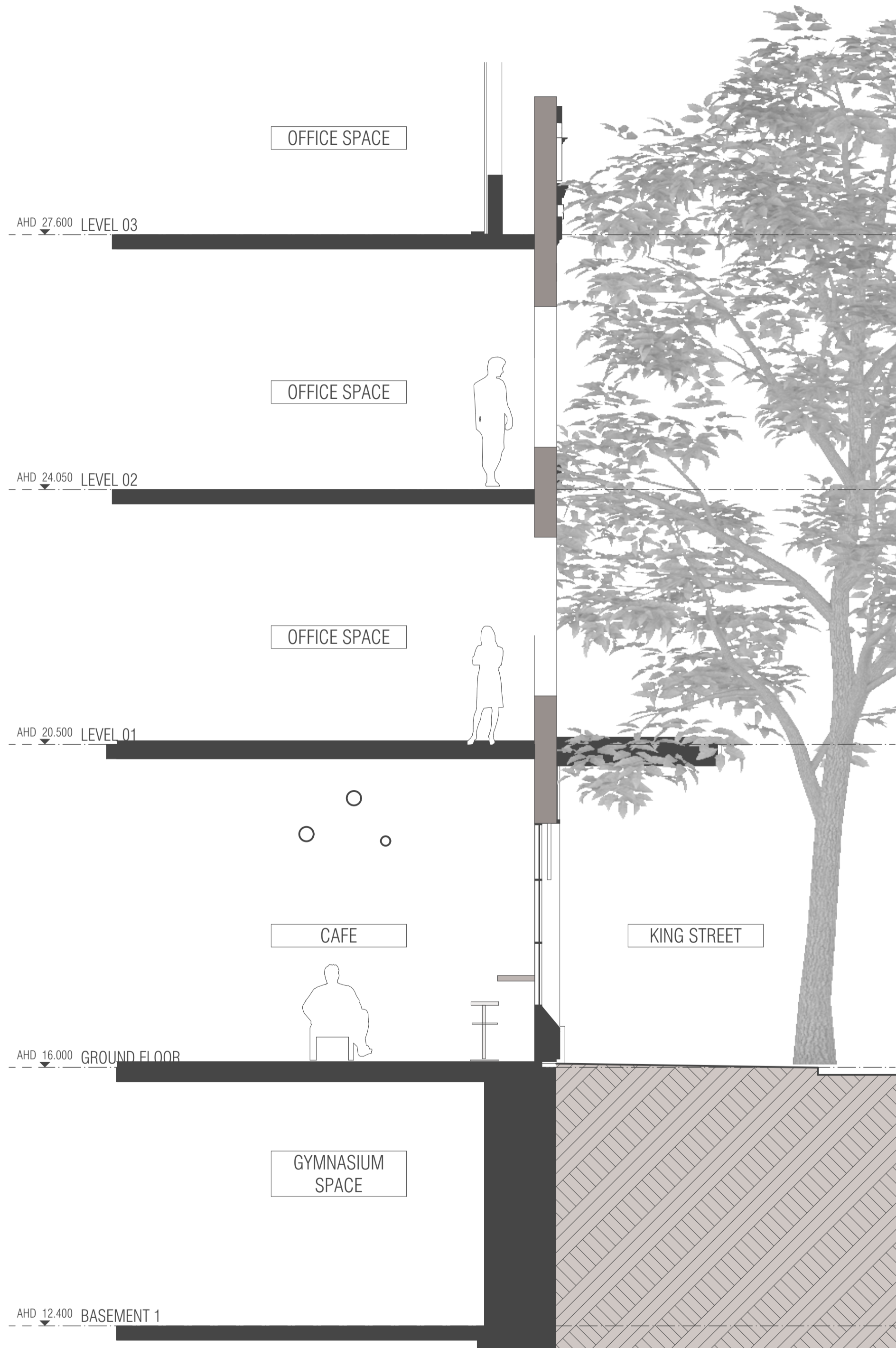
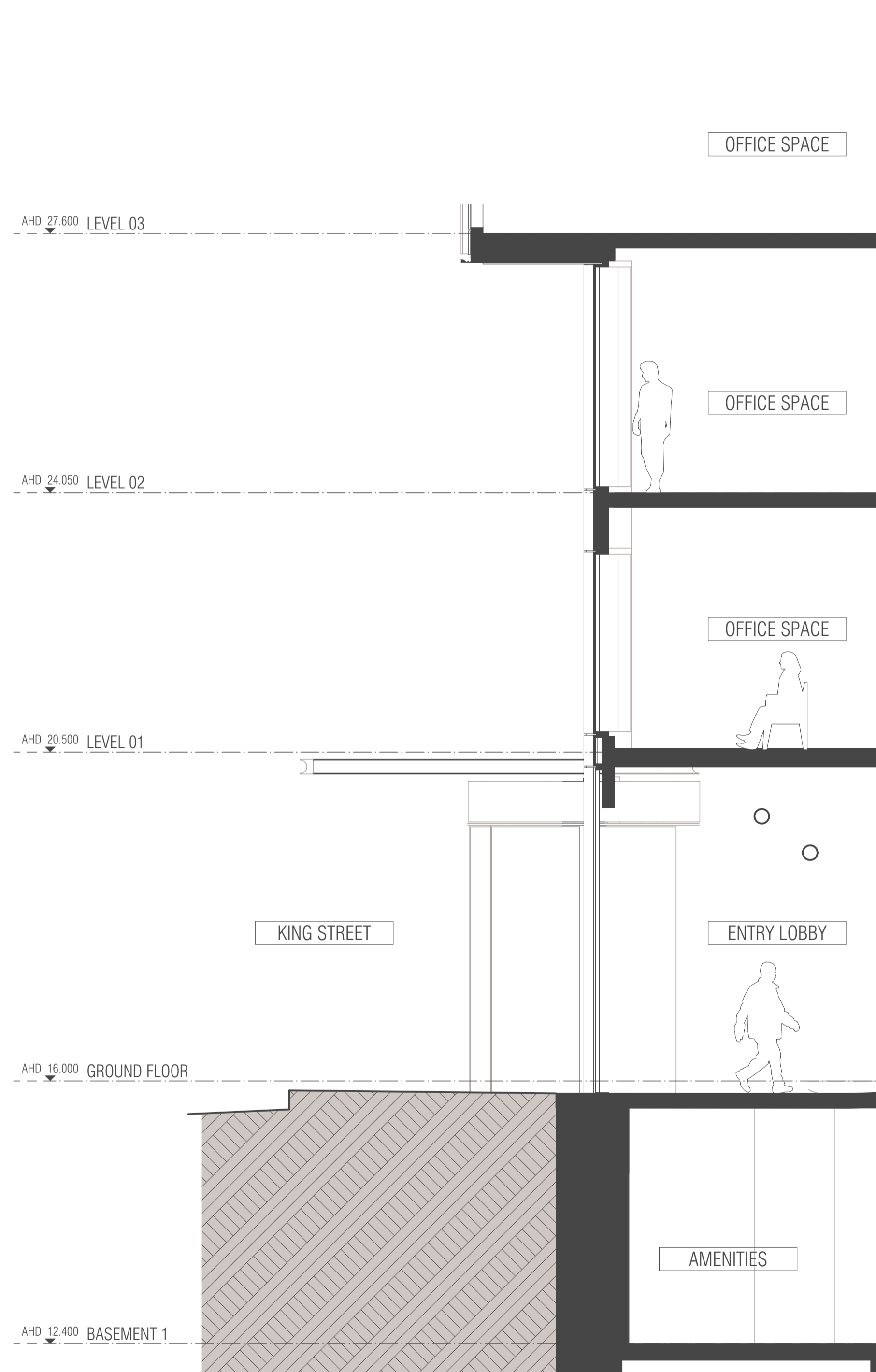


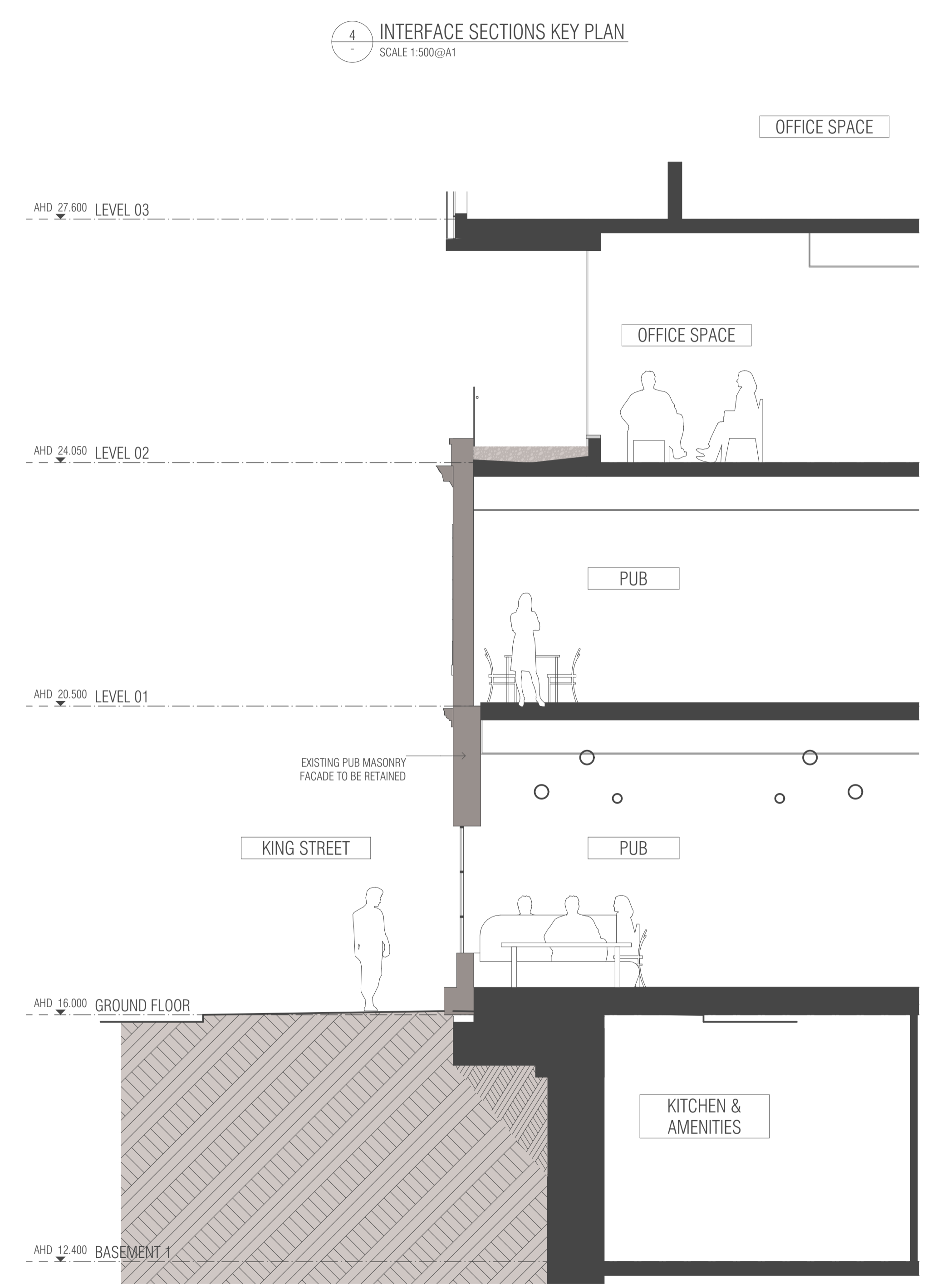
4 INTERFACE SECTIONS KEY PLAN  
SCALE 1:500@A1



1 STREET INTERFACE A  
SCALE 1:50@A1



3 STREET INTERFACE B  
SCALE 1:50@A1



5 STREET INTERFACE C  
SCALE 1:50@A1

BIMcloud: BIMSERVER23 - BIMcloud Basic for ARCHICAD 23/20163 570 Little Bourke Street Melbourne/20163 570 Little Bourke General - RFI3

REVISION		REVISION	
-	TOWN PLANNING	ES	19.05.2021
01	TOWN PLANNING	JP	06.08.2021
02	TOWN PLANNING	AA	17.09.2021
> 03	RFI RESPONSE THREE	AA	30.11.2021

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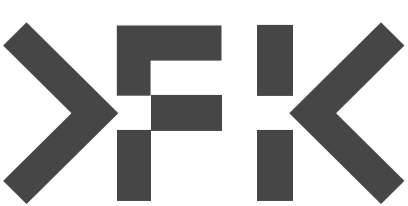
DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
ES	30.11.2021	SK	29.11.2021	20163	1:50@A1 1:100@A3

**PROJECT**  
204 - 232 KING STREET  
204 - 232 KING STREET  
MELBOURNE VIC 3000

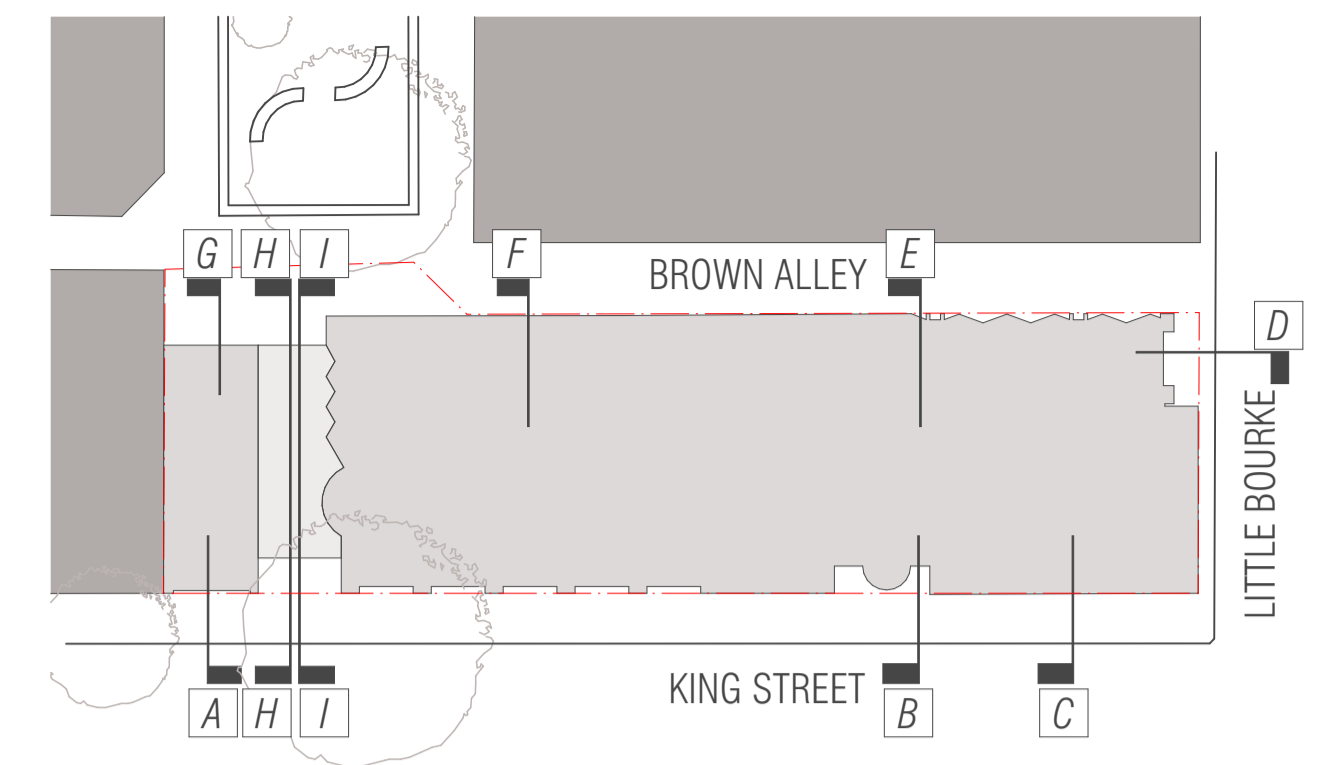
**DRAWING TITLE**  
INTERFACE SECTIONS 1

**FENDER KATSALIDIS**  
WWW.FKAUSTRALIA.COM  
2 RIVERSIDE QUAY, SOUTH BANK  
VICTORIA 3006 AUSTRALIA  
TELEPHONE: +61 3 8696 3888  
FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

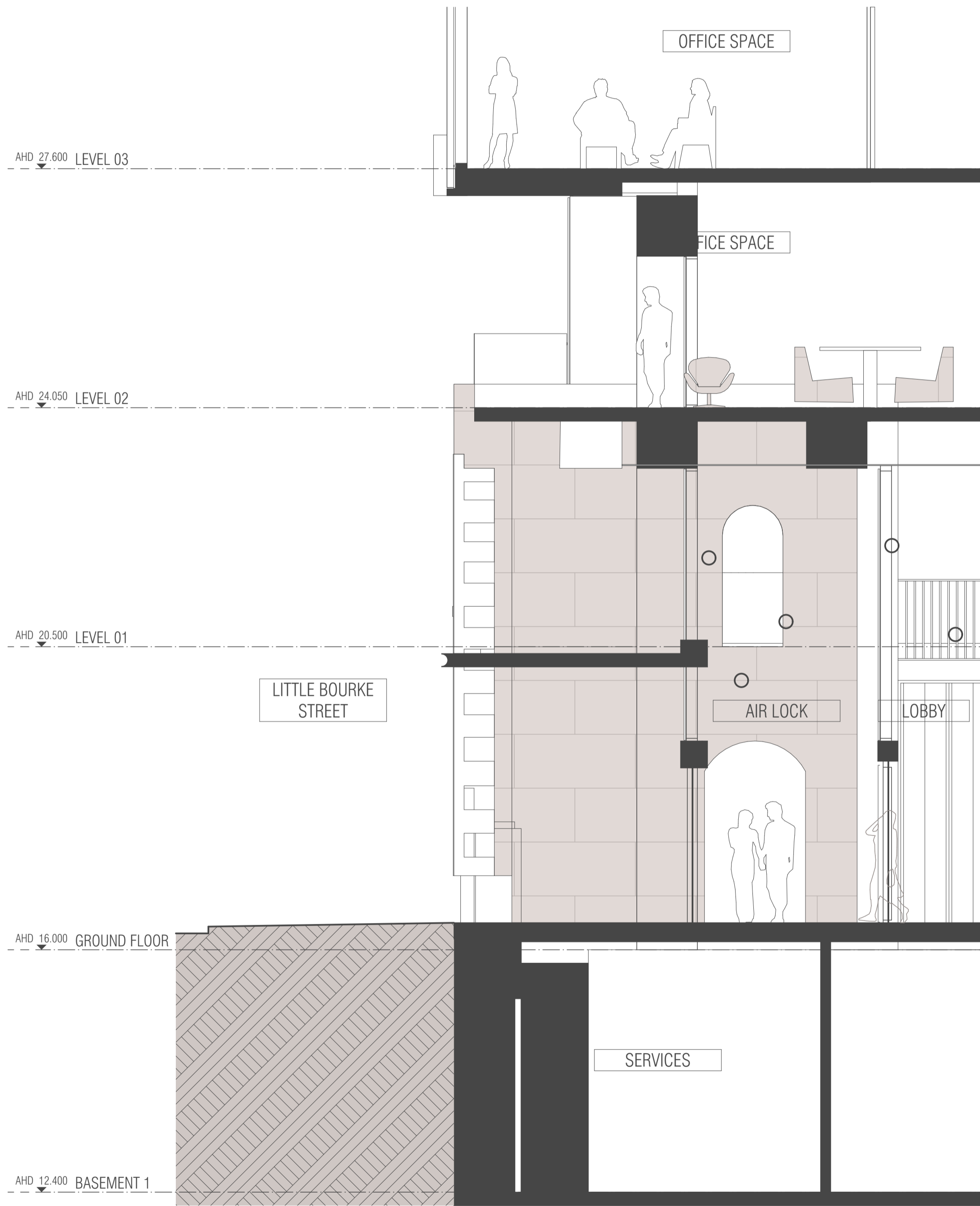
**ISSUE PURPOSE**  
RFI RESPONSE



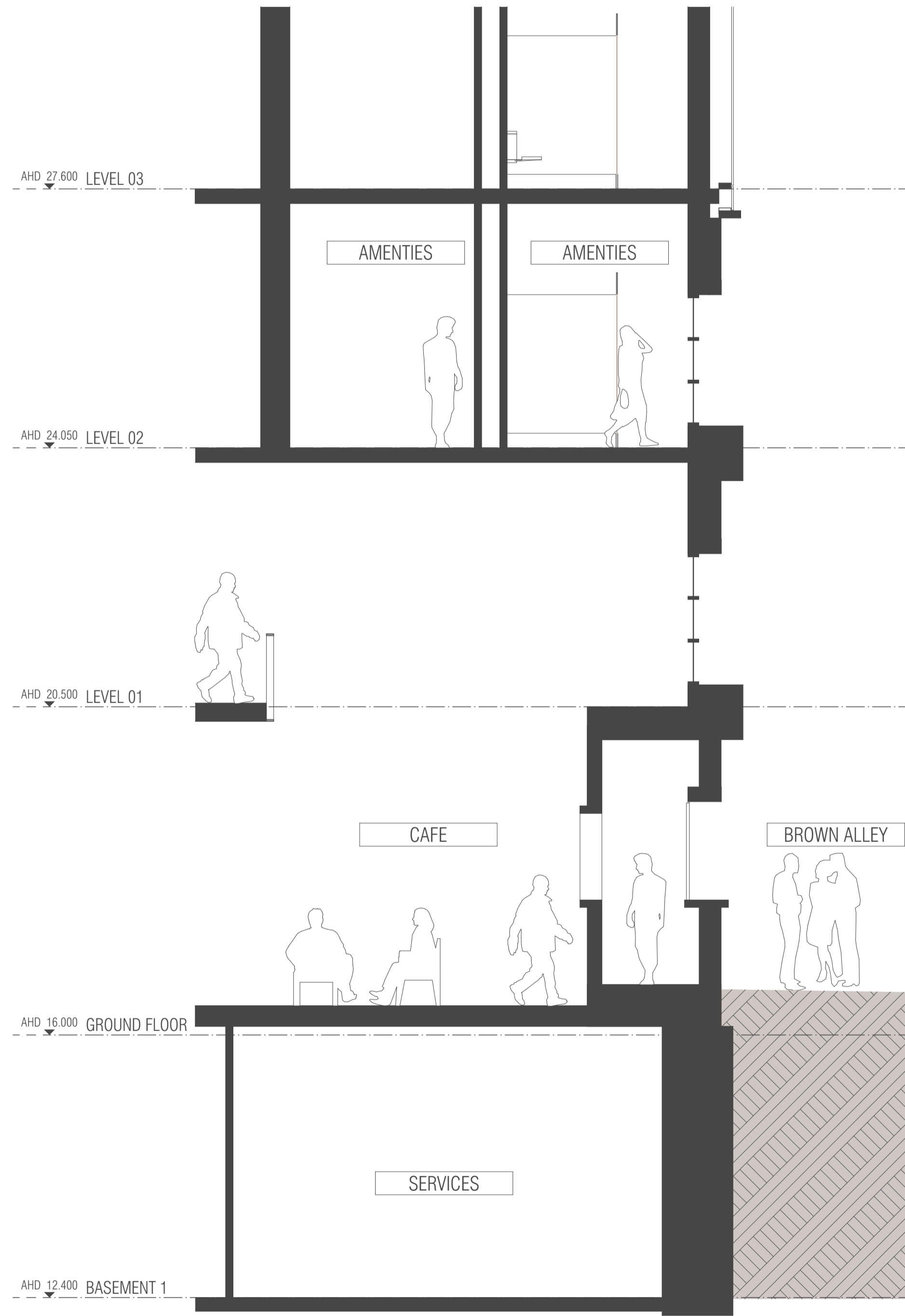
**REV.** 03  
**DRAWING NO.** TP260



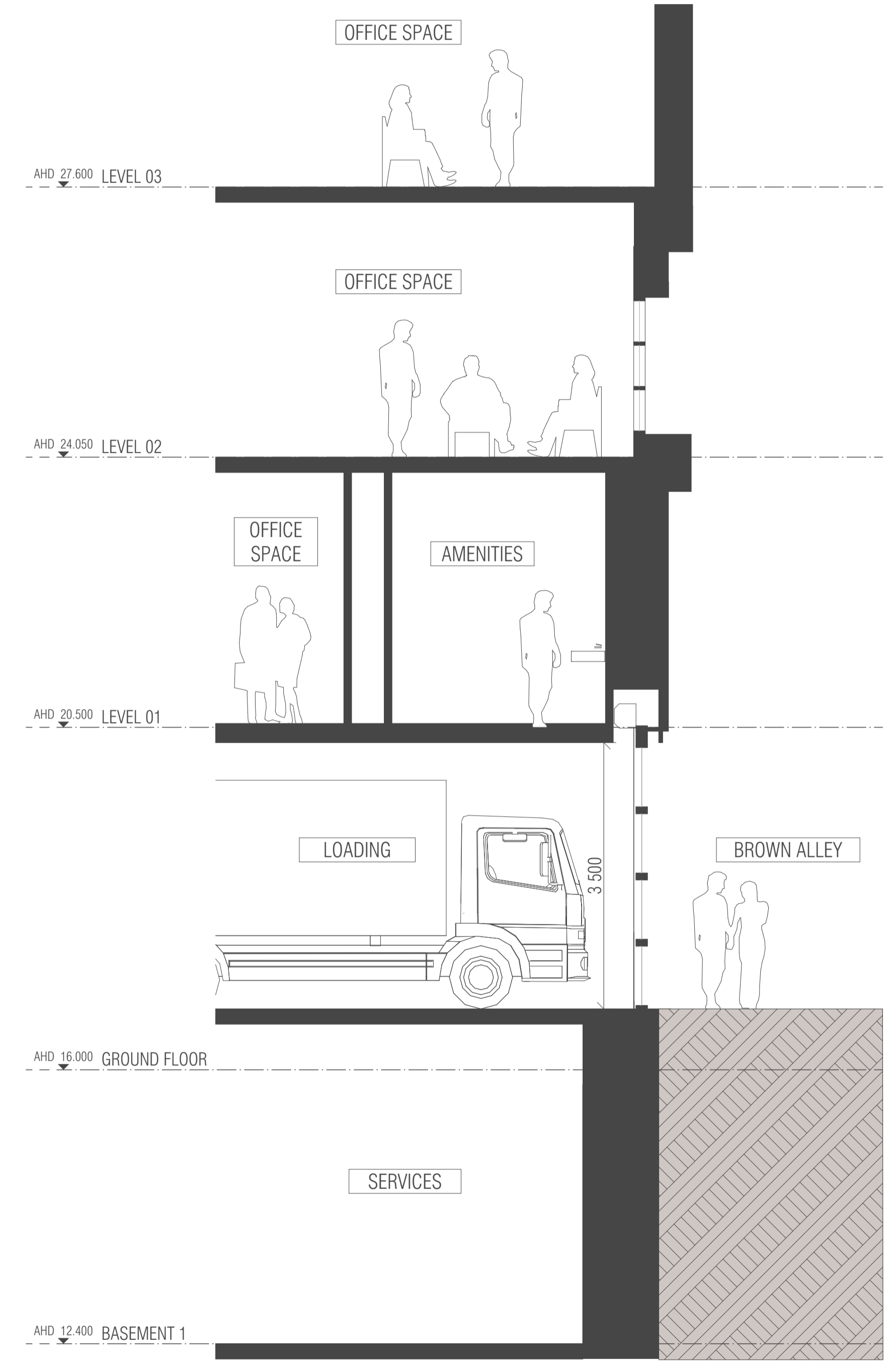
4 INTERFACE SECTIONS KEY PLAN  
SCALE 1:500@A1



1 STREET INTERFACE D  
SCALE 1:50@A1



5 STREET INTERFACE E  
SCALE 1:50@A1



3 STREET INTERFACE F  
SCALE 1:50@A1

BIMcloud: BIMSERVER23 - BIMcloud Basic for ARCHICAD 23/20163 570 Little Bourke Street Melbourne/20163 570 Little Bourke General\_RFI3

REVISION		REVISION	
-	TOWN PLANNING	ES	19.05.2021
01	TOWN PLANNING	JP	06.08.2021
02	TOWN PLANNING	AA	17.09.2021
> 03	RFI RESPONSE THREE	AA	30.11.2021

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DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
ES	30.11.2021	SK	29.11.2021	20163	1:50@A1 1:100@A3

**PROJECT**  
204 - 232 KING STREET  
204 - 232 KING STREET  
MELBOURNE VIC 3000

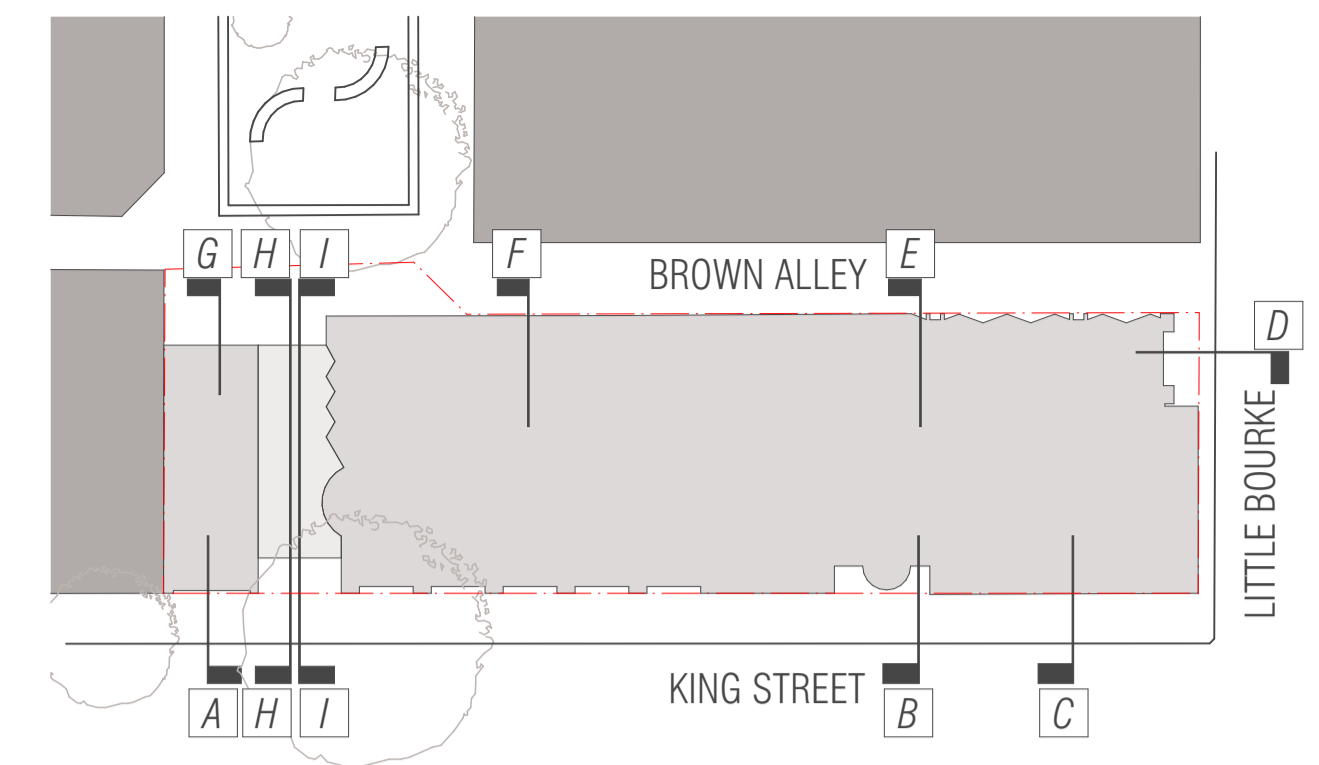
**DRAWING TITLE**  
INTERFACE SECTIONS 2

**FENDER KATSALIDIS**  
WWW.FKAUSTRALIA.COM  
2 RIVERSIDE QUAY, SOUTHBANK  
VICTORIA 3006 AUSTRALIA  
TELEPHONE: +61 3 8696 3888  
FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

