Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

Ministerial Planning Referral: TPMR-2019-9 539-557 Collins Street and 43-61 King Street, Melbourne

4 February 2020

Presenter: Jane Birmingham, Practice Leader Land Use and Development

Purpose and background

- 1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application seeking approval to demolish the existing multi storey building and construct buildings and works for the purpose of a multi-storey building to be constructed in two stages at 539-557 Collins Street and 43-61 King Street, Melbourne (refer Attachment 2 Locality Plan).
- 2. The applicant is Charter Hall Group c/o Tract Consultants Pty Ltd, the owner of the land is The Trust Company (Australia) Pty Ltd, and the architects are Cox Architecture and Gensler Architecture.
- 3. The land is located within the Capital City Zone Schedule 1 (CCZ1) and is affected by Design and Development Overlay Schedules 1 (DDO1-A2, Active Areas), 3 (DDO3, Traffic Conflict), 4 (DDO4, Weather Protection), 10 (DDO10, General Development Area) and Parking Overlay Schedule 1 (PO1, CCZ Outside the Retail Core). A planning permit is required to allow demolition of the existing buildings and construction of buildings and works.
- 4. The subject site comprises two allotments with a total area of approximately 4,630m² and is currently developed with a vacant office tower to the corner of Collins Street and King Street and an eight storey office building to the corner of King Street and Flinders Lane.
- 5. The application proposes a 34 level (147.1 metre to top of plant) commercial office tower with podium level lobby and retail tenancies and three basement levels. The development will be constructed in two stages with Stage 1 (539-557 Collins Street) to be constructed first and then Stage 2 (43-61 King Street) to be constructed after. The proposal includes 102,299m² of office space, 2,299m² of retail uses, a 135m² publicly accessible plaza and a north-south laneway.
- 6. The Department of Environment, Land, Water and Planning (DELWP), on behalf of the Minister for Planning, has formally referred the application to the City of Melbourne as a recommending referral authority.

Key issues

- 7. The key issues relate to the built form and the provision of floor area uplift (FAU) and associated public benefits.
- 8. The proposal complies with the modified requirements of DDO10 including setbacks, street wall heights, overshadowing and wind impacts. The proposal responds positively to the requirements of DDO1 in that all street frontages are of high quality and achieve a human scale.
- 9. The proposal is consistent with key aspects of the proposed, and now seriously entertained, Melbourne Planning Scheme Amendment C308 and associated Design Guide. This includes ensuring that car parking is underground, having multiple entry points to the site, retaining 50 per cent of existing forecourt open space, providing links through the development to the public realm, high quality materials and fine grain design to the street wall and a building program that engages the pedestrian.
- 10. In accordance with Clause 22.03, the floor area uplift and public benefit requirements have been more than satisfied via the provision of office space and therefore is supported. The office use is secured for a minimum 10 year period via permit conditions requiring a S173 agreement.

Recommendation from management

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

Attachments:

- 1. Supporting Attachment (Page 2 of 108)
- 2. Locality Plan (Page 3 of 108)
- 3. Selected Plans (Page 4 of 108)
- 4. Delegate Report (Page 74 of 108)

Supporting Attachment

Legal

- 1. The Minister for Planning is the Responsible Authority for determining this application.
- 2. The Minister for Planning has referred the application to Melbourne City Council pursuant to S.55 of the *Planning and Environment Act 1987* on 15 April 2019.

Finance

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

Conflict of interest

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

Health and Safety

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

Stakeholder consultation

6. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the *Planning and Environment Act 1987*.

Relation to Council policy

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

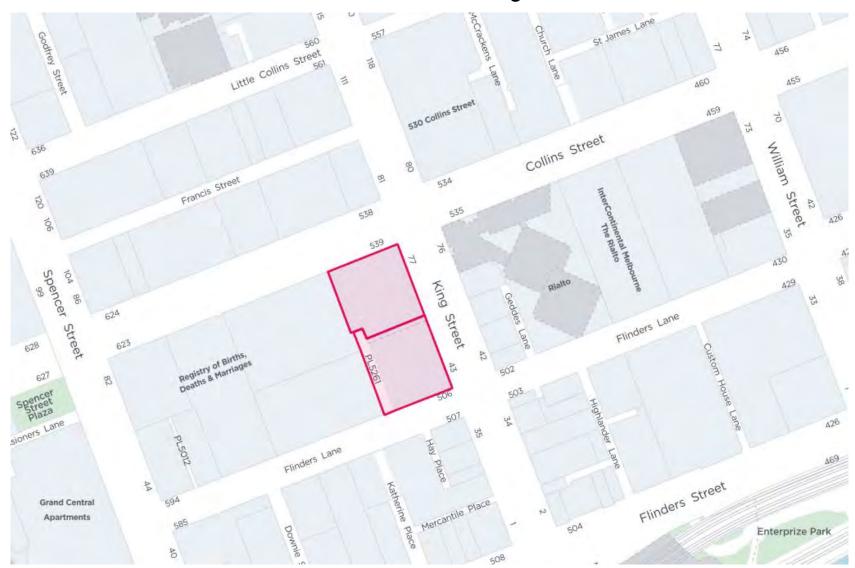
Environmental sustainability

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

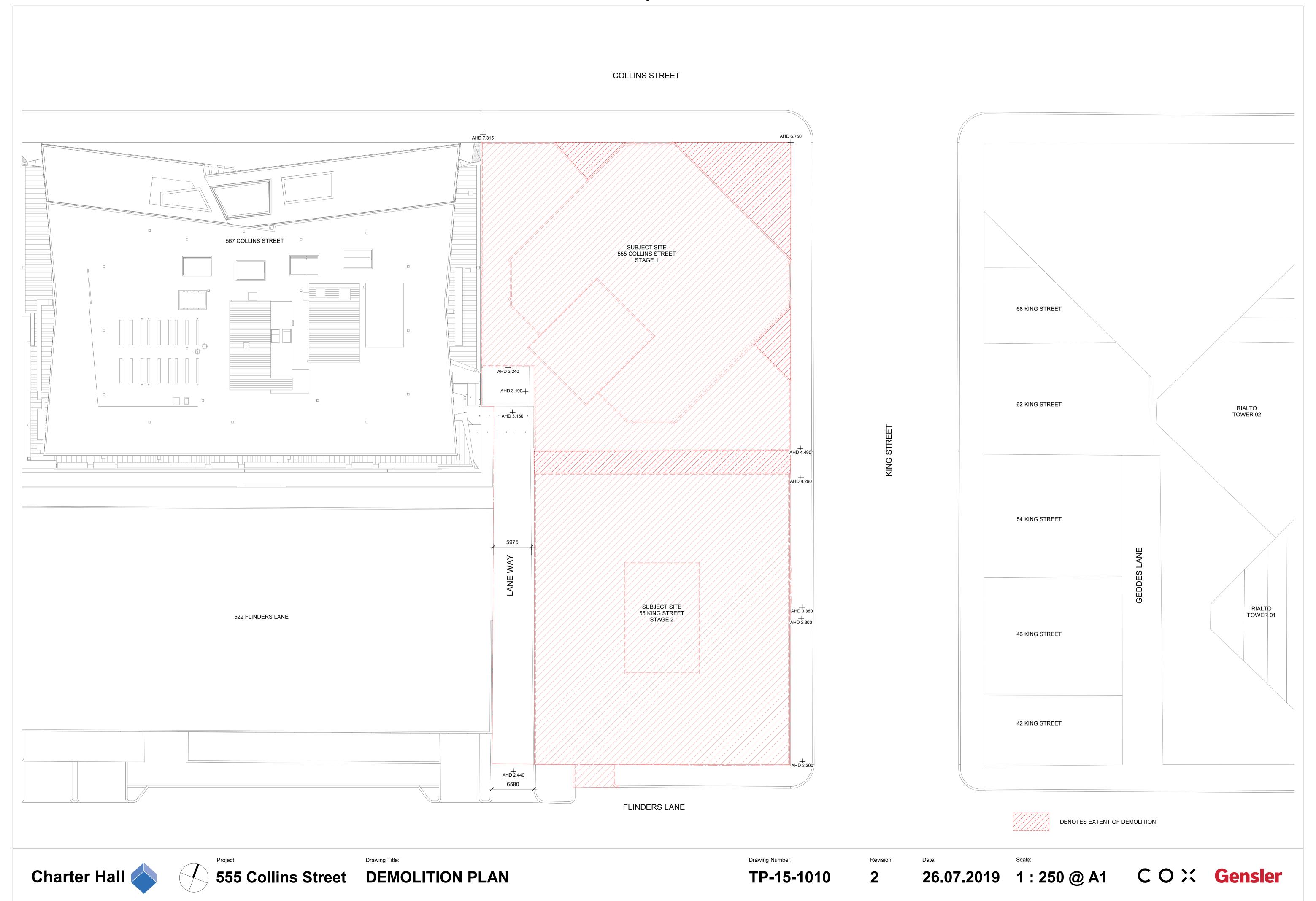
Locality Plan

Attachment 2
Agenda item 6.1
Future Melbourne Committee
4 February 2020

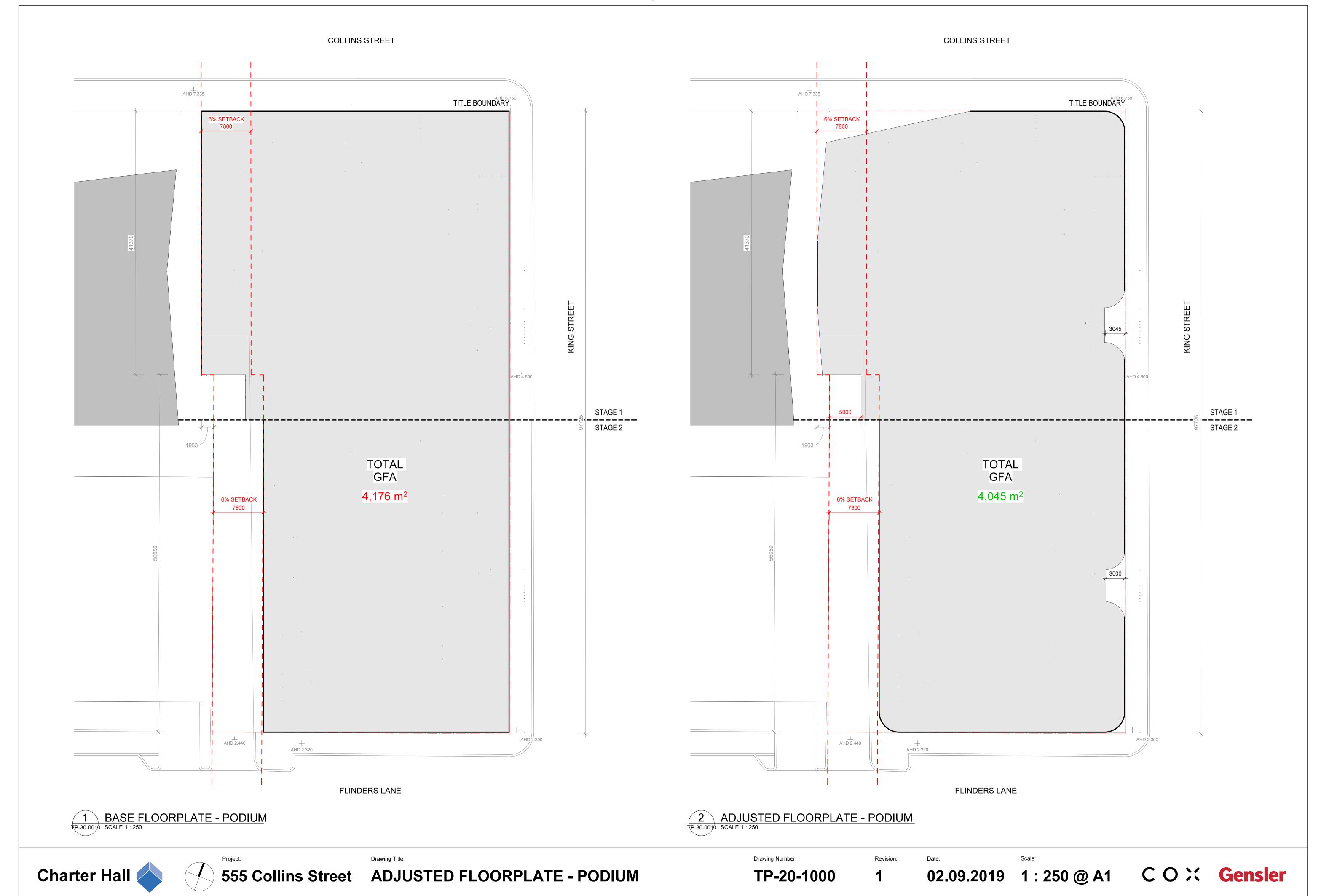
539-557 Collins Street and 43-61 King Street, Melbourne

