

5. Design Proposal

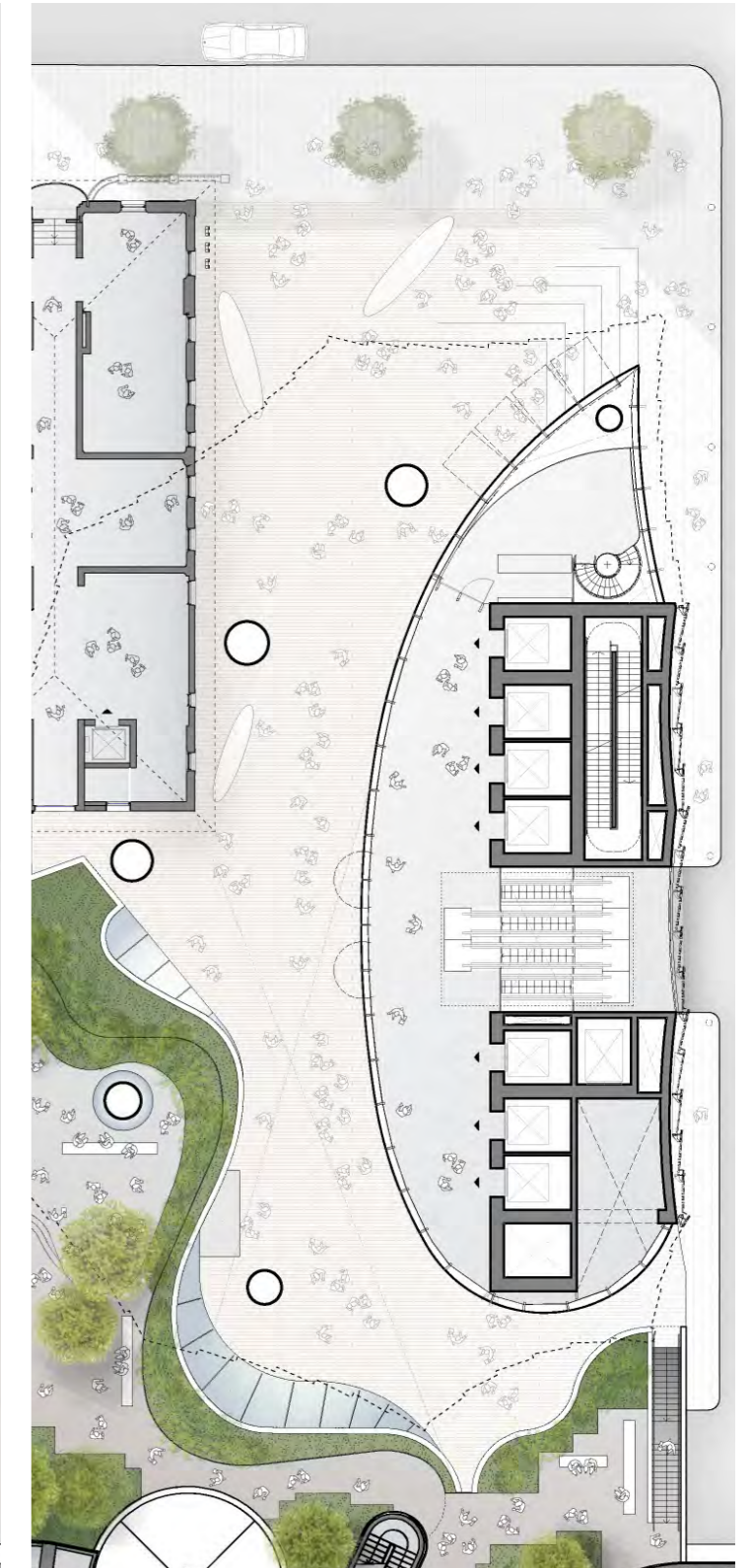
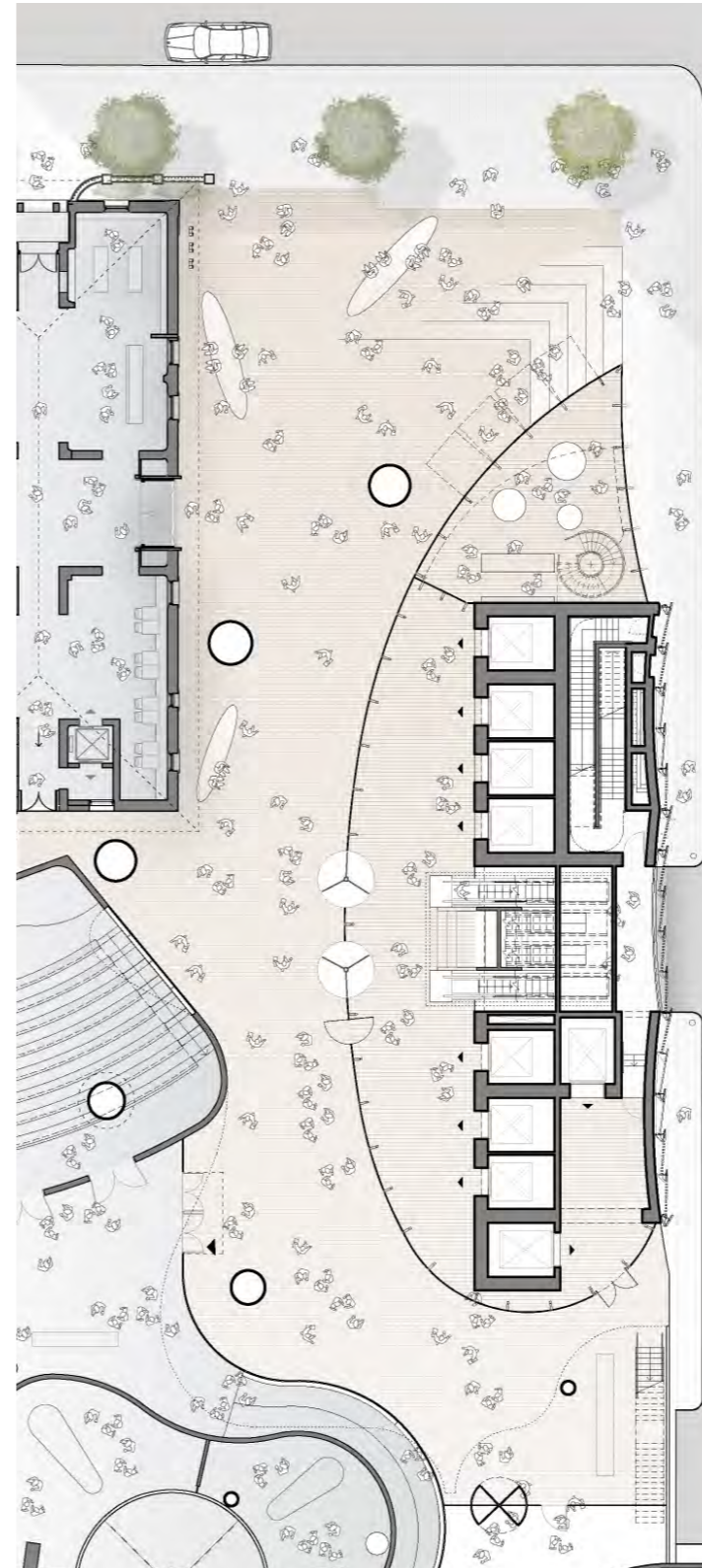
5.3 Public Realm

Lobby Entry

The new tower entry has been centrally located within the open plaza space drawing people further south from Flinders Lane.

The double decker lift configuration effectively splits the entry sequence to two levels which together with low-high rise split efficiently distributes occupants assuring efficient circulation.

The large frameless glass curtain provides a subtle enclosure with the paving material extending to the lift core footprint effectively extending the visual sensation of the plaza.



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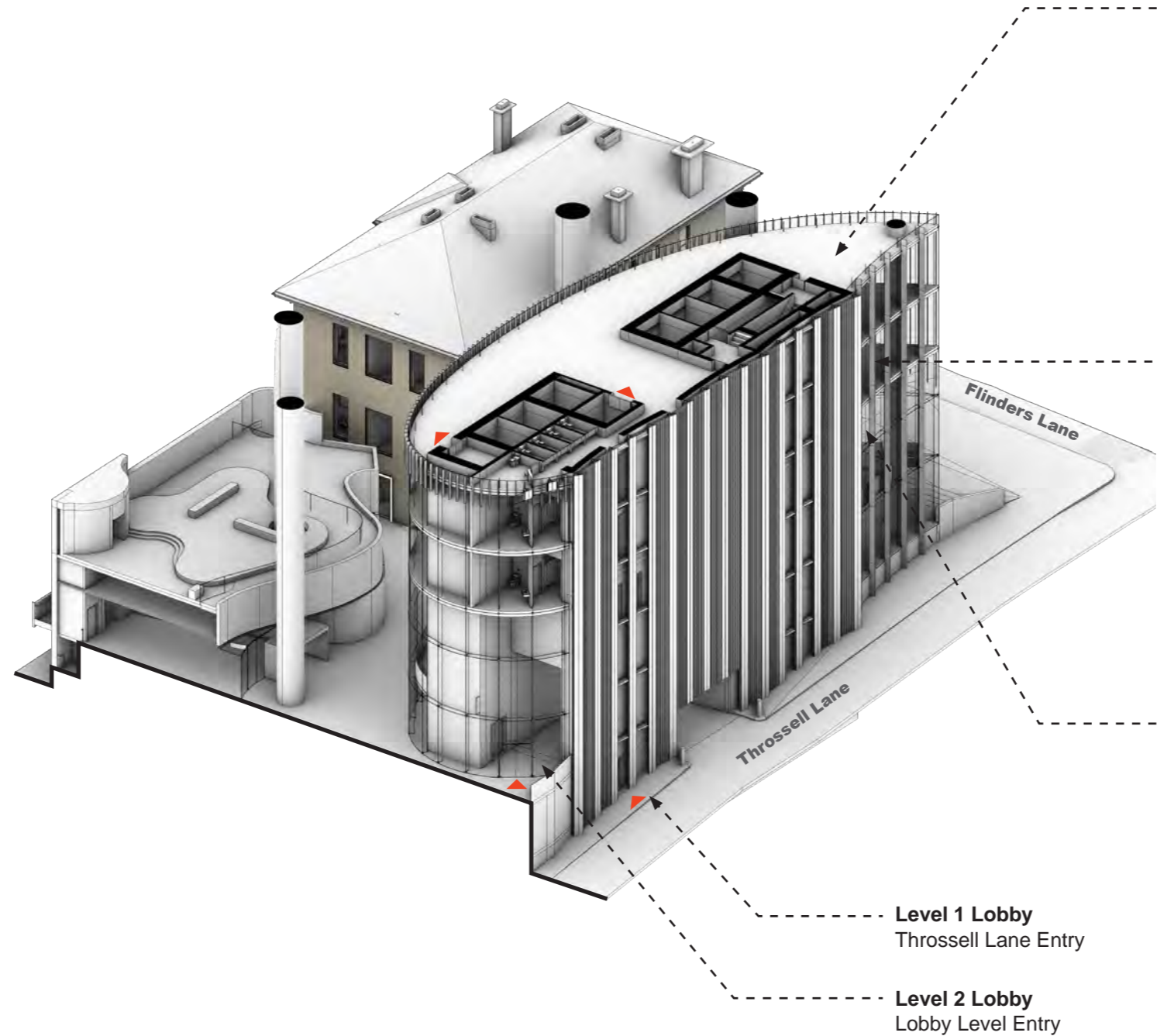
5.3 Public Realm

Throssell Lane Activation

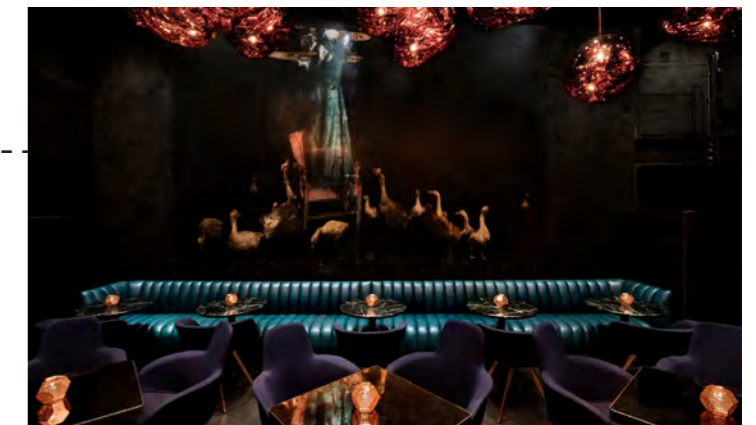
At the base of the tower, levels 4, 5 and 6 provide hospitality space that further strengthens the offering of public engagement and activation.

Dedicated access points have been provided with both at level 1 - accessing Throssell Lane and at level 2 interfacing with the public plaza.

Through the hospitality program, the development provides a mixed-use offering and 24/7 activation to the precinct.



Level 6 - Canteen & Private Dining



Level 5 - Whiskey Bar



Level 4 - Flagship Restaurant

Level 1 Lobby
Throssell Lane Entry

Level 2 Lobby
Lobby Level Entry

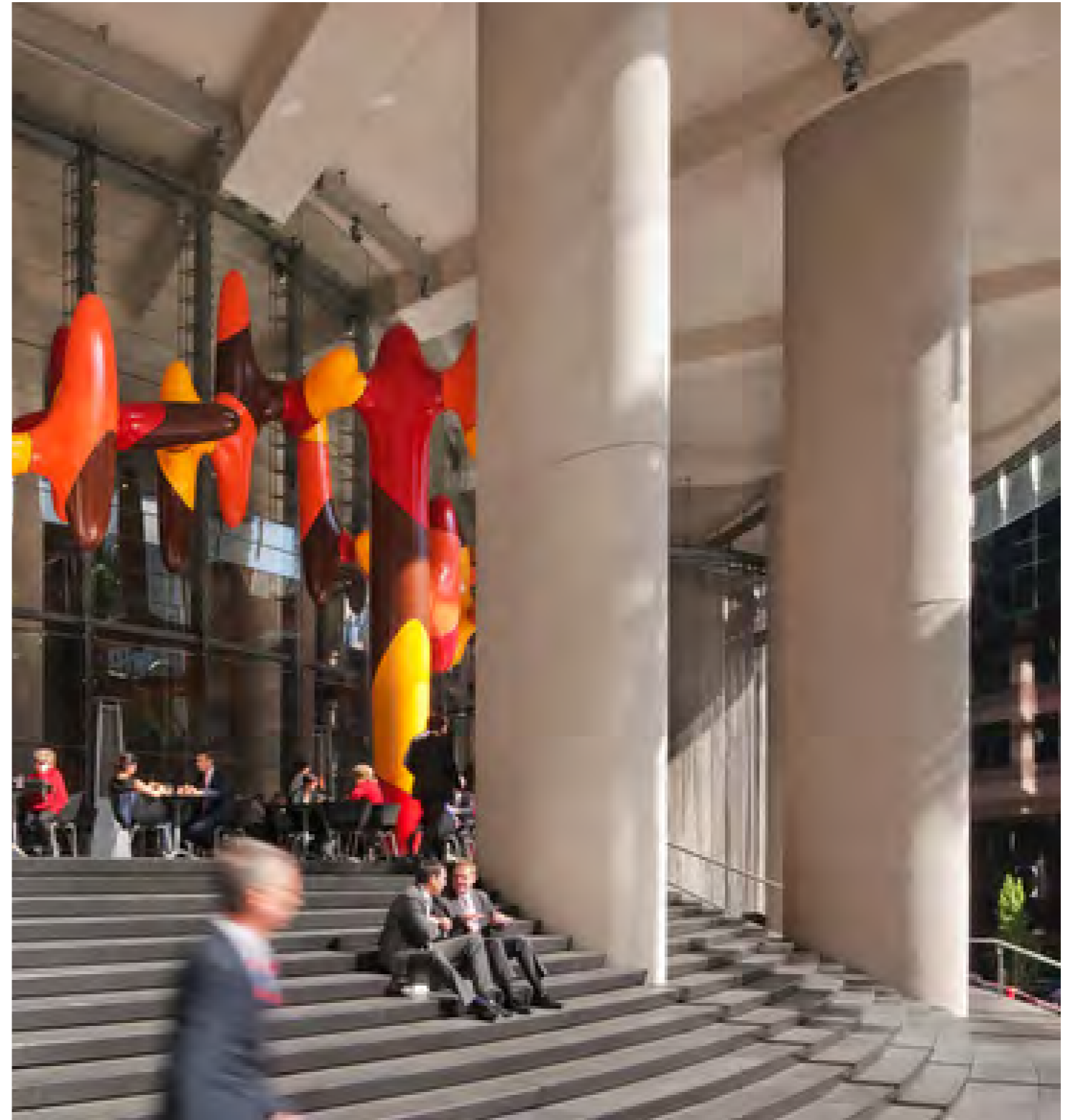
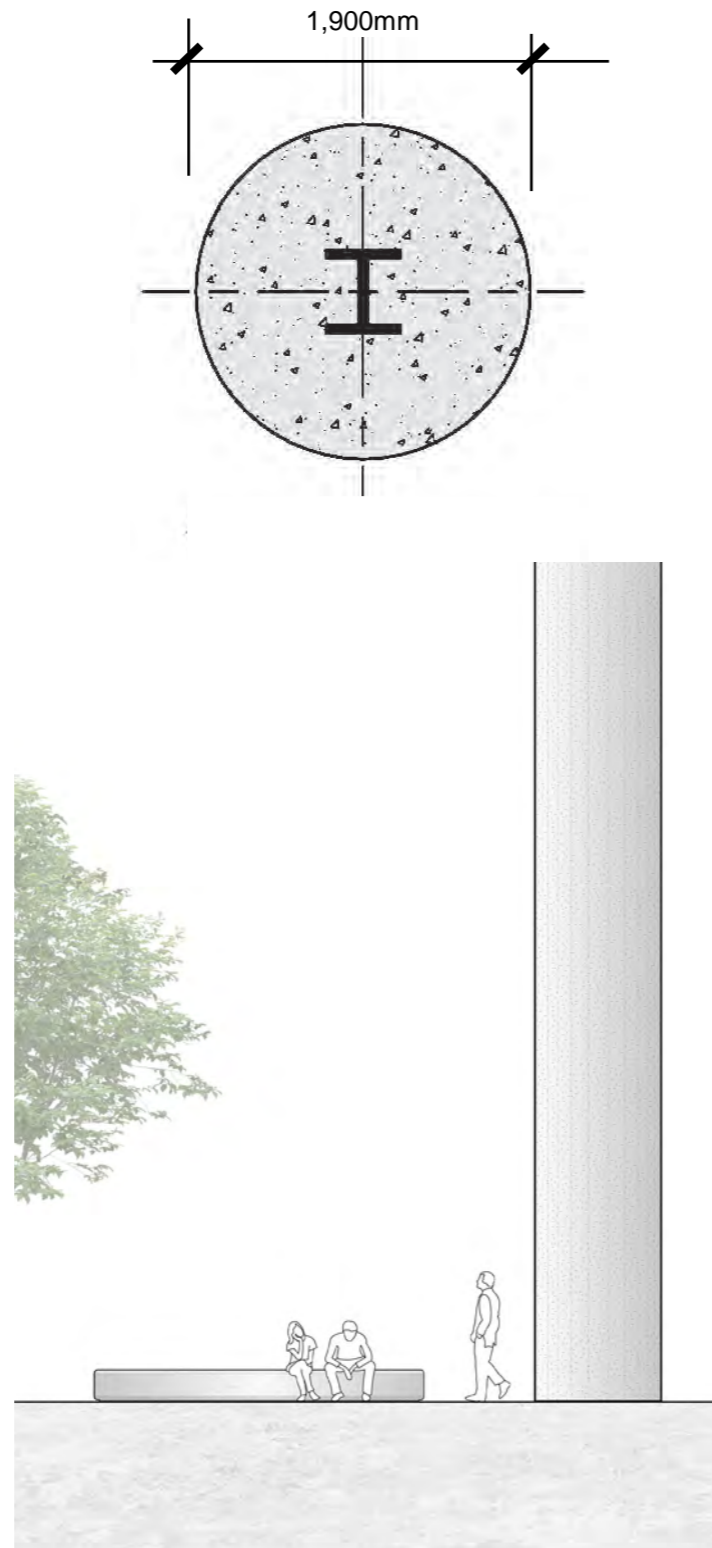
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5.3 Public Realm

Column Detail

The proposed columns will feature a steel core to minimise the bulk and scale perceived in the public realm.

The exterior finish features fair-faced concrete with natural texture and selected aggregate to achieve a warm colour. This would be further softened by the landscape and lighting features as well as strategically positioned seating elements.



Precedent: 1 Bligh Street, Sydney

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5.3 Public Realm

Materiality

1 Granite / facade
Existing granite stone

2 Precast concrete / facade
Existing precast concrete panels

3 Travertine / core wall
Existing travertine stone

4 Textured Plaster / meeting room wall

5 Carpet / meeting room floor
Existing grey color carpet

6 Brickwork / facade
Existing red color bricks

7 Ceramic / facade
High performance architectural ceramic product
Special profiled shape with internal steel reinforcement
Pure white color with matte finish

8 Fair Facade Concrete / core and columns
High quality fair-faced concrete to class 2 AS
Consistent color and natural appearance
Selected aggregates

9 Porphyry / plaza and Tower 2 on level 2
Porphyry tiles with natural surface and sawn sides,
elongated, narrow tile formats preferably 100mm/150mm x
350/400mm

10 Bluestone / floor finish level 2
Australian Bluestone
150x600 mm ribbons laid random
Finish: Rough sawn and/ or sandblasted

11 Marble / seating plinths (optional different)
White marble stone in large three dimensional formats
Consistent visual appearance with discreet veins



Level 2 plan

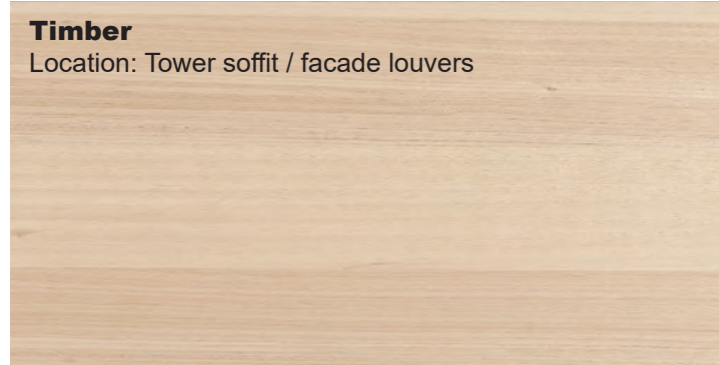


Level 3 plan

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5.3 Public Realm

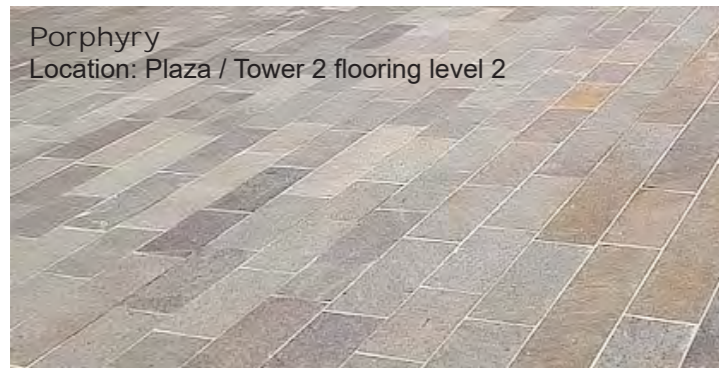
Timber
Location: Tower soffit / facade louvers



Brickwork / existing
Location: Milton House



Porphyry
Location: Plaza / Tower 2 flooring level 2



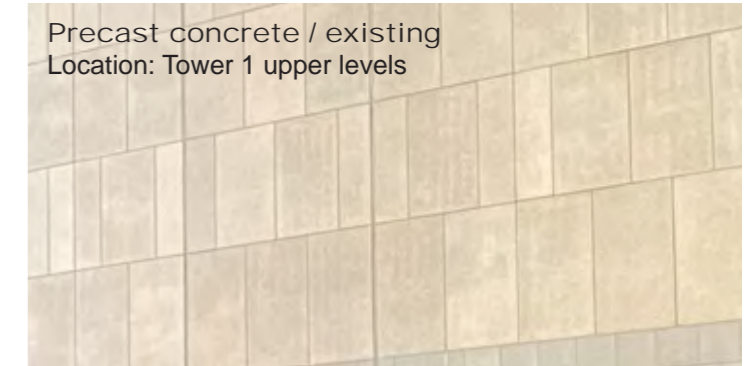
Textured plaster / existing (partial)
Location: meeting room walls



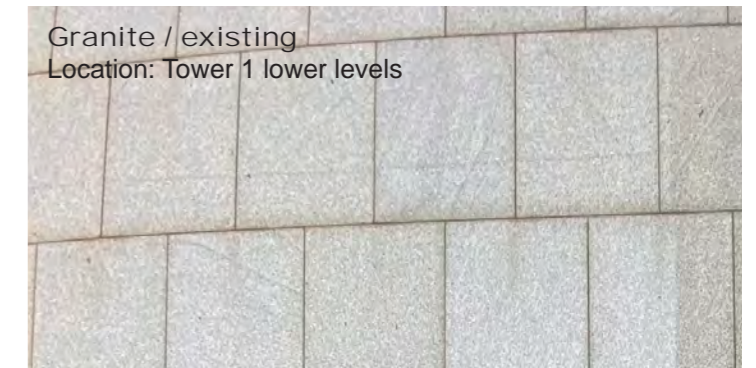
Ceramic
Location: Tower 2 facade



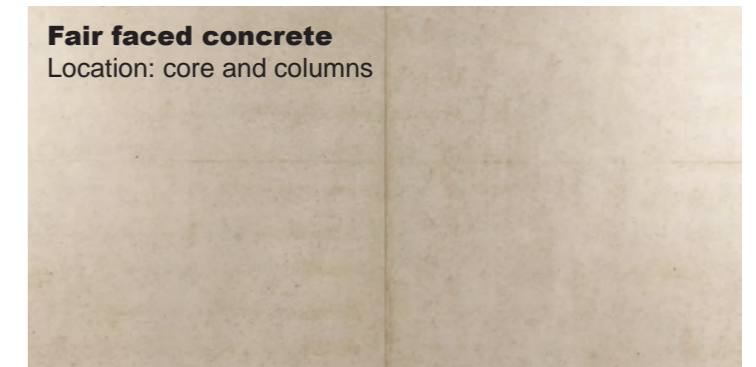
Precast concrete / existing
Location: Tower 1 upper levels



Granite / existing
Location: Tower 1 lower levels



Fair faced concrete
Location: core and columns

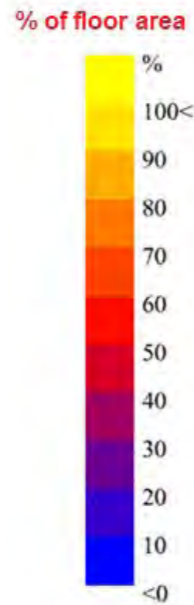


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5.3 Public Realm

Daylight

The permeability of the proposed public realm has also contributed to more areas receiving natural daylight. The tower soffit has been lifted and positioned following the sun angle, providing most of the public thoroughfare and roof garden with abundant natural light.



Lobby | Level 2

29% of the floor area >160 lux for 80% of Nominated Hours



Plaza | Level 2

95% of the floor area >160 lux for 80% of Nominated Hours



Terrace | Level 3

99% of the floor area >160 lux for 80% of Nominated Hours



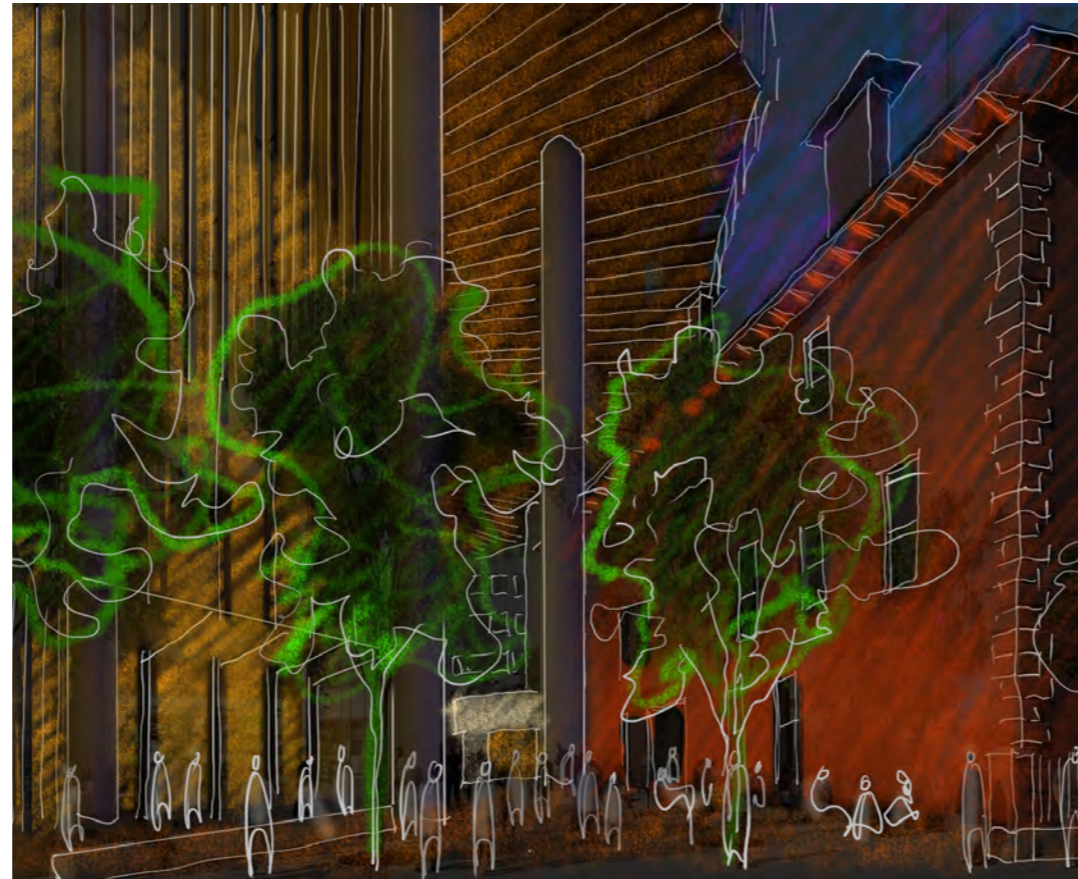
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5.3 Public Realm

Lighting Strategy

Welcoming Entry

- Soft uplight to Milton house to reveal the heritage fabric of the building and help to guide into the courtyard
- No dedicated lighting to columns or canopy. Indirect light landing from the surrounding surfaces
- Neutral light revealing the undulating forms of theatrette visible in the distance to help guide visitors inside



Lighting Concept Sketch - Entry Plaza

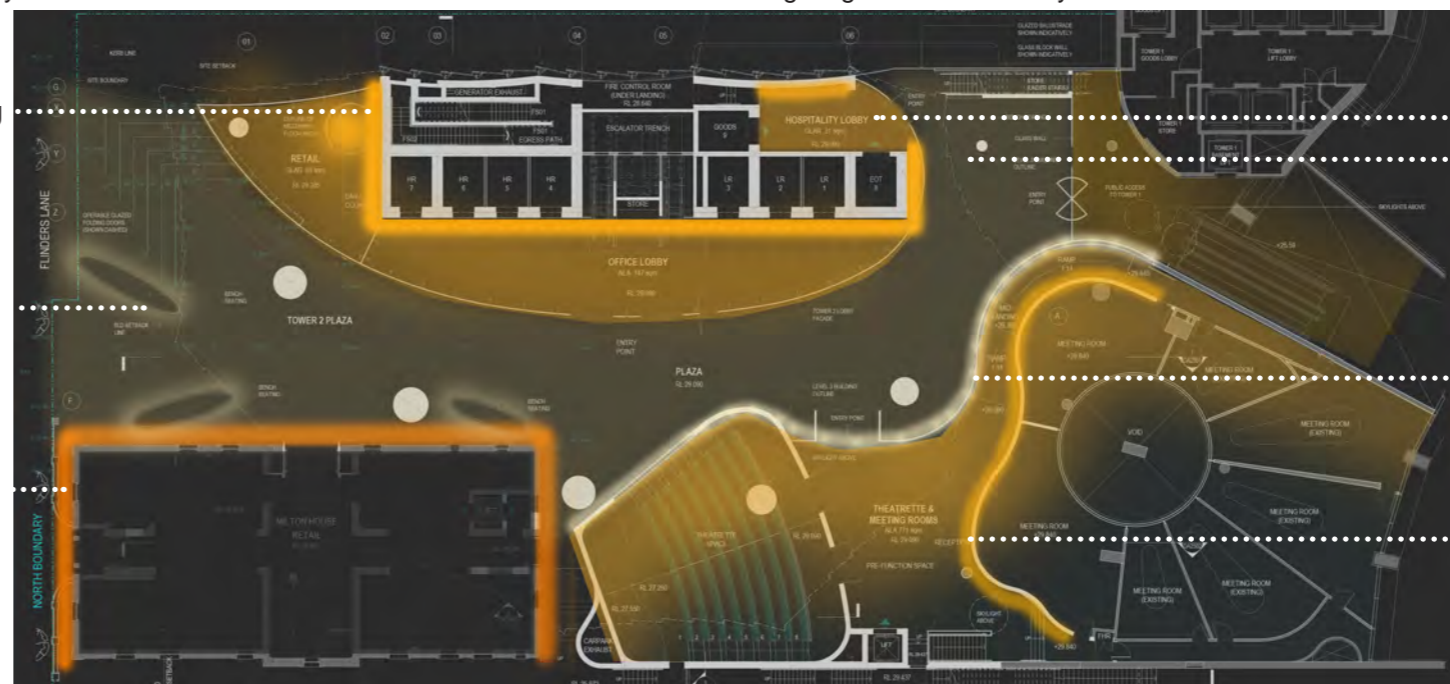


Lighting Precedent - Entry Plaza

Illuminated core of the building draws your eye through the glazing, revealing the extents of the site to improve the perception of safety

Integrated lighting into seating elements providing human scale and contributing to ambience lighting.

Soft uplight to Milton House to reveal the heritage fabric of the building, reflected light gives usable ambient light to the public realm. Glow from retail interiors provide additional layer of inviting light.



