

Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

**Ministerial Planning Referral: TPMR-2010-28/A
63-83 Kings Way and 127-129 Kavanagh Street, Southbank**

21 May 2019

Presenter: Evan Counsel, Acting Manager Planning and Building

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application seeking to amend the existing planning permit for land located at 63-83 Kings Way and 127-129 Kavanagh Street, Southbank (refer Attachment 2 – Locality Plan). Ministerial Planning Permit 2010/024795 was issued on 19 July 2011 and allows for the use and development of the land for mixed-use multi-storey buildings comprising dwellings, ground floor retail (excluding hotel, tavern and/or gambling premises), and alteration of access to a Road Zone Category 1.
2. The applicant is Urbis Pty Ltd, the owner of the land is Run All International Pty Ltd and Hengmao Australia and the architect is Elenberg Fraser.
3. The land is located within the Capital City Zone Schedule 3 and is affected by Design and Development Overlay Schedules 10 (Development Area Built form) and 27 (City Link Exhaust Stack Environs), Land Subject to Inundation Overlay Schedule 1 and Parking Overlay Schedule 1 (Capital City Zone – Outside the retail core).
4. This application proposes the following key amendments:
 - 4.1. Building facade of 63-65 Kings Way to be retained and incorporated into the development (subject to Amendment C305 which proposes a Heritage Overlay for the site).
 - 4.2. Reduction of residential dwellings from 794 to 328, including broader mix of dwelling typologies.
 - 4.3. Introduction of a 350 room residential hotel including two taverns (bars).
 - 4.4. A new built form response including changes to building heights and setbacks, and an overall reduction in gross floor area and plot ratio.
5. Neither Amendment C262 nor C270 applied when the original permit application was issued. Consequently, the Design and Development Schedule 10 (DDO10) does not strictly apply to this application. However the application must not increase the extent of non-compliance with DDO10.

Key issues

6. An assessment confirms that, subject to conditions, the proposed amended development will not increase the level of non-compliance with DDO and for this reason is a valid and supportable application under the provisions set out within Clause 3.0 of the Capital City Zone Schedule 3.
7. Overall the proposal provides a less intensive and more contextual design response that significantly enhances the development outcome through the incorporation of the heritage building, improving the engagement with the street and Boyd Park and the increased visual interest of the podium and tower.
8. In addition, the proposed changes result in improved wind impacts while other considerations such as overshadowing, engineering and ESD are comparable to the endorsed scheme.

Recommendation from management

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

Attachments:

1. Supporting Attachment (Page 2 of 66)
2. Locality Plan (Page 3 of 66)
3. Selected Plans (Page 4 of 66)
4. Delegate Report (Page 39 to 66)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority for determining this application.
2. Melbourne City Council is a recommending referral authority under Section 55 of the *Planning and Environment Act 1987*.

Finance

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

Conflict of interest

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

Health and Safety

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

Stakeholder consultation

6. Council officers have not undertaken public notice of the application or referred this to any other referral authorities. This is the responsibility of the Department of Environment, Land, Water and Planning acting on behalf of the Minister for Planning.

Relation to Council policy

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

Environmental sustainability

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

Locality Plan

Attachment 2
Agenda item 6.1
Future Melbourne Committee
21 May 2019

63-83 Kings Way and 127-129 Kavanagh Street, Southbank



17134 - 127-129 KAVANAGH STREET SOUTHBANK, MELBOURNE

DRAWING SET

DRAWING LIST

SITE INFORMATION

- A0000 - LOCATION PLAN & DRAWING LIST
- A0001 - SITE PLAN
- A0002 - TITLE BOUNDARY
- A0003 - GRID SETOUT
- A0004 - EXISTING SURVEY PLAN
- A0010 - DEMOLITION PLAN

GENERAL ARRANGEMENT FLOOR PLANS

- A0099 - LOWER GROUND FLOOR PLAN
- A0100 - GROUND FLOOR PLAN
- A0100A - GROUND MEZZANINE FLOOR PLAN
- A0101 - LEVEL 01 FLOOR PLAN
- A0101A - LEVEL 01 MEZZANINE FLOOR PLAN
- A0102 - LEVEL 02 - 04 FLOOR PLAN
- A0105 - LEVEL 05 FLOOR PLAN
- A0105A - LEVEL 05 MEZZANINE FLOOR PLAN
- A0106 - LEVEL 06 - LEVEL 20 FLOOR PLAN
- A0121 - LEVEL 21 FLOOR PLAN
- A0122 - LEVEL 22 FLOOR PLAN
- A0123 - LEVEL 23 FLOOR PLAN
- A0123A - LEVEL 23 MEZZANINE FLOOR PLAN
- A0124 - LEVEL 24 - 29 TYPICAL FLOOR PLAN
- A0130 - LEVEL 30 - 33 FLOOR PLAN
- A0134 - LEVEL 34 - 35 FLOOR PLAN
- A0136 - LEVEL 36 - 37 FLOOR PLAN
- A0138 - LEVEL 38 - 39 FLOOR PLAN
- A0140 - LEVEL 40 - 41 FLOOR PLAN
- A0142 - LEVEL 42 FLOOR PLAN
- A0143 - ROOF PLAN

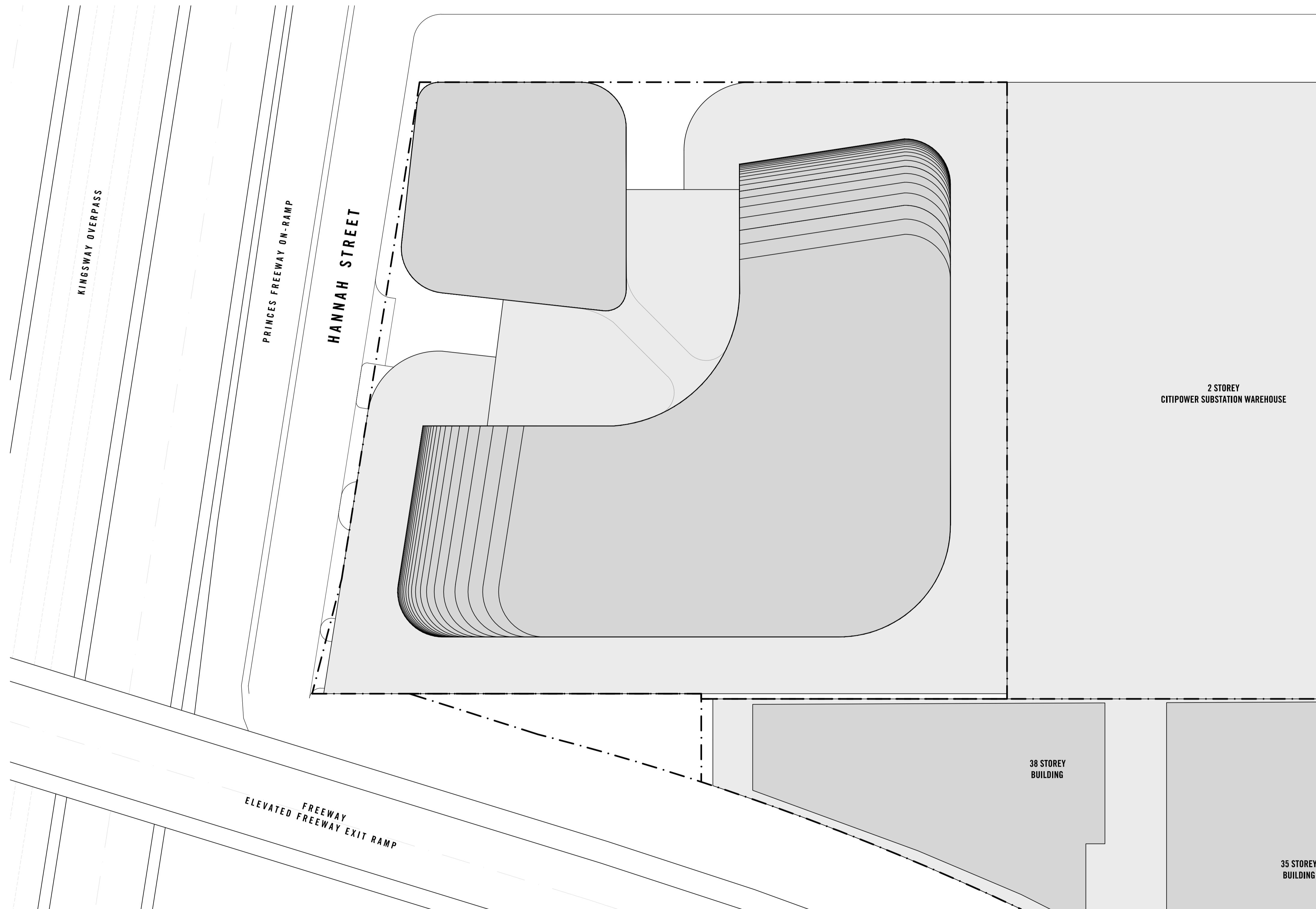
ELEVATIONS

- A0900 - NORTH EAST ELEVATION
- A0901 - NORTH WEST ELEVATION
- A0902 - SOUTH EAST ELEVATION
- A0903 - SOUTH WEST ELEVATION

- A0910 - KAVANAGH ST PODIUM ELEVATION
- A0911 - HANNAH ST PODIUM ELEVATION

SECTIONS

- A0950 - SECTION A-A
- A0951 - SECTION B-B



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A	09.05.18	ISSUED FOR TOWN PLANNING	LM				
B	30.07.18	UPDATED FOR TOWN PLANNING #51	LM				
C	28.08.18	TP #51 LOOSEMENT	LM				
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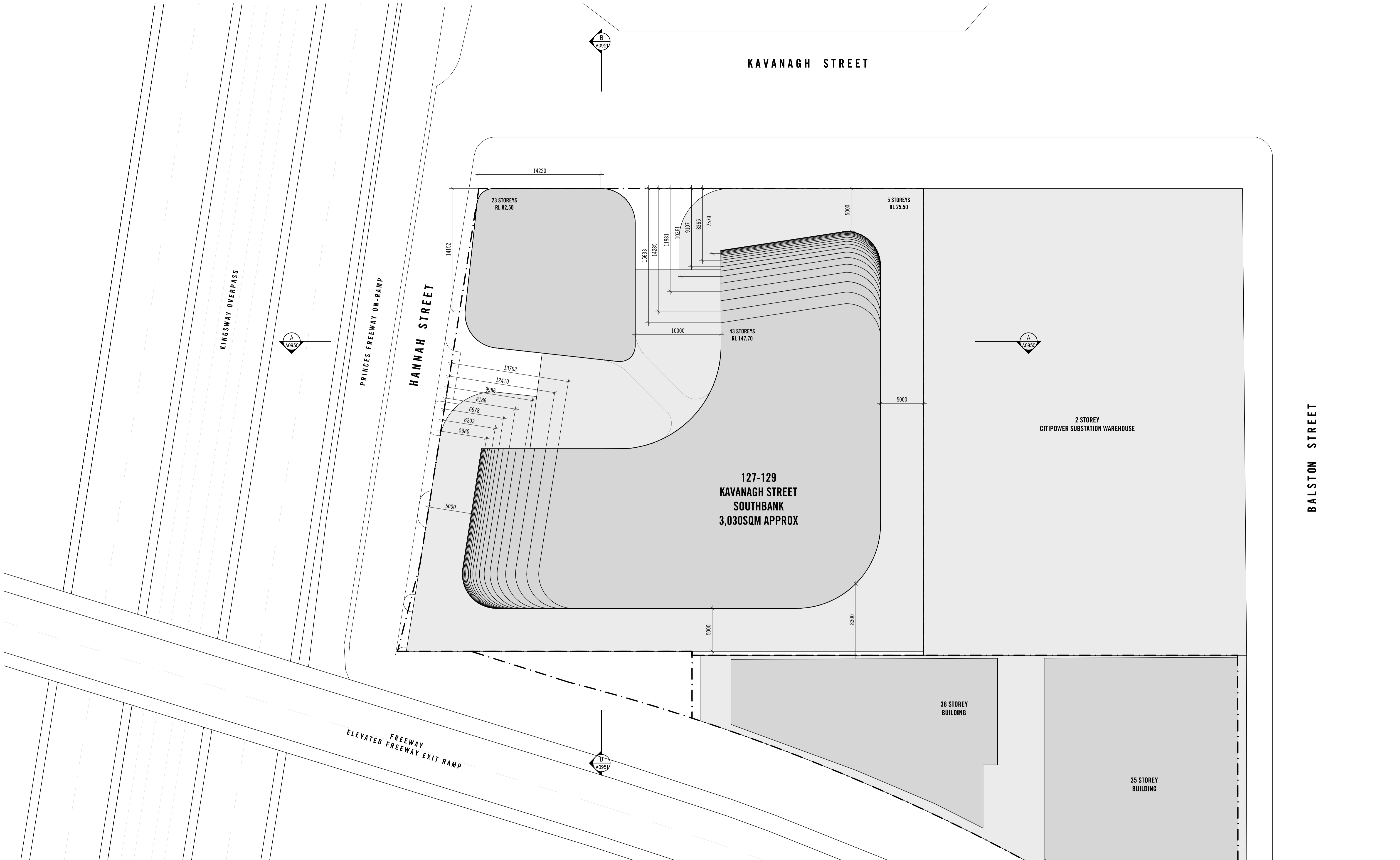
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Project Title
**127-129, KAVANAGH STREET,
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LANDBRIDGE GROUP

Drawing Title	
LOCATION PLAN & DRAWING LIST	
Project Number	Drawing Number
17134	A0000
Drawing Status	Revision
TP	D



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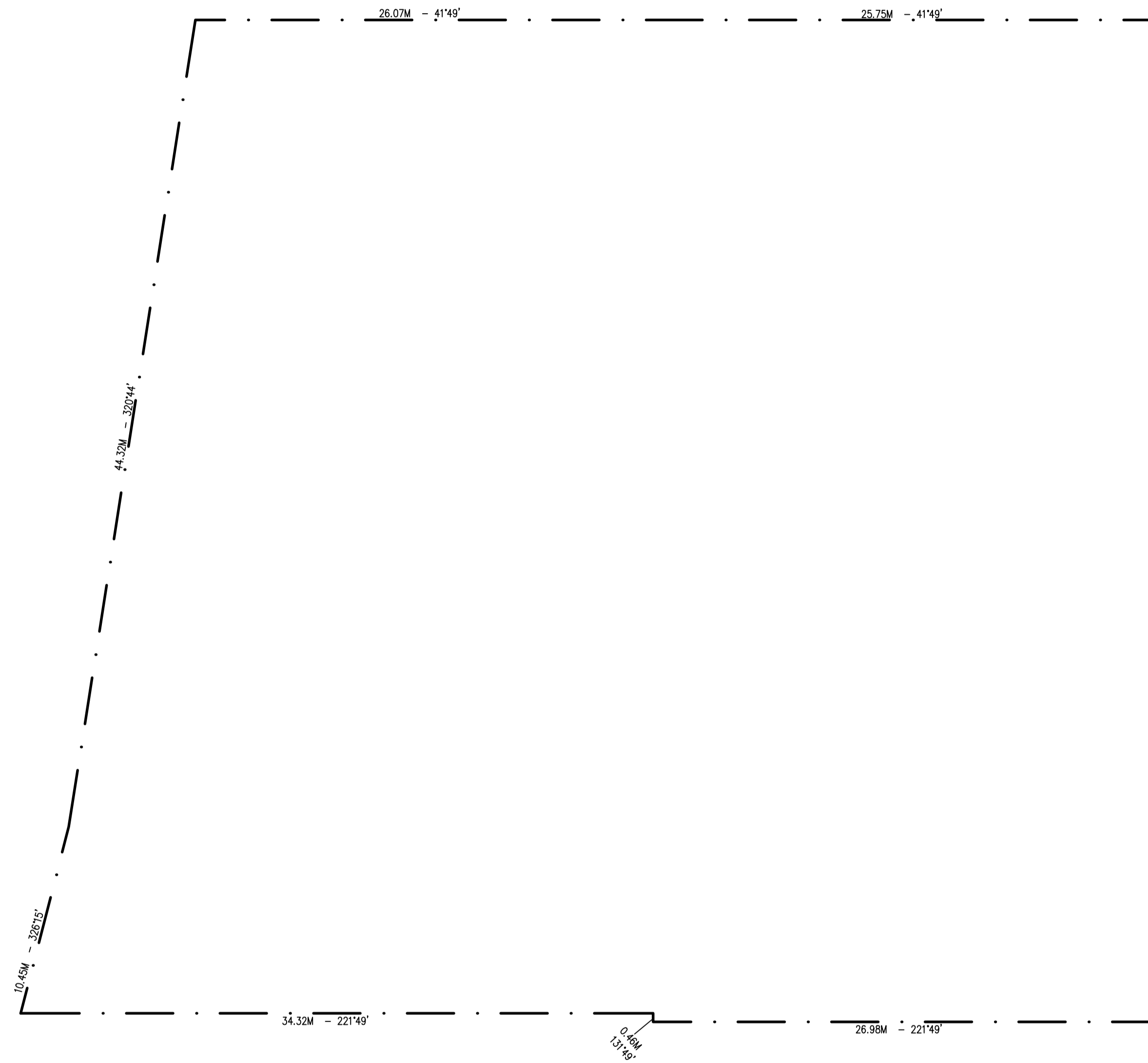
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Drawing Status TP	Revision D	Revision Status D



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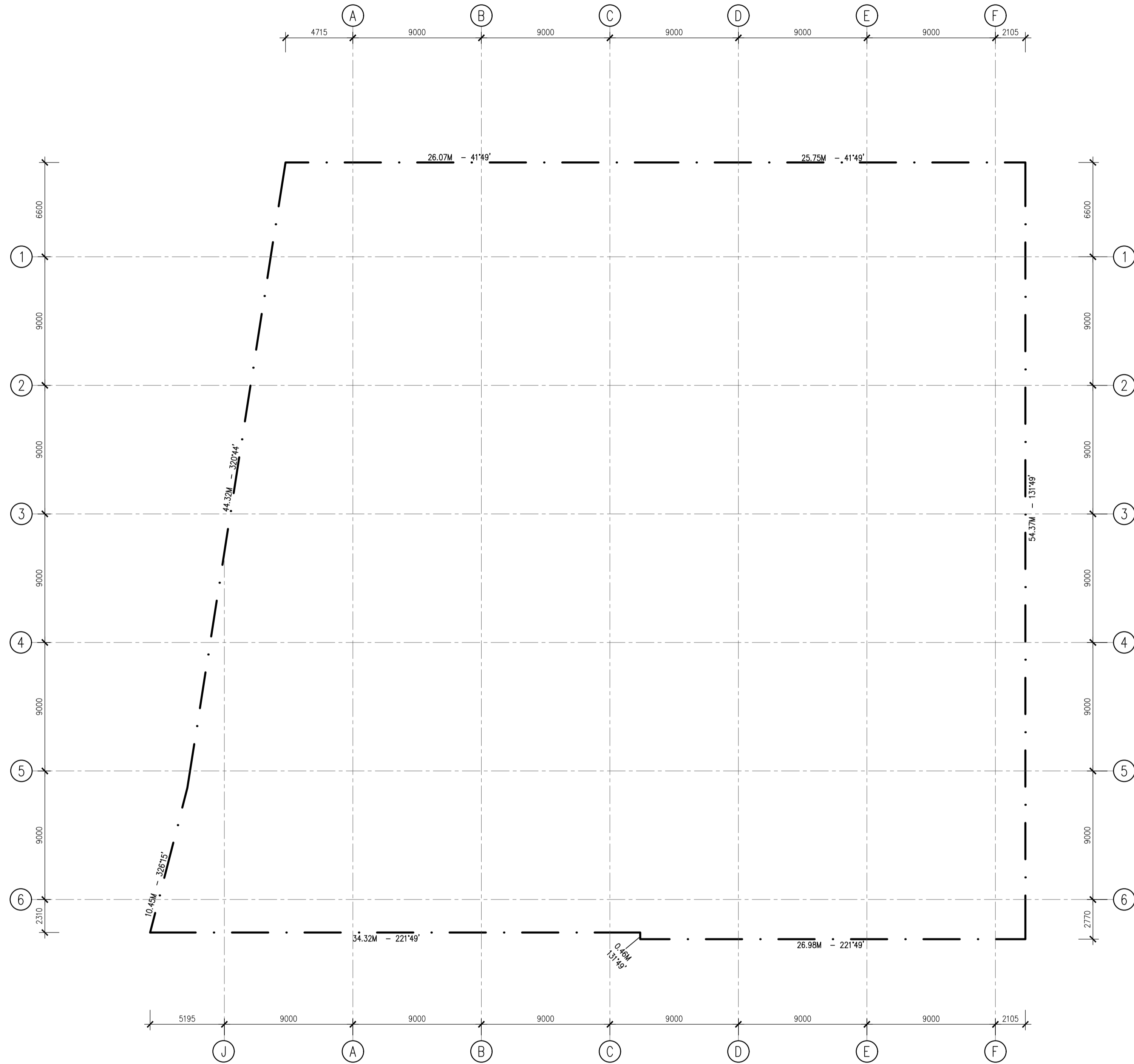
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Drawing Title	
TITLE BOUNDARY	
Project Number	Drawing Number
17134	A0002
Drawing Status	Revision
TP	D



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Drawing Title	Project Number	Drawing Number
GRID SETOUT	17134	A0003
Drawing Status	Revision	Revision
TP	D	D



BALSTON STREET

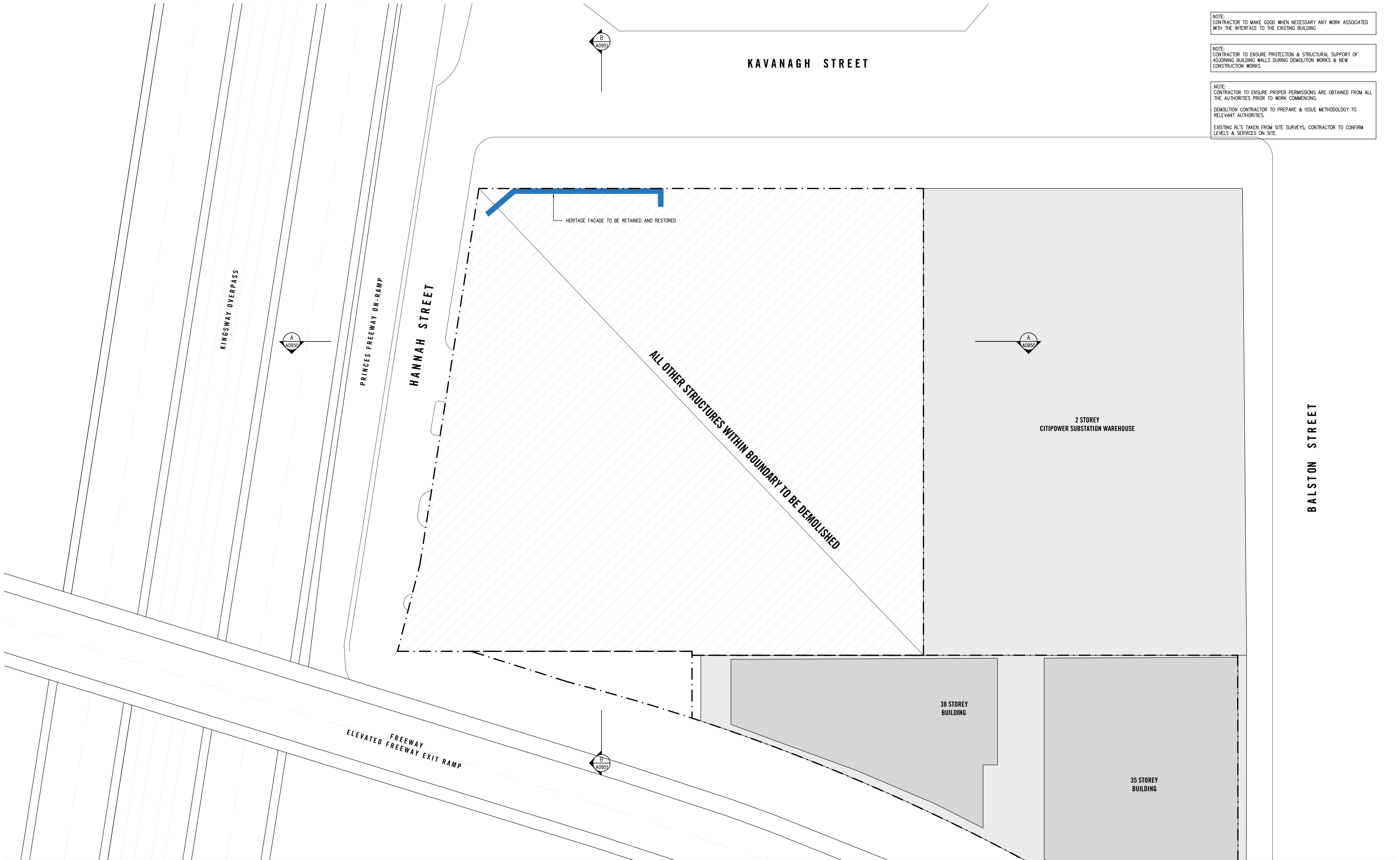
KINGS WAY

WEST GATE FREEWAY

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HERITAGE FACADE TO BE RETAINED AND RESTORED

ALL OTHER STRUCTURES WITHIN BOUNDARY TO BE DEMOLISHED

2 STOREY
CITIPOWER SUBSTATION WAREHOUSE

38 STOREY
BUILDING

35 STOREY
BUILDING

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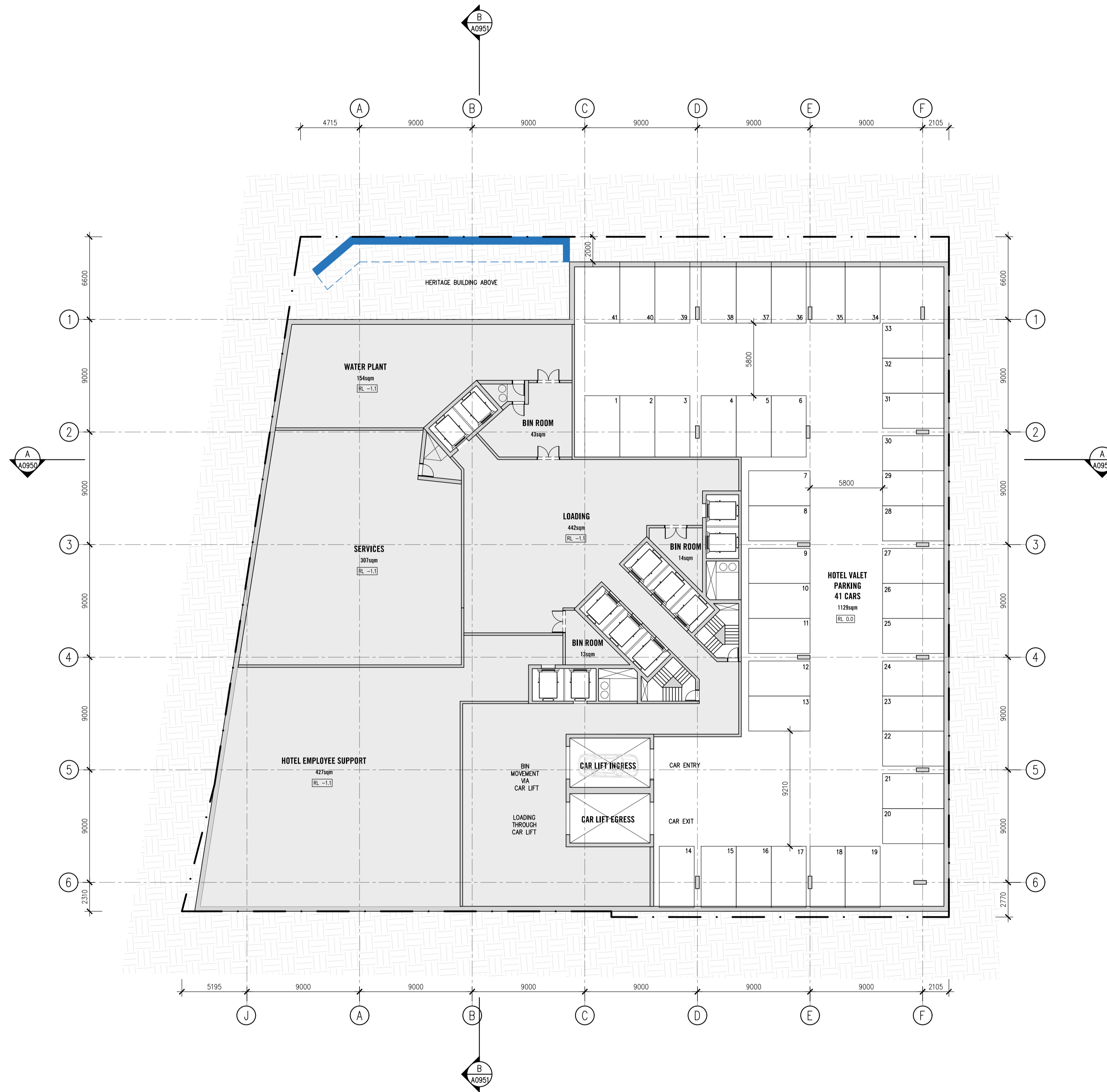
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Project Title
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Client
LANDBRIDGE GROUP

