522-552 Flinders Lane, Melbourne

Planning Permit Application PA2302533

Officer Assessment Report
Development Approvals & Design

VICTORIA State Government | Department of Transport and Planning

Contents

Executive Summary

Key Information	Details		
Application No:	PA2302533		
Received:	21 December 2023		
Applicant:	ICPF Nominees Pty Ltd c/- Urbis Pty Ltd		
Planning Scheme:	Melbourne		
Land Address:	522 – 552 Flinders Lane, Melbourne		
Proposal:	Demolition of an existing building and construction of a multi-storey building		
Development Value:	$332 million		
Why is the Minister responsible?	The proposed development has a gross floor area greater than 25,000m^2. In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is for matters under Divisions 1, 1A, 2, and 3 of Part 4 and Part 4AA of the *Planning and Environment Act 1987* (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 involving construction of a new building containing a total gross floor area of more than 25,000 square metres.		
Why is a permit required?	**Clause**	**Control**	**Trigger**
Zone:	Clause 37.04	Capital City Zone Schedule 1 (CCZ1)	Demolish a building Construct a building or construct or carry out works
Overlays:	Clause 43.02	Design and Development Overlay Schedules 1 and 10 (DDO1 and DDO10)	Construct a building or construct or carry out works
	Clause 45.09	Parking Overlay Schedule 1 (PO1)	N/A
Cultural Heritage:	The subject site is not located in an area identified as having cultural heritage sensitivity.		
Total Site Area:	3,196 m²		
Gross Floor Area:	69,450 m²		
Floor Area Ratio	19.75:1		
Height:	28 storeys excluding plant		
	118.35 metres to top of parapet (excluding plant)		
	121.05 metres RL to top of parapet (to Australian Height Datum excluding plant)		
Setbacks	North (shared boundary with 567 Collins Street)	6.88 metres (minimum)	
	East (shared boundary with 55 King Street)	5.05 metres (minimum)	
	South (Flinders Lane)	5.05 metres (minimum)	
	West	7.13 metres (minimum)	
Land Uses:	**Office**	**Retail**	
	40,695 sqm	210 sqm	

Parking:	**Cars**	**Bicycles**
	68	402 (374 secure spaces and 28 visitor spaces on street)
Referral Authorities:	Melbourne City Council (s55 – recommending) Head, Transport for Victoria (s55 – determining) DTP 3D Visualisation (informal) DTP Urban Design (internal)	
Public Notice:	Notice of the application under section 52 of the *Planning and Environment Act 1987* was not required given exemption from notice under Schedule 1 to Clause 37.04 (CCZ1) and Schedules 1 and 10 to Clause 43.02-2 (DDO1 and DDO10).	
Delegates List:	Approval to determine under delegation received from the Minister for Planning on 24 April 2024.	

Background and Application Process

1. The key milestones in the application process were as follows:

Milestone	Date
Pre-application meeting (DTP, City of Melbourne, & applicant)	16 November 2022
Office of the Victorian Government Architect (OVGA) Design Review	The proposal was considered by the OVGA via an independent Victorian design review panel (VDRP) on 21 June 2023 prior to lodgement of the planning application in December 2023. Representatives of the permit applicant (Urbis, Hassell Architects, Investa), the City of Melbourne (the Council) and DTP were involved in the design review process. The OVGA noted that the design team had been responsive to advice received from the initial VDRP review and the proposal had evolved accordingly. The commitment to delivering a high-quality commercial development which will provide a positive contribution to the western end of this evolving Flinders Lane precinct was also noted. The design team were encouraged to further develop the revised approach to the project to reinforce its inherent opportunities, particularly relating to the Connecting with Country narrative. The panel expressed concern that a previous key urban gesture and public benefit – the potential through-site link to 567 Collins Street on axis with Katherine Place – has been compromised in this latest iteration. In summary, the OVGA expressed general support for the proposal with the following key issues noted for further resolution: • There may be opportunities to embed a more holistic approach to Connecting with Country, including adopting an eco-centred design approach. • There are concerns the future through-site link to 567 Collins Street has been compromised. Further development is encouraged to realise the potential of this key urban gesture. • The single height 'floating' podium form could be supported, provided a high-quality and fine grain ground plane, valuable street wall and tower design is achieved. • Consider whether adjustments to the tower design could enable an improved alignment with the concept of 'two rivers'. • The wintergardens are supported as a key element of the tower and strongly encouraged to be delivered up-front. The recommendations by the OVGA are discussed further in the following sections of this report.
Application lodgement	6 October 2023
Further information requested	2 November 2023
Further information received	15 December 2023
Application amended (Section 50)	1 March 2024
Decision Plans	• Architectural Package (Architectural Plans, Urban Context Report and Landscape Design Response) prepared by Hassell Studio, dated March 2024
Other Assessment Documents	• Planning report prepared by Urbis, dated February 2024 • Acoustic Assessment prepared by Resonate Pty Ltd, dated 27 June 2023. • Wind Report prepared by MEL Consulting Pty Ltd, dated 30 June 2023. • Traffic and Transport Assessment prepared by Impact Traffic Engineering Pty

Ltd, dated 5 July 2023.

- Waste Management Plan prepared by Leigh Design, dated 30 June 2023.
- Sustainable Management Plan prepared by Arup, dated 30 June 2023.
- Stormwater Management and Water Sensitive Urban Design Report prepared by Taylor Thomson Whitting (VIC) Pty Ltd, dated 23 June 2023.
- FAR Calculation Letter prepared by Slattery Australia Pty Ltd, dated 7 July 2023.

2. The subject of this report is the decision plans and other assessment documents (as described above).

Proposal Summary

3. The application proposes the demolition of existing buildings (multi-deck car park) and construction of a 30-level commercial office building with associated retail, communal amenities and end of trip services.

4. The submitted planning report prepared by Urbis provides a summary of the key components of the proposed development:

Design Component	Proposed
Proposed Uses	▪ Office: 27 levels of open plan floorspace (including 2 levels of co-working 'third space' and 4 levels with plant services) ▪ Retail: 1 level ▪ Car Parking: 2 levels underground
Site Area	3,196m²
Development Area	▪ GFA: 63,110m² (Not including 6,340m² basement) ▪ Commercial (Office) NLA: 40,695m² ▪ Terrace: 820m² ▪ Co-working (third space): 688m² ▪ Retail: 210m² ▪ EOT: 720m²
Floor Area Ratio (F.A.R) & Floor Area Uplift	▪ 19.75:1 FAR ▪ 5,582m² FAU sought
Total Height	▪ 30 Levels including plant floors ▪ Top of last Commercial Floor RL 118.250 ▪ Top of Plant RL 129.50 ▪ 115.350m above ground, measured from centreline of site's frontage with Flinders Lane (2.700m RL)
Street wall (Podium Height)	Ground Floor and belt height along Flinders Lane 32.450m
Car Parking	68 spaces (incl. 20 EV spaces and 2 DDA spaces) + 12 motorcycle spaces
Bicycle Parking	402 spaces (374 secure and 28 visitor on street)

Basement

5. The proposed development incorporated two levels of basement car parking with 68 car parking spaces. Both levels contain additional back of house facilities and other building services.

6. Access to car parking is provided from the private laneway (shown as a carriageway easement on the submitted title) whilst a dedicated bicycle access is provided from Flinders Lane along the western interface leading to the basement bicycle car parking and end of trip facilities at ground level.

Ground level

7. The lower ground level contains the building entrance and two retail tenancies along the Flinders Lane frontage. The lower ground level also includes end of trip facilities, main lobby and loading bay with bin collection accessed from the rear of the building. The upper ground level incorporates a business lounge with meeting rooms and multi-purpose areas

Podium levels

8. Level 1 of building proposes a 2000 square metre 'third space' which contains co-working spaces including breakout, meeting rooms, focus zone and members kitchen.

9. Levels 2-6 a proposed with typical workplace floor configurations. These floor plates are large and contiguous with flexible layouts with tenants able to incorporate an optional wintergarden / terrace along the southern spine.

10. Level 7 includes a terrace garden which is intended to be a private area used primarily by tenants.

Tower form

11. With the exception of Level 9 (plant), Level 8 to Level 26 contains typical tower workplace floor plans, which include opportunities for potential future penetration (i.e. internal stairs) and optional wintergarden / terrace along the spine of the southern perimeter. Typical floor plates are 1,870 square metres in size.

12. Level 27 is split into two, the rear half of the floor proposes plant services while the southern half will contain 760 square metres of premium workspace, including the opportunity for a wintergarden.

13. The top of the tower form is capped with a smaller louvered roof plant with PV cells.

Parking and Vehicle access

14. Vehicular access will be provided via the laneway to the east of the Land, leading to a two-level basement with carparking and loading bay. All other existing crossovers along Flinders Lane are proposed to be removed.

15. The development proposes 68 car parking spaces (including 2 DDA parking spaces) and 12 motorcycle spaces.

16. Direct pedestrian access to the main entry foyer will be provided via Flinders Lane through a landscaped on-grade accessible walkway with secondary access offered through another doorway at the southeast corner of the site, noting that the existing crossing will be relocated to end of Katherine Place to enhance pedestrian connection.

17. Flinders Lane also provides access to end of trip facilities as well as both retail tenancies. The proposal offers a total of 402 bicycle spaces, including 374 secured within the building.

18. The applicant has provided the following concept images of the proposal which form part of the architectural package prepared by Hassell Architects:

Figure 1 – Architect impression of the main entrance to the building and lower podium levels (Source: Hassell Architects)

Figure 2 – Architect impression of the ground level lobby (Source: Hassell Architects)

Figure 3 – Architect impression of the proposed development looking east down Flinders Lane (Source: Hassell Architects)

Figure 4 – Architect impression of the ground level and podium looking west down Flinders Lane (Source: Hassell Architects)

Subject Site and Surrounds

Site Description

19. The subject site (the site) is formally described as Certificate of Title Volume 10702 Folio 702, described in Lot 1 on Plan of Subdivision 509757D, commonly referred to as **522-552 Flinders Lane, Melbourne**.

20. The site is rectangular in shape located on the northern side of Flinders Lane between Spencer Street and King Street. It has a frontage of approximately 74 metres and depth of approximately 43 metres and is currently occupied by a multi-storey concrete carpark with 1,000 car spaces (built to all boundaries).

21. A commercial office space with an area of 1,422 sqm sits at the top of the car park (refer Figures 6-8 below).

22. The site area has an area of 3,196 square metres (sqm).

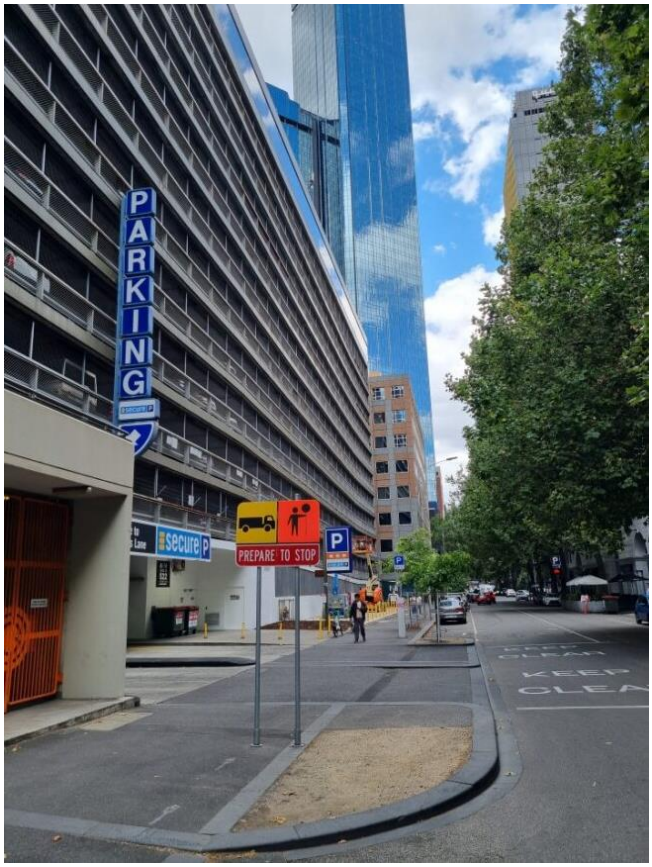
23. Vehicle entry to the carpark is provided by two double-width crossovers on Flinders Lane with associated ramping to upper levels.

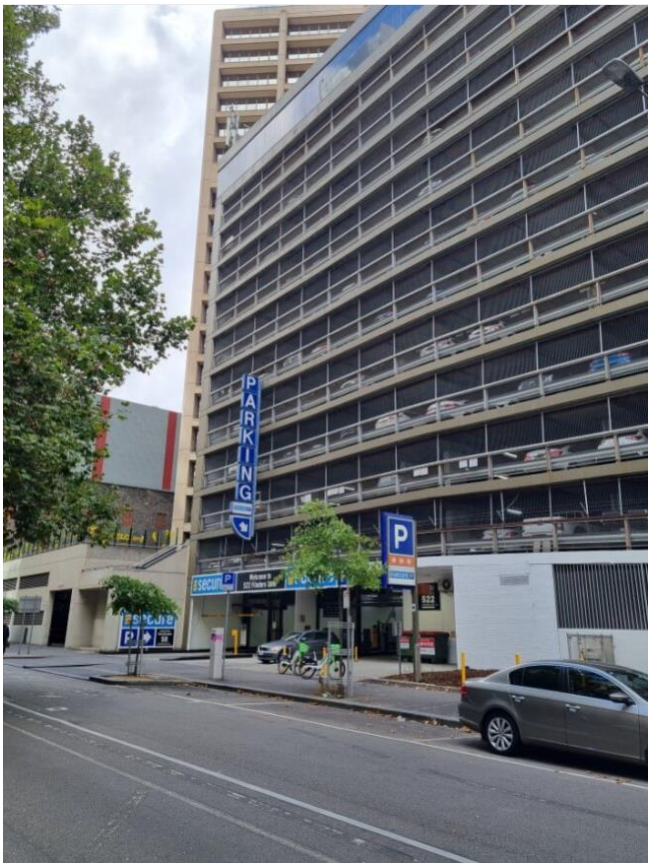
24. The site has a gradual rise upward from Flinders Lane to the rear (north) laneway and the surrounding land continues sloping upwards to Collins Street.

25. There is a 3 metre wide drainage easement to the rear of the Land and a private laneway (described on title as a carriageway easement) which runs adjacent to the eastern boundary which the site benefits from.

Figure 5 – Aerial image of the site and surrounds (Source: Council report / Nearmap, dated 3 February 2024)

Figure 6 – Existing multi-storey car park with office located on the subject site





Figures 7 & 8 – Flinders Lane viewed east and west respectively

Certificate of title

26. The submitted title show the site is not burdened by any restrictive covenants or agreements under section 173 of the *Planning and Environment Act 1987* (Act). Plan of Subdivision 509757D indicates the site is affected by the following easements:

    - E-1: a part three and part two metre drainage easement running east-west at the rear (north) and north-south through the Site in favour of 559-587 Collins Street.
    - A-1: the Site benefits from a carriageway easement over PL5261.

Aboriginal Cultural Heritage

27. The site is not included in an area of legislated cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2018*.

Victorian Heritage Inventory

28. The site is not affected by a Heritage Overlay, nor does it require a heritage permit. As highlighted by the Council, the site is however included in the Victorian Heritage Inventory for its potential to contain historical archaeological remains. Under the terms of *the Heritage Act 2017* there is protection for all historical archaeology sites and objects which the applicant must ensure compliance with. The Council recommended a note be included on the permit to remind the permit holder of its obligations which is supported by DTP.

Surrounding Context

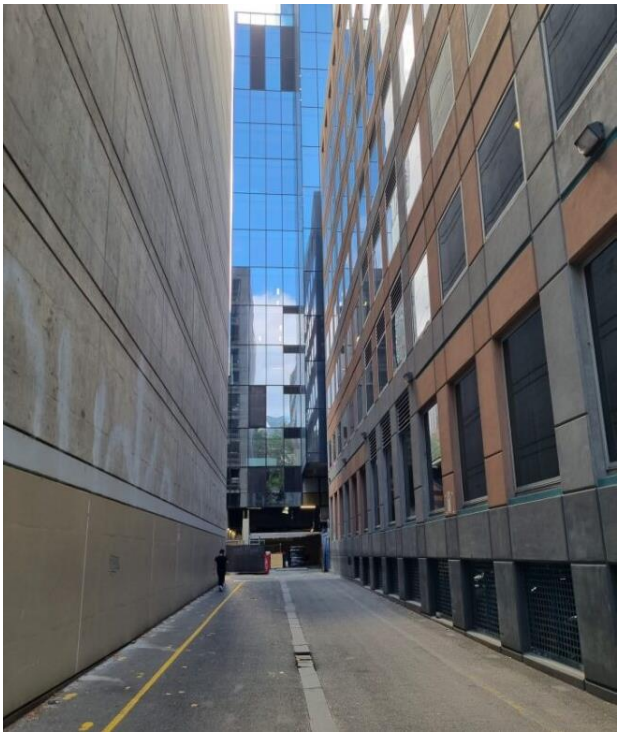
29. The site is located within Melbourne's Central Business District (CBD) where high density employment, retail, leisure, residential, and commercial uses are within close proximity and supported with multiple transport options.

30. Surrounding parks include Batman Park (south) and the Spencer Street Plaza (north-west). Nearby recent developments proximate to the Site include:

    - 555 Collins and 55 King streets: approved staged development (555 Collins Street recently completed)
    - 582-606 Collins Street: approved 47-storey office development.
    - 607-623 Collins Street: proposed 43-storey mixed use building.
    - 539-545 Flinders Lane: approved 32-storey residential hotel.
    - 509 Flinders Lane: a complete 31-storey residential hotel.
    - 566-580 Flinders Street: a proposed 21-storey residential hotel.

31. The abutting and surrounding properties include:

    - North: 567 Collins Street, a multi-storey office building with a retail forecourt.
    - East: private laneway 5261 (PL5261), a 7.8 metre wide private laneway that provides pedestrian access from Flinders Lane to Collins Street through 559-587 Collins Street via a stair.
    - Further east is 55 King Street, an eight-storey office building with a permit for the staged construction of a part 31 and part 36 storey building, which provides for pedestrian access from PL5261 to King Street through the lobby.



Figures 9 & 10 – Laneway (drainage easement) at the rear of the site and laneway (carriageway easement) to the east respectively

Figure 11 – 55 King Street, an eight-storey office building currently occupied by the Victorian Civil and Administrative Tribunal

- South: Flinders Lane, a public street with a 20 metre wide road reserve with duel carriage way and parallel on-street restricted car parking to both the northern and southern sides. Four public street trees are located within the pedestrian footpath in front of the Site.
- Further south is 539-545 Flinders Lane (Figure 12), a five-storey building with ground level; pedestrian connection via Katherin Place
- West: 595 Collins Street, a multi-storey office building in a podium and tower form. The tower, which sits on top of a two storey car parking structure, is setback approximately 12 metres from Flinders Lane.