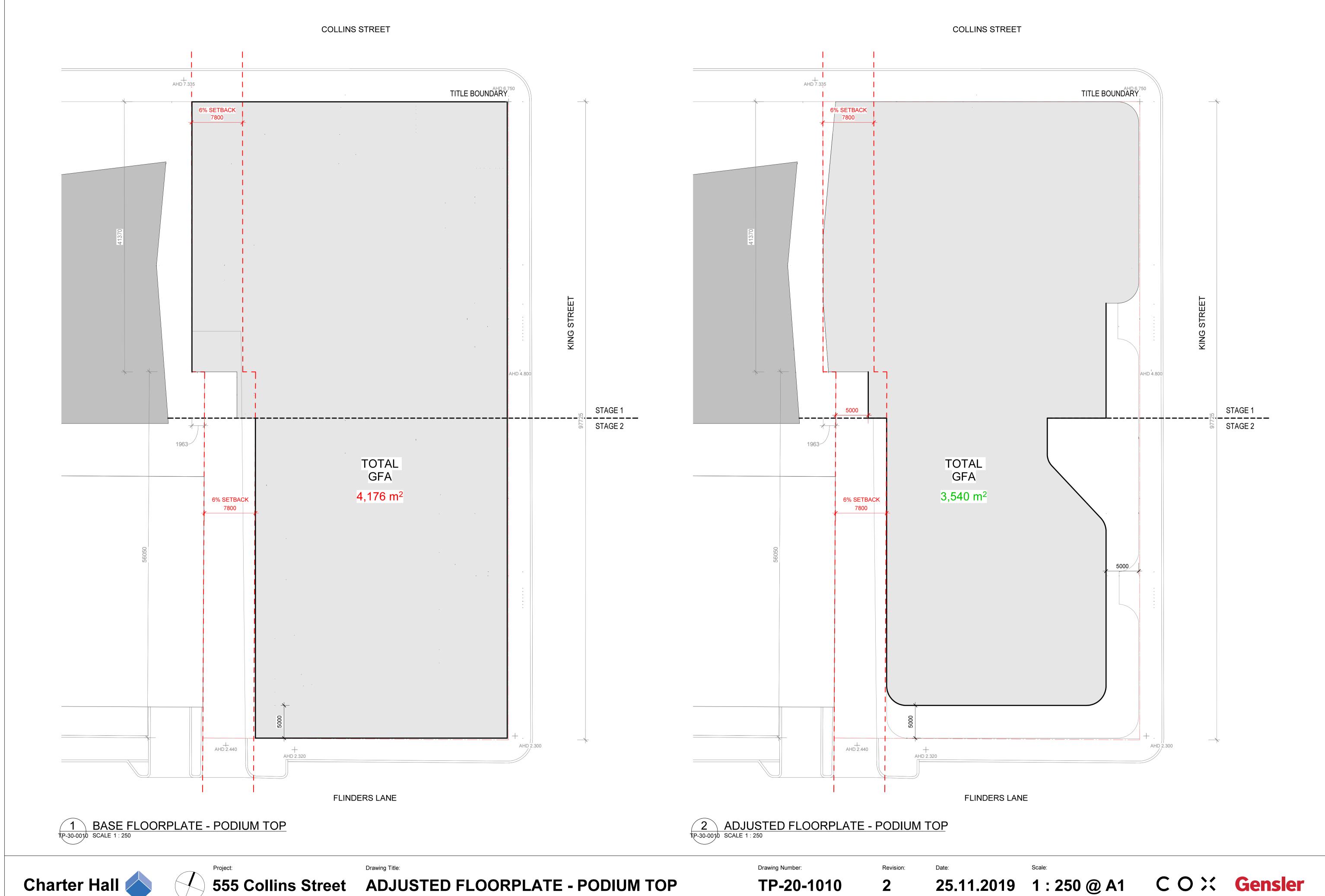


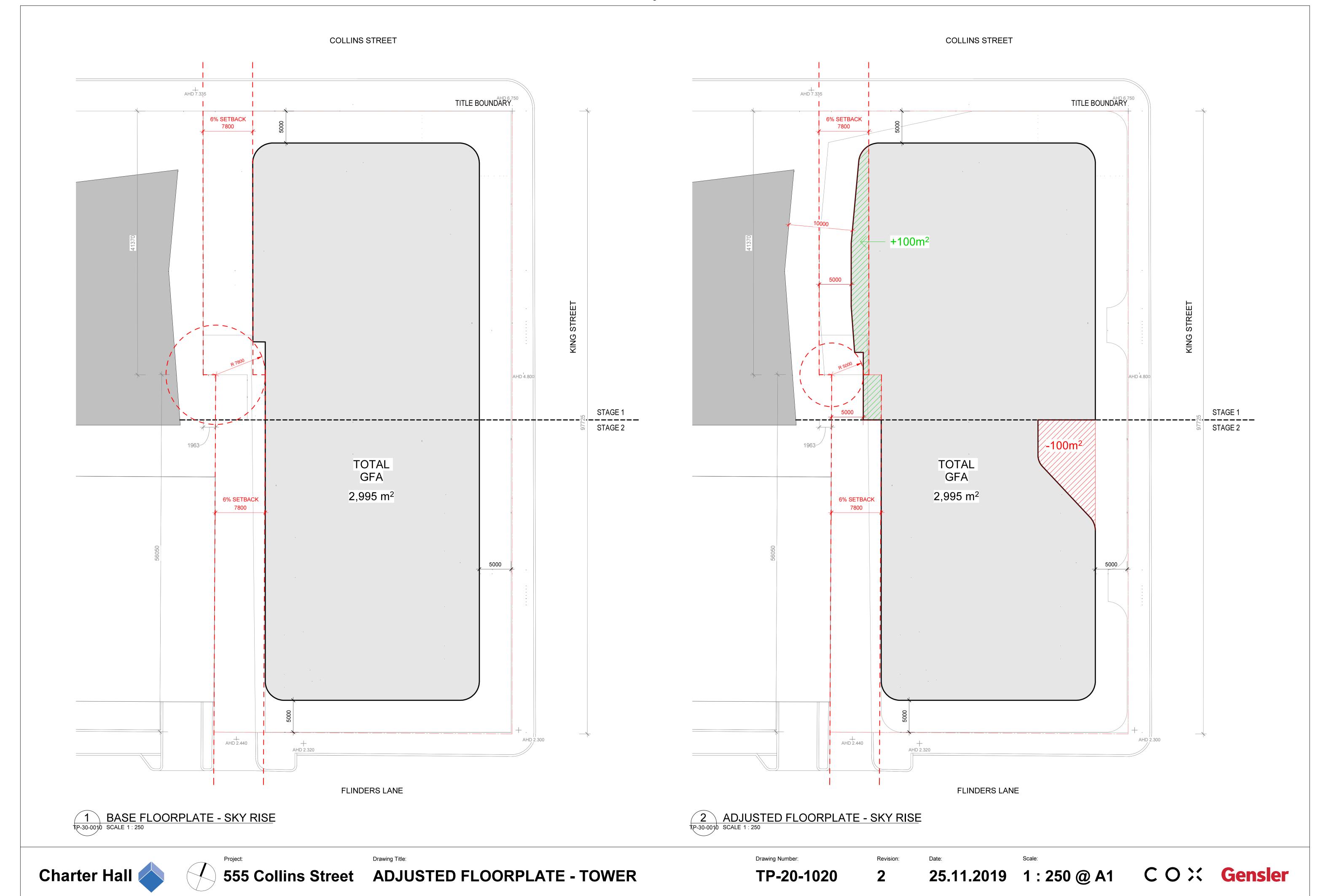


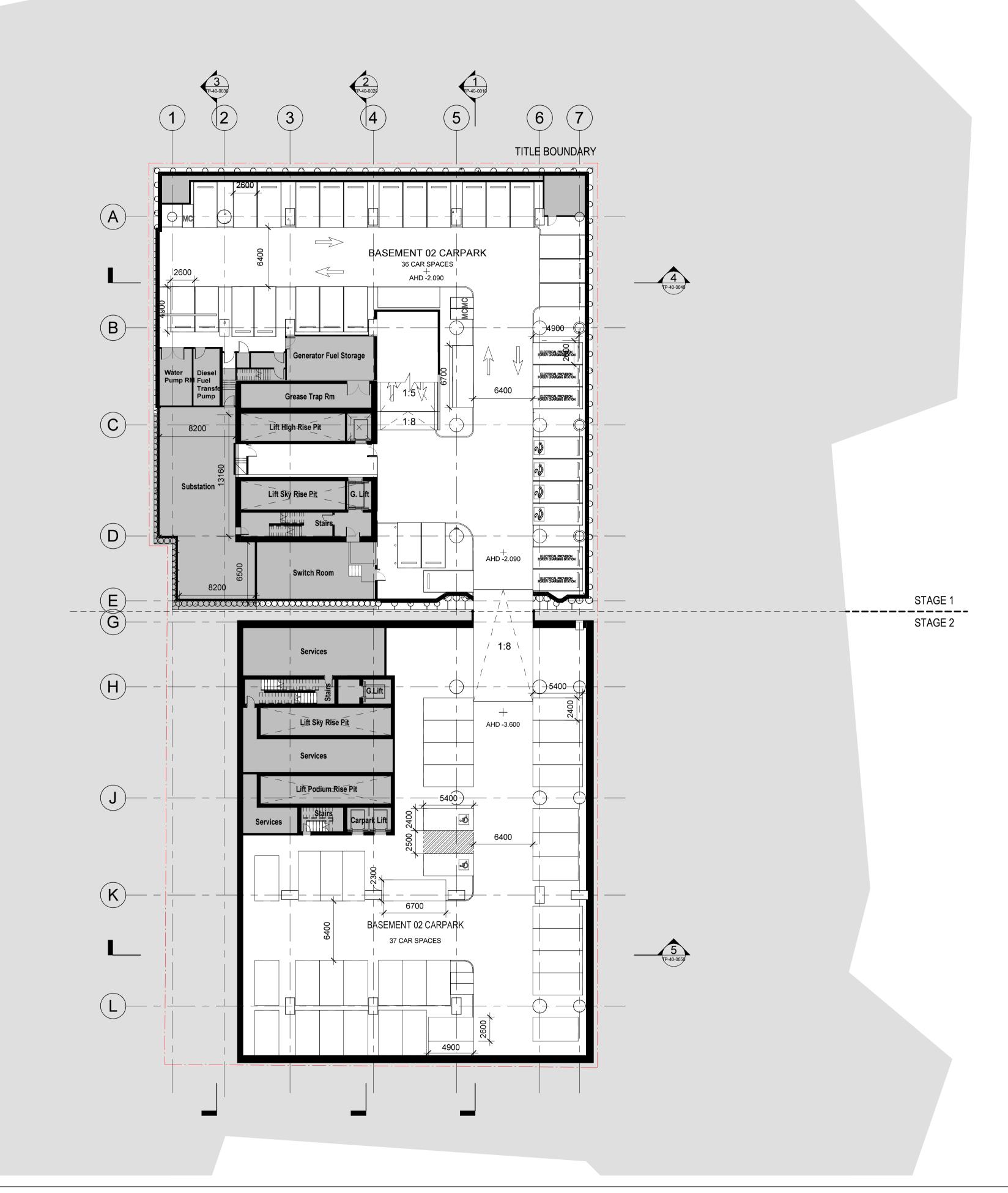






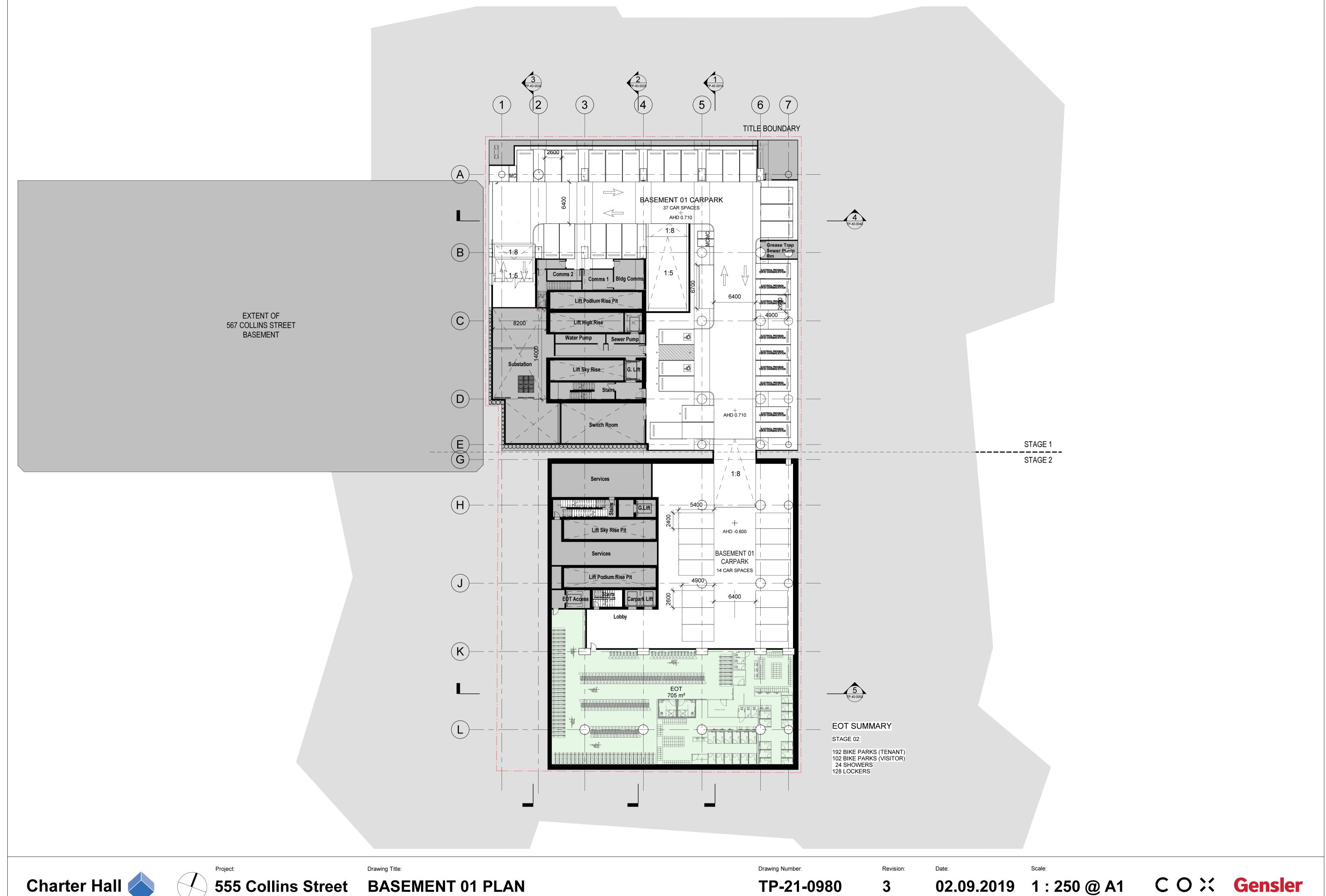


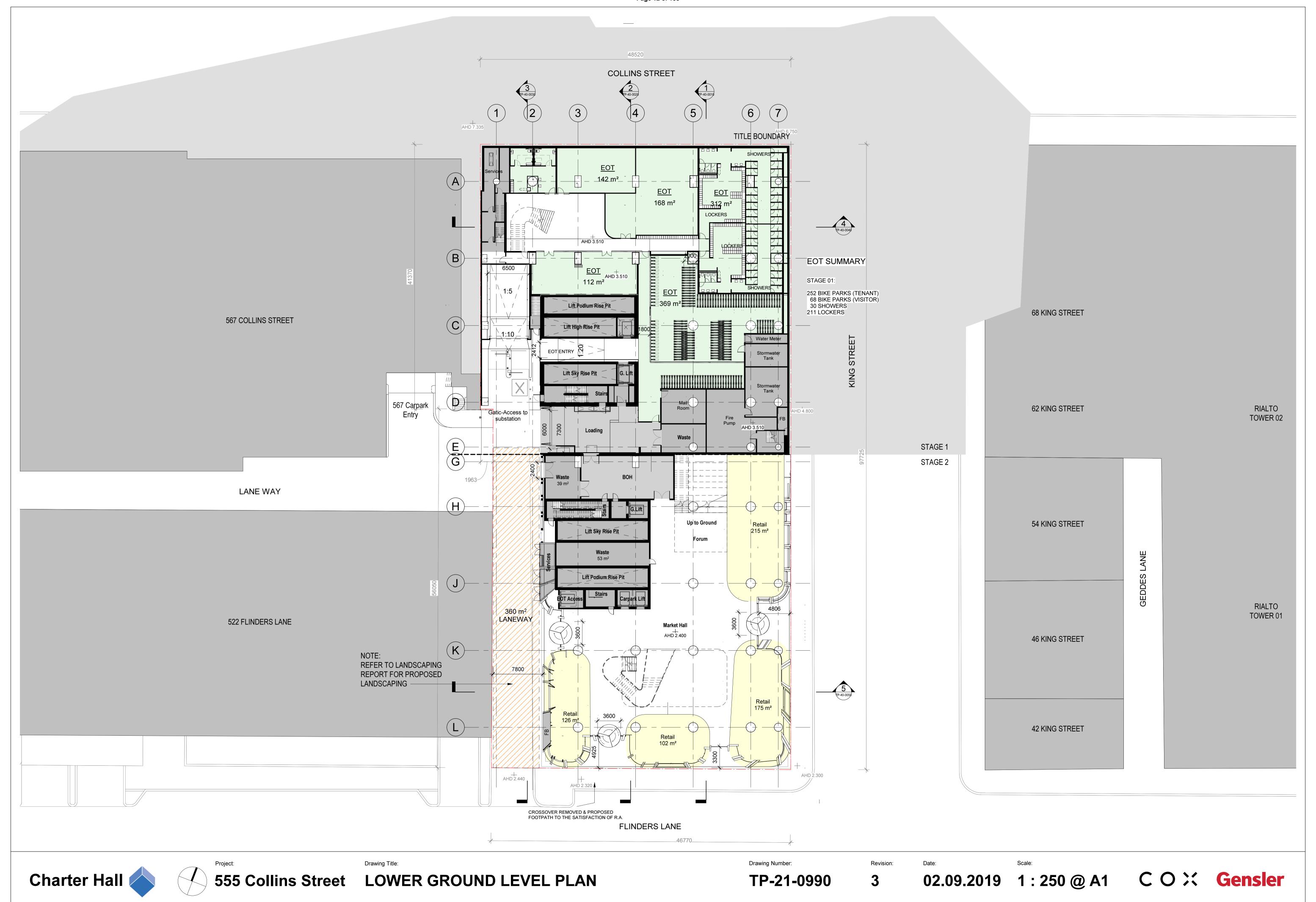


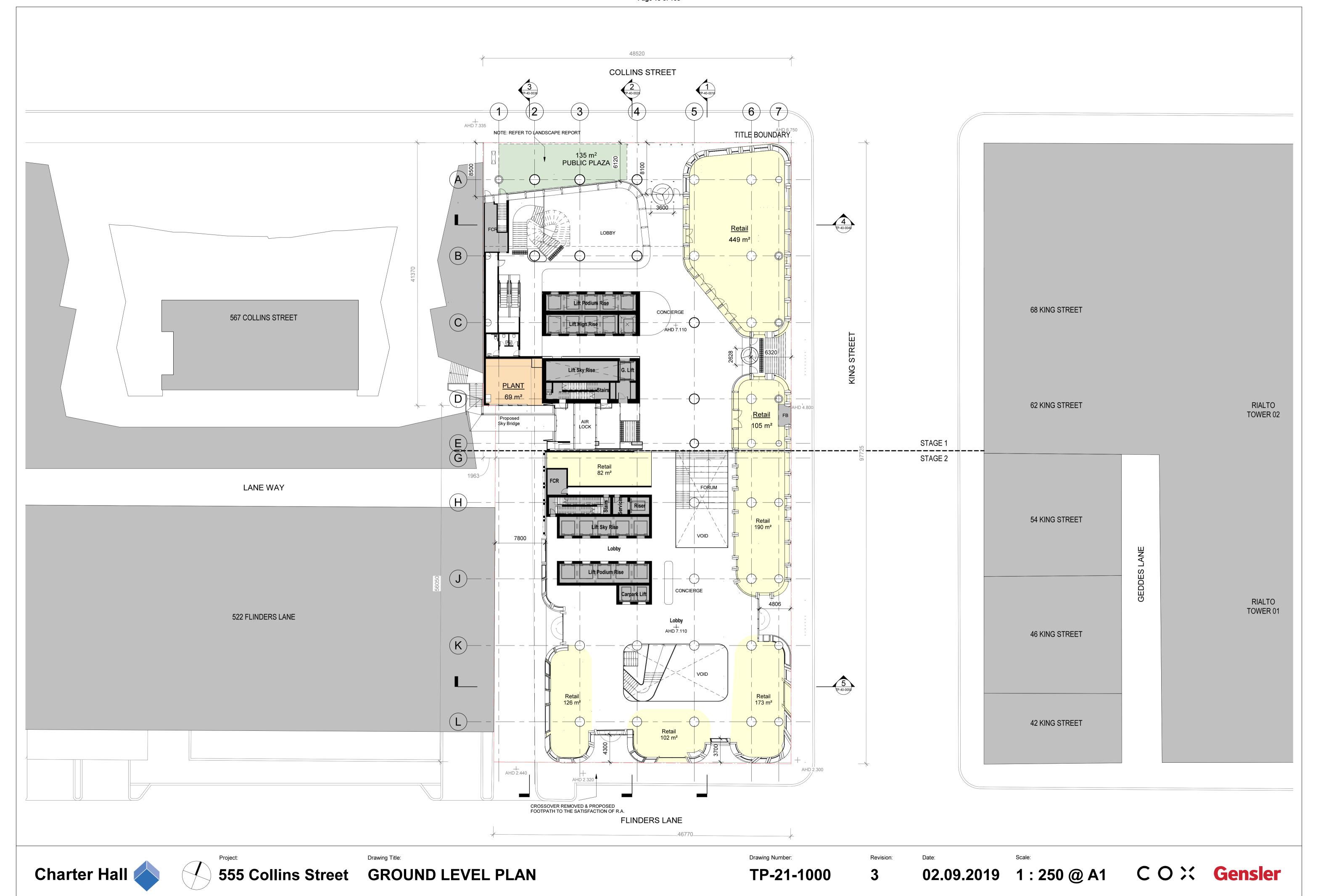


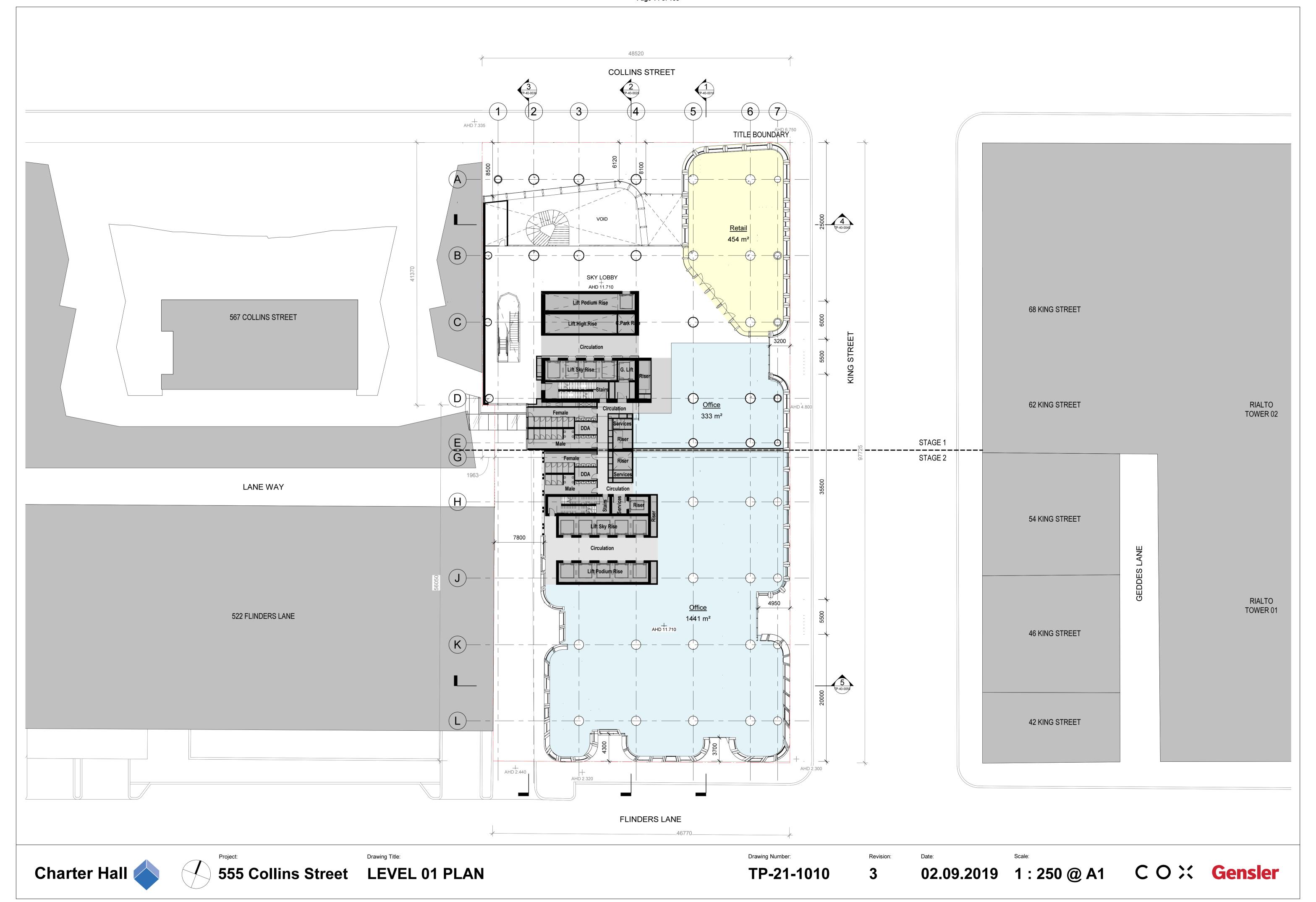
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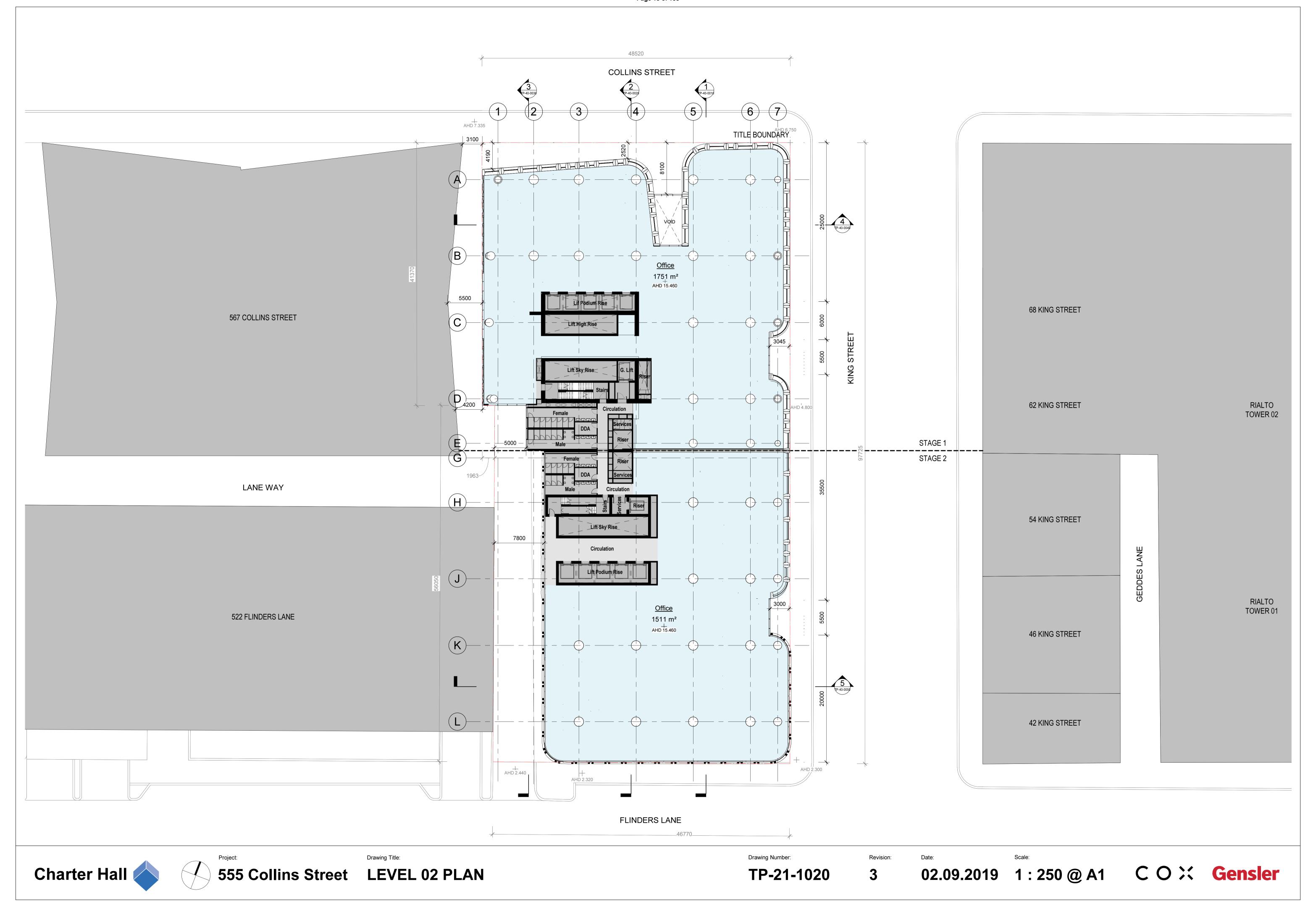
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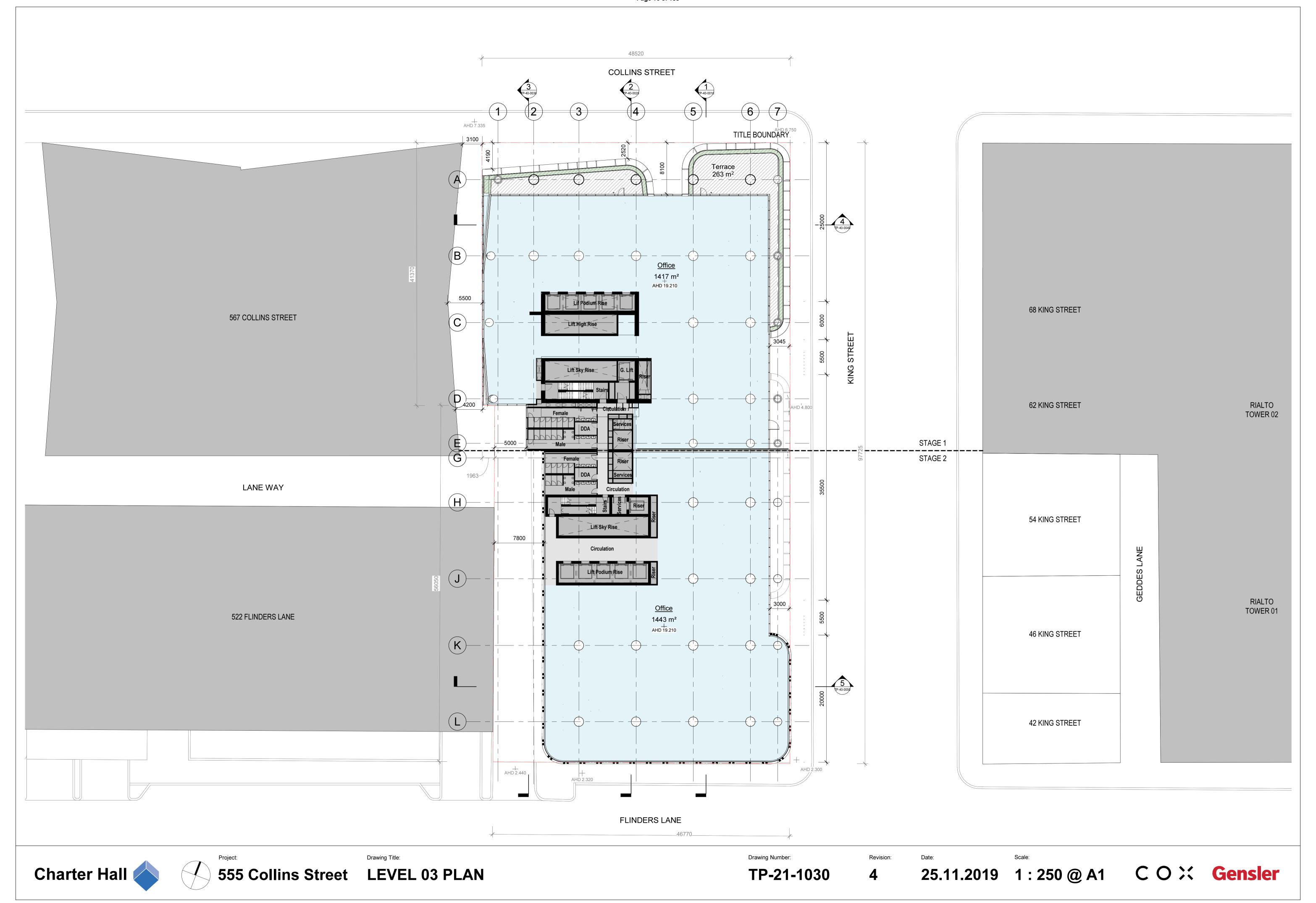