Drawing Title
DEMOLITION PLAN
Project Number
17134
Drawing Status
TP
Drawing Number
A0010
Revision
B
Dec 05, 2018 - 4:55pm



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A	09.05.18	ISSUED FOR TOWN PLANNING	LM
B	30.07.18	RESPOND TO TOWN PLANNING RFI	LM
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D	07.10.18	TP RFI LOOSEMENT	LM

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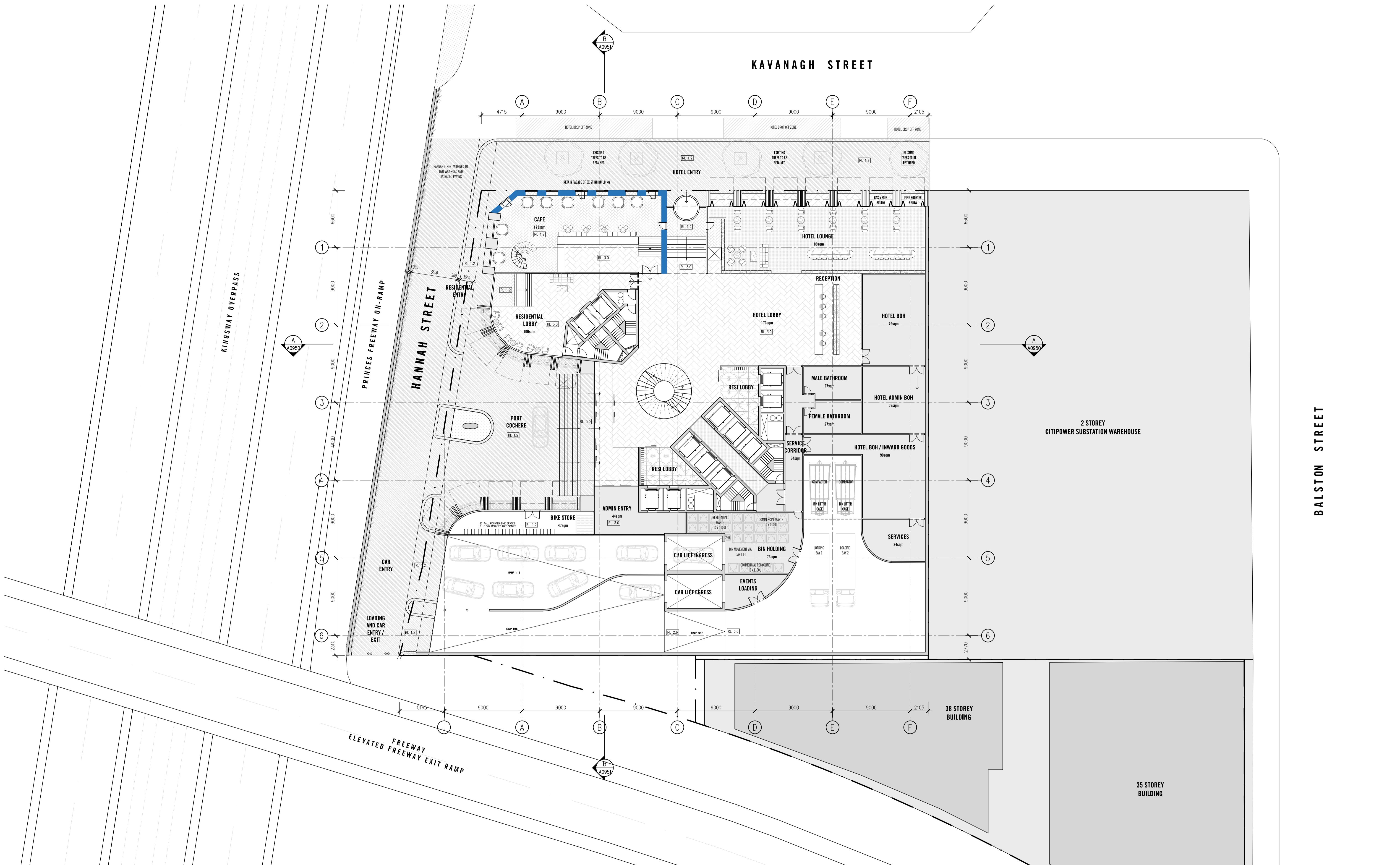
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Project Title
**127-129, KAVANAGH STREET,
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Drawing Title	Project Number	Drawing Number
GENERAL ARRANGEMENT PLAN LOWER GROUND FLOOR PLAN	17134	A0099
Revision D	Drawing Status TP	Revision D



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A	09.05.18	ISSUED FOR TOWN PLANNING	LM
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C	28.08.18	TP #51 LOOSEMENT	LM
D	07.10.18	TP #51 LOOSEMENT	LM

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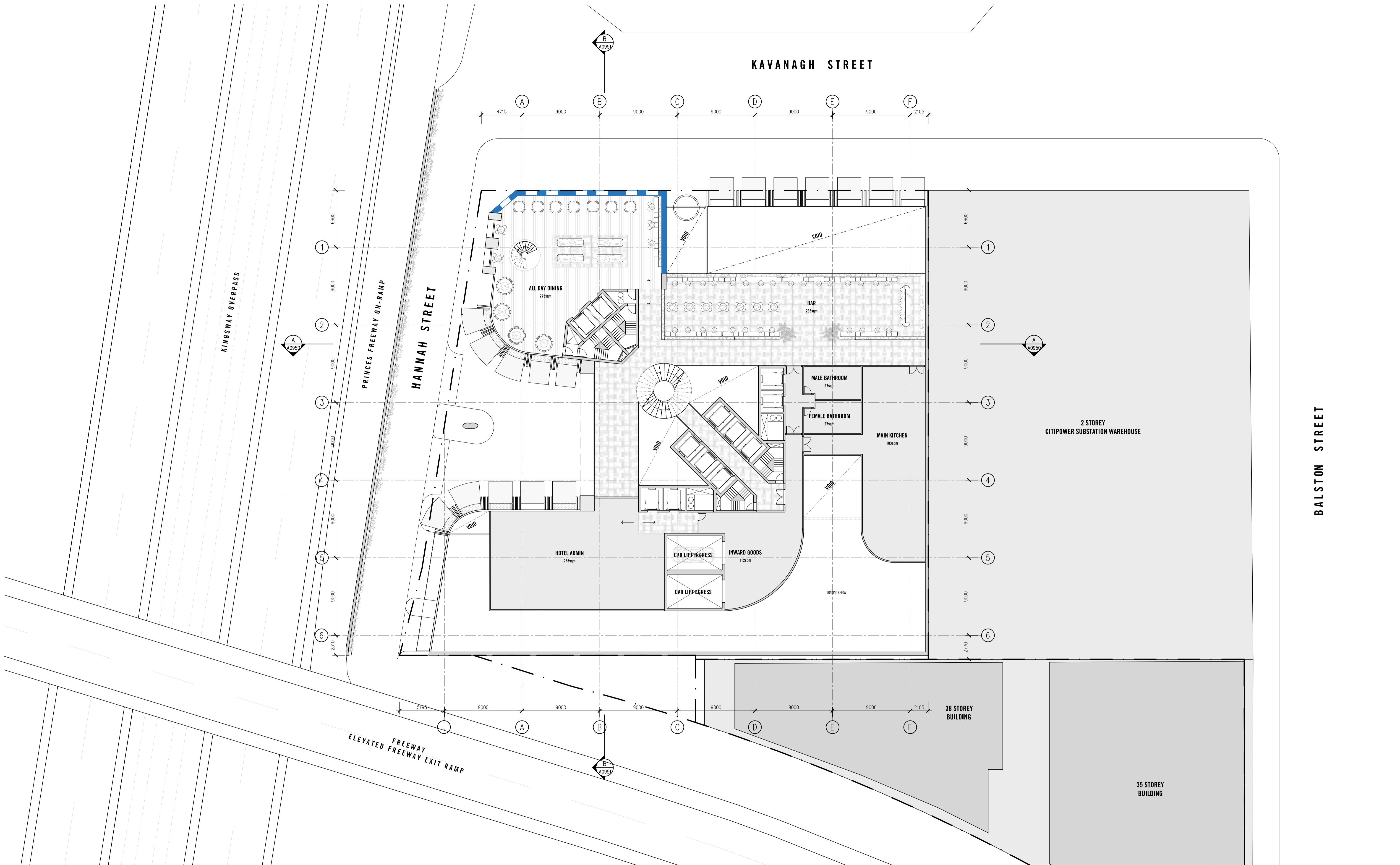
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LANDBRIDGE GROUP

Drawing Title
**GENERAL ARRANGEMENT PLAN
 GROUND FLOOR PLAN**
 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0100
 Revision
D
 Dec 06, 2018 - 10:32am



Rev No.	Date	Reason for issue	Issued by
A	09.05.18	ISSUED FOR TOWN PLANNING	LM
B	30.07.18	UPDATED FOR TOWN PLANNING #51	LM
C	28.08.18	TP #51 LOUCCEMENT	LM
D	07.12.18	TP #51 LOUCCEMENT	LM

Rev No.	Date	Reason for issue	Issued by

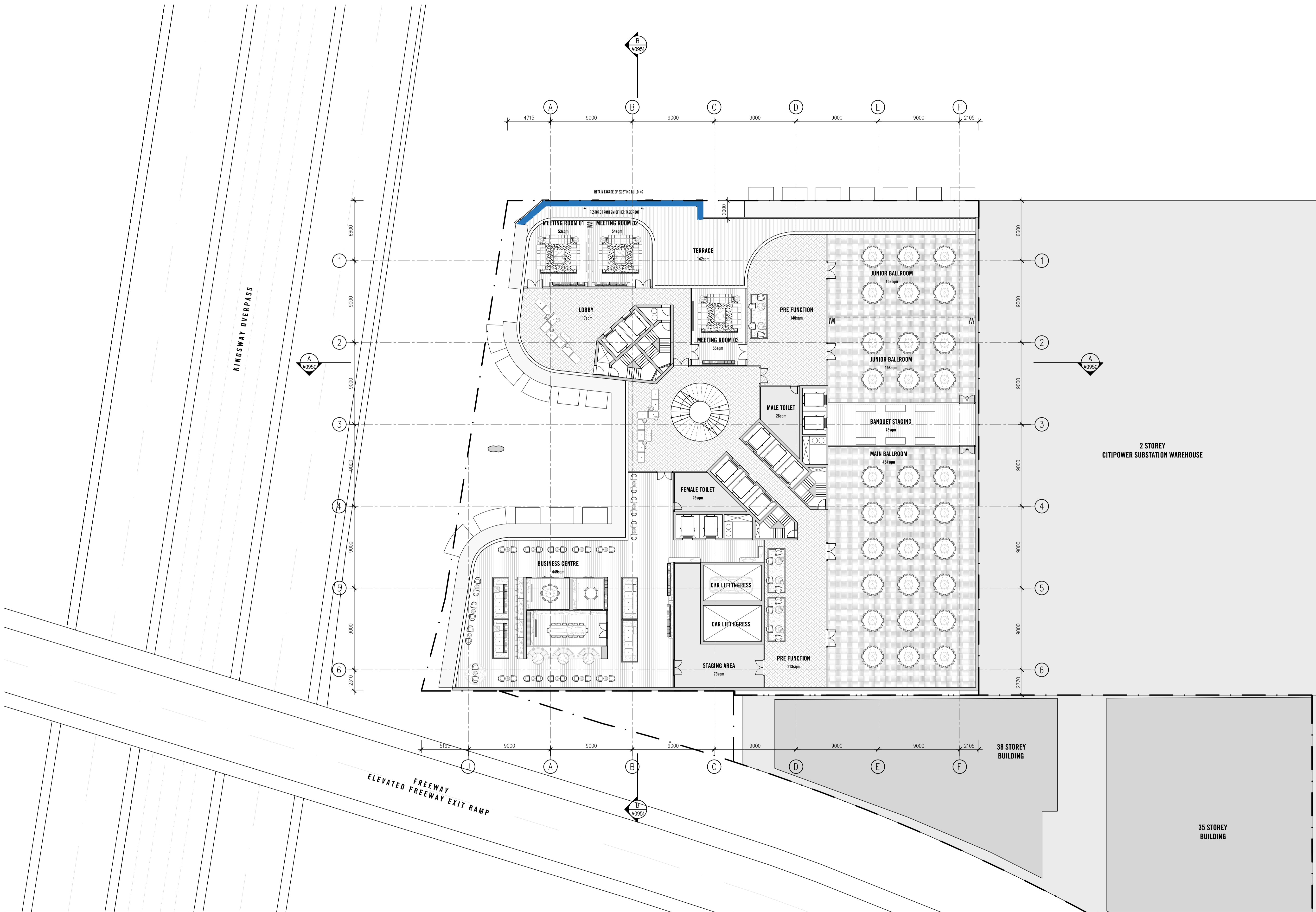
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 ABN 97 556 188 726

Project Title
**127-129, KAVANAGH STREET,
 SOUTHBANK, VICTORIA**
 Client
LANDBRIDGE GROUP

Drawing Title
**GENERAL ARRANGEMENT PLAN
 GROUND FLOOR MEZZANINE PLAN**
 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0100A
 Revision
D
 Dec 05, 2018 - 5:16pm



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A	09.05.18	ISSUED FOR TOWN PLANNING	LM
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C	07.12.18	TP RFI LODGEMENT	LM

Rev No.	Date	Reason for issue	Issued by

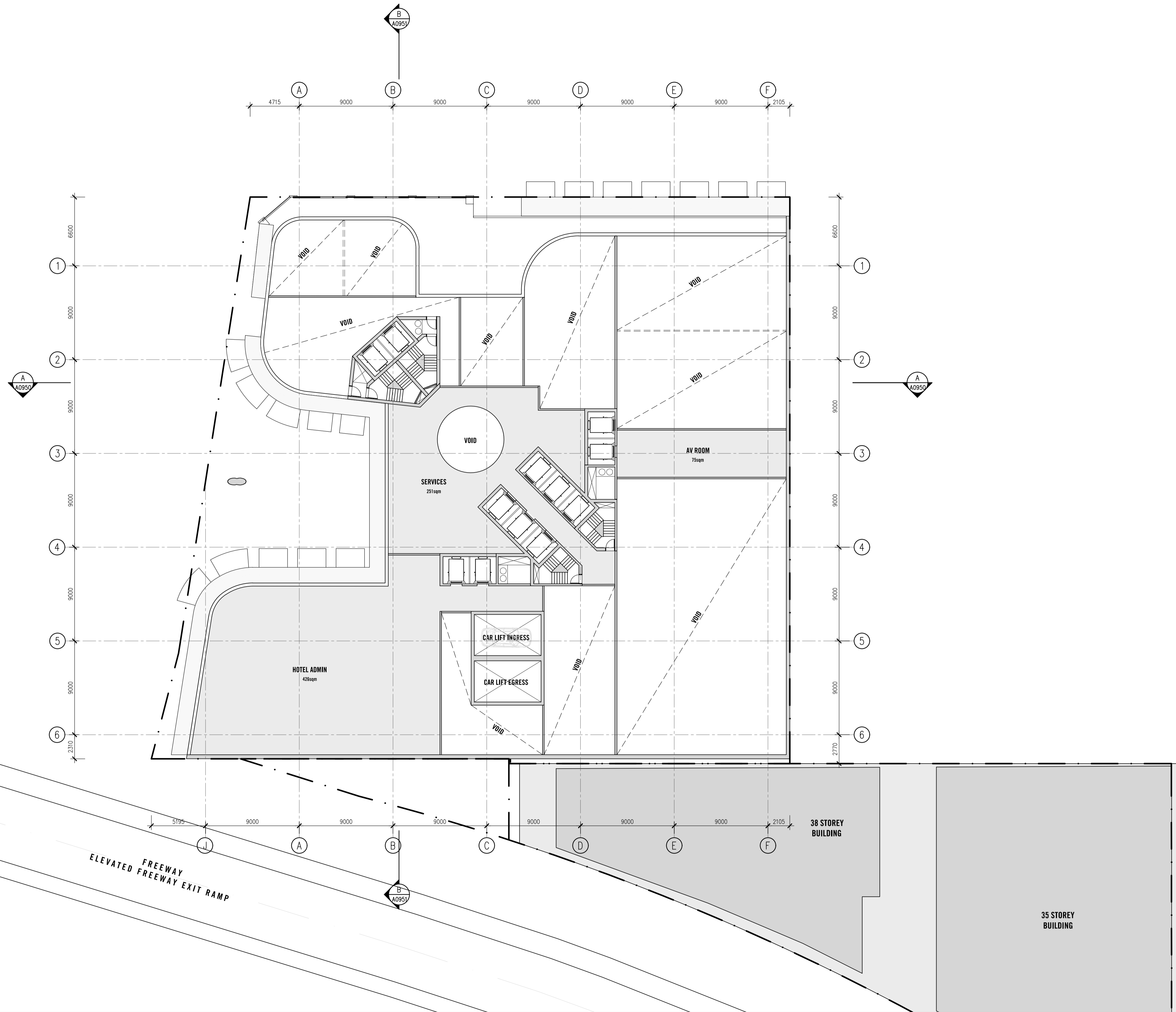
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Project Title
**127-129, KAVANAGH STREET,
 SOUTHBANK, VICTORIA**
 Client
LANDBRIDGE GROUP

Drawing Title
**GENERAL ARRANGEMENT PLAN
 LEVEL 1 FLOOR PLAN**
 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0101
 Revision
C



Rev No.	Date	Reason for issue	Issued by
A	09.05.18	ISSUED FOR TOWN PLANNING	LM
B	28.08.18	TP REV LOOSEMENT	LM
C	07.12.18	TP REV LOOSEMENT	LM

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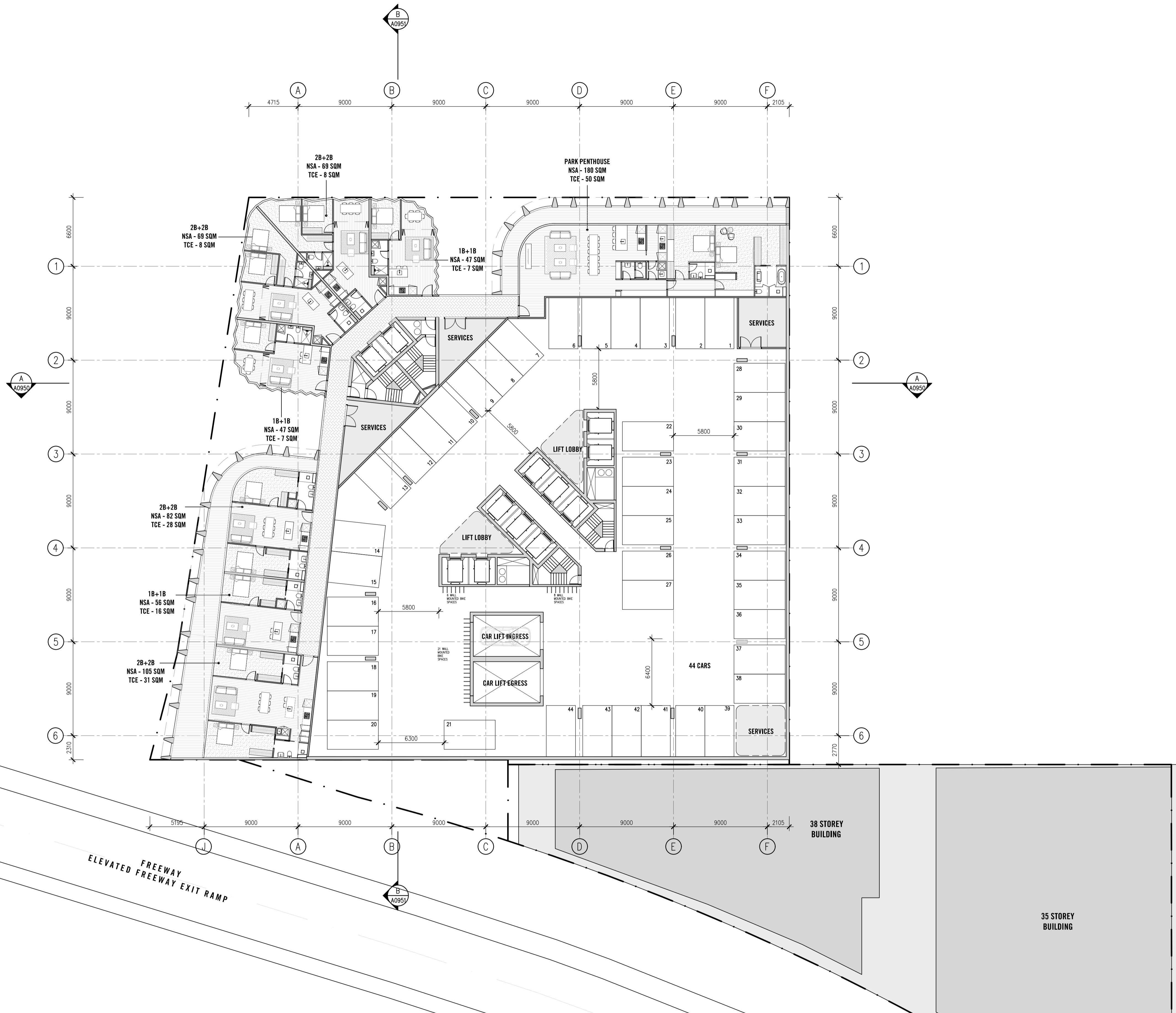
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Project Title
**127-129, KAVANAGH STREET,
 SOUTH BANK, VICTORIA**
 Client
LANDBRIDGE GROUP

Drawing Title
**GENERAL ARRANGEMENT PLAN
 LEVEL 1 MEZZANINE FLOOR PLAN**
 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0101A
 Revision
C



Rev No.	Date	Reason for issue	Issued by
A	09.05.18	ISSUED FOR TOWN PLANNING	LM
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C	07.12.18	TP PERMITS/LOGEMENT	LM

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Project Title
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 SOUTHBANK, VICTORIA**
 Client
LANDBRIDGE GROUP

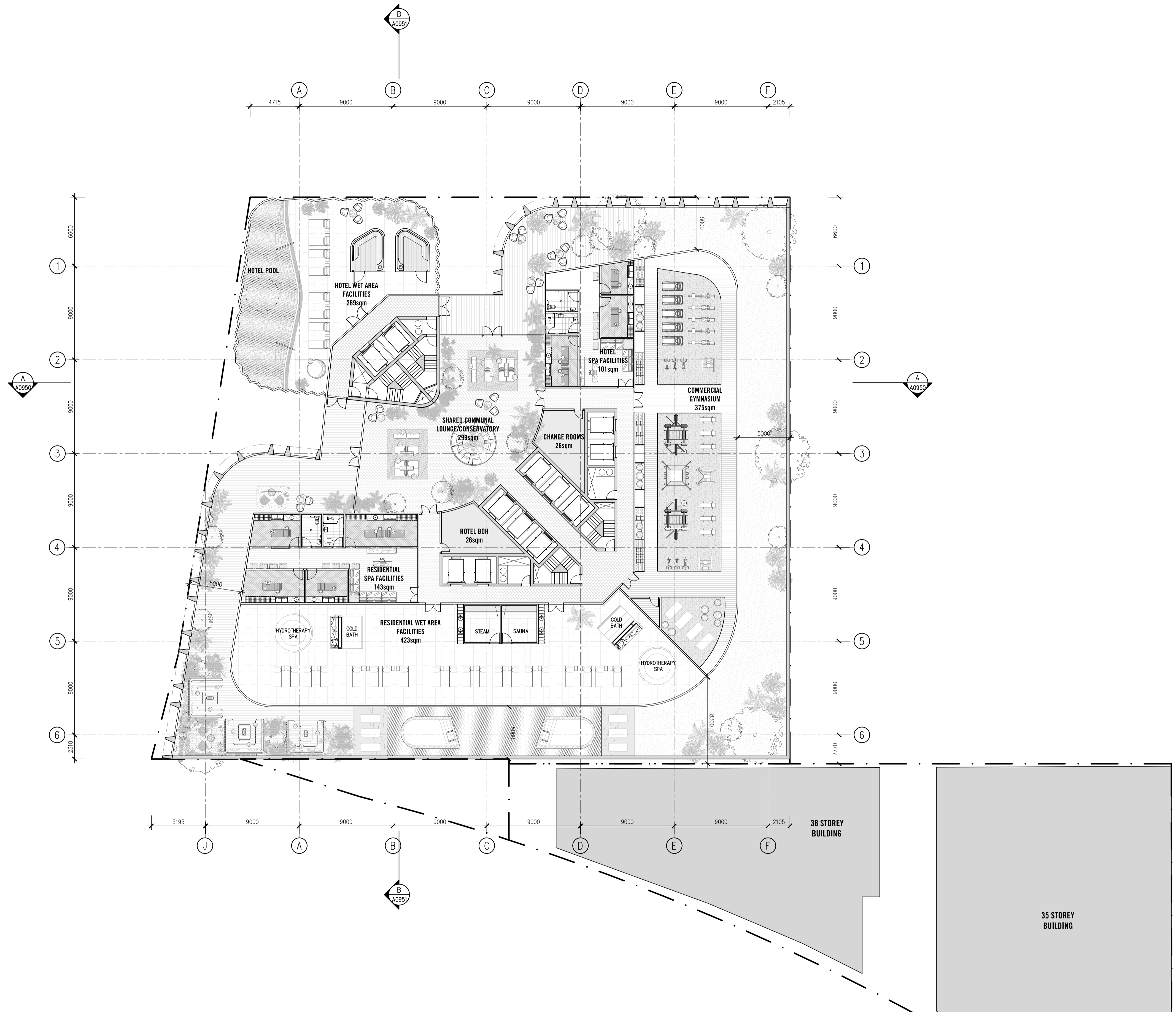
Drawing Title
**GENERAL ARRANGEMENT PLAN
 LEVEL 2 - LEVEL 4 FLOOR PLAN**