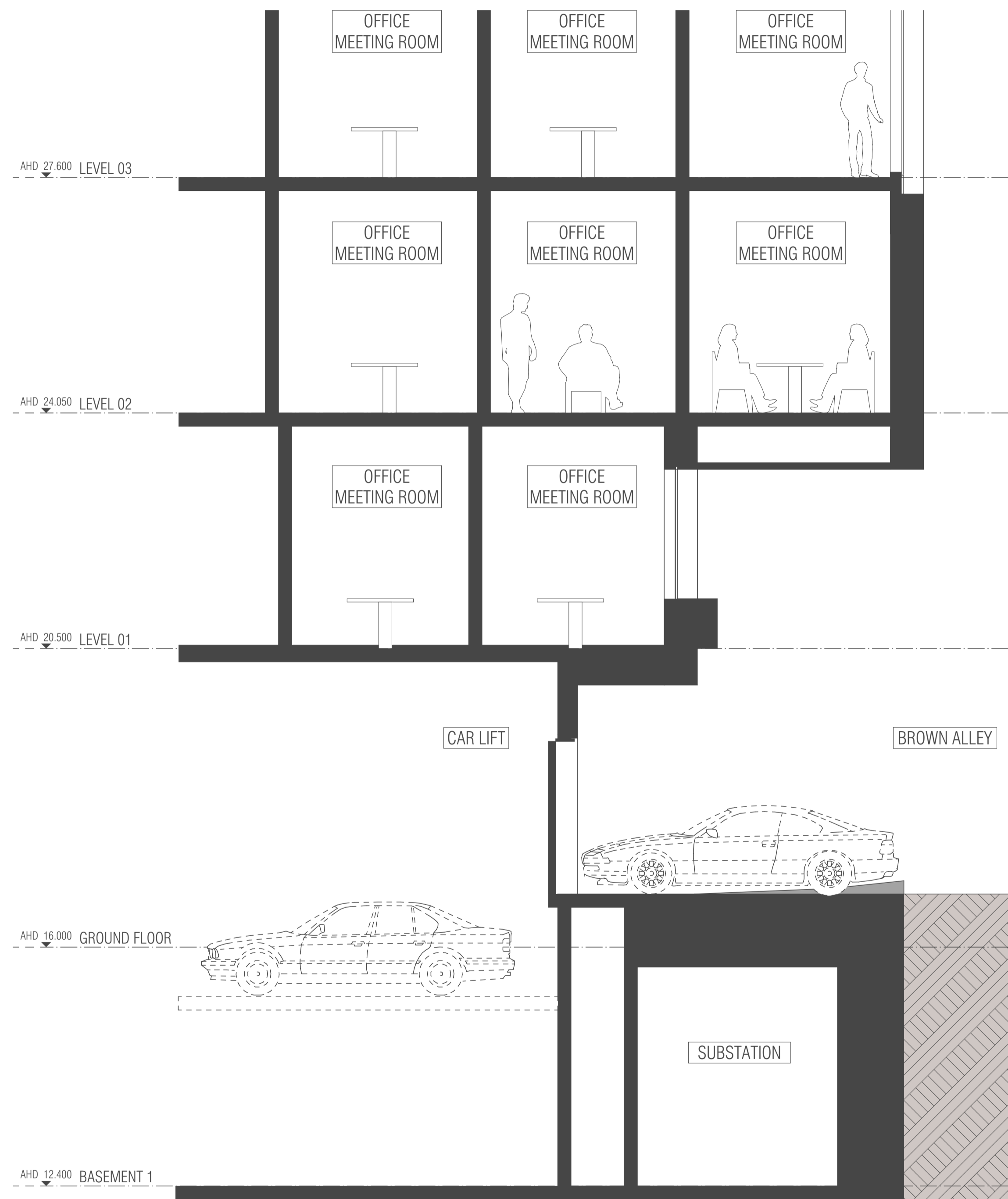
**ISSUE PURPOSE**  
RFI RESPONSE



**REV.** 03  
**DRAWING NO.** TP261



2 INTERFACE SECTIONS KEY PLAN  
SCALE 1:500@A1



1 STREET INTERFACE G  
SCALE 1:50@A1

BIMcloud: BIMSERVER23 - BIMcloud Basic for ARCHICAD 23/20163 570 Little Bourke Street Melbourne/20163 570 Little Bourke General\_RFI3

REVISION		REVISION	
-	TOWN PLANNING	ES	19.05.2021
01	TOWN PLANNING	JP	06.08.2021
02	TOWN PLANNING	AA	17.09.2021
> 03	RFI RESPONSE THREE	AA	30.11.2021

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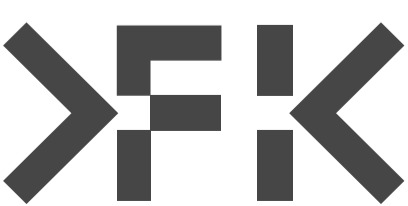
DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
ES	30.11.2021	SK	29.11.2021	20163	1:50@A1 1:100@A3

**PROJECT**  
204 - 232 KING STREET  
204 - 232 KING STREET  
MELBOURNE VIC 3000

**DRAWING TITLE**  
INTERFACE SECTIONS 3

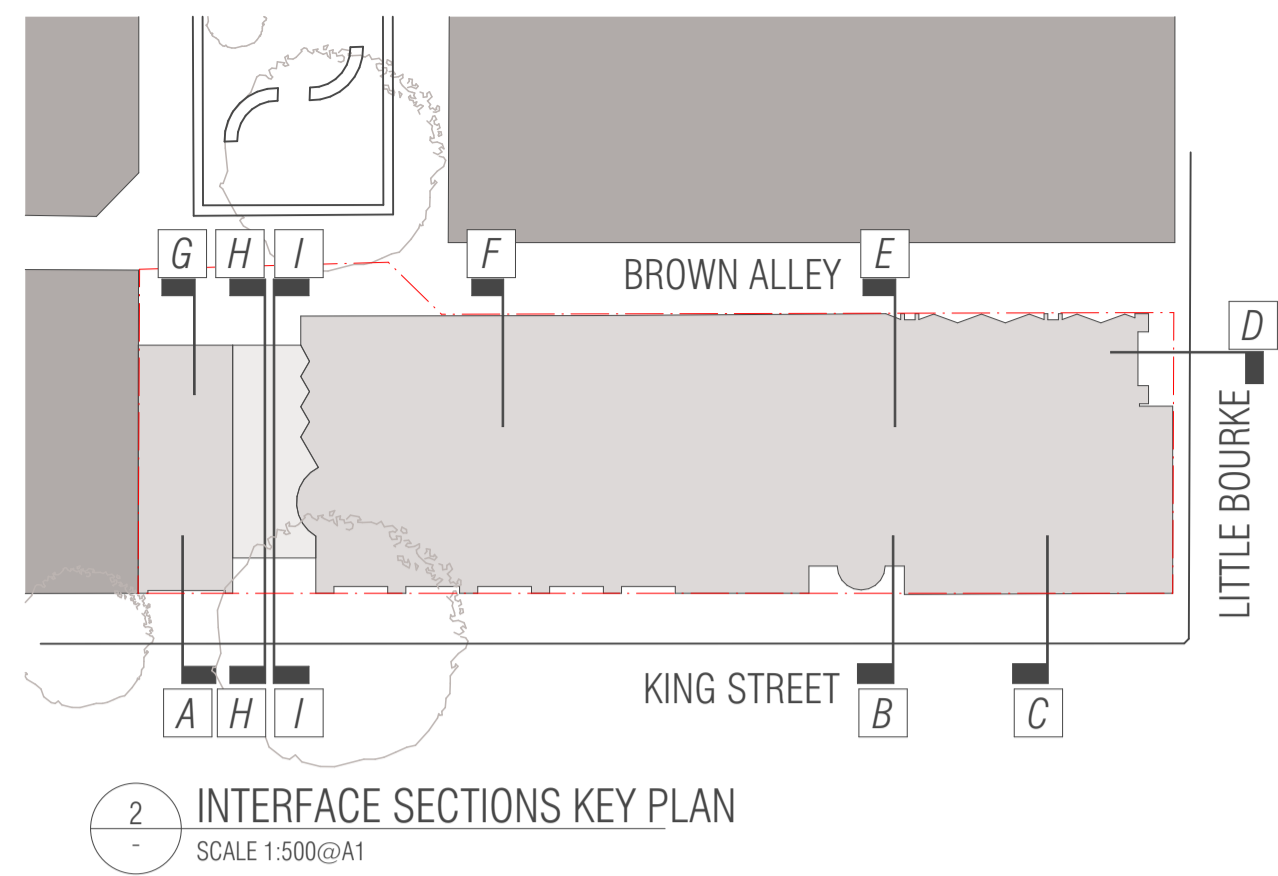
**FENDER KATSALIDIS**  
WWW.FKAUSTRALIA.COM  
2 RIVERSIDE QUAY, SOUTHBANK  
VICTORIA 3006 AUSTRALIA  
TELEPHONE: +61 3 8696 3888  
FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

**ISSUE PURPOSE**  
RFI RESPONSE



**REV.** 03  
**DRAWING NO.** TP262

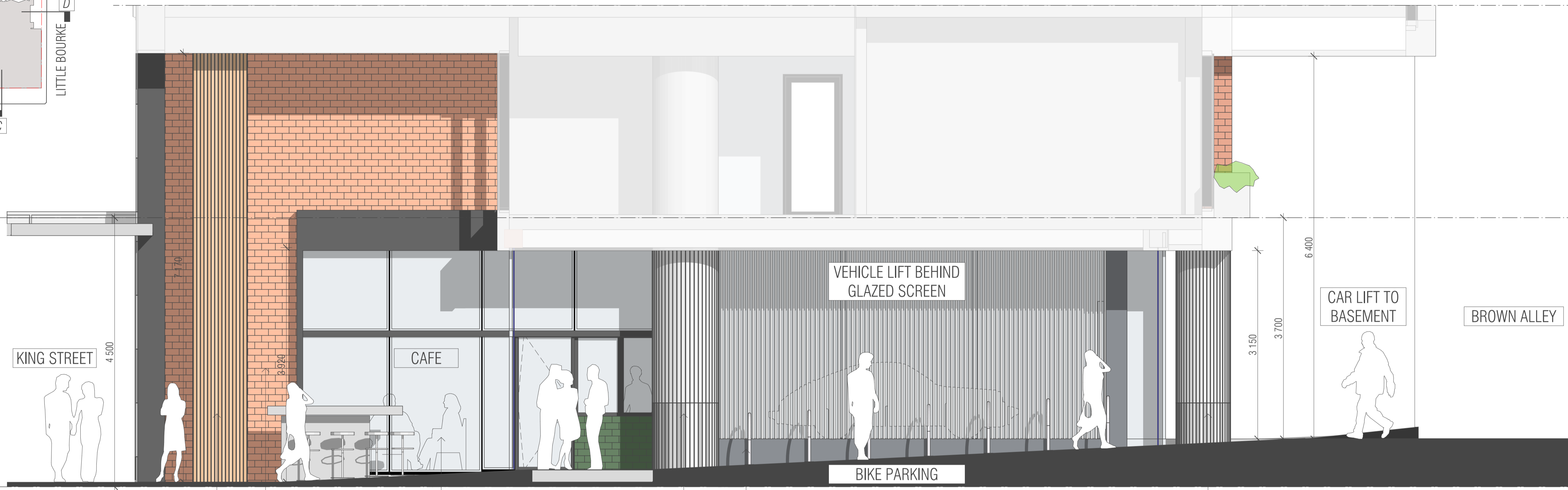




AHD 20.500 LEVEL 01

AHD 16.000 GROUND FLOOR

**2**  
STREET INTERFACE H  
SCALE 1:40@A1



AHD 24.050 LEVEL 02

AHD 20.500 LEVEL 01

AHD 16.000 GROUND FLOOR

**3**  
STREET INTERFACE I  
SCALE 1:40@A1



BIMcloud: BIMSERVER23 - BIMcloud Basic for ARCHICAD 23/20163 570 Little Bourke Street Melbourne/20163 570 Little Bourke General\_RFI3

REVISION		REVISION	
-	TOWN PLANNING	ES	19.05.2021
01	TOWN PLANNING	JP	06.08.2021
02	TOWN PLANNING	AA	17.09.2021
> 03	RFI RESPONSE THREE	AA	30.11.2021

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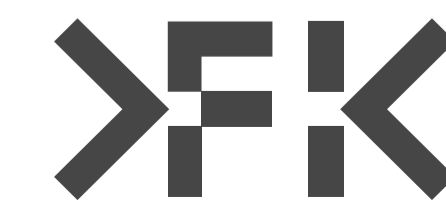
DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
ES	30.11.2021	SK	29.11.2021	20163	1:50@A1

**PROJECT**  
204 - 232 KING STREET  
204 - 232 KING STREET  
MELBOURNE VIC 3000

**DRAWING TITLE**  
INTERFACE SECTIONS 4

**FENDER KATSALIDIS**  
WWW.FKAUSTRALIA.COM  
2 RIVERSIDE QUAY, SOUTHBANK  
VICTORIA 3006 AUSTRALIA  
TELEPHONE: +61 3 8696 3888  
FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

**ISSUE PURPOSE**  
RFI RESPONSE

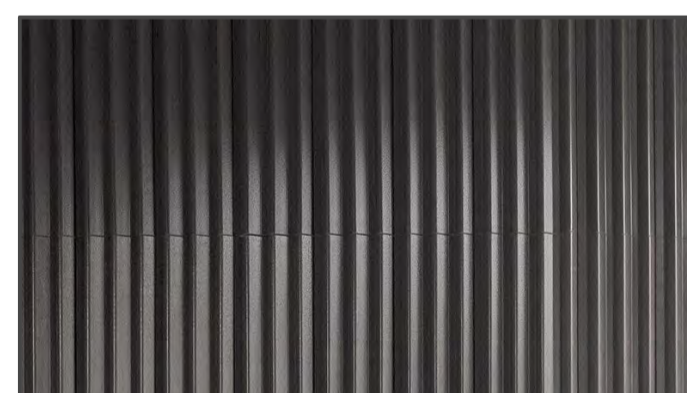
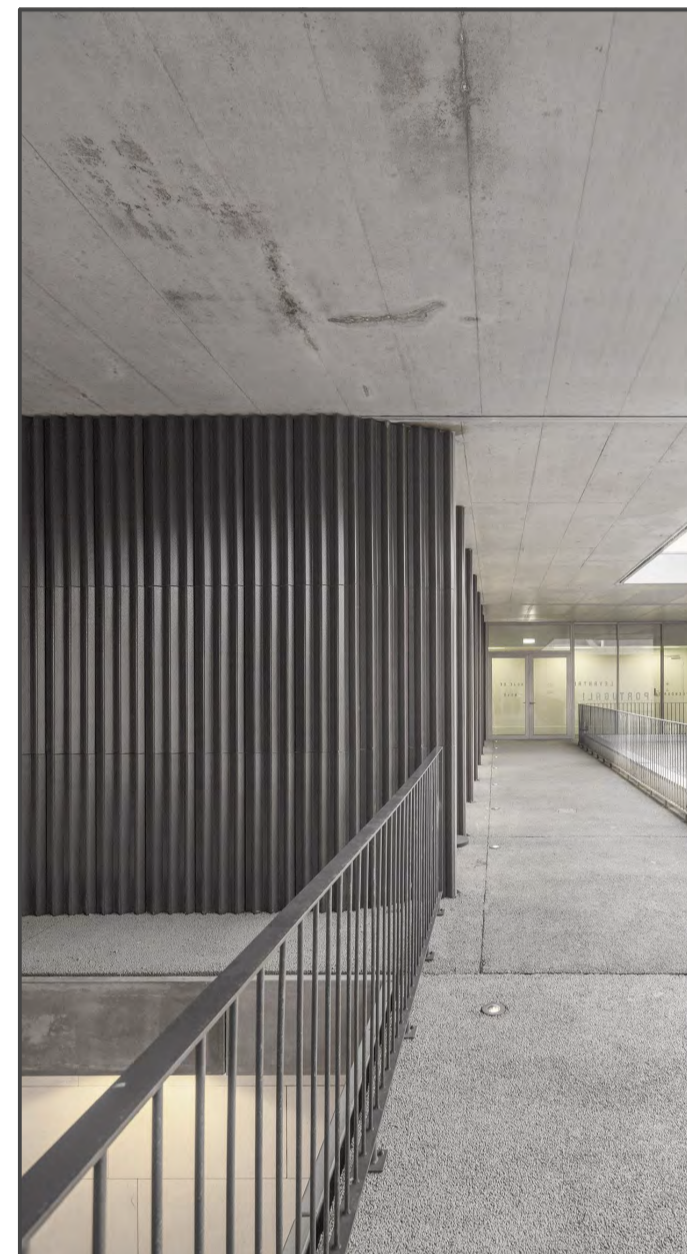


**REV.** 03  
**DRAWING NO.** TP263

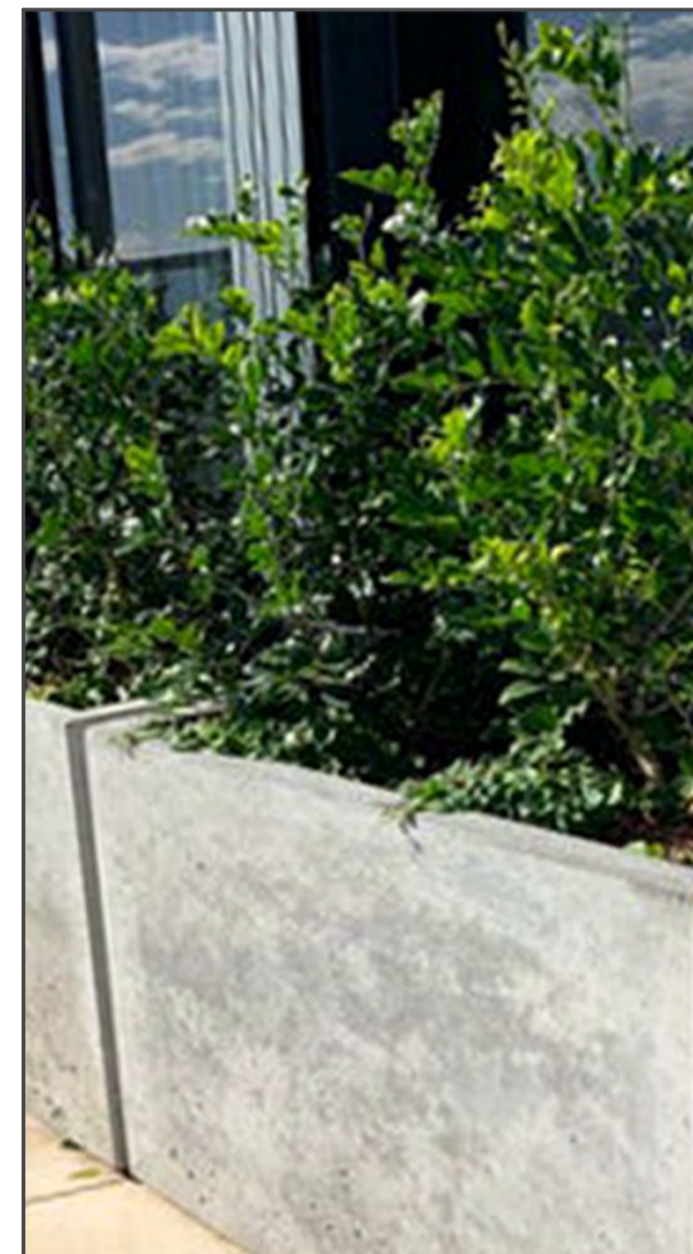




CR1- CERAMIC FLUTED PANEL  
LIGHT GREY



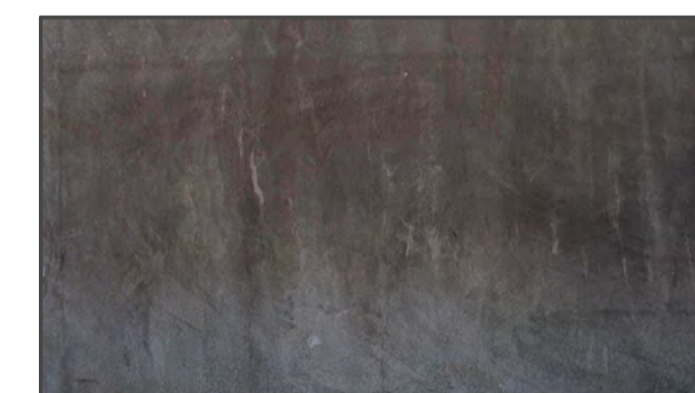
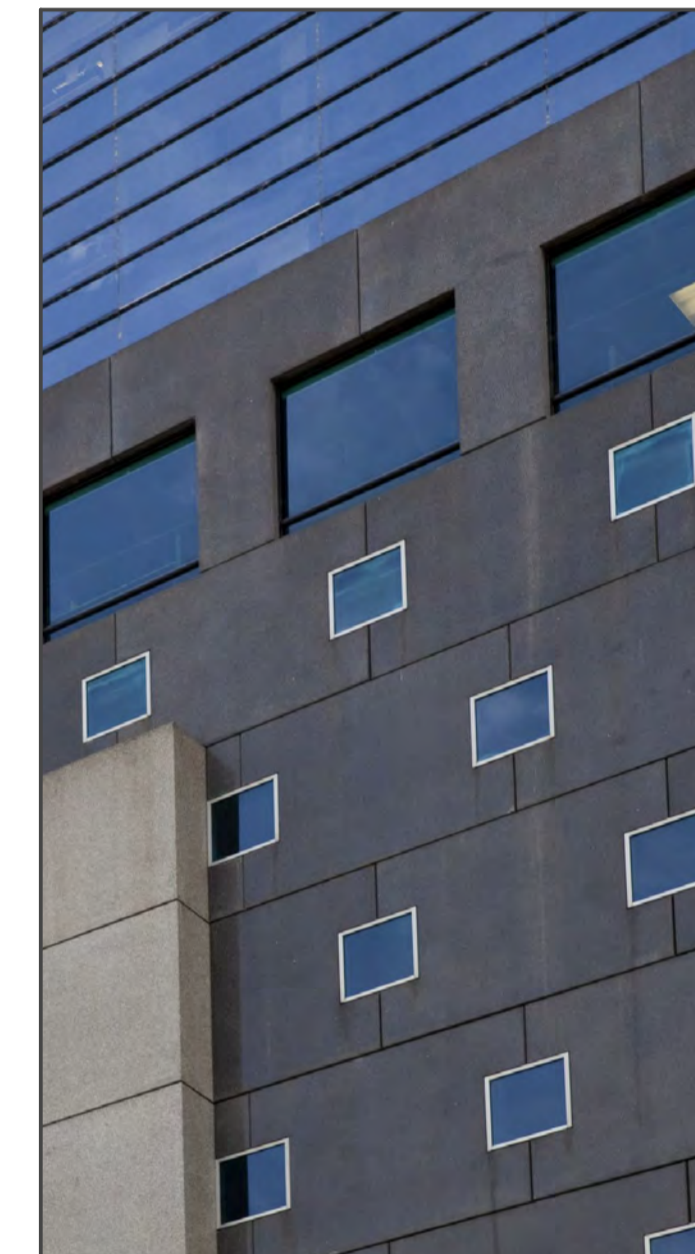
CR2- TEXTURED CERAMIC  
DARK GREY



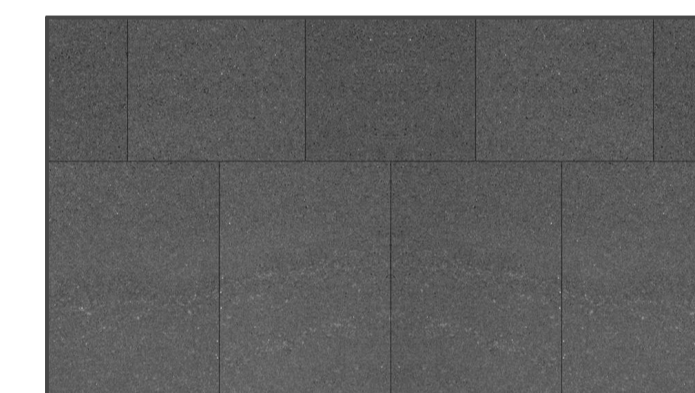
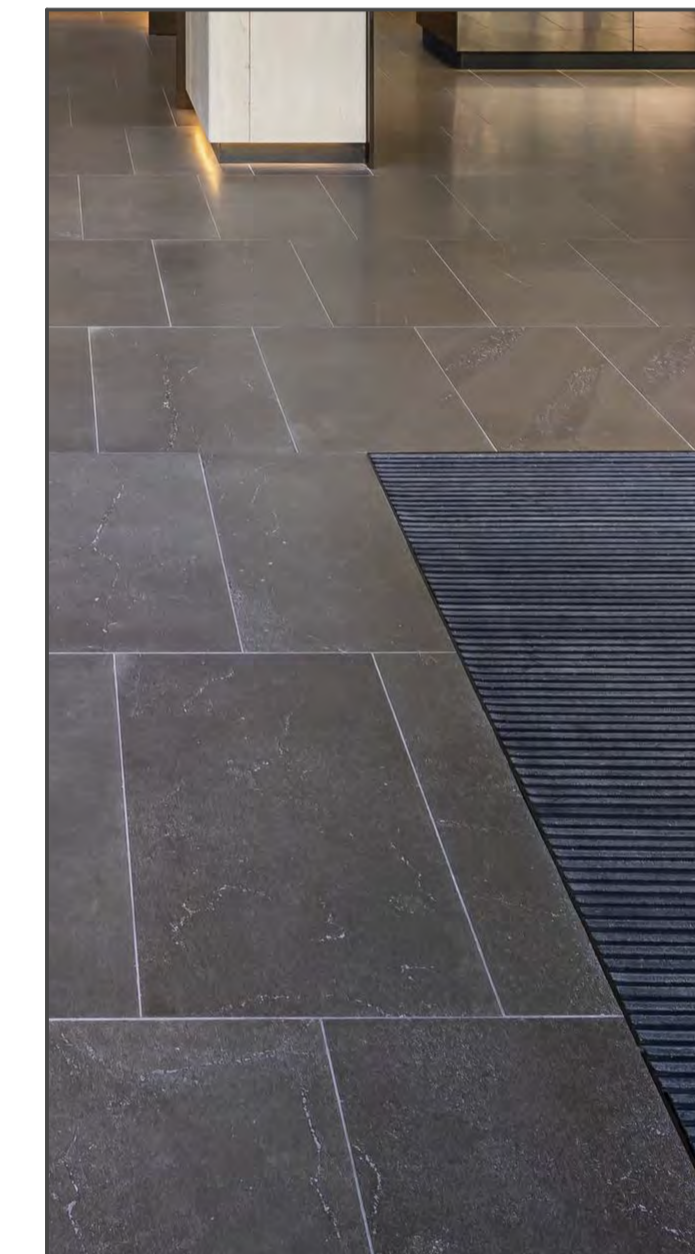
R1- RENDER LIGHT GREY  
COLOUR



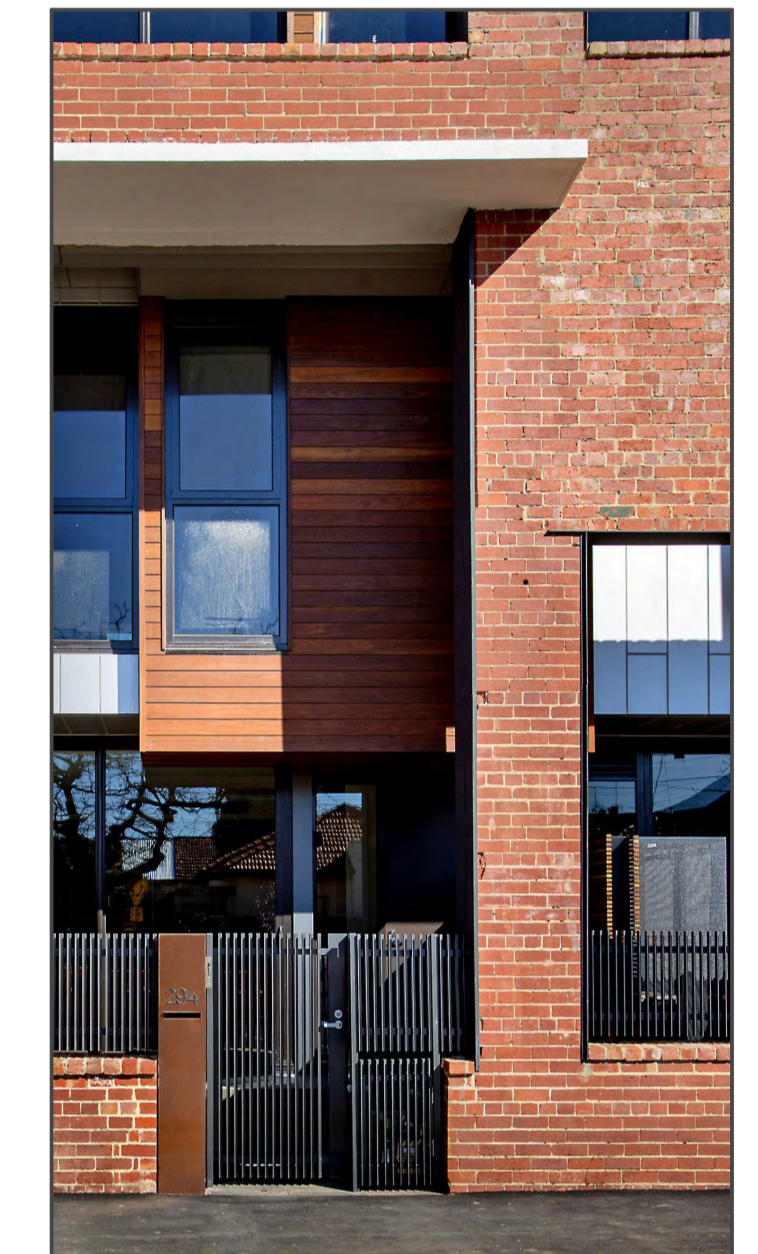
C1- CONCRETE LIGHT (POLISHED  
AND HONED)



C2- CONCRETE DARK FINISH



ST1- BLUESTONE SMOOTH



B1- RECYCLED RED BRICK,  
BRICKS FROM EXISTING  
FACADE TO BE CLEANED AND  
RE-USED

REVISION		ES	19.05.2021
-	TOWN PLANNING	ES	19.05.2021
01	TOWN PLANNING	JP	06.08.2021
02	TOWN PLANNING	AA	17.09.2021
> 03	RFI RESPONSE THREE	AA	30.11.2021

REVISION

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DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
ES	30.11.2021	SK	29.11.2021	20163	N.T.S.@A1

PROJECT

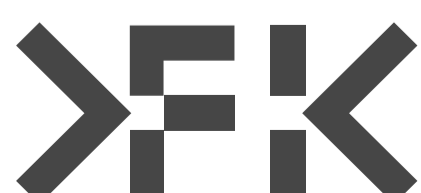
204 - 232 KING STREET  
204 - 232 KING STREET  
MELBOURNE VIC 3000

DRAWING TITLE  
MATERIAL PALETTE 1

FENDER KATSALIDIS

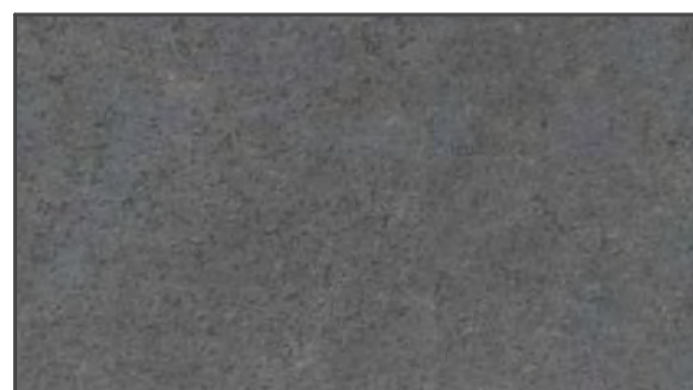
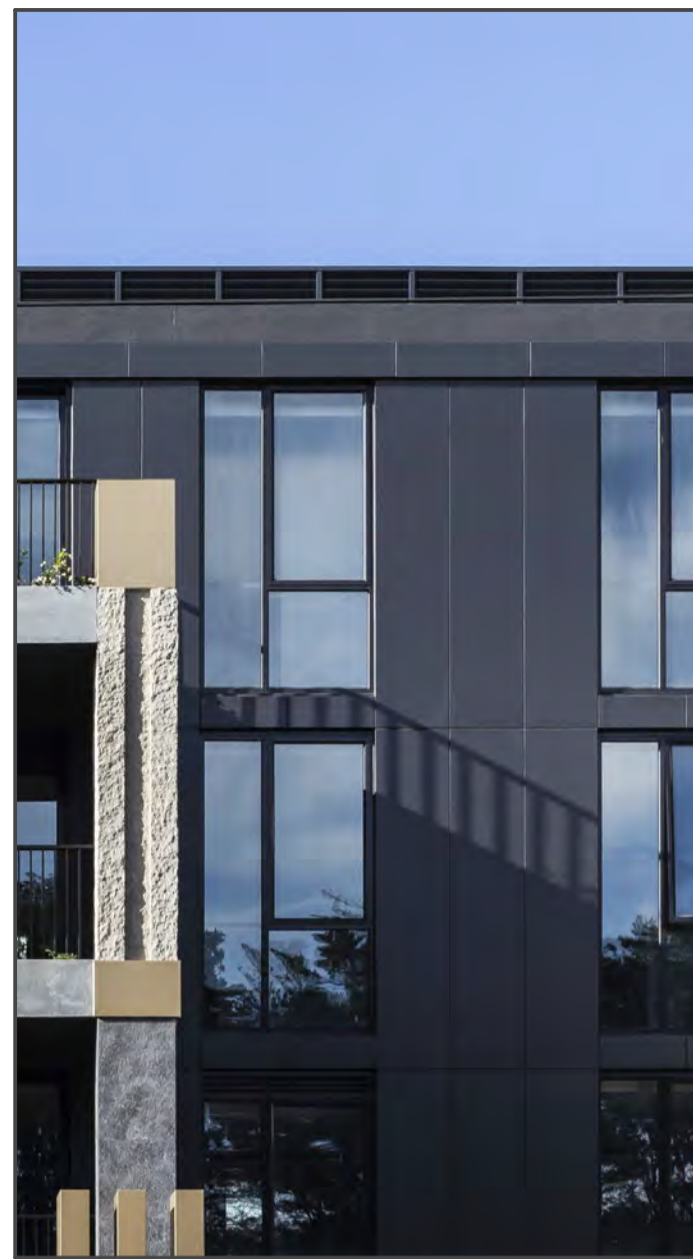
WWW.FKAUSTRALIA.COM  
2 RIVERSIDE QUAY, SOUTHBANK  
VICTORIA 3006 AUSTRALIA  
TELEPHONE: +61 3 8696 3888  
FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

