

Report to the Future Melbourne (Planning) Committee

Agenda item 6.2

**Planning Permit Application: TP-2019-342
10-16 McKillop Street, Melbourne**

15 October 2019

Presenter: Ashley Treloar, Acting Practice Leader Land Use and Development

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a planning permit application seeking approval for the development of 10-16 McKillop Street, Melbourne (refer Attachment 2 – Locality Plan). The application proposes partial demolition of the existing building and alterations and additions, including a three storey extension (refer Attachment 3 – Selected Plans).
2. The applicant is Findella Pty Ltd c/- Planning Property Partners Pty Ltd, the owner is Findella Pty Ltd and the architect is Architecton.
3. The land is located within the Capital City Zone Schedule 1 and is affected by Design and Development Overlay Schedule 1 Area 2 (Active Street Frontages – Retail Core) and Schedule 2 Area 2 (Special Character Areas), and Parking Overlay Schedule 1 (Capital City Zone – Outside the Retail Core).
4. The application includes new shopfronts and alterations to the fenestration on the side elevations. The building will be used for restaurant and office, which are as of right uses in the Capital City Zone Schedule 1.
5. While the application is exempt from third party notice requirements and review rights, 29 objections have been received. All objections have been considered in the assessment of this application.

Key issues

6. The key issues relate to built form having regard to the design objectives and built form controls of the Design and Development Overlay Schedules 1 and 2, potential amenity impacts, equitable development, waste storage and collection, and environmentally sustainable design.
7. The extension is visually recessive and displays high quality architecture and design. It will sit comfortably in the streetscape and will not unreasonably dominate or overshadow McKillop Street. The alterations and additions to the existing building support its adaptive reuse and provide an attractive, pedestrian oriented ground floor frontage.

Recommendation from management

8. That the Future Melbourne Committee resolves to issue a Planning Permit subject to conditions outlined in the delegate report (Attachment 4).

Attachments:

1. Supporting Attachment (Page 2 of 50)
2. Locality Plan (Page 3 of 50)
3. Plans (Page 4 of 50)
4. Delegate Report (Page 25 of 50)

Supporting Attachment

Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (Act) sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme. Section 61 of the Act sets out that the Council may decide to grant a permit, grant a permit subject to conditions or refuse to grant a permit on any ground it thinks fit.
2. Pursuant to Schedule 1 to Clause 37.04 (Capital City Zone) and Schedules 1 and 2 to Clause 43.02 (Design and Development Overlay), an application to construct a building or construct or carry out works, demolish or remove a building or works 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.

Finance

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

Conflict of interest

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

Health and Safety

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

Stakeholder consultation

6. While the application is exempt from the notice requirements and review rights under the Act, 29 objections have been received. The objections have been considered in the assessment as set out in the delegate report (refer to Attachment 4) and the objectors will be notified in writing of the Council's decision.

Relation to Council policy

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

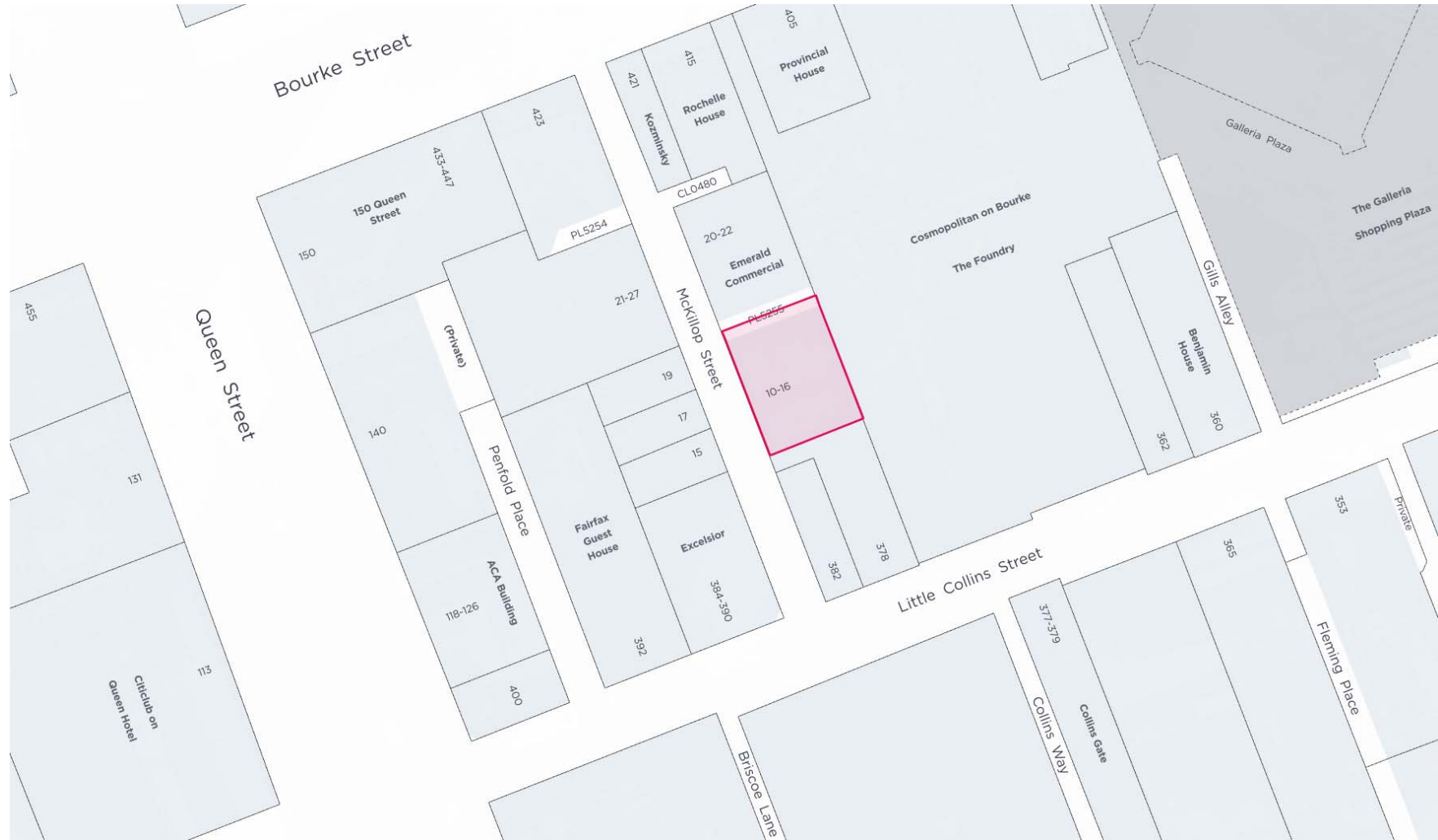
Environmental sustainability

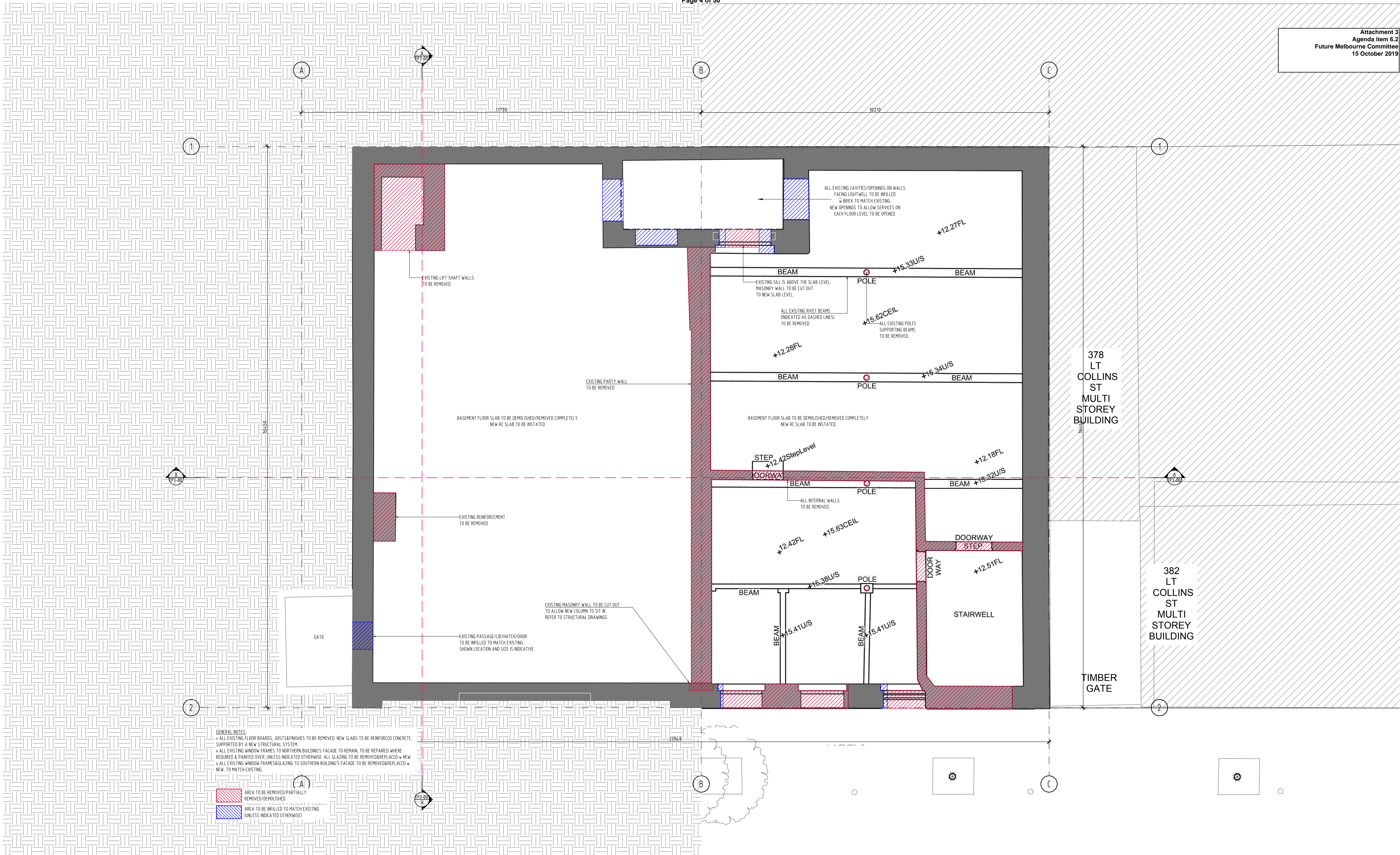
8. The Environmentally Sustainable Design (ESD) Report submitted with the application demonstrates that the development will achieve the ESD performance requirements of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management).
9. Permit conditions requiring implementation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

Locality Plan

Attachment 2
Agenda item 6.2
Future Melbourne Committee
15 October 2019

10-16 McKillop Street, Melbourne





GENERAL NOTES:
 * ALL EXISTING FLOOR BOARDS, JOISTS & FINISHES TO BE REMOVED. NEW SLABS TO BE REINFORCED CONCRETE, SUPPORTED BY A NEW STRUCTURAL SYSTEM.
 * ALL EXISTING WINDOW FRAMES TO NORTHERN BUILDING'S FACADE TO REMAIN, TO BE REPAIRED WHERE REQUIRED & PAINTED OVER, UNLESS INDICATED OTHERWISE. ALL GLAZING TO BE REMOVED & REPLACED w/ NEW.
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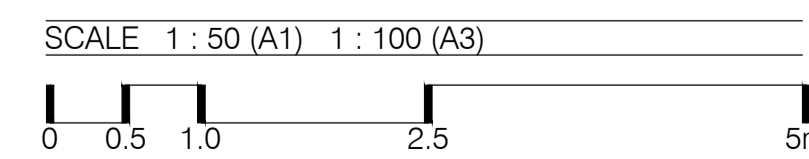
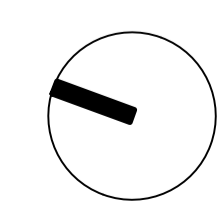
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Revision

Date	Issue	AA No.	Description
01.01.18	A	01	Issued for Review
01.05.19	D	01	Issued for Information
10.05.19	E	01	Issued for Planning Approval
10.05.19	E	01	Issued for Planning Approval
22.07.19	F	01	Amended as per RFI received on 07.06.19



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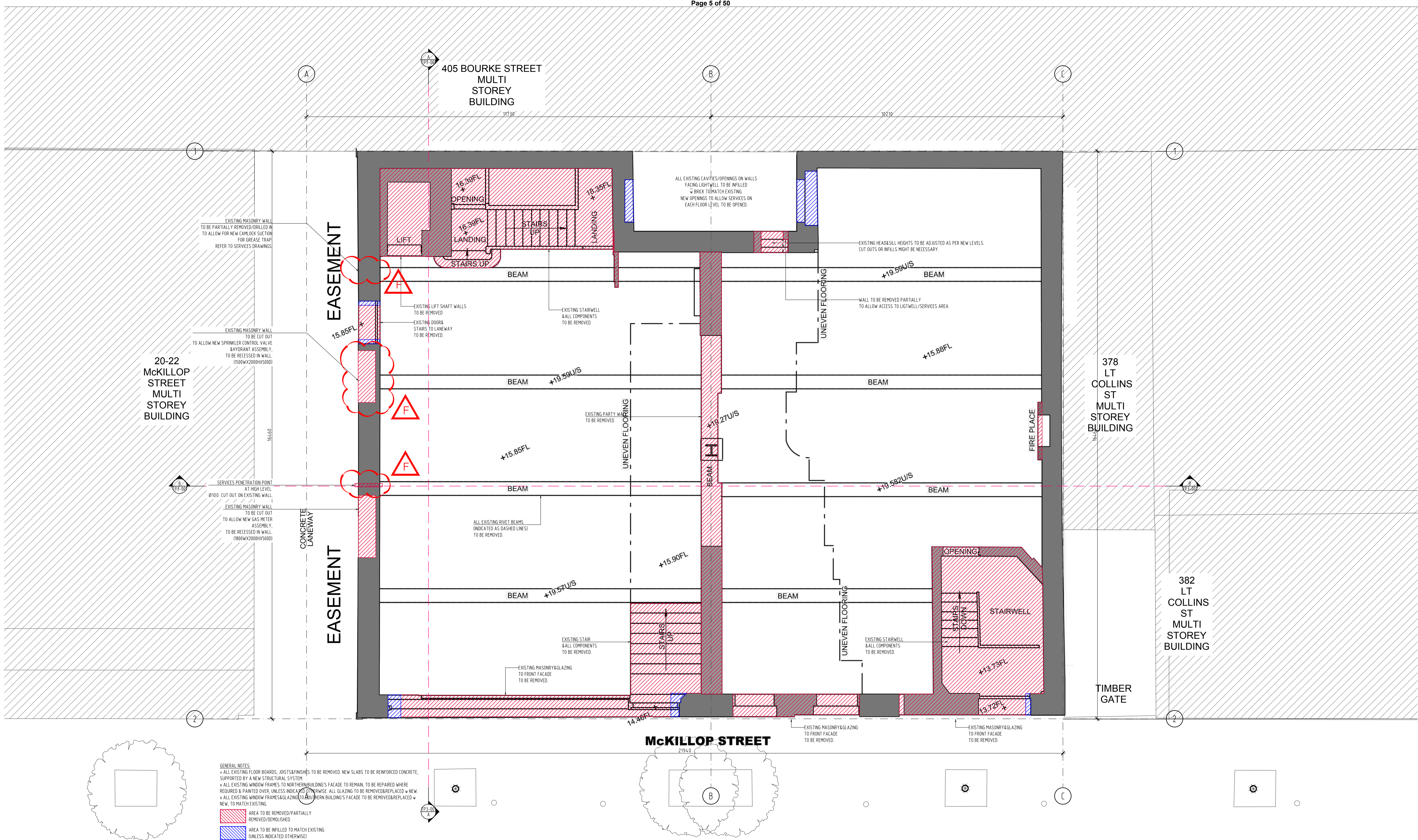
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TP0-001

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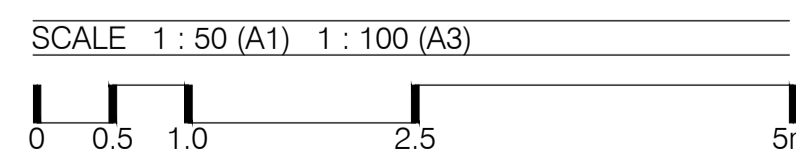
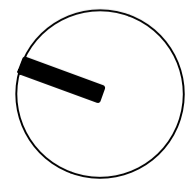
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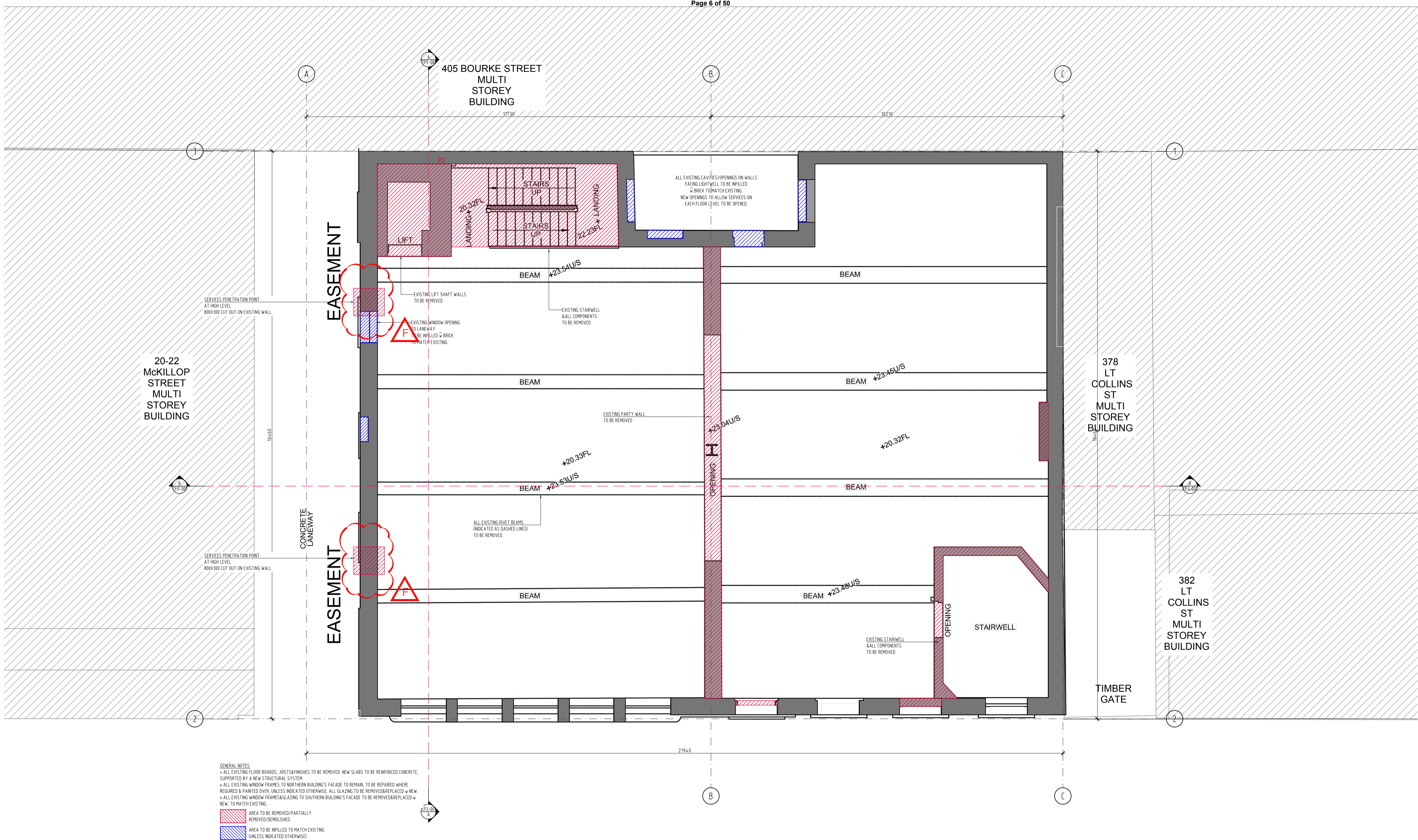
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Ground Floor Plan-DEMOLITION