Figure 12 – Existing five storey building located to the south of the subject site

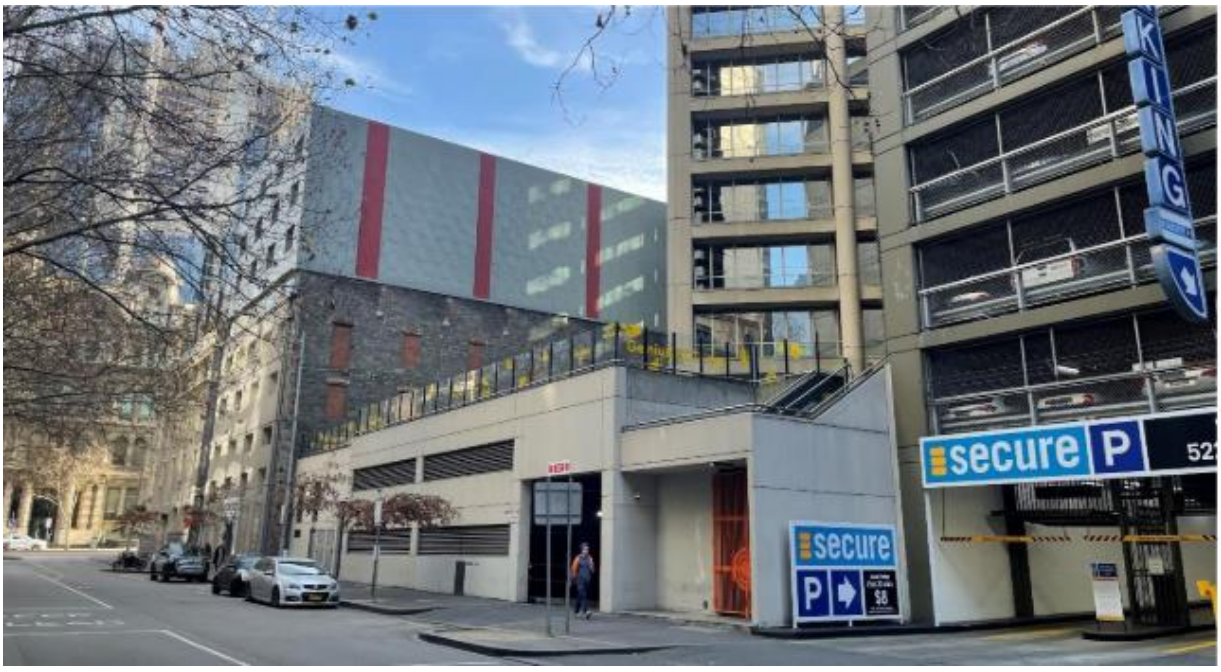


Figure 13 – Existing buildings adjoining the site to the west at 595 Collins Street

Broader Context

32. The subject site is located within the western core of the CBD and provides numerous employment, retail, leisure, commercial facilities within walking distance. At street level, buildings within the area are typically built to the street boundaries.

33. The built form scale is primarily recent higher density developments, scattered with older office buildings with many developments using Flinders Lane as a ‘back of house’ entry and exit, such as Older fleet and the Rialto.

34. The location at 522-552 Flinders Lane in the west end of Melbourne's CBD presents a unique spatial anomaly within the iconic Hoddle grid.

35. Unlike the typical 30-meter streets and 10-meter laneways, Flinders Lane has a distinct street width of 20 meters. The west end of the CBD is undergoing a rapid transformation into a diverse and vibrant mixed-use precinct.

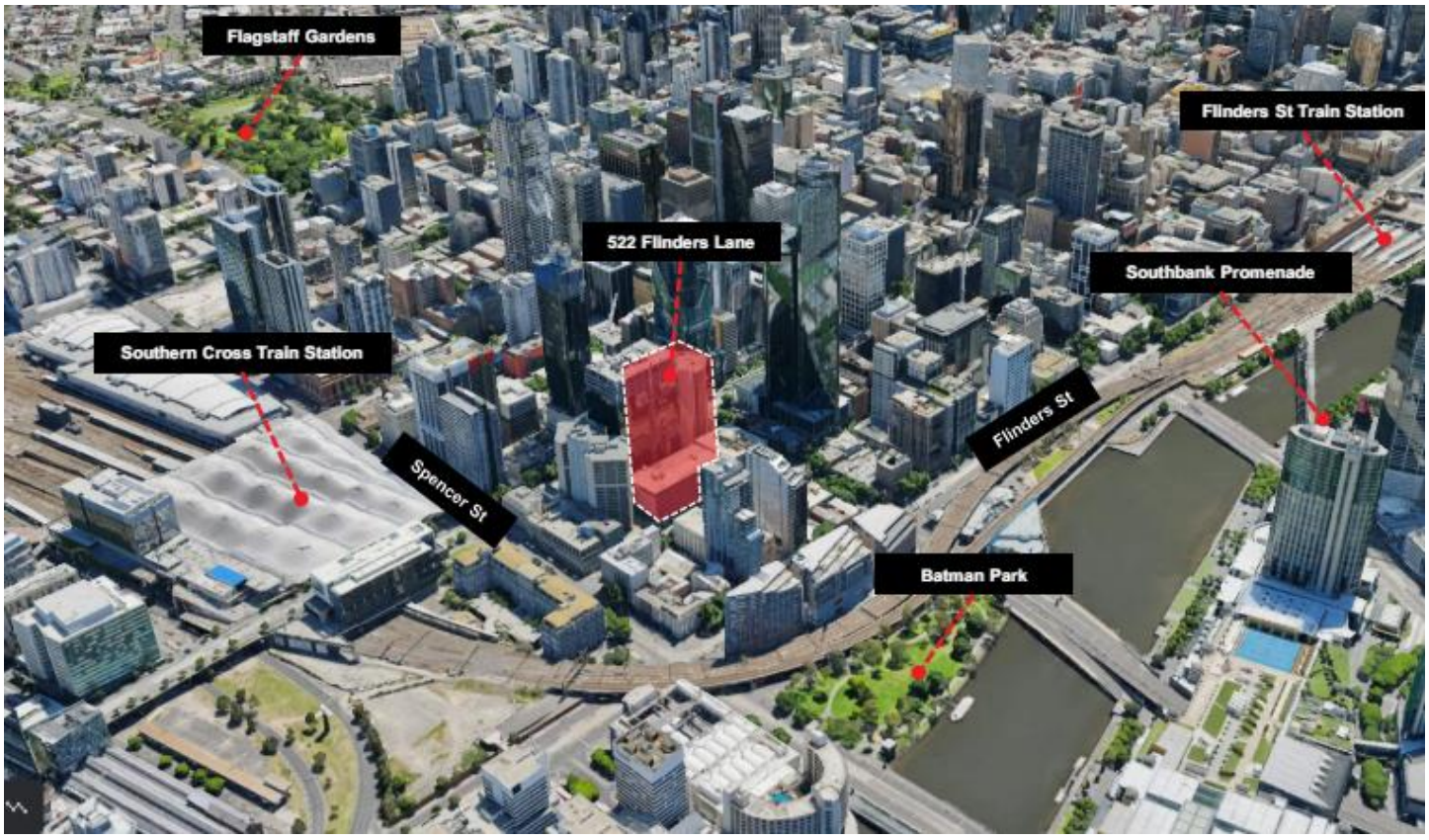


Figure 14 – Aerial image showing the subject site in its broader context (Source: ARUP)

Municipal Planning Strategy

36. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
Clause 02.01	Context
Clause 02.02	Vision
Clause 02.03-1	Settlement – The original city centre
Clause 02.03-3	Environmental risks and amenity
Clause 02.03-4	Built environment and heritage
Clause 02.03-6	Economic development
Clause 02.03-7	Transport
Clause 02.03-8	Infrastructure
Clause 02.04	Strategic Framework Plans

Planning Policy Framework

37. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

Clause 11	Settlement
Clause 11.01-1R	Settlement – Metropolitan Melbourne
Clause 11.02-1S	Supply of urban land
Clause 11.03-1S	Activity Centres
Clause 11.03-1R	Activity centres - Metropolitan Melbourne
Clause 11.03-6L-09	Hoddle Grid
Clause 13	**Environmental Risks and Amenity**
Clause 13.05-1S	Noise management
Clause 13.07-1S	Land use compatibility
Clause 13.07-1L-03	Land Use Compatibility
Clause 15	**Built Environment and Heritage**
Clause 15.01-1S	Urban design
Clause 15.01-1R	Urban design - Metropolitan Melbourne
Clause 15.01-1L-03	Sunlight to public spaces
Clause 15.01-1L-04	Urban design
Clause 15.01-2S	Building design
Clause 15.01-2L-01	Energy and resource efficiency
Clause 15.01-2L-02	Floor area uplift and delivery of public benefits
Clause 15.01-4S	Healthy neighbourhoods
Clause 15.01-4R	Healthy neighbourhoods - Metropolitan Melbourne
Clause 15.01-5S	Neighbourhood character

Clause 17	Economic Development
Clause 17.01-1S	Diversified economy
Clause 17.01-1R	Diversified economy - Metropolitan Melbourne
Clause 17.02-1S	Business
Clause 18	**Transport**
Clause 18.01-1S	Land use and transport integration
Clause 18.01-1L	Land use and transport planning
Clause 18.01-3R	Sustainable and safe transport - Metropolitan Melbourne
Clause 18.02-2S	Cycling
Clause 18.02-3S	Public transport
Clause 19	**Infrastructure**
Clause 19.03-2S	Infrastructure design and provision
Clause 19.03-3S	Integrated water management
Clause 19.03-3L	Stormwater management (Water sensitive urban design)
Clause 19.03-5S	Waste and resource recovery

Zoning and Overlays

Applicable Zone

Capital City Zone Schedule 1

38. The site is located in the Capital City Zone Schedule 1 (CCZ1): Outside the Retail Core. The purpose of the CCZ1 is:

    - *To provide for a range of financial, legal, administrative, cultural, recreational, tourist, entertainment and other uses that complement the capital city function of the locality.*

39. Pursuant to Clause 37.04-4 under the CCZ1 a planning permit is required to construct a building or construct or carry out works and to demolish or remove a building or works.

40. Pursuant to Clause 37.04-1 under the CCZ1 a permit is not required to use the land for office or retail land uses.

41. Pursuant to Clause 3.0 of Schedule 1 to the CCZ, a planning permit must not be granted to construct a building with a FAR in excess of 18:1 on land within the DDO10 unless a public benefit is provided and secured via an agreement under section 173 of the *Planning and Environment Act 1987*. Given the proposed FAR does not exceeds 18:1 (19.75:1 FAR proposed) a public benefit is requirement.

42. The decision guidelines of the CCZ1 require the Responsible Authority to consider several matters (as appropriate) including the Planning Policy Framework and Municipal Planning Strategy, comments of relevant authorities, siting and area occupied by the proposed development relative to the size and shape of the land parcel, movements of pedestrians and cyclists, waste removal, provision of car parking, bicycle parking and loading bays, entrance and egress from the site, streetscape, scale and height of neighbouring buildings, proximity to heritage places, existing and future amenity, landscaping, amenity impacts, public realm and public benefits (amongst other considerations).

Applicable Overlays

Design and Development Overlay Schedule 1

43. The site is affected by the Design and Development Overlay Schedule 1 (DDO1): Urban Design in Central Melbourne. The design objectives outlined in the DDO1 are:

    - *To ensure that all development achieves high quality urban design, architecture and landscape architecture.*
    - *To ensure that development integrates with, and makes a positive contribution to, its context, including the hierarchy of main streets, streets and laneways.*
    - *To ensure that development promotes a legible, walkable and attractive pedestrian environment.*
    - *To ensure that the internal layout including the layout of uses within a building has a strong relationship to the public realm.*
    - *To ensure that development provides a visually interesting, human scaled and safe edge to the public realm.*

44. Pursuant to Clause 43.02-2, a **planning permit is required** to construct a building or construct or carry out works.

45. Buildings and works must meet the design objectives and satisfy the design outcomes for each relevant design element in the DDO1 which include urban structure, site layout, building mass, building program, public interfaces and design detail.

Design and Development Overlay Schedule 10

46. The site is affected by the Design and Development Overlay Schedule 10 (DDO10): General Development Area – Built form. The design objectives outlined in the DDO10 are:

    - *To ensure development achieves a high quality of pedestrian amenity in the public realm in relation to human scale and microclimate conditions such as acceptable levels of sunlight access and wind.*
    - *To ensure that development respects and responds to the built form outcomes sought for the Central City.*
    - *To encourage a level of development that maintains and contributes to the valued public realm attributes of the Central City.*
    - *To ensure that new buildings provide equitable development rights for adjoining sites and allow reasonable access to privacy, sunlight, daylight and outlook for habitable rooms.*
    - *To provide a high level of internal amenity for building occupants.*
    - *To ensure the design of public spaces and buildings is of a high quality.*
    - *To encourage intensive developments in the Central City to adopt a podium and tower format.*

47. Pursuant to Clause 43.02-2, a **planning permit is required** to construct a building or construct or carry out works.

48. Buildings and works must meet the design objectives and satisfy the built form outcomes and should meet the Preferred Requirements of the DDO10.

49. The decision guidelines of the DDO10 require the Responsible Authority to consider several matters (as appropriate) including the Design Objectives, the Built Form Outcomes of Table 3, whether the development respects the built form scale and urban structure, providing a high quality architectural response, pedestrian amenity in the public realm, overshadowing and wind impacts, amenity for building occupants, street wall height and providing a human scale, tower setbacks with respect to equitable access to privacy, sunlight, daylight and outlook and securing the floor area ratio (amongst other considerations).

Parking Overlay Schedule 1

50. The site is affected by the Parking Overlay Schedule 1 (PO1): Capital City Zone – Outside the Retail Core. The parking objective under the PO1 is to identify appropriate car parking rates for various uses within the Capital City Zone.

51. Pursuant to Clause 3.0 of Schedule 1 to the Parking Overlay, a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of this schedule.

52. The proposal includes car parking spaces below the maximum allowable, a **permit is not** required under the Parking Overlay.

Particular and General Provisions

Provisions that Require, Enable or Exempt a Permit

Clause 52.06 Car Parking

53. Clause 52.06 sets out the requirements for provision and design of car parking spaces and seeks (as relevant):

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

54. Clause 52.06 seeks to ensure an appropriate level of car parking is provided for a new use or an increase in the floor area of an existing use, as well as ensuring the design of access and parking areas is considered to ensure efficient and safe manoeuvrability throughout a site.

55. Pursuant to Clause 52.06-5, the car parking requirement specified in Table 1 does not apply as a schedule to the Parking Overlay specifies the number of car parking spaces required for the proposed uses.

56. Pursuant to Clause 52.06-3 a permit is required to provide more than the maximum parking provision specified in a schedule to the Parking Overlay (PO1). The provision of car parking proposed as part of the development is below the maximum specified under PO1, and therefore a permit is not required under this Clause.

57. Vehicle access, car parking, loading and waste arrangements are discussed in the Assessment section below.

Clause 52.34 Bicycle Facilities

58. Clause 52.34 seeks to encourage cycling as a mode of transport and provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

59. Clause 52.34-1 states under 'provision of bicycle facilities' *a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.*

60. Pursuant to Clause 52.34-2, a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.

61. The proposal includes the required bicycle facilities, **a permit is not required** under the provision.

General Requirements and Performance Standards

Clause 53.18 Stormwater Management in Urban Development

62. Clause 53.18 seeks *'To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits'*.

63. Pursuant to Clause 53.18-3 an application to construct a building or construct or carry out works:

- Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.
- Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

An application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

Clause 65.01 Decision Guidelines

64. Clause 65.01 (Approval of an application or plan) outlines the matters which must be considered by the Responsible Authority prior to deciding on an application or approval of a plan which include (but are not limited to):

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *The orderly planning of the area*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Relevant Strategic Plan / Background Documents

Amendment C376 Sustainable Building Standards

65. Amendment C376melb to the Melbourne Planning Scheme is a response to the climate and biodiversity emergency and seeks to reach zero net emissions by 2040. It proposes to change the MPS by:

- Amending the Municipal Strategic Statement (MSS) to ensure alignment between the Local Planning Policy Framework (LPPF) and the purpose of the amendment.
- Deleting Clause 22.19 (Energy Water and Waste Efficiency) and Clause 22.23 (Stormwater Management – Water Sensitive Urban Design).
- Inserting Schedule 73 (Sustainable Building Design) to Clause 43.02 Design and Development Overlay.
- Amending Schedules 1, 2, 3, 4 and 5 to Clause 37.04 Capital City Zone and Schedules 1, 2, 3, 5 and 6 to Clause 37.05 Docklands Zone.
- Amending the Schedule to Clause 72.04 Incorporated Documents to include the Guidelines for Waste and Resource Recovery Management Plans.

66. Amendment C376 was exhibited in April 2023 and submissions are currently under assessment. The amendment is currently under consideration by DTP.

Amendment C384melb

67. Amendment C384melb to the Melbourne Planning Scheme seeks to apply the Land Subject to Inundation Overlay, Schedule 3 over part of the Site and to establish Melbourne Water as a determining referral authority for permit applications. The amendment has been publicly exhibited and Planning Panels Victoria released its report dated 20 December 2022. The amendment is currently under consideration by DTP.

Central Melbourne Design Guide

68. The 'Central Melbourne Design Guide' was prepared by the City of Melbourne to support the use and interpretation of the 'Urban Design in the Central City' Design & Development Overlay Schedule 1 (DDO1) within the Melbourne Planning Scheme.

69. The guide is intended to raise the bar on the design quality of development outcomes in the Central City and Southbank. Both the supporting policy and this Guide seek to shape the development of private land within the Central City and Southbank by focusing on the key components of design that contribute to inspiring and lively streets and places, with a particular emphasis on the interface of building within the City's public realm. Key themes of the guide seek to:

    - Provide pedestrian connections that are lined by active frontages to enhance safety and attractiveness and maximise activity.
    - Respond to the hierarchy of streets and laneways.
    - Avoid the creation of small, narrow, publicly accessible alcoves and recesses that lack a clear public purpose.

Plan Melbourne

70. *Plan Melbourne 2017-2050: Metropolitan Planning Strategy* (prepared by the Department of Environment, Land, Water and Planning, 2017) outlines the long-term plan to manage growth in the city and suburbs to the year 2050. It seeks to Plan Melbourne seeks to integrate long-term land use, infrastructure and transport planning, to meet the Melbourne's future environmental, population, housing and employment needs (amongst others).

