

Report to the Future Melbourne Committee

Agenda item 6.1

Ministerial Planning Referral: TPMR-2019-34

18 May 2021

572-574 Lonsdale Street, 256-260 King Street, 248-250 King Street and Gough Alley, Melbourne**Presenter:** Larry Parsons, Head of Statutory Planning**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application seeking approval for part demolition and construction of buildings and works for the purpose of a multi-storey building (office and retail) for the land at 572-574 Lonsdale Street, 256-260 King Street, 248-250 King Street and Gough Alley, Melbourne (refer Attachment 2 – Locality Plan).
2. The applicant is 572 Lonsdale Pty Ltd c/- Tract Pty Ltd, the owner is 572 Lonsdale Pty Ltd and the architect is Cox Architecture.
3. The Site is located on the north-eastern corner of the intersection of Lonsdale Street and King Street and has a site area of approximately 1,759 m². The Site comprises a number of properties as well as the existing Corporation Lane (Gough Alley).
4. The Site is located within the Capital City Zone Schedule 1 (CCZ1) and Design and Development Overlay Schedules 3 (Traffic Conflict), 10 (General Development Area) and Parking Overlay Schedule 1 (PO1). Part of the Site at 248-250 King Street, Melbourne is affected by Heritage Overlay 679 (248-250 King Street, Melbourne – the former Kilkenny Inn) and the building is identified as Significant.
5. The without prejudice plans propose to retain the front portion of the Kilkenny Inn and to construct a 20 level (80m high) office building with retail uses on the ground and first levels. The office building is proposed to be setback 7 metres from the Lonsdale Street and King Street facades of Kilkenny Inn.
6. The proposal has a total gross floor area of 37,808 m², a floor area ratio of 18.66:1 and comprises 23,947 m² of office space and 800 m² of retail uses.
7. The Department of Environment, Land, Water and Planning (DELWP), on behalf of the Minister for Planning, has formally referred the application to Council as a recommending referral authority.

Key issues

8. The without prejudice plans generally comply with the recently revised heritage policy at Clause 22.04 which requires amongst other matters, the retention of the heritage building's three dimensional form. Subject to minor changes to the without prejudice plans, the proposal is supported from a heritage perspective. The changes include requiring additional internal walls on the ground and first floor levels of the Kilkenny Inn, no basements beneath the Kilkenny Inn, no significant vegetation on the terraces of the Kilkenny Inn, a revised conservation management plan and standard bond requirements.
9. The proposal responds acceptably to the built form outcomes of DDO10. The proposal is considered to be of a high quality, well-articulated and responds appropriately to the Site's context.
10. In accordance with Clause 22.03, the floor area uplift requirement has been more than satisfied via the provision of office space and therefore is supported. The office use is to be secured via a Section 173 Agreement for a minimum 10 year period via a recommended permit condition.
11. The proposal is consistent with key aspects of the seriously entertained Melbourne Planning Scheme Amendment C308. This includes ensuring car parking is located underground, providing multiple pedestrian entry points to the site, the use of high quality and tactile materials, a fine grain design at the lower levels and building programming which engages pedestrians. A new through link under the building will provide direct pedestrian and vehicle access to Manton Lane from Lonsdale Street.

Recommendation from management

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

Attachments:

1. Supporting Attachment (Page 2 of 114)
2. Locality Plan (Page 3 of 114)
3. Selected Plans (Page 4 of 114)
4. Delegate Report (Page 60 of 114)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority for determining this application.
2. The Minister for Planning has formally referred the application to Council under Section 55 of the *Planning and Environment Act 1987*.

Finance

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

Conflict of interest

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

Health and Safety

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

Stakeholder consultation

6. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the Act.
7. DELWP directed that notice of the proposal be given by ordinary mail to the owners and occupiers of the surrounding properties.

Relation to Council policy

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

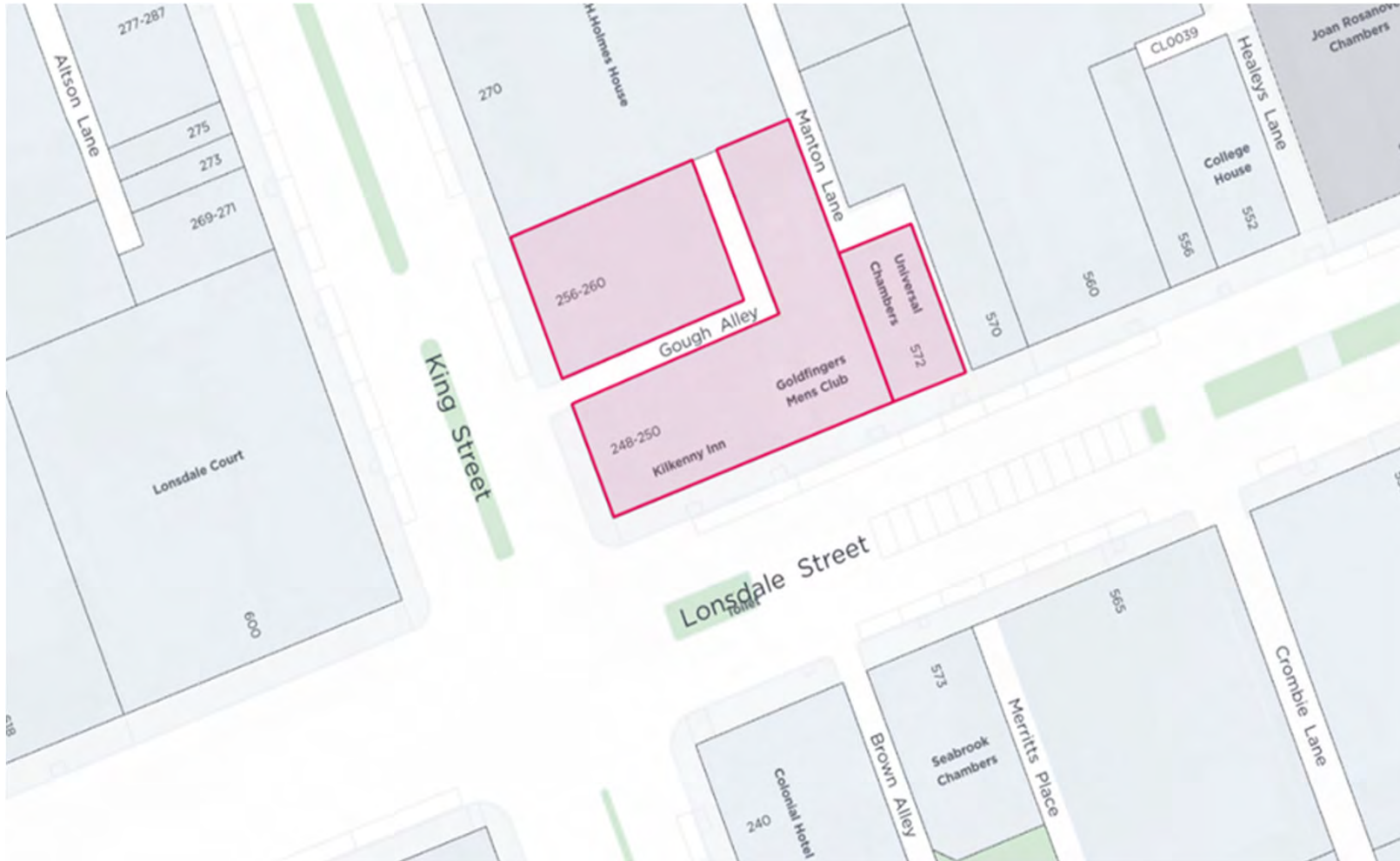
Environmental sustainability

9. The Environmentally Sustainable Design report submitted with the application confirms the development will achieve the relevant performance measures set out in Clauses 22.19 (Energy, Water and Waste Efficiency) and 22.23 (Stormwater Management) of the Melbourne Planning Scheme.
10. Permit conditions requiring implementation of the ESD initiatives are recommended.

Locality Plan

Attachment 2
Agenda item 6.1
Future Melbourne Committee
18 May 2021

572-574 Lonsdale Street, 256-260 King Street, 248-250 King Street and Gough Alley, Melbourne



580 LONSDALE - TOWN PLANNING DRAWINGS

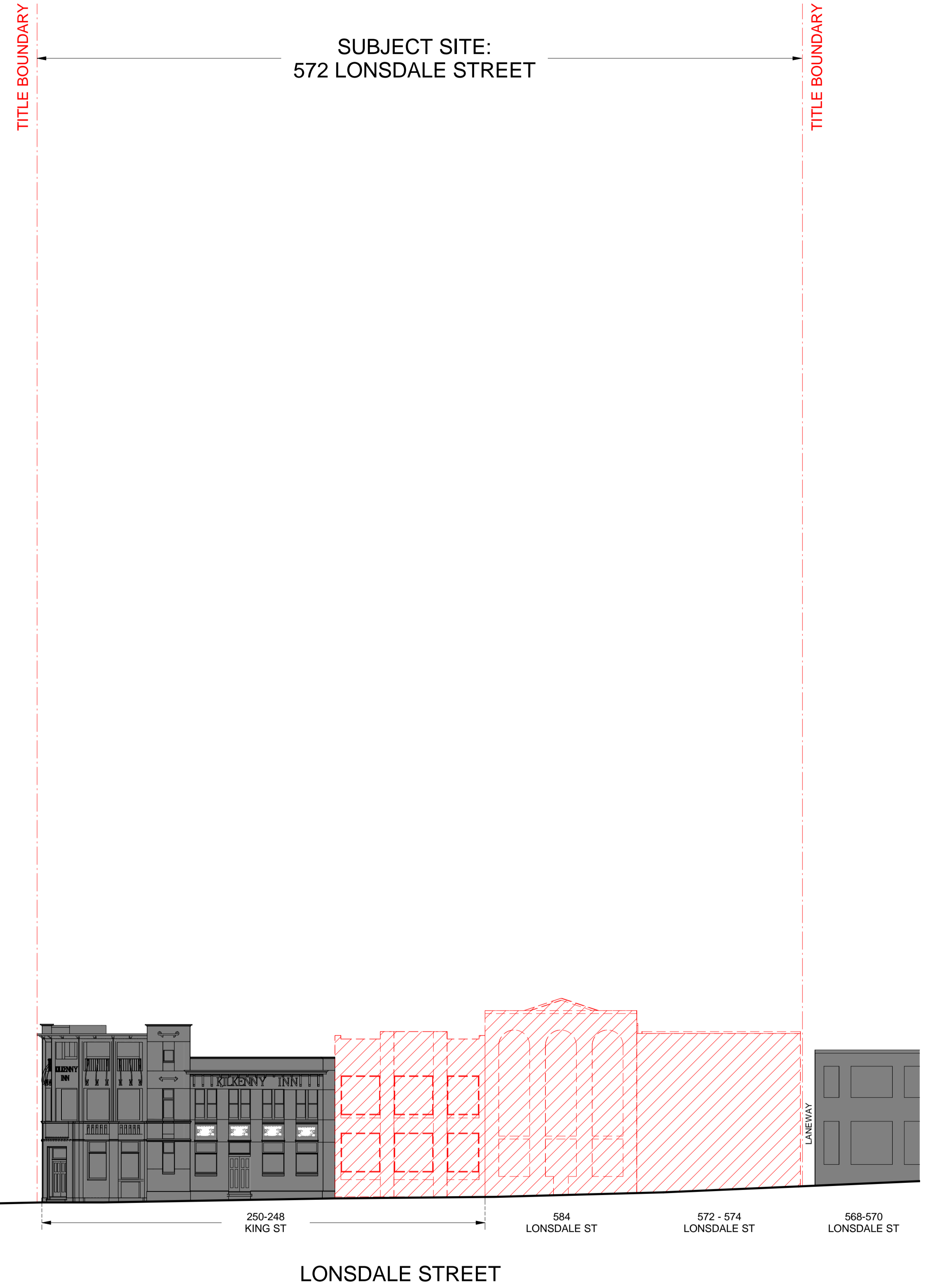
580 Lonsdale Street, Melbourne VIC 3000
318093.00



| DRAWING LIST | |
|-------------------------|-------------------------------------|
| SHEET No. | SHEET NAME |
| ASK-08 | CORE SECTION |
| 11 SITE PLANS | |
| TP11-010 | PROPOSED SITE PLAN |
| TP11-020 | SURVEY PLAN |
| 15 DEMOLITION | |
| TP15-010 | DEMOLITION PLAN |
| TP15-020 | DEMOLITION ELEVATIONS |
| 21 GENERAL ARRANGEMENTS | |
| TP21-070 | BASEMENT 3 |
| TP21-080 | BASEMENT 2 |
| TP21-090 | BASEMENT 1 |
| TP21-100 | FLOOR PLAN - GROUND |
| TP21-110 | FLOOR PLAN - LEVEL 1 |
| TP21-120 | FLOOR PLAN - LEVEL 2 |
| TP21-130 | FLOOR PLAN - LEVEL 3 |
| TP21-140 | FLOOR PLAN - LEVEL 4 |
| TP21-150 | FLOOR PLAN - LEVEL 5 |
| TP21-160 | FLOOR PLAN - LEVEL 6 |
| TP21-170 | FLOOR PLAN - LEVEL 7 |
| TP21-180 | FLOOR PLAN - LEVEL 8 |
| TP21-190 | FLOOR PLAN - LEVEL 9 |
| TP21-200 | FLOOR PLAN - LEVEL 10 |
| TP21-210 | FLOOR PLAN - LEVEL 11 |
| TP21-220 | FLOOR PLAN - LEVEL 12-20 |
| TP21-310 | FLOOR PLAN - PLANT 1 |
| TP21-320 | FLOOR PLAN - PLANT 2 |
| TP21-330 | FLOOR PLAN - ROOF |
| 30 ELEVATIONS | |
| TP30-010 | SOUTH ELEVATION |
| TP30-020 | WEST ELEVATION |
| TP30-030 | EAST ELEVATION |
| TP30-040 | NORTH ELEVATION |
| TP30-050 | LONSDALE STREET ELEVATION |
| TP30-060 | LONSDALE STREET ELEVATION |
| TP30-070 | KING STREET ELEVATION |
| TP30-080 | KING STREET ELEVATION |
| TP30-090 | MANTON LANE ELEVATION |
| 40 SECTIONS | |
| TP40-010 | NORTH SOUTH SECTION |
| TP40-020 | EAST WEST SECTION |
| TP40-030 | BASEMENT RAMP SECTIONS |
| 42 FACADE SECTION | |
| TP42-010 | LOW RISE - LONSDALE STREET |
| TP42-020 | LOW RISE - KING STREET |
| TP42-030 | LOW RISE - MANTON LANE |
| TP42-040 | HIGH RISE - LONSDALE STREET TERRACE |
| TP42-050 | HIGH RISE - LONSDALE STREET EAST |
| TP42-060 | HIGH RISE - LONSDALE STREET WEST |
| TP42-070 | HIGH RISE - KING STREET |

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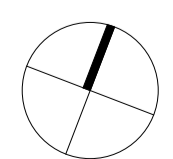
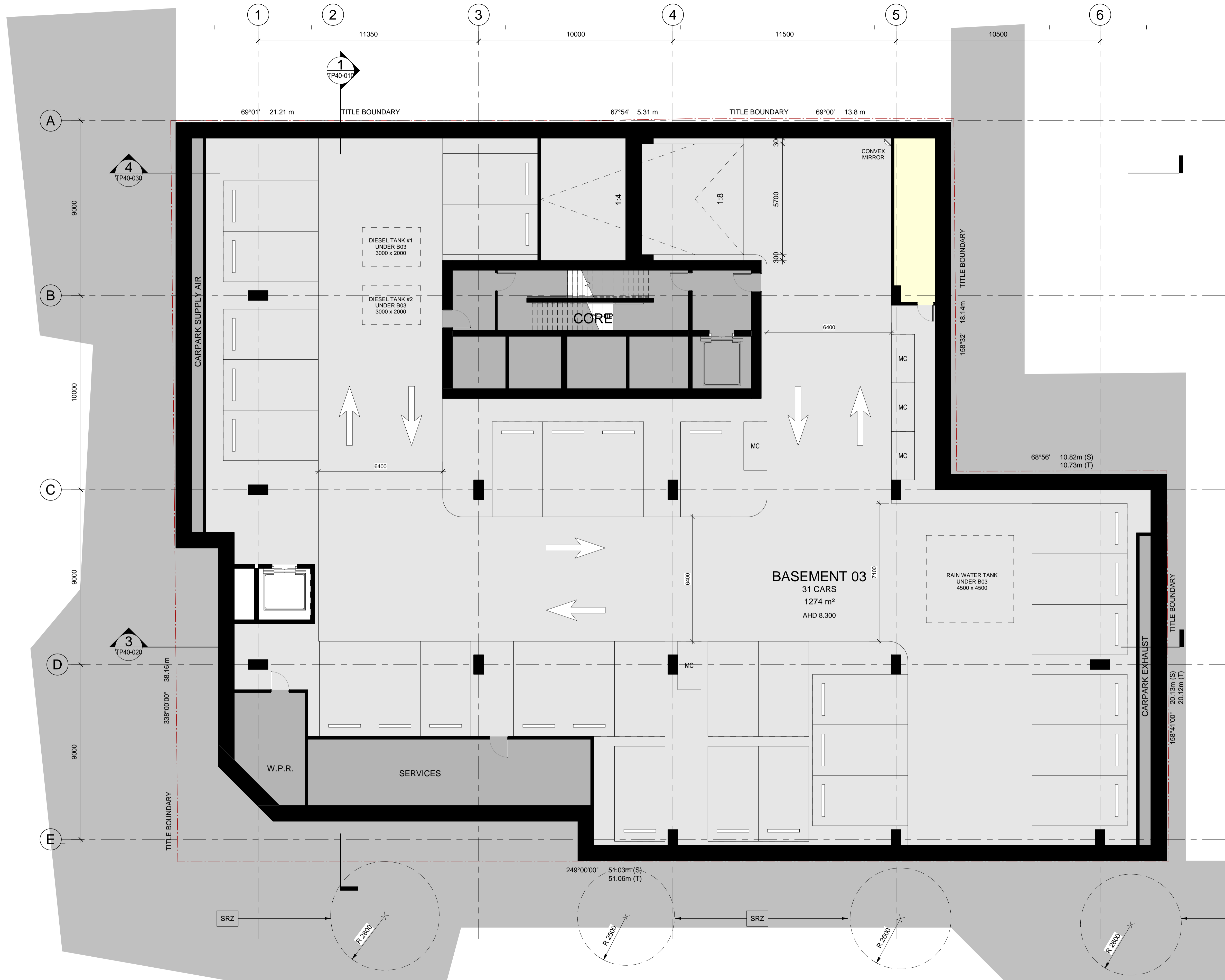
 DENOTES EXTENT OF DEMOLITION



1 DEMOLITION ELEVATION SOUTH
SCALE 1 : 200



2 DEMOLITION ELEVATION WEST
SCALE 1 : 200



Project:
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Drawing Title:
BASEMENT 3

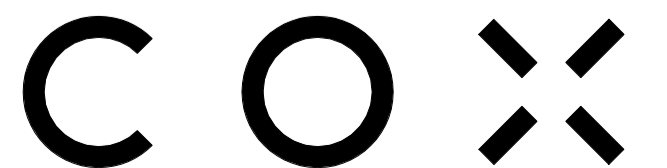
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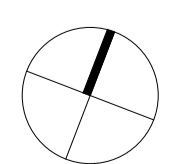
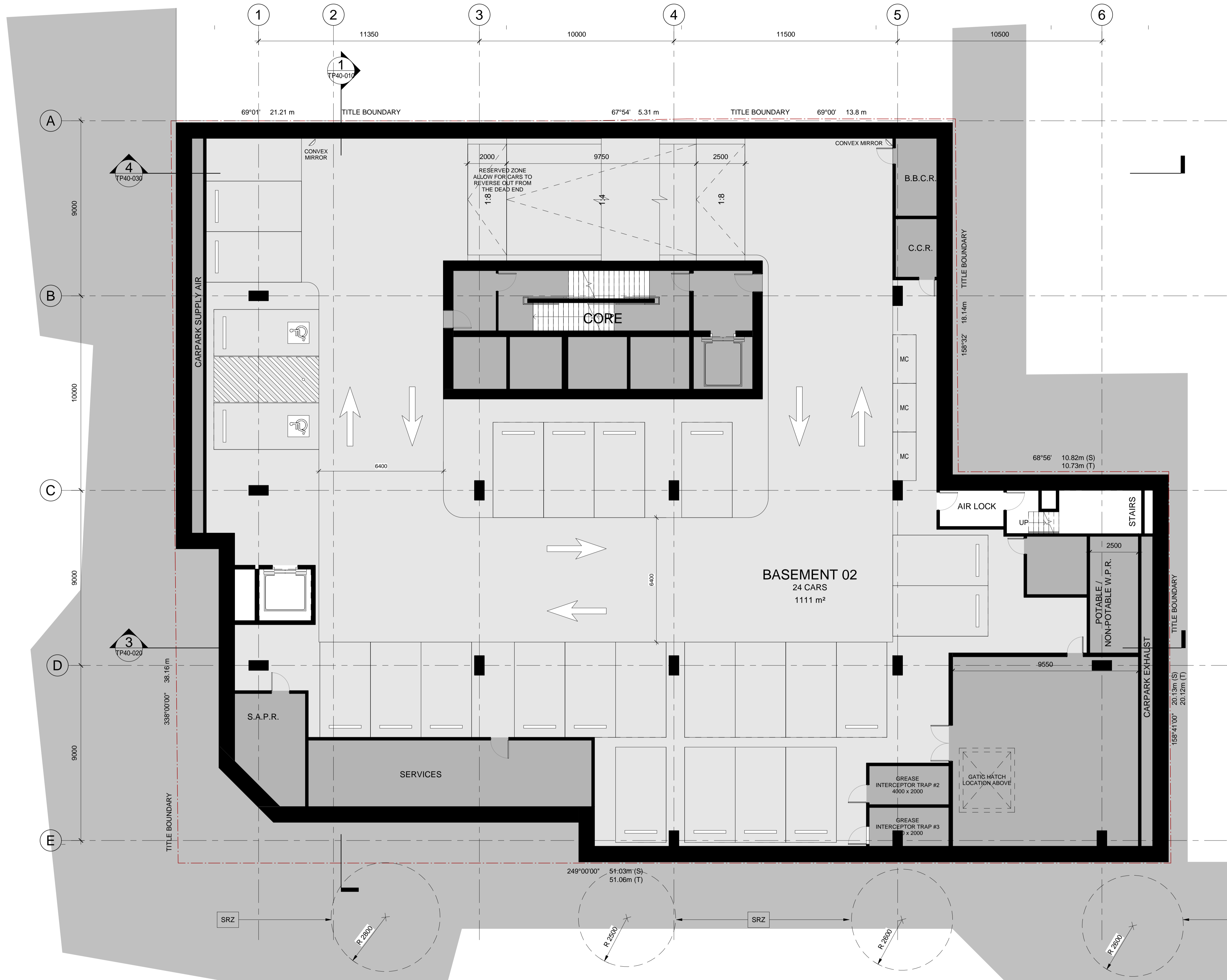
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Date:
06/11/2020

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Project:
580 LONSDALE ST

Drawing Title:
BASEMENT 2

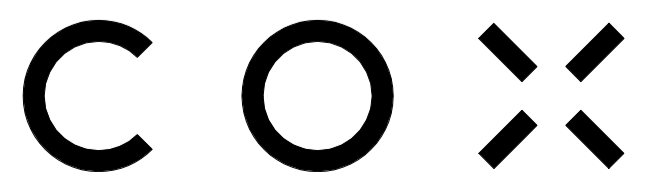
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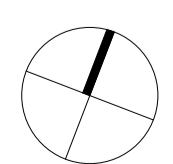
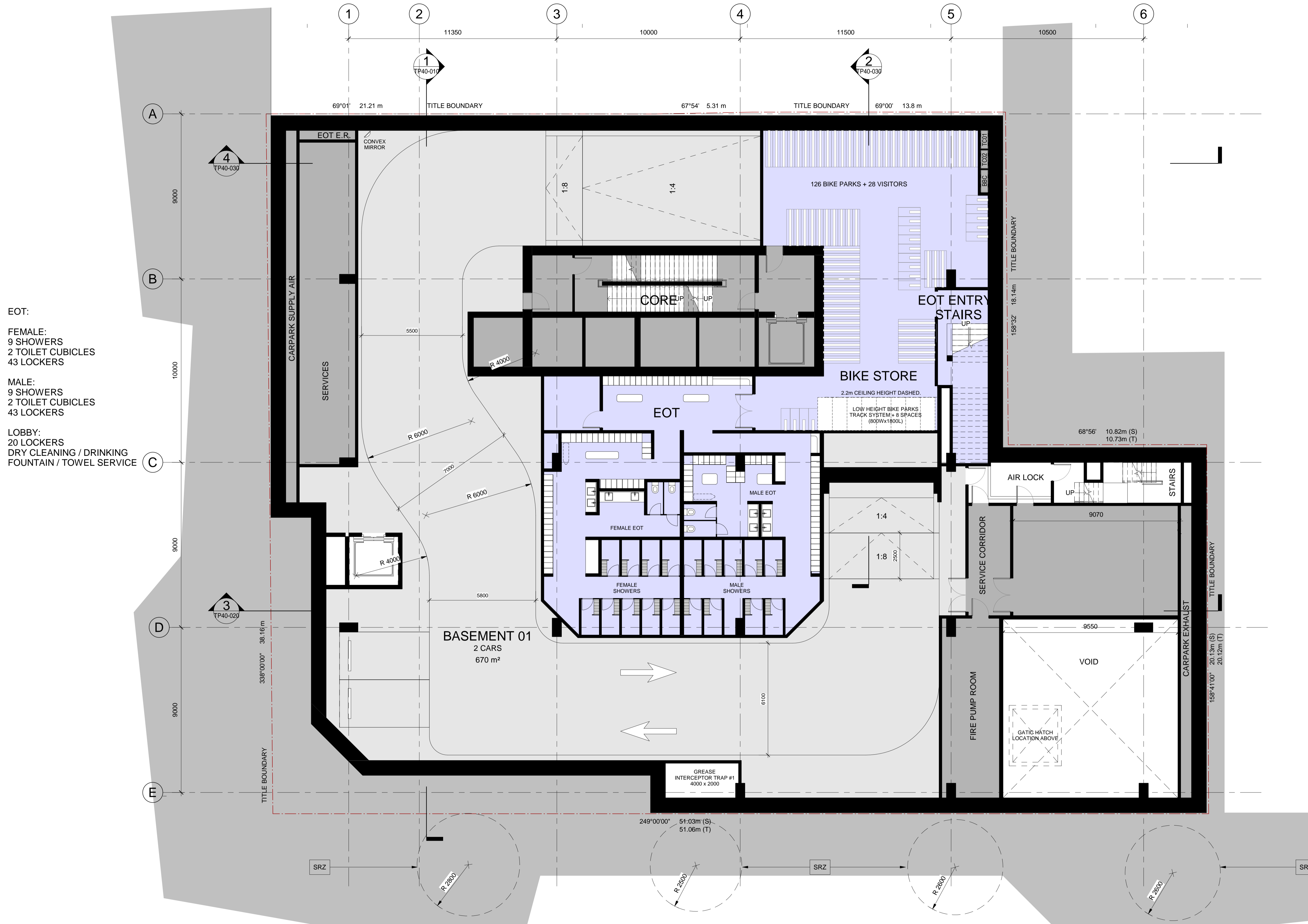
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Drawing Title: **BASEMENT 1**

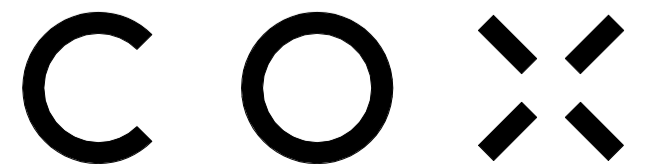
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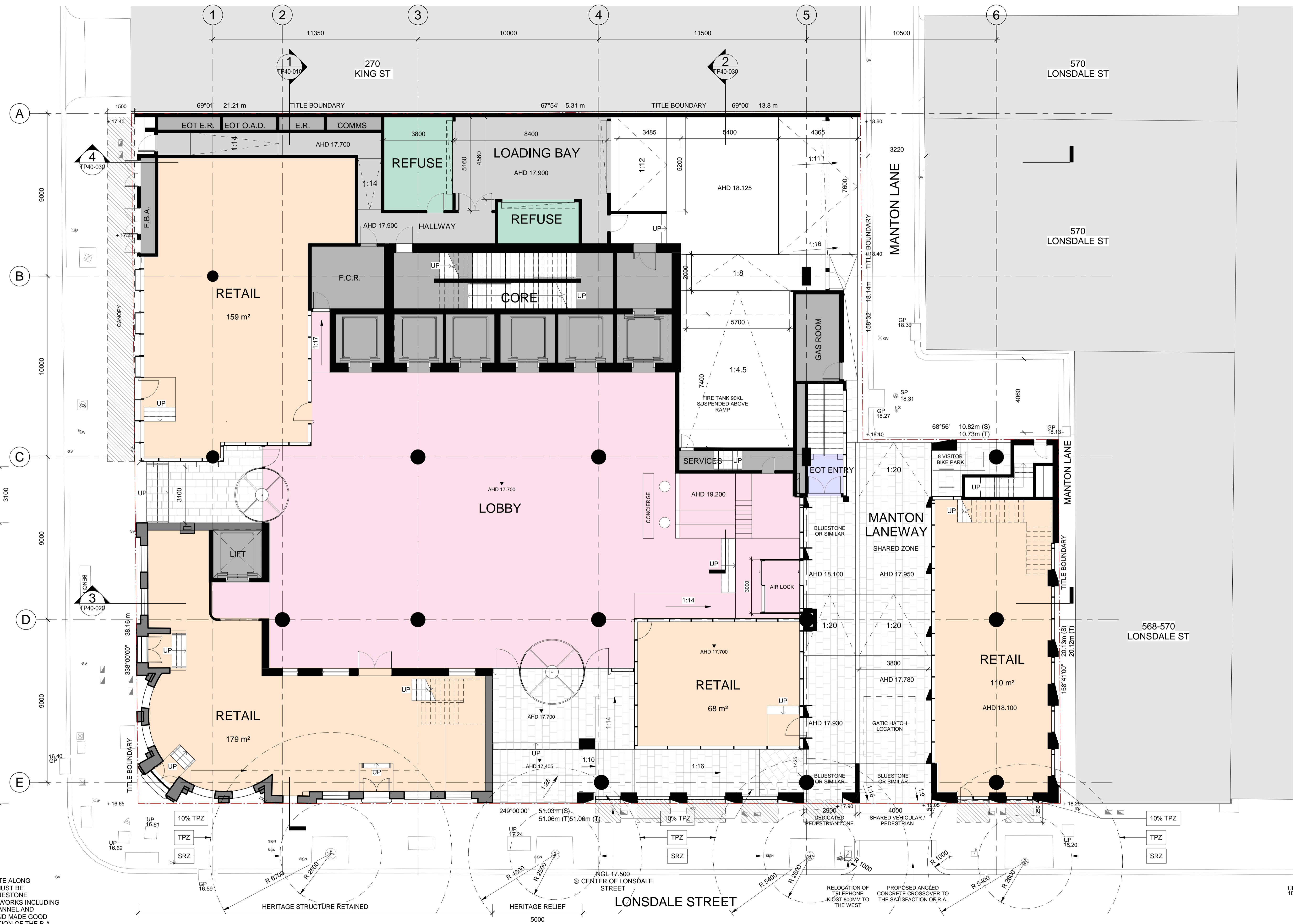
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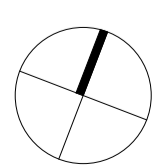




LEGEND:

- EXISTING WALLS RETAINED
- NEW WALLS

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Project: **580 LONSDALE ST**

Drawing Title: **FLOOR PLAN - GROUND**

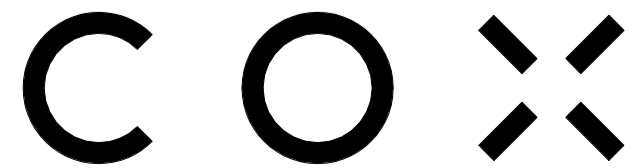
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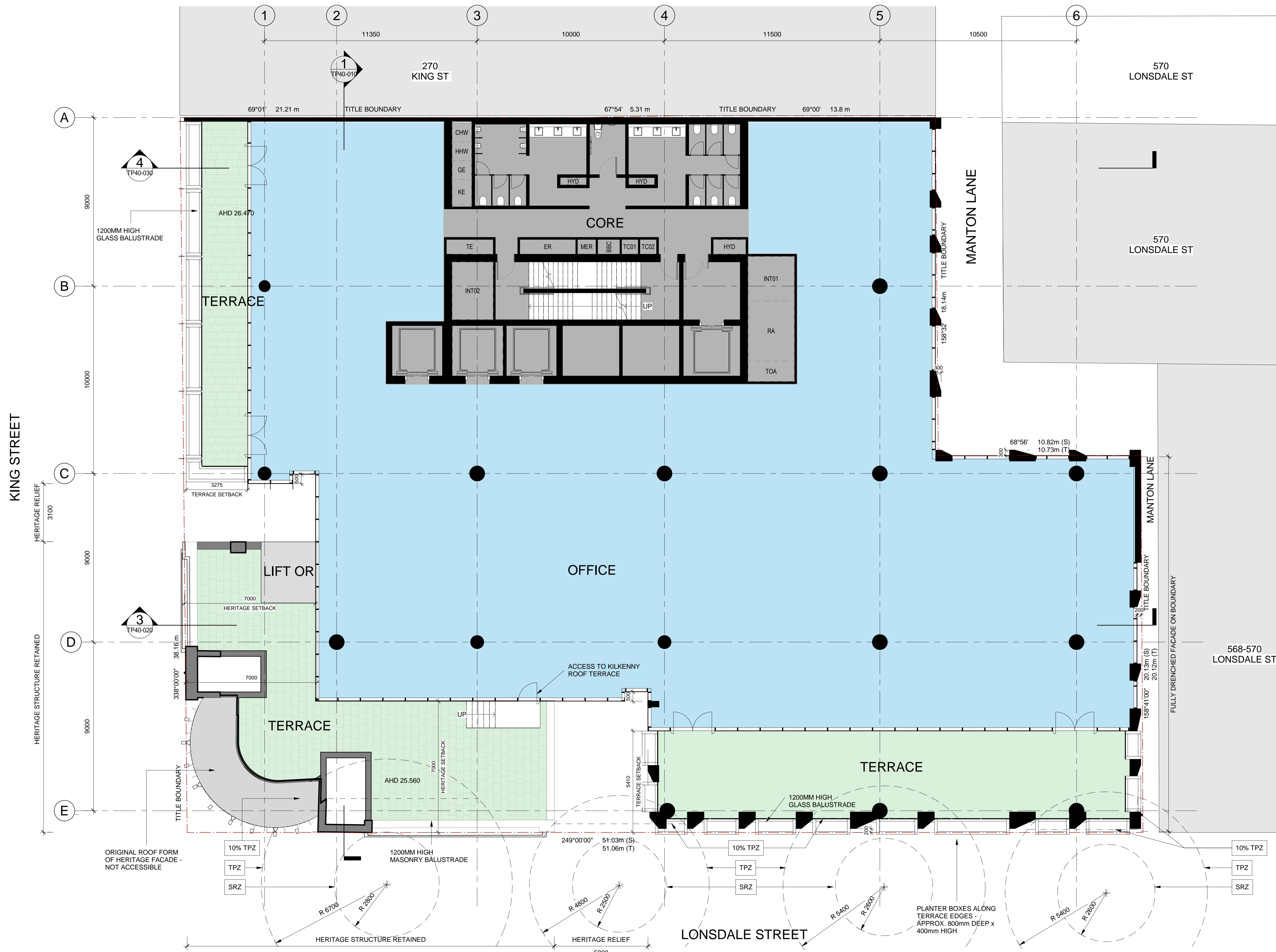
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LEGEND:

- EXISTING WALLS RETAINED
- NEW WALLS
- 10% TPZ
- TPZ
- SRZ

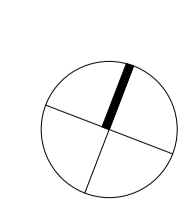


LEGEND:

- EXISTING WALLS RETAINED
- NEW WALLS

ORIGINAL ROOF FORM OF HERITAGE FACADE - NOT ACCESSIBLE

PLANTER BOXES ALONG TERRACE EDGES - APPROX. 800mm DEEP x 400mm HIGH



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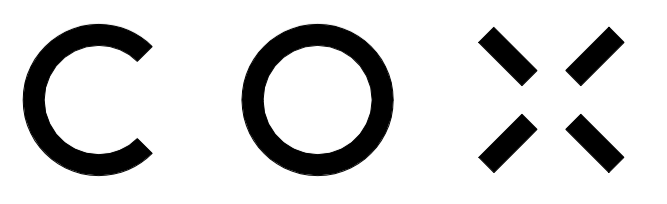
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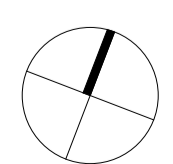
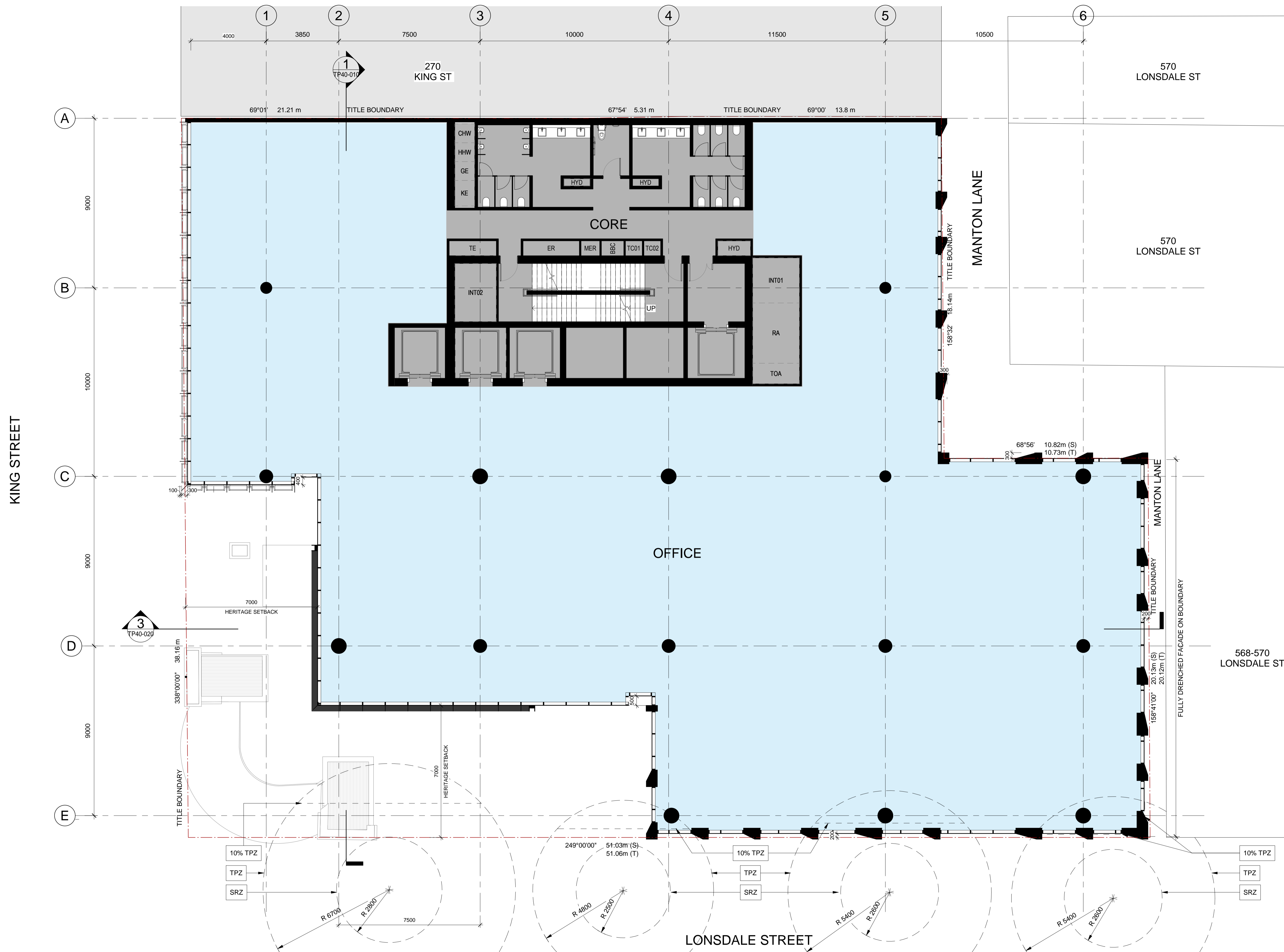
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Project:
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Drawing Title:
FLOOR PLAN - LEVEL 3

