

s72 Amendment Planning Assessment - Officer Report

PA1900742-2 – 572-574 Lonsdale Street, 248-250 And 256-260 King Street and Gough Alley (Corporation Lane 17), Melbourne



Section 72 Amendment Planning Assessment - Officer Report Development Assessment

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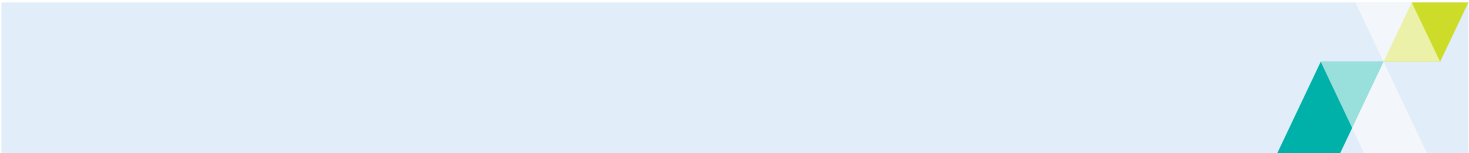
Department
of Transport
and Planning

OFFICIAL

Executive Summary



Key Information	Details								
Permit No:	PA1900742-1								
Permit Allows:	Demolition of buildings, construction of a building and works and alter access to a Road Zone, Category 1, in accordance with the endorsed plans. The approval included the construction of a 21 storey building comprising office (23,948 m ²), retail (591 m ²), 50 car parking spaces and 162 bicycle spaces.								
Status of Permit	The development approved under the Permit has commenced, with demolition having been undertaken on the Site in mid-2022, in part prompted by a fire which occurred on the site.								
Land Address:	572-574 Lonsdale Street, 248-250 and 256-260 King Street and Gough Alley (Corporation Lane 17), Melbourne								
Amendment Received:	14 November 2025								
Statutory Days:	148 days								
Applicant:	572 Lonsdale Street Pty Ltd c/- Tract Consultants								
Planning Scheme:	Melbourne								
s72 Proposal Summary:	Amendments to the permit and plans to change the land use from office to dwellings, with associated built form and design changes								
Development Value:	Approved value: \$110m Amended value: \$190m								
Why is the Minister responsible?	The Minister for Planning is the responsible authority under section 2.0 of the schedule to clause 72.01 of the Melbourne Planning Scheme given the development involves the construction of a new building containing a gross floor area of more than 25,000m ² .								
Planning Controls:	<table> <tr> <td>Clause 37.04</td><td>Capital City Zone – Schedule 1 (Outside the Retail Core)</td></tr> <tr> <td>Clause 43.01</td><td>Heritage Overlay – Schedules HO679 (248-250 King Street, Melbourne) and HO1342 (Former Paramount House, 256-260 King Street, Melbourne)</td></tr> <tr> <td>Clause 43.02</td><td>Design and Development Overlay – Schedules 1 (Urban Design in Central Melbourne) and 10 (General Development Area – Built Form)</td></tr> <tr> <td>Clause 45.09</td><td>Parking Overlay – Schedule 1 (Capital City Zone – Outside the Retail Core)</td></tr> </table>	Clause 37.04	Capital City Zone – Schedule 1 (Outside the Retail Core)	Clause 43.01	Heritage Overlay – Schedules HO679 (248-250 King Street, Melbourne) and HO1342 (Former Paramount House, 256-260 King Street, Melbourne)	Clause 43.02	Design and Development Overlay – Schedules 1 (Urban Design in Central Melbourne) and 10 (General Development Area – Built Form)	Clause 45.09	Parking Overlay – Schedule 1 (Capital City Zone – Outside the Retail Core)
Clause 37.04	Capital City Zone – Schedule 1 (Outside the Retail Core)								
Clause 43.01	Heritage Overlay – Schedules HO679 (248-250 King Street, Melbourne) and HO1342 (Former Paramount House, 256-260 King Street, Melbourne)								
Clause 43.02	Design and Development Overlay – Schedules 1 (Urban Design in Central Melbourne) and 10 (General Development Area – Built Form)								
Clause 45.09	Parking Overlay – Schedule 1 (Capital City Zone – Outside the Retail Core)								
Background Information:	A planning permit was issued on 9 August 2021 for demolition of buildings, construction of a building and works and alter access to a Road Zone, Category 1.								
Planning History:	On 22 October 2021, the permit was corrected to include Gough Alley in the address of the land. On 14 July 2022, plans and reports were endorsed to comply with conditions 1 (Amended Plans), 14 (Façade Strategy), 16 (Wind Report) and 26 (Road Safety Audit). On 22 July 2022, the permit was amended via section 72 of the <i>Planning and Environment Act 1987</i> to modify conditions 5 and 34 (to allow separate endorsement of documents for demolition and construction) and 13 (to remove vehicle access from the Manton Lane extension). On 11 March 2026, the permit completion date was extended by three (3) years and will now expire if the development has not been completed by 9 August 2029.								
Referral Authorities:	Melbourne City Council (s55 – recommending) Head, Transport for Victoria (s55 – determining)								
Public Notice:	It was determined that notice not be given, as the proposed amendments would not result in any additional material detriment to any person. The amendments involve minor changes to the extent								



of demolition and to the built form above the retained Kilkenny Inn building. The built form is generally consistent with the previously approved design (noting the height has increased), particularly in relation to setbacks above the Kilkenny Inn building. As such, notice under the Heritage Overlay is not considered necessary.

Delegates List:	Approval to determine under delegation received on 29 July 2026.
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Recommendation:	The amendments to the permit are recommended for approval.
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1. The key milestones in the application process were as follows:

Milestone	Date
Application lodgement	14 November 2025
Further information requested	3 December 2025
Further information received	3 March 2026
Decision Plans	Architectural plans prepared by Fender Katsalidis, with cover page Revision B and dated 24 February 2026
Other Assessment Documents	Development Summary prepared by Fender Katsalidis and dated 11 November 2025; Urban Context Report prepared by Fender Katsalidis and dated March 2026; Urban Design Response prepared by Fender Katsalidis and dated March 2026; Planning Report prepared by Tract Consultants and dated 10 March 2026; Heritage Impact Statement prepared by Trethowan Heritage and dated 12 November 2025; Heritage Memo prepared by Trethowan Heritage and dated 16 February 2026; Landscape Report prepared by Tract Consultants and dated 23 February 2026; Traffic Impact Assessment Report prepared by WSP and dated 20 February 2026; Sustainability Management Plan prepared by IGS and dated 5 November 2025; Waste Management Plan prepared by WSP and dated 1 April 2026; Pedestrian Wind Environment Study prepared by Windtech and dated 13 February 2026; Arboricultural Impact Assessment prepared by Melbourne Arborist Reports and dated 15 October 2026; Quantity Surveyor Report prepared by Rider Levett Bucknall and dated 11 November 2025; Floor Area Uplift and Public Benefit letter prepared by Jones Lang LaSalle Advisory Services and dated 18 February 2026.

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



Amendments to Plans and Permit

3. The proposal seeks a section 72 amendment to the permit and plans to change the land use from office to dwellings, with associated built form and design changes and associated changes to conditions to reflect the new scheme.
4. The proposal seeks the construction of a 48 storey residential building, plus three levels of basement and rooftop plant.
5. There is no additional demolition of buildings, as previously approved under the existing permit. Significant fabric of the former Kilkenny Inn building will continue to be retained.
6. The ground floor podium has been redesigned to better relate to the existing heritage façade retained on site, with visual breaks and negative spaces surrounding the Kilkenny Inn building.
7. At the mid-podium scale, new corner blocks are proposed in the north-west and south-east corners of the site, in order to provide a clearer distinction between heritage and new built form.
8. The tower form has been redesigned to reflect the new dwelling uses.
9. Materials and finishes have also been altered.

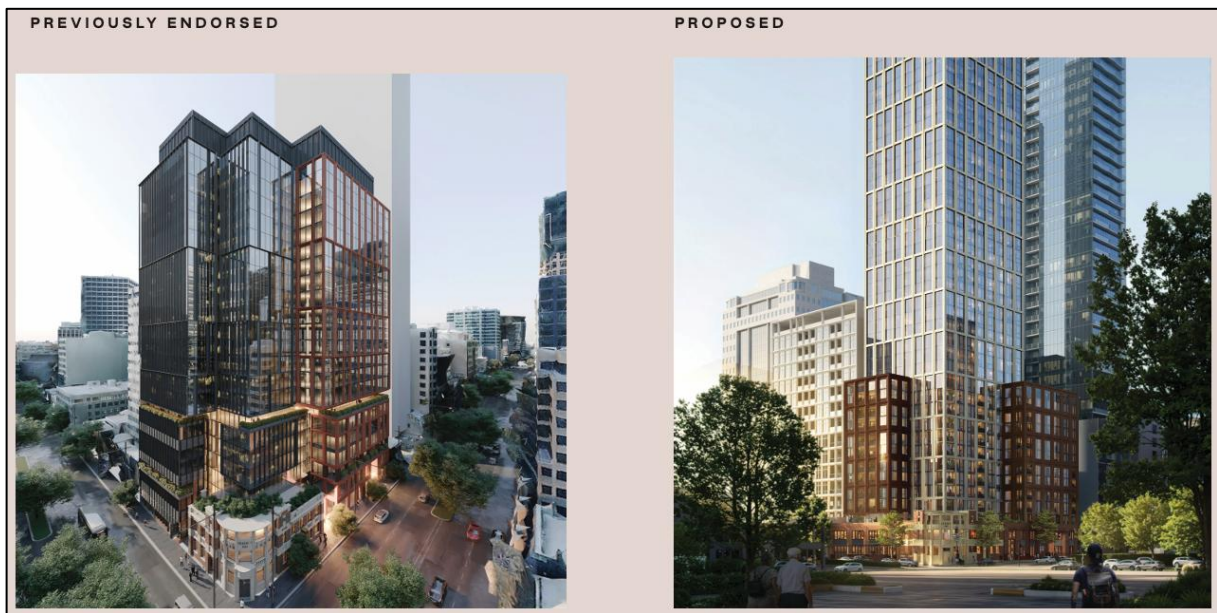


Figure 1: Approved (left) and proposed (right) schemes (Source: Application)

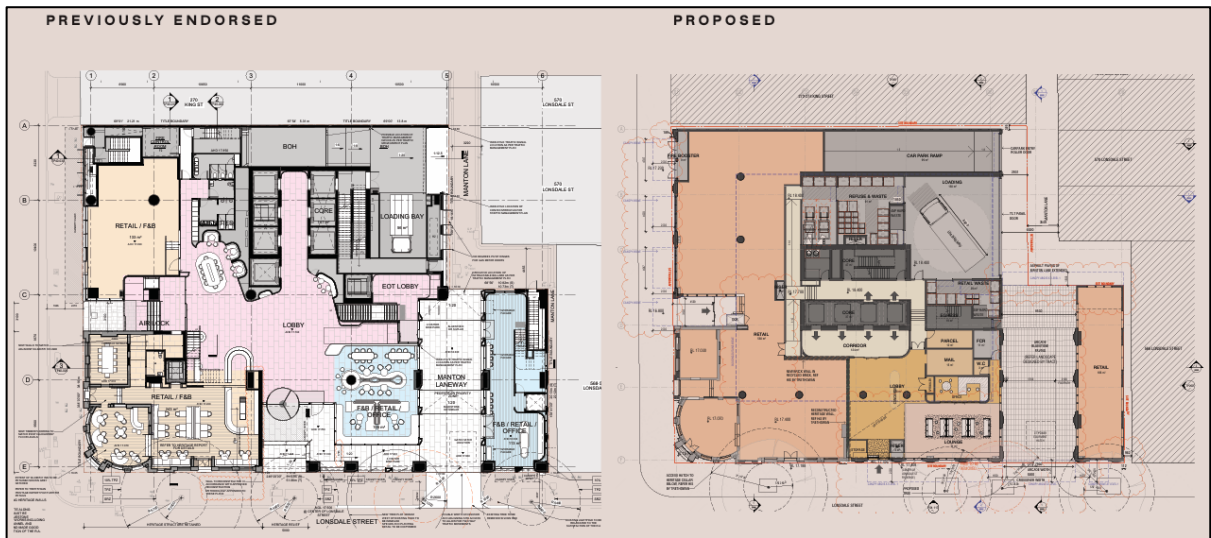


Figure 2: Approved (left) and proposed (right) ground floor plan (Source: Application)



Figure 3: Approved (left) and proposed (right) Lonsdale Street podium (Source: Application)



10. A comparison of the key development metrics is outlined below:

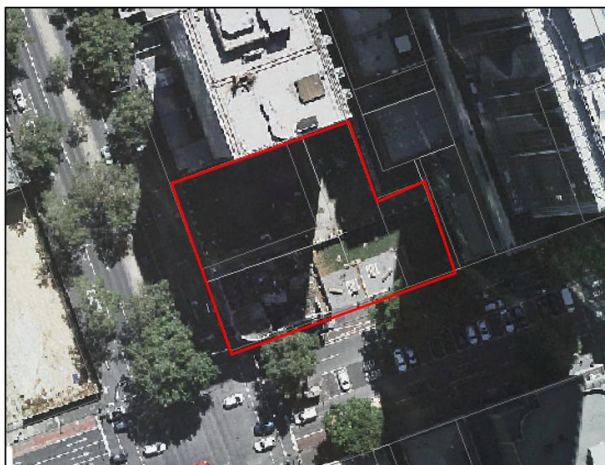
Key Information		Details	
Total Site Area:		1,751 m ²	
	Approved	Proposed	Change
Gross Floor Area:	36,142 m ²	47,458 m ²	+11,316 m ²
Gross Floor Area above ground level:	31,597 m ²	42,251 m ²	+10,654 m ²
Floor Area Ratio:	18:1	24.1:1	+6.1:1
Overall height:	21 storeys	48 storeys	+27 storeys
	80 metres	151.49 metres	+71.49 metres
Podium height:	80 metres	39.39 metres	-40.61 metres
Setbacks:	7 metres from the corner heritage building 5 metres from the centre of Manton Lane (along the east elevation)	7 metres from the western boundary (King Street) 7 metres from the southern boundary (Lonsdale Street) 5.4 metres from the northern boundary 14.8 metres from the eastern boundary 5.63 metres from the centre of Manton Lane (along the east elevation)	Varies
Dwellings:	0	129 x studios (28%) 208 x 1 bed (44%) 120 x 2 bed (26%) 12 x 3 bed (2%) Total: 469 dwellings	+469 dwellings
Office:	23,948 m ²	N/A	-23,948 m ²
Retail:	591 m ²	636 m ²	+45 m ²
Car Parking:	50	74	+25
Bicycle Parking:	162	145	-17
Motorcycle Parking:	11	1	-10

Subject Site and Surrounds



Site Description

11. The subject site is located on the north east corner of Lonsdale Street and King Street, Melbourne. The site is irregular in shape with a frontage to Lonsdale Street of 51.06 metres, a frontage to King Street of 38.16 metres and three frontages to Manton Lane of 18.14 metres, 10.73 metres and 20.12 metres. The overall site area is 1,759 m².
12. The site comprises five lots described as follows:
 - 572 Lonsdale Street comprises two titles formally known as Lot 1 on Registered Plan of Strata Subdivision 002416, Volume 11374 Folio 223 and Lot 2 on Plan of Subdivision 002416, Volume 11374 Folio 224. A carriageway and drainage easement are located along the northern boundary and two light and air easements along the eastern boundary. This site was previously occupied by a two storey office building and has since been demolished.
 - 248-250 King Street is located on the corner of King Street and Lonsdale Street and comprises two titles:
 - The corner building, formally known as Lot 1 on Title Plan 596529M, Volume 03646 Folio 100. No covenants or easements affect this land. The site is occupied by a two storey brick hotel building (the 'Kilkenny Inn'), previously used as a nightclub. It is affected by site specific Heritage Overlay 679 and is identified as significant.
 - The building fronting Lonsdale Street (also known as 576 Lonsdale Street), formally known as Lot 1 on Title Plan 529511M, Volume 06250 Folio 988. This land has 'full free and uninterrupted use privilege and enjoyment through and along' Gough Alley. The site was previously occupied by a two storey building, used as a nightclub accessed via the Kilkenny Inn building and has since been demolished.
 - 256-260 King Street is formally known as Lot 1 on Title Plan 117297J, Volume 09785 Folio 313. This land has a right of carriageway over Gough Alley. This site was previously occupied by a two storey brick former factory and has since been demolished.
 - Gough Alley is a council lane, formally known as Corporation Lane 17. The purchase of this laneway has been negotiated with the Melbourne City Council, subject to the issue of a permit.
 - A section 173 Agreement (AV688554K) is registered on all titles that requires temporary works on the land if the land remains vacant for more than 6 months after demolition. It is noted that this agreement has been acted upon and part of the land has been temporarily landscaped for the purpose of open space.
 - There is one crossover to the site, specifically to Gough Alley along King Street. There is a fall in the land from the north east to the south west of approximately 2.0 metres.



