays

The proposed development has been considered against the current zone and overlays affecting the land in the below table. In the event that Amendment C401 is approved, these planning controls would no longer apply.

Zone	Requirement
<p>Clause 37.04 Capital City Zone Schedule 1: Outside the Retail Core</p>	<p><u>Land Use</u> – <i>permit not required</i></p> <p>The land uses proposed in Amendment C401, including Office and Retail premises are 'Section 1 – permit not required' land uses in the Capital City Zone (Schedule 1) (CCZ1) and do not require planning permission.</p> <p>In the event that these uses were altered in the future, the proposed Incorporated Document includes a secondary consent mechanism that would allow the planning authority for Amendment C401 to assess any proposed use.</p> <p><u>Buildings and Works</u> – permit required</p> <p>A permit is required to construct a building or construct or carry out works in the CCZ1.</p> <p>A permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) to construct a building or construct or carry out works with a floor area ratio in excess of 18:1 on land to which Schedule 10 to the Design and Development Overlay applies.</p> <p>It is noted that the proposed development under Amendment C401 has been assessed by WT Partnership and Architectus as having a floor area ratio (FAR) of 14.93:1 (this assessment considered all buildings on-site, including Milton House, Shell House and Proposed Tower 2).</p> <p>The proposed development under Amendment C401 therefore does not exceed a FAR of 18:1, and no demonstration of a public benefit would be required.</p> <p><u>Demolition</u> – permit required</p> <p>A permit is required to demolish or remove a building in the CCZ1.</p>
Overlay	Requirement
<p>Clause 43.01 Heritage Overlay Schedule HO637: Milton House, 21-25 Flinders Lane, Melbourne Schedule HO1235: Shell House, 1 Spring Street, Melbourne</p>	<p>Places in the Victorian Heritage Register – <i>permit not required</i></p> <p>Under Clause 43.01-2 of the Heritage Overlay, a heritage place which is included in the Victorian Heritage Register is subject to the requirements of the <i>Heritage Act 2017</i>.</p> <p>Clause 43.01-3 provides that no permit is required under the Heritage Overlay:</p> <ul style="list-style-type: none"> ▪ <i>To develop a heritage place which is included on the Victorian Heritage Register, other than an application to subdivide a heritage place of which all or part is included in the Victorian Heritage Register.</i>
<p>Clause 43.02 Design and Development Overlay</p>	<p><u>Buildings and Works</u> – permit required</p> <p>Under Clause 43.02-2 a permit is required to construct a building or construct or carry out works, except if a Schedule to the overlay specifically states that a permit is not required.</p>

<p>Schedule 1: Urban Design in Central Melbourne</p>	<p>Schedule 1 to the Design and Development Overlay (DDO1) provides that a permit is not required to develop a heritage place which is included on the Victorian Heritage Register if either:</p> <ul style="list-style-type: none"> ▪ A permit for the development has been granted under the <i>Heritage Act 2017</i>. ▪ The development is exempt under Section 66 of the <i>Heritage Act 2017</i>. <p>As Heritage Victoria has refused to grant a permit for the proposed development, the above exemptions do not apply.</p> <p><u>Mandatory requirements in DDO1</u></p> <p>A permit cannot be granted to vary the Design requirements in DDO1 expressed with the term 'must'. The proposed development under Amendment C401 has been assessed against these requirements in Section 7 of this report.</p>
<p>Clause 43.02</p> <p>Design and Development Overlay</p> <p>Schedule 10: General Development Area – Built Form</p>	<p><u>Buildings and Works – permit required</u></p> <p>Under Clause 43.02-2 a permit is required to construct a building or construct or carry out works, except if a Schedule to the overlay specifically states that a permit is not required.</p> <p>Schedule 10 to the Design and Development Overlay (DDO10) does not specify any exemption that would apply to the proposed development under Amendment C401.</p> <p><u>Mandatory requirements in DDO10</u></p> <p>A permit cannot be granted for buildings and works that do not meet the Modified Requirement for any relevant Design Element specified in Table 3 to this schedule. The proposed development under Amendment C401 has been assessed against these requirements in Section 7 of this report.</p>
<p>Clause 45.09</p> <p>Parking Overlay</p> <p>Schedule 1: Capital City Zone – Outside the Retail Core</p>	<p><u>Parking requirement – permit not required</u></p> <p>Schedule 1 to the Parking Overlay (PO1) provides that a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of this schedule.</p> <p>The maximum permissible number of car parking spaces has been calculated using the car parking rates provided in PO1 below:</p> <p>Maximum no. of spaces =</p> $\frac{5 \times \text{net floor area of buildings on in sq.m}}{1000\text{sq.m}}$ <p>Therefore the maximum allowable number of car parking spaces for the development is:</p> $\frac{5 \times 56,207\text{sq.m (Tower 1 + Tower 2 + Milton House)}}{1000\text{sq.m}} = 281 \text{ spaces}$ <p>The proposed development under Amendment C401 includes 178 car parking spaces.</p> <p>A planning permit is therefore not required under PO1 to exceed the maximum allowable number of car parking spaces specified in the control.</p> <p>The proposed development under Amendment C401 also includes two motorcycle parking spaces, complying with the requirement of PO1 that at least one motorcycle parking space be provided for each 100 parking spaces.</p>

4.3 Particular Provisions

The following particular provisions are relevant to the proposed development under Amendment C401. In the event that Amendment C401 is approved, these planning controls would no longer apply.

4.3.1 Clause 52.05 Signs

The proposed development under Amendment C401 does not include any advertising signage, and does not include any conditions in the proposed Incorporated Document that would provide a mechanism for future advertising signage to be reviewed by the planning authority for Amendment C401.

As the proposed Incorporated Document under Amendment C401 would have the effect of extinguishing the operation of *Clause 52.05 Signs* over the subject site, a condition should be included in this control to ensure a mechanism is provided for future advertising signage to be reviewed by the planning authority for Amendment C401.

4.3.2 Clause 52.06 Car Parking

Clause 52.06 Car Parking provides that car parking plans must be prepared to the satisfaction of the responsible authority before a new use commences, or the floor area or site area of an existing use is increased.

Amendment C401 was accompanied by car parking plans and a traffic impact assessment report prepared by GTA Consultants Pty Ltd, which have been reviewed by Council's Traffic Engineer.

The advice of Council's Traffic Engineer is set out in section 6 of this report.

4.3.3 Clause 52.34 Bicycle Facilities

The proposed development under Amendment C401 complies with the following requirements of *Clause 52.34 Bicycle Facilities*:

- The minimum bicycle parking spaces requirement.
- The shower requirements for end of trip facilities where bicycle parking is provided.
- The change room requirements for end of trip facilities where bicycle parking is provided.

A planning permit would therefore not be required under *Clause 52.34 Bicycle Facilities*.

Minimum bicycle parking spaces requirement:

Clause 52.34 Bicycle Facilities sets out the following bicycle parking rate as bearing on the proposed use / development under Amendment C401:

Shell House (Tower 1)			
Use	Employee / Resident	Visitor / Shopper / Student	Requirement
Office other than specified in this table	1 to each 300 m ² net floor area if the net floor area exceeds 1000 m ²	1 to each 1000 m ² of net floor area if the net floor area exceeds 1000 m ² .	Proposed floor area: 29,524 sq. m $\left(\frac{29,524 \text{ sq m}}{300 \text{ sq m}}\right)$ = 98.4 (98) <i>employee spaces</i> $\left(\frac{29,524 \text{ sq m}}{1,000 \text{ sq m}}\right)$ = 29.5 (30) <i>visitor spaces</i>

Food and Drink Premises	1 to each 300 m ² of leasable floor area	1 to each 500 m ² of leasable floor area	Proposed floor area: 135 sq. m $\left(\frac{135 \text{ sq m}}{300 \text{ sq m}}\right)$ = 0.45 (0) <i>employee spaces</i> $\left(\frac{135 \text{ sq m}}{500 \text{ sq m}}\right)$ = 0.27 (0) <i>visitor spaces</i>
		Total Required	98 + 0 = 98 <i>employee spaces</i> 30 + 0 = 30 <i>visitor spaces</i>
		Total Provided	98 <i>employee spaces</i> 30 <i>visitor spaces</i>

Milton House			
Use	Employee / Resident	Visitor / Shopper / Student	Requirement
Retail premises other than specified in this table	1 to each 300 m ² of leasable floor area	1 to each 500 m ² of leasable floor area	Proposed floor area: 887 sq.m $\left(\frac{887 \text{ sq m}}{300 \text{ sq m}}\right)$ = 2.96 (3) <i>employee spaces</i> $\left(\frac{887 \text{ sq m}}{500 \text{ sq m}}\right)$ = 1.77 (2) <i>visitor spaces</i>
		Total Required	3 <i>employee spaces</i> 2 <i>visitor spaces</i>
		Total Provided	Provided in Proposed Tower 2

Proposed Tower 2			
Use	Employee / Resident	Visitor / Shopper / Student	Requirement
Office other than specified in this table	1 to each 300 m ² net floor area if the net floor area exceeds 1000 m ²	1 to each 1000 m ² of net floor area if the net floor area exceeds 1000 m ² .	Proposed floor area: 25,440 sq. m $\left(\frac{25,440 \text{ sq m}}{300 \text{ sq m}}\right)$ = 84.8 (85) <i>employee spaces</i>

			$\left(\frac{25,440 \text{ sq m}}{1,000 \text{ sq m}}\right)$ $= 25.44 \text{ (25) visitor spaces}$
Retail premises other than specified in this table	1 to each 300 m ² of leasable floor area	1 to each 500 m ² of leasable floor area	Proposed floor area: 66 sq. m $\left(\frac{66 \text{ sq m}}{300 \text{ sq m}}\right)$ $= 0.22 \text{ (0) employee spaces}$ $\left(\frac{66 \text{ sq m}}{500 \text{ sq m}}\right)$ $= 0.13 \text{ (0) visitor spaces}$
Food and Drink Premises	1 to each 300 m ² of leasable floor area	1 to each 500 m ² of leasable floor area	Proposed floor area: 155 sq. m $\left(\frac{155 \text{ sq m}}{300 \text{ sq m}}\right)$ $= 0.52 \text{ (1) employee spaces}$ $\left(\frac{155 \text{ sq m}}{500 \text{ sq m}}\right)$ $= 0.31 \text{ (0) visitor spaces}$
		Total Required	$85 + 0 + 1$ $= 86 \text{ employee spaces}$ $25 + 0 + 0 = 25 \text{ visitor spaces}$
		Total Provided	187 employee spaces 30 visitor spaces

Amendment C401 therefore complies with the minimum bicycle spaces requirement under *Clause 52.34 Bicycle Facilities*.

Shower requirement:

Clause 52.34 Bicycle Facilities sets out the following shower requirement as bearing on the proposed use / development under Amendment C401⁵:

Overall Development			
Use	Employee / Resident	Visitor / Shopper / Student	Requirement
Any use listed in Table 1	If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.	None	1 shower $+ \left(\frac{((98 + 3 + 85) - 5)}{10}\right)$ $= 19.1 \text{ (19) showers}$

⁵ The existing end of trip facilities in Shell House (Tower 1) are not proposed to be amended as part of the proposed development under Amendment C401.

Total Required	19 showers
Total Provided	22 showers

Amendment C401 therefore complies with the minimum shower requirement under *Clause 52.34 Bicycle Facilities*.

Changing room requirement:

Clause 52.34 Bicycle Facilities sets out the following changing room requirement as bearing on the proposed use / development under Amendment C401:

Use	Employee / Resident	Visitor / Shopper / Student
Any use listed in Table 1	1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room.	None

Amendment C401 includes communal changing rooms which are directly accessible by all showering facilities in new proposed Tower 2, and therefore complies with the change room requirement under *Clause 52.34 Bicycle Facilities*.

4.3.4 Clause 53.18 Stormwater Management in Urban Development

Clause 53.18 Stormwater Management in Urban Development applies to Amendment C401.

The Water Sensitive Urban Design (WSUD) Statement prepared by ARUP addresses how the proposed development will meet both requirements of Local Planning Policy *Clause 22.23 Stormwater Management (Water Sensitive Urban Design)*, therefore meeting the objectives of *Clause 53.18 Stormwater Management in Urban Development*.

The proposed Incorporated Document includes conditions that would ensure that the water sensitive urban design measures set out in the submitted WSUD Statement prepared by ARUP are incorporated into the final design.

Council’s ESD Officer and Principal Engineer – Infrastructure, have recommended further conditions that should be included on the Incorporated Document to ensure that the requirements of *Clause 22.23 Stormwater Management (Water Sensitive Urban Design)* are met, and the proposed development under Amendment C401 integrates with Council’s stormwater infrastructure.

4.4 General Provisions

4.4.1 Clause 65 Decision Guidelines

Before deciding on an application or approval of a plan, the responsible authority must consider the matters set out in *Clause 65 Decision Guidelines*, as appropriate.

5 PUBLIC NOTIFICATION

Melbourne City Council is a prescribed municipal council for Amendment C401 for the purposes of S.19(c) of the Planning and Environment Act 1987.

It is noted that the Minister for Planning is exercising his powers under s.20(4) of the *Planning and Environment Act 1987*, and the requirements of sections 17, 18 and 19 of the *Planning and Environment Act 1987* do not apply to Amendment C401.

The Minister for Planning has instead given notice to Melbourne City Council of Amendment C401 under S.20(5) of the *Planning and Environment Act 1987*.

6 CoM Internal Advisor Comments

6.1 Urban Design

6.1.1 Referral Comments

Council's Urban Design Team have provided extensive and specific commentary addressing Amendment C401 throughout its lifespan.

Council's Urban Design Team have consistently raised the following key concerns / issues with Amendment C401 in advice provided on 3 March 2021, 31 August 2021 and 22 October 2021:

- *The tower massing including extent of cantilever over the plaza and Milton House fronting Flinders Lane.*
- *The limited activation to the plaza and internal lobby.*
- *The lack of human scaled design to the plaza interface.*
- *The lack of revitalisation and activation of the western laneway.*

Council's Urban Design Team has also previously analysed the existing northern plaza, and considered whether the existing plaza is currently successful (or needs to be revitalised, as argued by the applicant), in advice provided on 22 October 2021:

*Design Development Overlay 1 (DDO1) Urban Design in Central Melbourne was gazetted on 30 September 2021, and includes the protection of the city's existing **plazas**.*

- *DDO1 requires **50 per cent of existing plazas to be retained** (and more when a plaza is required to maintain the heritage significance of a place).*
- *In DDO1, a **publicly accessible private plaza** is defined as 'an open to the sky privately owned space provided and maintained by the property owner for use by the public'.*

DDO1 implements the recommendations of a synthesis report, which includes research and evidence which has informed the changes to the planning scheme. Of publicly accessible private plazas, the report states:

- *In light of the increased intensity of use of the city's footpaths, there is a question regarding the appropriateness of infilling remaining plazas on private land that were initially provided as a public benefit in order to access bonus plot ratio and subsequently higher development yield.*
- *It is imperative in the contemporary Central City context that these publicly accessible spaces are preserved and enhanced where opportunities arise.*
- *These spaces enable stationary activity and connections that contribute to the network of movement in the City.*
- *Recent investigations undertaken by the City of Melbourne into small public spaces in the city has highlighted the importance of these spaces for public use, as well as the wellbeing, psychological and ecological benefits.*

Considering the above, the existing plaza is clearly an important part of the character, amenity and walkability of the central city.

Assessed against the design requirements of DDO1 existing plaza is considered successful, as it is:

- *Predominantly open to sky.*
- *Easily accessible from the footpath.*
- *Provides space for stationary activity and refuge for pedestrians.*
- *Incorporates visually interesting and high quality landscaping elements (surface treatments, planting).*
- *Is visually integrated with the architectural character of the existing building, while having a high amount of grain and human scale.*
- *Provides space to view and appreciate the prominence of the city's high character assets and heritage places from the street.*
- *Provides a physical separation between taller built form facing Spring Street, and the predominantly low-rise and fine grained character of Flinders Lane.*

Our primary concern with the submitted proposal that it does not actually improve the existing plaza, but infills and overhangs over the majority of the space with a commercial tower, degrading all of the valued attributes as listed above.

Council's Urban Design Team full commentary in relation to the resubmission package provided on 3 March 2022 is set out below:

The submitted drawings demonstrate a lack of resolution of critical matters, including:

- *Cantilevering over the heritage plaza.*
- *Massing relationship with Milton House.*
- *Activation and quality of publicly accessible internal areas.*
- *Human scale and design quality of public interfaces.*

Consideration of these key attributes are fundamental for achieving acceptable urban design quality within Central Melbourne. Design Development Overlay 1 (DDO1) Urban Design in Central Melbourne was gazetted on 30 September 2021, and includes consideration of a number of urban design matters raised, including the protection of the city's existing plazas.

An exceptional level of design quality, or Design Excellence, should be expected to this site considering its proposed scale, the high character context of Flinders Lane, and its proximity to a number of the city's valued heritage assets, including Shell House and Milton House. While the proposed architectural strategy is considered interesting, Design Excellence cannot be achieved until at least minimum compliance with policy requirements is demonstrated.