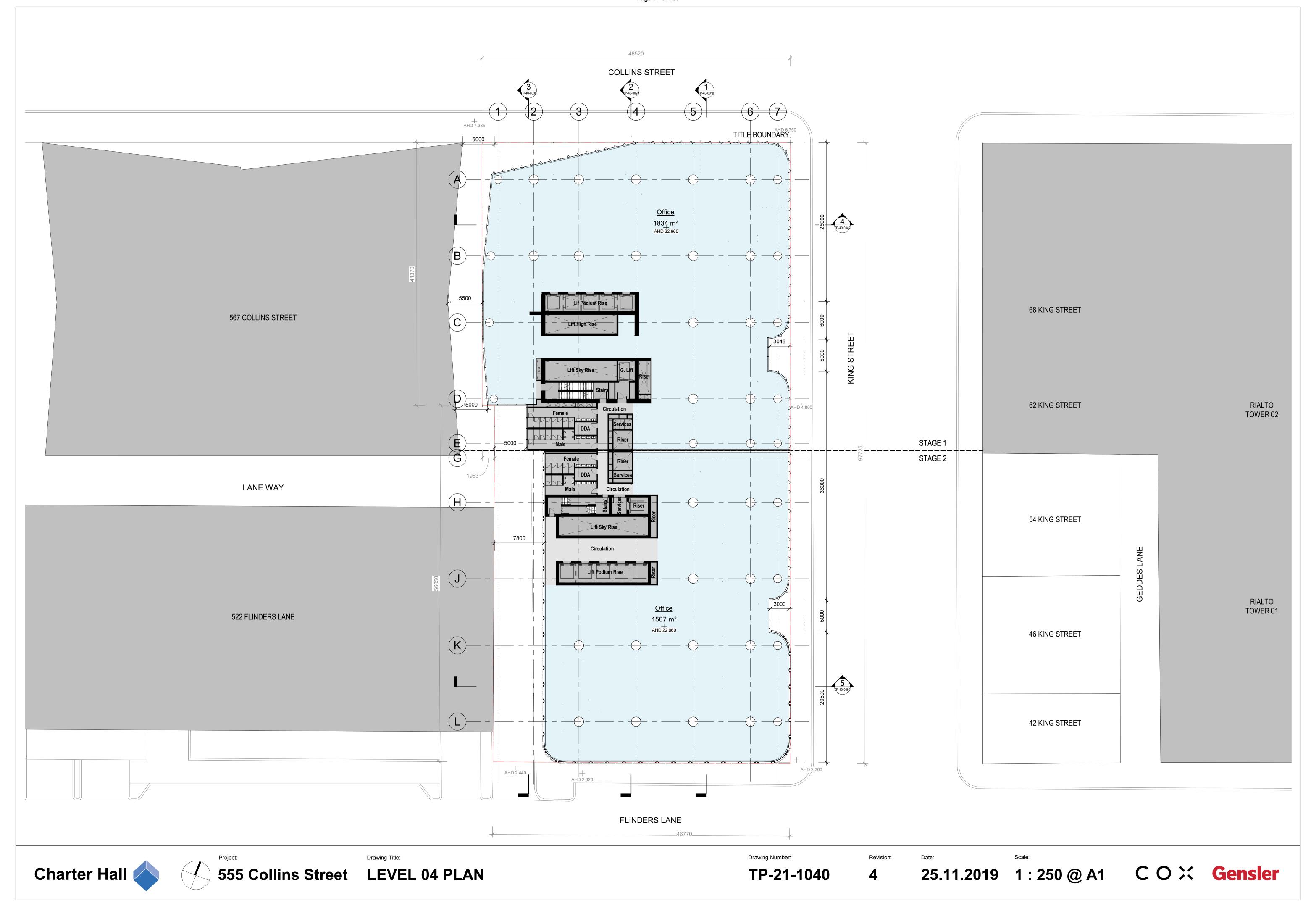


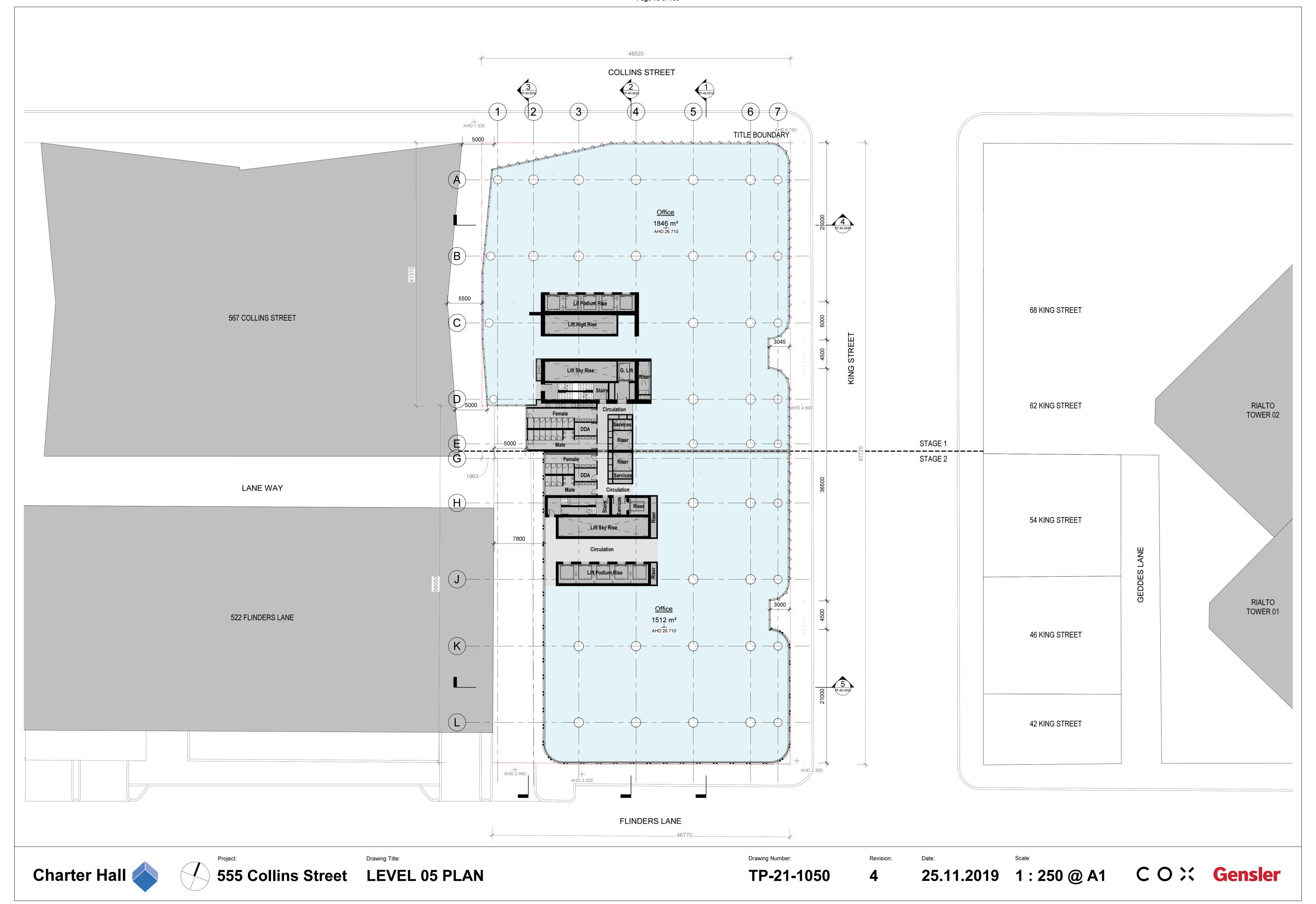


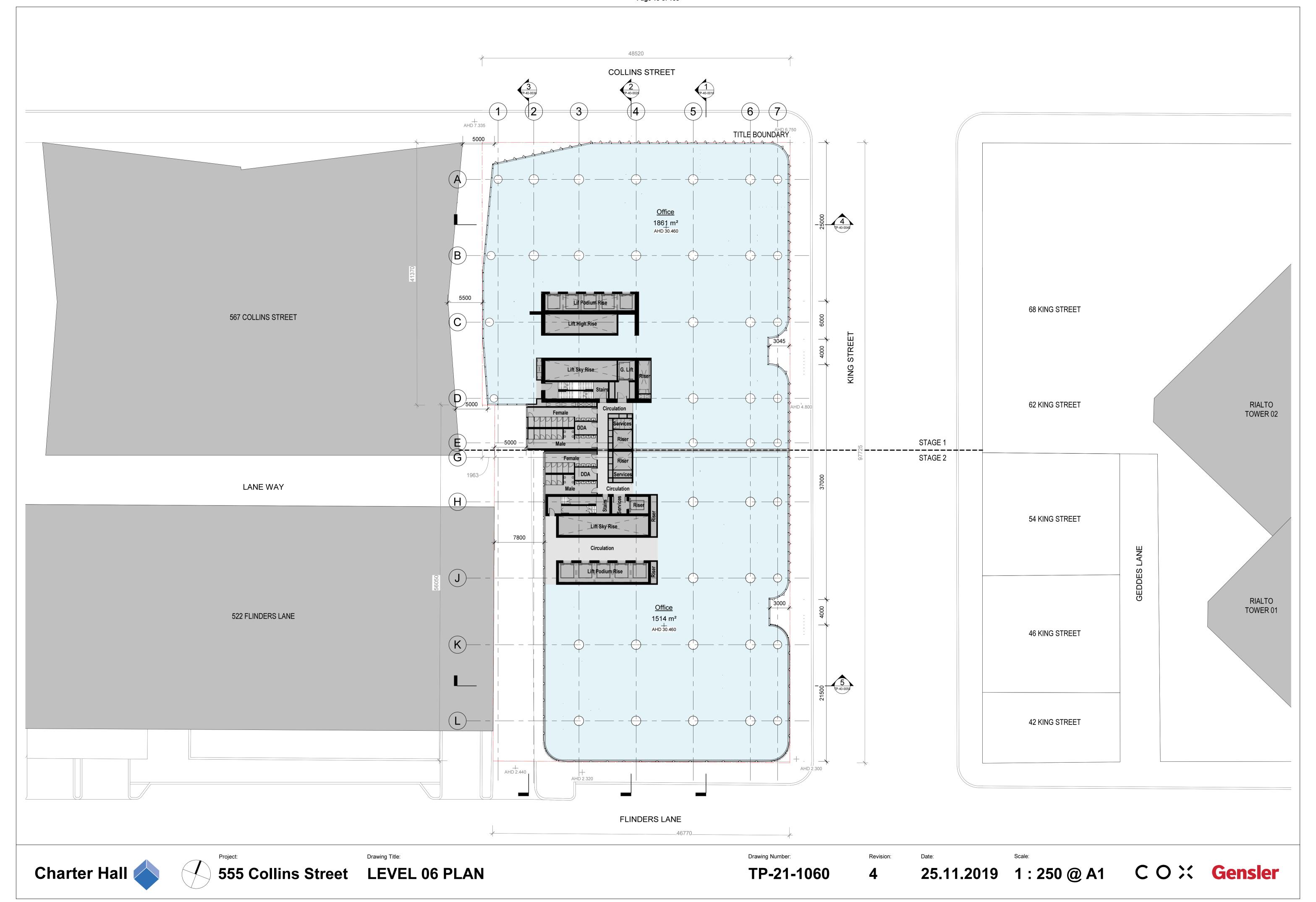


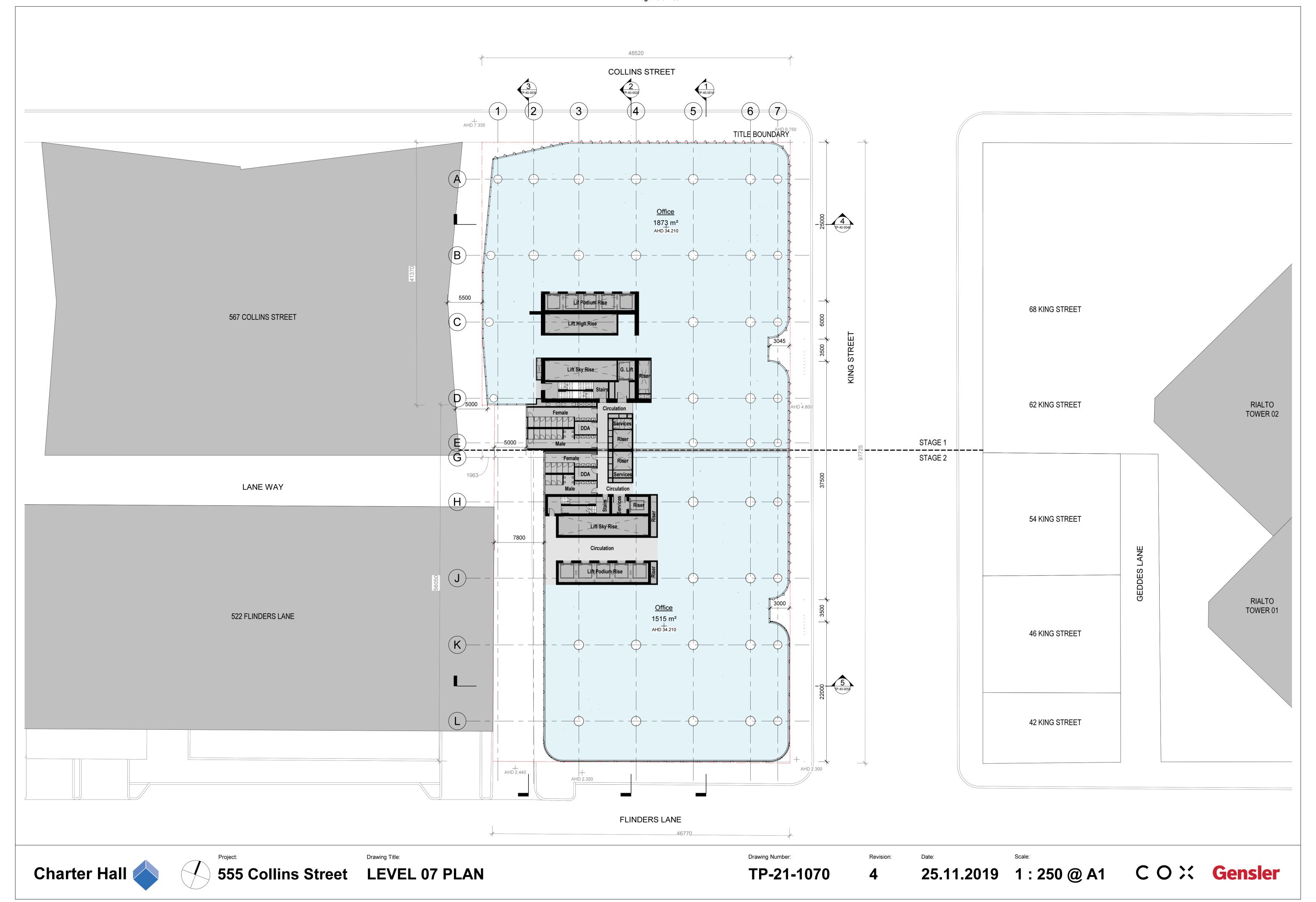


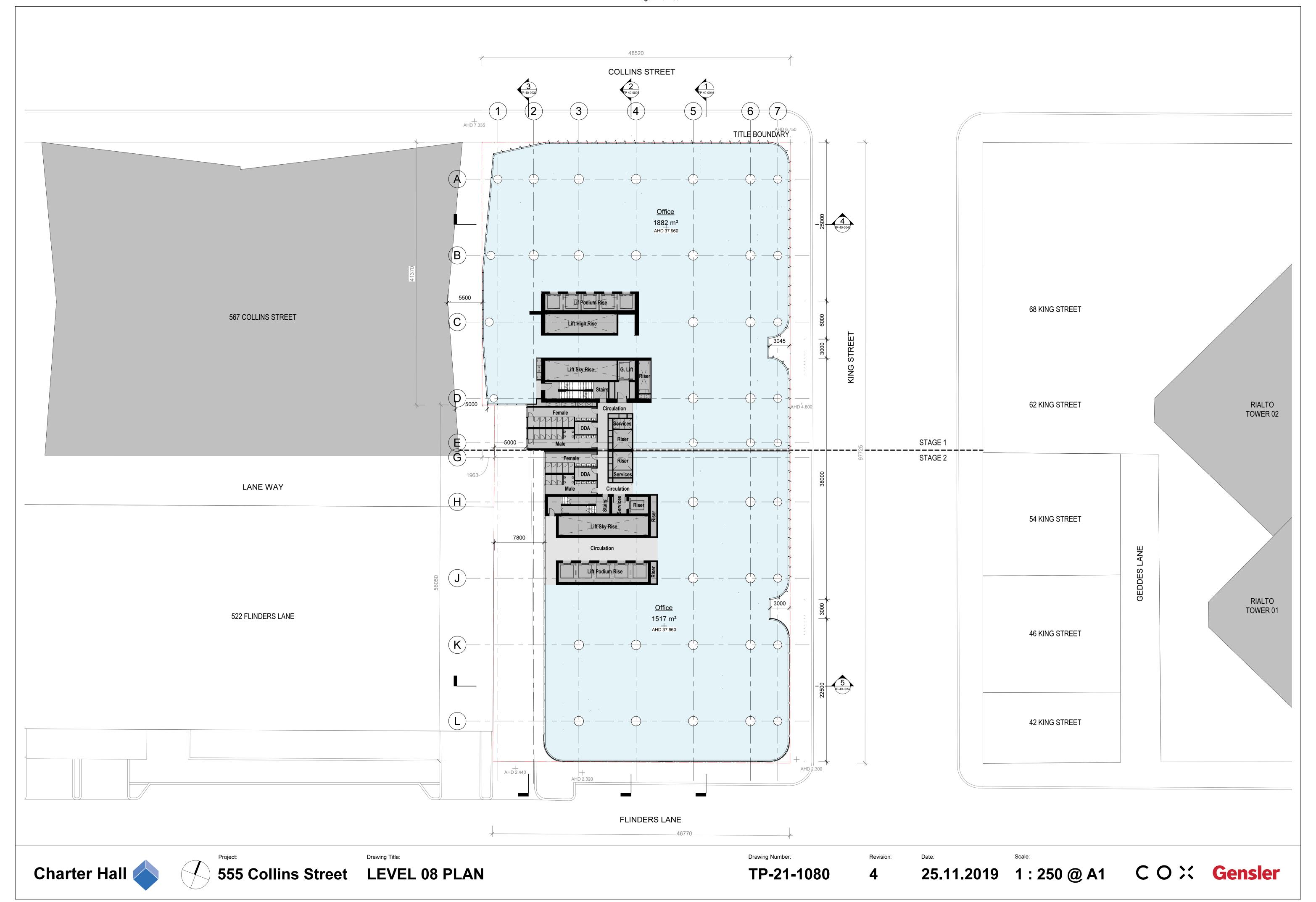


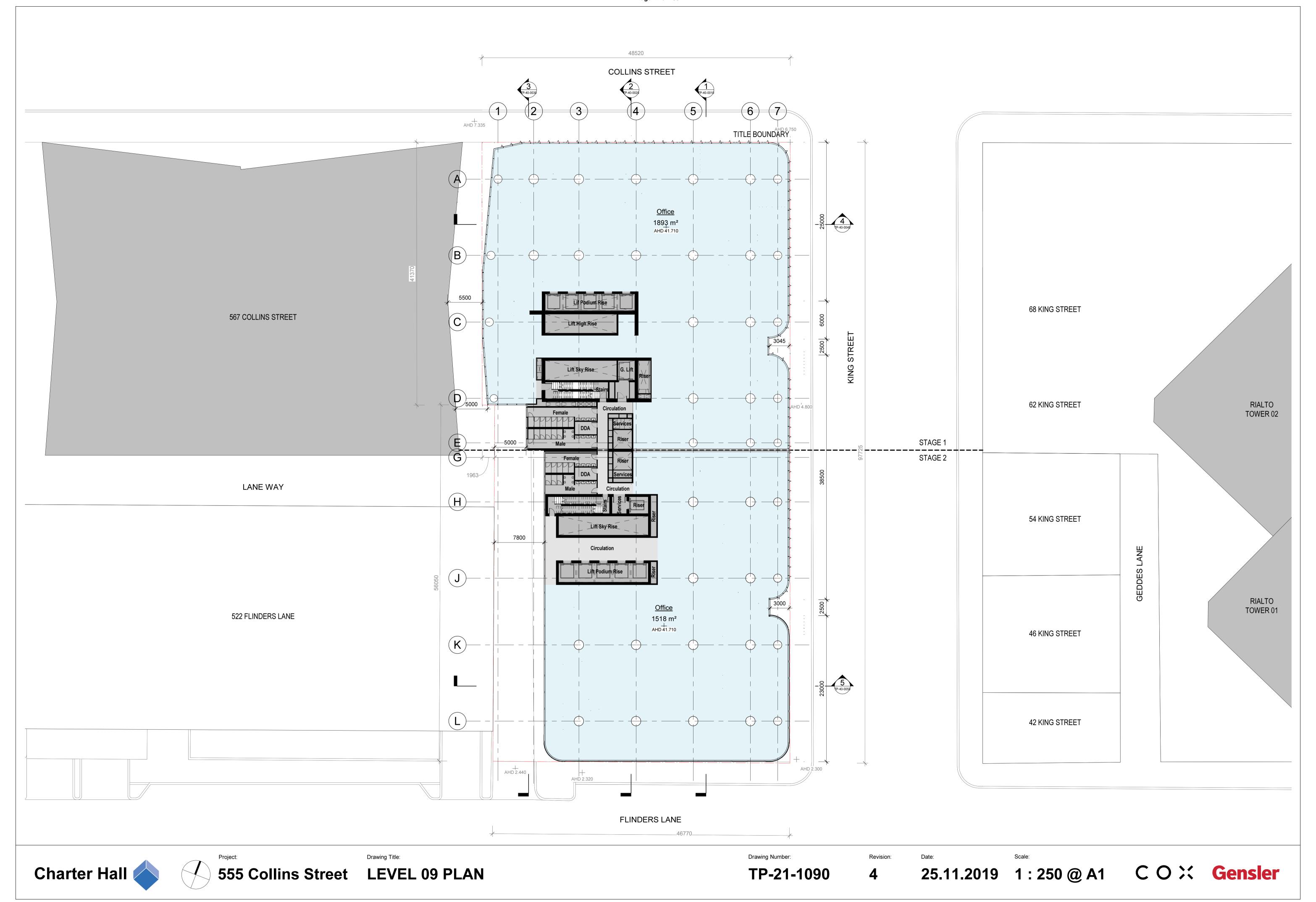


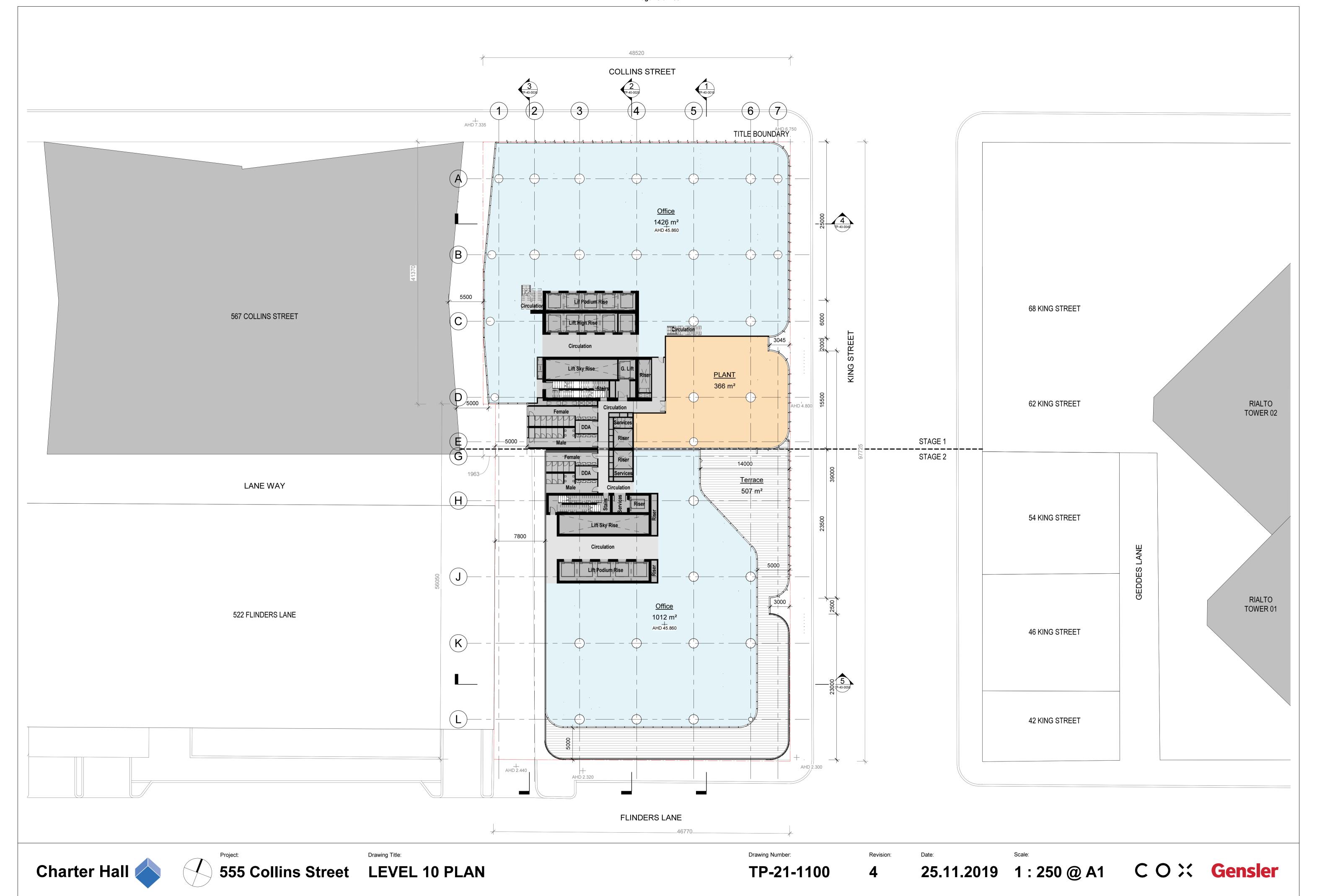


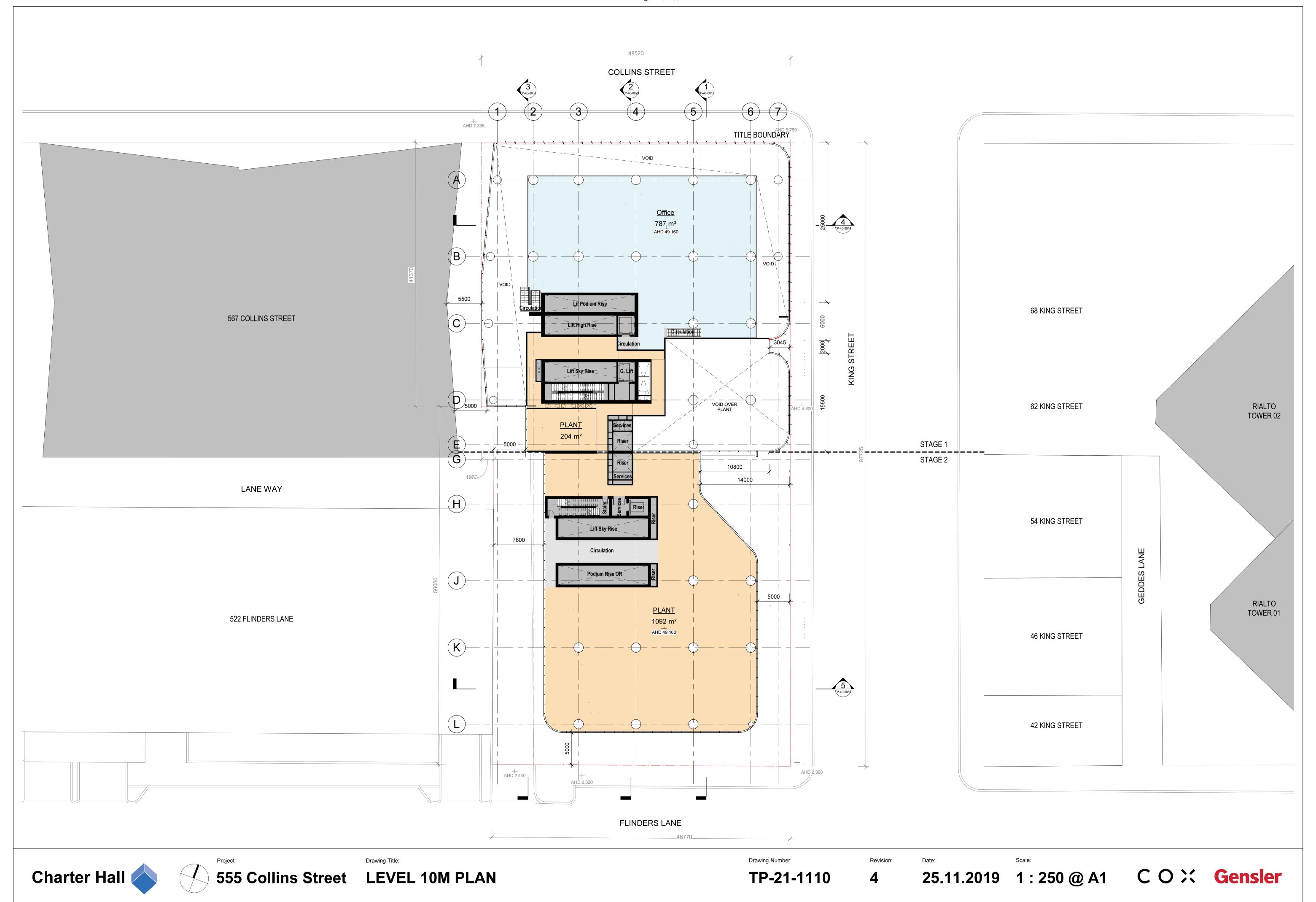


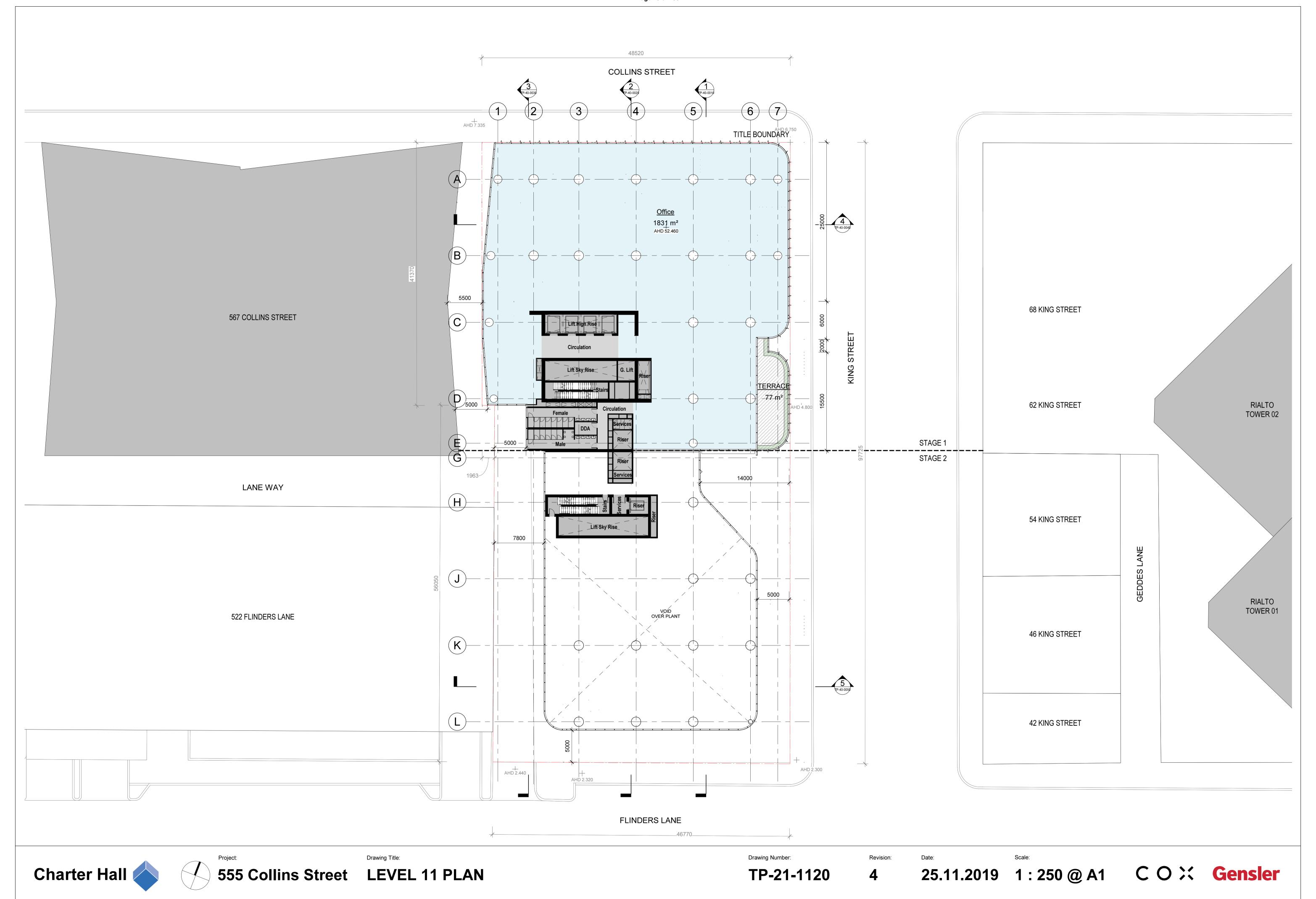


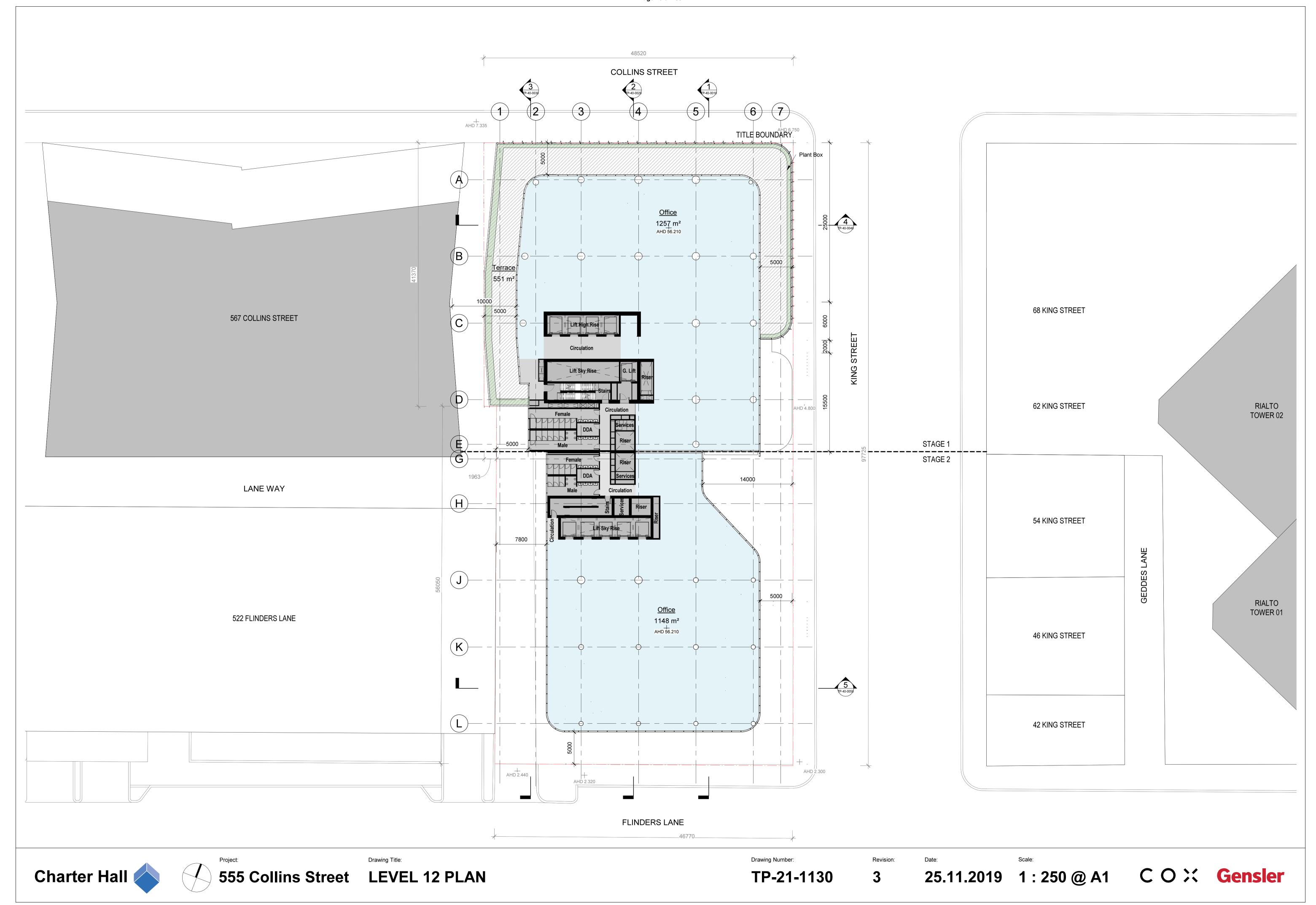


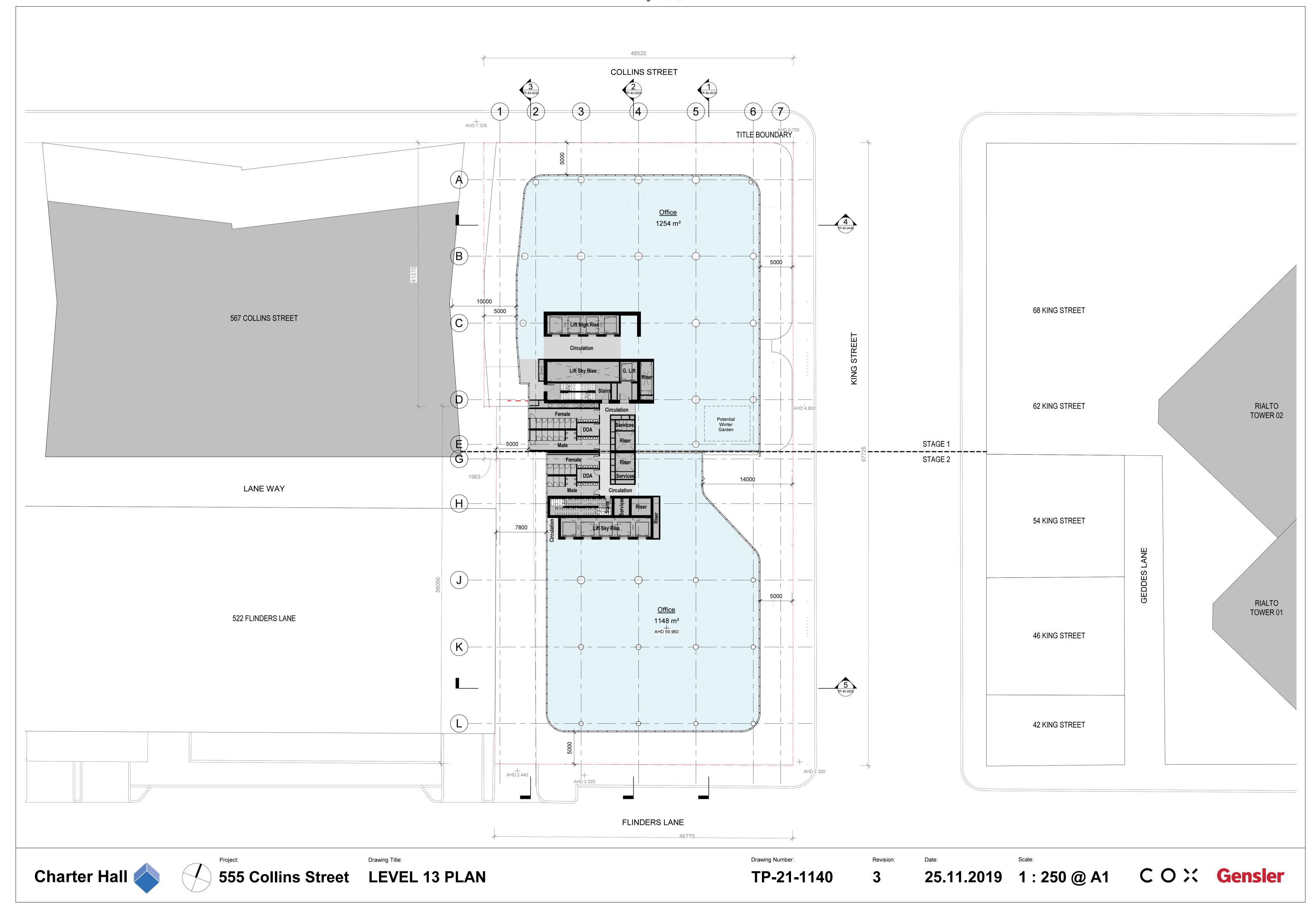


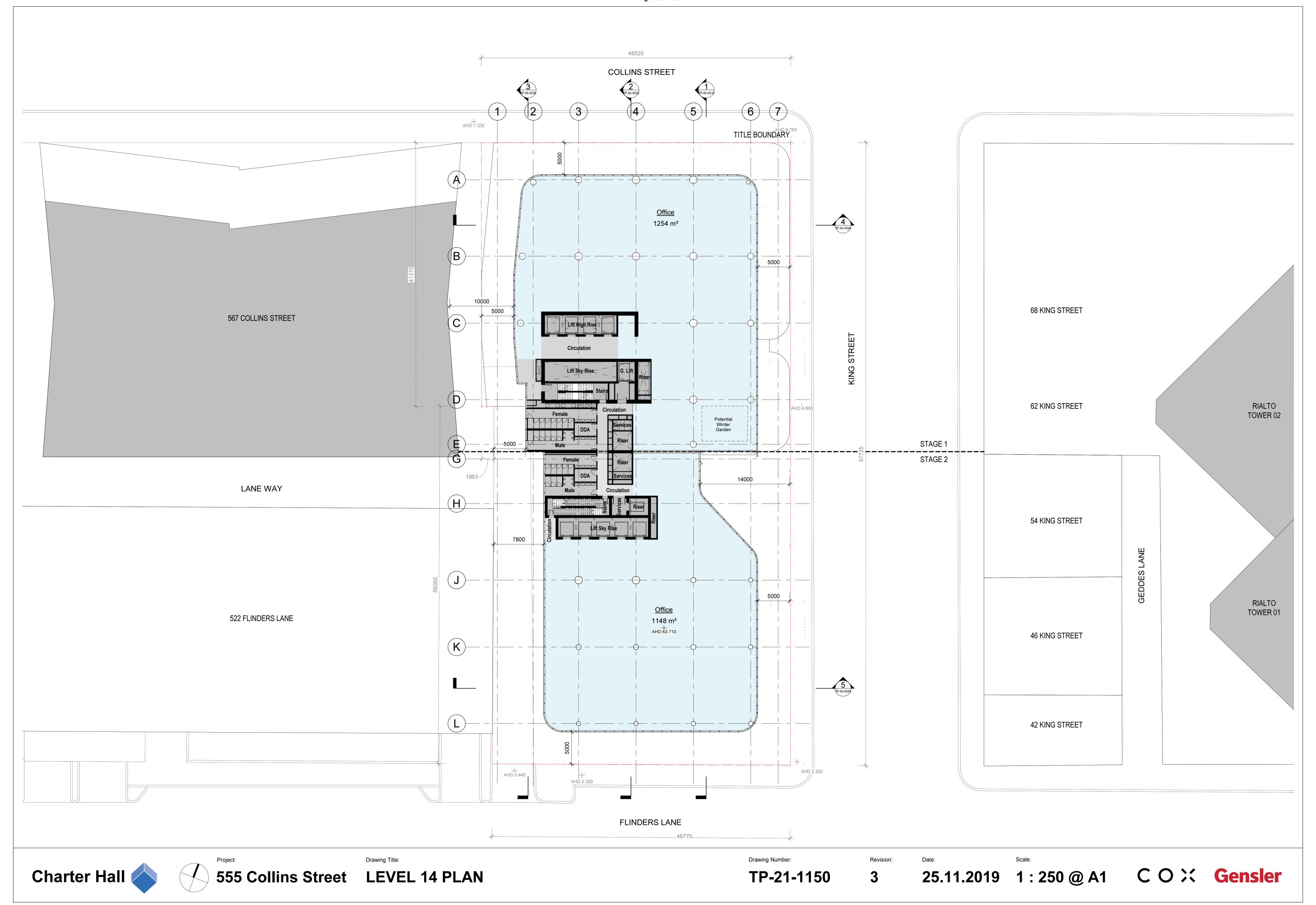


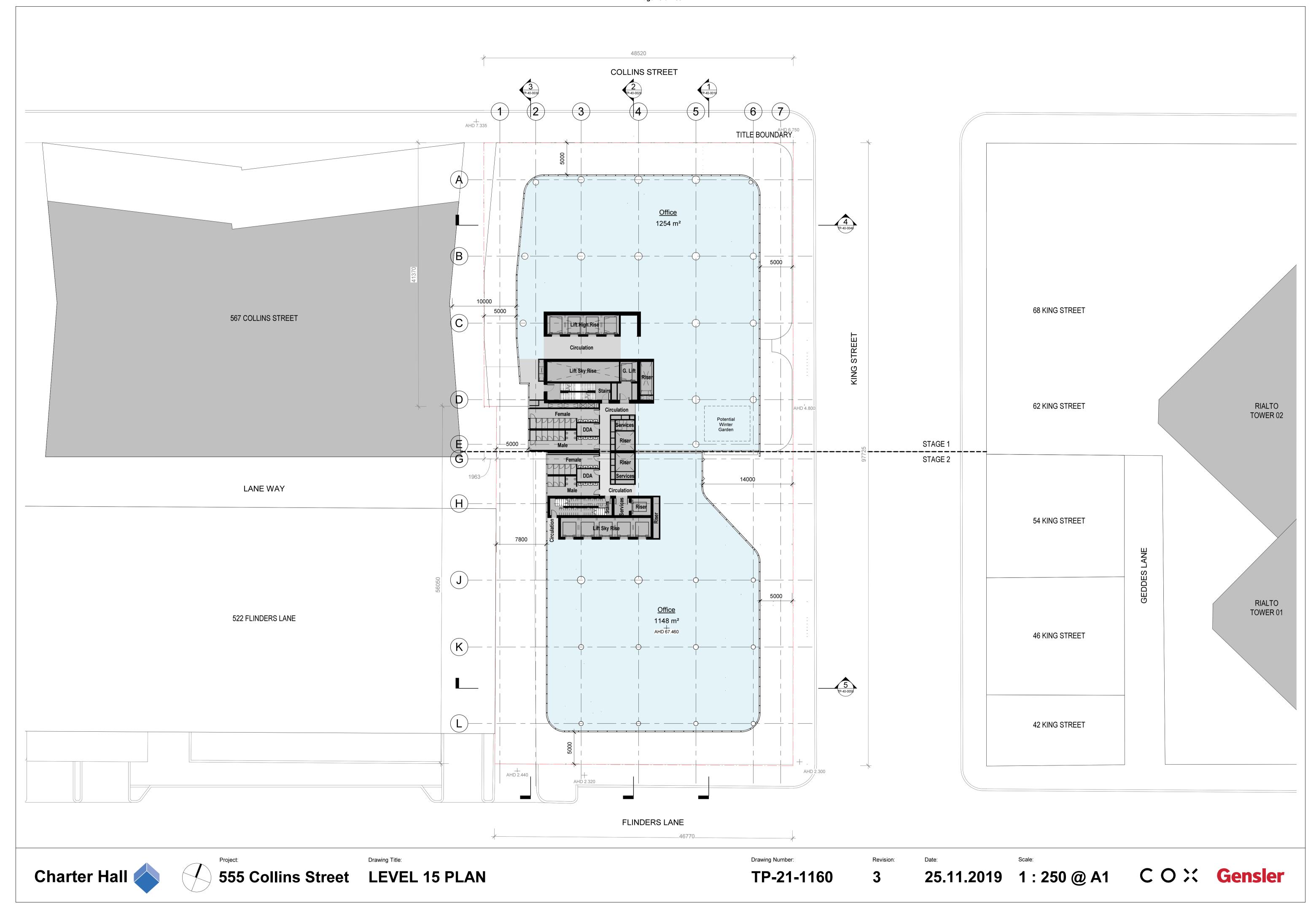


