

Report to the Future Melbourne Committee**Agenda item 6.4****Planning Permit Application: TP-2019-22
501-527 King Street, West Melbourne****22 November 2022****Presenter:** Marjorie Kennedy, Head of Statutory Planning**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee (FMC) of a Planning Permit application seeking approval for the construction of a five-storey mixed use building on the land located at 501-527 King Street, West Melbourne (refer attachment 2 – Locality Plan).
2. The applicant is Holder East King Pty Ltd, the owner is Holder East King Pty Ltd and the architect is Hayball Architects. The cost of works for the proposed development is \$40,000,000.
3. The site is located within the West Melbourne Structure Plan 2018 area, Special Use Zone Schedule 6 (SUZ6) and the Spencer Precinct as defined by the Design and Development Plan Overlay Schedule 72 (DDO72).
4. Other overlays include Environmental Audit Overlay (EAO) and Parking Overlay Schedule 14 (PO14).
5. The original application sought an eight storey mixed use development, which received 36 objections. Following notice, the applicant amended the proposal in response to the approved West Melbourne Structure Plan and a review of the proposal at the Melbourne Design Review Panel. The amended proposal included a height reduction from eight to five storeys and other significant changes.
6. The final plans seek a building height of 21.25 metres, a Gross Floor Area of 8,908 m² and a Floor Area Ratio of 3:1, accommodating office space, food and drink premises and a restricted recreation facility (children's play space) (refer attachment 3 – Selected Plans).

Key issues

7. The key issues for consideration are land use, response to the built form controls of DDO72, traffic impacts, Ecologically Sensitive Design (ESD), signage and car parking.
8. The proposal is consistent with the relevant provisions of the Melbourne Planning Scheme and will achieve a well resolved response to its strategic, physical and emerging context and is an appropriate response to the West Melbourne Structure Plan 2018.
9. The proposal has a maximum height of five-storeys, with three-storeys fronting the public realm, in accordance with the built form requirements of DDO72. The proposal incorporates a diversity of forms and architectural language which will assist in breaking up the built form and providing visual interest. The proposal provides activated commercial frontages to King Street, Rosslyn Street and Eades Park, ensuring a high level of pedestrian amenity.
10. The proposed retail, office and recreation uses will support the delivery of a diverse mix of land uses to West Melbourne as envisaged by the West Melbourne Structure Plan 2018 and the SUZ6.
11. Permit conditions are recommended to ensure that the proposal delivers a high quality architectural and landscape design response.

Recommendation from management

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

Attachments:

1. Supporting Attachment (Page 3 of 80)
2. Locality Plan (Page 4 of 80)
3. Selected Plans (Page 5 of 80)
4. Delegate Report (Page 29 of 80)

Supporting Attachment

Legal

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

Finance

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

Conflict of interest

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

Health and Safety

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

Stakeholder consultation

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

Relation to Council policy

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

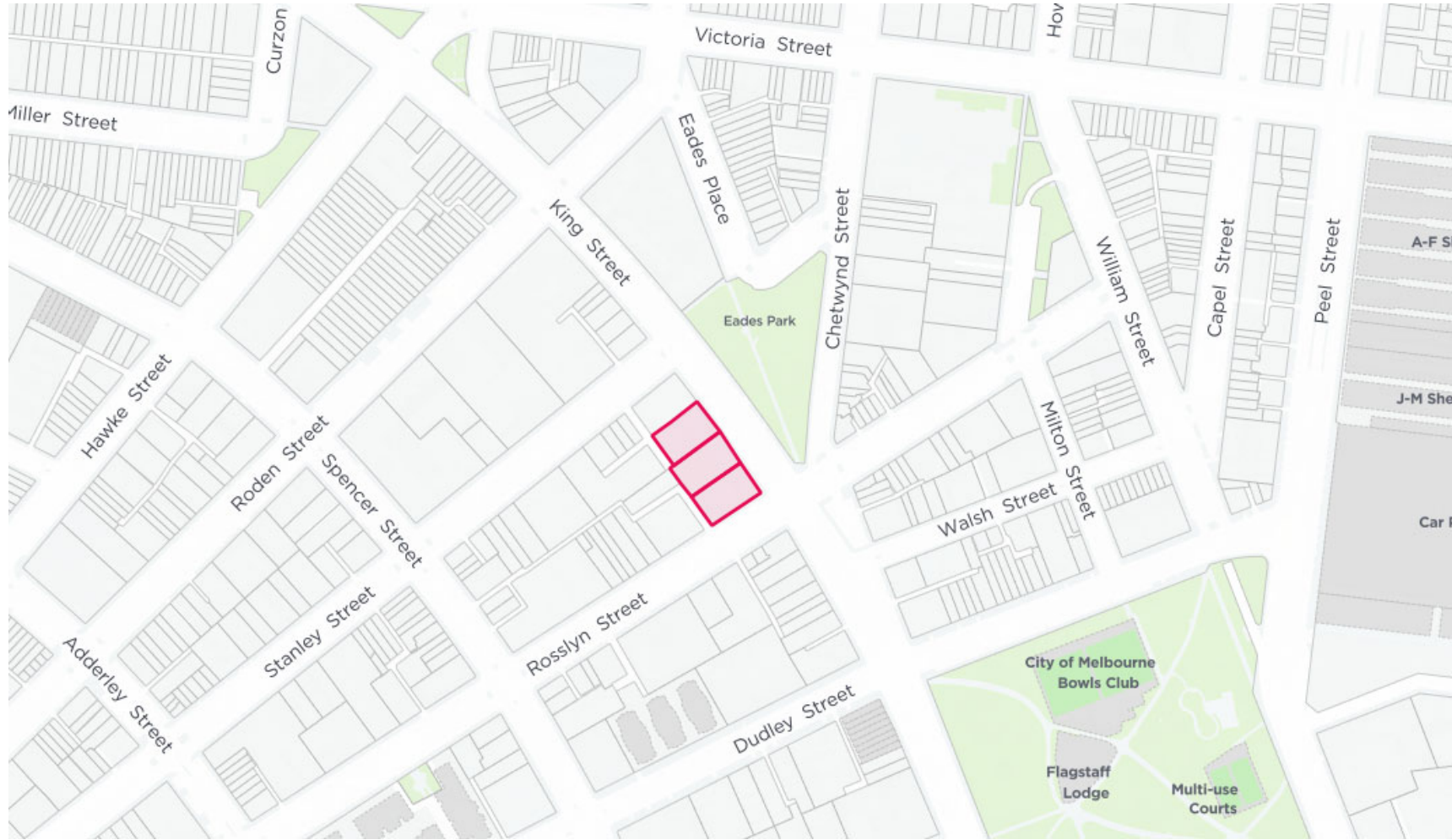
Environmental sustainability

8. The Environmentally Sustainable Design report submitted with the application confirms the development will achieve the relevant performance measures set out in Clauses 15.01-2L-01 (Energy, Water and Waste Efficiency) and 19.03-3L (Stormwater Management) of the Melbourne Planning Scheme.
9. Recommended conditions require implementation of the ESD initiatives.

Locality Plan

Attachment 2
Agenda item 6.4
Future Melbourne Committee
22 November 2022

501-527 King Street, West Melbourne



DEVELOPMENT SUMMARY

OVERALL AREA SCHEDULE

NAME	AREA	PERCENTAGE
ACCESS	274.6 m ²	2%
AMENITIES	744.5 m ²	5%
BIKE STORE	276.5 m ²	2%
BOH	149.7 m ²	1%
CAFE	19.9 m ²	0%
CARPARK	267.9 m ²	2%
EOT FACILITY	3318.1 m ²	23%
OFFICE	105.0 m ²	1%
OUTDOOR MULTIPURPOSE	3223.2 m ²	22%
RECREATION FACILITY	1475.1 m ²	10%
SERVICES	1261.5 m ²	9%
SHOP / FOOD&DRINK PREMISE	603.0 m ²	4%
SHOP / FOOD&DRINK PREMISE	2839.6 m ²	20%
TOTAL	14558.6 m²	100%

AREA SCHEDULE PER LEVEL

CATEGORY	NAME	AREA
BASEMENT 2		
ACCESS	CORE	30.3 m ²
ACCESS	SERVICES	17.6 m ²
CARPARK	CAR PARK	2632.7 m ²
SERVICES	LOBBY	18.8 m ²
SERVICES	MECHANICAL ROOM	46.7 m ²
SERVICES	SERVICES	166.2 m ²
BASEMENT 2		2912.3 m²
BASEMENT 1		
	BIN ROOM	156.6 m ²
	CORE	9.9 m ²
	WATER TANKS	94.2 m ²
ACCESS	CORE	100.5 m ²
ACCESS	LOBBY	16.2 m ²
AMENITIES	AMENITIES	48.4 m ²
CARPARK	CAR PARK	685.5 m ²
OUTDOOR MULTIPURPOSE	OUTDOOR MULTI PURPOSE	315.7 m ²
SERVICES	FIRE PUMP ROOM	86.2 m ²
SERVICES	MAIN SWITCH ROOM	30.3 m ²
SERVICES	MECHANICAL ROOM	34.8 m ²
SERVICES	SERVICES	52.8 m ²
SERVICES	SUBSTATION	42.8 m ²
SHOP / FOOD&DRINK PREMISE	SHOP / FOOD&DRINK PREMISE	1064.3 m ²
BASEMENT 1		2738.2 m²
LOWER GROUND		
	SERVICES	8.8 m ²
ACCESS	CORE	96.0 m ²
ACCESS	LOADING BAY	112.9 m ²
AMENITIES	AMENITIES	57.3 m ²
BIKE STORE	BICYCLE	149.7 m ²
BOH	CLEANER STORE	19.9 m ²
CAFE	CAFE	228.9 m ²
EOT FACILITY	CHANGE ROOM	105.0 m ²

CARPARK SCHEDULE

LEVEL	TYPE	NO.
BASEMENT 2	CARPARK	71
BASEMENT 1	CARPARK	2
BASEMENT 1	DDA CARPARK	4
TOTAL: 77		77

BIKE SCHEDULE

LEVEL	TYPE	NO.
CARPARK ENTRY	BIKE FLOOR MOUNTED	4
LOWER GROUND	BIKE FLOOR MOUNTED	16
LOWER GROUND	BIKE WALL MOUNTED	92
ROSSLYN ST ENTRY	BIKE FLOOR MOUNTED	6
TOTAL		118

MOTOR BIKE SCHEDULE

LEVEL	TYPE	NO.
BASEMENT 2	MOTORCYCLE	5
BASEMENT 1	MOTORCYCLE	2
TOTAL: 7		7

AREA SCHEDULE PER LEVEL

CATEGORY	NAME	AREA
OUTDOOR MULTIPURPOSE	OUTDOOR MULTI PURPOSE	850.8 m ²
RECREATION FACILITY	RESTRICTED RECREATION FACILITY	356.4 m ²
SERVICES	GAS ROOM	13.6 m ²
SERVICES	LOBBY	13.1 m ²
SHOP / FOOD&DRINK PREMISE	SHOP / FOOD&DRINK PREMISE	259.4 m ²
LOWER GROUND		2271.9 m²
UPPER GROUND		
	SERVICES	5.1 m ²
ACCESS	CORE	66.0 m ²
OUTDOOR MULTIPURPOSE	OUTDOOR MULTI PURPOSE	150.3 m ²
RECREATION FACILITY	RESTRICTED RECREATION FACILITY	436.6 m ²
SHOP / FOOD&DRINK PREMISE	SHOP / FOOD&DRINK PREMISE	917.8 m ²
UPPER GROUND		1575.7 m²
KING ST MEZZANINE		
ACCESS	CORE	115.6 m ²
AMENITIES	AMENITIES	57.3 m ²
CAFE	CAFE	39.0 m ²
OUTDOOR MULTIPURPOSE	OUTDOOR MULTI PURPOSE	158.3 m ²
RECREATION FACILITY	RESTRICTED RECREATION FACILITY	468.6 m ²
SERVICES	BACK OF HOUSE	53.0 m ²
SERVICES	LOBBY	44.7 m ²
SHOP / FOOD&DRINK PREMISE	SHOP / FOOD&DRINK PREMISE	598.0 m ²
KING ST MEZZANINE		1534.5 m²
LEVEL 1		
ACCESS	CORE	75.5 m ²
ACCESS	LOBBY	19.1 m ²
AMENITIES	AMENITIES	56.7 m ²
OFFICE	OFFICE	1611.7 m ²
LEVEL 1		1763.0 m²
LEVEL 2		
ACCESS	CORE	75.8 m ²
ACCESS	LOBBY	19.1 m ²
AMENITIES	AMENITIES	56.7 m ²
OFFICE	OFFICE	1611.5 m ²
LEVEL 2		1763.0 m²
TOTAL		14558.6 m²

TOTAL GFA ABOVE GROUND 8,908.1 sqm

SITE 2,960 sqm

FAR 3.01

8908.1(GFA ABOVE GROUND) / 2960 (SITE) = 3.01

NO	SHEET NAME
TP00.01	COVER
TP00.02	VISUALISATION
TP00.03	VISUALISATION
TP01.01	SITE PLAN
TP01.02	BASEMENT 2 FLOOR PLAN
TP01.03	BASEMENT 1 FLOOR PLAN
TP01.04	LOWER GROUND FLOOR PLAN
TP01.05	UPPER GROUND FLOOR PLAN
TP01.06	MEZZANINE FLOOR PLAN
TP01.07	LEVEL 1 FLOOR PLAN
TP01.08	LEVEL 2 FLOOR PLAN
TP01.09	ROOF PLAN
TP02.01	MATERIALS
TP02.02	SOUTHEAST & NORTHEAST ELEVATION
TP02.03	NORTHWEST & SOUTHWEST ELEVATION
TP03.01	SECTION A
TP03.02	SECTIONS B & C
TP03.03	SECTIONS D & CARPARK RAMPS
TP03.04	ROSSLYN STREET ENTRY SECTION
TP04.01	SUN STUDIES
TP04.02	SUN STUDIES
TP04.03	SUN ANGLE STUDIES
TP05.01	LOWER GROUND DAY ACCESS PLAN
TP05.02	UPPER GROUND DAY ACCESS PLAN
TP05.03	LOWER GROUND NIGHT ACCESS PLAN
TP05.04	UPPER GROUND NIGHT ACCESS PLAN

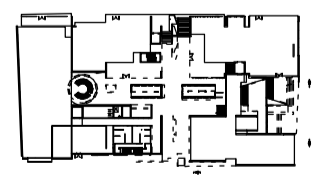
525 KING STREET

521-527 King Street, West Melbourne

Project Title	Melbourne	Sydney	Brisbane	Drawn By	OM	Rev	Date	Description	Drawing Title	Status	Project No	Drawing No	Revision
501-525 King Street West Melbourne	Level 1 250 Flinders Lane Melbourne VIC 3000 T +61 3 9699 3644	Ground Floor 11-17 Buckingham Street Surry Hills NSW 2010 T +61 2 9660 9329	Level 12, 324 Queen Street, Brisbane Qld 4000 T +61 7 3211 9821	Checked By Date Printed Scale	HA 27/10/2022 4:11:51 PM 1 : 100@ A1	F	26/10/2022	TP AMENDMENT	COVER	TOWN PLANNING	2488	TP00.01	F



ARTIST'S IMPRESSION - VIEW FROM ROSSLYN STREET



NEON SIGNS ARE INDICATIVE AND SUBJECT TO SEPARATE APPROVAL

<p>Project Title 501-525 King Street West Melbourne</p>	<p>Melbourne Level 1 250 Flinders Lane Melbourne VIC 3000 T +61 3 9699 3644</p> <p>Sydney Ground Floor 11-17 Buckingham Street Surry Hills NSW 2010 T +61 2 9660 9329</p> <p>Brisbane Level 12, 324 Queen Street, Brisbane Qld 4000 T +61 7 3211 9821</p> <p>ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521, Richard Leonard 7522, David Tordoff 8028</p>		<p>Drawn By OM</p> <p>Checked By HA</p> <p>Date Printed 27/10/2022 4:11:52 PM</p> <p>Scale 1 : 20@ A1</p>	<p>Rev F</p> <p>Date 26/10/2022</p> <p>Description TP AMENDMENT</p>	<p>Drawing Title VISUALISATION</p>	<p>Status TOWN PLANNING</p>	<p>Project No 2488</p>	<p>Drawing No TP00.02</p>	<p>Revision F</p>
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Project Title
 501-525 King Street
 West Melbourne

Melbourne
 Level 1
 250 Flinders Lane
 Melbourne VIC 3000
 T +61 3 9699 3644

Sydney
 Ground Floor
 11-17 Buckingham Street
 Surry Hills NSW 2010
 T +61 2 9660 9329

Brisbane
 Level 12,
 324 Queen Street,
 Brisbane Qld 4000
 T +61 7 3211 9821

ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521,
 Richard Leonard 7522, David Tordoff 8028

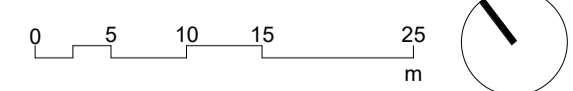


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Date
 26/10/2022

Description
 TP AMENDMENT

Drawing Title
 SITE PLAN

Status
 TOWN PLANNING

Project No
 2488

Drawing No
 TP01.01

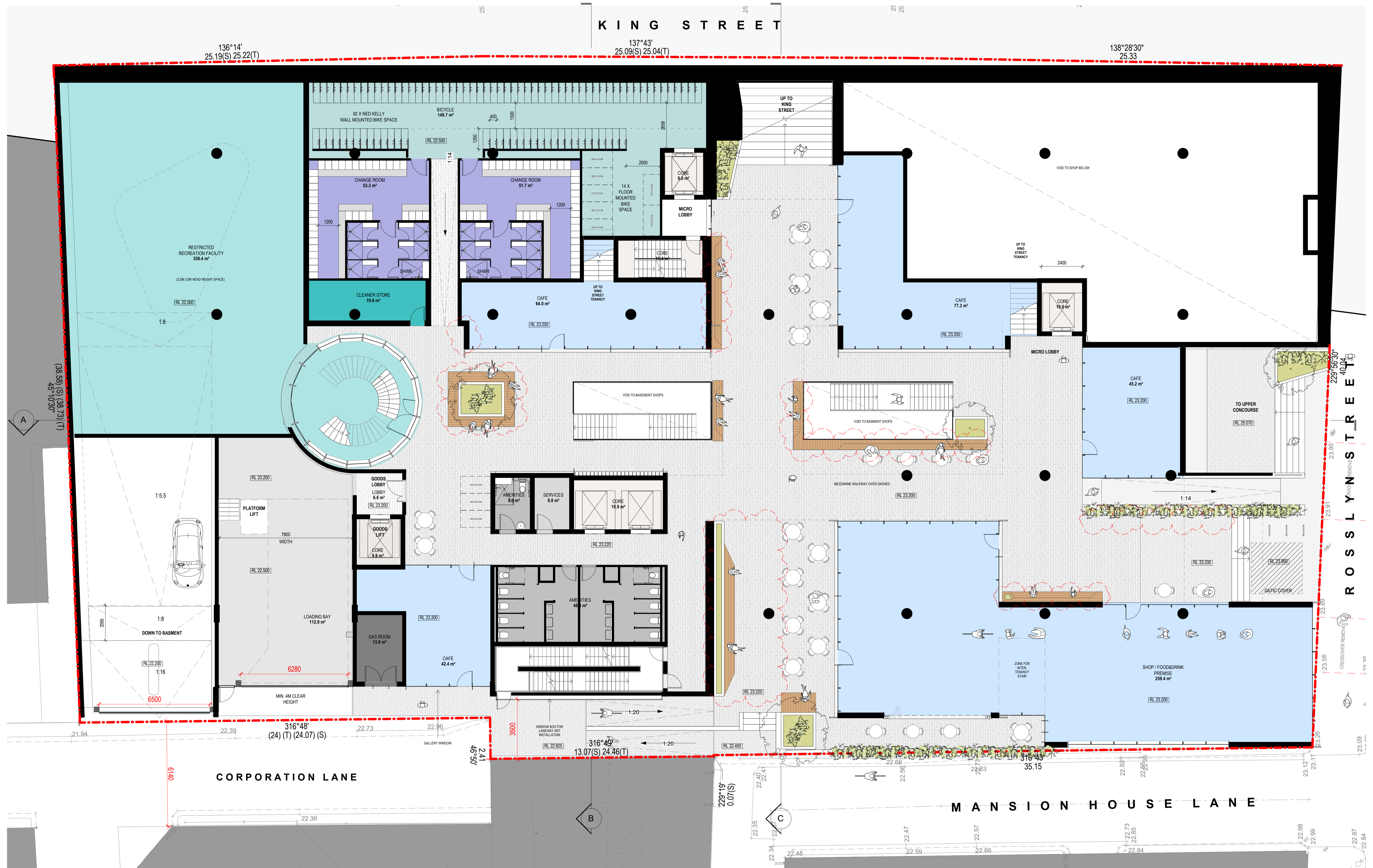
Revision
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Project Title
 501-525 King Street
 West Melbourne

Melbourne
 Level 1
 250 Flinders Lane
 Melbourne VIC 3000
 T +61 3 9699 3644
 ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521, Richard Leonard 7522, David Tordoff 8028

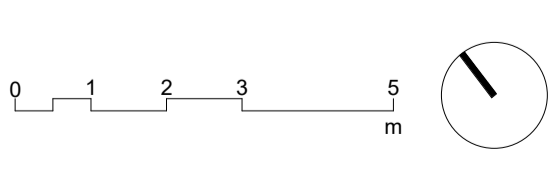
Sydney
 Ground Floor
 11-17 Buckingham Street
 Surry Hills NSW 2010
 T +61 2 9660 9329

Brisbane
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 324 Queen Street,
 Brisbane Qld 4000
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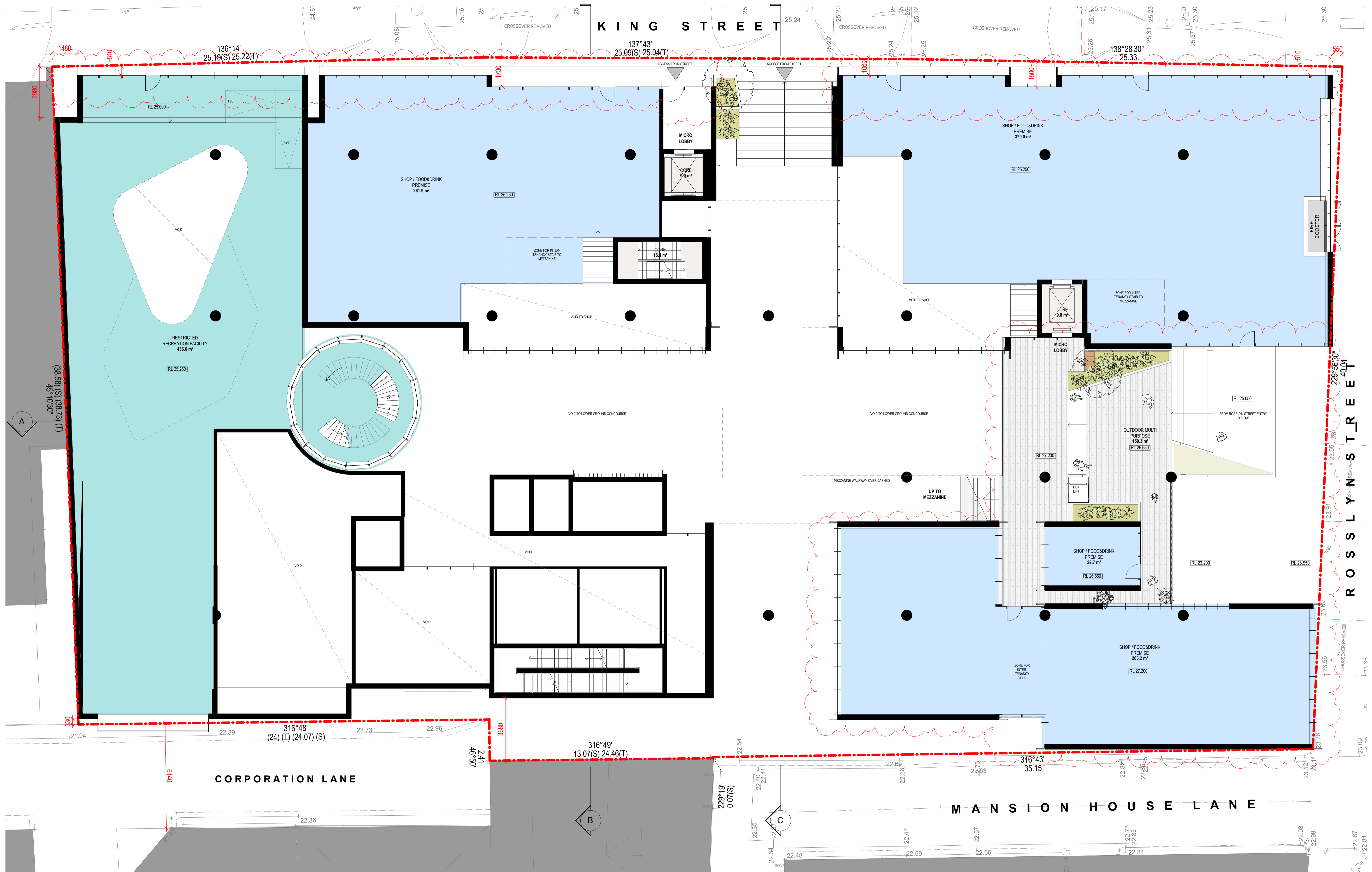


Rev F
 Date 26/10/2022
 Description TP AMENDMENT

Drawing Title
 LOWER GROUND FLOOR PLAN

Status
 TOWN PLANNING

Project No 2488
 Drawing No TP01.04
 Revision F

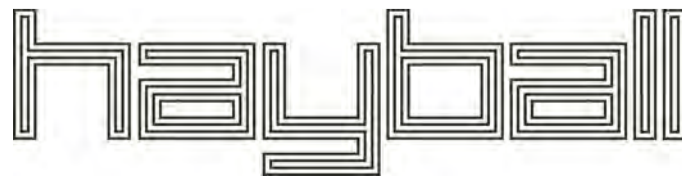


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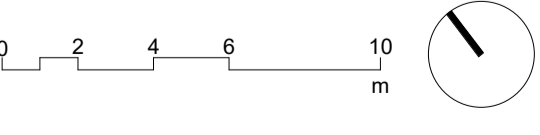
Sydney
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 324 Queen Street,
 Brisbane Qld 4000
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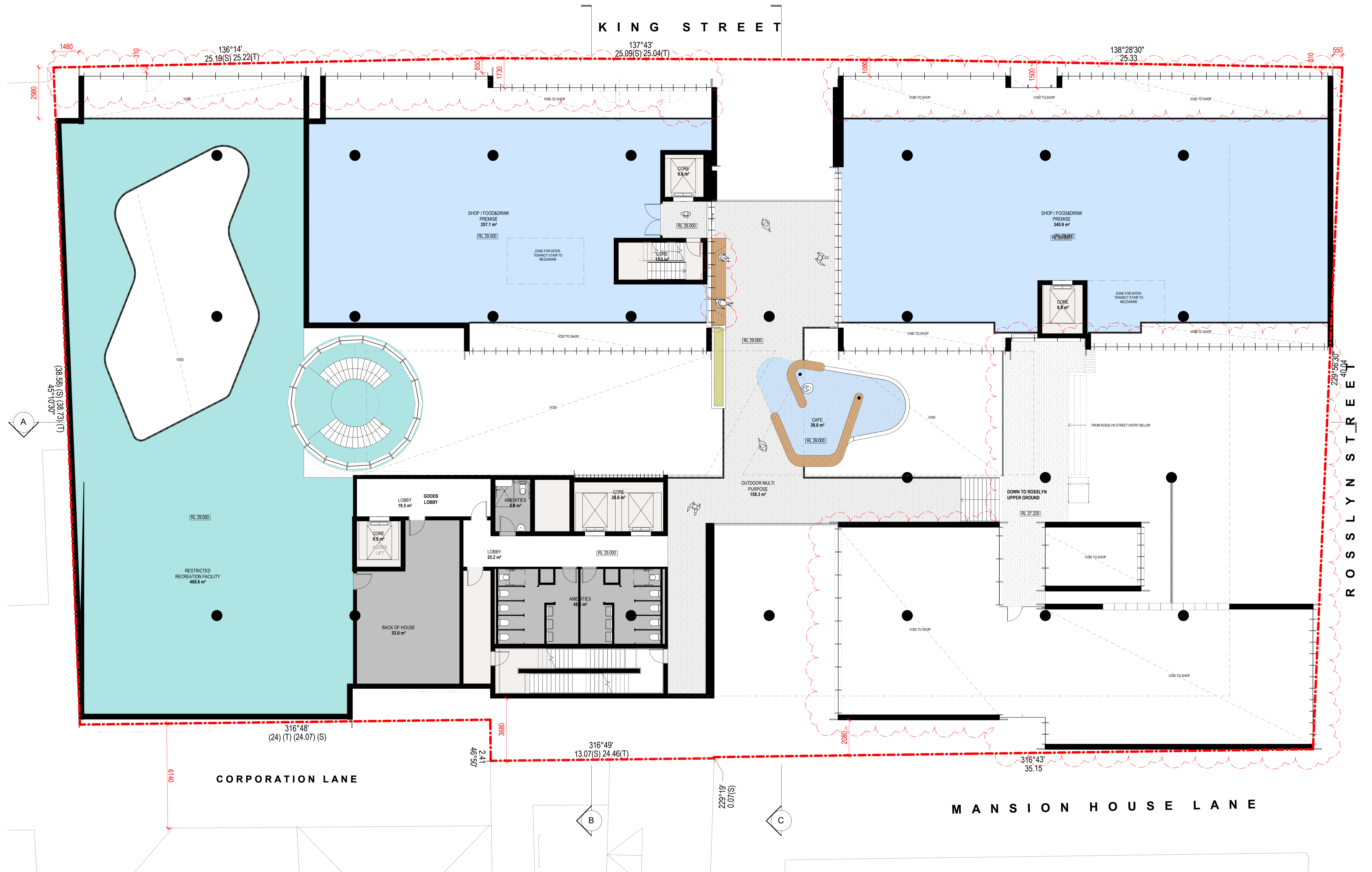