71. The following directions and policies under Plan Melbourne are considered relevant to the proposed development:

    - Direction 1.2: improve access to jobs across Melbourne and closer to where people live.
    - Direction 1.3: Create development opportunities at urban renewal precincts across Melbourne.
        - Policy 1.3.2: Plan for new development and investment opportunities on the existing and planned transport network.
    - Direction 4.3: Achieve and promote design excellence.
        - Policy 4.3.1: Promote urban design excellence in every aspect of the built environment.
    - Direction 5.1: Create a city of 20-minute neighbourhoods
        - Policy 5.1.1: Create mixed-use neighbourhoods at varying densities.
    - Direction 6.1 Transition to a low-carbon city to enable Victoria to achieve its target of net zero greenhouse gas emissions by 2050
        - Policy 6.1.1 Improve energy, water and waste performance of buildings through environmentally sustainable development and energy efficiency upgrades.

Referrals

72. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	Head, Transport for Victoria (TfV)	16 November 2023 No objection (no conditions recommended)
Section 55 Referral – Recommending	Melbourne City Council	Future Melbourne Committee 9 April 2024. Response received on 12 April 2024. No objection (subject to recommended conditions).
Internal	DTP 3D Visualisation	14 February 2024
Internal	DTP Urban Design	1 November 2023 No objections (changes recommended)

Transport for Victoria

73. TfV advised by letter dated 15 November 2023 it **does not object** to the grant of a planning permit. No conditions were recommended should a permit be granted.

Municipal Council Comments

74. The Melbourne City Council (the council) considered the application at the Future Melbourne Committee (FMC) meeting on 9 April 2024. The officer report summarised the key issues:

- *The application has been a collaborative process between the applicant and multiple agencies and presents a well resolved and robust built form response to its strategic and physical context. The building has been the subject of two reviews by the OVGA's Victorian Design Review Panel (VDRP). The VDRP, along with the Council's City Design department, support the built form subject to further refinements to the podium which is recommended to be secured via a detailed façade strategy condition.*
- *The proposed height and setbacks and the impact of the wind and overshadowing of the proposal achieves compliance with the built form controls of Design and Development Overlay, Schedule 10. The Floor Area Uplift requirement is also secured via a Section 173 Agreement.*
- *The proposal provides retail tenancies built to Flinders Lane with a generous landscaped setback leading to a central double height pedestrian entrance, which provides a legible and safe interface that enhances the pedestrian experience and passive surveillance.*
- *As recommended by the VDRP and City Design, an amended Landscape Plan will require further design consideration of the entrance and the eastern stair interface to ensure landscaping, materials, and lighting amplify the publicness of the experience.*

75. It was recommended that the FMC resolves to advise the Department of Transport and Planning that the **Melbourne City Council does not object** to the application, subject to the conditions outlined in the officer report. The FMC supported the officer recommendation without change.

76. The Council's recommended conditions have been adopted in full with the following key exceptions.:

- Allowing demolition, bulk excavation and site preparation works to be carried out **before** endorsed of architectural plans and supporting technical documents. This approach is consistent with other recent decisions in the central city.
- Allowing 12 months instead of 6 months' time for construction to cease as an aggregate before temporary works and short terms uses must be carried out on the vacant land.
- Allowing 6 years instead of 5 years to complete the development under the expiry condition of the permit.

77. In some instances, conditions have been reframed to provide clarity and/or reflect DTP's preferred wording, whilst retaining the intent of the conditions as recommended by the Council.

78. These changes have been shared with the Council who confirmed no objections to the changes recommended by DTP subject to minor updates which are supported by DTP. On this basis, the Council confirmed in writing that a planning permit could be issued as DTP's recommended conditions remained generally in accordance with the Council's recommended conditions adopted by the FMC.

79. The recommendations of the Council are discussed in further detail under the 'Assessment' section of this report.

Urban Design (DTP)

80. DTP's Urban Designer acknowledged the proposal has undergone a Victorian Design Review Panel (VDRP) process in which several design workshops between the applicant team and OVGA were held. Following lodgement of the scheme, urban design provides the following recommendations pertaining to massing (resolution of the tower) and design detail of key public interfaces.

- We note that within the provided application material, the concept of 'Narrm and Birrarung' aims to create two distinct built-form components. It is unclear as to how this has been achieved. We recommend the applicant further vary the appearance of the two tower forms. We note that discussions during the VDRP process recommended the two towers read as distinct parts. This could be achieved through strengthening variations to the tower heights and/or through slight variations to materials to ensure the two components read as distinct.
- We recommend the applicant further increase the depth and/or width of the severing "belt" between the two tower components to ensure the tower reads as two forms, particularly on oblique views.
- Further to previous discussions and advice provided, we recommend the integration of the plant/cap into the overall form. In its current state, the cap of the building is in view from the Yarra River to the south and reads as a third, or 'other' building component. We strongly recommend integration of this feature.
- Provide 1:50 drawings to demonstrate how design excellence, depth, and visual interest can be achieved at key pedestrian interfaces. In line with DDO1, provide a comprehensive level of design detail for key public interfaces to denote how design excellence will be achieved. Ensure the Flinders Lane and eastern laneway interfaces deliver a visually rich and engaging pedestrian experience, which may involve incorporating elements like stall-risers, pilasters, mullion details, etc.

81. These matters have been satisfactorily addressed in the 'decision plans' which form the basis of DTP's recommendation.

Notice

82. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act pursuant to the following provisions:

- CCZ1 - application to construct a building or construct or carry out works for a use in Section 1 and an application to demolish or remove a building.
- DDO1 and DDO10 - application for construction of a building or to construct or carry out works.

Key Considerations

83. The following are deemed the key considerations in assessing the acceptability of the proposal:

- Response to strategic direction of MPS and PPF
- Design outcomes of the DDO1 and DDO10
- Built form, including height, setbacks and separation
- Design quality, facade strategy, materiality
- Public realm, including landscaping, overshadowing and wind
- Floor area uplift
- Access, traffic generation, car and bicycle parking, loading
- Other matters, including waste management, ESD, community benefit, noise, overshadowing and wind impacts

Strategic Direction

Municipal Planning Strategy

84. The particular MPS policies that apply, and a brief assessment is undertaken below.

85. Clause 02.01 recognises Melbourne as Victoria's capital city and the City of Melbourne at the heart contains Victoria's premier economic and cultural infrastructure; and a wide diversity of 24/7 uses including office and commercial, retail, leisure, entertainment, research, educational (university) and residential uses.

86. The proposal is consistent with Clause 02.02 (Vision) of the Melbourne Planning Scheme which is to facilitate a prosperous city and economy that creates jobs and supports development that places Melbourne as a destination that attracts local and international visitors. The proposal creates ongoing employment opportunities through provision of commercial uses which are consistent with the strategic direction for the Central Business District (CBD) of Melbourne.

87. Clause 02.03-1 (Settlement) recognises the Hoddle Grid as the original city centre known for its orderly grid and hierarchy of streets, lanes and arcades and is the main retail and office area in the state. A strong emphasis is placed on a quality public realm and good pedestrian amenity and connectivity. The proposal will contribute to the provision of high-quality retail and offices in the city centre.

88. Clause 02.03-3 (Amenity, Safety and Noise) states that established industries and licensed premises can affect the amenity of nearby sensitive land uses (such as residential) recognising the importance of managing tension between industrial operations and the amenity of adjacent residential areas. In managing amenity, safety and noise, it is encouraged that dwellings in residential areas be located and designed to protect residents from off-site amenity impacts. As the proposal is for retail and offices and the site is surrounded by compatible uses it is not considered that any unreasonable offsite amenity impacts will occur.

89. Clause 02.03-4 (Built Environment and Sustainable Development) highlights the importance of Melbourne's character defined by its distinctive urban structure and provides guidance on the preferred built form outcomes in the central city (and surrounding areas). This policy seeks (amongst other objectives) to ensure design, height and scale of development responds to the identified preferred built form character of an area.

90. The importance of landscaping in contributing the positive built form outcomes of a development is also highlighted as well protecting and enhancing the City's distinctive physical character and heritage such as the Yarra River Corridor. Promoting environmentally sustainable development that is energy, water and waste efficient and adapted to predicted climate change is also encouraged. These matters are discussed in further detail under the following sections of this report.

91. Clause 02.03-6 (Employment and innovation) acknowledges the unique locational and access advantages of industry located within the City of Melbourne and that innovation in business is central to Melbourne's economic vitality and its role as a globally competitive Capital City. The proposal will facilitate commercial opportunities to deliver on the objectives of this policy.

92. Clause 02.03-7 (Transport) seeks to encourage the more efficient use of private motor vehicles by supporting the reduction or waiving or car parking for new uses and developments which have good access to public transport, while also seeking to ensure that new developments have adequate on-site loading facilities. These matters are discussed in further detail in the following sections of this report.

93. Clause 02.03-8 (Infrastructure) recognises that a key aspect of planning in the municipality will be the efficient use of existing infrastructure and expansion and upgrading of utilities, community facilities and public open space to ensuring that Melbourne has the infrastructure capacity to meet anticipated needs. More specifically, integrated water management is encouraged through stormwater management, including water sensitive urban design, to minimise the impact of development on waterways.

Planning Policy Framework

94. The Planning Policy Framework encourage appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, is sustainable, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.

95. Clause 11 (Settlement) aims for planning in Victoria to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Clause 11.01-1R (Settlement - Metropolitan Melbourne) seeks to create a city structure that drives productivity, attracts investment, supports innovation and creates jobs. The proposal is consistent with these objectives through investment, innovation and creation of job opportunities in the central city (Hoddle grid).

96. Clause 11.02-1S (Supply of urban land) seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses. The land is within the Hoddle Grid and is a large parcel which will facilitate a retail and commercial land uses consistent with this policy.

97. Clause 11.03-1S (Activity Centres) seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. Similarly, Clause 11.03-1R (Activity centres - Metropolitan Melbourne) Support the development and growth of Metropolitan Activity Centres by ensuring they are able to accommodate significant growth for a broad range of land uses. The proposal is consistent with these objectives.

98. Clause 11.03-6L-09 (Hoddle Grid) applies to the area of the central city which includes the subject site. This policy seeks to (in summary):

- *Encourage the development of complementary precincts within the Hoddle Grid that offer a diverse range of retail, cultural and entertainment uses.*
- *Ensure a clear building scale edge between the taller built form of the Capital City Zone and the Docklands Zone*
- *Ensure that the design of tall buildings in the Hoddle Grid:*
- *Promote a human scale at street level (especially in narrow lanes).*
- *Respects the street pattern through building placement.*
- *Adds architectural interest to the skyline through variation and building detail.*
- *Provides a context for heritage buildings through setbacks and height moderation.*

- *Ensure development minimises the adverse effects of wind and provides wind protection to public open spaces.*
- *Ensure sunlight penetration in the middle of the day to key public spaces.*
- *Protect the Yarra River and its south bank from overshadowing throughout the year*
- *Ensure development of towers that are well spaced and offset to provide good access to an outlook, daylight, sunlight and to minimise overlooking between habitable room windows.*
- *Ensure streets and open spaces are physically and visually linked to the waterfront and Yarra River.*

99. Clause 13.05-1S (Noise Management) seeks to manage noise effects on sensitive land uses. The development will manages noise effects from surrounding uses through the recommended permit conditions. The proposal envisages retail uses for local workers and residents and offices at an intensity that is appropriate for the location. The proposed commercial uses will manage off site impacts such as noise, traffic generation and parking consistent with the local amenity. Refer discussion 'Noise' in the assessment section.

100. Clause 13.07-1S and 13.07-1L-03 (Land use compatibility) seek to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. The proposed development includes retail and office land uses which are highly compatible with adjoining and nearby land uses in the Hoddle grid.

101. Clause 15.01-1S (Urban Design) requires (as relevant) development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate provides landscaping that supports the amenity, attractiveness and safety of the public realm. These matters are discussed under 'Built form' and 'Landscaping' in the sections below.

102. Clause 15.01-2S (Building Design) seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development. The proposal responds to the strategic direction for the Hoddle Grid and the has been sited and design to respect and enhance neighbouring properties, the public realm and the natural environment. The form, scale, and appearance of the development would make a positive contribution to the character of Flinders Lane and the surrounding context.

103. Clause 15.01-1L-03 (Sunlight to public spaces) seeks to protect, and where possible, increase the level of sunlight to public spaces during the times of the year when the intensity of use is at its highest and ensure that overshadowing from development does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians. These matters are discussed under the 'Overshadowing' assessment in this report.

104. Clause 15.01-2L-01 (Energy and resource efficiency) applies to application for a building for the purpose of office, retail and accommodation and seeks to ensure buildings achieve high environmental performance standards at the design, construction and operation phases. The application was accompanied by a Sustainable Management Plan which was reviewed and supported by the Council and discussed further in the following sections of this report.

105. Clause 15.01-2L-02 (Floor area uplift and delivery of public benefits) applies to land within the CCZ1 and DDO10 and seeks to ensure that a development delivers a commensurate public benefit when Floor Area Uplift (the part of the building(s) containing the uppermost floor area of the building, without which the building(s) would not exceed a floor area ratio of 18:1) is sought. This is discussed further under the assessment section of this report.

106. Clause 15.01-4S (Healthy Neighbourhoods) and Clause 15.01-4R (Healthy neighbourhoods - Metropolitan Melbourne) seeks to achieve neighbourhoods that foster healthy and active living and community wellbeing and create 20-minute neighbourhoods that give people the ability to meet their daily needs within a 20 minute walk, cycle or public transport trip. The site is well located to meet these objectives.

107. Clause 15.01-5S (Neighbourhood character) seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place. The proposed development responds to its context and contributes to the desired future character for this area of the Hoddle Grid.

108. Clause 17.01-1S (Diversified Economy) and Clause 17.01-1R (Diversified Economy – Metropolitan Melbourne) seeks to support the Central City to become Australia's largest commercial and residential centre by 2050, by planning for office, retail, residential, education, health, entertainment and cultural activity spaces. Furthermore, this policy seeks to facilitate development by ensuring they have a high level of amenity to attract businesses and works, are supported by good public and sustainable transport options and support diverse employment generating uses, including offices and retail (as proposed).

109. Clause 17.02-1S (Business) encourages development that meets the community's needs for retail, entertainment, office and other commercial services. The proposed DP will facilitate a diverse range of land uses to meets the needs of future residents and the local community.

110. Clause 18.01-1L (Land Use and Transport Planning) support development that encourages other transport modes and discourages the use of private motor vehicle and support a reduction of car parking requirements for new use and development that has good access to public transport. These matters are discussed in the follow sections of this report.

111. Similarly, Clause 18.01-3S (Sustainable and Safe Transport) and Clause 18.01-3R (Sustainable and Safe Transport - Metropolitan Melbourne) seek to facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing and provide local travel options for walking and cycling to support 20-minute neighbourhoods.

112. Clause 18.02-2S (Cycling) seeks to facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling. The development provides generous provision of bicycle parking for workers and visitors and high-quality end of trip facilities as discussed under the 'Assessment' section of this report.

113. Clause 18.02-3S (Public Transport) seeks (as relevant) to locate higher density and increased development on or close to the Principal Public Transport Network. The site is strategically located within the Hoddle Grid which has high quality public transport access. The proposed development contributes to the reduction of private car dependency. The proposed building is well serviced by shops, public open space and cycling and public transport infrastructure. The proposal will also result in the removal of over 900 car parking spaces through the demolition of the existing multi-deck car park.

114. Clause 19.03-2S (Infrastructure design and provision) seeks to provide development infrastructure that meets the needs of the community though an integrated approach to the planning and engineering design of new development. The Council has recommended engineering conditions which are included in their recommend permit conditions.

115. Clause 19.03-3S (Integrated Water Management) seeks (amongst other strategies) to manage stormwater quality and quantity related impacts through on site development measures as discussed in the following sections of this report. Similarly, Clause 19.03-3L Stormwater management (Water Sensitive Urban Design) seeks to achieve the best practice performance objectives, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 to promote the use of water sensitive urban design. These matters are discussed in further detail in the following sections of this report.

116. Clause 19.03-5S (Waste and Resource recovery) To reduce waste and maximise resource recovery to reduce reliance on landfills and minimise environmental, amenity and public health impacts. The development provides suitable waste storage and collection arrangements which are discussed under the 'Waste' section of this report.

Buildings and Works

Demolition

117. The application proposes to fully demolish the existing multi-deck car park building on the site. Under the CCZ1, a permit and approved redevelopment are required to demolish a building.

118. Noting that the site is not affected by the Heritage Overlay, DTP supports the complete demolition of the building in-principle. The CCZ1 requires a section 173 agreement for the construction of a temporary use (such as a park or a commercial use) should the site vacant for six months after the completion of demolition, or if construction activity ceases for six months.

119. The Responsible Authority has discretion to apply the agreement. The CCZ1 states that the responsible authority may require an agreement under Section 173 of the *Planning and Environment Act 1987* between the landowner and the responsible authority, to require (as appropriate):

- *Temporary works on the vacant site should it remain vacant for 6 months after completion of the demolition.*
- *Temporary works on the vacant site where demolition or construction activity has ceased for 6 months, or an aggregate of 6 months, after commencement of the construction.*

120. The council has recommended a condition requiring that before demolition starts, the development should have progressed to the point of a building permit. DTP supports a longer timeframe of 12 months

121. Additionally, the council has recommended that a permit condition should require demolition be completed within six months from its commencement. The six-month period aligns with Section 173 agreements for demolition in the Capital City Zone whereby land is required to be converted into public uses if the land remains vacant for six months following the completion of the demolition. This is considered acceptable by DTP.

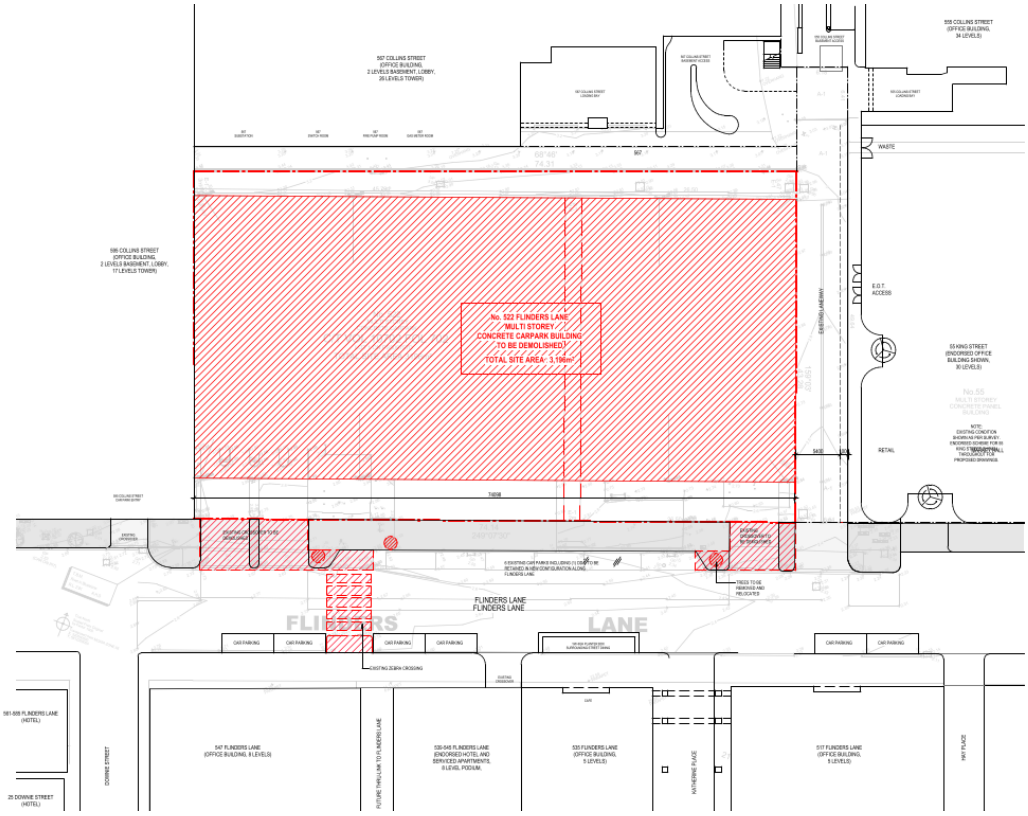


Figure 15 – Demolition Plan (Source: Hassell Architects)

Works outside of the title boundary

122. As shown in Figure 15 above the proposed development includes alterations to the Flinders Lane streetscape, including removal and replacement of street trees, removal of crossovers, adjustments to the on-street car parking, and landscaping.

