



1 Shadow Diagram - April 22nd @1pm - Existing  
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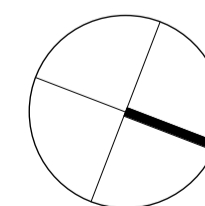
2 Shadow Diagram - April 22nd @1pm - Proposed  
A-2000 SCALE: 1:1000

222 & 240 Exhibition Street

Drawing: Shadow Diagram - April 22nd @ 1pm  
 Drawing no: DA9004  
 Issue: D  
 Scale @ A1: 1 : 1000  
 Date: 14.02.2025

PROPOSED

GENERAL NOTES  
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2 Shadow Diagram - April 22nd @2pm - Proposed  
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222 & 240 Exhibition Street

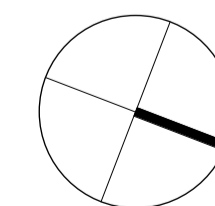
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 Date: 14.02.2025

**Shadow Diagram - April 22nd @ 2pm**



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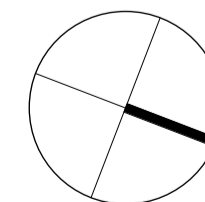
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A-2000 SCALE: 1:1000

222 & 240 Exhibition Street

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 Issue: D  
 Scale @ A1: 1 : 1000  
 Date: 14.02.2025

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1 Shadow Diagram - September 22nd @9am - Existing  
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TEXT DISPLAY AMENDED

2 Shadow Diagram - September 22nd @9am - Proposed  
 A-2000 SCALE: 1:1000

TEXT DISPLAY AMENDED

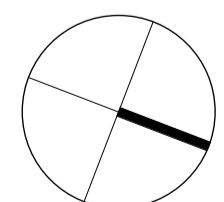
222 & 240 Exhibition Street

Drawing: DA9107  
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 Issue: 1  
 Scale @ A1: 1 : 1000  
 Date: 25.04.2025

Shadow Diagram - September 22nd @ 9am



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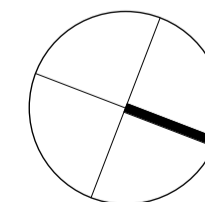
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222 & 240 Exhibition Street

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 Issue: D  
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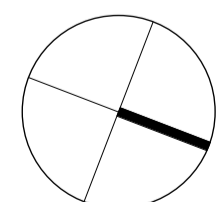
2 Shadow Diagram - September 22nd @11am - Proposed  
 A-2000 SCALE: 1: 1000

222 & 240 Exhibition Street

Drawing: DA9109  
 Drawing no: D  
 Issue: Scale @ A1: 1 : 1000  
 Date: 14.02.2025

Shadow Diagram - September 22nd @ 11am PROPOSED

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**1** Shadow Diagram - September 22nd @12pm - Existing  
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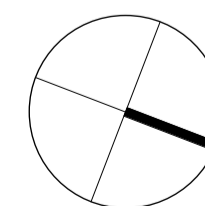
**2** Shadow Diagram - September 22nd @12pm - Proposed  
A-2000 SCALE: 1 : 1000

222 & 240 Exhibition Street

Drawing: **Shadow Diagram - September 22nd @ 12pm**  
 Drawing no: DA9110  
 Issue: D  
 Scale @ A1: 1 : 1000  
 Date: 14.02.2025

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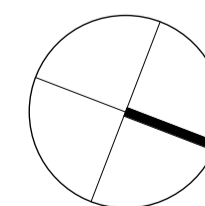
222 & 240 Exhibition Street

Drawing: DA9111  
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 Issue: Scale @ A1:  
 Date: 1 : 1000  
 14.02.2025

Shadow Diagram - September 22nd @ 1pm



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222 & 240 Exhibition Street

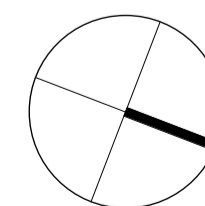
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 Date: 14.02.2025