ISSUE PURPOSE  
RFI RESPONSE

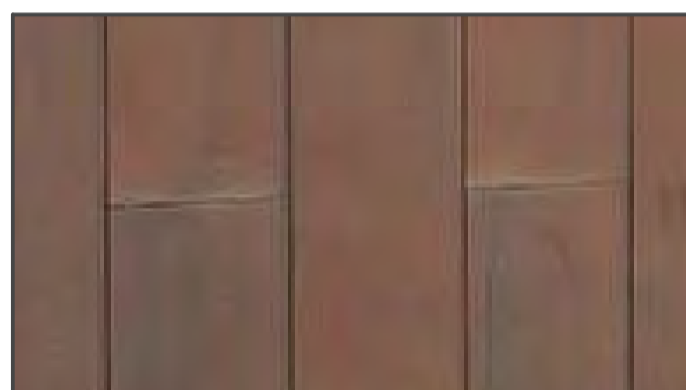
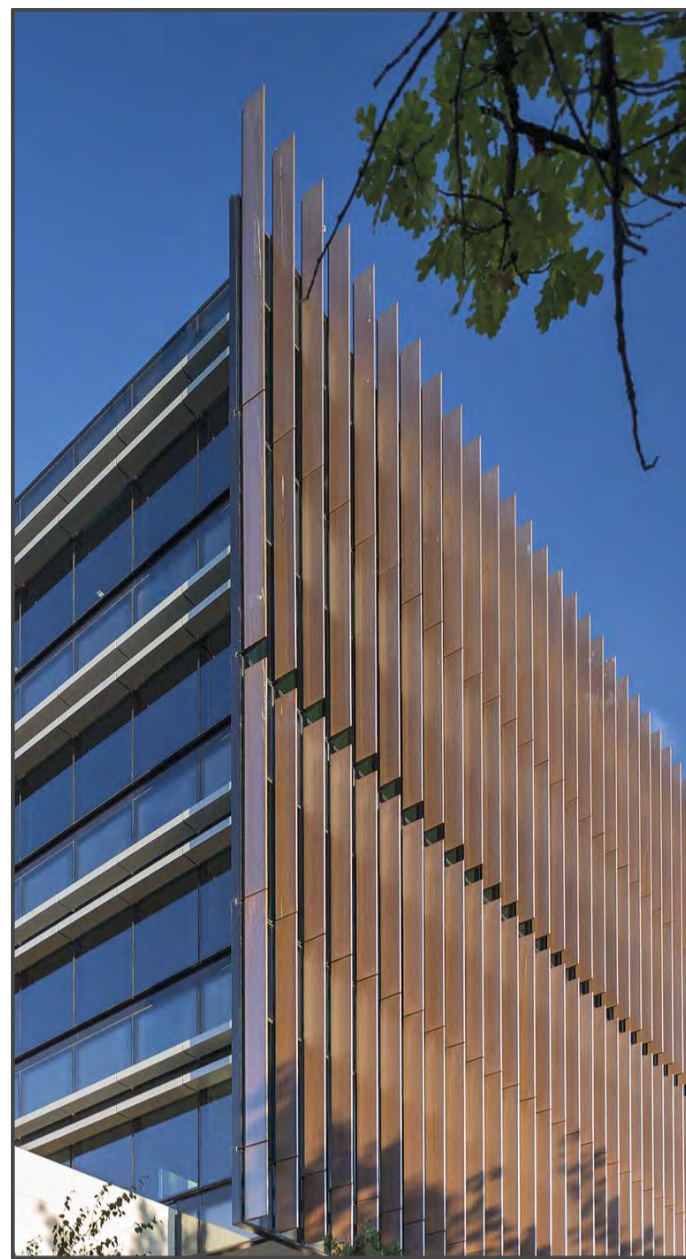


REV. 03  
DRAWING NO. TP300

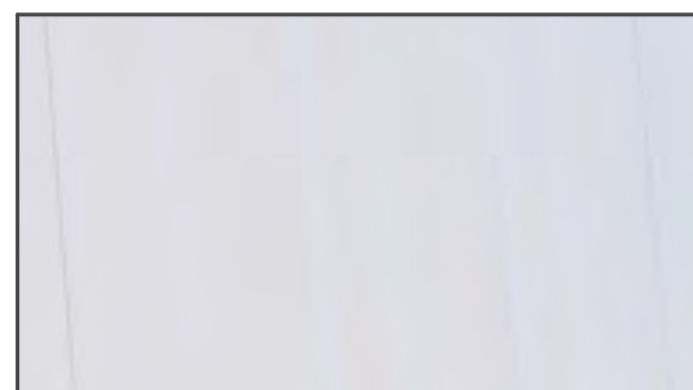
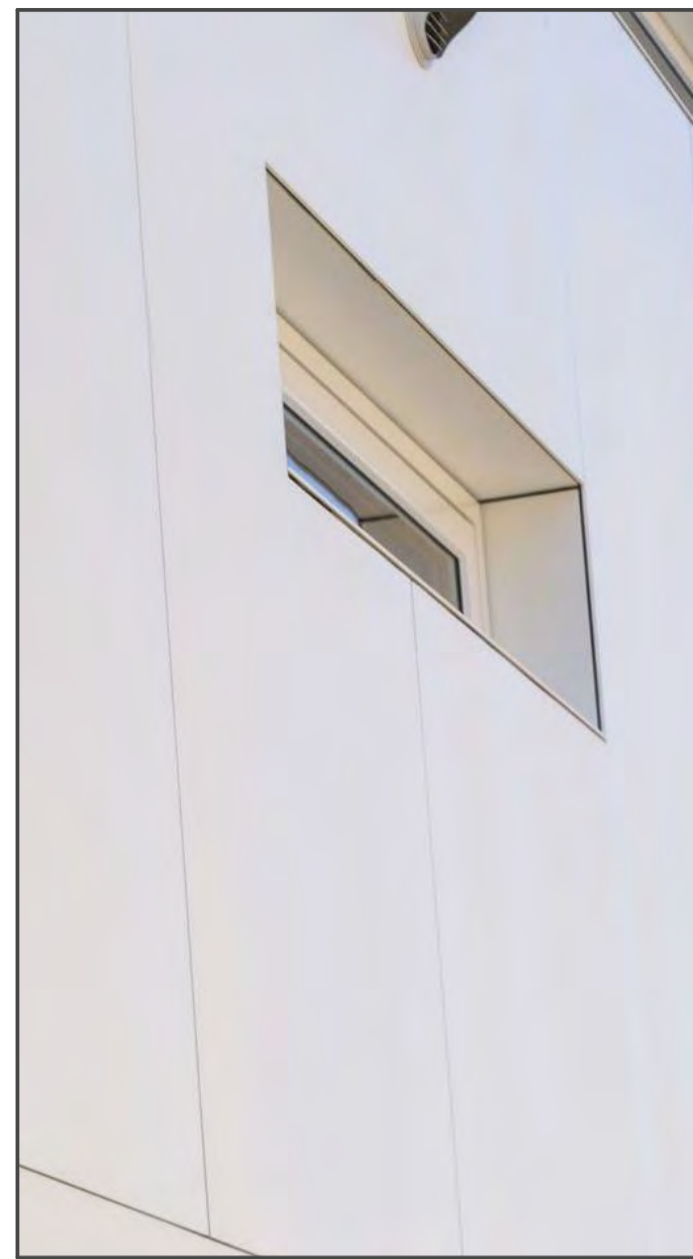




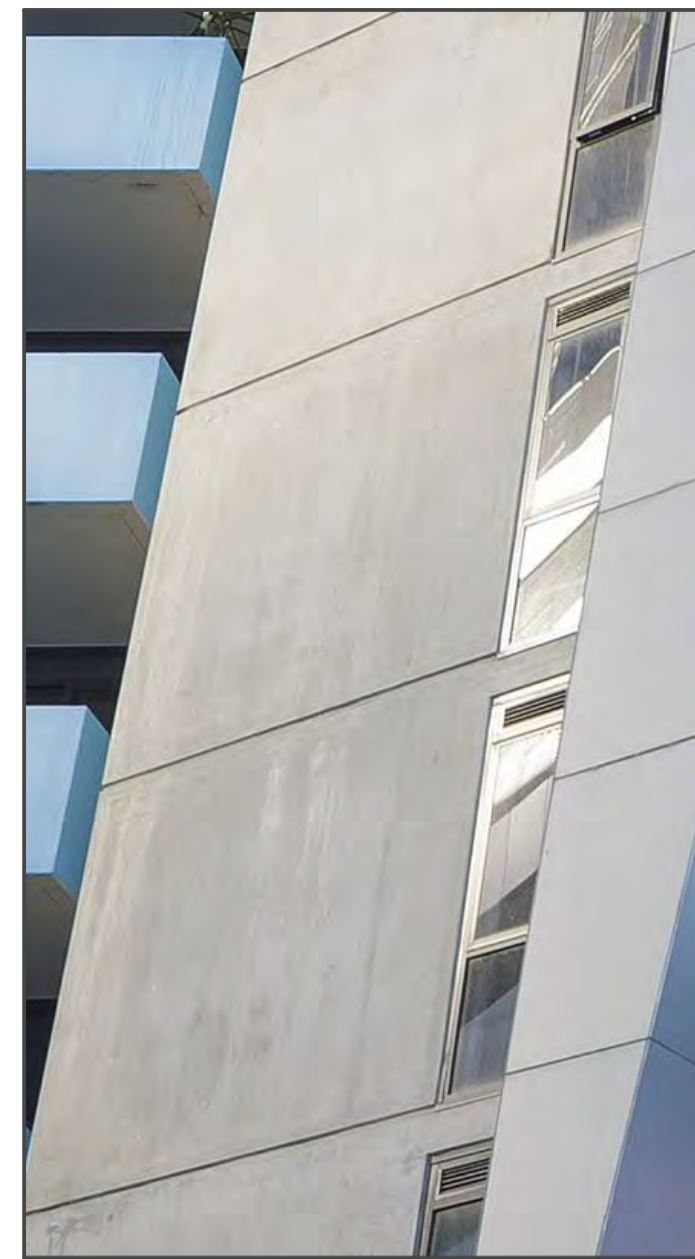
M1 - METAL CLADDING  
CHARCOAL COLOUR



M2 - METAL CLADDING  
COPPER COLOUR



M3 - METAL CLADDING  
WHITE COLOUR



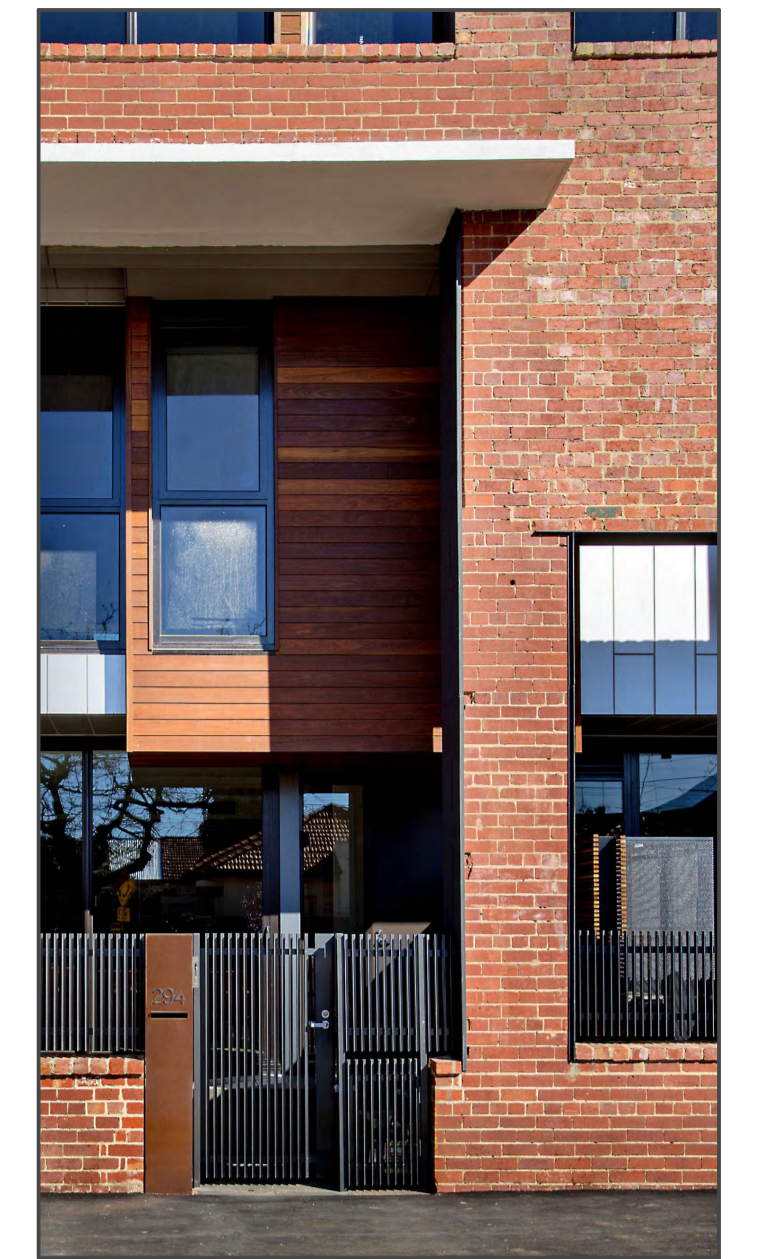
HT1- LIGHT RENDER



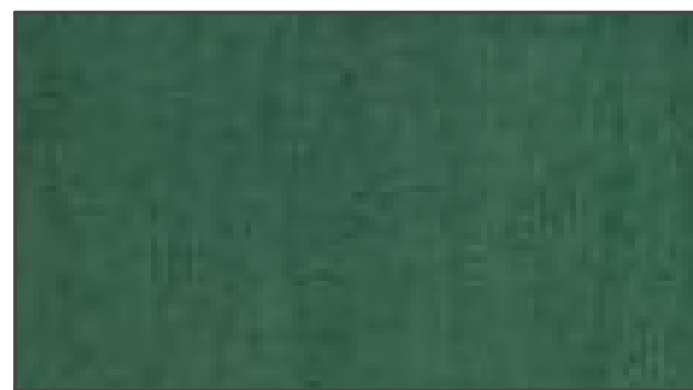
HT2- DARK RENDER



HT3- GLAZED CERAMIC TILE  
GREEN



HT4- ORIGINAL EXPOSED  
BRICK (IF DEEMED  
POSSIBLE) WITH  
FEATURE ELEMENTS IN  
LIGHT RENDER



M2 - METAL CLADDING  
GREEN COLOUR

BIMcloud: BIMSERVER23 - BIMcloud Basic for ARCHICAD 23/20163 570 Little Bourke Street Melbourne/20163 570 Little Bourke General RFI3

REVISION		ES	19.05.2021
-	TOWN PLANNING	ES	19.05.2021
01	TOWN PLANNING	JP	06.08.2021
02	TOWN PLANNING	AA	17.09.2021
> 03	RFI RESPONSE THREE	AA	30.11.2021

**REVISION**

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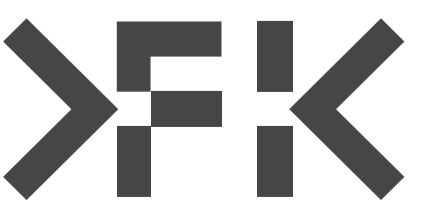
DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
ES	30.11.2021	SK	29.11.2021	20163	N.T.S.@A1

**PROJECT**  
204 - 232 KING STREET  
204 - 232 KING STREET  
MELBOURNE VIC 3000

**DRAWING TITLE**  
MATERIAL PALETTE 2

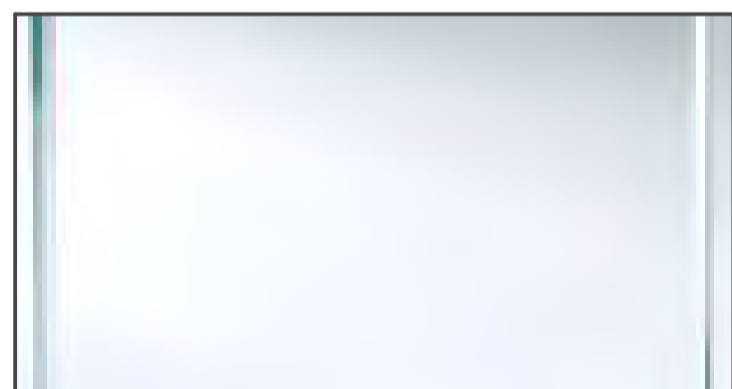
**FENDER KATSALIDIS**  
WWW.FKAUSTRALIA.COM  
2 RIVERSIDE QUAY, SOUTHBANK  
VICTORIA 3006 AUSTRALIA  
TELEPHONE: +61 3 8696 3888  
FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

**ISSUE PURPOSE**  
RFI RESPONSE

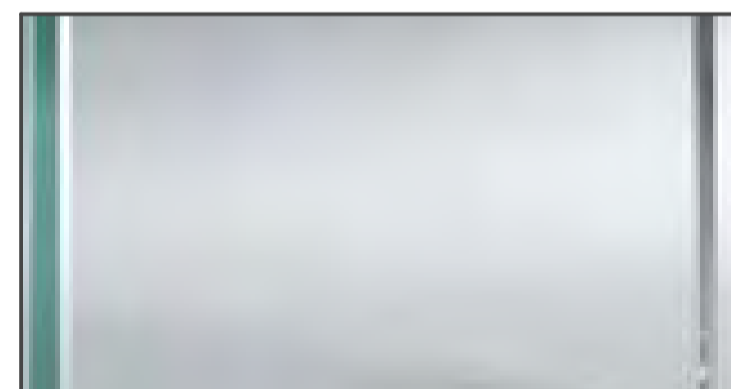


**REV.** 03  
**DRAWING NO.** TP301

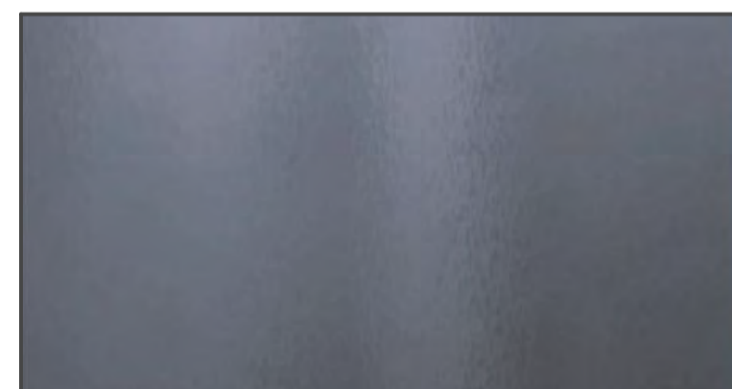




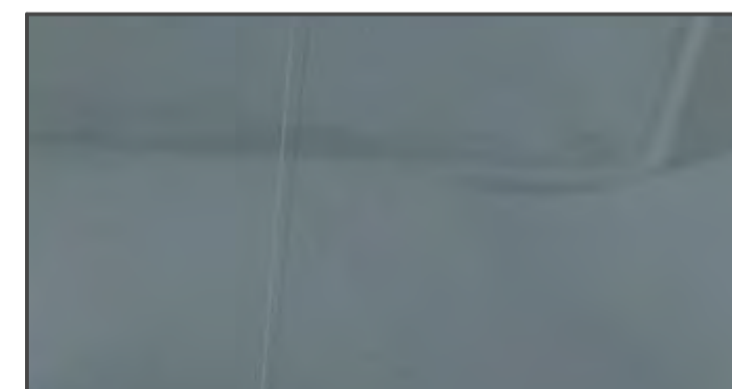
GA1 - GLASS CLEAR



GA2 - GLASS BLUE



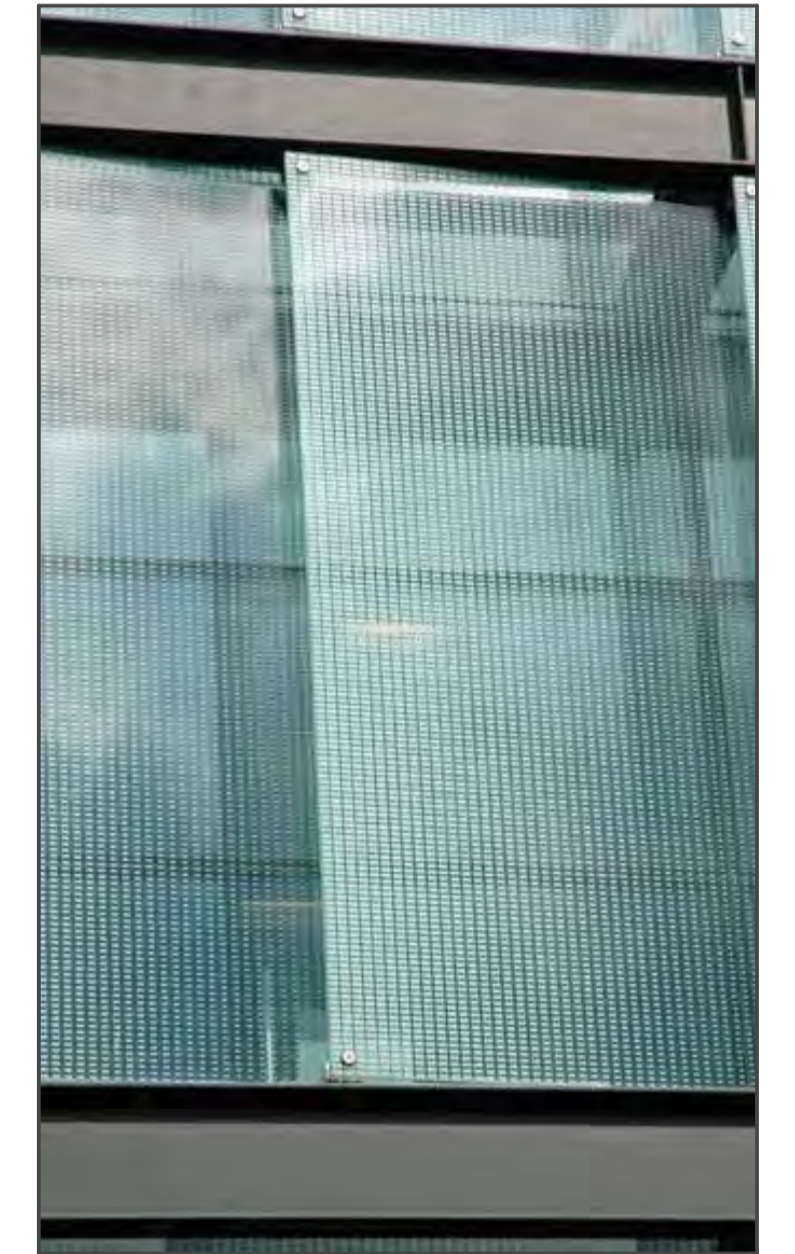
GA3 - GLASS DARK BLUE



GA4 - GLASS GREY



GA5 - GLASS CLEAR  
BALLUSTRADE



GA6 - FRIT GLASS

REVISION		REVISION	
-	TOWN PLANNING	ES	19.05.2021
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02	TOWN PLANNING	AA	17.09.2021
> 03	RFI RESPONSE THREE	AA	30.11.2021

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DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
ES	30.11.2021	SK	29.11.2021	20163	N.T.S.@A1

**PROJECT**  
 204 - 232 KING STREET  
 204 - 232 KING STREET  
 MELBOURNE VIC 3000

**DRAWING TITLE**  
 MATERIAL PALETTE 3

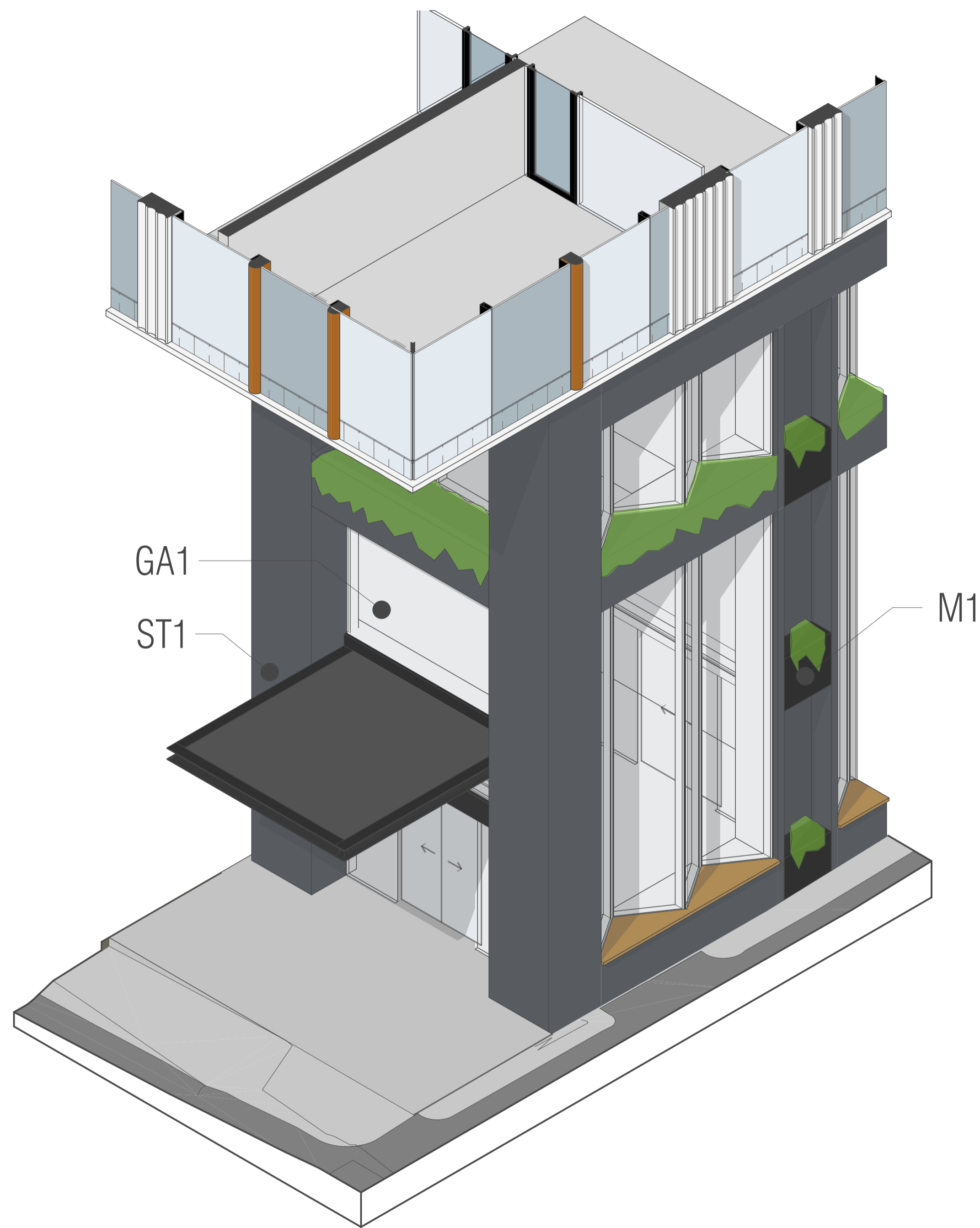
**FENDER KATSALIDIS**  
 WWW.FKAUSTRALIA.COM  
 2 RIVERSIDE QUAY, SOUTHBANK  
 VICTORIA 3006 AUSTRALIA  
 TELEPHONE: +61 3 8696 3888  
 FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

**ISSUE PURPOSE**  
 RFI RESPONSE



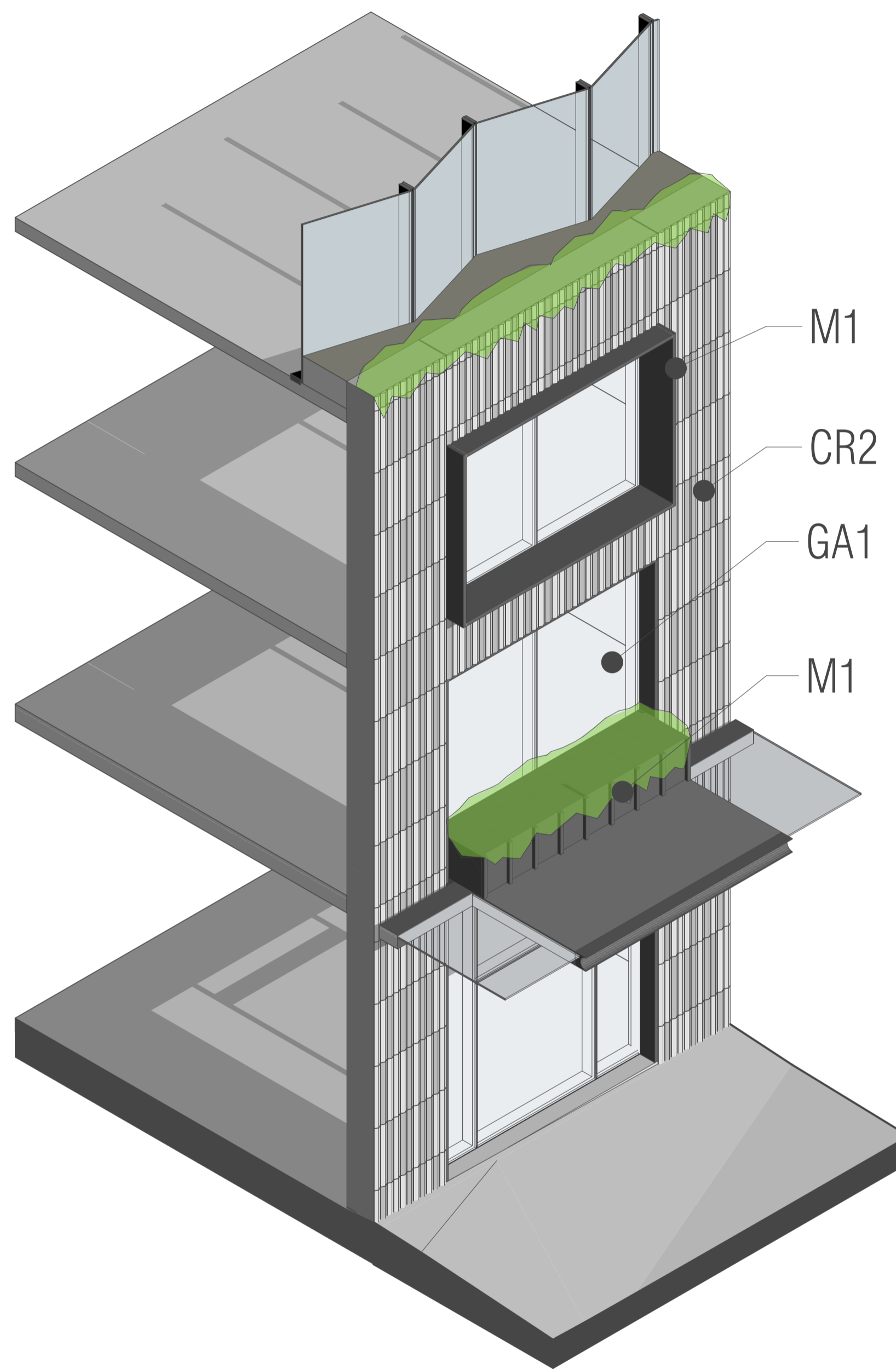
**REV.** 03  
**DRAWING NO.** TP302





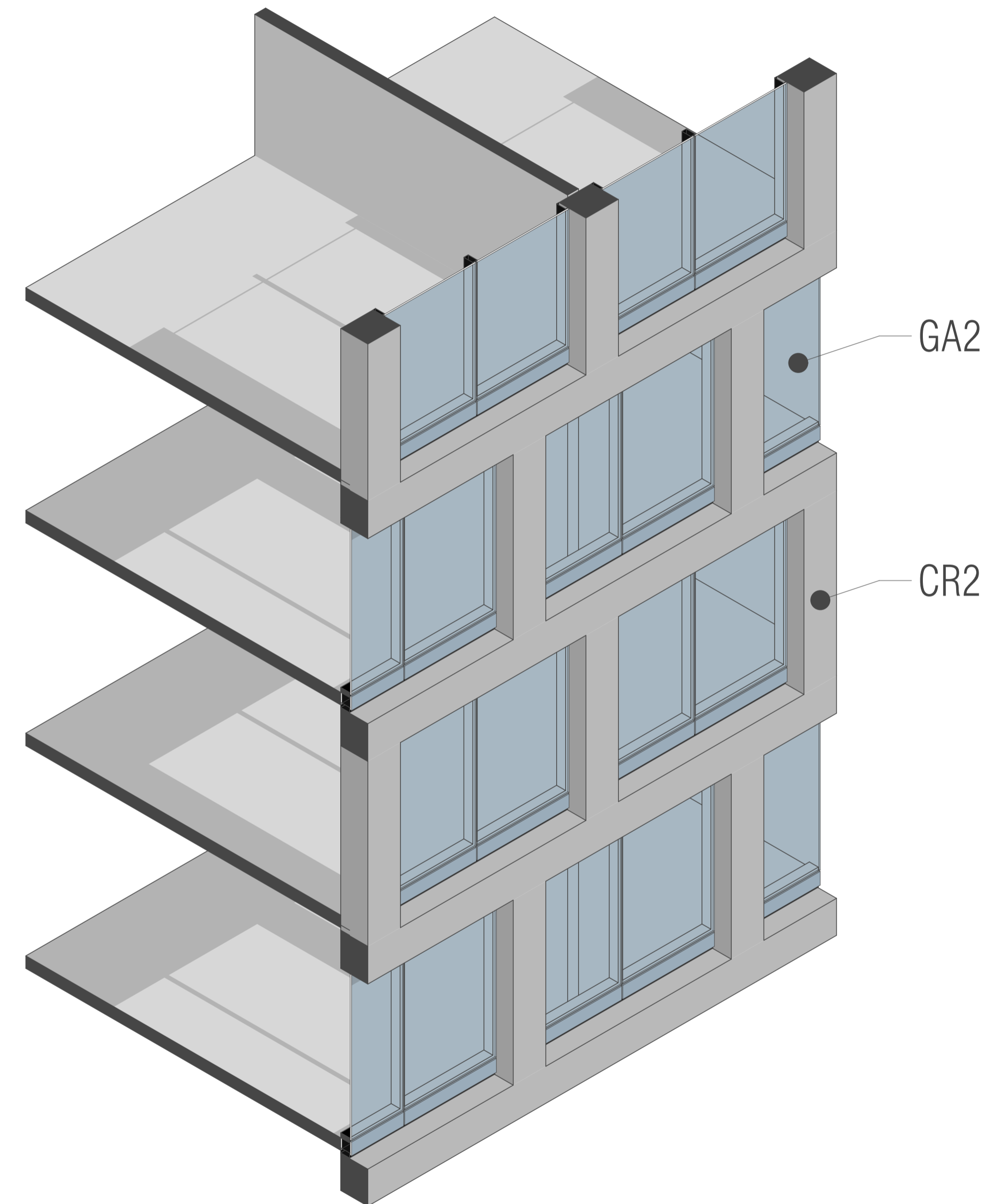
**FT1** FACADE TYPE 1 - STONE, PLANTERS AND ZIG ZAG GLAZING

STONE CLADDING /W CLEAR GLAZING & INTEGRATED METAL CLAD PLANTERS



**FT1A** FACADE TYPE 1 - CERAMIC CLADDING, CANOPY AND PLANTERS

CERAMIC CLADDING /W CLEAR GLAZING IN EXPRESSED BLACK STEEL REVEALS & INTEGRATED STANDING SEAM METAL CLAD PLANTERS. INTEGRATED AWNING IN DARK METAL WITH PROFILED EDGE AND FRITTED CLEAR GLASS SECTIONS.