Critical matters to address:

- *Resolve tower massing relationship to Milton House to maintain prominence of the building form approach, and to protect laneway character.*
- *Reduce cantilevering over the heritage plaza to maintain 50 per cent retention. A plaza is defined by DDO1 as 'an open to the sky privately owned space provided and maintained by the property owner for use by the public'. To demonstrate this, provide accurate covered / non-covered plaza area calculations.*
- *Provide significantly enhanced activation to the internal publicly accessible area / through-block link to ensure a safe, active, and inviting pedestrian experience. This should include a number of substantial and clearly defined retail and food & beverage tenancies, directly accessible from the covered ground floor area. Kiosk cafes / tenancies can be included to supplement a broader activation offering.*

- *Demonstrate human scaled design to all public interfaces through the inclusion of interactive design elements and better balance of glazing and solidity. All materials used should be robust, natural, textured and high quality with reference to the character of Flinders Lane, and other adjacent laneways. Detailed 1:20 public interface elevations should be provided to demonstrate design resolution, with all relevant materials annotated.*
- *Resolve column design to minimise visual impact and dominance over the public realm. Minimising overhanging form over the plaza could reduce the size or quantity of columns.*
- *Provide further resolution of the Western Laneway design concept through the provision of detailed 1:20 elevations and renders, with all proposed materials and design elements annotated. In addition to the proposed physical connections, visual permeability should be maximised.*
- *Provide an updated schedule of materials, including specification detail, finish, colour and image accurately depicting appearance. Any additional materials added as a result of responding to this report should be included.*
- *Other detailed matters raised in the discussion section of this report.*

Discussion

Mass

Cantilevering over plaza

- *Design Development Overlay 1 (DDO1) Urban Design in Central Melbourne was gazetted on 30 September 2021, and includes the protection of the city's existing plazas.*
 - *DDO1 requires 50 per cent of existing plazas to be retained (and more when a plaza is required to maintain the heritage significance of a place).*
 - *In DDO1, a publicly accessible private plaza is defined as 'an open to the sky privately owned space provided and maintained by the property owner for use by the public'.*
- *Assessed against the design requirements of DDO1, the existing plaza is considered successful. It is predominantly open to sky, provides space for stationary activity and refuge for pedestrians, and is visually integrated with the architectural character of the existing building, while having a high amount of grain and human scale.*
- *The submitted proposal does not improve the existing plaza when assessed against urban design policy. The proposal infills and overhangs over the majority of the space with a commercial tower, diminishing its successful attributes.*
- *We require exploration of a massing option which retains 50% or more of the existing heritage plaza.*
- *To demonstrate this, provide accurate covered / non-covered plaza area calculations.*

Relationship to Milton House

- *The height of the tower is proposed to be increased to 36 storeys. While cantilevering is minimised, the tower closely interfaces with Milton House.*
- *The proximity of the mass to Milton House, and how it is viewed from the approach vantage point from either end of Flinders Lane is overwhelming and lacks transition down to the finer-grain context.*

- *Further, the increase in overall height in the updated proposal is not considered justified as fundamental urban design matters have still not been adequately addressed by the proposal.*
- *We continue to recommend exploration of a massing option which proposes an appropriate massing relationship with Milton House and the low-rise context of Flinders Lane.*

Site layout

Site activation

- *A large internal publicly accessible area is proposed to balance the reduction in external plaza area. We require further demonstration of how this internal plaza will legitimately attract and support public use and not appear overly private.*
- *Compared to successful precedent of internal public spaces within Melbourne, there is clearly an insufficient amount of active functions in proportion to un-programmed lobby area and commercial foyers (see 80 Collins Street, and Collins Place).*
- *To achieve a sense of purpose and public attraction to the covered plaza, we require a sufficient number of clearly delineated activating tenancies, directly accessible from the covered plaza.*
- *While a potentially larger café seating area is shown to level 3, a single kiosk café will not be sufficient to attract public use (besides those accessing office tenancies) or provide a sense of public purpose to the entire covered publicly accessible area. Kiosk cafes / tenancies can be included to supplement a broader activation offering.*

Plaza entry / identity

- *We support the removal of the rotating door to the covered plaza, and relocation of the lobby entrance to give the space a more public quality.*
- *Enhancing connectivity of the through-block link via a lift connection to Sparks Lane is supported.*
- *We reiterate that sufficient levels of activation to draw people to use this space to facilitate a successful through-block connection.*
- *We require confirmation of operating hours of the through-block connections. Additional activating tenancies that operate beyond business hours will provide the space with a sense of purpose and publicness and passive surveillance beyond business hours of the commercial tenancy.*

Western laneway

- *The proposed stair access to the western laneway and proposed lift to Sparks Lane improves activation and permeability at this interface.*
- *We question the viability of a substantial stair built against the heritage place (Milton House), and recommend further exploration with heritage advisors.*
- *Further visual permeability should be accommodated to this interface through windows or openings to further improve activation.*
- *There is a lack of design detail and resolution of the western laneway interface. While a vertical fin proposal is shown on overall building elevations, 1:20 detailed elevations and renders are required to demonstrate how human scale and design quality will be achieved. All materials should be annotated.*

Public interfaces

Human scale and design quality

- *Consideration of human scaled design of public interfaces is further strengthened with the gazettal of DDO1. Relevant design requirements within this Policy include:*
 - *Street wall facades should avoid a predominantly glazed appearance.*
 - *Materials should be natural, tactile and visually interesting at the lower levels near the public interface to reinforce a human scale.*
 - *Ground level interfaces including shopfronts should provide thickness, depth and articulation and avoid long expanses of floor to ceiling glazing.*
- *The predominantly vertical tower language extends to the buildings direct street level interfaces and includes a high proportion of glazing. Overall building elevations continue to demonstrate lack of consideration around human scale, façade depth and solidity at public interfaces. Updated 1:20 or 1:50 street level elevations have not been provided.*
- *A higher level of detail and human scaled design is required to the buildings direct public interface to better relate to the fine-grained context of Flinders Lane, and to attract the general public to use the proposed publicly accessible spaces.*
- *The buildings street frontages will benefit from additional horizontal elements to achieve a better balance between solid and glazing and improving human scale. Other potential measures to improve human scale include: operable windows to activating tenancies, canopies or awnings to key building / tenancy entries, robust human scaled plinths (450 – 900mm) and landscape elements along building edges.*
- *The large number of massive columns are overwhelming to the human scale. As a minimum, measures are required to visually break-down the scale of the column. This can be achieved integrating proposed planters around the base of the column, applying surface materials with a warm natural quality and sense of scale, such as masonry tiles or timber (to a 450 - 900mm height), or integrating a sculptural public art element. We note that minimising the extent of tower cantilevering over the plaza could also reduce column numbers or sizes.*
- *There is insufficient detail around proposed finishes at the street level. Materials used should be robust, natural, textured and high quality with reference to the character of Flinders Lane, and other adjacent laneways.*

Council's Urban Design Team have also specifically considered the applicant's interpretation of the following definition of 'Publicly accessible private plaza' in DDO1, where the applicant's position is that 'open to the sky' does not exclude areas that are roofed with transparent glazing:

Publicly accessible private plaza means an open to the sky privately owned space provided and maintained by the property owner for use by the public.

Council's Urban Design Team's advice, provided 9 March 2022, is that:

From an urban design standpoint, 'open to sky' does not only relate to the visibility of the sky, but physical openness to ensure publicness and accessibility of the open space.

Publicly accessible private plazas provide a critical public amenity to the Central City, alleviating congestion on footpaths and providing opportunities for stationary activity.

6.1.2 Planner Response

Council's Urban Design Team's advice has informed the assessment of the proposed development under Amendment C401 against the requirements of DDO1 and DDO10.

6.2 Environmentally Sustainable Design & Green Infrastructure

6.2.1 Referral Comments

Council's ESD advisor provided comments on 21 February 2022.

Broadly, Council's ESD advisor found that the ESD response of the proposed development under Amendment C401 could achieve a good standard for ESD in compliance with *Clause 22.19 Energy, Water and Waste Efficiency* and *Clause 22.23 Stormwater Management (Water Sensitive Urban Design)*.

Notably, the Sustainability Management Plan (SMP) prepared by ARUP makes the following commitments:

- A 5 star Green Star certified rating is proposed using the Design and As Built rating tool v1.3.
- A 5.5 star NABERS rating for energy.
- A 50kW solar PV system.

In addition to recommending standard conditions to give force and effect to the commitments contained in the SMP and Water Sensitive Urban Design (WSUD) Statement prepared by ARUP, Council's ESD advisor made the following additional recommendations (including in relation to the Landscape Report prepared by Oculus):

In relation to the **SMP**:

- The SMP is encouraged to incorporate benchmarking of the buildings' green infrastructure quality by voluntary use of the City of Melbourne's Green Factor Tool.
- Further exploration of the following additional green infrastructure opportunities:
 - Vertical greening of the Level 3 internal plaza western feature wall.
 - Inclusion of native and indigenous plant species.

In relation to the **WSUD**:

- Incorporation of raingardens into the landscape response to reduce reliance on a proprietary device (Ocean Protect, Jellyfish device) to manage run-off from trafficable areas.
- Preparation of a maintenance program for rainwater tanks and on-site detention tanks, raingardens and other proprietary devices relied upon to manage run-off.

In relation to the **Landscape Report**:

- Preparation of a full landscape package, including:
 - All Green Infrastructure (GI) (i.e. tree planters; size including depth, geo textiles, drainage and irrigation).
 - A comprehensive plant species list developed by a qualified horticulturalist including plant specifications, planting size, height at maturity, amounts and proposed locations.
 - Detail on potting substrate to be used in GI.
 - Identification of all deep soil on landscape plan.
 - Establishment irrigation and maintenance plan.

6.2.2 Planner Response

Conditions should be included in any Incorporated Document forming part of Amendment C401 to give force and effect to the recommendations of Council's ESD advisor, including to further refine the

SMP and WSUD prepared by ARUP, and Landscape Plan / Report prepared by Oculus, and verify that the ESD commitments have been implemented in the final design of the development.

6.3 Urban Forestry

6.3.1 Referral Comments

Council's Urban Forestry Team provided the following comments on 18 February 2021:

General

These comments refer to the potential impacts of the proposal on publicly owned trees and are made in accordance with the Tree Retention and Removal Policy (the Policy).

Comments

All documents assessed in relation to these comments are at DM#14343313.

The contribution of private realm canopy cover to the city is important and the application documents do not seem to show that the level of current cover is matched or preferable exceeded by the proposals. Exceeding the current canopy cover would be supported.

*The application documents suggest that soil volumes have been considered and structural soils used beneath hard surfaces to increase volumes available to the proposed tree species. Total soil volumes do not seem to have been provided and the applicant should be encouraged to maximise this to ensure healthy and sustainable growth. Based on extreme climate change scenarios *Gleditsia tricanthos* may be susceptible in the long-term, especially in an environment likely to result in increased temperature. This species is best suited to full sun locations and as such its suitability to this location should be fully determined based on light levels. The native *Harpullia* should be suitable to the location, as long as it is well irrigated. Irrigation and drainage systems have been proposed although technical details will need to be verified.*

The applicant should be encouraged to consult with an ecologist in relation to ground cover species selection given that there may be scope to align planting with Nature in the City Strategy objectives.

6.3.2 Planner Response

The proposed Incorporated Document under Amendment C401 includes standard conditions to protect CoM's street tree assets during construction activities on site.

Conditions should be included to ensure that any landscape strategy prepared for the development clearly identifies all street trees to be protected and / or removed, and address the expert advice provided by Council's Urban Forestry team relating to the use of *Gleditsia tricanthos* nominated in the landscape strategy.

6.4 City Design

6.4.1 Referral Comments

Council's City Design Team provided comments on Amendment C401 on 2 March 2021.

The commentary provided by Council's City Design Team included specific recommendations relating to micro-design elements of the proposed development under Amendment C401, and have outlined concerns with the plaza layout (and covered area) that broadly reflect the comments of Council's Urban Design Team.

6.4.2 Planner Response

The recommendations of Council's City Design Team could be resolved through including standard design detail conditions in the Incorporated Document and through resolving the key outstanding issues with the ground plane layout identified by Council's Urban Design Team.

6.5 Land Survey

6.5.1 Referral Comments

Council's Land Survey Team provided the following comments on 8 February 2021:

The application needs to be referred to Infrastructure and Assets to obtain comment on the proposed widening of Throssell Lane to determine if it should be vested in Council as a Road on a Plan of Subdivision. Should the land be vested, the following condition must be included on the permit.

Vesting of Roads

Prior to the commencement of the use, the proposed widening of Throssell Lane must be vested in Council as a road under the provision of the Subdivision Act 1988. The new portion of the road is to have no upper or lower limit and must exclude any structure above and below to the satisfaction of the Responsible Authority – the City of Melbourne.

6.5.2 Planner Response

Council's Principal Engineer (Infrastructure) has recommended that the western portion of Throssell Lane be vested with Council (see advice below), and the proposed Incorporated Document should therefore be updated to include the condition recommended by Council's Land Survey Team to facilitate this.

6.6 Civil Engineering

6.6.1 Referral Comments

Council's Principal Engineer (Infrastructure) provided comments on Amendment C401 on 26 February 2021.

In addition to recommending the inclusion of standard conditions and notes that would ordinarily be included on a planning permit for a development of this type (and could be included in the Incorporated Document under Amendment C401), Council's Principal Engineer (Infrastructure) provided the following specific comments relating to the development scheme:

It is noted that the western portion of Throssell Lane including footpath, underground drainage, public lights lie within the title boundary of 1 Spring Street. We recommend the vesting of this portion of laneway in Council prior to occupation of the development. Throssell Lane adjacent the subject land must be reconstructed to Council satisfaction prior to vesting in Council.

Building must be set back along Throssell Lane so that the footpath width is a minimum 1.5m wide for DDA compliance.

The doors shall be redesigned such that they do not project beyond the street alignment when open, when closed or when being opened or closed.

There is a significant fall along Throssell Lane adjacent the subject land. This must be taken into account when fixing the floor levels at vehicle crossings and other entrances as no localised ramps on road reserve allowed at these locations. Setting back of vehicle crossings and other entrances must be considered in the tower design.

The maximum permissible width of a vehicle crossover without a pedestrian refuge is 7.6 metres. The crossings wider than 7.6 metres should include the provision of a minimum of 2.0 metres long pedestrian refuge islands at 7.6 metre spacing.

6.6.2 Planner Response

The proposed Incorporated Document under Amendment C401 includes a number of standard Civil Engineering conditions, but does not list all of the conditions Council's Principal Engineer (Infrastructure) has recommended.

The Incorporated Document should be updated to ensure that all Civil Engineering conditions are consistent with the advice given by Council's Principal Engineer (Infrastructure), and to resolve any conflicts with Traffic and Waste advice for vehicle circulation and loading and unloading in Throssell Lane.

6.7 Traffic Engineering

6.7.1 Referral Comments

Council's Traffic Engineer provided the following detailed comments on proposed Amendment C401 on 23 February 2022:

CAR PARKING & MOTORCYCLE PARKING PROVISIONS

The site's location places it in Capital City Zone – Schedule 1 (CCZ1) and it is covered by Schedule 1 of the Parking Overlay (PO1). This schedule specifies that a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of the schedule (various formulas are provided which are alternatively linked to either the site area or floor areas).

The existing 'Tower 1' building at 1 Spring Street has an underground car park which extends underneath the existing office tower and to the north underneath the site's northern plaza. The proposal entails retention of the existing carpark with modification to accommodate structure, services and facilities associated with the construction of Tower 2. The GTA TIA report advises that the existing carpark contains a total of 288 spaces. As part of the proposed development, the modifications to the carpark will reduce the on-site provision of car parking to 178 spaces.

The GTA TIA report advises based on the total net leasable floor area, the maximum permissible car parking supply is 281 spaces. The provision of 178 spaces is well short of the maximum permissible, and is therefore acceptable.

Motorcycle parking for the site needs to be provided pursuant to Schedule 1 of the Parking Overlay. More specifically, all buildings that provide on-site car parking must provide motorcycle parking for the use of occupants and visitors, at a minimum rate of one motorcycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.

As such, the development requires a minimum of 2 motorcycle parking spaces. The GTA TIA report notes that the proposal includes the provision of 2 motorcycle parking spaces in Basement level P3. This meets this requirement however does not align with the objectives of the development's Green Travel Plan prepared by GTA to reduce the number of trips by car. It is recommended that any permit issued require additional motorcycle parking be provided to satisfy a minimum rate of 1 for every 50, which is also in line with our Transport Strategy objectives.

Council has an approved car share policy that has set a target of 2,000 on-street & off-street car share spaces within the municipality. Such an ambitious target was approved because car share programs help reduce the number of privately owned cars on the road & in private car parks. It is requested that it be conditional for at least 1 car share space to be provided within the site, which would also be complementary to the objectives of GTA's Green Travel Plan.

CARPARK ACCESS AND LAYOUT

The proposed development will retain access to the carpark from the existing location (situated off Throssell Lane, along the eastern boundary of the northern section of the site) via the existing arrangements. It is also proposed to largely retain the existing layout of the car park, with modifications to accommodate the construction of the additional office building (Tower 2).

The car parking layout including all spaces, ramps, grades, transitions, accessways & height clearances must be generally designed in accordance with the Melbourne Planning Scheme and/or AS/NZS 2890.1:2004. While it is noted that it is not proposed to modify the existing ramp grades, a ramp grade of less than 1:10 should be provided for the first 5 m from site boundary at the carpark access. In the event that this is not feasible, alternate mitigating measures should be included in the design and operation to assist vehicle egress. Pedestrian sight triangles of 2 m x 2.5 m must be provided at the exit from the carpark, as required by Melbourne Planning Scheme.

The GTA report provides a number of swept path diagrams showing access to / from some of the car spaces, however it is noted that swept paths have not been provided for the most critical car spaces being:

- *Spaces located immediately at the end of dead end parking aisles*
- *Spaces located proximate to columns positioned within carpark aisles*
- *Spaces with reduced aisle widths, i.e. located opposite the lift shafts.*

Swept paths are required to demonstrate safe and convenient access to / from the most critical car parking spaces as detailed below. If necessary, car spaces may need to be designated as small car spaces, repurposed to motorbike parking or redesigned / amalgamated.

It is noted that there are a number of conflict points within the carpark between pedestrians / cyclists / vehicles and vehicle / vehicle. It is therefore recommended that a Car Park Management plan be developed that addresses conflict points and provides pedestrian / cyclist safety measures, delineation of pedestrian pathways, appropriate crossing facilities, details all signs and linemarkings, and includes traffic management provisions including mirrors, speed humps etc.

To ensure entering vehicles do not stop in the street & obstruct pedestrians / traffic while waiting for the car park entry door to open, the door should either be offset by 6 m from the site boundary or be left open during peak periods & closed off-peak, to the satisfaction of Transport Engineering.

Ultimately, any issues arising from the design and operation of the carpark will be for the applicant / building owner / manager to resolve.

PEDESTRIAN & BICYCLE ACCESS

A review of the development plans indicates that there will be on-site bike parking facilities at Basement P1 and amenities, as well as a new dedicated bicycle entrance off Throssell Lane in the form of stairs with a groove for bicycles for Tower 2. While this is not the optimum provision for cyclist access, it is acknowledged that this separates access from the vehicular entry for Tower 2.

There are concerns however that the location of the End of Trip (EoT) facilities at Basement P1 requires cyclists to walk along the circulation aisles of the car park ramp and that there is potential for pedestrian / vehicle conflict.

Similarly, there is a safety issue at the car park entry on Level 1 with potential for conflict between pedestrians moving between the Tower 1 bicycle storage and EoT facilities, and vehicles entering and exiting the carpark. As per previous comments, a Car Park Management plan is required to address these matters and provide safe pedestrian pathways while maintaining safe vehicular access internal to the site.

The architectural drawings show bicycle symbols on the eastern footpath of Throssell Lane. It appears that the building line is to be setback in order to provide a wider footpath, however this needs to be confirmed with cross-sections. It is noted that cyclists are not permitted to ride on footpaths and accordingly this is not supported. Noting this, clarification is sought as to how cyclists will access the site and if it is feasible to provide any alternate provisions, i.e. a dedicated bicycle lane.

BICYCLE PARKING

The GTA Transport Impact Assessment report advises that based on the total net leasable floor area, the overall site will have a statutory bicycle parking requirement of 244 spaces, including 187 employee spaces and 57 visitor spaces. The site's provision of 349 bicycle parking spaces (103 employee and 30 visitor spaces for Tower 1 and 186 employee spaces and 30 visitor spaces for Tower 2) is well in excess of the statutory requirement. The bicycle parking area for Tower 2 is proposed to be located at Basement Level P1, with cyclists able to access the parking area using a dedicated entry and lift access from Throssell Lane. Existing bicycle parking for Tower 1 will be retained at its existing location at Level 1. However, it is unclear how visitors would access bicycle parking and how staff parking will be securely provided as no distinct visitor parking area has been provided.

