

Report to the Future Melbourne (Planning) Committee

Agenda item 6.4

Planning Permit Application: TP-2018-429
96-102 Franklin Street, Melbourne

3 December 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 planning permit application TP-2018-429. The application seeks approval to partially demolish the existing historic buildings on-site, and develop a 22-storey mixed use tower comprising retail, office and residential apartments.
2. The applicant is Burbank Holdings Australia (Franklin) Pty Ltd c-/ Urbis Pty Ltd. The owner is Burbank Holdings Australia (Franklin) Pty Ltd and the architect is Peddle Thorp.
3. The site is located within the Capital City Zone (Schedule 1: Outside the Retail Core) and is affected by the Design and Development Overlay (Schedule 10: General Development Areas – Built Form) (DDO10), Heritage Overlay (HO1043: 96-102 Franklin Street) and the Parking Overlay (Schedule 1). A planning permit is required for the partial demolition and construction of a new building and associated works.
4. The property is occupied by several historic buildings, principal among them being the Former Keep Brothers & Wood Workshop, a 'B' graded building in the *Central City (Hoddle Grid) Heritage Review 2011* (Graeme Butler & Associates), and is to be largely retained.
5. Public notice of the application was undertaken and three objections were received.

Key issues

6. The key issues relate to heritage response of the proposed development, including the extent of demolition sought by the application, the appropriateness of the new development, and whether the development presents an acceptable built form and urban design outcome under the built form requirements of DDO10. Other issues include whether the development provides for appropriate levels of internal amenity for future occupants, and potential amenity impacts, having regard to the Better Apartment Design Standards (BADS).
7. The proposed development represents an appropriate heritage response. The tower form is set back behind the Former Keep Brothers & Wood Workshop and Showroom in a manner that retains the historic building's integrity, and ensures it remains visibly prominent and not dominated by the proposed new tower.
8. The proposed development meets the requirements of DDO10 and the BADS. Subject to conditions, the proposal will meet all other relevant requirements under the Melbourne Planning Scheme (including in relation to environmentally sustainable design, stormwater management and the management and remediation of contaminated land).

Recommendation from management

9. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit subject to conditions outlined in the delegate report (Attachment 4).

Attachments:

1. Supporting Attachment (Page 1 of 106)
2. Locality Plan (Page 2 of 106)
3. Plans (Page 3 of 106)
4. Delegate Report (Page 48 of 106)

Supporting Attachment

Legal

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

Finance

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

Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a 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, amenity impacts and contaminated land that could impact on health and safety have been considered within the planning permit application and assessment process.

Stakeholder consultation

6. Public notice of the application was undertaken in accordance with the Act.

Relation to Council policy

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

Environmental sustainability

8. The Environmentally Sustainable Design (ESD) Statement 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 6.4
Future Melbourne Committee
3 December 2019

96-102 Franklin Road, Kensington





96-102 FRANKLIN STREET, MELBOURNE
BURBANK HOUSE - MIXED USE DEVELOPMENT
TOWN PLANNING

PEDDLE THORP

96-102 FRANKLIN STREET, MELBOURNE
MIXED USE DEVELOPMENT

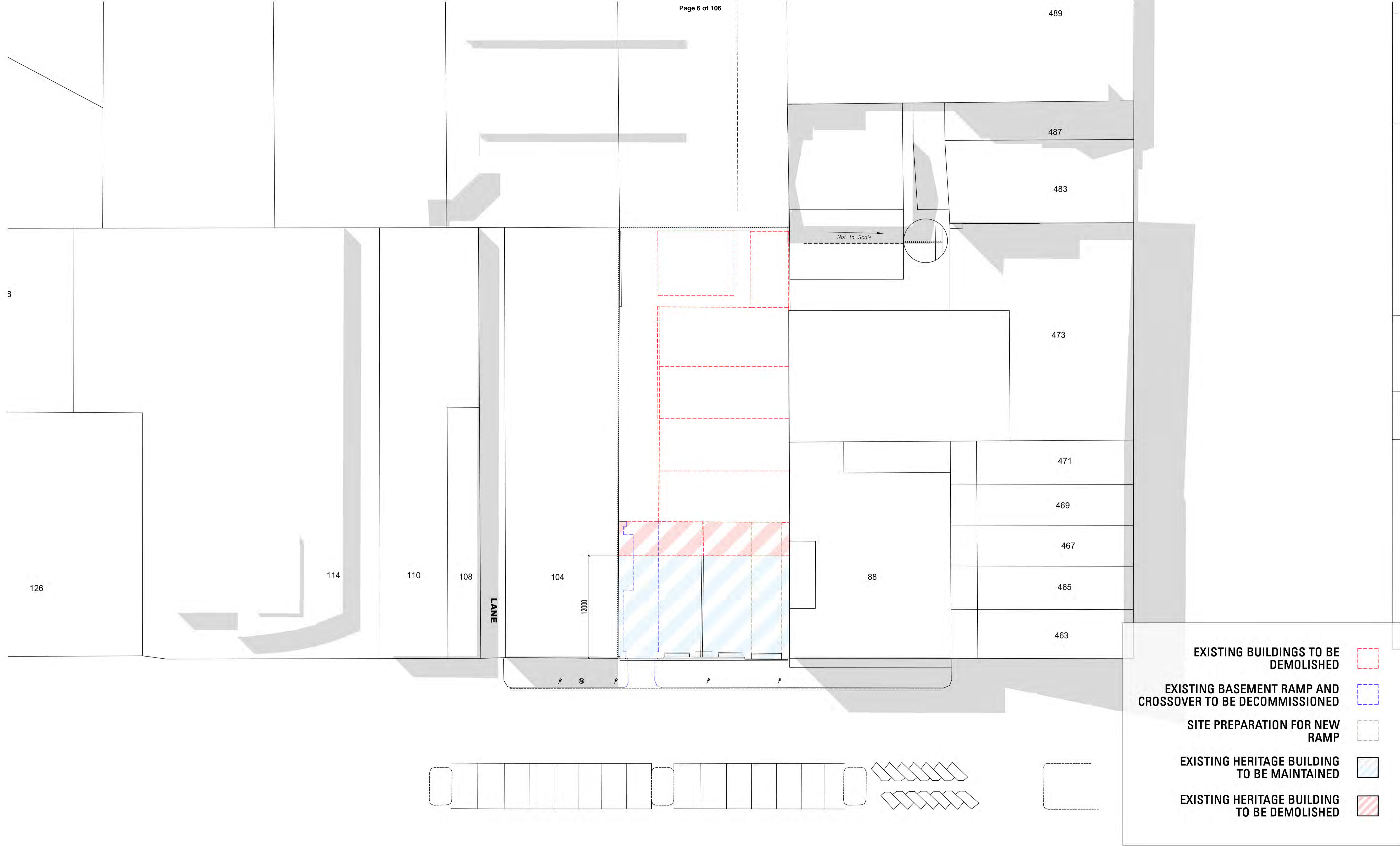
PROJECT NO:
36-0113

REASON FOR ISSUE:
TOWN PLANNING

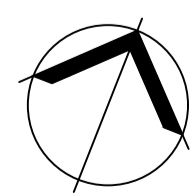
DATE:
JUNE '19

A. DESIGN RESPONSE

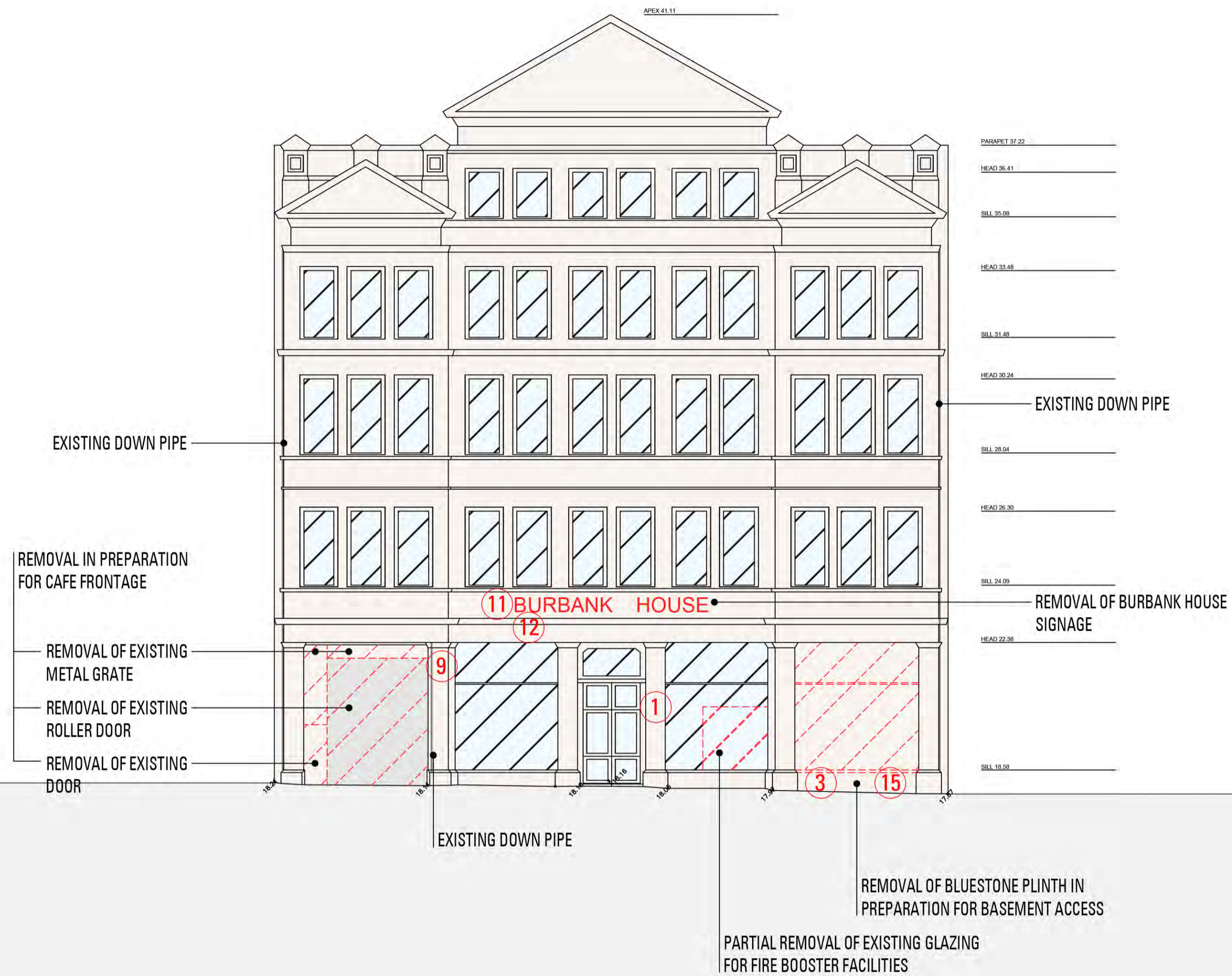
96-102 FRANKLIN STREET, MELBOURNE



EXISTING BUILDINGS TO BE DEMOLISHED	
EXISTING BASEMENT RAMP AND CROSSOVER TO BE DECOMMISSIONED	
SITE PREPARATION FOR NEW RAMP	
EXISTING HERITAGE BUILDING TO BE MAINTAINED	
EXISTING HERITAGE BUILDING TO BE DEMOLISHED	



- GROUND FLOOR LEVEL:
- 1 - PLAQUE ON COLUMNS IDENTIFYING VICTORIAN ICE WORKS ON SITE - TO BE REMOVED AND INCORPORATED INTO THE FOYER
 - 3 - CAREFULLY REMOVE BLUESTONE PLINTH FROM EAST SIDE OPENING AND REUSE IN NEW INFILL TREATMENT TO WEST SIDE OPENING
 - 9 - MAKE GOOD WHERE ELECTRICAL CONNECTIONS / CONDUITS ARE REMOVED FROM FACADE
 - 11 - REMOVE SIGNAGE 'BURBANK' HOUSE FROM FACADE
 - 12 - MAKE GOOD WHERE SIGNAGE HAS BEEN REMOVED
 - 15 - SALVAGE BLUESTONE FROM EASTERN PLINTH AS PART OF DEMOLITION WORKS TO CREATE BASEMENT ACCESS, REUSE FOR NEW WESTERN PLINTH

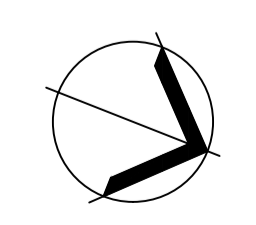
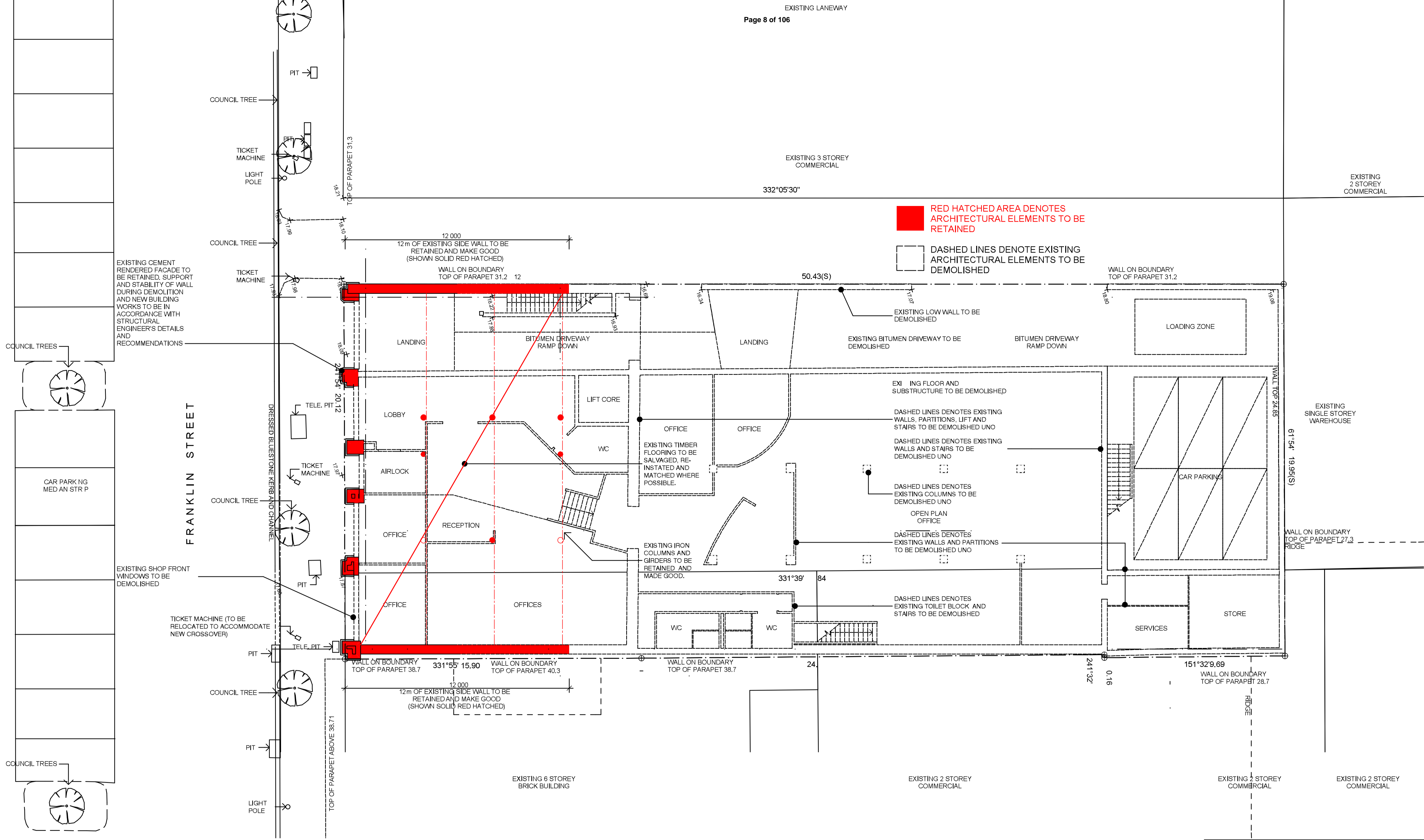


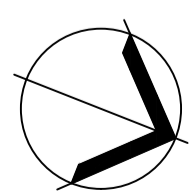
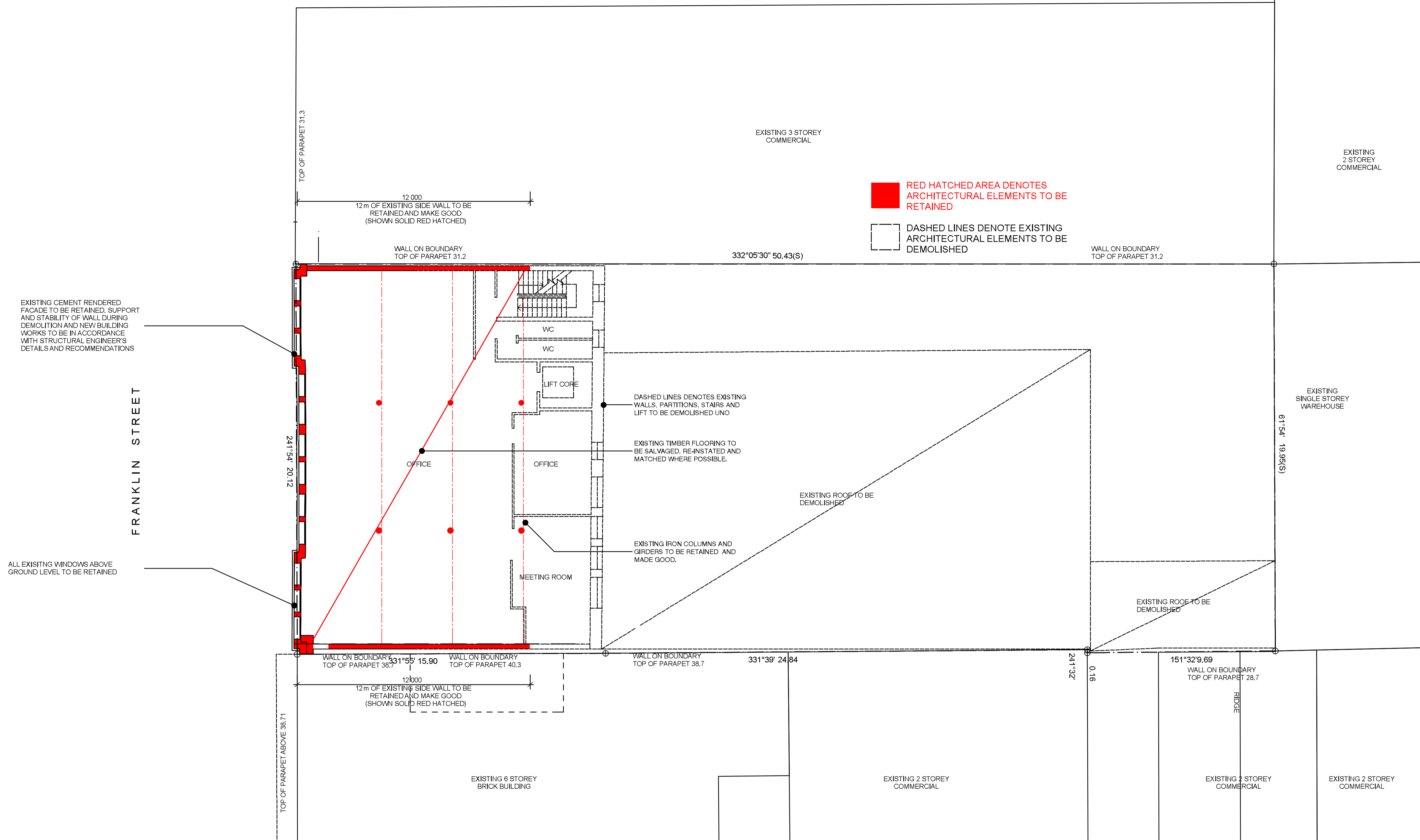
EXISTING 3 STOREY COMMERCIAL

EXISTING 2 STOREY COMMERCIAL

RED HATCHED AREA DENOTES ARCHITECTURAL ELEMENTS TO BE RETAINED

DASHED LINES DENOTE EXISTING ARCHITECTURAL ELEMENTS TO BE DEMOLISHED





GROUND FLOOR LEVEL:

- 2 - REMOVE ALL PAINT ON GROUND FLOOR FACADE, PATCH REPAIR RENDER AND REPAINT
- 4 - NEW SHOP FRONT TO BE INSTALLED WITH TIMBER STALL BOARD ABOVE BLUE-STONE PLINTH.
- 5 - NEW SHOPFRONTS FRAME TO ALIGN TO REAR OF COLUMN CAPITAL - NOT PROUD OF BLUESTONE; SHOPFRONT TRANSOM HEIGHT AND MULLIONS TO REFERENCE ENTRANCE DOOR; DETAILED MOULDING TO REFERENCE THE MOULDING ROUND THE ENTRANCE DOOR (SLIMMER I MODIFIED VERSION)
- 6 - GLAZED PANELS IN ENTRANCE DOOR TO BE REMOVED AND REPLACED WITH SOLID TIMBER RAISED AND FIELDLED BEVELLED PANELS
- 7 - REMOVE DOOR HANDLES AND SUBJECT TO COMPLIANCE ISSUES REPLACE WITH DESIGN REFERENCING EARLY TWENTIETH CENTURY
- 8 - RESOLVE COMPLIANT DISABLED ACCESS TO THE BUILDING EITHER BY SLOPING PAVEMENT OR STEP RAMP OR BOTH
- 10 - NEW LEAD CAPPING TO BE PLACED OVER STRING COURSE
- 13 - REMOVE PAINT FROM ALL BLUESTONE
- 14 - CLEAN AND RETAIN ALL VENTS
- 16 - NEW ROLLER-SHUTTER DOOR TO ALIGN TO REAR OF COLUMN CAPITAL

UPPER LEVELS:

- 17 - NEW LEAD CAPPING TO PEDIMENT AND PARAPET ON FOURTH LEVEL
- 18 - STRIP TOPS OF CORNICES, PARAPET, PEDIMENT AND STRING COURSES AND RE-RENDER
- 19 - WINDOWS - REPLACE PARTING BEADS AND SASH MOULDINGS
 - REPAIR AND MAKE ALL WINDOW SASHES OPERABLE
 - REPLACE SASH CORDS WHERE REQUIRED
 - INSTALL SAFETY LOCKING IN ACCORDANCE WITH BCA
- 20 - PATCH REPAIR LOOSE AND DRUMMY RENDER ACROSS THE FACADE, CLEAN DOWN AND REPAINT

SIDE ELEVATIONS | REAR OF PARAPET:

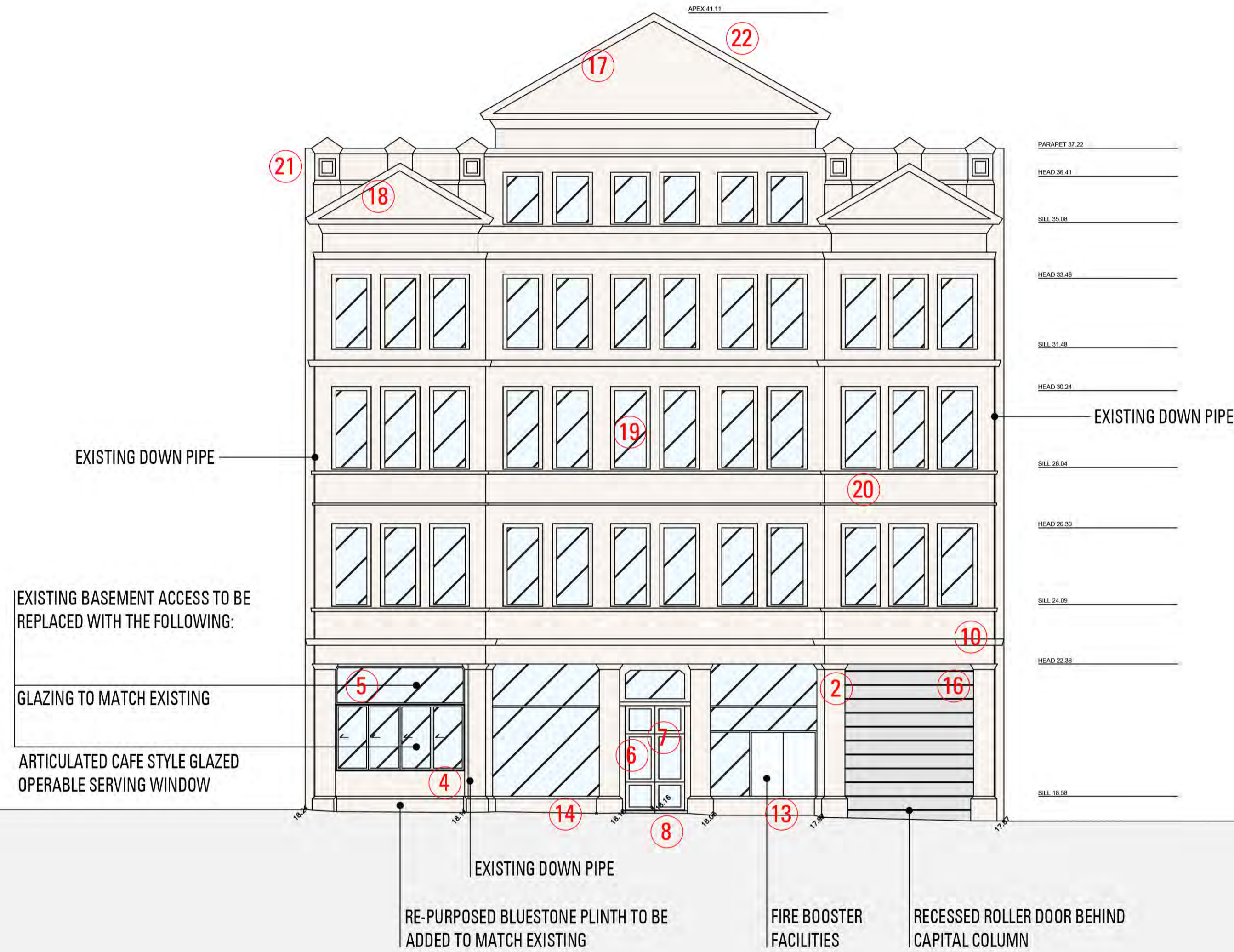
- 21 - ALL BRICKWORK TO BE RE-POINTED

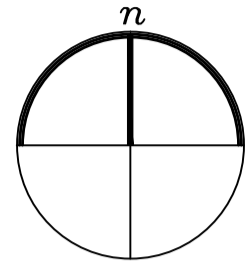
ROOF:

- 22 - NEW CORRUGATED GALVANIZED SHEETING TO ROOF, INCLUDING ALL ASSOCIATED RAINWATER GOODS

GENERAL:

- REPAIR AND PATCH CRACKS
- ALLOW FOR 20% REPLACEMENT OF FLAT RENDER TO WALL SURFACES
- CLEAN DOWN AND REPAINT - RENDER IS GENERALLY IN A GOOD CONDITION (EXCEPT ON GROUND FLOOR LEVEL WHICH IS TO BE STRIPPED AND THEN PAINTED)





Services

Services that were not visible at the time of survey may not be shown on this plan. Reference should be made to service authority plans prior to commencement of works.

In all instances, it is essential that the position of underground services (whether or not shown on this plan) be verified on site and adjoining sites prior to any critical design or commencement of works. This should be done in consultation with all relevant Service Authorities.

Notations

Date of Survey 16th June, 4th July 2014, 9th Feb 2016
 Land Subject to Easement, Refer to Caveat AG357368K Lease & Easements in favour of CitiPower Pty

This plan is to be read in conjunction with the attached Surveyors Report

Location of buildings beyond site boundaries are indicative only

Information relating to adjoining properties has only been shown where visible or access is available

Direction of photographs shown thus

All dimensions and survey marks shown on this plan should be verified/confirmed by all contractors & consultants prior to any future construction & site works

Levels shown thus are to Australian Height Datum vide MMB 378 with a stated value of RL 24.145

Refer to frozen layers with a suffix of _L for levels.

Refer to frozen layers with a suffix of _C for crosses

Contour Interval 0.2 metres

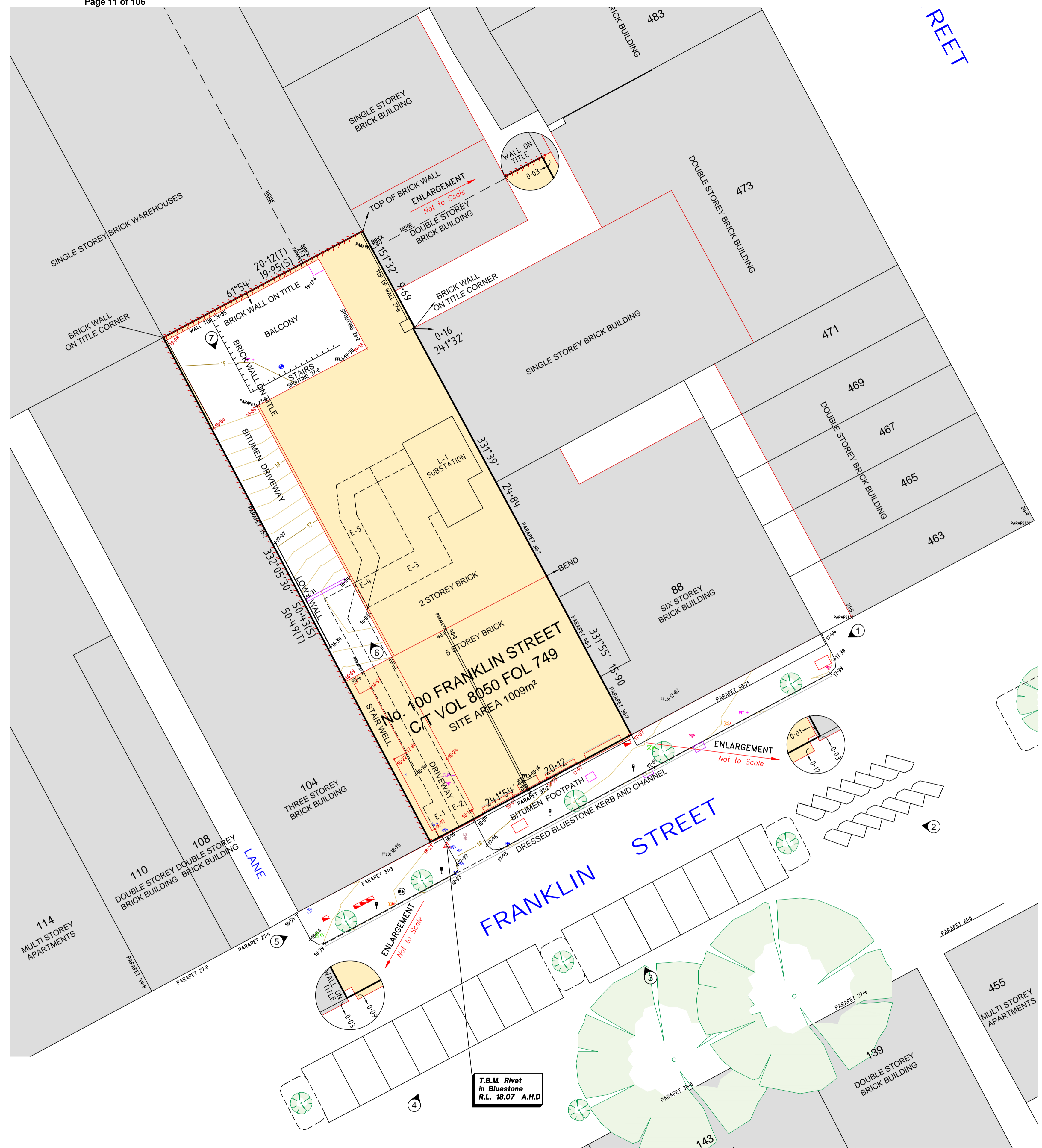
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Certified	Scott Wyllie	Licensed Surveyor
Drawn	RU, JG	
Date	09/02/16	
Survey Data	3018103 - 04	
CAD drawing number	3018100AC	
Original sheet size	A1	
Client	Burbank Holdings Australia C/- Bill Peppard	
Project	100 Franklin Street Melbourne	
Details	Boundary Re-establishment, Feature and Level Survey And Site Analysis Certificate of Title: Volume 8050 Folio 749	
Sheet	1 of 1	
Job Number	30181	

Bosco Jonson Pty Ltd
 A.B.N 95 282 532 642
 P.O. Box 5075, South Melbourne, Vic 3205
 16 Eastern Road, South Melbourne
 Vic 3205 Australia
 Tel 03) 9699 1400 Fax 03) 9699 5992



Legend	
4	Instrument Station
104	Existing Surface
107	Floor Level
201	Single Trees > 2m
308	Side Entry Pit
309	Grated Pit
321	Invert Pipe Or Pit
329	Grated Pit Lid (Point)
403	Edge Of Bitumen
407	Invert Of Kerb/Channel
409	Top Of Kerb/Channel
416	Parking
419	Edge Of Concrete
503	Signs
522	Rubbish Bin
527	Ticket Machine
603	Major Building
604	Verandah
605	Glass
606	Door
613	Bore/Well
617	Wall
633	Parapet
635	Spouting
711	Light Pole
721	Telecommunications Pit
729	Telecommunications Pit
731	Gas Valve
747	Inspection Shaft Cap
750	Water Main
751	Stop Valve
754	Water Meter
762	Unclassified Pit
766	Unclassified Pit Lid
950	Title
951	Lease Boundary
993	Easements
	DCMB Indicative Boundaries



1



2



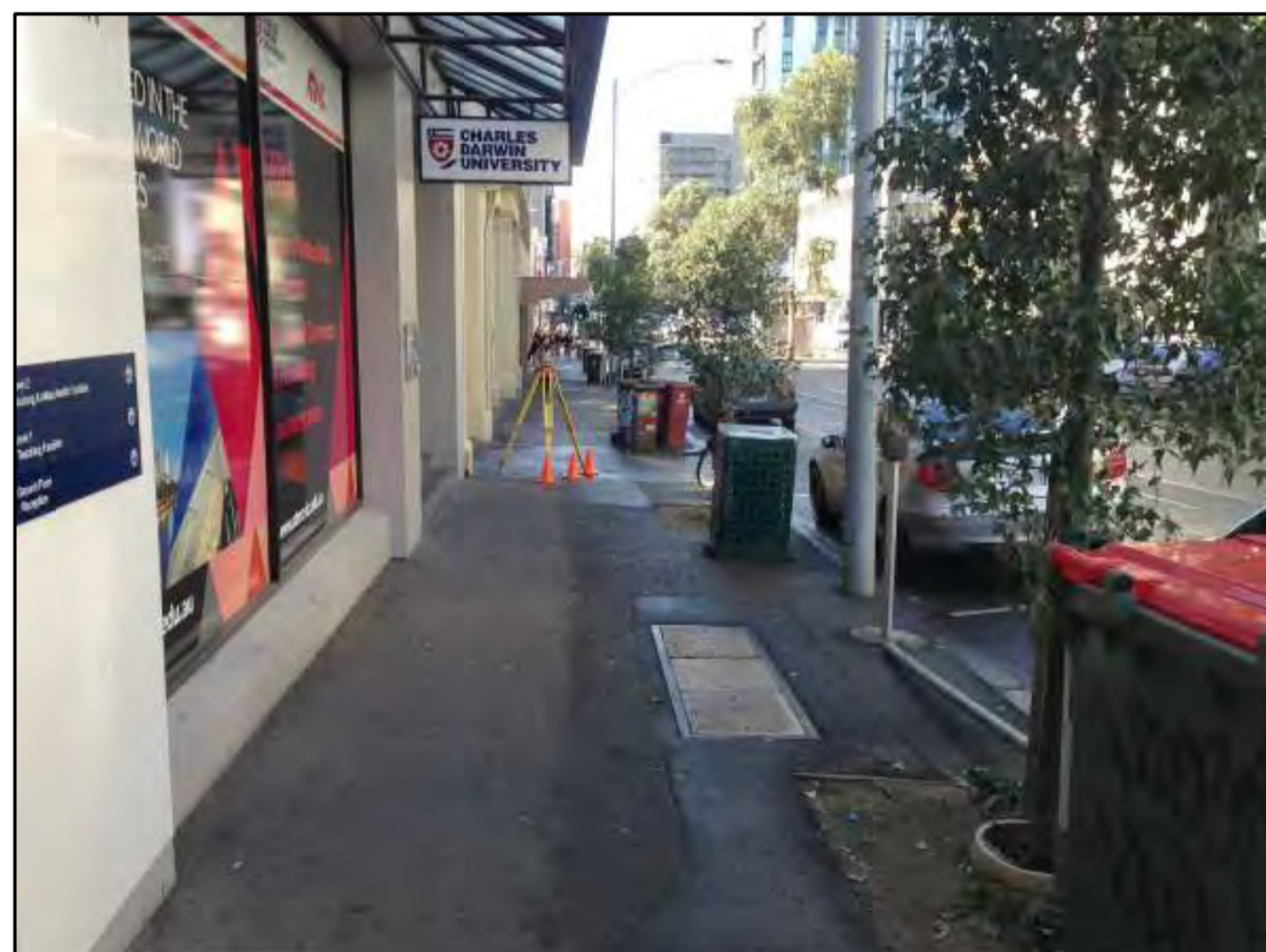
3



4



5



6



7



Site Photographs

100 Franklin Street Melbourne

3018100BA.DWG
JUNE 2014
Sheet 1 of 1

Bosco Jonson Pty Ltd
A.B.N 95 282 532 642
P.O. Box 5075, South Melbourne, Vic 3205
16 Eastern Road South Melbourne
Vic 3205 Australia
Tel 03) 9699 1400 Fax 03) 9699 5992



B. DESIGN PROPOSAL

96-102 FRANKLIN STREET, MELBOURNE

PEDDLE THORP

96-102 FRANKLIN STREET, MELBOURNE
MIXED USE DEVELOPMENT

PROJECT NO:
36-0113

REASON FOR ISSUE:
TOWN PLANNING

REVISION:
10

DATE:
JUNE '19

TOTAL
22 STOREYS

+78.5m

RESIDENTIAL TOWER
14 STOREYS
84 APARTMENTS

+77m

UPPER PODIUM
3 STOREYS
COMMERCIAL OFFICE

+32.2m

PODIUM
4 STOREYS
COMMERCIAL OFFICE

+21.5m

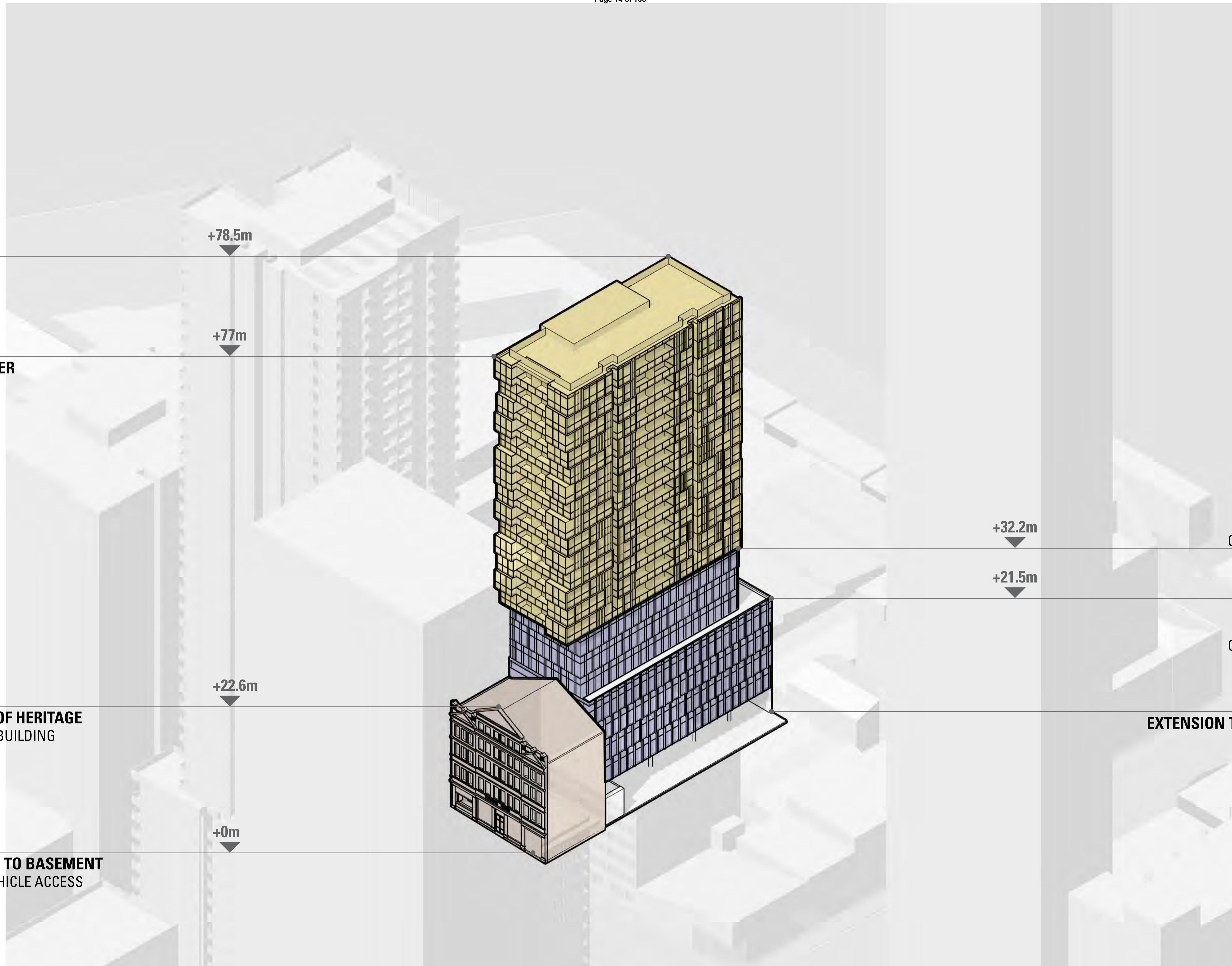
MAINTAINED 12m OF HERITAGE
4 STOREY HERITAGE BUILDING