123. With the exception of the removal of the crossovers (which are redundant based on the proposed layout and rear access via the laneway), the Council recommended a condition requiring that works outside the title boundary be deleted from the plans. The Council referred to comments made by internal department, which highlighted there are a number of statutory processes that public street works must go through prior to approval (should they be approved). These processes may include public consultation.

124. On this basis, DTP supports the removal of the details showing works outside the title boundaries and recommends a condition to this effect.

Response to DDO1 design requirements

125. As noted in the earlier sections of this report, the DDO1 seeks to ensure development achieves high quality urban design, architecture, landscape architecture, makes a positive contribution to the public realm and provide a visually interesting and human scale relationship with the street.

126. The DDO1 sets out design outcomes and design requirements which must be met for design requirements expressed with the term 'must' and can be varied where the design requirement is expressed with the term 'should' provided it can be demonstrated how the development will still achieve the relevant design outcomes.

127. A detailed assessment is provided in the table below:

Design outcome	Design requirement	Response
Urban Structure – *Urban Structure relates to the network of main streets, streets, laneways and open spaces which define the size and shape of urban blocks.*		
An urban block structure that: *Is sufficiently fine grained to support walking as the primary mode of transport.*	Where the average urban block length is greater than 100 metres, development should provide a new through-block pedestrian connection. In Southbank these pedestrian connections should be open to the sky. *Note: Urban blocks with an average length of more than 100 metres are identified on Map 1 to the Appendix of the Central Melbourne Design Guide.* Within 200 metres of a rail station, more frequent pedestrian connections should be provided to manage high pedestrian volumes. Where possible, pedestrian connections should be located less than 70 metres from the next intersection or pedestrian connection. Development with an abuttal to two or more streets or laneways should provide a pedestrian connection between those abuttals where this improves the walkability of the urban block.	

Assessment:

The subject site is located within an urban block with a length greater than 100 metres as identified on *Map 1 to the Appendix of the Central Melbourne Design Guide.* As described in the earlier sections of this report, adjoining the site to the east is a carriageway easement which is on a private land parcel (55 King Street) which provides an existing shared vehicle and pedestrian zone providing rear vehicle access to the surrounding buildings and a pedestrian connection (via stairs to deal with level change) between Flinders Lane, 567 Collins Street to the north and King Street to the east.

The opportunity to improve the pedestrian experience and direct movement between Flinders Lane and Collins Street was part of ongoing discussions between DTP, the Council and project team. The potential future public through-link connecting the subject site with 567 Collins Street generally in line with Katherine Place to the south was strongly supported by the OVGA during the VDRP review process, noting its potential to improve pedestrian connectivity from the Yarra River to Collins Street for this particular city block.

The design takes into account the possibility for future pedestrian connections through to Collins Street and will upgrade the pedestrian connection along Flinders Lane for the length of the site frontage. The proposal also improves connection to Katherine Place via the proposed realignment and upgrade of the pedestrian crossing along Flinders Lane.

More specifically, the upper ground level plan includes a notation with respect to a potential through-block pedestrian connection from Flinders Lane, through the subject site via the elevated external terraces and 567 Collins Street, leading north through to Collins Street. As highlighted by the Council, considering the level difference between Collins Street and Flinders Lane, the connection would require cantilevering over the northern abutting laneway (drainage easement) and partial demolition to the ground level at the rear of 567 Collins Street.

DTP agrees with the Council, that whilst the opportunity to provide for a pedestrian link through the site is desirable, it also poses challenges due to the considerable level difference between Flinders Lane and Collins Street and the negotiations which would be required with another landowner.

Based on the existing connections described above, DTP and the Council are satisfied that the urban block is sufficiently fine grained to support walking as the primary mode of transport. In this context, the inclusion of the potential through-block pedestrian connection is commendable, but there remains concern over a lack of detail about how it will be realised. The applicant has committed to further discussions to realise this link in line with the advice from the VDRP and Council's City Design department.

Whilst DTP understands the reasons Council is seeking deletion of these notations, it is DTP's view that retaining the notation is in a way retaining the aspiration of all parties to achieve a future connection through the site to 567 Collins Street and on this basis recommends a condition be included requiring:

The provision of details demonstrating how to future proof the ability to provide a connection through to 567 Collins Street.

This proposed condition has been shared with the Council who confirmed their in-principle support.

A pedestrian network that: *Reduces walking distances. Completes existing connections and laneways. Retains and improves existing connections. Provides partial connections which can be completed when adjacent site development occurs.*	*Where a development could deliver part of a pedestrian connection that is able to reduce the average urban block length to less than 100 metres, but does not extend the full depth of the block, the development should include a connection that can be completed when a connection is provided through an adjoining site. Where a development has the potential to achieve a through-block connection by extending an existing or proposed connection on an adjoining site, the development should provide for the completion of the through-block connection.* *Development should retain and improve the quality of existing pedestrian connections.*

Not Applicable

As discussed above, the proposed design contemplates a future pedestrian link at 567 Collins Street, to the north of the site. The proposed development does not have the opportunity at this time to establish new pedestrian network but will contribute to improved outcomes for the existing pedestrian network through improved activation of the public realm of Flinders Lane as discussed below.

Pedestrian connections that are: *High Quality. Safe and attractive Accessible by people of all abilities. Easily identified and legible Designed to enable stationary activities*	*Pedestrian connections that reduce (or when completed will reduce) an average urban block length to less than 100 metres should be:* • *Open 24 hours a day.* • *Open to the sky, an arcade or a through-building connection.* *Pedestrian connections should be:* • *Direct, attractive, well-lit and provide a line of sight from one end to the other.* • *Safe and free of entrapment spaces and areas with limited passive surveillance.* • *Publicly accessible at ground level and appropriately secured by legal agreement.* • *Lined by active frontages.* *Laneways should be At least six metres wide. Laneways may be less than six metres wide where, either:* • *The laneway is the same width or wider than an existing laneway that it continues.* • *The laneway does not provide for vehicle access.* *Arcades should:* • *Adopt vertical proportions with a height greater than the width.* • *Be a minimum of two storeys in height.*

	• *Incorporate high quality exterior grade materials and finishes to all surfaces including paving, walls, ceilings and lighting.* • *Have highly legible entries including any doors or gates.*

Not applicable

Refer discussion above.

Site Layout – *Site layout refers to the arrangement of buildings and spaces, including the position of entries, building services and circulation cores and how these elements respond to and reinforce the character of streets and laneways.*	
Site layout that: *Reinforces the valued characteristics of streets and laneways Delivers a well-defined public realm*	Building should be aligned to the street at ground level unless they provide for a plaza. Development should avoid narrow publicly accessible alcoves and recesses that lack a clear public purpose. Development should avoid entrapment areas and areas with limited passive surveillance. Development should cater for anticipated pedestrian volumes.

Assessment

The double height main entrance to the building from Flinders Lane (refer Figure 1) is carefully proportioned to align with the human scale and unique characteristics of Flinders Lane in this area of the city. As described in the application material, the ground level creates a welcoming and open environment, connecting the ground and upper levels through generously sized public stairs that link a series of open platforms that overlook the main activated lobby (refer Figure 2).

The proposed pedestrian 'stepping stone' entrance, supported by the VDRP, DTP and the Council is appropriately aligned to Flinders Lane and provides a legible and safe interface that enhances the pedestrian experience with excellent passive surveillance. DTP supports conditions requiring an amended Landscape Plan (as recommended by the VDRP and Council's City Design team), including further design consideration of the entrance and the eastern stair interface to ensure landscaping, materials, and lighting amplify the pedestrian experience.

Plazas that: *Are accessible to people of all abilities. Are safe and attractive. Deliver opportunities for stationary activity Alleviate pedestrian congestion.*	*Plazas should:* • *Be open to the sky.* • *Be accessible to people of all abilities.* • *Provide opportunities for stationary activity.* • *Be lined with active frontages.* • *Incorporate soft and hard landscaping elements.* • *Have access to sunlight. Development should retain at least 50 per cent of any existing publicly accessible private plaza where:* - *It is oriented to a main street or street.* - *It helps reduce pedestrian congestion.* *A high-quality space with opportunities for stationary activity can be achieved. Where a plaza contributes to the significance of a heritage place, retention of more than 50 per cent of the plaza may be required to conserve the heritage values of the place.*

Not Applicable

There is no requirement for the proposed development to include a plaza.

Vehicle entries that: *Do not create traffic conflict Do not undermine the attractiveness or safety of pedestrian experience.*	*Vehicle access and loading bays:* • *Should not be located on main streets.* • *Should not be constructed on a traffic conflict frontage or in a lane leading off a traffic conflict frontage shown on Map 2.* • *In the Retail Core Area – Schedule 2 to the Capital City Zone must not be constructed on a traffic conflict frontage shown on Map 2, or in a lane leading off a traffic conflict frontage. The location and width of car park entries should minimise the impacts on the pedestrian network.*

Assessment

The proposal seeks to utilise the existing vehicle access along the eastern laneway (carriageway easement) whilst also removing the two existing vehicle crossovers along the site frontage to Flinders Lane. DTP and the Council support this outcome which is consistent with the DDO1 and will result in a reduction of traffic conflict and consolidate access to the rear of the site,

consistent with surrounding buildings, whilst improving the pedestrian network, interaction and experience at the front of the site.

Colonnades that: *Are safe and attractive. Are accessible to people of all abilities.*	*Colonnades should:* • *Adopt vertical proportions with a height greater than the width.* • *Incorporate high quality design detail to all publicly visible planes and surfaces.* • *Provide ground level spaces that are accessible to people of all abilities.* • *Have a clear public purpose.* • *Be well-lit and provide clear lines of sight from one end to another.* • *Be safe and free of entrapment spaces and areas with limited passive surveillance.*

Assessment

The proposal is built to the street edge with a generously proportioned double height main entrance which provides a sense of address to Flinders Lane. The ground plane and street interface and is considered of high design quality achieving a high degree of public visibility and activation. The proposed 'stepping stones' leading into the main lobby provide universal access.

Building Massing – *Building Mass relates to the three-dimensional form of a building, including its scale, height, proportions and composition.*

Building mass that: *Distinguishes between different buildings where a development comprised multiple buildings. Respects the height, scale and proportions of adjoining places or buildings within a Special Character Area. Reinforces the fine grain and visual interest of streetscapes. Maintains a diverse and interesting skyline through the design of roof profiles*	*Development should adopt a diversity of forms, typologies, and architectural language, within a cohesive design framework, on large site where a development comprises multiple buildings.*

Assessment

The proposal does not comprise multiple buildings, only a single tower form above a podium. The design seeks to articulate the tower into two separate forms, anchored by a strong podium 'belt', whilst achieving a consistent architectural language (refer to the section 'Façade design and materiality' below).

The height, scale and proportions of the proposed building achieve an appropriate built form which responds to the site opportunities and will sit comfortably within the context of surrounding buildings as shown in the Figure 16 below (architect impression of the proposed building as viewed from the Yarra River). As further evident from this image, the development will achieve a building mass which maintains a diverse and interesting city skyline through the proposed design of the roof profile.

The proposed building comprises of collection of legible and distinct forms, including a double height entrance, a podium 'belt' with horizontal elements creating depth and articulation, and a tower with two distinct vertical elements representing fresh water and salt water separated by a central rebate which appropriately distinguishes the different forms of the building (refer Figures 17 & 18 below).

With regard two components of the tower forms, the OVGA (through the VDRP report), DTP and the Council all recommended that the difference between the tower forms be further accentuated. This was largely addressed in the latest plans prepared by Hassell with scope to further increase the depth of the central rebate by 500mm from 2.5 metres to 3 metres. DTP agrees with the Council that the width and additional depth of the central rebate, combined with the façade refinement adequately responds to the recommended changes. The increase in depth to the central rebate is addressed by a recommended permit condition.

The detailed design language of the podium and tower will be further refined through a condition requiring a façade strategy which will finely detail the façade's design. DTP supports the inclusion of conditions requiring a detailed façade strategy.

As described in the architectural package prepared by Hassell Architects depict, the proposal seeks to establish wintergardens (semi open terraces) on each level of the tower adjacent to the central rebate facing towards Flinders Lane. As advised by the VDRP, while the proposition of wintergardens is supported in principle, there is a concern of a lack of detail on the plans and

reference to a ‘potential’ undefined outcome.

In response, the applicant has confirmed that it cannot commit to the outcome at this point in time, as ultimately it will be market driven. The applicant has requested the removal of references to the wintergardens by way of a condition. DTP supports this approach given the acceptability of the proposed tower is not reliant on the delivery of wintergardens. Should an amendment to the plans be lodged in the future, they will be assessed on their merits at the time.

Figure 16 – Architect impression of the proposed building as viewed from the Yarra River (Source: Hassell Architects)

Figure 17 & 18 – Concept vs proposal for two distinct tower elements anchored by a strong podium with natural materials at ground level (Source: Hassell Architects)

Street walls that: *Adopt a variety of street wall heights to reinforce the traditional fine grain, vertical rhythm and visual interest of streetscapes. Provided aesthetic interest to the public realm. Frame comfortable and attractive streets.*	*Street wall heights should be lower along laneways and streets less than 10 metres wide. Buildings with a street frontage greater than 25 metres in length should be broken into smaller vertical sections, with a range of parapet heights and rebates of sufficient depth to provide modulation in the street façade.* *Development should reinforce the ground floor and street wall as the dominant component within the Special Character Area through visually recessive upper level built form.* *Street wall heights, upper level setbacks and building separation should respond to the scale of adjacent heritage buildings.* *Transitions in height, scale or prominence to a heritage place should avoid relying solely on surface treatments or decorative effects.*

Assessment

The proposed street wall has a height of 32.55 metres as discussed under the DDO10 street wall assessment. The proposed street wall is modulated by including a height below the mandatory provisions of the DDO10 (between 20 and 40 metres), the double height entrance, the recessions created by the horizontal banding, the terraces, and the active ground floor interface.

The street wall design incorporates angled glass reinforced concrete fins to create visual and aesthetic interest within the Flinders Lane streetscape. As the site has a wide frontage to Flinders Lane of approximately 74 metres, the DDO1 encourages the street wall of a buildings to broken into smaller vertical sections, with a range of parapet heights and rebates of sufficient depth to provide modulation in the street façade. Whilst the street wall maintains a consistent parapet height, the depth of the rebates a generous whilst providing glazing and active uses behind to encourage interaction with the street and a human scale.

As described above, the VDRP recommended further subtle modulation to mark the primary pedestrian entrance from Flinders Lane. In response, the applicant provided revised plan TP_0403 (Elevations – Detail) prepared by Hassell Architects dated 18 March 2024 (refer Figure 19 below) which varies the glazing treatment above the pedestrian entrance to emphasise and reference the pedestrian entrance. The variation in the glazing, combined with the other modulations discussed above, provides for a fine grain and visually interesting street wall that responds to its context. DTP supports the inclusion of a condition to give effect to the concept as shown in Figure 19.

The detailed design language of the podium will be further refined through a recommended condition requiring a façade strategy

which will strengthen the use of solid materiality to better reference the materials that characterise the immediate context.