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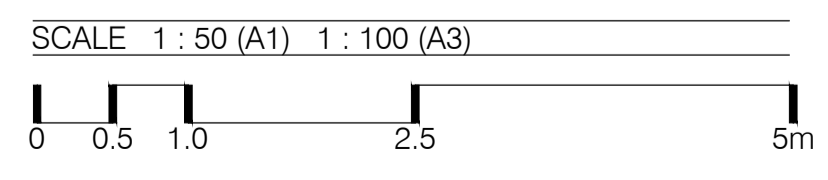
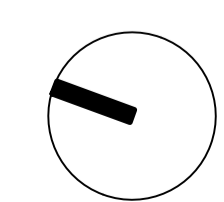
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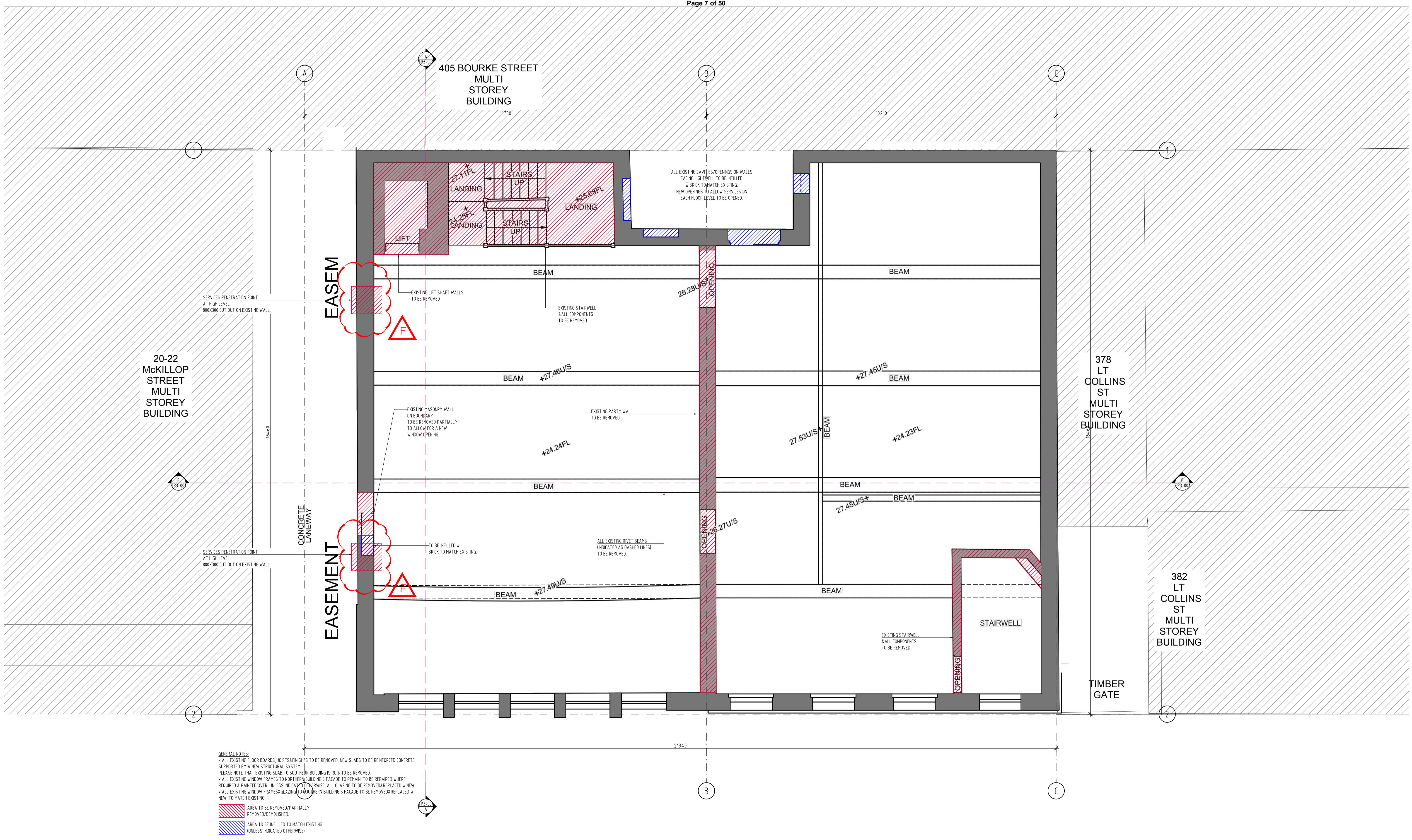
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1st Floor Plan-DEMOLITION

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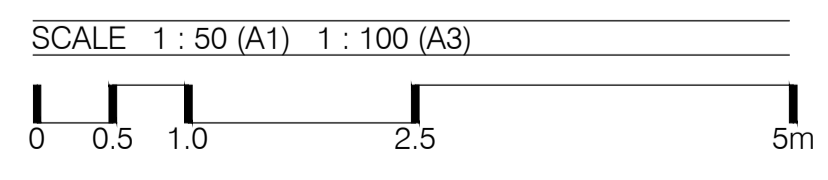
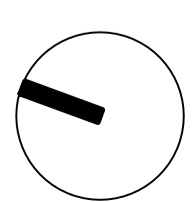
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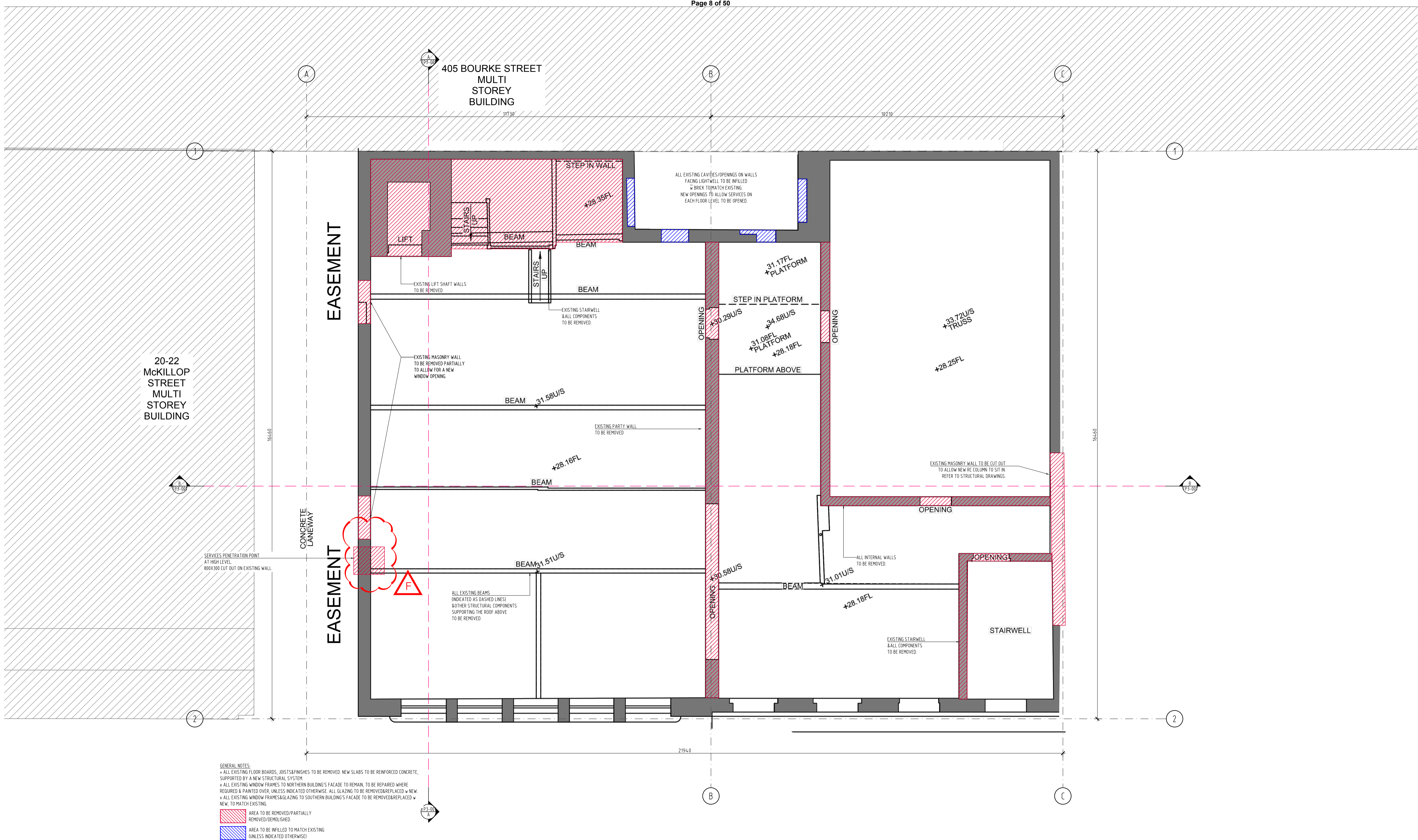
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2nd Floor Plan-DEMOLITION

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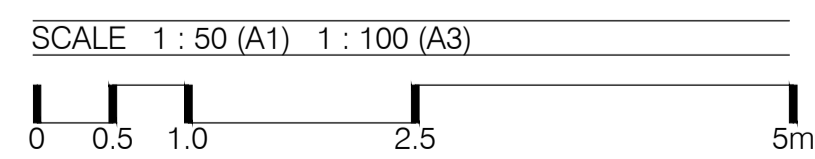
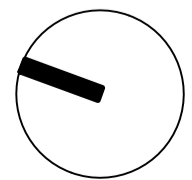
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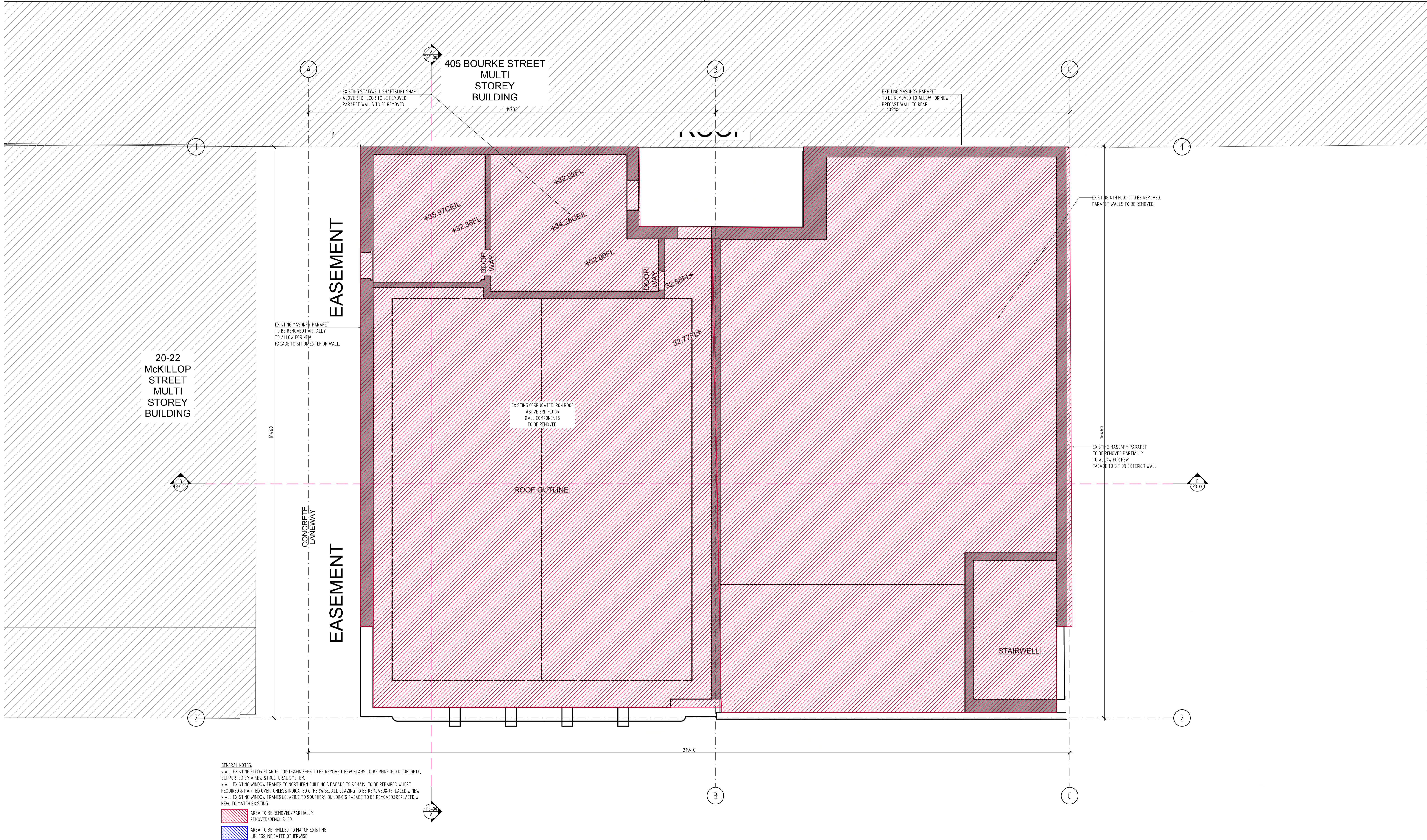
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3rd Floor Plan-DEMOLITION

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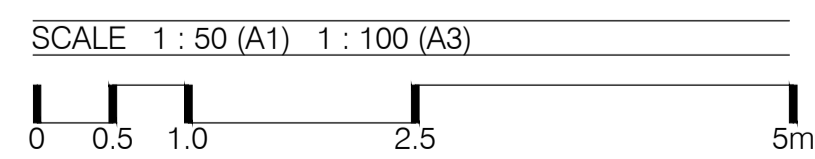
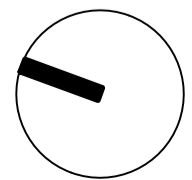
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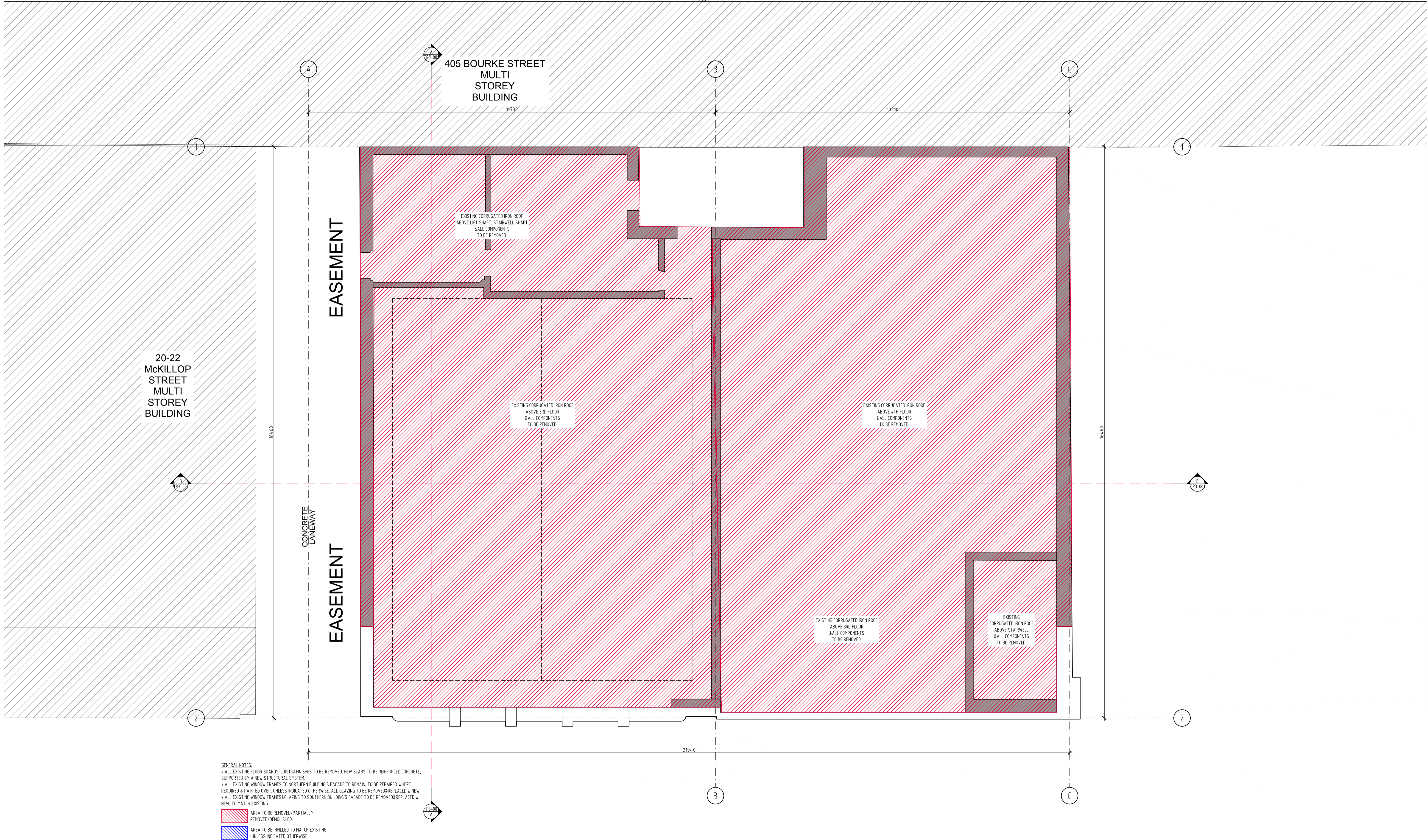
4th Floor Plan-DEMOLITION