Figures 4: Subject site (Source: VicPlan)

Current site conditions

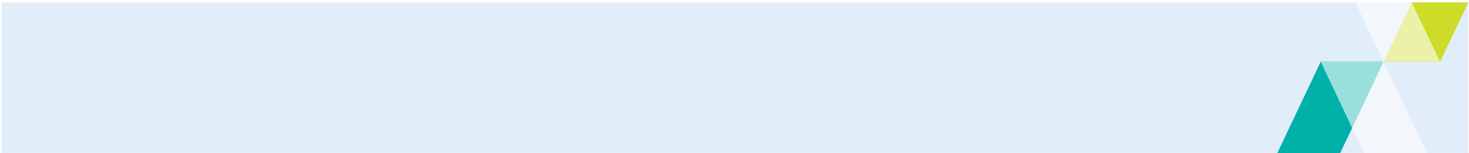
13. The development approved under the Permit has commenced, with demolition having been undertaken on the Site in mid-2022, in part prompted by a fire which occurred on the site.
14. The site is currently vacant and considered an active construction zone, with part demolition having occurred. The façade of the former 'Kilkenny Inn' heritage building is retained at the corner of 248-250 King Street.



Figure 5: Demolition on site has commenced this permit (Source: Planning report by applicant)

Site Surrounds

15. The surrounding development comprises a mixture of small scale 1-3 storey buildings, many of which are heritage buildings, and tower developments. Land uses are varied and include retail, office, nightclub and residential among other uses.
16. The site is located at the intersection of two busy roads with King Street being a Transport Zone 2. It enjoys excellent access to public transport with tram services along Spencer Street, La Trobe Street, William Street and Bourke Street, local and regional train services through Southern Cross Railway Station and a number of bus routes along Lonsdale Street.
17. Development surrounding the site can be described as follows:
 - To the **north** of the site, at 270 King Street, is a 16 storey residential building with a blank wall along most of the common boundary. This building interfaces with 256-260 King Street and part of 248-250 King Street. To the north of 572 Lonsdale Street is Manton Lane, formally known as Corporation Lane 35. This lane runs between Little Lonsdale Street and Lonsdale Street and around the northern and eastern boundaries of 572 Lonsdale Street. It measures approximately 4.0 metres wide from Little Lonsdale Street, approximately 5.0 metres wide when it runs east-west and approximately 1 metre wide along the eastern boundary of 572 Lonsdale Street. To the north and east of the site is 568-570 Lonsdale Street, three co-joined warehouses of single and double storey that extend from Lonsdale Street through to Manton Lane and are used as offices.
 - To the **east** of the site is 568-570 Lonsdale Street as described above. To the east of this building is 560-566 Lonsdale Street, a 59 storey residential building with ground level retail. The podium is built to the boundary with the tower setback 5.0 metres from its western boundary, which includes dwellings orientated to the west.
 - To the **south** of the site is Lonsdale Street, a 30 metre wide road with four lanes of traffic and parking. On the southern side of Lonsdale Street, at the corner of King Street, is a three storey bluestone former warehouse building known as 234-244 King street and 579-585 Lonsdale Street, which is covered by an individual Heritage Overlay 677 and included on the Victorian Heritage Register (Ref No. H66). To the east



of this site is a two storey bluestone former warehouse building known as 573-577 Lonsdale Street, which is covered by an individual Heritage Overlay 721 and included on the Victorian Heritage Register (Ref No. H68). To the east of this site is a 10 storey court and legal office building. The southern side of Lonsdale Street includes a number of laneways and the Merritts Place Reserve located at 22 Brown Alley.

- To the **west** of the site is King Street, a 30 metre wide arterial road (Transport Zone 2) with six lanes of traffic. On the north west corner of Lonsdale and King Streets is 600 Lonsdale Street, vacant land with approval for a 41 storey mixed use building comprising hotel, office and retail (Permit PA1900615 issued by the Minister for Planning). On the south west corner of Lonsdale and King Streets is 239-241 King Street, a two storey brick former bank building, covered by an individual Heritage Overlay 678 and currently used as a nightclub.



Referrals

18. The application was referred to the following groups:

Provision / Clause	Organisation	Date and response received
Clause 66.02-11 Section 55 Referral – Determining)	Head, Transport for Victoria	10 December 2025 No objection, subject to conditions
Capital City Zone – Schedule 1 and the schedule to Clause 66.04 (Section 55 Referral – Recommending)	Melbourne City Council	19 May 2026 No objection, subject to conditions
Internal	DTP Urban Design	29 December 2025 No objection, subject to refinements
Internal	3D Visualisation	19 June 2026

Head, Transport for Victoria

19. On 10 December 2025, Head, Transport for Victoria advised that it does not object to the grant of an amended planning permit, subject to the following conditions:

1. *Unless otherwise agreed in writing with the Head, Transport for Victoria, before development starts (including demolition and bulk excavation), a Traffic Management Plan must be submitted to and approved by the Head, Transport for Victoria. The Traffic Management Plan must provide for:*

- a) *how public transport operations, traffic, walking and cycling movements will be managed during the demolition and construction; and*
- b) *how any traffic impact to the bus operations and associated infrastructure will be mitigated.*

The Traffic Management Plan must be implemented and complied with to the satisfaction of the Head Transport for Victoria. All costs associated with the preparation and implementation of the Traffic Management Plan will be at no cost to the head, Transport for Victoria.

2. *If the existing bus stop on Lonsdale Street (development side) cannot be used during the demolition and construction of the development a temporary bus stop must be provided in an alternative location at no cost and to the satisfaction of the Head, Transport for Victoria.*
3. *Any request for written consent to disrupt bus operations or a temporary bus stop on Lonsdale Street during the demolition and construction of the development must be submitted to and approved by the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption / temporary bus stop relocation and must detail measures that will occur to mitigate the impact of the planned disruption or temporary bus stop.*
4. *Prior to the occupation of the development all disused or redundant vehicle crossings on King Street must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria.*

20. It is noted that these conditions include minor variations to the existing Head, Transport for Victoria conditions on the permit. As such, the above conditions should be included on any amended permit to issue.



Melbourne City Council

21. The Melbourne City Council considered the application at their Future Melbourne Committee (FMC) meeting on 19 May 2026. At the meeting, as advised on 22 May 2026, the council resolved:

That the Future Melbourne Committee resolves to advise the Department of Transport and Planning that the Melbourne City Council does not object to the application, subject to the inclusion of conditions outlined in the planning report (refer to Attachment 3 of the report from management – Planning Report).

22. Conditions required by the council will be included in any approval that may issue.

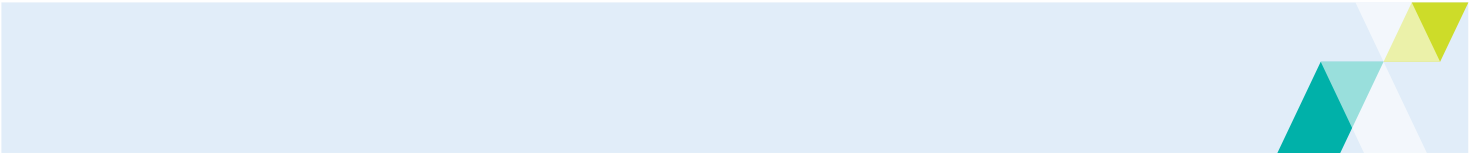
DTP Urban Design

23. On 29 December 2025, DTP Urban Design provided the following comments on the amendment application:

Confirming I've reviewed the Amended Plans (dated 12.11.25) and the accompanying Urban Design and Town Planning Reports.

Please see below urban design comments:

- *The Ground Floor remains high quality.*
 - *The proposal continues to provide several retail tenancies, a legible lobby/lounge area, a through-block arcade and consolidated carparking/loading to Manton Lane.*
 - *The Lonsdale Street lobby remains high quality despite the colonnades being removed and the arcade has been widened to improve sightlines.*
 - *There is a desire to close of the narrow southern portion of Manton Lane, however being outside the title boundary, I suspect this is a matter for CoM to resolve.*
- *The architecture remains high quality and utilises robust materials, a gridded architectural expression and different floor level groupings – all which assist in distinguishing the podium levels from the tower. The shift to a darker tone brickwork at Ground Floor/Level 1 provides a better heritage response. However, further work should be undertaken to explore:*
 - *Whether the Lonsdale Street rebate can be reinstated to enhance the three-dimensionality of the Kilkenny Inn and denote the lobby entry.*
 - *Whether a Level 2 negative level can be applied to Lonsdale Street like King Street. This will further reinforce the 2 storey scale of the Kilkenny Inn.*
 - *Whether the rooftop plant can be integrated into the façade system. I appreciate will add ~2-3 storeys of perceived height however I don't think that is problematic.*
 - *Whether the eastern boundary wall can be further resolved. Utilising a tinted (or potentially textured) precast panel would be a significant improvement.*
 - *Whether there is a role for more variety in tones like the approval. Different street wall tones could assist in creating a 'collection' of buildings and a darker tone behind the heritage fabric may be more recessive.*
- *The massing strategy has changed significantly however is broadly acceptable as:*
 - *The reduced street wall height better responds to the surrounding context (both existing and approved) and provides a more demure response to the retained heritage fabric.*
 - *The setbacks above the street wall remain the same.*
 - *The tower is significantly taller however results in the following urban design improvements:*

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- *Increased solar access to Merritts Reserve.*
 - *Increased building separation to the 58 storey apartment tower at 560 Lonsdale Street.*
 - *Increased setbacks to Manton Lane to reduce scale at street level and improve outlook from 270 King Street's east facing apartments.*
 - *A presumably more resolved northern elevation as it is not longer a boundary wall.*
 - *A slender tower form that sits comfortably within this high density context.*

DTP 3D Visualisation

24. On 19 June 2026, DTP 3D Visualisation team provided overshadowing diagrams.



Notice

25. The application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:
- Pursuant to Schedule 1 of the Capital City Zone: an application to construct a building or construct or carry out works and demolish or remove a building or works.
 - Pursuant to Schedules 1 and 10 of the Design and Development Overlay: construct a building or construct or carry out works.
 - Pursuant to Clause 52.29-5: any application.
26. The application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provision:
- Heritage Overlay: demolish or remove a building and construct a building or construct and carry out works.
27. It was determined that notice not be given, as the proposed amendments would not result in any additional material detriment to any person. The amendments involve minor changes to the extent of demolition and to the built form above the retained Kilkenny Inn building. The built form is generally consistent with the previously approved design (noting the height has increased), particularly in relation to setbacks above the Kilkenny Inn building. As such, notice under the Heritage Overlay is not considered necessary.
28. Notwithstanding the above, ten (10) submissions by nearby owners/occupiers have been received to this proposed amendment application. The submissions raise the following concerns:
- Increase in height of the building from 21 storeys to 48 storeys;
 - Visual bulk, scale, proximity to neighbouring buildings and increased density;
 - Amenity impacts (loss of natural light, increase overshadowing, loss of outlook, loss of privacy);
 - Loss of property values;
 - Wind impacts;
 - Traffic and parking impacts; and
 - Increase demand on local infrastructure.
29. Given the application is not exempt from the decision requirements of the Heritage Overlay, and objections have been received, a Notice of Decision to Grant an Amended Permit must be issued in the event that the proposal is supported.



Planning Policy

30. Since the permit was issued on 9 August 2021 there have been state-wide amendments to the planning scheme as follows (as relevant):
- Amendment VC174 (gazetted 20 December 2021): updated the Better Apartment Design Standards (BADs).
 - Amendment VC277 (gazetted 18 December 2025): amended the car parking requirements to align car parking rates with demand and reduce the number of car parks required in locations well-served by public transport.
31. Since the permit was issued, there have been local amendments to the planning scheme as follows (as relevant):
- Amendment C308melb (gazetted 30 September 2021): introduced new urban design and built form controls in Central Melbourne under Design and Development Overlay Schedule 1 (DDO1).
 - Amendment C387melb (gazetted 9 September 2022): implemented the findings of the *Hoddle Grid Heritage Review* (GML and GJM, July 2020) (updated March 2022) on a permanent basis by applying the Heritage Overlay to 121 individual places (including the Former Paramount House at 256-260 King Street, Melbourne).
 - Amendment C409melb (gazetted 21 September 2022): replaced the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 with a Municipal Planning Strategy (MPS), local policies within the Planning Policy Framework (PPF) and selected local schedules to overlays, particular provisions, general provisions and operational provisions.
32. These policy changes generally do not affect the approved development, noting an assessment against DDO1 requirements are included below.

Statutory Planning Controls

33. There are no changes to the statutory planning controls since the permit was issued.

Amended Plans

34. The amendments to the plans are assessed as follows.

Demolition

35. A permit is required for demolition under the zone and the Heritage Overlay. The development approved under this permit has commenced, with demolition occurring on site in mid-2022 (in part by a fire that occurred on the site).
36. Overall, there are no changes to the extent of demolition as approved, with significant fabric of the former Kilkenny Inn building to be retained.

Capital City Zone – Schedule 1 (Outside the Retail Core)

37. Capital City Zone – Schedule 1 (CCZ1) at Clause 3.0 states:

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

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

38. The proposed floor area ratio is 24.26:1. As such, there is a requirement for a public benefit to be delivered.
39. CCZ1 states that the responsible authority may require an agreement under section 173 of the *Planning and Environment Act 1987* to require:



- *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.*

40. It is noted that this a condition was included on the original permit for a section 173 Agreement, which was entered into and enacted for temporary works on the site. A section 173 Agreement (AV688554K) is registered on all titles that requires temporary works on the land if the land remains vacant for more than 6 months after demolition. It is noted that this agreement has been acted upon and part of the land has been temporarily landscaped for the purpose of open space.

Design and Development Overlay – Schedule 10 (General Development Area – Built Form)

41. The built form outcomes are guided by the requirements of Design and Development Overlay – Schedule 10 (DDO10).
42. DDO10 requires that buildings and works:
- *must meet the Design Objectives specified in this schedule;*
 - *must satisfy the Built Form Outcomes specified for each relevant Design Element in Table 3 to this schedule; and*
 - *should meet the Preferred Requirement specified for each relevant Design Element in Table 3 to this Schedule.*
43. An assessment against Table 3 of DDO10 is provided below:

Design Element	Preferred Requirement	Modified Requirement	Built Form Outcomes
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 sky views in the street. • definition of main street corners and/or public space where there are no significant impacts on the DDO amenity of public spaces. • maintenance of the prevailing street wall height and vertical rhythm on the street.

Response

Proposal complies with the modified requirement.

The proposed street wall height along Lonsdale Street and King Street measures 39.39 metres (measured from the centre of the Lonsdale Street frontage of 17.41 metres AHD). Above this street wall, is an architectural feature with the façade extending a further 3 metres in height to enclose the Level 12 terraces. While this exceeds the preferred

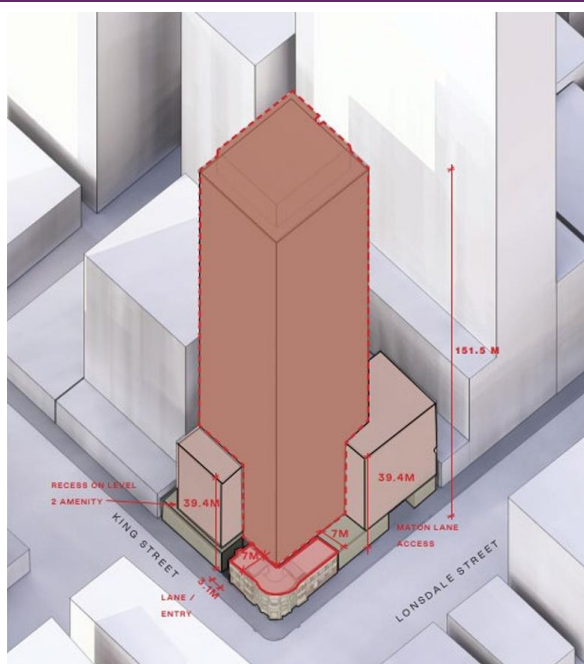


Figure 6: Massing response (street wall heights)

requirement of 20 metres, it is within the modified requirement of 40 metres.