Rev F
 Date 26/10/2022
 Description TP AMENDMENT

Drawing Title
 UPPER GROUND FLOOR PLAN

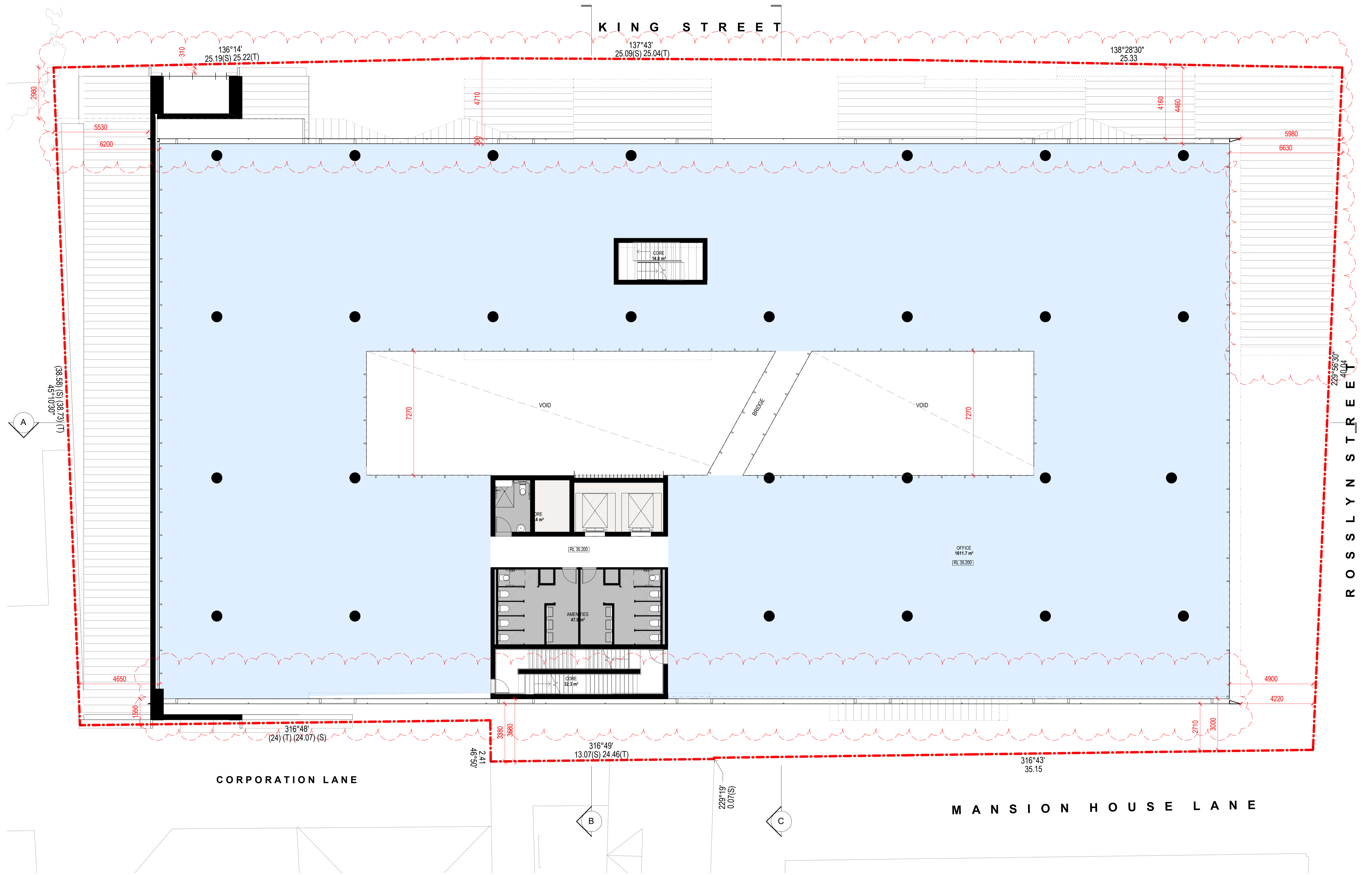
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Project No 2488
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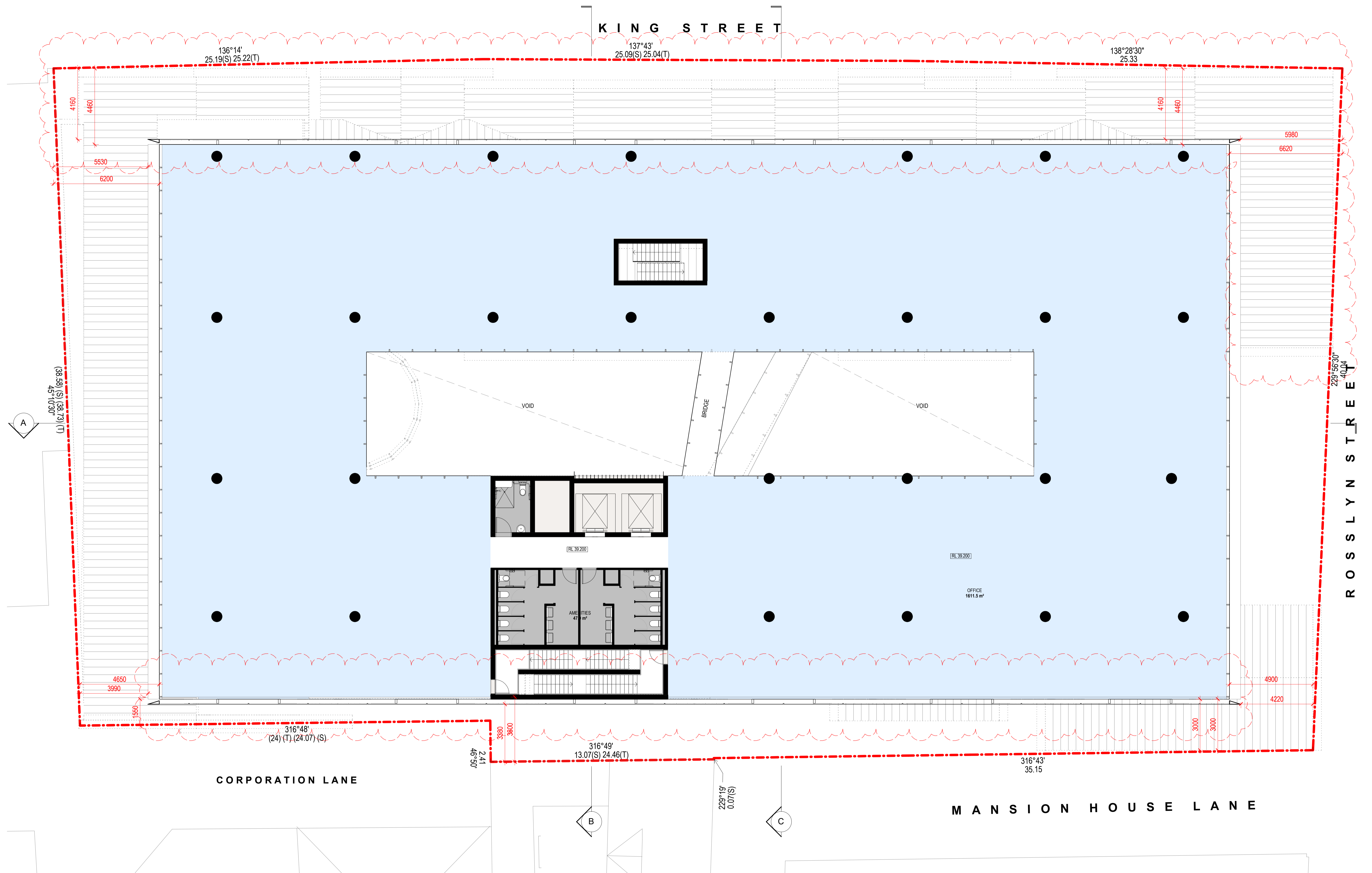


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Builders/Contractors shall verify job dimensions before any job commences. Figured dimensions shall take precedence over scaled work. Work shall also conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacture shall not commence prior to the return of inspected shop drawings signed by the Architect/Consultant. © Copyright 2008 All rights reserved



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	ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521, Richard Leonard 7522, David Tordoff 8028										



Project Title 501-525 King Street West Melbourne	Melbourne Level 1 250 Flinders Lane Melbourne VIC 3000 T +61 3 9699 3644 ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521, Richard Leonard 7522, David Tordoff 8028	Sydney Ground Floor 11-17 Buckingham Street Surry Hills NSW 2010 T +61 2 9660 9329	Brisbane Level 12, 324 Queen Street, Brisbane Qld 4000 T +61 7 3211 9821	hayball	Drawn By OM Checked By HA Date Printed 27/10/2022 4:12:10 PM Scale 1: 100@ A1	Rev F Date 26/10/2022 Description TP AMENDMENT	Drawing Title LEVEL 2 FLOOR PLAN	Status TOWN PLANNING	Project No 2488	Drawing No TP01.08	Revision F
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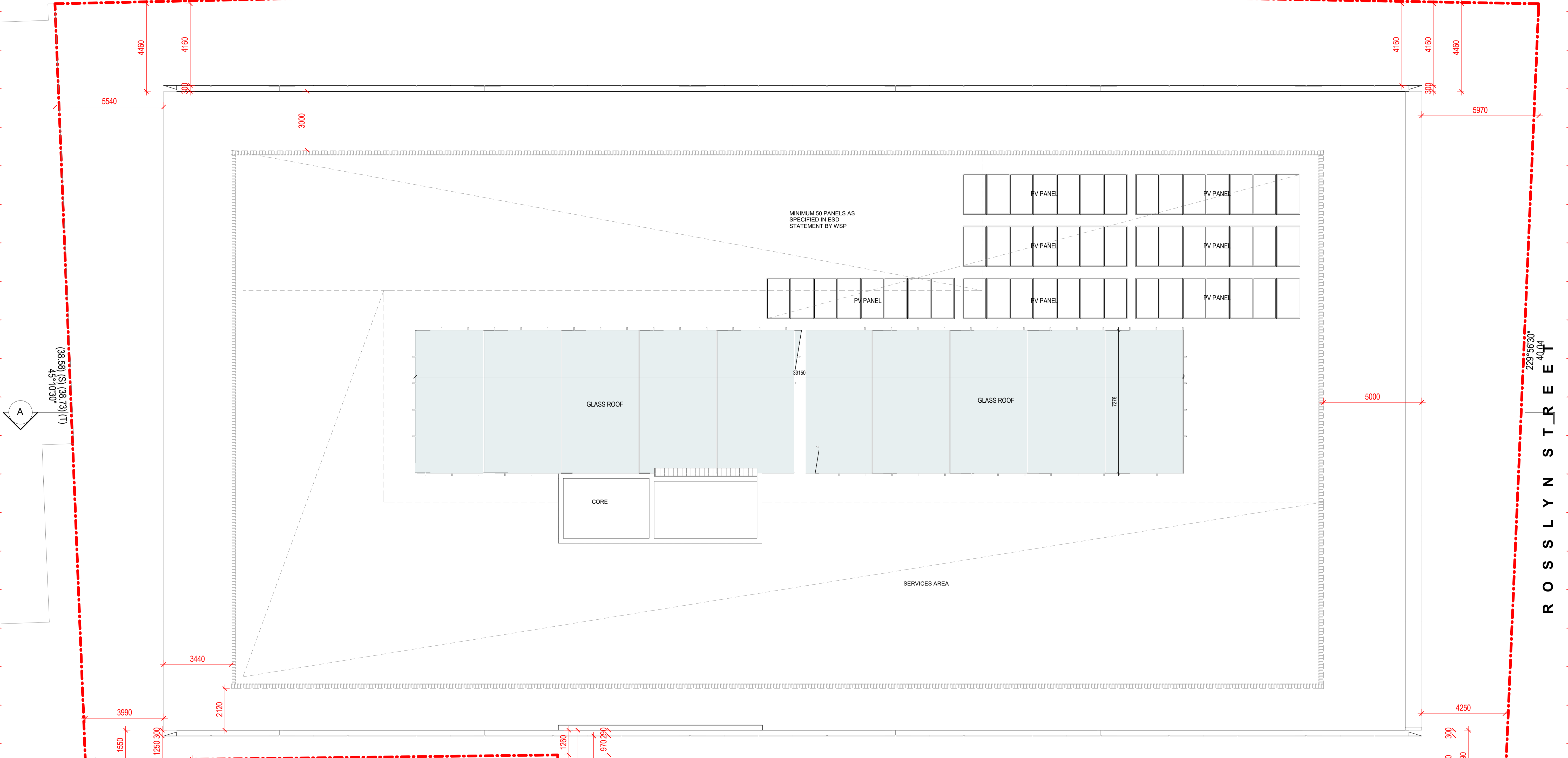
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K I N G S T R E E T

136°14'
25.19(S) 25.22(T)

137°43'
25.09(S) 25.04(T)

138°28'30"
25.33



R O S S L Y N S T R E E T

316°48'
(24) (T) (24.07) (S)

316°49'
13.07(S) 24.46(T)

316°43'
35.15

C O R P O R A T I O N L A N E

M A N S I O N H O U S E L A N E

Project Title 501-525 King Street West Melbourne	Melbourne Level 1 250 Flinders Lane Melbourne VIC 3000 T +61 3 9699 3644 ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521, Richard Leonard 7522, David Tordoff 8028	Sydney Ground Floor 11-17 Buckingham Street Surry Hills NSW 2010 T +61 2 9660 9329	Brisbane Level 12, 324 Queen Street, Brisbane Qld 4000 T +61 7 3211 9821	haydai	Drawn By Checked By Date Printed Scale	GM. HA 27/10/2022 4:12:11 PM 1: 100@ A1	Rev F	Date 26/10/2022	Description TP AMENDMENT	Drawing Title ROOF PLAN	Status TOWN PLANNING	Project No 2488	Drawing No TP01.09	Revision F
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Builders/Contractors shall verify job dimensions before any job commences. Figured dimensions shall take precedence over scaled work. Work shall also conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacture shall not commence prior to the return of inspected shop drawings signed by the Architect/Consultant. © Copyright 2008 All rights reserved



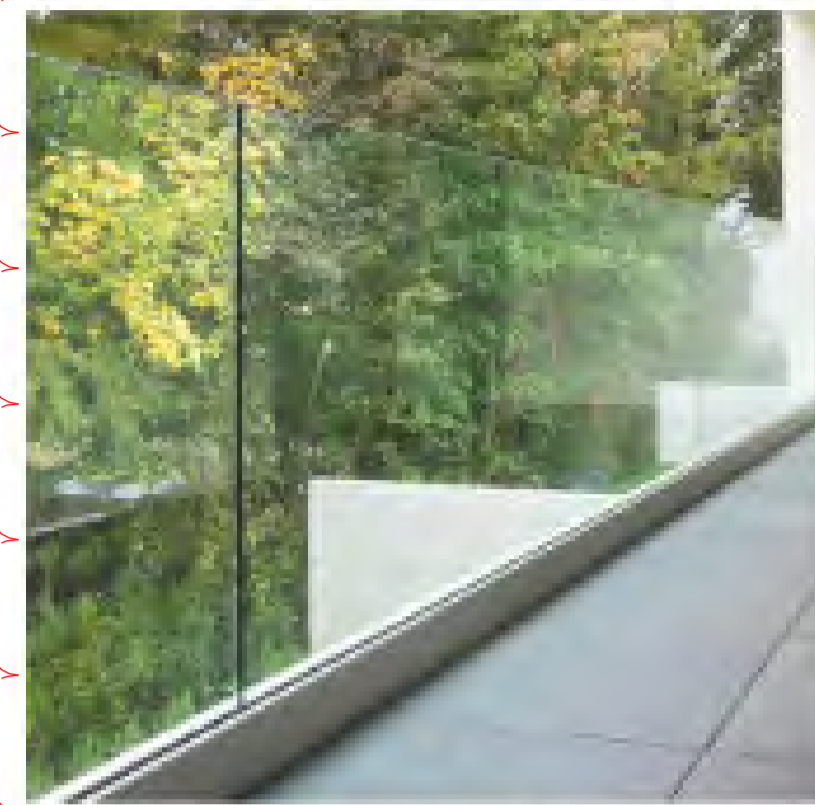
AL01 & AL02 - ALUMINIUM WINDOW MULLIONS AND FRAMES, FINS AND LOUVRES



BK01 - BRICKWORK NATURAL RED



BL01 - STEEL FRAMED GLASS BALUSTRADES WITH TIMBER BATTENS



BL02 - GLASS BALUSTRADES



CL01 - STANDING SEAM ROOF AND WALL CLADDING

EXTERNAL MATERIALS AND FINISHES		
CODE	DESCRIPTION	FINISH/COLOUR
AL01	Aluminium Window Mullions and Frames	Charcoal
AL02	Aluminium Fins and Louvres	Charcoal
BK01	Brickwork - Natural Red	Natural Red
BL01	Steel Framed Glass Balustrades with Timber Battens	Natural Oiled
BL02	Glass Balustrades	Clear
CL01	Standing Seam Roof and Wall Cladding	Zinc
CON01	Concrete Columns and Steps	Brighton Light
CON02	Precast Concrete With Formliner	Charcoal
GL01	Clear Glazing - Shopfronts	Clear
GL02	Clear Glazing - Office Facade	Clear
MT01	Steel Window Frames and Shrouds	Charcoal
PF01	Perforated Metal Mesh Screen - Clear Glazing Behind	Light Coloured
RE01	Thin Profile Metal Roof Edge Detail	Zinc



CON01 - CONCRETE COLUMNS AND STEPS



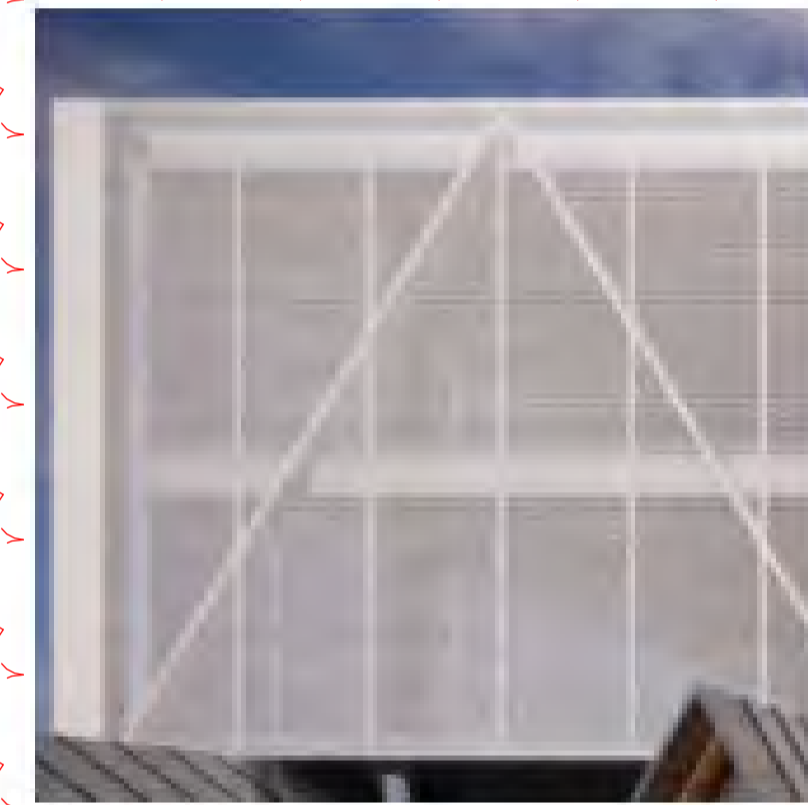
CON02 - PRECAST CONCRETE WITH FORMLINER



GL01 & GL02 - CLEAR GLAZING



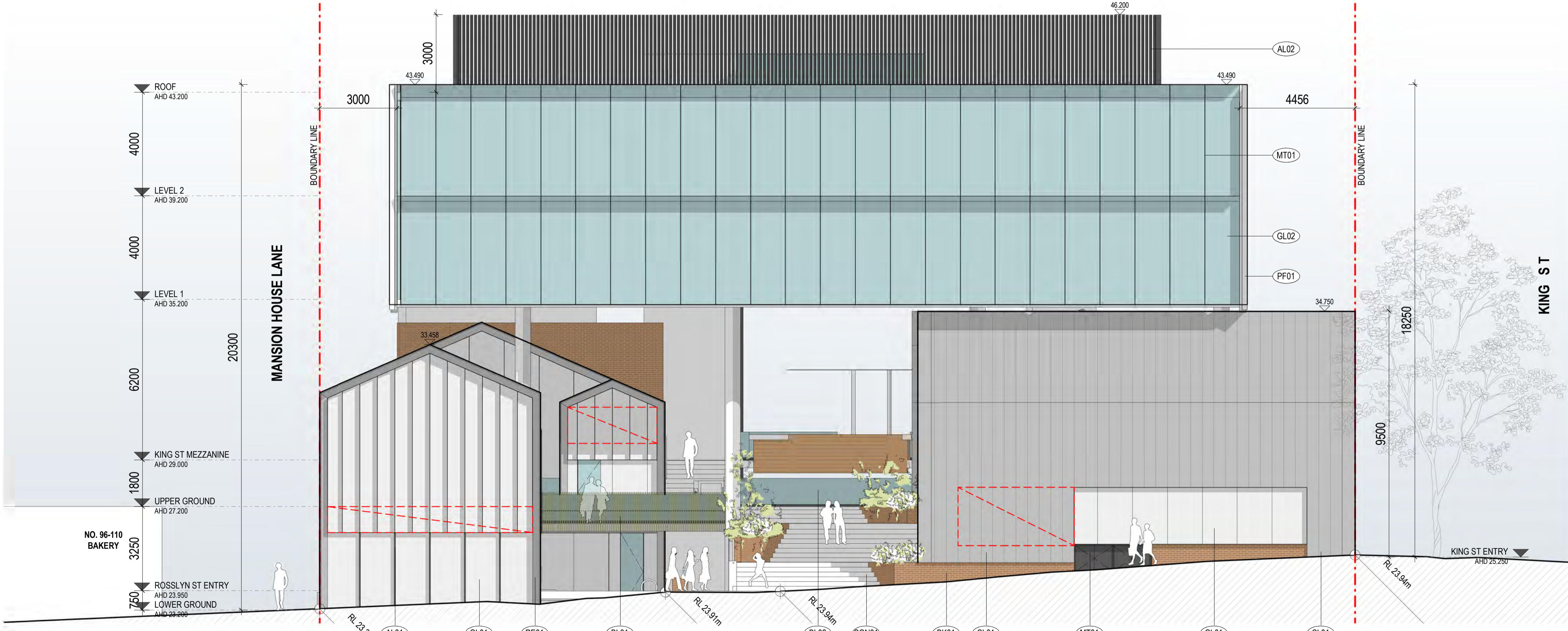
MT01 - STEEL WINDOW FRAME & SHROUD



PF01 - PERFORATED METAL MESH SCREEN - CLEAR GLAZING BEHIND



NORTHEAST ELEVATION



SOUTHEAST ELEVATION

EXTERNAL MATERIALS AND FINISHES		
CODE	DESCRIPTION	FINISH/COLOUR
AL01	Aluminium Window Mullions and Frames	Charcoal
AL02	Aluminium Fins and Louvers	Charcoal
BK01	Brickwork - Natural Red	Natural Red
BL01	Steel Framed Glass Balustrades with Timber Battens	Natural Oiled
BL02	Glass Balustrades	Clear
CL01	Standing Seam Roof and Wall Cladding	Zinc
CON01	Concrete Columns and Steps	Brighton Light
CON02	Precast Concrete With Formliner	Charcoal
GL01	Clear Glazing - Shopfronts	Clear
GL02	Clear Glazing - Office Facade	Clear
MT01	Steel Window Frames and Shrouds	Charcoal
PF01	Perforated Metal Mesh Screen - Clear Glazing Behind	Light Coloured
RE01	Thin Profile Metal Roof Edge Detail	Zinc

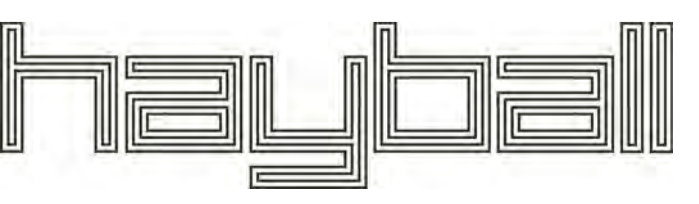
INDICATIVE SIGNAGE AREA

Project Title
 501-525 King Street
 West Melbourne

Melbourne
 Level 1
 250 Flinders Lane
 Melbourne VIC 3000
 T +61 3 9699 3644
 ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521,
 Richard Leonard 7522, David Tordoff 8028

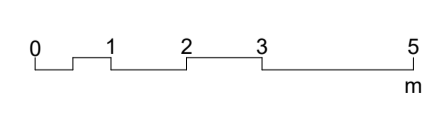
Sydney
 Ground Floor
 11-17 Buckingham Street
 Surry Hills NSW 2010
 T +61 2 9660 9329

Brisbane
 Level 12,
 324 Queen Street,
 Brisbane Qld 4000
 T +61 7 3211 9821



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 Scale

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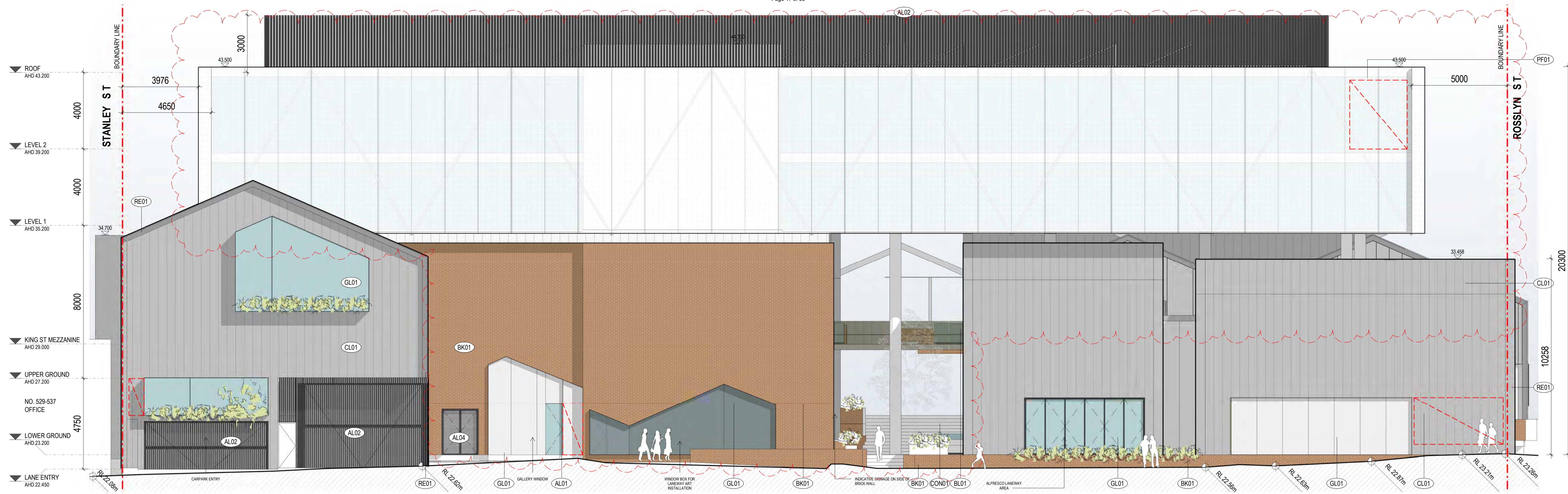
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 ELEVATION

Status
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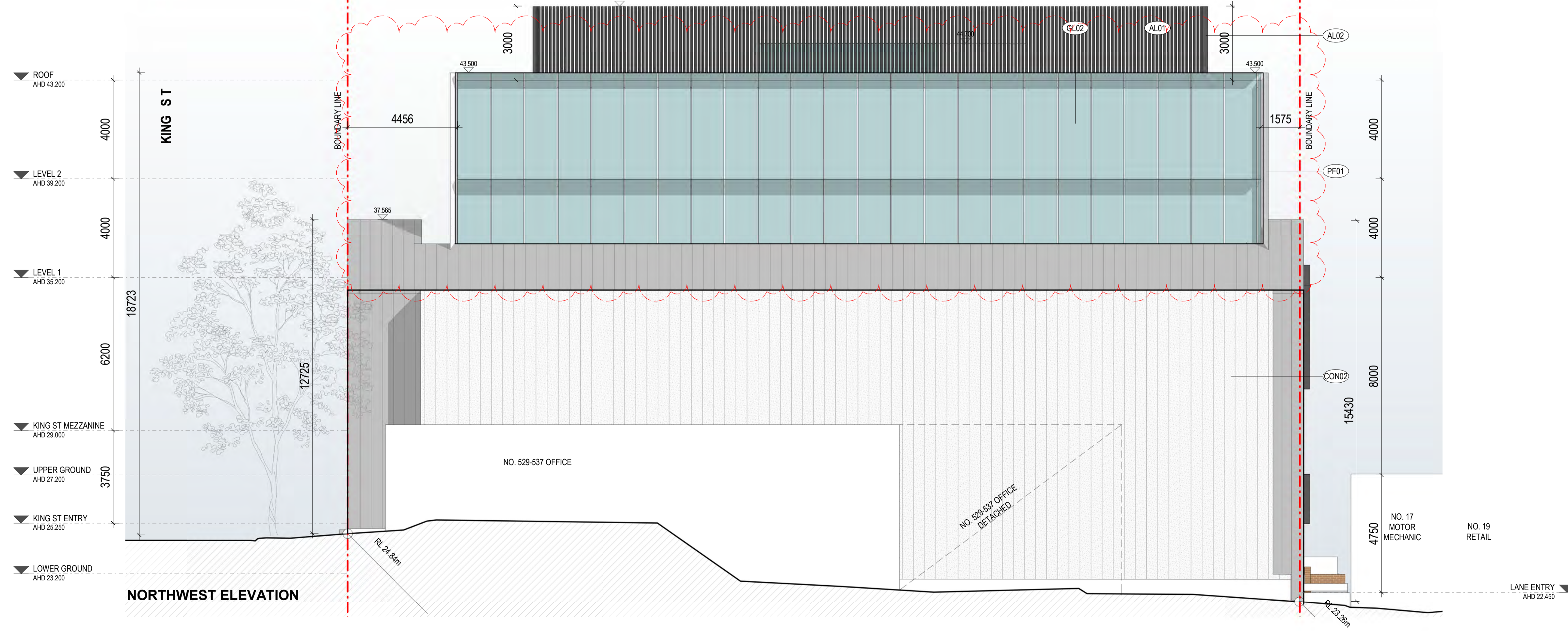
Project No
 2488

Drawing No
 TP02.02

Revision
 F



SOUTHWEST ELEVATION



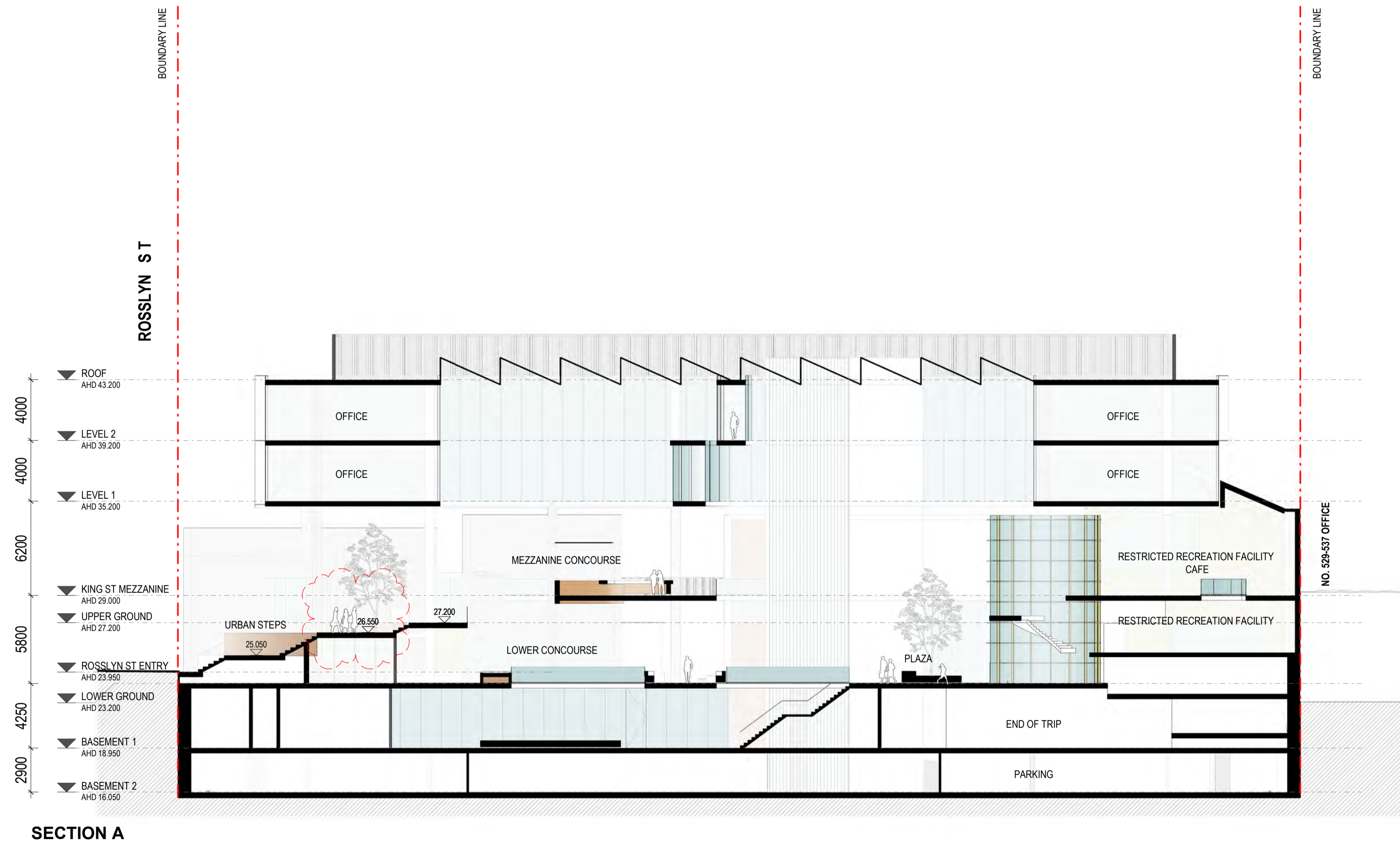
NORTHWEST ELEVATION

EXTERNAL MATERIALS AND FINISHES		
CODE	DESCRIPTION	FINISH/COLOUR
AL01	Aluminium Window Mullions and Frames	Charcoal
AL02	Aluminium Fins and Louvres	Charcoal
BK01	Brickwork - Natural Red	Natural Red
BL01	Steel Framed Glass Balustrades with Timber Battens	Natural Oiled
BL02	Glass Balustrades	Clear
CL01	Standing Seam Roof and Wall Cladding	Zinc
CON01	Concrete Columns and Steps	Brighton Light
CON02	Precast Concrete With Formliner	Charcoal
GL01	Clear Glazing - Shopfronts	Clear
GL02	Clear Glazing - Office Facade	Clear
MT01	Steel Window Frames and Shrouds	Charcoal
PF01	Perforated Metal Mesh Screen - Clear Glazing Behind	Light Coloured
RE01	Thin Profile Metal Roof Edge Detail	Zinc