Shadow Diagram - September 22nd @ 2pm



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222 & 240 Exhibition Street

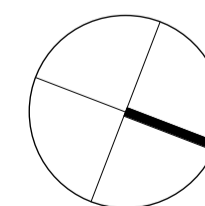
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 Scale @ A1: 1 : 1000  
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Shadow Diagram - September 22nd @ 3pm



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# PLANNING REPORT

TPMR-2022-12

222 AND 240 EXHIBITION STREET, MELBOURNE

DEMOLITION (INCLUDING PARTIAL DEMOLITION) OF EXISTING BUILDINGS AND WORKS; CONSTRUCTION OF BUILDINGS AND WORKS FOR A MULTI-STOREY MIXED-USE BUILDING; AND IMPROVEMENTS TO THE REAR OF THE COMEDY THEATRE



### **Acknowledgement of Traditional Owners**

The City of Melbourne respectfully acknowledges the Traditional Owners of the land we govern, the Wurundjeri Woi-wurrung and Bunurong / Boon Wurrung peoples of the Kulin Nation and pays respect to their Elders past and present. We acknowledge and honour the unbroken spiritual, cultural and political connection they have maintained to this unique place for more than 2,000 generations.

We accept the invitation in the Uluru Statement from the Heart and are committed to walking together to build a better future.

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## 1. Application Details

CoM Application Number	TPMR-2022-12
DTP Application Number	PA2201668
Address	222 and 240 Exhibition Street, Melbourne
Applicant Owner Architect	Lasalle Investment Management Pty Ltd c/- Urbis The Comedy Theatre Pty Ltd and The Trust Company Ltd Architectus
Proposal	Demolition (including partial demolition) of existing buildings and works; construction of buildings and works for a multi-storey, mixed-use building; and improvements to the rear of the Comedy Theatre
Cost of Works	\$211,866,000
Planning Controls	Capital City Zone (Schedule 1) Heritage Overlay (Schedule 632) Design and Development Overlay (Schedule 1) Design and Development Overlay (Schedule 10) Design and Development Overlay (Schedule 62-B4 & B6) Parking Overlay (Schedule 1)
Permit Requirements	<u>Capital City Zone</u> To construct a building or construct or carry out works (CCZ1) To demolish or remove a building or works (CCZ1) <u>Design and Development Overlay</u> To construct a building or construct or carry out works (DDO1, 10, 62)
Consultation	Public notification is the responsibility of the Minister for Planning (Department for Transport and Planning)
Easements/Covenants/Section 173 Agreements	<u>222 Exhibition Street</u> Section 173 Agreement N484853Q – relates to the transferring of a road to Council Section 173 Agreement P487702G – relates to the structure of the existing building on-site, which is not being affected Easements E-1, E-2, E-3 and E-4 – relates to Footway
Reason for FMC Referral	The development relates to a Ministerial Application with a gross floor area exceeding 25,000 square metres. Therefore, the application is required to be referred to a Future Melbourne Committee in accordance with Section 2.4.2 of Melbourne City Council's Delegation Policy for Planning Applications
Recommendation	No objection subject to recommendations and conditions
Planning Officer	Richard Cherry, Principal Urban Planner

## 2. Executive Summary

- The application seeks planning approval for:
  - Demolition and refurbishment works to the Comedy Theatre ('Theatre'), including construction of a new fly tower.
  - Construction of a multi-storey, mixed use tower behind, and cantilevering over, the Comedy Theatre; and which includes 6,760 m<sup>2</sup> of residential hotel (270 rooms) and 8,784 m<sup>2</sup> of office floor space.
  - Provision of flexible spaces which may be used to support the ongoing operation of the Theatre (e.g. rehearsal spaces).
  - Improved activation of Lonsdale Street and Punch Lane.
- The Theatre upgrades will deliver a unique opportunity to support one of Melbourne's historical theatres, not meaningfully upgraded since its construction in 1928, allowing the Theatre to compete for more modern shows and enhance the entertainment offering in Central Melbourne.
- Separate approval from Heritage Victoria (HV) is required as the Theatre (240 Exhibition Street) is included on the Victorian Heritage Register (VHR).
- The key matters for consideration are the appropriateness of the built form having regard to the policy framework and Design and Development Overlay (DDO1, 10 and 62), overshadowing and wind impacts.
- Subject to recommendations to address key outstanding matters and permit conditions, the proposed development would respond to the relevant provisions of the Melbourne Planning Scheme and could be supported.
- The most recent plans and supporting documents, which is the assessment material, were formally amended under s.50 of the *Planning and Environment Act 1987* and were received by Council on 9 July 2025.