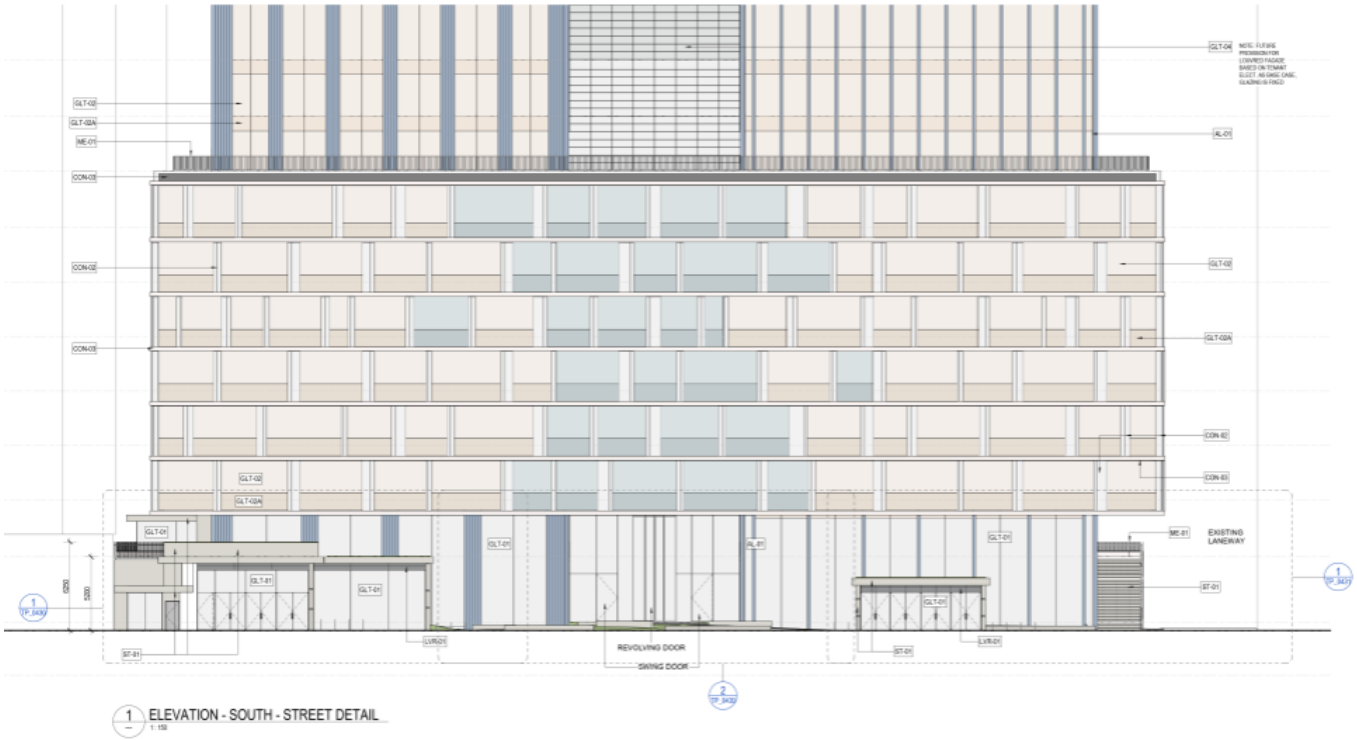


Figure 19 – Extract of TP_0403 (Elevations – Detail) prepared by Hassell Architects dated 18 March 2024

Building Program – *Building Program relates to the position and configuration of uses internal to a building. This is a key urban design consideration due to the direct relationship of internal areas to the public realm.*

A building program that: *Delivers safe and high quality interfaces between public and private realm. Maximises activation of the public realm Can accommodate a range of tenancy sizes, including a smaller tenancies in the lower levels of the building. Allows for adaption to other uses over time. Delivers internal common areas or podium-rooftop spaces that maximise passive surveillance and interaction with the public realm. Promotes a strong physical and visual and relation between any uses provided as part of a public benefit under the provisions of Schedule 1 to the Capital City Zone within the building, and the street.*	*Development should position active uses to address the public realm. Development should:* *Maximise the number of pedestrian building entries.* *Avoid long expanses of frontage without a building entry.* *Large floorplate tenancies should be sleeved with smaller tenancies at ground level at a boundary to a street, laneway or pedestrian connection. Floor to ceiling heights should be a minimum of:* • *4.0 metres at ground level.* • *3.8 metres for levels two and three.* • *3.5 metres above level three and up to 20 metres.* *Development should be designed so that any areas containing uses provided as part of a public benefit under the provisions of Schedule 1 to the Capital City Zone, are located in the lower levels of a building so that they have a direct visual and physical connection to the public realm.* *Development should be designed so that any areas containing new uses provided as part of a public benefit under the provisions of Schedule 1 to the Capital City Zone internal to a building co-located with adjacent public space or pedestrian connections.* *Ground floor tenancies should be configured so that they do not rely upon queuing within the public realm, except where this occurs on a pedestrian only laneway where this is the established character.*

Assessment

As shown on the lower ground (ground level) plan, the design and layout offers several entries across the Flinders Lane frontage including a dedicated bicycle access running along the western boundary which provides access to the end of trip facilities at ground level and secure bicycle parking in the basement levels. The frontage will also contain entry to two retail tenancies. The

development proposes the following minimum ceiling heights which exceed the design requirements above:

- 4 metres at ground level
- 3.85 metres for Levels 2 and 3
- 3.85 metres above Level 3

The building contains office uses which contribute to the public benefit and FAR uplift calculation. Co-working style spaces are located within the lower podium floors which also assist in ensuring a visual connection with the public realm. It is not envisaged that the proposed retail tenancies will require reliance on queuing within the public realm.

The development appropriately addresses Flinders Lane via the central pedestrian entrance, active retail uses, open lobby, expansive glazing, passive surveillance of Flinders Lane from the podium terraces.

Building services that: *Minimise impacts on the public realm Maximise the quality and activation of the public realm Do not dominate the pedestrian experience and are designed as an integrated design element. Provide waste collection facilities as an integrated part of the building design.*	*Ground floor building services, including waste, loading and parking access:* *Should be minimised.* *Must occupy less than 40 per cent of the ground floor area of the site area.* *Internal waste collection areas should be sleeved.* *Services, loading and waste areas should be located away from streets and public spaces, or within basements or upper levels.* *Service cabinets should be located internally with loading, waste or parking areas where possible.* *Under croft spaces for waste or loading should not adversely impact safety and continuity of the public realm.* *Access doors to any waste, parking or loading area should:* • *Be positioned no more than 500 millimetres from the street edge.* • *Be designed as an integrated element of the building.* *Rooftop plant, services and antennae should be integrated into the overall building form.*

Assessment

Building services are predominantly located within the basement levels or are concealed from public view having been integrated into the design of the building. Ground floor building services occupy approximately 34% of the ground floor area, which is less than the mandatory maximum of 40 per cent.

The location and layout of building services are designed to minimise their impact on the public realm, through their positioning to the rear of the site away from Flinders Lane. Waste collection facilities are integrated as part of the building design.

The proposed ground level layout utilises a sloped series of ‘stepping stones’ from Flinders Lane to the lobby which is supported by the VDRP, DTP and Council’s City Design team, subject to the further details as discussed above. A condition is recommended to ensure the main entrance remains universally accessible in accordance with *Disability Discrimination Act 1992*.

The proposal also includes two retail tenancies that provide active frontages however is recommended by the Council and supported by DTP requiring that the east and west elevations of the ground floor retail tenancies are amended to increase permeability to the public realm.

The DDO1 encourages rooftop plant, services and antennae to be integrated into the overall building form.

The OVGA in the VDRP report encouraged the architects to consider how the main façade could be extended to fully conceal the roof plant and consider how the screening types, proportions and form can be integrated within the overall building composition.

As described by Hassell in the submitted architectural package, the form of the roof level plant has been shaped to ensure that the plant enclosure emphasises the notion of 'two towers / two rivers' proposition (Refer Figure 17 & 18 above and Figure 20 below). This allows the building crown to sit comfortably on the top of the towers as a complimentary element within the overall built form proposition. This subtle adjustment to the expression of the plant enclosure establishes a consistent reading of the building form from distant vantage points and reinforces the design narrative.

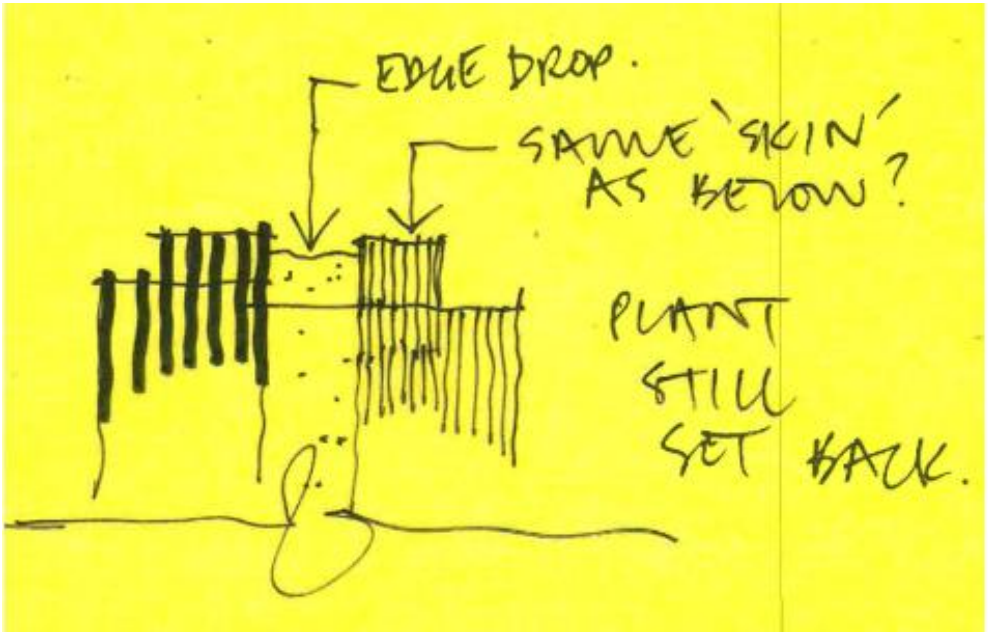


Figure 20 – Concept prepared by Hassell Architects to integrate the tower facade language with the roof plant

Car parking that: *Minimises the impact of car parking on the public realm.*	*In the Central City area shown in Map 1 to Schedule 1 to the Design and Development Overlay, all car parking must be located in a basement unless it is part of a development that removes existing open to sky at grade car parking. Car park ramps should be capable of removal for future adaptation.* *Avoid car parking entries on small sites, where they impact on the activation and safety of the public realm. Above ground car parking:* • *Must be located on the first floor or above.* • *Must be sleeved to streets.* • *Should have a floor to ceiling height of at least 3.2 metres.*

Assessment

The proposal includes car parking contained fully at basement levels, accessed away from the public realm of Flinders Lane, which accords with this design requirement.

Public Interfaces – *Public Interfaces relates to the boundary between the internal program of a building and the public realm in main streets, streets, laneways and open spaces.*

Public interfaces that: *Contribute to the use, activity, safety and interest of the public realm. Provide continuity of ground floor activity along streets and laneways. Allow unobstructed views through opening into the ground floor of buildings.*	*The following ground level frontage requirements should be met for development in General Development Areas and laneways in Special Character Areas, and must be met for development in streets in Special Character Areas:* • *At least 80 per cent of the combined length of the ground level interfaces of a building to streets and laneways are an entry or window. This measurement excludes:* - *Stall-risers to a height of 700mm.* - *Pilasters.* - *Window and door frames.* - *Windows that have clear glazing without stickers or paint that obscures views.* *The ground level frontage requirements do not apply to the development of a building in a heritage overlay or heritage graded building.* *Development of a building in a heritage overlay or a heritage graded building should not reduce compliance with the public interface design outcomes. Security grills or mesh should:* • *Be transparent.*

	• *Not block views into tenancies at night.* • *Be mounted internally to the shop windows.* • *Avoid tinted, opaque or high reflectivity glass which obscures views between the public realm and building interior.* *In flood prone areas or on sloping sites, a direct connection should be established at grade to usable space within ground level tenancies, with level transitions contained within the building envelope.* *In flood prone areas, transitions in floor levels should not rely on external stairs, ramps or platform lifts which disconnect interior spaces from the public realm.*

Assessment

The mandatory requirement for at least 80 per cent of the street level interfaces at the ground floor to be entries or windows does not apply to the subject site because it is not in a Special Character Area. Notwithstanding, the approximately 80% of the combined length of the ground level interfaces of the proposed building to streets and laneways are an entry or window (excluding vehicle entry).

The proposed development represents a significant improvement to the existing public realm and will provide a public interface that will contribute to the use, activity, safety and interest of the public realm.

The ground plane has extensive clear double glazing along pedestrian frontages that provide clear sightlines into the building lobby. As noted above, to further improve activation, a recommended condition will require the sides of the retail tenancies to have an improved permeability and engagement with the Flinders Lane.

Façade projections and balconies that: *Do not adversely impact the levels of daylight or views to the sky from a street or laneway. Do not obstruct the service functions of a street or laneway through adequate clearance heights Add activity the public realm From part of a cohesive architectural response to the public realm.*	*Upper level projections and canopies should allow for the growth of existing and planned street trees.* *Upper level projections such as juliet balconies, adjustable screens or windows, cornices or other architectural features may project into streets or laneways:* • *On main streets up to 600 mm.* • *On streets and laneways up to 300 mm.* • *On main streets, balconies associated with an active commercial use may project up to 1.6 metres from the facade or 800 mm from the back of kerb.* *Balcony projections should be at least 5 metres above any public space measured from ground level. Development should not include enclosed balconies or habitable floor space projecting over the public realm. Ensure that public realm projections (excluding canopies) at the upper levels do not extend the full width of a building frontage.*

Assessment

There are no upper-level projections proposed over Flinders Lane or the adjoining laneway. All projections occur within the boundaries of the subject site and the variation and articulation of the building mass is all contained within the title boundary. A condition is recommended by the Council and supported by DTP requiring the architectural fin structures encroaching beyond the facades of the building dimensioned to be no more than 300 mm.

Weather protection that: *Delivers pedestrian comfort in the public realm and protection from rain, wind and summer sun. Uses canopies that are functional, of high-quality design, and contribute to the human scale of the street.*	*Development should include continuous weather protection along main streets except where a heritage place warrants an alternative approach. Weather protection canopies should:* • *Be between 3.5 metres and 5 metres above ground measured to the underside of the soffit.* • *Provide for exposure to winter sun and shelter from summer sun.* • *Not enclose more than one third of the width of a laneway.* • *Display a high design standard including material selection in the appearance of the soffit and fascia.*

Assessment

Flinders Lane is not a ‘main street’ as it is not more than 20 metres wide. The semi-enclosed double height entrance delivers pedestrian comfort in the public realm and protection from rain and wind. DTP agrees with the Council that based on the varied

context of Flinders Lane, the lack of weather protection proposed over the adjoining footpath is an acceptable design outcome.

Design Detail - *Design Detail refers to the resolution of a contextually responsive building exterior that contributes to the quality of the public realm through its expression, materials and finishes.*	
Exterior design that:	
Establishes a positive relationship between the appearance of new development and valued characteristics of its context. Is visually interesting when viewed up close and from a distance. Responds to the distance at which the building is viewed and experience from the public realm in the selection, scale and quality of design elements. Incorporates sufficient design detail in the lower levels of a building to deliver a visually rich and engaging pedestrian experience. Delivers high quality design on all visible sides of a building including rooftops, where visible from the public realm. At the ground level interface, provides visual connection between the public realm and interior spaces.	*Facades should provide for depth and a balance of light and shadow on the street wall and upper levels through the use of balconies, integrated shading, rebates or expression of structural elements. Street wall facades should avoid a predominately glazed appearance. Street wall facades should establish a balance of transparency and solidity. Facades should avoid the use of surfaces which cause unacceptable glare to the public realm Materials should be durable, robust and low maintenance in the higher parts of a building. Blank walls that are visible from the public realm should be designed as an integrated component of the building composition.* *Materials should be natural, tactile and visually interesting at the lower levels near the public interface to reinforce a human scale. Ground level interfaces including shopfronts should provide thickness, depth and articulation and avoid long expanses of floor to ceiling glazing. Materials and finishes such as painted concrete or ventilation louvres should be avoided at the lower levels where they undermine the visually rich, tactile quality of streets and laneways. Service cabinets should not visually dominate street frontages and should use high quality materials.*

Assessment

As discussed throughout this report, the design detail of the proposed development has been the subject of extensive review as part of the VDRP process and through the course of the application between the applicant and Hassell Architects, DTP (including DTP's Principal Urban Designer) and the Council.

The proposed building design is of high architectural quality, positively responds to the valued characteristics of its context and is visual interesting when viewed at a close distance and from a distance. The podium 'belt' and two tower elements are distinct from one another whilst providing a scale and quality of design elements that will make a positive contribution to Flinders Lane and the city skyline.

The design detail in the lower levels of the building deliver a visually rich and engaging pedestrian experience. At the ground level interface, provides visual connection between the public realm and interior spaces. The proposal delivers a high-quality design on all visible sides of the building which can be viewed in the round and from the public realm.

The design detail of the proposal is supported by the VDRP, DTP and Council's City Design department as it provides for a high quality and engaging street wall response, providing texture, depth, shadow, relief and modulation. The varied facades provide for depth and a balance of light and shadow on the street wall and upper levels through the use of integrated shading, depth, rebates and expression of high-quality materials. Materials at the lower levels are visually interesting and reinforce the human scale.

The Council recommended further refinement of the exposed partially blank eastern wall of the building to ensure it is appropriately treated to deliver an attractive building form as viewed from Flinders Lane. DTP supports this recommendation in principle and includes a condition to this effect.

All services are located to the rear of the building to provide continuous activation along the frontage to Flinders Lane and are not visible from the public realm.

These matters are further discussed under 'Façade design and materiality' section below.

Response to DD10 design requirements

128. The built form outcome is also guided by the requirements of the DDO10. The DDO10 sets out built form requirements to ensure new development is of a high quality and respects the built form outcomes sought for the Central City. Public realm impacts such as wind and shadowing are also considered. The proposal has been considered against the relevant provisions of the DDO10 below and is an acceptable outcome.

129. A detailed assessment is provided in the table below:

Preferred Requirement	Modified Requirement	Built Form Outcomes
Design Element – Street Wall Height		

Up to 20 metres	*The street wall height must be no greater than:*
	• *40 metres; or*
	• *80 metres where it:*
	  ○ *defines a street corner where at least one street is a main street and the 80 metre high street wall should not extend more than 25 metres along each street frontage, and/or*
	  ○ *fronts a public space including any road reserve wider than 80 metres*.
		Street wall height is scaled to ensure:
		• *a human scale.*
		• *an appropriate level of street enclosure having regard to the width of the street with lower street wall heights to narrower streets.*
		• *consistency with the prevalent parapet height of adjoining buildings.*
		• *height that respects the scale of adjoining heritage places.*
		• *adequate opportunity for daylight, sunlight and skyviews in the street.*
		• *definition of main street corners and/or public space where there are no significant impacts on the amenity of public spaces.*
		• *maintenance of the prevailing street wall height and vertical rhythm on the street.*

Complies with modified requirement

The proposed street wall height is 32.55 metres which is compliant with the modified requirement, which allows up to 40 metres.

The proposed street wall height achieves the built form outcomes outlined above, as the street wall is scaled to ensure a human scale, has a parapet which is at a height that responds to the rhythm of Flinders Lane including the prevailing existing and approved parapet heights, which generally increase in height from Spencer Street to King Street.

The proposed street wall is visually textured, does not unreasonably impact on sunlight to Flinders Lane, does not result in any unreasonable amenity impact from overshadowing in the public realm (as discussed in the following sections of this report), and would not significantly restrict views to the sky given the larger buildings which surround the site.

Preferred Requirement	Modified Requirement	Built Form Outcomes
Design Element – Building setback(s) above street wall		
Above the street wall, towers and additions should be setback 10 metres from the title boundary.	*Above the street wall, towers must be setback a minimum of 5 metres from the title boundary.*	*Towers and additions are setback to ensure:* • *large buildings do not visually dominate the street or public space.* • *the prevalent street wall scale is maintained.* • *overshadowing and wind impacts are mitigated.* • *The tower or addition includes a distinctly different form or architectural expression.*

Complies with modified requirement

Above the street wall, the proposed tower is setback a minimum of 5 metres from the Flinders Lane title boundary (with the exception of allowable encroachments up to 300 mm) which is compliant with the modified requirement.

The tower is visually distinct from the podium form, presenting strong vertical elements, a central rebate (to be increased in depth by

recommended conditions) and materials which differ in form and architectural expression to the podium. The setbacks provide adequate physical and visual relief to the public realm. The height and setback of the tower is consistent with the prevailing heights of street walls and buildings along Flinders Lane.

The tower includes 300 mm 'fin' structures (as depicted on the Town Planning Report prepared by Hassell Architects) to the facades which are an allowable encroachment into the setbacks under the DDO10. Council recommended these be dimensioned on the plans and be no more than 300 mm in depth from the facades which is supported by DTP.