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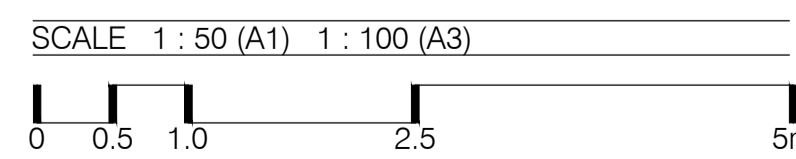
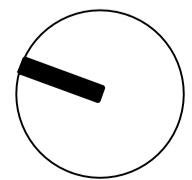
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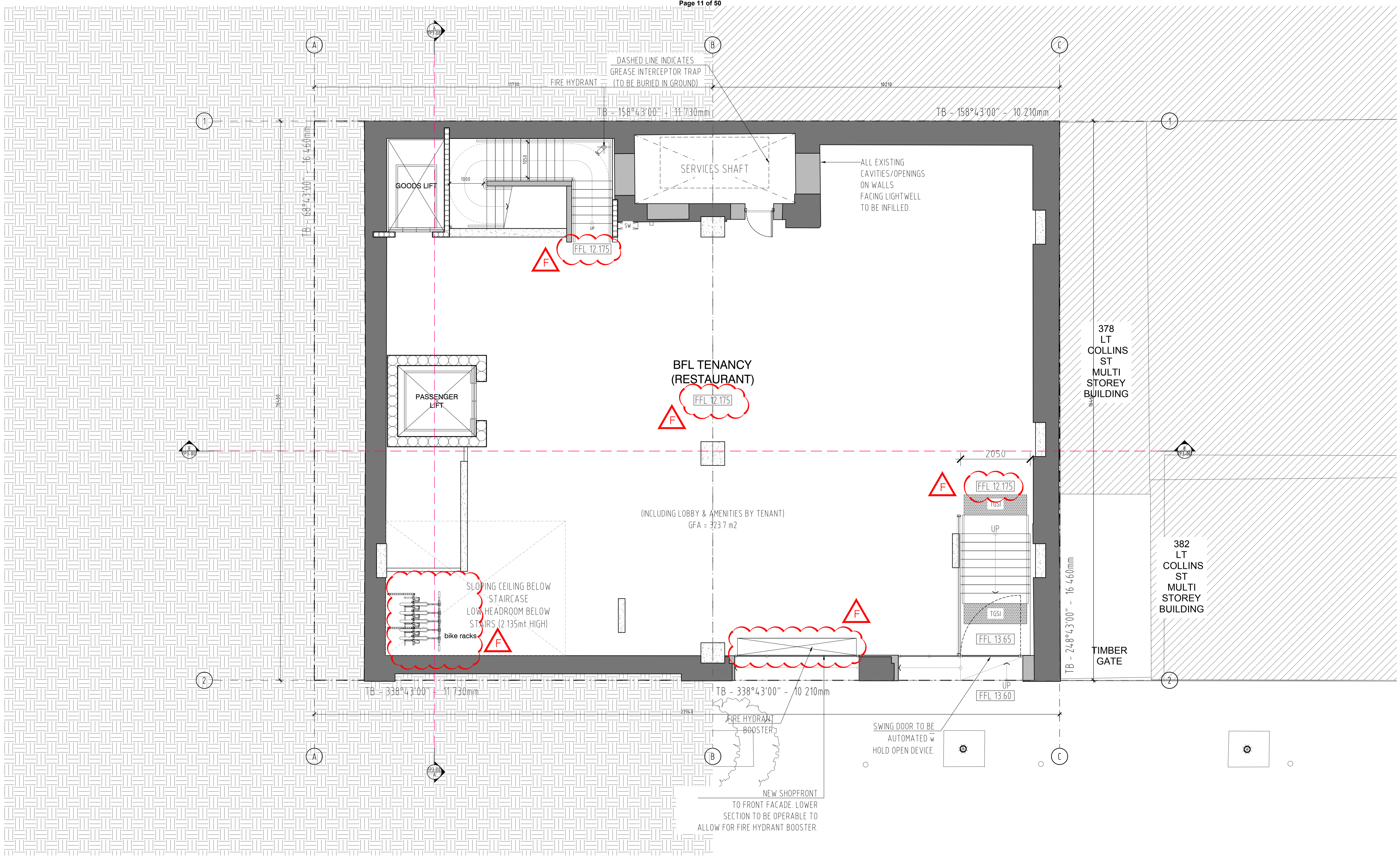
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Roof Plan-DEMOLITION

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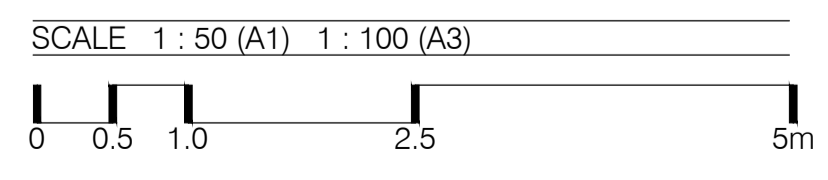
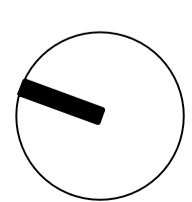
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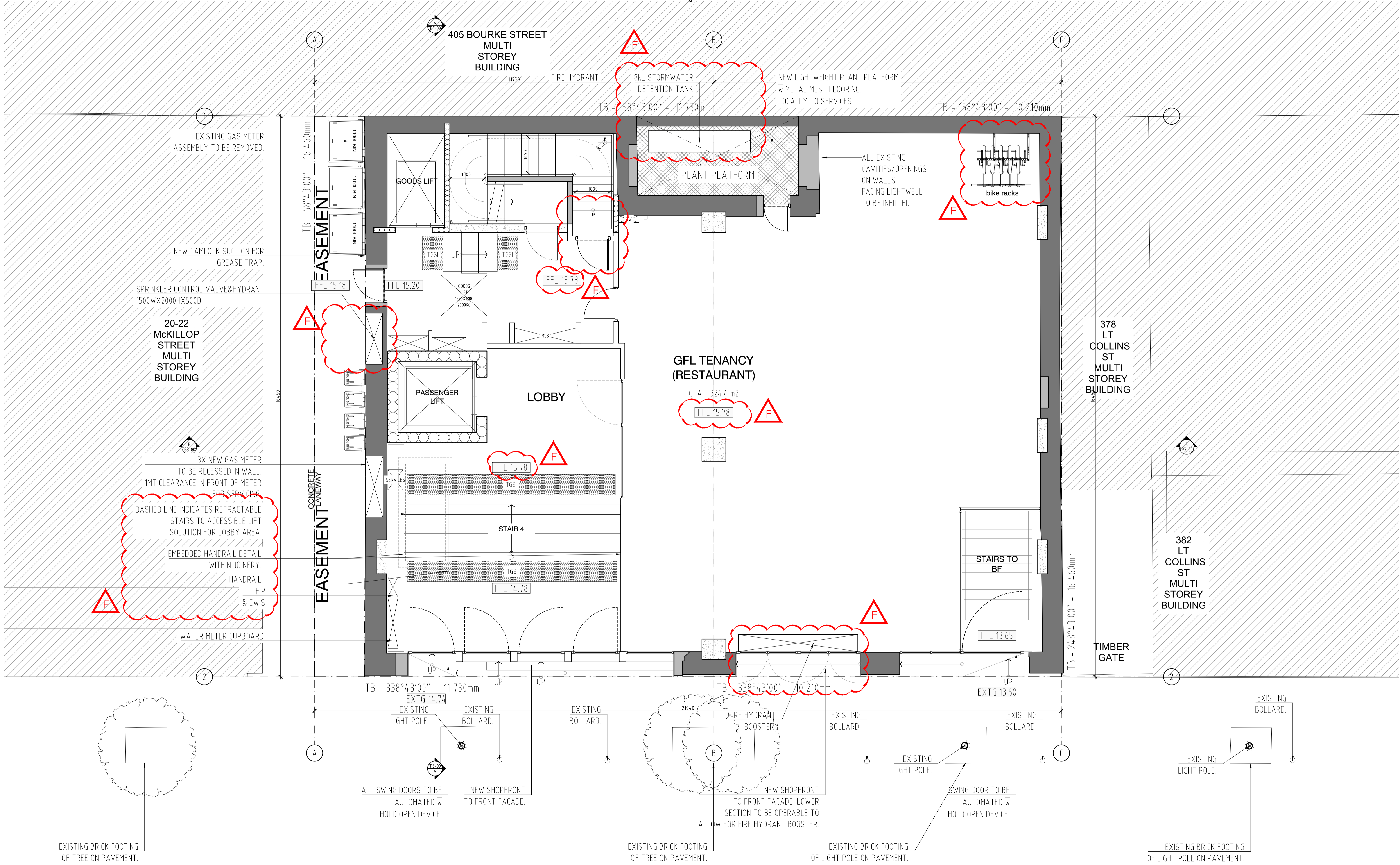
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Basement Plan-PROPOSED

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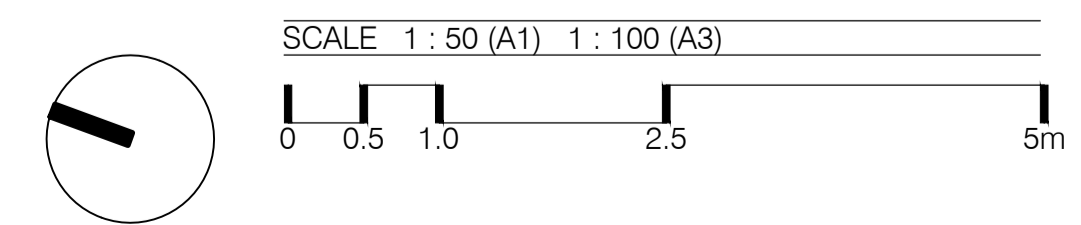


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28.02.19	C	01	Preliminary
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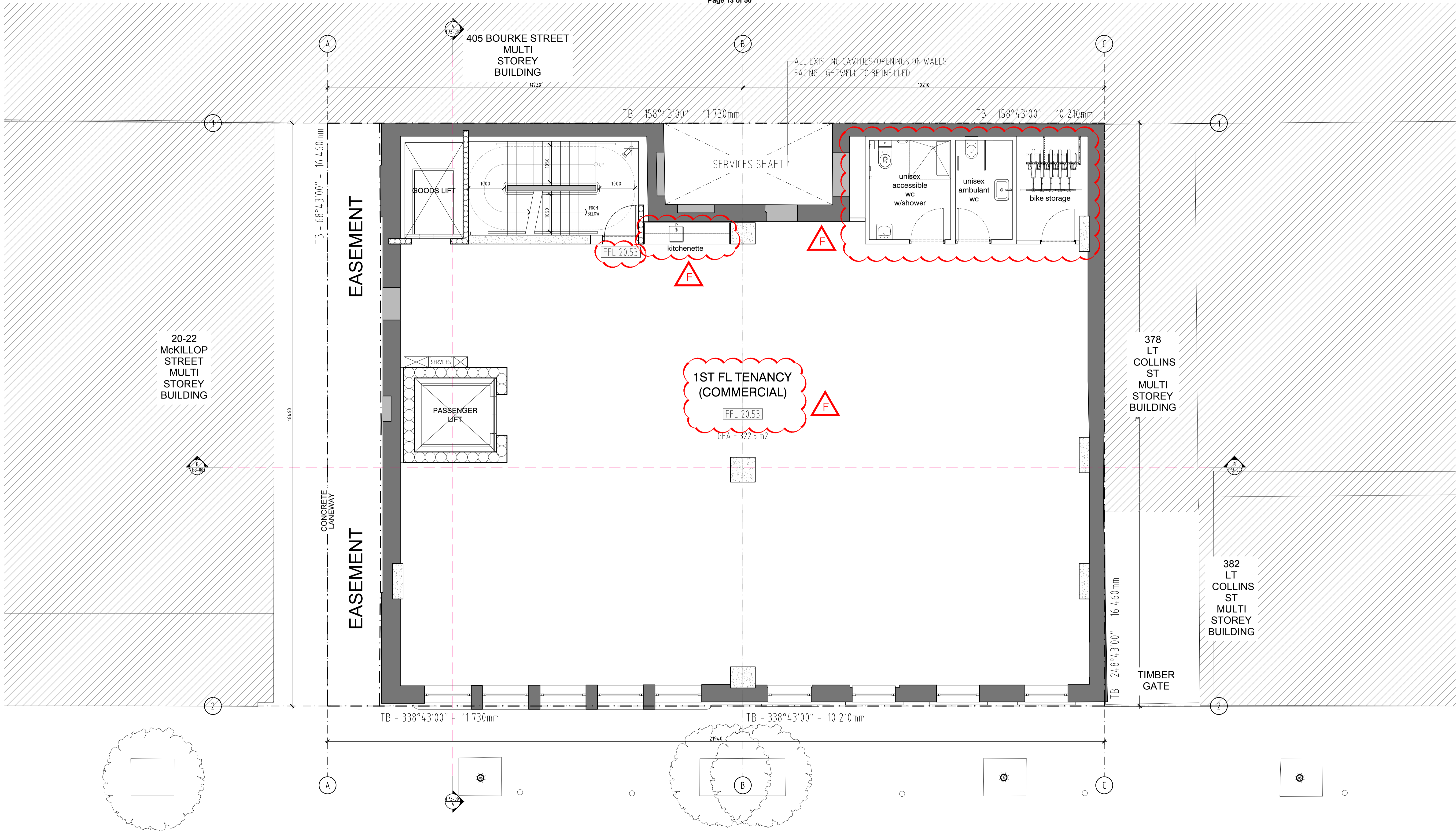
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Ground Floor Plan-PROPOSED

Job No. 1810412	Scale: 1:50@A1 1:100@A3	Dwg No. TP1-002	Rev. F
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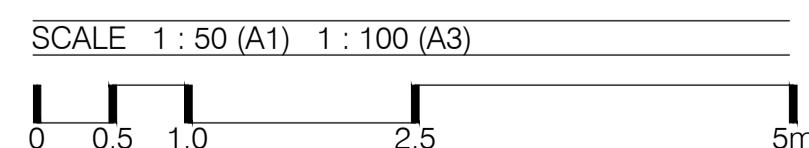
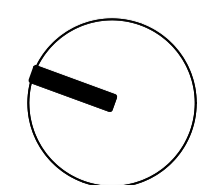


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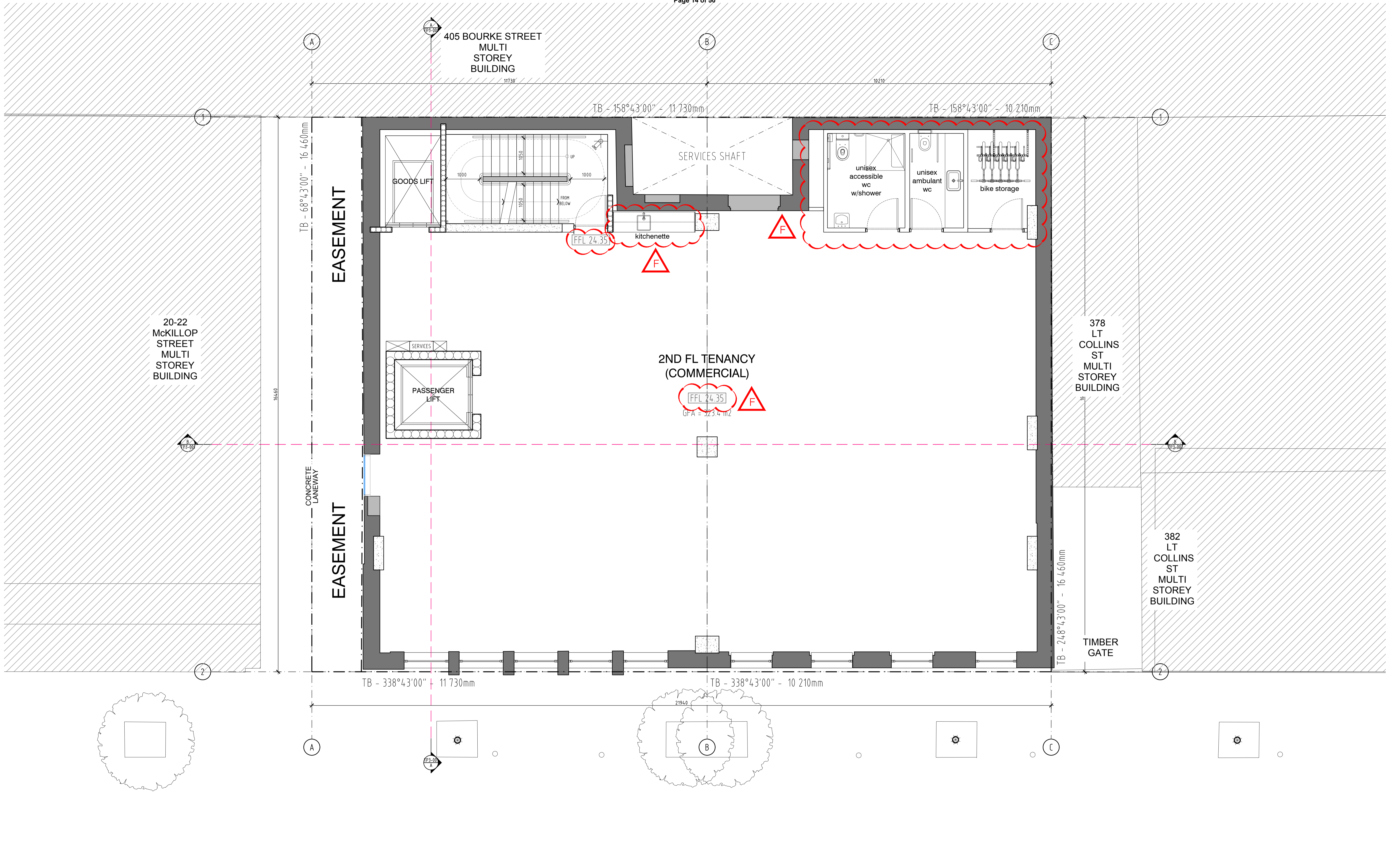
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1st Floor Plan-PROPOSED

Job No. 1810412	Scale: 1:50@A1 1:100@A3	Dwg No. TP1-003	Rev. F
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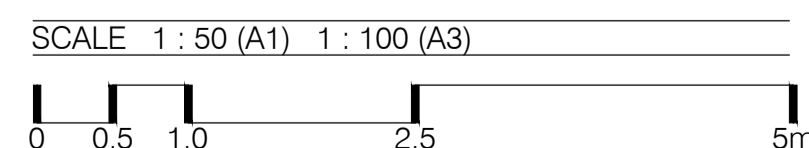
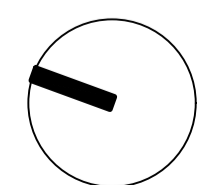
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22.07.19	F	01	Amended as per RFI received on 07.06.19



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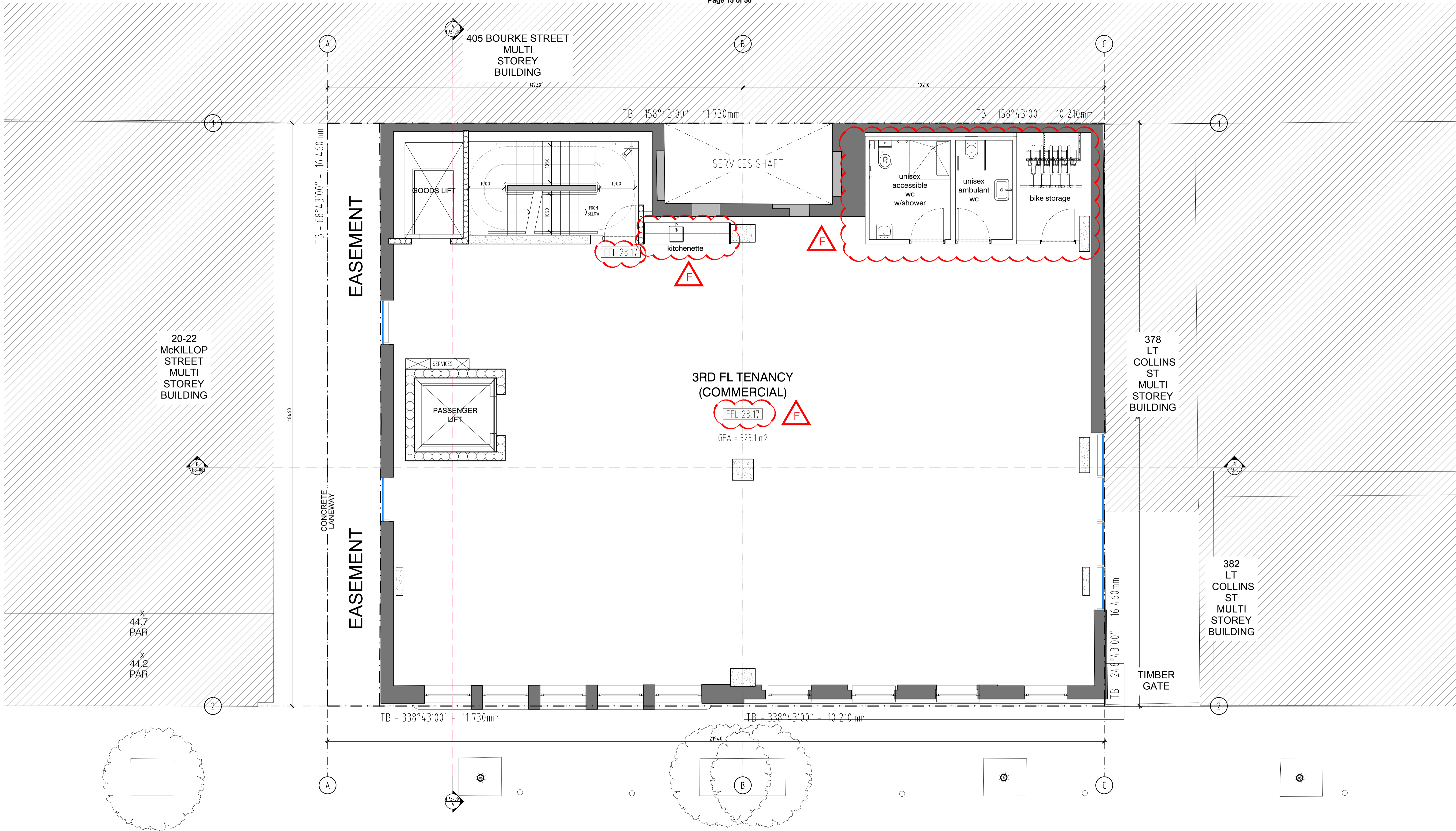
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2nd Floor Plan-PROPOSED