The Kilkenny Inn building presents a street wall to the corner of approximately 11.3 metres. Above this, the built form is setback 7 metres.

The proposed street walls are consistent with the built form outcomes, noting they:

- Provide for a human scale with the retained heritage form of the Kilkenny Inn, defining the Lonsdale and King Street corner at street level, and the design, articulation and recesses at ground level and Level 2.
- Represent an appropriate level of street enclosure with both streets having a road width of 30 metres.
- Reinforces the prevailing podium scale within the surrounding precinct and demonstrates a high level of consistency with the established built form character, including the podium heights of nearby developments.
- Responds to the scale of the retained heritage form of the Kilkenny Inn building through adaption of a façade expression that references the rhythm, of the original façade.
- Provides opportunities for daylight, sunlight (where possible) and sky views, given the orientation of the site and the width of adjacent streets. Overshadowing will be discussed later in the report.

Design Element	Preferred Requirement	Modified Requirement	Built Form Outcomes
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.

Response

Proposal complies with the preferred requirement.

The proposed building provides a minimum setback of 7 metres above the street wall to both the Lonsdale and King Street frontages. While this does not comply with the preferred requirement of 10 metres, it exceeds the 5 metre modified requirement (ranging from 5.4 - 14.8m).

Above the retained portion of the Kilkenny Inn building, the tower adopts a slender form and is appropriately setback, ensuring the heritage building maintains visual prominence in the streetscape.

Overall, the setbacks are effective in establishing a clear visual separation between the tower and street walls below, minimising any perceived built form scale at the street interface. The proposed setbacks are not expected to result in any unreasonable wind or shadowing impacts.

The architectural expression of the tower is distinct from that of the street wall, through the presentation of a glazed form contrasting to the lower levels that feature masonry elements that reference the heritage building.

The overshadowing of the public realm and wind impacts are discussed in more detail later in the report.



Design Element	Preferred Requirement	Modified Requirement	Built Form Outcomes
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.	Towers and additions up to 80 metres in height: Towers and additions up to 80 metres in height: Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres. Towers and additions of no more than 80 metres in height may be constructed up to one side or rear boundary, excluding a laneway, if an existing, approved, proposed or potential building on an adjoining site is built to that boundary and if a minimum setback of 5 metres is met to all other side and rear boundaries 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.

Response

Proposal complies with the modified requirement.

Towers should be setback a minimum of 5 metres or 6% of the total height of the building height, whichever is greater. 6% of 151.49 metres results in a required setback of 9.09 metres from side boundaries or the centre line of an adjoining laneway.

These setback requirements contemplate a maximum tower floorplate of 746 square metres.

The proposed building has a setback to the side boundaries above the street wall of 5.4 metres to the northern boundary and between 5.7 metres (to the centre of Manton Lane) and 14.8 metres to the eastern boundary. These setbacks comply with the mandatory modified minimum 5 metre setback requirements.

Similar to the street wall setback requirement discussed above, the built form outcomes for side setbacks are considered to be met due to the varied setbacks provided around the tower. The irregular setbacks ensure that sun penetration to the street is adequately maintained throughout the day and provides for reasonable and equitable access to daylight, privacy and outlook having regard to adjoining properties. The setbacks will provide clear open sky views and articulation ensuring that the building does not present as a continuous wall at street level.

The overshadowing of the public realm and wind impacts are discussed in more detail below in the report.

Importantly, the setbacks of the tower from the Kilkeny Inn building provides a respectful separation and transition and ensures that it will not adversely affect the heritage place.

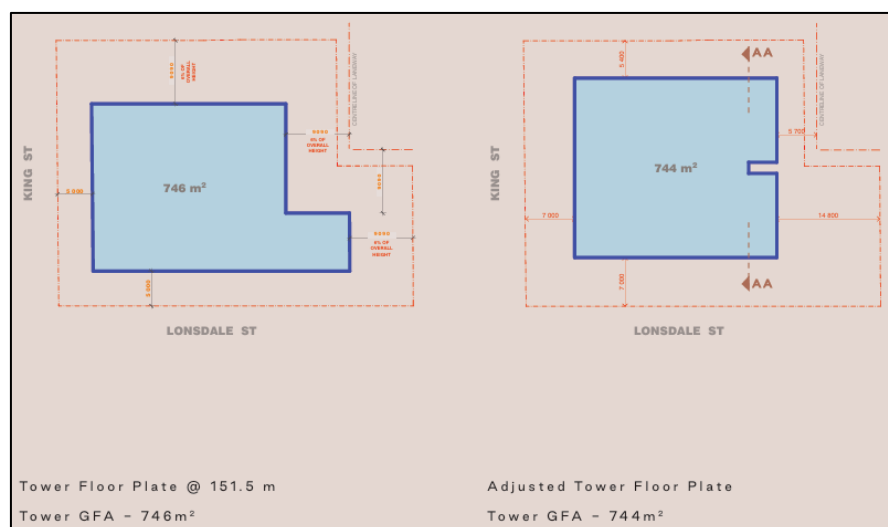


Figure 7: Preferred DDO10 setback requirements (Left) and proposed setbacks (Right) (Source: Application)

Design Element	Preferred Requirement	Modified Requirement	Built Form Outcomes
Tower Floorplate/s	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.

Response

Proposal complies with the modified requirement.

DDO10 allows for an adjustable tower floorplate above 80 metres, where the floorplate area is not increased and the setbacks from the front, side or rear boundary are not less than 5 metres.

The maximum tower floorplate, calculated by the overall height of the building and the preferred setbacks, results in a tower floorplate area of 746 square metres. The proposal seeks to provide a tower floorplate area of 744 square metres and adjust its shape to ensure that no part of the tower is less than the modified requirement of 5 metre minimum from each boundary (see image above).

The proposed tower does not introduce unreasonable bulk to the public realm or impact any civic landmarks or significant open space.

The proposed massing of the building adequately addresses privacy, outlook, daylight and sunlight impacts.

The setback of the tower from the existing heritage building on the site ensures that the development will not visually dominate the significant heritage place.

The overshadowing of the public realm and wind impacts are acceptable and are discussed in detail later in this report.

Design and Development Overlay – Schedule 1

44. Clause 2.3 to Schedule 1 of the DDO1 states that buildings and works must meet the design objectives specified in this schedule and must satisfy the design outcomes specified for each relevant design element.
45. The proposal is consistent with the design objectives and outcomes specified under DDO1, as follows:

Design Outcome	Assessment
URBAN STRUCTURE	
An urban block structure that: Is sufficiently fine grained to support walking as the primary mode of transport.	The site has abutments to Lonsdale Street, King Street and Manton Lane. The development will continue to provide a pedestrian connection from Lonsdale Street to Manton Lane, in accordance with the design requirements of the DDO1. The connection generally remains unchanged from the approved scheme, except this connection will now allow for vehicular access to the basement and loading areas of the development.
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.	As above, the pedestrian connection remains unchanged. The connections are located wholly within the site and provides connectivity between Lonsdale Street and Manton Lane.
Pedestrian connections that are: - High quality. - Safe and attractive. - Accessible by people of all abilities. - Easily identified and legible. - Designed to enable stationary activities.	DDO1 requires that covered pedestrian connections be designed as double-height spaces. While the application proposes a reduction in overall height from 7.7 metres to 5.5 metres, the connection will continue to function as a key pedestrian link between Lonsdale Street and Manton Lane. Notwithstanding the introduction of vehicular access within the Manton Lane extension to service the development, the width of this connection has increased from approximately 5 metres to 8.5 metres. This widening is considered to enhance the visibility, legibility, and overall functionality of the space. The application does not propose any amendment to the existing permit condition requiring a Section 173 Agreement to secure 24/7 public access over the Manton Lane extension.
SITE LAYOUT	
Site layout that: - Reinforces the valued characteristics of streets and laneways. - Delivers a well-defined public realm.	The proposal is appropriately oriented to King and Lonsdale Street and will make a positive contribution to an active public realm. The building interface is well designed, avoiding any enclosed or entrapment spaces, and providing generous dimensions that will comfortably accommodate pedestrian movement.

Plazas that: • Are accessible to people of all abilities. • Are safe and attractive • Deliver opportunities for stationary activity. • Alleviate pedestrian congestion.	There are no existing plazas on the site and there are no plazas associated with the development.
Vehicle entries that: • Do not create traffic conflict. • Do not undermine the attractiveness or safety of the pedestrian experience	The proposal includes vehicle access from Lonsdale Street, which is not a traffic conflict frontage as identified by Map 2 to DDO1. In addition, vehicular access to the basement of the development is now provided from the Manton Lane extension. The basement and loading bay areas are concealed from the main streets.
Colonnades that: • Are safe and attractive. • Are accessible to people of all abilities.	N/A – no colonnades are proposed. Canopies and recessed frontages are provided along Lonsdale and King Streets.
BUILDING MASS	
Building mass that: • Distinguishes between different buildings where a development comprises multiple buildings. • Respects the height, scale and proportions of adjoining heritage 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.	The height, scale and massing of the building achieves an appropriate built form response to the site and its surrounding context, having regard to the existing and emerging built form in the area. The proposal is of a comparable scale to nearby buildings and will make a positive contribution to the diversity of the skyline.
Street walls that: • Adopt a variety of streetwall heights to reinforce the traditional fine grain, vertical rhythm and visual interest of streetscapes. • Provide aesthetic interest to the public realm. • Frame comfortable and attractive streets.	The proposal adopts a varied street wall height that has been designed to reference the height and rhythm adjoining buildings. The podium is articulated with vertical and horizontal elements and rebates that provide modulation.  <i>Figure 8: Proposed podium design (Source: Application)</i> A more detailed assessment of the street wall is provided in the discussion of the DDO10 requirements.

BUILDING PROGRAM

A building program that:

- Delivers safe and high quality interfaces between the public and private realm.
- Maximises activation of the public realm.
- Can accommodate a range of tenancy sizes, including smaller tenancies in the lower levels of the building.
- Allows for adaptation 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 relationship between any uses provided as part of a public benefit under the provisions of Schedule 1 to the Capital City Zone within the building, and the street.

The proposal is appropriately designed to address the public realm, providing a high level of activation to the street and internal connections.

Direct entry points are provided to the retail tenancies from King Street and Lonsdale Street and the Manton Lane extension.

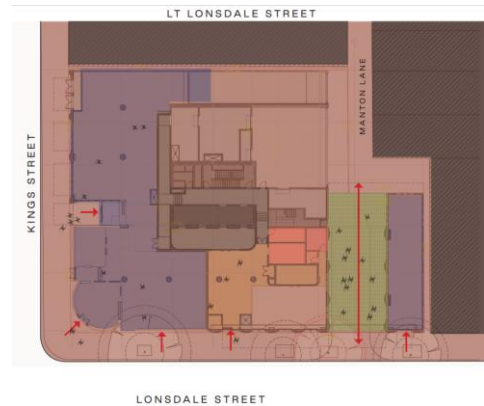


Figure 9: Entry points and activation at ground plane

The floor to ceiling heights at the ground floor and the first two levels comply with the required floor to ceiling heights. A variation is sought for levels above, Level 3 to Level 47, where the proposed floor to floor height of approximately 3.1 metres falls short of the required 3.5 metre floor to ceiling height.

The proposed floor to ceiling heights are considered acceptable. An appropriate balance is achieved with the podium spaces offering reasonable potential for adaptive reuse, while maintaining adequate activation and passive surveillance to the public realm.

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.

The proposal results in approximately 441 square metres, or 30.3%, of the ground floor area being dedicated to building services, which is less than the mandatory maximum of 40%.

The location and layout of building services are designed to minimise their impact on the public realm and are integrated into the building.

The rooftop plant is appropriately setback and well-integrated into the overall building form.

	 Figure 10: Ground Level building services (Source: Application)
Car parking that: Minimises the impact of car parking on the public realm.	All carparking is provided at basement level.
PUBLIC INTERFACES	
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 openings into the ground floor of buildings.	The proposal provides active land uses to the Kings Street, Lonsdale Street and Manton Lane interfaces as demonstrated in Figures 8 and 10 above.
Facade 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. - Form part of a cohesive architectural response to the public realm.	The proposal includes canopies along the King and Lonsdale Street frontages, which will support activity to these frontages. The proposed design forms part of a cohesive architectural response to the public realm.  Figure 11: Canopy/awnings (Source: Application)



	 <i>Figure 12: Mantone Lane (Source: Application)</i> Conditions will require that these comply with Council's Road Encroachment Guidelines. The proposal does not include any balconies or habitable projections over adjoining streets.
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.	The proposal includes weather protection canopies above along Kings and Lonsdale Streets. Clearance from the underside of the canopy is not stated and will be required to be annotated on the plans as a condition on any approval. Details of materials will also be required.
DESIGN DETAIL	
Exterior design that: • Establishes a positive relationship between the appearance of new development and the 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 experienced 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.	The architectural response is supported and the integration between the podium and tower forms provides a high-quality, contextual design response. The proposal incorporates a cohesive and high-quality material palette that incorporates a variety of textured pre-cast metal, bronze powder coated metal, brickwork, textured masonry, precast concrete and glazing finishes. Tactile, robust materials are concentrated at the lower levels along Lonsdale Street and King Street, reinforcing a human-scaled public realm and responding respectfully to the adjoining heritage fabric of the Kilkenny Inn. DTP's Urban Design Team were satisfied that the Ground Floor remains high quality. The proposal continues to provide several retail tenancies, a legible lobby/lounge area, a through-block arcade and consolidated carparking/loading to Mantone Lane. The Lonsdale Street lobby remains high quality, despite the colonnades being removed and the arcade has been widened to improve sightlines. The architecture remains high quality and utilises robust materials, a gridded architectural expression and different floor level groupings – all



	which assist in distinguishing the podium levels from the tower. Standard conditions will also require the submission and approval of a Reflective Glare Assessment, which will ensure the building materials are designed to comply with Practice Note PPN96: Glare and reflectivity.
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Landscaping

46. The application is supported by Landscape Architectural Report prepared by Tract Rev 2 dated 23 February 2026. The plans include the proposed works at:
- Ground Level: Retentions of existing street trees along Lonsdale Street (removing and replacing one) and retaining laneway paving.
 - Level 2: Tree and shrub planting, integrated seating edges, within the dog park and edge planter boxes; and
 - Level 12: Deep and perimeter planter beds, integrated seating edges.
47. The council have reviewed the plans and have recommended changes to the conditions contained within the existing permit. These are considered reasonable and will be included on any permit to issue.

Floor Area Ratio and Public Benefits

48. Clause 3.0 of Schedule 1 to the Capital City Zone states:
- A permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) to construct a building or construct or carry out works with a floor area ratio in excess of 18:1 on land to which schedule 10 to the Design and Development Overlay applies unless:*
- *a public benefit as calculated and specified in a manner agreed to by the responsible authority is provided; and*
 - *the permit includes a condition (or conditions) which requires the provision of a public benefit to be secured via an agreement made under section 173 of the Planning and Environment Act 1987.*
49. The subject site has an area of 1,751 square metres. The maximum Gross Floor Area (GFA) above ground level equates to 31,518 square metres, for a Floor Area Ratio (FAR) of 18:1. The proposal seeks to provide 42,251 square metres of GFA above ground level, resulting in a FAR of 24.1:1. As such, there is a requirement to provide an associated public benefit.
50. Clause 15.01-2L-02 includes the following objective:
- 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.*
51. It also includes the following strategies:
- When a Floor Area Uplift requires the delivery of a public benefit:*
- *Ensure the appropriateness and value of the public benefit(s); and*
 - *Ensure the management and maintenance of the public benefit(s); and*
 - *Ensure the complete and timely delivery of the public benefit(s).*
52. The following should be considered as relevant:



In consultation with the receiving agency of the proposed public benefit(s), whether the Floor Area uplift is appropriately matched by the public benefit(s) to be provided, by considering the following:

- The public benefit(s) is consistent with state and local policy, strategic initiatives and relevant guidelines.*
- The quantity and value of the floor area uplift being appropriately calculated and the proposed public benefit(s) being of a matching value.*
- The proposed public benefit(s) being realistically capable of being delivered and secured by a suitable legal agreement.*
- The proposed public benefit being supported by the proposed receiving agency and capable of being maintained for a reasonable period of time.*

53. The proposed development has an FAR of 24.1:1, and as such there is a requirement for an associated public benefit to be provided.
54. The site sits within the Flagstaff Precinct identified in the Department's *How to Calculate Floor Area Uplifts and Public Benefits* document dated November 2016. Council has suggested that while the Gross Realisation Values identified in the 2016 Uplift Document provide a benchmark for assessing public benefits, these values no longer reflect contemporary market conditions.
55. The Public Benefit Assessment recognises this and has adopted a more current Gross Realisation Value (GRV) of \$9,500 per square metre for residential development within the Flagstaff Precinct, compared to the \$7,000 per square metre benchmark identified in the 2016 Uplift Document. This assessment relies on this contemporary assumption. The table below demonstrates that the proposed affordable housing contribution is commensurate with, and exceeds, the FAU sought.

