Report to the Future Melbourne (Planning) Committee

Agenda item 6.2

15 September 2020

Ministerial Planning Referral: TPMR-2014-35/B 7-23 Spencer Street, Docklands

Presenter: Evan Counsel, Director Planning and Building

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of an application to amend a Ministerial Planning Permit for the land located at 7-23 Spencer Street, Docklands (refer Attachment 2 - Locality plan). The amended proposal seeks to modify the land uses, built form and architecture of the proposed buildings.

- 2. More specifically, the amendment seeks to consolidate the approved residential towers 1 and 3 to create a single commercial office tower, and to increase the number of dwellings by removing the hotel use from Tower 2. The proposal increases the total gross floor area (GFA) from 108,680m² to 118,859m². The proposal does not seek an increase in height above that approved, however it does increase the building footprints and reduces setbacks (refer Attachment 3 Plans).
- 3. Tower 1 will provide 64,250m2 GFA of office space and increases the building footprint. Tower 2 proposes a build to rent residential tower with 472 apartments in and associated built form changes. Importantly, the 20 affordable housing apartments forming part of the existing approval are proposed to be retained.
- 4. The land is located within the Capital City Zone Schedule 1 (CCZ1, Outside the Retail Core) and is affected by the Design and Development Overlay Schedule 10 (DDO10, General Development Area Built Form) and the Parking Overlay Schedule 1 (PO1, Capital City Zone Outside the Retail Core).
- 5. The applicant is Mirvac Pty Ltd c/o- Urbis Pty Ltd, the owner is CGA Land 1 Pty Ltd and the architect is Fender Katsalidis Architects Pty Ltd.
- 6. The Department of Environment, Land, Water and Planning (DELWP), on behalf of the Minister for Planning, has referred the application to Council as a recommending referral authority.

Key issues

- 7. The key issues are the proposed change of use, built form including compliance with DDO10, urban design, and public realm works.
- 8. The proposed land uses do not require planning approval and are nonetheless considered positive changes to the proposal.
- 9. Subject to recommended conditions, the proposed built form is generally a successful response to relevant planning scheme requirements, including DDO10. However, the proposed building mass of Tower 1 will have significant adverse impacts on the impression of bulk. Conditions are recommended to require a more meaningful recess and additional architectural expressions be introduced into the Siddeley Street (northern) elevation.
- 10. Importantly, the amended proposal will not result in additional overshadowing of the Yarra River.
- 11. The proposal includes public realm works within Siddeley Street. Recommended permit conditions will ensure the design and delivery of these proposed works are subject to Council's approval.
- 12. Subject of various deleted, amended and new conditions, the proposed development will continue to be a positive outcome for this currently underutilised site.

Recommendation from management

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

Attachments:

- 1. Supporting Attachment (Page 2 of 125)
- 2. Locality Plan (Page 3 of 125)
- 3. Plans (Page 4 of 125)
- 4. Delegate Report (Page 66 of 125)

Supporting Attachment

Attachment 1 Agenda item 6.2 Future Melbourne Committee 15 September 2020

Legal

- 1. The Minister for Planning is the Responsible Authority for determining the application.
- 2. Council is a recommending referral authority under Section 55 of the *Planning and Environment Act 1987* and Clause 66 of the Melbourne Planning Scheme.

Finance

3. There are no direct financial issues arising from the recommendations contained in 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 as part of the planning permit application and assessment process.

Stakeholder consultation

6. Council officers have not advertised the application or referred this to any other referral authorities. This is the responsibility of the DELWP acting on behalf of the Minister for Planning.

Relation to Council policy

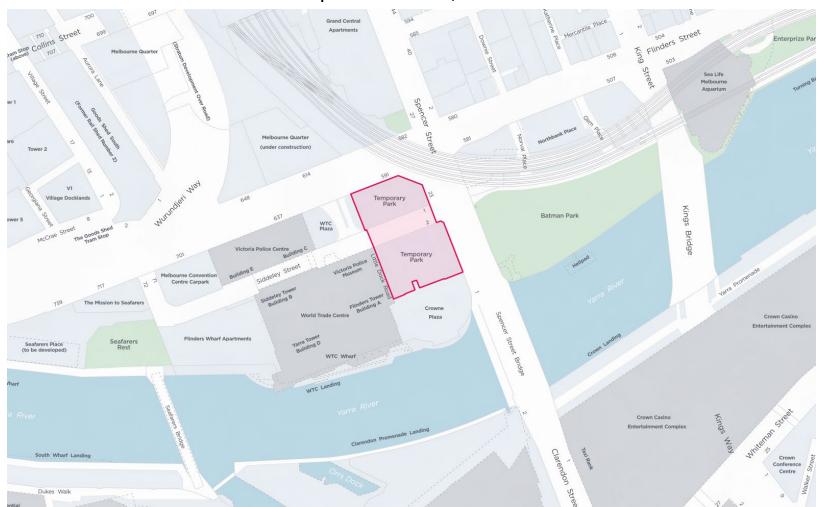
7. Relevant Council policies are discussed in the attached officer report (refer Attachment 4).

Environmental sustainability

- 8. The Master Plan provides a statement that the proposal will meet:
 - 8.1. A 5 star rating under a current version of Green Star-Retail Centre rating tool or equivalent.
 - 8.2. A 5 star rating under a current version of Green Star-Multi Unit Residential rating tool or equivalent.
 - 8.3. 5 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star-Retail rating tool or equivalent.
 - 8.4. 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star-Multi Unit Residential rating tool or equivalent.
- 9. In addition to the Masterplan noting ESD requirements, it is recommended that conditions be included on the amended permit requiring the submission of Environmentally Sustainable Design Statement at each stage of the proposal in accordance with the requirements of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management). Conditions requiring implementation of the ESD initiatives are also recommended.

Locality Plan

7-23 Spencer Street, Docklands



PROJECT
7-23 SPENCER STREET DOCKLANDS

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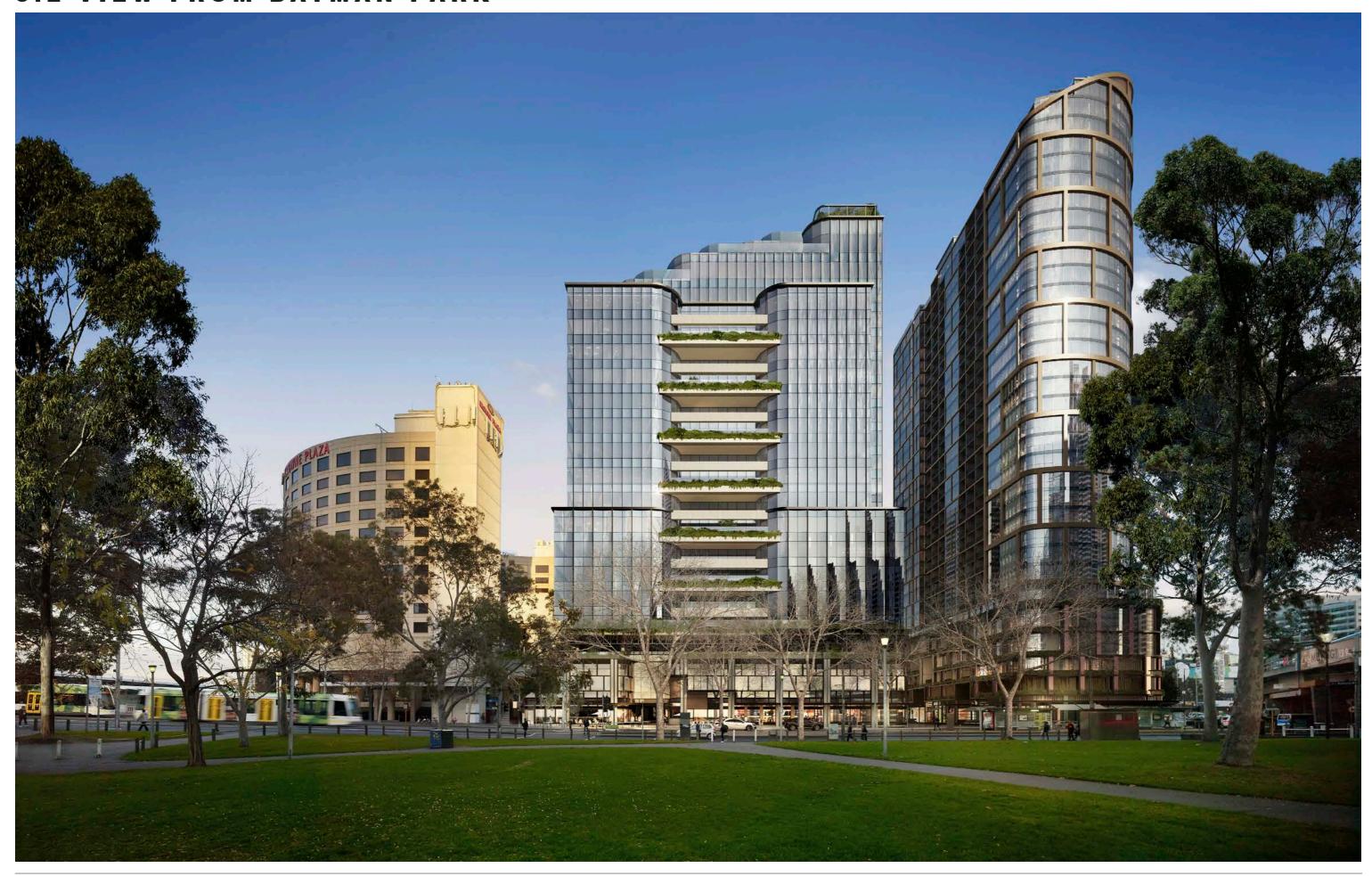
6.1 VIEW FROM SPENCER STREET



PROJECT
7-23 SPENCER STREET DOCKLANDS

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6.2 VIEW FROM BATMAN PARK



Page 6 of 125 7-23 SPENCER STREET DOCKLANDS

6.3 VIEW FROM CORNER OF SPENCER & SIDDELEY STREET LOOKING NORTH WEST



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7-23 SPENCER STREET DOCKLANDS

6.4 VIEW FROM CORNER OF SPENCER & SIDDELEY STREET LOOKING SOUTH WEST



PROJECT
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Page 8 of 125
Mirvac

6.5 VIEW FROM KING'S WAY BRIDGE

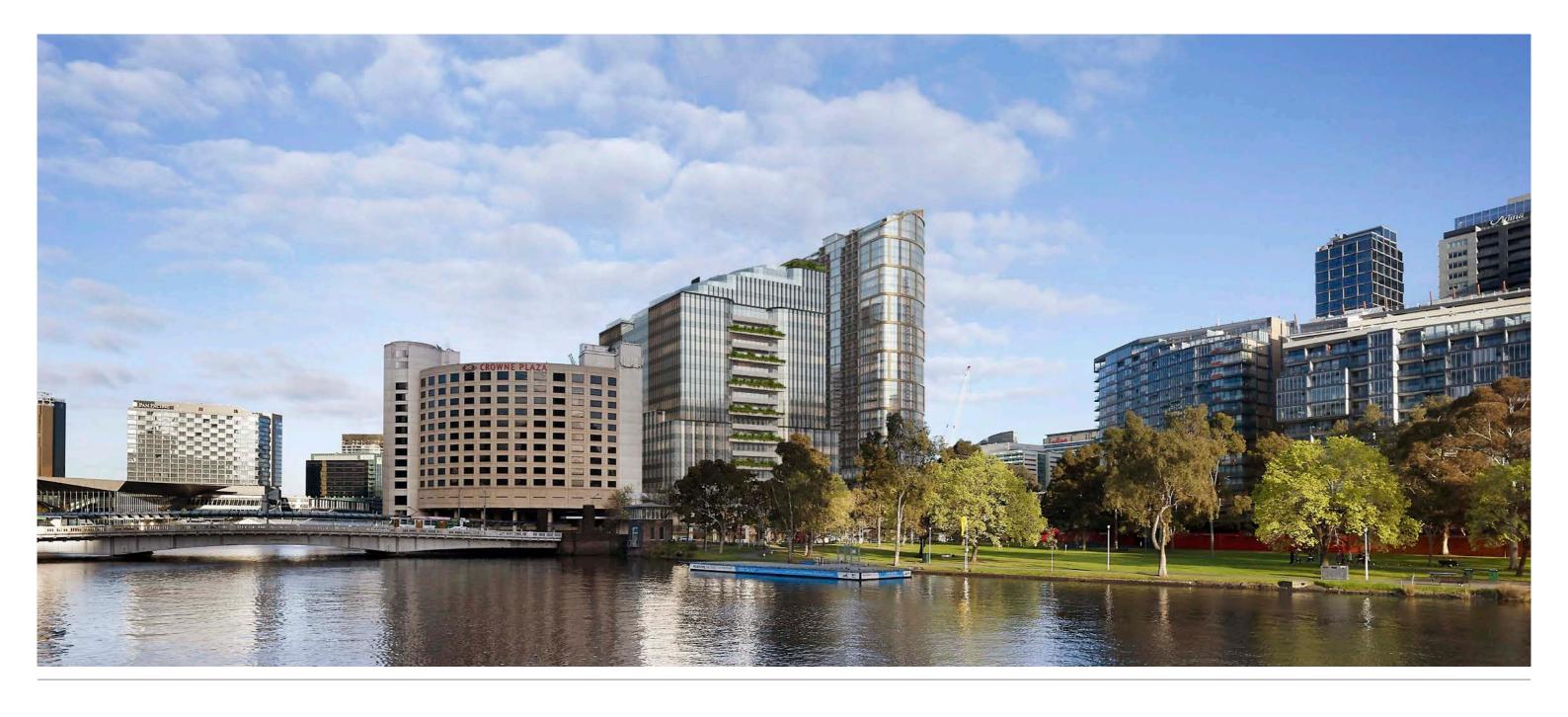


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6.6 VIEW FROM YARRA RIVER



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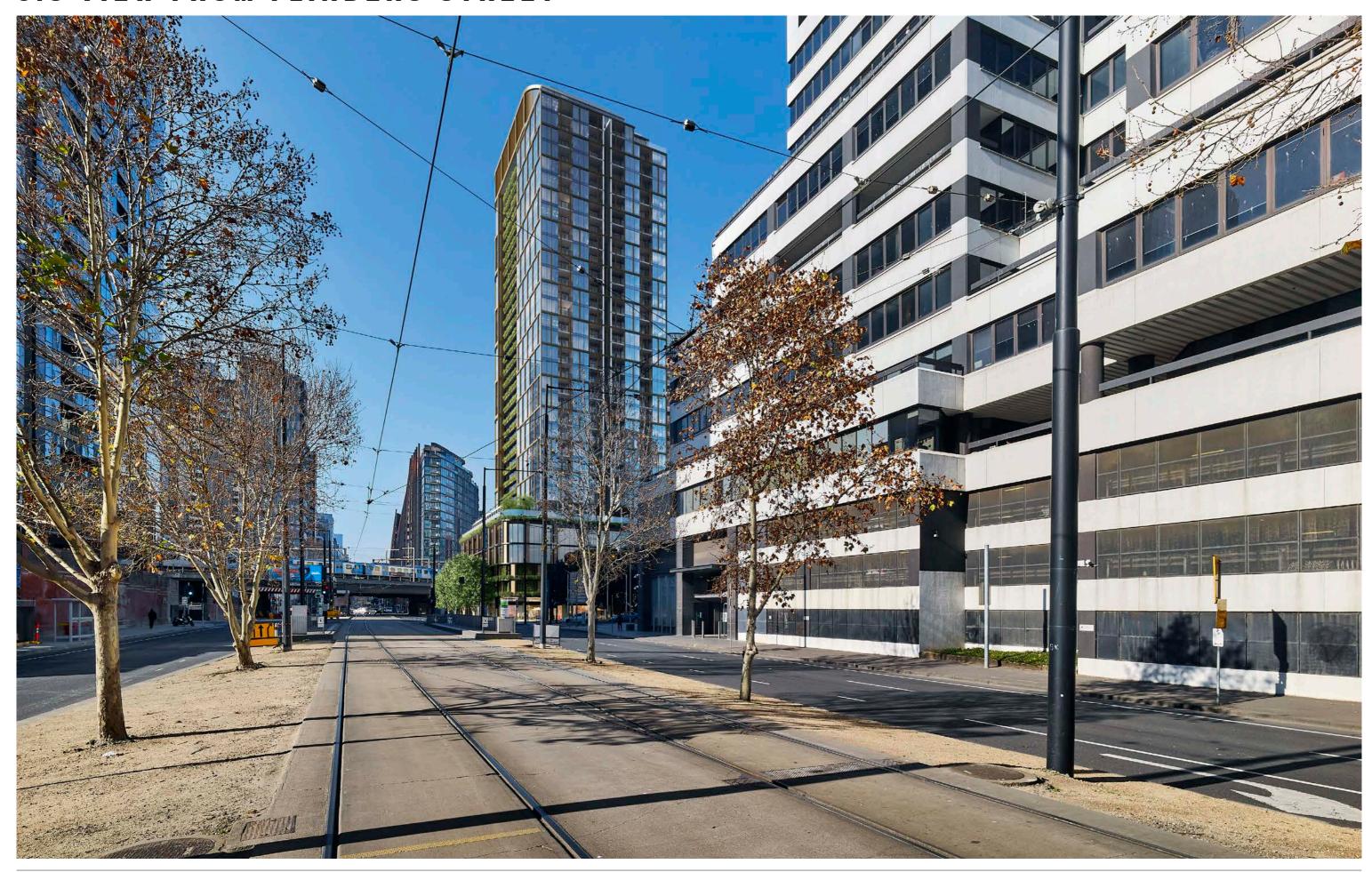
6.7 VIEW FROM SOUTH WHARF



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6.8 VIEW FROM FLINDERS STREET

7-23 SPENCER STREET DOCKLANDS



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PROJECT
7-23 SPENCER STREET DOCKLANDS

T1 FSR 1.3 - PEDESTRIAN LINK FROM SIDDELEY STREET



PROJECT
7-23 SPENCER STREET DOCKLANDS

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T1 FSR 1.3 - PEDESTRIAN LINK FROM SPENCER STREET



T1 FSR 1.3 - SPENCER STREET & SIDDELEY STREET

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T2 FSR 1.3 - PEDESTRIAN LINK FROM FLINDERS STREET

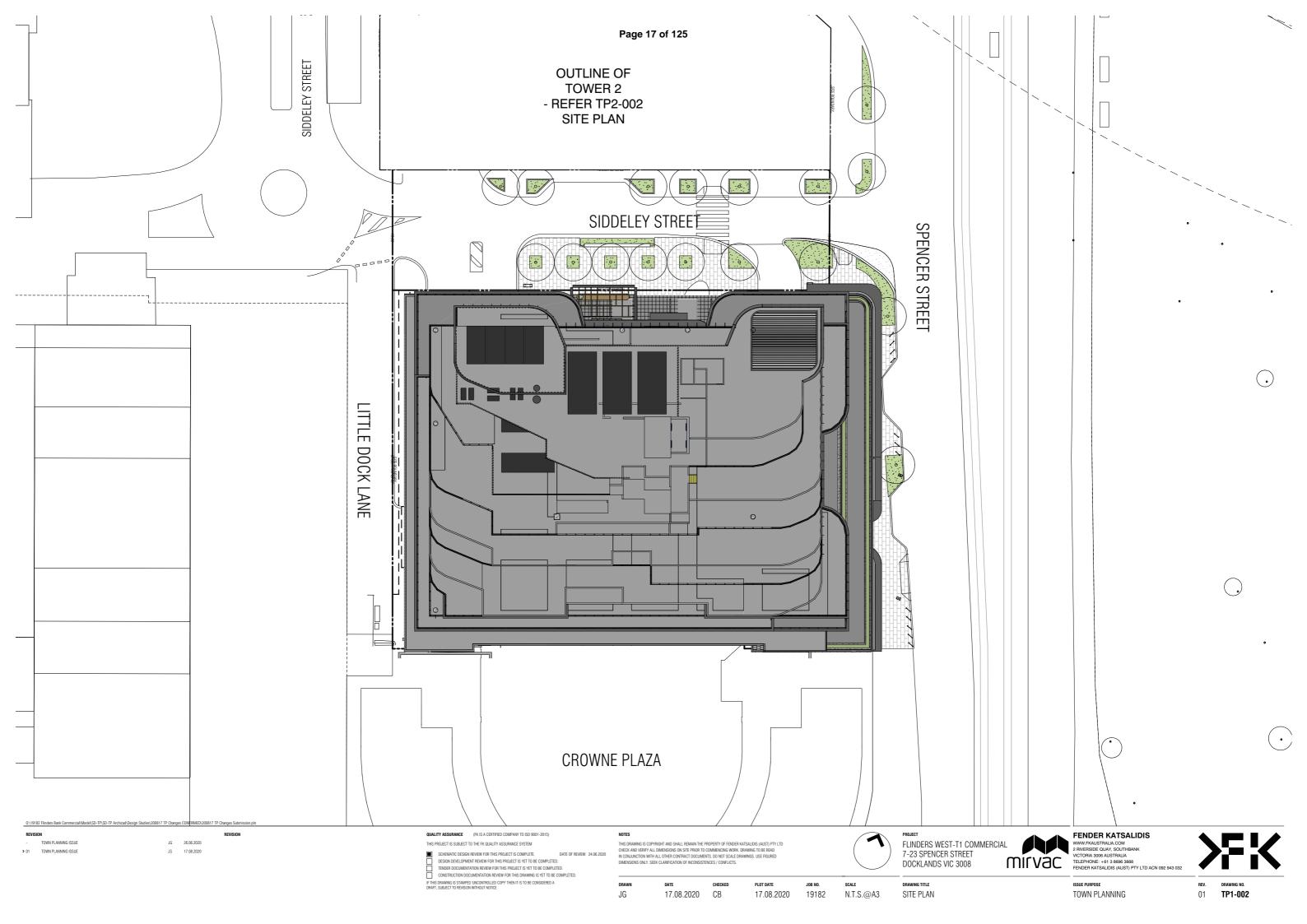
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TP2-423 PEDESTRIAN LINK FROM SIDDELEY STREET

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GFA SCHEDULE	
BASEMENT 1	1 564
GROUND FLOOR	3 285
LEVEL 1	2 653
LEVEL 2	3 801
LEVEL 3	1 583
LEVEL 4	3 438
LEVEL 5	3 438
LEVEL 6	3 452
LEVEL 7	3 452
LEVEL 8	3 452
LEVEL 9	3 256
LEVEL 10	3 066
LEVEL 11	3 066
LEVEL 12	3 108
LEVEL 13	3 108
LEVEL 14	3 108
LEVEL 15	3 108
LEVEL 16	3 108
LEVEL 17	3 051
LEVEL 18	2 521
LEVEL 19	2 065
LEVEL 20	1 514
LEVEL 21	53
	64 250 m²

OFFICE NLA SCHEE	ULE		TERRAC	E AREAS	
LEVEL	TYPE	AREA	LEVEL	TYPE	AREA
LEVEL 2	TENANT OPPORTUNITY_SPACE (OFFICE)	918	LEVEL 2	TENANT OPPORTUNITY_SPACE / TERRACE	368
LEVEL 4	OFFICE NLA	3 070	LEVEL 4	TERRACE	511
LEVEL 5	OFFICE NLA	3 070			
LEVEL 6	OFFICE NLA	3 088	LEVEL 6	TERRACE	40
LEVEL 7	OFFICE NLA	3 088			
LEVEL 8	OFFICE NLA	3 088	LEVEL 8	TERRACE	40
LEVEL 9	OFFICE NLA	2 893			
LEVEL 10	OFFICE NLA	2 704	LEVEL 10	TERRACE	40
LEVEL 11	OFFICE NLA	2 704			
LEVEL 12	OFFICE NLA	2 704	LEVEL 12	TERRACE	40
LEVEL 13	OFFICE NLA	2 811			
LEVEL 14	OFFICE NLA	2 811	LEVEL 14	TERRACE	40
LEVEL 15	OFFICE NLA	2 811			
LEVEL 16	OFFICE NLA	2 811	LEVEL 16	TERRACE	40
LEVEL 17	OFFICE NLA	2 756			
LEVEL 18	OFFICE NLA	2 219	LEVEL 19	TERRACE	313
LEVEL 19	OFFICE NLA	1 770	LEVEL 20	TERRACE	182
LEVEL 20	OFFICE NLA	389	LEVEL 21	SKY GARDEN	358
		45 705 m ²			2 280 m ²

LEVEL 1	1 063
LEVEL 2	2 901
LEVEL 3	1 343
LEVEL 20	804
LEVEL 21	536
	8 314 m²
CARPARKING SCHEDULE	
LEVEL 1	10
LEVEL 2	34
LEVEL 3	26
	70
MOTORBIKE PARKING SCHEDULE	
LEVEL 2	2
	2

128

1 539

BOH + CAR PARKING AREA SCHEDULE

BASEMENT 1

GROUND FLOOR

EXISTING APPROVED GFA (29.10.18)

TOWER 1: 20 083m² TOWER 3: 17 216m² SOUTH PODIUM: 16 124m²

TOTAL: 53 423m²

RETAIL & OTHER NLA SCHEDULE

GROUND FLOOR GYM /_WELLNESS 42 GROUND FLOOR LOBBY KIOSK 15 GROUND FLOOR RETAIL 507 LEVEL 1 GYM /_WELLNESS 493
GROUND FLOOR LOBBY KIOSK 15
GROUND FLOOR GYM /_WELLNESS 42

AREA DEFINITION:

ALL GFA AREAS ARE FULLY ENCLOSED COVERED AREA (FECA) PLUS BALCONIES & WINTERGARDENS. GFA AREAS ARE MEASURED TO EXTERNAL FACE OF GLAZING AND INTERNAL FACE OF PREDOMINANT OPAQUE WALL.

UNCOVERED TERRACES, PUBLIC UNDERCROFT AREAS AND LIFT SHAFTS ARE EXCLUDED.

BALCONY AREAS WHICH ARE UNDERCOVER ARE LABELLED AS BALCONY OR WINTERGARDEN BALCONY AEAS WHICH AREN'T UNDERCOVER ARE LABELLED AT TERRACES. BALCONY AREAS ARE MEASURED TO THE CLEAR INTERNAL FACES OF THE FACADE AND DIVIDING WALLS, AND EXTERNAL FACE OF BALUSTRADE

TOWN PLANNING ISSUE FB 26.06.2020

> 01 TOWN PLANNING ISSUE

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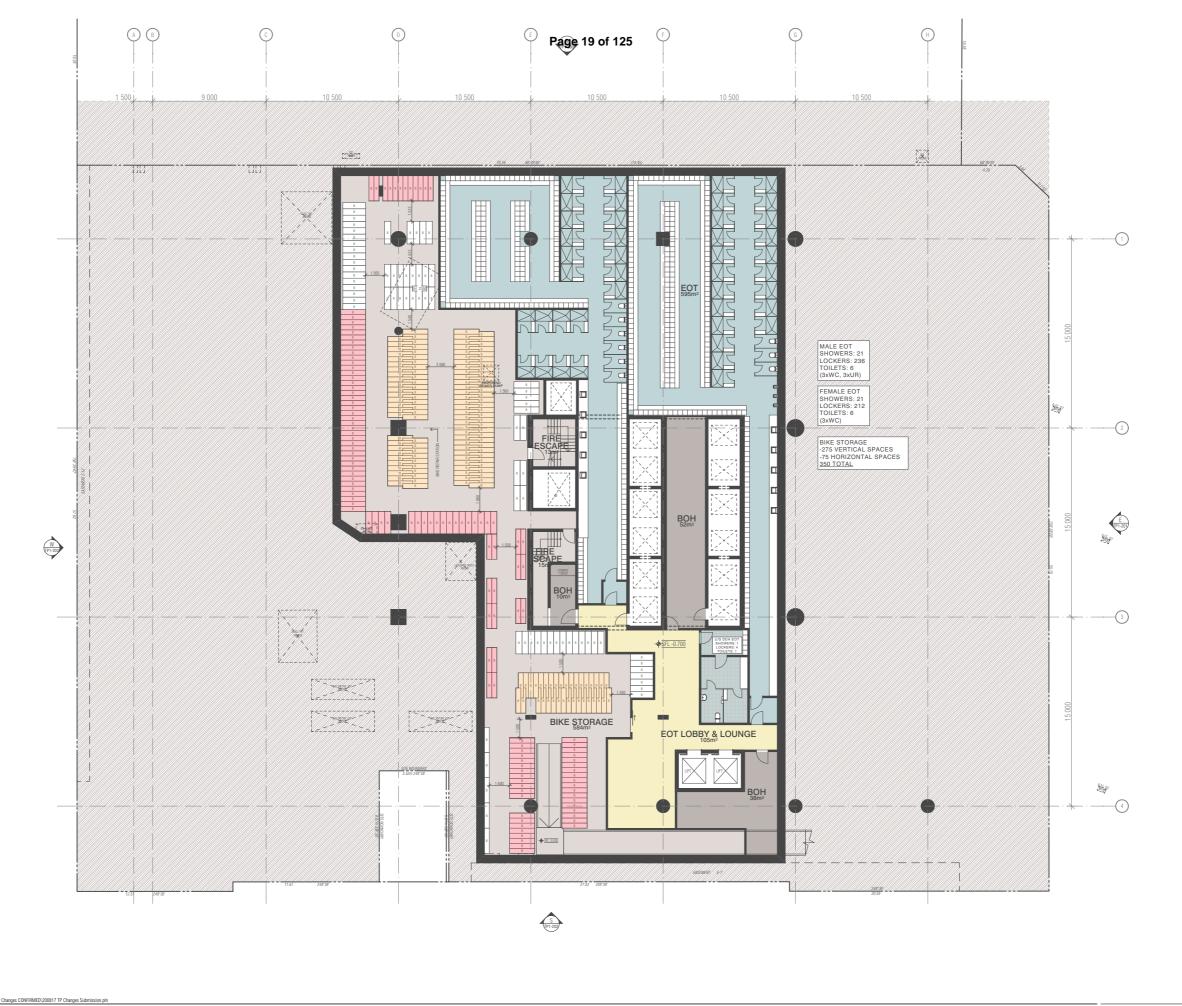
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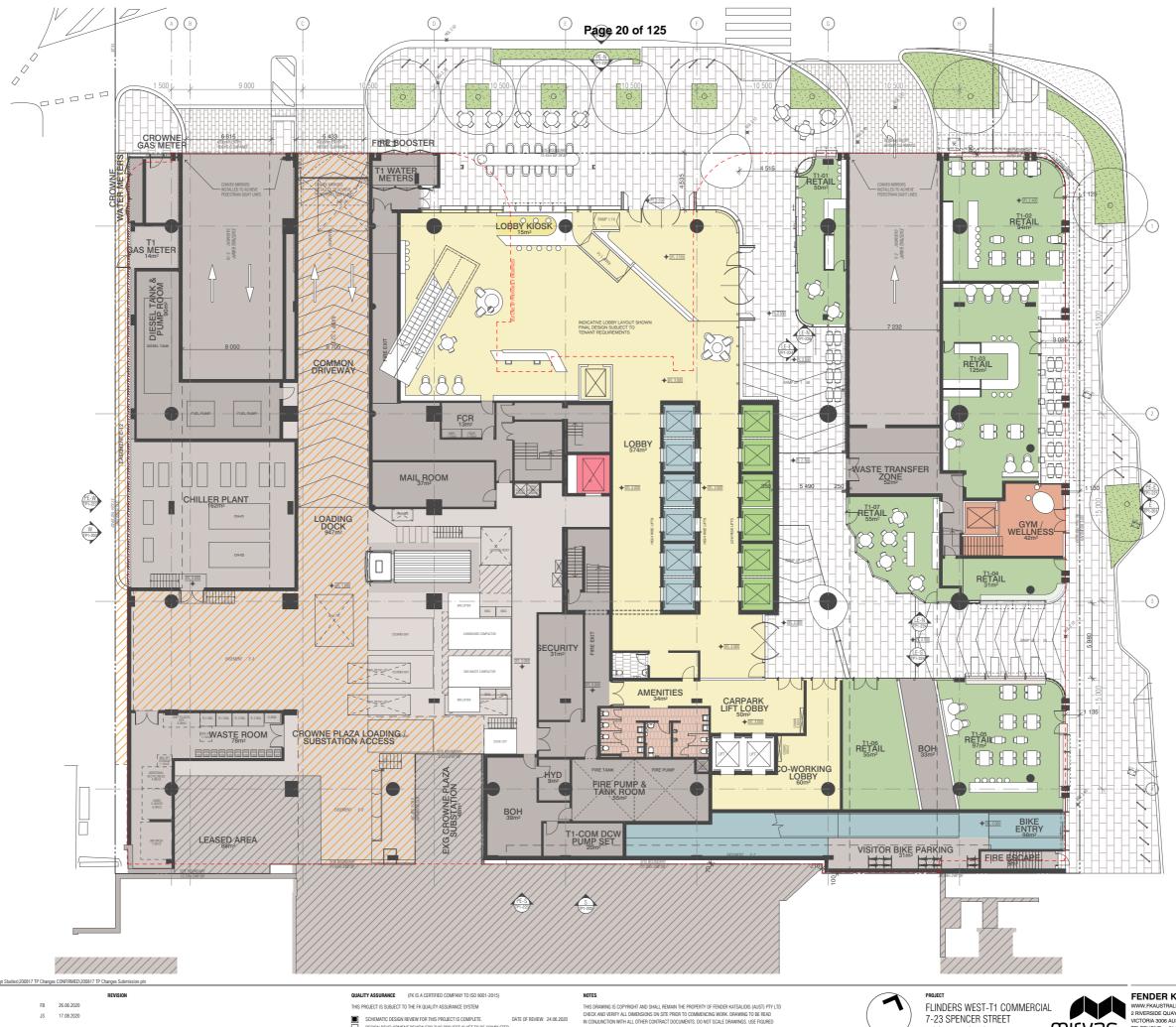
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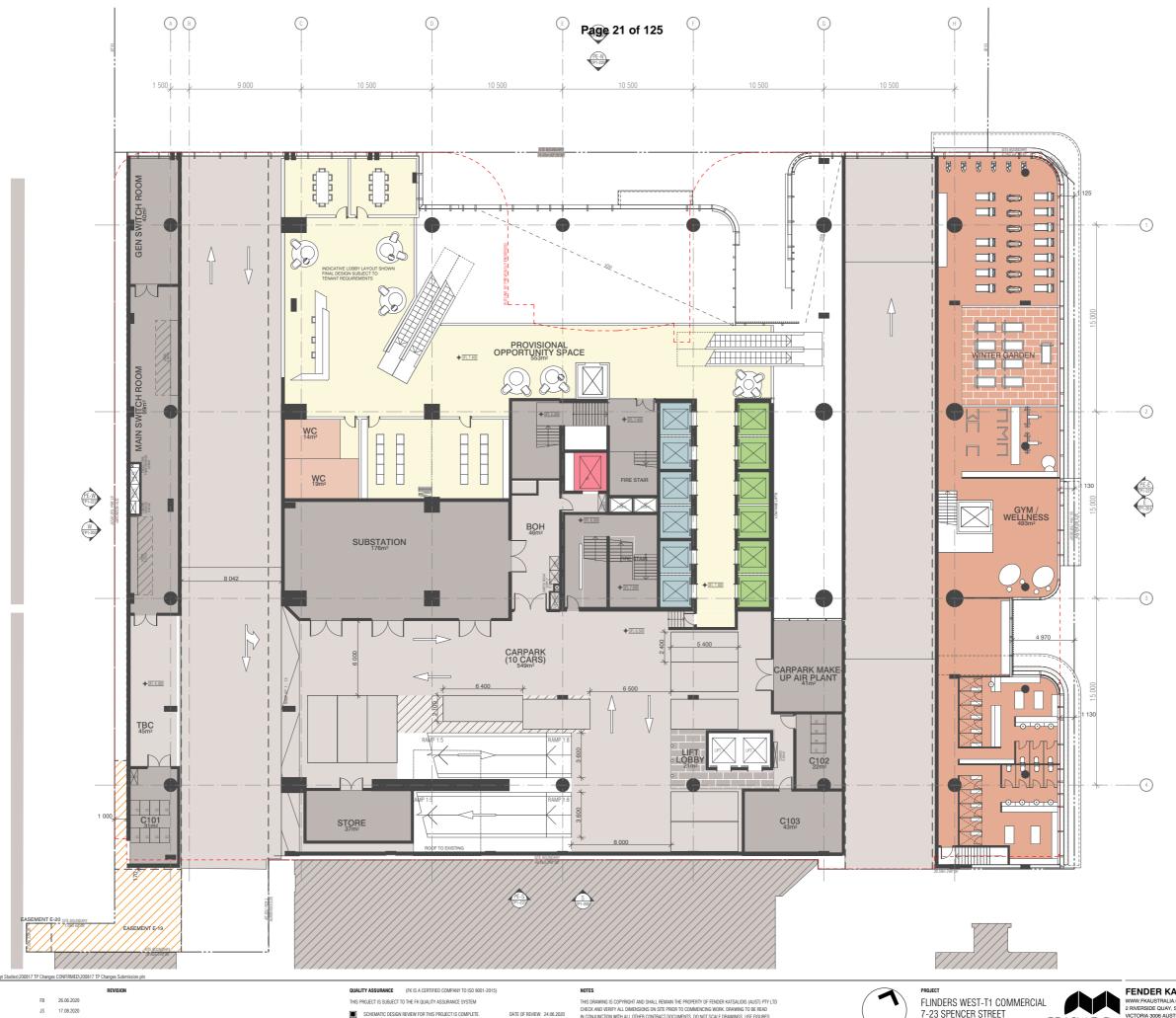
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GROUND FLOOR PLAN TOWN PLANNING