**FT2** FACADE TYPE 2 - CERAMIC AND WINDOW WALL

WINDOW WALL /W DARK CERAMIC TILE (300mm PROJECTED & FLUSH FINISH TO NORTH ELEVATION) NOTE: INFILL PANELS ON NORTH FACADE IN C2 (CONCRETE DARK FINISH)

BIMcloud: BIMSERVER23 - BIMcloud Basic for ARCHICAD 23/20163 570 Little Bourke Street Melbourne/20163 570 Little Bourke General RFI3

REVISION		REVISION	
-	TOWN PLANNING	ES	19.05.2021
01	TOWN PLANNING	JP	06.08.2021
02	TOWN PLANNING	AA	17.09.2021
> 03	RFI RESPONSE THREE	AA	30.11.2021

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 TENDER DOCUMENTATION REVIEW FOR THIS PROJECT IS YET TO BE COMPLETED.  
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DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
ES	30.11.2021	SK	29.11.2021	20163	N.T.S.@A1

**PROJECT**  
 204 - 232 KING STREET  
 204 - 232 KING STREET  
 MELBOURNE VIC 3000

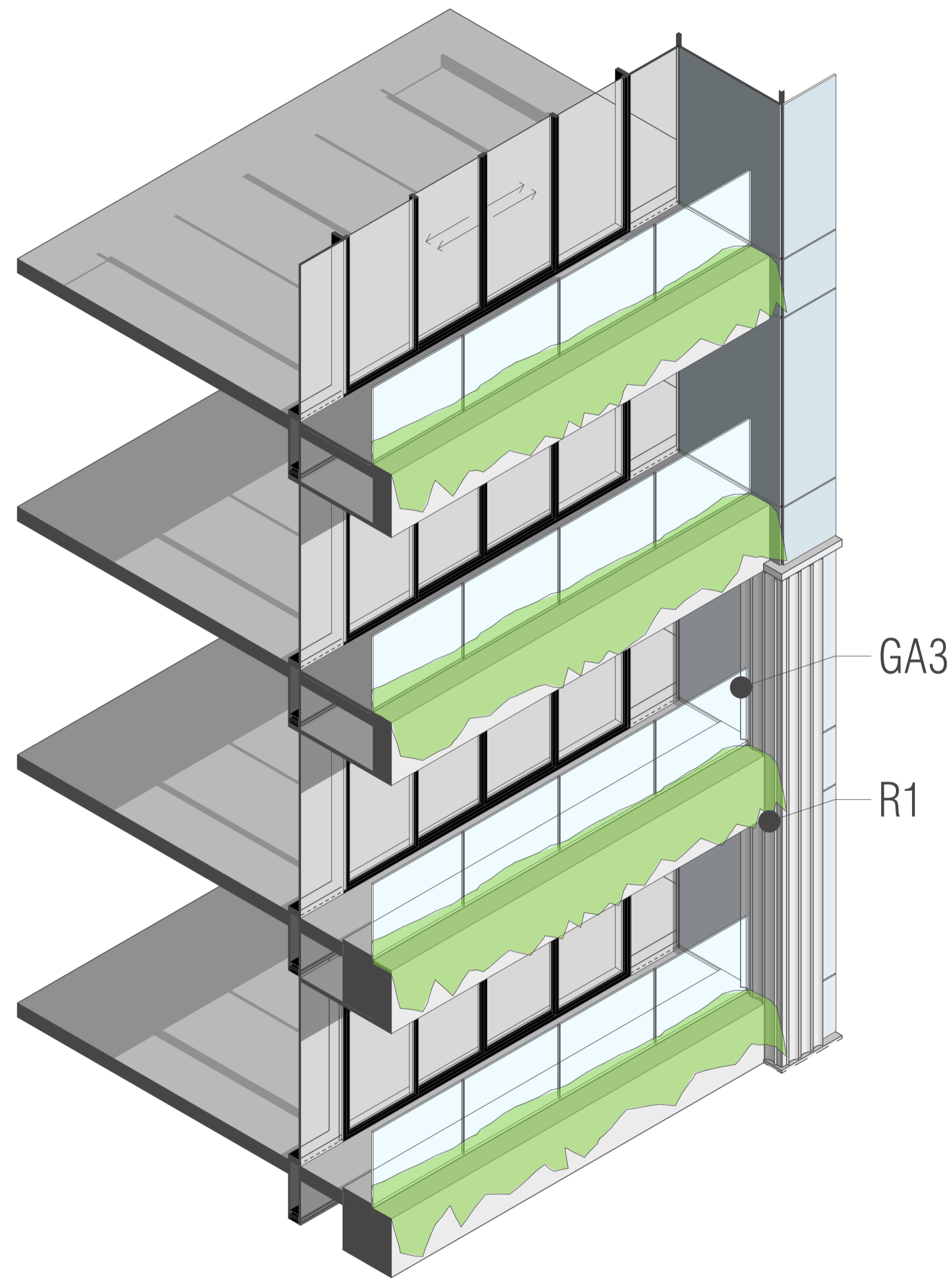
**DRAWING TITLE**  
 FACADE TYPES 1

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 2 RIVERSIDE QUAY, SOUTHBANK  
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 TELEPHONE: +61 3 8696 3888  
 FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

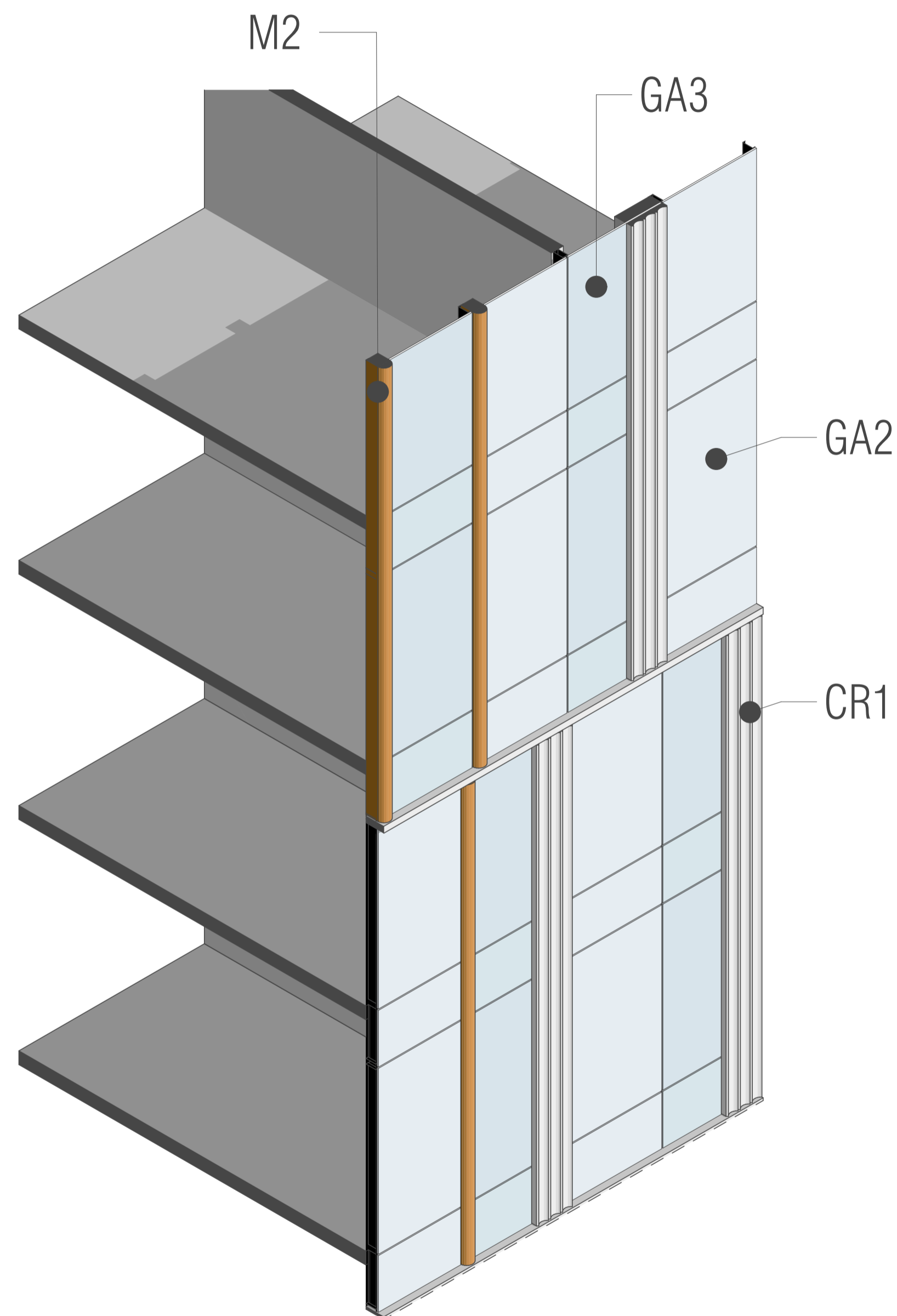
**ISSUE PURPOSE**  
 RFI RESPONSE



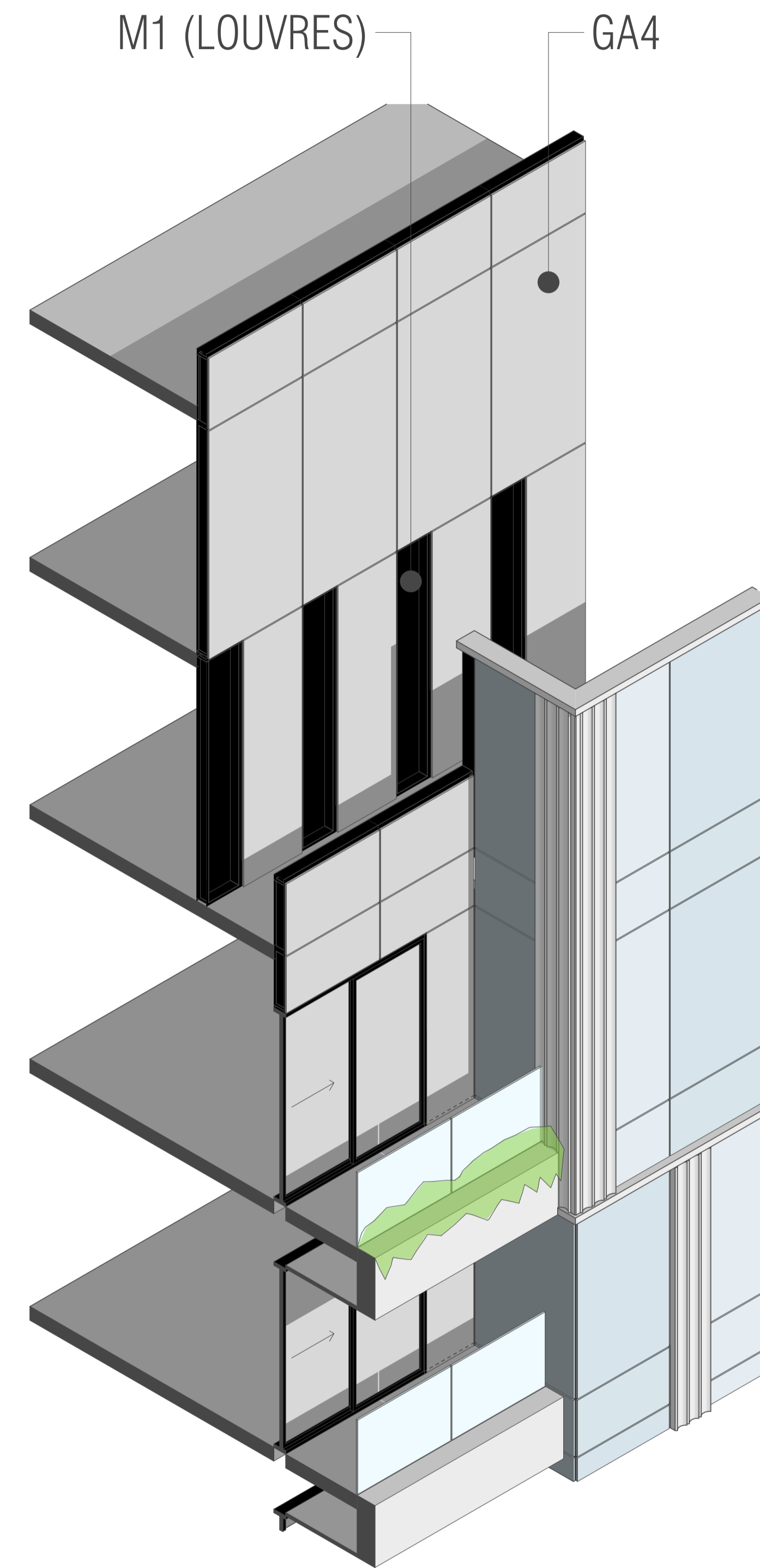
**REV.** 03  
**DRAWING NO.** TP303



**FT3** FACADE TYPE 3 - PLANTER BOXES  
CURTAIN WALL /W PLANTER BOX (300mm PROJECTION OVER BOUNDARY)



**FT4** FACADE TYPE 4 - TEXTURED CURTAIN WALL  
DOUBLE HEIGHT EXPRESSED CURTAIN WALL /W CERAMIC TILE & EXPRESSED MULLIONS & TRANSOMS



**FT5** FACADE TYPE 5 - PLANT ROOM FACADE  
PLANT SCREEN CURTAIN WALL /W WITH INTEGRATED VERTICAL SLOT LOUVRES

BIMcloud: BIMSERVER23 - BIMcloud Basic for ARCHICAD 23/20163 570 Little Bourke Street Melbourne/20163 570 Little Bourke General: RFI3

REVISION		REVISION	
-	TOWN PLANNING	ES	19.05.2021
01	TOWN PLANNING	JP	06.08.2021
02	TOWN PLANNING	AA	17.09.2021
> 03	RFI RESPONSE THREE	AA	30.11.2021

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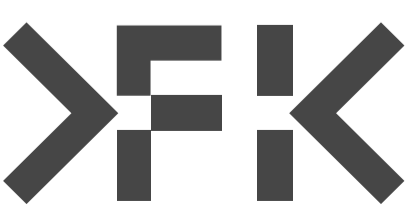
DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
ES	30.11.2021	SK	29.11.2021	20163	N.T.S.@A1

**PROJECT**  
204 - 232 KING STREET  
204 - 232 KING STREET  
MELBOURNE VIC 3000

**DRAWING TITLE**  
FACADE TYPES 2

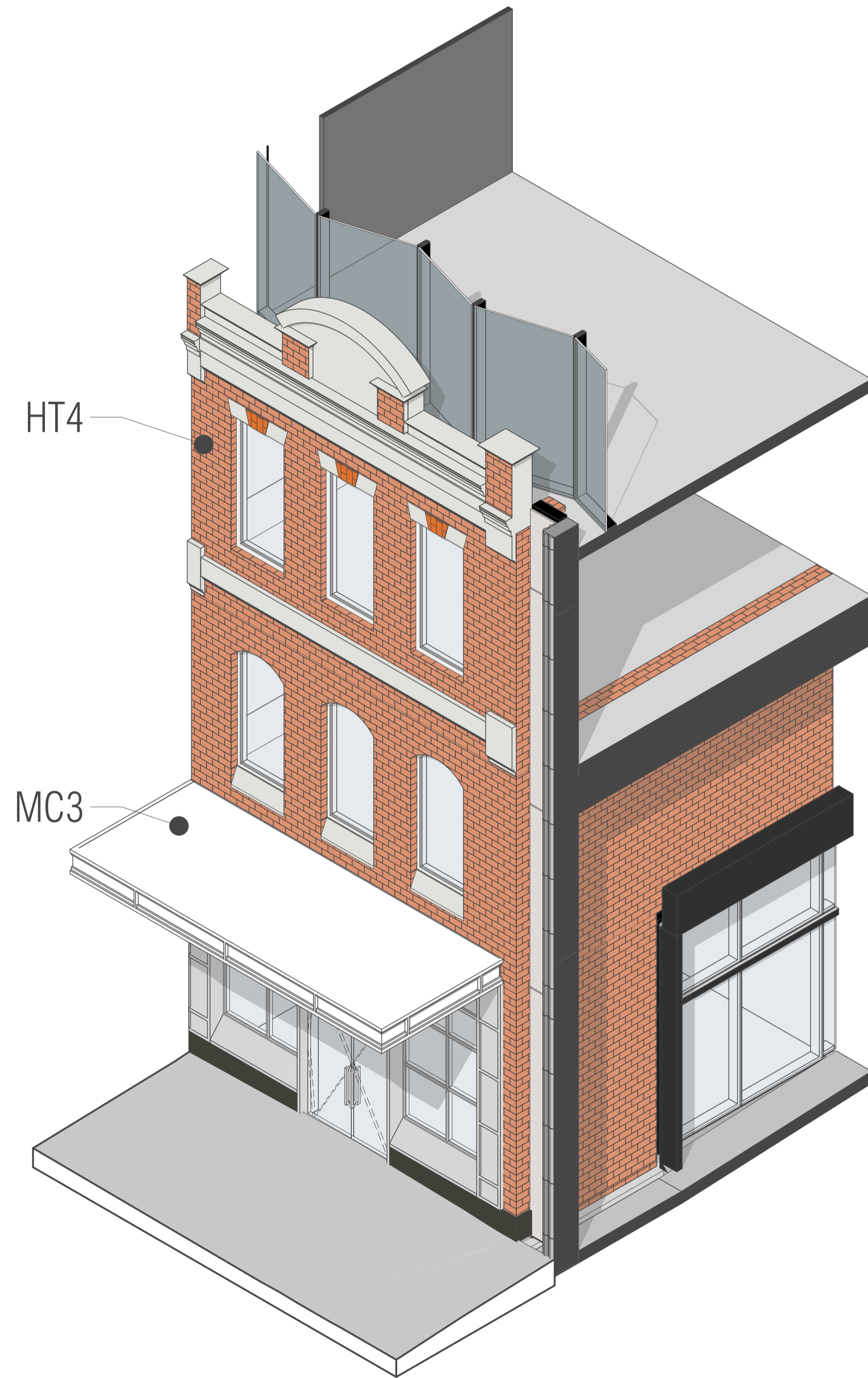
**FENDER KATSALIDIS**  
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VICTORIA 3006 AUSTRALIA  
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FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

**ISSUE PURPOSE**  
RFI RESPONSE

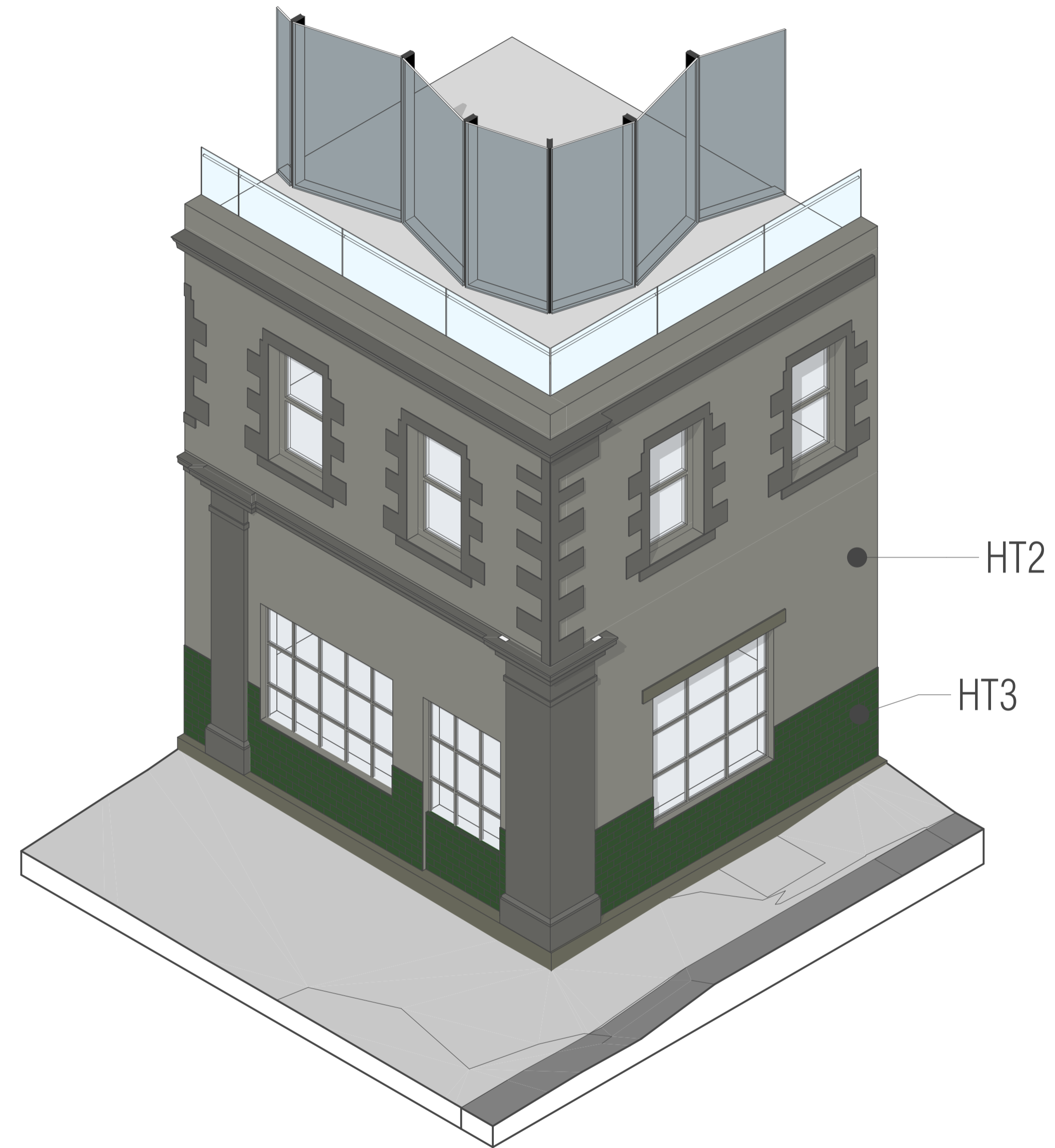


**REV.** 03  
**DRAWING NO.** TP304





FT232 232 KING ST - RETAINED FACADE  
SCALE 1:60@A1



FTP RETAINED PUB FACADE  
SCALE 1:60@A1

BIMcloud: BIMSERVER23 - BIMcloud Basic for ARCHICAD 23/20163 570 Little Bourke Street Melbourne/20163 570 Little Bourke General RFI3

REVISION		ES	19.05.2021
-	TOWN PLANNING	JP	06.08.2021
01	TOWN PLANNING	AA	17.09.2021
02	TOWN PLANNING	AA	30.11.2021
> 03	RFI RESPONSE THREE		

REVISION

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DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
ES	30.11.2021	SK	29.11.2021	20163	N.T.S.@A1

PROJECT

204 - 232 KING STREET  
204 - 232 KING STREET  
MELBOURNE VIC 3000

DRAWING TITLE
FACADE TYPES 3

FENDER KATSALIDIS

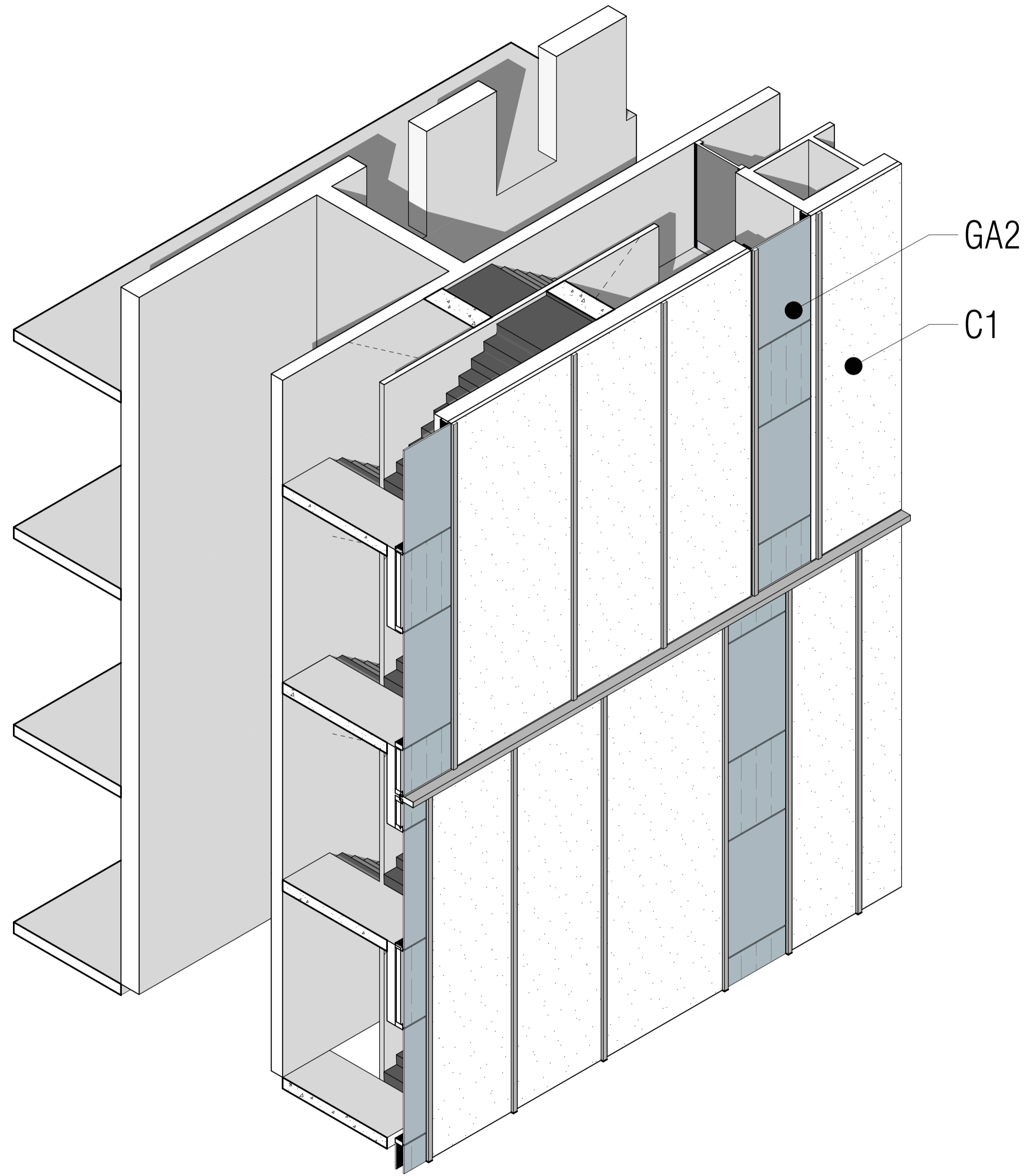
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VICTORIA 3006 AUSTRALIA  
TELEPHONE: +61 3 8696 3888  
FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

ISSUE PURPOSE
RFI RESPONSE

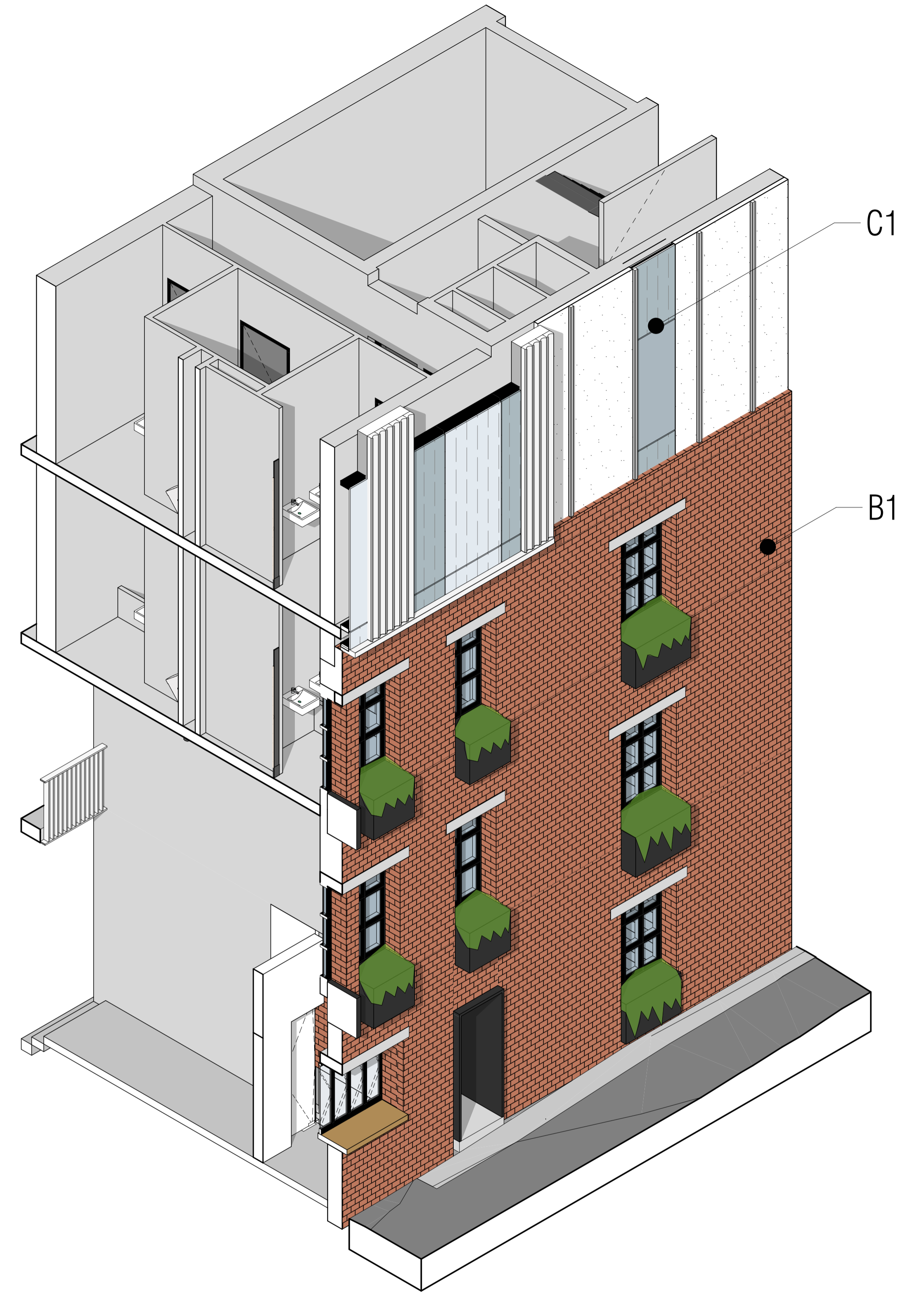


REV.	DRAWING NO.
03	TP305





FT6 CONCRETE CORE  
SCALE 1:60@A1



FT7 BROWN ALLEY  
SCALE 1:60@A1

BIMcloud: BIMSERVER23 - BIMcloud Basic for ARCHICAD 23/20163 570 Little Bourke Street Melbourne/20163 570 Little Bourke General - RFI3