INDICATIVE SIGNAGE AREA

<p>Project Title 501-525 King Street West Melbourne</p>	<p>Melbourne Level 1 250 Flinders Lane Melbourne VIC 3000 T +61 3 9699 3644</p>	<p>Sydney Ground Floor 11-17 Buckingham Street Surry Hills NSW 2010 T +61 2 9660 9329</p>	<p>Brisbane Level 12, 324 Queen Street, Brisbane Qld 4000 T +61 7 3211 9821</p>	<p>hayball</p>	<p>Drawn By OM</p> <p>Checked By HA</p> <p>Date Printed 27/10/2022 4:12:48 PM</p> <p>Scale As indicated @ A1</p>	<p>Rev F</p> <p>Date 26/10/2022</p> <p>Description TP AMENDMENT</p>	<p>Drawing Title NORTHWEST & SOUTHWEST ELEVATION</p>	<p>Status TOWN PLANNING</p>	<p>Project No 2488</p>	<p>Drawing No TP02.03</p>	<p>Revision F</p>
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Builders/Contractors shall verify job dimensions before any job commences. Figured dimensions shall take precedence over scaled work. Work shall also conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacture shall not commence prior to the return of inspected shop drawings signed by the Architect/Consultant. © Copyright 2008 All rights reserved

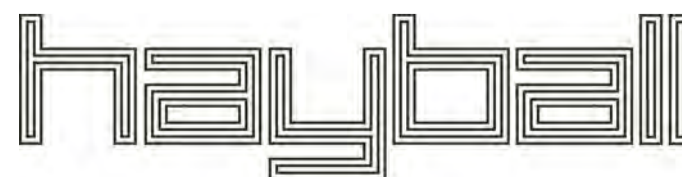


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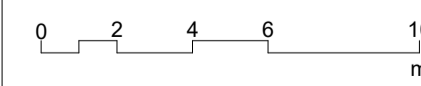
Melbourne
Level 1
250 Flinders Lane
Melbourne VIC 3000
T +61 3 9699 3644
ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521, Richard Leonard 7522, David Tordoff 8028

Sydney
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Surry Hills NSW 2010
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Brisbane
Level 12,
324 Queen Street,
Brisbane Qld 4000
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Rev F
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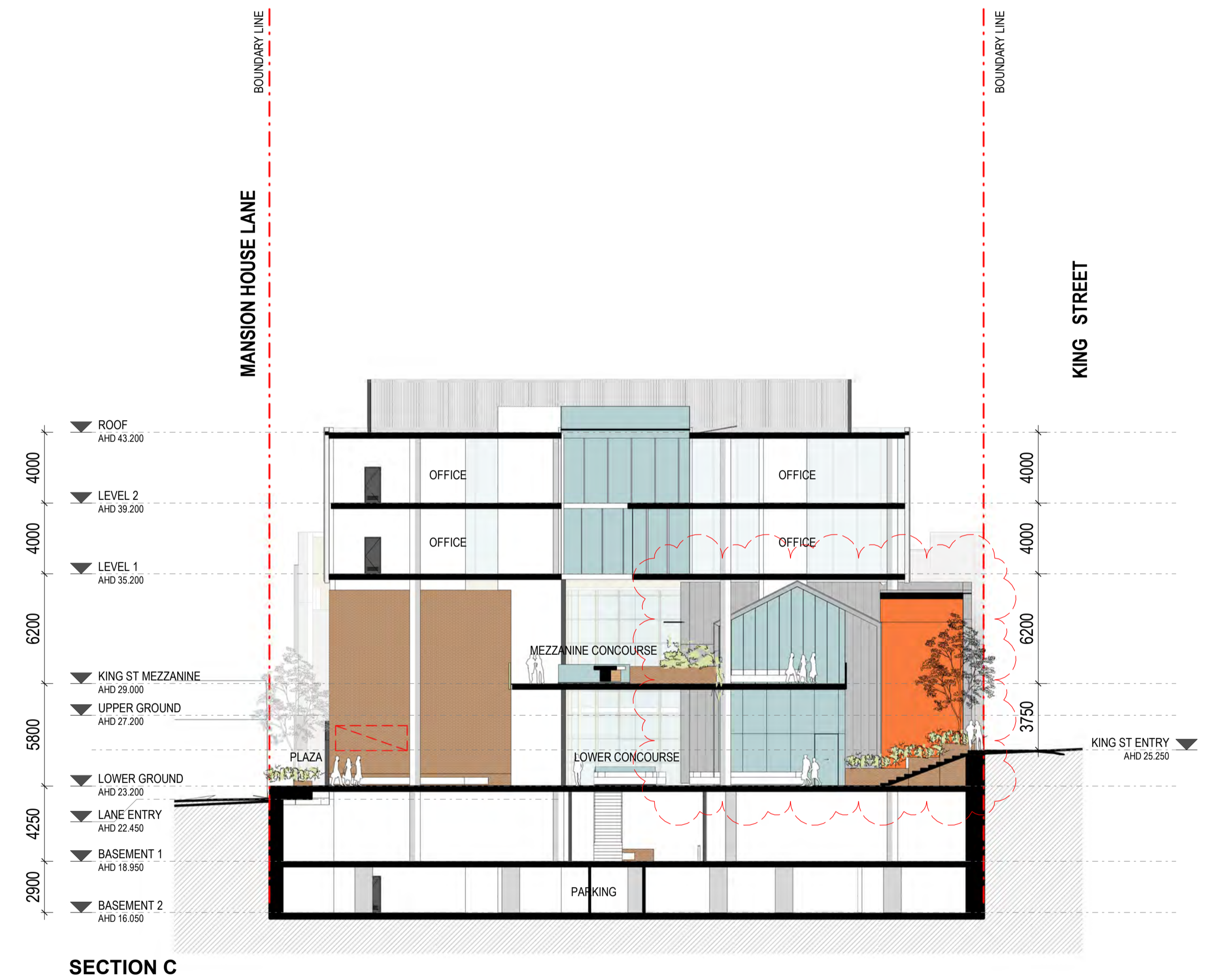
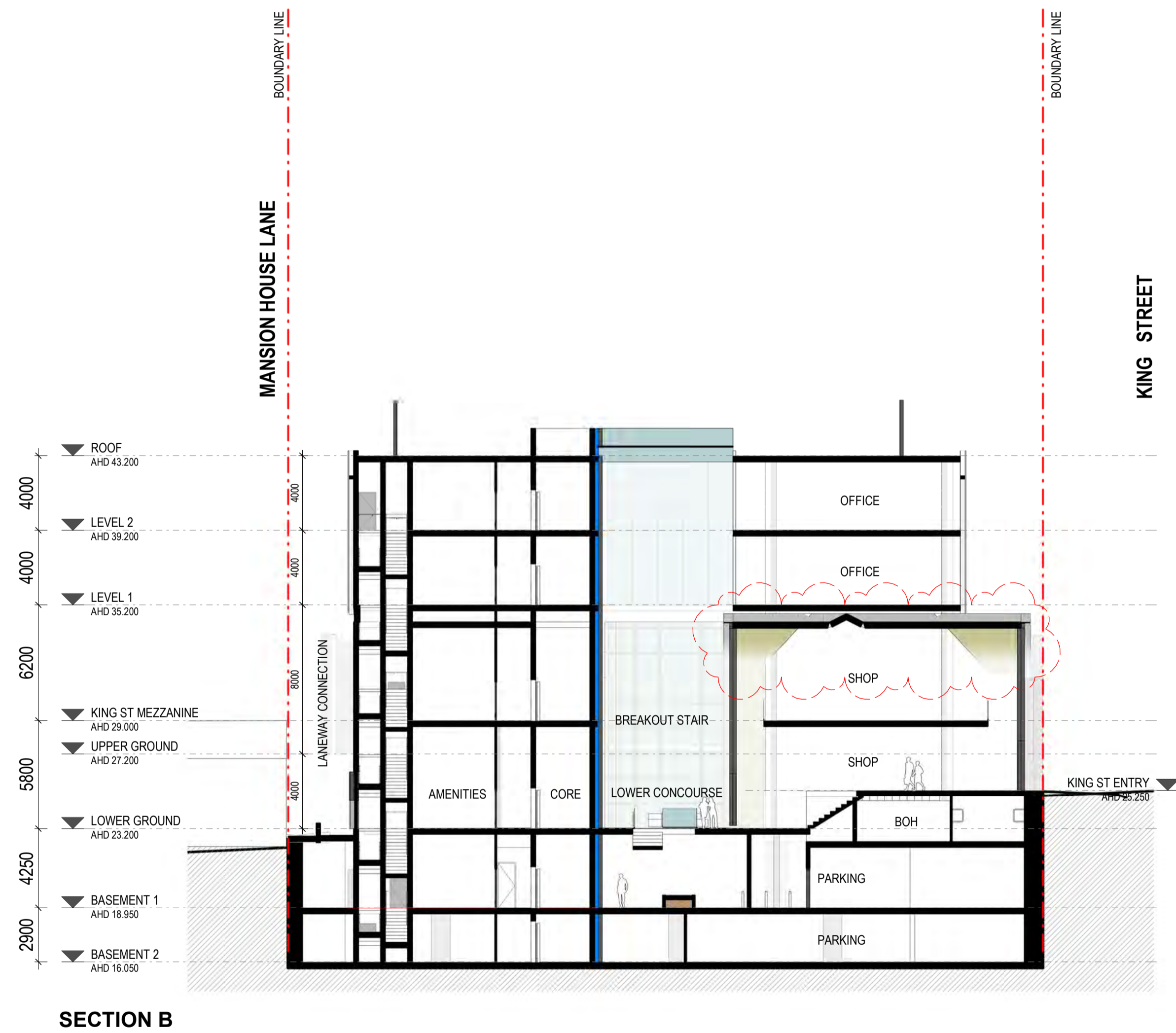
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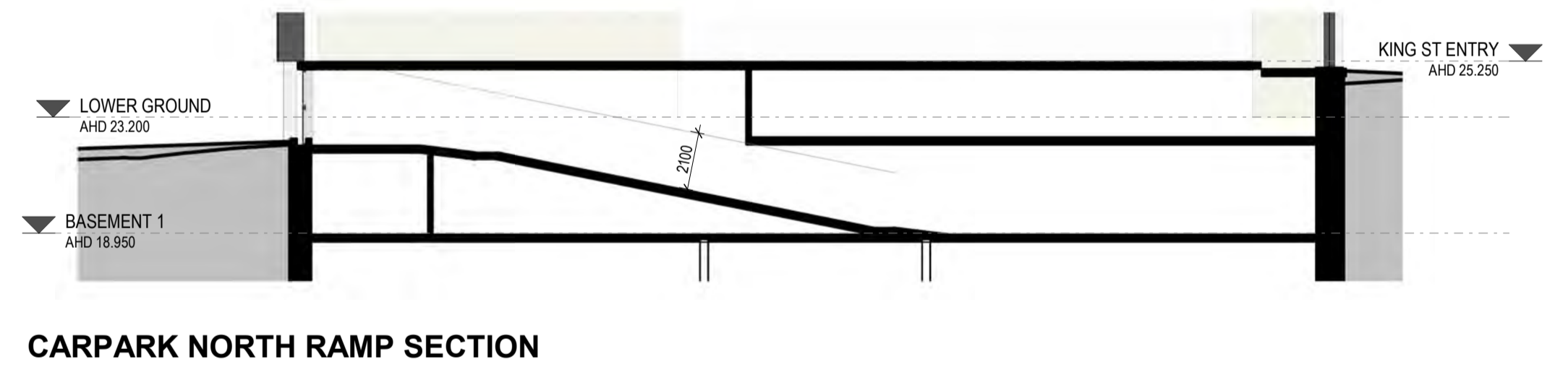
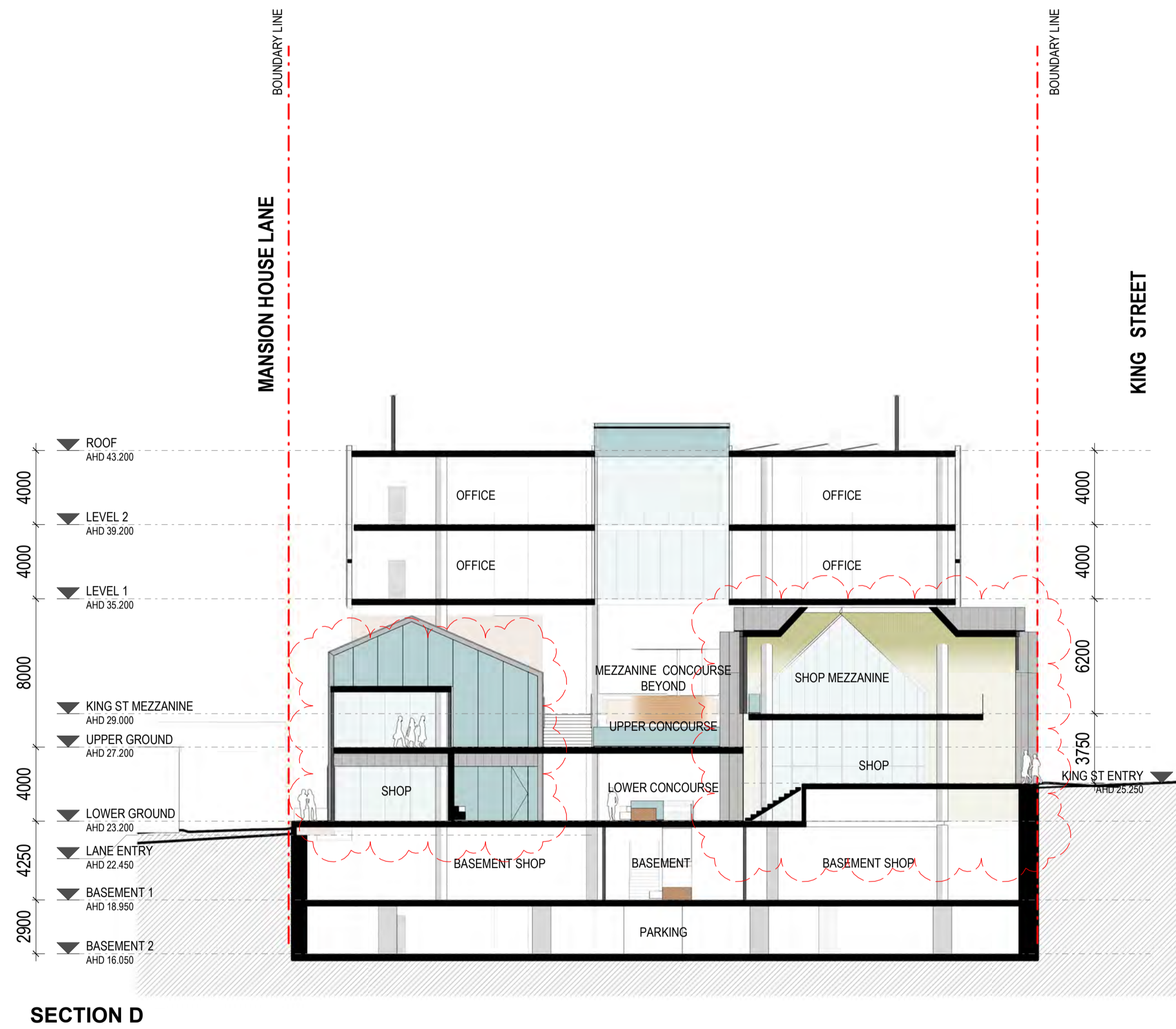
Project No
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Drawing No
TP03.01

Revision
F



<p>Project Title 501-525 King Street West Melbourne</p>	<p>Melbourne Level 1 250 Flinders Lane Melbourne VIC 3000 T +61 3 9699 3644</p> <p>Sydney Ground Floor 11-17 Buckingham Street Surry Hills NSW 2010 T +61 2 9660 9329</p> <p>Brisbane Level 12, 324 Queen Street, Brisbane Qld 4000 T +61 7 3211 9821</p> <p>ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521, Richard Leonard 7522, David Tordoff 8028</p>		<p>Drawn By Checked By Date Printed Scale</p> <p>OM HA 27/10/2022 4:12:56 PM 1: 200@ A1</p>		<p>Rev F</p> <p>Date 26/10/2022</p> <p>Description TP AMENDMENT</p>	<p>Drawing Title SECTIONS B & C</p>	<p>Status TOWN PLANNING</p>	<p>Project No 2488</p>	<p>Drawing No TP03.02</p>	<p>Revision F</p>
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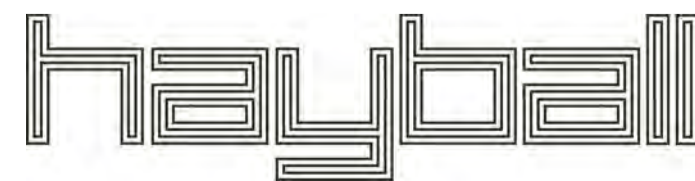


Project Title
501-525 King Street
West Melbourne

Melbourne Level 1
250 Flinders Lane
Melbourne VIC 3000
T +61 3 9699 3644
ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521, Richard Leonard 7522, David Tordoff 8028

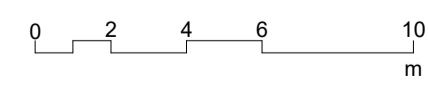
Sydney Ground Floor
11-17 Buckingham Street
Surry Hills NSW 2010
T +61 2 9660 9329

Brisbane Level 12
324 Queen Street
Brisbane Qld 4000
T +61 7 3211 9821



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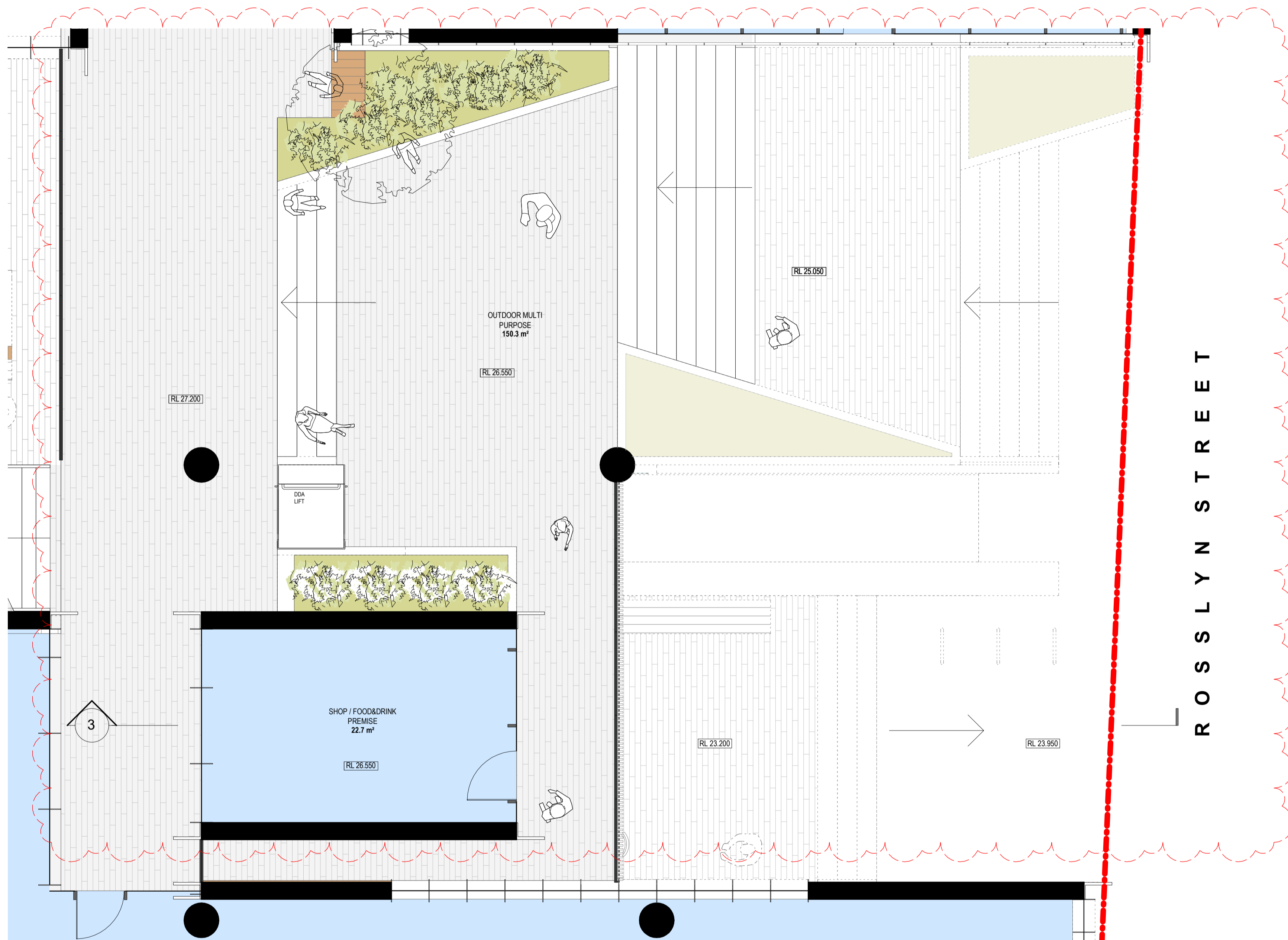


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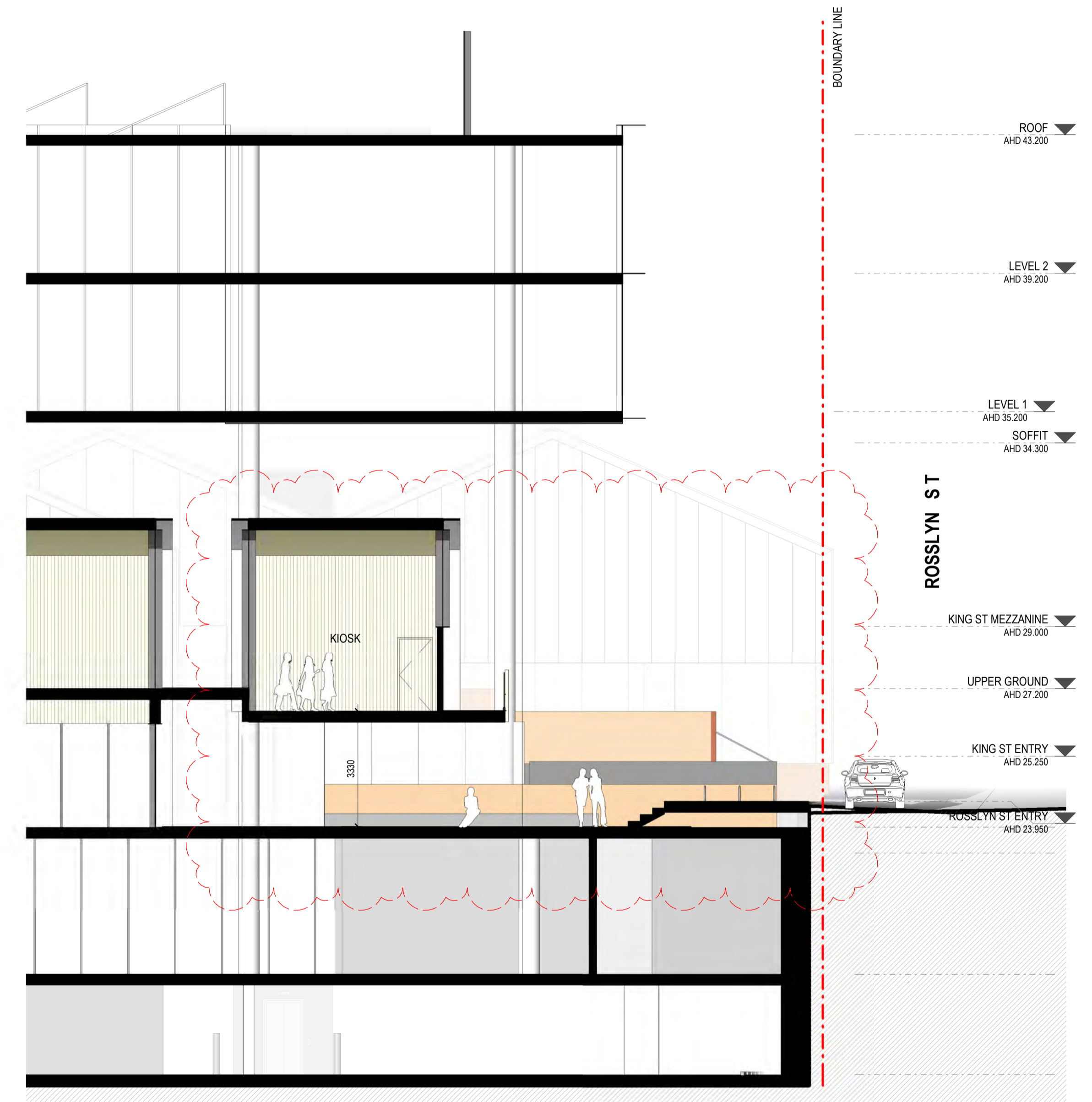
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Status
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Project No	Drawing No	Revision
2488	TP03.03	F



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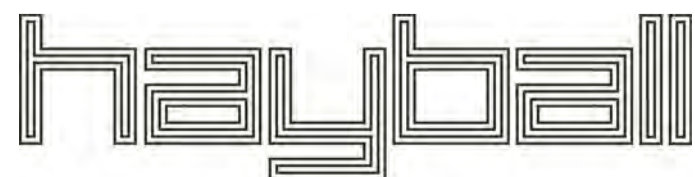
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Project Title
501-525 King Street
West Melbourne

Melbourne
Level 1
250 Flinders Lane
Melbourne VIC 3000
T +61 3 9699 3644
ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521, Richard Leonard 7522, David Tordoff 8028