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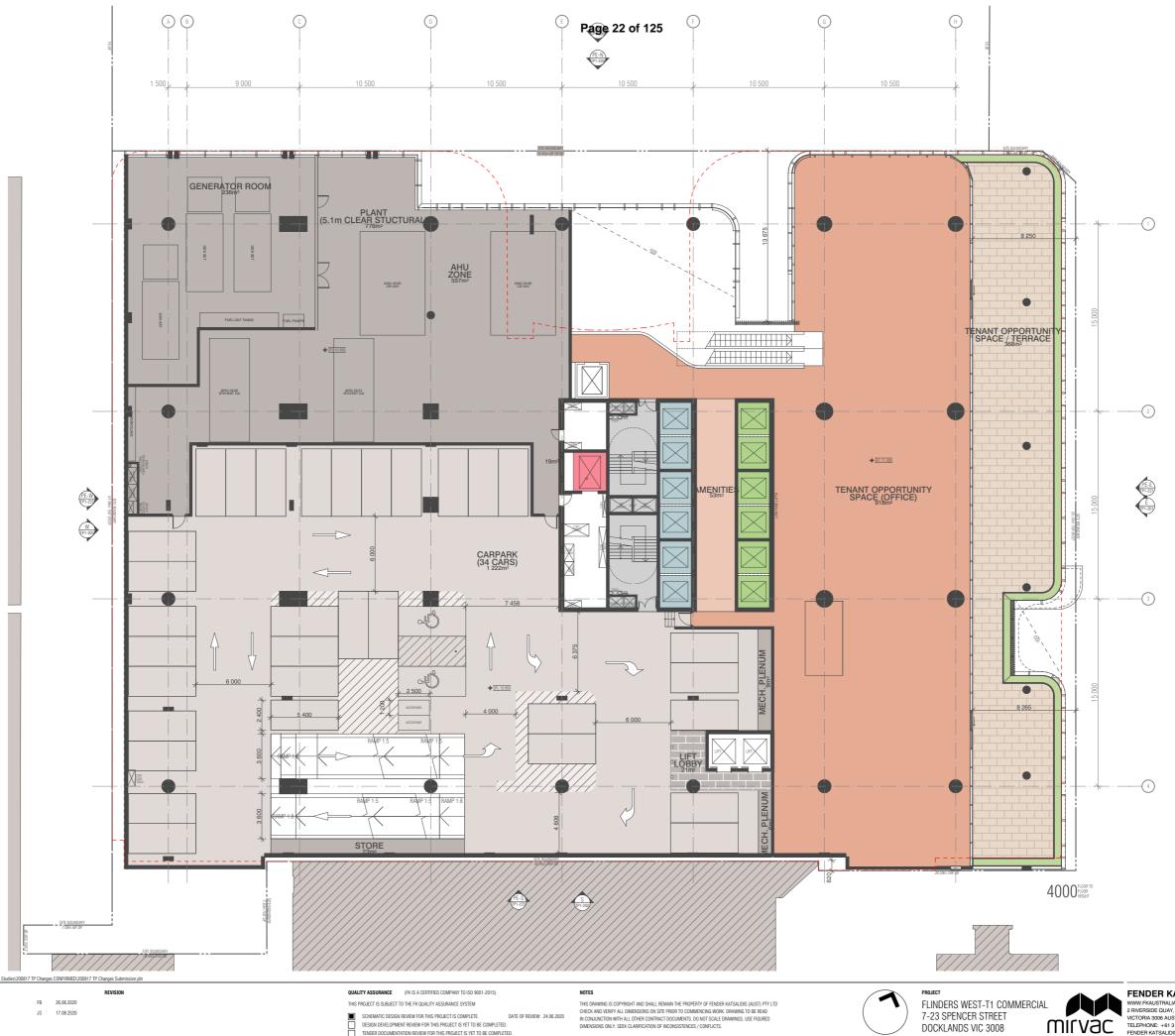
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LEVEL 1 FLOOR PLAN



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LEVEL 2 FLOOR PLAN

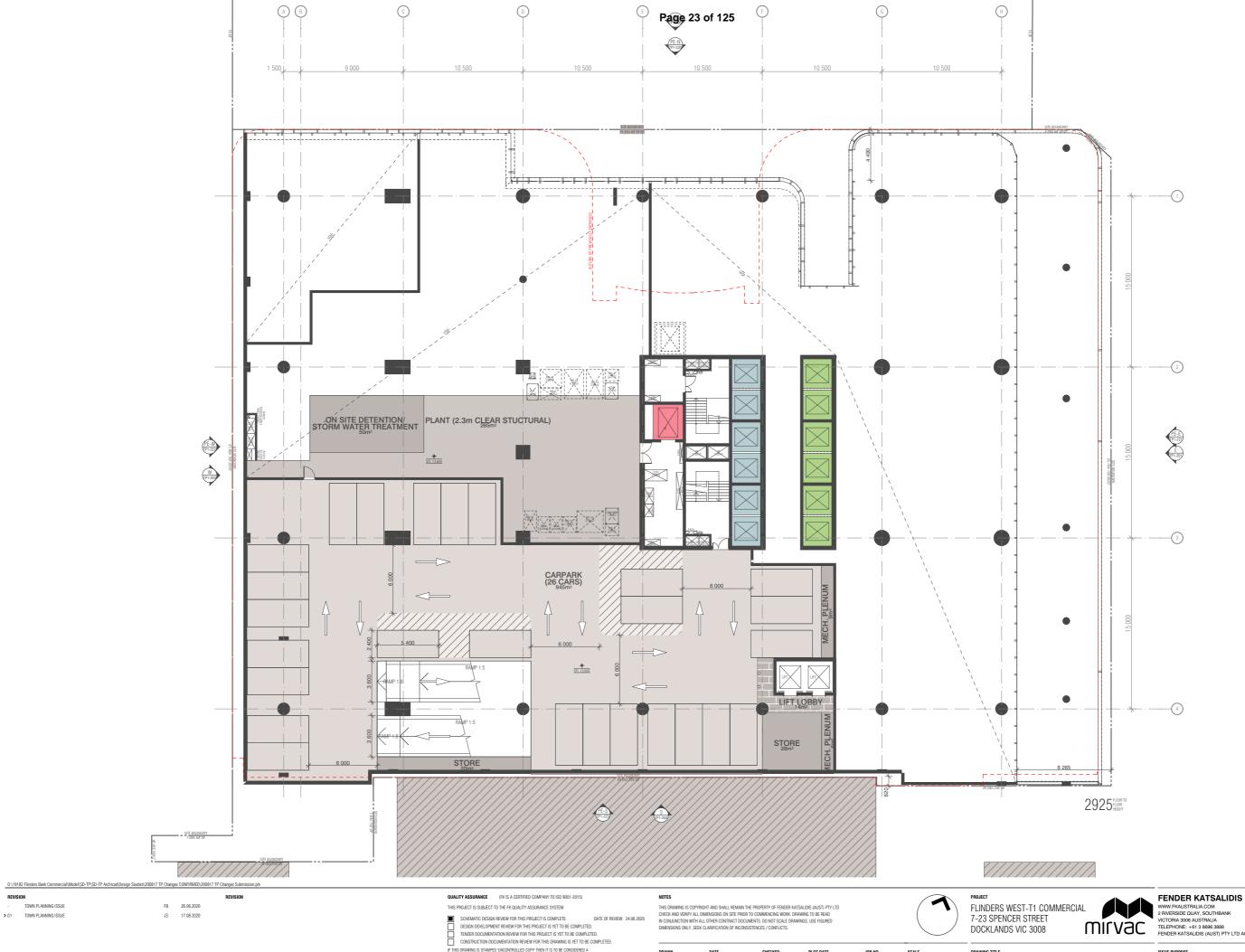
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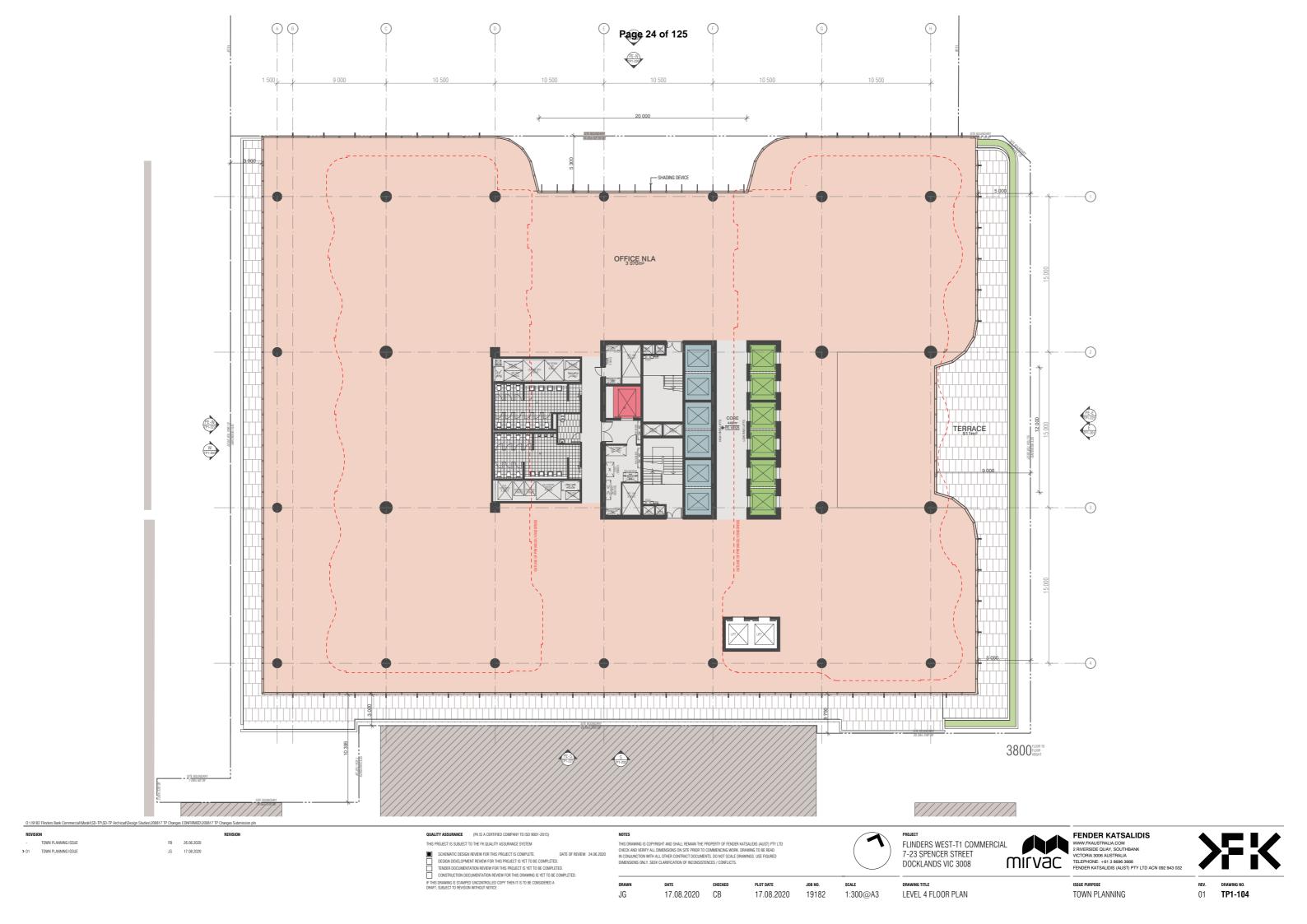


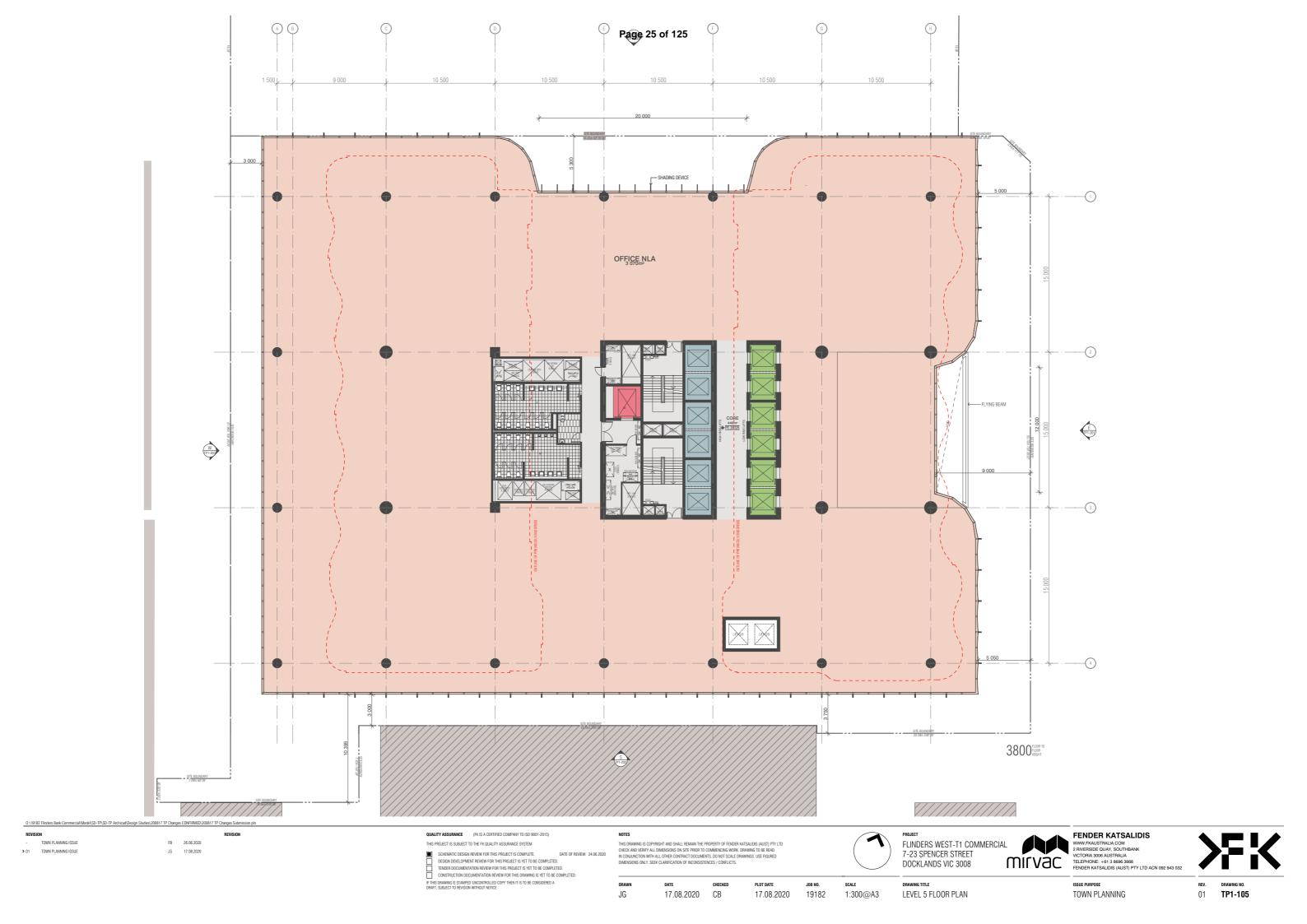
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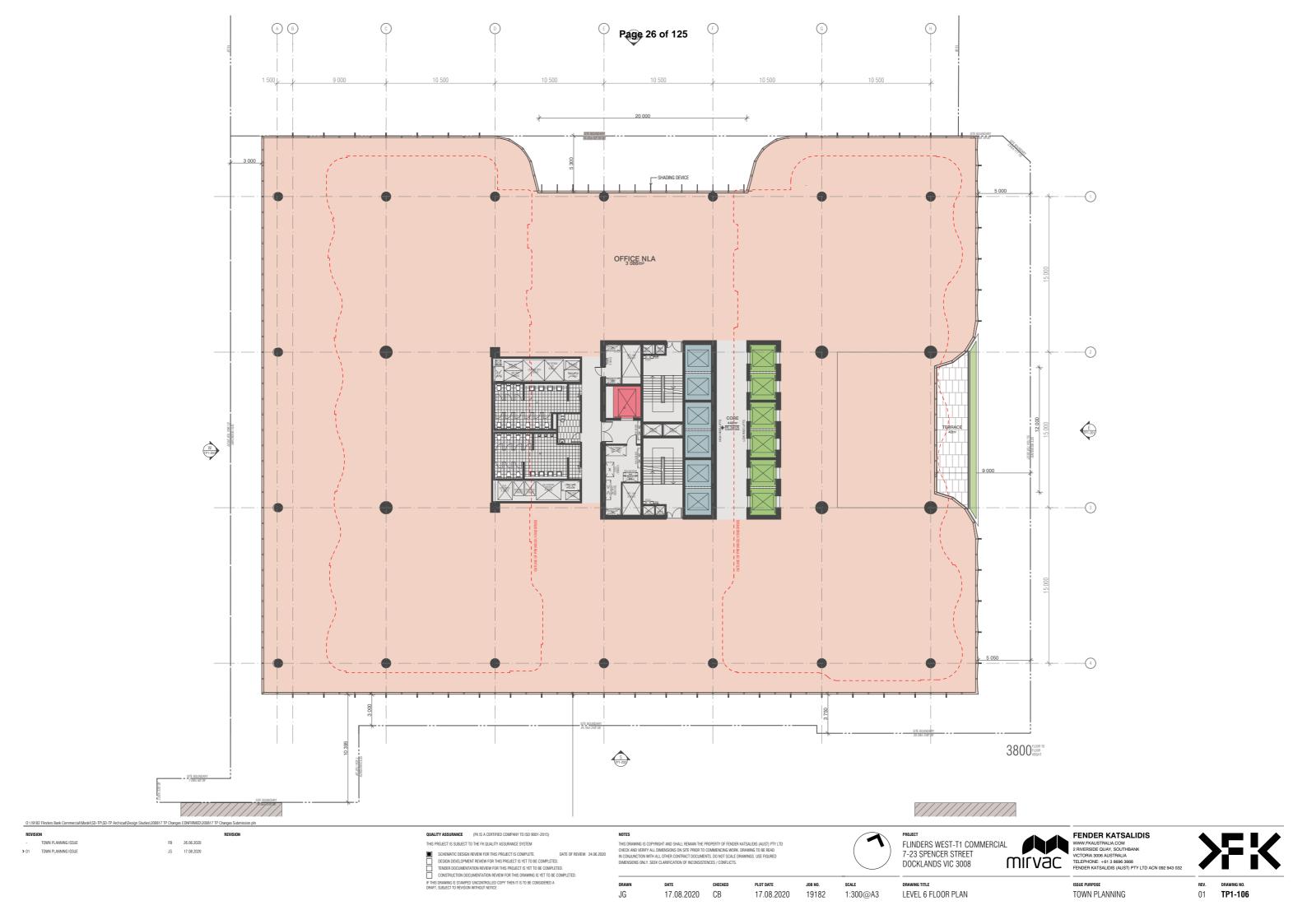
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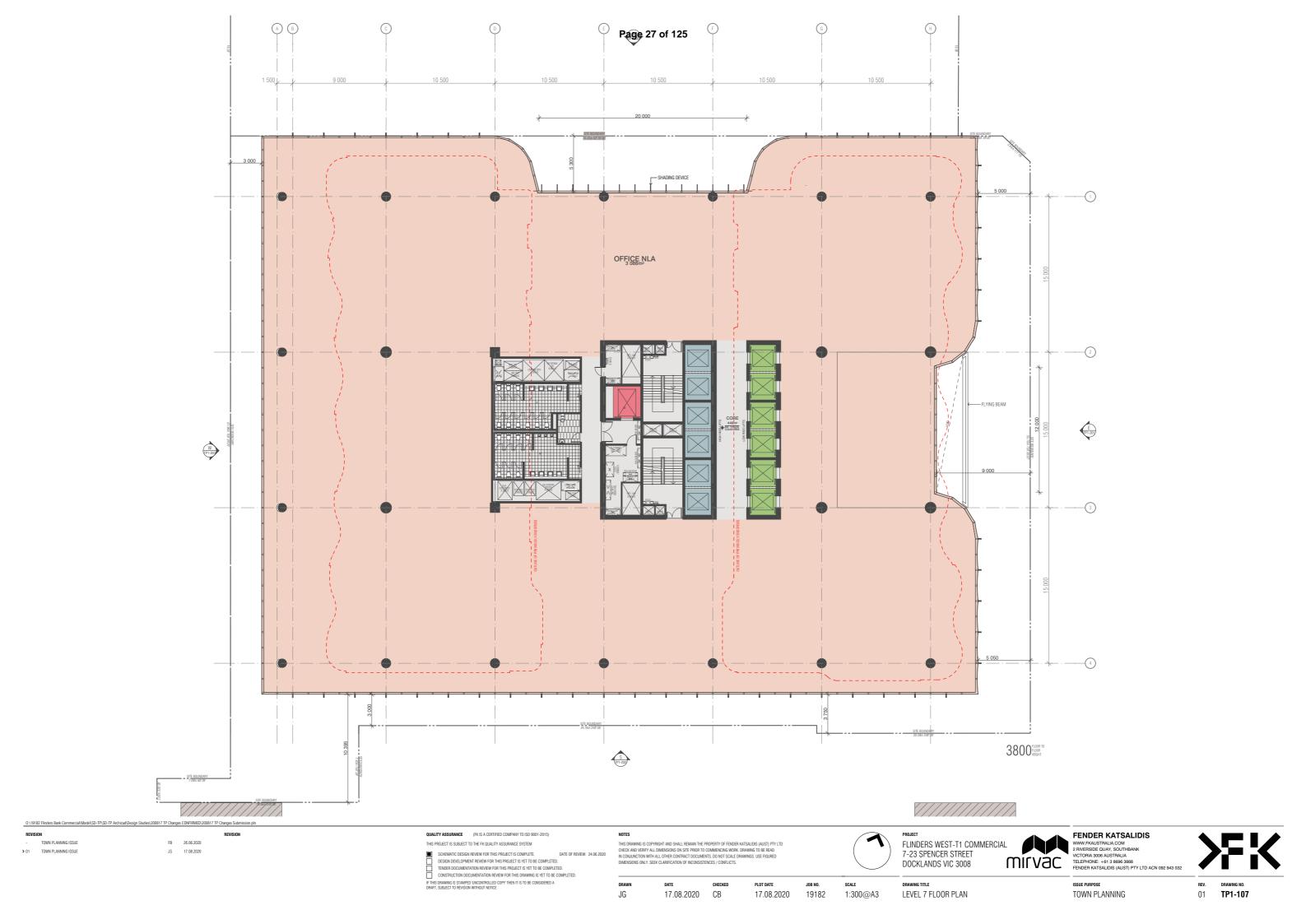


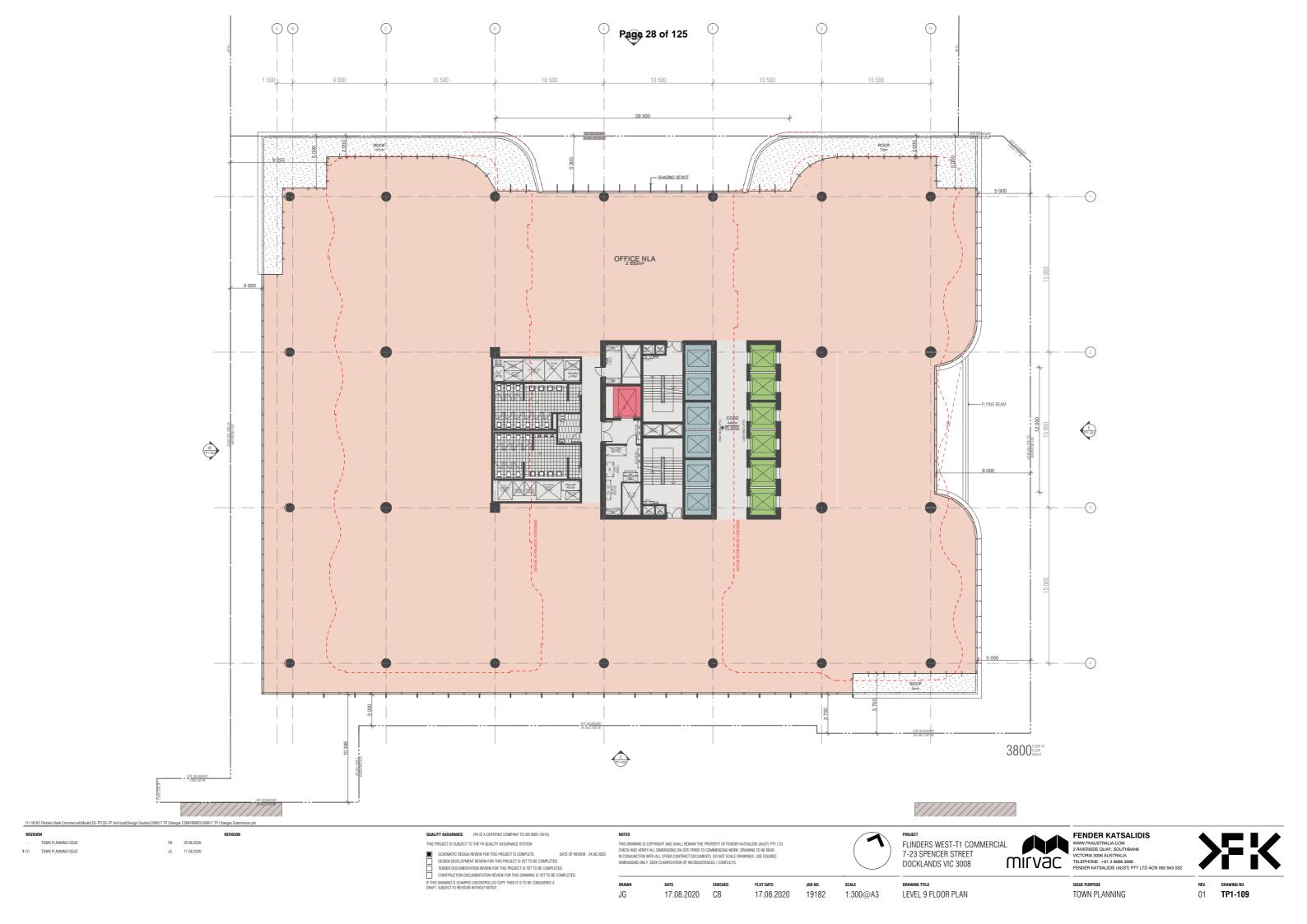
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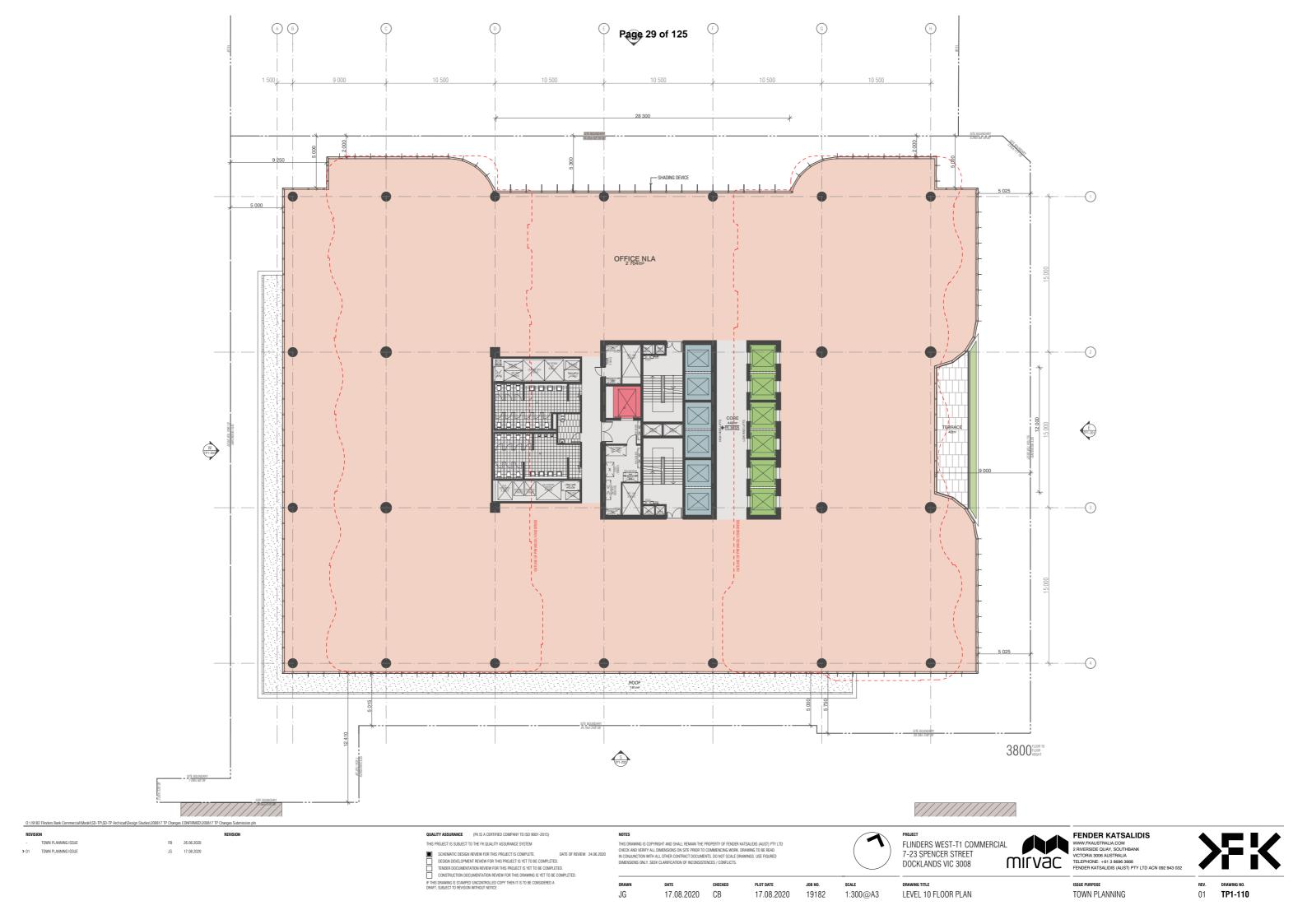