Project Number
17134

Drawing Status
TP

Drawing Number
A0102

Revision
C



Rev No.	Date	Reason for issue	Issued by
A	09.05.18	SCISSOR FOR TOWN PLANNING	LM
B	28.08.18	TP RFI LOOSEMENT	LM
C	07.12.18	TP RFI LOOSEMENT	LM

Rev No.	Date	Reason for issue	Issued by

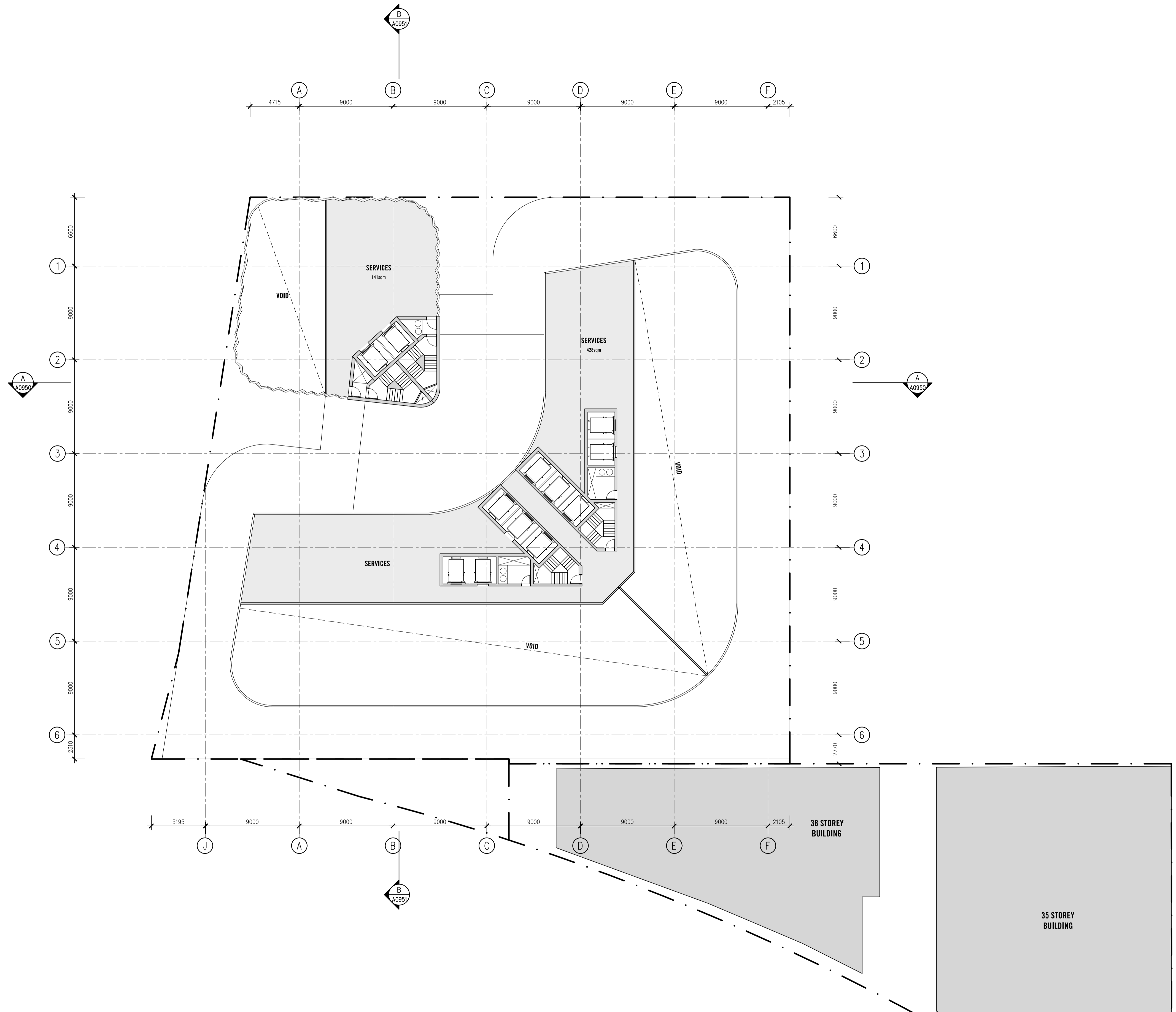
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Project Title
**127-129, KAVANAGH STREET,
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LANDBRIDGE GROUP

Drawing Title
**GENERAL ARRANGEMENT PLAN
 LEVEL 5 FLOOR PLAN**
 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0105
 Revision
C
 Dec 07, 2018 - 9:59am



Rev No.	Date	Reason for issue	Issued by
A	09.05.18	SCHEM FOR TOWN PLANNING	LM
B	28.08.18	TP RFI LOSSEMENT	LM
C	07.12.18	TP RFI LOSSEMENT	LM

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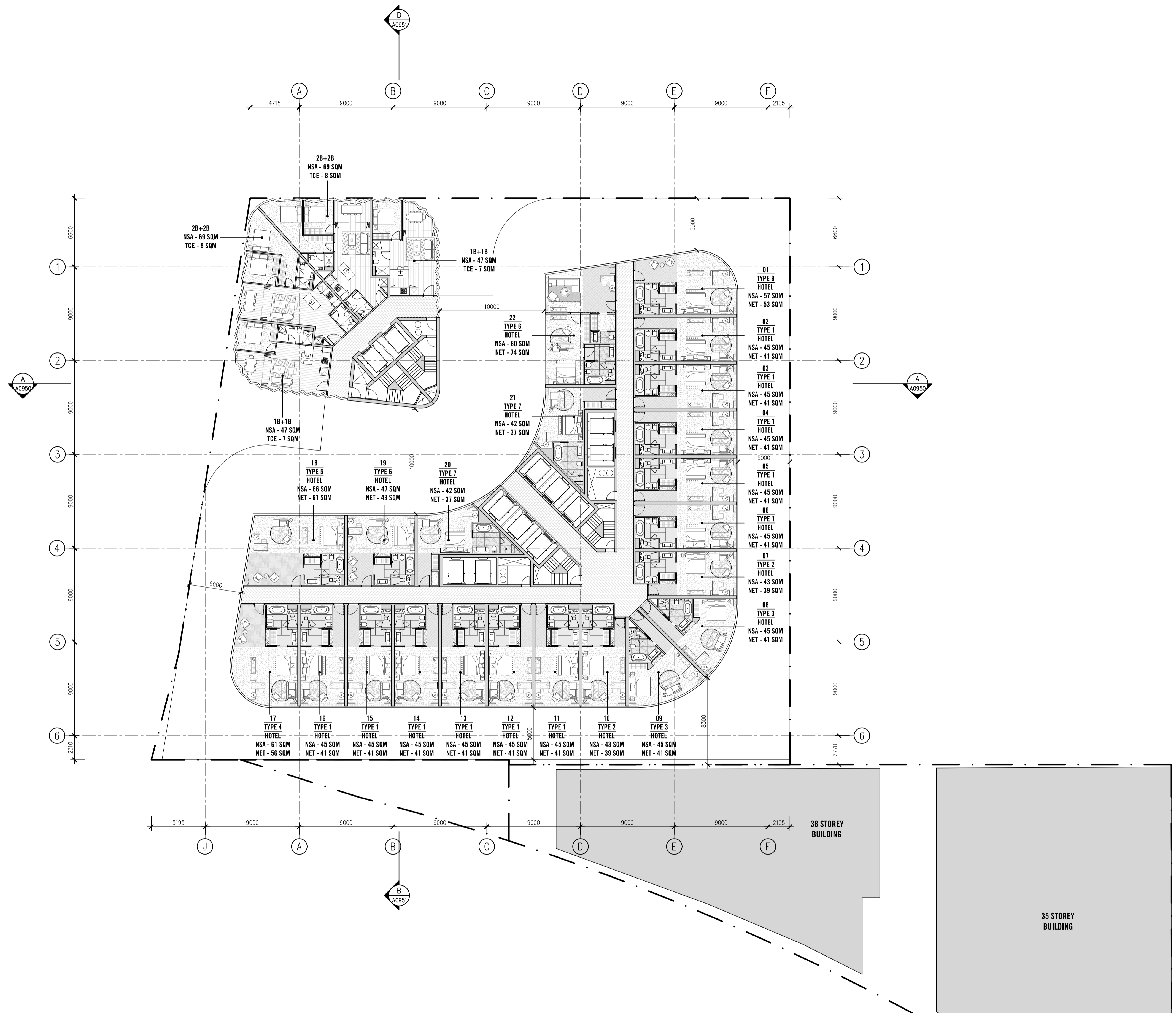
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Project Title
**127-129, KAVANAGH STREET,
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LANDBRIDGE GROUP

Drawing Title
**GENERAL ARRANGEMENT PLAN
 LEVEL 5 MEZZANINE FLOOR PLAN**
 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0105A
 Revision
C



Rev No.	Date	Reason for issue	Issued by	Rev No.	Date	Reason for issue	Issued by
A	09.05.18	ISSUED FOR TOWN PLANNING	LM				
B	28.08.18	TP REF LOOSEMENT	LM				
C	07.12.18	TP REF LOOSEMENT	LM				

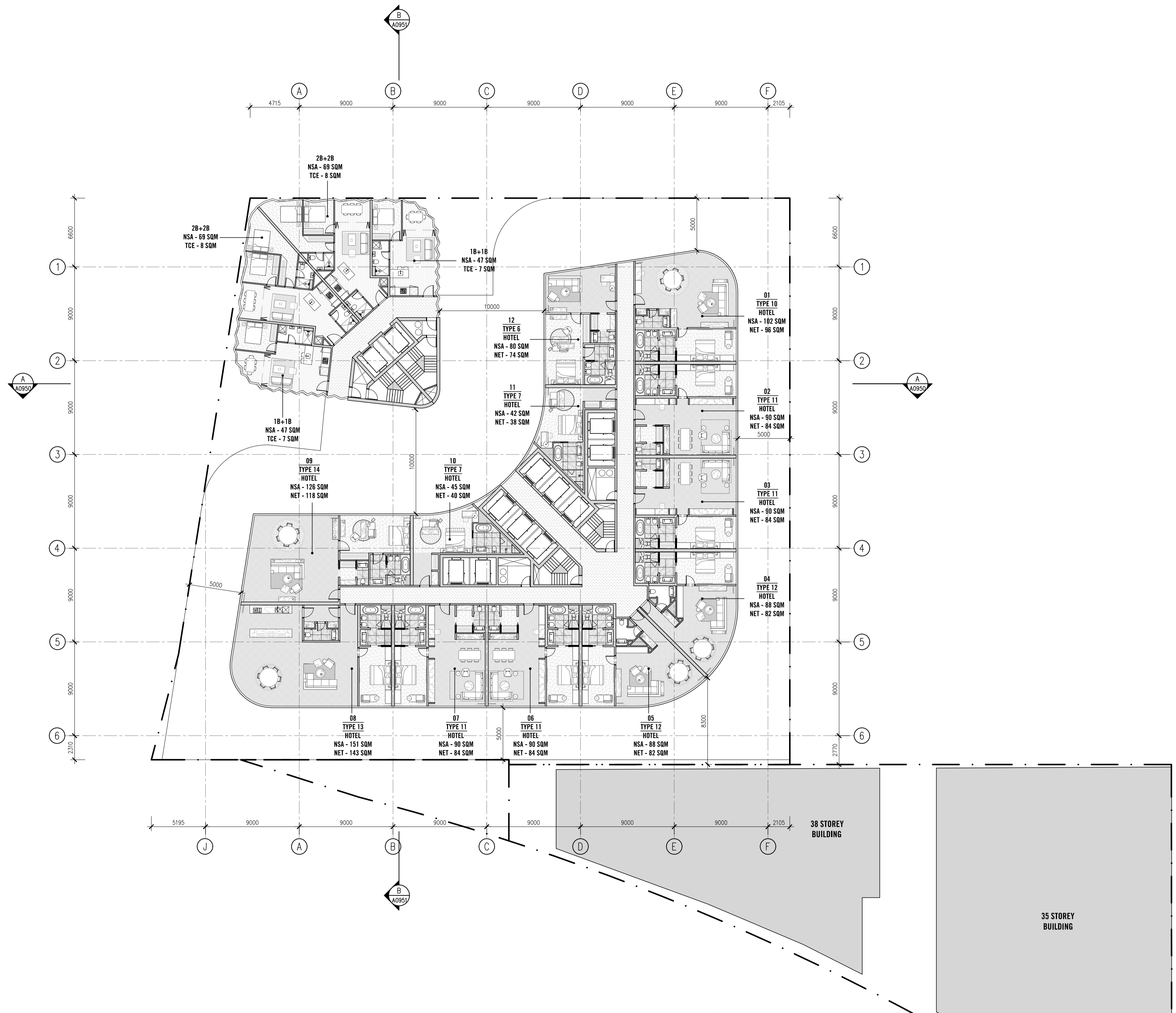
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Project Title
**127-129, KAVANAGH STREET,
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 Client
LANDBRIDGE GROUP

Drawing Title
**GENERAL ARRANGEMENT PLAN
 LEVELS 6 ~ LEVEL 20 FLOOR PLAN**
 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0106
 Revision
C



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A	09.05.18	ISSUED FOR TOWN PLANNING	LM				
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C	07.12.18	TP RFI LODGEMENT	LM				

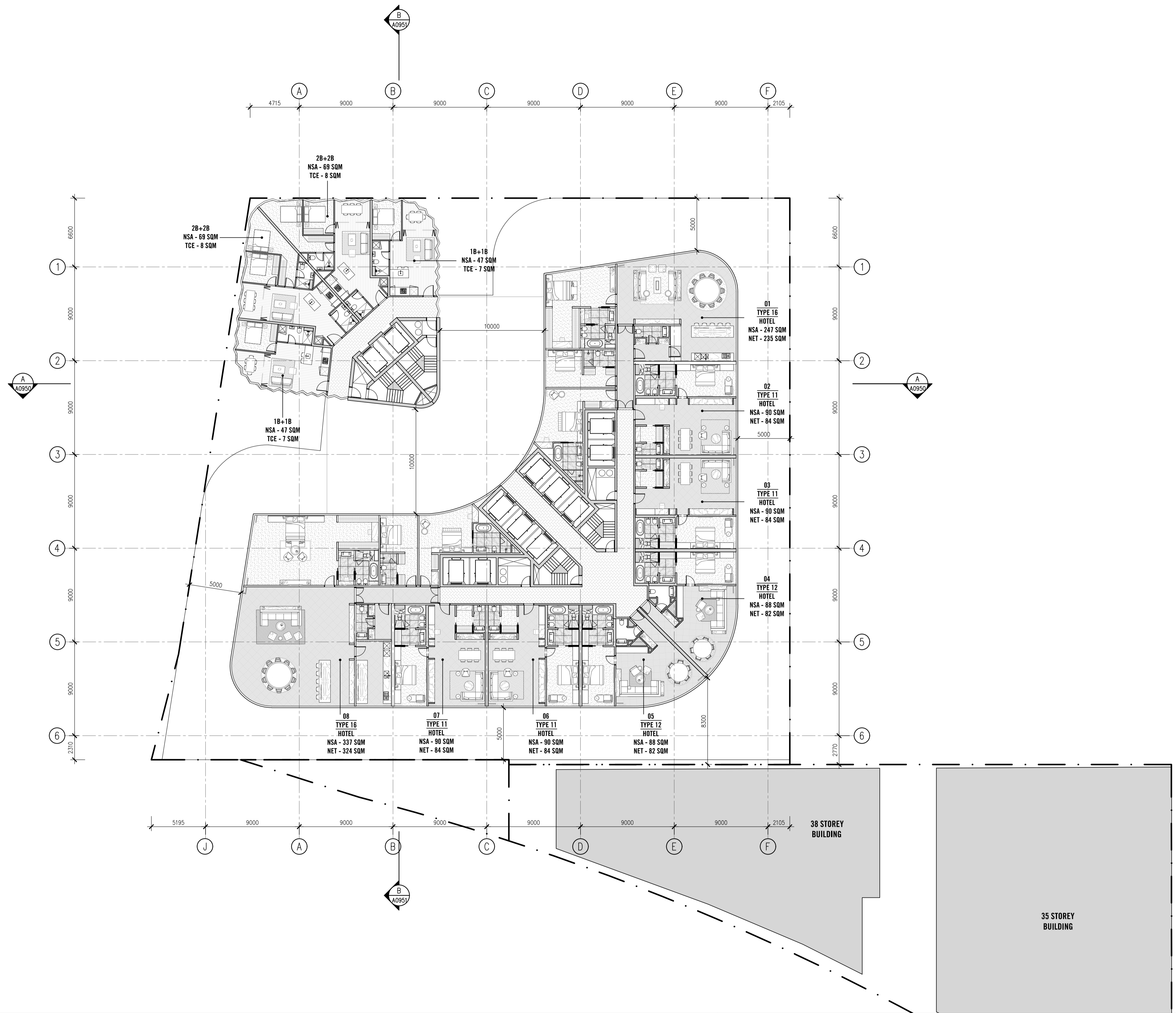
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Project Title
**127-129, KAVANAGH STREET,
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LANDBRIDGE GROUP

Drawing Title
**GENERAL ARRANGEMENT PLAN
 LEVEL 21 FLOOR PLAN**
 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0121
 Revision
C



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B	30.07.18	RESPOND TO TOWN PLANNING RFI	LM
C	28.08.18	TP RFI LODGEMENT	LM
D	07.12.18	TP RFI LODGEMENT	LM

Rev No.	Date	Reason for issue	Issued by

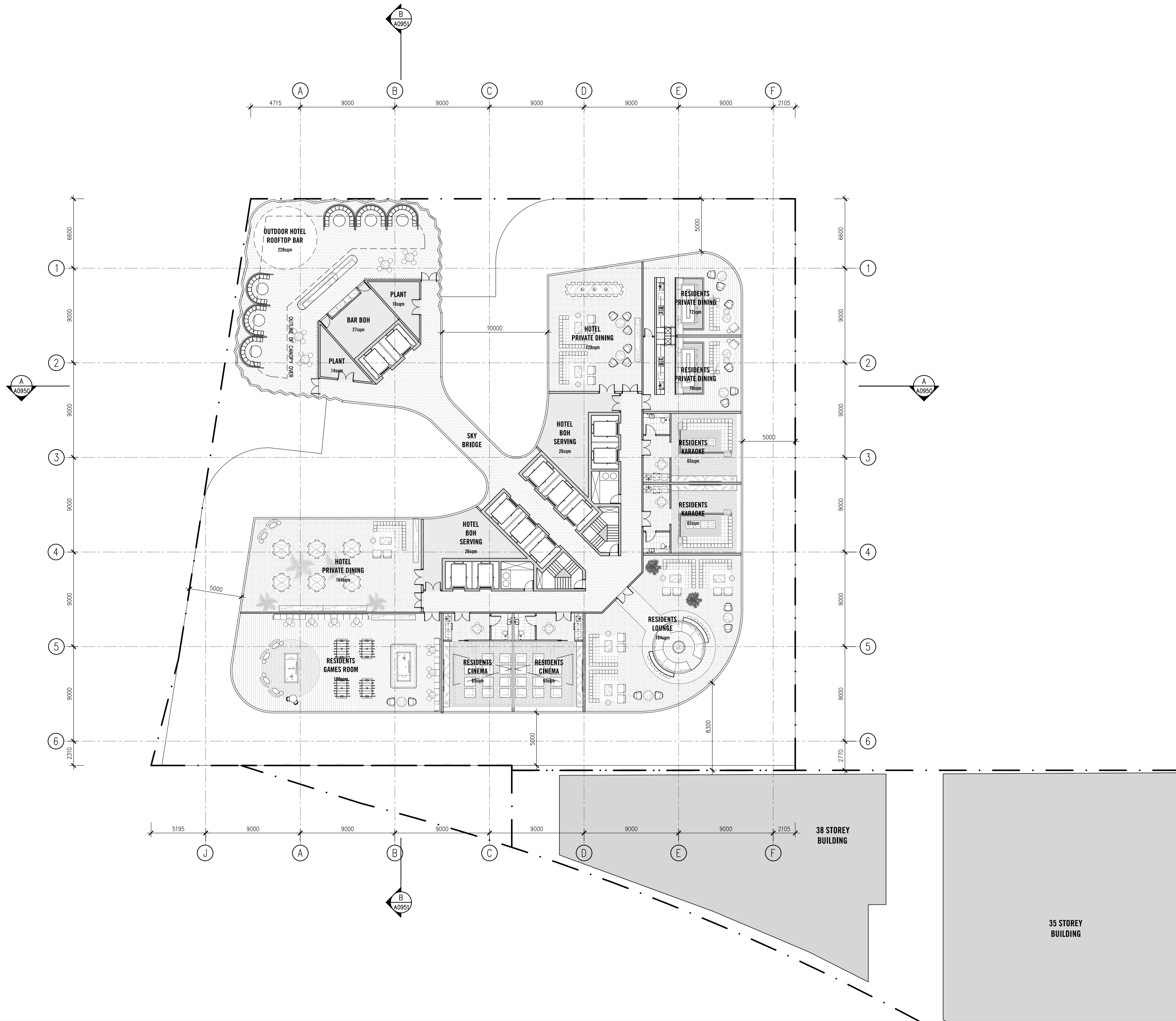
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Project Title
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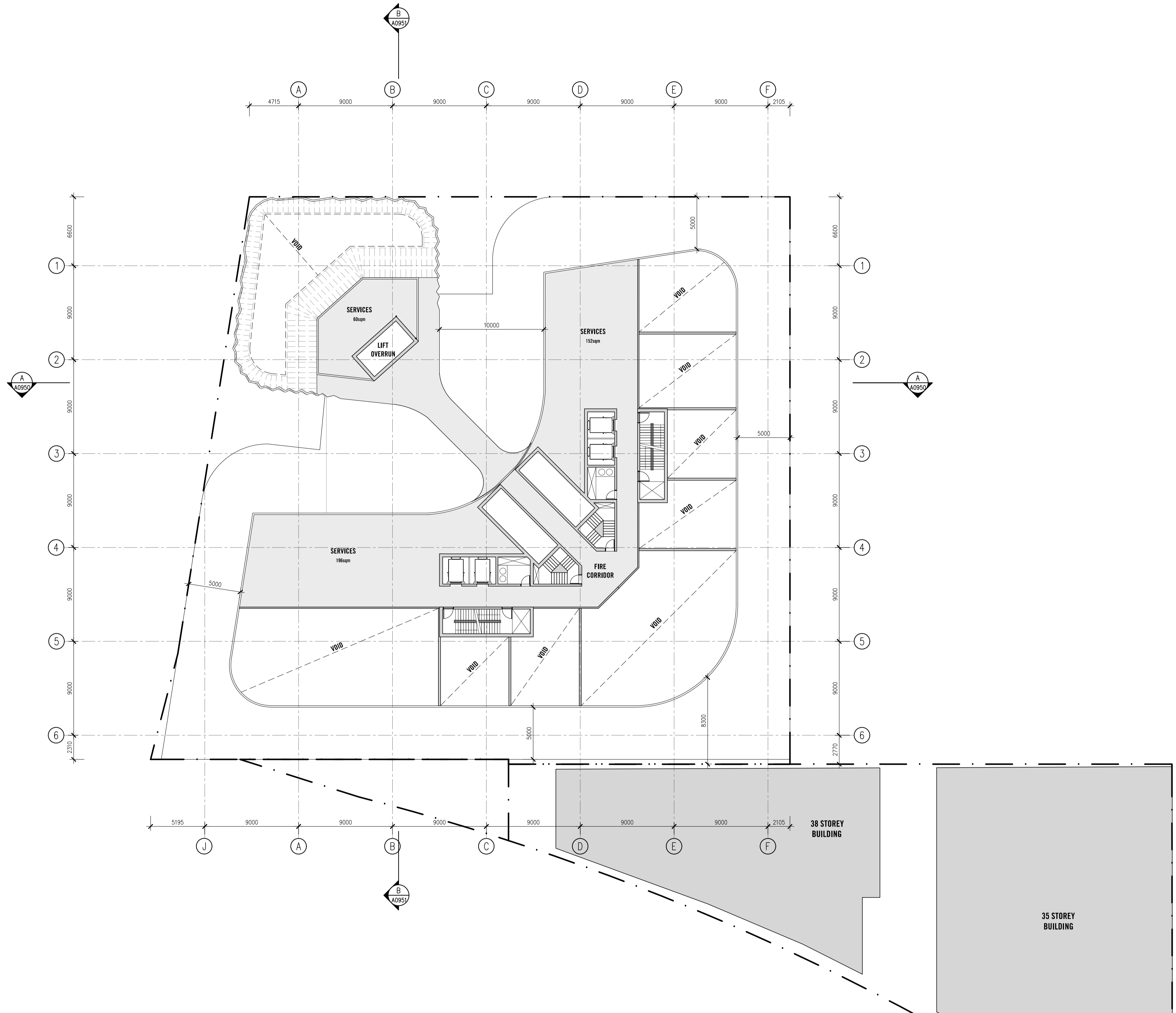
Drawing Title
**GENERAL ARRANGEMENT PLAN
 LEVEL 22 FLOOR PLAN**
 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0122
 Revision
D
 Dec 05, 2018 - 5:36pm



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A	09.05.18	ISSUED FOR TOWN PLANNING	LM				
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A	09.05.18	ISSUED FOR TOWN PLANNING	LM
B	28.08.18	TP RFI LODGEMENT	LM
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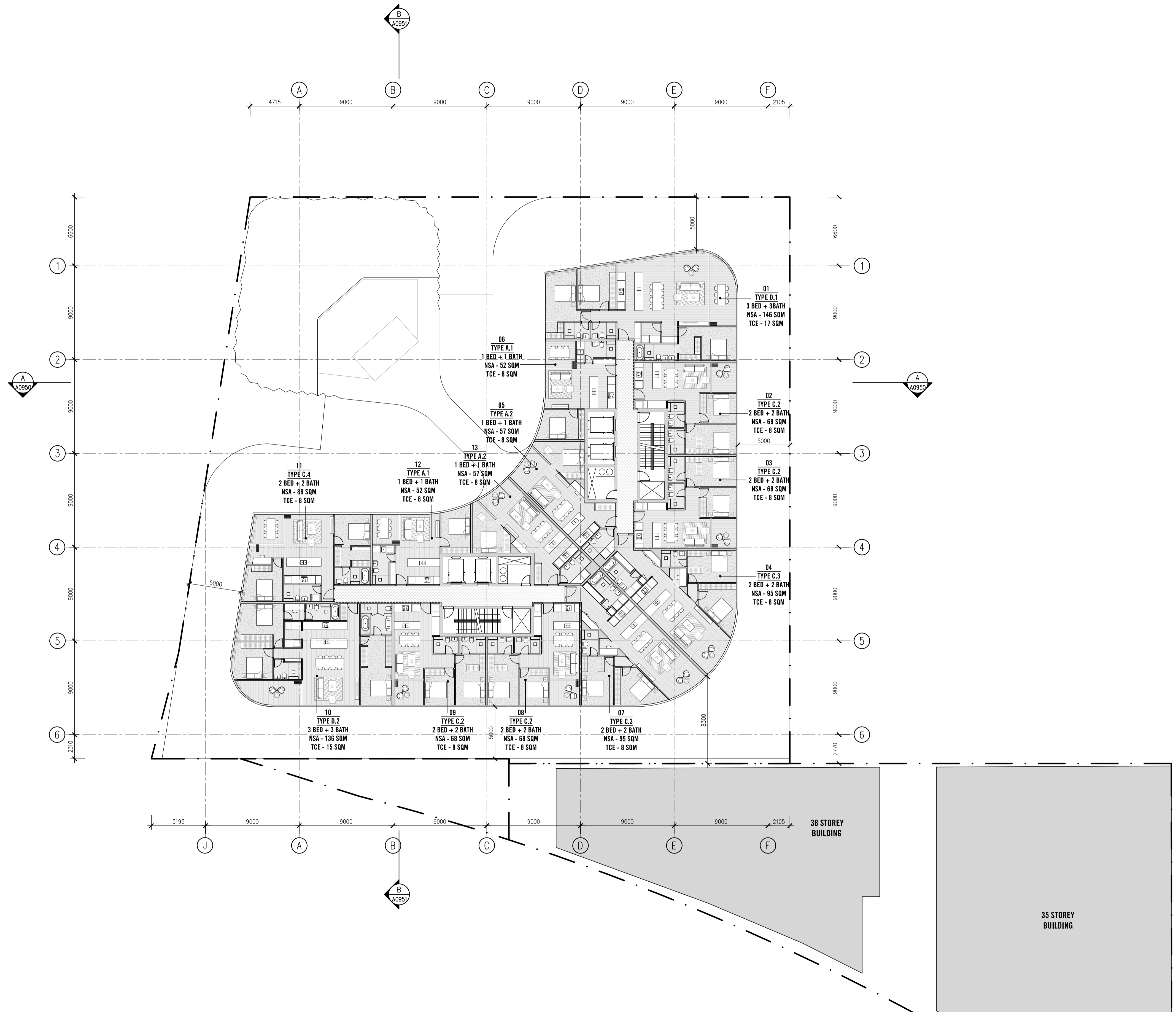
Drawing Title
**GENERAL ARRANGEMENT PLAN
 LEVEL 23 MEZZANINE FLOOR PLAN**