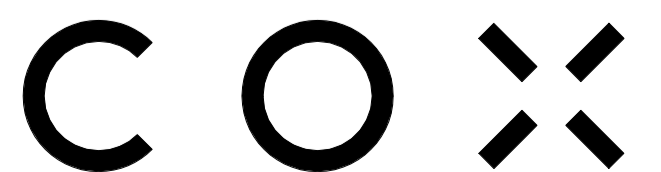
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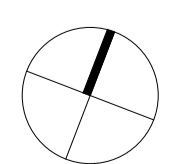
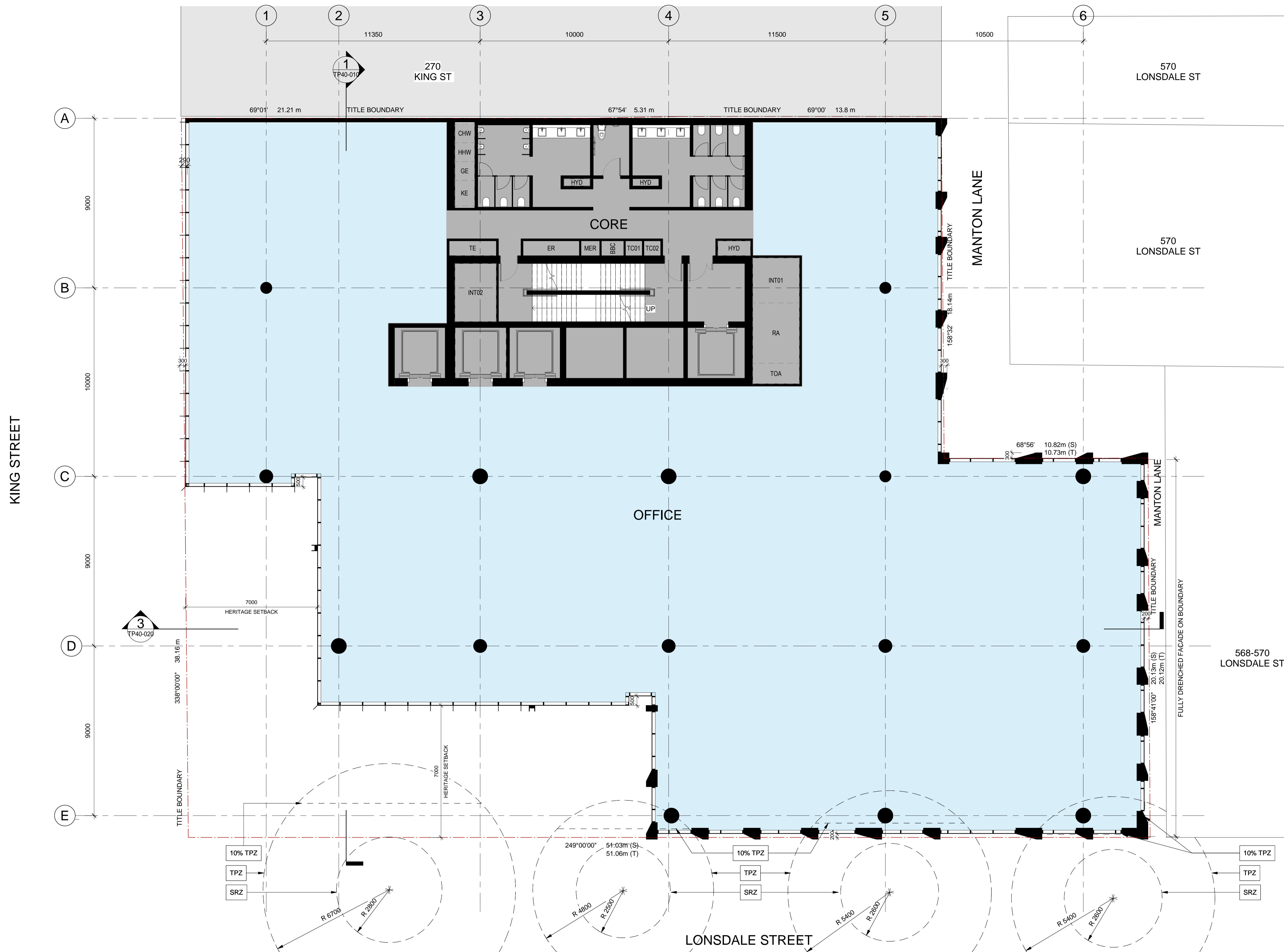
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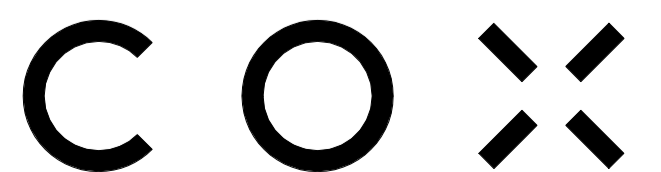


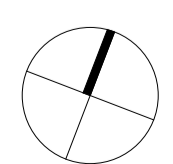
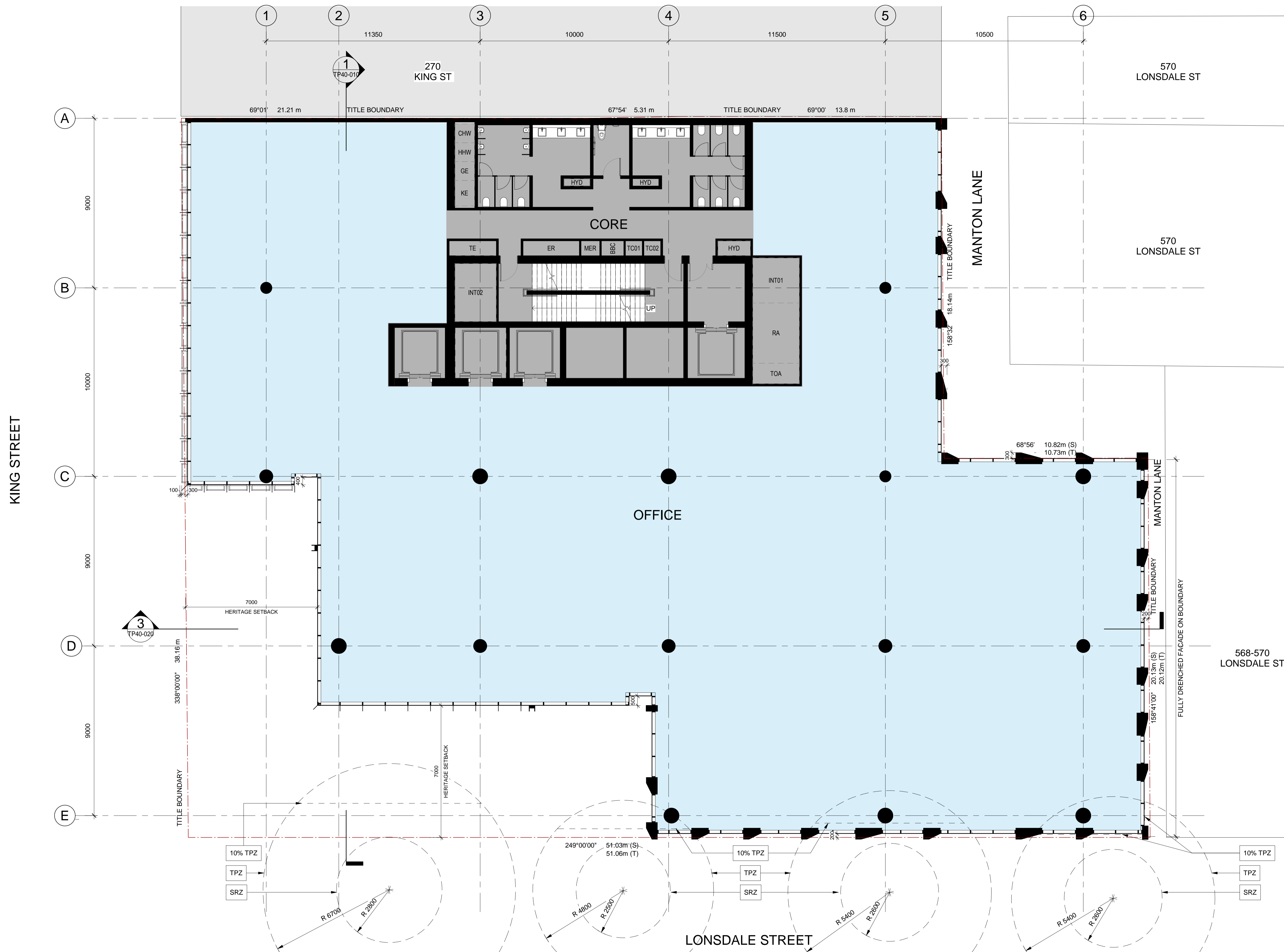
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Drawing Title:
FLOOR PLAN - LEVEL 4

Drawing Number: **TP21-140**
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 Date: **06/11/2020**
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Project:
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Drawing Title:
FLOOR PLAN - LEVEL 5

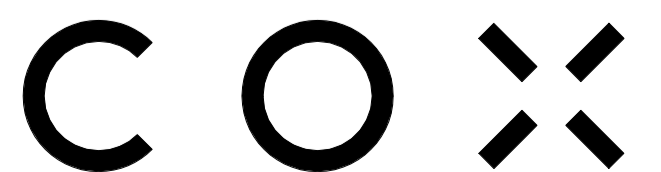
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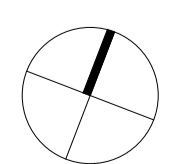
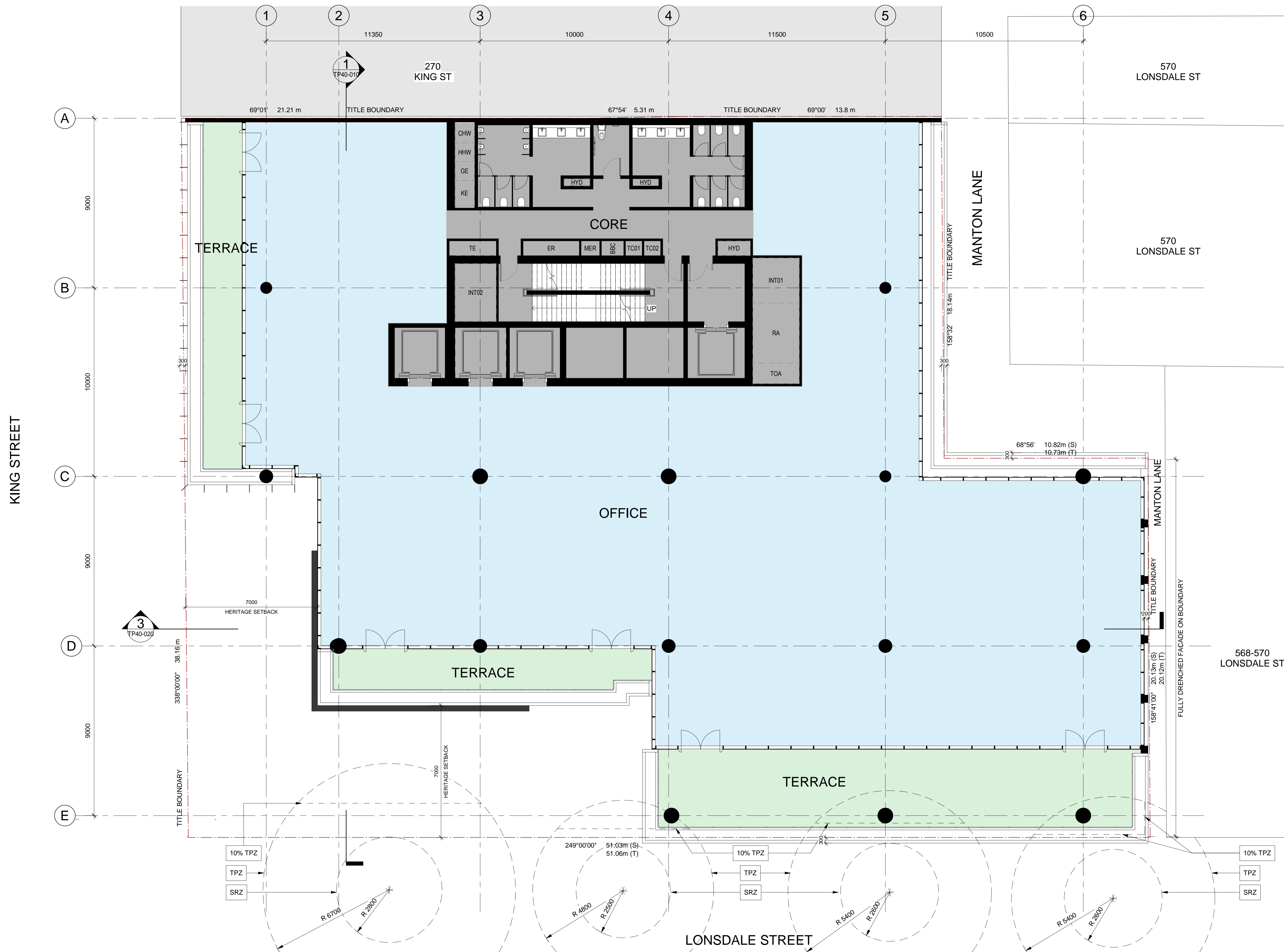
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Date:
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Project:
580 LONSDALE ST

Drawing Title:
FLOOR PLAN - LEVEL 6

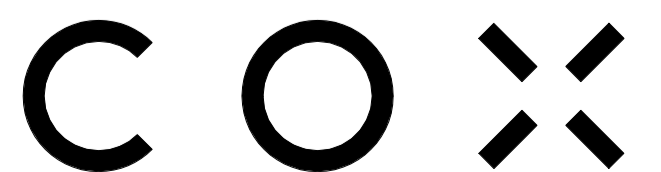
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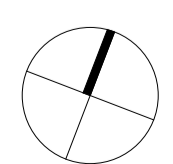
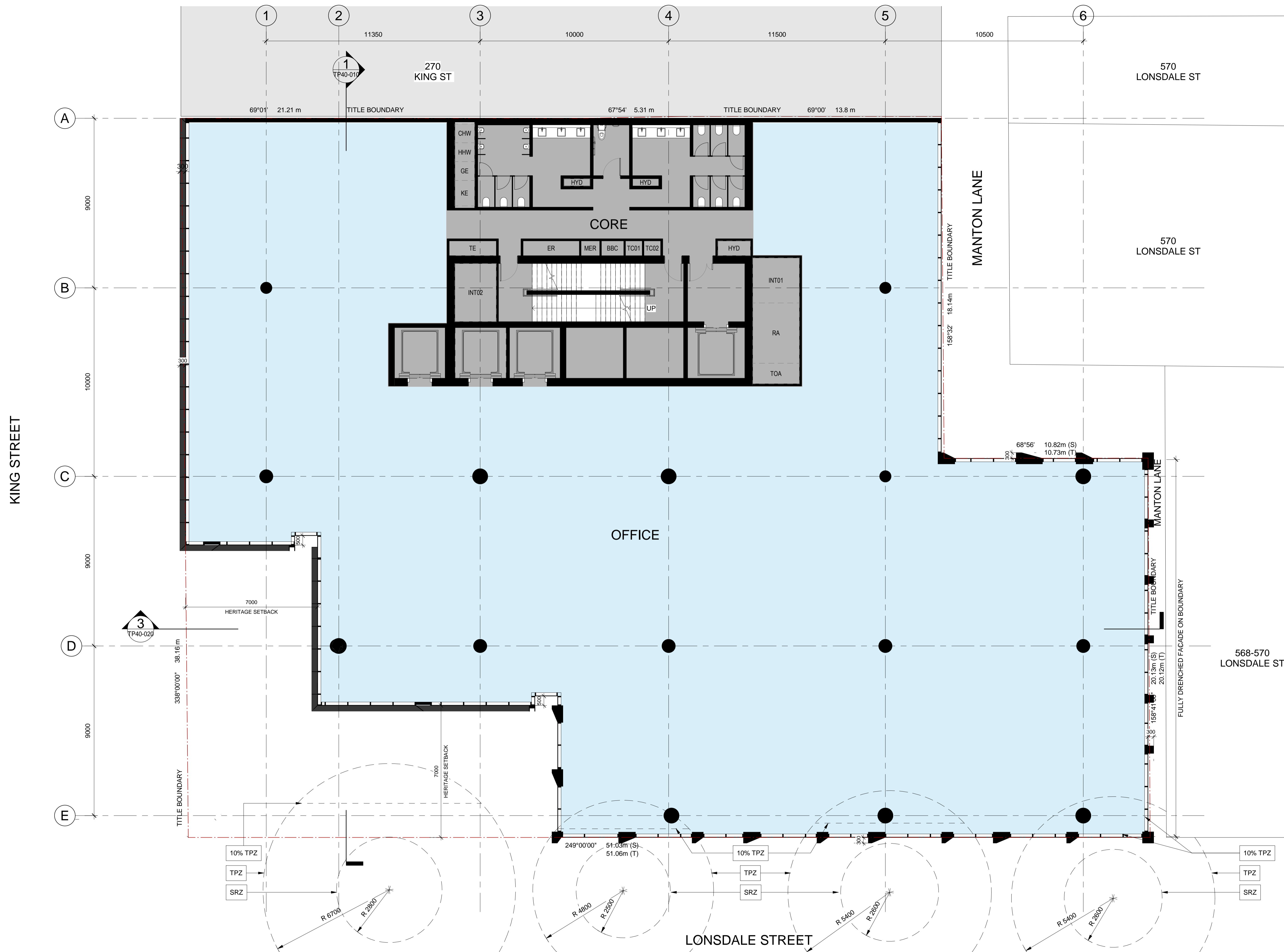
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Project:
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Drawing Title:
FLOOR PLAN - LEVEL 7

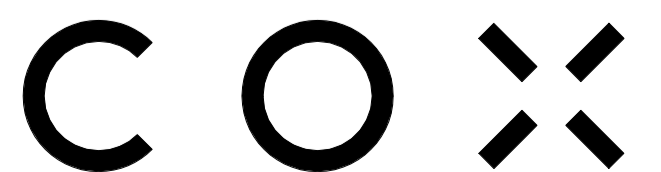
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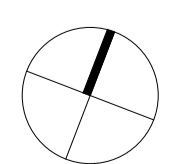
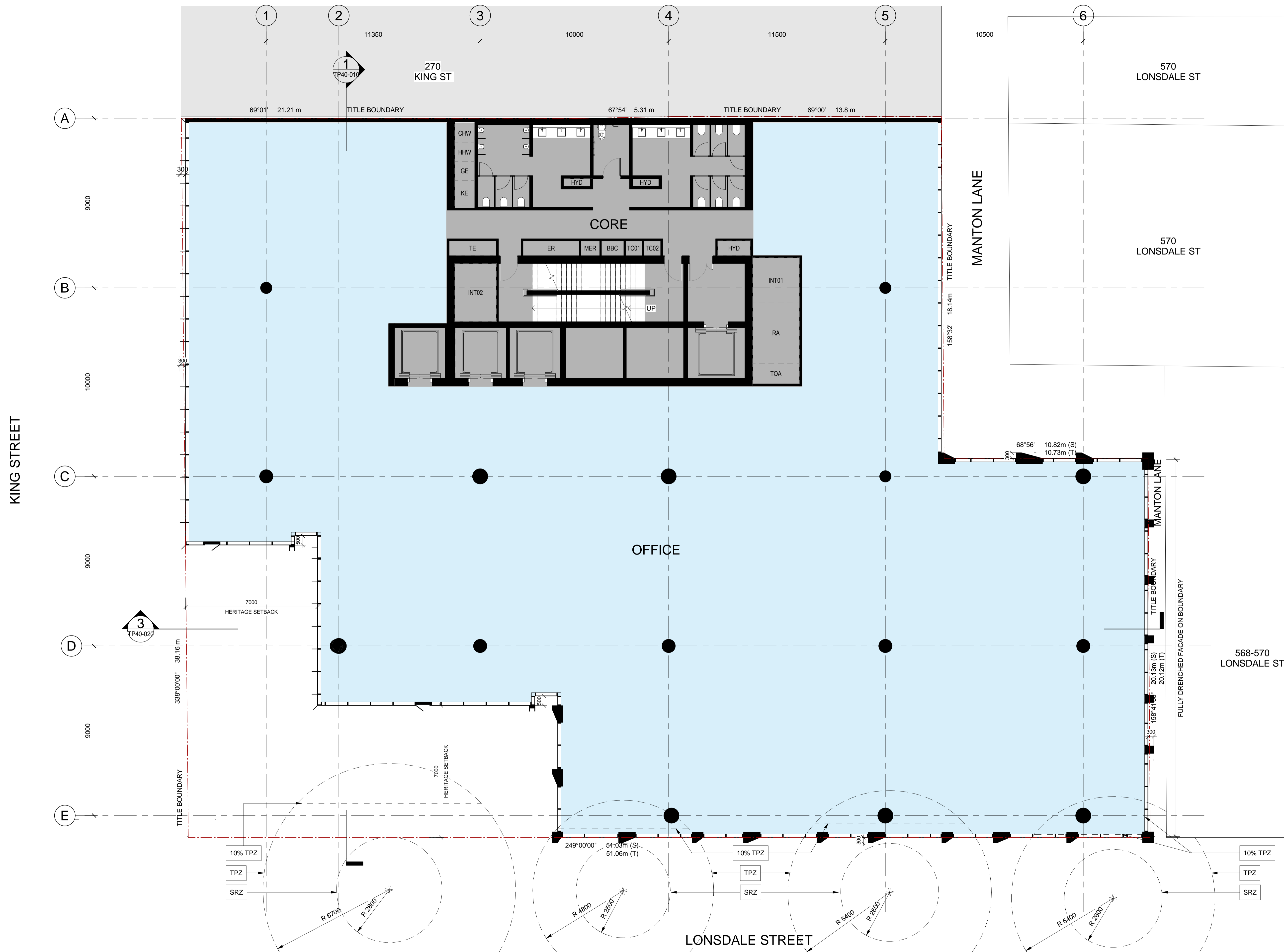
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Project:
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Drawing Title:
FLOOR PLAN - LEVEL 8

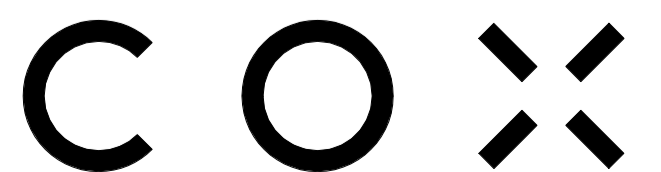
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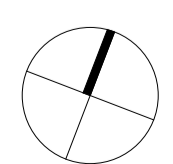
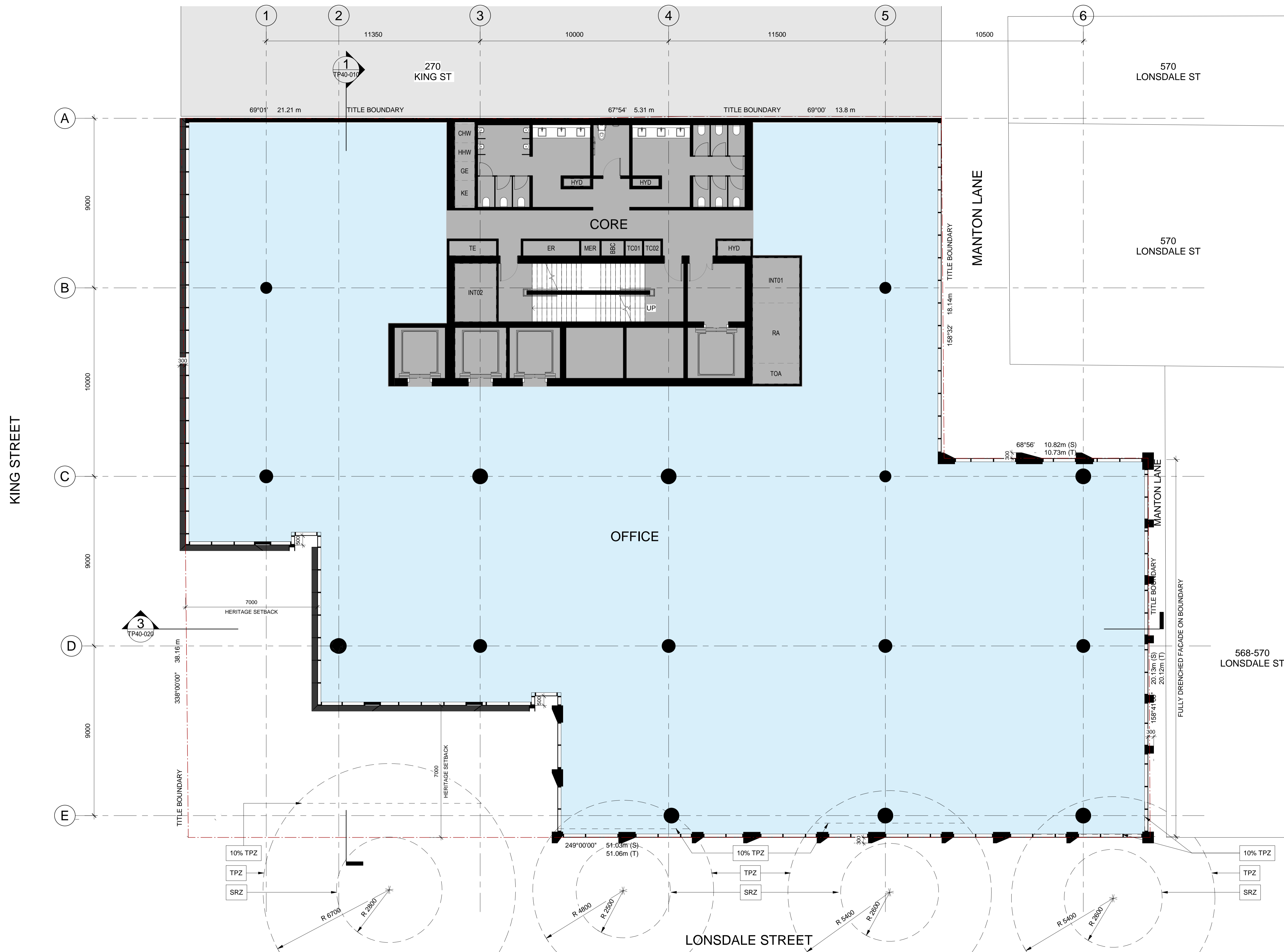
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Project:
580 LONSDALE ST

Drawing Title:
FLOOR PLAN - LEVEL 9

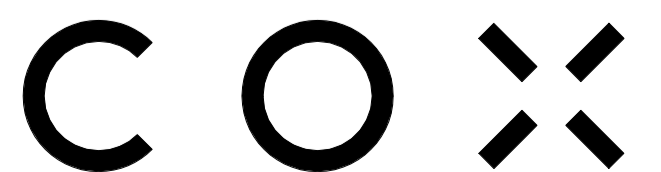
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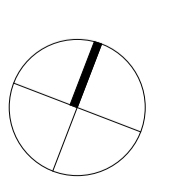
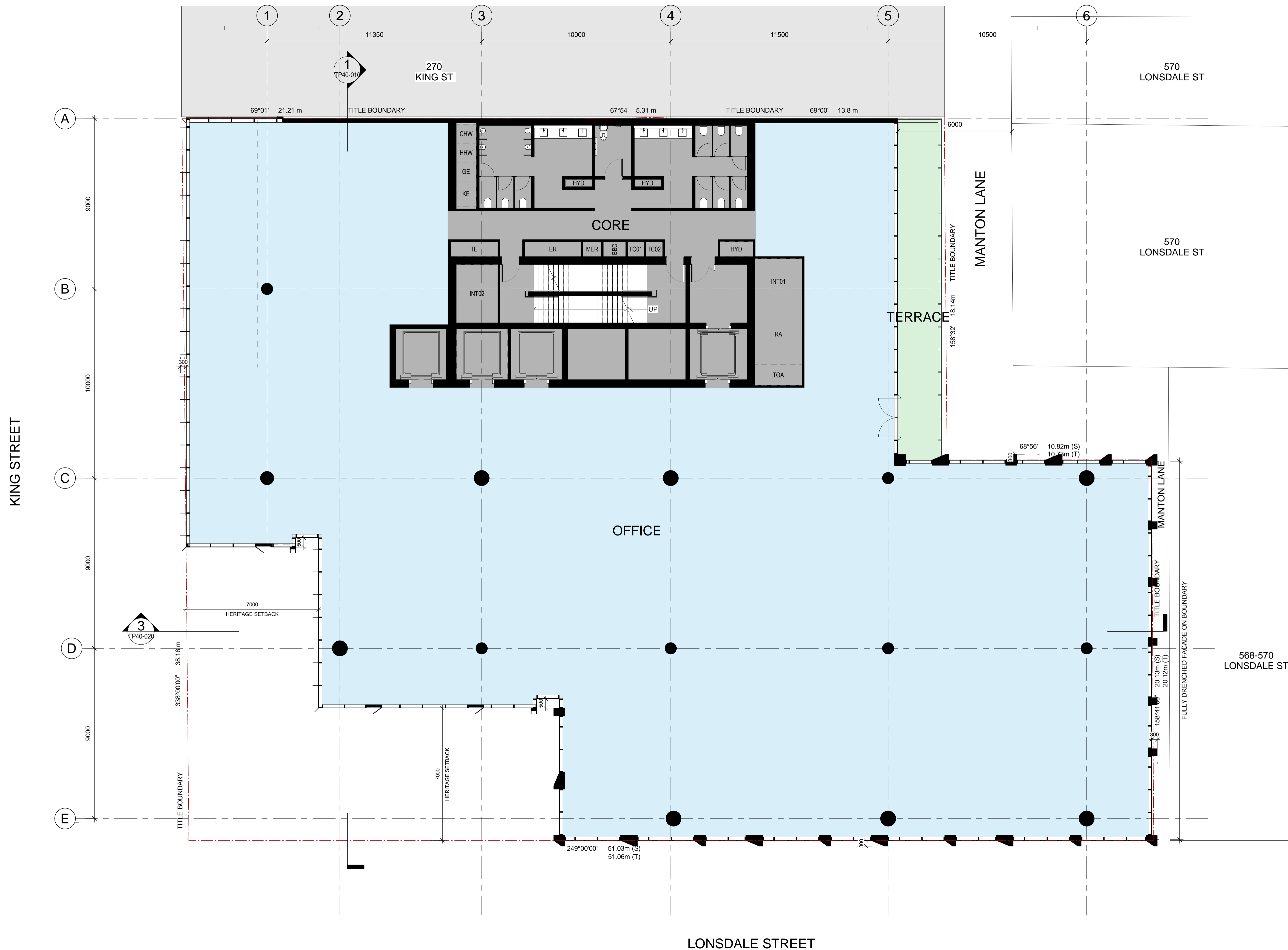
Revision:
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Date:
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Project:
580 LONSDALE ST

Drawing Title:
FLOOR PLAN - LEVEL 10

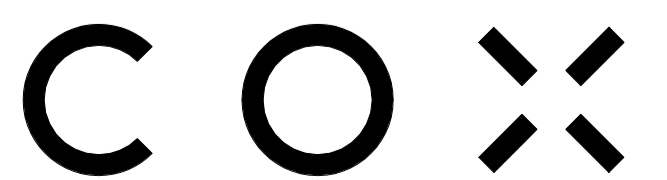
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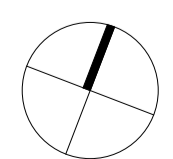
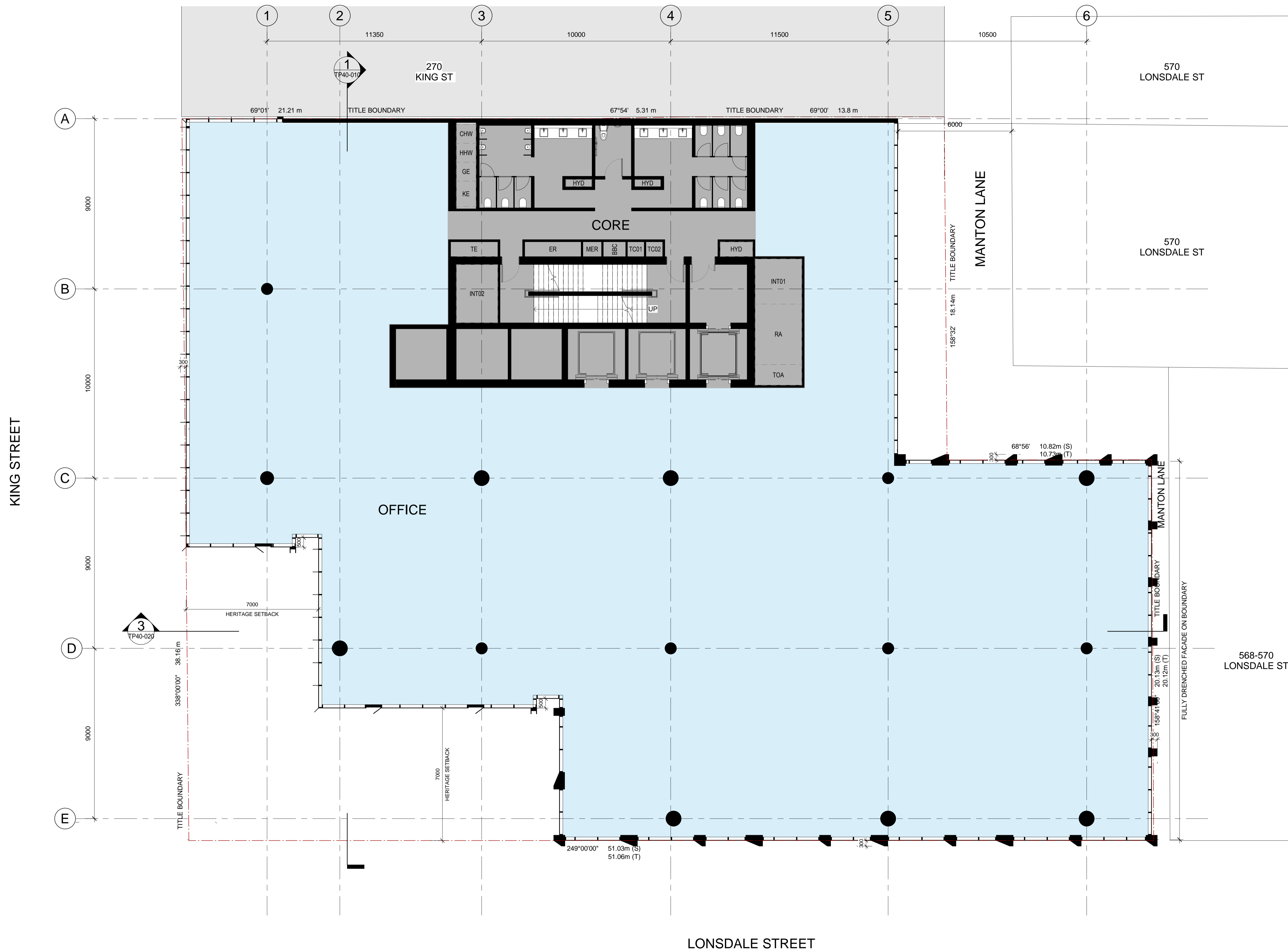
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Project:
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Drawing Title:
FLOOR PLAN - LEVEL 11

