

## Report to the Future Melbourne Committee

Agenda item 6.1

### Ministerial Planning Referral: TPMR-2021-10 100-106 Franklin Street, Melbourne

19 October 2021

**Presenter:** Larry Parsons, Head of Statutory Planning

#### Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application seeking approval for partial demolition and the construction of a multi-storey mixed use development, including use of the land for a minor sport and recreation facility (basketball court) at 100-106 Franklin Street, Melbourne (refer Attachment 2 – Locality Plan).
2. The applicant is Tract Consultants; the owner is GU Investments Group Pty Ltd and Burbank Holdings Australia (Franklin) Pty Ltd; and the architect is Bates Smart.
3. The land is located within the Capital City Zone Schedule 1 (CCZ1). The land is affected by the Heritage Overlay Schedule 1043 (HO1043 96-102 Franklin Street); the Design and Development Overlay Schedule 10 (DDO10) and Parking Overlay Schedule 1 (PO1).
4. The proposed building is 41 storeys high. It features two distinct elements; a podium and tower with setbacks above the podium. The building would comprise 1684m<sup>2</sup> of retail space, 1777m<sup>2</sup> of office space, a basketball court with an area of 667m<sup>2</sup> and a total of 267 build-to rent apartments containing a mix of studio, one, two and three-bedrooms (refer Attachment 3 – Selected Plans).
5. The Minister for Planning has formally referred the application to Melbourne City Council as a recommending referral authority.

#### Key issues

6. The key issues relate to the appropriateness of the new use and development, and whether acceptable built form and urban design outcomes under the requirements of DDO1 and DDO10 are met. An important consideration is the heritage response of the proposed development, including the extent of demolition being sought. Other issues include whether the development provides for appropriate levels of internal amenity for future occupants; waste, parking and loading matters, and environmentally sustainable design (ESD).
7. The proposed development meets the requirements of DDO1, DDO10 and Clause 58 (BADS - better apartment design standards). Subject to conditions, the proposal will meet all other relevant requirements under the Melbourne Planning Scheme (including waste, parking and loading matters, and ESD). A public benefit is required due to a Floor Area Ratio in excess of 18:1 and is provided in the form of a widened and activated Blender Lane along the west of the site and linking through to Therry Street.
8. On balance, the proposed development represents an acceptable heritage response. The partial demolition of the significant graded building on the eastern half of the site was approved by an existing permit (TP-2018-429), with the front 12 metres including the roof form being retained. The new podium is distinct in form and materiality with a commensurate parapet and street wall height adjoining the heritage building. The tower form is set back 12 metres behind the retained heritage building in a manner that preserves the historic building's integrity, and ensures it is not dominated by the new tower.

#### Recommendation from management

9. 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 the conditions outlined in the delegate report (refer to Attachment 4).

#### Attachments:

1. Supporting Attachment (Page 2 of 85)
2. Locality Plan (Page 3 of 85)
3. Selected Plans (Page 4 of 85)
4. Delegate Report (Page 43 of 85)

## Supporting Attachment

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### Legal

1. The Minister for Planning is the Responsible Authority for determining this application.
2. The Minister for Planning has formally referred the application to Melbourne City Council as a recommending referral authority under section 55 of the *Planning and Environment Act 1987*.

### Finance

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

### Conflict of interest

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

### Health and Safety

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

### Stakeholder consultation

6. Council officers have administered public notice of the application or referred it to any other referral authorities. This is the responsibility of the DELWP acting on behalf of the Minister for Planning.

### Relation to Council policy

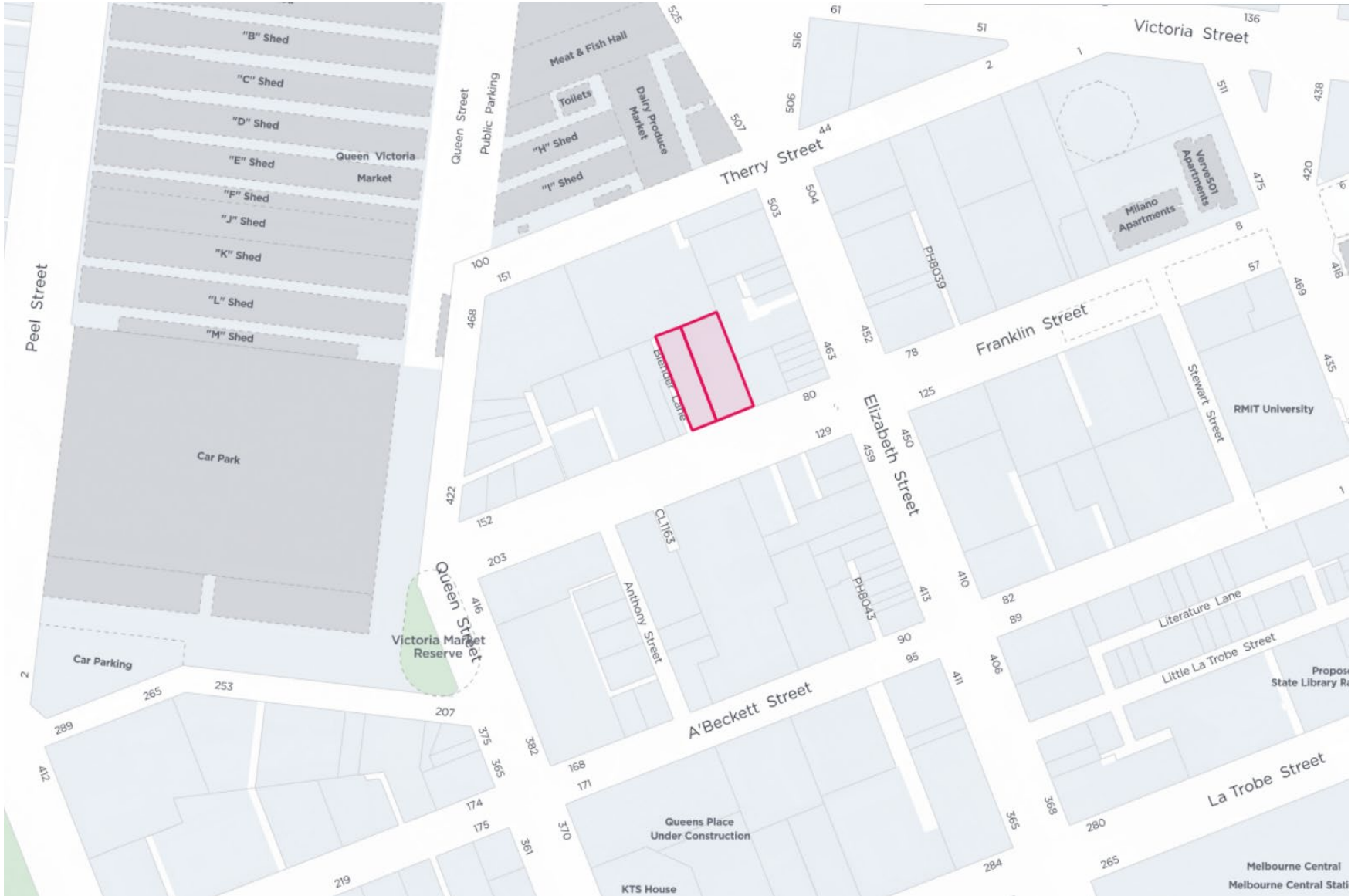
7. Relevant Council policies are discussed in the attached delegate report (refer to Attachment 4).

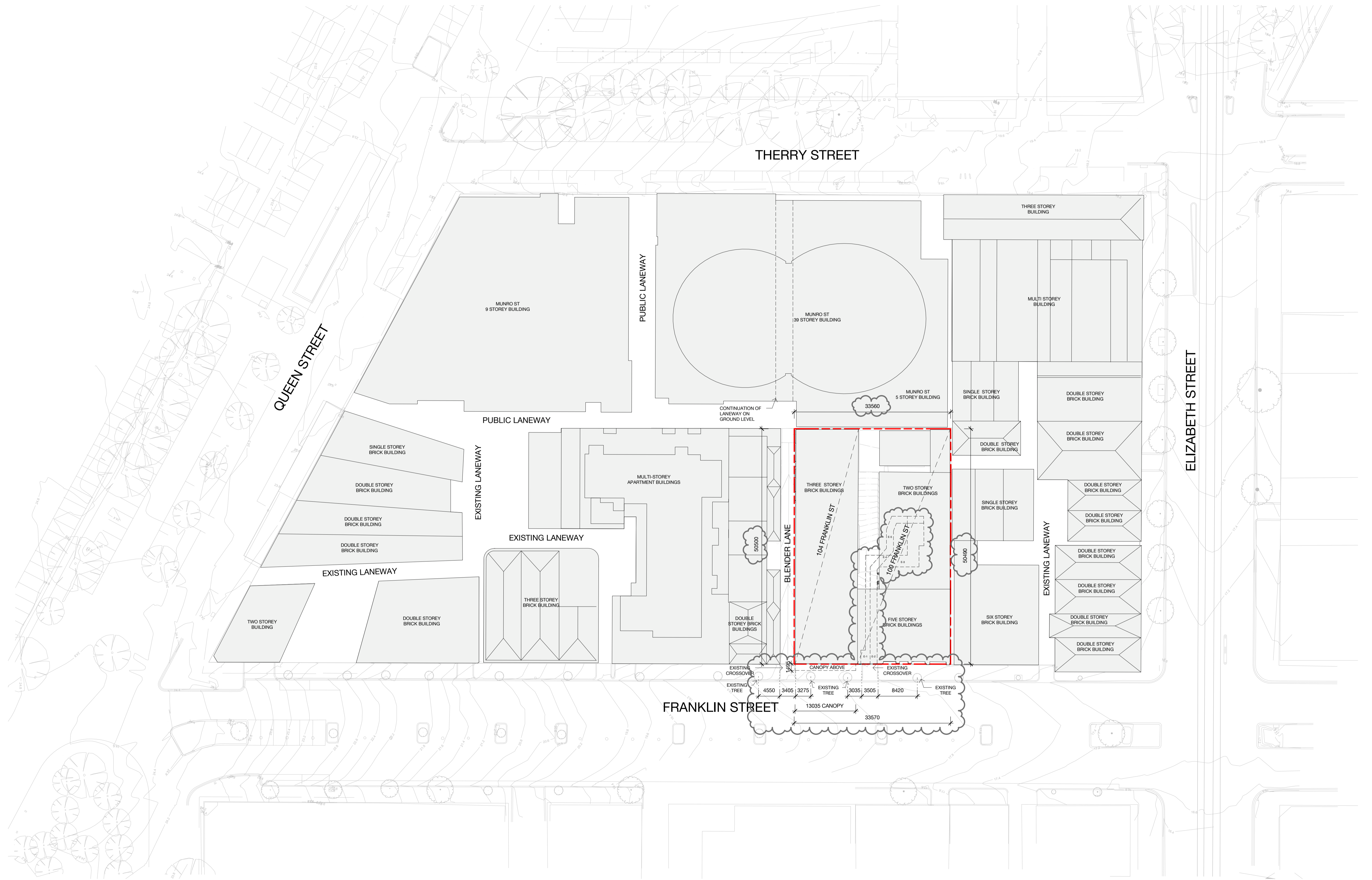
### Environmental sustainability

8. The Environmentally Sustainable Design report submitted with the application confirms the development will achieve the relevant performance measures set out in Clauses 22.19 (Energy, Water and Waste Efficiency); 22.23 (Stormwater Management Water Sensitive Urban Design); and 53.18 (Stormwater Management in Urban Development) of the Melbourne Planning Scheme. Conditions requiring implementation of the ESD initiatives are also recommended.

# Locality Plan

## 100-106 FRANKLIN STREET, MELBOURNE





### Franklin St 100 Franklin St

#### Site Plan - Existing



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A	12/05/21	TOWN PLANNING	TL	CE

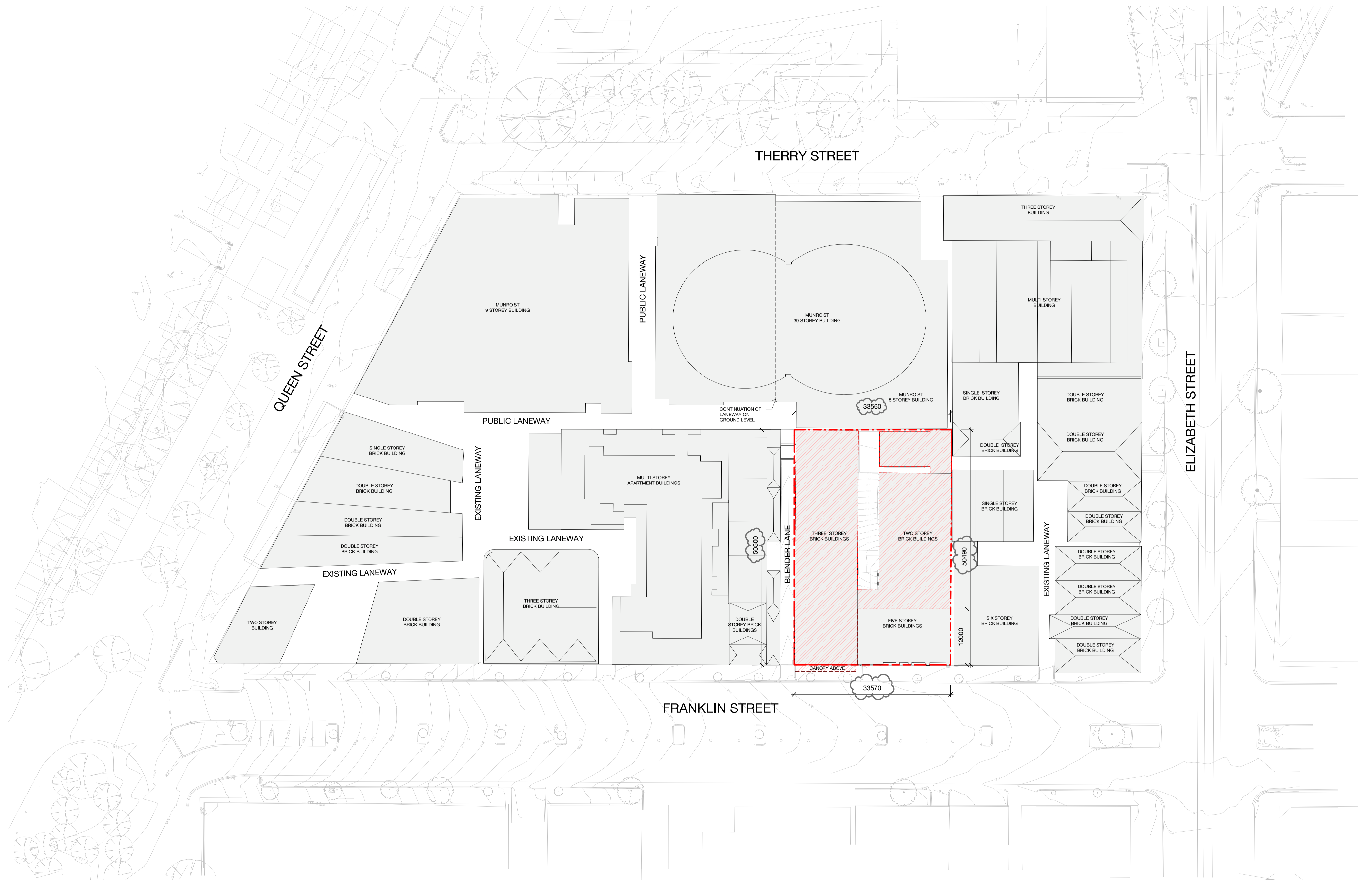
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Drawing no.	TP-01.00	Revision B

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**Legend - Demolition Plan**

Buildings to be demolished

**Franklin St  
100 Franklin St**

**Site Plan - Demolition Plan**

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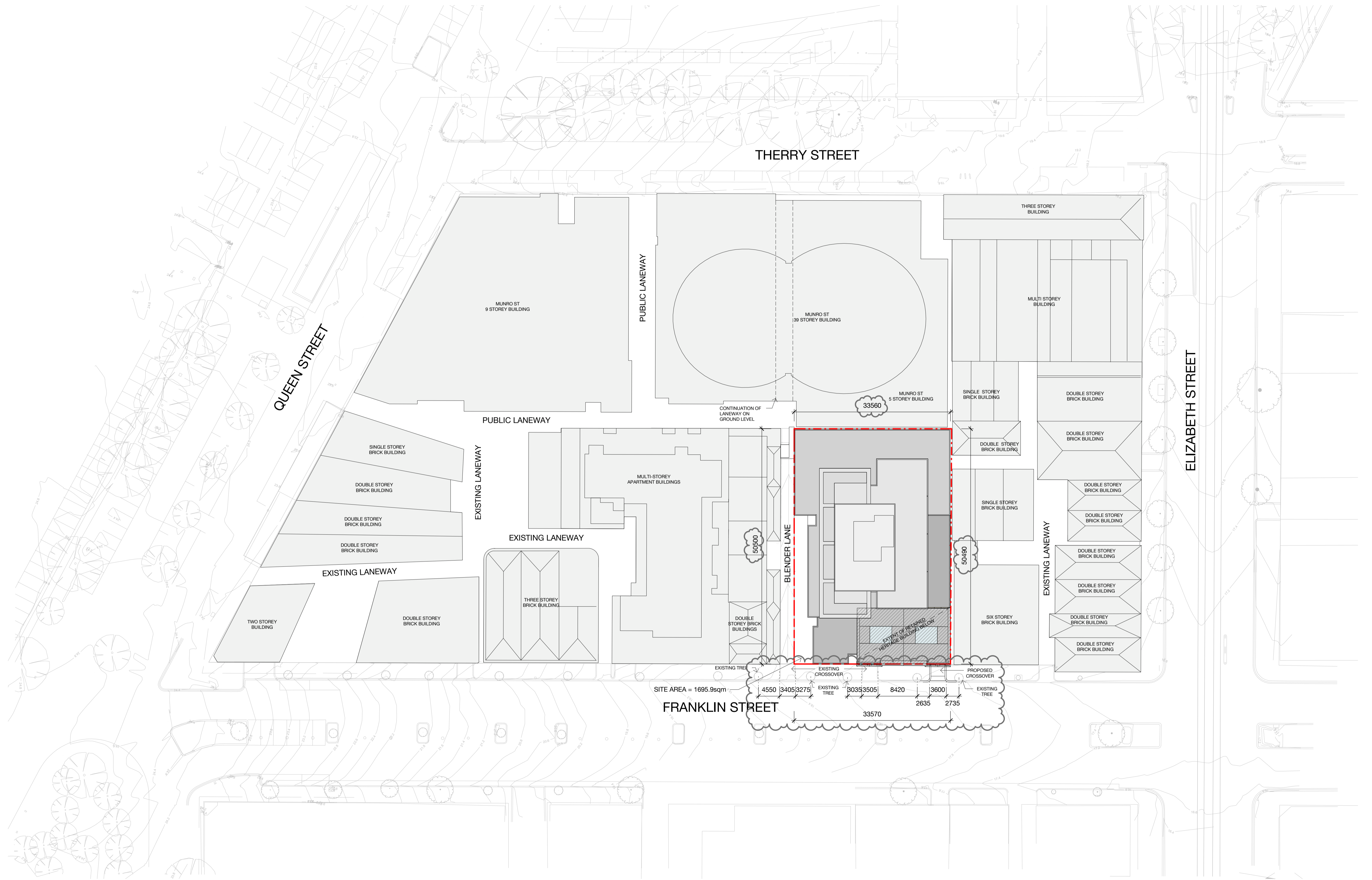
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SITE AREA = 1695.9sqm

FRANKLIN STREET

**Franklin St  
100 Franklin St**

Site Plan - Proposed



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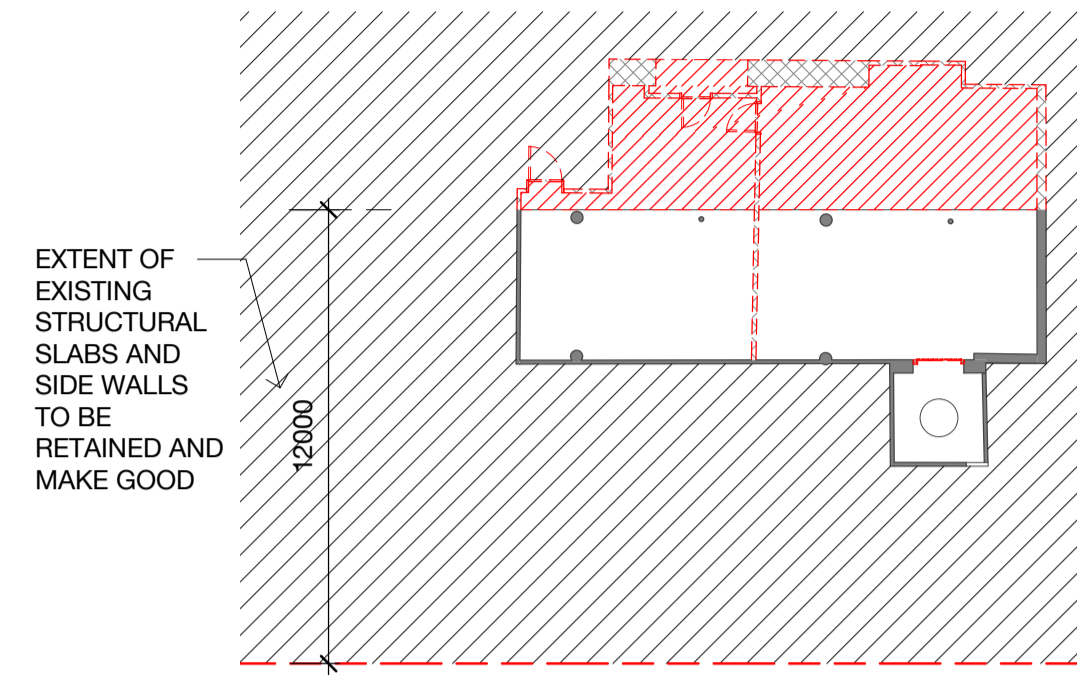
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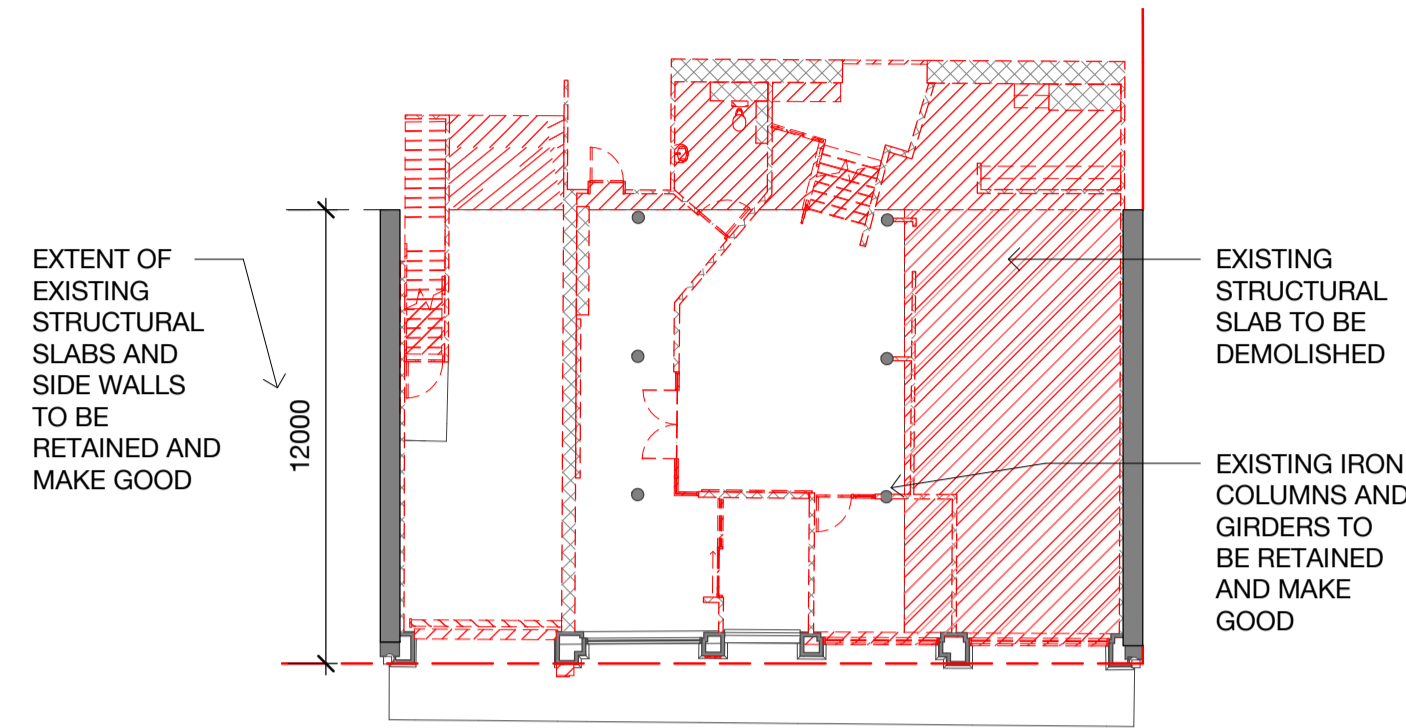
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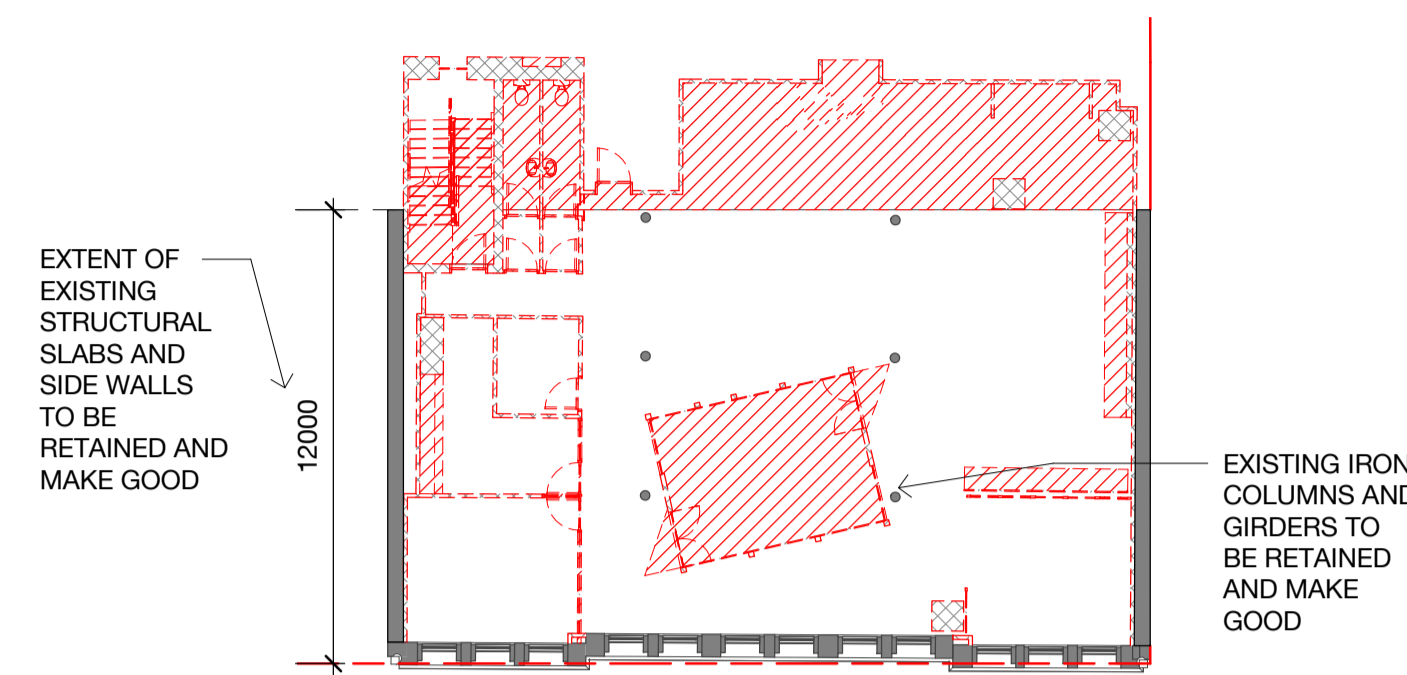




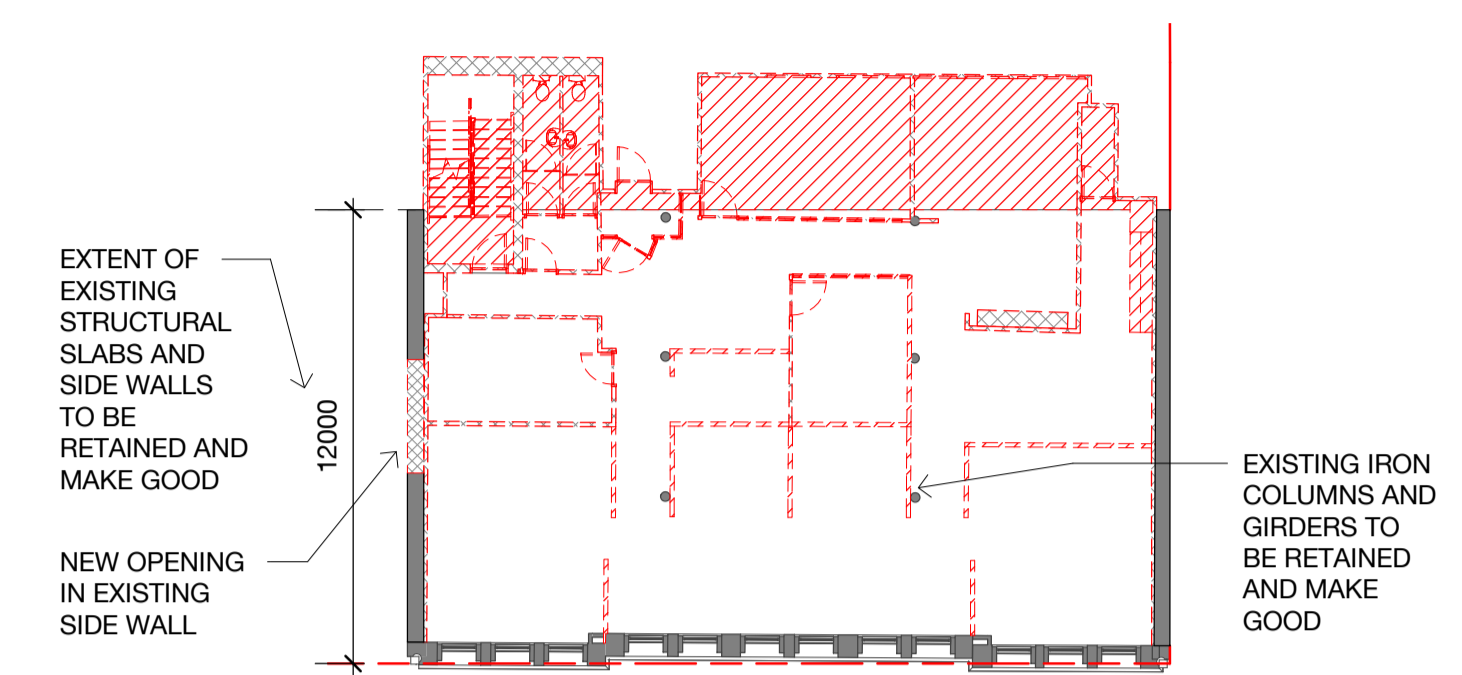
1 Basement Mezz - Demolition Plan  
Plan 1 : 200



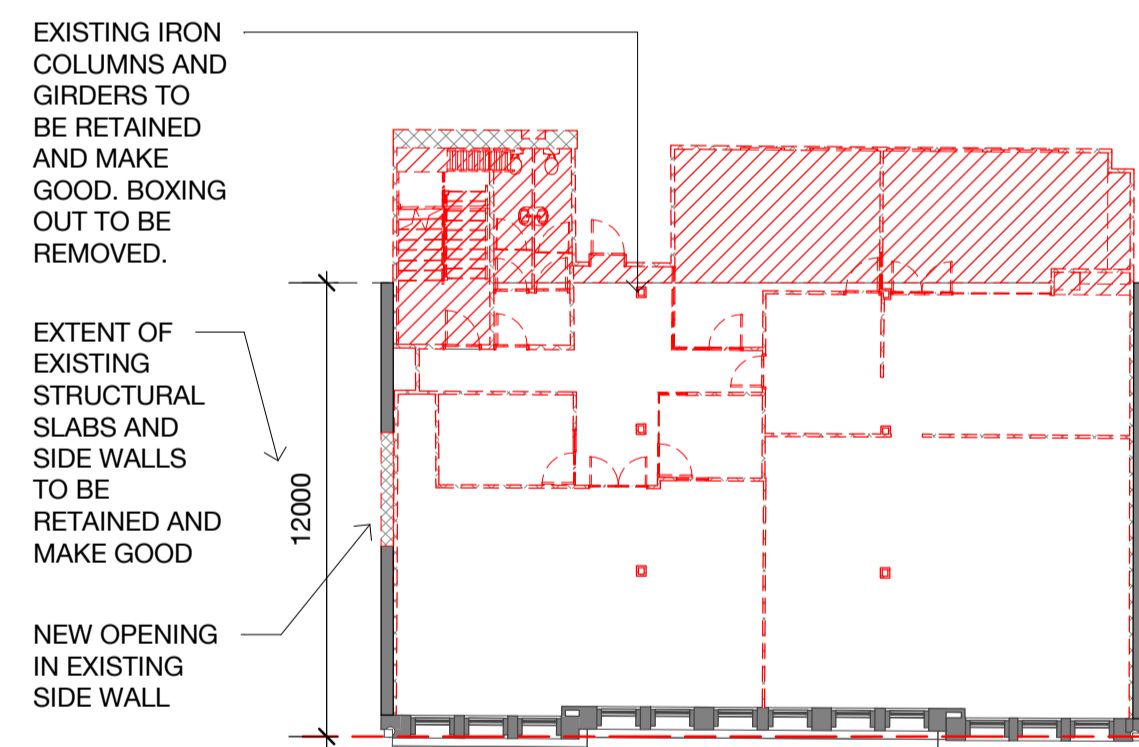
2 Level 00 - Demolition Plan  
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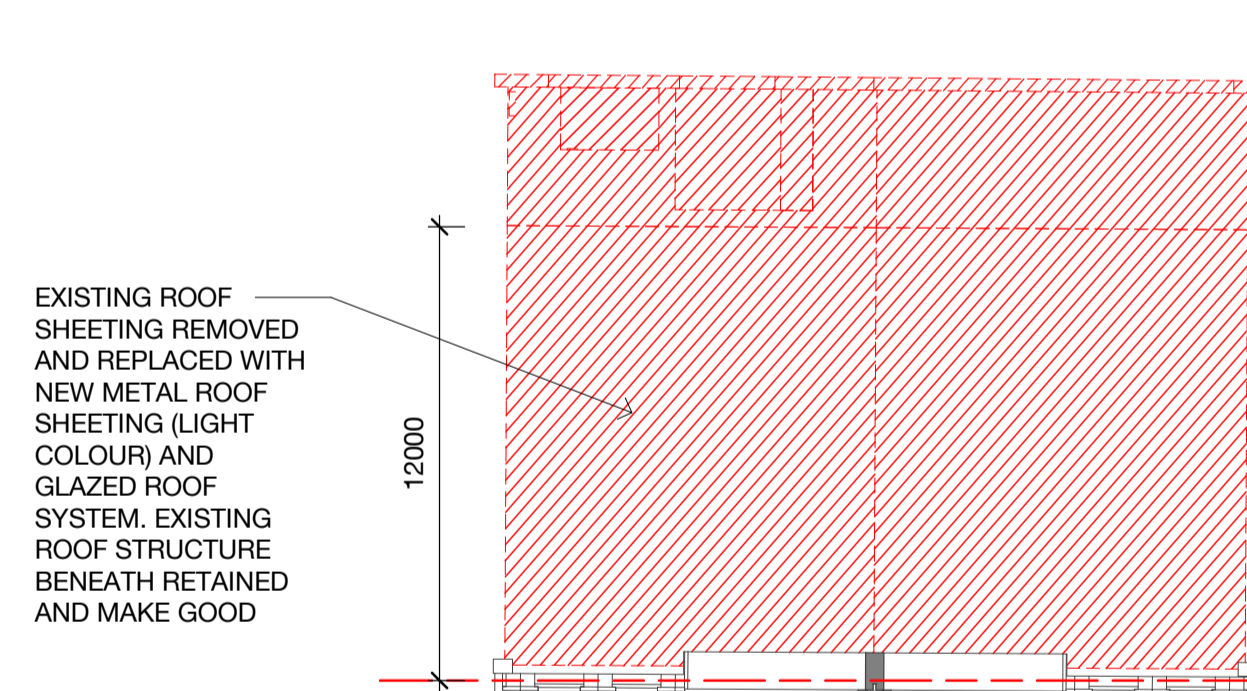
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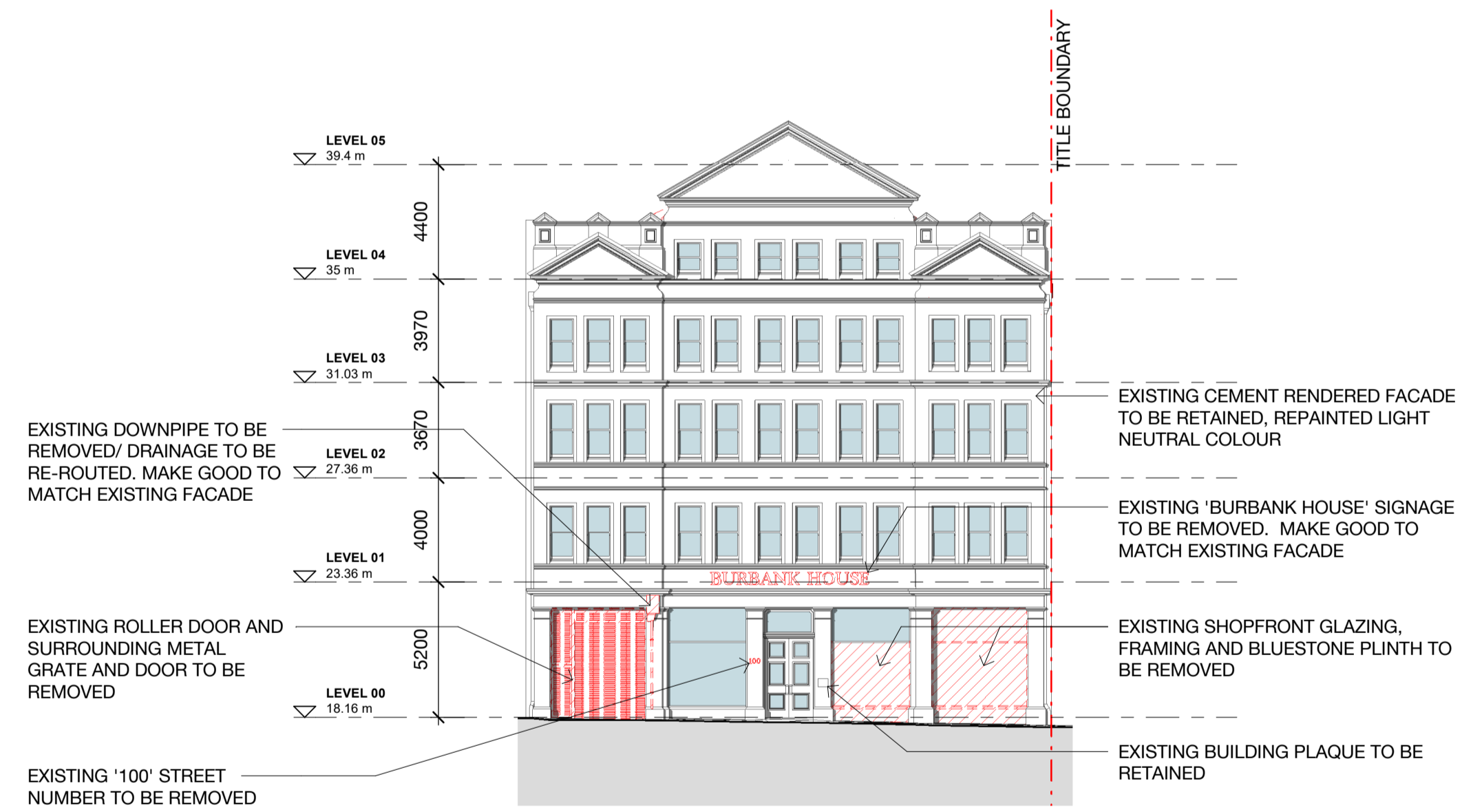
4 Level 02 - Demolition Plan  
Plan 1 : 200



5 Level 03 - Demolition Plan  
Plan 1 : 200



6 Roof - Demolition Plan  
Plan 1 : 200



7 South Elevation - Demolition  
Elevation 1 : 200

**Legend - Demolition Plan**

- Existing Wall / Column to be Retained
- Existing Wall / Column to be Demolished
- Existing Slab to be Demolished