Project Number
17134

Drawing Status
TP

Drawing Number
A0123A

Revision
C



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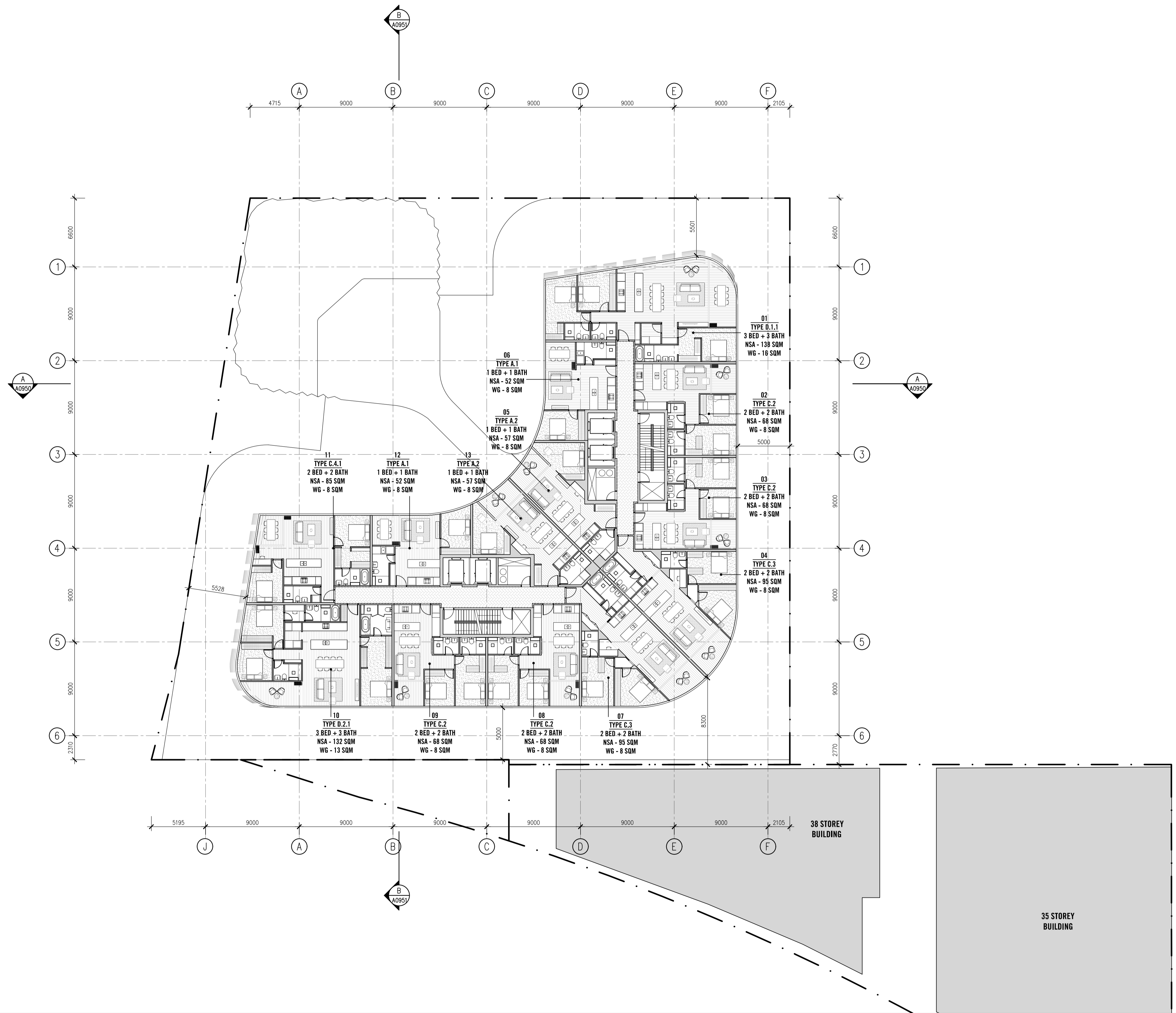
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Drawing Title
**GENERAL ARRANGEMENT PLAN
 LEVELS 24 - 29 FLOOR PLAN**
 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0124
 Revision
C



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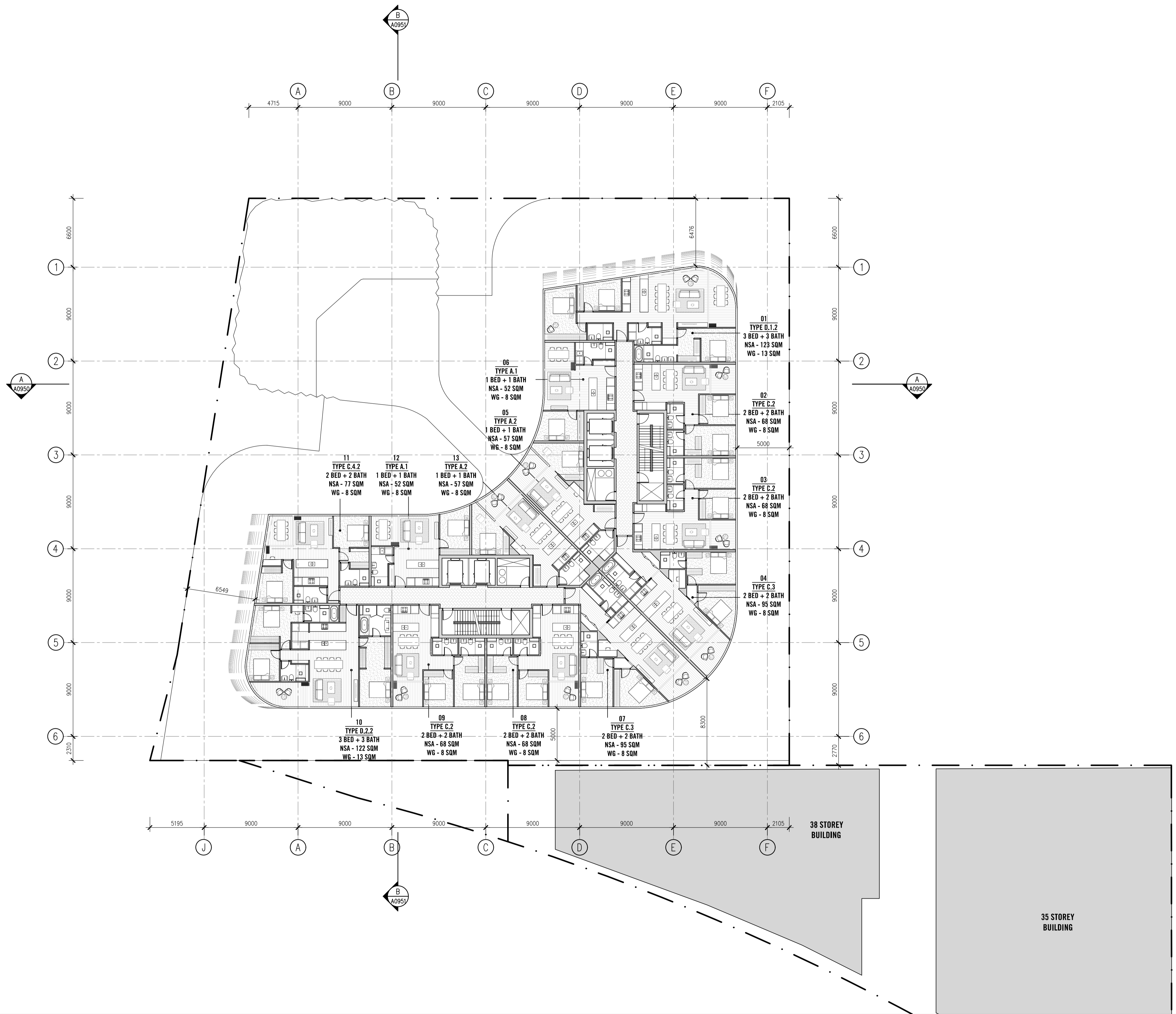
Drawing Title
**GENERAL ARRANGEMENT PLAN
LEVEL 30 - 33 FLOOR PLAN**

Project Number
17134

Drawing Status
TP

Drawing Number
A0130

Revision
C



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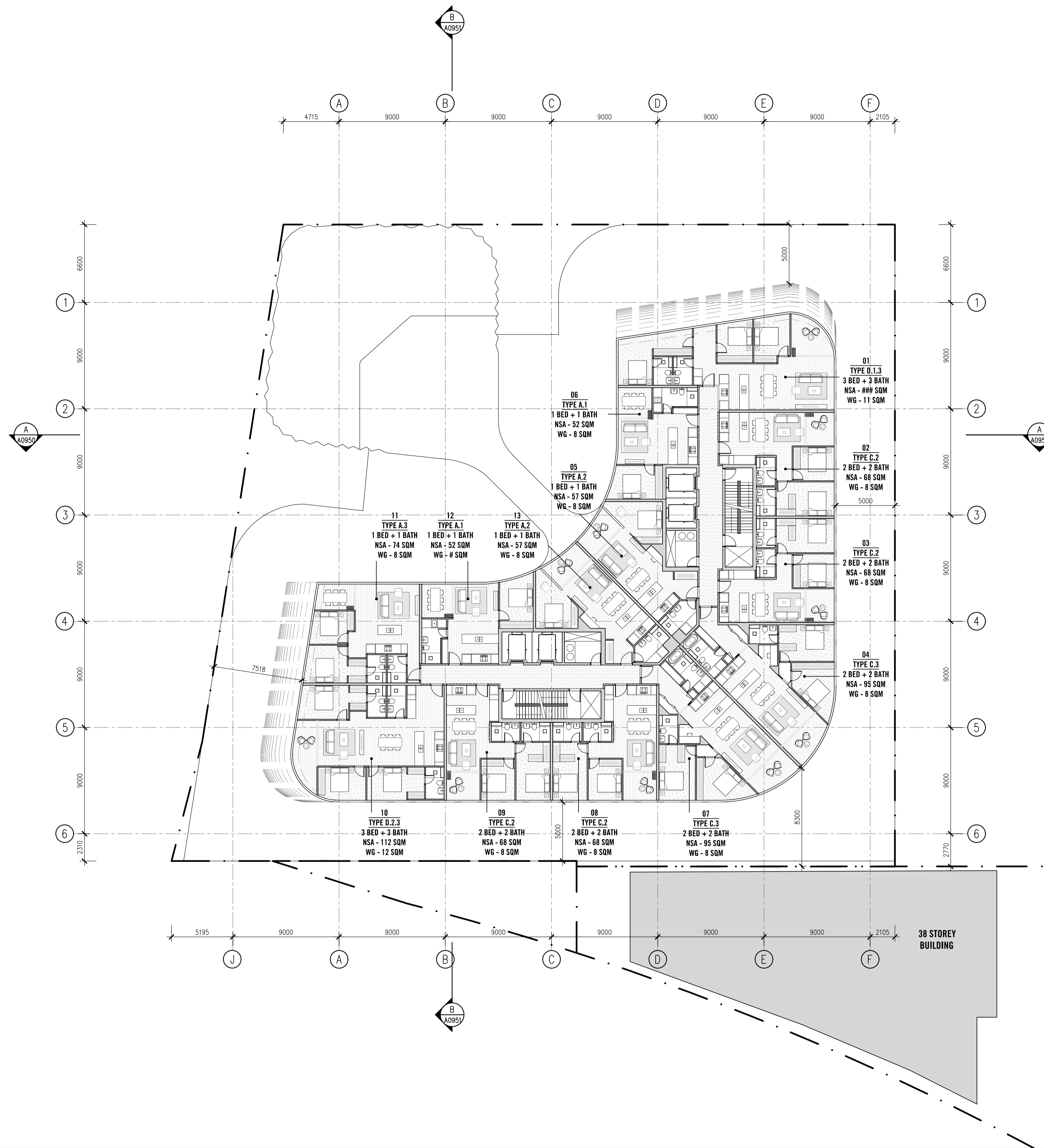
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Drawing Title
**GENERAL ARRANGEMENT PLAN
 LEVEL 34-35 FLOOR PLAN**
 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0134
 Revision
C



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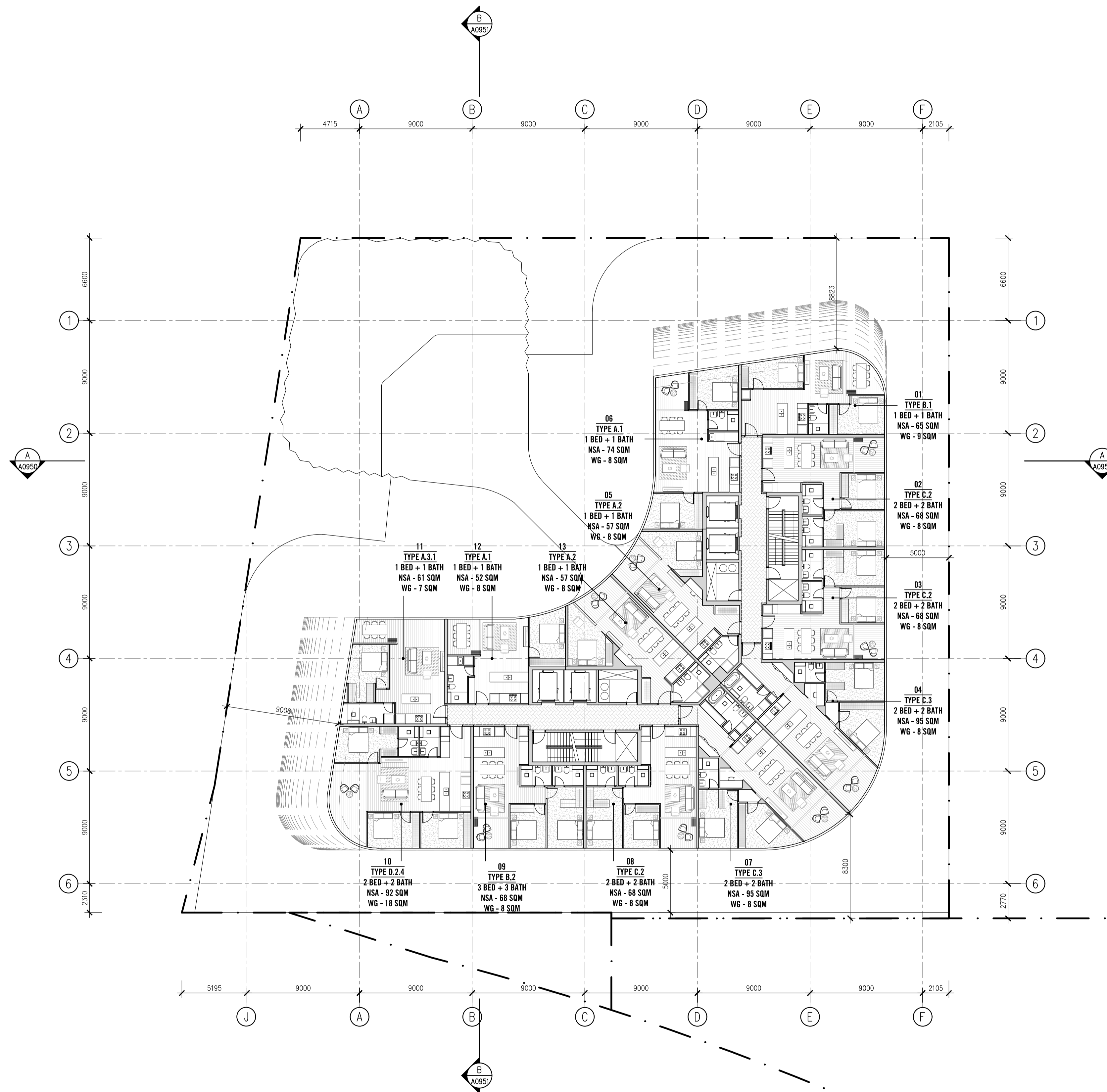
Drawing Title
**GENERAL ARRANGEMENT PLAN
LEVEL 36-37 FLOOR PLAN**

Project Number
17134

Drawing Status
TP

Drawing Number
A0136

Revision
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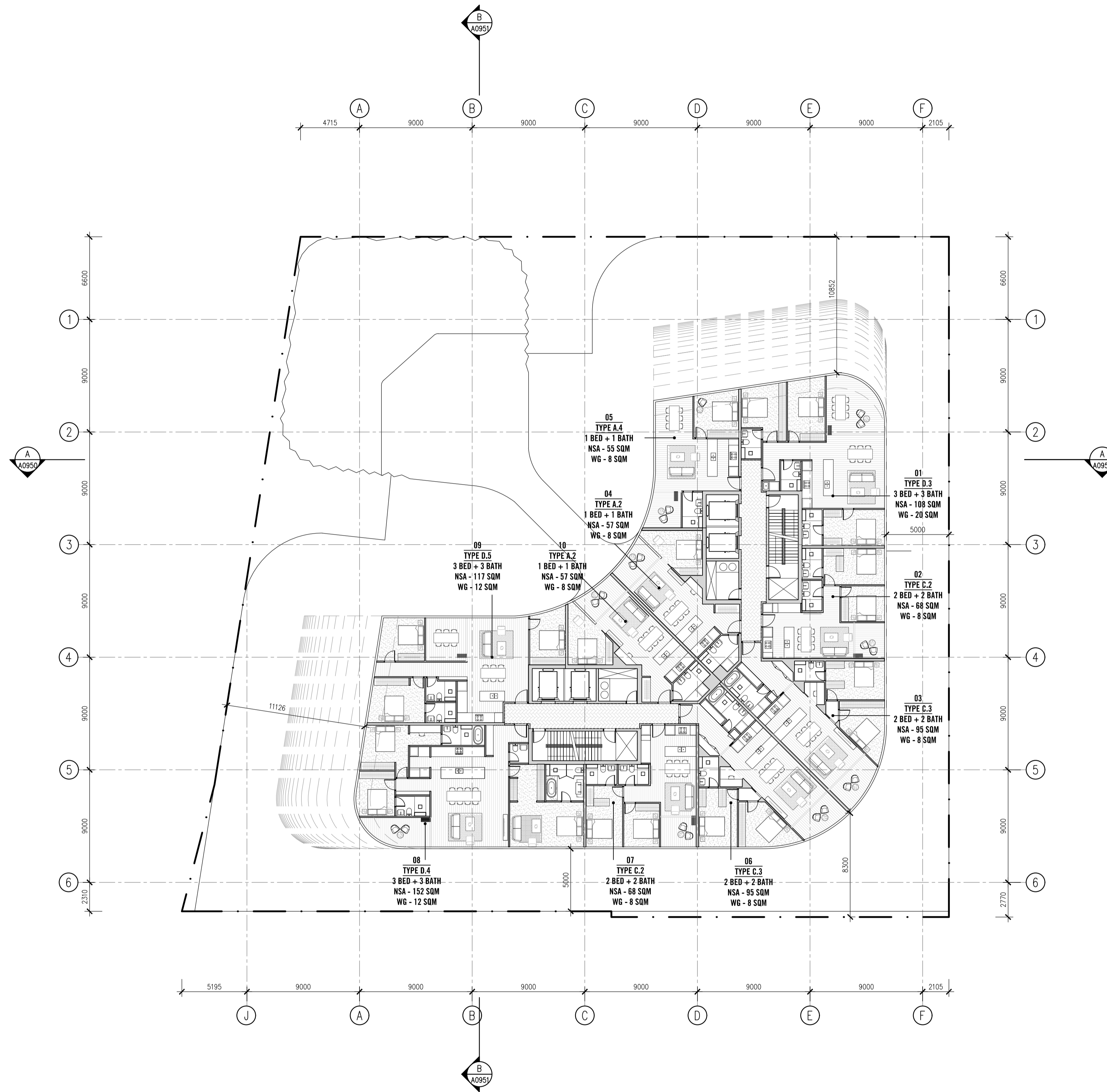
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**GENERAL ARRANGEMENT PLAN
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 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0138
 Revision
C



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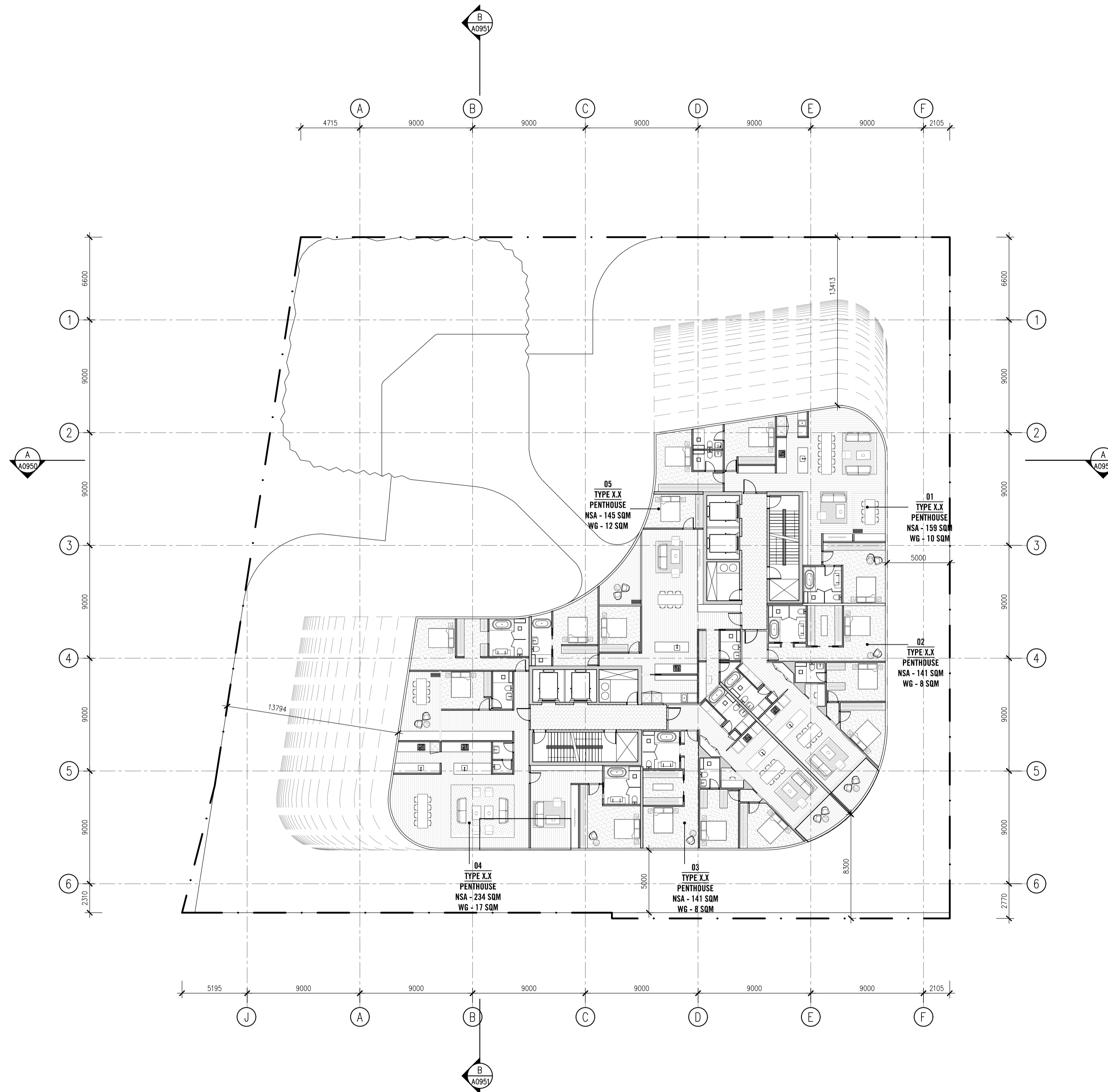
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GENERAL ARRANGEMENT PLAN LEVEL 40-41 FLOOR PLAN	17134	A0140
Revision	TP	C