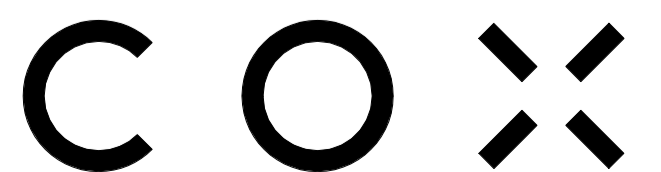
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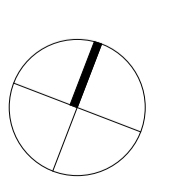
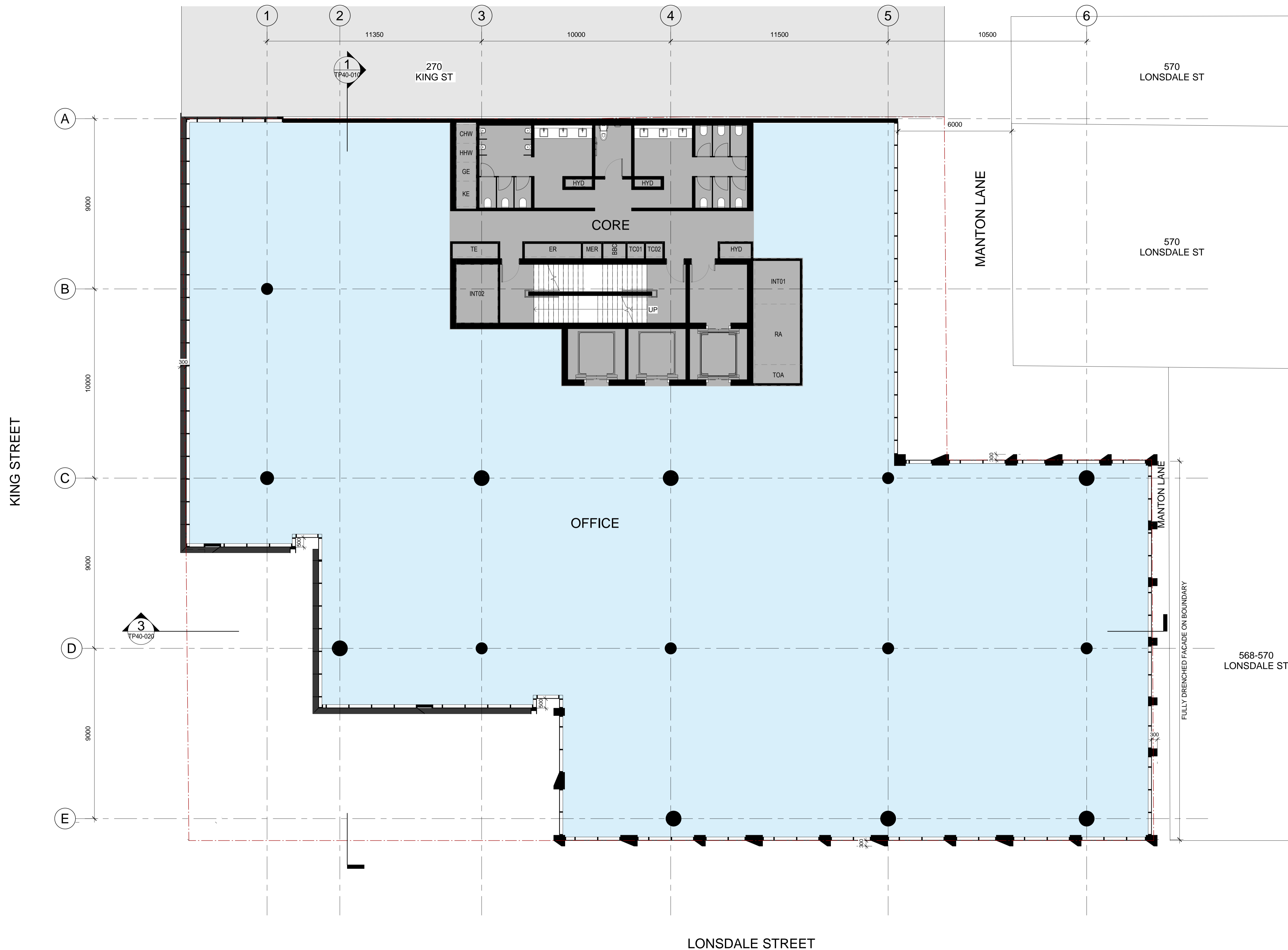
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Project:
580 LONSDALE ST

Drawing Title:
FLOOR PLAN - LEVEL 12-20

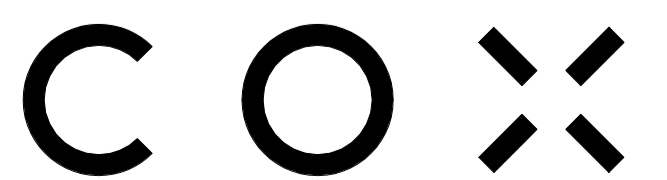
Drawing Number:
TP21-220

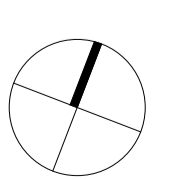
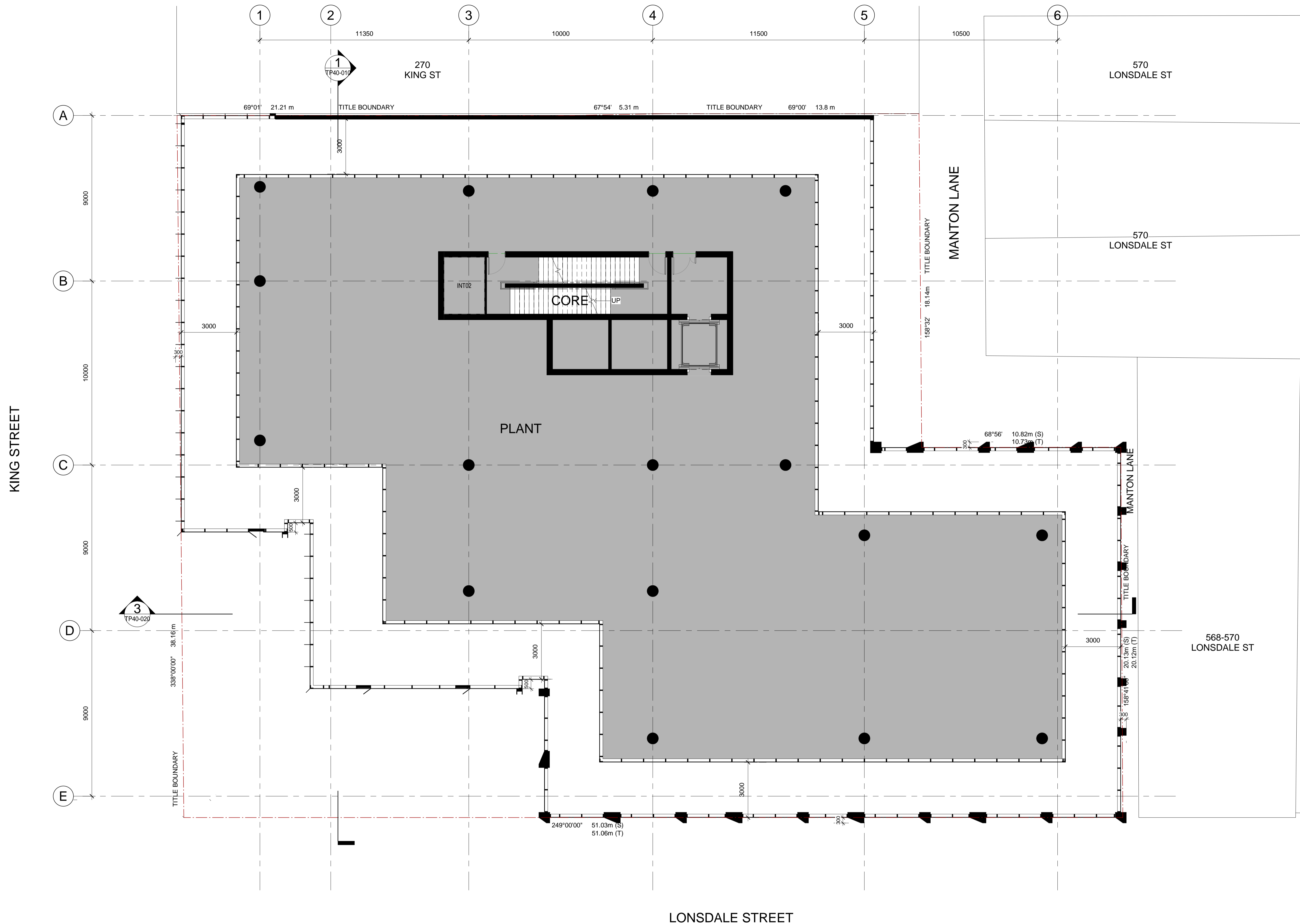
Revision:
A

Date:
06/11/2020

Scale:
1 : 100 @ A1

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Project:
580 LONSDALE ST

Drawing Title:
FLOOR PLAN - PLANT 1

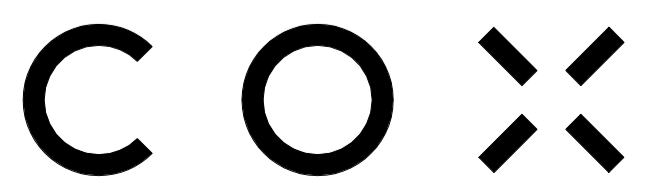
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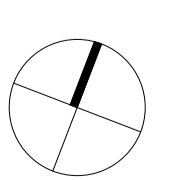
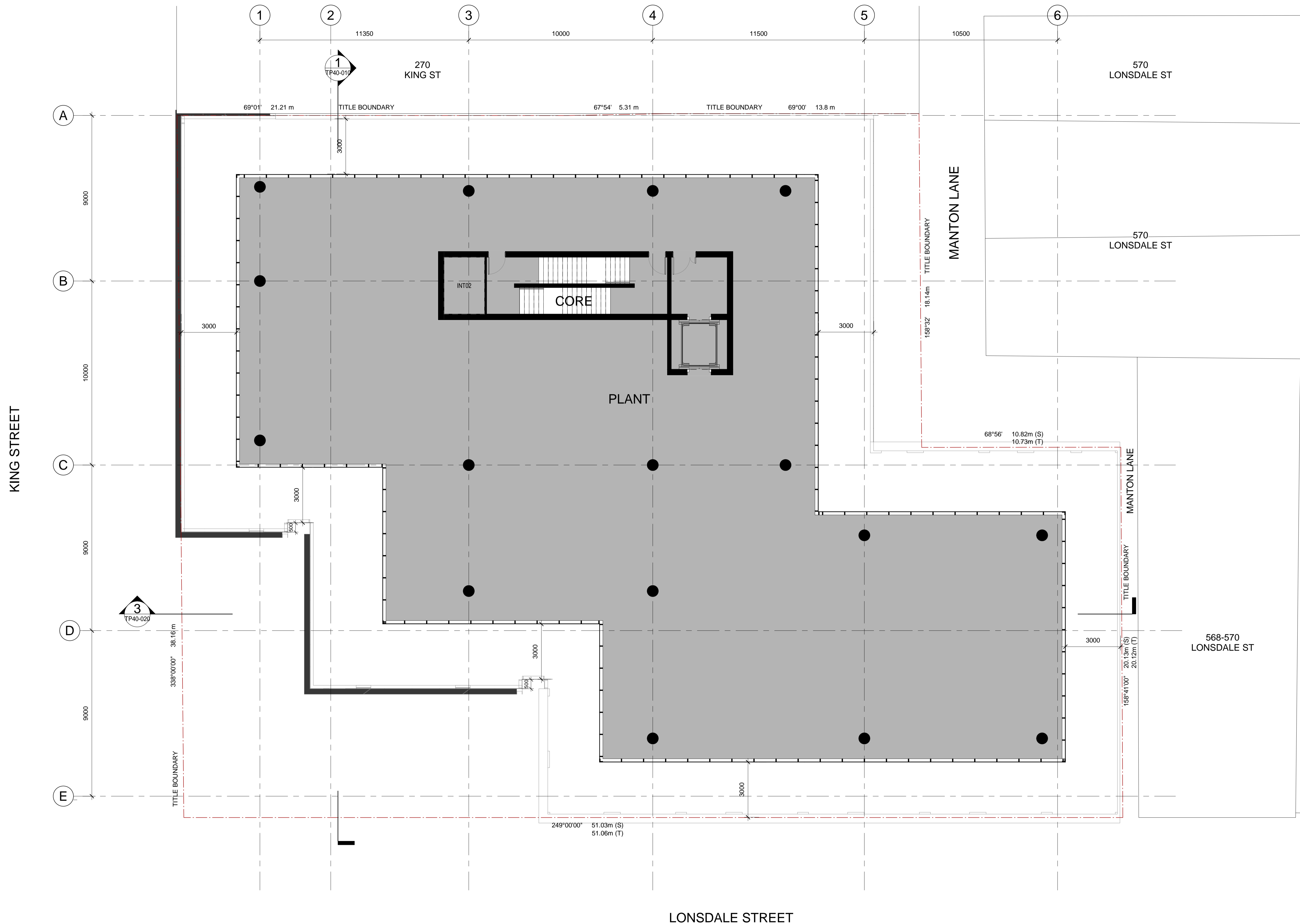
Revision:
C

Date:
06/11/2020

Scale:
1 : 100 @ A1

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Project:
580 LONSDALE ST

Drawing Title:
FLOOR PLAN - PLANT 2

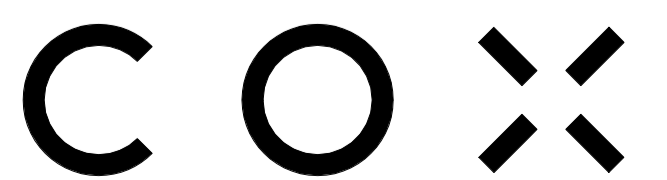
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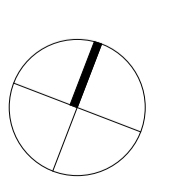
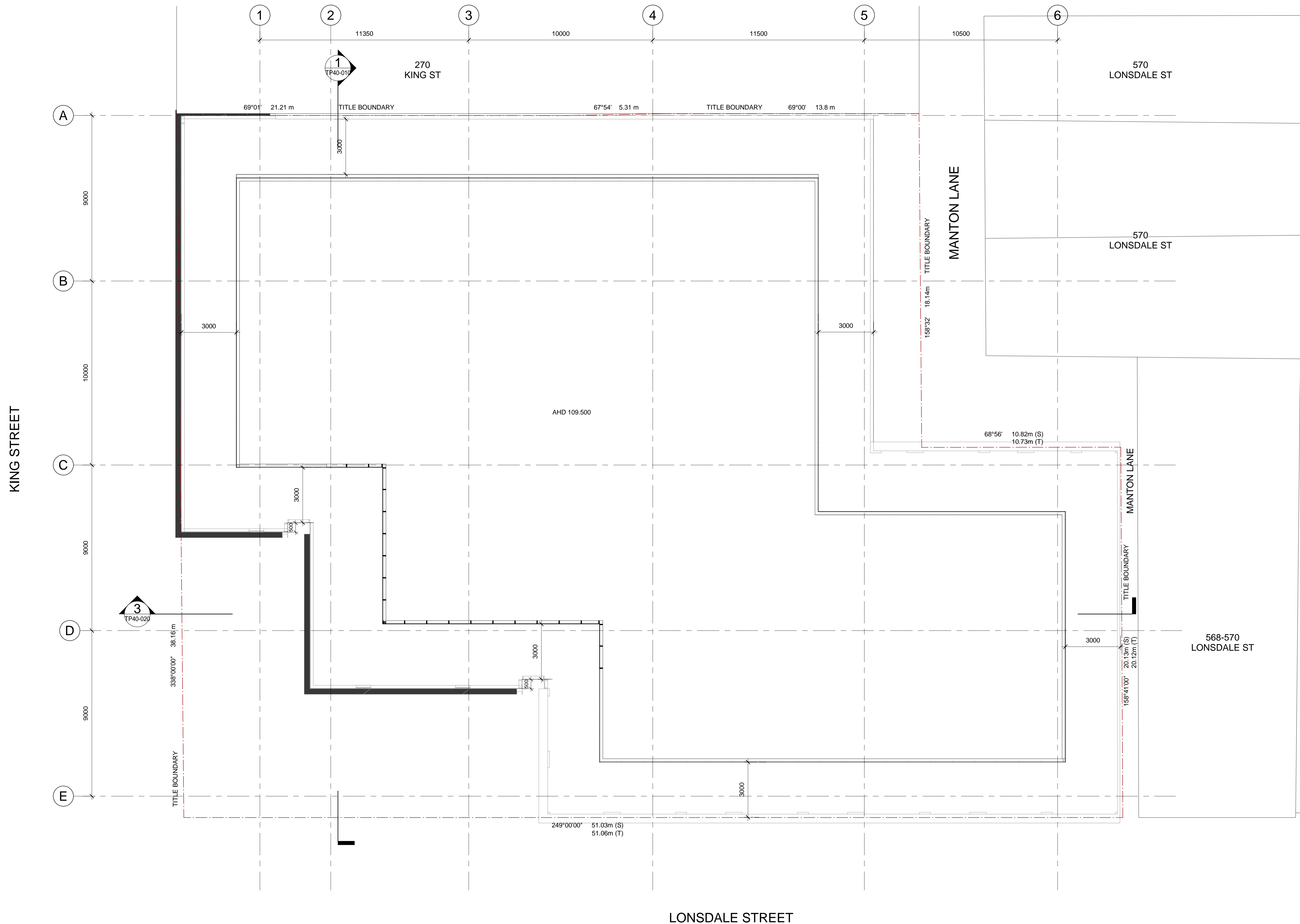
Revision:
C

Date:
06/11/2020

Scale:
1 : 100 @ A1

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Project:
580 LONSDALE ST

Drawing Title:
FLOOR PLAN - ROOF

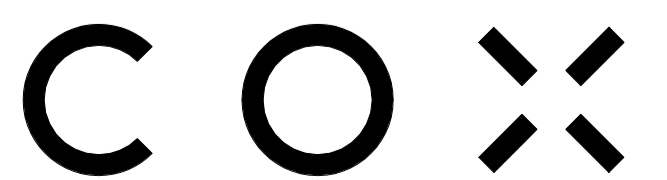
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Revision:
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Date:
06/11/2020

Scale:
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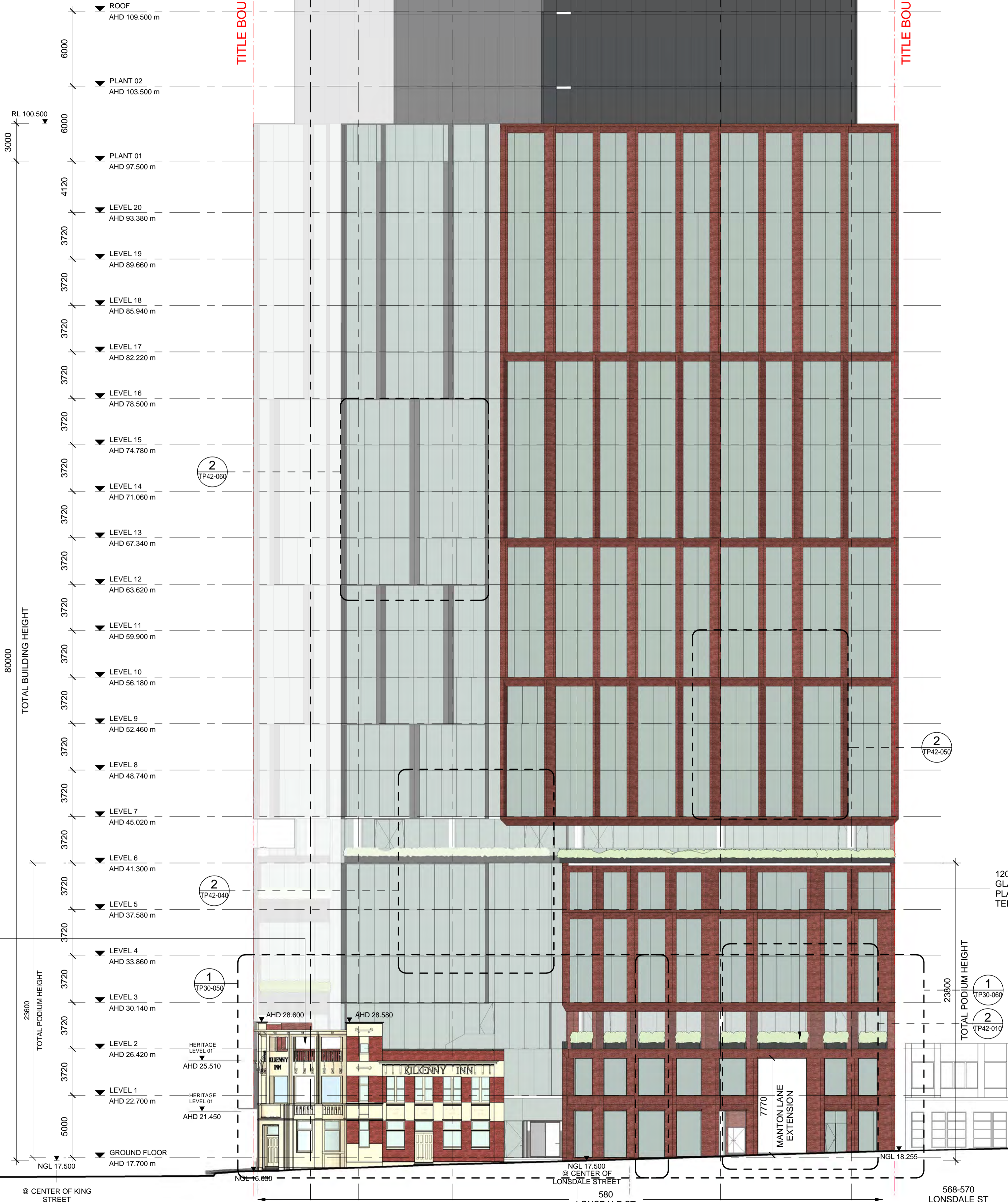


1 2 3 4 5 6

SUBJECT SITE
572 LONSDALE STREET

TITLE BOUNDARY

TITLE BOUNDARY



KILKENNY INN FACADE
RETAINED (CURVED CORNER
AND ASSOCIATED RECTILINEAR
TOWERS), WINDOWS, DOORS,
OPENINGS AND EXTENTS OF
BRICK SIDE WALLS

1200MM HIGH
GLASS BALUSTRADE BEHIND
PLANTER BOXES ALONG
TERRACE EDGES

KING STREET

TOTAL PODIUM HEIGHT
22600

TOTAL PODIUM HEIGHT
23800

600 LONSDALE ST @ CENTER OF KING STREET 580 LONSDALE ST 572 LONSDALE ST 560 LONSDALE ST 550 LONSDALE ST

Project:
580 LONSDALE ST

Drawing Title:
SOUTH ELEVATION

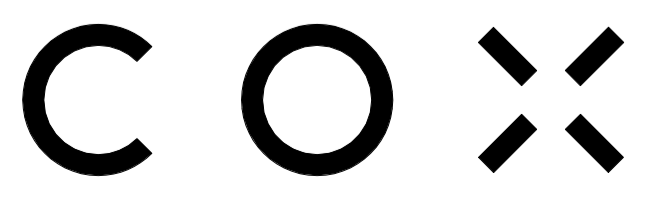
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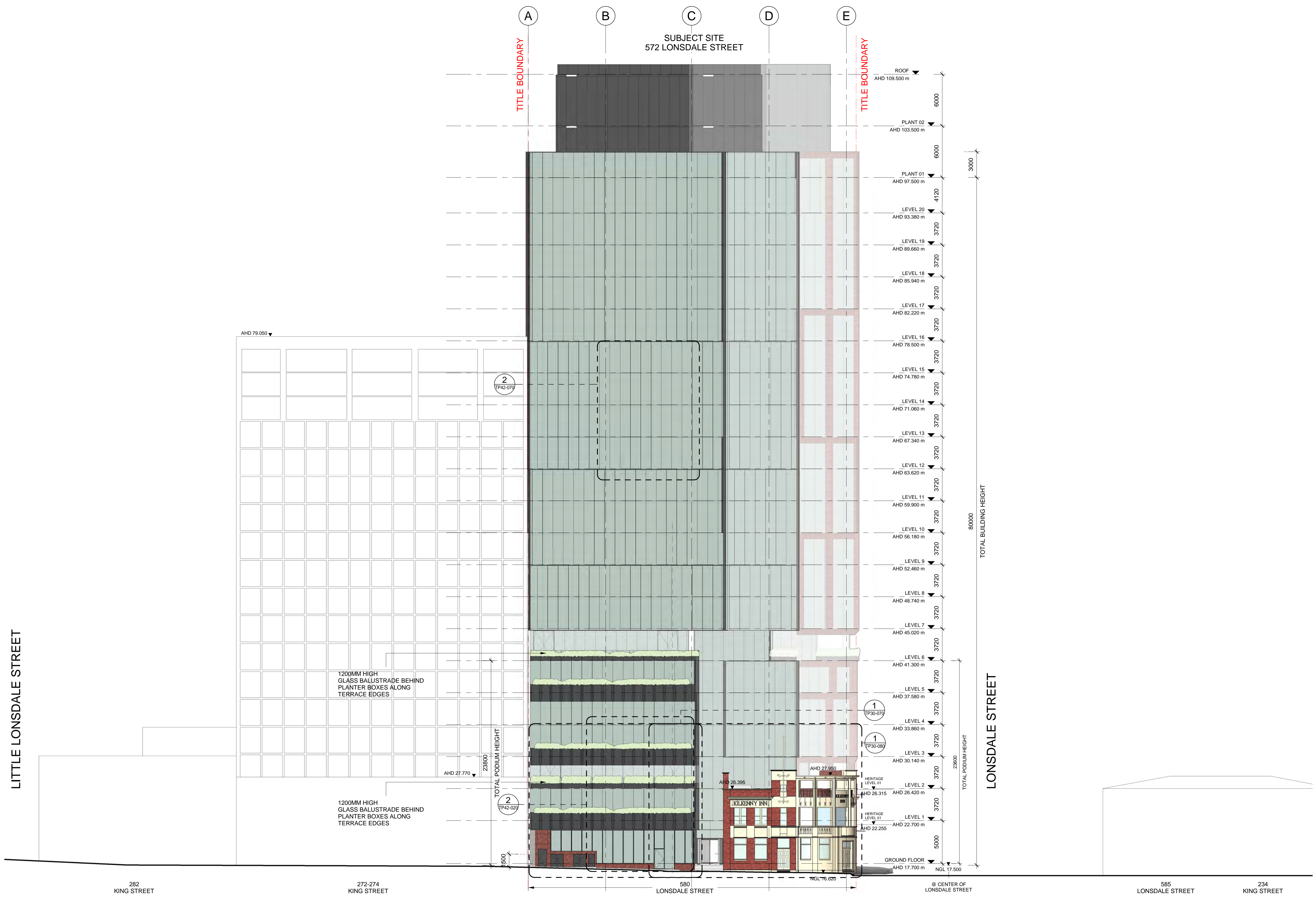
Revision:
C

Date:
06/11/2020

Scale:
1 : 200 @ A1

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Project:
580 LONSDALE ST

Drawing Title:
WEST ELEVATION

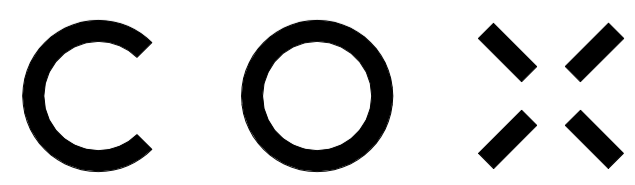
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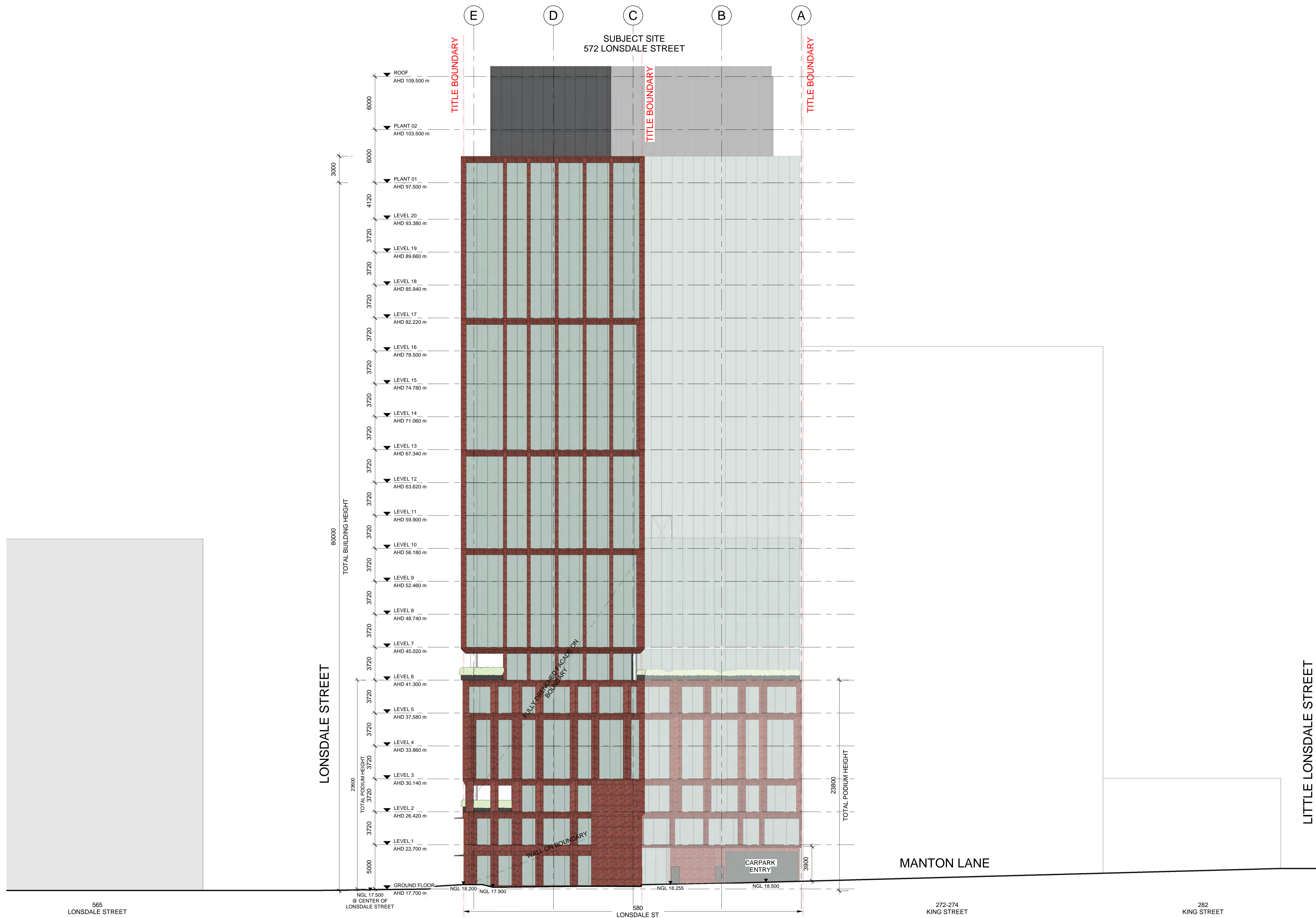
Revision:
C

Date:
06/11/2020

Scale:
1 : 200 @ A1

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Project:
580 LONSDALE ST

Drawing Title:
EAST ELEVATION

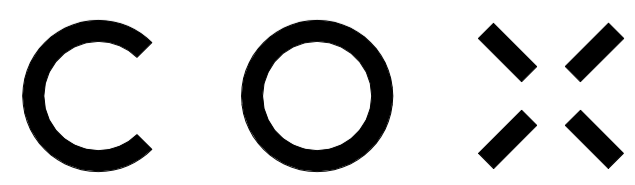
Drawing Number:
TP30-030

Revision:
C

Date:
06/11/2020

Scale:
1 : 200 @ A1

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SUBJECT SITE
572 LONSDALE STREET

6 5 4 3 2 1

TITLE BOUNDARY

TITLE BOUNDARY

- ROOF
AHD 109.500 m
- PLANT 02
AHD 103.500 m
- PLANT 01
AHD 97.500 m
- LEVEL 20
AHD 93.380 m
- LEVEL 19
AHD 89.660 m
- LEVEL 18
AHD 85.940 m
- LEVEL 17
AHD 82.220 m
- LEVEL 16
AHD 78.500 m
- LEVEL 15
AHD 74.780 m
- LEVEL 14
AHD 71.060 m
- LEVEL 13
AHD 67.340 m
- LEVEL 12
AHD 63.620 m
- LEVEL 11
AHD 59.900 m
- LEVEL 10
AHD 56.180 m
- LEVEL 9
AHD 52.460 m
- LEVEL 8
AHD 48.740 m
- LEVEL 7
AHD 45.020 m
- LEVEL 6
AHD 41.300 m
- LEVEL 5
AHD 37.580 m
- LEVEL 4
AHD 33.860 m
- LEVEL 3
AHD 30.140 m
- LEVEL 2
AHD 26.420 m
- LEVEL 1
AHD 22.700 m
- GROUND FLOOR
AHD 17.700 m

WALL ON BOUNDARY

WALL ON BOUNDARY

OUTLINE OF BUILDING IN FOREGROUND

OUTLINE OF 570 LONSDALE ST
IN FOREGROUND

TOTAL PODIUM HEIGHT

TOTAL BUILDING HEIGHT

TOTAL PODIUM HEIGHT

KING STREET

MANTON LANE

560 LONSDALE STREET

570 LONSDALE STREET

580 LONSDALE ST

580 LONSDALE ST

@ CENTER OF LONSDALE STREET

600 LONSDALE STREET

Project:
580 LONSDALE ST

Drawing Title:
NORTH ELEVATION

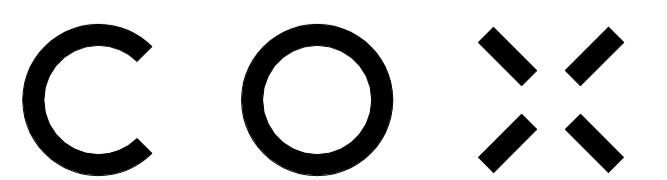
Drawing Number:
TP30-040

Revision:
C

Date:
06/11/2020

Scale:
1 : 200 @ A1

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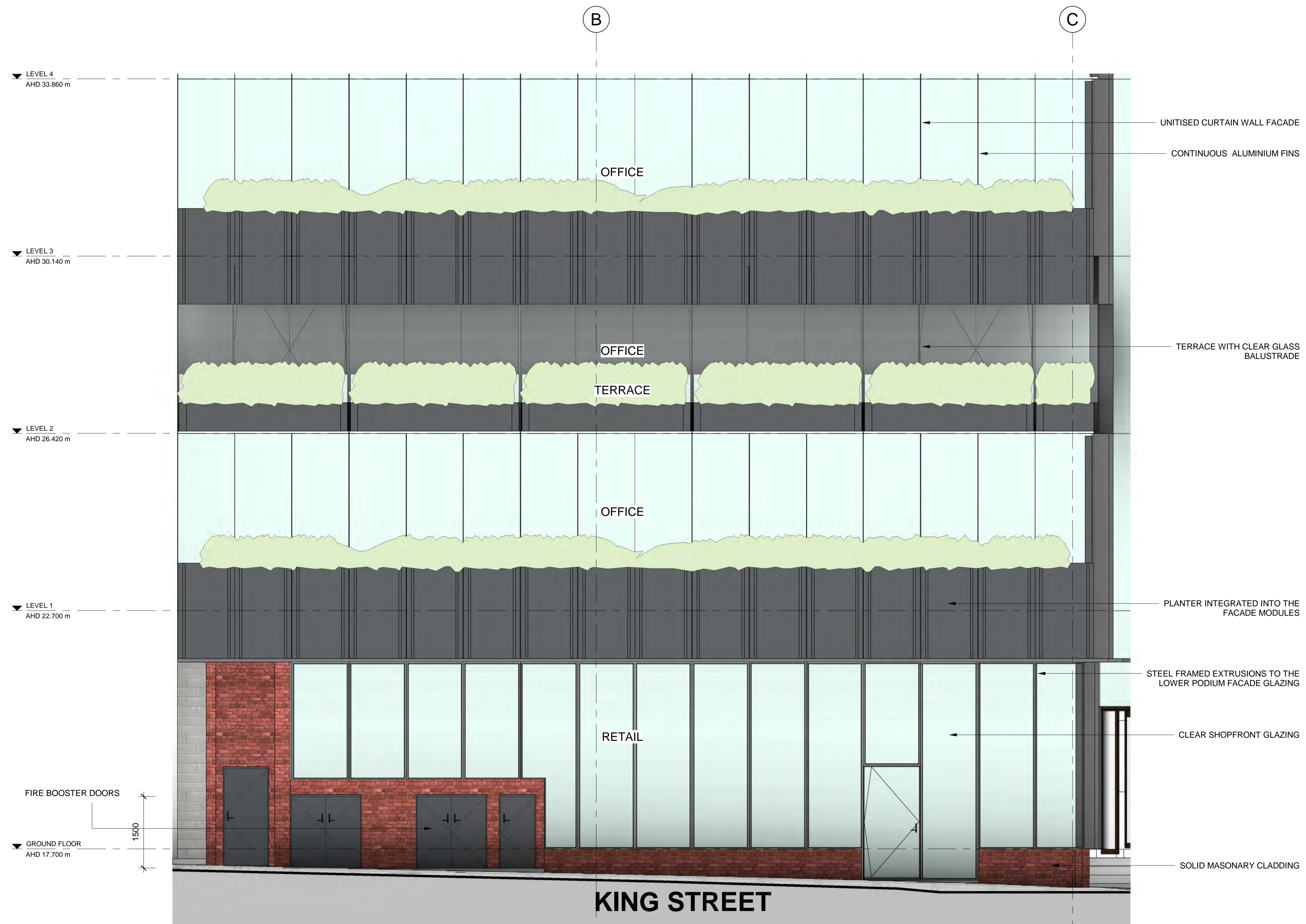




1 LONSDALE STREET ELEVATION 01
 TP30-010 SCALE 1 : 50



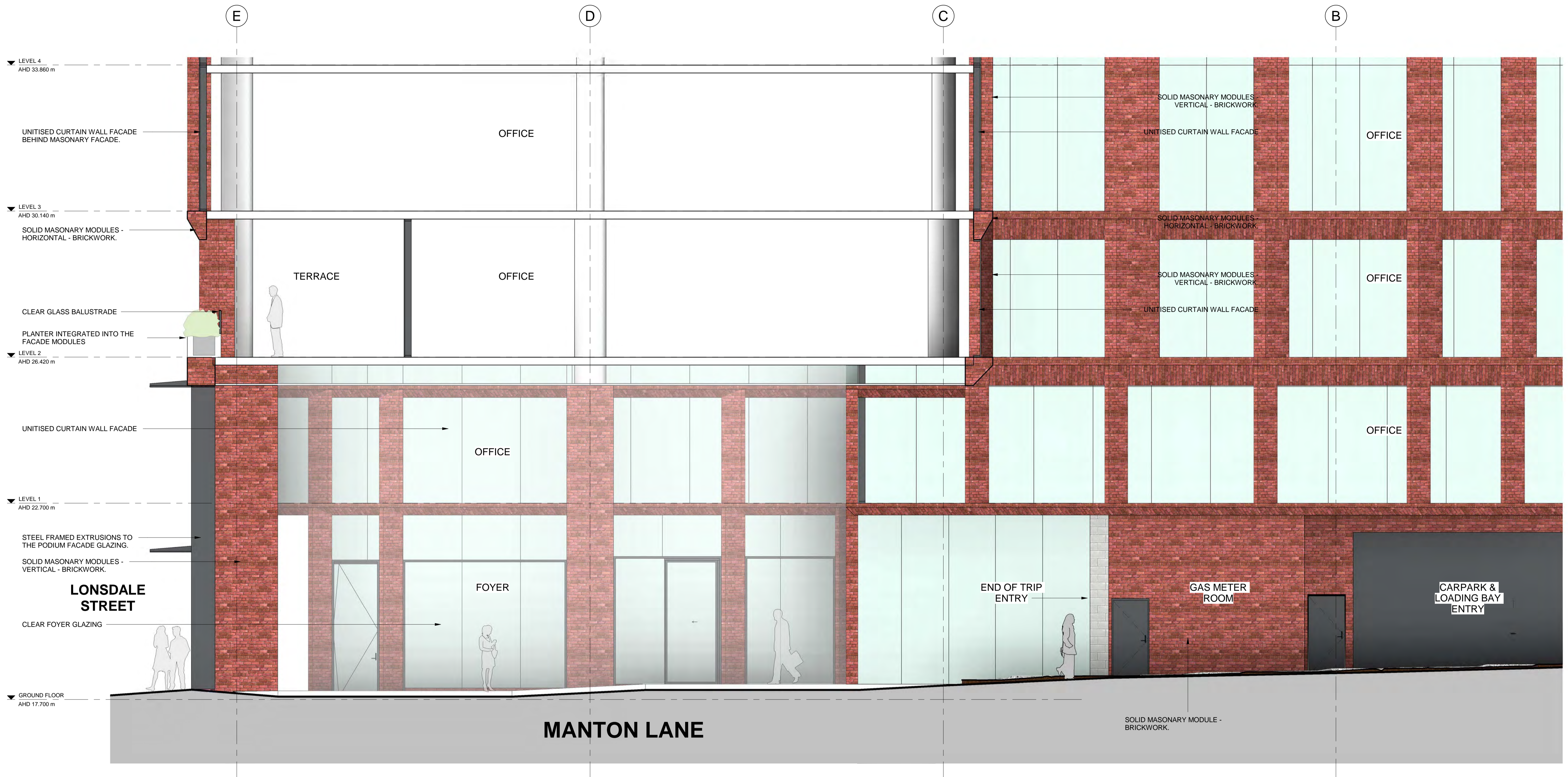
1 LONSDALE STREET ELEVATION 02
 TP30-010 SCALE 1 : 50