Application of the 'end-of-trip' requirements for Tower 2 (as stipulated under clause 53.34-3 of the Melbourne Planning Scheme) triggers a need for 20 showers and change rooms. The proposal includes 22 showers for Tower 2 with associated change room and locker facilities. These provisions are acceptable. It is reiterated however that there are concerns in relation to pedestrian access between the bicycle storage area and the EoT facilities.

LOADING FACILITIES

The development plans indicate that the existing loading dock and the servicing arrangement has been retained and upgraded to service both towers. Tower 2's goods lift provides direct access to the combined waste storage room servicing the site. The loading dock can accommodate a small rigid vehicle up to 6.4 m in length. The TIA includes swept path analysis that demonstrates that a 6.4 m truck can readily access the loading bay adjacent Throssell Lane.

In addition to the existing loading dock, GTA's TIA advises that an additional area is proposed on Level 1 near the site entrance suitable for drop-off /pick-up and loading / unloading by cars and vans. No swept paths are provided. There are concerns as to how these spaces would be accessed, particularly given the proximity to the internal carpark ramp and car park entry. Swept paths for the largest permitted vehicles, i.e. vans accessing the loading area on Level 1 must also be provided. The suitability and safety of this area is questionable noting that access would be shared with the entry / exit to the car park which is also for used by cyclists accessing Tower 1 and is proximate to pedestrian pathways and adjacent to the internal carpark ramp with limited visibility. In addition, further clarification is required on the dimensions of the drop-off and pick-up / loading bays and confirmation that adequate height clearance is provided to / from and within the loading bays for the intended / permitted commercial vehicles, i.e. vans.

The arrangement is less than desirable and may require redesign or provision of appropriate management and traffic measures, such as a signalling system.

It should be conditional for all vehicles to enter and exit the carpark in a forwards direction.

It is noted that a 9.8 metre long hook lift truck is proposed for waste collection. Further, it is understood that Civil Infrastructure has recommended the portion of Throssell Lane on the title boundary be vested to City of Melbourne. While comments on the Waste Management Plan and waste collection will be provided separately by the Waste team, the following comments are provided:

- GTA's swept path for a 9.8 metre long hook lift truck shows that trucks would mount the footpath on Throssell Lane. This is an unsafe practice with potential for conflict with pedestrians and damage to assets and is NOT supported.*
- The application has not shown how trucks will be positioned when parked / collecting waste and has not provided swept paths to demonstrate that access can be maintained in Throssell Lane for commercial vehicles. Given the loading bay only accommodates 6.4 m long truck it appears that 9.8 m long trucks will overhang the extent of the loading bay and obstruct the carriageway of Throssell Lane. This practice is illegal in a public space and creates road safety and operational issues. Hook lift trucks must not park in the laneway and impede through traffic, including commercial and waste collection vehicles of neighbouring properties. It is considered that measures to remedy this are required and should include consideration of the use of smaller size waste trucks by the development.*

It is recommended that a Loading Management Plan (LMP) be prepared specifying amongst other things how the access / egress of loading / servicing vehicles is to be managed for both areas, including staffing arrangements, timings etc, permitted vehicle types / sizes (noting that the loading dock accommodates 6.4 m long vehicles and considering any height clearance restraints. In addition the suitability of vans to access the Level 1 car park and height clearance restraints). Swept path diagrams should be included, showing the appropriate design vehicles accessing the relevant areas. A Loading Manager should ideally be employed, responsible for controlling the operation of the loading bays and unloading of goods / servicing requirements, to spot reverse manoeuvres of trucks and servicing vehicles, ensure conflicts do not occur between loading / servicing and other vehicles / cyclists / pedestrians, and ensure that space used for vehicle manoeuvring is kept clear of other vehicles / obstructions at all times.

The City of Melbourne will not undertake any changes to on-street parking to accommodate the loading / servicing or access requirements of the development.

In summary, there are a number of issues with the loading arrangements that would need to be addressed prior to issue of any permit.

ROAD SAFETY AUDIT

A formal independent desktop Road Safety Audit of the proposed development should be undertaken prior to construction, at the developer's expense, which should include the vehicular / bicycle / pedestrian access arrangements, loading arrangements & internal circulation / layout. The findings of the Audit should be incorporated into the detailed design, at the developer's expense.

TRAFFIC GENERATION AND IMPACT

Given that there will be a net reduction in the provision of on-site car parking it is expected that, following the completion of the development, the site will generate less traffic than it would have previously generated. Accordingly, it is expected that the development will not have any adverse impact on the operation of the road network.

THROSSELL LANE

It is unclear from the plans if the proposal includes any changes to the Throssell Lane carriageway. A design plan is requested that details the existing and proposed arrangement for Throssell Lane and includes cross-sections.

It is recommended that a 1.5 m wide (minimum) footpath be provided on the east side of Throssell Lane. Doorways opening outwards to the Throssell Lane footpath should be modified so that doors do not encroach upon the footpath. Façade treatments should not impinge on the clear pedestrian width.

6.7.2 Planner Response

Council's Traffic Engineer has requested preparation of a number of technical documents to review the proposed configuration and identify potential solutions / options for refining the development's response to Throssell Lane and car parking and loading arrangements. These documents include:

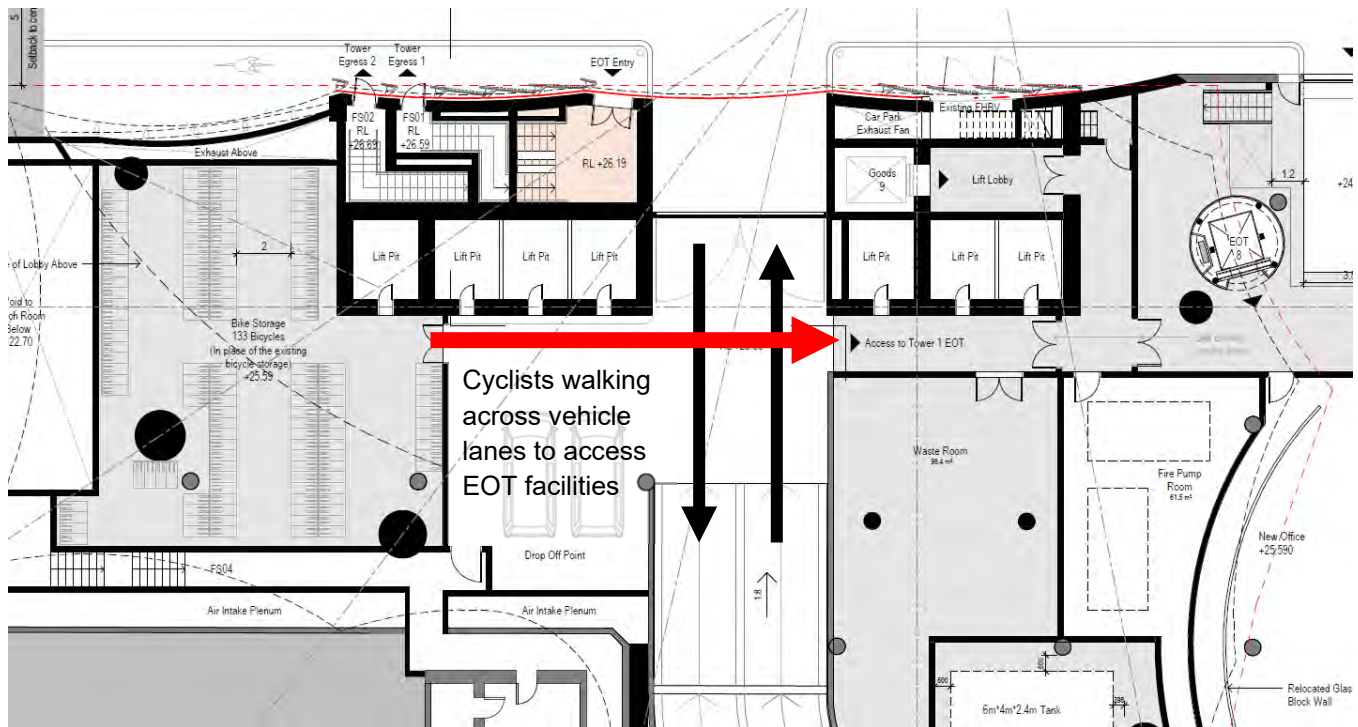
- A Road Safety Audit.
- A Loading Management Plan.
- A Car Park Management Plan.
- Detailed design plans for the Throssell Lane carriageway.

Conditions should be included in the Incorporated Document to require the preparation of these technical documents, and (if necessary), to facilitate further refinement of the architectural drawings to implement the recommendations that flow from these reports.

Two key issues identified by Council's Traffic Engineer with the layout of the proposed development, which will require specific attention in any updated technical reports submitted (and which should be specifically identified as requiring further resolution in any conditions included in the Incorporated Document), include:

- Loading arrangements for the site, where the current development has identified that servicing by a 9.8 metre long hook-lift truck is required, which will not fit within the existing loading bay and may obstruct traffic on Throssell Lane.

- Pedestrian / Cyclist / Vehicle conflict zones, which include the conflict highlighted in the below excerpt from Drawing No. DA1007, 'Level 1', Issue G, relating to a desire path between the proposed bicycle storage areas and end of trip facilities.



6.8 Waste Engineering

6.8.1 Referral Comments

Council's Waste Planning Engineer provided the following comments on proposed Amendment C401 on 9 March 2022:

We have reviewed the WMP by WSP dated 16th December 2021 (DM#15167036) for this proposed development and found it to be unacceptable.

The following items need to be addressed:

- *As per comments provided by the CoM Traffic Team, the stopping location of the hook-lift vehicle is not supported:*
"Hook lift trucks must not park in the laneway and impede through traffic, including commercial and waste collection vehicles of neighbouring properties. It is considered that measures to remedy this are required and should include consideration of the use of smaller size waste trucks by the development."
- *Please include the internal path of travel for waste from Towers 1 and 2 to the bin storage area / compactor.*
- *Please include swept path diagrams for the SRV, ensuring there is a 1 m clearance to either side of the vehicle when it is stopped for collections.*

6.8.2 Planning Response

Conditions should be included in the Incorporated Document to ensure that the issues identified by Council's Traffic Engineer are resolved, and Council's Waste Planning Engineer's recommendations are incorporated into the final design. Council's Waste Planning Engineer must also be provided with a further opportunity to review waste management arrangements for the development proposed under Amendment C401.

7 ASSESSMENT

7.1 Key Issues

The key issues for consideration in the assessment of Amendment C401, having regard to the relevant planning controls affecting the subject site at the time of this report, are:

- Whether the proposed development is acceptable, having regard to the design outcomes and design requirements of Schedule 1 to the Design and Development Overlay.
- Whether the proposed development is acceptable, having regard to the design objectives, built form requirements and built form outcomes of Schedule 10 to the Design and Development Overlay.

Other relevant matters that have been considered below include the traffic impacts of the proposed use / development, contaminated land and sustainability.

7.2 DDO1 - Urban Design in Central Melbourne

DDO1 is the companion planning control to DDO10. Whereas DDO10 provides high-level density controls (with a focus on building separation, massing and height), DDO1 provides human-scale and detailed design controls that are intended to improve the pedestrian-level experience of city users and relationship to buildings, and ensure that all parts of buildings are designed with an attention to detail.

DDO1 provides the following guide as to how its requirements apply to buildings and works on land affected by the control:

Buildings and works:

- *Must meet the Design objectives specified in this schedule.*
- *Must satisfy the Design outcomes specified for each relevant Design element.*

A permit may be granted to vary a discretionary Design requirement expressed with the term 'should'.

A permit cannot be granted to vary a Design requirement expressed with the term 'must'.

A permit cannot be amended (unless the amendment does not increase the extent of non-compliance) for buildings and works that do not meet a Design requirement expressed with the term 'must'.

An application that does not meet a Design requirement must demonstrate how the development will achieve the relevant Design outcomes.

A comprehensive assessment of the proposed development against the design outcomes and design requirements of DDO1 (with reference to the design objectives of this control) has been undertaken below.

7.2.1 Urban Structure

Urban Structure relates to the network of main streets, streets, laneways and open spaces which define the size and shape of urban blocks.

Design outcome	Design requirements
An urban block structure that: <ul style="list-style-type: none"> • Is sufficiently fine grained to support walking as the primary mode of transport. 	Where the average urban block length is greater than 100 metres, development should provide a new through-block pedestrian connection. In Southbank these pedestrian connections should be open to the sky.

Note: Urban blocks with an average length of more than 100 metres are identified on Map 1 to the Appendix of the Central Melbourne Design Guide.

Within 200 metres of a rail station, more frequent pedestrian connections should be provided to manage high pedestrian volumes.

Where possible, pedestrian connections should be located less than 70 metres from the next intersection or pedestrian connection.

Development with an abuttal to two or more streets or laneways should provide a pedestrian connection between those abuttals where this improves the walkability of the urban block.

Assessment: Complies with design outcome subject to conditions

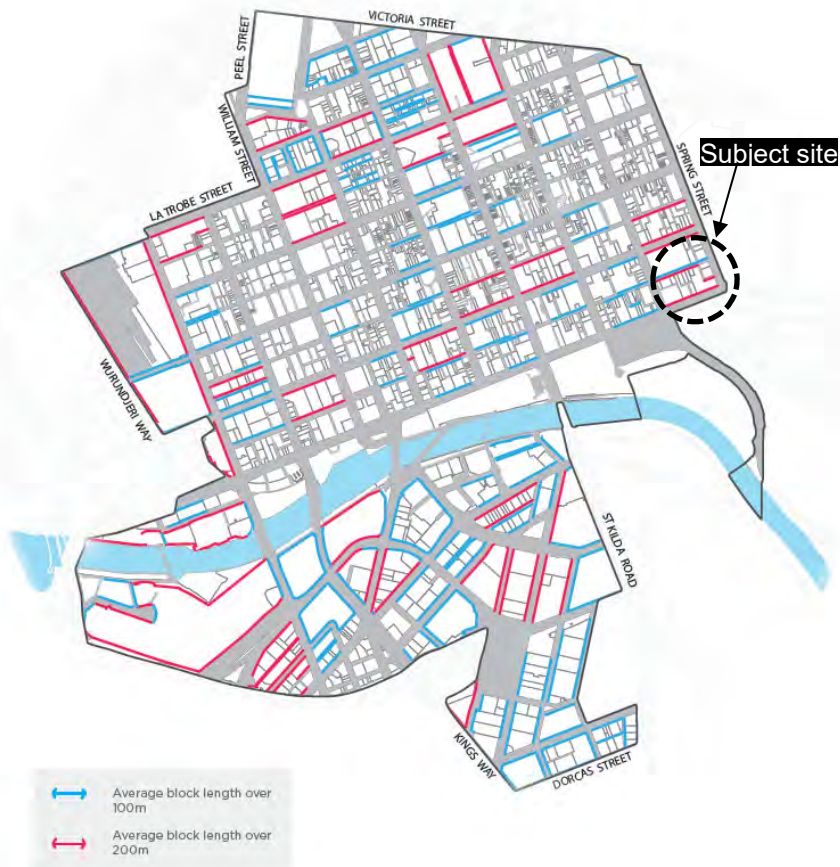
DDO1 identifies the subject site as forming part of an urban block in the Hoddle Grid with an average block length of over 200 m.

The subject site has frontages to; Flinders Lane, Sparks Lane, Throssell Lane, Spring Street and Flinders Street, in addition to an existing pedestrian connection that runs along the western boundary of the property between Flinders Street and Flinders Lane.

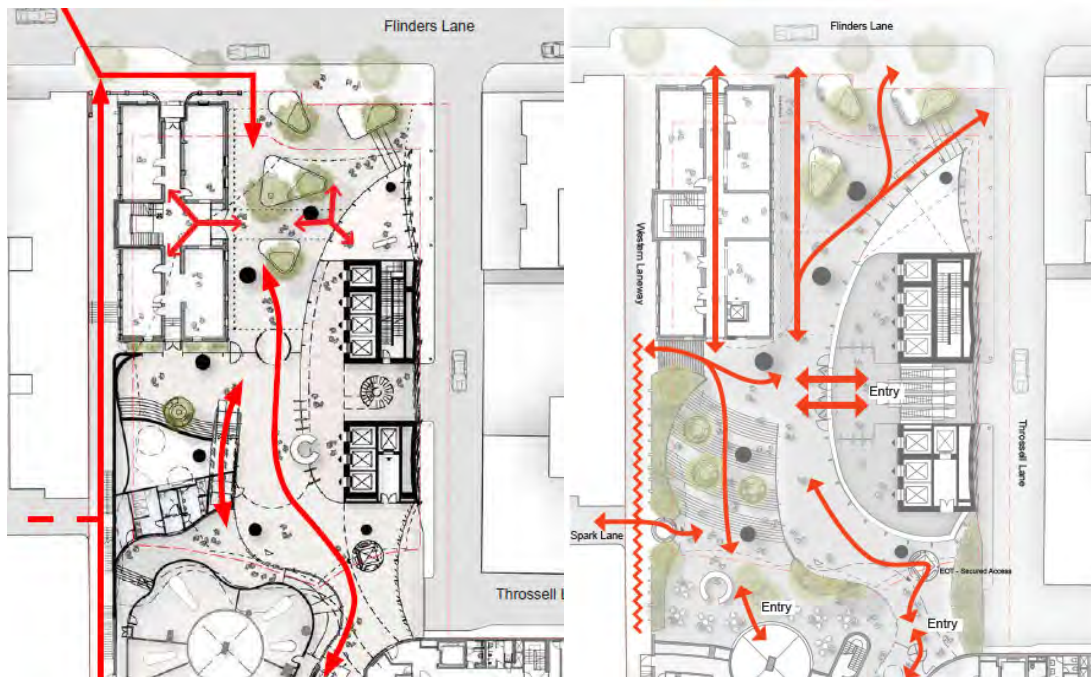
Amendment C401 represents a key opportunity to improve the average block length for this important gateway to the Hoddle Grid by providing additional connections and enhancing pedestrian mobility.

The February 2022 resubmission has significantly improved upon the original submitted development configuration by opening the site to the existing pedestrian connection running along the western boundary of the property and Spark Lane.

Map 1 Urban Structure



The improvements to the connectivity and programme for the development in the February resubmission have been highlighted in the below excerpt from the originally submitted Urban Context Report, and updated Urban Context Report provided in February.



Excerpt from Urban Context Report (Left: p.33, November 2020) (Right: p.31 February 2022)

Subject to conditions being included on the Incorporated Document further refining the Throssell Lane carriageway (including to ensure that pedestrians are provided with a walkable refuge / pavement and architectural features do not intrude into the lane), it is considered that the proposed development as amended in February 2022 will comply with this design outcome.

Design outcome

- A pedestrian network walking that:
- Reduces walking distances.
 - Completes existing connections and laneways.
 - Retains and improves existing connections.
 - Provides partial connections which can be completed when adjacent site development occurs.

Design requirements

Where a development could deliver part of a pedestrian connection that is able to reduce the average urban block length to less than 100 metres, but does not extend the full depth of the block, the development should include a connection that can be completed when a connection is provided through an adjoining site.

Where a development has the potential to achieve a through-block connection by extending an existing or proposed connection on an adjoining site, the development should provide for the completion of the through-block connection.

Development should retain and improve the quality of existing pedestrian connections.