Job No. 1810412	Scale: 1:50@A1 1:100@A3	Dwg No. TP1-004	Rev. F
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Notes

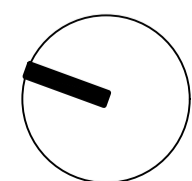
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SCALE 1:50 (A1) 1:100 (A3)



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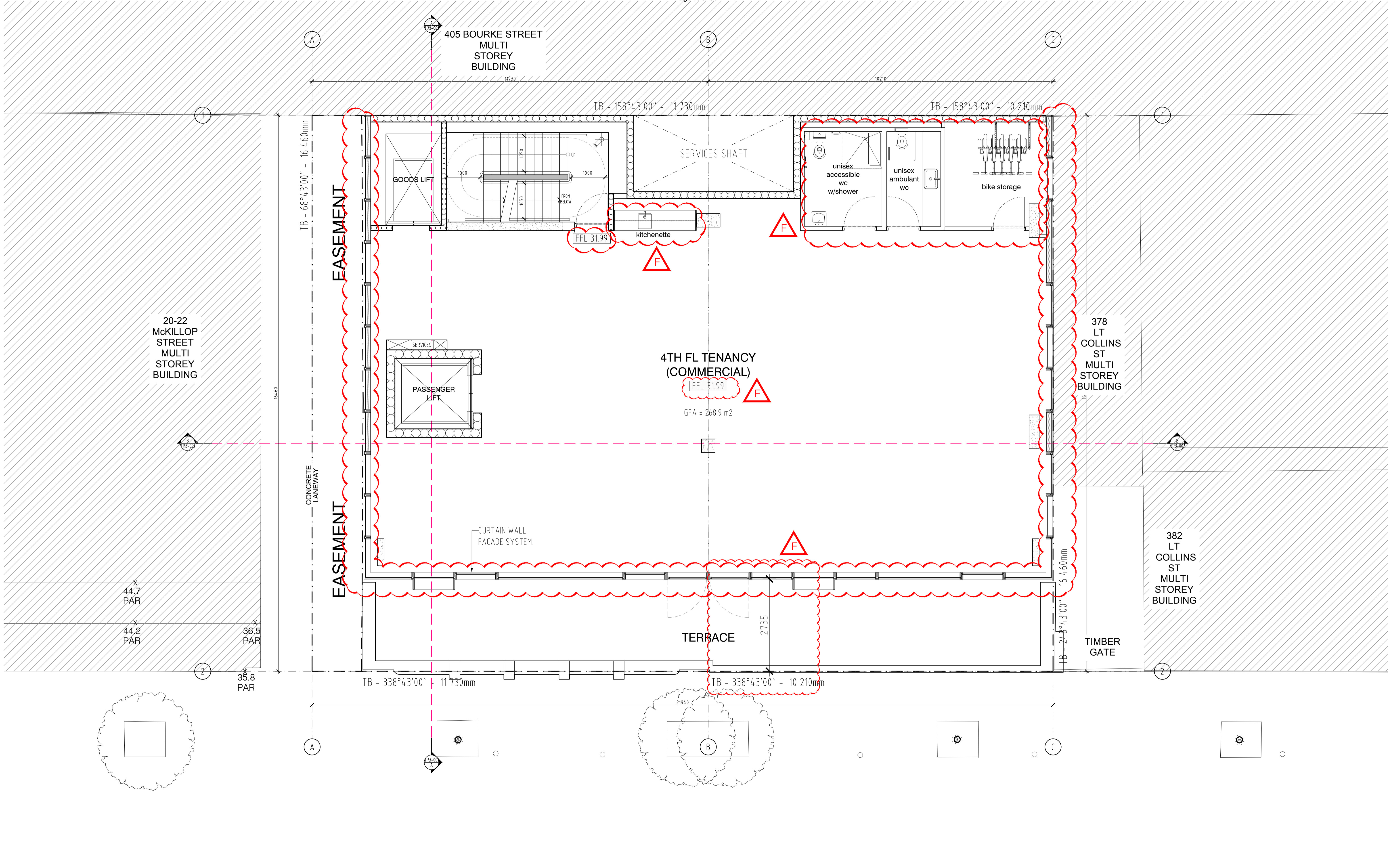
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Job No.
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Scale:
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1:100@A3

Dwg No.
TP1-005

Rev.
F

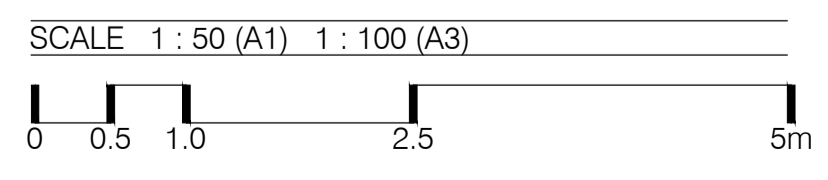
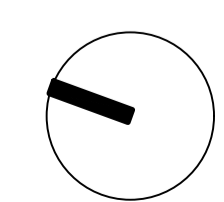


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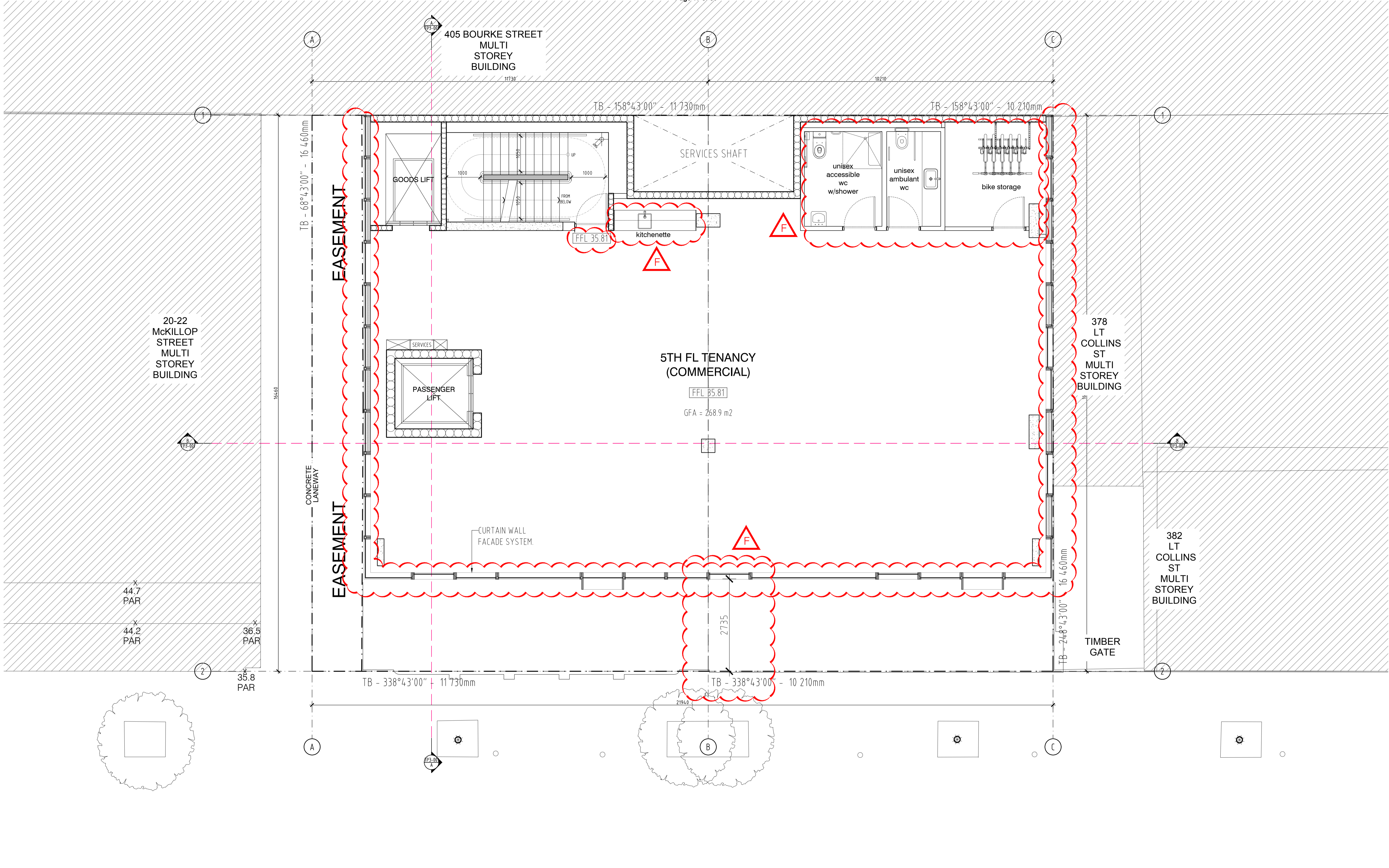
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4th Floor Plan-PROPOSED

Job No. 1810412	Scale: 1:50@A1 1:100@A3	Dwg No. TP1-006	Rev. F
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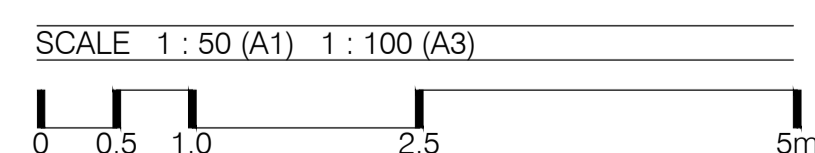
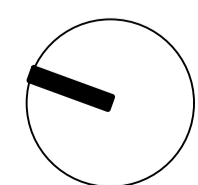
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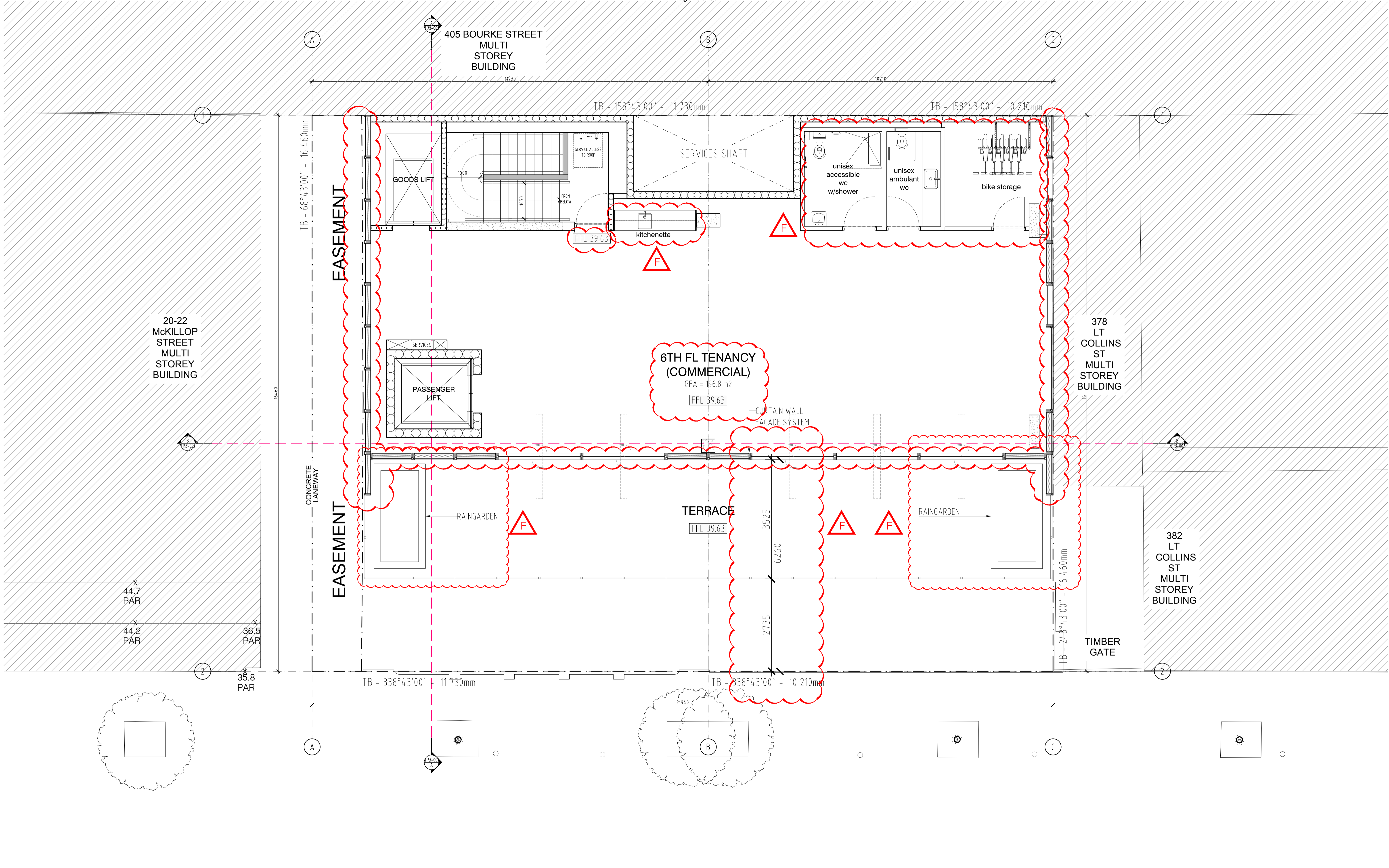
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5th Floor Plan-PROPOSED

Job No. 1810412	Scale: 1:50@A1 1:100@A3	Dwg No. TP1-007	Rev. F
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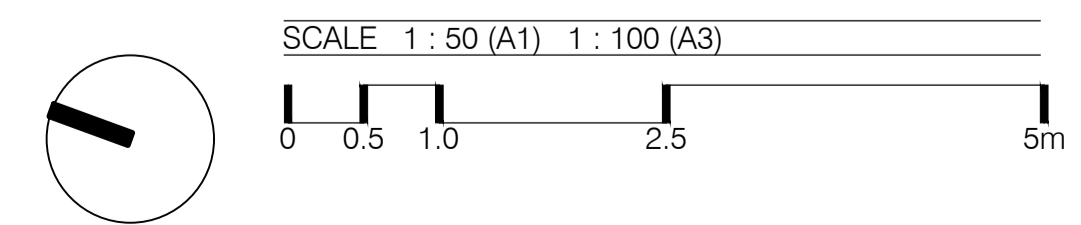


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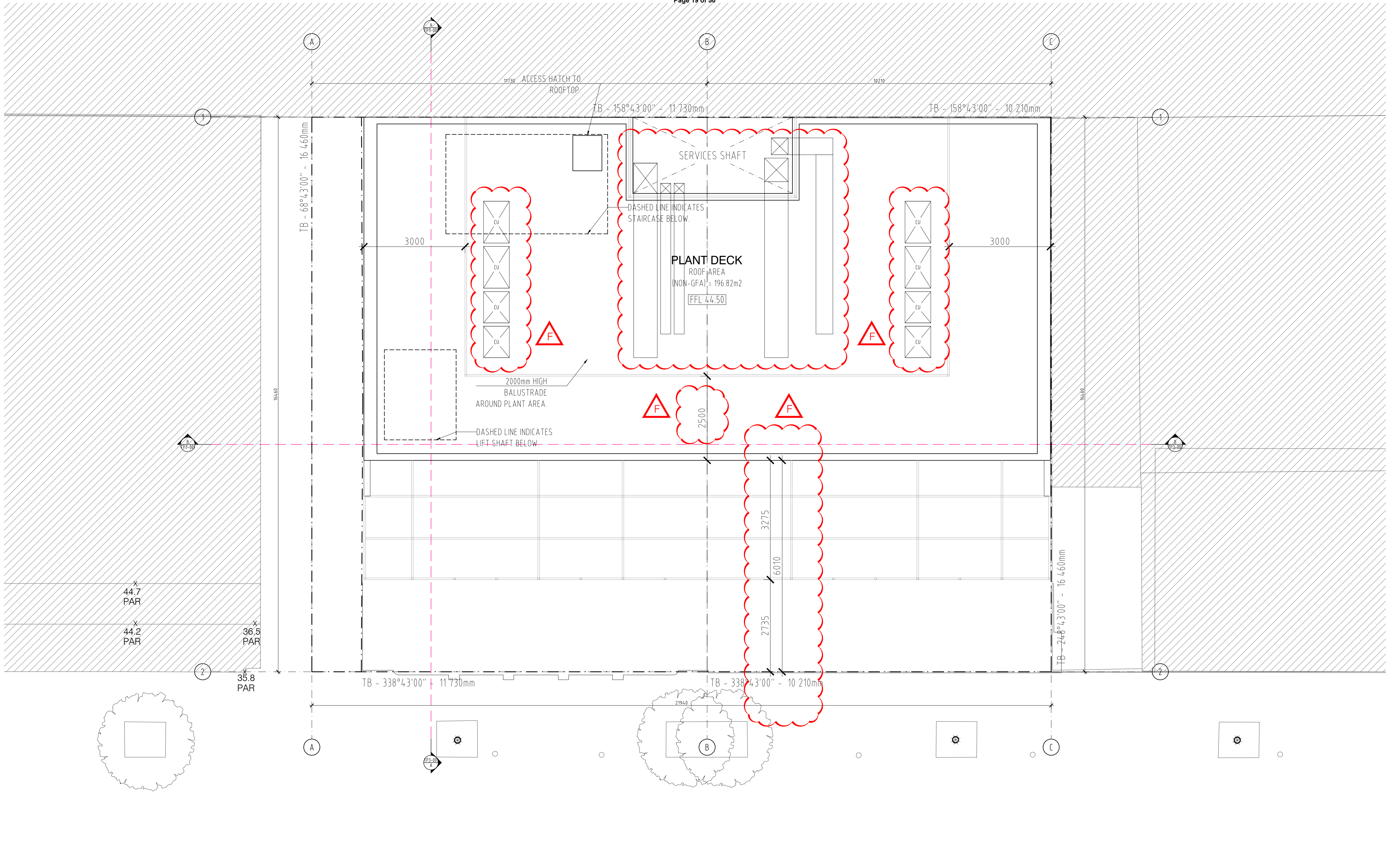
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6th Floor Plan-PROPOSED

Job No. 1810412	Scale: 1:50@A1 1:100@A3	Dwg No. TP1-008	Rev. F
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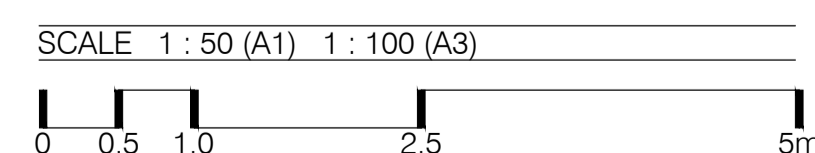
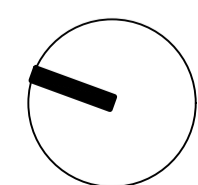
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Roof Plan-PROPOSED