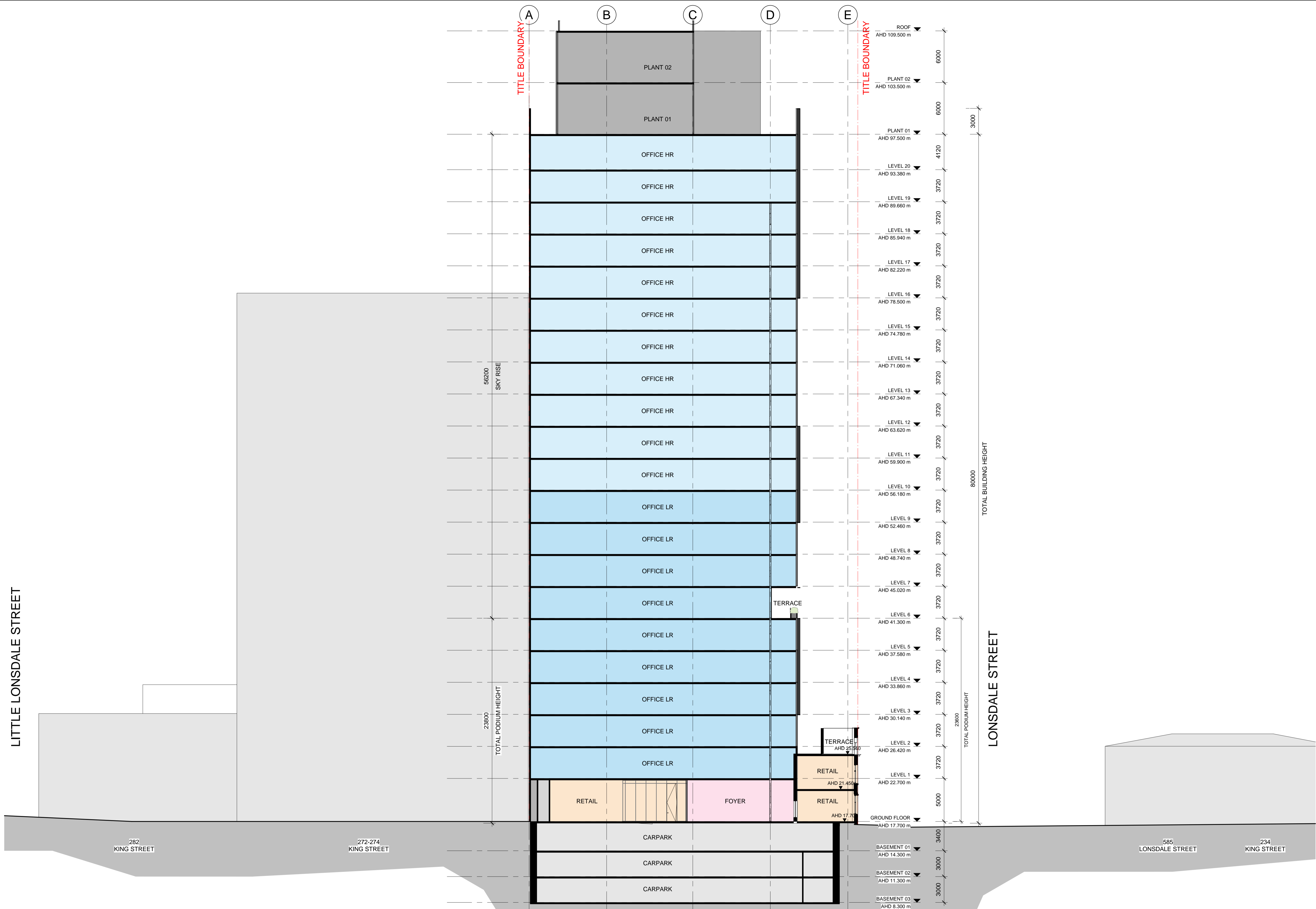
1 KING STREET ELEVATION 01
 TP30-020 SCALE 1 : 50



1 KING STREET ELEVATION 02
 TP30-020 SCALE 1 : 50



1 MANTON LANE ELEVATION
SCALE 1 : 50



Project: 580 LONSDALE ST

Drawing Title: NORTH SOUTH SECTION

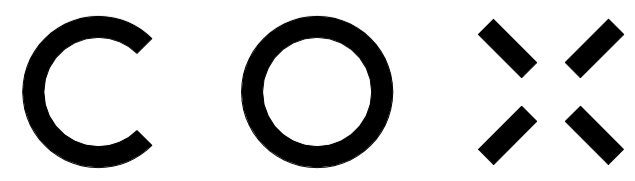
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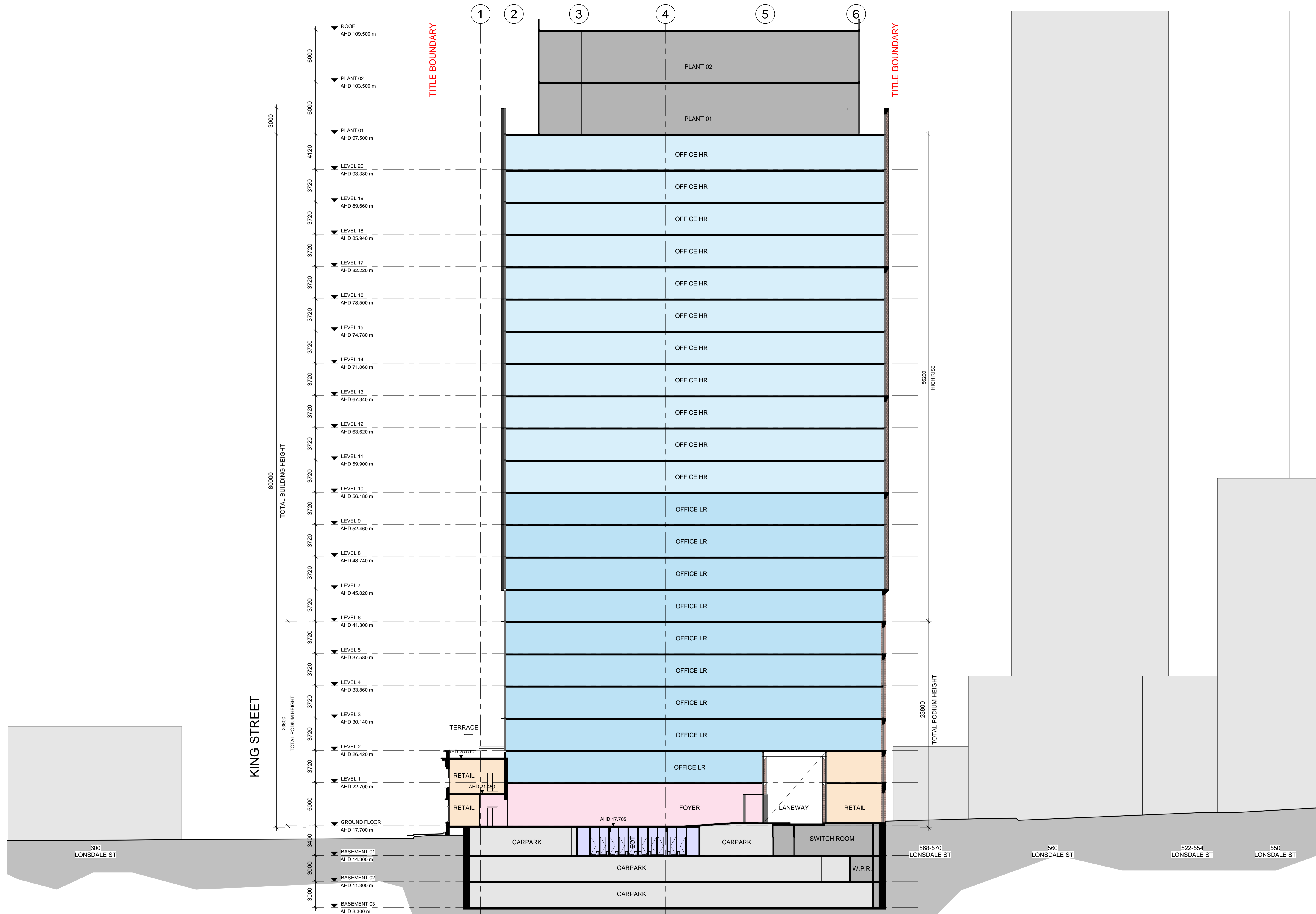
Revision: C

Date: 06/11/2020

Scale: 1 : 200 @ A1

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Project: 580 LONSDALE ST

Drawing Title: EAST WEST SECTION

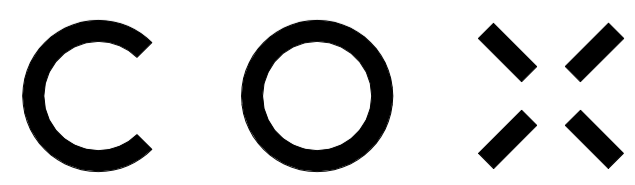
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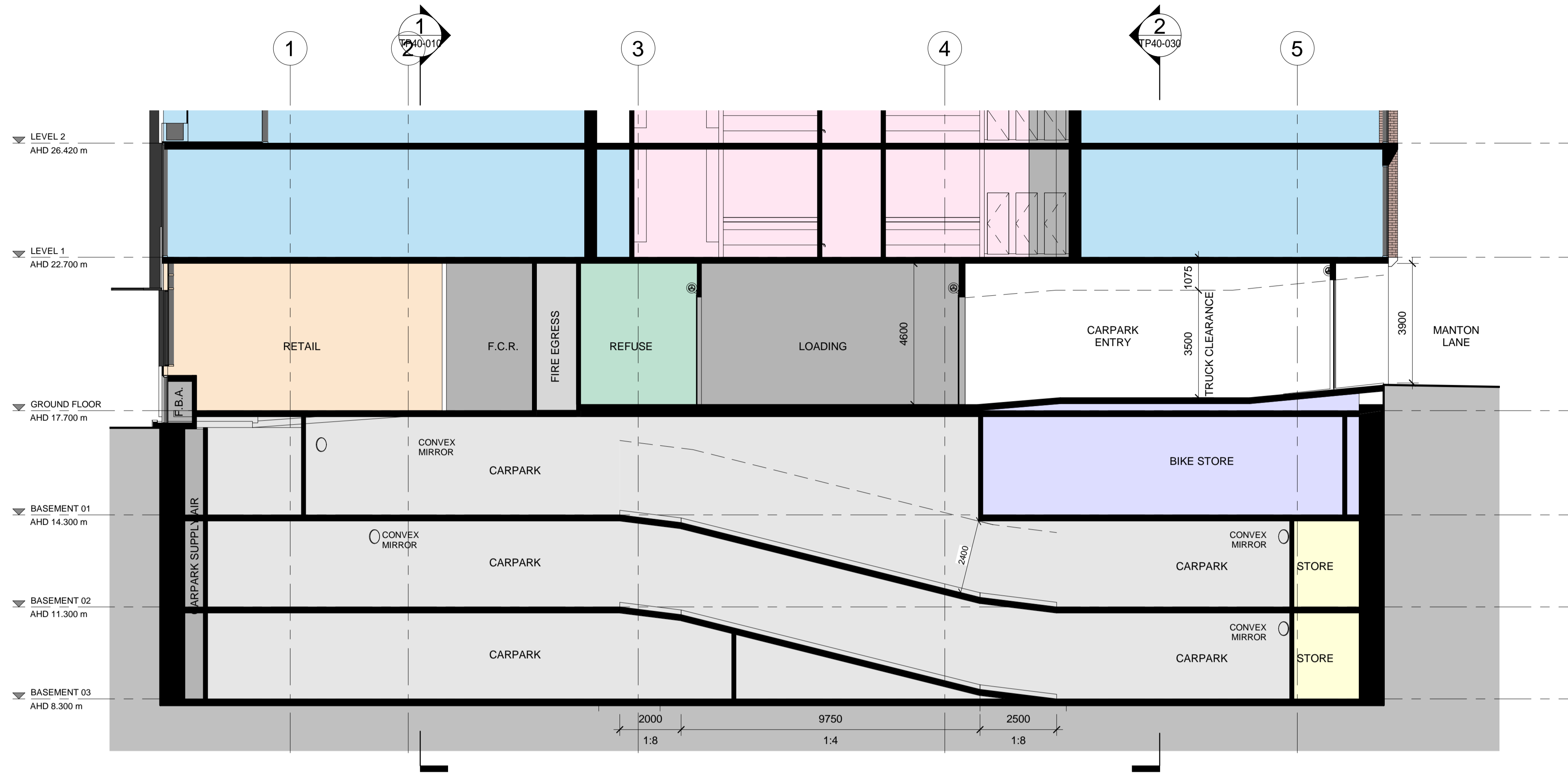
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Date: 06/11/2020

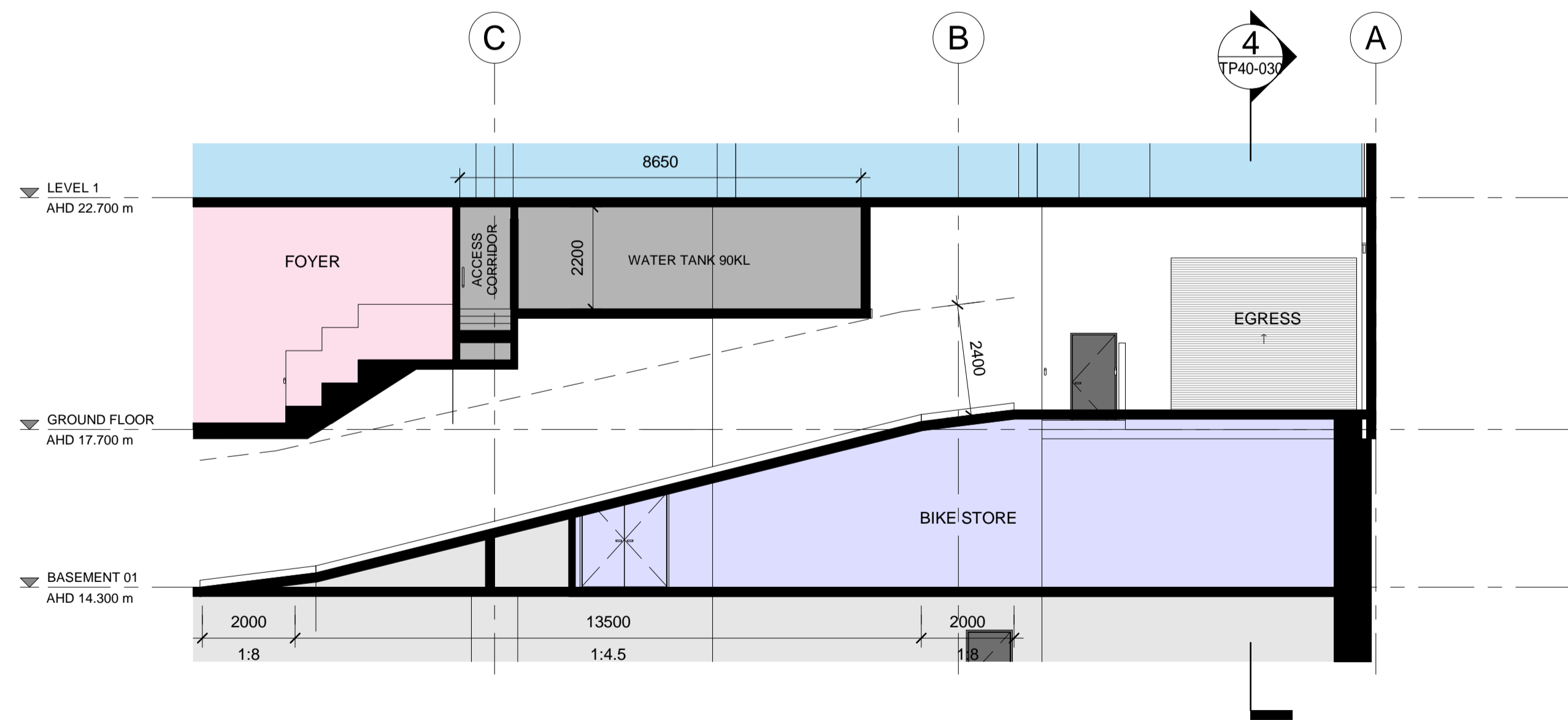
Scale: 1 : 200 @ A1

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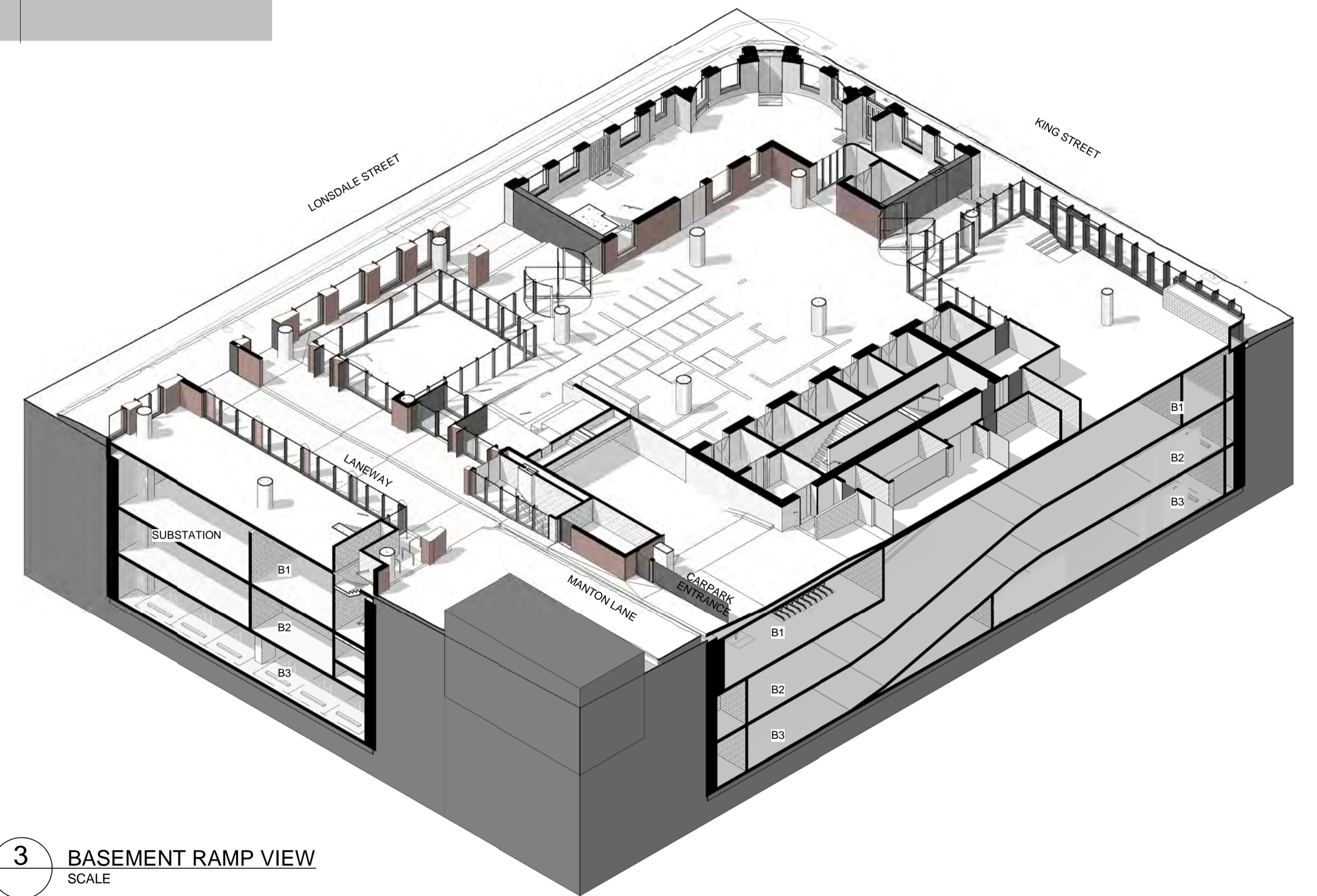




4 EAST WEST SECTION B3-L1
TP21-070 SCALE 1 : 100



2 NORTH SOUTH SECTION B3-L1
TP21-090 SCALE 1 : 100



3 BASEMENT RAMP VIEW
SCALE

4.0 Architectural Response

4.08 Perspectives

Perspectives



Lonsdale St

4.0 Architectural Response

4.08 Perspectives

Perspectives



Lonsdale St

4.0 Architectural Response

4.08 Perspectives

Perspectives



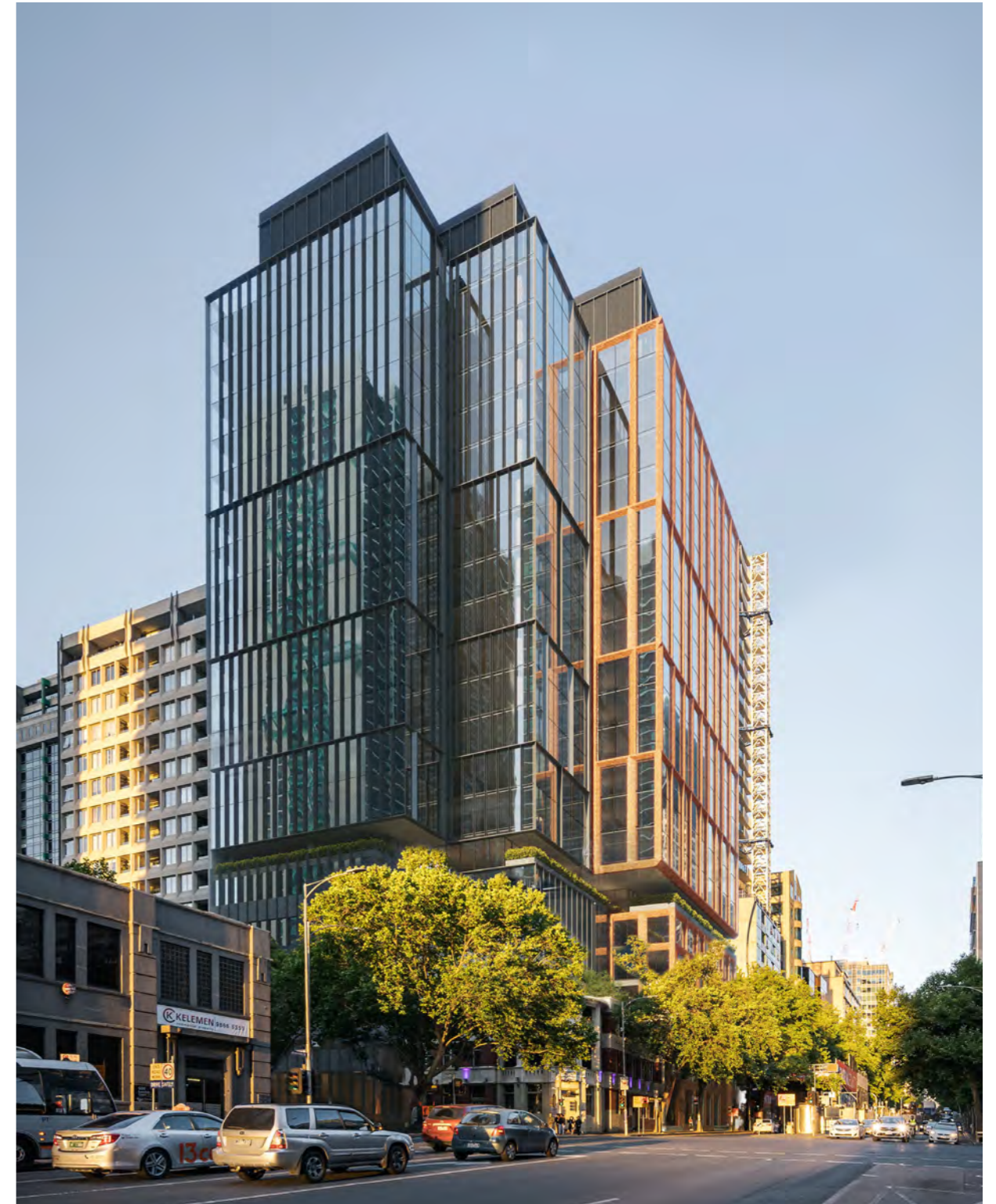
King St



Perspectives



Lonsdale St

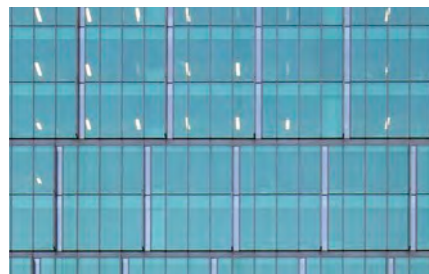


4.0 Architectural Response

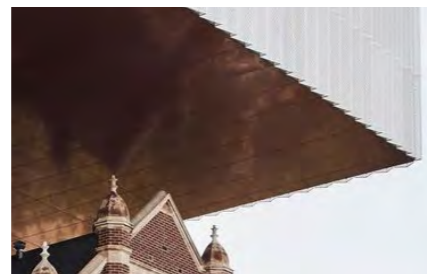
4.09 Materials & Finishes



GLA 01
Silver Grey Curtain Wall



MTL01
Metal Recess Channel & Fins



MTL02
Metal Soffit Cladding



BR 01
Brickwork



AL01
Aluminium Detailing (Retail)



BR 02
Heritage Brickwork



BR 03
Heritage Render Finish

GLA 01

MTL 01

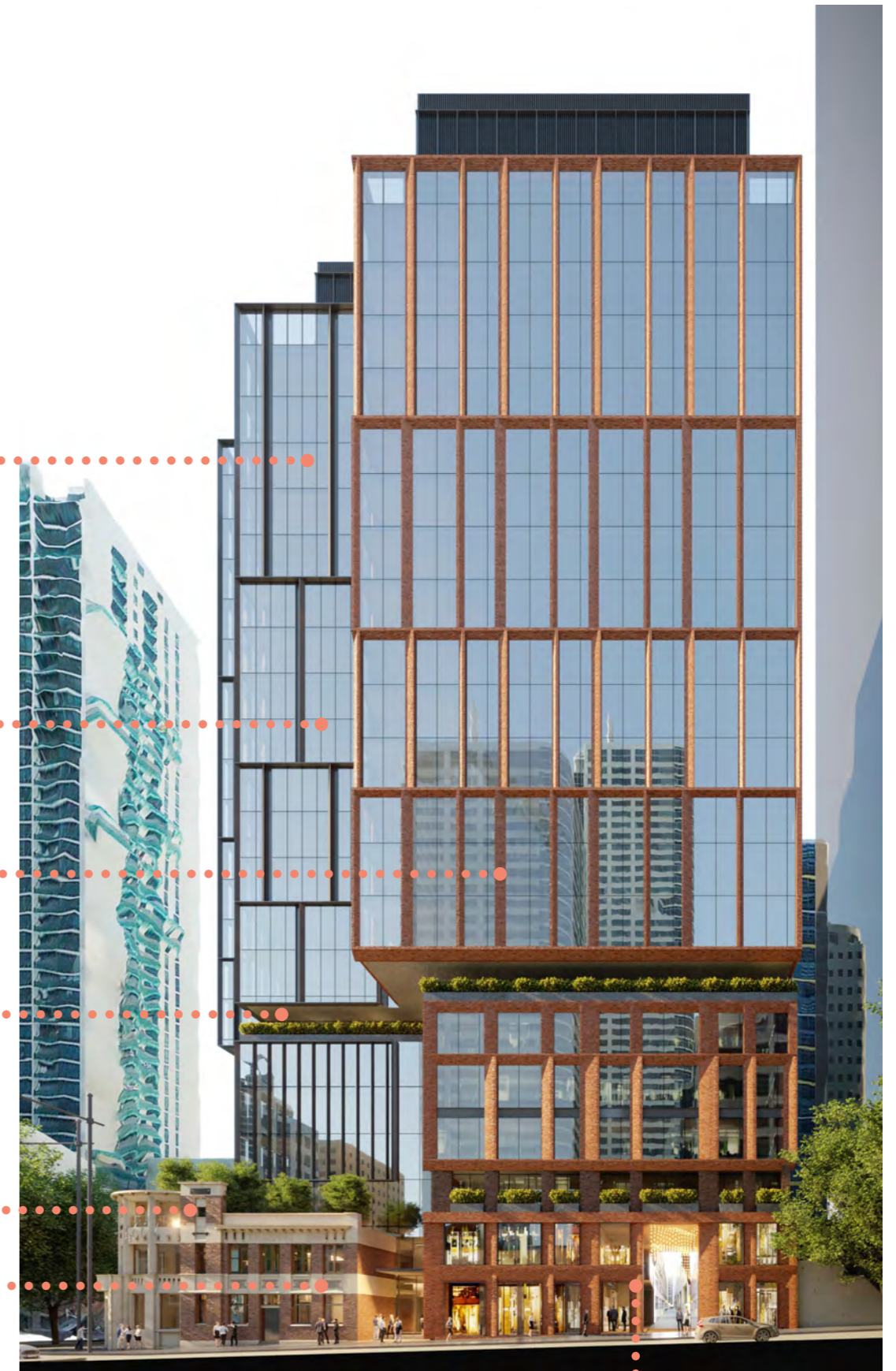
BR 01

MTL 02

BR 02

BR 03

AL 01



* Proposed materials and finishes do not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.

4.0 Architectural Response

4.12 Development Summary

| | |
|--------------------------------------|---|
| Site Area | 1,756 m ² |
| GBA (Above Ground) | 32,828m ² |
| FAR | 18.7:1 |
| Building Height | 80 m |
| Levels | Ground + 20 Office Levels + Plant |
| Floorplate Size (Average NLA) | 1,208~ 1,409 m ² NLA |
| Bike Parks | 128 Bikes (EOT) + 28 Visitors (B01) + 8 Visitors (Ground) |
| Carparking | 57 Carparks |
| Retail GLAR | 800 m ² |
| Commercial NLA | 24,016 m ² NLA |

3.0 Revised Design Response

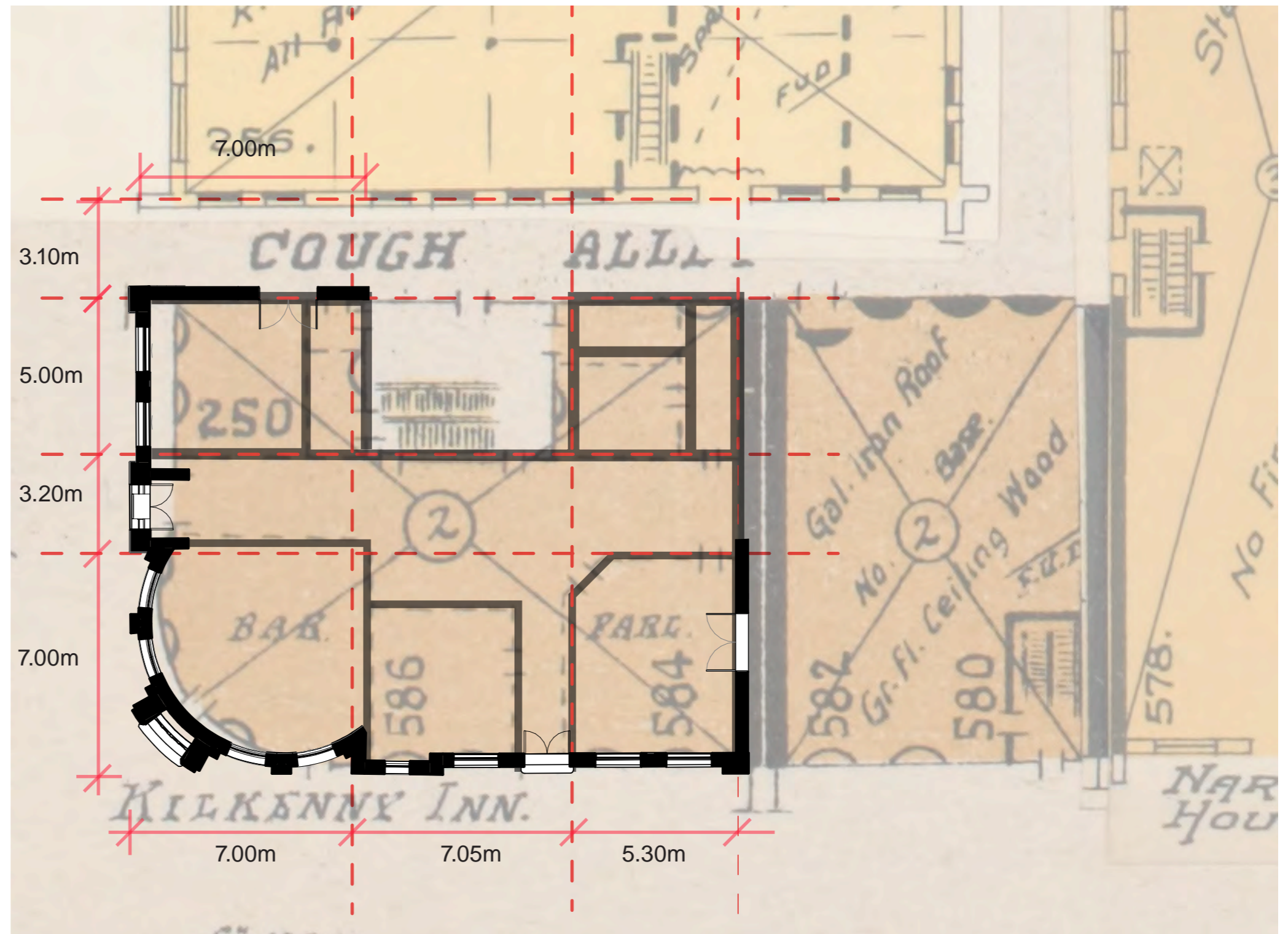
3.06 Heritage Retention

Heritage Setback

The Kilkenny Inn has been the prominent structure on the North East corner of Lonsdale and King Street since the early 20th century. The restoration and analysis of this structure will be explored further in the report.

The setbacks for the tower above are informed by the original structural grid of the Inn. The proposal seeks to retain the primary rooms of the Kilkenny, and its iconic corner tower.

The original Parlour, Bar and room facing King Street will be retained.



- Original Facade
- - - Original Structural Grid

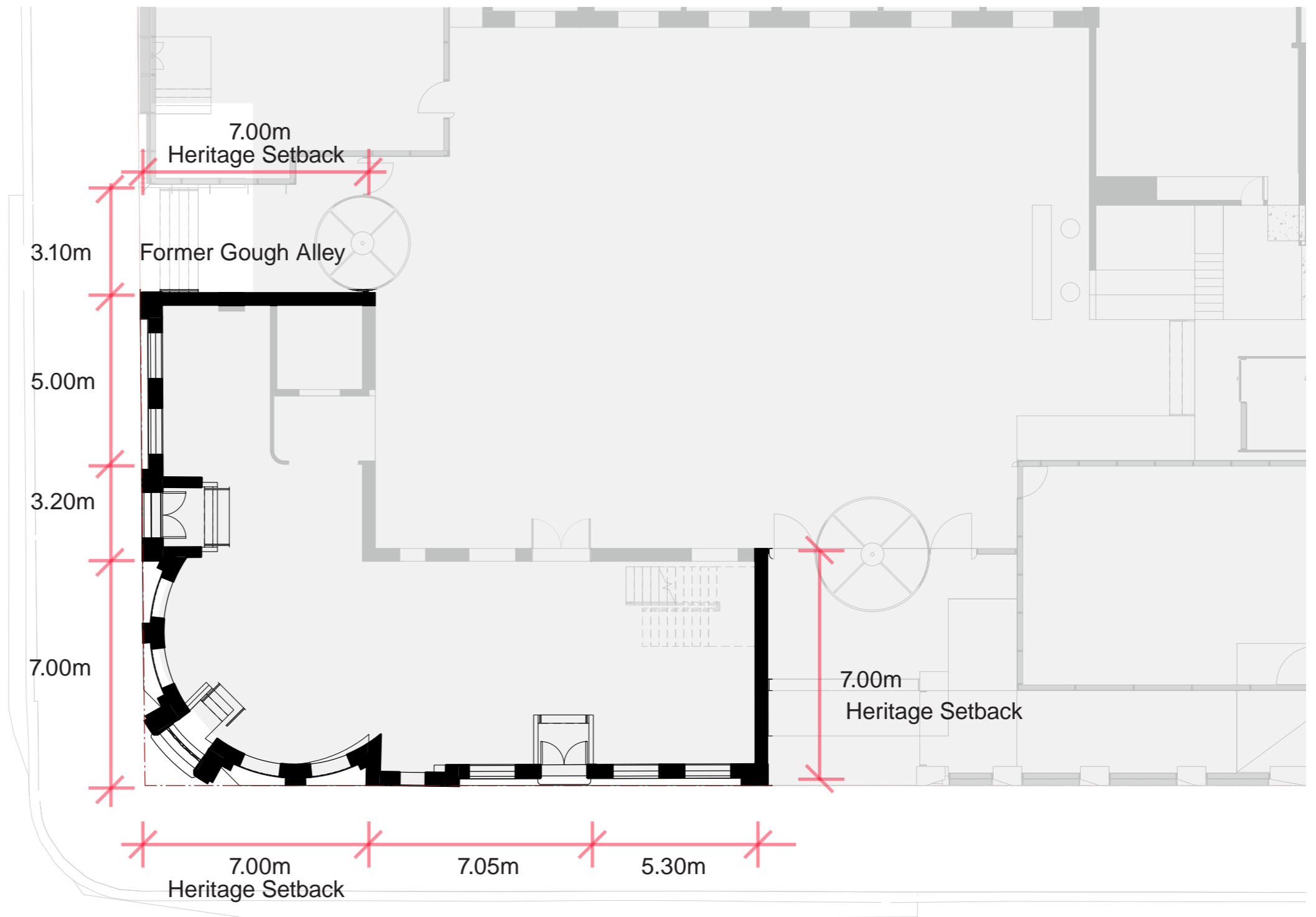
Insurance Plan of Kilkenny Inn. 1923 - source State Library of Victoria

3.0 Revised Design Response

3.06 Heritage Retention

Heritage Setback

- The 7.00 m original Kilkenny structural grid is a key dimension that informs the tower setback above the Kilkenny Inn
- The current 3.10 m setback to the northern facade of the Kilkenny is derived from the original extent of Gough Alley
- The entrance to King Street is in the same location as Gough Alley, acknowledging the importance of the city's laneways



- Original Facade
- - - Original Structural Grid

3.0 Revised Design Response

3.06 Heritage Retention

Heritage Retention

As part of the facade retention strategy, key facade features will be restored. The following images demonstrate the variety of Art Nouveau facade features that adorn the Federation freestyle Kilkenny Inn that will be refreshed as part of the facade retention and restoration.