Assessment: Complies with design outcome subject to conditions

The February 2022 resubmission, in addition to improving the pedestrian network and the proposed development's connectivity with this network, will enhance the existing pedestrian connection that runs along the western boundary of the property by redesigning Level 2-Level 3 to activate and open onto this connection.

This key change to the development made in the February 2022 resubmission is considered to take advantage of an important opportunity to enhance what is currently a poorly activated and enclosed connection with limited public surveillance.

A photograph of the existing connection and 3D renders showing how this laneway will be activated by the revised development are provided below.

Subject to conditions being included on the Incorporated Document requiring the provision of 1:20 plans that include information about detailed design at the pedestrian-level for this interface, it is considered that the proposed development as amended in February 2022 will comply with this design outcome.



Existing Condition Western Laneway



Proposed Western Laneway Activation

Excerpt from Urban Context Report showing existing connection environment and proposed opening of the site (p.32 of 94)

Design outcome

Pedestrian connections that are:

- High quality.
- Safe and attractive.
- Accessible by people of all abilities.
- Easily identified and legible.
- Designed to enable stationary activities.

Design requirements

Pedestrian connections that reduce (or when completed will reduce) an average urban block length to less than 100 metres should be:

- Open 24 hours a day.
- Open to the sky, an arcade or a through-building connection.

Pedestrian connections should be:

- Direct, attractive, well-lit and provide a line of sight from one end to the other.
- Safe and free of entrapment spaces and areas with limited passive surveillance.
- Publicly accessible at ground level and appropriately secured by legal agreement.
- Lined by active frontages.

Laneways should be:

- At least six metres wide.

	<ul style="list-style-type: none"> • Laneways may be less than six metres wide where, either: <ul style="list-style-type: none"> - The laneway is the same width or wider than an existing laneway that it continues. - The laneway does not provide for vehicle access. <p>Arcades should:</p> <ul style="list-style-type: none"> • Adopt vertical proportions with a height greater than the width. • Be a minimum of two storeys in height. • Incorporate high quality exterior grade materials and finishes to all surfaces including paving, walls, ceiling and lighting. • Have highly legible entries including any doors or gates.
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Assessment: Complies with design outcome subject to conditions

As identified above, the February 2022 resubmission includes a key design change to activate and open the interior foyer space onto the pedestrian connection to the western boundary, enhancing this pedestrian connection and connectivity within the site.

This key design initiative / change to improve the relationship between the development and the western pedestrian connection included in the February 2022 resubmission is demonstrated in the below excerpts from the architectural plans.

Excerpt from Level 2 (Flinders Lane), Drawing No.DA1008, Issue B

Excerpt from Level 2 (Flinders Lane), Drawing No.DA1008, Issue G

Subject to conditions being included on the Incorporated Document requiring the provision of 1:20 plans that include information about detailed design at the pedestrian-level for this interface, it is considered that the proposed development as amended in February 2022 will comply with this design outcome.

7.2.2 Site Layout

Site Layout refers to the arrangement of buildings and spaces, including the position of entries, building services and circulation cores and how these elements respond to and reinforce the character of streets and laneways.

Design outcome	Design requirements
<p>Site layout that:</p> <ul style="list-style-type: none"> Reinforces the valued characteristics of streets and laneways. Delivers a well-defined public realm. 	<p>Building should be aligned to the street at ground level unless they provide for a plaza.</p> <p>Development should avoid narrow publicly accessible alcoves and recesses that lack a clear public purpose.</p> <p>Development should avoid entrapment areas and areas with limited passive surveillance.</p> <p>Development should cater for anticipated pedestrian volumes.</p>
<p>Assessment: Complies with design outcome subject to conditions.</p> <p>While the February 2022 resubmission includes key changes to the development’s programme and configuration to improve the ground plane and enhance connectivity through the site, the erosion of the northern publicly accessible private plaza remains a threshold concern for the development.</p> <p>The northern publicly accessible private plaza makes a significant contribution to the Flinders Lane environment, providing an important visual break and relief from a part of the urban block that is crowded by tall built form. The presence of the existing plaza is a valued characteristic of this section of Flinders Lane and makes a positive contribution to the public realm.</p> <p>For the reasons set out in the assessment of the revised plaza and public realm offering in the February 2022 resubmission against the corresponding design outcomes and requirements of DDO1, it is not considered that the site layout of the development reinforces the valued characteristics of the adjoining Flinders Lane laneway network, or delivers a well-defined public realm.</p> <p>To uphold the requirements set out under DDO1 that valued characteristics of streets and laneways will be protected, particularly where these characteristics are public plazas that make a positive contribution to the public realm, conditions have been recommended for inclusion on the Incorporated Document to require further modification of Tower 2’s floorplate to achieve at least 50% retention of the uncovered area of the existing northern plaza in its existing location interfacing with Flinders Lane.</p> <p>Subject to this condition being included on the Incorporated Document it is considered that the site layout will reinforce the valued characteristic of Flinders Lane and contribute to the delivery of a well-defined public realm, complying with this design outcome.</p>	
Design outcome	Design requirements
<p>Plazas that:</p> <ul style="list-style-type: none"> Are accessible to people of all abilities. Are safe and attractive. Deliver opportunities for stationary activity. Alleviate pedestrian congestion. 	<p>Plazas should:</p> <ul style="list-style-type: none"> Be open to the sky. Be accessible to people of all abilities. Provide opportunities for stationary activity. Be lined with active frontages. Incorporate soft and hard landscaping elements. Have access to sunlight. <p>Development should retain at least 50 per cent of any existing publicly accessible private plaza where:</p> <ul style="list-style-type: none"> It is oriented to a main street or street. It helps reduce pedestrian congestion.

	<ul style="list-style-type: none"> • A high quality space with opportunities for stationary activity can be achieved. <p>Where a plaza contributes to the significance of a heritage place, retention of more than 50 per cent of the plaza may be required to conserve the heritage values of the place.</p>
<p>Assessment: Complies with design outcome subject to conditions</p> <p>The advice of Council's Urban Design Team is provided below, and is representative of the Planner's views on the proposed development's response to this design outcome in DDO1.</p> <p><i>Design Development Overlay 1 (DDO1) Urban Design in Central Melbourne was gazetted on 30 September 2021, and includes the protection of the city's existing plazas.</i></p> <ul style="list-style-type: none"> • <i>DDO1 requires 50 per cent of existing plazas to be retained (and more when a plaza is required to maintain the heritage significance of a place).</i> • <i>In DDO1, a publicly accessible private plaza is defined as 'an open to the sky privately owned space provided and maintained by the property owner for use by the public'.</i> <p><i>DDO1 implements the recommendations of a synthesis report, which includes research and evidence which has informed the changes to the planning scheme. Of publically accessible private plazas, the report states:</i></p> <ul style="list-style-type: none"> • <i>In light of the increased intensity of use of the city's footpaths, there is a question regarding the appropriateness of infilling remaining plazas on private land that were initially provided as a public benefit in order to access bonus plot ratio and subsequently higher development yield.</i> • <i>It is imperative in the contemporary Central City context that these publicly accessible spaces are preserved and enhanced where opportunities arise.</i> • <i>These spaces enable stationary activity and connections that contribute to the network of movement in the city.</i> • <i>Recent investigations undertaken by the City of Melbourne into small public spaces in the city has highlighted the importance of these spaces for public use, as well as the wellbeing, psychological and ecological benefits.</i> <p><i>Considering the above, the existing plaza is clearly an important part of the character, amenity and walkability of the central city.</i></p> <p><i>Assessed against the design requirements of DDO1 existing plaza is considered successful, as it is:</i></p> <ul style="list-style-type: none"> • <i>Predominantly open to sky.</i> • <i>Easily accessible from the footpath.</i> • <i>Provides space for stationary activity and refuge for pedestrians.</i> • <i>Incorporates visually interesting and high quality landscaping elements (surface treatments, planting).</i> • <i>Is visually integrated with the architectural character of the existing building, while having a high amount of grain and human scale.</i> • <i>Provides space to view and appreciate the prominence of the city's high character assets and heritage places from the street.</i> • <i>Provides a physical separation between taller built form facing Spring Street, and the predominantly low-rise and fine grained character of Flinders Lane.</i> <p><i>Our primary concern with the submitted proposal that it does not actually improve the existing plaza, but infills and overhangs over the majority of the space with a commercial tower, degrading all of the valued attributes as listed above.</i></p> <p>The above advice, while provided in relation to the originally submitted development plans, remains relevant to the February 2022 resubmission, where the February 2022 resubmission has 'fattened' Tower 2's footprint at ground-level (further encroaching into what remains of the northern plaza area), and altered the floorplate for the tower form above ground level to create additional uncovered areas / provide relief from Milton House.</p> <p>Overall, the February 2022 resubmission will continue to significantly erode the size of the existing northern publicly accessible private plaza, reducing its overall size by 29% (from 560 m² to 400 m²) and increasing the</p>	

area of the plaza that is covered, resulting in only 200 m² (approx.) of the plaza (40% of the existing plaza) being open to the sky (whereas the current plaza provides 500 m² (approx.) open to the sky).

This is less than the minimum 50% of the public plaza required to be retained to meet the design requirement under DDO1, noting it is evident from Heritage Victoria's Notice of Refusal for Permit Application No. P33301 – Milton House and Permit Application No. P33300 – Shell House that the existing plaza contributes to the significance of Shell House, strengthening DDO1's design requirement seeking to retain this space.

Planning's view is that 'open to the sky' means uncovered (i.e. not covered by glazing or a lightweight canopy), this interpretation is supported by Planning Panel's and facilitates planting of canopy trees (as existing within the northern plaza, see photo below).

The applicant's argument that the existing external plaza is poorly designed, and that its loss will be offset by the provision of an 'internal plaza' is unconvincing.

The existing plaza provides a generous respite within Flinders Lane, with excellent outlook available to the sky, and receives a high degree of sunlight. While there may be opportunities to improve the configuration of landscaping and stationary activities within this space, reducing its size and increasing the proportion of this area covered by development would be a retrograde step.



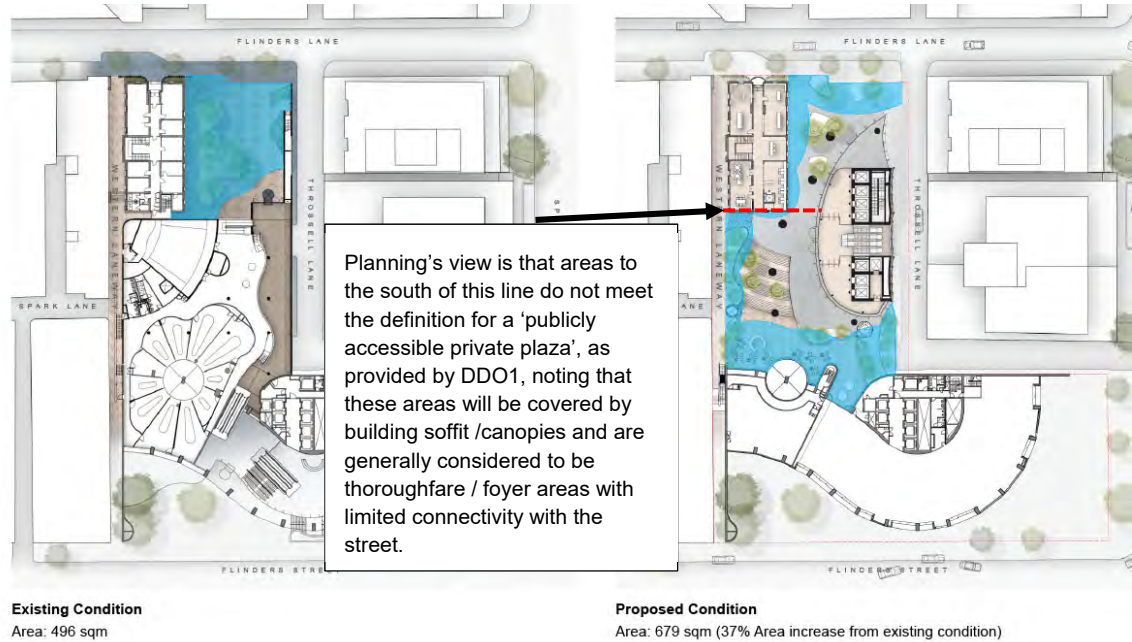
Photograph of existing public plaza facing Flinders Lane, captured 27 October 2021

The interior spaces within the development, while providing a well-designed and spacious foyer area for Tower 2 and Shell House, with retail opportunities to attract members of the public, do not satisfy relevant criteria to be properly considered as publicly accessible private plazas within the meaning of DDO1.

The design of these internal foyer areas would need to be comprehensively reconfigured, including by providing areas that are open to the sky (and not covered by building soffit or canopies), meaningful opportunities for stationary activity that are not embedded in internal employee / visitor movement networks that are conventional parts of a building's interior and podium level, and by activating and connecting these spaces with adjoining Sparks Lane and Throssell Lane.

	Existing Plaza (approx.)	Originally submitted plans	22 February plans
Total Area	560 m ²	400 m ² (71% of existing)	400 m ² (71% of existing)
Covered Area	60 m ² (11% covered)	230 m ² (57.5% covered)	200 m ² (50% covered)
Area open to the sky	500 m ² (89% open)	170 m ² (42.5% open)	200 m ² (50% open)
Minimum internal dimension	13.5 metres	8 metres	6 metres
Proportion of open-to-sky plaza retained		$\frac{160sq.m}{500sq.m} = 0.34$ (34%)	$\frac{200sq.m}{500sq.m} = 0.4$ (40%)

Diagrams prepared by the applicant identifying what they consider are 'open to the sky' areas of the proposed plaza and internal foyer area offering are provided below:



Excerpt from Plaza Area Diagrams (p.4 of 4)

To uphold the requirements set out under DDO1 that valued characteristics of streets and laneways will be protected, particularly where these characteristics are public plazas that make a positive contribution to the public realm, conditions have been recommended for inclusion on the Incorporated Document to require further modification of Tower 2's floorplate to achieve at least 50% retention of the uncovered area of the existing northern plaza in its existing location interfacing with Flinders Lane.

Subject to this condition being included in the Incorporated Document, it is considered that the site layout will reinforce the valued characteristic of Flinders Lane and contribute to the delivery of a well-defined public realm, complying with this design outcome by providing a sufficiently open and accessible northern plaza.

Design outcome	Design requirements
<p>Vehicle entries that:</p> <ul style="list-style-type: none"> Do not create traffic conflict. Do not undermine the attractiveness or safety of the pedestrian experience. 	<p>Vehicle access and loading bays:</p> <ul style="list-style-type: none"> Should not be located on main streets. Should not be constructed on a traffic conflict frontage or in a lane leading off a traffic conflict frontage shown on Map 2. In the Retail Core Area – Schedule 2 to the Capital City Zone must not be constructed on a traffic conflict frontage shown on Map 2, or in a lane leading off a traffic conflict frontage. <p>The location and width of car park entries should minimise the impacts on the pedestrian network.</p>

Assessment: Complies subject to conditions

The proposed vehicle entry to Throssell Lane is consistent with existing access arrangements for the site.

The proposed development does not suitably demonstrate how the Throssell Lane street edge will be treated in a manner that enhances the existing laneway environment and addresses the significant scale and presentation of the Throssell Lane street edge of the development to this interface.

Subject to a condition being included in the Incorporated Document requiring provision of further detail of Tower 2's interface with Throssell Lane, including information to satisfy Council's Traffic Engineer and Civil Engineer, and details of design, materiality, and permeability achieved through entries and openings to this

laneway will be treated to provide human-scale design, the proposed development will comply with this design outcome.

Design outcome

Design requirements

Colonnades that:

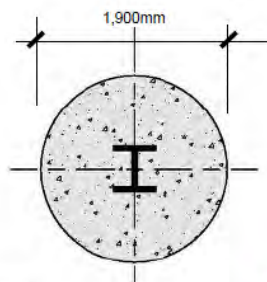
- Are safe and attractive.
- Are accessible to people of all abilities.

Colonnades should:

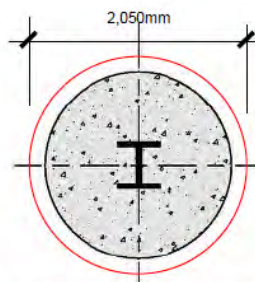
- Adopt vertical proportions with a height greater than the width.
- Incorporate high quality design detail to all publicly visible planes and surfaces.
- Provide ground level spaces that are accessible to people of all abilities.
- Have a clear public purpose.
- Be well-lit and provide clear lines of sight from one end to another.
- Be safe and free of entrapment spaces and areas with limited passive surveillance.

Assessment: Complies subject to conditions

The Design Concept Package provided in October 2021 included further consideration and concept imagery of how the colonnades to proposed Tower 2 could be redesigned to be made more safe and attractive to pedestrians, which would comply with this design outcome for Site Layout.



- Option 1B (GL-E)**
- concrete column & steel core
 - high quality fair-faced concrete finish



- Option 1B.1 (GL-E) / with timber skirting**
- concrete column & steel core
 - high quality fair-faced concrete finish
 - 800-900mm high decorative timber skirting



Flush integration of timber cladding is not feasible therefore the cladding will further increase column diameter by 250mm.



Plinth elevation / without decorative skirting



Plinth elevation / with decorative skirting

Excerpt from Design Concept Package (October 2021)

Subject to a condition being included in the Incorporated Document to promote further resolution of how the colonnades will be treated to enhance the public realm / pedestrian experience, it is considered that the proposed development will comply with this design outcome.

7.2.3 Building Mass

Building mass relates to the three dimensional form of a building including its scale, height, proportions and composition.

