

Report to the Future Melbourne (Planning) Committee

Agenda item 6.10

**Ministerial Planning Referral
TPM-2013-28- 386-412 William Street, Melbourne**

11 November 2014

Presenter: Daniel Soussan, Planning Coordinator

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application (reference 2013/009182) for the land at 386-412 William Street, Melbourne. The planning application was lodged with the Department of Transport, Planning and Local Infrastructure (DTPLI) and was first referred to the City of Melbourne on 13 November 2013. The Minister for Planning is the responsible authority for considering and determining the matter as the application facilitates a development exceeding 25,000 sqm in area (refer Attachment 2, Locality plan).
2. The applicant is Urbis on behalf of the owners MIT Australia Pty Ltd and the architect is Ellenberg Fraser.
3. The proposal includes the construction of two multi-level towers (18 storeys and 38 storeys) to be constructed over an existing two storey heritage façade to be used for the purposes of dwellings, residential hotel and retail uses with car and bicycle parking provided on basement levels.
4. The application was formally amended to address concerns raised by City of Melbourne and DTPLI relating to the initial design of the tower and the shadows to Flagstaff Gardens.
5. Amended plans were submitted showing a complete redesign of the towers and a significant reduction in the height and scale of the proposal. Amongst other matters these amended plans reduced the height of the proposal from around 98m to 161m under the previous proposal to a maximum height of around 56m to 121m for the two towers in the current proposal. The amended application was formally referred to City of Melbourne on 3 September 2014.

Key issues

6. The key issues with respect to this proposal relate to built form, shadows, heritage, internal and external amenity impacts, wind impacts, parking, traffic and waste.
7. The amended proposal is considered to be a significant improvement from the previous proposal as originally submitted.
8. Although the proposed development exceeds the maximum built height stipulated in the DDO14 for the area, this is supported due to the exemplary architecture and the proposed development causing no additional shadows to Flagstaff Gardens between the hours of 11.00 am to 2.00pm on 22 September. This is considered to be a significant improvement when compared with the original proposal.
9. Subject to conditions requiring some additional setbacks and further details regarding the proposed canopy treatments, the proposal is considered acceptable from a heritage perspective.
10. The proposed development provides a high level of internal and external amenity and subject to greater setbacks is considered to respond appropriately to the heritage significance of the subject site.
11. Subject to conditions requiring some further wind testing to the podium, the amended proposal is considered acceptable with respect to wind impacts.
12. Matters relating to parking, traffic and waste can all be appropriately dealt with via permit condition.

Recommendation from management

13. That the Future Melbourne Committee resolves that a letter be sent to the Department of Transport, Planning and Local Infrastructure advising that the Melbourne City Council supports the application subject to the conditions detailed in the attached delegate report (refer Attachment 4).

Attachments:

1. Supporting Attachment
2. Locality Plan
3. Architectural Drawings
4. Delegate Report

Supporting Attachment

Legal

1. The Minister for Planning is the responsible authority for determining the application.

Finance

2. There are no direct financial issues arising from the recommendations contained in this report.

Conflict of interest

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

Stakeholder consultation

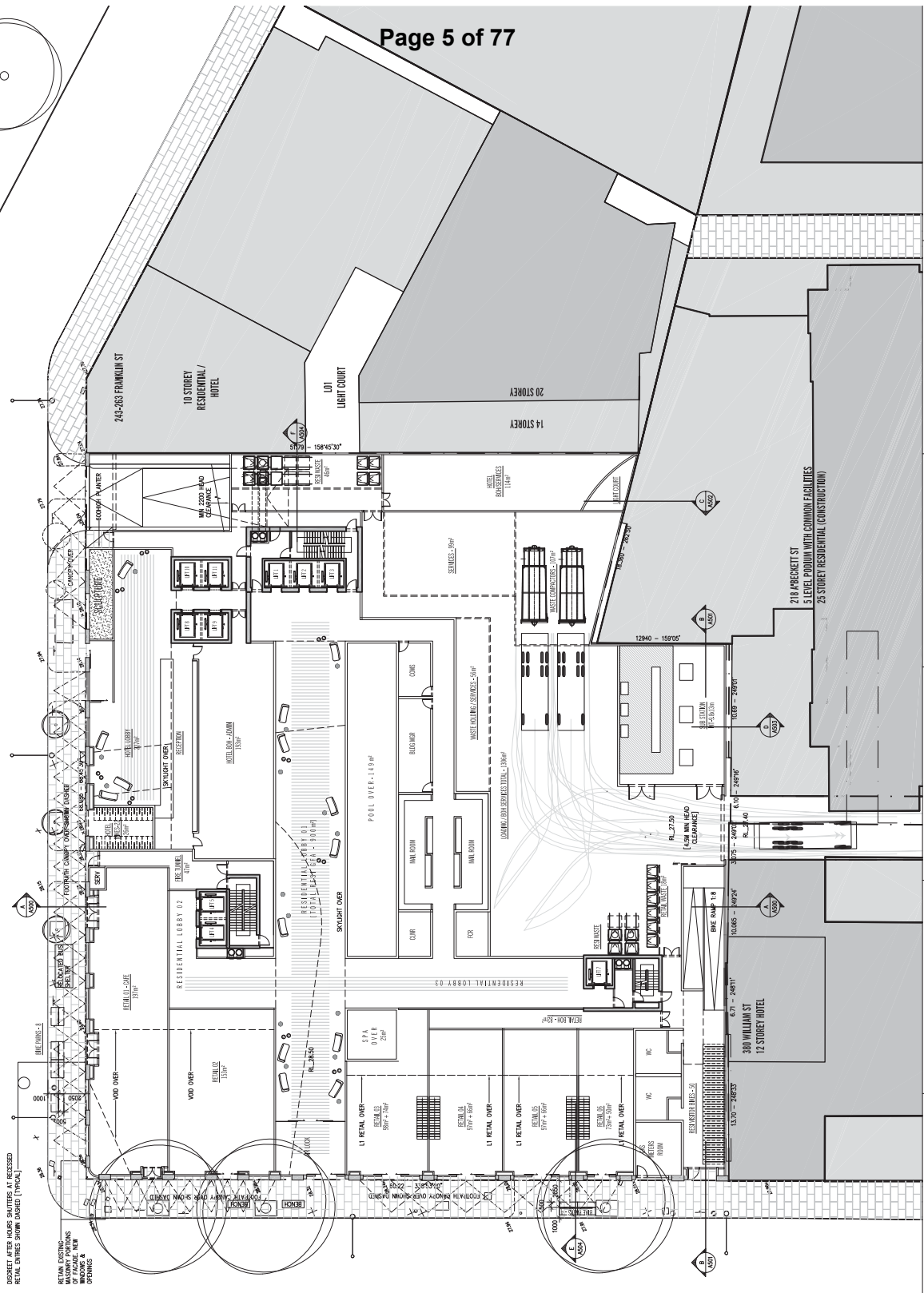
4. Council officers have not advertised the application or referred this to any other referral authorities. This is the responsibility of the DTPLI acting on behalf of the Minister for Planning who is the responsible authority.

Relation to Council policy

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

Environmental sustainability

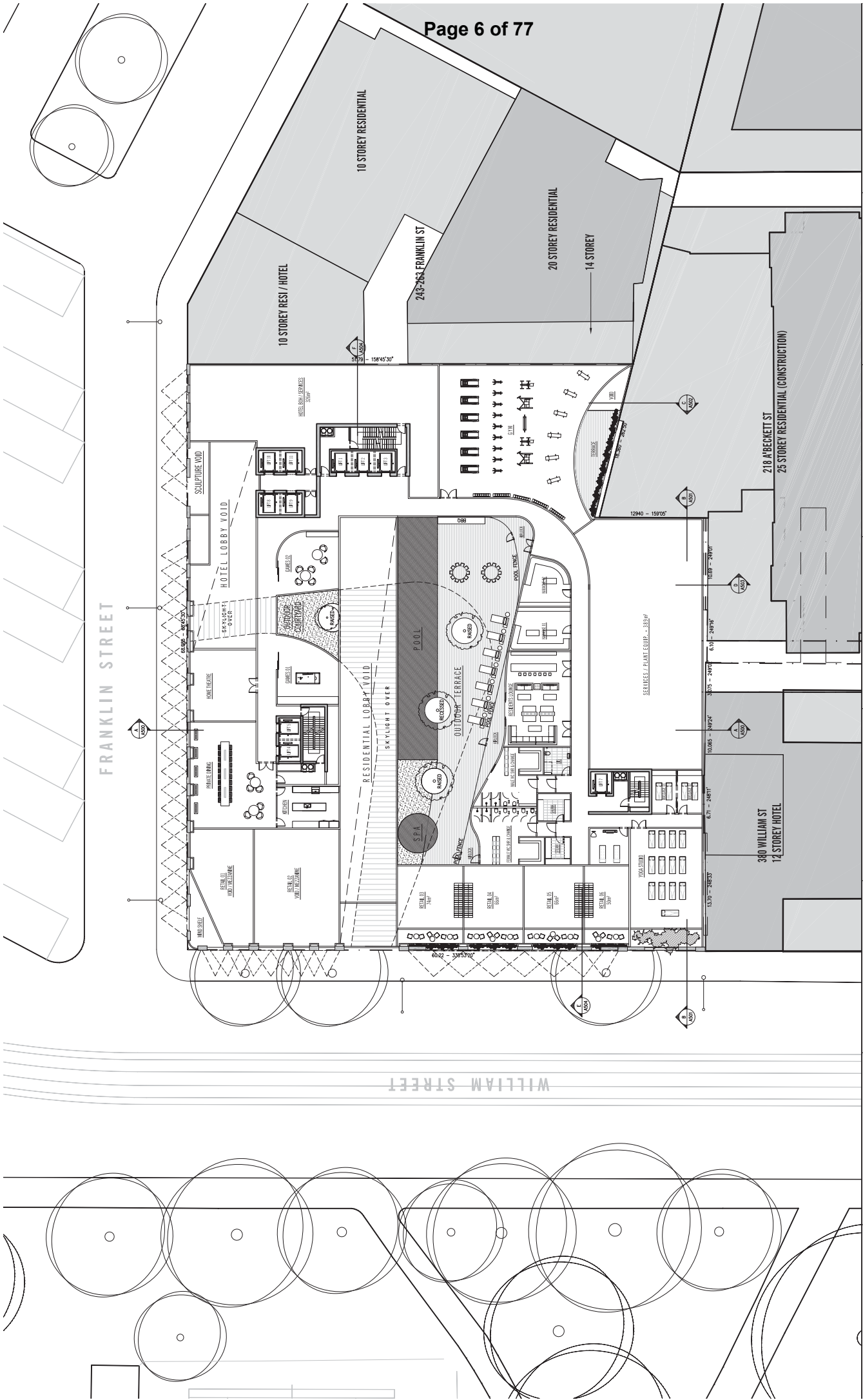
6. The application details that individual buildings has the preliminary design potential to achieve a five star green star rating but that it only proposes to achieve a four star rating. A condition is recommended in the delegate report requiring a revised ESD report to demonstrate how the building will achieve a five star green star rating.



DISCREET AFTER HOURS SHOUTERS AT ACCESSIBLE RETAIL ENTRANCES SHOWN (TYPICAL)

RETAIN EXISTING FACADE NEW WINDOWS & DOORWAYS

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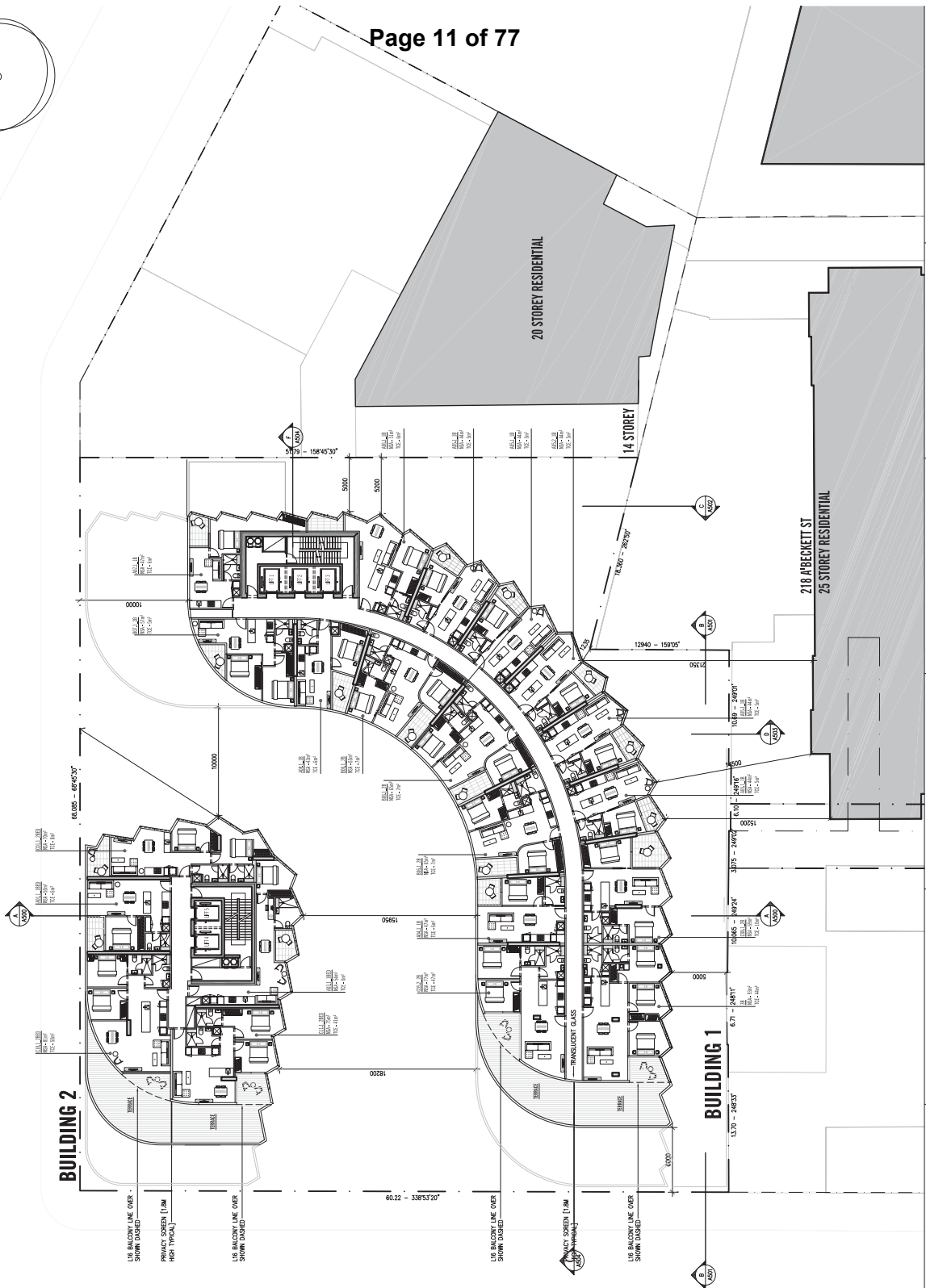
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<p>1743</p> <p>1744</p> <p>1745</p> <p>1746</p> <p>1747</p> <p>1748</p> <p>1749</p> <p>1750</p> <p>1751</p> <p>1752</p> <p>1753</p> <p>1754</p> <p>1755</p> <p>1756</p> <p>1757</p> <p>1758</p> <p>1759</p> <p>1760</p> <p>1761</p> <p>1762</p> <p>1763</p> <p>1764</p> <p>1765</p> <p>1766</p> <p>1767</p> <p>1768</p> <p>1769</p> <p>1770</p> <p>1771</p> <p>1772</p> <p>1773</p> <p>1774</p> <p>1775</p> <p>1776</p> <p>1777</p> <p>1778</p> <p>1779</p> <p>1780</p> <p>1781</p> <p>1782</p> <p>1783</p> <p>1784</p> <p>1785</p> <p>1786</p> <p>1787</p> <p>1788</p> <p>1789</p> <p>1790</p> <p>1791</p> <p>1792</p> <p>1793</p> <p>1794</p> <p>1795</p> <p>1796</p> <p>1797</p> <p>1798</p> <p>1799</p> <p>1800</p> <p>1801</p> <p>1802</p> <p>1803</p> <p>1804</p> <p>1805</p> <p>1806</p> <p>1807</p> <p>1808</p> <p>1809</p> <p>1810</p> <p>1811</p> <p>1812</p> <p>1813</p> <p>1814</p> <p>1815</p> <p>1816</p> <p>1817</p> <p>1818</p> <p>1819</p> <p>1820</p> <p>1821</p> <p>1822</p> <p>1823</p> <p>1824</p> <p>1825</p> <p>1826</p> <p>1827</p> <p>1828</p> <p>1829</p> <p>1830</p> <p>1831</p> <p>1832</p> <p>1833</p> <p>1834</p> <p>1835</p> <p>1836</p> <p>1837</p> <p>1838</p> <p>1839</p> <p>1840</p> <p>1841</p> <p>1842</p> <p>1843</p> <p>1844</p> <p>1845</p> <p>1846</p> <p>1847</p> <p>1848</p> <p>1849</p> <p>1850</p> <p>1851</p> <p>1852</p> <p>1853</p> <p>1854</p> <p>1855</p> <p>1856</p> <p>1857</p> <p>1858</p> <p>1859</p> <p>1860</p> <p>1861</p> <p>1862</p> <p>1863</p> <p>1864</p> <p>1865</p> <p>1866</p> <p>1867</p> <p>1868</p> <p>1869</p> <p>1870</p> <p>1871</p> <p>1872</p> <p>1873</p> <p>1874</p> <p>1875</p> <p>1876</p> <p>1877</p> <p>1878</p> <p>1879</p> <p>1880</p> <p>1881</p> <p>1882</p> <p>1883</p> <p>1884</p> <p>1885</p> <p>1886</p> <p>1887</p> <p>1888</p> <p>1889</p> <p>1890</p> <p>1891</p> <p>1892</p> <p>1893</p> <p>1894</p> <p>1895</p> <p>1896</p> <p>1897</p> <p>1898</p> <p>1899</p> <p>1900</p> <p>1901</p> <p>1902</p> <p>1903</p> <p>1904</p> <p>1905</p> <p>1906</p> <p>1907</p> <p>1908</p> <p>1909</p> <p>1910</p> <p>1911</p> <p>1912</p> <p>1913</p> <p>1914</p> <p>1915</p> <p>1916</p> <p>1917</p> <p>1918</p> <p>1919</p> <p>1920</p> <p>1921</p> <p>1922</p> <p>1923</p> <p>1924</p> <p>1925</p> <p>1926</p> <p>1927</p> <p>1928</p> <p>1929</p> <p>1930</p> <p>1931</p> <p>1932</p> <p>1933</p> <p>1934</p> <p>1935</p> <p>1936</p> <p>1937</p> <p>1938</p> <p>1939</p> <p>1940</p> <p>1941</p> <p>1942</p> <p>1943</p> <p>1944</p> <p>1945</p> <p>1946</p> <p>1947</p> <p>1948</p> <p>1949</p> <p>1950</p> <p>1951</p> <p>1952</p> <p>1953</p> <p>1954</p> <p>1955</p> <p>1956</p> <p>1957</p> <p>1958</p> <p>1959</p> <p>1960</p> <p>1961</p> <p>1962</p> <p>1963</p> <p>1964</p> <p>1965</p> <p>1966</p> <p>1967</p> <p>1968</p> <p>1969</p> <p>1970</p> <p>1971</p> <p>1972</p> <p>1973</p> <p>1974</p> <p>1975</p> <p>1976</p> <p>1977</p> <p>1978</p> <p>1979</p> <p>1980</p> <p>1981</p> <p>1982</p> <p>1983</p> <p>1984</p> <p>1985</p> <p>1986</p> <p>1987</p> <p>1988</p> <p>1989</p> <p>1990</p> <p>1991</p> 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<p>2075</p> <p>2076</p> <p>2077</p> <p>2078</p> <p>2079</p> <p>2080</p> <p>2081</p> <p>2082</p> <p>2083</p> <p>2084</p> <p>2085</p> <p>2086</p> <p>2087</p> <p>2088</p> <p>2089</p> <p>2090</p> <p>2091</p> <p>2092</p> <p>2093</p> <p>2094</p> <p>2095</p> <p>2096</p> <p>2097</p> <p>2098</p> <p>2099</p> <p>2100</p> <p>2101</p> <p>2102</p> <p>2103</p> <p>2104</p> <p>2105</p> <p>2106</p> <p>2107</p> <p>2108</p> <p>2109</p> <p>2110</p> <p>2111</p> <p>2112</p> <p>2113</p> <p>2114</p> <p>2115</p> <p>2116</p> <p>2117</p> <p>2118</p> <p>2119</p> <p>2120</p> <p>2121</p> <p>2122</p> <p>2123</p> <p>2124</p> <p>2125</p> <p>2126</p> <p>2127</p> <p>2128</p> <p>2129</p> <p>2130</p> <p>2131</p> <p>2132</p> <p>2133</p> <p>2134</p> <p>2135</p> <p>2136</p> <p>2137</p> <p>2138</p> <p>2139</p> <p>2140</p> <p>2141</p> <p>2142</p> <p>2143</p> <p>2144</p> <p>2145</p> <p>2146</p> <p>2147</p> <p>2148</p> <p>2149</p> <p>2150</p> <p>2151</p> <p>2152</p> <p>2153</p> <p>2154</p> <p>2155</p> <p>2156</p> <p>2157</p> 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FRANKLIN STREET