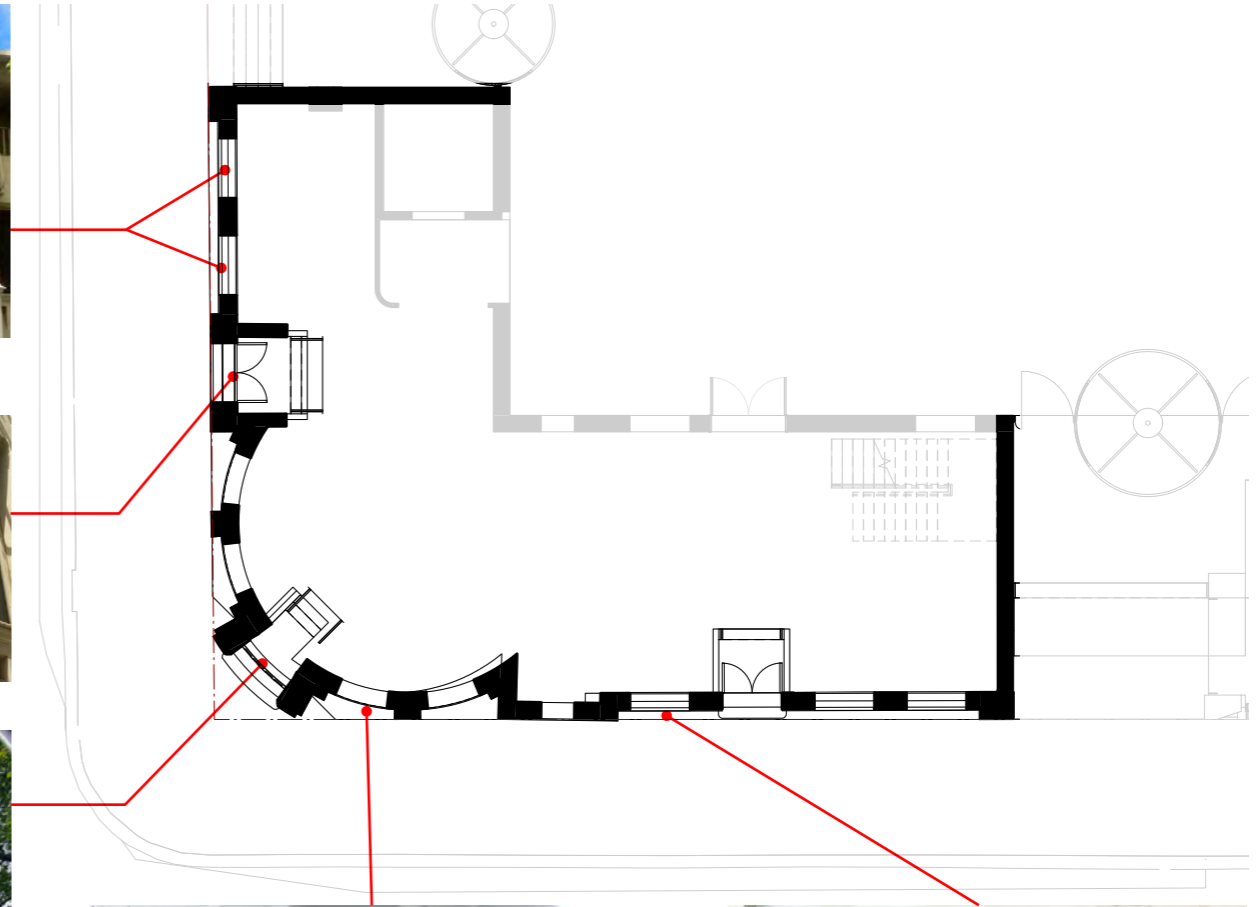
Restoration of Art Noveaux floral elements below windows



Restoration of rendered facade elements



Reinstate original Level 01 balcony



Feature iron balustrade elements restored



Leadlight windows restored with associated frames repainted and renewed

3.0 Revised Design Response 3.07 Heritage Interface

Heritage Interface

The proposed design is setback 7m behind the Kilkenny Inn. At ground level the lower levels are pulled back 3.1m from the King Street frontage and a 5.0m to Lonsdale Street. This results in the Kilkenny still reading as an individual building with the contemporary office tower nestled in behind.

The restored facade and internal food and beverage tenancy ensure the Kilkenny reads as a separate entity to the commercial lobby behind.



Kilkenny Inn - King Street Frontage



Kilkenny Inn - Lonsdale Street Frontage

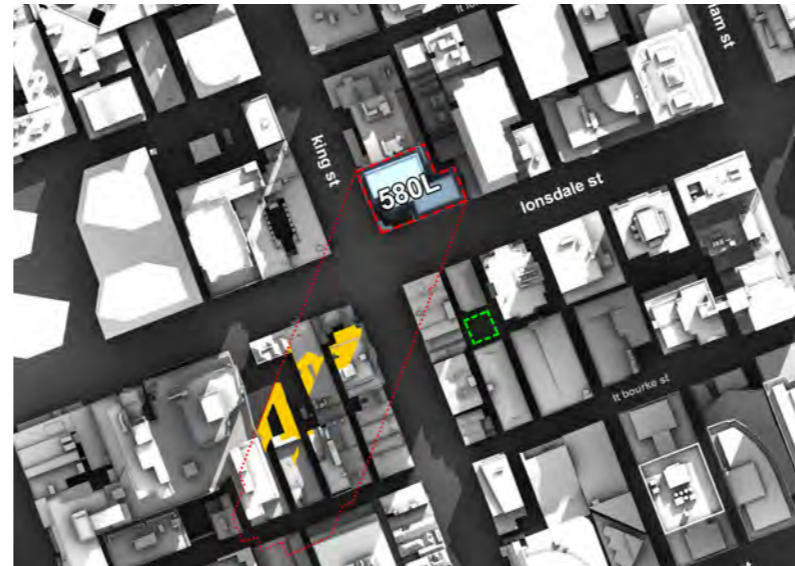
3.0 Revised Design Response

3.11 Shadow Analysis

June 22

MAP LEGEND

- Subject Site
- Total Overshadowing from 580 Lonsdale
- Additional Overshadowing from 580 Lonsdale



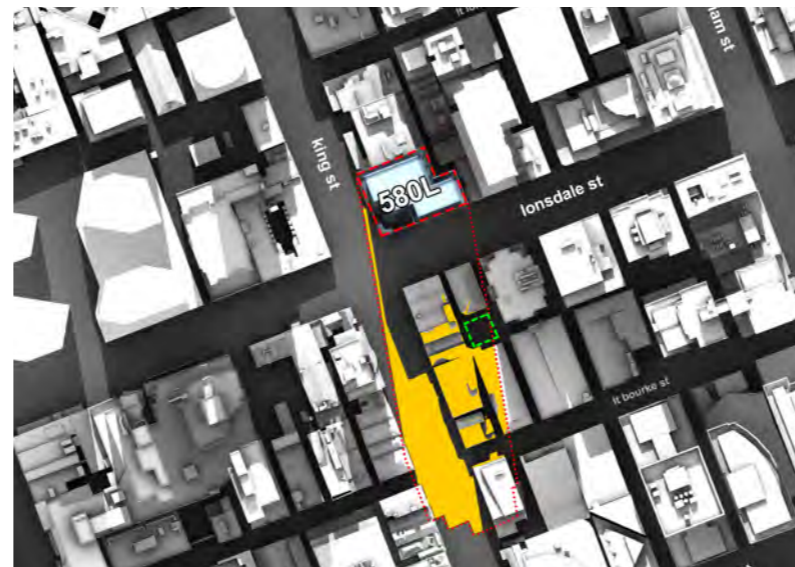
11.00 AM



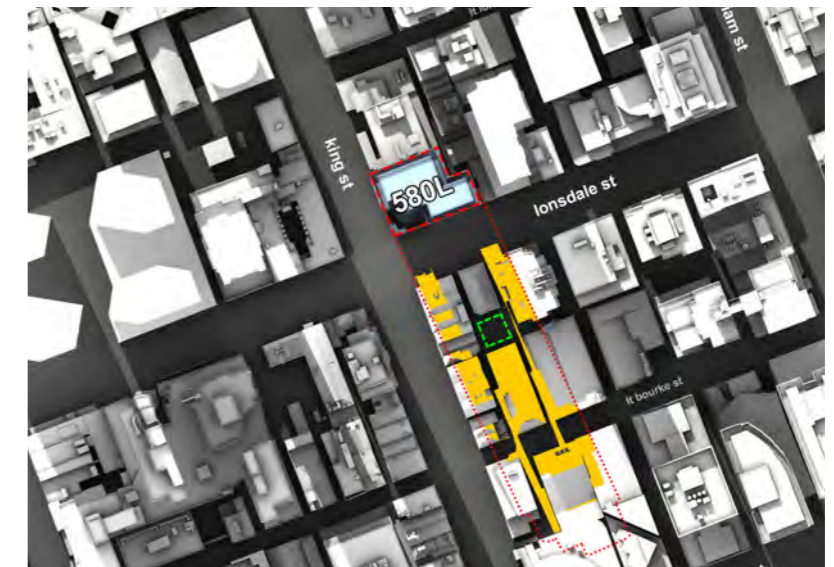
12.00 PM

There is no additional overshadowing to:

- The Yarra River corridor
- Federation Square
- City Square
- State Library Forecourt
- Shrine of Remembrance and its northern forecourt
- Bourke St Mall south tram tracks
- Boyd Park



1.00 PM






2.00 PM

3.0 Revised Design Response 3.11 Shadow Analysis

July 22

MAP LEGEND

-  Subject Site
-  Total Overshadowing from 580 Lonsdale
-  Additional Overshadowing from 580Lonsdale



11.00 AM



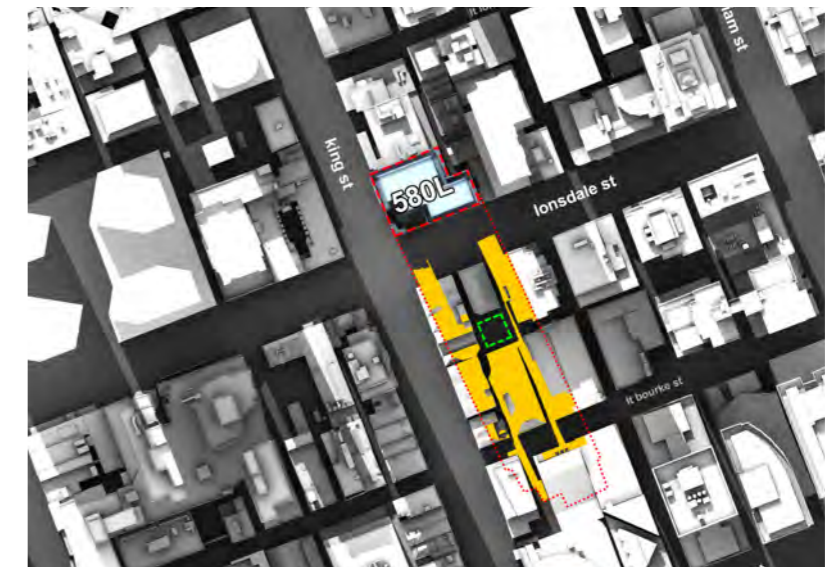
12.00 PM

There is no additional overshadowing to:

- The Yarra River corridor
- Federation Square
- City Square
- State Library Forecourt
- Shrine of Remembrance and its northern forecourt
- Bourke St Mall south tram tracks
- Boyd Park



1.00 PM



2.00 PM

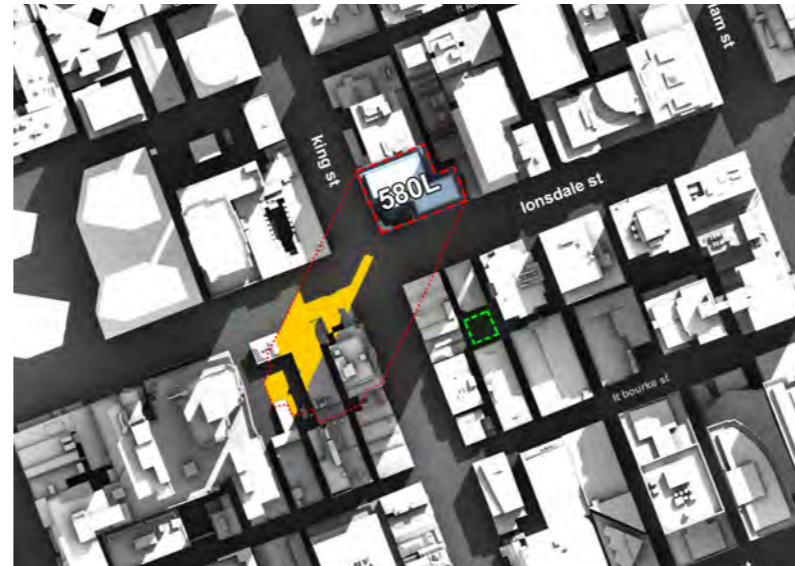
3.0 Revised Design Response

3.11 Shadow Analysis

August 22

MAP LEGEND

- Subject Site
- Total Overshadowing from 580 Lonsdale
- Additional Overshadowing from 580 Lonsdale



11.00 AM



12.00 PM

There is no additional overshadowing to:

- The Yarra River corridor
- Federation Square
- City Square
- State Library Forecourt
- Shrine of Remembrance and its northern forecourt
- Bourke St Mall south tram tracks
- Boyd Park



1.00 PM



2.00 PM

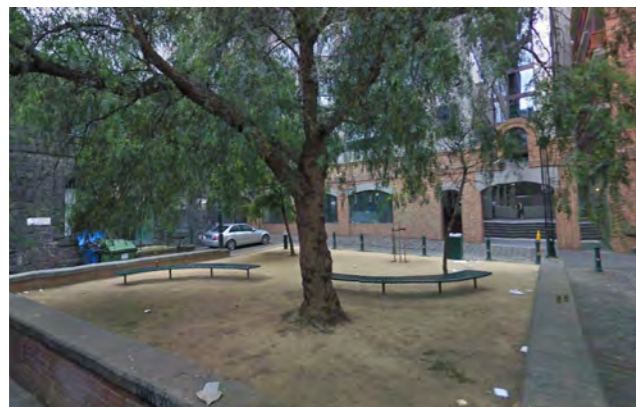
3.0 Revised Design Response 3.11 Shadow Analysis

September 22

MAP LEGEND

- Subject Site
- Total Overshadowing from 580 Lonsdale
- Additional Overshadowing from 580 Lonsdale
- Merritts Place Reserve

Merritts Place Reserve



11.00 AM



12.00 PM



1.00 PM

Additional Shadow: Approx. 23m2

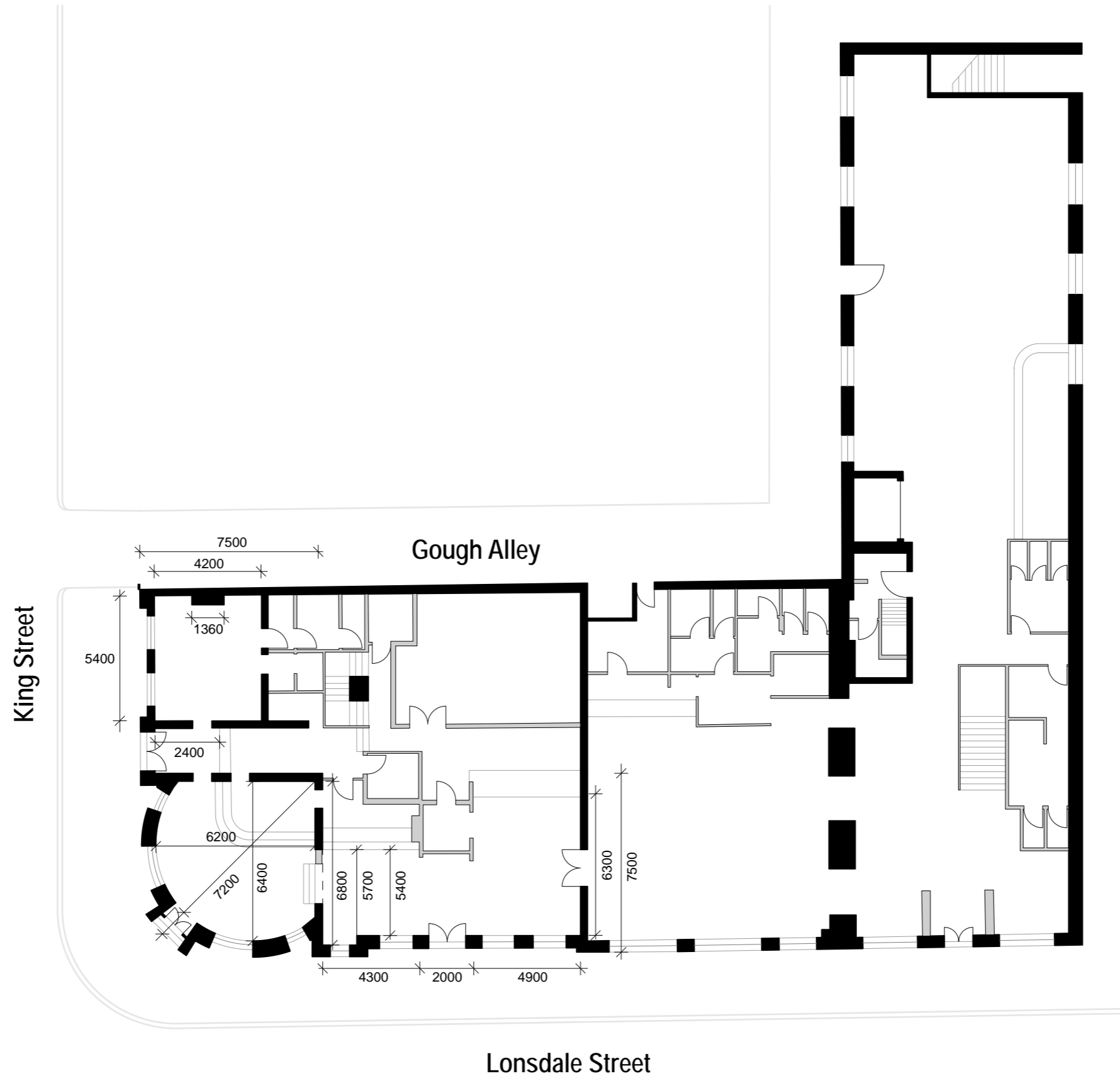


2.00 PM

Additional Shadow: Approx. 135m2

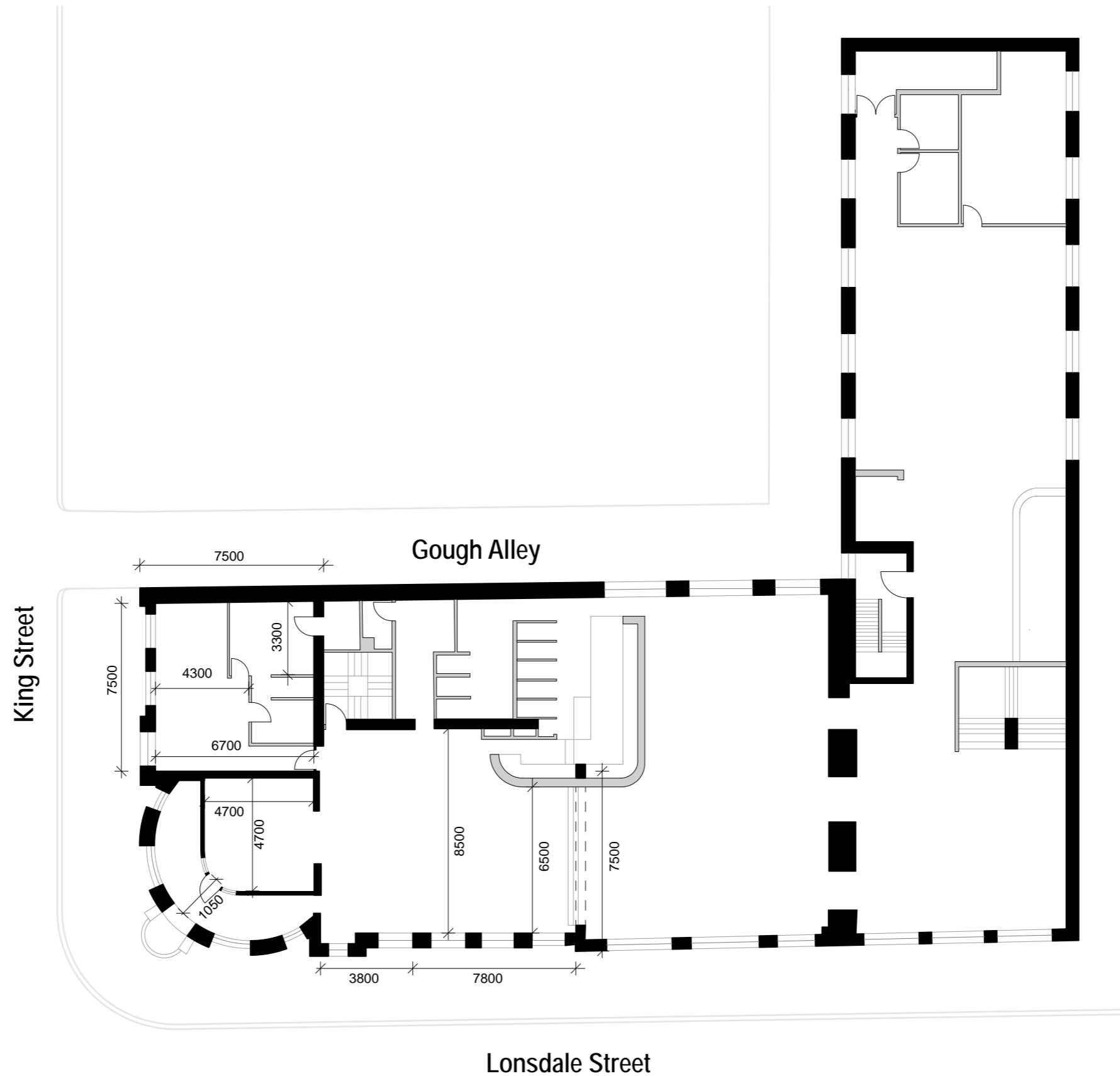
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Ground - Kilkenny Inn
Drawing Indicative Only



NOTE: Plans are based on historical information and site inspection, detail to be confirmed via a survey of internals

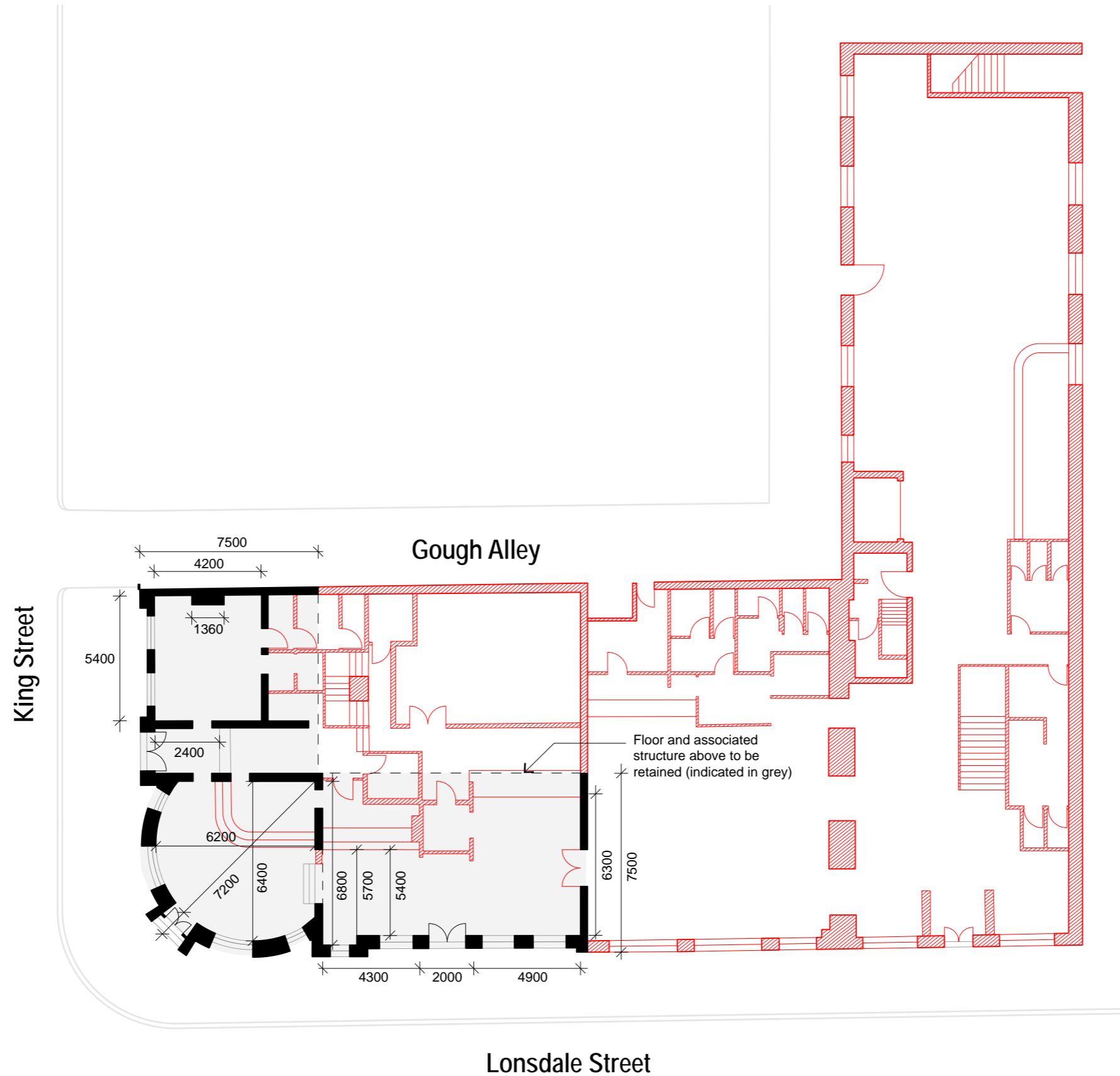
Level 01 - Kilkenny Inn
Drawing Indicative Only



NOTE: Plans are based on historical information and site inspection, detail to be confirmed via a survey of internals

Ground - Kilkenny Inn

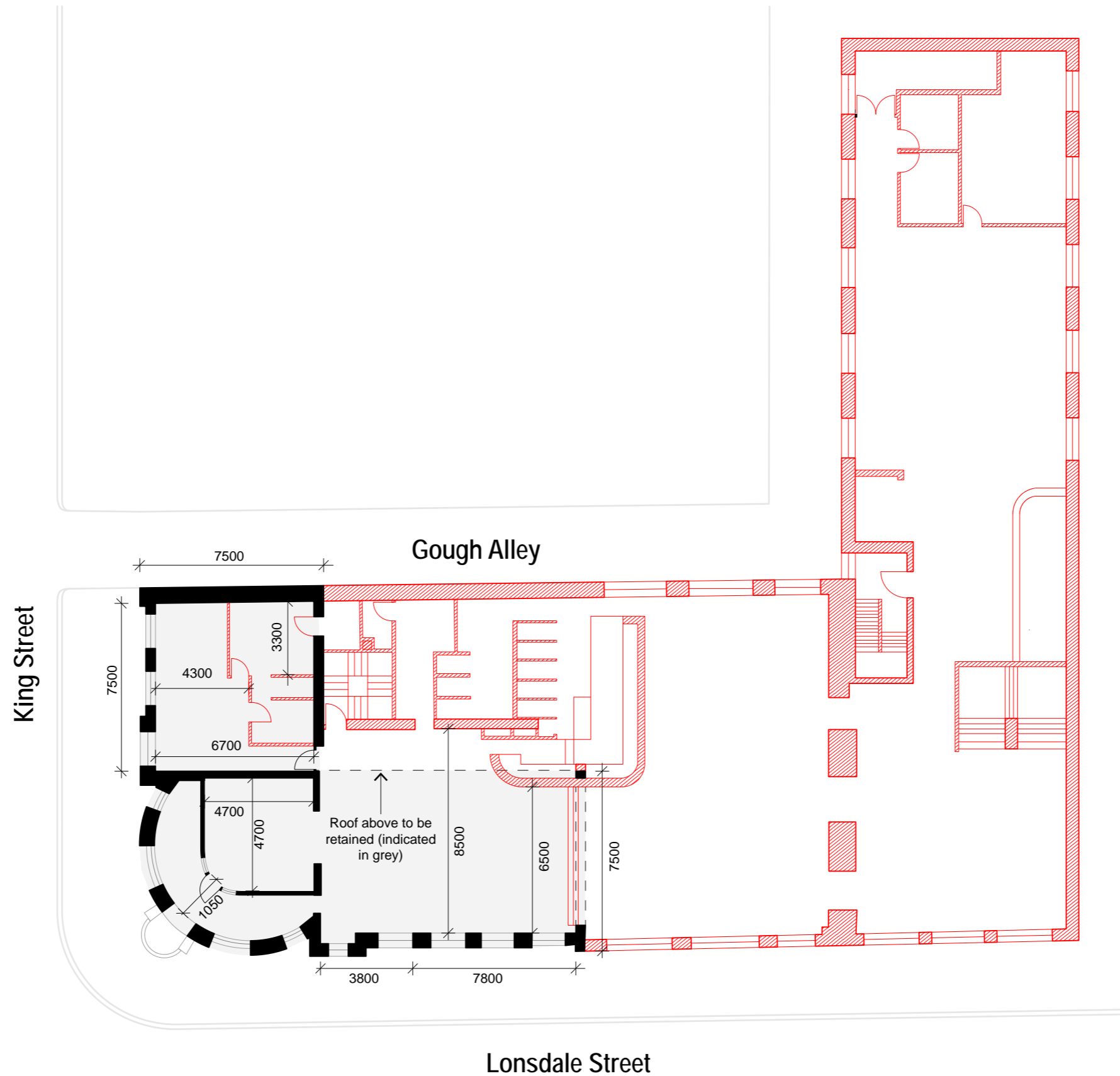
Drawing Indicative Only



NOTE: Plans are based on historical information and site inspection, detail to be confirmed via a survey of internals

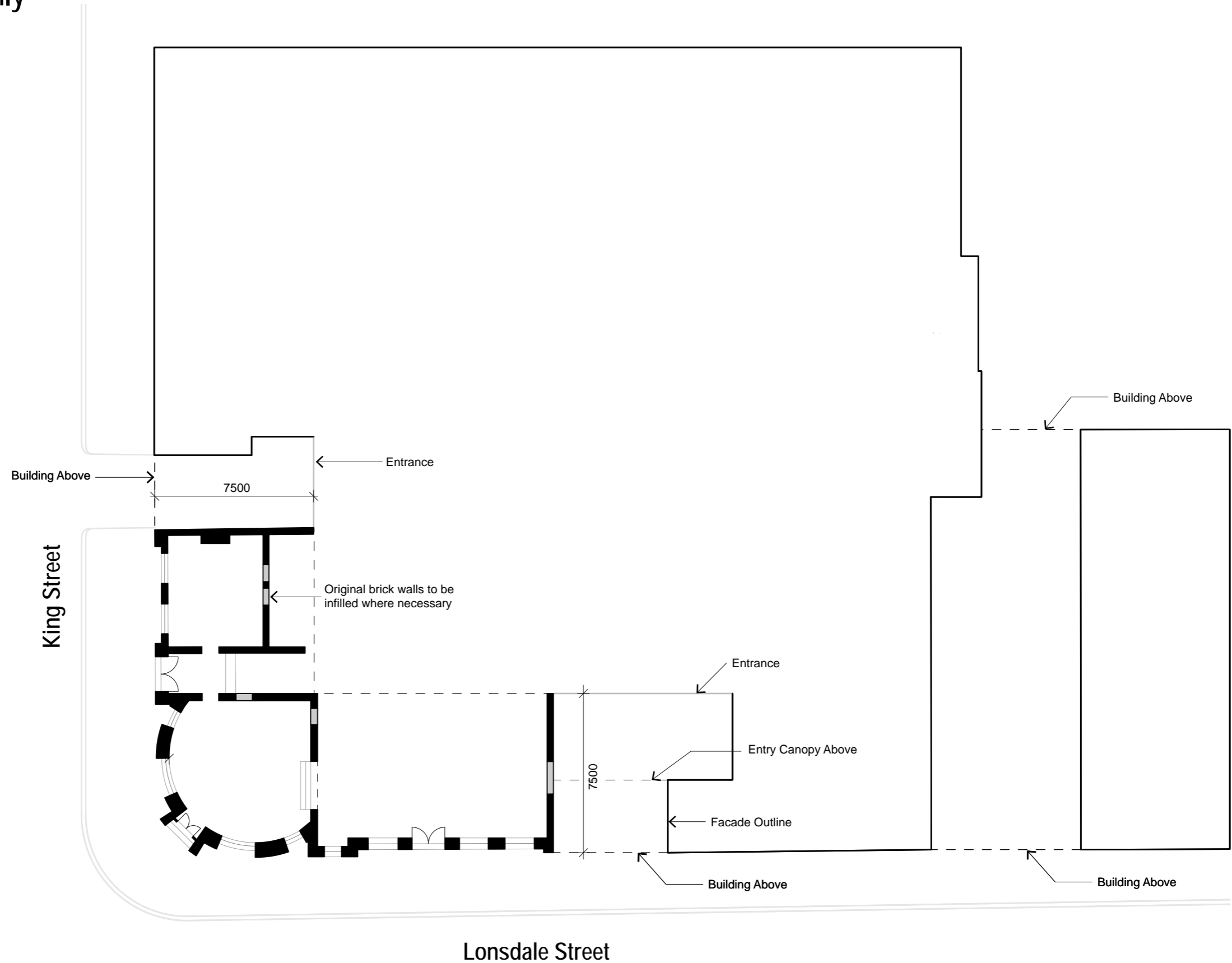
Level 01 - Kilkenny Inn

Drawing Indicative Only



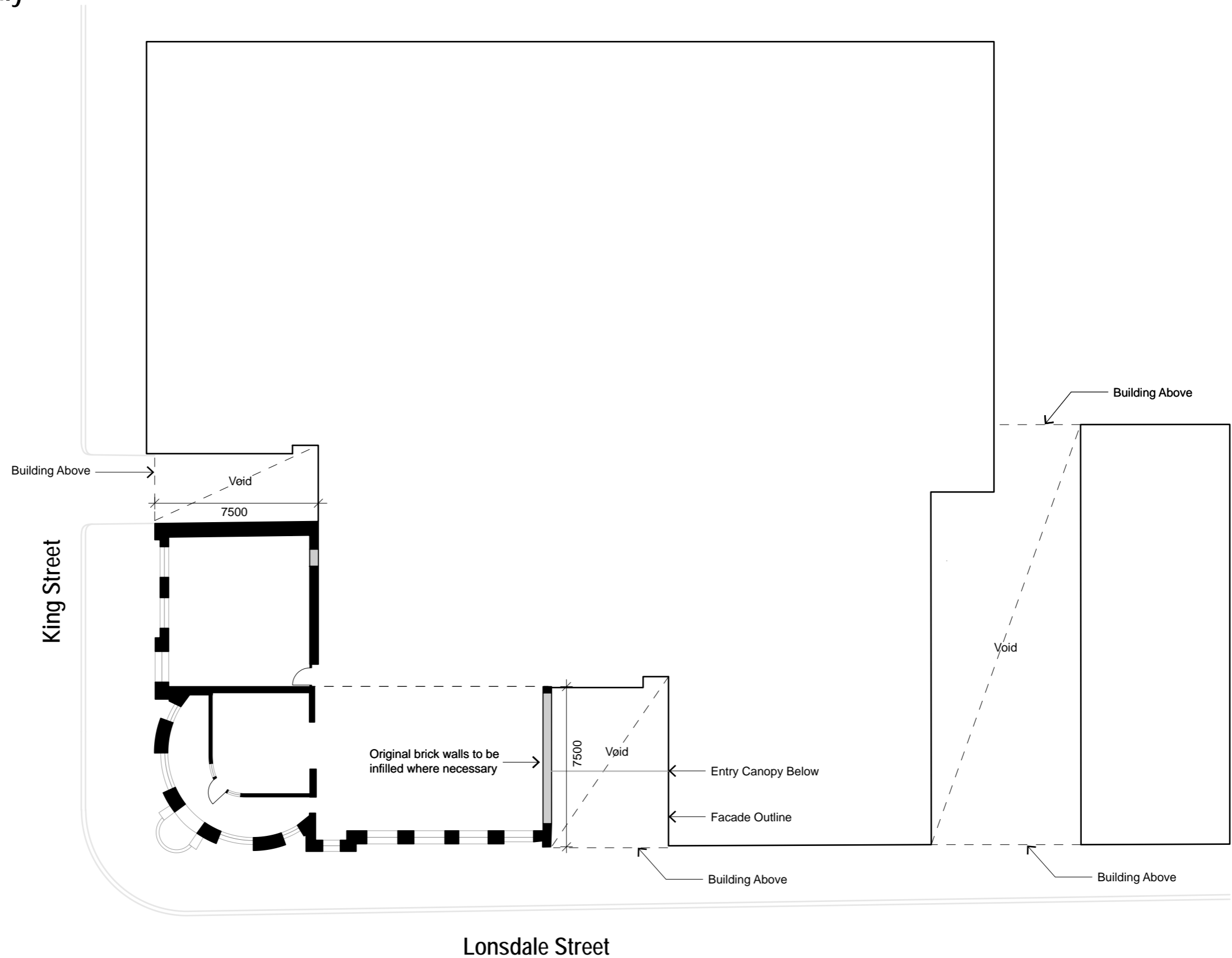
NOTE: Plans are based on historical information and site inspection, detail to be confirmed via a survey of internals

Ground - Kilkenny Inn
Proposed Interface
Drawing Indicative Only



NOTE: Plans are based on historical information and site inspection, detail to be confirmed via a survey of internals