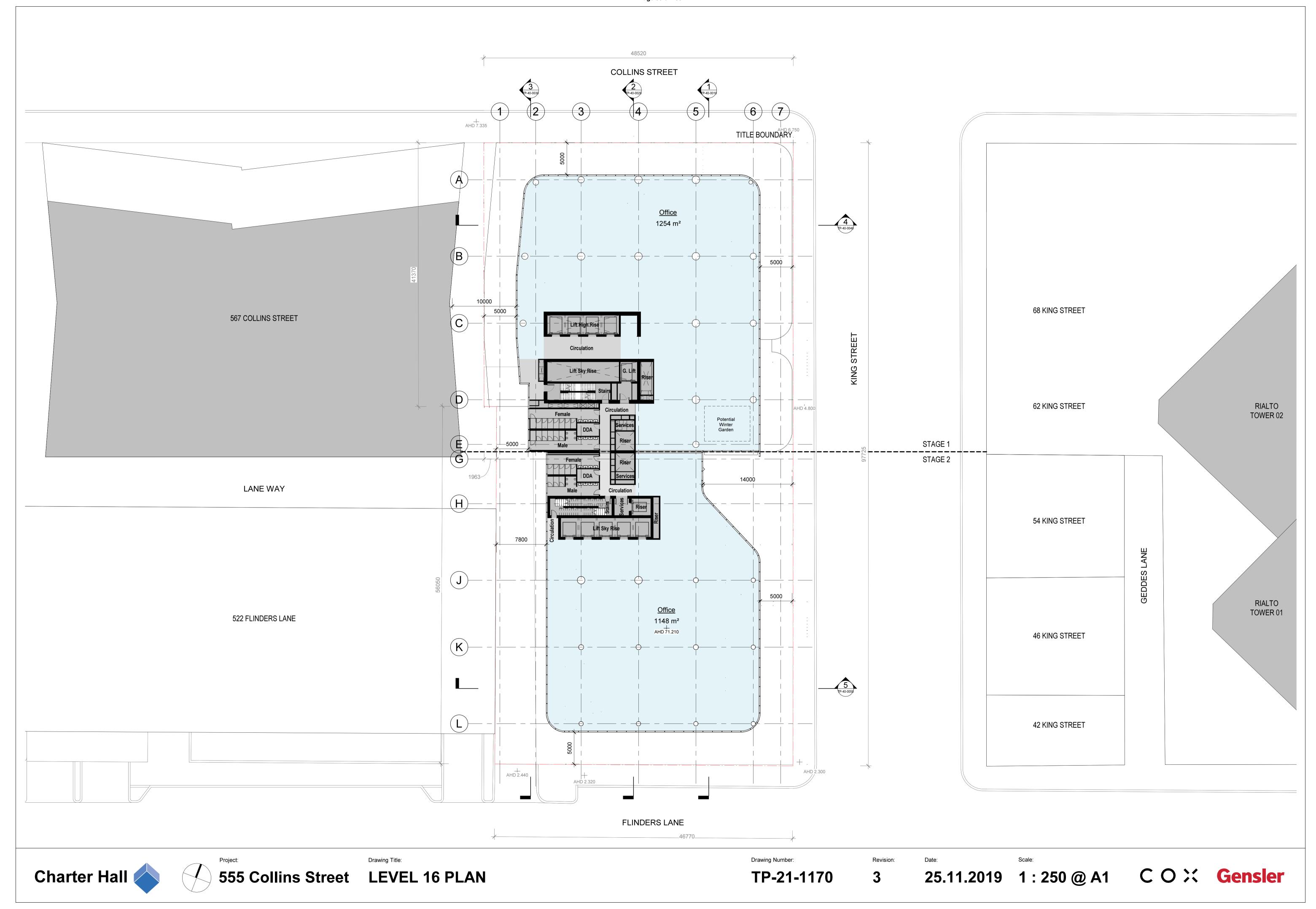


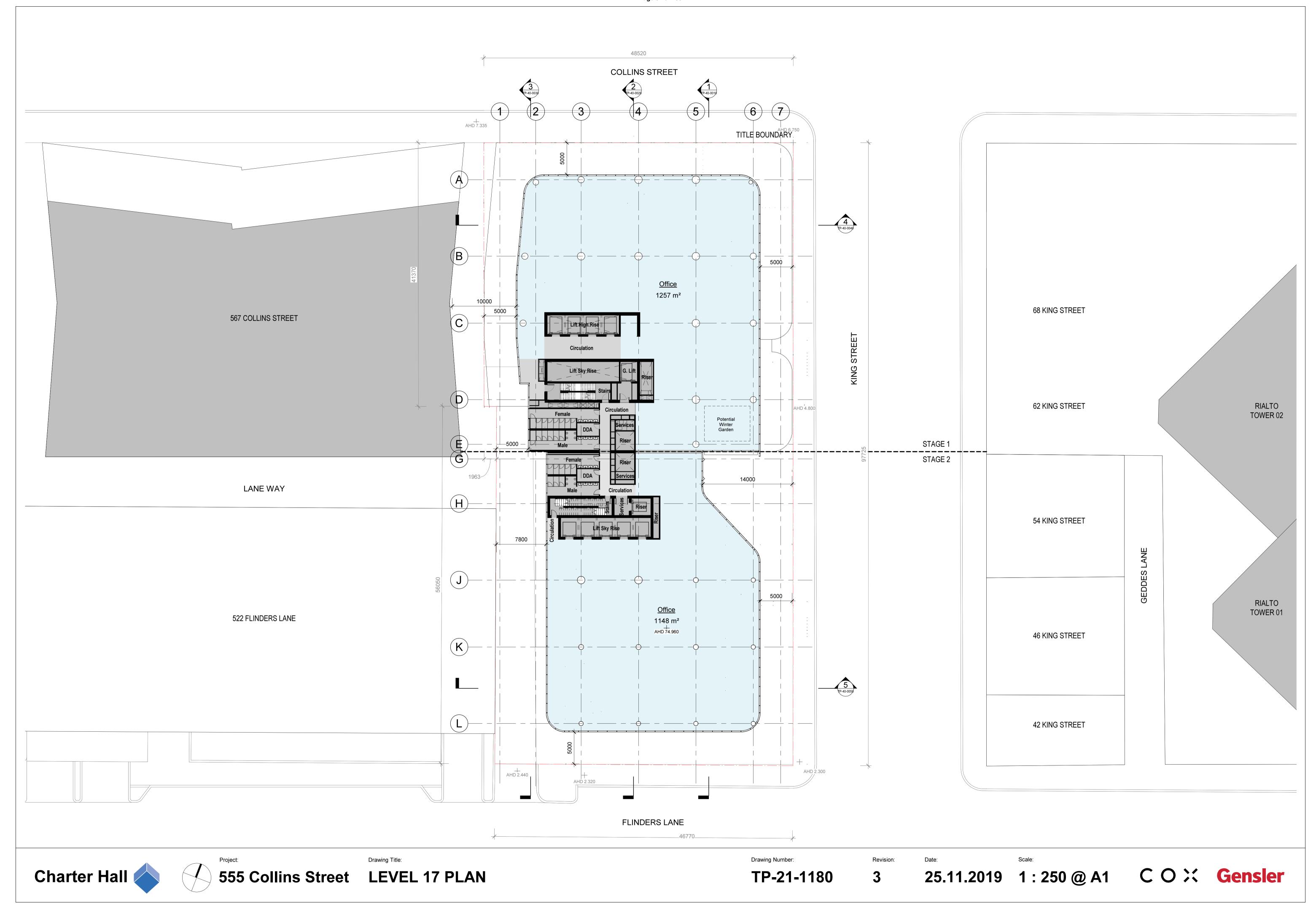


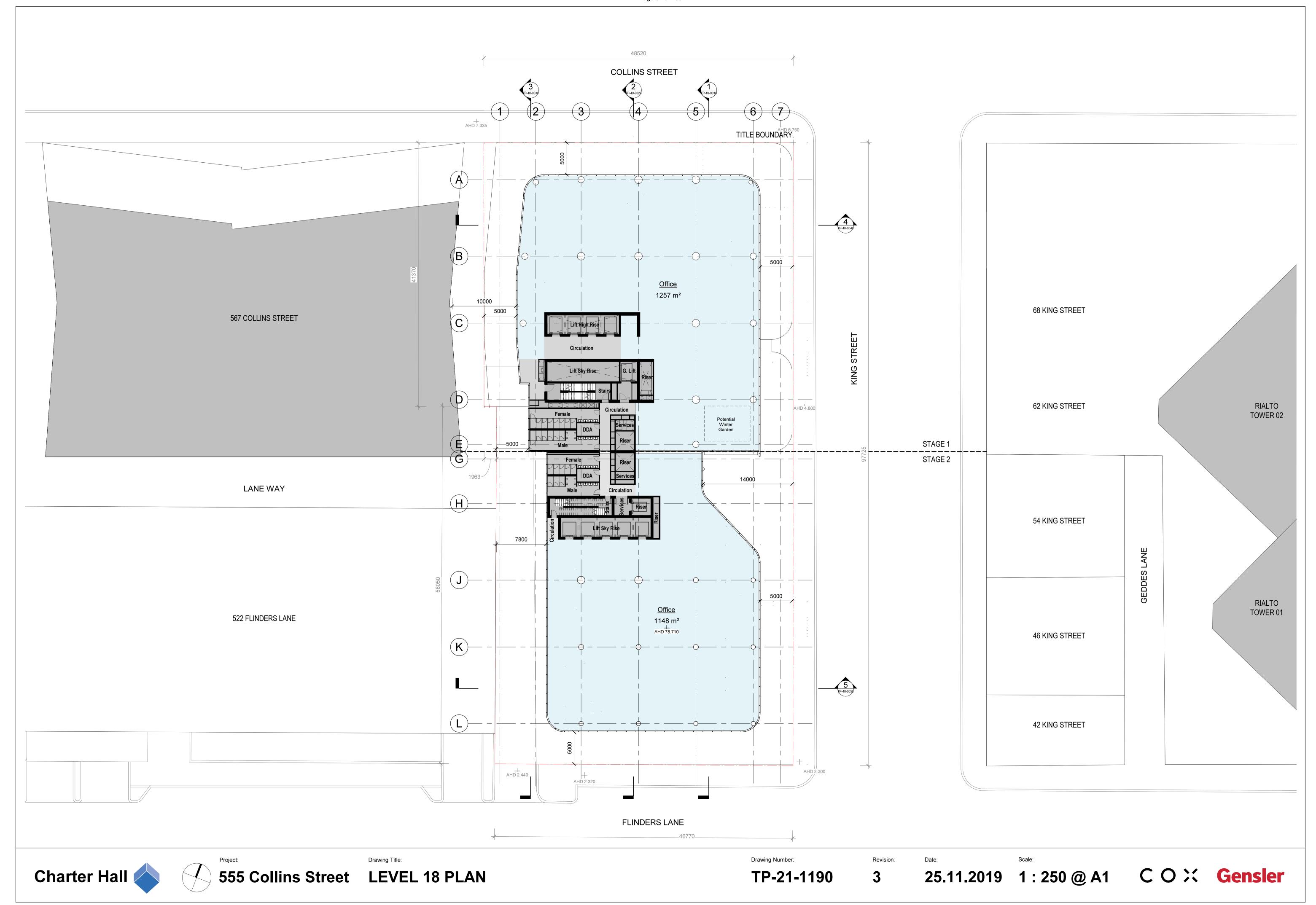


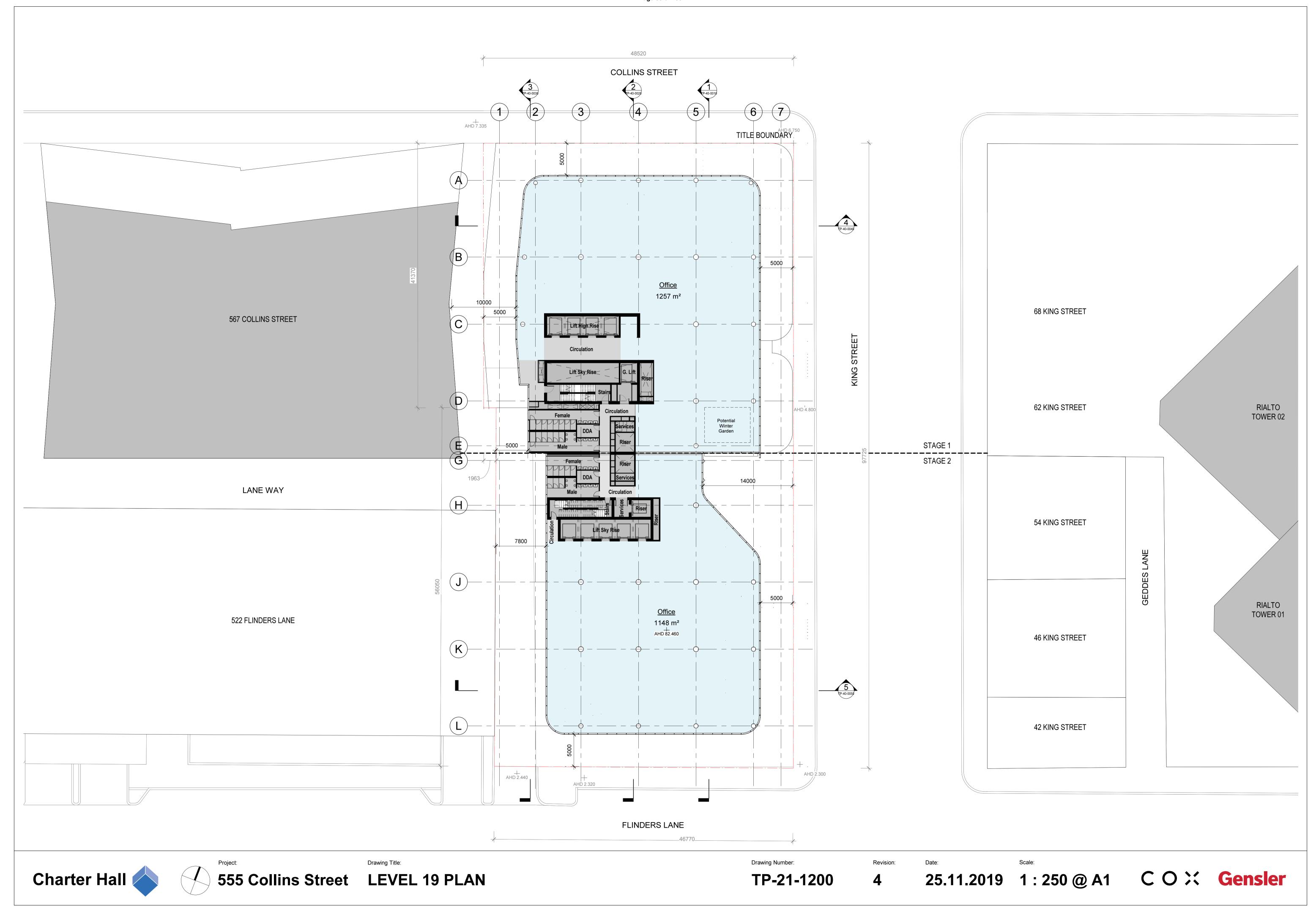


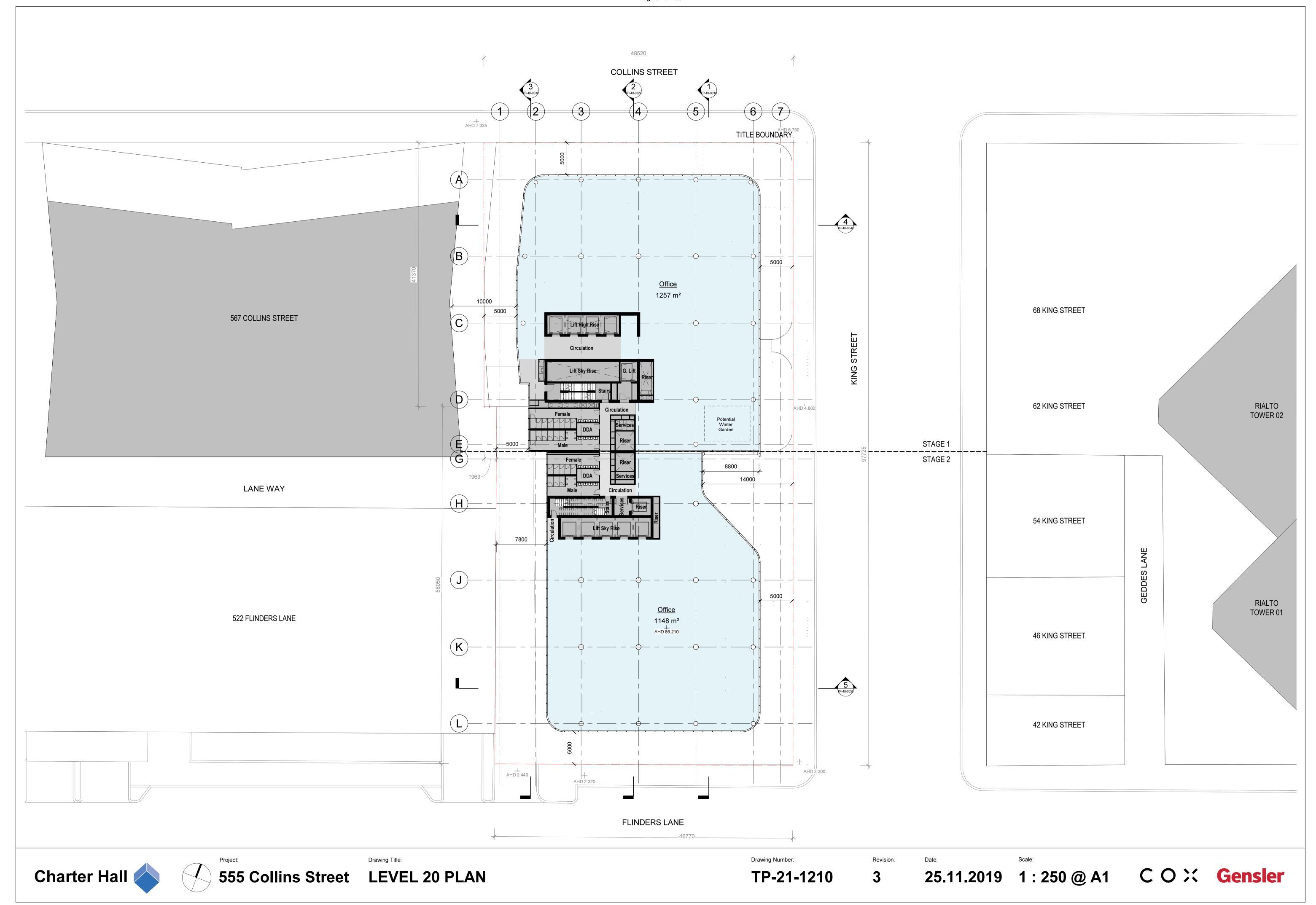


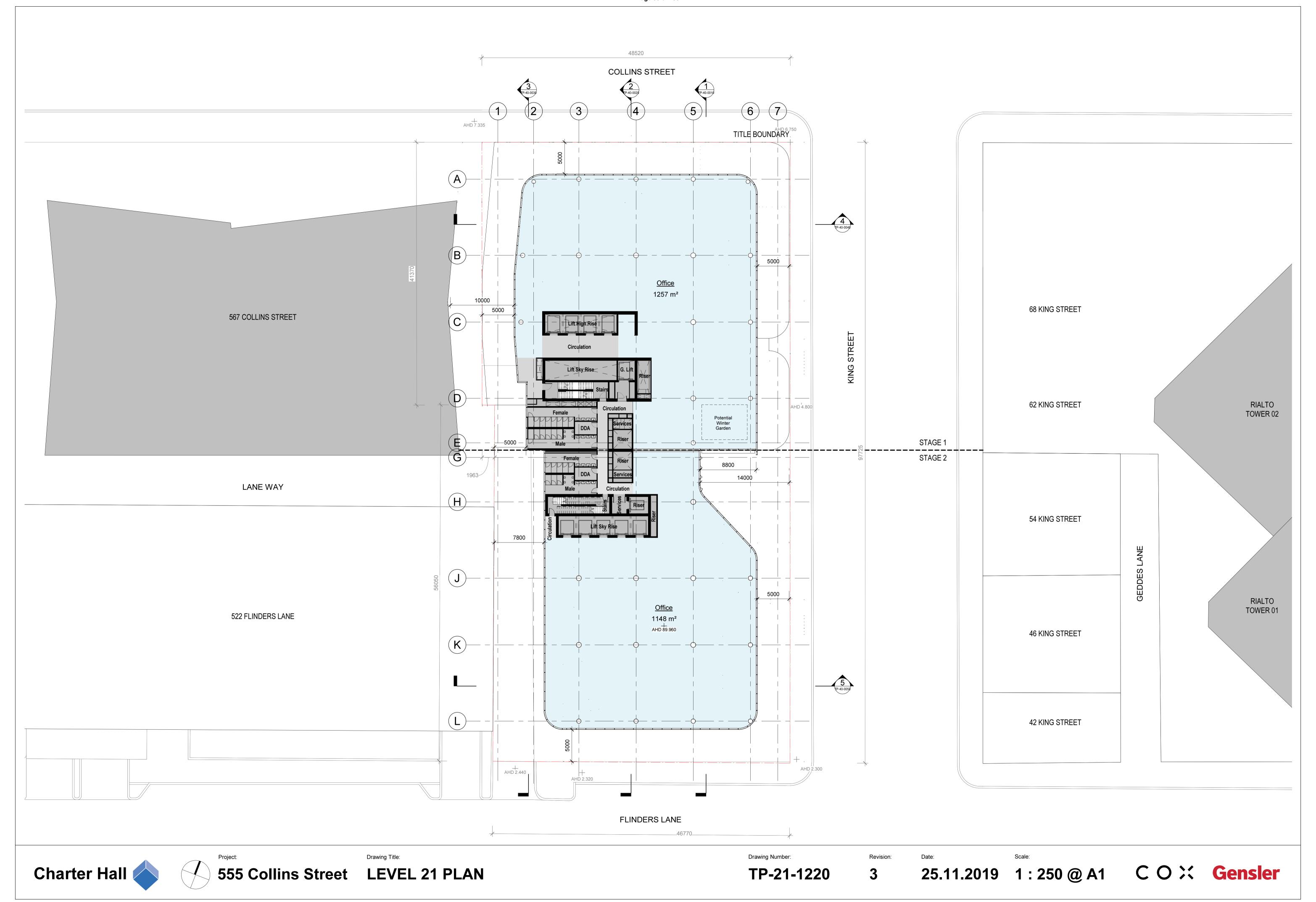


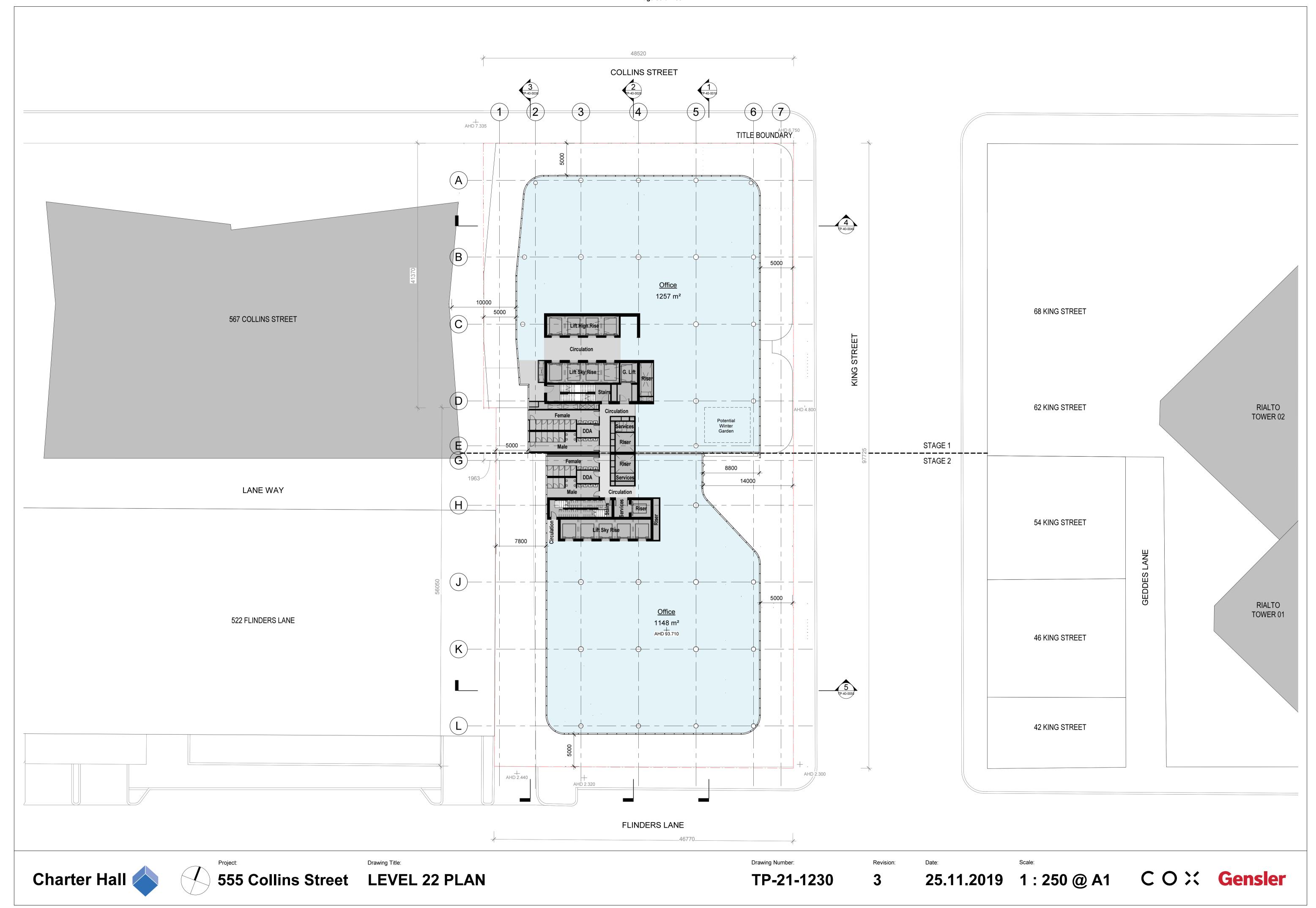


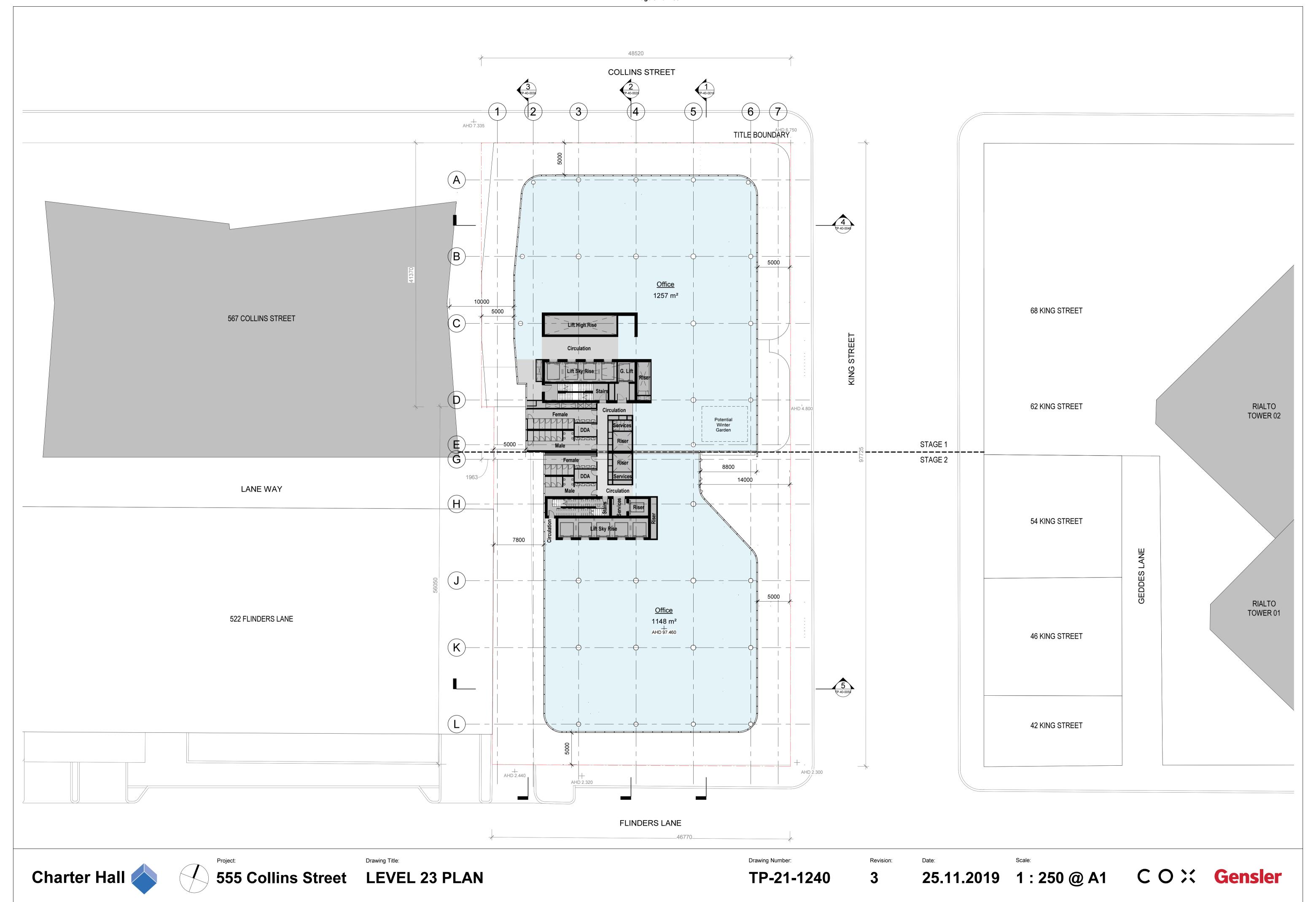


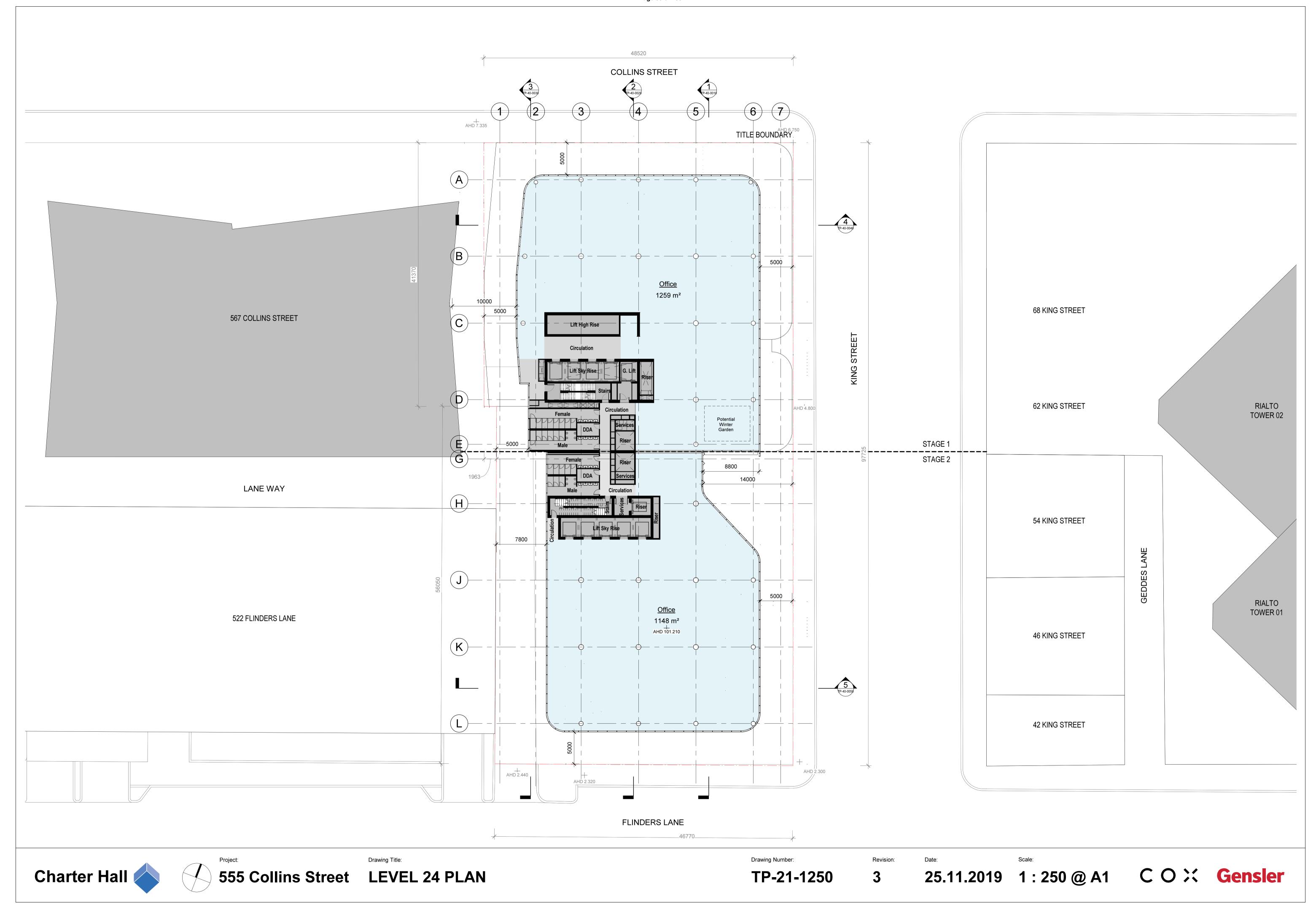


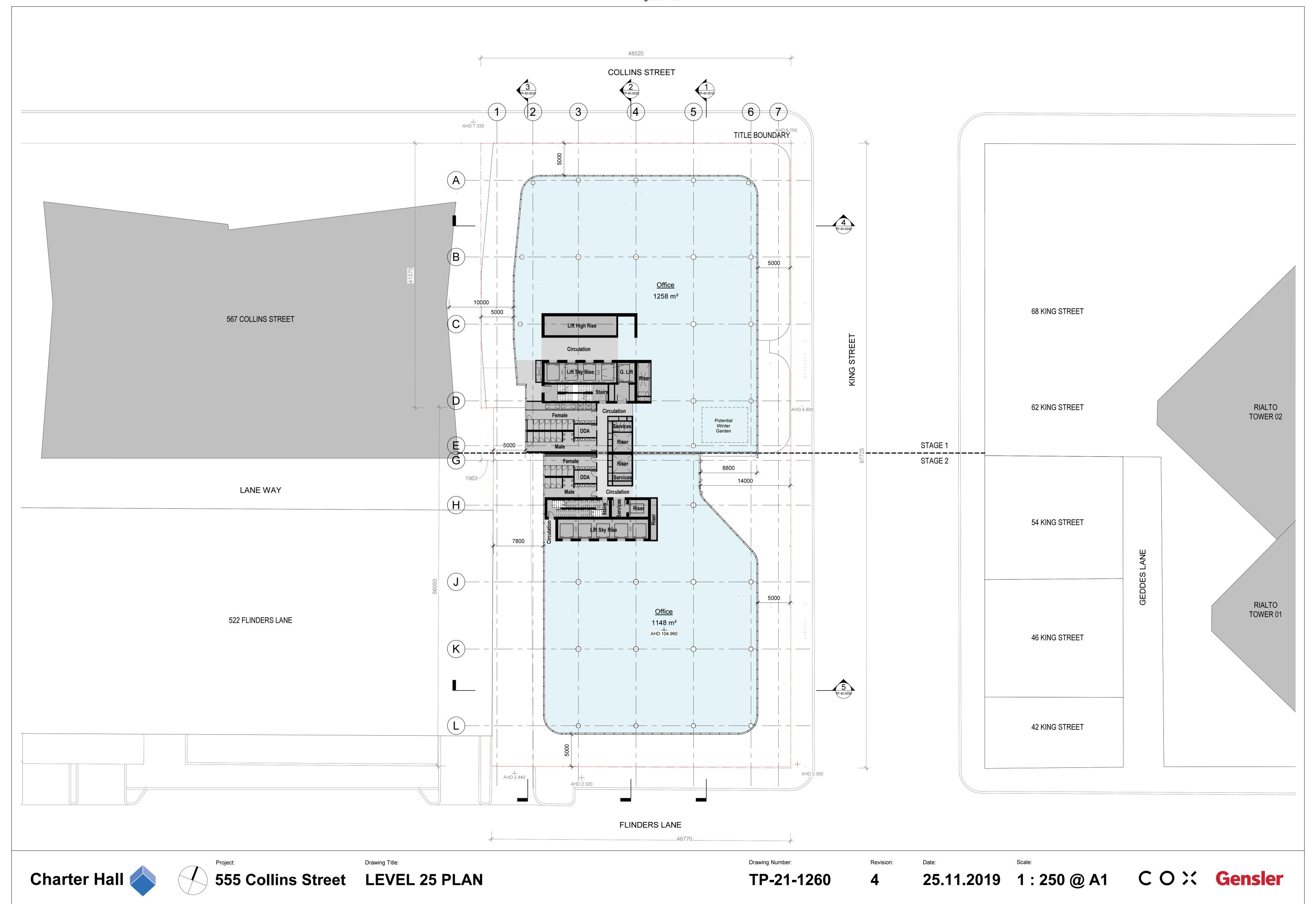


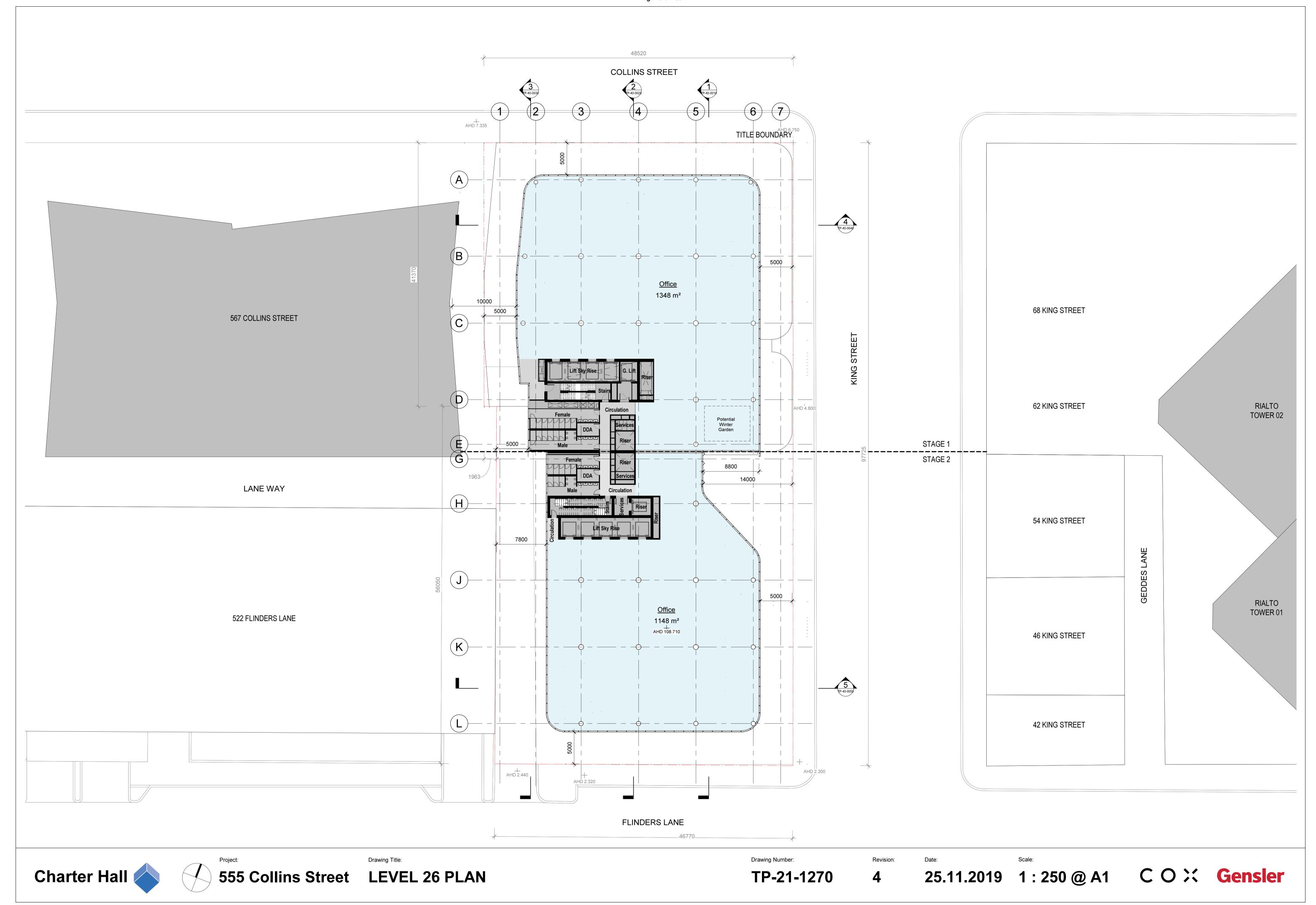


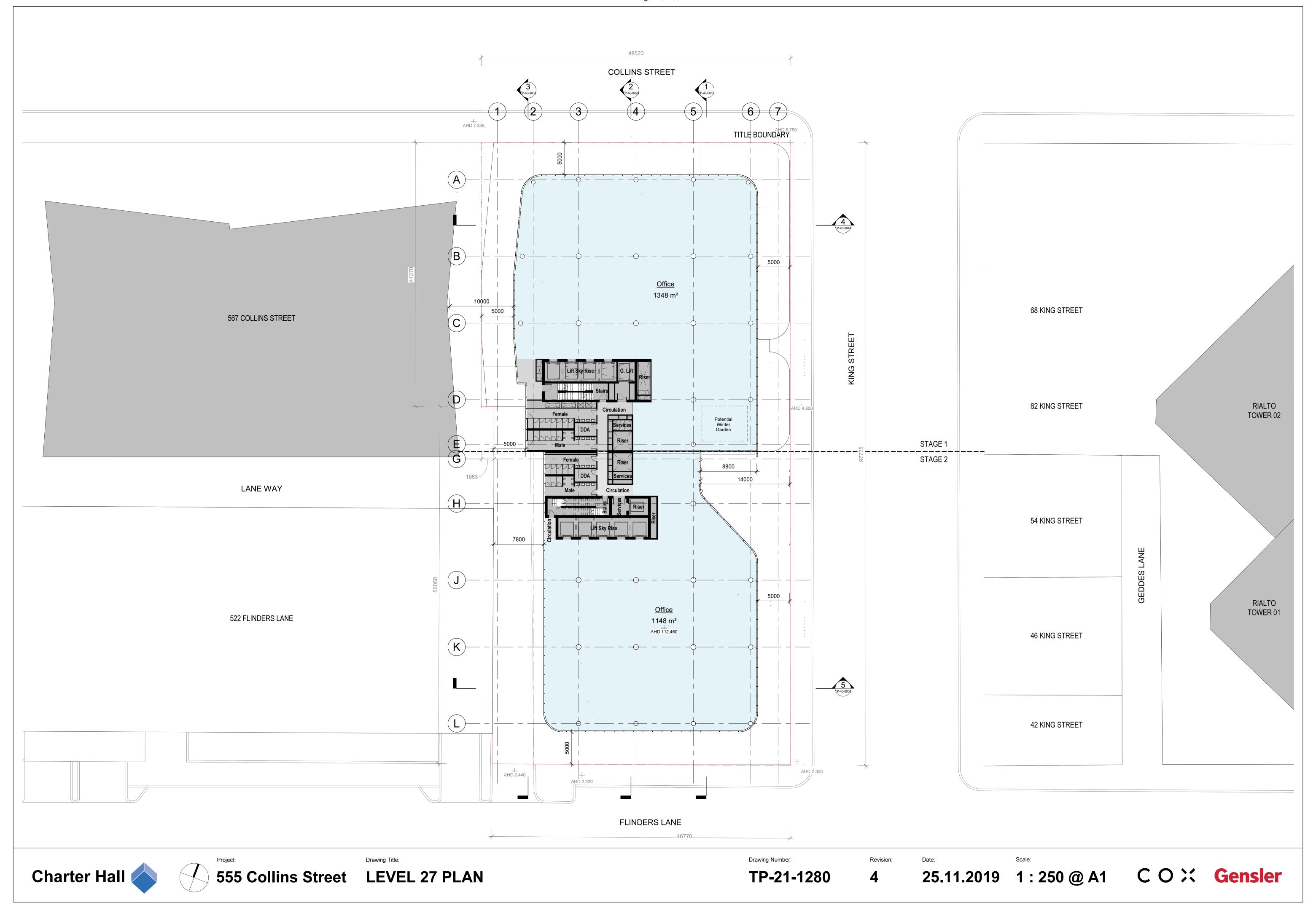


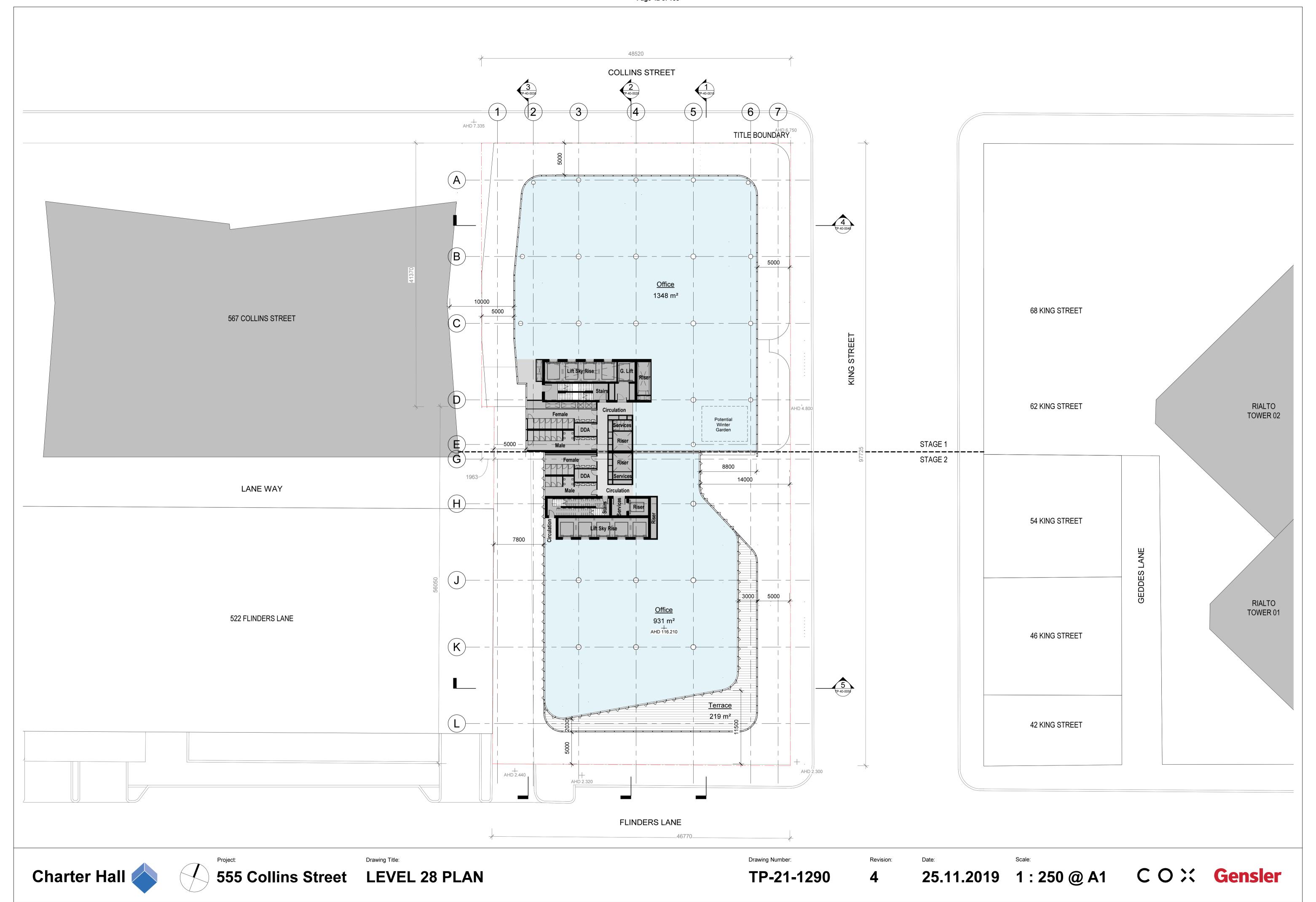