## 3. Application Site and Surrounds

### 3.1. Application Site

- **222 Exhibition Street:** A 4,700 m<sup>2</sup> site with title frontages to Exhibition Street, Little Bourke Street, Lonsdale Street and Punch Lane.

The site is developed with a mix of low-scale form around a 29 storey tower with a frontage to Exhibition Street and above-ground car parking off Lonsdale Street. Lower level retail and upper level office uses occupy the site.

Where the title of 222 Exhibition Street (Lot 1 on Plan of Subdivision 218078M) extends to Punch Lane, it is limited in height.

- **240 Exhibition Street:** A 1,200 m<sup>2</sup> site with frontages to Exhibition Street and Lonsdale Street.

The site is developed with the Comedy Theatre – a five storey brick building with basement. Designed by Albion H Walkley & Charles Neville Hollinshead in the Spanish Renaissance style which was based on the style of Broadway theatres of New York being built at that time. Built by Clements Langford in 1928 for the theatre company JC Williamson.

The Comedy Theatre is graded 'Significant' in accordance with the *Incorporated Document: Heritage Places Inventory March 2022 (Amended August 2025)*; and is listed on the Victorian Heritage Register (Ref: H2273). The Statement of Significance states:

*The Comedy Theatre is historically significant for its association with Melbourne's theatre scene in the twentieth century. It is important as the only live theatre building constructed in Melbourne in first half of the twentieth century, and as an unusual example of an 'intimate' theatre, demonstrating the development of live theatre in the twentieth century. The Comedy Theatre is of historical significance as an example of the work of theatre architects Albion Walkley and Charles Hollinshead.*

*The Comedy Theatre is of architectural significance as an outstanding and intact example of an interwar theatre, which still retains its original design and features both externally and internally. It is important for demonstrating the influence of the Broadway theatres designed by noted American architect, Herbert J. Krapp in the mid-1920s.*



Figure 1: Area map



Figures 2 & 3: Comedy Theatre (240 Exhibition Street)



Figures 4 & 5: Application Site from Exhibition Street



Figures 6 & 7: Application Site from Lonsdale Street

### 3.2. Surrounds

- To the north is Lonsdale Street, carrying two lanes of bi-directional traffic and car parking within the median strip. Over Lonsdale Street is 242 Exhibition Street, a 47-storey commercial building currently occupied by the Telstra Commercial Centre.

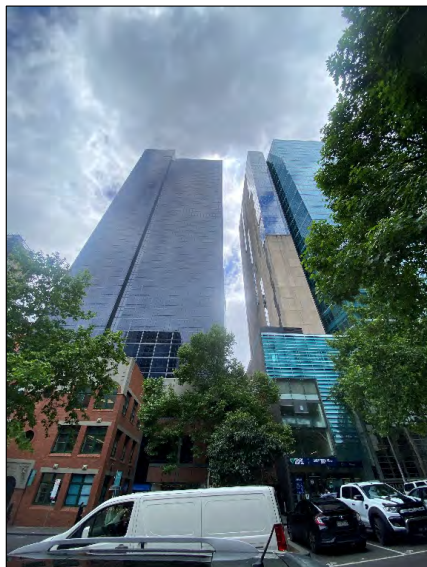


Figure 8: 242 Exhibition Street (Lonsdale Street frontage)