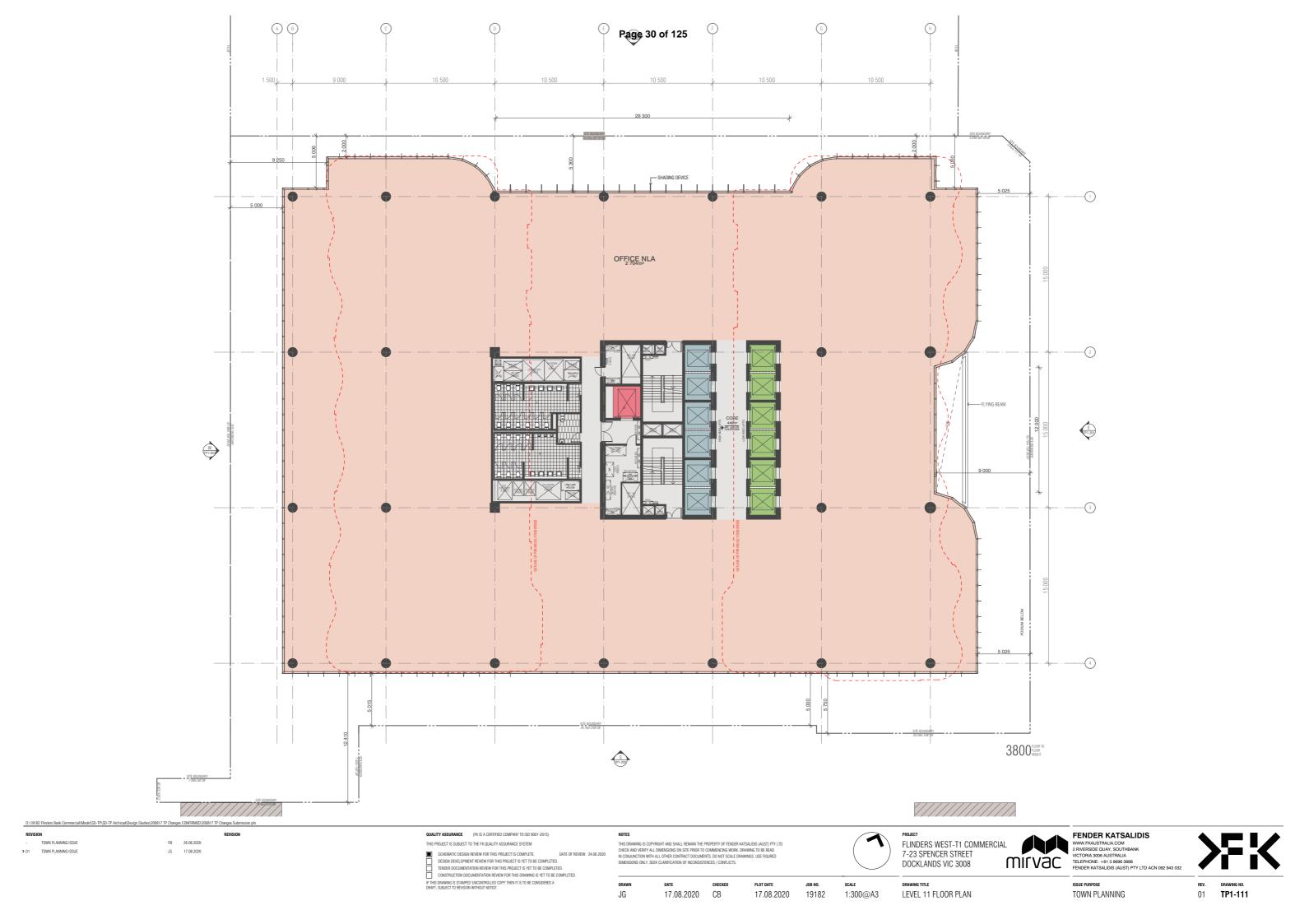


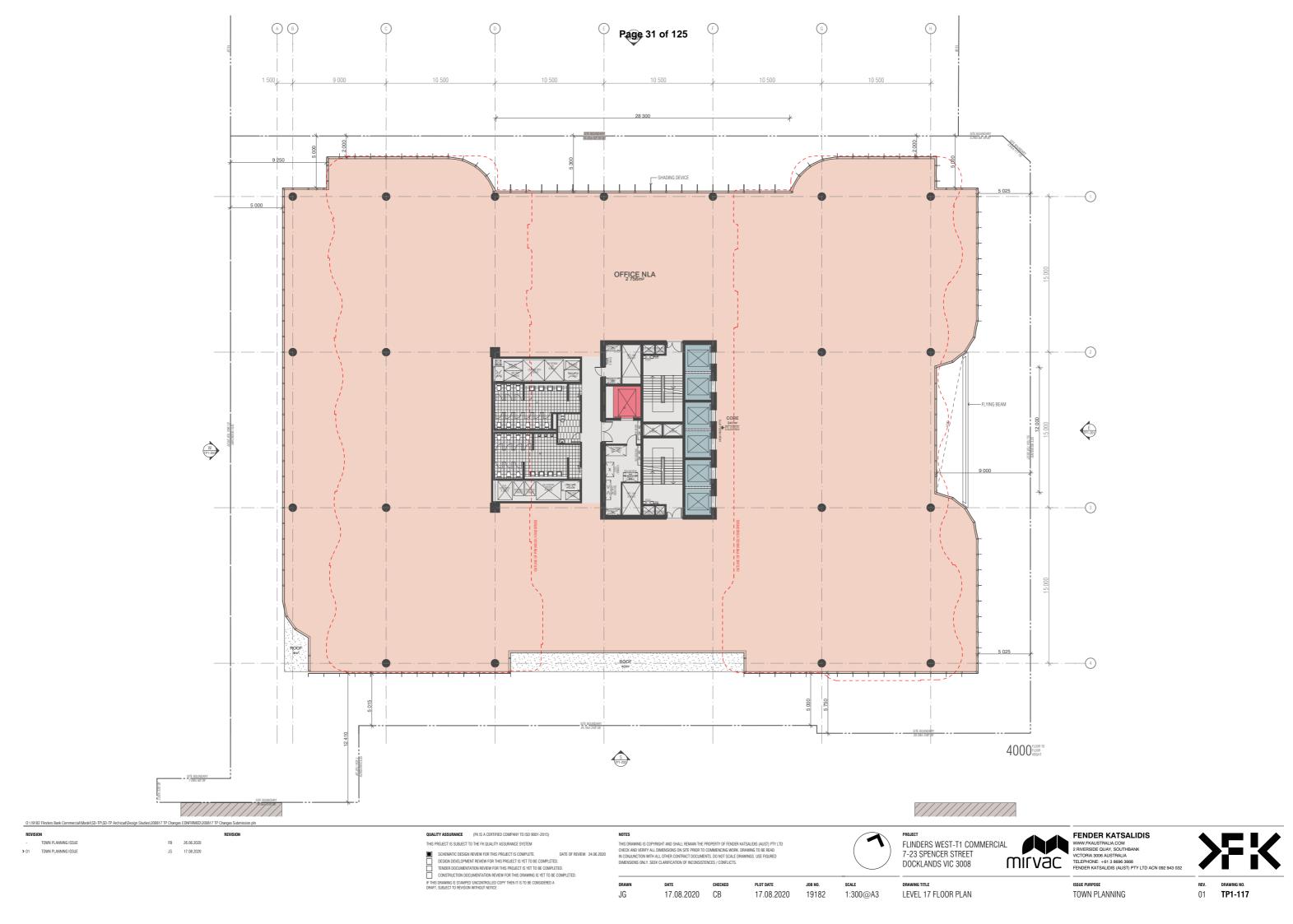


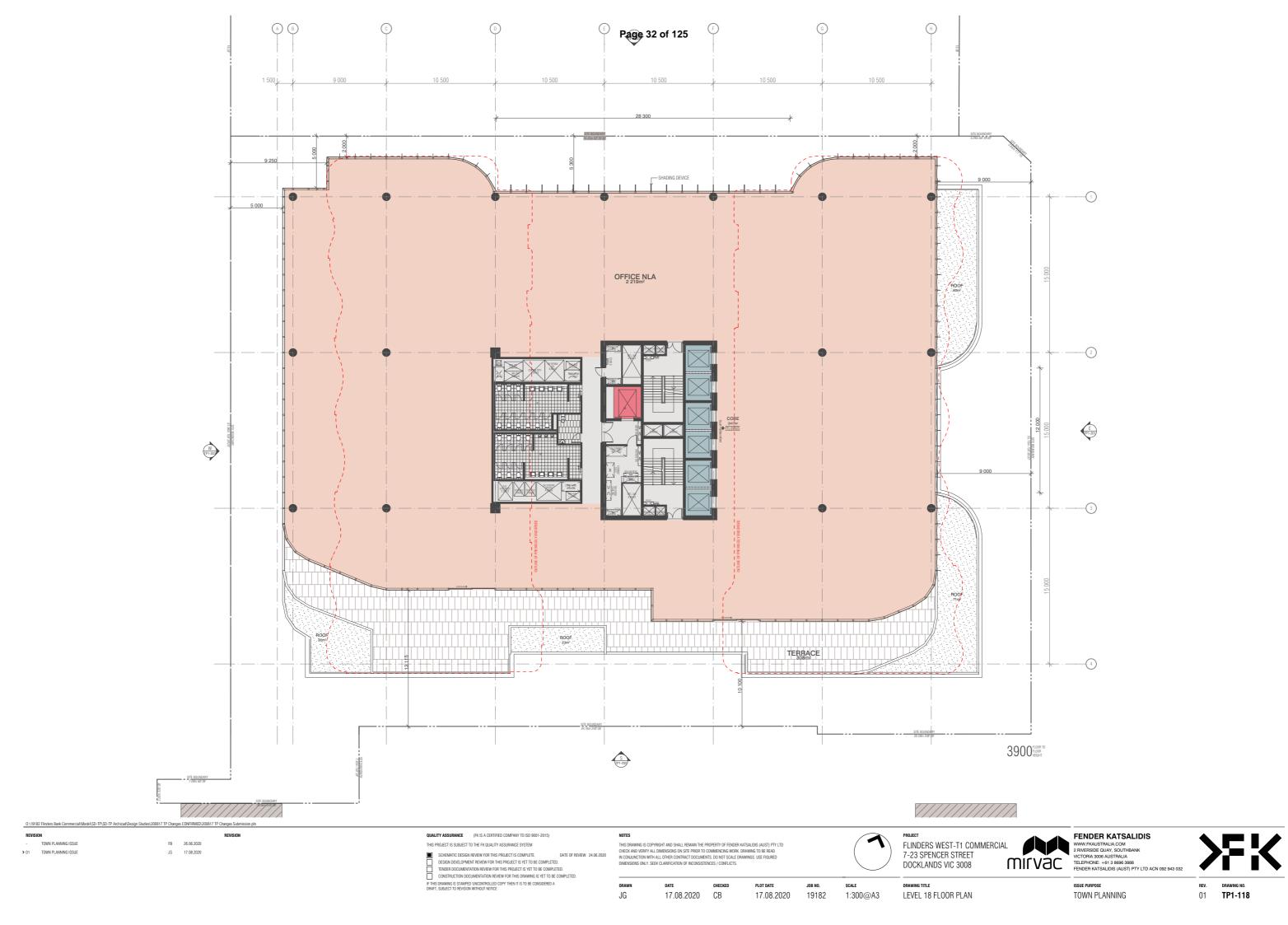


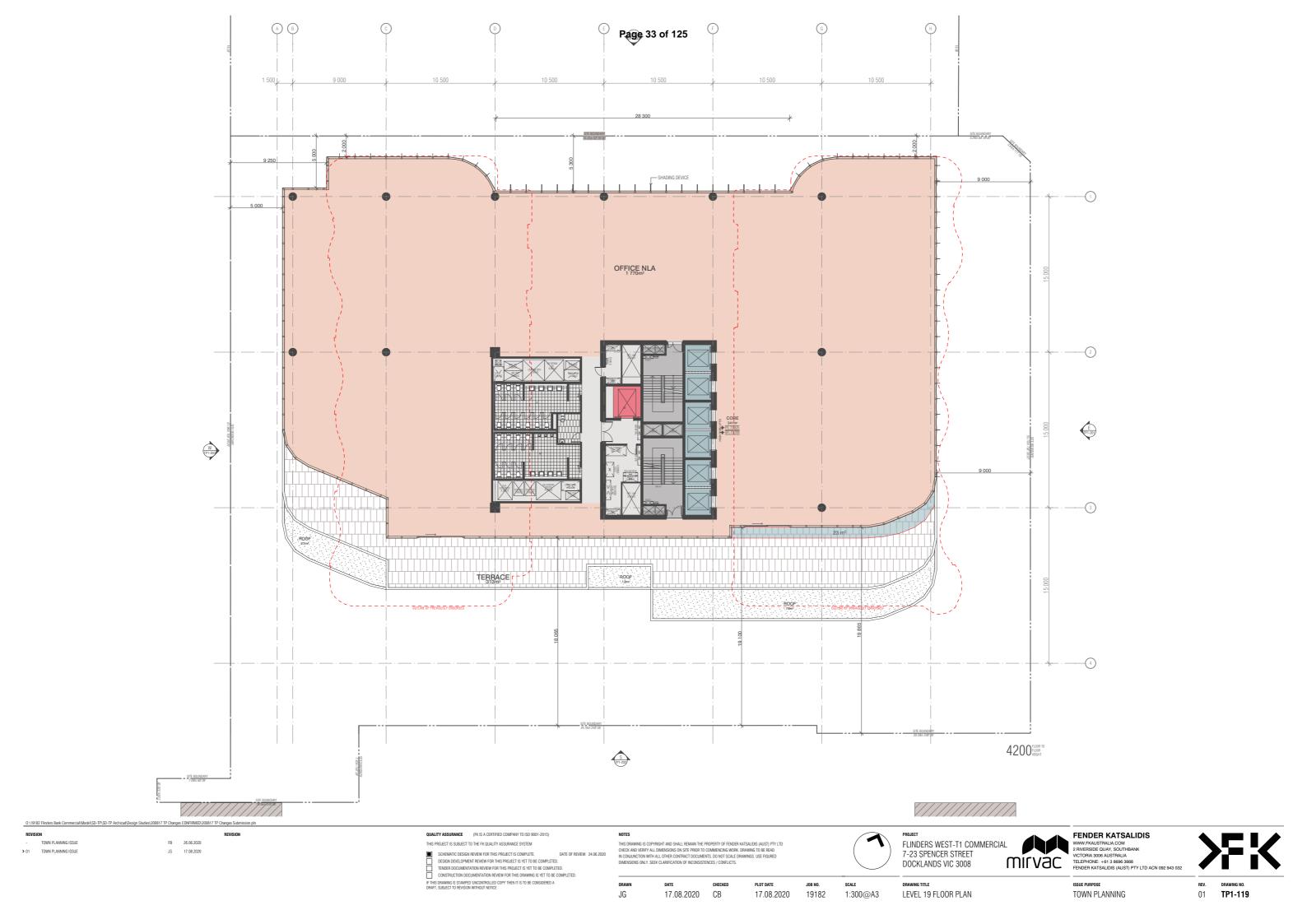


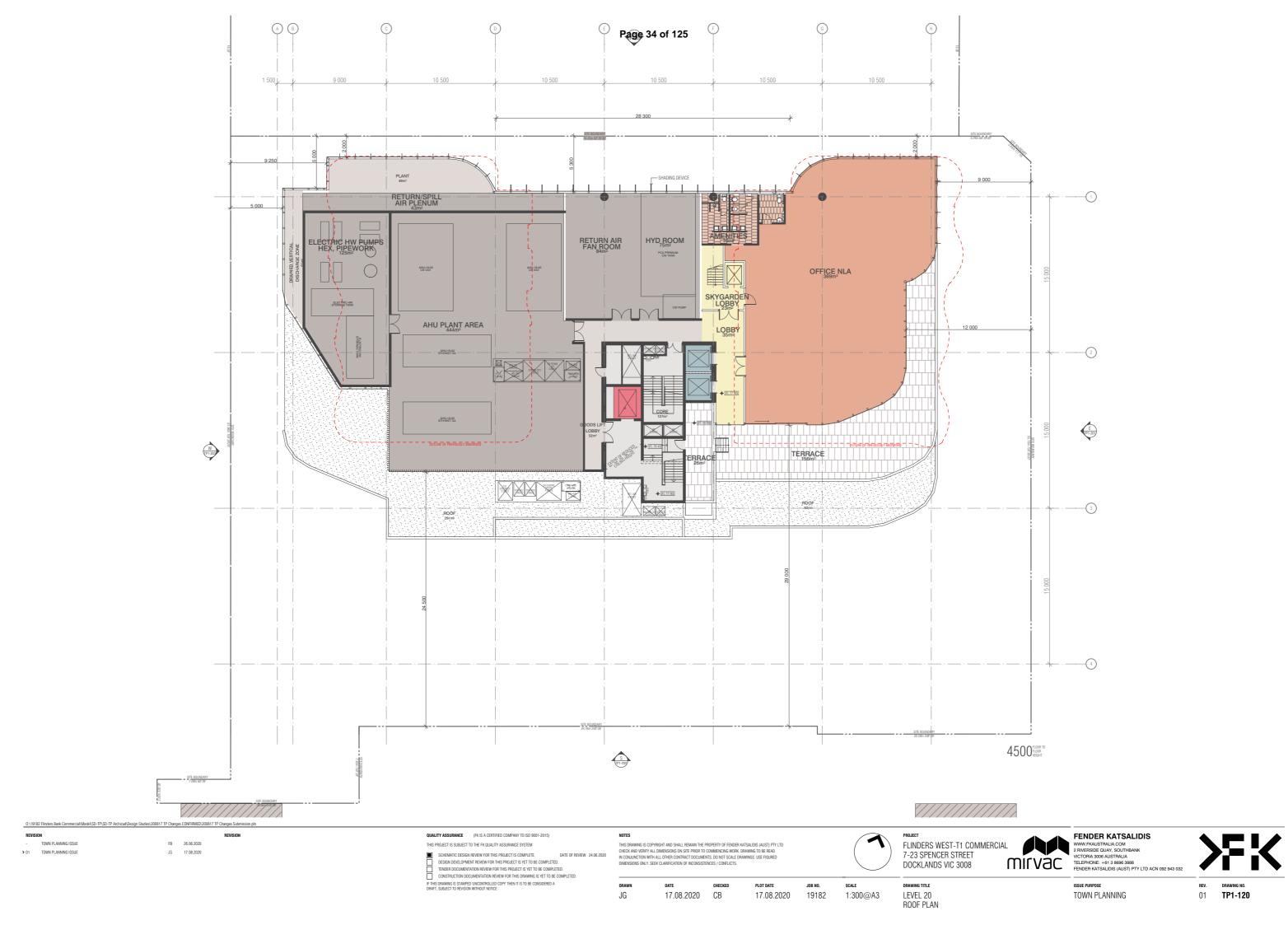








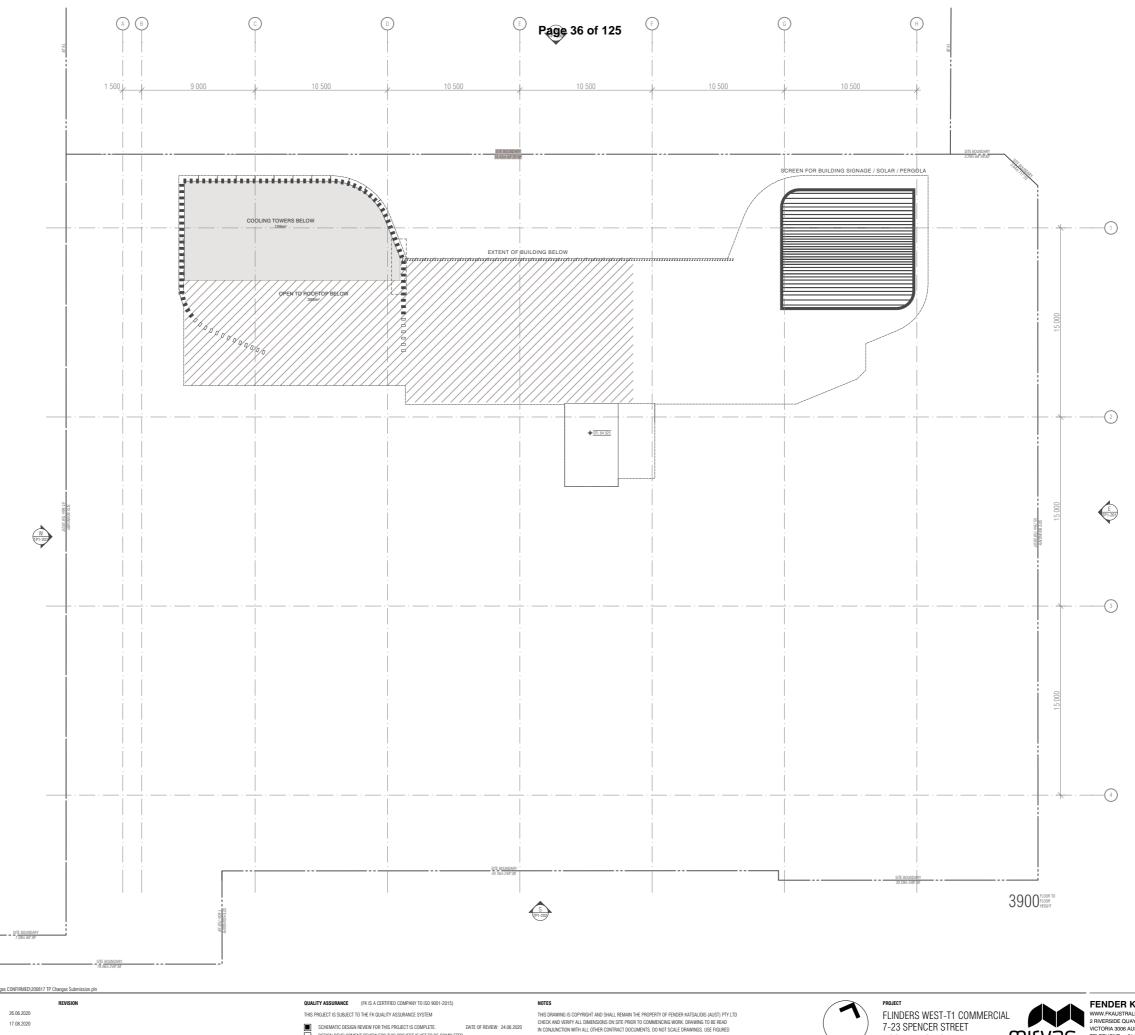






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ROOF PLAN



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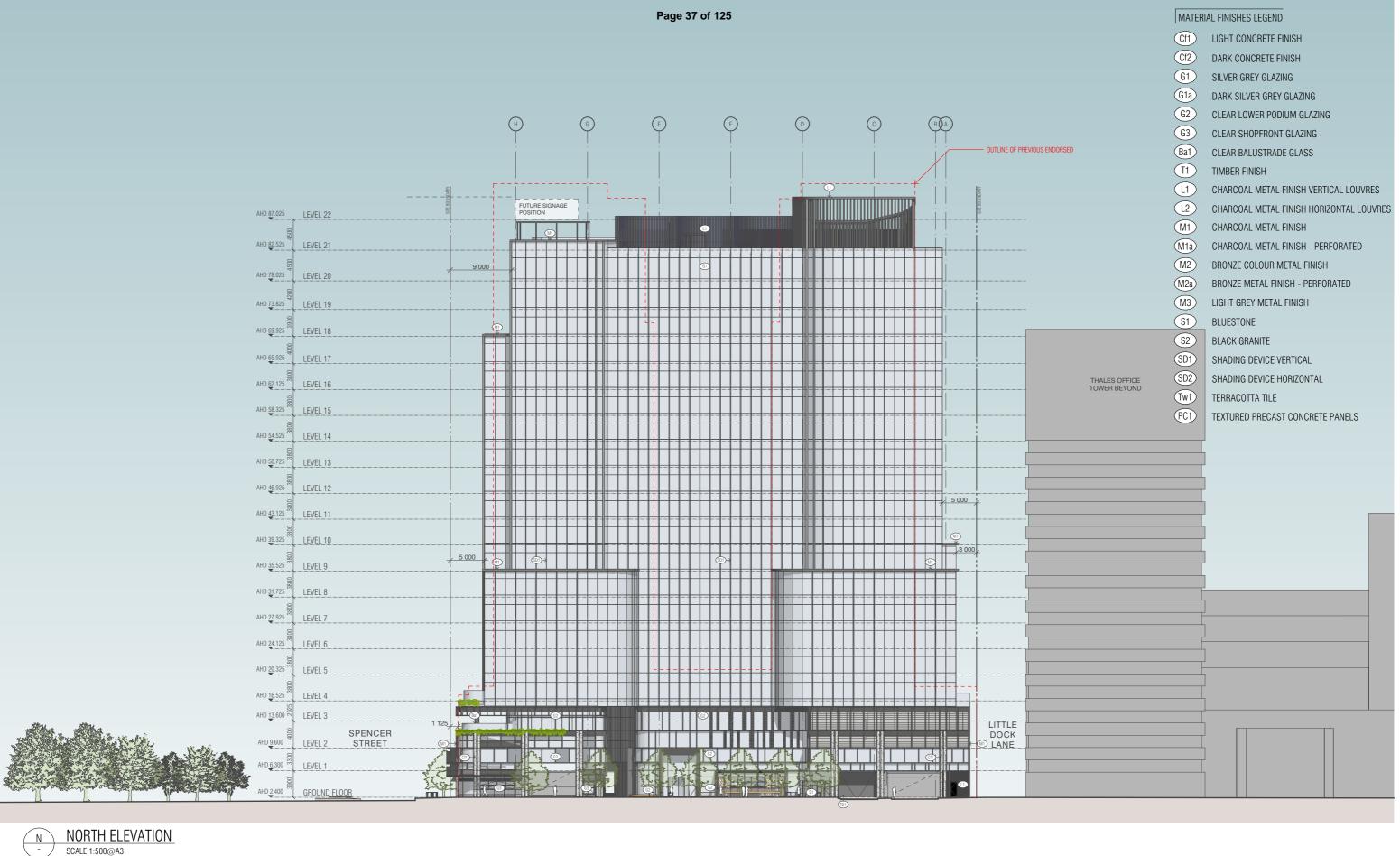
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FLINDERS WEST-T1 COMMERCIAL 7-23 SPENCER STREET DOCKLANDS VIC 3008

NORTH ELEVATION

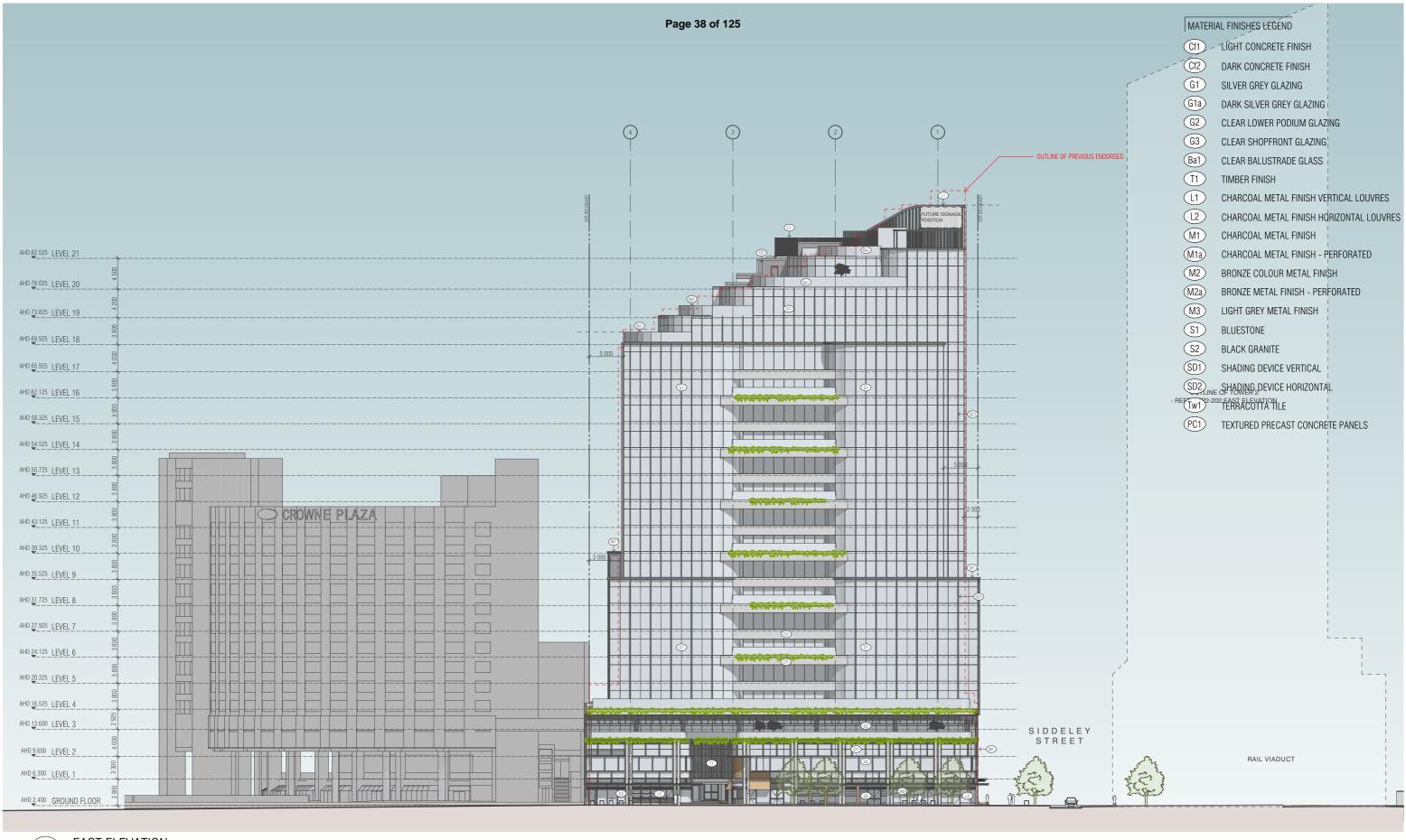
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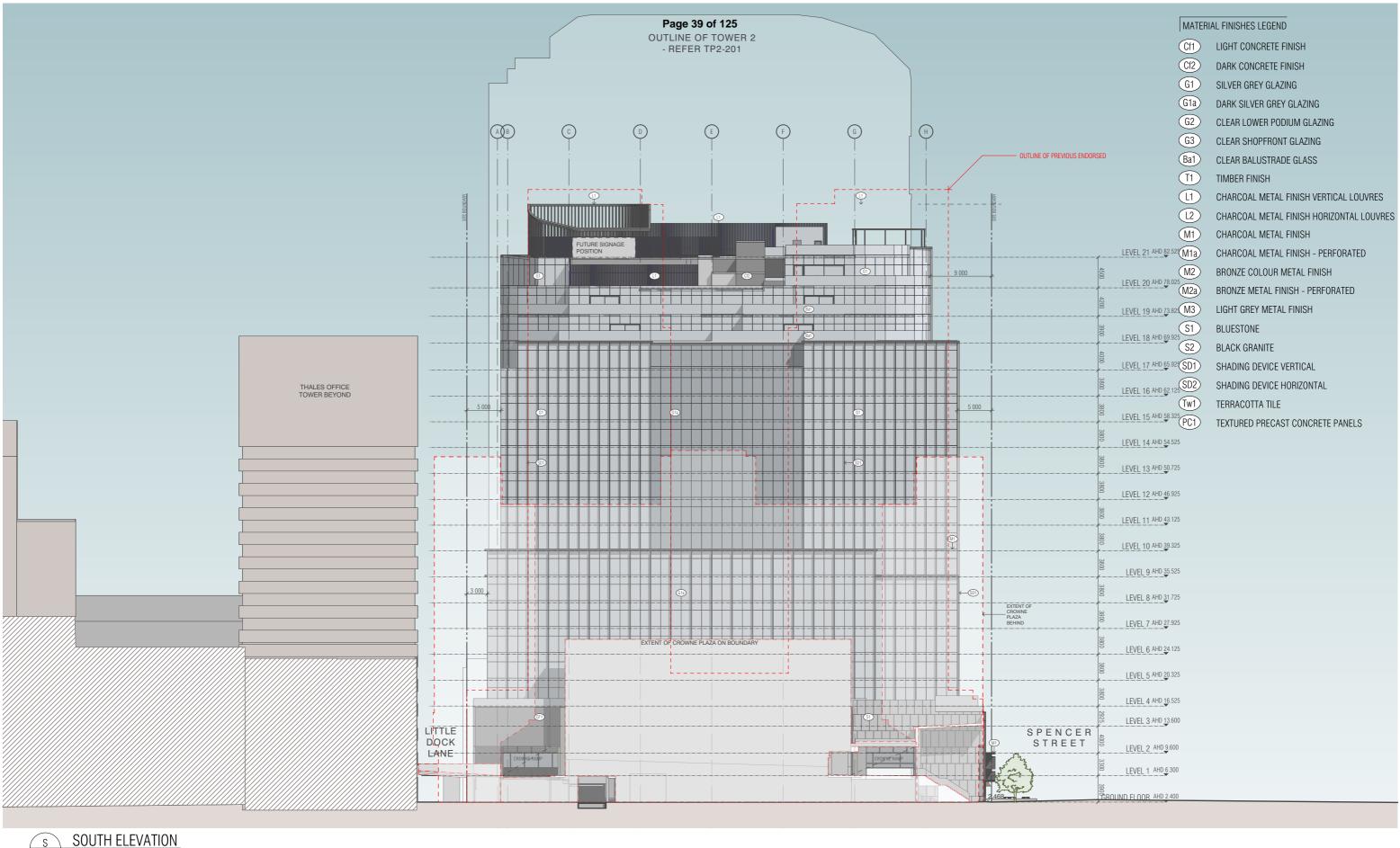
WWW.FKAUSTRALIA.COM
2 RIVERSIDE OUAY, SOUTHBANK
VICTORIA 3006 AUSTRALIA
TELEPHONE: +61 3 8069 8388
FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 0F

>FK

01 **TP1-201**

 Date
 CHECKED
 PLOT DATE
 JOB NO.
 SCALE
 DRAWING TITLE
 ISSUE PURPOSE

 17.08.2020
 CB
 17.08.2020
 19182
 1:500@A3
 EAST ELEVATION
 TOWN PLANNING



SCALE 1:500@A3

FB 26.06.2020 > 01 TOWN PLANNING ISSUE JS 17.08.2020

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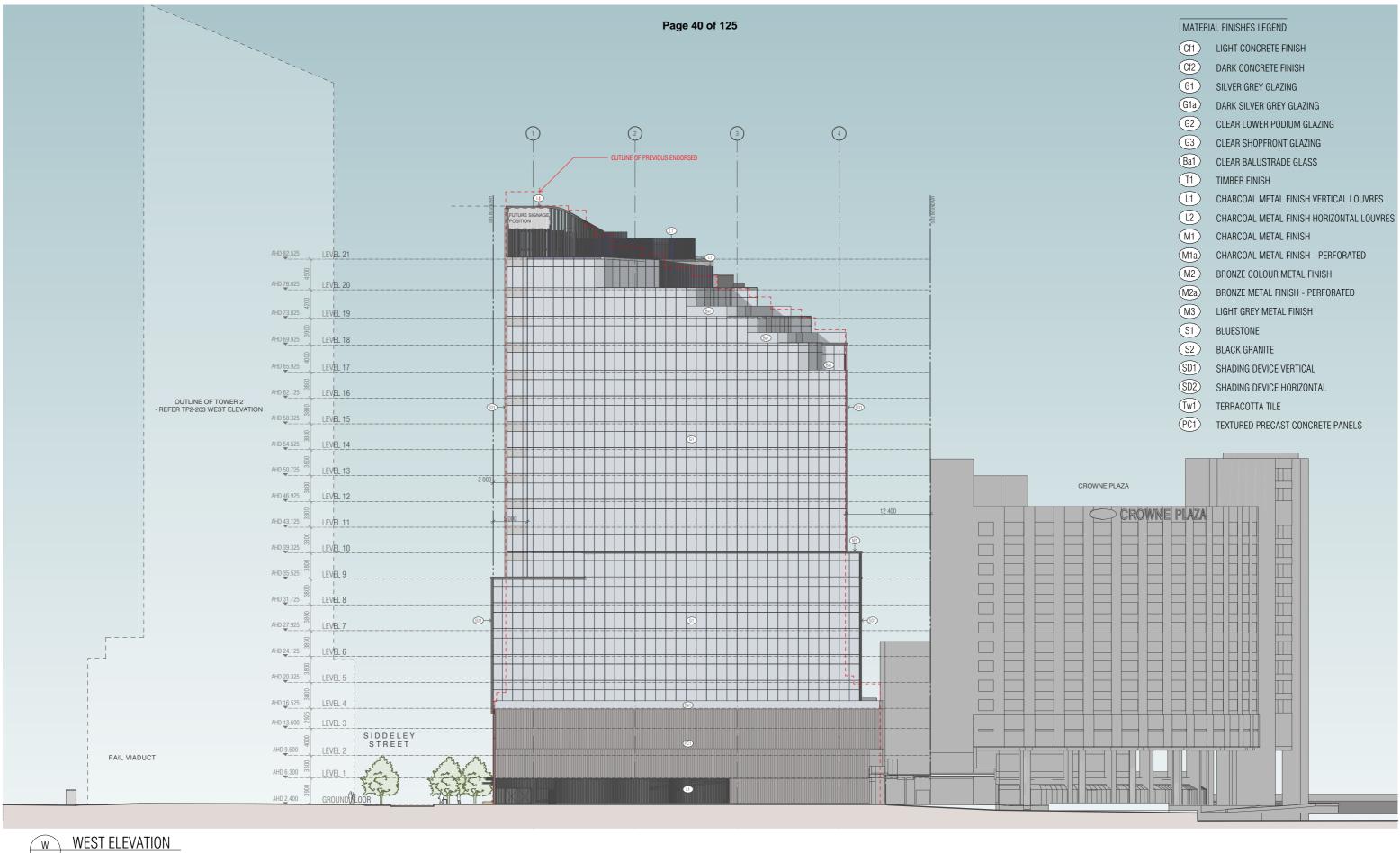
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17.08.2020 CB 17.08.2020 19182 1:500@A3 SOUTH ELEVATION

TOWN PLANNING

01 **TP1-202**



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01 **TP1-203**

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26.06.2020 19182

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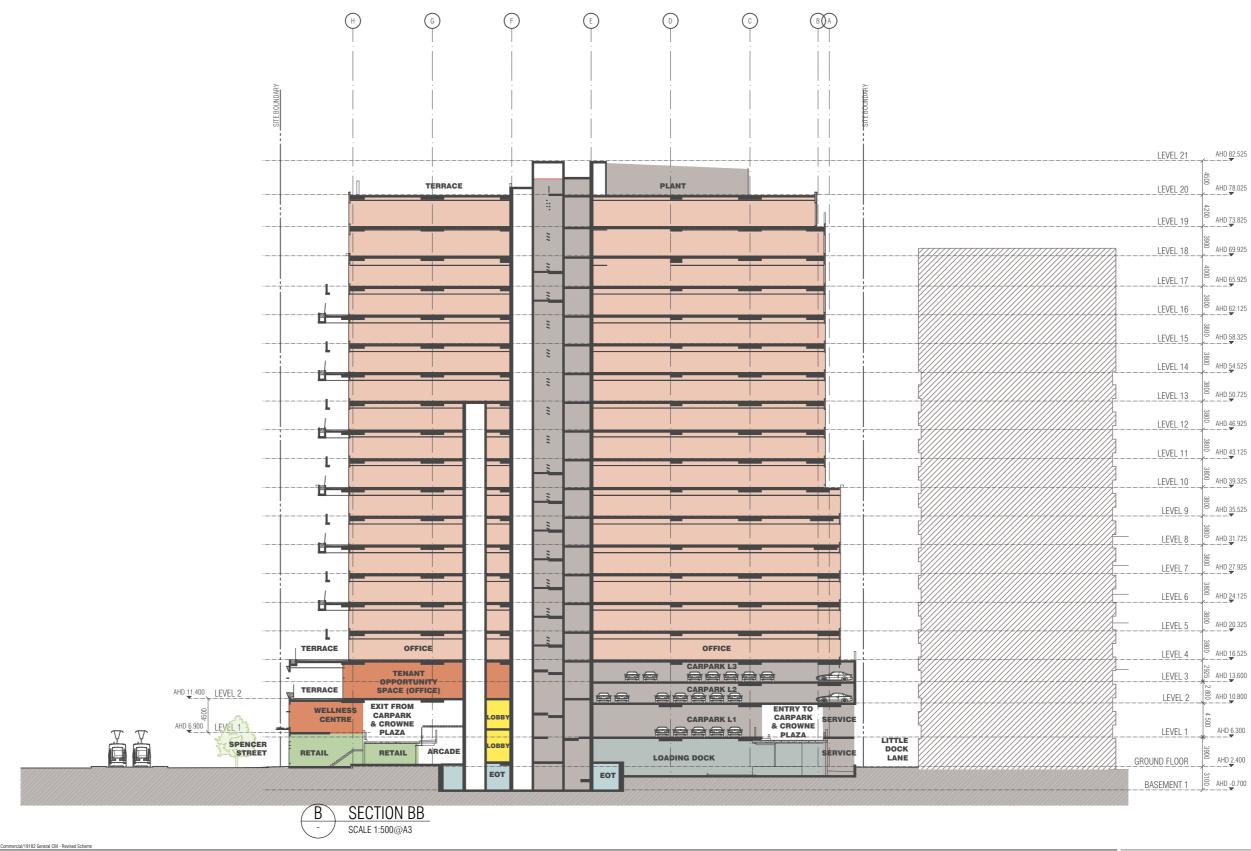
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TOWN PLANNING

- TP1-250



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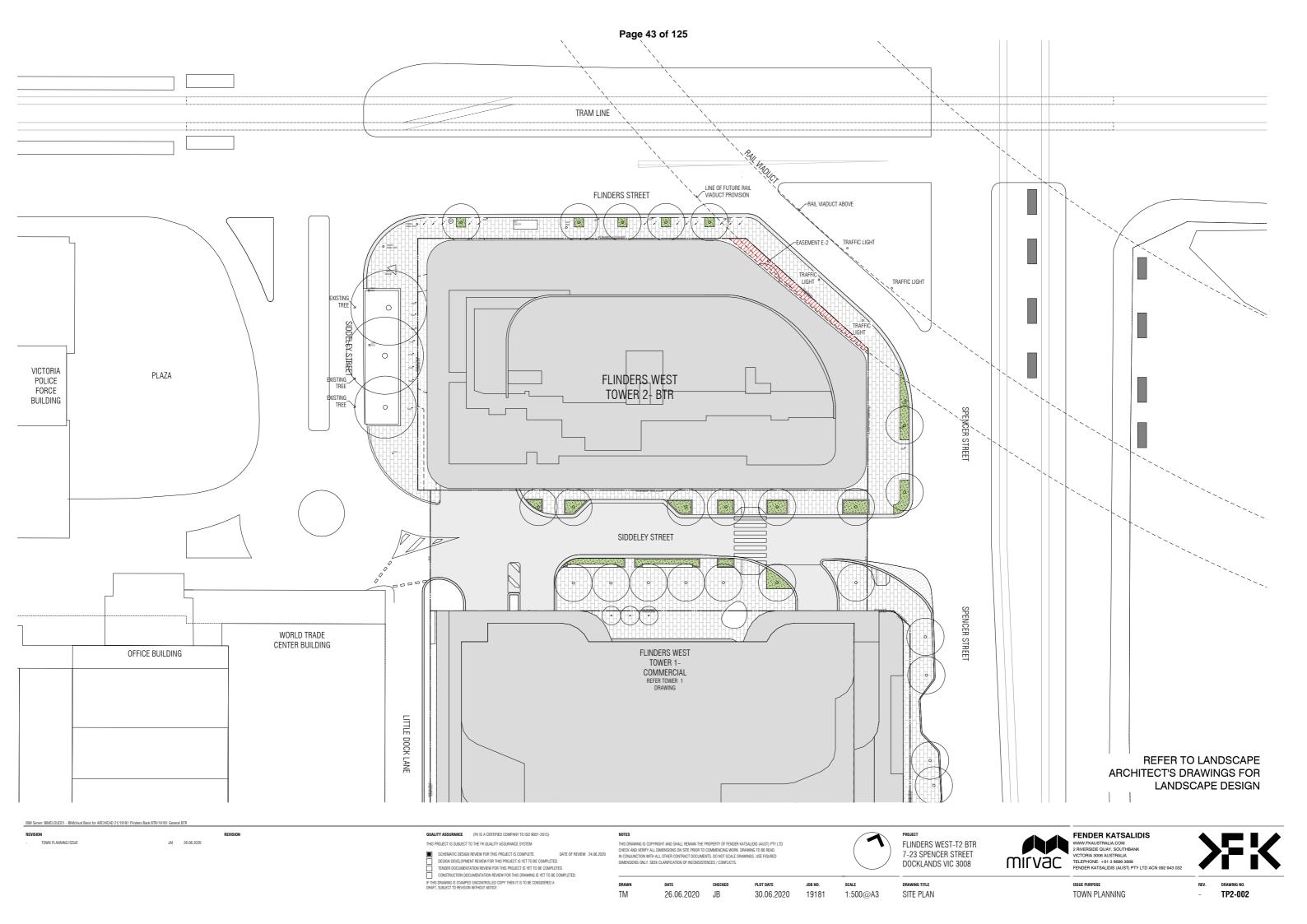
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TOWN PLANNING

- TP1-251



LEVEL	AREA
BASEMENT	1 844
GROUND FLOOR	2 035
LEVEL 01 PODIUM	2 460
LEVEL 02 PODIUM	2 400
LEVEL 03 PODIUM	2 347
LEVEL 04 PODIUM	2 417
LEVEL 05	1 692
LEVEL 06	1 476
LEVEL 07	1 476
LEVEL 08	1 476
LEVEL 09	1 476
LEVEL 10	1 476
LEVEL 11	1 476
LEVEL 12	1 476
LEVEL 13	1 476
LEVEL 14	1 476
LEVEL 15	1 476
LEVEL 16	1 476
LEVEL 17	1 476
LEVEL 18	1 476
LEVEL 19	1 476
LEVEL 20	1 476
LEVEL 21	1 476
LEVEL 22	1 476
LEVEL 23	1 476
LEVEL 24	1 476
LEVEL 25	1 476
LEVEL 26	1 476
LEVEL 27	1 476
LEVEL 28	1 476
LEVEL 29	1 476
LEVEL 30	1 476
LEVEL 31	1 394
LEVEL 32	1 047
ROOF PLANT	73
	54 609 m ²

AREA DEFINITION:

> 01 TOWN PLANNING ISSUE

ALL GFA AREAS ARE FULLY ENCLOSED COVERED AREA (FECA) PLUS BALCONIES & WINTERGARDENS.
GFA AREAS ARE MEASURED TO EXTERNAL FACE OF GLAZING AND INTERNAL FACE OF PREDOMINANT OPAQUE WALL.