Step	Calculation	Result
1. Base Gross Floor Area (i.e. floor area available based on a floor area ratio of 18:1)	Site Area x 18	1,751m ² x 18 = 31,518 m ²
2. Proposed Development Gross Floor Area	Floor Area calculated (above ground floor)	42,251 m ²
3. Floor Area Uplift (FAU) sought in square metres	Proposed Gross Floor Area (from Step 2) minus Base Gross Floor Area (from Step 1)	42,251 m ² - 31,518 m ² = 10,733 m ²
4. Base data for valuing FAU	GRV/m ² associated with applicable use of FAU as derived from the applicant's valuation.	Residential use = \$9,500/m ²
5. Value of each square metre of FAU	10% of applicable GRV/m ² (from Step 4)	The FAU value is: \$9,500/m ² x 10% = \$950/m ²
6. Total value of FAU	FAU sought (from Step 3) x value of each square metre of FAU (from Step 5)	10,733 m ² x \$950/m ² = \$10,196,350
7. Value of Public Benefit to be provided	Equal to (or greater than) the total value of FAU (from Step 6)	\$13,300,000 (in the form of affordable housing)
8. Applicant public benefit offer	<u>Affordable Housing</u> It is proposed to provide 5% of the net residential area of the development as affordable housing. The value of this affordable housing offering has been calculated at \$13,300,000.	

- 5% of Residential NSA = 1,400 m²
- 1,400 x \$9,500 = \$13,300,000

Extension to Manton Lane

The extension and widening of Manton Lane (224 m² in area), a publicly accessible open area on site comprising an arcade (passing through the building) and a further widening of Manton Lane which is clear to sky.

Considering the per square metre value of the land offered for this extension (\$25,000/m²), the total land value of the extension is \$5,600,000.

56. As noted above, the proposal includes two public benefits as Floor Area Uplift: an affordable housing contribution and the extension of Manton Lane. However, it is considered (and the view of the council) that the Manton Lane extension should not constitute a public benefit for the purposes of the floor area uplift calculation for the following reasons:
- The Manton Lane extension was directly linked to, and arose from, the discontinuance and sale of Gough Alley.
 - The extension was approved as part of the previous approval (where no public benefit was required).
 - The extension is a discretionary design requirement under the Design and Development Overlay – Schedule 1.
 - The extension does not function solely as a pedestrian connection; it is also required to accommodate vehicle access and site servicing the development.
57. Based on a gross realisation value of \$9,500 per square metre, the affordable housing contribution has an estimated value of \$13.3 million or 5 per cent of the net saleable area (equates to approximately 1,400 square metres). It comprises 23 dwellings, which includes 6 studios, 10 one-bedroom, 6 two-bedroom and 1 three-bedroom dwellings.
58. The provision of an on-site affordable housing contribution equivalent to 5 per cent of the net saleable floor area is supported and is consistent with Clause 15.01-2L-02 and the How to Calculate Floor Area Uplifts and Public Benefits document. The on-site delivery of affordable housing represents a tangible and enduring public benefit integrated within the development and directly advances policy objectives to increase the supply of affordable housing in well-serviced inner-city locations. This approach is also endorsed by the council's Affordable Housing Team.
59. The council has recommended a section 173 Agreement condition for the affordable housing contribution, together with a condition requiring the submission of an updated Quantity Surveyors Report to confirm and support the delivery of the affordable housing contribution. This is considered reasonable and will be included on an amended permit to issue.

Amenity Impacts

Overshadowing

60. Clause 15.01-1L-03, Sunlight to Public Spaces, and DDO10 lists key locations that development should not cast additional shadow across at key times of the year. Of relevance to this application:

'Development should not unreasonably reduce the amenity of public spaces by casting additional shadows on any public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, open spaces associated with a place of worship and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September.'



Figure 14: Comparison between approved and proposed scheme (Source: Application)

66. Overall, the proposed scheme results in less overshadowing than the approved scheme and does not unreasonably prejudice the use or enjoyment of Merritts Place Reserve.

Wind

67. Clauses 2.3 and 2.5 of DDO10 require consideration of wind impacts on publicly accessible areas. The application is supported by a Pedestrian Wind Environment Study prepared by Windtech Consultants dated 13 February 2026, which assesses ground, podium and elevated locations using wind tunnel testing against relevant safety and comfort criteria.
68. The study concludes that, subject to recommended mitigation measures (including awnings, screens and balustrades), all publicly accessible areas and key entrances will achieve acceptable safety and at least walking or standing comfort conditions. Some areas will experience improved wind conditions compared to the existing environment.
69. Acceptable outcomes are contingent on detailed design resolution, including façade and podium treatments in accordance with the endorsed Façade Strategy, and compliance with Council's Road Encroachment Guidelines for projections.
70. A permit condition will require incorporation of all tested mitigation measures and confirmation that post-mitigation conditions meet relevant criteria.
71. Subject to these conditions, the proposal achieves an acceptable wind environment consistent with DDO10.

Car and Bicycle Parking, Loading and Waste

Car Parking

72. The following car parking rates are relevant to the application:



Use	Car Parking Rate	Maximum No. of Spaces Allowed	No. of Spaces Provided
Dwelling (469)	Must not exceed one (1) space per dwelling	469	74
Other uses (636 m ² retail premises)	5 x net floor area of building on that part of the site in sq m / 1000 sq m	3	
Motorcycle Parking	One (1) motorcycle space for every 100 car parking spaces	1 space required	1
Total		472	74

73. The proposal does not exceed the maximum number of car parking spaces required by the Parking Overlay – Schedule 1, therefore a permit is not required. Further, the proposal provides one motorcycle parking space, which is considered acceptable.
74. The council supports the car parking rate, design, traffic volume, waste collection and loading arrangements, subject to permit conditions requiring a Loading Management Plan and a Road Safety Audit (already a condition of the permit). These are considered reasonable and will be included as conditions on any permit to issue.

Bicycle Facilities

75. Clause 52.34-5 of the scheme requires bicycle parking facilities as follows:

Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
Dwelling (469)	Resident	1 space / 5 dwellings	94	145
	Visitor	1 space / 10 dwellings	47	
Retail (636 m ²)	Employee	1 / 300 sqm of leasable floor area	2	
	Visitor	1 / 500 sqm of leasable floor area	1	
Total			144 (94 resident 2 employee 48 visitor)	145

76. The proposal includes a total of 145 bicycle spaces, which exceed the requirement for 144 spaces. As such, no permit is required under this clause.
77. The bicycle spaces will be provided on Basement levels 1-3 for residents, employees and visitors. The council supports the proposed provision and design of the bicycle spaces. Visitors to residential dwellings can reasonably be expected to be assisted by occupants in accessing basement bicycle parking facilities. While the single visitor bicycle spaces associated with the retail premises is not highly visible from the public realm, it remains readily accessible within the basement and therefore satisfies the requirements of Clause 52.34.

Loading / Unloading

78. Clause 65.01 of the Melbourne Planning Scheme specifies that, before deciding on an application or approval of a loading plan, the responsible authority must consider the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

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79. Waste collection and loading requirements for the commercial tenancies will take place on the Ground Level at the dedicated loading bay adjacent to each of the waste rooms, accessed via Manton Lane. The loading bay will accommodate a Medium Rigid Vehicle of total length 8.8 metres.
80. The council considers that location and sizes of the loading bays are acceptable for the proposed development and has recommended a Loading Management Plan (LMP) be submitted for approval prior to the commencement of the development. This is considered acceptable and will be included as a condition on any permit to issue.

Waste

81. The application is supported by a Waste Management Plan (WMP) prepared by WSP and dated 1 April 2026. It is proposed that all waste collection is to occur onsite from the loading bay on the Ground Level. The council will collect residential waste, while a private contractor will be engaged to collect retail waste.
82. As stated above, the waste vehicle will enter via Manton Lane and the turntable will enable vehicles to both enter and exit the site in a forward direction.
83. The council considers that the WMP is unsatisfactory, requesting floor plans of the retail and residential levels to be included on the plans and for the widening of the doorway associated with the e-waste and charity bin room or for smaller bins to be provided. This is considered reasonable and will be included as a condition on any permit to issue requiring the submission of an amended WMP.

Sustainability

Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD)

84. The application is supported by a Sustainability Management Plan prepared by IGS and dated 5 November 2025 in response to clauses 15.01-2L-01, 19.03-3L and 53.18 of the Melbourne Planning Scheme.
85. The SMP includes a commitment to achieve the following key targets:
- 5 Star Green Star Rating under the GBCA Green Star Buildings V1.3 tool;
 - 6.5 Star minimum and 8 Star average NatHERS energy rating for dwellings;
 - 30,000-litre rainwater tank; and
 - Minimum 10kW-e Solar PV system.
86. The Stormwater Management Plan includes MUSIC model results that show the pollutant removal rate achieves the reduction targets as outlined by the Urban Stormwater: Best Practice Environmental Management Guidelines. A 30,000-litre rainwater tank will harvest rainwater from the roof and be reused for toilet flushing.
87. The council has recommended a condition be included on any permit to issue requiring the submission and approval of an updated SMP to provide a Climate Adaption Plan, details of views, thermal comfort assessment, location of EV charging parking spaces and infrastructure, details of portable water reduction, rainwater tank details, details of material and stormwater peak discharge calculations. These are considered reasonable and will be required via a condition on any permit to issue.

Amendments to Permit Condition

88. The applicant has requested the following amendments to the permit:

Condition 1 – Amended Plans	Change / Comment
Proposed Change	The applicant is seeking to amend Condition 1 by deleting the condition, as the plans and sub-conditions have either been addressed or are no longer required, and replacing it with a new condition reflecting the updated plans as follows: <i>Before the use and development starts (or as otherwise agreed with the responsible authority), plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority in consultation with Melbourne City Council, be drawn to scale with dimensions, be generally in accordance with the plans prepared by Fender Katsalidis Architects, dated 24.02.2026 but amended to show the following details:</i> <i>a) Details of the street canopies and their materials on elevations and sections.</i>
Assessment	The council has reviewed this amendment and considered an alternative. Refer to Appendix 2 for further detail.

Condition 2 – Compliance with endorsed plans	Change / Comment
Proposed Change	The applicant is seeking to amend Condition 2 to be consistent with current permit condition drafting practices that include an exemption for activities and changes that are exempt from planning permission. <i>The development as shown on the endorsed plans must not be altered or modified (unless the Melbourne Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.</i>
Assessment	This amendment is considered reasonable and should be included on any amended permit to issue.

Condition 12 – Legal Agreement – office use	Change / Comment
Proposed Change	The applicant is seeking to delete this condition as the office land use have been removed from the development and replaced with a residential scheme. The applicant is seeking to provide 5% affordable housing as a public benefit to support the Floor Area Uplift and has drafted a condition as follows: <i>Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works (or as otherwise agreed with the responsible authority), the owner of the land must enter into an agreement with the responsible authority and Melbourne City Council under section 173 of the Planning and Environment Act 1987 (the Act), to the satisfaction of both parties, for the delivery of affordable housing (as defined in the Act).</i> <i>The agreement must be registered on title to the land and the owner of the land must be responsible for the expense of preparation and registration of the agreement including the responsible authority's and Council's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and ending of the agreement (where applicable).</i> <i>The agreement must be in a form to the satisfaction of both parties and include covenants that run with title to the land to provide the following:</i> <i>a) Provide for the delivery of at least 5% of the total number of apartments for affordable housing as defined by Section 3AA of the Act before the development is occupied. This may be provided by utilising one or more of the following mechanisms for the delivery of affordable housing:</i>

- i. Transferring dwellings within the development to a registered housing agency or other housing provider or trust entity approved by the Responsible Authority at a minimum 35% discount to market value; or
- ii. Leasing dwellings within the development as affordable housing under the management of a registered housing agency or housing provider or trust approved by the Responsible Authority at a minimum 35% discount from market rent for a period of not less than 30 years for the building approved under this control. The overall value of the leased dwellings must be equivalent or higher to condition (i); or
- iii. any other mechanism providing a contribution of equivalent or higher value to condition (i) to the satisfaction of both parties.

Assessment	The council has reviewed this amendment and considered an alternative. Refer to Appendix 2 for further detail.
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Condition 16 – Revised wind report	Change / Comment
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Proposed Change	The applicant is seeking to delete condition 16 as a wind tunnel study has been undertaken, which sets out the testing results and includes recommendations for the development that are shown and confirmed on the architectural plans. Prior to the commencement of the development, or as may otherwise be agreed with the Responsible Authority, wind tests carried out by a suitably qualified consultant, must be carried out on a model of the approved building. A report detailing the outcome of the testing must be submitted to and be to the satisfaction of the Responsible Authority. The testing must only rely on approved canopies over the footpaths of Lonsdale Street and King Street. The report must also recommend any modifications which must be made to the design of the building to reduce any adverse wind conditions in areas used by pedestrians, to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.
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Assessment	The council has reviewed the proposed deletion of this condition and has instead recommended an alternative condition. Refer to Appendix 2 for further detail.
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Condition 33 – Waste arrangements	Change / Comment
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Proposed Change	The applicant is seeking to amend condition 33 to update the Waste Management Plan as follows: <i>The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by WSP dated 20 February 2026 5th November 2020. The submitted WMP must not be altered without prior consent of the Melbourne City Council.</i>
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Assessment	The council has reviewed this amendment and considered an alternative. Refer to Appendix 2 for further detail.
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89. In addition to the proposed amendments to conditions and the council's recommendations, it is considered reasonable that any amended permit should also include a standard condition related to no connection to reticulated gas service.



45. It is recommended that the amendments to the plans to change the use from office to residential and amend the built form to a podium-tower typology be approved, subject to a Notice of Decision to Amend a Permit.
46. It is recommended that the permit be amended as follows:
 - Amend the permit preamble to reference Transport Zone 2, rather than Road Zone, Category 2;
 - Amend conditions 1, 2, 8, 12-14, 16-19, 27-28 and 33-34;
 - Add new conditions 20A, 38-47; and
 - Renumber condition 38 to 48.
47. The applicant, the Melbourne City Council, Head, Transport for Victoria and all objectors should be advised of the above in writing.

Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- ☒ **No Conflict**
- ☐ Conflict and have therefore undertaken the following actions:
- ☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title:

Phone:

Signed:

Dated:

Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- ☒ **No Conflict**
- ☐ Conflict and have therefore undertaken the following actions:
- ☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
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Name:

Title:

Phone:

Signed:

Dated:

Appendix 1: Clause 58 Assessment (Better Apartments Design Standards)



Application requirements

Clause 58.01-1	Assessment
- An application must be accompanied by: - An urban context report. - A design response.	Satisfied The application has been accompanied by an urban context report and a design response prepared by Fender Katsalidis Architects.

Urban context report

Clause 58.01-2	Assessment
- The urban context report may use a site plan, photographs or other techniques and must include: - An accurate description of: - Site shape, size, orientation and easements. - Levels and contours of the site and the difference in levels between the site and surrounding properties. - The location and height of existing buildings on the site and surrounding properties. - The use of surrounding buildings. - The location of private open space of surrounding properties and the location of trees, fences and other landscape elements. - Solar access to the site and to surrounding properties. - Views to and from the site. - Street frontage features such as poles, street trees and kerb crossovers. - The location of local shops, public transport services and public open spaces within walking distance. - Movement systems through and around the site. - Any other notable feature or characteristic of the site. - An assessment of the characteristics of the area including: - Any environmental features such as vegetation, topography and significant views. - The pattern of subdivision. - Street design and landscape. - The pattern of development. - Building form, scale and rhythm. - Connection to the public realm. - Architectural style, building details and materials. - Off-site noise sources. - The relevant NatHERS climate zones (as identified in Clause 58.03-1). - Social and economic activity. - Any other notable or cultural characteristics of the area.	Satisfied The submitted planning report prepared by Tract and architectural plans prepared by Fender Katsalidis Architects satisfactorily meet the requirements of this Clause.