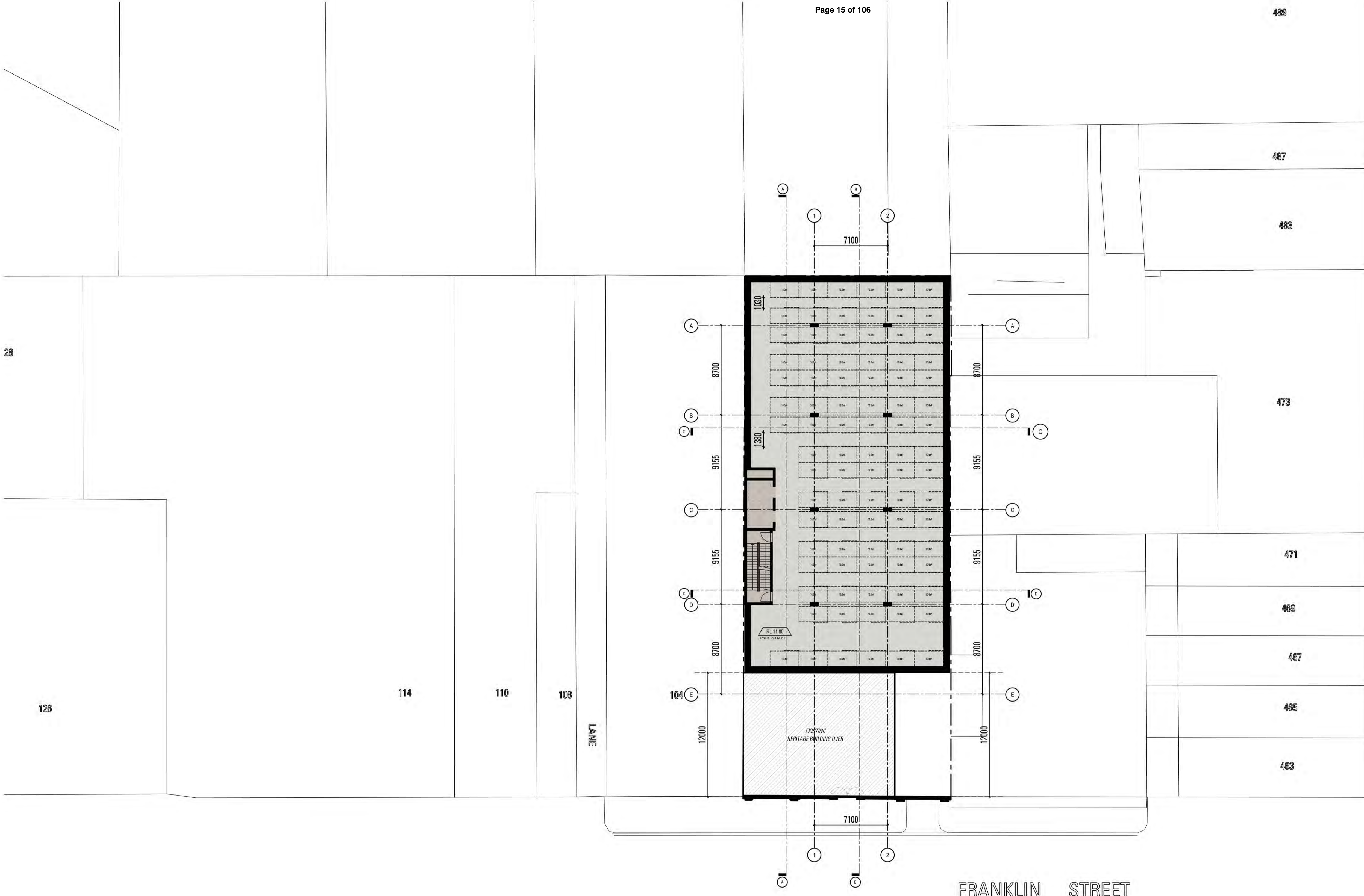
+22.6m

EXTENSION TO GROUND FLOOR
SHOWROOM

TRAFFIC & ACCESS TO BASEMENT
CROSSOVER AND VEHICLE ACCESS
MOVED TO THE EAST

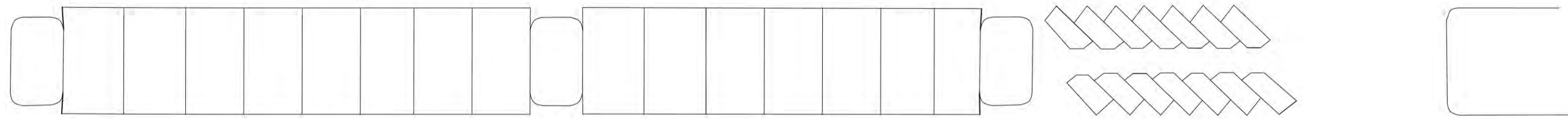
+0m





ELIZABETH STREET

FRANKLIN STREET



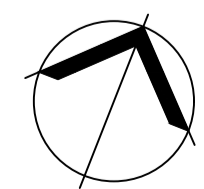
PEDDLE THORP

**96-102 FRANKLIN STREET, MELBOURNE
MIXED USE DEVELOPMENT**

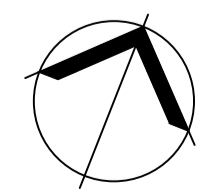
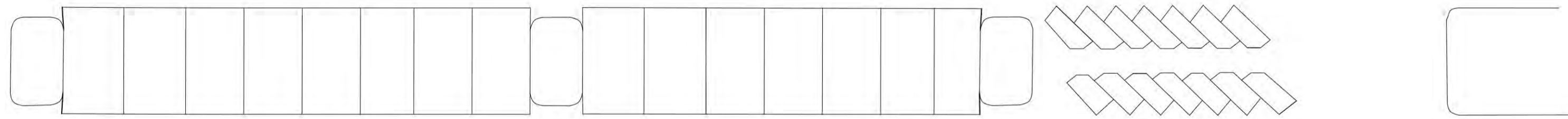
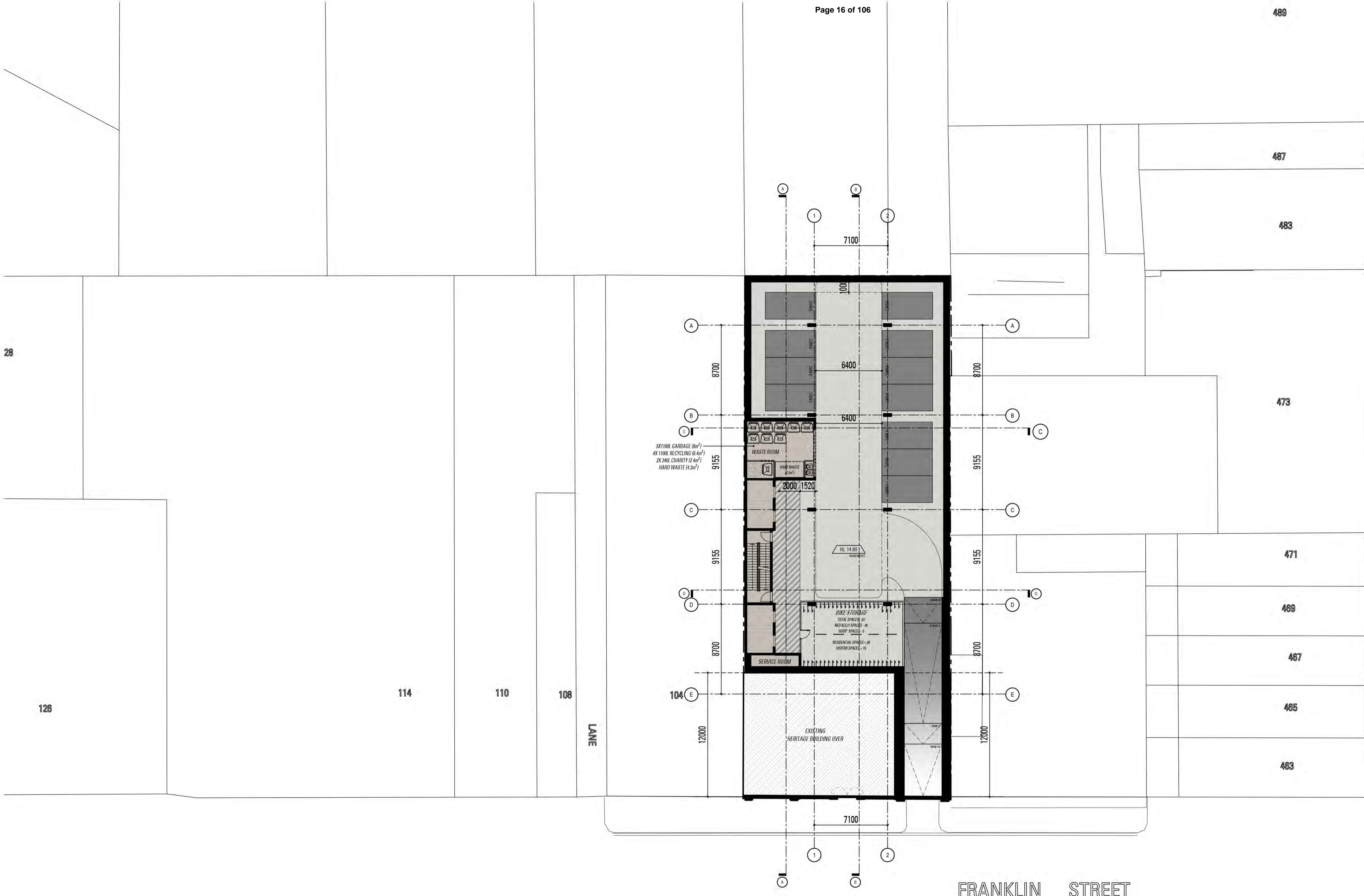
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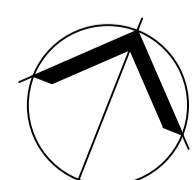
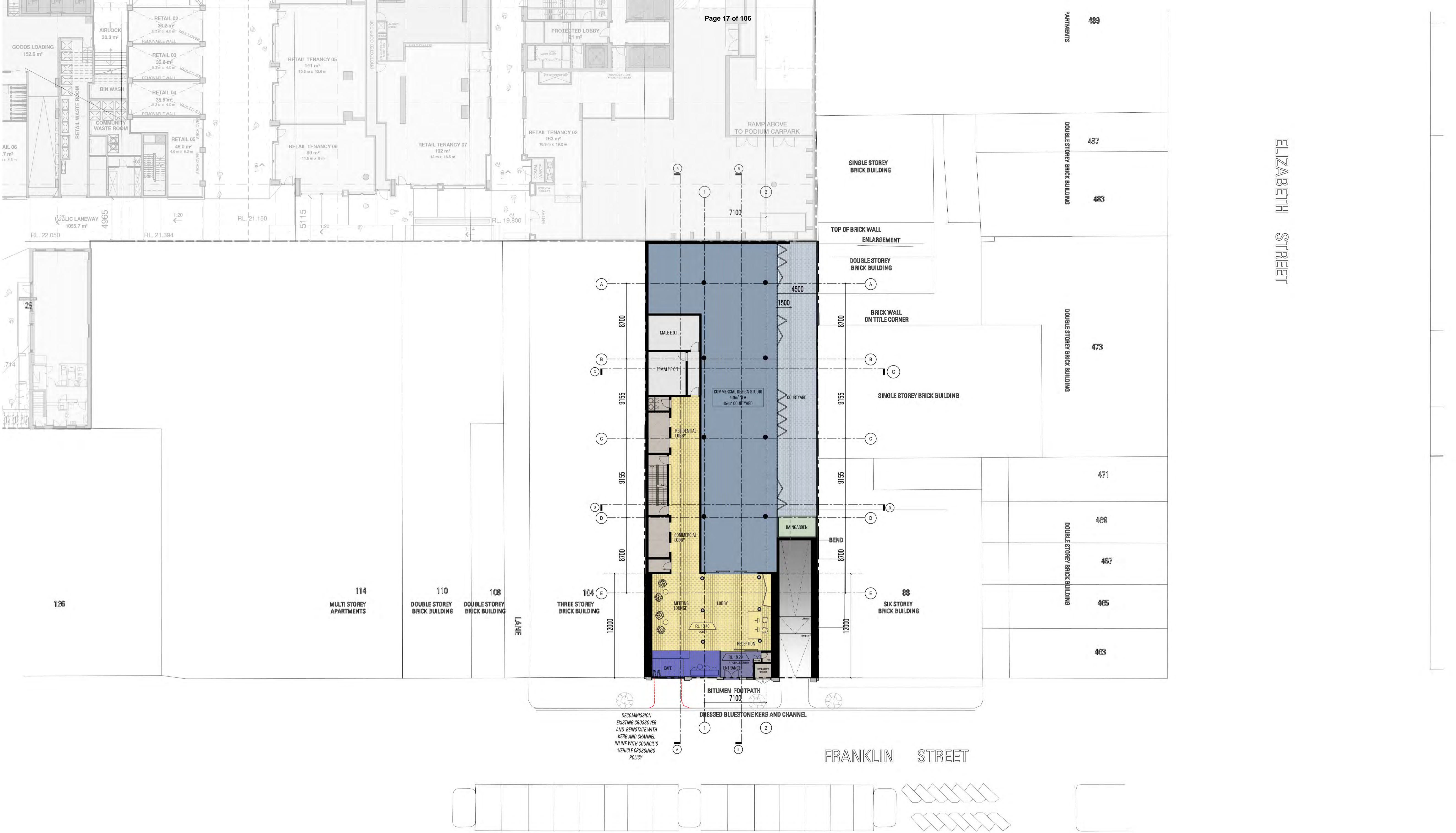
**B. DESIGN PROPOSAL
BASEMENT LEVEL TWO**

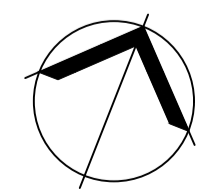
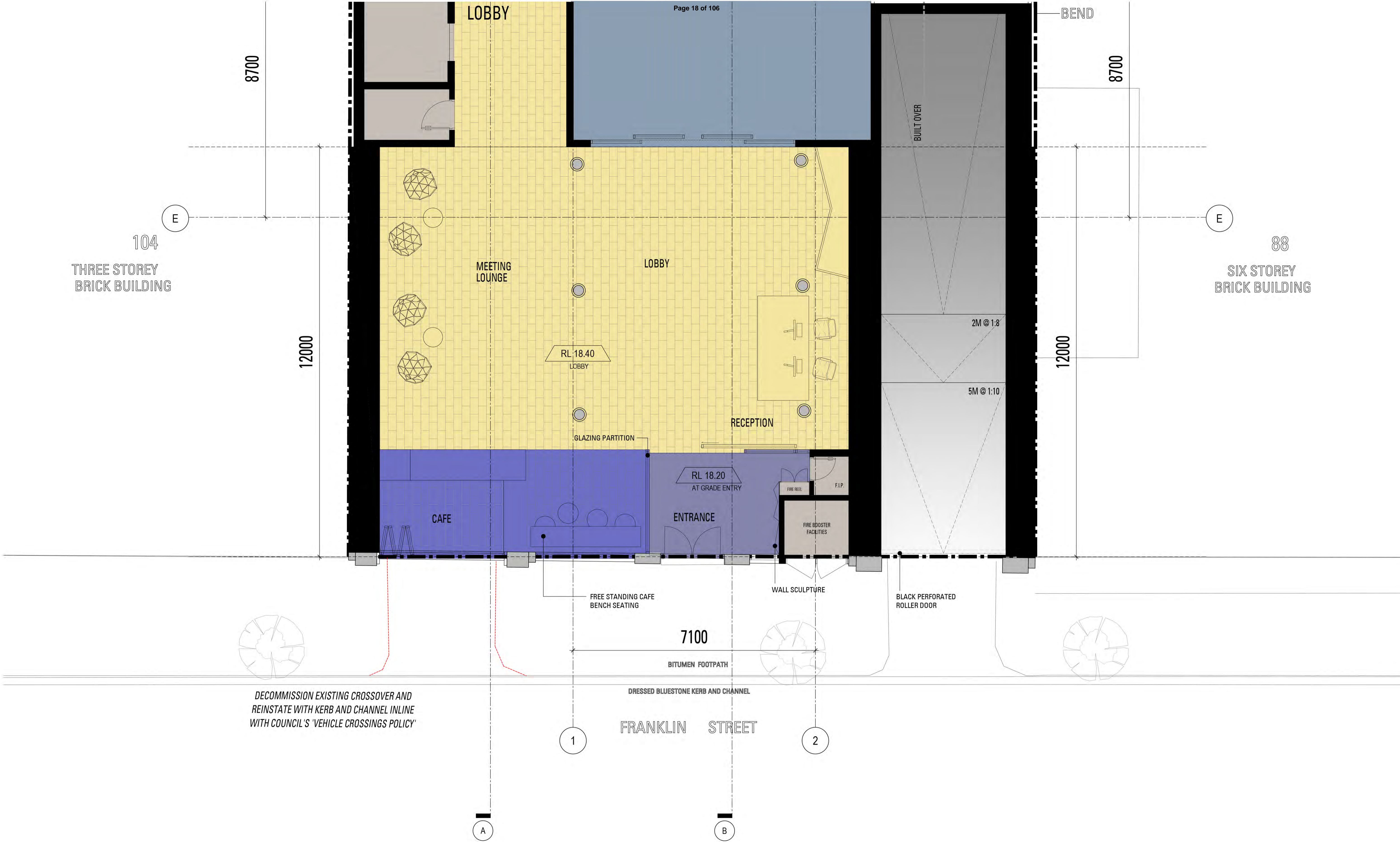
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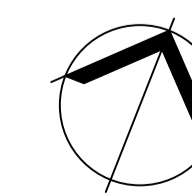
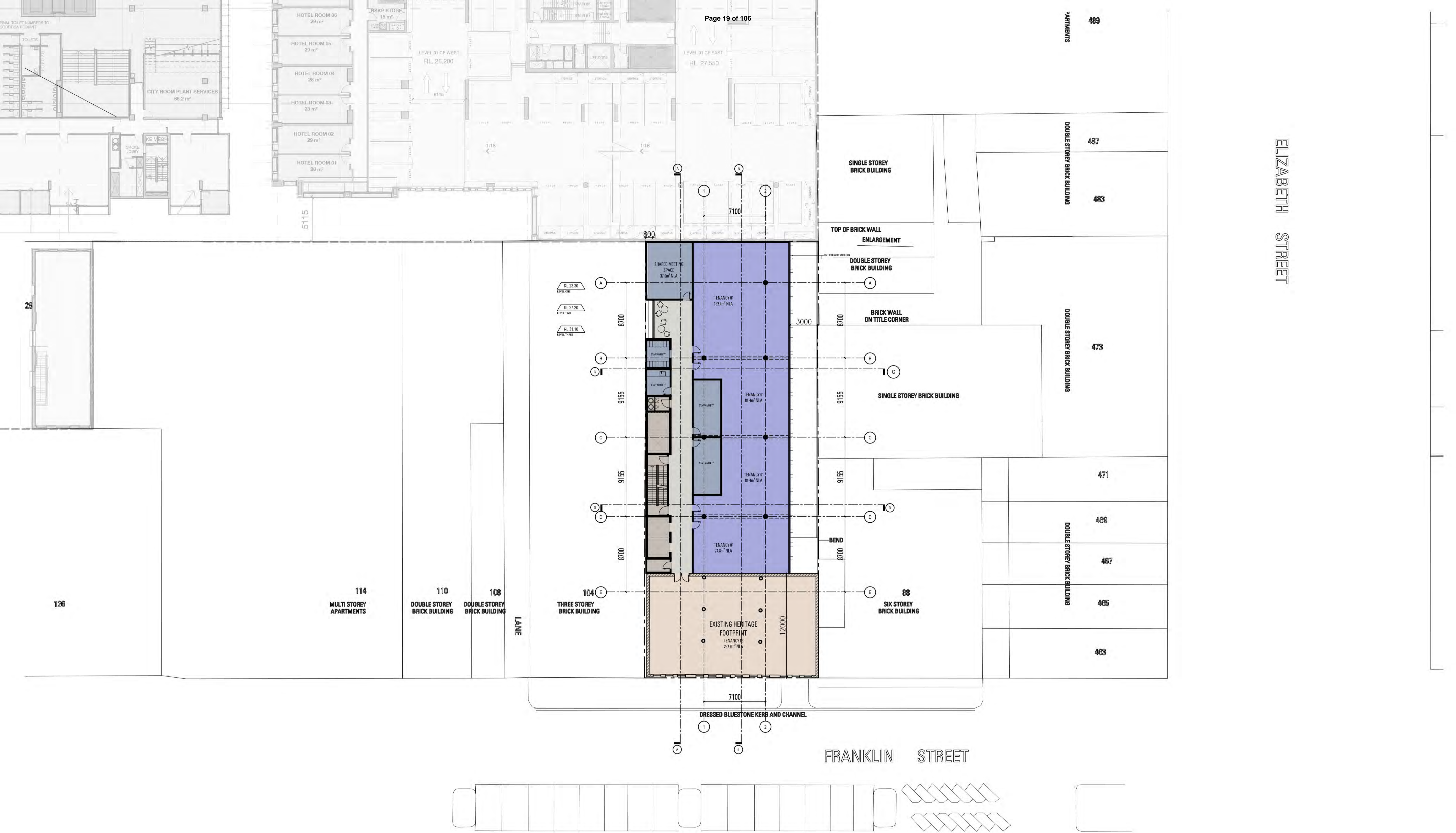


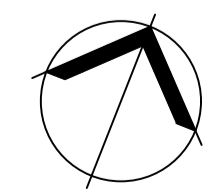
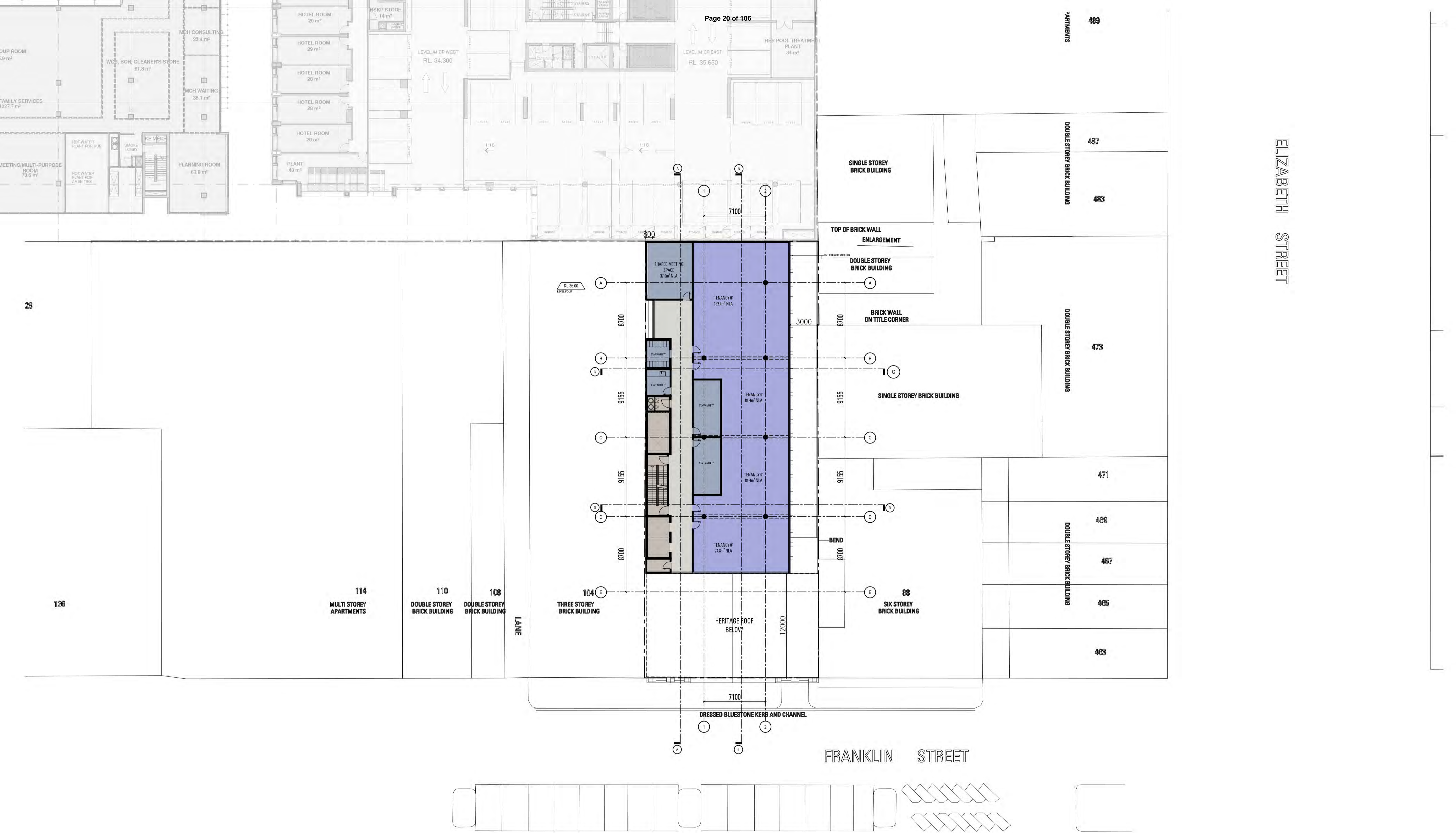
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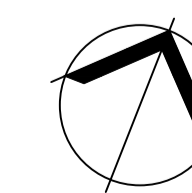
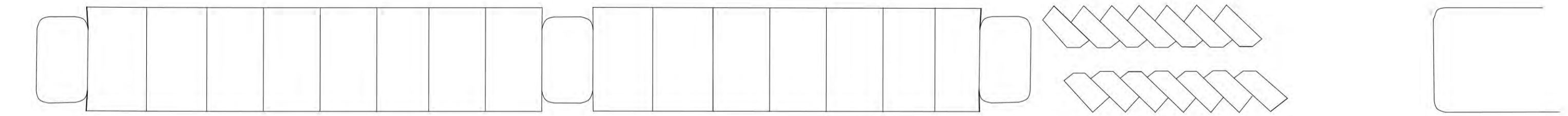
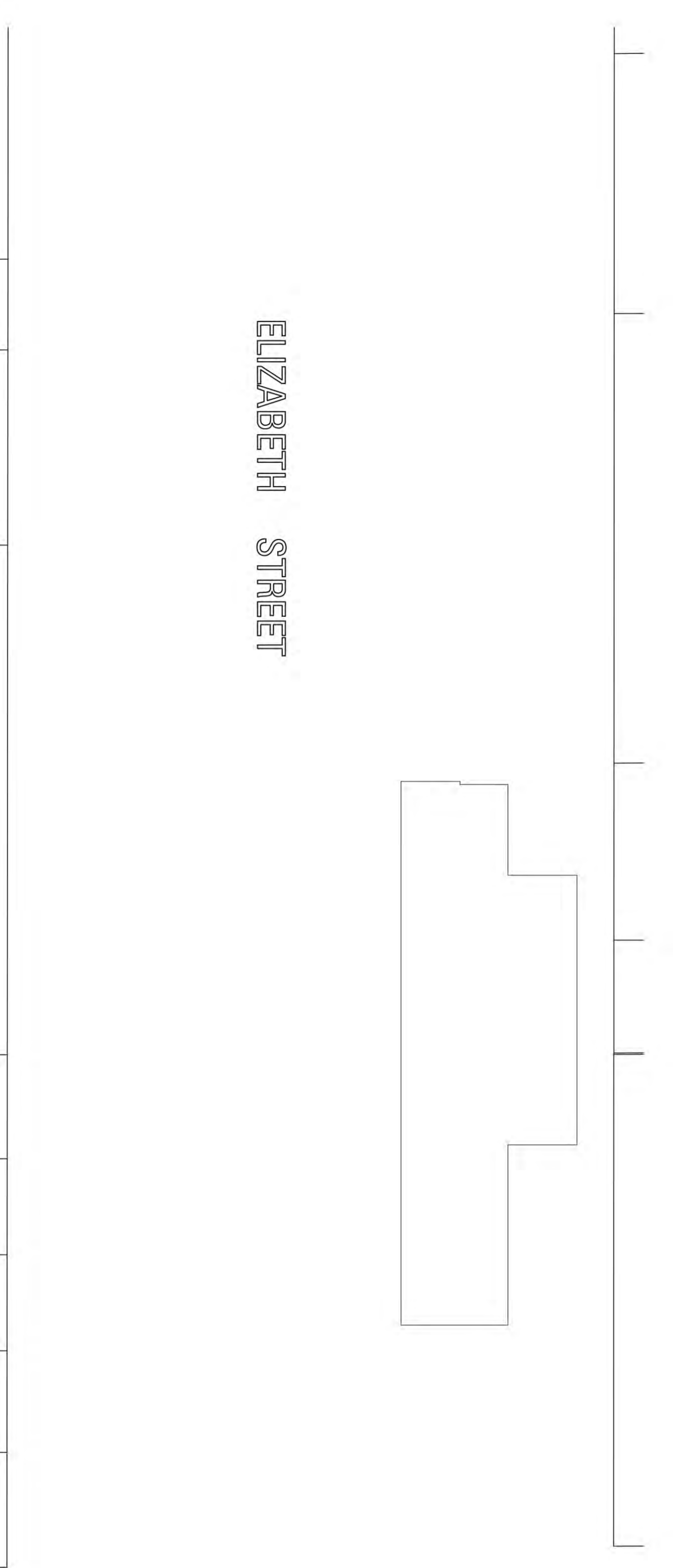
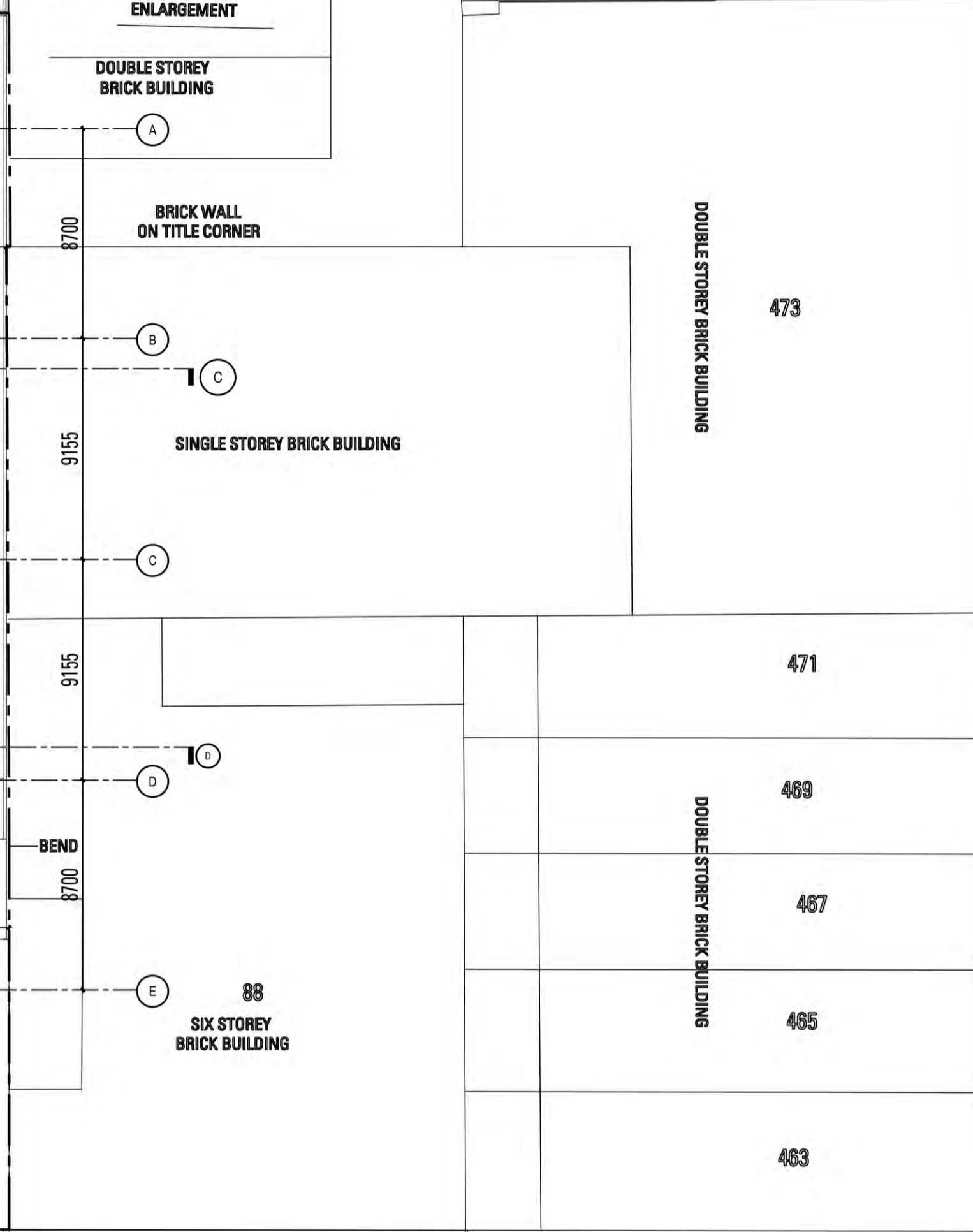
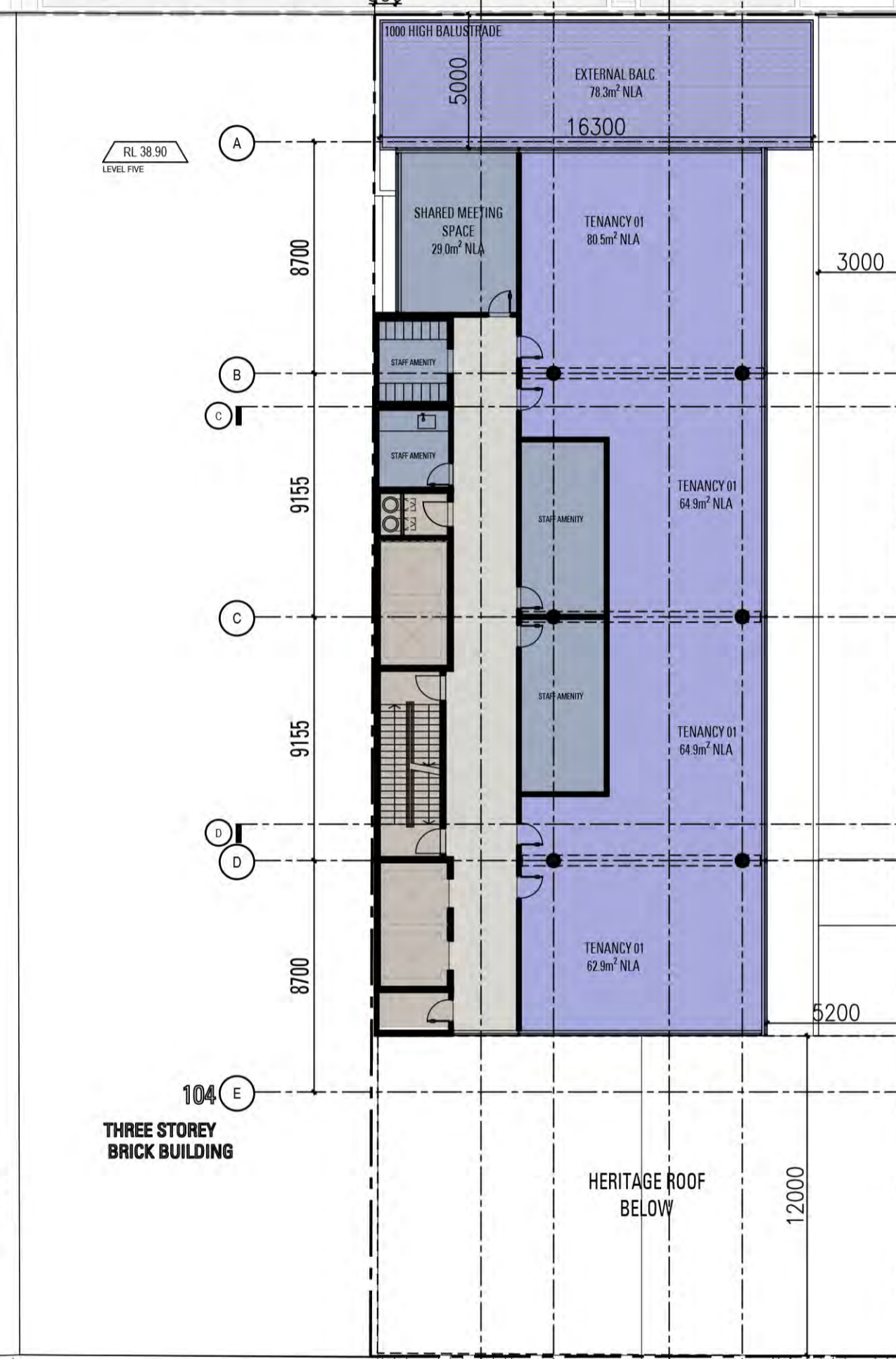
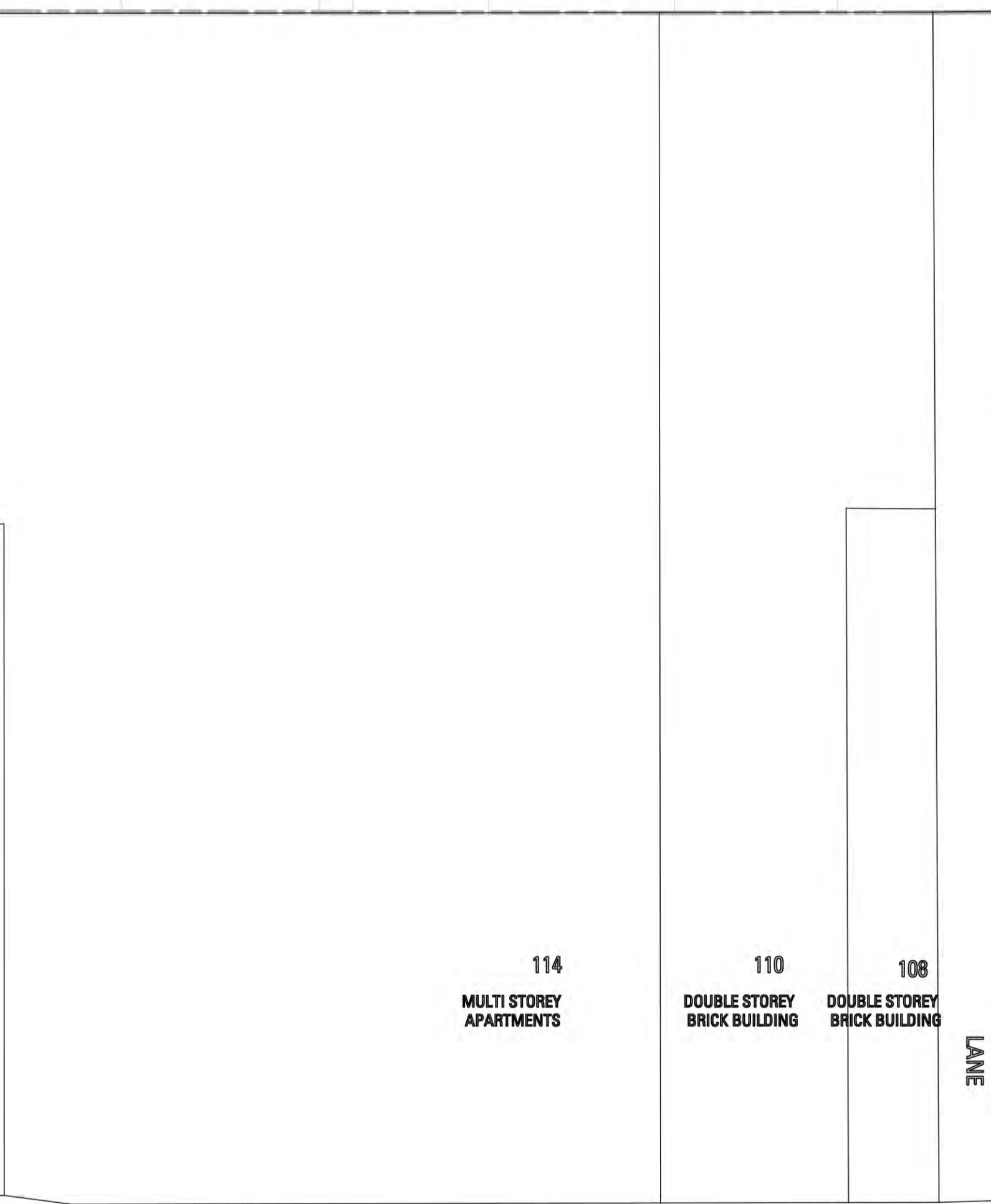
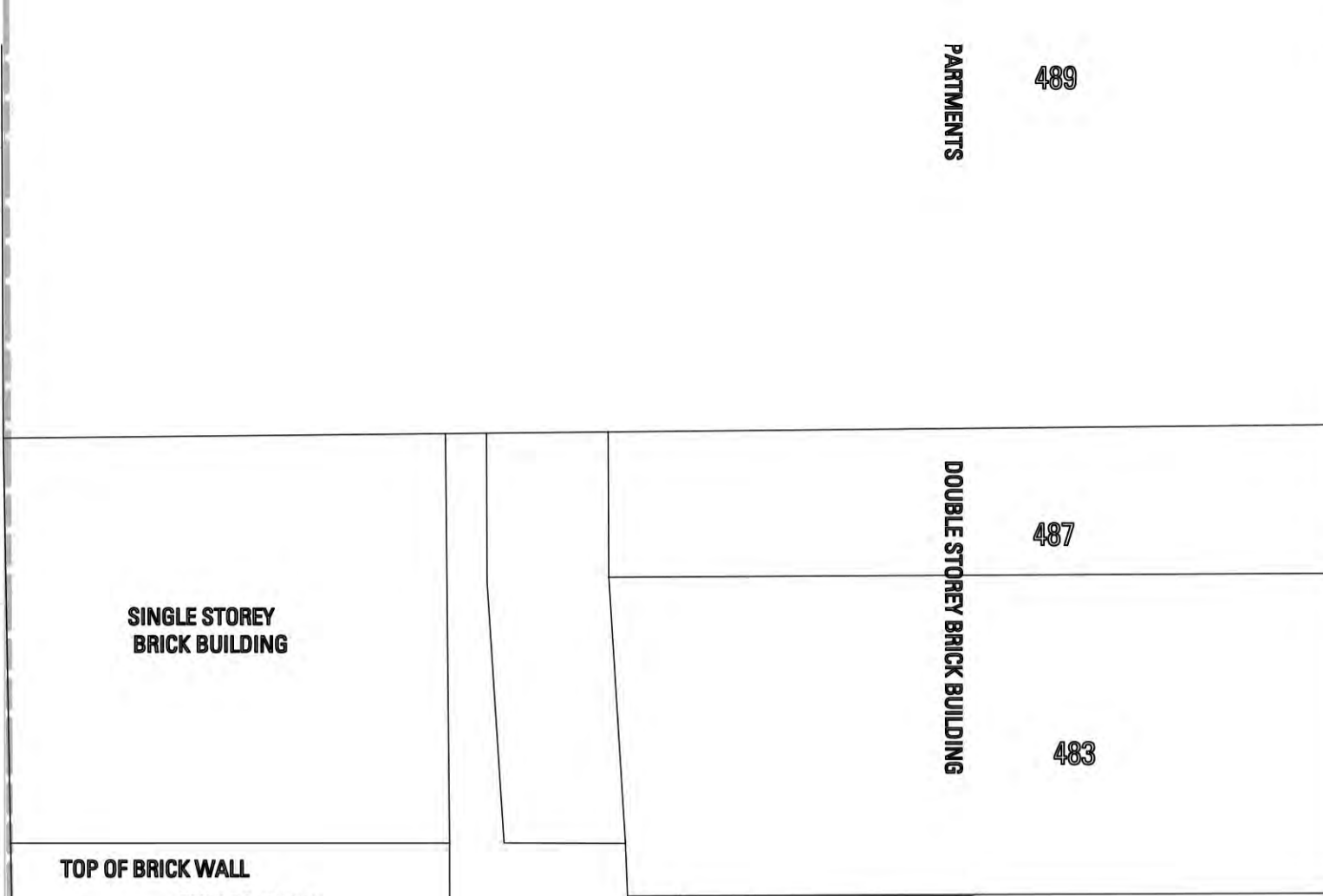
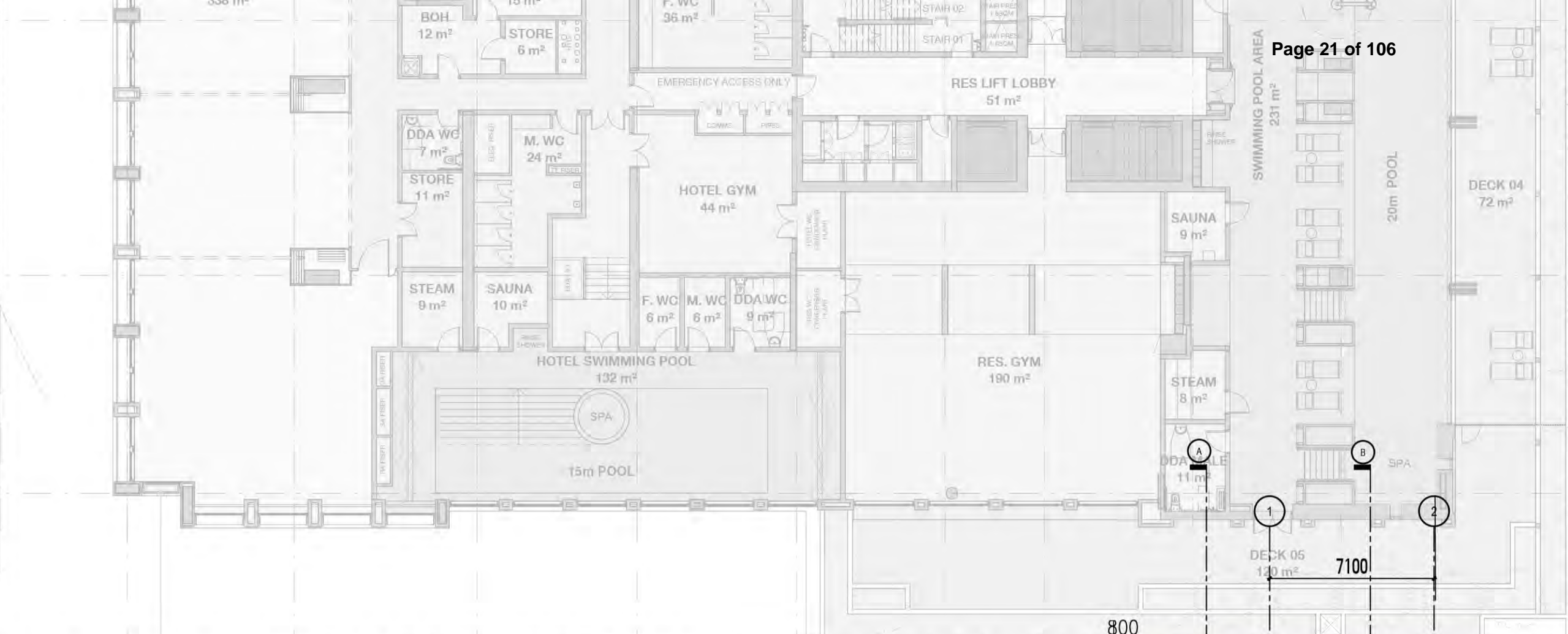
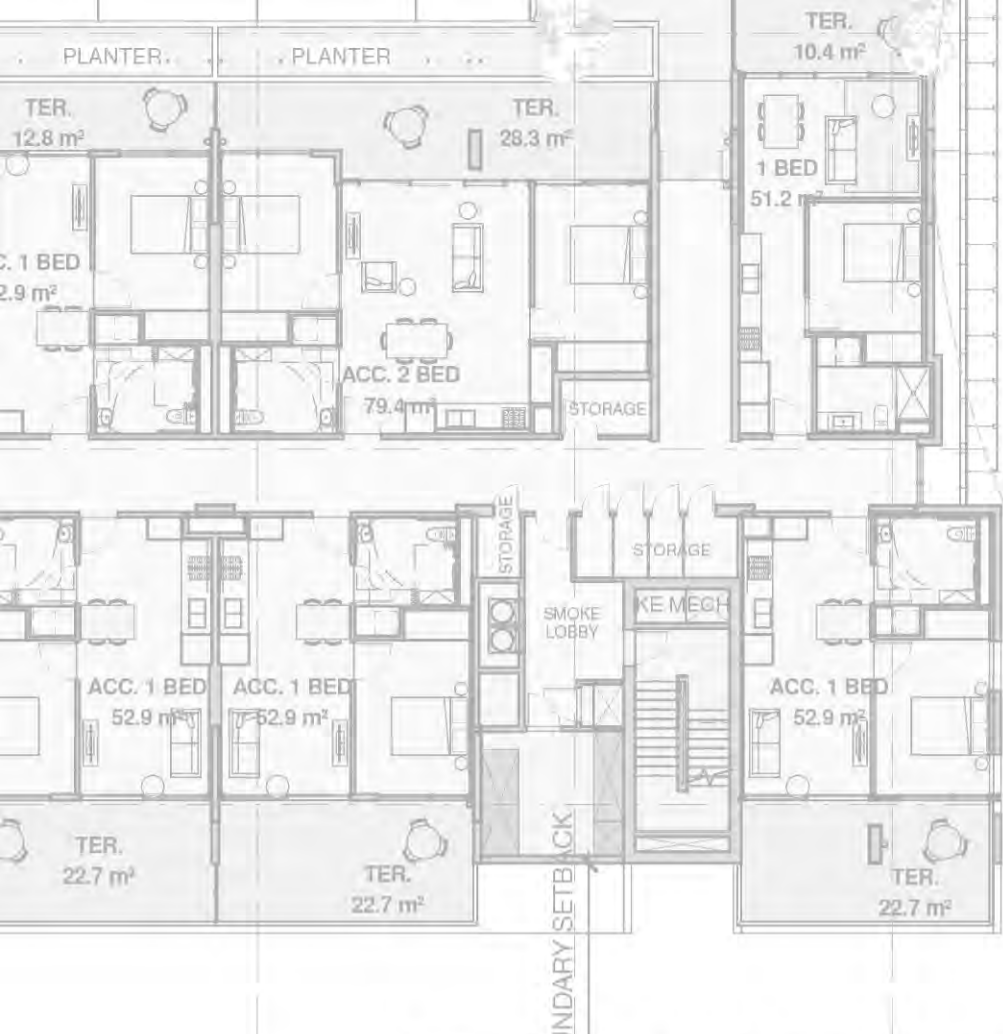