**Franklin St  
100 Franklin St**

**Heritage Demolition Drawings**



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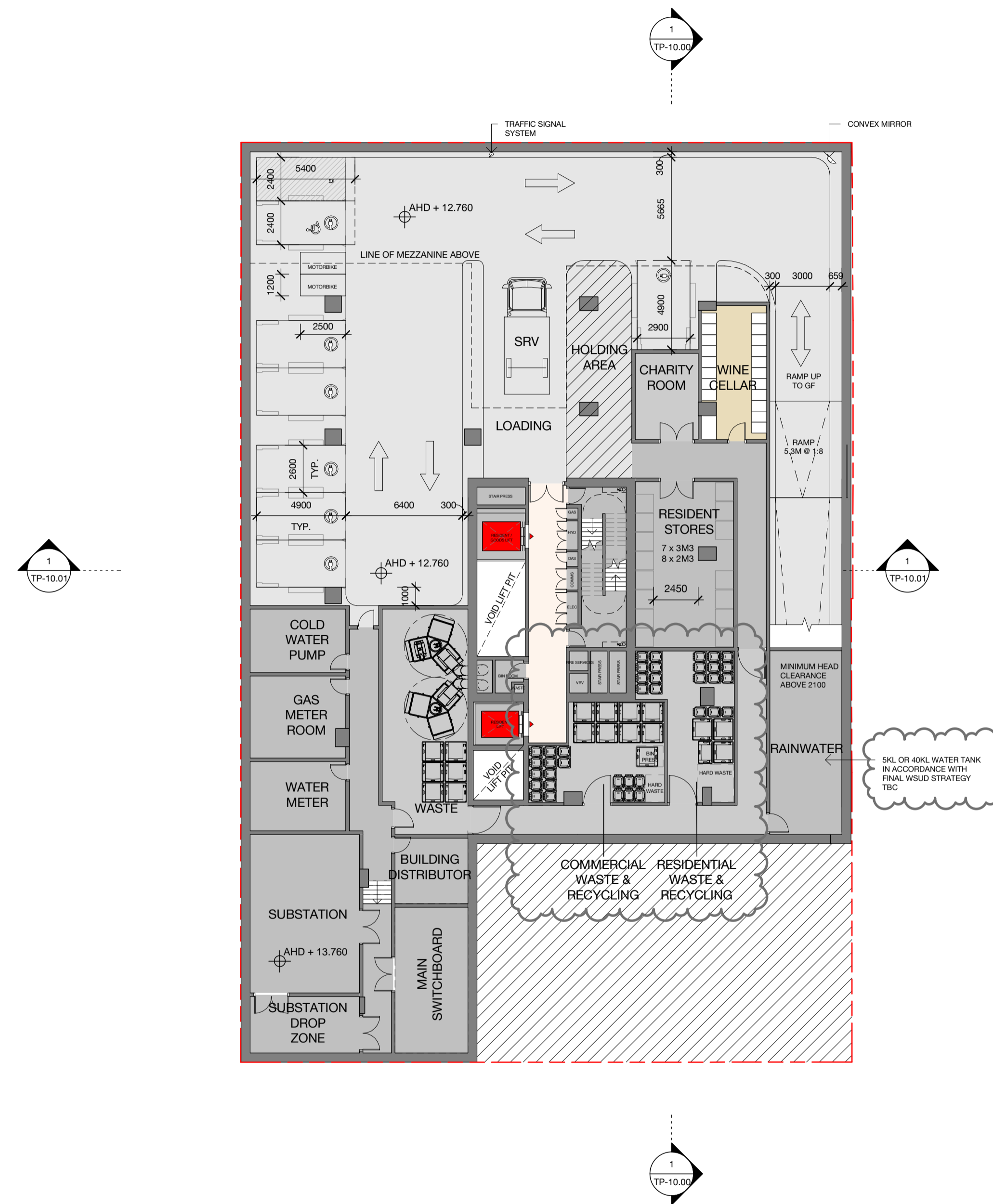
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Franklin St  
100 Franklin St

FLOOR PLAN  
Level B1 - Basement 01



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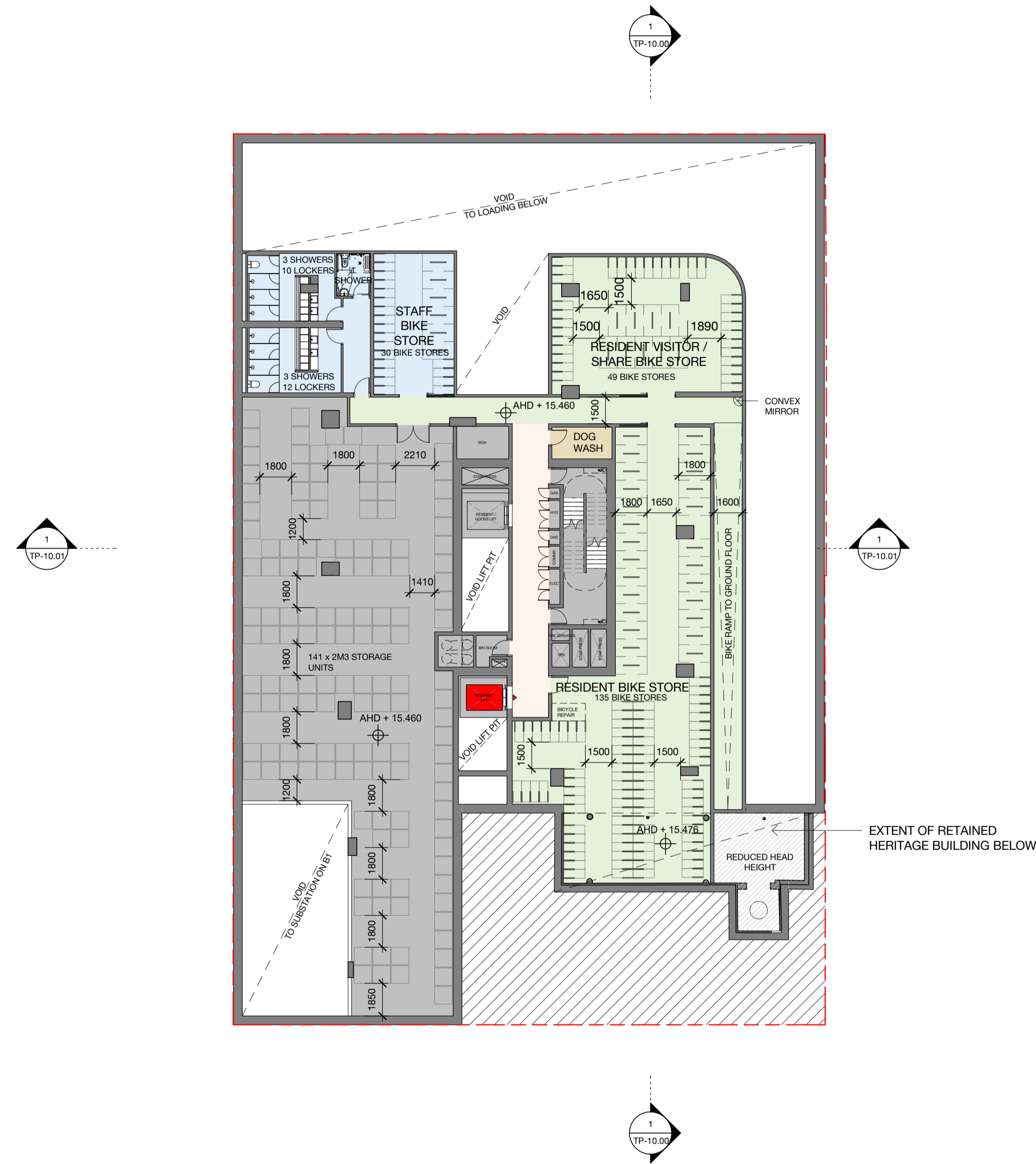
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**Franklin St  
100 Franklin St**

**FLOOR PLAN  
Level B1M - Basement 01 Mezzanine**



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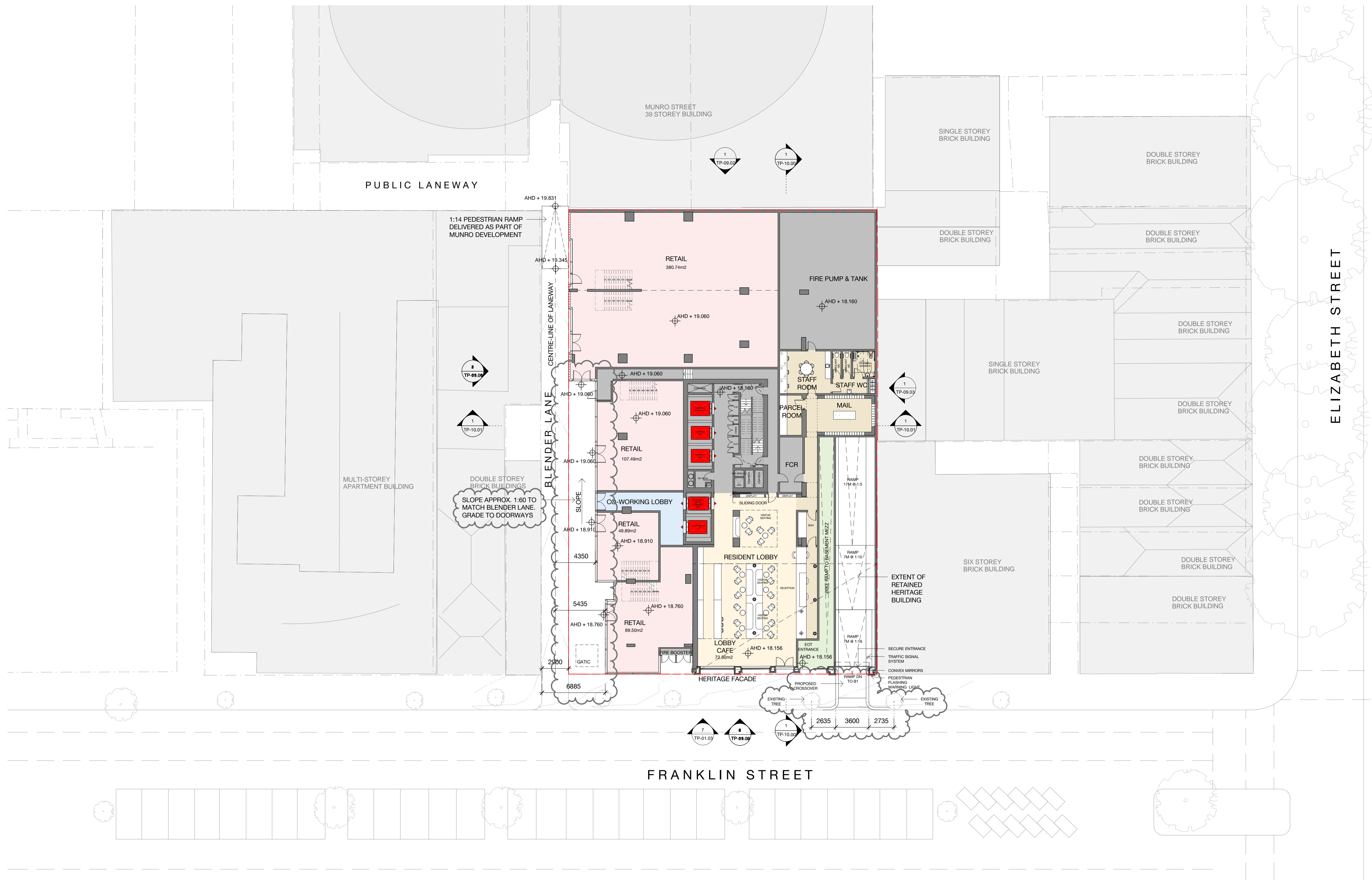
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FRANKLIN STREET

Franklin St  
100 Franklin St

FLOOR PLAN  
Level 00 - Ground Floor

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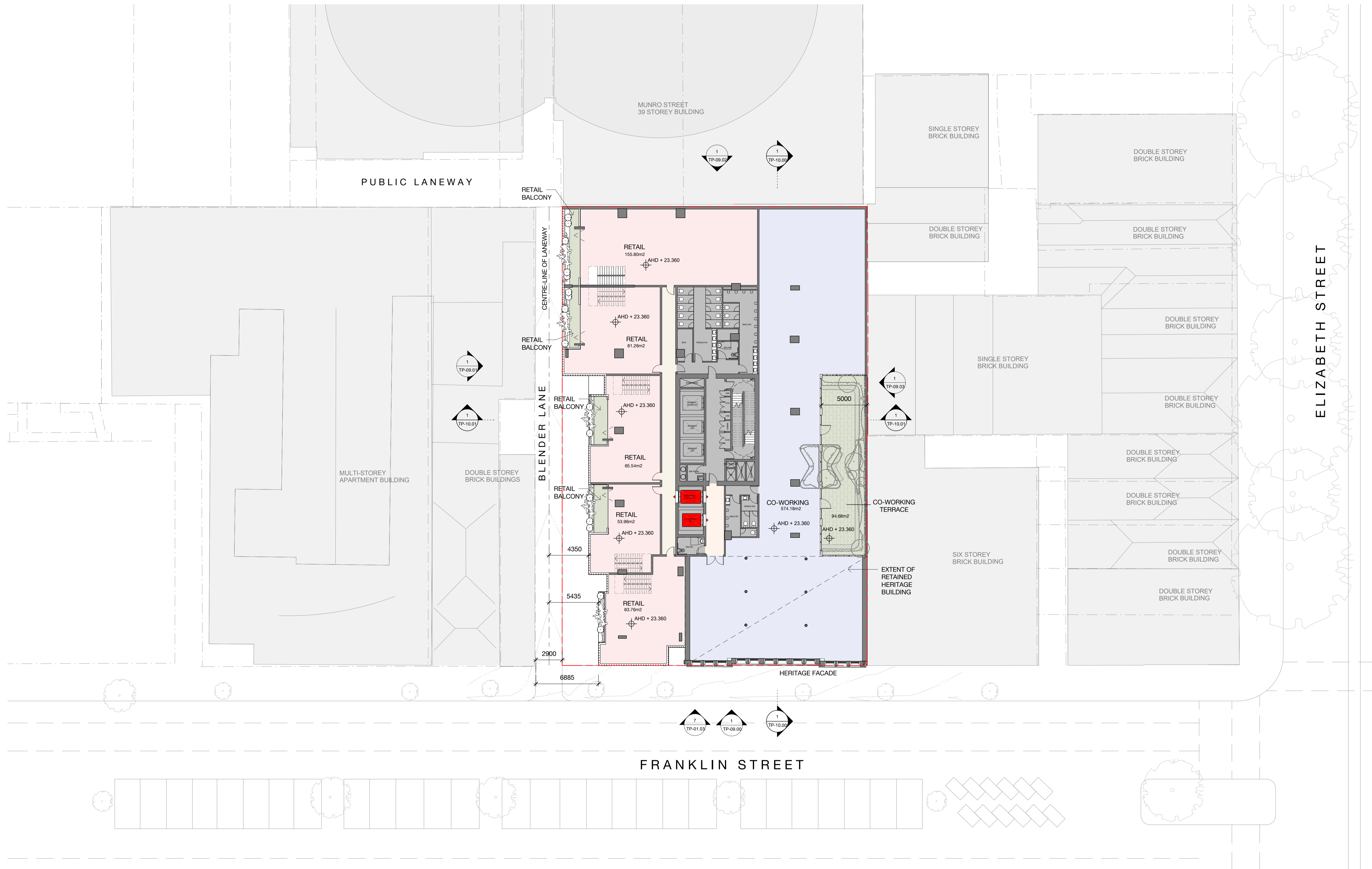
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FRANKLIN STREET

Franklin St  
100 Franklin St

FLOOR PLAN  
Level 01

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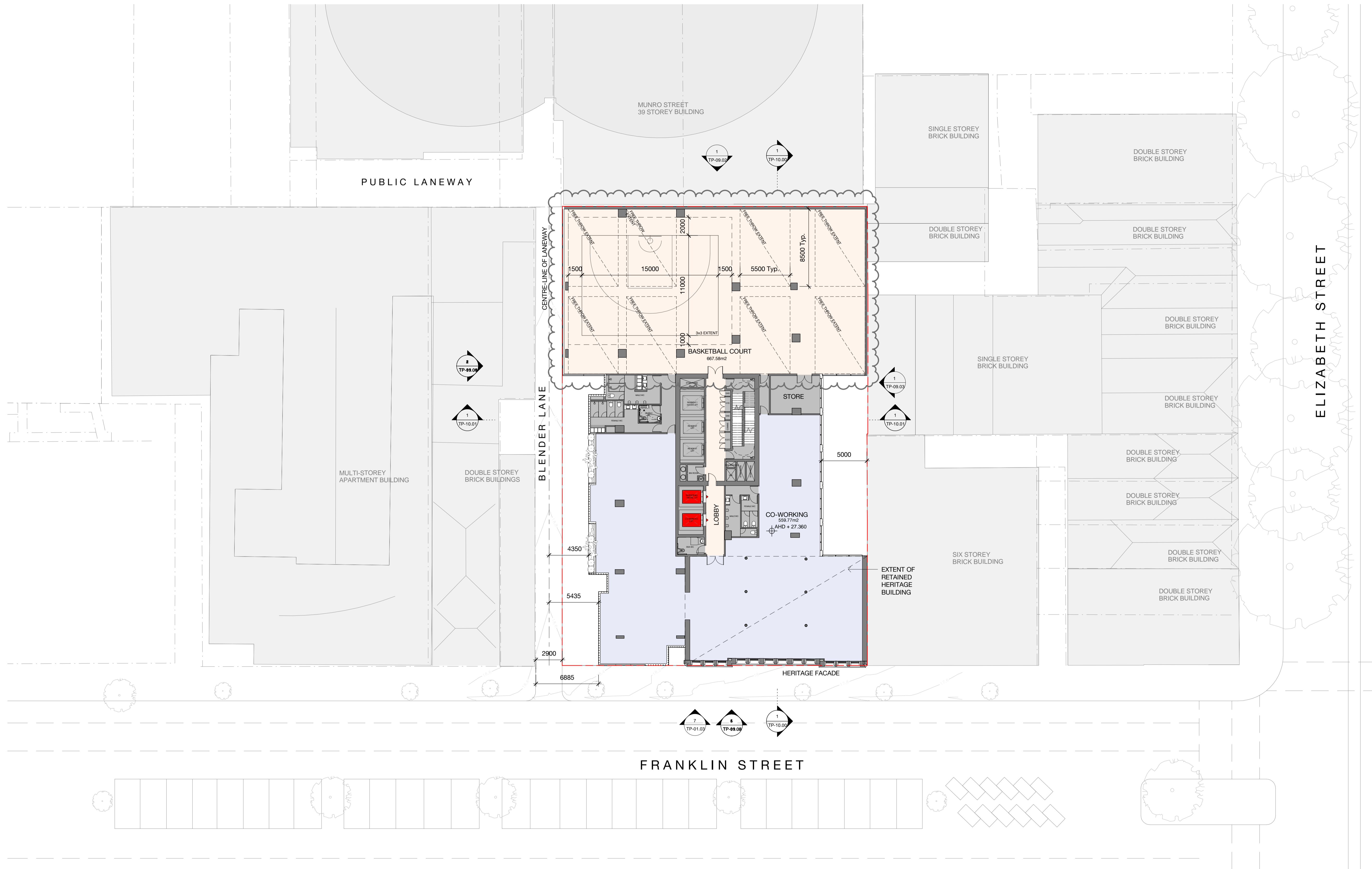
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FRANKLIN STREET

Franklin St  
100 Franklin St

FLOOR PLAN  
Level 02



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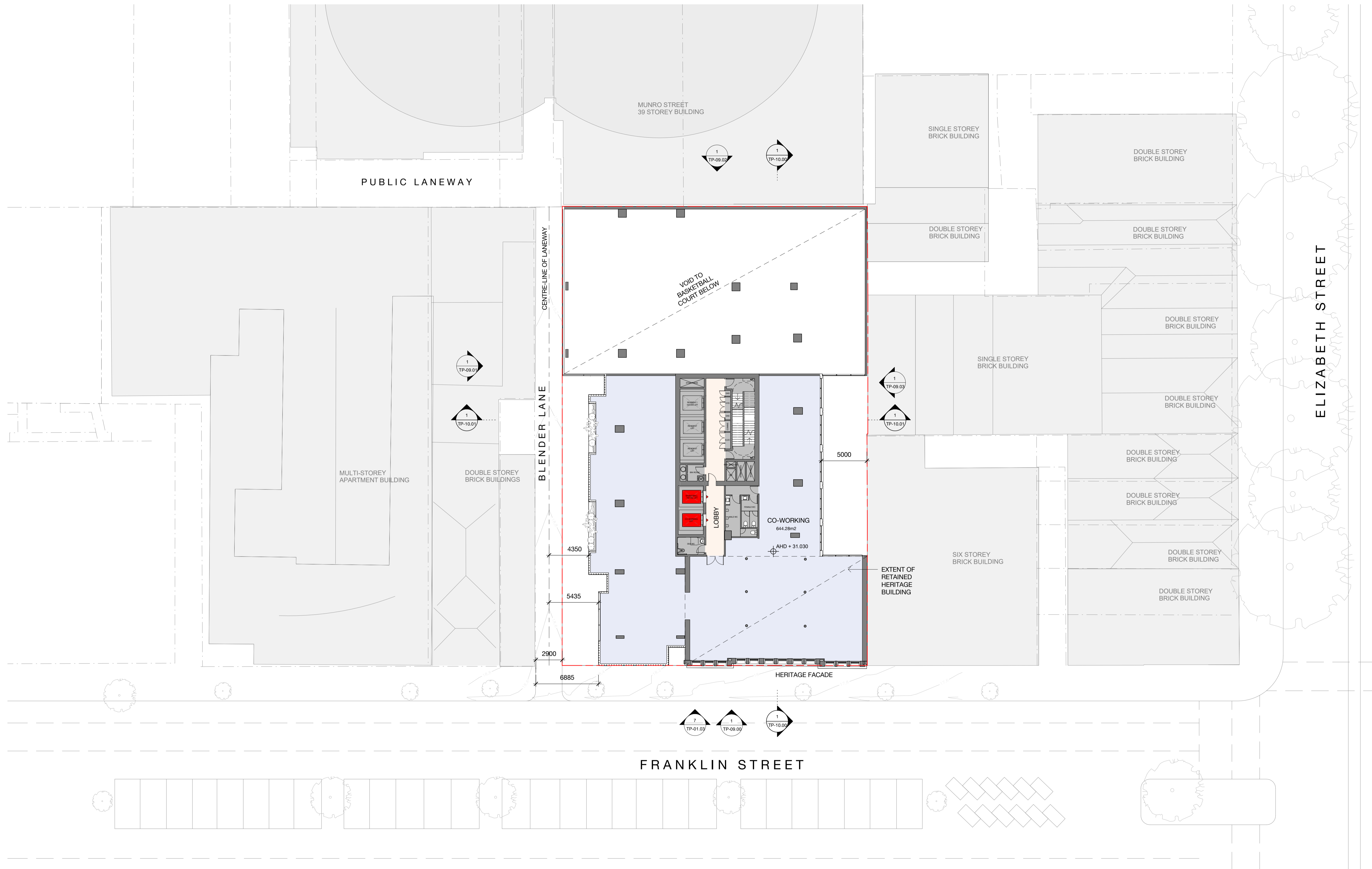
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FRANKLIN STREET

ELIZABETH STREET

Franklin St  
100 Franklin St

FLOOR PLAN  
Level 03

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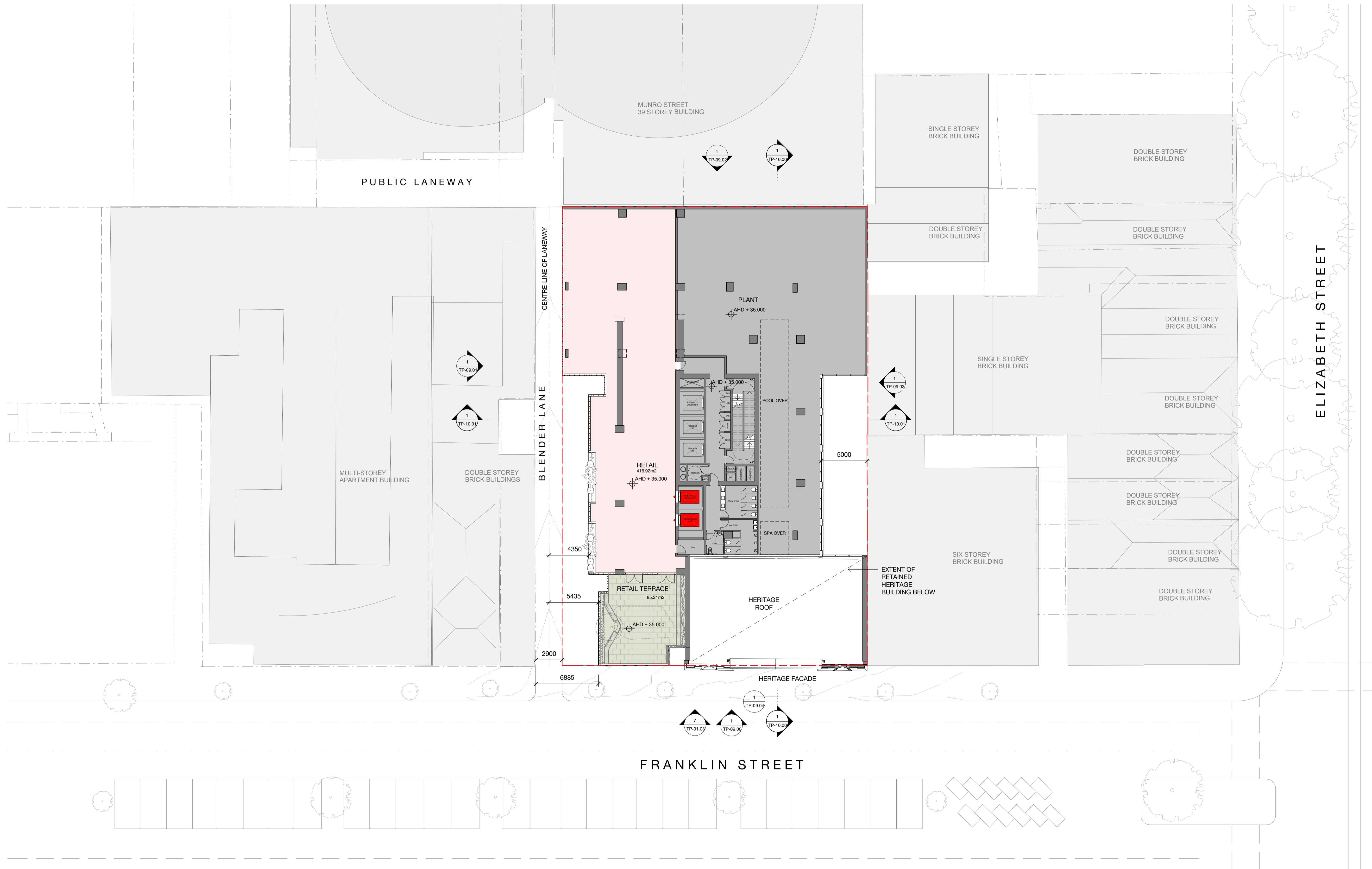
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Franklin St  
100 Franklin St

FLOOR PLAN  
Level 04

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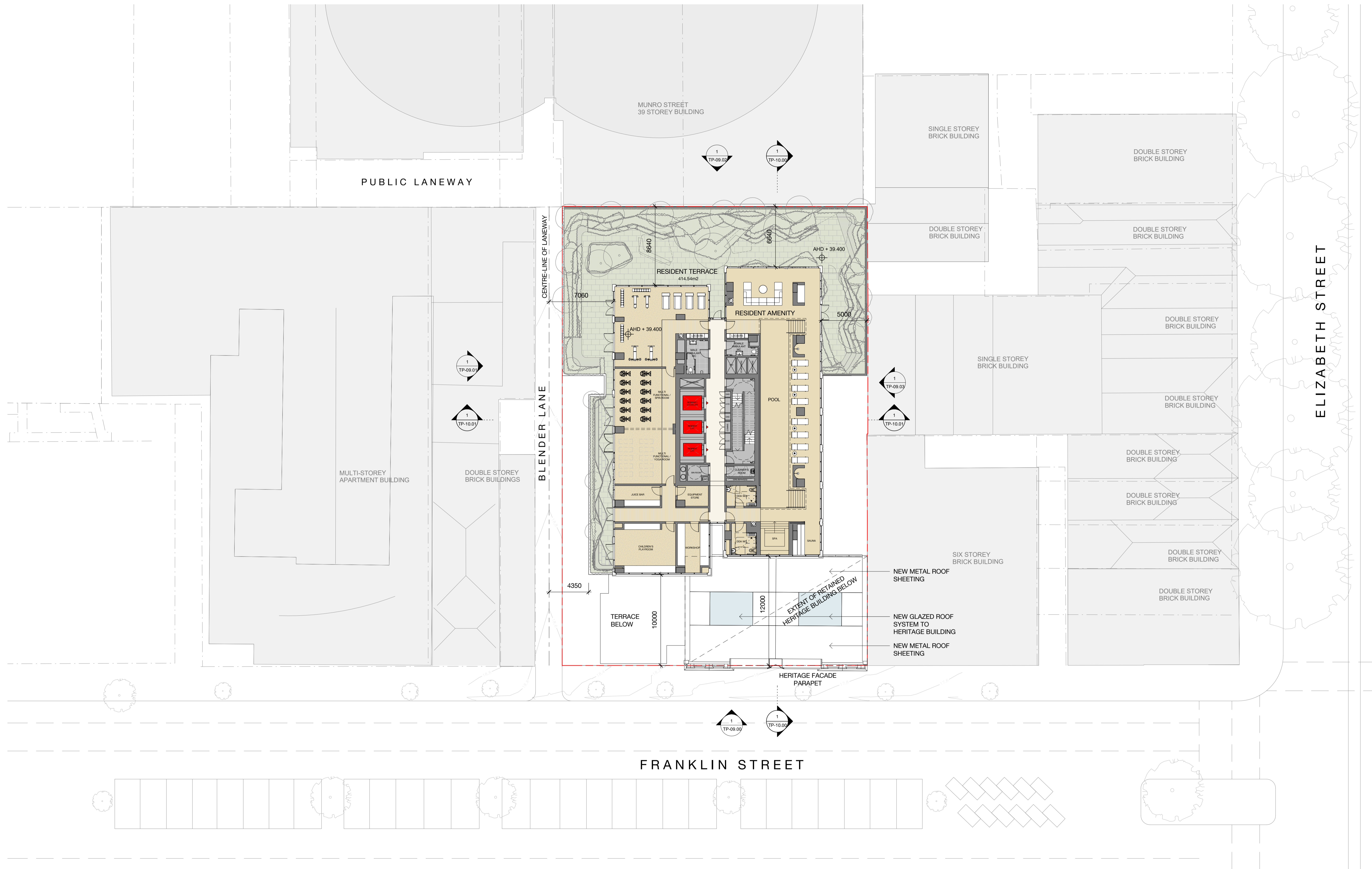
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FRANKLIN STREET

Franklin St  
100 Franklin St

FLOOR PLAN  
Level 05 - Resident Amenity



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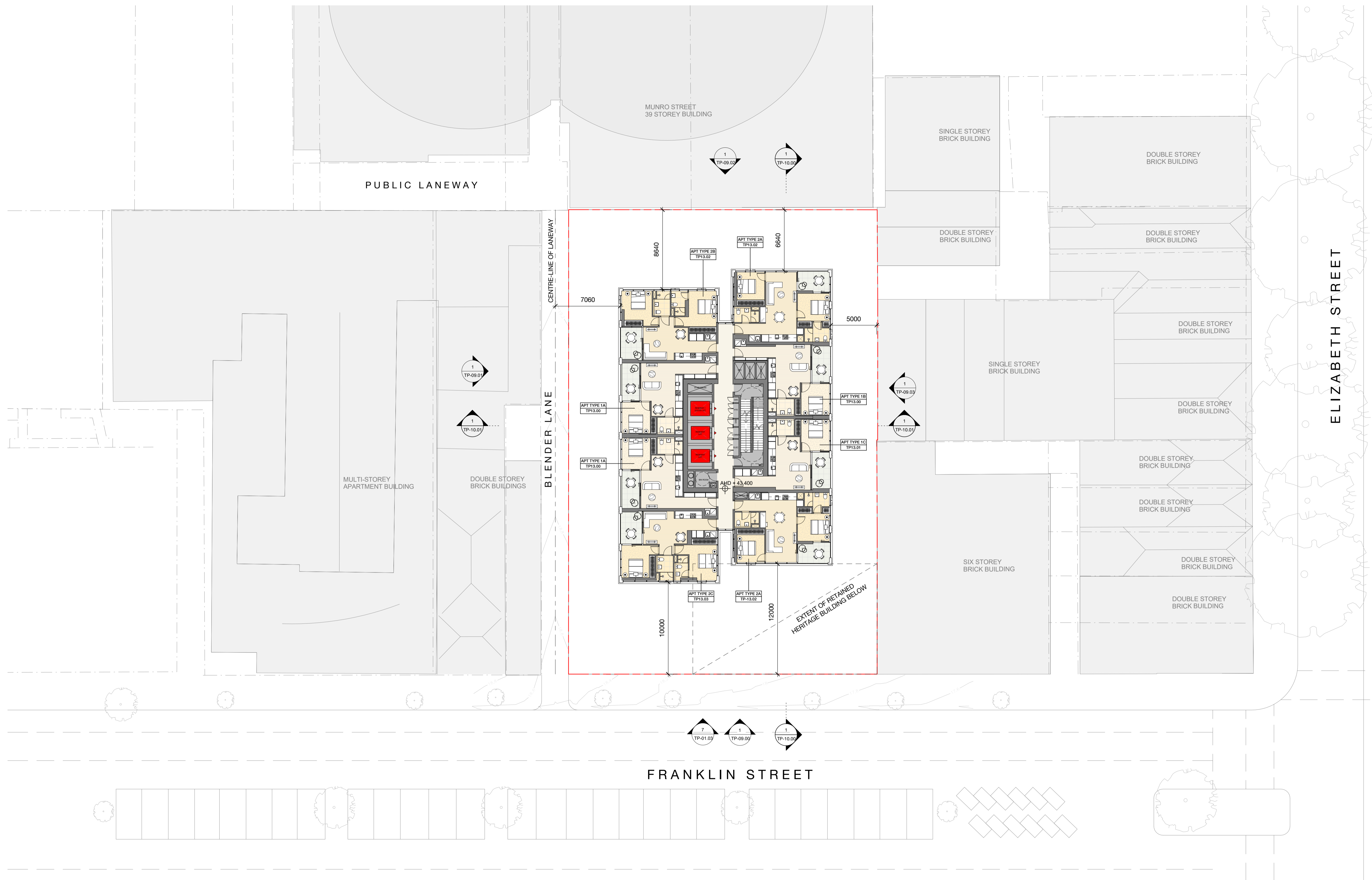
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FRANKLIN STREET

**Franklin St  
100 Franklin St**

**FLOOR PLAN  
Level 06 - Apartments**



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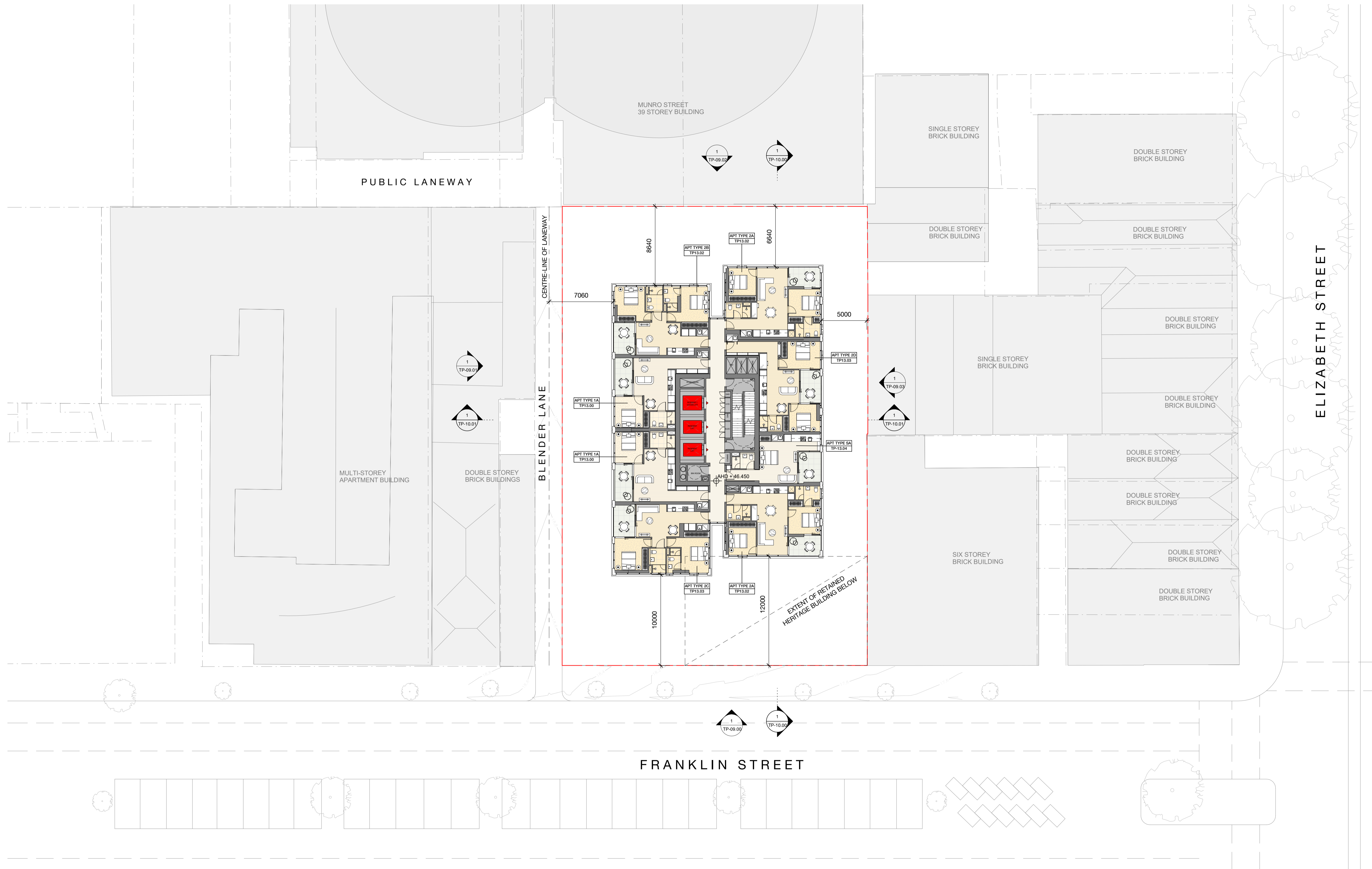
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FRANKLIN STREET

**Franklin St  
100 Franklin St**

**Level 7  
Typical Low-Rise Apartments**



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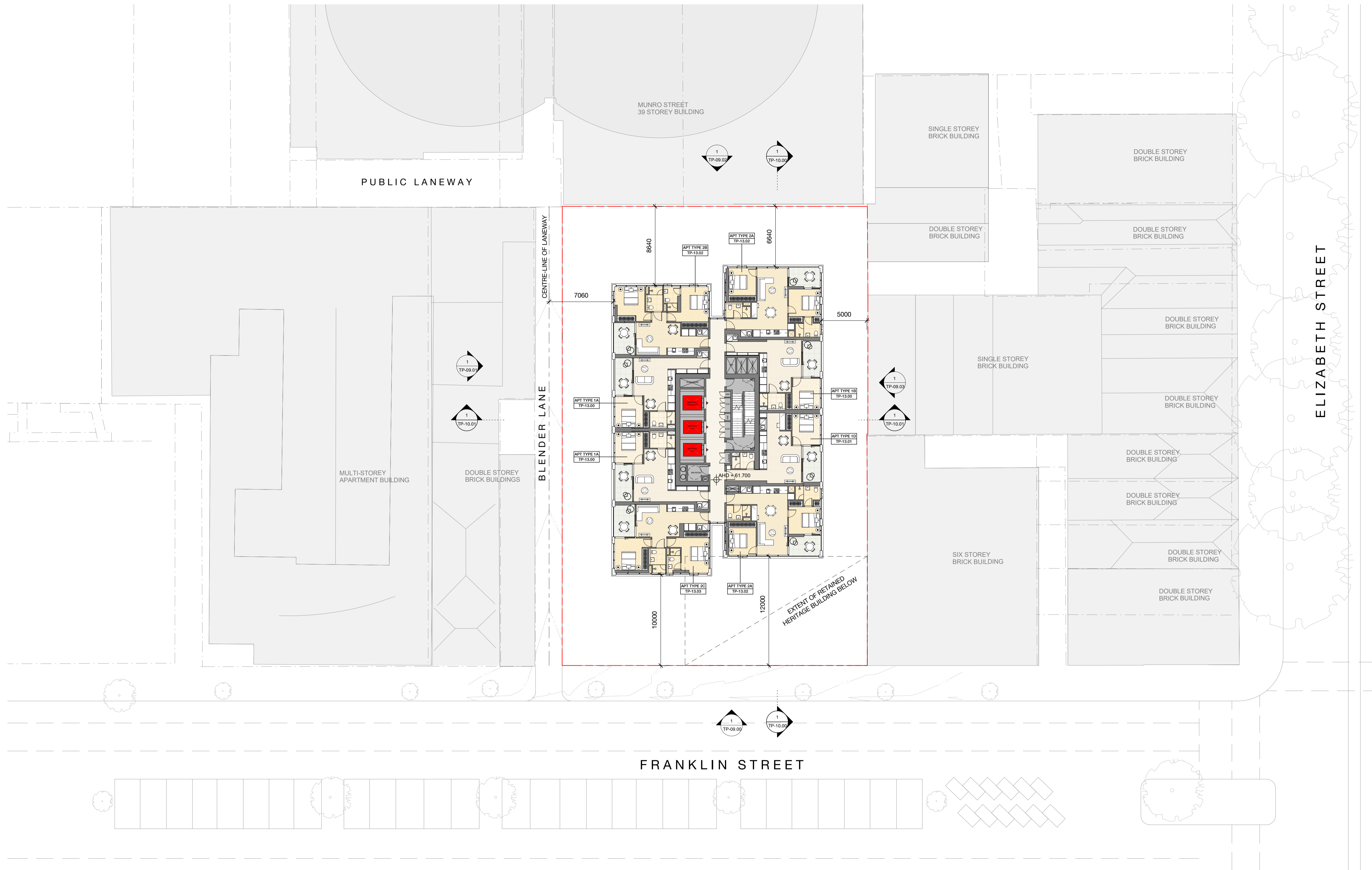
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Project no.	M12494	
Status	TOWN PLANNING	
Plot Date	13/05/2021 12:10:42 PM	
BIM		
Drawing no.	TP-03.07	Revision A

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Franklin St  
100 Franklin St