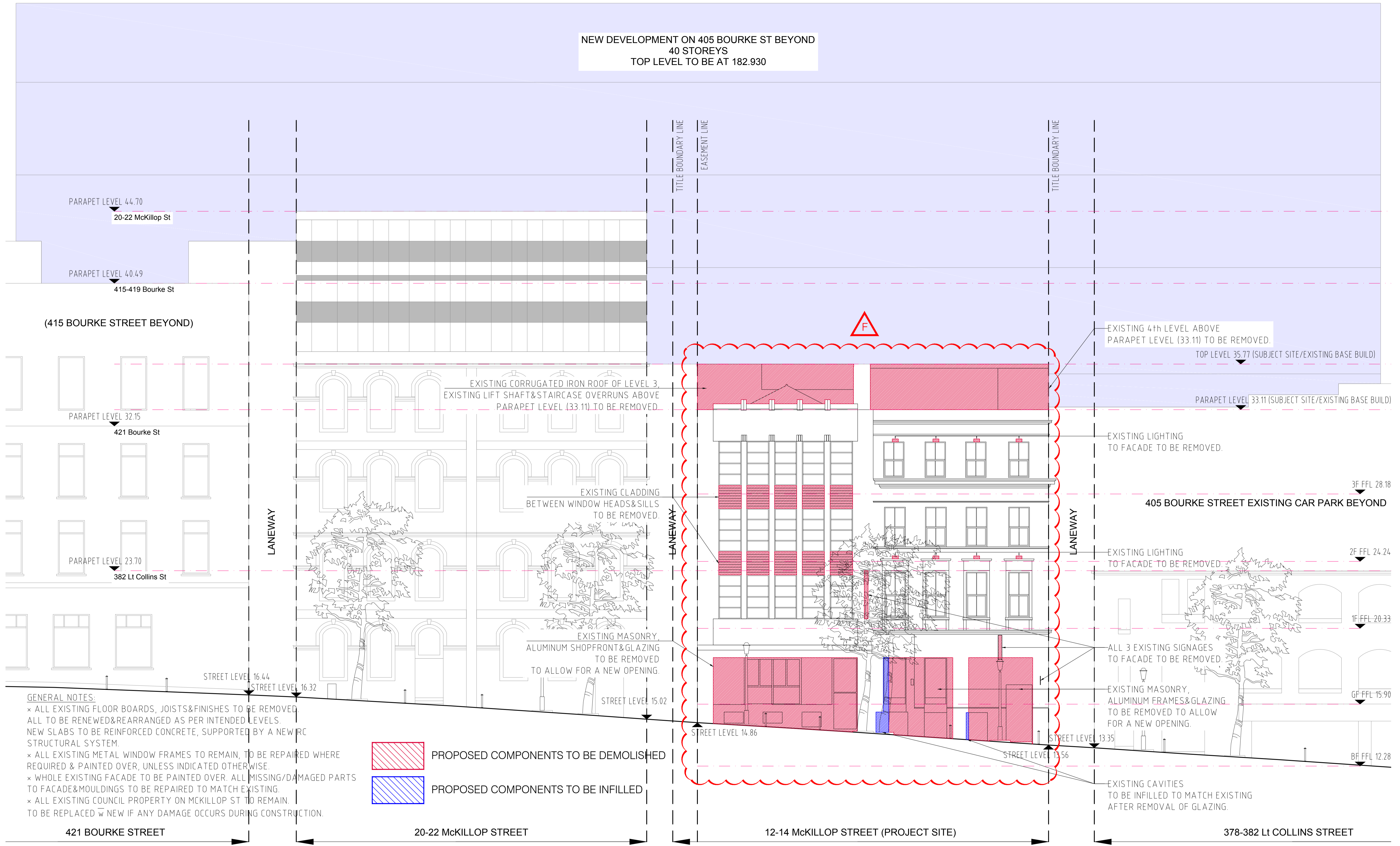
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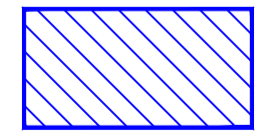
Dwg No.
TP1-009

Rev.
F

**NEW DEVELOPMENT ON 405 BOURKE ST BEYOND
40 STOREYS
TOP LEVEL TO BE AT 182.930**



GENERAL NOTES:
 × ALL EXISTING FLOOR BOARDS, JOISTS & FINISHES TO BE REMOVED. ALL TO BE RENEWED & REARRANGED AS PER INTENDED LEVELS. NEW SLABS TO BE REINFORCED CONCRETE, SUPPORTED BY A NEW RC STRUCTURAL SYSTEM.
 × ALL EXISTING METAL WINDOW FRAMES TO REMAIN, TO BE REPAIRED WHERE REQUIRED & PAINTED OVER, UNLESS INDICATED OTHERWISE.
 × WHOLE EXISTING FACADE TO BE PAINTED OVER. ALL MISSING/DAMAGED PARTS TO FACADE & MOULDINGS TO BE REPAIRED TO MATCH EXISTING.
 × ALL EXISTING COUNCIL PROPERTY ON MCKILLOP ST TO REMAIN. TO BE REPLACED WITH NEW IF ANY DAMAGE OCCURS DURING CONSTRUCTION.

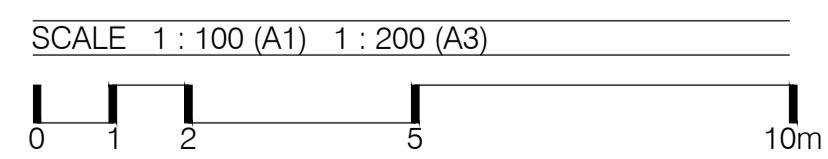
 PROPOSED COMPONENTS TO BE DEMOLISHED
 PROPOSED COMPONENTS TO BE INFILLED

Notes

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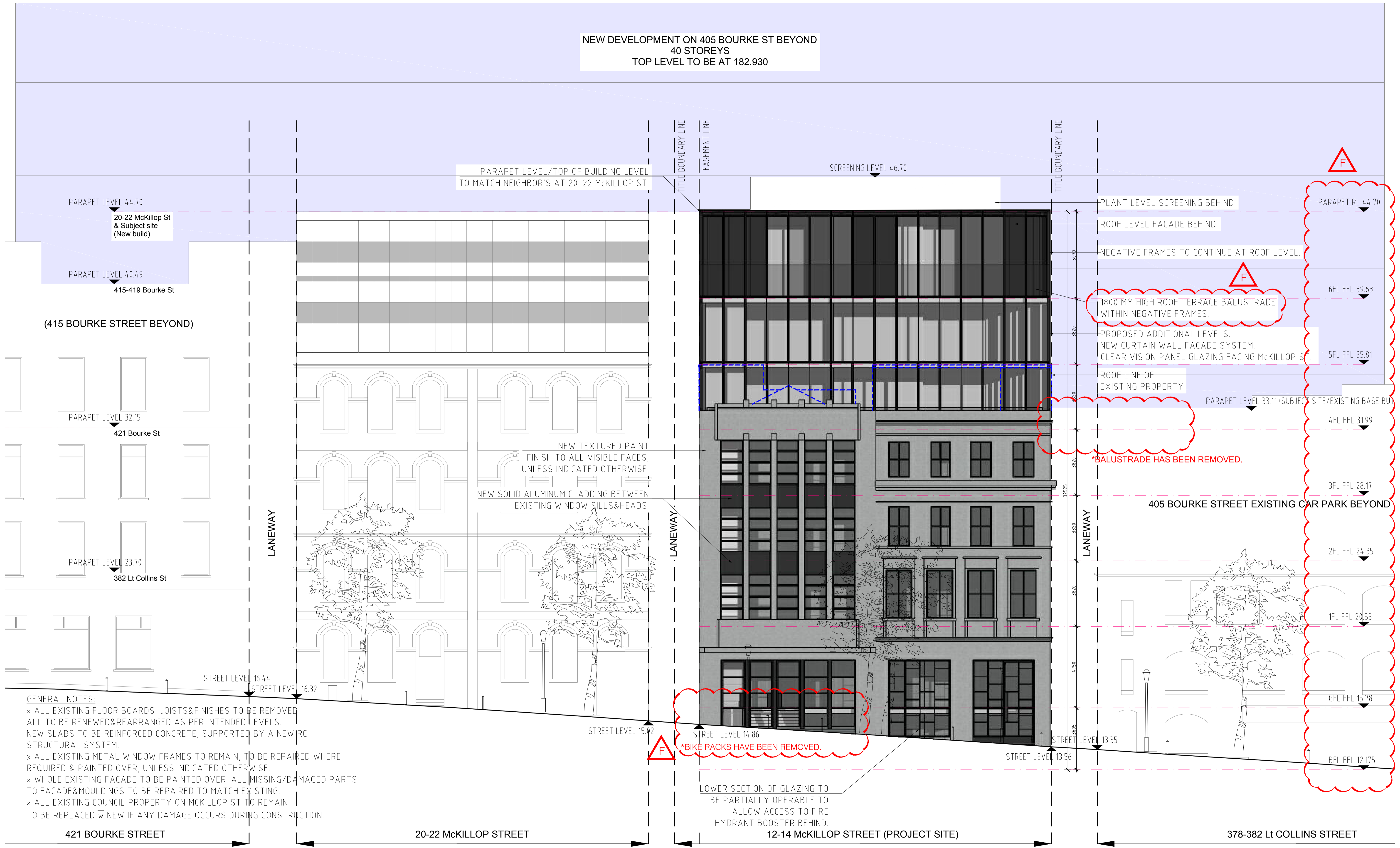
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Front Elevation (West)-DEMOLITION

Job No. 1810412	Scale: 1:100@A1 1:200@A3	Dwg No. TP2-001	Rev. F
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NEW DEVELOPMENT ON 405 BOURKE ST BEYOND
40 STOREYS
TOP LEVEL TO BE AT 182.930



- GENERAL NOTES:**
- × ALL EXISTING FLOOR BOARDS, JOISTS & FINISHES TO BE REMOVED. ALL TO BE RENEWED & REARRANGED AS PER INTENDED LEVELS. NEW SLABS TO BE REINFORCED CONCRETE, SUPPORTED BY A NEW RC STRUCTURAL SYSTEM.
 - × ALL EXISTING METAL WINDOW FRAMES TO REMAIN, TO BE REPAIRED WHERE REQUIRED & PAINTED OVER, UNLESS INDICATED OTHERWISE.
 - × WHOLE EXISTING FACADE TO BE PAINTED OVER. ALL MISSING/DAMAGED PARTS TO FACADE & MOULDINGS TO BE REPAIRED TO MATCH EXISTING.
 - × ALL EXISTING COUNCIL PROPERTY ON MCKILLOP ST TO REMAIN. TO BE REPLACED WITH NEW IF ANY DAMAGE OCCURS DURING CONSTRUCTION.

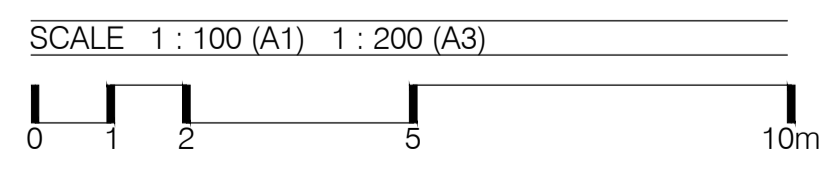
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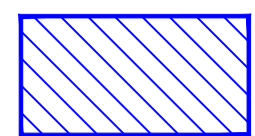
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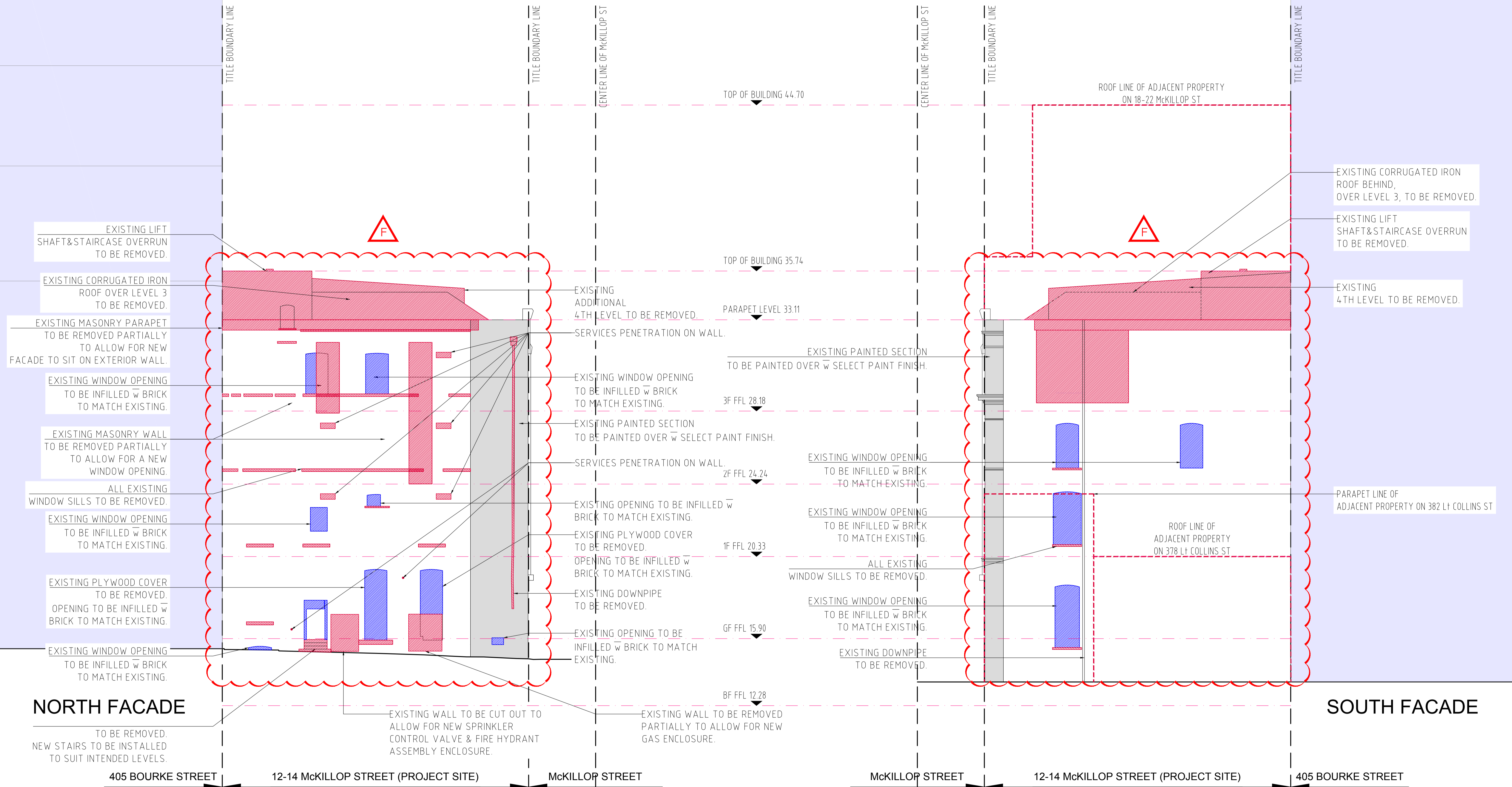
Front Elevation (West)-PROPOSED

Job No. 1810412	Scale: 1:100@A1 1:200@A3	Dwg No. TP2-002	Rev. F
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 PROPOSED COMPONENTS TO BE DEMOLISHED
 PROPOSED COMPONENTS TO BE INFILLED

NEW DEVELOPMENT
ON 405 BOURKE ST BEYOND
40 STOREYS
TOP LEVEL TO BE AT 182.930

NEW DEVELOPMENT
ON 405 BOURKE ST BEYOND
40 STOREYS
TOP LEVEL TO BE AT 182.930



NORTH FACADE

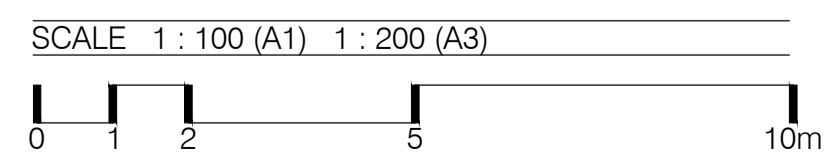
SOUTH FACADE

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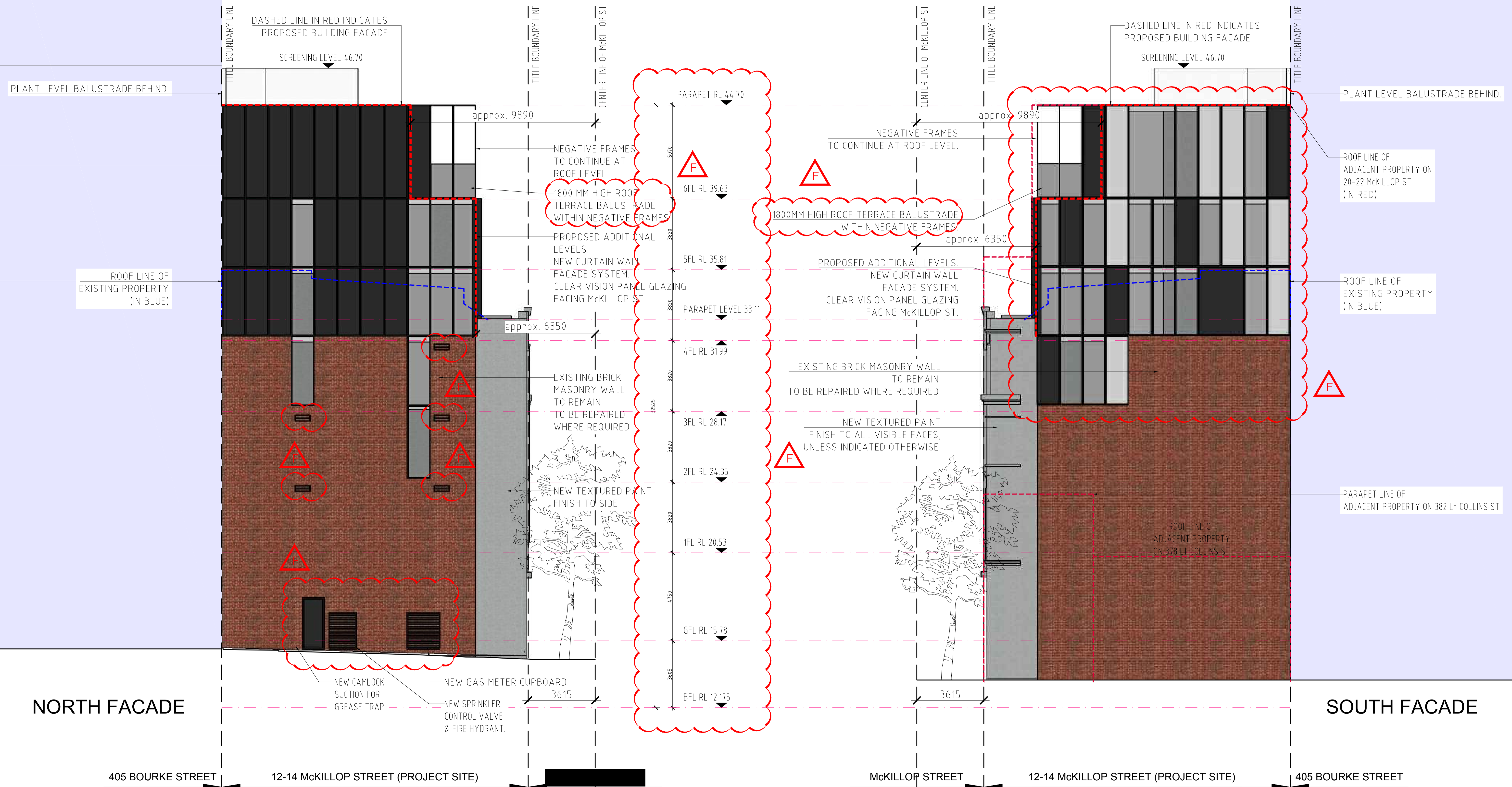
Side Elevations (NORTH&SOUTH)-DEMOLITION