REVISION		DATE
01	TOWN PLANNING	27.07.2021
02	TOWN PLANNING	06.08.2021
03	TOWN PLANNING	17.09.2021
> 03	RFI RESPONSE THREE	30.11.2021

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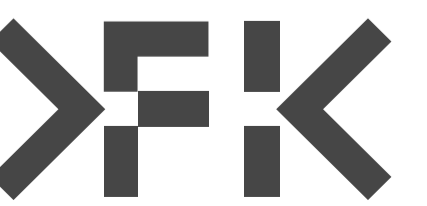
DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
JP	30.11.2021	SK	29.11.2021	20163	AS SHOWN@A1

**PROJECT**  
204 - 232 KING STREET  
204 - 232 KING STREET  
MELBOURNE VIC 3000

DRAWING TITLE  
FACADE TYPES 4

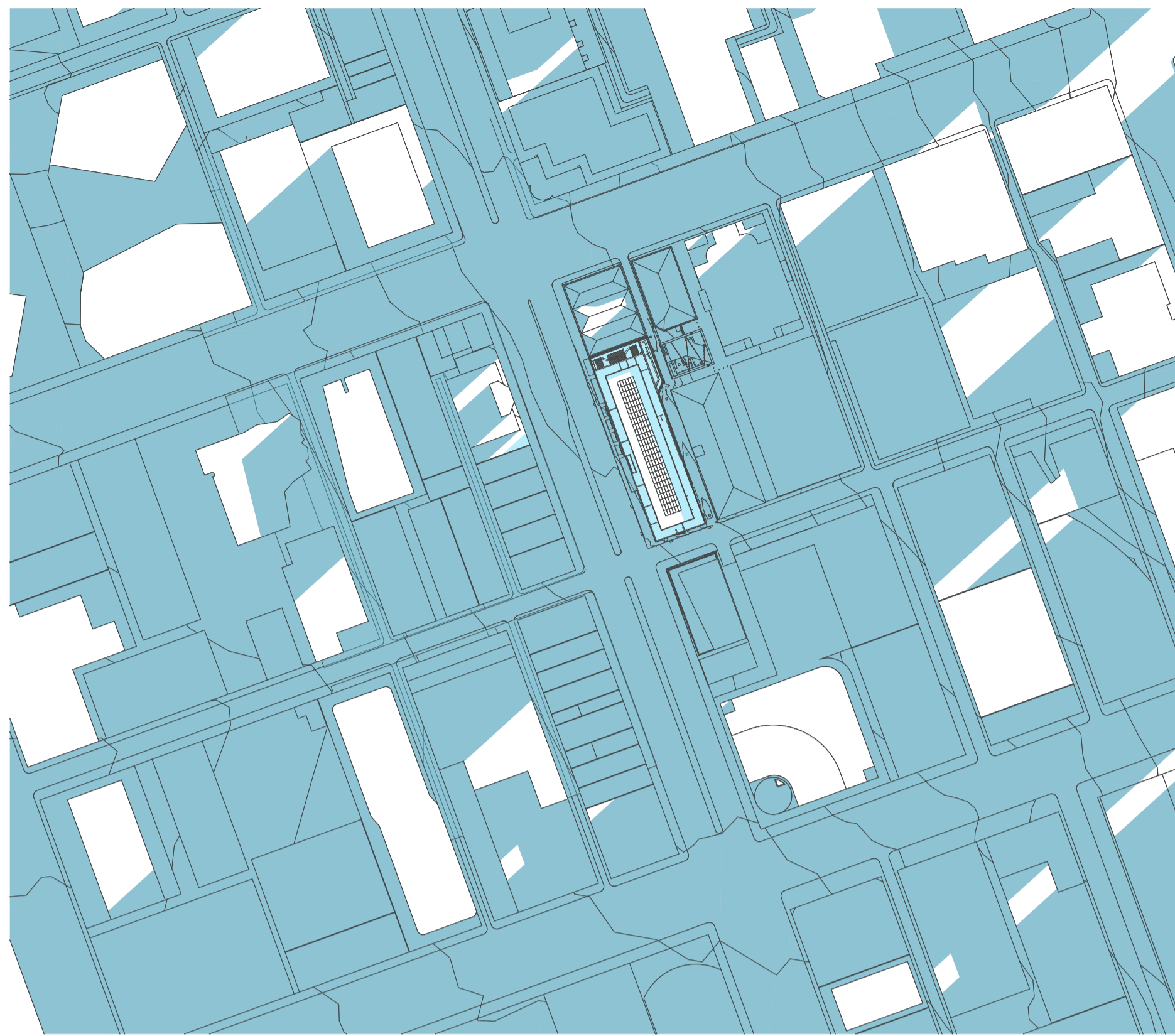
**FENDER KATSALIDIS**  
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VICTORIA 3006 AUSTRALIA  
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ISSUE PURPOSE  
RFI RESPONSE



REV. 03  
DRAWING NO. TP306

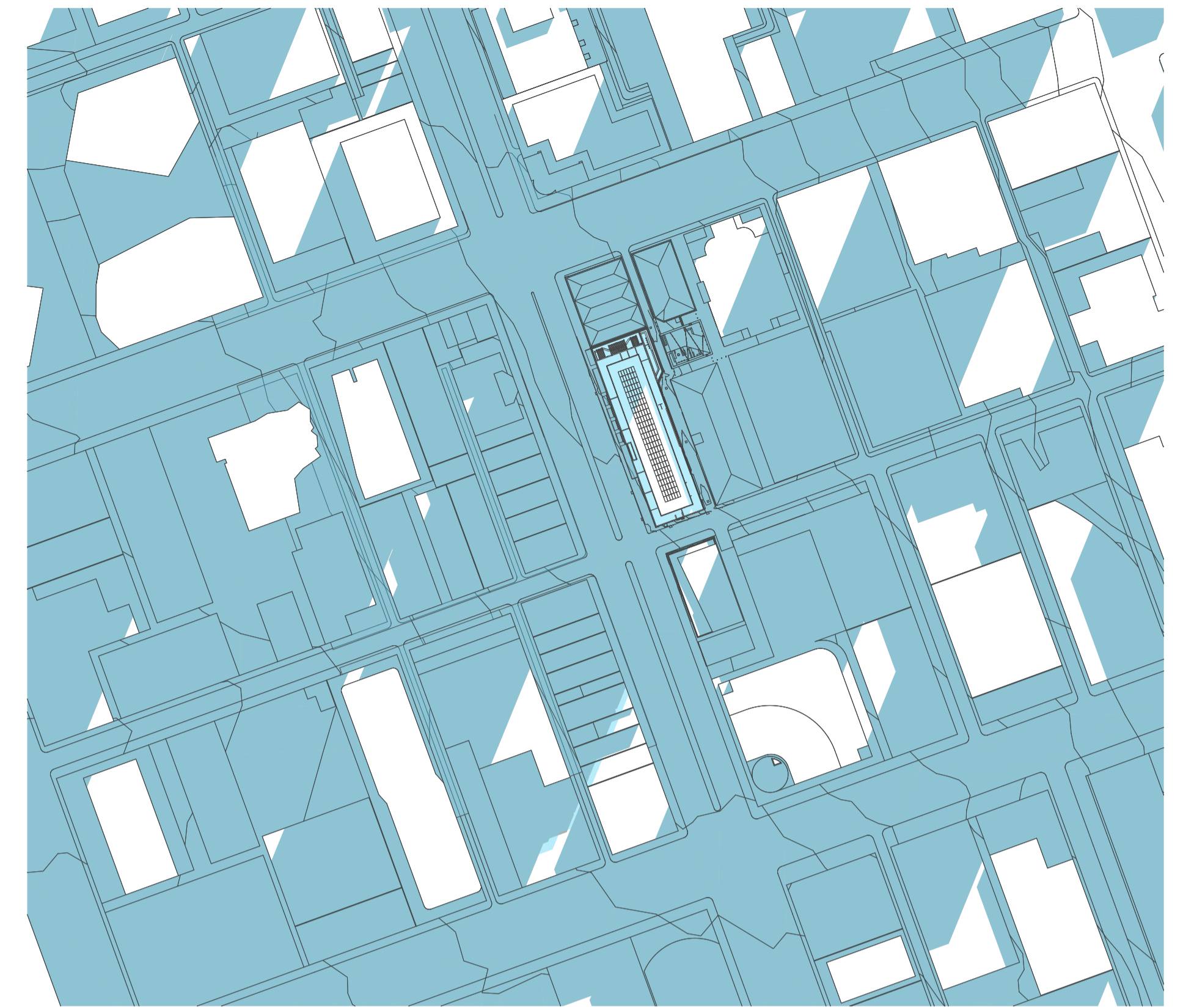




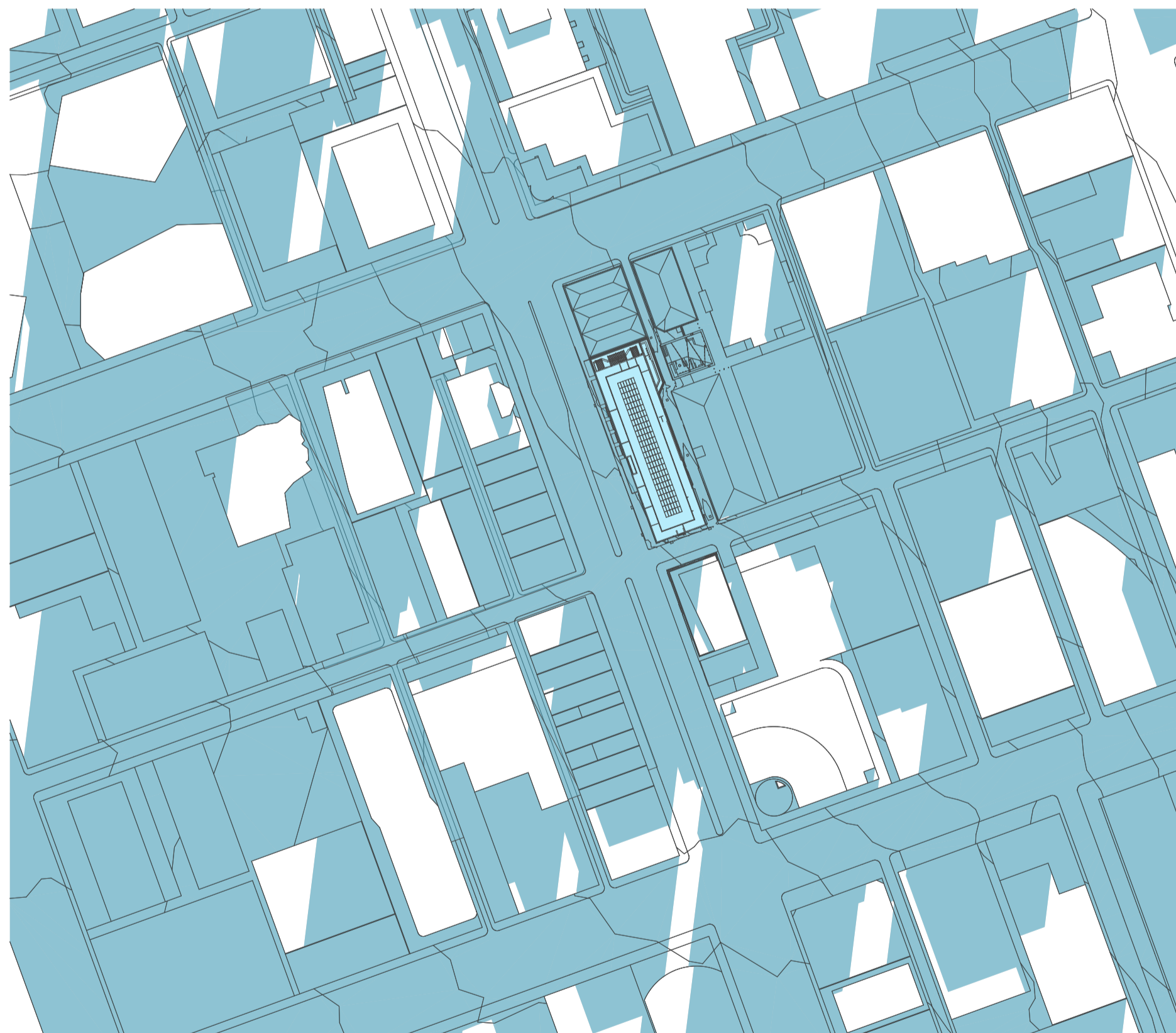
SHADOW ANALYSIS JUN 21 0900



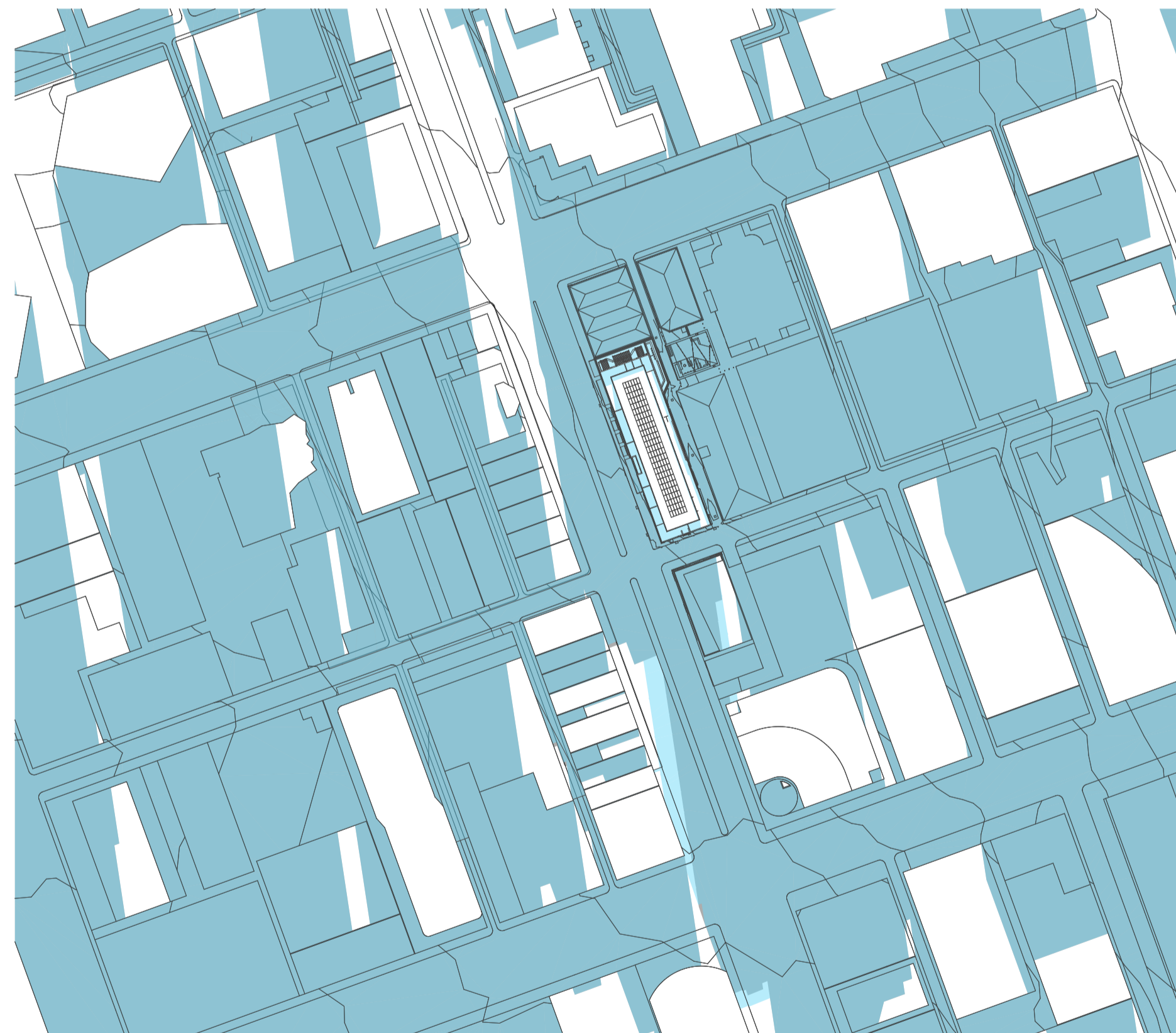
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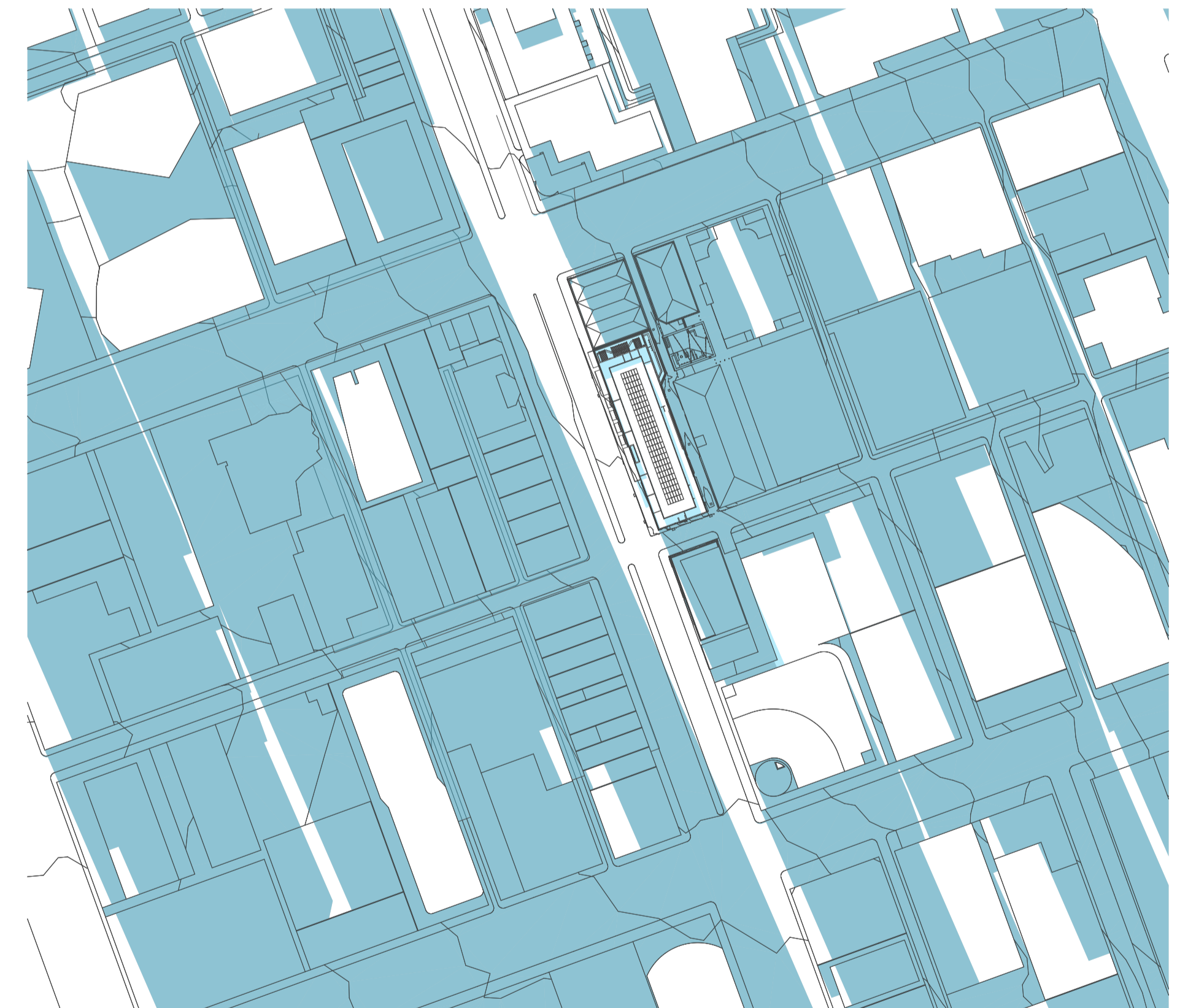
SHADOW ANALYSIS JUN 21 1100



SHADOW ANALYSIS JUN 21 1200



SHADOW ANALYSIS JUN 21 1300



SHADOW ANALYSIS JUN 21 1400

PREVIOUS ENDORSED BUILDING SHADOWS
  SHADOWS OF PROPOSED APPLICATION
  ENDORSED & PROPOSED SHADOWS COMBINED (i.e. NO CHANGE)

BIMcloud: BIMSERVER23 - BIMcloud Basic for ARCHICAD 23/20163 570 Little Bourke Street Melbourne/20163 570 Little Bourke General\_RFI3

REVISION		REVISION	
01	TOWN PLANNING	ES	19.05.2021
02	TOWN PLANNING	JP	06.08.2021
02	TOWN PLANNING	AA	17.09.2021
> 03	RFI RESPONSE THREE	AA	30.11.2021

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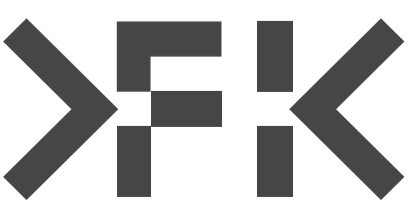
DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
ES	30.11.2021	SK	29.11.2021	20163	N.T.S.@A1

**PROJECT**  
 204 - 232 KING STREET  
 204 - 232 KING STREET  
 MELBOURNE VIC 3000

**DRAWING TITLE**  
 SHADOW ANALYSIS 1

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 FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

**ISSUE PURPOSE**  
 RFI RESPONSE



**REV.** 03  
**DRAWING NO.** TP400

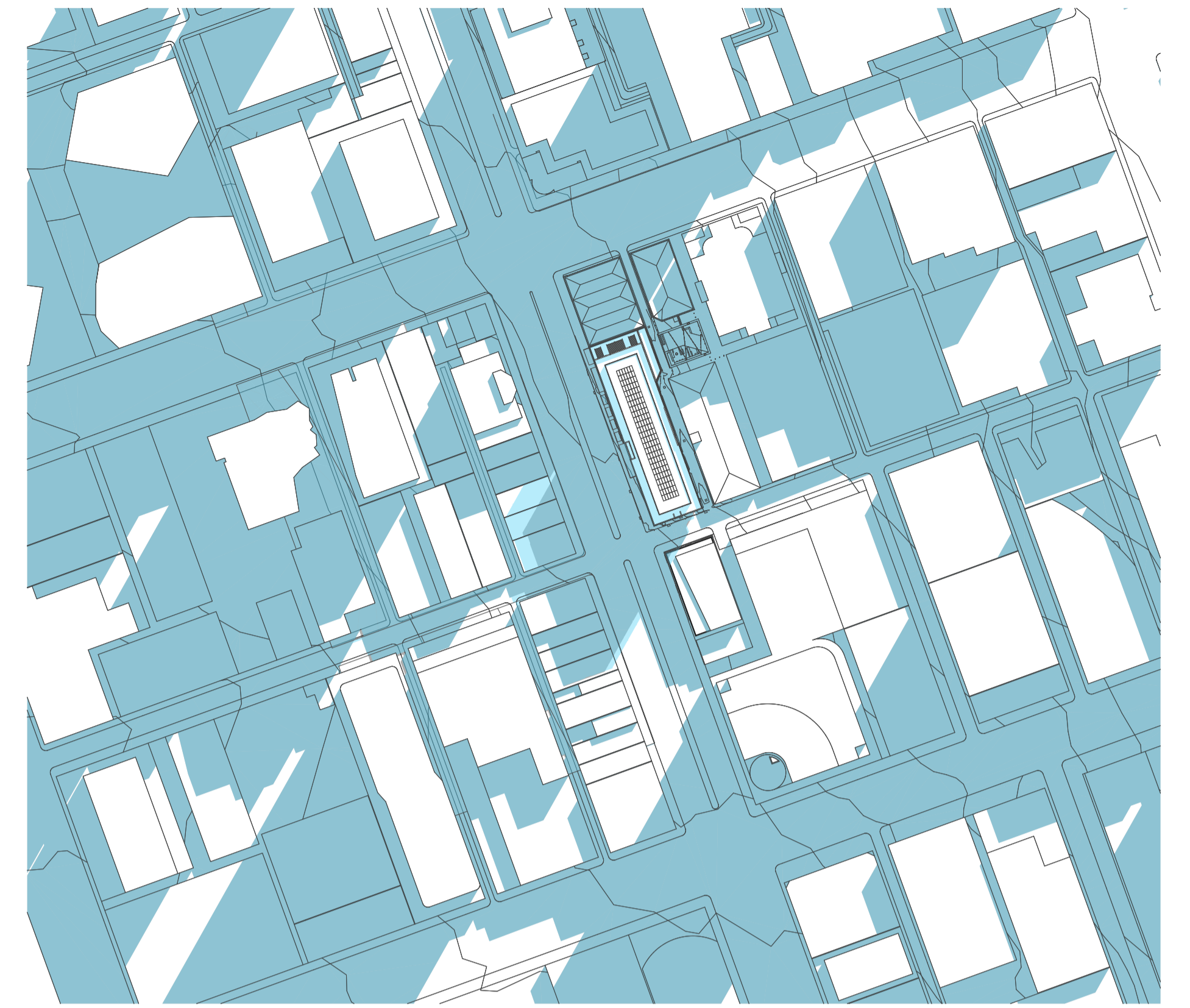




SHADOW ANALYSIS SEP 22 0900



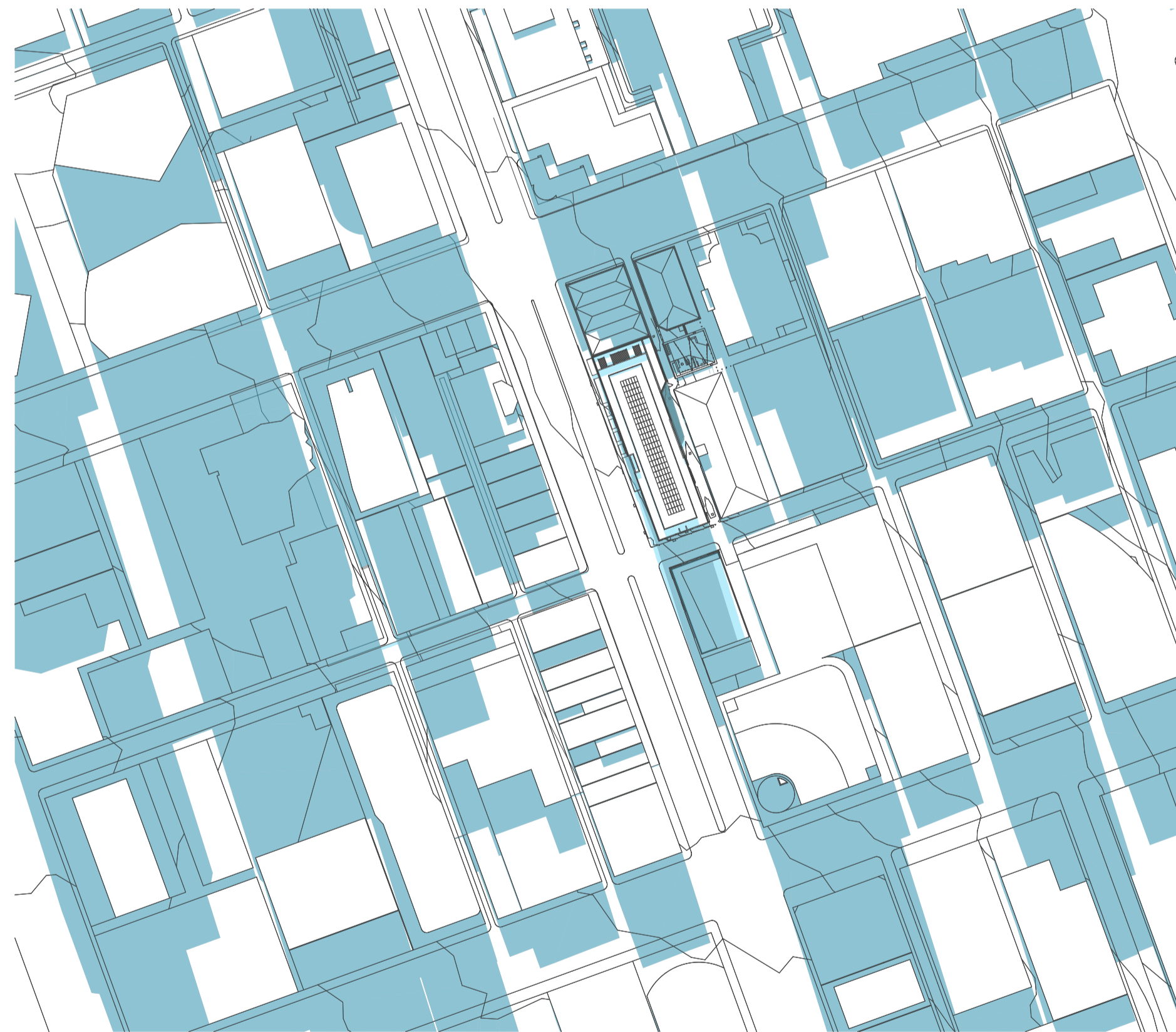
SHADOW ANALYSIS SEP 22 1000



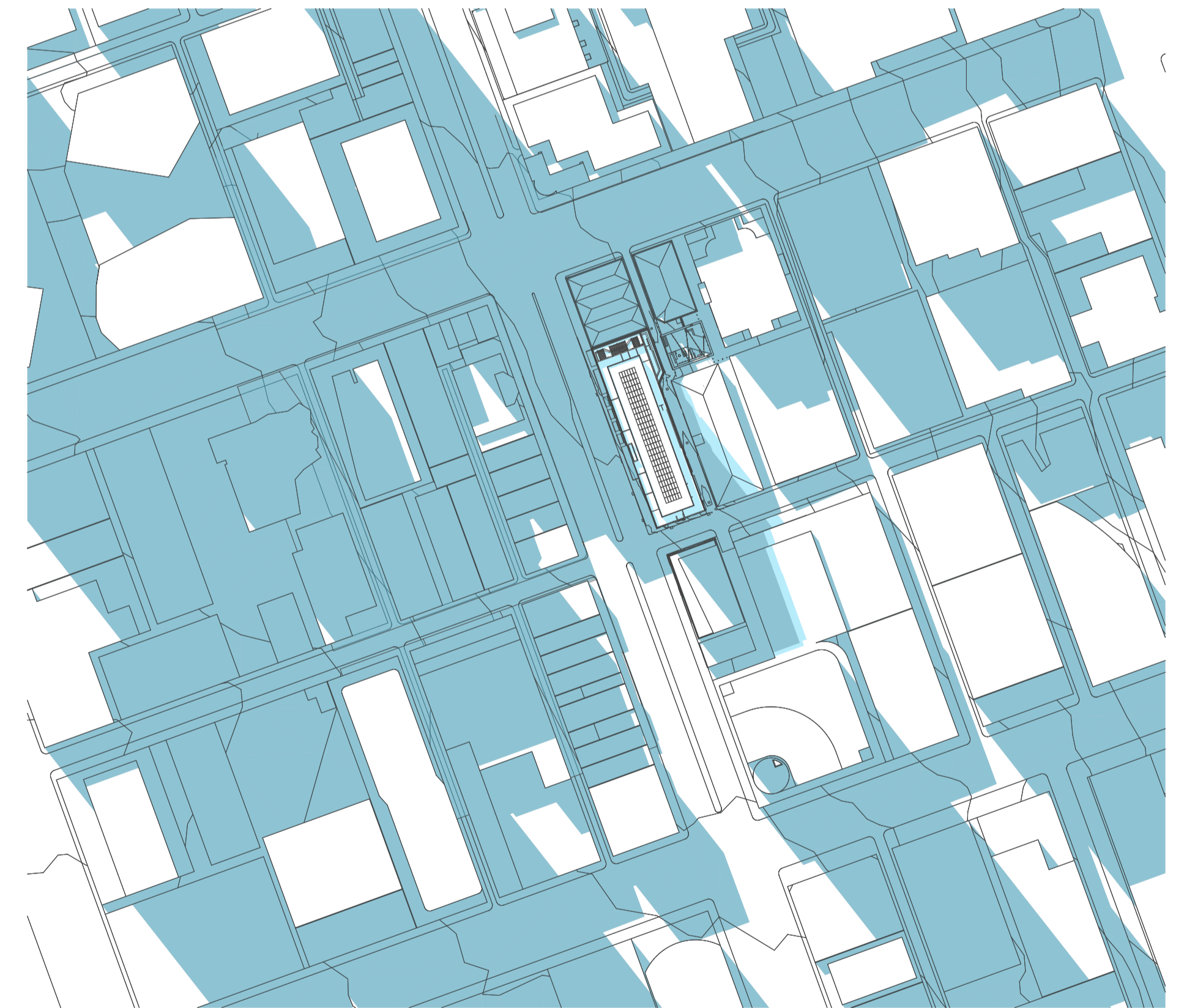
SHADOW ANALYSIS SEP 22 1100



SHADOW ANALYSIS SEP 22 1200



SHADOW ANALYSIS SEP 22 1300



SHADOW ANALYSIS SEP 22 1400

PREVIOUS ENDORSED BUILDING SHADOWS
  SHADOWS OF PROPOSED APPLICATION
  ENDORSED & PROPOSED SHADOWS COMBINED (i.e. NO CHANGE)