Design outcome	Design requirements
<p>Building mass that:</p> <ul style="list-style-type: none"> • Distinguishes between different buildings where a development comprises multiple buildings. • Respects the height, scale and proportions of adjoining heritage places or buildings within a Special Character Area. • Reinforces the fine grain and visual interest of streetscapes. • Maintains a diverse and interesting skyline through the design of roof profiles. 	<p>Development should adopt a diversity of forms, typologies and architectural language, within a cohesive design framework, on a large site where a development comprises multiple buildings.</p>
<p>Assessment: Complies with design outcome subject to conditions</p> <p>The architectural design strategy adopted for proposed Tower 2, which references the geometric form and layout of the 'Shell House', demonstrates a diversity of form and architectural language from Milton House and Shell House.</p> <p>The revised tower floorplate in the February 2022 resubmission has altered the canopy and soffit of proposed Tower 2 to remove all cantilevered form over Milton House, improving the relationship between these buildings and providing needed breathing space that will enable Milton House to be read as its own separate and valued built form entity in Flinders Lane.</p> <p>It is noted that Proposed Tower 2 will continue to be built on top of the existing northern plaza, entrance passage, theatriette and Level 3 roof garden of Shell House, contributing to the crowding of building mass on the site (and in relationship to neighbouring properties), and which Heritage Victoria has identified would cause substantial harm to the cultural heritage significance of this heritage place (Shell House), stating:</p> <p style="padding-left: 40px;"><i>It would permanently and irreversibly demolish original fabric and spaces, and would significantly diminish the legibility of Harry Seidler's original concept and design of the place.</i></p> <p>Provision of a further setback / space between the Flinders Lane title boundary and the northern face of proposed Tower 2's floorplate would assist with alleviating the crowded and dominating relationship between Tower 2 and Milton House, and facilitate retention of the site's contribution to the valued public realm of Flinders Lane (i.e. by retaining at least 50% of the uncovered area of the existing northern plaza).</p> <p>Subject to conditions being included in the Incorporated Document to achieve retention of at least 50% of the uncovered area of the existing northern publicly accessible private plaza, it is considered that the building massing for the development will demonstrate an acceptable level of respect for the scale and proportions of neighbouring heritage buildings, and support the fine grain and visual interest of Flinders Lane streetscape, complying with this design outcome.</p> <p>Excerpts from the plans as originally submitted, and as updated in the February 2022 submission are provided overleaf for reference.</p>	



Excerpt from Urban Context Report (as originally submitted) showing relationship between proposed Tower 2 and Milton House (p.55 of 91)



Excerpt from Urban Context Report (February 2022) showing relationship between proposed Tower 2 and Milton House (p.58 of 94)

Design outcome	Design requirements
<p>Street walls that:</p> <ul style="list-style-type: none"> • Adopt a variety of street wall heights to reinforce the traditional fine grain, vertical rhythm and visual interest of streetscapes. • Provide aesthetic interest to the public realm. • Frame comfortable and attractive streets. 	<p>Street wall heights should be lower along laneways and streets less than 10 metres wide.</p> <p>Buildings with a street frontage greater than 25 metres in length should be broken into smaller vertical sections, with a range of parapet height and rebates of sufficient depth to provide modulation in the street façade.</p> <p>Development should reinforce the ground floor and street wall as the dominant component within the Special Character Area through visually recessive upper level built form.</p> <p>Street wall heights, upper level setbacks and buildings separation should respond to the scale of adjacent heritage buildings.</p> <p>Transition in height, scale or prominence to a heritage place should avoid relying solely on surface treatments or decorative effects.</p>
<p>Assessment: Not applicable</p> <p>The proposed development deliberately excludes a street wall or podium configuration, due to Milton House and the existing northern publicly accessible private plaza representing the primary interface between the subject site and Flinders Lane.</p>	

7.2.4 Building Program

Building program relates to the position and configuration of internal spaces to a building. This is a key urban design consideration due to the direct relationship of internal areas to the public realm.

Design outcome	Design requirements
<p>A building program that:</p> <ul style="list-style-type: none"> • Delivers safe and high quality interfaces between the public and private realm. • Maximises activation of the public realm. • Can accommodate a range of tenancy sizes, including smaller tenancies in the lower level of the building. • Allows for adaptation to other uses over time. • Delivers internal common areas or podium-rooftop spaces that maximise passive surveillance and interaction with the public realm. • Promotes a strong physical and visual relationship between any uses provided as part of a public benefit under the provisions of Schedule 1 to the Capital City Zone within the building, and the street. 	<p>Development should provide active uses to address the public realm.</p> <p>Development should:</p> <ul style="list-style-type: none"> • Maximise the number of pedestrian building entries. • Avoid long expanses of frontage without building entry. <p>Large floorplate tenancies should be sleeved with smaller tenancies at ground level at a boundary to a street, laneway or pedestrian connection.</p> <p>Floor to ceiling heights should be a minimum of:</p> <ul style="list-style-type: none"> • 4.0 metres at ground level. • 3.8 metres for levels two and three. • 3.5 metres above level three and up to 20 metres. <p>Development should be designed so that any areas containing uses provided as part of a public benefit under the provisions of Schedule 1 to the Capital City Zone, are located in the lower levels of a building so that they have a direct visual and physical connection to the public realm.</p> <p>Development should be designed so that any areas containing new uses provided as part of a public benefit under the provisions of Schedule 1 to the</p>

	<p>Capital City Zone internal to a building co-located with adjacent public space or pedestrian connections.</p> <p>Ground floor tenancies should be configured so that they do not rely upon queuing within the public realm, except where this occurs on a pedestrian only laneway where this is the established character.</p>
<p>Assessment: Complies with design outcome subject to conditions</p> <p>The proposed development's 'internal plaza' / foyer area is activated by three retail tenancies, including a 66 m² retail store on Level 2, a 155 m² café (which appears to occupy a large part of the 'internal plaza' / foyer area, however this is unclear from the plans), and Milton House.</p> <p>The February 2022 resubmission has further developed the program for the 'internal plaza', including opening the plaza to the pedestrian connection to the western boundary and creating connections (albeit indirect because of significant level changes) with Sparks Lane and Throssell Lane.</p> <p>As Council's Urban Design Team has noted, the proposed 'internal plaza' area broadly does not achieve a 'sense of purpose' or public activation that would attract public use or offer a comparable public realm contribution to the existing northern plaza, and conditions have been recommended for inclusion on the Incorporated Document to promote the delivery and exploration of additional retail opportunities within this space.</p> <p>When assessed as an interior foyer area, rather than a supplementary publicly accessible private plaza to compensate for the reduced area of the northern public plaza, the large interior space created by the inverted podium design and canopy presents as a high quality interior ground plane, providing a visually attractive and interesting entry to proposed Tower 2 and Shell house for both employees and visitors of the building.</p> <p>Subject to Tower 2's design being revised to support delivery of an open publicly accessible private plaza to Flinders Lane that measures at least 50% of the uncovered area of the existing northern publicly accessible private plaza, it is considered that the proposed building program will comply with this design outcome.</p>	
<p>Design outcome Design requirements</p>	
<p>Building services that:</p> <ul style="list-style-type: none"> • Minimise impacts on the public realm. • Maximise the quality and activation of the public realm. • Do not dominate the pedestrian experience and are designed as an integrated design element. • Provide waste collection facilities as an integrated part of the building design. 	<p>Ground floor building services, including waste, loading and parking access:</p> <ul style="list-style-type: none"> • Should be minimised. • Must occupy less than 40 per cent of the ground floor area of the site area. <p>Internal waste collection areas should be sleeved.</p> <p>Services, loading and waste areas should be located away from streets and public spaces, or within basements or upper levels.</p> <p>Service cabinets should be located internally with loading, waste or parking areas where possible.</p> <p>Undercroft spaces for waste or loading should not adversely impact safety and continuity of the public realm.</p> <p>Access doors to any waste, parking or loading area should:</p> <ul style="list-style-type: none"> • Be positioned no more than 500 millimetres from the street edge. • Be designed as an integrated element of the building. <p>Rooftop plant, services and antennae should be integrated into the overall building form.</p>
<p>Assessment: Complies with design outcome subject to conditions</p>	

Building services have generally been contained below the podium levels of the development that are at-grade with Flinders Lane, with the exception of the building services to Throssell Lane, which occupy a significant proportion of the floor layout.

Subject to a condition being included in the Incorporated Document requiring further detail of Tower 2's interface with Throssell Lane, including details of design, materiality, and permeability achieved through entries and openings to this laneway, and how this street edge will be treated to provide human-scale design and conceal building services, it is considered that the proposed development will comply with this design outcome.

Design outcome	Design requirements
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<p>Car parking that:</p> <ul style="list-style-type: none"> Minimises the impact of car parking on the public realm. 	<p>In the Central City area shown in Map 1 to Schedule 1 to the Design and Development Overlay, all car parking must be located in a basement unless it is part of a development that removes existing open to sky at grade car parking.</p> <p>Car park ramps should be capable of removal for future adaptation.</p> <p>Avoid car parking entries on small sites, where they impact on the activation and safety of the public realm.</p> <p>Above ground car parking:</p> <ul style="list-style-type: none"> Must be located on the first floor or above. Must be sleeved to streets. Should have a floor to ceiling height of at least 3.2 metres.
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Assessment: Complies with design outcome

All car parking associated with the proposed development will be located in subterranean basement levels, complying with this design outcome.

7.2.5 Public Interfaces

Public interfaces relates to the boundary between a building and the public realm in main streets, streets, laneways and open spaces.

Design outcome	Design requirements
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<p>Public interfaces that:</p> <ul style="list-style-type: none"> Contribute to the use, activity, safety and interest of the public realm. Provide continuity of ground floor activity along streets and laneways. Allow unobstructed views through openings into the ground floor of buildings. 	<p>The following ground level frontage requirements should be met for development in General Development Areas and laneways in Special Character Areas, and must be met for development in streets in Special Character Areas:</p> <ul style="list-style-type: none"> At least 80 per cent of the combined length of the ground level interfaces of a building to streets and laneways are an entry or window. This measurement excludes: <ul style="list-style-type: none"> Stall-rises to a height of 700 mm. Pilasters. Window and door frames. Windows that have clear glazing without stickers or paint that obscures views. <p>The ground level frontage requirements do not apply to the development of a building in a heritage overlay or heritage graded building. Development of a building in a heritage overlay or a heritage</p>
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	<p>graded building should not reduce compliance with the public interface design outcomes.</p> <p>Security grills or mesh should:</p> <ul style="list-style-type: none"> • Be transparent. • Not block views into tenancies at night. • Be mounted internally to the shop windows. <p>Avoid tinted, opaque or high reflectivity glass which obscures views between the public realm and building interior.</p> <p>In flood prone areas or on sloping sites, a direct connection should be established at grade to usable space within ground level tenancies, with level transitions contained within the building envelope.</p> <p>In flood prone areas, transitions in floor levels should not rely on external stairs, ramps or platforms lifts which disconnect interior spaces from the public realm.</p>
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Assessment: Complies with design outcome subject to conditions

Detailed plans of all public interfaces at a human-scale have not been provided with Amendment C401.

Council's Urban Design Team has recommended that additional material be provided, which could potentially address the Public interfaces design outcome of DDO1, including:

- *A robust, natural, textured and high quality materiality as relevant to the character of Flinders Lane, such as brickwork, tiles or concrete.*
- *Further elements to enhance human scale to the plaza interface, including: plinths, an integrated landscape edge, and awnings over entries.*
- *Design measures to minimise the visual perception of column scale. A finer grained applied treatment (bluestone tiles, etc.) is a viable way to provide a greater sense of human scale from the pedestrian perspective.*

Subject to the Incorporated Document including a condition that requires this material to be submitted as part of any package for review and endorsement, it is considered that the proposed development will comply with this design outcome.

Design outcome	Design requirements
<p>Façade projections and balconies that:</p> <ul style="list-style-type: none"> • Do not adversely impact the levels of daylight or views to the sky from a street or laneway. • Do not obstruct the service functions of a street or laneway through adequate clearance heights. • Add activity the public realm. • Form part of a cohesive architectural response to the public realm. 	<p>Upper level projections and canopies should allow for the growth of existing and planned street trees.</p> <p>Upper level projections such as Juliet balconies, adjustable screens or windows, cornices or other architectural features may project into streets or laneways:</p> <ul style="list-style-type: none"> • On main streets up to 600 mm. • On streets and laneways up to 300 mm. <p>On main streets, balconies associated with an active commercial use may project up to 1.6 metres from the façade or 800 mm from the back of kerb.</p> <p>Balcony projections should be at least 5 metres above any public space measured from ground level.</p> <p>Development should not include enclosed balconies or habitable floor space projecting over the public realm.</p>

	Ensure that public realm projections (excluding canopies) at the upper levels do not extend the full width of a building frontage.
<p>Assessment: Complies with design outcome subject to conditions</p> <p>Council's Principal Engineer – Infrastructure has requested that the part of Throssell Lane currently within the title of the subject site be vested with Council, and conditions have been recommended for inclusion in the Incorporated Document to facilitate this.</p> <p>Further conditions have been recommended for inclusion in the Incorporated Document to ensure architectural features and other design elements of the building do not project into minimum pedestrian clearance in Throssell Lane.</p> <p>Generally, the proposed form of Tower 2 does not include façade projections or balconies that would extend over the Flinders Lane title boundary, or the new alignment of Throssell Lane (if part of this lane was to be vested with Council).</p> <p>Subject to conditions being included in the Incorporate Document to facilitate the above it is considered that the proposed development will comply with this design outcome.</p>	
Design outcome	Design requirements
<p>Weather protection that:</p> <ul style="list-style-type: none"> • Delivers pedestrian comfort in the public realm and protection from rain, wind and summer sun. • Uses canopies that are functional, of high quality design and contribute to the human scale of the street. 	<p>Development should include continuous weather protection along main streets except where a heritage place warrants an alternative approach.</p> <p>Weather protection canopies should:</p> <ul style="list-style-type: none"> • Be between 3.5 metres and 5 metres above ground measured to the underside of the soffit. • Provide for exposure to winter sun and shelter from summer sun. • Not enclose more than one third of the width of a laneway. • Display a high design standard including material selection in the appearance of the soffit and fascia.
<p>Assessment: Complies with design outcomes</p> <p>The proposed development's primary interface with Flinders Lane will be informed by Milton House (a heritage place, to which weather protection requirements would not apply), and the publicly accessible northern private plaza, where the design outcome and design requirement emphasised by DDO1 is to retain the existing space as open-to-sky.</p>	

7.2.6 Design Detail

Design detail refers to the resolution of a contextually responsive building exterior that contributes to the quality of the public realm through its architectural expression, materials and finishes.

Design outcome	Design requirements
<p>Exterior design that:</p> <ul style="list-style-type: none"> • Establishes a positive relationship between the appearance of new development and the valued characteristics of its context. • Is visually interesting when viewed up close and from a distance. • Responds to the distance at which the building is viewed and experienced from the public realm in the selection, scale and quality of design elements. 	<p>Facades should provide for depth and a balance of light and shadow on the street wall and upper levels through the use of balconies, integrated shading, rebates or expression of structural elements.</p> <p>Street wall facades should avoid a predominately glazed appearance.</p> <p>Street wall facades should establish a balance of transparency and solidity.</p>

<ul style="list-style-type: none"> • Incorporates sufficient design detail in the lower levels of a building to deliver a visually rich and engaging pedestrian experience. • Delivers high quality design on all visible sides of a building including rooftops, where visible from the public realm. • At the ground level interface, provides visual connection between the public real and interior spaces. 	<p>Facades should avoid the use of surfaces which cause unacceptable glare to the public realm.</p> <p>Materials should be durable, robust and low maintenance in the higher parts of a building.</p> <p>Blank walls that are visible from the public realm should be designed as an integrated component of the building composition.</p> <p>Materials should be natural, tactile and visually interesting at the lower levels near the public interface to reinforce a human scale.</p> <p>Ground level interfaces including shopfronts should provide thickness, depth and articulation and avoid long expanses of floor to ceiling glazing.</p> <p>Materials and finishes such as painted concrete or ventilation louvres should be avoided at the lower levels where they undermine the visually rich, tactile quality of streets and laneways.</p> <p>Service cabinets should not visually dominate street frontages and should use high quality materials.</p>
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Assessment: Complies with design outcome subject to conditions

As identified in Section 7.2.5 Public interfaces of this report, detailed plans of all public interfaces at a human-scale have not been provided with Amendment C401.

Subject to the Incorporated Document including a condition that requires this material to be submitted as part of any package for review and endorsement, it is considered that this design outcome will be met.

7.3 DDO10 – General Development Area – Built Form

Schedule 10 to the Design and Development Overlay (DDO10) sets out built form requirements broadly relating to the following key areas that are of relevance:

- Street wall height
- Building setbacks above the street wall
- Building setbacks from side / rear boundaries
- Wind effects
- Overshadowing.

An assessment of the proposed development against the above requirements of DDO10 has been set out below.

7.3.1 Street Wall Height

Design Element:	Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
Street wall height	Up to 20 metres	The street wall height must be no greater than: <ul style="list-style-type: none"> ▪ 40 metres; or ▪ 80 metres where it: <ul style="list-style-type: none"> ▪ Defines a street corner where at least one street is a main street and the 80 metre high street wall should not extend more than 25 metres along each street frontage, and / or ▪ Fronts a public space including any road reserve wider than 80 metres. 	Street wall height is scaled to ensure: <ul style="list-style-type: none"> ▪ A human scale. ▪ An appropriate level of street enclosure having regard to the width of the street with lower street wall heights to narrower streets. ▪ Consistency with the prevalent parapet height of adjoining buildings. ▪ Height that respects the scale of adjoining heritage places. ▪ Adequate opportunity for daylight, sunlight and sky views in the street. ▪ Definition of main street corners and / or public space where there are no significant impacts on the amenity of public spaces. ▪ Maintenance of the prevailing street wall height and vertical rhythm on the street.
<p>Assessment – Not applicable Flinders Lane Street Wall Proposed Tower 2 will not feature a street wall as defined by DDO10, facilitating the retention of part of the existing northern publicly accessible plaza while maintaining Milton House as the prominent street-edge presented by the site to Flinders Lane. The applicant has attributed this variation from the standard podium / tower or pencil tower typology imposed by DDO10 as one of the reasons for Amendment C401, which seeks to introduce an Incorporated Document to remove the site from the operation of this control. The principle of maintaining Milton House as the prominent Flinders Lane street edge for the development, and retaining the existing northern publicly accessible plaza is supported.</p>			

7.3.2 Building Setbacks above the Street Wall

Design Element:	Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
Building setback(s) above the street wall	Above the street wall, towers and additions should be setback 10 metres from the title boundary.	Above the street wall, towers must be setback a minimum of 5 metres from the title boundary.	<p>Tower and additions are setback to ensure:</p> <ul style="list-style-type: none"> Large buildings do not visually dominate the street or public space. The prevalent street wall scale is maintained. Overshadowing and wind impacts are mitigated. The tower or addition includes a distinctly different form or architectural expression.
<p>Assessment: Meets built form outcomes subject to conditions</p> <p>As indicated in Section 7.3.1 Street wall height of this report above, the proposed development will not feature a street wall as defined by DDO10.</p> <p>Notwithstanding this, Tower 2's minimum setback from the Flinders Lane title boundary is still assessable against this requirement, and the built form outcomes remain relevant considerations.</p> <p>Proposed Tower 2 does not meet the preferred requirement, noting:</p> <ul style="list-style-type: none"> Proposed Tower 2 does not achieve a minimum setback of 10 metres to the Flinders Lane title boundary. <p>Proposed Tower 2 meets the modified requirement, noting:</p> <ul style="list-style-type: none"> Proposed Tower 2 achieves a minimum setback of 5 metres to the Flinders Lane title boundary. <p>Proposed Tower 2 meets the built form outcomes, subject to conditions, noting:</p> <ul style="list-style-type: none"> As discussed in the assessment of the proposed development against DDO1 in Section 7.2.2 Site Layout of this report, the site layout of the proposed tower is not considered to comply with the design requirement relating to the retention of publicly accessible plazas. <p>The modified tower floorplate of proposed Tower 2, which seeks a 5 metre setback to the Flinders Lane title boundary, has contributed to the loss and coverage of a significant proportion of the redesigned northern plaza, and is not supported.</p> <p>The reduced setback between proposed Tower 2 and the Flinders Lane title boundary will also contribute to visually dominating this section of Flinders Lane, by virtue of the overall height of the tower (160 metres when read from Flinders Lane) and erosion of the existing publicly accessible plaza in this location.</p> <p>Subject to a condition being included in the Incorporated Document to require further modification of the floorplate for Tower 2 to facilitate retention of at least 50% of the existing northern publicly accessible private plaza (i.e. by creating an additional 50 m² of 'open to sky'), it is considered that the preferred setback to Flinders Lane can be varied / accepted, and the corresponding built form outcomes will be met.</p>			

7.3.3 Building Setbacks from Side / Rear Boundaries

Design Element:	Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
Building setbacks from side boundaries and rear boundaries (or from the centre line of	Above the street wall or 40 metres, whichever is the lesser, towers and additions should be setback a minimum of 5 metres or 6% of the total building	<p>Towers exceeding 80 metres in total height:</p> <p>Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres and must meet the design requirements for tower floorplate.</p> <p>Tower separation within a site:</p>	<p>Towers and additions are designed and spaced to ensure:</p> <ul style="list-style-type: none"> Sun penetration and mitigation of wind impacts at street level. Provision of reasonable sunlight, daylight, privacy and outlook from habitable rooms, for both existing

<p>an adjoining laneway)</p>	<p>height, whichever is greater.</p>	<p>Towers must be separated by a minimum of 10 metres.</p>	<p>and potential developments on adjoining sites.</p> <ul style="list-style-type: none"> ▪ Floorplate layout or architectural treatment limits direct overlooking between habitable rooms. ▪ Buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them. ▪ Buildings do not visually dominate heritage places and streetscapes, nor significant view lines.
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Assessment: Meets built form outcomes subject to conditions

Proposed Tower 2 **does not meet the preferred requirement**, noting:

- Proposed Tower 2 does not achieve a minimum setback of a distance representing 6% of the total building height (approximately 170 metres, measured from a spot level at the centre of the site’s Flinders Lane frontage) to all side or rear boundaries above the street wall or 40 m.