Job No. 1810412
 Scale: 1:100@A1
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 Dwg No. TP2-003
 Rev. F

12-14 McKillop Street, Melbourne

NEW DEVELOPMENT
ON 405 BOURKE ST BEYOND
40 STOREYS
TOP LEVEL TO BE AT 182.930

NEW DEVELOPMENT
ON 405 BOURKE ST BEYOND
40 STOREYS
TOP LEVEL TO BE AT 182.930



NORTH FACADE

SOUTH FACADE

405 BOURKE STREET 12-14 McKILLOP STREET (PROJECT SITE) McKILLOP STREET 12-14 McKILLOP STREET (PROJECT SITE) 405 BOURKE STREET

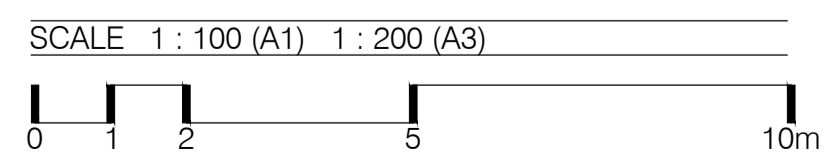
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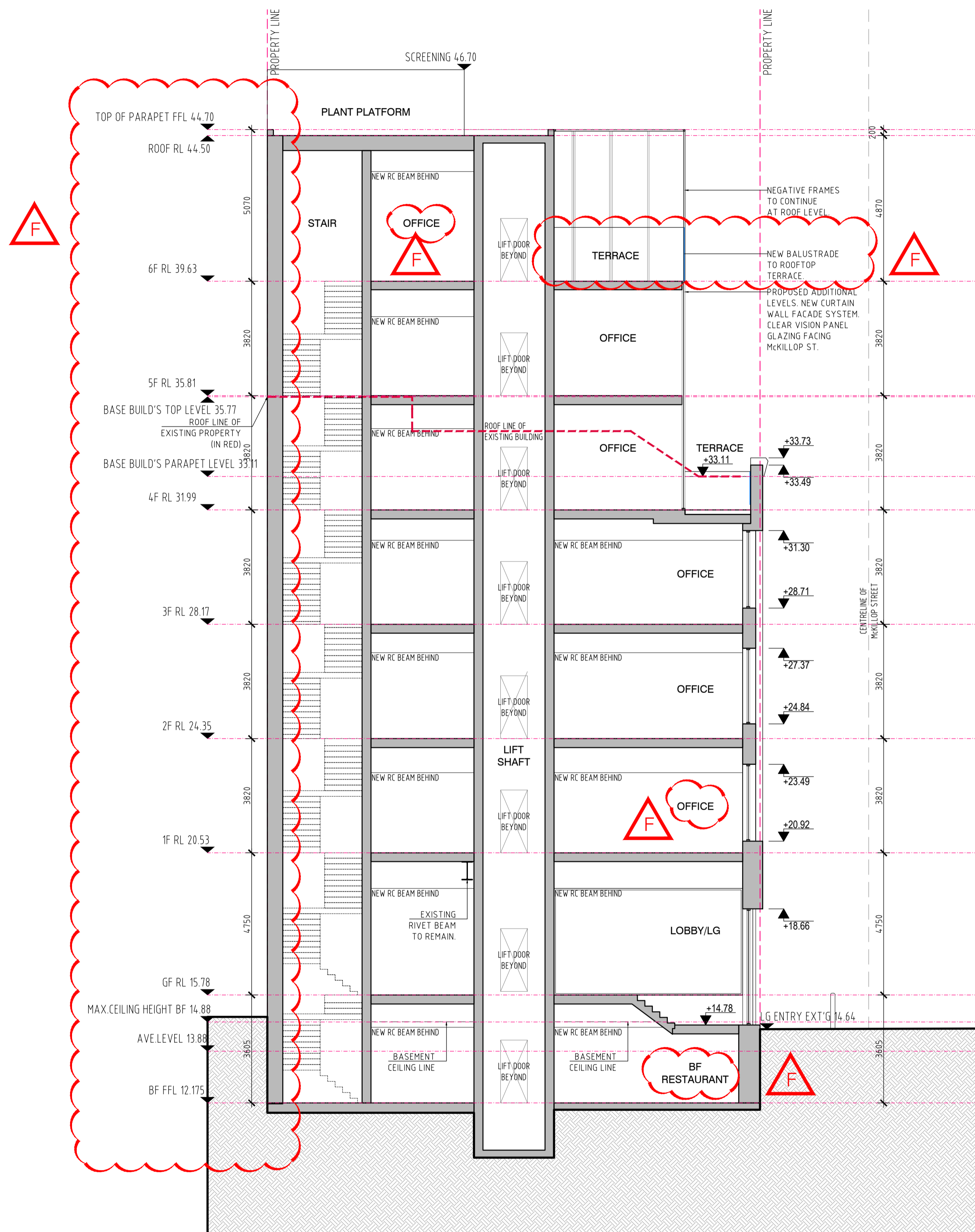
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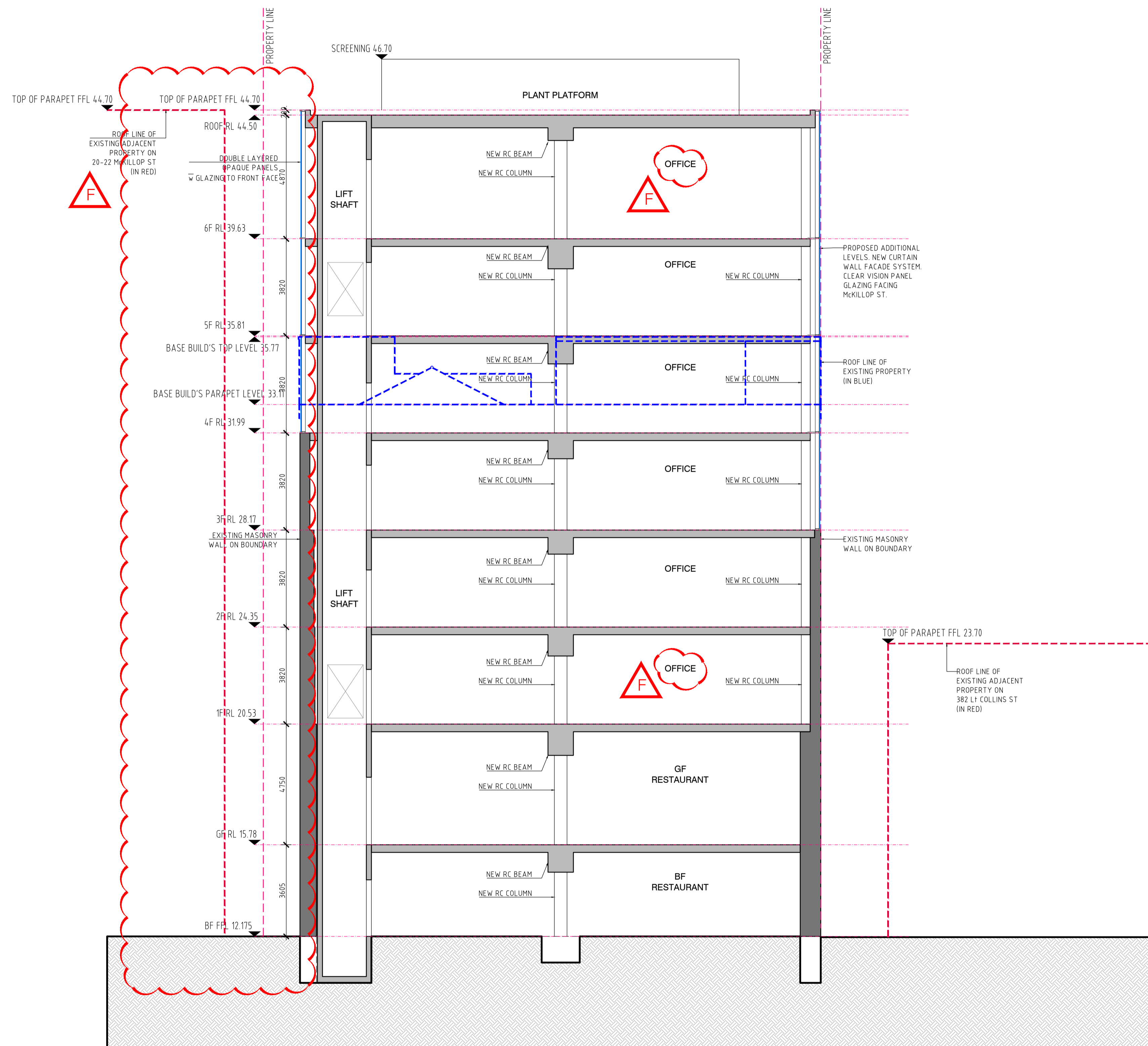
12-14 McKillop Street, Melbourne

Side Elevations (NORTH&SOUTH)-PROPOSED

Job No. 1810412	Scale: 1:100@A1 1:200@A3	Dwg No. TP2-004	Rev. F
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SECTION A



SECTION B

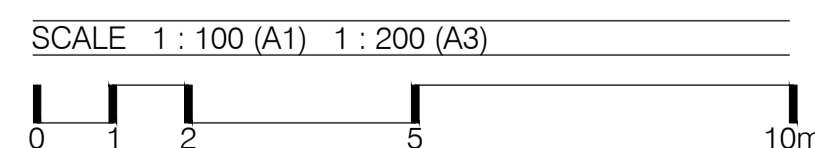
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Sections-PROPOSED

Job No.
1810412

Scale:
1:100@A1
1:200@A3

Dwg No.
TP3-001

Rev.
F

DELEGATE REPORT

PLANNING PERMIT APPLICATION

Application number:	TP-2019-342
Applicant / Owner / Architect:	Findella Pty Ltd c/- Planning Property Partners Pty Ltd / Findella Pty Ltd / Architecton
Address:	10-16 McKillop Street, MELBOURNE VIC 3000
Proposal:	Partial demolition, alterations and additions to the existing building including a three storey addition
Cost of works:	\$6,000,000
Date of application:	10 May 2019
Author:	Michelle Fernando, Urban Planner

1 SUBJECT SITE AND SURROUNDS

1.1 Subject Site

The subject site is formally identified as Lot 1 on T P250063Q and Lot 1 on TP249152Y. The two titles associated with the site include a light and air easement located centrally on the east side of the site. TP249152Y includes a carriageway easement along the entirety of the north boundary of the lot. There are no covenants. The site has a frontage to McKillop Street of approximately 10 metres and is bound by private laneways to the north and south. The site has an area of approximately 361 sqm.

The site is currently developed with a four storey building with a basement. The site has previously been used for a range of commercial and office activities, however is currently vacant.



Figure 1 – Subject site

1.2 Surrounds

The surrounding context is varied in building form, scale and use. There is a mixture of taller built form along Bourke Street, and lower heritage buildings with frontages to McKillop Street. The site is well served by public transport including tram networks along Bourke and Elizabeth Street, Flinders Street Train Station to the south-east and Melbourne Central Train Station to the north-east.

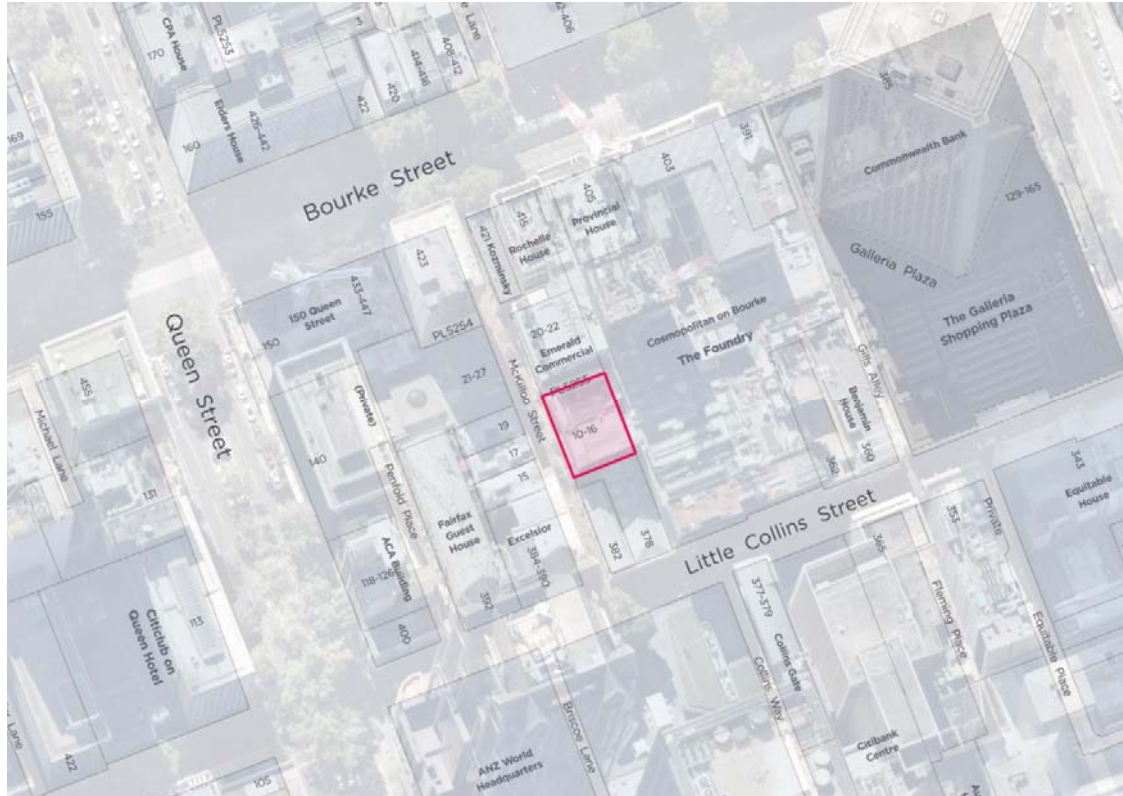


Figure 2 – Aerial image of site and surrounds

Details of surrounding properties are as follows:

North

Directly adjoining the subject site to the north at 20-22 McKillop Street, Melbourne is a seven storey (plus basement) commercial and residential building. The site has been recently been included under [Amendment C271](#) for interim heritage controls; the building has been graded 'significant'.

Planning permit TP-2002-486 was issued on 23 September 2002 for alterations and additions to the existing building including a three storey rooftop extension.



Figure 3a – 20-22 McKillop Street (Source: M Fernando)

East

Adjoining the subject site to the east at 403 Bourke Street, Melbourne, is a large site of approximately 4,312m²; this site is also identified as 'The Foundry'. The property has a frontage to Bourke Street to the north and Little Collins Street to the south. The Foundry is concrete / brick apartment building with 6 levels facing Bourke Street and 8 levels facing Little Collins Street. The site is currently under construction with a 38 storey commercial tower approved under Permit No. 2012/005554.

South

To the south of the site is 378 and 382 Little Collins Street. 382 Little Collins Street is a three storey, brick building which has been afforded a C grading in the Central City Heritage Review Study 1993. 378 Little Collins Street is a double storey brick building currently used as a restaurant and is not included in any of the City of Melbourne's Heritage Inventories.



Figure 3b – 378-382 Little Collins Street

West

To the east of the site, opposite McKillop Street are 15, 17 and 19 McKillop Street. These sites have been recently included under Amendment C271 for interim heritage controls, all buildings have been graded as significant.

15 McKillop Street contains a three storey bluestone building with basement. The building is used for retail and office.

17 McKillop Street contains a three storey bluestone building with basement. The building is used for retail purposes.

19 McKillop Street contains a three storey bluestone building with basement. The building is used as a restaurant.



Figure 3c – 15, 17 and 19 McKillop Street

2 BACKGROUND AND HISTORY

2.1 Pre-application discussions

A pre-application meeting was held with officers and the applicant prior to lodgement of this application.

2.2 Planning Application History

The following applications, listed as considered relevant to the current proposal, have previously been considered for the subject site and/or adjoining sites:

TP number	Description of Proposal	Decision	Officer Comment
TP-2016-521 (Subject site)	Use of the land for a tavern (whiskey lounge, karaoke lounges and rooftop bar), construct and carry out works (including rooftop terrace and other works) and erection and display of advertising signs	Application withdrawn following public notice. Approximately 70 objections were received.	The proposal sought to generally maintain the existing built form, with the exception of internal works and an additional storey to be utilised as a rooftop terrace. The application also sought approval to use the site as a tavern.
TP-2002-486 (20-22 McKillop Street, Melbourne)	Alterations and additions to the existing building including a three storey rooftop extension.	Permit issued 23 September 2002.	The development has been completed in accordance with plans endorsed 19 December 2002.
PA2012/005554 (405-411 Bourke Street, Melbourne)	Partial demolition of the existing building and construction of a multi-storey building comprising office and lower level retail premises (other than adult sex bookshop, department store, hotel, supermarket and tavern) in accordance with the endorsed plans.	Permit issued 13 May 2013 by the Minister for Planning.	Development has commenced on site.
TPM-2018-23 (423 Bourke Street, 140 Queen Street, 150 Queen Street and 21-27 McKillop Street)	Use part of the land for a minor sports and recreation facility, demolition of the buildings on the site, construct buildings and works for a multi-storey mixed use development.	Current application under assessment.	

3 PROPOSAL

The application seeks approval for partial demolition and building works including the addition of three storeys plus plant room to the existing building.

Since the initial application, the applicant provided revised plans following preliminary comments from officers, the revised plans submitted under Council's further information request are the plans assessed under this application. The application is summarised as below:

Building height	32.5 m
Number of storeys	8 (inclusive of basement)
Floor Area Ratio	5.6:1
Retail floor area	648 m ²
Office floor area	1,704 m ²
Car parking	0
Bicycle parking	40

Demolition

- Demolition of the roof structure and northern and southern parapet walls.
- Removal of the lighting, signage and services (external staircases, downpipes and gutters).
- Demolition of existing shopfront.

Buildings and works

- Construction of an additional three storeys (plus roof plant room).
- Revised internal layout consisting of:
 - Basement accessed via the south-west side of the McKillop frontage identified as 'Tenancy (Restaurant)'.
 - Ground floor to contain 'Tenancy (Restaurant)' occupying approximately 324 m² of the ground floor, being approximately three-quarters of the ground floor frontage and floor area; separate pedestrian entry to 'Lobby' via staircase to lift; services room including goods lift, internal staircase.
 - First floor to third floor to contain 'Commercial' tenancy.
 - Fourth floor to span the width of the entire building, setback 2.7 metres from the McKillop façade utilising existing McKillop frontage parapet wall to enclose terrace area. Fourth floor to contain 'Commercial Tenancy'.
 - Fifth floor to contain 'Commercial Tenancy' setback 2.7 metres from the front façade.
 - Sixth floor to contain 'Commercial Tenancy' setback 6.3m from the front façade. The sixth floor features a 74m² terrace with 1.8 metre high glass parapet setback 2.7m from the front façade.
- Building services are located at the roof level.
- Alterations to the fenestration on the north and south elevations (sides).
- Materials include: retained brick, new steel and aluminium windows and associated glazing.



Figure 4 – Visualisation of proposal as per submitted plans

The documents which have been considered in this planning assessment are:

Document title	Prepared by	Date
Proposed Commercial Development (Proposed development plans)	Architecton	22 July 2019
Transport Impact Assessment	onemilegrid	26 July 2019
Waste Management Plan	Leigh Design Pty Ltd	31 July 2019
Environmentally Sustainable Design Statement	Sustain Erbas	30 August 2019

4 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Clause	Permit Requirements
Zone	
Clause 37.04 Capital City Zone Schedule 1	Pursuant to Schedule 1 to Clause 37.04-4, a permit is required to construct a building or carry out works. Pursuant to Schedule 1 to Clause 37.04-1, a permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.
Overlay	
Clause 43.02 Design and Development Overlay Schedule 1 (A2 Active Street Frontage Area 2)	Pursuant to Clause 43.02, a permit is required to construct a building or carry out works. The provisions of these schedules relate to, amongst other matters, building height, floor area ratios, overshadowing, street wall heights, setbacks and active street frontages.