Design response

Clause 58.01-3	Assessment
- The design response must explain how the proposed design: - Responds to any relevant planning provision that applies to the land. - Meets the objectives of Clause 58. - Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme. - Derives from and responds to the urban context report. - The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.	Satisfied The submitted planning report prepared by Tract and architectural plans prepared by Fender Katsalidis Architects satisfactorily meet the requirements of this Clause.



Urban context objectives

Clause 58.02-1	Assessment
Objectives - To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area. - To ensure that development responds to the features of the site and the surrounding area.	Meets Objective The design responds to the existing urban context and contributes to the preferred future development for the Hoddle Grid. The development responds to the opportunities and constraints of the site and has regard for existing buildings on surrounding properties.
Standard D1 - The design response must be appropriate to the urban context and the site. - The proposed design must respect the existing or preferred urban context and respond to the features of the site.	Complies with Standard The design response is considered appropriate to the urban context and the existing conditions of the site and surrounds. The design responds to the features of the site and to the emerging urban context of the Hoddle Grid.

Residential policy objectives

Clause 58.02-2	Assessment
Objectives - To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. - To support higher density residential development where development can take advantage of public and community infrastructure and services.	Meets Objective The development provides higher density residential development in an area identified for increased housing density in a location that has good access to services, infrastructure and public transport. The proposed residential development responds to housing policies in the MPS and PPF.
Standard D2 An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.	Complies with Standard The submitted planning report by Tract includes a written statement describing how the development is consistent with relevant policies for housing in the MPS and PPF.

Dwelling diversity objectives

Clause 58.02-3	Assessment
Objective To encourage a range of dwelling sizes and types in developments of ten or more dwellings	Meets Objective The development comprises a range of dwellings sizes and types to meet a range of housing needs.
Standard D3 Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.	Complies with Standard The development provides a range of dwelling types and layouts including 129 x studios (28%), 208 x 1 bedroom dwellings (44%), 120 x 2 bedroom dwellings (26%) and 12 x 3 bedroom dwellings (2%), which is considered acceptable.

Infrastructure objectives

Clause 58.02-4	Assessment
Objectives - To ensure development is provided with appropriate utility services and infrastructure. - To ensure development does not unreasonably overload the capacity of utility services and infrastructure.	Meets Objective The development will be provided with appropriate utility services and infrastructure and will not unreasonably overload the capacity of existing utility services and infrastructure.
Standard D4 Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.	Complies with Standard The development will be connected to all relevant services as appropriate for a building of this scale. It



- *Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.*
- *In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure*

will not unreasonably exceed the capacity of the surrounding service infrastructure.

Integration with the street objective

Clause 58.02-5	Assessment
Objective • <i>To integrate the layout of development with the street.</i> • <i>To support development that activates street frontage.</i>	Meets Objective The development has been designed to integrate with Lonsdale Street and King Street, activating both street frontages.
Standard D5 • <i>Developments should be oriented to front existing and proposed streets.</i> • <i>Along street frontage, development should:</i> ○ <i>Incorporate pedestrian entries, windows, balconies or other active spaces.</i> ○ <i>Limit blank walls.</i> ○ <i>Limit high front fencing, unless consistent with the existing urban context.</i> ○ <i>Provide low and visually permeable front fences, where proposed.</i> ○ <i>Conceal car parking and internal waste collection areas from the street.</i> • <i>Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.</i>	Complies with Standard The development activates both street frontages with retail premises, a residential lobby/lounge to Lonsdale Street and a retail premises to King Street. The upper levels include windows and balconies for the dwellings. Given the location and design of the lift core, there are no blank facades. Car parking and the loading bay are accessed via Manton Lane, concealed from the two street frontages.

Energy efficiency objectives

Clause 58.03-1	Assessment
Objectives • <i>To achieve and protect energy efficient dwellings and buildings.</i> • <i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</i> • <i>To ensure dwellings achieve adequate thermal efficiency.</i>	Meets Objective The development protects the energy efficiency of existing buildings through appropriate setbacks. The orientation and layout of the development makes appropriate use of daylight and solar energy.
Standard D6 • <i>Buildings should be:</i> ○ <i>Oriented to make appropriate use of solar energy.</i> ○ <i>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</i> • <i>Living areas and private open space should be located on the north side of the development, if practicable.</i> • <i>Developments should be designed so that solar access to north-facing windows is optimised.</i> • <i>Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.</i>	Complies with Standard The development has been designed to maximise solar energy, where practical. The Sustainable Management Plan prepared by IGS is targeting a 8 Star average NatHERS rating, with no dwelling achieving below 6.5 Stars. No dwelling will exceed the maximum NatHERS annual cooling load of 30 MJ/M².



Table D1 Cooling load

NatHERS climate zone	NatHERS maximum cooling load MJ/M ² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note:

- Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

Communal open space objective

Clause 58.03-2

Objectives

- To provide communal open space that meets the recreation and amenity needs of residents.
- To ensure that communal open space is accessible, practical, attractive, easily maintained.
- To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.

Standard D7

- A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.
- If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.
- Each area of communal open space should be:
 - Accessible to all residents.
 - A useable size, shape and dimension.
 - Capable of efficient management.
 - Located to:
 - Provide passive surveillance opportunities, where appropriate.
 - Provide outlook for as many dwellings as practicable.
 - Avoid overlooking into habitable rooms and private open space of new dwellings.
 - Minimise noise impacts to new and existing dwellings.
- Any area of communal outdoor open space should be landscaped and include canopy cover and trees.

Assessment

Meets Objective

The development provides a communal open space on Levels 2 and 12 that will meet the recreation and amenity needs of residents. The communal open space will be accessible, functional, attractive and is integrated with the layout of the development.

Complies with Standard

The proposed development provides a total of 554 square metres of communal open space, in excess of the 250 square metres required by this standard.

The communal areas are accessible, useable and capable of efficient management. They do not overlook any dwellings and are located appropriately on the Levels 2 and 12 to ensure that noise impacts are minimised. Further, it will provide passive surveillance opportunities along King Street and integrated landscaped areas.



Solar access to communal outdoor open space objective

Clause 58-03-3	Assessment
Objective To allow solar access into communal outdoor open space	Meets Objective The development will allow reasonable solar access into the proposed communal outdoor open space due to its location and orientation.
Standard D8 - The communal outdoor open space should be located on the north side of a building, if appropriate. - At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.	Variation to Standard Accepted The main area of communal outdoor open space is located on the north-east corner of the building towards Lonsdale Street, and a secondary area is located along the west side along King Street. Due to the building's position within the central city, the ability to maximise solar access is constrained. Similarly, it is not appropriate to locate open space to the north due to shading from adjacent towers. Solar access is provided to the communal open space areas primarily between 1:30pm and 2:15pm on the solstice, ranging in size from 43 square metres to 151 square metres. While this does not meet the requirements of the Standard, the development has sought to maximise solar access to open space where possible by locating outdoor space across multiple aspects of the building. It is noted that the development provides for 1,945 square metres of communal amenity spaces across multiple floors comprised of 554 square metres of outdoor space and 1,391 square metres of indoor space. This is an additional 1,695 square metres of open space above the minimum requirements of the Standard.

Safety objective

Clause 58.03-4	Assessment
Objective To ensure the layout of development provides for the safety and security of residents and property	Meets Objective The layout of the development provides for the safety and security of residents and property.
Standard D9 - Entrances to dwellings should not be obscured or isolated from the street and internal accessways. - Planting which creates unsafe spaces along streets and accessways should be avoided. - Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. - Private spaces within developments should be protected from inappropriate use as public thoroughfares.	Complies with Standard The layout of the development has been designed to maximise passive surveillance towards Lonsdale Street and King Street. The residential lobby is accessed via the Lonsdale Street frontage. The layout of the basement and podium car park is safe and functional, can be well-lit and provided with signage to ensure comfortable and safe movements for residents.

Landscaping objectives

Clause 58.03-5	Assessment
Objectives To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.	Meets Objective The proposed landscaping response supports the existing and preferred urban context of the area.



- To preserve existing canopy cover and support the provision of new canopy cover.
- To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.

Standard D10

- Development should retain existing trees and canopy cover.
- Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.
- Development should:
 - Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.
 - Provide canopy cover through canopy trees that are:
 - Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.
 - Consistent with the canopy diameter and height at maturity specified in Table D4.
 - Located in communal outdoor open space or common areas or street frontages.
 - Comprise smaller trees, shrubs and ground cover, including flowering native species.
 - Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.
 - Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.
 - Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.
 - Protect any predominant landscape features of the area.
 - Take into account the soil type and drainage patterns of the site.
 - Provide a safe, attractive and functional environment for residents.
 - Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.
 - Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

Table D2 Canopy cover and deep soil requirements

Site area (sqm)	Canopy cover	Deep soil
1000 square metres or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater
1001 – 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area
1501 - 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area
2500 square	350 square metres plus 20% of site area above 2,500 square metres	15% of site area

Variation to Standard Accepted

Given the site area is approximately 1,751 square metres, Standard D10 requires 10% of the site area (175.1 square metres) to be provided for deep soil planting, 150 square metres plus 20% of the site area above 1,500 square metres (50.2 square metres) of canopy cover (200.2 square metres) and at least 2 Type B trees or 1 Type C tree.

As detailed in the submitted Landscape Report, the development will provide 91.1 square metres of 800mm deep planters and 64.1 square metres of 1,000mm deep planters, 127.2 square metres of canopy cover and 7 Type A trees.

A variation is required in relation to deep soil planting, canopy cover and number/type of trees. This is considered acceptable for the following reasons:

- The site is a highly constrained inner-city infill site with a three-level basement and limited opportunity to provide traditional deep soil planting.
- Landscaping is integrated throughout the development, including podium terraces and façade planting, contributing to urban greening, visual relief and resident amenity.
- The common areas throughout the development include high quality landscaping outcomes.



metres or more Include at least 2 Type B trees or 1 Type C tree

Table D3 Soil requirements for trees

Tree type	Tree in deep soil Area of deep soil	Tree in planter Volume of planter soil	Depth of planter soil
A	12 square metres (min. plan dimension 2.5 metres)	12 cubic metres (min. plan dimension 2.5 metres)	0.8 metre
B	49 square metres (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension of 4.5 metres)	1 metre
C	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metre

Note:

- Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%.

Table D4 Tree types

Tree type	Minimum canopy diameter at maturity	Minimum height at maturity
A	4 metres	6 metres
B	8 metres	8 metres
C	12 metres	12 metres

Access objectives

Clause 58.03-6

Objectives

- To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.
- To ensure the vehicle crossovers are designed and located to minimise visual impact.

Standard D11

- Vehicle crossovers should be minimised.
- Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.
- Pedestrian and cyclist access should be clearly delineated from vehicle access.
- The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.
- Developments must provide for access for service, emergency and delivery vehicles.

Assessment

Meets Objective

The new vehicle crossover to Dodds Street will provide safe access for vehicles.

Complies with Standard

The existing crossover to Gough Alley is proposed to be removed and a new crossover is proposed to Lonsdale Street as part of the Manton Lane extension, thereby minimising crossovers.

Car parking is provided in the basement away from the street, with access to the basement provided from the rear through a single access point. Shared access to the basement is provided for cyclists, which is considered appropriate given the low number of car parks and slow speed environment.

Separate pedestrian access is provided from the street and is clearly delineated. Surface treatments along the Manton Lane access point identify pedestrian priority. Adequate access is provided on site for service, emergency and delivery vehicles via the existing road network.



Parking location objectives

Clause 58.03-7	Assessment
Objectives - To provide convenient parking for resident and visitor vehicles. - To protect residents from vehicular noise within developments.	Meets Objective The development provides convenient parking for residents in the basement levels, which also ensures residents are well protected from vehicle noise.
Standard D12 - Car parking facilities should: - Be reasonably close and convenient to dwellings. - Be secure. - Be well ventilated if enclosed. - Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.	Complies with Standard Car parking is appropriately located within the basement levels of the development. Car parking areas are appropriately set out, provided with convenient internal access and internal areas can be well lit and protected via security systems as required.

Integrated water and stormwater management objectives

Clause 58.03-8	Assessment
Objectives - To encourage the use of alternative water sources such as rainwater, stormwater and recycled water. - To facilitate stormwater collection, utilisation and infiltration within the development. - To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.	Meets Objective The development achieves the objectives through the use of alternative water sources to reduce the impact of stormwater run-off on the drainage system.
Standard D13 - Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use. - Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority. - The stormwater management system should be: - Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). - Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.	Complies with Standard As detailed in the submitted Sustainable Management Plan, the development will meet the best practice standard for urban stormwater management, via the MUSIC modelling tool. A 30,000 litre rainwater tank will be collected for toilet flushing.

Building setback objectives

Clause 58.04-1	Assessment
Objectives - To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area. - To allow adequate daylight into new dwellings. - To limit views into habitable room windows and private open space of new and existing dwellings. - To provide a reasonable outlook from new dwellings. - To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.	Meets Objective The development appropriately responds to the site context, with a podium and tower typology, consistent with the context of the site and the DDO10 design objectives. The height of the podium responds to the corner location and the neighbouring buildings. The proposed tower includes front, side and rear setbacks to allow for adequate daylight into the new dwellings and for reasonable outlook from all habitable rooms, ensuring a high standard of internal amenity for future occupants.



	The design also limits views into habitable room windows and private open space of new and existing dwellings. The design response, in terms of height and setbacks, contributes to the preferred future development of the area.
Standard D14 • <i>The built form of the development must respect the existing or preferred urban context and respond to the features of the site.</i> • <i>Buildings should be set back from side and rear boundaries, and other buildings within the site to:</i> ○ <i>Ensure adequate daylight into new habitable room windows.</i> ○ <i>Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.</i> ○ <i>Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.</i> ○ <i>Ensure the dwellings are designed to meet the objectives of Clause 58.</i>	Complies with Standard The proposed built form respects the existing and preferred urban context and appropriately responds to the features of the site. The proposed height and side / rear setbacks are considered acceptable as the building will provide adequate daylight into new habitable room windows, avoid direct views into any habitable room windows, provide an outlook that creates a visual connection to the surrounding environment and appropriately responds to the objectives of Clause 58.

Internal views objective

Clause 58.04-2 Objective • <i>To limit views into the private open space and habitable room windows of dwellings within a development.</i>	Assessment Meets Objective The building is designed to limit views into the private open space and habitable room windows of dwellings within the development.
Standard D15 • <i>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.</i>	Complies with Standard The building has been designed to ensure direct views are limited between balconies or habitable room windows. Where potential for internal views is identified, appropriate screening treatments have been applied to prevent views into neighbouring windows and balconies (through 1.7m high screens on the edge of a balcony or through 1.7m high sill windows).

Noise impacts objectives

Clause 58.04-3 Objectives • <i>To contain noise sources in developments that may affect existing dwellings or small second dwellings.</i> • <i>To protect residents from external and internal noise sources.</i>	Assessment Meets Objective The building is designed to protect residents from external and internal noise sources.
Standard D16 • <i>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings.</i> • <i>The layout of new dwellings and buildings should minimise noise transmission within the site.</i> • <i>Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</i> • <i>New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</i> • <i>Buildings within a noise influence area specified in Table D5 should be designed and constructed to achieve the following noise levels:</i>	Complies with Standard The site is not located within a Noise Influence Area identified in Table D3. The building has been designed to ensure that all internal and external noise is mitigated through the appropriate siting of plant, waste and car parking. The layout of dwellings and mechanical plant is appropriately separated to ensure the amenity of residents is protected. The adoption of modern materials will ensure that noise emissions from the building are contained within what would be considered as acceptable and normal to a residential building.



- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.
- Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.
- Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table D5 Noise influence area

Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note:

The noise influence area should be measured from the closest part of the building to the noise source.

Wind impacts objective

Clause 58.04-4	Assessment
Objective • To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.	Meets Objective The built form, design and layout of the development will not generate unacceptable wind impacts within the site or on surrounding land.
Standard D17 • Development of five or more storeys, excluding a basement should: ○ not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and ○ achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater. • Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.	Complies with Standard A Pedestrian Wind Environment Study prepared by Windtech Consultants and dated 13 February 2026 accompanied the application, which assesses ground, podium and elevated locations using wind tunnel testing against relevant safety and comfort criteria. The study concludes that, subject to recommended mitigation measures (including awnings, screens and balustrades), all publicly accessible areas and key entrances will achieve acceptable safety and at least walking or standing comfort conditions. Some areas will experience improved wind conditions compared to the existing environment.