WILLIAM STREET



BUILDING 2

BUILDING 1

20 STOREY RESIDENTIAL

14 STOREY

21B ABECKETT ST
25 STOREY RESIDENTIAL

L18 BALCONY LINE OVER SHOWN DASHED
 PRIVATE SCREEN (1.0M HIGH TYPICAL)
 L18 BALCONY LINE OVER SHOWN DASHED

L18 BALCONY LINE OVER SHOWN DASHED
 PRIVATE SCREEN (1.0M HIGH TYPICAL)
 L18 BALCONY LINE OVER SHOWN DASHED

PROJECT NO: 13030
 DRAWING NO: A215
 DATE: 11/15/16
 TYPICAL TERRACED LEVEL FLOOR PLAN

CLIENT: 386-412 WILLIAM STREET, MELBOURNE
 ARCHITECT: MIT AUSTRALIA PTY LTD

ENGINEER: ELENBERG FRASER
 LEVEL: 1, 101 QUEEN STREET
 MELBOURNE VICTORIA 3000 AUSTRALIA
 TEL: +61 3 9800 2208 FAX: +61 3 9800 2205
 WWW.ELENBERGFRASER.COM

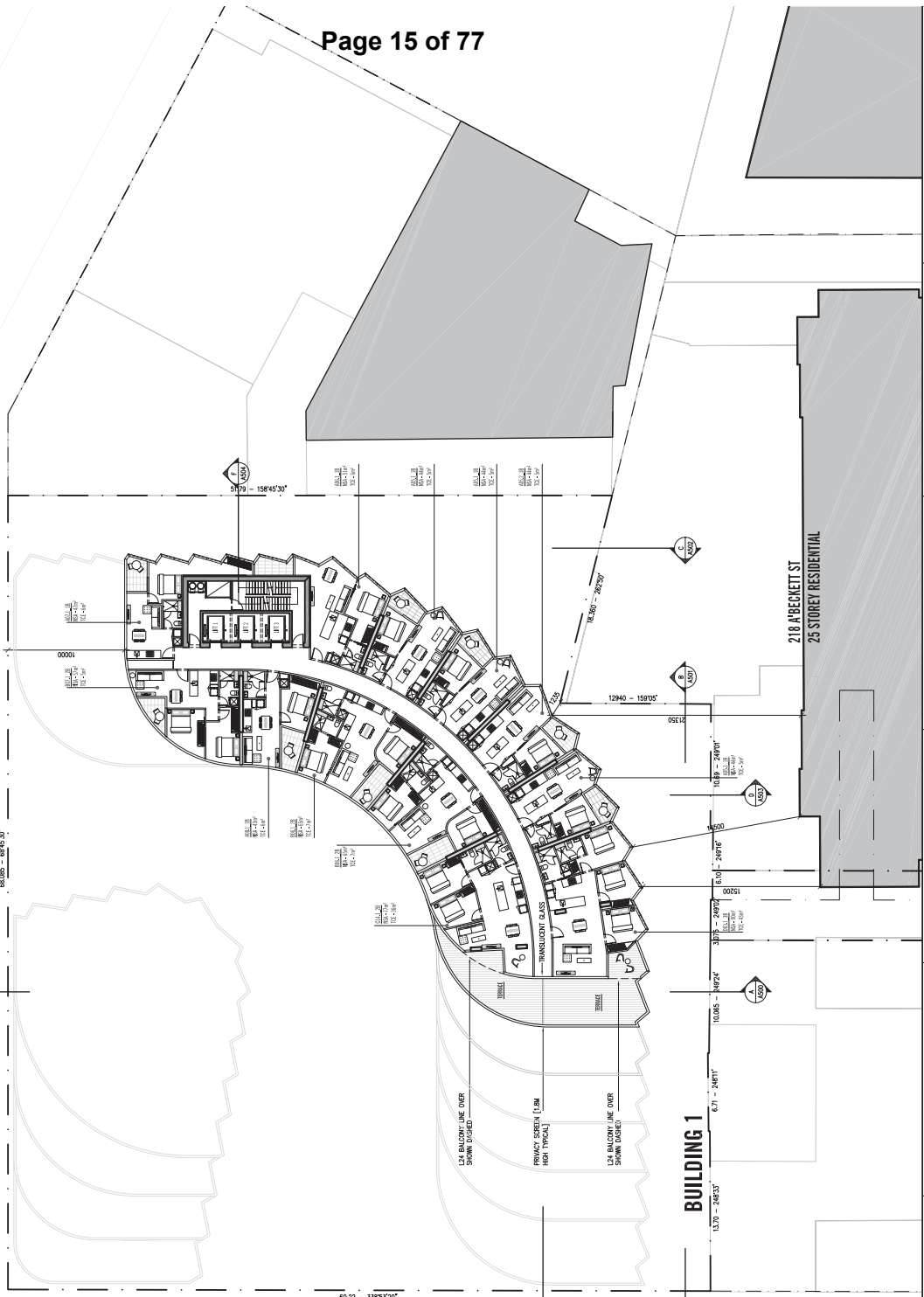


PRELIMINARY NOT FOR CONSTRUCTION
 This drawing is preliminary and is not to be used for construction purposes. It is provided for information only and is subject to change without notice. The client and the architect accept no liability for any errors or omissions in this drawing.

Scale: 1:400
 SOLE AGENT: 1400 SOLE AGENTS 1400
 Note: The architect is to be held responsible for the work which the architect has been issued and is not responsible for the work of the contractor or any other person who may be engaged by the contractor. The architect is not responsible for the work of the contractor or any other person who may be engaged by the contractor. The architect is not responsible for the work of the contractor or any other person who may be engaged by the contractor.

FRANKLIN STREET

WILLIAM STREET



<p>DATE: 15/08/2014 DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>PROJECT NO: 13030 PROJECT NAME: BUILDING 2 LEVEL L23 CLIENT: MIT AUSTRALIA PTY LTD</p>	<p>SCALE: 1:500 SCALE LEGS: 1:500</p> <p>PRELIMINARY NOT FOR CONSTRUCTION</p> <p><small>Approved for Construction by the Victorian Building Authority on 15/08/2014. This drawing is the property of Elenberg Fraser and is not to be used for any other project without the written consent of Elenberg Fraser.</small></p>	<p>DATE: 15/08/2014 DRAWN BY: [Name] CHECKED BY: [Name]</p>
<p>DATE: 15/08/2014 DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>PROJECT NO: 13030 PROJECT NAME: BUILDING 2 LEVEL L23 CLIENT: MIT AUSTRALIA PTY LTD</p>	<p>SCALE: 1:500 SCALE LEGS: 1:500</p> <p>PRELIMINARY NOT FOR CONSTRUCTION</p> <p><small>Approved for Construction by the Victorian Building Authority on 15/08/2014. This drawing is the property of Elenberg Fraser and is not to be used for any other project without the written consent of Elenberg Fraser.</small></p>	<p>DATE: 15/08/2014 DRAWN BY: [Name] CHECKED BY: [Name]</p>
<p>DATE: 15/08/2014 DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>PROJECT NO: 13030 PROJECT NAME: BUILDING 2 LEVEL L23 CLIENT: MIT AUSTRALIA PTY LTD</p>	<p>SCALE: 1:500 SCALE LEGS: 1:500</p> <p>PRELIMINARY NOT FOR CONSTRUCTION</p> <p><small>Approved for Construction by the Victorian Building Authority on 15/08/2014. This drawing is the property of Elenberg Fraser and is not to be used for any other project without the written consent of Elenberg Fraser.</small></p>	<p>DATE: 15/08/2014 DRAWN BY: [Name] CHECKED BY: [Name]</p>

386-412 WILLIAM STREET,
 MELBOURNE
 MIT AUSTRALIA PTY LTD

ELENBERG FRASER
 LEVEL 1, 101 QUEEN STREET
 MELBOURNE VICTORIA 3000 AUSTRALIA
 TEL: +61 3 9600 2200 FAX: +61 3 9600 2206
 WWW.ELENBERGFRASER.COM
 ABB 19 048 188 178



**PRELIMINARY
 NOT FOR CONSTRUCTION**

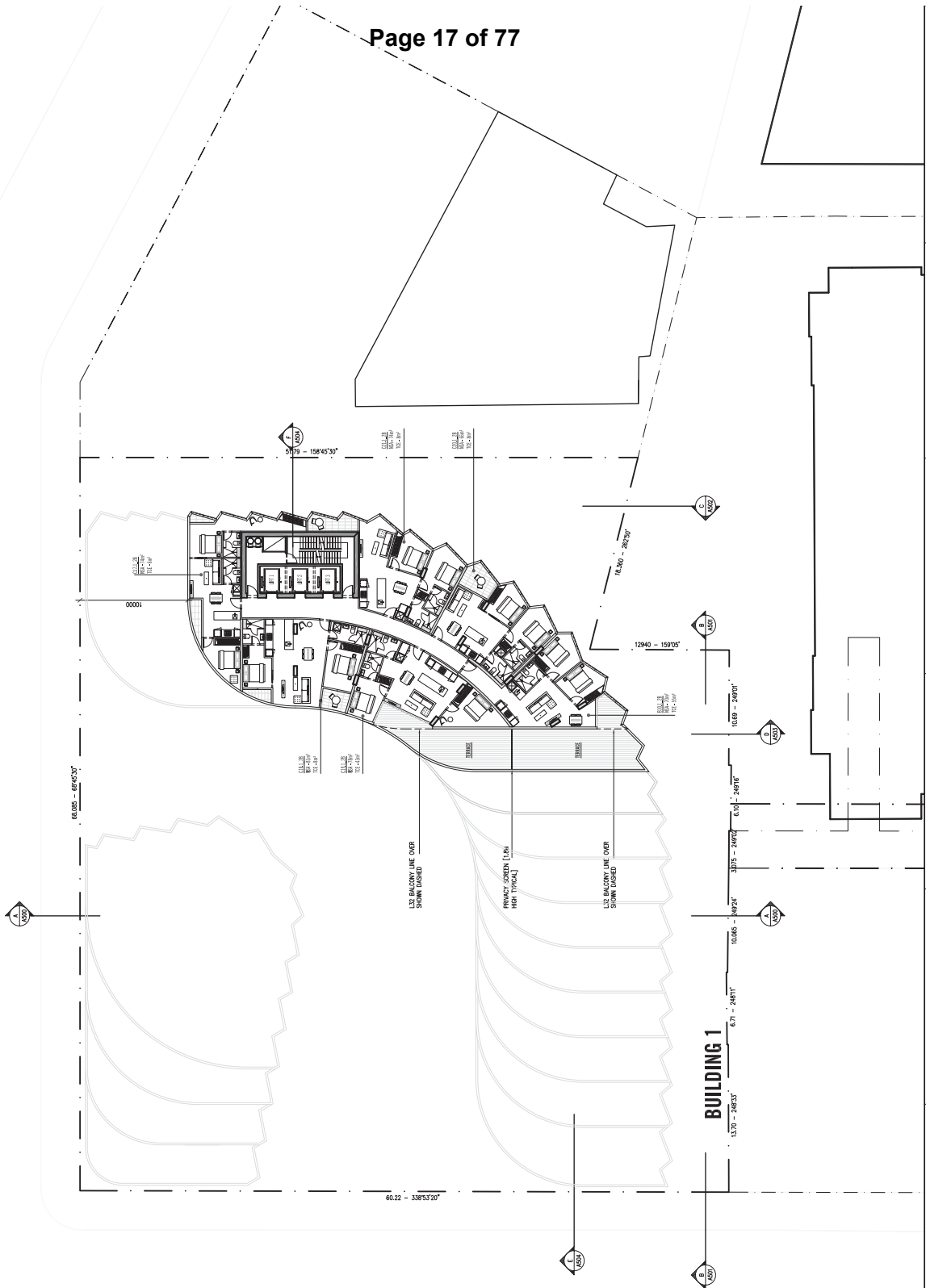
Approved for Construction by the Victorian Building Authority on 15/08/2014. This drawing is the property of Elenberg Fraser and is not to be used for any other project without the written consent of Elenberg Fraser.

Note: The drawings are to be used only for the purposes for which they are intended and are not to be used for any other purpose. The drawings are the property of Elenberg Fraser and are not to be used for any other project without the written consent of Elenberg Fraser.

DATE: 15/08/2014
 DRAWN BY: [Name]
 CHECKED BY: [Name]

FRANKLIN STREET

WILLIAM STREET

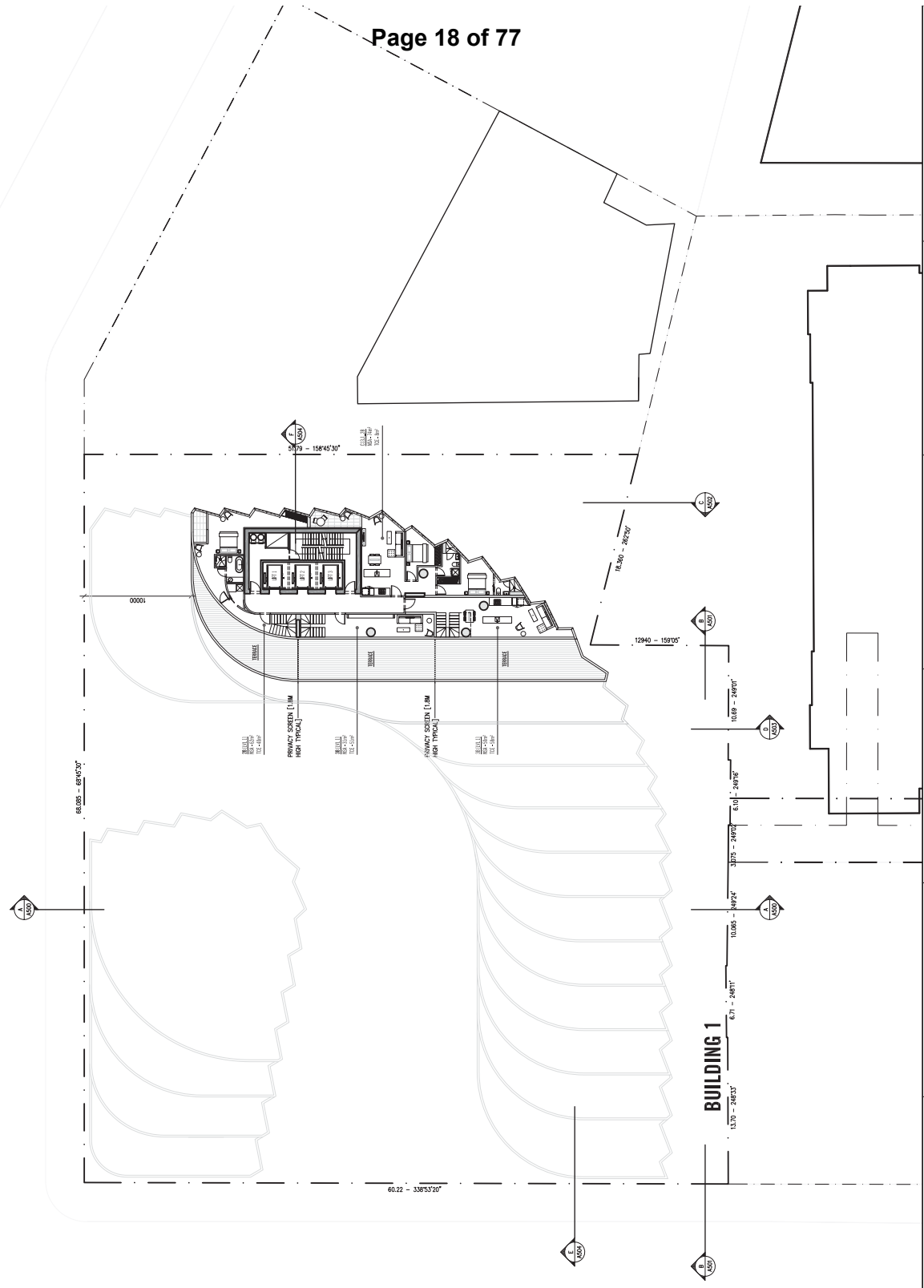


BUILDING 1

<p>Scale: 1:500 SCALE: 1:500 SCALE: 1:500</p>	<p>Project: 13030 BUILDING 2 LEVEL L31</p>
<p>Client: 386-412 WILLIAM STREET, MELBOURNE MIT AUSTRALIA PTY LTD</p>	<p>Architect: ELENBERG FRASER LEVEL 1, 100 QUEEN STREET MELBOURNE VICTORIA 3000 AUSTRALIA TEL: +61 3 9600 2206 FAX: +61 3 9600 2205 WWW.ELENBERGFRASER.COM ABRN 161 189 175</p>
<p>PRELIMINARY NOT FOR CONSTRUCTION</p> <p><small>This drawing is preliminary and is not to be used for construction purposes. It is for information only and is subject to change without notice. It is not to be used for any other purpose without the written consent of Elenberg Fraser.</small></p>	<p>Drawn: [Name] Checked: [Name] Date: [Date]</p>

FRANKLIN STREET

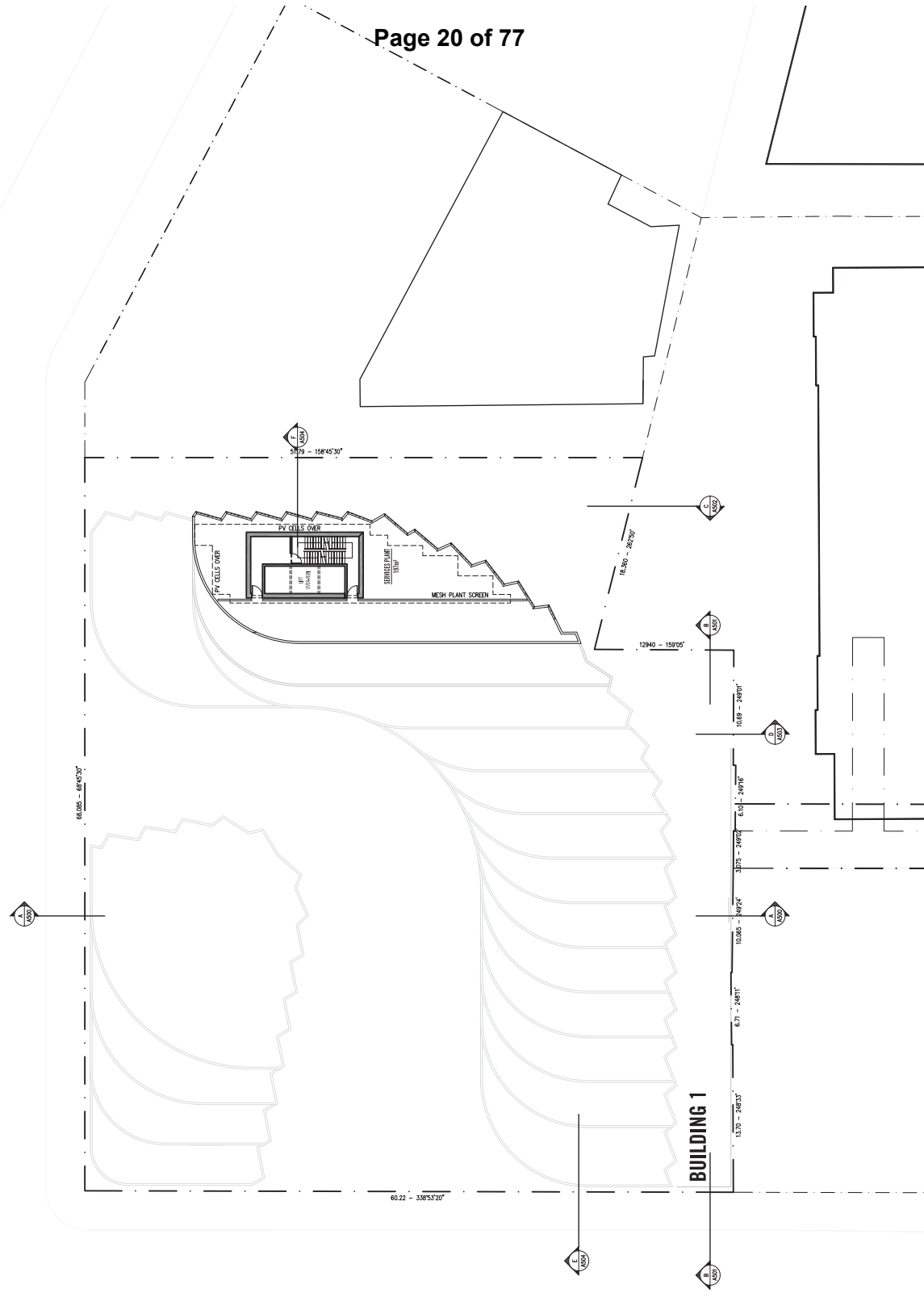
WILLIAM STREET



PLAN NO. 100 SCALE: 1:100 DATE: 10/10/2014	PROJECT NO. 13030 CLIENT: MIT AUSTRALIA PTY LTD	PROJECT NAME: BUILDING 2 PENTHOUSE LEVEL PLAN LEVEL: L35	DRAWN BY: A235 CHECKED BY:
PROJECT ADDRESS: 386-412 WILLIAM STREET, MELBOURNE PROJECT OWNER: MIT AUSTRALIA PTY LTD		ARCHITECT: ELENBERG FRASER LEVEL: 100 QUEEN STREET MELBOURNE VICTORIA 3000 AUSTRALIA TEL: +61 3 9600 2206 FAX: +61 3 9600 2206 WWW.ELENBERGFRASER.COM AHD 91 515 181 735	
SCALE: 1:100 SCALE: 1:100 PRELIMINARY NOT FOR CONSTRUCTION			
Note: The architect is not responsible for the accuracy of the information shown on this plan. The architect is not responsible for the accuracy of the information shown on this plan. The architect is not responsible for the accuracy of the information shown on this plan.			