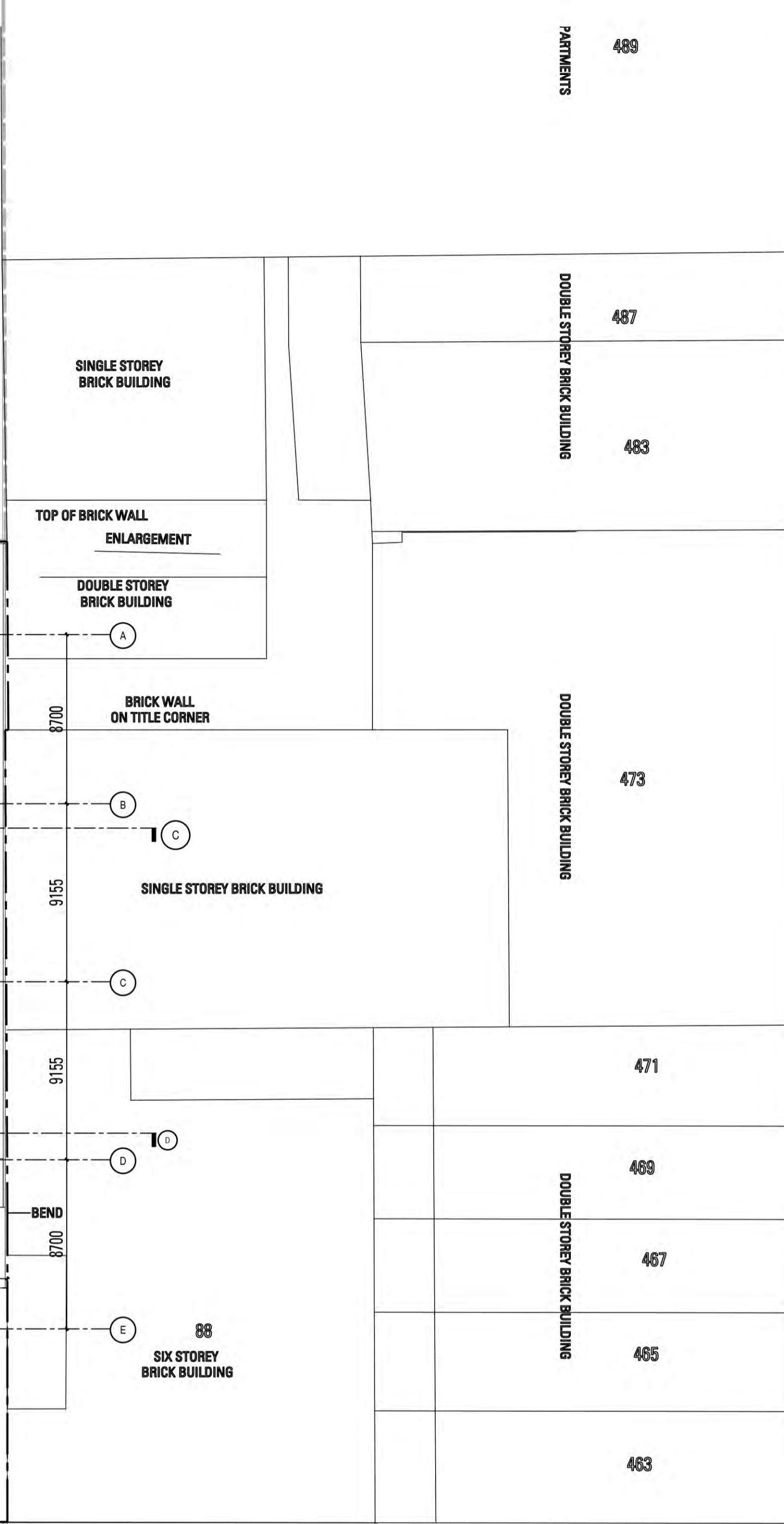
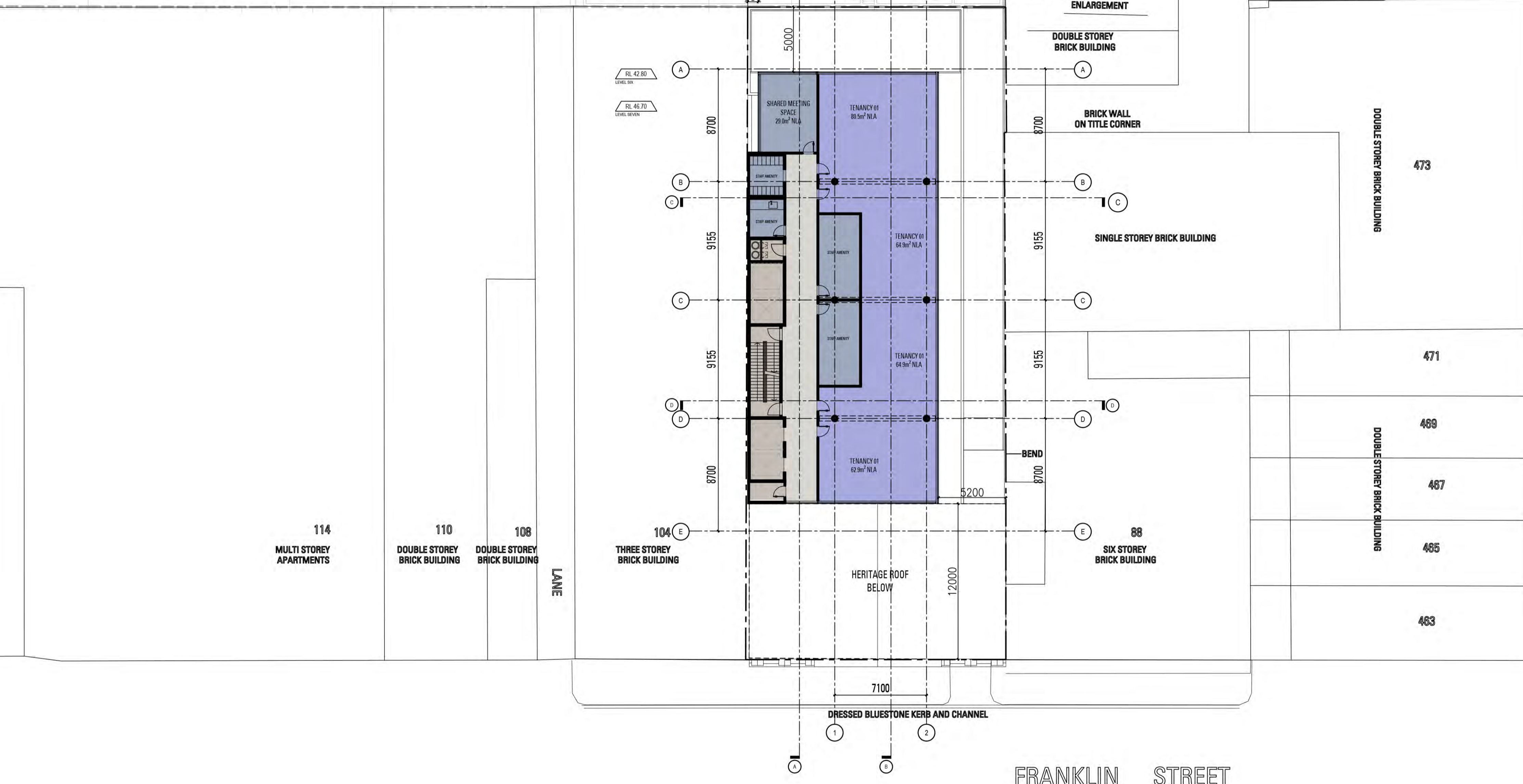
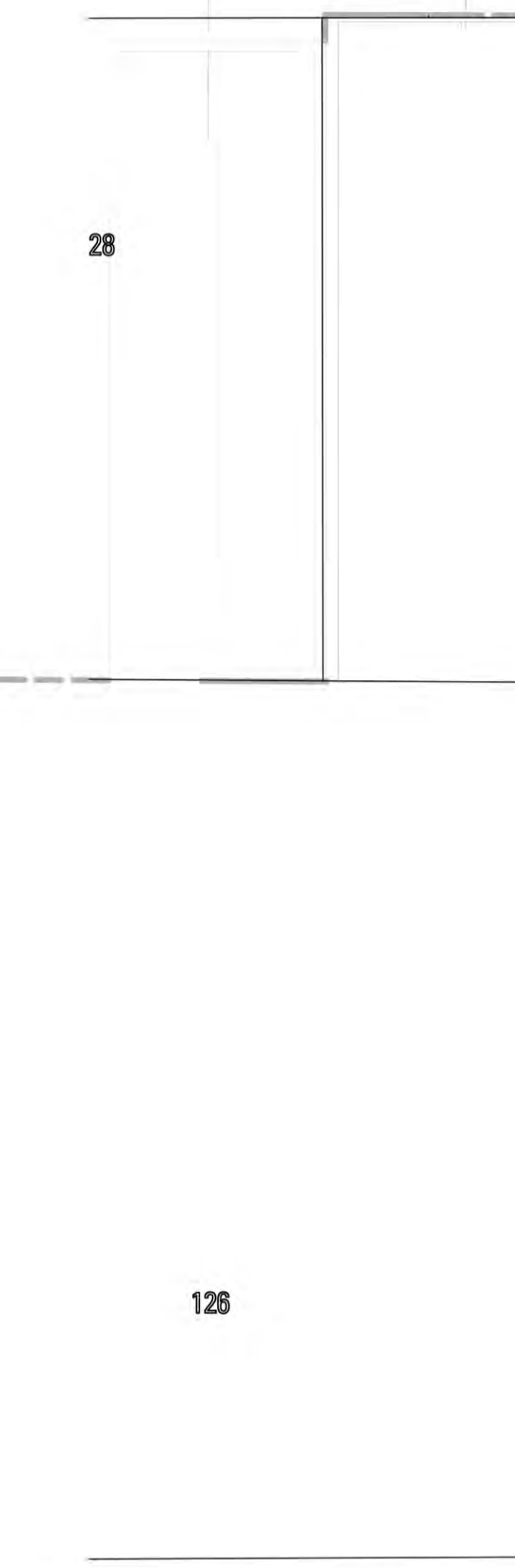
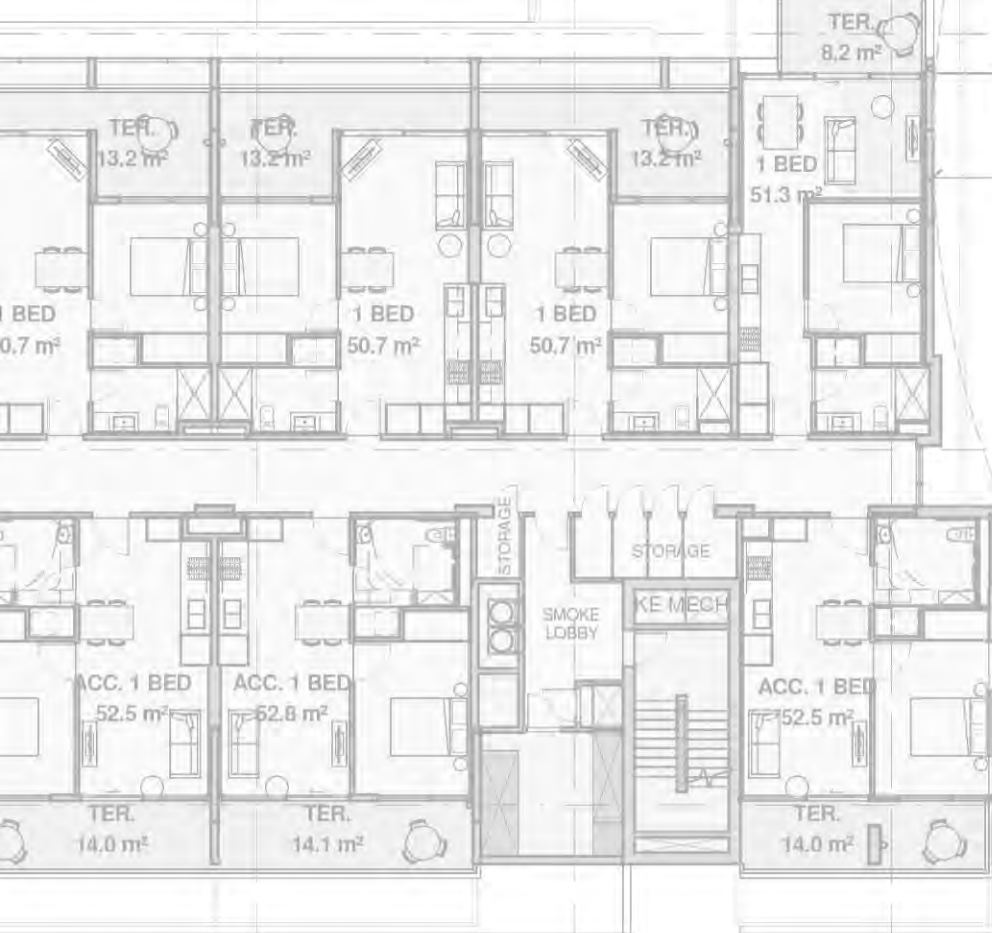






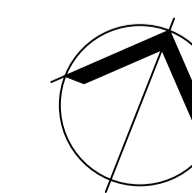


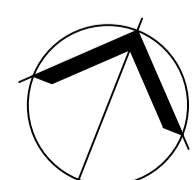


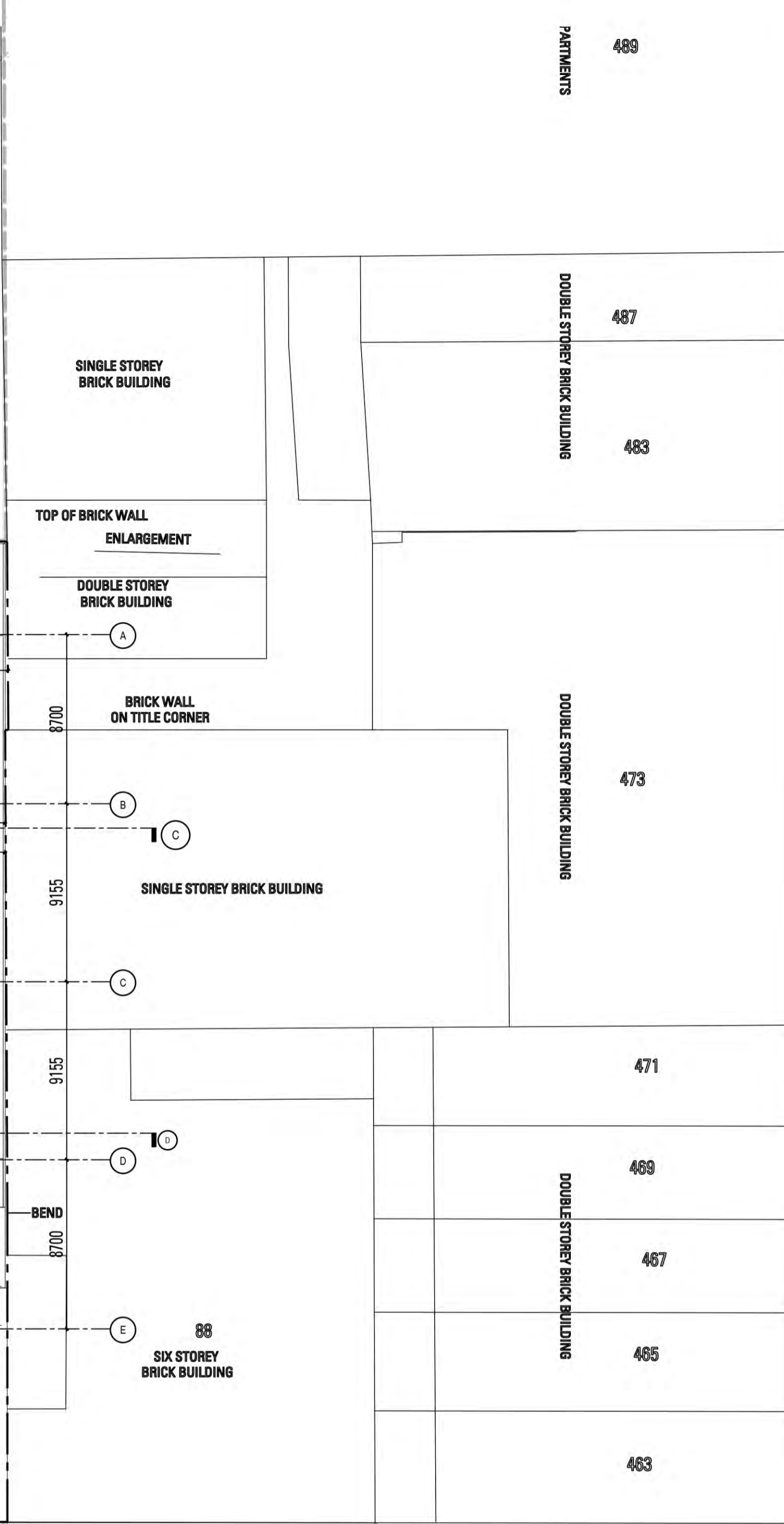
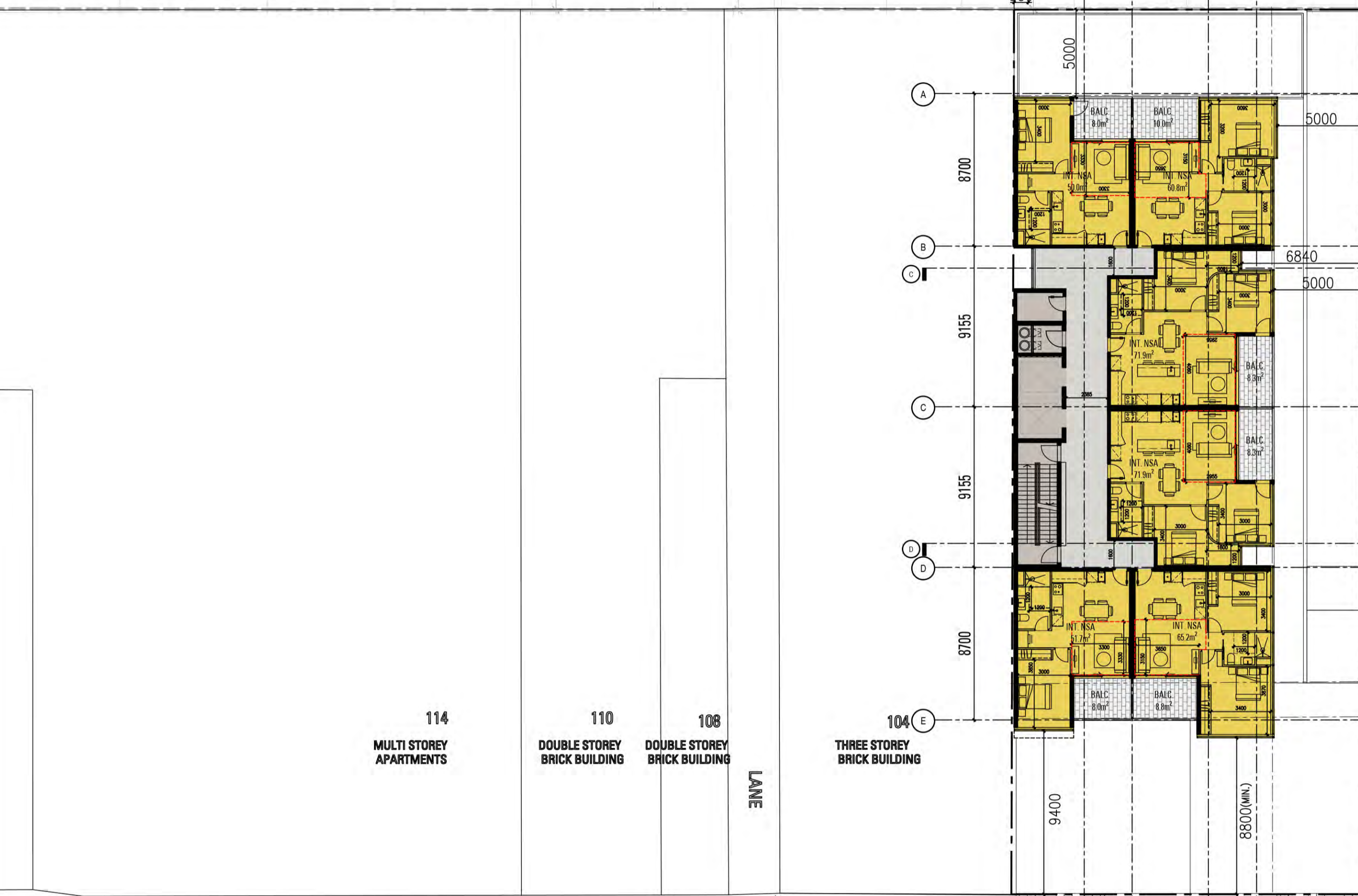
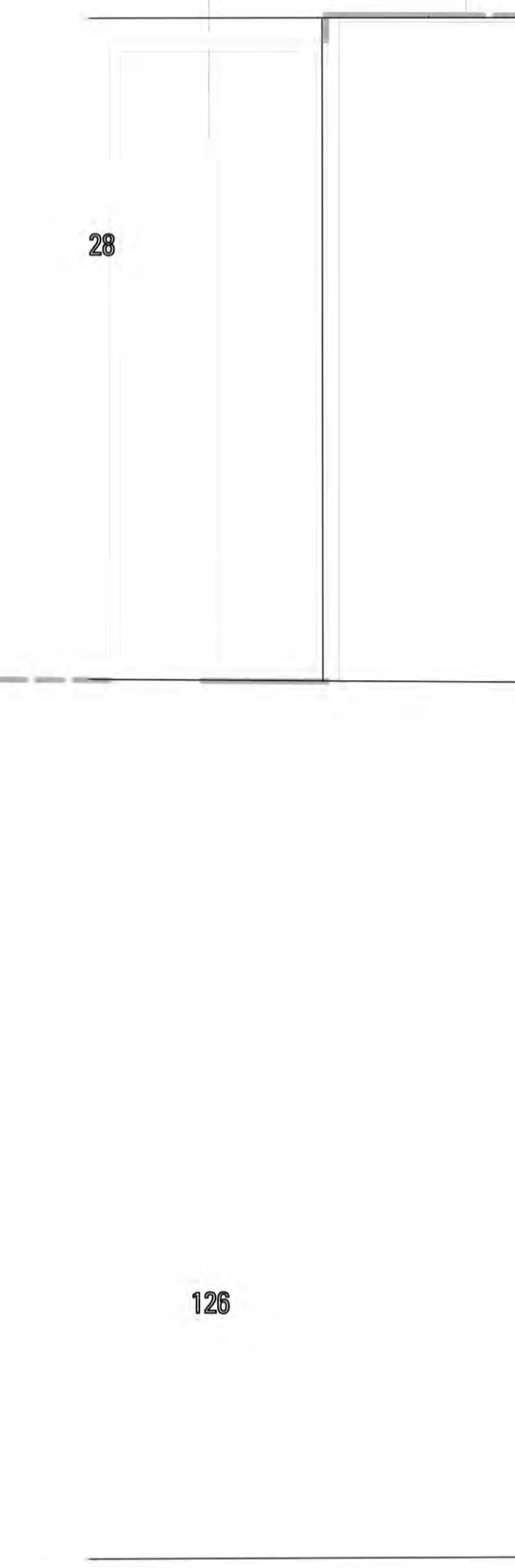
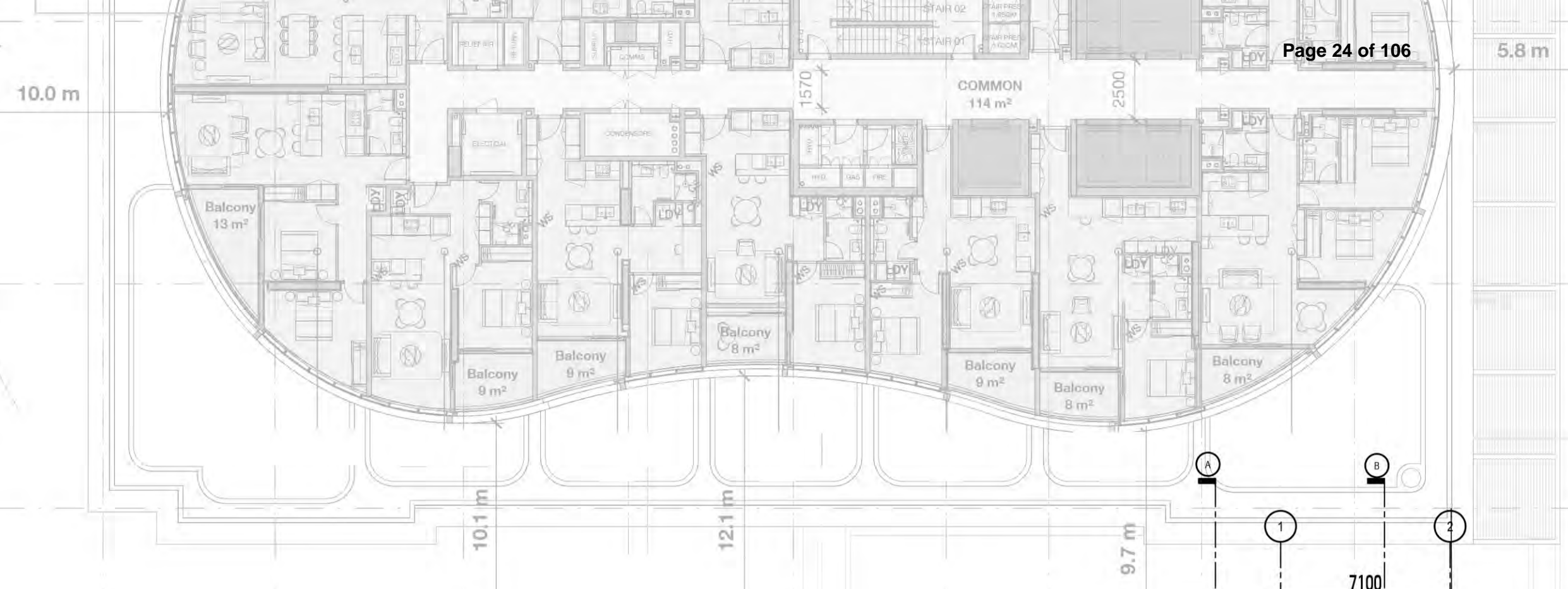


ELIZABETH STREET

FRANKLIN STREET

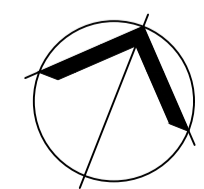
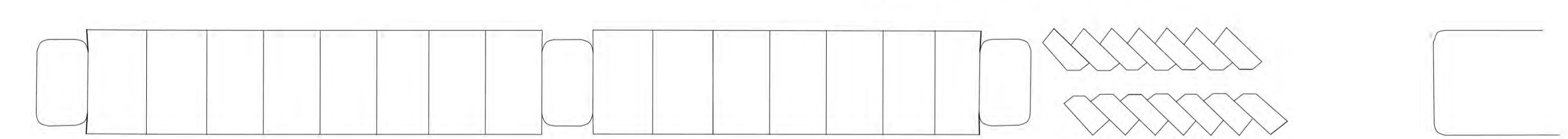


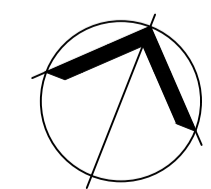
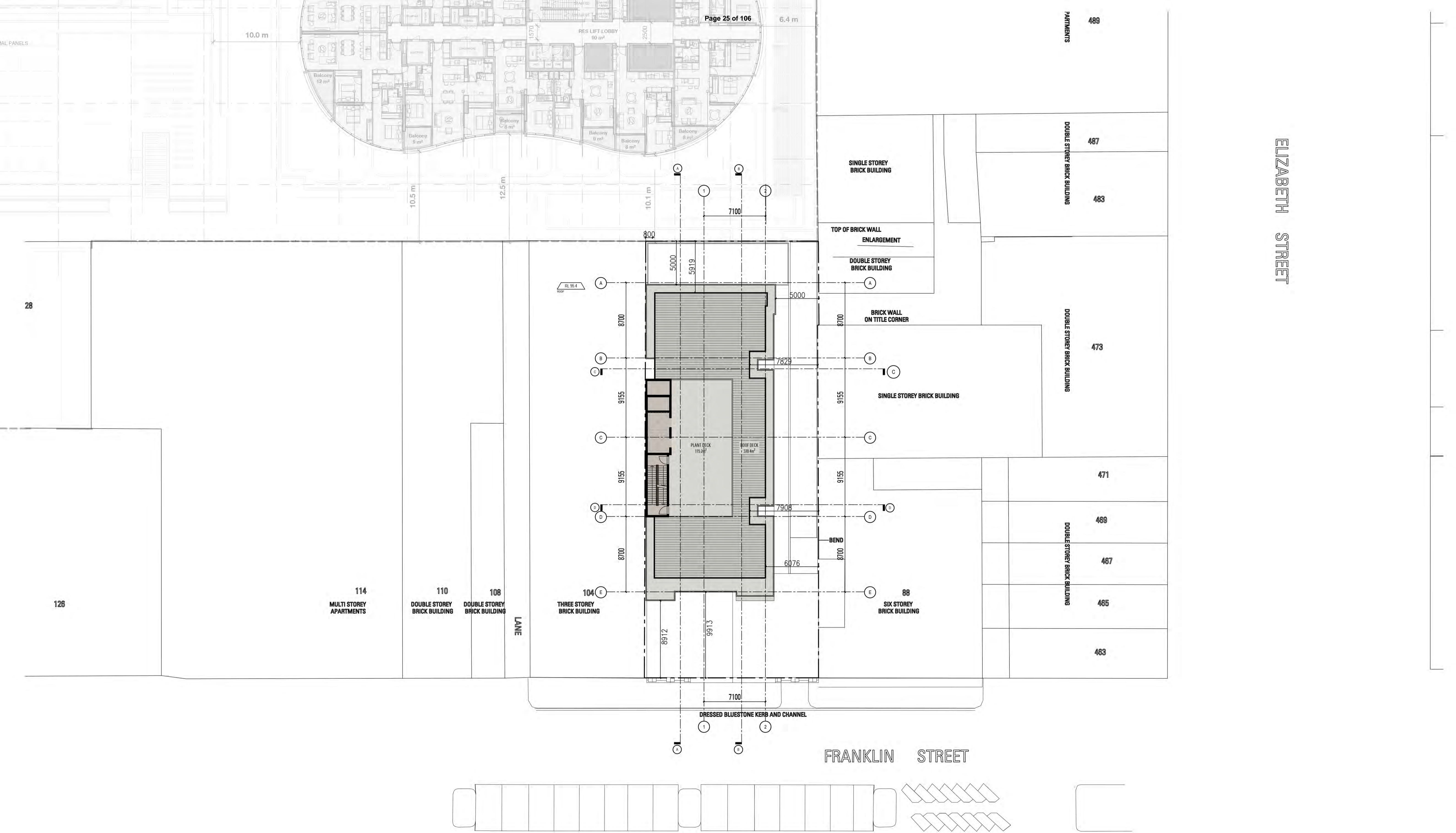