- *Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.*

Table D6 Wind conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: • 3 metres per second for sitting areas, • 4 metres per second for standing areas, • 5 metres per second for walking areas.

Acceptable outcomes are contingent on detailed design resolution, including façade and podium treatments in accordance with the endorsed Façade Strategy, and compliance with Council's Road Encroachment Guidelines for projections.

A permit condition will require incorporation of all tested mitigation measures and confirmation that post-mitigation conditions meet relevant criteria.

Accessibility objective

Clause 58.05-1

Objective

- *To ensure the design of dwellings meets the needs of people with limited mobility.*

Standard D18

- *At least 50 per cent of dwellings should have:*
 - *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.*
 - *A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.*
 - *A main bedroom with access to an adaptable bathroom.*
 - *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.*

Table D7 Bathroom design:

	Design option A	Design option B
Door opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower
Door Design	Either: • A slide door, or • A door that opens outwards, or • A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: • A slide door, or • A door that opens outwards, or • A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: • A minimum area of 1.2 metres by 1.2 metres. • Located in front of the shower and the toilet.	A clear circulation area that is: • A minimum width of 1 metre. • The full length of the bathroom and a minimum length of 2.7 metres. • Clear of the toilet and basin.

Assessment

Meets Objective

The design and layout of the development has regard for the needs of people with limited mobility.

Complies with Standard

The submitted architectural plans demonstrate that 53% of the proposed dwellings (249 out of 469) achieve compliance with the requirements of this Standard.



	Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

Building entry and circulation objectives

Clause 58.05-2	Assessment
Objectives - To provide each dwelling and building with its own sense of identity. - To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. - To ensure internal communal areas provide adequate access to daylight and natural ventilation.	Meets Objective The building has a clearly defined main entry from Lonsdale Street leading to the residential lobby. The internal layout will provide for the safe, functional and efficient movement of residents via the lift core. Each level will have access to daylight from either a northern, southern or eastern window located at the end of the communal corridor.
Standard D19 - Entries to dwellings and buildings should: - Be visible and easily identifiable. - Provide shelter, a sense of personal address and a transitional space around the entry. - The layout and design of buildings should: - Clearly distinguish entrances to residential and non-residential areas. - Provide windows to building entrances and lift areas. - Provide visible, safe and attractive stairs from the entry level to encourage use by residents. - Provide common areas and corridors that: - Include at least one source of natural light and natural ventilation. - Avoid obstruction from building services. - Maintain clear sight lines.	Complies with Standard The main building entry will be visible and easily identifiable and will provide shelter via a canopy. The building entry will be accessible and distinct from the ground level commercial tenancies along Lonsdale Street. Internal communal and common areas are appropriately laid out to ensure safe, functional and efficient thoroughfare. The internal corridors will have access to daylight from either the northern, southern or eastern window located at the end of the communal corridor.

Private open space objective

Clause 58.05-3	Assessment
Objective To provide adequate private open space for the reasonable recreation and service needs of residents.	Meets Objective The development provides adequate private open space for the reasonable recreation and services needs of residents.
Standard D20 A dwelling should have private open space consisting of at least one of the following:	Variation to Standard Accepted



- An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
- A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.
- An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
- An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.
- If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.
- If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.

Table D8 Balcony size

Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres
South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres
Any other orientation	Studio or 1 bedroom	8 square metres	1.8 metres
	2 bedroom	8 square metres	2 metres
	3 or more bedroom	12 square metres	2.4 metres

Table D9 Additional living area or bedroom area

Dwelling type	Additional area
Studio or 1 bedroom	8 square metres
2 bedroom	8 square metres
3 or more bedroom	12 square metres

The submitted architectural plans demonstrate that 219 of the 469 dwellings achieve compliance with the requirements of this Standard.

A variation for the remaining 250 dwellings is required.

The table below shows that:

- 30 dwellings do not provide any private open space (30 x studio dwellings);
- 85 x studio dwellings include additional internal areas of between 1.2 m² and 2.8 m² (where the required additional space is 8 m²);
- 109 x one bedroom dwellings include additional areas of between 5.4 m² and 6.5 m² (where the required additional space is 8 m²);
- 20 x two bedroom dwellings include additional areas of 6.1 m² (where the required additional space is 8 m²); and
- 6 x three bedroom dwellings include additional areas 10.2 m² (where the required additional space is 12 m²).

The variation is considered acceptable for the following reason:

- The lack of private open space will not unreasonably affect the amenity of the dwellings or the recreation and service needs of future residents, noting that they will have access to various communal indoor and outdoor spaces on Levels 1, 2 and 12, as well as other public open spaces areas in the immediate area (e.g. Flagstaff Gardens approximately 250 metres to the north of the site).

Further, an adaptable floor plate will be required via a condition on any amended permit to issue that shows how the floor plates could facilitate future conversion of studios and one bedroom dwellings to achieve improved layouts and compliance with Clause 58.

Proposed Private Open Space Provision

Apartment reference	Number of dwellings	Required open space area	Proposed balcony / additional living and bedroom area proposed	Compliance
Studios				
ST01	37	8 m ²	2.2 m ²	5.8 m ² shortfall
ST02	28	8 m ²	2.0 m ²	6.0 m ² shortfall
ST03	3	8 m ²	2.8 m ²	5.2 m ² shortfall
ST04	15	8 m ²	0.0 m ²	8.0 m ² shortfall
ST05	11	8 m ²	1.2 m ²	6.8 m ² shortfall
ST06	10	8 m ²	9.1 m ²	Complies
ST07	15	8 m ²	0.0 m ²	8.0 m ² shortfall
ST08	1	8 m ²	8.3 m ²	Complies
ST09	6	8 m ²	1.8 m ²	6.2 m ² shortfall
ST10	1	8 m ²	9.2 m ²	Complies
ST11	1	8 m ²	10.4 m ²	Complies
ST12	1	8 m ²	13.4 m ²	Complies



	Total: 129			Total: 14 out of 129 studios comply
One bedroom				
A01	10	8 m ²	8.0 m ²	Complies
A02	9	8 m ²	8.0 m ²	Complies
A03	19	8 m ²	8.0 m ²	Complies
A04	9	8 m ²	10.0 m ²	Complies
A05	23	8 m ²	8.3 m ²	Complies
A06	68	8 m ²	5.5 m ²	2.5 m ² shortfall
A07	24	8 m ²	8.1 m ²	Complies
A08	40	8 m ²	5.4 m ²	2.6 m ² shortfall
A09	3	8 m ²	8.1 m ²	Complies
A10	1	8 m ²	8.0 m ²	Complies
A11	1	8 m ²	19.0 m ²	Complies
A12	1	8 m ²	6.5 m ²	1.5 m ² shortfall
	Total: 208			Total: 99 out of 208 one bedrooms comply
Two bedroom				
B01	18	8 m ²	9.0 m ²	Complies
B02	10	8 m ²	8.0 m ²	Complies
B03	9	8 m ²	8.0 m ²	Complies
B04	41	8 m ²	8.1 m ²	Complies
B05	20	8 m ²	8.3 m ²	Complies
B06	20	8 m ²	6.1 m ²	1.9 m ² shortfall
B07	1	8 m ²	25.0 m ²	Complies
B08	1	8 m ²	8.0 m ²	Complies
	Total: 120			Total: 100 out of 120 two bedrooms comply
Three bedroom				
C01	6	12 m ²	12.5 m ²	Complies
C02	6	12 m ²	10.2 m ²	1.8 m ² shortfall
	Total: 12			Total: 6 out of 12 three bedrooms comply



Storage objective

Clause 58.05-4	Assessment															
Objective <i>To provide adequate storage facilities for each dwelling</i>	Meets Objective The development provides adequate storage facilities for each dwelling.															
Standard D21 <i>Each dwelling should have convenient access to usable and secure storage space.</i> <i>The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.</i> Table D10 Storage<table><tr><th>Dwelling type</th><th>Total minimum storage volume</th><th>Minimum storage volume within the dwelling</th></tr><tr><td>Studio</td><td>8 cubic metres</td><td>5 cubic metres</td></tr><tr><td>1 bedroom dwelling</td><td>10 cubic metres</td><td>6 cubic metres</td></tr><tr><td>2 bedroom dwelling</td><td>14 cubic metres</td><td>9 cubic metres</td></tr><tr><td>3 or more bedroom dwelling</td><td>18 cubic metres</td><td>12 cubic metres</td></tr></table>	Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling	Studio	8 cubic metres	5 cubic metres	1 bedroom dwelling	10 cubic metres	6 cubic metres	2 bedroom dwelling	14 cubic metres	9 cubic metres	3 or more bedroom dwelling	18 cubic metres	12 cubic metres	Complies with Standard The submitted architectural plans demonstrate that all of the proposed dwellings achieve compliance with the requirements of this Standard.
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling														
Studio	8 cubic metres	5 cubic metres														
1 bedroom dwelling	10 cubic metres	6 cubic metres														
2 bedroom dwelling	14 cubic metres	9 cubic metres														
3 or more bedroom dwelling	18 cubic metres	12 cubic metres														

Common property objectives

Clause 58.06-1	Assessment
Objectives - To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. - To avoid future management difficulties in areas of common ownership.	Meets Objective Communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
Standard D22 - Developments should clearly delineate public, communal and private areas. - Common property, where provided, should be functional and capable of efficient management.	Complies with Standard Private property is clearly distinguished from communal open space or common areas. Communal areas are laid out in a functional, accessible and easily maintainable manner.

Site services objectives

Clause 58.06-2	Assessment
Objectives - To ensure that site services are accessible and can be installed and maintained. - To ensure that site services and facilities are visually integrated into the building design or landscape.	Meets Objective Site services are accessible and will be installed and maintained. Site services and facilities are located in the basement levels, Ground Level and the Roof Level. All services are visually integrated with the building design.
Standard D23 - Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically. - Meters and utility services should be designed as an integrated component of the building or landscape. - Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.	Complies with Standard The development will be appropriately serviced, with service and plant areas clearly shown on the architectural plans and integrated into the building design. Service and plant areas are appropriately positioned to provide ease of access for installation and maintenance. The fire booster is integrated into the King Street frontage, while the substation is located in Basement



level 1, accessible via a hatch in the Manton Lane extension. The services have been incorporated into the facades with appropriate colours and materiality. Mailboxes are located adjacent to the residential foyer for convenient access.

Waste and recycling objectives

Clause 58.06-3	Assessment
Objectives <i>To ensure dwellings are designed to encourage waste recycling.</i> <i>To ensure that waste and recycling facilities are accessible, adequate and attractive.</i> <i>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</i>	Meets Objective The development is designed to encourage waste recycling as outlined in the submitted Waste Management Plan. Separate residential and retail waste and recycling facilities are accessible, adequate and located within the building, on the Ground Level, minimising impacts on residential amenity and the public realm.
Standard D24 <i>Developments should include dedicated areas for:</i> <i>Waste and recycling enclosures which are:</i> <i>Adequate in size, durable, waterproof and blend in with the development.</i> <i>Adequately ventilated.</i> <i>Located and designed for convenient access by residents and made easily accessible to people with limited mobility.</i> <i>Adequate facilities for bin washing. These areas should be adequately ventilated.</i> <i>Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.</i> <i>Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</i> <i>Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</i> <i>Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.</i> <i>Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:</i> <i>Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019).</i> <i>Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</i>	Complies with Standard All residents are provided with convenient access to waste storage facilities in the form of a waste chute on every floor, connecting to the waste storage room located on the Ground Level. Dwellings will be provided with sufficient internal storage space to enable temporary storage of household waste. Waste collection can be appropriately undertaken via the loading bay on the Ground Level. Further details are provided in the accompanying Waste Management Plan.

External walls and materials objective

Clause 58.06-4	Assessment
Objectives <i>To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.</i> <i>To ensure external walls endure and retain their attractiveness.</i>	Meets Objective The proposed development adopts materials that will endure and retain their attractiveness over time. The use of concrete, metal, textured masonry and glazed finished are appropriate to the existing urban context and the preferred future development of the area.
Standard D25	Complies with Standard

- *External walls should be finished with materials that:*
 - *Do not easily deteriorate or stain.*
 - *Weather well over time.*
 - *Are resilient to the wear and tear from their intended use.*
- *External wall design should facilitate safe and convenient access for maintenance.*

The external walls are finished with materials that will not deteriorate or stain and will be resilient and weather well to serve their intended use to positively contribute to the character of the area.

The external walls can be easily accessed for maintenance (as required).

Functional layout objective

Clause 58.07-1	Assessment																																																															
Objective To ensure dwellings provide functional areas that meet the needs of residents	Meets Objective The design and layout of dwellings within the development provides functional areas that will meet the needs of residents.																																																															
Standard D26 - Bedrooms should: - Meet the minimum internal room dimensions specified in Table D11. - Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe. <table><caption>Table D11 Bedroom dimensions</caption><tr><th>Bedroom type</th><th>Minimum width</th><th>Minimum depth</th></tr><tr><td>Main bedroom</td><td>3 metres</td><td>3.4 metres</td></tr><tr><td>All other bedrooms</td><td>3 metres</td><td>3 metres</td></tr></table> - Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13. <table><caption>Table D12 Living area dimensions</caption><tr><th>Dwelling type</th><th>Minimum width</th><th>Minimum area</th></tr><tr><td>Studio and 1 bedroom dwelling</td><td>3.3 metres</td><td>10 sqm</td></tr><tr><td>2 or more bedroom dwelling</td><td>3.6 metres</td><td>12 sqm</td></tr></table>	Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	Dwelling type	Minimum width	Minimum area	Studio and 1 bedroom dwelling	3.3 metres	10 sqm	2 or more bedroom dwelling	3.6 metres	12 sqm	Variation to Standard Accepted The submitted architectural plans demonstrate that all bedrooms and living areas generally comply with the requirements of Table D11 and Table D12, with the exception of the bedrooms detailed in the below table (58 dwellings). <table><tr><th>Dwelling Type</th><th>Main Bedroom Dimension</th><th>Main Bedroom Area</th><th>Living Area Dimension</th><th>Living Area</th></tr><tr><td colspan="5">Studios</td></tr><tr><td>ST03</td><td>x</td><td>✓</td><td>✓</td><td>✓</td></tr><tr><td>ST04</td><td>x</td><td>✓</td><td>✓</td><td>✓</td></tr><tr><td>ST07</td><td>x</td><td>✓</td><td>✓</td><td>✓</td></tr><tr><td>ST09</td><td>x</td><td>x</td><td>✓</td><td>✓</td></tr><tr><td colspan="5">Two bedroom</td></tr><tr><td>B01</td><td>x</td><td>✓</td><td>✓</td><td>✓</td></tr><tr><td>B08</td><td>x</td><td>x</td><td>✓</td><td>✓</td></tr></table> Studio type dwellings ST03 (x3), ST04 (x15), ST07 (x15) and ST09 (x6) do not comply with the bedroom dimensions, primarily due to the overall depth of these dwelling types. Although most comply with the minimum bedroom area requirement. Two bedroom type dwellings B01 (x18) and B08 (x1) do not comply with the bedroom dimensions, due to the location of the structural columns within these bedrooms. Although most comply with the minimum bedroom area requirement. A variation is required for these dwelling types. This is considered acceptable for the following reasons: - The shape and layout will achieve a functional space overall, with good internal amenity. - The rooms remain functional as demonstrated by furniture placement. - The variations are relatively minor.	Dwelling Type	Main Bedroom Dimension	Main Bedroom Area	Living Area Dimension	Living Area	Studios					ST03	x	✓	✓	✓	ST04	x	✓	✓	✓	ST07	x	✓	✓	✓	ST09	x	x	✓	✓	Two bedroom					B01	x	✓	✓	✓	B08	x	x	✓	✓
Bedroom type	Minimum width	Minimum depth																																																														
Main bedroom	3 metres	3.4 metres																																																														
All other bedrooms	3 metres	3 metres																																																														
Dwelling type	Minimum width	Minimum area																																																														
Studio and 1 bedroom dwelling	3.3 metres	10 sqm																																																														
2 or more bedroom dwelling	3.6 metres	12 sqm																																																														
Dwelling Type	Main Bedroom Dimension	Main Bedroom Area	Living Area Dimension	Living Area																																																												
Studios																																																																
ST03	x	✓	✓	✓																																																												
ST04	x	✓	✓	✓																																																												
ST07	x	✓	✓	✓																																																												
ST09	x	x	✓	✓																																																												
Two bedroom																																																																
B01	x	✓	✓	✓																																																												
B08	x	x	✓	✓																																																												

Room depth objective

Clause 58.07-2	Assessment
Objective • <i>To allow adequate daylight into single aspect habitable rooms</i>	Meets Objective



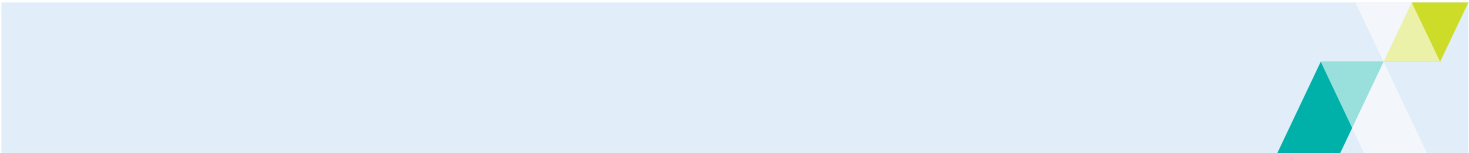
	The development will allow adequate daylight into single aspect habitable rooms.
Standard D27 - Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. - The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met: - The room combines the living area, dining area and kitchen. - The kitchen is located furthest from the window. - The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. - The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.	Complies with Standard The submitted architectural plans demonstrate that all dwellings comply with this standard.