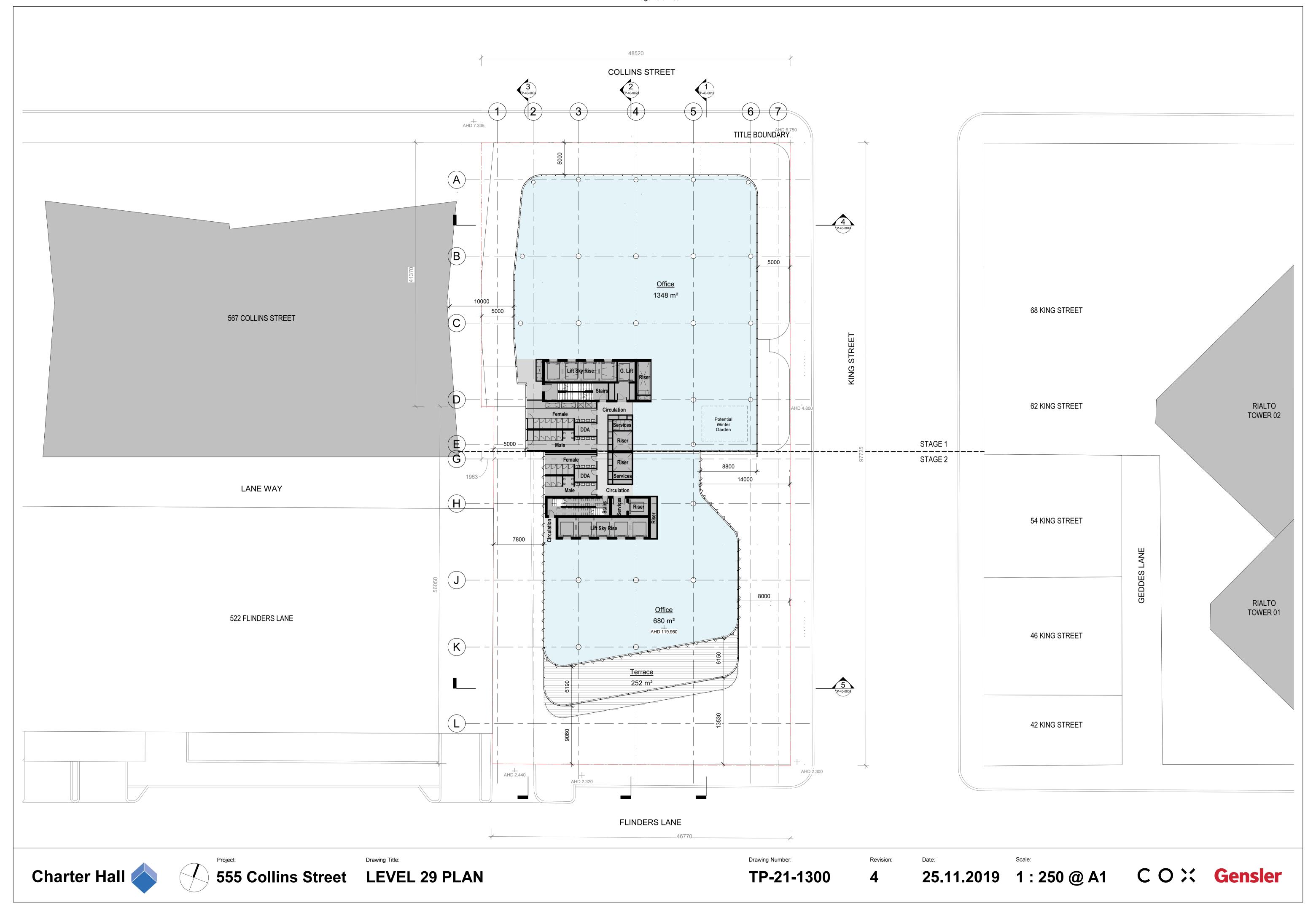


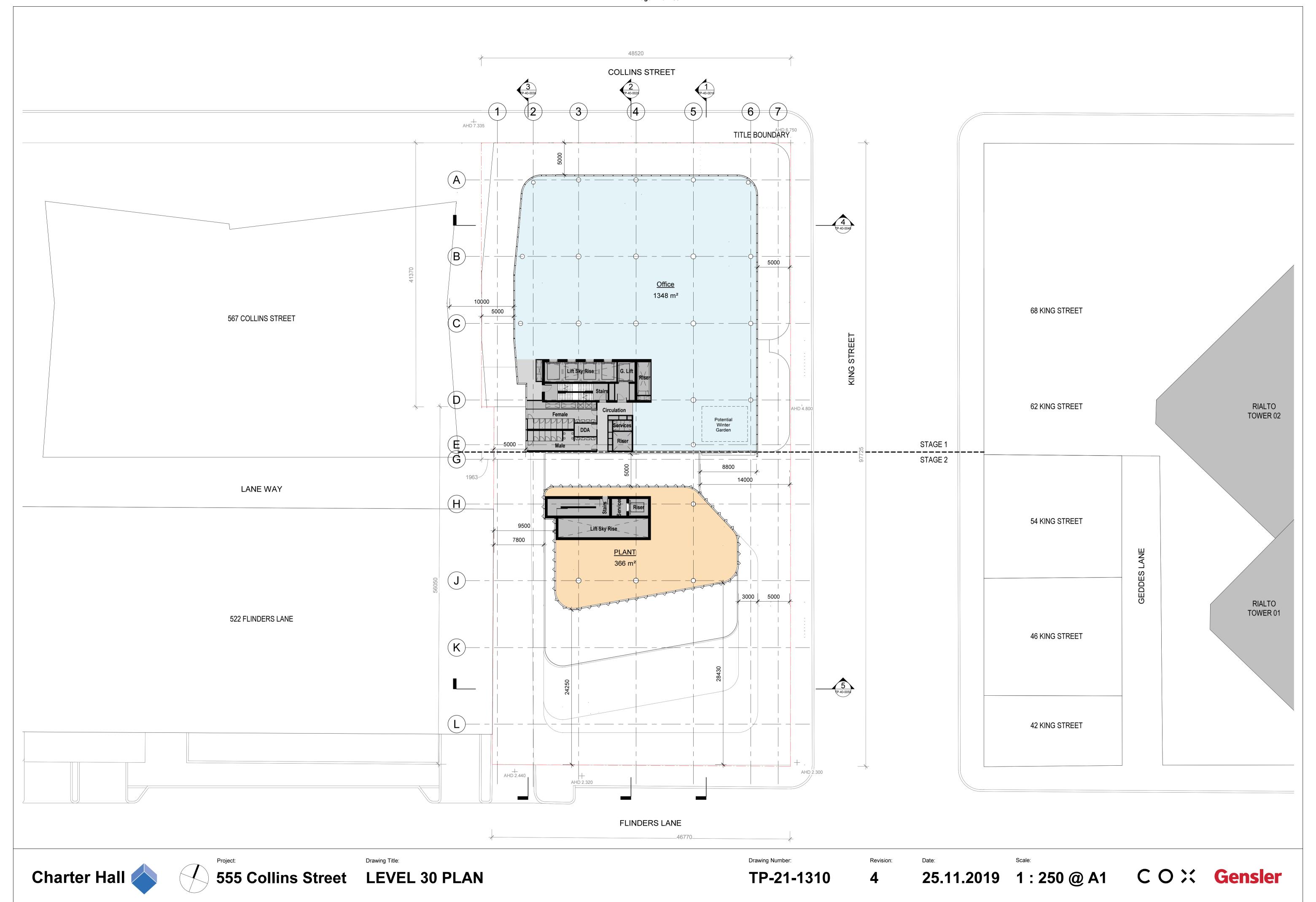


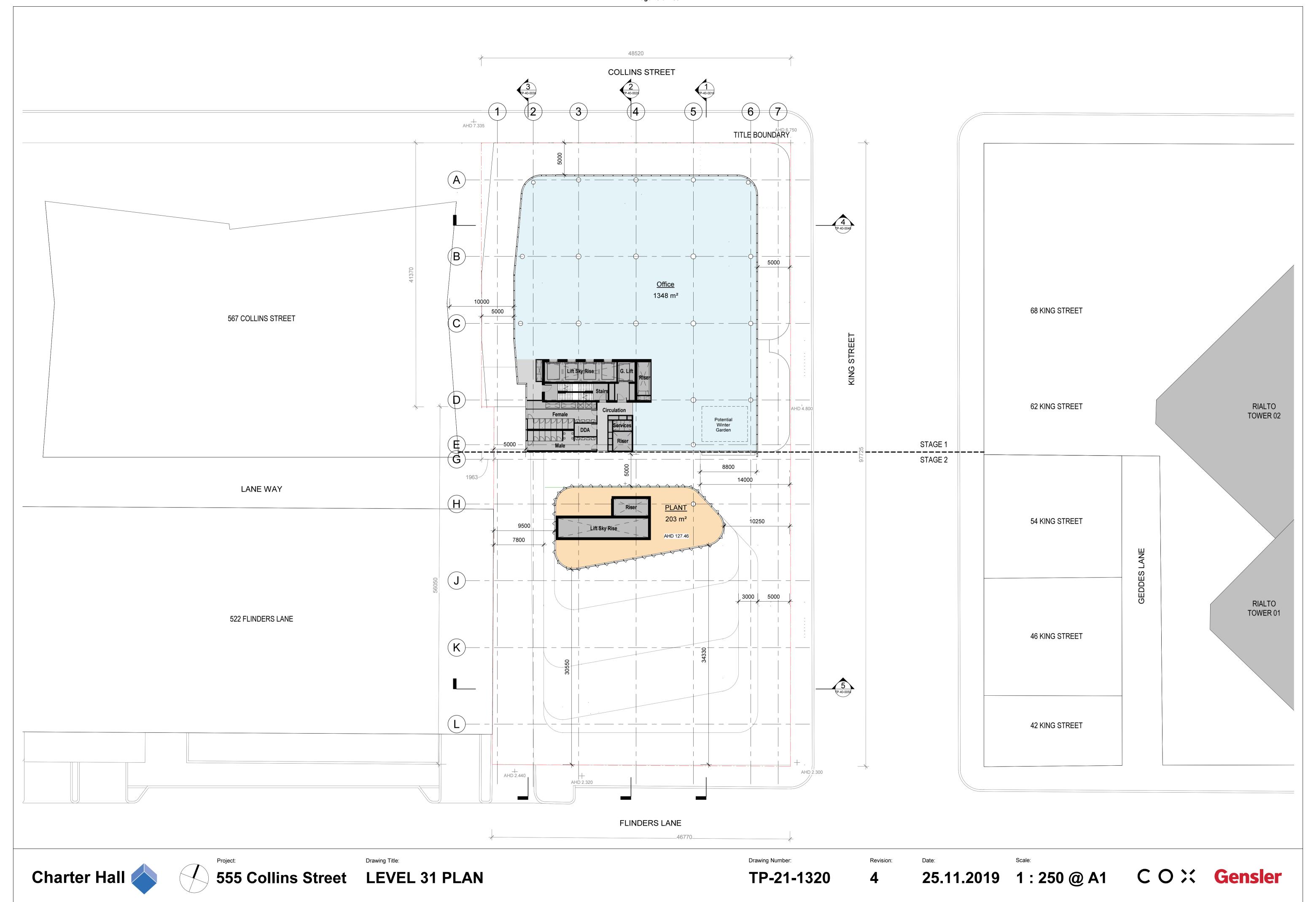


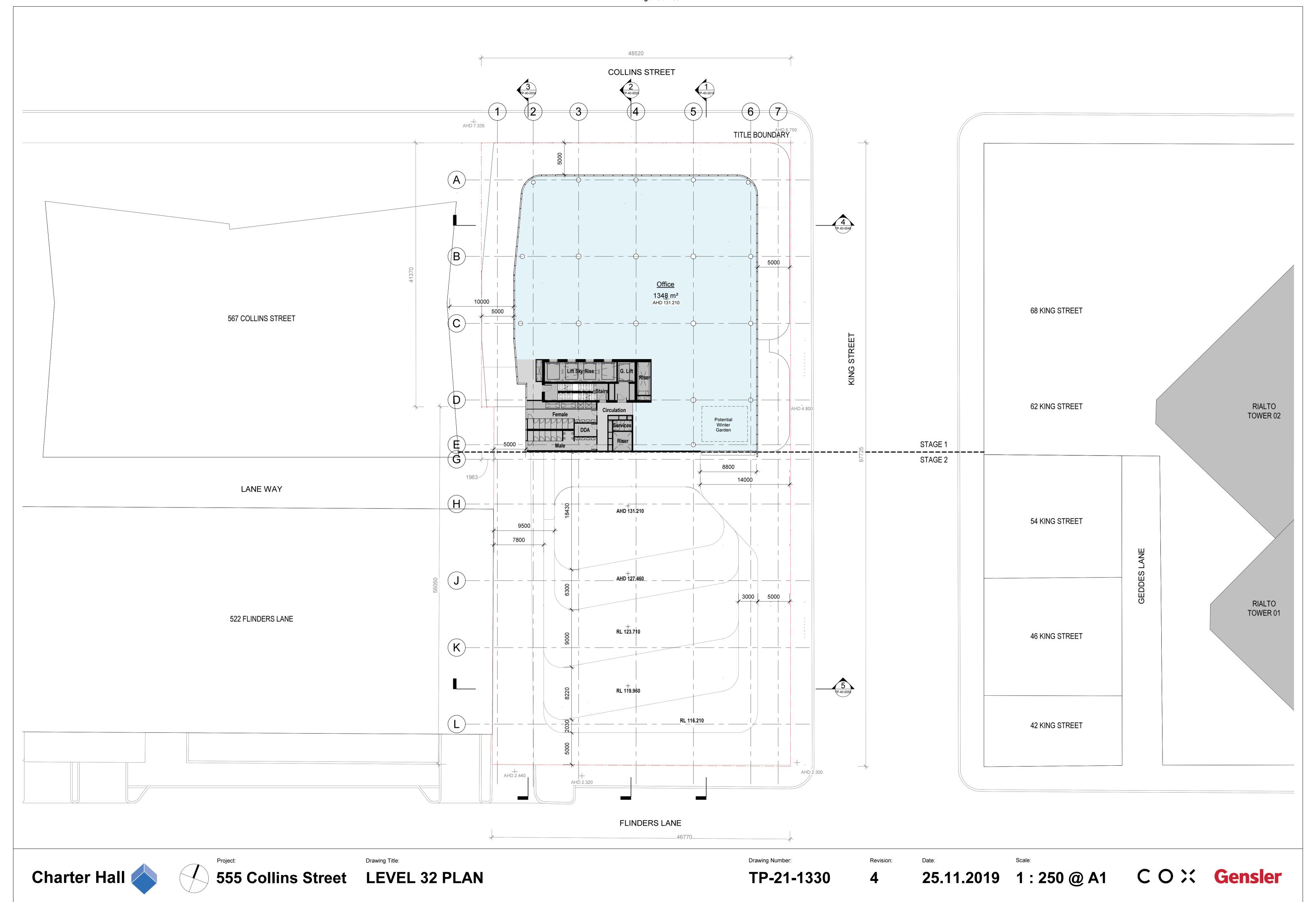


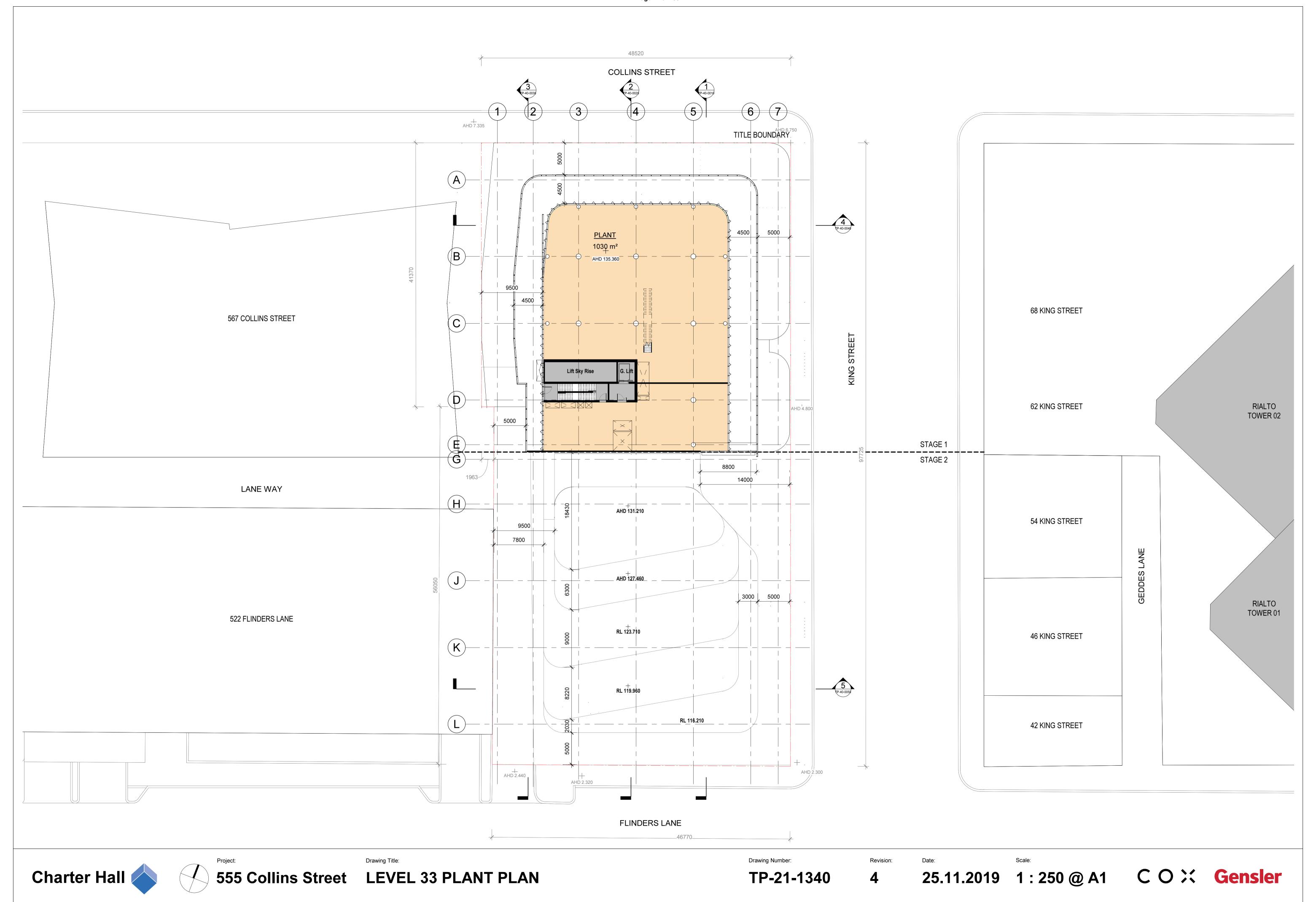


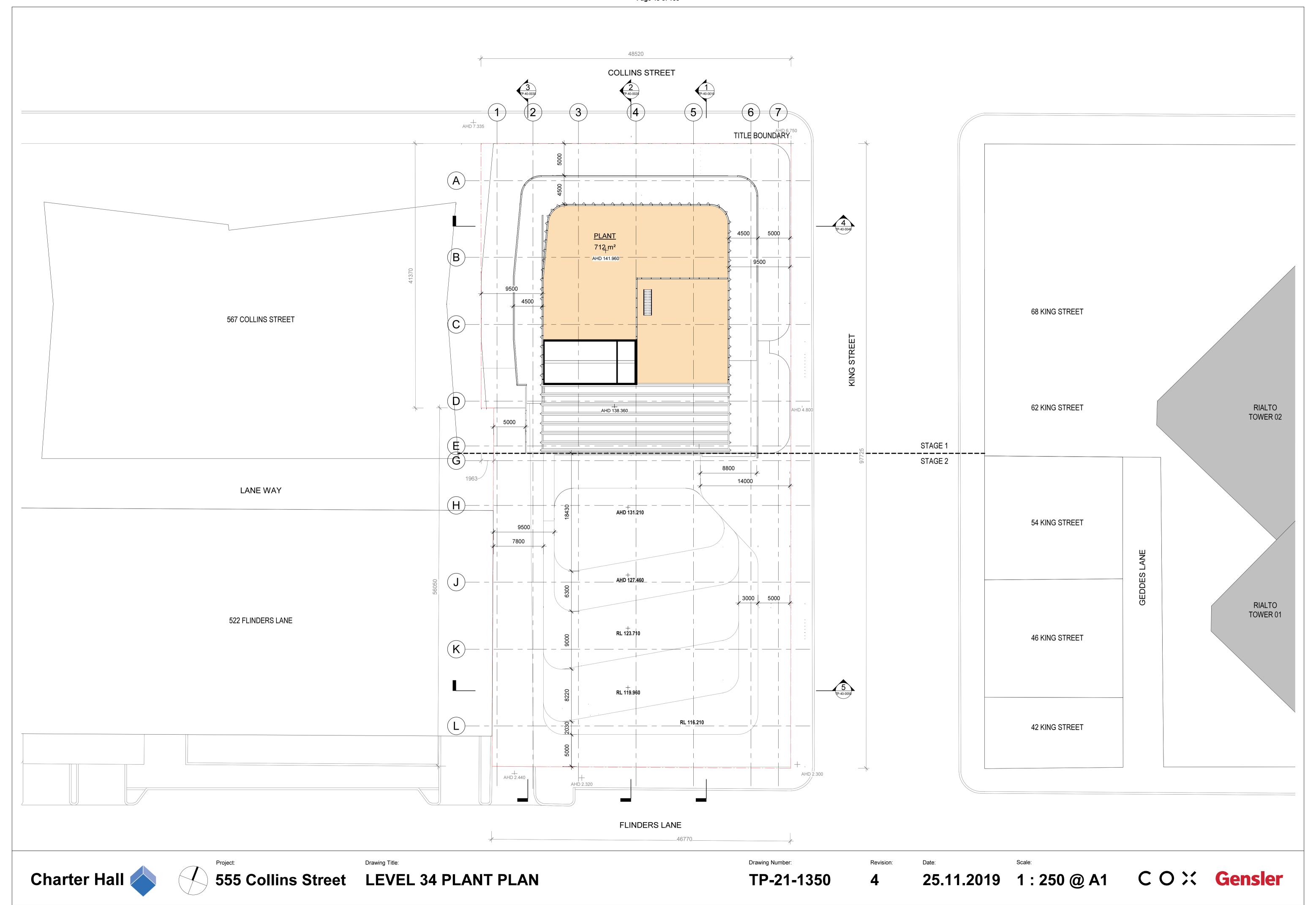


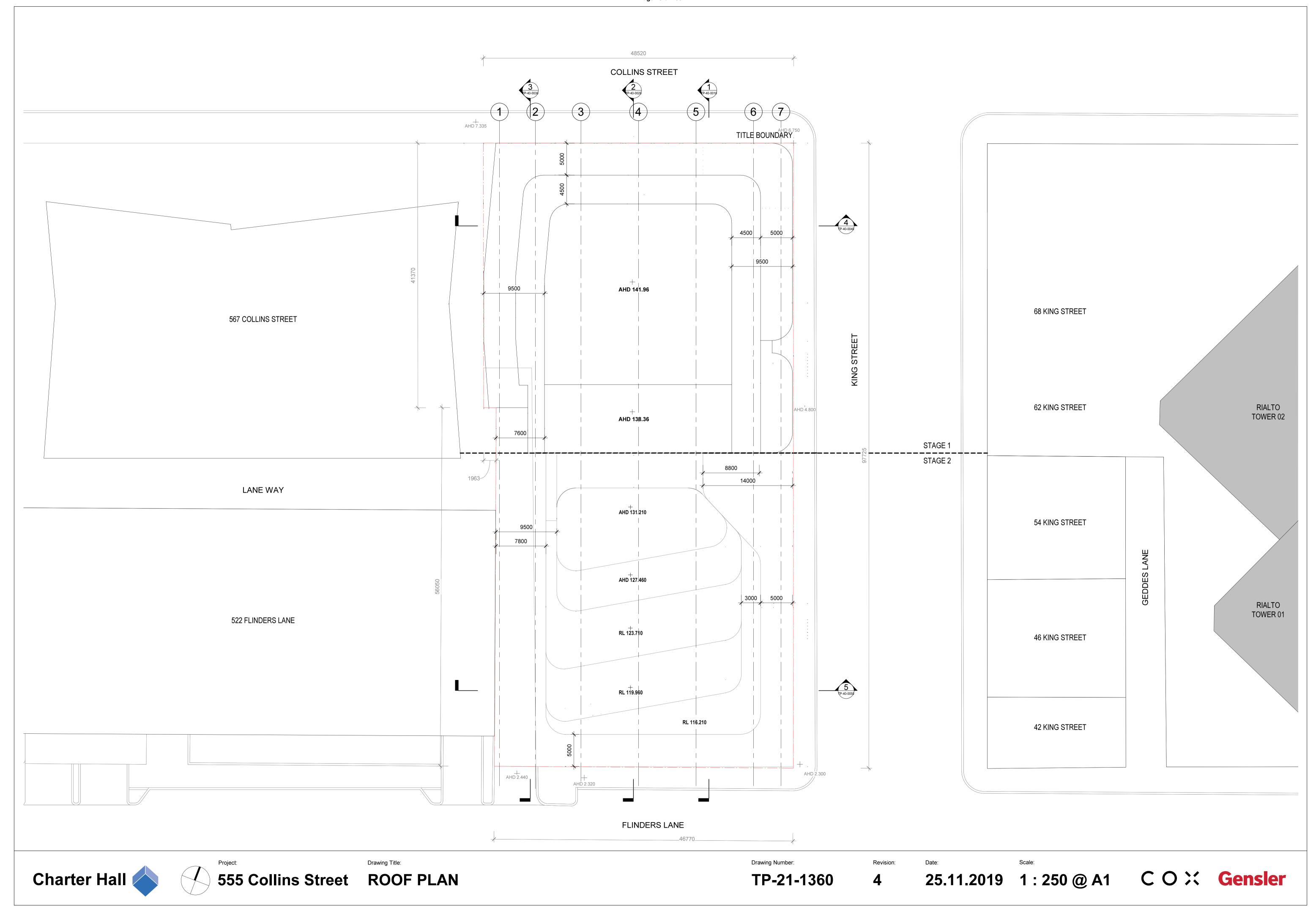


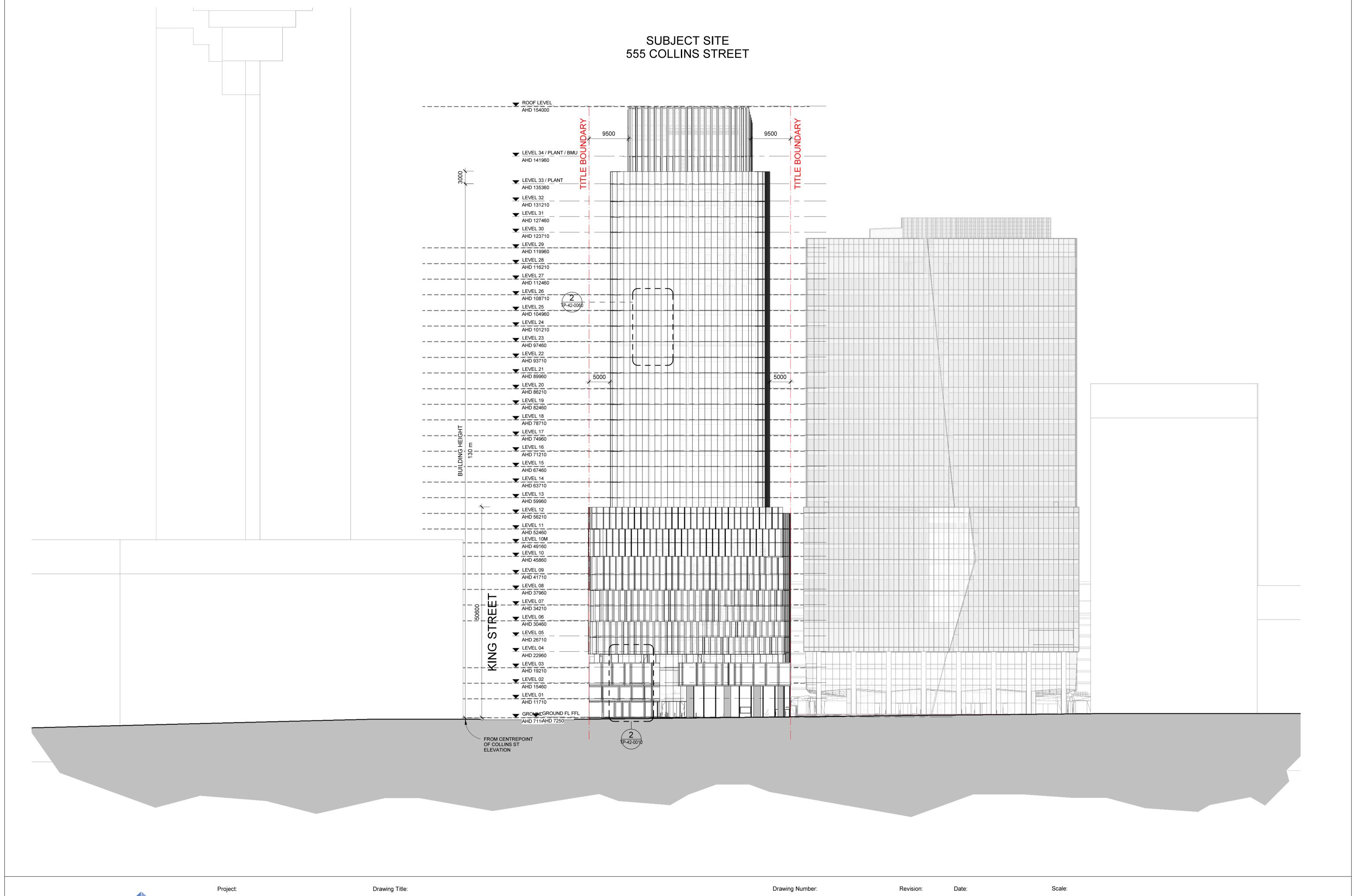




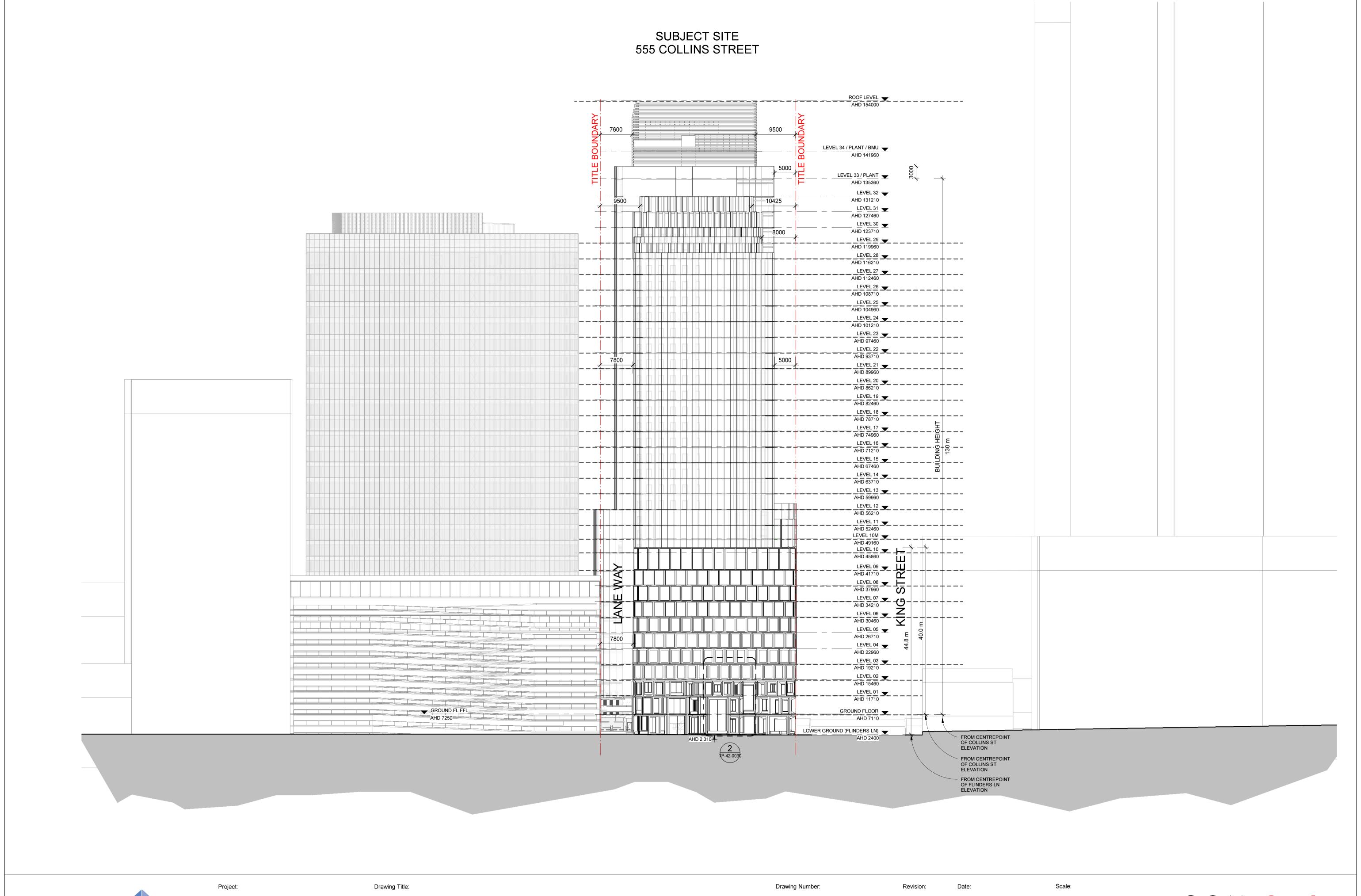


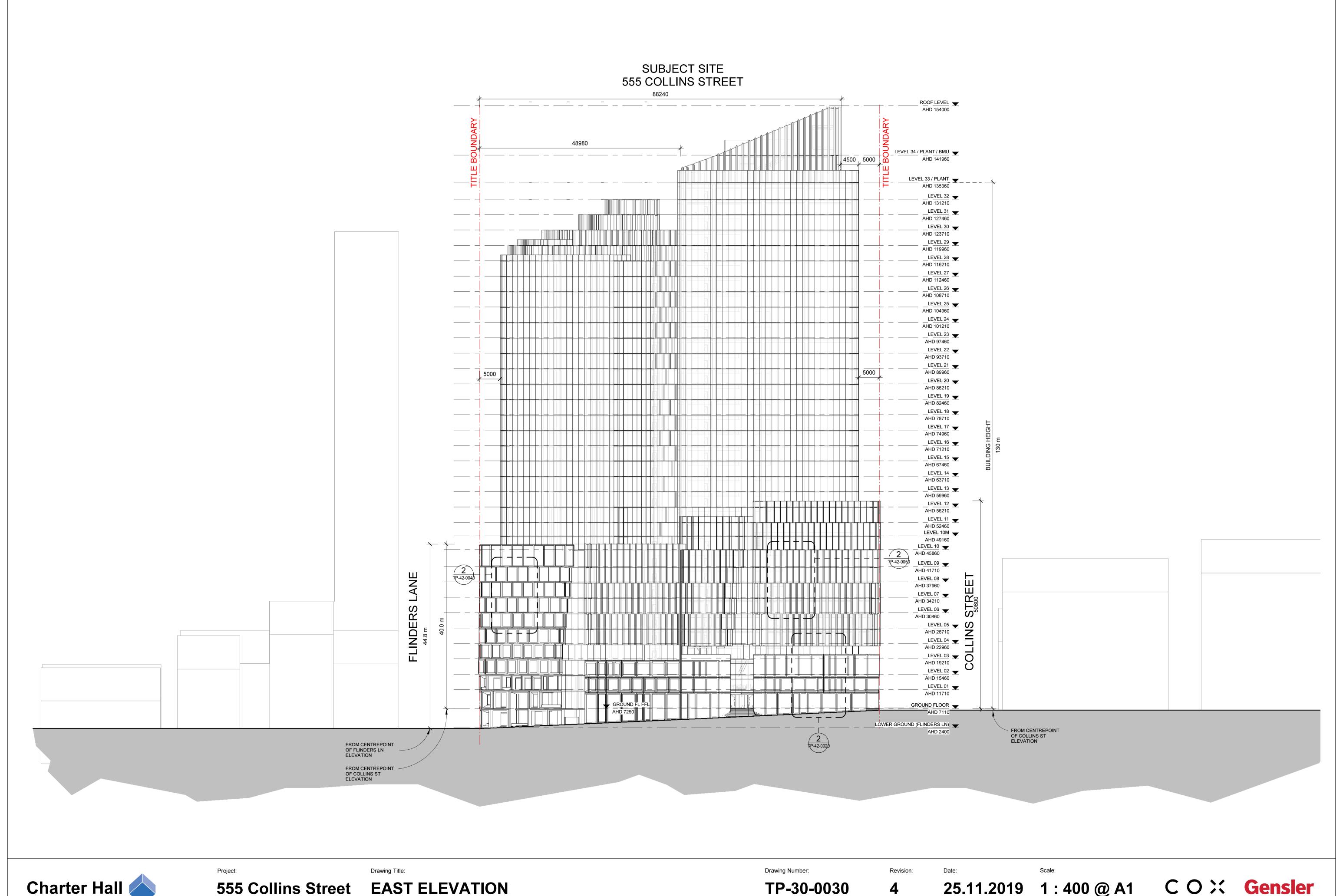


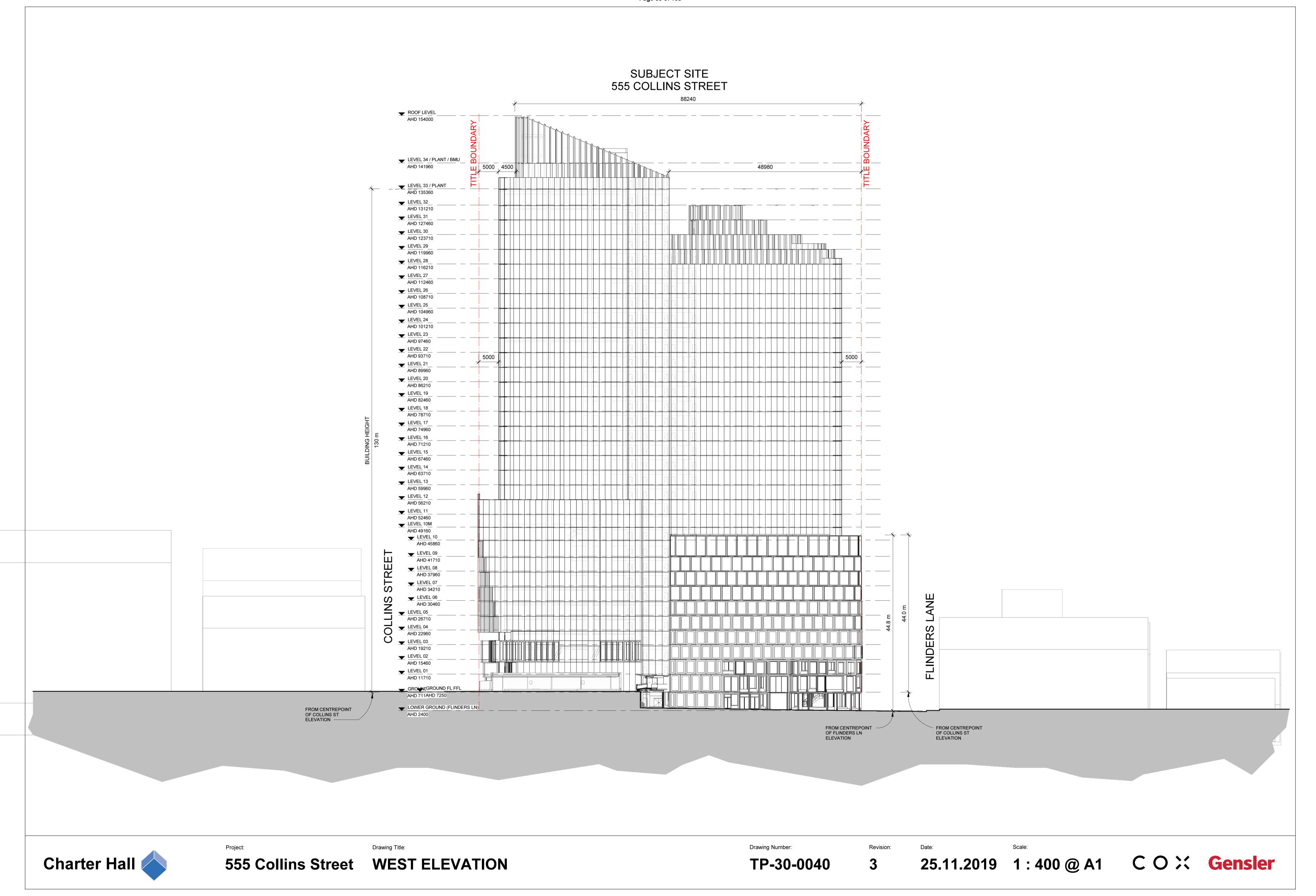




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555 Collins Street

Drawing Title:

COLLINS STREET ELEVATION

Drawing Number:

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COX Gensler

Scale:





555 Collins Street

Drawing Title:

FLINDERS LANE ELEVATION

Drawing Number:

26.7.2019

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COX Gensler







TP-30-0070





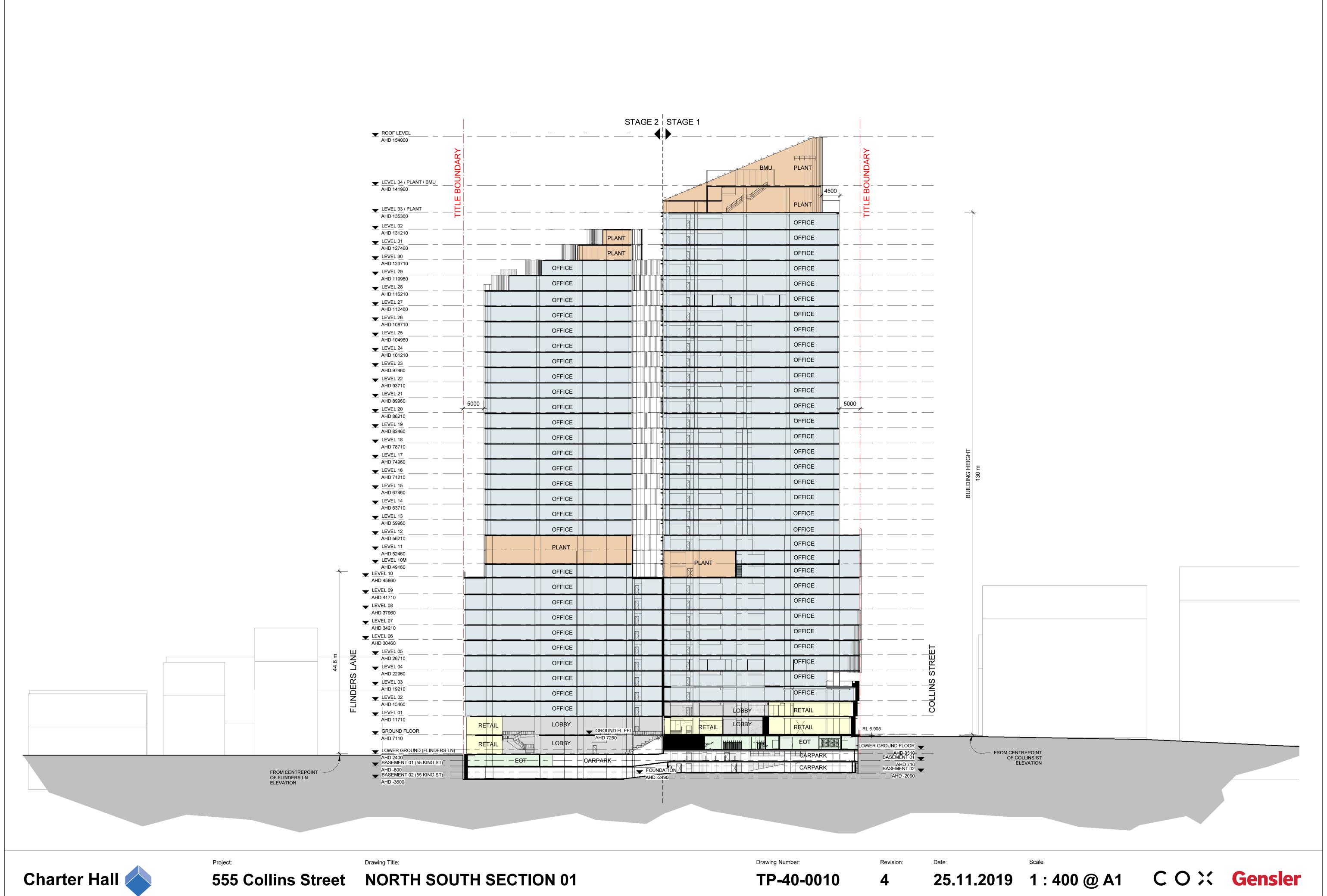


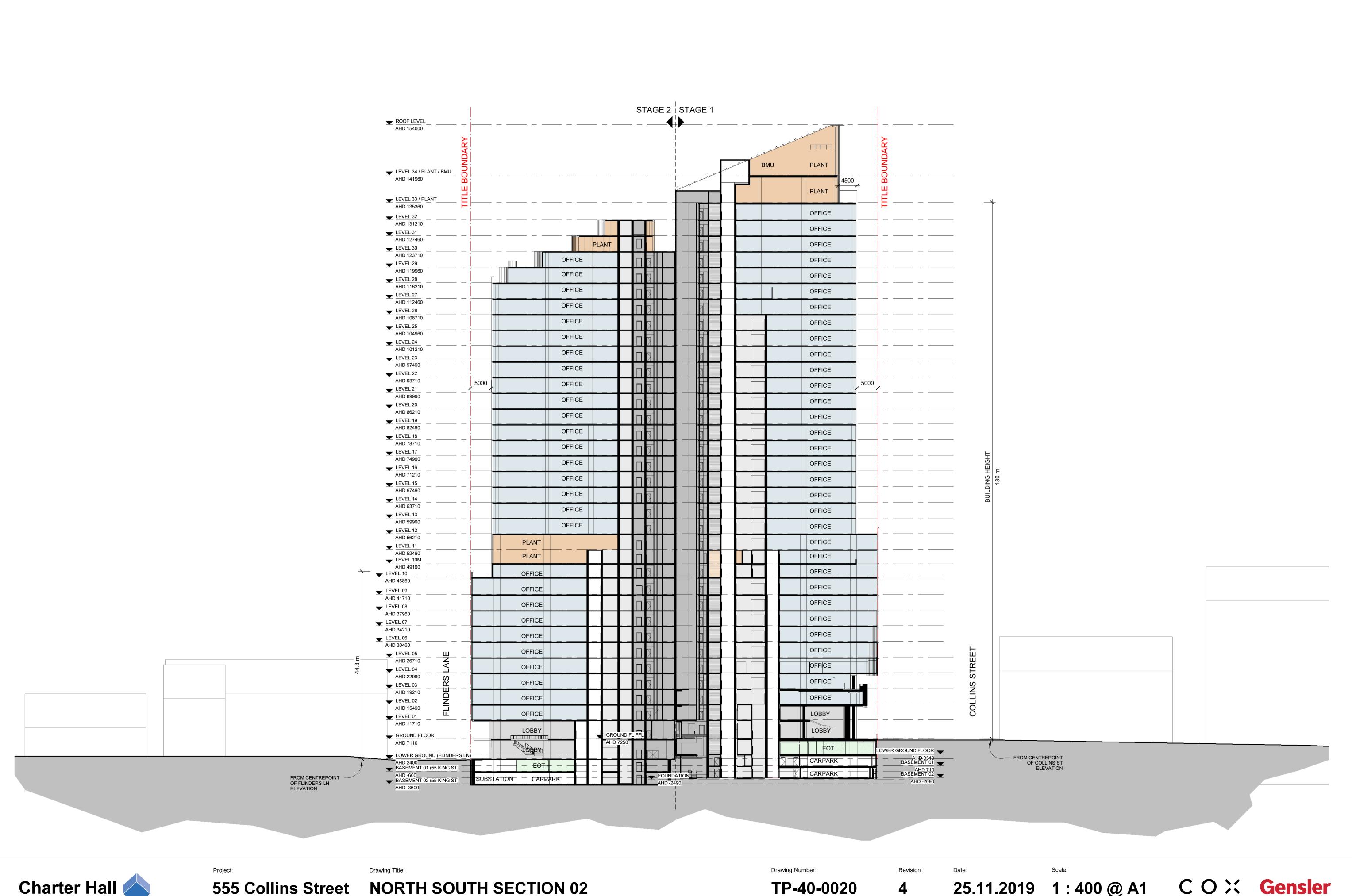
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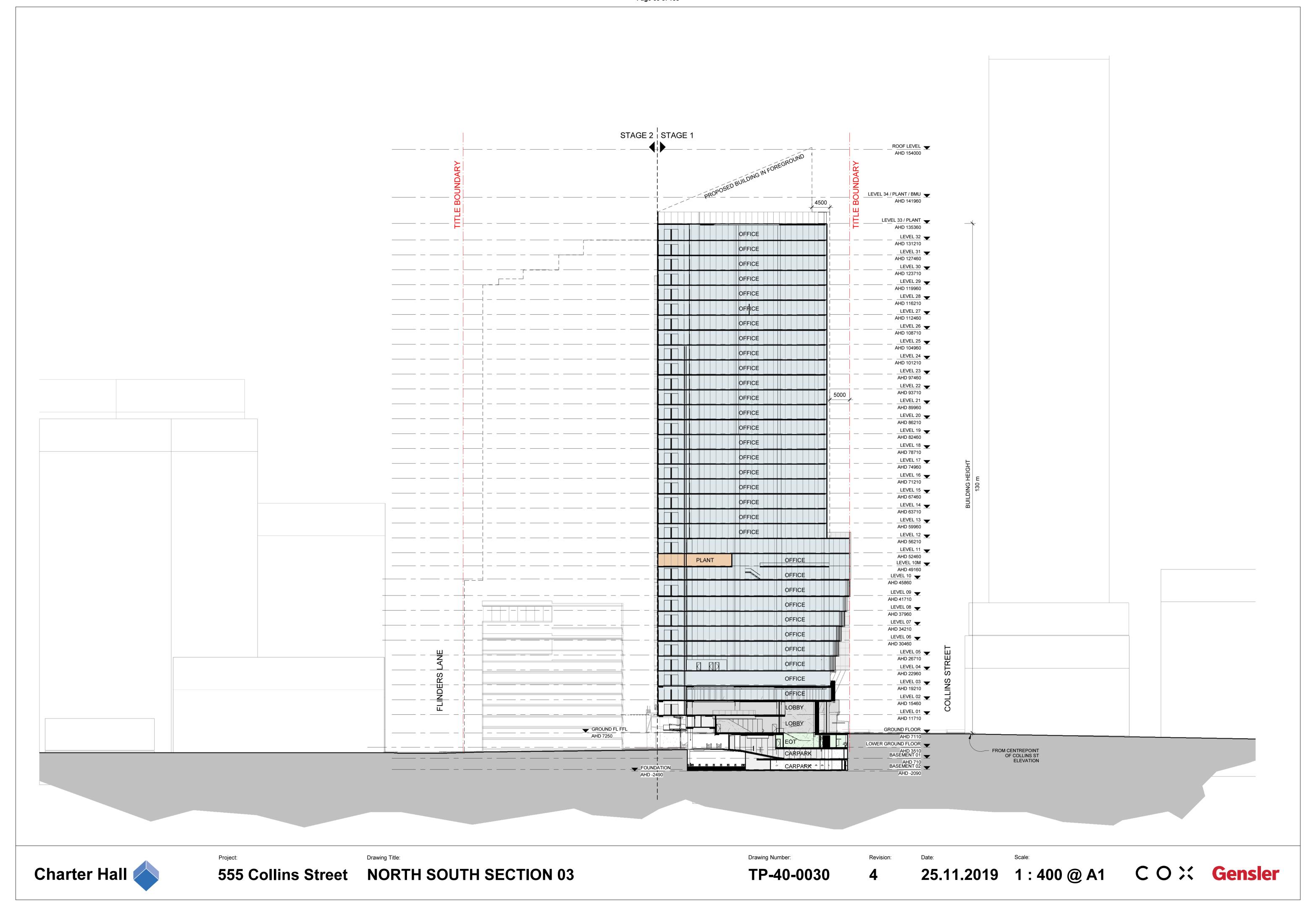
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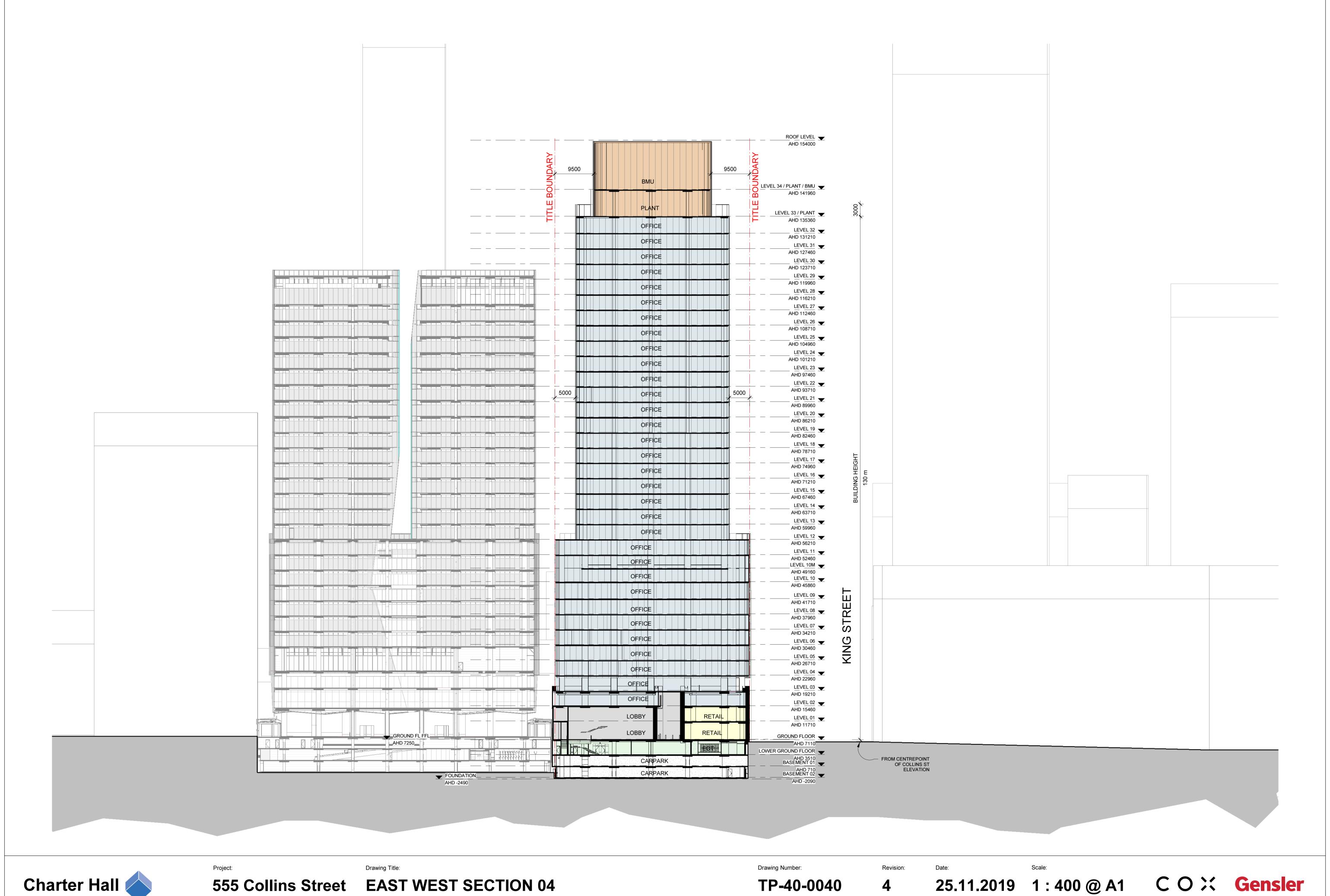
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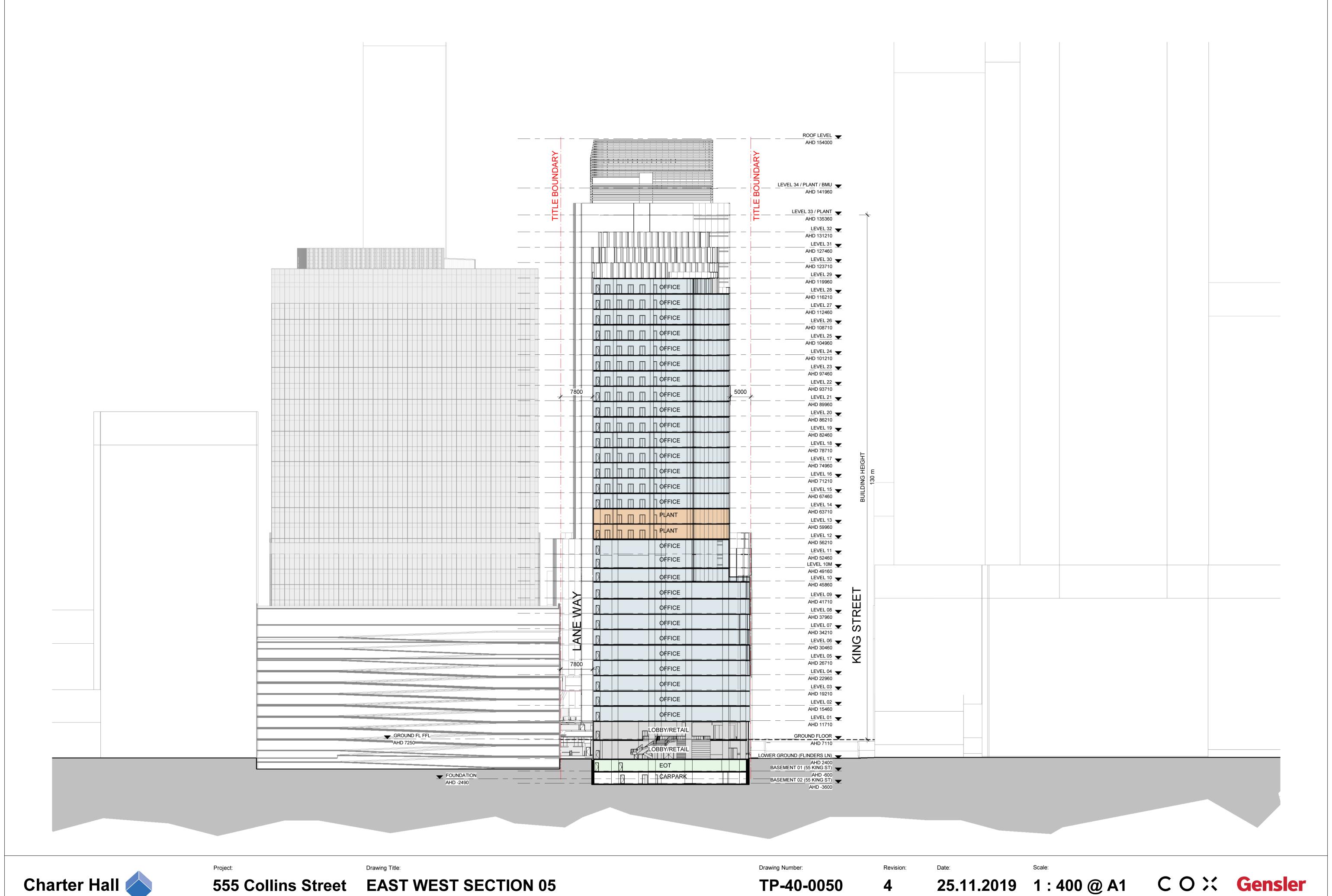
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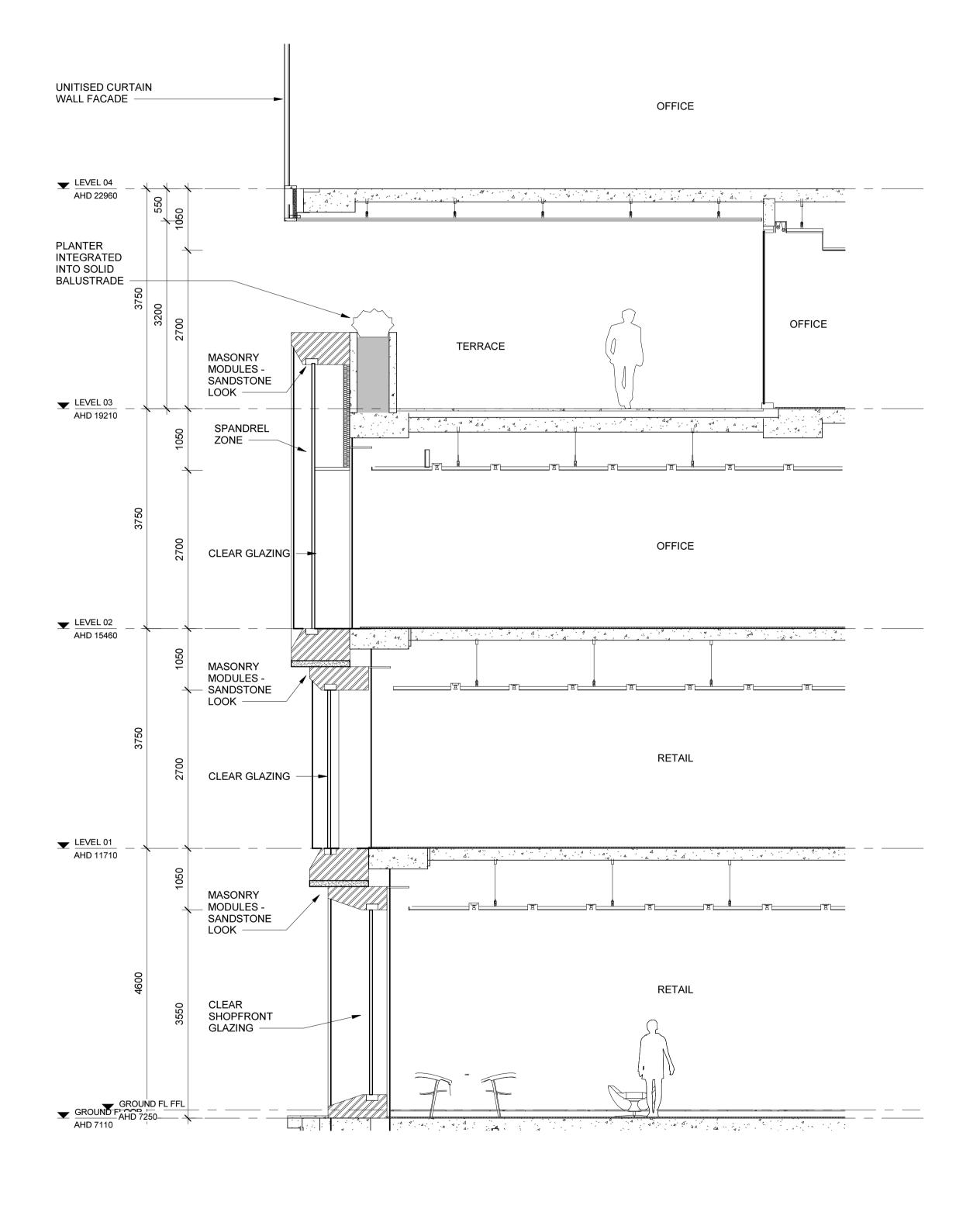


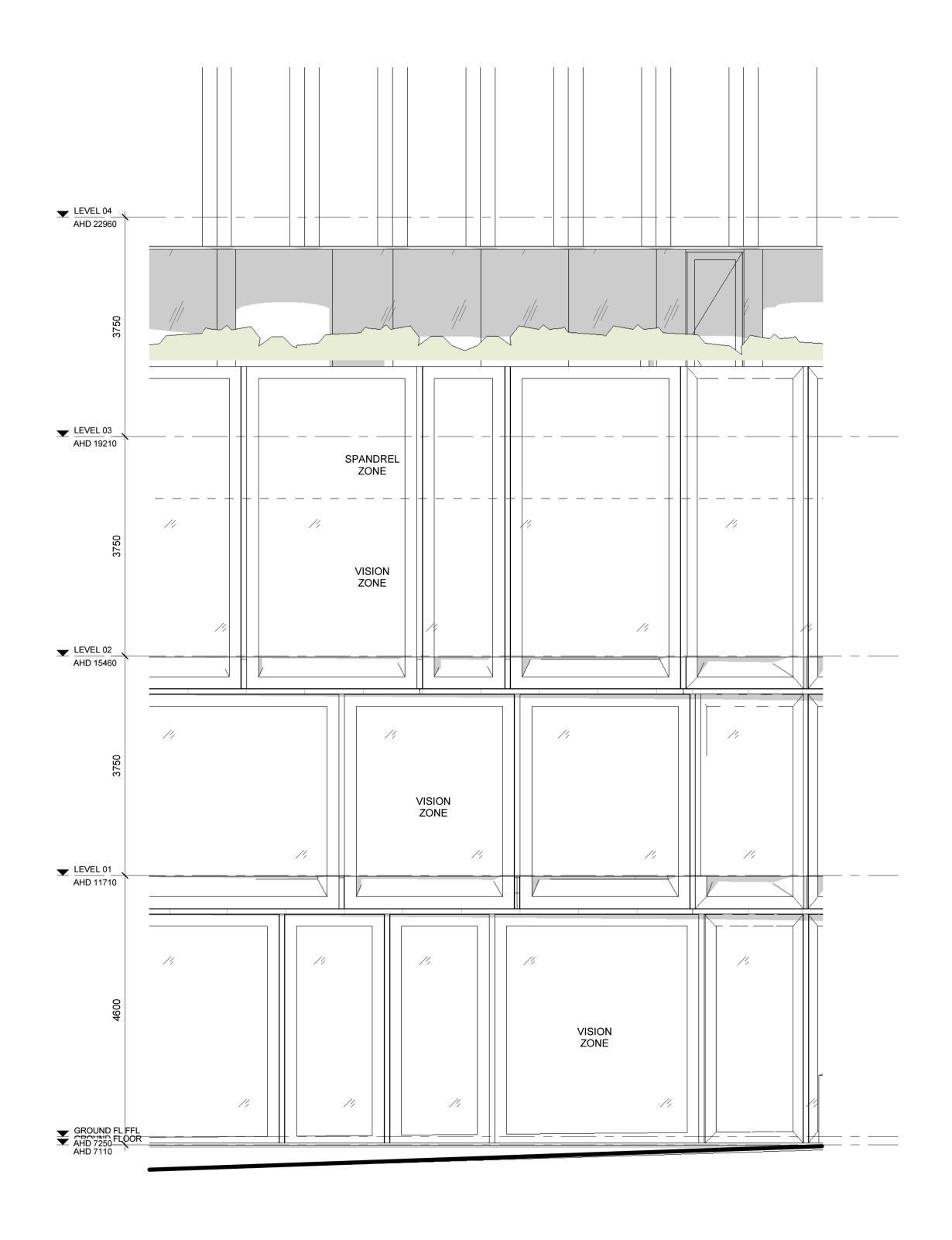






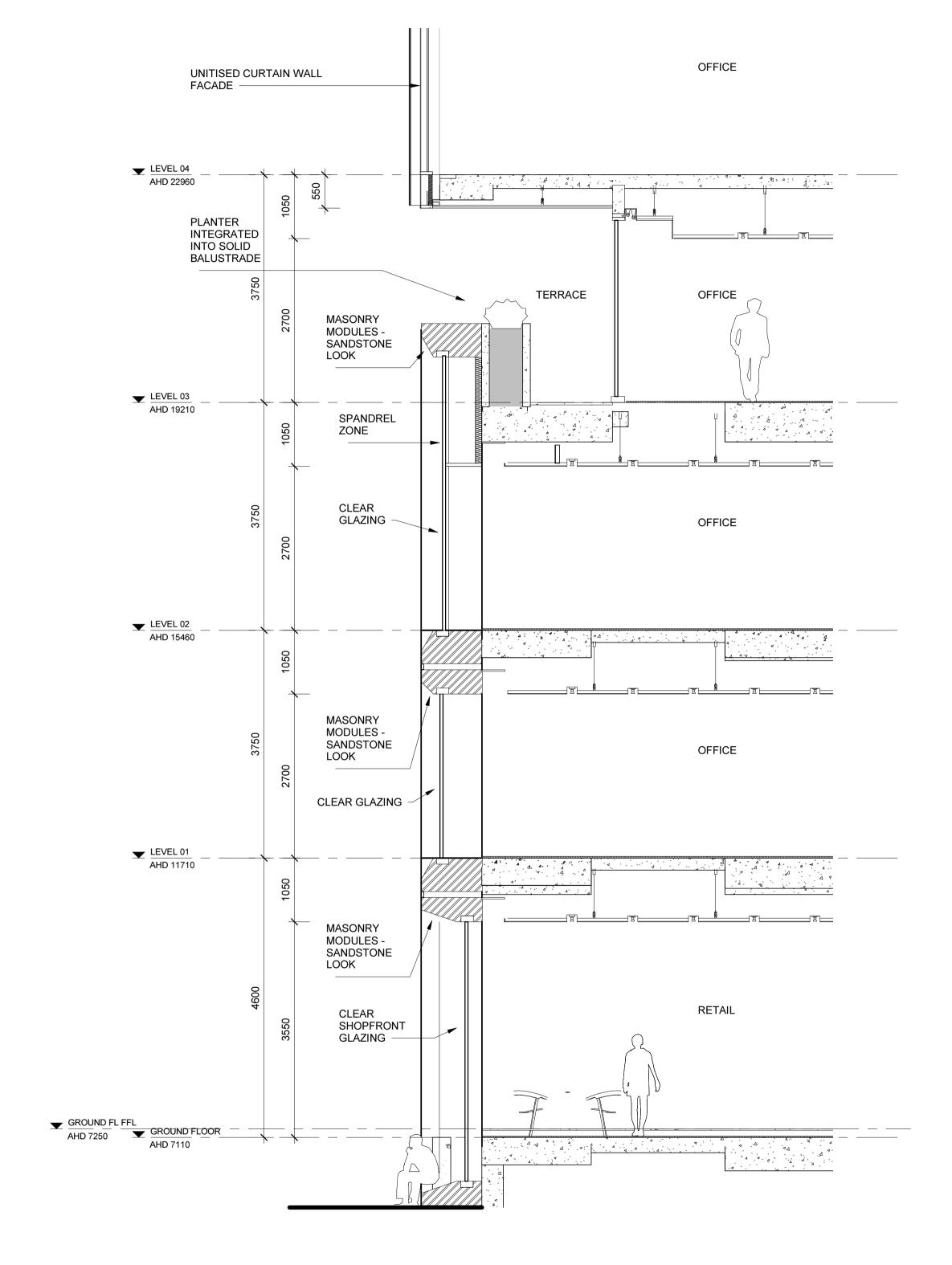


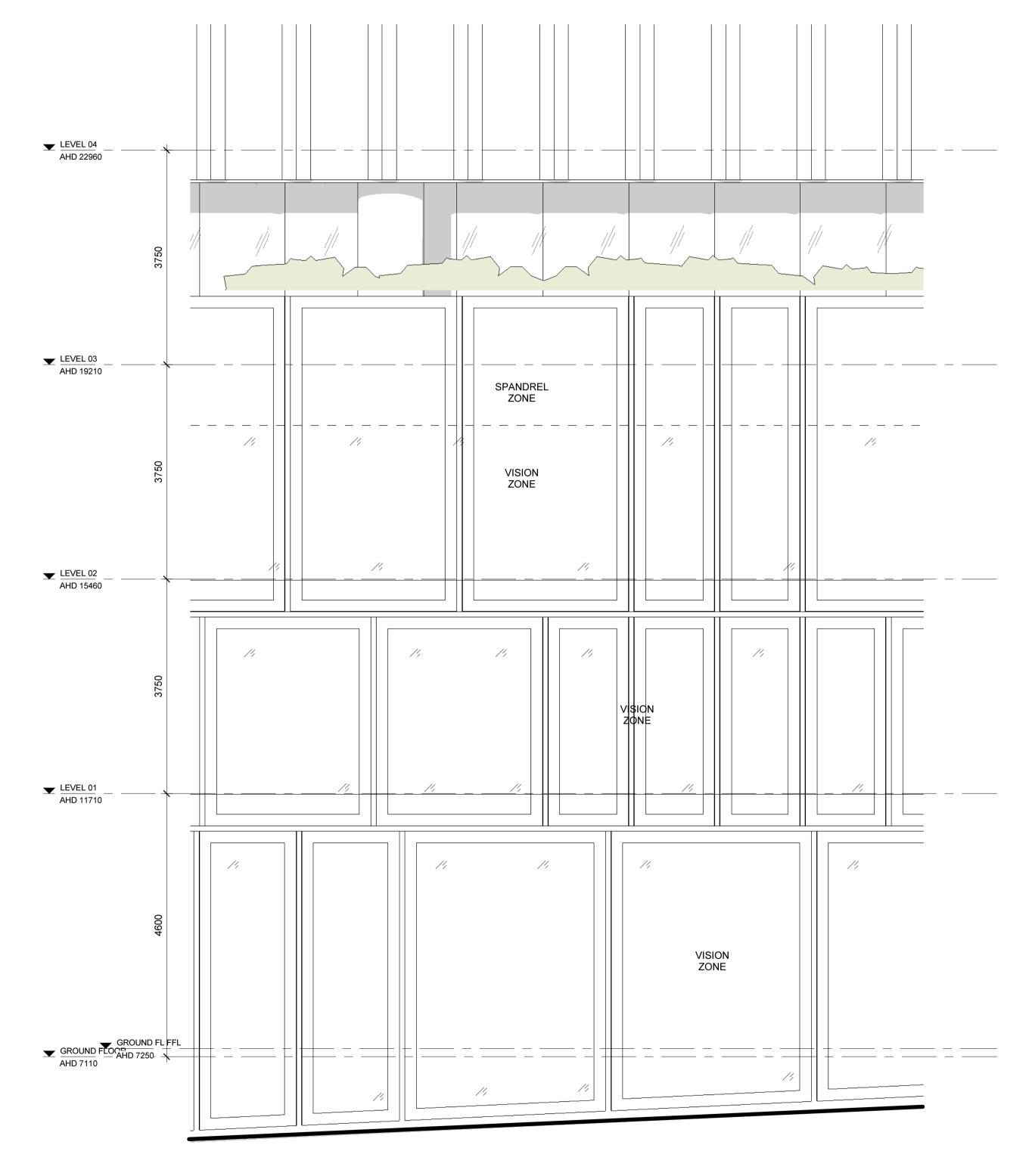




1 PODIUM SECTION - COLLINS STREET
SCALE 1:50

P-30-0010 SCALE 1:50





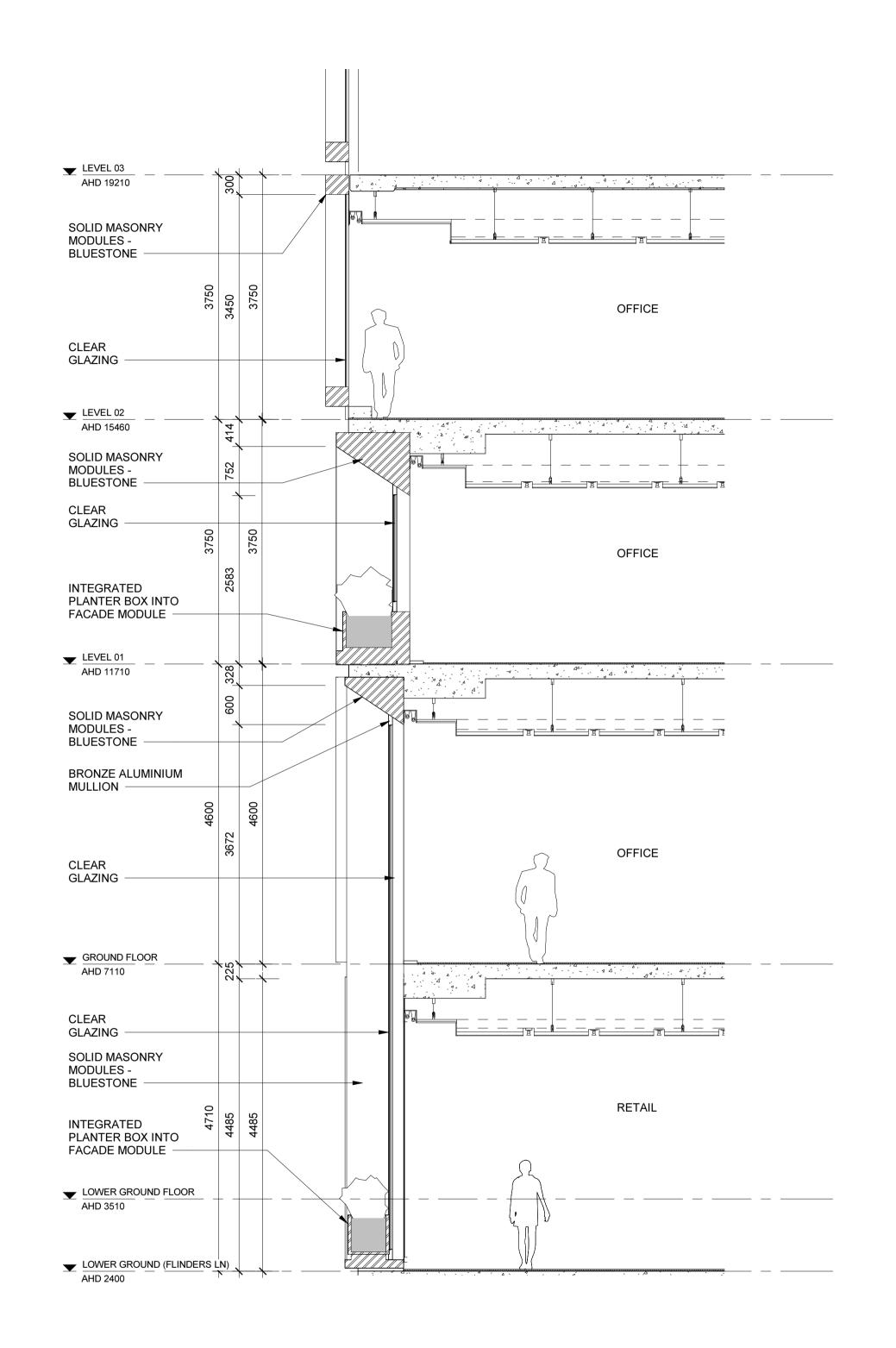
PODIUM SECTION - KING STREET
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PODIUM KING STREET