BIMcloud: BIMSERVER23 - BIMcloud Basic for ARCHICAD 23/20163 570 Little Bourke Street Melbourne/20163 570 Little Bourke Street Melbourne

REVISION	DATE	BY
01	19.05.2021	ES
02	06.08.2021	JP
02	17.09.2021	AA
> 03	30.11.2021	AA

REVISION

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DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
ES	30.11.2021	SK	29.11.2021	20163	N.T.S.@A1

**PROJECT**

204 - 232 KING STREET  
204 - 232 KING STREET  
MELBOURNE VIC 3000

**DRAWING TITLE**

SHADOW ANALYSIS 2

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VICTORIA 3006 AUSTRALIA  
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FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

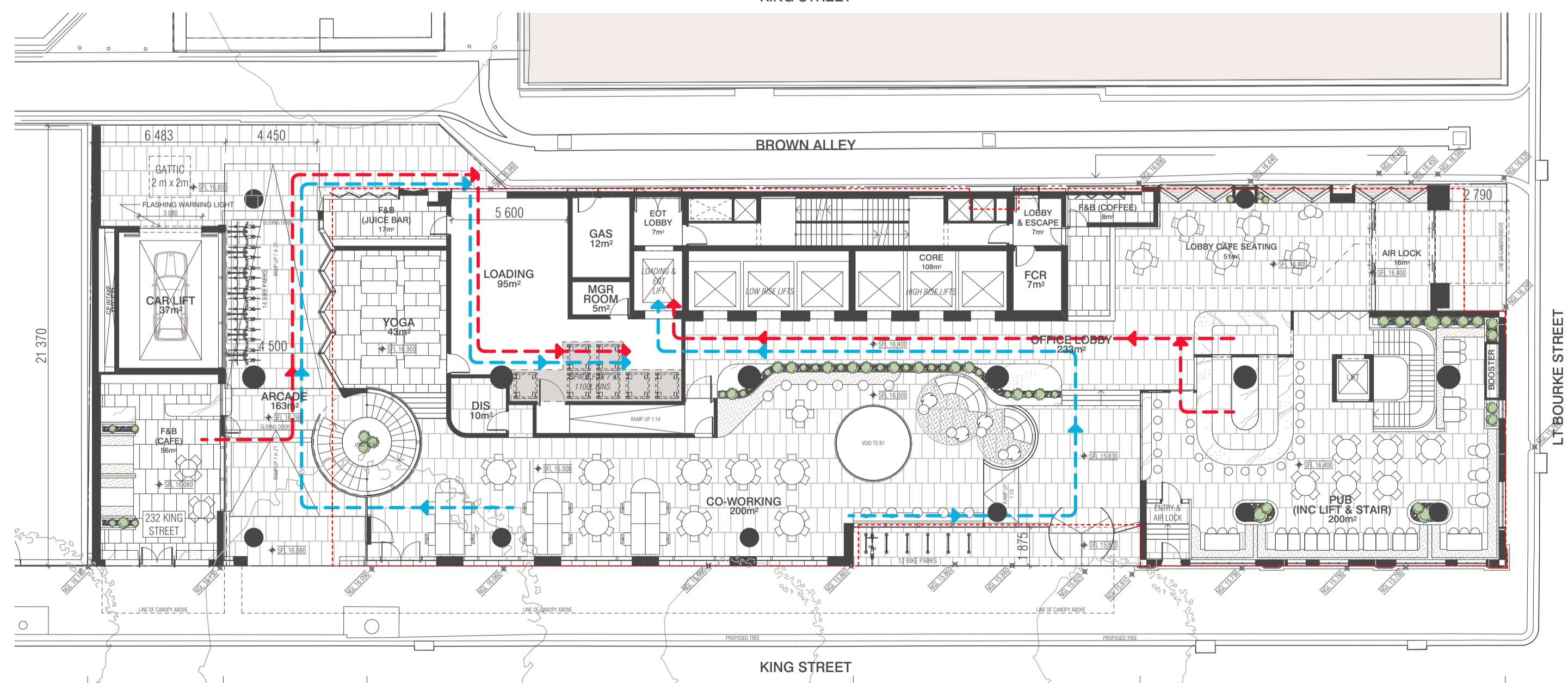
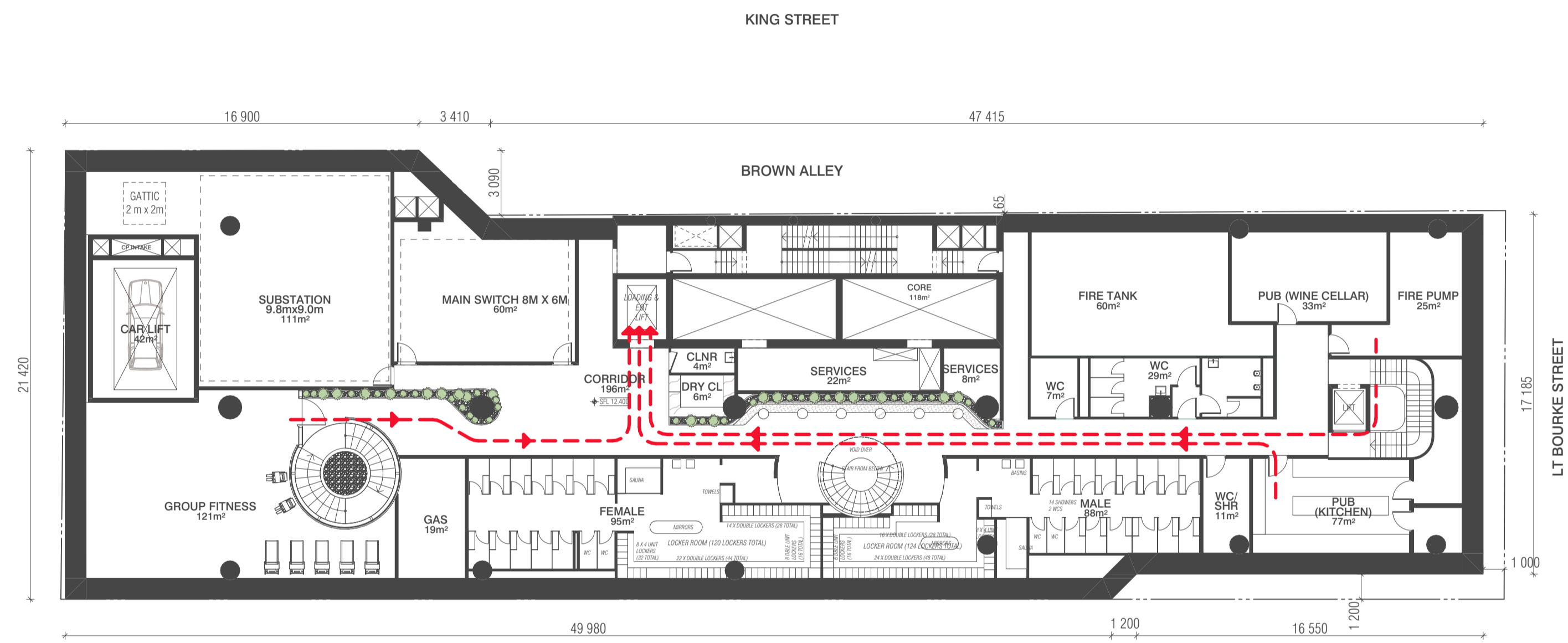
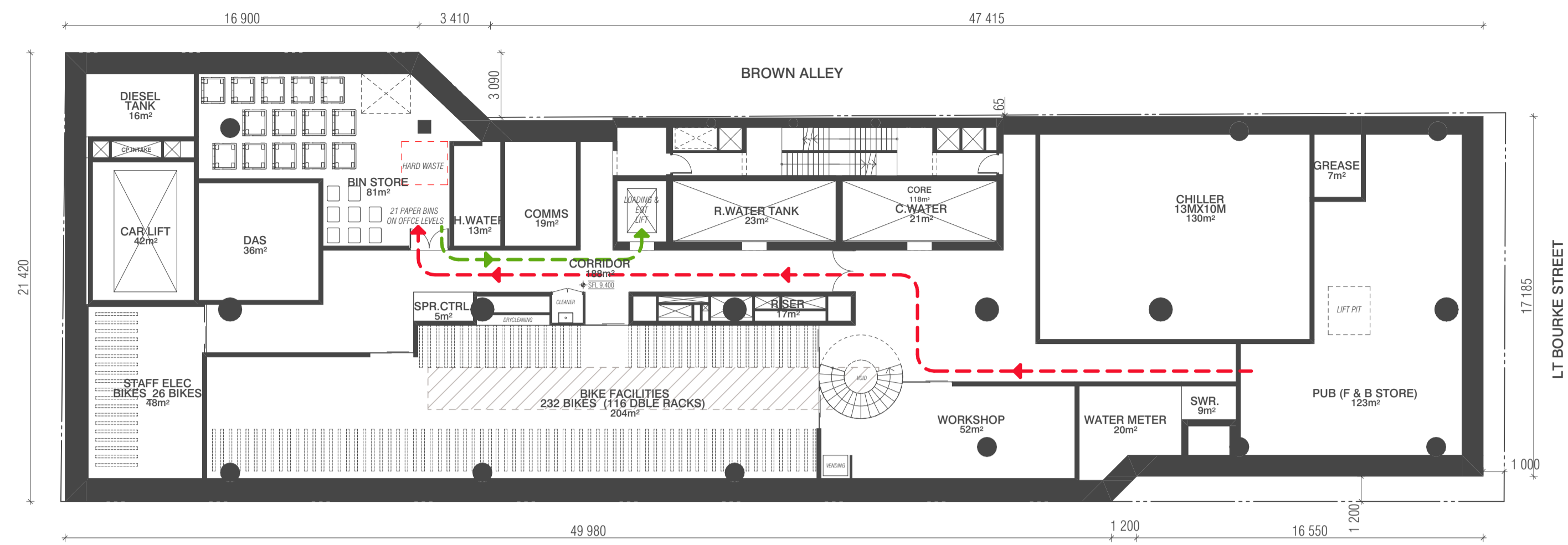
**ISSUE PURPOSE**

RFI RESPONSE



**REV.** 03 **DRAWING NO.** TP401





**NOTE : ALL WASTE TRANSFER PATHS ARE LOCATED WITHIN THE PROPERTY BOUNDARY OF THE DEVELOPMENT.**

**LEGEND**

- ▶ WASTE TRANSFER ROUTE FROM OFFICES TO BIN ROOM IN BASEMENT 02 VIA SERVICES LIFT
- ▶ WASTE TRANSFER ROUTE FROM F&B, AMENITIES & RETAIL TO BIN ROOM IN BASEMENT 02 VIA SERVICES LIFT
- ▶ WASTE TRANSFER ROUTE FROM BIN ROOM IN BASEMENT 02 TO LOADING BAY VIA SERVICE LIFT

REVISION		REVISION	
01	TOWN PLANNING	ES	19.05.2021
02	TOWN PLANNING	JP	06.08.2021
02	TOWN PLANNING	AA	17.09.2021
> 03	RFI RESPONSE THREE	AA	30.11.2021

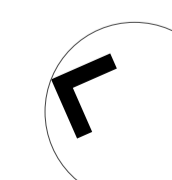
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 CONSTRUCTION DOCUMENTATION REVIEW FOR THIS DRAWING IS COMPLETE. DATE OF REVIEW: DD.MM.YYYY

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DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
ES	30.11.2021	SK	29.11.2021	20163	1:100@A1 1:200@A3



**PROJECT**  
 204 - 232 KING STREET  
 204 - 232 KING STREET  
 MELBOURNE VIC 3000

**DRAWING TITLE**  
 WASTE TRANSFER PATH B02 B01 & GROUND

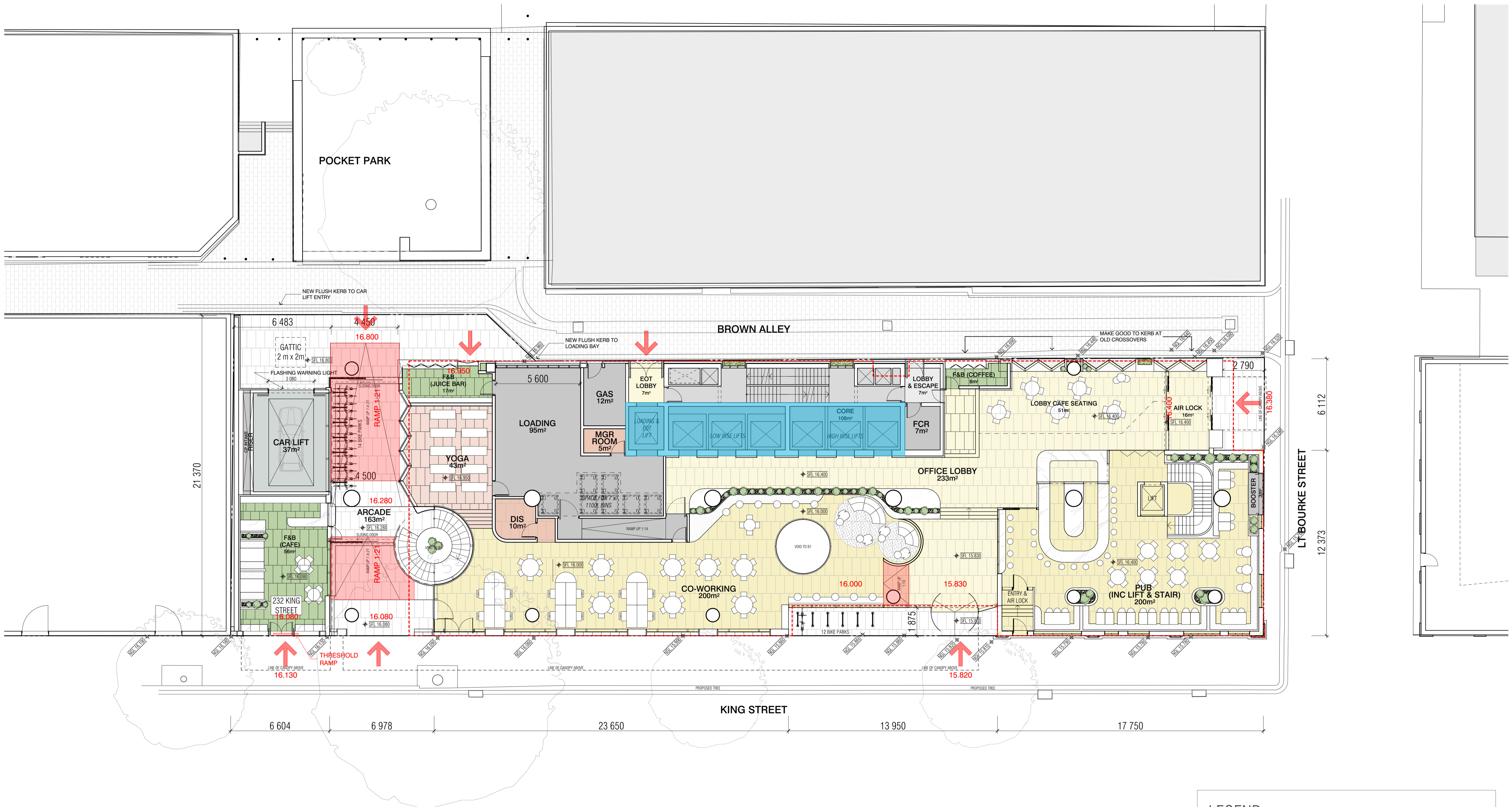
**FENDER KATSALIDIS**  
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 TELEPHONE: +61 3 8696 3888  
 FENDER KATSALIDIS (AUST) PTY LTD ACN 092 943 032

**ISSUE PURPOSE**  
 RFI RESPONSE



**REV.** 03  
**DRAWING NO.** TP402





**LEGEND**

- UNIVERSAL ACCESS ENTRY
- RAMP - FALLS AS SHOWN
- LIFT ACCESS

REVISION		REVISION	
01	TOWN PLANNING	JP	15.07.2021
02	TOWN PLANNING	JP	06.08.2021
02	TOWN PLANNING	AA	17.09.2021
> 03	RFI RESPONSE THREE	AA	30.11.2021

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DRAWN	DATE	CHECKED	PLOT DATE	JOB NO.	SCALE
JP	30.11.2021	SK	29.11.2021	20163	AS SHOWN@A1

**PROJECT**  
 204 - 232 KING STREET  
 204 - 232 KING STREET  
 MELBOURNE VIC 3000

**DRAWING TITLE**  
 UNIVERSAL ACCESS DIAGRAMS

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**ISSUE PURPOSE**  
 RFI RESPONSE

**REV.** 03  
**DRAWING NO.** TP403

BIMcloud: BIMSERVER23 - BIMcloud Basic for ARCHICAD 23/20163 570 Little Bourke Street Melbourne/20163 570 Lt Bourke General. RFI3



## DELEGATE REPORT MINISTERIAL PLANNING REFERRAL

<b>CoM Application Number:</b>	TPMR-2021-11
<b>DELWP Application Number:</b>	PA2101224
<b>Applicant:</b>	Argo Group c/- Urbis
<b>Owners:</b>	King Street Property Investment Pty Ltd; Zelwer Superannuation No. 2 Pty Ltd; 204 King Street Pty Ltd
<b>Architect:</b>	Fender Katsalidis
<b>Address:</b>	204-208, 212, 226, 230 & 232 King Street, Melbourne
<b>Proposal:</b>	Amendments to the approved development (TP-2020-33), including the incorporation of 232 King Street and construction of basement car parking
<b>Cost of Works:</b>	\$95,000,000
<b>Date Received by CoM:</b>	23 June 2021
<b>Responsible Officer:</b>	Richard Cherry, Principal Urban Planner

### 1. BACKGROUND

#### 1.1. TP-2020-33

Planning Permit TP-2020-33 was issued by the City of Melbourne on 31 July 2020 for demolition of existing buildings (with the exception of the street walls of 204-208 King Street) and construction of a multi-storey mixed-use development.

The City of Melbourne was the responsible authority as the development had a total Gross Floor Area (GFA) of less than 25,000 m<sup>2</sup>.

#### 1.2. TPMR-2021-11

The current proposed amendment to Permit (TP-2020-33) results in an increase in GFA above 25,000 m<sup>2</sup>. As such, the Minister for Planning is the responsible authority.

### 2. SUBJECT SITE AND SURROUNDS

The application site is made up of five properties, being:

- 204-208 King Street, which is currently developed with a two-storey Victorian public house known as Hotel Animal.
- 212 King Street, which is currently developed with a three storey building used as retail and office.



- 226 King Street, which is currently developed with a two storey building used as an office.
- 230 King Street, which is currently developed with a two storey building used as a restaurant.
- 232 King Street, which is currently developed with a three storey building used as retail and residential.

None of the sites have been identified as having heritage value (non-contributory).

Combined, the site is bound by King Street to the west, Little Bourke Street to the south and Brown Alley to the east; with an overall area of approximately 1,326 m<sup>2</sup>.

The site is also included upon the Victorian Heritage Inventory (refer H7822-1428) on the basis the land may be of archaeological significance.

Refer Delegated Planning Application Report on file (TP-2020-33) for further details. The immediate surrounds have not significantly altered since the drafting of this report.

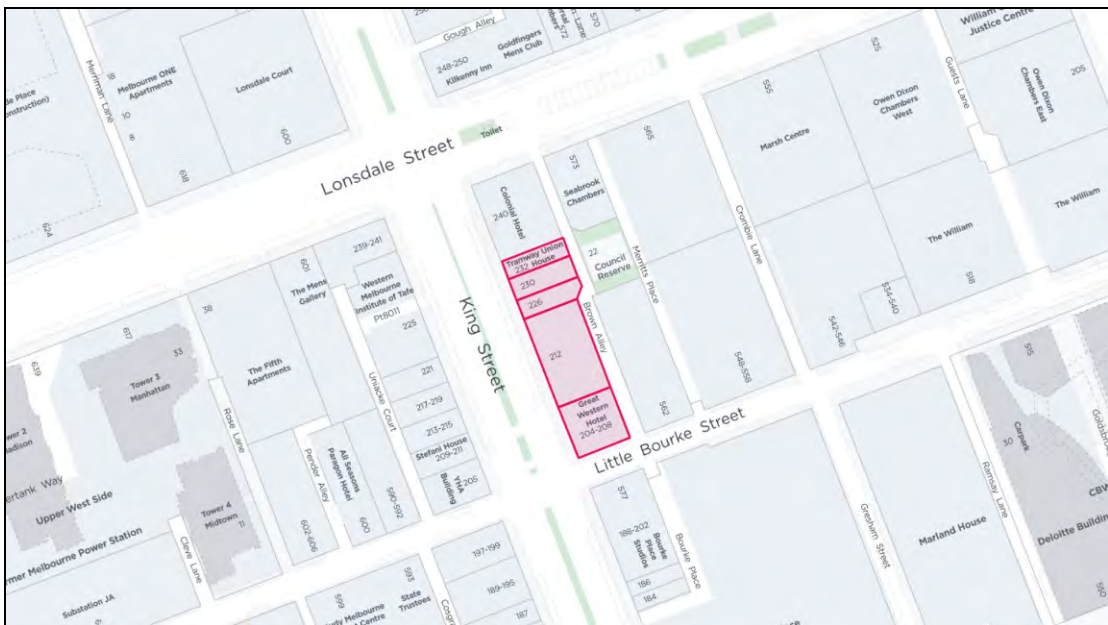


Figure 1: Map of subject site and surrounds

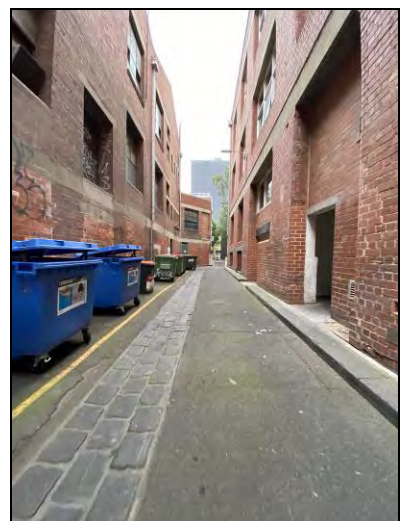
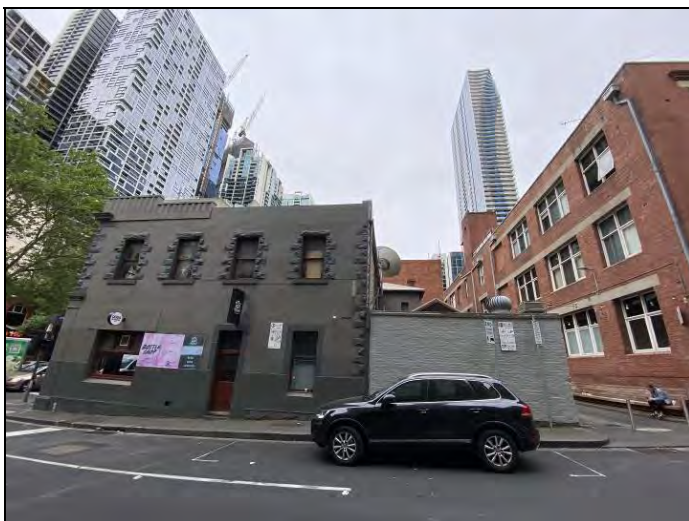




Figure 2: Aerial of subject site and surrounds (4 April 2021)



Figure 3: Application site from King Street



Figures 4 & 5: Application site from Little Bourke Street (left) and Brown Alley looking north (right)



### 3. THE PROPOSAL

The application seeks approval to amend Permit TP-2020-33 under Section 72 of the *Planning and Environment Act 1987*. The key amendments proposed are as follows:

- Incorporation of 232 King Street into the application site and partial demolition of the existing building (retention of façade).
- Construction of an additional basement (Basement Level 3) to introduce 25 car parking spaces on-site.
- Extension of Basement Level 2 to the site boundaries and associated internal layout changes.
- Internal layout changes to Basement Level 1.
- At Ground Level, the key changes are to the functional layout of the retail and office uses, the services core, and the inclusion of a car lift at the north-east corner with vehicle access off Brown Alley. The walk-through arcade between King Street and Brown Alley remains generally in the same location as approved, and the front of 232 King Street is to be used as a café.
- At the upper levels, various changes to indents and setbacks include:
  - The King Street (west) elevation whereby the north portion of the tower is now constructed on the west boundary – previously set back 5 m.
  - The Brown Alley (east) elevation whereby the tower is now constructed on the east boundary – previously set back 2.5 m (or 5 m from the centreline of the laneway).
- Changes to the detailed design of the building including form, articulation and materials.

#### Development Summary

	Approved (TP-2020-33)	Proposed (TPMR-2021-11)
<b>Land Use (NLA)</b>	<ul style="list-style-type: none"> <li>• 15,981 m<sup>2</sup> Office</li> <li>• 368 m<sup>2</sup> Retail + 391 m<sup>2</sup> existing Hotel</li> <li>• 521 m<sup>2</sup> Wellness</li> </ul>	<ul style="list-style-type: none"> <li>• 21,231 m<sup>2</sup> Office</li> <li>• 81 m<sup>2</sup> Retail + 389 m<sup>2</sup> existing Hotel</li> <li>• 164 m<sup>2</sup> Yoga and Fitness</li> </ul>
<b>GFA</b>	20,924 m <sup>2</sup>	28,032 m <sup>2</sup>
<b>Plot Ratio</b>	17.61:1	21:1
<b>Overall Height</b>	79.7 m + 3 m architectural feature + 3 m plant screen	80 m + 3 m architectural feature + 3.9 m plant screen
<b>Car Parking</b>	Zero	25 spaces
<b>Bicycle Parking</b>	201 spaces	284 spaces

#### Comparison Plans



### Demolition



Figure 6: Approved development (demolition)

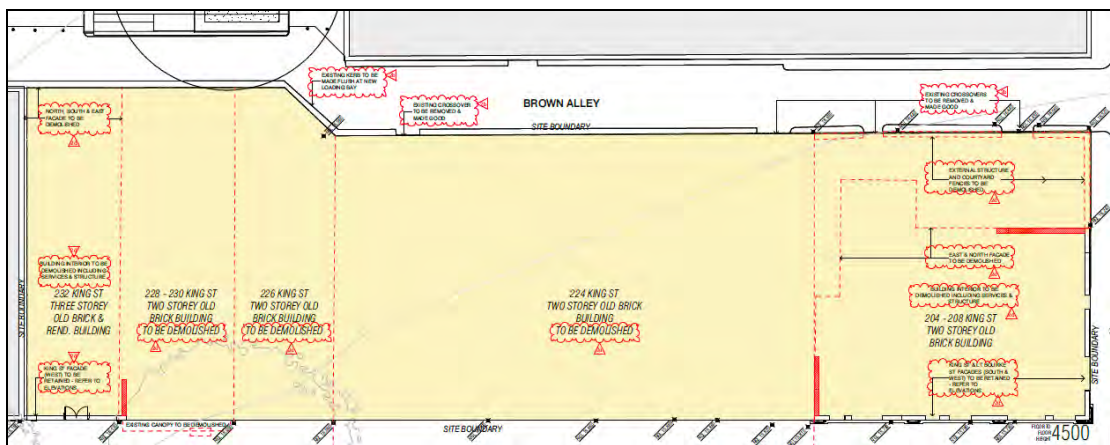


Figure 7: Proposed development (demolition)

### Basement Level 3 (new)

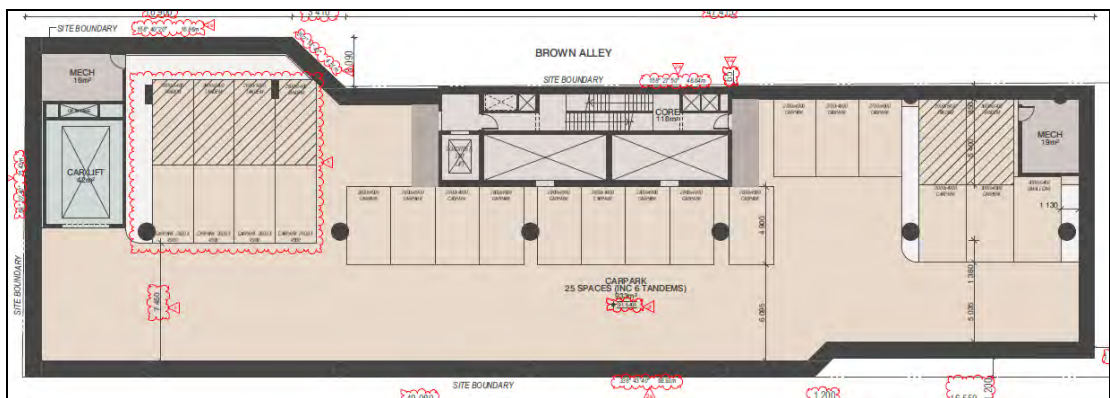


Figure 8: Proposed development (Basement 3)



### Basement Level 1

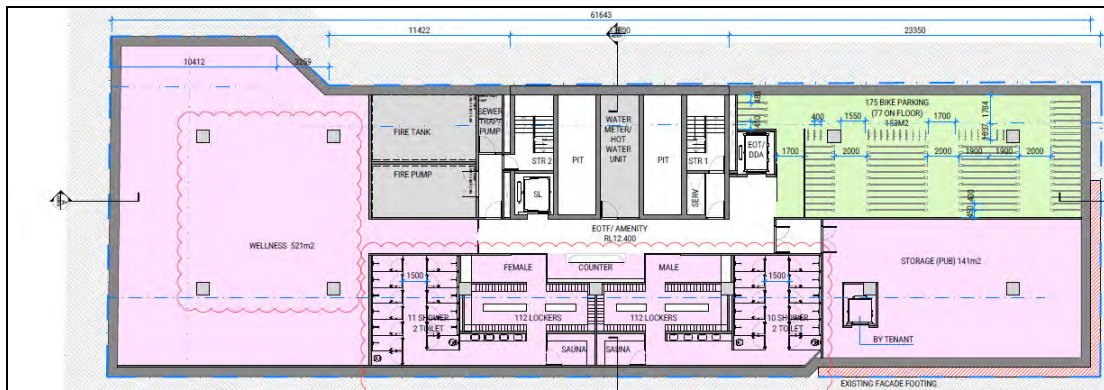


Figure 9: Approved development (Basement 1)

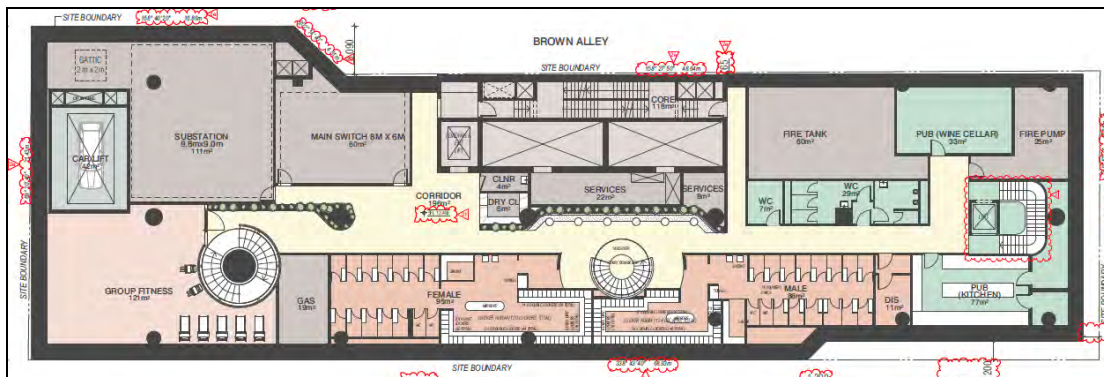


Figure 10: Proposed development (Basement 1)