FRANKLIN STREET

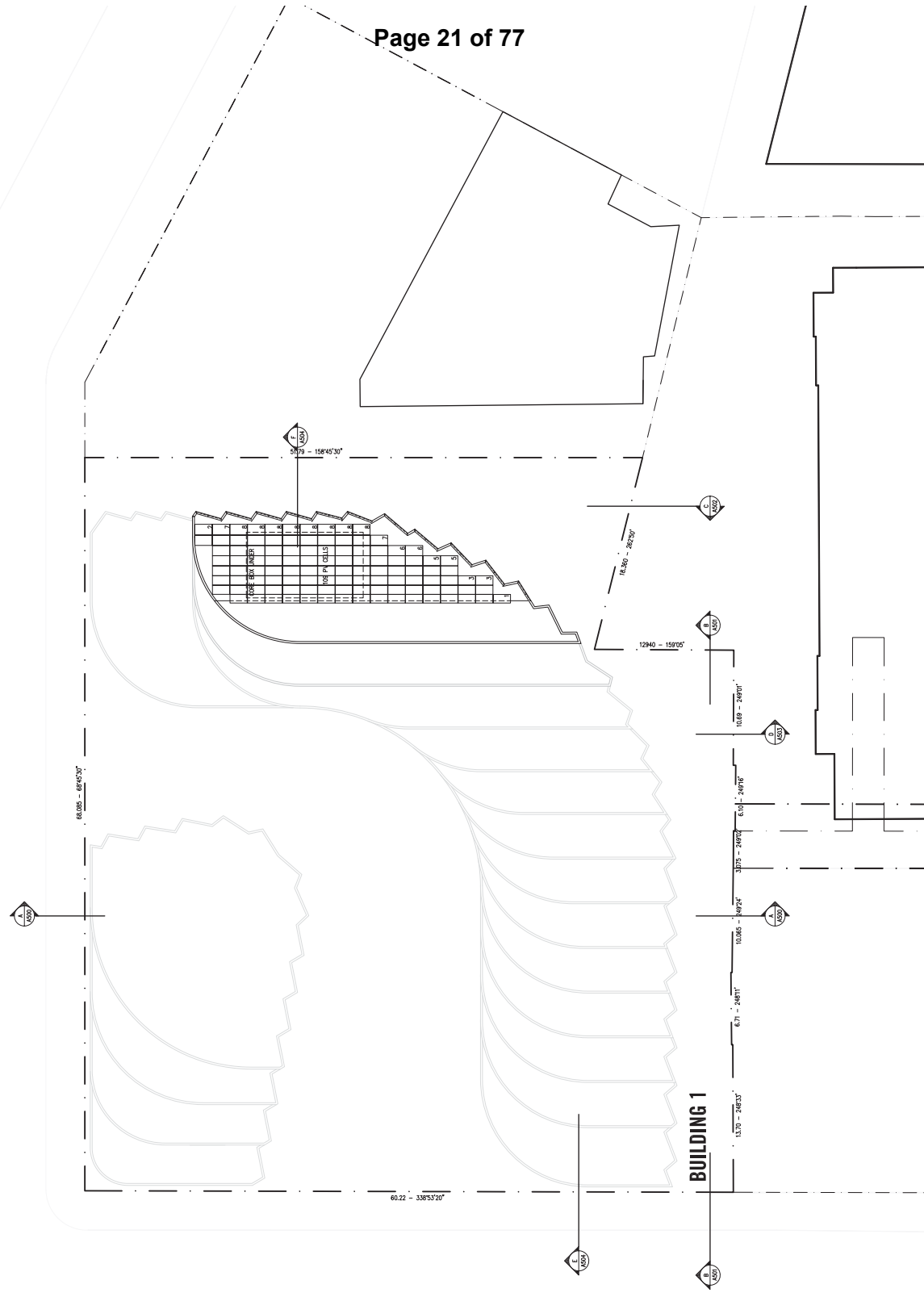
WILLIAM STREET



<p>DATE: 15/08/2014 DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>PROJECT: BUILDING 2 ROOF SERVICES LEVEL PLAN LEVEL L37</p>	<p>CLIENT: 386-412 WILLIAM STREET, MELBOURNE BY: MIT AUSTRALIA PTY LTD</p>	<p>DESIGNER: ELENBERG FRASER LEVEL 1, 100 QUEEN STREET MELBOURNE VICTORIA 3000 AUSTRALIA TEL: +61 3 9600 2200 FAX: +61 3 9600 2206 WWW.ELENBERGFRASER.COM AHD 91 515 180 735</p>	<p>SCALE: 1:500 SCALE: 1:500</p> <p>PRELIMINARY NOT FOR CONSTRUCTION</p> <p><small>Notes: This drawing is to be used only for the purposes stated above. It is not to be used for any other purpose without the written consent of Elenberg Fraser. The client is responsible for ensuring that the information provided in this drawing is accurate and complete. Elenberg Fraser is not responsible for any errors or omissions in this drawing. This drawing is the property of Elenberg Fraser and is not to be reproduced or distributed without the written consent of Elenberg Fraser.</small></p>	<p>DATE: 15/08/2014 DRAWN BY: [Name] CHECKED BY: [Name]</p>
<p>DATE: 15/08/2014 DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>PROJECT: BUILDING 2 ROOF SERVICES LEVEL PLAN LEVEL L37</p>	<p>CLIENT: 386-412 WILLIAM STREET, MELBOURNE BY: MIT AUSTRALIA PTY LTD</p>	<p>DESIGNER: ELENBERG FRASER LEVEL 1, 100 QUEEN STREET MELBOURNE VICTORIA 3000 AUSTRALIA TEL: +61 3 9600 2200 FAX: +61 3 9600 2206 WWW.ELENBERGFRASER.COM AHD 91 515 180 735</p>	<p>SCALE: 1:500 SCALE: 1:500</p> <p>PRELIMINARY NOT FOR CONSTRUCTION</p> <p><small>Notes: This drawing is to be used only for the purposes stated above. It is not to be used for any other purpose without the written consent of Elenberg Fraser. The client is responsible for ensuring that the information provided in this drawing is accurate and complete. Elenberg Fraser is not responsible for any errors or omissions in this drawing. This drawing is the property of Elenberg Fraser and is not to be reproduced or distributed without the written consent of Elenberg Fraser.</small></p>	<p>DATE: 15/08/2014 DRAWN BY: [Name] CHECKED BY: [Name]</p>

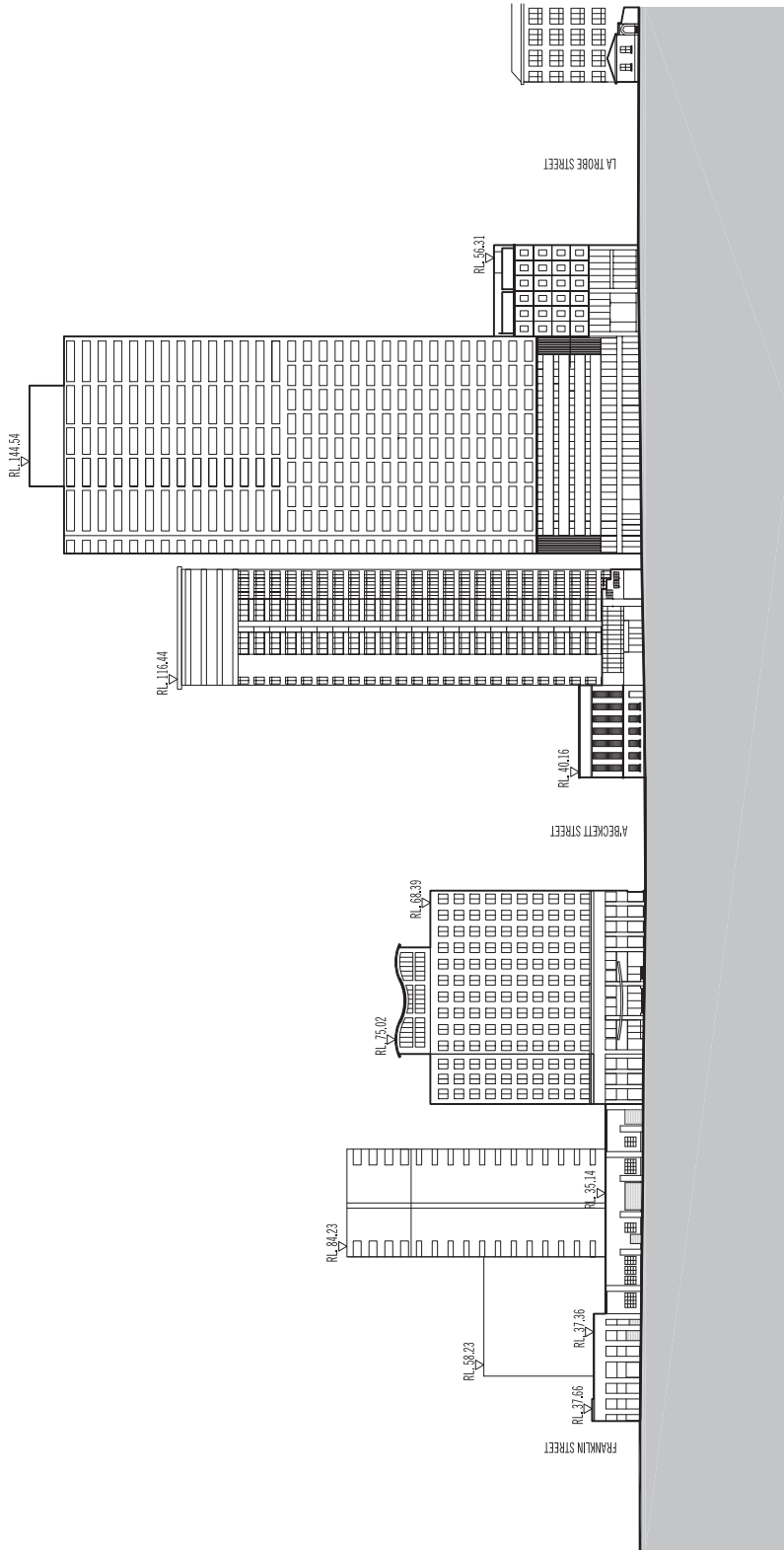
FRANKLIN STREET

WILLIAM STREET



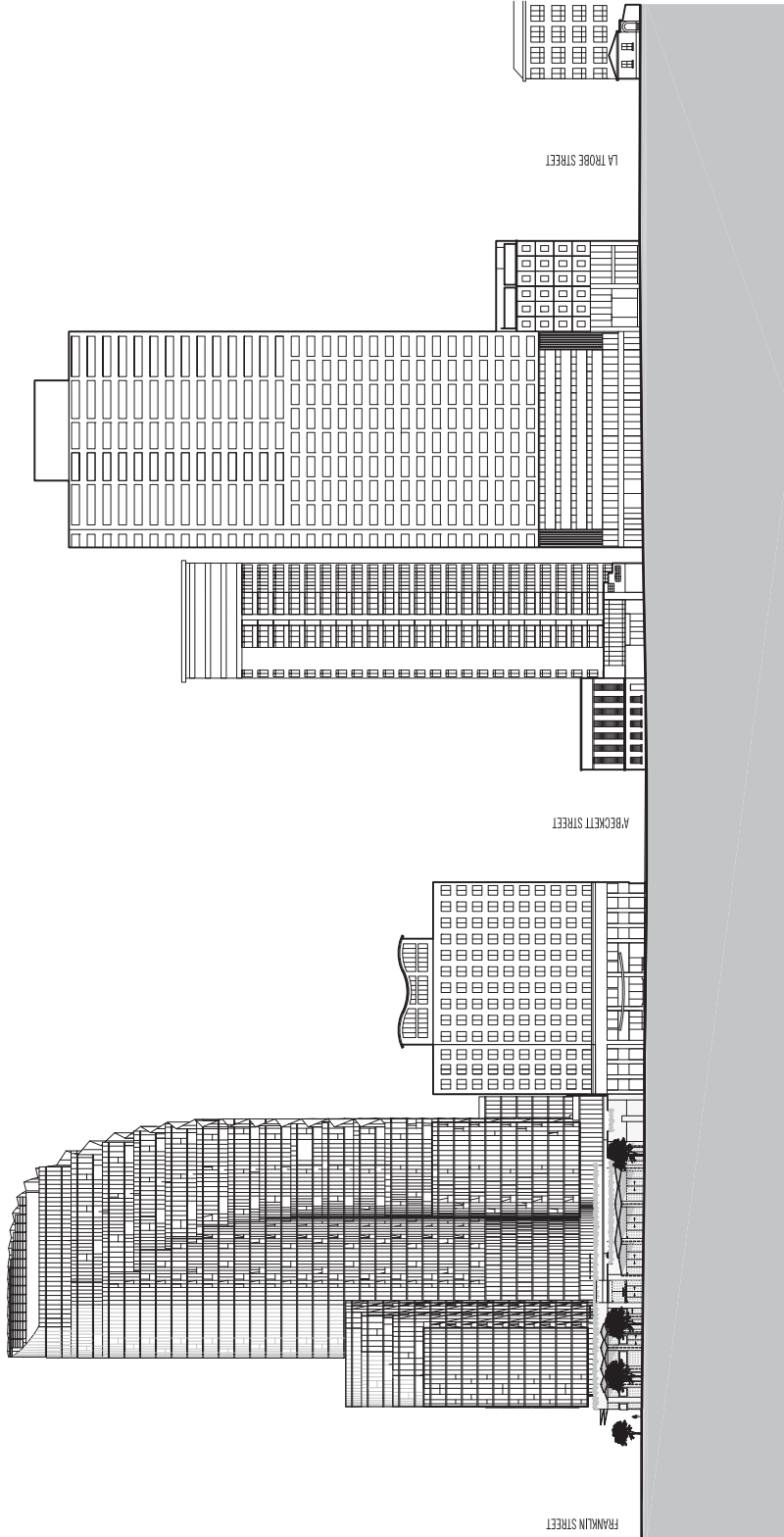
BUILDING 1

<p>Client: 386-412 WILLIAM STREET, MELBOURNE MIT AUSTRALIA PTY LTD</p>	<p>Project: BUILDING 2 ROOF PLAN LEVEL L38</p>
<p>Scale: 1:3000</p>	<p>Drawn: 13030</p>
<p>Project No: 13030</p>	<p>Drawn By: IP</p>
<p>Client: ELEBERG FRASER LEVEL 1, 100 QUEEN STREET MELBOURNE VICTORIA 3000 AUSTRALIA TEL: +61 3 9600 2206 FAX: +61 3 9600 2206 WWW.ELEBERGFRASER.COM AHD 9 518 188 735</p>	<p>Project: PRELIMINARY NOT FOR CONSTRUCTION</p>
<p>Scale: SCALE 1:3000 SCALE LONG: 1:600</p>	<p>Notes: The drawings are to be used only for the purposes for which they are intended. The client is responsible for the accuracy of the data. The drawings are not to be used for any other purpose without the written consent of the architect. The drawings are not to be used for any other purpose without the written consent of the architect. The drawings are not to be used for any other purpose without the written consent of the architect.</p>



01 STREETSCAPE ELEVATION
A400 1:500 @ A1

<p>Client Ref: 13030 Project Name: 386-412 WILLIAM STREET, MELBOURNE Drawn By: MIT AUSTRALIA PTY LTD</p>	<p>Scale: 1:500 @ A1 Title: EXISTING STREETSCAPE WILLIAM ST ELEVATION Date: 13/03/2018 Drawn By: MIT AUSTRALIA PTY LTD</p>	<p>Project No: 13030 Project Name: 386-412 WILLIAM STREET, MELBOURNE Drawn By: MIT AUSTRALIA PTY LTD</p>	<p>Client Ref: 13030 Project Name: 386-412 WILLIAM STREET, MELBOURNE Drawn By: MIT AUSTRALIA PTY LTD</p>	<p>Client Ref: 13030 Project Name: 386-412 WILLIAM STREET, MELBOURNE Drawn By: MIT AUSTRALIA PTY LTD</p>	<p>Client Ref: 13030 Project Name: 386-412 WILLIAM STREET, MELBOURNE Drawn By: MIT AUSTRALIA PTY LTD</p>	<p>Client Ref: 13030 Project Name: 386-412 WILLIAM STREET, MELBOURNE Drawn By: MIT AUSTRALIA PTY LTD</p>	<p>Client Ref: 13030 Project Name: 386-412 WILLIAM STREET, MELBOURNE Drawn By: MIT AUSTRALIA PTY LTD</p>
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STREET ELEVATION
1:500 @ A

Client: **MIT AUSTRALIA PTY LTD**
 Project: **386-412 WILLIAM STREET, MELBOURNE**

Scale: **1:500**

Project No: **13030**

Drawn By: **JP**

Project Name: **386-412 WILLIAM STREET, MELBOURNE**

Project No: **13030**

Drawn By: **JP**

Client: **MIT AUSTRALIA PTY LTD**

**PRELIMINARY
NOT FOR CONSTRUCTION**

ELENBERG FRASER
 LEVEL 1, 100 QUEEN STREET
 MELBOURNE VICTORIA 3000 AUSTRALIA
 TEL: +61 3 9600 2200 FAX: +61 3 9600 2206
 WWW.ELENBERGFRASER.COM
 ABRN 151 189 375

386-412 WILLIAM STREET, MELBOURNE
 MIT AUSTRALIA PTY LTD

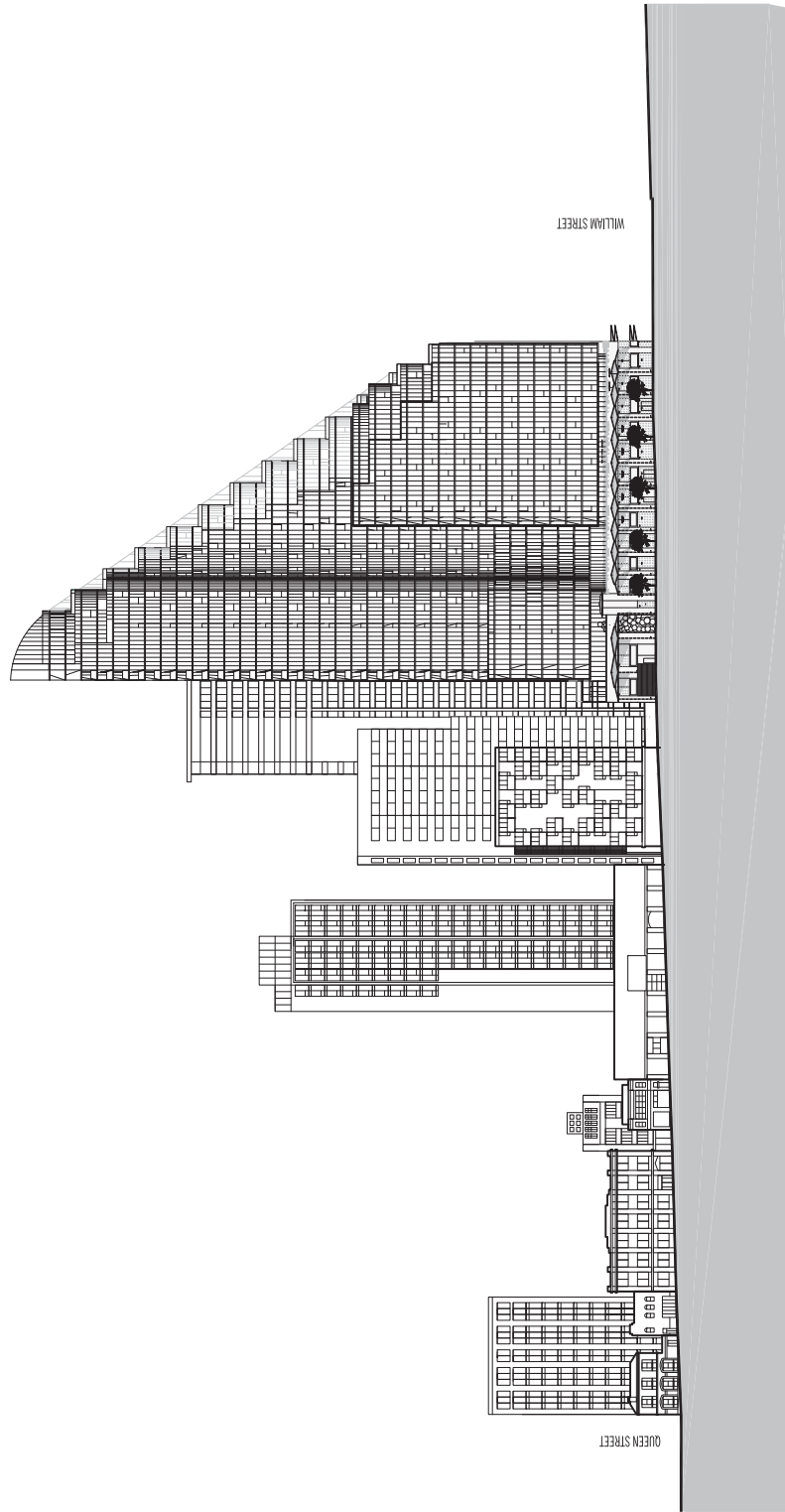
Project No: **13030**

Drawn By: **JP**

Client: **MIT AUSTRALIA PTY LTD**

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Aug 29, 2014 - 9:45am



01
A411
STREET ELEVATION
1:500 @ A

Scale: 1:500
 Project No: 13030
 Drawing No: A411

Client: 386-412 WILLIAM STREET, MELBOURNE
 Architect: MIT AUSTRALIA PTY LTD
 Date: 13/08/2014

Project No: 13030
 Drawing No: A411
 Date: 13/08/2014

Scale: 1:500
 Project No: 13030
 Drawing No: A411

Client: 386-412 WILLIAM STREET, MELBOURNE
 Architect: MIT AUSTRALIA PTY LTD

Project No: 13030
 Drawing No: A411
 Date: 13/08/2014

Scale: 1:500
 Project No: 13030
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 Date: 13/08/2014