Level 12  
Typical Mid-Rise Apartments



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Revision	Date	Description	Initial	Checked
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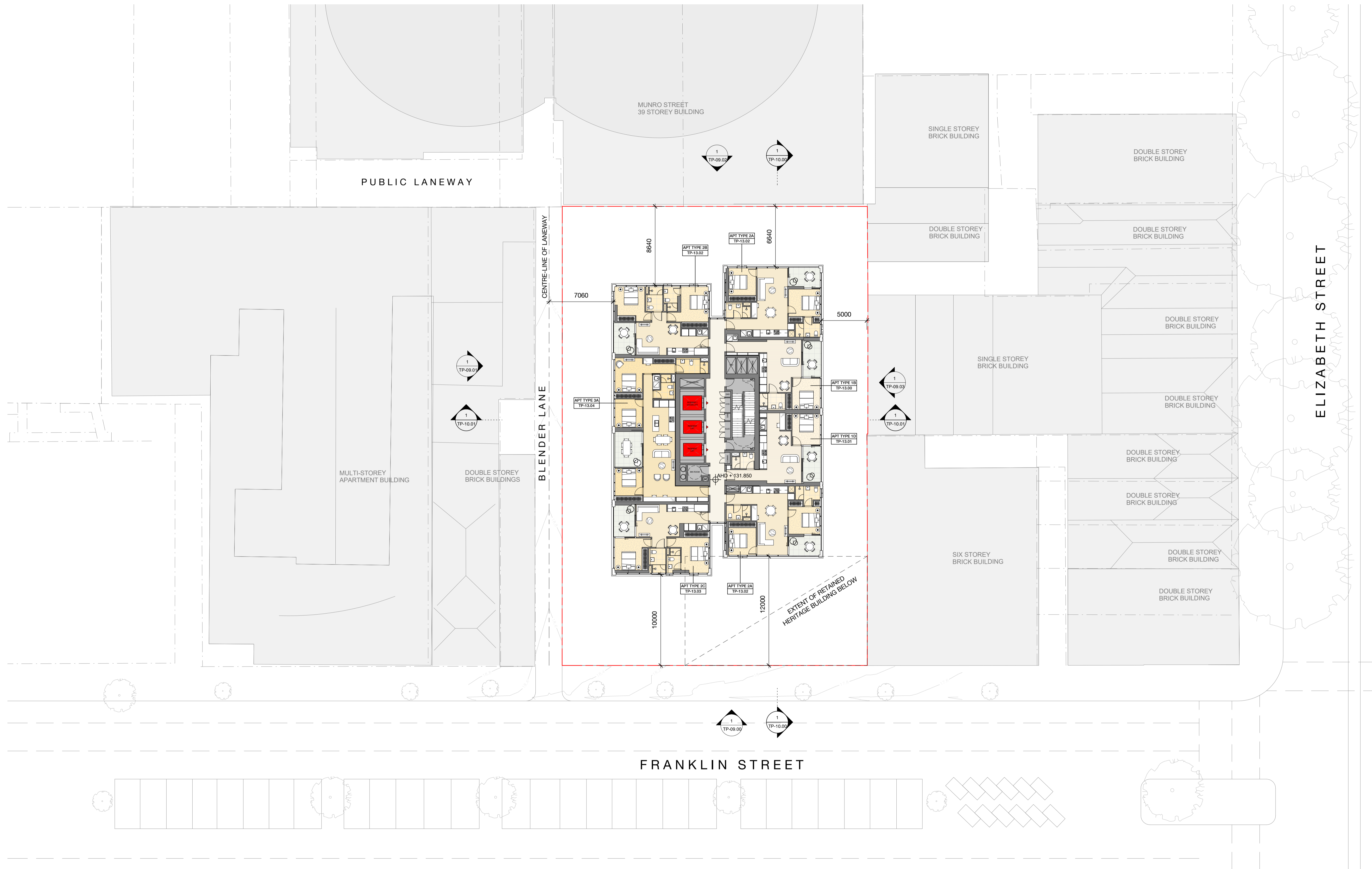
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BIM		
Drawing no.	TP-03.12	Revision A

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FRANKLIN STREET

**Franklin St  
100 Franklin St**

Level 35  
Typical High-Rise Apartments



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Revision	Date	Description	Initial	Checked
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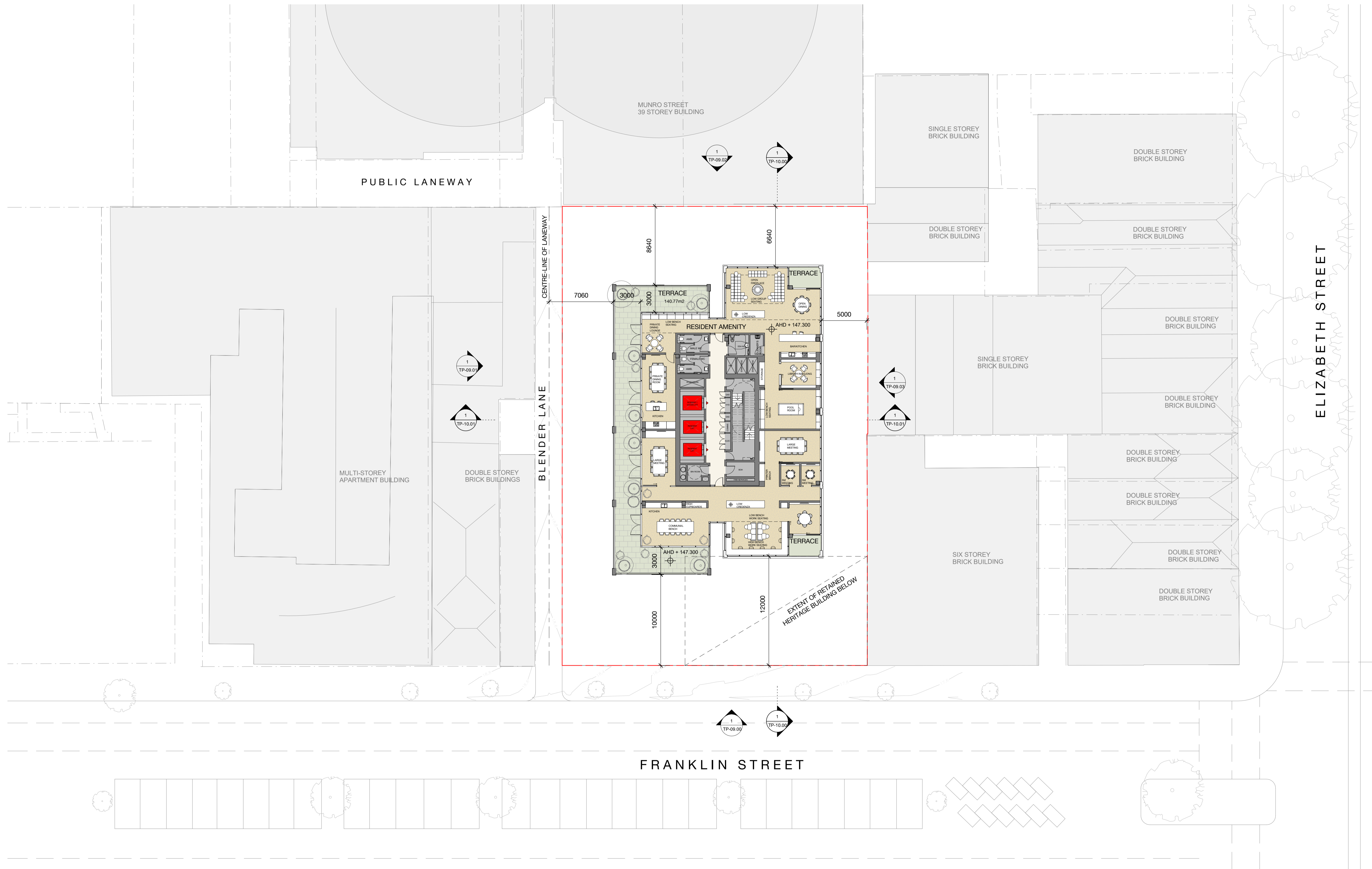
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Plot Date	12/05/2021 5:11:38 PM	
BIM		
Drawing no.	TP-03.35	Revision A

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FRANKLIN STREET

Franklin St  
100 Franklin St

FLOOR PLAN  
Level 40 - Resident Amenity



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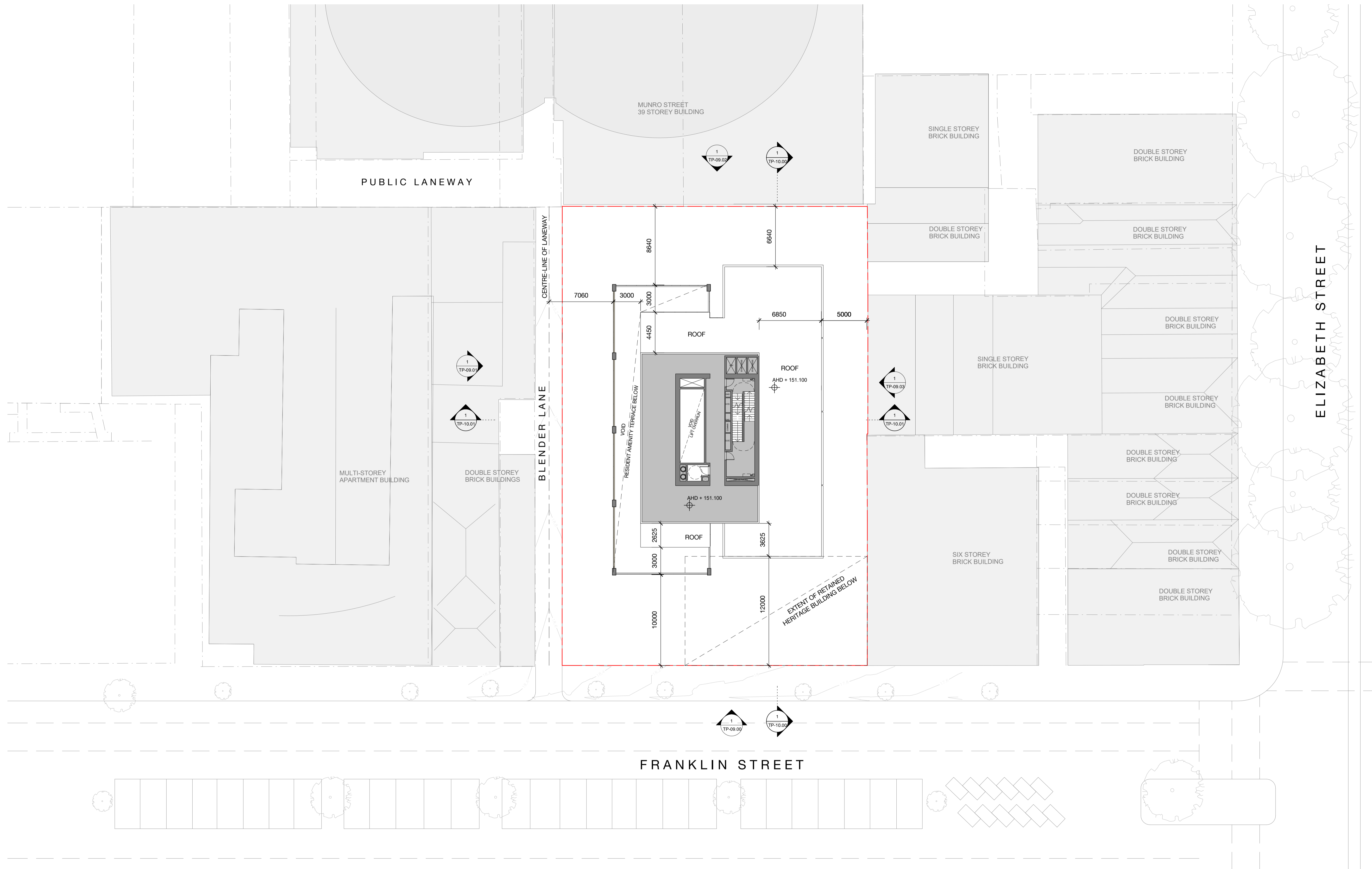
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Plot Date	6/05/2021 11:53:00 AM	
BIM		
Drawing no.	TP-03.40	Revision A

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**BATESSMART**



Franklin St  
100 Franklin St

FLOOR PLAN  
Level 41 - Roof Plant



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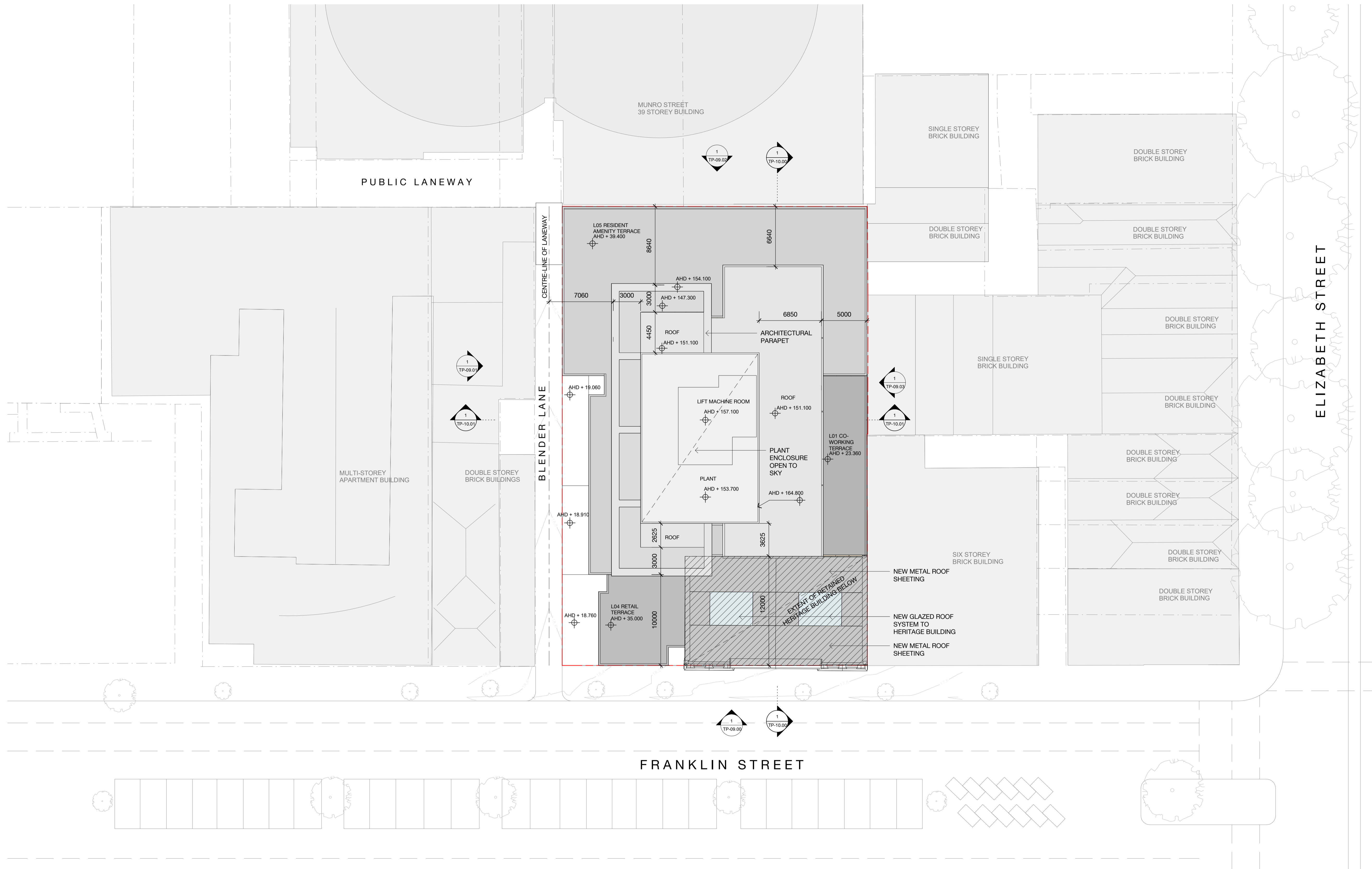
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Drawing no.	TP-03.41	Revision A

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FRANKLIN STREET

ELIZABETH STREET

BLENDER LANE

PUBLIC LANEWAY

MUNRO STREET  
39 STOREY BUILDING

MULTI-STOREY  
APARTMENT BUILDING

DOUBLE STOREY  
BRICK BUILDINGS

SINGLE STOREY  
BRICK BUILDING

DOUBLE STOREY  
BRICK BUILDING

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SINGLE STOREY  
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DOUBLE STOREY  
BRICK BUILDING

DOUBLE STOREY  
BRICK BUILDING

SIX STOREY  
BRICK BUILDING

L04 RETAIL  
TERRACE  
AHD + 35.000

AHD + 18.760

PLANT  
AHD + 153.700

AHD + 157.100

PLANT ENCLOSURE  
OPEN TO SKY

AHD + 151.100

L01 CO-  
WORKING  
TERRACE  
AHD + 23.360

AHD + 164.800

L05 RESIDENT  
AMENITY TERRACE  
AHD + 39.400

AHD + 154.100

AHD + 147.300

AHD + 151.100

AHD + 19.060

AHD + 18.910

AHD + 157.100

AHD + 151.100

AHD + 157.100

AHD + 151.100

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AHD + 151.100

AHD + 157.100

AHD + 151.100

Franklin St  
100 Franklin St

Level 42 - Roof



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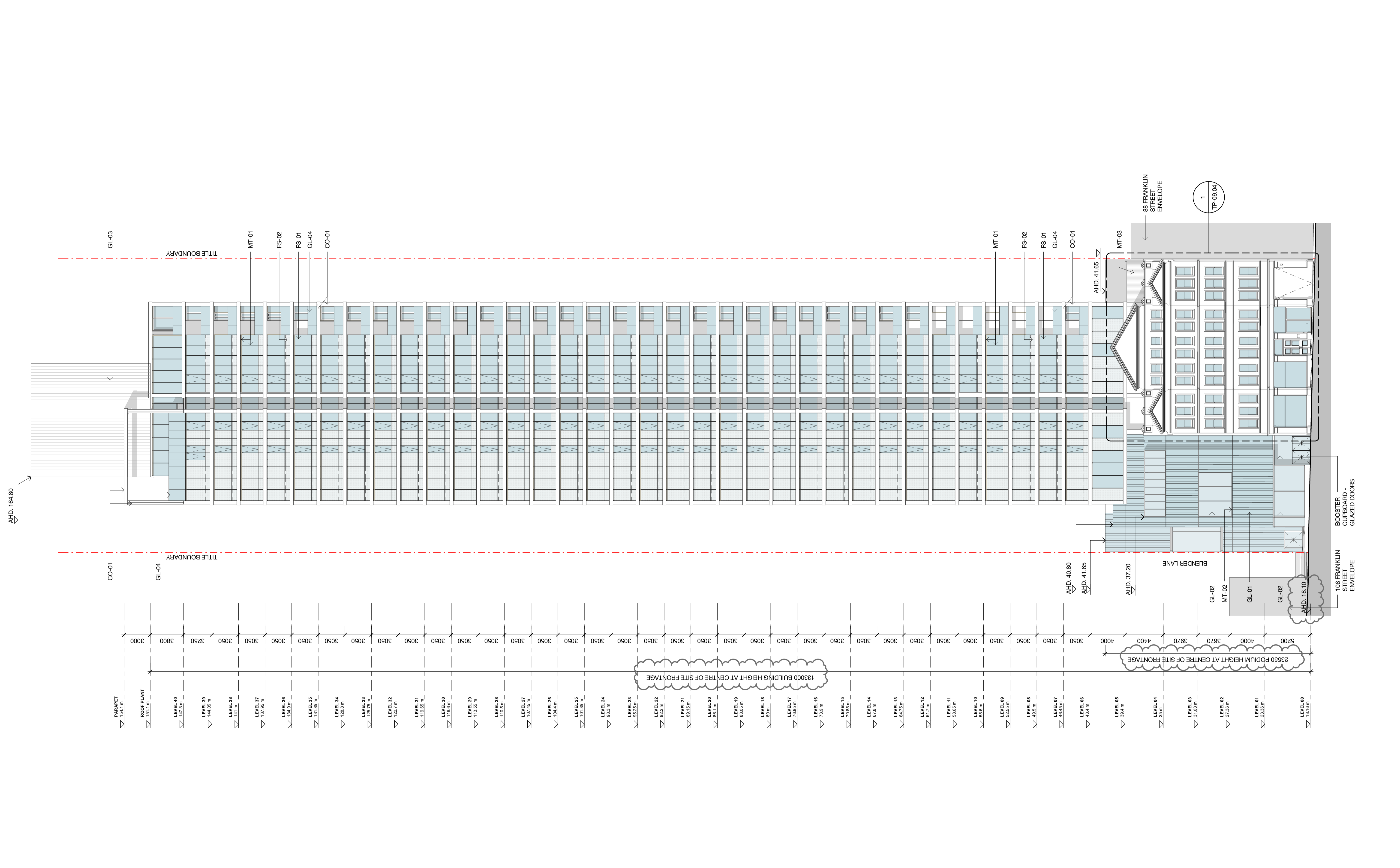
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Drawing no.	TP-03.42	Revision A

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**EXTERNAL FINISHES SCHEDULE**

GL-01 Glass Planks - Translucent Colour: Neutral	FS-01 IGU Window Wall (Vision Panels) Colour: Clear	MT-01 Metallic Framing Colour: Light Bronze
GL-02 Shop Front & Entry Glazing Colour: Clear Glass	FS-02 IGU Window Wall (Spandrel Panels) Colour: To Match FS-01	MT-02 Podium Metallic Framing Colour: Light Grey
GL-03 Glass Planks With Openings - Translucent Colour: Neutral	CO-01 Exposed Concrete Colour: Light Natural Blasted Finish	MT-03 Metallic Vertical Chevron-Type Louvre Colour: Light Bronze
GL-04 Glazed Balustrade Colour: Clear Glass	CO-02 Exposed Concrete Colour: Light Natural Finish with Vertical Articulation	

**Franklin St  
100 Franklin St**

**ELEVATIONS  
South Elevation**

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A	12/09/21	TOWN PLANNING	TL	CE
Revision	Date	Description	Initial	Checked

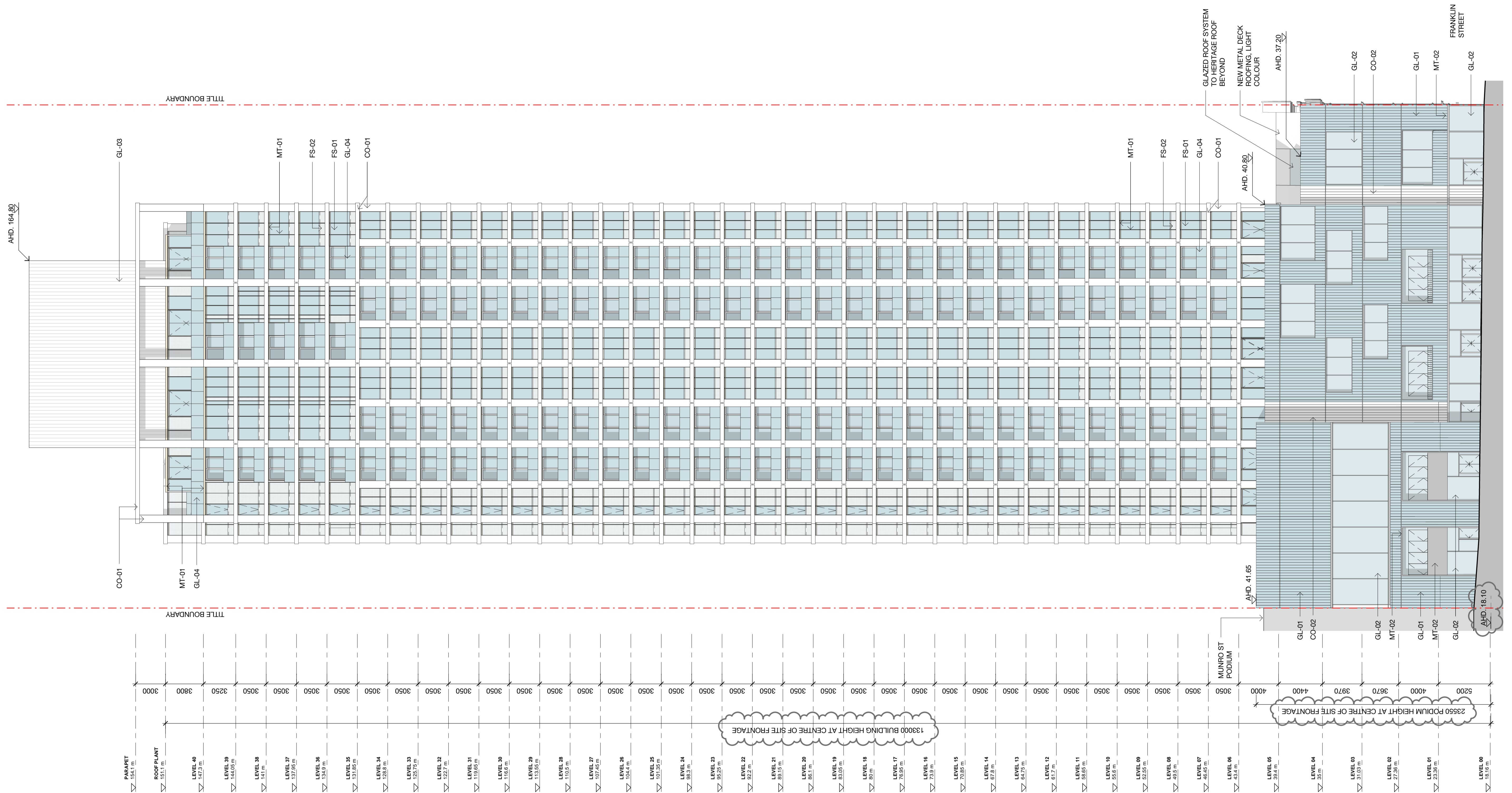
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Project no.	M12494	
Status	TOWN PLANNING	
Plot Date	8/07/2021 4:51:42 PM	
BIM		
Drawing no.	TP-09.00	Revision B

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**EXTERNAL FINISHES SCHEDULE**

GL-01 Glass Planks - Translucent Colour: Neutral	FS-01 IGU Window Wall (Vision Panels) Colour: Clear	MT-01 Metallic Framing Colour: Light Bronze
GL-02 Shop Front & Entry Glazing Colour: Clear Glass	FS-02 IGU Window Wall (Spandrel Panels) Colour: To Match FS-01	MT-02 Podium Metallic Framing Colour: Light Grey
GL-03 Glass Planks With Openings - Translucent Colour: Neutral	CO-01 Exposed Concrete Colour: Light Natural Blasted Finish	MT-03 Metallic Vertical Chevron-Type Louvre Colour: Light Bronze
GL-04 Glazed Balustrade Colour: Clear Glass	CO-02 Exposed Concrete Colour: Light Natural Finish with Vertical Articulation	

**Franklin St  
100 Franklin St**

**ELEVATIONS  
West Elevation**

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Revision	Date	Description	Initial	Checked
B	06/07/21	TOWN PLANNING RFI	TL	TL
A	12/05/21	TOWN PLANNING	TL	CE

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Drawn	TL	Checked CE
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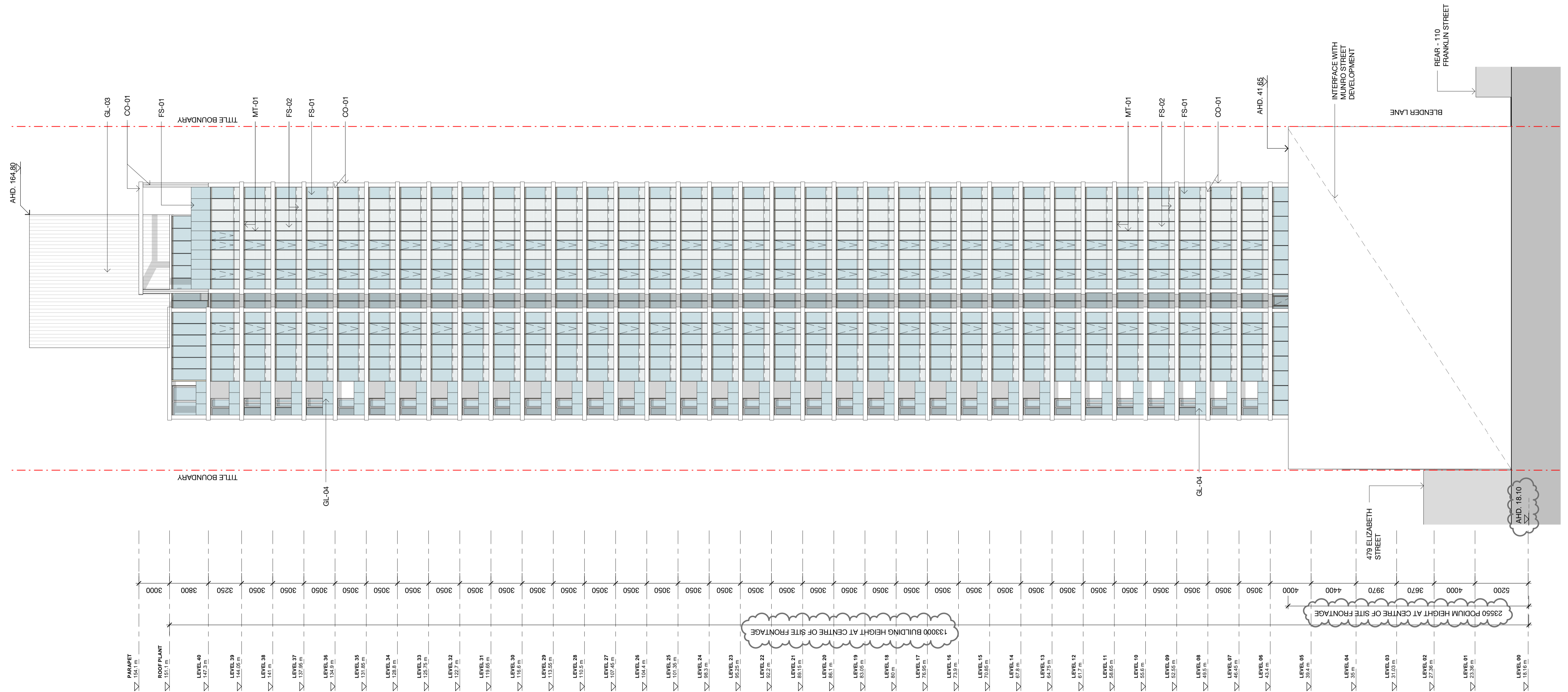
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GL-01 Glass Planks - Translucent Colour: Neutral	FS-01 IGU Window Wall (Vision Panels) Colour: Clear	MT-01 Metallic Framing Colour: Light Bronze
GL-02 Shop Front & Entry Glazing Colour: Clear Glass	FS-02 IGU Window Wall (Spandrel Panels) Colour: To Match FS-01	MT-02 Podium Metallic Framing Colour: Light Grey
GL-03 Glass Planks With Openings - Translucent Colour: Neutral	CO-01 Exposed Concrete Colour: Light Natural Blasted Finish	MT-03 Metallic Vertical Chevron-Type Louvre Colour: Light Bronze
GL-04 Glazed Balustrade Colour: Clear Glass	CO-02 Exposed Concrete Colour: Light Natural Finish with Vertical Articulation	

**Franklin St  
100 Franklin St**

**ELEVATIONS  
North Elevation**

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Revision	Date	Description	Initial	Checked
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A	12/05/21	TOWN PLANNING	TL	CE

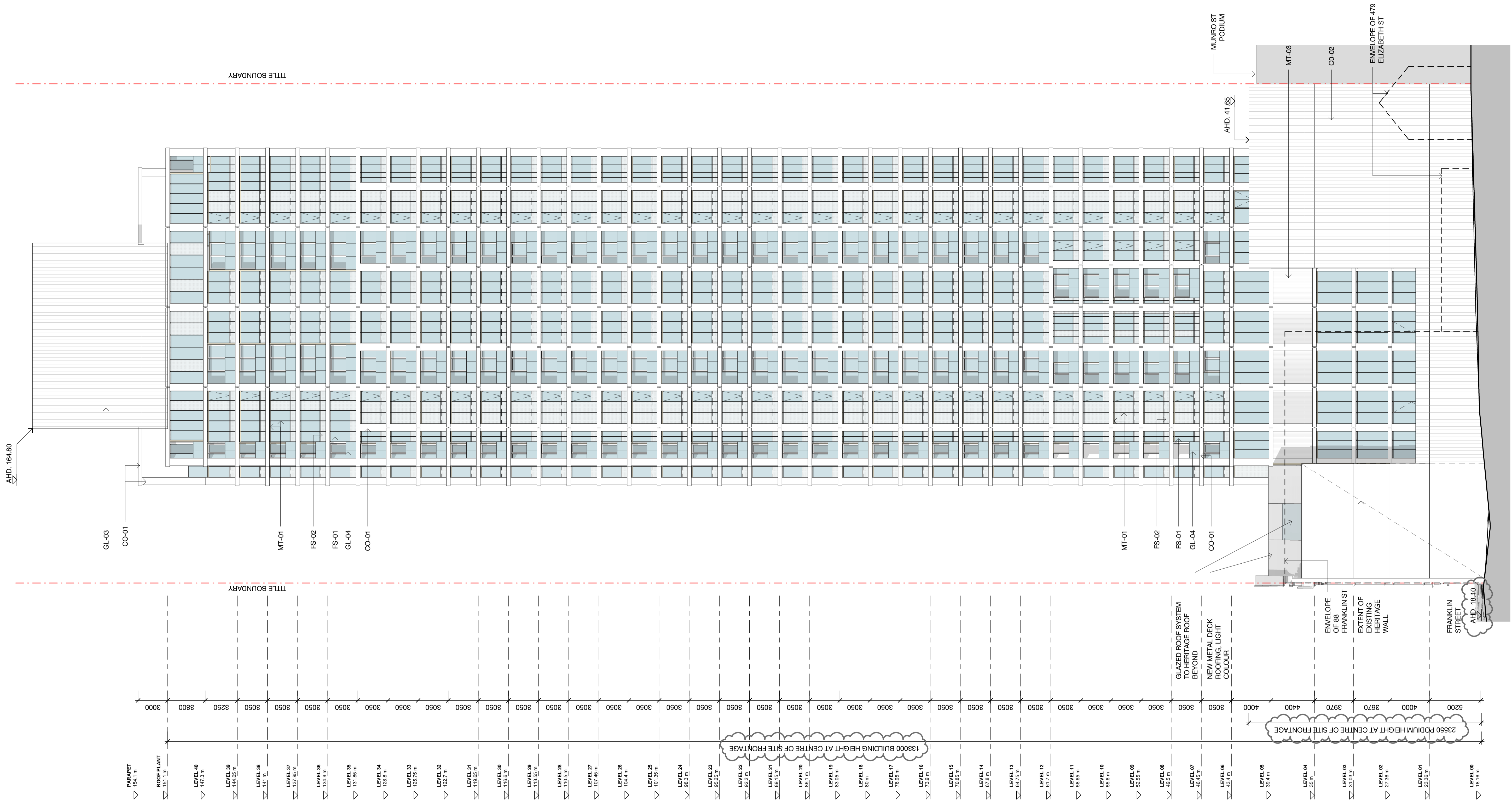
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Status	TOWN PLANNING	
Plot Date	8/07/2021 4:56:19 PM	
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Drawing no.	TP-09.02	Revision B

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**EXTERNAL FINISHES SCHEDULE**

GL-01 Glass Planks - Translucent Colour: Neutral	FS-01 IGU Window Wall (Vision Panels) Colour: Clear	MT-01 Metallic Framing Colour: Light Bronze
GL-02 Shop Front & Entry Glazing Colour: Clear Glass	FS-02 IGU Window Wall (Spandrel Panels) Colour: To Match FS-01	MT-02 Podium Metallic Framing Colour: Light Grey
GL-03 Glass Planks With Openings - Translucent Colour: Neutral	CO-01 Exposed Concrete Colour: Light Natural Blasted Finish	MT-03 Metallic Vertical Chevron-Type Louvre Colour: Light Bronze
GL-04 Glazed Balustrade Colour: Clear Glass	CO-02 Exposed Concrete Colour: Light Natural Finish with Vertical Articulation	

**Franklin St  
100 Franklin St**

**ELEVATIONS  
East Elevation**

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A	12/05/21	TOWN PLANNING	TL	CE

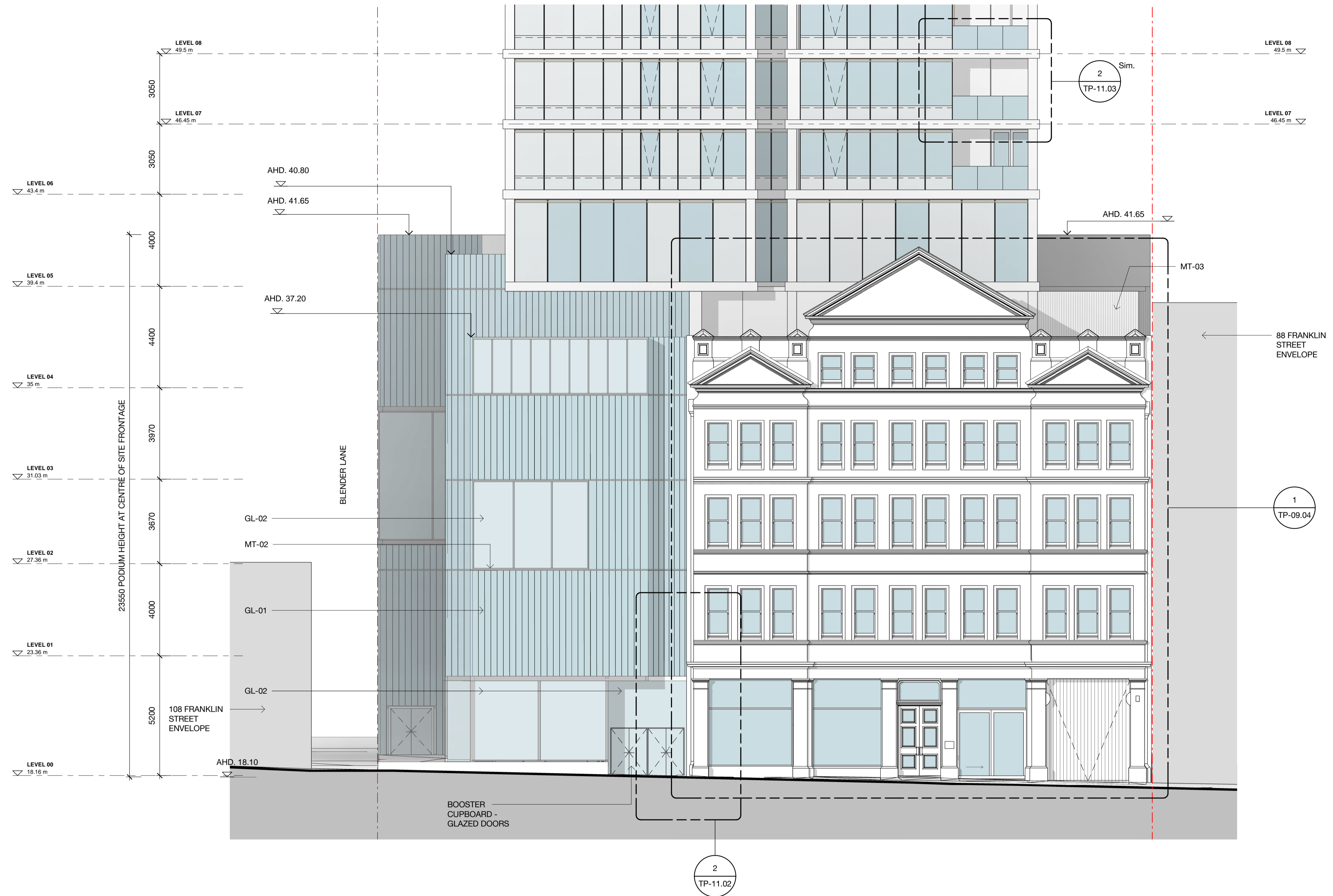
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Status	TOWN PLANNING	
Plot Date	8/07/2021 5:07:22 PM	
BIM		
Drawing no.	TP-09.03	Revision B

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**EXTERNAL FINISHES SCHEDULE**

GL-01 Glass Planks - Translucent Colour: Neutral	FS-01 IGU Window Wall (Vision Panels) Colour: Clear	MT-01 Metallic Framing Colour: Light Bronze
GL-02 Shop Front & Entry Glazing Colour: Clear Glass	FS-02 IGU Window Wall (Spandrel Panels) Colour: To Match FS-01	MT-02 Podium Metallic Framing Colour: Light Grey
GL-03 Glass Planks With Openings - Translucent Colour: Neutral	CO-01 Exposed Concrete Colour: Light Natural Blasted Finish	MT-03 Metallic Vertical Chevron-Type Louvre Colour: Light Bronze
GL-04 Glazed Balustrade Colour: Clear Glass	CO-02 Exposed Concrete Colour: Light Natural Finish with Vertical Articulation	

**Franklin St  
100 Franklin St**

**Detail Elevation - Franklin Street**

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Revision	Date	Description	Initial	Checked
A	09/07/21	TOWN PLANNING RP1	TL	TL

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Drawn	TL	Checked TL
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Plot Date	9/07/2021 2:39:18 PM	
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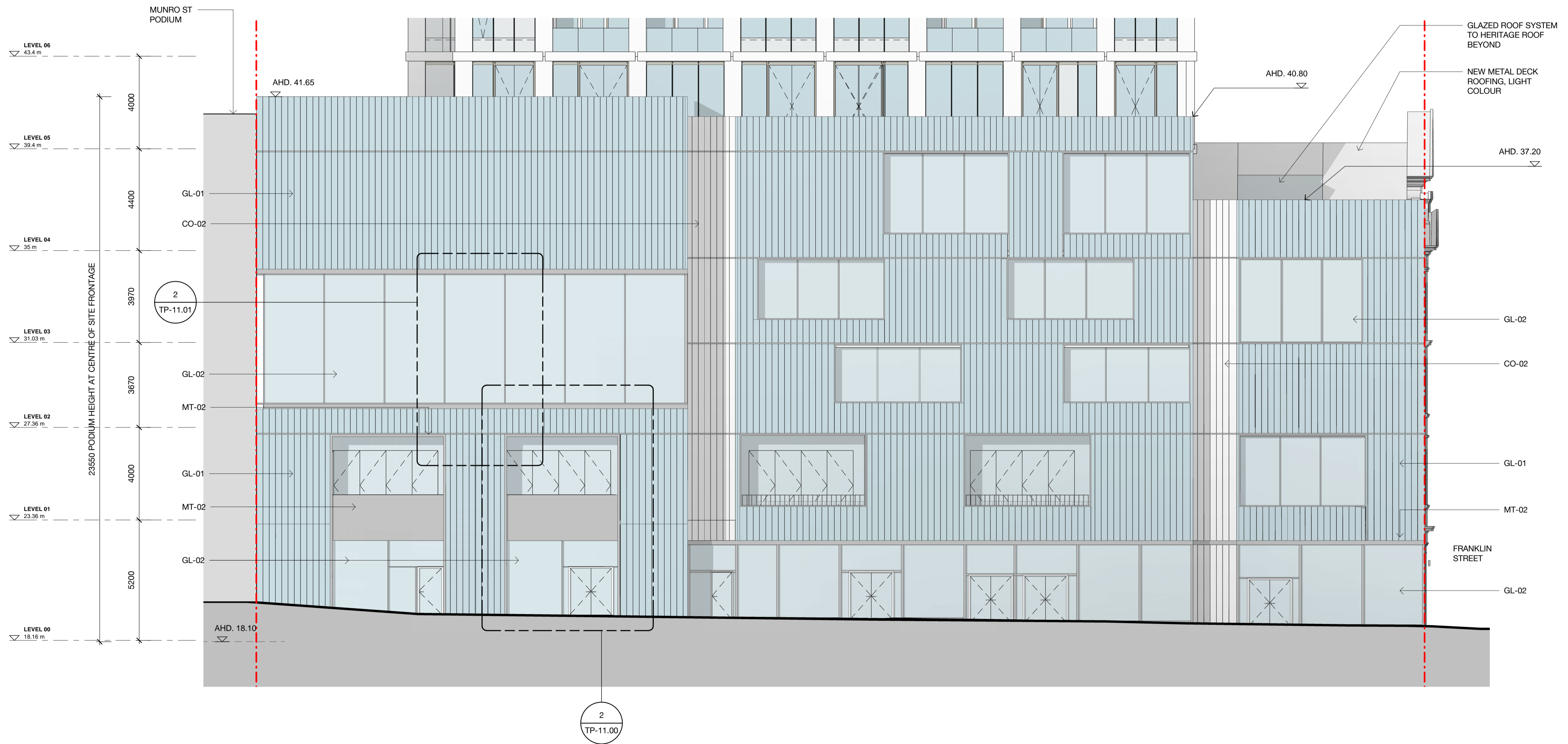
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**EXTERNAL FINISHES SCHEDULE**