UNCOVERED TERRACES, PUBLIC UNDERCROFT AREAS AND LIFT SHAFTS ARE EXCLUDED.

BALCONY AREAS WHICH ARE UNDERCOVER ARE LABELLED AS BALCONY OR WINTERGARDEN BALCONY AEAS WHICH ARENT UNDERCOVER ARE LABELLED AT TERRACES.
BALCONY AREAS ARE MEASURED TO THE CLEAR INTERNAL FACES OF THE FACADE AND DIVIDING WALLS, AND EXTERNAL FACE OF BALUSTRADE

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TMA 26.06.2020 TOWN PLANNING ISSUE

AS 17.08.2020

	, <u> </u>
LEVEL 02 PODIUM	646
LEVEL 03 PODIUM	547
LEVEL 04 PODIUM	610
LEVEL 06	1 151
LEVEL 07	1 151
LEVEL 08	1 151
LEVEL 09	1 151
LEVEL 10	1 151
LEVEL 11	1 151
LEVEL 12	1 151
LEVEL 13	1 151
LEVEL 14	1 151
LEVEL 15	1 151
LEVEL 16	1 151
LEVEL 17	1 151
LEVEL 18	1 151
LEVEL 19	1 151
LEVEL 20	1 151
LEVEL 21	1 151
LEVEL 22	1 151
LEVEL 23	1 151
LEVEL 24	1 151
LEVEL 25	1 151
LEVEL 26	1 151
LEVEL 27	1 151
LEVEL 28	1 151
LEVEL 29	1 151
LEVEL 30	1 151
LEVEL 31	963
LEVEL 32	500
	32 041 m ²

APARTMENT NLA SCHEDULE

AREA

LEVEL

RESIDENTIAL AMENITIES ADEA

		AREA
EXTERNAL	LEVEL 05	837
EXTERNAL	LEVEL 32	101
	(2.05m ² PER APT)	938 m²
INTERNAL	LEVEL 05	1 273
INTERNAL	LEVEL 32	329
	(3.42m ² PER APT)	1 602 m²
		2 540 m ²

ATEGORY "	age 44 of 125	QT
STUDIO		
	1 BATH	8
	1 BATH + STUDY	
		8
1 BED		
	1 BATH	15
	1 BATH + STUDY	1:
		16
2 BED		
	1 BATH	2
	1 BATH + STUDY	;
	2 BATH	10
	2 BATH + STUDY	5
	2.5 BATH	
	2.5 BATH + STUDY	:
		18
3 BED		
	2 BATH	
	2 BATH + STUDY	2
	2.5 BATH + STUDY	4
		3
SKY STUDIO		
	1 BATH	
		47

GFA SCHEDULE BY USE (TOWNPLANNING)		
LOCATION	USE	AREA
NORTH PODIL	JM	
	CARPARK	4 608
	COMMERCIAL	3 110
	RESIDENTIAL	4 943
	RETAIL	842
TOWER 2		
	RESIDENTIAL	41 106
		54 609 m ²

APARTMENT	MIX (PODIUM)	
CATEGORY		QTY
STUDIO		
	1 BATH	10
	1 BATH + STUDY	1
		11
1 BED		
	1 BATH	1
	1 BATH + STUDY	10
		11
2 BED		
	1 BATH + STUDY	3
		3
3 BED		
	2 BATH	1
	2 BATH + STUDY	2
		3
		28

APARTMENT N	IIX (TOWER)	
CATEGORY		QTY
STUDIO		
	1 BATH	78
		78
1 BED		
	1 BATH	151
	1 BATH + STUDY	2
		153
2 BED		
	1 BATH	25
	2 BATH	101
	2 BATH + STUDY	52
	2.5 BATH	1
	2.5 BATH + STUDY	2
		181
3 BED		
	2 BATH	1
	2 BATH + STUDY	25
	2.5 BATH + STUDY	2
		28
SKY STUDIO		
	1 BATH	4
		4
		444

COMMERCIAL NLA SCHEDULE		E
	LEVEL	AREA
OFFICE		
	LEVEL 03 PODIUM	1 371
	LEVEL 04 PODIUM	1 371
		2 742 m ²
RETAIL		
	GROUND FLOOR	728
		728 m ²
		3 470 m ²

PARKING SCHEDULE	
_EVEL	QTY
LEVEL 01 PODIUM	51
LEVEL 02 PODIUM	34
	85

RESIDENTIAL BIKE PARKING	
LEVEL	QTY
	172

VISITOR BIKE PARKING	
LEVEL	QTY
GROUND	52

COMMERCIAL EOT SCHEDULE	
BIKES	30
SHOWERS	8
LOCKERS	36

MOTORCYCLE SPACES	
LEVEL	QTY
LEVEL 01 PODIUM	3
LEVEL 02 PODIUM	3
	6

STORAGE CAGE SCHEDULE		
LEVEL	QTY	
BASEMENT	120	
LEVEL 01 PODIUM	79	
LEVEL 02 PODIUM	41	
	240	

NOTE: REFER TO MASTERPLAN DOCUMENT FOR COMBINED DEVELOPMENT SUMMARY WITH TOWER 1

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17.08.2020 19181

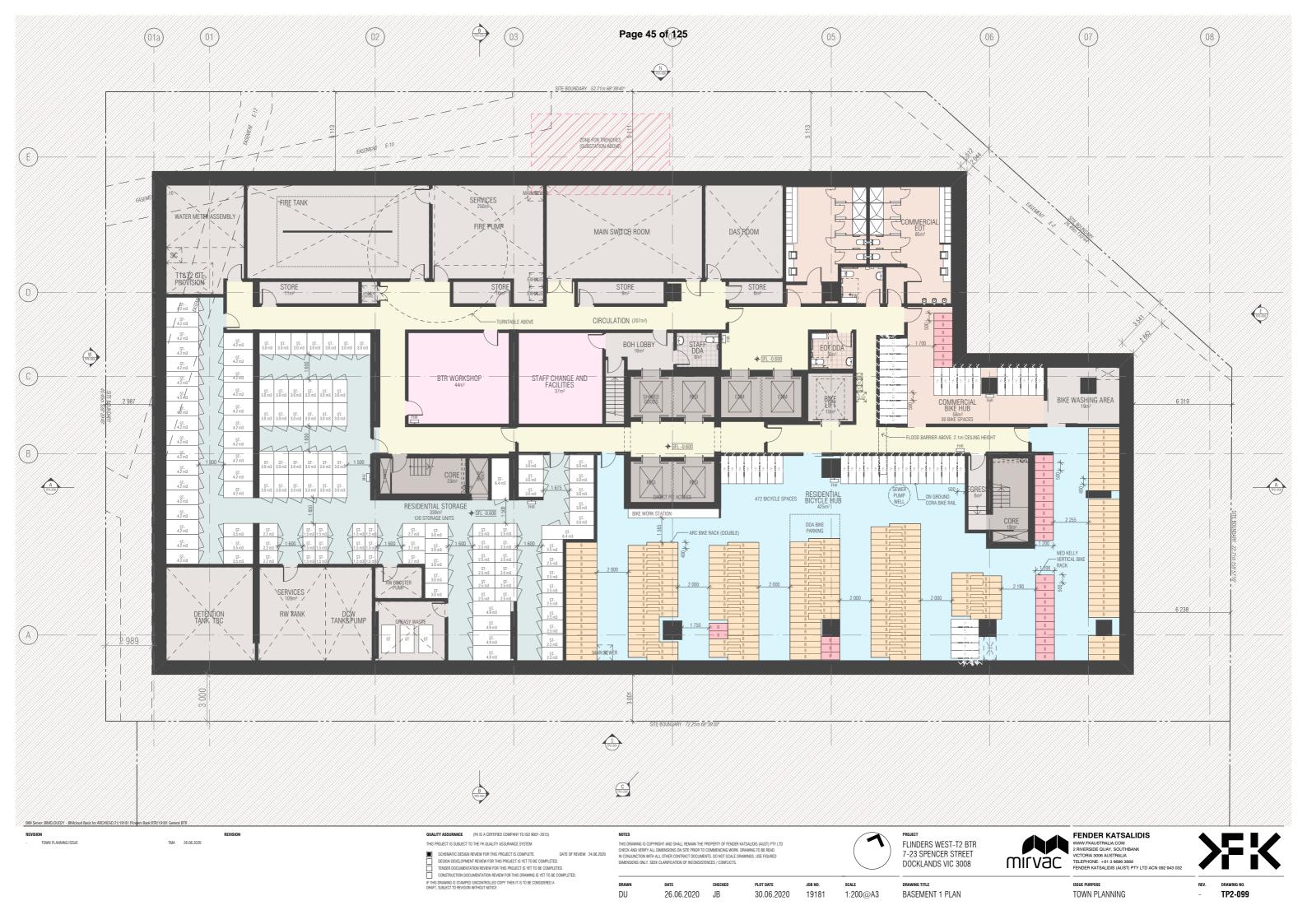
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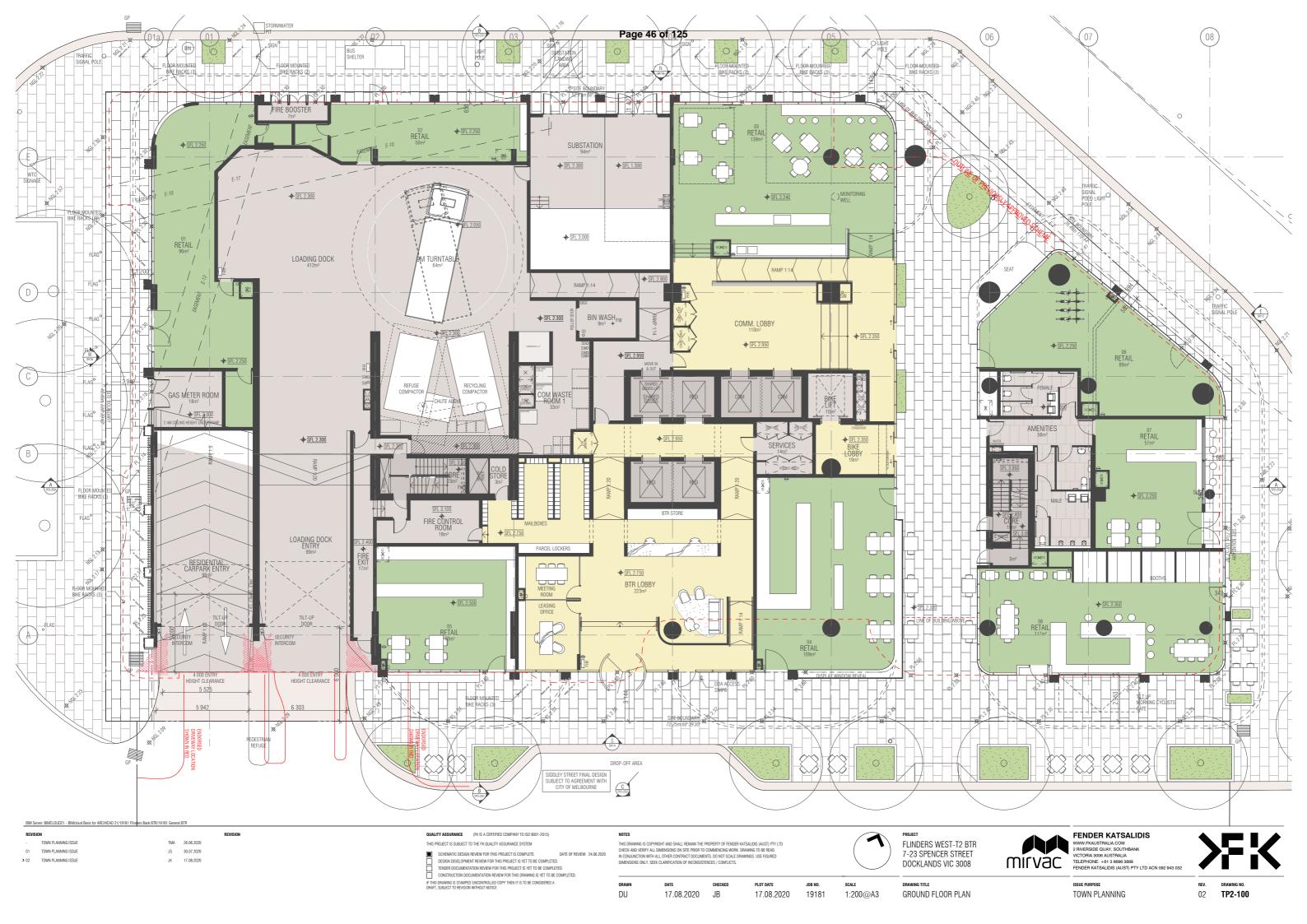
FLINDERS WEST-T2 BTR 7-23 SPENCER STREET DOCKLANDS VIC 3008

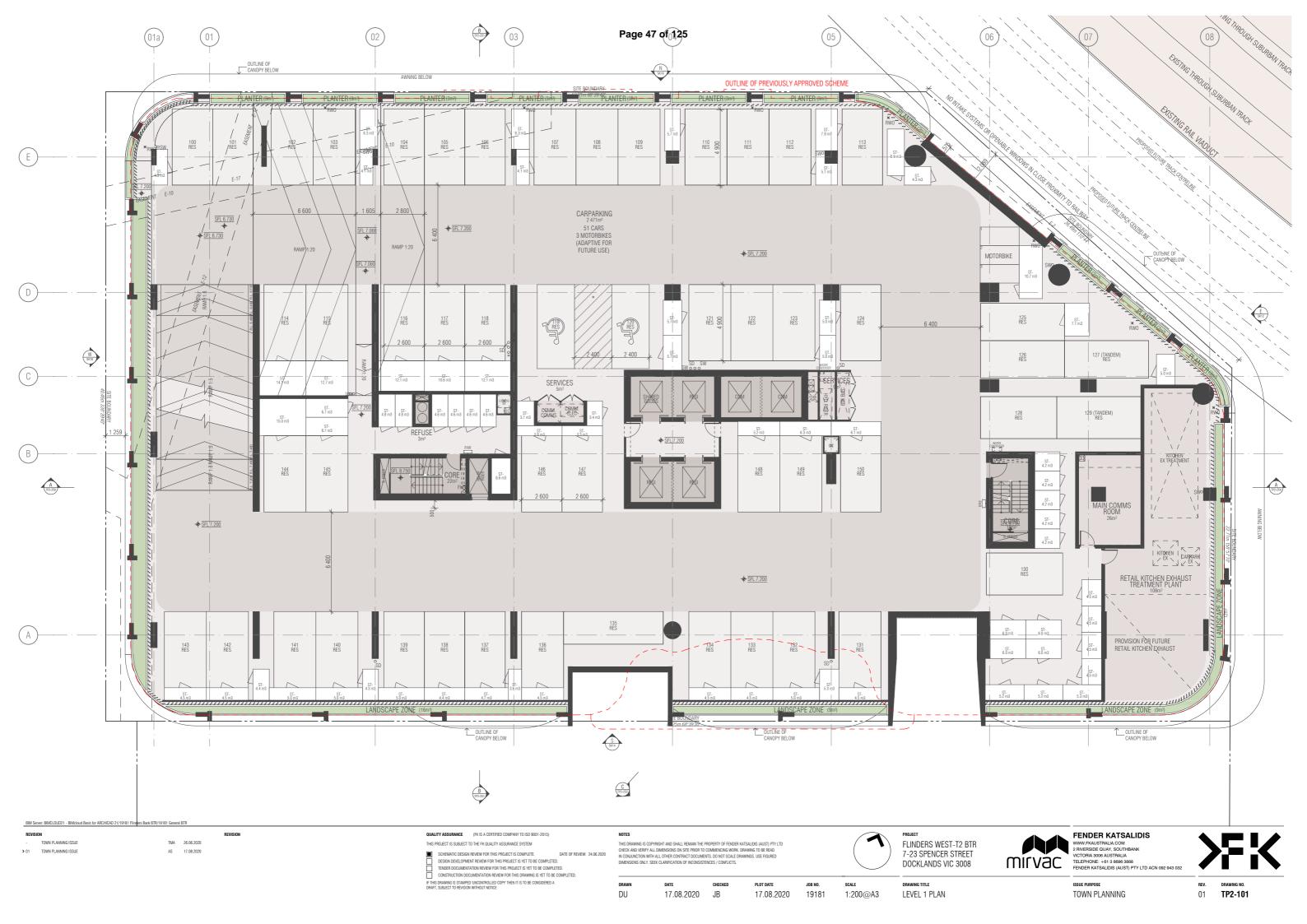


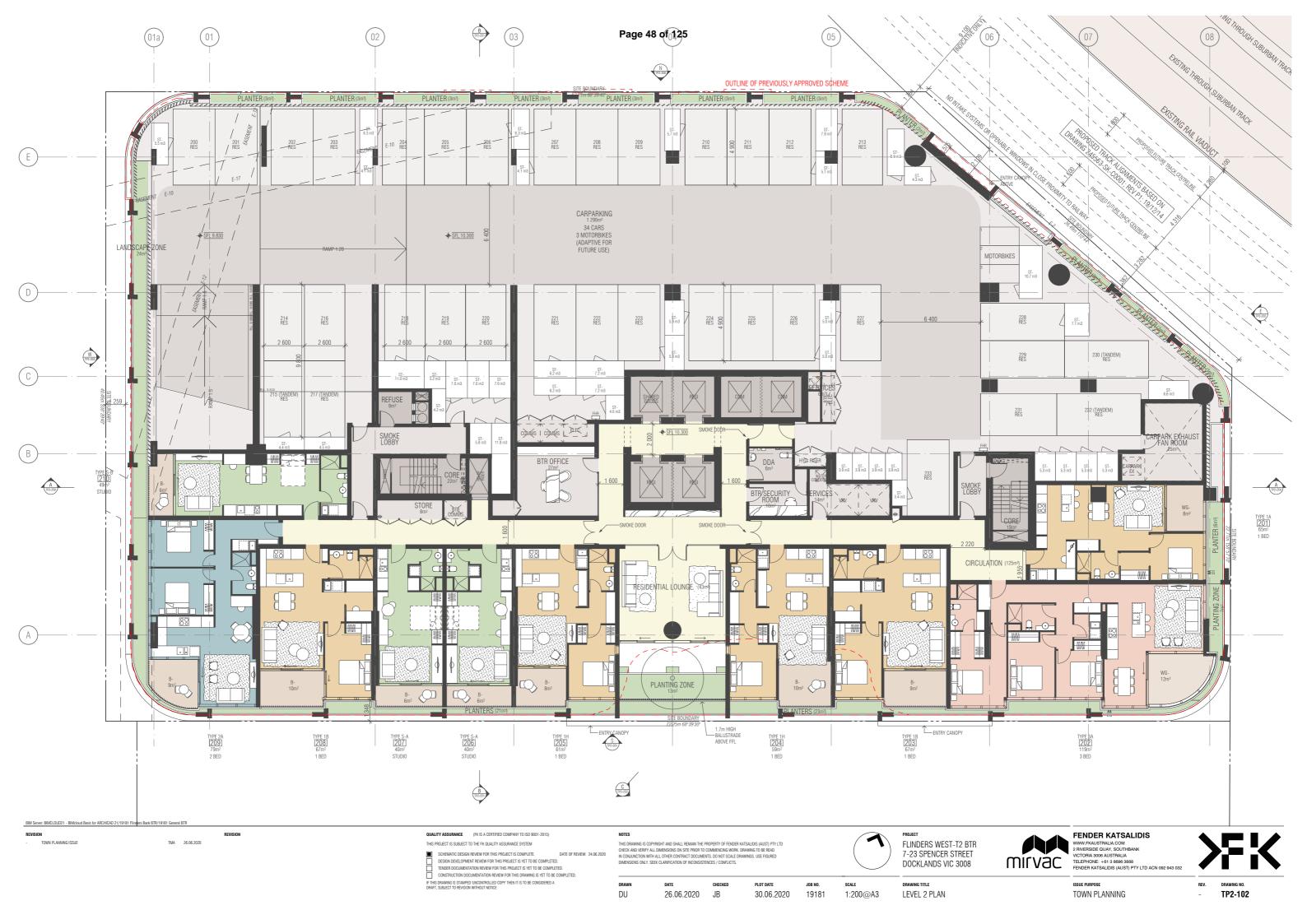
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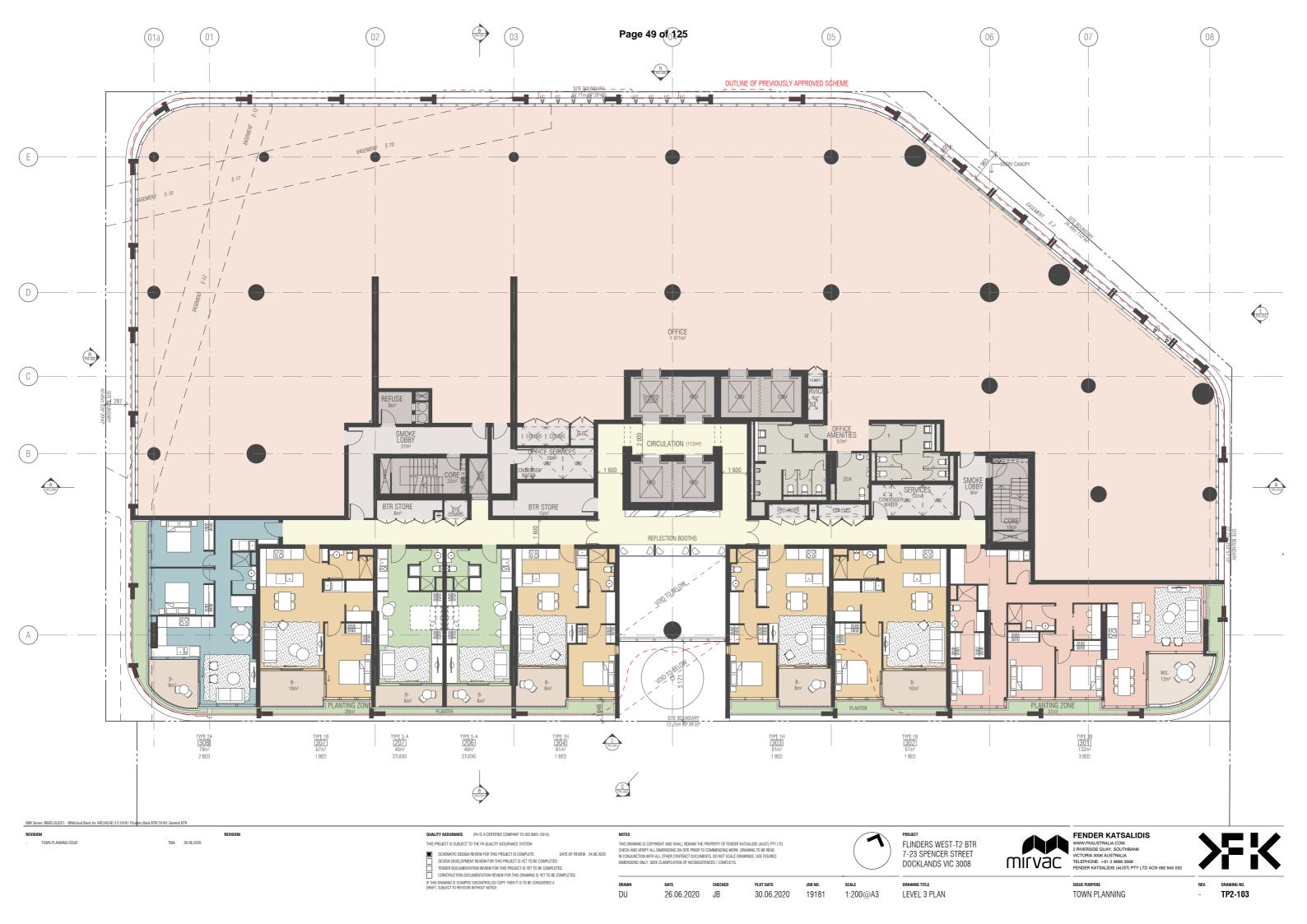