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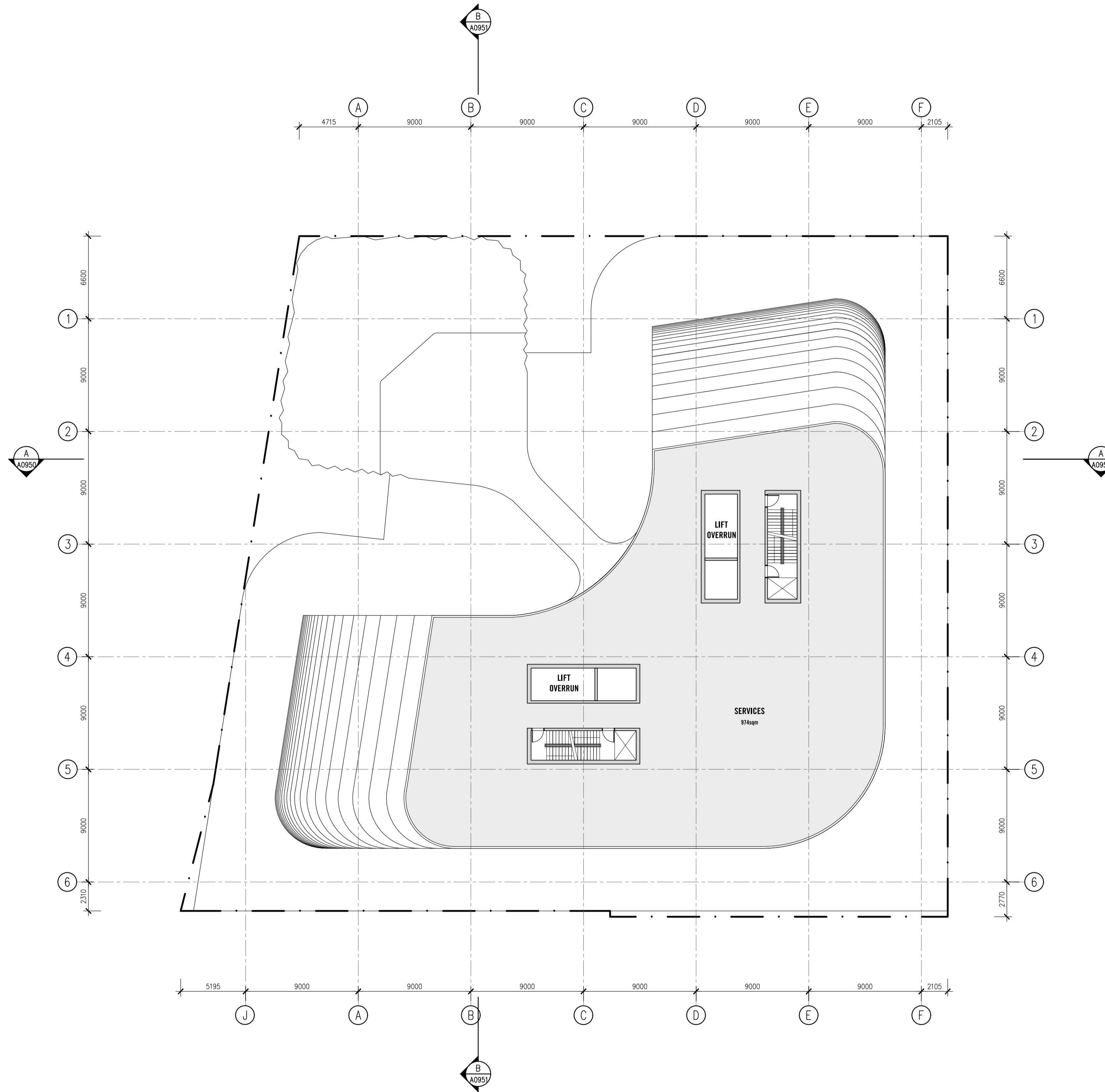
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 LEVEL 42 FLOOR PLAN**
 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0142
 Revision
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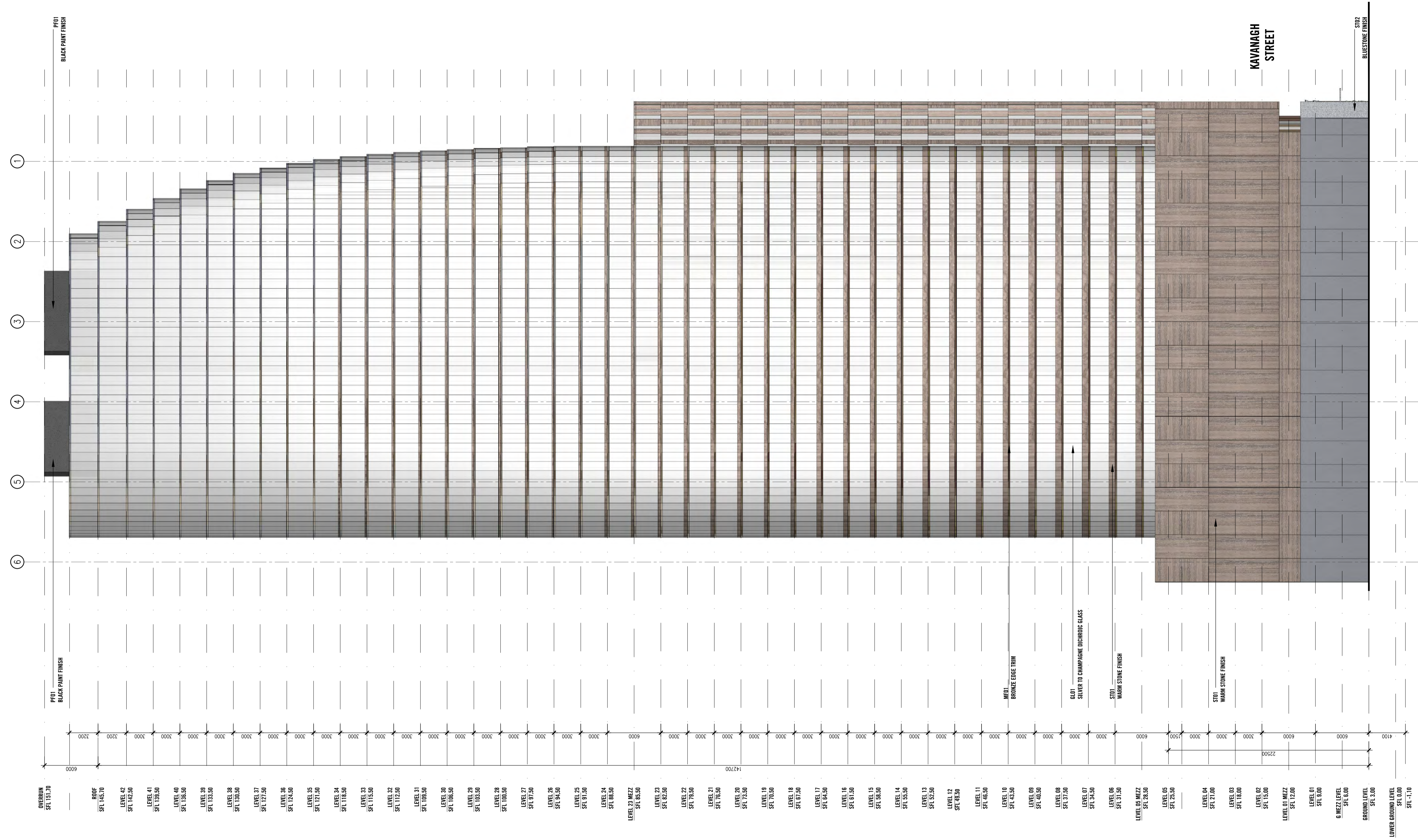
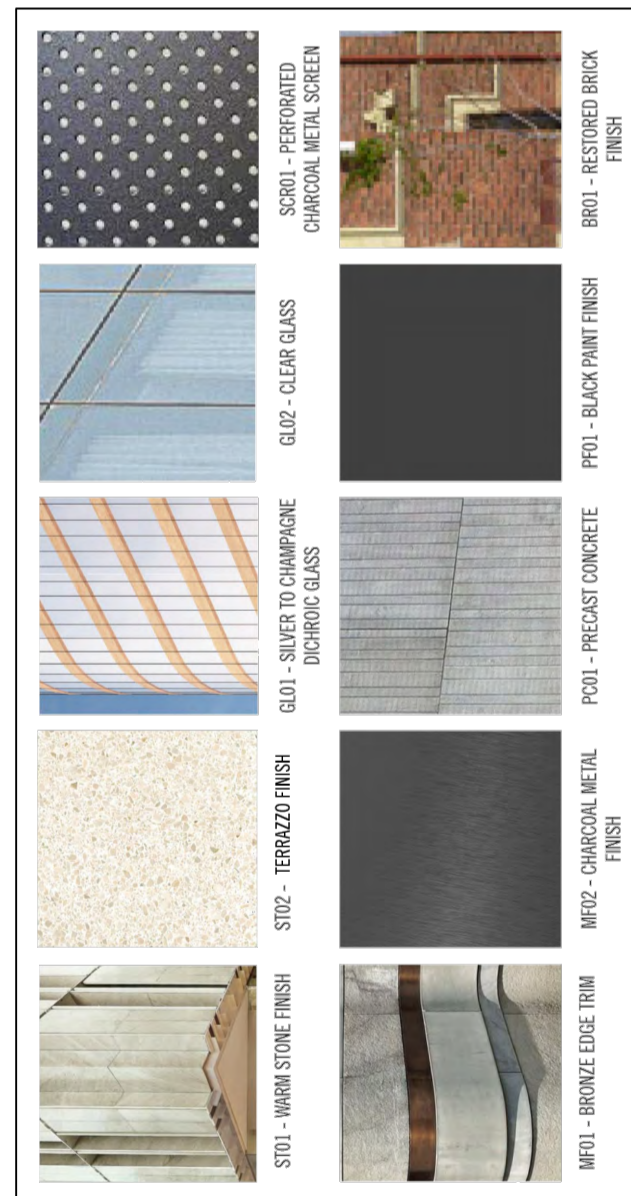
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Drawing Title
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 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0143
 Revision
C



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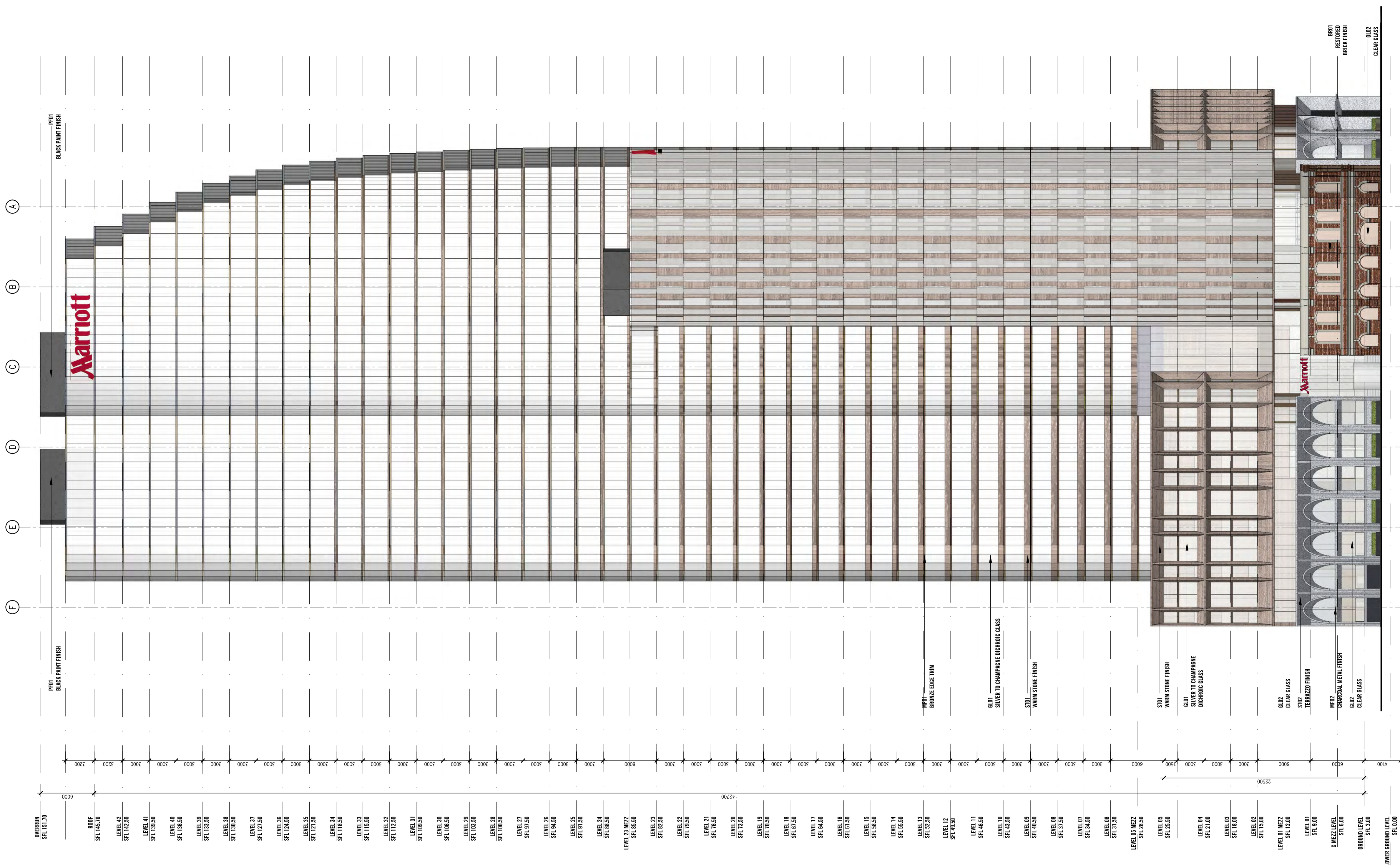
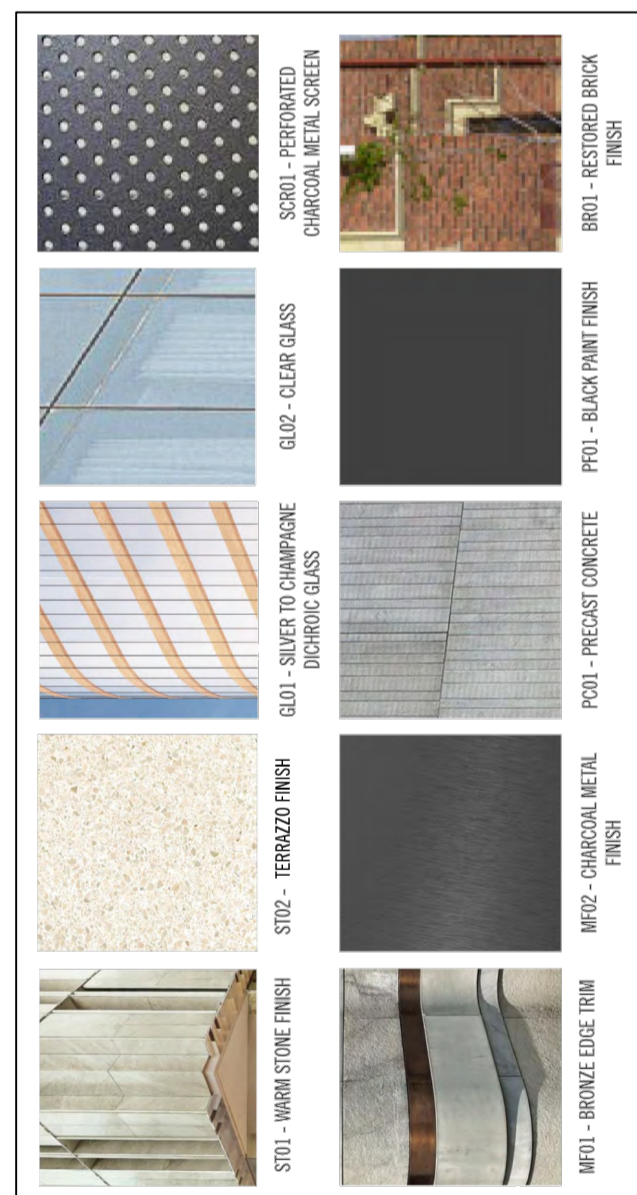
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Elevation Title
**ELEVATIONS
 NORTH EAST ELEVATION**
 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0900
 Revision
C
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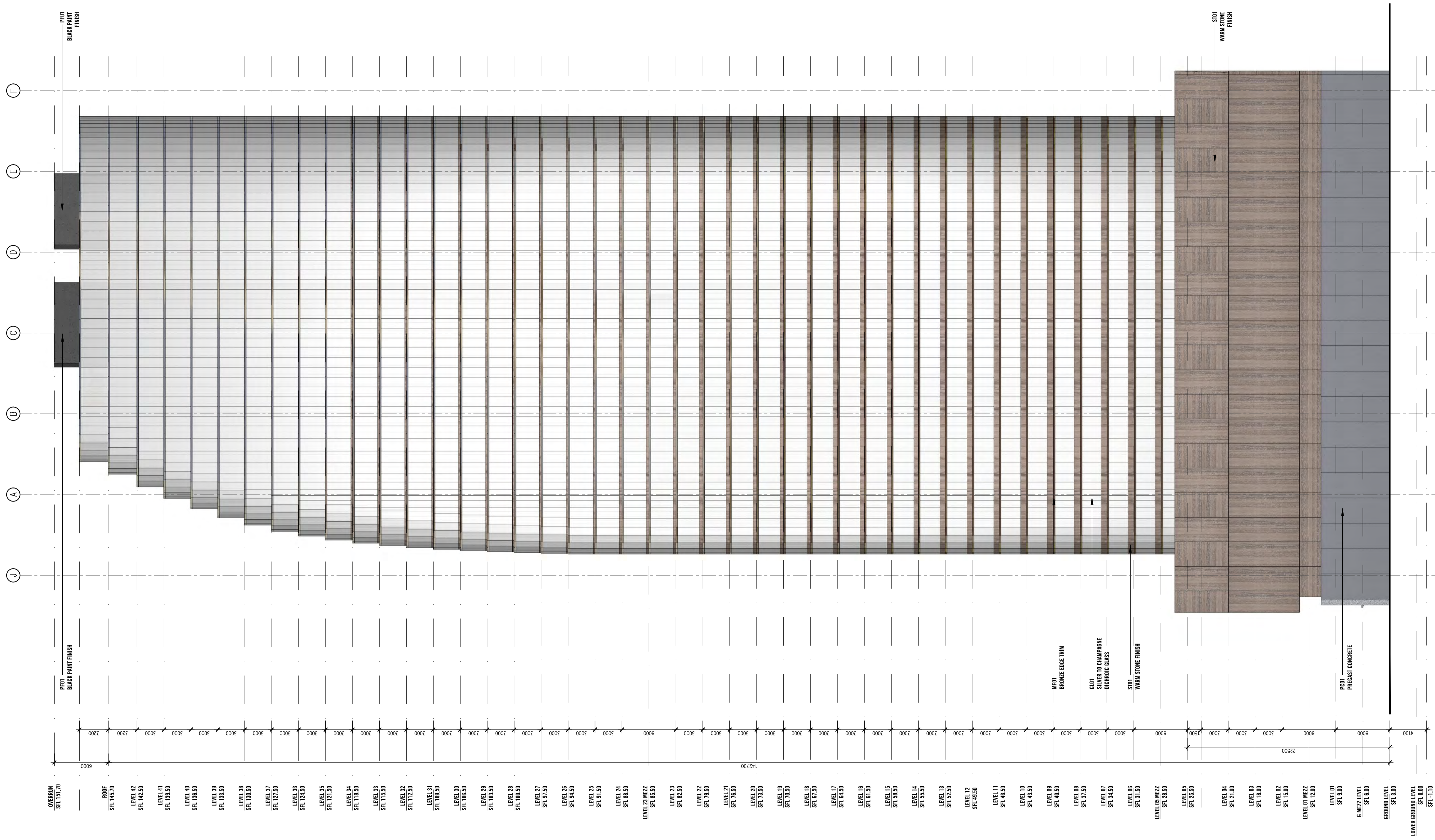
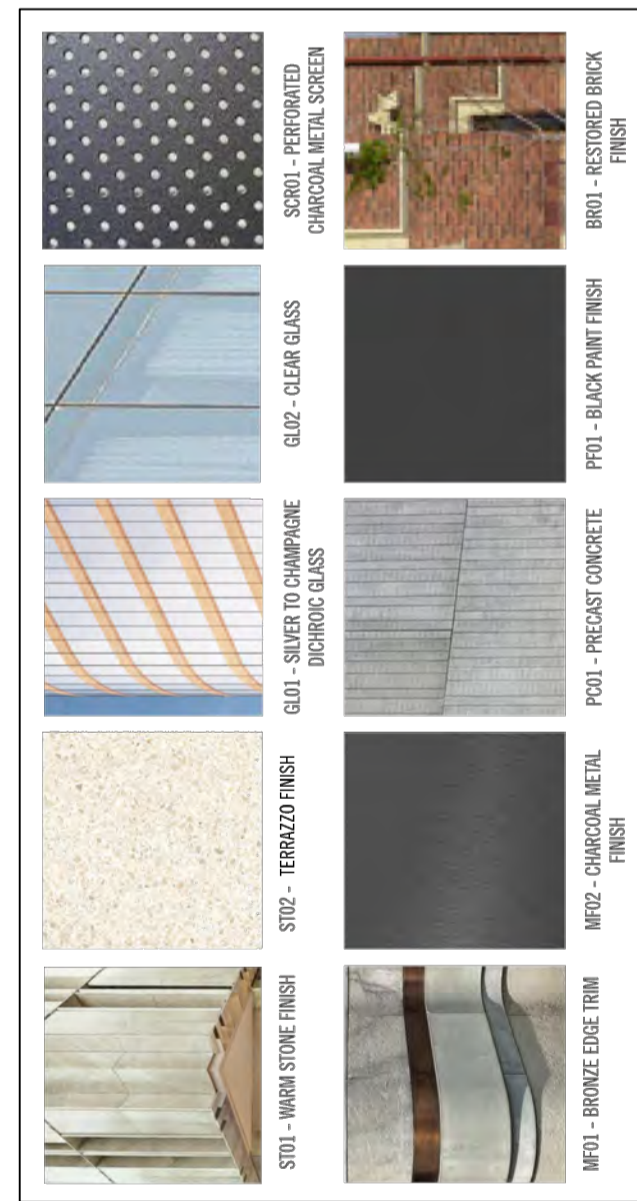
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Project Title
**127-129, KAVANAGH STREET,
 SOUTHBANK, VICTORIA**
 Client
LANDBRIDGE GROUP

Drawing Title
**ELEVATIONS
 NORTH WEST ELEVATION**

Project Number
17134
 Drawing Status
 TP

Drawing Number
A0901
 Revision
C



Rev No.	Date	Reason for issue	Issued by
A	09.05.18	ISSUED FOR TOWN PLANNING	LM
B	28.08.18	TP RFI LODGEMENT	LM
C	07.12.18	TP RFI LODGEMENT	DH

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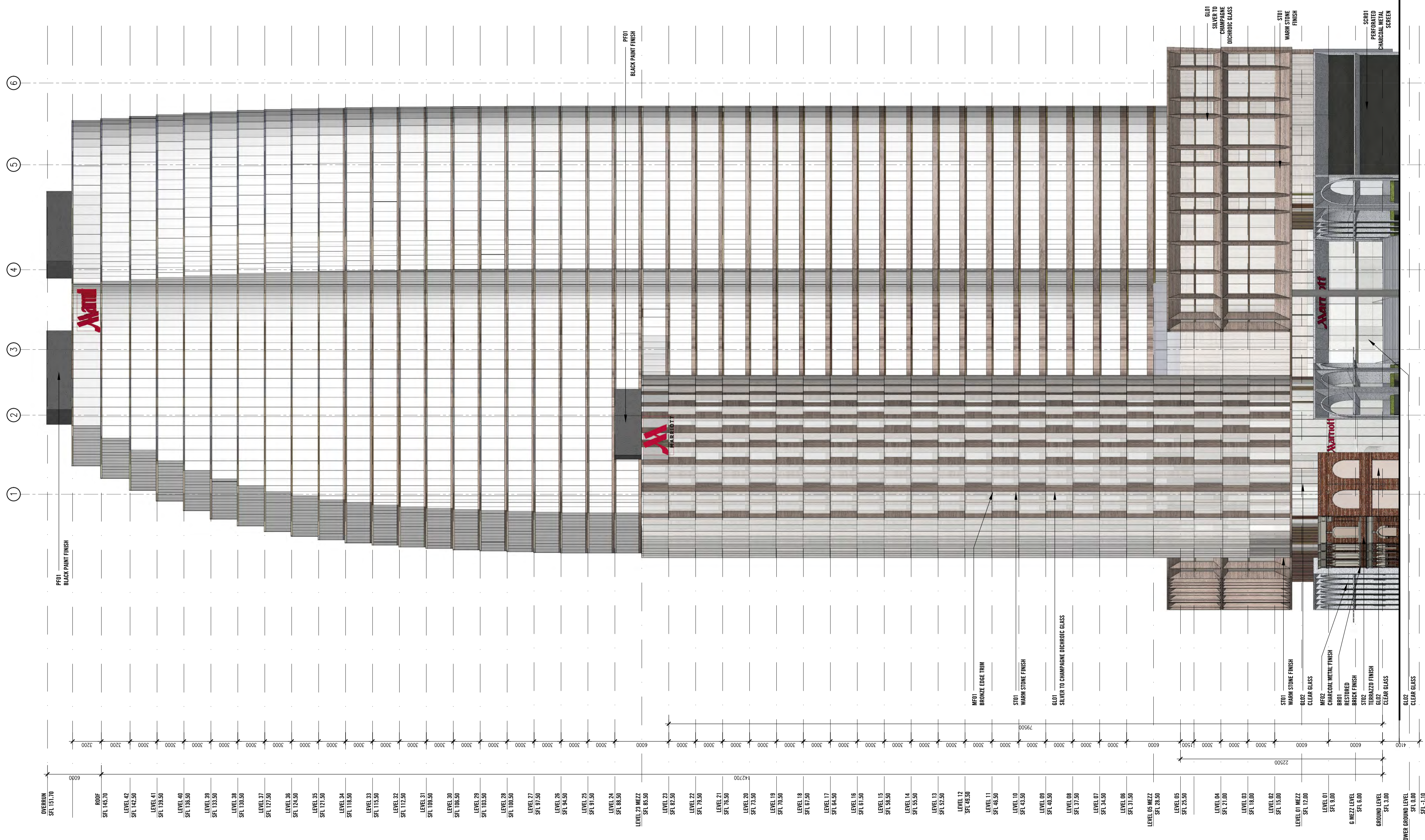
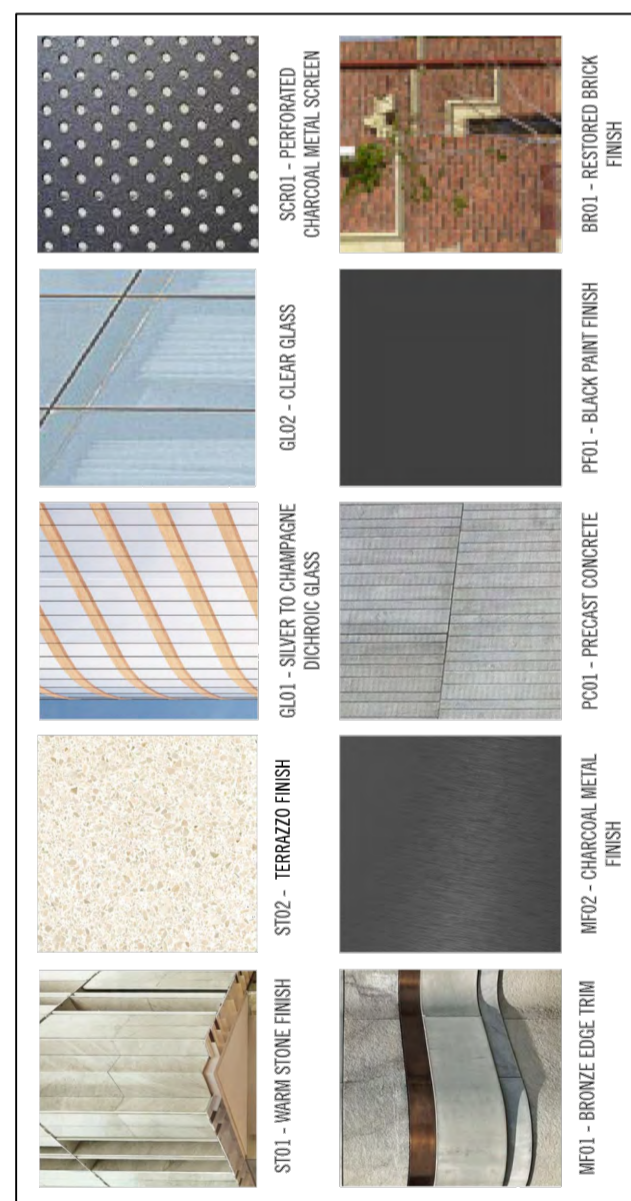
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**ELEVATIONS
SOUTH EAST ELEVATION**