GL-01 Glass Planks - Translucent Colour: Neutral	FS-01 IGU Window Wall (Vision Panels) Colour: Clear	MT-01 Metallic Framing Colour: Light Bronze
GL-02 Shop Front & Entry Glazing Colour: Clear Glass	FS-02 IGU Window Wall (Spandrel Panels) Colour: To Match FS-01	MT-02 Podium Metallic Framing Colour: Light Grey
GL-03 Glass Planks With Openings - Translucent Colour: Neutral	CO-01 Exposed Concrete Colour: Light Natural Blasted Finish	MT-03 Metallic Vertical Chevron-Type Louvre Colour: Light Bronze
GL-04 Glazed Balustrade Colour: Clear Glass	CO-02 Exposed Concrete Colour: Light Natural Finish with Vertical Articulation	

**Franklin St  
100 Franklin St**

**Detail Elevation - Blender Lane**

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Revision	Date	Description	Initial	Checked
A	09/07/21	TOWN PLANNING RFI	TL	TL

Scale	1 : 100	@ A1
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Project no.	M12494	
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Plot Date	9/07/2021 2:38:02 PM	
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Drawing no.	TP-09.06	Revision A

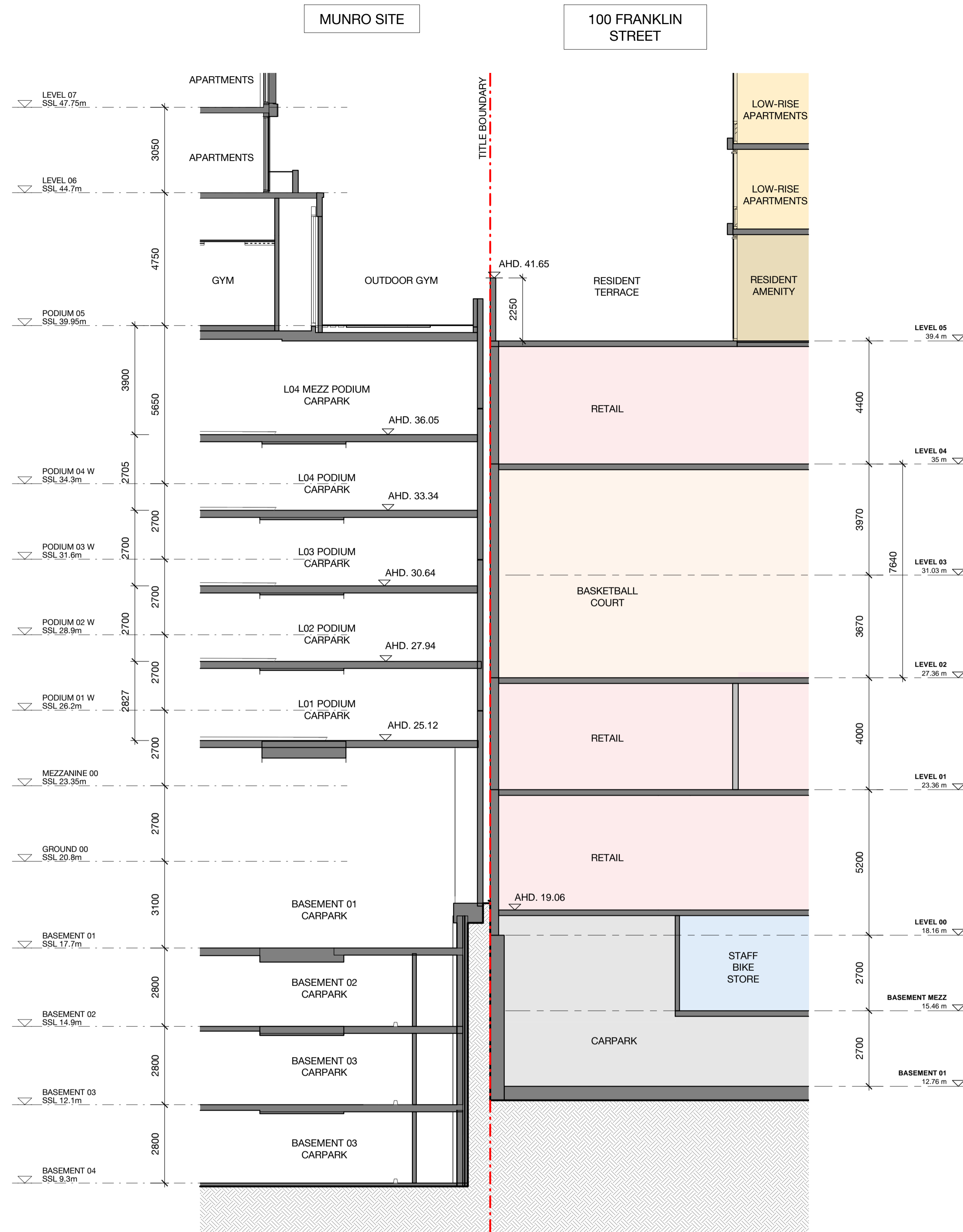
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1 Detail Section - Munro Street Site  
Section 1 : 100

Franklin St  
100 Franklin St

Detail Sections

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Revision	Date	Description	Initial	Checked
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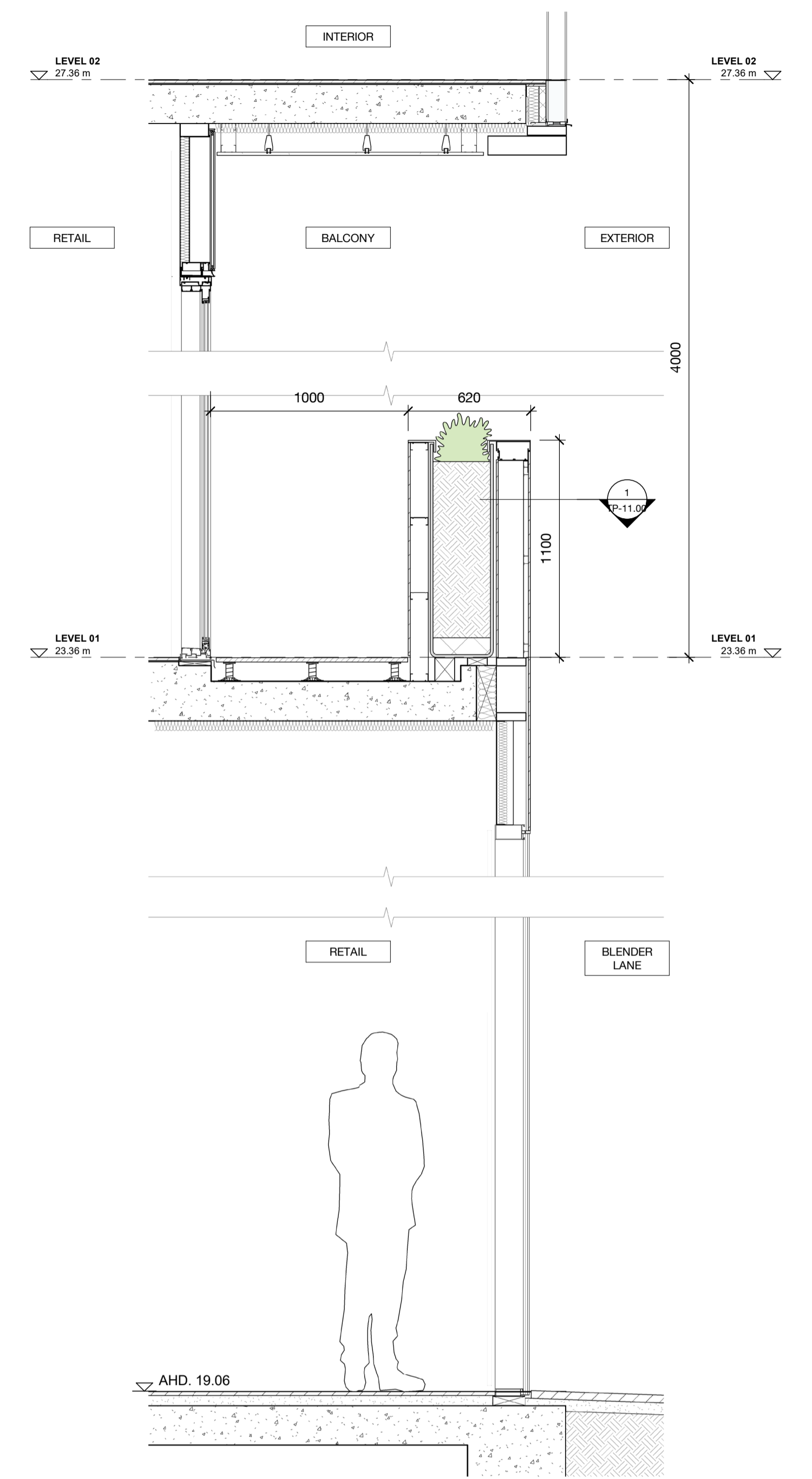
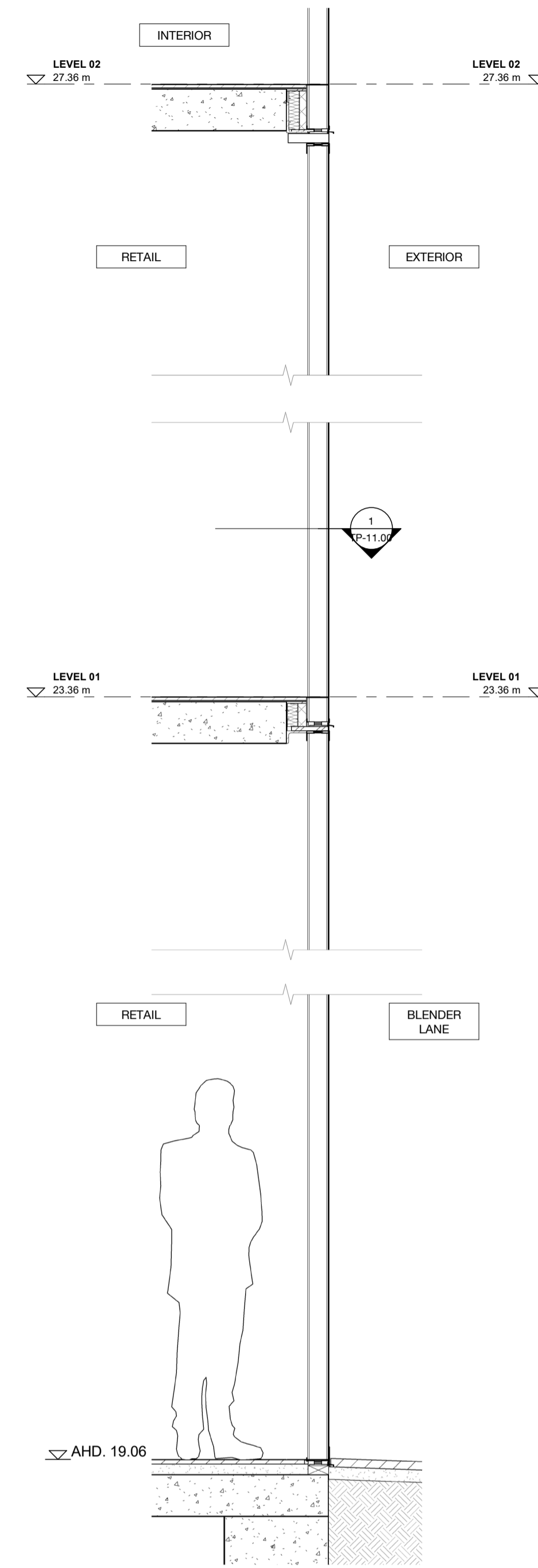
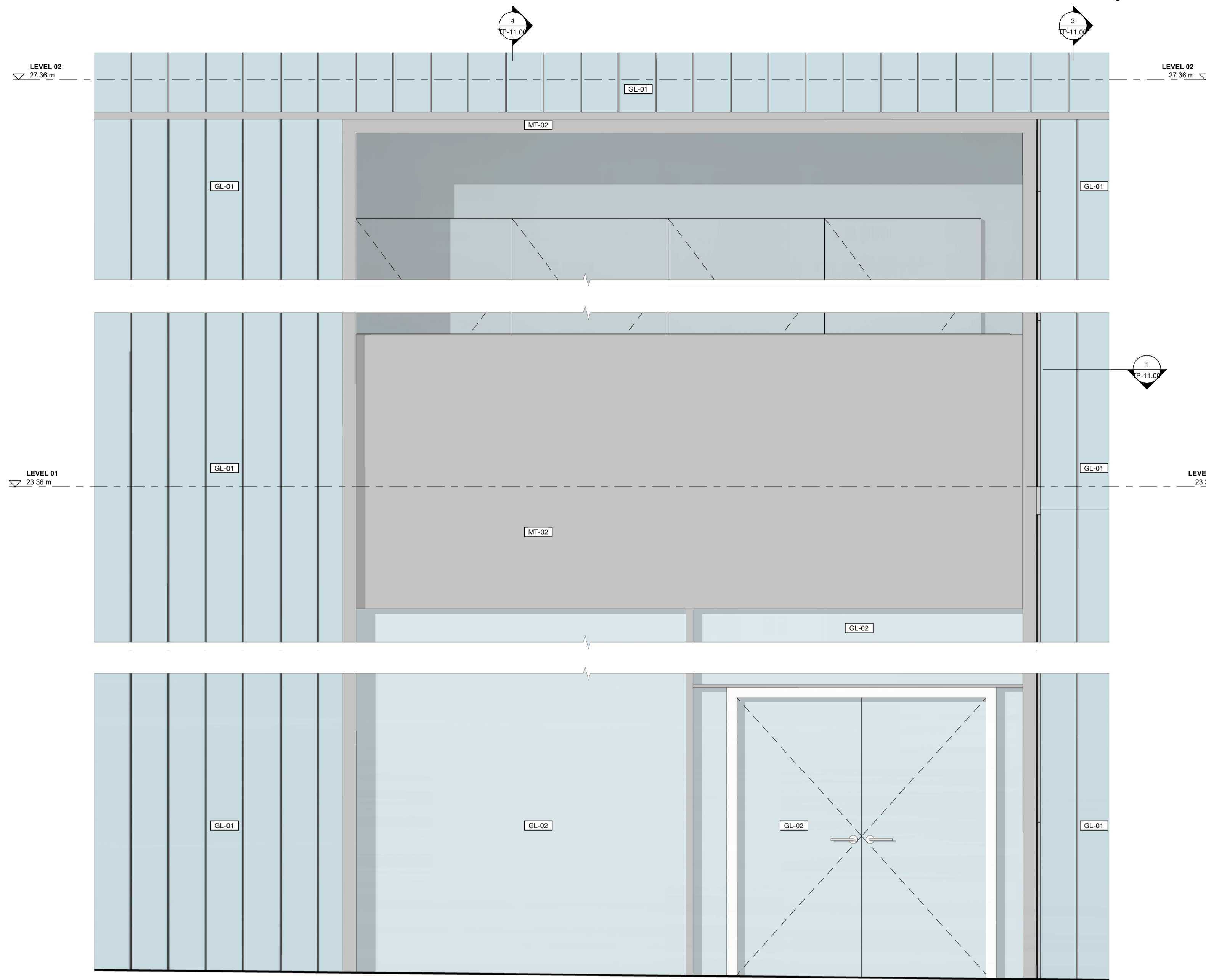
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Drawing no.	TP-10.02	Revision A

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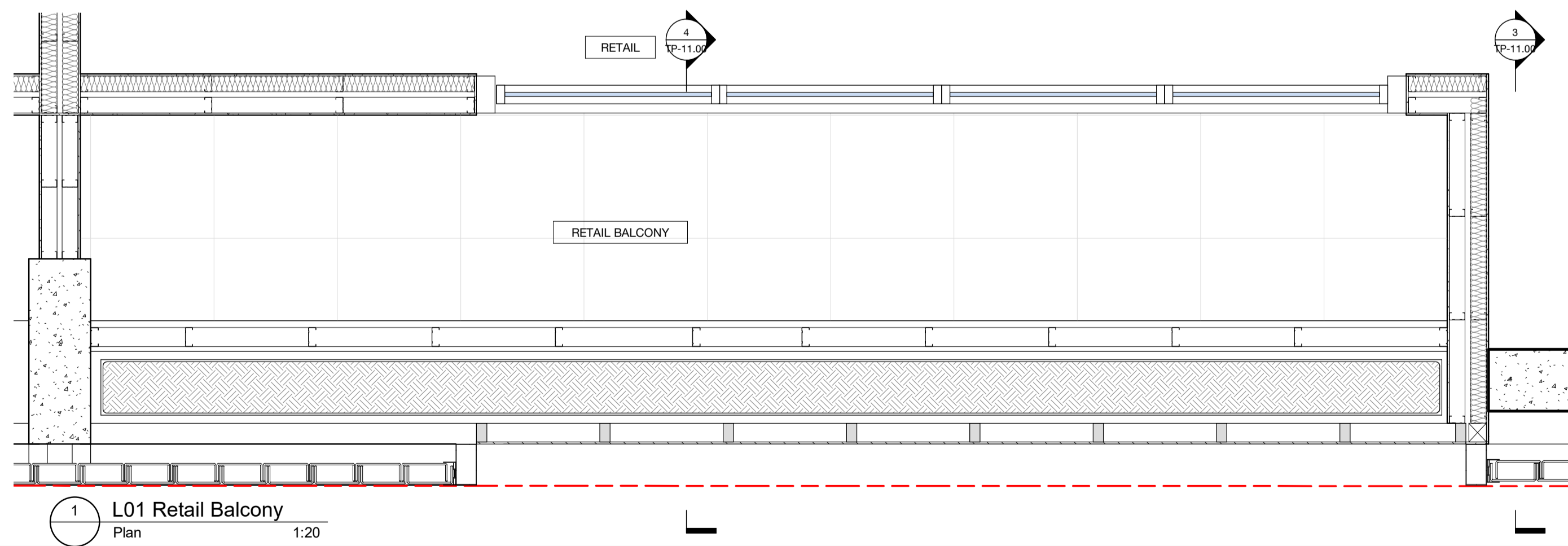
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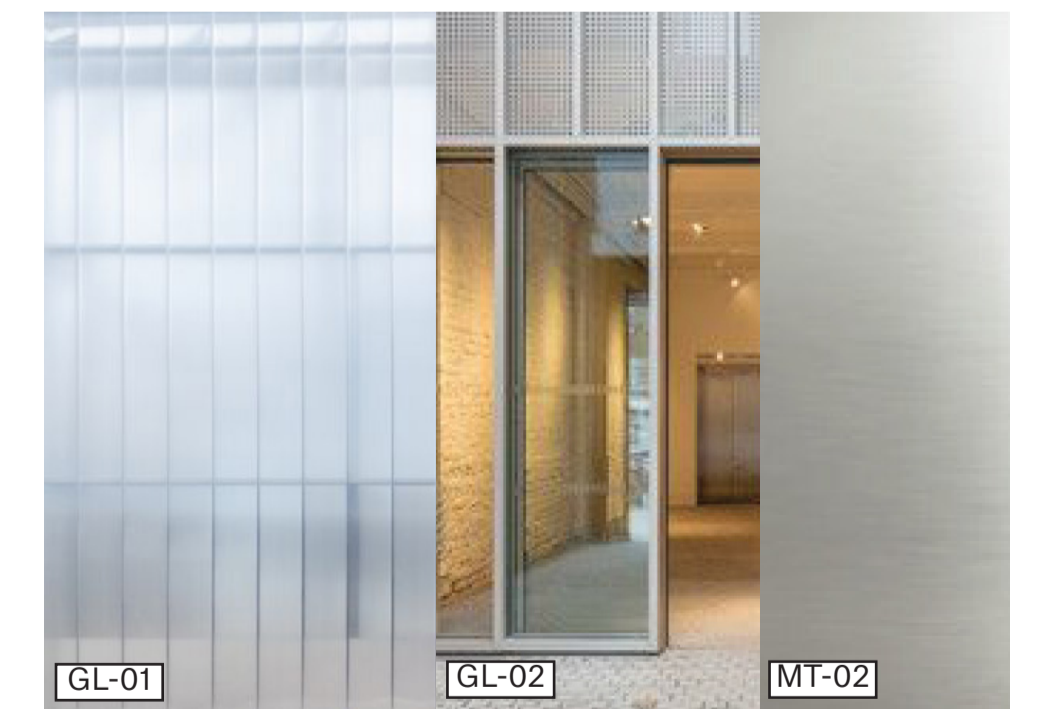


2 Facade Details - Podium Glass Planks  
Elevation 1:20



3 Facade Details - Podium Glass Planks  
Section 1:20

4 Facade Details - Retail Balcony  
Section 1:20



EXTERNAL FINISHES SCHEDULE

GL-01 Glass Planks - Translucent Colour: Neutral	FS-01 IGU Window Wall (Vision Panels) Colour: Clear	MT-01 Metallic Framing Colour: Light Bronze
GL-02 Shop Front & Entry Glazing Colour: Clear Glass	FS-02 IGU Window Wall (Spandrel Panels) Colour: To Match FS-01	MT-02 Podium Metallic Framing Colour: Light Grey
GL-03 Glass Planks With Openings - Translucent Colour: Neutral	CO-01 Exposed Concrete Colour: Light Natural Blasted Finish	MT-03 Metallic Vertical Chevron-Type Louvre Colour: Light Bronze
GL-04 Glazed Balustrade Colour: Clear Glass	CO-02 Exposed Concrete Colour: Light Natural Finish with Vertical Articulation	



Revision	Date	Description	Initial	Checked
A	06/07/21	TOWN PLANNING RFI	TL	TL

Franklin St  
100 Franklin St

Facade Details - Podium Glass Planks

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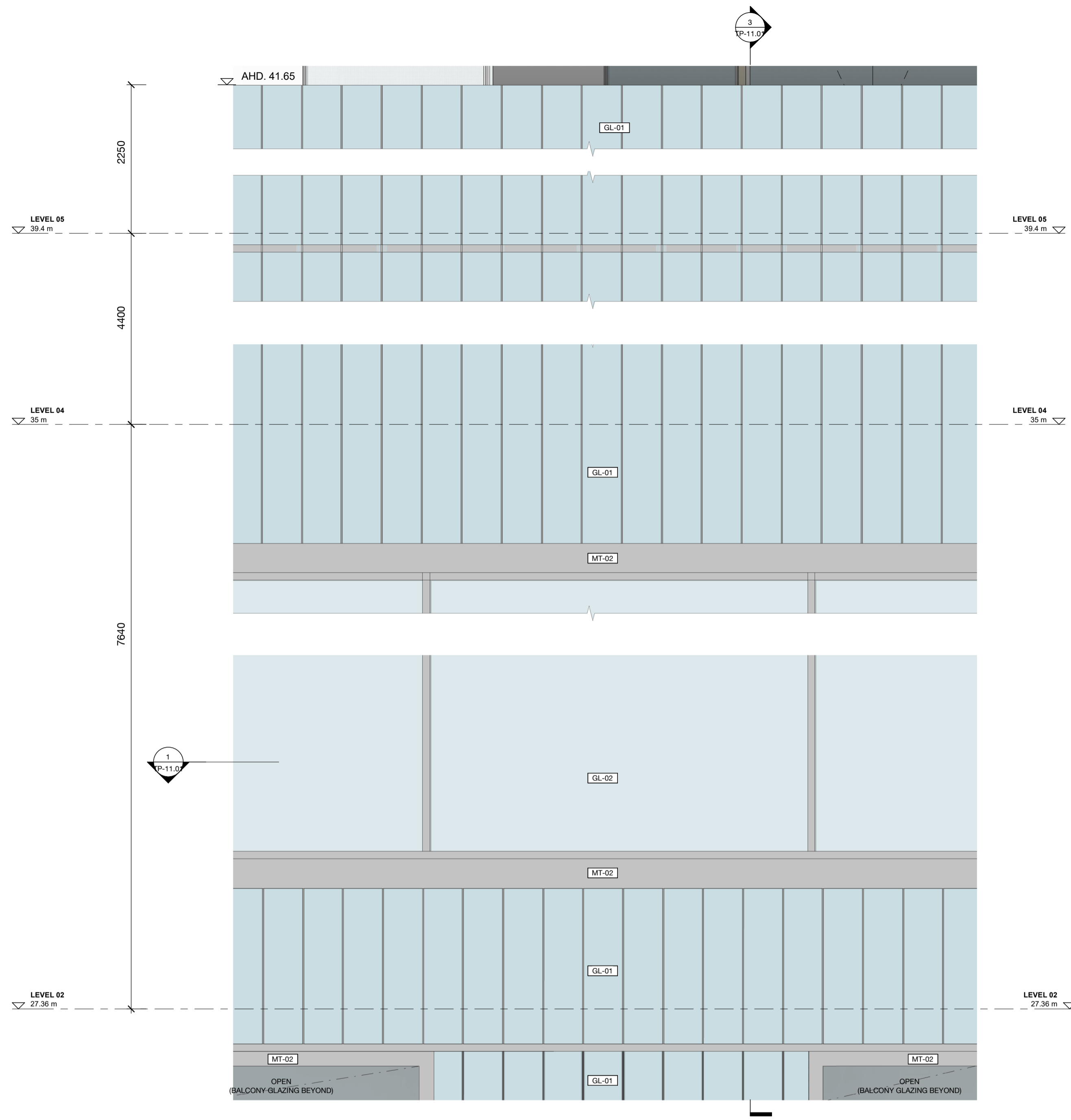
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Drawing no.	TP-11.00	Revision A

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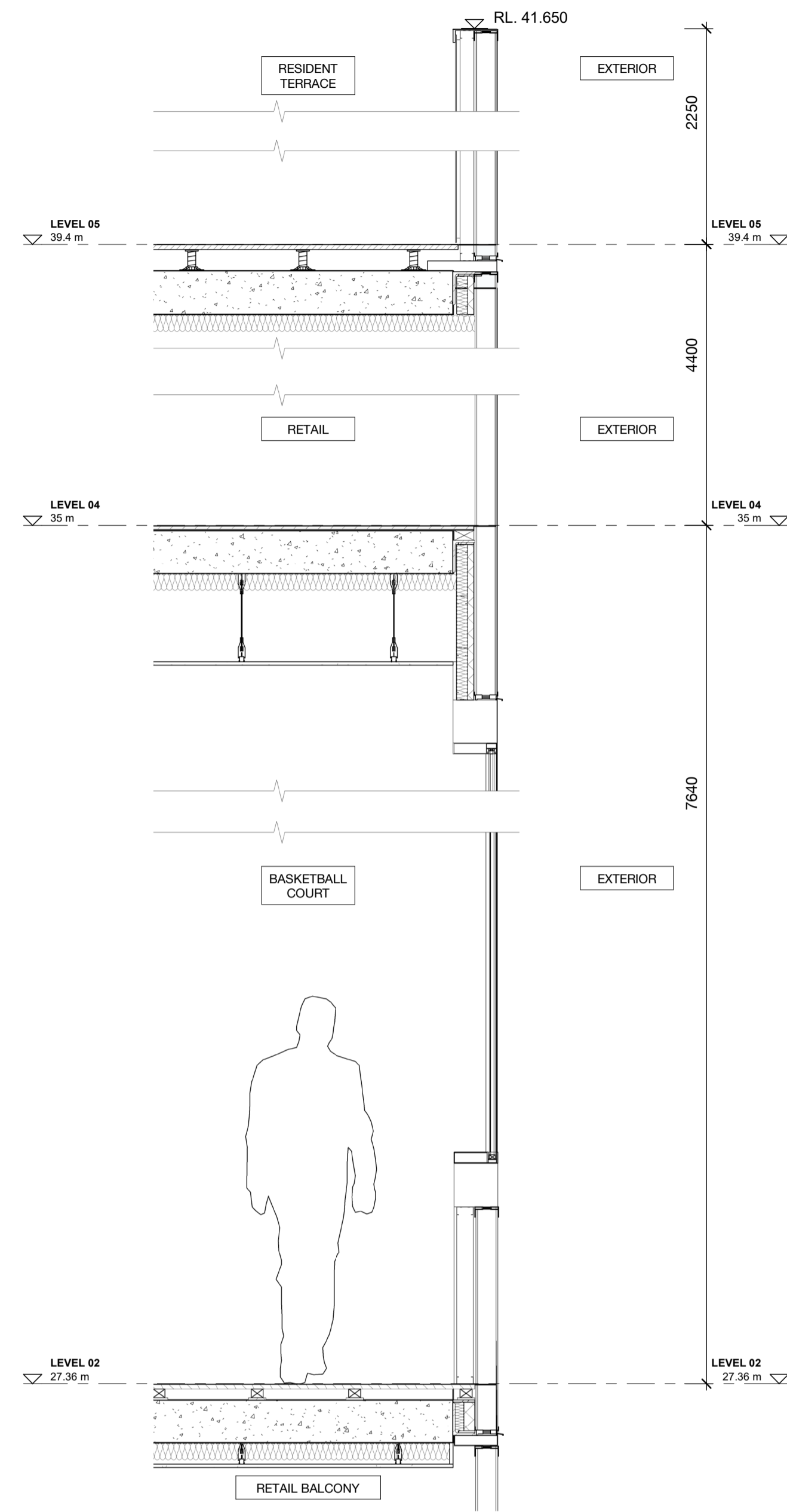
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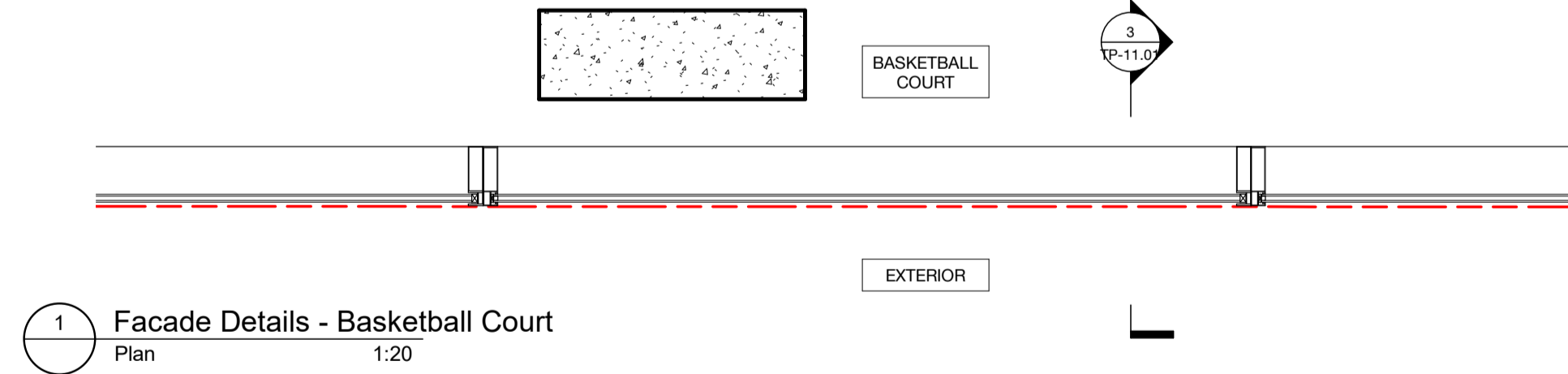




2 Facade Details - Basketball Court  
Elevation 1:20



3 Facade Details - Basketball Court  
Section 1:20



1 Facade Details - Basketball Court  
Plan 1:20



EXTERNAL FINISHES SCHEDULE

GL-01 Glass Planks - Translucent Colour: Neutral	FS-01 IGU Window Wall (Vision Panels) Colour: Clear	MT-01 Metallic Framing Colour: Light Bronze
GL-02 Shop Front & Entry Glazing Colour: Clear Glass	FS-02 IGU Window Wall (Spandrel Panels) Colour: To Match FS-01	MT-02 Podium Metallic Framing Colour: Light Grey
GL-03 Glass Planks With Openings - Translucent Colour: Neutral	CO-01 Exposed Concrete Colour: Light Natural Blasted Finish	MT-03 Metallic Vertical Chevron-Type Louvre Colour: Light Bronze
GL-04 Glazed Balustrade Colour: Clear Glass	CO-02 Exposed Concrete Colour: Light Natural Finish with Vertical Articulation	



West Elevation

Revision	Date	Description	Initial	Checked
A	09/07/21	TOWN PLANNING RFI	TL	TL

Franklin St  
100 Franklin St

Facade Details - Basketball Court

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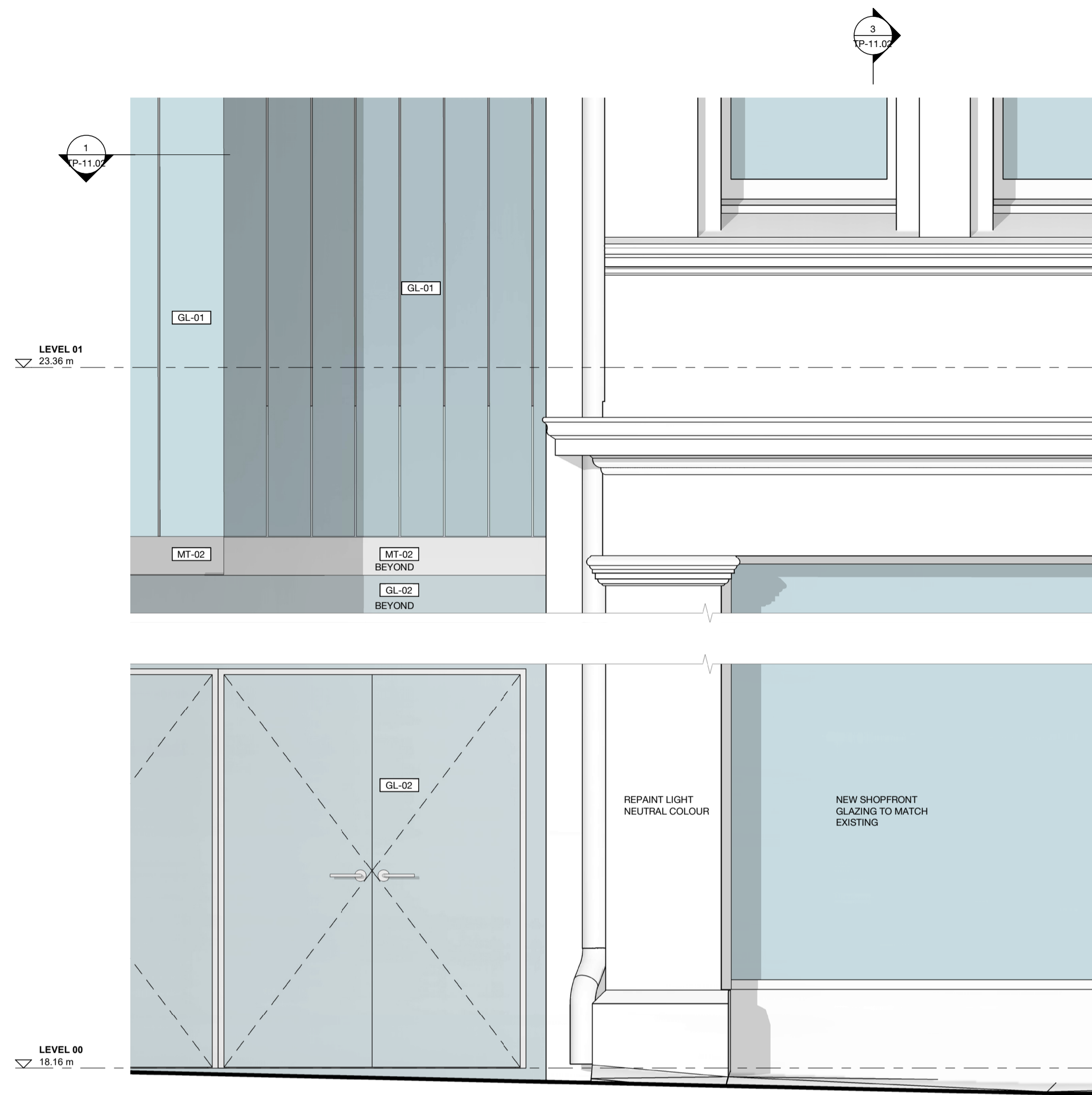
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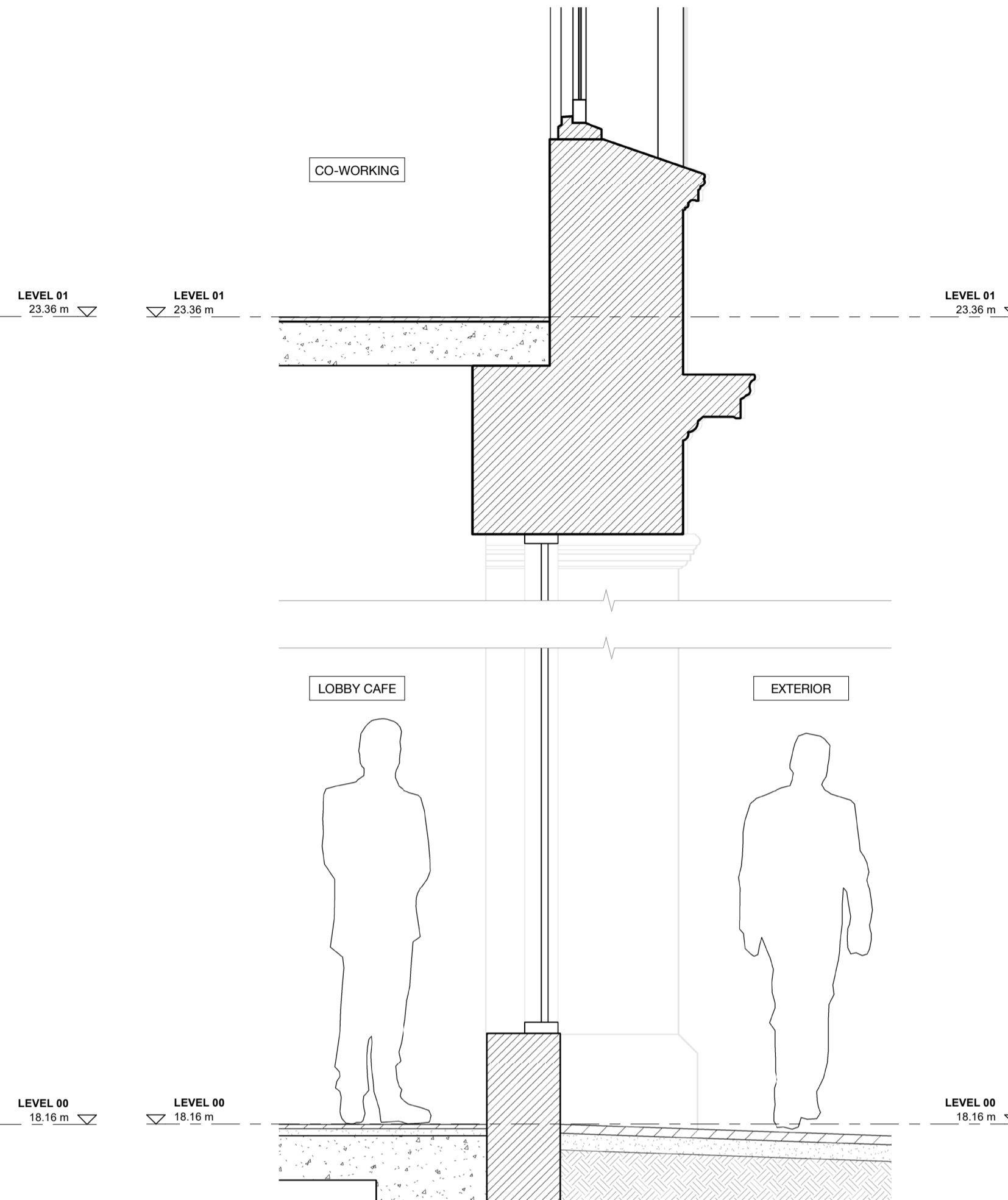
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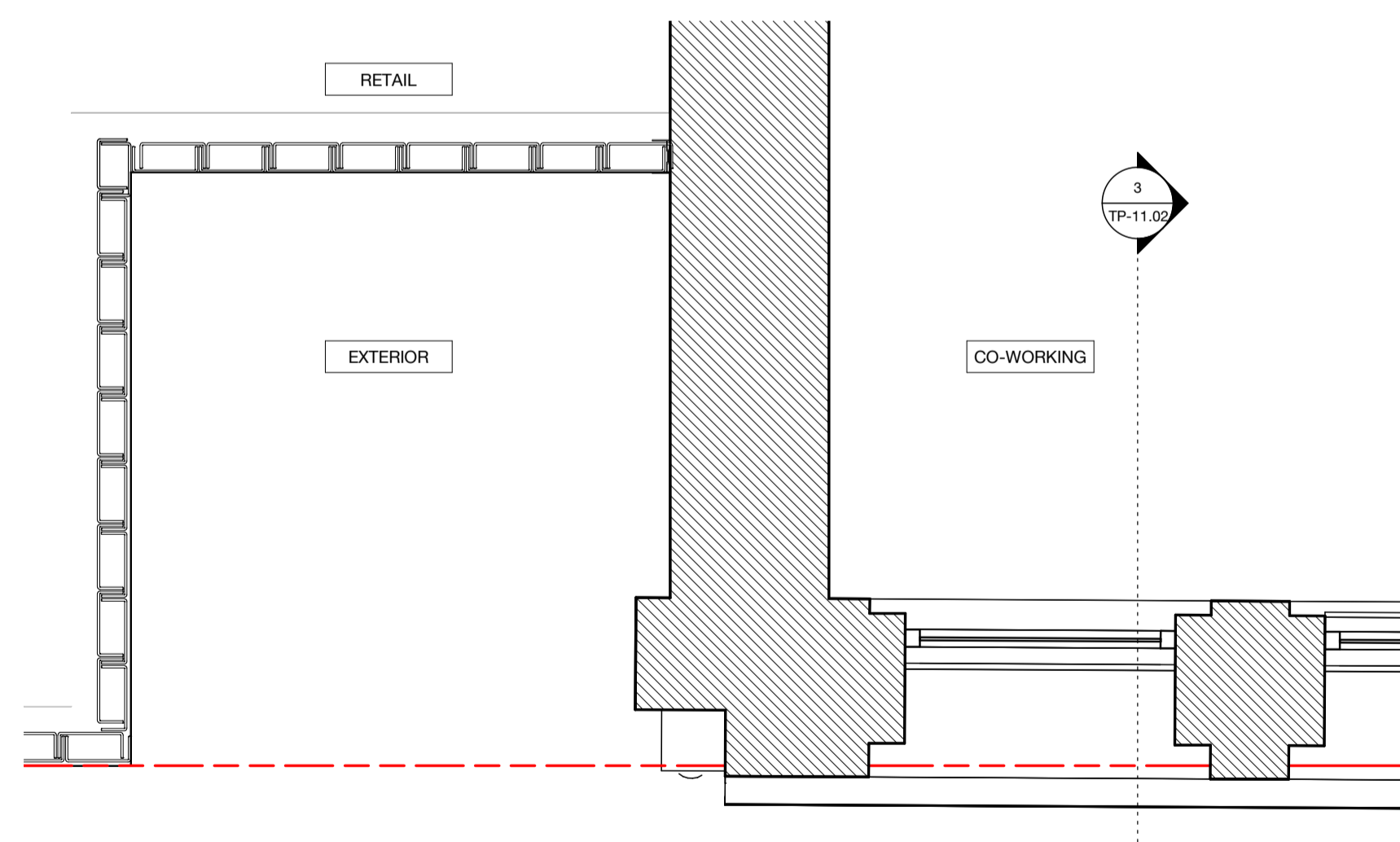