Lighting Concept Plan - Level 2

Lighting to hospitality lobby create welcoming feel and complete the architectural appearance of the building

General ambience on ground floor from surrounding architectural light supplemented with discrete downlights from soffit

Curved wall lit to reveal undulating character of the form

Internal walls lit and visible through glazing

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5.3 Public Realm

Lighting Strategy

Balance of Architectural Forms

- Balanced choice of colour temperatures create a character of space true to its function and materiality. Super warm presence of Milton house, neutral light to undulating theatre building and warm light of the new tower core
- New architecture revealed through highlight of vertical surfaces visible through glazing and creating a soft ambient glow into space
- Presence of greenery punctuate urban courtyard to create soft and pleasant ambience



Lighting Concept Sketch - Entry Plaza



Lighting Precedent - Entry Plaza



Illuminated core of the building visible through the glazing

Soft uplight to Milton House to reveal the heritage fabric of the building

Curved wall lit to reveal undulating character of built form

Soft glow to planting areas to bring sense of green into space

Ambient light in terrace from discreet soffit integrated downlights

Lighting Concept Plan - Level 3



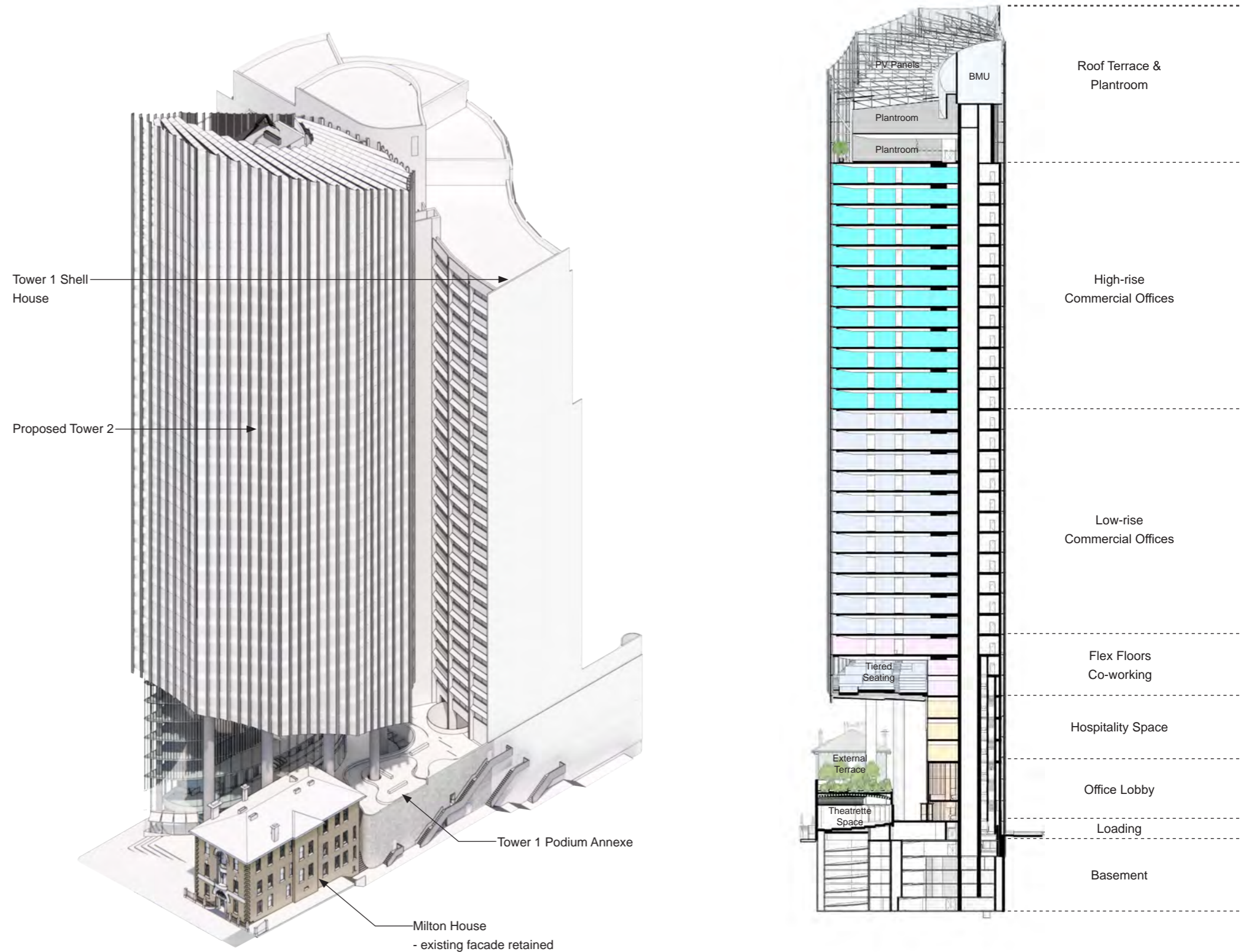
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5.4 Tower 2

Tower 2 Program Overview

The proposed tower 2 features a number of distinct elements, as follows:

- Throssell Lane Hospitality Entry and Loading (Level 1)
- Entry Lobby (Level 2 + 3)
- Hospitality Floors (Levels 4-6)
- Flex Floors (Levels 7-9)
- Low-Rise Commercial Floors (11 Floors)
- High-Rise Commercial Floors (11 Floors)
- High-Rise Roof Garden Floor (1 Floor)



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5.4 Tower 2

Base Floors - Hospitality Space

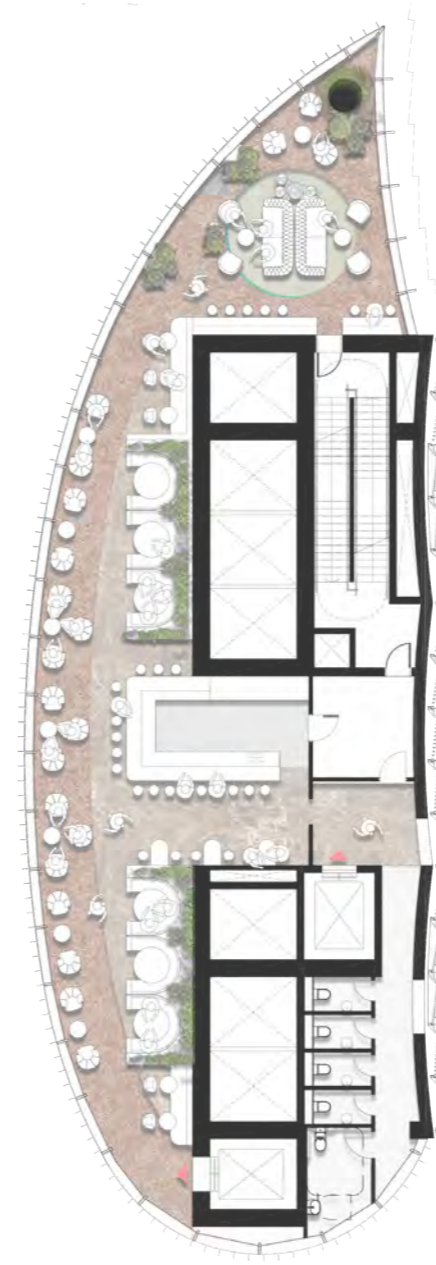
The floorplate and building service are designed to give each floor the capacity to operate independently. The flexibility in design can adapt to a variety of hospitality tenancies, providing the potential of activating the development at different time of day.

By sharing a generous central zone within the floorplate, these floors can also be combined to larger venues through stairs and atriums.

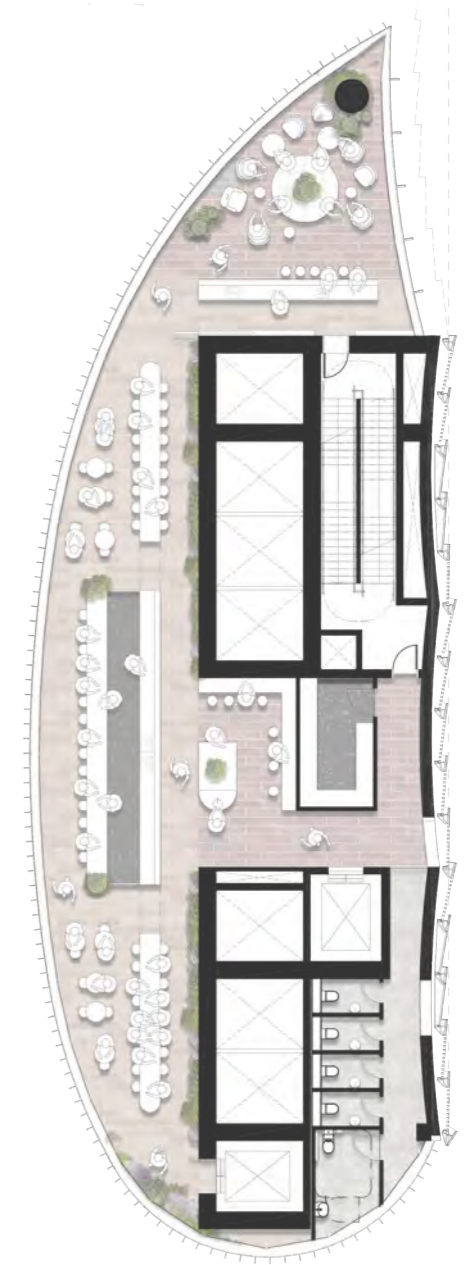
The hospitality floors will provide a distinct offer within the urban context and assure additional activation beyond traditional office operating hours.



Indicative Fitout - Flagship Restaurant



Indicative Fitout - Whiskey Bar



Indicative Fitout - Canteen & Private Dining

5. Design Proposal

5.4 Tower 2

Flex Floors - Co-working Space

The changing nature of workplace requires additional spaces where occupants can collaborate and engage in a more interactive collaborative manner. The post-pandemic office trends further call for flexible spaces that provide opportunities for human interactions that are lacking both in home working environments but also in traditional office environments.

The opportunity provided by the sloping soffit create an ability to connect lower tower levels and create a trully interactive vertically connected village zone.

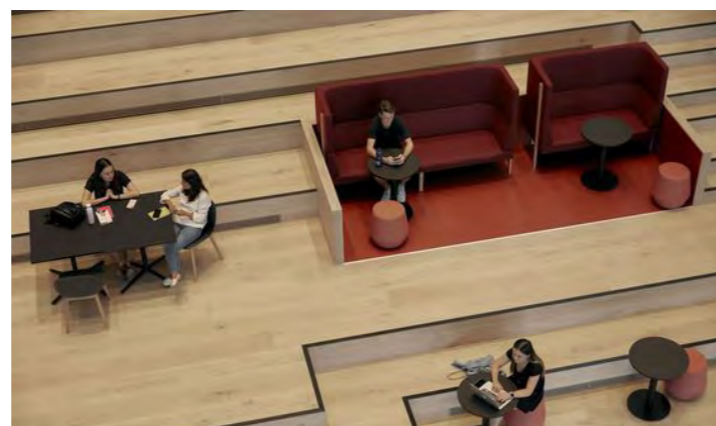
These floors can feature a number of spaces ranging from open amphitheatre zones, break out meeting pods, open plan flex collaborative spaces or separate meeting zones.



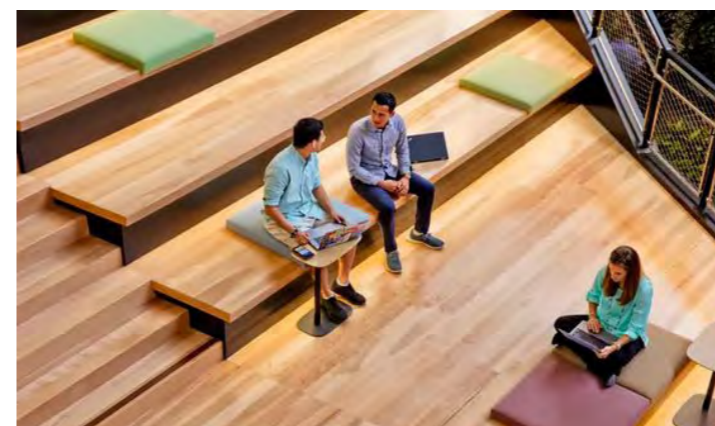
5. Private Meeting Space



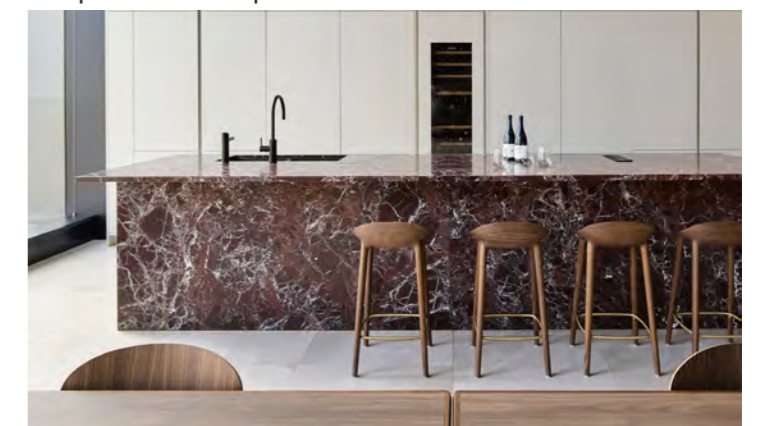
4. Open Plan Workplace



1. Semi-open Meeting Pods



2. Open Seating / Amphitheatre



3. Kitchenette / Event Space

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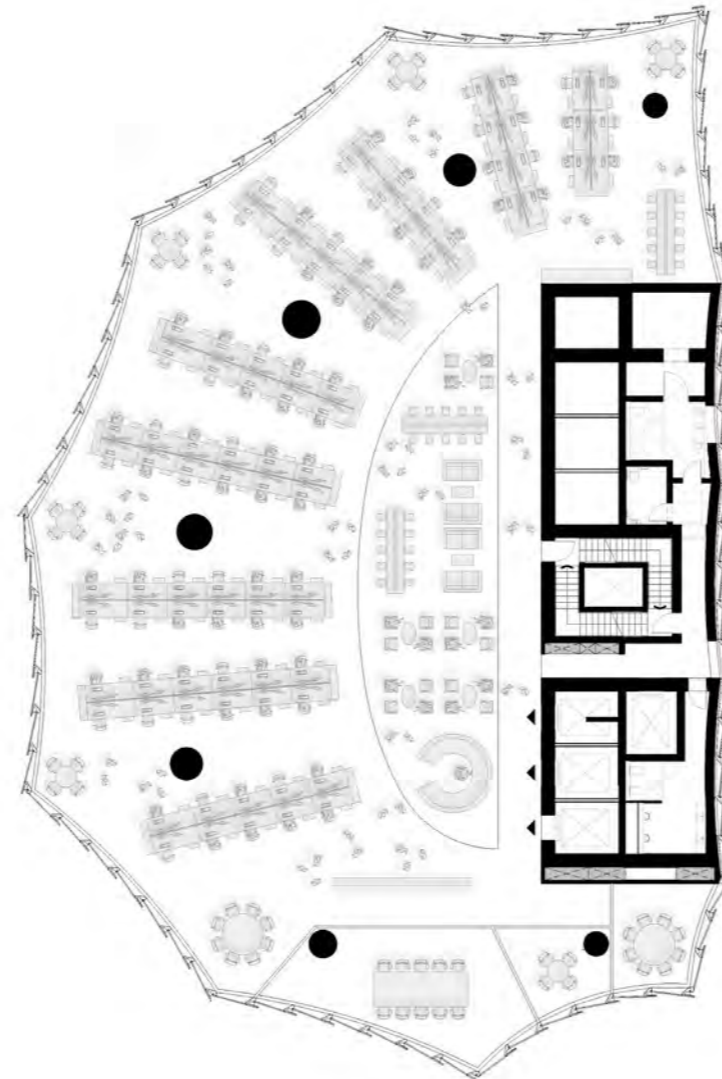
5.4 Tower 2

Typical Office Floors

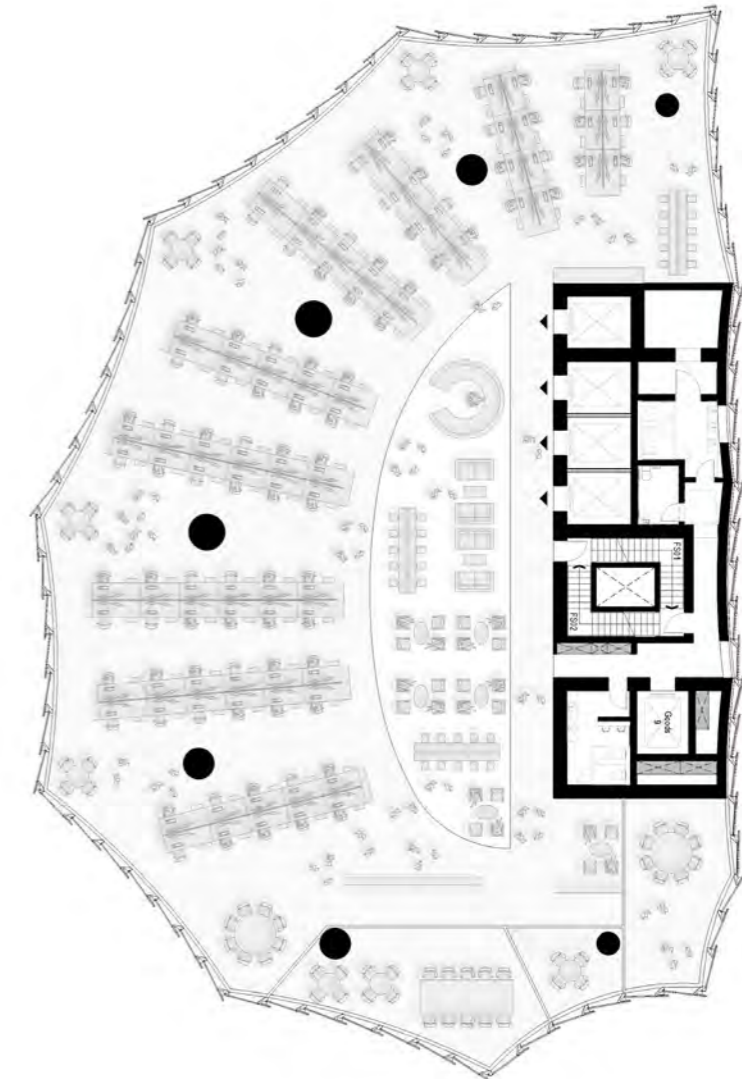
'A high-quality office building for today and the future', Tower 2 has been designed to comply with the PCA A-Grade office standard. A floor plate of over 1,000 m² Net Lettable Area (NLA) with a side core provides for flexible office layouts and fitouts facilitated by uninterrupted floor plates.

80% of the floor plate is a visually contiguous space, supporting flexible future-proof leasing capacity and encourages dynamic team based communicative work patterns as workplaces change over time.

Floor plates can be subdivided into multiple tenancies, potentially three separate spaces, to meet the tenant's requirements.



Typical low rise level



Typical high rise level

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5.4 Tower 2

Typical Floor RCP / Structure

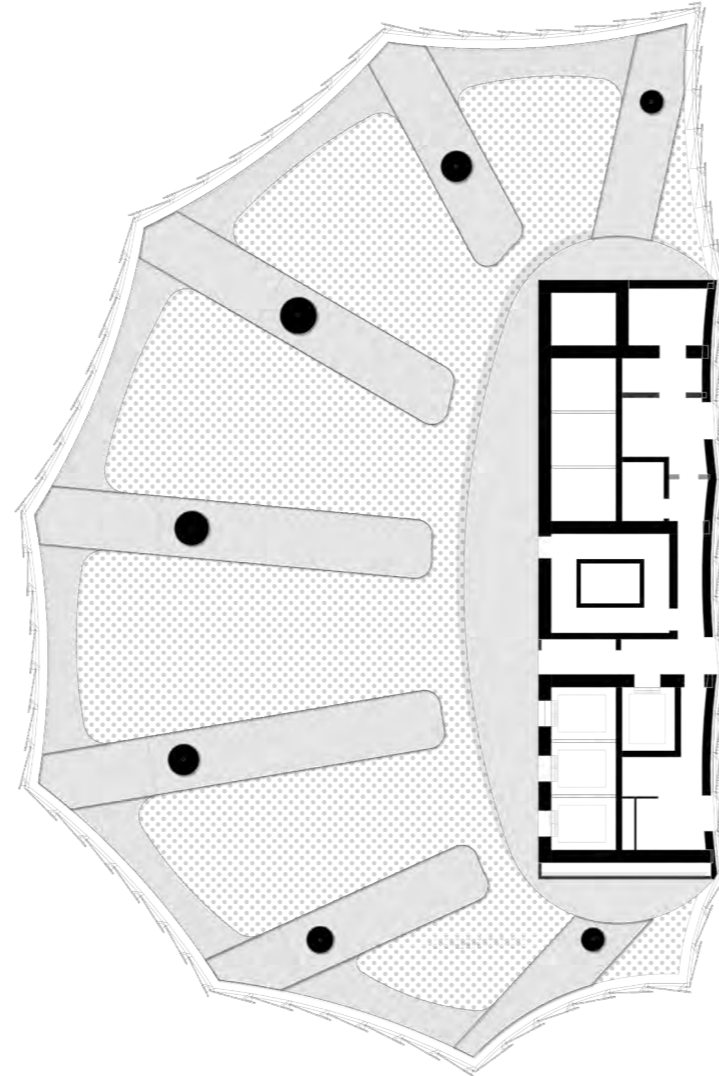
A radiating structural grid and minimalist structural system has been integral to the overall design philosophy of the Tower 2 super structure.

Generated from a contextual response, referencing the heritage context and cognisant of the need to carefully integrate with the existing basement, the structure and façade form one integrated system arranged around a seemingly simple radial grid.

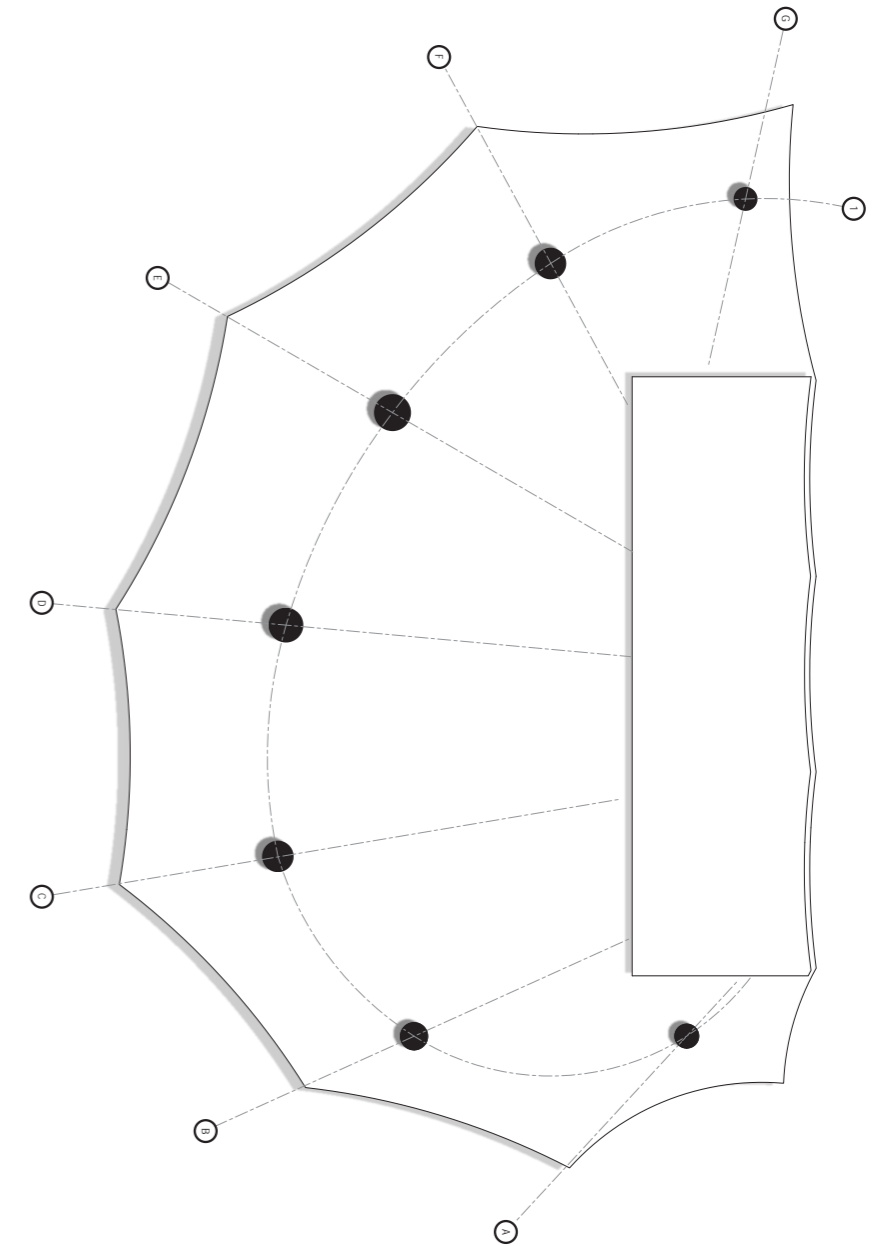
Perfectly aligning to the façade scalloping and working in unison with the service strategy, the structural elements can be celebrated and featured within the office floor plate.

Radial bays define clear and simple exposed concrete beams with ceiling infill covering the mechanical (FCU) units. Lighting and ceiling zones are entirely flexible for an integrated and considered servicing solution.

Towards the façade, the structural systems cantilever from the seven primary columns, the tapering beam and slab arrangement ensure the thinnest edge possible. The concrete beams are notched at the core to allow for service ducts to connect between the bays within the ceiling zone.



Reflected ceiling plan



Structure plan

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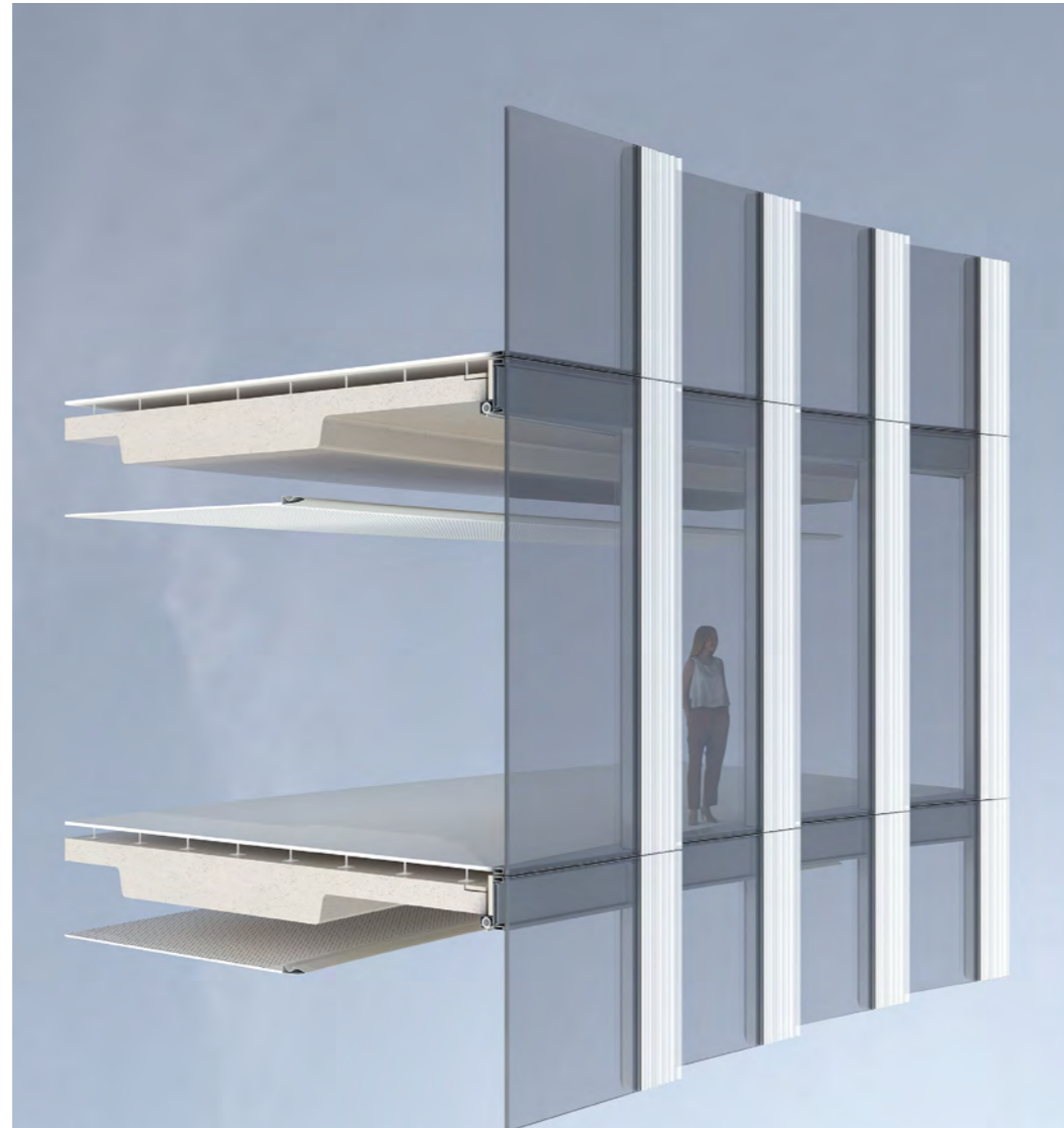
5.4 Tower 2

Office Daylight Amenity

Spandrel panels and ceramic shading fins have been orientated in a vertical arrangement, atypical to traditional office design. The ratio of glass and insulated panels is approximately 60:40, allowing for the use of full-height clear vision glass with a high light transmission value. Maximising the height of the vision glazing panel directly increases the daylight penetration onto the floor plate, resulting in an increased amount of the office floor area receiving natural lighting during the day.

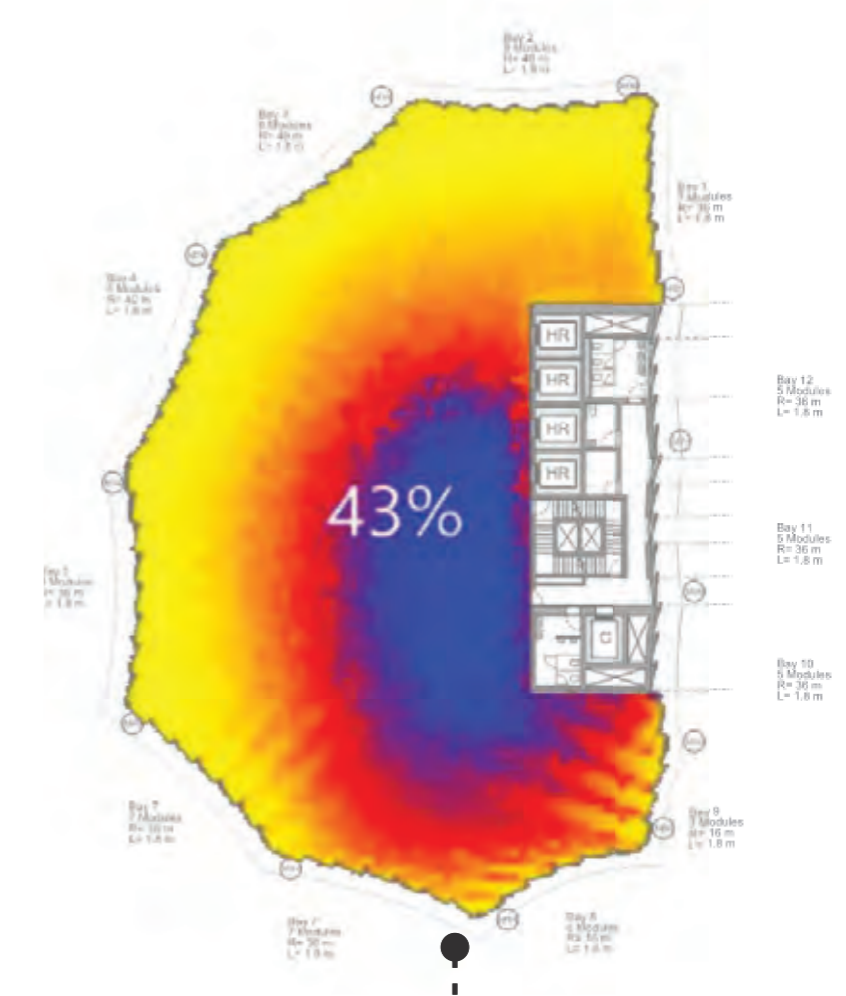
Ceiling elements within each structural bay stop short of the façade, further maximising light permeability onto the office plate well in excess of minimal requirements for PCA-A Grade office.

Integrated internal blinds can be used for glare control assuring occupant comfort. The blind colour is consistent with the external façade palette, ensuring a unified outward appearance of the external façade.



Typical office façade section

The façade system, together with service strategy and structural design, have been carefully considered to maximise daylight access into the office floor plate. The benefits of the minimal façade horizontal spandrel has been further emphasised through maximising ceiling heights within the window zone.



Plan of typical high-rise level

Glass VLT | 60%
Ceiling Height | 3.35m

43% of the floor area >160
lux for 80% of Nominated Hours

Daylight access

The commercial floor plates feature floor-to-ceiling glass, with careful consideration of façade performance and visual transmittance, to ensure excellent daylight penetration. This has a beneficial impact on both energy consumption, through artificial light minimisation, as well as on improved occupant amenity and wellbeing.



View from Wellington Parade



View from Treasury Gardens



View from Treasury Place



View from Flinders Lane

The form of Tower 2 is generated by opening the building towards the northwest, the strategic placement of the core along the eastern facade and an organic form that permits the building to sweep away from the heritage context with ample distance.

The scalloped facades with its full height extra transparent glazing and integral vertical ceramic shading panels has been designed to provide for a flexible and future proofed office environment with great views towards the city and optimised natural daylighting.

The architectural language and materiality proposed, such as clear glazing and integrated white ceramic shading elements, reflects and complements the solidity and robustness of Tower 1, while remaining appropriately distinct and contemporary in design.



5. Design proposal

5.5 Elevations / Proposed

North elevation / Flinders Lane

The primary elevation of Tower 2 fronts directly onto Flinders Lane facing north, taking advantage of the north and north western aspect. The composition of the elevation and distribution of the floor plate seeks to minimise the projection over Milton House, providing breathing room to this heritage interface.



5. Design proposal

5.5 Elevations / Proposed

West elevation

The scalloped form of Tower 2's façade provides a strong sense of identity while enhancing the vertical orientation of the façade. The vertical façade elements directly refer to the integrated vertical façade structure of Tower 1.

The soffit and canopy of Tower 2 has been sensitively considered at the interface with Milton House. The gentle sweeping curve ensures Milton House can be understood as an object in the composition.

A concave façade articulation implements passive self-shading properties of the envelope, facilitating increased vision glass panels and enhanced daylight to office space.



5. Design proposal

5.5 Elevations / Proposed

South elevation

The typical office façade continues around the southern elevation of Tower 2, ensuring consistency to how the Tower is viewed from all vantage points.



5. Design proposal

5.5 Elevations / Proposed

East elevation / Throssell Lane

The core façade is a further interpretation of the typical office façade with the addition of smaller, dense, white ceramic screening elements.

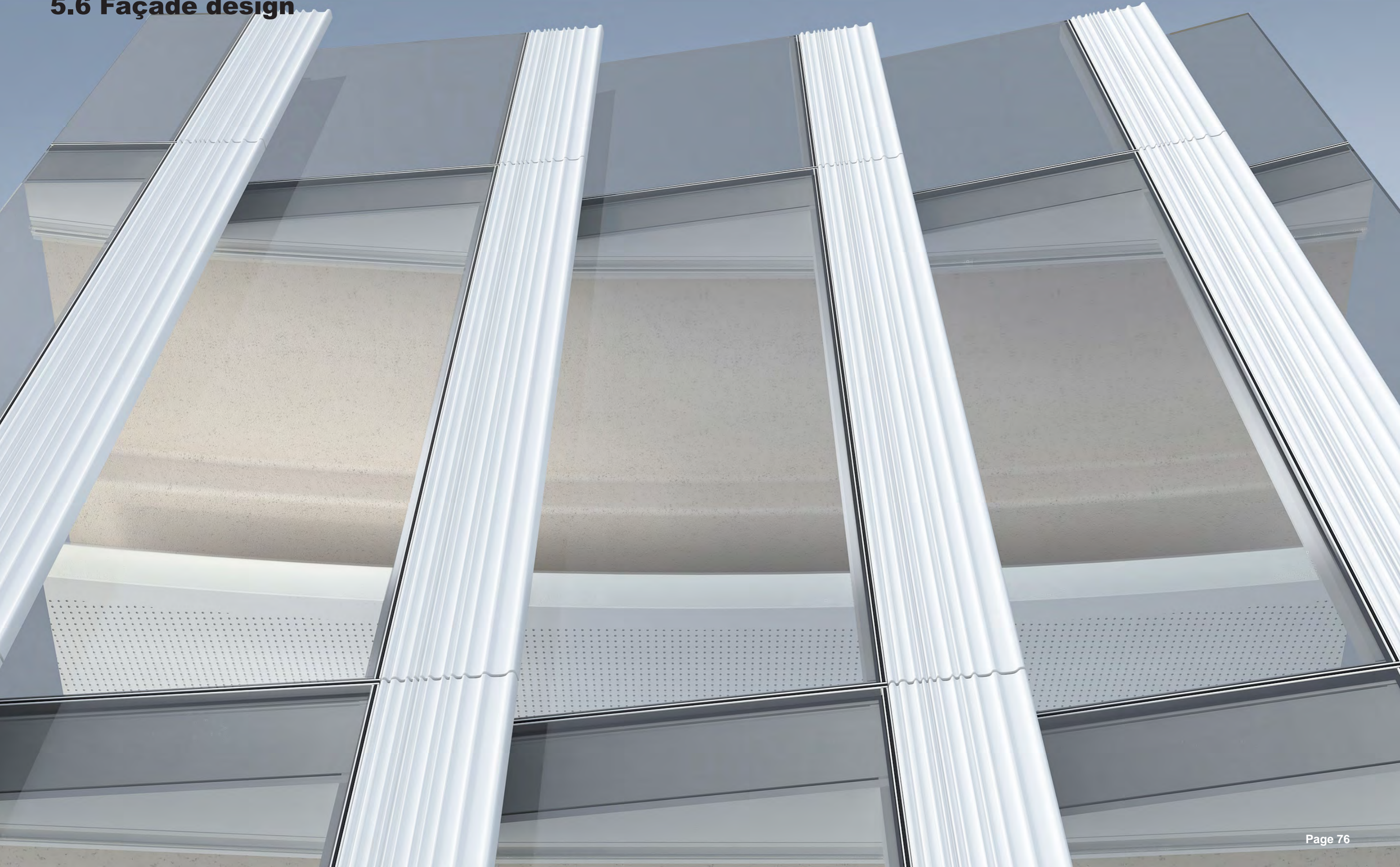
The façade and ceramic screen has been designed to match the quality of the front-of-house, while providing screening to the mechanical performance louvers and back-of-house services interfaces sitting within the core behind.