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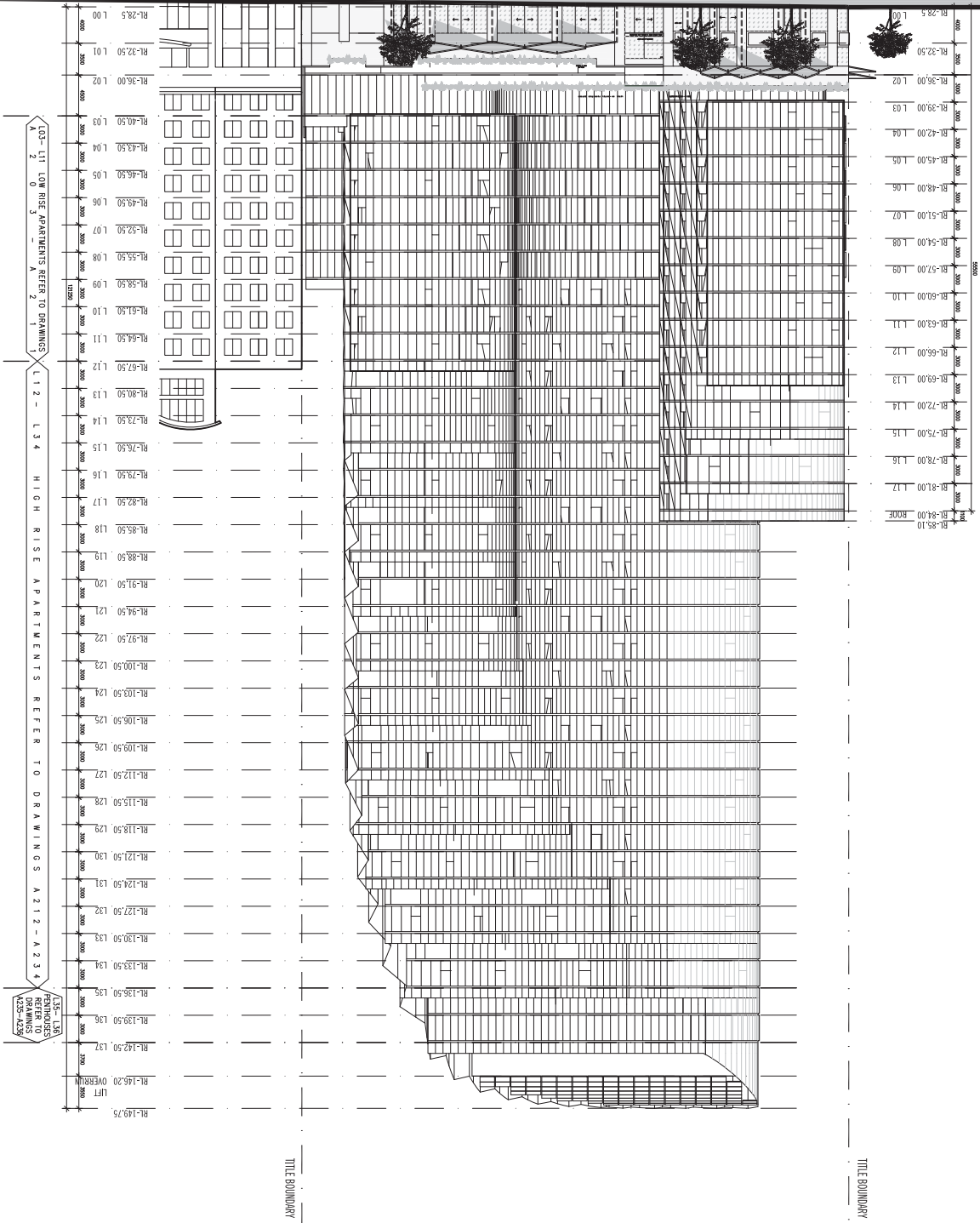
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 LEVEL 1, 100 QUEEN STREET
 MELBOURNE VICTORIA 3000 AUSTRALIA
 TEL: +61 3 9600 2200 FAX: +61 3 9600 2206
 WWW.ELENBERGFASER.COM
 ABRN 581 180 379

**386-412 WILLIAM STREET,
MELBOURNE**
 MIT AUSTRALIA PTY LTD

13030
 Drawing No:
A411
 Date:
 13/08/2014

Scale: 1:500
 Project No: 13030
 Drawing No: A411
 Date: 13/08/2014



ELEVATION
1:50

PROJECT NO. 1000
DRAWING NO. 1000
DATE 10/10/10

PROJECT NO. 1000
DRAWING NO. 1000
DATE 10/10/10

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PROJECT NO. 1000
DRAWING NO. 1000
DATE 10/10/10

FRANKLIN STREET

1:03 - 1:17 LOW RISE APARTMENTS REFER TO DRAWINGS A202 - A217

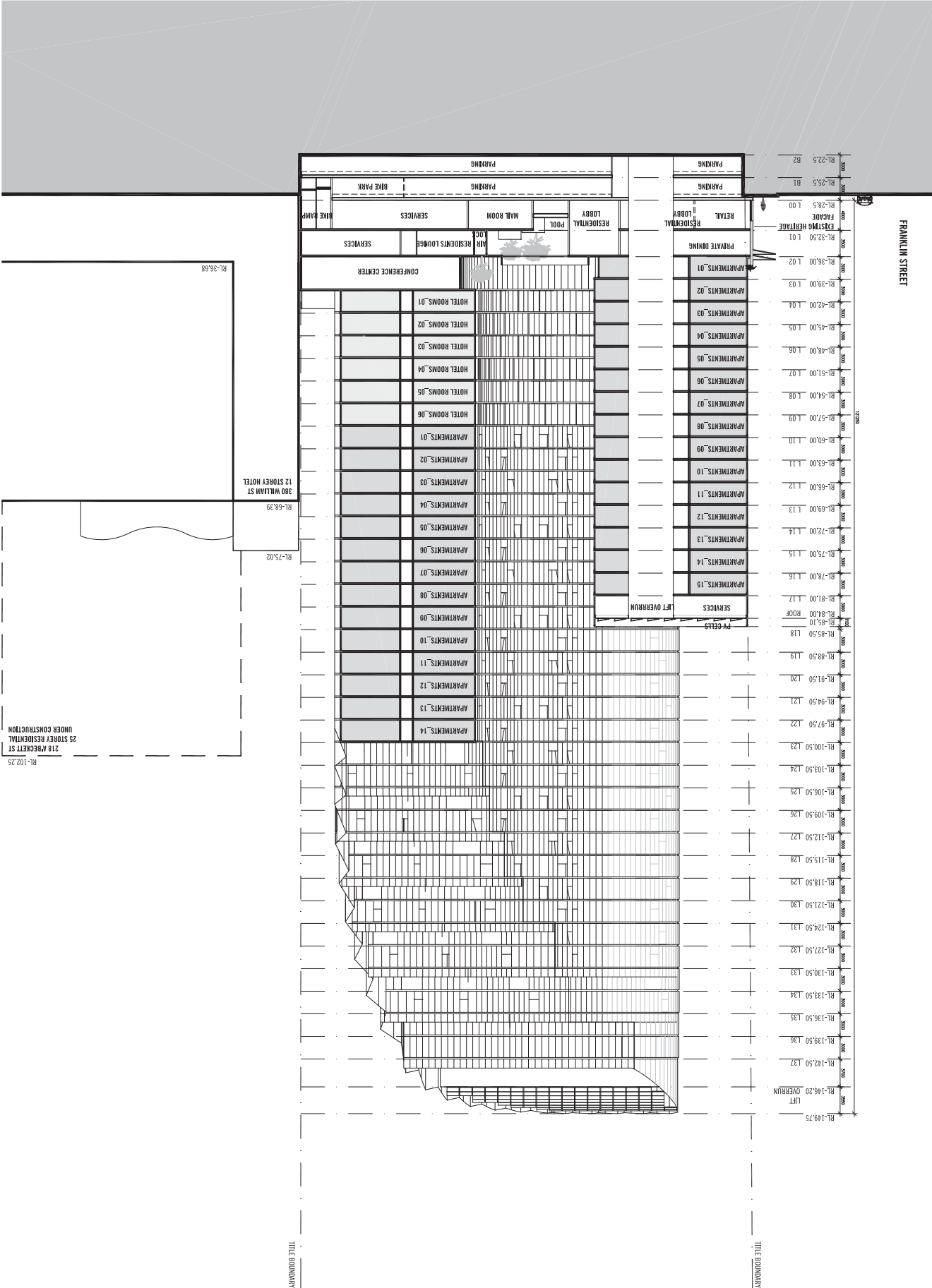
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ELENBERG FRASER
LEVEL 1, 100 QUEEN STREET
MELBOURNE VICTORIA 3000 AUSTRALIA
TEL: +61 3 9600 2200 FAX: +61 3 9600 2205
WWW.ELENBERGFRASER.COM
ABN 19 161 189 179

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MELBOURNE
MIT AUSTRALIA PTY LTD

ELEVATION
WILLIAM ST
13030
DATE 10/10/10
DRAWN BY B

61 SECTION A-A
A500
1:250 @ A



FRANKLIN STREET

Scale: 1:500
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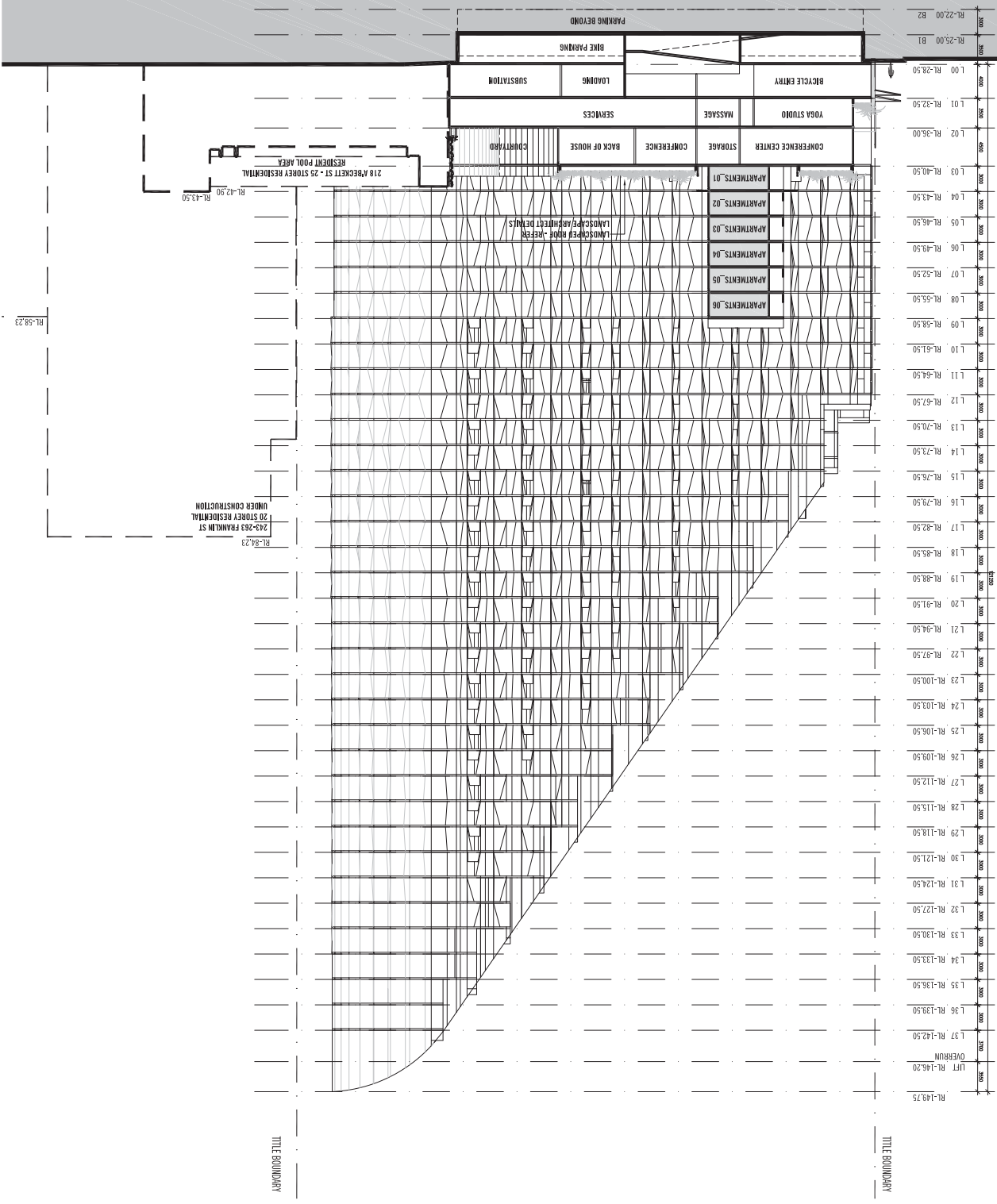
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Project No. 13030
Date: 20/08/2014

386-412 WILLIAM STREET,
MELBOURNE
VIC 3000
MIT AUSTRALIA PTY LTD

ELEMBERG FRASER
LEVEL 1, 100 QUEEN STREET
MELBOURNE VICTORIA 3000 AUSTRALIA
TEL: +61 3 9600 2200 FAX: +61 3 9600 2206
WWW.ELEMBERGFRASER.COM
ABN 97 561 081 975

SECTION B-B
A501



WILLIAM STREET

SECTION 88

386-412 WILLIAM STREET,
MELBOURNE
MIT AUSTRALIA PTY LTD

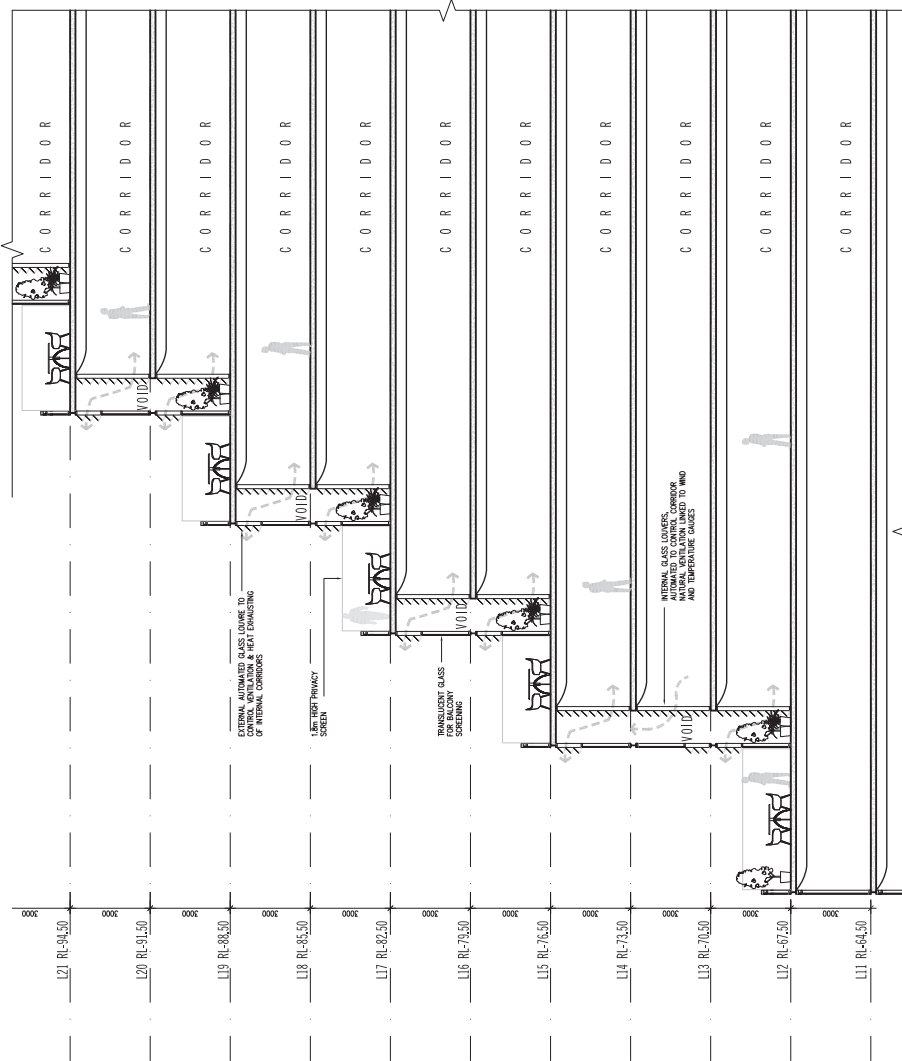
ELEBERG FRASER
LEVEL 1, 100 QUEEN STREET
MELBOURNE VICTORIA 3000 AUSTRALIA
TEL: +61 3 9000 2200 FAX: +61 3 9000 2206
WWW.ELEBERGFRASER.COM
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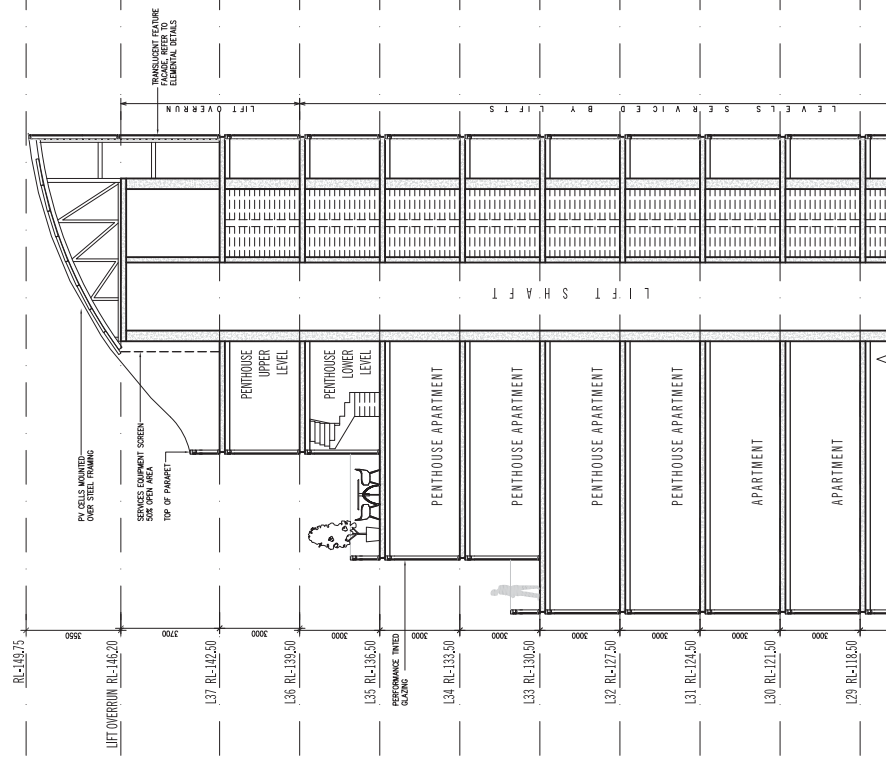
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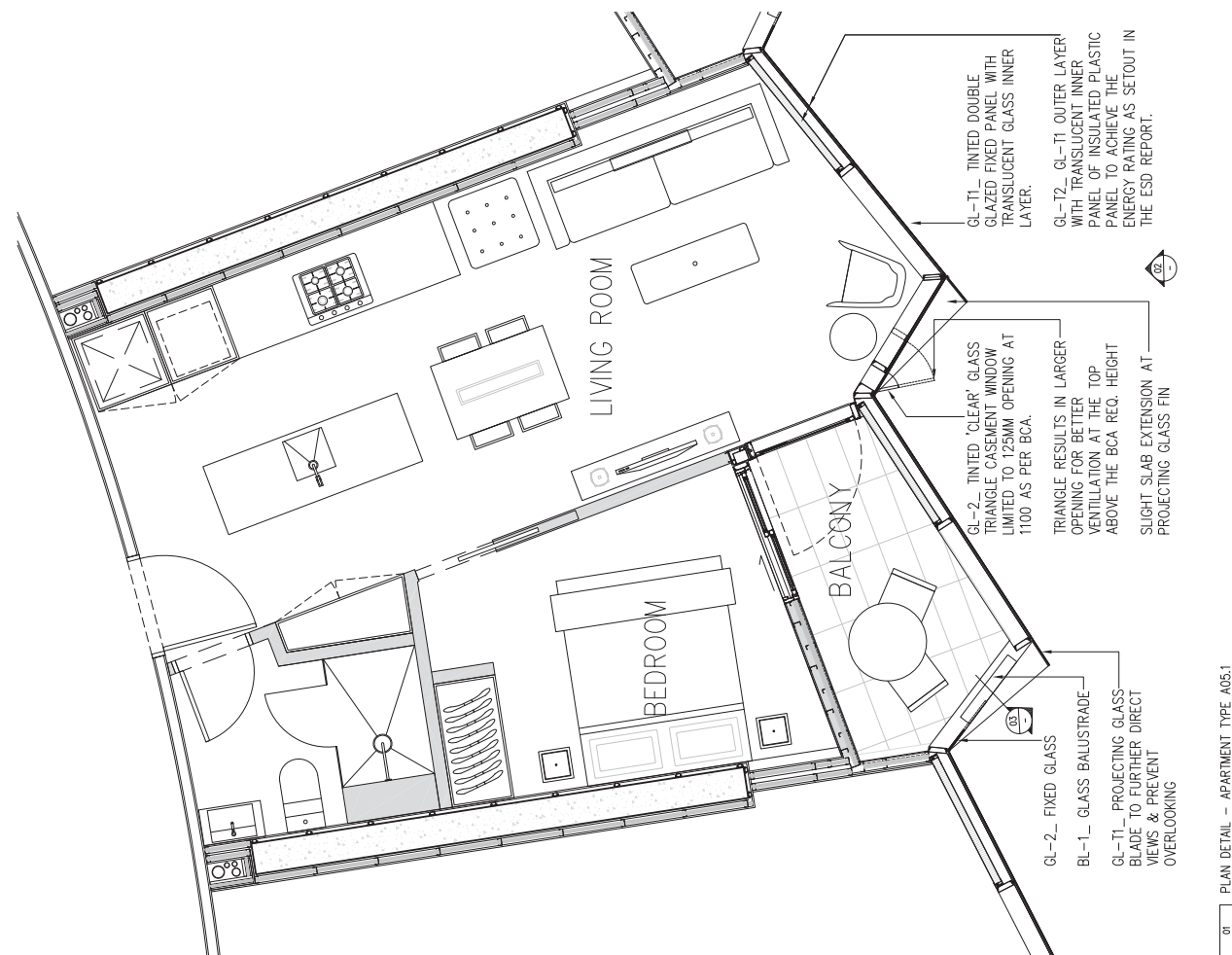
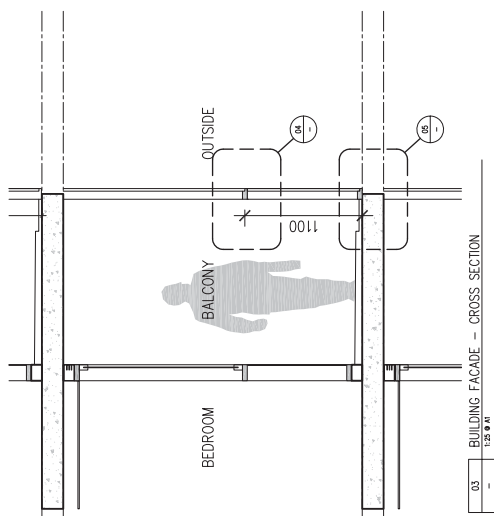
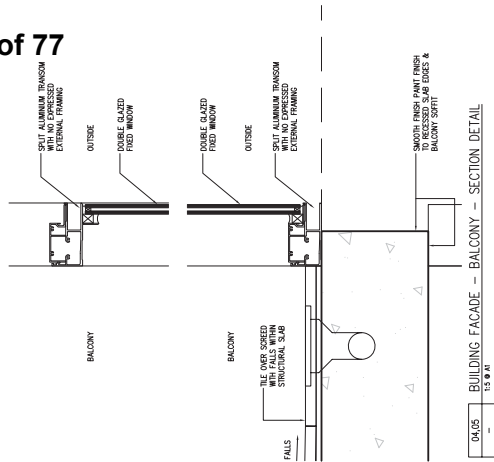
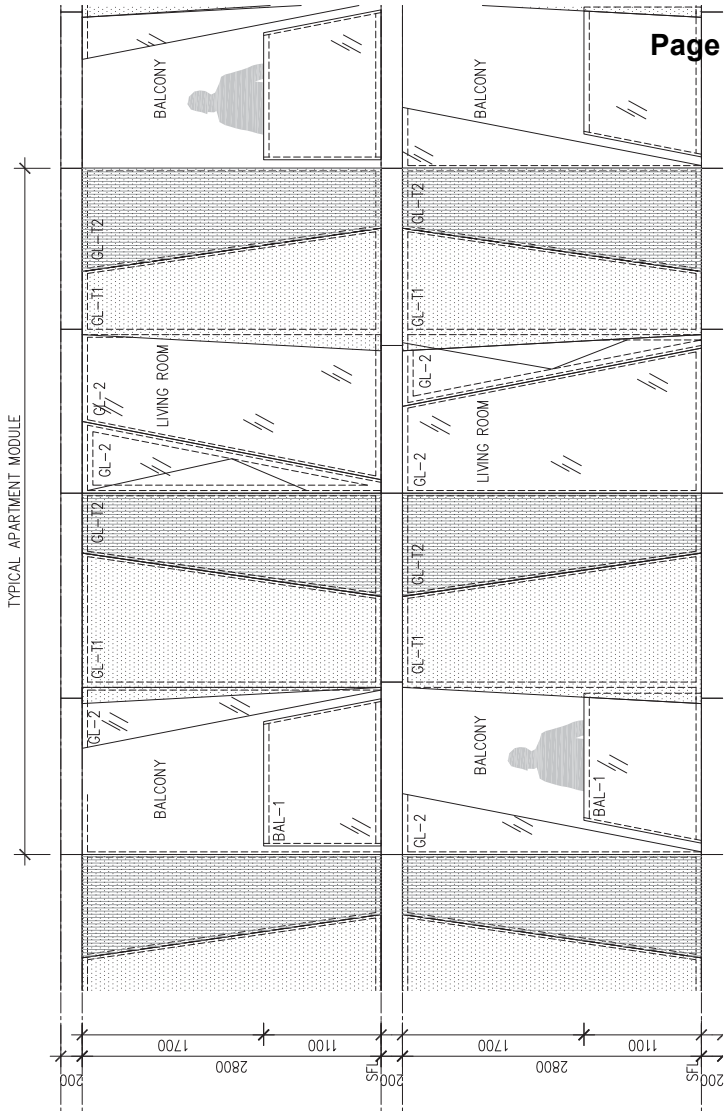
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02 SECTION F
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PLAN NO. 004 DATE 13/03/2014 DRAWN BY: [Name] CHECKED BY: [Name]	SECTION E & F BUILDING 2 TERRACES & PV CELLS	PROJECT NO. 13030 DRAWING NO. A504	DATE: 29/08/2014 TIME: 09:58am
	386-412 WILLIAM STREET, MELBOURNE MIT AUSTRALIA PTY LTD		
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TYPICAL APARTMENT MODULE