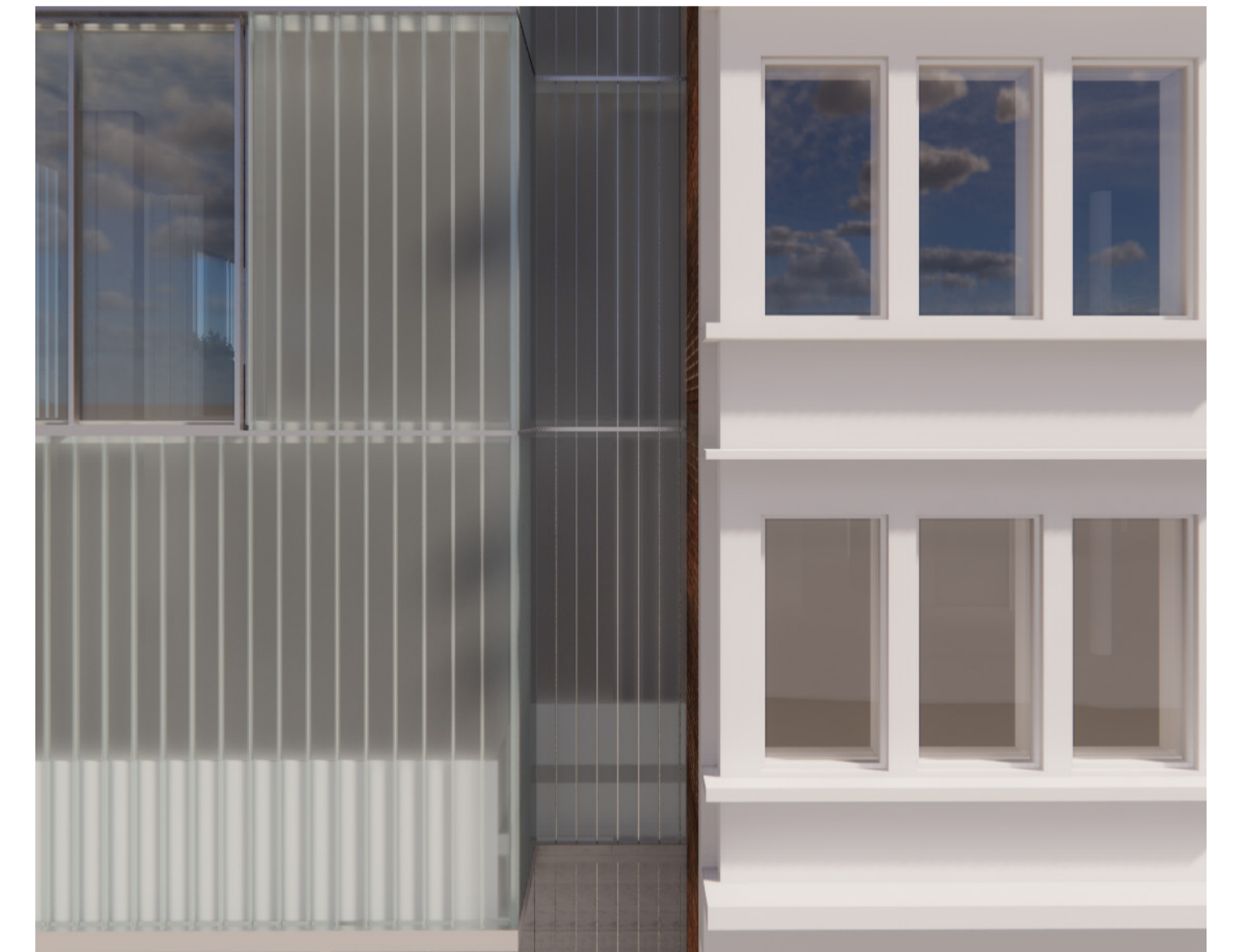
2 Facade Details - Heritage Junction  
Elevation 1:20



3 Facade Detail - L00 Heritage Facade  
Section 1:20

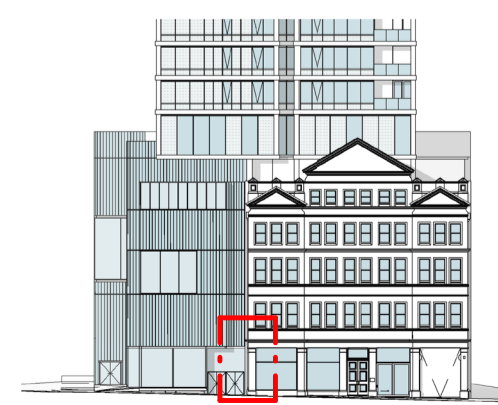


1 L01 Retail / Heritage Junction  
Plan 1:20



EXTERNAL FINISHES SCHEDULE

GL-01 Glass Planks - Translucent Colour: Neutral	FS-01 IGU Window Wall (Vision Panels) Colour: Clear	MT-01 Metallic Framing Colour: Light Bronze
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GL-04 Glazed Balustrade Colour: Clear Glass	CO-02 Exposed Concrete Colour: Light Natural Finish with Vertical Articulation	



South Elevation

Revision	Date	Description	Initial	Checked
A	06/07/21	TOWN PLANNING RFI	TL	TL

Franklin St  
100 Franklin St

Facade Details - Heritage Junction

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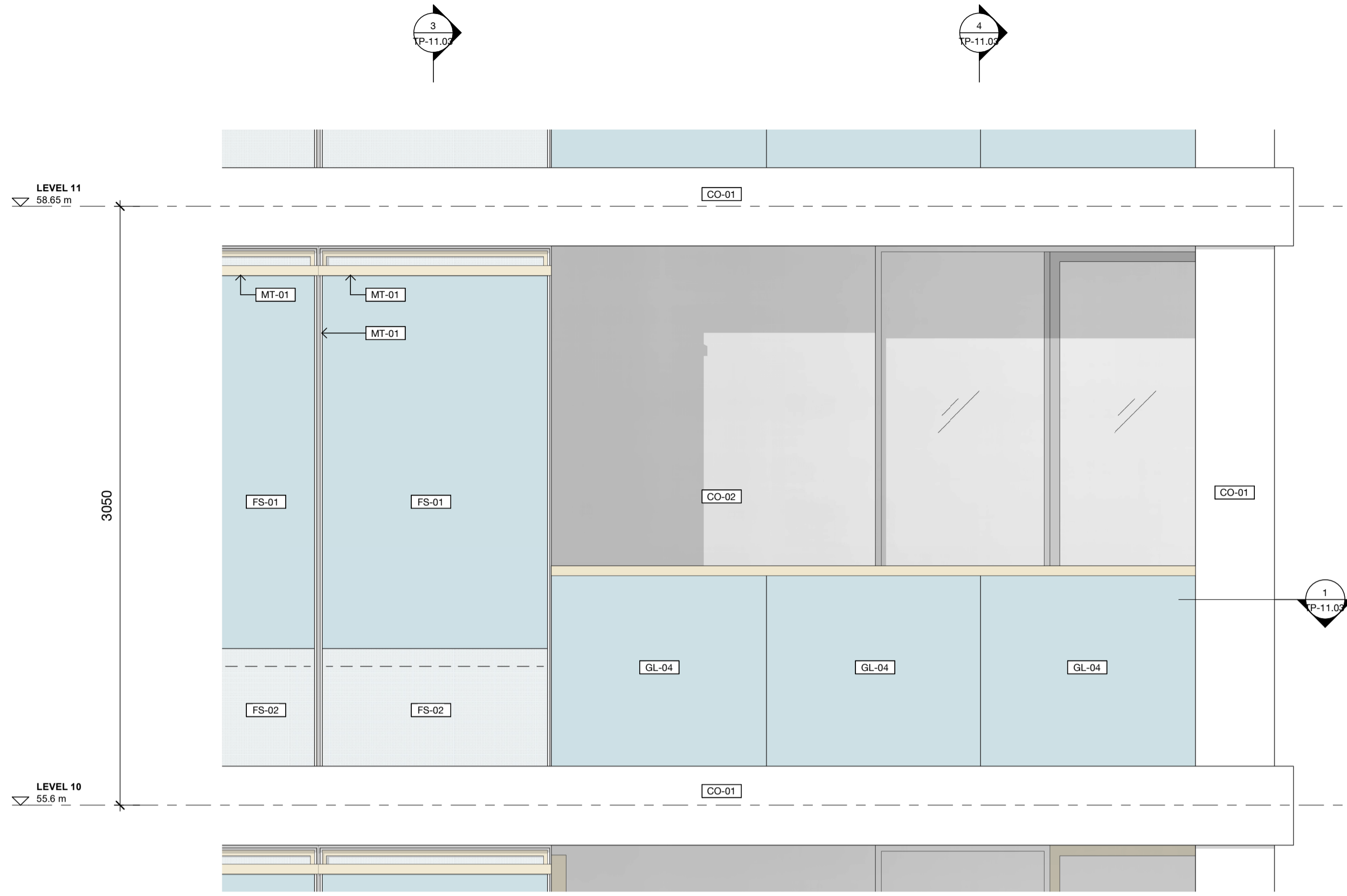
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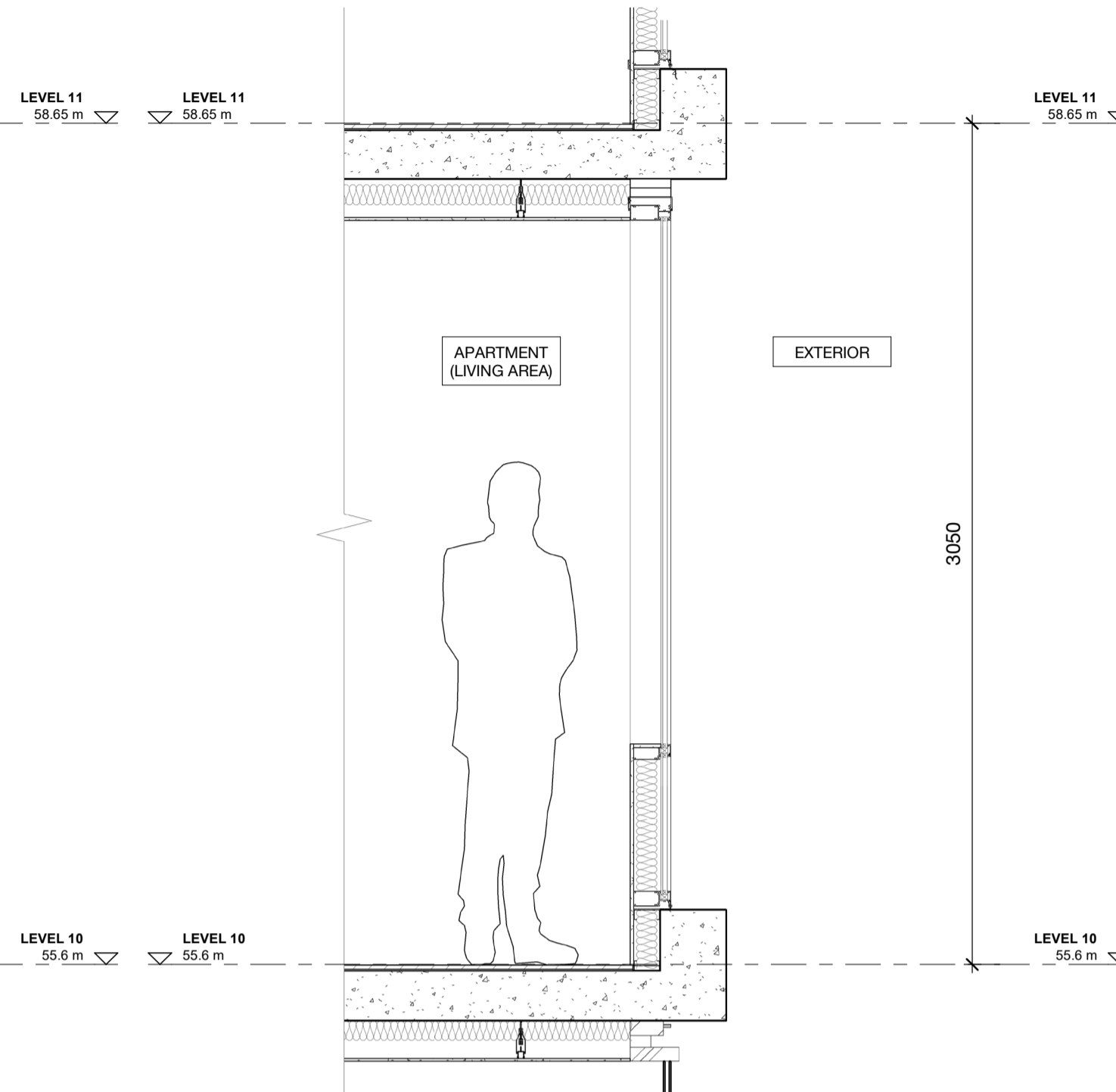
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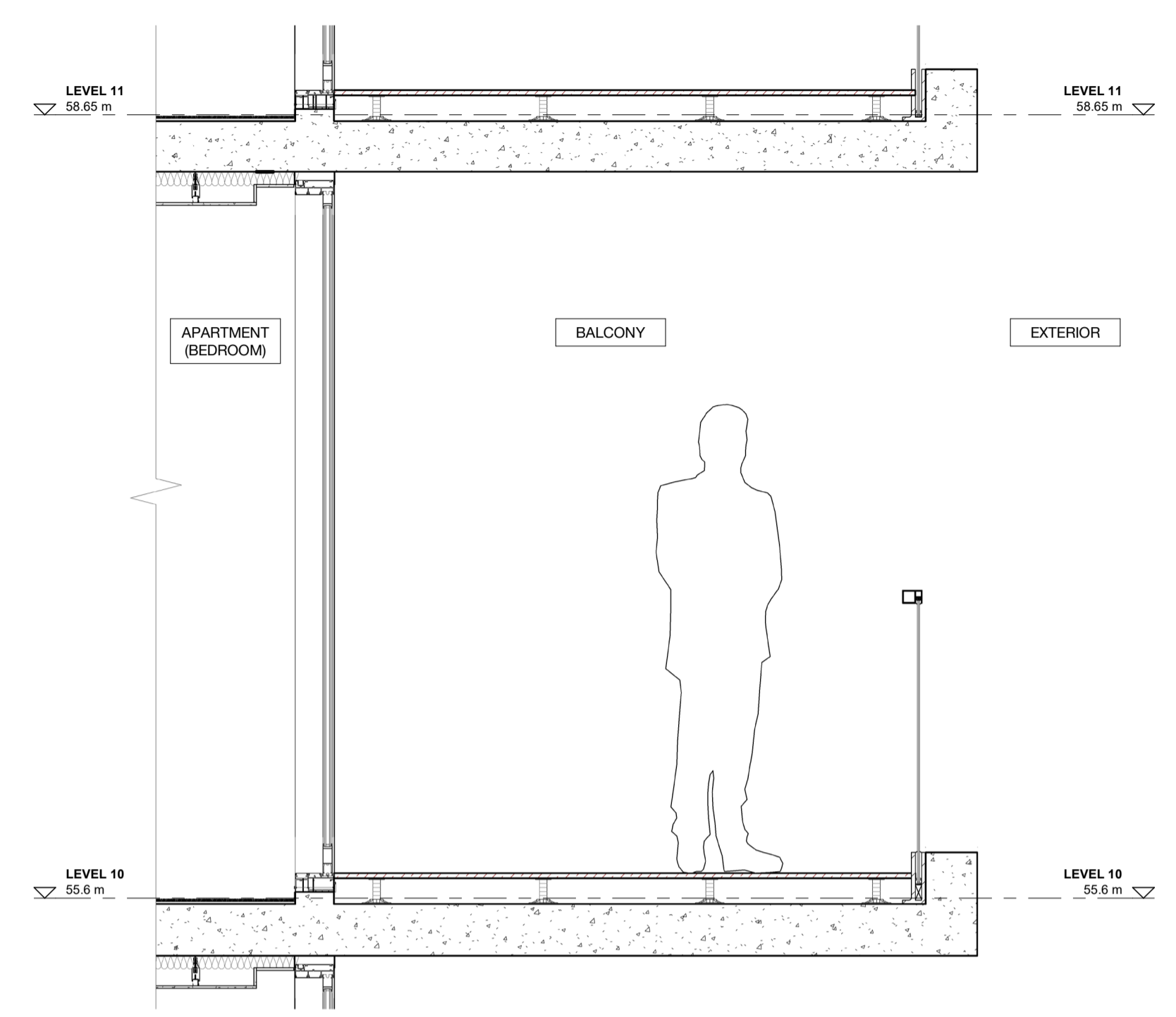




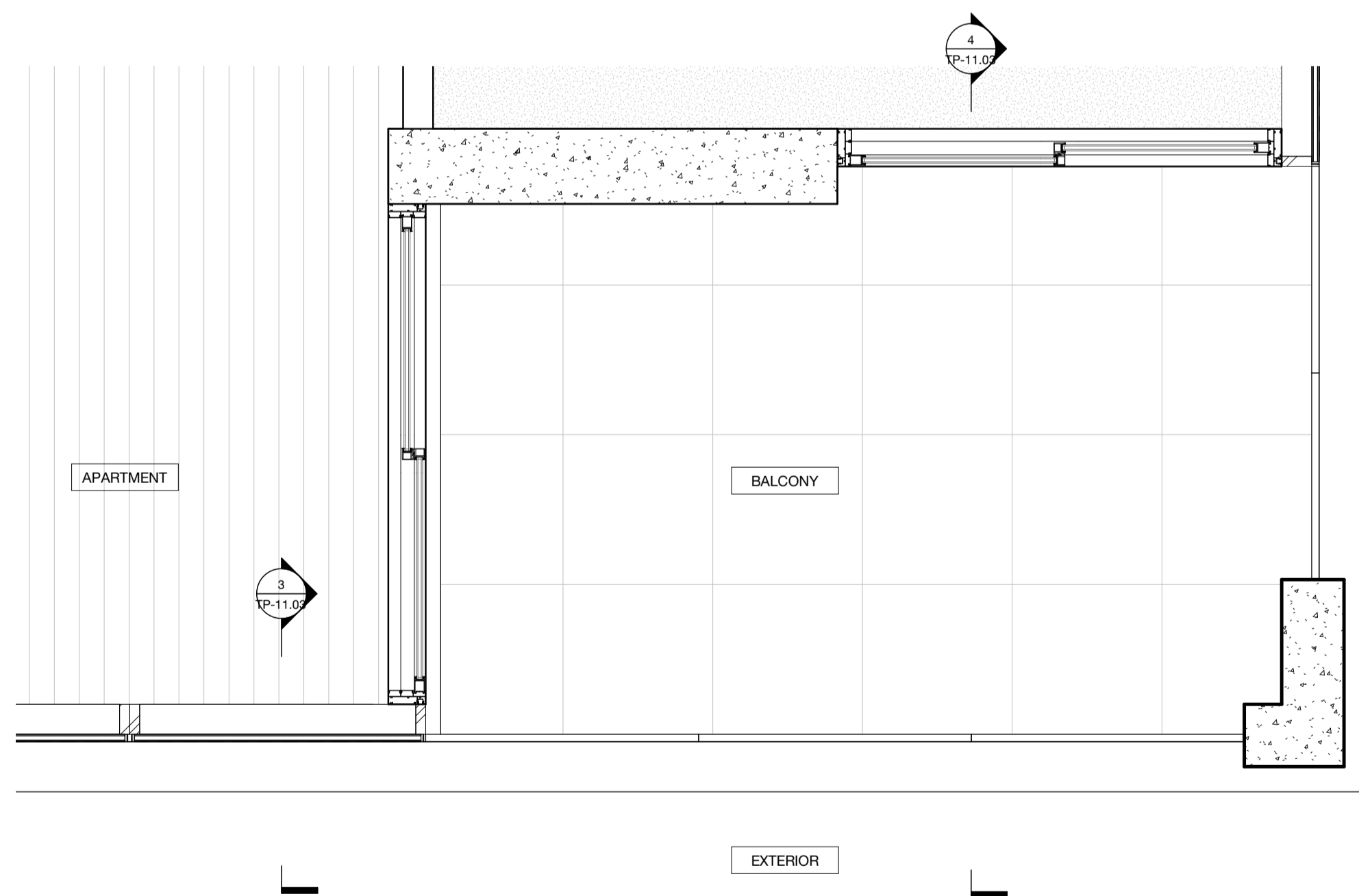
2 Facade Details - Typical Tower  
Elevation 1 : 20



3 Facade Details - Typical Tower  
Section 1 : 20



4 Facade Details - Typical Tower Balcony  
Section 1 : 20

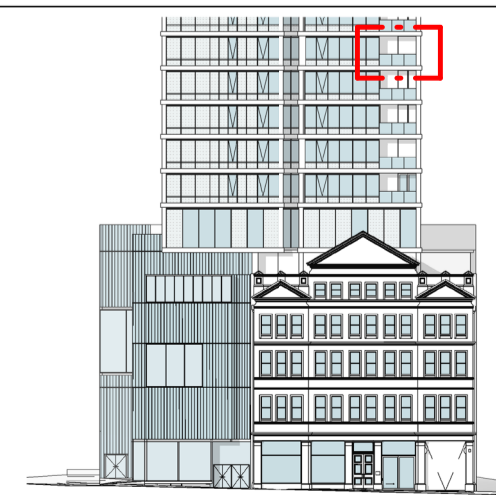


1 Facade Detail - Typical Tower Plan  
Plan 1 : 20



EXTERNAL FINISHES SCHEDULE

GL-01 Glass Planks - Translucent Colour: Neutral	FS-01 IGU Window Wall (Vision Panels) Colour: Clear	MT-01 Metallic Framing Colour: Light Bronze
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GL-04 Glazed Balustrade Colour: Clear Glass	CO-02 Exposed Concrete Colour: Light Natural Finish with Vertical Articulation	



South Elevation

Revision	Date	Description	Initial	Checked
A	06/07/21	TOWN PLANNING RFI	TL	TL

Franklin St  
100 Franklin St

Facade Details - Typical Tower

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Drawing no.	Revision	
TP-11.03	A	

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**GENERAL NOTES:**

- MAKE GOOD WHERE ELECTRICAL CONNECTIONS/CONDUITS ARE REMOVED FROM FACADE
- MAKE GOOD WHERE SIGNAGE HAS BEEN REMOVED FROM FACADE
- REMOVE PAINT FROM ALL BLUESTONE
- CLEAN AND RETAIN ALL VENTS
- REPAIR AND PATCH CRACKS

**Franklin St  
100 Franklin St**

**Heritage Facade - Proposed Works**

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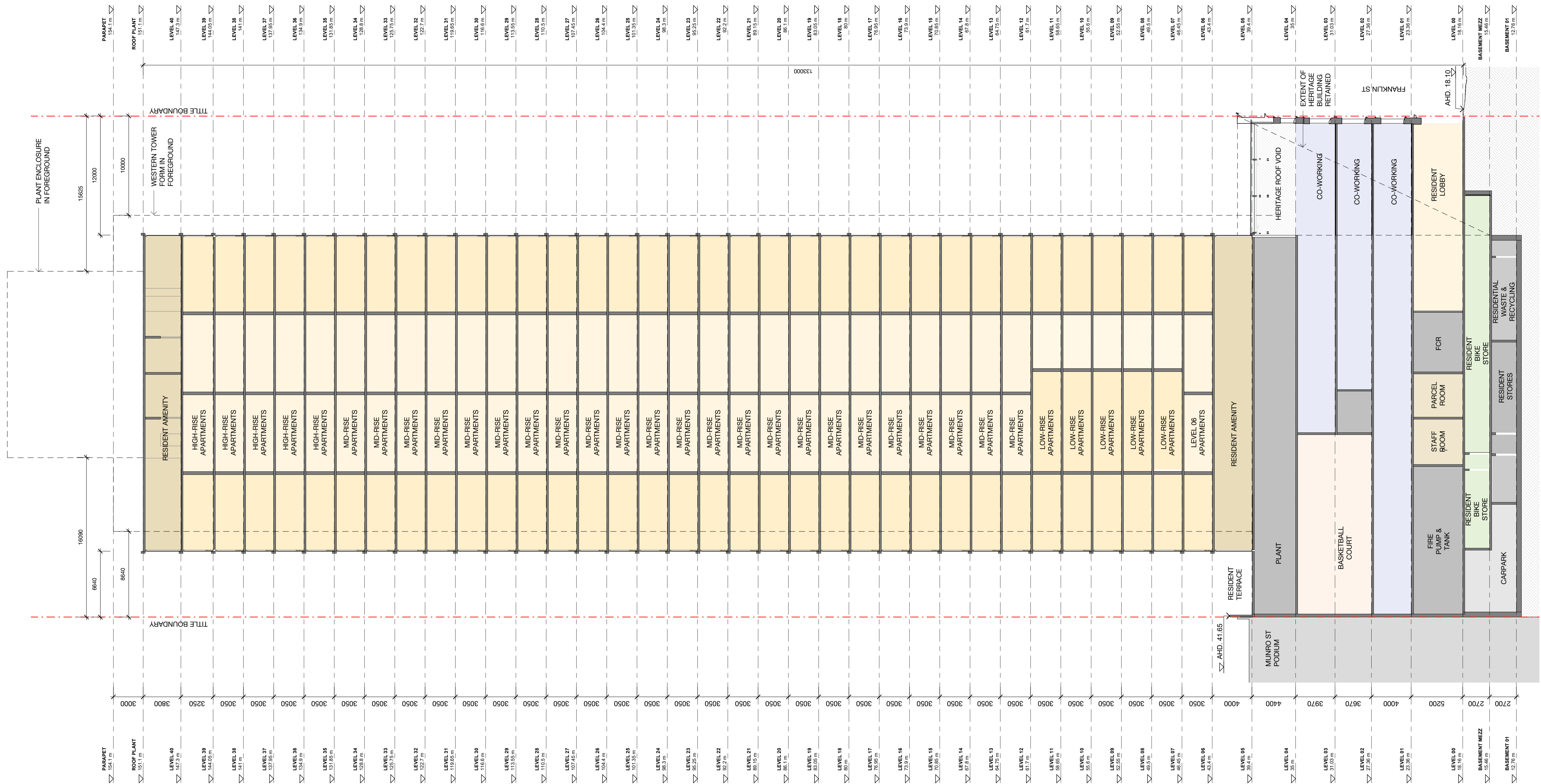
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Drawing no.	TP-09.04	Revision A

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Franklin St  
100 Franklin St

SECTION  
Section A-A

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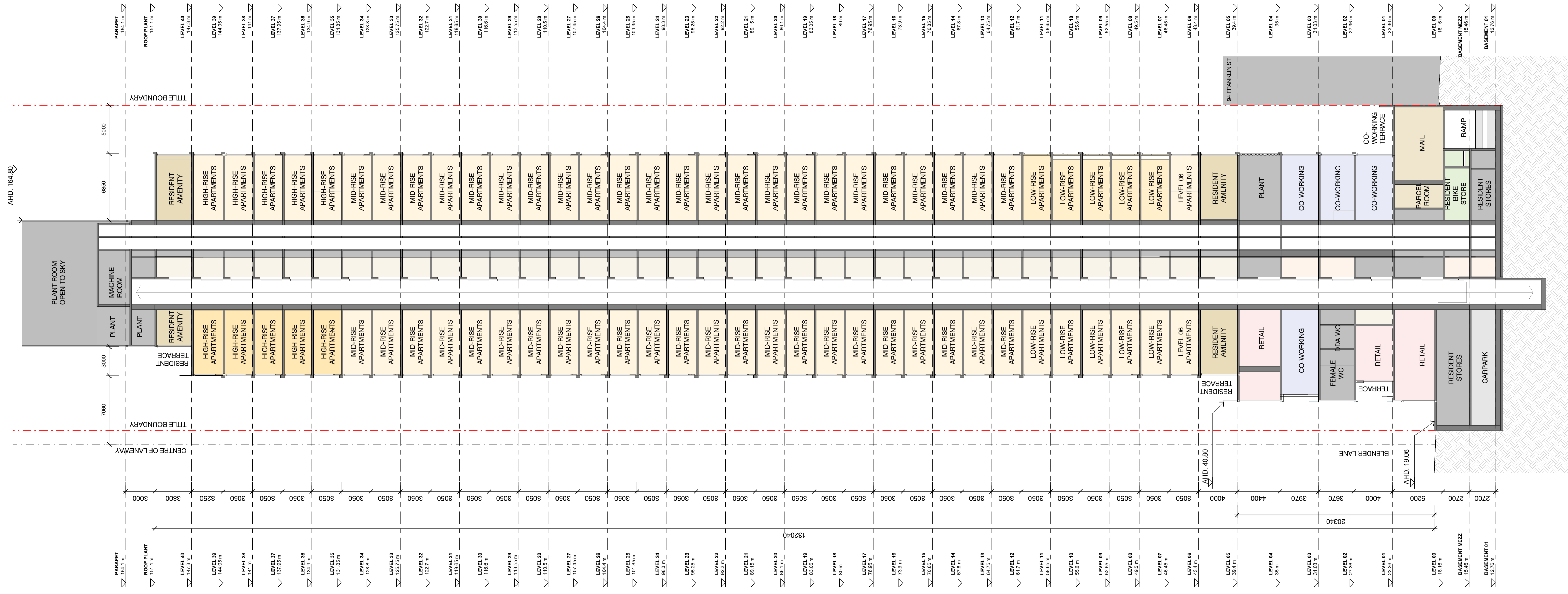
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Franklin St  
100 Franklin St  
SECTION  
Section B-B

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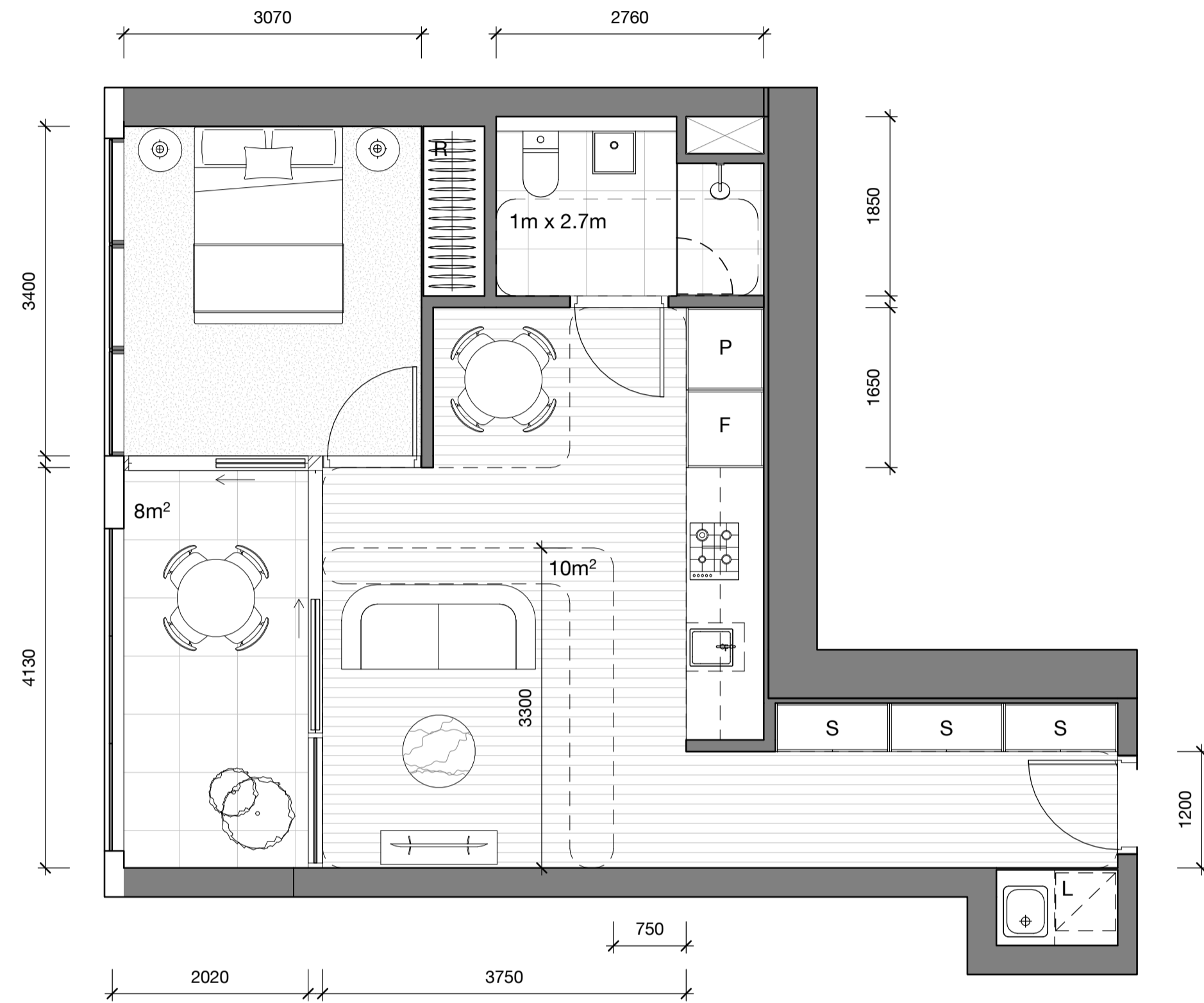
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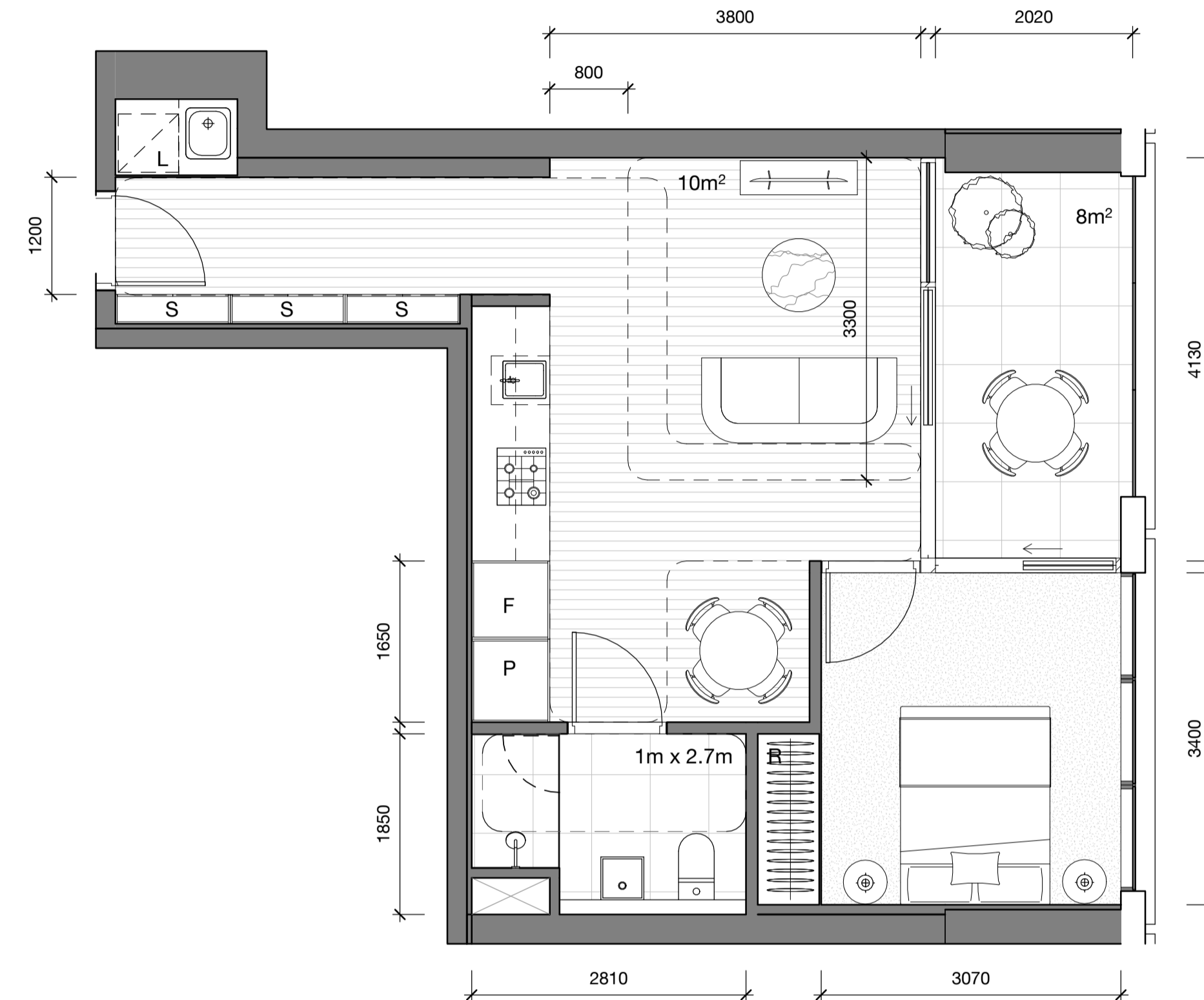
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1 Apartment Type 1A\_1 Bedroom  
1 : 50

TOTAL NUMBER IN DEVELOPMENT: 58  
 INTERNAL RPA - 54 square metres  
 BALCONY AREA - 8 square metres  
 TOTAL AREA - 62 square metres  
 2.7m CEILING HEIGHT TO LIVING AREA  
 COMPLIANT WITH BADA ACCESSIBILITY REQUIREMENTS



2 Apartment Type 1B\_1 Bedroom  
1 : 50

TOTAL NUMBER IN DEVELOPMENT: 29  
 INTERNAL AREA - 54 square metres  
 BALCONY AREA - 8 square metres  
 TOTAL AREA - 62 square metres  
 2.7m CEILING HEIGHT TO LIVING AREA  
 COMPLIANT WITH BADA ACCESSIBILITY REQUIREMENTS

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Franklin St  
100 Franklin St

Apartment Types - 1 Bedroom (1 of 2)



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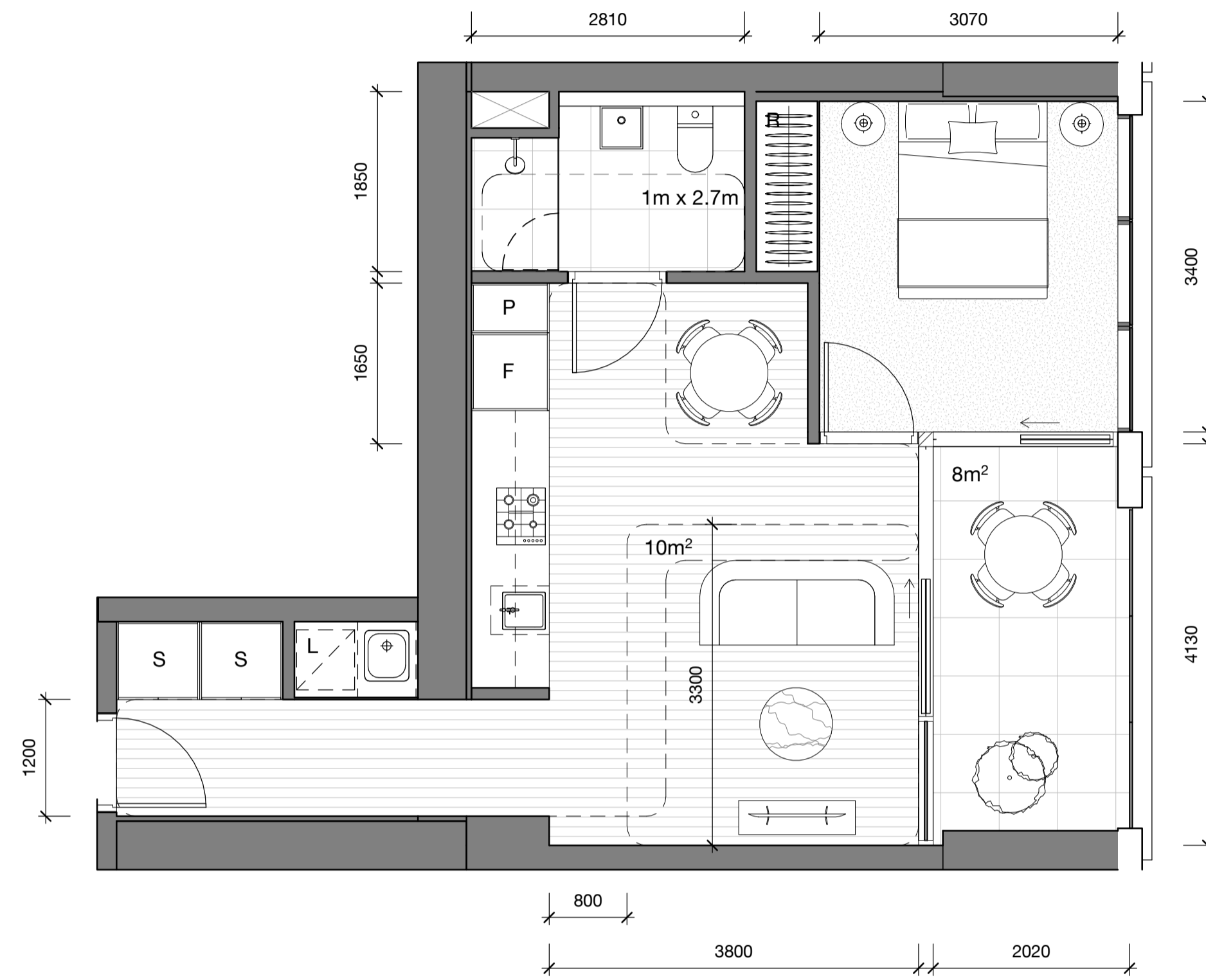
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1 Apartment Type 1C\_1 Bedroom  
1:50