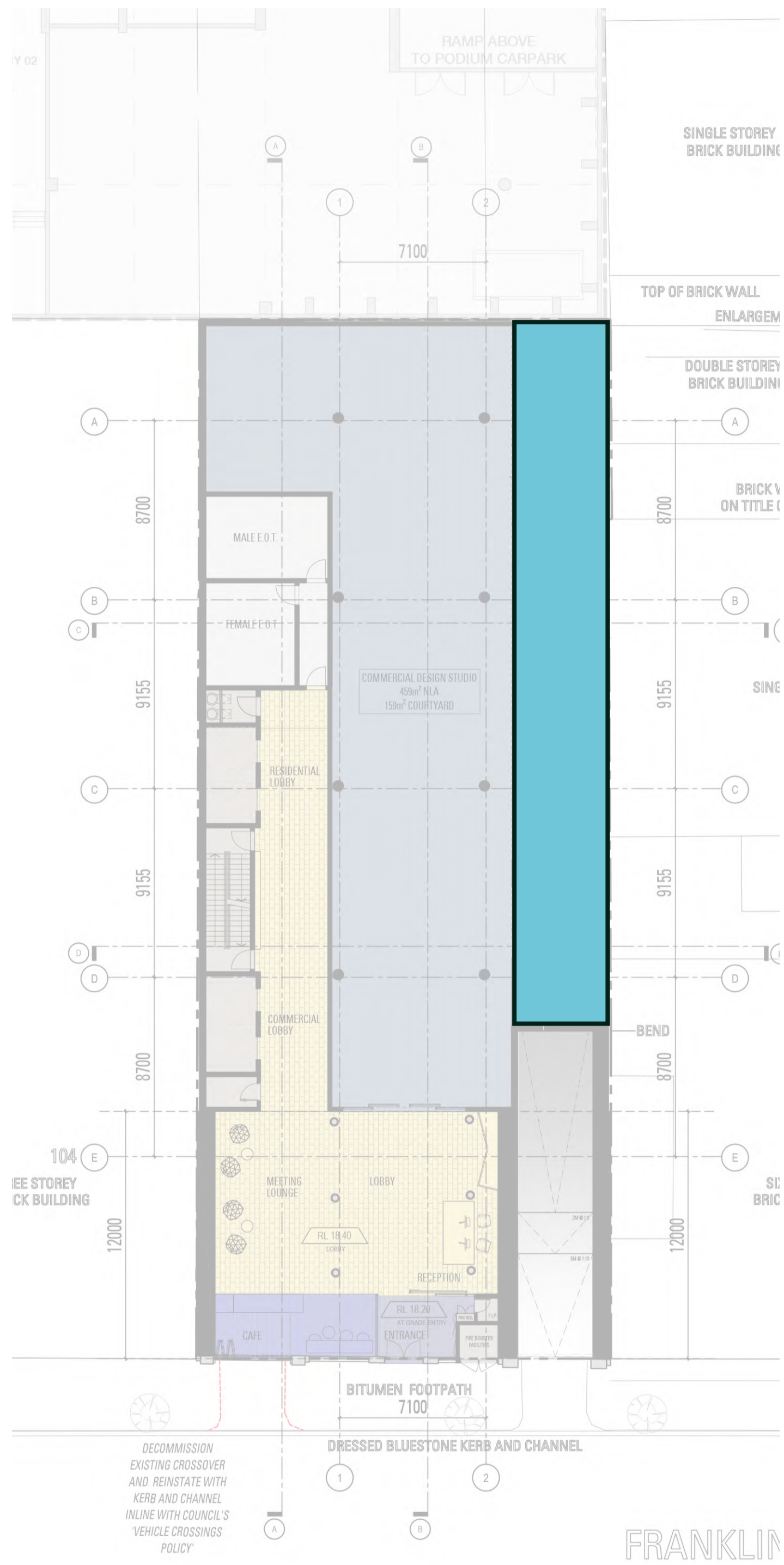


ELIZABETH STREET

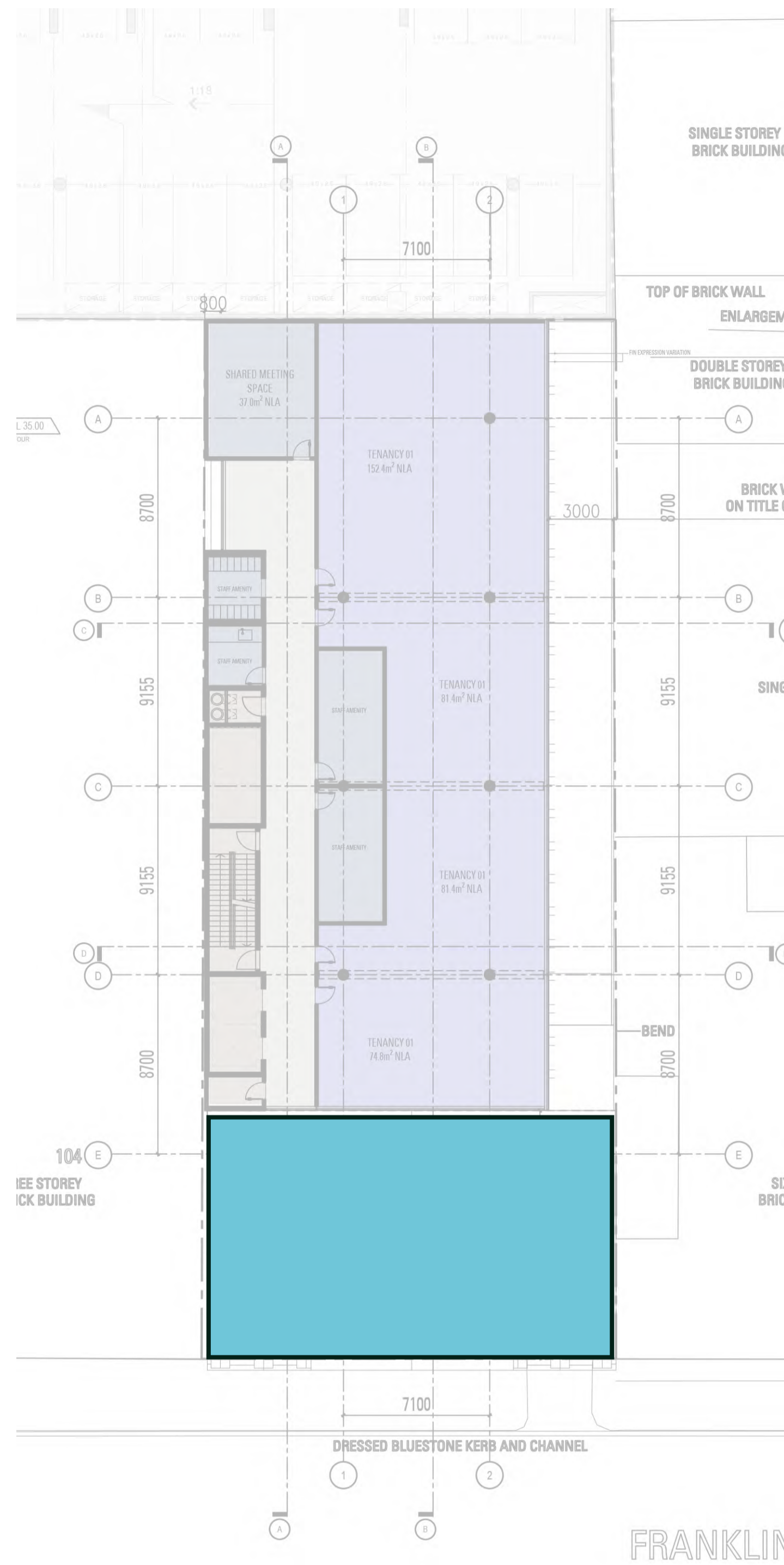
FRANKLIN STREET



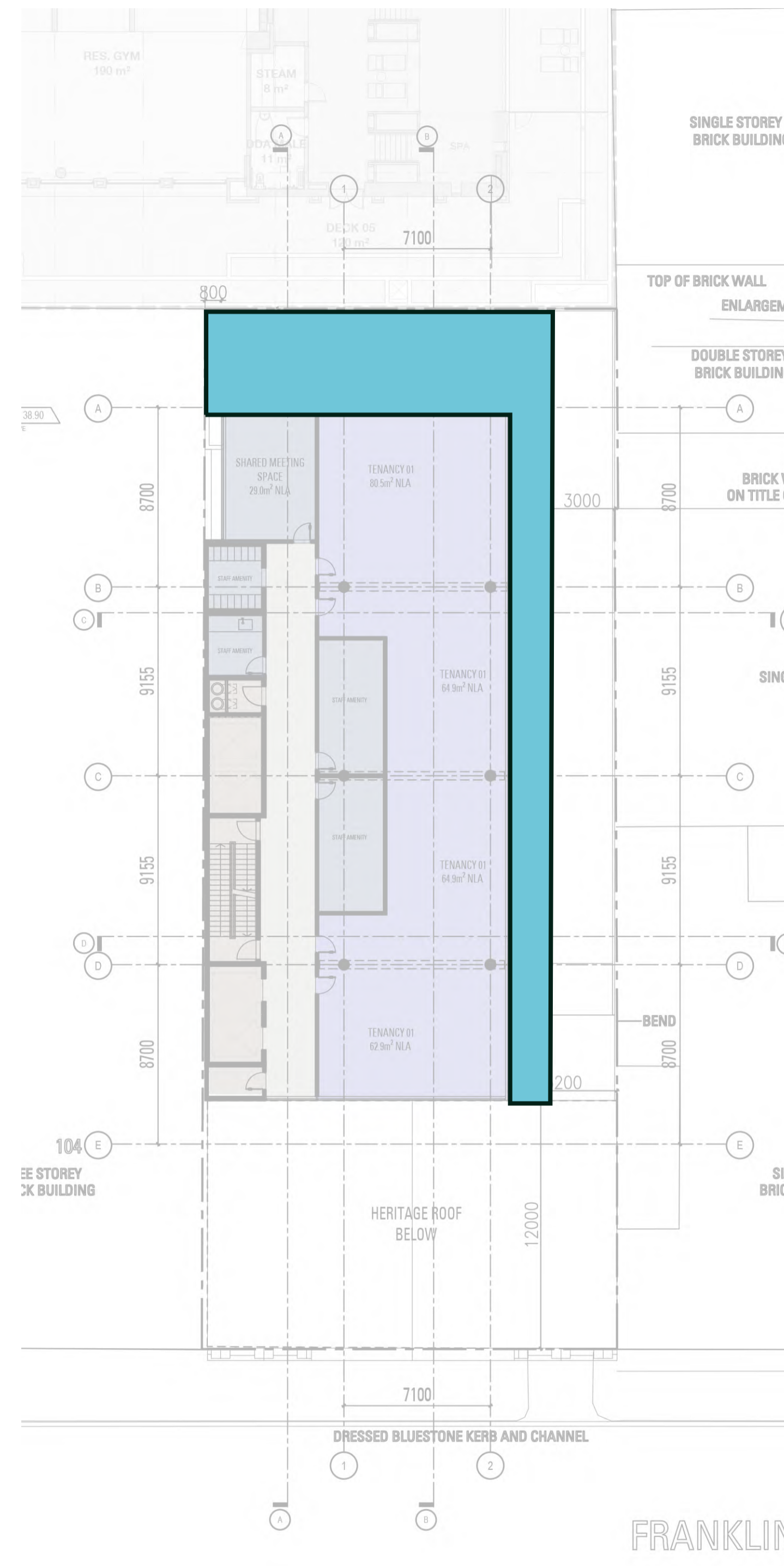




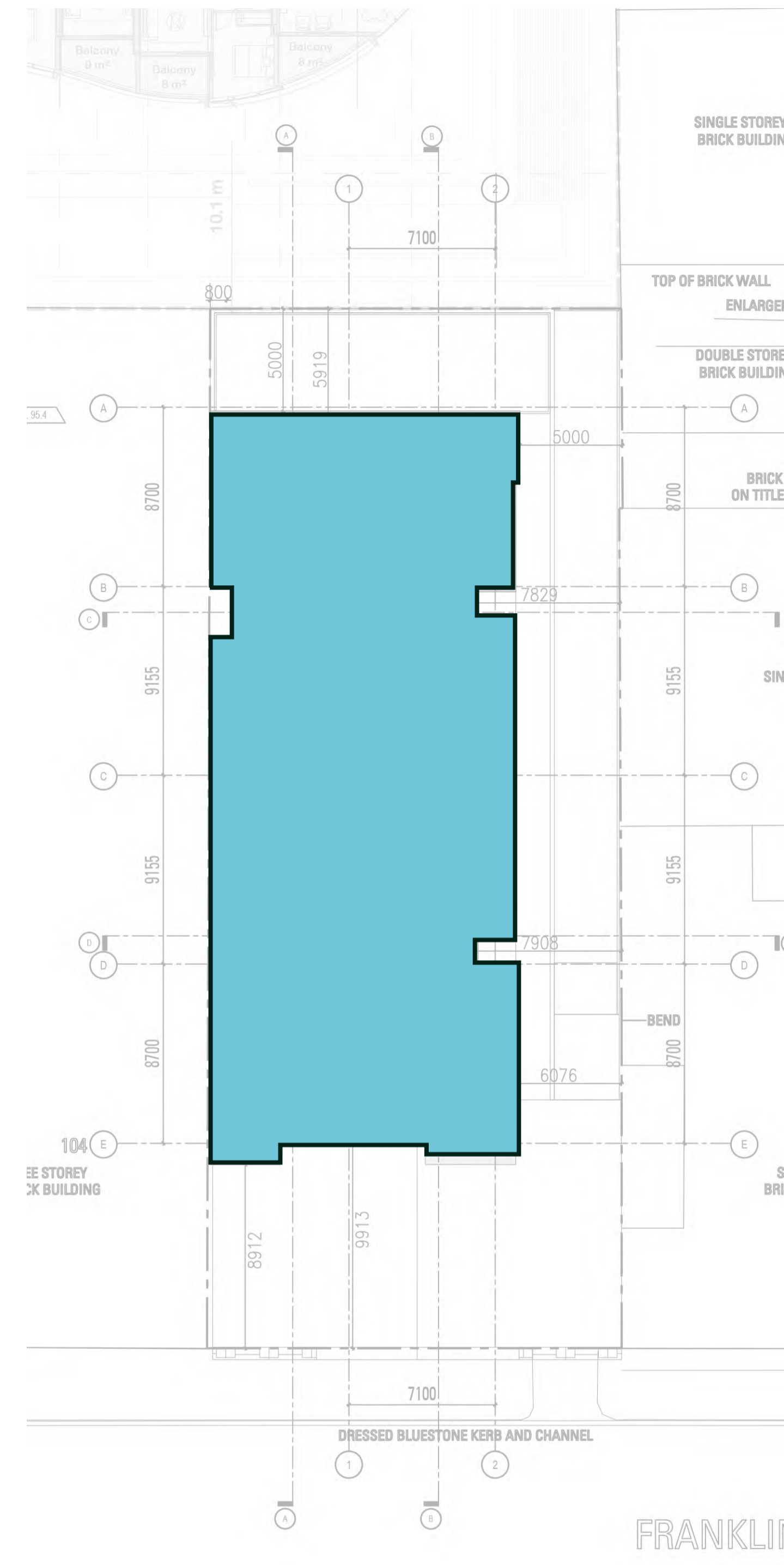
GROUND
160 SQM



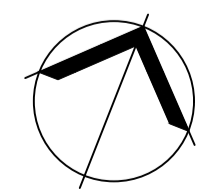
LEVEL 4
235 SQM

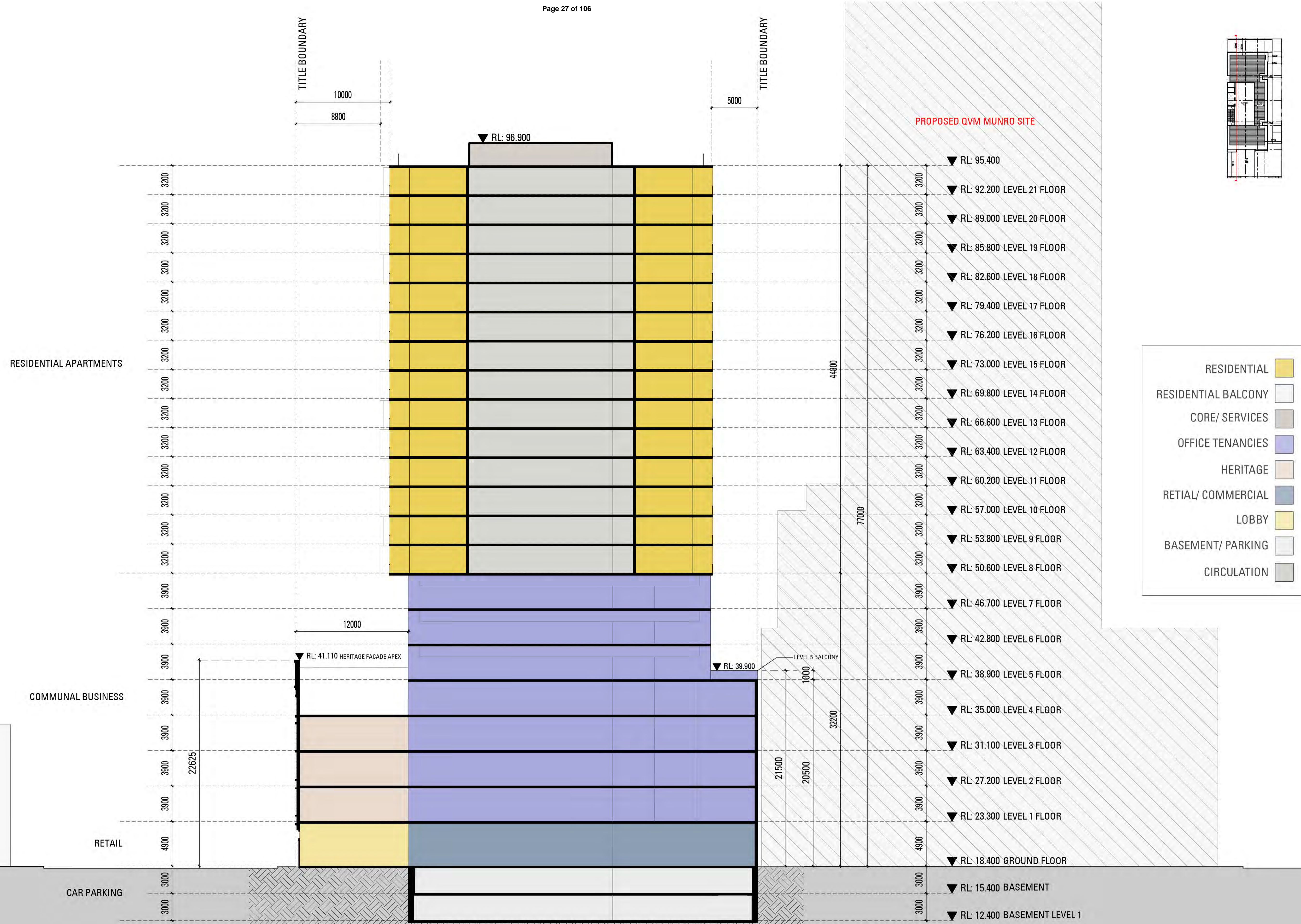


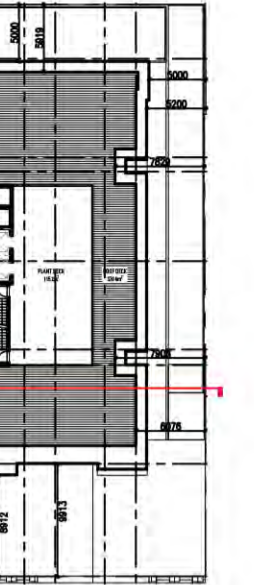
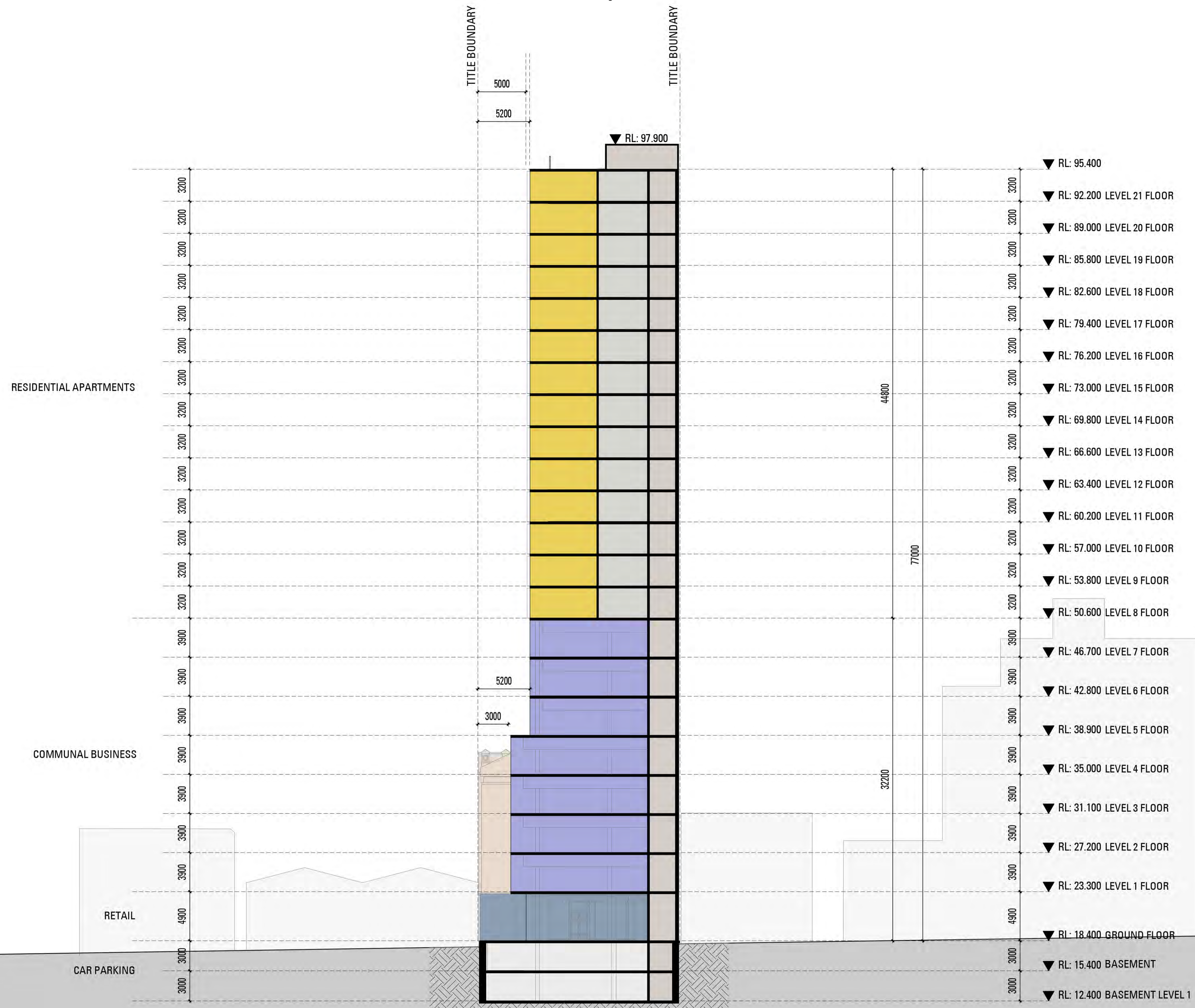
LEVEL 5
110 SQM



ROOF
527 SQM





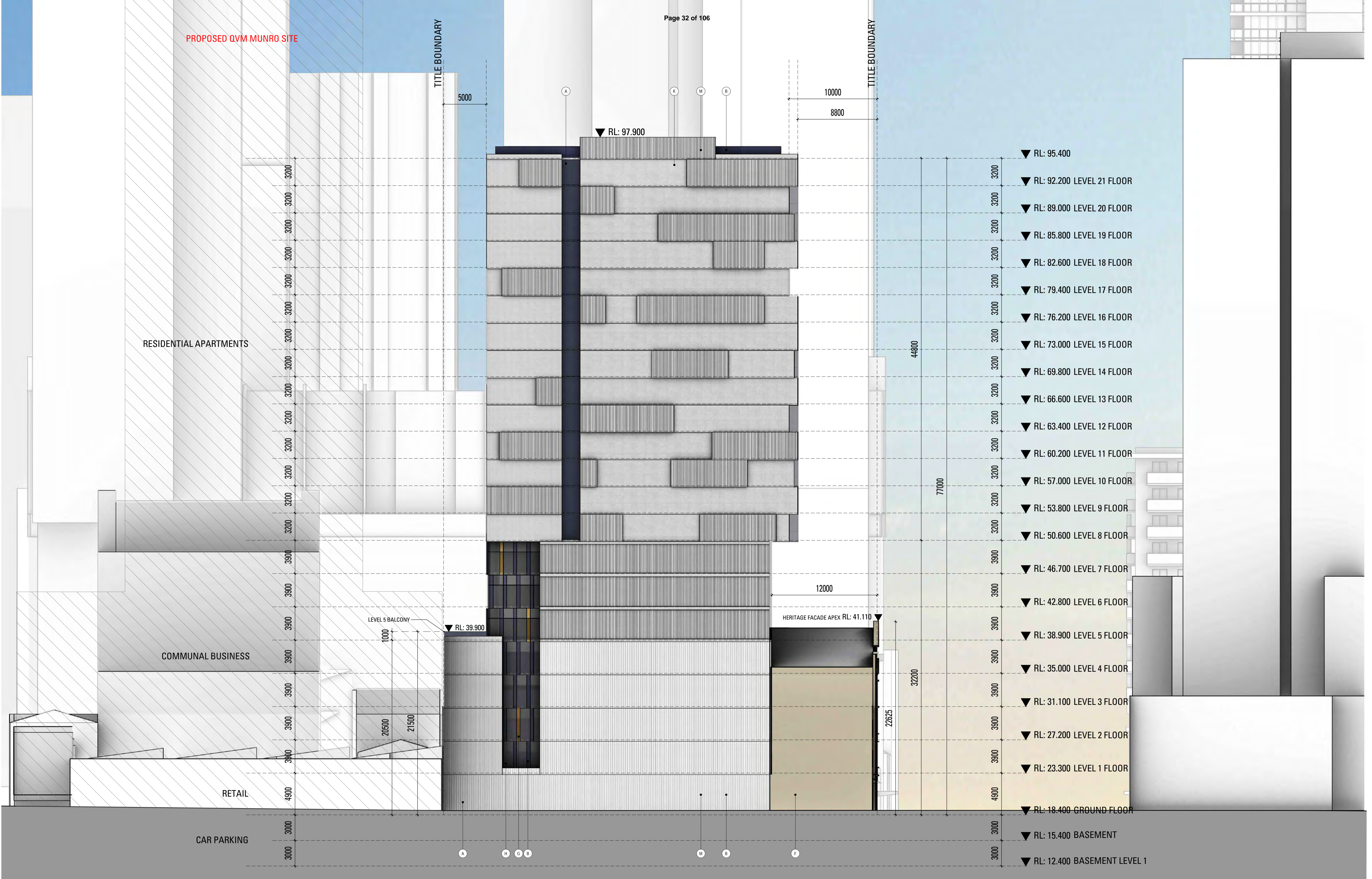


- RESIDENTIAL
- RESIDENTIAL BALCONY
- CORE/ SERVICES
- OFFICE TENANCIES
- HERITAGE
- RETAIL/ COMMERCIAL
- LOBBY
- BASEMENT/ PARKING
- CIRCULATION

PROPOSED QVM MUNRO SITE

TITLE BOUNDARY

TITLE BOUNDARY



PROPOSED QVM MUNRO SITE

TITLE BOUNDARY

TITLE BOUNDARY

RL: 97.900

5000

5200

RL: 95.400

RL: 92.200 LEVEL 21 FLOOR

RL: 89.000 LEVEL 20 FLOOR

RL: 85.800 LEVEL 19 FLOOR

RL: 82.600 LEVEL 18 FLOOR

RL: 79.400 LEVEL 17 FLOOR

RL: 76.200 LEVEL 16 FLOOR

RL: 73.000 LEVEL 15 FLOOR

RL: 69.800 LEVEL 14 FLOOR

RL: 66.600 LEVEL 13 FLOOR

RL: 63.400 LEVEL 12 FLOOR

RL: 60.200 LEVEL 11 FLOOR

RL: 57.000 LEVEL 10 FLOOR

RL: 53.800 LEVEL 9 FLOOR

RL: 50.600 LEVEL 8 FLOOR

RL: 46.700 LEVEL 7 FLOOR

RL: 42.800 LEVEL 6 FLOOR

RL: 38.900 LEVEL 5 FLOOR

RL: 35.000 LEVEL 4 FLOOR

RL: 31.100 LEVEL 3 FLOOR

RL: 27.200 LEVEL 2 FLOOR

RL: 23.300 LEVEL 1 FLOOR

RL: 18.400 GROUND FLOOR

RL: 15.400 BASEMENT

RL: 12.400 BASEMENT LEVEL 1

RESIDENTIAL APARTMENTS

PROPOSED QVM MUNRO SITE

COMMUNAL BUSINESS

RETAIL

CAR PARKING

RL: 41.110 HERITAGE FACADE APEX

5200

3000

44800

77000

32200

21500

22625

4000 CLEAR

A

R

G

A

1

F

1

PEDDLE THORP

96-102 FRANKLIN STREET, MELBOURNE
MIXED USE DEVELOPMENT

PROJECT NO:
36-0113

REASON FOR ISSUE:
TOWN PLANNING

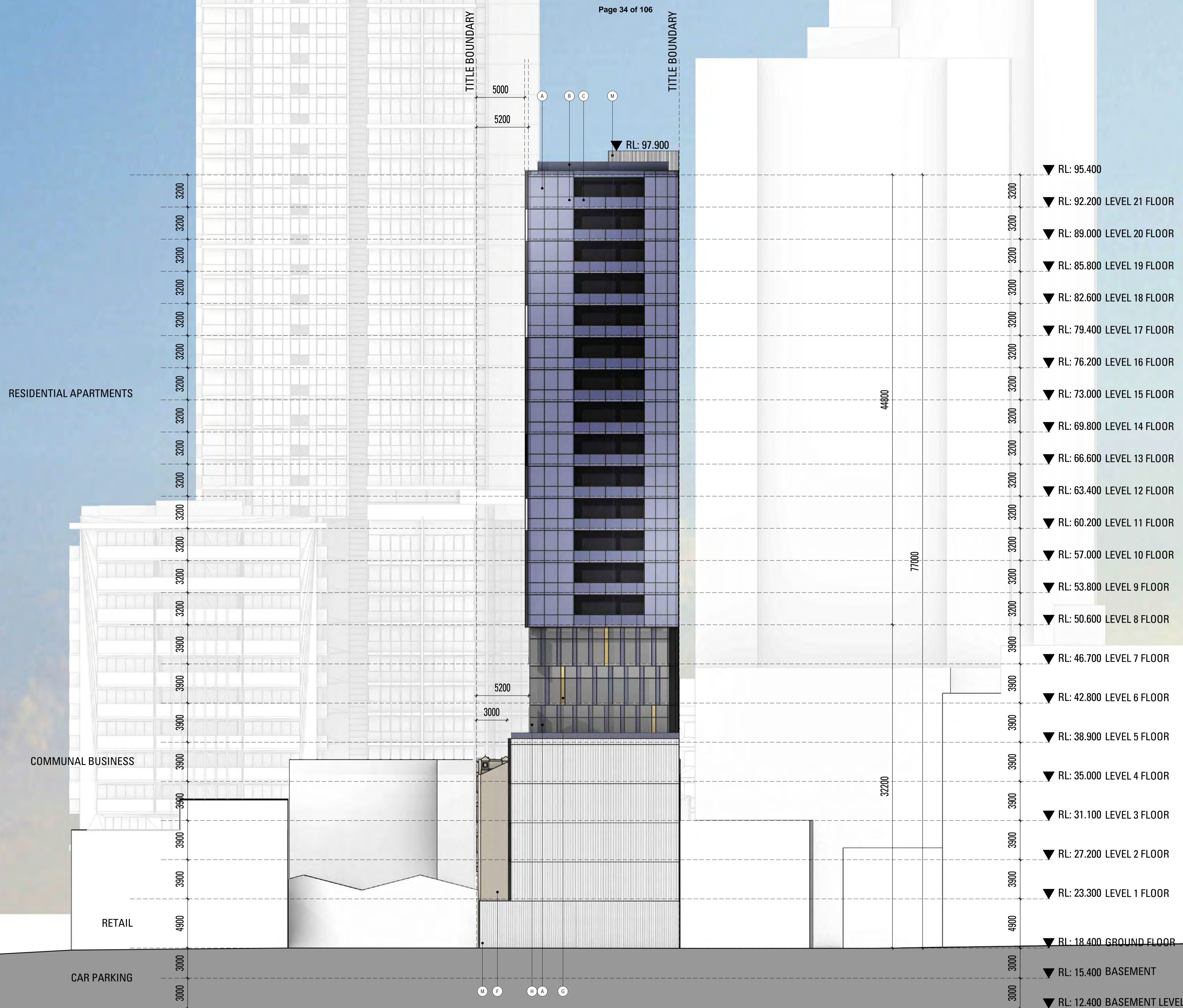
B. DESIGN PROPOSAL
ELEVATION SOUTH

REVISION:
10

DATE:
JUNE '19

SCALE:
1:200@ A1
1:400@ A3

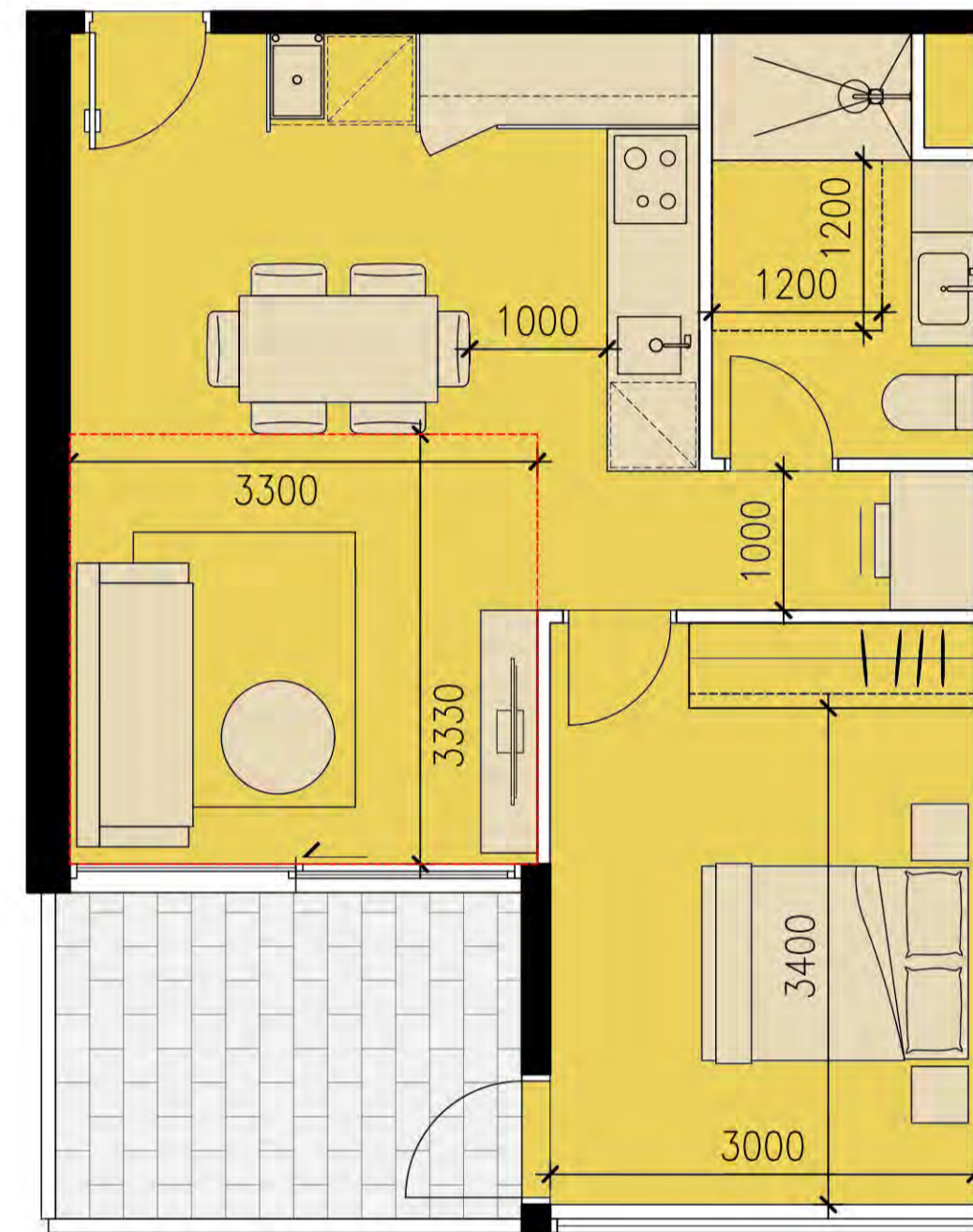
DRAWING NO:
TP-352



TOTALS

NSA 50.0m²
POS 8.0m²
STOR. 17.1m³
INT 7.1m³
STOR.
CAGED 10.0m³
STOR.