Ground Level

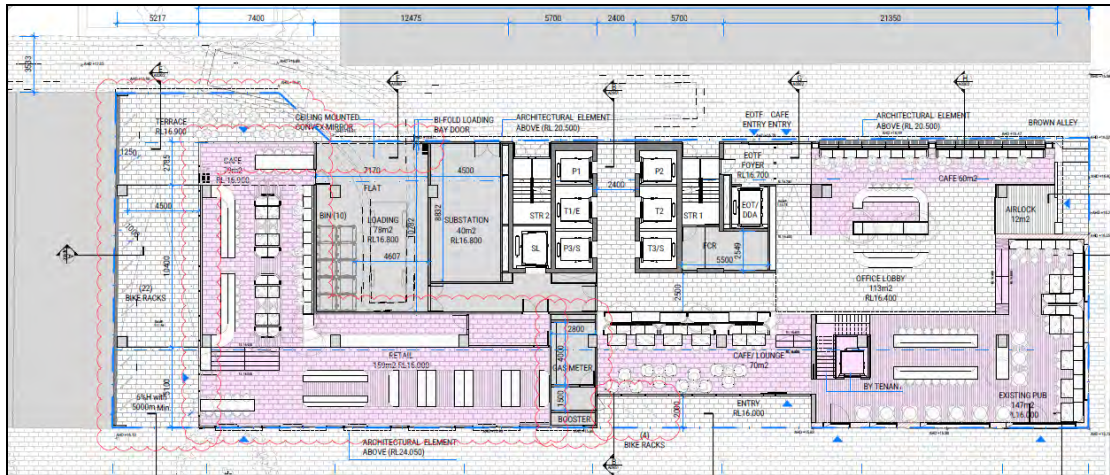


Figure 11: Approved development (Ground Level)

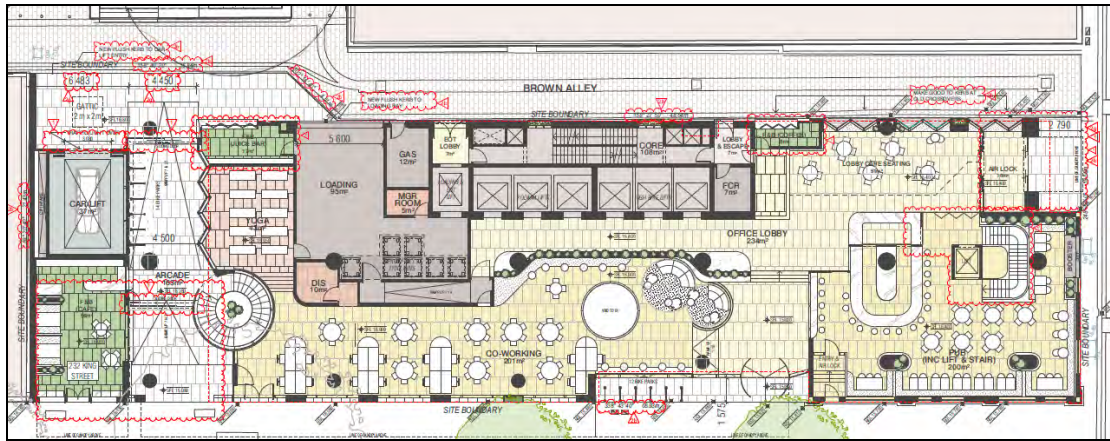


Figure 12: Proposed development (Ground Level)

Level 1

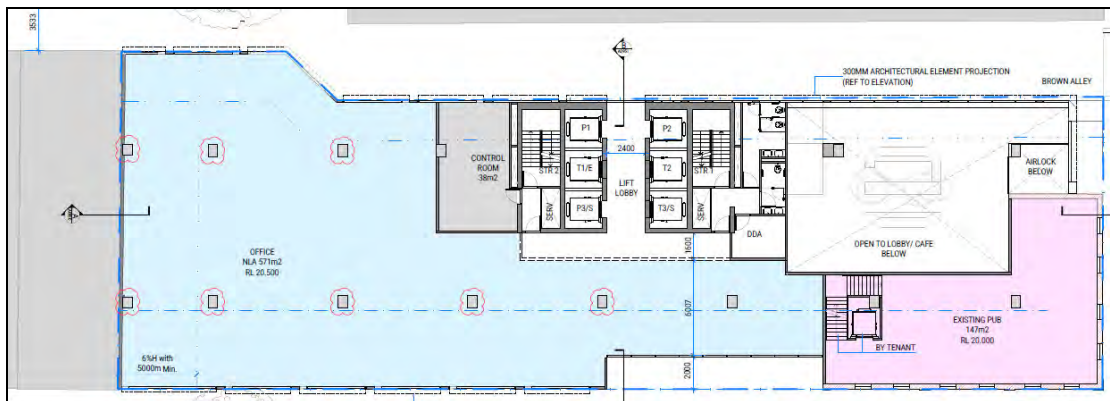


Figure 13: Approved development (Level 1)



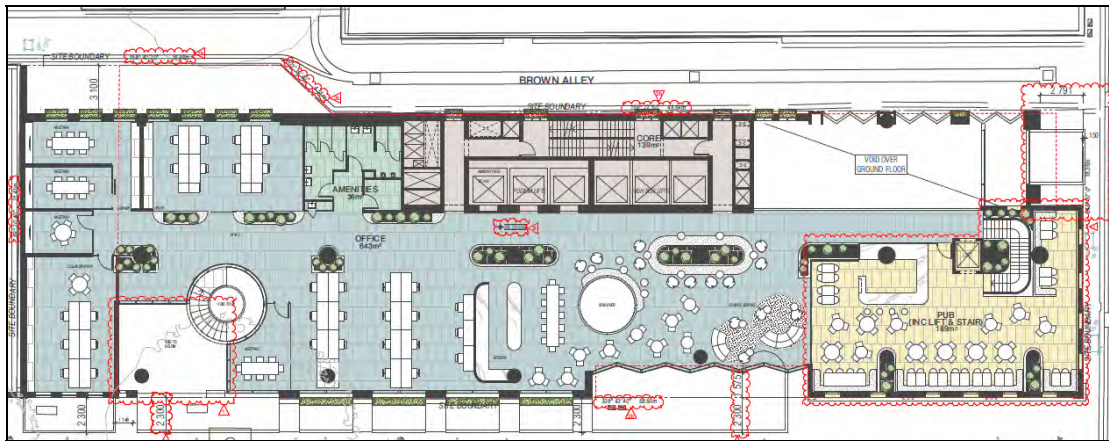


Figure 14: Proposed development (Level 1)

## Level 2

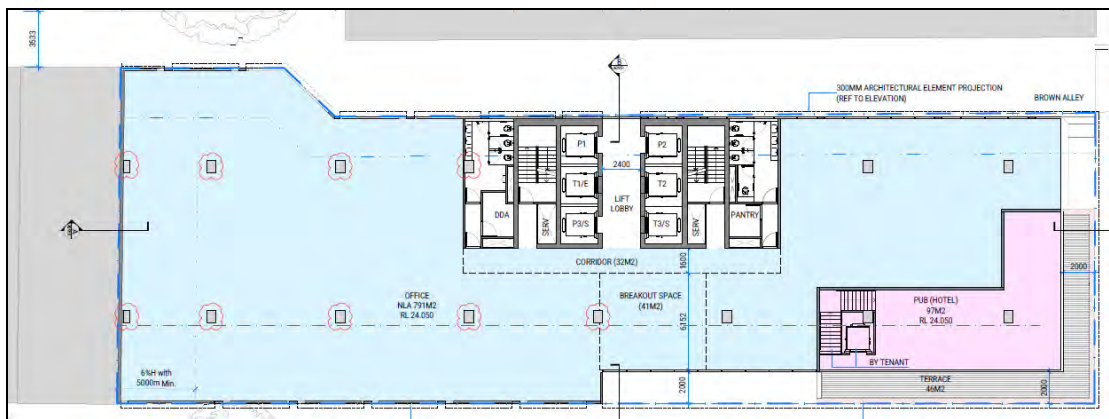


Figure 15: Approved development (Level 2)

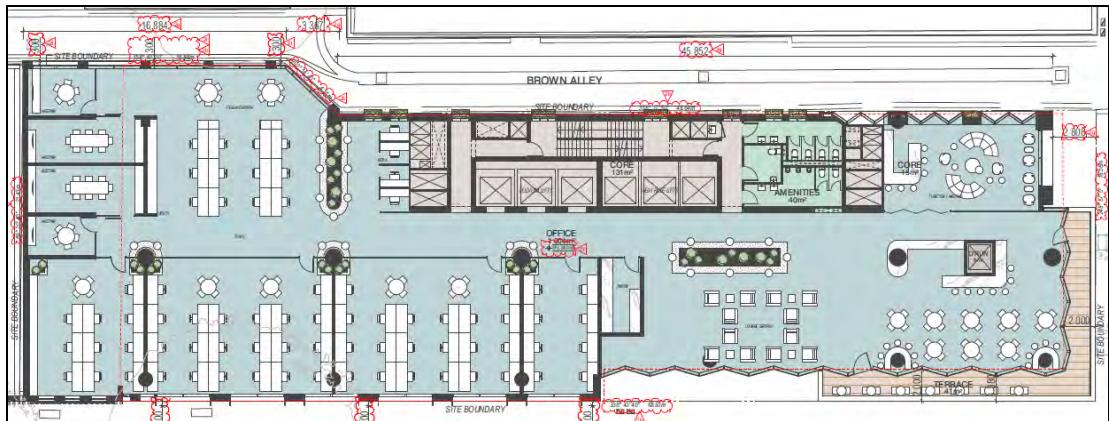


Figure 16: Proposed development (Level 2)



### Typical Podium

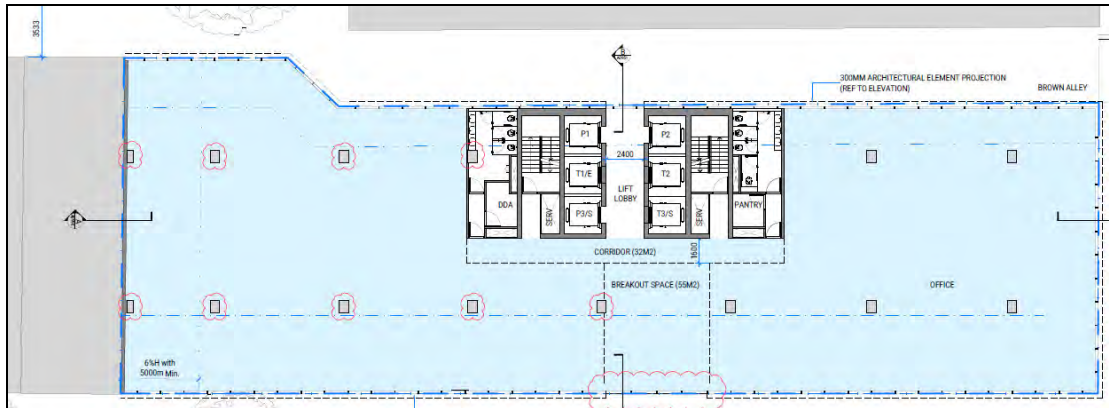


Figure 17: Approved development (Typical Podium)



Figure 18: Proposed development (Typical Podium)

### Typical Tower

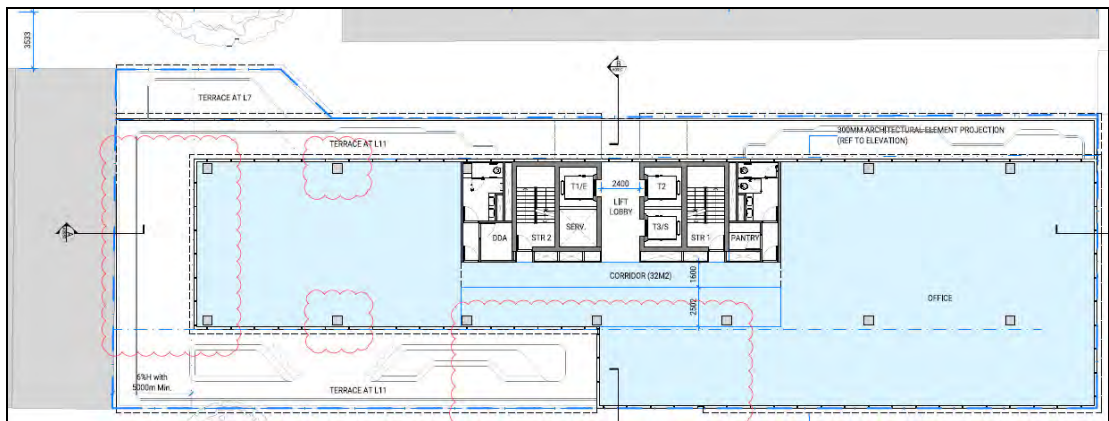


Figure 19: Approved development (Typical Tower)



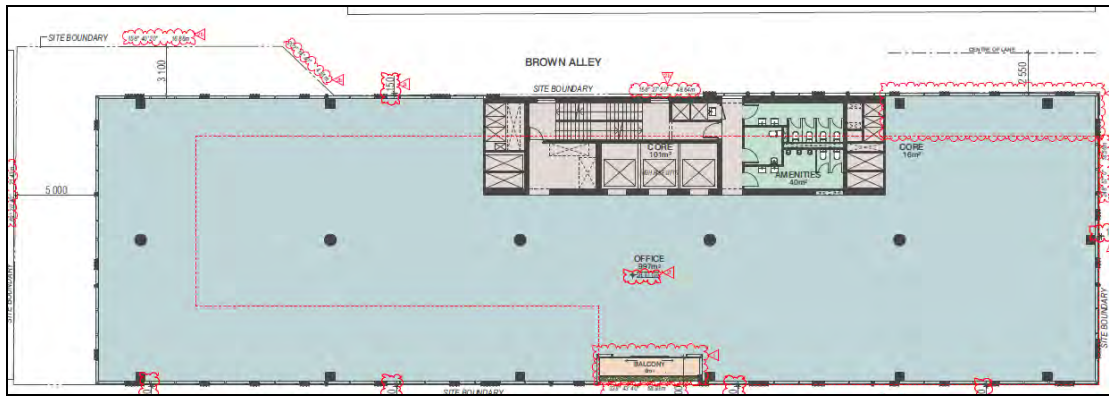


Figure 20: Proposed development (Typical Tower)

### King Street Elevation

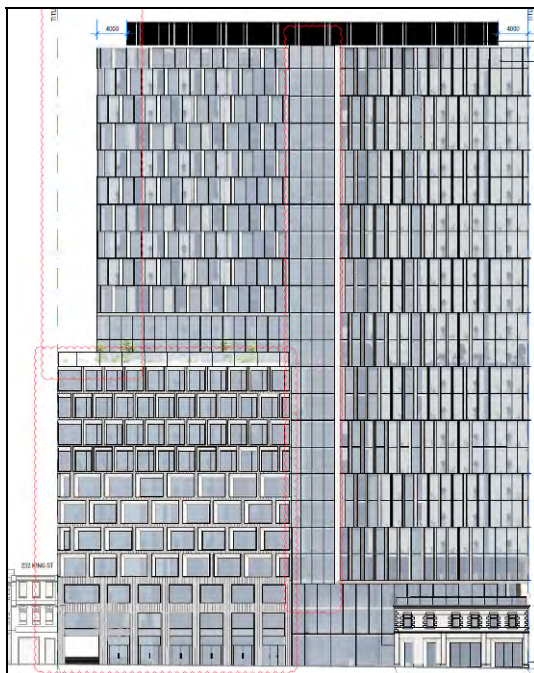


Figure 21: Approved King Street elevation



Figure 22: Proposed King Street elevation



## Brown Alley Elevation

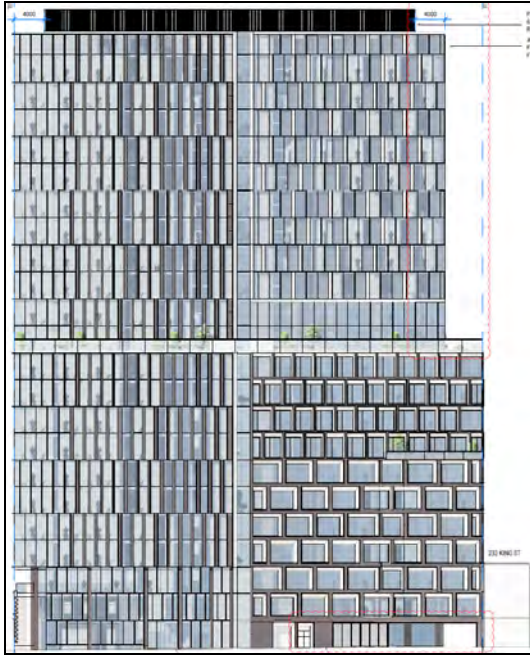


Figure 23: Approved Brown Alley elevation



Figure 24: Proposed Brown Alley elevation

## **4. PLANNING SCHEME PROVISIONS**

### **4.1 Strategic Policy Framework**

The Delegated Planning Application Report on file lists all relevant provisions of the Planning Policy Framework and Local Planning Policy Framework.

Since the issuing of the original permit, there have been no significant amendments to relevant policies with the exception of Clause 22.01 (Urban Design within the Capital City Zone), which has since been removed from the Melbourne Planning Scheme – reinforced through new DDO1 (refer below).

### **4.2 Statutory Controls**

The site is located in the Capital City Zone Schedule 1 and is affected by Design and Development Overlay Schedules 1 and 10, and Parking Overlay Schedule 1.

#### Capital City Zone Schedule 1

There is no change to approved uses under the original permit and the Capital City Zone controls continue to apply.

#### Design and Development Overlay Schedule 1

Since issuing of the original Permit (TP-2020-33), Schedule 1 of Design and Development Overlay (Urban Design in Central Melbourne) has been gazetted into the Melbourne Planning Scheme.

An assessment of DDO1 is provided at Section 7.2 of this report.



### Design and Development Overlay Schedule 10

Clause 2.3 of DDO10 states that a permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) for buildings and works that do not meet the Modified Requirement for any relevant Design Element specified in Table 3 to this schedule. The proposed amendments seek to increase the building envelope and as such, an assessment of DDO10 is found at Section 7.3 of this report.

### Parking Overlay Schedule 1

Clause 3.0 of PO1 states that a permit is required to provide parking in excess of:

- 5 x net floor area of buildings on that part of the site / 1,000 m<sup>2</sup>.

In accordance with the submitted traffic report, the above formula results in a maximum 107 car parking spaces. A total of 25 spaces are proposed, which is less than the maximum and therefore a permit is not required under the Parking Overlay.

## **4.3 Particular and General Provisions**

The Delegated Planning Application Report on file lists all relevant Particular and General Provisions. Since the issuing of Planning Permit TP-2020-33, there has been no significant amendments to the relevant Particular or General Provisions.

DELWP, as the responsible authority, is responsible for any use and development referrals to relevant statutory bodies under Clause 66.

## **4.4 Operational Provisions**

Pursuant to the Schedule to Clause 72.01, the Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2, and 3 of Part 4 and Part 4AA of the Act and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority in relation to development of land as part of a single project or multiple related projects, if it involves construction of a new building or buildings containing a total gross floor area of more than 25,000 square metres.

## **5. PUBLIC NOTIFICATION**

The application has been referred to the City of Melbourne for comment.

Pursuant to the Capital City Zone and Design and Development Overlay Schedules 1 and 10, an application to demolish or remove a building and construct a building or construct or carry out works (for a Section 1 Use in the CCZ) is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

## **6. INTERNAL REFERRALS**

### **6.1. Heritage**

Council's Heritage Advisor has reviewed the proposal and has noted that the application sites are not identified as being of heritage value.

As the site's northern boundary has an interface with the significant-graded Colonial Hotel at 240 King Street, consideration must be given to the proposed development's north side elevation and the visual impacts associated with an 80 m high wall.



The built form response is discussed in detail at Section 7.3.1 of this report.

## 6.2. Urban Design

Council's Urban Design team has reviewed several iterations of plans, including the formal application material and various draft changes that been provided to City of Melbourne and DELWP in response to key urban design issues. Key issues are discussed as follows:

- Non-contextual street wall height of 80 m to King Street and Brown Alley.

Urban Design continues to have concerns with the proposed bulk, being an 80 m high street wall, along all three street frontages. This is not considered appropriate due to the following:

- The predominantly 15-30 m parapet heights along King Street and Brown Alley. DDO10 built form outcomes requires the consideration of contextual conditions when determining appropriate street wall heights.
- The significant heritage building directly interfacing to the north of the site (Colonial Hotel) and opposite Brown Alley (562 Little Bourke Street). City of Melbourne's Heritage Policy requires that massing of developments adjacent to heritage buildings do not visually dominate or disrupt the appreciation of a heritage place.
- The narrow width and fine-grained character of Brown Alley. An 80 m street wall does not respect the scale or place quality of the laneway.

Above a height of 40 m (podium), a 5 m set back from the centreline of Brown Alley was approved under the original permit. The amendment seeks to extend the Brown Alley wall to the eastern boundary. Urban Design does not support any additional bulk to the site beyond the approved scheme and recommends the reinstatement of a distinct street wall (maximum 40 m) to Brown Alley. The impact to precinct urban design quality and character will be significant if appropriate street wall heights are not adopted.

### Officer's Response

While a full DDO10 assessment against the proposed amended building envelope is undertaken at Section 7.3 of this report, in summary the proposed eastern (Brown Alley) boundary wall above a height of 40 m is considered prohibited. To comply with the DDO10 'modified requirement', a minimum 5 m setback from the centreline of Brown Alley is required.

In response, the applicant has submitted various informal iterations of plans. The latest set of plans dated 30.11.2021 provides a 5 m setback from the centreline of Brown Alley above 40 m. This results in a 40 m high podium and a recessive upper form to a height of 80 m.

This change, particularly at the southern portion of the site, is consistent with the building envelope approved under the original permit and is therefore accepted. Towards the northern portion of the site, the eastern elevation proposes to follow the 'kink' in the east boundary, but maintains a 5 m set back from the laneway centreline. Urban Design supports this change, which could be formally introduced



by way of condition if an amended permit is granted – **refer recommended Condition 1j.**

- Overwhelming horizontal bulk of tower to King Street and Brown Alley frontages.

Urban Design continues to have concerns with the unbroken horizontal bulk of tower frontages to King Street and Brown Alley. Acknowledging that a vertical recess corresponding to a small balcony has been incorporated to King Street, it is recommended that the proportions of this balcony are increased substantially.

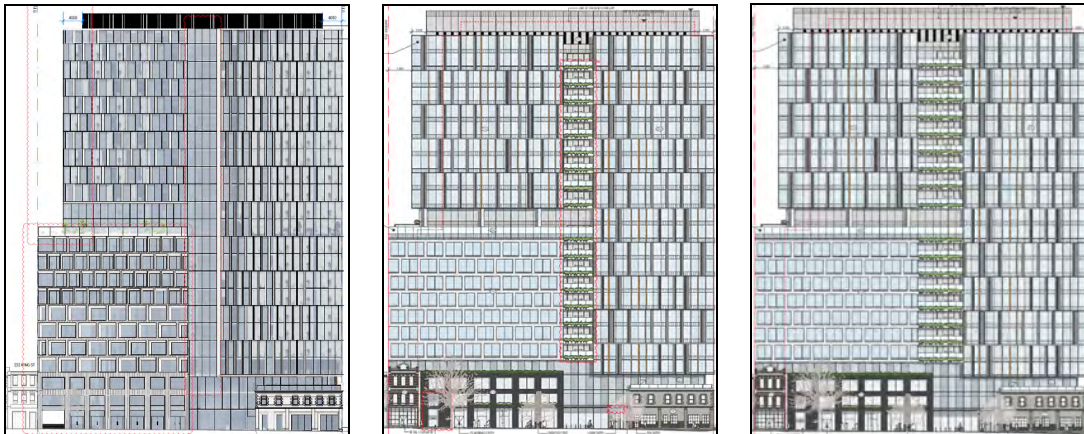
#### Officer's Response

In response, the applicant has submitted various informal iterations of plans. The latest set of plans dated 30.11.2021 provides a 3.17 m increase to the width of the centrally-located balconies on King Street (total width = 9.51 m). A comparison between the approved, assessment and latest informal King Street elevation drawings is shown in Figures 25–27.

The increased width results in improved articulation to the 80 m high, 63.7 m long King Street elevation. The balconies are 1.7 m deep and the façade is further broken up with a 1.7 m deep recess at levels 11 and 12. Landscaping is proposed within the recesses and a 5 - 6.5 m setback from the north side boundary is provided above the podium (40 m). Further, the three storey parapet height to the north has been carried through to the application site as depicted in Figures 26 and 27.

To ensure adequate visual separation from close-range, a minimum balcony depth of 2 m should be introduced. This will also improve usability.

These changes could be formally introduced by way of condition if an amended permit is granted – **refer recommended Conditions 1k and 1l.**



Figures 25–27: Approved (left), assessment (middle) and 30.11.2021 informal (right) King Street façade





Figures 28 & 29: Renders of revised King Street façade (30.11.2021)

- False parapet along Brown Alley is out of character with the laneway.

Urban Design has recommended that the false parapet to the central street wall component on the Brown Alley elevation (which continues as a flat concrete wall above) should be redesigned to be a more contemporary and authentic motif, reflecting building function and construction. Directly mimicking demolished façade elements (which no longer have a function to the new building) will not successfully respect and enhance the laneways character.

#### Officer's Response

In response, the applicant has submitted various informal iterations of plans. The latest set of plans dated 30.11.2021 provides a simplified red brick finish to the lower Brown Alley façade (Figures 30 & 31) in lieu of the mock motif (Figure 24) in the assessment plans. Urban Design supports this change, which could be formally introduced by way of condition if an amended permit is granted – **refer recommended Condition 1m.**



Figure 30: Brown Alley lower façade with simplified material finish (30.11.2021)





Figure 31: Render of Brown Alley lower façade with simplified material finish looking south (30.11.2021)

Notwithstanding the changes recommended above, Urban Design has identified the following positive outcomes of the amended proposal:

- A through-block link from King Street to Brown Alley is retained to the northern end of the site, aligning with the pocket park to the north. General improvements to this link include the provision of activation to both sides and a double height entrance from King Street.
- The introduction of activating tenancies and glazed openings to the services / core interface to Brown Alley. These initiatives will be crucial to the success of the laneway, especially as the direct through-block connection towards the south of the site has been removed.
- Revisions to the Brown Alley street level interface, which improves character and human scale. The use of recycled brick and punched openings is supported as a way to preserve the existing grain and character of the laneway.

### 6.3. Traffic Engineering

The most significant change under the proposed amendment is the addition of on-site car parking spaces in the form of 25 spaces at Basement Level 3 with vehicle access off Brown Alley via a car lift at the site's northern end.

Minor changes to the EoT facilities and ground floor loading area are also proposed.

The amendments have been reviewed by Traffic Engineering with comments, along with an officer's response, as follows:

- *Access to the car lift is provided via Brown Alley (which connects Little Bourke Street with Lonsdale Street). Little Bourke Street allows westbound travel only, and the design of Lonsdale Street only allows left turns into Brown Alley.*



- *Brown Alley currently provides for vehicles driving in both directions, even though only one direction of travel is possible at a time. It may prove necessary in the future to run the northern section of Brown Alley (i.e. between the car lift and Lonsdale Street) one-way (possibly south-bound) to cut down on the opportunity for vehicles travelling in different directions meeting in the lane. However, City of Melbourne have no plans to undertake this change and this would be subject to various considerations including consultation with neighbouring properties.*
- *Brown Alley between Little Bourke Street and the car lift will only allow access by vehicles in one direction at a time. Consideration should be given to provision of a passing area along Brown Alley south of the stairs/lift core to avoid vehicles travelling in different directions meeting in the lane.*
- *The plans show a “traffic light” above the car lift to address potential conflict between cars and pedestrians in Brown Alley. This does not comply with the discussion in the Traffix Group report that “a flashing warning signalling system has been proposed at the top of the car lift which will flash when vehicles are about to exit.” A flashing warning light should be installed in line with the Traffix Group report rather than a traffic light as detailed on the plans.*
- *The provision of 25 spaces is less than the maximum permitted under Schedule 1 to the Parking Overlay and is therefore acceptable.*
- *The design of the car parking area is considered generally acceptable. However, it is noted that the swept path diagrams in Appendix B of the Traffix Group report have used a car smaller than the B85 vehicle that should be used. The result of this error is that some spaces may not be accessible for B85 length cars. Any issues with accessibility of spaces will be for the applicant to resolve.*
- *Additionally, the Traffix Group swept paths do not show one vehicle waiting to enter the car lift while another vehicle is exiting the car lift. It is likely that additional movements will be required to allow entering and exiting vehicles to pass each other. This will require multiple movements, including reversing movements, which is not ideal in an area likely to be busy with pedestrians. The back of house area should be designed with a waiting area for entering vehicles that does not require these vehicles to then re-manoeuve to enter the car lift.*
- *The development provides more bicycle parking than required under Clause 52.34 and the number of bicycle parking spaces is therefore acceptable.*
- *It appears that bicycles parked in the visitor bicycle spaces at Ground level off King Street will overhang over the footpath. Any overhang is not acceptable and these spaces should be further inset into the site.*
- *Access to the EOT facilities is provided via a small foyer and lift that is accessed off Brown Alley, which is appropriate.*
- *The provision of 26 showers meets the requirements of the Planning Scheme for provision of 258 staff bicycle parking spaces. It is noted that the application states that 28 showers are provided, but only 26 are shown.*
- *A loading bay is provided off Brown Alley. This will provide for small trucks and vans, and has not changed significantly from the approved plan for the site.*
- *A new route will be provided for pedestrians between King Street and Brown Alley. This route also provides access to the visitor bicycle parking spaces.*



- *The renderings provided in the Visualisation Set show a bench seat along Brown Alley where it meets Little Bourke Street. It is not clear that there is sufficient room to allow this to occur. This could be a safety issue if vehicles enter Brown Alley while someone is sitting on this bench.*
- *It is accepted that the additional traffic generated by this development will not cause significant impact on the surrounding road network.*

### Officer's Response

Traffic Engineering has raised two significant issues resulting from the introduction of on-site car parking. These are:

- On-site vehicle access is not supported in its current form because Brown Alley is two-way and there is no room for two vehicles to pass each other. Because vehicles already have to navigate two-way movement in a one lane street, the proposed additional 25 on-site vehicles using Brown Alley will intensify this issue.
- It is likely that additional movements will be required (including reversing) when one vehicle is exiting the car lift and another vehicle is waiting to enter, causing safety issues with pedestrian / cyclists in the lane.

The applicant, through their traffic consultant Traffix Group, has provided letters to justify the proposal. However, City of Melbourne Traffic Engineers continue to oppose this arrangement, commenting that, with the inclusion of 25 off-street parking spaces, there is a possibility of confrontation between opposing motorists in the narrow laneway (Brown Alley). The applicant has only provided technical justification in terms of access to the building and there is limited justification provided on how this arrangement will minimise conflict.

The use of Brown Alley for cyclists is also concerning, given there is no room for any separation in the laneway.

The applicant has been advised of three potential options to mitigate Traffic Engineering's concerns:

1. Further widening of Brown Alley by either:
  - a. Replacing ground floor built form with a widened laneway at the southern half of Brown Alley to improve road safety, become easier for two vehicles to pass and facilitate a better and safer access to EoT for cyclists; or
  - b. Relocating the car lift, off-street loading dock and EoT facility to the southern end of the development.
2. Seek to make Brown Alley a one-way lane, which requires extensive consultation with abutting properties to gain overwhelming support for such proposal. City of Melbourne will only consider such proposal if the developer can provide proof from abutting properties that they are willing to support the proposal.
3. Delete the on-site car spaces.

The applicant is aware of these options and, as the latest informal plans submitted (30.11.2021) suggest, removing ground level built form (option 1) for a widened laneway has not been entertained.



Therefore, City of Melbourne considers that either consultation commences to make Brown Alley one-way, or on-site car parking is deleted. As the approved development does not have any on-site parking and the proposed amendment seeks to introduce this as a new component, its removal could form a condition in any amended permit granted. If removal of on-site car parking is not accepted, support would be subject to completion of the consultation process and sign-off by City of Melbourne for a change to one-way – **refer recommended Condition 1n.**

In terms of other outstanding items identified by Traffic Engineering:

- If car parking remains on-site, a flashing warning light could be introduced above the car lift by way of condition in any amended permit granted – **refer recommended Condition 1o.**
- Relocation of ground level visitor bicycle spaces further within the site to avoid footpath overhang could be introduced by way of condition in any amended permit granted – **refer recommended Condition 1p.**
- Bench seating along Brown Alley near the Little Bourke Street intersection is not shown on architectural plans. However, the plans do show a coffee serving window directly out to Brown Alley. As there is no footpath and the laneway is for vehicle access, safety of pedestrians would be compromised. The servery must be removed – **refer recommended Condition 1q.**

#### **6.4. Civil Infrastructure**

Civil Infrastructure has reviewed the proposed amendment and offered no objections subject to standard conditions which could be included in any amended permit granted – **refer recommended Amended Conditions 14-24 and 33.**

#### **6.5. Waste and Recycling**

Council's Waste and Recycling team reviewed the original Waste Management Plan (WMP) submitted with the application and identified the following items to be addressed:

- The tenants at 232 King Street (56 m<sup>2</sup> F&B Outlet) are required to access the bin store via Brown Alley. This is unacceptable given internal access is required for all tenants.
- Show the access point to the bin storage area, ensuring the door is wide enough to allow 1,100L bins to fit through.

The applicant provided an updated WMP, dated 24 October 2021, which sought to address the outstanding items.

Waste and Recycling has reviewed the updated WMP and has found it to be acceptable. The updated WMP could be formally referred to in a condition if an amended permit is granted – **refer recommended Amended Condition 7.**

#### **6.6. Green Infrastructure**

Green Infrastructure has reviewed the original ESD Statement submitted with the application and identified that the proposal has a modest approach to ESD, only targeting 59.5 Green Star credits, below the minimum required to achieve a 5-star rating (60 credits required) – including 7 innovation credits. This is unsatisfactory, and a (min) 10% buffer should be targeted to ensure the as-built outcome is at, or above Green Star 5-star.