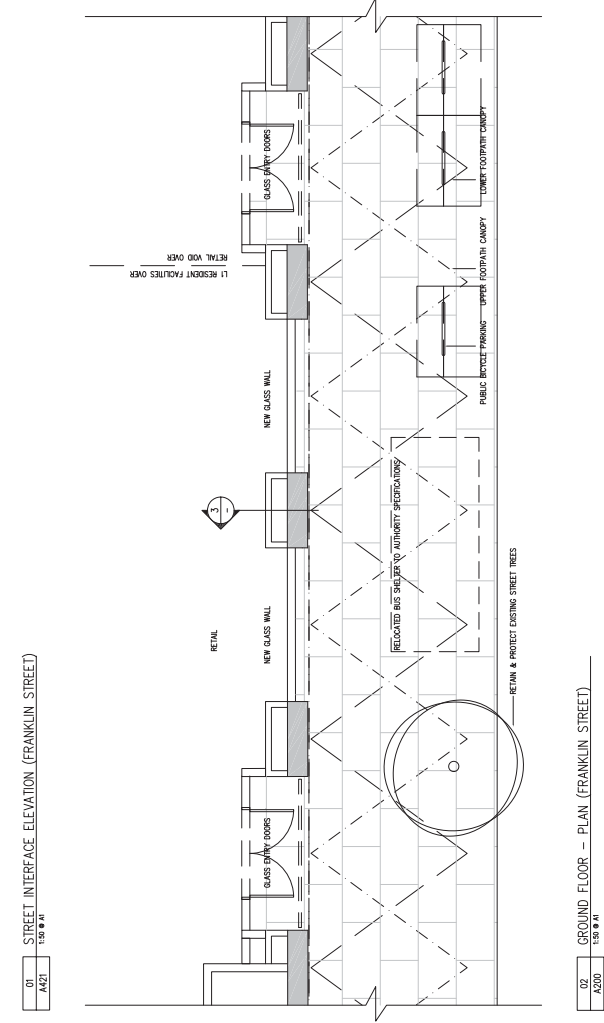
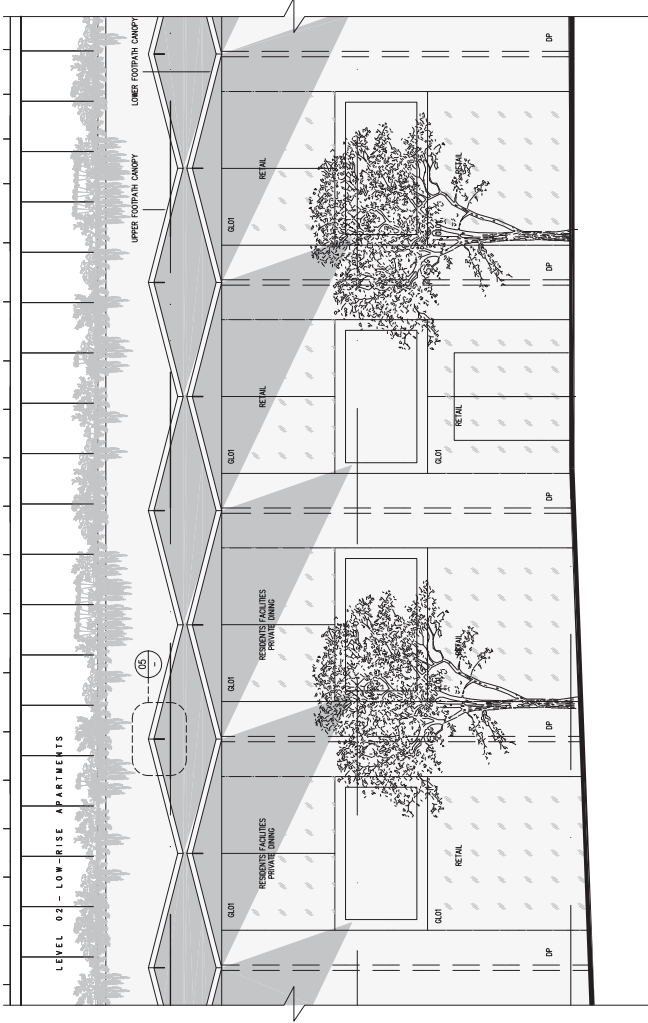
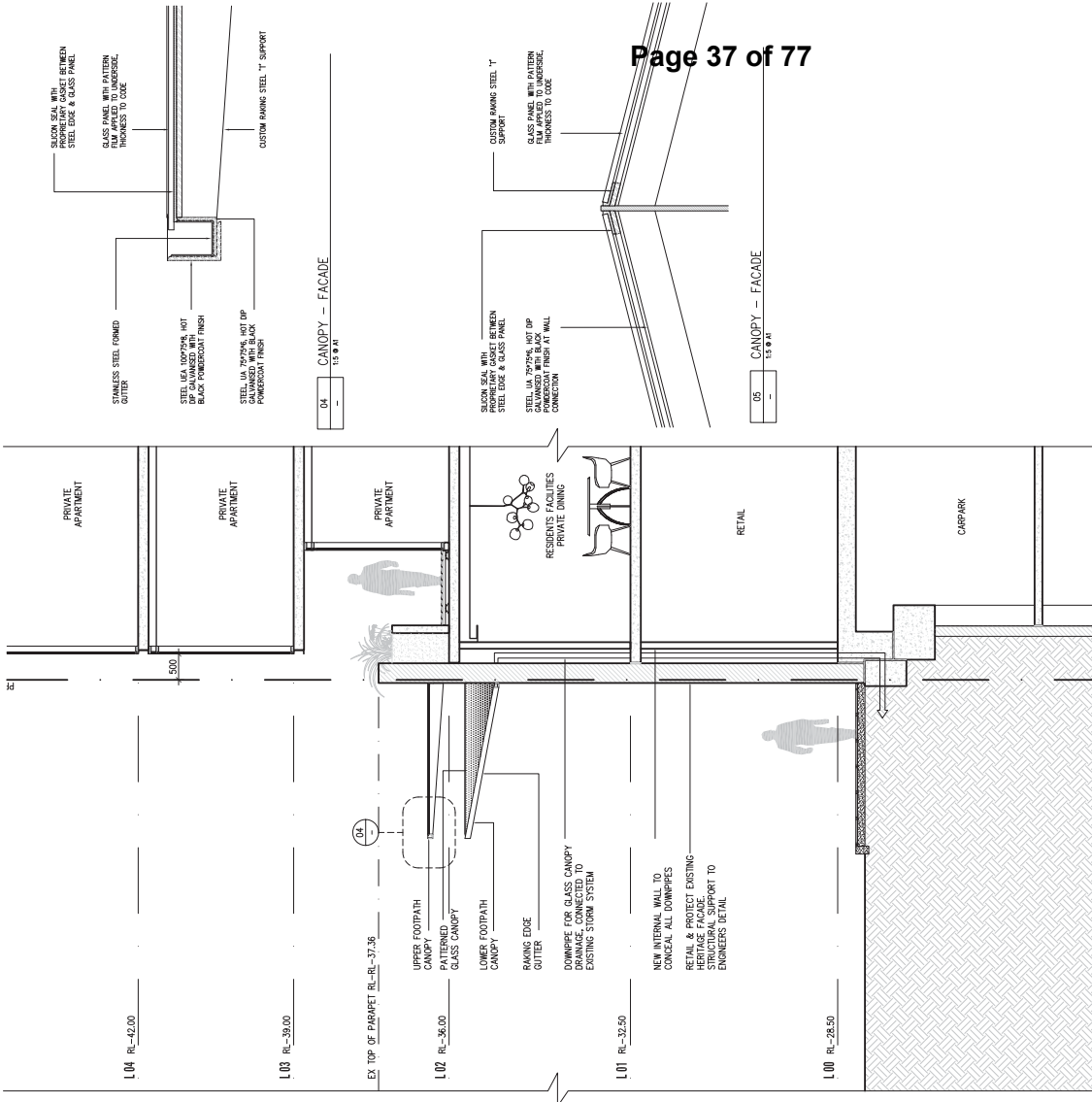
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ELEBERG FRASER
LEVEL 1, 100 QUEEN STREET
MELBOURNE VICTORIA 3000 AUSTRALIA
TEL: +61 3 9600 2200 FAX: +61 3 9600 2206
EMAIL: INFO@ELEBERGFRASER.COM
WWW.ELEBERGFRASER.COM

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13030
17/08/2018
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Aug 28, 2018 -- 10:00am



DATE: 20/08/2014 DRAWN BY: J. BROWN CHECKED BY: J. BROWN PROJECT NO: 13030	SCALE: 1:5.0 @ A1	PROJECT NO: 13030 PROJECT NAME: 386-412 WILLIAM STREET, MELBOURNE CLIENT: MIT AUSTRALIA PTY LTD	DRAWING NO: 13030-01 DRAWING TITLE: ELEMENTAL DETAILS STREET CANOPY DETAILS
	PROJECT NO: 13030 PROJECT NAME: 386-412 WILLIAM STREET, MELBOURNE CLIENT: MIT AUSTRALIA PTY LTD	DRAWING NO: 13030-01 DRAWING TITLE: ELEMENTAL DETAILS STREET CANOPY DETAILS	PROJECT NO: 13030 PROJECT NAME: 386-412 WILLIAM STREET, MELBOURNE CLIENT: MIT AUSTRALIA PTY LTD

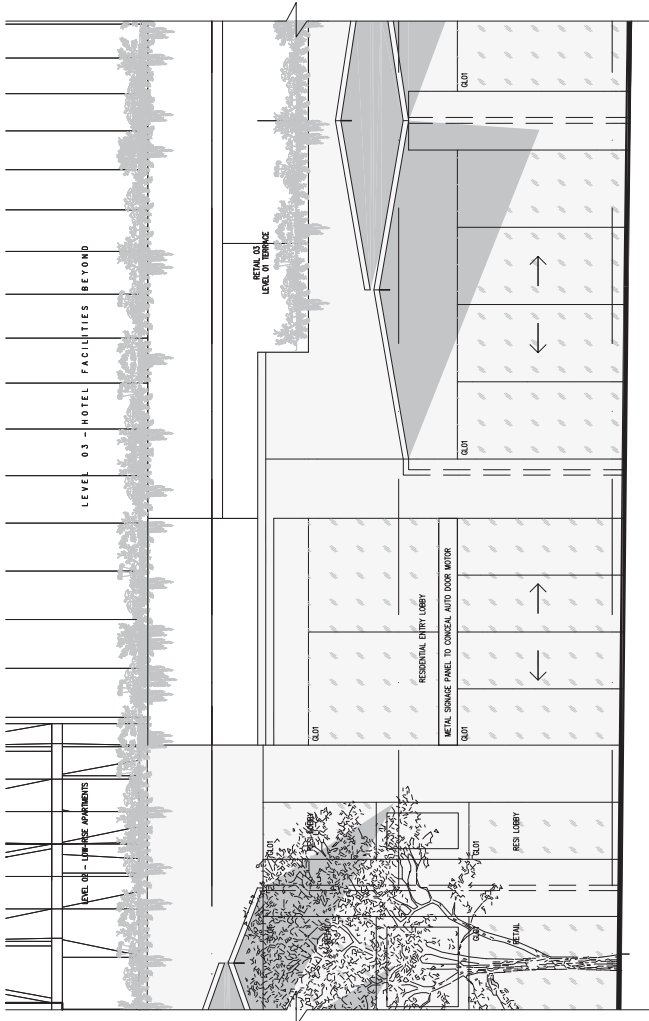
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SOLEAGI ARCHITECTURE
 SOLEAGI ARCHITECTURE
 LEVEL 1, 160 QUEEN STREET
 MELBOURNE VICTORIA 3000 AUSTRALIA
 TEL: +61 3 9600 2260 FAX: +61 3 9600 2268
 WWW.SOLEAGI.COM
 WWW.WEBBERGFRASER.COM
 ABRN 150 181 378

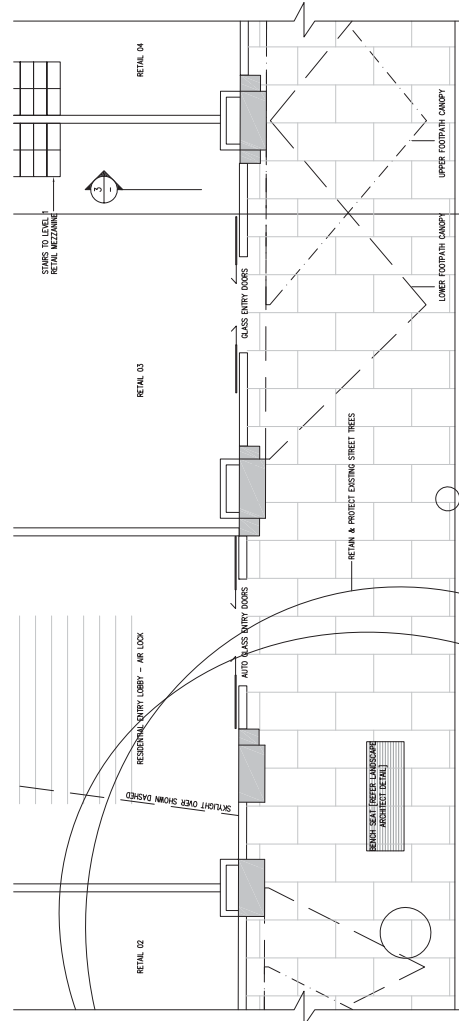
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 LEVEL 1, 160 QUEEN STREET
 MELBOURNE VICTORIA 3000 AUSTRALIA
 TEL: +61 3 9600 2260 FAX: +61 3 9600 2268
 WWW.WEBBERGFRASER.COM
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03 GROUND FLOOR - SECTION (FRANKLIN STREET)
1:50 @ A1



01 STREETScape INTERFACE ELEVATION (WILLIAM STREET)
1:50 @ A1



02 GROUND FLOOR - PLAN (WILLIAM STREET)
1:50 @ A1

DATE: 20/08/2014
DRAWN BY: JESSICA HARRIS
CHECKED BY: JESSICA HARRIS

PROJECT NO: 13030
SITE NO: 386-412 WILLIAM STREET, MELBOURNE
DRAWN AT SCALE: 1:50 @ A1

PROJECT NAME: 386-412 WILLIAM STREET, MELBOURNE
CLIENT: MIT AUSTRALIA PTY LTD

SCALE: 1:50 @ A1
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ELEMBERG FRASER
LEVEL 1, 100 QUEEN STREET
MELBOURNE VICTORIA 3000 AUSTRALIA
TEL: +61 3 9600 2200 FAX: +61 3 9600 2206
EMAIL: INFO@EMBERSFRASER.COM
WWW.EMBERSFRASER.COM
ABN 79 156 186 278

PROJECT NO: 13030
PROJECT NAME: 386-412 WILLIAM STREET, MELBOURNE
CLIENT: MIT AUSTRALIA PTY LTD

DATE: 20/08/2014
DRAWN BY: JESSICA HARRIS
CHECKED BY: JESSICA HARRIS

PLANNING REPORT

MINISTERIAL REFERRAL

Attachment 4
Agenda item 6.10
Future Melbourne Committee
11 November 2014

Application number:	TPM-2013-28
DTPLI Application number:	2013/009182
Applicant / Owner / Architect:	Urbis/ MIT Australia Pty Ltd/ Elenberg Fraser
Address:	386-412 William Street, MELBOURNE VIC 3000
Proposal:	Part demolition of the existing building and redevelopment of the land with two multi-storey buildings (18 & 38 levels) for the purpose of dwellings, residential hotel, retail uses and a car park.
Date received by City of Melbourne:	21 November 2013
Responsible officer:	Esha Rahman

1. SUBJECT SITE AND SURROUNDS

1.1. The site

The subject site is located on the south-eastern corner of Franklin and William Streets in Melbourne. The site is irregular in shape. The site has a frontage of approximately 60m to William Street and 68m to Franklin Street, and a total site area of approximately 3,913 square metres. The site is relatively flat.

The site currently contains a two storey building that is being used as a public car park, a food and drink premises and a martial arts studio.

In the City of Melbourne's Heritage Places Inventory 2008 the building has been given a D grading. However, the site is not currently affected by a Heritage Overlay.

The site is affected by the planning scheme Amendment C198 City North Heritage Review which recommends that the site be included in within the Heritage Overlay and that the building be given a C grading.

The site is not affected by any easements or restrictive covenants.

Aerial Photo / Locality Plan



Figure 1: Map of subject site



Figure 2: Aerial map of subject site



Figure 3: Photo of existing building on the subject site as viewed from Franklin Street.

1.2. Surrounds

The surrounding area is typical of the Capital City Zone comprising a mix of building heights including the lower scale of the Queen Victoria Market to the north and mid and high rise buildings to the south and east.

Details of the immediate surrounds are as follows:

Orientation	Description
North	To the north of the site opposite Franklin Street is an open public car park. Further to this is a row of single storey buildings associated with the Queen Victoria Market (QVM). The main QVM is located

	in excess of 200m to the north of the subject site.
South	<p>To the immediate south are two properties which directly abut the subject site to the front and the rear. The neighbouring property to the front contains the 12 storey Radisson Hotel building (residential hotel). The property to the rear at 218-236 A'Beckett Street is being developed with the 25 storey 'Istana' residential apartments building. This is currently under construction. This building contains a five storey podium constructed to property boundaries with a setback tower above.</p> <p>Buildings along A'Beckett Street are a mixture of modern and heritage buildings ranging in height from two to 36 storeys used for commercial and residential purposes.</p>
East	<p>The neighbouring property to the immediate east at 243-263 Franklin Street is currently being developed with a 12 storey building to the front. The remainder of this site has already been developed for two buildings; 10 and 20 storeys. The 20 storey building has a light court that directly abuts the subject site to the west.</p> <p>Other developments along the east side of Franklin Street comprise multi storey commercial and residential buildings.</p>
West	To the west of the site opposite William Street is Flagstaff Gardens.