Project Number
17134

Drawing Status
TP

Drawing Number
A0902

Revision
C



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A	09.05.18	ISSUED FOR TOWN PLANNING	LM
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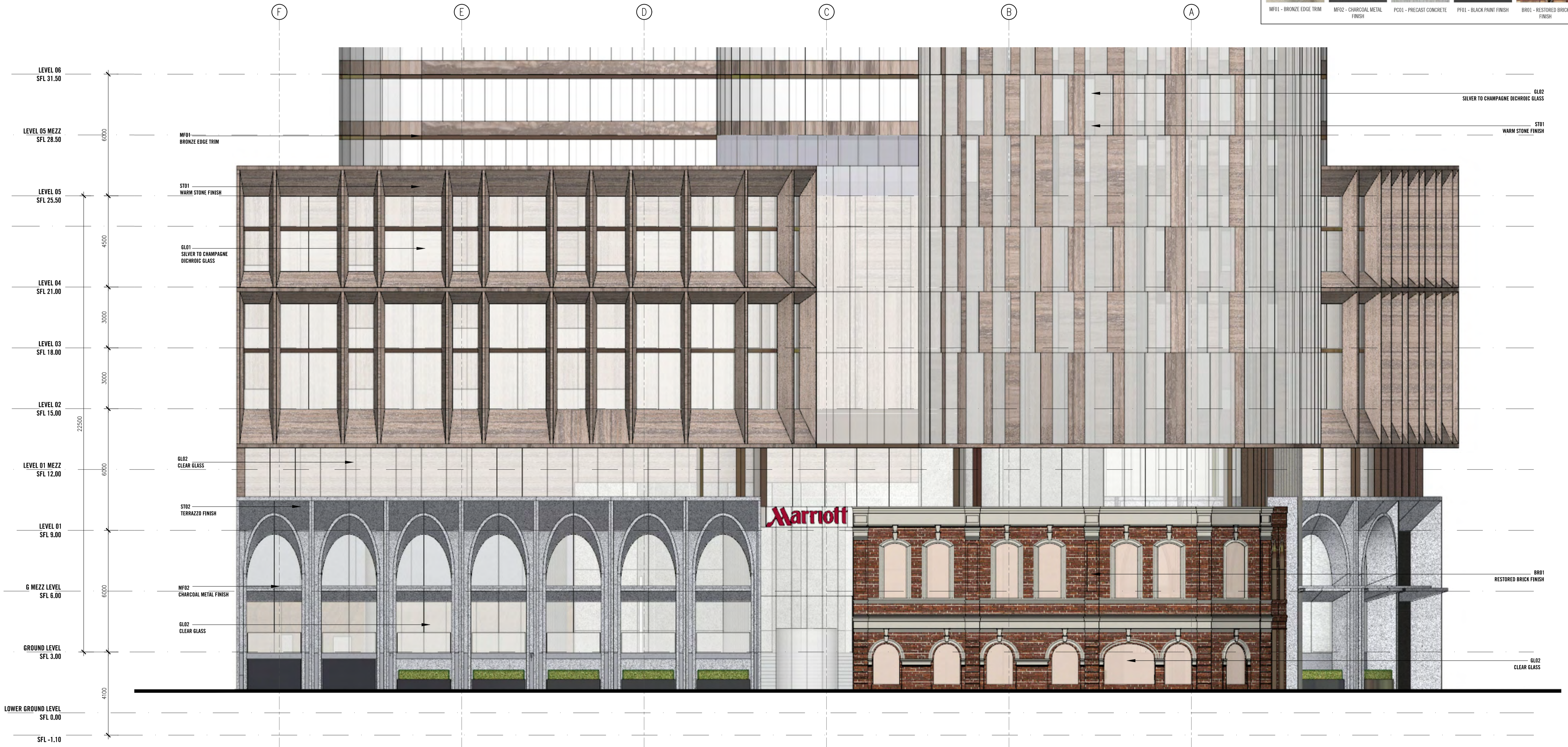
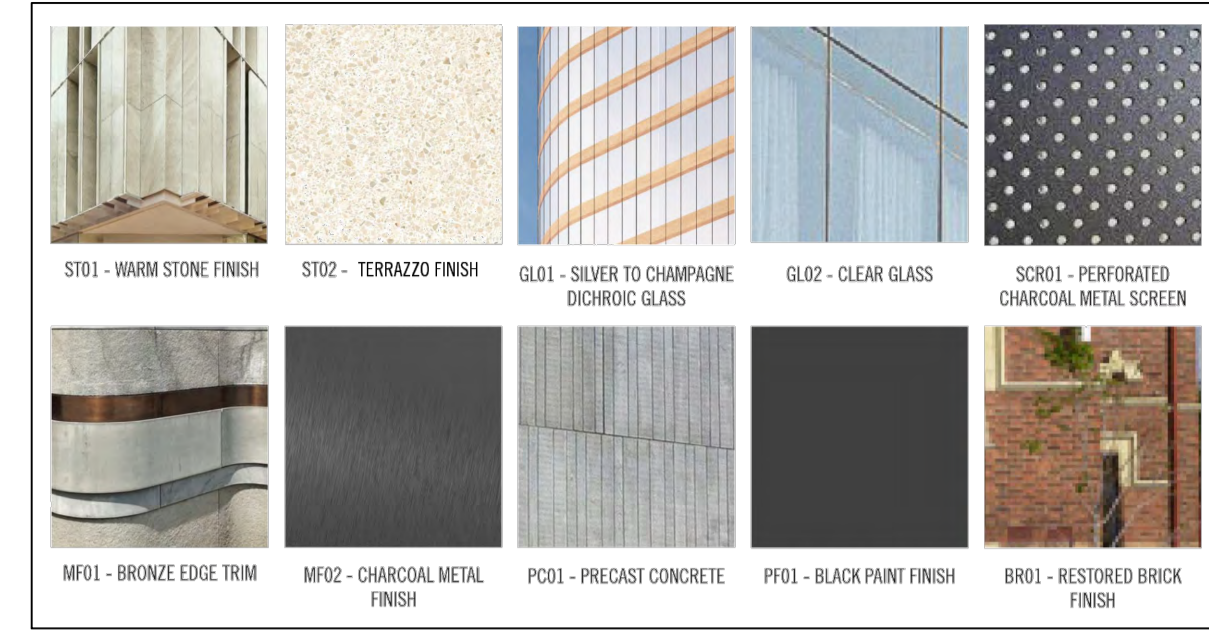
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Project Title
**127-129, KAVANAGH STREET,
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 Client
LANDBRIDGE GROUP

Drawing Title
**ELEVATIONS
 SOUTH WEST ELEVATION**
 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0903
 Revision
C
 Dec 07, 2018 - 5:28pm



Rev No.	Date	Reason for issue	Issued by	Rev No.	Date	Reason for issue	Issued by
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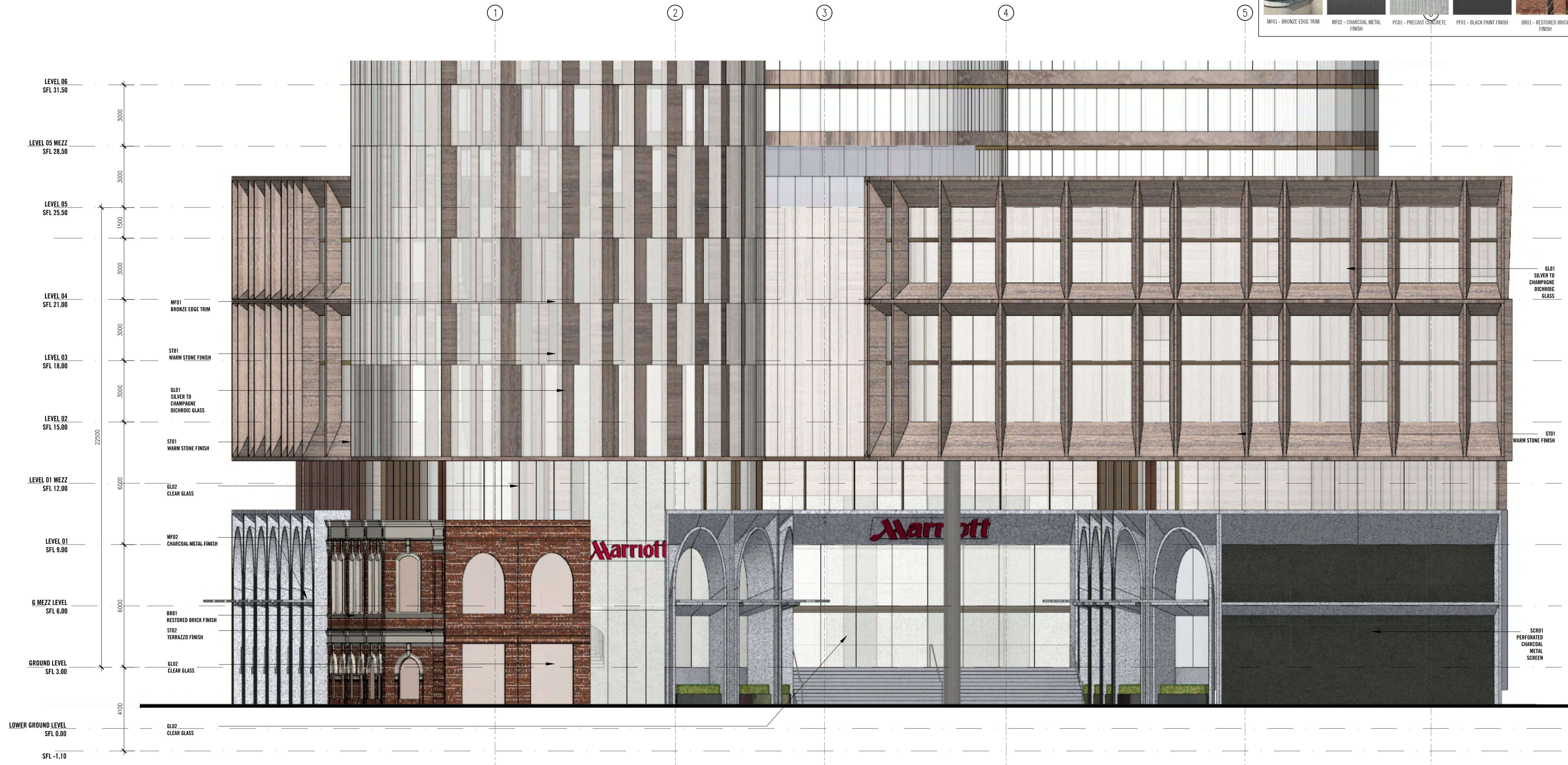
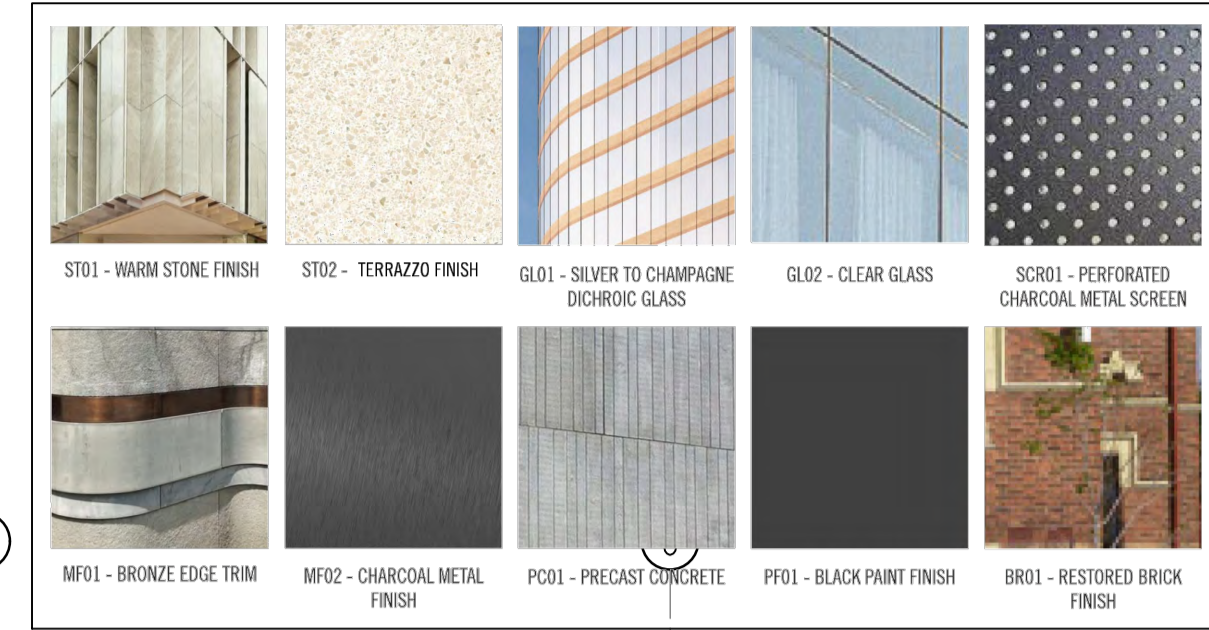
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Project Title
**127-129, KAVANAGH STREET,
 SOUTHBANK, VICTORIA**
 Client
LANDBRIDGE GROUP

Drawing Title
**ELEVATIONS
 KAVANAGH STR PODIUM ELEVATION**

Project Number
17134
 Drawing Status
TP

Drawing Number
A0910
 Revision
C



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A	09.05.18	ISSUED FOR TOWN PLANNING	LM
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C	07.12.18	TP RFI LODGEMENT	DH

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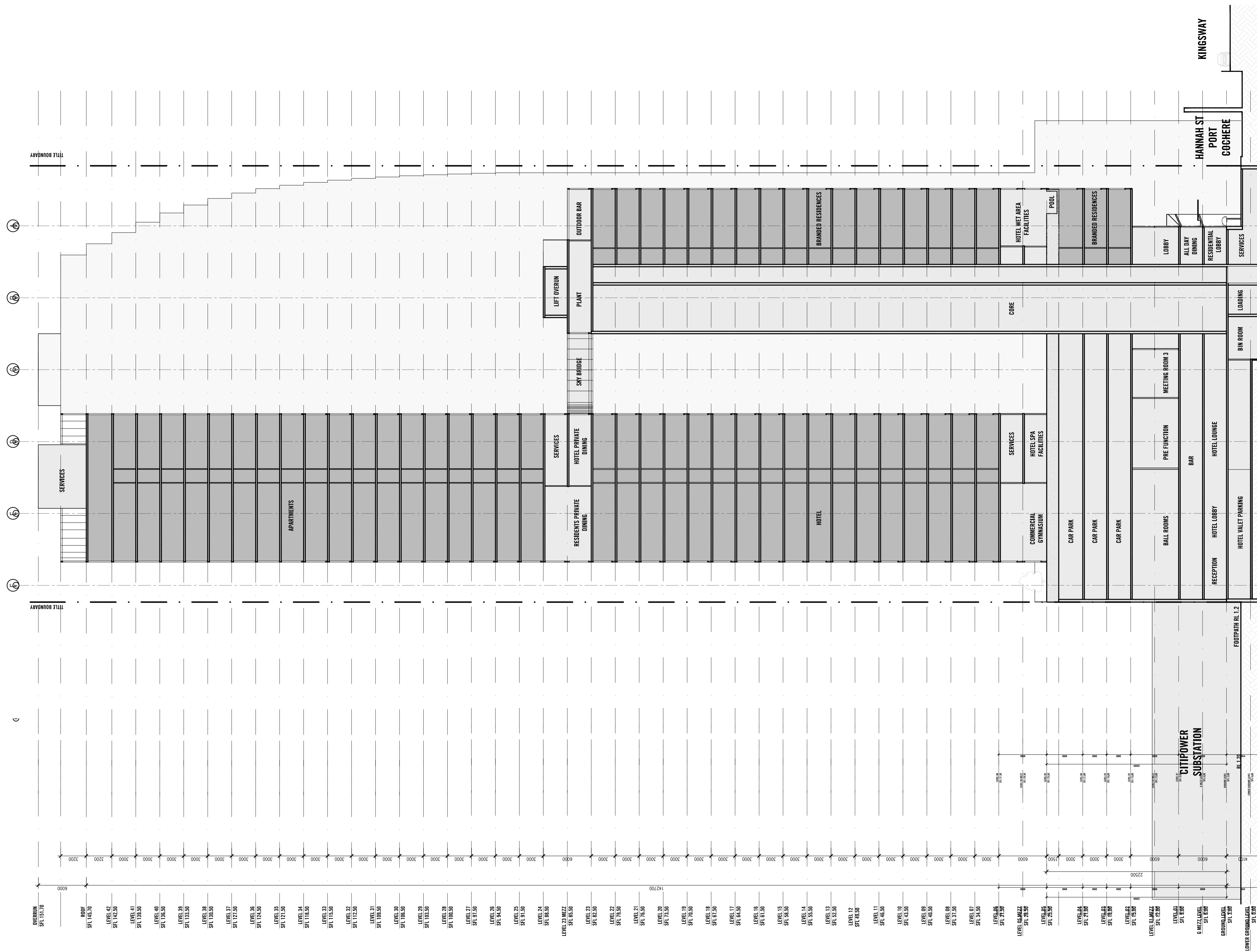
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Project Title
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LANDBRIDGE GROUP

Drawing Title
**ELEVATIONS
 HANNAH STR PODIUM ELEVATION**
 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0911
 Revision
C



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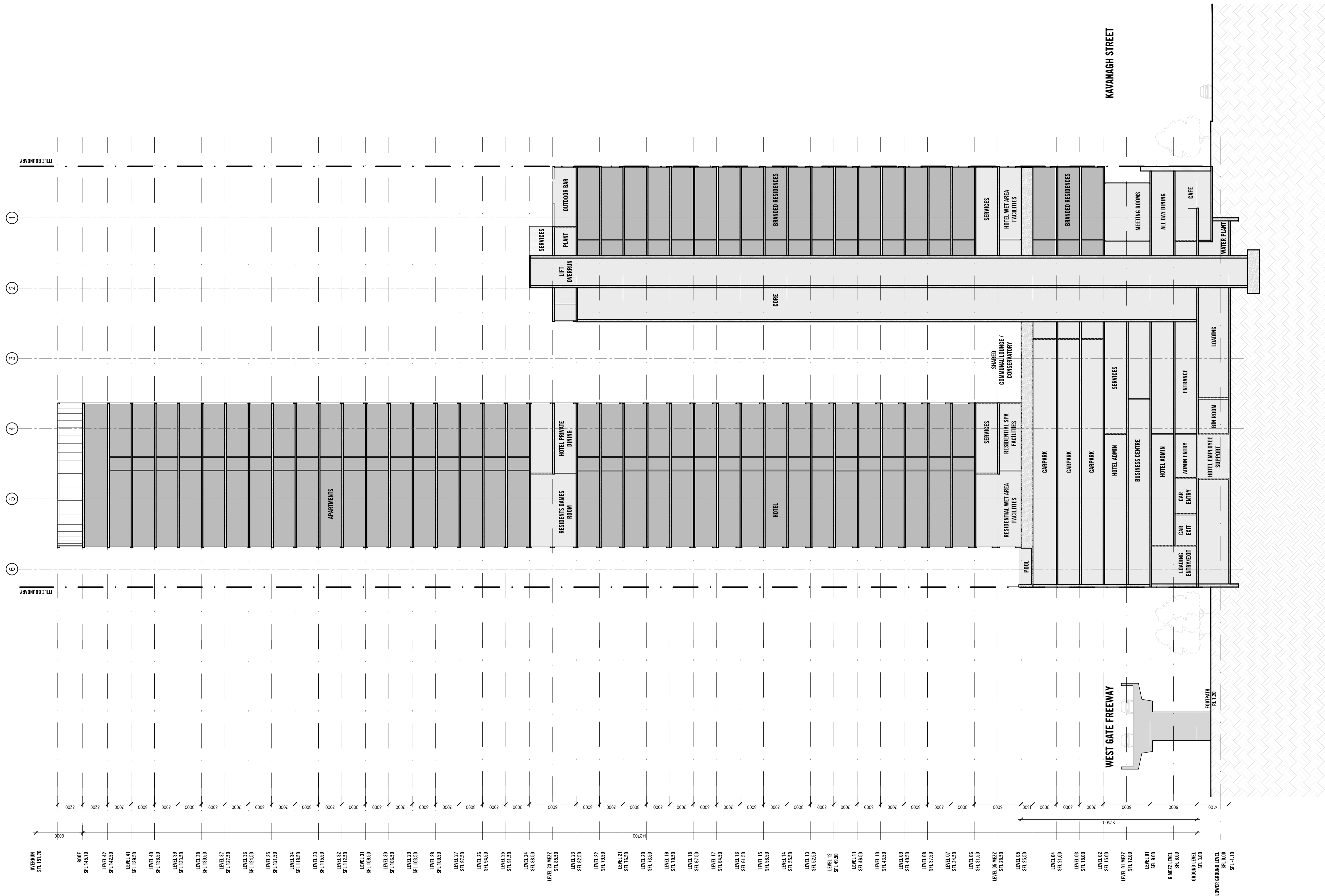
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Project Title
**127-129, KAVANAGH STREET,
 SOUTHBANK, VICTORIA**
 Client
LANDBRIDGE GROUP

Drawing Title
**SECTIONS
 SECTION AA**
 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0950
 Revision
C
 Dec 06, 2018 - 11:14am



Rev No.	Date	Reason for issue	Issued by
A	09.05.18	ISSUED FOR TOWN PLANNING	LM
B	28.08.18	TP REV LOOSEMENT	LM
C	07.12.18	TP REV LOOSEMENT	LM

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LEVEL 42	SFL 192.50		
LEVEL 41	SFL 139.50		
LEVEL 40	SFL 136.50		
LEVEL 39	SFL 133.50		
LEVEL 38	SFL 130.50		
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LEVEL 36	SFL 124.50		
LEVEL 35	SFL 121.50		
LEVEL 34	SFL 118.50		
LEVEL 33	SFL 115.50		
LEVEL 32	SFL 112.50		
LEVEL 31	SFL 109.50		
LEVEL 30	SFL 106.50		
LEVEL 29	SFL 103.50		
LEVEL 28	SFL 100.50		
LEVEL 27	SFL 97.50		
LEVEL 26	SFL 94.50		
LEVEL 25	SFL 91.50		
LEVEL 24	SFL 88.50		
LEVEL 23	SFL 85.50		
LEVEL 22	SFL 82.50		
LEVEL 21	SFL 79.50		
LEVEL 20	SFL 76.50		
LEVEL 19	SFL 73.50		
LEVEL 18	SFL 70.50		
LEVEL 17	SFL 67.50		
LEVEL 16	SFL 64.50		
LEVEL 15	SFL 61.50		
LEVEL 14	SFL 58.50		
LEVEL 13	SFL 55.50		
LEVEL 12	SFL 52.50		
LEVEL 11	SFL 49.50		
LEVEL 10	SFL 46.50		
LEVEL 09	SFL 43.50		
LEVEL 08	SFL 40.50		
LEVEL 07	SFL 37.50		
LEVEL 06	SFL 34.50		
LEVEL 05	SFL 31.50		
LEVEL 04	SFL 28.50		
LEVEL 03	SFL 25.50		
LEVEL 02	SFL 22.50		
LEVEL 01	SFL 19.50		
MEZZ LEVEL	SFL 16.50		
GROUND LEVEL	SFL 13.50		
LOWER GROUND LEVEL	SFL 10.50		

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Project Title
**127-129, KAVANAGH STREET,
 SOUTHBANK, VICTORIA**
 Client
LANDBRIDGE GROUP

Drawing Title
**SECTIONS
 SECTION BB**
 Project Number
17134
 Drawing Status
TP
 Drawing Number
A0951
 Revision
C
 Dec 06, 2018 - 11:21am

PLANNING REPORT MINISTERIAL REFERRAL

Application number:	TPMR-2010-28/A
DELWP Application number:	2010/024795-2
Applicant / Owner / Architect:	Urbis Pty Ltd / Run All International Pty Ltd & Hengmao Australia / Elenberg Fraser
Address:	63-83 Kings Way and 127-129 Kavanagh Street, SOUTHBANK VIC 3006
Proposal:	APPLICATION TO AMEND PLANNING PERMIT NO. 2010/024795
Cost of works:	\$260,000,000
Date received by City of Melbourne:	7 June 2018
Responsible officer:	Julian Larkins
Report Date:	1 March 2019

1. SUBJECT SITE AND SURROUNDS

1.1. The site

The subject site comprises two allotments and is located on the corner of Kavanagh Street and Kings Way, Southbank. The site at 63-83 Kings Way currently contains a two storey warehouse which includes two rooftop major promotion signs, while 127-129 Kavanagh Street contains an open carpark.

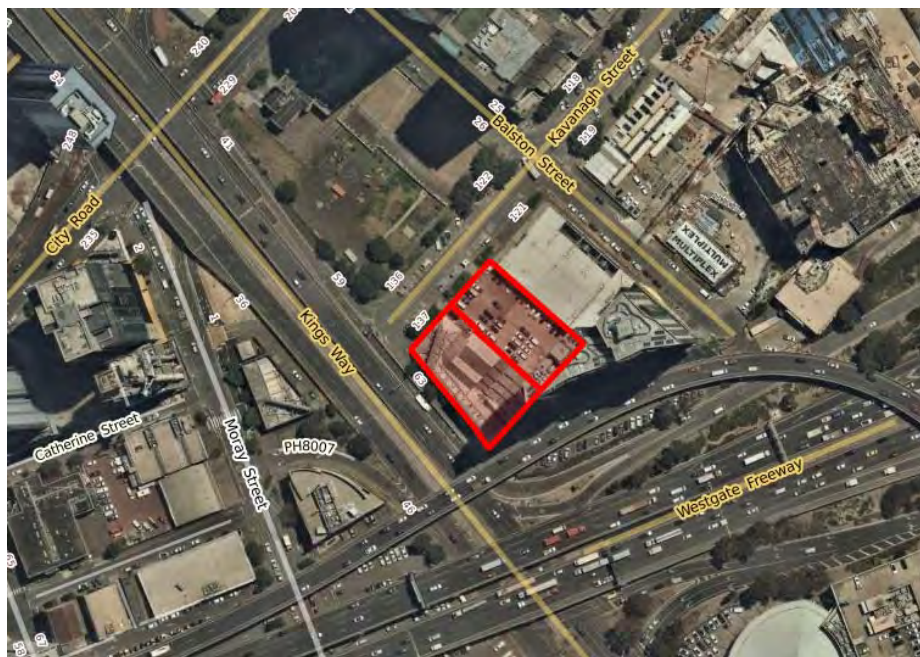


Figure 1 – Compass

The site is generally flat and is rectangular in shape with a frontage of approximately 55 metres to Kings Way / Hannah Street, 53 metres to Kavanagh Street and an approximate site area of 3,040 square metres. The site includes three existing crossovers, one to Hannah Street and two to Kavanagh Street.

1.2. Surrounds

Kavanagh Street runs on a skewed east-west axis and is a two way street with parallel parking on the southern side of the street and angle (perpendicular) parking on the north side. There are four street trees located on the nature strip of Kavanagh Street outside the subject site.

Kings Way (formerly Hannah Street) runs on a skewed north south axis, is one way south bound and has two street trees located on the footpath of Hannah Street.

The land to the east of the site is developed with a large substation.

South of the site is 42-48 Balston Street. This irregular shaped site contains two residential towers approved by the Minister for Planning. The closer tower directly adjoining to the south is 38 storeys (112.5 metres to top of parapet) in height and is built up to the subject site's southern boundary. The tower further to the east is 36 storeys.

To the north of the site, on the opposite side of Kavanagh Street, is the former Victoria University of Technology (known as the former Boyd School). The site is currently used by the Western Melbourne Institute of TAFE. The site is occupied by two and three storey brick buildings and several single storey timber buildings. On-site parking is provided for 85 cars. The site is included on the Victorian Heritage Register (VHR: H0769).