This minimum setback would be approximately ~10 metres (6% of 170 metres) (further detail provided in Section 7.3.4 of this report below).

Proposed Tower 2 **does not meet the modified requirement**, noting:

- Where a tower exceeds a height of 80 metres in total height, the tower must be setback a minimum of 5 metres and must meet the design requirements for tower floorplate (the activity of this wording is interpreted as converting the preferred requirement for the Tower floorplate design element into a mandatory control).

Proposed Tower 2 has been assessed against the requirements for the Tower floorplate design element in DDO10 separately in Section 7.3.4 of this report below, and does not comply with the preferred requirement or modified requirement for tower floorplate design.

Proposed Tower 2 **meets the built form outcomes, subject to conditions**, noting:

- Tower 2, which is to occupy a meaningful void in built form in front of Shell House, will contribute to the appearance of a continuous wall of buildings, as viewed from surrounding streets and in relation to existing adjoining towers along Spring Street, as highlighted in site photographs (see Section 3.3 of this report).
- As originally submitted, it was considered that the location of Tower 2, which is to be inserted above the existing northern plaza to Shell House, cumulative with the reduced setbacks to Shell House, cantilever over Milton House and reduced setback to Flinders Lane and Throssell Lane, contributed to the visual domination of both Shell House and Milton House.
- The February 2022 resubmission (importantly) further resolves the setbacks of proposed Tower 2 by removing the cantilever over Milton House, providing meaningful breathing space to this heritage building and consequently will reduce the impression of Tower 2 contributing to crowded massing / domination over the site. Subject to conditions being included in the Incorporated Document to achieve an additional setback to Flinders Lane (necessary to retain the required proportion of uncovered area of the northern publicly accessible private plaza under DDO1), it is considered that the built form outcomes for building setbacks will be met.
- It would not be appropriate for Tower 2’s floorplate to be relocated closer to Shell House as part of any move to retain at least 50% of the existing uncovered area of the northern plaza, the ~10 metre setback achieved (excepting the reduce distance to Shell House’s fire escape) is appropriate and necessary separation.

7.3.4 Tower Floorplate

Design Element:	Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
<p>Tower floorplate</p>	<p>The tower floorplate is determined by the preferred requirement for</p>	<p>The tower floorplates above the street wall for a tower above 80 metres in height may be adjusted in terms of location and / or shape but must not:</p>	<p>The adjusted floorplate is designed and spaced to:</p> <ul style="list-style-type: none"> ▪ Reduce impact on existing and potential neighbours in terms of

	<p>building setbacks from side and rear boundaries and tower separation within a site, and the modified requirement for building setback(s) above the street wall.</p>	<ul style="list-style-type: none"> ▪ Result in an increase in the floorplate area. ▪ Be situated less than 5 metres from a side or rear boundary (or from the centre line of an adjoining laneway). ▪ Be less than 5 metres to a street boundary. ▪ Be less than 10 metres to an adjoining tower on the site. 	<p>privacy, outlook, daylight and sunlight access.</p> <ul style="list-style-type: none"> ▪ Minimise visual bulk. ▪ Reduce impact on public spaces, including overshadowing and wind effects and reduced visual dominance. ▪ Buildings do not visually dominate heritage places and streetscapes, nor significant view lines. ▪ Buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them.
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Assessment: Meets built form outcomes subject to conditions

As Proposed Tower 2 exceeds 80 metres in height, the tower must meet the design requirements for tower floorplate, representing the preferred requirement, modified requirement and built form outcomes.

Proposed Tower 2 **does not meet the preferred requirement**, noting:

- Proposed Tower 2 does not adopt a floorplate determined by the preferred requirement for building setbacks from side and rear boundaries and tower separation within a site, and the modified requirement for building setback(s) above the street wall.

Specifically, the floorplate for the tower has not been designed on the basis of providing a maximum floor plate size with a minimum setback of approximately ~10 metres (6% of ~170 metres) to all side and rear boundaries of the site.

The Urban Context Report appears to adopt a maximum height of 132.9 metres for the purpose of determining the minimum setback (nominated as 7.9 metres), carving approximately 30 metres off the ‘total building height’. This 30 metre section of the building has been labelled as ‘Compliant architectural features’.

It is noted that Schedule 10 to the Design and Development Overlay includes the following definition for ‘total building height’:

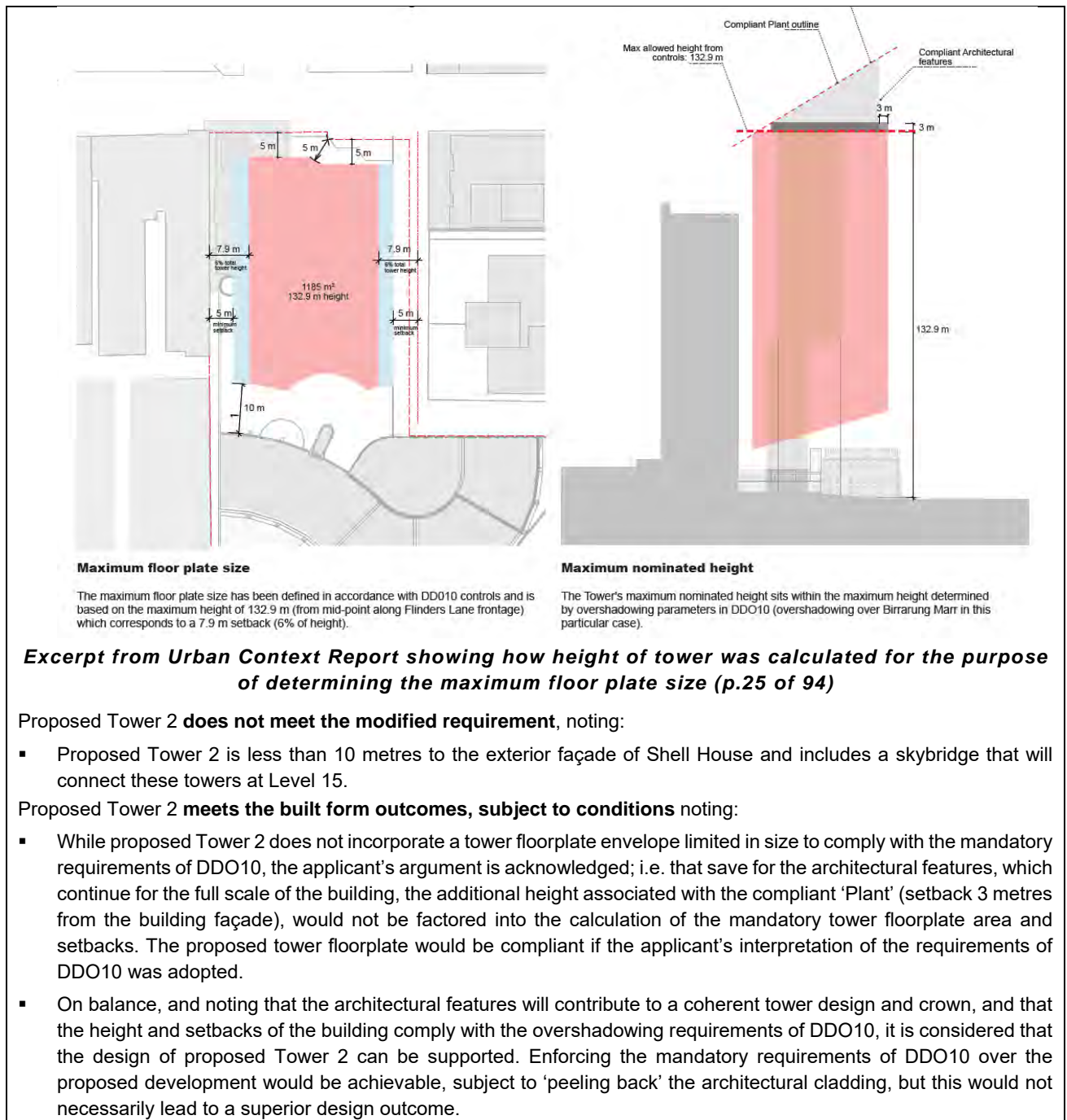
***total building height** means the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of non-habitable architectural features not more than 3.0 metres in height and building services setback at least 3.0 metres behind the façade.*

While the plant indicated inside the excess levels is setback 3.0 metres and can be considered compliant, the architectural features, being the extended and sloped tower façade referred to in the below diagram exceed 3.0 metres in height. This is therefore non-compliant and it is appropriate to include this section of the tower when calculating the ‘total building height’.

The ‘total building height’ of proposed Tower 2 has been calculated as 160.88 metres above a spot level of RL27.72 at the centre of the site’s Flinders Lane frontage and 170.1 metres above a spot level of 18.5 at the centre of the site’s Flinders Street frontage.

6% of 150.33 metres is **10.2 metres**.

The allowable floorplate area is therefore (technically) significantly less than the 1185 m² indicated by the applicant. The excess is approximately 45 metres (tower floorplate depth) x 2 (sides) x 2.3 m (greater setback) = 207 m² less, or 978 m² of allowable floorplate. In contrast, the proposed tower exceeds this floorplate, which reaches 1185 m² from Level 9 and above.



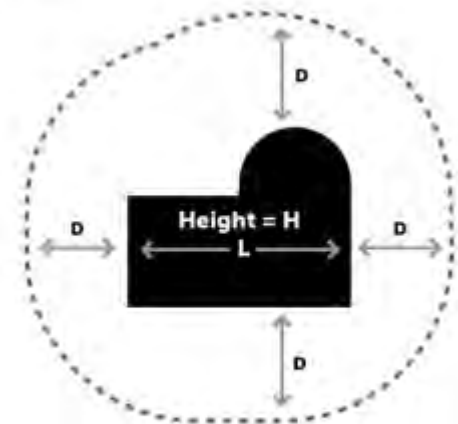
7.3.5 Wind Effects

Clause 2.3 of DDO10 provides the following requirement:

A permit must not be granted for buildings and works with a total building height in excess of 40 metres that would cause unsafe wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40 metres in height measured from all façades, or half the total height of the building, whichever is greater as shown in Figure 1.

A permit should not be granted for buildings and works with a total building height in excess of 40 metres that do not achieve comfortable wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40 metres in height measured from all façades, or half the total height of the building, whichever is greater as shown in Figure 1.

Figure 1



Assessment distance D = greater of
 $L/2$ (Half longest width of building)
 OR
 $H/2$ (Half overall height of building)

The terms 'unsafe wind conditions' and 'comfortable wind conditions' are defined in DDO10 as follows:

Unsafe wind conditions means the hourly maximum 3 second gust which exceeds 20 metres / second from any wind direction considering at least 16 wind directions with the corresponding probability of exceedance percentage.

Comfortable wind conditions means a mean wind speed from any wind direction with probability of exceedance less than 20% of the time, equal to or less than:

- 3 metres / second for sitting areas
- 4 metres / second for standing areas
- 5 metres / second for walking areas.

Amendment C401 was accompanied by a comprehensive wind analysis report (which included wind model testing) prepared by Mel Consultants, which adopts the above wind speed definitions in addressing the wind impacts of the proposed development and compliance with the requirements of DDO10.

While the wind analysis report prepared by Mel Consultants to accompany Amendment C401 does not include a summary of ground level wind conditions based on the existing, undeveloped, configuration for the subject site, wind conditions have been provided at key locations throughout the site for the proposed development configuration in the February 2022 resubmission (see excerpt below).



Figure 7a - Summary of wind conditions at Ground Level Test Locations in the surrounding streetscapes for the proposed 1 Spring Street (Tower 2) Development for the Proposed Configuration for 360° of wind direction.

Excerpt from Wind Report (p.24 of 36)

Broadly, the findings of the wind analysis report prepared by Mel Consultants identified that adopted wind speed criterion for DDO10 compliance were met in publicly accessible areas of the development and adjoining Flinders Lane, Throssell Lane and Flinders Street. Whilst the wind analysis report indicates that the proposed development is capable of achieving compliance with the wind effects requirements of DDO10.

It is notable that ground level test locations have been provided for the 'interior plaza', which show that these locations (including areas unshielded by Tower 2's floorplate) pass 'sitting comfort criterion'. This indicates that the proposed canopy extending over these areas isn't necessary for weather protection except to protect against rain.

Subject to conditions being included in the Incorporated Document to provide a mechanism for further wind testing to be undertaken for any redesigned form of the tower (e.g. as necessary to achieve a minimum 50% retention of the existing northern publicly accessible private plaza), and for any recommendations arising from this testing to be incorporated into the development, it is considered that the proposal will comply with the Wind Effects requirements of DDO10.

7.3.6 Overshadowing

Table 1 and Table 2 of Clause 2.3 of DDO10 set out a series of defined spaces, which are broadly designated as being protected from additional shadow cast by development within specified hours and dates.

The subject site is located within close proximity to the following public open spaces, for which shadow diagrams have been prepared to demonstrate buildings and works will not cast additional shadow over:

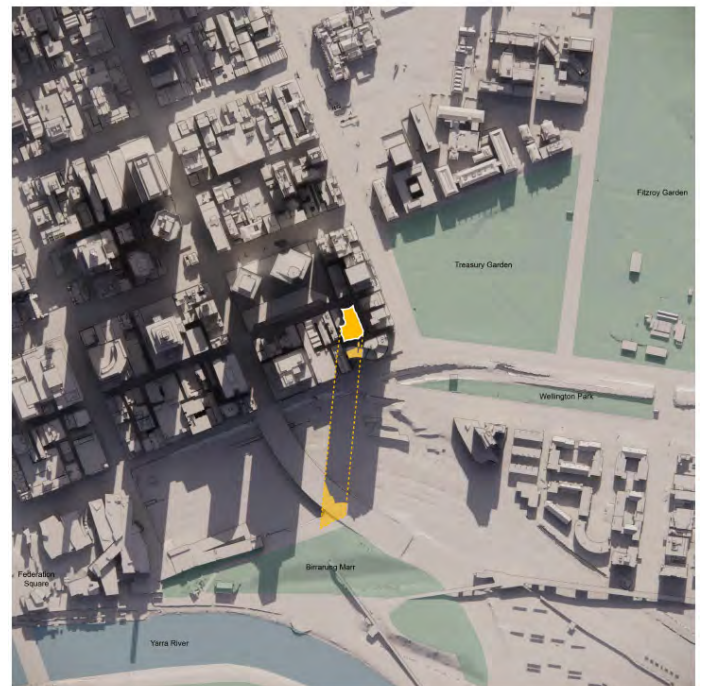
- Treasury Gardens
- Birrarung Marr

Proposed Tower 2 will not cast any additional shadow across any space listed in Table 1 or Table 2 to DDO10, and therefore complies with the overshadowing requirements of DDO10.

Excerpts from the February 2022 plans demonstrating the times where the shadow line cast by proposed Tower 2 approaches the above public open spaces during the Winter Solstice have been provided below.



11AM - 22/06



12PM - 22/06

Excerpt from 'Shadow Diagrams – June', Drawing No. DA9604 (Issue G)

7.4 Traffic

As discussed in section 6.7 of this report, Council's Traffic Engineer has identified that a number of technical documents will need to be prepared to review specific matters / issues identified in the proposed development, and to support resolution of these issues through further refinement of the development's design (if required).

Conditions have been recommended for inclusion in the Incorporated Document to require the preparation of the following technical reports, and facilitate implementation of any recommendations contained in these reports into the final design of the development:

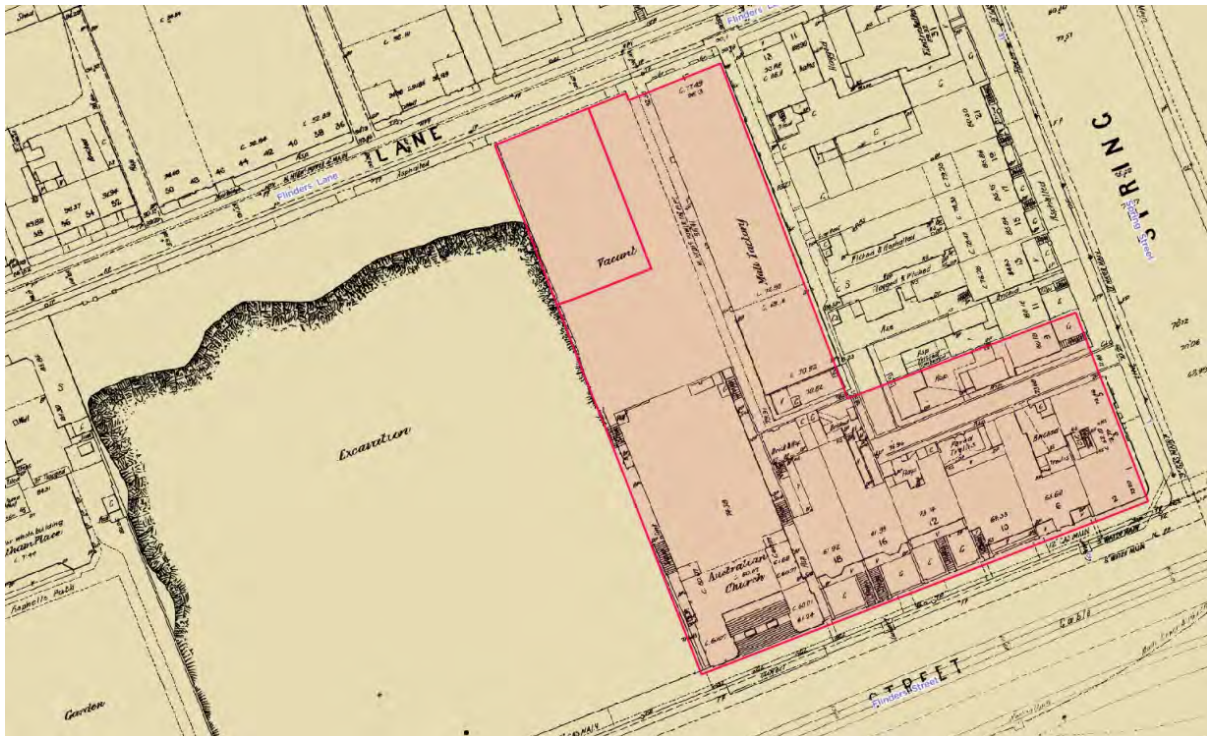
- A Road Safety Audit.
- A Loading Management Plan.
- A Car Park Management Plan.
- Detailed design plans for the Throssell Lane carriageway.