2. THE PROPOSAL

The plans referred to the City of Melbourne for comment were received on 13 November 2013. Urban Design, traffic and heritage concerns were raised which led to ongoing discussions with applicants and submission of amended plans.

The amended plans, which have been formally substituted, were received on 3 September 2014.

The application, as shown on amended plans date stamped 3 September 2014 and as detailed in the revised planning submission dated August 2014, proposes the following uses:

Dwelling	Total number of apartments: 470 One bedroom apartments: 247 Two bedroom apartments: 207 Three or more bedroom apartments: 16
Residential hotel	Number of rooms: 210 rooms all to be located on the lower and midrise floor of Building 2 (rear building)
Function/ conference area	Proposed on level 3. Floor area: 473 square metres
Retail (ground level etc.)	Total leasable floor area: 1,053 sqm. This includes a café and an all-night diner (24/7 restaurant) proposed on level 3.
Recreational facilities for residents and hotel guests	A recreational area including a gym with a swimming pool is proposed on level 1. These are to be accessed by local residents and hotel guests only. All residential facilities and recreational areas proposed on level 1. All hotel guest facilities and recreational areas proposed on level 2.

The specific details of the proposal are as follows:

Building height	Two towers; 18 storeys (57 metres) and 38 storeys (120 metres) proposed over a podium.
Podium height	The existing two storey heritage façade constructed on the boundaries is proposed to be retained and be incorporated within the design of the development. The 38 storey tower will contain a 10 storey podium fronting Franklin Street and a 10 storey podium fronting William Street. The 10 storey podiums will be setback 0.5m from the heritage façade. Up to 12 storeys of the 18 storey building will be built closer to the Franklin Street and William Street boundaries. On level 2, the building will be setback 2.7m from the heritage façade and on levels 3 to 12 the building will be setback 0.5m. Greater setbacks are proposed from levels 13 and above.
Building form and setbacks	The shapes of the two towers are somewhat unusual. Building 1 (38 storeys) is proposed to be located towards the rear of the site. It has a curved design and an angular treatment on the southern elevation. This building will have the following

	<p>setbacks:</p> <ul style="list-style-type: none"> • Up to level 10, the podium will be setback 0.5m from the existing heritage façade. • Franklin Street (northern boundary): From levels 11 and above the tower will have a 10m setback from this boundary. • Southern and eastern boundaries: A minimum of 5m setback from these boundaries. • William Street (western boundary): From levels 12 and above a minimum setback of 6m which increases to a maximum of 49m on the topmost level (level 36). <p>Building 2 (18 storeys) is proposed on the front north-western corner of the site. It also has angular treatments on its southern and eastern elevations. This building up to level 12 will be built closer to the William Street and Franklin Street boundaries (0.5m setback from the heritage façade). However, on level 2 a 2.7m setback is proposed from William and Franklin Streets to respect the heritage façade.</p> <p>From level 13 and above, the building will have setbacks ranging from 5m to 20m from the sites corner.</p> <p>The separation between the two towers is proposed to range from between 10m minimum to 18.2m maximum.</p>
Gross floor area (GFA)	48,415sqm
Car parking spaces	Total of 145 car parking spaces provided on two levels of basement. 125 car parking spaces allocated to residents and 20 spaces allocated to the hotel component.
Motorcycle parking spaces	32 spaces
Bicycle facilities and spaces	502 residential bicycle parking spaces. 50 visitor bicycle spaces. 24 hotel staff bicycle spaces.
Loading/unloading	A loading and unloading area is proposed on ground level
Vehicle access	Vehicular access point is proposed to be via the Franklin Street frontage.
Landscaping	Landscaping proposed on podium levels.
Materials and finishes	The proposal will retain the existing heritage façade and feature a variety of high quality finishes. The prominent materials and finishes will be tinted glass.



Figure 4: Architectural images of proposed development

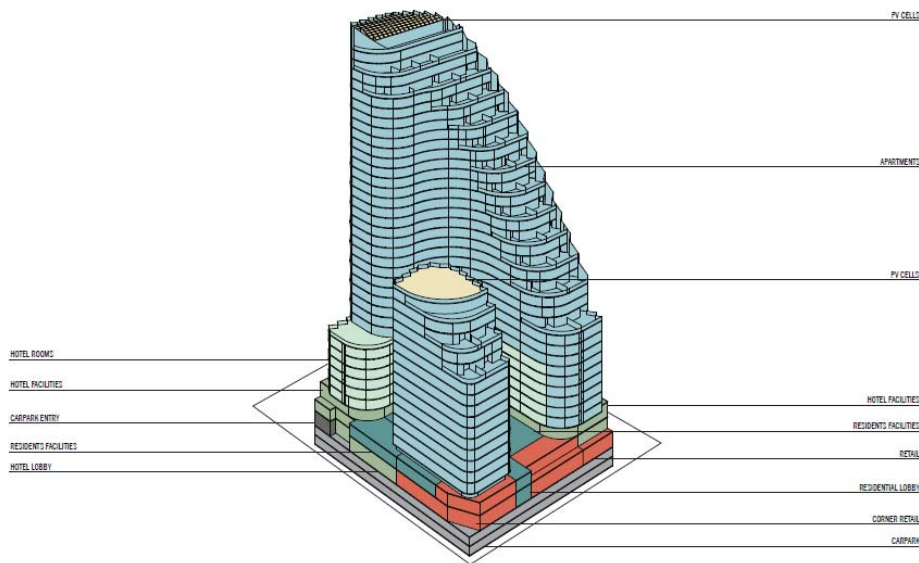


Figure 5: Proposed building massing.

3. BACKGROUND

3.1. Pre-application discussions

The plans presented at the pre-application meeting showed the construction of two towers on the site of 30 storeys and 50 storeys respectively. The 30 storey tower had a nine storey podium to Franklin Street and the 50 storey development was proposed to be built on the William Street boundary.

The key issues raised at the pre-application meeting were:

- Urban design concerns.

- Inconsistent with the planning policies in the Melbourne Planning Scheme – particularly regarding height.
- Shadow impacts on Flagstaff Gardens.

3.2. Site history

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

TP number	Address	Description of Proposal	Decision & Date of Decision	Comments
TPM-2005-41 DTPLI's reference: 2005/0324	Subject site	Demolition of the existing building to construct a 16 level office building with ground floor retail and basement car parking including a short stay commercial Car Park	Permit 3 May 2007	This permit was not acted upon.
TP-2009-338/B	243-263 Franklin Street (neighbouring site to the east)	Construction of a multi storey building for the purposes of dwellings	Permit 7 September 2009	This permit approved the construction of the two buildings; 10 and 20 storeys. These are components of the development are complete and occupied. The permit also originally approved an 10 storey hotel building immediately adjacent to the site fronting Franklin Street. This permit was amended in April 2014 to provide for a 12 storey building in this location. There is a light court that directly abuts the subject site to the west.
DTPLI's reference: 2001/0599A	218-236 A'beckett Street (neighbouring site to the east)	Demolition of the existing building to construct a 25 storey residential building with ground floor café and retail tenancies and waiver of the associated loading and unloading of vehicles	Permit 5 May 2002	This is currently under construction. This development has a communal outdoor terrace area located on the common boundary with the subject site.

3.3. Amendments during the process

The application was originally referred to City of Melbourne on 13 November 2013. The development initially consisted of construction of two towers; 30 and 50 storeys in height over a podium.

A range of concerns were raised by officers from both DTPLI and the City of Melbourne in response to the initial plans. In particular, the following concerns were raised:

- Shadowing of the Flagstaff Gardens between the hours of 11am – 2pm on 22nd March and 22nd September Equinox. It was specifically recommended that there is no shadowing to the park within these hours.
- Internal amenity particularly in regards to natural light and outlook.
- Potential impacts on the amenity of apartments and communal areas in adjoining residential buildings.
- Integration of the existing heritage façade into the design of the new development.

In response to these matters, a series of workshops and meetings were held between the applicants, architects, DTPLI and the City of Melbourne officers which led to a complete redesign and submission of the current amended plans (date stamped 3 September 2014).

4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	Clause 11- Settlement Clause 15- Built Environment and Heritage Clause 16- Housing Clause 17- Economic Development Clause 18- Transport Clause 19- Infrastructure
Municipal Strategic Statement	Clause 21.03 Vision Clause 21.04 Settlement Clause 21.05 Environment and Landscape values Clause 21.06 Built Environment and Heritage Clause 21.07 Housing Clause 21.08 Economic Development Clause 21.09 Transport Clause 21.10 Infrastructure

Local Planning Policies	<p>Clause 22.01 Urban Design within the Capital City Zone</p> <p>Clause 22.02 Sunlight to Public Spaces</p> <p>Clause 22.19- Energy, Water and Waste Efficiency</p> <p>Clause 22.23 Stormwater Management (Water Sensitive Urban Design)</p>
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Statutory Controls	
Capital City Zone Schedule 1	<p>A permit is required to carry out demolition.</p> <p>A permit is required to carry out buildings and works.</p>
Design and Development Overlay Schedule 14- Area 19	<p>A permit is required to carry out buildings and works.</p> <p>Schedule 14 to this overlay outlines a maximum building height of 30m (discretionary), and provides the following built form outcome:</p> <ul style="list-style-type: none"> • ‘The scale of development provides an appropriate interface from the low scale built of the Queen Victoria Market towards the medium and high rise towers of the Central Business District ‘
Parking Overlay Schedule 1	<p>A permit is required to provide parking in excess of a rate of:</p> <ul style="list-style-type: none"> • Residential: 470 car parking spaces <p>The proposal provides a maximum of 125 car parking spaces for 470 dwellings and therefore, no permit is required pursuant to this overlay.</p>

Particular Provisions	
Clause 52.06, Car Parking	<p>Pursuant to this clause a permit is required to provide more than the maximum parking provision specified in a schedule to the Parking Overlay. As the proposal seeks to provide less than the maximum requirements no permit is required pursuant to this clause.</p>
Clause 52.07, Loading and Unloading of Vehicles	<p>No buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:</p> <p>The retail component of the proposal, 1053sqm, requires 27.4sqm loading area. The proposal provides this space.</p>
Clause 52.34, Bicycle Facilities	<p>A permit may be granted to reduce or waive the bicycle parking requirement.</p> <p>The proposal seeks to provide the following:</p> <ul style="list-style-type: none"> • 502 residential bicycle parking spaces. • 50 visitor bicycle spaces. • 24 hotel staff bicycle spaces. <p>This exceeds the statutory requirements.</p>
Clause 52.35,	<p>Pursuant to this clause, an application for a residential development of</p>

<p>Urban Context Report and Design Response for Residential Development of Four or More Storeys</p>	<p>five or more storeys in any zone must be accompanied by an urban context report and a design response. This has been submitted with the application and is considered satisfactory.</p>
<p>Clause 52.36, Integrated Public Transport Planning</p>	<p>An application for an excess of 60 dwellings must be referred to PTV for comment. As the Minister for Planning is the Responsible Authority for this planning application, DTPLI is required to refer this matter to the relevant department.</p>

General Provisions	
<p>Clause 61.01 – Administration and enforcement of this scheme</p>	<p>The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres / the site is listed in the schedule to Clause 61.01 of the Melbourne Planning Scheme (which specifies the Minister for Planning as the responsible authority for administering and enforcing the Scheme).</p>
<p>Clause 65 – Approval of an application or plan</p>	<p>Pursuant to Clause 65.01 before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate (as relevant):</p> <ul style="list-style-type: none"> • The matters set out in Section 60 of the Act. • The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. • The purpose of the zone, overlay or other provision. • Any matter required to be considered in the zone, overlay or other provision. • The orderly planning of the area. • The effect on the amenity of the area. • The proximity of the land to any public land. • Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.

5. AMENDMENTS TO THE PLANNING SCHEME

The subject site is affected by the following planning scheme amendments:

5.1. Amendment C196 City North Structure Plan

In February 2012 City of Melbourne adopted the City North Structure Plan 2012 which seeks to provide a long term strategy for the urban renewal of the City North Area. This amendment has been adopted by City of Melbourne and is currently with the Minister for Planning for approval.

This amendment does not seek to change the existing zoning or height controls currently affecting the subject site.

5.2. Amendment C198 City North Heritage Review

This amendment seeks to undertake a heritage review of significant buildings and precincts in the City North Structure Plan Area. An independent planning panel hearing has been undertaken. The panel report recommends that the subject site be included in within the Heritage Overlay and the building on the site be afforded a C grading.

5.3. Amendment C209 Public Open Space contribution

Amendment C209 proposes to introduce a public open space contribution requirement under the schedule to Clause 52.01 Public Open Space Contributions and Subdivisions and a new local policy, Public Open Space Contributions at Clause 22.

A public open space contribution of 5% or 8% will be required, being either as a percentage of the site value, a land contribution or combination of both. The rates reflect the anticipated growth and development in different parts of the municipality.

The subject site is within Areas A which sets a contribution rate of 8 per cent.

This amendment went to Panel on 23 June to 27 June 2014. Council will be asking for an open space contribution of 8% in accordance with this seriously entertained policy direction. This is a matter that will be dealt with through subdivision – however should a permit issue it is recommended that this be communicated to the applicant via DTPLI.

6. PUBLIC NOTIFICATION

The application has been referred to the City of Melbourne for comment. Pursuant to the Capital City Zone at Clause 37.04-4 and Sections 3 and 4 of Schedule 1, this application is 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. REFERRALS

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

7.1. Urban Design

City of Melbourne's Urban Design Department raised significant concerns in relation to the initial application. They were unsupportive of the proposal. In particular they outlined the following:

- 'The existing building on the site is not considered a high value element with respect to greater streetscape and urban context.
- We note that there are no legible drawings indicating the extent of shadows and the impact that this proposed development will have on Flagstaff Gardens. We are not supportive any development which will create shadows over the park as outlined in Clause 22.02.(Sunlight to Public Spaces)
- We question the ability for this development site to accommodate two towers, achieve the necessary building setbacks from the street and address the site context in a meaningful way. We recommend that a podium of 8 storeys with one tower on the south east corner of the site could potentially be accommodated on this site in conjunction with the development addressing solar access and shadowing to the park.
- We recommend that car parking floor levels and ceiling heights (immediately below ground) be adjusted to result in the minimum linear extent of ramps and allow adequate head height to allow for car parking to be adaptive for other uses in the future'.

In response to these concerns, amended plans were submitted (date stamped 3 September 2014) which resulted in a complete re-design of the proposal.

This re-design was subject to various design workshops and meetings being held between the applicants, architects, DTPLI and City of Melbourne.

The amended plans were referred to the Urban Design Department who are now supportive of the proposal.

The full urban design comments can be found in Appendix 1 of this report.

7.2. Urban Landscapes

Informal discussion was undertaken with City of Melbourne's Urban Landscapes Department who commented that they would not be supportive of removal of any existing street trees on William and Franklin Streets. They recommended that the street trees be retained and further detailed design of the proposed canopy be submitted for consideration.

7.3. Engineering

City of Melbourne's Engineering Department is generally satisfied with the provision of car parking, bicycle and motor bike parking spaces and the access, layout and loading arrangements subject to the following changes being made (summarised):

- It is noted that the location of the Franklin Street access point may result in exiting motorists illegally turning right out of the subject site (contravening the one-way flow in Franklin Street), and cutting across to the eastbound lanes in Franklin Street via the car park aisle to the east of the access point. Motorists undertaking this move risk being struck by westbound vehicles in Franklin Street travelling around the bend as sight distance is not good. Left-turn-only signage and linemarking should be included at this exit point to minimise the number of drivers making this illegal and inappropriate movement.
- The proposed access arrangements will impact on existing conditions in Franklin Street. A functional layout plan showing proposed changes to infrastructure, signs and linemarking will need to be submitted.
- Any proposed changes to bus stop(s) and shelters will have to be referred to and ultimately approved by Public Transport Victoria, noting that a bus interchange was recently established in Franklin Street and William Street, adjacent to the site.

- In accordance with Clause 52.06, a 2.5 m x 2.0 m corner splay is required on the departure side of the vehicular ramp, providing at least 50% visibility. This sight triangle should be clearly shown and dimensioned on the plans.
- The plans do not show a control point at the Franklin Street access. Given the location of the site, it will be necessary to secure the resident parking area to ensure access is only provided to residents and hotel guests and to maintain security. The applicant should be asked to advise what type of control is proposed (e.g. boom gate, roller door etc).
- Some spaces at the end of blind aisles at basement 2 level have not been provided with adequate aisle extensions, making egress difficult as shown in the swept path diagrams provided in the Traffix Group report. The required 1 metre aisle extension should be provided.
- Spaces next to walls should be widened to 2.9 metres rather than the 2.7 metres shown.
- The dimensions of all the bicycle spaces and access aisles indicated on the plans.
- The swept path analysis be performed again using the correct ROW width. Diagrams should also be prepared to examine whether an MRV can conveniently turn to/from A'Beckett Street.
- Loading area to be made accessible to residents moving in and out of the development or for deliveries for residents.
- A corner splay should ideally be provided at ground level at the intersection of William Street and Franklin Street. This would improve pedestrian safety and amenity, and provide greater storage room for pedestrians waiting to cross at the traffic signals.

In relation to waste the following comments were provided:

'A Waste Management Plan (WMP) has been prepared by Leigh Design, dated 28 August 2014. The WMP has been reviewed against the Guidelines for Preparing a Waste Management Plan 2014 (2014 Guidelines).

The waste generation estimates need amendment. The rates for residential waste are correct. The rates for Retail (cafe) Grnd, Hotel Cafe/Rest L2 and Hotel Conference L2 either have not been calculated using the rates in the 2014 Guidelines or the rate used is not clear and needs to be specified as a note below the table.

Static compactors for both garbage and comingled recycling have been proposed in the WMP. This is in line with the 2014 Guidelines requirement. Once the waste generation estimates are confirmed, the ratio of residential to commercial waste will be determined. This will in turn determine the ratio of City of Melbourne collections to commercial collections. The latter will be paid for by the operator. The wording on page 3 and 5 of the WMP needs to be revised to reflect this arrangement.

The timing of compactor collection cannot be guaranteed by the City of Melbourne. The wording on page 5 and 7 of the WMP should be amended to reflect this. The collection frequency per week for each compactor will be determined once the waste generation estimates are finalised. The wording on page 5 of the WMP should be amended to reflect this.

Two residential bin stores are provided at Ground Level and one at Basement Level 1. The double doors from residential bin store on Basement Level 1 should be moved to line up with the lift access.

There is also a hotel waste storage area at Basement Level f and a Retail Waste area at Ground Level. Scaled drawings showing the bins in each residential and commercial bin store or storage area with the waste streams labelled must be provided. Both residential waste tray systems should be screened for safety. This needs to be shown in the drawings. The Retail Waste area at Ground Level should be marked and it is recommended that this is located along the western wall of the loading bay to improve access to the back of house area.

The WMP notes that site staff will collect the waste from all commercial areas throughout the building and transfer this to the compactors/bins using appropriate trolleys/lifts. This is adequate.

The WMP and plant appear to have provided 4.5m clearance for the collection of the compactors. Evidence from compactor manufacturer that this is adequate is required.

The architectural drawings provided show the access of residents on each floor to the chutes.

However, scaled drawings must also be provided to show:

- location of and access to storage spaces for hard waste and charity goods for residents.
- location of and access to the bin lifting mechanism into the compactors.
- bin washing facilities.

The WMP notes that the compactors will be washed off-site at regular intervals (page 8). This should be amended to specify that this will be undertaken at the cost of the operator.

Recommended Waste Condition:

Prior to the commencement of development, a Waste Management Plan (WMP) shall be prepared and submitted to the City of Melbourne - Engineering Services. The WMP should detail waste storage and collection arrangements and comply with the City of Melbourne Guidelines for Preparing a Waste Management Plan 2014. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne - Engineering Services.'

Refer to Appendix 1 for full copy of Engineering comments.

7.4. City of Melbourne's Heritage Advisor

The Heritage Advisor raised concerns regarding the 0.5m setback of the proposed towers from the heritage façade. The advisor was not satisfied of the 2.7m setback being provided for the 18 storey building on one level only.

In particular, he commented that 'the project has not been justified in terms of its affect upon heritage significance'.

The Heritage Advisor recommended that the towers have a minimum 3m setback behind the property frontage.

Refer to Appendix 1 for full copy of Heritage comments.

8. ASSESSMENT

The key issues in the consideration of this application are:

- Built form, height scale, bulk and design
- Shadows
- Heritage
- Internal and External amenity impacts
- Active uses
- Parking, Traffic and Waste
- Wind impacts
- Environmental Sustainable Design (ESD)

8.1. Built form, height, scale, bulk and design

The proposal comprises of two towers; Building 2 - 18 storeys (57 metres), and Building 1 - 38 storeys (120 metres) to be constructed on the site.

Building 2 (18 storeys) will be positioned on the north-western corner of the site along the William Street and Franklin Street frontages. Building 1 (38 storeys) is proposed towards the rear of the site. Building 1 will be constructed to the entire width of the site and will be in the shape of an 'inward' curve with angular treatments on the southern elevation. Both towers will be positioned over the two storey heritage façade (which is constructed on the property frontage) with minimal setbacks and will be separated from levels 3 and above with individual podiums.

The subject site is affected by the Design and Development Overlay Schedule 14 (DDO14) which outlines a maximum building height of 30m and provides the following built form outcome:

'The scale of development provides an appropriate interface from the low scale built of the Queen Victoria Market towards the medium and high rise towers of the Central Business District '

Schedule 14 of the Design and Development Overlay stipulates a maximum building height of 60m for the neighbouring sites located to the south along A'Beckett Street and a lower height on the sites to the north closer to the Queen Victoria Market.