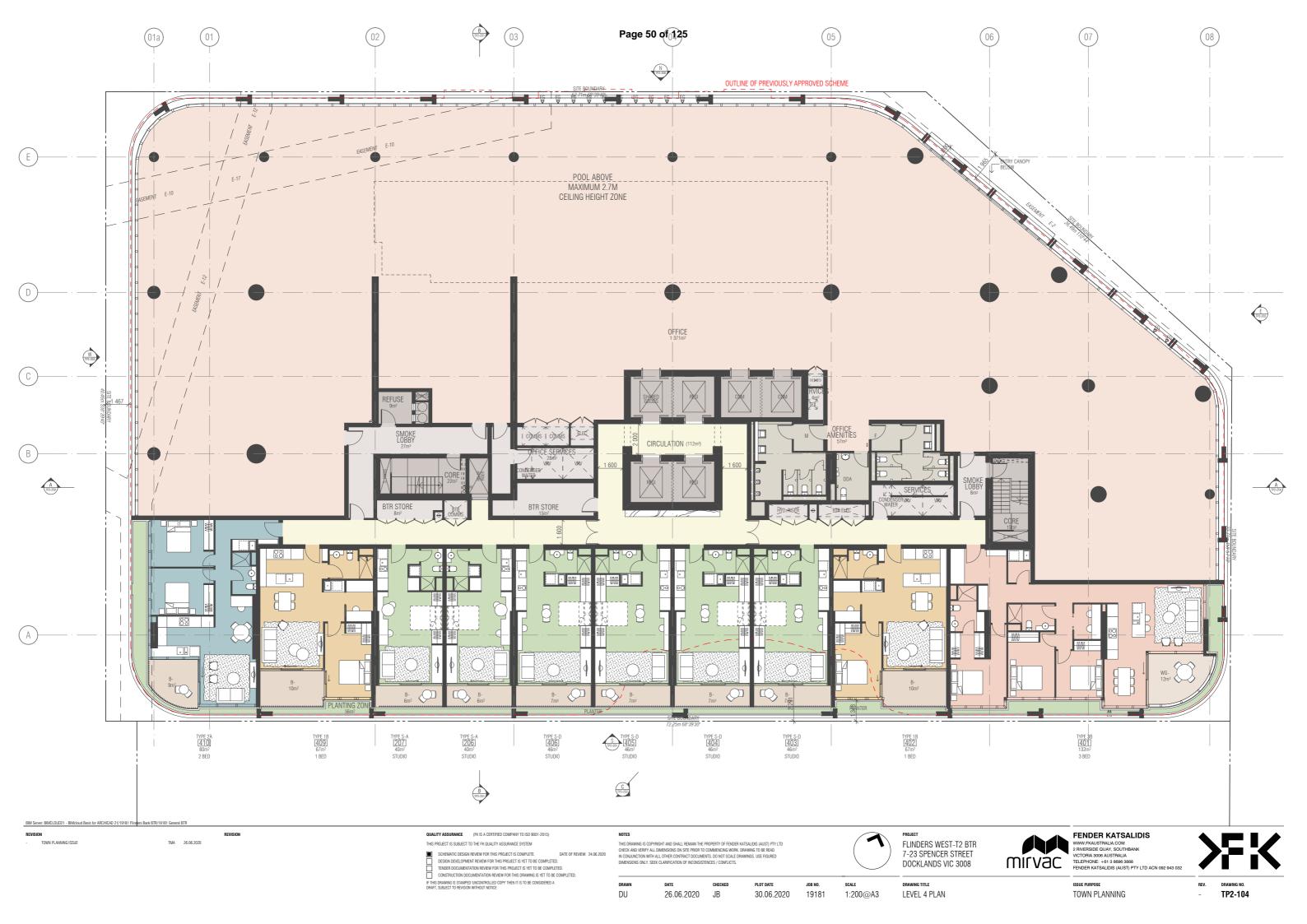


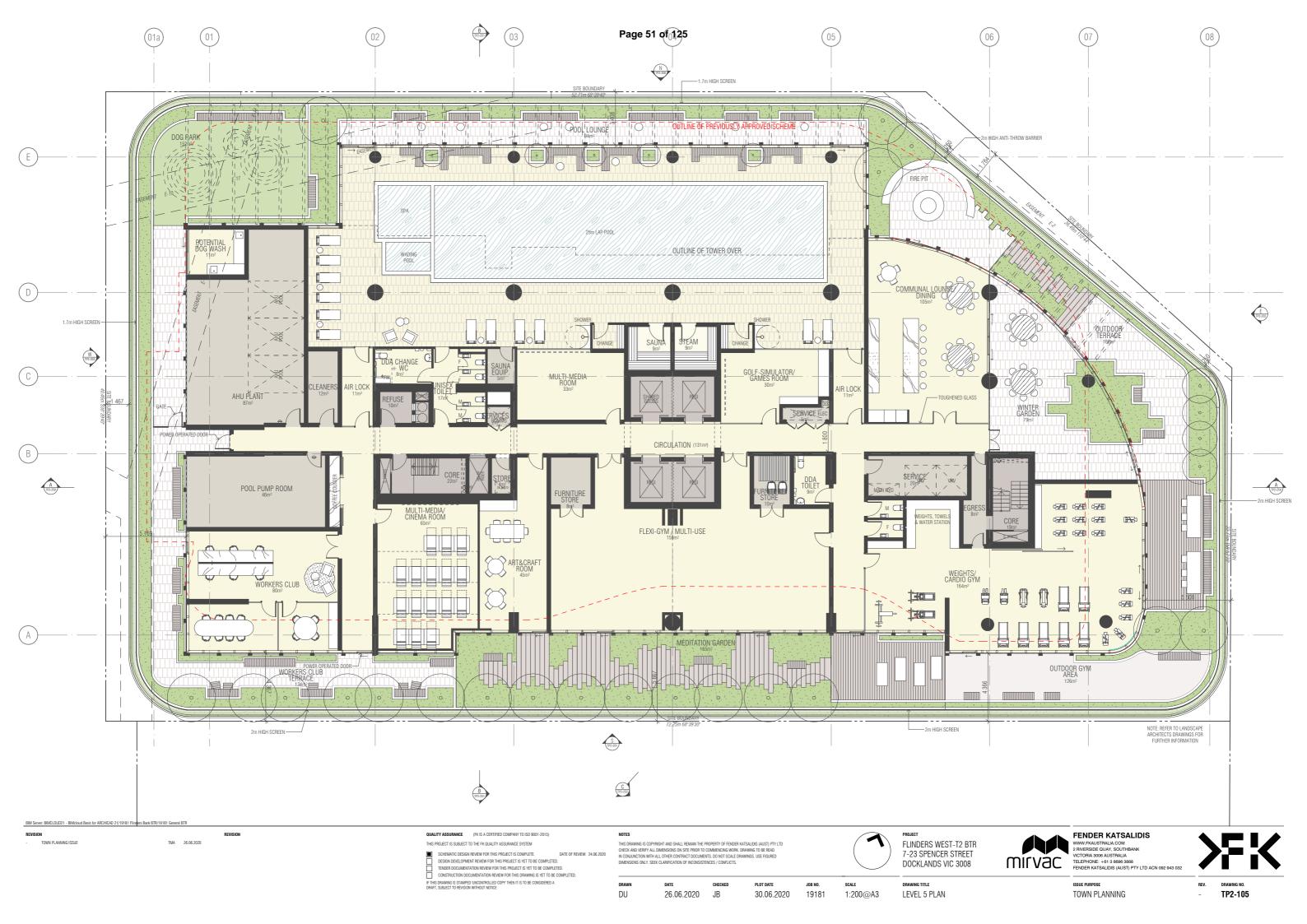


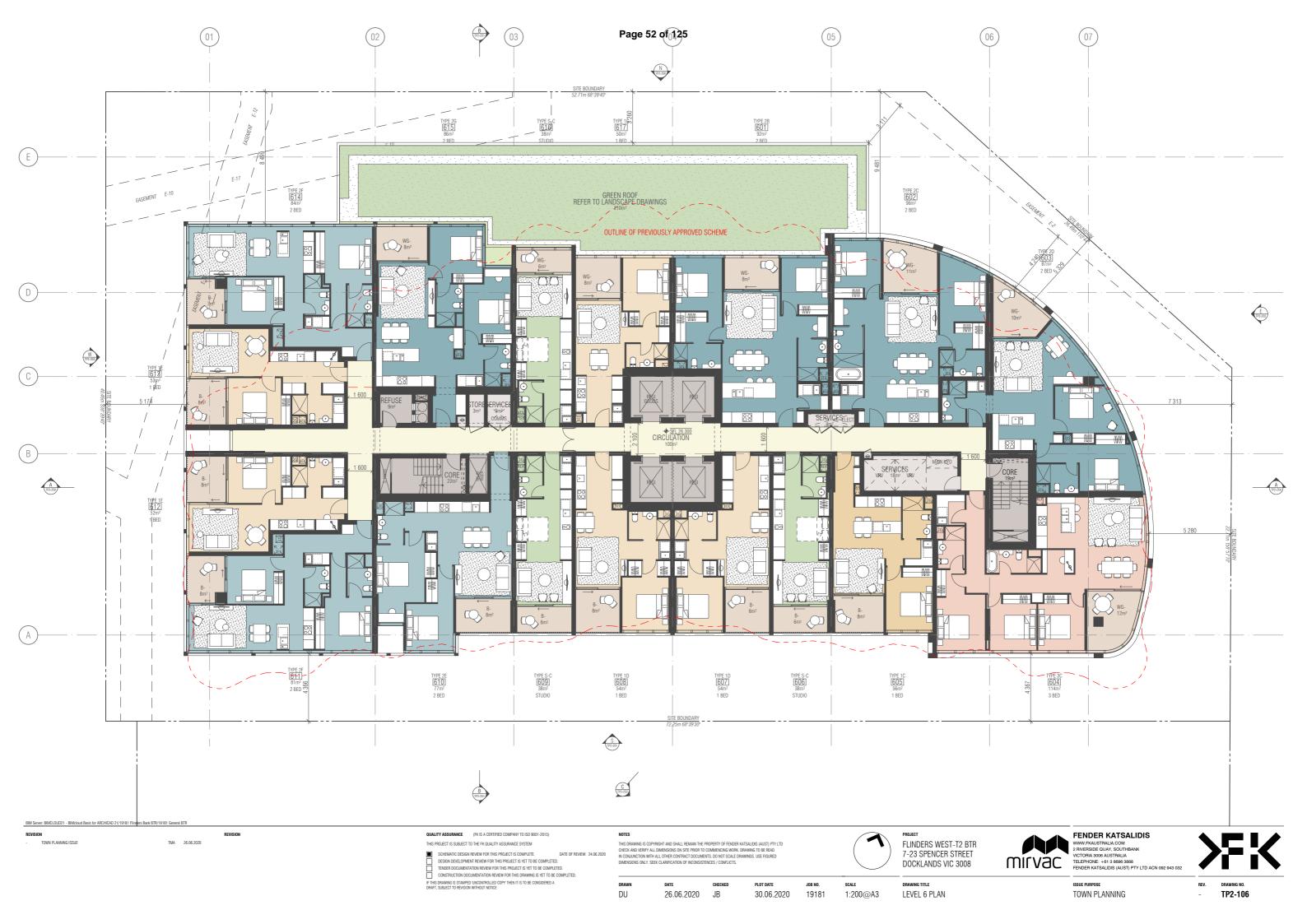


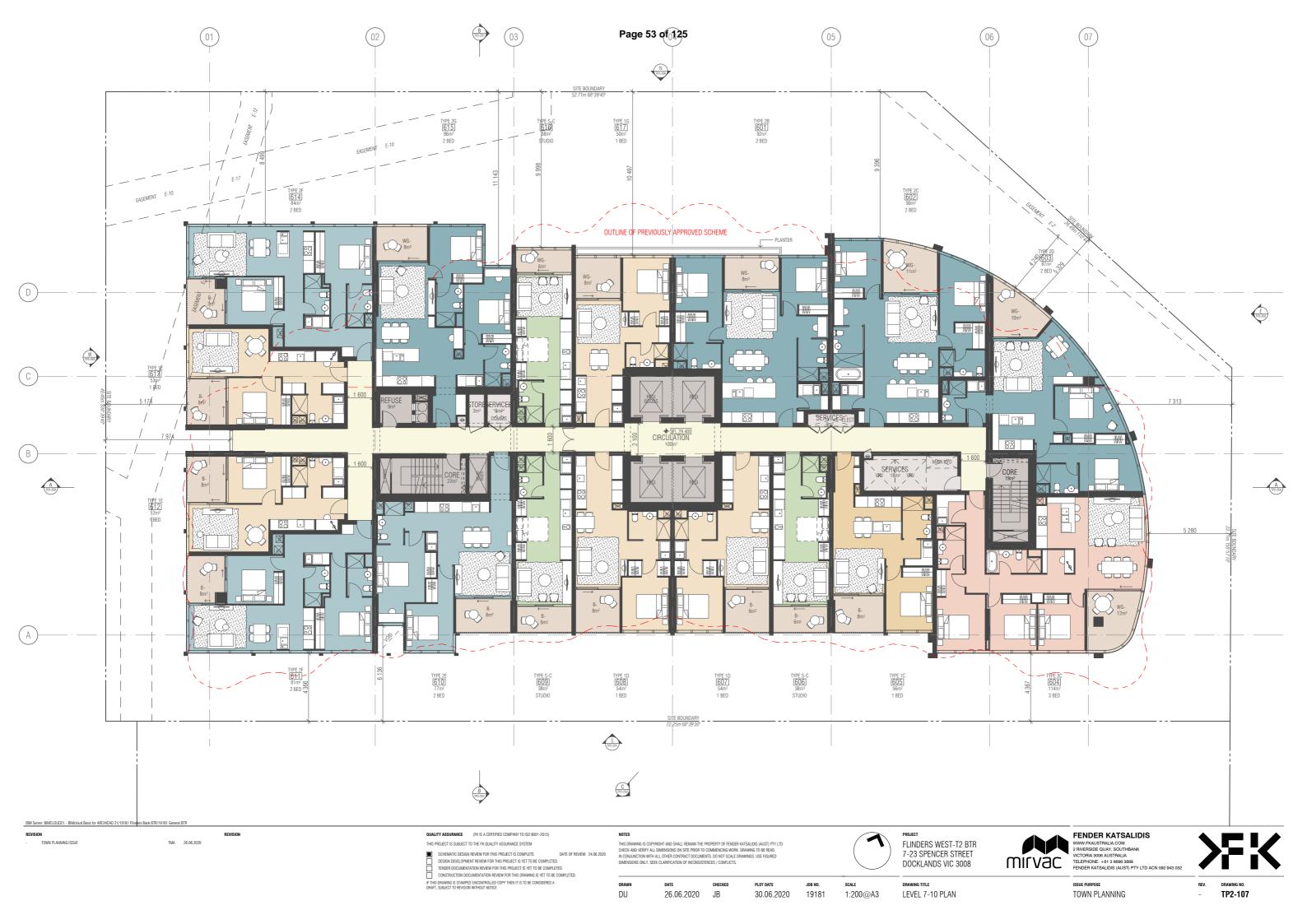


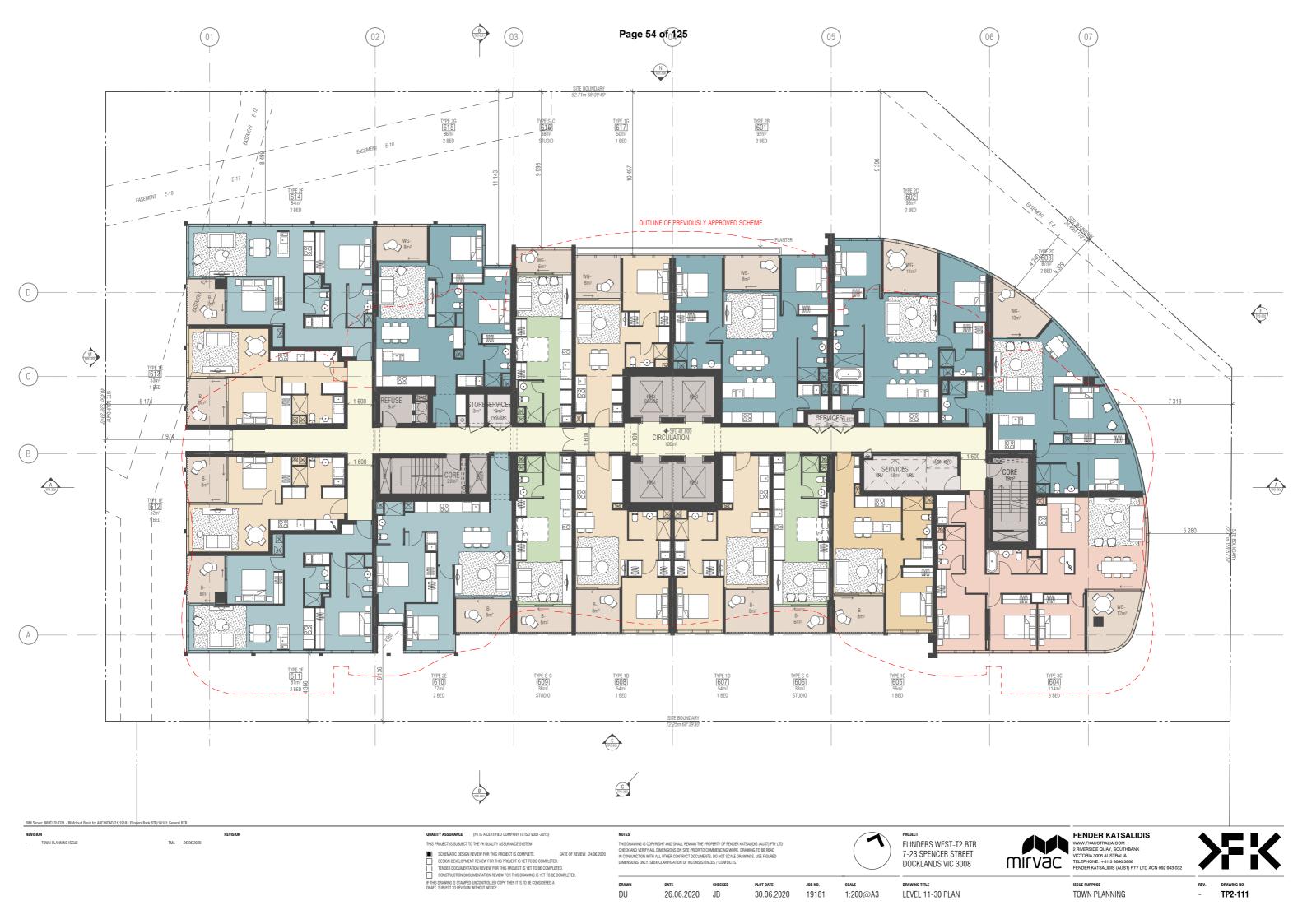


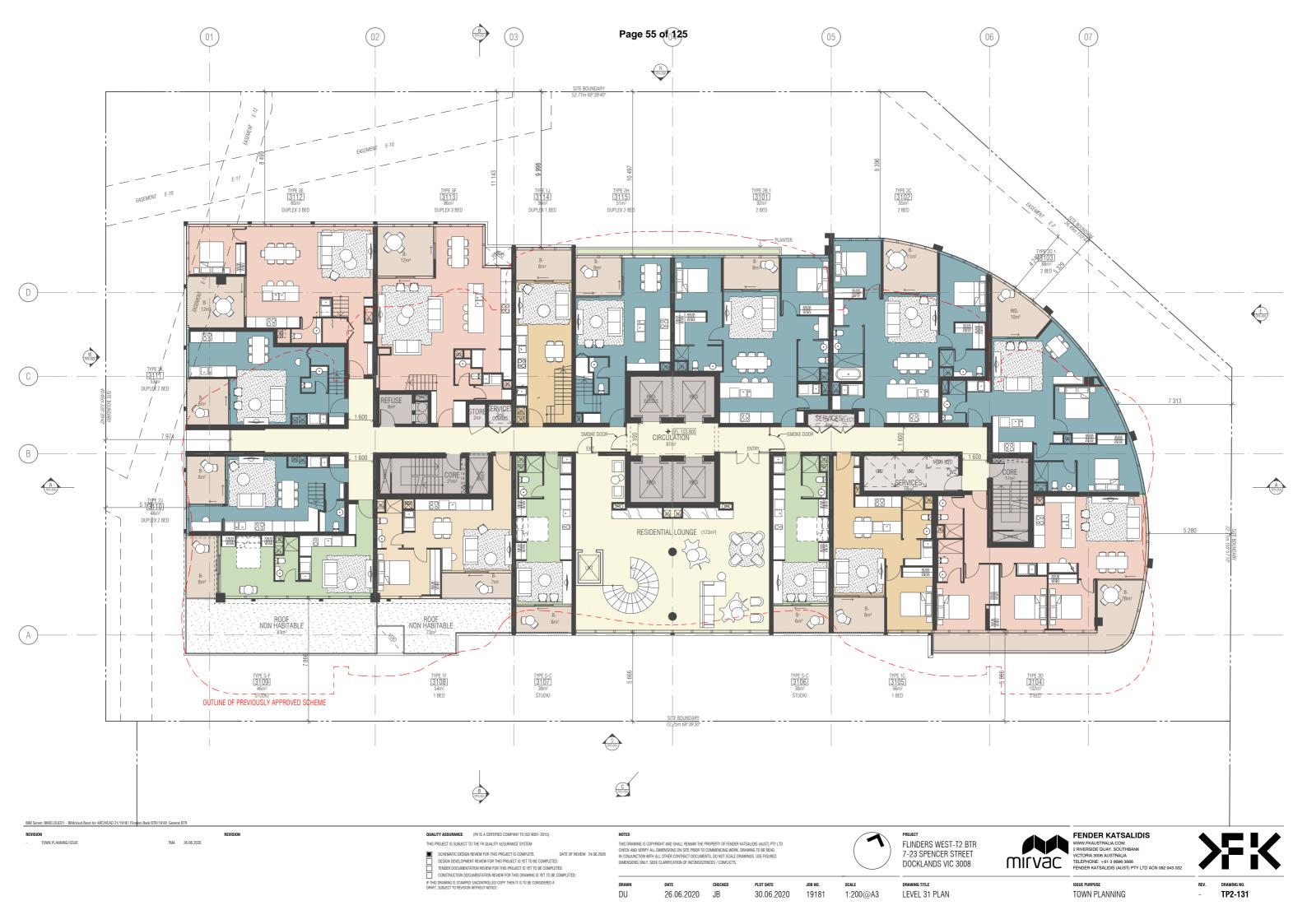


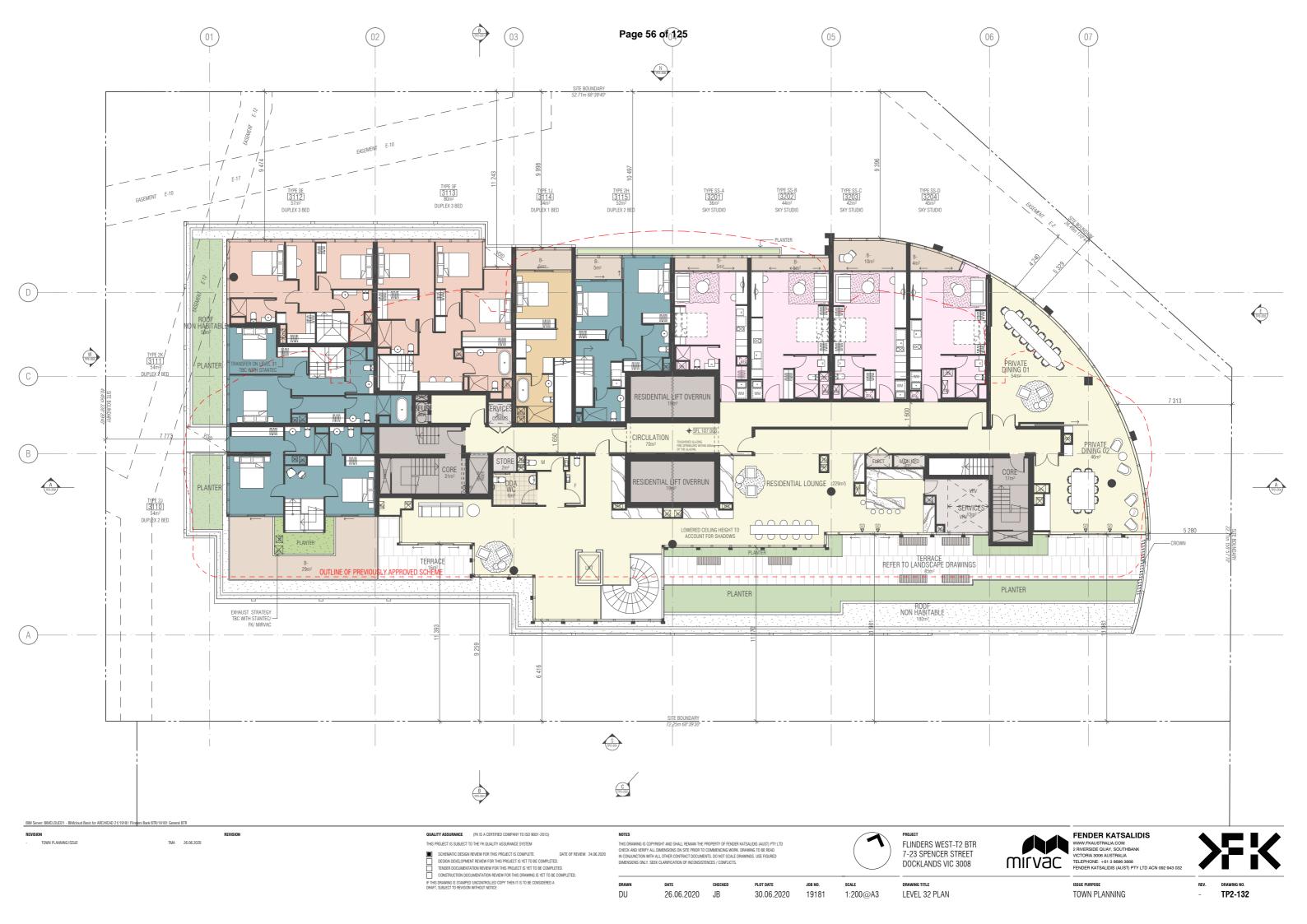


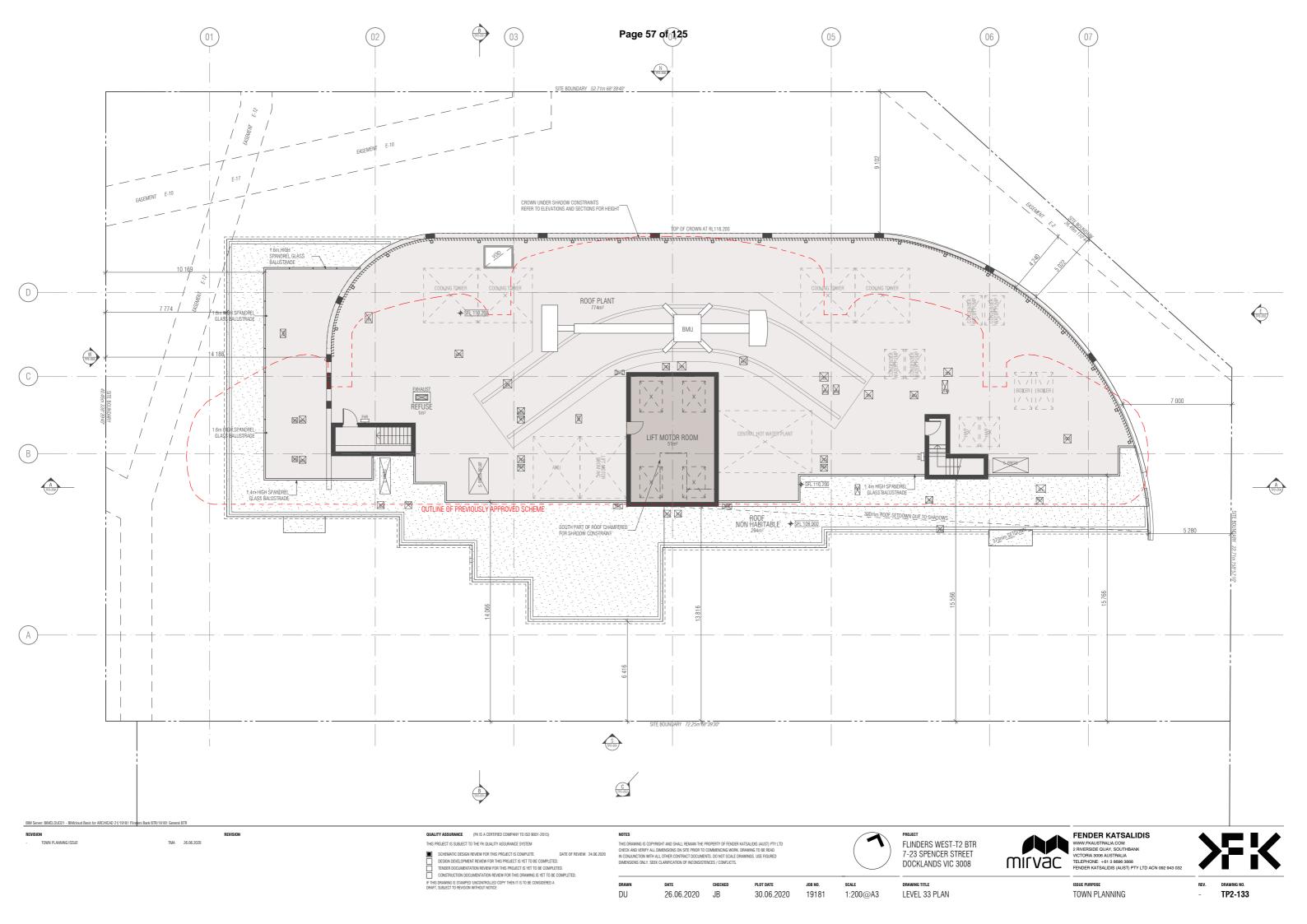


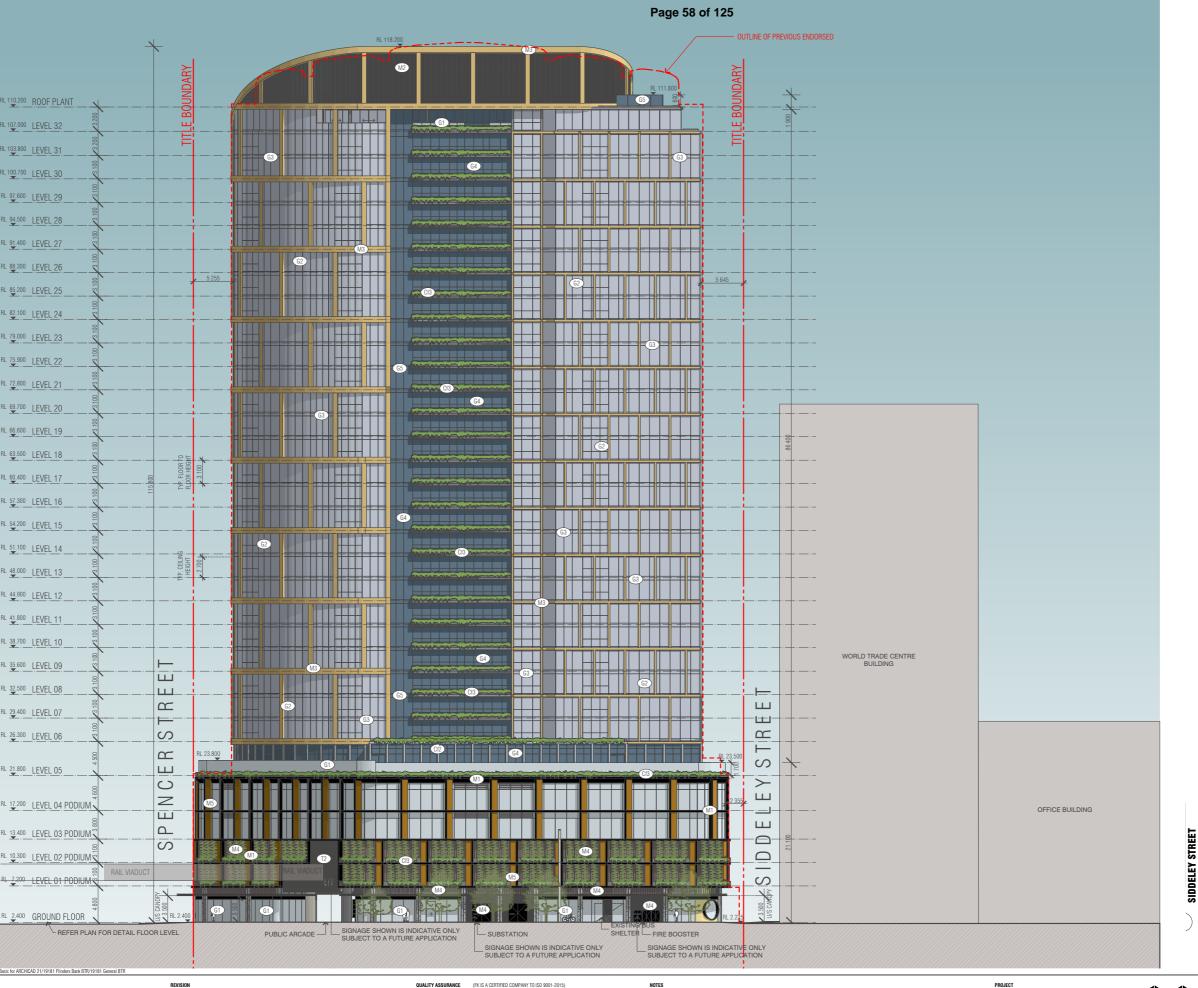












MATERIALS LEGEND

(G1) GLASS CLEAR

G2 GLASS SILVER GREY VISION

G3 GLASS SILVER GREY SPANDREL

G4 GLASS DARK SILVER GREY VISION

©5 GLASS DARK SILVER GREY SPANDREL

Cft CONCRETE FINISH LIGHT

Cf2 CONCRETE FINISH GREY

©® CONCRETE GREY PLANTERS

Cf4 CONCRETE (GRC) CLADDING

M1 METAL FINISH CHARCOAL COLOUR

M2 METAL FINISH BRONZE COLOUR Z PURLINS

M3 METAL FINISH BRONZE COLOUR

M4 METAL FINISH LIGHT COLOUR LOUVRES

M5 METAL FINISH RUST PATINA COLOUR

M6 METAL FINISH CHARCOAL COLOUR BALUSTRADE

MT METAL FINISH BLACK COLOUR CANOPY

12 TIMBER LOOK BATTENS

1. REFER TO TP2-600 SERIES FOR MATERIALITY OF SHOPFRONTS. 2. SIGNAGE IS SUBJECT TO A FUTURE APPLICATION

KEY PLAN FLINDERS STREET SPENCER STREET SIDDELEY STREET

> 01 TOWN PLANNING ISSUE

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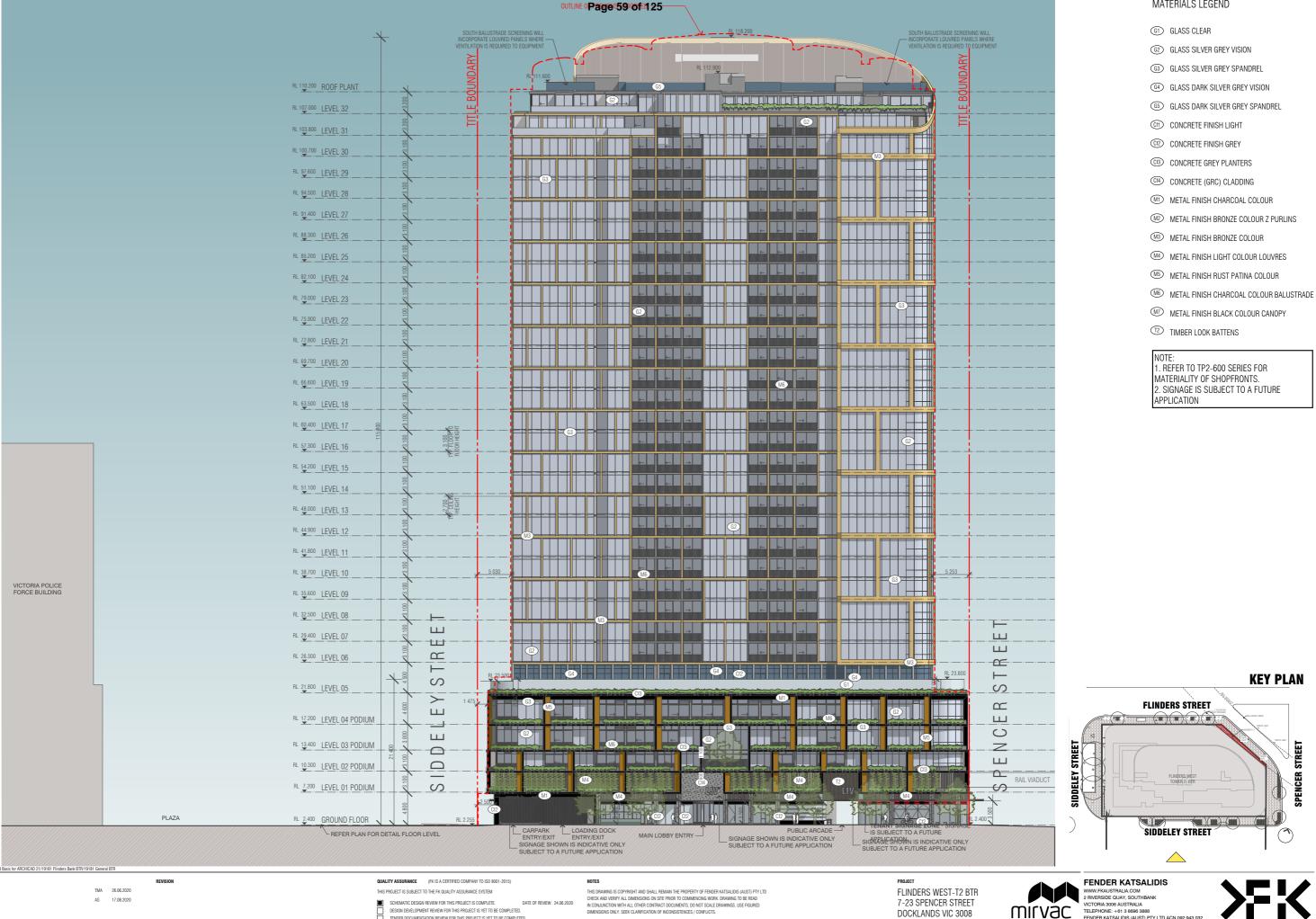
NORTH ELEVATION



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TOWN PLANNING



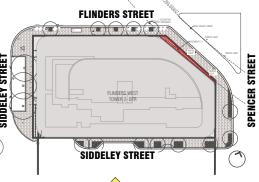
MATERIALS LEGEND

M2 METAL FINISH BRONZE COLOUR Z PURLINS

M4 METAL FINISH LIGHT COLOUR LOUVRES

1. REFER TO TP2-600 SERIES FOR MATERIALITY OF SHOPFRONTS. 2. SIGNAGE IS SUBJECT TO A FUTURE

KEY PLAN



TOWN PLANNING ISSUE

> 01 TOWN PLANNING ISSUE

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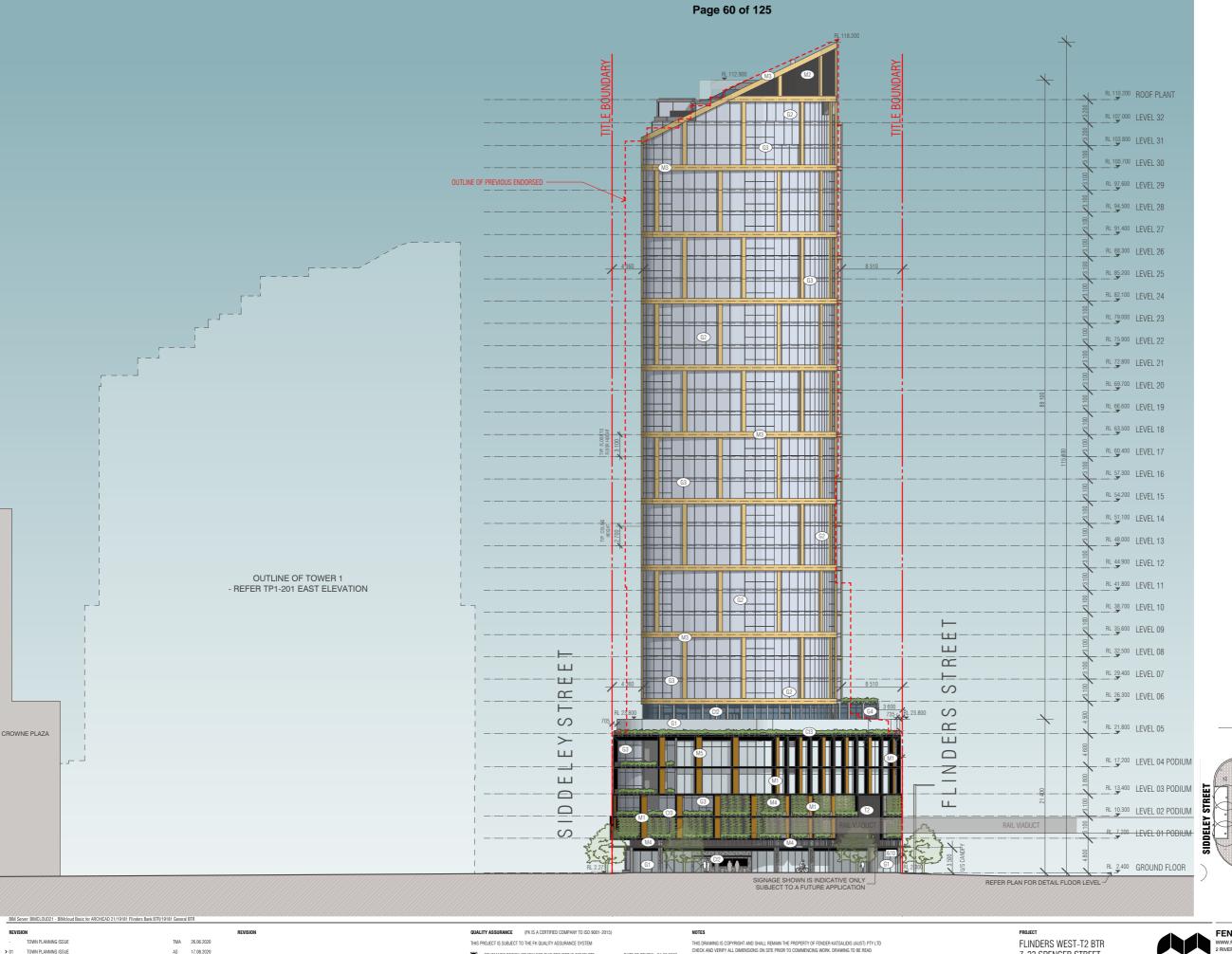
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SOUTH ELEVATION



TOWN PLANNING



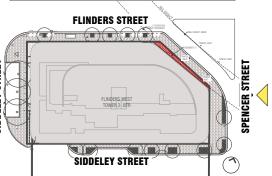
MATERIALS LEGEND

- G1 GLASS CLEAR
- G2 GLASS SILVER GREY VISION
- **G3** GLASS SILVER GREY SPANDREL
- G4 GLASS DARK SILVER GREY VISION
- G5 GLASS DARK SILVER GREY SPANDREL
- Cf1 CONCRETE FINISH LIGHT
- Cf2 CONCRETE FINISH GREY
- © CONCRETE GREY PLANTERS
- Cf4 CONCRETE (GRC) CLADDING
- M1 METAL FINISH CHARCOAL COLOUR
- M2 METAL FINISH BRONZE COLOUR Z PURLINS
- M3 METAL FINISH BRONZE COLOUR
- M4 METAL FINISH LIGHT COLOUR LOUVRES
- M5 METAL FINISH RUST PATINA COLOUR
- M6 METAL FINISH CHARCOAL COLOUR BALUSTI
- M7 METAL FINISH BLACK COLOUR CANOPY
- TIMBER LOOK BATTENS

NOTE:

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KEY PLAN



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EAST ELEVATION

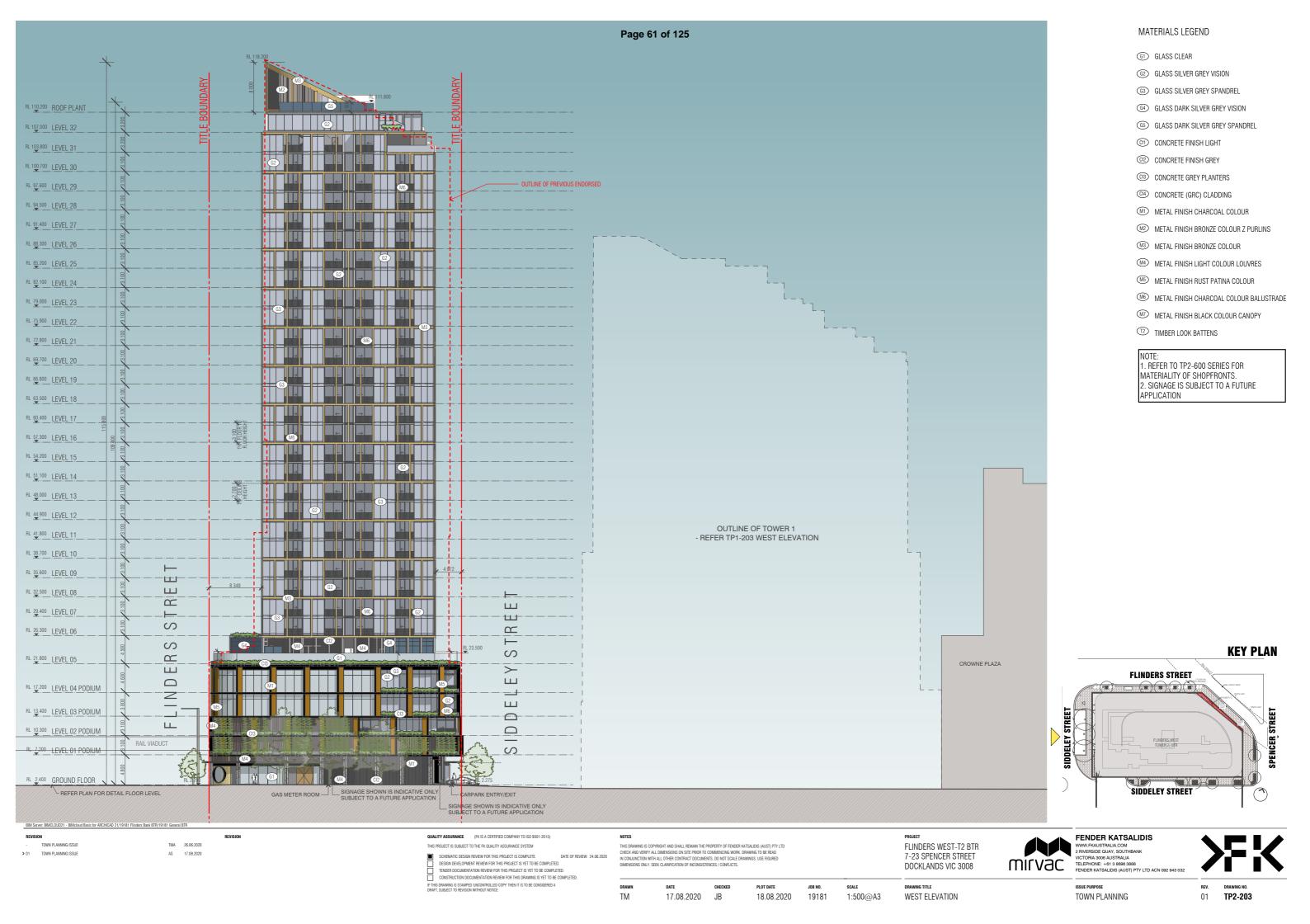
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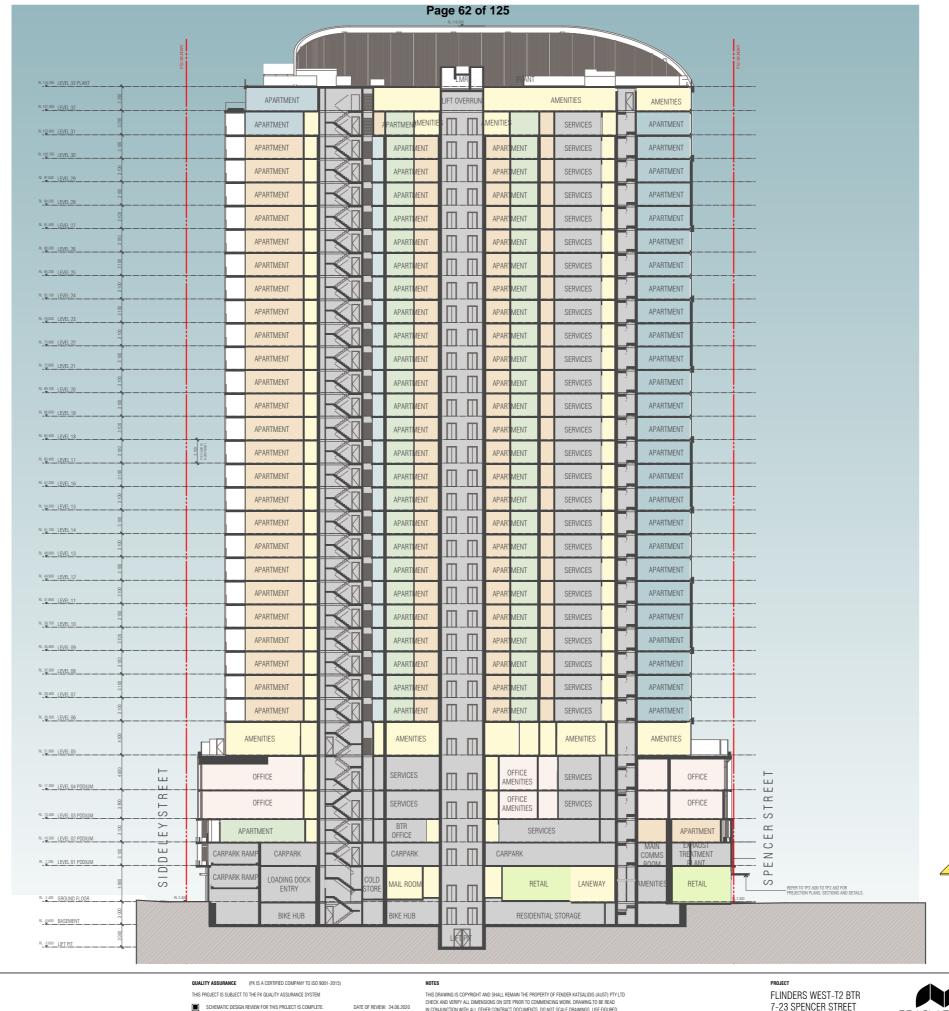
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TOWN PLANNING