Windows to the amenities provide daylight and acts as a privacy screen, seamlessly integrating into the façade for consistency.



5. Design proposal

5.6 Façade design



5. Design proposal

5.6.1 Façade design - Materiality

Elegance and understandable structure

The design of Tower 2 is based on a robust architecture that structures spaces, not only aesthetically but by being an expression of the actual construction.

The architectural language and materiality proposed, such as clear glazing and integrated white ceramic shading elements, reflects and complements the solidity and robustness of Tower 1, while remaining appropriately distinct and contemporary in design.

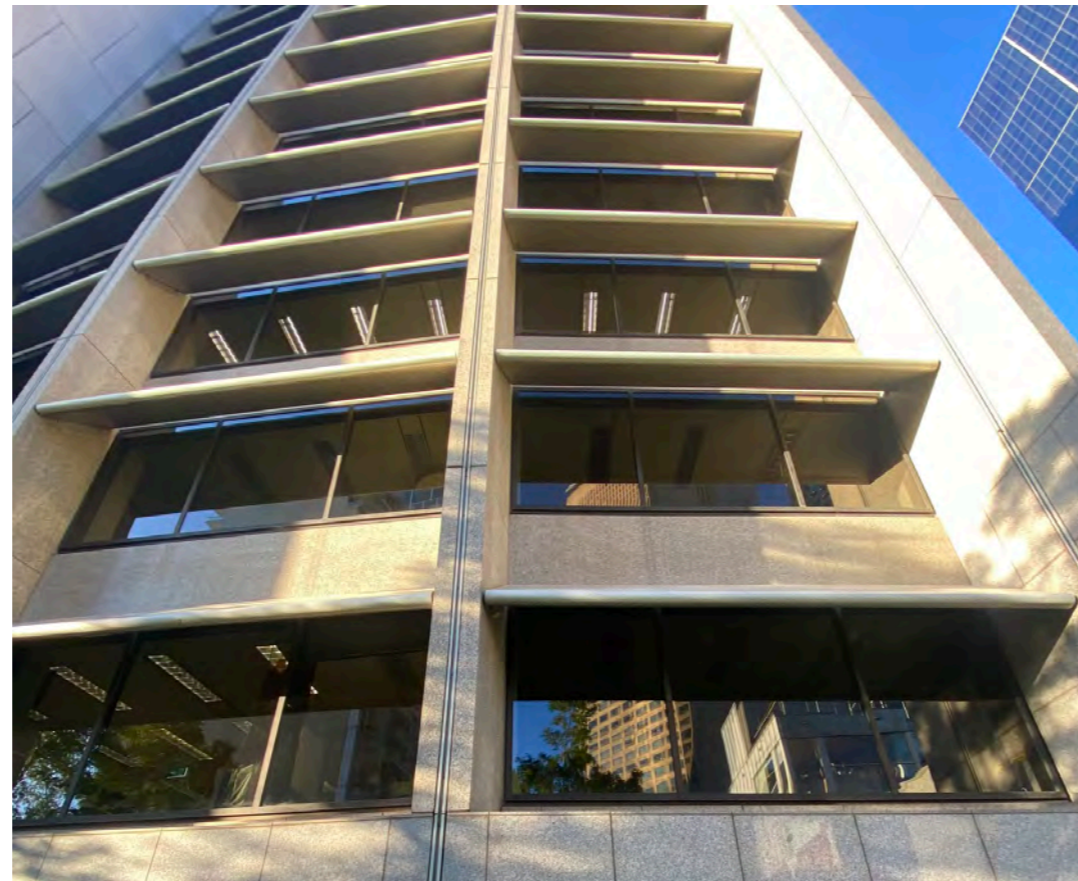
This design vision, which incorporates high quality integrated consistent design details and materials, will be maintained throughout the detailed design phases for a uniformed and homogenous appearance of the building.

Durability and sustainability

All proposed façade and building materials have been selected with respect to sustainability, durability and authenticity to create a timeless and 'healthy' building.

The material palette is based on the idea of pure and non-composite materials, which are primarily local to Melbourne, typical of the regional architecture and construction methods. Accordingly, the material selection makes sense in terms of the drastically shorter and much less energy-consuming transportation.

Among these materials are high quality ceramic products, low iron glazing and aluminium for the façade.



Tower 1 façade



Precedence for ceramic façade panels



Flinders Lane elevation

5. Design proposal

5.6.2 Façade design - Lower tower

Flinders Lane

The elevation illustrates a detailed engagement of the lower Tower and heritage Milton House.

The Tower volume sweeps sensitively around Milton House, actively ensuring Milton House can be appreciated as an object within the space.

Large panel clear glazing flank the opposite side of the entry plaza, maximising the visibility through to the public thoroughfare seeking to blur the lines between internal and external.



5. Design proposal

5.6.2 Façade design - Lower tower

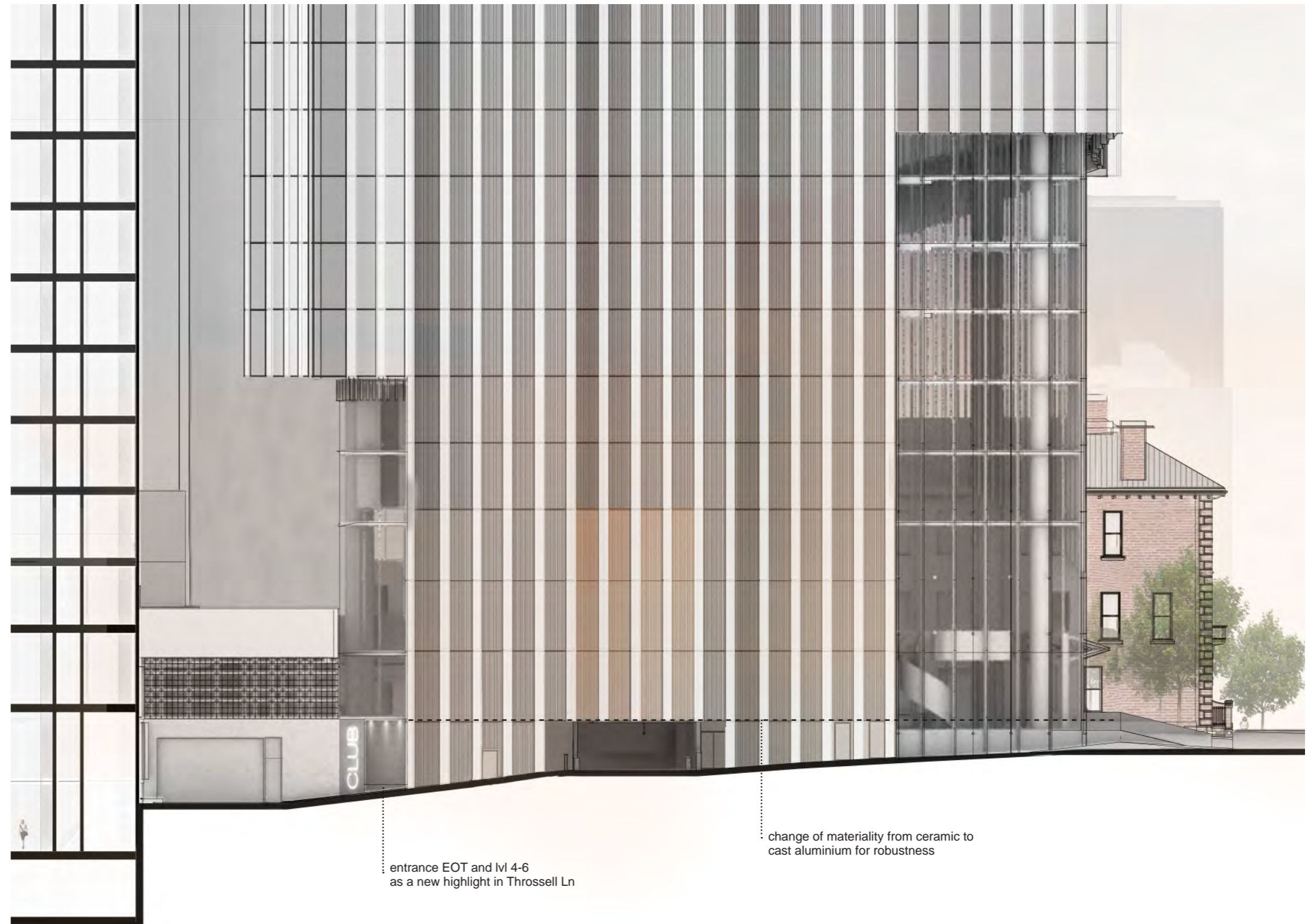
Throssell Lane

The core façade is typically made of white ceramic fins forming a screen with sufficient distance to the core for the mechanical louver system to perform.

Due to the lane being used as an access route for cars and trucks, there is a need for façade protection against mechanical impact by vehicles at Level 01 as well as vandalism.

For robustness, the ceramic fins will continue as aluminium blades from Level 02 to ground; shape and colour of the fins will be equal for visual consistency.

The panel construction and detail will be engineered to comply with common façade requirements to avoid excessive bending and twisting of the panels as well as allowing for easy replacement in the event of damage arising from vehicle accidents or vandalism. To avoid any climbing opportunities at Level 1, the fins will typically span floor to floor.



entrance EOT and IVI 4-6
as a new highlight in Throssell Ln

change of materiality from ceramic to
cast aluminium for robustness

5. Design proposal

5.6.3 Façade design - Tower

Tower façade

The curtain wall construction and glazing continue from the office floor to the Tower crown for a consistent external appearance.

Landscaping will be included to soften the plantroom screen and will be visible through the clear glass of the crown.



5. Design proposal

5.6.3 Façade design - Tower

Tower office façade (Typical)

The façade comprises a stepped aluminium curtain wall system, including a spandrel panel at the slab interface.

The spandrel panel is designed as a 'shadow box', with the glazing panel continuous between the floor finish levels. The spandrel zone is minimised to maximise daylight penetration.

For glare control there will be an integrated blind system with its colour controlled to ensure a unified outward appearance of the external façade.

Each stepped curtain wall module terminates with a profiled white colour ceramic panel which overhangs the specially designed aluminium mullion by approximately 200 mm. This provides additional shading and glare control, yet emphasises the vertical expression of the façade.

Legend

1 Unitised curtain wall system with specially designed mullion and high-performance neutral colour low iron glass to enable a minimum light transmission value of 60% and a maximum outer reflection of 16%.

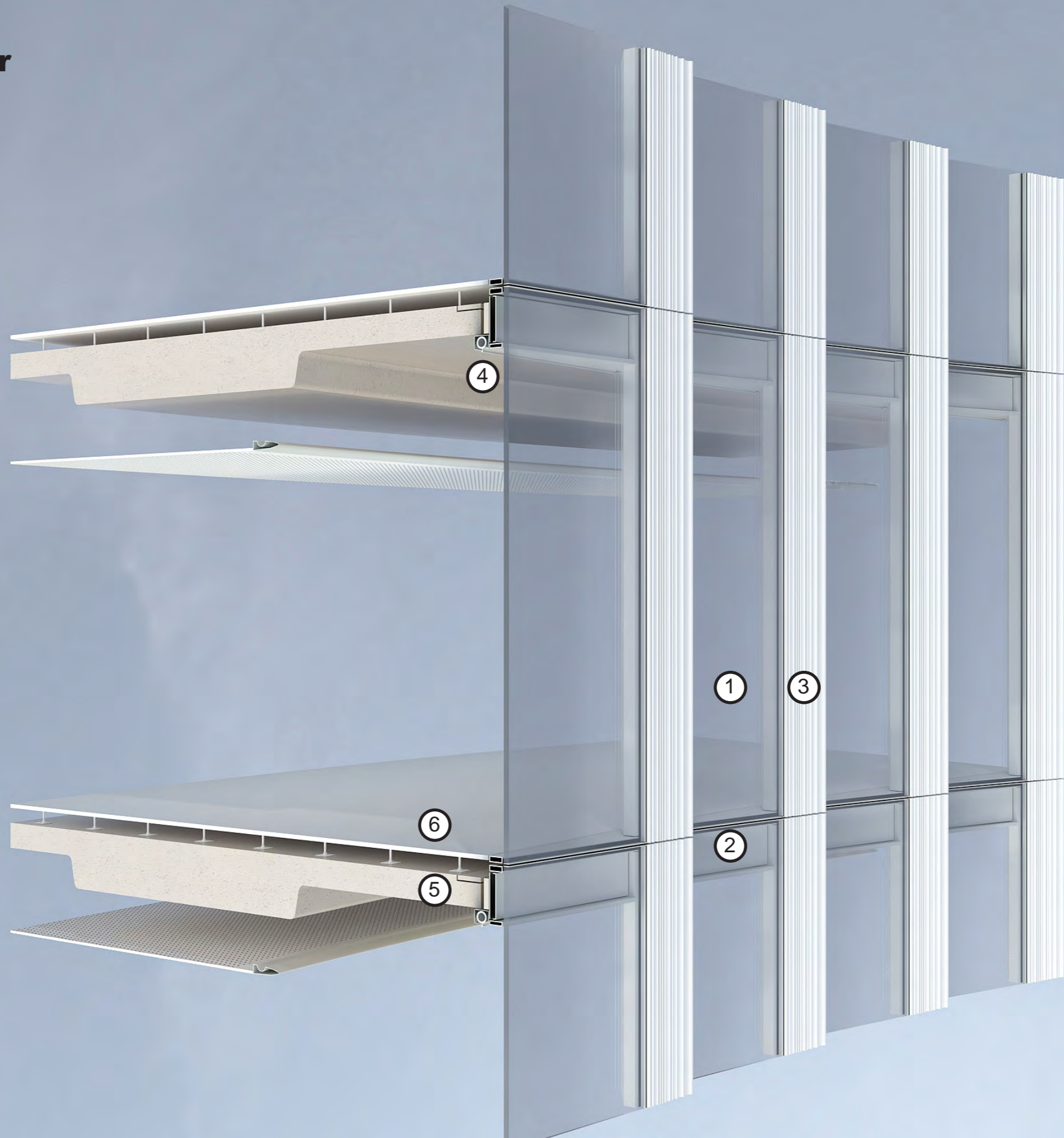
2 Aluminium spandrel shadow box including closer piece and sealant against the glazing.

3 Integral ceramic high-performance exterior grade façade panel system in pure white with a matte finish. Specially designed profile with concealed reinforcement as required by the façade engineer.

4 Integrated aluminium blind system with selected fabric.

5 Class 2 AS fair-faced concrete.

6 Raised floor system.



5. Design proposal

5.6.3 Façade design - Tower

Tower crown façade

The glazed curtain wall façade system appears as an extension, visually consistent with the lower office façade

The vertical light-weight trusses fabricated from high quality architectural steelwork transfer vertical loading onto the band beam and nearby concrete column below.

Setback by 3 metres from the façade line, continuous planters with low and high shrubs and climbing plants are in front of areas where mechanical plant louvers can be partially covered.

Legend

1 Glazed unitised curtain wall to match the performance and visual appearance of the typical office façade.

2 Integral ceramic panel to match the performance and visual appearance of the typical office façade.

3 Architectural steel work to support the crown glass façade with high quality exterior grade paint/ matte finish.

4 Extruded aluminium louver façade with integrated louver doors.

5 Raised floor system including open joint exterior grade Australian hardwood timber planks.

6 Fair-faced concrete planter including irrigation and drainage provision.

7 Shrubs and climbing plants where it does not impact the mechanical ventilation system.



5. Design proposal

5.6.3 Façade design - Tower**Tower core Façade (Typical)**

The core façade comprises a ceramic screen that is fixed in front of the core wall. The overall screen geometry follows the design principles of the typical office façade.

The screen comprises a series of ceramic fins, whereas the larger typical ceramic panel continues from the typical office façade to visually unify the two façade types.

This façade is acting as a visual screen in front of the mechanical performance louvers and privacy screen when used at the location of amenities with glazed façade openings.

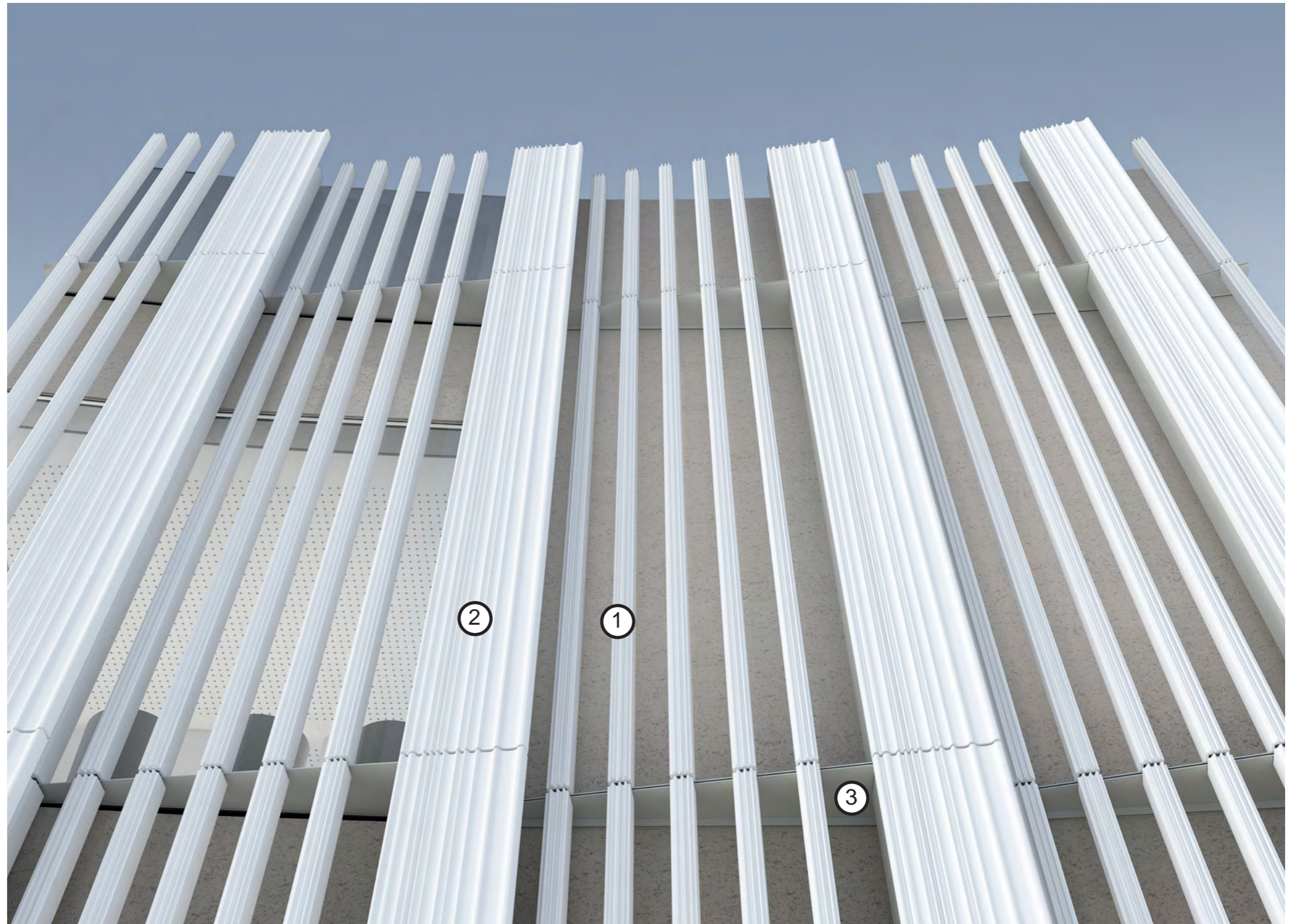
Performance louvers are located behind the screen and within the thickness of the structural concrete wall. The spacing and distance of the fins has been considered by the team and coordinated with the project mechanical engineer.

Legend

1 Ceramic high-performance exterior grade façade screen system comprising specially profiled ceramic fins in pure white with a matte finish.

2 Ceramic panel to match the performance and visual appearance of the typical office façade.

3 Fabricated steel bracket at floor levels to support the façade screen at floor levels, high-performance exterior grade paint system.



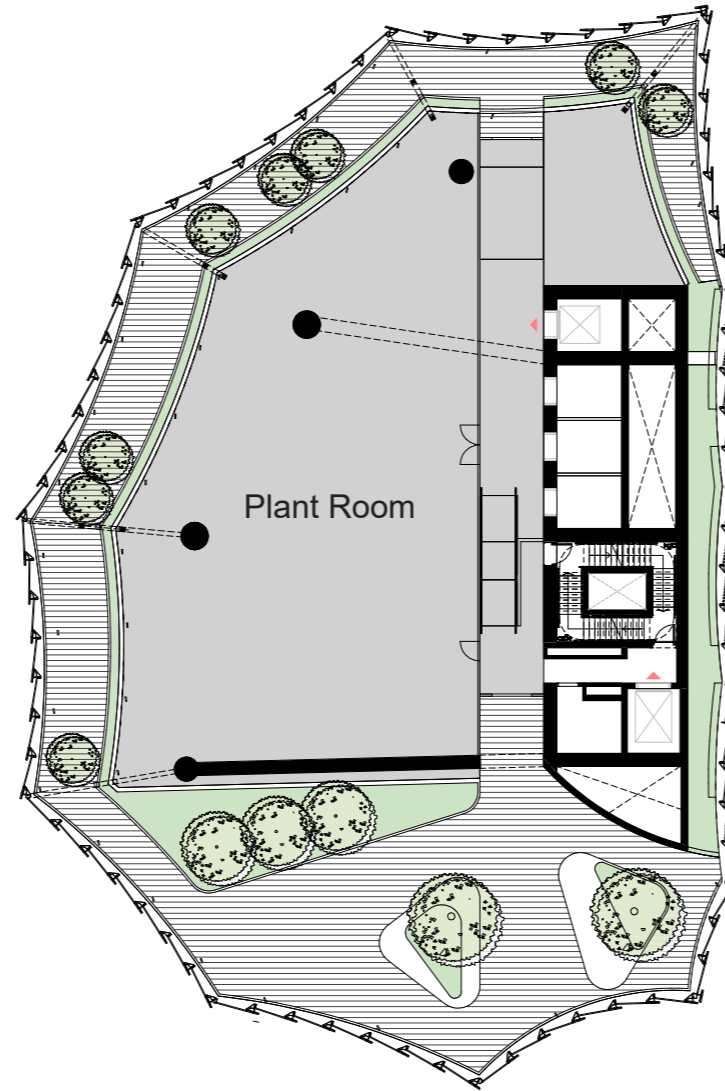
5. Design proposal

5.7 Tower Crown + PV strategy

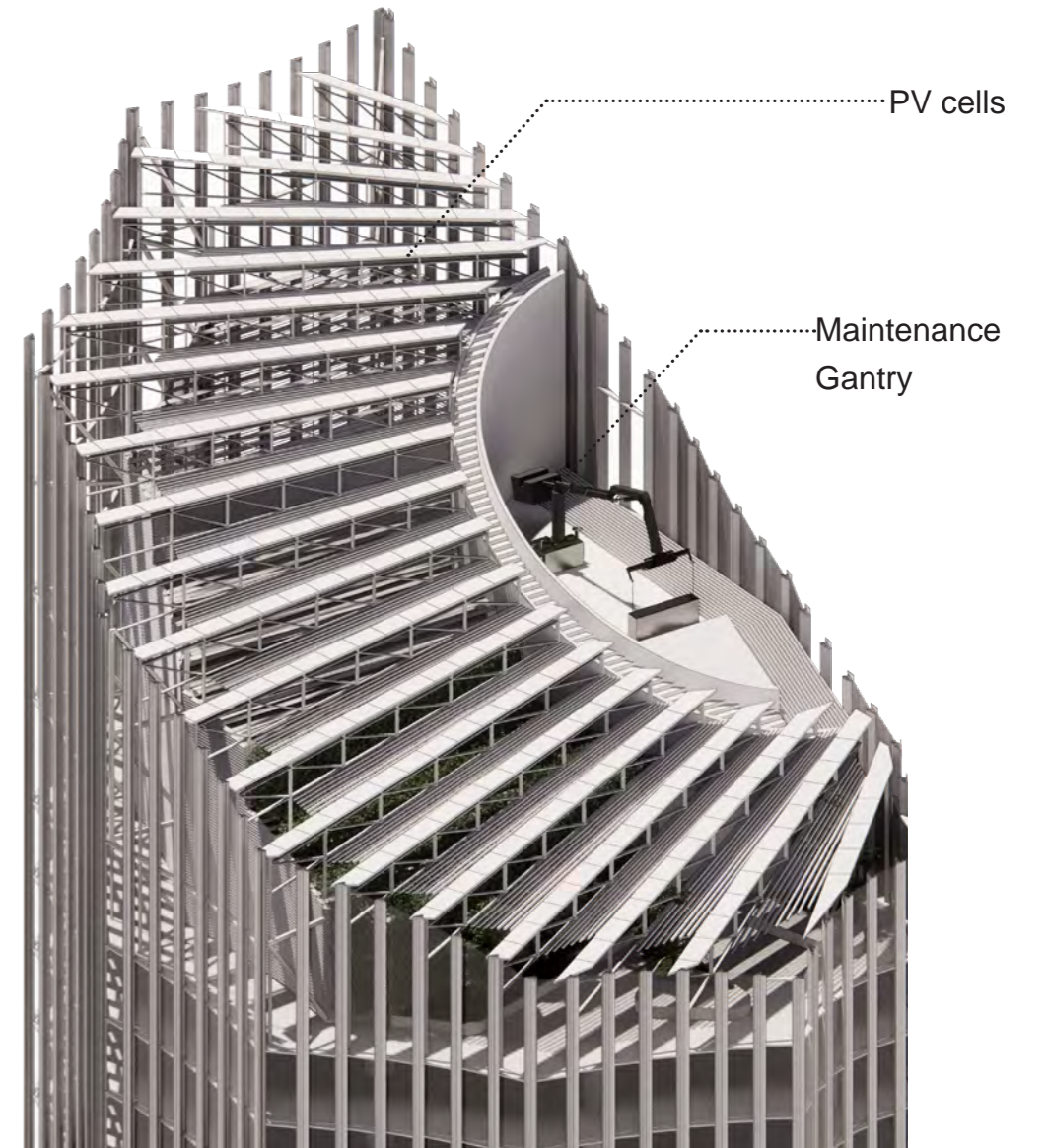
A key component of the overall design strategy has been the treatment of the Tower crown. While the building profile sits within the sun plane, the roof angle interprets those planning controls into a design that is reflective of the controls derived from environmental conditions and need to protect the public spaces of Birrarung Marr Park.

The crown design integrates landscaping elements that reflect the parklands beyond, photovoltaic panels and the services plantroom into a cohesive design that seamlessly integrates this complexity into the overall building envelope.

The crown features a large open terrace space that enjoys excellent views towards the Yarra River to the south which is further enhanced by the 3 metre zone located in the space within the plantroom setback.



Level 33 Terrace Plan



Building crown - showing solar panels with angles optimised to maximise energy generation

5. Design proposal

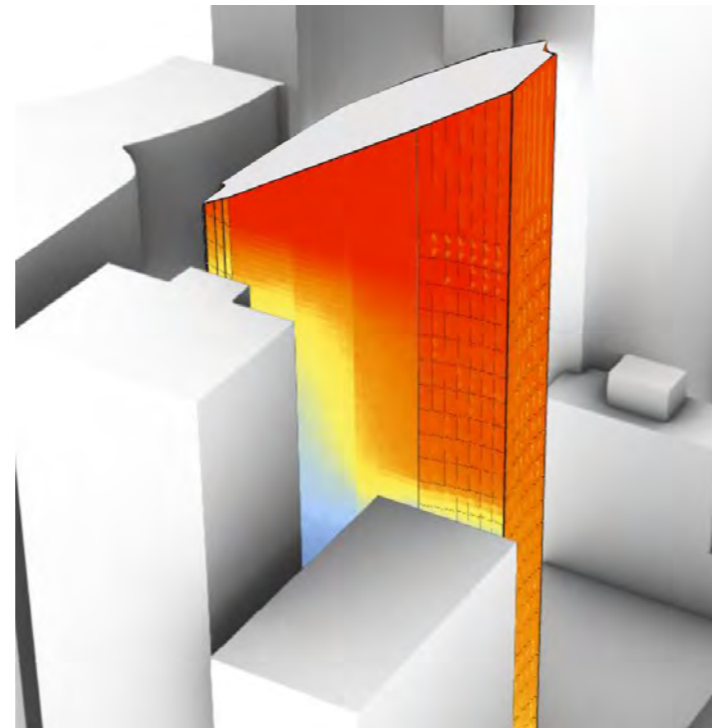
5.8 Technical Detail - Solar & Heat Gain Analysis

Solar Insulation

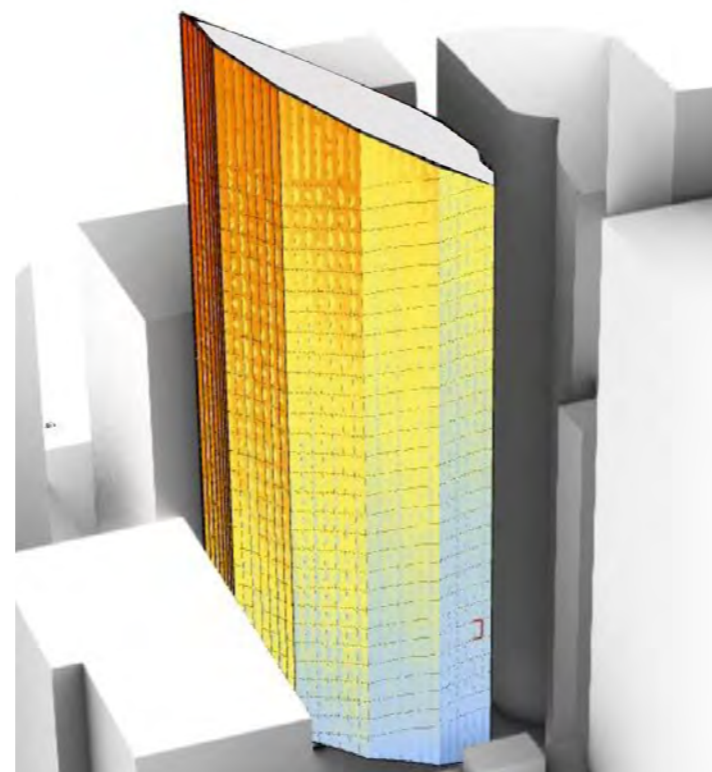
The solar heat gains analysis indicates that the building is relatively well overshadowed, with the east and northern aspects receiving the most solar radiation throughout the year.

The core's placement on the eastern façade will help to mitigate solar gain and associated cooling loads.

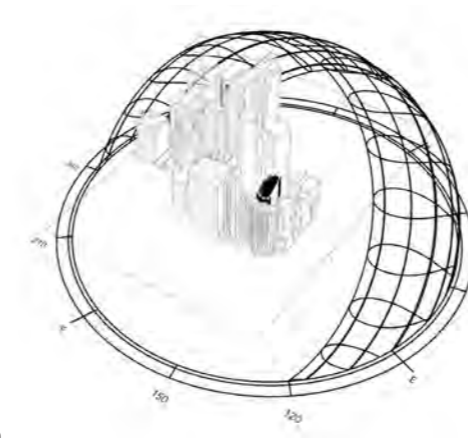
In addition, the scalloping of the façade volume creates a degree of self-shading which, together with the staggered façade system, creates an efficient shading strategy minimising solar heat load with minimal impact on daylight access.



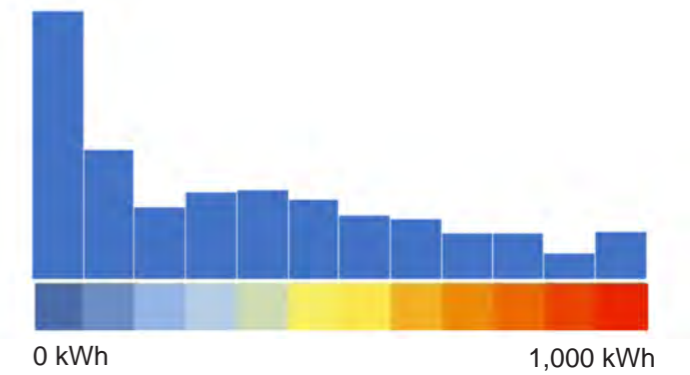
From SW



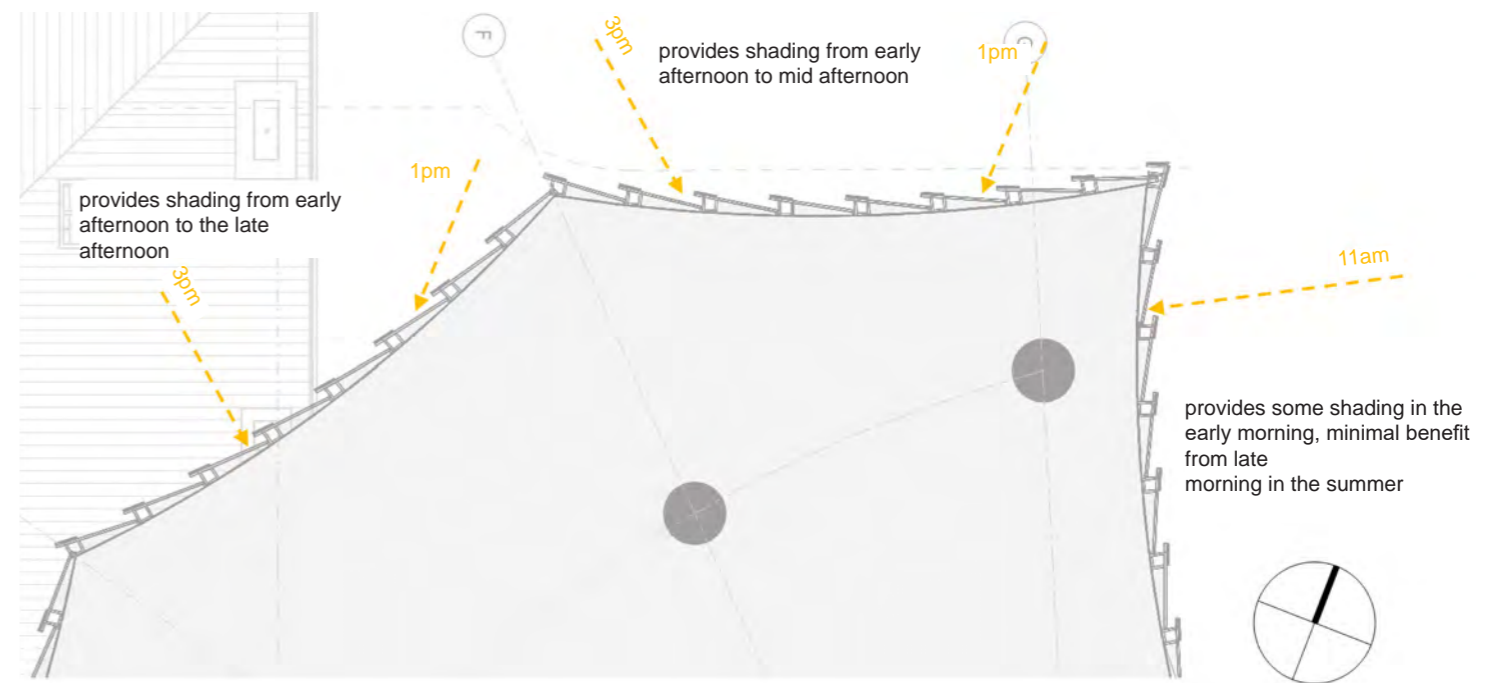
From NE



sun path



incident annual solar radiation



Shading analysis/ plan view

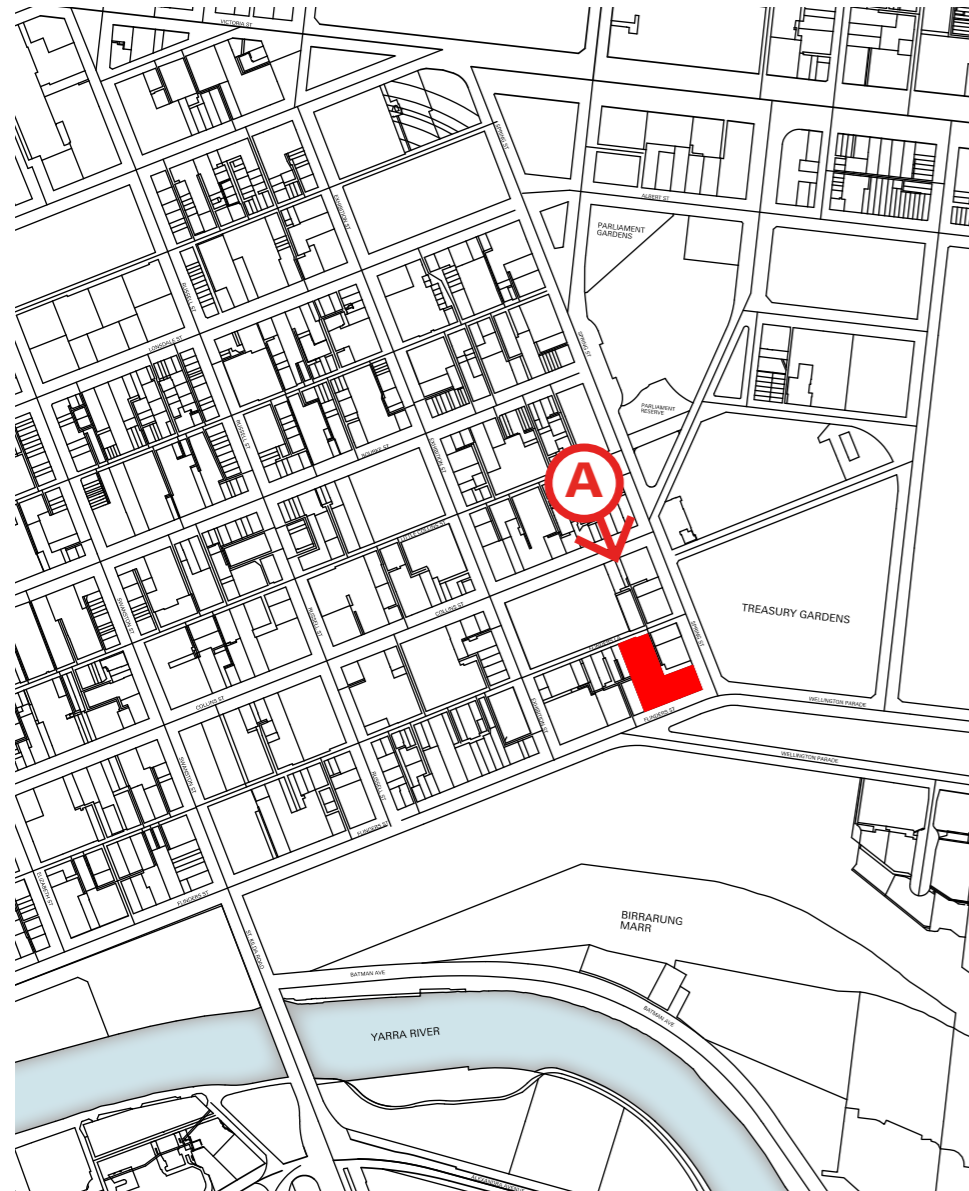
The direction of the façade stepping creates an opportunity for self-shading, reducing incident solar radiation and minimising cooling energy demand. The solar insolation analyses highlight that the north-eastern façade is most exposed to solar radiation, although it is noted that the core is the predominant part of this façade. The current scallop direction on this portion of the façade doesn't maximise the shading benefit, with shading predominantly occurring until late-morning in the summer months.