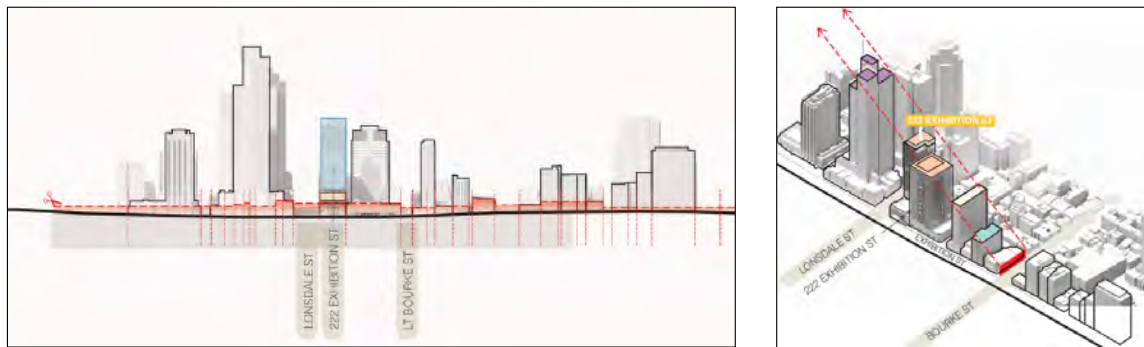
- To the east is Punch Lane and several small-scale buildings accessed from Punch Lane. Punch Lane is an active pedestrian thoroughfare connecting Little Bourke Street and Lonsdale Street and comprises a mix of accommodation and retail offerings. Further to the east are multi-storey office buildings and hotels.



Figures 9 & 10: Punch Lane

- To the south is Little Bourke Street, a local road carrying one lane of traffic in a westerly direction. Little Bourke Street accommodates restricted parallel parking to both sides and is flanked by heavily trafficked footpaths which provide pedestrian access to the Chinatown precinct.
- To the west is Exhibition Street, which carries two lanes of traffic (plus protected bike lanes) in each direction on a north-south axis. On the west side of Exhibition Street is Her Majesty’s Theatre.
- Her Majesty’s Theatre is affected by Heritage Overlay Schedule 631 and is included on the Victorian Heritage Register (Ref: H0641). To the west beyond Her Majesty’s Theatre is Chinatown, which is characterised by low-rise built form.

- The scale of buildings in the immediate area varies substantially. The site is located on the fringe of the Bourke Hill character area and Chinatown. Bourke Hill and Chinatown are generally of a lower scale, with relatively few tall buildings, while areas to the north and north-east of the site are dominated by multi-storey high rise development.
- The site is within an area of transition from the lower scale area of Bourke Hill (DDO62) and the general development area of the CBD (DDO10) as demonstrated in the figures below.



Figures 11 & 12: Exhibition Street context scale

### 3.3. Aboriginal Cultural Heritage

This Site is on the traditional lands of Wurundjeri Woi-wurrung.

The Site is not located in an area of legislated Cultural Heritage Sensitivity.

## 4. Background

### 4.1. Site Approval History

The Site has been the subject of various planning approvals, recent and historic. These typically relate to minor works, alterations, repairs, services and signage.

### 4.2. Pre-Application Discussions

The Site has been the subject of several pre-applications, including discussions with City of Melbourne (CoM) around opportunities for a small-scale addition behind the Comedy Theatre; and Ministerial pre-application discussions with the Department of Transport and Planning (DTP) and CoM for a tower development, more consistent with the scale of the current proposal.

Ministerial pre-application PAM-2020-245 was the subject of a design review from the Office of the Victorian Government Architect (OVGA).

### 4.3. Heritage Victoria

The Comedy Theatre at 240 Exhibition Street is listed on the Victorian Heritage Register (H2273) and separate Heritage Victoria (HV) approval is required.

DTP has recently advised Council that the applicant has prepared a design package that seeks to address preliminary HV and OVGA feedback, relating to the relationship and transition between the Comedy Theatre and proposed tower – specifically the design of the fly-tower and the cantilever of the tower over the Comedy Theatre. The design package would change how this element is viewed from the public realm. Notwithstanding, as the change is preliminary only, the extent of assessment is limited at this stage.