KEY PLAN FLINDERS STREET SPENCER STREET SIDDELEY STREET

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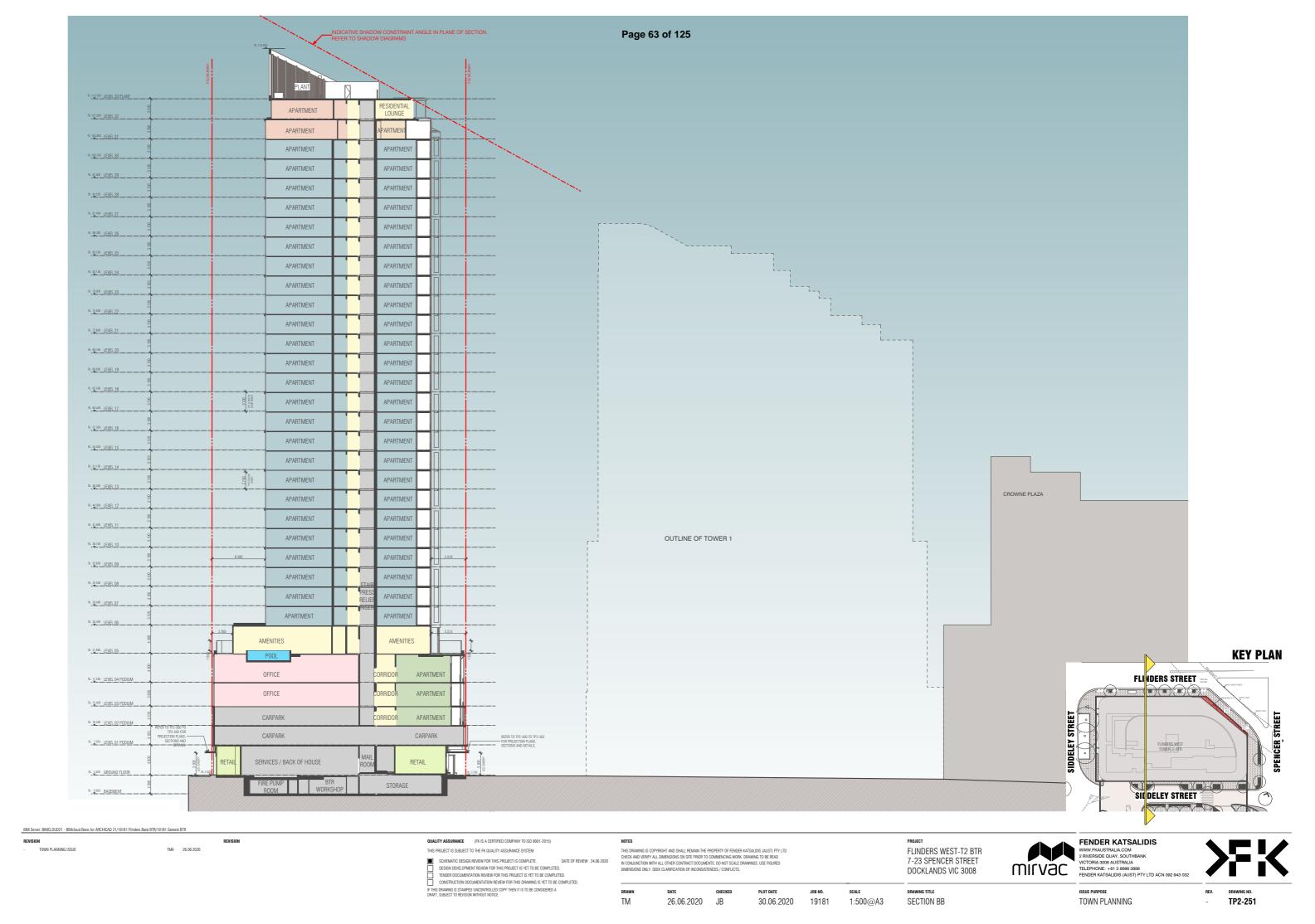
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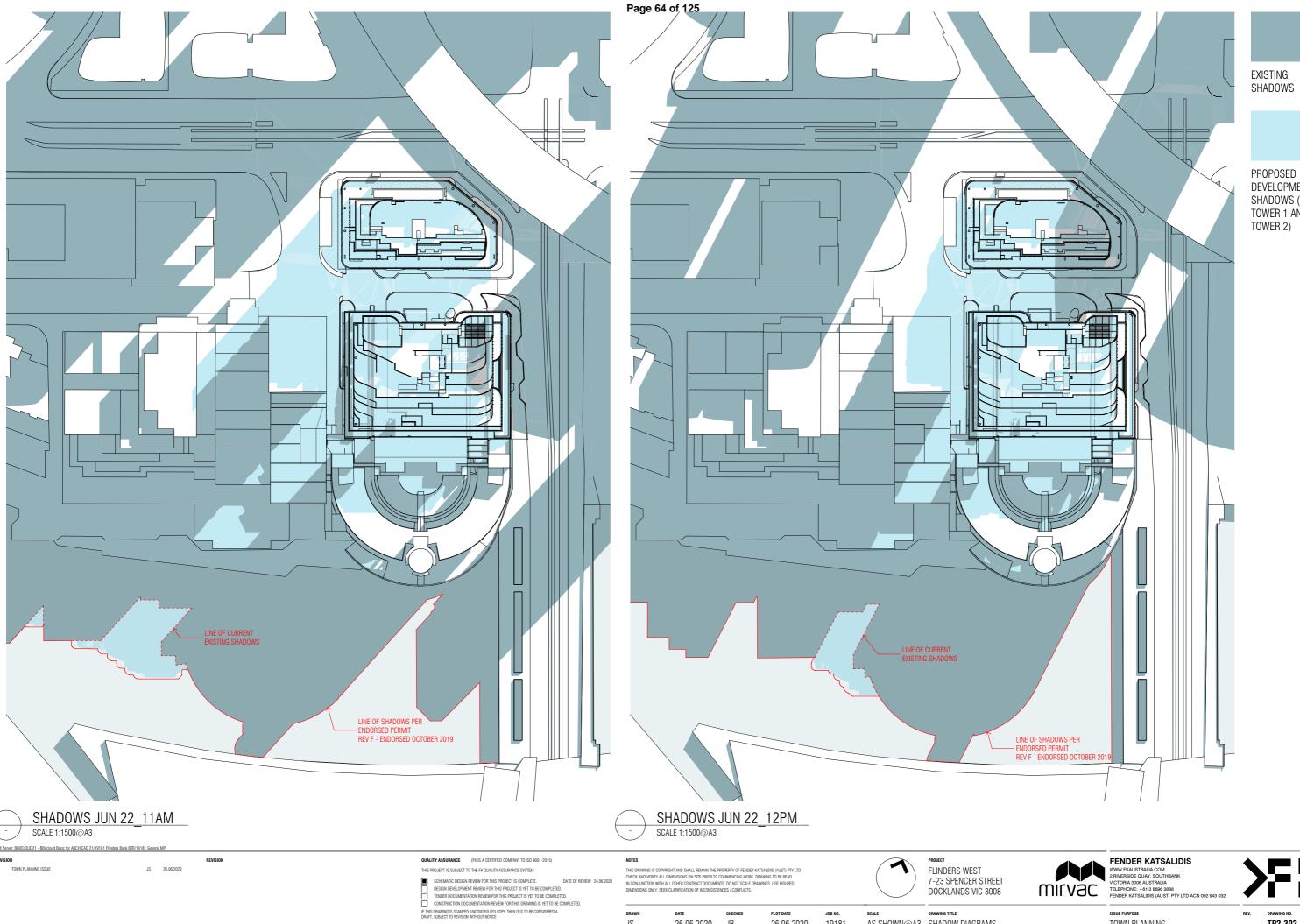
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TOWN PLANNING





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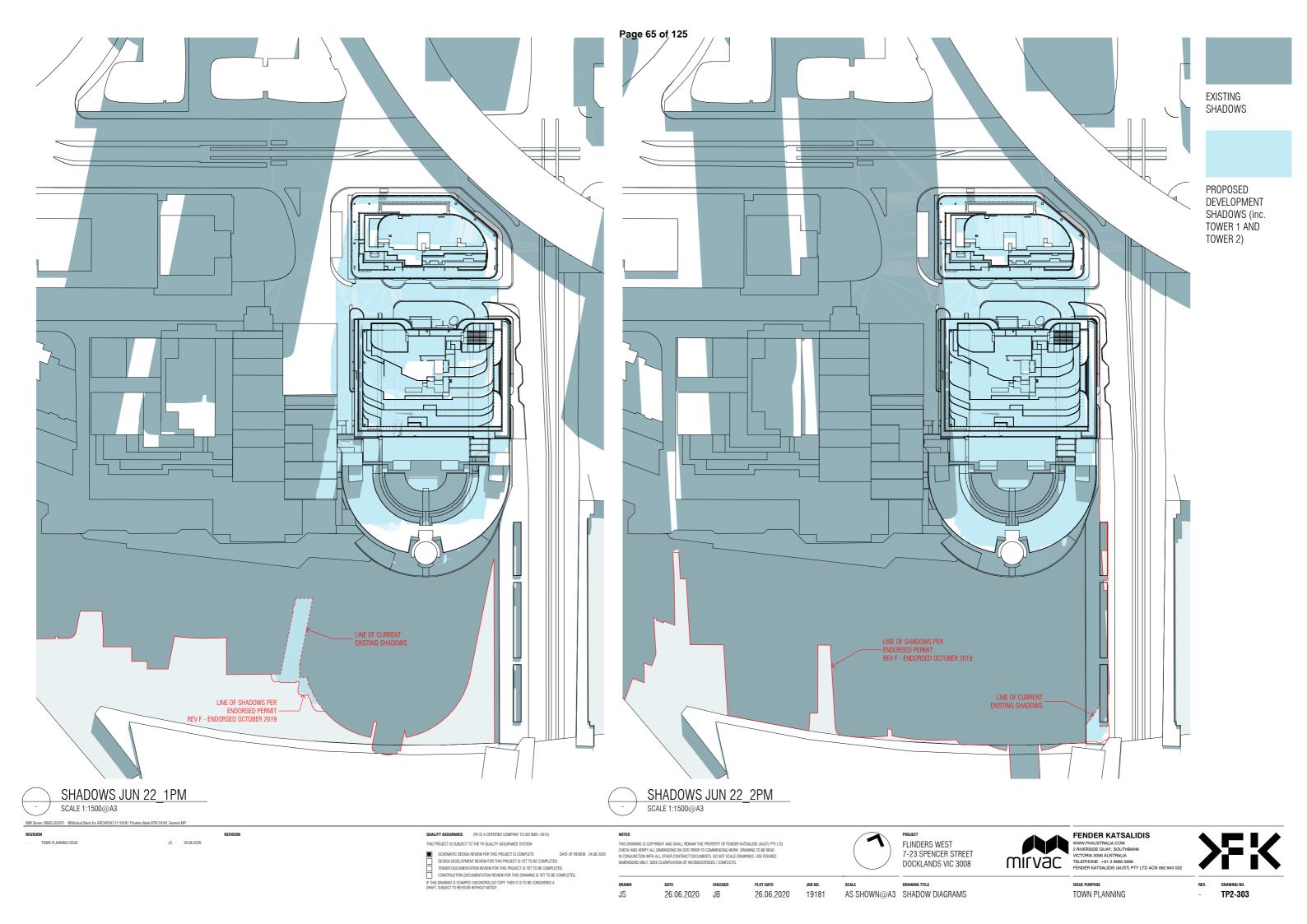
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AS SHOWN@A3 SHADOW DIAGRAMS

TOWN PLANNING

TP2-302

DEVELOPMENT SHADOWS (inc. TOWER 1 AND



DELEGATE REPORT MINISTERIAL PLANNING REFERRAL

Melbourne City Council application

TPMR-2014-35/B

number:

DELWP application number: 2014003115-2

Applicant: Urbis Pty Ltd C/- Mirvac Pty Ltd

Owner: CGA Land 1 Pty Ltd

Architect: Fender Katsalidis Architects Pty Ltd

Address: 7-23 Spencer Street, Docklands VIC 3008

Proposal: Proposed amendment to masterplan to

allow for a staged redevelopment of the site including construction of two multi-storey

mixed use buildings

Cost of amended development: \$220 million

Cost of permitted development \$200 million

Date received by Melbourne City

Council:

5 May 2020

Melbourne City Council status: Recommending Referral Authority

Responsible officer: Kate Yuncken, Principal Urban Planner

1. SUBJECT SITE AND SURROUNDS

1.1. The site

The subject site (the Site), previously known as the former location of the Melbourne Convention Centre, is located on the south-western corner of Flinders and Spencer Streets, Docklands. The Site is divided into two parcels separated by Siddeley Street which runs in an east west direction from Spencer Street.

The Site has an overall site coverage of 7,159m² which includes 2,753m² north of Siddeley Street and 4,406m² south of Siddeley Street.

The northern parcel of the Site is irregular in shape and has a frontage to Flinders Street of approximately 52 metres, Siddeley Street of approximately 70 metres, Spencer Street (including the splayed corner) of approximately 50 metres and the western boundary of approximately 40 metres.

The southern parcel of the Site is also irregular in shape and has a frontage to Siddeley Street frontage of approximately 75 metres and the Site's southern boundary of similar length, Spencer Street of approximately 55 metres and the Site's western boundary of similar length along Little Dock Lane.

The Site is developed with a temporary park approved under Planning Permit TP-2013-407.



1. Aerial of the Site and surrounds. Source: Council's COMPASS April 2020



2. Photo of the Site viewed from the intersection of Spencer Street and Flinders Street looking south west. Source: Streetview access 24 July 2020.



3. Photo of the Site viewed from the intersection of Flinders Street and Siddeley Street looking south east. Source: Streetview access 24 July 2020.

1.1.1. Title particulars

The subject site is described as Lot S2 on Plan of Subdivision 644635M (Volume 11626 Folio 660). The Site encumbered by Section 173 Agreement (AL178298H) which is an agreement between Council and the landowner for the construction, management and maintenance of a temporary publicly accessible space on the site.

The Site is also encumbered by a range of easements summarised in the table below.

Easement Reference	Purpose	Benefited / in Favour of
E-1 & E-16	Conditions as specified in Crown Grant Vol.11304 Fol.456, this easement is limited in height and depth	Crowne Grant Vol.11304 Fol.456
E-2	Conditions as specified in Crowne Grant Vol.11304 Fol.456 – this easement is for the potential expansion of the rail viaduct.	Crowne Grant Vol.11304 Fol.456
E-3	Carriageway – this easement is limited in height and depth and is for Citipower's assets.	Citipower
E-3, E-5 & E-18	Carriageway – this easement is limited in height and depth, this is for the ramp connecting Siddeley Street and Crowne Plaza hotel and connection between Siddeley Street and Crowne Plaza Loading Access.	Lot S3 (currently Crowne Plaza)
E-4, E-15	Footway – this easement is limited in height and depth	Lot S2 on the Title Plan and Vol.10628 Fol.970
E-6	Powerline – this easement is limited in height and is for Citipower's powerline	Citipower
E-7	Support – this easement is limited in height, and is to provide structural support through foundations and columns to walls, floors and ceilings of the building on Lot S3	Lot S3 (currently Crowne Plaza)
E-9, E-14, E-15, E-20	Light and air – this easement is limited in depth	Vol.10269 Fol.569
E-10 & E-17	Sewerage – this easement is limited in height	City West Water Corporation
E-4, E-12, E-14, E-15, E-16 & E-17	Drainage – this easement is limited in height	Melbourne City Council
E-18, E-19 & E-20	Carriageway – this easement is limited in height	Vol. 10269 Fol.569 and Vol.10628 Fol.970

A-1	Support – this easement is an appurtenant	Land in TP914935H
	easement (is a right to use adjoining	
	property), it provides structural support	
	through foundations and columns to walls,	
	floors and ceilings of the building for Crown	
	Allotment 2179.	

1.2. Surrounds

The main characteristics observed in the area include:

- South of the Site is the Crowne Plaza Hotel, a 13 level 384 room hotel, which
 abuts the southern boundary of the site and shares vehicle access to Siddeley
 Street with the subject site. Further south is the Yarra River.
- West of the Site is a paved public landscaped plaza, and Little Dock Road linking Flinders Street and Siddeley Street. South west of the site is the WTC (World Trade Centre) Northbank Wharf complex. The complex comprises 3 office towers (12, 14 and 15 storeys). The complex has been predominately occupied by Victoria Police and has retail tenancies at the ground and first levels.
- North of the site is Flinders Street, a six lane street with two tram lines in the median. Further north, on the north west corner of Spencer and Flinders Street is the Grand Central apartments.
- North east of the site is the Railway Viaduct which is built over Spencer and Flinders Street. The Viaduct is approximately 9.5 metres from the subject site (at its closest point).
- East of the site is Spencer Street, a six lane street with separated tram lines in the median. Further east is Batman Park.

2. PLANNING HISTORY OF THE SITE

2.1. Ministerial Planning Application TPM-2014-35 / 2014003115

Ministerial Planning Permit Application TPM-2014-35 (DELWP ref: 2014003115) was lodged with the Minister for Planning on 15 August 2014 and referred to the City of Melbourne on 5 September 2014 for comment.

The application sought approval for a staged development of the land including the construction of three multi-storey mixed use buildings at 7-23 Spencer Street, Docklands. Council supported the application and the Minister for Planning granted a planning permit on 5 April 2016. Permit conditions require an amended Master Plan, as well as detailed development plans for each stage of works.

This permit was approved under the planning controls that existed prior to Melbourne Planning Scheme Amendment C262 which introduced mandatory built form and overshadowing controls.

2.2. Ministerial Planning Application TPM-2014-35/A / 2014003115-1

An application to amended Ministerial Planning Permit 2014003115 was lodged with the Minister for Planning on 4 August 2017. The amended application TPM-2014-35/A (DELWP ref: 2014003115-1) sought to incorporate a 172 room residential hotel, reduce the number of dwellings by 440 (previously 620 dwellings), reduce the number of car parking spaces by 141 (previously 310 spaces), increase the retail offering to 2,543m2, deliver a plaza in the southern portion of the land and make minor changes to the built form. The amended application resulted in additional overshadowing of the Yarra River corridor which is now prohibited under planning rules introduced via amendment C270.

On 23 April 2018 Council advised the Minister the City of Melbourne does not object to the proposal subject to conditions requiring the development not result in any additional shadowing of the Yarra River and minor technical and urban design changes.

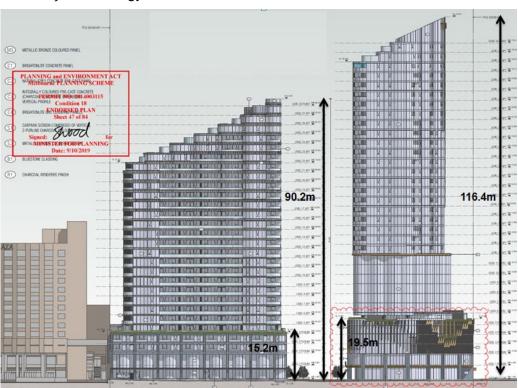
On 13 July 2018 the applicant amended the application prior to the Minister making a decision on the application. The amendment introduced 20 affordable housing dwellings into the proposal, discounted at 50% market rent for key workers. The Minister re-referred the application to the Council as a recommending referral authority to provide comment on this change.

At its meeting on 4 September 2018 the Future Melbourne Committee resolved to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council:

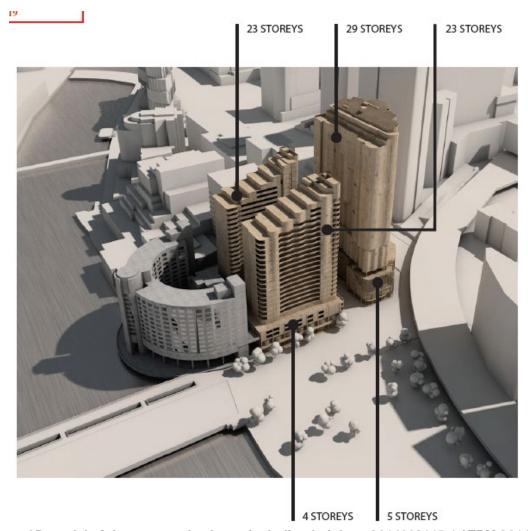
- Does not object to the proposal, subject to conditions requiring the development not result in any additional shadowing of the Yarra River and minor technical and urban design changes (refer Attachment 4).
- Supports the provision of affordable housing as a significant and positive addition to the proposal.

On 16 September 2018 the Minister for Planning issued a Notice of Decision to Grant an Amended Permit. The Minister's decision did not include Council's recommended permit condition requiring that the development not result in any additional shadowing of the Yarra River.

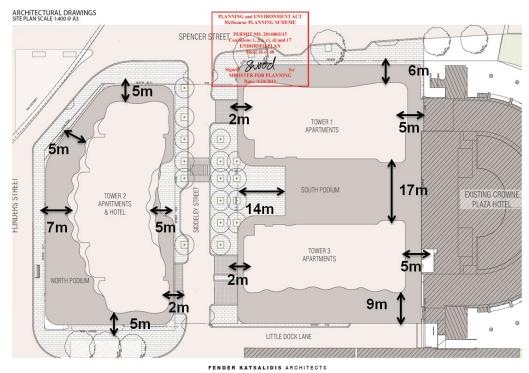
The City of Melbourne did not lodge an appeal against the Minister's decision and an amended planning permit was issued on 29 October 2018. A number of conditions have been discharged since the issuing of the permit including the Master Plan, Development Plans and Façade Strategy.



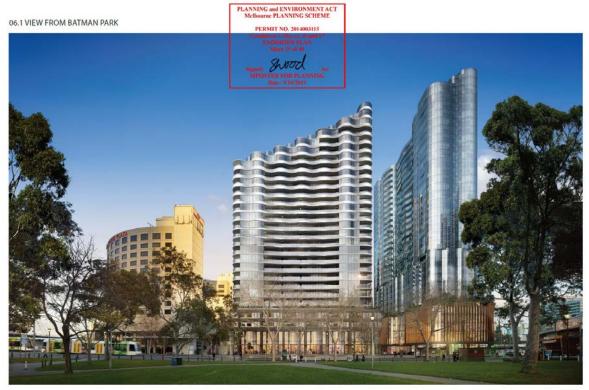
4. Approved eastern elevation with heights overlaid - 2014003115-1 / TPM-2014-35/A. Source: Fender Katsalidis Architects Pty Ltd



5. 3D model of the approved scheme including heights - 2014003115-1 / TPM-2014-35/A. Source: Fender Katsalidis Architects Pty Ltd



6. Endorsed Site Plan of the approved scheme with minimum setback shown - 2014003115-1 / TPM-2014-35/A. Source: Fender Katsalidis Architects Pty Ltd dated



7. Endorsed Perspective from Batman Park of the approved scheme - 2014003115-1 / TPM-2014-35/A. Source: Fender Katsalidis Architects Pty Ltd



FENDER KATSALIDIS ARCHITECTS

8. Endorsed Perspective from Spencer Street of the approved scheme - 2014003115-1 / TPM-2014-35/A. Source: Fender Katsalidis Architects Pty Ltd



9. Endorsed Perspective of the approved scheme looking between Towers 1 and 3 from Siddeley Street - 2014003115-1 / TPM-2014-35/A. Source: Fender Katsalidis Architects Pty Ltd dated 9 October 2019

2.3. City of Melbourne Planning Application TP-2013-407

Planning Permit TP-2013-407 was issued on 30 September 2013. The Permit allowed for demolition of the existing building (former Melbourne Convention Centre) and the construction of buildings and works including the construction of a temporary park. These works have been completed.

2.4. City of Melbourne Planning Application TP-2018-697

Planning Permit TP-2013-407 was issued on 19 December 2019. The Permit allowed for Stage 2 of a Staged Subdivision which subdivides the land into 3 lots, Lots A, S4 and S5. The subdivision facilitates the development approved under Ministers Permit 2014003115-1 which allows for the Staged redevelopment of the site including construction of three-multi storey buildings in accordance with the master plan.

3. APPLICATION BACKGROUND

3.1. Pre-application

A pre-application discussion was held at the Department of Environment, Land, Water and Planning (DELWP) on 20 November 2019 and 12 February 2020. Further meetings have been held with the agencies and the applicant during the application process.

3.2. Application history

On 28 April 2020 a further application to amend the approved development was received by DELWP. DELWP referred the application to Melbourne City Council pursuant to S.55 of the *Planning and Environment Act 1987* on 5 May 2020.

On 19 May 2020 DELWP requested further information (RFI) pursuant to Section 54(1) of the *Planning and Environment Act 1987*.

The applicant responded to RFI on 1 July 2020 and the DELWP referred to the City of Melbourne on 7 July 2020.

Following additional feedback from DELWP and Council's urban planners the applicant provided discussion plans (without prejudice plans) on 19 August 2020. The key changes for each tower in the discussion plans are summarised below.

3.2.1. Tower 1

- Central component of northern façade
 - 600 mm vertical fins
 - Façade setback an additional 300mm from northern boundary (5.3 metre setback total)
- Southern façade
 - Introduction of a central recess to level 17 (1.5m depth x 22m width)
 - Darker shade of glazing used with the central component of the façade
- Reduction in the height of the tower crown (from 88m to 84.4m)
- Reduction in the street wall height along the east and north interfaces by one storey (height reduced to 33.4m)
- Increase the ceiling height of the commercial lobby entrance
- Incorporation of timber-look battens above the Spencer Street arcade entrance
- Incorporation of columns across the podium levels

The changes have reduced the gross floor area for Tower 1 by 302m².

3.2.2. Tower 2

- Setback to Level 1 façade to create double height entry points at the residential lobby (3.1m depth x 6.1m width) and southern end of the arcade (6.6m depth x 5.7m width). These changes have resulted in a reduction in on site car parking by three spaces.
- Incorporation of timber-look battens above the north and south arcade entrance (to match Tower 1 arcade entry design)
- Central channel recess added to existing columns (to match Tower 1 column design).

The changes have reduced the gross floor area for Tower 2 by 50m².

4. THE PROPOSAL

4.1. Summary of the proposal

Broadly, the amended application seeks approval for:

- Consolidation of Towers 1 and 3 (residential towers) to create a single commercial office tower form, with associated layout, massing and design detail changes.
- Removal of the hotel component of Tower 2 and provision of a full residential tower, with associated layout and design changes.
- Modification to the ground floor and level 1 layout and programming.

Site layout and Gross Floor Area (Development Summary dated 17 August 2020)

Total Site Area:	7,159m ²	Total Gross Floor Area	Approved 108,680m ²
Total Site Alea.	7,139111	TOLAL GIUSS FIUUL ALEA	Approved 100,000m

(GFA)	Proposed 118,859m ²
-------	--------------------------------

Floor Area Ratio calculated from total gross floor area not the DDO10 definition.

Total Site Area:	7,159m ²	Approximate Floor Area	Approved 15:2:1
		Ratio (calculated from total	Proposed 16.6:1
		gross floor area not the	
		DDO10 definition)	

4.2. Tower 1 (Office building)

4.2.1. Comparison of Development Summaries for approved and proposed

	Approved Towers 1 & 3 (Residential)	Proposed Tower 1 (Commercial)
Podium Height (storeys)	4 storeys	4 (Spencer Street), 9 storeys (Siddeley Street)
Building Height	27 storeys (both Tower 1 and Tower 3) 90.2 metres (plant screen)	20 storeys with rooftop terrace 88.4 metres (plant screen)
Apartments	426	0
Commercial/Office (GFA)	0 m ²	64,250m ²
Commercial/Office (NLA)	0 m ²	54,705m ² Majority of office floorplates around 2,800m ² to 3,000m ²
Retail (GFA)	2,573m ²	512m ²
Gym / wellness	0 m ²	535m²
Total GFA	53,423m ²	64,250m²

4.2.2. Tower 1 – Minimum setbacks

Minimum Tower Setbacks (above street wall):	North (Siddeley Street)	2m (5.3m central recess)	East (Spencer Street)	5.06 m
·	South (Crowne Hotel)	5 m	West (Little Dock Lane)	5m

4.2.3. Tower 1 - Access, car parking, bicycle facilities and loading / unloading

Car parking, bicycle facilities and loading and unloading			
Car parking spaces:	70	Bicycle spaces:	350

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Motorcycle spaces:	2	Bicycle facilities:	42 showers and 448
			lockers
Parking access:	Bicycle parking access will be via a dedicated entrance from		
	Spencer Street with a ramp leading to basement parking and end		
	of bicycle trip facilities.		
	Car parking access will be via Siddeley Street and a car ramp		
	providing vehicles access to Levels 1 to 3.		
Loading / unloading:	Loading access will be via Siddeley Street. The loading area is		
	located in the rear section of the site on the ground level.		

4.2.4. Tower 1 - Building Programme

Level	Use
Basement level 01	Bicycle parking, end of bicycle trip facilities and building services
Ground level	Retail, office and car park lobby, and pedestrian arcade and plaza
Levels 1	Secondary lobby / conference space, gym and wellness space and car parking
Level 2	Office with outdoor terrace to Spencer Street, building services and car parking
Level 3	Car parking
Levels 4-19	Office
Levels 20	Office and building plant
Levels 21	Sky garden and building plant / cooling towers

4.3. Tower 2 (north building)

4.3.1. Comparison of Development Summaries for approved and proposed

	Endorsed North Tower 2 (Hotel)	Proposed North Tower 2 (Residential - Build to Rent)
Podium Height (storeys)	5 storeys	5 storeys
Tower Height (incl. podium)	34 storeys 116.4 metres	33
Apartments	237 (including 20 affordable housing apartments)	472 (including 20 affordable housing apartments)
Hotel Rooms	168	0
Commercial/Office (GFA)	0 m ²	3,110 m ²
Retail (GFA)	92 m ²	842 m ²
Car parking	148	85
Total GFA	53,306 m ²	54,609m ²

4.3.2. Tower 2 - Setbacks

Minimum Tower	North	8.5m	East	5.06 m
Setbacks (above street	(Flinders Street)		(Spencer	
wall):			Street)	
	South	4.4 m	West	5.2m
	(Siddeley Street)			

4.3.3. Tower 2 - Access, car parking, bicycle facilities and loading / unloading

Car parking, bicycle fa	Car parking, bicycle facilities and loading and unloading			
Car parking spaces:	85	Bicycle spaces:	472 (residential) 30 (commercial)	
Motorcycle spaces:	6	Bicycle facilities:	8 showers and 36 lockers	
Parking access:	Bicycle parking access can be accessed via the internal arcade. A bike lobby with lift leads to basement parking and end of bicycle trip facilities. Car parking access will be via Siddeley Street and a car ramp providing vehicles access to Levels 1 to 2.			
Loading / unloading:	Loading access will be via Siddeley Street. The loading area is located on the ground level.			

4.3.4. Tower 2 - Building Programme

Level	Use	
Basement level 01	Bicycle parking, end of bicycle trip facilities, residential storage	
	cages and building services	
Ground level	Retail, residential and office lobbies, and pedestrian arcade and	
	loading dock and car parking ramp	
Level 1	Car parking	
Level 2	Car parking, apartments and residential lounge	
Level 3 - 4	Office and apartments	
Level 5	Residential amenities (including gym spaces, dining spaces,	
	cinema, dog park, 25 metre outdoor pool) and terrace spaces	
Level 6	Apartments and green roof	
Levels 7 - 31	Apartments	
Level 32	Apartments and residential lounge	
Level 33	Building plant / cooling towers	



10. Massing model from the south east Fender Katsalidis Architects Pty Ltd - 26 June 2020 Model does not show discussion plans changes.



11. Perspective from north east along Spencer Street showing northern and eastern elevations. Fender Katsalidis Architects Pty Ltd - 25 August 2020.



12. Perspective of Tower 2 from the west along Flinders Street showing western elevation. Fender Katsalidis Architects Pty Ltd - 25 August 2020.



13. Perspective from Batman Park east elevation. Fender Katsalidis Architects Pty Ltd - 25 August 2020..



14. Perspective from south east showing southern and eastern elevations. Fender Katsalidis Architects Pty Ltd - 25 August 2020.



15. Perspective from south west showing southern and western elevations. Fender Katsalidis Architects Pty Ltd - 25 August 2020..



16. Perspective from east along Spencer Street showing Tower 1 Podium on the left, Siddeley Street and Tower 2 on the right. Fender Katsalidis Architects Pty Ltd - 25 August 2020.



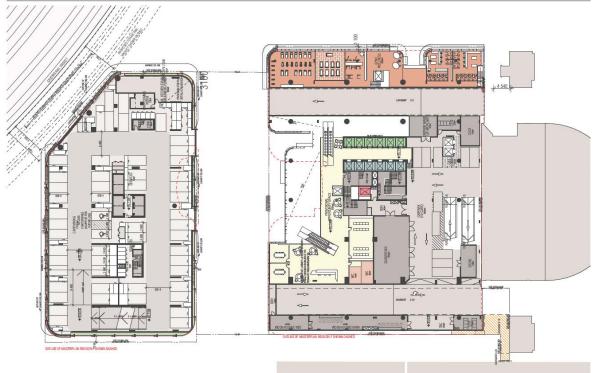
17. Perspective along Siddeley Street showing Tower 1 arcade, forecourt and office lobby. Fender Katsalidis Architects Pty Ltd - 25 August 2020.



18. Perspective showing south east corner of Spencer Street and Flinders Street. Fender Katsalidis Architects Pty Ltd - 25 August 2020.



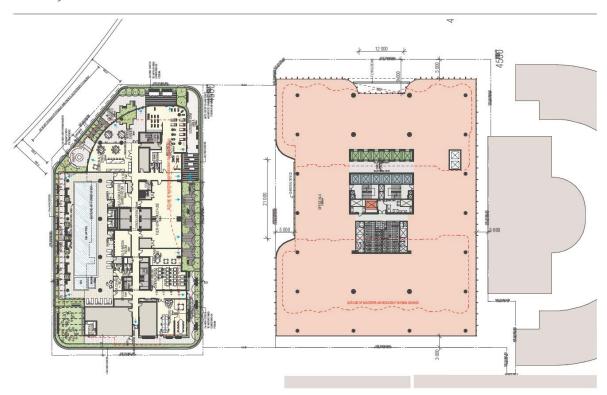
19. Figure Ground floor plan. Source: Fender Katsalidis Architects Pty Ltd discussion plans dated 26 June 2020 (note 17 August Plans show changes to Tower 1 arcade)



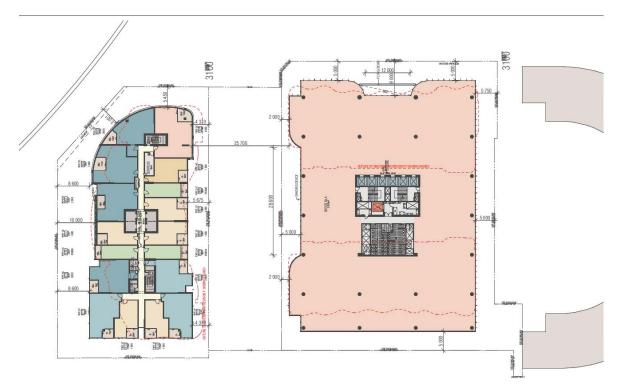
20. First floor plan. Source: Fender Katsalidis Architects Pty Ltd discussion plans dated 26 June 2020 (note 17 August Plans show changes to arcade and lobby entrances)



21. Second floor plan. Source: Fender Katsalidis Architects Pty Ltd discussion plans dated 26 June 2020



22. Typical low rise office plan and build to rent amenities. Source: Fender Katsalidis Architects Pty Ltd discussion plans dated 26 June 2020

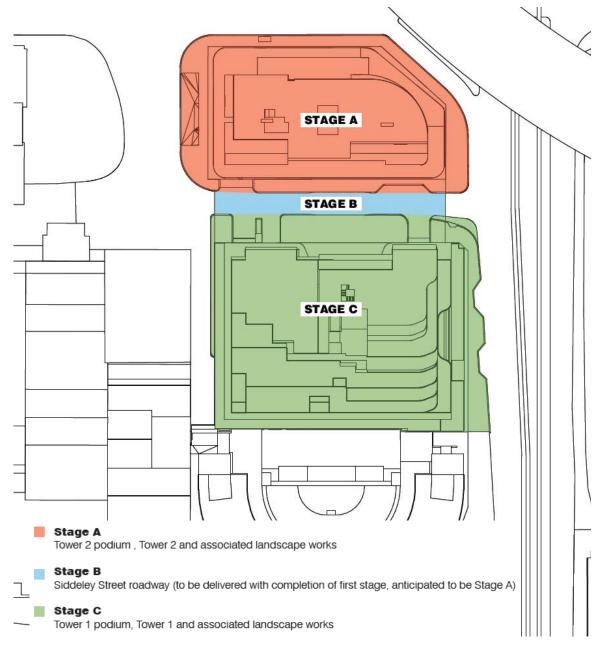


23. Typical high rise office plan and build to rent amenities. Source: Fender Katsalidis Architects Pty Ltd discussion plans dated 26 June 2020

4.2.7 Staging

The endorsed Master Plan requires the development to be constructed in a single stage. The amended application seeks to amend this requirement to allow for the development to be completed in three stages (A, B & C). Stage A comprises the Tower 2 site up to the northern kerb of Siddeley Street, Stage C comprises the Tower 1 site up to the southern kerb of Siddeley Street and Stage B comprises just the Siddeley Street road itself, to be delivered with whichever of Stages A or C is implemented first.

The development team for this proposal consists of two different Mirvac entities. One entity heads up the commercial scheme for Tower 1 and the other for the Build to Rent scheme for Tower 2. Mirvac have not yet determined which stage of the proposal will be undertaken first hence the request to allow the development to be completed in three stages.