6. Appendix

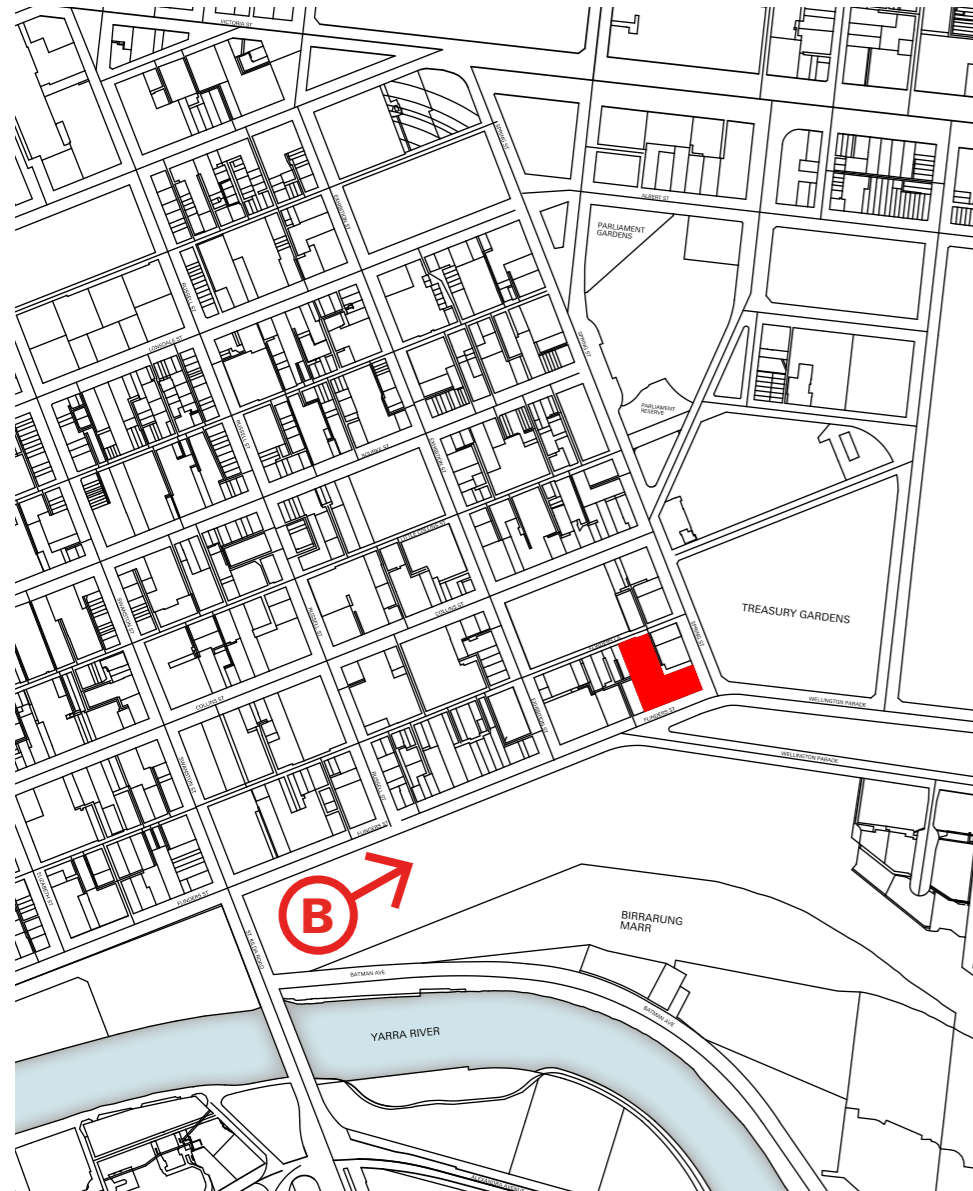
B. View impact analysis

B.1 View A - Collins Place - Sofitel carpark



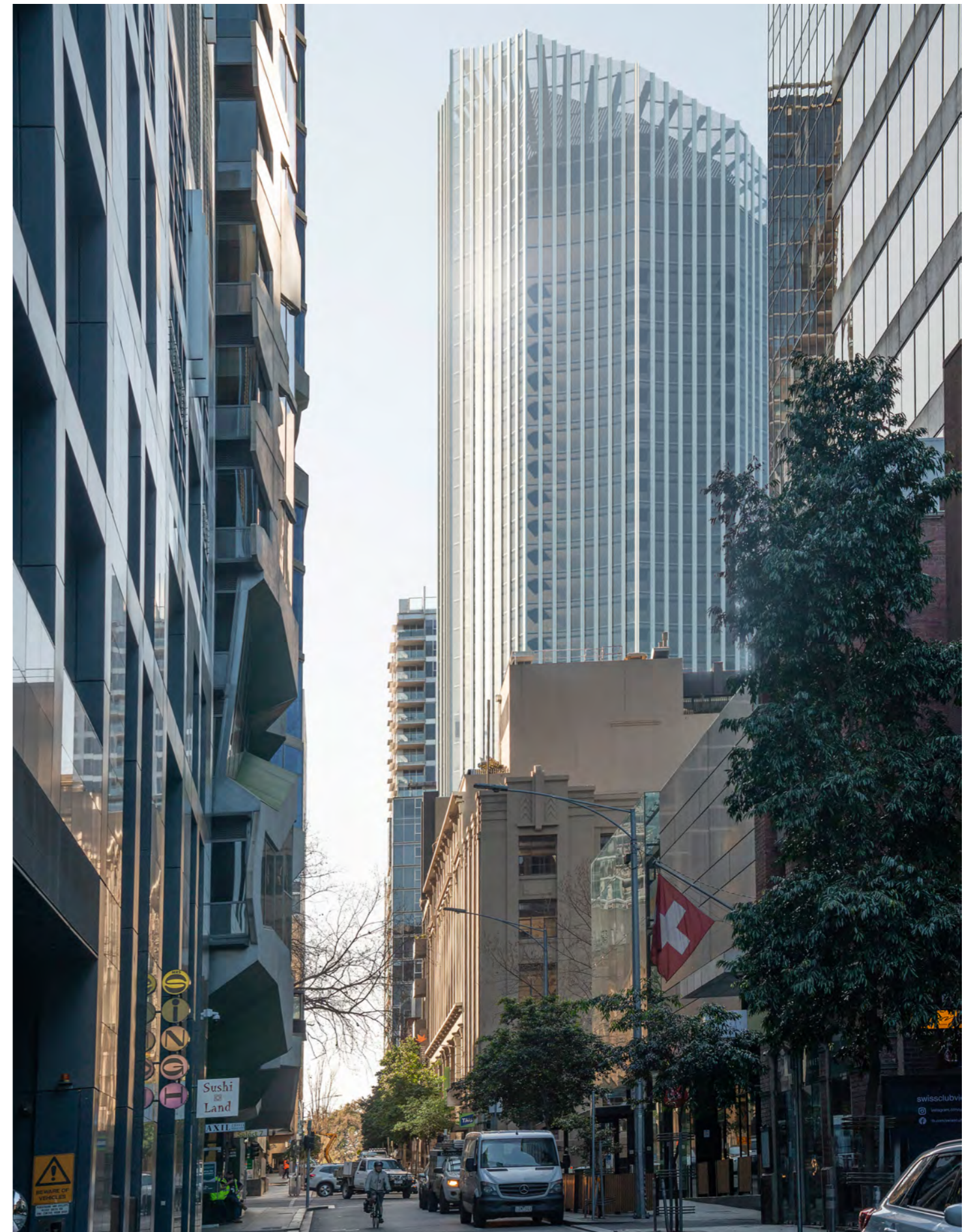
B. View impact analysis

B.2 View B - Federation Square



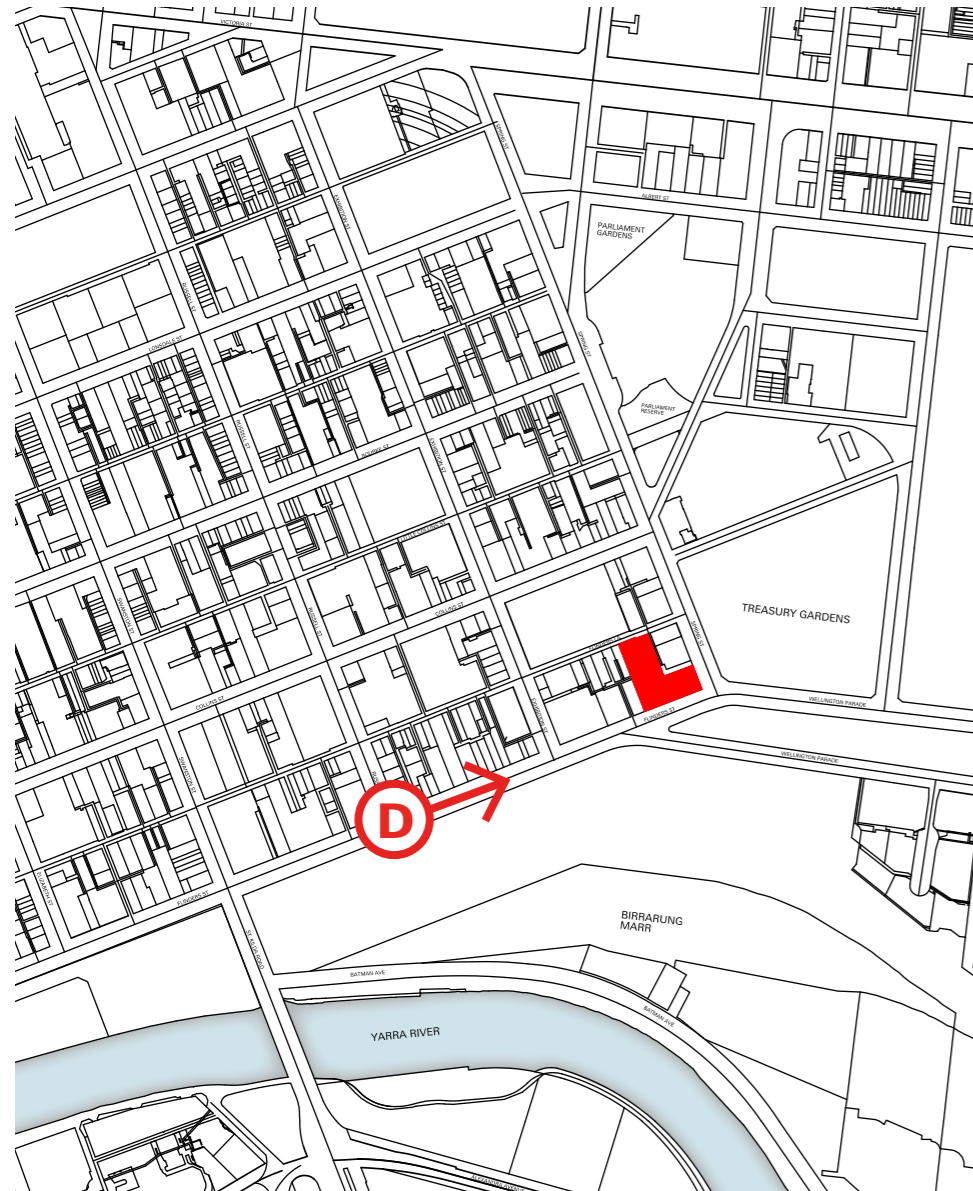
B. View impact analysis

B.3 View C - Flinders Lane



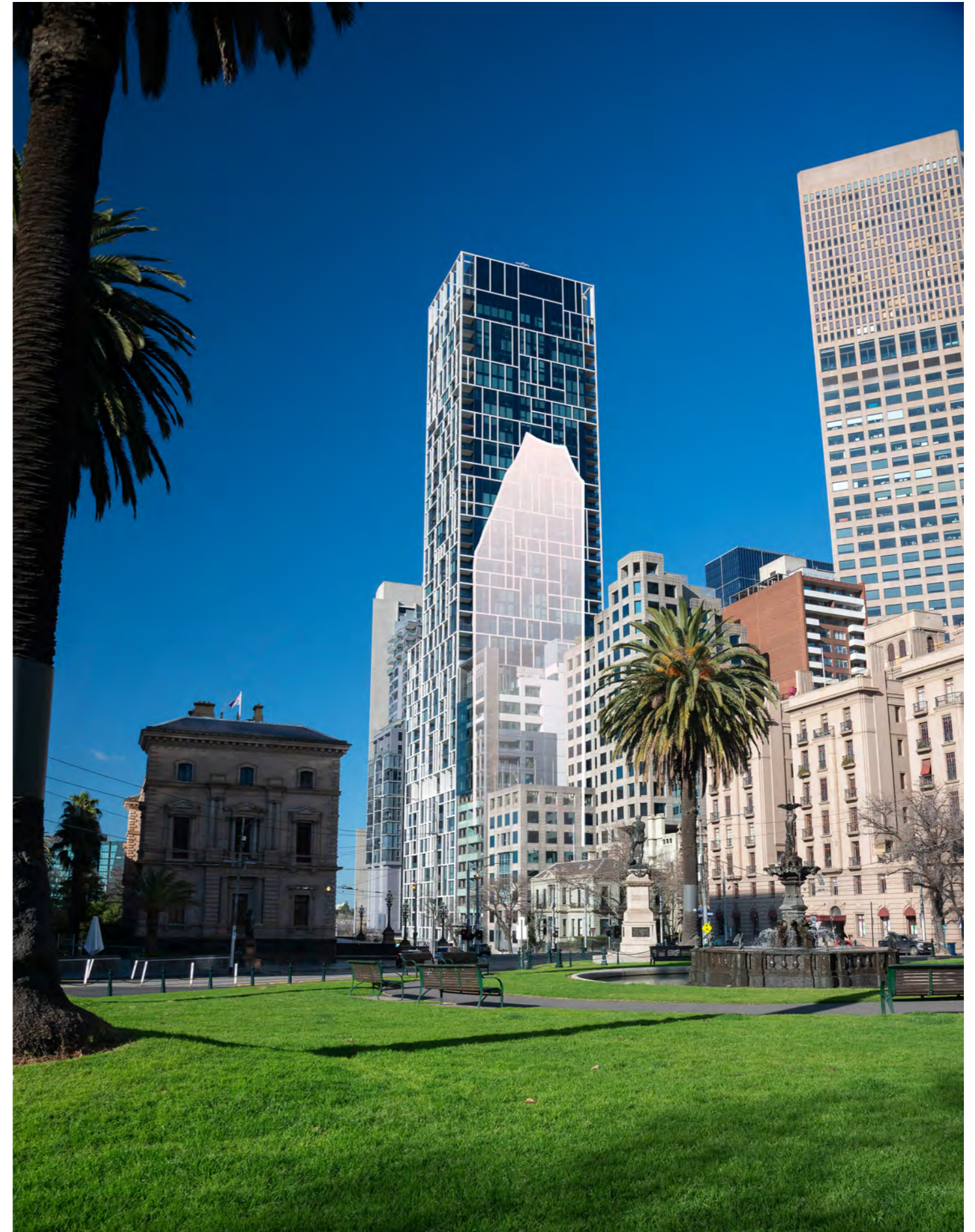
B. View impact analysis

B.4 View D - Flinders Street



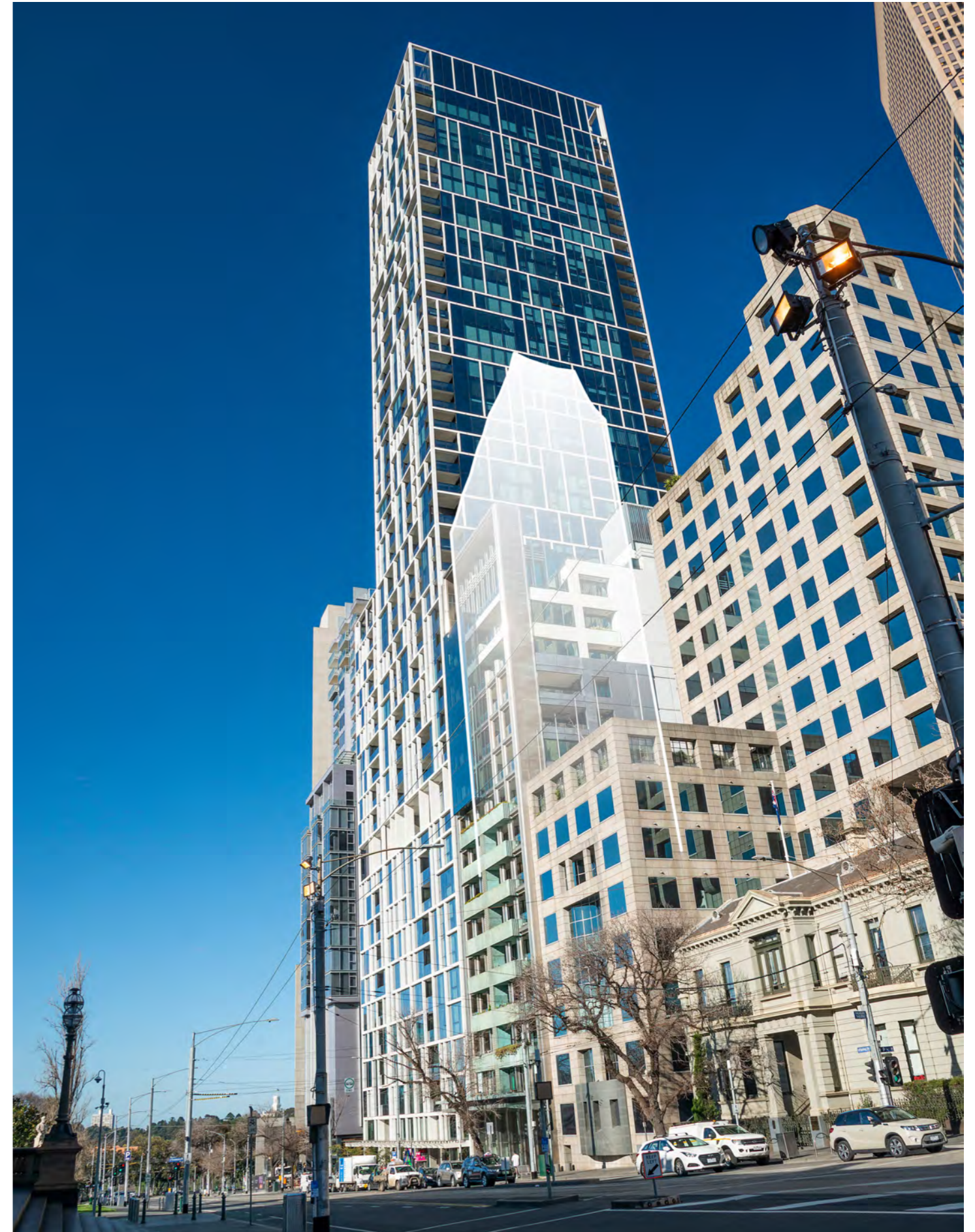
B. View impact analysis

B.5 View E - Macarthur Street



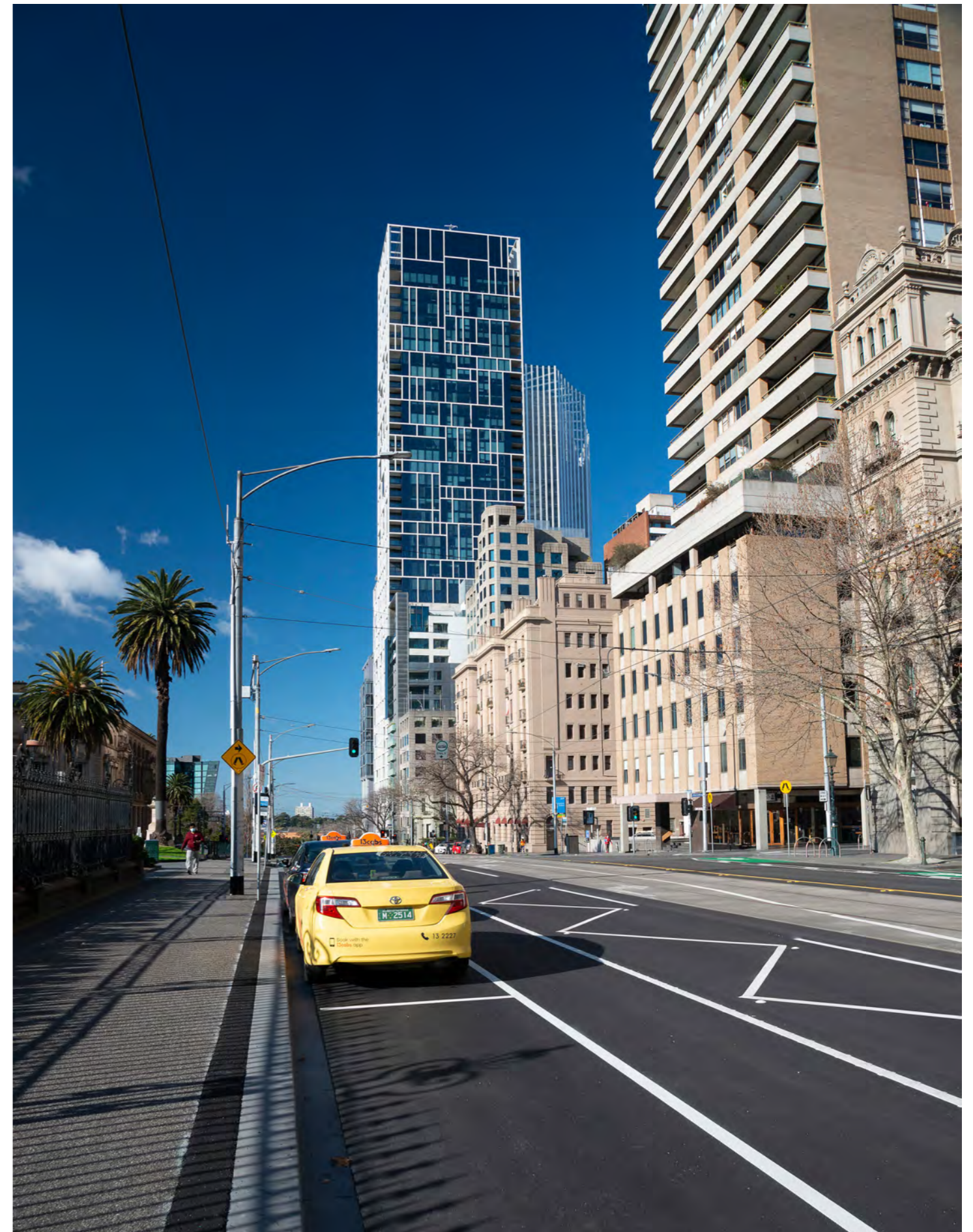
B. View impact analysis

B.6 View F - Old Treasury forecourt



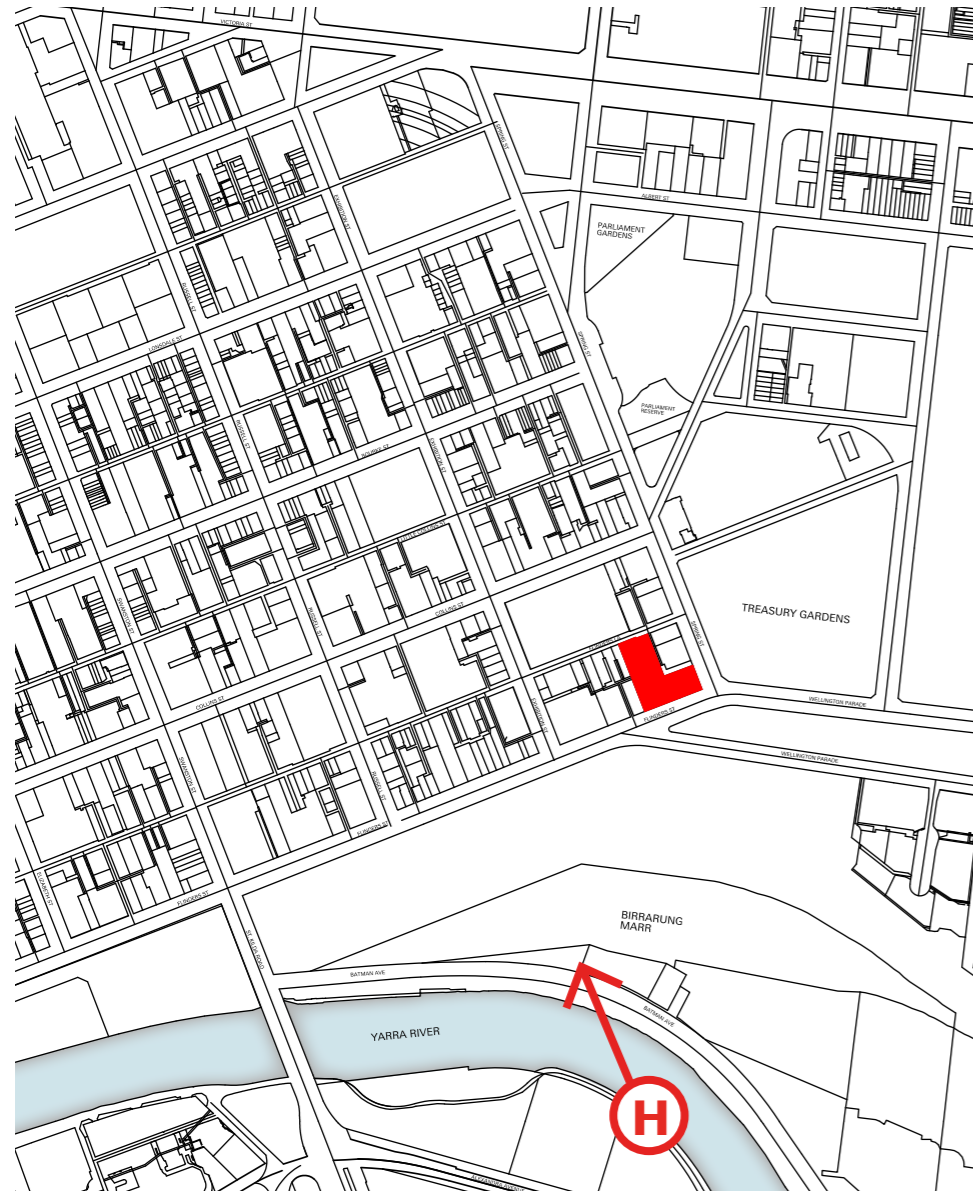
B. View impact analysis

B.7 View G - Parliament



B. View impact analysis

B.8 View H - Yarra River



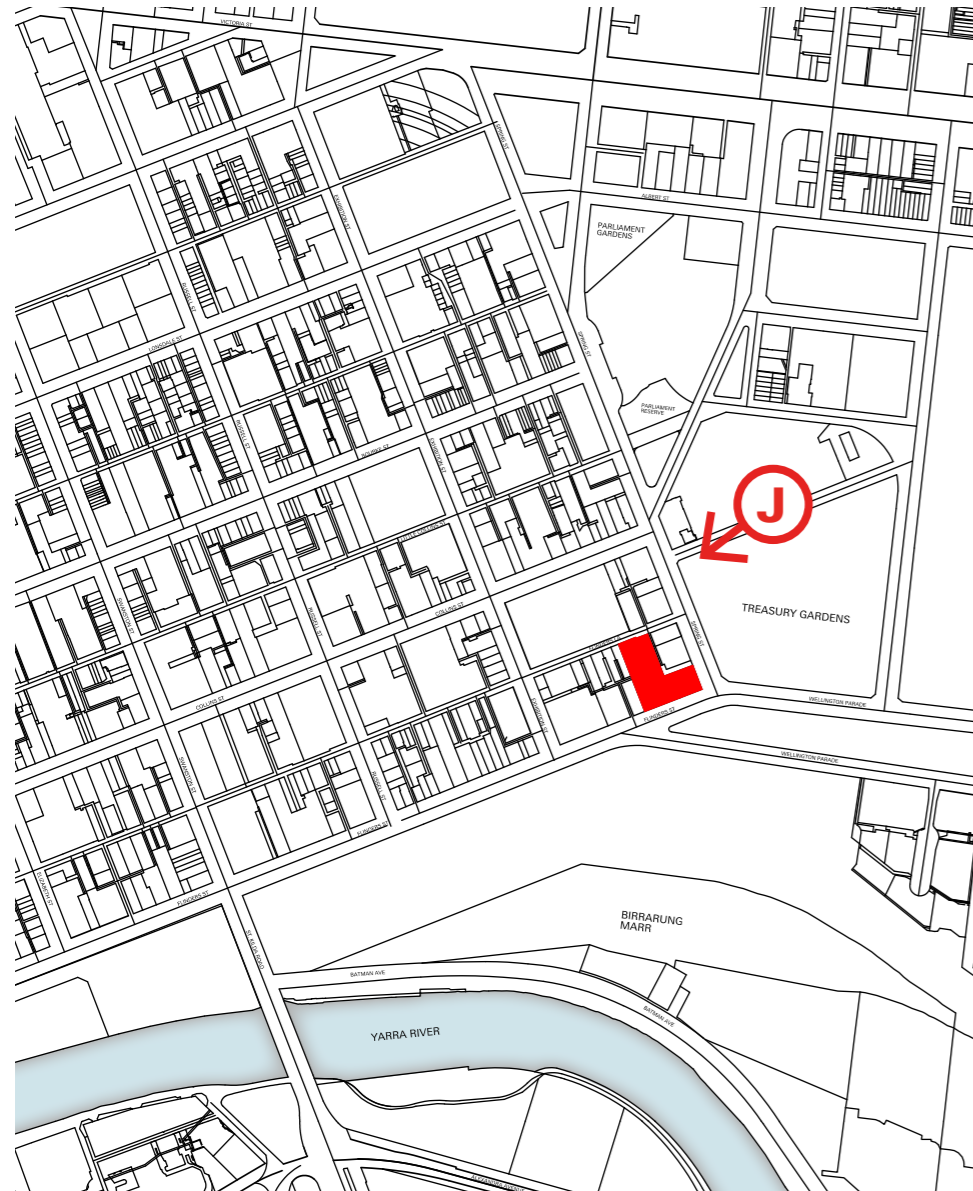
B. View impact analysis

B.9 View I - Treasury Gardens



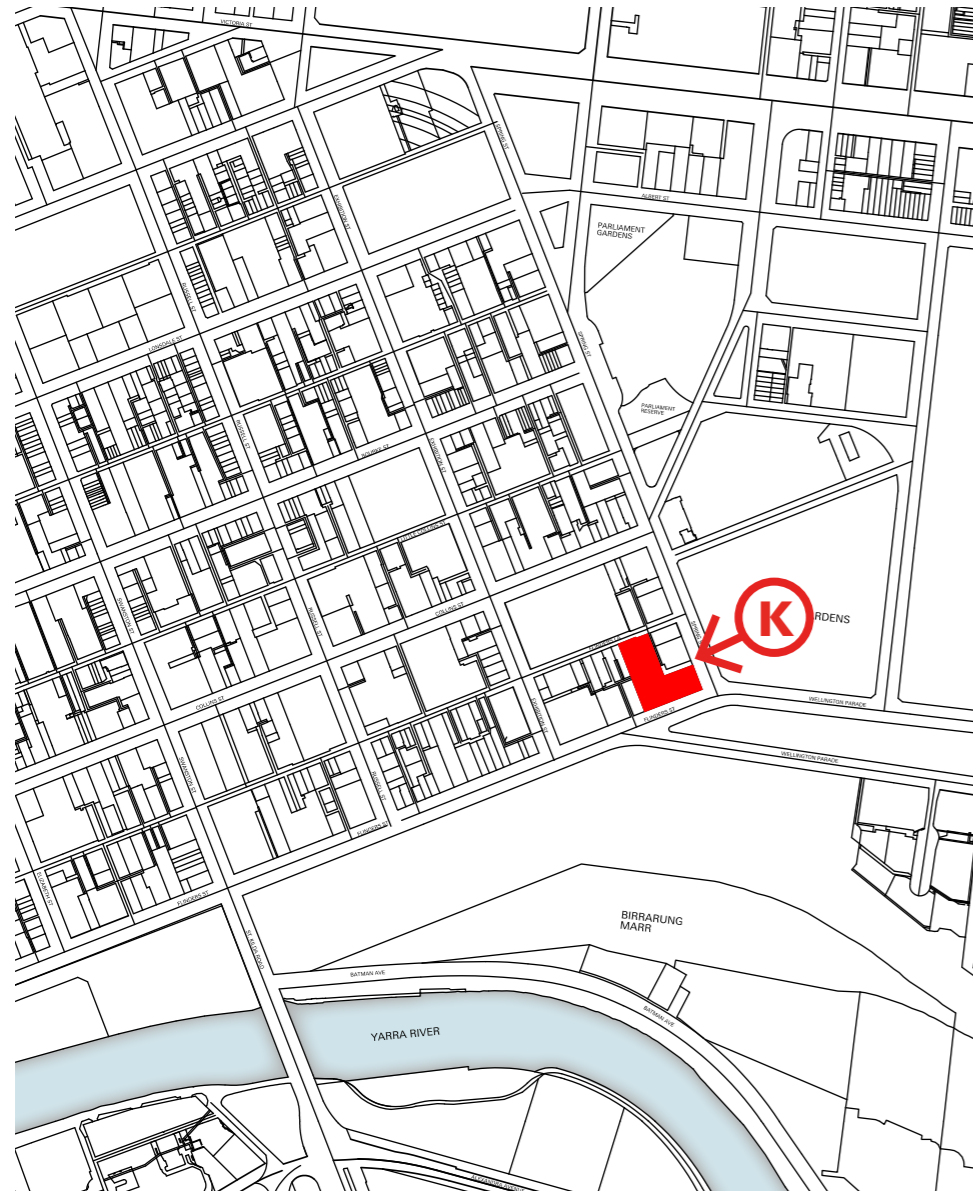
B. View impact analysis

B.10 View J - Treasury Place



B. View impact analysis

B.11 View K - Throssell Lane



DELEGATE REPORT MINISTERIAL PLANNING REFERRAL

City of Melbourne file reference:	ID-2021-1
PS Amendment No.	C401MELB
Proponent:	Phillip Nominees Pty Ltd
Owner:	Phillip Nominees Pty Ltd
Architect:	Ingenhoven + Architectus + Seidler
Address:	1 Spring Street & 21-25 Flinders Lane, Melbourne
Proposal summary:	<p>Planning Scheme Amendment under Section 20(4) of the P&E Act 1987 to introduce a site-specific Incorporated Document and Specific Controls Overlay over the subject site, allowing the following development:</p> <ul style="list-style-type: none"> • Partial demolition of Milton House and Shell House, including reduction of the existing northern publicly accessible private plaza. • Construction of a new 32-storey (excluding 3 plant levels) commercial office building (new Tower 2) with mixed retail and publicly accessible foyer at Levels 2-3. • Refurbishment of Milton House. • New connections through to Shell House (aka Tower 1).
Cost of works:	\$203.5 million
Date received by DTP	10 November 2020
Date received by City of Melbourne:	23 June 2021
Date amended plans circulated to Advisory Committee	16 January 2023
Date of Advisory Committee Hearing	6 March 2023 – 22 March 2023
City of Melbourne Status	Consultee (notice received under S.20(5) of the <i>Planning and Environment Act 1987</i>)
Responsible officer:	Colin Charman, Principal Urban Planner

1 EXECUTIVE SUMMARY

On 5 April 2022, Melbourne City Council's Future Melbourne Committee considered a report from management on Amendment C401. The development proposed was the 'Revision G' plans provided as part of the 'Resubmission' package of 24 February 2022.