Noting that Amendment C401 seeks to reduce the number of car parking spaces provided within the development, Council's Traffic Engineer has advised they expect the development will not have any adverse impact on the operation of the road network by virtue of traffic generation.

7.5 Contaminated Land

Clause 13.04-1S provides objectives, strategies and policy guidelines that direct the Responsible Authority to require investigation into potentially contaminated land (in addition to requiring remediation of this land so that the land is fit for the proposed future land use if the land is found to be contaminated).

It is noted that the subject site was formerly occupied by a Malt Factory, and adjoined the former Melbourne Quarry (many of which were ultimately filled with landfill and refuse), and that the proposed development (which will include some excavation / earthworks to demolish and rebuild part of the existing basement) may disturb contaminants present in soil on the site.



Excerpt from CoMPASS map showing Melbourne Metropolitan Board of Works (1895) plan with subject site highlighted.

The Incorporated Document should include conditions to ensure that appropriate investigation and testing of potential contamination sources is conducted, and remediation carried out (if required), prior to the commencement of development (except to the extent necessary to undertake the investigation).

7.6 Sustainability

7.6.1 Energy, Water and Waste Efficiency

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

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

The Incorporated Document should include conditions to incorporate the feedback of Council's ESD Officer and Waste Planning Engineer. Subject to these conditions being included on the Incorporated Document, it is considered that the proposed development will meet the relevant requirements of Clause 22.19 *Energy, Water and Waste Efficiency*.

7.6.2 Stormwater Management (Water Sensitive Urban Design)

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

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

The Incorporated Document should include conditions to incorporate the feedback of Council's ESD Officer and Principal Engineer (Infrastructure). Subject to these conditions being included on the Incorporated Document, it is considered that the proposed development will meet the relevant requirements of *Clause 22.23 Stormwater Management (Water Sensitive Urban Design)*.

7.7 Conclusion

It is noted that as Heritage Victoria (HV) has refused the necessary heritage permits for both Shell House and Milton House, the approval of Amendment C401, including Incorporated Document, is likely to be futile unless the HV decisions are revoked through the Ministerial call-in process.

The City of Melbourne made a submission to HV of non-support (confirmed through the Internal Delegation Panel Minutes of 15 April 2021) for both heritage applications on 23 April 2021, therefore this is currently Council's formal position.

Setting aside heritage considerations, and accepting that the design of the tower element itself has architectural merit, the contextual response remains inappropriate. The revised tower floorplate submitted with the updated amendment documentation in February 2022, while resolving a key tension between the proposed tower massing and Milton House by removing the overhanging form, and making meaningful changes to the network of the site with neighbouring laneways and connections, has failed to make a sufficient contribution to the Flinders Lane public realm.

Specifically, the proposed development as amended in February 2022 continues to contribute to the further erosion and enclosure of a valued publicly accessible plaza, which contributes to the heritage significance of Shell House and provides necessary breathing space to heritage Milton House, contrary to the design requirements and design outcomes of DDO1.

DDO1 requires at least 50% of any existing publicly accessible but privately owned plaza to remain as a plaza, which should be open-to-sky (this was tested through Planning Panels). For plazas that contribute to the heritage significance of a heritage place, a greater proportion must be retained, as would ordinarily be the case with the existing northern publicly accessible plaza and its contribution to the heritage significance of Shell House.

On balance, and noting that the proposed development as amended in February 2022 has achieved a generally well-resolved building program that addresses the key requirements of DDO1 and DDO10, it is considered that provided the tower floorplate is modified to retain at least 50% of the existing northern plaza (equivalent to an increase in the existing uncovered area accessible to Flinders Lane by approximately 50 m²), the proposed development can be supported.

It is therefore appropriate that Amendment C401 be approved to introduce the proposed Incorporated Document and allow the proposed development, and extinguish operation of the Melbourne Planning Scheme over the subject site subject to recommended conditions.

8 OFFICER RECOMMENDATION

That the Future Melbourne Committee resolves to advise the Minister for Planning that Council supports Melbourne Planning Scheme Amendment C401, subject to City of Melbourne's recommended changes to the Incorporated Document being incorporated into the final approved form of the control, as set out in Attachment 2 to this report.

ATTACHMENT 1: COM TRACK CHANGES INCORPORATED DOCUMENT

MELBOURNE PLANNING SCHEME

Incorporated Document

1 Spring Street & 21 – 25 Flinders Lane, Melbourne

~~November~~ April 20202

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

1.0 INTRODUCTION

The document is an Incorporated Document in the schedule to Clause 45.12 and Clause 72.04 of the Melbourne Planning Scheme (the Scheme).

The land identified in Clause 3.0 of this document may be used and developed in accordance with the specific controls and conditions contained in Clause 6.0 of this document.

The controls in this document prevail over any contrary or inconsistent provision in the Scheme.

2.0 PURPOSE

The purpose of this Incorporated Document is to allow the development of land described in Clause 3.0 of this document for the purposes of a multi-storey building comprising office and retail uses.

3.0 ADDRESS OF THE LAND

This document applies to the land at 1 Spring Street and 21 – 25 Flinders Lane, Melbourne that is affected by the Specific Controls Overlay **SCOX** and as identified in Figure 1 below.

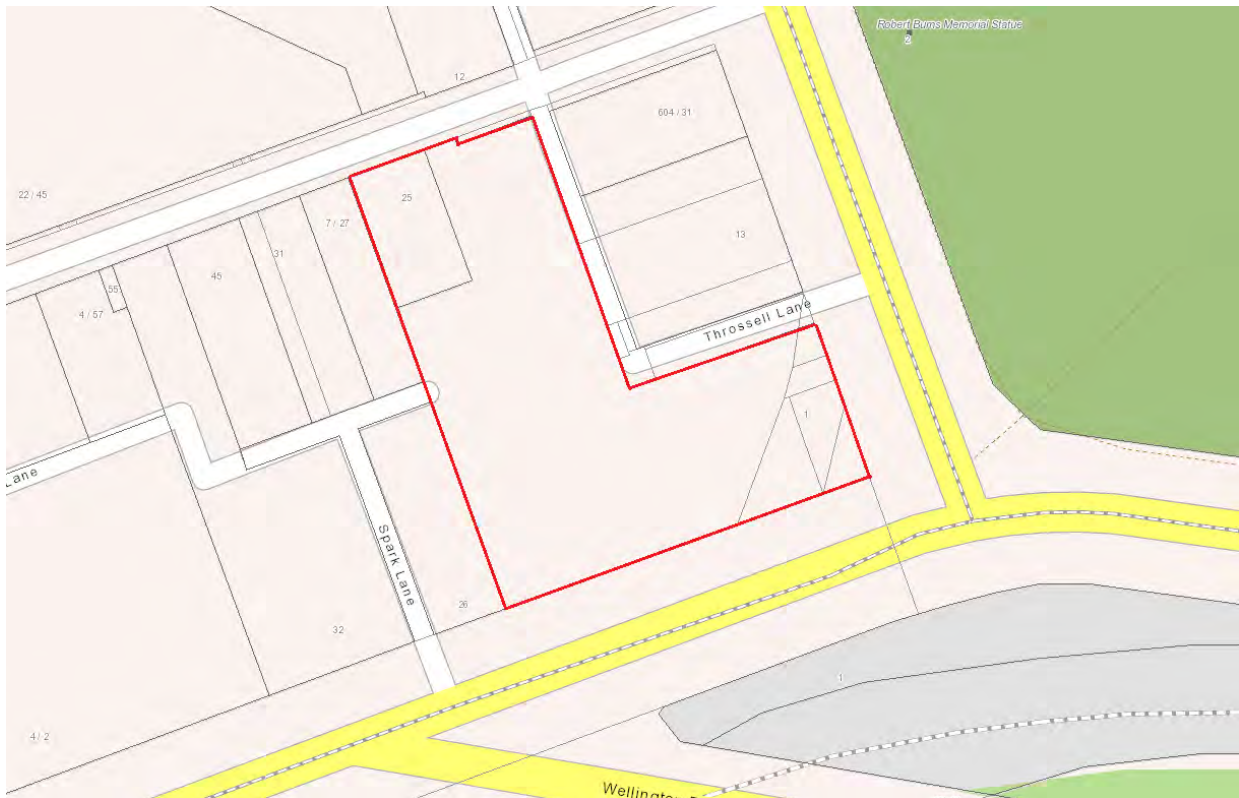


Figure 1 – Land subject to this Incorporated Document highlighted in red

4.0 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

Despite any provision to the contrary or any inconsistent provision in the Scheme, no planning permit is required for, and no planning provision in the Scheme operates to prohibit, restrict or regulate the use and development of the land for the purposes of the development permitted by this document.

5.0 WHAT THIS DOCUMENT ALLOWS

The Incorporated Document allows for the partial demolition of existing structures and development of a multi-storey building comprising office and retail uses, generally in accordance with the following 'Incorporated Plans' prepared by Ingenhoven + Architectus (dated [22 February 2022 \(Issue G\)](#)~~XX~~) but modified to include changes required under Clause 6.0 of this Incorporated Document:

DA1000	SHEET LIST
DA1001	BASEMENT P5
DA1002	BASEMENT P4
DA1004	BASEMENT P3
DA1005	BASEMENT P2
DA1006	BASEMENT P1
DA1007	LEVEL 1
DA1008	LEVEL 2 (FLINDERS LANE)
DA1009	LEVEL 3
DA1010	LEVEL 4
DA1011	LEVEL 5
DA1012	LEVEL 6
DA1013	LEVEL 7
DA1014	LEVEL 8
DA1015	LEVEL 9 – 14 (TYPICAL LOW RISE)
DA1016	LEVEL 15 (BRIDGE TO TOWER 1)
DA1017	LEVEL 16
DA1018	LEVEL 17 (LIFT HEAD ROOM)
DA1019	LEVEL 18 (LIFT CONTROLLER ROOM)
DA1020	LEVEL 19 (LIFT MOTOR ROOM)
DA1021	LEVEL 20 (HYDRONIC PRESSURE ROOM)
DA1022	LEVEL 21 – 32 (TYPICAL HIGH RISE)
DA1023	LEVEL 33 (PLANT)
DA1024	LEVEL 34 (PLANT)
DA1025	LEVEL 35 (BMU)
DA1026	ROOF
DA1027	TOWER 1 LEVEL 4 SWITCH ROOM
DA2000	NORTH ELEVATION
DA2001	EAST ELEVATION
DA2002	SOUTH ELEVATION
DA2003	WEST ELEVATION
DA2500	SECTION 1 – EAST / WEST
DA2501	SECTION 2 – NORTH / SOUTH
DA9700	MILTON HOUSE DEMOLITION PLAN

And including any amendment of the plans that may be approved from time to time under the conditions of this document.

6.0 THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT

Incorporated Plans

1. Prior to the commencement of the development, including demolition, ~~and~~ bulk excavation and site preparation works, an electronic copy of plans, drawn to scale must be submitted to the Planning Authority for Amendment C401 generally in accordance with the Incorporated Plans prepared by Ingenhoven + Architectus (dated 22 February 2022 (Issue G) but ~~must be~~ amended to show:
 - a) Tower 2's floorplate and soffit altered to reduce the extent of overhang over the proposed northern plaza, so that at least 50% of the existing uncovered area of the northern plaza is retained in its current location on Flinders Lane and is 'open to the sky' (this could be achieved by reconfiguring Tower 2's floorplate to increase the uncovered area by 50sq.m (from 200sq.m)).
 - b) 1:20 elevations of all public interfaces (external laneway interfaces, external plaza interfaces, covered plaza interfaces), detailing:
 - i. Integrated elements to enhance human scale to all building public realm interfaces, including:
 - solid elements to ensure human scale and façade depth
 - operable windows
 - plinths
 - an integrated landscape edge
 - awnings over tenancy entries.

All materials used should be robust, natural, textured and high quality with reference to the character of Flinders Lane, and other adjacent laneways.
 - ii. Design measures to minimise the visual perception of column scale from the pedestrian perspective, such as a finer grained applied treatment (bluestone tiles, etc.).
 - iii. Detail of how the development will interface with adjacent laneways, including Throssell Lane and the western laneway, including detail of design, materiality, and permeability achieved through entries and openings. All openings and entries requiring substantial stairs are to have sufficient passive surveillance, and be enclosable through a gate after plaza operating hours to avoid the creation of potential entrapment spaces.
 - iv. All secure gates clearly delineated on plans, and designed to be high quality, while maintaining some permeability to further denote the public identity of the covered plaza area. An operational plan must accompany this information for proposed secure gates located at key covered plaza entries from street / laneway frontages, to ensure that the hours of operation of the 'covered plaza' are maximised.
 - c) A number of substantial and clearly defined retail and food and ~~&~~ beverage tenancies, directly accessible from the covered plaza to provide sufficient sense of purpose, activation and passive surveillance to facilitate public use and pedestrian movement through. Kiosk cafes / tenancies can be included to supplement a broader activation offering.
 - d) An updated schedule of materials, including specification detail, finish, colour and imagery accurately depicting appearance, and confirmation that the reflectivity of all glazing is not greater than 15%. Any additional materials added as a result of responding to permit conditions are to be included.
 - e) Any doorways opening out onto the Throssell Lane carriageway redesigned so that they do not encroach upon the footpath.
 - f) Architectural features less than 6.3 metres in height redesigned so that they do not project

over the pedestrian refuge / footpath provided to the Throssell Lane carriageway.

- g) Any changes arising from the recommendations in the endorsed Road Safety Audit.
- h) Any changes arising from the recommendations in the endorsed Loading Management Plan.
- i) Any changes arising from the recommendations in the ~~Consistency with the~~ endorsed Waste Management Plan.
- j) Consistency with, and facilitation of, the endorsed detailed design plans for the widened Throssell Lane carriageway required by Condition.
- k) Any changes arising from the recommendations in the revised Wind Impact Assessment.

When provided to the satisfaction of the Planning Authority for Amendment C401 in consultation with Melbourne City Council, the amended plans will be endorsed by the ~~Responsible Authority~~ Planning Authority for Amendment C401 to form part of this Incorporated Document.

- 4- 2. The use and development as shown on the incorporated plans must not be altered or modified without the prior written consent of the ~~Responsible Authority~~ Planning Authority for Amendment C401.
- 2- 3. Once the development has started it must be continued and completed to the satisfaction of the ~~Responsible Authority~~ Planning Authority for Amendment C401.

Demolition and Construction Management Plan

- 3- 4. Prior to the commencement of the development, including demolition, ~~and~~ bulk excavation and site preparation works, a detailed traffic, demolition and construction management plan must be submitted to and be approved by the ~~City of Melbourne~~ Melbourne City Council – Construction Management Group. This traffic, demolition and construction management plan must be prepared in accordance with the ~~City of Melbourne~~ Melbourne City Council – Construction Management Plan Guidelines and is to consider the following:
 - (a) Staging of construction.
 - (b) Management of public access and linkages around the site during construction.
 - (c) Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian accessways).
 - (d) Any works within the adjoining street network road reserves.
 - (e) Sediment control and site drainage.
 - (f) Hours of construction.
 - (g) Control of noise, dust, vibration and soiling of roadways.
 - (h) Discharge of polluted waters.
 - (i) Collection and disposal of building and construction waste.
 - (j) Reasonable measures to ensure that disruption to adjacent public transport services are kept to a minimum.
 - (k) Public safety, amenity and site security.
 - (j) (l) Program and completion date.

Façade Strategy, Materials and Finishes

- 4- 5. Prior to the commencement of the development, excluding demolition, bulk excavation ~~excataion~~ and site preparation works, a Façade Strategy must be submitted to and approved by the ~~Responsible Authority~~ Planning Authority for Amendment C401 in consultation with Melbourne City

Council. When approved this will form part of the endorsed plans. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the ~~Responsible Authority~~ Planning Authority for Amendment C401. The Façade Strategy for the development must be generally in accordance with plans prepared by Ingenhoven + Architectus ~~dated XX (Rev X)~~ 22 February 2022 (Issue G) and detail:

- (a) A concise description by the architect of the building design concept and how the facade works to achieve this.
 - (b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with clear coding.
 - (c) Elevation details generally at a scale of 1:50, or other suitable scale agreed to by the ~~Responsible Authority~~ Planning Authority for Amendment C401, illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail, and any special features which are important to the building's presentation.
 - (d) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and / or material.
 - (e) Information about how the façade will be accessed, maintained and cleaned.
 - ~~(e)~~ (f) Example prototypes and / or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high quality built form outcome in accordance with the design concept.
- ~~6.~~ 6. Light reflectivity from external materials and finishes must not reflect more than 20% of specular visible light, to the satisfaction of the ~~Responsible Authority~~ Planning Authority for Amendment C401.

Retention of Architectural Firm

- ~~6.~~ 7. Except with the written consent, and to the satisfaction of the ~~Responsible Authority~~ Planning Authority for Amendment C401, Ingenhoven + Architectus must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans, façade strategy and the endorsed schedule of materials and finishes.

Landscape Plan

- ~~7.~~ 8. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, an updated Landscape Plan, generally in accordance with the Landscape Plan prepared by Oculus (dated 21 February 2022 (Revision 03)) must be provided to the Planning Authority for Amendment C401. The Landscape Plan must be updated to include:
- a) Details of all public street trees to be retained and / or removed as part of the future development.
 - b) Details of all surface finishes including pathways, driveways, terrace or decked areas.
 - c) The landscape design of all publicly accessible areas at ground level.
 - d) Urban design elements including, but not limited to, lighting, seating and public art.
 - e) Clear demarcation of public realm and private areas including arrangements for pedestrian, bicycle and vehicular circulation.
 - f) A comprehensive plant species list developed by a qualified horticulturalist including plant species, planting size, height at maturity, amounts and proposed locations. The comprehensive plant species list is to include consideration of alternative native species to *Gleditsia tricanthos*, subject to further investigation of the suitability of this species and available light levels within the interior foyer area.

- g) All Green Infrastructure (GI) (i.e. tree planters; size including depth, geo textiles, drainage and irrigation) (including any additional GI identified in the updated Sustainability Management Plan (SMP)).
- h) Detail on potting substrate to be used in GI.
- i) Identification of all deep soil planting areas.
- j) An irrigation and maintenance plan for all landscaped areas within the development.
- k) How the development responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used, including the location of any rainwater tanks to be used for irrigation.