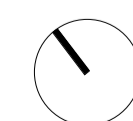
Sydney
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Surry Hills NSW 2010
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Brisbane
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324 Queen Street,
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Date Printed
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Rev F
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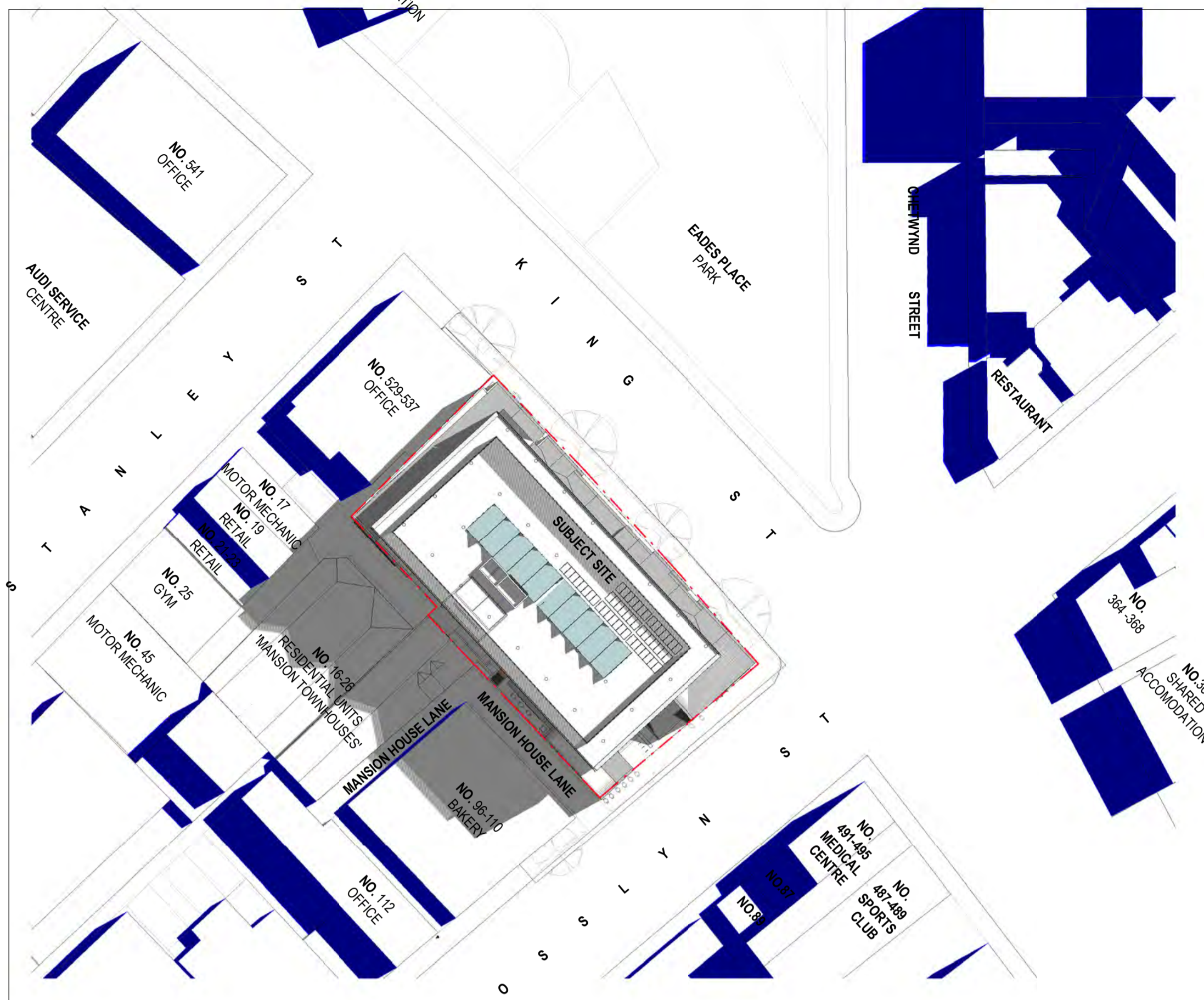
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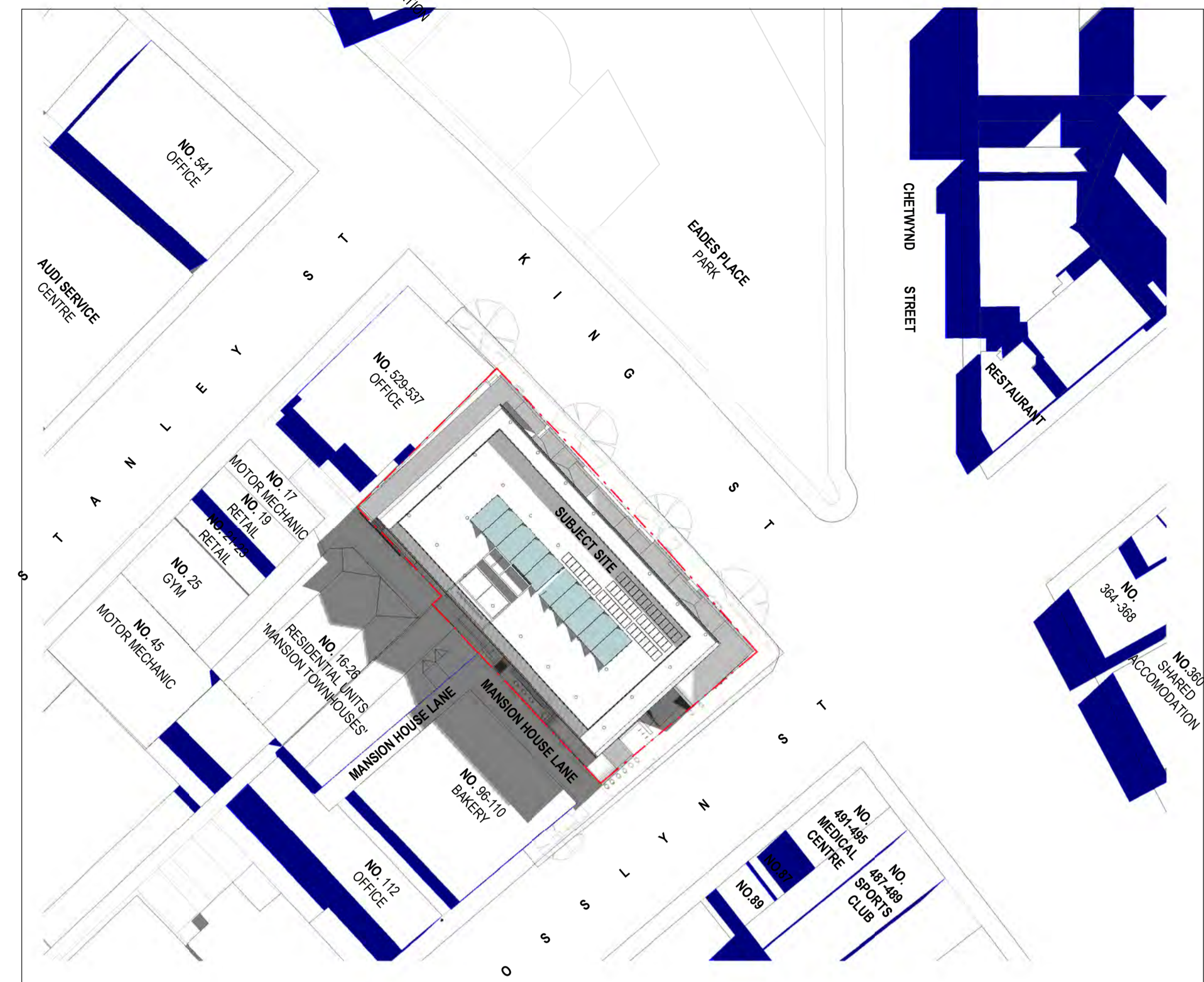
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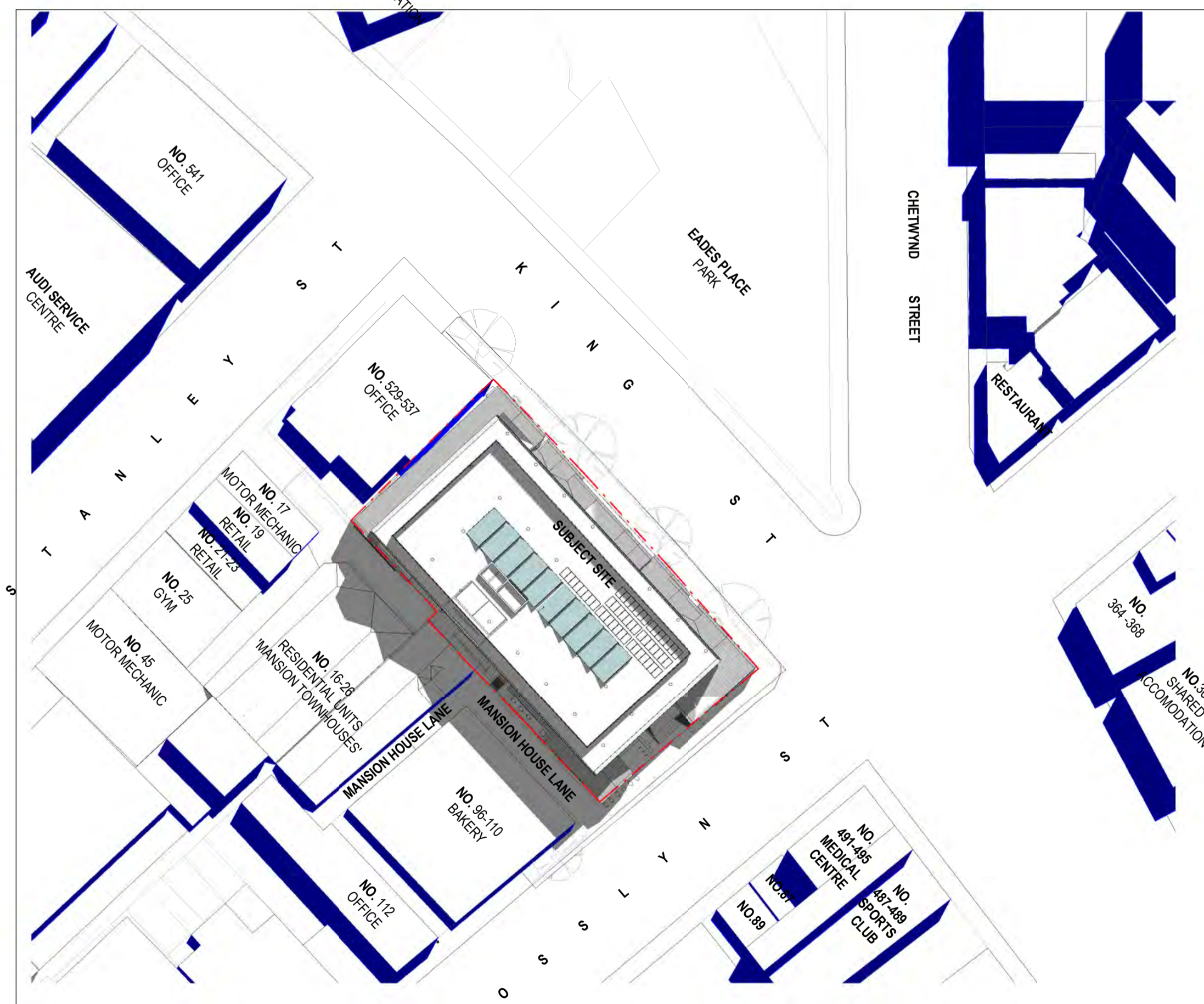
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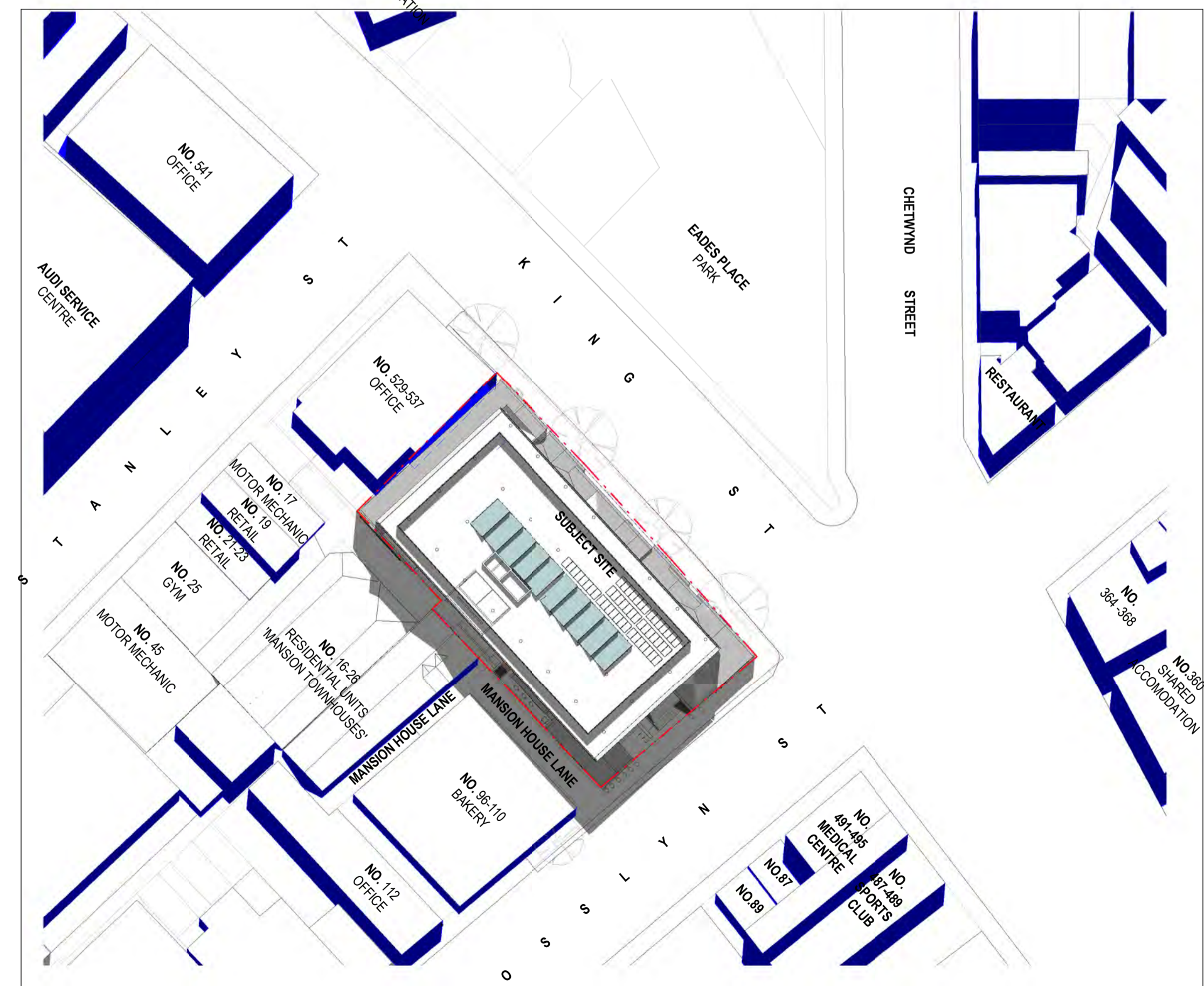
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SUN STUDY 22 SEPT 10AM



SUN STUDY 22 SEPT 11AM



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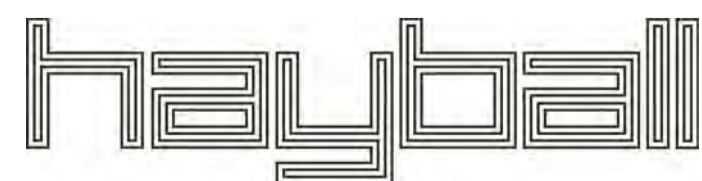
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█ PROPOSED BUILDING SHADOW

Project Title
 501-525 King Street
 West Melbourne

Melbourne
 Level 1
 250 Flinders Lane
 Melbourne VIC 3000
 T +61 3 9699 3644
 ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521,
 Richard Leonard 7522, David Tordoff 8028

Sydney
 Ground Floor
 11-17 Buckingham Street
 Surry Hills NSW 2010
 T +61 2 9660 9329

Brisbane
 Level 12,
 324 Queen Street,
 Brisbane Qld 4000
 T +61 7 3211 9821



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 Checked By
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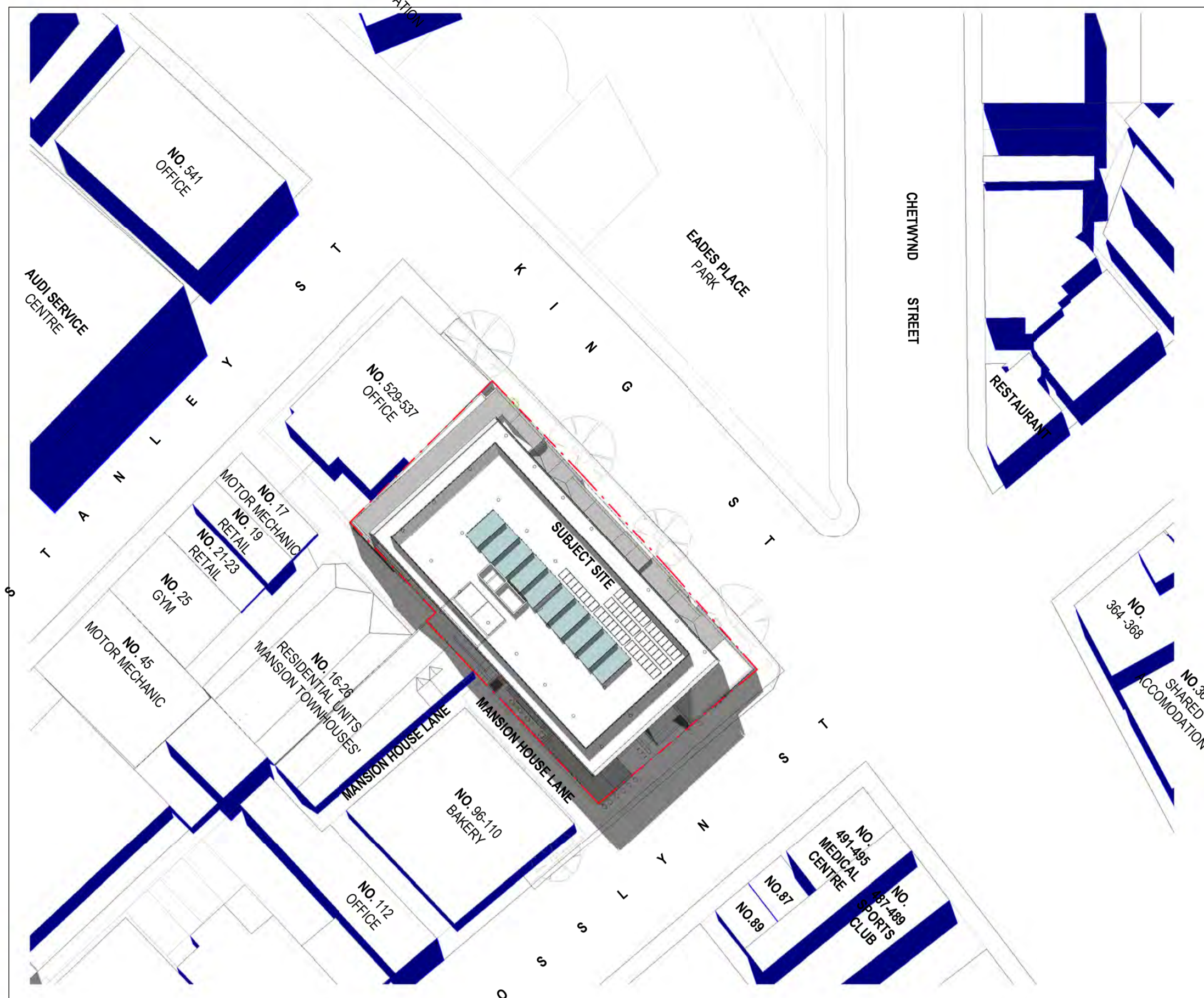
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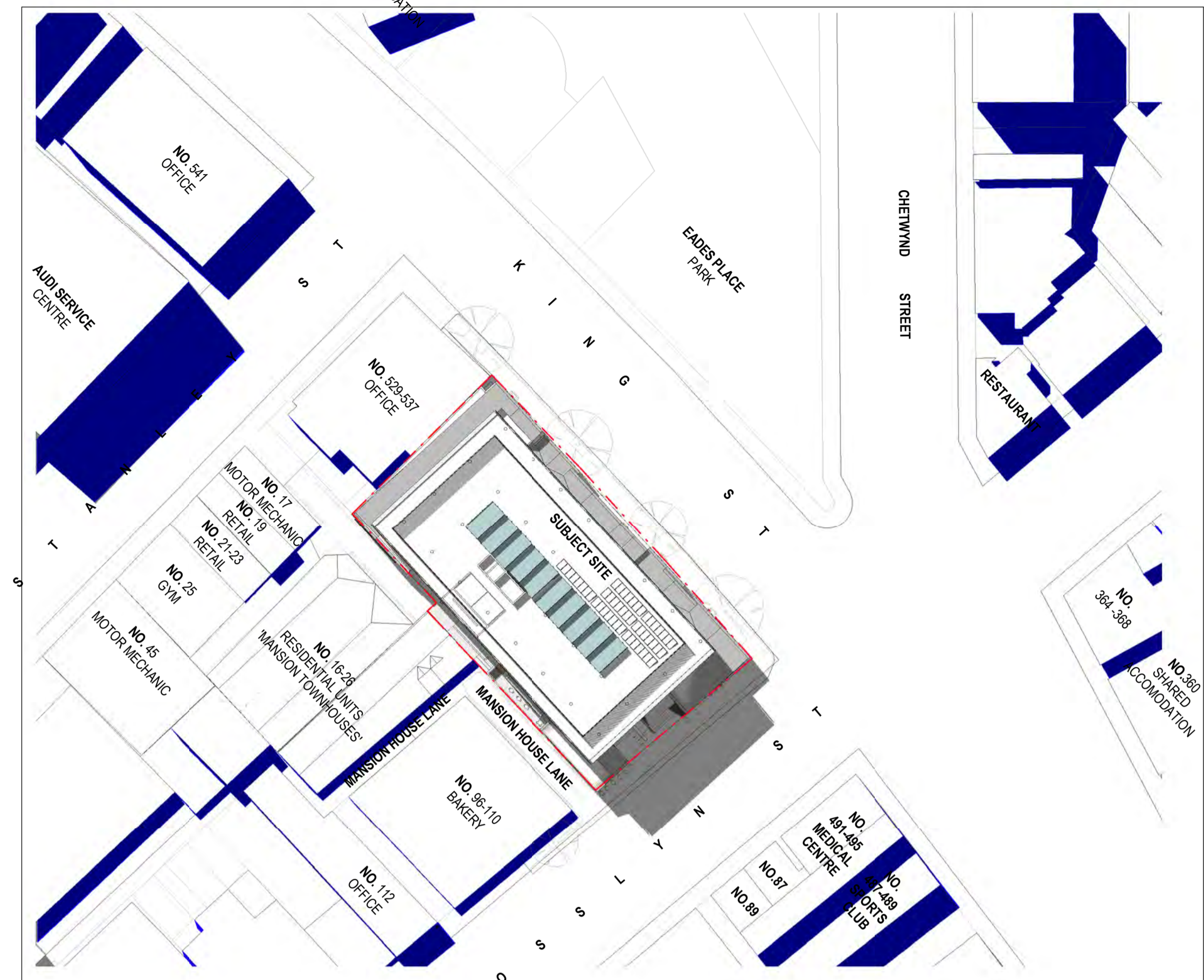
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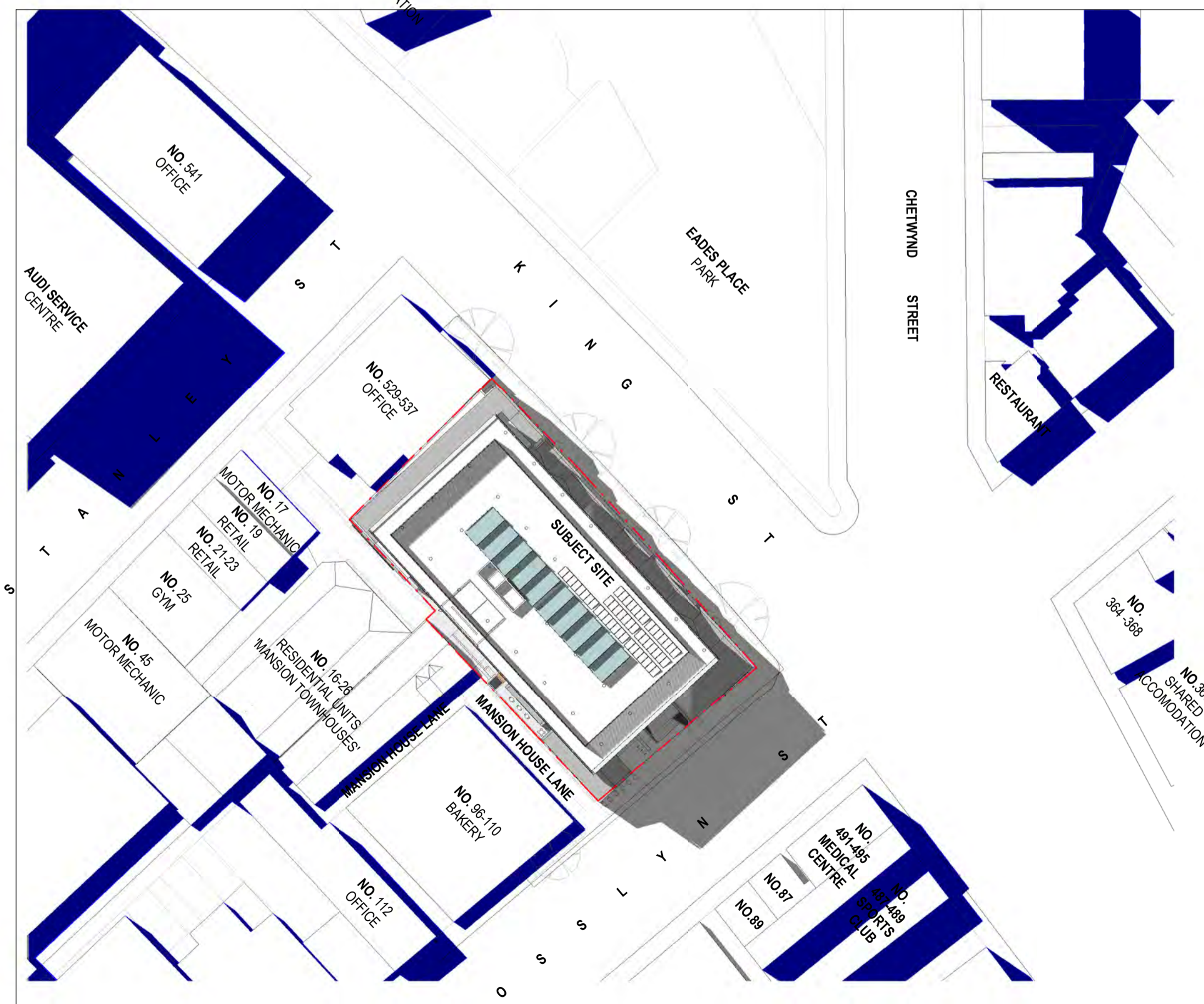
Revision
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SUN STUDY 22 SEPT 2PM



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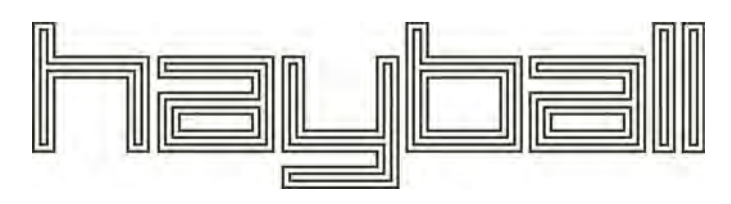
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 PROPOSED BUILDING SHADOW

Project Title
501-525 King Street
 West Melbourne

Melbourne
 Level 1
 230 Flinders Lane
 Melbourne VIC 3000
 T +61 3 9699 3644
 ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521, Richard Leonard 7522, David Tordoff 8028

Sydney
 Ground Floor
 11-17 Buckingham Street
 Surry Hills NSW 2010
 T +61 2 9660 9329

Brisbane
 Level 12,
 324 Queen Street,
 Brisbane Qld 4000
 T +61 7 3211 9821



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 Checked By
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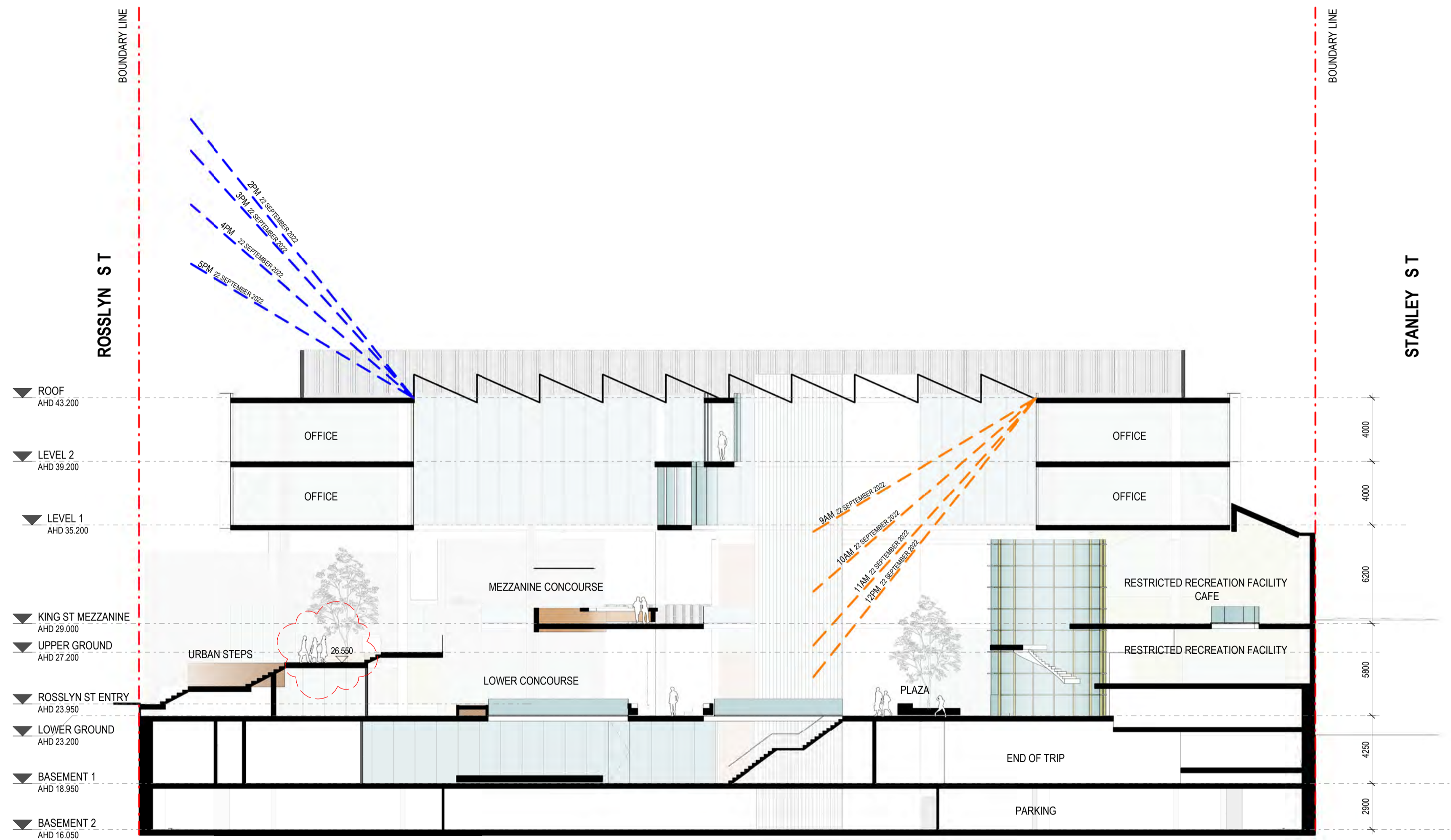
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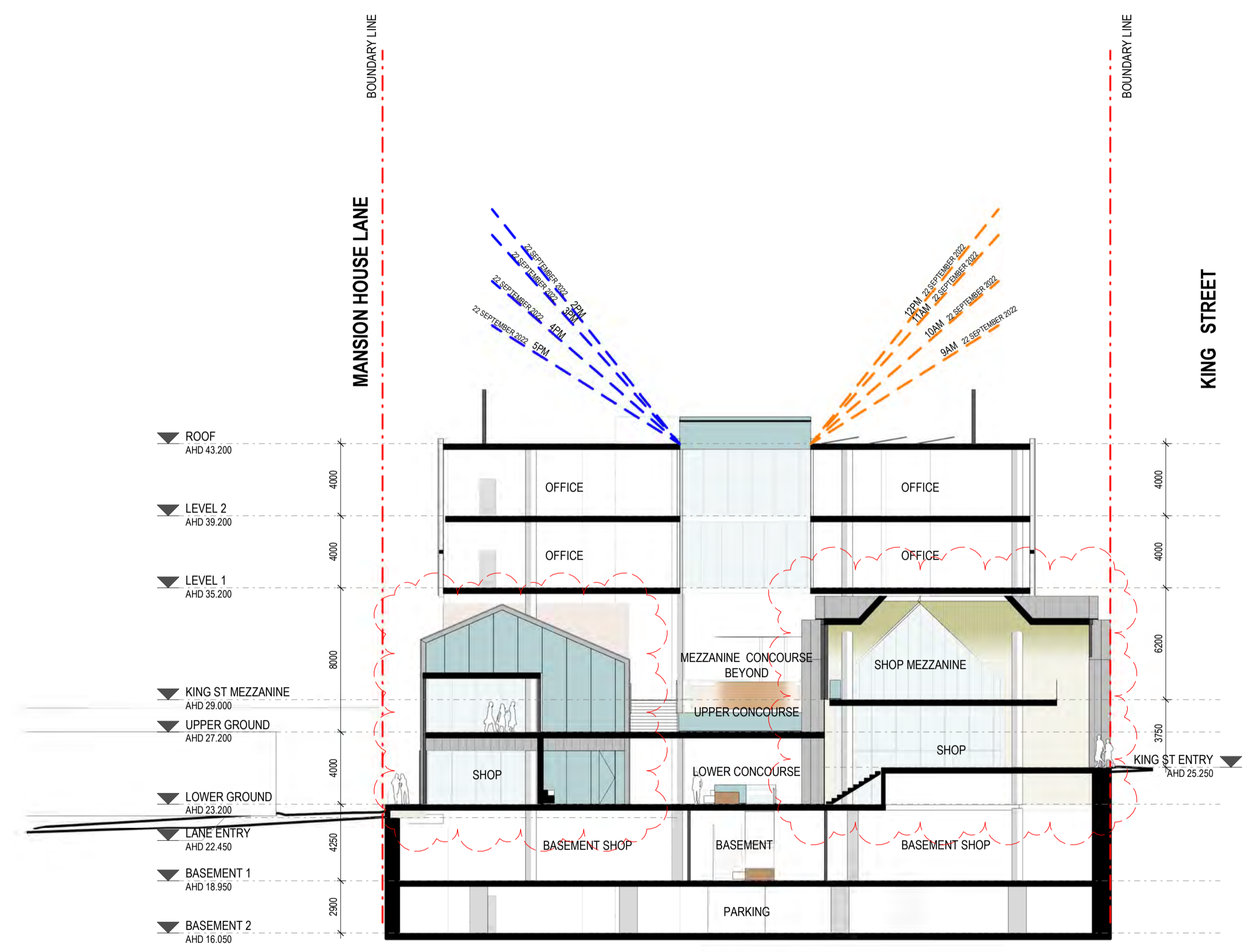
Drawing Title
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Status
TOWN PLANNING

Project No 2488 Drawing No TP04.02 Revision F



SECTION A - SUN ANGLES



SECTION D - SUN ANGLES

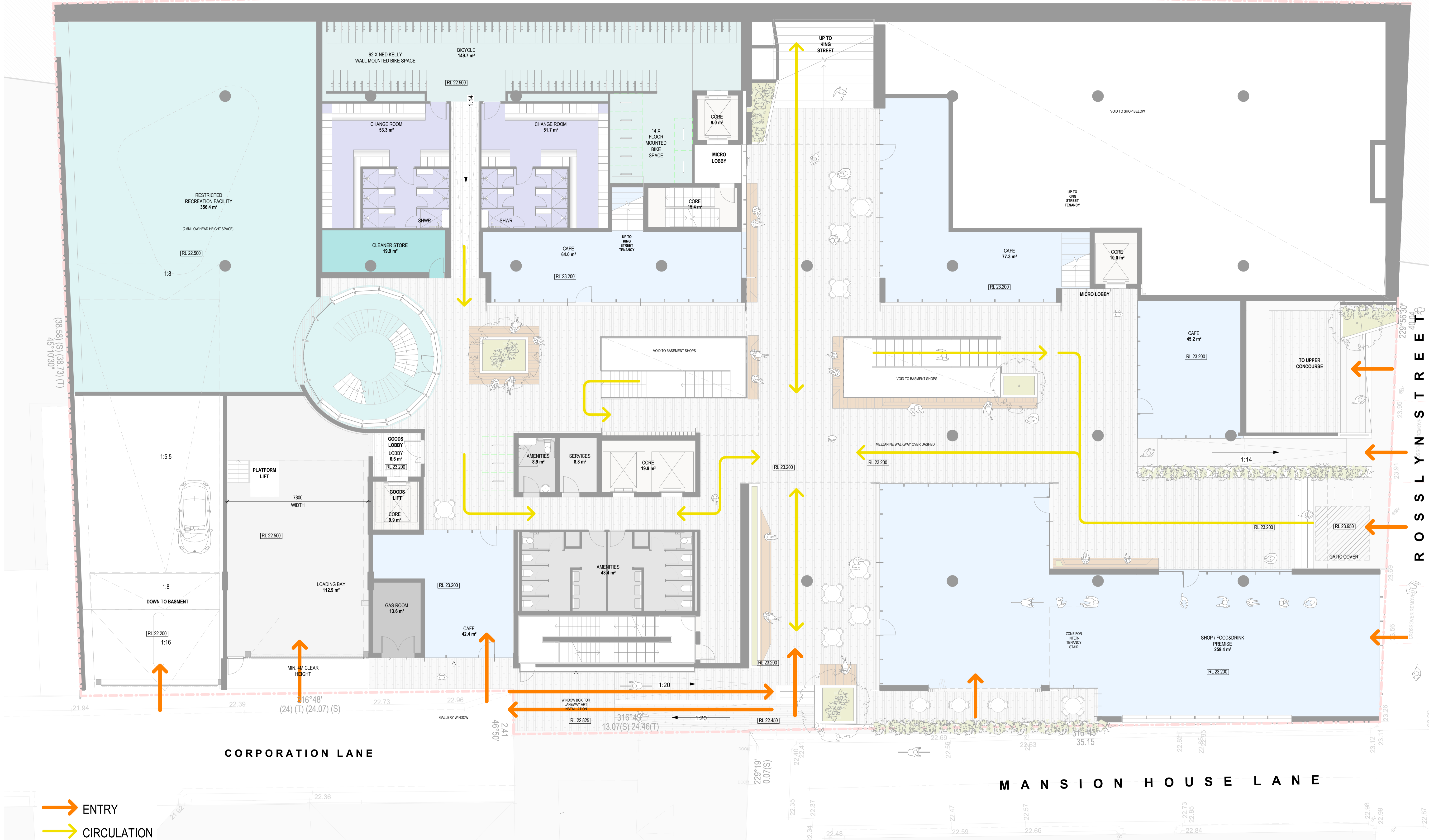
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KING STREET