The proponent at the Future Melbourne Committee meeting presented the Revision G plans and accepted all recommended conditions, with the exception of the Officer's recommended Condition 1a.

At its meeting on 5 April 2022, the Future Melbourne Committee resolved to confirm the objections by Melbourne City Council to the granting of heritage permits and to support Amendment C401 subject to conditions, including an amended Condition 1a.

On 24 June 2022, the Minister for Planning appointed an Advisory Committee (AC), to consider the Heritage Victoria refusals and the Amendment C401 proposal.

On 16 January 2023, amended plans were circulated by the proponent; 'Revision J' plans for Amendment C401. These plans introduced significant changes, most notably the removal of the positive changes in the Revision G plans which were considered at the FMC meeting, which were the basis of support by Council for the application.

At the time of writing of this report, amended architectural plans (Revision J) had been filed with respect to Shell House / Tower 2 only. The Committee has issued directions requiring the proponent to clarify all documentation to be relied upon as part of the forthcoming hearing by 15 February 2023.

The purpose of this report, is to provide an updated Council position on the plans which will be considered by the Advisory Committee, in relation to Amendment C401.

2 SUBJECT SITE AND SURROUNDS

2.1 Subject Site

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

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

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

The project area for the development proposed under Amendment C401 engages the northern part of the subject site, and proposes a 32 storey tower (excluding three plant levels) that will be built into the void between the two extant heritage assets on-site, with a comprehensive reassembly of the ground plane and shared podium between the proposed 'Tower 2' and Shell House (aka Tower 1).

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



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

2.2 Site Photographs



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



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



Milton House (25 Flinders Lane)

Through-block link

Flinders Lane

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



Flinders Lane

Flinders Street

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

Left: Facing south from Flinders Lane.

Right: Facing north from Flinders Street



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



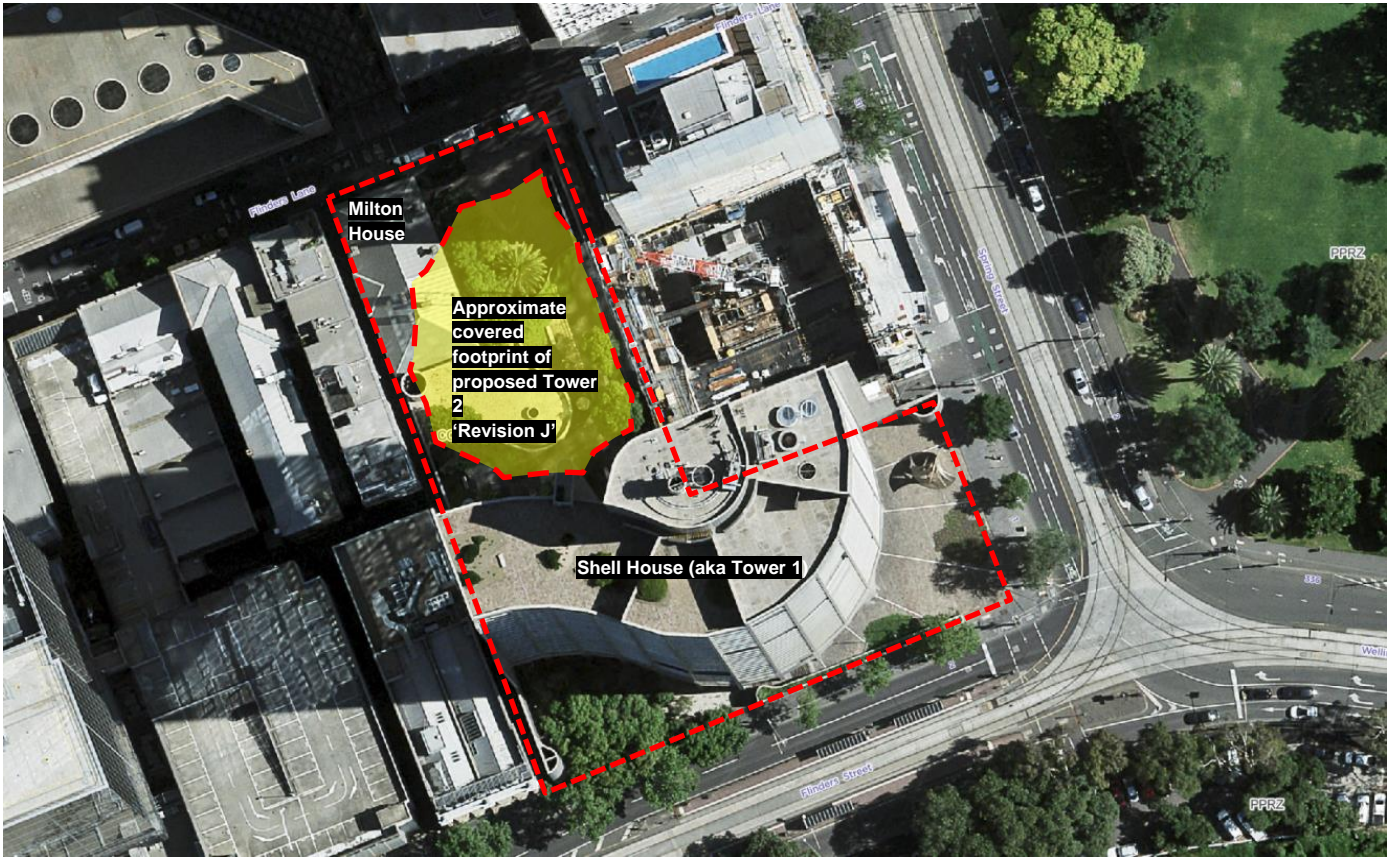
Photo taken while sitting in existing northern publicly accessible private plaza adjacent to Milton House facing Milton House, captured 27 October 2021



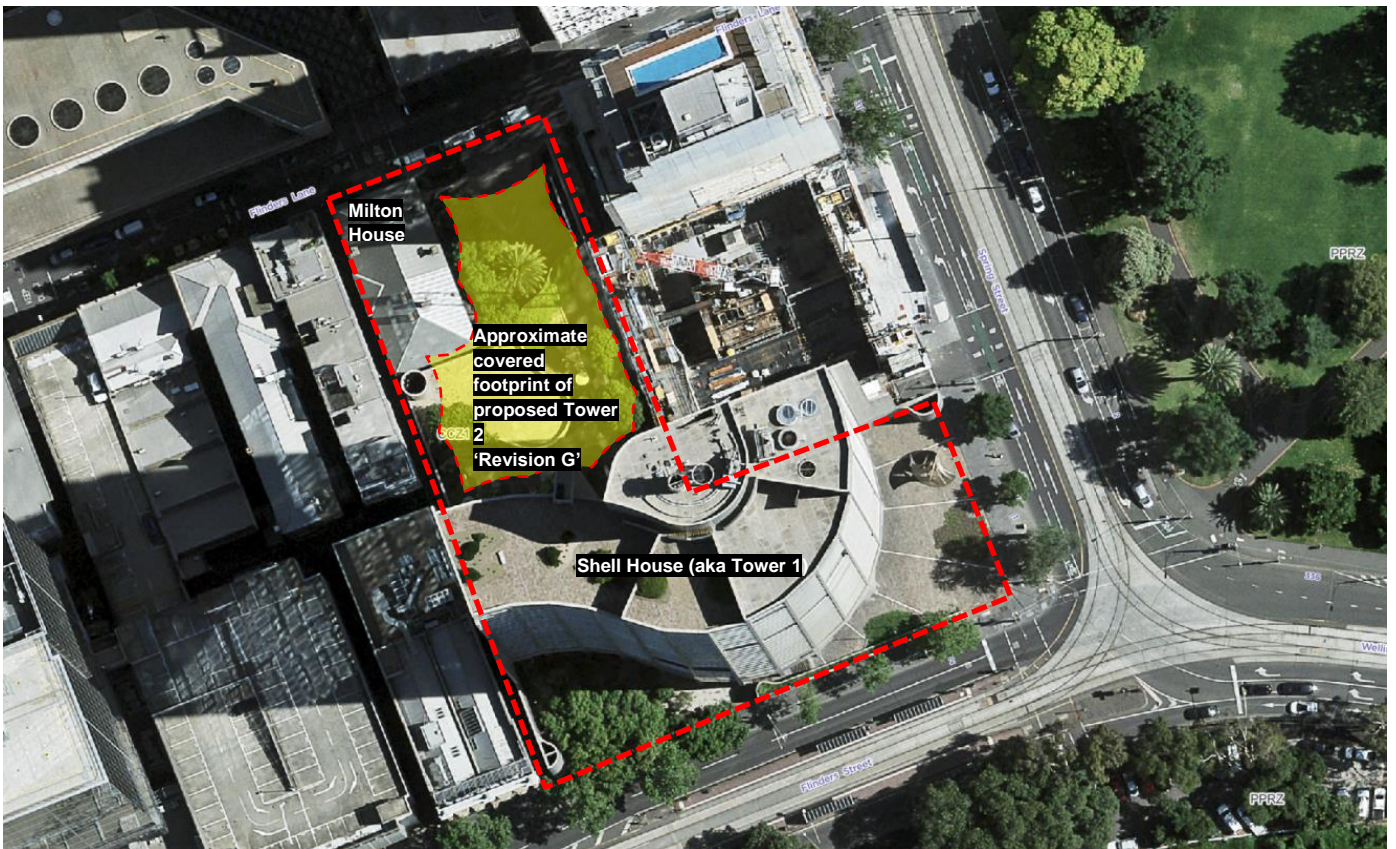
Photo taken from private upper terrace, facing Flinders Lane, captured 18 August 2022



Photo taken from private upper terrace, facing Milton House, captured 18 August 2022



CoMPASS Aerial Photograph with approximate location of Tower 2 floorplate (Revision G (24-Feb-2022))



CoMPASS Aerial Photograph with approximate location of Tower 2 floorplate (Revision J (16-Jan-2023))

3 BACKGROUND AND HISTORY

A comprehensive account of the background and history is provided in the 5 April 2022 FMC Officer's Report. A shortened version is provided below, focused on the relevant background to the amended plans.

3.1 Planning Scheme Amendment C401 Chronology

3.1.1 July 2020 Pre-Application Meetings

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

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

The below issues summary was provided in CoM's feedback:

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

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

3.1.2 July 2020 Office of the Victorian Government Architect Assessment

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

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

3.1.3 November 2020 Lodgement of Amendment C401 and June 2021 notice to CoM

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

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

Specifically, Amendment C401 was not modified to:

- Reduce the extent of the existing plaza lost to the development proposal.
- Revise the design of the tower design to lessen its visual dominance over Milton House or Shell House.

3.1.4 September 2021 Gazettal of Planning Scheme Amendment C308

On 30 September 2021 Planning Scheme Amendment C308: Urban design in the central city and Southbank was gazetted to form part of the Melbourne Planning Scheme.

Amendment C308 made the following changes to the Melbourne Planning Scheme relevant to the consideration of Amendment C401:

- Deleting *Clause 22.01 Urban Design in the Capital City Zone.*

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

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

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

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

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

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

'Publicly accessible private plaza', has the following definition in DDO1 (emphasis added):

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

The owners of 1 Spring Street, Phillip Nominees, submitted to the C308 Planning Panel "that it is neither appropriate nor necessary for all plazas or for the entirety of any one plaza to be open to the sky in order to achieve high quality urban design which is inviting, stimulating and practical."¹

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

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

The Planning Panel for Amendment C308, however, ultimately supported the DDO1 requirement seeking the retention of plazas, and stated: "They (plazas) add to the richness and vitality of the urban fabric. However, the Panel agrees that the quality of some plazas is low and redevelopment of part of the plaza to add active uses can improve their quality."

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

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

The external northern publicly accessible private plaza facing Flinders Lane contributes to the significance of Shell House, this is evident from Heritage Victoria's reasons for refusing Application P33300. DDO1 therefore encourages retention of a greater proportion of the northern publicly accessible plaza facing Flinders Lane, sufficient to conserve the heritage value of the place.

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

3.1.5 October 2021 Design Concept Package

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

3.1.6 November 2021 Design Concept Package

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

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

The key elements of the amending concept include:

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

CoM provided summarised officer-level advice on Amendment C401 and the 'November Design Concept Package' to the proponent on 30 November 2021.

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

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

3.1.7 February 2022 Resubmission of Amendment C401

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

It was understood at the time that the 'Resubmission' package of 24 February 2022 substituted the previous documentation under assessment with Amendment C401, and was intended to be read as the form of Amendment C401 presented to the Minister for Planning for consideration with the request made by Phillip Nominees Pty Ltd under s.20(4) of the *Planning and Environment Act 1987*.

The covering letter accompanying the 24 February 2022 Resubmission included the following statement:

In combination with the proposed changes detailed on the December 2021 plans, the design provides an improved response to the Milton House interface, while maintaining the intent of the original architectural design. The tower retains the curvilinear façade, which contributes to

the overall architectural quality of the building, while ensuring that the development continues to provide a response that will enhance the public realm, be respectful of its heritage interfaces and positively contribute to the site's wider context.

The proposed alterations to the tower design continue to comply with DDO10 with the exception of the connection to the existing Tower 1. It is also confirmed that the proposed changes will not result in any additional shadowing of Birrarung Marr.

The proposed changes to the plaza design create further activation and increase the provision of daylight to the public space, resulting in a plaza outcome that will be highly accessible, connected and enjoyable for public use.

The 24 February 2022 Resubmission made the following key changes to the development plans that originally accompanied Amendment C401:

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

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

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

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

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

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

3.2 April 2022 Future Melbourne Committee Meeting

On 5 April 2022, Melbourne City Council's Future Melbourne Committee considered a report from management on Amendment C401.

The form of development proposed under Amendment C401 considered by the Future Melbourne Committee at this meeting were the 'Revision G' plans provided as part of the 'Resubmission' package of 24 February 2022. Key excerpts from the plans considered by the Future Melbourne Committee at its meeting on 5 April 2022 are provided below.

At its meeting on 5 April 2022, the Future Melbourne Committee resolved to:

- 1.1 *Confirm that the objections by the Melbourne City Council to the granting of heritage permits for the original proposal remain current, that heritage remains a threshold consideration for the proposed development, and that the planning advice at 11.2 is separate to the heritage permit process.*
- 1.2. *Advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports Amendment C401, subject to the conditions contained within the Incorporated Document set out in Attachment 4 of the report from management, but with condition 1a) amended to read: 'Deletion of the built form associated with the retail premises at Level 2 and Level 3 of Tower 2 to increase the size of the northern plaza by a minimum of 60 sqm'*

No further correspondence has transacted between CoM and the proponent in the intervening period between FMC's resolution of 5 April 2022 and the date amended plans were submitted to the Advisory Committee on 16 January 2023 that foreshadowed the proponent's intent to fundamentally depart from the design of 'Tower 2' in the 'Resubmission' package of 24 February 2022 provided for the Minister for Planning's consideration, and which was considered by the FMC on 5 April 2022.

3.2.1 FMC1 April 2022 – Plan Excerpts – 'Revision G' Renders



Excerpt from Urban Context Report (Issue A) showing 'Revision G' façade design of proposed Tower 2, with removal of overhang over Milton House (p.64 of 94)

1 Spring Street

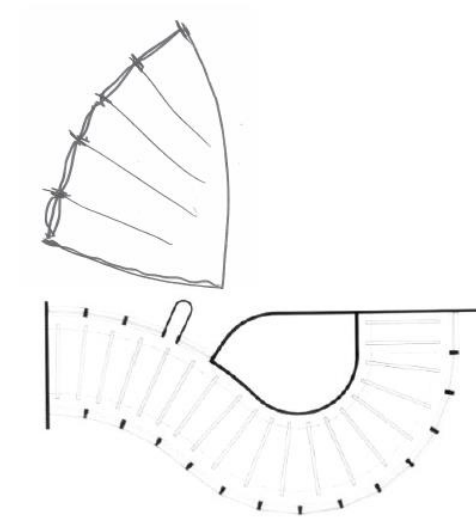
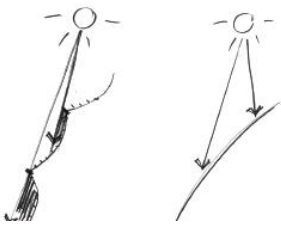
ingenhoven + architectus

4. Design concept

4.3 Form finding

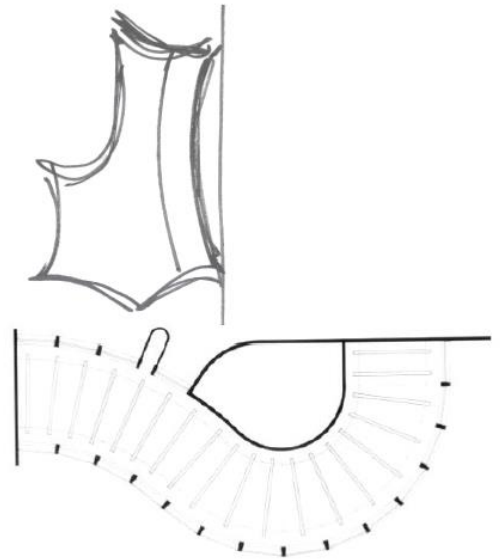
Responding to the heritage context of Tower 1 and Milton House, the organic, curved shape has informed the architectural language of Tower 2.

The massing form is derived from and responds to both the site orientation and outlook towards the north and north-west, whilst also being manipulated to provide breathing space to respect the heritage interfaces of Milton House and Tower 1.



Form

The shape is derived from a new interpretation of the existing Harry Seidler design with regards to its rhythm, yet acts as a 'friendly neighbour' with an appropriate distance between old and new.



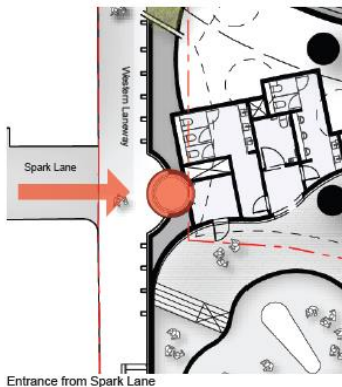
Enhanced Form

The shape is further enhanced by shaping the façade segments concave, providing a bespoke identity of the tower.

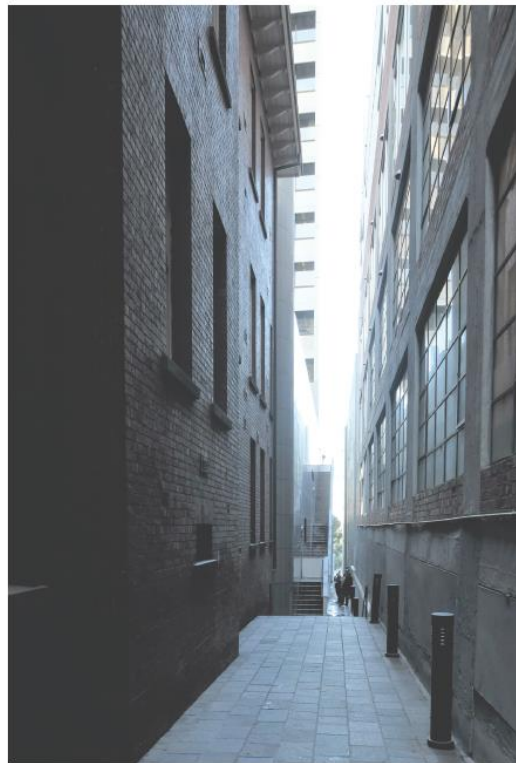
Excerpt from Urban Context Report (Issue A) showing 'Form Finding' exercise that led to the resolution of the 'Revision G' "Enhanced Form", (p.27 of 94)

4.4.4 Planning response - Western laneway / Western wall investigations

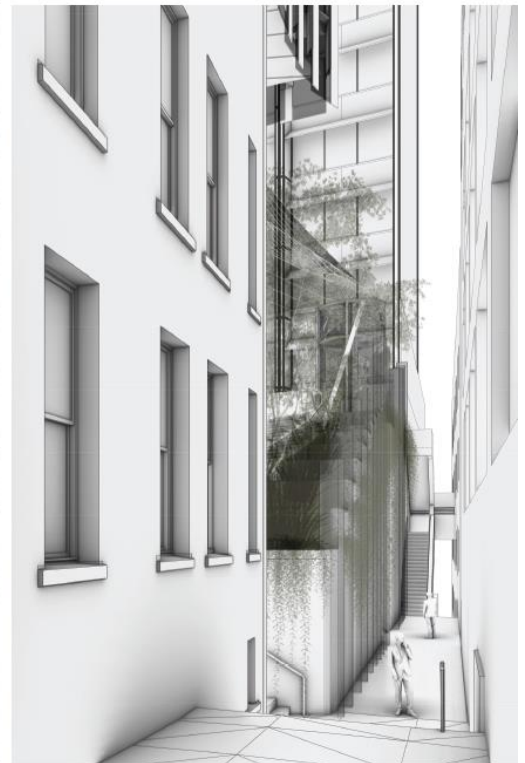
Opening up Western Laneway to the new plaza and development areas also improves safety and surveillance to the existing narrow nature of this corridor. With new stairs and a lift onto the plaza area, glimpses of the canopy and landscape will also brighten the laneway and encourage pedestrian utilisation of Western Laneway and Spark Lane connection to the site.



Entrance from Spark Lane



Existing Condition Western Laneway



Proposed Western Laneway Activation

Excerpt from Urban Context Report (Issue A) showing Western Laneway activation / penetrations of the 'Revision G' design (p.32 of 97)

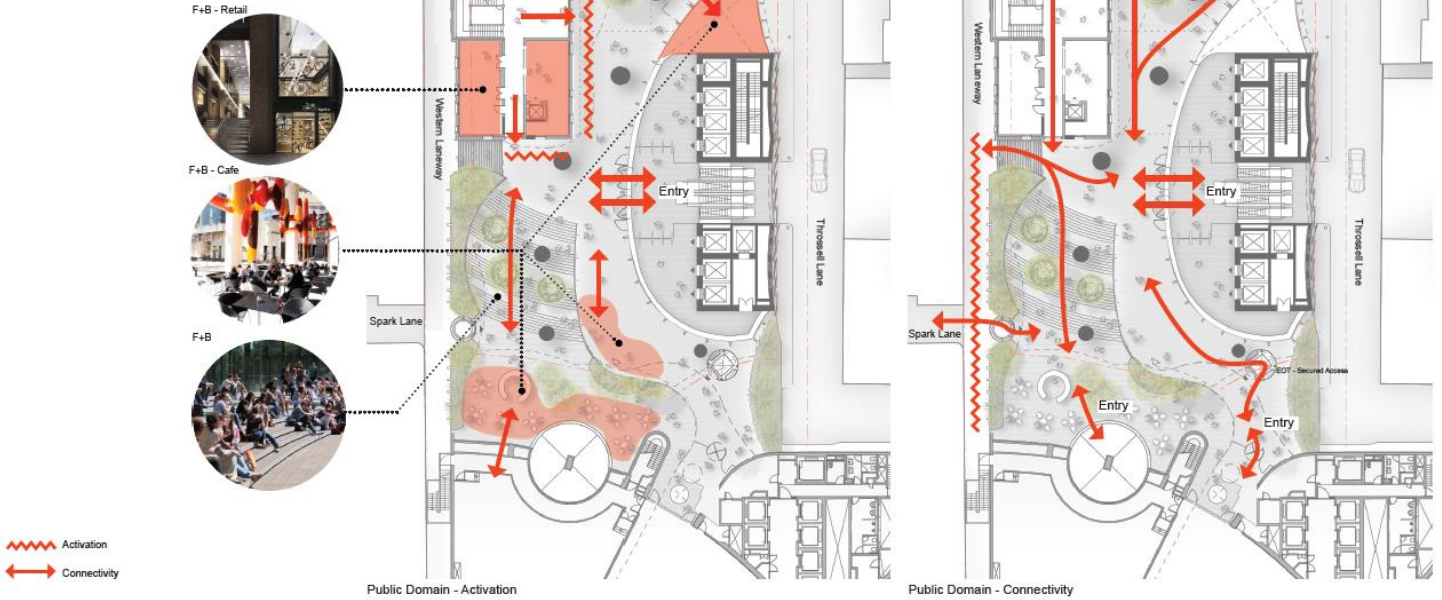


Excerpt from Urban Context Report (Issue A) showing 'Revision G' presentation of Tower 2 soffit and interface with Milton House to Flinders Lane (p.3 of 94)

3.2.2 FMC1 April 2022 – Plan Excerpts – ‘Revision G’ Ground Plane & Streetscape

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

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




Excerpt from Urban Context Report (Issue A) showing ‘Revision G’ activation and connectivity of proposed external plaza and interior spaces (p.31 of 94)



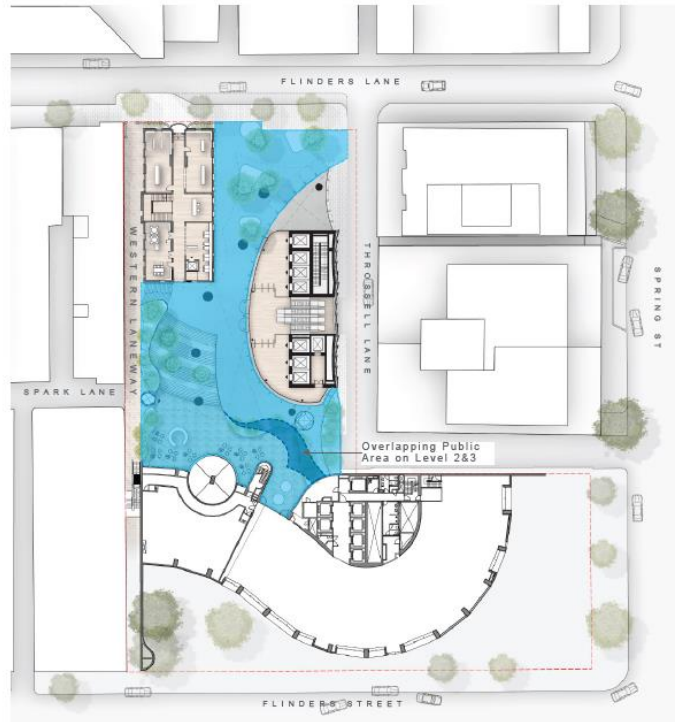
Excerpt from Urban Context Report (Issue A) showing ‘Revision G’ ground plane layout of Level 2 (at grade with Flinders Lane) and Level 3 (p.46 of 94)

2. Northern Public Accessible Plaza

 Area summary below:
Site footprint: 5,245 sqm



Existing Condition
Area: 556 sqm



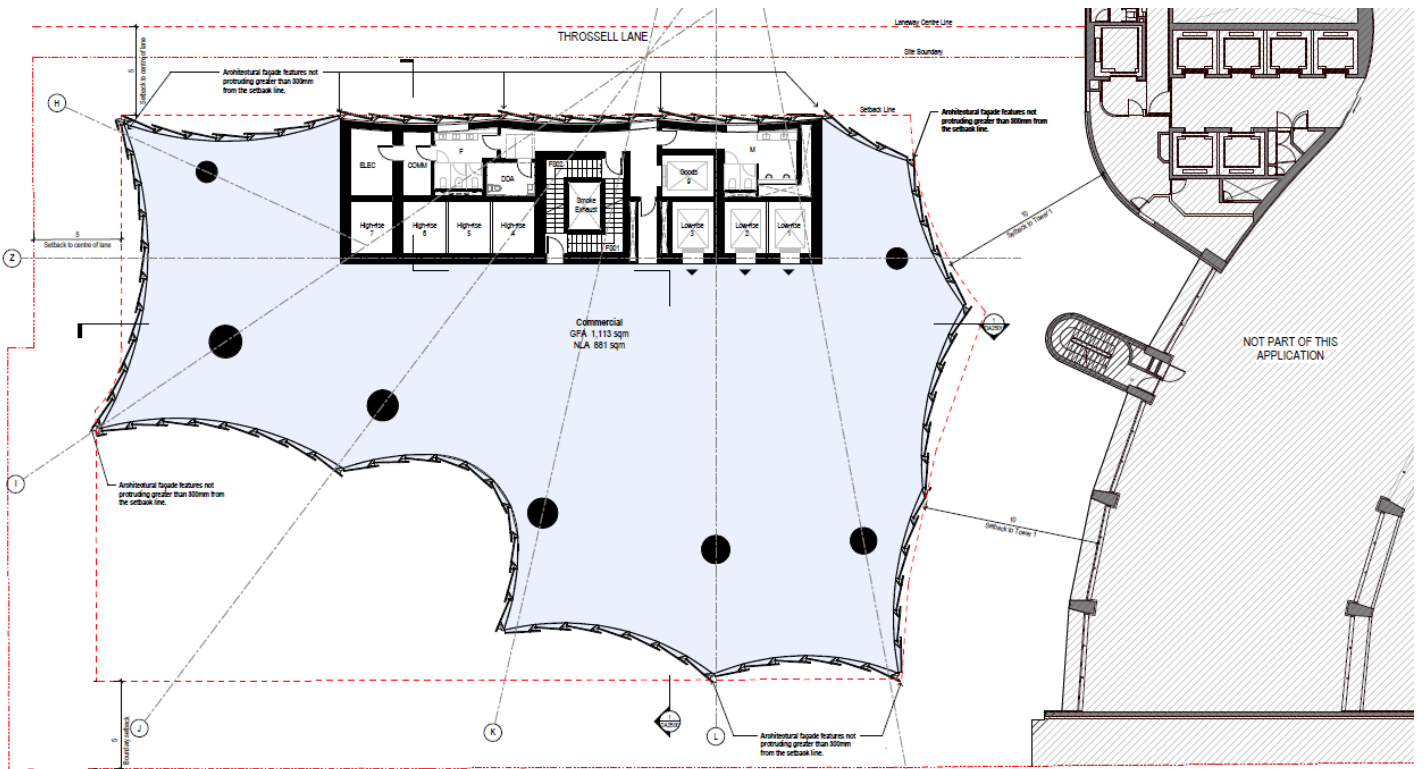
Proposed Condition
Area: 1307 sqm (135% Area increase from existing condition)

Excerpt from 'Plaza Area Diagrams' (Issue B), dated 10 February 2022, showing Proponent's calculation of public accessible 'plaza' areas for 'Revision G' development

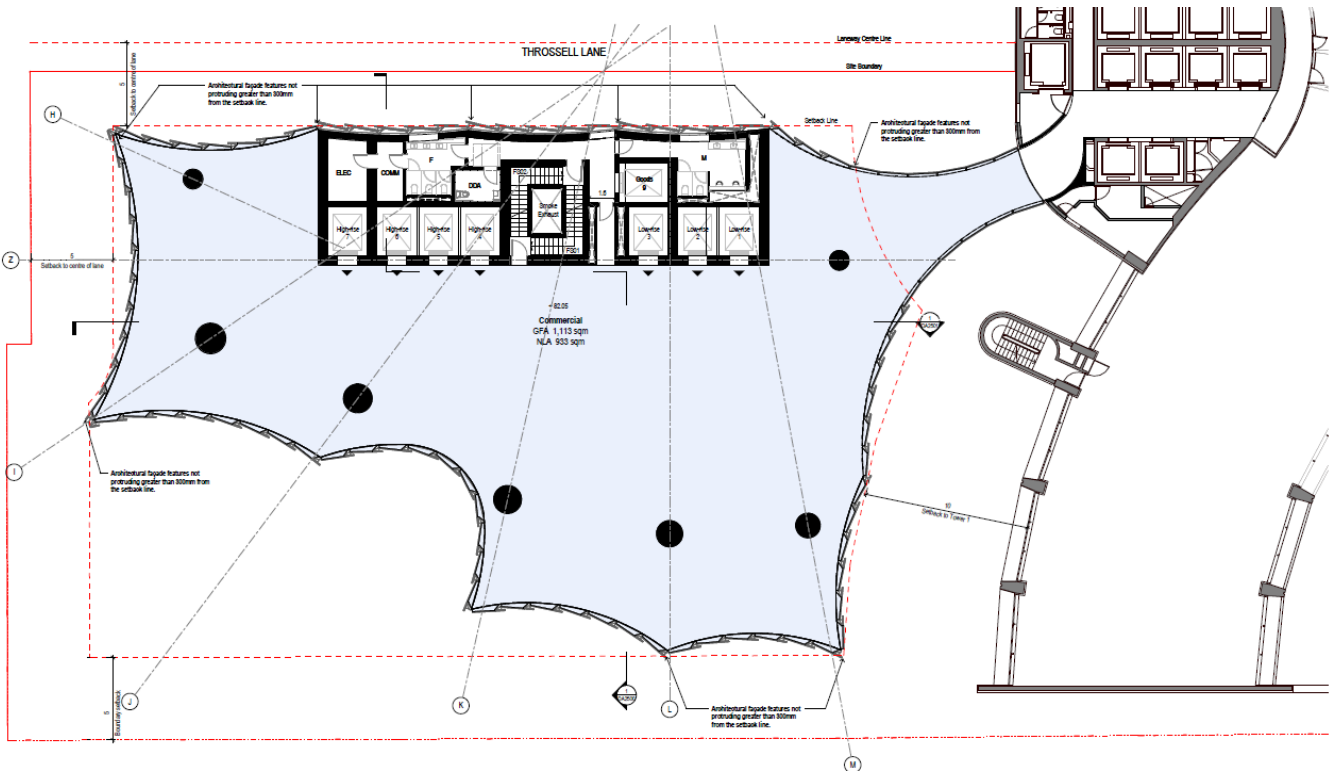


Excerpt from Urban Context Report (Issue A) showing proposed 'Revision G' Tower 2 in Flinders Lane streetscape (p.55 of 91)

3.2.3 FMC1 April 2022 – Plan Excerpts – ‘Revision G’ Floor and Roof Plans



Excerpt from ‘Level 10-14 (Typical Low Rise)’, Drawing No. DA1016, Revision G



Excerpt from ‘Level 15 (Bridge to Tower 1)’, Drawing No.DA1017, Revision G

3.3 Heritage Victoria Application Chronology

Refer to Attachment 4 to management's report to FMC 5 April 2022 for a chronology of the Heritage Victoria Applications and Refusal of the Heritage Applications relating to Shell House and Milton House.

3.4 Appointment of Advisory Committee & Filing of Amended Plans

On 24 June 2022, the Minister for Planning appointed an Advisory Committee (AC), "to report on planning and heritage matters in relation to the proposed development of the land for the partial demolition of existing structures and development of a multi-storey commercial office building at 1 Spring Street and 21-25 Flinders Lane, Melbourne".

The Terms of Reference for the, '1 Spring Street and 21-25 Flinders Lane, Melbourne Advisory Committee' are provided in Attachment 3 to the report from Management.

The Committee Directions and Hearing Timetable issued by the AC on 22 December 2022 schedule the Hearing for the week commencing Monday 6 March 2023, running until Wednesday 22 March 2023, and include the (amongst other directions) Direction 11, providing the opportunity for the proponent to circulate amended plans to be relied upon for the Hearing:

11. The Proponent must circulate any amended plans sought to be relied upon, including a statement of changes which describes the changes from the plans lodged with the RFI response in February 2021, being those dated 16 February 2021 and marked Revision 'C', by 12 noon on Monday 16 January 2023.

This Direction is unpacked below:

- The 'RFI response' referred to in this Direction relates to plans submitted to Heritage Victoria on 22 February 2021, which accompanied a response to Heritage Victoria's request for further information (issued on 21 December 2020) relating to Heritage Permit Application P33300 (1 Spring Street (Shell House), Melbourne).
- The 'Revision C' plans, which accompanied the proponent's response to Heritage Victoria's request for further information, pre-date notice of Amendment C401 being given to City of Melbourne in July 2021, and were not made available to the City of Melbourne as part of its assessment of Amendment C401.