24. Staging Plan. Source: Fender Katsalidis Architects Pty Ltd discussion plans dated 26 June 2020

5. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	Clause 11 – Settlement
	■ Clause 13 – Environmental Risks and Amenity
	■ Clause 15 – Built Environment and Heritage
	■ Clause 17 – Economic Development
	■ Clause 18 – Transport
	Clause 19 – Infrastructure
Municipal Strategic	Clause 21.02 – Municipal Profile
Statement	■ Clause 21.03 – Vision

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	■ Clause 21.04 – Settlement
	 Clause 21.06 – Built Environment and Heritage
	■ Clause 21.08 – Economic Development
	■ Clause 21.09 – Transport
	■ Clause 21.10 – Infrastructure
	■ Clause 21.11 – Local Areas
	■ Clause 21.12 – Hoddle Grid
	■ Clause 21.17 – Reference Documents
Local Planning Policies	■ Clause 22.01 – Urban Design within the Capital City Zone
	■ Clause 22.02 – Sunlight to Public Spaces
	■ Clause 22.19 – Energy, Water and Waste Efficiency
	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 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.
	Though in accordance with Clause 2.2, a permit is required for buildings / works, in accordance with Clause 7.0 the provisions of this schedule do not apply on the basis the original application was lodged prior to the introduction of Amendment C262 to the Melbourne Planning Scheme.
	Notwithstanding this, Clause 2.3 states a permit must not be granted / amended for buildings / works that do not comply with the Modified Requirements of this schedule.
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 m ²
	1000 m ²
	Or
	12 x site area in m ²
	1000 m ²

Use	Size/No.	Statutory Rate	Car Parking Requirement	Parking Provision
Tower 1				
Office and retail	47,297m ²	5 x NFA/1000	236	70
Tower 2				
Residential	472 dwellings	1 space per dwelling	472	85
Tower 2				
Office and retail	3,472 m ²	5 x NFA/1000	17	0
	Total	ı	725 (max)	155

Based on this assessment the maximum number of spaces allowed is 725. As the proposed development only provides 155 spaces, no permit is required.

In addition to the car parking requirement, Parking Overlay 1 also provides requirements for motorcycle spaces. Specifically, the Overlay requires 1 motorcycle space for every 100 car parking spaces. *Condition 40(b) of the existing permit requires motorcycle parking be provided on-site at a rate of at least 1 motorcycle space per 50 car spaces. The development complies with both the condition and the statutory requirement. See of motorcycling parking are as follows:

Tower 1

70 car parking spaces are proposed for Tower 1, which equates to a requirement for a total of 2 motorcycle spaces. 2 motorcycle spaces which have been provided on Level 2.

Tower 2

85 car parking spaces are proposed for Tower 2, which equates to a requirement for a total of 2 motorcycle spaces. A total of 6 motorcycle spaces which have been provided over Levels 2 and Level 3.

Particular Provisions	3				
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. The proposal does not seek to provide more than the maximum number of spaces and a permit is therefore not required under Clause 52.06.				
Clause 52.34, Bicycle Facilities	A permit may be granted to reduce or waive the bicycle parking requirement. Tower 1				parking
	Use	Size / No	Statutory requirement residents / employees	Statutory requirement Visitors / Customers	Bicycle spaces required
	Retail	508m ²	1 space per	1 space per	2 staff

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other than specified		300m2 LFA	500m2 LFA	1 customer
Office	45,957m ²	1 space per 300m² NFA	1 space per 1,000m ² NFA	153 employee 46 customer

Tower 1 requires 204 bicycle spaces and provides 350 bicycle spaces which meet the requirements of this provision.

Tower 2

Use	Size / No	Statutory requirement residents / employees	Statutory requirement Visitors / Customers	Bicycle spaces required
Dwelling	472	1 space per 5 dwellings	1 to each 10 dwellings	94 residential 47 visitor
Retail premise other than specified	2,742m ²	1 space per 300m ² LFA	1 space per 500m ² LFA	9 staff 3 customer
Office	728m²	1 space per 300m ² NFA	1 space per 1,000m ² NFA	2 employee 1 customer

Tower 2

Tower 2 requires 156 bicycle spaces and provides an excess of bicycle spaces required. There are 472 residential spaces and 30 non-residential spaces provided in the basement. These numbers exceed the statutory requirement.

In regards to visitor bicycle parking, the traffic report states that 52 visitor spaces are proposed to be located around the ground floor of the Site however no spaces are shown on the plans.

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	The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 m ² .

scheme	scheme				
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6. RELEVANT PLANNING SCHEME AMENDMENTS

In addition to the preceding policies, Amendment C308 to the Melbourne Planning Scheme is also of relevance. The Amendment and the Central Melbourne Design Guide were adopted by Council on Tuesday 26 November 2019.

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

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

7. 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*.

8. INTERNAL REFERRALS

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

8.1 Urban Design

Urban Design provided the latest set of advice on 9 July 2020. The following are summarised points in response to the application plans and the discussion plans dated 26 June 2020. All sets of plans are prepared by Fender Katsalidis Architects Pty Ltd.

Building massing

- The amalgamation of Tower 1 (and 3) has resulted in a significant increase in the visual bulk, which does not have an equal level of vertical breakdown and grain as the endorsed development.
- There is an increase in podium height of the tower 1 frontage to Siddeley Street from the endorsed 4 storeys (approximately 15m) to 9 storeys (approximately 37m). As Siddeley Street is to be pedestrianised, the creation of an activated street frontage, with a strong sense of human scale is a priority to this interface. The increased podium height is inappropriate, and the provision of human scale cannot be addressed solely through surface treatments and articulation.

Design Details

- The extent of podium car parking interfacing with Flinders Street is not supported.
 Note there is an increase of podium car parking frontage to Flinders Street and Siddeley Street on level 1 and level 2.
- A high level of design and material quality is required to the interface of any retained portions of podium car-parking.
- Potential safety implications with Tower 1's ground level arcade.
- Design measures to activate and soften Tower 2's western elevation on the southern edge to promote a more inviting interface at this corner, equivalent level to endorsed plans.

- Numerous rotating doors have been indicated to ground floor lobby entrances to both towers. Rotating doors create disconnect from the pedestrian activity on the street and internal activation, thus diminish the quality of the public interface.
- The proposed design strategy for both Tower 1 and Tower 2 facades lack a clear design vision and note that a concept design strategy for both towers should be developed in subsequent project phases. Recommendations for changes to the Façade Strategy were provided to the applicant.

8.2 Traffic Engineering

Council's Traffic Engineers provided comments on 27 July 2020 which are summarised below:

Car Parking Provision / Layout / Site access and egress

- The car parking provision is supported.
- The locations of the crossovers to and from the Tower 2 car parks are too close to the roundabout and are not supported. This would result in significant safety issues, as vehicles accessing / egressing the car parks could collide with vehicles approaching / leaving the roundabout. The crossovers must be relocated further east, no closer to the roundabout than those previously approved.
- Swept path diagrams must be provided, showing the complete journeys of all required vehicles, demonstrating all turns to / from both Flinders and Spencer Streets to / from the site.
- The layouts of both car parks, including all spaces, accessways, ramp grades, transitions, head clearances and loading areas should be designed in accordance with the relevant requirements of the MPS or relevant Australian Standards.
- Research suggests that each car share vehicle reduces each member's private
 vehicle usage by 50% and the number of resident-owned vehicles by 9. It is therefore
 requested that at least 1 car share and electric charging space be provided on-site to
 meet the likely demand.
- The operation / locations of the access doorways to both the parking areas and loading bays have not been specified. To ensure vehicles entering the site do not stop in the street and obstruct pedestrians / bicycle / traffic while waiting for the entry doors to open, the doors to all parking / loading areas should be offset by at least 6m from the site boundary. Alternatively, the doors at the site boundary could be left open during the peak periods and closed off-peak.
- Ramp grade of <1:10 should be provided for the first 5m from site boundaries at the access. Pedestrian sight triangles of 2 x 2.5m must be provided at the exits from the carparks, as required by Melbourne Planning Scheme. This does not appear to have been provided.
- This application should be referred to VicRoads because Spencer Street is an Arterial road.

Bicycle Parking

 No objection to the proposed bicycle and motorcycle provisions. The design / dimensions of bicycle parking should comply with the relevant Australian Standards or Bicycle Network guidelines.

Reconstruction of Siddeley Street

- While a detailed concept layout for Siddeley Street has not been finalised, in order to
 enhance the safety of cyclists, the carriageway widths of both sides of Siddeley Street
 should be sufficiently increased to accommodate the provision of bicycle lanes, as
 previously advised. While there is no in-principle objection to the provision of a 2space pick up / drop off area on the north side of the street, sufficient footpath space
 must be provided for pedestrians on both sides of the street.
- The reduction in the number of left turn lanes from Siddeley Street into Spencer Street is supported in principle, which requires VicRoads' approval. This may require the undertaking of a formal closure process under the Local Government Act, which should be fully funded by the developer.
- The layout of Siddeley Street will be determined in consultation with the relevant branches within Council and will ultimately require the approval of Director Infrastructure & Assets. The street must be reconstructed at the developer's expense.

Road Safety Audit

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

8.3 Waste and Recycling

Council's Waste Engineers advised on 24 August 2020 that the waste storage and collection arrangements proposed in the Waste Management Plan (WMP) prepared by WSP Pty Ltd dated 30 June 2020 for Tower 1 and 29 June 2020 for Tower 2 were not acceptable. The following items need to be addressed:

Tower 1

• A plan showing the path of travel for all tenants to access the waste storage area.

Tower 2

- A plan showing the path of travel for retail tenants to access the waste storage area.
- Elevation drawings showing adequate height clearance for the hook lift vehicle up to the collection point are required.
- Confirmation that there are chute access points available at each level is required.
- If compactors are to be shared for the whole development, the compactors must hold
 at least one week's worth of residential and commercial waste. Collections are still
 required to be shared proportionately between Council and a private operator,
 however should be consecutive collections instead of overlapping within a time period
 to avoid collections of compactors which are nowhere near capacity.

8.4 Civil Engineering

Council's Civil Engineers provided comments and standard conditions and notes on 10 July 2020. Below are summarised points from these comments and conditions have been included in the conditions section of this report:

Siddeley Street

 The proposed works in the public realm should be reviewed in conjunction with other town planning applications including pedestrian access from Siddeley Street. In accordance with our records, there are three town planning applications for building works at 633-669 Flinders Street (Victoria Police Centre and World Trade Centre) and subject site. The proposed works should be referred to City Design Studio for further comment.

- A Traffic Functional Layout plan should be developed in consultation with our Traffic Team.
- A minimum of 2.0 metres wide pedestrian corridor shall be provided along the footpath on the northern side of the street. The architectural drawings show a pedestrian path along the road reserve. However, the footpath width shall be increased to allow installation of parking signs, poles and the provision of a pedestrian corridor compliant with the Disability Discrimination Act 1992 requirements.
- The crossings wider than 7.6 metres should include the provision of a minimum of 2.0 metres long pedestrian refuge islands at 7.6 metre spacings. The crossovers and median islands shall be extended to provide continuous kerb and channel alignment along the street.
- The pedestrian access ramps on the western side of the street are not supported. The access ramps shall be aligned with one another and the direction of travel.
- The tree plots on the northern side of the street shall be redesigned next to the road kerb. The two tree plots adjacent to the main entrance to Tower 1 are located within the pedestrian corridor and they should be redesigned.
- The location of the drainage system, street lighting and street furniture along the street and potential impact on tree plots and access ramp locations must be considered.

Spencer Street

- The width of the existing pedestrian corridor is significantly reduced due to the building
 footprint of Tower 1 along Spencer Street. Consideration should be given to the
 relocation or removal of the existing car parking space located at the front of retail
 tenancies to accommodate widening of the pedestrian corridor along the street. This
 matter shall be referred to our Transport Engineering team to comment on the
 required width of the pedestrian corridor along the street.
- We do not support installation of a rollover concrete apron at the south-east corner of the intersection of Spencer Street and Siddeley Street. The kerb alignment shall be redesigned to allow installation of access in alignment with the pedestrian corridor along Spencer Street. The access ramps shall be widened and aligned with one another and the direction of travel. The wider footpath might have impact on the extent of the Ground Floor levels of the building.

General comments

- Object to the outward opening doors projecting beyond the building line, except service room doors. The doors shall be redesigned such that they do not project beyond the building line when open, when closed or when being opened or closed.
- The drawings shall show the provision of tree planting in Flinders Street and Spencer Street. The tree plot locations should be determined following review of land survey plans and location of services.

 All projections over the street alignment must conform to Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate and the City of Melbourne's Road Encroachment Operational Guidelines.

8.5 Land Survey

Council's Land Survey team provided comments on 3 July 2020:

Building over easements

Prior to the commencement of the development (excluding demolition), the permit
holder must either obtain the necessary permission(s) from the relevant parties /
authorities to construct over easements E-10, E12, E17 and provide evidence of this
to the City of Melbourne or obtain planning permission to remove or vary the location
of the easements. If the easements are unable to be varied then the development
needs to be set back to exclude any built form within the easement.

Private services within the subject land to be diverted.

 Prior to the commencement of works (including demolition), private water and sewerage services currently located within the subject land which service Lot S3 on PS644635M) are to be relocated.

Approved plan of subdivision

 A portion of development (being Tower 2) encroaches into Lots S7 on the approved plan of subdivision. It is therefore recommended the approved plan of subdivision should not be registered and that should this application for development be approved an amended plan of subdivision should be submitted to Council to resolve this titling matter prior to the commencement of any works.

8.6 Environmentally Sustainable Design (ESD) and Green Infrastructure

Council's Senior Green Infrastructure and ESD Officer provided comments and standard conditions on 5 June 2020. Below are summarised key points:

Environmentally Sustainable Design

 The existing permit has sufficient rigour to assess Environmentally Sustainable Design at each project stage.

Green Infrastructure

 Recommend that a Green Factor assessment of each project stage or the entire project is undertaken.

8.7 Urban Sustainability

Council's Urban Forestry and Ecology team provided advice on 13 July 2020 in reference to the potential impacts of the proposal on publicly owned trees in accordance with the City of Melbourne's Tree Retention and Removal Policy (the Policy).

- The soil depth of 600mm shown on the 'Planting Plan Public Realm' for some of the
 proposed tree plots does not meet minimum tree planter specification for the City of
 Melbourne. The success for future tree growth will be impacted by soil volume. As
 such, the use of structural soil vaults and trenches were the subject of previous
 discussions and should be incorporated throughout the public realm areas.
- Opportunities for the enlarging of the tree plots for existing trees on Spencer Street should be considered given that these trees are outgrowing the plots and displacing blue stone surrounds.

 The Tree Protection Plan does not to refer to a Construction or Traffic Management Plan. Of particular concern is the lack of detail for the impacts to mature public trees on Spencer Street and between Flinders and Siddeley Streets in as far as the probable impacts on canopies that are likely to result from gantry / scaffold or machinery requirements. The Tree Protection Plan will need to reference finalised construction methodologies.

8.8 City Design

Council's City Design team provided comments on 7 July 2020 in relation to the landscaping and public realm works:

In our previous review of the master plan we noted inconsistencies in the depiction of the public realm and a departure from previously submitted detailed designs. The current submissions fully describe what is now intended.

- Overall the landscape submissions are clearly presented, comprehensive and well
 integrated with the architectural proposals. The scope and content of the submissions
 provide a good level of assurance that at this schematic stage a feasible, appropriate
 and manageable private and public realm is intended.
- Schematic designs for the numerous above ground planted private areas of both towers provide confirmation that the landscape architect has assessed the soil provision necessary to achieve the planting depicted. We note that indicative plant lists have been provided for these areas and do not intend to comment in detail.
- There is a minor error in the planting schedules on page 32 of the Oculus Tower 1 report and page 36 of the Tower 2 report, the heights and widths of the tree *Ginkgo biloba* being reversed. This will be relevant in assessing road side use.
- It is appreciated that the submissions pay particular attention to the surrounding Spencer Street, Flinders Street and Siddeley Street public realm. We have the following specific comments on the Siddeley Street proposals:
 - The construction of raised kerbside planting areas along the north side of Siddeley Street is not supported as this would reduce the available footpath width within the road reserve, which is minimal in this location – a large proportion of the paved pedestrian area shown is within the building title. We would be pleased to discuss details further and request the provision of dimensioned typical plans, sections and service locations to facilitate this.
 - We would support removal of the indented vehicle area on the north side of Siddeley Street if justified on traffic grounds.
 - We support the proposed use and form of the 'timber feature seats' within the publicly accessible ground floor areas of the building. However, it should be confirmed that the seat shown on the south side of Siddeley Street, at the eastern building entry, is within the title boundary.
 - The intent of the public realm arrangement shown on the south side of Siddeley Street is supported but the location of the row of trees is not supported as shown. This alignment appears to reduce space for east-west pedestrian volumes and preclude the second, partial row of trees clear of the building that was included in the previous scheme. An alignment of the main row of trees much closer to the kerb and the inclusion of a second, shorter row closer to the building, would respond to these points and preserve kerbside and building line seating opportunities. Again, we would be pleased to discuss details further and request the provision of dimensioned typical plans, sections and service locations to facilitate this.

9 ASSESSMENT

The key issues for consideration are:

- The relationship of the development with the provisions of Schedule 10 of the Design and Development Overlay
- The appropriateness of the built form changes
- Design detailing of Tower 1 and Tower 2
- Residential amenity and affordable housing
- Public realm and road works to Siddeley Street
- The appropriateness of amending the permit preamble and amending, deleting and / or adding conditions to accommodate the proposed development.

9.1 The relationship of the development with the provisions of Schedule 10 of the Design and Development Overlay

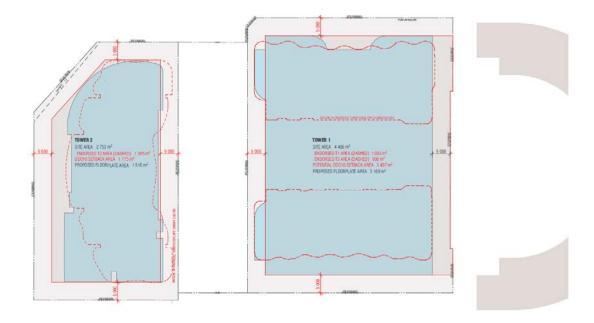
A permit can only be granted to vary the preferred requirement for any design element where it can be demonstrated that the development will achieve the relevant design objectives and built form outcomes.

The Transitional arrangements at Clause 7.0 of DDO10 states the requirements of this schedule do not apply to...an application (including an application to amend a permit) made before the commencement date of Amendment C262 (the precursor to DDO10)... For such applications, the requirements of this scheme, as they were in force immediately before the commencement of Amendment C262, continue to apply.

The original application was lodged with the Minister on 15 August 2014 and referred to Council on 5 September 2014. This pre-dates the commencement of Amendment C262 (4 September 2015) and as such in accordance with the provisions of Clause 7.0, the requirements of Schedule 10 do not apply.

Notwithstanding this, Clause 2.3 (Requirements) of this schedule states that a permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) for buildings and works that do not meet the Modified Requirement of any relevant Design Element of Table 3 of this schedule.

As shown in application documentation and figure below demonstrates the amended proposal meets the modified requirements of DDO10. The street wall heights are no greater than 40 metres and towers setbacks do not increase the extent of non-compliance with DDO10.



25. Development and Development Overlay 10 Floorplate Area Analysis for built form. Source: Fender Katsalidis Architects Pty Ltd dated 26 June 2020

9.2 Built form changes

9.2.1 Tower 1

Ground plane

The amended plans show an increase in fine grained retail frontages and sleeved lobbies at the ground plane which is commended. The consolidation of the southern plaza fronting Siddeley Street, and provision of a greater sense of purpose through the inclusion of active retail close to the street edge is a positive development and is supported.

The amendment introduces a ground floor arcade through the Tower 1 block linking Siddeley Street and Spencer Street and provides access to Tower 1's car park lobby and retail spaces. The ceiling height of the arcades is double height at the entrances and reduces to single height for the majority of the arcade.

While the arcade is supported in principle because it provides pedestrian access through the Site and opportunities for further activation, there are safety and usability concerns with the arcade. The arcade is not of a sufficient width to provide a clear line of sight and in turn does not provide safe and comfortable pedestrian movement through the arcade from its entrances. It is for these reasons that it is recommended that the arcade remains in private ownership, has no legal requirement for 24 hour public access and be designed so it can be closed when there is low pedestrian movement (ie night time).

Streetwall / podium

The approved podium of Towers 1 and 3 has a street wall height of 15.5 metres with a minimum tower setback for both Towers 1 and 3 of 1.85 metres from Siddeley Street, 6.43 metres from Spencer Street, 5 metres from the southern boundary and 9.25 metres from Little Dock Lane. The tower separation of Towers 1 and 3 was a minimum of 17 metres. This separation allowed for the towers to present as two district elements and allows for views of the sky between the buildings.

The without prejudice plans propose a street wall height of 33.13 metres with the office tower setback a minimum of 2 metres from Siddeley Street, 5.06 metres from Spencer Street 5.02 metres from the southern boundary and 9.25 metres from Little Dock Lane.

The amended street wall at 33.13 metres is considered an appropriate response as it defines the street corners and both Spencer Street and Siddeley Street are wide streets which can accommodate higher street walls.

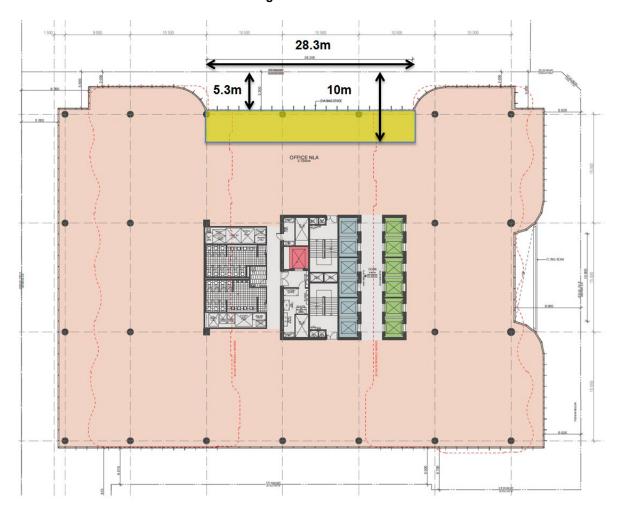
Tower form

Prior to amendment c262 and amendment c270, Clause 22.01 Local Policy 'Urban Design within the Capital City Zone' advocated for 35-40 metre high podiums with the tower element setback 10 metres from the podium level. While the approved scheme (Tower 1 and Tower 2) does not meet the 10 metre setback requirement, the approved scheme did employ a podium tower format and provided a significant separation between the two towers. The separation between the two towers was approximately 17 metres. This separation allowed for the towers to be viewed as two distinct forms and allowed for views to the sky.

While the amended application does not seek an increase of the height above the approved scheme, the amended application does seek to significantly increase footprint by consolidating the two narrow towers to create a single commercial office tower form.

The consolidated building and associated mass does have significant adverse impacts on the impression of bulk as viewed from Siddeley Street, Flinders Street (west of the site) as well as the Yarra River vantage point.

To break the mass it is recommended the 65 metre wide northern elevation (Siddeley Street) have a more meaningful recess and additional architectural expressions be introduced into this street elevation. Although there is a 5 metres recess proposed at the centre of the Siddeley Street façade this is not sufficient to reduce the bulk of the building. For this reason it is recommended the Siddeley Street elevation be further broken up by increasing the 5 metre recess at Level 4 and above to a minimum of 10 metres. This setback satisfies the former and applicable Local Policy 'Urban Design within the Capital City Zone' (Clause 22.01).



26. Typical office floor plate (Level 10) with recommended increased central recess shown highlighted in yellow. Source: Fender Katsalidis Architects Pty Ltd dated 17 August 2020

The recommended changes to the central recess of Tower 1 results in a floor area reduction of approximately 470 m² from Levels 4 to 8 and 1,470 m² from Levels 11 to 20 and an overall reduction of 1,933 m². With the changes the majority of office floor plates (levels 4-17) will achieve office floor areas of approximately 2,760 m² to 2,980 m² which are considered to still be large and viable.

It is also noted the recommended changes to the central recess requires some of the building plant on the roof to relocated.

In addition to the increased recess it is recommended that further resolution of the architectural expression be explored to assist with this expansive elevation. This can be achieved through a revised façade strategy.

From the vantage point of the Yarra River (southern interface), a 1.5 metre deep and 22 metre wide central recess to the 65m wide tower frontage has been introduced on Level 17 in the discussion plans. The discussion plans have also introduced darker shade of glazing for a larger section into the central break. These responses have assisted with creating vertical articulation which in turn assists with breaking up the visual mass of the southern elevation as seen from a distance (unlike the Siddeley Street view which is seen close by)

9.2.2 Tower 2

Ground floor

The changes to the ground floor are supported. The amendment expands the opening of the arcade Tower 2 which links Siddeley Street with Flinders Streets. As the Tower 1 arcade, this connection creates an activated and protected through-block link while also breaking up the site block at the ground level.

As with the double height entrance to the arcade from Siddeley Street, a more meaningful double height at the entry point to the tower lobby further to the west should also be introduced. This will break up the continuous car-parking interface to the street and emphasise the identity of this lobby entrance. This matter can be addressed by condition of permit and will result in the loss of one podium car parking space.

Podium

The proposed street wall at approximately 21 metres is supported as it is a similar height to the approved street wall for Tower 2, provides a human scale form and responds to the site's context with varying street wall heights.

Tower form

As with Tower 1, the amended application does not seek an increase the height above the approved Tower 2. The amended Tower 2 is generally within the approved envelope of the approved tower albeit a slight increase in the footprint. The changes have had positive impacts on apartment amenity and layouts. The changes to Tower 2 are supported.

9.3 Wind effects

Although the provisions of Schedule 10 do not apply, it can be used as a guide when considering wind effects. Schedule 10 states a permit must not be granted for buildings exceeding a height of 40 metres which would cause unsafe wind conditions in publicly accessible areas within a specified distance of the site (equal to half the longest width of the building above 40 metres measured from all façades, or half the total height of the building, whichever is greater).

The wind impact assessment submitted with the application confirms wind conditions in the following locations:

- Streetscapes which surround Tower 1 would be either on or within the DDO10 criterion for walking comfort.
- Building entrances on Spencer Street and Siddeley Street and Tower 1's arcade show a satisfactory DDO10 for standing comfort.
- Outdoor seating areas surrounding the Tower 1 on Siddeley Street and Tower 2's arcade achieve the sitting criterion for all test location with the exception of one where standing criterion has been achieved.
- Tower 1 and Tower 2 podium terraces and rooftop terraces achieved standing and seating criterion.

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

9.4 Sunlight to public space

Although the provisions of Schedule 10 to do not apply, it can be used as a guide when considering overshadowing together with the provisions of Clause 22.02 (Sunlight to public spaces).

Yarra River

Table 1 of Schedule 10 lists those public places which must not be overshadowed on specific dates and times. As this relates to this amended application, this includes the Yarra River Corridor between 11am and 2pm on 22 June.

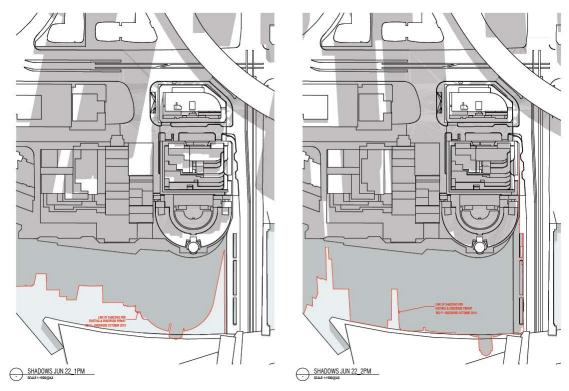
In addition to the DDO10 requirement Condition 18 k) of the existing planning permit 2014003115-1 requires the following (including the applicant's track changes to introduce amended plans):

k) Shadow diagrams including roof mounted plant and building services and architectural features on the hour between 11am and 2pm on 22 June, 22 March and 22 September, showing no additional overshadowing of the north and south banks of the Yarra River compared to the master plan prepared by Fender Katsalidis titled 7-23 Spencer Street, Docklands, Masterplan Amendment dated June 2020;

The overall height of the amended proposal has reduced slightly and does not increase the shadows cast by the buildings beyond those cast by previously approved towers.

<u>Batman Park</u>

Table 2 of Schedule 10 lists those public places which must not be overshadowed on specific dates and times unless the overshadowing will not unreasonably prejudice the amenity of the space. Although this does not specifically relate to this amended application, Batman Park is included in Schedule 10 for the hours between 11am and 2pm from 22 April to 22 September. The shadow diagrams provided demonstrate that the amended proposal will not overshadow Batman Park during the specified hours and times of the year.



27. Shadow Diagram 1pm and 2 pm 22 June. Source: Fender Katsalidis Architects Pty Ltd dated 26 June 2020

9.5 Proposed Amendment C308

As previously noted, Amendment C308 and the new Schedule 1 to the DDO which it would introduce are now seriously entertained. In response to the relevant performance standards of this new DDO, the amended proposal has introduced the following key aspects as follows:

- The ground floor and first floor layouts provide a mixture of activation including retail spaces and lobby areas with numerous entry points which engages the pedestrian.
- Introduction of a pedestrian arcade for Tower 1 and widening of the pedestrian arcade for Tower 2 which further active the ground floor and provides weather protected pedestrian routes.
- Weather protection in the form of canopies over the footpath along all street frontages.

9.6 Detailed design Towers 1 and 2

The following detailed changes are recommended:

- Secure garage doors required to all carpark and loading dock entries off Siddeley Street to eliminate entrapment spaces with no passive surveillance. These garage doors are required to be of high design and material quality, with a level of transparency to ensure an inviting pedestrian interface.
- Removal of rotating external doors to ground floor lobby entrances to both towers. Rotating doors create disconnect from the pedestrian activity on the street and internal activation, thus diminish the quality of the public interface. These doors are required be changed to sliding doors and airlocks introduced if required. It is recommended the applicant explore mix-mode ventilation to the ground level lobbies and active functions, to allow for more operable doors and windows at the ground floor public interface, to reinforce connection with the streetscape.
- The elevations and façade strategy are inconsistent in detailing material types. It is recommended a revised façade strategy be resolved prior to the details plans to ensure the material types are resolved and then notated on the plans. The finer grain detail of this can be further assessed in accordance with Condition 30 (Façade Strategy, Materials and Finishes) of the permit.
- There are a number of storage cages within Tower 2 which are not accessible because they are located adjacent to a car space. These cages must only be rented by renters of the adjacent car space.

9.7 Floor Area Uplift

The Capital City Zone Schedule 1 states:

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 Capital City Zone Schedule 1 defines the floor area ratio as:

the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, divided by the area of the site. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor.

Although requested, the applicant has not provided the floor area ratio (FAR) as defined by Capital City Zone Schedule 1. By applying the total gross floor area of 118,859m² divided by the site area of 7,159m² the approximate Floor Area Ratio (FAR) for the proposal has been established at 16.6:1. Furthermore, the recommended changes to the GFA sought through the increased depth of the central recess results in a total gross floor area of approximately 116,926m² and FAR of 16.3:1. Clause 22.03 (Floor Area Uplift and Delivery of Public Benefits) is therefore not relevant to this proposal given that the amended proposal does not exceed a Floor Area Ratio (FAR) of 18:1.

It is noted Condition 1 of the existing permit allows a gross floor area up to 111,000m². The applicant has proposed to delete this condition to allow for the increase in GFA. The removal of this condition is supported subject to the central recess of Tower 1 being increased as discussed above and because the amended proposal does not exceed the 18:1 plot ratio and provides office use which is a public benefit.

9.8 Tower 2 - Residential amenity, affordable housing and build to rent model Residential Amenity

The amended proposal through reconfiguring the apartments has resulted in improved residential amenity outcomes and is supported.

As required by Condition 18 m) of the existing permit private open space and direct daylight access to all habitable rooms, including bedrooms in all dwellings as been provided. The amended application achieves compliance with this condition.

Clause 58 – the Better Apartment Design Standards (BADS) does not apply to an amendment to a permit issued prior to the introduction to the BADS standards. The amended proposal does respond positively to the following objectives BADS and provides improved amenity outcomes in the following areas:

- Area of communal open space and orientation to the north
- Accessible apartments
- Balcony sizes and shape
- Living room areas
- Natural ventilation

Affordable Housing

Twenty affordable housing apartments were approved with the previous scheme and are proposed to be retained. Condition 61 of the existing permit was drafted by DELWP and requires the owner of the land and Melbourne City Council to enter into a Section 173 agreement to ensure the 20 affordable housing apartments are provided.

The applicant has proposed to amend Condition 61 to tailor the condition to the Build to Rent model. For the reason that DELWP drafted the condition it is recommended the changes to the condition be reviewed by DELWP to ensure all the nuances of the requirement are still being meet.

Build to Rent

The amended application proposes a Build to Rent (BTR) model of apartment building. This model of development allows Mirvac to maintain ownership of the site and provide ongoing rental tenure.

According to Mirvac the Build to Rent model provides the following benefits for renters:

- Secure lease terms. Renters have a choice of duration, can add parking or storage, and even agree to pet-friendly terms.
- Rent reassurance. Annual rental increases will be capped.
- Shared amenities. Residents have access to free fitness facilities, gardens and community amenities, and there are resident activities and events programs to suit everyone.
- Sustainable living. BTR communities have a host of features to reduce emissions

 from LED lighting and energy efficient appliances, to solar PV systems, water efficient fixtures and smart waste management.
- Handy inclusions. Maintenance services and whitegoods come as part and parcel
 of each lease, and tenants can opt to have internet and utility connections taken
 care of prior to moving in.

The Build to Rent model proposed is defined as dwelling in Clause 73 – Land Use Terms of the Melbourne Planning Scheme. A planning permit is not required to use the land as a dwelling in the Capital City Zone; therefore no further conditions are required.

9.9 Car Parking and access

The amended proposal does not exceed the Overlay Schedule 1 (Capital City Zone – Outside the Retail Core) (PO1) maximum car parking rates and therefore a permit is not required under this overlay. Council's traffic engineers are supportive of the car parking provision.

Council's traffic engineers have advised the locations of the new vehicle crossovers for access to and from the Tower 1 and Tower 2 car parks are too close to the roundabout and are not supported. Council's traffic engineers have raised significant safety concerns as vehicles accessing / egressing the car parks could collide with vehicles approaching / leaving the roundabout.

It is recommended the crossovers providing access to the car parks be relocated further east and be no closer to the roundabout than those previously approved. This matter was discussed with the applicant and it was agreed the matter could be addressed by conditioning the permit.

9.10 Bicycle Facilities

Clause 52.34 Bicycle Facilities provides the statutory requirements for onsite bicycle parking and facilities. The application generates a statutory bicycle parking requirement of 360 and provides 852 bicycle spaces. In regards to visitor bicycle parking, the traffic report states that 52 visitor spaces are proposed to be located around the ground floor of the Site however no spaces are shown on the plans. Given that well in excess of bicycle spaces have been provided, this matter can be addressed by condition of permit.

The proposed end of trip facilities for cyclists are also well in excess of shower and change rooms requirements of Clause 52.34 and is supported.

9.11 Environmentally Sustainable Design

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

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

The amended Condition 34 requires Environmentally Sustainable Design Statement for stage of the proposed development.

- 34. Before the commencement of each stage of the development, an Environmentally Sustainable Design Statement for that stage prepared by an accredited professional must be submitted to and be to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the following:
 - a) A 5 star rating under a current version of Green Star- Multi Unit Residential rating tool or equivalent.
 - b) 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star-Multi Unit Residential rating tool or equivalent.
 - c) A 5 star rating under a current version of the Green Building Council of Australia's Green Star Office rating tool or equivalent.

The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement must be implemented prior to occupancy of each stage of the development at no cost to the Responsible Authority or the Melbourne City Council and be to the satisfaction of the Responsible Authority. Any change during the detailed design development process for a stage of development, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised ESD statement must be endorsed by the Responsible Authority prior to the commencement of construction.

These permit conditions ensure each building meets the ESD targets.

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

9.12 Stormwater Management (Water Sensitive Urban Design)

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

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

Condition 51 of the existing permit requests a stormwater drainage system which incorporates water sensitive urban design principles.

51. Before the commencement of each stage of the development, a stormwater drainage system incorporating water sensitive urban design principles must be submitted to, and approved, by the Melbourne City Council (Engineering Services). This system must be constructed prior to the occupation of the stage of development and provision made to connect this system to the Melbourne City Council's underground stormwater drainage system.

This permit condition will ensure that the proposed development will meet the relevant requirements of Clause 22.23.

9.13 Green façades and landscaping

The green facades and landscaping are strongly supported from both environmental and design perspectives. The amended proposal shows extensive green infrastructure and landscaping assisting in screening the podium car parking and breaking up the bulk of the building mass of both towers. These elements will contribute to a green amenity for the building occupants and the streetscape.

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

9.14 Staging of the development

The amended application seeks to amend the Master Plan to allow for the development to be completed in three stages (A, B & C). Stage A comprises the Tower 2 site up to the northern kerb of Siddeley Street, Stage C comprises the Tower 1 site up to the southern kerb of Siddeley Street and Stage B comprises just the Siddeley Street road itself.

The development team for this proposal consists of two different Mirvac entities and it has not been determined which stage of the proposal will be undertaken first hence the request to allow the development to be completed in three stages.

The purpose of the proposed staging boundaries is to allow each entity to complete their stage and occupy their building without relying on the other stage.

The staging principles in the master plan state the public realm and other infrastructure must provide temporal access to the site before its completion.

As shown in proposal section of this report and as drafted in the proposed Master Plan, Stage B, Siddeley Street, will be timed with either Stage A or Stage C whichever comes first in the sequence of works.

The proposed changing of the timing for the staging has been addressed in the amended Master Plan and is supported.

9.15 Siddeley Street works

The amended application shows the reconstruction of Siddeley Street between Spencer Street and 611-631 Flinders Street. Council's City Design, Civil Engineering and Urban Sustainability are generally supportive of the concept plans for Siddeley Street however have recommended detailed changes.

As discussed above the locations of the new vehicle crossovers for Tower 1 and Tower 2 may need to be relocated for safety reasons. The relocation of the crossovers could have an impact on the streetscape and public realm works for Siddeley Street.

It is recommended the existing Condition 1a) be retained. This will enable the permit to be issued and the landscaping and public realm works for Siddeley Street be resolved with Council in due course.