As discussed in the following sections of this report, the tower does not result in unreasonable amenity impacts (such as overshadowing and wind).

Design Element – Building setbacks from side boundaries and rear boundaries (or from the centre line of an adjoining laneway) and tower separation within a site		
Above the street wall or 40 metres (where there is no street wall), towers and additions should be setback a minimum of 5 metres or 6% of the total building height whichever is greater.	***80 metres in height:*** *Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres.* *Towers and additions of no more than 80 metres in height may be constructed up to one side or rear boundary, excluding a laneway, if an existing, approved, proposed or potential building on an adjoining site is built to that boundary and if a minimum setback of 5 metres is met to all other side and rear boundaries and the centre line of any adjoining laneway. Buildings of no more than 80 metres in height, may be constructed to a second side or rear boundary if an adjoining site cannot, by legal restriction benefitting the application site, be developed above the street wall height.* ***Towers exceeding 80 metres in total height:*** *Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres and must meet the design element requirements for tower floorplate.* ***Tower separation within a site:*** *Towers must be separated by a minimum of 10 metres.*	*Towers and additions are designed and spaced to ensure:* • *sun penetration and mitigation of wind impacts at street level.* • *provision of reasonable sunlight, daylight, privacy and outlook from habitable rooms, for both existing and potential developments on adjoining sites.* • *floorplate layout or architectural treatment limits direct overlooking between habitable rooms.* • *buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them.* • *buildings do not visually dominate heritage places and streetscapes, nor significant view lines.*

Complies with modified requirement

As discussed below, the tower is setback a minimum of 5 metres above the street wall and meets the design element requirements for tower floorplate. The tower separation of ten metres is not applicable as one tower is proposed.

As discussed in further detail in the following sections of this report, the difference in façade design and materiality, provides a clear distinction between the podium 'belt' and vertical expression of the tower above. The tower is visually distinct and setback above the street wall and does not result in unreasonable amenity impacts (such as overshadowing and wind) whilst maintaining sunlight penetration.

As described by the OVGA in the VDRP report, the design of the podium façade system, conceptualised as the 'belt' connecting the two rivers above…indicate an ambition for an active and fine grain podium façade system, which was strongly supported. This design approach ensures the building does not appear as a continuous, unbroken wall at street level of from nearby vantage points and creates a varied street wall experience along its broad width (approximately 70 metres) to Flinders Lane.

Design Element – Tower floorplate		
The tower floorplate is determined by the preferred requirement for building setbacks from side and rear boundaries and tower separation within a site, and the modified requirement for building setback(s) above the street wall	*The tower floorplates above the street wall for a tower above 80 metres in height may be adjusted in terms of location and/or shape but must not:* • *Result in an increase in the floorplate area.* • *be situated less than 5 metres from a side or rear boundary (or from the centre line of an adjoining laneway).* • *be less than 5 metres to a street boundary.* • *be less than 10 metres to an adjoining tower on the site.*	*The adjusted floorplate is designed and spaced to:* • *reduce impact on existing and potential neighbours in terms of privacy, outlook, daylight and sunlight access.* • *minimise visual bulk.* • *reduce impact on public spaces, including overshadowing and wind effects and reduced visual dominance.* • *buildings do not visually dominate heritage places and streetscapes, nor significant view lines.* • *buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them.*

Complies with modified requirement

As shown in the building envelope analysis prepared by Hassell, the tower floorplate calculation is compliant with the preferred requirement of the 'building setbacks from side and rear boundaries (or from the centre line of an adjoining laneway)' design element and the modified requirement of the tower floorplate design element as it:

- Does not result in an increase in the floorplate area (less than maximum 1,880 sqm)
- Provides a minimum 5 metre setback above the street wall to Flinders Lane.
- Provides for a maximum floor plate which is an average of 6.921 metre setback to the side and rear boundaries (6 per cent of the total building height of 115.35 m)

The increase in the depth of the central tower recess by 500 mm as discussed above does not alter the compliance with tower floorplate calculation as there is no additional floor area and it does not alter the side and rear setbacks.

The adjusted floor plate is designed and spaced to reduce impacts including visual dominance on surrounding buildings (by shifting the tower closer towards the east private laneway and Flinders Lane whilst maintaining a minimum 5 metres setback). The siting of the tower toward the east boundary will adequately provide for the equitable development of the adjoining sites (and existing buildings) to the east and north (minimum 10 metres building separation) and does not unreasonably reduce privacy, outlook, daylight and sunlight to these buildings which are used for commercial purposes.

Due to the proposed office use, there are no windows or balconies proposed which might unreasonably burden a neighbouring site. As discussed in the following sections of this report, the proposal does not result in any unreasonable overshadowing or wind effects to the public realm.

Subject to a recommended condition requiring the rooftop solar panels to be setback a minimum 3 metres from the façades of the building, the rooftop building services and plant structures achieve a minimum setback of 3 metres which accords with the exception for building height at clause 2.1 of DDO10 which states that the total building height calculation does not include *'…building services setback at least 3.0 metres behind the façade'*. As discussed above, the 300 mm architectural features on the plant are exempt from the setback calculations.

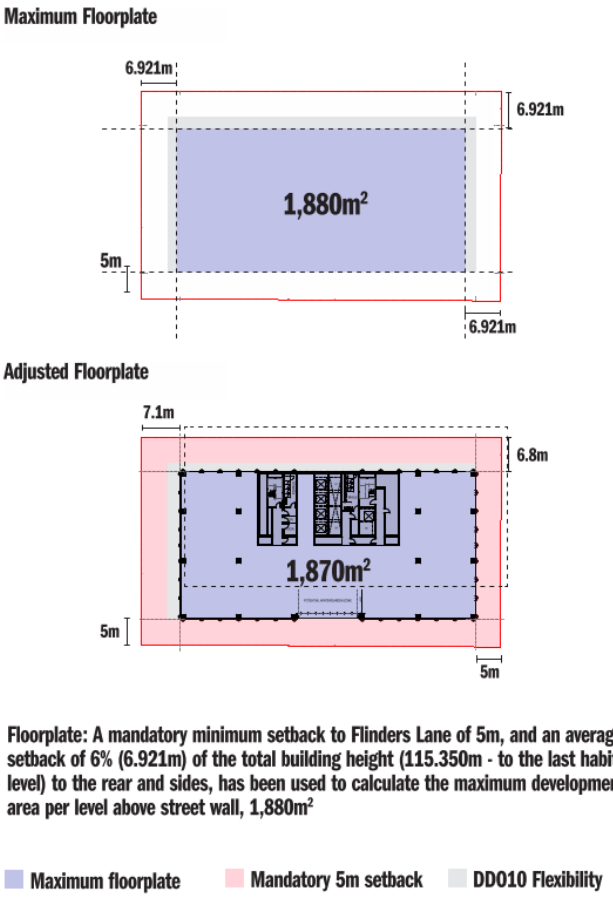


Figure 21 – Maximum vs Adjusted tower floor plate under DDO10 (Source: Hassell Architects)

Façade design and materiality

130. The design, materiality and detailing of the podium and tower facades were the subject of detailed review as part of the VDRP process (pre-lodgement) and several design iterations and workshops between the project team, DTP and the Council during the planning application process.

131. The submitted architectural package prepared by Hassell Architects describes in detail the proposed podium and tower facades which have been informed by advice from the OVGA and other agencies. Refer excerpts below:

Podium Facade

- *The podium design incorporates rotating GRC fins, creating a dynamic element that responds to the desired street scale. Whilst the horizontal edges subtly draws reference to the existing carpark, the vertical blades enhance the sense of movement and evoke the play of wind across the natural landscape systems that originally were a feature of this area as well as ancient white shell middens of the local Wurundjeri Woi-wurrung people.*

Tower facade

- *The beautifully proportioned twin tower composition reflects the original water systems that were once separated by a waterfall and river crossing.*
- *Drawing inspiration from the ripples of water, the facade showcases a subtle differentiation of colours in the anodised aluminium, a natural outcome of the anodisation process. This not only adds visual interest but also establishes a connection to the fluidity and movement of water. Furthermore, a matte finish is specified to ensure the avoidance of unwanted over reflections.*

- *The integrated columns optimises the floorplate of the workplace and the gridded breakup of the facade not only adds a layer of architectural interest but also serves to frame views at a human scale, ensuring an engaging and immersive experience for occupants. The tower facade is a striking blend of aesthetics, functionality, and a nod to the surrounding natural elements.*

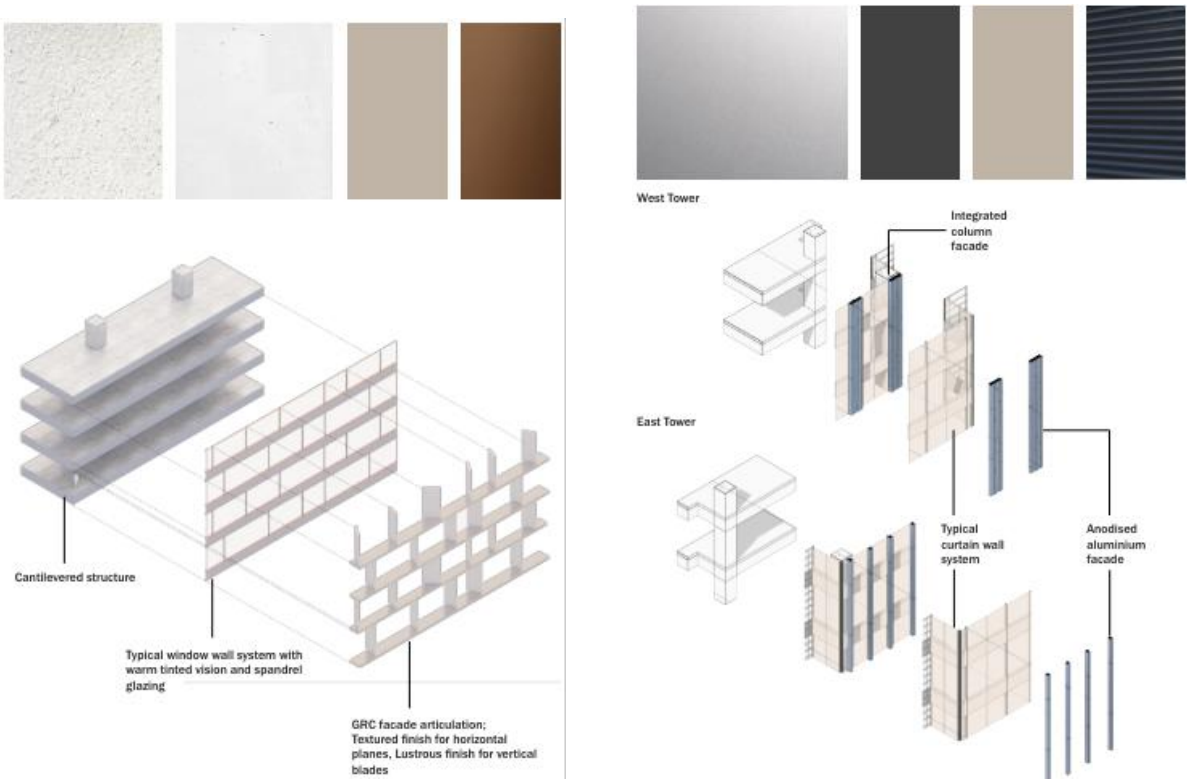


Figure 22 & 23 – Details of podium and tower facades (Source: Hassell Architects)

132. The OVGA in the report following the pre-lodgement VDRP process, highlighted the positive aspects of the proposed design response (in summary):

- *The revised podium façade system, conceptualised as the 'belt' connecting the two rivers…indicate an ambition for an active and fine grain podium façade system, which is strongly supported. The panel agreed the revised podium 'belt' façade has potential for a high quality and engaging street wall response, providing texture, depth, shadow, relief and modulation. As the design progresses, consider opportunities to provide a varied street wall experience along its broad width.*
- *The tower adopts a curtain wall system and anodised aluminium façade system to conceptually represent the freshwater and saltwater ecosystems either side of the Falls. Consider whether the architectural expression of the tower façade could more clearly reinforce the idea of the two distinct freshwater and saltwater ecosystems.*
- *Conceptually, the roof plant appears to mark the termination of the 'two rivers'. As the design evolves, consider undertaking an analysis of views of the plant from key vantage points within the public realm (including along Flinders Lane and the river corridor) to understand the impact of the roof plant on the overall building composition.*

133. As described in the submitted material, the proposed development has a façade expression that incorporates anodised aluminium and warm tinted glazing throughout the tower form as shown in Figure 22 and 23 above. The expression of the western tower component is designed to reflect salt water to reference the fact that the western part of the Birrarung (Yarra) river connects to the ocean and was originally separated from the freshwater system of the upper Birrarung. The notion of a 'freshwater is reflected on the façade of the eastern tower, with a finer series of vertical ribs that use the same detailing as the wider ribs on the west tower.

134. The integrated columns optimise the floorplate of the workplace and the gridded breakup of the facade adds a layer of visual interest whilst framing views at a human scale, ensuring an engaging and immersive experience for occupants and pedestrians in the public realm.

135. The podium 'belt' design provides a strong contrast of reinforced concrete creating a dynamic element that human scale to Flinders Lane.

136. DTP is satisfied that the latest plans prepared by Hassell have responded to the recommendations from the OVGA (summarised above), DTP and the Council and recommends a condition for a detail façade strategy further expanding on these design principles and structural detailing.

Figure 24 – Schedule of Materials and Finishes (Source: Hassell Architects)

Provision of public benefit

Floor Area Ratio (FAR) and Uplift

137. Clause 15.01-2L-02 (Floor Area Uplift and Delivery of Public Benefits) seeks to ensure that development delivers a commensurate public benefit when Floor Area Uplift is sought. The policy applies to land within the CCZ1 that is also affected by DDO10 such as the subject site.

138. The Public Benefit Contribution made by the proposal has been assessed using the "How to Calculate Floor Area Uplifts and Public Benefits Guidelines" (Guidelines). The Public Benefit Contribution provided is categorised within the Guidelines as a 'Strategically Justified Use', under which 'office' land use is specifically identified.

139. The applicable maximum FAR for the area is 18:1 under Clause 15.01-2L-02. The FAR may be exceeded where a public benefit is provided (as calculated and specified in a manner agreed to by the responsible authority). Floor Area Uplift The proposal has a FAR of approximately 19.75:1 with a Floor Area Uplift of 5,582m² sought. The floor area uplift has been calculated in accordance with the Guidelines. The site is located within the 'Spencer' precinct.

140. The submitted planning report by Urbis provides a helpful table showing the Floor Area Uplift calculation. This is also included in the Council's report. The calculations shown in each are supported by DTP.

Floor Area Uplift Calculation	
Base GFA:	3,196m² x 18 = 57,528m²
Proposed GFA (above ground)	63,110m²
Floor Area Ratio	19.75:1
FAU sought	5,582m²
Base data	Spencer, Commercial ($5,000 per m²)
Value of each sqm of FAU	5,000 x 10% = $500 per m²
Total value of FAU	5,582m² x 500 = $2,791,000
Value of public benefit to be provided:	At least $2,791,000
Agreed Public benefit to be provided:	Strategically Justified Use (Office)
Total Value of Public Benefits	Difference b/w residential and commercial uses GRV per sqm in Spencer precinct: ($6,500 – $5,000) = $1,500
Office NLA	40,695m² (excluding third space)
Value of Office in Spencer	40,695m² x $1,500 = $61,042,500
Difference between public benefit provided and public benefit proposed	$61,042,500– $2,791,000= **$58,251,500 excess**

141. As shown in the above assessment, applicant is seeking an uplift of 5,582sqm which equates to $2,791,000 in public benefit. As 'office' is valued at $1,500 per square metre, this equates to 1,861m2 of leasable floor area. On the basis of these calculations, in accordance with clause 15.01-2L-02 and the guidance within the Guidelines Document, the Council recommended a condition which requires an agreement under section 173 of the Act to be registered on title requiring the provision of office to meet or exceed the uplift required to be secured for a minimum of ten years.

142. The applicant has proposed that the entirety of level three of the building be subject to this section 173 condition. This is appropriate and acceptable as the floor area of Level 3 exceeds 1,861m2 and is a level of the podium that achieves engagement with Flinders Lane. DTP supports the inclusion of a Section 173 condition as proposed by the Council.

143. As the development provides a public benefit in excess of $58,251,500 over the Floor Area Uplift required it is consistent with the policy at Clause 15.01-2L-02.

Amenity and Microclimate

Amenity Impacts (internal and offsite)

144. The subject site is generally surrounding by commercial development and not impact sensitive uses.

145. The CCZ1 includes a decision guideline requiring consideration of the existing and future use and amenity of the land and the locality. The proposed setbacks are considered sufficient to respect the amenity of adjoining towers noting the central city context of the site.

Overshadowing

146. Clause 2.3 of the DDO10 considers shadow impacts to public parks and key areas within the City of Melbourne municipality. The following protected areas are relevant to consider for the proposed development:

- A permit must not be granted for buildings and works which would cast any additional shadow on the Yarra River corridor, including 15 metres from the edge of the north bank of the river to the south bank of the river during the following times: 11:00am to 2:00pm on 22 June.

- A permit must not be granted for buildings and works which would cast any additional shadow on Batman Park, unless the overshadowing will not unreasonably prejudice the amenity of the space during the following times: 11:00am to 2:00pm on 22 April to 22 September.

- *Whether the cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale and microclimate conditions including overshadowing and wind impacts.*

147. The Decision Guidelines of the DDO10 also include:

- *Whether the cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale and microclimate conditions including overshadowing and wind impacts.*

148.

149. The submitted architectural package by Hassell Architects includes a detail shadow analysis of the proposed development within the parameters outlined in the DDO10. The shadow analysis shows that the shadow cast by the proposed building are greatest at 2pm on the 22 June as shown in Figure 25 below.