137°43'
25.09(S) 25.04(T)

138°28'30"
25.33

136°14'
25.19(S) 25.22(T)



ENTRY
 CIRCULATION

Project Title
 501-525 King Street
 West Melbourne

Melbourne
 Level 1
 250 Flinders Lane
 Melbourne VIC 3000
 T +61 3 9699 3644
 ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521,
 Richard Leonard 7522, David Tordoff 8028

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 Scale

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 27/10/2022 4:13:35 PM
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Rev **Date** **Description**
 F 26/10/2022 TP AMENDMENT

Drawing Title
 LOWER GROUND DAY ACCESS
 PLAN

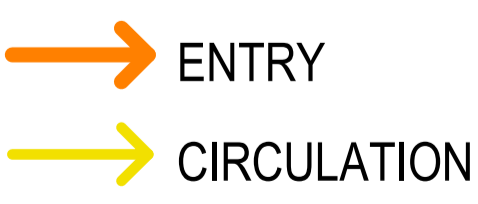
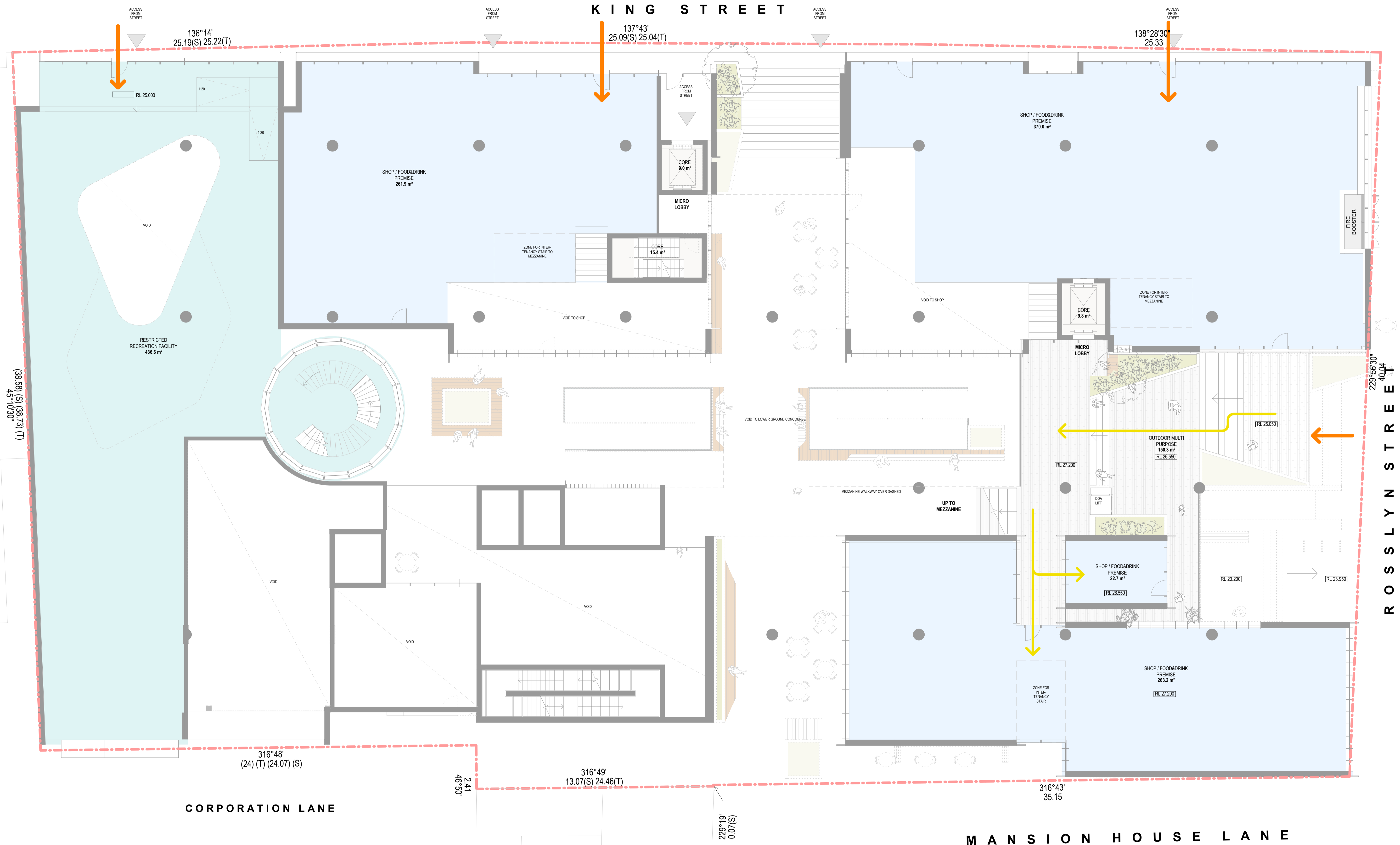
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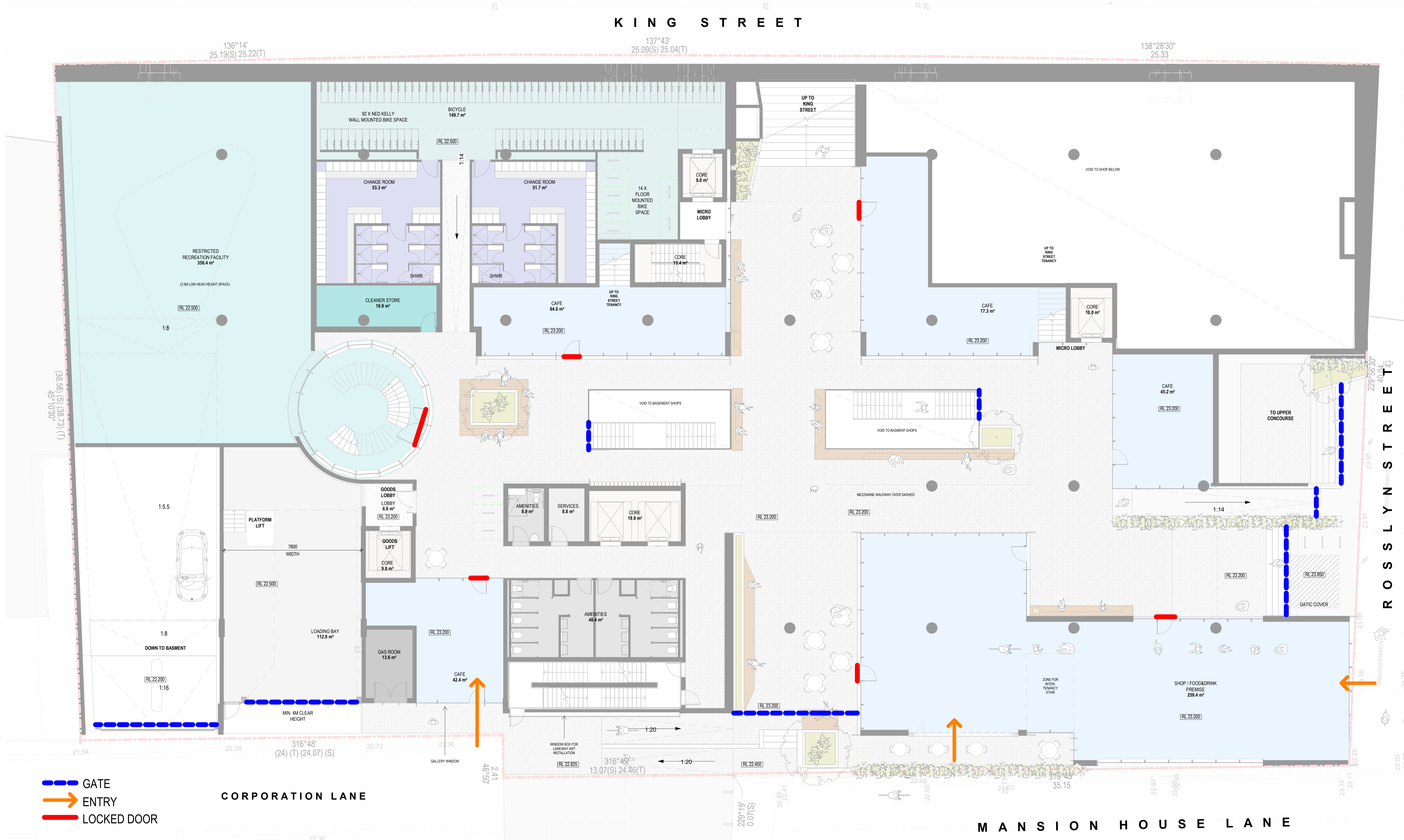
Revision
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K I N G S T R E E T



Project Title 501-525 King Street West Melbourne	Melbourne Level 1 250 Flinders Lane Melbourne VIC 3000 T +61 3 9699 3644 ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521, Richard Leonard 7522, David Tordoff 8028	Sydney Ground Floor 11-17 Buckingham Street Surry Hills NSW 2010 T +61 2 9660 9329	Brisbane Level 12, 324 Queen Street, Brisbane Qld 4000 T +61 7 3211 9821		Drawn By Checked By Date Printed Scale	Author Checker 27/10/2022 4:13:39 PM 1 : 100@ A1		Rev F Date 26/10/2022 Description TP AMENDMENT	Drawing Title UPPER GROUND DAY ACCESS PLAN	Status TOWN PLANNING	Project No 2488	Drawing No TP05.02	Revision F
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Builders/Contractors shall verify job dimensions before any job commences. Figured dimensions shall take precedence over scaled work. Work shall also conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacture shall not commence prior to the return of inspected shop drawings signed by the Architect/Consultant. © Copyright 2008 All rights reserved



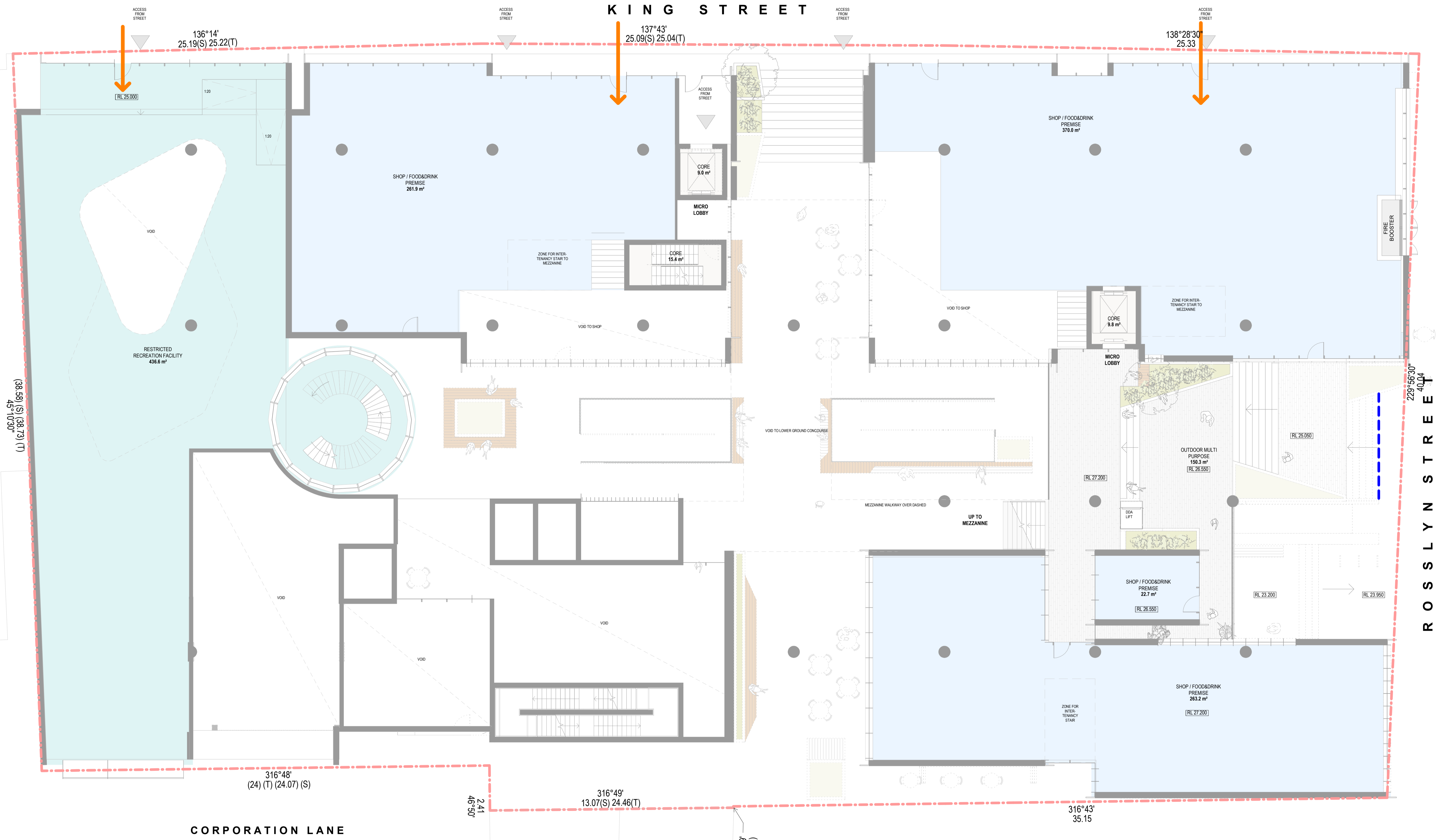
- GATE
- ENTRY
- LOCKED DOOR

CORPORATION LANE

MANSION HOUSE LANE

Project Title	Melbourne Level 1 250 Flinders Lane Melbourne VIC 3000 T +61 3 9699 3644	Sydney Ground Floor 11-17 Buckingham Street Surry Hills NSW 2010 T +61 2 9660 9329	Brisbane Level 12 324 Queen Street Brisbane Qld 4000 T +61 7 3211 9821		Drawn By Checked By Date Printed Scale	Author Checker 27/10/2022 4:13:45 PM 1 : 100@ A1		Rev F	Date 26/10/2022	Description TP AMENDMENT	Drawing Title LOWER GROUND NIGHT ACCESS PLAN	Status TOWN PLANNING	Project No 2488	Drawing No TP05.03	Revision F
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KING STREET



— GATE
→ ENTRY

Project Title 501-525 King Street West Melbourne	Melbourne Level 1 250 Flinders Lane Melbourne VIC 3000 T +61 3 9699 3644	Sydney Ground Floor 11-17 Buckingham Street Surry Hills NSW 2010 T +61 2 9660 9329	Brisbane Level 12 324 Queen Street Brisbane Qld 4000 T +61 7 3211 9821		Drawn By Checked By Date Printed Scale	Author Checker 27/10/2022 4:13:49 PM 1 : 100@ A1	Rev F	Date 26/10/2022	Description TP AMENDMENT	Drawing Title UPPER GROUND NIGHT ACCESS PLAN	Status TOWN PLANNING	Project No 2488	Drawing No TP05.04	Revision F
	ABN: 84006394261 NSW Nominated Architects: Tom Jordan 7521, Richard Leonard 7522, David Tordoff 8028													

Builders/Contractors shall verify job dimensions before any job commences. Figured dimensions shall take precedence over scaled work. Work shall also conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacture shall not commence prior to the return of inspected shop drawings signed by the Architect/Consultant. © Copyright 2008 All rights reserved

DELEGATED PLANNING APPLICATION REPORT

Application number:	TP-2019-22
Applicant:	Holder East King Pty Ltd c/- Urbis Pty Ltd
Architect	Hayball Architects
Owner	Holder East King Pty Ltd
Address:	501-527 King Street WEST MELBOURNE
Proposal:	Buildings and works comprising the construction of a five-storey building with two basement levels, use the land as a shop and food and drink premises, and restricted recreation facility, provision of car parking that exceeds the requirement of the Parking Overlay and alteration of access to a road in a Transport Zone 2.
Date of application:	7 January 2019
Cost of Works:	\$40 million
Responsible officer:	Ciara Cancian

1 SUBJECT SITE AND SURROUNDS

1.1 Subject Site

Planning Permit application TP-2019-22 includes the following properties (the **Site**):

- 501-509 King Street, West Melbourne / Land in Plan of Consolidation 378577U
- 511 King Street, West Melbourne / Lot 1 on Title Plan 255186V
- 523-527 King Street, West Melbourne / Lot 1 on Title Plan 80540C

The key features of the Site are as follows:

Table 1: Key Features of the Site and Surrounds	
Size / shape	<p>The Site is rectangular-shaped, with a minor protrusion at the southern portion of the south-western interface. The Site has a total area of approximately 2,960 m², with the following dimensions:</p> <ul style="list-style-type: none"> • North-east boundary to King Street (frontage): 75.5 m • South-east boundary to Rosslyn Street (frontage): 40.75 m • South-west boundary to Mansion House Lane and 16-26 Mansion House Lane (rear): 48 m

	<ul style="list-style-type: none"> • North-west boundary to 529-537 King Street (side): 38.5 m • North-west boundary to Corporation Lane 1224 (side): 26.6 m
Street Frontage	<p>King Street Frontage</p> <p>75.5 metre frontage to King Street.</p> <p>King Street is a 30 metre wide street with a central reserve dividing the road reserve into two carriageways. King Street is a road in a Transport Zone 2.</p> <p>Three London Plane trees are planted on the King Street road reserve adjacent to the Site (Asset ID: 1014346, 1014347 and 1014348).</p> <p>Rosslyn Street Frontage</p> <p>40.75 metre frontage to Rosslyn Street.</p> <p>Rosslyn Street is a 30 metre wide street with central car parking, dividing the road reserve into two carriageways.</p> <p>Mansion House Lane</p> <p>35 metre abuttal to Mansion House Lane.</p> <p>Mansion House Lane is a 5 metre wide council owned laneway, accessed via Rosslyn Street and Spencer Street.</p> <p>Corporation Lane 1224 (CL1224):</p> <p>26.6 metres to CL1124.</p> <p>CL1224 is a 6.1 metre council owned laneway, accessed via Stanley Street.</p>
Topography	The Site features a fall of 2.5 metres from the north-east to south-west and a fall of 1 metre from the south-east to north-west.
Existing conditions	The Site is currently vacant with hoarding along the perimeter of the site. The Site was previously occupied by two single-storey industrial buildings and one single-storey office building, all constructed in the 1990s. The buildings were demolished between 2016 and 2017.
Vehicle access	Vehicle access is currently provided to the Site via two crossovers to King Street, two crossovers to Rosslyn Street, one crossover to Mansion House Lane and one crossover to CL1224.
Title Particulars	The Certificate of Title provided by the applicant demonstrates that no restrictive covenants apply to the Site. The Site benefits from carriage rights to CL1224. There is a sewerage easement located at the north-west corner of PC378577U, with City West Water identified as a beneficiary.

A formal site visit was undertaken on 6 October 2022. Other site visits were undertaken throughout 2022.

1.2 Surrounding Context

The surrounding neighbourhood is characterised by a mix of building styles and heights, consistent with the emerging growth context of West Melbourne. Similarly, the surrounding context features a range of residential and commercial uses.

The West Melbourne Structure Plan 2018 identifies the Site as being within the Spencer Precinct (**Spencer**). The Plan envisages Spencer as being a '*vibrant, inner-city mid-rise area with a mix of retail, commercial, residential, community and creative uses spilling out onto its streets*'.

The Site has the following immediate interfaces:

- **North-East:** The Site abuts King Street to its north-eastern interface. Opposite the Site, across King Street, is Eades Park, a public reserve.
- **North-West:** North-west of the Site is CL1224 and 529-537 King Street, West Melbourne which is developed as a two-storey brick office building built in the early 1980s. This building is built to the shared boundary for approximately 22 metres. The building is currently used as an office.
- **South-East:** The Site abuts Rosslyn Street to its south-eastern interface. Opposite the Site, across Rosslyn Street is a three-storey office building and single-storey residential building fronting Rosslyn Street.
- **South-West:** The Site abuts several properties and laneways at its south-western interface as described below:
 - To the south is Mansion House Lane, which abuts the Site for 35 metres. Opposite Mansion House Lane is 96-110 Rosslyn Street, West Melbourne which is currently used as a commercial bakery.
 - The centre portion of the Site abuts the Mansion Townhouses which occupy 16-26 Mansion House Lane. The development comprises 6 double-storey brick townhouse dwellings which are oriented towards Mansion House Lane.

1.3 Site Photographs and Context Plans

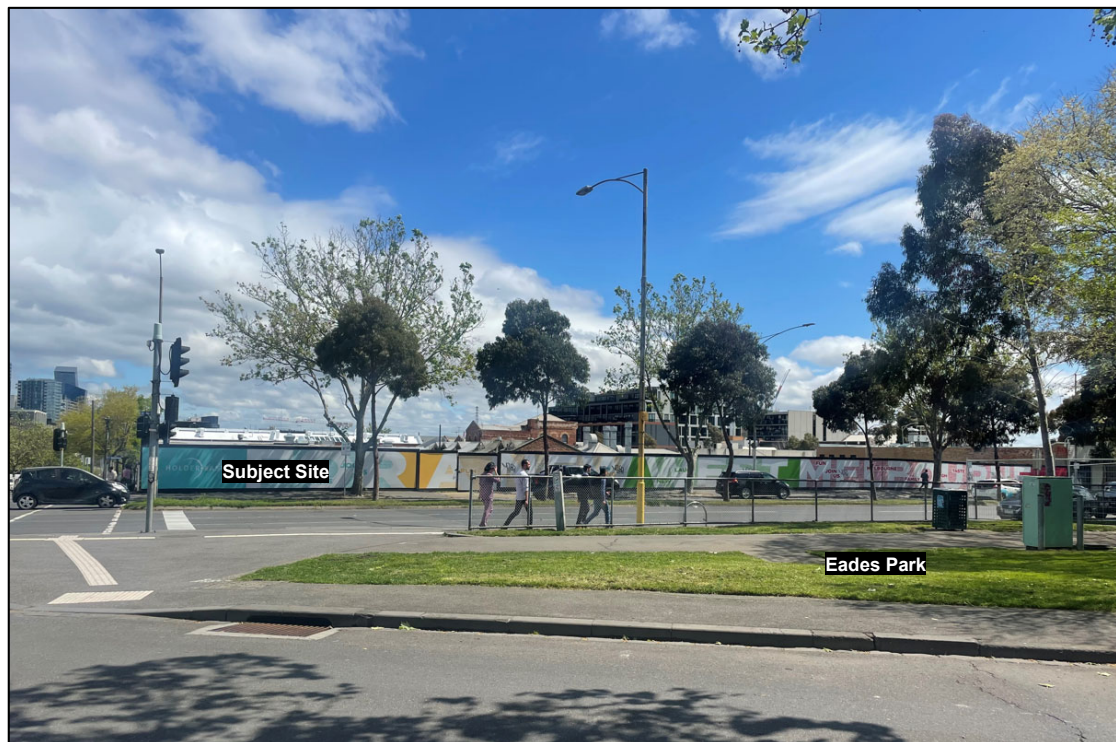


Figure 1 - Subject Site as viewed from Chetwynd Street across Eades Park



Figure 2 - Subject site as viewed from King Street



Figure 3 - Subject site as viewed from Rosslyn Street



Figure 4 - Mansion house lane



Figure 5 - Subject site as viewed from the corner of King Street and Rosslyn Street



Figure 6 - Eades Park as viewed from King Street



Figure 7 - Built form character along Rosslyn Street

1.4 Maps / Aerials

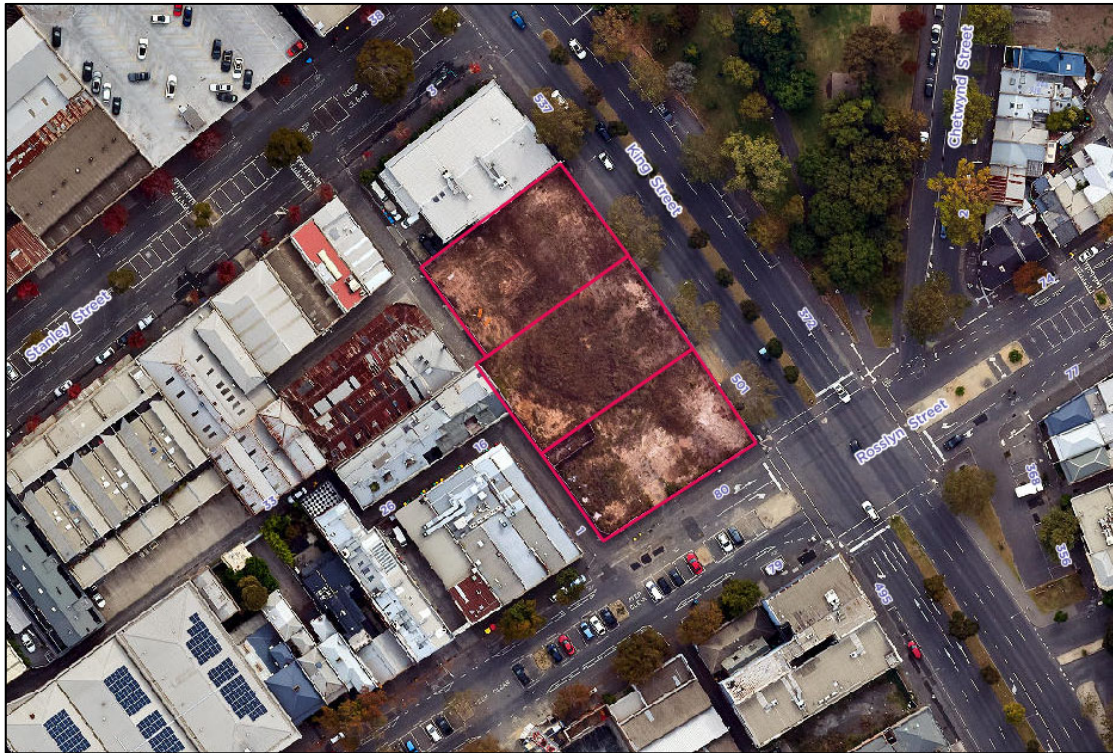


Figure 8 - Aerial photograph of the Site

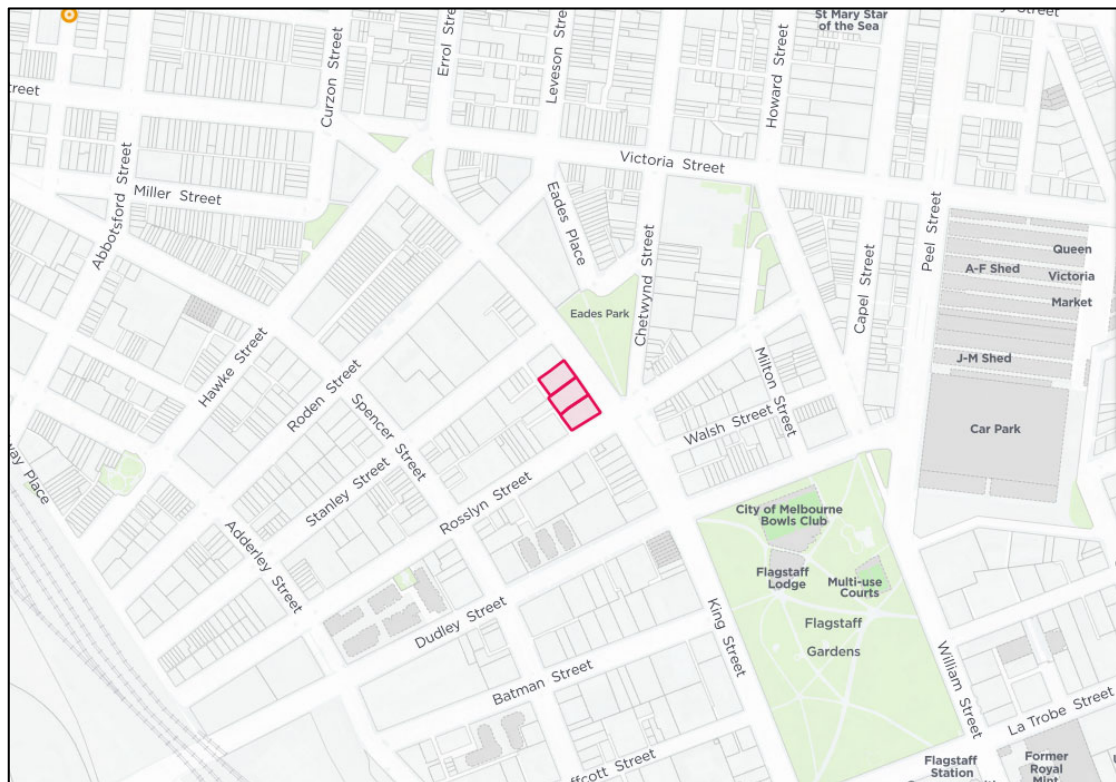


Figure 9 - Subject site and surrounds

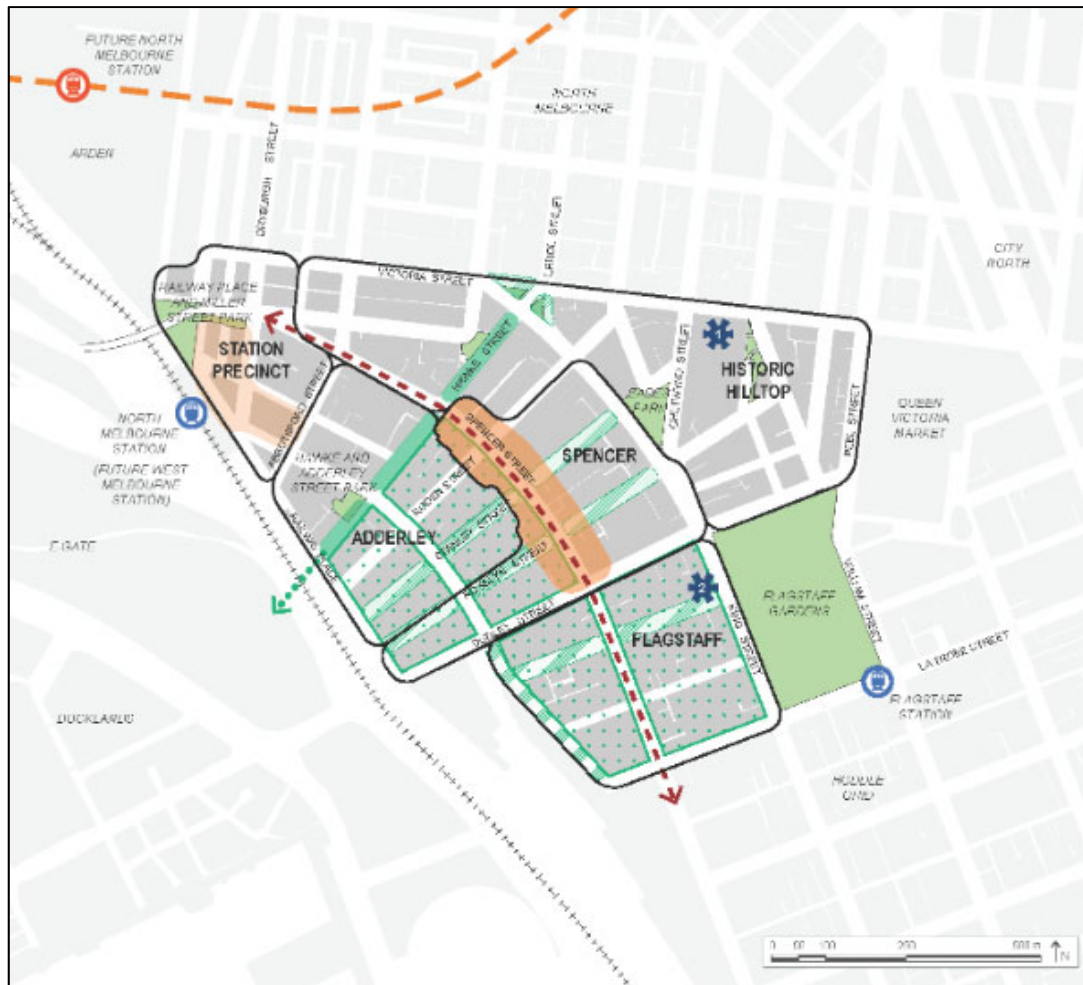


Figure 10 - West Melbourne Framework Plan

2 BACKGROUND AND HISTORY

2.1 Application history / timeline

2.1.1 Original Application

Planning Permit TP-2019-22 was lodged with the City of Melbourne on 8 January 2019 for buildings and works associated with the construction of an eight-storey mixed use development with two basement levels, including office, medical centre, education centre, retail premise, food and drink premise and a reduction to the statutory car parking rate.