TOTAL NUMBER IN DEVELOPMENT: 1  
 INTERNAL RPA - 53 square metres  
 BALCONY AREA - 8 square metres  
 TOTAL AREA - 61 square metres  
 2.7m CEILING HEIGHT IN LIVING AREA  
 COMPLIANT WITH BADA ACCESSIBILITY REQUIREMENTS



2 Apartment Type 1D\_1 Bedroom  
1:50

TOTAL NUMBER IN DEVELOPMENT: 28  
 INTERNAL RPA - 55 square metres  
 BALCONY AREA - 8 square metres  
 2.7m CEILING HEIGHT IN LIVING AREAS  
 TOTAL AREA - 63 square metres

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Apartment Types - 1 Bedroom (2 of 2)



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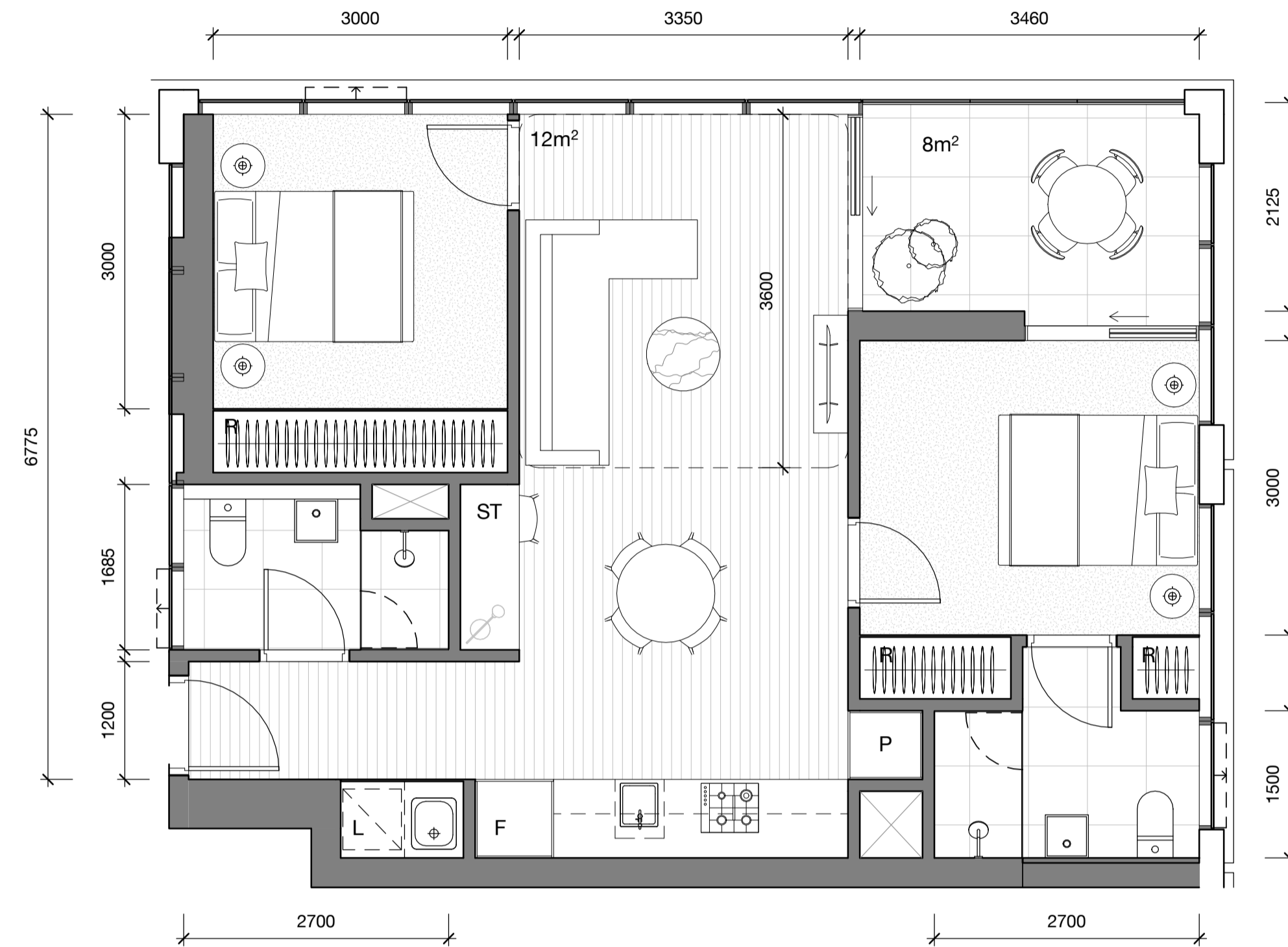
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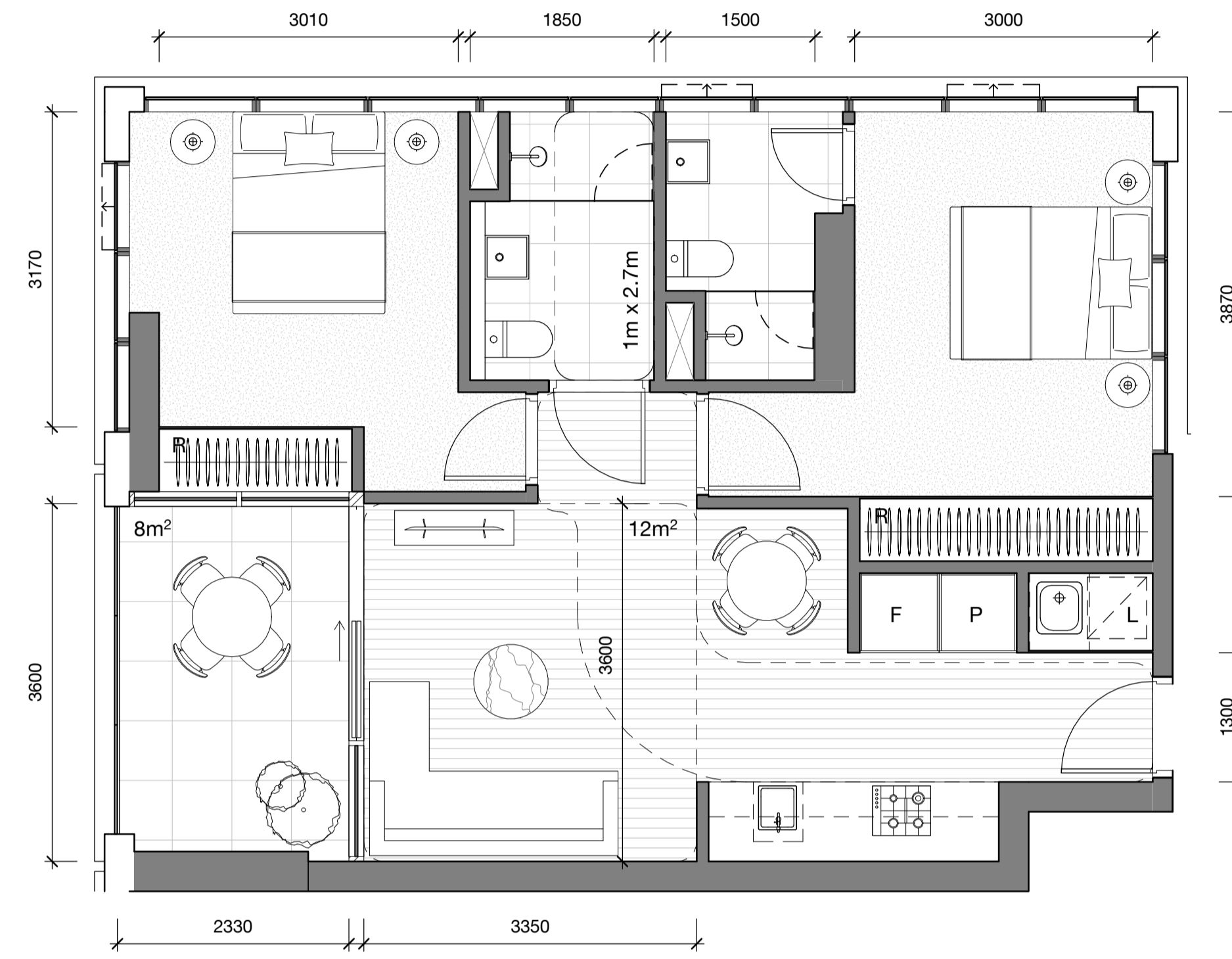
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1 Apartment Type 2A\_2 Bedroom  
1 : 50

TOTAL NUMBER IN DEVELOPMENT: 68  
 INTERNAL RPA - 74 square metres  
 BALCONY AREA - 8 square metres  
 TOTAL AREA - 82 square metres  
 2.7m CEILING HEIGHT TO LIVING AREA



2 Apartment Type 2B\_2 Bedroom  
1 : 50

TOTAL NUMBER IN DEVELOPMENT: 34  
 INTERNAL RPA - 73 square metres  
 BALCONY AREA - 8 square metres  
 TOTAL AREA - 81 square metres  
 2.7m CEILING HEIGHT TO LIVING AREA  
 COMPLIANT WITH BADA ACCESSIBILITY REQUIREMENTS

Franklin St  
100 Franklin St

Apartment Types - 2 Bedroom (1 of 2)



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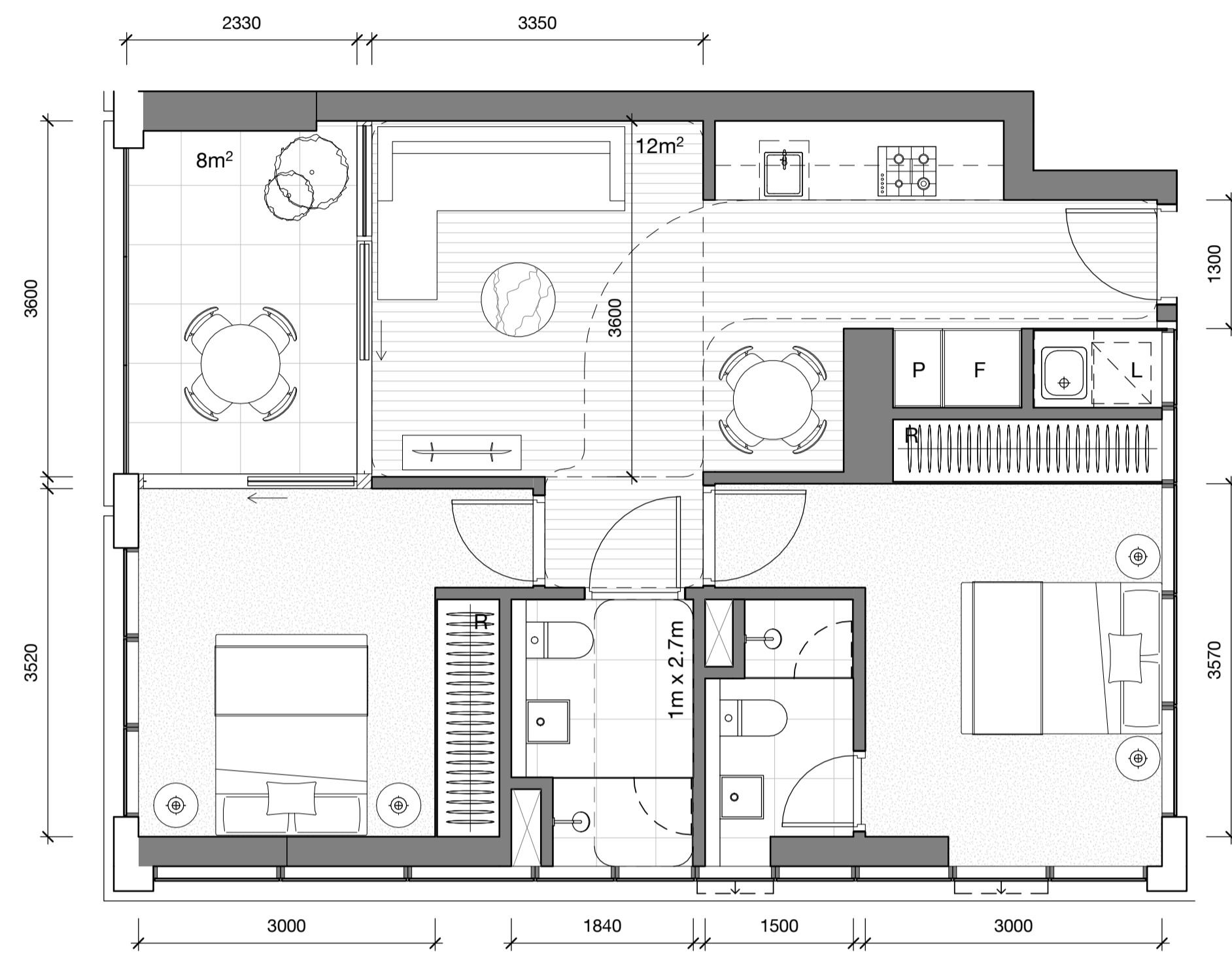
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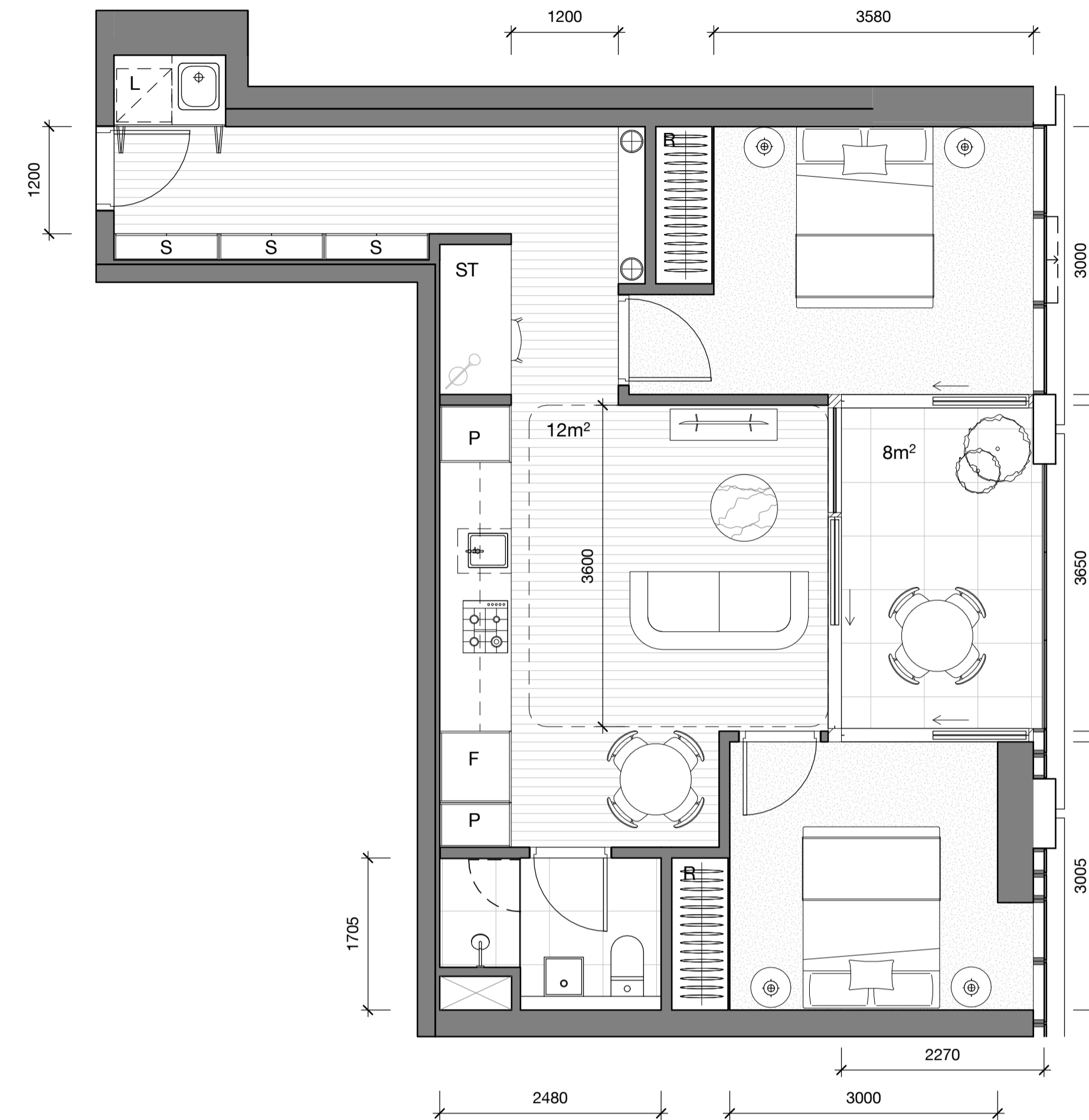
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1 Apartment Type 2C\_2 Bedroom  
1 : 50

TOTAL NUMBER IN DEVELOPMENT: 34  
 INTERNAL AREA - 73 square metres  
 BALCONY AREA - 8 square metres  
 TOTAL AREA - 82 square metres  
 2.7m CEILING HEIGHT TO LIVING AREA  
 COMPLIANT WITH BADA ACCESSIBILITY REQUIREMENTS



2 Apartment Type 2D\_2 Bedroom  
1 : 50

TOTAL NUMBER IN DEVELOPMENT: 5  
 INTERNAL AREA - 70 square metres  
 BALCONY AREA - 8 square metres  
 TOTAL AREA - 78 square metres  
 2.7m CEILING HEIGHT TO LIVING AREA

Franklin St  
100 Franklin St

Apartment Types - 2 Bedroom (2 of 2)



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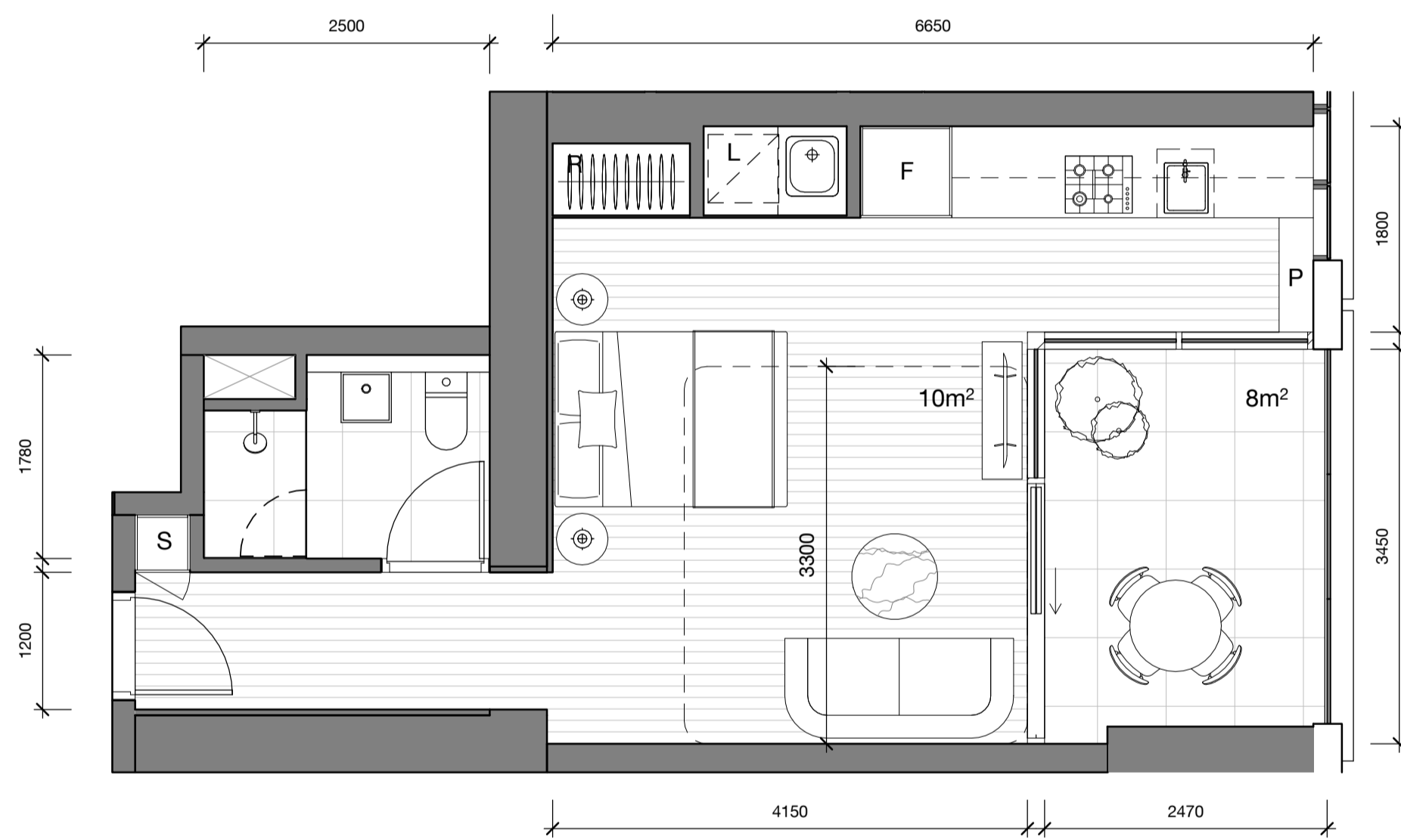
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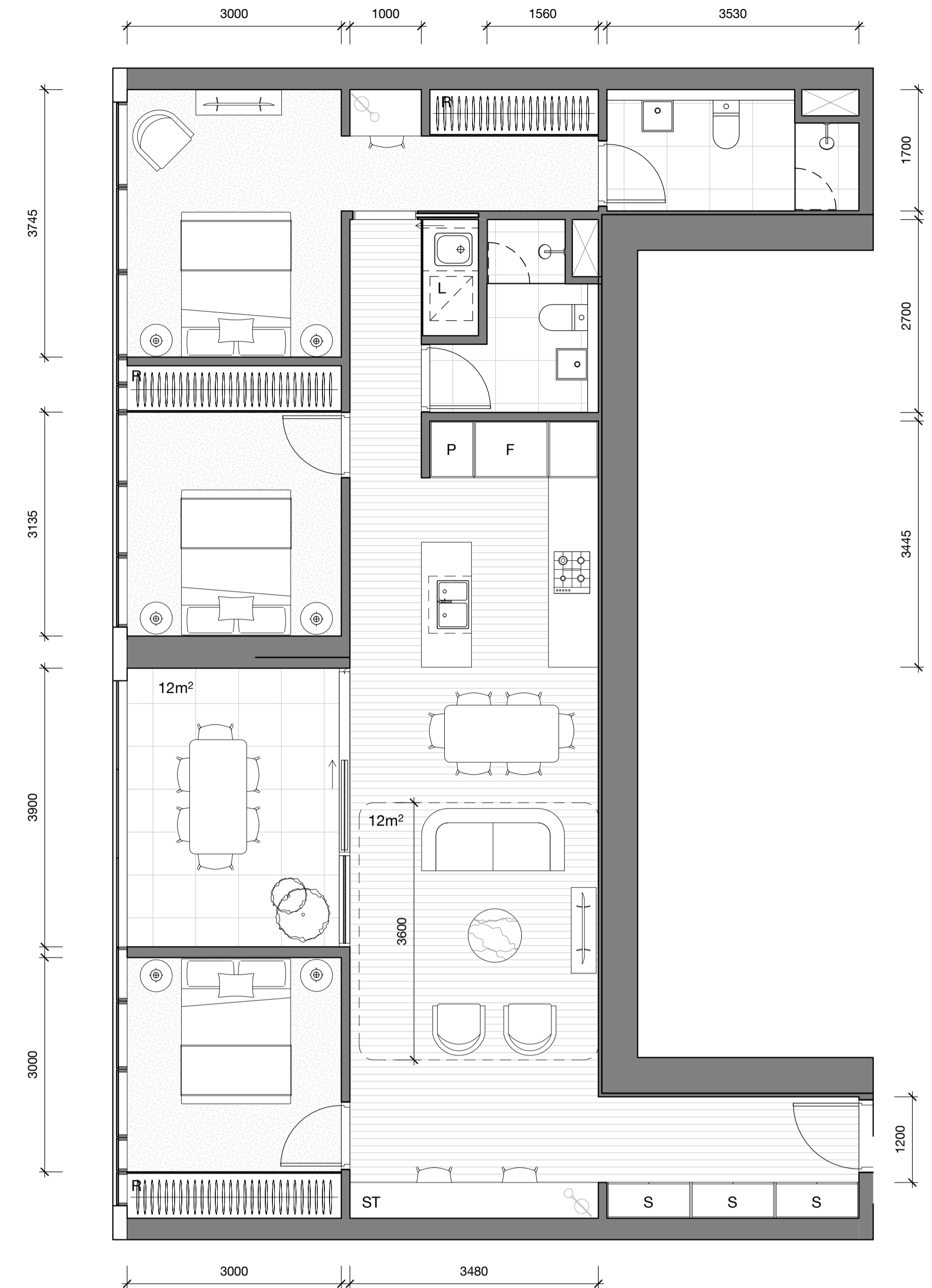






1 Apartment Type SA\_Studio  
1 : 50

TOTAL NUMBER IN DEVELOPMENT: 5  
 INTERNAL RPA - 39 square metres  
 BALCONY AREA - 8 square metres  
 TOTAL AREA - 47 square metres  
 2.7m CEILING HEIGHT TO LIVING AREA



2 Apartment Type 3A\_3 Bed  
1 : 50

TOTAL NUMBER IN DEVELOPMENT: 5  
 INTERNAL RPA - 110 square metres  
 BALCONY AREA - 12 square metres  
 TOTAL AREA - 122 square metres  
 2.7m CEILING HEIGHT TO LIVING AREA

C:\Users\jag\Documents\FRANKLIN ST\_BS\_ARCH\01\01.dwg

Franklin St  
100 Franklin St

Apartment Types - Studio and  
3 Bedroom

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.  
 Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
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Revision	Date	Description	Initial	Checked
A	10/05/21	TOWN PLANNING	TL	CE



Scale	1 : 50	@ A1
Drawn	TL	Checked CE
Project no.	M12494	
Status	TOWN PLANNING	
Plot Date	11/05/2021 4:19:05 PM	
BIM		
Drawing no.	TP-13.04	Revision A

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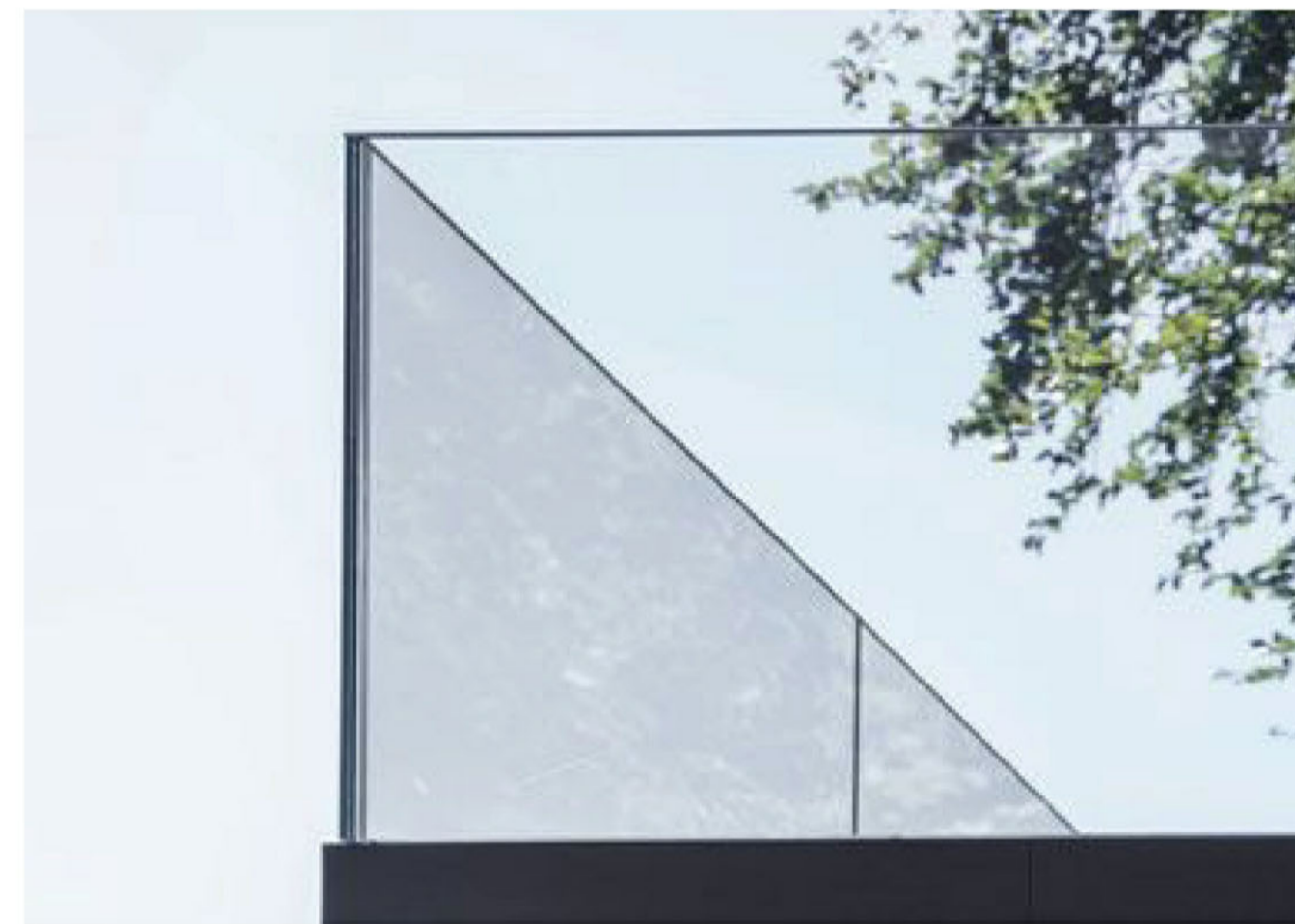
GL-01



GL-02



GL-03



GL-04



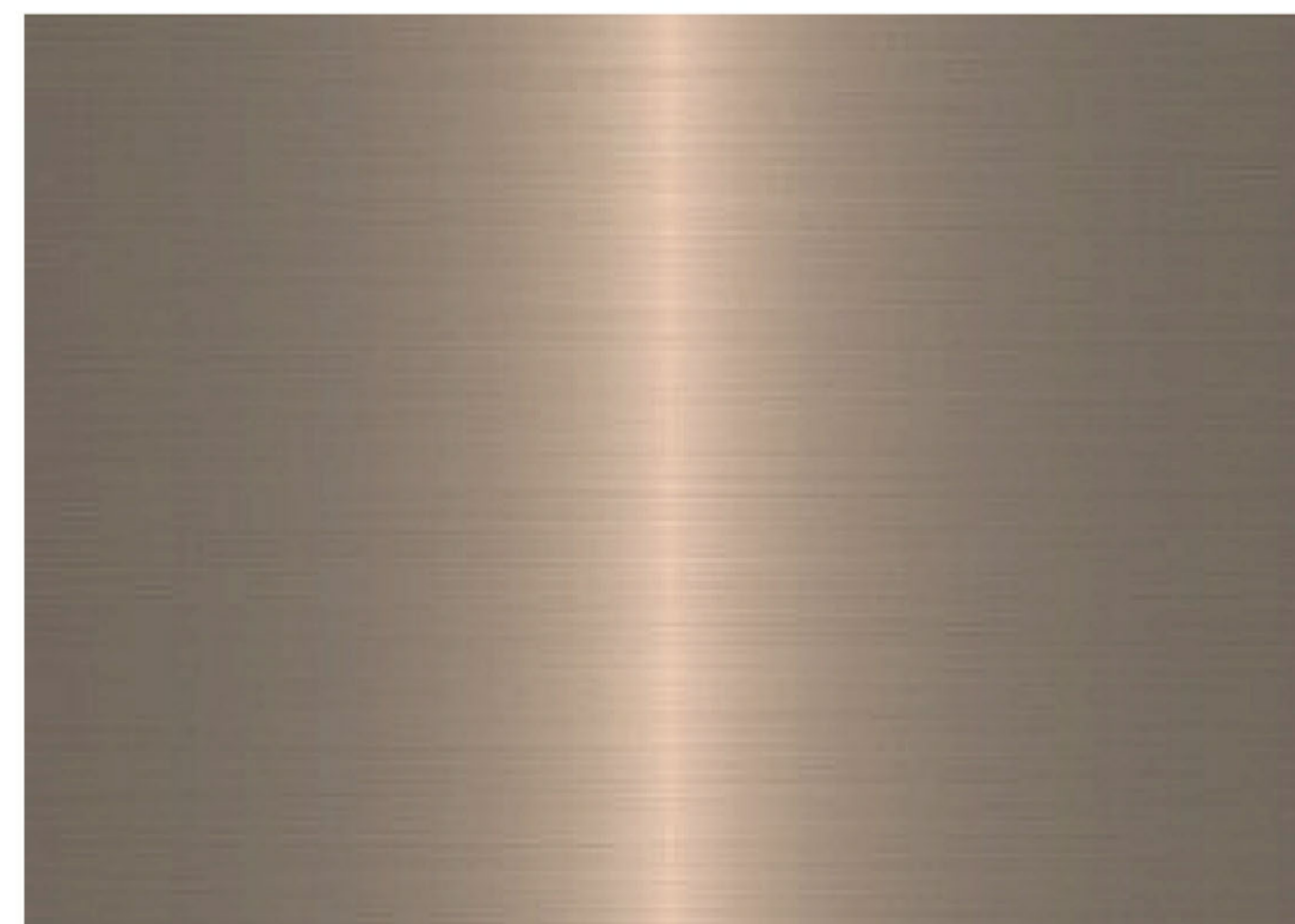
FS-01 / FS-02



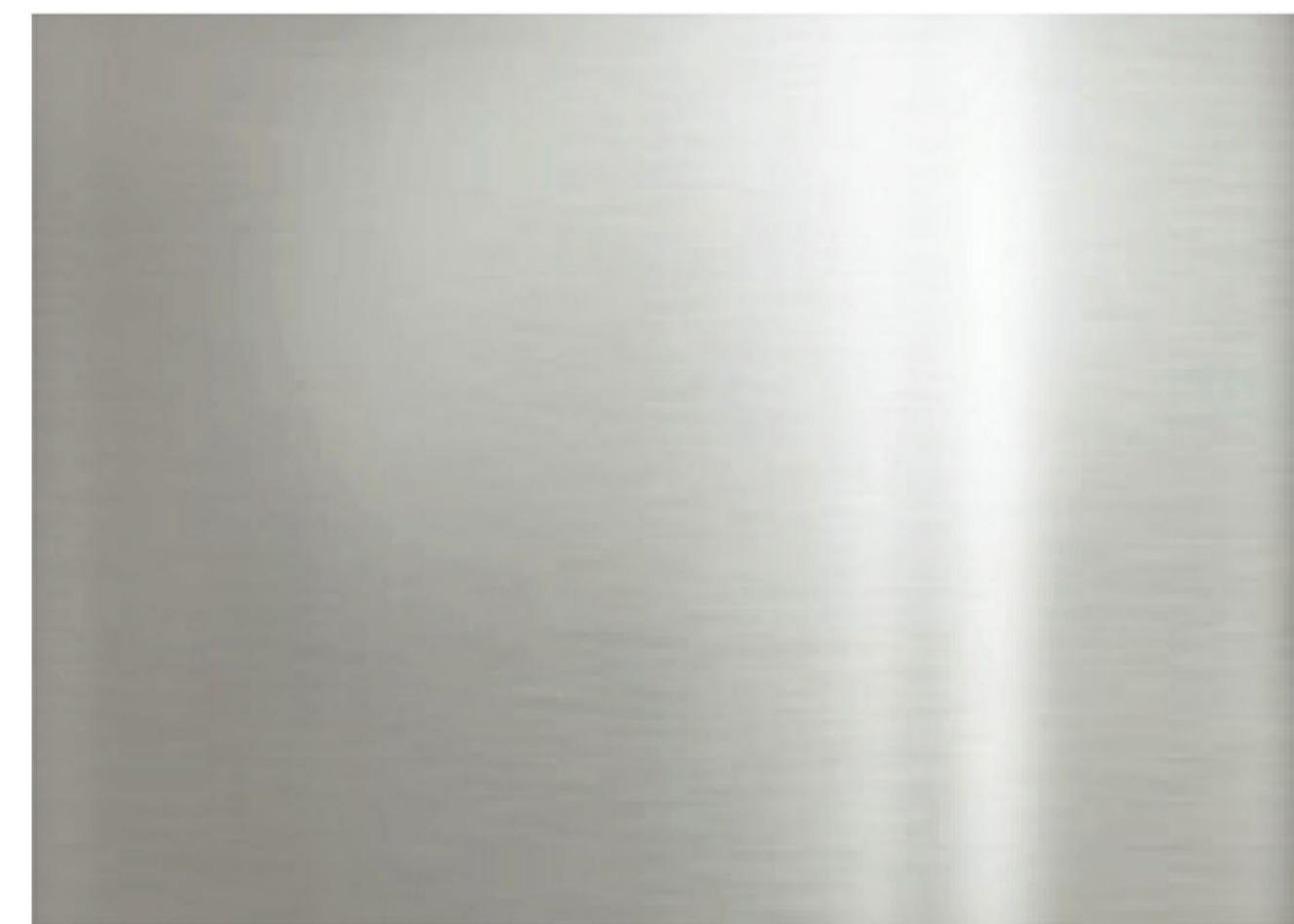
CO-01



CO-02



MT-01, MT-03 (SIMILAR)



MT-02

- GL-01 - GLASS PLANKS - TRANSLUCENT
- GL-02 - SHOP FRONT & ENTRY GLAZING
- GL-03 - GLASS PLANKS WITH OPENINGS - TRANSLUCENT
- GL-04 - GLAZED BALUSTRADE
  
- FS-01 - IGU WINDOW WALL (VISION PANELS)
- FS-02 - IGU WINDOW WALL (SPANDREL PANELS)
  
- CO-01 - EXPOSED CONCRETE, LIGHT COLOUR, BLASTED FINISH
- CO-02 - EXPOSED CONCRETE, LIGHT COLOUR WITH VERTICAL ARTICULATION
  
- MT-01 - LIGHT BRONZE COLOUR METALLIC FRAMING
- MT-02 - LIGHT GREY COLOUR METALLIC FRAMING
- MT-03 - LIGHT BRONZE VERTICAL CHEVRON-TYPE LOUVRES

## Franklin St 100 Franklin St

### Material Schedule



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
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Revision	Date	Description	Initial	Checked
A	05/05/21	TOWN PLANNING	TL	CE

Scale	@ A1
Drawn	TL
Checked	CE
Project no.	M12494
Status	TOWN PLANNING
Plot Date	5/05/2021 3:39:05 PM
BIM	
Drawing no.	TP-41.00
Revision	A

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**BATESSMART**

**DELEGATE REPORT****MINISTERIAL PLANNING REFERRAL**

<b>Application number:</b>	<b>TPMR-2021-10</b>
<b>DELWP Application number:</b>	PA2101221
<b>Applicant / Owners / Architect:</b>	Tract Consultants / GU Investments Group Pty Ltd and Burbank Holdings Australia (Franklin) Pty Ltd / Bates Smart
<b>Address:</b>	100-106 Franklin Street, MELBOURNE VIC 3000
<b>Proposal:</b>	Partial demolition and the construction of a multi-storey mixed use development, including use of the land for a minor sport and recreation facility (basketball court)
<b>Cost of works:</b>	\$105 million
<b>Date received by City of Melbourne:</b>	2 June 2021
<b>Responsible officer:</b>	Nikki Brock
<b>Report Date:</b>	5 October 2021

**1. SUBJECT SITE AND SURROUNDS****1.1. The site**

The subject site (the Site) is located on the north side of Franklin Street, with Elizabeth Street to the east and Queen Street to the west. Blender Lane adjoins the western boundary of the site.

The Site includes two separate allotments:

- Burbank House at 100 Franklin Street - formally known as Crown Allotment 7 Section 42 City of Melbourne Parish of Melbourne North; and
- Association House at 104-106 Franklin Street - formally known as Lot 1 on TP547648F.

The Site has a front boundary to Franklin Street of 33.53 metres and a depth of 50.5 metres, with an overall area of 1,695.9m<sup>2</sup>.

The eastern portion of the Site is currently occupied by a former warehouse featuring a basement with five storeys above. It was designed by David Askew in the Classical Mannerist style and built by Murray & Wood for the coach builders and ironmongers Keep Bros & Wood in 1903. It has since been converted to office space. Vehicle access is provided through a roller door on the building's west side from Franklin Street.

To the rear of the five storey building, is a pair of double storey brick warehouses adjoined by a further double storey brick building in the north-east corner of the site, as shown in Figure 2 below.

The Site is included in the Central City (Hoddle Grid) Heritage Review 2011 (Graeme Butler & Associates). This heritage study identified the building as a 'B' graded

heritage place. However, that is proposed to be converted to a Significant heritage grading under Amendment C396.