The detailed advice was provided to the applicant who has submitted an updated ESD Statement, dated 17 September 2021. Green Infrastructure has reviewed the updated ESD Statement, confirming that several outstanding matters previously raised has been satisfactorily addressed. Remaining outstanding items can be addressed by way of condition if an amended permit is granted – **refer recommended Amended Condition 10.**

#### **6.7. Urban Forest and Ecology**

Council's Urban Forest and Ecology team has advised that, while it is preference to provide an Arboricultural Impact Assessment (AIA) upfront, standard conditions are appropriate to be included in any amended permit granted – **refer recommended Conditions 26-27 and 28g.**

#### **6.8. Land Survey**

- Prior to the commencement of works, including demolition, all the land for the proposed development must be owned by the one entity and consolidated onto the one certificate of title to the satisfaction of the Responsible Authority.

Site consolidation could be included as a condition in any amended permit granted – **refer recommended Amended Condition 34.**

- Prior to the commencement of the development hereby approved (excluding demolition), the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 providing for the removal of the windows / openings upon the northern boundary of the site should the immediately adjoining property be further developed in a manner that the Responsible Authority considers would affect these windows / openings.

A Section 173 Agreement to address proposed boundary windows could be included as a condition in any amended permit granted – **refer recommended Amended Condition 9.**

- Access to the Basement 3 Mechanical Plant Room must be clear of vehicle obstruction.

The most recent iteration of plans, dated 30.11.2021, shows a minor layout change adjacent the mechanical room to ensure access is provided. This change could be formally introduced by way of condition in any amended permit granted – **refer recommended Condition 1r.**

- Proposed canopy over King Street must comply with Council's Road Encroachment Guidelines.

A condition could be included in any amended permit granted requiring clearance details of the proposed King Street canopy to ensure compliance with Council's Road Encroachment Guidelines – **refer recommended Condition 1s.**

- Volume 9875 Folio 471 & Volume 9180 Folio 120 is encumbered by registered agreement no. AQ779710K. The agreement prohibits level 1 & 2 of the building constructed on the subject land to be used for anything other than office. This agreement relates to Condition 24 of Planning Permit TP-2016-1105. Refer to below full covenant details. You may need to assess whether or not the current proposal would breach the agreement or if the agreement needs to be removed prior to the commencement of any works.



In 2017, Council approved a development at the subject site. The development required a public benefit to offset the floor area ratio sought.

The public benefit was in the form of office floor area at Levels 1 and 2 of the development and this was secured by 173 Agreement as a permit condition.

The approved / endorsed office floor area takes up the entire floor space at levels 1 and 2.

The 173 Agreement has been registered on title, but the permit never acted on.

The development approved under the original Permit to this amendment (TP-2020-33) did not require any public benefit due to the floor area ratio and as such, no agreements were included via permit condition.

This current amendment requires a public benefit due to the increase in gross floor area and Floor Area Ratio (FAR) above 18:1.

Proposed Level 2 is entirely office floor space; however, level 1 is a mix of office and retail (Hotel). The proposal therefore breaches the registered agreement on title.

A condition could be included in any amended permit granted that requires the existing Agreement to be ended after construction commences and the new Agreement registered prior to occupation. This would ensure that the new permit is acted on, given the historic permit (TP-2016-1105) remains live; and to avoid the existing Agreement being ended on a live permit – **refer recommended Condition 32.**

## **7. ASSESSMENT**

### **7.1 Use**

There is no change proposed to approved uses under the original permit.

While the retail component and associated wellness / fitness uses have reduced in floor area, office floor area has increased, including additional co-working space at ground level facing King Street. Importantly, this interface will remain active.

### **7.2 Design and Development Overlay Schedule 1**

As outlined at Section 4.2 of this report, since issuing of the original Permit (TP-2020-33), Schedule 1 of Design and Development Overlay (Urban Design in Central Melbourne) has been gazetted into the Melbourne Planning Scheme. The proposed amendment responds to the design objectives and requirements of DDO1 insofar as:

- Subject to changes recommended throughout this report, the amended building design will continue to be of high quality urban design, architecture and landscape architecture.
- Subject to changes to the King Street and Brown Alley façades as described at Section 6.2 of this report, the amended building will integrate with, and make a positive contribution to, its context, including the hierarchy of main streets, streets and laneways; while promoting a legible, walkable and attractive pedestrian environment.
- As described at Section 6.2 of this report, the general improvements to the through-link, activation of tenancies and glazing, and use of materials results in better internal layouts and a stronger relationship to the public realm; and a visually interesting, human-scaled and safe edge to the public realm.



## 7.3 Design and Development Overlay Schedule 10

### 7.3.1 Building Envelope

Clause 2.3 of Schedule 10 states that a permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) for buildings and works that do not meet the Modified Requirement for any relevant Design Element specified in Table 3 to this schedule.

The proposed amendments seek to increase the building envelope in the locations identified as follows:

#### King Street

The approved development provides a 5 m setback above 40 m at the northern portion of the west (King Street) elevation. As depicted in Figure 20, the amendment seeks to extend the street wall up for its full height (80 m) with a zero setback.

DDO10 Modified Requirement states that:

*The street wall height must be no greater than:*

- 40m; or
- 80m where it defines a street corner where at least one street is a main street and the 80 metre high street wall should not extend more than 25 metres along each street frontage.

The application site is located on the corner of a main street (King Street) and thus the 80 m high street wall is allowable under the Modified Requirement.

The new 80 m high street wall extends for 63.7 m, which is greater than the discretionary 25 m. As described at Section 6.2 of this report, the applicant has submitted an informal set of plans and visualisations (30.11.2021) that incorporates 9.51 m wide centrally-located balconies that, along with material variation, acts as a break in the façade. In addition, the 1.7 m deep landscaped recesses at Levels 11 and 12 further breaks up the wall, along with use of solid materials to carry through the typical parapet height at a human scale. The breaking-up of massing along King Street is depicted in the applicant's "fly-through", captured at Figure 32. While the extended tall street wall is a variation to the preferred modified requirement, if the above-mentioned changes were formally introduced along with minimum 2 m deep balconies (increased from 1.7 m), it is recognised that in this particular instance the proposal would have adequate regard for the width of King Street; maintain a human scale at lower levels; maintain adequate opportunity for daylight, sunlight and sky views in the street; and deliver a strong defining corner building without unduly impacting on the amenity of public spaces.





Figure 32: Fly-through capture of King Street perspective looking north

### Brown Alley

As outlined at Section 6.2 of this report, the approved development provides a 5 m setback from the centreline of Brown Alley (laneway), above the podium (40 m).

The amendment seeks to fill-in this setback, resulting in an 80 m high wall on the east (Brown Alley) boundary.

As neither Little Bourke Street nor Brown Alley are defined as a 'main street' and Brown Alley at less than 9 m wide is not a 'street', the DDO10 control requires compliance with the mandatory side and rear boundary requirement, prohibiting street walls above 40 m.

To comply with the DDO10 'preferred requirement', a minimum 5 m setback from the centreline of Brown Alley is required – as per the approved scheme.

In response, an informal set of plans submitted by the applicant, dated 30.11.2021, provides a 5 m setback from the centreline of Brown Alley above 40 m. The changes result in a 40 m high podium and a recessive upper form to an overall height of 80 m.

Importantly, the revised setback remains within the building envelope approved under the original permit (towards the southern portion of the site) and is therefore accepted.

Towards the northern portion of the site, the eastern elevation proposes to follow the 'kink' in the east boundary – as demonstrated in the comparison floor plans in Figures 33 and 34. A 5 m set back is maintained from the centreline of the laneway.



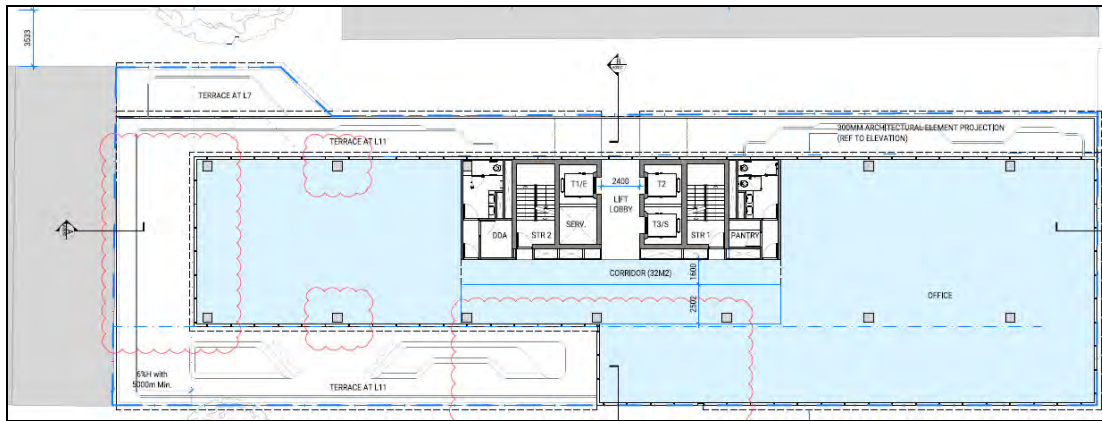


Figure 33: Approved development (Typical Tower)

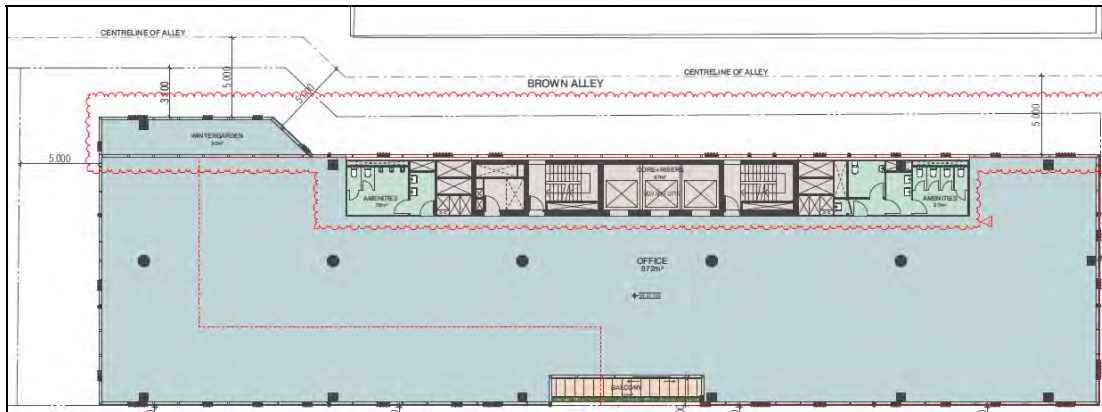


Figure 34: Informal Typical Tower floor plan 30.11.2021

### North Elevation

The approved scheme provided a 5 m setback from the north side boundary, being the southern boundary of 232 King Street.

The amended scheme now incorporates 232 King Street into the application site. Therefore, a 5 m setback is proposed to be provided from the new shared boundary, being the southern boundary of 240 King Street (Colonial Hotel).

As outlined at Section 6.1 of this report, the Colonial Hotel is a significant-graded building and consideration must be given to the proposed development's north side elevation and the visual impacts associated with an 80 m high wall.

The changes to the north elevation between the approved and proposed developments, as viewed from the north, are somewhat limited. While the podium would now be sited on the shared boundary (instead of 6.2 m separation in the approved scheme), and the tower would now be set back 5 m from the boundary (instead of 11.2 m in the approved scheme), an 80 m high building will continue to serve as a backdrop to the Colonial Hotel. The proposed northern elevation will also be wider than the approved; however, this is managed through a high level of articulation and a 6.5 m deep landscaped recess at Levels 11 and 12. A comparison between the approved and proposed north elevations is below (Figures 35 & 36).



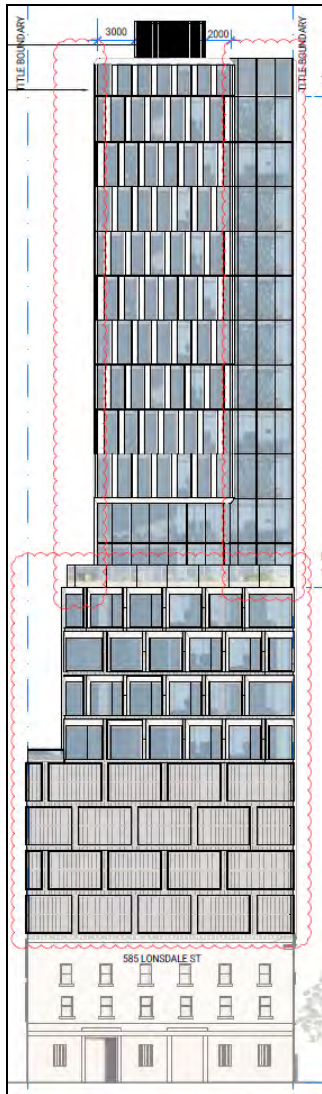


Figure 35: Approved North Elevation

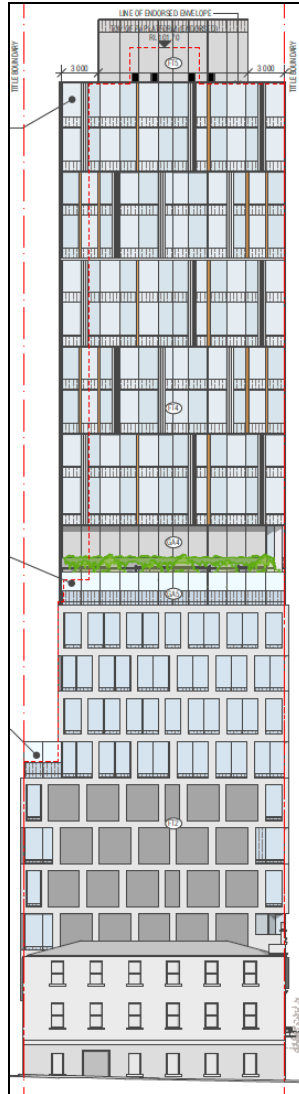


Figure 36: Proposed North Elevation

### Building Services

As discussed above (Brown Alley), an informal set of plans has been submitted (30.11.2021) to comply with the mandatory minimum 5 m setback from the centreline of Brown Alley. A consequence of this change is that the building services and core (Upper Plant Room) have not been set back commensurate with the façade setback. This results in the plant and core sited on the tower façade line.

The approved scheme provided a 3 m plant setback from the tower façade.

The “total building height” definition in DDO10 excludes building services set back 3 m behind the façade. As the building services are not set back 3 m, it cannot be excluded from the total building height – the result being a new total building height above 80 m (88 m in total).

Buildings more than 80 m in height have additional DDO10 assessment criteria, including Tower Floorplate.



No assessment has been provided by the applicant under Tower Floorplate and, as the approved development provided a 3 m setback from the façade below, it is reasonable to recommend a condition that requires the building services at the Upper Plant Room to be either set back 3 m or redesigned to comply with the Tower Floorplate requirements of DDO10 – **refer recommended Condition 1t.**

### 7.3.2 Wind Effects

A Pedestrian Wind Environment Study, prepared by Windtech and dated August 9, 2021, was submitted with the amendment application. The report provides an assessment of wind conditions within the public realm. The assessment determined that:

- Wind conditions passed all the safety and comfort criteria at 16 of 19 locations.
- The remaining three locations fail some criteria; however, the proposed conditions are an improvement on existing conditions.

As identified throughout this report, the latest informal plans submitted (30.11.2021) has made significant changes to the building envelope, mainly to the east elevation. Accordingly, if an amended permit is granted, further wind assessment should be undertaken against the amended building envelope to ensure wind conditions continue to comply with the DDO10 criteria. This could be introduced by way of condition in any amended permit granted – **refer recommended Condition 12.**

### 7.3.3 Overshadowing

The extent of additional shadow cast beyond the approved shadow line is minor and is not cast over any public areas of high amenity, as identified in DDO10.

### 7.3.4 Acoustic

An Acoustic Report, prepared by Acoustic Logic and dated 22 April 2021, has been provided with the application material. The report makes the following recommendations:

- Any amplified music associated with the tenancies will be limited by the operator to ensure that they comply with EPA SEPP N-2 requirements.
- All mechanical plant and equipment associated with future tenants must comply with the EPA SEPP N-1.
- The collection of waste and recycling shall only occur between 7am and 6pm Monday-Saturday.
- Staff are to be instructed not to drop heavy garbage items/bottle into bins – they must be placed so as to minimise impact noise.
- Glass must not be emptied / transferred from one receptacle to another anywhere externally after 6pm or before 7am Monday-Saturday. Outside this time, all glass must be emptied / transferred within the premises and removed in containers.
- Deliveries shall not occur before 7am or after 6pm Monday-Saturday.
- Notwithstanding the above, it is recommended that future retail tenancies have a review conducted of the proposed fit out for compliance with SEPP N-1, SEPP N-2 and patron noise by a suitably qualified acoustic consultant.



As the SEPP assessment tool has been superseded by more recent EPA noise assessment protocols, if an amended permit is granted, a condition could be included that requires an updated acoustic report based on current noise guidelines – **refer recommended Condition 31.**

#### 7.4 Public Benefit

Because of the increase in Gross Floor Area (GFA), the Floor Area Ratio (FAR) has increased from 17.6:1 under the approved scheme to 21:1 under the proposed scheme.

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

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

The table below provides a calculation in accordance with the DELWP PracNote “How to Calculate Floor Area Uplifts and Public Benefits”. The table also includes a separate assessment based on the informal plans dated 30.11.2021 as GFA and office floor area (which is being used as the strategically use) would reduce. The FAR remains above 18:1 (20:1).

Step	Calculation (Application Plans)	Calculation (30.11.2021 Plans)
Base GFA	$1,326 \text{ m}^2 \times 18 = 23,868 \text{ m}^2$	$1,326 \text{ m}^2 \times 18 = 23,868 \text{ m}^2$
Proposed Development GFA	28,032 m <sup>2</sup>	26,522 m <sup>2</sup>
Floor Area Uplift (FAU) Sought	$28,032 \text{ m}^2 - 23,868 \text{ m}^2 = 4,164 \text{ m}^2$	$26,522 \text{ m}^2 - 23,868 \text{ m}^2 = 2,654 \text{ m}^2$
Base Data for Valuing FAU	Commercial in Western Core Precinct = \$7,000 / m <sup>2</sup>	Commercial in Western Core Precinct = \$7,000 / m <sup>2</sup>
Value of Each Square Metre of FAU sought	$\$7,000 / \text{m}^2 \times 10\% = \$700 / \text{m}^2$	$\$7,000 / \text{m}^2 \times 10\% = \$700 / \text{m}^2$
Total Value of FAU sought	$4,164 \text{ m}^2 \times \$700 / \text{m}^2 = \$2,914,800$	$2,654 \text{ m}^2 \times \$700 / \text{m}^2 = \$1,857,800$
Value of Public Benefit to be Provided	At least <b>\$2,914,800</b>	At least <b>\$1,857,800</b>
Agreed Public Benefit to be Provided	<ul style="list-style-type: none"> <li>• Difference between Commercial in Western Core Precinct (\$7,000 / m<sup>2</sup>) and Residential in Western Core Precinct (\$7,500 / m<sup>2</sup>) = \$500</li> </ul>	<ul style="list-style-type: none"> <li>• Difference between Commercial in Western Core Precinct (\$7,000 / m<sup>2</sup>) and Residential in Western Core Precinct (\$7,500 / m<sup>2</sup>) = \$500 / m<sup>2</sup>.</li> </ul>

	/ m <sup>2</sup> . • 23,231 m <sup>2</sup> Office NLA x \$500 / m <sup>2</sup> = <b>\$11,615,500</b>	• 19,872 m <sup>2</sup> Office NLA x \$500 / m <sup>2</sup> = <b>\$9,936,000</b>
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The above table demonstrates that under both schemes (application plans and informal plans dated 30.11.2021), the agreed public benefit to be provided in the form of office floor area (being a strategically justified use) would exceed the minimum value of public benefit to be provided.

A legal agreement condition could be introduced in any amended permit granted to secure the office use for a period of at least 10 years – **refer recommended Condition 32.**

As discussed at Section 6.8 of this report, the new legal condition (Section 173 Agreement) would effectively replace the existing Agreement on title as it relates to public benefit (office floor area) within an approved development that has not been constructed.

## 7.5 Traffic and Parking

Refer assessment at Section 6.3 of this report.

## 7.6 Waste Management

Refer assessment at Section 6.5 of this report.

## 7.5 Environmentally Sustainable Design

Refer assessment at Section 6.6 of this report.

## 8. OFFICER RECOMMENDATION

That the Department of Environment, Land, Water and Planning be advised that the City of Melbourne offers in principle support for the proposal subject to the following **amended / new** preamble and conditions:

### 8.1 Preamble

Demolition of existing buildings (with the exception of the street walls of 204-208 **and 232** King Street) and construction of a multi-storey mixed-use development.

### 8.1 Conditions

#### 1. Amended Plans Before Endorsement

Prior to the commencement of the development hereby approved, the applicant must submit to the Responsible Authority electronic plans drawn to scale generally in accordance with the plans prepared by **Fender Katsalidis, dated 06.08.2021**, but amended to show:

- a. **Deleted.**
- b. **Deleted.**
- c. **Deleted.**
- d. **Deleted.**
- e. **Deleted.**



- f. Deleted.
- g. Deleted.
- h. Deleted.
- i. Deleted.
- j. Above a height of 40 m, the east elevation set back a minimum 5 metres from the centreline of the adjoining laneway (Brown Alley), generally in accordance with the informal plans prepared by Fender Katsalidis and dated 30.11.2021.
- k. The west elevation centrally-located balconies increased in width to a minimum 9.51 metres, generally in accordance with the informal plans prepared by Fender Katsalidis and dated 30.11.2021, but with an additional increase in depth to a minimum 2 metres and emphasised with a continuous landscaped edge.
- l. The west elevation recess at Levels 11 and 12 increased in depth to a minimum 1.7 metres, generally in accordance with the informal plans prepared by Fender Katsalidis and dated 30.11.2021 and emphasised with a continuous landscaped edge.
- m. A simplified red brick finish to the Brown Alley lower façade, generally in accordance with the informal plans prepared by Fender Katsalidis and dated 30.11.2021.
- n. Removal of all on-site car parking spaces unless Brown Alley traffic conditions are formally changed to one-way vehicle access (prior to commencement of works other than demolition) as approved by City of Melbourne, or an alternative solution to the satisfaction of City of Melbourne – Transport and Parking.
- o. Provision of a flashing warning light above any approved ground level car lift.
- p. Relocate ground level visitor bicycle spaces further east, generally in accordance with the informal plans prepared by Fender Katsalidis and dated 30.11.2021.
- q. Removal of the ground level F&B (coffee) servery window opening onto Brown Alley.
- r. Access to the Basement 3 Mechanical Plant Room clear of vehicle obstruction.
- s. Proposed canopy over King Street must comply with City of Melbourne Road Encroachment Guidelines.
- t. The building services above 80 m in height and including lifts and over-runs at the Upper Plant Room either set back 3 metres behind the façade or redesigned to comply with the Tower Floorplate requirements of Design and Development Overlay Schedule 10.
- u. Any changes in accordance with the corresponding Waste Management Plan condition.
- v. Any changes in accordance with the corresponding Environmentally Sustainable Design condition.
- w. Any changes in accordance with the corresponding Wind Report condition.
- x. Any changes in accordance with the corresponding Acoustic Report condition.

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

## **2. Heritage Act (archaeological significance)**

Prior to the commencement of demolition and bulk excavation, the owner must obtain all necessary consent for works pursuant to Section 124 of the Heritage Act 2017.

## **3. Façade Strategy**

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. Unless otherwise approved by 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(s) 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) 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.
- d) Information about how the façade will be accessed and maintained and cleaned, including any planting if proposed.
- e) 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.

A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, contextually appropriate, durable and fit for purpose. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with coding.

## **4. Loading Management Plan**

Prior to the first occupation of the development hereby approved (excluding demolition and bulk excavation) a Loading Management Plan (LMP) must be submitted to and be approved in writing by the Responsible Authority. This plan must detail how the access / egress of loading vehicles will be managed. The plan must also confirm that a Dock Manager will be employed to oversee the loading / unloading of all goods and materials. In addition to this, the plan must state that the reversing of vehicles into the loading bay will only be undertaken with the assistance of the Dock Manager, whose responsibilities in this regard shall include, as a minimum:

- Attendance in the loading bay when all deliveries are being received and waste collected.
- To act as spotter for all vehicles reversing into the loading bay.



- To act as an informal traffic controller and discourage pedestrian movements while vehicles reverse into the loading bay.
- To ensure conflicts do not occur between loading vehicles and other vehicles.
- To ensure that the spaces used to manoeuvre vehicles is kept clear of obstructions at all times.

**5. Deleted.**

**6. Bicycle Layout**

The design / layout of all bicycle parking spaces must comply with the provisions of Clause 52.34 of the Melbourne Planning Scheme and / or Bicycle Network Guidelines.

**7. Waste Management Plan**

All waste storage and collection arrangements must be in accordance with the submitted Waste Management Plan (WMP) prepared by Leigh Design and dated **24 October 2021**.

- 8.** The submitted WMP referenced in Condition 7 must not be altered without the prior written consent of the City of Melbourne - Waste and Recycling.

**9. Legal Agreement – Windows**

Prior to the commencement of the development hereby approved (excluding demolition), the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 providing for the removal of the windows / openings upon the northern boundary of the site should the immediately adjoining property be further developed in a manner that the Responsible Authority considers would affect these windows / openings.

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

**10. Environmentally Sustainable Design**

**Before development commences, an amended Environmentally Sustainable Design (ESD) Statement 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 Environmentally Sustainable Design (ESD) Statement will be endorsed and form party of this permit. The amended Environmentally Sustainable Design (ESD) Statement must be generally in accordance with the Environmentally Sustainable Design (ESD) Statement prepared by Ark Resources dated 17 September 2021, but modified to include or show:**

- (a) Provide a copy of the Climate Adaptation Plan, and outline how the design has responded to identified risks.**
- (b) Clarify achievement of daylight (credit 12.1) and provide modelling to support.**
- (c) Amend rooftop plans (TP124) to articulate rooftop solar PV system size.**
- (d) Provide (or include in above) modelling to indicate 20% reduction in peak electricity demand to support credit 16B.**

- (e) Clarify the provision of a DDA / unisex showering facility for those with accessibility issues or non-binary building occupants and annotate plans to show.
- (f) Provide a copy of the Green Star Access by Public Transport Calculator confirming greater than 15% of occupants can access the site by public transport within 45 minutes during peak hour.
- (g) Amend materials palette to indicate SRI values of external materials relied upon to achieve credit 25.0.
- (h) Clarify design and functionality of innovation credit around 'traffic light indicators' for optimal operation of blinds and operable windows.

### **11. Implementation of Environmentally Sustainable Design (ESD)**

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.

### **12. Wind Report**

Prior to the commencement of the development hereby permitted, an updated wind report reflecting the amended plans required by Condition 1 of this permit must be submitted to and be approved in writing by the Responsible Authority. This report must be generally in accordance with the Pedestrian Wind Environment Study, prepared by Windtech and dated August 9, 2021, must include wind tunnel testing and must demonstrate compliance with the provisions of Schedule 10 of the Design and Development Overlay of the Melbourne Planning Scheme. Any modifications to the building necessary to achieve this compliance must be shown on the amended plans required by Condition 1 of this permit.

### **13. Landscape Package**

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 in consultation with City of Melbourne. 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.

### **14. Drainage of projections**

All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Responsible Authority - Infrastructure and Assets.



### **15. Title boundaries**

The title boundaries of the property may not exactly agree with abutting road alignments. The approved works must not result in structures that encroach onto abutting streets, including Brown Alley.

### **16. Drainage connection underground**

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

### **17. Demolish and construct access**

Prior to the first occupation of the development hereby approved, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings demolished and the footpath, kerb and channel reconstructed in accordance with plans and specifications first approved by the Responsible Authority - Infrastructure and Assets.

### **18. Road**

The road adjoining the site along Brown Alley must be reconstructed together with associated works, including the **renewal of kerb and channel**, modification of services as necessary, at the cost of the developer and in accordance with plans and specifications first approved by the Responsible Authority - Infrastructure and Assets.

### **19. Sawn bluestone footpaths**

The footpaths adjoining the site **along King Street and Little Bourke 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 and in accordance with plans and specifications first approved by the Responsible Authority - Infrastructure and Assets.

### **20. Street levels not to be altered**

Existing street levels **in roads** adjoining the site must not be altered for the purposes of constructing new vehicle crossings or pedestrian entrances without first obtaining the written approval from the Responsible Authority - Infrastructure and Assets.

### **21. Existing street lighting not altered without approval**

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

### **22. Existing street furniture**

Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority - Infrastructure and Assets.

### **23. Street furniture**

All street furniture such as litter bins, recycling bins, seats and bicycle rails must be supplied and installed on footpaths adjacent to the site in accordance with plans and specifications first approved by the Responsible Authority - Infrastructure and Assets.

### **24. Public lighting**

Prior to the commencement of the development hereby approved, excluding preliminary site works, demolition and clean-up works, or as may otherwise be agreed by the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. This plan should be generally consistent with Council's Lighting Strategy and include the provision of public lighting along the streets surrounding the site. All lighting works must be carried out and completed prior to the first use / occupation of the development in accordance with plans and specifications first approved by the Responsible Authority - Infrastructure and Assets.

### **25. Deleted**

### **26. Public Tree Removal / Pruning**

No public tree adjacent to the site can be removed or pruned in any way without the written approval of the City of Melbourne.

### **27. Public Tree Protection**

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.

Following the approval of a Tree Protection Plan (TPP) a bond 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.

### **28. Construction Management Plan**

Prior to the commencement of the development hereby approved, including demolition and bulk excavation, a detailed Construction Management Plan shall be submitted to and be approved in writing by the Responsible Authority - Construction Management Group. This plan must be prepared in accordance with the Council's 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. Tree Protection Plan (TPP) to the satisfaction of the Responsible Authority (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:
  - i. City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
  - ii. Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries, loading zones and machinery locations.
  - iii. Site specific details of the temporary tree protection fencing to be used to isolate public trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the works.
  - iv. 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.
  - v. Full specifications of any pruning required to public trees with reference to marked images.
  - vi. Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
  - vii. Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).

### **29. Endorsed Plans**

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

### **30. Development Time Limit**

This permit will expire if one or more of the following circumstances apply:

- 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 date upon which this permit expires upon request. This request must be in writing and be received before the permit expires, or within three months afterwards.

### **31. Acoustic Report**

Before the development starts, including demolition, bulk excavation and site preparation, an amended Acoustic Report must be prepared by a suitably qualified engineering consultant. The report must be submitted to and be to the satisfaction of the Responsible Authority and once approved, will be endorsed to form part of the permit. This report must be generally in accordance with the Acoustic Report, prepared by Acoustic Logic and dated 22 April 2021, but amended to ensure that the noise levels in the premises do not exceed the levels specified in the *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1* and *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2* to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to Council prior to commencement of the use.

### **32. Legal Agreement – Public Benefit**

Prior to occupation of the development, or as may otherwise be agreed with the City of Melbourne, the existing Section 173 Agreement relating to Public Benefit (required by Condition 24 of Permit TP-2016-1105/A) must be ended; and the owner of the land must enter into a new agreement with City of Melbourne pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must:

- (a) Identify that the public benefit agreed to for the purpose of satisfying the requirements of Clause 3.0 of Schedule 1 to the Capital City Zone of the Melbourne Planning Scheme is the floor space identified as office on the plans endorsed under Condition 1 of this permit, to be provided and occupied generally as shown on the endorsed plans;
- (b) Deliver the office space for a minimum of 10 years from the date of issue of a certificate of occupancy for the building;
- (c) Make provision for its removal from the land following completion of the obligations contained therein; and
- (d) Define the office as 'Land used for administration or clerical, technical, professional or other like business activity. No goods or materials intended for manufacture, sale or hire may be stored on the land'; and it must be physically separated and administratively independent of other uses within the building.

The existing Agreement must be ended prior to registration of the new Agreement and the owner must pay all of the Responsible Authority's and the Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

### **33. Groundwater management**

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.

### **34. Consolidation**



Prior to the commencement of works, excluding demolition site preparation works, temporary sheds or structures for construction purposes, bulk excavation and retention works, soil remediation, piling, footings and ground beams, all the land for the proposed development must be owned by the one entity and consolidated onto the one certificate of title to the satisfaction of the Responsible Authority.

## **NOTES**

### **Building Approval Required**

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

### **Building Works to Accord with Planning Permit**

The applicant / owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant / owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

### **Drainage Point and Method of Discharge**

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

### **Other Approvals May be Required**

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

### **Civil Design**

The internal roads should remain the responsibility of the land owner(s) in perpetuity. The City of Melbourne is unlikely to agree to the internal roads being made public.

All necessary approvals and permits are to be first obtained from the City of Melbourne's Infrastructure and Assets Branch and VicRoads and the works performed to the satisfaction of the responsible road authority.

### **Urban Forest and Ecology**

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.

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.

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.

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.

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.

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.