Section 2 of DDO14 states that 'an application to exceed the *Maximum Building Height* must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes of this schedule and any local planning policy requirements'.

The site is a corner site and given the large area it is considered that some increase in height above that stipulated in DDO14 can be accommodated provided that there is no additional overshadowing to the Flagstaff Gardens between 11am to 2pm on 22nd March and 22nd September Equinox, and that the architecture is of a high/exemplary standard.

The proposed design of the towers has been subject to various meetings and design workshops held between DTPLI, the City of Melbourne, applicants and architects.

The proposed re-design is a significant improvement from the previous where a higher development was proposed (two towers of 30 and 50 storeys respectively).

The proposed towers are considered to be of high/exemplary standard in terms of their architecture and materiality.

The towers have an interesting stepped form; being recessed on the upper levels. The materials and finishes are predominantly glazing aids which reduce the visual bulk of the development.

This is further improved where the two towers have an internal separation of a minimum of 10m from levels 3 and above resulting in smaller width of podiums on the street frontages.

The design of Building 1(38 storeys) proposed to the rear is of a slender profile resulting in a sleeker envelope which further helps to minimise visual bulk.

Almost the entire of Building 2 (18 storeys) at a height of 12 storeys will be constructed on the William Street and Franklin Streets boundaries; only 0.5m setback from the heritage façade located on the property frontage with the exception of level 3 which will have a 2.7m setback. Building 1 (38 storeys) will contain a 10 storey podium fronting both William and Franklin Streets, setback 0.5m from the property frontages.

Heritage concerns have been raised in relation to the minimal setbacks to the heritage façade. This is discussed in greater detail below. To address heritage concerns it has been recommended that the towers have a minimum setback of 3m from the property boundaries.

If the heritage façade did not exist and the above built form was proposed this would have been supported provided that the hotel and the residential development to the south and east of the subject site has similar heights, and that an approximately 30m scale is being provided on Franklin Street consistent with DDO14.

Setting back the development on the upper levels helps to diminish the perception of height and massing when viewed from pedestrian level. The setting back of Building 2 from levels 12 and above also avoids any additional shadowing to Flagstaff Gardens between the hours of 11am to 2.00pm on 22nd September. This is discussed in greater detail below.

The subject site is located at a minimum distance of 200m from the main Queen Victoria Market and is closer to the central city area. By positioning the 18 storey tower to the front of the site, where it has a closer interface with the QVM, and the taller tower behind, it is considered that an appropriate transition from the lower scale built form around the QVM to the medium and high rise towers of the CBD has been adequately provided. The proposal therefore meets the built form outcome of DDO14.

Furthermore, given the distance between the site and the QVM sheds proper, it is considered that the proposed towers with setbacks at the upper levels and interesting architectural treatments will not overwhelm or dominate the character and appearance of historic buildings at the QVM.

It is considered that given the large scale of the site and wide frontages to both Franklin and William Streets, the proposed developments with its slender and sleek design and setbacks on upper levels is an appropriate design response and built form outcome for this site.

A canopy is proposed to be constructed on the ground level projecting from the heritage façade. Concerns are raised in relation to the impact this will have on existing street trees on William and Franklins Street which are considered significant.

Inadequate details have been provided in relation the design and clearance of the proposed canopy. DTPLI will be advised that should a permit be issued, conditions be imposed requiring further detailed design, sections and elevation plans be submitted of the proposed canopy which should allow for retention of existing trees and provide space for new trees.

8.2. Shadows

The policy at Clause 22.02 Sunlight to Public Spaces of the Melbourne Planning Scheme provides the following standard for new developments:

‘Development should not reduce the amenity of public spaces by casting any additional shadows on public parks and gardens, public squares, major pedestrian routes including streets and lanes (including all streets within the retail core of the Capital City Zone), and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September.’

The application as originally submitted involved a higher built form that resulted in additional shadowing to Flagstaff Gardens during the above specified hours. City of Melbourne and DTPLI both raised concerns in relation to this and recommended the proposal be amended to ensure no overshadowing between these times.

This was a key point in revisiting the proposal and submitting an amended design.

The proposed developments as shown on the amended plans will not result in any additional shadowing to the park between the hours of 11.00 am and 2.00pm on 22 September thus, complying with the policy. This has been achieved via the careful positioning of the towers, reduction in the heights and the cascading setbacks on the upper levels.

The proposed development will result in additional shadows cast on the public footpath on William Street at 11.0am and 12.00pm. However, this is considered acceptable as it will be during the morning hours only; by 1pm these shadows will be gone.

8.3. Heritage.

The subject site is affected by the planning scheme Amendment C198 City North Heritage Review which recommends that the site be included in the Heritage Overlay and be given a 'C' grading in City of Melbourne's Heritage Places Inventory 2008.

This amendment has been subject to a panel hearing and is considered to be a 'seriously entertained' policy. The amendment identifies the two storey section of the building at the corner of Franklin Street with the original wide openings to both levels being significant.

The proposal seeks to retain the existing two storey heritage façade.

City of Melbourne's Heritage Advisor has however raised concerns regarding the 0.5m setback of the proposed towers from the existing heritage façade. He considers that this setback is not an adequate separation and will impact on the significance of the heritage façade

Given that the existing building is of heritage significance, it is considered that the towers should provide greater setbacks to allow for an adequate separation and thus, appreciation of the existing heritage façade. A review of the plans suggests that a 3m setback from Franklin and Williams Street can be provided for Building 1 (38 storeys). On the Franklin Street frontage, the 3m setback is required from levels 3 to 9 and for the William Street frontage, from levels 3 to 11. It is noted that residential hotel rooms are proposed on levels 3 to 9 of this tower. Setting back the building 3m will require re-configuring the layout of approximately 24 hotel rooms; it appears that the proposed number of hotel rooms can be maintained through a reconfiguration.

This is considered a relatively insignificant change given that 210 hotel rooms are proposed.

Achieving a 3m setback for building 2 (18 storeys) from both street frontages could be more problematic given the smaller size and scale of this building. It appears that if a 3m setback is proposed from both street frontages this may render the development unviable as the setback is required all the way up to level 12.

Setting back the entire tower 3m from both street frontages may result in a 'shifting' of the form rather than a reduction in the building footprint which would result in a lesser tower separation between Towers 1 and 2. This is not considered to be a good urban design outcome.

Building 2 has a 2.7m setback on level 2 which is reduced from levels 3 to 12 where only a 0.5m setback is proposed. Discussions undertaken with the manager of City of Melbourne's Urban Design Department suggests that an option to address both heritage and urban design issues could be to achieve the 2.7m setback on level 3 and then a 1m setback from levels 4 to 12. This will not require a significant reconfiguration of the proposed layout and will ensure the development is viable.

This is considered to be an acceptable compromise given that a 3m setback is recommended for Building 1. This has been discussed with City of Melbourne's

Heritage Advisor who, whilst not necessarily convinced, has not strongly opposed the suggestion.

The Heritage Advisor has also raised concerns regarding the construction of the canopies and carrying out new openings to the existing heritage façade. As mentioned, DTPLI will be advised that should a permit be issued, condition be imposed requiring further design details of these aspects of the proposal be provided and that this be undertaken in consultation with City of Melbourne's Urban Design Department, Urban Landscape and Heritage Advisor.

It is proposed to construct a two level basement beneath the existing heritage façade. As such, it is considered appropriate that should a permit be issued conditions be imposed requiring the submission of a Structural Engineering Report detailing how the façade will be retained. DTPLI will be advised of this.

8.4. Potential Amenity Impacts

Part of Building 1 (38 storeys) to the front will be constructed adjacent to the 12 storey wall of Radison Hotel located to the south of the subject site.

To the south-east this building will abut the 25 storey residential building located at 218 A'Beckett Street. This residential development has apartments with private courtyards and terraces with an outlook to the subject site. However, these have a minimum setback of 12.7m (approximately) from the common property boundary.

On level 5, there is a communal outdoor terrace area. The development at one point will be constructed within 1m of the communal outdoor recreation area. It is considered that the proposed development has responded appropriately to this sensitive interface by having an angular curved treatment along the southern elevation which minimises visual bulk and ensures that a reasonable level of light and outlook is maintained. Where it abuts the communal open space at 1m, it will be a small section of the development and as this is a communal area it is considered acceptable.

To the east the proposed Building 1 (38 Storeys) will adjoin the wall of the 10 storey residential hotel and the 14 storey wall of the residential development at 243-263 Franklin Street. Part of the proposed building will also adjoin the communal courtyard and the light court of this neighbouring property. The proposed building will have a minimum setback of 5m from this light court. This is considered a reasonable setback and will still allow daylight into this light court.

It is recommended that DTPLI be advised that should a permit be issued, a condition should be imposed requiring appropriate screening to the proposed hotel rooms and dwellings to prevent overlooking into habitable rooms and private courtyards of neighbouring properties which are within a distance of 9m.

8.5. Internal Amenity

The towers have been carefully designed to ensure that all hotel rooms and dwellings receive natural daylight and ventilation. In addition, the angled treatment along the southern elevations helps to maintain a reasonable level of daylight and views while minimising the potential for internal overlooking between apartments.

The towers have an internal separation ranging from 10m to 19m. This is considered adequate and has been supported by City of Melbourne's Urban Design Department.

Building 1 (38 storeys) which is proposed to the rear of the site due to its curved shape has a long internal corridor. However, towards the end these are open to views which also allow reasonable levels of daylight to be maintained into the corridor.

A range of dwelling sizes and types are provided with adequate private open spaces. Adequate areas of communal space and facilities have been provided.

It is noted that compared to the proposed dwellings that the level of internal amenity for hotel rooms is not ideal. However, this is considered acceptable given the temporary nature of this accommodation. A difficulty with this is that 'accommodation' is a section 1 land use.

However, if the endorsed plans for the development specify that these are 'hotel rooms', then there would be a permit trigger (for internal buildings and works that increase the number of dwellings). Any request to amend the plans would need to be dealt with by DTPLI.

It is recommended that a note be placed on the permit suggesting that the hotel rooms have only been approved on the basis that these are for short stay accommodation and that any request to amend plans in a manner that would allow these to be used as 'dwellings' would require separate planning approval (under 62.02-2) and would not necessarily be supported.

8.6. Active uses

The proposed development seeks to provide retail uses and recreational spaces on levels 1 and 3. This is supported as it allows for passive surveillance and engagement with the public realm.

8.7. Traffic, Car parking, access arrangement and waste

Car parking, bicycle spaces and motorbike parking are proposed over two basement levels with accesses from Franklin and Williams Streets. The number of car parking spaces provided is lower than the statutory requirement as outlined in Clause 52.06. The number of motorbike parking and bicycle spaces provided exceeds the statutory requirements.

City of Melbourne's Engineering Department is generally satisfied with the parking, loading and access arrangements subject to minor modifications being made. DTPLI will be advised that should a permit be issued, these should be imposed as conditions.

A revised waste management plan is required, as the one submitted does not have the correct rates as per the City of Melbourne's 2014 Waste Guidelines.

8.8. Wind

The wind report dated 22 August 2014 submitted with the amended plans states the following:

The wind tunnel testing results have shown that with the present updated design, the immediately-adjacent footpaths on the ground level will meet the criteria for pedestrian safety and comfort, and the wind levels on the footpath across William St will be improved by the introduction of the development. It should be noted the present updated design has adopted setback design for the entries (refer to the Irwin sensor locations No. 6 and 10 in Figure 13) near the intersection of William St and Franklin St, which will significantly improve the local wind environment such that the recommended criterion of pedestrian comfort for standing will be achieved at these entries. For the terrace areas on the podium levels (Level 01, 02 and 03), the present design has incorporated vegetation and trees in the landscaping design (see Figure 14 and Figure 15), which will also help to control the local wind environment to meet the pedestrian comfort criterion for walking (see Table 5). Therefore, Vipac makes no further recommendations to modify the present proposed design for the local wind environment.

Concerns are raised in regards to the wind impacts on the outdoor terrace areas proposed on podium levels.

While vegetation and trees are proposed to mitigate wind impacts in these areas, this will achieve pedestrian comfort criterion for walking.

It is considered that a satisfactory criterion should be achieved for pedestrians being in a stationary position as this is the more likely condition for a passive recreation space.

It is recommended that should a permit be issued, a condition be imposed requiring a revised wind statement demonstrating that a satisfactory criterion be achieved for pedestrians in a stationary position on the outdoor areas proposed on the podium levels.

Environmentally Sustainable Design (ESD)

Clause 22.19 of the Melbourne Planning Scheme seeks to ensure buildings achieve high environmental performance standards at the design, construction and operation phases. Buildings containing accommodation over 5,000 square metres gross floor area are required to achieve a 5 star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent.

The ESD report dated 12 September 2014 submitted with the current proposal indicates that a number of ESD principles will be incorporated into the design of the building which will assist in improving the energy efficiency of the building as well as help to exceed a 4 star Green Star Multi-Residential rating. The ESD report states that although the proposed development has the preliminary design potential to achieve attain a 5 Green star rating, this is not considered to be technically and commercially viable.

Although the proposal complies with the requirements of Clause 22.19, given the large scale of the development and the concessions that have been granted with respect to height under the DDO, it is considered that the proposed development should strive to meet the 5 Star Green Star rating.

It is therefore recommended that a condition be imposed requiring the submission of a revised ESD report demonstrating that the development can reasonably achieve the 5 star green star rating under a current version of Green Star- Multi Unit Residential Rating Tool.

In relation to Water efficiency, the development is likely to achieve the 1 point for the relevant Green Star Wat-1 credit which is in accordance with the requirements of Clause 22.19.

8.9. Conclusion

The amended proposal is considered to be a significant improvement on the proposal as originally submitted. Although the development exceeds the maximum building height stipulated in the DDO14 for the area, this is supported due to the exemplary architecture, the particular location of the subject site, and the lack of any additional shadows to Flagstaff Gardens between the hours of 11.00am to 2.00pm on 22 September.

The proposed development provides a high level of internal and external amenity and subject to greater setbacks is considered to respond appropriately to the heritage significance of the subject site.

9. OFFICER RECOMMENDATION

That a letter be sent to DTPLI advising that the City of Melbourne offers in principle support for the proposal subject to the following conditions:

1. Prior to the commencement of the development (excluding any demolition) on the land, two copies of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans received on 3 July 2014 but amended to show:
 - a. Building 1 (38 storeys in height) setback a minimum of 3 metres from the William Street and Franklin Street property boundaries.
 - b. Level 3 of Building 2 (18 storeys in height) setback a minimum of 2.7 metres from the William Street and Franklin Street property boundaries.
 - c. Levels 4 to 12 of Building 2 (18 storeys in height) setback a minimum of 1m from the William Street and Franklin Street property boundaries.
 - d. Further detailed design, elevations and sections of the proposed canopies and works to the existing heritage façade. This must be undertaken in consultation with City of Melbourne's Urban Design Department, Urban Landscapes and the Heritage Consultant. The construction of canopies over the footpath must allow for retention of existing street trees and space for new street trees.
 - e. Screening to windows of dwellings and hotel rooms to prevent overlooking into habitable room windows and private open spaces of neighbouring properties located within 9m of the subject site.
 - f. Screening to windows of dwellings and hotel rooms to prevent internal overlooking into habitable room windows and private open spaces of adjoining dwellings and hotel rooms.
 - g. Directional signs of appropriate types and sizes to be displayed at the Franklin Street car parking exit points indicating motorists do a left turn only on Franklin Street.
 - h. A 2.5m by 2m corner splay constructed on the departure side of the vehicular ramps on Franklin Street providing at least 50% visibility.
 - i. Construction of a security gate or a boom gate on the Franklin Street vehicular access to secure the resident parking area and ensure that access is only provided to residents and hotel residents. Details of the security gate including the dimensions (height, width and depth) and the materials and finishes must be shown on the plans.

- j. 1 metre aisle extensions to be provided to the car parking spaces at basement 2.
- k. Car parking spaces next to walls to have a width of 2.9m.
- l. Details of how access is to be provided to the bike ramp from ground level.
- m. Any changes required by the outcome of the revised Waste Management Plan as required by condition 30.
- n. Any changes required by the wind report as required by condition 15.
- o. Any changes required by the Structural Engineering Report as required by condition 6.

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

- 2. The development as shown on the endorsed plan(s) must not be altered or modified unless with the prior written consent of the Responsible Authority.
- 3. Prior to the commencement of the development (excluding demolition), a revised Environmentally Sustainable Design (ESD) Statement based on the amended plans shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building can achieve the following:
 - a. A 5 star rating under a current version of Green Star – Multi Unit Residential rating tool or equivalent.
 - b. 1 point for Wat-1 credit under a current version of the Green Building Council of Australia’s Green Star – Multi Unit Residential rating tool or equivalent.
- 4. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement (required by Condition 3) for the development must be implemented prior to occupancy at no cost to the Responsible Authority and be to the satisfaction of the Responsible Authority.
- 5. Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.
- 6. Prior to the commencement of the development, including demolition, a report prepared by a suitably qualified Structural Engineer, or equivalent, must be submitted to the Responsible Authority, demonstrating the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention, to the satisfaction of the Responsible Authority. The recommendations contained within this report must be implemented at no cost to City of Melbourne and be to the satisfaction of the Responsible Authority.
- 7. Should the Minister for Planning approve an amendment to the Melbourne Planning Scheme to introduce a development contributions levy for dwelling applications within the Hoddle Grid (as requested by the City of Melbourne in its letter dated 18 August 2014) prior to the issue of this planning permit, then prior to the commencement of the development (excluding demolition), the owner / developer must pay to the City of Melbourne a development contributions levy of \$900 per dwelling, to the satisfaction of the City of Melbourne.

8. Prior to the commencement of the development (excluding demolition) a schedule and samples of all external materials, colours and finishes including a colour rendered and notated plan /elevation must be submitted to, and approved by the Responsible Authority.
9. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.
10. Prior to the commencement of the development, a reflectivity assessment of external glazing and any other visibly reflective material must be submitted and be to the satisfaction of the Responsible Authority.
11. The minimum clearance to the underside of any projection beyond the street alignment must be 2.7 metres from the existing footpath surface. The minimum setback from the adjacent face of the kerb must be 750 mm.
12. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.
13. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne’s underground stormwater drainage system.
14. The title boundaries for the property may not exactly agree with the road alignments of the abutting Council lane(s). The approved works must not result in structures that encroach onto any Council lane.
15. Prior to the commencement of the development (excluding any demolition or bulk excavation) a wind effects statement must be submitted to and be to the satisfaction of the Responsible Authority. The wind statement must demonstrate that a satisfactory criterion is achieved for pedestrians in a stationary position on the outdoor areas proposed on the podium levels. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.
16. Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the City of Melbourne – Construction Management Group . This construction management plan must be prepared in accordance with the City of Melbourne - 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.
17. Prior to the commencement of the development (excluding demolition), a car parking management plan generally in accordance with the report prepared by Traffix Group (dated 28 August 2014) must be submitted to and be to the satisfaction of the City of Melbourne – Engineering Services. Once

endorsed this plan will form part of the permit. Any change to the management plan requires the written consent of the City Of Melbourne – Engineering Services.

18. Prior to the commencement of the development (excluding demolition) a swept path analysis generally in accordance with that submitted with the report prepared by Traffix Group (dated 28 August 2014) but amended to show the correct width of ROW. The swept path diagram must also examine whether an MRV can conveniently turn to/from A'Beckett Street. The swept path diagram must be to the satisfaction of the City of Melbourne-Engineering Services.
19. The car parking and motor bike parking layout including access aisle widths, ramp gradients, headroom clearances, location of columns and car parking spaces throughout the car park must be generally in accordance with the Australian Standards or meet the Planning Scheme requirements to the satisfaction of the City of Melbourne- Engineering Services.
20. The bicycle spaces as shown on the endorsed plans must be in accordance with AS2890.3:1993 or meet the Planning Scheme requirements to the satisfaction of the City of Melbourne- Engineering Services.
21. The areas for the parking of vehicles must be clearly indicated on the floor and the boundaries of all car parking spaces and access lanes and the direction in which vehicles should proceed along the access lanes must be in conformity with the endorsed plans.
22. The area set aside for the parking of vehicles and access-ways as shown on the endorsed plans must be constructed, surfaced, sealed, drained, delineated and maintained at all times to the satisfaction of the City of Melbourne- Engineering Services and such works must be completed prior to the commencement of the use or development allowed by this permit.
23. The areas set aside for parking on the endorsed plans must not be operated as a public car parking facility and must be restricted to the parking of vehicles by owners and occupiers of, or visitors, to the building.
24. Prior to the occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
25. The footpath(s) and kerb and channel adjoining the site along William Street and Franklin Street must be reconstructed in sawn bluestone together with associated works including the reconstruction or relocation of all services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
26. Provision must be made for disabled access into the building in accordance with the Disability (Access to Premises-Buildings) Standards 2010, to the satisfaction of the Responsible Authority.
27. Existing street levels in William Street and Franklin Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services
28. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.

29. All street furniture such as street litter bins recycling bins, seats and bicycle rails must be supplied and installed on William Street and Franklin Street footpaths outside the proposed building to plans and specifications first approved by the Responsible Authority – Engineering Services.
30. Prior to the commencement of development, a Waste Management Plan (WMP) shall be prepared and submitted to the City of Melbourne - Engineering Services. The WMP shall generally be in accordance with the WMP prepared by Leigh Design dated 14 May 2014 but shall detail waste storage and collection arrangements and comply with the City of Melbourne Draft Guidelines for Preparing a Waste Management Plan 2014. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne - Engineering Services.
31. Except with the consent of the Responsible Authority, Elenberg Fraser must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of Responsible Authority.
32. No street tree adjacent to the site may be removed, lopped, pruned or root-pruned without the prior written consent of the Responsible Authority.
33. Prior to the commencement of the development including any demolition, bulk excavation, construction or carrying out of works (specify any or all of these), a Tree Protection Plan (according to AS 4970-2009, Section 5) must be prepared by a suitably qualified and experienced Arborist (See AS 4970-2009) and submitted to the City of Melbourne – Urban Landscapes. The Tree Protection Plan must include recommendations to ensure the viability of the Council or Exceptional trees adjacent to the site before, during and after construction to the satisfaction of the Responsible Authority. This report must be to the satisfaction of the Responsible Authority and when approved will form part of the permit.
34. Prior to the commencement of development (including any demolition, bulk excavation, construction or carrying out of works), a bond of a sum calculated by City of Melbourne’s Urban Landscapes for the protection of the existing street trees on the William Street and Franklin Street must be submitted to the City of Melbourne. The bond is equal to the combined tree amenity, tree ecosystem services and greening reinstatement value. The bond will be returned when the works are completed to the satisfaction of the City of Melbourne – Urban Landscapes.
35. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two years of the date of this permit.
 - b. The development is not completed within four years of the date of this permit.