Level 01 - Kilkenny Inn
Proposed Interface
Drawing Indicative Only

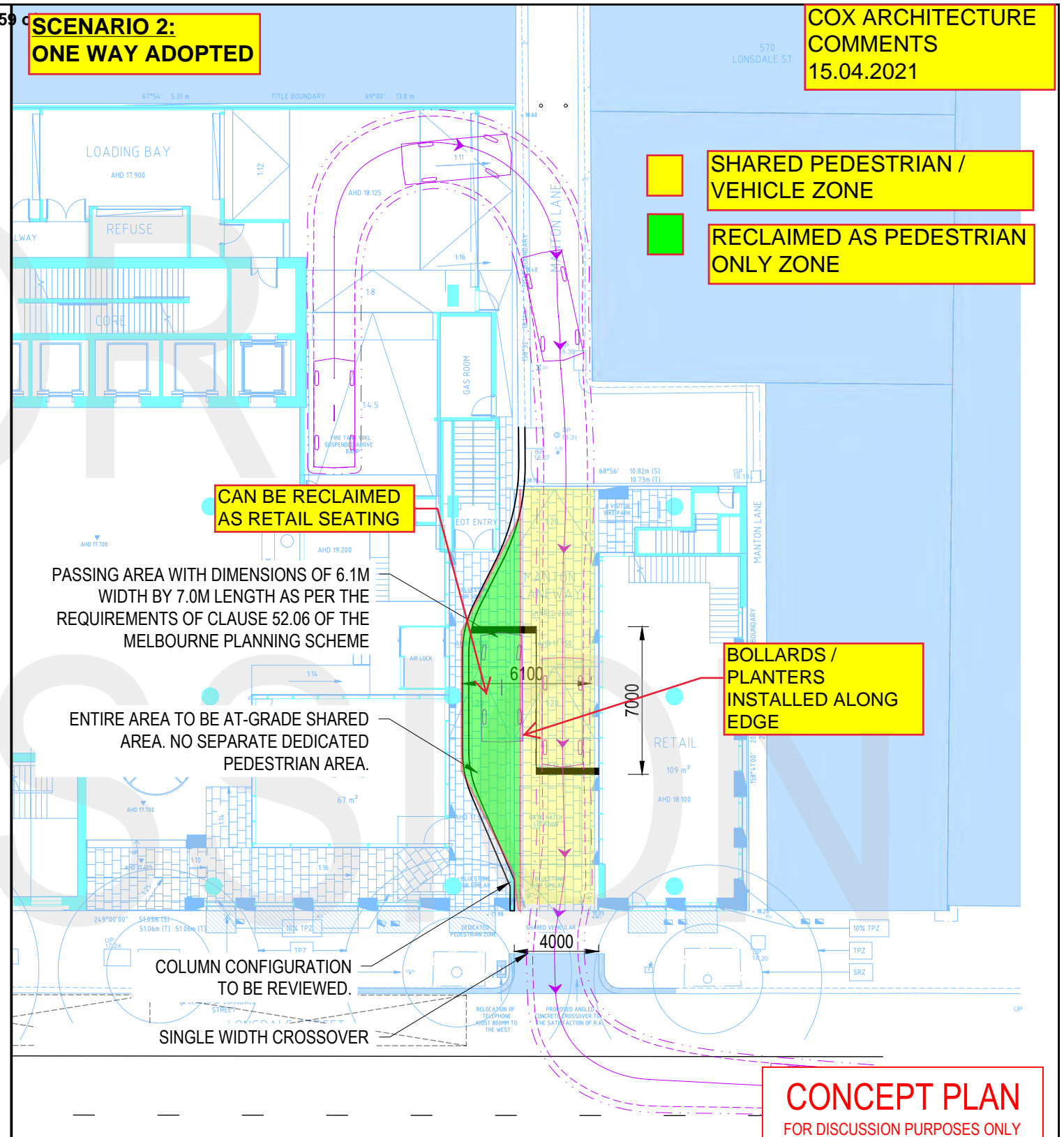
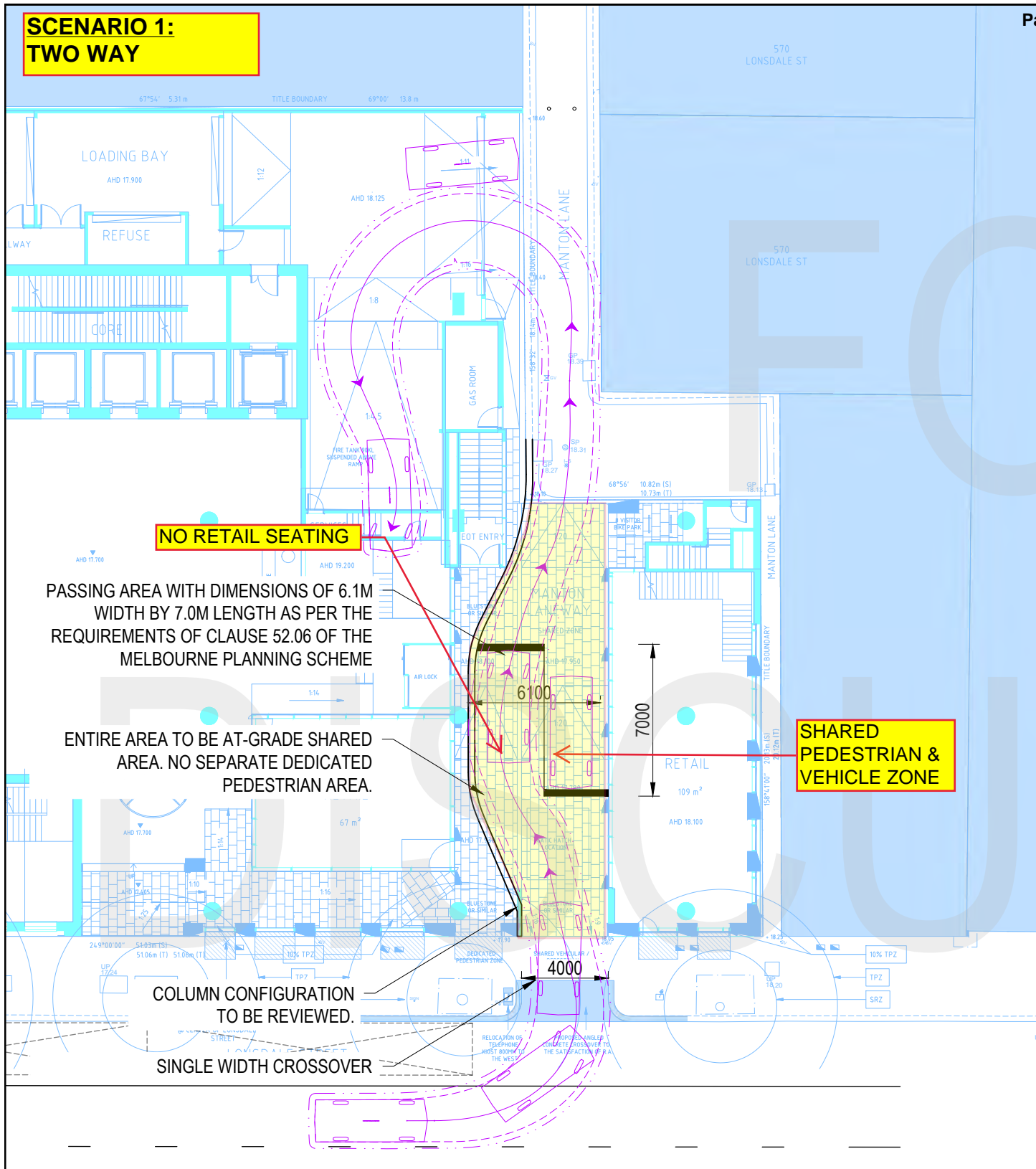


NOTE: Plans are based on historical information and site inspection, detail to be confirmed via a survey of internals

**SCENARIO 1:
TWO WAY**

**SCENARIO 2:
ONE WAY ADOPTED**

**COX ARCHITECTURE
COMMENTS
15.04.2021**

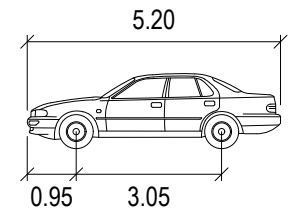


- SHARED PEDESTRIAN / VEHICLE ZONE
- RECLAIMED AS PEDESTRIAN ONLY ZONE

CONCEPT PLAN
FOR DISCUSSION PURPOSES ONLY

VEHICLE LEGEND

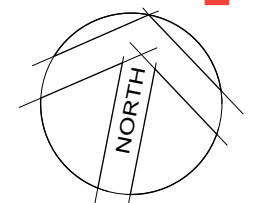
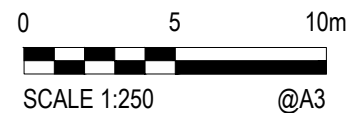
- B99CAR 300mm CLEARANCE
- B99CAR OVERHANG
- B99CAR CENTRELINE



B99

| | | | |
|--|-------------------|--------|--------|
| | Width | : 1.94 | meters |
| | Track | : 1.84 | |
| | Lock to Lock Time | : 6.0 | |
| | Steering Angle | : 33.9 | |

PS117224 SK033
LONSDALE STREET SINGLE WIDTH CROSSOVER
ACCESS/EGRESS OPTION 02
AUSTRROADS B99CAR
C.H. 22.03.2021



DELEGATE REPORT

MINISTERIAL PLANNING REFERRAL

| | |
|---|--|
| Melbourne City Council application number: | TPM-2019-34 |
| DELWP application number: | PA1900742 |
| Applicant: | 572 Lonsdale Street Pty Ltd C/- Tract Pty Ltd |
| Owner: | 572 Lonsdale Pty Ltd |
| Architect: | Cox Architects Pty Ltd |
| Address: | 572-574 Lonsdale Street, 256-260 King Street, 248-250 King Street and Gough Alley, Melbourne |
| Proposal summary: | Part demolition and construction of buildings and works for the purpose of a multi-storey building |
| Cost of works: | \$100 million |
| Date received by Melbourne City Council: | Original application 23 December 2019 s50 amendment 6 November 2020. Without prejudice plans 20 and 26 April 2021. |
| Date of Report: | 28 April 2021 |
| Melbourne City Council status: | Recommending Referral Authority |
| Responsible officer: | Kate Yuncken, Principal Urban Planner |

1. SUBJECT SITE AND SURROUNDS

1.1. The Site

The subject site (the Site) is located on the north-eastern corner of the intersection of Lonsdale Street and King Street. The Site has a frontage to Lonsdale Street of approximately 37.5 metres, 50.5 metres to King Street and 18 metres to Manton Lane. The Site has a consolidated area of approximately 1,759 m² (1,588 m² excluding Gough Alley).

The Site comprises a number of properties as well as the existing Corporation Lane (Gough Alley) and is currently used and developed as follows:

- 248 King Street is a two-storey painted brick building which fronts (and is accessed via) Lonsdale Street and is used in conjunction with the buildings at 250 King Street. These buildings were formally used as a Nightclub (Goldfingers Men's Club).
- 250 King Street is located on the corner of King and Lonsdale Streets and comprises two buildings:
 - The 'Kilkenny Inn' a two-storey red brick and cream render building (affected by site-specific Heritage Overlay, Schedule 679). This building is identified as Significant.
 - A two-storey cream rendered building which fronts Lonsdale Street and is accessed via the Kilkenny Inn building.
- 572 Lonsdale Street – 'Universal Chambers' is a two-storey building currently used for commercial office space.
- 256-260 King Street – a two-storey building currently used for commercial office space.
- Gough Alley (Corporation Lane 17) - an east-west laneway that wraps around to the north at the rear of the building at 256-260 King Street, accessible from King Street via a single-width crossover. The purchase of this laneway has been negotiated with the City of Melbourne, subject to the issue of a permit.

There are two vehicular access points currently servicing the Site. The access points are from:

- Gough Alley (Corporation Lane 17) – a 3.5 metre wide laneway accessed via a single width crossover from King Street. Gough Alley runs east-west and wraps around the rear of the building at 256-260 King Street, terminating in a dead end.
- Manton Lane (Corporation Lane 35) – a 5 metre wide laneway accessed via a single width crossover from Little Lonsdale Street. Manton Lane runs north-south and wraps around the rear of the building at 572-574 Lonsdale Street. Beyond this, the lane reduced to a width of approximately 1.5 m providing a narrow pedestrian connection through to Lonsdale Street.



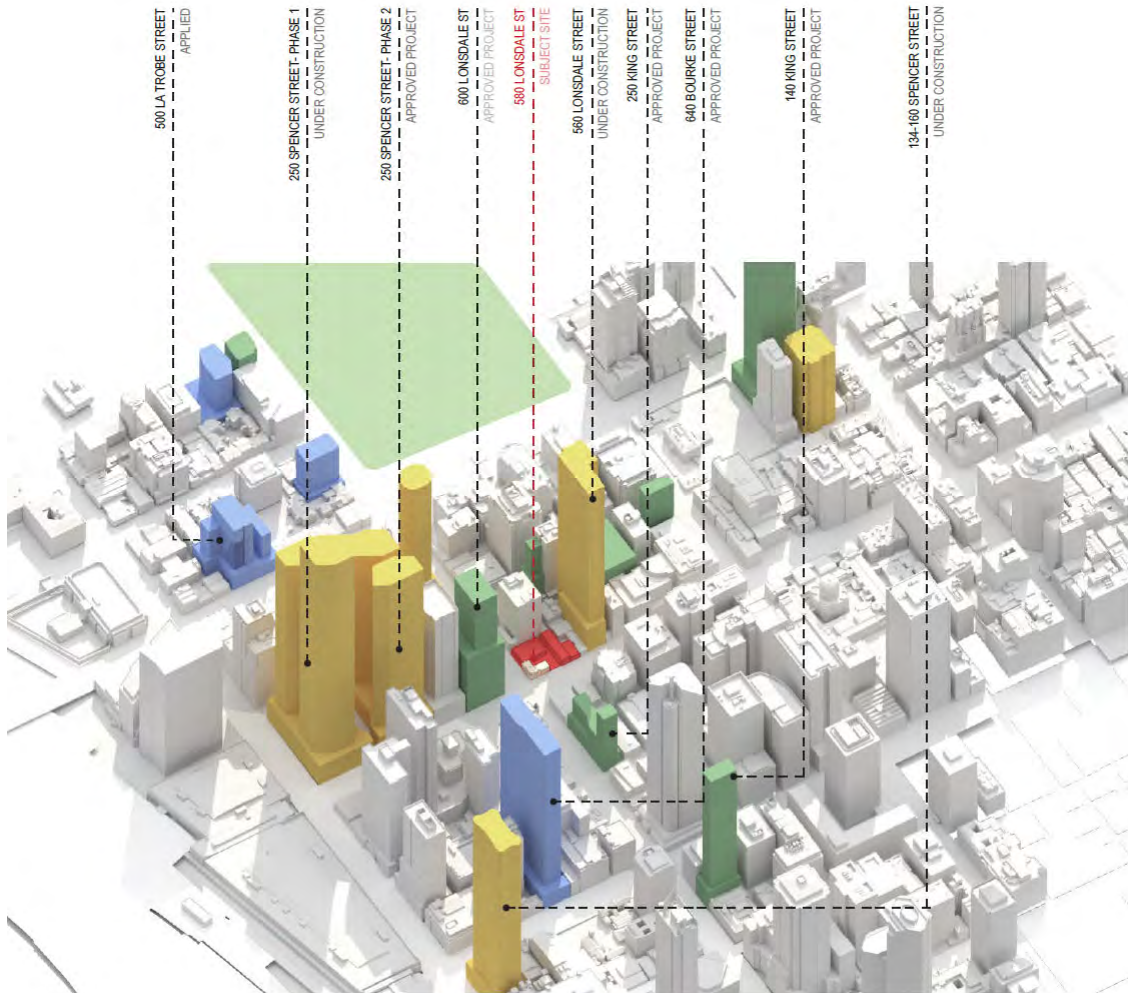
1. Locality Plan. Source: Council's GIS 18 January 2021



2. Aerial looking north east. Source: Google Maps accessed 15 April 2021



3. Aerial looking south west. Source: Google Maps accessed 15 April 2021



4. Surrounding developments. Urban Context Report Source Cox Architecture November 2020



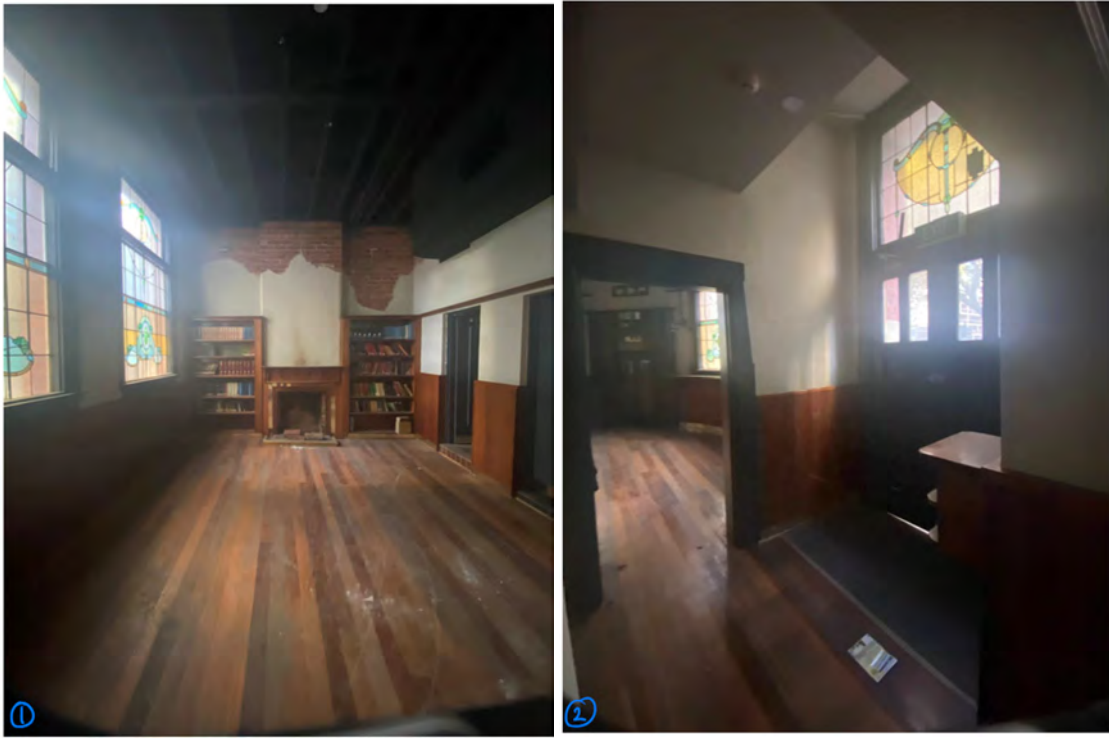
5. Photo of the Site from Lonsdale Street (248 King Street and 572 Lonsdale Street). Source: Tract Pty Ltd



6. Photo of the Site (248 King Street) viewed from the intersection of Lonsdale Street and King Street. Source and King Street: Tract Pty Ltd



7. Photo of the Gough Alley and 256-260 King Street. Source: Tract Pty Ltd



8. Ground floor of Kilkenny Inn. 1. Cigar bar' looking generally north. 2 Looking generally south-west from door to cigar bar back towards King Street. Source Tract Pty Ltd



9. Ground floor of Kilkenny Inn. 3. Circular room (with corner entrance on right and bar on left). 7.2 metre internal dimension from corner to corner. Source Tract Pty Ltd



10. Ground floor of Kilkenny Inn. 4. Circular room looking north east. 7.2 metre internal dimension from corner to corner. Source Tract Pty Ltd



11. Ground floor of Kilkenny Inn. 5. Looking east from the edge of the circular room back across the eastern ground floor room. Source Tract Pty Ltd

1.2. Surrounds

The main characteristics observed in the area include:

- To north of the Site at 270 King Street is a 16 storey building containing 157 apartments, office space and a convenience supermarket. The interface with the Site is a blank boundary wall and basement car parking access (as viewed from King Street).

Manton Lane (CL35) – a Council Laneway measuring approximately 5 metres in width, containing various back-of-house access points and offices.

- To the south is Lonsdale Street which is 30 metres wide and allows for two-way traffic in an east-west direction across four lanes.
- Further south on the south east corner of Lonsdale Street and King Street at 240 King Street is the Colonial Hotel. This site comprises two, three storey bluestone former warehouses built between 1854 and 1858. The site is on the Victorian Heritage Register. These buildings are used as a pub known as the Colonial Hotel and a nightclub known as Brown Alley.

- South west of the Site on the south west corner of Lonsdale Street and King Street at 293-241 King Street is a two storey brick gothic revival building. This building is identified as Significant. Adjoining this site to the west at 597-603 Lonsdale Street is an ungraded two storey brick and concrete building. Both of these buildings are used as a nightclub known as the Men's Gallery.

Further west along Lonsdale Street at 605 - 611 Lonsdale Street is a 50 storey apartment building with basement car parking.

Further south along King Street at 225 - 237 King Street is a 13 level office building with two ground floor retail tenancies and a basement car park. The building was completed 1990 and is occupied by Victoria University.

- To the west of the Site is King Street, which is approximately 30 metres wide and allows for two-way traffic in a north-south direction across five lanes.

On the north west corner of Lonsdale Street and King Street is 600 Lonsdale Street. This site is developed with a part two, part three storey concrete rendered office building. The building was originally built in 1925 and was significantly altered in 1985 and strata subdivided into 17 units. The building has no heritage grading. Vehicular access to basement car parking is provided via an existing single-width crossover along Lonsdale Street. The Site also has a landscaped courtyard, a rooftop terrace and a mini-gymnasium with a sauna.

600 Lonsdale Street received planning approval from the Minister for Planning on 4 June 2020 for the construction of a 42 level mixed use (hotel, commercial office and retail) building and associated services and facilities, including on-site car parking. The Minister's reference for this application is PA1900615 and the City of Melbourne's is TPRM-2019-20.

2. TITLE INFORMATION

The Site comprises five lots in separate titles. Gough Alley is also proposed to form part of the Site.

248-250 King Street

248-250 King Street comprises two parcels, formally identified as Lot 1 on Title Plan 529511M and Lot 1 on Title Plan 596529M (Figure 4).

Neither lots are impacted by any encumbering easements, covenants or restrictions under Section 173 of the Planning and Environment Act 1987.

TP529511M has the right of access over Gough Alley.

256-260 King Street

256-260 King Street is formally identified as Lot 1 on Title Plan 117297J. This land is not impacted by any encumbering easements, covenants or restrictions under Section 173 of the Planning and Environment Act 1987. This property enjoys right of carriageway over Gough Alley.

572 Lonsdale Street

572 Lonsdale Street is formally identified as Lots 1 and 2 on Registered Plan of Strata Subdivision 002416.

The land is impacted by three encumbering easements as follows:

- E-1 is approximately 0.5 m in width and exists for the purpose of 'carriageway & drainage' to the benefit of land identified as Volume 5180 Folio 944.
- A-1 is approximately 0.9 m in width and exists for the purpose of 'light & air' to the benefit of the land in this plan.
- A-2 is approximately 0.9 m in width (limited to the level of 21.65 m to the AHD) and exists for the purpose of 'light & air' to the benefit of land in this plan.

No further covenants or restrictions under Section 173 of the Planning and Environment Act 1987 impact the land.

3. PLANNING HISTORY OF THE SITE AND SURROUNDS

There are no recent or relevant planning permits issued for this site or surrounds.

4. APPLICATION BACKGROUND

4.1. Pre-application

A pre-application discussion was held at the Department of Environment, Land, Water & Planning (DELWP) on 12 December 2018. Further meetings have been held with the agencies and the applicant during the application process.

4.2. Application history

On 5 December 2019 the application was received by DELWP. The application was referred to Melbourne City Council pursuant to S.55 of the Planning and Environment Act 1987 on 24 December 2019.

On 24 December 2019 DELWP requested further information (RFI) pursuant to Section 54(1) of the *Planning and Environment Act 1987*.

On 18 May 2020 the applicant responded to the RFI with an updated Urban Context Report, Architectural Plans and technical reports.



TP - Original Submission
December 2019



TP - RFI Submission
May 2020

TP Original (Dec 2019)

TP RFI (May 2020)

GFA (above ground)

31,462 m²

GFA (above ground)

32,160m²

Heritage Setback Volume

4,300m³

Heritage Setback Volume

2,670m³

12. Original application and RFI submission – Presentation dated 03 August 2020 Cox Architecture

On 17 June 2020 DELWP requested further information and provided both DELWP’s design comments and Council’s preliminary heritage and urban design comments.

On 6 November 2020 the applicant lodge a section 50 amendment to the application. The amendment included a revised scheme and updated Urban Context Report, Architectural Plans and technical reports.

5. THE PROPOSAL

5.1. Summary of the proposal

Broadly, the application comprises:

- Partial demolition of the existing building on site.
- Construction of a 21 level office building with ground floor retail uses.

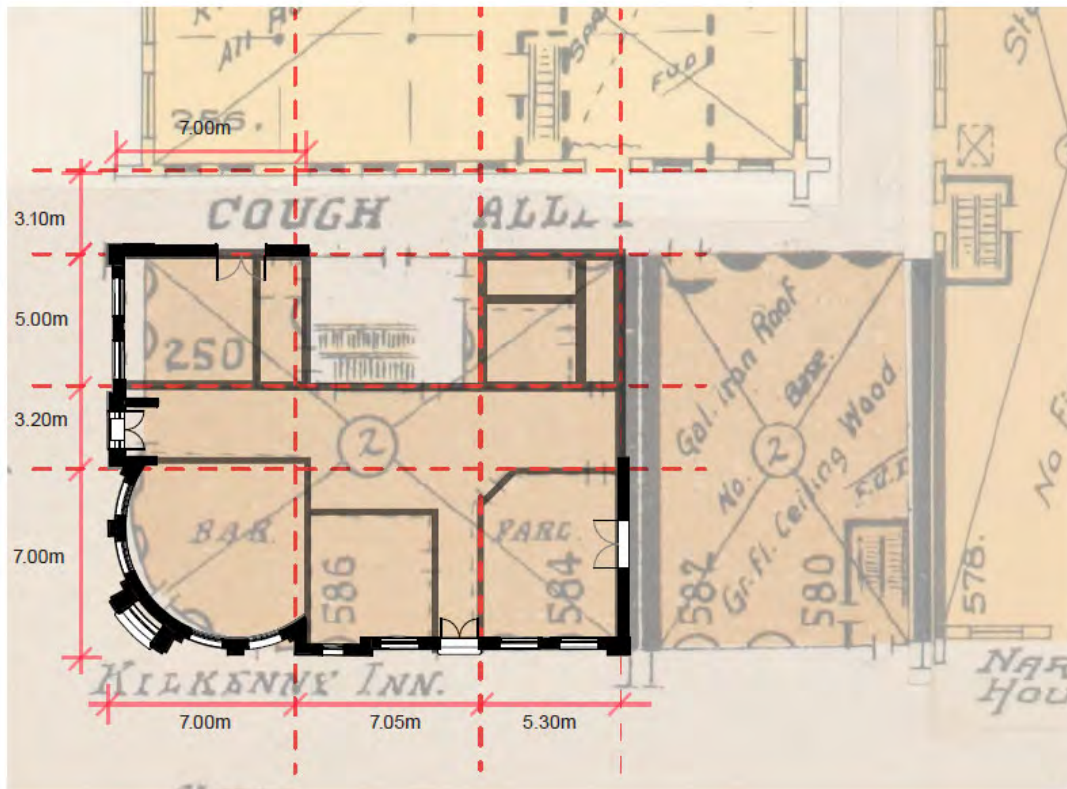
5.2. Demolition

The s50 plans (decision plans) propose to retain both street façades, the ‘external’ side walls to a depth of 7 metres and part of the roof of the Kilkenny Inn. The remainder of the building is proposed to be demolished.



13. Proposed demolition plan. Cox Architecture November 2020

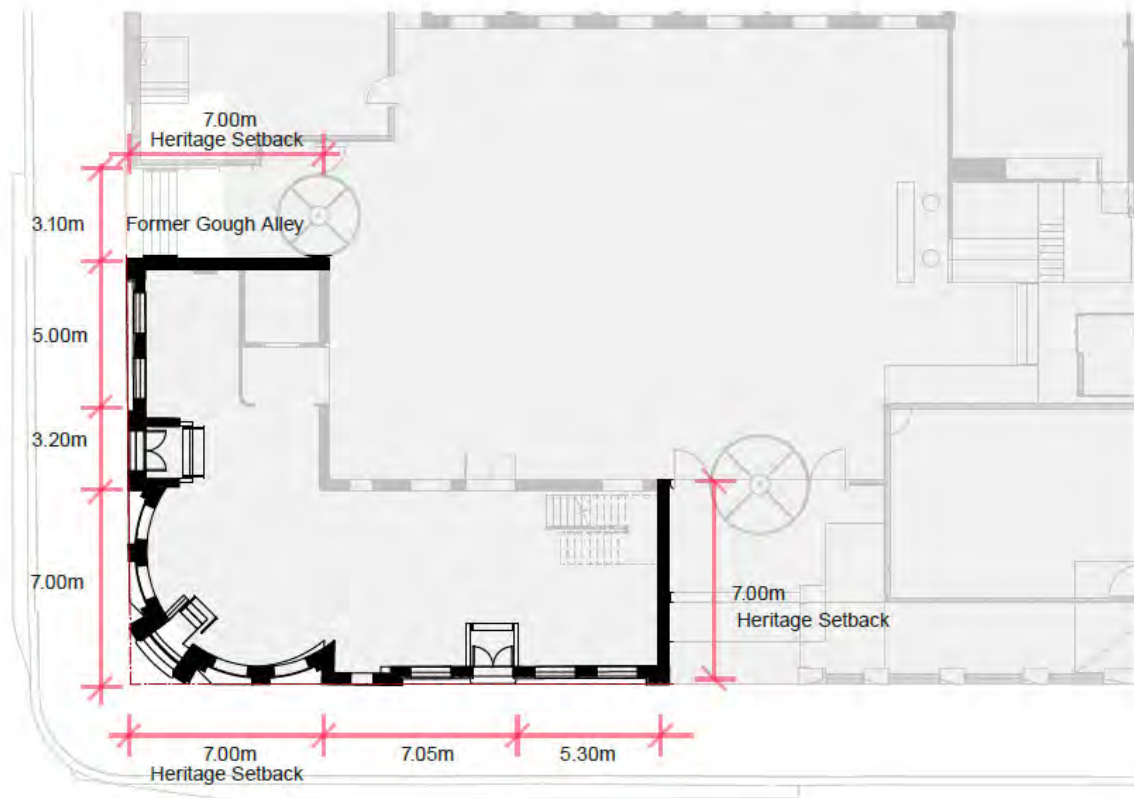
The Urban Context Report by Cox Architecture dated November 2020 states original Parlour, Bar and room facing King Street will be retained however the demolition plans do not demonstrate that these rooms will be retained.



14. Insurance Plan of Kilkenny Inn. 1923 - State Library of Victoria sources: Urban Context Report
Source Cox Architecture November 2020

The 7 metre original Kilkenny structural grid is a key dimension which the applicant has used to inform the tower setback behind the Kilkenny Inn.

The current 3.10 m setback to the northern facade of the Kilkenny is derived from the original extent of Gough Alley and the entrance to King Street is in the same location as Gough Alley to acknowledge the importance of the city's laneways.



15. Proposed ground floor layout of the Kilkeny Inn. Urban Context Report Source Cox Architecture November 2020

5.3. New works including detailed information from architectural drawings prepared by Cox Architecture dated 6 November 2020

Site layout and Gross Floor Area

| | | | |
|--|-----------------------|---------------------------------|-----------------------|
| Total Site Area: | 1,759 m ² | Office Floor Area | 23,947 m ² |
| Gross Floor Area above ground | 32,828 m ² | Retail / Shop Floor Area | 800 m ² |
| Total Gross Floor Area including ground and basements | 37,808 m ² | | |

Floor Area Uplift and Public Benefit

| | |
|---|--|
| Floor Area Ratio (FAR) | 32,828 m ² |
| | $\frac{32,828 \text{ m}^2}{1,759 \text{ m}^2}$ |
| | = 18.66 |
| Proposed FAR: | 18.66:1 |
| PUBLIC BENEFIT | |
| Required benefit \$874,500 and proposed public benefit \$11,973,500 | |
| The public benefit is nearly fourteen times the required amount. | |

Building Height and Setbacks

| | | | | |
|--|--------------------------------|-----------------------------------|--|-----|
| Number of levels | 20 (plus plant) | Number of basement levels: | 3 | |
| Total Building Height as defined by DDO10 (as measured from the centre point of Lonsdale Street) | 92 metres (including plant) | Street Wall Height: | Lonsdale Street: 80 m King Street: 80 m | |
| Minimum Tower Setbacks (above street wall): | South (Lonsdale Street) | 0 m | East (570 Lonsdale Street) | 6 m |
| | North (270 King Street) | 0 m | West (King Street) | 0 m |
| Office building setbacks behind the retained heritage building (from King and Lonsdale) | 7 metres | | | |

Access, car parking, bicycle facilities and loading / unloading

| Car parking, bicycle facilities and loading and unloading | | | |
|---|---|----------------------------|-------------------------------------|
| Car parking spaces: | 57 | Bicycle spaces: | 126 (staff) 36 (visitors) |
| Motorcycle spaces: | 8 | Bicycle facilities: | 18 combined shower and change rooms |
| Parking access: | Car parking access will be via Lonsdale Street and a ramp will transfer the vehicles to the basement levels. | | |
| Loading / unloading: | Loading access will be via Lonsdale Street. The loading area is located in the north section of the site on the ground level. | | |

Building Programme

| Level | Use |
|---------------------------|---|
| Basement levels 03 | Car parking and building services |
| Basement levels 02 | Car parking and building services |
| Basement level 01 | Two car spaces, bicycle storage, end of trip facilities and building services |
| Ground level | Retail tenancies, office lobby and shared pedestrian and vehicle laneway |
| Levels 1 | Two retail tenancies and office |
| Levels 2-20 | Office |
| Levels 21 – 22 | Plant and building services |



16. Perspective of building from above the intersection of King Street and Lonsdale Street. Urban Context Report Source Cox Architecture November 2020



17. Perspective of Lonsdale Street elevation. Urban Context Report Source Cox Architecture
November 2020



18. Perspective of building viewed from south, looking north along King Street. Planning Report Source Tract Pty Ltd and Cox Architecture November 2020



19. King Street elevation Lower level. Cox Architecture November 2020



20. Lonsdale Street elevation Lower level. Cox Architecture November 2020

5.4. Architectural Response

The Urban Context Report on page 28 describes the architectural response as follows:

1. Podium

A break in the primary facade at 25 m creates a visual as well as physical transition to the tower form. The resulting 25 m podium is human scale and responds respectfully to heritage buildings in close proximity to 580 Lonsdale Street. The resulting terraces enhance occupant experience and draw a direct connection to the outdoors.

2. Heritage Scale

A level two break within the facade line talks to the neighbouring Kilkenny Inn and continues the historic two level datum across the site.

3. Tactile Interfaces

The solid brickwork base anchors the proposed building to its immediate context. The contemporary use of brickwork is an acknowledgement of the Site's previous uses and structures. The brickwork continues up the Lonsdale Street facade and forms the principal building frontage.

The King Street facade comprises bluestone and steel. The bluestone is a reference to the bluestone warehouses that remain along King Street and form an important element of the city's early built fabric. The transition of materials break down the overall scale of the proposal and suggest a building of buildings rather than one large mass.

5.5. Façade Response

The Urban Context Report on page 29 describes the façade response as follows:

1. North / West Orientation

Vertical fins respond to the prominent north west orientation. These fins will reduce the proposal's head load in the summer months when the sun from the north west is at its most ferocious.

2. Civic Response

The vertical brickwork that adorns the Lonsdale Street frontage of the proposal marks the civic face of the building. The vertical rhythm references the existing

character of the site and its mass at ground level helps to anchor the proposal to its context.

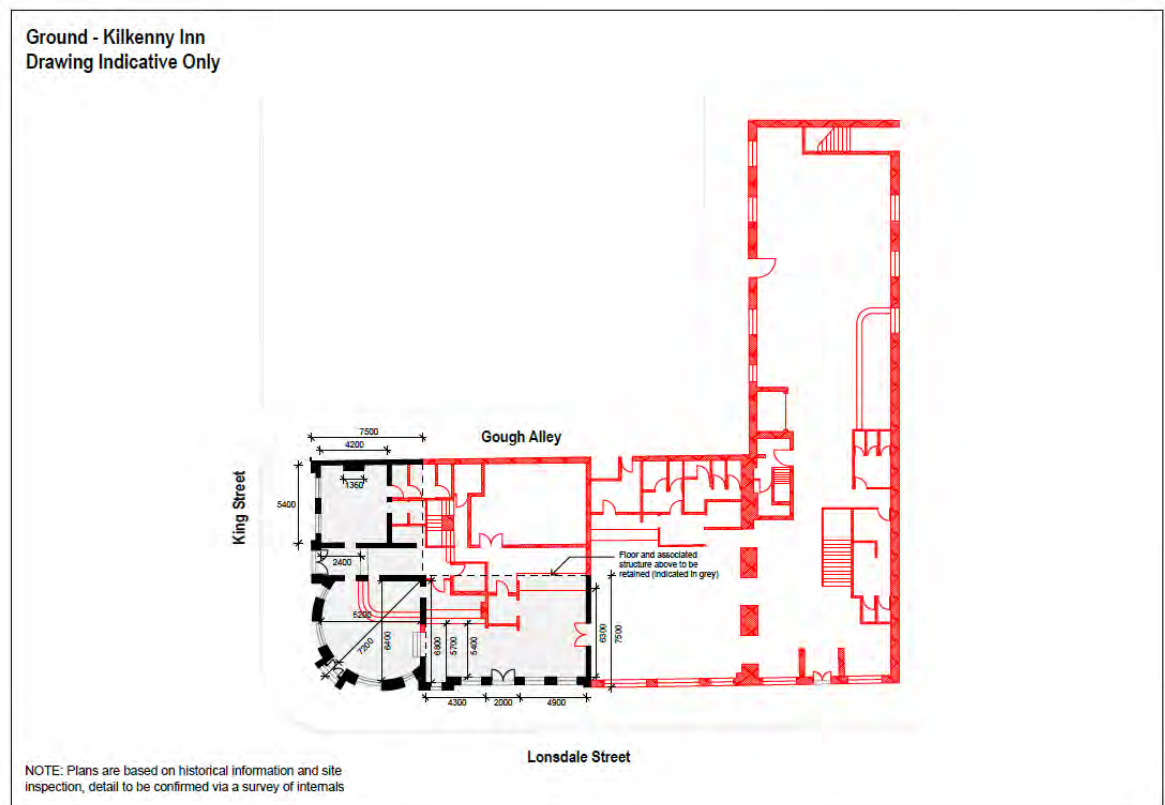
3. Greenery

Greenery and terraces added to the precinct enhance the user experience. In addition it helps to break down the building's mass. The rooftop of the Kilkenny Inn will become a significant green space for the occupants with the greenery helping to provide a visual break between the heritage facade and the tower behind.