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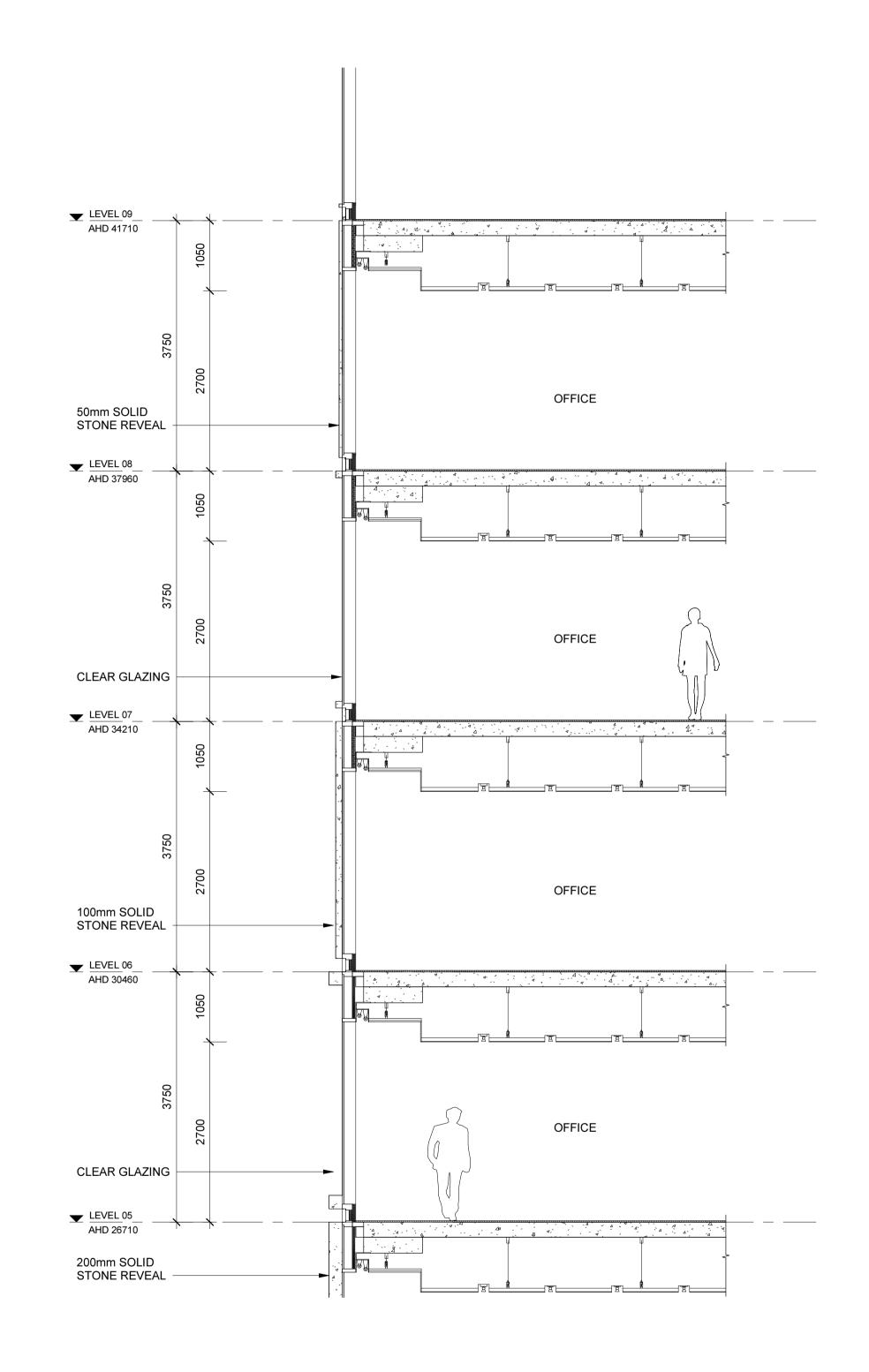
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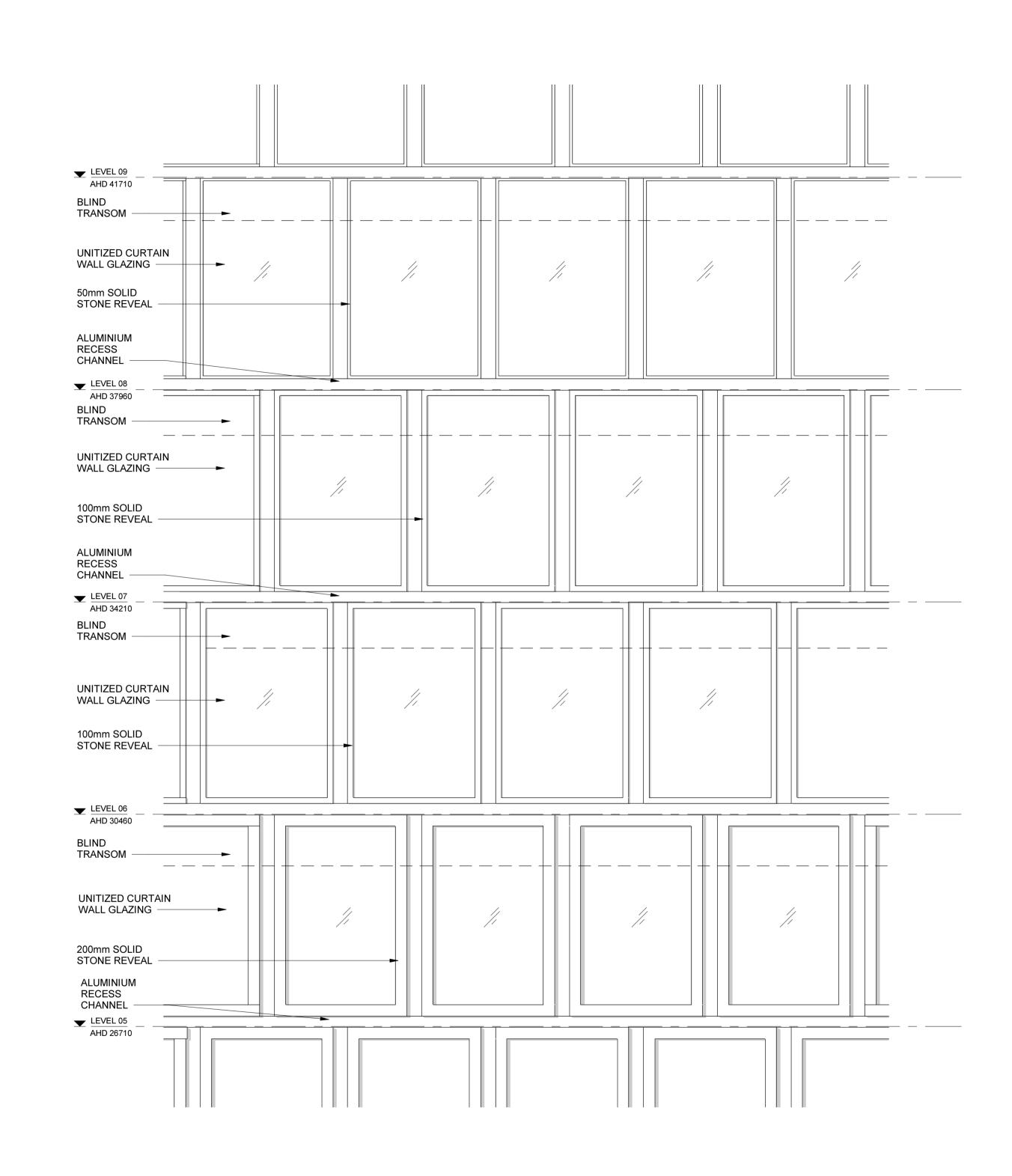






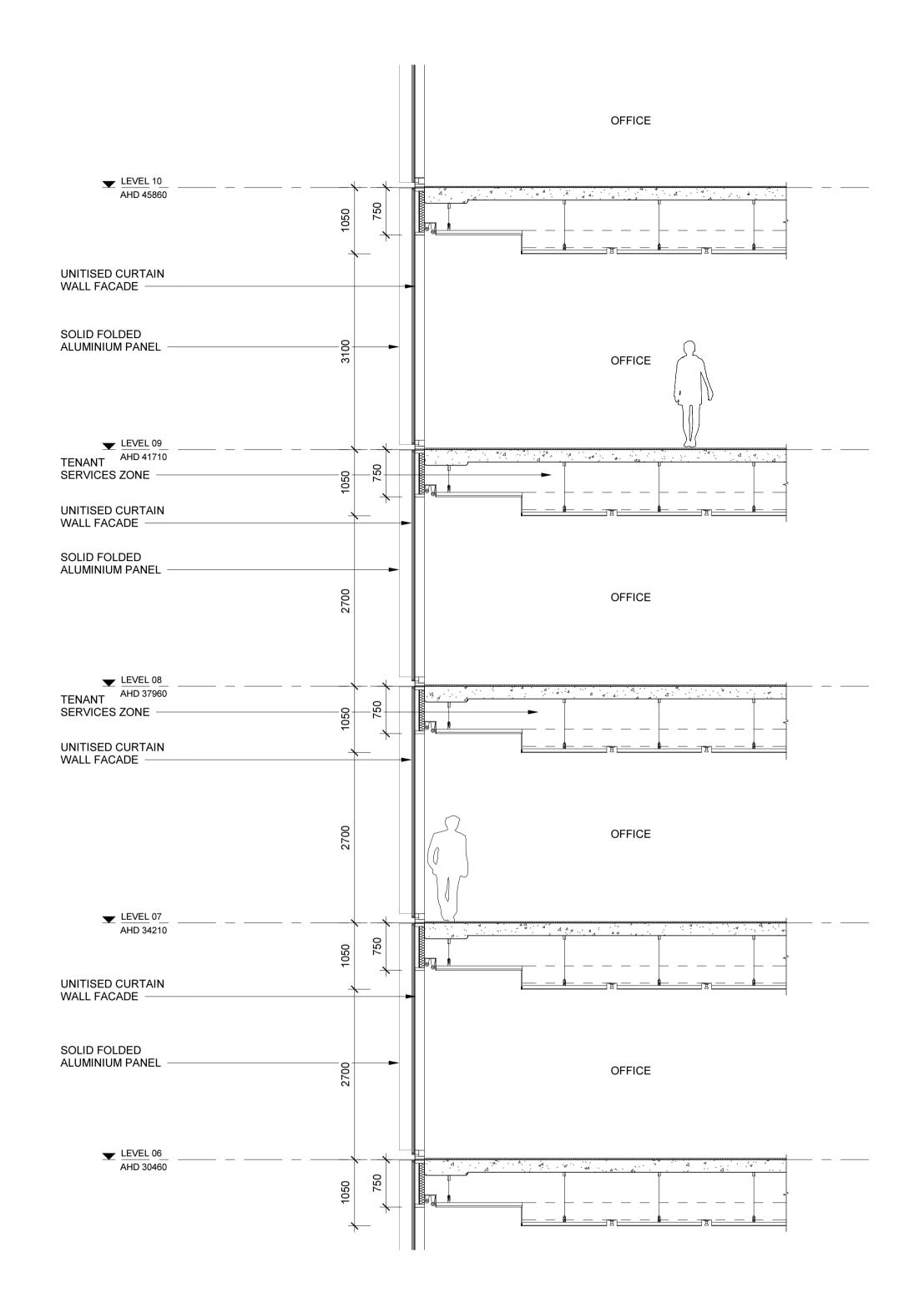


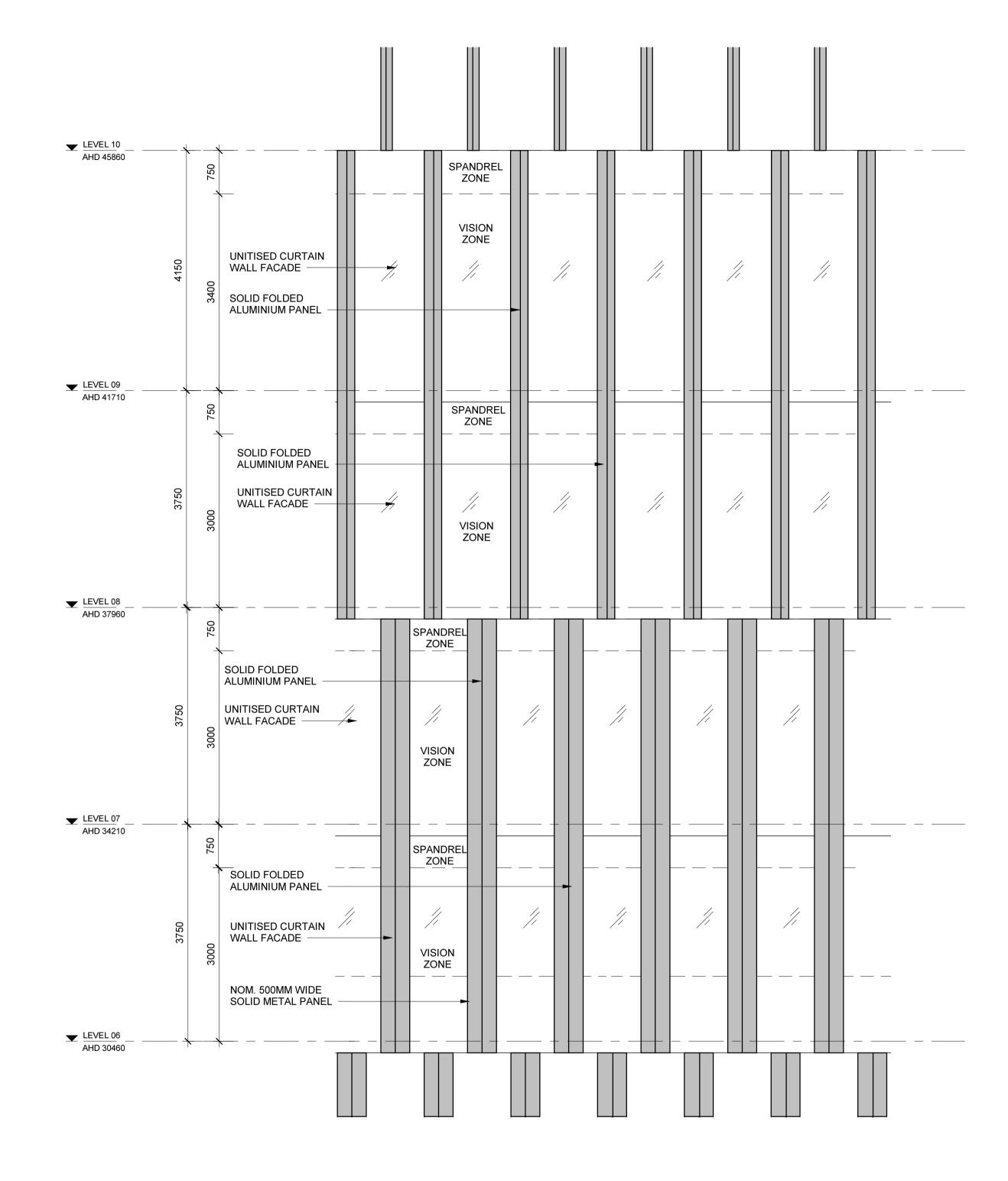




2 PODIUM ELEVATION - UPPER KING STREET

19-30-0030 SCALE 1:50

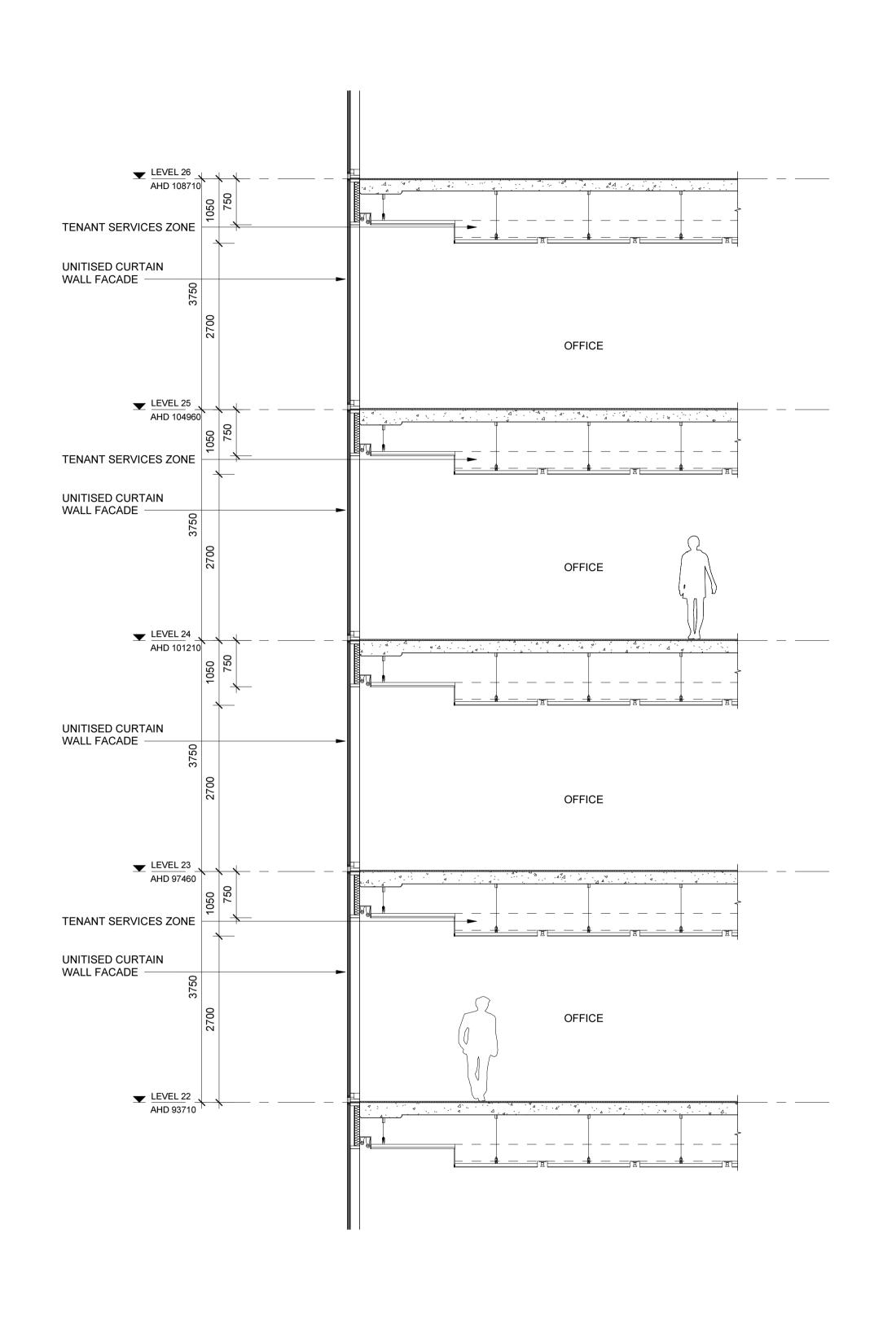


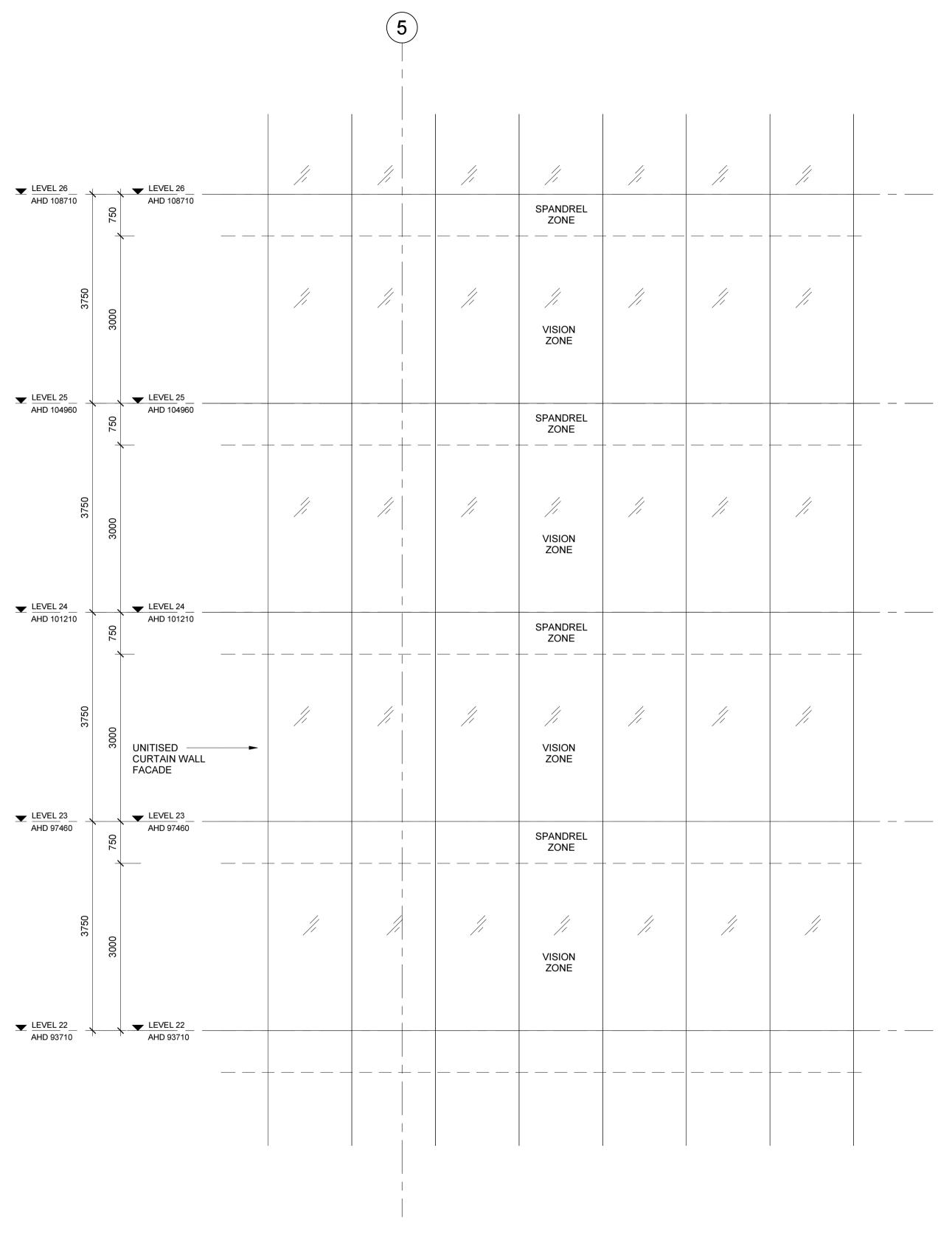




2 TOWER ELEVATION - EAST P-30-0030 SCALE 1:50

TP-42-0050





TOWER SECTION - NORTH

2 TOWER ELEVATION - NORTH
TP-30-0010 SCALE 1:50



TP-42-0060











Attachment 4 Agenda item 6.1 Future Melbourne Committee 4 February 2020

DELEGATE REPORT MINISTERIAL PLANNING REFERRAL

Application number: TPMR-2019-9

DELWP Application number: PA1900572

Applicant Charter Hall Group c/o Tract Consultants

Pty Ltd

Owner The Trust Company (Australia) Pty Ltd

Architect: Cox Architecture and Gensler Architecture

Address: 539-557 Collins Street and

43-61 King Street, Melbourne

Proposal: Demolish existing multi storey building and

construction of buildings and works for the

purpose of a multi-storey building

constructed in stages

Cost of works: \$300,000,000

Date received by City of

Melbourne:

17 April 2019

City of Melbourne Status: Recommending Referral Authority (formal

referral)

Responsible officer: Kate Yuncken, Principal Urban Planner

1.

SUBJECT SITE AND SURROUNDS

1.1. The site

The subject site comprises two allotments with a total area of approximately 4,627m² and is currently developed with a vacant office tower to the corner of Collins Street and King Street and an eight storey office building to the corner of King Street and Flinders Lane.

More specifically, the site comprises the following parcels of land:

539-557 Collins Street, Melbourne, being CP104626 occupied by a 23 storey office building with two levels of basement and a 180 m² plaza. The building was built in 1975 and further refurbished in 1995. The building known as Enterprise House has been vacant for over a year and is currently fenced off with hoarding along the Collins Street and King Street frontages. The total area of this lot is 2,292 m². Demolition of the building has commenced as allowed by planning permit TP-2019-128. A temporary park is to be constructed on the land once demolition is complete.

43-61 King Street, Melbourne, being CP159364A and Lot 1 TP149130S occupied by an eight storey office building with basement car park built in 1988. The building known as Exchange Square is occupied by the Victorian Civil and Administrative Tribunal and the iPrimus Datacentre. The total area of the site inclusive of Private Laneway 5261 running along the rear (west) of the building and the private walkway at the northernmost part of the site is 2,335 m².

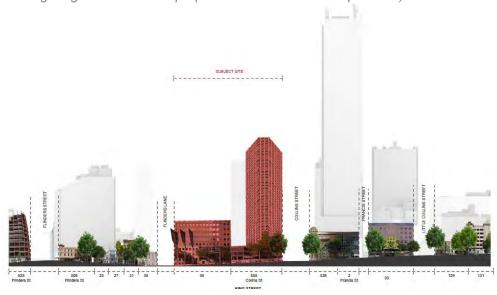
Locality Plan (Source: Council's GIS 7 January 2020)



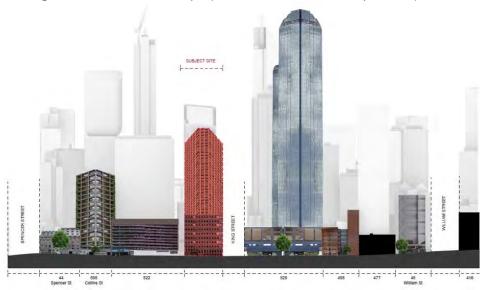
Collins Street streetscape (Cox and Gensler dated April 2019)



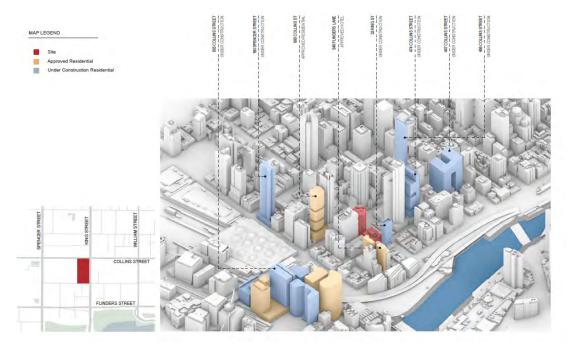
Existing King Street streetscape (Cox and Gensler dated April 2019)



Existing Flinders Lane streetscape (Cox and Gensler dated April 2019)



Urban Context including approved building and buildings under construction (Cox and Gensler dated April 2019)



The site slopes 4.5 metres from north to south down from Collins Street to Flinders Lane across the length of the site. The Collins Street frontage slopes down in eastern direction across the frontage to King Street. The site is rectangular in shape with a frontage of 97.7 metres to King Street, 48.5 metres to Collins Street and 46.8 metres to Flinders Lane.

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

1.2. Surrounds

The main characteristics observed in the area include:

• To the north over Collins Street is Bourke House, a six storey Neo-Greco style building at the 538-544 Collins Street. The redbrick office and retail building is located on the north-west corner of Collins Street and King Street and is graded 'C' in the Central Activities District Conservation Study 1985.

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Also opposite the site to the north is the 'A' graded four storey McPherson's building, built in 1936 as offices and showrooms, this building is one of the premier examples of the 'modern movement'. Both these buildings are listed on the Victorian Heritage Register.

- To the south on the corner of King Street and Flinders Lane is 33-35 King Street. The site has planning approval for a 31 level residential hotel and is currently under construction.
- To the east over King Street is the recently redeveloped Rialto, and a row of low-scale heritage buildings including the York Butter Factory at 62-66 King Street and the Former Levicks and Piper Wholesale Ironmongers Warehouse at 46-52 King Street, both included on the Victorian Heritage Register.
- Adjoining to the west is the recently constructed 567 Collins Street, a multistorey office development with retail forecourt connecting Collins Street to the subject site.

2. PLANNING HISTORY OF THE SITE AND SURROUNDS

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

TP number	Description of Proposal	Decision & Date of Decision	Planner comment
DELWP Permit No. 2014/003581 (TPM-2014-36)	Development of mixed use (office, residential hotel and apartments) development at 539-557 Collins Street	8 September 2016	This permit for a 147 metre residential tower. The permit was issued at the direction of VCAT and is valid.
TP-2019-128	Demolition and the existing building and the construction of buildings and works associated with a park	3 May 2019	This permit is currently being acted on.

The following planning permits issued for nearby sites are considered relevant to this application:

TP number	Description of Proposal	Decision & Date of Decision	Planner comment
TP-2013-666/C 33-35 King Street	Demolition of existing building, construction of a multi storey building waiver of the loading bay requirement and reduction of bicycle parking requirement	20 December 2013	This permit allows for a 31 storey (97 metres) residential hotel. The building It is currently under construction.
TP-2013-372/B Rialto site, 525 Collins Street	Partial demolition and construction of buildings and works	5 September 2013	The new street wall office buildings, ground floor retail and refurbished forecourt have been constructed.

3. APPLICATION BACKGROUND

3.1. Pre-application and post-application discussions

A pre-application discussion was held at the Department of Environment, Land, Water & Planning (DELWP) on 3 April 2019. Further meetings have been held with the agencies and the applicant during the application process.

3.2. Application

On 15 April 2019 the application was received by DELWP, seeking planning permission for:

- Demolition and construct a building or construct or carry out works in Schedule 1 of the Capital City Zone.
- Construct a building or construct or carry out works under the following Design and Development Overlay schedules:
 - Design and Development Overlay Schedule 1 (Active Street Frontages Area 2)
 - Design and Development Overlay Schedule 3 (Traffic Conflict Frontage)
 - Design and Development Overlay Schedule 4 (Weather Protection)
 - Design and Development Overlay Schedule 10 (General Development Area – Built form)

DELWP on 10 May 2019 requested further information pursuant to Section 54(1) of the *Planning and Environment Act 1987*.

The applicant responded to the request and DELWP referred the application to Melbourne City Council pursuant to S.55 of the Planning and Environment Act 1987 on 15 August 2019.

3.3. Section 50 Amendment Application

Following feedback received from both DELWP and City of Melbourne officers on 30 October 2019 the application was formally amended on 26 November 2019 under Section 50 of the *Planning and Environment Act 1987*. The following revised material was provided as part of the formal amendment:

- Public benefit analysis prepared by Tract.
- A revised set of architectural plans prepared by Cox & Genlser.
- A revised design report prepared by Cox & Gensler.
- A series of revised renders prepared by Cox & Gensler.
- A revised 3D model prepared by Cox & Genlser.
- A revised QS report prepared by RLB.
- A revised waste management plan and cover letter prepared by Irwin Consult.

The changes involved a modified built form to ensure no aspect of the proposal was prohibited by the DDO10. The key changes included:

- The removal of the 'feathered' 80 metre high street wall and replacement with a 50.6 metre street wall.
- The reduction in the western setback to 567 Collins Street from 7.8 metres to 5 metres.
- A pronounced indent into the middle of the King Street tower form.

4. THE PROPOSAL

4.1. Summary of the proposal

Broadly, the application comprises:

- Demolition of the existing eight storey building at 43-61 King Street.
- Development of the combined site for a 34 level (147.1 metre to top of plant) commercial office tower with podium level lobby and retail tenancies and three basement levels. The development will be in two stages with Stage 1 (539-557 Collins Street) to be constructed first and then Stage 2 (43-61 King Street) to be constructed after. The staging means that there are two lift and service cores adjoining the western boundary.

4.2. Detailed Information: Built Form (Architectural Drawings dated 2 September and 25 November 2019)

Site layout and Gross Floor Area

Total Site Area:	4,627 m ²	Site	4,267 m ² (92%)
539-557 King Street	2,292 m ²	Coverage:	, ,
43-61 King Street	2,335 m ²		
Gross Office Floor	102,299 m ²	Retail/Shop	2,299 m ²
Area		Floor Area	
Total Gross Floor	123,219 m ²	-	-
Area including			
basements			

Floor Area Uplift and Public Benefit

The subject site currently includes Private Laneway PL5261 which runs north-south along the rear (west) of 43-61 King Street and the private walkway at the northernmost part of 43-61 King Street. The application proposes to retain the north-south laneway (approximately 360 m²) and provide 24 hour public access through a S173 agreement on title. The north-south laneway is to be 7.8m wide and open to the sky. The proposed building provides an active frontage to the north-south laneway to the east. A new east-west connection is provided through the building from King Street (to the east) through to the north-south laneway (to the west).

The proposal also provides for a new north facing public plaza of 135 m² at the northwest corner of the site. The applicant confirmed on 20 January 2020 that the plaza is to remain in the private ownership.

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Base Floor Area (i.e. floor area available based on a floor area of 18:1)	83,286 m ²	Floor area uplift (FAU) sought:	30,052 m ²
Combined Floor Area Ratio (FAR)	113,338 m ² 113,338 m ² 4627 m ² = 24.49 Proposed FAR: 24.49:1	Total value of FAU	\$15,026,000

PUBLIC BENEFIT

Office

102,999 x \$1500 = \$153,488,500

Plaza and North south lane

Between \$16.575 and \$21M

Total Benefit

Between \$170M and 174.5M

The public benefit is over and above the required amount.

Building Height and Setbacks

Number of storeys above ground level (excluding	Max: 34 (including mezzanine)	Number of basement levels:	Max: 3	
mezzanines):				
539-557 Collins Street	34		3	
43-61 King Street	31		2	
Maximum Building	147.1 metres	Street Wall	Collins Street: 5	50.6m
Height	(including plant)	Height:	Flinders Lane: 4	14.8m
			King Street: 44.	8 to 50.6m
Total Building Height as	128.25 metres			
defined by DDO10	(excluding plant)			
(as measured from the				
centre point of Collins				
Street excluding plant)				
Minimum Tower	North	5m	East	5m
Setbacks (above street	(Collins Street)		(King Street)	

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wall):	South	5m	West	5m
	(Flinders Lane)		(567 Collins)	
			West (522	7.8m
			Flinders	
			Lane)	

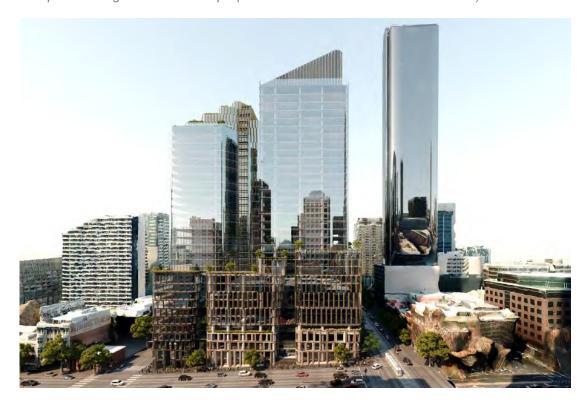
Access, car parking, bicycle facilities and loading / unloading

Car parking, bicycle facilities and loading and unloading			
Car parking spaces:	124	Bicycle spaces:	253 and 68 visitor (Stage 1) 193 and 102 visitor (Stage 2) Total: 616 spaces
Motorcycle spaces:	8	Bicycle facilities:	1,236m ² of end of trip facilities including storage, 53 showers, lounge and grooming stations.
Parking access:	Car parking access will be via a basement ramp, accessible from the private laneway PL5261 access via Flinders Lane.		
Loading / unloading:	Loading will be located on the Lower Ground Level, with access provided via the existing private laneway PL5261.		