Schedule 2 (A2 Built Form Hoddle Grid Area 2)	
Clause 45.09 Parking Overlay Schedule 1	Pursuant to Schedule 1 to Clause 45.09, a permit is required to provide car parking spaces in excess of the car parking rates specified in the schedule. No on-site car parking is proposed and therefore a permit is not required under this clause.
Particular Provisions	
Clause 52.34 Bicycle Facilities	<p>The bicycle parking rate for office and restaurant is:</p> <p>Office</p> <ul style="list-style-type: none"> • 1 employee space to each 300 m² of net floor area if the net floor area exceeds 1000 m², • 1 visitor space to each 1000 m² of net floor area if the net floor area exceeds 1000 m², <p>Restaurant</p> <ul style="list-style-type: none"> • 1 employee space to each 100 m² of floor area available to the public, and • 2 plus 1 visitor space to each 200 m² of floor area available to the public if the floor area available to the public exceeds 400 m². <p>The development generates a bicycle space requirement of total of 11 spaces, six for employee spaces and three as visitor spaces.</p> <p>The proposal provides a total of 40 bicycle spaces, which is in excess to the minimum required under Table 1 to Clause 52.34-5. Showers and change rooms for the commercial tenancies have been provided in accordance with Table 2 of Clause 52.34-5. Showers and change rooms for the restaurant is not required.</p>
General Provisions	
Clause 65 Decision Guidelines	The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause, which include the matters set out in Section 60 of the Planning and Environment Act 1987.

5 STRATEGIC FRAMEWORK

The following provisions of the Melbourne Planning Scheme apply:

Planning Policy Framework	<p>Clause 15.01-1S – Urban Design</p> <p>Clause 15.01-2S – Building Design</p> <p>Clause 15.02-1S – Energy and Resource Efficiency</p> <p>Clause 15.03-1S – Heritage Conservation</p> <p>Clause 17.02-1S – Business</p>
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	Clause 18 – Transport Clause 19 – Infrastructure
Municipal Strategic Statement	Clause 21.06 – Built Environment and Heritage Clause 21.08 – Economic Development Clause 21.12 – Hoddle Grid
Local Planning Policies	Clause 22.01 – Urban Design within the Capital City Zone Clause 22.19 – Energy, Water and Waste Efficiency Clause 22.20 – CBD Lanes Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)

6 PUBLIC NOTIFICATION

Pursuant to Schedule 1 to Clause 37.04 (Capital City Zone) and Schedules 1 and 2 to Clause 43.02 (Design and Development Overlay), an application to construct a building or construct or carry out works, demolish or remove a building or works 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 SUBMISSIONS

As noted above, the proposal is exempt from notice requirements and review rights under the Act. Although the proposal is exempt from notice, Council is able to consider objections to inform the decision. Council has received 29 objections to the proposal. The key issues raised are:

- Proposed land use of site for as restaurant and café, and potential amenity impact of proposed use in regard to noise, waste and privacy to residential development in proximity to the site.
- Neighbour character
- Overdevelopment of the site
- Discrepancies in plans
- Lack of formal notice of the proposal.

An assessment of these concerns is discussed under Section 14.3 of this report.

8 CONSULTATION

The applicant was provided copies of all objections. The applicant has submitted revised plans (Revision F dated 22 July 2019) showing the following changes:

- Upper level café modified to a commercial tenancy ('Office'),
- 1st floor modified from 'restaurant' to 'commercial',
- Relocation of bicycle spaces from footpath to within the building.

The revised plans (Revision F dated 22 July 2019) were circulated to the objectors, no further comments were received, nor have any objections been withdrawn.

9 REFERRALS

9.1 Internal

9.1.1 Urban Design

The following comments were provided by Council's Urban Design Team on 21 June 2019 in response to the original submission.

1. *The height is considered acceptable given:*

- *Its relativity to the neighbouring building at 20-22 McKillop Street;*
- *The transitional massing towards the significant rear form at 405 Bourke Street;*
- *It will not incur any additional shadowing impacts on McKillop or Little Collins Streets;*
- *There are no anticipated wind impacts (though no wind study provided to verify this); and*
- *The existing building height is already non-compliant at 22.21m.*

We do however recommend an increase to the upper level street setback (5m from building façade) and side setbacks (5m from centreline of laneway).

2. *The proposed public interface promises further activation and vibrancy however we recommend:*

- *Treatment that distinguishes and acknowledges the two original building forms;*
- *A frameless glazed balustrade condition; and*
- *Removing some of the street bicycle hoops to inside the building, if possible.*

A more complete understanding of the street interface should also be provided through a conditional requirement for a Façade Strategy.

The above recommendations were provided to the applicant who maintained the proposed setbacks but removed the balustrade at the fourth floor and the bicycle parking on the street.

Revised plans and additional justification from the applicant was provided to Council's Urban Design Team who subsequently supported the proposal advising that proposed setbacks were supported, however encouraged the minimum upper levels setbacks to be consistent with the neighbouring property at 20-22 McKillop Street. A review of endorsed plans for the neighbouring property issued under TP-2002-486 show that the upper levels for 20-22 McKillop Street have been setback between 1.5–2.5 metres from the front façade. The proposal exceeds these setbacks as such an increase in upper level setbacks is not required in this instance.

9.1.2 Waste

A revised Waste Management Plan prepared by Leigh Design dated 31st July 2019 was supported by Council's Engineering Services. A condition of any permit to issue will require that all waste storage and collection arrangements must be in accordance with the endorsed Waste Management Plan.

9.1.3 Civil Design

The proposal was referred to Council's Civil Design Team, who advised the following:

- *Outward opening doors projecting into McKillop Street must be redesigned such that they do not project beyond the street alignment when open, when closed or when being opened or closed.*
- *The proposed construction of stairs to the property boundary should be set back sufficiently to enable all necessary tactile ground surface indicators to be installed within the property curtilage, and*
- *The proposed bicycle hoops must be installed within the subject land.*

Revised plans (Revision F dated 22 July 2019) show that doors will not open onto McKillop Street, other than doors for a fire hydrant booster cupboard. The proposed stairs to the northern elevation of the building will be to a private laneway; as such requested setbacks to provide tactile ground surface indicators are not required.

The bicycle hoops have been removed from the street and relocated internally.

Standard conditions relating to service doors, drainage, street levels, street lighting and furniture will be included as recommended.

9.1.4 Traffic

Council's Traffic Department did not object to the proposal, however noted that bicycle parking should be provided internally. As noted above the applicant provided revised plans (Revision F dated 22 July 2019) which show bicycle parking within the site.

9.1.5 Environmentally Sustainable Design (ESD)

The revised ESD report prepared by Sustain Erbas dated 30 August 2019 was generally supported by Council's Senior Green Infrastructure & ESD Officer. Minor revisions to address stormwater requirements and preliminary calculations (NCC glazing, lighting etc) to be included as an Appendix to the ESD report, will be included as conditions should a permit issue.

9.2 External

The application was not required to be referred externally.

10 ASSESSMENT

The application seeks approval for partial demolition, alterations and additions to the existing building, including three additional storeys. The key issues for consideration in the assessment of this application are:

- Built form having regard to the design objectives and built form controls in DDO1 and 2, and Clause 22.01 Urban Design within the Capital City Zone policy.
- Environmentally sustainable design policy
- Any other issues raised by the objectors.

10.1 Design and Development Overlay – Schedules 1 and 2

The proposed development has been assessed against the relevant design objectives, built form outcomes and design requirements of DDO1 and DDO2 as set out below.

Schedule 1 – Active Street Frontage Activity

Schedule 1 to the Design and Development Overlay states the following design objectives:

- To ensure ground floor frontages are pedestrian oriented and add interest and vitality to city streets.
- To provide continuity of ground floor shops along streets and lanes within the retail core.
- To ensure ground floor frontages contribute to city safety by providing lighting and activity

The subject site is located within Area 2 (Major Pedestrian Areas and Key Pedestrian Routes within CCZ1) of Schedule 1, under which buildings with ground-level street frontages must present an attractive pedestrian oriented frontage to the satisfaction of the responsible authority. An assessment of the permit requirements are as follows:

Requirements	Design Response
<p>At least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or display window to a shop and/or a food and drink premises, or</p> <p>At least 5 metres or 80% of the street frontage (whichever is the greater) as other uses, customer service areas and activities, which provide pedestrian interest and interaction.</p>	<p>Approximately 80% of the street frontage will be utilised as display window and entry to a food and drink premises. The development proposes a restaurant tenancy at the basement, ground and first floors of the building.</p>
<p>Built scale appropriate to the street and pedestrians.</p>	<p>The development will retain the existing building, whilst providing greater permeability at the pedestrian level through large windows and active uses. The proposed additional upper levels have been setback generally in accordance with the building on the abutting lot to the north.</p>
<p>Clear glazing (security grilles must be transparent).</p>	<p>Clear glazing has been proposed at the pedestrian level.</p>



Figure 5 – Visualisation of proposed ground level frontage treatment

Schedule 2 – Built Form Hoddle Grid

Schedule 2 to the Design and Development Overlay states the following design objectives:

- *To protect sunlight access to key public places and open space areas so as to provide a comfortable, pedestrian-friendly urban environment.*
- *To ensure that the height of new buildings reinforces the built form character of unique areas.*
- *To maintain the visual dominance of prominent landmarks.*
- *To protect the unique built form and public realm amenity.*

Clause 2.3 to the schedule outlines that buildings and works:

- *must meet the Design Objectives in this schedule;*
- *must satisfy the Built Form Outcomes specified for each relevant Area in Table 3 and Table 4 to this schedule and for each relevant Design Element in Table 5 to this schedule;*
- *should meet the Preferred Building Height or Modified Requirement specified for each relevant Area in Table 4 to this schedule; and*
- *should meet the relevant Requirement specified for each relevant Design Element specified in Table 5 to this schedule.*

Design Objectives

Design objectives	Response
To protect sunlight access to key public places and open space areas so as to provide a comfortable, pedestrian-friendly urban environment.	<i>The proposal will not result in a loss of sunlight to McKillop Street, due to existing and approved higher development in the immediate context.</i>
To ensure that the height of new buildings reinforces the built form character of unique areas.	<i>The proposed height is consistent with the development to the north, and has been appropriately setback to mitigate visual bulk. The proposal respects existing lower scale development in the immediate context.</i>
To maintain the visual dominance of prominent landmarks.	<i>There are no prominent landmarks in the immediate context, however the proposal is unlikely to negatively detract from any surrounding buildings including lower scale, heritage buildings.</i>
To protect the unique built form and public realm amenity.	<i>The proposal will positively contribute to the built form and public realm amenity by improving the existing façade with high quality, external materials and providing an improved pedestrian interface.</i>

Wind effects

Schedule 2 states that:

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

The proposal does not exceed 40 metres, as such these provisions do not apply.

Overshadowing

Schedule 2 states that a permit must not be granted for or buildings and works which would cast any additional shadow across the spaces within Table 2 to this schedule during the hours and date(s) specified for that space, unless the overshadowing will not unreasonably prejudice the amenity of the space.

In regard to the subject site the following is relevant:

Table 2 to Schedule 2		
Space	Hours between	Date(s)
Hardware Lane and McKillop Street	12.00pm and 2.00pm	22 April to 22 September

As demonstrated in figures 6a-d below, the proposal will not result in any additional overshadowing, as any shadow created by the proposal will be surpassed by larger development to the east of the site.

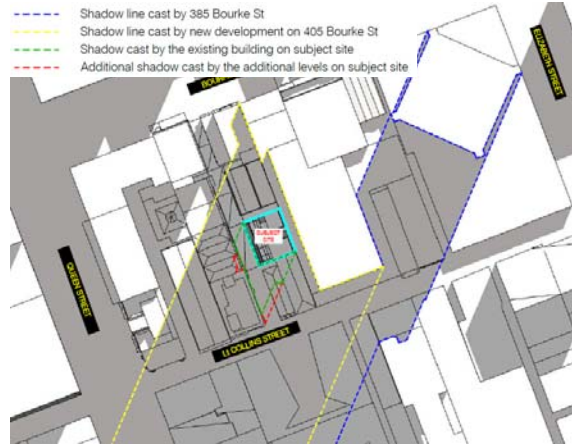


Figure 6a – Extent of overshadowing at April 22 at 11am

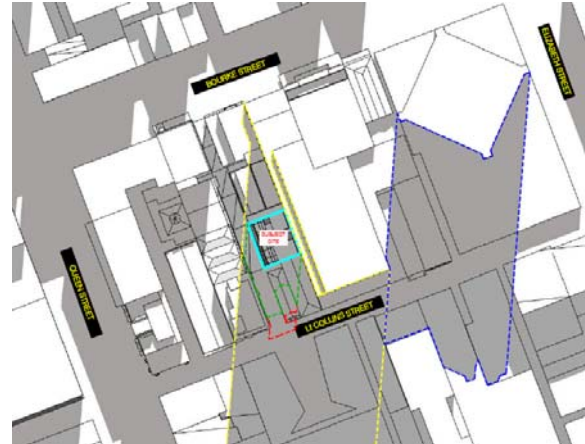


Figure 6b – Extent of overshadowing at April 22 at 12pm

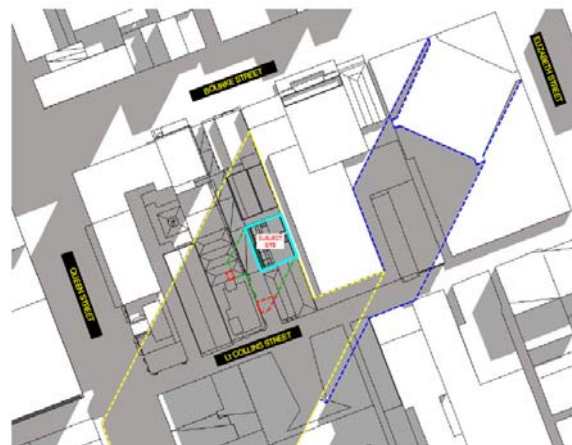


Figure 6c – Extent of overshadowing at September 22 at 11am

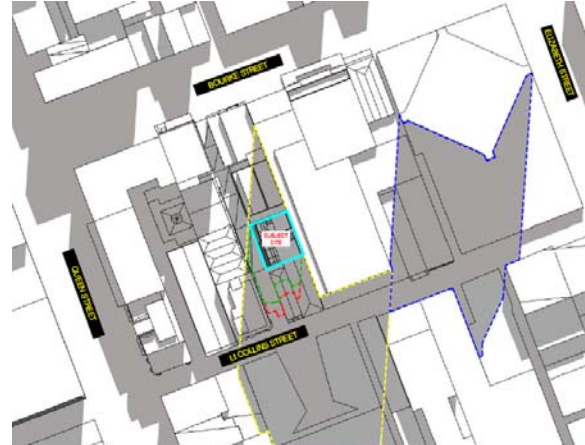


Figure 6d – Extent of overshadowing at September 22 at 12pm

Table 4 to Schedule 2 identifies the following preferred building heights and built form outcomes for the subject site:

Table 4 to Schedule 2			
Area	Preferred Building Height	Modified Requirement	Built Form Outcomes
A2	15 metres	4:1 Floor Area Ratio	<p>The low-rise, high-density and pedestrian oriented built form of the China town and McKillop/ Hardware/ Guilford Lane precincts is maintained.</p> <p>Upper levels are visually recessive from streets and laneways.</p> <p>To provide a comfortable scale transition between the precinct and the broader area.</p>

Clause 2.3 of Schedule 2 states that a proposal should meet the preferred building height or modified requirement specified for the relevant Area. The proposal will have an overall building height of 33 metres, exceeding the preferred building height

by 18 metres, and will have a proposed Floor Area Ratio of 5.6:1, exceeding the modified requirement under Table 4. The proposed variation is supported on the following basis:

- The existing four storey building, excluding basement exceeds the preferred building height by approximately 9 metres, at 24 metres. The proposal seeks an additional building height of 8.79 metres, which is generally consistent with building to the north of the site at approximately 27 metres in height.
- The building heights for buildings with a frontage to McKillop Street vary from 1 – 7 storeys, as such proposed seven storeys will not be out character and again consistent with adjoining development to the north.
- The additional three storeys will be setback 2.7 metres and 6.2 metres from the frontage and will not be immediately discernible to users of McKillop Street as illustrated in figure 7 below.
- As illustrated in figure 8 overleaf, Ministerial approval has been granted for the adjoining site to the east at 405 Bourke Street (approved under PA2012/005554) for a 38 storey building upon completion.
- A 49 storey development is proposed at the site known as 435 Bourke Street, which includes 423 Bourke Street, 140 Queen Street, 150 Queen Street and 21-27 McKillop Street.
- 423 Bourke Street and 384-390 Little Collins Street, which have side frontages to McKillop Street, are presently developed with 11 and 9 storey buildings respectively. As such a seven storey development will provide an appropriate transition to the lower scale nature of McKillop Street from the broader CBD.
- As discussed above the proposal will not result in an increase of overshadowing to McKillop Street.