Windows objective

Clause 58.07-3	Assessment
Objective To allow adequate daylight into new habitable room windows.	Meets Objective The development is designed to allow adequate daylight into habitable room windows.
Standard D28 - Habitable rooms should have a window in an external wall of the building. - A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. - The secondary area should be: - A minimum width of 1.2 metres. - A maximum depth of 1.5 times the width, measured from the external surface of the window.	Complies with Standard The submitted architectural plans demonstrate that all habitable rooms enjoy direct access to daylight.

Natural ventilation objectives

Clause 58.07-4	Assessment
Objectives - To encourage natural ventilation of dwellings. - To allow occupants to effectively manage natural ventilation of dwellings.	Meets Objective The design and layout of the development will allow occupants to effectively manage natural ventilation of individual dwellings.
Standard D29 - The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate. - At least 40 per cent of dwellings should provide effective cross ventilation that has: - A maximum breeze path through the dwelling of 18 metres. - A minimum breeze path through the dwelling of 5 metres. - Ventilation openings with approximately the same area. - The breeze path is measured between the ventilation openings on different orientations of the dwelling.	Complies with Standard The submitted architectural plans demonstrate that 45% of dwellings (210 out of 469) are provided with effective cross ventilation, which exceeds the minimum 40% required by this Standard.



Appendix 2: Assessment of the Melbourne City Council recommended permit conditions



MCC condition	DTP assessment
Amended Plans 1. Prior to the commencement of the development, or as otherwise be agreed with the Responsible Authority, an electronic set of plans, drawn to scale, must be submitted to the Responsible Authority in consultation with the Melbourne City Council, generally in accordance with the plans prepared by <u>Cox Pty Ltd dated 6 November 2020</u> <u>Fender Katsalidis Architects dated 24 February 2026</u> but amended to show: a. The changes shown in the indicative plans dated 20 April 2021 and 26 April 2021 but amended to show: i. integral retention of the front rooms with additional internal walls as necessary to complete enclosure, on both the ground and first floor of the Kilkenny Inn. The internal walls must be around 7 metres from the Lonsdale Street and King Street frontages and should separate the retained front rooms from the new office building. ii. no basement beneath the retained Kilkenny Inn building. iii. retention of the original roof form and removal of landscaping from the roof and terraces of the Kilkenny Inn building. iv. the single crossover to Lonsdale Street replaced with a double vehicle crossover unless otherwise agreed by the Melbourne City Council. v. alternative traffic measures to the installation of bollards on Manton Lane to the satisfaction of the Melbourne City Council. b. The current 6 metre dimensioned setback to 570 Lonsdale Street increased to a minimum of 5 metres from the centre line of Manton Lane above 40 metres in height. c. Reduce the depth of the 68 square metre ground floor retail tenancy and increase the width of the DDA path so that it is less constricted in width. d. Remove the glazing from ground floor street façade (false façade) located between the DDA access path and Lonsdale Street footpath. e. Replace the rotating door from King Street with sliding doors and airlock and move the external stairs internally to this threshold. f. Materials to be notated on all building elevations. g. Details of the street canopies on elevations and sections. h. Any changes as required by the wind tunnel modelling report required by the corresponding wind condition below. <u>i. Details of the canopies and their materials on elevations and sections. The canopies must demonstrate compliance with Melbourne City Council's Road Encroachment Guidelines.</u> <u>j. Any changes required where storage areas are not independently accessed and rely on access over an adjoining car space, the adjoining car parking</u>	Amended condition accepted. While the council has recommended amendments to the plans so that certain apartments are designed in accordance with Standard D20 and D26, it is considered that the design of these apartments is acceptable, as discussed above. As such, these proposed conditions will not be included on any amended permit to issue.



<u>spaces must be deleted or access must be provided to the satisfaction of the Responsible Authority.</u> k. <u>Apartment types ST01, ST02, ST03, ST04, ST05, ST07, ST09, A06, A08 and A12 designed in accordance with the requirements of Standard D20 of Clause 58.05-3 (Private Open Space), with any necessary modifications to internal layouts, unless otherwise agreed by the Responsible Authority.</u> l. <u>Apartment types ST02, ST04, ST07 and ST09 designed in accordance with the requirements of Standard D26 of Clause 58.07-1 (Functional Layout), with any necessary modifications to internal layouts, unless otherwise agreed by the Responsible Authority.</u> m. <u>Any changes, technical information or plan notations (or otherwise) required as a result of any other condition in this permit which is to be satisfied concurrently with the endorsement of plans.</u> These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.	
Compliance with Endorsed Plans 2. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority. 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority. 4. Prior to the occupation of the development hereby approved, all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.	N/A – subject to amendments to condition 2 as requested by the applicant and assessed above.
Structural Report - Demolition 5a. Prior to the commencement of demolition, to the commencement of demolition, a report prepared by a suitably qualified Structural Engineer, or equivalent, must be submitted to Melbourne City Council, demonstrating the means by which the retained portions of building will be supported during demolition to ensure their retention, to the satisfaction of Melbourne City Council. The recommendations contained within this report must be implemented at no cost to Melbourne City Council and be to the satisfaction of Melbourne City Council.	No changes to the condition, noting that the officer report included a typo 'to the commencement of demolition', which has since been acknowledged that it was in error.
Structural Report – Construction 5b. Prior to the commencement of the development, excluding demolition, a report prepared by a suitably qualified Structural Engineer, or equivalent, must be submitted to Melbourne City Council, demonstrating the means by which the retained portions of building	N/A



will be supported during construction works to ensure their retention, to the satisfaction of Melbourne City Council. The recommendations contained within this report must be implemented at no cost to Melbourne City Council and be to the satisfaction of Melbourne City Council.	
Conservation Management Plan 6. Prior to the commencement of the development, including demolition, a revised Conservation Management Plan for the retained sections of the heritage building must be submitted to and be approved by Melbourne City Council. The Conservation Management Plan must be amended to include: a) Any further works, including support during construction, as a result of additional heritage fabric being retained (front rooms to at least 7 m depth) at 248-250 King Street (Kilkenny Inn). When approved, the Conservation Management Plan will form part of the permit. Works to the heritage building approved under this permit must be undertaken in accordance with the Conservation Management Plan to the satisfaction of Melbourne City Council.	N/A
Completion of heritage works 7. At the completion of the works to 248-250 King Street, Melbourne the owner must provide a written submission from the approved Heritage Consultant, confirming that the project has been completed in accordance with the endorsed Reconstruction Methodology.	N/A
Bank guarantee for works 8. Prior to the commencement of the development, any external demolition works , a bank guarantee or bond, to the value of \$200,000 must be deposited with Melbourne City Council to ensure that the works are completed in accordance with the endorsed plan(s) and specifications. The bank guarantee or bond will be returned when the works are completed to the satisfaction of Melbourne City Council.	Amended condition accepted.
Consolidation 9. Prior to the commencement of works, excluding preliminary site works, demolition, any clean-up works and archaeological investigations, all the land for the proposed development must be consolidated onto the one certificate of title to the satisfaction of the Melbourne City Council.	N/A
Discontinuance of public road 10. Prior to the commencement of the development, excluding preliminary site works, demolition, any clean-up works and archaeological investigations, Gough Alley, which is to be built on must be formally	N/A



discontinued, purchased and consolidated with the subject land to the satisfaction of the Melbourne City Council.	
Legal Agreement – demolition in Capital City Zone 11. Prior to the commencement of the demolition or removal of existing buildings or works (excluding demolition or removal of temporary structures) on the land, the owner of the land must enter into an agreement with Melbourne City Council pursuant to Section 173 of the <i>Planning and Environment Act 1987</i>. The agreement must provide the following: a) If the land remains vacant for 6 months after completion of the demolition; b) Demolition or construction activity ceases for a period of 6 months; or c) Construction activity ceases for an aggregate of 6 months after commencement of the construction, the owner must construct temporary works on the land to the satisfaction of the Melbourne City Council. Prior to the commencement of construction of the temporary works, details of the works must be submitted to and be to the satisfaction of the Melbourne City Council. Temporary works may include: a) The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage; or b) Landscaping of the site for the purpose of public recreation and open space. The owner of the land must pay all of Melbourne City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.	N/A
Legal Agreement – office use 12. Prior to the occupation of the development excluding preliminary site works, demolition and any clean-up works, or as may otherwise be agreed with Melbourne City Council, the owner of the land must enter into an agreement with Melbourne City Council, with the Minister for Planning a party to the agreement, pursuant to Section 173 of the <i>Planning and Environment Act 1987</i>. This agreement must: a) Secure the office use for a minimum of 10 years from the date of issue of a certificate of occupancy for the building. The Agreement must make provision for the removal of this requirement from the land following completion of the obligations contained in the agreement. The owner must pay all of the Melbourne City Council and the Minister for Plannings' reasonable legal costs	Deletion of this condition is acceptable given that office is no longer a use within the proposed building. New condition accepted.

~~and expenses of this agreement, including preparation, execution and registration on title.~~

Legal Agreement – Affordable Housing

~~Before the development starts, excluding demolition, bulk excavation, piling, site preparation works, and works to remediate contaminated land, the landowner must enter into an agreement with Melbourne City Council and the Responsible Authority specified as a party to the agreement, under section 173 of the Planning and Environment Act 1987, to the satisfaction of the parties, for the delivery of affordable housing (as defined in the Act).~~

~~The agreement must be registered on title to the Land and the landowner must be responsible for the expense of preparation and registration of the agreement including Melbourne City Council's and the Minister for Planning's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and ending of the agreement (where applicable).~~

~~The agreement must be in a form to the satisfaction of Council and include covenants that run with title to the Land to:~~

- a) ~~Provide for the delivery of at least 5% of the net saleable area of dwellings as affordable housing before the development is occupied. This may be provided by utilising one or more of the following mechanisms:~~
 - i. ~~Gifting dwellings within the development to a registered agency (or rental housing agency approved by the Responsible Authority) at nil consideration; or~~
 - ii. ~~Leasing dwellings within the development as affordable housing under the management or oversight of a registered agency (or rental housing agency approved by the Responsible Authority). The cumulative value of the discounted rent must be of equivalent or higher value to condition 13(a)(i); or~~
 - iii. ~~Any other mechanism providing a contribution of equivalent or higher value to condition 13(a)(i) to the satisfaction of Melbourne City Council.~~
- b) ~~Unless otherwise agreed in writing by the Responsible Authority, in consultation with Melbourne City Council, the affordable housing delivered under condition 13(a) must:~~
 - i. ~~be delivered within the development approved by this planning permit;~~
 - ii. ~~take the form of one or two or three-bedroom dwellings generally representative of the approved dwelling mix unless otherwise required by a registered agency or rental housing agency;~~
 - iii. ~~be functionally and physically indistinguishable from, and have comparable amenity to, conventional dwellings within the development;~~



iv. <u>include appropriate access to communal facilities within the building at no extra fee for occupants of affordable housing dwellings; and</u> v. <u>allocate one or more bicycle parking space per dwelling for the life of the affordable housing.</u> c) <u>If the affordable housing contribution is to be delivered through the mechanism set out in condition 13(a)(ii), the landowner will engage a registered agency or rental housing agency to oversee the allocation of and annual reporting on the affordable housing. The registered agency or rental housing agency will be responsible for providing assurance that:</u> i. <u>The affordable housing dwellings are allocated to eligible households (as set out in the Planning and Environment Act);</u> ii. <u>Rental payments are no greater than 30% of gross household income for allocated households;</u> iii. <u>An annual compliance check is undertaken to ensure households continue to be eligible for affordable housing;</u> iv. <u>An annual report is prepared by the registered agency or rental housing agency and provided to Melbourne City Council on 30 June. The annual report must set out the number of dwellings that have been rented as affordable housing and the annual and cumulative value of the discounted rent.</u>	
Legal Agreement – Manton Lane extension 13. Prior to the occupation of the development, excluding preliminary site works, demolition and any clean up works Prior to the commencement of the <u>development</u>, or as may otherwise be agreed with Melbourne City Council, the owner of the land must enter into an agreement with Melbourne City Council pursuant to Section 173 of the <i>Planning and Environment Act 1987</i>. This agreement must: a) Secure continuous public access (pedestrian only) over the extension of Manton Lane southward to Lonsdale Street, except at times agreed with the Melbourne City Council for emergency, maintenance or other temporary closure. The land will remain in private ownership, be privately maintained to Council approved standards, and be covered by liability insurance. The owner must pay all of the Melbourne City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.	Amended condition accepted, noting that the council now supports retention of '(pedestrian only)' as requested by the applicant (originally recommended for deletion).
Façade Strategy 14. Prior to the commencement of the development, excluding preliminary site works, demolition, any clean-up works and archaeological investigations, or as may otherwise be agreed with the Responsible Authority, a facade strategy and material and finishes	Amended condition accepted.



must be submitted to the Responsible Authority and approved by the Responsible Authority in consultation with the Melbourne City Council. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority in consultation with the Melbourne City Council. Unless otherwise approved by the Responsible Authority, the Façade Strategy must be generally in accordance with the development plans and must address the following matters: a) A description by the architect of the building design concept and how the façade works to achieve this. b) Further details of each façade type to ensure the delivery of a high quality and textured building. c) Plans, elevations and sections generally at a scale of 1:50 illustrating typical podium details, entries and doors, utilities, typical tower detail, key junctures, and any special features which are important to the building's presentation. d) A schedule of materials, finishes and details, including but not limited to the type and quality of materials, colour and appearance, confirming reflectivity not greater than 2015% and providing an assessment of potential impacts relating to glare. e) Preliminary profile detail demonstrating how the brick tiles will transition between intersecting interfaces to maintain the impression of authentic facade depth and quality. f) Details of the proposed material for the office building soffits and the lower levels fronting King Street to ensure a high quality interface is achieved, with consideration of material quality, surface texture and minimisation of glare. g) Details of the street canopies to be lightweight and of high quality (such as glazed, steel or canvas canopies). h) Resolution of the ground plane to ensure a high-quality pedestrian environment. Further detailed sections and plans at a scale of 1:50 to understand how the ground floor retail tenancies will interact with each street interface to create a positive relationship with the public realm. i) <u>High-quality tower expression must be achieved through refined façade articulation, contextual design references and material or colour variation that deliver a distinctive tower identity.</u> 15. The strategy must illustrate the legibility of the proposal from short and distant views, including the extent of façade pattern, colours and ability to provide richness, texture and depth. This can be provided through montages from various vantage points and / or built model.	
Revised wind report 16. Prior to the commencement of the development, or as may otherwise be agreed with the Responsible Authority, wind tests carried out by a suitably qualified	Amended condition accepted.