Building Programme

539-557 Collins (Stage	1)
Basement levels 01-	Car parking, storage, waste and building services.
02	
Basement / Lower	End of trip facilities and building services.
Ground	
Ground level	Retail, office concierge, office lobby, pedestrian public plaza and
	entries off Collins and King Street.
Mezzanine level	Office, retail
Levels 1	Office, retail
Levels 2-32	Office
Levels 33-34	Plant
43-61 King (Stage 2)	
Basement levels 01-	Car parking, storage, end of trip, waste and building services.
02 levels	
Lower Ground Level	Retail, market hall, pedestrian entries off Flinders Lane, King Street
	and the private laneway
Ground level	Retail, office concierge and office lobby
Levels 1-29	Office
Levels 30-31	Plant

Perspective King Street streetscape (Cox and Gensler dated November 2019)



Perspective Collins Street streetscape (Cox and Gensler dated November 2019)



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Perspectives Collins Street and King Street / King Street and Flinders Lane streetscape (Cox and Gensler dated November 2019)





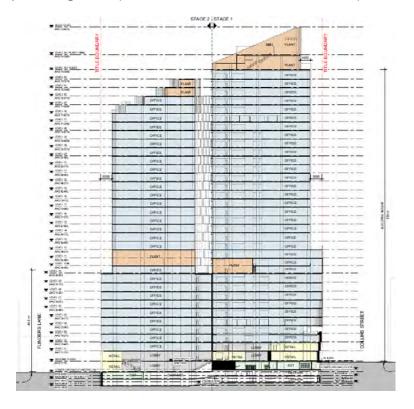
Perspectives Collins Street podium (Cox and Gensler dated November 2019)



Lower ground floor plan and ground floor plan (Cox and Gensler dated 2 September 2019)



Section of proposal King Street (Cox and Gensler dated November 2019)



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5. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning	■ Clause 11 – Settlement
Policies	■ Clause 13 – Environmental Risks and Amenity
	■ Clause 15 – Built Environment and Heritage
	■ Clause 17 – Economic Development
	■ Clause 18 – Transport
	Clause 19 – Infrastructure
Municipal Strategic	■ Clause 21.02 – Municipal Profile
Statement	Clause 21.03 – Vision
	■ Clause 21.04 – Settlement
	■ Clause 21.06 – Built Environment and Heritage
	■ Clause 21.08 – Economic Development
	Clause 21.09 – Transport
	Clause 21.10 – Infrastructure
	Clause 21.11 – Local Areas
	Clause 21.12 – Hoddle Grid
	■ Clause 21.17 – Reference Documents
Local Planning	■ Clause 22.01 – Urban Design within the Capital City Zone
Policies	■ Clause 22.02 – Sunlight to Public Spaces
	■ Clause 22.03 – Floor Area Uplift and Delivery of Public Benefits
	■ Clause 22.04 – Heritage Places within the Capital City Zone
	■ Clause 22.19 – Energy, Water and Waste Efficiency
	Clause 22.20 – CBD Lanes
	Clause 22.23 – Stormwater Management

Statutory Controls	
Capital City Zone Schedule 1	A planning permit is required to construct a building or construct or carry out works under the Capital City Zone.
	A planning permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works under the Capital City Zone.
Design and Development Overlay Schedule 1 (Area 2) - Active Street Frontages	A permit is required for buildings and works at ground level under Schedule 1 of Clause 43.02.
Design and	A permit is not required to construct a building or carry out works other than those associated with the creation or alteration of a

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Development Overlay Schedule 3 - Traffic Conflict	crossover or vehicle access way. This control applies to the King Street frontage of the site. No crossovers or vehicle access way is proposed in this section of the site, therefore no planning permit is required under this schedule.
Design and Development Overlay Schedule 4 – Weather Protection	A permit is not required to construct a building or construct or carry out works if adequate weather protection to the street frontage is provided to the satisfaction of the responsible authority.
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 (other than works at the ground level and other minor works) under the Schedule 10 of Clause 43.02. A permit can only be granted to vary the preferred requirement for any design element where it can be demonstrated that the development will achieve the relevant design objectives and built form outcomes.
Parking Overlay Schedule 1	Where no part of the site is used for dwellings the number of car parking spaces must not exceed the number calculated use one of the following: Maximum spaces = 5 x net floor area of buildings on the site in sq m 1000 sqm Or 12 x site area in sqm 1000 sqm Based on this assessment the maximum number of spaces that could be provided would be over 500 using the top formula or 55 using the bottom formula. As the proposal only provides 110 spaces, the proposal falls well below the top formula and therefore no permit is required.

Particular Provisions	
Clause 52.06	A permit is required to provide more than the maximum parking
Car Parking	provision specified in a schedule to the Parking Overlay.
C	The amended proposal does not seek to provide more than the maximum number of spaces and a permit is therefore not required under Clause 52.06.
Clause 52.34, Bicycle Facilities	A permit may be granted to reduce or waive the bicycle parking requirement.
	The proposal requires 421 bicycle spaces and provides 616 bicycle spaces well above the requirements of this provision.
	The proposal requires 28 showers and provides 53 showers. The proposal end of trip facilitates are well above the requirements of this provision

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

5.1. Amendment C308

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

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

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

6. PUBLIC NOTIFICATION

The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the *Planning and Environment Act 1987*.

7. REFERRALS

The application was referred to the following internal departments for advice. The following is a summary of the advice received:

7.1. Urban Design

Urban Design provided advice on 8 April 2019, 2 October 2019 and 15 January 2020. Below are summarised points in response to the plans dated 26 November 2019 by Cox Architecture.

Positive changes

- A reduced street wall height of 40m on the corner of Flinders Lane and King Street and 50.6m on the corner of Collins Street and King Street.
- An increased central indent/recession in the centre of the tower form along the King Street elevation.

- Removal of the angled plant screen on the southern section tower to differentiate the roof profile of the two forms.
- The inclusion of vertical rebates to the podium to reduce the impact of visual bulk to the public realm.
- Removal of some plant area at Level 31 and 32 to reduce the visual bulk at the upper levels.
- A simplified ground floor layout with legible connections.

Recommended changes to mitigate the impact of a large building

- Although the building envelope generally complies with the height and setback requirements of DDO10, the large upper form presents as a continuous wall of built form without adequate massing relief.
- Urban design advice has consistently stated that a large conjoined building does not respond to the scale of the surrounding context and negatively impacts pedestrians within the public realm.
- It is our preference that further relief/shaping is provided to increase sky views and allow daylight to penetrate the surrounding public realm.
- In addition to further massing relief, design refinement is required to ensure the upper form reads as two separate elements. Previous recommendations include:
 - A different architectural language and materiality to each tower to distinguish the forms. Initial urban design comments suggested using different architects to provide unique authorship and identity to each tower.
 - To differentiate the joint between the buildings to provide a clear break between the two forms.
 - Articulate the 'Active Spine' by introducing a different architectural language to break up the dominant glazed expression of the upper level.
- The success of the 'Active spine' relies on allocated space reserved for winter gardens. In addition, balconies, slab edges, and structural elements should be expressed within the façade rather than concealed behind glazing.
- Revised plans to show the expression of slab edges and windows frames. It is
 critical the central rebate reads as a distinct architectural expression and assists
 in providing a break between the two tower elements.

7.2. Traffic Engineering

Council's Traffic Engineers provided comments on 3 September 2019. Below are summarised points from these comments:

Car Parking Provision / Layout

Carpark layout and vehicle turning movement is supported.

Bicycle Parking

- Engineering Services supports the provision of 616 bicycle spaces which exceed the overall statutory requirements.
- Requires additional information regarding allocation of spaces for visitors.

 Visitor spaces should be provided within the property boundaries and be easily accessible by visitors and not along street frontages as suggested.

Loading and Waste Storage and Collection

- Loading arrangements are acceptable.
- The applicant must provide safety measures as indicated in the Traffic Impact Report, including convex mirrors, audio/visual warning systems to alert pedestrians, and suitable line markings /signage to clearly delineate the loading area.
- Council will not necessarily alter existing on-street parking facilities to cater for any shortfall and as a result, any issues that arise will be for the applicant to resolve.

Traffic Generation and Impact

- Engineering Services accepts the traffic generation rates and accepts that the development will not have a significant impact on the external road network.
- The private lane to include a shared zone is supported however the provision of a Shared Zone arrangement is a major traffic control measure subject to the Department of Transport approval. The applicant will therefore need to apply directly to the Department of Transport for approval of the Shared Zone area.

Road Safety Audit

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

7.3. Civil Engineering

Council's Civil Engineers provided comments and standard conditions on 29 April 2019. Below are summarised points from these comments:

• Pursuant to the Road Management Act 2004 (the Act) any works within the road reserve of King Street, an arterial road, requires the written consent of VicRoads, the Coordinating Road Authority. Footpaths, nature strips and medians of such roads fall under the City of Melbourne's control although the Act specifically states that the Coordinating Road Authority gives conditions for works on these roads and the "road" is the reserve from building line to building line. Subsequently our standard conditions for non-road works on footpaths, nature strips and medians of arterial roads are required.

7.4. Waste and Recycling

On 18 December 2019 Council's Waste Engineers reviewed the revised Waste Management Plan which was deemed to be acceptable and recommended the following condition:

 The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by irwinconsult dated 26 November 2019. The submitted WMP must not be altered without prior consent of the City of Melbourne – Waste and Recycling.

7.5. Land Survey

Council's Land Survey team provided comments on 8 October 2019, 28 October 2019 and 6 November 2019:

- The proposed development appears to encroach into Private Lane No. PL5261
 (Easement E-2 on title) on the basement levels of the building and slightly on the
 upper levels. Prior to the commencement of works including demolition, the
 easement known to Council as Private Lane No. PL5261 must be varied to
 exclude any structures that support the development.
- Prior to the commencement of works, including demolition, all the land for the
 proposed development must be owned by the one entity and consolidated onto
 the one certificate of title to the satisfaction of the Responsible Authority.
- The proposed plans appear to show openings along the western boundary of the proposed development. The subject land does not benefit from light and air rights over the abutting title. A S173 Agreement may be required.

7.6. Urban Sustainability

Council's Urban Forestry and Ecology team provided comments on 21 May 2019. The officer noted that given the demolition stage does not significantly impact public trees it is unlikely that the construction stage will either.

Standard notes and conditions were recommended.

7.7. Environmentally Sustainable Design (ESD) and Green Infrastructure

Council's Senior Green Infrastructure and ESD Officer provided comments and standard conditions on 24 September 2019. Below are summarised key points:

 The development is targeting a certified 6 Star Green Star Design and As-Built rating. Overall it is an excellent conceptual proposal and should achieve a world leading sustainable outcome as it follows through on its commitments.

7.8. City Design

Council's City Design team provided comments on 17 April 2019:

- Landscape works are not shown. The submission shows 1200mm floor edge planters in schematic form on renders and in sections on architectural plans TP 42/0010; 0020; 0030 but no other details.
- A landscape concept would assist in further review this should show planting design intent, typical species, growing medium depths, drainage and irrigation provision.

8. ASSESSMENT

8.1. Key Issues

The key issues in the consideration of this application include:

- Whether the proposed Floor Area Uplift provides a public benefit in accordance with the requirements of Clause 22.03 (Floor Area Uplift and Delivery of Public Benefits).
- Whether the proposed development is acceptable, having regard to the design objectives, built form requirements and built form outcomes of Clause 22.01 – Urban Design within the Capital City Zone and the applicable Design and Development Overlay Schedules.

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• Other relevant matters that have been considered below include building separation, traffic, loading and parking, the proposed C308 and ESD.

8.2. Floor Area Uplift

The Capital City Zone Schedule 1 states that:

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

- a public benefit as calculated and specified in a manner agreed to by the responsible authority is provided; 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 Floor Area Ratio (FAR) for the proposal is 24.49:1, derived from the site area of 4,627m² and proposed Floor Area of 113,338 / m² as defined in Schedule 1 to the Captial City Zone (CCZ1). The proposed Floor Area Uplift is 30,052 / m².

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

JJL Melbourne Pty Ltd has undertaken an independent valuation of the publicly accessible plaza and the north-south laneway which values the public benefit. The publicly accessible plaza is valued at \$8.775M and the north-south laneway is at \$6.8M. The applicant has stated that the north-south laneway valuation has been conservatively valued on the basis of net leasable area calculation given the existing carriageway easement and the nature of this parcel of land rather than calculated on site area. No valuation has been provided for the landscaping required for the delivery of these benefits.

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

Based on the Gross Realisation Values set out in Clause 22.03, a public benefit of \$15,026,000 is required to offset the uplift in area. The actual value of public benefit to be provided significantly exceeds the required benefit at \$153,448,500. This is without calculating the public benefit value of the open to the sky north-south laneway (approximately 360 m²), the publicly accessible plaza and the hard and soft landscaping which the applicant has calculated at somewhere between \$16.575M and \$21M. This would make the total public benefit between \$170,023,500 and \$174,448,500, over ten times in access for the Floor Area Uplift sought.

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The proposed public benefit is significantly more than the Floor Area Uplift sought and as such it is supported. In accordance with Clause 22.03 in it recommended that a condition be placed on the permit requiring a Section 173 Agreement to be registered on title requiring the office use to be secured for a minimum of 10 years.

8.3. Built form

8.3.1. DDO Schedule 1 (Area 2) (Active Street Frontages – Collins and King Streets) (DDO1-A2)

The proposed ground floor facades along Collins, Flinders Lane and King Streets have been designed so that they are attractive with pedestrian oriented frontages. All frontages with the exception of the private laneway which is not affected by DDO1, meet the requirements of this provision.

Design Objective	Response
To ensure ground floor frontages are pedestrian oriented and add interest and vitality to city streets.	The lower ground floor and ground floor layouts provide a mixture of activation including retail spaces and lobby areas with numerous entry points. The elevations have been activated through the use of glazing, openings and thoughtful building programing that further enhances and activates the façades. The use of high quality, tactile materials such as masonry and blue stone are supported. On-site loading is essential for the operation of the building and the location of the loading access point is via the private lane is commended as it ensures maximisation of active frontages to the three main street frontages.
To provide continuity of ground floor shops along streets and lanes within the retail core.	As discussed above, the lobby and retail spaces fronting Collins Street, Flinders Lane and King Street provide continuity of shops. The lobby is surrounded by retail spaces that complement the publicly accessible nature of the lobby space. The private laneway is also semi activated with retail and lobby.
To ensure ground floor frontages contribute to city safety by providing lighting and activity.	The use of glazing, openings and active use ensures that all frontages contribute to a safe city.

8.3.2. DDO Schedule 4 (Weather Protection – Capital City Zone – Collins and King Street frontages) (DDO4)

DDO4 applies to the Collins Street and King Street frontages to promote pedestrian amenity along these major pedestrian routes.

The existing buildings on the subject land do not have any canopies over the footpaths of either Collins or King Street. The proposed building also does not include canopies for weather protection along these frontages. The proposal does however include opportunities for refuge from inclement weather through the provision of recessed areas adjacent to building entrances and a covered internal east west pedestrian link. For these reasons the provision of no canopies is supported.

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

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

All street frontages are of high quality and achieve a human scale. The Collins Street, King Street and Flinders Lane elevations are highly activated through glazing and architectural treatments. The north-south laneway elevation although less activated due to the servicing is still of a high quality and contains some ground floor activation as well as upper level activation.

The proposal complies with the mandatory requirements, design objectives and building form outcomes of DDO10 (subject to the 47 metre King Street street wall section being lowered) and condition to break up the bulk of the tower.

Building Massing from Collins and King Street (Cox and Gensler dated November 2019)

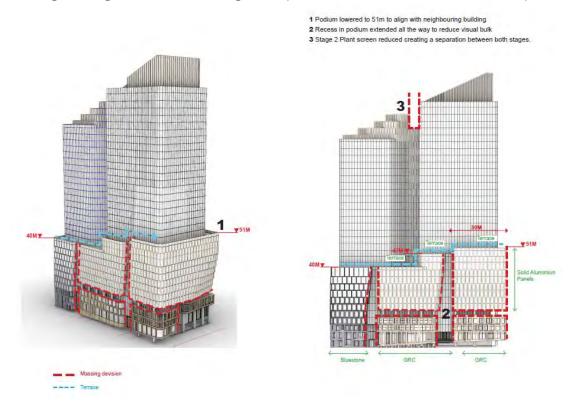


Table 3 to Schedule 10

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

Design	Preferred	Modified	Built Form Outcomes
Element	Requirement	Requirement	

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Street wall height	Up to 20 metres	The street wall height must be no greater than: 40 metres; or 80 metres where it: 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.	 Street wall height is scaled to ensure: 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 skyviews 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.
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Response

The street walls meet the Modified Requirement with the exception of a small section of the street wall on King Street.

On Collins Street the street wall is 50.6 metres high and has a length of 48.5 metres. The Collins Street street wall is considered an appropriate response as it is consistent with the built form outcomes for the following reasons. The street wall defines the street corner, is at the same height as the adjoining podium at 567 Collins Street, and Collins Street is a wide street and can accommodate higher street walls.

As shown in the building massing diagram above, on King Street, the street wall steps down from 50.6 metres to 47 metres then 40 metres at Flinders Lane. The 47 metre section of the King Street wall is not compliant with the modified requirement because this section is above 40 metres and does not form part of the street wall that defines the street corner. It is therefore recommended that this section be reduce in height to a maximum of 40 metres (i.e. maximum of AHD47.110).

The Flinders Lane Street wall height is supported.

A human scale is achieved by solidifying the lower levels of the building and breaking up the mass of the frontages with high quality materials and numerous breaks to mark entry points.

The proposed street wall heights will fit comfortably in the streets and Flinders Lane.

The site is located on the south west corner of Collins and King Street. The southerly location results in no unreasonable reduction in daylight and sunlight opportunities to the public realm from the street wall heights.

Design	Preferred	Modified	Built Form Outcomes
Element	Requirement	Requirement	

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Building setbacks above street wall	Above the street wall, towers and additions should be setback 10 metres from the title boundary.	Above the street wall, towers must be setback a minimum of 5 metres from the title boundary.	Towers and additions are setback to ensure: Iarge buildings do not visually dominate the street or public space. the prevalent street wall scale is maintained. overshadowing and wind impacts are mitigated. The tower or addition includes a distinctly different form or architectural expression.
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Response

The proposed setbacks are as follows:

Collins Street - 5 metres

King Street - 5 metres

Flinders Lane - 5 metres

The street setbacks above the street walls meet the Modified Requirement.

The 5 metre setbacks are acceptable as the lower podium provides a human scale, the street wall responds to the prevailing character and the tower form includes a distinctly different form and architectural expression to the podium form.

However, it is considered that the tower due its length will visually dominate the surrounding area in particular from key vantage points opposite. The length of tower is unprecedented within the central city and for this reason it is considered reasonable to provide more meaningful architectural expressions within the tower to break up the mass. The break at the centre of the façade (between Stage 1 and Stage 2) is not sufficient to achieve the perception of two towers. For this reason it is recommended that the elevation be further broken up to present as two towers. If a permit is to issue then a condition should be included to further architectural techniques to the King Street frontage.

The overshadowing of the public realm and wind impacts are discussed below in the wind and sunlight sections of this report.

Design Element	Preferred Requirement	Modified Requirement	Built Form Outcomes
Building setbacks from side boundarie s and rear boundarie s (or from the centre line of an adjoining laneway) and tower separatio n within a site	Above the street wall or 40 metres (where there is no street wall), towers and additions should be setback a minimum of 5 metres or 6% of the total building height whichever is greater.	Towers and additions up to 80 metres in height: Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres. Towers and additions of no more than 80 metres in height may be constructed up to one side or rear boundary, excluding a laneway, if an existing, approved, proposed or potential building on an adjoining site is built to that boundary and if a minimum setback of 5 metres is met to all other side and rear boundaries	Towers and additions are designed and spaced to ensure: • sun penetration and mitigation of wind impacts at street level. • provision of reasonable sunlight, daylight, privacy and outlook from habitable rooms, for both existing and potential developments on adjoining sites. • floorplate layout or architectural

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and the centre line of any adjoining laneway. Buildings of no more than 80 metres in height, may be constructed to a second side or rear boundary if an adjoining site cannot, by legal restriction benefitting the application site, be developed above the street wall height. Towers exceeding 80 metres in total height: Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres and must meet the design element requirements for tower floorplate. Tower separation within a site: Towers must be separated by a minimum of 10 metres.	 buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them. buildings do not visually dominate beritage places and
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Response

Western setback (private north-south laneway)7.8 metres

Above the street wall the tower is setback 5 metres to all boundaries with the exception of the private laneway which creates a 7.70 metre setback to the western site boundary.

The total building height is 128.25 metres which requires a setback of 7.70 metres to achieve the 6% preferred requirement.

In this instance the 7.8 metres setbacks are considered reasonable

The overshadowing of the public realm and wind impacts are discussed below in the wind and sunlight sections of this report.

Given the significant setbacks and separation from other built form the proposal does not result in unreasonable amenity impacts on neighbouring and nearby properties.

Design	Preferred	Modified	Built Form Outcomes
Element	Requirement	Requirement	
Tower floorplate	The tower floorplate is determined by the preferred requirement for building setbacks from side and rear boundaries and tower separation within a site, and the	The tower floorplates above the street wall for a tower above 80 metres in height may be adjusted in terms of location and/or shape but must not: • result in an increase in the floorplate area • be situated less than 5 metres	 The adjusted floorplate is designed and spaced to: reduce impact on existing and potential neighbours in terms of privacy, outlook, daylight and sunlight access. minimise visual bulk. reduce impact on public spaces, including overshadowing and wind effects and reduced visual dominance. buildings do not visually dominate heritage places and streetscapes, nor significant view lines.

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for building setback(s) above the street wall. (or from the centre line of an adjoining laneway) • be less than 5 metres to a street boundary • be less than 10 metres to an adjoining tower	modified requirement	from a side or rear boundary • buildings do not appear as a continuous wall at street level or
be less than 5 metres to a street boundary be less than 10 metres to an adjoining tower	setback(s)	centre line of an adjoining maintain open sky views between them.
metres to an adjoining tower		be less than 5 metres to a
on the site.		metres to an

Response

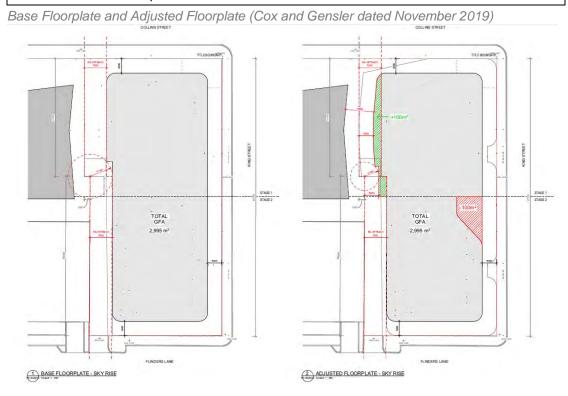
Western setback (boundary with 567 Collins Street) - 5 metres

The application seeks an adjusted floorplate by providing a central indent to the tower form along the King Street elevation and reducing the side setbacks from 567 Collins Street to minimum of 5 metres instead of 7.70 metres.

As shown in the diagram below, the central indent and reduced side setback does not result in an increase in the floorplate area. The minimum tower separation between 567 Collins Street and the proposal is 10 metres.

The adjusted floorplate is required so that the proposal can provide a central indent. The central indent significantly reduces the visual dominance and bulk of the tower and ensures that the tower does not appear as a continuous wall along King Street.

The reduced side setback will not have an adverse impact to the office building at 567 Collins Street as a level of privacy, outlook, daylight and sunlight access will be retained by the 10 metres tower separation.



DDO10 Definition for laneway:

Laneway is a road reserve of a public highway 9 metres or less wide. Collins Street, King Street and Flinders Lane therefore are defined as streets. The 7.6 metre wide north-south private laneway and therefore is not defined as laneway.

8.4. Clause 22.01 Urban Design within the Capital City Zone

The proposal responses positively to the objectives and policy requirements of Clause 22.01 – Urban Design within the Capital City. The proposal achieves this through the provision of the following:

- The street walls maintain a pedestrian scale at street level.
- There is sufficient separation between towers to ensure a high level of amenity is retained.
- The building envelope responds to the site's context.
- The lower portion of building aligns with the street pattern and respects the continuity of the street walls.
- The tower and podium forms have been broken up to provide articulation and identity to the building.
- The podium has been carved out to create main entry points into the ground plane.
- The sculptured recess breaks up the tower into the two forms, allowing daylight and views to penetrate the floorplates.
- Safe and direct pedestrian through block connections have been provided and appropriately secured.
- The building has been designed in the round, is of a high standard, and provides visual interest.
- The roof profile has been designed to contribute to the architectural quality of the city skyline.
- The publicly accessible plaza has a northerly aspect that optimises access to sunlight and facades adjoining the plaza provide active uses and passive surveillance.

8.5. Proposed Amendment C308

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

- Ensuring that car parking is underground.
- Having multiple entry points to the site.
- Retaining 50% of existing forecourt open space.
- Active and attractive frontages have been provided along all main streets.
- Providing links through the development to the public realm and other key sites such as 567 Collins Street.
- High quality materials and fine grain design to the street wall.
- The building program engages the pedestrian.

It is also noted that there is no aspect of the proposal that would be prohibited by the seriously entrained control.

8.6. Wind

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

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

The Wind Effects section also states that:

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

MEL Consultants conducted wind tunnel tests applying the Wind Effects distance criteria set by DDO10 and using a 1/400 scale model of the proposed development. The simulated wind conditions for all test locations in the streetscapes surrounding the development have been shown to pass the standing criterion, with many test locations satisfying sitting criteria.

The wind assessment prepared by MEL Consultants dated August 2019 concludes that:

For the Basic Configurations 1 (Stage 1 only) and 2 (Stages 1 and 2), wind conditions for all test locations in the streetscapes surrounding the development have been shown to pass the standing criterion, with many test locations satisfying the sitting criteria.

The wind conditions for the Basic Configurations 1 and 2 in the streetscapes that surround the development satisfy the safety criterion.

The wind assessment demonstrates compliance with the wind requirements of DDO10 and is supported.

8.7. Sunlight to public space

DDO10 states a permit must not be granted for buildings and works which would cast any:

- Additional shadow across the Yarra River Corridor (including 15 metres from the edge of the north bank of the river to the south bank of the river) between 11am and 2pm on 22 June.
- Additional shadow across Batman Park between 11am and 2pm on from 22 April to 22 September, unless the overshadowing will not unreasonably prejudice the amenity of the space.

The diagrams provided by the applicant illustrate that between April 22 and September 22 no additional overshadowing was further over Batman Park or 15 metres north of the Yarra Bank. The application complies with the mandatory provision.

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

Given the proposed 110 car parking spaces (73 carparks in Stage 1 and 51 in Stage 2) will not exceed the maximum car parking rate of over 500 spaces, a permit is not required under this overlay. Council's traffic engineers are supportive of the car parking provision.

8.9. Loading, Traffic and Waste

As documented in the referrals section of this report Council's traffic and waste engineers are generally supportive of the loading, traffic and waste subject to conditions including a Road Safety Audit.

8.10. Sustainability

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

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- Minimise greenhouse gas emissions and maximise energy efficiency.
- Minimise mains potable water co nsumption 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.

The Sustainability Management Plan identifies that the proposed development has acceptable ESD targets to satisfy Clause 22.19. It has committed to achieving a minimum 6 Star Green Star Design and As-Built rating.

Permit conditions for implementation of the recommendations of the Sustainability Management Plan and revised Waste Management Plan are recommended to ensure that the building meets the ESD targets and Council's waste requirements.

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

8.11. 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 reuse.

Subject to the conditions recommended by Council's ESD Officer and Principal Engineer (Infrastructure) being included on any permit, it is considered that the proposed development will meet the relevant requirements of Clause 22.23.

8.12. Staging

It is proposed to construct the development over two (2) stages. Stage 1 is proposed on the northern section of the site (currently known as 555 Collins St) and will comprise of 45,061m², 1,008m² of retail and a public plaza.

Permit conditions including a requirement for the consolidation of sites and legal agreements regarding staging of development should a permit issue will be required to ensure that the site is developed in an orderly fashion and public infrastructure such as the public plaza is delivered.

9. OFFICER RECOMMENDATION

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

9.1. Permit Conditions and Notes

Amended Plans

1. Prior to the commencement of the development, or as may otherwise be agreed with the Responsible Authority, an electronic set of plans, drawn to scale, must be submitted to the Responsible Authority in consultation with the City of Melbourne, generally in accordance with the plans prepared by Cox and Gensler dated 25 November 2019, but amended to show:

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- Reduce the height of the 45.35 metre section of street wall along King Street to a maximum of 40 metres (i.e. maximum of AHD47.110) excluding architectural features exempt under DDO10.
- b. Any changes as required as a result of the Façade Strategy in Condition3.
- c. Any additional changes as required as a result of the Road Safety Audit in Condition 14.
- d. Location(s) of onsite visitor bicycle spaces in accordance with Clause 52.34 of the Melbourne Planning Scheme.
- e. Further details of the design of Stage 1 southern façade to ensure the completed Stage 1 presents a high quality façade in the interim period between Stage 1 and Stage 2.

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

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

Façade Strategy

- 3. Prior to the commencement of the development, or as may otherwise be agreed with the Responsible Authority, a facade strategy and material and finishes must be submitted to the Responsible Authority and approved by the Responsible Authority in consultation with the City of Melbourne. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority in consultation with the City of Melbourne. Unless otherwise approved by the Responsible Authority, the Facade Strategy must be generally in accordance with the development plans and must address the following matters:
 - a. A description by the architect of the building design concept and how the façade works to achieve this.
 - b. Further details of each façade type to ensure the upper form reads as two separate forms and a distinct architectural expression of the central rebate ('active spine') is achieved.
 - c. Further details of each façade type to ensure the delivery of a high quality and textured building.
 - d. Plans, elevations and sections generally at a scale of 1:50 illustrating typical podium details, entries and doors, utilities, typical tower detail, key junctures, and any special features which are important to the building's presentation.
 - e. Further detail of the 'active spine' treatment and its application to all façades with a direct interface with the central rebate. The architectural language should achieve the expression of depth within the façade through elements, such as slab edges, structural framing, balconies and window frames.

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- f. A schedule of materials, finishes and details, including but not limited to the type and quality of materials, colour and appearance, confirming reflectivity not greater than 20% and providing an assessment of potential impacts relating to glare.
- g. Preliminary stone profile detail which depicts a fully integrated glazing system with no visible gaps between the cladding and glazing line.
- h. Resolution of the ground plane to ensure a high-quality pedestrian environment. Further detailed sections and plans at a scale of 1:50 to understand how the ground floor retail tenancies will interact with each street interface and how the internal areas will negotiate the slope along King Street to create a positive relationship with the public realm.
- i. Details of integrated planters within the podium façade modules.

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

Construction Management Plan and Tree Protection

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

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

- a. public safety, amenity and site security.
- b. operating hours, noise and vibration controls.
- c. air and dust management.
- d. stormwater and sediment control.
- e. waste and materials reuse.
- f. traffic management.
- g. protection of street trees.
- 5. Prior to the commencement of any works including bulk excavation, a Tree Protection Plan (TPP) must be provided to the satisfaction of the City of Melbourne (Urban Forestry & Ecology) for any public trees that may be affected by the development. 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 su bject trees (found at http://melbourneurbanforestvisual.com.au).
 - b. Reference to the finalised Construction and T raffic Management Plan, including any public protection gantries.
 - c. Site specific details of the temporary tree prote ction fencing to be used to isolate publicly owned t rees from t he demolition and

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- construction activities or details of any other tree pr otection 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 p ublicly owned tree. These must be provi ded 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 on going maintenance of publicly owned trees for the duration of the development.
- g. Details of the frequency of the Project Arborist monitorin g visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provi ded to Council's email via trees@melbourne.vic.gov.au.
- 6. All works (including bulk excavation), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the the City of Melbourne.
- 7. Following the approval of a Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by Council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted on, the City of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.
- 8. 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, the City of Melbourne Urban Forestry & Ecology.

Legal Agreements

- 9. Prior to the commencement of the development excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the Responsible Authority, the owner of the land must enter into an agreement with the Responsible Authority and Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must:
 - a. Secure the office use for a minimum of 10 years from the date of issue of a certificate of occupancy for the building. The Agreement must make provision for the removal of this requirement from the land following completion of the obligations contained in the agreement.
 - b. Give rights of public access to the plaza to Collins Street 24 hours, 7 days a week but to remain at all times in private ownership as part of the subject land.

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

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- 10. Prior to the commencement of the development of Stage 2 excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the Responsible Authority, the owner of the land must enter into an agreement with the Responsible Authority and Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must:
 - a. Give rights of public access to Private Lane PL5261 located within the subject land 24 hours, 7 days a week but to remain at all times in private ownership as part of the subject land.

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

- 11. Prior to the commencement of the development of Stage 2, or as may otherwise be agreed with the Responsible Authority, the owner of the land must enter into an agreement with the Responsible Authority and Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:
 - a. if the land remains vacant for 6 months after completion of the demolition;
 - b. demolition or construction activity ceases for a period of 6 months; or
 - c. construction activity ceases for an aggregate of 6 months after commencement of the construction,

The owner must construct temporary works on the land to the satisfaction of the Responsible Authority.

- 12. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the Responsible Authority, the owner of the land must enter into an agreement with the Responsible Authority and Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must provide for the following:
 - a. The owner must only develop that part of the Land comprised in Plan of Consolidation 159364A being the land comprised in Certificate of Title Volume 9683 Folio 812 in either of the following ways:
 - i. generally in accordance with the plans endorsed by the Responsible Authority under Planning Permit PA1900572.
 - ii. generally in accordance with any planning permit that may be issued by the Responsible Authority as a result of any planning permit application that relates solely to that part of the land comprised in Plan of Consolidation 159364A being the land comprised in Certificate of Title Volume 9683 Folio 812.

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

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

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13. 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 City of Melbourne.

Road Safety Audit

- 14. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the Responsible Authority, 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

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

3D Digital Model

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

Building Appurtenances and Services

- 16. 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.
- 17. 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.
- 18. 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.

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Implementation of Environmentally Sustainable Design (ESD)

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

Verification of Certified Green Star Rating

20. Following final GBCA certification of the project's Green Star Design & As-Built rating, copies of the certificate must be submitted to the Responsible Authority.

Landscaping

21. Prior to commencement of development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a scheme for landscaping and planting in connection with the proposed development must be submitted to, and be approved by the City of Melbourne. This should include landscape plans with detailed planter sections including soil volumes and schedules of species with soil volume requirements and growing media proposed, and a Landscape Maintenance Plan providing details of proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion. Except with the prior written consent of the City of Melbourne 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 City of Melbourne.

Civil Conditions

- 22. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the Responsible Authority a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the City of Melbourne. This system must be constructed prior to the occupation of each stage of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.
- 23. The footpath adjoining the site along Flinders Lane must be reconstructed in new sawn bluestone together with associated works including the renewal/reconstruction 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 City of Melbourne.
- 24. Existing street levels in Flinders Lane, King Street and Collins Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the City of Melbourne.
- 25. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the City of Melbourne.

- 26. Existing street furniture must not be removed or relocated without first obtaining the written approval of the City of Melbourne.
- 27. All street furniture such as street litter bins recycling bins, seats and bicycle rails must be supplied and installed on Flinders Lane, King Street and Collins Street footpaths outside the proposed building to plans and specifications first approved by the City of Melbourne.
- 28. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with the City of Melbourne's Lighting Strategy, and include the provision of public lighting in Flinders Lane, King Street and Collins Street. The lighting works must be undertaken prior to the commencement of the use/occupation of the development, in accordance with plans and specifications first approved by the City of Melbourne.

Consolidation

29. Prior to the commencement of Stage 2 all the land for the proposed development must be owned by the one entity and consolidated onto the one certificate of title to the satisfaction of the Responsible Authority.

Openings on boundary

- 30. Prior to the commencement of the development on the land, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the Responsible Authority the owner of the land must enter into an agreement with the City of Melbourne pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must provide the following:
 - a) The windows/openings on the west boundary must be removed when the adjoining property is further developed in a manner that the Responsible Authority considers would affect these windows/openings.

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

Waste

- 31. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by irwinconsult dated 26th November 2019. The submitted WMP must not be altered without prior consent of the City of Melbourne Waste and Recycling.
- 32. 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 six years of the date of this permit.

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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

- All necessary approvals and permits are to be first obtained from the City of Melbourne – Manager Engineering Services Branch and VicRoads and the works performed to the satisfaction of the City of Melbourne – Manager Engineering Services Branch and VicRoads.
- The internal roads should remain the responsibility of the land owner(s) in perpetuity. The City of Melbourne is unlikely to agree to the internal roads being made public.
- All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the City of Melbourne – Manager Engineering Services Branch.
- In accordance with the Tree Retention and Removal Policy a bank guarantee must be:
 - 1. Issued to City of Melbourne, ABN: 55 370 219 287.
 - 2. From a recognised Australian bank.
 - 3. Unconditional (i.e. no end date)
 - 4. Executed (i.e. signed and dated with the bank stamp)
- Please note that insurance bonds are not accepted by the City of Melbourne.
 An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.
- At the time of lodgement of the bank guarantee the completed Project Arborist Confirmation Form must be provided. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the health of the subject public trees has not been compromised.