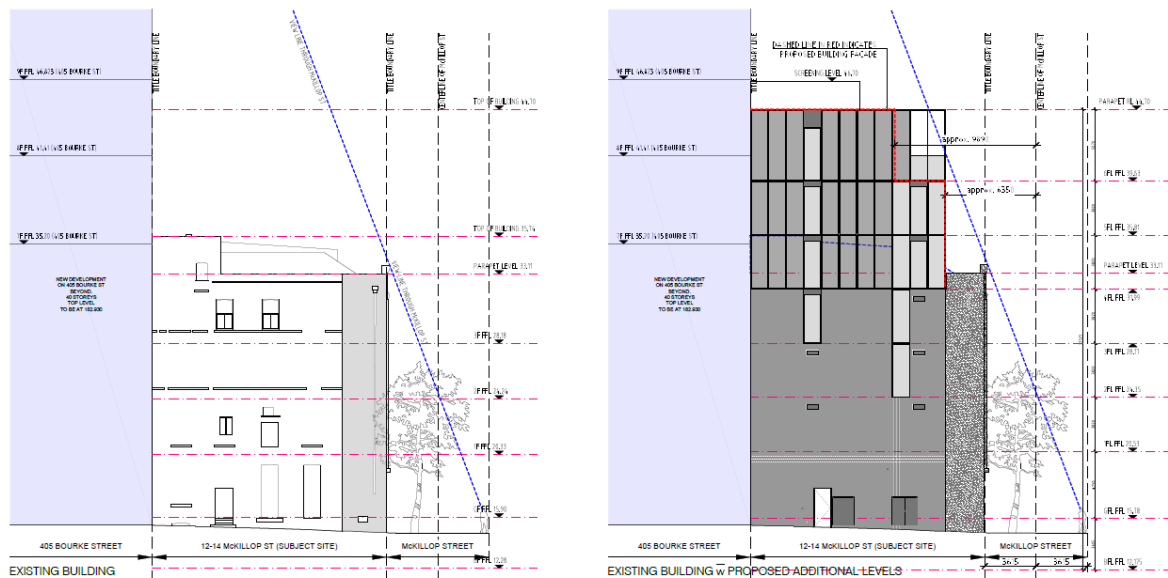


Figure 7 – Sightline diagrams

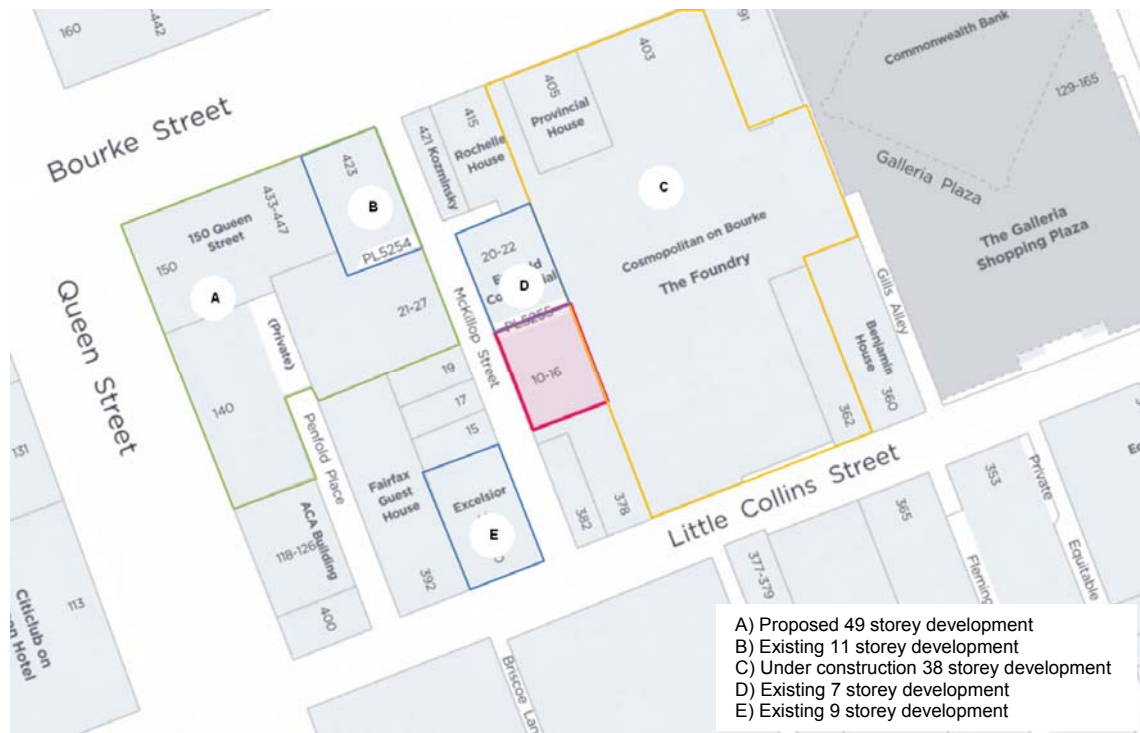


Figure 8 – Building heights in immediate context

Table 5 of Schedule 2			
Design Element	Requirement	Built Form Outcomes	Response
Street wall height	The street wall height should not exceed 20 metres, or the preferred building height, whichever is lower.	Street wall height is scaled to ensure: <ul style="list-style-type: none"> a human scale. consistency with the prevalent parapet height of adjoining buildings. height and setback that respects the scale of adjoining heritage places. adequate opportunity for daylight, sunlight and sky views in the street. 	<p>The existing street wall height exceeds the preferred height and is an established feature.</p> <p>The proposed addition is setback from the street wall, as such there is no change to this element.</p> <p>The proposal will not result in undue loss of sunlight due to the 38 storey development to the east.</p> <p>Given the narrow nature of McKillop Street, sky views are not further reduced as a result of the proposal.</p>
Upper level street setbacks	Above the street wall, upper levels of a building should be setback a minimum of 5	Buildings are setback to ensure: <ul style="list-style-type: none"> larger buildings do not visually dominate the street or public space. 	<p>Variation supported</p> <p>The proposal provides an upper level setback of 2.7 metres on the fourth and fifth floors, which is 2.3 metres short of the preferred 5m. A variation is supported on the following</p>

	metres.	<ul style="list-style-type: none"> the dominant street wall scale is maintained. sun penetration and mitigation of wind impacts at street level. 	<p>basis:</p> <p>The building will not visually dominate the street being adequately recessed from McKillop Street and Little Collins Street.</p> <p>The building will provide an appropriate transition to adjoining heritage buildings.</p> <p>The development will not result in additional overshadowing due to larger buildings in the immediate surrounds.</p>
Setback(s) from side boundary	<p>Above 40 metres, upper levels of a building should be setback a minimum of 5 metres from a side boundary.</p> <p>If a laneway: Above 20 metres, upper levels of a building should be setback a minimum of 5 metres from the centreline of a laneway.</p>	<p>Buildings are setback to ensure:</p> <ul style="list-style-type: none"> provision of adequate sunlight, daylight, privacy and outlook from habitable rooms, for both existing and proposed developments. provision of adequate daylight and sunlight to laneways. buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them. taller buildings transition down in height to adjacent areas that have a lower height limit, so as not to visually dominate or compromise the character of adjacent existing low-scale development areas. 	<p>N/A</p> <p>The laneway to the north of the subject site is a private laneway, and does not meet the definition of a laneway under the Schedule 2 of the Design and Development Overlay, which defines laneway as “road reserve of a public highway”.</p> <p>As such there is no requirement to provide a side setback to this frontage under DDO2.</p> <p>The development does not exceed 40m high, as such there is no requirement to provide a setback to the adjoining properties.</p>
Setback(s) from rear boundaries	Above 20 metres, upper levels of a	<p>Buildings are setback to ensure:</p> <ul style="list-style-type: none"> provision of 	<p>Variation supported</p> <p>The proposal has maintained the existing light court in</p>

	<p>building should be setback a minimum of 5 metres from a rear boundary, or from the centreline of a laneway.</p>	<p>adequate sunlight, daylight, privacy and outlook from habitable rooms, for both existing and proposed developments.</p> <ul style="list-style-type: none"> taller buildings transition down in height to adjacent areas that have a lower height limit, so as not to visually dominate or compromise the character of adjacent existing low-scale development areas. 	<p>accordance with the easements for light and air registered on Title.</p> <p>Above 20 metres, aside from the aforementioned light court, no rear setbacks have been provided.</p> <p>The site currently abuts a seven storey multi-level office and residential building with associated parking and retail. The adjoining site is being developed for a 38 storey retail and commercial building.</p> <p>The proposal works are adjacent to a lift area and multi-level carpark on the adjoining site. There are no habitable room windows adjacent to the proposal; this is due to the commercial nature of the adjoining property as demonstrated in figure 9a-c below.</p>
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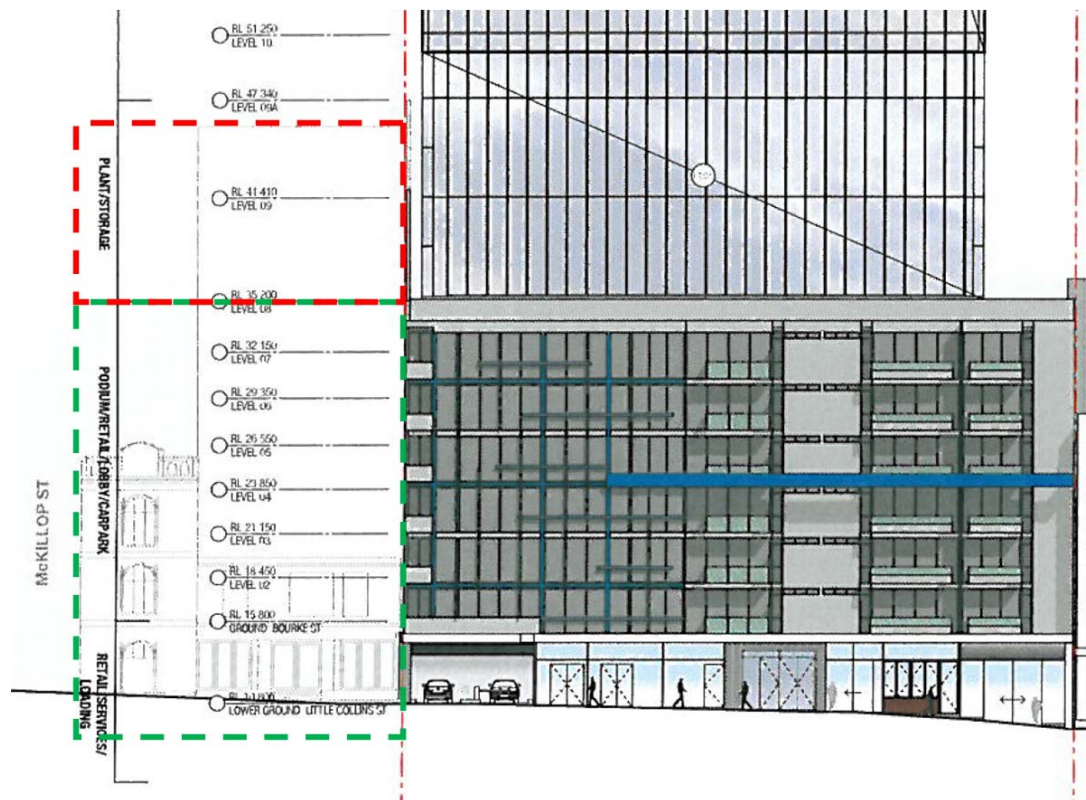


Figure 9a – Excerpt of southern elevation of endorsed plans for 405 Bourke Street. Indicative height of existing building shown in green, and indicative location of proposed development shown in red.

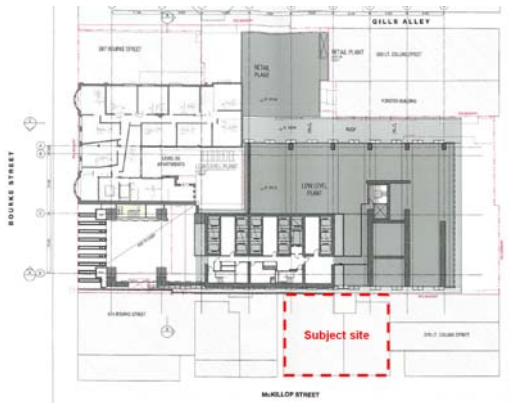


Figure 9b – Level 8 of endorsed plans for 405 Bourke Street

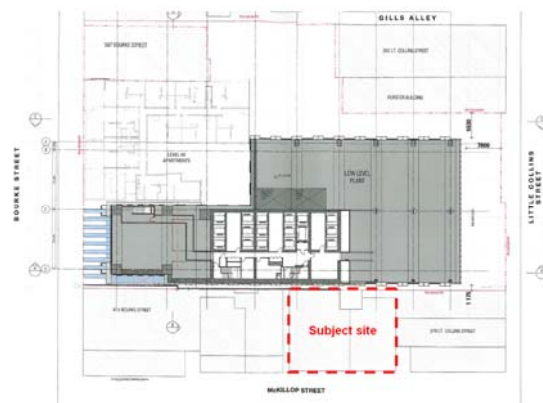


Figure 9c – Level 9 of endorsed plans for 405 Bourke Street

10.2 Local Policy

An assessment against relevant local policies is as follows:

Clause 22.01 – Urban Design within the Capital City Zone

Clause 22.01 encourages site responsive development that enhances the physical quality and character of Melbourne’s streets; contributes to a high quality public realm and passive surveillance of the public domain. An assessment against the relevant policy under Clause 22.01 is as summarised below:

Objective	Response
Building Envelope	<p>The proposal will retain the existing street wall height, with the upper floors setback 2.7 and 6.2 metres from the front façade.</p> <p>The proposed upper level setback exceeds the adjoining upper level setback to the north at 20-22 McKillop Street, which has been setback between 1.5 – 2.5 metres from the front façade. There is also a private laneway between the two sites to provide sufficient separation between the buildings. As noted, there is no rear setback, aside from the light court. Directly adjacent to the subject site at this interface is a multi-storey car park, which will be retained as part of the multi-storey development under construction. Due to the comparatively smaller scale of the proposal, it is not considered to restrict the development potential of the adjoining sites.</p> <p>Whilst the proposal will exceed the preferred floor area ratio, on balance the proposed height and setback is appropriate for the site and surrounds and will support adaptive reuse of the existing building.</p>
Building Design	<p>The existing street wall height will be maintained, and the upper levels clearly distinguished through change in materiality and upper level setbacks. The additional height is supported as the proposal has been adequately setback at the upper floors and will not detract from surrounding heritage buildings.</p>
Facades	<p>The proposed upper level façade will be predominately clear glazing, interspersed with aluminium panels in light and dark grey along the side frontages. This will allow for the existing building to remain the predominate feature of the site and minimise visual</p>

	bulk. Changes at the ground level include provision of large windows to the restaurant to provide greater pedestrian engagement. Service areas will be located along the private laneway, which is formally set aside for carriageway.
City and Roof Profiles	Due to higher surrounding development in the immediate context the proposal is unlikely to noticeably affect the architectural quality of the city skyline. The plant room is setback from the front façade and side elevations.
Projections	No projection over public space is proposed.
Wind and Weather Protection	Due to the low scale nature of the proposal, less than 40 metres, it is considered that the proposal will not create significant wind impacts. The site is affected by DDO4 and as such does not require provision of a canopy / awning.
Public Spaces	No public spaces are proposed under this application.
Access and Safety	Waste storage is provided off-street and will not detrimentally impact public areas. A restaurant is proposed at the ground level with large open windows to maximise passive surveillance and activity in the area.

Clause 22.19 – Energy, Water and Waste Efficiency and Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)

As noted under Section 13.1.5 of this report, the proposal was generally supported by Council’s Senior Green Infrastructure & ESD Officer subject to conditions.

A revised STORM report including untreated areas is required and revised plans are required to dimension the rain gardens.

Preliminary calculations (NCC glazing, lighting etc.) must be included as an appendix to the ESD report to explicitly identify the minimum required standard for the project as it moves into the detailed design phase and to brief the relevant building designers.

Clause 22.20 – CBD Lanes

McKillop Street is identified as a ‘Class 2 Lane’ which demonstrates three of four core value characteristics of connectivity, active frontages, elevational articulation and views. The proposal is consistent with policy regarding buildings and works adjoining lanes on the following basis:

- The upper levels have been setback from the retained street wall to maintain a sense of openness and reinforce a human scale.
- The ground floor proposed frontage has three large glazed surfaces, provide a fine grain appearance to the street frontage rather than a single glazed frontage.
- Although the building is not within a Heritage Overlay, the proposal will demolish the unsympathetic alterations and additions to the building such as the signage and building services and enhance the original frontage.
- The windows and balconies overlook the lane-ways.
- An active use has been proposed at the ground level.
- Loading areas are located to the side of the building, and not directly adjacent McKillop Street.

The proposal is considered to positively respond to the criteria of Clause 22.20 and is supported.

10.3 Response to objectors' concerns

The following issues were raised by submitters:

- The use of the site for a restaurant and café, and potential amenity impacts with regard to noise, waste and privacy to residential development in proximity to the site.
- Neighbour character
- Overdevelopment of the site
- Discrepancies in plans
- Lack of formal notice of the proposal.

The use of the site for a restaurant and café, and potential amenity impacts with regard to noise, waste and privacy to residential development in proximity to the site

The initial application sought to utilise the top level as a 'café' as well as three levels of 'restaurant'. Revised plans have removed the upper level 'café' and reduced the proposal to two levels of 'restaurant'.

Concerns were raised that upper level café and the restaurant would be utilised as a bar (formerly defined under the Scheme as a 'tavern'), and the amenity impacts of that use. The applicant has not applied to use the land as a 'bar' which would require planning approval under the Capital City Zone (Schedule 1). Should the proposal, now pertaining to the two levels of restaurant, be used as a 'bar' then this would be in contradiction to the permit and be a matter under planning enforcement. The proposed restaurant does not require planning approval and the responsible authority cannot condition the operation of this as of right use.

The relevant liquor licence will regulate the hours of operation and will include a condition relating to background music. No live music and entertainment is proposed under this application. In addition to this, the Environment Protection Authority has State Environment Protection Policy (SEPP) (Control of music noise from public premises) legislation to protect residents from excessive noise. However, in this instance noise is unlikely to unreasonably impact on the surrounding residential properties. It is acknowledged that there may be noise generated from patrons entering and exiting the restaurant, however given the location of the site in the central CBD this is not considered to be uncommon or unacceptable.

A waste management plan has been provided and is supported by Council's Engineering Services.

Any fumes from the commercial kitchen must comply with the relevant health and building legislation.

The proposal will be in proximity to residential windows and balconies. It is acknowledged that the proposal may result in additional overlooking to these residences, however given the dense nature of development in the CBD overlooking over the laneway is not considered unacceptable.

Neighbourhood character

Concerns have been raised regarding the proposal being out of character with the immediate context, particularly in regard to commercial development in proximity to existing residential development. Mixed use development is encouraged in this location by policy, which seeks to provide for a range of financial, legal, administrative, cultural, recreational, tourist, entertainment and other uses that complement the capital city function of the locality.' The Municipal Strategic

Statement identifies the site as being within the 'Hoddle Grid', which amongst other matters supports entertainment, bars, eating and other evening uses throughout the Hoddle Grid.

Overdevelopment

The proposal satisfies the relevant zone and overlays controls in regard to building height, upper level setbacks, overshadowing, etc. and therefore is not considered to be an overdevelopment of the site. As discussed earlier within this report, the proposed scale of development is contextually supported given the development along Bourke Street, Little Collins Street and McKillop Street.

Discrepancies in plans

A concern has been raised regarding the descriptions of existing buildings in the immediate context, with some residential buildings being noted as commercial. The applicant has sought to correct these minor inconsistencies. These inconsistencies are of limited weight to the overall assessment of the proposal, being predominately for informational purposes, and this has been considered as a part of the assessment of the application.

Lack of formal notice of the proposal

As noted in section 10 of this report the application was not formally advertised, as it is exempt from third party notice and appeal rights under the relevant planning controls.

10.4 Conclusion

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

11 RECOMMENDATION

That a Planning Permit be issued subject to the following conditions:

Revised Plans

1. Prior to the commencement of the development on the land, including demolition, plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans dated 22 July 2019 by Architecton but amended to show:
 - a) The dimensions of the raingardens in accordance with revised STORM report required under condition 4.
 - b) Outward opening doors onto the public realm redesigned to comply with Council's Road Encroachment Guidelines.

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

Secondary consent

2. The development as shown on the endorsed plan(s) must not be altered or modified without the prior written consent of the Responsible Authority.

3D Model

3. Prior to the commencement of the development (including any demolition, bulk excavation, construction or carrying out of works) a 3D digital model of the approved development must be submitted to, and must be to the satisfaction of the Responsible Authority. The model should be prepared

having regard to the Advisory Note - 3D Digital Modelling Melbourne City Council. Digital models provided to the Melbourne City Council may be shared with other government organisations for planning purposes. The Melbourne City Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to, and be to the satisfaction of the Responsible Authority.

Materials and colour schedule

4. Prior to the commencement of the development (including any demolition, bulk excavation, construction or carrying out of works) 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.

Concealment of air conditioning and building services

5. All building plant and equipment on the roofs, balcony areas, common areas and public thoroughfares must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties to the satisfaction of the Responsible Authority.

Environmentally Sustainable Development

6. Prior to the commencement of the development, a revised Environmentally Sustainable Design (ESD) report must be submitted to the satisfaction of the Responsible Authority generally in accordance with ESD report prepared by Sustain Erbas dated 30 August 2019 but amended to show:
 - a) Revised STORM assessment to include all impervious areas on the site.
 - b) Preliminary calculations (NCC glazing, lighting etc) included as an appendix to the ESD report to identify the minimum required standard for the project.
7. Prior to occupation of the building, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans.

Waste Management Plan

8. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Leigh Design dated 31 July 2019. The submitted WMP must not be altered without prior consent of the City of Melbourne – Engineering Services.

Drainage connection underground

9. Prior to the commencement of the development, a storm water 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.

Roads

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

Street levels not to be altered without approval

11. Existing street levels in McKillop 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

Existing street lighting not altered without approval

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

Existing street furniture

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

Permit Expiry

14. 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:

Civil Design

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.

Building Approval Required

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

Building Works to Accord with Planning Permit

The applicant/owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner and

the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

Drainage Point and Method of Discharge

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Responsible Authority prior to the commencement of any buildings or works.

Other Approvals May be Required

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