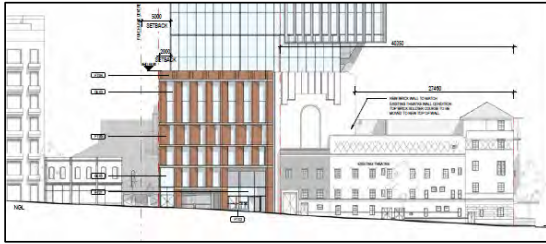


Figure 13: Current proposal

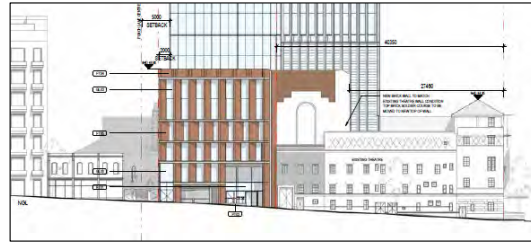


Figure 14: Revised preliminary option



Figure 15: Current proposal



Figure 16: Revised preliminary option

#### 4.4. Application History

##### Original Application

Planning Application TPMR-2022-12 (Ministerial Ref: PA2201668) was lodged with DTP on 30 May 2022. The application sought demolition (including partial demolition) of existing buildings and works, construction of buildings and works for a multi-storey, mixed use building and improvements to the rear of the Comedy Theatre. The application was referred to CoM on 20 June 2022.

##### Section 50 Amendment Applications

Since original lodgement, the application has been formally amended on three separate occasions, pursuant to s50 of the *Planning and Environment Act 1987*. The amendments have largely been in response to DTP and Council advice, including internal referral comments from various Council departments.

A timeline of the s50 amendments referred to Council is as follows:

S50 Amendment Application Timeline	
S50 Amendment Date Received	Summary
1 December 2022	Combined Amendment / RFI response
19 July 2023	Amendments to plans
4 March 2025 9 July 2025	Amendments to plans RFI Response
<b>Assessment material</b>	

The key changes between the original application and the latest s50 amendment (assessment material) are:

- Reduction in tower height by approximately 15 m.
- Additional tower setbacks to Lonsdale Street.
- Additional tower separation from the existing tower at 222 Exhibition Street.
- Introduction of residential hotel land use.
- Slight relocation of the vehicle entry / egress further east.
- Variation of existing easements.
- Relocation of waste rooms.
- Relocation of office lobby.

## 5. Proposal

### 5.1. Proposal Summary

#### 240 Exhibition Street

- Internal demolition.
- Demolition of the rear fly tower, rear roof and elements of the north elevation at ground level.
- Alterations to the basement levels.
- Construction of ground and upper level fly tower additions to the rear of the retained Comedy Theatre. The additions, including basement, extend south over the 222 Exhibition Street boundary.
- The additions measure approximately 26 m in height from the Exhibition Street footpath level; and is set back approximately 28 m from the Exhibition Street (front) boundary and 865 mm from the Lonsdale Street (side) boundary.

#### 222 Exhibition Street

- Demolition of the existing above ground car park and basement car parking.
- Alterations at basement levels including new lift shafts and relocation of easement.
- Ground level works to the existing car park, including reallocation of car spaces, realignment of vehicle driveway off Lonsdale Street, relocation of easement.
- Construction of a six storey extension behind the Comedy Theatre additions, including office lobby and lift core at ground level, hotel lobby and function spaces at levels 1 and 2, office space at levels 3-5.
- Construction of a tower for the purposes of office space at levels 6-15, plant at level 16, hotel keys at levels 17-26, and plant at level 27.
- The tower measures approximately 110 m in height from the Exhibition Street footpath level; and is set back 22.3 m from the Exhibition Street (front) boundary, 2.25 m from the Lonsdale Street (side) boundary, and 5 m from the centreline of Punch Lane (rear).

Note. From level 5, the tower projects over the Comedy Theatre at 240 Exhibition Street and is set back 5 m from the Lonsdale Street (side) boundary.

- The portion of proposed tower within the 240 Exhibition Street site provides a 10 m separation from the existing tower at 222 Exhibition Street.