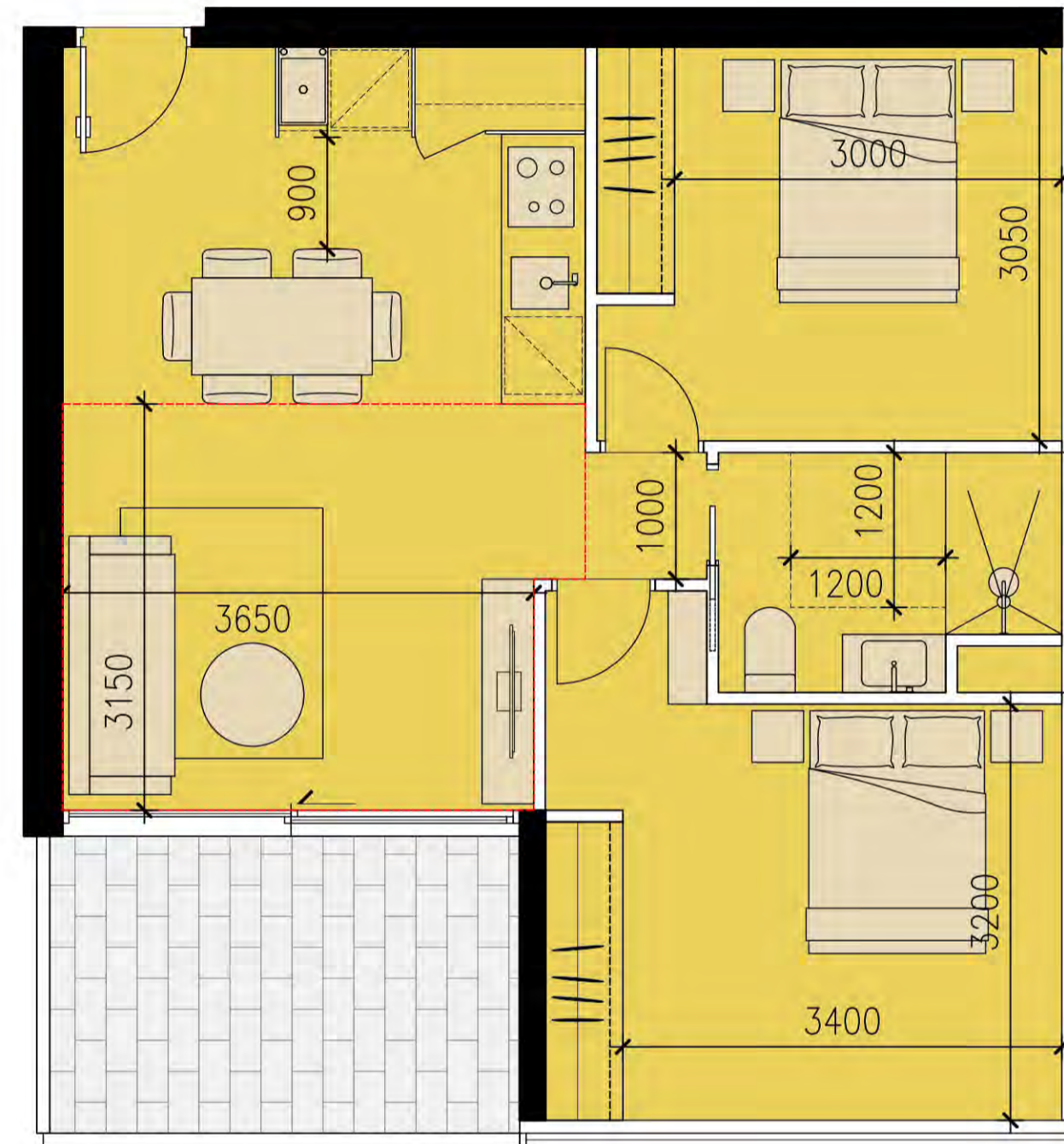
(TOTAL # OF UNITS
IN DEVELOPMENT = 28)



TOTALS

NSA 60.8m²
POS 8.8m²
STOR. 19.6m³
INT STOR. 9.6m³
CAGED STOR. 10.0m³

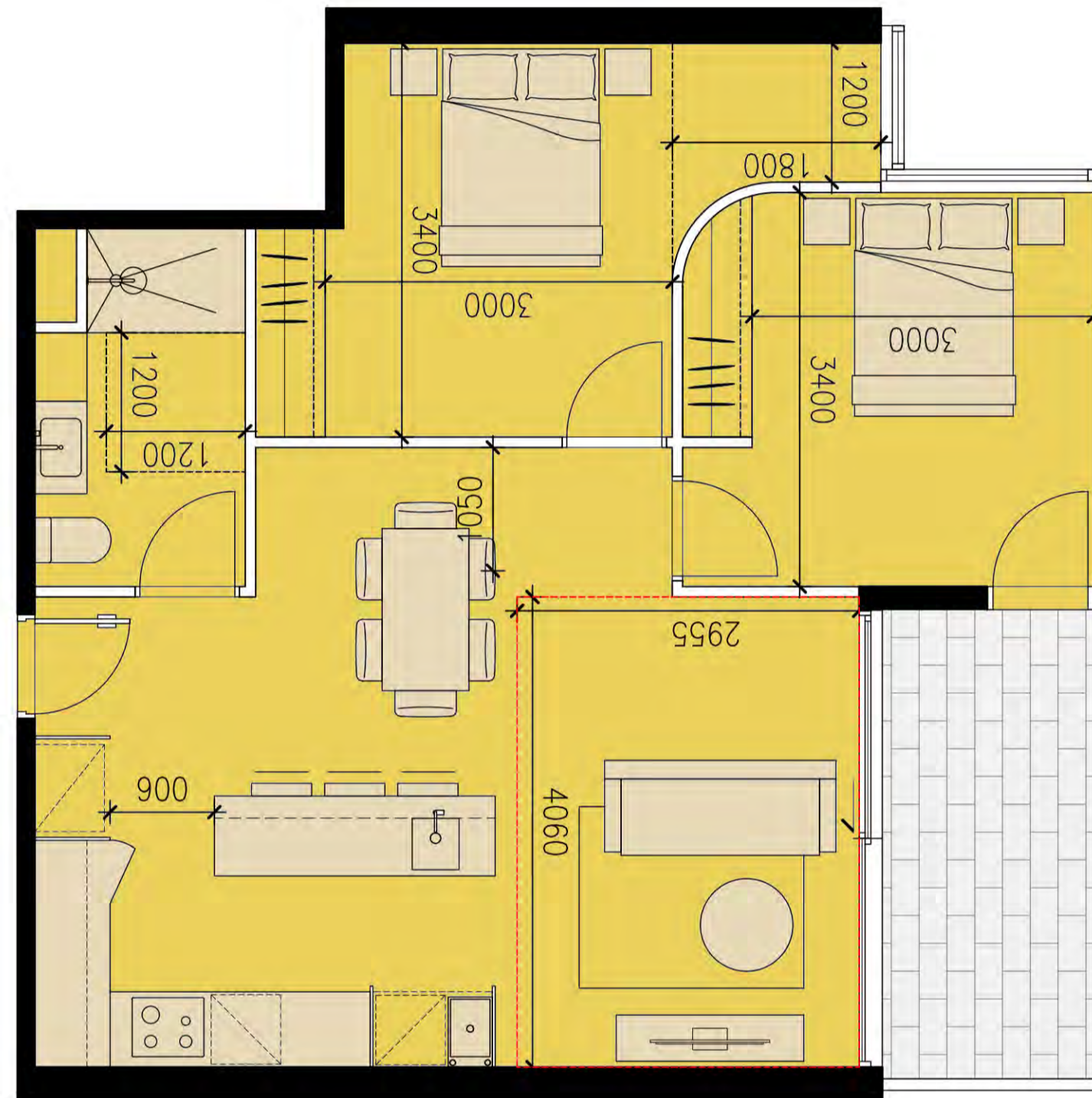
(TOTAL # OF UNITS
IN DEVELOPMENT = 28)



TOTALS

NSA 71.9m²
 POS 8.3m²
 STOR. 21.2m³
 INT 11.2m³
 STOR.
 CAGED 10.0m³
 STOR.

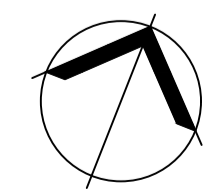
(TOTAL # OF UNITS
 IN DEVELOPMENT = 28)





EXISTING SHADOW ■
 ADDITIONAL PROPOSED SHADOW ■

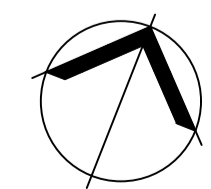
F R A N K L I N S T R E E T

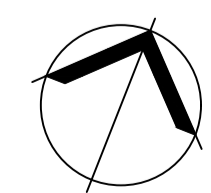




EXISTING SHADOW ■
 ADDITIONAL PROPOSED SHADOW ■

F R A N K L I N S T R E E T





C. VISION

96-102 FRANKLIN STREET, MELBOURNE



PEDDLE THORP

96-102 FRANKLIN STREET, MELBOURNE
MIXED USE DEVELOPMENT

PROJECT NO: 36-0113 REASON FOR ISSUE: TOWN PLANNING

C. ARTISTS IMPRESSION
STREET PERSPECTIVE 01

REVISION: 10 DATE: JUNE '19

DRAWING NO:
TP-901



PEDDLE THORP

96-102 FRANKLIN STREET, MELBOURNE
MIXED USE DEVELOPMENT

PROJECT NO: 36-0113 REASON FOR ISSUE: TOWN PLANNING

C. ARTISTS IMPRESSION
STREET PERSPECTIVE 02

REVISION: 10 DATE: JUNE '19

DRAWING NO:
TP-902



PEDDLE THORP

96-102 FRANKLIN STREET, MELBOURNE
MIXED USE DEVELOPMENT

PROJECT NO:
36-0113

REASON FOR ISSUE:
TOWN PLANNING

C. ARTISTS IMPRESSION
STREET PERSPECTIVE 03

REVISION:
10

DATE:
JUNE '19

DRAWING NO:
TP-903



PEDDLE THORP

96-102 FRANKLIN STREET, MELBOURNE
MIXED USE DEVELOPMENT

PROJECT NO:
36-0113

REASON FOR ISSUE:
TOWN PLANNING

C. ARTISTS IMPRESSION
STREET PERSPECTIVE 04

REVISION:
10

DATE:
JUNE '19

DRAWING NO:
TP-904



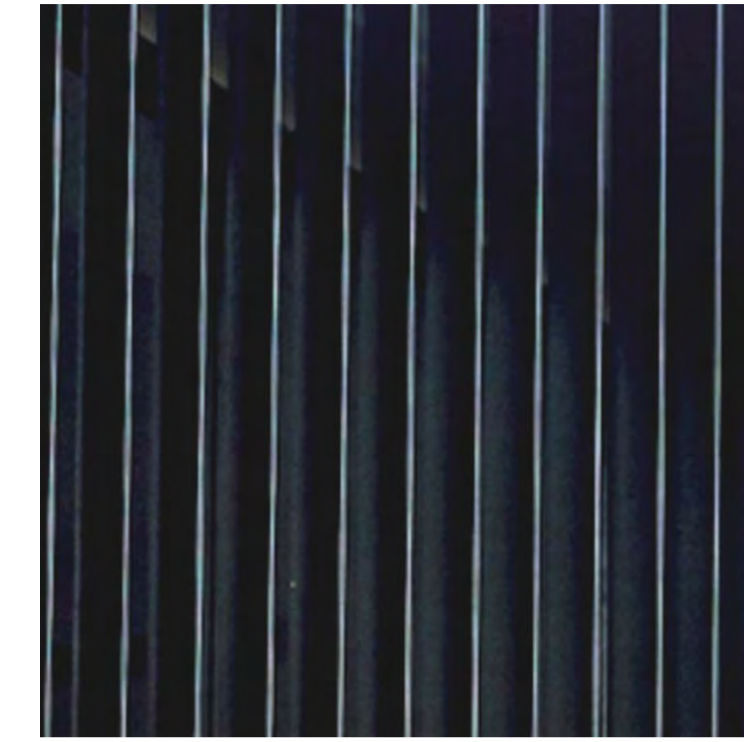
A
'SILVER' VISION GLASS



B
SPANDRAL GLASS



C
BALCONY GLASS



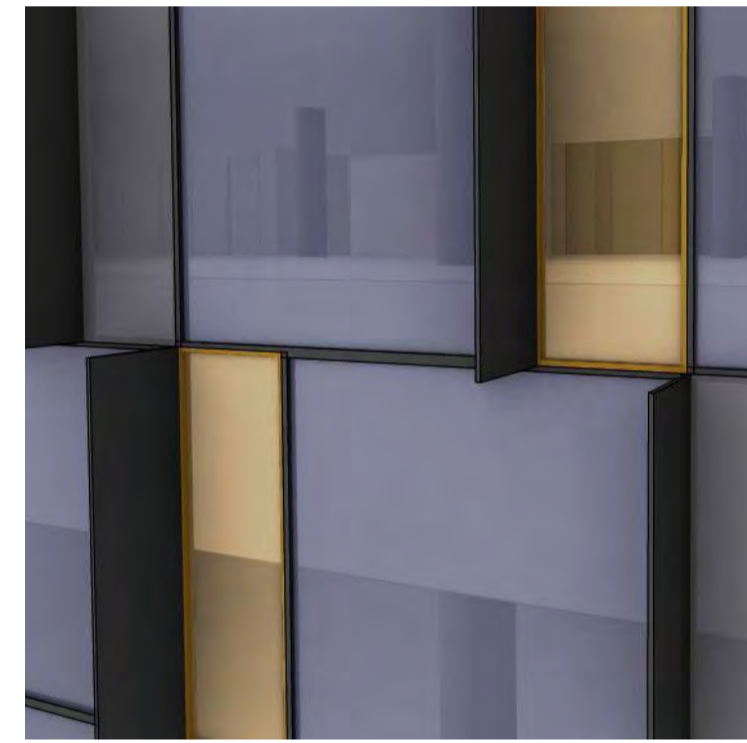
D
MULLIAN FIXED ALUMINIUM SCREENS



J
BLACK ROLLER DOOR



F
EXISTING HERITAGE CEMENT RENDER



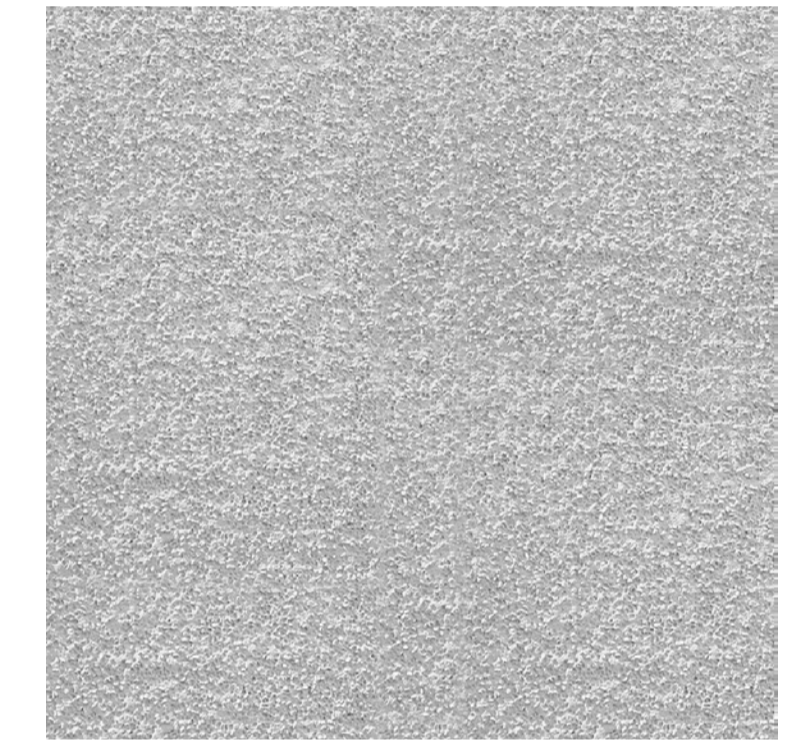
G
ORANGE FEATURE GLASS



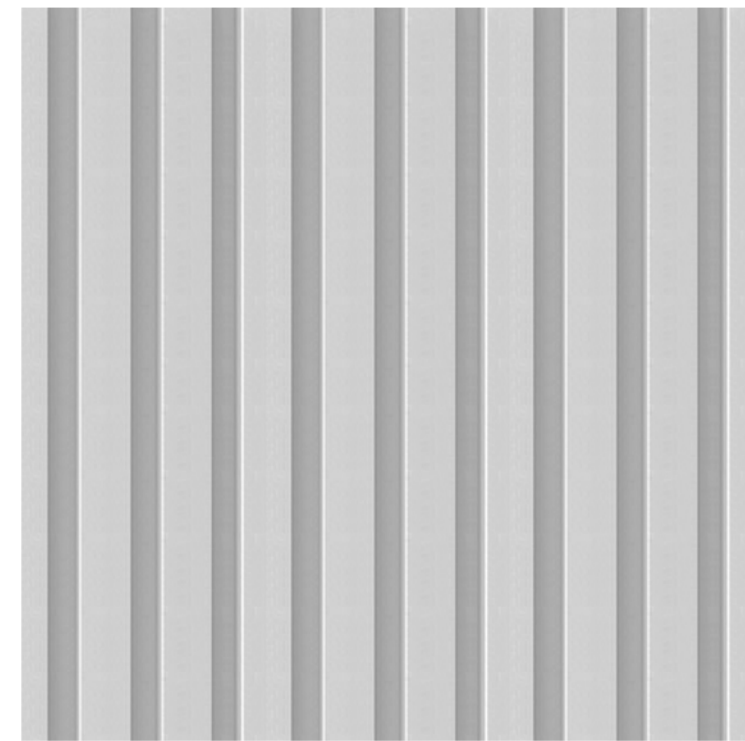
H
'GREY' VISION GLASS



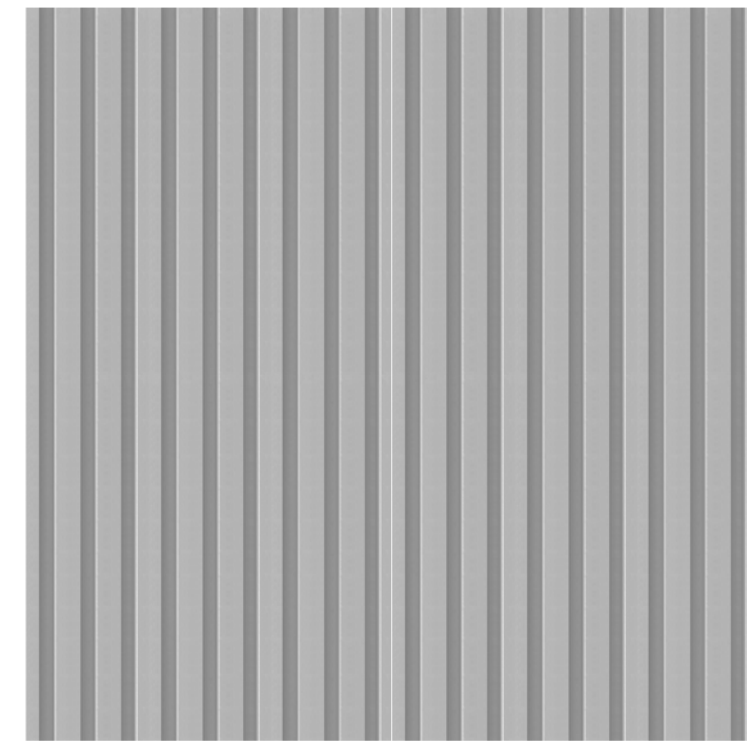
I
'TRANSPARENT' VISION GLASS



K
LIGHT GREY TEXTURED RENDER



L
RIB CONCRETE PATTERN LIGHT



M
RIB CONCRETE PATTERN DARK

36-0113 96-102 Franklin Street, Melbourne

AREA SCHEDULE - ASK MARCH 2019 REV 5

	GFA (m ²)	CORE/ SERVICES (m ²)	CIRCULATION (m ²)	CAR PARKING SPACE	BIKE STORAGE	STORAGE CAGES	CAFE NLA (m ²)	RETAIL NLA (m ²)	OFFICE NLA (m ²)	DWELLINGS	DWELLING NSA (m ²)	ONE BEDROOM	ONE BEDROOM NSA (m ²)	PRIVATE OPEN SPACE (m ²)	TWO BEDROOM	TWO BEDROOM NSA (m ²)	PRIVATE OPEN SPACE (m ²)
LOWER BASEMENT	762.9	37.1	725.8			88											
BASEMENT	828.469	99.1	729.369	11	53												
GROUND	935.4	130.3	242.5				17.3	545.3									
OFFICE	LEVEL 1 - 3	2625.9	375.6	255.6					1994.7								
	LEVEL 4	637.4	125.2	85.2					427								
	LEVEL 5	570.6	125.2	64.9					380.5								
	LEVEL 6 - 7	985	250.4	129.8					604.8								
RESIDENTIAL	LEVEL 8	525	45	59						6	421	2	100	16	4	269.8	35.4
	LEVEL 9	526	45	59						6	422	2	103	16	4	267.6	35.4
	LEVEL 10	527	45	59						6	423	2	102	16	4	269.8	35.4
	LEVEL 11	524	45	59						6	420	2	103	16	4	265.4	35.4
	LEVEL 12	525	45	59						6	421	2	100	16	4	269.8	35.4
	LEVEL 13	526	45	59						6	422	2	103	16	4	267.6	35.4
	LEVEL 14	527	45	59						6	423	2	102	16	4	269.8	35.4
	LEVEL 15	524	45	59						6	420	2	103	16	4	265.4	35.4
	LEVEL 16	528	45	59						6	425	2	103	16	4	269.8	35.4
	LEVEL 17	521	45	59						6	417	2	100	16	4	265.4	35.4
	LEVEL 18	526	45	59						6	422	2	103	16	4	267.6	35.4
	LEVEL 19	527	45	59						6	423	2	102	16	4	269.8	35.4
	LEVEL 20	525	45	59						6	421	2	100	16	4	269.8	35.4
	LEVEL 21	526	45	59						6	422	2	103	16	4	267.6	35.4
ROOF/ SERVICES	LEVEL 22	160.2	45	115													
TOTALS	14861	1818	3170	11	53	88	17	545	3407	84	5904	28 33%	1429	224	56 67%	3755	496

NOTE **

- *BASEMENT INCLUDED IN TOTAL GFA
- *BALCONY/TERRACE AREAS INCLUDED IN GFA
- *BALCONY AREAS INCLUDED IN NSA
- *CORE INCLUDED IN TOTAL GFA
- *OFFICE LEVEL IS TYPICAL - DEPICTS AREA DRAWN

PLANNING PERMIT APPLICATION

DELEGATE REPORT

APPLICATION NO:	TP-2018-429
APPLICANT:	Burbank Holdings Australia (Franklin) Pty Ltd c-/ Urbis Pty Ltd
OWNER:	Burbank Holdings Australia (Franklin) Pty Ltd
ARCHITECT	Peddle Thorp
ADDRESS:	96-102 Franklin Street, Melbourne
PROPOSAL:	Partial demolition of the existing building and the development of a multi-storey mixed use building.
COST OF WORKS:	\$60,000,000
DATE OF APPLICATION:	23 December 2015
DATE OF REPORT:	3 December 2019
RESPONSIBLE OFFICER:	Colin Charman, Acting Principal Urban Planner

1 SUBJECT SITE AND SURROUNDS

1.1 Subject site

Application TP-2018-429 concerns the land known as 96-102 Franklin Street, Melbourne, formally described as Crown Allotment 7 on Title Plan 695112V (Vol. 08050, Fol. 749).

The site is currently occupied by the following buildings:

- A four-storey brick building (with a fifth storey attic) on a bluestone plinth fronting Franklin Street, which is cement rendered and divided into three gabled bays (with a wider central bay), fenestrated with uniform timber-framed double-hung sashed windows. This building is known as the Former Keep Brothers & Wood Workshop and Showroom, and is historically significant, and most visibly prominent building, on the subject site.
- A two-storey brick paired gable warehouse located immediately behind the four-storey brick building.
- A two-storey brick building located to the north-east corner of the site.

Relevant details regarding the existing conditions and dimensions of the subject site are provided below.

Table: Subject Site Details / Dimensions	
Street Frontage:	20 metres to Franklin Street, a 30 metre wide street with parallel parking and street tree plots occupying each street edge, with a central reserve occupied by 90° angle car parking spaces and intermittent street tree plots. There is an existing semi-mature Kurrajong street tree plot (Asset No. 1508516) located at the centre of the site's Franklin Street frontage, and two additional semi-mature Kurrajong street tree plots located within close proximity (Asset No. 1508494 and Asset No. 1508493).

Site Depth:	50 metres
Site Area:	1,000m ²
Topography:	The slope of the land falls by approximately 1 metre (north-west to south-east).
Heritage Status:	<p>The Former Keep Brothers & Wood Workshop is a heritage place of individual heritage significance (site-specific Heritage Overlay HO1043).</p> <p>The most recent Heritage Study carried out by the City of Melbourne that assessed the heritage significance of the Former Keep Brothers & Wood Workshop and Showroom was the <i>Central City (Hoddle Grid) Heritage Review 2011</i> (Graeme Butler & Associates).</p> <p>This Heritage Study identified the building as a 'B' graded heritage place.</p>

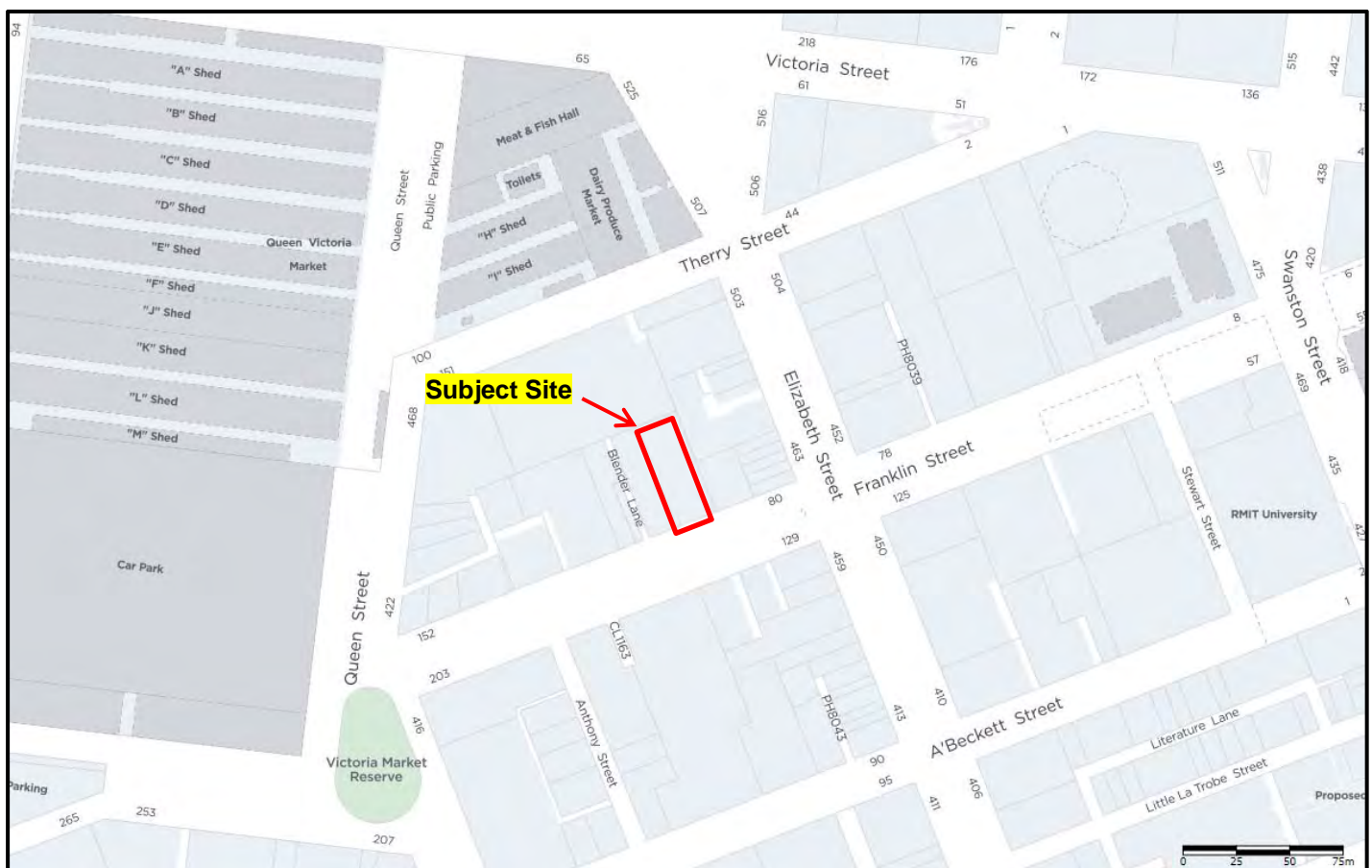


Figure 1: Plan showing location of subject site and surrounding locality



Figure 2: Aerial photograph of subject site, captured 7 April 2019

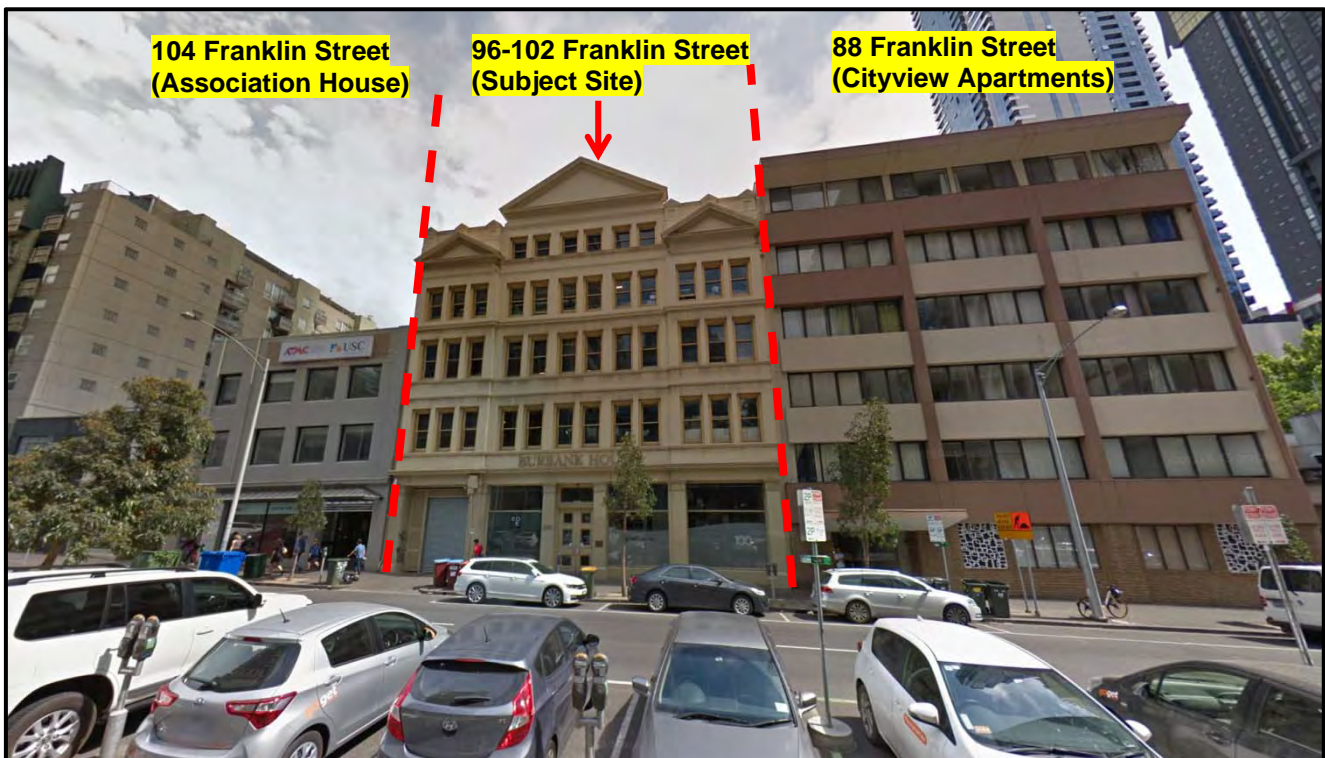


Figure 3: Franklin Street frontage view of subject site, captured November 2017

1.2 Strategic location in the Hoddle Grid

The subject site is located within the Hoddle Grid local area.

The Municipal Strategic Statement (MSS) identifies the broader strategic priorities for this area, which emphasise the pre-eminent role of the Hoddle Grid as an employment and economic centre for Victoria.

The subject site falls on the periphery of the Queen Victoria Market area, and is located outside the Retail Core.

The high-level direction provided in the MSS that is relevant to the subject site includes:

- Support for permanent and short term residential that accommodates a diverse population.
- Encouragement of development that provide a diverse range of specialist, retail, cultural and entertainment opportunities.
- Ensuring that the form and use of development does not detract from the amenity or 24 hour function of the Queen Victoria Market.
- Ensuring that the design of new buildings achieves relevant urban design outcomes and provides an appropriate context for heritage buildings.

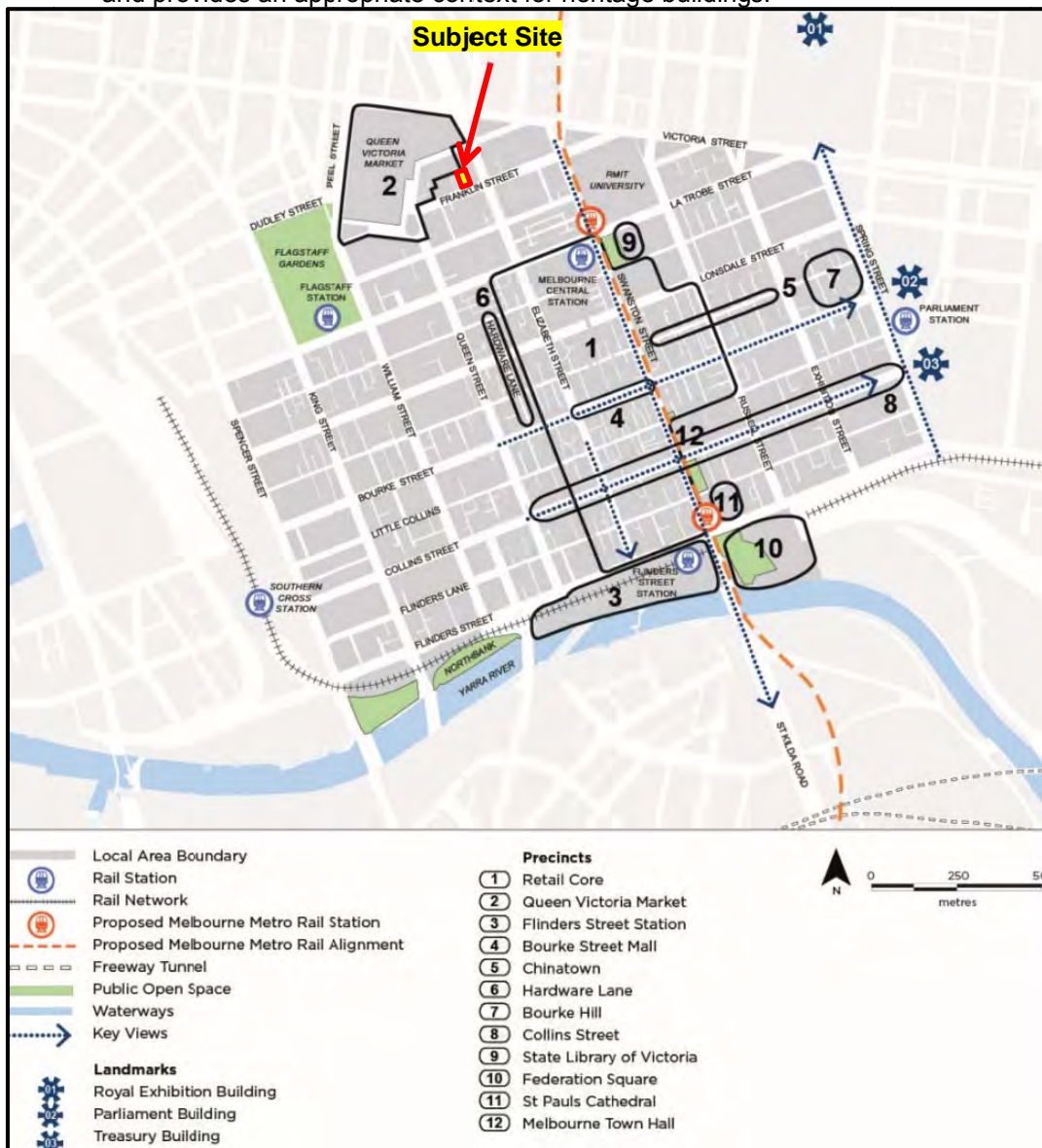


Figure 4: Excerpt from Municipal Strategic Statement (Clause 21.12 – Hoddle Grid)

1.3 Restrictions / Easements

The subject site comprises the following land parcel:

- Crown Allotment 7 on Title Plan 695112V (Vol. 08050, Fol. 749).

It is noted that:

- No restrictive covenants or S.173 Agreements burden this title.
- Whilst Title Plan 695112V submitted with the application does not appear to show any easements encumbering the land, the annexure to Caveat AG357368K registered against the title on 18 February 2009 describes several easements to be created in favour of City Power Pty Ltd.

The Boundary Re-establishment Feature and Level Survey and Site Analysis Plan prepared by Bosco Jonson Pty Ltd (dated 9 February 2016) submitted with the original application details the location of these easements.

As Application TP-2018-429 has not specifically sought planning permission to remove or vary any easements encumbering this land.

A note has been recommended for inclusion on any permit being granted identifying that the planning permit has not authorised the removal or variation of these easements, and that the consent of City Power Pty Ltd must be obtained prior to any works commencing.

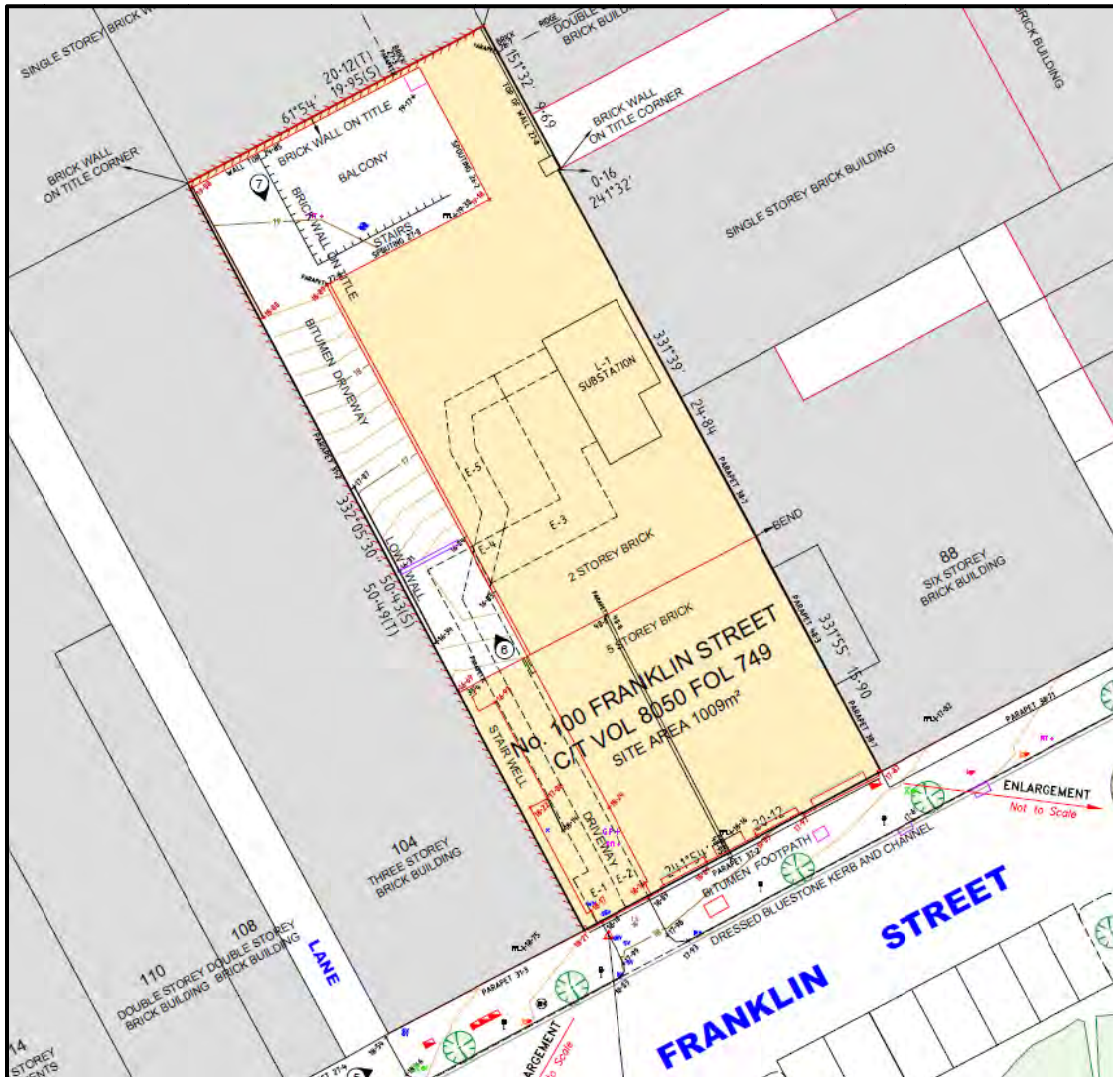


Figure 5: Excerpt from Survey Plan prepared by Bosco Jonson Pty Ltd (9 February 2019) showing easements in favour of City Power Pty Ltd

1.4 Archaeology and Heritage Inventory

The building at 96-102 Franklin Street is included in the Victorian Heritage Inventory (VHI) (H7822-2013), and is therefore identified as a known historical (non-indigenous) archaeological site in Victoria.

The VHI description of the site is as follows:

1866 map shows large building on Franklin Street frontage. Four-storeys & basement, stone and brick store built c.1867. Originally used as iceworks. 1905: buildings on site one to five-storeys (coach builders and ironmongers).

The archaeological potential of the site is identified as 'disturbed'.

The *Heritage Act 2017* protects all significant archaeological sites – regardless of ownership.

Before commencing works in accordance with any Planning Permit issued for the development, it will therefore be the responsibility of the property owner and / or developer to obtain approval from the Executive Director, Heritage Victoria.

As at the date of this report, no evidence of any approval to undertake works at the subject site under the *Heritage Act 2017* has been provided by the applicant.

A note will be included on any permit being granted reminding the property owner and / or developer of this outstanding obligation, which must be satisfied prior to works commencing.

1.5 Aboriginal Cultural Heritage

The subject site is not located in an area of legislated Aboriginal cultural heritage sensitivity under Division 4 of the *Aboriginal Heritage Regulations 2018*.

A Cultural Heritage Management Plan is therefore not required before a permit can be granted for the proposed development under the *Aboriginal Heritage Act 2006*.

2 BACKGROUND AND HISTORY

2.1 Planning Application History

2.1.1 Application PA1500063

Planning Permit Application TP-2018-429 was initially lodged with the Department of Environment, Land, Water and Planning (DELWP) on 23 December 2015.

Council received notice of this application on 7 January 2016.

The development as originally proposed in the application submitted to DELWP would have featured an overall building height of 177.5 metres (58 storeys) and a maximum floor area ratio of approximately 28:1.

Following lodgement of the application, the planning controls affecting the land were amended in 2017 by:

- Planning Scheme Amendment C270, which introduced a mandatory maximum floor area ratio for the land of 18:1, and mandatory built form requirements (including but not limited to street wall and tower height, setback and tower separation requirements); and
- Planning Scheme Amendment VC136, which introduced the Better Apartment Design Standards (BADS).