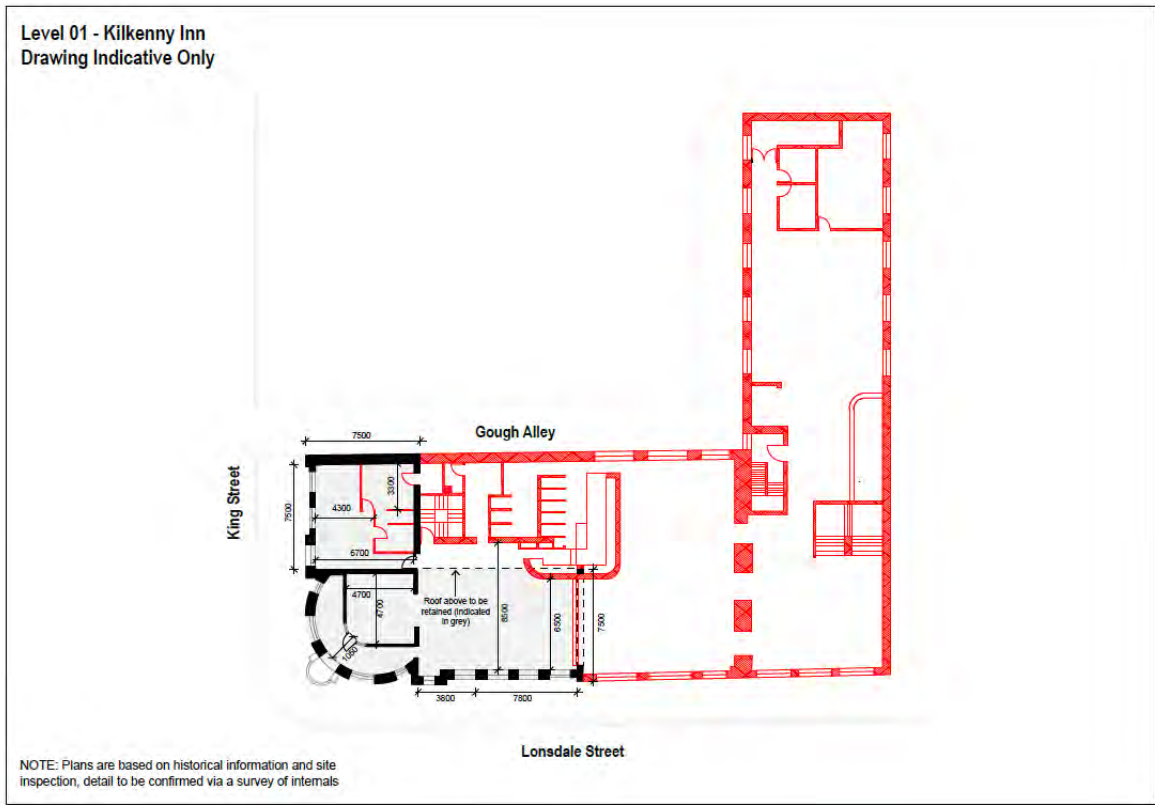
5.6. Discussion Plans

Existing conditions of Kilkenny

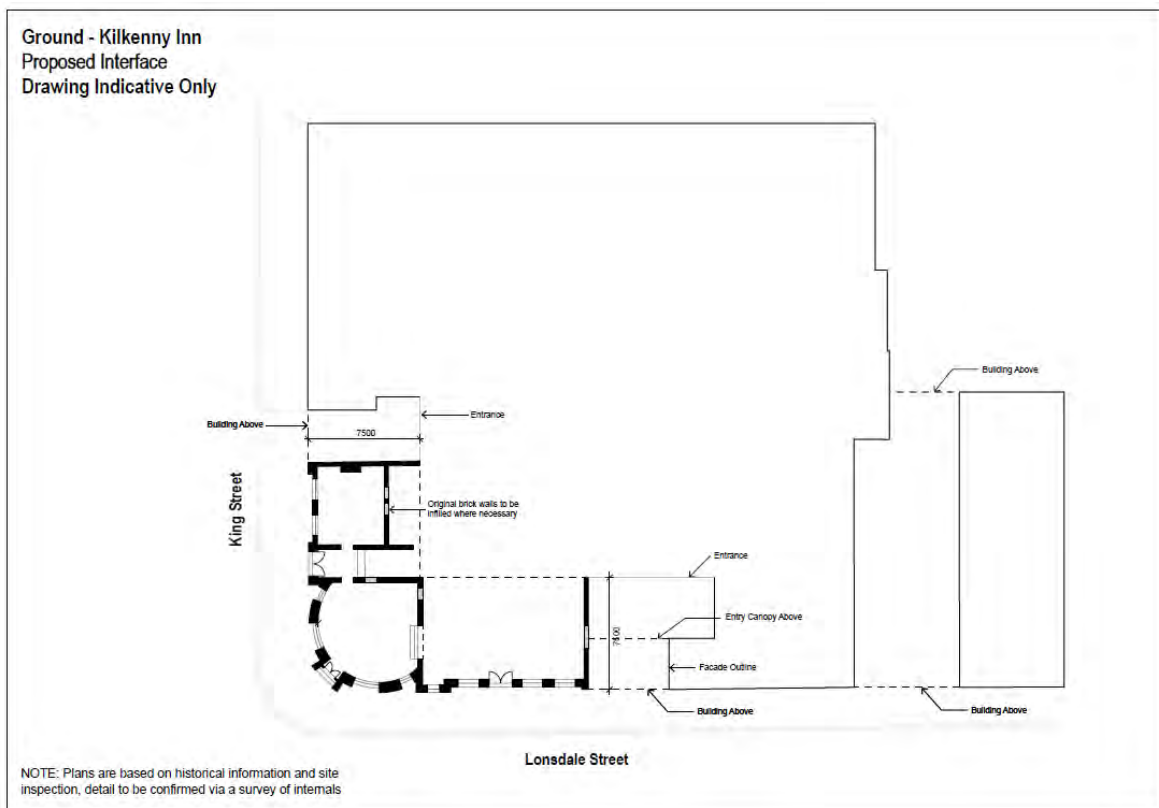
Following feedback received from City of Melbourne in regards to retaining the existing front rooms of the Kilkenny Inn, the applicant provided indicative plans based on historical information and site inspection on 30 March 2021. The following indicative plans were provided on 26 April 2021. These plans were provided on a without prejudice basis.



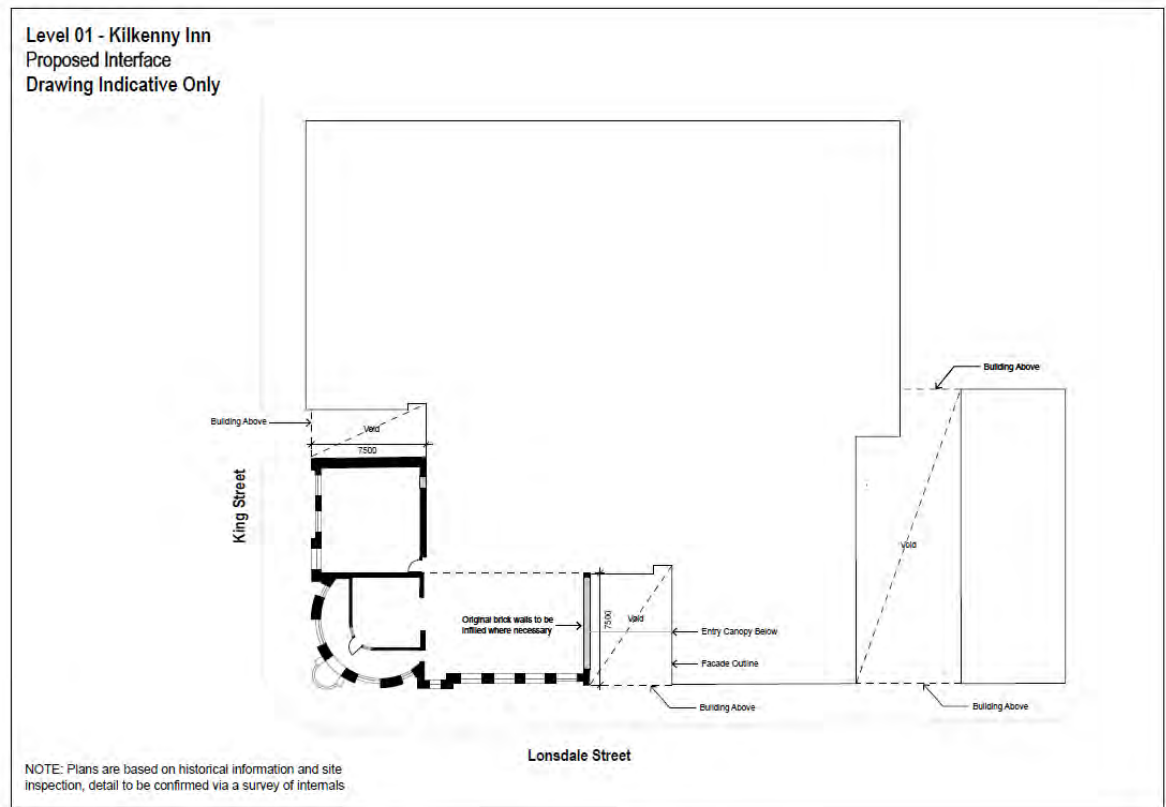
21. Indicative without prejudice ground floor plan showing revised extent of demolition received 26 April 2021



22. Indicative without prejudice first floor plan showing revised extent of demolition received 26 April 2021



23. Indicative without prejudice first floor plan showing proposed layout received 26 April 2021

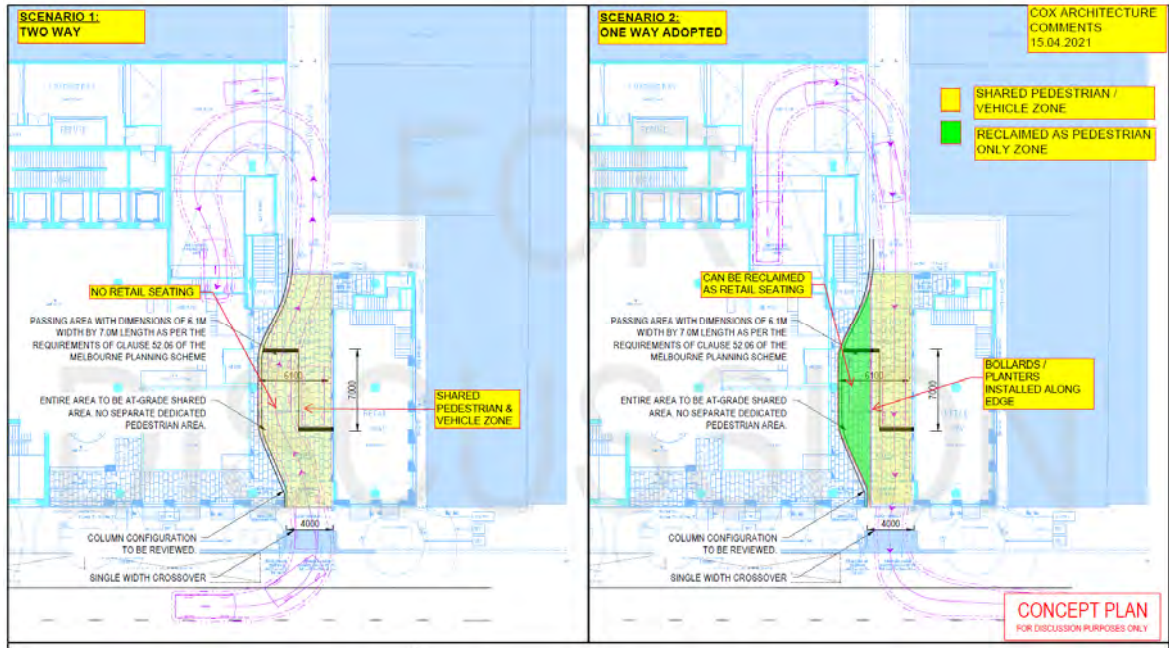


24. Indicative without prejudice first floor plan showing proposed layout received 26 April 2021

The applicant provided a revised vehicle access plan on 20 April 2021. The revised plan shows changes to the proposed vehicles access arrangements for the Site from one way off Lonsdale Street to two way. This revised vehicles arrangement seeks to address concerns raised by objectors (owners and tenants) at 10-22 Manton Lane, by maintaining two-way access with a widened passing area at the southern end towards Lonsdale Street.

The objectors' concerns relate to vehicles on their site not being able to exit their building in a southerly direction (current vehicle entry and exit being from and to the north in a two-way configuration). If one-way, smaller vehicles will require a 5-point turn across the primary office entry and the laneway and it is not possible for larger vehicles to exit.

The applicant's architect Cox Architecture have also marked the revised vehicle access plan demonstrating how the ground floor widened access way / passing area could be 'reclaimed' for pedestrians in the event that the entire length of Manton Lane were to be made one-way in the future.



25. Revised without prejudice vehicle access plan received 20 April 2021

6. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

| | |
|-------------------------------|---|
| State Planning Policies | <ul style="list-style-type: none"> ▪ Clause 11 – Settlement ▪ Clause 13 – Environmental Risks and Amenity ▪ Clause 15 – Built Environment and Heritage ▪ Clause 17 – Economic Development ▪ Clause 18 – Transport ▪ Clause 19 – Infrastructure |
| Municipal Strategic Statement | <ul style="list-style-type: none"> ▪ Clause 21.02 – Municipal Profile ▪ Clause 21.03 – Vision ▪ Clause 21.04 – Settlement ▪ Clause 21.06 – Built Environment and Heritage ▪ Clause 21.08 – Economic Development ▪ Clause 21.09 – Transport ▪ Clause 21.10 – Infrastructure ▪ Clause 21.11 – Local Areas ▪ Clause 21.12 – Hoddle Grid ▪ Clause 21.17 – Reference Documents |
| Local Planning Policies | <ul style="list-style-type: none"> ▪ Clause 22.01 – Urban Design within the Capital City Zone ▪ Clause 22.02 – Sunlight to Public Spaces ▪ Clause 22.03 – Floor Area Uplift and Delivery of Public |

| | |
|--|--|
| | <p>Benefits</p> <ul style="list-style-type: none"> ▪ Clause 22.04 – Heritage Places within the Capital City Zone ▪ Clause 22.19 – Energy, Water and Waste Efficiency ▪ Clause 22.20 – CBD Lanes ▪ Clause 22.23 – Stormwater Management |
|--|--|

| Statutory Controls | |
|---|--|
| Capital City Zone Schedule 1 | <p>Permit required</p> <p>A planning permit is required to construct a building or construct or carry out works under the Capital City Zone.</p> <p>A planning permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works under the Capital City Zone.</p> |
| Design and Development Overlay Schedule 3 – Traffic Conflict | <p>Permit required</p> <p>This control applies to the King Street frontage of the site.</p> <p>A permit is not required to construct a building or carry out works other than those associated with the creation or alteration of a crossover or vehicle access way.</p> <p>The application proposes to remove (alter) Gough Alley crossover, therefore a planning permit is required under this schedule.</p> |
| Heritage Overlay – Schedule 679 (248- 250 King Street, Melbourne – the former Kilkenny Inn) | <p>Permit required</p> <p>Part of the Site is impacted by site-specific Heritage Overlay – Schedule 679 (248-250 King Street, Melbourne – the former Kilkenny Inn).</p> <p>A permit is required to subdivide land, demolish or remove a building and construct a building or construct or carry out works within this area.</p> |
| Design and Development Overlay Schedule 10 – General Development Area Built Form | <p>Permit required</p> <p>A planning permit is required to construct a building or construct or carry out works (other than works at the ground level and other minor works) under the Schedule 10 of Clause 43.02.</p> <p>A permit can only be granted to vary the preferred requirement for any design element where it can be demonstrated that the development will achieve the relevant design objectives and built form outcomes.</p> |
| Parking Overlay Schedule 1 | <p>No permit required</p> <p><u>Car parking spaces</u></p> <p>Where no part of the site is used for dwellings the number of car parking spaces must not exceed the number calculated use one of the following:</p> <p>Maximum spaces = $\frac{5 \times \text{net floor area of buildings on the site in sqm}}{1000 \text{ sqm}}$ Or</p> |

| <u>12 x site area in sqm</u> 1000 sqm | | | | |
|--|-----------------------|----------------|---------------------------------|----------------------------|
| Use | Size/No. | Statutory Rate | Maximum Car Parking Requirement | Proposed Parking Provision |
| Retail / Office | 24,816 m ² | 5 x NFA/1000 | Maximum of 124 | 57 |

Based on this assessment the maximum number of spaces that could be provided would be 124. As the proposed development only provides 57 spaces, no permit is required.

Motorcycle parking spaces
In addition to setting out the maximum car parking provision, Schedule 1 to the Parking Overlay (PO1) also requires that developments within the Melbourne CBD also provides motorcycle parking for the use of by staff and visitors.

Schedule 1 to the Parking Overlay (PO1) sets out a motorcycle parking provision rate of 1 space for every 100 parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.

Based on this rate, the proposed development with a provision of 57 spaces would have a requirement to provide a minimum of 1 motorcycle parking space.

The development plans show a total provision of 8 motorcycle spaces, exceeding the minimum requirement and satisfying the statutory requirements.

| Particular Provisions | | | | | | | | | | | | | | | | | | | | | |
|--|---|-----------------------------------|--|---------------------------------|--|-------------------------|-------------------------------------|--------------------|-----------------------------------|-----------------------------------|-----------------------|--------|-----------------------|-----------------------------------|-------------------------------------|----------------------------|--|--|--|--|--|
| Clause 52.06 Car Parking | <p>No permit required</p> <p>A permit is required to provide more than the maximum parking provision specified in a schedule to the Parking Overlay.</p> <p>The proposal does not seek to provide more than the maximum number of spaces and a permit is therefore not required under Clause 52.06.</p> | | | | | | | | | | | | | | | | | | | | |
| Clause 52.34, Bicycle Facilities | <p>No permit required</p> <p>A permit may be granted to reduce or waive the bicycle parking requirement.</p> <table border="1"> <thead> <tr> <th>Use</th> <th>Area</th> <th>Statutory requirement employees</th> <th>Statutory requirement Visitors / Customers</th> <th>Bicycle spaces required</th> </tr> </thead> <tbody> <tr> <td>Retail premise other than specified</td> <td>800 m²</td> <td>1 space per 300m² LFA</td> <td>1 space per 500m² LFA</td> <td>3 staff 2 customer</td> </tr> <tr> <td>Office</td> <td>24,016 m²</td> <td>1 space per 300m² NFA</td> <td>1 space per 1,000m² NFA</td> <td>80 employee 24 customer</td> </tr> <tr> <td colspan="5">Totals: 83 staff and 26 visitor</td> </tr> </tbody> </table> | Use | Area | Statutory requirement employees | Statutory requirement Visitors / Customers | Bicycle spaces required | Retail premise other than specified | 800 m ² | 1 space per 300m ² LFA | 1 space per 500m ² LFA | 3 staff 2 customer | Office | 24,016 m ² | 1 space per 300m ² NFA | 1 space per 1,000m ² NFA | 80 employee 24 customer | Totals: 83 staff and 26 visitor | | | | |
| Use | Area | Statutory requirement employees | Statutory requirement Visitors / Customers | Bicycle spaces required | | | | | | | | | | | | | | | | | |
| Retail premise other than specified | 800 m ² | 1 space per 300m ² LFA | 1 space per 500m ² LFA | 3 staff 2 customer | | | | | | | | | | | | | | | | | |
| Office | 24,016 m ² | 1 space per 300m ² NFA | 1 space per 1,000m ² NFA | 80 employee 24 customer | | | | | | | | | | | | | | | | | |
| Totals: 83 staff and 26 visitor | | | | | | | | | | | | | | | | | | | | | |

| | |
|--|--|
| | <p>The proposal requires 83 staff and 26 visitor bicycle spaces and provides 126 staff and 36 visitors bicycle spaces which exceeds the requirements of this provision.</p> <p>The requirement to provide 83 bicycle parking spaces for staff results in a need to provide 9 showers / change rooms. The proposed development plans show a minimum 200 m² end-of-trip facilities area comprising 18 showers. The proposed end of trip facilities meet the requirements of this provision.</p> |
|--|--|

| General Provisions | |
|--|--|
| Clause 65.01 – Approval of an application or plan | The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause, which include the matters set out in Section 60 of the Planning and Environment Act 1987. |
| Clause 66 – Referral and Notice Provisions | <p>These provisions set out the kinds of applications which must be referred under section 55 of the Act or for which notice must be given under section 52(1)(c) of the Act. The provisions do not apply to the seeking of advice about an application or where a responsible authority may choose to give notice under another sub-section of section 52(1) of the Act.</p> <p>Schedule to Clause 66.04 lists Melbourne City Council as a recommending referral authority.</p> |
| Clause 2.0 of 72.01 –Administration and enforcement of this scheme | The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 m ² . |

7. RELEVANT PLANNING SCHEME AMENDMENTS

In addition to the preceding policies Amendment C308 to the Melbourne Planning Scheme are also of relevance.

7.1. Amendment C258

Amendment C258 was approved by the Minister for Planning and was gazetted on 10 July 2020. The amendment revised the local heritage policies as well as introduce two new incorporated documents into the Melbourne Planning Scheme; the Heritage Precinct Statements of Significance incorporated document and the Heritage Places Inventory incorporated document.

The Heritage Places Inventory incorporated document would introduce a new grading system in accordance with which buildings are attributed a level of significance. To this end, the existing letter grading system (A, B, C and D) would be replaced by 'Significant', 'Contributory' and 'Non-contributory'.

The Kilkenny Inn, located on the south east corner of Lonsdale Street and King Street is listed in the new grading system as Significant, there are a number of nearby properties which are graded and they have been identified in the Section 1.2 of this report.

It is acknowledged that the application was originally lodged with DELWP on 5 December 2019 prior to the gazettal of Amendment C258 and that the applicant subsequently amended the application seeking to address the changes introduced in Amendment C258.

7.2. Amendment C308

Amendment C308 and the Central Melbourne Design Guide were adopted by Council on Tuesday 26 November 2019.

Amendment C308 seeks to introduce a revised urban design policy in the form of a Design and Development Overlay 1 (DDO1) into the Melbourne Planning Scheme with a complementary illustrative guide, the Central Melbourne Design Guide. The amendment seeks to improve the urban design quality of development in the central city and Southbank.

Amendment C308 was sent to the Minister for Planning on 12 December 2019 for final approval to be included in the Melbourne Planning Scheme. Amendment C308 is therefore considered to be a seriously entertained planning control.

7.3. Amendment C387 and Amendment C386

The City of Melbourne is seeking permanent heritage controls for 256-260 King Street, Melbourne under Amendment C387. The owners / developers for this site have lodged an opposing submission to C387.

Although the City of Melbourne sought for 256-260 King Street to have interim heritage controls in Amendment C386, the site was excluded by the Minister for Planning given there is a live application for redevelopment.

256-260 King Street, Melbourne is therefore not currently in a heritage overlay.

8. PUBLIC NOTIFICATION

Part of the Site is impacted by site specific Heritage Overlay – Schedule 679 (248-250 King Street, Melbourne – the former Kilkenny Inn).

The demolition and new buildings proposed within the land affected by HO679 are not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the *Planning and Environment Act 1987*.

8.1. Objections

The City of Melbourne has received twenty objections to the proposal. Objectors were notified that the Minister is the Responsible Authority for determining the application and that they should submit their objection directly to DELWP. Objectors were also informed that Melbourne City Council is a referral authority for the application.

In summary the objections mainly related to Manton Lane becoming one way and it impacting on vehicle movements from an adjoining site, the extent of demolition and the scale of the new office building being unsympathetic.

9. REFERRALS

The application was referred to the following internal departments and a summary of the advice provided is noted below.

9.1. Heritage

Heritage Advisor – not supportive of the proposal

Council's Heritage Advisor provided heritage advice on 10 March 2021. The following are summarised points in response to the s50 application plans by Cox Architects dated November 2020.

- The set back of the new building to 7 metres from the two street fronts (actually one room depth) is barely “sufficient” to escape the general perception of facadism.

- The public view of the former hotel should be of an entity that presents as retaining its internal integrity.
- The proposal may be considered to ‘nominally’ achieve presentation of retained integrity but not convincingly so.
- The reduced setback may be found to be acceptable if it can be justified as an exception, given special circumstances, rather than normal.
- It is the public expression, the perception and experience of the building, rather than a Mahlstedt Plan “metric” that is the relevant test for the presentation of the heritage building.
- As proposed, and is evident from the Mahlstedt Plan, only the depth of one room is to be retained. This does not constitute a building entity.
- The architectural expression of the new shows no sign of regard, or response to, its heritage host beyond the minimal tower setback.
- The expectation (Clause 43.01) that the new tower in form, character and appearance is “in keeping” with its comparatively diminutive host is not, in my view, satisfactorily addressed or understandably explained.
- The HIS explains the architectural expression in relation to the retained hotel as follows:

“The façade behind will be of a light, glazed character in contrast to the more weighty masonry materiality of the hotel.”

- The statement that new tower presence would be “presenting as a visually neutral, complementary backdrop” is not in my view a supportable assertion that can be accepted. The tower will physically dominate the heritage building and crowd the heritage building on its land. How and why the proposed design expression will mitigate this physical dominance is not explained or demonstrated.
- Without understandable explanation of how heritage policy is satisfied, with retention of significance ensured, there should be no heritage approval.
- Recommend a bond condition of \$200,000 for the Kilkenny Inn if support is given.

Planner response:

See discussion in assessment below.

9.2. Urban Design

Urban Design – supportive of the proposal subject to conditions requiring a high level of material quality

Summary of the advice:

The Urban Design team commend the applicant and design team for pursuing changes to the massing strategy to better respect the Site’s heritage building.

They generally support the development of this site, subject to resolution of crucial matters of public interface safety and design quality as addressed within this report.

Matters of mass may require additional refinement subject to the discretion of Planners. From an urban design perspective, an exceptional level of design quality is expected to justify the street-wall height proposed adjacent the high character heritage asset on site.

Urban Design provided the advice on 27 November 2020. The following are summarised points in response to the s50 application plans by Cox Architects dated November 2020.

Site permeability and pedestrian safety

- Support the continuation of Manton Lane as an internal through-block link.
- Support the external grade flooring and is a double volume space which will increase public attraction and amenity.
- Support the massing recesses to either side of the Kilkenny Inn to maintain the impression of the building as a three-dimensional form as experienced from the street.
- Support the location of vehicle entries to the rear of the site, accessed from Manton Lane.
- Recommend changes for the DDA access to the Manton Lane arcade from Lonsdale Street.
- Recommend the rotating door from King Street is replaced with a sliding door and airlock. Also recommend that the stairs are contained internally to this threshold.

Building mass

- Support the inclusion of a 7 m setback from the heritage buildings principal facade, which maintains the prominence of the building to the streetscape.
- Note that 80 m height occurs to either side of the Kilkenny Inn. Measures have been implemented to reduce perception of height, including a notional 25 m podium to both building frontages emphasised through horizontal recesses and change in facade design.
- Note and support given to the following. Considering the corner location of the Site and measures described above to respond to the scale of the heritage building on site, the envelope is an improved proposal. Defer to the discretion of Planning against assessment of the DDO10, noting that a 40 m podium height with a 5 m setback would generally be expected in consideration of the DDO, surrounding context, and the height of the Kilkenny Inn.
- Support of the extent of proposed mass to the subject site is strongly contingent on achieving a high level of design and material quality to both the King Street and Lonsdale Street interfaces, to respect the character of the context. While support is given for the brickwork used to podium and tower of the Lonsdale Street interface, an equivalent level of material quality is expected to the King Street frontage.

Building program

- There is a positive level of retail activation proposed to all ground level street frontages. Support is given to the utilisation of existing Kilkenny Inn as two storey retail and support the two storey retail tenancy to the Manton Lane and Lonsdale Street intersection, expanding publicly accessible activation over multiple levels.
- The incorporation of terraces lining the building perimeter at level 2 is positive, as it increases human scaled design, and puts forward an additional level of activation to

the street. We support the terrace over the Kilkenny Inn associated with the retail tenancy, which adds variety to the street activation from this level.

Public interfaces & Design detail

- The overall facade strategy appears to employ a high level of vertical articulation and different materials to help define different components of form and visually break-up the impression of bulk.
- Note no material annotations are included on overall building elevations, and no corresponding material palette or imagery has been provided; therefore, quality of design detail cannot be adequately assessed at this point.
- As a high level overview, general support is given for the use of brickwork to the podium and tower fronting Lonsdale Street (south elevation). If brick tiles are intended to be used, details should be provided demonstrating how the tiles will transition between intersecting interfaces to maintain the impression of authentic facade depth and quality.
- Recommend that a robust and high quality material is used to the podium fronting King Street, which is currently depicted to look like metal cladding. Support of the proposed mass is strongly contingent on achieving a high level of material quality to both primary street interfaces.
- Overhanging tower soffits are noted as 'metal cladding'. Request a condition requiring further detail to ensure that a high quality interface is achieved. The soffit treatment of the 'Collins Arch' building as an appropriate precedent.

Ground level public interfaces

- The public artwork proposed at the Manton Lane soffit is a positive consideration which will improve public attraction to this space.
- The Lonsdale Street elevation demonstrates a high level of facade depth; however, an additional level of detail is required to uplift the human scale and contribution of the facade to the streetscape, such as inclusion of glazing framing and canopies to building elevations. In consideration of this:
 - Recommended the canopy over the Manton Lane arcade entrance be of high quality (in steel, glazed or equivalent high quality material) to emphasise the arcade entrance.
 - The ground level facade concealing an external ramp between the facade and a retail frontage (to Lonsdale Street) should be designed to better reflect internal function, by opening up this interface as a colonnade, rather than enclosing it in a false facade. Also recommend additional elements such as integrated planting and seating at the facade interface with the ramp, to better celebrate this space and encourage use.
- The King Street ground level frontage includes brickwork and steel fins to break-up glazing, which is positive. There are services cabinets to this façade which have not been adequately detailed to demonstrate integration with the facade design. It is recommended this detail be provided.
- While canopies have been noted on plans, they have not been adequately detailed on elevations and sections in regards to materiality and construction. Canopies should be lightweight and of high quality. Bulky aluminium canopies should be avoided, and glazed, steel or canvas canopies which have a high level of human scale and design quality should be used. It is noted the wind report puts forward specific dimensional criteria for awnings to mitigate wind conditions.

Planner response:

Support the urban design advice and recommend conditions to address Urban Design matters raised.

9.3. Land Survey

Land Survey – supportive of the proposal subject to conditions

Planner response:

Support the Land Survey's recommended conditions.

9.4. City Design

City Design – supportive of the proposal subject to conditions

Tract Consultants Landscape Concept Report

The concept report is appropriate at this stage of the development. Recommend conditions requiring much greater detail on soft landscape provision, co-ordination of planting with the architectural drawings and provision of a site specific soft landscape maintenance and management plan.

Terrace and Façade planters

The 'Greenery' highlighted by the submissions as an important design feature in perspectives, elevations and the 'Façade Response' (Cox Urban Context Report Nov 2020 RevC section 3.05) demands a very high level of plant performance that is difficult to be assured of from the information provided.

It is recommended that conditions on any permit should include provision of soil depths and volumes for individual planters and a soft landscape management and maintenance schedule.

Planting, access to sunlight and wind tolerance

Recommend conditions require full planting plans that demonstrate plant selection in response to the varying sunlight and wind conditions around the building.

Bike hoops

The bike hoops shown on the Tract Ground Floor Plan (drawing 02/07) are supported.

Planner response:

Support the City Design advice and conditions drafted as per recommendations.

9.5. Urban Forest & Ecology

Urban Forest & Ecology – supportive of the proposal subject to conditions

The Arboricultural Impact Assessment and Tree Management Plan by Melbourne Arborist Reports, dated 13 November 2019, adequately identifies the impacts of the proposal on the four mature public trees adjacent to the Lonsdale Street boundary.

Whilst there is pruning required to public trees, given tree canopy overhang and some works clearly required within tree protection zones from the plan assessments, the impacts of construction cannot be assessed until a Construction and Traffic Management

Plan is provided. As such, the Tree Management Plan section of the Melbourne Arborist report can only be seen as indicative.

Whilst the planning scheme does not require applicants to consider how a building will be demolished or constructed, it is a factor for council. The Tree Retention and Removal Policy will support minimal pruning and the retention of trees.

Based solely on the application documents, it seems that public trees can be retained and as such, there is no objection from Urban Forest and Ecology subject to standard conditions.

Planner response:

Support the Urban Forest & Ecology City Design advice and standard conditions have been included in the list of recommended conditions.

9.6. Traffic

Traffic – supportive of the s50 proposal subject to a condition requiring a road safety audit.

Traffic – supportive of the without prejudice plans (revised vehicle access) subject to conditions requiring a double vehicle crossover to Lonsdale Street and alternative measures to the installation of bollards on Manton Lane.

Proposal

The titles are to be consolidated and the Site will also extend across Gough Alley and the lane is proposed to be incorporated into the site.

In addition, Manton Lane is proposed to be extended through to Lonsdale Street and activated for shared pedestrian and vehicle use. Manton Lane is to provide access to the onsite carpark and loading bay.

Car parking provision / layout

The statutory car parking requirement for this development is a maximum of 127 spaces. As 60 spaces are proposed, the statutory requirements have been met and no objection is offered from a traffic engineering perspective.

The applicant's Traffic Impact Assessment report by WSP Consultants dated 15 May 2020 (WSP report) details an assessment of the internal parking layout as per the requirements of the Planning Scheme and Australian Standards and is advised to comply with these standards.

Infrastructure and Assets accepts the above assessment. Turning movement diagrams have also been provided to show access through the carpark and to / from critical parking bays and are acceptable.

Vehicle access to the carpark is via Manton Lane. The applicant should be advised that Council cannot guarantee unimpeded access through the lane and will not necessarily alter existing restrictions to assist in this regard if the current loading restrictions are required by abutting properties.

As a result, any issues that arise in this regard will be for the applicant to resolve.

No objection is raised for the proposed extension of Manton Lane through the development and onto Lonsdale Street. However, as the provision of a Shared Zone is a

major traffic control item the applicant will need to obtain approval from the Department of Transport prior to installation of such a facility. In addition, any proposal to convert Manton Lane into a one way road will need the support of abutting property owners / occupiers.

Bicycle facilities

The WSP report advises that there is a requirement to provide a total of 154 bicycle parking spaces comprising of 126 for staff and 28 spaces for visitors.

As it is proposed to provide a total of 154 bicycle spaces, the supply meets the Melbourne Planning Scheme requirements. It is advised that end of trip facilities will also be provided and will exceed Planning Scheme requirements.

It is advised that a further 8 standard grade bicycle parking spaces are to be provided within the Manton Lane 'Shared Zone area for visitors.

Supports the provision of bicycle facilities.

Loading and waste storage and collection

It is advised that onsite loading and waste collection is to be undertaken in a loading bay located on the ground level off the site access from Manton Lane. The loading bay is designed to accommodate vehicles up to 6.4 m SRV. A height clearance of 5 metres is to be provided.

Turning movement diagrams have been provided for a 6.4 m SRV entering and exiting the loading dock and is acceptable. No objection is offered to this proposal from a traffic engineering perspective.

Formal waste comments will be provided separately.

Traffic generation and impact

Accept the traffic generation rates provided by WSP Consultants with approximately 28 vehicle trips in the AM and 25 in the PM period. This level of traffic is unlikely to create an adverse impact on Manton Lane and the surrounding road network with an average of one vehicle movement occurring every 2 minutes.

No objection in this regard from a traffic engineering perspective.

Road safety audit

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

Without prejudice plans (revised vehicle access arrangements)

The without prejudice plans relies on construction of a single vehicle crossing on Lonsdale Street and an internal vehicle storage area provided within the development to allow opposing vehicles to pass. The without prejudice proposal in its current form cannot be supported.

Primarily this is due to the presence of the eastbound kerbside PM peak Clearway bus lane and the potential safety issues associated with left turning queued vehicles mixing with buses on Lonsdale Street.

A double vehicle crossing is required to avoid any need for vehicles entering the property from Lonsdale Street to give way to vehicles exiting the development in the opposite direction.

In addition the installation of bollards on Manton Lane cannot be relied on due to the need to undertake road closure process via the Local Government Act. This process relies on consultation of impacted properties and cannot be guarantee on for a desirable outcome.

In this regard, it would be desirable that an alternative proposal be developed that does not rely on the installation of bollards on land managed by City of Melbourne.

Planner response:

Support the Traffic advice including the recommendation for a condition requiring the road safety audit, a double vehicle cross over to Lonsdale Street and alternative traffic measures to the installation of bollards on Manton Lane.

9.7. Infrastructure Development Advice

This new proposal has little effect to the ground level and is supported

9.8. Waste Advice

Waste – supportive of the proposal subject to standard conditions

The Waste Management Plan for this development and found it to be acceptable.

Planner response:

Recommend the standard waste management conditions be included.

9.9. ESD and Green Infrastructure Advice

ESD and Green Infrastructure – supportive of the proposal subject to standard conditions

General

The development is targeting a certified 5 Star Green Star Design and As-Built rating. Overall it is an excellent conceptual proposal and should achieve an Australian best-practice sustainable outcome as it follows through on its commitments.

Recommendations

Green Star Pathway

The ESD Report's proposed Green Star approach is a commitment to achieve a 5 star certified Design and As-Built rating. This is a good demonstration of the project's commitment to sustainable design and is to be commended.

Evidence of the GBCA project registration will be required to be submitted to Melbourne City Council prior to commencement of development.

Any preliminary Green Star calculators used to demonstrate how the points claimed will be achieved should be included as an appendix to the ESD report.

Energy

The ESD Report commits to undertaking a NABERS commitment agreement to achieve a minimum 5 Star NABERS Energy rating for the building. A signed NABERS Commitment Agreement contract for the project will be required to be submitted to Melbourne City Council prior to commencement of development.

The project generally has high aspirations for energy efficiency in built form and services.

Green Infrastructure and Landscaping

The proposal currently includes ground level planting, roof terrace gardens and balcony planters. It is recommended that a complete Landscape Plan and Landscape Maintenance Plan be submitted to the satisfaction of Melbourne City Council prior to commencement of development.

Transport

The development includes a well provisioned end of trip facility meeting Green Star requirements.

Stormwater Management

The WSUD Report outlines compliance with Clause 22.23 and Green Star credits through use of 75kL rainwater tank and an Ocean Protect cartridge treatment system.

A maintenance agreement for the Ocean Protect system must be entered into as a condition of permit.

Planner response:

Recommend the proposed ESD conditions be included.

10. ASSESSMENT

10.1. Floor Area Uplift

The Capital City Zone Schedule 1 states that:

A permit must not be granted or amended (unless the amendment does not increase the extent of noncompliance) to construct a building or construct or carry out works with a floor area ratio in excess of 18:1 on land to which schedule 10 to the Design and Development Overlay applies unless:

- a public benefit as calculated and specified in a manner agreed to by the responsible authority is provided.

- the permit includes a condition (or conditions) which requires the provision of a public benefit to be secured via an agreement made under section 173 of the Planning and Environment Act 1987.

The Floor Area Ratio (FAR) for the proposal is 18.66:1, derived from the Site area of 1,759 m² and proposed Floor Area of 32,828 m² as defined in Schedule 1 to the Capital City Zone (CCZ1).

Clause 22.03 (Floor Area Uplift and Delivery of Public Benefits) is relevant to this proposal given that the proposed building exceeds a Floor Area Ratio (FAR) of 18:1.

The proposed floor area uplift for commercial office is 23,947 m² and the total minimum amount of office GFA that would need to be secured by 10 year legal agreement in order to provide for the public benefit to meet the FAU sought is 1,166 m².

An independent valuation of the office space has not been provided. In accordance with DELWP's guidelines on *How to Calculate Floor Area Uplifts and Public Benefits*, the subject site is located within the Spencer Precinct of Melbourne's CBD and therefore attracts a rate of \$5,000 per m² of gross realisation value (GRV) for commercial. The DELWP guidelines also identify office use as a public benefit.