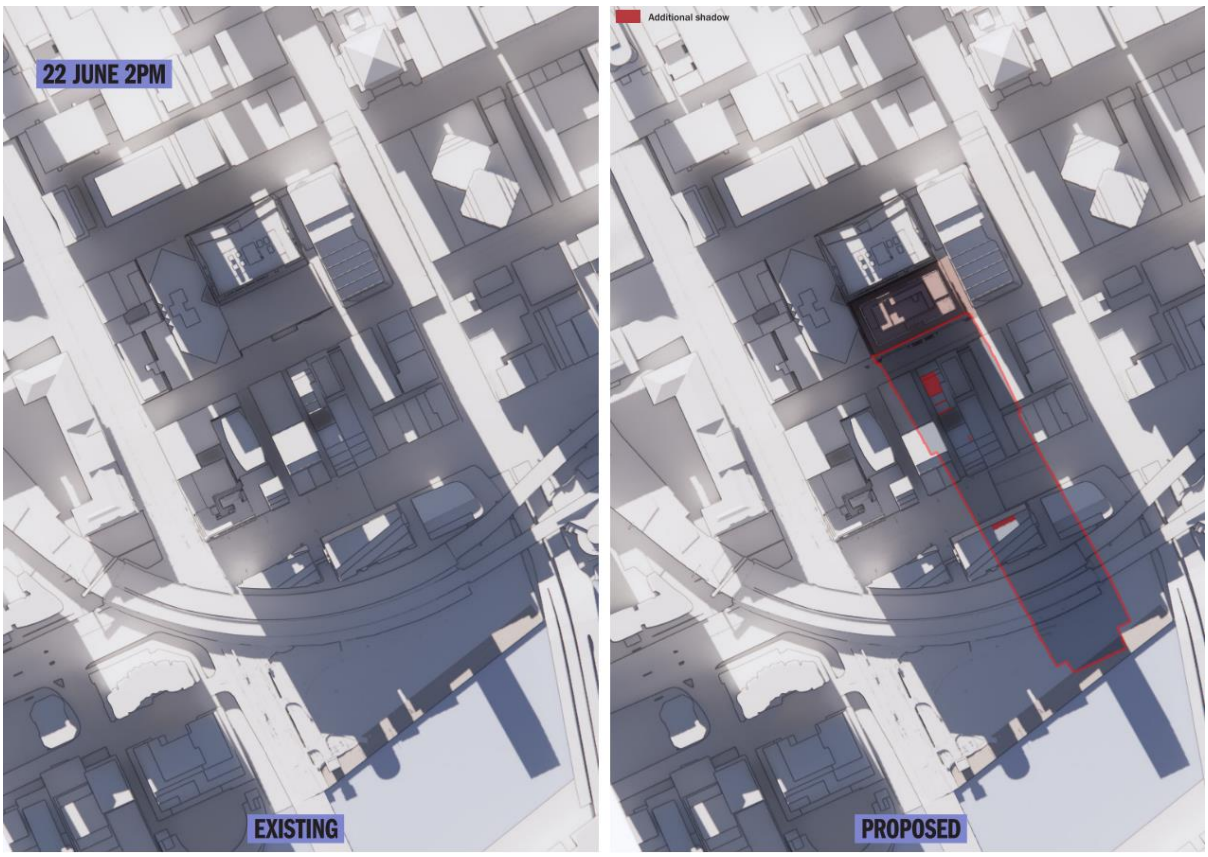


Figure 15 – Applicant submitted shadow diagrams at 2pm on 22 June (Source: Hassell Architects)

150. DTP's 3D Visualisation team provided a review of the submitted shadow diagrams and prepared a shadow analysis. The shadow analysis which shows that there is a period of up to 30 minutes which occurs on June 22 (the winter solstice, being the greatest extent of shadows between 22 April and 22 September). The Council in their assessment indicated that this results in a maximum of approximately 98 sqm of additional shadows being cast (or 0.69 per cent of the total Batman Park area).

151. Batman Park is otherwise free from shadow between the applicable dates of 22 April to 22 September. The impact of this additional shadow on 22 June does not unreasonably prejudice the amenity of the space and is considered acceptable by DTP and the Council.

152. In regard to the protection of the Yarra River corridor, all additional proposed shadow between 11:00am to 2:00pm on 22 June falls within the shadows of existing buildings as demonstrated in Figure 26 below (shadows cast by approved buildings which have not commenced are also shown for completeness although these are not relevant to the consideration). The mandatory requirements under the DDO10 which seek to prevent additional shadows to the Yarra River corridor are therefore met.

153. Where there are additional shadows cast this occurs in close proximity to shadows cast by existing buildings and is generally indiscernible due to short period of 30 minutes where the additional shadow extends past the shadows of existing building and potential buildings (i.e. approved developments)

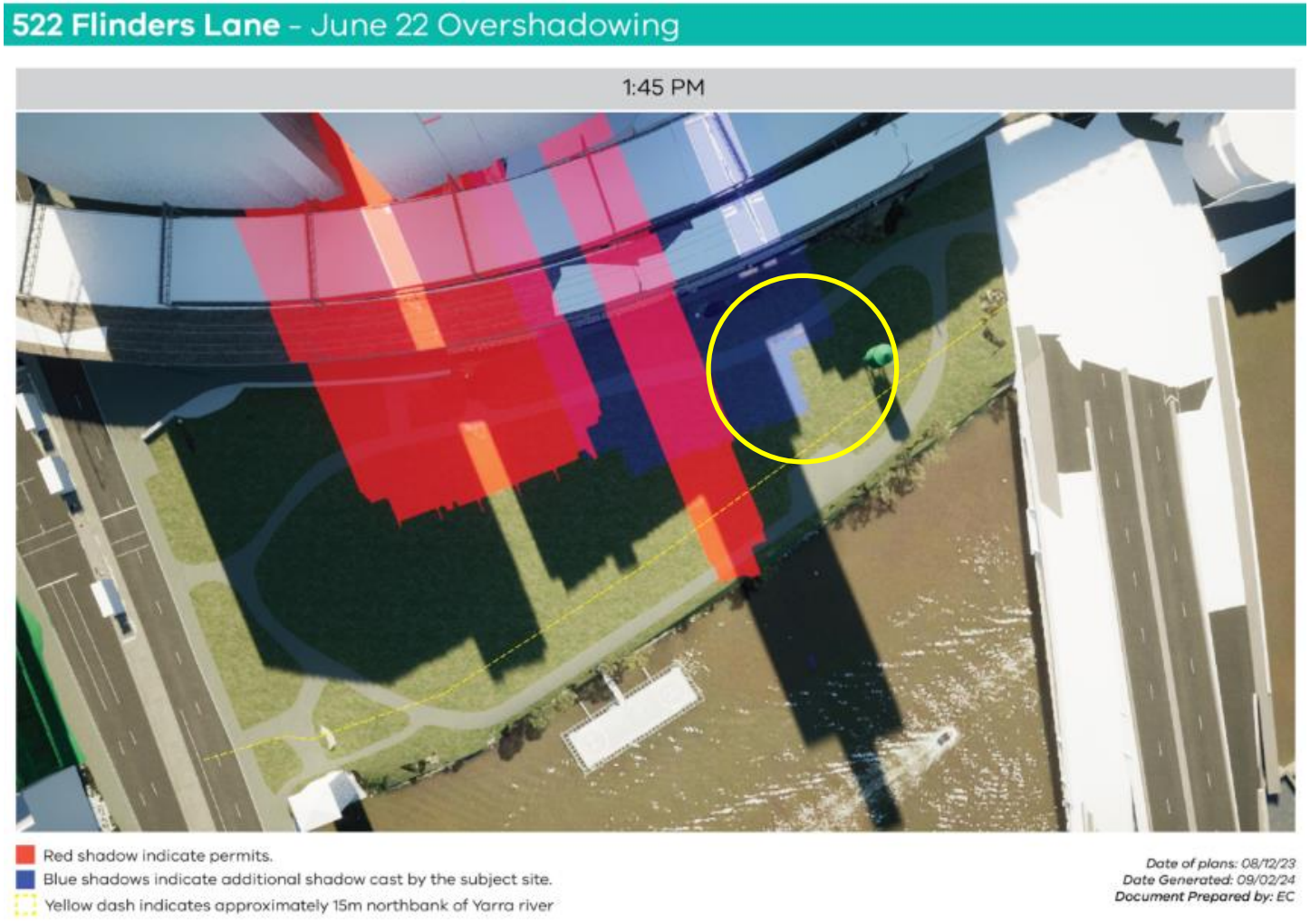


Figure 26 - Shadow analysis prepared by DTP's 3D visualisation team showing time where additional shadows occur (1:45pm on 22 June)

Wind

154. Clause 2.3 and 2.5 of the DDO10 requires the consideration of wind impacts to publicly accessible areas surrounding the proposed building. The application was supported by a Wind Impact Assessment prepared by MEL Consultants, dated March 2023. The report confirms that a wind tunnel study has been conducted on a 1/400 scale model of the proposed development.

155. The model of the development within surrounding buildings, was tested in a simulated upstream boundary layer of the natural wind to determine likely environmental wind conditions. These wind conditions have been related to the freestream mean wind speed at a reference height of 300m and compared with criteria developed for the Melbourne region as a function of wind direction.

156. For the Proposed Configuration, the wind conditions for all Test Locations in the streetscapes surrounding of the development have been shown to satisfy the walking comfort criterion, with many Test Locations satisfying the stationary comfort criteria. The wind conditions at the main entrance of the development on Flinders Lane have been shown to satisfy the sitting comfort criterion, achieving the suggested standing comfort criterion.

157. The wind conditions on the upper level terraces at Level 3, 8 and 27 have been shown to satisfy the standing comfort criterion, with conditions at most Test Locations achieving the sitting comfort criterion. The wind conditions at all measured Test Locations have been shown to satisfy the Standard DDO10 safety criterion.

158. The report also confirms that there are no wind mitigation design methods required on the building to achieve these objectives.

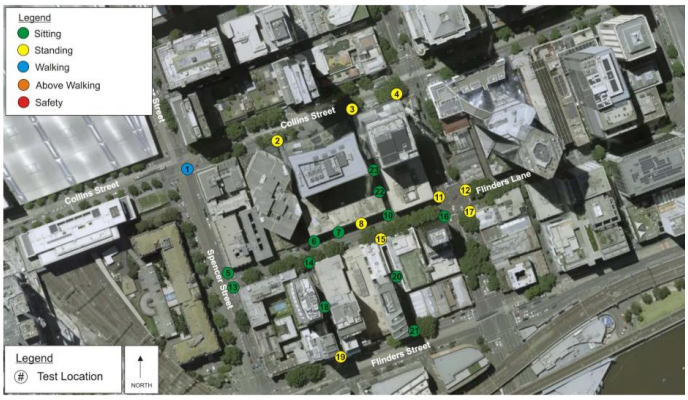


Figure 27 Existing wind conditions

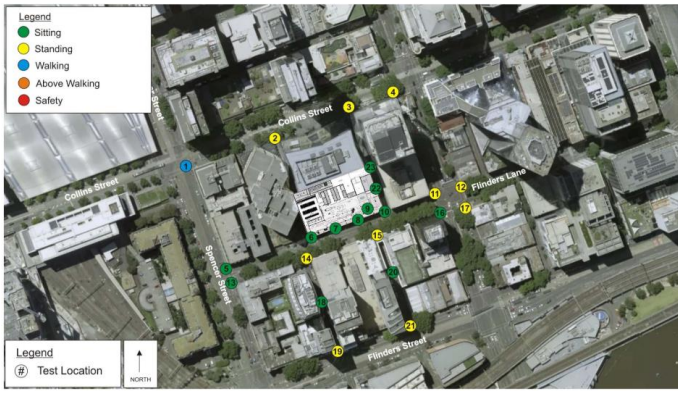


Figure 8 proposed wind conditions

159. Mel Consultants provides a supplementary memo dated June 2023 in response to amendments to the design of the building, after the original wind tunnel study occurred. The memo noted that changes to the built form of the development not significantly alter conditions from a pedestrian wind effects perspective. Furthermore, the wind tunnel study demonstrated the proposed development is well shielded from prevailing wind directions, hence had little significant impact in the pedestrian level wind comfort conditions in the surrounding streetscapes.

160. Mel Consultants concluded that the wind conditions in the surrounding streetscapes for the revised design would be the same those in the original report dated March 2303. Mel Consultants stated that the amended design did not require any additional analysis or wind tunnel model testing from an environmental wind conditions perspective.

161. Notwithstanding this, DTP and the Council recommend that an amended wind study, or an addendum to the wind study be prepared that assesses the approved built form with any changes required by the recommended permit conditions.

162. Overall, it has been demonstrated that the proposal meets the DDO10 and planning policy (Clause 11.03-6L-09) which seeks to ensure development minimises the adverse effects of wind and provides wind protection to public open spaces.

Noise

163. The Acoustic Report prepared by Resonate (Revision A, dated 27 June 2023) details the acoustic requirements and indicative concept design recommendations in respect to the proposed design. Reviewed against the relevant EPA guidelines, the report provides noise mitigation strategies to control mechanical noise emissions from the development, which include detailed design of mechanical plants and consideration of acoustic treatments for plant rooms, enclosures, and ventilation paths. The report finds that incorporation of the above treatments will ensure noise emissions are compliant with relevant environmental noise policy.

164. A condition is recommended in the permit requiring the report to be updated to reflect any changes to the design as a consequence of any conditions and be generally in accordance with the 'Acoustic Town Planning Report' prepared by Resonate.

Glare

165. The Council requested an assessment of reflected sunlight glare, following the guidance provided in P*lanning Practice Note 96*. The applicant provided a response by ARUP dated 13 December 2023, in which Arup noted there are familiar with PPN 96, having worked with DTP in identifying and responding to reflected glare risks and assisting with drafting the PPN.

166. ARUP stated that at this stage of the proposed development, a reflected glare assessment has not yet been completed at this stage however would work with the design team to perform the required assessment, identify any relevant reflected glare risks, and to effectively mitigate any identified risks.

167. Following completion of the reflected glare assessment, it is anticipated that reflected glare risks will have been identified and mitigated. Glass specification, arrangement and relationship with orientation, built form, shading and surrounds will all be considered to avoid reflected glare risks. Cladding and finishes other than glass will avoid polished finishes where these may create reflected glare risks.

168. DTP is satisfied that these matters can be addressed by the recommended permit conditions requiring a glare assessment is undertaken and any mitigation measures incorporated into the design.

Landscaping

169. The submitted landscape concept plan prepared by Hassell Architects shows landscaping and 'green space' treatment proposed across multiple spaces on the building to improve its permeability and sense of place.

170. At ground level (as shown in Figure 29), the concept shows a new landscaping treatment is proposed with a fern garden at the lobby entrance and Australian Blackwood trees along the pedestrian footpath. Further planting is also included on the upper ground level within a planter box, which will include shade-tolerant plants. The plans also show an upper ground 'roof top' garden located along the southern balcony. It is noted that the Council recommended deletion of works (i.e. blackwood trees) outside the title boundary, with these details to be resolved through separate discussions with the permit holder.

171. Capping the podium (as shown in Figure 30), Level 7 will feature a terrace which will have various planting shifting from evergreen fern topology to a mixture of native species. Small accessible nooks provide areas for relief whilst stepping stones connect these zones through a series of mounds and depressions within the landscape. The curated selection of plant species, with particular consideration around orientation and shading will respond to the Melbourne climate.

172. The plans also show the optional integration of a wintergarden zones across different floors will allow tenants an opportunity to have direct access to outdoor spaces and enjoy the benefits of natural light and fresh air. Whilst DTP supports wintergardens in principle (for the reasons outlined above) no details have been provided and therefore should wintergardens be proposed in the future, the permit holder has the option of seeking a formal amendment to the plans. DTP and the Council therefore recommend deletion of these indicative notations from the plans.

173. DTP is satisfied that the planting design approach includes contextually appropriate planting, reduction to urban heat island effect, integration with architecture, and provision for biodiversity.

174. Indicative materials are generally shown to be of a quality and tactile nature include bluestone paving to the council design standards, granite paving and seating, streetscape rain garden and informal furniture.

175. The proposal responds to Clauses 15.01-1S and 15.01-2S which seek to ensure that development provides landscaping that enhances the built form, supports the amenity, attractiveness and safety of the public realm and supports cooling and greening of urban areas.

176. The council has recommended conditions relating to the provision of a Landscape Plan generally in accordance with the submitted landscape concepts and a Tree Protection Plan (TPP). DTP supports the inclusion of conditions addressing these matters in the permit.

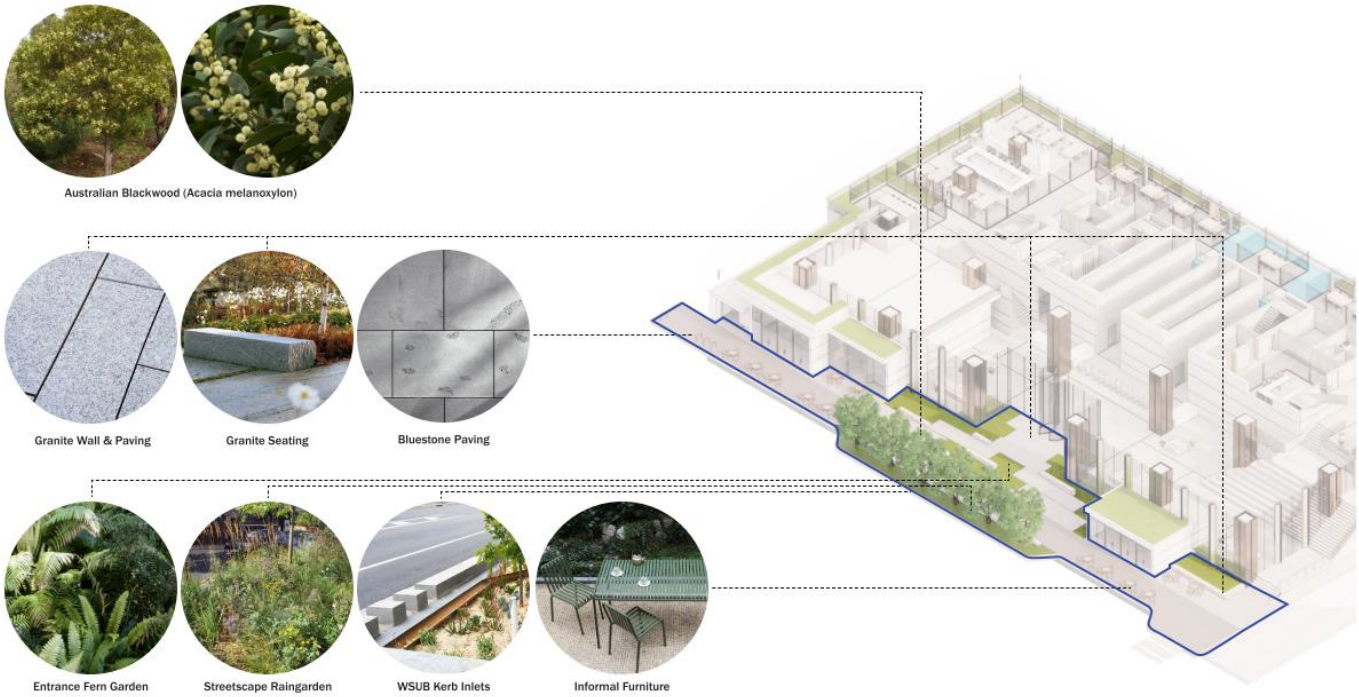


Figure 29: Ground plane landscaping and finishes (Source: Hassell Architects)