consultant, must be carried out on a model of the approved building. A report detailing the outcome of the testing must be submitted to and be to the satisfaction of the Responsible Authority. The testing must only rely on approved canopies over the footpaths of Lonsdale Street and King Street. The report must also recommend any modifications which must be made to the design of the building to reduce any adverse wind conditions in areas used by pedestrians, to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees. <u>Concurrent with the endorsement of plans under Condition 1, the Pedestrian Wind Assessment prepared by Windtech Consultants dated 13 February 2026 must be amended to reflect the amended plans required by Condition 1, include wind tunnel testing zones at building entrances and publicly accessible spaces, and must be submitted and approved by the Responsible Authority.</u> <u>When provided to the satisfaction of the Responsible Authority, the report will be endorsed to form part of this permit. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.</u>	
Environmentally Sustainable Design (ESD) 17. Prior to the commencement of development for any building approved under this permit, excluding preliminary site works, demolition, any clean-up works and archaeological investigations, the following must be submitted to Melbourne City Council an amended Sustainable Management Plan (SMP) report to the satisfaction of the Responsible Authority and prepared by a suitable qualified person must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. When approved, the amended SMP report will be endorsed and form party of this permit. The amended SMP report must be generally in accordance with the SMP report prepared by IGS (Rev 01 dated 5 November 2025), but modified to include or show: a) A signed project registration for the project from the Green Building Council of Australia (GBCA). b) A signed NABERS commitment agreement for the targeted 5 Star NABERS Energy rating. c) Where the Clause 22-23 response proposes use of proprietary treatment products, a signed maintenance agreement(s) for the product with a minimum term of 5 years must also be submitted to satisfaction of Melbourne City Council – Infrastructure & Assets. d) A Climate Adaptation Plan including solutions to high and extreme risks that have been implemented into the design of the development. e) Calculations and diagrams that demonstrate at	Amended condition accepted.



least 60% of the nominated area have clear line of sight to high quality internal or external views. f) <u>Thermal comfort assessment that demonstrates a high degree of thermal comfort is provided to occupants in the space.</u> g) <u>Update architectural planning drawings to show with EV parking spaces with EV charging infrastructure (5% of total car parking spaces).</u> h) <u>Potable water calculator demonstrating the development can achieve a 25% reduction compared to a reference building.</u> i) <u>Update town planning drawings to include a note for the intended reuse for the 30kL rainwater tank (toilets flushing, bin wash down and landscape irrigation).</u> j) <u>A site plan showing materials that reduce urban heat and demonstrate Credit 19 Heat Resilience can be achieved including material specification on the architectural drawings for compliant materials.</u> k) <u>Provide stormwater peak discharge calculations.</u>	
Implementation of Environmentally Sustainable Design (ESD) 18. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to Melbourne City Council. The report must be to the satisfaction of Melbourne City Council and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans. This may include a GBCA Green Star Design & As Built Design Review Rating to confirm compliance with the stated Green Star targets. <u>Prior to the occupation of any building approved under this permit, a report from the author of the endorsed SMP report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans.</u>	Amended condition accepted.
Verification of Certified Green Star Rating 19. Following final GBCA certification of the project's Green Star Design & As-Built rating, copies of the certificate must be submitted to Melbourne City Council. <u>Prior to the commencement of buildings and works, evidence must be submitted to the satisfaction of the responsible authority, that demonstrates the project has been registered to seek a minimum 5 Star Green</u>	Amended condition accepted.



<u>Star Design and As-Built v1.3 rating (or equivalent) with the Green Building Council of Australia.</u> <u>Within 12 months of occupation of the building, certification must be submitted to the satisfaction of the responsible authority, that demonstrates that the building has achieved a minimum 5 Star Green Star Design and As-Built v1.3 (or equivalent).</u>	
<u>Green Infrastructure and Landscape package</u> 20. Prior to commencement of development, excluding preliminary site works, demolition, any clean-up works and archaeological investigations, a complete Landscape package and Landscape Maintenance Plan in connection with the proposed development must be submitted to, and be approved by Melbourne City Council. The landscape package should include detailed planter sections including soil volumes and schedules of species with specific consideration given to soil volume requirements and growing medium proposed. The landscape package should not include any visible planting above the retained Kilkenny Inn building. The Landscape Maintenance Plan should provide details of proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion. Except with the prior written consent of the Melbourne City Council the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of Melbourne City Council. <u>New condition:</u> <u>Prior to commencement of development, a Green Infrastructure Landscape Plan, Green Factor Scorecard and supporting Landscape Maintenance Plan, for all on-building landscaping, prepared by suitably qualified person(s), must be submitted to the Responsible Authority. The Green Infrastructure Landscape Package must be to the satisfaction of the Responsible Authority and include the following:</u> <u>Green infrastructure Landscape Plans for all relevant floors detailing:</u> a) <u>Any changes as required by Condition 1 of this permit.</u> b) <u>tree protection measures</u> c) <u>existing canopy cover area (quantities, height and width per tree)</u> d) <u>deep soil areas (dimensions and volume)</u> e) <u>canopy trees (quantities, pot size, height and caliper at time of planting)</u> f) <u>A planting schedule of proposed vegetation detailing the:</u> i. <u>genus, species, common names, cultivar names, origin</u> ii. <u>quantities of all plants</u> iii. <u>pot size at time of planting</u>	Amended / new condition accepted.



iv. <u>mature height and width of all plants</u> v. <u>diversity of plant species and forms</u> g) <u>Green wall / green facade details such as:</u> i. <u>annotated construction details including sectional diagrams, including research and development and troubleshooting for planter boxes on green wall.</u> ii. <u>Support structures</u> iii. <u>vegetation</u> iv. <u>materials</u> v. <u>growing media, volume, depths and specifications</u> vi. <u>waterproofing,</u> vii. <u>drainage,</u> viii. <u>dimensions</u> ix. <u>tree anchors if relevant</u> x. <u>Irrigation systems demonstrating use of non-potable water sources (rainwater, storm water and recycled water).</u> h) <u>City of Melbourne Green Factor Scorecard (PDF and GFT files)</u> <u>Green Infrastructure Landscape Maintenance Plan detailing:</u> a) <u>A statement to describe how the canopy, vegetation and urban ecology planning provisions that are required by the development will be successfully maintained in the future.</u> b) <u>Maintenance tasks for establishment period</u> c) <u>Ongoing maintenance schedule for after the initial 52-week period detailing weed and pest management, succession planting, re-mulching, plant nutrition.</u> d) <u>Replacement timeframes for poorly performing vegetation.</u> e) <u>Access requirements/agreements</u> f) <u>Maintenance schedule for green infrastructure structures, including mitigating strategies for green wall planter boxes.</u> g) <u>Detailed maintenance plan for green wall and planter boxes containing trees including risk management plan.</u>	
Civil conditions 21. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean-up works and archaeological investigations, or as may otherwise be agreed with Melbourne City Council a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Melbourne City Council. This system must be constructed prior to the occupation of each stage of the development and provision made to connect this system to the Melbourne City Council's underground stormwater drainage system. 22. Prior to the commencement of the use / occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans	N/A



and specifications first approved by the Melbourne City Council. 23. The footpaths adjoining the site along King Street and Lonsdale Street must be reconstructed in sawn bluestone together with associated works including the renewal of kerb and channel, the provision of tree plots, street furniture and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Melbourne City Council. 24. Existing street levels in King Street and Lonsdale Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining the written approval of the Melbourne City Council. 25. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Melbourne City Council.	
Road Safety Audit 26. Prior to commencement of development excluding preliminary site works, demolition, any clean-up works and archaeological investigations, a formal independent desktop Road Safety Audit of the proposed development should be undertaken at the developer's expense, which should include the vehicular / bicycle / pedestrian access arrangements, loading and waste arrangements & internal circulation / layout. The findings of the Audit should be incorporated into the detailed design, at the developer's expense.	N/A
Construction Management Plan 27. Prior to the commencement of the development, or as otherwise be agreed with the Melbourne City Council, a detailed construction and demolition management plan (potentially staged) must be submitted to and be approved by the Melbourne City Council – Construction Management Group. This construction management plan must be prepared in accordance with the Melbourne City Council - <u>Construction Management Plan Guidelines Code of Practice for Building, Construction and Works</u> and is to consider the following: a) public safety, amenity and site security. b) operating hours, noise and vibration controls. c) air and dust management. d) stormwater and sediment control. e) waste and materials reuse. f) traffic management. g) protection of street trees.	Amended condition accepted.
Tree protection	Amended condition accepted.



28. ~~Prior to the commencement of any works, including demolition and bulk excavation, a Tree Protection Plan (TPP) must be provided to the satisfaction of Melbourne City Council (Urban Forestry & Ecology). The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 — Protection of trees on development sites and include:~~

- ~~a) City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).~~
- ~~b) Reference to the Arboricultural Impact Assessment by Melbourne Arborist Reports, dated 13 November 2019.~~
- ~~c) Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries, scaffolding, construction zones, machinery locations and vehicle swept paths.~~
- ~~d) Site specific details of the temporary tree protection methods to be used to isolate public trees from the demolition and construction activities.~~
- ~~e) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.~~
- ~~f) Full specifications of any pruning required to public trees with reference to marked images.~~
- ~~g) Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.~~
- ~~h) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).~~

Prior to the commencement of any works, a Tree Protection Plan (TPP) must be provided to the satisfaction of the City of Melbourne. The TPP must identify all impacts to public trees, be in accordance with AS 4970-2025 (Protection of trees on development sites), AS4373-2007 (Pruning of Amenity Trees), and be authored by a qualified consulting arborist (min. AQF Level 5), including, but not limited to:

- a) A public tree protection plan drawn to scale including approved building design, construction zones, site access, machinery, equipment, temporary structures and dimensioned tree protection zones required to enable demolition, excavation, and construction, where these works are to impact public trees.
- b) City of Melbourne asset numbers for the public trees to be impacted (found at <http://melbourneurbanforestvisual.com.au>).
- c) A written assessment of all public trees located adjoining property, detailing the general condition and specific data of each public tree, and any construction impact the proposal will have on the trees, presented concisely with the assistance of tables and photos.



d) <u>Reference finalised Construction and Traffic Management Plan, including designs, details, and dimensions of any public protection gantries, scaffold, loading zones and machinery locations.</u> e) <u>Site specific details of the temporary tree protection fencing or hoarding to be used to isolate public trees from the excavation and construction activities. These must be shown on the protection plan. Details of any other tree protection measures considered necessary and appropriate to the works.</u> f) <u>Specific details of any design modifications or construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.</u> g) <u>Any pruning required to public trees must include detailed specifications with reference to marked images.</u> h) <u>A supervision schedule for the Project Arborist, interim reporting periods and final completion report (necessary for bond release).</u> 29. All works (including demolition), within the Tree Protection Zone of public trees, must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of Melbourne City Council. 30. Following the approval of a Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by council and provided to the applicant / developer / owner of the site. Should any tree be adversely impacted on, the Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.	
3D model 31. Prior to the occupation of the development, a 3D digital model of the approved development must be submitted to, and must be to the satisfaction of, Melbourne City Council. The model should be prepared having regard to Advisory Note – 3D Digital Modelling Melbourne City Council. Digital models provided to the Melbourne City Council may be shared with other government organisations for planning purposes. The Melbourne City Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to, and be to the satisfaction of, the Melbourne City Council. 32. Prior to the occupation of the development, a 3D digital model of the development and its immediate surrounds must be submitted to and approved by the	N/A



Responsible Authority. The 3D model must be in accordance with the Technical Advisory Note for 3D Digital Model Submissions prepared by the Department of Environment, Land, Water and Planning. The development must be in accordance with the endorsed 3D model, to the satisfaction of the Responsible Authority.	
Waste arrangements 33. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by WSP dated 5th November 2020. The submitted WMP must not be altered without prior consent of the Melbourne City Council. <u>Concurrent with the endorsement of plans under Condition 1, an amended WMP prepared by a suitably qualified person, must be approved and endorsed by Melbourne City Council – Waste and Recycling. The amended WMP must be generally in accordance with the WMP prepared by WSP dated 1 April 2026, but modified to include or show:</u> a) <u>Any changes as required by Condition 1 of this permit.</u> b) <u>Any final plan for the relevant residential and retail premise floors.</u> c) <u>Widening to the doorway associated with the e-waste and charity bin room, or alternatively, show 240-litre City of Melbourne e-waste bins.</u> <u>Once approved, the WMP will be endorsed and will form part of this permit. At all times waste management and collection must be carried out in accordance with the requirements of the approved and endorsed WMP to the satisfaction of Melbourne City Council – Waste and Recycling. Waste storage and collection arrangements must not be altered without prior consent of Melbourne City Council – Waste and Recycling.</u>	Amended condition accepted.
Department of Transport conditions 34. Before development starts (including demolition and bulk excavation), a Traffic Management Plan must be submitted to and approved by the Head, Transport for Victoria. The Traffic Management Plan must provide for: a) how public transport operations, traffic, walking and cycling movements will be managed during the demolition and construction; and b) how any traffic impact to the bus operations and associated infrastructure will be mitigated. The Traffic Management Plan must be implemented and complied with to the satisfaction of the Head Transport for Victoria. All costs associated with the preparation and implementation of the Traffic Management Plan will be at no cost to the head, Transport for Victoria.	N/A



35. If the existing bus stop on Lonsdale Street (development side) cannot be used during the demolition and construction of the development a temporary bus stop must be provided in an alternative location at no cost and to the satisfaction of the Head, Transport for Victoria. 36. Any request for written consent to disrupt bus operations or a temporary bus stop on Lonsdale Street during the demolition and construction of the development must be submitted to and approved by the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption / temporary bus stop relocation and must detail measures that will occur to mitigate the impact of the planned disruption or temporary bus stop. 37. Prior to the occupation of the building all disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria.	
Permit expiry 38. This permit will expire if one of the following circumstances applies: a) The development is not started within three years of the date of this permit. b) The development is not completed within five years of the date of this permit. The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.	N/A
<u>New Conditions:</u> <u>Reflective Glare</u> A. <u>Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a reflected glare assessment of external building materials and finishes, utilising an appropriate methodology prepared by a suitably qualified person, must be prepared and submitted to the satisfaction of the Responsible Authority.</u> B. <u>External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.</u> C. <u>Specular light reflectance from external materials and finishes must be less than fifteen percent to the</u>	New conditions accepted.

satisfaction of and unless otherwise approved by the Responsible Authority.

Loading Management Plan

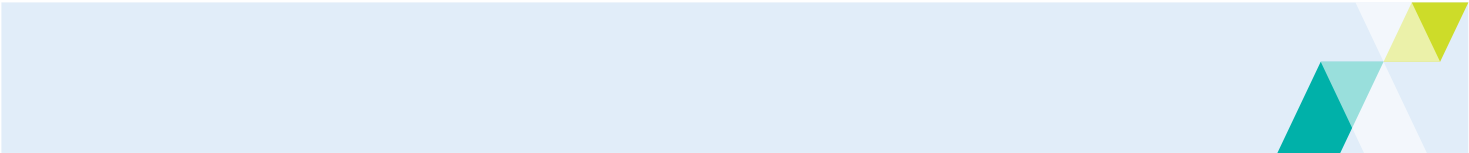
D. Prior to the commencement of the development, including demolition and site preparation works, a Loading Management Plan must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. The Loading Management Plan must specify how the access / egress of loading vehicles is to be managed and ensuring that:

- a) The delivery needs of the uses within the development are accommodated.
- b) Any potential conflicts between vehicles and other users are satisfactorily addressed.
- c) There are no obstructions in the path of the vehicles (kerbs, walls, etc.) and appropriate height clearances are provided for all required vehicles / manoeuvres.
- d) A Loading Dock Manager, Building Manager or similar person is nominated, with the following responsibilities:
 - i. Present on site when deliveries are undertaken.
 - ii. Act as a spotter for any reversing movements into the loading bay.
 - iii. Act as informal traffic controller to discourage pedestrian movements when vehicles reverse.
 - iv. Ensure conflicts do not occur between loading / other vehicles.
 - v. Ensure that space used for vehicle manoeuvring is kept clear of other vehicles / obstructions at all times.

Once approved, the Loading Management Plan will be endorsed to form part of the permit.

Public Tree Removal / Pruning

- E. No public tree adjacent to the site can be removed or pruned in any way without the written approval of the City of Melbourne.
- F. Approval for any tree removal is subject to the Tree Policy 2021, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. All options for tree retention must be explored and exhausted to the satisfaction of a City of Melbourne Arborist before public tree removal, or significant pruning, is approved.
- G. All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a tree



to be removed, must be met by the applicant / developer / owner of the site. Costs will be provided and must be agreed to before council remove the subject trees. <u>New / Replacement Tree Plots</u> H. <u>All new or replacement tree plots must maximise available soil volume and rooting area, with either enlarged pit dimensions, relocating, or providing protection for underground services, or the use of structural soils.</u> <u>Quantity Surveyor Report</u> I. <u>Concurrent with the endorsement of plans under Condition 1, an amended Quantity Surveyor Report (QSR) prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The amended QSR must be generally in accordance with the QSR prepared by Rider Levett Bucknall dated 18 February 2026, but updated to reference the affordable housing contribution as the public benefit relied upon in support of the approved development.</u>	
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