The application was put on public notice in June 2019. Thirty six objections were received during this notice period.

Following the notice period, the application was put on hold pending the outcome of the West Melbourne Structure Plan.

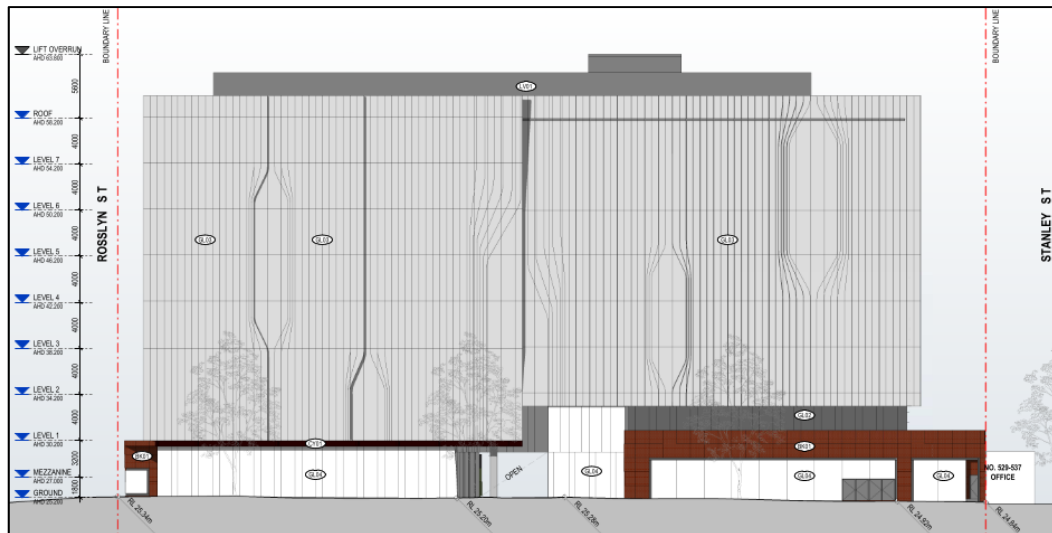


Figure 11 - Previously proposed King Street elevation

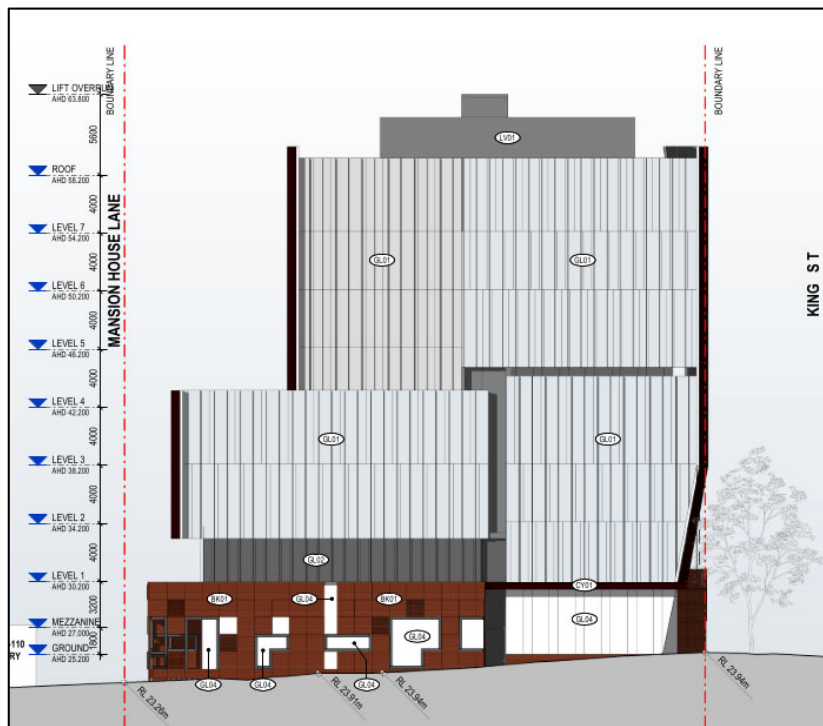


Figure 12 - Previously proposed Rosslyn Street elevation

2.1.2 Pre-application Discussion prior to Section 57A Amendment

Prior to the lodgement of an amended application, the applicant met with Council's planning and urban design officers to discuss a revised proposal. The proposal was updated to better consider the proposed building envelope controls and the ambitions of the West Melbourne Structure Plan. Refinements to the site layout and design quality were recommended during this meeting.

2.1.3 Section 57A Amendment (December 2021)

A formal request to amend the planning permit application under Section 57A of the *Planning and Environment Act 1987 (Act)* was lodged on 15 December 2021. The application was amended in accordance with the draft West Melbourne Structure Plan and proposed planning controls. Specifically, the following changes were made to the application:

Table 2 – Summary of Proposed Changes		
	As Advertised Proposal	S.57A Amended Proposal
Storeys	8	5
GFA (above basement)	15,099 m ²	8,819.5 m ²
Uses	Retail, office, education centre and medical centre	Shop / Food and Drink Premises, office, restricted recreation facility
Car parking spaces	145 spaces	77 spaces
Bicycle spaces	138 spaces	118 spaces
Motorcycle spaces	8 spaces	7 spaces

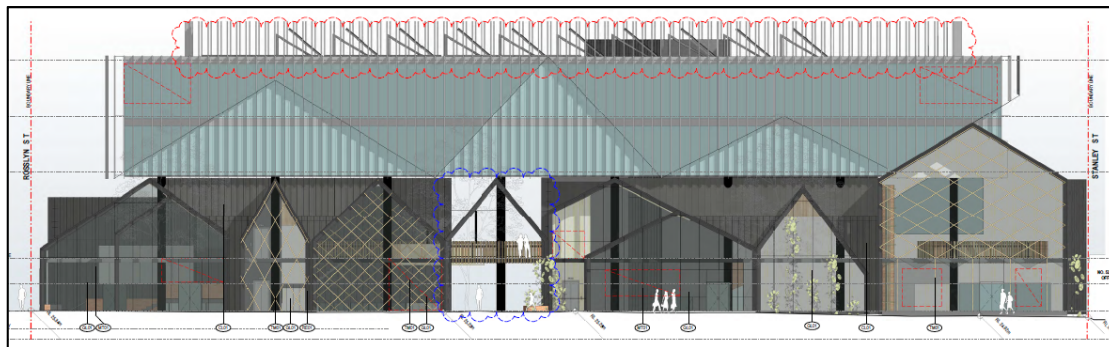


Figure 13 - Amended King Street elevation (December 2021)



Figure 14 - Amended Rosslyn Street elevation (December 2021)

2.1.4 Melbourne Design Review Panel

On 5 August 2022, the application was presented at the Melbourne Design and Review Panel (MDRP).

MDRP is a 12 month pilot program which advises the City of Melbourne on ways to improve the quality of new developments and city shaping projects.

The Panel commended the application as a human-scaled proposal with publicly accessible spaces. It was recommended that further consideration was required in

relation to massing and site layout, increased leasable floor area and a more cohesive design response which reflects the valued 'industrial' character of West Melbourne.

2.1.5 Section 57A Amendment (October 2022).

In response to the comments provided by the MDRP, a formal request to amend the planning permit application under Section 57A of the Act was lodged on 27 October 2022.

The amendment made the following changes to the application:

- Alterations to the external façade presentation of the building through alterations to the form and external materials. The alterations to the external façade, resulted in a slight reduction to the total floor area.
- Minor alterations to the internal layout of the building, including provision of seating areas and increasing the floor to ceiling height of the lower ground entry from Rosslyn Street.
- Provision of additional detail relating to solar access, pedestrian movement and day / night operation modes.

2.2 Planning Application History

There is no directly relevant history or background for this application.

2.3 Planning Scheme Amendments

In the intervening period between when the application was first received by Council and the date of this report, the following amendments to the Melbourne Planning Scheme (the **Scheme**) are considered to be relevant to the Application.

2.3.1 Amendment VC205 – New Transport Zone

On 20 January 2022, VC205 was gazetted into the Scheme which introduced a new Transport Zone to replace the Road Zone and Public Use Zone Schedule 4.

2.3.2 Amendment C385melb – West Melbourne Structure Plan

On 4 August 2022, Planning Scheme Amendment C385melb was gazetted into the Scheme which implemented the West Melbourne Structure Plan by rezoning the land to the Special Use Zone – Schedule 6, introducing the Design and Development Overlay – Schedule 72, Environmental Overlay and Parking Overlay – Schedule 14 to the Site, and other consequential changes to local planning policy.

2.3.3 Amendment C409 – Planning Policy Framework Translation

On 21 September 2022, Planning Scheme Amendment C409melb was gazetted into the Scheme which replaced the Municipal Strategic Statement at Clause 21 and Local Planning Policies at Clause 22 with the Municipal Planning Strategy (**MPS**), local policies within the Planning Policy Framework (**PPF**) and selected local schedules to overlays, particular provision, general provisions and operational provisions, consistent with:

- The Victoria Planning Provisions as a result of Amendment VC148; and
- The Ministerial Direction on the Form and Content of Planning Schemes.

3 PROPOSAL

3.1 Documents considered in assessment

The documents which have been considered in this assessment are identified in Table 3 below:

Table 3: Documents Considered in Assessment		
Document	Author	Date
Town Planning Report	Urbis Pty Ltd	27 June 2022
Urban Context Report and Architectural Plans	Hayball Architects	27 October 2022
Waste Management Plan	Leigh Design Pty Ltd	16 June 2022
Traffic Engineering Assessment	Traffix Group	29 June 2022
ESD Statement	WSP	27 June 2022
Stormwater Management Report	WSP	16 February 2022
Tree Protection Management Plan	John Patrick Landscape Architect	December 2021

3.1.1 Summary of the Proposal

The key components of the proposal include:

- Buildings and works comprising the construction of a five-storey building and two basement levels.
- The use of the land as an office, food and drink premises, shop and restricted recreation facility.

Details of the proposal can be summarised as follows:

Table 4: Built Form Summary	
Gross Floor Area (GFA)	8,908.1 m ² (above ground) 14,558.6 m ² (total)
Floor Area Ratio	3:1
Building height	21.25 m
Setbacks	<p>North-East (King Street)</p> <ul style="list-style-type: none"> • Upper Ground Floor Plan: 0.51 – 2.9 m • Mezzanine: 0.31– 8.1 m • Levels 1 and 2: 4.7 m <p>East (Rosslyn Street)</p> <ul style="list-style-type: none"> • Lower Ground Floor Plan: 0 – 1 m • Upper Ground Floor Plan: 0.55 – 8.8 m • Mezzanine: Approx. 15 m • Levels 1 and 2: 4.9 – 6.6 m <p>South-West (Mansion House Lane)</p> <ul style="list-style-type: none"> • Lower Ground Floor Plan: 0 – 3.50 m • Upper Ground Floor Plan: 0 – 3.68 m • Mezzanine: 0 – 3.68 m

	<ul style="list-style-type: none"> Levels 1 and 2: 2.7 – 3.68 m <p>North-West (CL1224)</p> <ul style="list-style-type: none"> Lower Ground Floor Plan: 0 – 2 m Upper Ground Floor Plan: 0 – 1.8 m Mezzanine: 0 – 1.9 m Levels 1 and 2: 0 – 1 m <p>North-West (529-537 King Street)</p> <ul style="list-style-type: none"> Lower Ground Floor Plan: 0 m Upper Ground Floor Plan: 0 – 1.4 m Mezzanine: 0 – 1.4 m Level 1 and 2: 3.99 – 6.20 m
Commercial floor space	<ul style="list-style-type: none"> Shop / Food and Drink Premises: 3,159 m² Office: 3,223.2 m² Restricted Recreation Facility: 1264.2 m²
Pedestrian links	East-west and north-south pedestrian through-block links connecting King Street to Rosslyn Street and Mansion House Lane.
Car parking	77
Motorcycle spaces	7
Bicycle parking	118
Vehicle access / egress	Vehicle access / egress via a crossover on CL1224. Deletion of the two crossovers to King Street.
Loading / unloading	Separate loading / unloading and waste collection areas accessed via CL1224.

3.1.2 Land Use

The application seeks to use the land for the purposes of:

- Eight shop / food and drink premises tenancies located at Basement Level 1, Lower Ground Level, Upper Ground Level and Mezzanine Level. The tenancies are proposed to operate 7 days per week between 6am to 10pm.
- Offices at Levels 1 and 2. The office use is proposed to operate 7 days per week between 8am and 8.30pm.
- A children's play space (restricted recreation facility) will be located over levels Lower Ground to Mezzanine. The facility is proposed to operate 7 days per week between 8am and 6pm and will have a maximum of 70 patrons.

3.1.3 Signage

No signage is proposed as part of this application. However, the application plans include references to signage zones.

3.2 Excerpts from Plans



Figure 15 - Basement 2 Floor Plan (Drawing No. TP01.02)

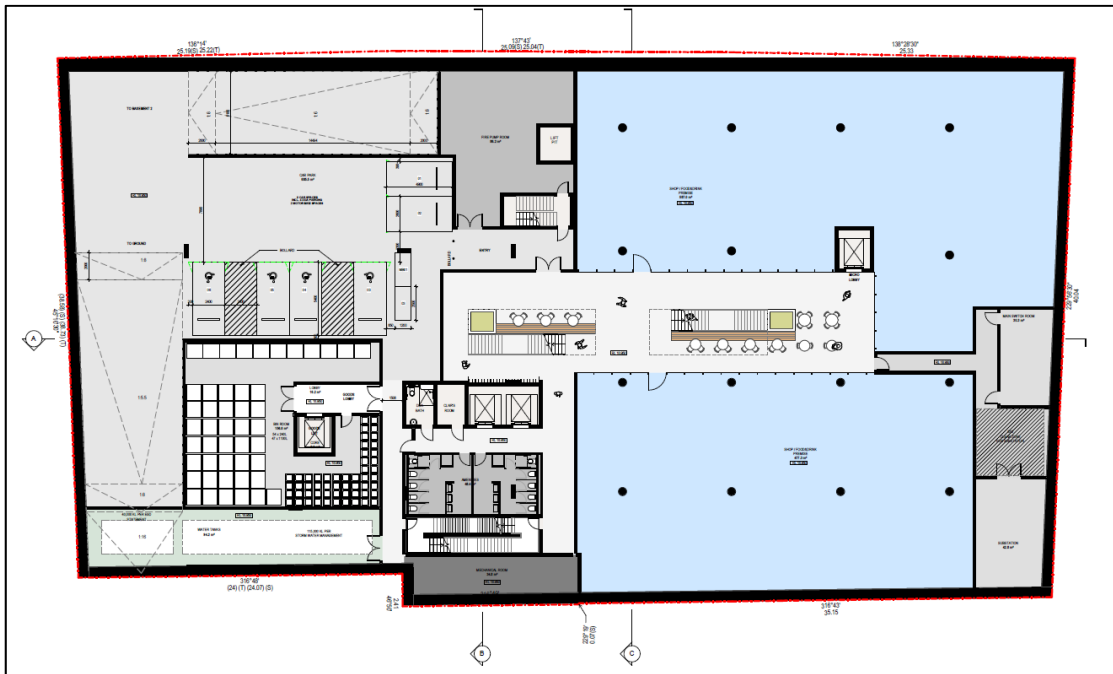


Figure 16 - Basement 1 Floor Plan (Drawing No. TP01.03)

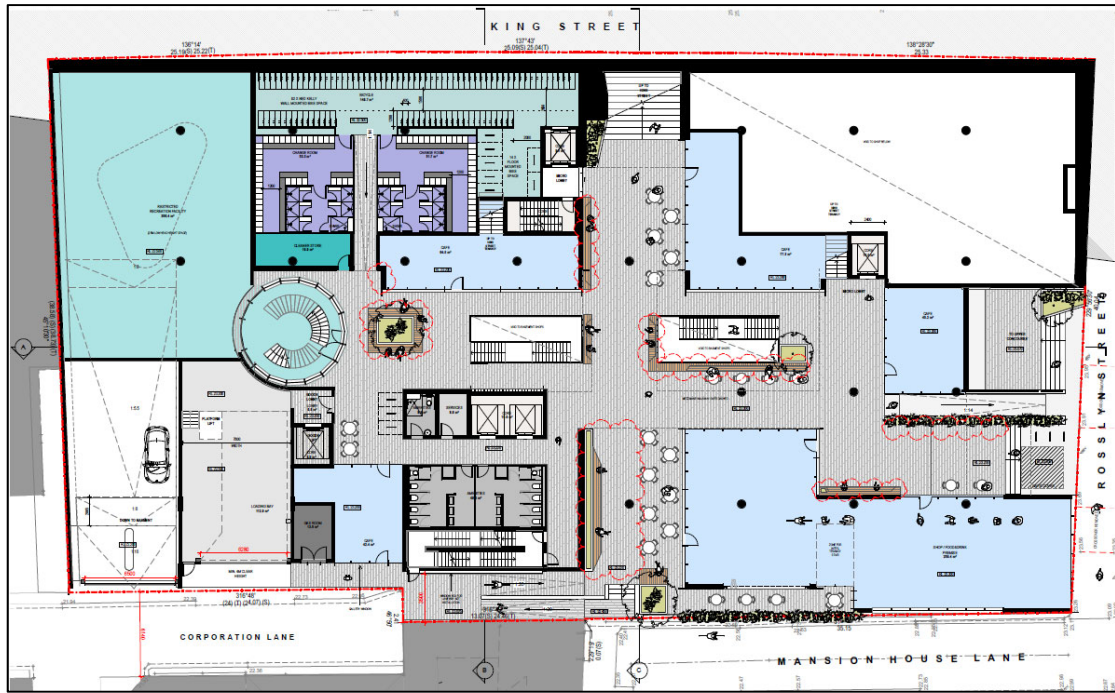


Figure 17 - Lower Ground Floor Plan (Drawing No. TP01.04)

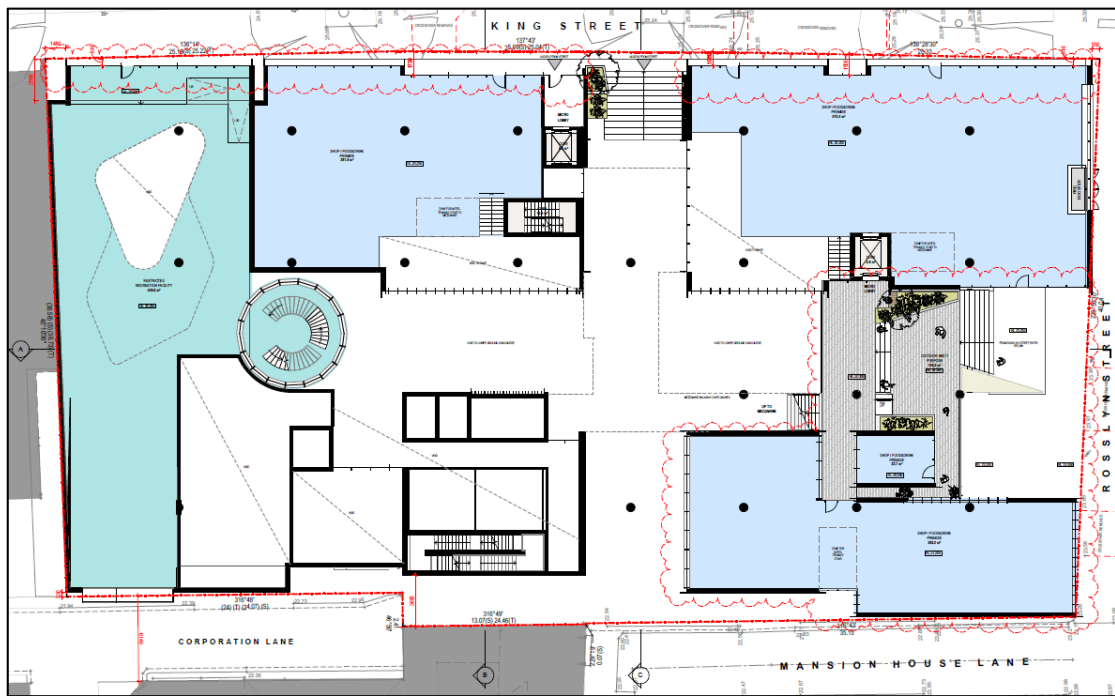


Figure 18 - Upper Ground Floor Plan (Drawing No. TP01.05)

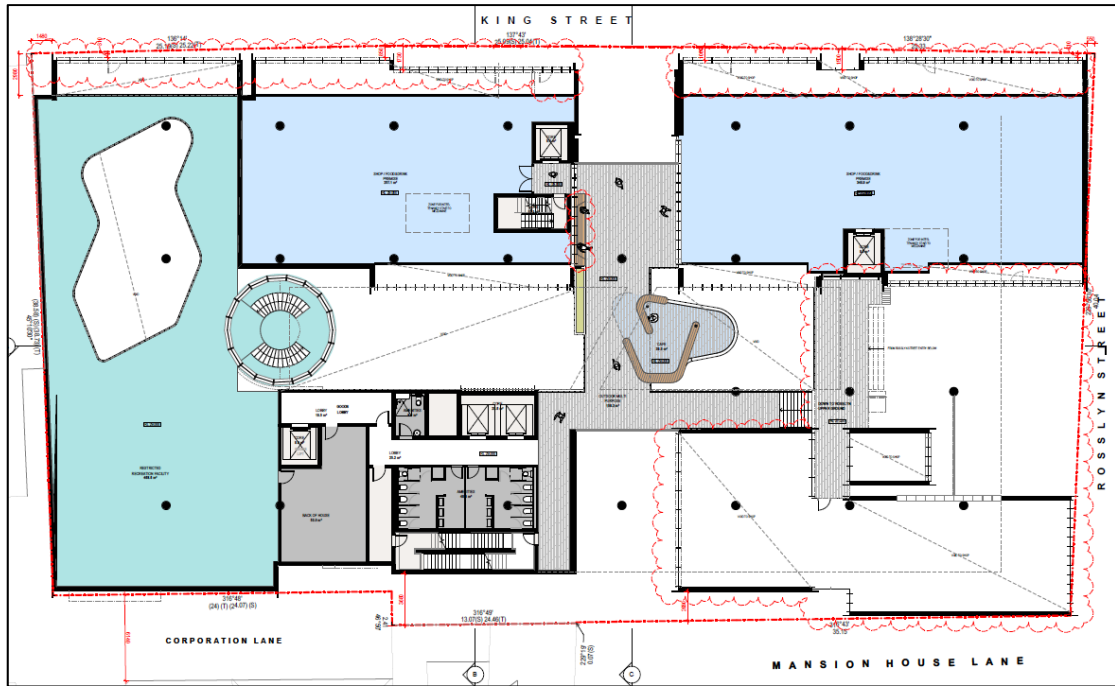


Figure 19 - Mezzanine Floor Plan (Drawing No. TP01.06)

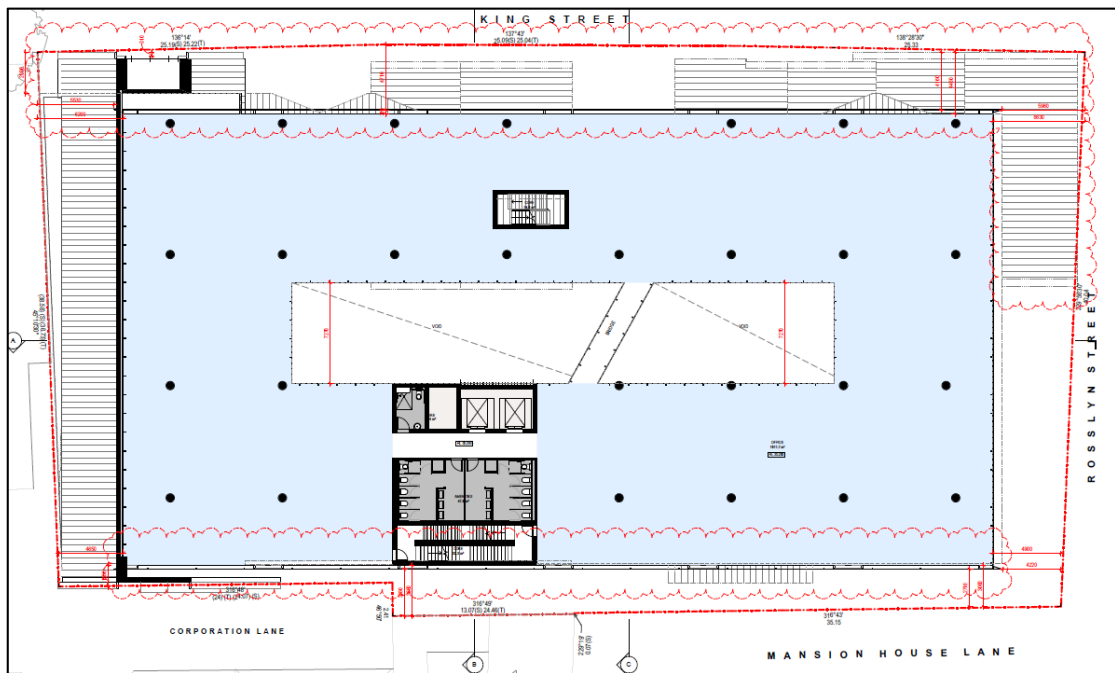


Figure 20 - Level 1 Floor Plan (Drawing No. TP01.07)

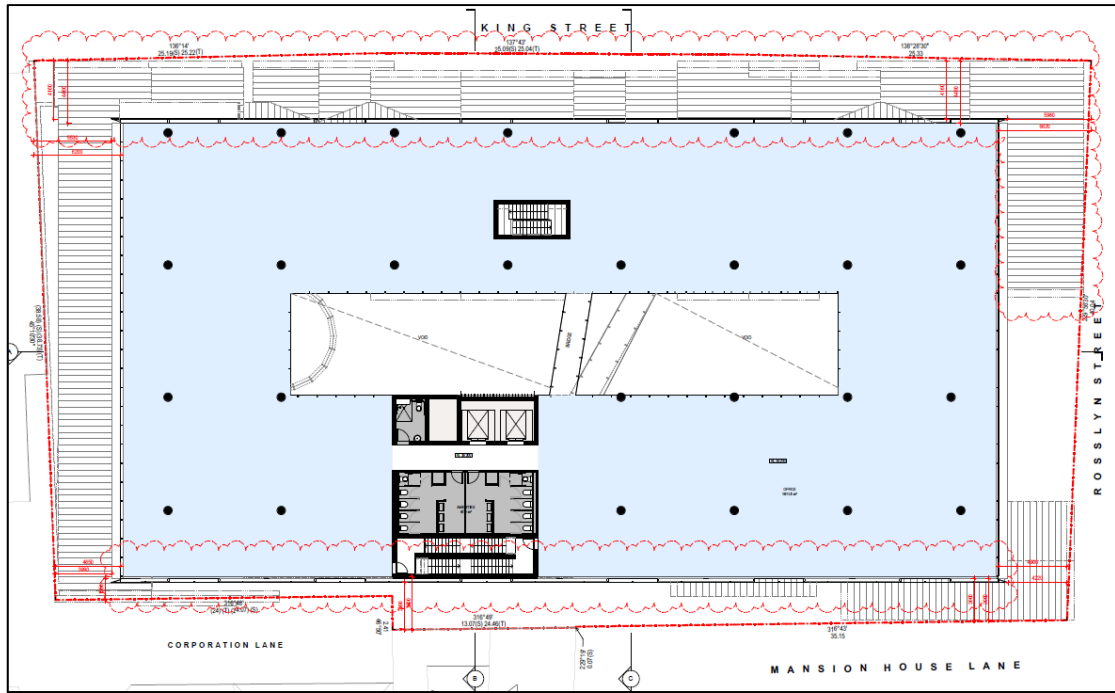


Figure 21 - Level 2 Floor Plan (Drawing No. TP01.08)

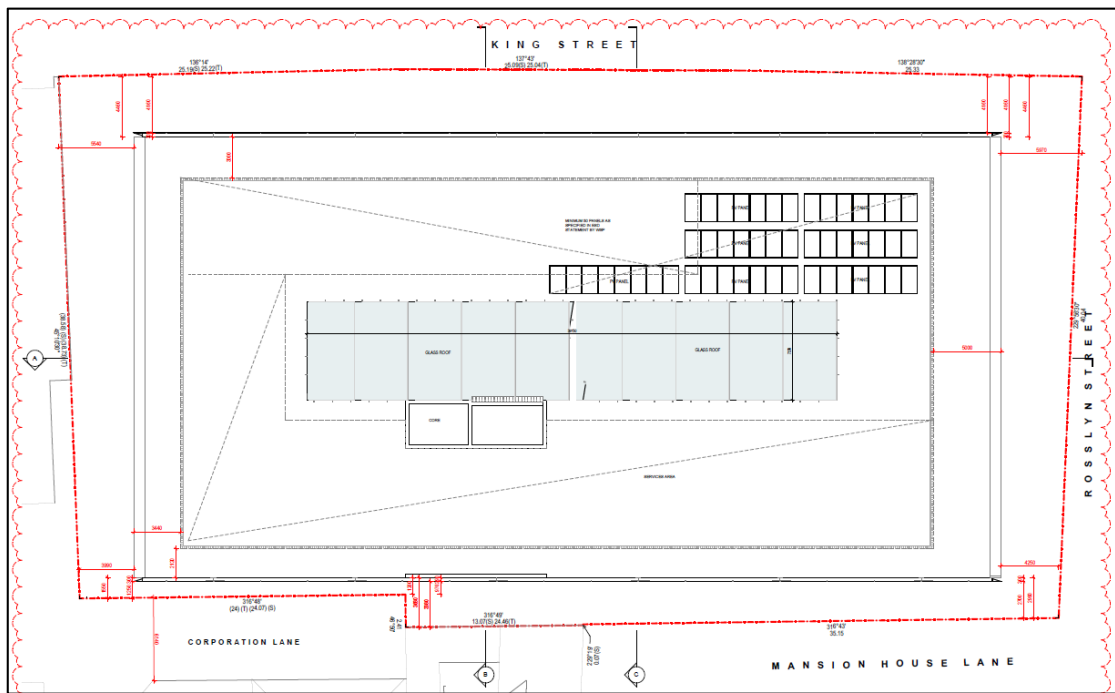


Figure 22 - Roof Plan (Drawing No. TP01.09)

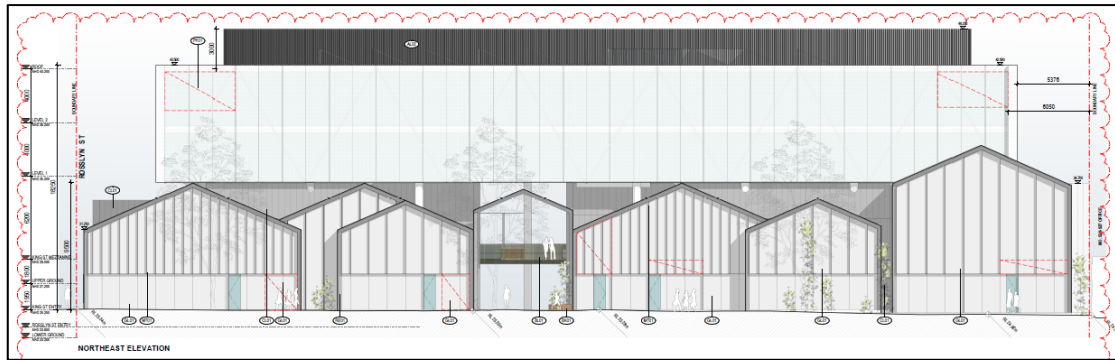


Figure 23 - North-east Elevation (Drawing No. TP02.02)