The western portion of the Site is currently occupied by a three storey brick warehouse constructed in 1926 and also since converted to offices. That building has no heritage grading.

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

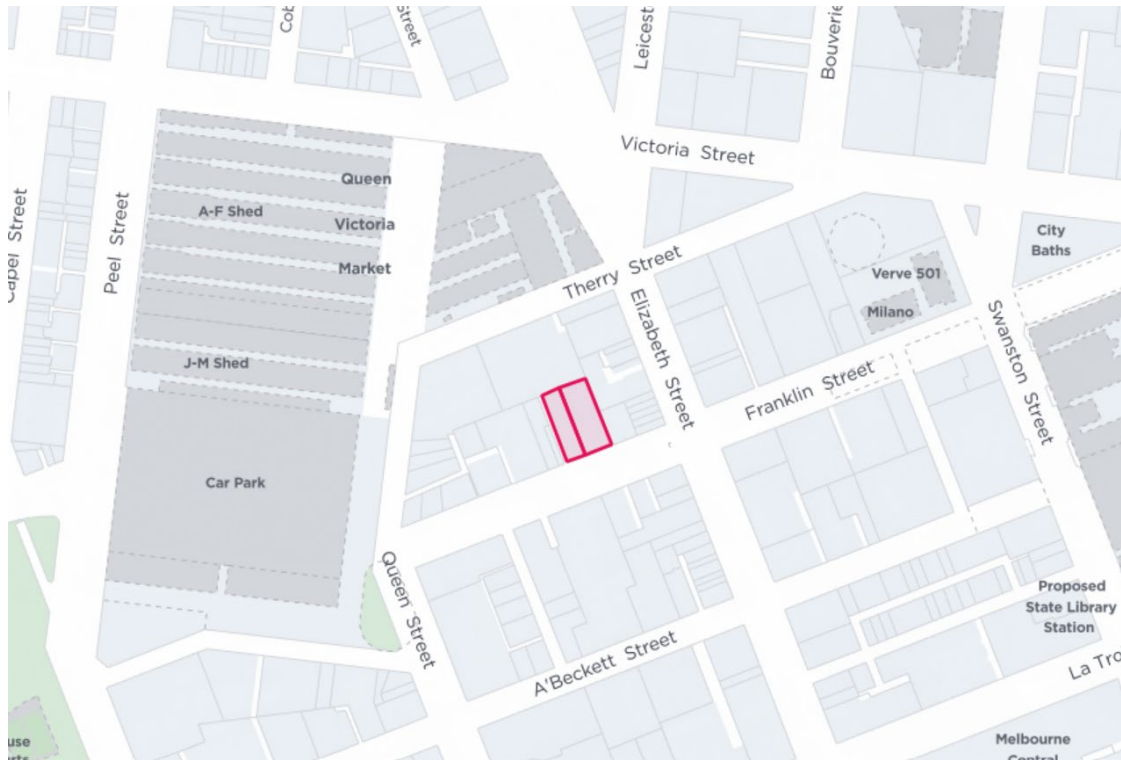


Figure 1 Site location (Source: Compass)



Figure 2 Aerial of Site including QVM Munro development in progress to rear (Source: Compass)



**Figure 3 Image of Site from Franklin Street with Blender Lane on left (Source: Compass)**

## **1.2. Surrounds**

The Site is located on the north side of the city to the north-east of Flagstaff Gardens and to the east of Queen Victoria Market. The area surrounding the Site is currently undergoing a number of changes, particularly with construction occurring to the north.

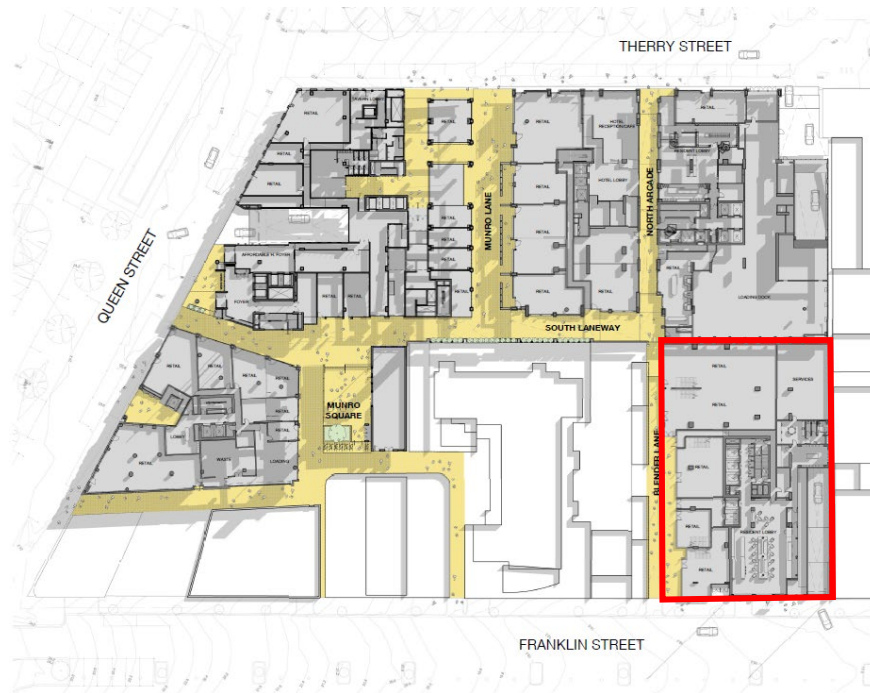
Adjoining sites feature the following:

- North (and north-west)

93-141 Therry Street, 143-151 Therry Street and Rear 128-130 Franklin Street are currently being redeveloped as part of the larger Queen Victoria Precinct Renewal project. This site, also known as the QVM Munro development, is being developed for use as dwellings; a residential hotel; retail premises including a tavern; childcare centre; and car park.

The Site shares a direct interface with the Munro East building which will contain the residential hotel, car parking and apartments over 40 levels (including rooftop plant).

The QVM Munro development will establish a pedestrian connection to Blender Lane, allowing movement from Therry and Queen Streets through to Franklin Street, as shown in yellow in the plan below.



**Figure 4 Laneway connections (the Site in red) (Source: Applicant)**

- South

Across the street, 139 Franklin Street contains a two and three storey warehouse, now converted into offices. The site is proposed to have a Significant heritage grading under Amendment C396.

143-149 Franklin Street contains a four storey apartment building with parking at the ground level.

151-165 Franklin Street contains two multi-storey residential towers that sit above a podium containing retail premises.

- East

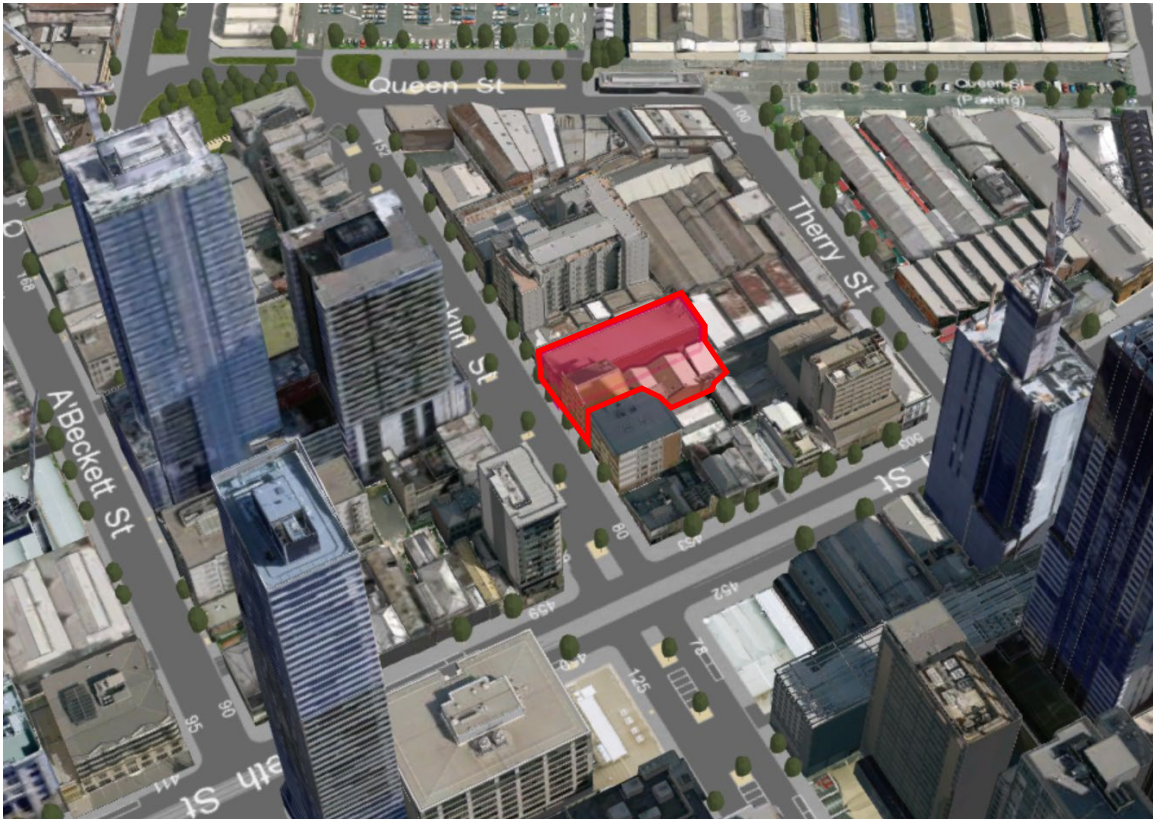
88-94 Franklin Street contains a six storey building featuring 43 apartments.

473-481 Elizabeth Street contains the Queen Victoria Mews, a row of two storey shops facing Elizabeth Street with a central paved courtyard and two buildings at the rear which have been converted into apartments. The site is proposed to have a Significant heritage grading under Amendment C396.

- West

108 Franklin Street contains a double storey Victorian former shop, now converted to a dwelling.

110 Franklin Street contains a double storey brick warehouse, now used as an office and retail premises.



**Figure 5 View of Site from south-east; note construction on QVM Munro site to rear not commenced in this image (Source: Compass)**

### 1.3 Victorian Heritage Inventory

Both buildings described above are included on the Victorian Heritage Inventory for their potential to contain historical archaeological remains associated with the settlement and growth of early Melbourne:

- H7822-2013 (96-102 Franklin Street, Melbourne); and
- H7822-2012 (104-106 Franklin Street, Melbourne).

The *Heritage Act 2017* protects all historical archaeology sites and objects. As a result, consent may be required from Heritage Victoria to disturb the Site.

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

## 2. THE PROPOSAL

The plans referred to the City of Melbourne for comment were received on 2 June 2021.

The application proposes:

- Partial demolition of the existing heritage building (Burbank House) and full demolition of Association House;
- Construction of a 41 storey mixed use building to contain basement car and bicycle parking; commercial tenancies, co-working space and a publicly accessible basketball court within the podium; and a total of 267 build-to-rent apartments in the tower.

Details of the proposed uses are as follows:

<b>Dwellings (Levels 6-39)</b>	Total number of dwellings: 267 Studio apartments: 5 One bedroom apartments: 116 Two bedroom apartments: 141 Three bedroom apartments: 5
<b>Office (Levels 1-3)</b>	Leasable Floor Area 1,777m <sup>2</sup>
<b>Retail (Ground, Levels 1 and 4)</b>	Leasable Floor Area 1,684m <sup>2</sup>
<b>Basketball Court (Level 2)</b>	667m <sup>2</sup>

The specific details of the proposal are as follows:

<b>Building height</b>	133 metres
<b>Podium height</b>	22.8 metres
<b>Front, side and rear setbacks</b>	North – 6.6 metres (eastern portion) and 8.6 metres (western portion) South – 12 metres above retained portion of Burbank House and 10.0 metres above new infill podium East – 5.0 metres West – 7.06 metres from centre of Blender Lane, or 5.61 metres from title boundary
<b>Gross floor area (GFA)</b>	33,146m <sup>2</sup>
<b>Car parking spaces</b>	7 (including 1 DDA space)
<b>Motorcycle spaces</b>	2
<b>Bicycle facilities and spaces</b>	214 spaces
<b>Loading/unloading</b>	Loading bay proposed within basement level
<b>Vehicle access</b>	East side of Franklin Street frontage





**Figure 6 Render of elevation view from Franklin Street with circular towers of QVM Munro development to rear (Source: Applicant)**



**Figure 7 Render of podium elevation view from Franklin Street (Source: Applicant)**

### 3. BACKGROUND

#### 3.1. Pre-application discussions

The applicant attended a pre-application meeting with representatives of the City of Melbourne and the Department of Environment, Land, Water and Planning prior to lodging the application.

The plans presented at the pre-application meeting showed a proposal almost identical to the application currently under consideration.

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

- Retention of a large portion of the heritage building is positive;
- Widening of Blender Lane is positive but need to avoid entrapment spaces and ensure appropriate connection to Munro site;
- Design quality needs to be retained throughout process to final construction; and
- Potential issues with waste collection via heritage façade.

#### 3.2. Site history

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

TP number	Description of Proposal	Decision & Date of Decision
Subject site		
TP-2018-429	Partial demolition of the existing buildings and the development of the land for a multi-storey mixed-use building in accordance with the endorsed plans.	Permit 17 January 2020 Relates to Burbank House, 100 Franklin Street only Permit not yet acted upon but live
Surrounding sites		
TPMR-2018-2/B	Construction of a building and construction and carrying out of works, demolition, and use of land as a car park, childcare centre and tavern	Amended permit 9 October 2019 Relates to site adjoining rear boundary for QVM Munro development Currently under construction

### 4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

Planning Policy Framework	<ul style="list-style-type: none"> <li>▪ Clause 11 – Settlement</li> <li>▪ Clause 13 – Environmental Risks and Amenity</li> <li>▪ Clause 15 – Built Environment and Heritage</li> <li>▪ Clause 16 - Housing</li> </ul>
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	<ul style="list-style-type: none"> <li>▪ Clause 17 – Economic Development</li> <li>▪ Clause 18 – Transport</li> <li>▪ Clause 19 - Infrastructure</li> </ul>
Municipal Strategic Statement	<ul style="list-style-type: none"> <li>▪ Clause 22.02 – Municipal Profile</li> <li>▪ Clause 21.03 – Vision</li> <li>▪ Clause 21.04 – Settlement</li> <li>▪ Clause 21.06 – Built Environment and Heritage</li> <li>▪ Clause 21.07 - Housing</li> <li>▪ Clause 21.08 – Economic Development</li> <li>▪ Clause 21.09 – Transport</li> <li>▪ Clause 21.10 – Infrastructure</li> <li>▪ Clause 21.12 – Hoddle Grid</li> </ul>
Local Planning Policies	<ul style="list-style-type: none"> <li>▪ Clause 22.02 – Sunlight to Public Spaces</li> <li>▪ Clause 22.03 – Floor Area Uplift and Delivery of Public Benefits</li> <li>▪ Clause 22.04 – Heritage Places within the Capital City Zone</li> <li>▪ Clause 22.19 – Energy, Water and Waste Efficiency</li> <li>▪ Clause 22.20 – CBD Lanes</li> <li>▪ Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)</li> </ul>

Statutory Controls	
Capital City Zone Schedule 1	<p><b>Permit required – use; demolition; buildings and works</b></p> <p>Pursuant to Clause 37.04-1, the use of land for accommodation, office, and retail premises (other than Adult sex bookshop, Department store, Hotel, Supermarket, and Tavern) are all Section 1 uses and, therefore, a permit is not required.</p> <p>However, the use of land for a minor sport and recreation facility (basketball court), whilst included as a Section 1 use, includes conditions that the current application will not meet and, therefore, a permit is required.</p> <p>Pursuant to Clause 37.04-4, a permit is required to demolish or remove a building, and to construct a building or construct or carry out works.</p> <p>Clause 3.0 of Schedule 1 states that a permit must not be granted to construct a building or construct or carry out works with a floor area ratio (FAR) in excess of 18:1 on land to which schedule 10 to the Design and Development Overlay applies unless:</p> <ul style="list-style-type: none"> <li>• a public benefit as calculated and specified in a manner agreed to by the responsible authority is provided; and</li> <li>• 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.</li> </ul> <p>An apartment development must meet the requirements of Clause 58.</p>
Heritage Overlay Schedule 1043 –	<p><b>Permit required – demolition; buildings and works</b></p>

96-102 Franklin Street	<p>Pursuant to Clause 43.01-1, a permit is required to demolish or remove a building and to construct a building or construct or carry out works.</p> <p>The schedule to Clause 43.01 lists HO1043 as a site where paint controls apply.</p>
Design and Development Overlay Schedule 1 – Urban Design in Central Melbourne	<p><b>Permit required – buildings and works</b></p> <p>Pursuant to Clause 43.02, a permit is required to construct a building or construct or carry out works.</p> <p>Pursuant to Section 2.3 of Schedule 1, buildings and works:</p> <ul style="list-style-type: none"> <li>• Must meet the Design objectives specified in this schedule.</li> <li>• Must satisfy the Design outcomes specified for each relevant Design element</li> </ul>
Design and Development Overlay Schedule 10 – General Development Area - Built Form	<p><b>Permit required – buildings and works</b></p> <p>Pursuant to Clause 43.02, a permit is required to construct a building or construct or carry out works.</p> <p>The provisions of the overlay relate to built form and require that buildings and works:</p> <ul style="list-style-type: none"> <li>• must meet the Design Objectives specified in this schedule;</li> <li>• must satisfy the Built Form Outcomes specified for each relevant Design Element in Table 3 to this schedule; and</li> <li>• should meet the Preferred Requirement specified for each relevant Design Element in Table 3 to this Schedule.</li> </ul> <p>A permit must not be granted for buildings and works that do not meet the Modified Requirement for any relevant Design Element specified in Table 3 to the schedule.</p>
Parking Overlay Schedule 1 – Outside the Retail Core	<p><b>No permit required</b></p> <p>Pursuant to Clause 45.09-3, a permit is required to provide parking in excess of a rate as follows:</p> <p>Where a site is used partly for dwellings and partly for other uses, the maximum number of spaces allowed:</p> <ul style="list-style-type: none"> <li>• for that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling.</li> <li>• for that part of the site devoted to other uses, (excluding common areas serving the dwellings) must not exceed the number calculated using one of the following formulas:</li> </ul> <p style="padding-left: 40px;">Maximum spaces =</p> <ul style="list-style-type: none"> <li>• 5 x net floor area of buildings on that part of the site in sqm/1000 sqm; or</li> <li>• 12 x that part of the site area in sq m/1000 sqm</li> </ul> <p>The proposal includes the provision of 7 spaces which is less than the 282 allowable and, therefore, a permit is not required.</p>

Particular Provisions	
Clause 52.06 Car Parking	<p><b>No permit required</b></p> <p>Pursuant to Clause 52.06-3, a permit is required to provide more than the maximum parking provision specified in a schedule to the Parking Overlay.</p>

	<p>Under Schedule 1 to the overlay, a total of 282 spaces would be permitted. However, only 7 spaces are proposed.</p> <p>As fewer spaces than those allowed are proposed, no permit is required.</p> <p>Design standards for car parking, as outlined at Clause 52.06-9, are of relevance.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p><b>No permit required</b></p> <p>Pursuant to Clause 52.34-2, a permit may be granted to vary, reduce or waive the bicycle parking requirements of Clause 52.34-5.</p> <p>Clause 52.34-5 requirements are as follows:</p> <ul style="list-style-type: none"> <li>• Dwellings – 1 to each 5 dwellings for residents and 1 to each 10 dwellings for visitors;</li> <li>• Office – 1 to each 300m<sup>2</sup> of net floor area for employees and 1 to each 1000m<sup>2</sup> of net floor area for visitors; and</li> <li>• Retail premises - 1 to each 300m<sup>2</sup> of leasable floor area for employees and 1 to each 500m<sup>2</sup> of leasable floor area for shoppers.</li> </ul> <p>The proposal generates a requirement for 96 spaces, whereas 214 are proposed. As a result, no permit is required.</p> <p>The proposal also generates a requirement for 2 showers and change rooms, whereas 7 will be provided, meeting this requirement.</p>
<p>Clause 53.18 Stormwater Management in Urban Development</p>	<p><b>Permit required</b></p> <p>Pursuant to Clause 53.18-3, an application to construct a building or construct or carry out works:</p> <ul style="list-style-type: none"> <li>• Must meet all of the requirements of Clauses 53.18-5 and 53.18-6; and</li> <li>• Should meet all of the standards of Clauses 53.18-5 and 53.18-6.</li> </ul>
<p>Clause 58 Apartment Developments</p>	<p><b>Permit required</b></p> <p>Pursuant to Clause 58, a development:</p> <ul style="list-style-type: none"> <li>• Must meet all of the objectives of this clause; and</li> <li>• Should meet all of the standards of this clause.</li> </ul>

General Provisions	
<p>Clause 72.01-1 – Minister is responsible authority</p>	<p>The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres.</p>
<p>Clause 65.01 – Approval of an application or plan</p>	<p>Outlines the matters which must be considered prior to deciding on an application or approval of a plan.</p>

## 5. PLANNING SCHEME AMENDMENTS

### 5.1 Planning Scheme Amendment C376: Sustainable Building Design

Planning Scheme Amendment C376 aims to introduce new best-practice ESD Standards into the planning scheme to ensure that new buildings in the municipality respond to climate change. Amendment C376 also implements the Green Factor tool,

which is an online green infrastructure assessment tool designed by City of Melbourne, and was developed to help with optimising the design of green infrastructure and external landscapes on buildings.

The Standards will apply to new buildings in the City of Melbourne as well as alterations and additions that meet a certain size threshold and will mean that new developments in the city need to achieve specific environmental targets. This includes solar panels, green roofs and walls, better insulation, using water more wisely and bike racks to encourage cycling.

Amendment C376 and the Green Factor Tool were endorsed by Council on 15 September 2020.

## **5.2 Planning Scheme Amendment C396: Finalisation of the Heritage Places Inventory**

Planning Scheme Amendment C396 was prepared by Council and seeks to convert the heritage grading of properties which were not converted through Amendment C258: Heritage Policies Review and West Melbourne Heritage.

All properties affected are already covered by a Heritage Overlay and this is not proposed to change. Around 350 remaining properties are currently graded A, B, C or D and are proposed to be converted through Amendment C396 to Significant, Contributory or Non-contributory, in line with best practice.

The Amendment was presented to the Future Melbourne Committee on 16 March 2021. At that meeting it was agreed that a request be made to the Minister for Planning for authorisation to prepare and exhibit the amendment. Public exhibition closed on 25 June 2021. On 7 September 2021 the Future Melbourne Committee referred the submissions to an independent Panel appointed by the Minister for Planning.

As previously described, the Amendment proposes to convert 100 Franklin Street from a B grading to a Significant grading (in a Non-contributory streetscape).

## **6. PUBLIC NOTIFICATION**

The application has been referred to the City of Melbourne for comment. Public notice is the responsibility of the Minister for Planning as the Responsible Authority.

## **7. REFERRALS**

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

### **7.1 Urban Design**

Continue to support this development which has the potential to achieve Design Excellence through its interesting design concept and active laneway proposal.

While a number of urban design concerns have been addressed throughout the application process and in updated documentation, further detail to demonstrate material and public interface quality has not yet been provided. Permit conditions are recommended to be included on any permit issued in relation to the following:

- A reduction in height of the plant screen by 1.0 metre, as shown on submitted sketch plans, but not shown on architectural plans or renders;
- Ground level elevations at a scale of 1:20 to include a higher level of detail to achieve a human scale and interactivity; and
- Further detail of materials to ensure an appropriate level of quality is achieved.

### **7.2 Infrastructure and Assets**

No objection subject to standard conditions being included on any permit to issue.

### **7.3 Traffic Engineering**

The provision of seven off-street parking spaces is acceptable.

Future streetscape works in Franklin Street could result in a significant reduction in on-street parking. Further information is required on the proposed warning system for the basement ramp. There must be sufficient space for queuing within the site and the loading area should be increased to cater for more deliveries.

Separate application would be required should Blender Lane be proposed to be used for outdoor dining.

The car park layout has generally been designed in accordance with the requirements of Clause 52.06-9 and/or the relevant Australian Standards including AS2890.6. However it is noted that:

- Additional manoeuvres are required for some of the spaces;
- The accessible car space is located furthest from the lifts; and
- Motorcycle spaces are acceptable but could be relocated further north so that car spaces to the south are more accessible.

Occupiers must be provided with advice that additional manoeuvres may be required for some car spaces and the applicant must deal with any future complaints related to the above points.

Plans must be updated to provide a walkway with bollard protection, as accepted by the applicant.

A parking management plan should be developed for the site to indicate how the on-site parking will be managed and allocated to the various users, including provision of access and instructions on access (e.g. operation of signals). The parking management plan should also address access to bicycle storage for visitors.

It is recommended that at least 4 bicycle spaces/hoops be provided for retail and office visitors in the widened section of Blender Lane (within the property boundary).

Given the size of the retail component on-site loading must be provided, particularly given the potential for on-street parking to be reduced by future streetscape works in Franklin Street. Loading must be sufficient for residents to move in/out.

Notes are to be included on any permit issued advising that the Council will not amend parking restrictions or provide any additional bicycle hoops to meet future demands from this development.

### **7.4 Urban Forest & Ecology**

Urban Forest & Ecology has no objection to the application subject to standard conditions being included in any permit issued.

### **7.5 Waste**

The Waste Management Plan (WMP) for this development is acceptable. Note that private collections of residential waste have been accepted due to restricted access for Council vehicles resulting from the retained heritage façade.

Standard waste condition recommended.

## 7.6 ESD

Overall, the proposal is adequate from an ESD perspective. Management, materials and transport are thoroughly addressed, as is Indoor Environment Quality. The approach to energy is modest, and no modelling is provided. The water efficiency approach relies on a rainwater tank that could be increased in size, however exceptional storm water pollution targets are met.

A number of innovation credits are claimed, for which some additional information is required prior to their approval.

The approach to energy efficiency is modest, claiming 5 credits (out of a total of 22). These have been attributed to: 10% reduction in lighting densities, ventilation and air conditioning efficiency, efficient appliances, and efficient lift transportation.

Electrical heat pumps, solar thermal heating system and on-site renewables have been deemed unavailable due to the size of the rooftop, with fabric requirements for 7.5-star NatHERS to be investigated. Despite the limited rooftop capacity, on-site renewables should be reconsidered to reduce consumption of grid electricity.

An amended Sustainable Design Assessment as well as standard implementation and landscaping conditions are recommended to be included on any permit to issue.

## 7.7 City Design

Proposed development is generally satisfactory, with the following outstanding matters to be addressed via conditions on any permit issued:

- Expanded section of Blender Lane to be finished in bluestone paving to match the existing laneway surface;
- Further details of the garden bed terracing materials and construction method as shown in Sections A, C and D on page 14 of the Urban Context Report.

## 8. ASSESSMENT

The key issues in the consideration of this application are:

- Use of the land for a minor sport and recreation facility (basketball court)
- Provisions of the DDO1 (Urban Design in Central Melbourne)
- Provisions of the CCZ1 and DDO10
- Public benefit provision
- Heritage
- Better Apartment Design Standards (Clause 58)
- Waste, traffic, parking and loading
- ESD
- Contaminated land

### 8.1. Use of the land for a minor sports and recreation facility (basketball court)

The application proposes the inclusion of a publically accessible basketball court at the rear of Level 2 of the building. Given that the basketball court does not meet the Section 1 conditions in Schedule 1 to the CCZ – that the facility must occur on the Yarra River or on land abutting the Yarra River which is managed by Melbourne Parks and Waterways or Parks Victoria; or that it must be licensed by Parks Victoria – a planning permit is required.



The applicant submits that the basketball court will address a current shortage of basketball facilities in central Melbourne. The facility will be accessible via the lifts used to access the co-working spaces and will be double height to ensure adequate clearance. The western wall of the court will be glazed which will allow natural light into the space, provide activation to Blender Lane and provide opportunities for passive surveillance of the laneway.

The facility is consistent with planning policy that seeks to provide conveniently located opportunities for active recreation and the creation of open space for outdoor recreation.

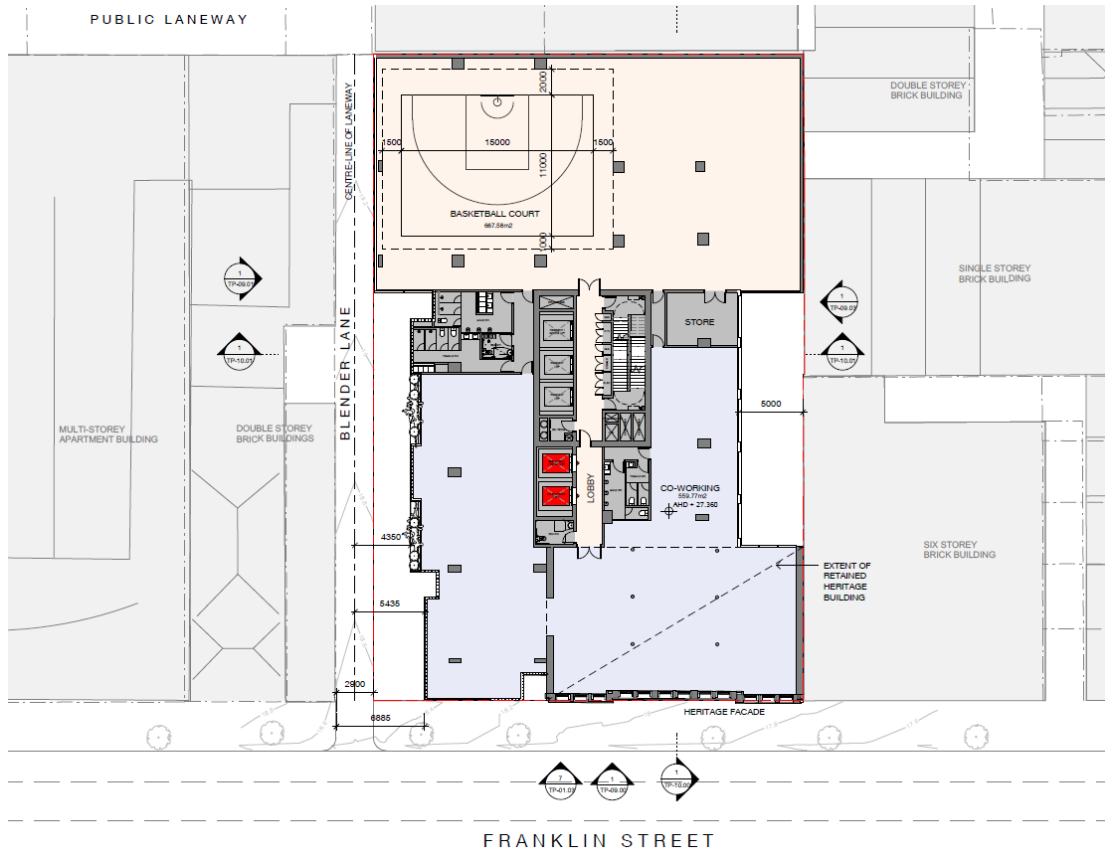


Figure 8 Level 2 floor plan showing basketball court at rear (Source: Applicant)

## 8.2. Provisions of the DDO1 (Urban Design in Central Melbourne)

Schedule 1 to the Design and Development Overlay sets out requirements relating to urban design for applications proposing buildings and works within the Central City. The following assessment against the design objectives, outcomes and elements of

Schedule 1 demonstrate that the proposed development is consistent with the requirements of the schedule, and will result in a highly compliant development:

<b>2.4 Urban Structure</b>	
<b>Design outcome</b>	<b>Assessment against Design requirements</b>
<p>An urban block structure that:</p> <p>Is sufficiently fine grained to support walking as the primary mode of transport.</p>	<p>The development will support an urban block structure that facilitates walking as the primary mode of transport through the widening of Blender Lane and an improved connection to the north via laneways associated with the QVM Munro development to the rear.</p>
<p>A pedestrian network that:</p> <p>Reduces walking distances.</p> <p>Completes existing connections and laneways.</p> <p>Retains and improves existing connections.</p> <p>Provides partial connections which can be completed when adjacent site development occurs.</p>	<p>Whilst the development will not create a new pedestrian connection, the widening of Blender Lane will improve the existing laneway and activation along the length of the laneway will improve the pedestrian experience.</p>
<p>Pedestrian connections that are:</p> <p>High quality.</p> <p>Safe and attractive.</p> <p>Accessible by people of all abilities.</p> <p>Easily identified and legible.</p> <p>Designed to enable stationary activities.</p>	<p>The widened portion of Blender Lane will improve the existing pedestrian connection by increasing the quality through additional space and activation; and make the laneway more identifiable and legible through the widened entrance off Franklin Street, in turn providing a more safe and attractive environment.</p> <p>It is also noted that the widened portion of the laneway, in connection with ground floor retail spaces orientated to the laneway, could provide opportunity for outdoor dining space or other stationary activities.</p>
<b>2.5 Site Layout</b>	
<b>Design outcome</b>	<b>Assessment against Design requirements</b>
<p>Site layout that:</p> <p>Reinforces the valued characteristics of streets and laneways.</p> <p>Delivers a well-defined public realm.</p>	<p>The retained heritage building is located on the Franklin Street boundary, with entrance to the residential lobby directly accessible from the street frontage. Bicycle and vehicle entrances within the heritage façade are adjacent to the residential lobby and are also aligned to the street.</p> <p>The new portion of the building will also be aligned to the Franklin Street boundary, aside from the fire booster which is appropriately set back to meet Council's Road Encroachment Guidelines.</p> <p>Retail entries on Blender Lane are aligned with the laneway and no entrapment spaces are created.</p>

<p>Plazas that:</p> <p>Are accessible to people of all abilities.</p> <p>Are safe and attractive.</p> <p>Deliver opportunities for stationary activity.</p> <p>Alleviate pedestrian congestion.</p>	N/A
<p>Vehicle entries that:</p> <p>Do not create traffic conflict.</p> <p>Do not undermine the attractiveness or safety of the pedestrian experience.</p>	Existing vehicle access from Franklin Street is retained, albeit relocated to the east side of the retained heritage building away from the main pedestrian spaces within the Site, noting that the Site is not affected by a traffic conflict frontage.
<p>Colonnades that:</p> <p>Are safe and attractive.</p> <p>Are accessible to people of all abilities.</p>	N/A
<b>2.6 Building Mass</b>	
<b>Design outcome</b>	<b>Assessment against Design requirements</b>
<p>Building mass that:</p> <p>Distinguishes between different buildings where a development comprises multiple buildings.</p> <p>Respects the height, scale and proportions of adjoining heritage places or buildings within a Special Character Area.</p> <p>Reinforces the fine grain and visual interest of streetscapes.</p> <p>Maintains a diverse and interesting skyline through the design of roof profiles.</p>	<p>The existing heritage building will be retained to a depth of 12 metres, enabling the form of the building to still be read once the development is complete. This will contrast with the contemporary glazed podium of the new building to be constructed on the heritage building's west side.</p> <p>The glazed façade of the new building will be sufficiently set back from Franklin Street where it adjoins the heritage building to allow the western side of that building to still be visible (see Figure 7, above).</p> <p>The slipped form of the tower above the podium provides separation from the heritage building.</p> <p>The concrete grid used on the tower will provide definition and articulation.</p>
<p>Street walls that:</p> <p>Adopt a variety of street wall heights to reinforce the traditional fine grain, vertical rhythm and visual interest of streetscapes.</p> <p>Provide aesthetic interest to the public realm.</p> <p>Frame comfortable and attractive streets.</p>	<p>This section of Franklin Street contains buildings of varying heights and scale and there is no consistent street wall height.</p> <p>The heritage façade on Franklin Street is retained, to its existing height, with the street wall of the new portion of the building taking its cues from the heritage parapet.</p>

<b>2.7 Building Program</b>	
<b>Design outcome</b>	<b>Assessment against Design requirements</b>
<p>A building program that:</p> <p>Delivers safe and high quality interfaces between the public and private realm.</p> <p>Maximises activation of the public realm.</p> <p>Can accommodate a range of tenancy sizes, including smaller tenancies in the lower levels of the building.</p> <p>Allows for adaptation to other uses over time.</p> <p>Delivers internal common areas or podium-rooftop spaces that maximise passive surveillance and interaction with the public realm.</p> <p>Promotes a strong physical and visual relationship between any uses provided as part of a public benefit under the provisions of Schedule 1 to the Capital City Zone within the building, and the street.</p>	<p>The ground floor heritage façade will feature a centrally located pedestrian entrance to a lobby and café space which will be visible from the public realm.</p> <p>The widened portion of Blender Lane from the entrance point off Franklin Street will encourage pedestrian movement through the laneway, connecting to the site to the rear, and beyond.</p> <p>The laneway itself will include up to 5 separate retail tenancies of varying size with entrances aligned with the laneway.</p> <p>Entrance to the co-working spaces above will also be via the laneway, adjacent to retail spaces, with double glazed doors aligned with the laneway providing access to a co-working lobby.</p> <p>The majority of the ground floor along Franklin Street and Blender Lane will feature clear glazing to provide further activation.</p> <p>Floor to ceiling heights are consistent with the requirements of Section 2.7.</p>
<p>Building services that:</p> <p>Minimise impacts on the public realm.</p> <p>Maximise the quality and activation of the public realm.</p> <p>Do not dominate the pedestrian experience and are designed as an integrated design element.</p> <p>Provide waste collection facilities as an integrated part of the building design.</p>	<p>Building services are largely confined to the basement, with roof plant at Level 41, allowing maximum activation to Franklin Street and Blender Lane.</p> <p>Waste collection will occur within the basement, with waste vehicles accessing the site via Franklin Street.</p> <p>Rooftop plant has been incorporated into the overall design of the building, as required.</p>
<p>Car parking that:</p> <p>Minimises the impact of car parking on the public realm.</p>	<p>The development proposes a very low car parking rate with 7 spaces only. These spaces are all located in the basement level and accessible via the single vehicle access point on Franklin Street.</p> <p>Impact on the public realm is minimal.</p>

<b>2.8 Public Interfaces</b>	
<b>Design outcome</b>	<b>Assessment against Design requirements</b>
<p>Public interfaces that:</p> <p>Contribute to the use, activity, safety and interest of the public realm.</p> <p>Provide continuity of ground floor activity along streets and laneways.</p> <p>Allow unobstructed views through openings into the ground floor of buildings.</p>	<p>Greater than 80% of the Franklin Street and Blender Lane frontages will feature clear glazing.</p> <p>Separate tenancies along both boundaries will contribute to interest from the public realm.</p> <p>Views into the ground floor from openings will be unobstructed.</p>
<p>Facade projections and balconies that:</p> <p>Do not adversely impact the levels of daylight or views to the sky from a street or laneway.</p> <p>Do not obstruct the service functions of a street or laneway through adequate clearance heights.</p> <p>Add activity the public realm.</p> <p>Form part of a cohesive architectural response to the public realm.</p>	N/A
<p>Weather protection that:</p> <p>Delivers pedestrian comfort in the public realm and protection from rain, wind and summer sun.</p> <p>Uses canopies that are functional, of high quality design, and contribute to the human scale of the street.</p>	<p>A canopy is not an existing feature of the heritage building to be retained and, accordingly, none is proposed to the Franklin Street boundary.</p> <p>It is noted that the retail and co-working entrances on Blender Lane would be open to the sky, and no weather protection is proposed along this boundary.</p> <p>Council's Urban Designers have recommended that details of any awnings be requested as a condition of permit, and this will form part of Council's recommendation.</p>

<b>2.9 Design Detail</b>	
<b>Design outcome</b>	<b>Assessment against Design requirements</b>
<p>Exterior design that:</p> <p>Establishes a positive relationship between the appearance of new development and the valued characteristics of its context.</p> <p>Is visually interesting when viewed up close and from a distance.</p> <p>Responds to the distance at which the building is viewed and experienced from the public realm in the selection, scale and quality of design elements.</p> <p>Incorporates sufficient design detail in the lower levels of a building to deliver a visually rich and engaging pedestrian experience.</p> <p>Delivers high quality design on all visible sides of a building including rooftops, where visible from the public realm.</p> <p>At the ground level interface, provides visual connection between the public realm and interior spaces.</p>	<p>The tripartite façade of the retained heritage building has been used to inform three distinct forms along Blender Lane.</p> <p>Visual interest will be created through the use of clear and translucent glazing to the façade of the new building, further broken up with the addition of building entrances, balconies, and landscaping.</p> <p>No blank walls will be visible in the public realm.</p> <p>Whilst Council's Urban Designers have confirmed support for the overall development and design intent, they have recommended conditions of permit to provide additional information that will confirm an acceptable level of exterior design. This will form part of Council's recommendation.</p>

### **8.3. Provisions of the CCZ1 and DDO10**

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

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

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

#### **8.3.1 Street wall height**

<b>Table: Assessment of proposed development against DDO10 Street Wall Height requirement</b>			
<b>Design Element:</b>	<b>Preferred Requirement (Figure 3)</b>	<b>Modified Requirement (Figure 3)</b>	<b>Built Form Outcomes</b>
<b>Street wall height</b>	Up to 20 metres	<p>The street wall height must be no greater than:</p> <ul style="list-style-type: none"> <li>▪ 40 metres; or</li> <li>▪ 80 metres where it: <ul style="list-style-type: none"> <li>▪ Defines a street corner where at least one street is a main street and the 80 metre high street wall should not extend more than 25 metres along each street frontage, and / or</li> <li>▪ Fronts a public space including any road reserve wider than 80 metres.</li> </ul> </li> </ul>	<p>Street wall height is scaled to ensure:</p> <ul style="list-style-type: none"> <li>▪ A human scale.</li> <li>▪ An appropriate level of street enclosure having regard to the width of the street with lower street wall heights to narrower streets.</li> <li>▪ Consistency with the prevalent parapet height of adjoining buildings.</li> <li>▪ Height that respects the scale of adjoining heritage places.</li> <li>▪ Adequate opportunity for daylight, sunlight and sky views in the street.</li> <li>▪ Definition of main street corners and/or public space where there are no significant impacts on the amenity of public spaces.</li> <li>▪ Maintenance of the prevailing street wall height and vertical rhythm on the street.</li> </ul>
<p><b>Assessment:</b></p> <p>A street wall with a height of 22.8 metres is proposed for the new portion of the building to be constructed on the Franklin Street boundary, commensurate with the retained portion of the heritage building. Noting that there is no consistent parapet height in this section of Franklin Street, this response is appropriate to the parapet and overall height of the retained heritage building and streetscape overall.</p>			

The proposed street wall height will result in an appropriate level of street enclosure to Franklin Street without any detrimental amenity impact from loss of light or overshadowing in the public realm.