The application was subsequently formally amended to address the requirements of the planning controls introduced by Amendment C270 and Amendment VC136, and preliminary comments on the application provided by DELWP and Council officers.

2.1.2 Application TP-2018-429 (S.50A Amendment to Application PA1500063)

On 23 April 2018, Application PA1500063 was amended pursuant to S.50A of the *Planning and Environment Act 1987*.

The development proposed under the amended application (broadly representing the final revision of the development assessed in this report), features an overall building height of 79.7 metres (22 storeys) and a maximum floor area ratio of approximately 14:1.

As a result of the changes that were made to the development under the S.50A Amendment Application, which included a reduction in the gross floor area of the development to below 25,000m², jurisdiction over the application reverted from the Minister for Planning to Melbourne City Council.

Notice of the S.50A Amendment Application was then given by Council on 17 July 2018 to the owners and occupiers of adjoining land, and persons it considered the application may cause material detriment to.

In response to objections received during the original notice period for the application, the applicant was made aware that the amended development did not appear to adhere to all of the built form requirements introduced by Amendment C270.

The application was subsequently further amended to ensure that the proposed development complied with all relevant parameters of the built form requirements introduced by Amendment C270.

2.1.3 S.57A Amendment to Application TP-2018-429

On 16 May 2019, Application TP-2018-429 was amended pursuant to S.57A of the *Planning and Environment Act 1987*.

The key changes to the architectural plans introduced by this latest amendment can be summarised as follows:

- Increase in the rear setback to 5 metres above the street wall height (height of the existing heritage building).
- Increase in the eastern side setback to 5 metres above the street wall height (height of the existing heritage building).
- Reduction in the upper podium element by three levels and increase in the tower element by three levels.
- Conversion of three office levels at Levels 8-10 to residential, increasing the number of apartments from 72 to 84.
- Expansion of the basement to allow for an increase in storage cages.
- Reduction in the overall building height by 1.2 metres, from RL 98.10 to RL 96.90.

The key differences between the original application submitted to DELWP, and the application (as amended) under assessment, are set out in the below table.

Table: Summary of key changes between original application and assessed application						
Dimension	Application PA1500063 (as originally proposed)			S.57A Amended Application (as assessed)		
Maximum Tower Height	177.5 metres			79.5 metres (-98 metres)		
Maximum No. of Storeys	58 storeys			22 storeys (-36 storeys)		
Gross Floor Area (incl. basements)	28,680m ²			14,861m ² (-13,819m ²)		
Maximum Floor Area Ratio	27.6:1			13.3:1 (-14.3:1)		
Commercial Floorspace	461m ²			3,969m ² (+3,508m ²)		
No. of Dwellings	270 dwellings			84 dwellings (-186 dwellings)		
	1BR: 139	2BR: 109	3BR: 22	1BR: 28 (-111)	2BR: 56 (-53)	3BR: 0 (-22)
Bicycle / Car Spaces	Bike: 186		Car: 85	Bike: 53 (-133)		Car: 11 (-74)

2.2 Planning Scheme Amendments

In the intervening period between when Application PA1500063 was received by DELWP and the date of this report there have been several changes to the Melbourne Planning Scheme that have altered the planning controls and policy framework relevant to the assessment of the proposed development.

It is noted however that as Application PA1500063 has been formally amended under S.50A and S.57A of the *Planning and Environment Act 1987* post the gazettal of these planning scheme amendments, detailed consideration of any operative transitional provisions is not necessary, and has not been undertaken in this report.

This is due to the operation of S.57A(7) of the *Planning and Environment Act 1987*, which is generally considered to extinguish transitional arrangements relevant to an application submitted prior to the gazettal date of a planning scheme amendment, where that application has been formally amended.

A brief summary of the key planning scheme amendments gazetted in the intervening period between when Application PA1500063 was lodged with DELWP and the date of this report, as deemed relevant to the assessment of Application TP-2018-429 is provided below.

2.2.1 Planning Scheme Amendment VC136: Better Apartments Design Standards

Amendment VC136 was prepared by the Minister for Planning and gazetted on 13 April 2017. Amendment VC136 introduced changes to the Victorian Planning Provisions in all planning schemes across Victoria.

Colloquially referred to as the 'Better Apartment Design Standards' (BADs), Amendment VC136 introduced Clause 58 (Apartment Developments) in addition to amending Clause 55 (Two or More Dwellings on a Lot) to add several new objectives and standards related to Apartment Developments under Clause 55.07.

2.2.2 Planning Scheme Amendment C270: Central City Built Form Review

Amendment C270 was prepared by the Minister for Planning and gazetted on 23 November 2016. Amendment C270 applied to land generally in the Hoddle Grid and Southbank areas, and introduced changes to the Melbourne Planning Scheme to updated planning controls and planning policies addressing:

- Built form (street wall, tower setback to street, side and rear boundaries and tower separation)
- Overshadowing
- Wind mitigation
- Floor Area Ratio (FAR) and Floor Area Uplift (FAU) and the delivery of public benefits.
- Urban design in the Capital City Zone
- Sunlight to public open spaces.

2.2.3 Planning Scheme Amendment VC148: Smart Planning Framework

Amendment VC148 was prepared by the Minister for Planning and gazetted on 31 July 2018. Amendment VC148 introduced changes to the Victorian Planning Provisions in all planning schemes across Victoria.

The explanatory report¹ for Amendment VC148 outlines the following description of why the amendment was required:

The Victoria Planning Provisions have served Victoria well for a long time. However, increasing demands on the planning system and successive reforms have resulted in planning schemes that have grown considerably in size and complexity. The growth in complexity of planning schemes not only affects their efficiency and effectiveness, it

¹ Explanatory Report, Amendment VC148, Approved Gazetted

also acts as a barrier to long-term change and the benefits that technology can deliver through more responsive and accessible planning services.

The amendment implements part of the Victorian Government's Smart Planning program reforms to simplify and modernise Victoria's planning policy and rules. The 2017 Smart Planning discussion paper, Reforming the Victoria Planning Provisions included proposals to simplify and realign the VPP using the six principles of a modern planning scheme – digital first, user focused, consistent, proportional, land use focused and policy and outcome focused.

Amendment VC148 made the following changes to the Scheme of relevance to the planning application:

- a) Deleting the State Planning Policy Framework (SPPF) and replacing it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19.

It is noted that the objectives and strategies contained in the revised Planning Policy Framework are broadly consistent with the objectives and policies contained in the State Planning Policy Framework that predated Amendment VC148, and which the original permit application was assessed against.

- a) Reorganising the particular provisions into three new categories:
 - i. Provisions that apply to a specified area (Clause 51)
 - ii. Provisions that require, enable or exempt a permit (Clause 52)
 - iii. General requirements and performance standards (Clause 53).

The operation of the particular provisions has remained virtually unchanged, with the only difference being changes to the location of these provisions in the Planning Scheme (i.e. by changing the Clause no.).

2.2.4 Planning Scheme Amendment VC154: Stormwater Management

Amendment VC154 was prepared by the Minister and gazetted on 25 October 2018. Amendment VC154 introduced *Clause 53.18 Stormwater Management in Urban Development* to the Victorian Planning Provisions in all planning schemes across Victoria.

Clause 53.18 Stormwater Management in Urban Development broadly reflects the requirements of Local Planning Policy *Clause 22.23 Stormwater Management (Water Sensitive Urban Design)*.

2.2.5 Planning Scheme Amendment C258: West Melbourne Heritage Review and Heritage Policies Review

Melbourne Planning Scheme Amendment C258 was prepared by Council and applies to all land within the municipality affected by a Heritage Overlay, including land within the West Melbourne Structure Plan area (representing land within the scope of the West Melbourne Heritage Review 2016).

Broadly, Amendment C258 seeks to implement:

- The Heritage Policies Review, which includes a review of the existing heritage policies in the Melbourne Planning Scheme (Clause 22.04 / Clause 22.05), preparation of statements of significance for large precincts (e.g. Carlton and South Yarra) and conversion of the current A-D letter grading system to the contemporary Significant, Contributory and Non-Contributory classification system for heritage assets; and
- The West Melbourne Heritage Review 2016, which made recommendations regarding the heritage significance, and appropriate degree of protection, of heritage places within the West Melbourne Structure Plan area.

The independent Panel appointed to consider Amendment C258 issued its report on 21 May 2019. As Melbourne City Council has not yet adopted Amendment C258, it is not considered that the Amendment has attained the status of being 'seriously entertained'.

The proposed heritage grading for the building occupying the site, and revised heritage policy, under Amendment C258 has therefore been given limited weight in the assessment of Application TP-2018-429.

2.2.6 Planning Scheme Amendment C308: Urban Design in the Central City and Southbank

Melbourne Planning Scheme Amendment C308 was prepared by Council and seeks to introduce a revised urban design policy in the form of a Design and Development Overlay (DDO1) into the Melbourne Planning Scheme, with a complementary illustrative guide, the Central Melbourne Design Guide, across land in the Central City and Southbank.

The independent Panel appointed to consider Amendment C308 issued its report on 16 May 2019, and Melbourne City Council adopted Amendment C308 at a Council meeting on 26 November 2019.

Amendment C308 is therefore considered to have attained the status of a 'seriously entertained' planning scheme amendment, and serious weight must therefore be given to the requirements that are proposed to be introduced for the subject site under Amendment C308 (which is to be included in the proposed DDO1).

Noting that the subject site is occupied by a historic building, and this building will be meaningfully retained in the completed development, and all car parking is to be located below ground (in basement levels), it is broadly considered that the proposed development is capable of meeting all relevant requirements specified in the form of DDO1 adopted by Council.

Subject to a condition being included on any permit being granted requiring a façade strategy to be submitted prior to the commencement of the development (including demolition and bulk excavation), which, amongst other matters, details how site services will be sensitively integrated into the Franklin Street façade with minimal intervention into heritage fabric and human scale design details will be provided, it is considered that the proposed development will broadly meet the design objectives set out in the form of DDO1 adopted by Council.

3 PROPOSAL

3.1 Plans / Reports Considered in Assessment

Table: Plans / Reports considered in assessment		
Plan / Report Title	Plan / Report Author	Plan / Report Date
Planning Report (including Clause 58 Assessment)	Urbis Pty Ltd	3 May 2019
Covering letter accompanying S.50A Amendment Application	Urbis Pty Ltd	23 April 2018
Covering letter accompanying S.57A Amendment Application	Urbis Pty Ltd	16 May 2019
Response to objections received in July/August 2019	Urbis Pty Ltd	28 August 2019
Urban Context Report	SJB Urban	21 December 2015
Architectural Drawings (Revision 10)	Peddle Thorp	June 2019
Heritage Impact Assessment	Lovell Chen	May 2018
Wind Impact Assessment	Mel Consultants Pty Ltd	16 December 2015
Addendum to Wind Impact Assessment	Mel Consultants Pty Ltd	20 March 2018
Traffic Impact Assessment Report	Cardno	23 April 2018
Waste Management Plan	Leigh Design Pty Ltd	1 May 2018
ESD Statement	SBE Melbourne	10 July 2018
Water Sensitive Urban Design Report	Storm Pty Ltd	15 June 2018

3.2 Summary of Proposed Development and Plan Excerpts

3.2.1 Summary of proposed development

Broadly, the proposed development involves the demolition of the rear part of the existing buildings occupying the site (commencing at a depth of 12 metres from the Franklin Street frontage), and the development of a 79.5 metre tall² (22 storey (including the ground level)) mixed-use podium / tower development with two levels of basement.

The new built form will be positioned a minimum of 8.8 metres behind the retained portion of the existing historic building fronting Franklin Street.

The retained historic building will provide the street wall height and street-fronting component of the tower podium, which integrates with the contemporary podium and 22-storey tower form to the rear.

² This dimension represents the distance between the ground level (RL 18.4) and the parapet of the building services (RL 97.9), noting that the building services have not been setback a minimum distance of 3 metres from all tower facades and have therefore been factored into the total building height.

The development will be occupied by retail and commercial uses, and ancillary reception and lobby areas for the residential component of the development, at the ground level, with the upper levels of the podium (to level 7) being occupied by office floor space.

Levels 8 to 22 will provide the residential component of the development, comprising the tower form. Six dwellings will be provided within each floorplate, with a mixture of one and two bedroom dwellings.

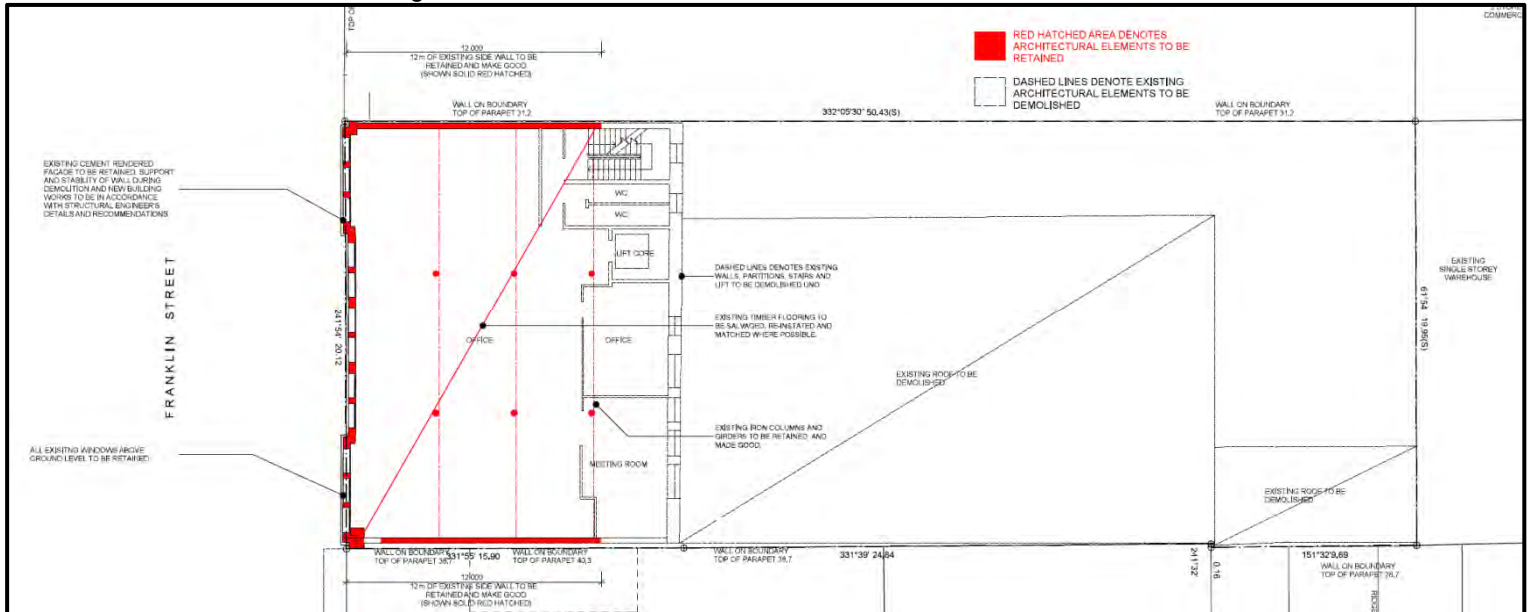


Figure 6: Excerpt from Drawing No. TP-004 detailing extent of demolition / retention

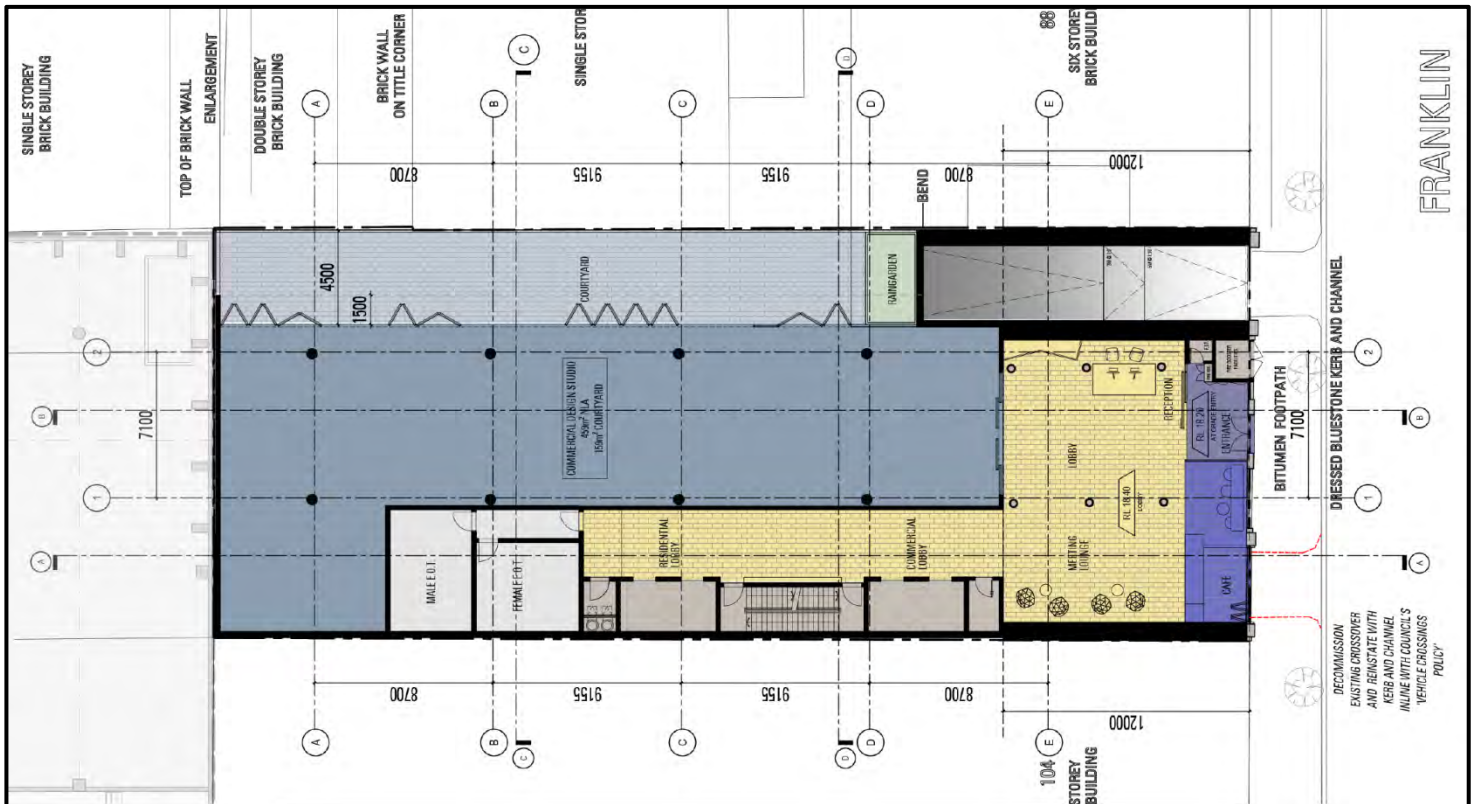


Figure 7: Excerpt from Drawing No. TP-100 detailing proposed ground floor layout

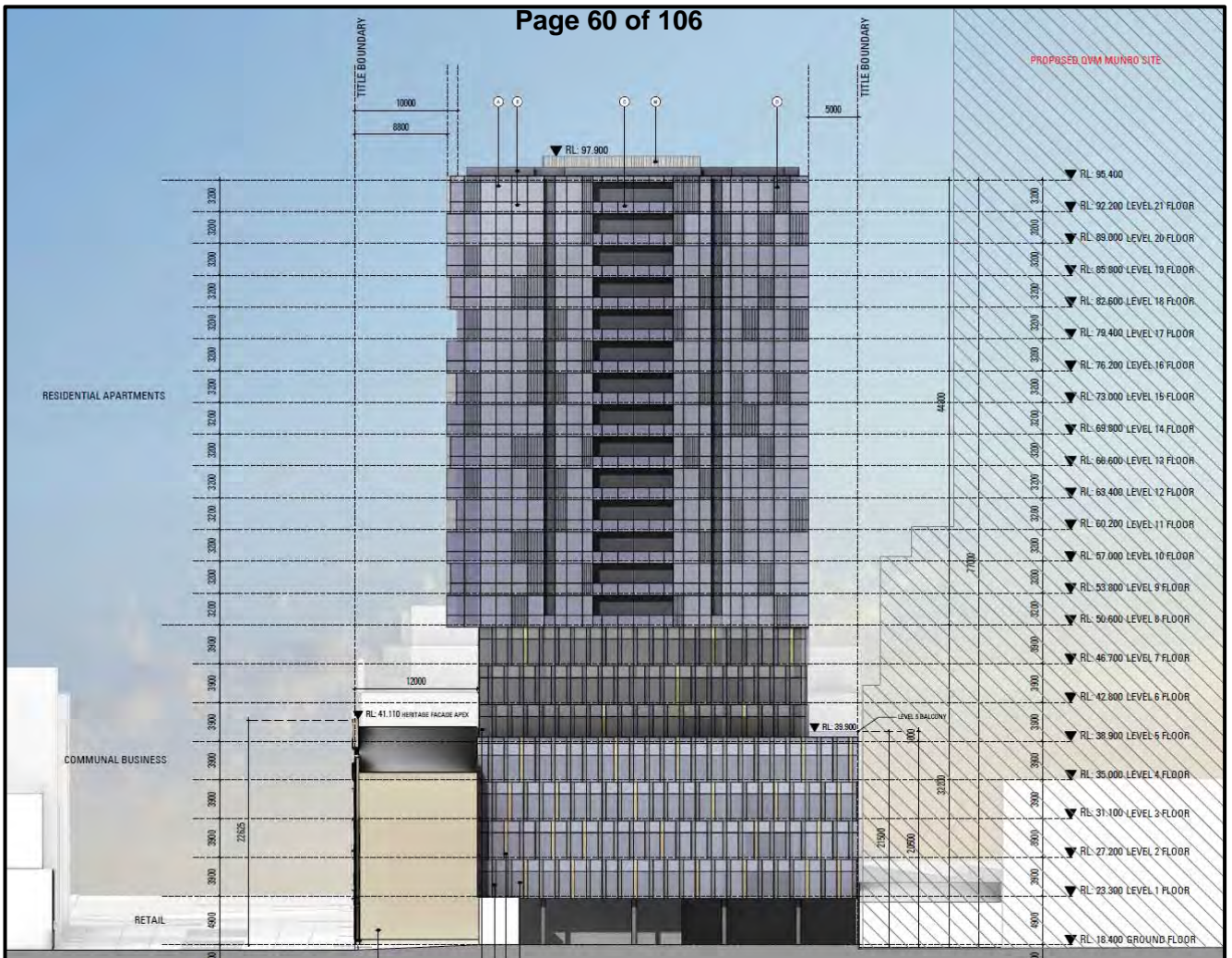


Figure 8: Excerpt from Drawing No. TP-350 showing east elevation of development and relationship between retained historic building and contemporary tower form behind



Figure 9: Excerpt from Drawing No. TP-901 providing render of oblique view of development



Figure 10: Excerpt from Drawing No. TP-903 providing render of oblique view of development



Figure 11: Excerpt from Drawing No. TP-902 providing render of front view of development

3.3 Detailed Information: Built Form

3.3.1 Site layout and GFA

Site Area:	1,000m ²	Site Coverage:	1,000m ²
Landscaped Area:	Nil.	Permeable Area:	Nil.
Floor Area Ratio (excluding basement areas):	13.3:1	Floor area uplift sought:	N/A
Retail NLA	562m ²	Office NLA	3,407m ²
Residential NSA	5,904m ²	Total GFA (including basement areas):	14,861m ²
Apartment Mix	1BR: 28 (33%)	2BR: 56 (67%)	Total: 84

3.3.2 Building Height and Setbacks

Number of storeys above ground level:	22	Number of basement levels:	2	
Maximum Building Height: *Note – RL 18.4 has been adopted as ground surface level	Including plant: RL 97.9 – RL 18.4 = 79.5 metres Excluding plant: RL 95.4 – RL 18.4 = 77 metres	Street Wall Height: *Note – RL 18.4 has been adopted as ground surface level	RL 41.1 – RL 18.4 = 22.7 metres	
Minimum Tower Setbacks (above podium):	North ('Munro' site)	5 metres (to façade)	East (88 Franklin Street)	5 metres (to façade)
	South (Franklin Street)	8.8 metres (to façade)	West (104 Franklin Street)	0 metres (to façade)

3.3.3 Access, car parking, bicycle facilities and loading / unloading

Car parking, bicycle facilities and loading and unloading			
Car parking spaces:	11	Bicycle spaces:	53
Motorcycle spaces:	Nil.	Bicycle facilities:	21m ² (female) 23m ² (male)
Parking access:	Car parking access will be via a ramp (3.6 metres wide) to Franklin Street.		
Loading / unloading:	Loading will be accessed via a ramp (3.6 metres wide) to Franklin Street, with clearance of 4 metres.		

3.3.4 Building Programme

Table: Programme
Basement 02
68 x storage cages with a minimum area of 10m ²
Basement 03
Services: waste room, services room
Bicycle facilities: 53 spaces
Car parking spaces: 11 spaces
Ground Floor
Retail: 1 x café tenancy (NLA: 17m ²)
Commercial: 1 x 'Design Studio' tenancy (NLA: 459m ²)
Shared meeting lounge and lobby for commercial, office and residential tenancies
Services: fire booster facilities
Bicycle facilities: end of trip facilities
Level 1-7
Office: 31 x office tenancies (NLA: 3,407m ²)
Level 8-21
Residential floors
Plant Level / Roof Deck

4 STATUTORY CONTROLS

Application TP-2018-429 requires the following planning permissions under the Melbourne Planning Scheme:

- Capital City Zone (Schedule 1: Outside the Retail Core) (**CCZ5**):
 - Demolition or removal of a building or works.
 - Construct a building or construct or carry out works.
- Heritage Overlay (Schedule 1043: 96-102 Franklin Street) (**HO1043**):
 - Demolition or removal of a building or works.
 - Construct a building or construct or carry out works.
- Design and Development Overlay (Schedule 10: General Development Area – Built Form) (**DDO10**):
 - Construct a building or construct or carry out works.

4.1 Capital City Zone (Schedule 1: Outside the Retail Core)

The subject site is located within the Capital City Zone (Schedule 1: Outside the Retail Core).

4.1.1 Use of land

Application TP-2018-429 includes the following land uses:

- **Accommodation:** a 'Section 1 – Permit not required' land use in CCZ1.
- **Retail:** a 'Section 1 – Permit not required' land use in CCZ1 provided the premises is not used for Adult sex bookshop, Department store, Hotel, Supermarket or Bar (formerly Tavern). It is recommended that a note be included on any permit being granted identifying that further permission is to be obtained in the event that these alternative uses are proposed within the retail premises.
- **Office:** a 'Section 1 – Permit not required' land use in CCZ1.

4.1.2 Demolition

A planning permit is required to demolish or remove a building or works in CCZ1.

4.1.3 Development

A planning permit is required to construct a building or construct or carry out works in CCZ1.

Mandatory maximum floor area ratio (FAR) requirement

CCZ1 provides that a permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) to construct a building or construct or carry out works with a floor area ratio in excess of 18:1 on land to which schedule 10 to the Design and Development Overlay applies unless:

- a public benefit as calculated and specified in a manner agreed to by the responsible authority is provided; and
- the permit includes a condition (or conditions) which requires the provision of a public benefit to be secured via an agreement made under section 173 of the *Planning and Environment Act 1987*.

The proposed development has a floor area ratio of approximately 13.3:1, and therefore comfortably complies with the mandatory maximum floor area ratio requirement under CCZ1.

Requirement that apartment developments comply with Better Apartment Design Standards

The CCZ head provision provides that an apartment development must meet the requirements of Clause 58.

A complete assessment of the development against the requirements of Clause 58 has been undertaken, and is provided in Attachment 2 to this report.

4.1.4 Advertising Signs

Application TP-2018-429 has not sought permission to erect an advertising sign.

Permission can be sought separately for the erection / display of advertising signage under a future planning permit application.

4.2 Overlays

4.2.1 Heritage Overlay (Schedule 1043: 96-102 Franklin Street)

A planning permit is required to demolish or remove a building or works, or construct a building or construct or carry out works under HO1043.

4.2.2 Design and Development Overlay (Schedule 10: General Development Area – Built Form)

A planning permit is required to construct a building or construct or carry out works under DDO10.

Mandatory built form requirements

DDO10 provides that a permit must not be granted for buildings and works that do not meet specified built form requirements.

A complete assessment of the development against the requirements of DDO10 is set out in Section 8 of this report.

4.2.3 Parking Overlay (Schedule 1: Capital City Zone – Outside the Retail Core)

Application TP-2018-429 complies with the maximum car parking requirement and minimum motorcycle parking space requirement of Parking Overlay Schedule 1 (Capital City Zone – Outside the Retail Core) (**PO1**).

A planning permit is therefore not required under PO1.

Maximum car parking requirement

PO1 sets out the following maximum car parking requirement:

- For that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling.
- For that part of the site devoted to other uses, (excluding common areas serving the dwellings) must not exceed the number calculated using one of the following formulas:

$$\frac{5 \times \text{net floor area of buildings on that part of the site in sqm}}{1,000\text{sqm}}$$

or

$$\frac{12 \times \text{that part of the site area in sq m}}{1,000\text{sqm}}$$

Application TP-2018-429 includes 11 car parking spaces and therefore complies with the maximum car parking requirement under PO1 (noting that approximately 103 car parking spaces could be provided as-of-right for the development in accordance with the above maximum car parking requirement).

Motorcycle parking requirement

PO1 provides that a minimum rate of one motorcycle parking space be provided for every 100 car parking spaces.

Application TP-2018-429 includes 11 car parking spaces, no minimum motorcycle parking requirement therefore applies.

4.3 Particular Provisions

4.3.1 Clause 52.05 Signs

As identified in Section 4.1.4 of this report, Application TP-2018-429 has not sought permission to erect an advertising sign under *Clause 52.05 Signs*.

4.3.2 Clause 52.06 Car Parking

As identified in Section 4.2.3 of this report, the subject site is affected by PO1 and is therefore subject to a maximum car parking requirement (as opposed to a minimum parking requirement under Clause 52.06).

Application TP-2018-429 complies with the maximum car parking requirement and minimum motorcycle parking space requirement under PO1 and therefore does not require a planning permit under *Clause 52.06 Car Parking*.

4.3.3 Clause 52.27 Licensed Premises

Under the Schedule to *Clause 52.27 Licensed Premises*, a permit is not required to use land for the sale or consumption of liquor if a licence is required under the *Liquor Control Reform Act 1998* on any land in the Capital City Zone.

The proposed retail premises may therefore be used in association with the sale or consumption of liquor without requiring a planning permit. It is noted that a planning permit would be required to use the retail tenancies for a Bar (formerly Tavern) or Hotel in the CCZ1.

4.3.4 Clause 52.34 Bicycle Facilities

Application TP-2018-429 complies with the following requirements of *Clause 52.34 Bicycle Facilities*:

- The minimum bicycle parking spaces requirement.
- The shower requirements for end of trip facilities where bicycle parking is provided.
- The change room requirements for end of trip facilities where bicycle parking is provided.

A planning permit is therefore not required under *Clause 52.34 Bicycle Facilities*.

Minimum bicycle parking spaces requirement:

Clause 52.34 Bicycle Facilities sets out the following bicycle parking rate as bearing on the proposed use / development under Application TP-2018-429:

Use	Employee / Resident	Visitor / Shopper / Student
Dwelling	In developments of four or more storeys, 1 to each 5 dwellings.	In developments of four or more storeys, 1 to each 10 dwellings.
Office other than specified in this table	1 to each 300 m ² net floor area if the net floor area exceeds 1000 m ² .	1 to each 1000 m ² of net floor area if the net floor area exceeds 1000 m ² .
Retail premises other than specified in this table	1 to each 300 m ² of leasable floor area.	1 to each 500 m ² of leasable floor area.

Accordingly the required number of bicycle spaces for:

- The 'Dwelling' use within the development is:

$$1 \left(\frac{84}{5} \right) + 1 \left(\frac{84}{10} \right) = 25.2 \text{ bicycle spaces}$$

- the 'Office other than specified in this table' uses within the development (includes the 'Research and Development Centre' and 'Office') is:

$$1 \left(\frac{3,407sqm}{300} \right) + 1 \left(\frac{3,407sqm}{1000} \right) = 14.76 \text{ bicycle spaces}$$

- the 'Retail premises other than specified in this table' uses within the development (includes the five ground level retail tenancies) is:

$$1\left(\frac{562sqm}{300}\right) + 1\left(\frac{562sqm}{500}\right) = 3.00 \text{ bicycle spaces}$$

The total required number of bicycle spaces is therefore:

$$25.2 + 14.76 + 3.00 = 43 \text{ bicycle spaces}$$

Application TP-2018-429 includes 53 bicycle spaces and therefore complies with the minimum bicycle spaces requirement under *Clause 52.34 Bicycle Facilities*.

Shower requirement:

Clause 52.34 Bicycle Facilities sets out the following shower requirement as bearing on the proposed use / development under TP-2018-429:

Use	Employee / Resident	Visitor / Shopper / Student
Any use listed in Table 1	If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.	None

Accordingly, the required number of shower facilities is:

$$1 + \frac{(13 - 5)}{10} = 2 \text{ showers}$$

Application TP-2018-429 includes provision for end of trip facilities of approximately ~22m² for both males and females, which is considered to be of sufficient size to reasonably accommodate the minimum shower requirement under *Clause 52.34 Bicycle Facilities*.

Changing room requirement:

Clause 52.34 Bicycle Facilities sets out the following changing room requirement as bearing on the proposed use / development under Application TP-2018-429:

Use	Employee / Resident	Visitor / Shopper / Student
Any use listed in Table 1	1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room.	None

Application TP-2018-429 includes communal changing rooms which are directly accessible by all showering facilities, and therefore complies with the change room requirement under *Clause 52.34 Bicycle Facilities*.

4.3.5 Clause 53.18 Stormwater Management in Urban Development

Clause 53.18 Stormwater Management in Urban Development applies to Application TP-2018-429.

The Water Sensitive Urban Design report prepared by Storm Pty Ltd (dated 15 June 2018) addresses how the proposed development will meet both the objectives of *Clause 53.18 Stormwater Management in Urban Development* and the requirements of *Clause 22.23 Stormwater Management (Water Sensitive Urban Design)*.

The assessment provided in the Water Sensitive Urban Design report is supported by computer modelling undertaken by Storm Pty Ltd using the Model for Urban Stormwater Improvement Conceptualisation (MUSIC).

Subject to a condition being included on any permit being granted requiring a stormwater drainage system for the development incorporating best practice integrated water management design principles to be submitted to Melbourne City Council’s Drainage Engineer for approval, with reference to the Water Sensitive Urban Design report prepared by

Storm Pty Ltd (dated 15 June 2018), it is considered that the objectives of *Clause 53.18 Stormwater Management in Urban Development* will be met.

5 STRATEGIC FRAMEWORK

A list of the relevant policies in the Planning Policy Framework (PPF), Municipal Strategic Statement (MSS) and Local Planning Policy Framework have been set out in Appendix 1 to this report.

Regard has been given to key policies relevant to the proposed development under Application TP-2018-429 in Section 8 of this report.

6 PUBLIC NOTICE

6.1 Exemption from notice, decision requirements and review rights of *Planning and Environment Act 1987*

The only planning permissions sought which are not exempt from the notice and decision requirements, or review rights, of the *Planning and Environment Act 1987*, are the following:

- Heritage Overlay (Schedule 1043: 96-102 Franklin Street) (**HO1043**):
 - Demolition or removal of a building or works.
 - Construct a building or construct or carry out works.

6.2 Advertisement

Notice was given in accordance with S.52(1)(a)&(d) and S.57B of the *Planning and Environment Act 1987* in the manner set out below.

6.2.1 Notice of Amended Application (17 July 2018 to 2 August 2018)

Notice given in accordance with S.52(1)(a)&(d) of the *Planning and Environment Act 1987*:

- By mail to the owners and occupiers of adjoining and surrounding land on 17 July 2018.
- By directing the applicant to erect the following public notice signs on the site:
 - One sign on the Franklin Street frontage.

The applicant returned a completed statutory declaration form on 3 August 2018 confirming that the required notice signs had been erected and maintained in good order and condition for a minimum 14 day period from 19 July 2018.

6.2.2 Notice of S.57A Amended Application (8 July 2019 to 22 July 2019)

- By mail to the owners and occupiers of adjoining and surrounding land on 8 July 2019.
- By directing the applicant to erect the following public notice signs on the site:
 - One sign on the Franklin Street frontage.

The applicant returned a completed statutory declaration form on 23 July 2019 confirming that the required notice signs had been erected and maintained in good order and condition for a minimum 14 day period from 8 July 2019.

6.3 Objections

A total of three objections have been received to-date in respect of Application TP-2018-429.

The concerns raised in the objections received by Council broadly relate to the following themes:

- **Heritage and character:**
 - Concerns that the development employs 'facadism'.
 - Concerns that the tall tower will dominate the low scale buildings of the Queen Victoria Market and impact on the heritage qualities of this precinct.

- Concerns that the proposed development is inconsistent with the heritage characteristics of the surrounding area.
- **Overlooking:**
 - Concerns that the development will overlook adjoining dwellings and the Queen Victoria Market area.
- **Overshadowing:**
 - Concerns that the development will overshadow Franklin Street, adjoining dwellings and the Queen Victoria Market area.
- **Unclear relationship between proposed development and the 'Munro' site**
- **Insufficient Infrastructure:**
 - Concerns that there is insufficient infrastructure within the inner city area to support the increase in residential density proposed by the application.
- **Traffic congestion and hazards:**
 - Concerns that the proposed development will further impact on traffic congestion issues along Franklin Street and the Market area.

Section 8 (Assessment) of this report includes consideration of how Application TP-2018-429 to the above issues.

7 REFERRALS

7.1 External (Statutory) Referrals

7.1.1 Transport for Victoria (Determining Referral Authority)

Pursuant to *Clause 66.02-11 (Integrated Public Transport Planning)*, an application to subdivide land, to construct a building or to construct or carry out works for a residential development comprising 60 or more dwellings must be referred to the Head, Transport for Victoria.

Application PA1500063 was referred to Transport for Victoria on 4 May 2016.

On 13 May 2016 Transport for Victoria advised in writing that they do not object to a planning permit being granted for Application PA1500063.

Subsequent to Application PA1500063 being formally amended under S.50A of the *Planning and Environment Act 1987*, and responsibility for the application transitioning to Melbourne City Council, Application TP-2018-429 was re-referred to Transport for Victoria on 18 July 2018.

Transport for Victoria reiterated their comments dated 13 May 2016 in response to the re-referral of the application.

7.2 Internal (Council) Referrals

7.2.1 Urban Design

Council's Urban Designer provided comments on the S.50A Amended Application on 24 July 2018.

Council's Urban Designer was broadly supportive of the upper level street setback behind the retained heritage form, the mid-rise scale of the proposed upper podium and tower and the general resolution of the massing, program and design quality of the development, subject to a few key recommendations being addressed.

The key recommendations raised by Council's Urban Designer in relation to the application have been reported below (blue italics).

The applicant was provided with an opportunity to respond to these matters and decided to make changes to the application. The applicant's response to Council's Urban Designer's key recommendations and concerns, which accompanied the S.57A Amended Application, are reported below (red italics).

The discussion set out below has informed consideration of the application against the relevant requirements of the Melbourne Planning Scheme in Section 8 (Assessment) of this report, and demonstrates that the applicant has had meaningful regard to Council's Urban Designer's recommendations, informing the final iteration of assessed plans submitted with the S.57A Amended Application.

Building height and setbacks

We note the proposal adopts the 80m to boundary modified requirement to the west. The neighbouring building Association House is 16m in height. No permits or applications exist to modify or build on this site. Given the height of 16m it is unclear how an 80m wall on boundary is a contextual response, consistent with the intent of the DDO10. A 5m setback would be required from the centre of Blender Lane for this neighbour, which leaves less than 10m in site width to achieve a form higher than 40m in height. We defer to planning on this matter.

The proposed development, built to the western boundary, will provide equitable development opportunities to 104-106 Franklin Street, immediately abutting the site to the west.

The proposal comprises construction to the rear boundary up to 40m in height, with a 5m setback above. This rear podium directly abuts the approved podium of the Munro Development, and this relationship requires careful consideration. The application drawings do not depict this abuttal. The podium height of Munro appears to terminate at 30m, above which a common terrace, dining room and gymnasium is positioned, with a landscape terrace. The impact of a 10m high blank wall against this common area is not supported. We require the rear podium height to match the datum of the Munro Development to ensure an acceptable equitable setback and amenity outcome.

The proposed development has been amended to be setback 5m from the rear site boundary to a height of 20.5m, which is positioned below the podium height of the endorsed Munro development to the north.

As noted, the podium height of the Munro development is 30m and therefore the proposal no longer presents a blank wall to the common deck area of the Munro development to be located directly adjacent to the shared boundary.

Massing

The massing strategy consists of a three-part vertical stack which includes the heritage base, a midrise podium, and a cantilevering tower above. We support this general arrangement and the functional expression of the interior volumes in the exterior of the building. However, the size of the mid-level element exceeds that of a subtle joint between new and old and takes on a dominant characteristic within the street.