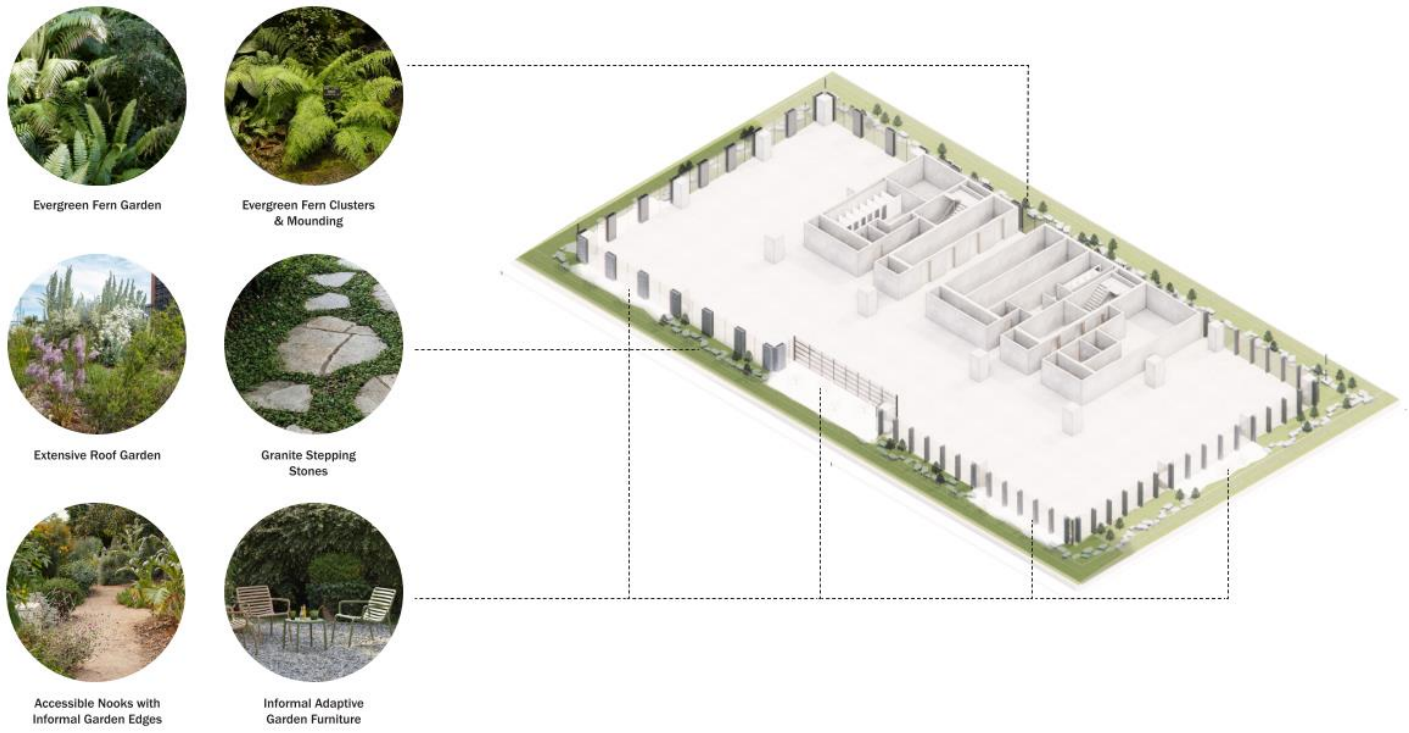


Figure 30: Level 7 terrace landscaping and finishes (Source: Hassell Architects)

Traffic, Parking, Loading, and Waste

Access, Traffic Movement and Circulation

177. The application was supported by a Traffic and Transport Assessment prepared by Impact dated 11 December 2023.

178. Access to the proposed multi-level basement car park for the subject site is planned at the northern site boundary, which connects to the private carriageway easement which also provides car parking and loading access for the office development at 567 Collins Street (to the north) and 555 Collins Street & 55 King Street to the east of the subject site.

179. As part of this approved development to the east, a Shared Zone will be implemented within the carriageway easement / private laneway which is intended to provide equal access for vehicles, pedestrians and cyclists of the subject site and surrounding existing and approved buildings.

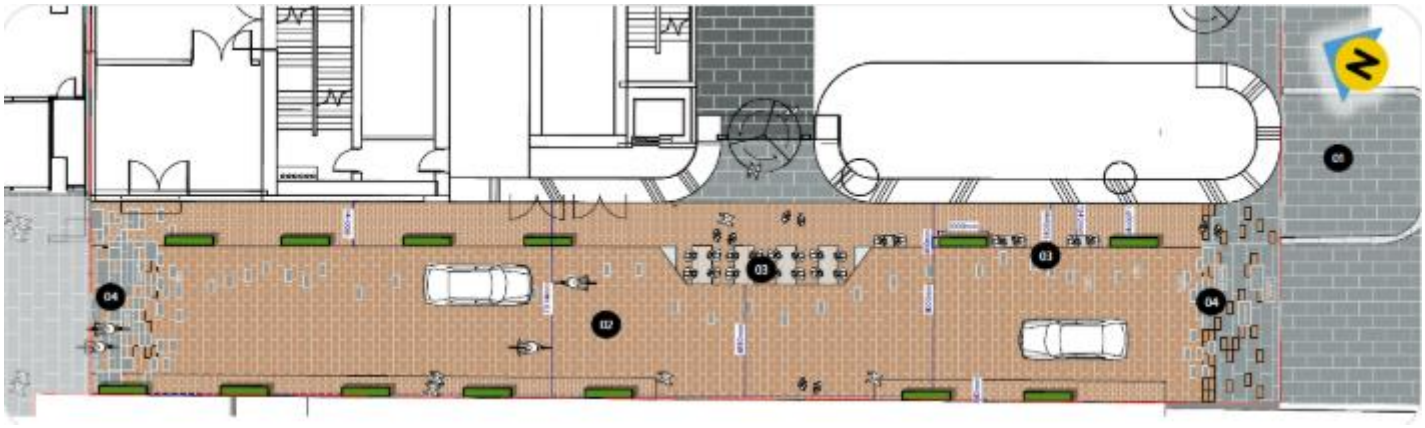


Figure 31: Approved shared zone for the private laneway which forms part of 55 King Street (Source: Cox Architecture)

180. Based on the proposed development, the site is expected to generate up to 34 peak hour movements. This equates to approximately 1 vehicle movement every 1.5 minutes on average.

181. The proposed neighbouring development, 555 Collins Street and 55 King Street is expected to generate up to 59 vehicle movements during the peak period.

182. Superimposing the existing traffic along the Unnamed Laneway (approximately 43 vehicle movements during the peak period) yields approximately 102 vehicle movements without accounting for traffic from the subject site.

183. Notwithstanding, the subject site and neighbouring development is expected to yield a total of 136 vehicle movements. This level of traffic is deemed suitable noting that Shared Zones are generally not acceptable for locations greater than 200 vehicles during the peak period. Accordingly, the traffic generation from the development is not anticipated to have a significant net impact on the performance of the external road network, notably Flinders Lane.

Car parking

184. The existing building occupying the site is to be demolished, and in its place, a multi-storey commercial office building with ancillary retail constructed. The new building will accommodate: Office 40,695 sqm NLA Third Space 688 sqm NLA Retail 210 sqm NLA.

185. As noted in the earlier sections of this report the Parking Overlay Schedule 1 (PO1) specifies the parking requirements for developments within the 'Capital City Zone - Outside the Retail Core'. A permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of the schedule.

186. The schedule states: Where no part of the site is used for dwellings the number of car parking spaces must not exceed the number calculated using one of the following formulas:

187. Where no part of the site is used for dwellings the number of car parking spaces must not exceed the number calculated using one of the following formulas:

Maximum spaces:

= 5 x net floor area of buildings on the site in sqm / 1000 sqm

OR

= 12 x site area in sqm / 1000 sqm

188. Application of the above rates to the proposed development results in a maximum parking provision of 203 spaces based on the proposed NLA.

189. A total of 68 car parking spaces are proposed as part of the development which is well below the maximum under the PO1 and therefore supported by DTP and the Council.

190. The proposal provides for 12 motorcycle space which exceeds the minimum.

191. The proposed car park and accessways have been assessed and determined to have satisfied the relevant design guidelines.

192. The Transport Engineering department does not object to the proposal and makes the following comments:

- Encourages more motorcycle spaces.
- The visitor bicycle spaces within the development must be easily accessible to visitors.
- A Loading Management Plan (LMP) is required.
- Objects to any changes to on-street car parking as part of a planning permit application.

193. These matters are either already addressed by the proposed development (for example the proposal exceeds the motorcycle requirements of the PO1 and visitor bicycle spaces are easily accessible via bicycle hoops in the setback to Flinders Lane) or will be addressed by the recommended permit conditions.

Bicycle Facilities

194. As outlined in the traffic report, the purpose of Clause 52.34 (Bicycle Facilities) is to encourage cycling as a mode of transport, and provide secure, accessible, and convenient bicycle parking spaces and associated shower and change facilities.

195. Clause 52.34-5 specifies the bicycle parking provision requirements for the different proposed uses as follows:

Table 1 to Clause 52.34-5 Bicycle spaces

Use	Employee/Resident	Visitor/Shopper/Student
Office other than specified in this table	1 to each 300 sq m of net floor area if the net floor area exceeds 1000 sq m	1 to each 1000 sq m of net floor area if the net floor area exceeds 1000 sq m
Retail premises other than specified in this table	1 to each 300 sq m of leasable floor area	1 to each 500 sq m of leasable floor area

196. Based on the above, the office development with ancillary retail has a requirement to provide the following:

Proposed Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
Office	Employee	1 to each 300m^2 of net floor area	136 spaces	374 Employee spaces
	Visitor	1 to each 1000m^2 of net floor area	40 spaces	
Retail	Employee	1 space / 300m^2 of LFA	1 space	
	Customer	1 space / 500m^2 of LFA	0 spaces	40 visitor spaces
Total			**177 spaces**	**414 spaces**

197. Clause 52.34 also requires that where 5 or more employee bicycle spaces are required, that 1 shower should be provided for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter. Application of these rates reveals a requirement to provide 14 showers for the proposed development.

198. A secure bicycle storage area and end of trip area is proposed within Basement Level 1 of the development with 374 bicycle spaces (including visitor spaces) in total (all as a mix of horizontal and vertical parking). Further, an additional 26 spaces (at-grade spaces) are proposed along the lower ground level / Flinders Lane.

199. In addition, 23 showers are proposed on the lower ground level of the development. This provision exceeds the requirement and is therefore considered satisfactory.

200. Visitor parking is provided along Flinders Lane/site frontage and within the secure bicycle storage area in a location adjacent to the EOT facilities. A total of at least 40 visitor spaces are provided. This provision comfortably exceeds the required number of visitor spaces and is considered appropriate.

201. The bicycle parking spaces in the form of proprietary bicycle racks which have been designed to satisfy the relevant standards / decision guidelines.

Loading / Unloading

202. Clause 65.01 of the planning scheme requires consideration of the adequacy of loading arrangements for new developments:

- *The responsible authority must consider, as appropriate, the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

203. A dedicated loading bay area is proposed to the north-east of the subject site via the unnamed laneway. This area allows for loading of a 6.4m and 8.8m service vehicle/waste vehicles, in addition to direct access to the proposed bin storage room.

204. Loading and waste vehicles will utilise the turn-table to prop in a forward / reverse direction into the respective loading bays. For vehicles propping within the MRV bay (southern end of the waste/loading room), a side clearance of 1.1m and a rear clearance of 1.5m is achievable.

205. Further, signage is installed to indicate that the loading/waste area is a shared zone and that vehicles must give-way to pedestrians. To further enhance pedestrian safety, specifically near the turn-table and within the waste/loading area, 'projected safety signages' whereby specific line-marking and digital signage are projected onto the ground via a camera device can also be considered if deemed necessary.

206. Notwithstanding, a Loading Management Plan detailing these specifics will be required by the recommended permit conditions.

Waste

207. A Waste Management Plan (WMP) has been prepared by Leigh Design (dated 14 December 2023) outlining the proposed waste management measurements for the future development and operation of the site. In summary, the report notes:

- The proposal is expected to generate the following waste per week: 33.40 cubic metres of garbage, 29.01 cubic metres of recycling, 4.61 cubic metres of food and 3.88 cubic metres of glass.
- Bin store of 90 square metres located on the lower ground floor. This will include a bin wash down area and 33 square metres of a hard rubbish area which can be used for storage other rubbish items.
- Collection frequency of three times per week by private contractor.
- Access to a dedicated loading bay area via the eastern laneway allowing for loading of 6.4 metre and 8.8 metres waste vehicles.

208. The Waste and Recycling department at Council reviewed the Waste Management Plan prepared by Leigh Design and advised that subject to the inclusion of updated swept path diagrams to reflect the latest plans, the WMP was acceptable.

209. Waste collection will be completed by private contractors from within the loading area (which utilises a turn table system), using an 8.8m Medium Ridge Vehicle. Swept path assessments demonstrate the ability for the MRV to access the loading area and DTP supports the recommendations for the WMP to be endorsed under the permit.

Sustainability

Environmentally Sustainable Design (ESD)

210. Clause 15.01-2L-01 requires an ESD Statement which demonstrates how the development meets the policy objectives and includes a statement from a suitably qualified professional verifying that the building has the preliminary design potential to achieve the relevant required performance measures.

- Office - 5 star rating under the Green Star Office rating tool or equivalent, 3 points for Wat-1 credit under the Green Star Office rating tool or equivalent, and NABERS Office Energy 5 Stars or equivalent.
- Retail – 5 points for Wat-1 credit under the Green Star Retail rating tool or equivalent, 5 star rating under the Green Star Retail Centre rating tool or equivalent.

211. The submitted Sustainable Management Plan (SMP) prepared by ARUP (Revision 3, dated 14 December 2023) notes that Clause 15.01-2L-01 (Energy and Resource Efficiency) has several performance measures pertaining to sustainable building design for this type of building (Office, more than 5,000m2 of gross floor area). The report states that all are being met and exceeded by the proposed development to meet current and emerging expectations for sustainability. The table in the SMP summarises the performance measures and proposed response:

Performance Measures	522 Flinders Lane Response
Overall – 5 star Green Star rating under a current version of Green Star – Office rating tool or equivalent (not certified)	Investa are committed to a 5 star Green Star Buildings v1 rating. It should be recognised that this represents a higher target than the previous 5 star Green Star Design and As-built rating whilst it is also a certified outcome and inclusive of the retail on the ground floor as is a whole building assessment.
Energy Efficiency – NABERS Office Energy 5 star or equivalent	The 522 Flinders Lane development by Investa is targeting a 5.5 star NABERS Energy Base Building rating in operation, consistent with the Property Council of Australia's minimum expectations for new offices. This represents at least a 25% improvement over the required 5 star target.
Water Efficiency – 3 points for Wat-1 credit under a current version of Green Star – Office rating tool or equivalent.	Wat-1 is a ~10 year old Green Star calculator that can no longer be downloaded from the GBCA website but could previously typically be achieved with rainwater harvesting and efficient fixtures and fittings representing a ~20% improvement. The 522 Flinders Lane development is seeking to implement a water treatment system and is targeting 'Credit Achievement' in the new Green Star version which will represent at least a 45% improvement over a reference case, significantly exceeding the 22.19 Water Efficiency performance measures. Additionally, Investa are committed to a 4.5 Star NABERS Base Building Office Water Rating.
Waste Efficiency – A Waste Management Plan	This has been prepared as a separate report and should be referred to. This Waste Management Plan also supports the project's Green Star Waste Strategy requirements so is considered up to date and best practice.

Figure 32: Excerpt from SMP summarising performance measures and proposed response (Source: ARUP)

212. The SMP states the development is targeting at least 57 points, sufficient to achieve a 5 star Green Star rating using the current version of the Green Star rating tool. Further a 5.5 star NABERS Energy Base Building rating is targeted exceeding the 5 star target in the Planning Scheme.

213. Council's ESD officer advised that the development commits to a level of sustainability that meets the objectives of Clauses 15.01-2L-01 and 19.03-3L of the Melbourne Planning Scheme subject to conditions requiring further information. The conditions proposed by the Council are supported by DTP and reflected in the recommended permit conditions.

Water Sensitive Urban Design (WSUD)

214. Clause 53.18 (Stormwater Management in Urban Development) seeks to ensure development meets best practice performance objectives for stormwater retention and reuse, stormwater quality, minimise the impact of chemical pollutants, and contribute to cooling. Applications should describe how the site will be managed prior to and during the construction period.

215. The submitted Stormwater Management and Water Sensitive Urban Design Report prepared by TTW notes that the proposed development consists of a commercial office building. The report references City of Melbourne guidelines on stormwater treatment requirements for such developments.

216. The report states that best practice stormwater management will be achieved via rainwater harvesting tank and stormwater quality device treatment train. A cartridge filter system will be used to meet best practice treatment targets.

217. Pollutants reduction target will be met in accordance with Clause 53.18 Standard W1. The proposed 30kL rainwater harvesting tank will also facilitate the reuse of stormwater for toilet flushing and irrigation purposes which addresses Clause 53.18 Standard W2 improving local habitat.

218. The stormwater management plan will incorporate WSUD measures, including rainwater harvesting tanks and a stormwater quality treatment train with a cartridge-based system. The stormwater drainage network will be designed for a 10% AEP, while the OSD system will be sized for a 1% AEP.

219. The report states that these measures ensure best practices in stormwater management, addressing water quality and flood mitigation effectively in accordance with Melbourne Water and City of Melbourne guidelines.

220. Conditions recommended by the City of Melbourne's City Infrastructure, and Environmentally Sustainable Design officers (including the requirement for a Construction Management Plan) will appropriately manage stormwater runoff from the development in a manner that meets the requirements of Clause 53.18 and are supported by DTP.

221. DTP is satisfied that the development commits to a level of sustainability that meets the objectives of Clause 19.03-3L of the Melbourne Planning Scheme.

Other Matters

Cultural Heritage

222. The Victorian *Aboriginal Heritage Regulations 2018* (regulation 7) require an Aboriginal cultural heritage management plan for a proposed activity, if all or part of the activity area for the activity is an area of cultural heritage sensitivity (not subject to significant ground disturbance) and all or part of the activity is a high impact activity.

223. The subject site is not located within an area of cultural heritage sensitivity and therefore a mandatory Aboriginal cultural heritage management plan under section 46 of the Act is not required.

Engineering

224. Council's internal departments (notably engineering) have not objected to the proposal subject to the inclusion of standard conditions. DTP considers the recommended conditions appropriate as they respond to the relevant engineering provisions of the Planning Scheme and recommended to form part of the permit.

Recommendation

225. The proposal is generally consistent with the relevant planning policies of the Melbourne Planning Scheme and will contribute to the provision of mixed-use development of high architectural quality within the central city.

226. It is recommended that Planning Permit No. **PA2302533** for demolition of a building and construction of a building and carrying out of works at **522-552 Flinders Lane, Melbourne** be issued subject to conditions.

227. It is recommended that the applicant, the Melbourn City Council and the Head, Transport for Victoria be notified of the above in writing.