4 PROPOSAL

4.1 Updated Plans / Reports provided on 16 January 2023 for consideration by the Advisory Committee

On 16 January 2023, the Proponent for Amendment C401 provided the documents listed in the table below to all parties to the Advisory Committee Hearing in response to Direction 11 of the AC's Directions issued 22 December 2022.

Table: Assessed Application Documents			
#	Plan / Report Title	Plan / Report Author	Plan / Report Date
1	Architectural plans – 1 Spring Street, Melbourne, Tower 2	Ingenhoven + Architectus + Seidler	13 January 2023 (Revision J)
2	Urban context report	Ingenhoven + Architectus + Seidler	13 January 2023 (Issue C)

In contrast to the material provided to the Minister for Planning and City of Melbourne in February 2022, which included a comprehensive suite of supporting documents and reports to assist the Minister for Planning and Council in assessing proposed Planning Scheme Amendment, the Proponent's response to Direction 11 comprised only the two above documents.

4.2 Summary of Key Changes in 'Revision J' Scheme

A summary of the key changes introduced by the 'Revision J' scheme to the 'Revision G' scheme, relevant to the original assessment of the proposed development under Amendment C401 by Council's Future Melbourne Committee is provided below:

1. Reverting Tower 2's floorplate design from the 'Revision G' design to the originally proposed tower floorplate design.

This design change reintroduces a significant cantilever of Tower 2's floorplate over Milton House.

2. Alterations to the Western Laneway (Spark Lane and the through-block connection) Interface design.

Retention of a greater volume of Shell House's podium and Level 3 terrace², has resulted in the existing through-block connection interface remaining largely unmodified, save for the introduction of one pedestrian entry at the rear of Milton House.

Modifications to this interface resolved through the assessment of Amendment C401 had sought to enhance this connection by providing a greater degree of activation / penetrations (including via landscaping and ornamentation), and a publicly accessible connection through to Spark Lane.

3. Alterations to the design of the northern publicly accessible private plaza (interfacing with Flinders Lane) and interior publicly accessible areas of the development, removing landscaping treatments and significantly reducing the size of external publicly accessible areas. These (significant) design changes from the 'Revision G' drawings are driven by:
 - Alterations to the northern publicly accessible private plaza, regressing the landscape design of the area interfacing with Flinders Lane and the entry to the interior building foyer, resolved in the 'Revision G' drawings, which had made use of marble seating

² Retention or demolition of heritage fabric does not fall within Planning's scope of assessment of Amendment C401 in this report.

plinths with integrated tree planting to provide a solid human-scale treatment that was welcoming to the public.

- Retention of a greater volume of Shell House's podium and private³ upper terrace (Level 3), including the reconfiguration of the 'Theatrette', which have significantly reduced the area of what the Proponent contends is a 'Plaza' within the development accessible to members of the public.
4. Deletion of the sky bridge connecting Tower 2 to Shell House at level 15 of the development.
 5. Reducing the height of Tower 2 from RL188.600, 38 storeys (including plant) to RL178.050⁴, 35 storeys (including plant).

Notably, the design changes introduced in the 'Revision J' scheme do not adopt, or respond to, the Future Melbourne Committee's key recommended design change in its resolution of 5 April 2022, which, acknowledging concerns relating to the proposal's erosion of the northern publicly accessible private plaza and non-compliance with the design requirements of DDO1, had sought the following (emphasis added):

- 1.1 *Confirm that the objections by the Melbourne City Council to the granting of heritage permits for the original proposal remain current, that heritage remains a threshold consideration for the proposed development, and that the planning advice at 11.2 is separate to the heritage permit process.*
- 1.2 *Advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports Amendment C401, subject to the conditions contained within the Incorporated Document set out in Attachment 4 of the report from management, but with **condition 1a) amended to read: 'Deletion of the built form associated with the retail premises at Level 2 and Level 3 of Tower 2 to increase the size of the northern plaza by a minimum of 60 sqm'***

Alterations to Tower 2 and regression of the landscape design of the area interfacing with Flinders Lane, maintain the original podium form with primarily glazed frontages at the street level.

³ The existing Level 3 terrace is for use by tenants of the building only (noted in Section 5.3 of the 'Revision J' Urban Context Report), and features access similar to that proposed in the 'Revision J' drawings. The 'Revision J' Architectural Drawings and Urban Context Report do not clearly show the revised Level 3 terrace design as being publicly accessible. In the event that this was the intention, it is noted that the revised design for the Level 3 terrace would not be suitable for public access as it is functionally separated from the ground level 'plaza' areas, and would be read as a de facto private area due to all access points being narrow and secluded (i.e. a narrow stair behind the podium to Tower 2 and internal elevator) from public view. The Level 3 terrace (existing and proposed) would not meet the design requirements for a Plaza.

⁴ 150.33 metres above a spot level of RL27.72 at the centre of the site's Flinders Lane frontage and 159.55 metres above a spot level of 18.5 at the centre of the site's Flinders Street frontage.

4.3 Plan Excerpts – ‘Revision J’ Renders



Excerpt from Urban Context Report (Issue C) showing ‘Revision J’ façade design of proposed Tower 2, with reintroduction of overhang over Milton House (p.78 of 107)

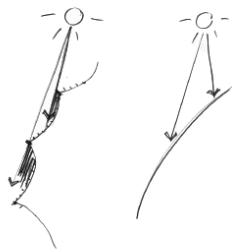
Seidler

4. Planning Response

4.3 Form Finding

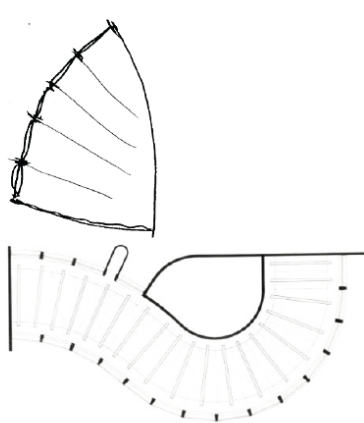
Responding to the heritage context of Tower 1 and Milton House, the organic, curved shape has informed the architectural language of Tower 2.

The massing form is derived from and responds to both the site orientation and outlook towards the north and north-west, whilst also being manipulated to provide breathing space to respect the heritage interfaces of Milton House and Tower 1.



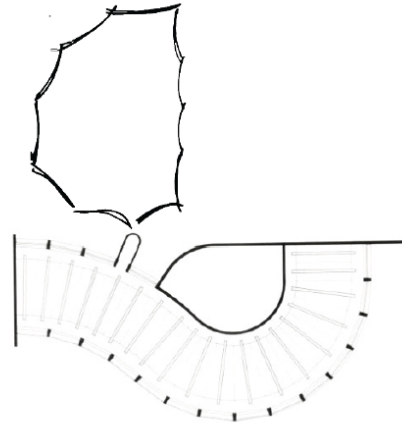
Concept

Illustration of enhanced façade self-shading



Form

The shape is derived from a new interpretation of the existing Harry Seidler design with regards to its rhythm, yet acts as a ‘friendly neighbour’ with an appropriate distance between old and new.



Enhanced Form

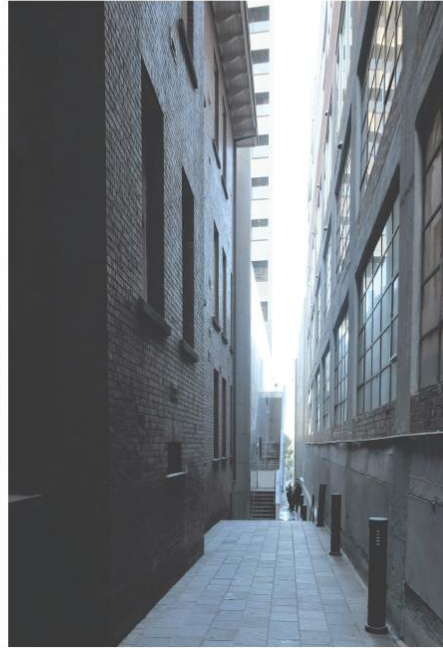
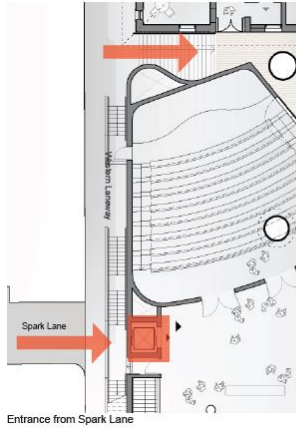
The shape is further enhanced by shaping the façade segments concave, providing a unique identity of the tower.

Excerpt from Urban Context Report (Issue C) showing ‘Form Finding’ exercise that led to the resolution of the ‘Revision J’ “Enhanced Form”, (p.29 of 107)

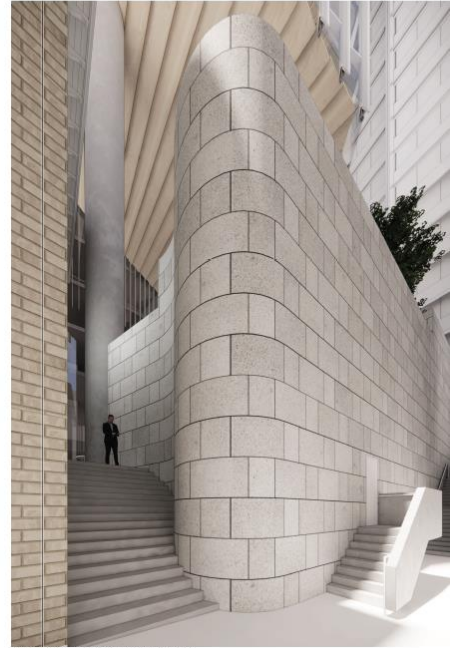
4. Planning Response

4.8 Western Laneway

Opening up Western Laneway to the new plaza and development areas also improves safety and surveillance to the existing narrow nature of this corridor. With new stairs and a lift connecting with the plaza area, glimpses of the public space and level 3 landscape areas will help brighten this narrow laneway and encourage better pedestrian utilisation of both Western Laneway and Spark Lane improving connection to the site and laneway network within the immediate urban context.

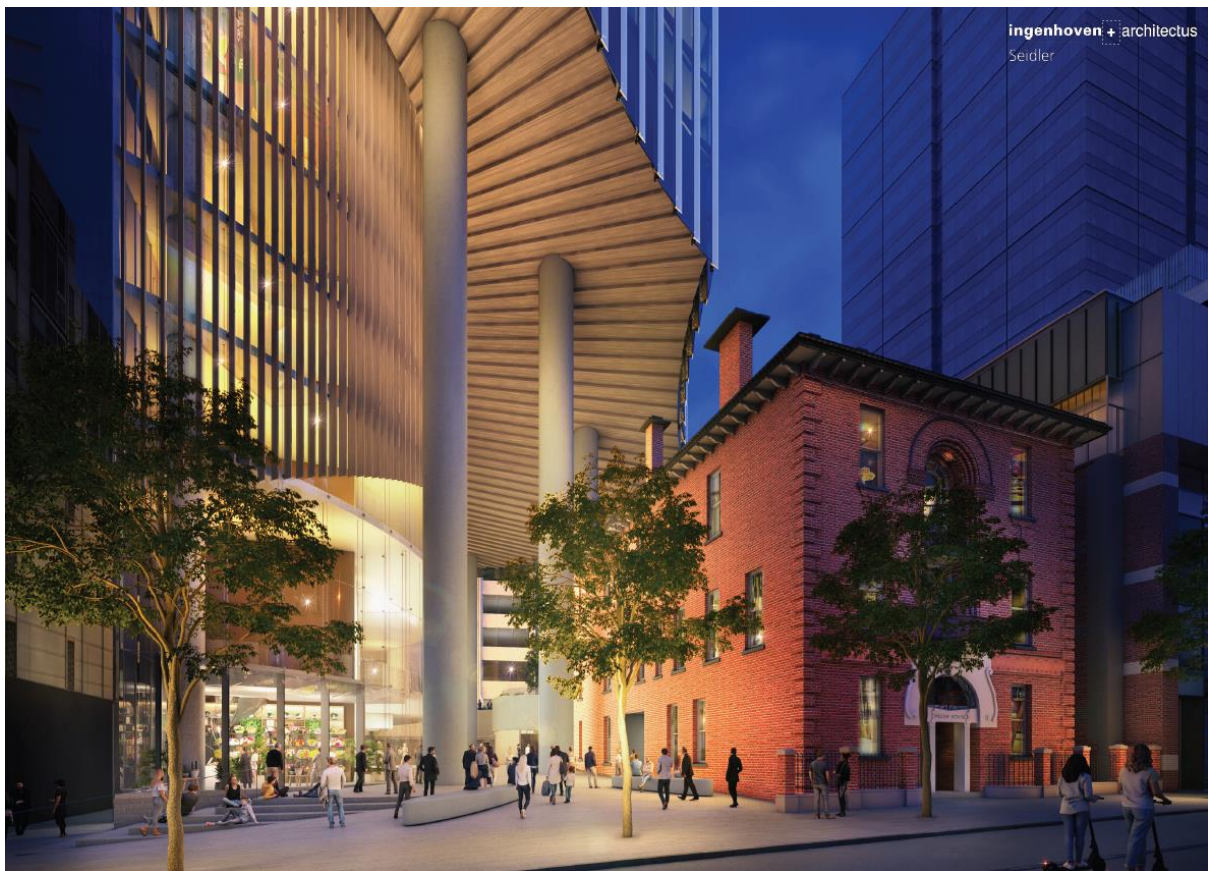


Existing Condition Western Laneway



Proposed Western Laneway Activation

Excerpt from Urban Context Report (Issue C) showing Western Laneway and partial retention of existing Shell House podium and treatment in 'Revision J' design (p.34 of 107)



Excerpt from Urban Context Report (Issue C) showing 'Revision J' presentation of Tower 2 soffit and interface with Milton House to Flinders Lane, including removal of landscaping (p.94 of 107)



Excerpt from Urban Context Report (Issue C) showing 'Revision J' presentation of proposed Tower 2 to Flinders Lane, as viewed at street level (p.71 of 107)



Excerpt from Urban Context Report (Issue C) showing 'Revision J' interior foyer area (facing retained private upper level terrace and reconfigured theatrette) (p. 50 of 107)

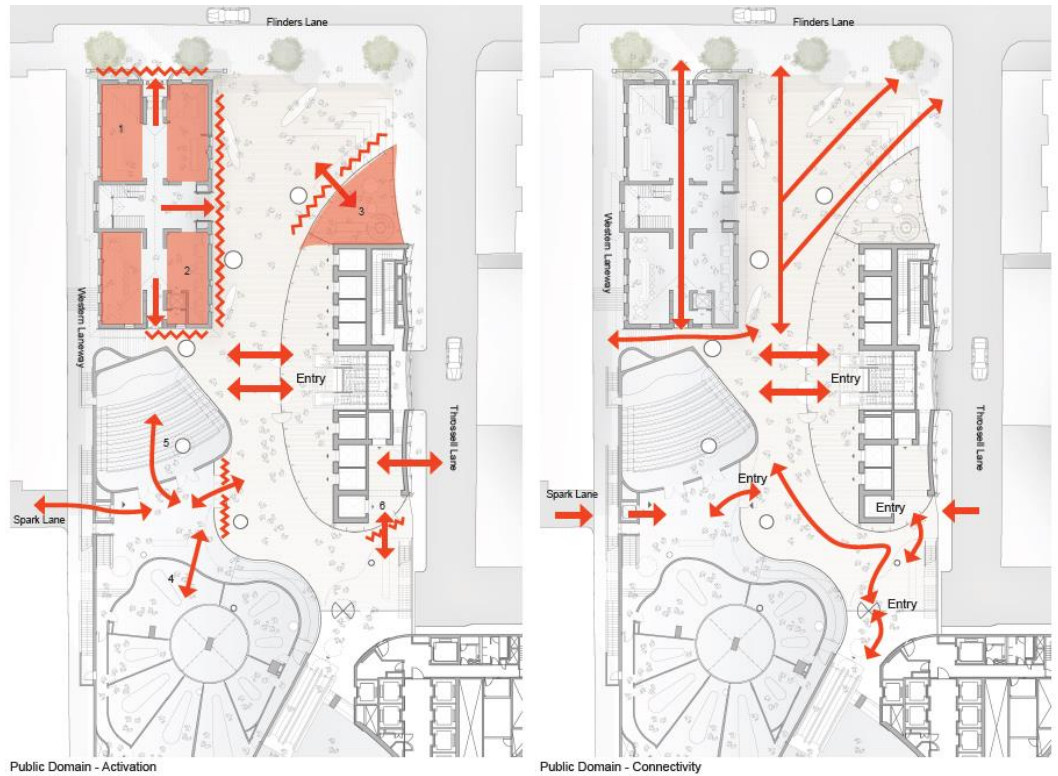


Excerpt from Urban Context Report (Issue C) showing 'Revision J' interior foyer area (facing Milton House) (p.41 of 107)

4.4 Plan Excerpts – ‘Revision J’ Ground Plane & Streetscape ‘

Multiple retail and food & beverage points have been introduced to the space to activate the plaza and create a new destination in the precinct. In addition to the office lobby of the proposed tower 2, the redefined 1 Spring Street Flinders Lane entry bookends the plaza with a theatre and landscaped areas in between.

With the proposed entrance points and much-improved access around the site, connectivity is improved and encouraged north-south as well as east-west. From Spark Lane, via Western Lane Way a DDA-compliant lift has been provided for step-free access, whilst the shuttle lift connects Throssell Lane at level 1, the plaza at level 2, and restaurant and bar facilities at levels 4 to 6 of the proposed Tower 2.



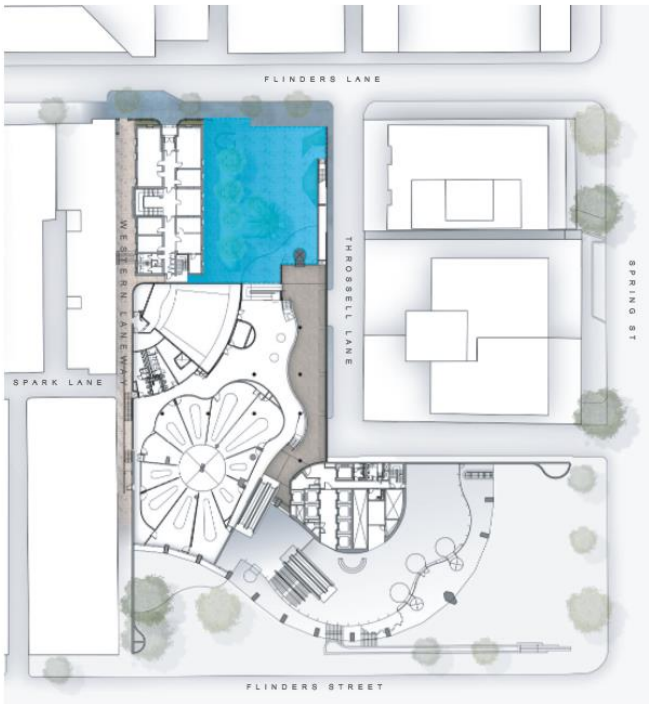
Excerpt from Urban Context Report (Issue C) showing ‘Revision J’ activation and connectivity of proposed external plaza and interior spaces (p.33 of 107)



Excerpt from Urban Context Report (Issue C) showing ‘Revision J’ ground plane layout of Level 2 (at grade with Flinders Lane and Level 3, including partial retention and redesign of private upper terrace (p.55 of 107)

2. Northern Public Accessible Plaza

Area summary below:
Site footprint: 5,245 sqm



Existing Condition



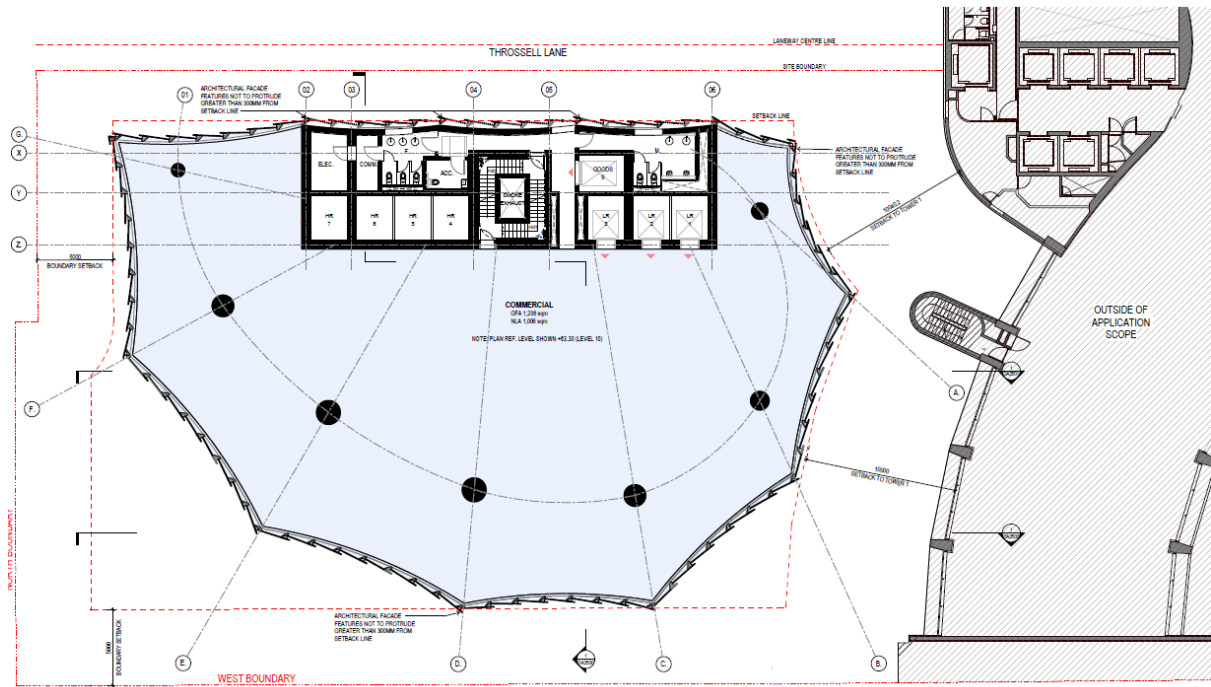
Proposed Condition

Indicative annotated excerpt from 'Plaza Area Diagrams' (Issue B), dated 10 February 2022, with the revised layout of the 'Revision J' public accessible 'plaza' areas highlighted blue

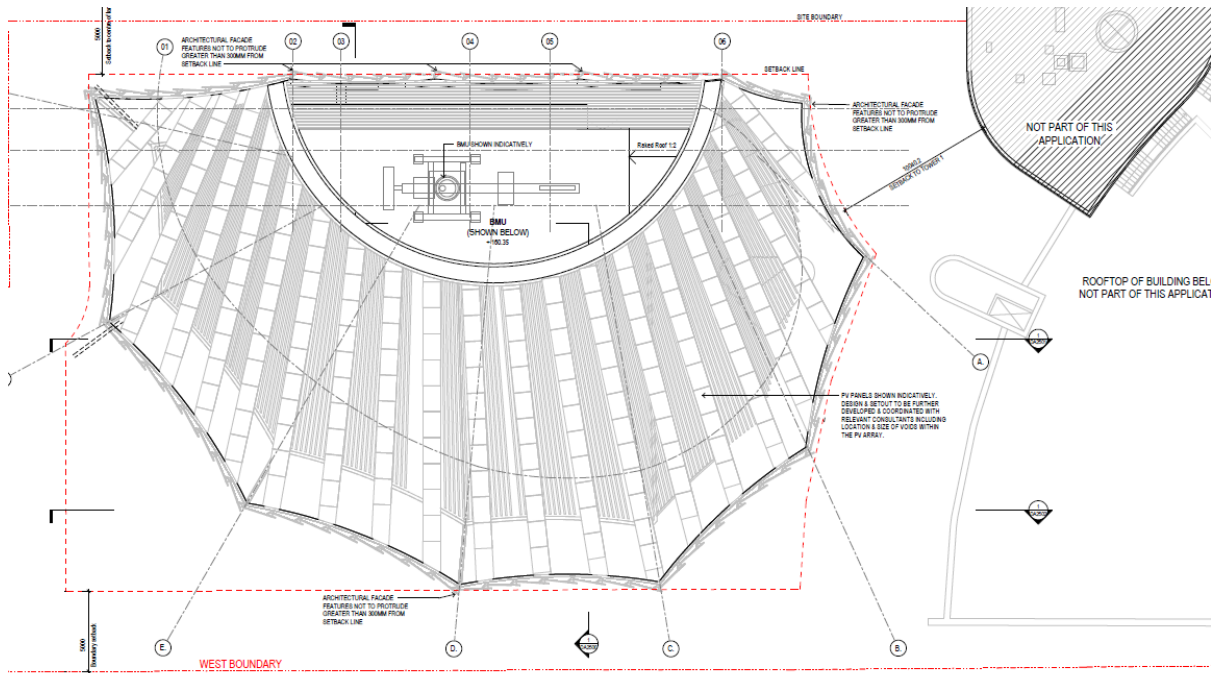


Excerpt from Urban Context Report (Issue C) showing proposed 'Revision J' Tower 2 in Flinders Lane streetscape (p.72 of 107)

4.5 Plan Excerpts – ‘Revision J’ Floor and Roof Plans



Excerpt from ‘Level 10-16 (Typical Low Rise)’, Drawing No.DA1016, Revision J



Excerpt from ‘Roof’, Drawing No.DA1026, Revision J

5 PLANNING SCHEME PROVISIONS

Amendment C401 is a proponent-led Planning Scheme Amendment, which seeks to make the following changes to the Melbourne Planning Scheme⁵:

Overlay Maps

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

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

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

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

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

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

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

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

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

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

5.1 Strategic Framework

The former Local Planning Policy Framework was translated into an integrated Planning Policy Framework structure under Amendment C409 on 21 September 2022.

The explanatory report for the amendment provides, among other things, that:

“...[t]he amendment provides for a generally neutral translation of existing policy content into the new policy structure. The amendment does not introduce any new policy content or apply new provisions to land.”

The below table sets out policies within the Municipal Planning Strategy and Planning Policy Framework considered relevant to Amendment C401:

Municipal Planning Strategy

⁵ Noting that an updated version of the proposed Incorporated Document and suite of Planning Scheme Amendment documents did not accompany the ‘Revision J’ drawings circulated on 16 January 2023, and that the updated Incorporated Document is not due to be circulated until 12 noon 24 February 2023 in accordance with Direction 16 of the AC’s Directions dated 22 December 2022, Planning has assessed the amended plans on the basis of the proposed Incorporated Document considered by FMC on 5 April 2022.

Clause 2.03	Strategic Directions
Clause 2.04	Strategic Framework Plans
Planning Policy Framework	
Clause 11	Settlement
• Clause 11.03	Planning for Places
Clause 13	Environmental Risks and Amenity
• Clause 13.05	Noise
• Clause 13.06	Air Quality
• Clause 13.07	Amenity, Human Health and Safety
Clause 15	Built Environment and Heritage
• Clause 15.01	Built Environment
• Clause 15.03	Heritage
Clause 17	Economic Development
• Clause 17.01	Employment
• Clause 17.02	Commercial
Clause 18	Transport
• Clause 18.01	Land Use and Transport
• Clause 18.02	Movement Networks
Clause 19	Infrastructure
• Clause 19.03	Development Infrastructure

5.2 Zone / Overlays

The proposed changes to the development in the 'Revision J' drawings do not alter the "permit requirements", as set out in the original assessment of proposed Tower 2 in the Attachment 4 to the report from management to the Future Melbourne Committee, 5 April 2022.

In the event that Amendment C401 is approved, the following planning controls would no longer apply.

Zone	Requirement
Clause 37.04 Capital City Zone Schedule 1: Outside the Retail Core	<p><i>Land Use – permit not required</i></p> <p>The land uses proposed in Amendment C401, including Office and Retail premises are 'Section 1 – permit not required' land uses in the Capital City Zone (Schedule 1) (CCZ1) and do not require planning permission.</p> <p>In the event that these uses were altered in the future, the proposed Incorporated Document includes a secondary consent mechanism that would allow the planning authority for Amendment C401 to assess any proposed use.</p> <p><i>Buildings and Works – permit required</i></p>

	<p>A permit is required to construct a building or construct or carry out works in the CCZ1.</p> <p>A permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) to construct a building or construct or carry out works with a floor area ratio in excess of 18:1 on land to which Schedule 10 to the Design and Development Overlay applies.</p> <p>A report prepared by WT Partnership and Architectus (now superseded by virtue of the changes to the design introduced in the 'Revision J' drawings), reported the 'Revision G' design as having a floor area ratio (FAR) of 14.93:1 (this assessment considered all buildings on-site, including Milton House, Shell House and Proposed Tower 2).</p> <p>The changes introduced by the 'Revision J' design are unlikely to increase the FAR such that the proposed development under Amendment C401 would exceed a FAR of 18:1, however no conclusion can be reached until an updated development summary has been provided by the Proponent.</p> <p><u>Demolition – permit required</u></p> <p>A permit is required to demolish or remove a building in the CCZ1.</p>
Overlay	Requirement
<p>Clause 43.01 Heritage Overlay Schedule HO637: Milton House, 21-25 Flinders Lane, Melbourne Schedule HO1235: Shell House, 1 Spring Street, Melbourne</p>	<p>Places in the Victorian Heritage Register – permit not required</p> <p>Under Clause 43.01-2 of the Heritage Overlay, a heritage place which is included in the Victorian Heritage Register is subject to the requirements of the <i>Heritage Act 2017</i>.</p> <p>Clause 43.01-3 provides that no permit is required under the Heritage Overlay:</p> <ul style="list-style-type: none"> ▪ <i>To develop a heritage place which is included on the Victorian Heritage Register, other than an application to subdivide a heritage place of which all or part is included in the Victorian Heritage Register.</i>
<p>Clause 43.02 Design and Development Overlay Schedule 1: Urban Design in Central Melbourne</p>	<p><u>Buildings and Works – permit required</u></p> <p>Under Clause 43.02-2 a permit is required to construct a building or construct or carry out works, except if a Schedule to the overlay specifically states that a permit is not required.</p> <p>Schedule 1 to the Design and Development Overlay (DDO1) provides that a permit is not required to develop a heritage place which is included on the Victorian Heritage Register if either:</p> <ul style="list-style-type: none"> ▪ A permit for the development has been granted under the <i>Heritage Act 2017</i>. ▪ The development is exempt under Section 66 of the <i>Heritage Act 2017</i>. <p>At the time the 'Revision G' design was considered by FMC on 5 April 2022, Heritage Victoria had refused to grant a permit for the proposed development, and the above exemptions therefore did not apply.</p> <p>The status of the Heritage Applications has not changed in the intervening period between FMC 5 April 2022 and the date of this report.</p> <p><u>Mandatory requirements in DDO1</u></p> <p>A permit cannot be granted to vary the Design requirements in DDO1 expressed with the term 'must'.</p>

	The key changes proposed in the 'Revision J' drawings have been assessed against these requirements in Section 7 of this report.
<p>Clause 43.02</p> <p>Design and Development Overlay</p> <p>Schedule 10: General Development Area – Built Form</p>	<p><u><i>Buildings and Works – permit required</i></u></p> <p>Under Clause 43.02-2 a permit is required to construct a building or construct or carry out works, except if a Schedule to the overlay specifically states that a permit is not required.</p> <p>Schedule 10 to the Design and Development Overlay (DDO10) does not specify any exemption that would apply to the proposed development under Amendment C401.</p> <p><u><i>Mandatory requirements in DDO10</i></u></p> <p>A permit cannot be granted for buildings and works that do not meet the Modified Requirement for any relevant Design Element specified in Table 3 to this schedule.</p> <p>The key changes proposed in the 'Revision J' drawings have been assessed against these requirements in Section 7 of this report.</p>
<p>Clause 45.09</p> <p>Parking Overlay</p> <p>Schedule 1: Capital City Zone – Outside the Retail Core</p>	<p><u><i>Parking requirement – permit not required</i></u></p> <p>Insufficient information has been provided to accompany the 'Revision J' Drawings to enable a complete assessment of the proposed development against the requirements of Schedule 1 to the Parking Overlay.</p> <p>Refer to Attachment 4 of Management's report to the Future Melbourne Committee on 5 April 2022 for a record of the original assessment of the development.</p>

5.3 Particular Provisions

Insufficient information has been provided to accompany the 'Revision J' Drawings to enable a complete assessment of the proposed development against the relevant particular provisions applying to the site under the Melbourne Planning Scheme, which include:

- Clause 52.05 Signs
- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- Clause 53.18 Stormwater Management in Urban Development.

Refer to Attachment 4 of Management's report to the Future Melbourne Committee on 5 April 2022 for a record of the original assessment of the development.

5.3.1 Clause 65 Decision Guidelines

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

6 PUBLIC NOTIFICATION

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

Subsequently, the Minister for Planning has appointed the '1 Spring Street and 21–25 Flinders Lane, Melbourne Advisory Committee' (AC) pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to report on planning and heritage matters in relation to the proposed

redevelopment of the land for the partial demolition of existing structures and development of a multi-storey commercial office building at 1 Spring Street and 21-25 Flinders Lane, Melbourne.

The Terms of Reference for the AC provide the following:

18. *The Advisory Committee is not expected to carry out any additional public notification or referral.*
19. *The Advisory Committee shall provide the following parties with an opportunity to make a submission and be heard:*
 - *Heritage Victoria*
 - *Melbourne City Council*
 - *The applicant and its representatives*
 - *Department of Environment, Land, Water and Planning*
 - *Department of Transport.*

Melbourne City Council is a party to the '1 Spring Street and 21–25 Flinders Lane, Melbourne Advisory Committee'.

Melbourne City Council must circulate its written submission on Amendment C401 to parties on the distribution list by 12 midday on 2 March 2023, and is scheduled to give submissions to the '1 Spring Street and 21–25 Flinders Lane, Melbourne Advisory Committee' Hearing on Monday 20 March 2023.

7 CoM Internal Advisor Comments

Updated advice on the 'Revision J' drawings has not been sought from the following City of Melbourne's experts, as insufficient documentation has been provided to enable Council's experts to assess the revised design:

- Council's Engineering Services Branch, including:
 - Waste Engineering Team
 - Traffic Engineering Team
 - Civil Design Team
- Environmentally Sustainable Design.

7.1 Urban Design

7.1.1 Referral Comments

Council's Urban Design Team have provided the following summarised advice on the 'Revision J' drawings provided on 16 January 2023:

Advice summary

The scheme has changed substantially from 'Revision G' drawings.

Changes which are detrimental to the urban design quality of the proposal include:

- ***The reverting of the tower footprint proportion and location.*** *The tower mass now cantilevers over Milton House and a large extent of the existing plaza area as per earlier not supported versions of the scheme. The revision G scheme demonstrated a positive reduction of cantilevering over the plaza, and removal of all cantilevering built form over Milton House.*

- **The reverting of the Western Laneway interface to an earlier not supported version of the scheme.** *The Western Laneway now experiences no penetrations or design improvement. The revision G scheme demonstrated improvements to the buildings interface with the Western Laneway, introducing a landscaped edge, significant penetrations opening up visibility between the internal space and the laneway, as well as a stair connection, and a lift connection to Spark Lane.*
- **The connections to the Western Laneway and Spark Lane are still provided, but diminished in quality.** *The revision G scheme introduced a new stairway access to the Western Laneway from the internal plaza, and a publicly accessible lift to Spark Lane.*
 - *The penetration and stair to the Western Laneway is diminished in proportions, and is obstructed by a significant column.*
 - *The lift access to Spark Lane is now only accessible through the theatrette lobby, diminishing its legibility and accessibility to the public.*
- **The removal of grain and solid human scaled details to Flinders Lane frontage.** *The scheme has reverted to an earlier not supported version of the scheme. Primarily glazed frontages at the street level are contrary to objectives of DDO1.*

Other notable changes:

- **Activation at the ground level in the form of the theatrette.** *The reconstructed theatre provides a form of activation and sense of destination to the previously inactive 'internal plaza'. Noting that the original theatrette is still proposed to be demolished, and the theatrette is likely to be a private function, a more publicly accessible function is recommended to sufficiently create an inviting and activated through-block connection for this change to be deemed positive.*
- **Partial retention of existing external terrace to level 3.** *The benefit of the terraced stair as a viable public gathering space of the revision G plans was previously questioned, as it lacked a sense of destination; however, the removal of public access to the upper level terrace reduces the area of publicly accessible space. The partial retention of the existing 'external terrace' to level 3 has the potential to uplift the urban design quality of the scheme. Further retention of the original terrace design is recommended, as the heritage space is likely to be an attractive public destination. Providing public access to this space in the form of a discrete and well-designed and respectful stair and / or public access to the lift (currently provided within the theatrette lobby) will uplift the public benefit of the scheme.*
- **Hospitality tenancy to level 4 and 5.** *Depending on whether this function is intended to be publicly accessible, this could provide some further site activation to the 'internal plaza' if designed to be legible for public access from the street level.*

7.1.2 Planner Response

Council's Urban Design Team has provided thoughtful and comprehensive advice throughout the lifespan of Amendment C401. This advice has been highly valuable to Planning's appreciation of the key issues and constraints informing the proposed development under Amendment C401.