The proposal incorporates an office floor area of 23,947 m² and a new publicly accessible through block link. Based on the GRV set out in Clause 22.03, a public benefit of \$874,500 is required to offset the uplift in area. The actual value of public benefit to be provided significantly exceeds the required benefit at \$11,973,500 which is nearly fourteen times the Floor Area Uplift sought and as such is supported.

In accordance with Clause 22.03 it is recommended that a condition be placed on the permit requiring a Section 173 Agreement to be registered on title requiring the office use to be secured for a minimum of 10 years.

10.2. Heritage

The Kilkenny Inn at 248-250 King Street is identified as 'Significant', with the adjacent portions of King and Lonsdale Street not identified as 'significant streetscapes'. The remaining buildings on the site are not graded and also do not front 'significant' streetscapes.

The 'significant' grading is defined by the recently gazetted Amendment C258 as:

A 'significant' heritage place is individually important at state or local level, and a heritage place in its own right. It is of historic, aesthetic, scientific, social or spiritual significance to the municipality. A 'significant' heritage place may be highly valued by the community; is typically externally intact; and/or has notable features associated with the place type, use, period, method of construction, siting or setting. When located in a heritage precinct a 'significant' heritage place can make an important contribution to the precinct.

Objectors have raised concerns with the extent of the demolition and the proposed new office building being unsympathetic to the host heritage building.

Extent of demolition 248-250 King Street

The s50 plans (decision plans) propose to retain both street façades, the 'external' side walls to a depth of 7 metres and part of the roof of the Kilkenny Inn. The remainder of the building is proposed to be demolished. Council officers and council's heritage advisor raised significant concerns with the extent of demolition.

The applicant subsequently provided indicative plans of the existing layout of the Kilkenny Inn including the internal walls and revised demolition plans. The revised demolition plans show a greater degree of retention of the Kilkenny Inn including retaining the internal walls which are within 7 metres of the façade of the building.

Support is now given to the extent of demolition for the following reasons:

The heritage policy expectation at Clause 22.04 is that front or principal part of a building should be retained. The front or principal part of a building for most non-residential buildings is considered to be one full structural bay in depth complete with the structure and cladding to the roof or generally 8-10 metres in depth.

The demolition plans show the heritage building to be retained on all levels to the first rooms' depth (including the internal walls, floors and roof above). The existing rooms vary in depth and appear to be around 7 to 7.5 metres from the Lonsdale Street and King Street facades of the Kilkenny Inn. The retained structural walls and roof will define the first rooms' depth of the Kilkenny Inn and therefore is accepted.

The proposal therefore complies with Clause 22.04 which requires the retention of the heritage building's three dimensional form.

New Building (additions)

The original proposal (refer Fig.12) included a tower overhanging the Kilkenny Inn to the street frontage. Council officers and Council's heritage advisor indicated that this was not acceptable, requiring the office building to be adequately setback from the heritage building to maintain its prominence.

The applicant subsequently provided indicative plans of the existing layout of the Kilkenny Inn including the internal walls and revised demolition plans. There is now support for the 7 metre setback of the proposed office building for the following reasons:

This additional information confirmed that the existing internal walls established an acceptable distance for the office building setback from the Kilkenny Inn. It is noted the 7 metre setback is less than Council heritage policy of 8 to 10 metres, but does match the principal room depths including all of the corner turret.

There are setback indents either side of the retained heritage building on Lonsdale Street and King Street, revealing the retained return walls and emphasising the three dimensional form of the Kilkenny Inn.

The architectural expression of the office building subject to material changes recommended by Council's Urban Design Team will be of high quality and does respond to its heritage host. While an 80 metre height wall does occur to either side of the Kilkenny Inn, measures have been implemented to reduce perception of height, including a notional 25 m podium to both building frontages emphasised through horizontal recesses and change in facade design.

The proposed office building therefore complies with heritage policy contained at Clause 22.04.

Context

As described in the Site and Surrounds section of this report, the built form and subdivision pattern in the immediate area varies from single storey to multi-storey towers. There are ungraded buildings to buildings of State Significance.

The Site is located on the north east corner of Lonsdale Street and King Street. The Kilkenny Inn building section of the Site is in an individual heritage overlay, the remainder of the Site is not. The whole of the site is not in a precinct heritage overlay.

There are heritage buildings located on two of the other three corners of the intersection. Both of these sites are low in height and are identified as 'significant'.

- On the south east corner of Lonsdale Street and King Street at 240 King Street is the Colonial Hotel. This site comprises two, three storey bluestone former warehouses built between 1854 and 1858 which are on the Victorian Heritage Register and are identified as 'significant'.
- On the south west corner of Lonsdale Street and King Street is 293-241 King Street. This Site contains a two storey brick gothic revival building. This building is identified as 'significant'.

On the north west corner of Lonsdale Street and King Street is 600 Lonsdale Street. This building is an ungraded building and has received planning approval from the Minister for Planning for the construction of a 42 level mixed use building.

Neither of the adjoining buildings to the east or the north of the Site are of heritage significance nor are the nearby buildings further along King Street and Lonsdale Street.

The proposal does respond to its built form context. The proposal will not adversely impact the character and appearance of the above significant buildings, nor will the proposal set a precedent for these sites should they be redeveloped.

Recommended heritage conditions

A condition will refer to the indicative plans and revised demolition plans but amended to show:

- additional internal walls on both the ground and first floor of the Kilkenny Inn. The internal walls must be within the 7 metres from the Lonsdale Street frontage to create 'front rooms' which are separate from the office building.
- no basement beneath retained Kilkenny Inn.
- remove landscaping from the roof and terraces of the Kilkenny Inn.
- Demolition plan demonstrating all visible sections of the roof of the Kilkenny Inn to be retained.

A condition requiring a \$200,000 bond for retention of the Kilkenny Building.

9.3 DDO Schedule 10 (General Development Area – Built Form) (DDO10)

DDO10 seeks to ensure that development respects the built form, scale and urban structure of the Central City and provides clear parameters to guide appropriate built form outcomes.

Table 3 to Schedule 10

A permit can only be granted to vary the preferred requirement for any design element where it can be demonstrated that the development will achieve the relevant design objectives and built form outcomes.

| Design Element | Preferred Requirement | Modified Requirement | 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. |
| Response | | | |
| <p>The Lonsdale Street and King Street street walls meet the Modified Requirement. The street walls also meet the built form outcomes.</p> <p>The centre of the Site is taken from the middle of the Lonsdale Street frontage and the proposed street wall height is 80 metres plus 3 metres of screening when measured from this point.</p> <p>The 80 metre street walls are considered an appropriate response as it is consistent with the built form outcomes for the following reasons:</p> <ul style="list-style-type: none"> - In this case, and due to the particular site conditions, it is accepted that the heritage building and the 80 metre high street wall sections define the street corner, noting that the extent of return of the 80m street wall is not supported as a general outcome. - The inclusion of a 7 metre setback from the heritage buildings principal facade, which maintains the prominence of the Kilkenny Inn heritage building in the streetscape. - The 80 metre street wall, although higher than the adjoining building at 570 Lonsdale, it is a similar height to prevailing street walls adjoining the Site at 272-274 King Street and further along Lonsdale Street both to the east with 560 Lonsdale | | | |

Street (Central Equity residential tower) and the recently approved mixed use tower across King Street at 600 Lonsdale Street.

- Measures have been implemented to reduce perception of height, including:
 - o Two significant recesses adjacent to either side of the retained external heritage walls. The recesses are 7 metres deep and 5 metres wide on the Lonsdale Street frontage and 3.1 metres wide on the King Street frontage.
 - o A notional 25 m podium to both building frontages emphasised through horizontal recesses and changes in facade design.
- The overall facade strategy employs a high level of vertical articulation and different materials to help define different components of form and visually break-up the impression of bulk.

Daylight and sunlight

The site is located on the north east corner of Lonsdale Street and King Street with significant built form to the north and east of the site. The existing built form context and location of the site results in no unreasonable reduction in daylight and sunlight to the public realm as a result of the street wall heights.

| Design Element | Preferred Requirement | Modified Requirement | Built Form Outcomes |
|--|--|--|---|
| Building setbacks above 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. | Towers and additions are setback to ensure: <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. |
| Response | | | |
| Not applicable. The proposed office building at 80 metres is defined as the street wall. | | | |

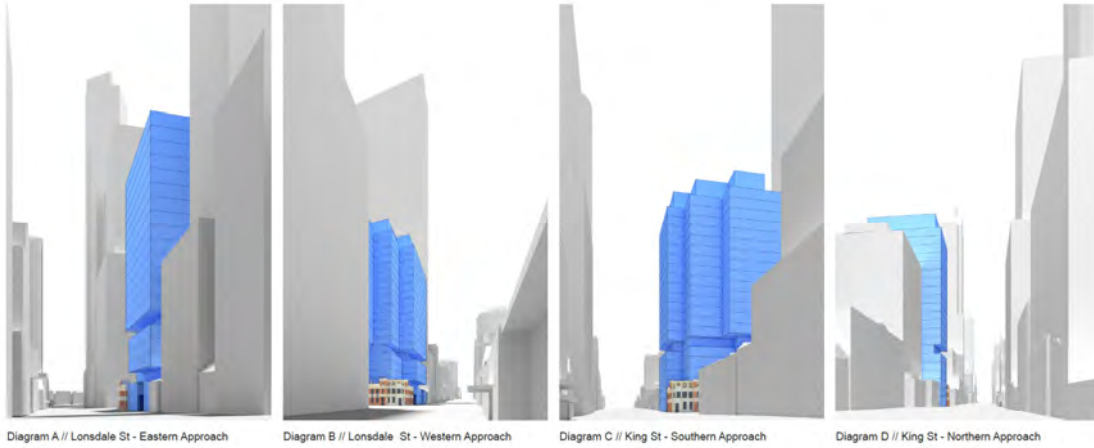
| Design Element | Preferred Requirement | Modified Requirement | Built Form Outcomes |
|--|--|--|---|
| Building setbacks from side boundaries and rear boundaries (or from the centre line of an adjoining laneway) and tower separation within a | Above the street wall or 40 metres (where there is no street wall), towers and additions should be setback a minimum of 5 metres or 6% of the total building height whichever is | Towers and additions up to 80 metres in height: Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres. Towers and additions of no more than 80 metres in height may be constructed up to one side or rear boundary, excluding a laneway, if an existing, approved, proposed or potential building on an adjoining site is built to that boundary and if a minimum | Towers and additions are designed and spaced to ensure: <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. |

| | | | |
|------|----------|---|---|
| site | greater. | <p>setback of 5 metres is met to all other side and rear boundaries and the centre line of any adjoining laneway. Buildings of no more than 80 metres in height, may be constructed to a second side or rear boundary if an adjoining site cannot, by legal restriction benefitting the application site, be developed above the street wall height.</p> <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 element requirements for tower floorplate.</p> <p>Tower separation within a site:</p> <p>Towers must be separated by a minimum of 10 metres.</p> | <ul style="list-style-type: none"> • floorplate layout or architectural treatment limits direct overlooking between habitable rooms. • buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them. • buildings do not visually dominate heritage places and streetscapes, nor significant view lines. |
|------|----------|---|---|

| |
|---|
| Response |
| <p>The proposed 80 m building can be built to the north boundary covering an existing tower to boundary, and to one other boundary being the east boundary, which if developed will be to boundary on that narrow site. Above 40 m the building is to set back 5 m from the centre line of Manton Lane.</p> |

| Design Element | Preferred Requirement | Modified Requirement | Built Form Outcomes |
|-----------------------|--|--|---|
| Tower floorplate | The tower floorplate is 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 | <p>The tower floorplates above the street wall for a tower above 80 metres in height may be adjusted in terms of location and / or shape but must not:</p> <ul style="list-style-type: none"> • result in an increase in the floorplate area. • be situated less than 5 metres from a side or rear boundary (or from the centre line of an adjoining | <p>The adjusted floorplate is designed and spaced to:</p> <ul style="list-style-type: none"> • reduce impact on existing and potential neighbours in terms of privacy, outlook, daylight and sunlight access. • 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. |

| | | | |
|---|--------------|--|--|
| | street wall. | laneway). <ul style="list-style-type: none"> • be less than 5 metres to a street boundary. • be less than 10 metres to an adjoining tower on the site. | |
| Response | | | |
| Not applicable. The proposed office building is 80 metres in height plus plant. | | | |



26. Street level views of proposed building envelope and surrounding built form. Source: Urban Context Report Source Cox Architecture November 2020

9.4 Clause 22.01 Urban Design within the Capital City Zone

The proposal responds positively to the objectives and policy requirements of Clause 22.01 – Urban Design within the Capital City. The proposal achieves this for the following reasons:

- The continuation of Manton Lane as an internal through-block link, introduces site permeability across the wider Lonsdale Street frontage. The arcade employs external grade flooring, and is a double volume space which will increase public attraction and amenity.
- There is sufficient separation between heritage building and the new office building to ensure a high level of amenity is retained.
- The building envelope responds to the Site's context (heritage retention and neighbours).
- Two significant recesses adjacent to either side of the retained external heritage walls and the notional 25 metre podium to both building frontages breaks up the building envelope and perception of height.
- The building has been designed in the round, is of a high architectural standard, and provides visual interest in the facades.

8.5 Proposed Amendment C308

The proposal is consistent with key aspects of this proposed amendment as follows:

- Provides an internal through-block link.
- The ground floor and first floor layouts provide a mixture of activation including retail spaces, a lobby area and numerous entry points which engage the pedestrian.
- The use of high quality and tactile materials and fine grain design.
- The limited car parking is underground.
- The vehicle entrances do not undermine the attractiveness or safety of the pedestrian experience.
- Subject to minor changes suggested by Council's Urban Design Team the entrances and colonnade designs are safe, attractive and accessible.

8.6 Wind

DDO10 sets out requirements that must and should be met in relation to wind effects. The Wind Effects section of the Schedule notes that:

'a permit must not be granted for buildings and works...that would cause unsafe wind conditions in publicly accessible areas' in proximity to the proposed building.

The Wind Effects section also states that:

'a permit should not be granted for buildings and works...that do not achieve comfortable wind conditions in publicly accessible areas' in proximity to the proposed building.

Windtech Consultants Pty Ltd conducted wind tunnel tests on the original plans and have reviewed the s50 plans. The assessment of the s50 plans is qualitative in nature with a comparison undertaken of the old development on the Ground Level only, based on an older drawing set (received 4 May, 2020) and updated development design, based on the updated drawing set (received 12 October, 2020).

The wind assessment prepared by Windtech Consultants Pty Ltd dated 27 October 2020 concludes that:

The results of this assessment indicate that the subject building benefits from shielding provided by the subject / neighbouring buildings. There are however outdoor trafficable areas within and around the subject development site that are potentially exposed to a variety of unfavourable wind effects due to the interaction of the prevailing winds with the development built-form that is detailed within the report. It is expected that the wind effects identified in the report can be ameliorated and the local wind conditions further enhanced with the consideration of the following treatment strategies into the design of the development:

Ground Level

- The inclusion of an awning on the western facade of the subject development at the height of the Level 1 slab and extend it into the façade notch. The awning may be setback 750 mm from the kerb.
- The inclusion of a continuous awning on the southern facade of the subject development at the height of the Level 1 slab, with an increase in height to the Level 2 slab over the Manton Lane extension. The awning can incorporate cut-outs to accommodate the existing street trees and may be set back 750 mm from the kerb.

The development plans do not include canopies as recommended in the wind assessment. Canopies of this size and scale proposed in the wind assessment will not be in keeping with the architectural expression of the office building or the urban character of the area. It is therefore recommended that a revised wind treatment be included into the design of the proposed building. The revised treatment should be contained within the title boundaries of the Site.

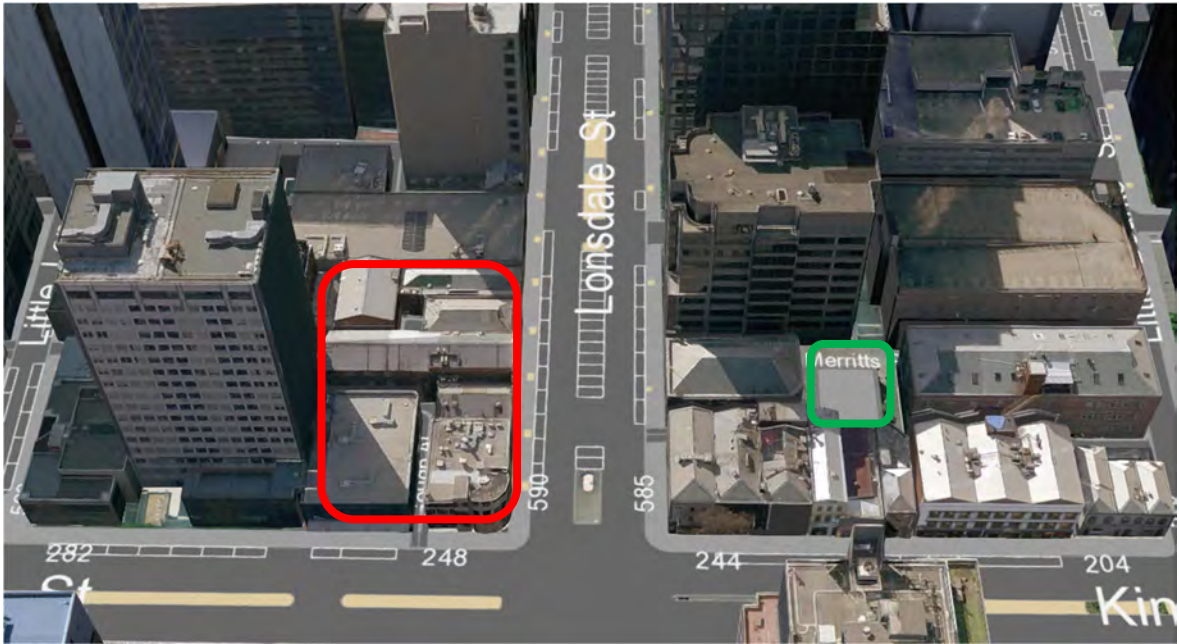
The wind assessment also provides suggested treatments for the private office terraces above. Treatments include screens and additional balustrading. These treatments must comply with the requirements of DDO10 and where visible from the public realm must be integrated with the architecture of building. This can be addressed by condition of permit.

8.7 Sunlight to public space

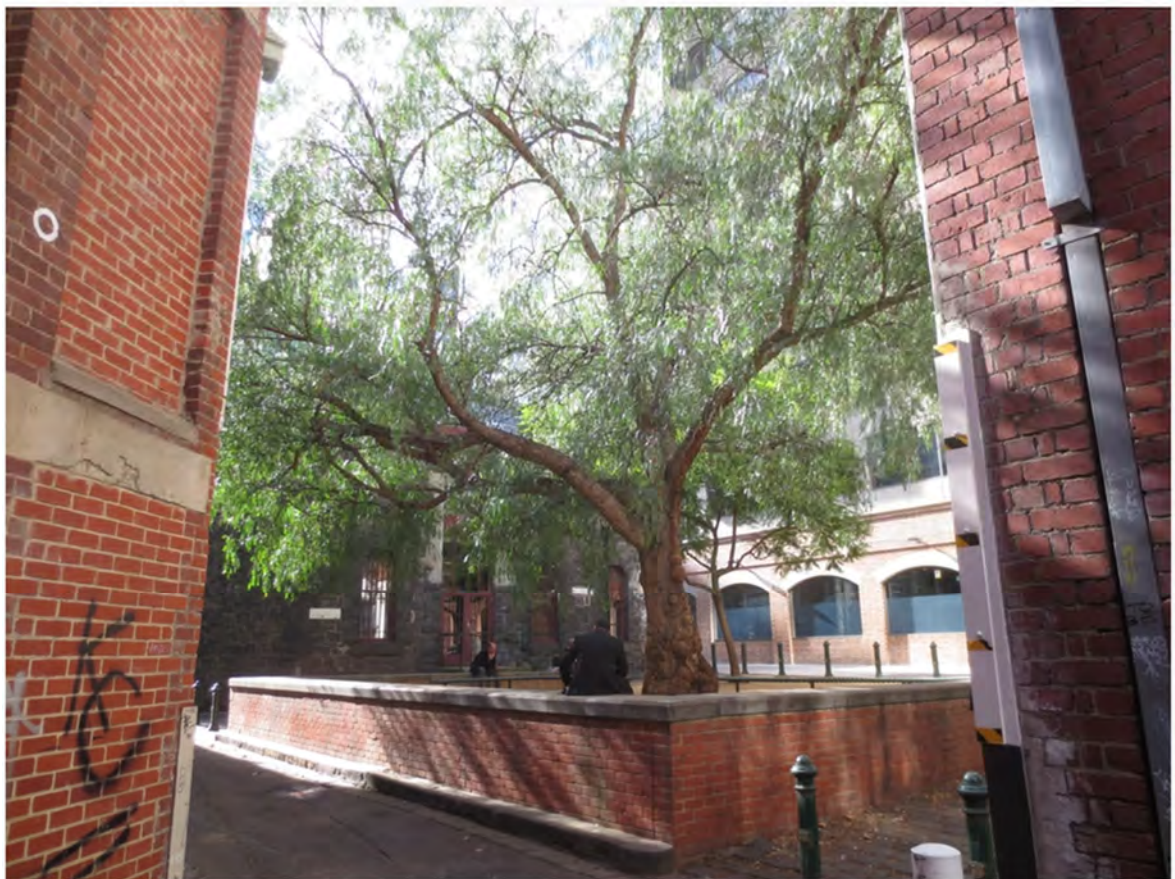
The Site is not located within the vicinity of areas of major public open space and is not located within close proximity to any of the spaces detailed in Table 1 to Schedule 10 of the Design and Development Overlay.

The closest public space to the Site is the Melbourne City Council's Merritts Place Reserve. The Reserve is located approximately 60 metres south of the Site at the rear of 573 Lonsdale Street.

Merritts Place Reserve is 315 m² in area and is defined as an informal outdoor facility in Council's mapping software CoMPASS. Brown Alley runs along the western boundary of the Reserve. The Reserve is surrounded by built form on all sides and is not visible from Lonsdale Street and King Street.



27. Aerial showing the Site in Red and Merritts Place Reserve in green. Source: CoMPASS



28. Merritts Place Reserve. Source: City of Melbourne

The application documents included an assessed for shadow on September 22 between 11am – 2pm in accordance with the requirements for other public spaces, as set out in Table 2 of DDO10. The shadow study demonstrates the proposed development will impact the park at 1pm, when the building will cast an additional 23 m² of shadow onto the space. At 2pm additional shadow is approximately 135 m².

The additional overshadowing does not unreasonably prejudice the amenity of the Reserve for the following reasons:

- The additional shadowing for 22 September only occurs just before 1pm and moves across the Reserve quickly.
- The additional shadowing only occurs for limited times during the year. The Reserve currently is in full shadow in June and August, therefore the proposal will have no impact on the Reserve during this time.
- The Reserve currently does not have a high level of amenity because it has built form surrounding it and has limited activation and passive surveillance opportunities.
- At 80 m the proposal is not excessively high, indicating that any viable development on this Site would cause shadow impacts.



11.00 AM

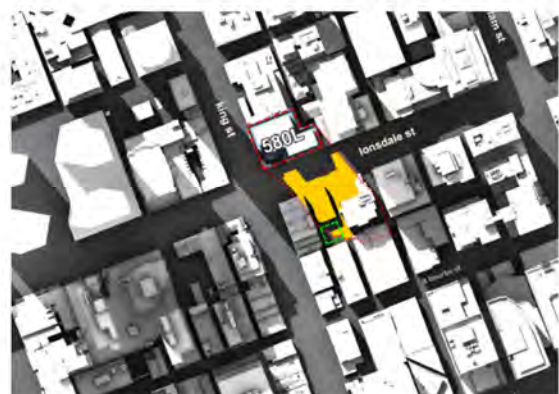


12.00 PM



1.00 PM

Additional Shadow: Approx. 23m²



2.00 PM

Additional Shadow: Approx. 135m²

29. 22 September shadow diagram. Urban Context Report Source Cox Architecture November 2020

8.8 Parking Overlay Schedule 1 (Capital City Zone – Outside the Retail Core) (PO1)

Given the proposed 57 car parking spaces will not exceed the maximum car parking rate of 124 spaces, a permit is not required under this overlay.

The development plans show a total provision of 8 motorcycle spaces, exceeding the minimum requirement and satisfying the statutory requirements.

Council's traffic engineers are supportive of the car and motorcycle parking provision.

8.9 Vehicle access to and from the Site

As part of the proposal, Gough Alley is to be incorporated into the subject site, with Manton Lane to be extended through to Lonsdale Street and activated for shared pedestrian and vehicle use. Vehicle access to the onsite car park and loading bay is to be facilitated via Manton Lane.

The extension of Manton Lane in the s50 plan will function in a one way capacity, accommodating vehicle departure movements from the Site onto Lonsdale Street. As part of the extension of Manton Lane, a new single width crossover is proposed onto Lonsdale Street to accommodate the departure movements from Manton Lane and the proposed onsite car park and loading bay.

The applicant provided a revised vehicle access plan on 20 April 2021. The revised plan shows changes to the proposed vehicles access arrangements for the Site from one way off Lonsdale Street to two way. This revised vehicles arrangement seeks to address concerns raised by objectors (owners and tenants) at 10-22 Manton Lane. The revised vehicles arrangement is supported subject to the single crossover to Lonsdale Street being replaced with a double vehicle crossover and alternative traffic measures to the installation of bollards on Manton Lane. These matters can be addressed by condition.

The permit applicant team has also demonstrated how the ground floor widened vehicle accessway could be 'reclaimed' for pedestrians in the event that the entire length of Manton Lane were to be made one way in the future. This adaptive approach is supported.

8.10 Bicycle Facilities

Clause 52.34 Bicycle Facilities provides the statutory requirements for onsite bicycle parking and facilities. The proposal generates a statutory bicycle parking requirement of 83 staff and 26 visitor bicycle spaces and provides 126 staff and 36 visitors bicycle spaces which exceeds the requirements of this provision.

The proposed end of trip facilities of 18 showers and change rooms meet the requirements of Clause 52.34.

Bicycle access to the end of trip facilities is convenient and safe.

8.11 Sustainability

Overall the proposal is an excellent conceptual proposal and should achieve an Australian best-practice sustainable outcome as it follows through on its commitments.

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

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

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

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

The Sustainability Management Plan identifies that the development is targeting a certified 5 Star Green Star Design and As-Built rating and is supported.

The WSUD Report outlines compliance with Clause 22.23 and Green Star credits through use of 75kL rainwater tank and an Ocean Protect cartridge treatment system and is supported.

Subject to conditions, the proposed development will meet the relevant requirements of Clause 22.19 and Clause 22.23.

8.12 Green façades and landscaping

The proposal includes ground level planting, roof terrace gardens and balcony planters. While the green infrastructure is strongly supported from both environmental and design perspectives, the proposed trees on the roof of the Kilkenny Inn are not supported because of their visual impact on the heritage building. It is therefore recommended any visible planting be removed from above the Kilkenny Inn.

To ensure the green facades and landscaping are successful and maintained, it is recommended that a detailed Landscape Plan, Landscape Maintenance Plan and Irrigation Performance Specification be required, submitted and approved prior to commencement of development.

9 OFFICER RECOMMENDATION

That, for the reasons discussed within this report, the proposal is supported and Melbourne City Council does not object to this application subject to the following permit conditions and notes:

Amended Plans

1. Prior to the commencement of the development, or as may otherwise be agreed with the Responsible Authority, an electronic set of plans, drawn to scale, must be submitted to the Responsible Authority in consultation with the Melbourne City Council, generally in accordance with the plans prepared by Cox Pty Ltd dated 6 November 2020 but amended to show:
 - a. The changes shown in the indicative plans dated 20 April 2021 and 26 April 2021 but amended to show:
 - i. integral retention of the front rooms with additional internal walls as necessary to complete enclosure, on both the ground and first floor of the Kilkenny Inn. The internal walls must be around 7 metres from the Lonsdale Street and King Street frontages and should separate the retained front rooms from the new office building.
 - ii. no basement beneath retained Kilkenny Inn.
 - iii. retention of the visible roof form and removal of landscaping from the roof and terraces of the Kilkenny Inn.

- iv. the single crossover to Lonsdale Street replaced with a double vehicle crossover.
- v. alternative traffic measures to the installation of bollards on Manton Lane.
- b. Dimensioned setback of a minimum 5.0 m from the centre line of Manton Lane above 40 m in height.
- c. Reduce the depth of the 68 m² ground floor retail tenancy and increase the width of the DDA path so that it is less constricted in width.
- d. Remove the glazing from ground floor street façade (false façade) located between the DDA access path and Lonsdale Street footpath.
- e. Replace the rotating door from King Street with sliding doors and airlock and move the external stairs internally to this threshold.
- f. Materials to be notated on all building elevations.
- g. Details of the street canopies on elevations and sections.
- h. Any changes as required as a result of the Façade Strategy in Condition 2.
- i. Any changes as required by the wind tunnel modelling report required by Condition 3.
- j. Any changes as required as a result of the Road Safety Audit in Condition 20.

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

Façade Strategy

2. Prior to the commencement of the development, or as may otherwise be agreed with the Responsible Authority, a facade strategy and material and finishes must be submitted to the Responsible Authority and approved by the Responsible Authority in consultation with the Melbourne City Council. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority in consultation with the Melbourne City Council. Unless otherwise approved by the Responsible Authority, the Façade Strategy must be generally in accordance with the development plans and must address the following matters:
 - a. A description by the architect of the building design concept and how the façade works to achieve this.
 - b. Further details of each façade type to ensure the delivery of a high quality and textured building.
 - c. Plans, elevations and sections generally at a scale of 1:50 illustrating typical podium details, entries and doors, utilities, typical tower detail, key junctures, and any special features which are important to the building's presentation.
 - d. A schedule of materials, finishes and details, including but not limited to the type and quality of materials, colour and appearance, confirming reflectivity not greater than 20% and providing an assessment of potential impacts relating to glare.

- e. Preliminary profile detail demonstrating how the brick tiles will transition between intersecting interfaces to maintain the impression of authentic facade depth and quality.
- f. Details of the proposed material for the office building soffits and the lower levels fronting King Street to ensure a high quality interface is achieved, with consideration of material quality, surface texture and minimisation of glare.
- g. Details of the street canopies to be lightweight and of high quality (such as glazed, steel or canvas canopies).
- h. Resolution of the ground plane to ensure a high-quality pedestrian environment. Further detailed sections and plans at a scale of 1:50 to understand how the ground floor retail tenancies will interact with each street interface to create a positive relationship with the public realm.

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

Revised wind report

- 3. Prior to the commencement of the development, or as may otherwise be agreed with the Responsible Authority, wind tests carried out by a suitably qualified consultant, must be carried out on a model of the approved building. A report detailing the outcome of the testing must be submitted to and be to the satisfaction of the Responsible Authority. The testing must only rely on approved canopies over the footpaths of Lonsdale Street and King Street. The report must also recommend any modifications which must be made to the design of the building to reduce any adverse wind conditions in areas used by pedestrians, to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.

Conservation management plan

- 4. Prior to the commencement of the development, including demolition, a revised Conservation Management Plan for the retained sections of the heritage building must be submitted to and be approved by Melbourne City Council. The Conservation Management Plan must be amended to include:
 - a) Any further works, including support during construction, as a result of additional heritage fabric being retained (front rooms to at least 7 m depth) at 248-250 King Street (Kilkenny Inn).

When approved, the Conservation Management Plan will form part of the permit. Works to the heritage building approved under this permit must be undertaken in accordance with the Conservation Management Plan to the satisfaction of Melbourne City Council.

Completion of heritage works

- 5. At the completion of the works to 248-250 King Street, Melbourne the owner must provide a written submission from the approved Heritage Consultant, confirming that the project has been completed in accordance with the endorsed Reconstruction Methodology.

Bank guarantee for works

6. Prior to the commencement of any external demolition works, a bank guarantee or bond, to the value of \$200,000 must be deposited with Melbourne City Council to ensure that the works are completed in accordance with the endorsed plan(s) and specifications. The bank guarantee or bond will be returned when the works are completed to the satisfaction of Melbourne City Council.

Legal Agreements

7. Prior to the commencement of the development excluding preliminary site works, demolition and any clean-up works, or as may otherwise be agreed with Melbourne City Council, the owner of the land must enter into an agreement with Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must:
 - a. Secure the office use for a minimum of 10 years from the date of issue of a certificate of occupancy for the building. The Agreement must make provision for the removal of this requirement from the land following completion of the obligations contained in the agreement.

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

8. Prior to the commencement of the development excluding preliminary site works, demolition and any clean-up works, or as may otherwise be agreed with Melbourne City Council, the owner of the land must enter into an agreement with Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must:
 - a. Secure continuous public access (pedestrian and vehicular) over the extension of Manton Lane southward to Lonsdale Street, except at times agreed with the City of Melbourne for emergency, maintenance or other temporary closure. The land will remain in private ownership, be privately maintained to Council approved standards, and be covered by liability insurance.

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

Discontinuance of Public Road

9. Prior to the commencement of the development, including demolition, Gough Alley, which is to be built on must be formally discontinued, purchased and consolidated with the subject land to the satisfaction of the Melbourne City Council.

Consolidation

10. Prior to the commencement of works, including demolition, all the land for the proposed development must be owned by the one entity and consolidated onto the one certificate of title to the satisfaction of the Melbourne City Council.

Environmentally Sustainable Design (ESD)

11. Prior to the commencement of development for any building approved under this permit the following must be submitted to Melbourne City Council:
 - a. A signed project registration for the project from the Green Building Council of Australia (GBCA).
 - b. A signed NABERS commitment agreement for the targeted 5 Star NABERS Energy rating.
 - c. Where the Clause 22.23 response proposes use of proprietary treatment products, a signed maintenance agreement(s) for the product with a minimum term of 5 years must also be submitted to satisfaction of City of Melbourne – Infrastructure & Assets.

Implementation of Environmentally Sustainable Design (ESD)

12. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to Melbourne City Council. The report must be to the satisfaction of Melbourne City Council and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans. This may include a GBCA Green Star Design & As Built Design Review Rating to confirm compliance with the stated Green Star targets.

Verification of Certified Green Star Rating

13. Following final GBCA certification of the project's Green Star Design & As-Built rating, copies of the certificate must be submitted to Melbourne City Council.

Landscape Package

14. Prior to commencement of development, a complete Landscape package and Landscape Maintenance Plan in connection with the proposed development must be submitted to, and be approved by Melbourne City Council. The landscape package should include detailed planter sections including soil volumes and schedules of species with specific consideration given to soil volume requirements and growing medium proposed. The landscape package should not include any visible planting above the retained Kilkenny Inn.

The Landscape Maintenance Plan should provide details of proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion. Except with the prior written consent of the Melbourne City Council the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of Melbourne City Council.

Civil Conditions

15. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean-up works, or as may otherwise be agreed with Melbourne City Council a stormwater drainage system, incorporating integrated water

management design principles, must be submitted to and approved by the Melbourne City Council. This system must be constructed prior to the occupation of each stage of the development and provision made to connect this system to the Melbourne City Council's underground stormwater drainage system.

16. Prior to the commencement of the use / occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Melbourne City Council.
17. The footpaths adjoining the site along King Street and Lonsdale Street must be reconstructed in sawn bluestone together with associated works including the renewal of kerb and channel, the provision of tree plots, street furniture and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Melbourne City Council.
18. Existing street levels in King Street and Lonsdale Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining the written approval of the Melbourne City Council.
19. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Melbourne City Council.

Road safety audit

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

Construction Management Plan and Street Tree Protection conditions

21. Prior to the commencement of the development, or as otherwise be agreed with the Melbourne City Council, a detailed construction and demolition management plan (potentially staged) must be submitted to and be approved by the Melbourne City Council – Construction Management Group.

This construction management plan must be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider the following:

- a. public safety, amenity and site security.
- b. operating hours, noise and vibration controls.
- c. air and dust management.
- d. stormwater and sediment control.
- e. waste and materials reuse.
- f. traffic management.
- g. protection of street trees.

22. Prior to the commencement of any works, including demolition and bulk excavation, a Tree Protection Plan (TPP) must be provided to the satisfaction of Melbourne City Council (Urban Forestry & Ecology). The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
- a. City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
 - b. Reference to the Arboricultural Impact Assessment by Melbourne Arborist Reports, dated 13 November 2019.
 - c. Reference the finalised Construction and Traffic Management Plan, including any public protection gantries, scaffolding, construction zones, machinery locations and vehicle swept paths.
 - d. Site specific details of the temporary tree protection methods to be used to isolate public trees from the demolition and construction activities.
 - e. Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.
 - f. Full specifications of any pruning required to public trees with reference to marked images.
 - g. Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
 - h. Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).
23. All works (including demolition), within the Tree Protection Zone of public trees, must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of Melbourne City Council.
24. Following the approval of a Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by council and provided to the applicant / developer / owner of the site. Should any tree be adversely impacted on, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.

3D Model

25. Prior to the occupation of the development, a 3D digital model of the approved development must be submitted to, and must be to the satisfaction of, Melbourne City Council. The model should be prepared having regard to Advisory Note – 3D Digital Modelling Melbourne City Council. Digital models provided to the Melbourne City Council may be shared with other government organisations for planning purposes. The Melbourne City Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. In the event that

substantial modifications are made to the building envelope a revised 3D digital model must be submitted to, and be to the satisfaction of, the Melbourne City Council.

Waste Arrangements

26. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by WSP dated 5th November 2020. The submitted WMP must not be altered without prior consent of the City of Melbourne.

NOTES

- Pursuant to the Road Management Act 2004 (the Act) any works within the road reserve of King Street, an arterial road, requires the written consent of VicRoads, the Coordinating Road Authority. Footpaths, nature strips and medians of such roads fall under the Melbourne City Council's control although the Act specifically states that the Coordinating Road Authority gives conditions for works on these roads and the "road" is the reserve from building line to building line. Subsequently our conditions for non-road works on footpaths, nature strips and medians of arterial roads are listed below.
- The redundant crossing on King Street is adjacent to a Road Zone. This matter should be referred to VicRoads for comment.
- Existing street furniture must not be removed or relocated without first obtaining the written approval of the Melbourne City Council.
- No public tree adjacent to the site can be removed or pruned in any way without the written approval of the City of Melbourne.
- Building canopies must be designed and installed in a way that minimises pruning of public trees and avoids the removal of main structural branches within the public realm.
- In the event that approval is given for the removal of public trees at any stage of the development, the applicant must submit plans to the satisfaction of the City of Melbourne that show replacement or reinstated tree plots of a larger size and increased soil volumes.
- Following the approval of replacement or reinstated tree plot plans the permit holder must construct the tree plots to the satisfaction of the City of Melbourne.
- In accordance with the Tree Retention and Removal Policy a bank guarantee must be:
 1. Issued to City of Melbourne, ABN: 55 370 219 287.
 2. From a recognised Australian bank.
 3. Unconditional (i.e. no end date)
 4. Executed (i.e. signed and dated with the bank stamp)

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

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

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