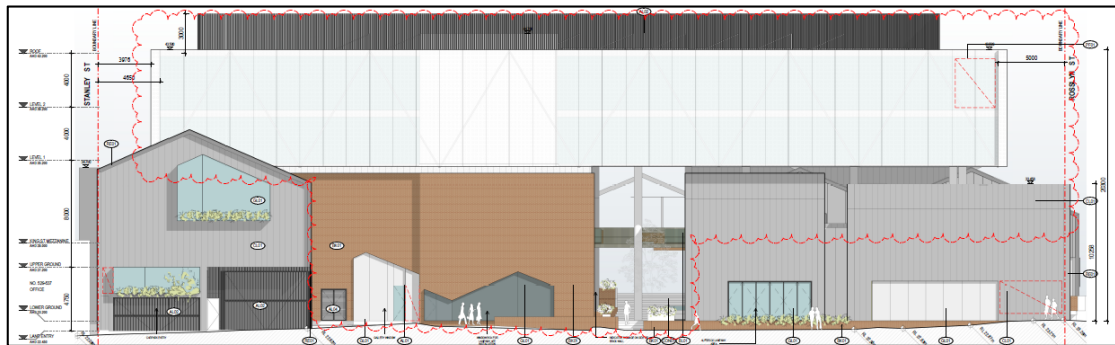


Figure 24 - South-west Elevation (Drawing No. TP02.03)

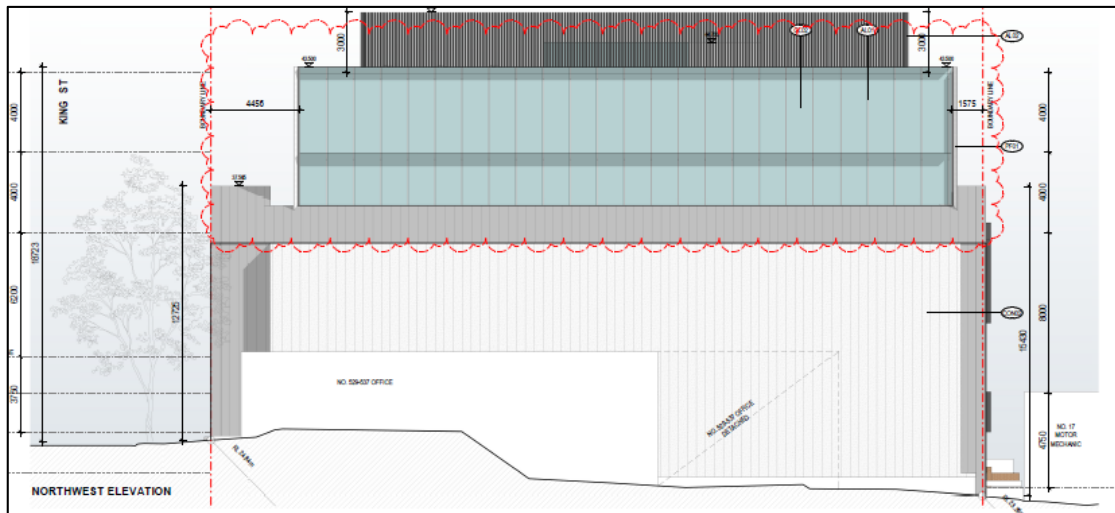


Figure 25 - North-west Elevation (Drawing No. TP02.03)

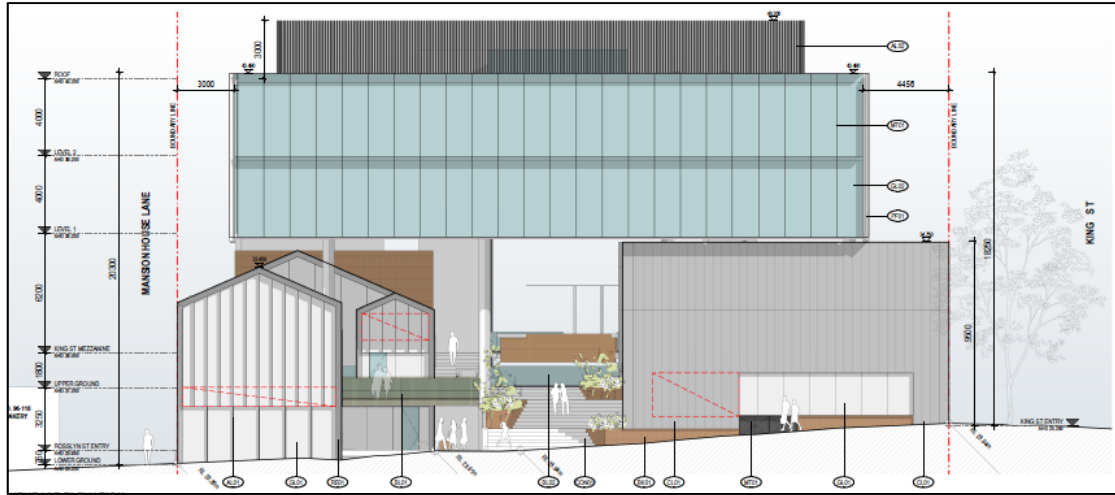


Figure 26 - South-east Elevation (Drawing No. TP02.02)

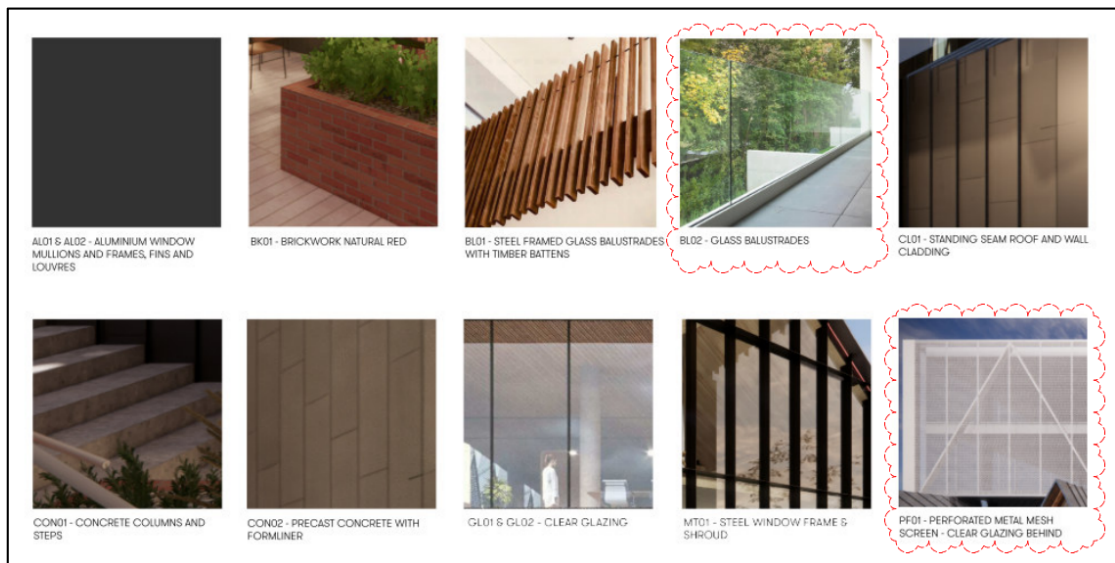


Figure 27 - Proposed Material Schedule (Drawing No. TP02.01)

4 STATUTORY CONTROLS

Table 5 summarises the planning controls and requirements of the Scheme applying to the Site and proposed development:

Table 5: Planning Controls	
Clause	Permit Trigger
<p>Clause 37.01</p> <p>Special Use Zone – Schedule 6 (SUZ6)</p> <p>West Melbourne</p>	<p><u>Land Use – Permit Required</u></p> <p>Pursuant to Schedule 6 of Clause 37.01, a permit is required for the:</p> <ul style="list-style-type: none"> • Use of the land as a ‘Food and Drink Premises’ with a leasable floor area exceeding 150 m². • Use of the land as a ‘Shop’ with a leasable floor area exceeding 150 m². • Use of the land as ‘Leisure and recreation’, including ‘Restricted Recreation Facility.’ <p><u>Buildings and Works – Permit Required</u></p>

	<p>Pursuant to Schedule 6 of Clause 37.01, a permit is required:</p> <ul style="list-style-type: none"> To construct a building or construct or carry out works. <p><u>Motorcycle Parking</u></p> <p>All buildings that provide on-site car parking must provide motorcycle parking for the use of occupants and visitors, at a minimum rate of one motor cycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.</p> <p><u>Signage</u></p> <p>All land within the SUZ6 is in Category 3.</p>
<p>Clause 43.02 Design and Development Overlay – Schedule 72 <i>West Melbourne Spencer Precinct</i></p>	<p><u>Buildings and Works – Permit Required</u></p> <p>Pursuant to Schedule 72 of Clause 43.02, a permit is required to construct a building or carry out works.</p> <p><u>Floor Area Ratio</u></p> <p>An application to construct a building or carry out works must not exceed a Floor Area Ratio of 4:1 except for properties with a direct frontage to Spencer Street or King Street which must not exceed a floor area ratio of 5:1. This does not include Bonus Floor Area.</p>
<p>Clause 45.09 Parking Overlay – Schedule 14 <i>West Melbourne</i></p>	<p><u>Car Parking – Permit Required</u></p> <p>Pursuant to Schedule 14 to Clause 45.09, a permit is required to provide car parking spaces in excess of the car parking ratios at Clause 3.0 of this schedule.</p> <p>Schedule 14 to Clause 45.09 specifies a maximum car parking rate for uses other than dwellings of 0.5 spaces per 100 m² of net floor area.</p> <p>The proposal includes 10,465 m² of net floor area which therefore has a maximum car parking rate of 52 spaces.</p> <p>The application proposes 77 spaces, exceeding the maximum requirement. A planning permit is therefore required.</p>
<p>Clause 45.03 Environmental Audit Overlay</p>	<p><u>Permit not Required</u></p> <p>Clause 45.03-1 specifies that before a sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school commences or before the construction or carrying out of buildings and works in association with these uses commences:</p> <ul style="list-style-type: none"> A preliminary risk screen assessment statement in accordance with the <i>Environment Protection Act 2017</i> must be issued stating that an environmental audit is not required for the use or the proposed use; or An environmental audit statement under Part 8.3 of the <i>Environment Protection Act 2017</i> must be issued stating that the land is suitable for the use or proposed use; or A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.

Particular Provisions	
<p>Clause 52.34</p> <p>Bicycle Facilities</p>	<p><u>Bicycle Parking – Permit not Required</u></p> <p>Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage have been provided on the land. Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.</p> <p>The proposal generates a statutory requirement of 21 bicycle spaces for staff and 15 spaces for visitors (total of 36 spaces). The requirement for 21 spaces also triggers a requirement for End of Trip Facilities at a rate of 1 shower / change room for the first 5 bicycle spaces and 1 space for each 10 spaces thereafter.</p> <p>A total of 118 bicycle spaces are proposed, as such a permit is not required.</p> <p>End of Trip Facilities are also proposed, located adjacent to the secure bicycle parking area at lower ground level with a total 12 showers / change rooms.</p>
<p>Clause 52.29</p> <p>Land Adjacent to the Principal Road Network</p>	<p><u>Permit Required</u></p> <p>Pursuant to Clause 52.29, a permit is required to create or alter access to a road in a Transport Zone 2 (King Street).</p>

5 STRATEGIC FRAMEWORK

5.1 Municipal Planning Strategy

The relevant provisions of the MPF are summarised as follows:

- Clause 02.01 – Context
- Clause 02.02 – Vision
- Clause 02.03 Strategic Directions, including:
 - Clause 02.03-1 – Settlement
 - Clause 02.03-3 – Environmental Risks and Amenity
 - Clause 02.03-4 – Built Environment and Heritage
 - Clause 02.03-6 – Economic Development
- Clause 02.04 – Strategic Framework Plans

5.2 Planning Policy Framework (PPF)

The relevant provisions of the PPF are summarised as follows:

Clause 11 – Settlement

- Clause 11.01 – Victoria, including:
 - Clause 11.01-1S – Settlement
 - Clause 11.01-1R – Settlement – Metropolitan Melbourne
- Clause 11.02 – Managing Growth, including:

- Clause 11.02-1S – Supply of Urban Land
- Clause 11.03 – Planning for Places
 - Clause 11.03-6L-15 – West Melbourne

Clause 13 – Environmental Risks and Amenity

- Clause 13.07 – Amenity, Human Health and Safety, including:
 - Clause 13.07-1S – Land Use Compatibility
 - Clause 13.07-1L-03 – Land Use Compatibility

Clause 15 – Built Environment and Heritage

- Clause 15.01 – Built Environment, including:
 - Clause 15.01-1S – Urban Design
 - Clause 15.01-1R – Urban Design – Metropolitan Melbourne
 - Clause 15.01-1L-03 – Sunlight to Public Spaces
 - Clause 15.01-1L-04 – Urban Design
 - Clause 15.01-1L-05 – Urban Design outside the Capital City Zone
 - Clause 15.01-2S – Building Design
 - Clause 15.01-2L-01 – Energy and Resource Efficiency
 - Clause 15.01-5S – Neighbourhood Character

Clause 17 – Economic Development

- Clause 17.01 – Employment, including:
 - Clause 17.01-1R – Diversified Economy – Metropolitan Melbourne
- Clause 17.02 – Commercial, including:
 - Clause 17.02-1S – Business

Clause 19 – Infrastructure

- Clause 19.03 – Development Infrastructure, including:
 - Clause 19.03-3L – Stormwater Management (Water Sensitive Urban Design)

6 ZONE

The Site is located within the Special Use Zone – Schedule 6 (**SUZ6**). The purpose of the SUZ6 is:

- *‘To implement the West Melbourne Structure Plan 2018 and support the development of West Melbourne as a vibrant, mixed use inner city neighbourhood with a genuine mix of retail, commercial, education and residential uses and affordable housing.*
- *To retain and increase employment and facilitate an increase in jobs in West Melbourne.*

- *To encourage a less car dependent transport system by facilitating the adoption of sustainable transport alternatives, and ensuring that opportunities to adapt and repurpose car parks are protected.*
- *To encourage the provision of new public open spaces throughout West Melbourne to meet the different needs of the growing community.*
- *To develop Spencer Street (between Dudley and Hawke Streets) as a local activity centre with a mix of commercial, retail, residential and community uses.'*

7 OVERLAYS

7.1 Design and Development Overlay

The Site is affected by the Design and Development Overlay – Schedule 72 (**DDO72**) which applies to the West Melbourne – Spencer Precinct. The design objectives of DDO72 include:

- *'To create a mid-rise precinct generally between three and eight storeys with variable building heights, including taller built form fronting Spencer Street, King Street and Dudley Street, lower built form on Laneways and other Streets and building typologies that respond to the characteristics of individual sites, that is in contrast to the tower and podium built form character of the central city.*
- *To improve the amenity of Dudley Street and King Street as important boulevards into the City and to Docklands, and to support active uses and public realm improvements within the Spencer Street Activity Centre, and the development of the Activity Centre, as a vibrant local area serving West Melbourne, where commercial and retail activity is concentrated.*
- *To reference the industrial history of the precinct by supporting the adaptive reuse of Special Character Buildings and encourage contemporary use of common industrial materials.*
- *To increase permeability and connectivity for pedestrians and cyclists, and ensure that development supports the provision of Laneways and frames them as positive additions to the public realm.*
- *To ensure that development responds to the characteristic hierarchy of Main Streets, Streets and Laneways through the arrangement of fronts and backs.'*

Requirements

An application to construct a building or carry out works:

- must meet the Design Objectives specified in this schedule.
- must achieve the Built Form Outcomes specified in this schedule.
- should meet the Built Form Requirements in this schedule.

An application which does not meet the Built Form Requirements must demonstrate how the development will meet the Design Objectives, and achieve the Built Form Outcomes.

7.2 Parking Overlay

The Site is affected by the Parking Overlay – Schedule 14 (**PO14**). The parking objectives to be achieved under PO14 include:

- *'To support long term sustainable transport patterns and minimise road congestion in West Melbourne.*
- *To identify appropriate car parking rates within the West Melbourne Structure Plan 2018 area.*
- *To ensure parking facilities are provided efficiently and flexibly to meet changing community needs.*
- *To minimise the negative impacts of parking facilities on the public realm and transport networks.*
- *To provide for the future adaptation of car parking to other uses and innovations in transport technology.'*

7.3 Environmental Audit Overlay

The Site is also affected by the Environmental Audit Overlay (EAO).

Pursuant to Clause 45.03, before a sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school commences or before the construction or carrying out of buildings and works in association with these uses commences:

- A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or proposed use; or
- An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use; or
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

Given the application seeks approval for a children's play space (restricted recreation facility), a condition will be placed on any permit to issue. The condition will require that a PRSA statement stating whether or not an audit is required. Should an Audit be required, an environmental audit statement stating that the land is suitable for the proposed use is required. If the audit requires ongoing maintenance, a Section 173 Agreement will need to be entered into for any future land owner's awareness.

8 PARTICULAR PROVISIONS

- Clause 52.29 – Land Adjacent to the Principal Road Network
- Clause 53.18 – Stormwater management in Urban Development

9 GENERAL PROVISIONS

The following general provisions apply to the application:

- Clause 65 – Decision Guidelines, which includes the matters set out in Section 60 of the Planning and Environment Act 1987.
- Clause 66 – Referral and Notice Provisions

10 STRATEGIC DOCUMENTS AND AMENDMENTS

10.1 West Melbourne Structure Plan 2018

The West Melbourne Structure Plan is listed as a background document under Clause 72.08 of the Scheme. The objectives of the West Melbourne Structure Plan are:

- To establish a shared vision and framework for the long term future growth, development and character of West Melbourne.
- To ensure that community and creative infrastructure, open space and transport provision better match the needs of a growing population.
- To deliver current City of Melbourne strategies and policies related to West Melbourne.
- To identify a set of actions to deliver the vision and framework for the future development of West Melbourne. These include planning scheme amendments and street and open space improvements (capital works proposals).

The Site is within the Spencer Precinct. The West Melbourne Structure Plan identifies Spencer as having a mixed commercial character with a varied built form, including industrial brick buildings, smaller warehouses and Victorian terraces.

The West Melbourne Structure Plan provides the following vision for Spencer:

‘Spencer will be a vibrant, inner-city mid-rise area with a mix of retail, commercial, residential, community and creative uses spilling out onto its streets. Anchored by the Spencer Street high street, this neighbourhood will be distinct from the central city and North Melbourne with its mix of converted warehouses, contemporary developments, heritage corner pubs and Victorian shop fronts.’

In regards to built form, the West Melbourne Structure Plan envisages Spencer as a mid-rise area with new buildings having a preferred maximum height of eight-storeys along Spencer Street and King Street.

In regards to activities and uses, it seeks to reinforce the role of Spencer Street as the local high street of West Melbourne.

10.1.1 Amendment C415melb – Sunlight to Public Open Spaces

Planning Scheme Amendment C415melb Sunlight to Public Open Spaces is a seriously entertained planning scheme amendment, relevant to the proposed development.

Amendment C415melb introduces new planning scheme controls into the Scheme to protect winter sunlight access to public parks. Specifically, this amendment proposes to introduce Design and Development Overlay – Schedule 8 (**DDO8**) to the Site.

Eades Park is a ‘Park Type 1’ for the purpose of applying the proposed building controls under DDO8 to the Site. Pursuant to the proposed DDO8, a permit cannot be granted for buildings and works which would cast additional shadow onto the park between 10am and 3pm on June 21 beyond the existing shadow.

11 PUBLIC NOTIFICATION

11.1 Public Notice of Original Application

It was determined that the proposal may result in material detriment. Notice of the original proposal was given by ordinary mail to the owners and occupiers of

surrounding properties on 5 June 2019 and by posting three notices on the site for a 14 day period, in accordance with Section 52 of the Act.

11.2 Notice of the Section 57A Amended Applications

11.2.1 Section 57A Amended Application lodged December 2021

Notice of the amended proposal was given by ordinary mail to the owners and occupiers of surrounding properties on 21 July 2022 and by posting three notices on the site for a 14 day period, in accordance with Section 52 of the Act.

11.2.2 Section 57A Amended Application lodged 27 October 2021

Notice of the most recent Section 57A Amended Application received on 27 October 2022 was not given under Section 57B of the Act, as the changes made to the Application under the Section 57A Amendment directly responded to issues identified by Council and resulted in design changes to the built form of the proposal that created no additional material detriment. Nonetheless, these plans were informally circulated to objectors for review and consideration.

12 OBJECTIONS

12.1 Public Notice (December 2019) Objections

A total of 36 objections were received during the first round of public notice. The matters raised are summarised below.

- Excessive building height.
- Traffic impacts on Mansion House Lane and Rosslyn Street.
- Detrimental impact on on-street car parking.
- Boundary to boundary construction and lack of articulation and setbacks.
- Overshadowing, including overshadowing to Eades Park.
- Overlooking into Eades Park.
- Lack of compliance with the West Melbourne Structure Plan.
- Lack of landscaping.
- Proposed land uses.
- Restricted city views.
- Wind tunnel effects.
- Inconsistency with neighbourhood character.

12.2 Section 57A Amended Application lodged December 2021

Four objections were received during the notice of the Section 57A amended application lodged December 2021. Three of the objectors had previously objected to the proposal during the first notice period. No objections were withdrawn. The matters raised are summarised below:

- Overshadowing of Eades Park.
- Impact on Mansion House Lane, including proposed land uses, through-block link and car parking access.
- Inconsistency with neighbourhood character.
- Visual bulk as a result of the lack of setbacks and boundary to boundary construction.

In addition to the above, one submission of support was also received.

13 CONSULTATION

Formal advertising was conducted twice as outlined above.

In addition to individual consultation with property owners and occupiers being undertaken by telephone, and email, a copy of the objections received were provided to the applicant for their consideration and response.

The applicant did not provide a formal written response to the objections, however did amend the application under Section 57A of the Act following the first notice period as outlined above.

Additionally, as discussed above, the most recent Section 57A Amendment was informally circulated to objectors for review and consideration as outlined above.

14 REFERRALS

14.1 Internal

14.1.1 City Design

The application was referred to City Design who provided feedback on multiple occasions in response to the amended drawings and discussion drawings submitted to address specific concerns.

Noting the change in the proposed design from the original application lodged in 2019, the City Design comments discussed in this report will relate to the amended applications lodged in 2021 and 2022.

Comments on the amended application lodged in 2021 were generally positive stating that the proposal achieves a highly permeable and activated site, which is strongly supported to the prominent site opposite Eades Park. City Design advised that the following key matters required addressing in order to receive support:

- *“Improve the legibility, safety and design quality of through-block connections open for public access.*
- *Provide clarity on proposed tenancies, which are a crucial part of the success of this proposal.*
- *Provide further design refinements to street wall interfaces as per recommendations of this review, demonstrated within detailed 1:20 or 1:50 street level elevations.*
- *Update the design concept to the upper level ‘floating’ mass to avoid the use of attached aluminium battens and overly complex articulation. A paired back and recessive design is recommended to achieve an acceptable presentation of mass to this sensitive precinct.*
- *Clarify material specification, including the provision of detailed information around material type, finish, colour and texture. This should include an accurate photograph or sample of all proposed finishes.”*

In addition to comments above, the application was presented at MDRP, where the following recommendations were made (summarised):

- Improve the legibility, safety and design quality of through-block connections open for public access.

- Provide clarity on proposed tenancies, which are a crucial part of the success of this proposal. Commitment from high quality key anchor tenants is required to ensure project viability.
- Materials should better reflect the grain, scale and texture of a historically 'industrial' West Melbourne.
- Further resolution of the proposed signage strategy is required.
- The proposal should better engage with the site's adjacency to Eades Park.

The applicant subsequently submitted discussion plans in response to the comments provided by City Design and MDRP.

The following final comments were received in response to the discussion drawings dated 28 September 2022:

"While we continue to provide general support for this development, we note that a number of crucial comments from the MDRP and City Design remain outstanding.

To ensure an exceptional quality design response is achieved as per expectations outlined by City Design Review and the MDRP, we provide the summary review of updated drawings, as well as recommended permit conditions as requested by Statutory Planning.

Advice Summary

- *The 3 m high under-croft entry to the lower ground level (facing Rosslyn Street) has not been changed. This must be addressed to ensure a high amenity, safe and inviting publicly accessible retail area and through-block connection from the street level.*
- *The diagrams demonstrating where seating areas will be designated separately from movement zones are supported and should be included in application drawings.*
- *The clarification of space operation and closure between 'daytime' and 'night-time' demonstrates that the building and through-block link will be closed after-hours. While a safe '24-7 accessible' through-block connection through the site is preferred, the demonstrated outcome is deemed acceptable.*
- *The diagrams demonstrating solar penetration are supported.*
- *The proposed façade updates do not sufficiently address City Design and MDRP advice. A recommended Façade Strategy condition is provided below to ensure an exceptional quality design outcome is achieved.*
- *A robust signage and wayfinding strategy is recommended to be provided as a condition of approval. This should demonstrate integration with the overall Façade Strategy.*
- *A landscape plan that demonstrates the feasibility of greening within the site, and the incorporation of green infrastructure to the King Street interface as per recommendations of the MDRP should be provided as a condition of permit.*
- *The removal of the diagonal timber decorative elements to the street-frontages are supported. The expanses of glazing to the street frontages should be demonstrated by the introduction of more contextual elements, such as steel or timber window mullions which serve a practical purpose, and other more robust materials such as brick or textured concrete.*

Recommended conditions:

- *Raise the upper ground level circulation space landing facing Rosslyn Street to ensure a minimum 4 m high entryway to the lower ground level to ensure a highly open, safe and high amenity space.*
- *Ensure changes to areas of seating and movement zones demonstrated in drawing TP03.11 - Seating Plan Mark Up Plan dated 28 September 2022 are included in updated floor plans.*
- *Engage a qualified landscape architect to develop a viable landscape proposal of the site's internal publicly accessible spaces, as well as the integration of green infrastructure at the King Street interface to better engage with the site's Eades Park interface. Provide preliminary plans for review by the City of Melbourne landscape architects and green infrastructure teams.*
- *Façade Strategy to ensure an exceptional quality design outcome is achieved."*

Planner's Comments

In response to the above comments the applicant provided formally amended plans, the most recent and decision plans are dated 27 October 2022 which sought to address the City Design and MDRP comments.

It is noted that many of the comments have been resolved, such as the inclusion of the movement zones and seating in the application drawings. However, there are a number of matters which still remain outstanding.

Specifically, the amended drawings do not respond to City Design's comments regarding the height of the upper ground level circulation space facing Rosslyn Street and the proposed façade treatment.

While the height of the entryway to the lower ground level has been increased from 3 metres to 3.3 metres, it is considered that a minimum height of 4 metres is appropriate to ensure a highly open and safe site entry / opening. This can be addressed via a condition of permit.

The provision of a façade strategy and landscape plan will also be required as a condition of permit, as recommended by City Design.

14.1.2 ESD

Council's ESD Officer provided the following comments on 20 April 2022:

ESD Review

The development commits to a level of sustainability that meets the objectives of Clause 22.19 and Clause 22.23 of the Melbourne Planning Scheme, however the total size of the development (14,762 m²) warrants a holistic sustainability rating to address ESD.

A Built Environment Sustainability Scorecard (BESS) assessment (or equivalent tool) should be conducted which will incorporate standards across Energy, Water and Waste that have been provided and consider additional more holistic aspects for ESD. Alternatively a Green Star assessment could be conducted using Green Star Design and As Built V1.3.

A NABERS commitment agreement should be entered into for the development to cover office and retail spaces with evidence of the Commitment Agreement, modelling conducted and a simulation report provided for assessment."

Planner's Comments

The above comments can be addressed via a condition of permit to ensure an acceptable ESD outcome.

14.1.3 Land Survey

The application was referred to Land Survey who had no objections to the application, however, recommended that the following conditions be included on any permit issued:

- Prior to the commencement of works, including demolition, all the land for the proposed development must be owned by the one entity and consolidated into the one certificate of title to the satisfaction of the Responsible Authority.
- Prior to the commencement of works excluding demolition, the permit holder must either obtain the necessary permission(s) from the relevant parties / authorities to construct over the land marked A on TP80540C and obtain planning permission to remove or vary the location of the easement(s) shown as E-1 on PC378577U.

14.1.4 Civil Infrastructure

The application was referred to Council's Infrastructure Engineer who provided Civil Design conditions to be included on any permit issued.

14.1.5 Traffic

The application was referred to Traffic Engineering who advised that they had no objection to the proposed application, including the proposed variation to the Parking Overlay.

14.1.6 Waste Engineering

Council's Waste Engineering team provided advice in relation to several iterations of a Waste Management Plan (WMP) for the proposed development.

The Waste Management Plan dated 16 June 2022 provided a response to the issues raised and to reflect the decision plans. This was assessed as acceptable and referenced in the Waste Management Plan condition.

14.1.7 Urban Forest and Ecology

The application was referred to Urban Forest and Ecology due to the potential impacts of the proposal on the public trees located along King Street.

Following review of the Tree Protection Management Plan, prepared by John Patrick dated March 2019 and application plans, Urban Forest and Ecology advised that the proposed design is unlikely to adversely impact the public trees, however careful works under the supervision of an arborist are required during the basement excavations.

Urban Forest and Ecology have no objections to the application, subject to tree protection conditions being included on any permit issued.

14.2 External

14.2.1 Department of Transport

The application was referred to the Department of Transport pursuant to Section 55 of the Act.

The Department of Transport have provided written advice confirming it has no objection to a permit being granted.

While the Department does not object to the granting of a planning permit, it has recommended notes to be included on any permit issued.

15 ASSESSMENT

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

- The appropriateness of the proposed land uses
- Built form response
- Traffic Impacts
- Environmentally Sustainable Design and Stormwater Management
- Objector Concerns
- Other matters:
 - Signage
 - Adaptive reuse of car park

15.1 The appropriateness of the proposed uses

The proposal seeks to use the land for the purposes of an office, food and drink premises, shop and children's play space (restricted recreation facility).

A planning permit is required to use the land as a food and drink premises and shop, as the leasable floor area of the proposed uses exceeds 150 m², and as a restricted recreation facility.

The Site is located within the SUZ6, which seeks to '*implement the West Melbourne Structure Plan and support the development of West Melbourne as a vibrant, mixed use inner city neighbourhood with a genuine mix of retail, commercial, education and residential uses and affordable housing*'; and to '*retain and increase employment and facilitate an increase in jobs in West Melbourne*'.

The proposed land uses are considered to directly address the purpose of the SUZ6 and are supported by the MPS and Planning Policy Framework, noting the following:

- The application proposes a mix of retail, office and recreation uses which will support delivering the envisaged genuine mix of land uses in West Melbourne under the SUZ6.
- The MPS and Planning Policy Framework also support mixed use developments in West Melbourne which facilitate a range of businesses and employment opportunities. Further, it encourages a mix of retail, commercial and community uses within the Spencer precinct.
- The West Melbourne Structure Plan identifies Spencer Street as the new local activity centre. While not located on Spencer Street, the mix of uses is considered appropriate in this location noting the development will be located on a large site on a prominent corner adjacent to King Street and a public park.
- The proposed shop / food and drink premises and restricted recreation facility will be located on the King and Rosslyn Street frontages, assisting in the activation of these streetscapes.
- The proposed children's play space will assist in providing a diverse mix of uses to the Spencer Precinct to service the needs of residents, visitors and workers.

- The proposed nature of the uses and proposed operating hours are not considered to result in any adverse amenity impacts. Importantly, the proposed new land uses will be oriented towards King and Rosslyn Streets. The proposed café at the corner of Mansion House Lane and Rosslyn Street will be located adjacent to an existing warehouse and away from the existing dwellings located at the end of the laneway. A condition will be placed on any permit issued to address potential noise which may arise in the future by requiring an acoustic report.
- The proposal is considered to provide a net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

15.2 Built Form Response

15.2.1 Design and Development Overlay – Schedule 72

The proposal is considered appropriate under DDO72 for the following reasons:

- The proposal provides a high quality public realm response and high levels of pedestrian amenity. Notably, the proposal assists in improving the amenity of the area through the provision of active uses along the King Street and Rosslyn Street frontages.
- The provision of laneway links between each of the site frontages improves the permeability of the Site and increased pedestrian connections.
- The proposal does not impact existing rooftop solar panels.
- The proposal does not result in any additional overshadowing of Eades Park as demonstrated in the shadow diagrams provided with the application and as discussed further below.
- The proposed development meets the built form outcomes and requirements as discussed below.

A detailed assessment against the built form requirements and outcomes of DDO72 is as follows:

Floor Area Ratio

DDO72 states that an application to construct a building or carry out works must not exceed a Floor Area Ratio of 5:1. A permit cannot be granted or amended to vary this requirement.

Floor Area Ratio means the gross floor area above ground of all buildings on a site, divided by the area of the site.