The Boyd School site was bought by the City of Melbourne from the State Government in December 2007 with the intention of developing a community centre and open space supported by commercial development with an integrated affordable housing component. In summary the redevelopment was planned to include:

- Community facilities in the heritage building, including library, maternal and child health and family services, meeting rooms and artists' studios.
- \$5 million for the first phase of the redevelopment of the former JH Boyd Girls' High School in Southbank, with \$4.8 million allocated as part of the 2010 – 2011 budget. The heritage school building will be refurbished to create new community facilities including a library, maternal and child health and family services, multi-purpose meeting rooms and artists' studio spaces. A quarter-acre urban park will also be created on City Road in the heart of Southbank.
- A 1,000m² urban park facing City Road.
- A 30-storey (100 metre mandatory height) residential and commercial complex including village shops.
- A 2,500m² urban park fronting onto Balston and Kavanagh Streets.

The 30 storey residential and commercial development will be privately funded by the successful tenderer. The tender process closed on 15 February 2019 and an announcement of the successful tender and plans is anticipated for mid-year. A permit was issued by the Minister for Planning on 15 August 2013 for the mixed use tower at 132 Kavanagh Street.

In 2012 the JH Boyd building was converted by the City of Melbourne to a new community and cultural hub known as 'Boyd'. The City of Melbourne website describes it as follows:

'Boyd is the City of Melbourne's first integrated community service space, transformed from the heritage-listed site of the former JH Boyd Girls' High School at 207-227 City Road, Southbank. The multi-use facility features the Southbank Library, Kere Kere cafe, family services, community meeting rooms and Creative Spaces artist studios. There's also a council self-service kiosk where people can renew their pet registration, pay rates and infringement notices, accounts and invoices. The Boyd centre also has free Wi-Fi access, a history walk and space to relax.'

The hub attracts over 7,000 visitors per month. Additional works are earmarked for the Kings Way undercroft to activate the area and improve access between the Boyd site and the tram stop (as part of the adopted City Road Master Plan).

The remainder of the Boyd site, currently under construction, is to be an urban park with picnic and play areas and large garden and green space that is protected by specific overshadow controls within the planning scheme. The park will expand into the roadway of Kavanagh Street creating an additional 650m² of open space. The concept plan for the 'Boyd Park' was endorsed by the Future Melbourne Committee on 7 March 2018.

Further north of the site, along Kavanagh Street are high-rise residential buildings which have a principle frontage to Power Street.

To the east of the site is the Westgate Freeway and off ramp. The height of the off ramp is similar to that of the existing two-storey building on the subject site. Beyond the Westgate Freeway is Moray Street.

Land to the south of the Westgate Freeway predominantly consists of car dealerships and large format retailing.

Directly west of the site is Hannah Street which was partly absorbed by the widening of the Kings Way road system. The site will retain access rights from Hannah Street, despite Hannah Street being reduced in width to facilitate works to Kings Way. Further west are residential and commercial uses.

2. AMENDMENT C305

A new individual HO1226 is proposed for 63-65 Kings Way, which is considered individually significant and is also contributory to the proposed City Road heritage precinct (HO1214). The current status of the Amendment is that the panel hearing has been postponed due to the delay and complexity of the C258 panel hearing, which only concluded in February 2019. It is expected a Panel Report will be provided for C258 in around two months at the time of writing this report.

The proposed statement of significance for 63-65 Kings Way states on pages 54 and 55 of the proposed document titled '*Incorporated Document (Am C305)* Authorisation Southbank Statements of Significance 2 October 2017':

'Statement of Significance

What is significant?

Austral Otis engineering works 127-129 Kavanagh Street, Southbank

Contributory elements include:

- *Classical masonry façade to Kavanagh Street with return section*
- *brick and cement render finishes including mouldings*
- *timber framed windows*
- *corrugated iron clad timber and steel framed factory buildings, with original cladding to east and south*
- *steel and concrete modern addition along Kings Way*

How is it significant?

Austral Otis is significant historically and aesthetically to Southbank and the City of Melbourne.

Why is it significant?

Austral Otis is of historical and aesthetic significance as a distinctive and long lived engineering firm which pioneered the development of steam and electric power installations in Melbourne, and was a major contributor to the development of fast electric passenger lifts which facilitated the design and construction of multi-story office buildings in the late nineteenth century. As such it contributed to the Melbourne building boom and economic development in the state.

The corrugated iron clad factory buildings are of historic significance as a very rare survivor of South Melbourne engineering works, which once formed the distinctive building type and use in this area.

The Kavanagh Street office building is of architectural significance as an elaborately resolved Victorian Italianate masonry façade to a shallow two story office space and backed by characteristic timber and steel framed and corrugated iron double height factory shell. This reflects the dual function of such prominent industrial sites in providing an impressive public face and functional works behind. The office building is also significant as an early example of the work of prominent architect Charles Debro, who went on to design a number of important Melbourne buildings including Stonington, the Prahran Town Hall clock Tower and the Winfield Building.

The place is of aesthetic significance for its well-designed Victorian-era commercial elevation in the prevailing Italian Renaissance revival manner only occasionally used for the higher status engineering firms in Victoria at that time.'

Figure 2 – Former Austral Otis Engineering Works office building, Kavanagh St frontage (proposed to be Significant under Amendment C305) – Source: Trethowan Architecture



3. AMENDMENT C262 AND C270

Planning Scheme Amendment C262 was gazetted into the Melbourne Planning Scheme on 4 September 2015 to provide interim built form controls for 12 months.

Planning Scheme Amendment C270 was gazetted into the Melbourne Planning Scheme on 23 November 2016.

Neither of the above controls applied when the original permit application was assessed.

Clause 3.0 of the Capital City Zone Schedule 3 states that:

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 unless:

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

For the purpose of this schedule the floor area ratio is the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, divided by the area of the site. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor.

As per the above, the proposed amendment must not increase the extent of non-compliance with the Design and Development Overlay Schedule 10. Further discussion around the applicable controls is included in the assessment.

4. AMENDMENT VC148

Amendment VC148 was gazetted on 31 July 2018 and implemented changes to the Victoria Planning Provisions (VPP) and planning schemes. The amendment seeks to add clarity to schemes by simplifying and improving their structure, function and operation.

5. THE PROPOSAL

It is proposed to amend the existing planning permit No. 2010/024795 (issued by the Minister for Planning on 19 July 2011) and the associated endorsed plans. The amendments are sought via Section 72 of the *Planning and Environment Act 1987* and involve substantial changes to the endorsed design. The key differences between the proposed and endorsed are as follows:

- Retention of the façade of the double storey heritage building at 63-65 Kings Way. This corner building is proposed to be individually significant and have an individual Heritage Overlay under Amendment C305.



Figure 3: Podium comparison (Source Elenberg Fraser)



Figure 4: Kavanagh streetscape

- Introduction of a Residential Hotel.
- Re-orientation of the two towers and associated redistribution of visual bulk away from Kavanagh Street and Boyd Park including an increased tower setback of 5 metres to Kings Way. The key built form changes as shown in the images below include:
 - The larger tower no longer presents its widest frontage to Kings Way.
 - The smaller tower is now substantially lower and holds the corner of Kavanagh Street and Kings Way rather than fronting Kavanagh Street.
 - The reorientation of the larger tower which no longer has a frontage to Kavanagh Street.

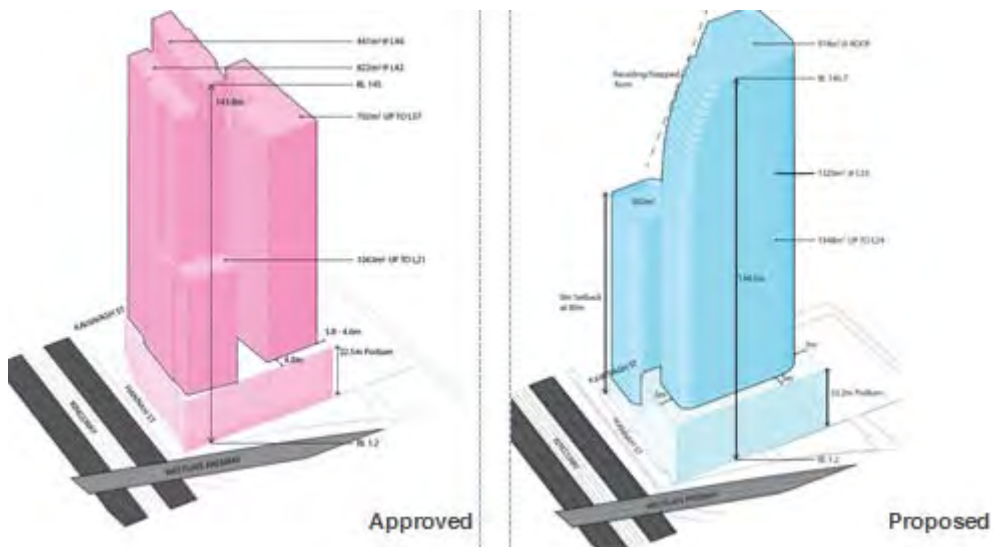


Figure 5: Comparison (Source: Elenberg Fraser)

- Associated changes to wind impacts to Boyd Park and the public realm as a result of the re-orientation of the towers and redistribution of bulk.

The original amendment application was received on 7 June 2018. The application was then re-submitted on 29 August 2018 in response to a further information request from the Department of Environment, Land, Water and Planning (DELWP).

Further amended discussion plans (dated 7 December 2018) responding to referral comments were referred to the City of Melbourne for comment and received on 17 December 2018. The application plans are therefore those received in August 2018 though the assessment will also reference the most recent plans.

Lastly, it is noted that the signage shown on the plans will be undertaken via a separate proposal.

The key changes between the endorsed and proposed schemes are noted in the table below:

	Proposed	Endorsed
Dwellings	<p>Total number of apartments: 248</p> <p>Total number of Marriot branded residences: 80</p> <ul style="list-style-type: none"> - Total: 328 dwellings (apartments) in total including: 119 x 1 bedroom - 165 x 2 bedroom - 44 x 3 bedroom (including penthouses) 	<p>Kings Way Tower: 369</p> <p>Kavanagh Tower: 425</p> <p>Total: 794 apartments</p> <ul style="list-style-type: none"> - 265 x 1 bedroom - 529 x 2 bedroom
Residential Hotel	<p>Total number of hotel rooms: 350</p> <p>Development contains two bars, a restaurant, a café and meeting rooms and ballrooms all associated with the hotel.</p> <p>There are hotel and residential communal facilities on level 23, including hotel private dining areas, residential lounge, cinema, private drinking, karaoke and games rooms.</p>	N/A
Communal facilities	<p>6,446sqm (7sqm per apartment/residence/hotel room)</p> <p>The communal facilities are located on the floors above the podium in both towers as well as to the roof of the Corner Tower and level 23 of the L Tower.</p>	1,244sq.m
Bar / Tavern	Rooftop bar at level 23 of the Corner Tower and another bar within podium, both associated with the Hotel use.	N/A
Retail	Ground floor Café adjacent to the hotel lounge and hotel and residential lobbies	Ground floor retail
Building height	<p>L Tower: 38 storeys (145.7 metres)</p> <p>Corner Tower: 23 storeys (80 metres)</p>	<p>Kings Way Tower: 47 storeys (146 metres)</p> <p>Kavanagh Tower: 38 storeys (121 metres)</p>
Podium height	<p>5 storeys (23.2 metres)</p> <p>The podium contains three levels of car parking, as well as various other hotel</p>	<p>5 storeys (19.22 metres) east tower</p> <p>6 storeys (22.525 metres)</p>

	facilities.	Podium contains 6 levels of car parking and apartments
Front, side and rear setbacks	<p>L Tower</p> <p>North (Kavanagh St) – 5-7 metres</p> <p>South – 5 metres</p> <p>East – 5 metres</p> <p>West (Kings Way / Hannah St) – 5 metres</p> <p>The corner tower is built with no setbacks to 80 metres</p> <p>Podium</p> <p>The podium is proposed to be constructed to all site boundaries except for the porte cochere to Hannah Street / Kings Way</p>	<p>Towers</p> <p>North (Kavanagh St) – min. 4.62 metres (east tower)</p> <p>Minimum 0 (west tower)</p> <p>South – minimum 4.83 metres (east tower)</p> <p>minimum 0 (west tower)</p> <p>East – minimum 3.815 metres</p> <p>West (Kings Way / Hannah St) – minimum 0 metres</p> <p>Podium</p> <p>The podium is constructed to all site boundaries except for a 2m setback to Hannah Street</p>
Gross floor area (GFA)	77,090 sq.m	82,912 sq.m
Plot ratio	25.4:1	27.4:1
Car parking spaces	173 (132 residential car parks and 41 valet parking spaces) all within the podium over three levels.	262
Bicycle facilities and spaces	The podium and basement proposes bike storage but additional details are requested which can be addressed via condition. No specific number of spaces are nominated except for the 147 bike storage lockers.	270
Loading / unloading	A shared loading and vehicular access located at the southern site boundary provides access to loading and refuse collection area at the south-east corner of the site and the inbound and outbound lanes of the proposed car lift arrangement.	A shared loading and vehicular access is located at the western boundary providing access to loading and refuse collection area at toward the south-west corner of the site and the inbound and outbound lanes of the proposed car ramp to upper level car parks.
Vehicle access	Vehicle access is provided from Kings Way / Hannah Street at the site's western boundary, with the loading bay	Vehicle access is provided from Kings Way / Hannah Street at the site's western

	and car park access provided separately.	boundary. Loading and car access is combined.
Ground plane / landscaping	A landscape plan has been provided detailing changes to the public realm, roads and footpaths and integration of the modified public realm element within the proposed amended development and the existing street network.	Landscape plan endorsed detailing planting and showing street tree removal and replacements and podium top planting.

6. BACKGROUND

6.1 Pre-application discussions

Pre-application discussions were held with DELWP prior to lodging the proposed amendments. Issues including being satisfied that the application does not result in a transformation and the retention of the heritage façade were discussed.

6.2 Site history

The following planning permits issued for this site and surrounding sites are considered relevant to this application:

TP number	Description of Proposal	Decision & Date of Decision
TPM-2010-28 The existing permit is currently valid until December 2019. Works have commenced. An extension to the permit was granted in 2016.	Original permit that allowed for a larger scheme that fully removed the heritage asset on site.	Permit issued by Minister 19 July 2011. NB. Council objected to the application by letter dated 4 March 2011 due to excessive height and wind impacts.
TPM-2012-3 42-48 Balston Street, Southbank	Construction of two multi storey towers to be used for the purposes of dwellings with associated car parking and bicycle facilities requirements.	Permit issued by Minister Plans endorsed 10 April 2014.
TP-2018-48 227-229 City Road (Boyd site)	Demolition and buildings and works for development of public park (Boyd Park).	Permit issued 26 April 2018

7. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	<ul style="list-style-type: none"> • Clause 11 – Settlement • Clause 15 – Built Environment and Heritage • Clause 16 – Housing • Clause 17 – Economic Development • Clause 18 – Transport • Clause 19 – Infrastructure
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<p>Municipal Strategic Statement</p>	<ul style="list-style-type: none"> • Clause 21 – Municipal Strategic Statement • Clause 21.02 – Municipal Profile • Clause 21.03 – Vision • Clause 21.04 – Settlement • Clause 21.06 – Built Environment and Heritage • Clause 21.07 – Housing • Clause 21.08 – Economic Development • Clause 21.09 – Transport • Clause 21.13 – Urban Renewal Areas
<p>Local Planning Policies</p>	<ul style="list-style-type: none"> • Clause 22.01 – Urban Design within the Capital City Zone • Clause 22.02 – Sunlight to Public Spaces • Clause 22.19 – Energy, Water and Waste Efficiency • Clause 22.23 – Stormwater Management

<p>Statutory Controls</p>	
<p>Capital City Zone Schedule 3</p>	<p>Pursuant to Clause 37.04-1, the use of the land for accommodation does not require a permit.</p> <p>Pursuant to Clause 37.04-4, a permit is required to construct a building or construct or carry out works, as well as to demolish or remove a building or works.</p>
<p>Design and Development Overlay Schedules 10 and 27</p>	<p>A permit is required to construct a building or construct or carry out works pursuant to Clause 43.02-2 of the Design and Development Overlay.</p> <p>The following specific requirements are contained in the schedules to the Overlay:</p> <ul style="list-style-type: none"> • The DDO10 applies to general development area built form and includes a number of provisions to ensure that development achieves a high quality built form outcome in the public realm and respects and responds to the built form outcomes sought for the Central City. • The DDO27 applies to land located in the vicinity of City Link Exhaust Stack Environs and seeks to ensure that the development of land around the City Link exhaust stack is not adversely affected by the operation of the stack or adversely affects the operation of the stack.
<p>Land Subject to Inundation Overlay</p>	<p>This Clause applies to land that is identified to be in a potential existing or future flood prone area. The LSIO seeks to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.</p> <p>Pursuant to Clause 44.04-1, a permit is required to construct a building or construct or carry out works.</p>

<p>Parking Overlay Schedule 1</p>	<p>Schedule 1 to this Overlay identifies appropriate car parking rates for various uses within the CCZ. Under this Overlay, a permit is required to provide car parking spaces in excess of the car parking rates specified within the Schedule. The application does not propose to provide car spaces on site and accordingly complies with this Overlay.</p> <p>In developments which comprise both dwellings and other uses, the maximum number of spaces to be provided under PO1 is 1 space per dwelling and the resulting number as calculated below:</p> $\frac{5 \times \text{net floor area of buildings on that part of the site in sq m}}{1000 \text{ sq m}}$ <p style="text-align: center;">or</p> $\frac{12 \times \text{that part of the site area in sq m}}{1000 \text{ sq m}}$ <p>The proposal proposes the provision of 181 car spaces, in accordance with the PO1.</p>
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Particular Provisions	
<p>Clause 52.06, Car Parking</p>	<p>This Clause applies to a new use and provides the car parking rates on which applications are assessed. However, as stated above, the rates contained in the Schedule to the Parking Overlay apply. Under Clause 52.06-3, a permit would be required to provide more than the maximum parking provision specified in the schedule. Car parking should be designed in accordance with the design standards under this Clause.</p>
<p>Clause 52.29, Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road</p>	<p>The land is adjacent to Kings Way, a Road Zone category 1 and therefore must be referred to VicRoads for comment.</p>
<p>Clause 52.34, Bicycle Facilities</p>	<p>A permit may be granted to reduce or waive the bicycle parking requirement.</p> <p>No specific number of spaces has been provided so a permit is required to vary the requirement of 1 space to each 10 rooms for residents and 1 space to each lodging room for visitors.</p>
<p>Clause 52.36, Integrated Public Transport Planning</p>	<p>An application for an excess of 60 dwellings must be referred to PTV for comment.</p>

General Provisions	
<p>Clause 61.01 – Administration and enforcement of this scheme</p>	<p>The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres / the site is listed in the schedule to Clause 61.01 of the Melbourne Planning Scheme (which specifies the Minister for Planning as the responsible authority for administering and enforcing the Scheme).</p>

<p>Clause 65 – Approval of an application or plan</p>	<p>The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.</p>
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8. PUBLIC NOTIFICATION

The application has been referred to the City of Melbourne as a recommending referral authority under Section 55 of the Act.

Public notice is the responsibility of DELWP on behalf of the Minister for Planning.

9. REFERRALS

9.1 Internal

The application was referred to the following internal departments with comments summarised below:

- **Urban Design** – comments provided 29 October 2018 and updated 16 November 2018.

The Urban Design team was generally supportive of the proposal but provided detailed comments recommending numerous changes to the design as follows:

- ‘Consider the orientation of the tower forms to present the positive grain of two distinct towers to Boyd Park. The view from Boyd Park is our primary interest given its critical future role. Distinction between the lower and higher tower form is encouraged.
- Improve the relationship of the new podium form with the retained historic Austral Otis Foundry building, through a vertical rebate dividing the upper podium, as well as further development of the interpretive return wall to Hannah Street.
- Further develop the tower façades to achieve verticality, rhythm, grain and interest over the surface while expressing the uses contained therein.
- Increase the mix of uses at the ground floor with regular building entries to Kavanagh Street in order to engage with Boyd Park. Consider including opportunities for kerbside seating and uses that encourage both origin and destination trips within Southbank.
- Introduce a more prominent pedestrian arrival to the building from the Kavanagh Street frontage (in addition to the Hannah Street vehicle drop off / arrival)’

A meeting was held with Council to discuss the various changes recommended. Subsequently, the applicant provided plans responding to these recommendations which were deemed to be generally satisfactory by Urban Design, subject to conditions.

Urban Design stated in an email dated 8 January 2019 as follows:

‘The modifications are generally consistent with the outcomes of our discussion with the Elenberg Fraser team. It is positive in particular to note:

- The modified frontage to Kavanagh St including building entry, level management, balconies to the hotel bar and integrated landscaping.
- The changes to the smaller tower form with a distinctive vertical expression and greater solidity through the introduction of solid panels.
- The inclusion of an ‘interpretative’ masonry element to return the brick façade of the heritage building.

- The retention of a greater depth of the heritage façade to avoid the perception of facadism and enhance the lobby / entry experience.
- The inclusion of the required footpath width and clear crossovers.

We are comfortable supporting the proposal subject to conditions which ensure the further design development of the façade strategy, including 1:20 drawings of the ground plane as well as key details of the façade modules for each key component. The specific retention of the proposed stone / masonry / terrazzo elements are key to the design quality and should be specified in the permit to avoid substitution for a lightweight, inferior alternative such as metal panel.

The key areas we feel require specific refinement through conditions include:

- The façade to the L shaped form, to provide enhanced shadow and depth between glazed and solid elements.
 - An airlock with dual sliding doors to the primary entry would be preferred over a revolving door at the Kavanagh Street frontage.
 - The detailed resolution of the hardscape and planting around the porte-cochere area.
 - The resolution of the interpretive masonry element including materiality / depth / detailing, window frames.
 - The resolution of the recessed levels between the tower forms and the podium elements. Any opportunity to express structure within this zone would be encouraged.
 - Potential glare to be addressed through permit conditions’.
- **Traffic Engineering** – comments provided 7 November 2018 and 16 January 2019.

The second iteration of the comments confirms no objection to any aspect though clearly states that on-street parking restrictions will not be altered to cater for the hotel’s needs. Full comments below:

‘Reference is made to the above submission which included additional information provided by the applicant to address our earlier traffic engineering comments on this application as detailed in our memorandum dated 7 November 2018 (refer to DM#12050779). Engineering Services has reviewed the revised Traffic Engineering Report prepared by Cardno consultants dated 6 December 2018 and provides the following comments.

- **Hotel Car Parking Provision.**
The response provided by Cardno still confirms that the current proposal has the capacity to generate a greater parking demand than the development’s available / proposed parking spaces. As a result, it is advised that the Marriot will have to encourage the use of alternate transport modes and develop a valet parking price scheme that will discourage guests from arriving in private motor vehicles. As previously advised, this aspect of the proposal should be carefully reviewed by the applicant as the City of Melbourne will not alter existing parking restrictions to cater for the hotel’s needs once it commences operations. It is further noted that the proposed parking provision of 41 spaces for the hotel component is substantially below the maximum allowable (129 spaces) and can therefore be increased.
- **Kings Way / Kavanagh Street Intersection**
Engineering Services accepts that there are suitable signs and linemarking at the above intersection to cater for the proposed traffic movements. Any changes in the future however due to non-compliance by motorists from this development would need to be undertaken at no cost to the City of Melbourne.
- **Hotel Porte Cochere Capacity**
The Cardno report does not provide detailed information with regard to the expected capacity and operation of the porte cochere, but rather advising that most pick up / set down movements are likely to occur from the Kavanagh Street frontage adjacent to the bell stand by converting an existing kerbside loading

zone area. While the City of Melbourne may consider the provision of a pick-up / set down area as indicated in the report, this request will be a separate process following the completion of the development and should not be part of the planning approval process. It is therefore recommended that the applicant satisfy itself that what is proposed is sufficient for its purposes as there is no guarantee that on street parking can be converted as expected.

- **Car Lift Width and Egress on Car Parking levels**
It is advised that the car lifts have been modified to provide 2.6m wide cabins for ease of access. In addition, turning movement diagrams have been provided indicating access arrangements through the car park. Engineering Services offers no objection from a traffic engineering perspective.
- **Bicycle parking**
It is noted that bicycle parking facilities have been increased to exceed the minimum statutory requirements. Engineering Services accepts the amendments and requests that suitable numbers of horizontal spaces are provided as per recommendation by Cardno and relevant standards.
- **Traffic Generation / Queuing**
The Cardno report advises that there will be a queuing capacity of 8 vehicles within the property boundary which complies with the 98th percentile queue length requirements of the Australian Standards. As a result, no objection is offered in this regard.
- **Kings Way Service Road Footpath Provision**
The Cardno report and plans provided by the applicant indicate that a footpath width of 1.5 metres is to be provided along the development's western boundary as previously requested. No objection is offered in this regard from a traffic engineering perspective.'
- **Land Survey** – comments provided 11 June 2018.
'Prior to the commencement of the development on the land, the owner of the land must obtain an easement for light and air purposes in favour of the subject land over the abutting title known as Lot A on PS619594R at 42-48 Balston Street Southbank for all south facing windows which are proposed along the southern boundary of the subject land.'
- **Urban Sustainability** – comments provided 22 February 2019.
Urban Sustainability was initially unsupportive of the proposal as it removed five street trees. Changes by the applicant shown in the RFI plans showing retention of the street trees on Kavanagh Street were supported, subject to various conditions and notes.
- **ESD & Green Infrastructure** – comments provided 18 March 2019
Generally supportive subject to additional information and required a condition if a permit is to issue. Full comments below:
 - **General**
The ESD response is generally of a high standard with appropriate targets and specifications.
 - **Green Star Pathway**
The ESD report's proposed Green Star pathway targets 60 points for a 5 Star rating (equivalent). Of this a total of 5 points are claimed for the Innovation category.

This approach would not be considered sufficiently conservative to achieve a 5 Star Green Star rating in practice, as there is no buffer for points that may not be achieved due to design constraints, and Green Star projects typically do not achieve all targeted points.

It is recommended that additional points are targeted in other categories to offset the reliance on Innovation category points.

Preliminary Green Star calculators and any modelling (daylight etc.) used to calculate predicted points should be included in the ESD Report appendices.

○ **Energy**

The ESD report targets an average NatHERS rating of 7 stars, with no apartment achieving below 5.5 stars.

Preliminary NatHERS modelling for a representative portion of the total apartments is to be submitted as an Appendix to the ESD report demonstrating compliance with the target.

○ **Renewable Energy**

No renewable energy generation is proposed for the development.

○ **Green Infrastructure and Landscaping**

The Green Infrastructure (GI) proposal is attractive and provides a diverse response with GI elements visible to the public realm from all sides of the building.

The design report clearly shows the location, design intent, indicative planting and materials and extent of landscaped areas to be reviewed.

Less information is provided on the details of these areas. Further information is required to understand the potential feasibility of the landscaping.

Due to the lower level of detail provided, it is recommended that a Landscape Maintenance Plan and Irrigation Performance Specification is to be submitted to the satisfaction of the Responsible Authority.

- The landscape plans should include indicative irrigation and drainage layouts.
- The Landscape Maintenance Plan should provide detail with respect to ongoing maintenance requirements, including specific provision for maintenance beyond the fifty two week period following Practical Completion.
- The irrigation performance specification should clearly identify the irrigation requirements for the different landscaping elements.

○ **Transport**

The ESD report includes as part of the Green Star pathway a low emissions vehicle infrastructure. This is given as an option between 15% parking for fuel efficient vehicles and provision of electric vehicle parking and charging for 5% of parking spaces.