A brief chronology of the advice provided to illustrate this is provided below:

- **3 March 2021** – advice on the drawing package prepared by Ingenhoven + Architectus, dated 8 November 2020, submitted to accompany a pre-application meeting with DTP and CoM, highlighting key concerns with Tower 2's cantilever over the existing plaza and Milton House and the erosion of the northern publicly accessible private plaza.

- **1 September 2021** – advice on the drawing package prepared by Ingenhoven + Architectus, dated 12 August 2021, submitted to accompany the Amendment C401 package provided to CoM with formal notice by DTP, highlighting key concerns with Tower 2’s cantilever over the existing plaza and Milton House and the erosion of the northern publicly accessible private plaza.
- **22 October 2021** – advice on the ‘August 2021 Plaza Presentation’, which disagreed with the Proponent’s assessment of the existing northern publicly accessible private plaza (i.e. that it, “functions as little more than a smokers’ lounge”), outlining the following qualities that contribute to the value of the existing plaza:
 - *Predominantly open to sky.*
 - *Easily accessible from the footpath.*
 - *Provides space for stationary activity and refuge for pedestrians.*
 - *Incorporates visually interesting and high quality landscaping elements (surface treatments, planting).*
 - *Is visually integrated with the architectural character of the existing building, while having a high amount of grain and human scale.*
 - *Provides space to view and appreciate the prominence of the city’s high character assets and heritage places from the street.*
 - *Provides a physical separation between taller built form facing Spring Street, and the predominantly low-rise and fine grained character of Flinders Lane.*
- **18 November 2021** – advice on the ‘November 2021 Design Concept’ package, which re-emphasised concerns with Tower 2’s cantilever over the existing plaza (albeit acknowledging that the revised design concept reduced the extent of cantilevering over Milton House) and the erosion of the northern publicly accessible private plaza.
- **2 March 2022** – advice on the ‘February 2022 Resubmission’, which provided the following summary of final “critical matters to address”:
 - *Resolve tower massing relationship to Milton House to maintain prominence of the building from approach, and to protect laneway character.*
 - *Reduce cantilevering over the heritage plaza to maintain 50 per cent retention. A plaza is defined by DDO1 as ‘an open to the sky privately owned space provided and maintained by the property owner for use by the public’. To demonstrate this, provide accurate covered / non-covered plaza area calculations.*
 - *Provide significantly enhanced activation to the internal publicly accessible area / through-block link to ensure a safe, active, and inviting pedestrian experience. This should include a number of substantial and clearly defined retail and food & beverage tenancies, directly accessible from the covered ground floor area. Kiosk cafes / tenancies can be included to supplement a broader activation offering.*
 - *Demonstrate human scaled design to all public interfaces through the inclusion of interactive design elements and better balance of glazing and solidity. All materials used should be robust, natural, textured and high quality with reference to the character of Flinders Lane, and other adjacent laneways. Detailed 1:20 public interface elevations should be provided to demonstrate design resolution, with all relevant materials annotated.*
 - *Resolve column design to minimise visual impact and dominance over the public realm. Minimising overhanging form over the plaza could reduce the size or quantity of columns.*

- *Provide further resolution of the Western Laneway design concept through the provision of detailed 1:20 elevations and renders, with all proposed materials and design elements annotated. In addition to the proposed physical connections, visual permeability should be maximised.*
 - *Provide an updated schedule of materials, including specification detail, finish, colour and image accurately depicting appearance. Any additional materials added as a result of responding to this report should be included.*
 - *Other detailed matters raised in the discussion section of this report.*
- **26 January 2023** –Above advice provided, directing comments to the 'key changes' in the 'Revision J' drawings.

The 'critical' outstanding issues raised in the advice provided by Council's Urban Design Team on 2 March 2022, prepared on the basis of the 'Revision G' drawings, informed management's decision to recommend a comprehensive suite of requirements in Condition 1 (Amended Plans) for inclusion in the Proponent's proposed Amendment C401 Incorporated Document.

These conditions sought to ensure the ground plane of the proposed development was achieving public realm engagement and 'design excellence', responding to relevant design objectives, outcomes and requirements of DDO1.

The changes introduced to the ground plane (and levels 1-3) of the development detailed in the 'Revision J' drawings are (as Council's Urban Design Team have highlighted) substantial. The conditions recommended for inclusion in Attachment 4 of management's report to the FMC on 5 April 2022 are no longer 'current' or relevant to the 'Revision J' drawings.

Council's Urban Design Team's advice has informed the assessment of the changes introduced by the 'Revision J' scheme to the previously considered 'Revision G' scheme against the requirements of DDO1 and DDO10.

8 ASSESSMENT

8.1 Key Issues

The key issues for consideration in the assessment of the ‘Revision J’ drawings, circulated in response to Direction 11 of the AC’s Directions dated 22 December 2022, are as follows:

- Whether the proposed changes introduced by the ‘Revision J’ drawings are of consequence, having regard to the assessment of the ‘Revision G’ drawings against the design outcomes and design requirements of Schedule 1 to the Design and Development Overlay, as set out in Attachment 4 of the report from management to FMC 5 April 2022.
- Whether the proposed changes introduced by the ‘Revision J’ drawings are of consequence, having regard to the assessment of the ‘Revision G’ drawings against the design objectives, built form requirements and built form outcomes of Schedule 10 to the Design and Development Overlay, as set out in Attachment 4 of the report from management to FMC 5 April 2022.

8.2 DDO1 - Urban Design in Central Melbourne

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

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

Buildings and works:

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

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

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

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

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

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

8.2.1 Urban Structure

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

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

	<p>Southbank these pedestrian connections should be open to the sky.</p> <p><i>Note: Urban blocks with an average length of more than 100 metres are identified on Map 1 to the Appendix of the Central Melbourne Design Guide.</i></p> <p>Within 200 metres of a rail station, more frequent pedestrian connections should be provided to manage high pedestrian volumes.</p> <p>Where possible, pedestrian connections should be located less than 70 metres from the next intersection or pedestrian connection.</p> <p>Development with an abuttal to two or more streets or laneways should provide a pedestrian connection between those abuttals where this improves the walkability of the urban block.</p>
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Assessment: Does not comply with design outcome

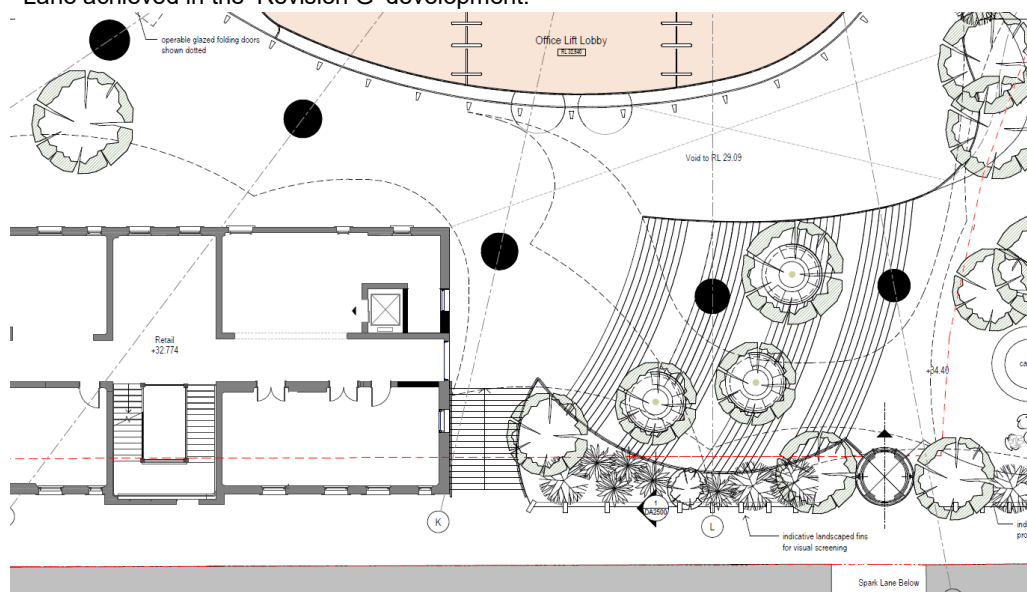
DDO1 identifies the subject site as forming part of an urban block in the Hoddle Grid with an average block length of over 200 m.

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

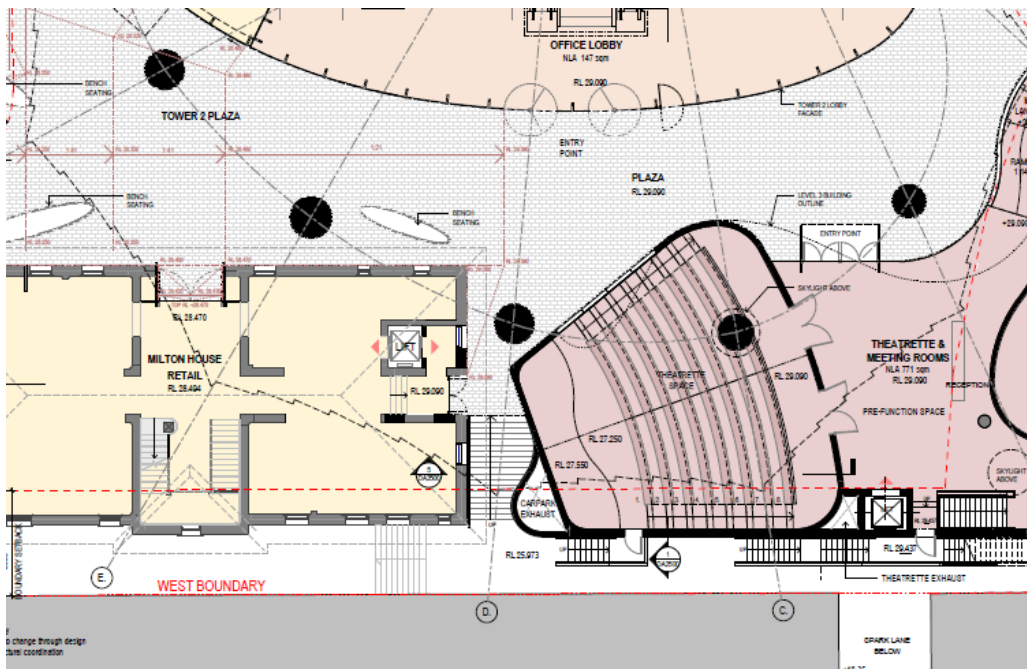
Amendment C401 represents a key opportunity to improve the average block length for this important gateway to the Hoddle Grid by providing additional connections and enhancing pedestrian mobility.

The changes introduced to the plans in the 'Revision J' drawings compromise several initiatives achieved in the 'Revision G' drawings, which management had acknowledged and supported in its report to FMC on 5 April 2022. These include the following:

- Changes to the layout of the columns to proposed Tower 2, and the stair access to the publicly accessible interior foyer areas, impacting on the width, design quality and accessibility of the connection through to the western boundary pedestrian connection. This appears to severely compromise connectivity to the western boundary pedestrian connection achieved in the 'Revision G' development, and may create an unsafe environment for pedestrians.
- Relocating the external elevator to Spark Lane from the publicly accessible terraced café / landscaped area, to within the retained and reconfigured Theatrette & Meeting Rooms pre-function space, understood to be a private / restricted area. This appears to remove the connection to Spark Lane achieved in the 'Revision G' development.



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

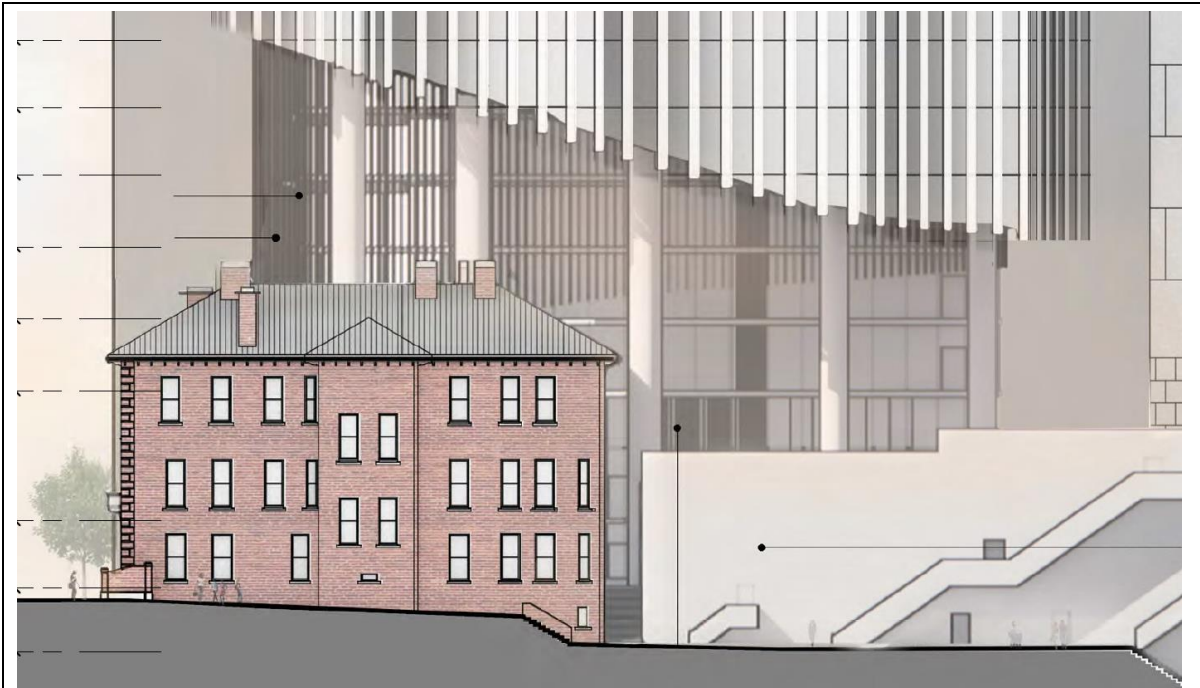


Excerpt from 'Level 2 (Flinders Lane)', Drawing No.DA1008, Revision J

- Retaining a larger proportion of Shell House's podium has removed opportunities created by the original design to open up the interior publicly accessible areas to the western pedestrian connection and activate this space. The landscaped / ornamental treatment to the interface with the western pedestrian connection has been replaced with an inactive polished concrete treatment that will continue for the full height of the Shell House podium to the private terrace.



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



Excerpt from 'West Elevation', Drawing No.DA2003, Revision J

The improvements to the connectivity and programme for the development achieved in the 'Revision G' design have been eroded by the altered 'Revision J' programme, and are of consequence to management's original reasons for supporting Amendment C401.

Noting the above changes and corresponding impact on the connectivity of the development, it is not considered that the 'Revision J' development complies with this design outcome.

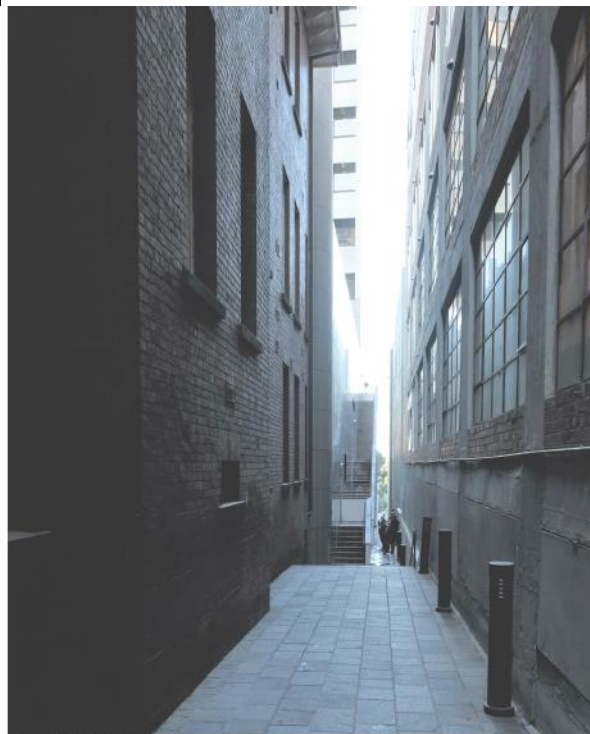
Design outcome	Design requirements
<p>A pedestrian network that:</p> <ul style="list-style-type: none"> • Reduces walking distances. • Completes existing connections and laneways. • Retains and improves existing connections. • Provides partial connections which can be completed when adjacent site development occurs. 	<p>Where a development could deliver part of a pedestrian connection that is able to reduce the average urban block length to less than 100 metres, but does not extend the full depth of the block, the development should include a connection that can be completed when a connection is provided through an adjoining site.</p> <p>Where a development has the potential to achieve a through-block connection by extending an existing or proposed connection on an adjoining site, the development should provide for the completion of the through-block connection.</p> <p>Development should retain and improve the quality of existing pedestrian connections.</p>

Assessment: Does not comply with design outcome

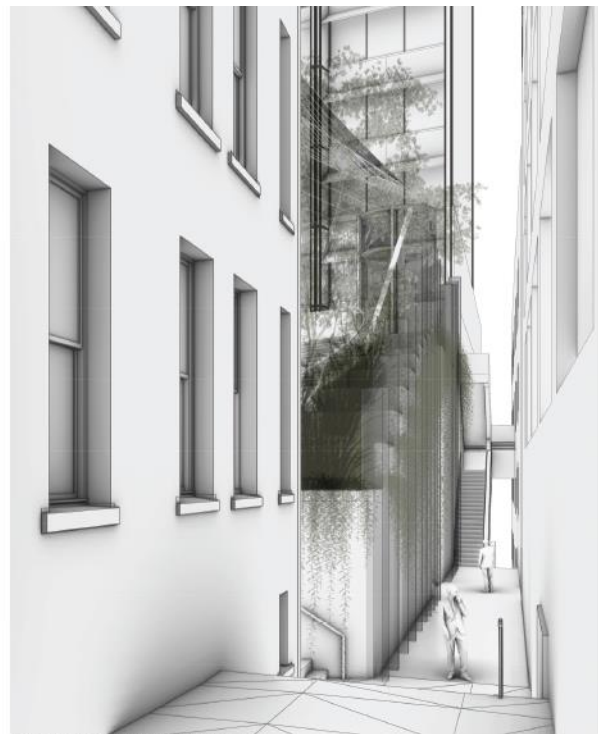
As set out in the consideration of the urban block structure design outcome, the 'Revision J' design compromises several initiatives that were considered to (cumulatively) contribute to the quality of the pedestrian environment around the site.

Management's report to FMC on 5 April 2022, noted a key change to the development made in the February 2022 resubmission, which took advantage of an important opportunity to enhance the existing poorly activated and enclosed western boundary connection with limited public surveillance.

A photograph of the existing connection and 3D renders of how the 'Revision G' design sought to activate this laneway are provided overleaf, together with the revised 'Revision J' design.



Existing Condition Western Laneway



Proposed Western Laneway Activation

Excerpt from Urban Context Report showing existing connection environment and proposed opening of the site and terraced landscaping in 'Revision G' design (p.32 of 94)



Existing Condition Western Laneway

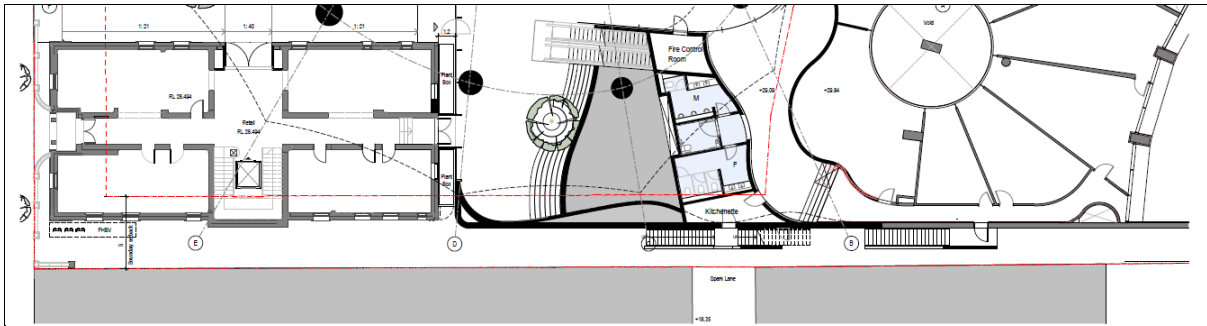


Proposed Western Laneway Activation

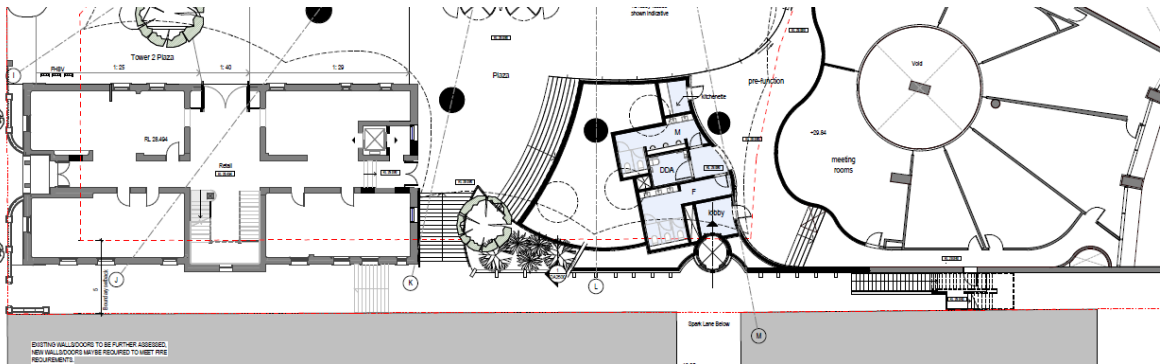
Excerpt from Urban Context Report showing existing connection environment and proposed pedestrian entry in 'Revision J' design (p.34 of 107)

Noting the above changes and corresponding impact on the quality of the western pedestrian connection, it is not considered that the 'Revision J' development complies with this design outcome.

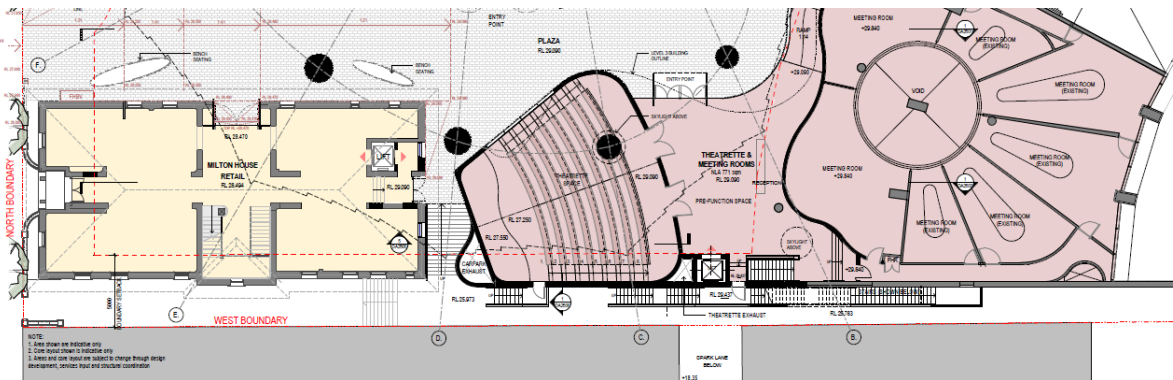
Design outcome	Design requirements
<p>Pedestrian connections that are:</p> <ul style="list-style-type: none"> • High quality. • Safe and attractive. • Accessible by people of all abilities. • Easily identified and legible. • Designed to enable stationary activities. 	<p>Pedestrian connections that reduce (or when completed will reduce) an average urban block length to less than 100 metres should be:</p> <ul style="list-style-type: none"> • Open 24 hours a day. • Open to the sky, an arcade or a through-building connection. <p>Pedestrian connections should be:</p> <ul style="list-style-type: none"> • Direct, attractive, well-lit and provide a line of sight from one end to the other. • Safe and free of entrapment spaces and areas with limited passive surveillance. • Publicly accessible at ground level and appropriately secured by legal agreement. • Lined by active frontages. <p>Laneways should be:</p> <ul style="list-style-type: none"> • At least six metres wide. • Laneways may be less than six metres wide where, either: <ul style="list-style-type: none"> – The laneway is the same width or wider than an existing laneway that it continues. – The laneway does not provide for vehicle access. <p>Arcades should:</p> <ul style="list-style-type: none"> • Adopt vertical proportions with a height greater than the width. • Be a minimum of two storeys in height. • Incorporate high quality exterior grade materials and finishes to all surfaces including paving, walls, ceiling and lighting. • Have highly legible entries including any doors or gates.
<p>Assessment: Does not comply with design outcome</p> <p>As set out in the consideration of the urban block structure and pedestrian connection design outcomes the 'Revision J' design compromises several initiatives that were considered to (cumulatively) contribute to the quality of the pedestrian environment around the site.</p> <p>These key design initiatives to improve the relationship between the development and the western pedestrian connection, and the compromised 'Revision J' design, have been demonstrated in the below excerpts from the architectural plans.</p>	



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



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



Excerpt from 'Level 2 (Flinders Lane), Drawing No.DA1008, Revision J

The changes to the connection between the interior publicly accessible area and western pedestrian connection, and interface between the development and this pedestrian connection, introduced in the 'Revision J' design will not achieve a high quality, safe and attractive, or easily identified and legible connection.

The revised column placement and reconfigured theatrette, results in a minimum clearance of approximately 1.2 metres (a door's width) for pedestrians moving between the western pedestrian connection and interior publicly accessible areas. The level changes, lack of activation or surveillance, and difficult route pedestrians will need to take to utilise this entry will intensify what is already an unsafe area for pedestrians.

Noting the above changes and corresponding impact on the quality of the western pedestrian connection, it is not considered that the 'Revision J' development complies with this design outcome.

8.2.2 Site Layout

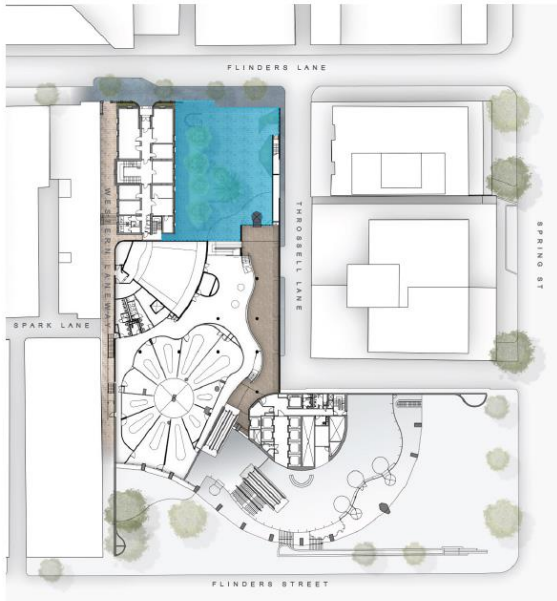
Site Layout refers to the arrangement of buildings and spaces, including the position of entries, building services and circulation cores and how these elements respond to and reinforce the character of streets and laneways.

Design outcome	Design requirements
<p>Site layout that:</p> <ul style="list-style-type: none"> Reinforces the valued characteristics of streets and laneways. Delivers a well-defined public realm. 	<p>Building should be aligned to the street at ground level unless they provide for a plaza.</p> <p>Development should avoid narrow publicly accessible alcoves and recesses that lack a clear public purpose.</p> <p>Development should avoid entrapment areas and areas with limited passive surveillance.</p> <p>Development should cater for anticipated pedestrian volumes.</p>
<p>Assessment: Does not comply with design outcome</p> <p>The northern publicly accessible private plaza makes a significant contribution to the Flinders Lane environment, providing an important visual break and relief from a part of the urban block that is crowded by tall built form. The presence of the existing plaza is a valued characteristic of this section of Flinders Lane and makes a positive contribution to the public realm.</p> <p>Management's report to FMC on 5 April 2022 concluded that, for the reasons set out in the assessment of the revised plaza and public realm offering in the February 2022 resubmission against the corresponding design outcomes and requirements of DDO1, the 'Revision G' design fell short of delivering a site layout that reinforced the abovementioned valued characteristics and quality public realm.</p> <p>FMC upheld this position and recommended that a condition be included in the proposed Incorporated Document to delete the commercial tenancy at ground-level, to create a larger publicly accessible area (albeit remaining covered by Tower 2's soffit).</p> <p>The 'Revision J' drawings have not adopted this suggested change, or responded to FMC's resolution recommending that this (important) change be made to the development in recognition of the lost area of northern publicly accessible private plaza associated with Tower 2's placement.</p> <p>Instead, the 'Revision J' drawings have removed the primary justification leveraged by the Proponent for the erosion and building over of the northern publicly accessible plaza; by deleting a large portion of the proposed exterior publicly accessible areas of the development (referred to as 'plaza' areas in the previous design briefs), and by regressing from the landscaped and solid human-scaled design marble plinths within the 'Revision G' design.</p> <p>The deletion of these exterior publicly accessible areas is associated with the retention of a larger proportion of the private upper terraces at Level 3 of Shell House.</p> <p>Recognition and consideration of the relative heritage value of the private upper terraces to Shell House do not fall within the remit of Planning's assessment of Amendment C401 in this report.</p> <p>However, it must be noted that where DDO1 refers to the retention of plazas contributing to the significance of a heritage place, this is in the context of publicly accessible plazas. DDO1 provides the following definition of plaza (emphasis added) for the purpose of applying the plaza related design outcomes and requirements:</p> <p><i>Publicly accessible private plaza means an open to the sky privately owned space provided and maintained by the property owner for use by the public.</i></p> <p>DDO1 therefore does not reward the Proponent for retaining the private upper terraces to Shell House on Level 3 of the development.</p> <p>DDO1 requires the responsible authority to have regard to whether the site layout of the proposed development "reinforces the valued characteristics of streets and laneways" and "delivers a well-defined public realm".</p> <p>On this basis, consistent with management's report to the FMC meeting of 5 April 2022, it is not considered that the site layout of the 'Revision J' development reinforces the valued characteristics of the adjoining Flinders Lane laneway network, or delivers a well-defined public realm, and does not comply with this design outcome.</p>	

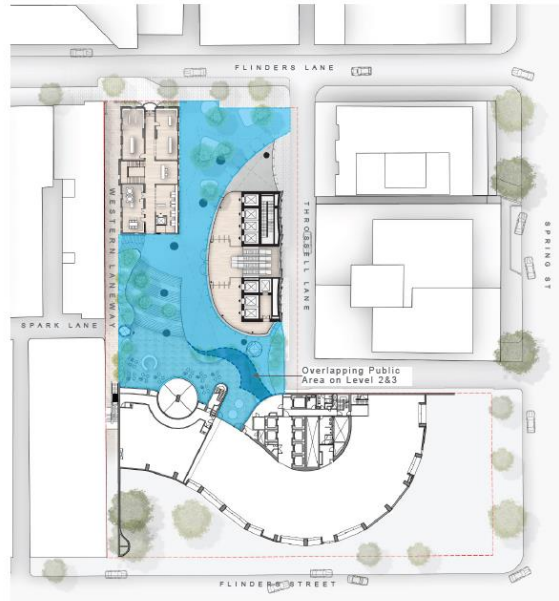
Design outcome	Design requirements
<p>Plazas that:</p> <ul style="list-style-type: none"> • Are accessible to people of all abilities. • Are safe and attractive. • Deliver opportunities for stationary activity. • Alleviate pedestrian congestion. 	<p>Plazas should:</p> <ul style="list-style-type: none"> • Be open to the sky. • Be accessible to people of all abilities. • Provide opportunities for stationary activity. • Be lined with active frontages. • Incorporate soft and hard landscaping elements. • Have access to sunlight. <p>Development should retain at least 50 per cent of any existing publicly accessible private plaza where:</p> <ul style="list-style-type: none"> • It is oriented to a main street or street. • It helps reduce pedestrian congestion. • A high quality space with opportunities for stationary activity can be achieved. <p>Where a plaza contributes to the significance of a heritage place, retention of more than 50 per cent of the plaza may be required to conserve the heritage values of the place.</p>
<p>Assessment: Does not comply with design outcome</p> <p>An updated 'Plaza Area Diagrams Area Summary' or development area schedule has not been provided to accompany the 'Revision J' drawings.</p> <p>A detailed analysis comparing the relative area of the existing publicly accessible northern plaza against the revised design advanced in the 'Revision J' drawings has therefore not been undertaken. Excerpts from the 'Plaza Area Diagrams Area Summary' accompanying the 'Revision G' drawings, together with an annotated version of this diagram that superimposes the 'Revision J' design are provided below however to demonstrate the relative difference in the reduction in exterior publicly accessible areas proposed in the new 'Revision J' Scheme.</p> <p>The existing northern publicly accessible private plaza is a valued asset on the site, and Heritage Victoria in its reasons for refusing the corresponding Heritage Victoria Application for the proposal have noted that the existing northern plaza contributes to the significance of the heritage place.</p> <p>Amendment C401 has failed to protect or rationalise this asset in the proposed development, in a manner that meets the expectations set out by DDO1. It is not considered that the 'Revision J' development has retained a sufficient proportion of the existing northern publicly accessible private plaza.</p> <p>It is evident that the 'Revision J' design has manifestly failed to improve the quality of the publicly accessible private plaza offering, and has not appropriately responded to the design outcomes or design requirements of DDO1. Furthermore, the reversion of the detailed landscaping and human-scaled design initiatives, which included marble plinth, tree plots and other gestures that contributed to a more welcoming pedestrian environment within the redesigned northern plaza incorporated into the 'Revision G' drawings, is retrograde.</p> <p>The 'Revision J' design does not comply with this design outcome.</p>	

2. Northern Public Accessible Plaza

Area summary below:
Site footprint: 5,245 sqm



Existing Condition
Area: 556 sqm

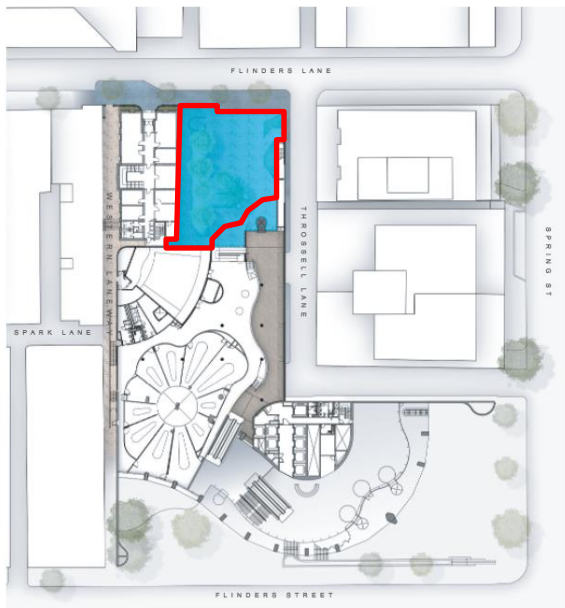


Proposed Condition
Area: 1307 sqm (135% Area increase from existing condition)

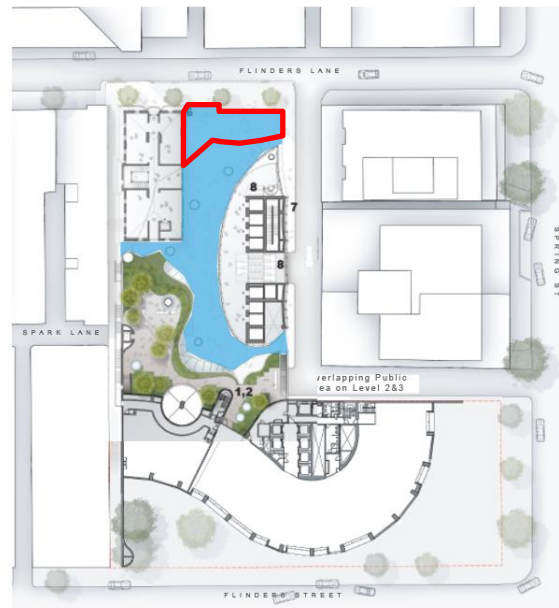
Excerpt from 'Plaza Area Diagrams' (Issue B), dated 10 February 2022, showing Proponent's calculation of public accessible 'plaza' areas for 'Revision G' development

2. Northern Public Accessible Plaza

Area summary below:
Site footprint: 5,245 sqm



Existing Condition



Proposed Condition

Indicative annotated excerpt from 'Plaza Area Diagrams' (Issue B), dated 10 February 2022, with the revised layout of the 'Revision J' public accessible 'plaza' areas highlighted blue and uncovered areas outlined red.