With a gross floor area above ground of 8,908.1 m², the proposed development results in a floor area ratio of 3:1, thereby comfortably complying with the DDO72 floor area ratio requirements.

DDO72 Built Form Assessment

Table 6 – DDO72 Built Form Assessment	
Building heights, street wall heights and amenity	
Built Form Outcomes	Assessment against built form requirements
<ul style="list-style-type: none"> • A mix of building typologies and variable building heights, including street wall heights 	DDO72 specifies a preferred maximum building height of eight storeys for the Site, with a street wall height between three and eight storeys.

<p>that make a positive contribution to the specific character of the precinct.</p> <ul style="list-style-type: none"> • Taller buildings on large sites, main streets and prominent street corners, and lower built form on smaller sites, mid-block sites and laneways. • Buildings within larger sites that are broken up into a series of smaller building forms where appropriate and with variable heights to ensure they relate and contribute positively to their context and their historic urban grain. • Development respects the scale of adjoining residential development and heritage buildings. • Development that appropriately considers the amenity impacts on neighbouring development and achieves a high standard of internal amenity within the development. • Development that is set back from side and rear boundaries to ensure internal spaces receive adequate levels of daylight and privacy. • Equitable development with primary outlook to the street or within development sites. 	<p>The proposal has a maximum height of five-storeys, with a three-storey presentation to the public realm, in accordance with DDO72.</p> <p>The proposal is also considered to meet the built form outcomes noting:</p> <ul style="list-style-type: none"> • It comprises a site responsive, mid-rise, mixed use development on a large site on a prominent street corner. • The proposed design of the building incorporates visual breaks and setbacks, softening the development's visual impact. Further, the proposed design incorporates a diversity of forms and architectural language which will assist in breaking up the façade and providing visual interest. • The proposal has been sited to reduce the impact on the neighbouring residential properties on Mansion House Lane. • The scale and form of the building, and the inclusion of active uses fronting both streets would provide a high level of pedestrian amenity. • The development includes facilitation of new east-west and north-south pedestrian links within the site to provide improved permeability through the precinct by linking Mansion House Lane with King Street through the centre of the site. The provision of these pedestrian links will also ensure the development relates to the fine grain urban context of the surrounding area. • The layout of the development maximises opportunities for passive surveillance and interaction with the street. • It is considered that the layout of the proposed development would allow for the equitable development of the properties to the north-west of the Site.
Adaptable Buildings	
Built Form Outcomes	Assessment against built form requirements
<ul style="list-style-type: none"> • Adequate floor-to-ceiling heights to ensure developments can be adapted to different uses. 	<p>The proposal includes floor-to-ceiling heights between 2.9 metres and 6.2 metres, in accordance with the built form requirements and outcomes.</p> <p>While the proposal meets the built form requirements in regards to floor-to-ceiling heights, as discussed in Section 14.1.1 of this report, the 3 metre high undercroft entry from Rosslyn Street is not supported as a public site entry due to safety and amenity issues. A</p>

	condition will be included on permit requiring an increase in the height of this area to a minimum of 4 metres.
Eades Park	
Built Form Outcomes	Assessment against built form requirements
<ul style="list-style-type: none"> Development positively frames the open space in Eades Park. 	<p>The proposal provides active frontages to King Street and Eades Park, meeting the built form outcomes and requirements.</p> <p>As raised by Council's City Design team, the proposal could better engage with the Site's Eades Park interface through the integration of green infrastructure along the King Street frontage. This will be further improved through a façade strategy which will be required as a condition of permit.</p>
Active Streets and Laneways	
Built Form Outcomes	Assessment against built form requirements
<ul style="list-style-type: none"> Reinforce the role of Spencer Street (between Dudley Street and Hawke Street) as the active, safe and well-designed local activity centre of West Melbourne. Development that maximises the quality and activation of main streets, streets and laneways and other public realm areas. Development that minimises the impact of building services on the public realm. 	<p>Service and back of house areas are located to the rear of the site and on the lower ground floor of the proposed development. Importantly, the proposal provides active frontages to Rosslyn and King Streets and Mansion House Lane.</p> <p>The built form requirements specify that in developments with more than one street frontage, vehicle access and loading bays should be located on the street or laneway that is lower in street hierarchy. Vehicle access and loading bays are accessed via CL1224 in accordance with this requirement.</p>
Laneways, pedestrian and cycling connections	
Built Form Outcomes	Assessment against built form requirements
<ul style="list-style-type: none"> Safe, direct, attractive and convenient pedestrian and cycling connections that are appropriately spaced and aligned with other laneways or pedestrian and cycling connections through West Melbourne. New laneways are provided through large sites where appropriate. 	<p>Through-building connections have been provided through the lower ground floor, linking King Street to Rosslyn Street and Mansion House Lane, thereby improving the quality of the pedestrian connections along King Street and improving the walkability of the urban block.</p> <p>The through-block link will be publicly accessible and be lined with active frontages.</p>

15.2.2 Local Policies

Clause 15.01-1L-05 (Urban Design outside the Capital City Zone)

Clause 15.01-1L-05 (Urban Design outside the Capital City Zone) provides guidance on the design of new buildings in areas such as West Melbourne. Key Objectives that relate to the proposal seek:

- *'To ensure that the scale, siting, massing and bulk of development complements the adjoining and nearby built form, and relates to the prevailing patterns of height and scale of existing development in the surrounding area.*
- *To ensure that buildings on prominent sites are designed to achieve a high standard of design that reflects the importance of their location and extent of their visibility.*
- *To ensure that building design at the ground floor frontages creates and improves pedestrian interest and engagement.*
- *To prioritise pedestrian movement and amenity and strengthen networks of pedestrian pathways.*
- *To minimise the adverse impacts of wind in surrounding public spaces and provide weather protection.'*

As identified in Section 14.1.1 of this report, Council's City Design team are generally supportive of the design of the proposal, subject to the resolution of the façade treatment, landscaping and the height of the Rosslyn Street undercroft entrance. These items can all be addressed via permit conditions.

Sunlight to Public Places

Clause 15.01-1L-03 (Sunlight to Public Spaces) seeks:

- *'To protect, and where possible, increase the level of sunlight to public spaces during the times of the year when the intensity of use is at its highest.*
- *To ensure that overshadowing from development does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians.*
- *To create and enhance public spaces to provide sanctuary, visual pleasure and a range of recreation and leisure opportunities.'*

The proposal is not located within a reasonable distance of any of the listed 'Key public spaces' and must therefore only meet the following policy direction:

'Development should not unreasonably reduce the amenity of public spaces by casting additional shadows on any public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, open spaces associated with a place of worship and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September.'

In addition to the above, it is worth noting that DDO72 specifies that the responsible authority must consider whether the development enables sunlight to reach into parks, streets and lower levels of buildings.

Lastly, pursuant to the proposed DDO8, a permit cannot be granted for buildings and works which would cast additional shadow onto the park between 10am and 3pm on 21 June beyond the existing shadow.

The shadow diagrams submitted as part of the application indicate that the proposed development will not result in any additional overshadowing of Eades Park between 11am and 2pm on 22 September.

Given the increased built form proposed on the Site, there will be additional shadow cast by the development throughout the day, including along Rosslyn Street and Mansion House Lane and residential properties south-west of the Site.

The residential properties and Mansion House Lane will receive additional shadowing between 9am and 12pm, however will receive uninterrupted sunlight access between

1pm and 3pm. Noting the controls on the Site and envisaged built form under the DDO72 and Structure Plan, some overshadowing is to be expected. Given the land and residential properties will receive sunlight for majority of the afternoon, the extent of additional shadowing is considered acceptable.

The extent of shadowing to Rosslyn Street is also considered acceptable. Any large scale development, consistent with the planning controls and Structure Plan would result in some overshadowing given the Site's orientation.

Lastly, as demonstrated in Figures 28 and 29 below, a building with a maximum height of 21.25 metres / five-storeys would not result in additional overshadowing of Eades Park between 10am and 3pm on 21 June. Accordingly, the proposal would not be prohibited under the proposed DDO8.

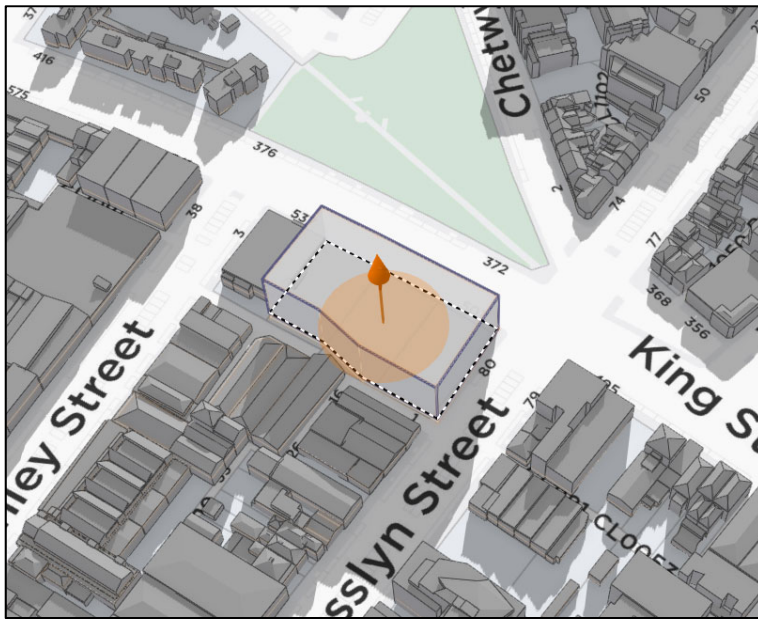


Figure 28 - Proposed shadowing of a 5 storey building at 10am on 21 June



Figure 29 - Proposed shadowing of a 5 storey building at 3pm on 21 June

15.3 Traffic Impacts

1.1.1. Traffic Impacts

Vehicle access to the Site is proposed via a new crossover to the site frontage along CL1224 from Stanley Street west of the Site. The existing crossovers to Rosslyn Street, King Street and Mansion House Lane will be demolished and reinstated to the satisfaction of Council.

As noted in Section 14.1.5 of this report, Council's Traffic Engineer accepts the traffic assumptions of the submitted Transport Assessment prepared by Traffix Group, dated June 2022, and offers no objection to the proposal in relation to traffic generation.

1.1.2. Car Parking

In accordance with PO14, the proposal would need to provide a maximum of 52 car parking spaces.

The development includes 77 on-site spaces, including four DDA parking spaces. The Transport Assessment, prepared by Traffix Group, dated June 2022 found that that a variation to the overlay is required due to:

- The demand for short-medium term parking spaces for visitors due to the proposed land uses, particularly the restricted recreation facility which would attract patrons with children.
- A parking survey of the area identifies that there is limited long term parking in the area, and while there is short term parking available on-street, there are limited off-street parking facilities in the area.
- The provision of parking for staff can be allocated so as not to exceed the maximum rate under the Schedule to the Parking Overlay.
- Car parking can be provided / allocated to preference visitors only as there is an identified demand associated with one of the primary uses, being the restricted recreational facility.
- A Car Parking Management Plan and Green Travel Plan should be prepared for the proposal as part of Conditions of any Permit to issue that include allocations of parking to preference visitors and monitor the use of car parking to identify when it can be reallocated for alternative uses.

Council's Traffic Engineer accepts the traffic assumptions of the submitted Transport Assessment prepared by Traffix Group, dated June 2022, and offers no objection to the proposal in relation to the variation of the car parking requirements under PO14. It is considered that a Car Parking Management Plan and Green Travel Plan should be prepared as part of a condition of permit.

In addition to car parking, it is noted that a total of 7 motorcycle spaces will be provided within the basement car park. This is in accordance with the SUZ6 which requires the provision of one motorcycle parking space for every 100 car parking spaces.

1.1.3. Bicycle Parking

Pursuant to Clause 52.34 (Bicycle Facilities), the proposal would need to provide a total of 36 bicycle parking spaces, including 21 staff spaces and 15 visitor spaces.

The development would provide a total of 118 on-site bicycle spaces at lower ground level and at the Rosslyn Street entry.

The proposed end-of-trip facilities also exceed that required by Clause 52.34. To this end, 12 showers / change rooms will be provided at basement level whereas Clause 52.34 requires 3 only. This will again further assist in encouraging cycling to / from the site.

While the number of bicycle parking spaces exceeds the requirements of Clause 52.34, only 12 of these would be within open space areas for visitor access. This is 3 less than required by Clause 52.34. To accommodate the sustainable travel needs of visitors, it is recommended that a condition be included on any permit issued requiring the provision of an additional 3 visitor spaces on site. These spaces must be located in accessible areas.

15.4 Sustainability

1.1.4. Energy, Water and Waste Efficiency

Policy at Clause 15.01-2L-01 encourages buildings that:

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

Subject to conditions being included on permit to give force and effect to the recommendations of Council's ESD Advisor, it is considered that the proposed development will meet relevant requirements of Clause 15.01-2L-01.

1.1.5. Stormwater Management (Water Sensitive Urban Design)

The objectives of Clause 19.03-3L include:

- *'To achieve the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- *To promote the use of water sensitive urban design.*
- *To mitigate the detrimental effect of development on downstream waterways.*
- *To minimise peak stormwater flows and stormwater pollutants for the improved health of water bodies, including creeks, rivers and bays.'*

Subject to conditions being included on permit to give force and effect to the recommendations of Council's ESD Advisor, it is considered that the proposed development will meet relevant requirements of Clause 19.03-3L.

15.5 Objector Concerns

Traffic and Parking Impact

Many objections received during the first public notice period raised concerns regarding the traffic impact on the surrounding area and Mansion House Lane. It is noted that the original application proposed vehicle access to the Site via Mansion House Lane.

The proposal as amended in December 2021 and October 2022 shows vehicle access being provided to the Site via CL1224. As advised by Council's Traffic Engineering team this access arrangement is acceptable.

It is also noted that no objection was received from Council's Traffic Engineers or Department of Transport in relation to the traffic impact on the surrounding road network.

Objections were also received in relation to the impact on the surrounding on-street car parks. The original application sought a reduction to the statutory car parking requirements of Clause 52.06. Following the Gazettal Amendment C4385melb, which introduced a maximum car parking requirement under PO14, the application now seeks to vary the maximum car parking requirement. Again, Council's Traffic Engineers have not objected to the variation to the requirements of PO14.

Building Design

Objections received raised concern regarding the proposed form of the development including:

- Proposed height.
- Boundary to boundary construction and lack of setbacks.
- Site coverage.
- Visual bulk to Mansion House Lane.
- Proposed floor-area-ratio.
- Inconsistency with *neighbourhood character*.

It is noted that many of the objections were received during the first notice period and related to the eight-storey proposal originally submitted with Council. However, concerns were also raised regarding the above matters during the second notice period.

As discussed in Section 15.2 of this report, the amended proposal is considered to provide a high quality public realm response in accordance with the West Melbourne Structure Plan and the built form requirements and outcomes of DDO72.

In regards to the inconsistency with the character of the area, a condition will be included on any permit issued requiring updated materials which better reflect the grain, scale and texture of the historically industrial West Melbourne.

Objections were received regarding the visual impact of the development of the dwellings at Mansion House Lane. It is noted that part of the laneway which adjoins the site is predominately characterised by rear and side walls. Nonetheless, the amended proposal has been setback from Mansion House Lane where possible.

Lastly, an objection was received in regards to the proposed through-block link's connection to Mansion House Lane. As previously discussed, the proposed laneway is in accordance with DDO72 which seeks to activate laneways and improve pedestrian permeability.

Overlooking into Eades Park

Overlooking from a commercial property into the adjoining park is not a relevant planning consideration, although is often viewed as a positive from a safer design perspective providing incidental surveillance. Notwithstanding this, should the widely accepted overlooking objectives of ResCode be used as a reference point for consideration of this application, being 9 metres, with the park being approximately

30 metres away any perceived overlooking is considered to be negligible and exceeds this accepted standard by more than 20 metres.

Potential overshadowing to Eades Park

Many objections raised concern regarding the overshadowing of Eades Park. As discussed in Section 15.2.2 of this report the proposal will not result in any additional overshadowing of the park between 11am – 2pm on 22 September and 10am – 3pm on 21 June in accordance with Clause 15.01-1L-03 and the proposed DDO8.

The extent of overshadowing during summer is not a relevant planning consideration.

Landscaping

Objections were received in regards to the lack of landscaping proposed. As previously discussed any permit issued will require the submission of a landscape plan which will require greening within the Site, and the incorporation of green infrastructure to the King Street interface.

Proposed land uses

As previously discussed (refer section 15.1), the proposed mix of retail, office and recreation uses are encouraged under the SUZ6 and West Melbourne Structure Plan.

Restricted city views

Loss of sky views is not a relevant planning consideration.

15.6 Other Matters

15.6.1 Signage

No signage is proposed as part of this application, however, the recently amended application plans include references to signage zones. Clause 5.0 of the SUZ6 identifies the Site as being within a Category 3 signage area. Clause 52.05 (Signs) identifies Category 3 as a high amenity area with medium limitation. Any future signage will need to be assessed on its merits in accordance with the requirements of Clause 52.05-13 and Clause 15.01-1L-02 (Signs). It is recommended that the applicant submits a cohesive signage package for all proposed signs as a future application. Accordingly, it is submitted that the signage zones should be removed from the plans. This will be required as a condition of permit.

15.6.2 Adaptive Reuse of Car Park

The SUZ6 specifies that before deciding on a permit application, the responsible authority must consider whether any proposed car parking area is designed for future adaption or repurposing as an alternative use.

The proposal includes two basement areas which include car parking. With floor-to-ceiling heights of 2.9 metres (Basement Level 2) and 4.25 metres (Basement Level 1), the basement levels are considered to be adaptable for reuse. Indeed, the application proposes two shop / food and drink premises to be located on Basement Level 1, thereby demonstrating the levels can be adapted for other uses.

Noting the range of uses proposed for Basement Level 1 and the floor-to-ceiling heights, the proposal is considered to adequately respond to the above decision guideline. A subdivision requirement of the SUZ6 prohibits subdivision of car parking areas and requires that car parking areas be retained in common property thereby ensuring that the basement levels (set aside for car parking) proposed will be retained as a singular space enabling practicable adaptive reuse.

15.7 Conclusion

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant a Permit be issued for the proposal subject to conditions.

16 OFFICER RECOMMENDATION

That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit be issued subject to the following conditions:

16.1 Permit Preamble

Buildings and works comprising the construction of a five-storey building with two basement levels, use of the land as a shop and food and drink premises, and restricted recreation facility, provision of car parking that exceeds the requirement of the Parking Overlay and alteration of access to a road in a Transport Zone 2.

16.2 Permit Conditions

Amended Plans

1. Prior to the commencement of the development, an electronic copy of plans, drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans drawn by Hayball Architects dated 27 October 2022 but amended to show:
 - a. A minimum four metre high entryway from Rosslyn Street to the lower ground level.
 - b. The removal of all signage zones.
 - c. The provision of 15 visitor / shopper bicycle parking spaces on site. These spaces must be located in publicly accessible areas.
 - d. A notation on the Roof Plan stating that the solar PV system size is 21kW.
 - e. A notation on the lower ground floor plan confirming that the rainwater reuse includes toilets, irrigation, wash down and any other uses.
 - f. Any changes required by the Landscape Plan required at Condition 9.
 - g. Any other changes required by the endorsed Environmentally Sustainable Design Report at Condition 11.

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

Layout Not Altered and Satisfactory Completion

2. The use and development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.
3. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority or as otherwise exempt under the Melbourne Planning Scheme.

4. Prior to the commencement of the use approved by this permit all new or extended walls on or facing the boundary of adjoining properties and / or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

Use

5. Except with the prior written consent of the Responsible Authority, the Shop and Food and Drink Premises must only be open for the use between 8am – 10pm.
6. Except with the prior written consent of the Responsible Authority, the Restricted Recreation Facility must only be open for the use between 8am – 6pm.
7. The maximum number of patrons on the premises for the Restricted Recreation Facility must be no more than 70 at any one time unless with the prior written consent of the Responsible Authority.

Façade Strategy and External Materials

8. Concurrent with the submission of plans for endorsement under Condition 1, a Façade Strategy must be submitted to and approved by the Responsible Authority. The Façade Strategy for development must include:
 - a. A concise description by the architects of an overall design concept which respects and enhances the character of the immediate West Melbourne precinct and achieves a high level of architectural quality, including description of how the façade works to achieve this.
 - b. An updated overall architectural strategy that demonstrates a stronger level of cohesion between the grain and verticality of the lower levels (lower ground, ground and mezzanine level), and the upper levels (level 1 and level 2). This should be achieved through:
 - i. The design of an overarching framing or articulation gesture that connects the lower and upper level forms and reinforces the valued vertical grain of the West Melbourne streetscape.
 - ii. The design of human-scaled elements such as canvas canopies, integrated bench seating to windows, and other playful elements such as balconies and stairs that provide further linkage between lower and upper level forms.
 - c. A schedule of materials including but not limited to the type, finish, colour and quality of material as it relates to its specific location and application on building elevations. Materials must be durable, visually interesting and fit for purpose, as well as contextually appropriate to the specific industrial character of West Melbourne. Information provided should include product type, finishes, textures, colours and accurate photography, and material selection should achieve the following:

- i. the selection of high quality, robust and contextual lower level finishes and design elements to reflect the grain and character of the context. This includes an emphasis of masonry elements, and other industrial textures, tones and colours that are reflective of the valued existing characteristics of the precinct. Excessive use of dark metal finishes and expanses of glazing should be minimised.
 - ii. the selection of a high quality, contemporary and recessive materials to upper levels, that enhances the prominence of the lower level street-wall design language.
- d. Example images that demonstrate the intended design outcome, including specific examples of proposed materiality and intended application.
- e. Cross sections or another method of demonstrating how the façade systems, including fixing details indicating junctions between materials, are to be implemented.
- f. Detailed 1:20 street level elevations to demonstrate an appropriated level of human scale and design quality. These elevations should include finishes to any canopies and awnings, services interfaces, columns finish, soffit finish, window frames, door finishes, lift design, and any other specific finishes.

Landscape Plan and Landscape Maintenance Plan

- 9. Concurrent with the endorsement of plans under Condition 1, a detailed landscape plan prepared by a suitably qualified landscape architect must be submitted and approved by the Responsible Authority. This plan must include:
 - g. Details of landscaping of the site's internal publicly accessible spaces.
 - h. The provision of green infrastructure at the King Street interface to better engage with Eades Park.
 - i. A schedule of all soft and hard landscaping and treatments.
 - j. How the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation.
 - k. 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.
 - l. Location of buildings and trees on neighbouring properties within three metres of the boundary, including street trees.
 - m. 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.
 - n. Details of surface finishes of retaining walls and pathways.

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.

10. Prior to the completion of the development, landscaping of the site as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and must be maintained to the satisfaction of the Responsible Authority.

Environmental Audit

11. Prior to the commencement of the development, a Preliminary Risk Screen Assessment (PRSA) of the site must be conducted by a suitably qualified environmental auditor. The PRSA statement and report must be submitted to the Responsible Authority in accordance with section 205 of the Environment Protection Act 2017 and respond to the matters contained in Part 8.3, Division 2 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority.

If the PRSA requires an Environmental Audit be undertaken, then prior to the commencement of the development, an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the Responsible Authority in accordance with section 210 of the Environment Protection Act 2017 responding to the matters contained in Part 8.3, Division 3 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority. The EAS must either:

- a. State the site is suitable for the use and development allowed by this permit.
 - b. State the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.
12. All the recommendations of the Environmental Audit Statement (EAS) must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land in accordance with the development hereby approved, and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.
 13. If any of the conditions of the EAS require ongoing maintenance or monitoring, prior to the commencement of the use and prior to the issue of a statement of compliance under the Subdivision Act 1988 the owner of the land must enter into an agreement with the Melbourne City Council under section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority to the effect that all conditions of the EAS issued in respect of the land will be complied with.

Environmentally Sustainable Design

14. Concurrent with the endorsement of plans under Condition 1, an amended Environmentally Sustainable Design (ESD) report must be submitted to and

approved by the Responsible Authority. When approved, the amended ESD report will be endorsed and will form part of this permit. The ESD report must not be altered or modified unless with the prior written consent of the Responsible Authority. The amended ESD report must be generally in accordance with the ESD report prepared by WSP Consultants dated June 2022, but modified to include:

- a. A Built Environment Sustainable Scorecard (BESS) assessment which incorporates standards across Energy, Water and Waste and considers a holistic sustainability rating for the development.
 - b. An assessment against the retail spaces demonstrating how this aspect of the development will exceed minimum requirements.
 - c. A WELLS rating of 4 star WELLS committed for the shower heads.
 - d. The volume of the fire protection system.
15. Prior to the commencement of the development, evidence must be provided to the Responsible Authority that a commitment agreement has been entered into with NABERS.
 16. The provisions, recommendations and requirements of the endorsed ESD report must be implemented and complied with to the satisfaction of the Responsible Authority.
 17. Prior to the commencement of the use, 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.

Stormwater Management

18. Concurrent with the endorsement of plans under Condition 1, an amended Stormwater Management Plan (SMP) report must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The SMP report must not be altered or modified unless with the prior written consent of the Responsible Authority. The amended SMP report must be generally in accordance with the SMP report prepared by WSP Consultants dated November 2021 but modified to include an updated STORM Report which amalgamates the roof catchment areas into one area.

Waste Management Plan

19. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Leigh Design dated 16th June 2022. The endorsed WMP must not be altered without prior consent of the Responsible Authority - Waste and Recycling.

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

Acoustic Report

21. Prior to the commencement of the use of the restricted recreation facility an acoustic report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Responsible Authority. When approved the report will be endorsed and will form part of the permit. The report must include the results of acoustic testing verifying that the maximum noise levels will comply with (EPA Publication 1826.4 (or subsequently updated publication): Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues is achieved to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the Melbourne City Council prior to commencement of the use.
22. Prior to the commencement of the occupation of the development an acoustic report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Responsible Authority. When approved the report will be endorsed and will form part of the permit. The report must identify all potential noise sources and sound attenuation work required to ensure that the noise levels generated by plant equipment in the premises do not exceed the levels as determined by the EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4, or result in unreasonable and aggravated noise as defined by Part 5.3 of the Environment Protection Regulation 2021, or other equivalent policy to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to Council prior to commencement of the use.
23. No loudspeaker, amplifier, relay or other audio equipment may be installed or used outside the premises at any time.
24. The use must not detrimentally affect the amenity of the area or the amenity of persons living in proximity of the site by reason of the emission of noise. The Responsible Authority, with just cause, may at any time request lodgement of an acoustic report, prepared by a suitably qualified acoustic consultant. The report must be to the satisfaction of the Responsible Authority and identify all potential noise sources and sound attenuation work required to address any noise issues as determined by the EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4, or result in unreasonable and aggravated noise as defined by Part 5.3 of the Environment Protection Regulation 2021, or other equivalent policy. The recommendations of the report must be implemented by the applicant to the satisfaction of the Responsible Authority.

Car Parking Management Plan

25. Prior to the commencement of the occupation of the development hereby permitted, a Parking Management Plan must be submitted to and approved by the Responsible Authority.

The plan must detail the means by which the on-site car parking and bicycle parking spaces approved under this permit will be allocated and managed, and outline fees or charges associated with the use of the car park which must not deter usage of the designated spaces by residents of the accommodation.

When approved, the plan will be endorsed and will then form part of the permit. Management of the car and bicycle parking provided in association with the use must be in accordance with the approved plan, to the satisfaction of the Responsible Authority.

Green Travel Plan

26. Prior to the commencement of the occupation of the development, a Green Travel Plan (GTP) must be prepared by a suitably qualified person to the satisfaction of the Responsible Authority. The GTP must:
 - a. Describe the location in the context of alternative modes of transport and objectives for the GTP.
 - b. Outline GTP measures for the building including:
 - i. employee welcome packs to include public transport information
 - ii. other incentives for employees (i.e. provision of public transport discounts if available)
 - iii. cycle parking and facilities available
 - iv. GTP management
 - v. monitoring and review.

Once approved, the GTP will form part of the planning permit or any on-going management plan for the site to ensure the GTP continues to be implemented by the owners / management of the development site to the satisfaction of the Responsible Authority.

Land Survey

27. Prior to the commencement of works, including demolition, all the land for the proposed development must be owned by the one entity and consolidated into the one certificate of title to the satisfaction of the Responsible Authority.

OR

Prior to the commencement of works, the permit holder must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 which records the amount of Floor Area Ratio developed across the entire site and the amount of remaining Floor Area Ratio.

28. Prior to the commencement of works, the permit holder must either obtain the necessary permission(s) from the relevant parties / authorities to construct over the land marked A on TP80540C and obtain planning permission to remove or vary the location of the easement(s) shown as E-1 on PC378577U.

Construction Management Plan

29. Prior to the commencement of the development, a detailed construction management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group. This construction management plan must be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider the following:
- a. public safety, amenity and site security.
 - b. operating hours, noise and vibration controls.
 - c. air and dust management.
 - d. stormwater and sediment control.
 - e. waste and materials reuse.
 - f. traffic management.

Tree Protection Plan

30. Prior to the commencement of any works, including demolition and bulk excavation, a Tree Protection Plan (TPP) must be provided to the satisfaction of the Responsible Authority (Urban Forestry & Ecology). The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
- a. City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
 - b. Reference to the Tree Protection Management Plan (TPMP) by John Patrick, dated March 2019 and finalised Construction and Traffic Management Plan, including any public protection gantries, loading zones and machinery locations.
 - c. Site specific details of the temporary tree protection fencing to be used to isolate public trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the works.
 - d. Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.
 - e. Full specifications of any pruning required to public trees with reference to marked images.
 - f. Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
 - g. Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).

Public Tree Removal / Pruning

31. No public tree adjacent to the site can be removed or pruned in any way without the written approval of the City of Melbourne.

Public Tree Protection

32. 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.
33. 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.

Drainage of projections

34. 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 – City Infrastructure.

Works abutting CoM laneways

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

Drainage connection underground

36. 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 – City Infrastructure. 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.

Groundwater management

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

Construct and maintain access

38. All pedestrian paths and access lanes shown on the endorsed plans must be constructed and maintained to the satisfaction of the Responsible Authority – City Infrastructure.

Demolish and construct access

39. 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 – City Infrastructure.

Roads

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

Footpaths

41. The footpath(s) adjoining the site along King Street and Rosslyn Street must be reconstructed including access ramp at the intersection of King Street and Rosslyn Street together with the renewal of kerb with new 300 mm wide sawn bluestone and bluestone pitcher channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

Street levels not to be altered

42. Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – City Infrastructure.

Existing street lighting not altered without approval

43. 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 – City Infrastructure.

Existing street furniture

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

Street furniture

45. All street furniture such as street litter bins recycling bins, seats and bicycle rails must be supplied and installed on King Street and Rosslyn Street

footpaths outside the proposed building to plans and specifications first approved by the Responsible Authority – City Infrastructure.

Public lighting

46. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy, and include the provision of public lighting in King Street, Rosslyn Street, Corporation Lane 1224 and Mansion House Lane. The lighting works must be undertaken prior to the commencement of the use / occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

Expiry

47. This permit will expire if one of the following circumstance applies:
- a. The development has not commenced within three years of the issue date of this permit.
 - b. The development has not been completed within five years of the issue date of this permit.
 - c. The use has not commenced within five years of the issue date of this permit.

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

16.2.1 Notes

Other Approvals May Be Required

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

Building Approval Required

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

Infrastructure and Assets

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 – Infrastructure and Assets.

Department of Transport Notes

Separate consent may be required from Department of Transport (Head, Transport for Victoria) under the Road Management Act 2004 for all buildings and works

(including projections, canopies, fixed shading devices, balcony framing etc) undertaken outside the title boundary within a Transport 2 Zone. Department of Transport requests that the written certification of building projections qualifying for an exemption be directed to Department of Environment, Land, Water and Planning at property.portphillip@delwp.vic.gov.au.

If necessary it may be required that prior to the occupation of the building, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138A (11) of the Land Act 1958 for any elements of the approved development that project more than 300 mm beyond the land's King Street title boundary to indemnify the Crown in relation to any claim or liability arising from the projections within the respective road reserves.

All disused or redundant vehicle crossovers to be removed and reinstated to kerb and channel to the satisfaction of the Responsible Authority at no cost to Head, Transport for Victoria.

Public Trees

In accordance with the Tree Policy a Tree Protection Bond must be provided. The bond can be provided as a bank guarantee which 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)

Alternatively, the bond can be lodged by EFT. Council's bank details will be provided on request.

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

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

Any pruning accepted as part of the Tree Protection Plan will be actioned once the Tree Protection Bond has been lodged.