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

Notes:

1. Council will not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development. As per Council’s policy, the developments in this area are not entitled to

resident parking permits. Therefore, the residents/staff/occupants of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions.

2. All car parking spaces and motorbike spaces within the proposed development must be allocated on any plan of subdivision submitted to the City Of Melbourne for certification.
3. The subject site is located within Area A pursuant to Amendment C209 to the Melbourne Planning Scheme – which will require an 8% public open space contribution when the land is subdivided.
4. All projections over the street alignment must conform to Building Regulations 2006, Part 5, Sections 505 to 514 as appropriate. Reference may be made to the City of Melbourne's Road Encroachment Guidelines with respect to projections impacting on street trees and clearances from face/back of kerb
5. Any requirement to temporarily relocate street lighting must be first approved by the City of Melbourne – Manager Engineering Services Branch.
6. Any requirement to temporarily relocate and/or remove street furniture must be first approved by the City of Melbourne – Manager Engineering Services Branch.
7. All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the responsible authority – Manager Engineering Services Branch.
8. The hotel rooms in this development have only been approved on the basis that these are for short stay accommodation. Any request to amend plans in a manner that would allow these to be used as 'dwellings' would require separate planning approval (under Clause 62.02-2) and would not necessarily be supported.

APPENDIX 1 REFERRAL COMMENTS

Urban Design Comments

DM#8734786

Date 12 September 2014
To Esha Rahman
From Rob Moore, Manager Urban Design & Docklands

Subject Hotel, Retail and Apartment Development, 382-412 William Street, Melbourne
File TPM 2013-28

Further to your referral 9 September 2014 we offer the following comments:

1. This proposal has been the subject of several pre-app discussions and design reviews with both CoM and DTPLI, Planning and Urban Design.
 2. It has been generally acknowledged during this process that this important corner site at a key entry point into the city from the lower QVM precinct could accommodate some increase in height above that envisaged in the DDO provided there was no additional overshadowing of Flagstaff Gardens at times as specified in MPS and also provided the architectural resolution of built form was of a high/exemplary standard.
 3. The proposed development seeks to retain and incorporate the façade of the former Dominion Can Company Building. We note that the applicant has worked with Heritage Consultant Peter Barrett to facilitate what appears from an urban design perspective to be a fair result. CoM should seek Heritage advice on this matter.
 4. The Urban Context report demonstrates how built form was generated on the site. Particular reference is made to page 55 of the report that shows a diagram as follows:
 - Lower 'podium' build form that reflects the 30m scale on Franklin Street
 - Lower 'podium' built form that reflects the height of the Radisson Building on William Street
 - A taller 18 storey stepped tower holding the corner of Franklin/William Street with this form stepped towards the park to avoid shadow impacts.
 - Tall built form up to 38 levels stepping up into the south-eastern portion of the site.
- It should be noted that the dotted lines shown by the applicant on this drawing on page 55 and marked 'Future QVM development' does not reflect a built form contemplated or considered in any way by CoM or Council. We would seek for the applicant to substitute this page in the context report removing reference to this item.
5. *Mix of uses and built form.* We refer to page 59 of the Urban Context Report that illustrates the proposed mix of uses on the site including:
 - Below ground/basement car parking
 - Retail
 - Hotel

- Residential facilities including podium rooftop amenities and landscaped roof
- Apartments

We support this mix of uses.

6. We support the design that incorporates active frontages to ground and lower podium levels.
7. A condition of permit should be included to require further detailed design to be undertaken regarding the proposed canopies over footpaths so as to allow for retention of existing street trees and space for new street trees.
8. We support the optimisation of roof terraces and balconies that result from the stepped built form necessitated by shadow controls.
9. We support the proposal for the two ends of the long internal corridors to be open to views and ventilation.
10. *Adjoining Interfaces*. Pages 90-97 illustrate the design techniques proposed to deal with complex interface and overlooking matters created by the close proximity of the taller tower to the podium of the nearby 218 A'Beckett Street development. We are satisfied that this matter has been reasonably addressed. However, our preference as expressed at pre-application stage would be for the tower to be set-back a minimum of 5 metres from all adjacent property boundaries. This condition has been met generally with the exception of the triangular point at which the podium for 218 A'Beckett Street meets the subject site.
11. *Shadow diagrams*. Pages 110-123. This indicates that the proposed built form complies with MPS C1 22.02. This matter should be checked by use of CoM's 3D model.
12. *Conclusion*. After a great deal of testing of design/built form options for this important site by the applicant and their consultant team, we offer general support for this proposal. However, this must be conditional on the delivery of this design. A lesser design, lacking in the finesse applied to this built form would be unacceptable. A condition of permit should be included that makes reference to this matter.

Rob Moore

Manager Urban Design & Docklands

9658 9434

robert.moore@melbourne.vic.gov.au

Heritage Advisor Comments

DM#8783501

Application number:	TPM-2013-28
Address:	386-412 William Street Melbourne
Heritage Advisor:	John Briggs
Planner:	Esha Rahman

Proposal

The proposal is for the internal demolition of the former factory and the construction of 18 and 38 storey mixed use towers retaining the existing double storey building as a façade wall with new infill behind. The smaller, corner, tower will be located with a set back of 500mm from the property boundary above a rebated floor at the level of the parapet top of the original façade. The curved rear tower at its ends approaches William and Franklin Streets to a distance of 500mm from the property frontage. It is proposed to lower the sills of the existing openings to provide shopfronts and to add canopies to the upper level of the original facade.

Background

The former factory has recently been recommended by Planning Panels Victoria for inclusion as an individual heritage overlay under Amendment C198 to the Melbourne Planning Scheme. A *Heritage Impact Statement* has been prepared by Mr Peter Barrett which concludes that the proposal will not adversely affect the heritage value of the former factory. Mr Barrett concludes that the former Dominion Can Company Building has a “modest” level of heritage value that is based upon it being representative of the interwar industrial development of this pocket of Melbourne rather than aesthetic significance.

The heritage impact statement does not provided discussion of the proposal against the issue of facadism or against accepted conservation standards as is expected by the Heritage Policy of the Melbourne Planning Scheme. The issue of the major built face of both towers being located over the facaded factory wall contrary to accepted conservation practice is left unaddressed.

The *Heritage Impact Statement* addresses the previous comment, which responded to the plans dated 26 May 2014, only in dismissing the minor issue of the retention of the existing corner sign box and in taking literally the reference to the example of Building no.9. That building was referenced as demonstration that additions to ‘moderne’ buildings that breached ‘accepted conservation standards’ could successfully be achieved.

The central issue unaddressed by the heritage impact statement is a reasoned objective analysis of how the new towers will visually relate to the retained and altered heritage façade, how this complies with, or breaches, accepted conservation standards, and where those standards are set aside, what mitigating conditions or particular design considerations exist that make the breach acceptable.

The previous comment that remain unaddressed are as follows:

- As the building is an extensive factory with a horizontal scale that extends beyond the normal view other than from more distant vantage points there are mitigating conditions in relation to the expectations of development over the principal parts of a heritage building.
- The buildings long frontage is composed of decorative patterned capping over the long plain horizontal band that curves around the corner and is broken at the third of the fifteen bays of the north elevation by the piers that flank either side of the pedestrian entry and rise up through the parapet in typical Art Deco style. The remainder of the facade has the ribbed piers terminating at the level of the head of the first floor windows with their vertically louvered sun shades. Thus the windows, spandrel panels between the ground and first floor openings sit within the stylised upper structure of the long horizontal parapet plane supported on the ribbed piers between.
- This over scaled stylised Art Deco composition with a novel corner elevated sign box over the Williams Street/Franklin Street corner may lend itself as a plinth to significant development above.
- What must be provided is a detailed account of how the new development is, in perceptual terms, expected to related to, and enhance, the appreciation of the existing factory building. The expectation of the policy that a management plan for the heritage building detail, its value, including analysis of what constitutes its valued heritage character and characteristics, and how the new will be perceived as responding to those characteristics. The typical response of differentiation, some separation and contrasting new elements cannot reasonably be seen as complementary to the host (or in keeping with that host) as is expected by the heritage policy.
- A number of approaches may eventually be justifiable, including the addition of levels directly over the exiting facade, if the relationship of new and old is seriously explored.
- A useful example of this kind of contemporary addition to a building of the period is Building no. 9 at RMIT. At this juncture, whilst the applicant team may provides schematic proposals as gestures for consideration these should, and in my view must, be provided with supporting analysis of how the proposals affect or impact upon the appreciation of the heritage character and appearance.

Assessment

Currently the project has not been justified in terms of its affect upon heritage significance other than by the assertion of individual opinions. The heritage policy of the City of Melbourne, with its foundation in the Burra Charter, requires readily understandable explanation of how “accepted conservation standards” apply to this site on a site specific basis, and require that where those standards are not respected – are breached- that readily understandable objectively justified explanation is provided to demonstrate that heritage objectives are achieved.

As was referenced in the earlier advice, this former factory, whilst offering some external detail and composition in its external presentation, is not a building that suggests an internal human scale or internal intimacy and rather the exterior suggest a large hollow interior in hospitable to human habitation and engagement. Given this building form the expressed loss of integrity of the roof and interiors need not present the perception of disregard for heritage integrity which it might be argued resides primarily in the street walls. Even with acceptance of the above general observations that the tower facades come to within a few hundred mm of the façade wall makes a clear statement that nothing but the façade is retained. Without provision of readily understandable analysis of the perceptual relationship between the tower faces and the façade wall a set back of a minimum of some 3 metres to provide some semblance of a structural grid should be required.

The proposed meeting of the new towers and the façade wall and the extent of alteration to those walls including the addition of canopies will have a significant impact upon the appearance and character of the heritage place and significant impact upon the appreciation of the heritage place as well as the context of adjacent heritage places. The assertion, irrespective of how expert, that there will be no impact is not an acceptable substitute for the reasoned analysis of what the impacts will be and justification of why they may be considered reasonable and acceptable in the specific context.

The basis of compliance with heritage controls on a site specific basis is readily understandable explanation rather than assertion of opinion. The proposed works as presenting the heritage place reduced to a façade is explicitly a contravention of the heritage policy of the City of Melbourne. For such a substantial propose and without explanation of the specific extenuating circumstances that make such an approach justified the perception of respect for integrity of heritage in the City of Melbourne is compromised beyond the explicit compromise of the perceived integrity of this particular site.

In my subjective view I believe that in general form a proposal of the nature propose can be accommodated without major adverse impact on the heritage values of the site. It is also my view that there is not yet demonstration that the minimal setbacks of the tower faces from the heritage frontage is an acceptable heritage outcome.

RECOMMENDATION

On the basis of the material currently available it is recommended that the elements above the original façade should be set back 3 metres behind the property frontage.

John Briggs

9 October 2014

Engineering Comments

DM#8789531

I refer to your memorandum dated 9 September 2014 regarding the amended information that has been submitted in relation to the above planning application. In preparing these comments Engineering Services has reviewed the following:

- Plans A000, A100, A101, A200 - A203 (all Revision B), A502 -A504 (all Revision -), and A600 - A602 (all Revision B) prepared by Elenberg Fraser, variously dated;
- Landscape Design Report prepared by Urbis dated 29 August 2014;
- Traffic Engineering Assessment Report prepared by Traffix Group dated 28 August 2014;
- Waste Management Plan prepared by Leigh Design dated 28 August 2014; and
- Comments from our Service Provider, O'Brien Traffic.

THE SITE. BACKGROUND AND THE CURRENT PROPOSAL

The subject site, which is zoned Capital City Zone 1, is located on the south-eastern corner of the intersection of William Street and Franklin Street, Melbourne. The site is covered by a parking overlay (P01) that applies maximum car parking rates for dwellings unless a permit is issued allowing the rate to be increased.

The site is irregular in shape with frontages of 60 metres to William Street and 68 metres to Franklin Street, covering a total area of approximately 3,916 m². The site is currently occupied by a double storey building containing a commercial car park (approximately 40 spaces) and other commercial uses.

The original planning application for the site (submitted October 2013), proposed approximately 2,200m² of various retail tenancies and a total of 609 dwellings (276 x 1-bedroom, 316 x 2-bedroom and 17 x 3-bedroom) and 210 hotel rooms. Vehicle parking was to be provided across five basement levels comprising:

- Three levels of commercially-operated public car parking (279 car spaces, including 7 small car spaces, 3 disabled spaces, share car space(s), plus 26 motorcycle spaces), accessed via Franklin Street; and
- Two levels of resident car parking (223 car spaces, including 20 small car spaces, plus 13 motorcycle spaces), accessed via William Street.

We understand that the proposal has been amended as a result of concerns and discussion held between DTPLI and Council's Urban Design, Heritage and Planning Departments.

The amended proposal includes 470 dwellings (247 x 1-bedroom, 207 x 2-bedroom and 16x3- bedroom) and 210 hotel rooms. A two level basement car park with 145 parking spaces is to be provided, accessed via a double width crossover to Franklin Street. The spaces are to be allocated primarily to residents, with approximately 20 spaces provided for the hotel.

There are also to be 32 motorcycle parking spaces (22 in basement level 2 and 10 in basement level 1), and 574 bicycle spaces provided (502 secure resident and staff spaces and 72 visitor and hotel spaces) as well as six bicycle hoops along the William Street and Franklin Street frontages of the site.

CAR PARKING PROVISION. ACCESS AND LAYOUT

In relation to the residential component of the site, under Clause 45.09 of the Planning Scheme a maximum of 1 car parking space per dwelling should be provided. As approximately 125 car parking spaces are proposed for 470 dwellings (i.e. a rate of 0.27 spaces per apartment) this requirement of the Planning Scheme is met. The provision of 20 spaces for the hotel is also acceptable.

Motorcycle parking is required under Schedule 1 of Clause 45.09 to be provided at a minimum rate of 1 motorcycle space for every 100 car parking spaces. The proposed provision of 32 motorcycle spaces clearly exceeds this requirement and is acceptable.

Overall the car parking layout now proposed is an improvement on the earlier plans.

However, notwithstanding the comments provided in the Traffix Group traffic report, it is considered that there remain some (relatively minor) issues in relation to the proposed layout of the car park, including the following:

- It is noted that the location of the Franklin Street access point may result in exiting motorists illegally turning right out of the subject site (contravening the one-way flow in Franklin Street), and cutting across to the eastbound lanes in Franklin Street via the car park aisle to the east of the access point. Motorists undertaking this move risk being struck by westbound vehicles in Franklin Street travelling around the bend as sight distance is not good. Left-turn-only signage and linemarking should be included at this exit point to minimise the number of drivers making this illegal and inappropriate movement.
- The proposed access arrangements will impact on existing conditions in Franklin Street. A functional layout plan showing proposed changes to infrastructure, signs and linemarking will need to be submitted.
- Any proposed changes to bus stop(s) and shelters will have to be referred to and ultimately approved by Public Transport Victoria, noting that a bus interchange was recently established in Franklin Street and William Street, adjacent to the site.
- In accordance with Clause 52.06, a 2.5 m x 2.0 m corner splay is required on the departure side of the vehicular ramp, providing at least 50% visibility. This sight triangle should be clearly shown and dimensioned on the plans.
- The plans do not show a control point at the Franklin Street access. Given the location of the site, it will be necessary to secure the resident parking area to ensure access is only provided to residents and hotel guests and to maintain security. The applicant should be asked to advise what type of control is proposed (e.g. boom gate, roller door etc).
- Some spaces at the end of blind aisles at basement 2 level have not been provided with adequate aisle extensions, making egress difficult as shown in the swept path diagrams provided in the Traffix Group report. The required 1 metre aisle extension should be provided.
- Spaces next to walls should be widened to 2.9 metres rather than the 2.7 metres shown.

It is recommended that when the plans are updated all car spaces should be individually numbered for ease of future discussions.

BICYCLE PARKING

The proposed provision of 574 bicycle spaces exceeds the requirements of the Planning Scheme and is considered appropriate, given that many of the apartments will not be provided with car parking and will have to rely on other travel modes. The

provision of 72 residential visitor and hotel spaces, while only marginally in excess of the Planning Scheme requirement for 70 spaces, is most likely to exceed demand in practice. Engineering Services would have no objection to reducing the number of spaces allocated to residential visitors and the hotel or allocating some of these spaces to residents.

The current layout is an improvement on the earlier proposal in relation to bicycle parking.

A bike ramp is provided (at a grade of 1 in 8) for bicycle riders to move between the basement 1 level bicycle parking area and the ground floor, which is acceptable, however the plans do not show clearly how access to the ramp is to be provided at the ground floor level.

The dimensions of all the bicycle spaces and access aisles seem appropriate but should be indicated on the plans.

LOADING

A loading and waste collection area is proposed at ground level, including compactors, with access provided to A'Beckett Street via a right of way and adjoining easement (according to the Traffix Group report).

Swept path diagrams have been prepared by Traffix Group to show that an 9.2 metre long MRV can access the loading area. However, it appears the width of the ROW on the base plan is larger than what exists in reality between title boundaries. The swept path analysis should be performed again using the correct ROW width. Diagrams should also be prepared to examine whether an MRV can conveniently turn to/from A'Beckett Street.

Inadequate details are provided on the plans to allow Engineering Services to assess this aspect of the proposal and you should therefore verify the above details to ensure that loading and waste collection vehicles can access the site as proposed.

It is not clear if the loading area will be accessible to residents moving in and out of the development or for deliveries to residents. Given the number of dwellings proposed, moving and delivery activities will be frequent, and it would be preferable if this could occur on-site, in which case adequate connection between the loading area and the resident lifts should be provided. The applicant should be advised that no changes to existing on-street parking restrictions will be made to accommodate the moving and delivery requirements of residents of the development.

WASTE STORAGE AND COLLECTION

A Waste Management Plan (WMP) has been prepared by Leigh Design, dated 28 August 2014. The WMP has been reviewed against the Guidelines for Preparing a Waste Management Plan 2014 (2014 Guidelines).

The waste generation estimates need amendment. The rates for residential waste are correct. The rates for Retail (cafe) Grnd, Hotel Cafe/Rest L2 and Hotel Conference L2 either have not been calculated using the rates in the 2014 Guidelines or the rate used is not clear and needs to be specified as a note below the table.

Static compactors for both garbage and comingled recycling have been proposed in the WMP. This is in line with the 2014 Guidelines requirement. Once the waste generation estimates are confirmed, the ratio of residential to commercial waste will be determined. This will in turn determine the ratio of City of Melbourne collections to commercial collections. The latter will be paid for by the operator. The wording on page 3 and 5 of the WMP needs to be revised to reflect this arrangement.

The timing of compactor collection cannot be guaranteed by the City of Melbourne. The wording on page 5 and 7 of the WMP should be amended to reflect this.

The collection frequency per week for each compactor will be determined once the waste generation estimates are finalised. The wording on page 5 of the WMP should be amended to reflect this.

Two residential bin stores are provided at Ground Level and one at Basement Level 1. The double doors from residential bin store on Basement Level 1 should be moved to line up with the lift access.

There is also a hotel waste storage area at Basement Level f and a Retail Waste area at Ground Level. Scaled drawings showing the bins in each residential and commercial bin store or storage area with the waste streams labelled must be provided. Both residential waste tray systems should be screened for safety. This needs to be shown in the drawings. The Retail Waste area at Ground Level should be marked and it is recommended that this is located along the western wall of the loading bay to improve access to the back of house area.

The WMP notes that site staff will collect the waste from all commercial areas throughout the building and transfer this to the compactors/bins using appropriate trolleys/lifts. This is adequate.

The WMP and plant appear to have provided 4.5m clearance for the collection of the compactors.

Evidence from compactor manufacturer that this is adequate is required.

The architectural drawings provided show the access of residents on each floor to the chutes.

However, scaled drawings must also be provided to show:

- location of and access to storage spaces for hard waste and charity goods for residents.
- location of and access to the bin lifting mechanism into the compactors.
- bin washing facilities.

The WMP notes that the compactors will be washed off-site at regular intervals (page 8). This should be amended to specify that this will be undertaken at the cost of the operator.

Recommended Waste Condition:

Prior to the commencement of development, a Waste Management Plan (WMP) shall be prepared and submitted to the City of Melbourne - Engineering Services. The WMP should detail waste storage and collection arrangements and comply with the City of Melbourne Guidelines for Preparing a Waste Management Plan 2014. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne - Engineering Services.

TRAFFIC GENERATION AND IMPACT

Traffix Group have sourced SCATS traffic volume data from VicRoads for the William Street / Franklin Street signalised intersection. However, this intersection contains one right turn lane and one shared left and right-turn lane and so it is not possible to determine the split between left-turn and right-turn vehicles using the SCATS data. It is not clear on what basis Traffix Group has determined the split between these movements.

It is noted that the *average* PM peak hour volumes have been adopted over five weekdays whereas the *peak* volume should be assessed.

Notwithstanding the above concerns, Engineering Services accepts that the proposed development will not significantly change existing operating conditions at the nearby intersections or on the road network in the vicinity.

OTHER ISSUES

A corner splay should ideally be provided at ground level at the intersection of William Street and Franklin Street. This would improve pedestrian safety and amenity, and provide greater storage room for pedestrians waiting to cross at the traffic signals.

CONCLUSION

Engineering Services has raised a number of issues and considers that these should be resolved prior to any permit being issued.

CoM Reference Doc#8773618

SR2745891