When provided to the satisfaction of the Planning Authority for Amendment C401 in consultation with Melbourne City Council, the Landscape Plan will be endorsed to form part of this Incorporated Document. The endorsed Landscape Plan must not be modified or altered without the prior consent of the Planning Authority for Amendment C401.

~~7. The landscaping outcomes depicted on the endorsed Landscape Plan prepared by Oculus (dated 2 November 2020) must be implemented prior to occupancy. The Submitted Landscape Plan must be endorsed and must not be modified or altered without the prior consent of the Responsible Authority Planning Authority for Amendment C401.~~

- ~~8.~~ 9. Prior to the commencement of all landscaping works, ~~as detailed in the condition above~~, a landscape management plan detailing the maintenance regime and management responsibilities must be prepared and submitted to the satisfaction of the ~~Responsible Authority~~ Planning Authority for Amendment C401 consultation with Melbourne City Council.
- ~~9.~~ 10. Landscape works as shown on the endorsed plans must be completed within 3 months from the completion of the development to the satisfaction of the ~~Responsible Authority~~ Planning Authority for Amendment C401 and subsequently maintained to the satisfaction of Melbourne City Council.

Street Trees

- ~~10.~~ 11. Prior to the commencement of the development, including demolition, ~~and~~ bulk excavation and site preparation works, a Tree Protection Plan (TPP) for any public trees that may be affected by the development, must be provided to the satisfaction of Melbourne City Council – Urban Forestry & Ecology. The TPP must be in accordance with AS 4970-2009 – Protection of Trees on Development Sites and include:
 - (a) City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
 - (b) Reference to the finalised Demolition and Construction Management Plan, including any public protection gantries.
 - (c) Site specific details of the temporary tree protection fencing to be used to isolate publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
 - (d) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree. These must be provided for any utility connections or civil engineering works.
 - (e) Full specifications of any pruning required to publicly owned trees.
 - (f) Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of construction.
 - (g) Name and contact details of the project arborist who will monitor the implementation of the TPP

for the duration of construction (including demolition).

(h) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to Council's email via trees@melbourne.vic.gov.au.

- ~~11.~~ 12. Following the approval of a TPP a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of demolition and construction activities. The bond amount will be calculated by Melbourne City Council and provided to the applicant / developer / owner of the site. Should any tree be adversely impacted on, Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.
- ~~12.~~ 13. In the event that a [Traffic, Demolition and Construction Management Plan](#) changes any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed TPP, a revised TPP must be provided to the satisfaction of Melbourne City Council – Urban Forestry & Ecology. When approved, the revised TPP will be endorsed to form part of the permit and will supersede any previously endorsed TPP.
- ~~13.~~ 14. All works, including demolition and bulk excavation, within the Tree Protection Zones of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of [Melbourne City Council – Urban Forestry & Ecology](#) ~~the Responsible Authority~~ [Planning Authority for Amendment C401](#).

Public Tree Removal

- ~~14.~~ 15. Approval for any tree removal is subject to the Melbourne City Council's Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to Councillors. Certain tree removals including but not limited to significant or controversial tree removals, may be subject to decision by Melbourne City Council or a Committee of Council.
- ~~15.~~ 16. All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a tree to be removed, must be met by the applicant / developer / owner of the site. The costs of these works will be provided and must be agreed to before Melbourne City Council remove the subject trees.

Environmentally Sustainable Design

17. Prior to the commencement of the development (excluding demolition, bulk excavation and site preparation works), an updated Sustainability Management Plan (SMP), generally in accordance with the SMP prepared by ARUP dated 18 February 2022 (Revision 03) must be provided to the Planning Authority for Amendment C401. The SMP must be updated to include:

- a) Benchmarking of the buildings' green infrastructure quality through use of City of Melbourne's Green Factor Tool.
- b) Exploration of the following additional green infrastructure opportunities:
 - i. Vertical greening of the Level 3 internal plaza western feature wall.
 - ii. Inclusion of native and indigenous plant species.

When provided to the satisfaction of the Planning Authority for Amendment C401 in consultation with Melbourne City Council, the WSUD will be endorsed to form part of this Incorporated Document.

- ~~16.~~ 18. The performance outcomes specified in the [endorsed Sustainability Management Plan \(SMP\) prepared by ARUP and dated 13 October 2020 including the rating of 5 Star Green Star \(or rating as otherwise agreed with the Responsible Authority\)](#) must be implemented prior to occupancy at no cost to the ~~Responsible Authority~~ [Planning Authority for Amendment C401](#) or the Melbourne City Council and be to the satisfaction of the ~~Responsible Authority~~ [Planning Authority for Amendment C401](#).

17. ~~19.~~ Any change during detailed design of the development and which affects the approach of the endorsed SMP, must be assessed by an accredited professional. The revised statement must be endorsed by the ~~Responsible Authority~~ [Planning Authority for Amendment C401](#) prior to the commencement of construction.

Water Sensitive Urban Design (WSUD)

20. Prior to the commencement of the development (excluding demolition, bulk excavation and site preparation works), an updated Water Sensitive Urban Design Statement (WSUD), generally in accordance with the WSUD Statement prepared by ARUP dated 15 December 2021 (Issue 3), must be provided to the Planning Authority for Amendment C401. The WSUD Statement must be updated to include:

- a) Investigation of the incorporation of rain gardens into the landscape response to reduce reliance on the proprietary device (Ocean Protect, Jellyfish Device), to assist with the management of run-off from trafficable areas.
- b) A maintenance program for rainwater tanks and on-site detention tanks, raingardens and other proprietary devices relied upon to manage run-off.

When provided to the satisfaction of the Planning Authority for Amendment C401 in consultation with Melbourne City Council, the WSUD will be endorsed to form part of this Incorporated Document.

18. ~~21.~~ Water sensitive urban design measures must be in accordance with the endorsed Water Sensitive Urban Design (WSUD) Statement, ~~prepared by ARUP, dated November 2020.~~ The submitted WSUD Statement must not be modified or altered without the prior consent of the ~~Responsible Authority~~ [Planning Authority for Amendment C401](#).

19. ~~22.~~ Any change during detailed design, which affects the approach of the endorsed WSUD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the ~~Responsible Authority~~ [Planning Authority for Amendment C401](#) prior to the commencement of construction.

Waste Management

~~–20. Waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by WSP, dated 22 October 2020. The submitted WMP must not be modified or altered without the prior consent of Melbourne City Council.~~

Civil Works

~~21. Prior to the commencement of the development, excluding demolition, bulk excavation, and site preparation works, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Melbourne City Council. This system must be constructed prior to the occupation of the development and provision made to connect this system to the Melbourne City Council's underground stormwater drainage system.~~

~~22. Prior to the occupation of the development unless otherwise agreed with the Melbourne City Council, all necessary vehicle crossings must be constructed, and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with the plans and specifications first approved by the Melbourne City Council.~~

~~23. Any damage to the footpath adjoining the site along Flinders Lane and Throssell Lane must be reconstructed in sawn bluestone together with associated works including the renewal of kerb and channel in bluestone and relocation or reconstruction of services as necessary, at the cost of the developer, in accordance with plans and specifications first approved by the Melbourne City Council.~~

~~24. Existing street levels in the streets adjacent to the subject land must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Melbourne City Council.~~

~~25. Existing public street lighting must not be altered without first obtaining the written approval of the~~

~~Melbourne City Council.~~

~~26. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Melbourne City Council.~~

~~27. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Melbourne City Council.~~

Building Appurtenances

~~28- 23.~~ All building plant and equipment on the roofs, balcony areas, common areas, and public thoroughfares must be concealed to the satisfaction of the ~~Responsible Authority~~ [Planning Authority for Amendment C401](#). The construction of any additional plant machinery and equipment, including but not limited to all air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment shall be to the satisfaction of the ~~Responsible Authority~~ [Planning Authority for Amendment C401](#).

~~24.~~ Any satellite dishes, antennas or similar structures associated with the development must be designed and located to the satisfaction of the ~~Responsible Authority~~ [Planning Authority for Amendment C401](#).

No Advertising Displayed on Building

~~25.~~ No signs shall be erected, painted or displayed on the land without the prior written permission of the [Planning Authority for Amendment C401](#) unless in accordance with the provisions of the [Melbourne Planning Scheme](#) or with the written consent of the [Planning Authority for Amendment C401](#).

3D Digital Model

~~26.~~ 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, Melbourne City Council. The model should be prepared having regard to [Advisory Note – 3D Digital Modelling Melbourne City Council](#). Digital models provided to the Council may be shared with other government organisations for planning purposes. The 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 Council.

~~27.~~ Before the development starts, excluding demolition, bulk excavation and site preparation works, or as otherwise agreed with the [Planning Authority for Amendment C401](#), a 3D digital model of the development and its immediate surrounds, as appropriate, must be submitted to, and be to the satisfaction of, the [Planning Authority for Amendment C401](#) in conformity with the [Department of Environment, Land, Water and Planning Advisory Note 3D Digital Modelling](#).

Vesting of Roads

~~28.~~ Prior to the occupation of the development, the proposed widening of [Throssell Lane](#) must be vested in Melbourne City Council as a road under the provision of the [Subdivision Act 1988](#). The new portion of the road is to have no upper or lower limit and must exclude any structure above and below to the satisfaction of the [Melbourne City Council](#).

Works abutting Laneways

~~29.~~ The title boundaries for the property may not exactly agree with road alignments of the abutting Melbourne City Council's laneway(s). The approved works must not result in structures that encroach onto the Melbourne City Council's laneways.

Drainage connection underground

~~30.~~ 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 Melbourne City Council – [Infrastructure and Assets](#). This system must be constructed prior to the occupation of the development and provision made to connect this system to the Melbourne City

Council's underground stormwater drainage system.

31. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Melbourne City Council.

Groundwater management

32. All groundwater and water that seeps from the ground adjoining the building basement (seepage water) and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to the Melbourne City Council's drainage network. All contaminated water must be treated via a suitable treatment system and fully reused on site or discharged into a sewerage network under a relevant trade waste agreement with the responsible service authority.

Demolish and construct access

33. Prior to the commencement of the use / occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Melbourne City Council – Infrastructure and Assets.

Street works required

34. All new or altered portions of road (including the provision of footpaths, drainage, public lighting, pavement marking and signage) in Throssell Lane must be constructed prior to the occupation of the development, in accordance with plans and specifications first approved by the Melbourne City Council – Infrastructure and Assets.

Roads

35. 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 Melbourne City Council – Infrastructure and Assets.

36. The road adjoining the site along Throssell Lane must be reconstructed together with associated works including the modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Melbourne City Council – Infrastructure and Assets.

Reconstruction of Footpaths

37. The footpath adjoining the site along Flinders Lane must be reconstructed together with associated works including the renewal / reconstruction of kerb and channel, provision of street furniture and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Melbourne City Council – Infrastructure and Assets.

Street levels not to be altered

38. Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Melbourne City Council – Infrastructure and Assets.

Existing street lightning not altered without approval

39. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Melbourne City Council – Infrastructure and Assets.

Existing street furniture

40. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Melbourne City Council – Infrastructure and Assets.

Public lighting

41. Prior to the commencement of the development, excluding demolition, bulk excavation and preliminary site works, or as may otherwise be agreed with the Melbourne City Council, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy, and include the provision of public lighting in the adjacent streets of the subject land. The lighting works must be undertaken prior to the commencement of the use / occupation of the development, in accordance with plans and specifications first approved by the Melbourne City Council – Infrastructure and Assets.

Road Safety Audit

42. Concurrent with the submission of plans in accordance with Condition 1 of this Incorporated Document, a formal Road Safety Audit prepared by a suitably qualified professional must be provided to the satisfaction of the Planning Authority for Amendment C401 in consultation with Melbourne City Council – Infrastructure and Assets. The Road Safety Audit must address the following matters:
 - a. Vehicular / bicycle / pedestrian access arrangements.
 - b. Loading and waste arrangements.
 - c. Internal circulation / layout.
 - d. The need to ensure vehicles entering the site do not queue in Throssell Lane or obstruct pedestrians / bicycles / traffic.

When provided to the satisfaction of the Planning Authority for Amendment C401 and Melbourne City Council – Infrastructure and Assets, the Road Safety Audit will be endorsed to form part of this permit.

Loading Management Plan

43. Concurrent with the submission of plans in accordance with Condition 1 of this Incorporated Document, a Loading Management Plan (LMP) must be prepared to the satisfaction of Melbourne City Council – Infrastructure and Assets, specifying how the access / egress of loading vehicles is to be managed ensuring that:
 - a. A ramp grade of <1:10 is provided for the first 5 metres from the site boundary at the access.
 - b. Loading bays, including all space dimensions, grades and height clearances, are designed in accordance with relevant Australian and New Zealand Standards or other relevant standards as determined by a suitably qualified traffic engineer.
 - c. All vehicle types expected to service the site are capable of being accommodated within the loading area / bays. Compliance with this requirement is to be demonstrated by the submission of appropriate swept path diagrams accompanying the LMP.
 - d. The delivery needs of the various components of the uses and development can be accommodated.
 - e. Vehicles do not queue on-street.
 - f. Vehicles are able to both access / egress the site in a forward direction.
 - g. Any potential conflicts between various vehicles (and other road users) are satisfactorily addressed.
 - h. Vehicles do not stop, park, load or unload at a clearway.

The LMP is to be submitted to and approved by Melbourne City Council – Infrastructure and Assets.

Detailed Design Plans for Throssell Lane Carriageway

44. Concurrent with the submission of plans in accordance with Condition 1 of this Incorporated Document, detailed design plans for the Throssell Lane carriageway must be provided to the satisfaction of Melbourne City Council – Infrastructure and Assets. The detailed design plans for the Throssell Lane carriageway must include:
- a. A design plan with details of the existing and proposed arrangement for Throssell Lane, including cross-sections.
 - b. Investigation of the provision of a 1.5 metre wide (minimum) footpath on the east side of Throssell Lane.

Waste Management Plan

45. Concurrent with the submission of plans in accordance with Condition 1 of this Incorporated Document, a revised Waste Management Plan (WMP) shall be submitted to and approved by the Planning Authority for Amendment C401 in consultation with Melbourne City Council – Waste and Recycling. The revised WMP shall be generally in accordance with the WMP prepared by WSP, dated 16 December 2021 and comply with Melbourne City Council's Guidelines for Preparing a Waste Management Plan, but with further resolution of the stopping location and size of vehicles servicing the development in accordance with the endorsed Loading Management Plan (LMP).
46. Waste storage and collection arrangements must be in accordance with the approved WMP, which must not be modified or altered without the prior consent of Melbourne City Council.

Preliminary Risk Screen Assessment and Remediation

47. Prior to the commencement of the development (excluding any works necessary to undertake the assessment), a Preliminary Risk Screen Assessment (PRSA) of the site must be conducted by a suitably qualified environmental auditor. The PRSA statement and report must be submitted to the Responsible Authority in accordance with section 205 of the Environment Protection Act 2017 and respond to the matters contained in Part 8.3, Division 2 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority.
48. If the PRSA requires an Environmental Audit be undertaken, then prior to the commencement of the development (excluding any works necessary to undertake the audit), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the Responsible Authority in accordance with section 210 of the Environment Protection Act 2017 responding to the matters contained in Part 8.3, Division 3 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority. The EAS must either:
- state the site is suitable for the use and development allowed by this permit.
 - state the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.
49. All the recommendations of the Environmental Audit Statement (EAS) must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land in accordance with the development hereby approved, and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.
50. If any of the conditions of the EAS require ongoing maintenance or monitoring, prior to the commencement of the use and prior to the issue of a statement of compliance under the Subdivision Act 1988 the owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority to the effect that all conditions of the EAS issued in respect of the land will be complied with.

Protection of heritage buildings during construction

51. The buildings and works associated with the approved development must be planned and constructed in a manner which prevents damage to the heritage buildings and fabric to be retained in accordance with the Conservation Management Plan prepared by Lovell Chen dated November 2020. Where hidden and original or inaccessible details of the buildings are uncovered, works are to cease until the appropriate further record has been made.
52. Prior to the commencement of the development, including demolition, bulk excavation and site preparation works, a bank guarantee or bond to the value of \$500,000.00 must be deposited with the Melbourne City Council to ensure that retained parts of the heritage buildings and fabric are not demolished, except to complete the development in accordance with the endorsed plans. The bank guarantee or bond will be returned when the development is completed to the satisfaction of the Council.
53. Prior to the commencement of the development, including demolition, bulk excavation and site preparation works, the permit holder must provide evidence to the Planning Authority for Amendment C401 that progress has been made toward obtaining the necessary building permits for the development of the land generally in accordance with the development hereby approved, and that the permit holder is actively procuring the construction services for the development, or as otherwise agreed with the Planning Authority for Amendment C401.

Revised wind impact assessment and link to condition 1

54. Prior to the commencement of the development, including demolition, bulk excavation and site preparation works, a revised Wind Impact Assessment, including wind tunnel modelling prepared by a suitably qualified person must be submitted to and approved by the Planning Authority for Amendment C401 in consultation with Melbourne City Council. The revised Wind Impact Assessment must:
 - a) Respond to the wind effects provisions and definitions in Schedule 10 to the Design and Development Overlay.
 - b) Explain the effect of the development on the wind conditions in publicly accessible areas impacted by the development as well as any balconies and / or rooftop areas within the development.
 - c) At a minimum, model the wind effects of the development and its surrounding buildings (existing and proposed) using wind tunnel testing.
 - d) Identify the principal role of each part of the publicly accessible areas for sitting, standing or walking purposes.
 - e) Not rely on any trees or other elements within publicly accessible areas for wind mitigation.
 - f) Make recommendations for modifications to the design of the building, if required, to achieve comfortable wind conditions consistent with the identified principle role for publicly accessible areas as well as any balconies and / or rooftop areas within the development.
55. Any modifications to the development to ensure comfortable wind conditions to the surrounding streets, building entries, publicly accessible areas and any balconies and / or rooftop areas within the development must be carefully developed as a high quality integrated architectural solution to the satisfaction of the Planning Authority for Amendment C401 in consultation with Melbourne City Council and implemented at no cost to the Minister for Planning or Melbourne City Council.

8.1 Temporary works

56. Prior to the commencement of the development, including demolition, bulk excavation and site preparation works, the owner of the land must enter into an agreement with the Melbourne City Council pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for the following:
 - a) if the land remains vacant for 6 months after completion of the demolition;
 - b) if the demolition or construction activity ceases for a period of 6 months; or
 - c) if the construction activity ceases for an aggregate of 6 months after commencement of the construction, the owner must construct temporary works on the land to the satisfaction of the Responsible Authority.

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

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

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

7.0 DEVELOPMENT TIME LIMIT

The development permitted by this Incorporated Document will expire if the development is not started within three (3) years of the date of the gazettal of Amendment C401~~XXX~~melb to the Melbourne Planning Scheme, and not completed within four (4) years of the commencement of the development.

The ~~Responsible Authority~~[Planning Authority for Amendment C401](#) may extend the periods referred to if a request is made in writing before these controls expire or within 6 months afterwards.

End of Document