We encourage either the embellishment of this glass façade with depth / integrated shading / materiality or the lowering of the upper form treatment by approximately 2 levels, achieving a more slender, vertical proportion to the primary upper form.

The mid-level element, referred to on the architectural plans as the upper podium, has been reduced to three levels, while it previously comprised five levels. This will reduce the dominance of this element of the proposed development when viewed from Franklin Street, directly responding to this concern.

Program

Given the highly constrained setback to the east within the sub 40m plan, it is imperative permit conditions ensure these floorplates are not converted to residential.

Below 40m in height, the development, as proposed, does not allow for residential conversion. Notwithstanding this, any potential future conversion of the floorplate from commercial to residential would require planning approval from Council. Accordingly, it is considered that imposing a permit condition on any amended permit to be granted is not necessary.

The two internal apartments with primary outlooks onto the east have 'snorkelled bedrooms' that rely on a narrow and deep passage for access to daylight. Further we

note the curve applied to the snorkel commences outside of the 1800mm depth, effectively lengthening the snorkel by a further 1m approx. We note the opportunity to mirror these apartments to create a wider rebate and thus improve daylight amenity.

The two internal apartments noted, have been reconfigured to ensure that the curved wall applied to the bedrooms in question is included within the 1.8m distance, therefore improving the daylight amenity provided to these apartments.

While this does not strictly comply with Standard D26 of Clause 58.07-3, it is recognised that the application benefits from transitional provisions of Clause 58³ and importantly, it is considered that the design response allows for an appropriate level of amenity to the apartments in terms of daylight.

Public Interface

The airlock to the entrance has a significant amount of wasted area to the west of the building entry. We encourage the airlock to be compressed with a widened café tenancy spilling across two bays of the façade, and integrating with the interior and exterior program. Layouts should be provided for the café to demonstrate its viability as a key activator on the street façade.

The ground floor entrance has been reduced in size and the proposed café has been widened to provide a frontage across two bays of the façade as recommended.

The level of detail of the ground level treatment is cursory. We require 1:20 drawings to describe the building entry, fire booster cabinet, new café servery and vehicle access door. These elements are key components of the ground level experience for pedestrians and should be designed accordingly. For example, a roller door or aluminium faced booster cabinet would not be an ideal outcome for a primary street frontage. A tilt door with high quality materiality is strongly preferred, and a glazed booster would be less disruptive to the heritage fabric whilst providing visual interest.

TP-100B (Ground Floor Detail) has been prepared to demonstrate a greater level of detail to the ground floor, including the building entrance, services and proposed café.

While a black perforated roller door is proposed to the vehicular entrance, this is consistent with the vehicular entrance design currently located on the western side of the façade and is therefore considered an appropriate design outcome.

Furthermore, the fire booster cabinet is proposed to be a transparent vision glass as preferred by Council.

Design Quality

If a party-wall taller than 40m can be supported, the presentation of any blank wall will be key to the public realm presentation. The articulation of precast concrete modulations on the party-wall creates a sense of continuation of the front façade; a sense of three-dimensionality is articulated; this is somewhat lost in the podium form where the rhythm of the glazing frame ends abruptly at the corner. Further detail is required to demonstrate the 3 dimensional quality of this precast. Materials such as feature shroud and embossed concrete are shown, however drawings need to describe this detail.

The Architectural Drawings have been amended to provide a greater level of articulation to the western elevation, as seen on TP-251 (Elevation West), to respond to this concern.

In comparison to this upper form, the podium level façade is lacking in depth and modulation, resulting in a characterless presentation. We seek clarification on the detailing for the curtain-wall treatment to the podium façade. We strongly encourage a

³ It is noted that Planning does not share the applicant's view that Application TP-2018-429 benefits from transitional provisions under Clause 58. The requirements of Clause 58 apply to the proposed development, and came into force and effect upon the applicant formally amending their application under S.50A of the *Planning and Environment Act 1987*.

strong articulation of mullions between the vision glass panels to express a sense of depth and play of shadow.

The upper podium façade has been revised to provide further articulation and design detail, to create a greater sense of depth and visual interest to this element of the proposed development, when viewed from the streetscape.

We also note that on some podium levels, the office spaces have wintergardens with spiral staircases. We note that there are no clear indications of how this cantilevered element is treated in elevation. Current drawings show a glass treatment of a different tint. We recommend that these programmatic functions be expressed uniquely in materiality

The Architectural Plans have been amended to provide a greater level of detail to this upper podium element of the built form.

7.2.2 Heritage

Council's Heritage Advisor provided comments on the S.50A Amended Application on 21 August 2018.

Council's Heritage Advisor broadly acknowledged that the development scheme for the site proposed under the S.50A Amended Application represented an improvement over the original application lodged with DELWP, but has identified outstanding concerns in relation to the extent of demolition sought to the Former Keep Brothers & Wood Workshop and Showroom.

Council's Heritage Advisor's advice has been paraphrased below in relation to the extent of demolition sought by the application. This advice has informed consideration of the application against the requirements of *Clause 22.04 Heritage Places outside the Capital City Zone* in Section 8 (Assessment) of this report.

Demolition

The following historic buildings occupy the subject site, which the application seeks complete demolition of:

- **Complete demolition:** A two-storey brick paired gable warehouse located immediately behind the four-storey brick building.
- **Complete demolition:** A two-storey brick building located to the north-east corner of the site.

Council's Heritage Advisor has advised that the complete demolition of these buildings will have a limited impact on the historical significance of the Former Keep Brothers & Wood Workshop and Showroom complex.

The following historic building occupies the subject site, which the application seeks to partially demolish:

- **Part demolition of the north (rear) part of the building:** Former Keep Brothers & Wood Workshop and Showroom, a four-storey brick building (with a fifth storey attic) on a bluestone plinth fronting Franklin Street.

Council's Heritage Advisor has advised that demolition of the north (rear) part of this building is not supported, and has recommended that the whole of this building be retained on-site, with tower setbacks modified to enable the heritage fabric to be seen as a three dimensional element.

7.2.3 Traffic Engineering

Council's Traffic Engineer provided comments on the S.50A Amended Application on 13 August 2018.

The advice provided by Council's Traffic Engineer did not raise any significant issues with the layout and provision of car parking, likely traffic generation, bicycle facilities and access

arrangements requiring rectification in the application, and included a number of standard recommendations that can be resolved via permit conditions.

Subject to conditions being included on any permit being granted addressing Council's Traffic Engineer's recommendations, it is considered that the proposed development will present an acceptable outcome having regard to relevant car parking, bicycle facilities and traffic requirements in the Melbourne Planning Scheme.

7.2.4 Civil Engineering

Council's Principal Engineer (Infrastructure) provided comments on the S.50A Amended Application on 25 July 2018 and did not object to a permit being granted, subject to a number of recommendations being addressed through conditions and permit notes, and subject to the inclusion of standard Civil Engineering conditions.

Conditions and notes have been recommended for inclusion on any permit being granted to ensure that all of the requirements and recommendations of Council's Principal Engineer (Infrastructure) will be resolved in the final development.

7.2.5 Urban Services Engineering (Waste)

Council's Waste Engineer provided comments on the S.50A Amended Application on 5 September 2018 and advised that the submitted Waste Management Plan prepared by Leigh Design dated 1 May 2018 was not acceptable, because it did not specifically identify a minimum clearance height of 4 metres⁴ for the roller-door providing access to the interior loading / waste collection areas.

The applicant provided clarified plans to accompany the S.57A Amended Application, which clearly annotates a minimum clearance height of 4 metres to the roller-door providing access to the interior loading / waste collection areas.

Subject to a condition being included on any permit being granted requiring the Waste Management Plan prepared by Leigh Design dated 1 May 2018 to be updated to include the additional detail provided by the applicant with their S.57A Amended Application, it is considered that Council's Waste Engineer's comments will have been satisfactorily addressed, and the development will have achieved compliance with the requirements of Clause 22.19 Energy, Water and Waste Efficiency.

7.2.6 Environmentally Sustainable Design

Council's ESD Officer provided comments on the S.57A Amended Application on 12 June 2019, and broadly advised that the Environmentally Sustainable Design response submitted to accompany the application was of a good standard with appropriate targets and specifications capable of meeting and exceeding the requirements of *Clause 22.19 Energy, Water and Waste Efficiency*.

Noting the above, Council's ESD Officer has made the following recommendations, which can be addressed prior to the commencement of the development, to be implemented by including conditions on any permit being granted to lock-in and targets proposed in the ESD response prepared by Sustainable Built Environments (SBE Melbourne) dated 10 July 2018:

- The ESD response prepared by SBE Melbourne be updated to reflect the latest assessed architectural drawings.
- An improved landscape plan / strategy that addresses the objective of *Clause 58.03-5 Landscaping Objectives* of the Better Apartment Design Standards.
- Inclusion of annotations on amended plans submitted for endorsement showing the following details:
 - The location of an electric vehicle parking space and associated charging infrastructure.

⁴ 4 metres clearance is necessary to ensure a Medium Rigid Vehicle (MRV) can safely enter the property. As the development includes a residential component, Council's fleet of waste collection vehicles (which meet the specifications for a MRV) will need to be able to enter the property to service the development.

- The capacity of rainwater tanks.

Subject to conditions being included on any permit being granted to address the abovementioned items, it is considered that Council's ESD Officer's comments will have been satisfactorily addressed, and the development will have achieved compliance with the requirements of *Clause 22.19 Energy, Water and Waste Efficiency*.

7.2.7 Urban Forestry

Council's Urban Forestry Team provided comments on the S.50A Amended Application on 2 July 2018, raising concerns in relation to the potential impact posed by the redevelopment of the site on the nearby semi-mature Kurrajong street trees, and requesting that an Arboricultural Impact Assessment prepared in accordance with *AS 4970-2009 – Protection of trees on development sites* be submitted documenting how these trees will be protected during construction.

The applicant provided a response to these comments on 16 May 2019 to accompany the S.57A Amended Application, and advised that it is not anticipated that the proposed development will have a negative impact on the public trees identified by Council's Urban Forestry Team, and volunteered a condition to give force and effect to Urban Forestry's recommendations.

Subject to a condition being included on any permit being granted requiring a Tree Management Plan to be provided to the satisfaction of the Responsible Authority prior to the commencement of the development (including demolition and bulk excavation), which documents how the nearby public tree assets will be protected during construction in accordance with relevant Australian Standards and Council's Street Tree Retention and Removal Policy, it is considered that Council's Urban Forestry Team's comments will have been satisfactorily addressed.

8 ASSESSMENT

8.1 Key Issues

The key issues for consideration in the assessment of Application TP-2018-429 include:

- Whether the proposed development presents an acceptable heritage response, having regard to Council's Local Planning Policy for Heritage Places within the Capital City Zone (Clause 22.04).
- Whether the proposed development presents an acceptable built form and urban design outcome, having regard to the requirements of Schedule 10 to the Design and Development Overlay and Council's Local Planning Policy for Urban Design within the Capital City Zone (Clause 22.01).
- Whether the proposed development provides appropriate levels of internal amenity for future occupants, and does not contribute to any unreasonable impact on the amenity of adjoining and surrounding properties, having regard to the requirements of Clause 58 Apartment Developments (the Better Apartment Design Standards).

Other relevant matters that have been considered include the traffic generation and impact posed by the development, environmentally sustainable design, and environmental risks for future occupants.

8.2 Heritage

The Former Keep Brothers & Wood Workshop (the visibly prominent five level building fronting Franklin Street on the subject site), is a heritage place of individual heritage significance affected by site-specific Heritage Overlay HO1043.

The most recent heritage study commissioned by the City of Melbourne that assessed the heritage significance of this heritage place was the Central City (Hoddle Grid) Heritage Review 2011 (Graeme Butler & Associates), which identified the building as a 'B' graded heritage place.

'B' graded buildings are defined in the *Heritage Places Inventory March 2018*, listed in the Schedule to *Clause 72.04 Documents Incorporated in this Planning Scheme* as follows:

These buildings are of regional or metropolitan significance, and stand as important milestones in the architectural development of the metropolis. Many will be either already included on or recommended for inclusion on the Register of the National Estate.

Under Clause 22.04 Heritage Places within the Capital City Zone, it is policy that the following matters will be taken into account when considering applications for buildings, works or demolition to heritage places as identified in the Heritage Overlay, as deemed relevant to Application TP-2018-429:

- *Proposals for alterations, works or demolition of an individual heritage building or works involving or affecting heritage trees should be accompanied by a conservation analysis and management plan in accordance with the principles of the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance 1992 (The Burra Charter).*
- *The demolition or alteration of any part of a heritage place should not be supported unless it can be demonstrated that that action will contribute to the long-term conservation of the significant fabric of the heritage place.*
- *Regard shall be given to buildings listed A, B, C and D or significant and / or contributory in the individual conservation studies, and their significance as described by their individual Building Identification Sheet.*

A Heritage Impact Statement (HIS) prepared by Lovell Chen dated May 2018 accompanied the S.50A Amended Application, which documents:

- The relevant heritage controls and conservation studies for the extant historic buildings on the subject site.
- Details regarding the history of the buildings occupying the site and historically significant elements of these buildings.
- The relevant heritage considerations under the planning legislation to which regard must be given in assessing the appropriateness of the proposed development's heritage response.
- Why it is considered that the proposed development, in terms of the extent of demolition sought, the proposed new building, and the relationship between the subject site and adjacent heritage places, presents an acceptable heritage response.

The proposed development under Application TP-2018-429 is considered to represent an acceptable heritage response having regard to Council's Local Planning Policy for Heritage Places within the Capital City Zone (Clause 22.04) for the reasons set out below.

8.2.1 Demolition

As discussed in Section 7.2.2 of this report, the extent of proposed demolition includes:

- **Complete demolition:** A two-storey brick paired gable warehouse located immediately behind the four-storey brick building.
- **Complete demolition:** A two-storey brick building located to the north-east corner of the site.
- **Part demolition of the north (rear) part of the building:** Former Keep Brothers & Wood Workshop and Showroom, a four-storey brick building (with a fifth storey attic) on a bluestone plinth fronting Franklin Street.

It is considered that the extent of demolition is acceptable, having regard to the requirements of *Clause 22.04 Heritage Places within the Capital City Zone*, and will lead to the long-term conservation of the significant fabric of the heritage place for the following reasons:

- As acknowledged by Council's Heritage Advisor, the complete demolition of the two-storey brick paired gable warehouse and rear two-storey brick building located to the north-east corner of the site will have a limited impact on the significance of the heritage place.

As these buildings are completely concealed from any public viewpoint, and due to the historical significance of these buildings being limited to their association with Keep Brothers & Wood, it is not considered that their removal will compromise the appreciation of the intactness and three-dimensional form of the most visibly prominent and historically significant building on the site (the Workshop and Showroom).

- The part demolition of the north (rear) part of the Former Keep Brothers & Wood Workshop and Showroom, commencing at a depth of 12 metres (and involving the retention of the façade, side walls, interior fabric and roof form), will ensure that a meaningful and substantial quantum of the original, significant, fabric of this building will be retained on-site.

The retained portion of the building will be readily appreciable as a distinct and intact building from the proposed new tower due to the extent of this retention and the setback to the tower façade. There will be limited (if any) visibility of the integration between the retained historic form (with side walls) and the contemporary podium addition, due to the site's mid-block location and the scale of development on adjoining properties.

Furthermore, the limited extent of interference to the Franklin Street façade will serve to reinforce the intact appearance of this building when viewed from the street, and the adaptive reuse of the historic building together with the level of retention will serve to advance the long-term conservation of the heritage place.

8.2.2 Proposed new development

The proposed new development seeks to introduce a tower to the rear of the Former Keep Brothers & Wood Workshop and Showroom.

The proposed tower is considered to achieve an appropriate heritage response for the subject site, having regard to the requirements of *Clause 22.04 Heritage Places within the Capital City Zone*, for the following reasons:

- As documented in Section 2.1.3 of this report, the development as assessed under the S.50A Amended Application has been altered significantly to both reduce the scale and prominence of the proposed tower form, and increase the extent of retention of the historic building on-site.

Cumulatively, it is considered that these changes meaningfully address early concerns raised by Council's Heritage Advisor in relation to Application PA1500063 (as originally lodged with DELWP) and objectors regarding the extent of retention of the heritage asset, and the potential for the development to visually dominate this asset and the surrounding Queen Victoria Market environs (noting that the height of the proposed tower will generally sit within the silhouette of the 'Munro' site development to the rear).

- The most visibly prominent, and dominant, element of the development as viewed from Franklin Street will remain the Former Keep Brothers & Wood Workshop and Showroom.

Retention of this heritage asset to a minimum depth of 12 metres, and setback of the tower form a minimum 8.8 metres behind the front façade, will ensure that:

- The development is massed to read as two distinct forms (further reinforced by the architectural and façade detail).
- The heritage asset is provided with breathing space, allowing it to be appreciated as its own intact entity.
- Significant elements of the heritage asset can be meaningfully retained to provide a greater impression of the integrity of the building (i.e. by retaining 12 metres of the roof form).

- The diagram provided below illustrates the massing and modulation of architectural forms that contribute to this outcome, which is considered to be an appropriate heritage response for a 'B' graded heritage asset of this calibre.

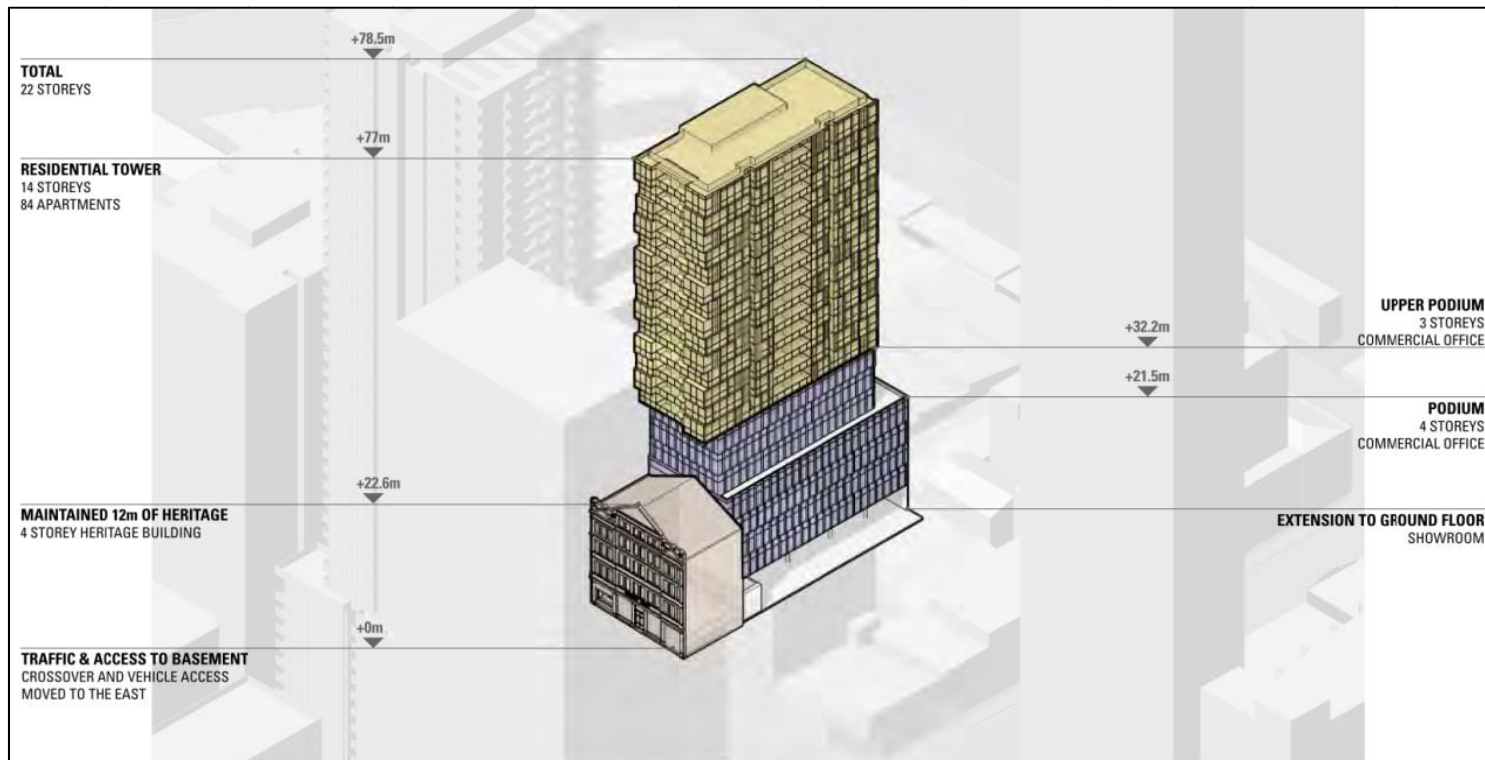


Figure 12: Excerpt from Drawing No. TP-010 illustrating design response of tower form

8.2.3 Impact on adjacent heritage places

As discussed above, as the proposed development is considered to achieve both an appropriate level of retention of the existing heritage place, and achieve an appropriate development outcome, it is not considered that the proposed new building will present any unreasonable impact on the heritage significance of adjacent heritage places, being:

- 473-481 Elizabeth Street, Melbourne (HO1025) and the Elizabeth Street Heritage Precinct (HO1125)
- The Queen Victoria Market (HO7) (which will primarily be informed by the 'Munro' site development).

8.3 Built Form and Urban Design

8.3.1 Design and Development Overlay (Schedule 10)

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

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

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

Street wall height

Table: Assessment of proposed development against DDO10 Street Wall Height requirement			
Design Element:	Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
Street wall height	Up to 20 metres	<p>The street wall height must be no greater than:</p> <ul style="list-style-type: none"> ▪ 40 metres; or ▪ 80 metres where it: <ul style="list-style-type: none"> ▪ Defines a street corner where at least one street is a main street and the 80 metre high street wall should not extend more than 25 metres along each street frontage, and / or ▪ Fronts a public space including any road reserve wider than 80 metres. 	<p>Street wall height is scaled to ensure:</p> <ul style="list-style-type: none"> ▪ A human scale. ▪ An appropriate level of street enclosure having regard to the width of the street with lower street wall heights to narrower streets. ▪ Consistency with the prevalent parapet height of adjoining buildings. ▪ Height that respects the scale of adjoining heritage places. ▪ Adequate opportunity for daylight, sunlight and sky views in the street. ▪ Definition of main street corners and / or public space where there are no significant impacts on the amenity of public spaces. ▪ Maintenance of the prevailing street wall height and vertical rhythm on the street.
<p><i>Assessment</i></p> <p>The preferred requirement is not applicable, noting:</p> <ul style="list-style-type: none"> ▪ The proposed development seeks to adopt the existing historic building (the Former Keep Brothers & Wood Workshop and Showroom) occupying the site as the street wall for the development. <p>The Former Keep Brothers & Wood Workshop and Showroom provides a street wall height of approximately 22.7 metres (RL41.1), as measured to the apex of the central gabled bay.</p> <p>The adoption of the existing historic building as the street wall for the development will ensure that the corresponding built form outcomes of DDO10 are met.</p>			

Building setbacks above the street wall

Table: Assessment of proposed development against DDO10 Building setbacks from side /rear boundaries requirement			
Design Element:	Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
Building setback(s) above the street wall	Above the street wall, towers and additions should be setback 10 metres from the title boundary.	Above the street wall, towers must be setback a minimum of 5 metres from the title boundary.	<p>Tower and additions are setback to ensure:</p> <ul style="list-style-type: none"> ▪ large buildings do not visually dominate the street or public space. ▪ the prevalent street wall scale is maintained. ▪ overshadowing and wind impacts

			<p>are mitigated.</p> <ul style="list-style-type: none"> the tower or addition includes a distinctly different form or architectural expression.
<p><i>Assessment:</i></p> <p>The proposed tower does not meet the preferred requirement, noting:</p> <ul style="list-style-type: none"> The tower does not achieve a minimum setback of 10 metres from the Franklin Street title boundary. <p>The proposed tower meets the modified requirement, noting:</p> <ul style="list-style-type: none"> The tower achieves a minimum setback of 8.8 metres from the Franklin Street title boundary. <p>It is considered that the proposed tower will meet the relevant built form outcomes of DDO10, and it is acceptable that the development complies with the modified requirement in lieu of the preferred requirement, for the following reasons:</p> <ul style="list-style-type: none"> The scale of the building will not visually dominate Franklin Street, noting that the tower will be comfortably setback behind the retained historic building, and the tower floorplate is generally within the silhouette of the ‘Munro’ site development. The retention of the historic building, and meaningful setback of the tower behind this asset, will ensure that the prevalent street wall scale is maintained and the tower will present as a distinct form from the street wall. As documented in the assessment of the proposed development against the overshadowing and wind effects requirements of DDO10, the development meets, and is capable of achieving, the overshadowing requirements and comfortable wind conditions, respectively. 			

Building setbacks from side / rear boundaries

Table: Assessment of proposed development against DDO10 Building setbacks from side / rear boundaries requirement

Design Element:	Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
Building setbacks from side boundaries and rear boundaries (or from the centre line of an adjoining laneway)	Above the street wall or 40 metres, whichever is the lesser, towers and additions should be setback a minimum of 5 metres or 6% of the total building height, whichever is greater	<p>Towers and additions up to 80 metres in height:</p> <p>Towers and additions may be constructed up to one side or rear boundary, excluding a laneway. If an existing, approved, proposed or potential building on an adjoining site is built to the boundary and if a minimum setback of 5 metres is met to all other side and rear boundaries.</p> <p>Where a building on an adjoining site cannot, by legal restriction benefitting the application site, be developed above the street wall height, a tower may also be constructed to the boundary of that adjoining site.</p>	<p>Tower and additions are designed and spaced to ensure:</p> <ul style="list-style-type: none"> Sun penetration and mitigation of wind impacts at street level. Provision of reasonable sunlight, daylight, privacy and outlook from habitable rooms, for both existing and potential development on adjoining sites. Buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them.

<p><i>Assessment:</i></p> <p>The proposed tower does not meet the preferred requirement, noting:</p> <ul style="list-style-type: none"> The tower does not achieve a minimum setback of 5 metres to all side or rear boundaries above the street wall (above RL 41.1). <p>The proposed tower meets the modified requirement, noting:</p> <ul style="list-style-type: none"> The tower achieves a minimum setback of 5 metres to all side and rear boundaries above the street wall (above RL 41.1), with the exception of the shared boundary with the adjoining property at 104 Franklin Street, Melbourne, which the tower will be constructed up to. 			
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It is considered that the proposed tower will meet the relevant built form outcomes of DDO10, and it is acceptable that the development comply with the modified requirement in lieu of the preferred requirement, for the following reasons:

- The setback and location of the tower floorplate will ensure appropriate levels of sun penetration are maintained at street level.
- As documented in the assessment of the proposed development against the wind effects requirements of DDO10, the development is capable of achieving comfortable wind conditions at street level.
- The development will achieve reasonable sunlight, daylight, privacy and outlook from habitable rooms for both existing and potential development on adjoining sites, by virtue of the floorplate being configured to provide equitable development opportunities for the neighbouring site at 104 Franklin Street, and achieving 5 metre setbacks from all other side or rear boundaries.
- The development will not contribute to the appearance of a continuous wall at street level from nearby vantage points, by virtue of the retention of the heritage asset on site, meaningful setback of the tower form behind the heritage form, and the siting of the tower floorplate generally within the silhouette of the 'Munro' site development.

Wind effects

Clause 2.3 of DDO10 provides the following requirement:

A permit must not be granted for buildings and works with a total building height in excess of 40 metres that would cause unsafe wind conditions in publicly accessible areas (refer Figure 1 of this clause for measurement parameters).

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 (refer Figure 1 of this clause for measurement parameters).

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

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

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

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

Application PA1500063 (the original application submitted to DELWP) was accompanied by a comprehensive wind analysis report (which included wind model testing) prepared by Mel Consultants dated 16 December 2015.

The wind model testing conducted by Mel Consultants documented in this report pre-dated the requirements introduced by Planning Scheme Amendment C270 and therefore adopted an alternative set of wind speed criterion to those currently expressed in Schedule 10 to the Design and Development Overlay.

Notwithstanding this inconsistency, it is noted that the findings of the wind analysis report prepared by Mel Consultants dated 16 December 2015 identified that adopted wind speed criterion for short and long-term stationary comfort conditions were generally met in publicly accessible areas of the development and Franklin Street.

Mel Consultants produced an addendum to this report dated 20 March 2018, which accompanied the S.50 Amended Application, which concluded:

Given the new design, in particular the significant height reduction, the environmental wind conditions in the surrounding streetscapes would be expected to be better than or the same to those that were reported in MEL Consultants Report 17/16. We are of the opinion that the proposed modifications do not require any additional analysis or wind model testing for an environmental wind conditions perspective.

Whilst it is considered that the proposed development is capable of achieving compliance with the wind effects requirements of DDO10 on the basis of this information, a condition will be included on any permit being granted requiring a further wind analysis report and modelling to be undertaken of the final design.

This is necessary to ensure:

- The approved development's compliance with the wind effects requirements of DDO10 is properly documented and verified.
- An opportunity is provided together with the submission of any amended plans for endorsement under the permit for further mitigation measures to be implemented (if necessary) to ensure that the requirement is met.

Overshadowing

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

The subject site is not within close proximity to any of the defined spaces set out in Table 1 and Table 2 of Clause 2.3 of DDO10. The proposed development under the S.50A Amended Application therefore does not cast any additional shadow across these spaces.

The proposed development therefore complies with the overshadowing requirements of DDO10.

8.3.2 Urban Design and the Public Realm

The development, broadly by virtue of its compliance with the requirements of Council's policy for heritage places in the Capital City Zone (Clause 22.04), the requirements of Schedule 10 to the Design and Development Overlay and the Better Apartment Design Standards, is considered to meet the objectives and policy expectations set out in Council's urban design policy for properties within the Capital City Zone.

Furthermore, as discussed in Section 2.2.6 of this report, the proposed development is considered to generally comply with the built form requirements proposed under Planning Scheme Amendment C308 (which is considered to have attained the status of being seriously entertained).

It is further noted, as discussed in Section 7.2.1 of this report, that Council's Urban Designer has expressed broad support for the upper level street setback behind the retained heritage form, the mid-rise scale of the proposed upper podium and tower and the general resolution of the massing, program and design quality of the development, subject to a few key recommendations being addressed (which have been meaningfully responded to by the applicant in the S.57A Amended Application).

Subject to a condition being included on any permit being granted requiring a 1:50 scale elevation plan illustrating the retained historic building podium details, detailing how the location and design treatment of all services, human scale design initiatives at the ground floor level (and successful integration of these initiatives with the conservation of the historic building), it is considered that the proposed development will meet all relevant objectives of *Clause 22.01 Urban Design within the Capital City Zone*.

8.4 Better Apartment Design Standards

A complete assessment of the development against the requirements of *Clause 58 Apartment Developments* (the Better Apartment Design Standards) is provided in Attachment 2 of this report.

This assessment concludes that, subject to conditions, the residential component of the proposed development has been designed to ensure that a high degree of internal amenity is achieved in all apartments within the development, and further, that the development will not result in any unreasonable impact on the amenity of adjoining or surrounding properties by virtue of the tower floorplate's compliance with the requirements of Schedule 10 to the Design and Development Overlay.

8.5 Traffic

As discussed in Section 7.2.3 of this report, Council's Traffic Engineer has assessed the proposed development against the requirements of the Planning Scheme, and provided comments in relation to a small number of items requiring further clarification.

Subject to conditions being included on any amended permit being granted implementing Council's Traffic Engineer's recommendations, it is considered that car parking arrangements and traffic generation for the proposal will comply with the relevant requirements of *Clause 52.06 Car Parking* of the Planning Scheme.

8.6 Sustainability

8.6.1 Energy, Water and Waste Efficiency

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

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

Subject to the conditions recommended by Council's ESD Officer being included on any permit being granted, a further opportunity will be provided to the applicant's sustainability consultant, SBE Melbourne, to update the submitted ESD Statement to ensure it reflects the final architectural drawings.

Further, conditions have been recommended for inclusion on any permit being granted to ensure that the submitted Waste Management Plan reflects the final architectural drawings and is consistent with City of Melbourne's applicable Guidelines for preparing a Waste Management Plan.

It is therefore considered that the proposed development will meet the relevant requirements of *Clause 22.19 Energy, Water and Waste Efficiency*.

8.6.2 Stormwater Management (Water Sensitive Urban Design)

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

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

As documented in Section 4.3.5 of this report, the Water Sensitive Urban Design report prepared by Storm Pty Ltd (dated 15 June 2018) addresses how the proposed development will meet both the objectives of *Clause 53.18 Stormwater Management in Urban Development* and the requirements of *Clause 22.23 Stormwater Management (Water Sensitive Urban Design)*.

The assessment provided in the Water Sensitive Urban Design report is supported by computer modelling undertaken by Storm Pty Ltd using the Model for Urban Stormwater Improvement Conceptualisation (MUSIC).

Subject to a condition being included on any permit being granted requiring a stormwater drainage system for the development incorporating best practice integrated water management design principles to be submitted to Melbourne City Council's Drainage Engineer for approval, with reference to the Water Sensitive Urban Design report prepared by Storm Pty Ltd (dated 15 June 2018), it is considered that the objectives of *Clause 53.18 Stormwater Management in Urban Development* and requirements of *Clause 22.23 Stormwater Management (Water Sensitive Urban Design)* will be met.

8.7 Contamination

Clause 13.04-1S provides objectives, strategies and policy guidelines that direct the Responsible Authority to require investigation into potentially contaminated land, in addition to requiring remediation of this land so that the land is fit for the proposed future land use if the land is found to be contaminated.

The subject site has a documented history of being used for industrial land uses, and it is possible that sources of potential contaminants exist on the site, which should be sensitively managed as part of any authorised redevelopment of the site to ensure that the land is suitable for the intended use and development under Application TP-2018-429.

Conditions have been recommended for inclusion on any permit being granted to ensure that appropriate investigation and testing of potential contamination sources is conducted, and remediation carried out (if required).

8.8 Other Objector Concerns

8.8.1 Infrastructure

Concerns have been raised by objectors in relation to a lack of sufficient infrastructure in the inner city area to cater to the additional residential density posed by the application, due to significant recent population growth and the volume of mooted (tower) development.

Whilst it is acknowledged that the Hoddle Grid has experienced significant residential apartment development over the past 25 years, broadly contributing to increased demand on existing community infrastructure, the proposed development demonstrates compliance with the operative built form density requirement affecting the subject site.

Specifically, the proposed development comfortably complies with the mandatory floor area ratio requirement for the site specified in Schedule 1 to the Capital City Zone (being 18:1).

9 OFFICER RECOMMENDATION

For the reasons discussed in Section 8 (Assessment) of this report, the proposed development under Application TP-2018-429 is supported.

The proposed development represents an appropriate heritage response, with the setback to the tower form behind the historic building facilitating the meaningful retention of the Former Keep Brothers & Wood Workshop and Showroom, in a manner that emphasises its integrity and ensures this building remains visibly prominent (and is not dominated by) the proposed new tower.

Furthermore, the proposed development demonstrates compliance with the relevant built form requirements under DDO10 and the Better Apartment Design Standards, and, subject to conditions, will meet all other relevant requirements under the Melbourne Planning Scheme (including in relation to environmentally sustainable design, stormwater management and the management and remediation of contaminated land).

Accordingly, it is recommended that a Notice of Decision to Grant a Permit for Application TP-2018-429 to allow *'Partial demolition of the existing buildings and the development of the land for a multi-storey mixed-use building in accordance with the endorsed plans'*, subject to the following conditions:

Amended Plans

1. Prior to the commencement of the development, including demolition and bulk excavation, an electronic set of plans, drawn to scale, must be submitted to the Responsible Authority generally in accordance with the 'Revision 10' plans prepared by Peddle Thorp dated June 2019, but amended to show:
 - a. A minimum two motorcycle parking spaces to be located within the basement car parking area.
 - b. The location of at least one electric vehicle parking space and associated charging infrastructure.

- c. The location and capacity of all rainwater tanks provided in association with the development.
- d. An annotation stating that the storage cages within the basement levels are to be used in association with the residential component of the development.
- e. Details of the layout and any permanent furniture / structures, including indicative landscaping, to the communal roof deck, and the means by which this area will be used and accessed by residents.
- f. Any changes as required as a result of the Façade Strategy.
- g. Any changes as required as a result of the Road Safety Audit.
- h. Any changes as required as a result of the Loading Management Plan.
- i. Any changes as required as a result of the updated Wind report.
- j. Any changes as required as a result of the updated Waste Management Plan.

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 and land uses as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 4. Prior to the occupation of the development hereby approved, all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.
- 5. Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

External materials, colours and finishes

- 6. Prior to the commencement of the development, excluding demolition and bulk excavation, a schedule of all external materials, colours and finishes including a colour rendered and notated set of elevations must be submitted to the Responsible Authority. When provided to the satisfaction of the Responsible Authority, the schedule of materials will be endorsed by the Responsible Authority to form part of this permit.

Demolition / Heritage Conservation

- 7. Prior to the commencement of the development, including demolition and bulk excavation, a detailed heritage conservation plan must be submitted to and be approved by the Responsible Authority in consultation with Melbourne City Council. The plan must be prepared by a suitably qualified heritage professional and a suitably qualified structural engineer, or equivalent, and include detailed recommendations for the protection and integration of the retained parts of the Former Keep Brothers & Wood Workshop, including salvaging and reuse of original fabric to the extent possible, to ensure the heritage integrity of the retained parts of the heritage building is protected and demonstrate the means by which the retained parts of the heritage building will be supported during demolition and construction works.
- 8. Prior to the commencement of the development, including demolition and bulk excavation, a bank guarantee or bond to the value of \$200,000.00 must be deposited with the Responsible Authority to ensure that the existing historic buildings at 96-102 Franklin Street, Melbourne are not demolished, except to complete the development in

accordance with the endorsed plans. The bank guarantee or bond will be returned when the development is completed to the satisfaction of the Responsible Authority.

9. The buildings and works associated with the approved development must be planned and constructed in a manner which prevents damage to the heritage fabric to be retained in accordance with the endorsed heritage conservation plan. Where hidden, original or inaccessible details of the buildings are uncovered, works are to cease until the appropriate further record has been made. Where unanticipated original detail is discovered the Responsible Authority is also to be notified prior to re-commencement of the works.
10. Prior to the commencement of the development, including demolition and bulk excavation, the permit holder must provide evidence to the Responsible Authority that progress has been made toward obtaining the necessary building permits for the development of the land generally in accordance with the development hereby approved, and that the permit holder is actively procuring the construction services for the development, or otherwise agreed with the Responsible Authority.

Façade Strategy

11. Prior to the commencement of the development, including demolition and bulk excavation, a facade strategy and material and finishes must be submitted to and approved by the Responsible Authority. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. Unless otherwise approved by the Responsible Authority, the Façade Strategy must be generally in accordance with the development plans and must detail:
 - a. Elevation details generally at a scale of 1:50 illustrating typical podium details, human scale design initiatives, entries and doors, and utilities, typical tower detail, and any special features which are important to the building's presentation. The drawings must demonstrate:
 - i. The finished floor levels and ceiling levels.
 - ii. The design of any canopy to the Franklin Street façade of the historic building (if required for wind mitigation), which must be informed by the advice of a suitably qualified heritage professional and wind engineer, to ensure it provides appropriate wind amelioration whilst also achieving a sensitive response to the heritage building.
 - iii. Detailed design information regarding external materials, colours and finishes, glazing, services, security doors and lighting at the ground level, which are to be designed to integrate with and be visually sympathetic to the heritage building.
 - iv. Details of external painting and conservation works to the retained and reinstated portions of the heritage building, including the authenticity of any brickwork on the buildings and any corbelling, patterns or original architectural details that is to be employed.

Environmentally Sustainable Design (ESD)

12. Prior to the commencement of the development, excluding demolition and bulk excavation, an amended Sustainability Management Plan (SMP), generally in accordance with the Environmentally Sustainable Design (ESD) Statement dated 10 July 2018 must be submitted to the Responsible Authority. The amended SMP must be prepared by Sustainable Built Environments (SBE Melbourne) or a similarly qualified person / company and provide further details on the targets included in the ESD Statement dated 10 July 2018) (including all calculations, modelling reports, specification extracts,

architectural drawing excerpts etc. that have been produced to demonstrate compliance with the targets identified in the ESD report dated 10 July 2018) to the satisfaction of the Responsible Authority. When provided to the satisfaction of the Responsible Authority the amended SMP will be endorsed to form part of this permit.

13. Prior to the occupation of the development, a report from the author of the endorsed SMP, or similarly qualified persons or companies, outlining how the performance outcomes specified in the endorsed SMP 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 endorsed SMP have been implemented in accordance with the relevant approved plans. The report must include all final calculations and modelling reports, commissioning and testing reports, building user guides and other supplementary materials etc. that have been produced to demonstrate compliance with the relevant targets included in the endorsed SMP.

Landscaping Maintenance

14. Prior to commencement of the development, excluding demolition and bulk excavation, a scheme for landscaping and planting for all common areas in connection with the development must be submitted to the Responsible Authority. The landscaping scheme must provide details of proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion, and include an Irrigation Performance Specification. Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.