9.16 The appropriateness of amending the permit preamble and amending, deleting and / or adding conditions to accommodate the proposed development.

The existing permit must be amended to accommodate the alterations and new uses now proposed. As requested by the applicant, it is recommended that the preamble be amended to read as:

Staged redevelopment of the site including construction of two multi-storey buildings in accordance with the masterplan.

It is considered that this description accurately reflects the relevant permit triggers and the nature of the development now proposed.

The applicant has also requested a number of conditions be amended or deleted to accommodate the proposed amendments. The proposed changes to the conditions have been reviewed with changes recorded with both the applicant's and Council's changes being notated in different colours.

10 RECOMMENDATION

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

11 CONDITIONS

Amended Master Plan

- 1. Before the development starts, an amended master plan must be submitted to the satisfaction and be approved by the Responsible Authority in consultation with the Melbourne City Council. When approved, the master plan will be endorsed and will then form part of the permit. The master plan must be drawn to scale with dimensions and three copies, including digital copy, must be provided. The master plan must be generally accordance with the master plan prepared by Fender Katsalidis titled '7-23 Spencer Street, Docklands, Masterplan Amendment dated REV (C) 21st November 2017 issued 13 July 2018 June 2020, but modified to show the following:
 - a) Final design of Siddeley Street public realm works notated to be subject to agreement with the City of Melbourne.
 - b) The 'criteria' under 'human scale and transparency' specifying that the Siddeley Street podium of the north building/tower 2 has a connection between the interior and exterior of the building through the use of balconies and building articulation and tactile materials which is in contrast but complimentary to the podium of the southern buildings/towers 1 and 3.
 - c) The accessibility principle modified to include specific reference to the plaza/forecourt at the ground level of the southern podium, fronting Siddeley Street will be accessible to the public 24 hours a day, seven days a week.
 - d) Compliance with Public Transport Victoria's Conditions 2 to 15 (as

applicable) and with reference to the permit notes included at the direction of Public Transport Victoria.

e) Changes shown in the without prejudice, prepared by Fender Katsalidis dated 26 June 2020 and 17 August 2020 but amended to show:

aa) Modified floorplates to Level 4 and the levels above of Tower

1 to increase the size of the central recess by setting building back a minimum of 10 metres from Siddeley Street instead of 5.3 metres.

bb) The vehicle crossovers providing vehicle access to Tower 2 car parks relocated to the satisfaction of Melbourne City Council.

The master plan may be amended with the written consent of the Responsible Authority. However, the overall concept of the development as shown in the master plan must not be varied to increase the number of buildings, or provide more than a total of 700 apartments or produce a total gross floor area greater than 111,000sqm total. The setbacks and tower separation distances should generally be considered as the minimum required.

Public Transport Victoria – MCC has not reviewed PTV conditions.

Prior to construction

- 2. Before the development of Tower 2 starts (excluding demolition, bulk excavation, site preparation, soil removal and soil remediation) or other time agreed to in writing with Public Transport Victoria, amended plans to the satisfaction of Public Transport Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies, including digital copy, must be provided. The plans must be generally in accordance with the plans submitted to Public Transport Victoria with the application (October 2014 Master Plan report) but are to be modified to show:
 - a) Detailed construction/engineering plans, computations and cross sections showing that there will be no detrimental impacts on plans, infrastructure or operations for the Metropolitan Rail Network or the Principal Freight Network (Rail). These plans must show no built form within Easement 'E-2' (including airspace above) and detail all setbacks to Easement 'E-2' and to railway assets to the satisfaction of Public Transport Victoria;
 - b) Any windows in close proximity to Easement 'E-2' to be fixed (ie unable to be opened) to protect building occupants from high voltage overhead traction wiring which may occur within Easement 'E-2' should the rail viaduct be widened;
 - c) Provision of anti-throw barriers to roof sections in close proximity to Easement 'E-2' if deemed appropriate by Public Transport Victoria and VicTrack;
 - d) The design and siting of any building ventilation systems to be located away from Easement 'E-2' to prevent diesel fumes from train operations being drawn into the building.
- 3. Before the development of Tower 2 starts (excluding demolition, bulk excavation, site preparation, soil removal and soil remediation), the Rail Operator must be contacted to obtain the conditions and safety

- requirements of working near an operating railway and live power feeders.
- 4. All necessary Construction Control and Indemnity Agreements as required by Public Transport Victoria and VicTrack must be in place prior to Tower 2 works commencing and must be to the satisfaction of Public Transport Victoria and VicTrack.
- 5. Before the commencement of each stage of the development works, a Traffic Management Plan must be submitted to Public Transport Victoria for endorsement, which outlines how traffic and tram movements will be managed throughout the construction of the development and mitigate impacts to public transport to the satisfaction of Public Transport Victoria and YarraTrams. All traffic management and mitigation costs will be at the full cost of the permit holder.
- 6. Before the commencement of each stage of the development works, a Construction Management Plan including construction methodology must be submitted to Public Transport Victoria for endorsement, which outlines how public transport operations will be managed throughout the construction of the works and mitigate impacts to public transport to the satisfaction of Public Transport Victoria. The proposed works must not interfere with rail operations or infrastructure, to the satisfaction of Public Transport Victoria.
- 7. Prior to the commencement of works (excluding demolition, bulk excavation, site preparation, soil removal and soil remediation), a schedule of materials, colours and finishes must be submitted to and approved by Public Transport Victoria, in conjunction with the rail operator(s). Building materials (including glass/window treatments) along the rail corridor must be non-reflective and avoid using red or green colour schemes that may interfere with driver operations such as signal sighting.

Public transport infrastructure /service protection during construction

- 8. The permit holder must ensure that all public transport infrastructure (including overhead power and supporting infrastructure for both trams and trains) is not damaged during the construction period. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the cost of the permit holder.
- 9. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Spencer Street and Flinders Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigating measures must be communicated to Yarra Trams and Public Transport Victoria fourteen days (14) prior.
- Entry onto railway land is at the discretion of the Rail Operator and Public Transport Victoria and is subject to any conditions imposed.

Upon Completion

11. Prior to completion of the development Tower 2, the permit holder must ensure that a trial is conducted with the rail operator(s) to ensure that external materials and finishes of the building(s) do not result in a driver hazard (due to glare, reflection, etc) and any alterations needed are completed to the satisfaction of Public Transport Victoria.

- 12. No lighting is to be erected that throws light onto the railway tracks or which interferes with the visibility of signals and the rail lines by train drivers.
- 13. Any structural works carried out by the permit holder must not preclude future tracks being constructed by Public Transport Victoria in the railway land to the south of the existing rail alignment.
- 14. The permit holder shall consider and adopt appropriate internal acoustic performance criteria when developing the design of the building/s Tower 2 in proximity to the railway land to the satisfaction of the Responsible Authority.
- 15. "As built" drawings of the building/s must be provided to Public Transport Victoria and VicTrack prior to the within 6 months of issuing of the Certificate of Occupancy for Tower 2, or at another time agreed to in writing by Public Transport Victoria and VicTrack.

Legal Agreements

- 16. Before the development commences, the owner of the land must enter into legal agreement(s) with Melbourne City Council under Section 173 of the Planning and Environment Act 1987 to ensure that the overall development of the land is in conformity with the approved master plan, and as modified from time to time. The Owner(s) must pay all of the reasonable costs and expenses of the agreement(s) and are required to be executed as follows:
 - a) be at no cost to the Responsible Authority or the Melbourne City Council;
 - b) be registered on the relevant certificate(s) of title to which it affects;
 - c) require that the development of the land be undertaken in conformity with the approved master plan and this planning permit;
 - d) the agreement does not end if the permit lapses as some requirements relate to Siddeley Street; and
 - e) All requirements of Melbourne City Council (Engineering Services) being met regarding the design and physical treatment of Siddeley Street, including traffic management, vehicle crossings, pedestrian safety, landscaping, street furniture, lighting and servicing infrastructure.

Staging

17. Before the development commences, a Staging Plan must be submitted to and be approved to the satisfaction of the Responsible Authority in consultation with the Melbourne City Council. This Staging Plan must include but is not limited to, plans and information detailing any public realm works including those in Siddeley Street and the proposed temporary treatment and use of vacant land. The development must proceed in the order of the stages as shown on the endorsed plan(s), unless otherwise agreed to in writing by the Responsible Authority.

Detailed Development Plans

18. Before the commencement of each stage of the development, detailed development plans for that stage including all building(s) and associated public realm works, must be submitted to and be approved by the Responsible Authority in consultation with the Melbourne City Council. When approved, the detailed development plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with

dimensions and three copies, including digital copy, must be provided. The plans must generally be in accordance with the Master Plan approved under Condition 1 and the detailed development plans prepared by Fender Katsalidis titled Town Planning Submission 7-23 Spencer St, Melbourne dated Rev (B) 21St February 2018' but include the following information (to apply to all stages unless specifically outlined otherwise):

- a) Existing conditions, topography (including levels) and infrastructure provision;
- b) A modified Siddeley and Spencer Street podium design to tower 2 which includes (but it not limited to) open, inset balconies to habitable areas and increased articulation through the use of solid and tactile materials and finishes;
- c) Deletion of the curved glass panels to the Retail 4A and 48 balcony at level 14 and the facade of the Retail 4A upper area at level 2 of the southern podium.
- d) The building line of the lift and stair access door between the T3 Lobby and Retail 38 moved east to increase its visibility within the plaza and from Sidley Street.
- e) Removal of 50% of the bike spaces on the southern side of the northern podium.
- f) Indicative internal fit-out plans for the retail spaces 1B upper, 4A and 4C demonstrating the usability and active function of the areas fronting Siddeley Street.
- g) Setbacks to the podium, street frontages, title boundaries, the Crowne Plaza Hotel (for Towers 1and 3), Easement E-2 and the rail viaduct (for Tower 2), and buildings and works approved in previous stages;
- h) Written response to the Principles, Objectives and Criteria in the master plan;
- i) Design details for tower and podium interfaces to the Crowne Plaza Hotel for Tower 1 and Tower 3 and all street frontages including plans, elevations, sections at a scale of 1:200 with detailed facade segments at 1:100 or alternative suitable scale. The drawings must include the location, height, dimensions, title boundaries, Reduced Levels (RL) to Australian Height Datum (AHO) on all finished floors and elevations, and the parapet of all walls;.
- j) Computer generated images of the building in its context, including an accurate representation of the facade strategy including the selected materials and finishes;
- k) Shadow diagrams including roof mounted plant and building services and architectural features on the hour between 11am and 2pm on 22 June, 22 March and 22 September, showing no additional overshadowing of the north and south banks of the Yarra River compared to the master plan prepared by Elenberg Fraser Pty Ltd titled '7-23 Spencer Street, Docklands, Master Planning Application Report dated 21 August 2015' Fender Katsalidis titled 7-23 Spencer Street, Docklands, Masterplan Amendment dated June 2020;
- I) Design details for Tower 2 and podium demonstrating compliance with Public Transport Victoria 's permit conditions 2 to 15 (as

- applicable) and with reference to the permit notes included at the direction of Public Transport Victoria;
- m) The provision of private open space and direct daylight access to all habitable rooms, including bedrooms in all dwellings;
- n) The layout of all car parking areas and loading/unloading areas showing the vehicle crossover details from Siddeley Street, arrangement of spaces and access aisles and ramp grades;
- o) Pedestrian sight lines and pedestrian refuges at vehicle crossovers on Siddeley Street to provide pedestrian safety;
- p) Bicycle parking and end of trip facilities in the north podium (Tower 2) and south podium (Tower 1 and Tower 3) that at least satisfy, and preferably exceed, the minimum requirements of Clause 52.34 Bicycle facilities;
- q) Details of vehicle, bicycle and pedestrian access and management of movement;
- r) Any design requirements to incorporate the recommendations of the Environmental Wind Climate assessment report as required in the corresponding condition below;
- s) Details of all projections over the title boundary including canopies, architectural features, noise attenuation treatments and balconies. All projections over the title boundary must conform with Building Regulations 2006, Part 5, Sections 505 to 514 as appropriate. Reference must be made to the Melbourne City Council's Road Encroachment Guidelines with respect to projections impacting on street trees and clearances from the face/back of kerb:
- t) Details of all built form structure, including canopies, architectural features and balconies that encroach into the opened air space above Siddeley Street;
- u) Facade strategy and materials and finishes as required in the corresponding conditions below;
- v) Any design requirements as a result of the Disability Access Audit in the corresponding condition below;
- w) Any design requirements as a result of the ESD Statement in the corresponding condition below;
- x) Schematic Public Realm Plan and Schematic Landscape Construction Plan for Siddeley Street, Flinders Street and Spencer Street and, the plaza /forecourt at the ground level of the southern podium and the communal facilities provided on level 4 and 5 in the podium;
- y) Any design requirements as a result of the detailed acoustic assessment as required in the corresponding condition below;
- Any requirements or recommendations of the traffic engineering assessment as required in the corresponding conditions below;
- aa) Any requirements or recommendations as a result of the Preliminary Environmental Assessment as required in the corresponding condition below;
- bb) Compliance with the Waste Management Plan and Loading

- Management Plan as required in the corresponding conditions below; and
- cc) Appropriate screening to prevent direct views of parked cars in the podium from the public realm.
- dd) A modified Siddeley podium design to tower 2 which includes a double height entry points at the residential lobby a minimum depth of 6.6 metres and width of 6.1 metres)
- ee) Deletion of external rotating doors to ground floor lobby entrances to both towers and replace with sliding doors and air locks if required.

Layout Not Altered and Satisfactory Completion

- 19. The development as shown on the endorsed plans for each stage of development must not be altered without the written consent of the Responsible Authority.
- 20. Once each stage of development has started it must be completed to the satisfaction of the Responsible Authority, and the development shown in the approved master plan must be fully implemented to complete the development.

Public Realm Plan and Landscape Construction Plan (excluding Siddeley Street)

- 21. Before the commencement of each stage of the development, a Public Realm Plan and Landscape Construction Plan for that stage for Flinders Street and Spencer Street, the plaza /forecourt at the ground level of the southern podium and the communal facilities and open space provided for residents (as applicable) must be prepared by a suitably qualified landscape architect. The plans must be prepared to the satisfaction of the Responsible Authority in consultation with the Melbourne City Council, and when approved will be endorsed to form part of the permit. The plan must include the following information:
 - a) All structures, planting, paving, seating, lighting and any other hard and soft landscaping within the plaza/forecourt at the ground level of the southern podium.
 - b) Existing street trees and any improved hard or soft landscaping on Flinders Street and Spencer Streets abutting the site;
 - c) A schedule of all soft and hard landscaping and the facilities to be provided including detailed planting schedule including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - d) Details of any paving, lighting and seating and the demarcation of the communal and privately owned space;
 - e) How the landscape plan responds to Water Sensitive Urban Design principles, including how storm water run-off will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks; and
 - f) How the landscape plan responds to the Environmental Wind Climate Assessment Report for the stage of development.
- 22. Provision of communal facilities and open space for residents and public

realm improvements with each stage as shown on the endorsed plans for the stage comprising Tower 2 must be completed within 6 months of completion of development of the corresponding stage to the satisfaction of the Responsible Authority and subsequently maintained to the satisfaction of the Responsible Authority.

Public Realm Plan and Landscape Construction Plan - Siddeley Street

- 23. Prior to the commencement of each stage (excluding demolition, bulk excavation, soil removal and soil remediation) or unless otherwise agreed to by the City of Melbourne Within six months of the commencement of the development of each stage, drawings for the Public Realm Plan and Landscape Construction Plan for Siddeley Street must be submitted to the satisfaction and be approved by the Melbourne City Council. The plans must be generally in accordance with the Schematic Public Realm Plan and Schematic Landscape Construction Plan approved under condition 18 and:
 - a) Show all footpaths, bike lanes and vehicle lanes, drainage, parking and drop-offareas.
 - b) Show all projections into the air space above the level of the street and integrate landscaping, tree planting, lighting, street furniture etc required to enhance the public realm and integrate pedestrian and cyclist safety with its traffic and vehicle access functions.
 - c) Show the ultimate development of Siddeley Street to complete the master plan and any stages of development including any temporary or interim landscaping treatment until the master plan is fully implemented.
 - d) Show removal of all redundant building structures to the depth of 1.5 metres below the finished surface pavement.
- 24. Siddeley Street within the development must be reconstructed as a public street (and in accordance with the plans endorsed under condition 23) together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer.
- 25. The landscaping and other works within the alignment of Siddeley Street in accordance with condition 23 must be fully completed by the developer/owner of the site at no cost to the Responsible Authority and the Melbourne City Council.
- 26. Prior to the occupation of each stage or unless with the prior written consent of the Responsible Authority and Melbourne City Council, landscaping and other works within the alignment of Siddeley Street in accordance with condition 23 must be completed within 6 months of completion of the final stage of the development.

Public Tree protection

27. Prior to the commencement of each stage of the development, (including any demolition, bulk excavation, construction or carrying out of works), a Tree Protection Plan (TPP), prepared in accordance with AS 4970-2009, Section 5) and in consultation with City of Melbourne Urban Forest and Ecology team, must be prepared for Public trees adjacent to the subject site by a qualified and experienced Arborist and submitted to and approved by City of Melbourne. The Tree Protection

- Plan must include recommendations to ensure the viability of the trees adjacent to the site before, during and after construction to the satisfaction of the City of Melbourne.
- 28. Prior to the commencement of each stage of the development, (including any demolition, bulk excavation, construction or carrying out of works), a bond calculated by the City of Melbourne for the protection of the Public trees adjacent to the subject site must be submitted to the City of Melbourne. The bond will be equal to the combined tree amenity and tree ecosystem services. The bond will be returned when the works are completed and to the satisfaction of the City of Melbourne and a Project Arborist completion report confirms protected trees have not been affected by the works.

Wind Assessment

29. Before the commencement of each stage of the development, a wind tunnel test and Environmental Wind Climate Assessment Report for that stage of development, including consideration of the approved stages within the development, must be undertaken by a suitably qualified engineering consultant. Any modifications required to the stage of development in order to ensure acceptable wind conditions to the street and to the podium rooftop (if accessible as communal open space), including stationary criteria to all entrance lobbies, must be carefully developed as an integrated high quality solution and not rely on and not impact on street trees. The report is to be submitted to the satisfaction of and be approved by the Responsible Authority. The recommendations of the report must be implemented at no cost to the Responsible Authority and the Melbourne City Council.

Facade Strategy and Materials and Finishes

- 30. Before the commencement of each stage of the development (excluding demolition, bulk excavation, site preparation, soil removal and soil remediation), a facade strategy including a schedule of materials and finishes, notated elevations, and sample board for that stage of development must be submitted to the satisfaction of the Responsible Authority in consultation with the Melbourne City Council and approved by the Responsible Authority. When approved the facade strategy will form part of the endorsed plans. The facade strategy must demonstrate genuine visual differentiation between the stage of development and approved stages. All materials finishes and colours must be in conformity with the approved facade strategy to the satisfaction of the Responsible Authority. The facade strategy must provide the following information:
 - a) A concise description by the architect of the building design concept; how the facade achieves this and genuinely visually differentiates the design of development from other stages within the development;
 - b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, and show the materials and finishes corresponding to a sample board with clear coding;
 - c) Elevation details generally at a scale of 1:50 illustrating typical podium details including screening of parked cars, entries and doors,

- typical privacy screening and utilities, typical tower and crown detail, and any special features which are important to the building's presentation;
- d) Cross sections or other method of demonstrating the facade systems, including fixing details indicating junctions between materials and significant changes in form and/or material;
- e) Information about how the facade will be accessed and maintained and cleaned, including planting where proposed;
- f) Examples to demonstrate that the intended design will produce high quality, individual, durable buildings;
- g) Compliance with Public Transport Victoria's conditions 2 to 15 (as applicable) and with reference to the permit notes included at the direction of Public Transport Victoria.
- 31. Glazing materials used on all external walls for the south podium and Tower 1 and Tower 2 must be of a type that does not reflect more than 20% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority. The external glazing and building materials (including glass/window treatments) in the north podium and Tower 2 3-along the rail corridor must be non-reflective to avoid train driver hazard due to glare, reflection, etc, to the satisfaction of the Responsible Authority and Public Transport Victoria.

Construction Management Plan

- 32. Before the commencement of each stage of the development, a detailed Construction Management Plan (CMP) for that stage must be prepared and be approved by the Melbourne City Council. All development must be carried out in accordance with the approved Construction Management Plan to the satisfaction of the Melbourne City Council. The CMP must describe how the occupier of the subject land will manage the environmental, construction and amenity impacts associated with the construction of the development and meet the requirements of Public Transport Victoria. The CMP must address the following matters:
 - a) Staging of construction;
 - b) Management of public access and linkages around the site during construction:
 - c) Site access and traffic management-including any disruptions to adjoining vehicular and pedestrian access ways;
 - d) Retention and protection of streets trees including the trees on the west boundary adjacent to the private access road to the World Trade Centre;
 - e) Any works within the adjoining street network road reserves;
 - f) Sediment control, site drainage and avoiding discharge of polluted waters to the drainage system and the Yarra River;
 - g) Hours of construction;
 - h) Control of noise, dust and soiling of roadways;
 - i) Collection and disposal of building and construction waste;

- j) Measures to ensure that disruption to adjacent public transport services are kept to a minimum;
- k) Site security including fencing and hoarding;
- I) Protection of any temporary landscape works before each stage of development;
- m)m) Compliance with Public Transport Victoria's conditions 2 to 15 (as applicable) and with reference to the permit notes included at the direction of Public Transport Victoria to protect the rail Easement 'E-2' and public transport operations.

Preliminary Environmental Assessment

- 33. Before the development commences, excluding remediation works necessary to facilitate the testing, the applicant must carry out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended uses. This PEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development. The PEA should include:
 - a) Details of the nature of the land uses previously occupying the site and the activities associated with these land uses, including the filling of the site. This should include details of how long the uses occupied the site.
 - A review of any previous assessments of the site and surrounding sites including details of the anticipated sources of any contaminated materials.

Should the PEA reveal that further investigative or remedial work is required to accommodate the intended uses, then prior to the commencement of the development (excluding demolition), the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended uses. This CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. This CEA must be submitted to and be approved by the Responsible Authority prior to the commencement of the development. The CEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This includes details of how long the uses occupied the site.
- A review of any previous assessments of the site and surrounding sites, including details of any on-site or off-site sources of contaminated materials. This includes a review of any previous Environmental Audits of the site and surrounding sites.
- Intrusive soil sampling in accordance with the requirements of Australian Standard (AS) 44582.1. This includes minimum sampling densities to ensure the condition of the site is accurately characterised.
- An appraisal of the data obtained following soil sampling in

- accordance with ecological, health-based and waste disposal guidelines.
- Recommendations regarding what further investigate and remediation work, if any, may be necessary to ensure the site is suitable for the intended use(s).

Where a CEA is provided, all the conditions of the assessment must be complied with to the satisfaction of the Responsible Authority prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. In addition, sign-off must be in accordance with any requirements in the Statement of conditions regarding verification of required works.

If there are any conditions of the CEA that the Responsible Authority consider require significant ongoing maintenance and/or monitoring, the applicant must enter into a Section 173 Agreement under the *Planning and Environment Act 1987.* This Agreement must be executed on title prior to the occupation of the building.

The applicant must meet all costs associated with the drafting and execution of the Agreement including those incurred by the Responsible Authority and the Melbourne City Council.

Environmentally Sustainable Design (ESD) Statement

- 34. Before the commencement of each stage of the development, an Environmentally Sustainable Design Statement for that stage prepared by an accredited professional must be submitted to and be to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the following:
 - a) A 5 star rating under a current version of Green Star-Retail Centre rating tool or equivalent;
 - b) A 5 star rating under a current version of Green Star- Multi Unit Residential rating tool or equivalent;
 - 5 points for Wat -1 credit under a current version of the Green
 Building Council of Australia's Green Star- Retail centre rating tool or equivalent;
 - d) 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star-Multi Unit Residential rating tool or equivalent.
 - e) A 5 star rating under a current version of the Green Building Council of Australia's Green Star Office rating tool or equivalent.
- 35. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement must be implemented prior to occupancy of each stage of the development at no cost to the Responsible Authority or the Melbourne City Council and be to the satisfaction of the Responsible Authority. Any change during the detailed design development process for a stage of development, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised ESD statement must be endorsed by the Responsible Authority prior to the commencement of construction.

Noise Attenuation

- 36. Before the commencement of each stage of the development of Tower 2, an acoustic assessment report for that stage prepared by a qualified acoustic consultant must be submitted to and be to the satisfaction of the Responsible Authority. The report must provide for noise attenuation measured to achieve a maximum noise level of 45 dB(A)Leq in unfurnished and uncarpeted habitable rooms with all windows and doors closed, unless there is no suitable air conditioning and/or mechanical ventilation, in which case the maximum noise level of 45dB(A)Leq in unfurnished and uncarpeted habitable rooms must be achieved with all the windows half open and the doors closed. The report must be based on average external noise levels measured as part of a noise level assessment. The recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority, Melbourne City Council and Public Transport Victoria, before the occupation of the dwelling(s).
- 37. The acoustic report must address Public Transport Victoria's conditions 2 to 15 (as applicable) and the permit notes included at the direction of Public Transport Victoria to the satisfaction of the Responsible Authority.

Disability Audit

38. Before the commencement of each stage of the development, excluding site preparation works, temporary sheds or structures for construction purposes, bulk excavation, site preparation, and retention works, soil remediation, piling, footings, ground beams and ground slabs, the applicant must commission a Disability Audit of that stage of development and undertake any modifications to the development as required by the audit to the satisfaction of the Responsible Authority.

Car Parking, bicycle facilities, motorcycle parking and traffic management

- 39. The car parking spaces provided within the development must not be operated as a commercial car park.
- 40. Before the commencement of each stage of the development, a traffic engineering assessment including functional layout plans and other supporting information as appropriate for that stage of development must be prepared to the satisfaction of the responsible authority in consultation with Melbourne City Council (Engineering Services). The assessment must provide the following information:
 - a) The car parking numbers to be provided and the design, layout and construction of the car parking levels in accordance with the design requirements specified in Clause 52.06 of the scheme;
 - b) Motorcycle parking provision at the rate of 1 space per 50 car parking spaces;
 - c) Bicycle parking and end of trip facilities must be provided in the north podium for Tower 2 and in the south podium for Tower 1 and Tower 3 to at least satisfy and preferably exceed, minimum requirements of Clause 52.34 of the scheme;
 - d) Plans showing compliance with the requirements of Clause 52.07 (Loading and Unloading of Vehicles) of the scheme;
 - e) Swept path plans demonstrating appropriate access arrangements

- to the site from Siddeley Street including all internal parking areas, and loading and servicing requirements, including the ability for all vehicles to leave the site in a forward direction;
- f) The internal design of the car park and loading docks, the positioning of boom gates, card readers, control equipment, including car park control points, and ramp grades must be generally in accordance with the Australian and New Zealand Standard 2890.1-2004; and
- g) An Integrated Transport Plan that addresses walking, cycling, vehicles (including car share and electric charging spaces) and public transport.
- 41. The area set aside for car parking and access of vehicles and access ways must be constructed, delineated and clearly lined marked to indicate each car space, the access ways and the direction in which vehicles must proceed along the access ways, in conformity with the endorsed plans. Parking areas and access ways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
- 42. All mechanical exhaust systems to the car park hereby approved must be sound attenuated to prevent noise nuisance to the occupants of the dwellings within the development and the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.

Waste Management & Loading/ Unloading

- 43. Before the commencement of each stage of development, a Waste Management Plan (WMP) and Loading Management Plan (LMP) must be prepared and approved by the Melbourne City Council for that stage of development. The WMP must detail waste storage and collection arrangements and be prepared with reference to the Melbourne City Council current Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without prior consent of the Melbourne City Council (Engineering Services).
- 44. The loading and unloading of vehicles and delivery of goods to and from the premises must at all times take place within the boundaries of the site.
- 45. No garbage bins or surplus materials generated by the permitted use may be deposited or stored outside the site and bins must be returned to the garbage storage areas as soon as practicable after garbage collection.

Street Levels and Crossovers

- 46. Before the occupation and use of any each stage of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Melbourne City Council (Engineering Services).
- 47. The footpaths adjoining the site along Spencer Street and Flinders Street must be reconstructed in sawn bluestone together with associated works including the renewal reconstruction or relocation of kerb and channel, the provision of tree plots, street furniture and modification of and/or services as necessary at the cost of the developer in accordance in accordance with the plans and specifications first

- approved by Melbourne City Council. with final drawings for the Public Realm and Landscape Construction plans and specifications first approved by the Melbourne City Council.
- 48. Existing street levels in Spencer Street, Flinders Street and Siddeley Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Melbourne City Council (Engineering Services).

Drainage

- 49. Pollution and sediment laden runoff must not be discharged directly or indirectly into Melbourne Water's drains or waterways, including the Yarra River.
- 50. All projections over the street alignment must be drained to a legal point of discharge in accordance with the plans and specifications first approved by the Melbourne City Council (Engineering Services).
- 51. Before the commencement of each stage of the development, a stormwater drainage system incorporating water sensitive urban design principles must be submitted to, and approved, by the Melbourne City Council (Engineering Services). This system must be constructed prior to the occupation of the stage of development and provision made to connect this system to the Melbourne City Council's underground stormwater drainage system.

Lighting

- 52. All public lighting must conform to AS1158 category P3 as a minimum to the satisfaction of the Melbourne City Council (Engineering Services). CitiPower approved LED luminaries and poles should be incorporated in the lighting design.
- 53. Existing public street lighting must not be altered without first obtaining the written approval of Melbourne City Council (Engineering Services).
- 54. No lighting is to be erected that throws light onto the railway tracks or which interferes with the visibility of signals and the rail lines by train drivers.

Building appurtenances

- 55. All building plant and equipment on the roofs, balcony areas and communal areas, must be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery and equipment, including but not limited to all air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment shall be to the satisfaction of the Responsible Authority.
- 56. Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single point on each building in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.

3D Model

57. Before the commencement of each stage of the development, or otherwise agreed with the Responsible Authority, a 3D digital model of that stage of development and its immediate surrounds, as appropriate,

- must be submitted to the Responsible Authority and the Melbourne City Council and must be to the satisfaction of the Responsible Authority in conformity with the Department of Environment, Land, Water and Planning Advisory Note 3D Digital Modelling.
- 58. In the event that substantial modifications are made to the approved detailed development plans, a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority.

Section 173 Agreement - Projections

- 59. Where part of a stage of development projects into the airspace above or the sub- soil of land under the care and maintenance of the Melbourne City Council, before within six months of that stage of development starts (excluding any demolition, bulk excavation, or site preparation or soil remediation), or as otherwise agreed with the Melbourne City Council, the owner of the land must enter into an agreement with the Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide for the following:
 - a) Liability and maintenance of those parts of the development projecting into airspace or sub-soil under the care and maintenance of Melbourne City Council and disclaiming any right or intention to make any claim or application relating to adverse possession of the land;
 - b) Liability and maintenance of those parts of the development projecting into the airspace or subsoil of land under the care and management of Melbourne City Council, including provision of an indemnity and comprehensive insurance cover against damage and injury resulting from the erection and use of the projection, to the satisfaction of Melbourne City Council;
 - c) Providing for the payment to the Melbourne City Council of one lump sum license fee of such amount as may be reasonable determined by a certified practicing property valuer appointed by Council for that purpose.

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

Section 173 Agreement - public access

- 60. Prior to occupation Before the development starts, excluding demolition and bulk excavation, the owner of the land must enter into an agreement with the Council pursuant to Section 173 of the Planning and Environment Act 1987. The owner of the land must pay all of the Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement must:
 - a) Give rights of access to the pedestrian plaza / forecourt at the ground level of the southern podium, fronting Sidley Street at all times (i.e. 24 hours a day, 7 days a week) and ensure that access is maintained in a safe and sightly condition; and
 - b) Require the owner of the land to take all reasonable legal measures available to it to refute potential possession claims regarding the above.

Section 173 Agreement - Affordable Housing Agreement

- 61. Prior to occupation of Tower 2 Before the development starts, excluding demolition and bulk excavation the owner of the land must enter into an agreement with the Council pursuant to Section 173 of the Planning and Environment Act 1987. The owner of the land must pay all of the Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement must:
 - Require that no less than 20 affordable dwellings are provided within the development approved under the planning permit and for the economic life of the development.
 - b) Require that a plan be prepared showing which dwellings within the development will be allocated as affordable housing and integrated within the balance of the development.
 - c) Require that the agreement is registered on the titles of all lots that are allocated as affordable housing dwellings.
 - d) Provide that
 - i. all of the affordable housing dwellings are made available for rent for at least 50% less than their market value rent.
 - ii. the affordable housing dwellings must only be occupied by key worker tenants who meet the income tests for very low, low and moderate incomes as defined under section 3AB of Planning and Environment Act 1987.
 - iii. the affordable housing dwellings must be made available for rent within six months of the completion of the development or as otherwise agreed by the Melbourne City Council.
 - iv. contain an analysis by an independent person/firm who is acceptable to the council justifying the mix of affordable housing dwelling type (number of bedrooms within each dwelling) proposed to be provided.
 - v. all affordable housing dwellings must meet the minimum living area, bedroom, bathroom and room depth areas and dimensions contained at relevant standards of clause 58 of the Melbourne Planning Scheme.
 - vi. all affordable housing dwellings must be connected to reticulated services and provision made for digital communication services (e.g. internet connections) in a manner commensurate with the remainder of dwellings within the development.
 - e) Provide a mechanism for requiring owners of affordable housing dwellings to maintain documentation demonstrating the basis for calculating market rents (including independent valuations of market rent), the amount of rent charged to tenants, the assessment of tenants and their income showing that they meet relevant tests to be eligible to rent the affordable housing dwelling and how rent increases are to be calculated and applied. This mechanism must be approved by Council working in conjunction with DELWP.
 - f) Provide that all owners corporation fees are either not charged to

- tenants of the affordable housing dwellings or included in the rent charged to tenants (i.e. owners corporation fee are not passed on to tenants as a cost outside of the rent paid for the dwelling).
- g) Require that a schedule be prepared confirming the mix of affordable housing dwellings to be provided.

VicRoads conditions - MCC has not reviewed VicRoads conditions

- 62. Prior to the commencement occupation of each stage of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138(A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Spencer Street boundary (i.e. the canopies, fixed shading devices, awnings etc), to indemnify the Crown in relation to any claim or liability arising from the projections within the Spencer Street. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.
- 63. All disused or redundant vehicle crossings along Spencer Street must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use of thebuilding/s hereby approved.
- 64. Before each stage of the development starts (excluding site preparation works, demolition, temporary sheds or structures for construction purpose, bulk excavation, retention works, soil remediation, piling), functional layout plans, supplementary information and analysis is required for all modified existing and or new access points from adjoining arterial road/s relating to this development must be submitted to the satisfaction of at no cost to VicRoads (the Roads Corporation) for its approval.
- 65. Prior to the occupation of each stage of the building/s development the following roadworks along the Spencer Street frontage and at the intersection of Spencer Street/Siddeley Street must be completed at no cost to and/or to the satisfaction of the Roads Corporation:
 - a) The construction, modification, relocation and or upgrade of various elements of Spencer Street and Siddeley Street adjoining the development, including (but not limited to) any such inclusions or changes to the pedestrian crossing, pedestrian exclusion zones, bicycle line marking, road line marking, signage, signal hardware, road geometry, central medians, lane lengths and widths, and associated road works on adjoining arterial roads (i.e. Spencer Street, intersection of Spencer Street/Siddeley Street).
- 66. The signs visible from arterial roads (Spencer Street) must not be flashing, blinking or scrolling.
- 67. All signage visible from arterial roads must not cause disability glare to road users (along Spencer Street), the output should adjust to suit the various conditions, i.e. sunny, overcast, night, day.
- 68. The lighting associated with signage must not spill over the Spencer Street road way

Time Limit

69. Expiry of permit:

In accordance with section 68 of the *Planning and Environment Act* 1987, this permit will expire if one of the following circumstances applies:

- The development is not started within two (2) years of the date of this permit;
- The development is not completed within eight (8) years of the date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Additional Melbourne City Council Conditions

- 70. Where storage cages are not independently accessed and relies on access over an adjoining car space, they must be in used in association with that car space for which access is relied and must be assigned to a single unit or tenancy within the development to the satisfaction of the Responsible Authority.
- 71. Where parking spaces are in tandem or in non-independent car stackers, they must be assigned to a single unit or tenancy within the development to the satisfaction of the Responsible Authority.
- 72. Prior to the commencement of the development (excluding demolition), the permit holder must either obtain the necessary permission(s) from the relevant parties/authorities to construct over easements E-10, E12, E17 and provide evidence of this to the Melbourne City Council or obtain planning permission to remove or vary the location of the easements. If the easements are unable to be varied then the development needs to be set back to exclude any built form within the easement.
- 73. Prior to the commencement of works (including demolition), private water and sewerage services currently located within the subject land which service Lot S3 on PS644635M) are to be relocated to the satisfaction of the Melbourne City Council.
- 74. Prior to the commencement of the development the Council's existing stormwater drains which are located within the footprint of Tower 1 and Tower 2 must be relocated and upgraded, in accordance with plans and specifications first approved by the Melbourne City Council.
- 75. All portions of roads affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Melbourne City Council.
- 76. Prior to the commencement of the development (excluding demolition, bulk excavation, soil removal and soil remediation), the owner of the land must enter into an agreement with Melbourne City Council, pursuant to Section 173 of the Planning and Environment Act 1987. The owner of the land must pay all of the Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement must provide that prior to the commencement of the use/occupation of the development, the following

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parts of the subject land must be vested in the responsible road authority as a road under the provision of the Subdivision Act 1988:

- a) The road adjoining the site along Siddeley Street;
- b) A 1.1 metres wide portion of the subject land adjoining the eastern boundary of Tower 1 in Spencer Street;
- c) A 2.95 metres wide portion of the subject land adjoining western boundary of Tower 2, with a limit in height.
- d) A portion of land located within the Easement E-2 shown on the plan of subdivision PS644635M.