The street wall height will ensure sky views are still possible in the street as well as in Blender Lane, where the proposed street wall will help define the widened entrance to the laneway.

### 8.3.2 Building setbacks above the street wall

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

<b>Design Element:</b>	<b>Preferred Requirement (Figure 3)</b>	<b>Modified Requirement (Figure 3)</b>	<b>Built Form Outcomes</b>
<b>Building setback(s) above the street wall</b>	Above the street wall, towers and additions should be setback 10 metres from the title boundary.	Above the street wall, towers must be setback a minimum of 5 metres from the title boundary.	Tower and additions are setback to ensure: <ul style="list-style-type: none"> <li>▪ large buildings do not visually dominate the street or public space.</li> <li>▪ the prevalent street wall scale is maintained.</li> <li>▪ overshadowing and wind impacts are mitigated.</li> <li>▪ the tower or addition includes a distinctly different form or architectural expression.</li> </ul>

**Assessment:**

The setback of the tower above the retained heritage building will be 12 metres, aside from a small section in the south-west corner which will have a setback of 10 metres. The tower will also have a setback of 10 metres above the new podium on the west side of the Site.

The tower form will be distinct from the heritage building and new podium with a generous setback from Franklin Street and concrete grid expression, providing articulation and material definition.

Overshadowing and wind impacts have been mitigated, as discussed in the following sections.

### 8.3.3 Building setbacks from side/rear boundaries

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

<b>Design Element:</b>	<b>Preferred Requirement (Figure 3)</b>	<b>Modified Requirement (Figure 3)</b>	<b>Built Form Outcomes</b>
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<p><b>Building setbacks from side boundaries and rear boundaries (or from the centre line of an adjoining laneway)</b></p>	<p>Above the street wall or 40 metres, whichever is the lesser, towers and additions should be setback a minimum of 5 metres or 6% of the total building height, whichever is greater</p>	<p><b>Towers and additions up to 80 metres in height:</b></p> <p>Towers and additions may be constructed up to one side or rear boundary, excluding a laneway. If an existing, approved, proposed or potential building on an adjoining site is built to the boundary and if a minimum setback of 5 metres is met to all other side and rear boundaries.</p> <p>Where a building on an adjoining site cannot, by legal restriction benefitting the application site, be developed above the street wall height, a tower may also be constructed to the boundary of that adjoining site.</p>	<p>Tower and additions are designed and spaced to ensure:</p> <ul style="list-style-type: none"> <li>▪ Sun penetration and mitigation of wind impacts at street level.</li> <li>▪ Provision of reasonable sunlight, daylight, privacy and outlook from habitable rooms, for both existing and potential development on adjoining sites.</li> <li>▪ Buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them.</li> </ul>
<p><b>Assessment:</b></p> <p>The application proposes to meet the modified requirement set out above.</p> <p>Setbacks are proposed in line with Figure 9 below.</p> <p>This is an appropriate response as:</p> <ul style="list-style-type: none"> <li>• Separation from the QVM Munro development to the north will ensure no unreasonable overlooking between apartments on both sites;</li> <li>• The 5 metre setback to the east will have no amenity impact as there are no habitable room windows on the adjoining site that would be impacted; and</li> <li>• The setback from the centre of Blender Lane will allow adequate separation from the existing double storey dwelling on the west side of the lane.</li> </ul> <p>The proposed setbacks will ensure acceptable levels of sunlight are achieved in the public realm and there are no detrimental wind impacts as discussed in the following sections.</p>			

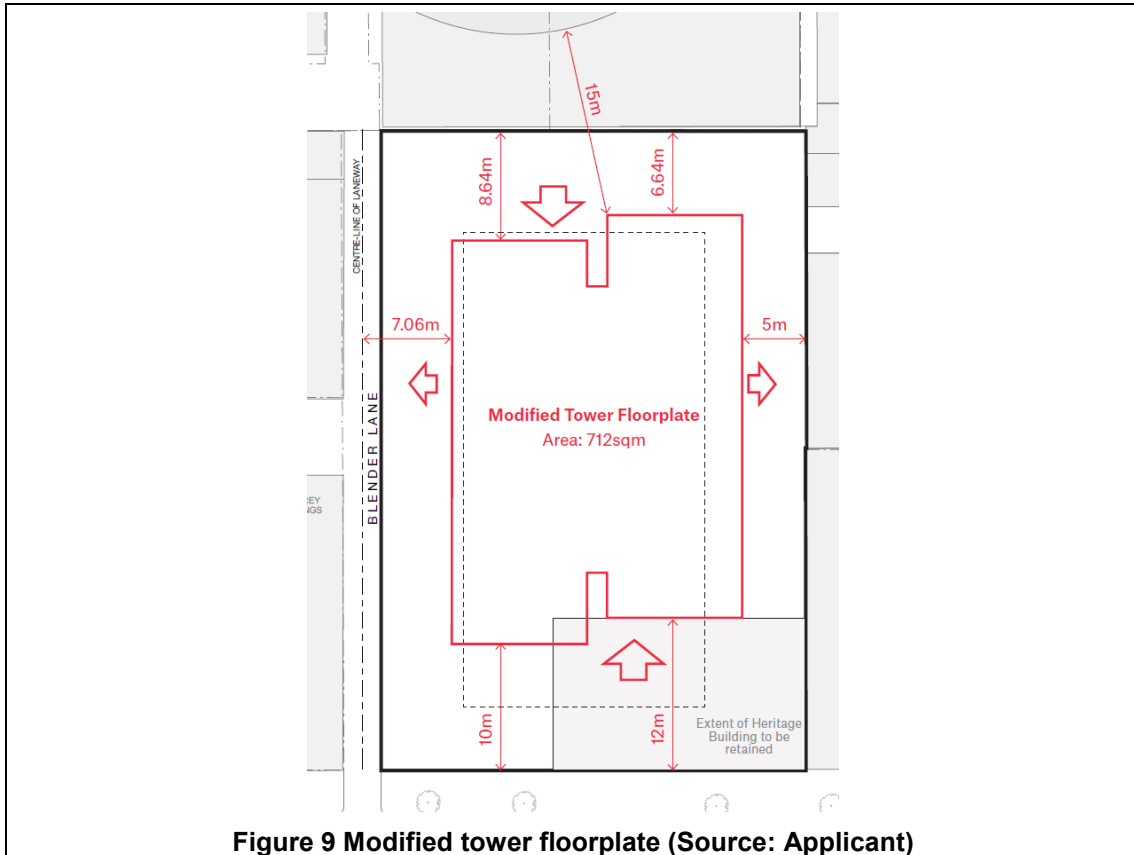


Figure 9 Modified tower floorplate (Source: Applicant)

### 8.3.4 Tower floorplate

Table: Assessment of proposed development against DDO10 Tower floorplate requirement			
Design Element:	Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
<b>Tower floorplate</b>	The tower floorplate is determined by the preferred requirement for building setbacks from side and rear boundaries and tower separation within a site, and the modified requirement for building setback(s) above the street wall.	<p>The tower floorplates above the street wall for a tower above 80 metres in height may be adjusted in terms of location and/or shape but must not:</p> <ul style="list-style-type: none"> <li>▪ Result in an increase in the floorplate area;</li> <li>▪ be situated less than 5 metres from a side or rear boundary (or from the centre line of an adjoining laneway);</li> <li>▪ be less than 5 metres to a street boundary;</li> <li>▪ be less than 10 metres to an adjoining tower on the site.</li> </ul>	<p>The adjusted floorplate is designed and spaced to:</p> <ul style="list-style-type: none"> <li>▪ reduce impact on existing and potential neighbours in terms of privacy, outlook, daylight and sunlight access.</li> <li>▪ minimise visual bulk.</li> <li>▪ reduce impact on public spaces, including overshadowing and wind effects and reduced visual dominance.</li> </ul>

			<ul style="list-style-type: none"> <li>▪ buildings do not visually dominate heritage places and streetscapes, nor significant view lines.</li> <li>▪ buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them.</li> </ul>
<p><i>Assessment:</i></p> <p>The tower floorplate, as shown in Figure 9 above, does not result in an increase of the floorplate area and meets all of the setbacks for modified requirements above.</p> <p>The slipped tower form serves to break up the mass of the tower when viewed from outside the site and allows an improved level of internal amenity with the central corridor access to all apartments providing natural light and ventilation.</p>			

### 8.3.5 Wind effects

A wind tunnel model study has been undertaken for the development, with findings submitted as part of the application in a report by MEL Consultants, dated 7 May 2021, and response to DELWP's request for further information, also by MEL Consultants, dated 28 June 2021.

The original report found that all test locations in streetscapes surrounding the Site to pass walking comfort criterion, with main entrances along Blender Lane passing the standing comfort criterion. However, tests for individual balconies showed that some failed the safety criterion and higher screens were proposed to improve wind conditions in these areas.

DELWP requested further information in regards to wind conditions for balconies as well as the terraces which form part of the outdoor communal open space at Levels 5 and 40. Additional advice from MEL Consultants confirmed that screens, as discussed above, meant that balconies met the standing criterion, as suggested as a minimum measure from DELWP.

Additional information also explained that only one location on Level 5 did not achieve the standing criterion, and this would be mitigated through the extensive landscaping that is proposed.

Screens with a height of 1.7 metres are proposed on Level 40 in lieu of the original 1.1 metre high screens, and these are also expected to mitigate any adverse wind effects.

Based on the information provided above, and subject to the measures outlined in the submitted reports from MEL Consultants being implemented in the development, it is considered that the requirements for wind effects in DDO10 will be met. An appropriate condition will be included in Council's recommendation.

### 8.3.6 Overshadowing

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

The submitted shadow analysis prepared by Bates Smart demonstrates that none of the locations listed in Tables 1 or 2 would be overshadowed by the development.

Additional shadowing caused by the development meets the requirements of DDO10 and will not unreasonably impact any public space.

### **8.3.7 Capital City Zone 1**

The development meets the requirements of the CCZ1 outlined in the decision guidelines at Clause 3.0 of Schedule 1 by virtue of:

- Its compliance with relevant policy contained in the PPF and MSS in relation to housing, heritage and economic development;
- It meets all relevant policy within the LPPF, particularly Clause 22.04 (Heritage Places in the Capital City Zone);
- It meets the design objectives, outcomes and elements of Schedule 1 of the Design and Development Overlay;
- It meets the required built form outcomes of Schedule 10 of the Design and Development Overlay outlined above;
- Assessment against the objectives and standards of Clause 58 demonstrated a high level of compliance; and
- The development will provide a commensurate public benefit based on the proposed Floor Area Ratio.

#### 8.4. Public benefit provision

The objectives of Clause 22.03 and decision guidelines of Schedule 1 to the CCZ require the Responsible Authority to consider the extent to which a development with a FAR exceeding 18:1 will deliver a commensurate public benefit.

The following calculations are based on the document 'How to Calculate Floor Area Uplifts and Public Benefits' (November 2016):

##### Floor area uplift and public benefits calculations

Base GFA (18:1 FAR)	$1,695.9 \times 18 = 30,526.2 \text{ m}^2$
Proposed GFA (above ground)	33,146 m <sup>2</sup>
Floor area uplift (FAU)	$33,146 \text{ m}^2 - 30,526.2 \text{ m}^2 = 2,619.8 \text{ m}^2$
Base data for valuing FAU (GRV/m <sup>2</sup> )	\$7,000/ m <sup>2</sup> residential in Flagstaff precinct
Value of each m <sup>2</sup> of FAU (10% of GRV)	$\$7,000/ \text{m}^2 \times 10\% = \$700/ \text{m}^2$
Total value of FAU	$2,619.8 \text{ m}^2 \times \$700/ \text{m}^2 = \$1,833,860$
Value of public benefit to be provided	At least <b>\$1,833,860</b>
Proposed public benefits to be provided	Publically accessible open area on the site - comprising the widening of Blender Lane = 103 m <sup>2</sup>  Independent valuation of land to be publically accessible = \$24,757 per m <sup>2</sup>  <b>Value of public benefit:</b>  $103 \text{ m}^2 \times \$24,757 = \mathbf{\$2,549,971}$ or \$716,111 above what is otherwise required

The application proposes to provide a public benefit in the form of publically accessible open area on the site, created through the widening of Blender Lane, resulting in an additional area of 103m<sup>2</sup> on the east side of the existing laneway which will be open to the sky.

The provision is consistent with the objectives of Clause 22.03 and decision guidelines of Schedule 1 to the CCZ as:

- Relevant planning policy, including Clause 22.20, encourages the improvement of the city's laneway network and the creation of new laneways; as well as enhancing the amenity of laneways to encourage more intensive pedestrian use;
- Council has undertaken independent calculations based on the data and independent valuation provided by the applicant and these are accurate and correct; and
- The public benefit can be secured via a condition of permit requiring the permit holder to enter into a Section 173 Agreement.

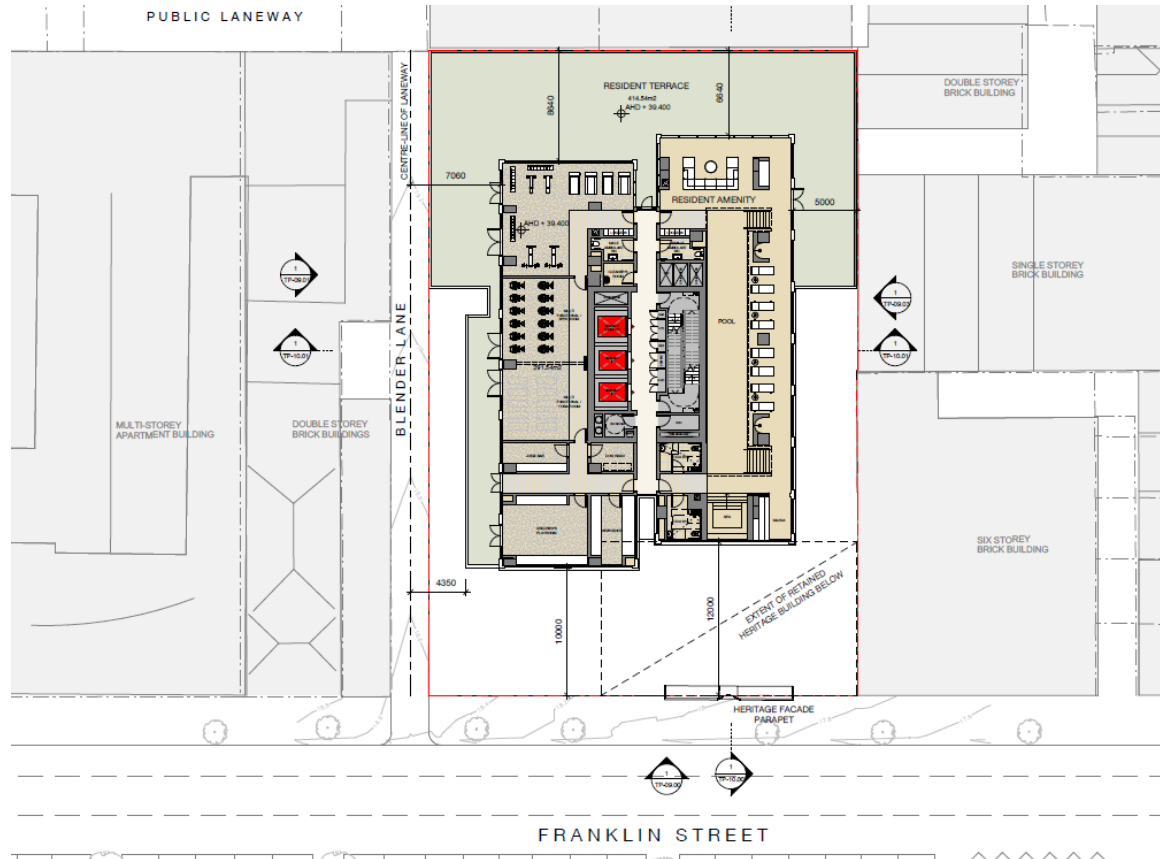
It is noted that, whilst support for the widening of Blender Lane has been provided by Council Infrastructure and Assets, the widened portion of the laneway will remain the responsibility of the land owner in perpetuity. In addition, while the publically accessible basketball court and the Build-to-Rent housing are supported, they are not

treated as formal public benefits and are not treated or conditioned in any specific manner.

### **8.5. Heritage**

The application has been assessed against relevant heritage policy, including the decision guidelines of Clause 43.01-8 and the requirements of Clause 22.04 and exhibits an appropriate response based on the following:

- The proposal does not seek to fully demolish the existing B graded building;
- The current application proposes an identical degree of demolition as approved in Planning Permit TP-2018-429, retaining the building fronting Franklin Street to a depth of 12 metres, including the roof;
- Demolition of buildings to the rear were accepted as having limited impact on the heritage significance of the place by Council's Heritage Advisor during the review of the planning permit application for TP-2018-429;
- Although heritage policy at Clause 22.04 notes that "partial demolition in the case of significant buildings...will not generally be permitted", retention of the front 12 metres of the building fronting Franklin Street will ensure that the three-dimensional form of the building is legible in the public realm;
- Re-use of the retained portion of the heritage building as a residential lobby with co-working space above exhibits a successful adaptation;
- Relocation of access from the west to east side of the building was also approved in TP-2018-429 and retains a single point of access, contained within the existing building openings;
- The tower above the heritage building will no longer feature any cantilevered elements, as were approved in TP-2018-429, in line with policy for new additions; and
- The tower is appropriately set back from the heritage building to ensure it is not visually dominant and allows the heritage building to maintain its prominence in the Franklin Street streetscape.



**Figure 10 Level 5 floor plan showing positioning of tower above heritage roof (Source: Applicant)**

### 8.6. Better Apartment Design Standards (Clause 58)

The application has been assessed against the requirements of Clause 58. That assessment demonstrates a high level of consistency with the objectives and standards of Clause 58, finding that the proposed development will provide residents with apartments that offer a good standard of amenity in a development that is responsive to the Site and surrounds.

The development will meet all objectives of Clause 58 and require a variation to one standard only – Clause 58.03-5, Standard D10, Landscaping. That standard requires a minimum of 10% of the site area to feature deep soil, with 1 large tree per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil. This will not be achieved for the development.

However, the alternative provided by Standard D10 is for canopy trees or climbers with appropriately sized planters *or* vegetated planters, green roofs or facades.

Ample opportunity for landscaping exists throughout the site. Aside from private balconies belonging to individual apartments, landscaping will be a feature at Levels 1, 4, 5 and 40 with vegetated planters containing varying soil depths and species. Landscaping on the site will meet the objective of Clause 58.03-5.

Conditions of permit are recommended for landscape plans and documentation for landscaping maintenance to be endorsed, should a permit issue.

The development meets all other objectives and standards of Clause 58 and will exhibit an appropriate response to both the Site and context. A high level of on-site

amenity will be afforded to residents with apartments meeting all standards related to internal amenity and common property.

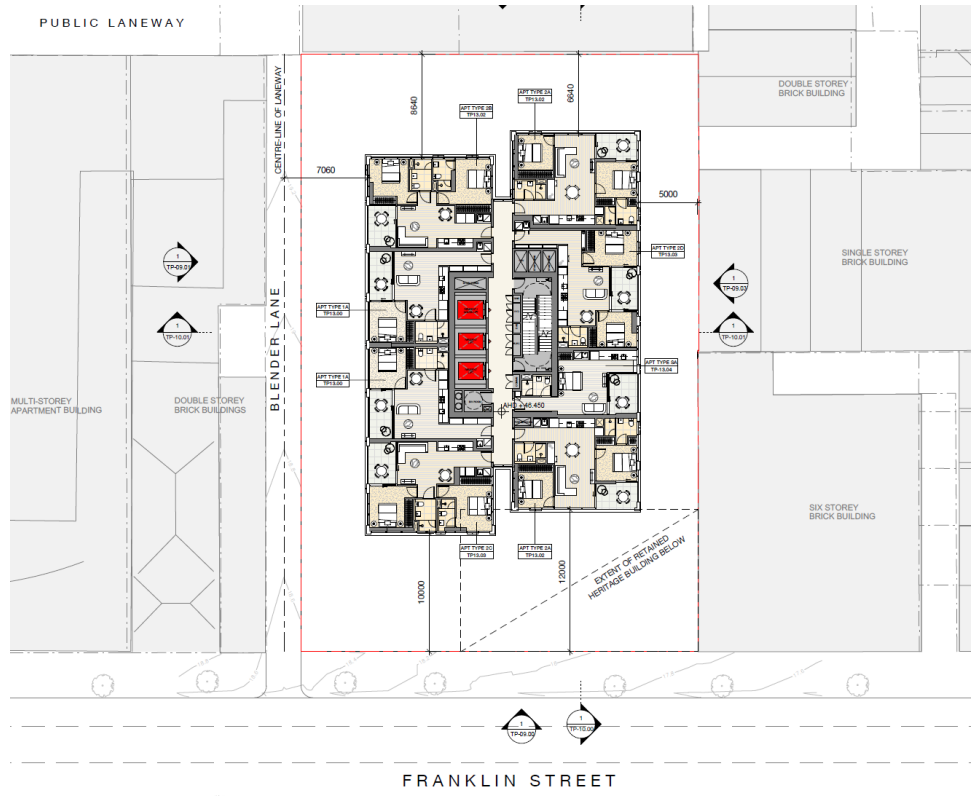
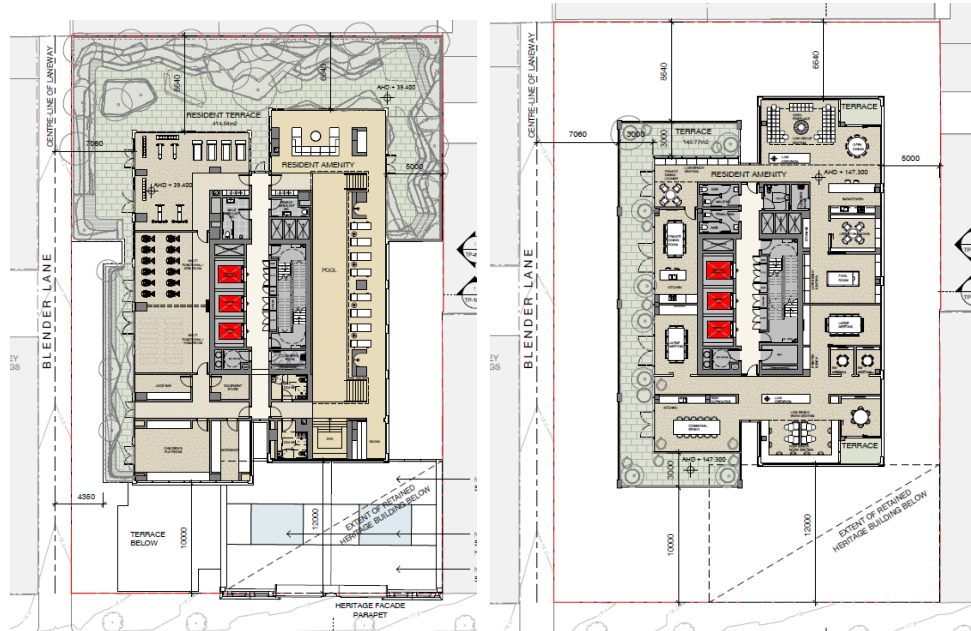


Figure 11 Level 7 floor plan showing typical apartment layout (Source: Applicant)



Figures 12 and 13 Level 5 (left) and 40 (right) floor plans showing residential amenity (Source: Applicant)



## **8.7. Waste, traffic, parking and loading**

### **8.7.1 Waste**

A waste storage room will be provided in the basement level, accessible via the accessway on the east side of the site. Review by Council's Waste Planning officer revealed that access for Council's waste vehicles would not be possible given the multiple manoeuvres that would be required to enter the site. As a result, provision of a private waste collection for both the commercial and residential components of the development has been accepted.

Whilst alternative storage and/or collection methods could have been explored, when balanced against the supported retention of the heritage building and benefits gained through the widening and continued pedestrianisation of Blender Lane, a private waste collection was deemed the most appropriate outcome.

Council's Waste Planning officer has confirmed that the submitted Waste Management Plan (WMP) is acceptable and a condition of permit will be included on Council's recommendation to endorse the relevant WMP.

### **8.7.2 Traffic, parking and loading**

Council's Traffic Engineers have confirmed that the provision of seven off-street parking spaces is acceptable. The Parking Overlay Schedule 1 allows a maximum of 282 spaces and, therefore, no permit is required.

The site is located on the north side of the CCZ1 and within the PPTN, with excellent access to alternative modes of transport. It is unlikely that residents of the development would rely on private motor vehicles for transport, and visitors are more likely to arrive on foot or via public transport.

The applicant has confirmed that all parking spaces meet the requirements of Clause 52.06-9, or the relevant Australian Standard. However, Council's Traffic Engineers have advised that some spaces require more manoeuvres than is ideal. They have also advised that the accessible car space could be relocated closer to the lift and that motorcycle spaces could also be relocated to allow better access for cars accessing spaces either side. It is noted that the accessible car space is only a distance of approximately 15 metres from the lifts and, where spaces meet the requirements of Clause 52.06-9, or the relevant Australian Standard, it would be unreasonable for Council to impose additional requirements.

Based on advice from Traffic that future streetscape works may significantly reduce on-street parking facilities, it is considered that additional loading space should be included in the basement, with sufficient space for queuing on-site. The addition of bicycle lanes on Franklin Street in the future would also impact access to the site and queuing in Franklin Street would be unsafe.

Accordingly, conditions will be included in Council's recommendation for appropriate loading and queuing facilities, as well as a Parking Management Plan.

Subject to these conditions being met, there will be no adverse impacts related to traffic, parking or loading associated with the development.

The application proposes bicycle parking and facilities in excess of the number required at Clause 52.34, as outlined above.

Bicycle parking will be located at the mezzanine level above the basement, and accessed via a ramp. A sliding door aligned with the Franklin Street boundary, located between the vehicle and pedestrian building entrances, will define this access. Whilst

residents will have access to bicycle storage, an intercom is also proposed to allow visitor access. Further details of this arrangement will be required as a condition of permit, to be included in Council's recommendation, via a Parking Management Plan.

Council's Traffic Engineers have recommended that at least 4 bicycle hoops are also provided in the widened portion of Blender Lane to cater for the retail premises and office staff. However, this would be in conflict with the intent to provide an enhanced pedestrian experience through the widening of Blender Lane and its connection to the QVM Munro site to the rear.

Much of the Blender Lane boundary is occupied by entrances to retail premises and the co-working lobby and, with the resolution to activate the ground floor of the building, the addition of bicycle hoops here would hinder pedestrian flow and compromise that activation. There is sufficient bicycle parking on-site as well as along both sides of Franklin Street and, on balance, it is considered appropriate to retain the widened portion of Blender Lane as proposed.

### **8.8. ESD**

Council's ESD officer has confirmed that the proposal is adequate from an ESD perspective. Some additional information has been recommended to be obtained as conditions on any permit to issue and this can form part of Council's recommendation.

Subject to this additional information being included in an amended Sustainability Management Plan, it is considered the development will meet the relevant ESD requirements, including those at Clause 22.19 Energy, Water and Waste Efficiency; Clause 22.23 Stormwater Management; and Clause 53.18 Stormwater Management.

### **8.9. Contaminated land**

Clause 13.04-1S provides objectives, strategies and policy guidelines to ensure potentially contaminated land is used and developed safely.

The Site has a documented history of being used for industrial purposes, and it is possible that sources of contaminants exist on the site.

Conditions have been recommended for inclusion on any permit to be granted to ensure that appropriate investigation and testing of potential contamination sources is conducted, and remediation carried out (if required). A S173 agreement regarding any ongoing measures to manage contaminated land will be required if the Environmental Audit Statement indicates a need for continuing monitoring or actions.

### **8.10. Conclusion**

The proposed development demonstrates a high level of compliance with relevant planning policy and will make a positive contribution to the Central City, particularly in terms of its contribution to the public realm and housing through the widening of Blender Lane and the provision of a high quality build to rent scheme.

The proposed development provides a positive response to heritage policy, retaining the existing B graded building to a depth of 12 metres, including the roof structure above and without major modification to the facade.

The development appropriately responds to the surrounds, improving the pedestrian connection to the QVM Munro site to the north and providing a street wall height and overall building height consistent with more recent development in the area. The proposed tower is of a similar height to the Munro development to its immediate north (41 storeys compared with 40 storeys).

## 9. OFFICER RECOMMENDATION

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

### Amended plans

1. Prior to the commencement of the development, including demolition and bulk excavation, an electronic copy of plans, which are drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans drawn by Bates Smart, dated 9 July 2021 but amended to show:
  - a) The plant screen reduced in height by a minimum of 1.0 metre (to AHD 163.8 metres minimum).
  - b) Details of any canopy/awnings to Blender Lane (where proposed).
  - c) Convex mirrors for the basement access ramp deleted and replaced with an electronic warning system.
  - d) Details of the holding line for basement signals at an appropriate location to allow vehicles entering the site to safely pass exiting vehicles.
  - e) Details of a bollard protected walkway to ensure pedestrian safety in the car park between car spaces and lift access.
  - f) Further details of the garden bed terracing materials and construction method as shown in Sections A, C and D on page 14 of the Urban Context Report Section 6.8 – Landscape Design Resident Terraces - by Eckersley Garden Architecture, dated 08.07-21.
  - g) Any changes required by the Parking Management Plan at Condition 17.
  - h) Any changes required by the Loading Management Plan at Condition 21.
  - i) Any changes required by the Sustainability Management Plan Condition 23.

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

### Layout not altered and satisfactory completion

2. The development and use as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
4. Prior to the occupation of the development hereby approved, all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.
5. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.
6. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

### Retain architects

7. Except with the written consent of the Responsible Authority, Bates Smart must be retained to complete and provide architectural oversight during construction of

the detailed design as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of the Responsible Authority.

### **Demolition and heritage conservation**

8. Prior to demolition, the permit holder must satisfy the Responsible Authority that substantial progress has been made towards obtaining the necessary building permits for the development of the land generally in accordance with the development hereby approved and that the permit holder has entered into a formal contract for the construction of the development.
9. Prior to the commencement of the development, including demolition, a report prepared by a suitably qualified Structural Engineer, or equivalent, must be submitted to the Responsible Authority, demonstrating the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention, to the satisfaction of the Responsible Authority. The recommendations contained within this report must be implemented at no cost to Melbourne City Council, and be to the satisfaction of the Responsible Authority.
10. Prior to the commencement of the development, including demolition, a Conservation Management Plan for the heritage building must be submitted to and be approved by the Responsible Authority. The Conservation Management Plan must include detailed recommendations for the protection and/or restoration of the retained parts of Burbank House, including salvaging and reuse of original fabric to the extent possible.

When approved, the Conservation Management Plan will form part of the permit. Works to the heritage building approved under this permit must be undertaken in accordance with the Conservation Management Plan to the satisfaction of the Responsible Authority.

11. Prior to the commencement of any demolition, construction or works, a bank guarantee or bond to the value of \$200,000.00 must be deposited with the Responsible Authority to ensure that the existing building at 96-102 Franklin Street, Melbourne is not demolished except to complete the development in accordance with the endorsed plans. The bank guarantee or bond will be returned when the works are completed to the satisfaction of the Responsible Authority.

### **Façade Strategy**

12. Concurrent with the endorsement of plans pursuant to Condition 1, a Façade Strategy and Materials and Finishes must be submitted to and be approved by the Responsible Authority. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Façade Strategy must be generally in accordance with the development plans and must detail:
  - a) A concise description by the architect of the building design concept and how the façade works to achieve this.
  - b) Elevation details generally at a scale of 1:50 illustrating typical lower level details, balcony niches, entries and doors, and utilities, typical tower detail, and any special features which are important to the building's presentation.
  - c) Updated 1:20 ground level elevations, which include a higher level of detail to emphasise the human scale and interactivity of the direct laneway and street interfaces, including awnings, emphasis of key building entries, a low level robust plinth, integrated seating elements, and operable windows. Materials must be high quality, natural, textured and robust to ensure longevity, visual interest and warmth.

- d) Cross sections or another method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
- e) Information about how the façade will be accessed and maintained and cleaned.
- f) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high quality built outcome in accordance with the design concept.
- g) A schedule of colours, materials and finishes, including the colour, finish, type and quality of materials showing their application and appearance. Details must include:
  - i. *Product specification of GL01 and GL03 (glass planks) to ensure the product is fine grained and visually interesting, demonstrating that the podium design can be achieved.*

Materials and finishes must be of a high quality, contextually appropriate, textured, robust durable and visually interesting. This can be demonstrated in coloured elevations or renders from key viewpoints.

### **Construction Management Plan**

13. Prior to the commencement of the development, including demolition and bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group. This construction management plan must be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:
- a) public safety, amenity and site security.
  - b) operating hours, noise and vibration controls.
  - c) air and dust management.
  - d) stormwater and sediment control.
  - e) waste and materials reuse.
  - f) traffic management.
  - g) protection of street trees.

### **Tree Protection Plan**

14. Prior to the commencement of any works, including demolition and bulk excavation, a Tree Protection Plan (TPP) must be provided to the satisfaction of the City of Melbourne (Urban Forestry & Ecology). The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
- a. City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
  - b. Reference to the Tree Protection Plan (TPP) by Greenwood Consulting, dated 2 March 2020.
  - c. Reference the finalised Construction and Traffic Management Plan, including any public protection gantries, scaffolding, construction zones, machinery locations and vehicle swept paths.

- d. Site specific details of the temporary tree protection methods to be used to isolate public trees from the demolition and construction activities.
- e. Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.
- f. Full specifications of any pruning required to public trees with reference to marked images.
- g. Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
- h. Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).

### **Public Tree Protection**

15. All works (including demolition), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.
16. Following the approval of a Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted on, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.

### **Parking Management**

17. Prior to the commencement of the use and development hereby permitted, a Parking Management Plan must be submitted to and approved by the Responsible Authority. The plan must detail, but not be limited to the means by which the on-site car parking and bicycle parking spaces approved under this permit will be allocated and managed; and details of how the warning system will operate to ensure there is no conflict between vehicles entering and exiting the site.

When approved, the plan will be endorsed and will then form part of the permit. Management of the car and bicycle parking provided in association with the use must be in accordance with the approved plan, to the satisfaction of the Responsible Authority.

18. The parking, loading and unloading area(s) shown on the endorsed plans must be kept available for that use at all times and the car parking spaces and access ways must not be obstructed or otherwise rendered inaccessible.
19. A warning device must be installed at the car park entry alerting pedestrians when vehicles are exiting the building, to the satisfaction of the Responsible Authority.
20. Unless with the prior written consent of the Responsible Authority, the loading and unloading of vehicles and delivery of goods to and from the site must at all times take place within the boundaries of the site to the satisfaction of the Responsible Authority.

### **Loading Management**

21. Prior to the commencement of the development a comprehensive Loading Management Plan (LMP) is to be prepared, specifying how the access/egress of loading vehicles is to be managed and ensuring that:

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

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

### **Waste Management**

22. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Ratio dated 8 July 2021.

The submitted WMP must not be altered without prior consent of the City of Melbourne – Waste and Recycling.

### **Environmentally Sustainable Design**

23. Before development commences, an amended Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority and prepared by a suitable qualified person must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainability Management Plan (SMP) will be endorsed and form party of this permit. The amended Sustainability Management Plan (SMP) must be generally in accordance with the Sustainability Management Plan (SMP) prepared by ADP Consulting, dated 7 September 2021, but modified to include or show:
  - a) Provide a Climate Adaptation Plan and outline how it has influenced design outcomes.
  - b) Provide the operational ESD management plan that outlines the building performance targets.
  - c) Provide daylight modelling to support Green Star credit 12.1.
  - d) Provide a Green Travel Plan that outlines the commitments to support Green Star credit 17A.
  - e) Amend the basement plans (TP-03.B1) to articulate rainwater tank size, and consider increasing the size of the rainwater tank to further reduce potable consumption.
  - f) Re-word commitments regarding ‘materials’ to identify that the requirements will be incorporated into procurement and contractual documentation to ensure delivery.
  - g) Provide a copy of the Green Star Ecology calculator to support claims.
  - h) Amend Material Schedule with high SRI values for external/roofing finishes.

- i) Amend Planting Palette within Landscape Plan to show mature plant sizes, and provide cross-sections with soil depths in-line with the Better Apartment Design Standards (BDS) guides to ensure sufficient volume for medium sized plants.
  - j) Provide a revised copy of the NatHERS modelling that shows the improvements to building fabric (glazing and otherwise) and achievement of 7-star NatHERS ratings, compared against current modelling (showing 6.7-star average).
  - k) Confirm provision of rooftop solar PV and shadow analysis to support viability.
24. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans, including but not limited to:
- a) Documentation to support local procurement 'aspirational target' of 80% of skilled workers and labour to be sourced from within 50km of the site area.
  - b) A copy of the Financial Transparency Disclosure Template.
  - c) Images and purchasing orders to support other commitments (such as rainwater tank, and rooftop solar).

### **Landscaping**

25. Prior to commencement of development, a complete Landscape package, Landscape Maintenance Plan and a Landscape Irrigation Performance Specification in connection with the proposed development must be submitted to, and be approved by the Responsible Authority. The landscape package should include detailed planter sections including soil volumes and schedules of species with specific consideration given to soil volume requirements and growing medium proposed. The Landscape Maintenance Plan should provide details of proposed maintenance regimes with provision for maintenance beyond the fifty-two-week period following Practical Completion. Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.

### **3D Digital Model**

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



### **Legal agreement for Blender Lane**

27. Prior to the commencement of the development, the owner of the land must enter into an agreement with the City of Melbourne pursuant to Section 173 of the Planning and Environment Act 1987 regarding the widened portion of Blender Lane. The Agreement must:

- a) provide that the widened portion of Blender Lane will remain privately owned and controlled.
- b) provide that the widened portion of Blender Lane will remain publically accessible at all times, unless as agreed with the Responsible Authority.
- c) provide that the Owner is solely responsible for the care and maintenance of the widened portion of Blender Lane at the Owners cost and to the satisfaction of Council.
- a) be to the satisfaction of the Council's Director Infrastructure and Assets and Chief Legal Counsel.

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.

### **Legal agreement for temporary works**

23. Prior to the commencement of the demolition or removal of existing buildings or works (excluding demolition or removal of temporary structures) on the land, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:

- d) if the land remains vacant for 6 months after completion of the demolition;
- e) demolition or construction activity ceases for a period of 6 months; or
- f) construction activity ceases for an aggregate of 6 months after commencement of the construction,

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

Prior to the commencement of construction of the temporary works, details of the works must be submitted to and be to the satisfaction of the Responsible Authority.

Temporary works may include:

- a) The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage; or
- b) Landscaping of the site for the purpose of public recreation and open space.

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

### **Infrastructure and Assets**

28. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Infrastructure and Assets. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.

29. All groundwater and water that seeps from the ground adjoining the building basement (seepage water) and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to the Council's drainage network. All contaminated water must be treated via a suitable treatment system and fully reused on site or discharged into a sewerage network under a relevant trade waste agreement with the responsible service authority.
30. Prior to the commencement of the use/occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.
31. All portions of roads and laneways affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.
32. The road adjoining the site along Blender Lane must be reconstructed in bluestone, to match the existing laneway, together with associated works including drainage, lighting and the modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.
33. The footpath adjoining the site along Franklin Street must be reconstructed in sawn bluestone together with associated works including the renewal of kerb and channel, provision of street furniture and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.
34. Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Infrastructure and Assets.
35. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Infrastructure and Assets.
36. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – Infrastructure and Assets.
37. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy, and include the provision of public lighting in the adjacent streets of the subject land. The lighting works must be undertaken prior to the commencement of the use/occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.

#### **Potentially contaminated land**

38. Prior to the commencement of the development (excluding any works necessary to undertake the assessment), a Preliminary Risk Screen Assessment (PRSA) of the site must be conducted by a suitably qualified environmental auditor. The PRSA statement and report must be submitted to

the Responsible Authority in accordance with section 205 of the Environment Protection Act 2017 and respond to the matters contained in Part 8.3, Division 2 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority.

39. If the PRSA requires an Environmental Audit be undertaken, then prior to the commencement of the development (excluding any works necessary to undertake the audit), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the Responsible Authority in accordance with section 210 of the Environment Protection Act 2017 responding to the matters contained in Part 8.3, Division 3 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority. The EAS must either:
- state the site is suitable for the use and development allowed by this permit; or
  - state the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.
40. All the recommendations of the Environmental Audit Statement (EAS) must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works remaining on the land in accordance with the development hereby approved, and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.
41. If any of the conditions of the EAS require ongoing maintenance or monitoring, prior to the commencement of the use and prior to the issue of a statement of compliance under the Subdivision Act 1988 the owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority to the effect that all conditions of the EAS issued in respect of the land will be complied with.

### **Permit expiry**

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

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards.

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

### **Notes**

- A. This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.
- B. The applicant/owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner

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

- C. This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- D. The subject site is identified in Heritage Victoria's Heritage Inventory as having archaeological potential. If an archaeological site is uncovered in the course of a building project it is an offence under the Heritage Act 2017 to knowingly disturb, damage or excavate without obtaining the consent of the Executive Director of Heritage Victoria. The applicant is therefore advised to contact Heritage Victoria prior to the commencement of any demolition, excavation or works on the site.
- E. The internal road should remain the responsibility of the land owner(s) in perpetuity. The City of Melbourne is unlikely to agree to the internal road being made public.
- F. All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – Infrastructure and Assets.
- G. City of Melbourne is not obligated to amend the parking restrictions in the area to meet future parking demands from this development.
- H. City of Melbourne is not obligated to provide any additional bicycle hoops to cater for future bike parking demands from this development.
- I. A tree protection bond can be provided as a bank guarantee or by EFT. A bank guarantee must be:
- 1. Issued to City of Melbourne, ABN: 55 370 219 287.
  - 2. From a recognised Australian bank.
  - 3. Unconditional (i.e. no end date)
  - 4. Executed (i.e. signed and dated with the bank stamp)
- If the bond is to be lodged as an EFT, Council's bank details will be provided on request.
- J. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email [trees@melbourne.vic.gov.au](mailto:trees@melbourne.vic.gov.au) to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.
- K. Any pruning works identified in the Tree Protection Plan will be undertaken once the Tree Protection Bond is lodged, all permits issued and works are ready to commence.
- L. On completion of the works, the bond will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the public trees have not been affected by the works.
- M. Approval for any tree removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited to significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.
- N. All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a trees to be

removed, must be met by the applicant/developer/owner of the site. The costs of these works will be provided and must be agreed to before council remove the subject trees.