Construction Management Plan

15. Prior to the commencement of the development, including demolition and bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by Melbourne City Council – 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.
 - g. protection of street trees.
16. If a Construction Management Plan or Traffic Management Plan change any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed Tree Protection Plan (TPP), a revised TPP must be provided to the satisfaction of, and approved by, Melbourne City Council – Urban Forestry & Ecology.

Noise Attenuation for New Dwellings (Clause 58.04-3)

17. Prior to the commencement of the development, excluding demolition and bulk excavation, an acoustic report prepared by a suitably qualified acoustic consultant must be submitted to the Responsible Authority, certifying that new dwellings within the development have been designed to achieve the following noise levels:

- a. Not greater than 35dB(A) for bedrooms, assessed as an LAeq, 8h from 10pm to 6am.
- b. Not greater than 40dB(A) for living areas, assessed as an LAeq, 16h from 6am to 10pm.

Noise levels must be assessed in unfurnished rooms with a finished floor and the windows closed.

When provided to the satisfaction of the Responsible Authority, this report will be endorsed to form part of this permit.

18. Prior to the occupation of the building, the recommendations in the endorsed acoustic report referenced in the above condition must be implemented at no cost to the Responsible Authority, to the satisfaction of the Responsible Authority.

Protection of Public Trees and Public Realm Civil Works (Tree Plots)

Tree Protection Plan (TPP)

19. Prior to the commencement of the development, including demolition and any excavation, a Tree Protection Plan (TPP), for any public trees that may be affected by the development, must be provided to the satisfaction of Melbourne City Council – Urban Forestry & Ecology. When provided to the satisfaction of Melbourne City Council – Urban Forestry & Ecology, the TPP will be endorsed to form part of this permit. The TPP must be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
 - a. City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
 - b. Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries.
 - c. Site specific details of the temporary tree protection fencing to be used to isolate publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
 - d. Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree. These must be provided for any utility connections or civil engineering works.
 - e. Full specifications of any pruning required to publicly owned trees.
 - f. Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
 - g. Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to Council's email via trees@melbourne.vic.gov.au.
20. All works (including demolition), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed TPP and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.
21. Following the endorsement of the TPP, a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The

bond amount will be calculated by council and provided to the applicant / developer / owner of the site. Should any tree be adversely impacted on, Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.

Public Realm Civil Works (Tree Plots)

22. Prior to the commencement of the development, excluding demolition and bulk excavation, Public Realm Civil Works (Tree Plots) Engineering Plans must be provided to the satisfaction of Melbourne City Council – Urban Forestry & Ecology detailing all proposed replacement public tree plots (if applicable). When provided to the satisfaction of Melbourne City Council – Urban Forestry & Ecology the Public Realm Civil Works (Tree Plots) Engineering Plans will be endorsed to form part of this permit.
23. Prior to the occupation of the development, the civil works shown on the Public Realm Civil Works (Tree Plots) Engineering Plans must be carried out at no cost to, and completed to the satisfaction of, Melbourne City Council.

Wind Test Modelling

24. Prior to the commencement of the development, including demolition and bulk excavation, an updated Wind Tunnel Test and Wind Analysis Report of the development, prepared on the basis of plans submitted in accordance with Condition 1 of this permit, must be submitted to the Responsible Authority.

The updated Wind Tunnel Test and Wind Analysis Report must set out any recommended design revisions necessary to ensure the development does not result in unsafe wind conditions within the meaning provided by Clause 43.02 Design and Development Overlay (Schedule 10).

When provided to the satisfaction of the Responsible Authority, the Wind Tunnel Test and Wind Analysis Report submitted in accordance with this condition will be endorsed to form part of this permit.

Traffic Engineering

Bicycle facilities to comply with relevant Australian Standards

25. The design / dimensions of the bicycle parking spaces must generally comply with the relevant Australian Standards or Bicycle Network guidelines.

Car parking layout and access to comply with relevant Australian and NZ Standards

26. The car parking layout, including all spaces, access ways, grades, head clearances etc. must generally comply with the relevant Australian and New Zealand Standards or the requirement of the Melbourne Planning Scheme.

Car parking layout and access to be constructed and maintained in accordance with endorsed plans

27. The areas set aside for car parking, the access of vehicles and access ways must be constructed, delineated and clearly line-marked to indicate each car space, the access ways and the direction in which vehicles must proceed along the access ways, in conformity with the endorsed plans. Parking areas and access ways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

Road Safety Audit

28. Prior to the commencement of the development (excluding demolition), a desktop Road Safety Audit prepared by a suitably qualified professional must be provided to the

satisfaction of the Responsible Authority in consultation with Melbourne City Council – Engineering Services. The Road Safety Audit must address the following matters:

- a. Vehicular / bicycle / pedestrian access arrangements
- b. Loading arrangements
- c. Internal circulation / layout
- d. Provision of:
 - i. An electronic traffic control / signalling system to the Franklin Street access and appropriate traffic signage. This system and signage is to be installed and designed in such a way as to require exiting vehicles to give way to entering vehicles at all times, to ensure vehicles entering the site are not required to reverse into Franklin Street.
 - ii. A flashing / warning device at the Franklin Street access to alert pedestrians to exiting vehicles.
 - iii. Convex mirrors within the curtilage to the Franklin Street access to enable drivers to be able see approaching pedestrians.
 - iv. A narrow road hump close to the exit point of the Franklin Street access, to reduce the speed of exiting vehicles.
- e. The need to ensure vehicles entering the site do not stop in the street and obstruct pedestrians / bicycles / traffic while waiting for the entry door(s) to open (i.e. the entry door(s) for vehicle access should be left open during the AM peak and closed off-peak).

When provided to the satisfaction of the Responsible Authority the Road Safety Audit will be endorsed to form part of this permit.

Loading Management Plan

29. Prior to the commencement of the development a comprehensive Loading Management Plan (LMP) is to be prepared, specifying how the access / egress of loading vehicles is to be managed and ensuring that:
- a. All vehicle types expected to service the site are capable of being accommodated within the loading area / bays. Compliance with this requirement is to be demonstrated by the submission of appropriate swept path diagrams accompanying the LMP.
 - b. Loading bays are designed in accordance with relevant Australian and New Zealand Standards or other relevant standards as determined by a suitably qualified Traffic Engineer.
 - c. The delivery needs of the various components of the development can be accommodated.
 - d. Vehicles do not queue on-street.
 - e. Vehicles are able to both access / egress the site in a forward direction; and
 - f. Any potential conflicts between various vehicles (and other road users) are satisfactorily addressed.

The LMP is to be approved by Melbourne City Council – Engineering Services. The owner must reimburse Melbourne City Council for all costs associated with any parking changes.

Waste Management

30. Prior to the commencement of the development (excluding demolition), an amended Waste Management Plan (WMP) must be submitted generally in accordance with the WMP prepared by Leigh Design dated 1 May 2018, but amended to ensure consistency with the plans referred to in Condition 1 (Amended Plans). The WMP must be in accordance with Melbourne City Council's Guidelines for Preparing a Waste Management Plan to the satisfaction of Melbourne City Council – Engineering Services. When provided to the satisfaction of Melbourne City Council – Engineering Services, the WMP will be endorsed to form part of this permit.
31. The waste storage and collection arrangements must be in accordance with the endorsed Waste Management Plan (WMP). Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne Engineering Services.
32. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Responsible Authority.

Civil Engineering

Drainage

33. 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 Melbourne City Council – Engineering Services.
34. Prior to the commencement of the development, excluding demolition and bulk excavation, a stormwater drainage system, incorporating best practice integrated water management design principles to the satisfaction of the Melbourne City Council – Engineering Services, must be submitted to and approved by the Melbourne City Council – 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.

Demolish and construct access

35. 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 Melbourne City Council – Engineering Services.

Reconstruction of roads / footpaths

36. All portions of road impacted by the construction related activities on 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 Melbourne City Council – Engineering Services.
37. The footpaths adjoining the site along Franklin Street must be reconstructed in sawn bluestone together with associated works including the renewal of kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Melbourne City Council – Engineering Services.

Street levels not to be altered

38. Existing street levels in Franklin Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Melbourne City Council – Engineering Services.

Street lighting

39. 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 writing approval of the Melbourne City Council – Engineering Services.

Street furniture

40. Existing street furniture must not be removed or relocated without first obtaining the written approval of Melbourne City Council – Engineering Services.
41. All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on Franklin Street footpaths outside the proposed building to plans and specifications first approved by Melbourne City Council – Engineering Services.

Public lighting

42. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with Melbourne City Council, a lighting plan must be prepared to the satisfaction of Melbourne City Council. The lighting plan should be generally consistent with Melbourne City Council's Lighting Strategy. The lighting works must be undertaken prior to the occupation of the development, in accordance with plans and specifications first approved by Melbourne City Council – Engineering Services.

3D Digital Model

43. Prior to the occupation of the development, a 3D digital model of the approved development must be submitted to, and must be to the satisfaction of, the Responsible Authority. The model should be prepared having regard to Advisory Note – 3D Digital Modelling Melbourne City Council. Digital models provided to Melbourne City Council may be shared with other government organisations for planning purposes. 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.
44. Prior to the commencement of the development (including demolition and bulk excavation, or otherwise agreed to by the Responsible Authority), a 3D digital model of the development and its immediate surrounds, as appropriate must be submitted to the Responsible Authority in conformity with the Department of Environment, Land, Water and Planning Advisory Note 3D Digital Modelling.

Building Appurtenances and Services

45. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.
46. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.
47. All service pipes, apart from roof down pipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.

Potentially Contaminated Land and Remediation

48. Prior to the commencement of the development (excluding demolition and including bulk excavation), the applicant must carry out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended use(s). This PEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development.

The PEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This should include details of how long the uses occupied the site.
- A review of any previous assessments of the site and surrounding sites including details of the anticipated sources of any contaminated materials.
- Identification of the likelihood of the site being potentially contaminated.

49. Should the PEA reveal that further investigative or remedial work is required to accommodate the intended use(s), then prior to the commencement of the development (excluding demolition and any works necessary to undertake the assessment), the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended use(s).

This CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. This CEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development.

The CEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This includes details of how long the uses occupied the site.
- A review of any previous assessments of the site and surrounding sites, including details of any on-site or off-site sources of contaminated materials. This includes a review of any previous Environmental Audits of the site and surrounding sites.
- Intrusive soil sampling in accordance with the requirements of Australian Standard (AS) 44582.1. This includes minimum sampling densities to ensure the condition of the site is accurately characterised.
- An appraisal of the data obtained following soil sampling in accordance with ecological, health-based and waste disposal guidelines.
- Recommendations regarding what further investigative and remediation work, if any, may be necessary to ensure the site is suitable for the intended use(s).
- Recommendations regarding whether, on the basis of the findings of the CEA, it is necessary for an Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970 to be performed or a Statement of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970 is required, to ensure the site is suitable for the intended use(s).

50. The recommendations of the CEA must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land in accordance with the development hereby approved, and must be fully satisfied prior to the occupation of the development.

Prior to the occupation of the development the applicant must submit to the Responsible Authority a letter confirming compliance with any findings, requirements, recommendations and conditions of the CEA.

51. Should the CEA recommend or the Responsible Authority consider that an Environmental Audit of the site is necessary then prior to the commencement of the development, (excluding demolition and any works necessary to undertake the assessment) the applicant must provide either:
- a. A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970.
 - b. A Statement of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970. This Statement must confirm that the site is suitable for the intended use(s).

Where a Statement of Environmental Audit is provided, all of the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land, and must be fully satisfied prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or other person acceptable to the Responsible Authority. In addition, the signing off of the Statement must be in accordance with any requirements regarding the verification of remedial works.

If there are conditions on the Statement that the Responsible Authority consider requires significant ongoing maintenance and / or monitoring, the applicant must enter into a legal agreement in accordance with Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. This Agreement must be executed on title prior to the occupation of the building. The owner of the site must meet all costs associated with the drafting and execution of this agreement including those incurred by the Responsible Authority.

Permit expiry

52. This permit will expire if one of the following circumstances applies:
- a. The development is not started within three years of the date of this permit.
 - b. The development is not completed within five 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

Easements

- A. This planning permit does not authorise the removal or variation of any easements encumbering Crown Allotment 7 on Title Plan 695112V (Vol. 08050, Fol. 749). The consent of City Power Pty Ltd must be obtained prior to any works commencing.

Archaeology and Heritage Inventory

- B. The building at 96-102 Franklin Street is included in the Victorian Heritage Inventory (VHI) (H7822-2013), and is therefore identified as a known historical (non-indigenous) archaeological site in Victoria.

The VHI description of the site is as follows:

1866 map shows large building on Franklin Street frontage. Four-storeys & basement, stone and brick store built c.1867. Originally used as iceworks. 1905: buildings on site one to five-storeys (coach builders and ironmongers).

The archaeological potential of the site is identified as 'disturbed'.

The Heritage Act 2017 protects all significant archaeological sites – regardless of ownership.

Before commencing works in accordance with any Planning Permit issued for the development, it will therefore be the responsibility of the property owner and / or developer to obtain approval from the Executive Director, Heritage Victoria.

Uses

- C. Retail premises within the development must not be used for Adult sex bookshop, Department store, Hotel, Supermarket or Bar (formerly Tavern), except with a further permit from the Responsible Authority.

Building

- D. 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.

Other approvals may be required

- E. 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.

Traffic Engineering

- F. Council will not change the on-street parking restrictions to accommodate the access, servicing, loading, delivery or parking needs of this development. Council reserves the right to change / introduce restrictions to on-street parking in the future.

Civil Engineering

- G. All necessary approvals and permits are to be first obtained from Melbourne City Council – Manager Engineering Services Branch and VicRoads and the works performed to the satisfaction of Melbourne City Council – Manager Engineering Services Branch and VicRoads.
- H. All projections over the street alignment must conform to the requirements of the *Building Regulations 2018*, as appropriate, unless with the report and consent of the Municipal Building Surveyor.

Reference may be made to the [City of Melbourne's Road Encroachment Operational Guidelines](#) with respect to projections impacting on street trees and clearances from face / back of kerb.

Urban Forestry – Bank Guarantee Execution

- I. In accordance with the Tree Retention and Removal Policy a bank guarantee must be:
- Issued to City of Melbourne, ABN: 55 370 219 287
 - From a recognised Australian bank
 - Unconditional (i.e. no end date)
 - Executed (i.e. signed and dated with the bank stamp)

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

At the time of lodgement of the bank guarantee written confirmation that identifies the name of the Project Arborist who will supervise the implementation of the Tree Protection Plan will be required in writing. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the project and a final completion report confirms that the health of the subject public trees has not been compromised.

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

ATTACHMENT 1: PLANNING POLICY

Planning Policy Framework

The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state.

The PPF provides broad support for the development proposed under Application TP-2018-429.

The following PPF clauses are considered relevant to Application TP-2018-429:

- Clause 11 – Settlement
 - Clause 11.01-1R – Settlement – Metropolitan Melbourne
 - Clause 11.03-1S – Activity Centres
 - Clause 11.03-1R – Activity Centres – Metropolitan Melbourne
- Clause 13 – Environmental Risks and Amenity
 - Clause 13.01 – Climate Change Impacts
 - Clause 13.01-1S – Natural hazards and climate change
 - Clause 13.04 – Soil Degradation
 - Clause 13.04-1S – Contaminated and potentially contaminated land
 - Clause 13.05 – Noise
 - Clause 13.05-1S – Noise Abatement
 - Clause 13.06 – Air Quality
 - Clause 13.06-1S – Air Quality Management
 - Clause 13.07 – Amenity and Safety
 - Clause 13.07-1S – Land Use Compatibility
- Clause 15 – Built Environment and Heritage
 - Clause 15.01 – Built Environment
 - Clause 15.01-1S – Urban Design
 - Clause 15.01-1R – Urban Design – Metropolitan Melbourne
 - Clause 15.01-2S – Building Design
 - Clause 15.01-4R – Healthy Neighbourhoods – Metropolitan Melbourne
 - Clause 15.01-5S – Neighbourhood Character
 - Clause 15.02 – Sustainable Development
 - Clause 15.02-1S – Energy and Resource Efficiency
 - Clause 15.03 – Heritage
 - Clause 15.03-1S – Heritage Conservation
- Clause 17 – Economic Development
 - Clause 17.01 - Employment
 - Clause 17.01-1S – Diversified Economy
 - Clause 17.01-1R – Diversified Economy – Metropolitan Melbourne
 - Clause 17.02 - Commercial
 - Clause 17.02-1S – Business

- Clause 18 – Transport
 - Clause 18.01 – Integrated Transport
 - Clause 18.01-1S – Land Use and Transport Planning
 - Clause 18.02 – Movement Networks
 - Clause 18.02-1S – Sustainable Personal Transport
 - Clause 18.02-2S – Public Transport
 - Clause 18.02-4S – Car Parking
- Clause 19 - Infrastructure
 - Clause 19.03 – Development Infrastructure
 - Clause 19.03-3S Integrated Water Management

Municipal Strategic Statement

The Municipal Strategic Statement (MSS) is a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives.

The MSS furthers the objectives of planning in Victoria to the extent that the State Planning Policy Framework is applicable to the municipality and local issues, and provides the strategic basis for the application of the zones, overlays and particular provisions in the planning scheme and decision making by the responsible authority.

The following clauses of the MSS in the Melbourne Planning Scheme are considered relevant to Application TP-2018-429:

- Clause 22.02 – Municipal Profile
- Clause 21.03 – Vision
- Clause 21.04 – Settlement
- Clause 21.06 – Built Environment and Heritage
- Clause 21.08 – Economic Development
- Clause 21.09 – Transport
- Clause 21.10 – Infrastructure
- Clause 21.12 – Hoddle Grid

Local Planning Policy Framework

A Local Planning Policy (LPP) is a policy statement of intent or expectation. It states what the responsible authority will do in specified circumstances or the responsible authority's expectation of what should happen. LPP's provide the responsible authority an opportunity to state its view of a planning issue and its intentions for an area, and provides guidance to decision making on a day to day basis.

The following LPP's in the Melbourne Planning Scheme are considered relevant to Application TP-2018-429:

- Clause 22.01 – Urban Design within the Capital City Zone
- Clause 22.02 – Sunlight to Public Spaces
- Clause 22.04 – Heritage Places within the Capital City Zone
- Clause 22.19 – Energy, Water and Waste Efficiency
- Clause 22.23 – Stormwater Management

ATTACHMENT 2: BADS ASSESSMENT

Table: Assessment against Better Apartment Design Standards (BADs) objectives* *Objectives have been paraphrased and summarised in the below table		
Relevant Clause	Objective / paraphrased outcome sought	Meets the objective? (Green = Yes) (Blue = Yes, subject to conditions) (Red = No)
Clause 58.02-1	Urban Context <i>Seek to ensure that development is designed in a manner that responds to the existing urban context and features of the site and surrounding area.</i>	
Assessment The urban context for the subject site is informed by the eclectic mix of contemporary tower forms, older historic buildings and finer grain in-fill development of the Hoddle Grid. Broadly, as the proposed development complies with the built form requirements specified in the applicable Design and Development Overlay affecting the site, it is considered to represent an acceptable response to the urban context, meeting the objective of Clause 58.02-1.		Meets objective <input checked="" type="checkbox"/> Meets objective, subject to conditions <input type="checkbox"/> Fails to meet objective <input type="checkbox"/>
Clause 58.02-2	Residential policy <i>Seek to ensure that residential development is provided in accordance with any policy for housing in the MSS and PPF, and to support higher densities in areas where development can take advantage of public and community infrastructure and services.</i>	
Assessment The Municipal Strategic Statement clearly identifies the Hoddle Grid as an area that can support a higher density of residential development. The proposed residential development complies with relevant built form requirements (including the mandatory maximum floor area ratio under the Capital City Zone), and is appropriately located to take advantage of public and community infrastructure and services, meeting the objective of Clause 58.02-2.		Meets objective <input checked="" type="checkbox"/> Meets objective, subject to conditions <input type="checkbox"/> Fails to meet objective <input type="checkbox"/>
Clause 58.02-3	Dwelling diversity <i>Seek to encourage a range of dwelling sizes and types to be provided in development of ten or more dwellings.</i>	

<p>Assessment</p> <p>The table below identifies the dwelling mix provided within the proposed development:</p> <table border="1"> <thead> <tr> <th colspan="6">Table: Dwelling diversity of proposed development plan</th> </tr> <tr> <th>BEDROOMS</th> <th>1BR</th> <th>2BR</th> <th>3BR</th> <th>4BR</th> <th>TOTAL</th> </tr> </thead> <tbody> <tr> <td>NO. OF DWELLINGS</td> <td>28</td> <td>56</td> <td>0</td> <td>0</td> <td>84</td> </tr> </tbody> </table> <p>This information has also been expressed in a pie chart below:</p> <p>As illustrated in the above pie chart, the proposed development plan generally achieves an acceptable level of dwelling diversity.</p> <p>Whilst a nominal offering of three and four bedroom apartments would have demonstrated clear compliance with Standard D3, the generous proportion of 2 bedroom apartments (which are generally capable of catering to a more diverse population) will ensure the objective of Clause 58.02-3 is met.</p>		Table: Dwelling diversity of proposed development plan						BEDROOMS	1BR	2BR	3BR	4BR	TOTAL	NO. OF DWELLINGS	28	56	0	0	84	<p>Meets objective <input checked="" type="checkbox"/></p> <p>Meets objective, subject to conditions <input type="checkbox"/></p> <p>Fails to meet objective <input type="checkbox"/></p>
Table: Dwelling diversity of proposed development plan																				
BEDROOMS	1BR	2BR	3BR	4BR	TOTAL															
NO. OF DWELLINGS	28	56	0	0	84															
<p>Clause 52.08-4</p>	<p>Infrastructure</p> <p><i>Seek to ensure development is provided with appropriate utility services and infrastructure and does not unreasonably overload the capacity of utility services and infrastructure.</i></p>																			
<p>The location of the proposed development within the Hoddle Grid ensures that it will have appropriate access to utility services and infrastructure. Noting that the intensity of the development complies with the applicable mandatory maximum floor area ratio under the Capital City Zone, it is not considered that the development will contribute to an unreasonable load on the capacity of these services and infrastructure, meeting the objective of Clause 52.08-4.</p>		<p>Meets objective <input checked="" type="checkbox"/></p> <p>Meets objective, subject to conditions <input type="checkbox"/></p> <p>Fails to meet objective <input type="checkbox"/></p>																		
<p>Clause 58.02-5</p>	<p>Integration with the street</p> <p><i>Seek to integrate layout of development with the street.</i></p>																			
<p>Assessment</p> <p>The proposed development retains the historically significant Former Keep Brothers & Wood Showroom and Workshop, ensuring that the development will meet the objective of Clause 58.02-5.</p>		<p>Meets objective <input checked="" type="checkbox"/></p> <p>Meets objective, subject to conditions <input type="checkbox"/></p> <p>Fails to meet objective <input type="checkbox"/></p>																		

Clause 58.03-1	Energy efficiency <i>Seek to achieve and protect energy efficient dwellings and buildings, and to ensure the orientation and layout of development reduces fossil fuel energy use, makes appropriate use of daylight and solar energy and achieves adequate thermal efficiency.</i>	
Assessment As documented in Section 8.6.1 of this report, subject to a condition being included on any permit being granted requiring an updated ESD report to be prepared by SBE Melbourne, reflecting the latest architectural drawings, it is considered that the development will meet the Objective of Clause 58.03-1.		Meets objective <input type="checkbox"/> Meets objective, subject to conditions <input checked="" type="checkbox"/> Fails to meet objective <input type="checkbox"/>
Clause 58.03-2	Communal open space and solar access Clause 58.03-3 <i>Seek to ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of development, in addition to allowing solar access.</i>	
Assessment As the development provides 84 dwellings and must therefore provide communal open space of 2.5 square metres per dwelling (equating to 210m ² of communal open space total) to demonstrate compliance with Standard D7 of Clause 58.03-2. A roof deck is provided with a minimum area of 370.4m ² , complying with Standard D7 and meeting the objective of Clause 58.03-2. The location of this deck on the roof of the development will also ensure appropriate solar access is achieved to this space, meeting the objective of Clause 58.03-3. It is noted that Drawing No. TP-110, which shows the roof deck, does not provide clarity around how this area will be used / accessed by residents, and a condition will be included on any permit being granted requiring these details to be clearly shown.		Meets objective <input type="checkbox"/> Meets objective, subject to conditions <input checked="" type="checkbox"/> Fails to meet objective <input type="checkbox"/>
Clause 58.03-4	Safety <i>Seek to ensure that the layout of development provides for the safety and security of residents and property.</i>	
Assessment The layout and design of the proposed apartment development is considered to meet the objective of Clause 58.03-4.		Meets objective <input checked="" type="checkbox"/> Meets objective, subject to conditions <input type="checkbox"/> Fails to meet objective <input type="checkbox"/>
Clause 58.03-5	Landscaping <i>Seek to encourage provision of landscaping within development that respects the existing landscape character, maintains and enhances habitat for plants and animals, provides appropriate landscaping and retains mature vegetation and promotes climate adaptive responses.</i>	
Assessment Subject to a condition being included on any permit being granted requiring the provision of a landscape plan prepared by a suitably qualified professional, detailing how open areas of the site will make provision for landscaping and vegetation to promote climate adaptive responses, it is considered that the proposed development will meet the objective of Clause 58.03-5.		Meets objective <input type="checkbox"/> Meets objective, subject to conditions <input checked="" type="checkbox"/> Fails to meet objective <input type="checkbox"/>

<p>Clause 58.03-6 Clause 58.03-7</p>	<p>Access and parking locations <i>Seek to ensure that the number and design of vehicle crossovers respects the urban context, to provide convenient parking for resident and visitor vehicles, and to protect residents from vehicular noise within developments.</i></p>	
<p>Assessment The proposed development plan seeks to create a single-width vehicle crossing to Franklin Street, which is considered to respect the urban context for the site. Car parking areas are located in secure, easily accessible, locations (basement parking). Broadly, the layout of car parking areas within the proposed development is considered to meet the objectives of Clause 58.03-6 and Clause 58.03-7.</p>		<p>Meets objective <input checked="" type="checkbox"/> Meets objective, subject to conditions <input type="checkbox"/> Fails to meet objective <input type="checkbox"/></p>
<p>Clause 58.03-8</p>	<p>Integrated water and stormwater management objective <i>Seek to encourage use of alternative water sources, facilitate stormwater collection, utilisation and infiltration, and encourage development that reduces the impact of stormwater run-off on the drainage system.</i></p>	
<p>Assessment As discussed in Section 8.6.2 of this report, subject to a condition being included on any permit being granted requiring a stormwater drainage system for the development incorporating best practice integrated water management design principles to be submitted to Melbourne City Council's Drainage Engineer for approval, with reference to the Water Sensitive Urban Design report prepared by Storm Pty Ltd (dated 15 June 2018), it is considered that the objectives of Clause 58.03-8 will be met.</p>		<p>Meets objective <input type="checkbox"/> Meets objective, subject to conditions <input checked="" type="checkbox"/> Fails to meet objective <input type="checkbox"/></p>
<p>Clause 58.04-1</p>	<p>Amenity (building setbacks) <i>Seek to ensure that buildings are appropriately massed and setback from neighbouring properties to allow adequate daylight into, and internal amenity for, new dwellings, provide reasonable outlook from new dwellings, and limit views into habitable room windows and private open space.</i></p>	
<p>Assessment It is considered that compliance with the mandatory requirements of Schedule 10 to the Design and Development Overlay will generally facilitate a development outcome that meets the objective of Clause 58.04-1.</p>		<p>Meets objective <input checked="" type="checkbox"/> Meets objective, subject to conditions <input type="checkbox"/> Fails to meet objective <input type="checkbox"/></p>
<p>Clause 58.04-2</p>	<p>Amenity (privacy) <i>Seek to limit views into proposed secluded private open space and habitable room windows within a development.</i></p>	
<p>Assessment The layout of apartments within the development, including the location of areas of secluded private open space and habitable room windows, will generally facilitate a development outcome that meets the objective of Clause 58.04-2.</p>		<p>Meets objective <input checked="" type="checkbox"/> Meets objective, subject to conditions <input type="checkbox"/> Fails to meet objective <input type="checkbox"/></p>

<p>Clause 58.04-3</p>	<p>Amenity (noise)</p> <p><i>Seek to contain noise sources within developments that may affect existing dwellings, and protect future residents from internal and external noise sources.</i></p>													
<p>Assessment</p> <p>Subject to a condition being included on any permit being granted requiring an acoustic report to be submitted prior to the commencement of the development (excluding demolition and bulk excavation) demonstrating how the apartments will be designed to achieve compliance with Standard D16 to Clause 58.04-3, it is considered that the objective of this clause will be met.</p>		<p>Meets objective <input type="checkbox"/></p> <p>Meets objective, subject to conditions <input checked="" type="checkbox"/></p> <p>Fails to meet objective <input type="checkbox"/></p>												
<p>Clause 58.05-1</p> <p>Clause 58.05-2</p>	<p>Accessibility, building entry and circulation</p> <p><i>Seek to ensure the design of dwellings meets the needs of people with limited mobility, each building is provided with its own sense of identity, and the internal layout of buildings and communal areas are safe, functional and have adequate access to daylight and natural ventilation.</i></p>													
<p>Assessment</p> <p>The apartment typologies provided in Drawing No. TP-400, TP-401, and TP-402 of the assessed Architectural Drawings are capable of being adapted to suit the needs of people with limited mobility, and are therefore considered to meet the objective of Clause 58.05-1. A condition will be included on any permit being granted requiring this adaptability to be demonstrated on plans.</p> <p>The internal layout of the development, including the communal open space, is generally designed to be safe, functional and achieve adequate access to daylight and natural ventilation, meeting the objective of Clause 58.052.</p>		<p>Meets objective <input checked="" type="checkbox"/></p> <p>Meets objective, subject to conditions <input type="checkbox"/></p> <p>Fails to meet objective <input type="checkbox"/></p>												
<p>Clause 58.05-3</p>	<p>Private open space</p> <p><i>Seek to ensure dwellings are provided with adequate private open space for the reasonable recreation and service needs of residents.</i></p>													
<p>Assessment</p> <p>Standard D19 to Clause 58.05-3 states that each dwelling should be provided with a balcony with convenient access from a living room meeting the requirements expressed in Table D5 (provided below):</p> <table border="1" data-bbox="97 1491 1078 1688"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Minimum dimension</th> </tr> </thead> <tbody> <tr> <td>Studio or 1 bedroom dwelling</td> <td>8 m²</td> <td>1.8 metres</td> </tr> <tr> <td>2 bedroom dwelling</td> <td>8 m²</td> <td>2 metres</td> </tr> <tr> <td>3 or more bedroom dwelling</td> <td>12 m²</td> <td>2.4 metres</td> </tr> </tbody> </table> <p>The apartment typologies provided in Drawing No. TP-400, TP-401 and TP-402 of the assessed Architectural Drawings demonstrate that each one bedroom and two bedroom dwelling will be provided with a balcony meeting or exceeding the requirements of Standard D19 to Clause 58.05-3, therefore meeting the objective of Clause 58.05-3.</p>		Dwelling type	Minimum area	Minimum dimension	Studio or 1 bedroom dwelling	8 m ²	1.8 metres	2 bedroom dwelling	8 m ²	2 metres	3 or more bedroom dwelling	12 m ²	2.4 metres	<p>Meets objective <input checked="" type="checkbox"/></p> <p>Meets objective, subject to conditions <input type="checkbox"/></p> <p>Fails to meet objective <input type="checkbox"/></p>
Dwelling type	Minimum area	Minimum dimension												
Studio or 1 bedroom dwelling	8 m ²	1.8 metres												
2 bedroom dwelling	8 m ²	2 metres												
3 or more bedroom dwelling	12 m ²	2.4 metres												
<p>Clause 58.05-4</p>	<p>Storage</p> <p><i>Seek to ensure each dwelling is provided with adequate storage facilities</i></p>													

<p>Assessment</p> <p>Standard D20 to Clause 58.05-4 states that each dwelling should be provided with storage facilities meeting the requirements expressed in Table D6 (provided below):</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Total minimum storage volume</th> <th>Minimum storage volume within the dwelling</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>8 m³</td> <td>5 m³</td> </tr> <tr> <td>1 bedroom dwelling</td> <td>10 m³</td> <td>6 m³</td> </tr> <tr> <td>2 bedroom dwelling</td> <td>14 m³</td> <td>9 m³</td> </tr> <tr> <td>3 or more bedroom dwelling</td> <td>18 m³</td> <td>12 m³</td> </tr> </tbody> </table> <p>The apartment typologies provided in Drawing No. TP-400, TP-401 and TP-402 of the assessed Architectural Drawings are capable of meeting the minimum storage volume requirements within each dwelling, and 68 additional storage cages within the basement level, which are broadly considered capable of serving the storage needs of the dwellings within the development, meeting the objective of Clause 58.05-4.</p> <p>A condition will be included on any permit being granted requiring an annotation to be added to the basement plan clarifying that the storage cages provided within the basement are to be used in association with the residential component of the development.</p>		Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling	Studio	8 m ³	5 m ³	1 bedroom dwelling	10 m ³	6 m ³	2 bedroom dwelling	14 m ³	9 m ³	3 or more bedroom dwelling	18 m ³	12 m ³	<p>Meets objective <input checked="" type="checkbox"/></p> <p>Meets objective, subject to conditions <input type="checkbox"/></p> <p>Fails to meet objective <input type="checkbox"/></p>
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling															
Studio	8 m ³	5 m ³															
1 bedroom dwelling	10 m ³	6 m ³															
2 bedroom dwelling	14 m ³	9 m ³															
3 or more bedroom dwelling	18 m ³	12 m ³															
Clause 58.06-1	<p>Common property</p> <p><i>Seek to ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained, and are designed to avoid future management difficulties in areas of common ownership.</i></p>																
<p>Assessment</p> <p>The layout and design of communal open space, car parking areas and site facilities in the proposed development are considered to meet the objective of Clause 58.06-1.</p>		<p>Meets objective <input checked="" type="checkbox"/></p> <p>Meets objective, subject to conditions <input type="checkbox"/></p> <p>Fails to meet objective <input type="checkbox"/></p>															
Clause 58.06-2	<p>Site services</p> <p><i>Seek to ensure that site services can be installed and easily maintained, and are accessible, adequate and attractive.</i></p>																
<p>Assessment</p> <p>Subject to a condition being included on any permit being granted requiring a façade strategy to be submitted prior to the commencement of the development (including demolition and bulk excavation), which, amongst other matters, details how site services will be sensitively integrated into the Franklin Street façade with minimal intervention into heritage fabric, it is considered that the development will meet the objective of Clause 58.06-2.</p>		<p>Meets objective <input type="checkbox"/></p> <p>Meets objective, subject to conditions <input checked="" type="checkbox"/></p> <p>Fails to meet objective <input type="checkbox"/></p>															
Clause 58.06-3	<p>Waste and recycling</p> <p><i>Seek to ensure that dwellings are designed to encourage waste recycling, and to ensure that waste and recycling facilities are accessible, adequate, attractive, and designed and managed to minimise impacts on residential amenity, health and the public realm.</i></p>																

<p>Assessment</p> <p>As discussed in Section 8.6.1 of this report conditions have been recommended for inclusion on any permit being granted to ensure that the submitted Waste Management Plan reflects the final architectural drawings and is consistent with City of Melbourne’s applicable Guidelines for preparing a Waste Management Plan, meeting the objective of Clause 58.06-3.</p>	<p>Meets objective <input type="checkbox"/></p> <p>Meets objective, subject to conditions <input checked="" type="checkbox"/></p> <p>Fails to meet objective <input type="checkbox"/></p>																		
<p>Clause 58.07-1 Functional apartment layout</p> <p><i>Seek to ensure dwellings provide functional areas that meet the needs of residents.</i></p>																			
<p>Assessment</p> <p>Standard D24 to Clause 58.07-1 states that each dwelling should be designed to meet the needs of residents by achieving the minimum internal room dimension requirements expressed in Table D7 and Table D8 (provided below):</p> <p><i>Table D7: Bedroom Dimensions</i></p> <table border="1" data-bbox="97 817 1082 965"> <thead> <tr> <th>Bedroom type</th> <th>Minimum width</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Main bedroom</td> <td>3 metres</td> <td>3.4 metres</td> </tr> <tr> <td>All other bedrooms</td> <td>3 metres</td> <td>3 metres</td> </tr> </tbody> </table> <p><i>Table D8: Living area dimensions</i></p> <table border="1" data-bbox="97 1032 1082 1180"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Minimum dimension</th> </tr> </thead> <tbody> <tr> <td>Studio or 1 bedroom dwelling</td> <td>3.3 metres</td> <td>10 m²</td> </tr> <tr> <td>2 or more bedroom dwelling</td> <td>3.6 metres</td> <td>12 m²</td> </tr> </tbody> </table> <p>The apartment typologies provided in Drawing No. TP-400, TP-401 and TP-402 of the assessed Architectural Drawings demonstrate that each dwelling will be provided with bedrooms and living area dimensions meeting or exceeding the requirements of Standard D24 to Clause 58.07-1, therefore meeting the objective of Clause 58.07-1.</p>	Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	Dwelling type	Minimum area	Minimum dimension	Studio or 1 bedroom dwelling	3.3 metres	10 m ²	2 or more bedroom dwelling	3.6 metres	12 m ²	<p>Meets objective <input checked="" type="checkbox"/></p> <p>Meets objective, subject to conditions <input type="checkbox"/></p> <p>Fails to meet objective <input type="checkbox"/></p>
Bedroom type	Minimum width	Minimum depth																	
Main bedroom	3 metres	3.4 metres																	
All other bedrooms	3 metres	3 metres																	
Dwelling type	Minimum area	Minimum dimension																	
Studio or 1 bedroom dwelling	3.3 metres	10 m ²																	
2 or more bedroom dwelling	3.6 metres	12 m ²																	
<p>Clause 58.07-2 Room depth, daylight and ventilation</p> <p>Clause 58.07-3 <i>Seek to ensure dwellings allow adequate daylight into a single aspect habitable room and</i></p> <p>Clause 58.07-4 <i>adequate daylight into new habitable room windows, and are designed to encourage natural ventilation and allow occupants to effectively manage natural ventilation.</i></p>																			

Assessment

The apartment typologies provided in Drawing No. TP-400, TP-401 and TP-402 of the assessed Architectural Drawings generally demonstrate that each dwelling will:

- Achieve compliance with the maximum room depth requirement of Standard D25 to Clause 58.07-2, to ensure a sufficient level of daylight is provided to each single-aspect habitable room, meeting the objective of Clause 58.07-2.
- Achieve compliance with the habitable room window requirement of Standard D26 to Clause 58.07-3, noting that the apartment typology shown in Drawing No. TP-402, whilst incorporating a saddle-back bedroom configuration (as documented in Council’s Urban Designer’s comments) continues to demonstrate compliance with this requirement, meeting the objective of Clause 58.07-3.

Specifically, Standard D26 provides:

Habitable rooms should have a window in an external wall of the building.

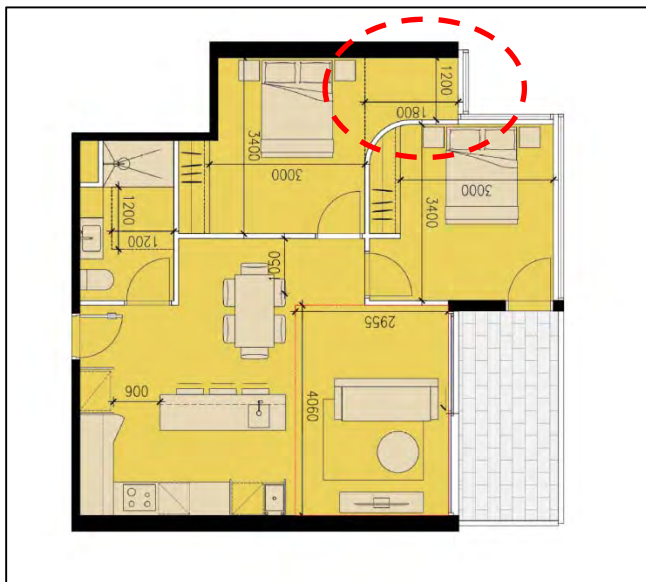
A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres;
- A maximum depth of 1.5 times the width, measured from the external surface of the bedroom.

As shown in the excerpt from Drawing No. TP-402 provided below, the saddle-back bedroom configuration for Apartment Type 3 incorporates a secondary area within the bedroom measuring 1.2 metres (width) by 1.8 metres (depth) (where Standard D26 requires a minimum width of 1.2 metres and a maximum depth of $1.5 \times 1.2 = 1.8$ metres).

As Apartment Type 3 demonstrates compliance with Standard D26, it is considered that the objective to Clause 58.07-3 is met.



Excerpt from Drawing No. TP-402 with saddle-back arrangement for typical apartment three typology circled red

- Meet the objective of Clause 58.07-4, by providing at least two out of six apartments in reach residential floorplate with access to cross-ventilation opportunities.

Meets objective

Meets objective, subject to conditions

Fails to meet objective