Design outcome

Design requirements

Vehicle entries that:

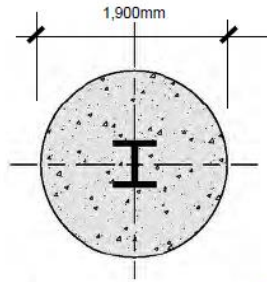
- Do not create traffic conflict.

Vehicle access and loading bays:

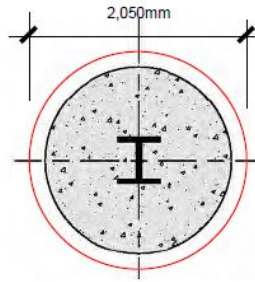
- Should not be located on main streets.

<ul style="list-style-type: none"> Do not undermine the attractiveness or safety of the pedestrian experience. 	<ul style="list-style-type: none"> Should not be constructed on a traffic conflict frontage or in a lane leading off a traffic conflict frontage shown on Map 2. In the Retail Core Area – Schedule 2 to the Capital City Zone must not be constructed on a traffic conflict frontage shown on Map 2, or in a lane leading off a traffic conflict frontage. <p>The location and width of car park entries should minimise the impacts on the pedestrian network.</p>
<p>Assessment: N/A – changes not of consequence to original assessment</p> <p>The 'Revision J' drawings do not appear to introduce any changes that would be of consequence to management's original assessment of the adequacy of proposed vehicle entries, noting that an updated Traffic Impact Assessment Report was not provided to accompany the 'Revision J' drawings, and the revised layout of the basement levels has not been reviewed by Council's Traffic Engineer.</p>	
Design outcome	Design requirements
<p>Colonnades that:</p> <ul style="list-style-type: none"> Are safe and attractive. Are accessible to people of all abilities. 	<p>Colonnades should:</p> <ul style="list-style-type: none"> Adopt vertical proportions with a height greater than the width. Incorporate high quality design detail to all publicly visible planes and surfaces. Provide ground level spaces that are accessible to people of all abilities. Have a clear public purpose. Be well-lit and provide clear lines of sight from one end to another. Be safe and free of entrapment spaces and areas with limited passive surveillance.
<p>Assessment: Does not comply with design outcome</p>	

Supporting the 'Revision G' development was a Design Concept Package provided in October 2021, which included further consideration and concept imagery of how the colonnades to proposed Tower 2 could be redesigned to be made more safe and attractive to pedestrians.



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



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

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



Excerpt from Design Concept Package (October 2021)

The reversion of Tower 2 from the 'Revision G' floorplate to the historic floorplate in the 'Revision J' design also appears to have reverted the design of the building's colonnades achieved as part of the February 2022 resubmission.

This design regression is not supported, and contributes to the 'Revision J' design failing to comply with this design outcome.

8.2.3 Building Mass

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

Design outcome	Design requirements
<p>Building mass that:</p> <ul style="list-style-type: none"> • Distinguishes between different buildings where a development comprises multiple buildings. • Respects the height, scale and proportions of adjoining heritage places or buildings within a Special Character Area. • Reinforces the fine grain and visual interest of streetscapes. • Maintains a diverse and interesting skyline through the design of roof profiles. 	<p>Development should adopt a diversity of forms, typologies and architectural language, within a cohesive design framework, on a large site where a development comprises multiple buildings.</p>
<p>Assessment: Does not comply with design outcome</p> <p>The architectural design strategy adopted for proposed Tower 2, which references the geometric form and layout of the 'Shell House', demonstrates a diversity of form and architectural language from Milton House and Shell House.</p> <p>The revised tower floorplate in the 'Revision G' resubmission altered the canopy and soffit of proposed Tower 2 to remove all cantilevered form over Milton House, improving the relationship between these buildings and providing needed breathing space to enable Milton House to be read as its own separate and valued built form entity in Flinders Lane.</p> <p>The 'Revision J' design of the tower floorplate reintroduces the cantilevered form of Tower 2 over Milton House evident in the earlier design of Amendment C401. The cantilevered floorplate exacerbates the impression of scale and building mass associated with proposed Tower 2, and contributes to the visual dominance of the heritage places on-site, and 'crowding of building mass' referred to above.</p> <p>This is a significant design regression, winding back a key outcome achieved in the 'Revision G' plans accompanying the February 2022 resubmission considered by FMC on 5 April 2022. The cantilevered floorplate has consistently been critiqued by Council's Urban Design Team and Planning Team over the lifespan of Amendment C401, stemming from advice on the pre-application material considered in 2020.</p> <p>Heritage Victoria's Notice of Refusal for Permit Application No. P33301 – Milton House included the following reason for refusal referencing this design element.</p> <ul style="list-style-type: none"> ▪ <i>The scale and bulk of the tower proposed for 1 Spring Street (Shell House) and its cantilevering above Milton House would have significant visual impact on the place and is detrimental to the cultural heritage significance of the place.</i> <p>Excerpts from the 'Revision G' plans and the 'Revision J' plans are provided below for reference.</p> <p>The 'Revision J' design does not comply with the building mass design outcome.</p>	



Excerpt from Urban Context Report (Issue A) showing relationship between 'Revision G' Tower 2 and Milton House (p.58 of 94)



Excerpt from Urban Context Report (Issue C) showing relationship between 'Revision J' Tower 2 and Milton House (p.72 of 107)

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

8.2.4 Building Program

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

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

	<p>Capital City Zone internal to a building co-located with adjacent public space or pedestrian connections.</p> <p>Ground floor tenancies should be configured so that they do not rely upon queuing within the public realm, except where this occurs on a pedestrian only laneway where this is the established character.</p>
<p>Assessment: Does not comply with design outcome</p> <p>For the reasons articulated in the consideration of the 'Revision J' design against the urban block structure and pedestrian connection design outcomes, it is not considered that the revised design complies with the building program design outcome.</p> <p>Specifically, the partial retention of the Shell House podium and revised entry between the publicly accessible exterior foyer areas and the western through-block connection may contribute to an unsafe interface / access point for the site.</p> <p>Removal of the publicly accessible connection / elevator providing access to Spark Lane, an important connection for the development, by relocating this elevator within the building interior is not supported.</p> <p>The altered development's 'internal plaza' / foyer area, previously activated by three retail tenancies, including a 66 m² retail store on Level 2, a 155 m² café (which appears to occupy a large part of the 'internal plaza' / foyer area, however this is unclear from the plans), and Milton House, is now confined to what is generally an internal accessway / foyer (noting that the previous 155 m² café has been removed, in association with the partial retention of the private upper terrace of Shell House on level 3 of the development).</p> <p>The erosion of the detailed design (i.e. colonnade treatment, marble plinths and landscaping) of the retained / reconfigured parts of the northern publicly accessible plaza area and entry to the building achieved in the 'Revision G' design further contributes to the problematic nature of the design of the interior areas of the development.</p> <p>Broadly, it is not considered that the 'Revision J' design improves the building program, and for this reason the changes introduced in the 'Revision J' plans are not considered to comply with this design outcome.</p>	
<p>Design outcome Design requirements</p>	
<p>Building services that:</p> <ul style="list-style-type: none"> • Minimise impacts on the public realm. • Maximise the quality and activation of the public realm. • Do not dominate the pedestrian experience and are designed as an integrated design element. • Provide waste collection facilities as an integrated part of the building design. 	<p>Ground floor building services, including waste, loading and parking access:</p> <ul style="list-style-type: none"> • Should be minimised. • Must occupy less than 40 per cent of the ground floor area of the site area. <p>Internal waste collection areas should be sleeved.</p> <p>Services, loading and waste areas should be located away from streets and public spaces, or within basements or upper levels.</p> <p>Service cabinets should be located internally with loading, waste or parking areas where possible.</p> <p>Undercroft spaces for waste or loading should not adversely impact safety and continuity of the public realm.</p> <p>Access doors to any waste, parking or loading area should:</p> <ul style="list-style-type: none"> • Be positioned no more than 500 millimetres from the street edge. • Be designed as an integrated element of the building. <p>Rooftop plant, services and antennae should be integrated into the overall building form.</p>
<p>Assessment: N/A – changes not of consequence to original assessment</p>	

The 'Revision J' drawings do not appear to introduce any changes that would be of consequence to management's original assessment of the adequacy of proposed building services, noting that building services have generally been contained below the podium levels of the development that are at-grade with Flinders Lane, with the exception of the building services to Throssell Lane, which occupy a significant proportion of the floor layout.

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

8.2.5 Public Interfaces

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

Design outcome	Design requirements
<p>Public interfaces that:</p> <ul style="list-style-type: none"> Contribute to the use, activity, safety and interest of the public realm. Provide continuity of ground floor activity along streets and laneways. Allow unobstructed views through openings into the ground floor of buildings. 	<p>The following ground level frontage requirements should be met for development in General Development Areas and laneways in Special Character Areas, and must be met for development in streets in Special Character Areas:</p> <ul style="list-style-type: none"> At least 80 per cent of the combined length of the ground level interfaces of a building to streets and laneways are an entry or window. This measurement excludes: <ul style="list-style-type: none"> Stall-rises to a height of 700 mm. Pilasters. Window and door frames. Windows that have clear glazing without stickers or paint that obscures views. <p>The ground level frontage requirements do not apply to the development of a building in a heritage overlay or heritage graded building. Development of a building in a heritage overlay or a heritage graded building should not reduce compliance with the public interface design outcomes.</p> <p>Security grills or mesh should:</p>

	<ul style="list-style-type: none"> • Be transparent. • Not block views into tenancies at night. • Be mounted internally to the shop windows. <p>Avoid tinted, opaque or high reflectivity glass which obscures views between the public realm and building interior.</p> <p>In flood prone areas or on sloping sites, a direct connection should be established at grade to usable space within ground level tenancies, with level transitions contained within the building envelope.</p> <p>In flood prone areas, transitions in floor levels should not rely on external stairs, ramps or platforms lifts which disconnect interior spaces from the public realm.</p>
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Assessment: N/A – changes not of consequence to original assessment

Detailed plans of all public interfaces at a human-scale have not been provided with the 'Revision J' material circulated on 16 January 2023.

Council's Urban Design Team recommended that additional material be provided in feedback provided responding to the 'Revision G' February 2022 Resubmission package, which would address the Public interfaces design outcome of DDO1, including:

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

The 'Revision J' design changes are of no consequence to management's original assessment, which recommended that conditions be included on any proposed Incorporated Document to facilitate submission and approval of this further information.

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

Assessment: N/A – changes not of consequence to original assessment

Council’s Principal Engineer – Infrastructure requested that the part of Throssell Lane currently within the title of the subject site be vested with Council in advice provided on the ‘Revision G’ February 2022 resubmission package, and to require documentation demonstrating that design elements of the building do not project into minimum pedestrian clearance in Throssell Lane.

This advice remains relevant and this position is maintained for the ‘Revision J’ design.

The ‘Revision J’ design changes are of no consequence to the original assessment, which recommended that conditions be included on any proposed Incorporated Document to facilitate submission and approval of this further information.

Design outcome	Design requirements
<p>Weather protection that:</p> <ul style="list-style-type: none"> Delivers pedestrian comfort in the public realm and protection from rain, wind and summer sun. Uses canopies that are functional, of high quality design and contribute to the human scale of the street. 	<p>Development should include continuous weather protection along main streets except where a heritage place warrants an alternative approach.</p> <p>Weather protection canopies should:</p> <ul style="list-style-type: none"> Be between 3.5 metres and 5 metres above ground measured to the underside of the soffit. Provide for exposure to winter sun and shelter from summer sun. Not enclose more than one third of the width of a laneway. Display a high design standard including material selection in the appearance of the soffit and fascia.

Assessment: N/A – changes not of consequence to original assessment

The proposed development’s primary interface with Flinders Lane will be informed by Milton House (a heritage place, to which weather protection requirements would not apply), and the publicly accessible northern private plaza, where the design outcome and design requirement emphasised by DDO1 is to retain the existing space as open-to-sky.

8.2.6 Design Detail

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

Design outcome	Design requirements
<p>Exterior design that:</p> <ul style="list-style-type: none"> Establishes a positive relationship between the appearance of new development and the valued characteristics of its context. Is visually interesting when viewed up close and from a distance. Responds to the distance at which the building is viewed and experienced from the public realm in the selection, scale and quality of design elements. Incorporates sufficient design detail in the lower levels of a building to deliver a visually rich and engaging pedestrian experience. Delivers high quality design on all visible sides of a building including rooftops, where visible from the public realm. 	<p>Facades should provide for depth and a balance of light and shadow on the street wall and upper levels through the use of balconies, integrated shading, rebates or expression of structural elements.</p> <p>Street wall facades should avoid a predominately glazed appearance.</p> <p>Street wall facades should establish a balance of transparency and solidity.</p> <p>Facades should avoid the use of surfaces which cause unacceptable glare to the public realm.</p> <p>Materials should be durable, robust and low maintenance in the higher parts of a building.</p> <p>Blank walls that are visible from the public realm should be designed as an integrated component of the building composition.</p>

<ul style="list-style-type: none"> At the ground level interface, provides visual connection between the public realm and interior spaces. 	<p>Materials should be natural, tactile and visually interesting at the lower levels near the public interface to reinforce a human scale.</p> <p>Ground level interfaces including shopfronts should provide thickness, depth and articulation and avoid long expanses of floor to ceiling glazing.</p> <p>Materials and finishes such as painted concrete or ventilation louvres should be avoided at the lower levels where they undermine the visually rich, tactile quality of streets and laneways.</p> <p>Service cabinets should not visually dominate street frontages and should use high quality materials.</p>
<p>Assessment: N/A – changes not of consequence to original assessment</p> <p>Detailed plans of all public interfaces at a human-scale have not been provided with the 'Revision J' material circulated on 16 January 2023.</p> <p>The 'Revision J' design changes are of no consequence to the original assessment, which recommended that conditions be included on any proposed Incorporated Document to facilitate submission and approval of this further information.</p>	

8.3 DDO10 – General Development Area – Built Form

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

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

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

8.3.1 Street Wall Height

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

8.3.2 Building Setbacks above the Street Wall

Design Element:	Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
Building setback(s) above the street wall	Above the street wall, towers and additions should be setback 10 metres from the title boundary.	Above the street wall, towers must be setback a minimum of 5 metres from the title boundary.	<p>Tower and additions are setback to ensure:</p> <ul style="list-style-type: none"> Large buildings do not visually dominate the street or public space. The prevalent street wall scale is maintained. Overshadowing and wind impacts are mitigated. The tower or addition includes a distinctly different form or architectural expression.
<p>Assessment: Meets built form outcomes subject to conditions</p> <p>The proposed development will not feature a street wall as defined by DDO10.</p> <p>Notwithstanding this, Tower 2's minimum setback from the Flinders Lane title boundary is still assessable against this requirement, and the built form outcomes remain relevant considerations.</p> <p>Proposed Tower 2 does not meet the preferred requirement, noting:</p> <ul style="list-style-type: none"> Proposed Tower 2 does not achieve a minimum setback of 10 metres to the Flinders Lane title boundary. <p>Proposed Tower 2 meets the modified requirement, noting:</p> <ul style="list-style-type: none"> Proposed Tower 2 achieves a minimum setback of 5 metres to the Flinders Lane title boundary. <p>Proposed Tower 2 does not meet the built form outcomes, noting:</p> <ul style="list-style-type: none"> As discussed in the assessment of the proposed development against DDO1 of this report, the 'Revision J' Tower 2 includes several design regressions, and the proposed tower has been assessed as not complying with the design requirement relating to the retention of publicly accessible plazas. <p>The modified tower floorplate of proposed Tower 2, which seeks a 5 metre setback to the Flinders Lane title boundary, has contributed to the loss and coverage of a significant proportion of the redesigned northern plaza, and is not supported.</p> <p>The reduced setback between proposed Tower 2 and the Flinders Lane title boundary will visually dominate this section of Flinders Lane, by virtue of the overall height of the tower (150 metres when read from Flinders Lane) and erosion of the existing publicly accessible plaza in this location.</p> <p>The redesigned development has not adopted, or sought to respond to a key recommendation of the FMC in its resolution of 5 April 2022 (and arrived at on the basis of the 'Revision G' tower design) that would have assisted with alleviating the impact posed by the development on the existing northern publicly accessible plaza.</p>			

8.3.3 Building Setbacks from Side / Rear Boundaries

Design Element:	Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
Building setbacks from side boundaries and rear boundaries (or from the centre line of an adjoining laneway)	Above the street wall or 40 metres, whichever is the lesser, towers and additions should be setback a minimum of 5 metres or 6% of the total building height, whichever is greater.	<p>Towers exceeding 80 metres in total height:</p> <p>Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres and must meet the design requirements for tower floorplate.</p> <p>Tower separation within a site:</p> <p>Towers must be separated by a minimum of 10 metres.</p>	<p>Towers and additions are designed and spaced to ensure:</p> <ul style="list-style-type: none"> Sun penetration and mitigation of wind impacts at street level. Provision of reasonable sunlight, daylight, privacy and outlook from habitable rooms, for both existing and potential developments on adjoining sites.

			<ul style="list-style-type: none"> ▪ Floorplate layout or architectural treatment limits direct overlooking between habitable rooms. ▪ Buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them. ▪ Buildings do not visually dominate heritage places and streetscapes, nor significant view lines.
<p>Assessment: Meets built form outcomes subject to conditions</p> <p>Proposed Tower 2 does not meet the preferred requirement, noting:</p> <ul style="list-style-type: none"> ▪ Proposed Tower 2 does not achieve a minimum setback of a distance representing 6% of the total building height (approximately 150 metres, measured from a spot level at the centre of the site's Flinders Lane frontage) to all side or rear boundaries above the street wall or 40 m. <p>This minimum setback would be approximately ~9 metres (6% of 150 metres).</p> <p>Proposed Tower 2 does not meet the modified requirement, noting:</p> <ul style="list-style-type: none"> ▪ Where a tower exceeds a height of 80 metres in total height, the tower must be setback a minimum of 5 metres and must meet the design requirements for tower floorplate (the activity of this wording is interpreted as converting the preferred requirement for the Tower floorplate design element into a mandatory control). <p>Proposed Tower 2 has been assessed against the requirements for the Tower floorplate design element in DDO10 separately in this report below, and does not comply with the preferred requirement or modified requirement for tower floorplate design.</p> <p>Proposed Tower 2 does not meet the built form outcomes, noting:</p> <ul style="list-style-type: none"> ▪ Management's report to FMC on 5 April 2022 noted that, as originally submitted, the location of Tower 2, which is to be inserted above the existing northern plaza to Shell House, cumulative with the reduced setbacks to Shell House, cantilever over Milton House and reduced setback to Flinders Lane and Throssell Lane, contributed to the visual domination of both Shell House and Milton House. Management's report considered the 'Revision G' plans, and noted that the revised tower floorplate (in the 'Revision G' plans) removed the cantilever over Milton House, providing meaningful breathing space to this heritage building and consequently reducing the impression of Tower 2 contributing to crowded massing / domination over the site. ▪ The 'Revision J' design of Tower 2 reverts the tower floorplate from the 'Revision G' design that generally avoided overhanging or cantilevering Milton House, to the original wider floor plate design that encroaches within the airspace above Shell House. This undoes the improved design achieved in the 'Revision G' plans, and reintroduces concerns that proposed Tower 2 will contribute to the appearance of a continuous wall of buildings, as viewed from surrounding streets and in relation to existing adjoining towers along Spring Street. ▪ The location of Tower 2, which is to be inserted above the existing northern plaza to Shell House, cumulative with the design regressions in the 'Revision J' plans, with reduced setbacks to Shell House, cantilever over Milton House and reduced setback to Flinders Lane and Throssell Lane, will visually dominate both Shell House and Milton House. <p>Heritage Victoria has acknowledged the degree to which the proposed tower (including the original tower's cantilever evident in the 'Revision J' design) visually dominates these heritage places.</p>			

8.3.4 Tower Floorplate

Design Element:	Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
Tower floorplate	The tower floorplate is determined by the preferred requirement for building setbacks from side and rear	The tower floorplates above the street wall for a tower above 80 metres in height may be adjusted in terms of location and / or shape but must not: <ul style="list-style-type: none"> ▪ Result in an increase in the floorplate area. 	The adjusted floorplate is designed and spaced to: <ul style="list-style-type: none"> ▪ Reduce impact on existing and potential neighbours in terms of privacy, outlook, daylight and sunlight access.

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

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

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

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

Specifically, the floorplate for the tower has not been designed on the basis of providing a maximum floor plate size with a minimum setback of 9 metres (6% of ~150 metres) to all side and rear boundaries of the site.

The Urban Context Report appears to adopt a maximum height of 121.68 metres for the purpose of determining the minimum setback (nominated as 7.3 metres), carving approximately 30 metres off the 'total building height'. This 30 metre section of the building has been labelled as 'Compliant architectural features'.

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

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

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

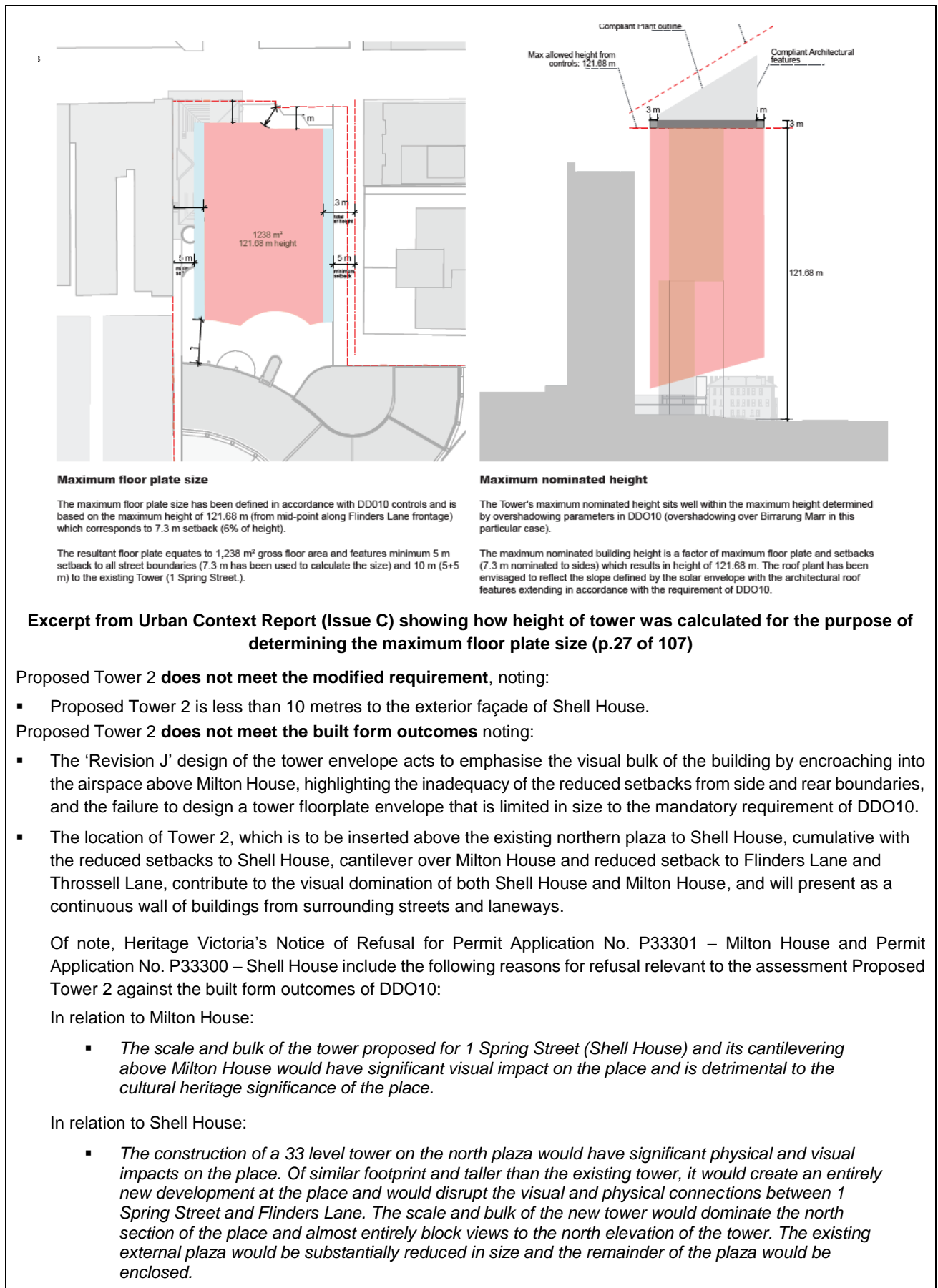
The 'total building height' of proposed Tower 2 has been calculated as 150.33 metres above a spot level of RL27.72 at the centre of the site's Flinders Lane frontage and 159.55 metres above a spot level of 18.5 at the centre of the site's Flinders Street frontage.

6% of 150.33 metres is **9.02 metres**.

The allowable floorplate area is therefore significantly less than the 1238 m² indicated by the applicant. The excess is approximately 45 metres (each side) x 2 (sides) x 1.7 m (greater setback) = 153 m² less, or 1085 m² of allowable floorplate. In contrast, the proposed tower exceeds this floorplate, which reaches 1238 m² from Level 9 and above.

The method adopted by the Proponent to calculate the floorplate is consistent across the 'Revision G' and 'Revision J' design, and was also critiqued in management's report to the Future Melbourne Committee on 5 April 2022.

To-date a satisfactory response or rationale addressing this critique has not been provided.



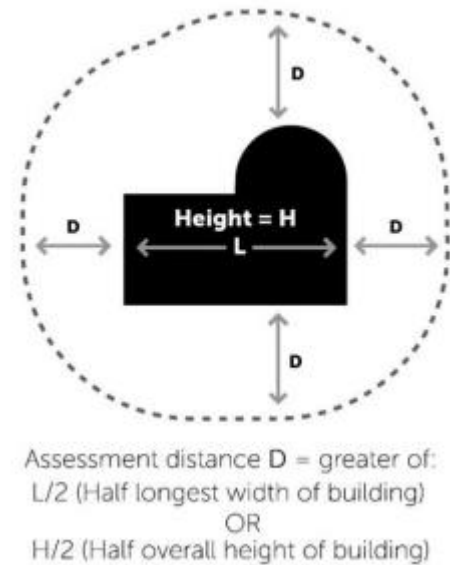
8.3.5 Wind Effects

Clause 2.3 of DDO10 provides the following requirement:

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

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

Figure 1



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

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

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

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

An updated wind assessment (or supporting letter / report prepared by the original wind consultant) has not been provided to accompany the 'Revision J' drawings circulated on 16 January 2023.

Considering the significant changes to the development's design, which include partial retention of the private upper terraces of Shell House at level 3 and modified tower floorplate, an assessment of the proposed tower against the Wind Effects requirements of DDO10 cannot be undertaken.

8.3.6 Overshadowing

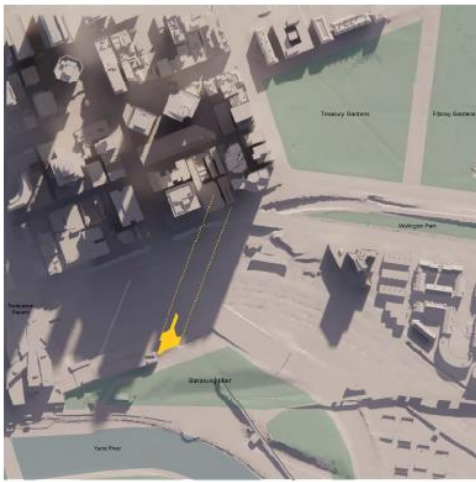
Table 1 and Table 2 of Clause 2.3 of DDO10 set out a series of defined spaces, which are broadly designated as being protected from additional shadow cast by development within specified hours and dates.

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

- Treasury Gardens
- Birrarung Marr.

The 'Revision J' design of proposed Tower 2 will not cast any additional shadow across any space listed in Table 1 or Table 2 to DDO10, and therefore complies with the overshadowing requirements of DDO10.

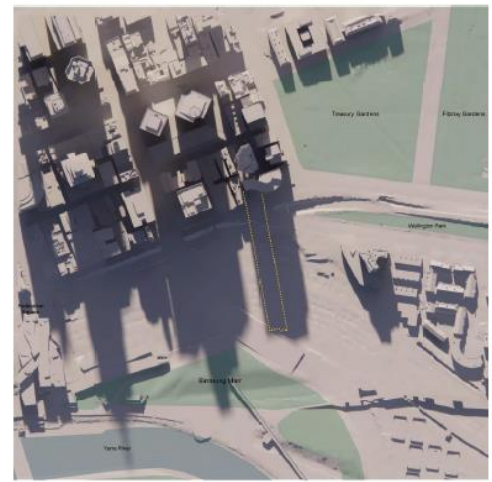
Excerpts from the 'Revision J' plans demonstrating the times where the shadow line cast by proposed Tower 2 approaches the above public open spaces during the Winter Solstice have been provided below.



11AM - 22/06



12PM - 22/06



1PM - 22/06

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

8.4 Conclusion and Reasons for not supporting 'Revision J' Drawings

The proposed changes introduced by the 'Revision J' drawings are of consequence to management's report to Melbourne City Council's Future Melbourne Committee on 5 April 2022, and are of consequence to the Future Melbourne Committee's resolution in support of Amendment C401⁶.

The 'Revision J' Drawings include several design regressions, which unpick key outcomes achieved through Planning's engagement in extensive consultation throughout the original lifespan of Amendment C401, between late 2020 and FMC's meeting on 5 April 2022. These design regressions include:

- Reverting Tower 2's floorplate design from the 'Revision G' design to the historic tower floorplate design, reintroducing a significant cantilever of Tower 2's floorplate over Milton House and the northern plaza.
- Altering Tower 2's building programme and pedestrian connectivity, compromising access to the pedestrian connection on the west boundary, and relocating an important exterior public connection to Spark Lane connection within the building.
- Removal of detailed-design landscaping and human-scale design treatments from exterior 'plaza' areas, and significantly reducing the size of these exterior 'plaza' areas, which had been relied upon by the Proponent historically to justify the erosion and reduction in area of the northern publicly accessible private plaza.

Furthermore, the 'Revision J' Drawings do not adopt, or respond to, the Future Melbourne Committee's key recommended design change in its resolution of 5 April 2022, which, acknowledging concerns relating to the proposal's erosion of the northern publicly accessible private plaza and non-compliance with the design requirements of DDO1, had sought the following (emphasis added):

- 1.2. *Advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports Amendment C401, subject to the conditions contained within the Incorporated Document set out in Attachment 4 of the report from management, but with **condition 1a) amended to read: 'Deletion of the built form associated with the retail premises at Level 2 and Level 3 of Tower 2 to increase the size of the northern plaza by a minimum of 60 sqm'***

The proposed redevelopment of 1 Spring Street set out in the 'Revision J' drawings circulated by the proponent on 16 January 2023, has failed to demonstrate proper regard to the design requirements and design outcomes of Schedule 1 to the Design and Development Overlay and the built form requirements and built form outcomes of Schedule 10 to the Design and Development Overlay.

To summarise:

- The proposed development will contribute to the erosion and enclosure of a valued publicly accessible plaza, which contributes to the heritage significance of Shell House and provides necessary breathing space to Milton House, contrary to the design requirements and design outcomes of DDO1.
- The proposed development has failed to build upon and provide a coherent programme of activation and human-scale design to assist with improving pedestrian connections and movement, and enlivening the ground plane, contrary to the design requirements and design outcomes of DDO1.
- The expanded tower floorplate of proposed Tower 2 will infill an open air space in the city skyline and at street level that currently facilitates significant views through to Shell House

⁶ Noting that the FMC's resolution qualified this support by emphasising that Council maintained its objection in relation to the Heritage Permit Applications for Shell House and Milton House, and subject to a revised Condition 1(a) requirement, set out elsewhere in this report.

from Flinders Lane, in addition to outlook and daylight to existing public space and a visual break in a continuous wall of buildings, contrary to the built form outcomes of DDO10.

- The significant height of proposed Tower 2, which exceeds the height of Shell House, in conjunction with the reduced setbacks provided to the tower floorplate, which fails to comply with preferred side and rear boundary setbacks and building separation setbacks, will emphasise the visual dominance of the proposed tower over the two adjacent heritage places on-site, contrary to the built form outcomes of DDO10.
- No wind analysis has been provided with the amended plans, which is required prior to any decision being made, particularly as the amended plans provide a revised plaza layout and cantilever.

On the basis of the 'Revision J' drawings circulated 16 January 2023, it is not appropriate for Amendment C401 to be approved, introducing an Incorporated Document that allows the proposed development, and would extinguish operation of the Melbourne Planning Scheme over the subject site.

The concerns identified in this report cannot be resolved by condition.

8.5 Grounds on which Planning are not supportive

8.5.1 DDO1

1. The changes introduced in the 'Revision J' drawings are of consequence to the 'Revision G' development's assessed compliance with the Urban Structure design outcomes of Schedule 1 to the Design and Development Overlay, by virtue of the revised development removing, and compromising key pedestrian connections to the western through-block link and Spark Lane.
2. The changes introduced in the 'Revision J' drawings are of consequence to the 'Revision G' development's assessed compliance with the Site Layout design outcomes of Schedule 1 to the Design and Development Overlay, by virtue of the revised development not retaining a sufficient proportion of, and building over, the existing northern publicly accessible private plaza, which is both demonstrative of valued public plaza characteristics and contributes to the heritage significance of Shell House.
3. The changes introduced in the 'Revision J' drawings are of consequence to the 'Revision G' development's assessed compliance with the Building Mass design outcomes of Schedule 1 to the Design and Development Overlay, by virtue of the design of the proposed tower being altered in a retrograde manner, increasing the extent of canopy, soffit and cantilever posed by the tower of Milton House, compounding the significant scale of proposed Tower 2, which fails to respect the height, scale and proportions of the existing heritage places on-site; Shell House and Milton House, and by failing to address a lack of fine-grain activation within the ground plane.
4. The changes introduced in the 'Revision J' drawings are of consequence to the 'Revision G' development's assessed compliance with the Building Program design outcomes of Schedule 1 to the Design and Development Overlay, by virtue of the building program relying on an enclosed and internal publicly accessible private space to supplement for the erosion of the northern plaza, which fails to maximise activation of the public realm and does not exhibit the valued characteristics of the existing open-to-sky northern publicly accessible private plaza.

8.5.2 DDO10

5. The changes introduced in the 'Revision J' drawings are of consequence to the 'Revision G' development's assessed compliance with the built form outcomes for Building Setbacks above the Street Wall of Schedule 10 to the Design and Development Overlay, by virtue of

reducing the preferred setback requirement between proposed Tower 2 and the Flinders Lane title boundary without satisfactory justification, contributing to the development visually dominating Flinders Lane and the public space created by the northern publicly accessible private plaza.

6. The changes introduced in the 'Revision J' drawings are of consequence to the 'Revision G' development's assessed compliance with the mandatory modified requirements for Building Setbacks from Side / Rear Boundaries of Schedule 10 to the Design and Development Overlay, by virtue of proposed Tower 2 not meeting the design requirements for Tower Floorplate.
7. The changes introduced in the 'Revision J' drawings fail to adequately explain how the tower floorplate has been crafted to comply with the preferred and modified requirements for Tower Floorplate of Schedule 10 to the Design and Development Overlay, which are mandatory due to the height of proposed Tower 2 exceeding 80 metres, by virtue of the tower floorplate:
 - a. Not adopting the correct maximum floorplate size, where the calculation of the 'total building height' of proposed Tower 2 unjustifiably excludes approximately 30 metres of the upper tower height, resulting in an applied setback of 7.3 metres from side and rear boundaries, rather than the correct minimum setback of 9.0 metres.
8. The changes introduced in the 'Revision J' drawings are of consequence to the 'Revision G' development's assessed compliance with the built form outcomes for Building Setbacks from Side / Rear Boundaries and Tower floorplate of Schedule 10 to the Design and Development Overlay, by virtue of the proposed development and reverted tower floorplate:
 - a. Contributing to the appearance of a continuous wall of buildings when viewed from surrounding streets and in relation to existing adjoining towers along Spring Street.
 - b. Contributing to the visual domination of both Shell House and Milton House, in addition to obscuring significant view lines to Shell House from Flinders Lane.
9. Insufficient information provided to assess and determine the wind conditions of the proposed plaza and public realm as a consequence of the amended design.

9 OFFICER RECOMMENDATION

That the Future Melbourne Committee resolves to:

- Advise the Department of Transport and Planning, Heritage Victoria and the 1 Spring Street and 21-25 Flinders Lane, Melbourne Advisory Committee, that the Melbourne City Council does not support Amendment C401, as detailed in the 'Revision J' drawings circulated on 16 January 2023, for the reasons set out in Attachment 4 of the report from management.