As each of these initiatives requires different parking configurations and annotation on plans, a particular option should be selected and committed to, including updating architectural plans to demonstrate requirement for limited size car spaces, signage or electric vehicle charging infrastructure.

○ **Stormwater Management**

The ESD report does not contain sufficient detail on Stormwater Management, but identifies that a MUSIC model will be required to demonstrate compliance. A report demonstrating how the development meets the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) must be included as an appendix to the ESD report at planning stage.

Additionally the project is targeting one Innovation point for meeting the enhanced stormwater pollution reduction targets, therefore the stormwater

response should provide a detailed response demonstrating how those targets will be achieved.

Capacity of rainwater tanks as per the ESD report and MUSIC modelling report to be shown on architectural plans.

o **Further Information Required**

- Any Green Star Design and As Built calculators used to determine points claimed in the Green Star pathway must be submitted as an Appendix to the ESD report.
 - Preliminary NatHERS ratings for a range of representative apartment typologies including the best and worst performing apartments must be included in the ESD report.
 - A Landscape Maintenance Plan providing detail with respect to ongoing maintenance requirements, including specific provision for maintenance beyond the fifty two week period following Practical Completion.
 - Irrigation performance specification (or detailed irrigation strategy) to be submitted.
 - A stormwater management report addressing the requirements of the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) must be submitted for review by the Responsible Authority.
 - ESD report to commit to a particular option for complying with Green Star low emissions vehicle infrastructure compliance. Architectural plans to be updated to annotate requirement of preferred option.
 - Capacity of rainwater tanks must be shown on the architectural plans.
- **Civil Design** – comments provided 18 July 2018.
Various recommended conditions that will be included if a permit is to issue.
 - **City Design** – comments provided 3 October 2018.
City Design did not support the submitted Landscape Design Report. If a permit is to issue a revised landscape plan including clarification of the green wall treatment to Kings Way will be required via condition.
 - **Waste** – comments provided 13 March 2019.
Waste provided various items that are required to be addressed. If a permit is to issue this could be addressed via condition.

No comments were sought from Council's Heritage Advisor as, although it is proposed to apply a Heritage Overlay to the land, no interim Heritage Overlay is proposed. In addition, the heritage outcome has been dramatically improved through the retention of some of the heritage asset to the corner of Kings Way and Kavanagh Street.

9.2 External

- VicRoads

A conversation with VicRoads on 8 March 2019 confirmed that Hannah Street is owned and managed by Council. DEWLP has received formal comments and conditions to be included if a permit is to issue.

10. ASSESSMENT

The key issues in the consideration of this application are:

- Design and Built form
- Height and setbacks
- Internal amenity

- Heritage
- Off-site amenity impacts
- Parking, Traffic and Waste
- Environmental Sustainable Design

10.1 Design and Built form

Although key elements of the current endorsed scheme are retained, such as the two tower form, there are a number of improvements including the re-orientation of the two tower forms, the associated redistribution of bulk away from Kavanagh Street / Boyd Park and the more fine grain podium and the materiality and language of the towers.

The podium, with the retention of the façade of the heritage building, provides a more engaged and human scale to the lower levels of the building. Additional improvements to building entries and the introduction of more balconies as well as the use of more tactile materials at the lower levels are all supported.

The proposal now responds to its context by holding the corner to Kavanagh Street and Kings Way and utilising the existing heritage building to create a vastly improved lower level streetscape, in particular as seen from Kavanagh Street and Boyd Park (refer to Figure 6 below). There is also now a tower setback to Kings Way and transitional elements to the tower forms which help to reinforce the prominence of the podium level and allow breathing space to emphasise the complementary and engaging new and old elements. The orientation of the two towers is also now responsive to context by moving the larger tower away from Kavanagh Street and Boyd Park and by breaking up the previous sheer mass of the Kings Way frontage, a more sensitive and prominent vantage point compared to the freeway side. The comparative picture below (Figure 7) visually demonstrates the success of the changes to the scheme.

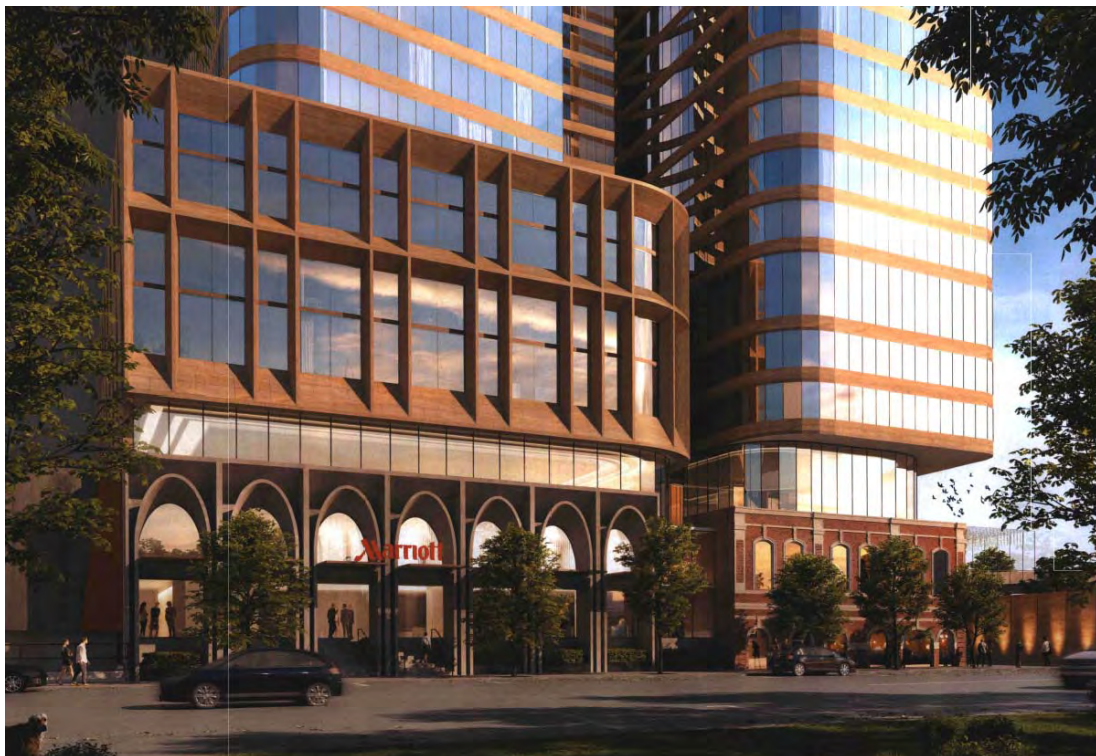


Figure 6: View from Boyd Park (Source: Elenberg Fraser)

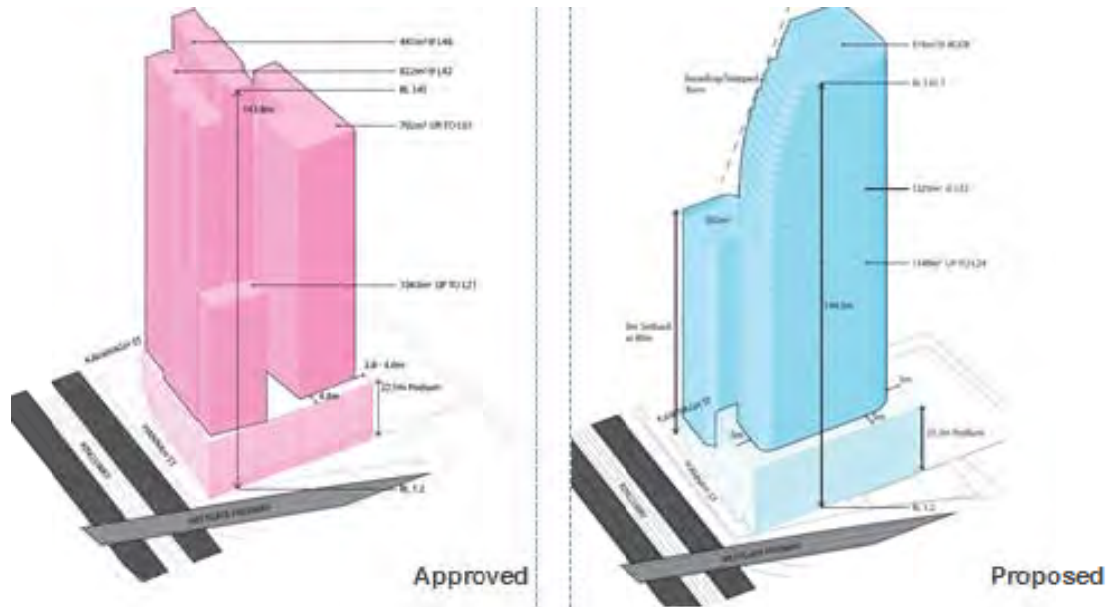


Figure 7: Comparative Massive (Source: Elenberg Fraser)

Finally, it is considered that the tower language of the two distinct forms of the dual tower is an improvement on the endorsed scheme and responsive to a specific recommendation from Council’s Urban Design team.

The images below (Figure 8) show the comparative enhancement of the forms, massing, orientation and language of the tower and podiums. Nonetheless if a permit is to issue, Council recommends the inclusion of a condition requiring a detailed façade strategy.

Endorsed

Proposed





Figure 8: Comparative images of towers (Source: Elenberg Fraser)

In summary, the proposed design is considered a much improved outcome compared to the current endorsed scheme. The new scheme includes significant improvements to the engagement with the street, the relationship with the park, the tower orientation and language and the human scale to the lower levels of the building. In addition the proposal now retains a portion of the heritage building, a vast improvement to the original scheme that fully removes the heritage asset.

Consequently, subject to conditions requiring additional information, such as a facade strategy and measures to address glare, from a built form perspective, the proposal is supported.

10.2 Height and setbacks

It is accepted that strict compliance with DDO10 is not required in this instance as the original permit was granted prior to the approval of Melbourne Planning Scheme Amendments C262 and C270.

With regard to DDO10, the amended proposal must not increase non-compliance from that of the already approved scheme. The reconfigured built form meets the modified requirements of Table 3 of the DDO10 by way of:

- The street walls do not exceed 40 metres.
- The corner street wall does not exceed 80 metres and defines a street corner with Kavanagh Street being a main street.
- The corner street wall also fronts a road reserve wider than 80 metres and does not extend for more than 25 metres along each street frontage.
- It meets the modified requirement to have at least 10 metre tower separation and 5 metre street setbacks. As shown in Figure 9 below the setbacks are increased in the new design ensuring the amended building reduces the extent of 'non-compliance' from the existing.
- Where there is non-compliance with DDO10, such as the plot ratio and setbacks, it is noted that the proposed amendment is reducing the extent of non-compliance. The only exception is the bridge-link between the towers which is deemed to increase non-compliance and is therefore required to be removed via condition.

For all these reasons the proposal is considered a valid and supportable application under the provisions set out within Clause 3.0 of the Capital City Zone Schedule 3.

As the proposal involves revising a previously approved scheme, the height and setbacks analysis compares the two schemes. It is apparent that the proposed scheme is an improved design outcome and presentation at a human scale, particularly when viewed from Kavanagh Street. The new configuration of the proposal ensures the development responds to all street frontages.

The proposal adopts a five storey podium height, with tower forms of 19 storeys and 38 storeys respectively. Overall, the proposal results in a 43 storey building with a maximum height of 143.8 metres from ground level which is the same as the existing endorsed height.

The new setbacks respond more appropriately to the immediate interfaces of the site, ensuring equitable development opportunities, adequate separation between towers and improved on-site amenity and comparable off-site amenity impacts.

The applicant states on page 22 of their report that:

‘Whilst the building footprint has been varied; the alignment of the building envelope generally remains in accordance with the approved setbacks and where slight alterations have been made an improved design outcome results. Although not necessarily required, the proposal has been designed to meet the modified setback requirements of DDO10, ensuring that the amended building form reduces the extent of ‘non-compliance’ from the existing approval.

Building setbacks at the tower level are proposed as follows:

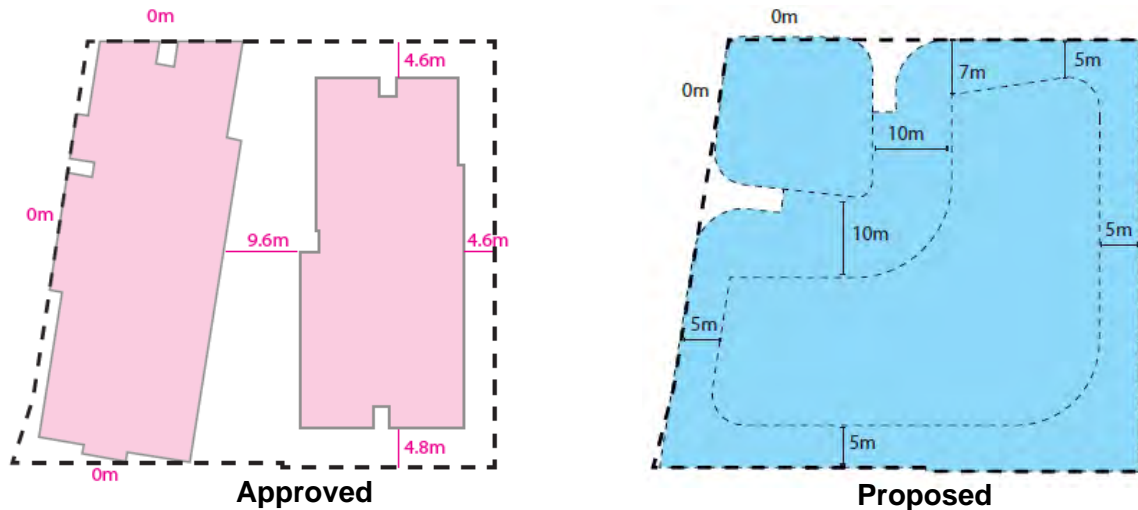


Figure 9 Comparison of setbacks between the proposed and approved development (Source: Elenberg Fraser)

In summary, the proposed setbacks are an improved contextual response compared to the existing, ensuring sufficient visual relief is provided to adjoining sites and when viewed from the public realm, in particular Kavanagh Street and the future Boyd Park.

10.3 Internal amenity

The proposed internal amenity of the new dwellings compared to the endorsed scheme is an improved outcome. The revised apartments are generally compliant with the Better Apartment Design Standards (BADs) with the exception of the floor to floor heights. The revised apartments provide greater separation (10 metres) and apartment outlooks are all directed away from each other. There are also improved communal facilities for the residents and guests to enjoy.

10.4 Heritage

As highlighted above the current site is proposed to be graded as ‘Significant’ under Amendment C305. At the time of writing the report the site remains without a Heritage Overlay or interim Heritage Overlay and therefore is not required to retain any portion of the heritage building. Despite this, the proposed development now includes retention of a significant portion of the heritage building which is removed in the endorsed scheme. The retention of the heritage building delivers a vastly improved heritage outcome while simultaneously providing more visual interest and differentiation of the podium.

10.5 Offsite amenity impacts

The wind impacts have been demonstrated to be an improvement from the endorsed scheme, in particular to Kavanagh Street and Boyd Park.

As stated by the applicant, and reinforced in the submitted Mel Consultants report in more detail, on page 25 of the planning report:

‘Due to the narrow separation between the towers, wind velocity will increase as it exits the pinch point and possibly cause wind speeds above comfortable walking levels at Boyd Park. In contrast, due to the L-shape of the proposal, southerly winds will be blocked by the proposed building and as a result will not cause an increase in wind velocity to the north at the new proposed Boyd Park.’

Please refer to Wind Impact Assessment prepared by Mel Consultants for more detail.’

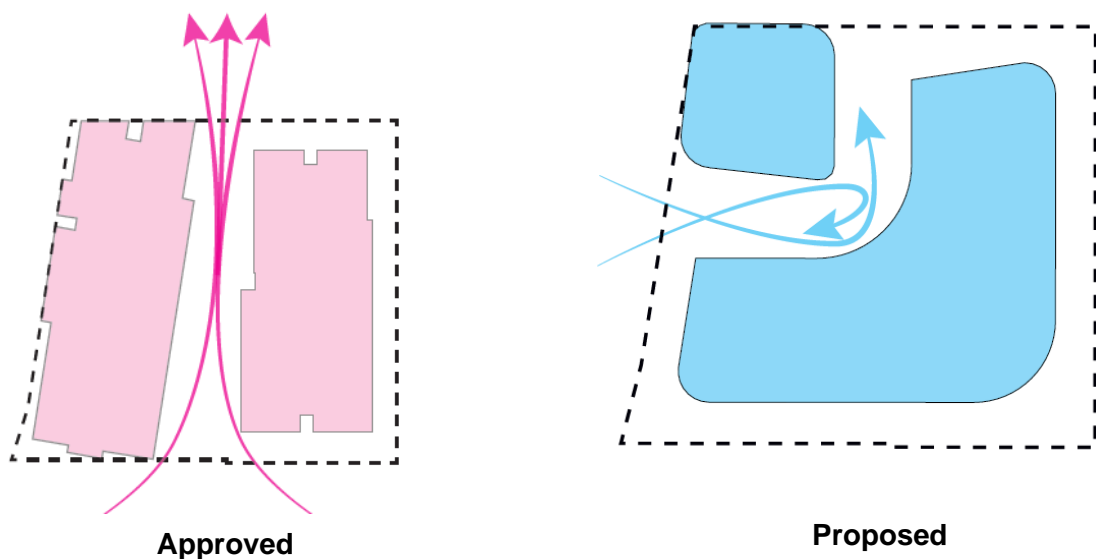


Figure 10 Comparison of wind conditions between the existing scheme and approved development (Source: Elenberg Fraser)

While both the endorsed and proposed schemes result in additional overshadowing of the public realm, the site’s location adjacent to major roadways means the potential for overshadowing of open space or highly pedestrianised areas is limited. The shadow impact continues to primarily fall within the Westgate Freeway and Kings Way road reserves with some shadow falling between 9 and 11am to commercial buildings on Kings Way and Moray Street. The shadow impacts are comparable to what has already been approved as part of the endorsed design and are therefore deemed acceptable.

10.6 Engineering

Overall the Engineering Branch supports the proposed parking, loading and waste arrangements subject to conditions. Overall the traffic impacts of the proposal are deemed acceptable based on the advice of Council's Traffic team (refer to section 7.1 above for the full comments).

The number of bicycle spaces will be assured via conditions along with a revised Waste Management Plan.

10.7 Environmentally Sustainable Design

Subject to conditions the submitted ESD report is considered acceptable. The report concludes that the development has the preliminary design potential to achieve 5 Star Green Star in accordance with the requirements of Clause 22.19 of the Melbourne Planning Scheme. Council's ESD Officer in advice dated 18 March 2019 stated as follows that 'the ESD response is generally of a high standard with appropriate targets and specifications'. The advice provided goes into detail about the additional information required and provides a standard condition which will be included below.

11. CONCLUSION

Overall the proposal provides a less intensive and more contextual design response that significantly enhances the development outcome by way of incorporation of the heritage building and through improving the engagement with the street and Boyd Park and the visual interest of the podium and tower. In addition, the proposed changes result in improved wind impacts while other considerations such as overshadowing and engineering and ESD considerations are comparable to the endorsed scheme. For these reasons the proposed amendments to the endorsed scheme can be supported subject to various conditions.

12. OFFICER RECOMMENDATION

That the Department of Environment, Land, Water and Planning (DELWP) be advised that the City of Melbourne does not object to the application to amend the existing permit subject to the below conditions.

It is noted that any existing conditions, including those relating to construction management, wind and contaminated land, must be retained on the permit and updated where appropriate.

Condition 1 (amended)

Prior to the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application prepared by Elenberg Fraser Architects (received on 29 August 2018) but modified to show:

- a) Additional design changes shown on discussion plans received by Council on 7 December 2018 prepared by Elenberg Fraser.
- b) Removal of all signage shown on the plans (to be subject to separate planning approval).
- c) The bridge link between the two towers to be removed.

- d) Any changes required by additional wind testing as required by condition 6.
- e) Any changes required by Waste Management Plan.
- f) Any changes required by the Landscape Plan.
- g) Any changes required by the below ESD report.
- h) Details including exact numbers of bicycle parking and storage in accordance with Clause 52.34 of the Melbourne Planning Scheme.
- i) A façade strategy that addresses the following matters:
 - i. A description by the architect of the building design concept and how the façade works to achieve this;
 - ii. Retention of the stone / masonry / terrazzo elements;
 - iii. 1:20 details of all podium materials, building entries and façade treatment at key junctions;
 - iv. Key details of the façade modules for each key component. The façade of the L shaped form in particular requires enhanced shadow and depth between glazed and solid elements;
 - v. A schedule of materials, finishes and details, including but not limited to the type and quality of materials, colour and appearance;
 - vi. Resolution of the ground plane to ensure a high-quality pedestrian environment, in particular to the hardscape and planting around the porte cochere area;
 - vii. Analysis of glare from upper façade to ensure unacceptable effects to public realm are avoided;
 - viii. Analysis of the reflectivity of the glazed façades.

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

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

WSUD condition

Prior to the commencement of the development, a Water Sensitive Urban Design (WSUD) Response shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The WSUD Response must address, as appropriate, the requirements set out in Clause 22.23-4 of the Melbourne Planning Scheme to the satisfaction of the Responsible Authority.

The performance outcomes specified in the WSUD Response for the development must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority.

Easement condition

Prior to the commencement of the development on the land, the owner of the land must obtain an easement for light and air purposes in favour of the subject land over the abutting title known as Lot A on PS619594R at 42-48 Balston Street Southbank for all south facing windows which are proposed along the southern boundary of the subject land.

Landscape plan condition

Prior to the commencement of the development excluding any demolition, bulk excavation, construction or carrying out of works, a detailed landscape plan prepared by a suitably qualified landscape architect must be submitted and approved by the Responsible Authority. This plan must include:

- a) A schedule of all soft and hard landscaping and treatments.
- b) Urban design elements including, but not limited to, paving, lighting, seating and public art, and clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.
- c) How the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for on-site use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation.
- d) Position, type and spread of all trees on the site and a schedule detailing the size and physical condition of each tree and, where appropriate, the steps to be taken to retain the trees in a satisfactory condition together with details of any proposals for the felling, topping or lopping of any tree.
- e) Location of buildings and trees on neighbouring properties within three metres of the boundary, including street trees.
- f) Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- g) Details of surface finishes of retaining walls, pathways and driveways.
- h) Details of maintenance strategy.
- i) Details of green wall treatment to Kings Way.

This landscape plan must be to the satisfaction of the Responsible Authority and when approved shall form a part of the endorsed plans of this permit.

3D model condition

Before the development starts, excluding demolition, bulk excavation and site preparation, or as otherwise agreed with the Responsible Authority an updated 3D digital model of the development and its immediate surrounds which reflects the required modifications under condition 1 of this permit, as appropriate, must be submitted to the Responsible Authority and the Melbourne City Council and be to the satisfaction of the Responsible Authority in the conformity with the Department's Advisory Note '3D Digital Modelling'. In the event that further substantial modifications are made to the building envelop a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority.

Amended Civil conditions

Drainage of projections

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 Responsible Authority – Engineering Services.

Drainage connection underground

Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.

Demolish and construct access

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 Responsible Authority – Engineering Services.

Hannah Street

All new or altered portions of road (including the provision of footpaths, public lighting, street trees, pavement marking and signage) in Hannah Street must be constructed in sawn bluestone prior to the occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

Sawn bluestone footpath

The footpath adjoining the site along Kavanagh Street must be reconstructed in sawn bluestone together with associated works including the renewal and relocation of kerb and channel and / or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

Street levels not to be altered

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

Roads

All portions of road affected by the construction activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

Street lighting

Review current lighting levels adjacent to the subject land and submit a lighting design for Council approval. If the report finds lighting levels adjacent to the subject land are inadequate, additional street lighting must be installed at the cost of developer. Lighting design must meet AS1158 category P3 requirements as a minimum. CitiPower approved LED luminaries and poles must be incorporated in the lighting design.

Existing street lighting not altered without approval

All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.

Existing street furniture

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

Street furniture

All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on footpaths outside the proposed building to plans and specifications first approved by the Responsible Authority – Engineering Services.

Projections

Prior to the commencement of the development excluding any demolition, bulk excavation, construction or carrying out of works on the land, the owner of the land must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must provide the following:

- a) Liability and maintenance of those parts of the development projecting into airspace or sub-soil of land under the care and management of Council ('Projections').
- b) Payment of a lump sum license premium (payable at the outset rather than an annual fee) in respect to the Projections.
- c) A disclaimer of any right or intention to make or cause to be made at any time any claim or application relating to adverse possession of the land occupied by the Projections.

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

Urban Sustainability conditions

Prior to the commencement of any works including demolition and bulk excavation, a Tree Protection Plan (TPP), for any public trees that may be affected by the development, must be provided to the satisfaction of the Responsible Authority (Urban Forestry & Ecology). The TPP must be in accordance with AS 4970-2009 – Protection of trees on development sites and include:

- i. City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
- ii. Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries.
- iii. 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.
- iv. 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.
- v. Full specifications of any pruning required to publicly owned trees.
- vi. Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
- vii. 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.

Public Tree Protection

- All works (including demolition), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.
- In the event that public trees are proposed for removal at any stage of the development, the applicant must submit plans for the approval of council that show replacement and or additional tree plots of a larger size and increased soil volume than currently exists in the street frontages adjacent to the development.
- Following the approval of a Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted on, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.

Landscaping (Public Realm)

Prior to the commencement of the development, excluding demolition and including bulk excavation, a Public Realm Landscape and Engineering Plan for the road reserves abutting the land (for which Council is the public land manager) must be submitted to and approved by the Responsible Authority.

This plan must include:

- a) Details to demonstrate that tree protection zones of public trees will not be compromised or altered unless proposed design features and methodologies are supported by a report by a suitably qualified Arborist.

Prior the occupation of the development, landscape works, as shown on the endorsed Public Realm Landscape and Engineering Plan must be completed to the satisfaction of the Responsible Authority (Urban Forestry & Ecology – Melbourne City Council).

Waste condition

Prior to the commencement of the development, a Waste Management Plan (WMP) shall be prepared, submitted and approved by the Melbourne City Council - Engineering Services. The WMP should detail waste storage and collection arrangements and be prepared with reference to the Melbourne City Council Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without prior consent of the Melbourne City Council - Engineering Services.

ESD and Green Infrastructure condition

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

Lighting

Lighting along Hannah Street must be positioned so no direct light or glare shall be visible from any roadway or from any adjoining property, to the satisfaction of the Responsible Authority and in consultation with VicRoads and CityLink.

Note(s)

- N1. Manager Engineering Services Branch recommends that all projections over the street alignment must conform to Building Regulations 2006, Part 5, Sections 505 to 514 as appropriate. Reference may be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face / back of kerb.
- If approved by Council, any catenary lighting over Council laneways must be managed by the property owners at their cost via a S173 agreement registered on title.
- N2. The internal roads should remain the responsibility of the land owner(s) in perpetuity. The City of Melbourne is unlikely to agree to the internal roads being made public.
- N3. All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – Manager Engineering Services Branch.
- N4. In accordance with the Tree Retention and Removal Policy a bank guarantee must be:
1. Issued to City of Melbourne, ABN: 55 370 219 287.
 2. From a recognised Australian bank.
 3. Unconditional (i.e. no end date)
 4. Executed (i.e. signed and dated with the bank stamp)
- N5. Please note that insurance bonds are not accepted by the City Of Melbourne. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.
- N6. At the time of lodgement of the bank guarantee the completed Project Arborist Confirmation Form must be provided. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the health of the subject public trees has not been compromised.
- N7. Approval for any tree removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.
- N8. 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 council remove the subject trees.