Details of the proposal are summarised as follows:

Development Summary	
Commercial (new)	8,784 m <sup>2</sup>
Residential Hotel (new)	6,760 m <sup>2</sup> (270 rooms)
Total Gross Floor Area (GFA)	84,710 m <sup>2</sup> (existing and proposed across the two sites)
Floor Area Ratio (FAR)	14.25:1 (across the two sites)
Storeys	27 levels
Total Height	110 m from Exhibition Street including plant
Car Parking	Reduction of 90 existing car spaces
Bicycle Parking	232 bicycle spaces

### 5.2 Renders

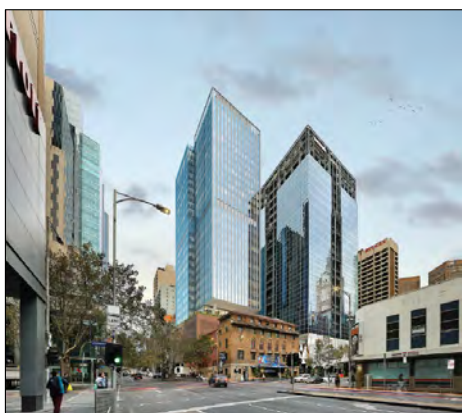


Figure 17: Lonsdale Street / Exhibition Street corner



Figure 18: Lonsdale Street



Figure 19: Lonsdale Street



Figure 20: Punch Lane

### 5.3 Documents Considered in Assessment

The documents which have been considered in this assessment are identified in the table below.

Documents Considered in Assessment		
Document	Author	Date Received by MCC
Application Form	-	20 June 2022
Certificate of Titles	-	9 July 2025
Architectural Plans	Architectus	9 July 2025

Stormwater Management Report	Robert Bird Group	9 July 2025
Town Planning Report	Urbis	9 July 2025
Traffic Impact Assessment	Impact	9 July 2025
Waste Management Plan	WSP	9 July 2025
Detailed Shadow Analysis	Architectus	9 July 2025
RFI and Referral (Written) Response	Urbis	9 July 2025
Urban Context Report	Architectus	9 July 2025
Acoustic Letter	Acoustic Logic	9 July 2025
Area Schedule Review Letter	Slattery	9 July 2025
Environmental Wind Considerations Letter	MEL Consultants	9 July 2025
Wind Tunnel Study	MEL Consultants	19 July 2023
Sustainable Management Plan Letter	Edison Consultants	9 July 2025
Tower Floorplate Analysis	Architectus	9 July 2025
Legal Advice Letter	Colin Biggers & Paisley	19 July 2023

## 6. Planning Policies and Controls

The following provisions of the Melbourne Planning Scheme are most relevant to the application:

Sections	Policies
<b>Municipal Planning Strategy</b>	<ul style="list-style-type: none"> <li>• Clause 2.02: Vision</li> <li>• Clause 2.03: Strategic Directions</li> <li>• Clause 2.04: Strategic Framework Plans</li> </ul>
<b>Planning Policy Framework</b>	<ul style="list-style-type: none"> <li>• Clause 11: Settlement                             <ul style="list-style-type: none"> <li>○ Clause 11.02: Managing Growth</li> <li>○ Clause 11.03: Planning for Places</li> <li>○ Clause 11.03-6L-09: Hoddle Grid</li> </ul> </li> <li>• Clause 15: Built Environment and Heritage                             <ul style="list-style-type: none"> <li>○ Clause 15.01: Built Environment</li> <li>○ Clause 15.01-1S – Urban Design</li> <li>○ Clause 15.01-1R – Urban Design – Metropolitan Melbourne</li> <li>○ Clause 15.01-1L-01: CBD Lanes</li> <li>○ Clause 15.01-1L-03: Sunlight to Public Spaces</li> <li>○ Clause 15.01-1L-04 – Urban Design</li> <li>○ Clause 15.01-2S – Building Design</li> <li>○ Clause 15.01-2L-01: Energy and resource efficiency</li> <li>○ Clause 15.01-5S – Neighbourhood Character</li> <li>○ Clause 15.02 Sustainable Development</li> <li>○ Clause 15.03-1L-02: Heritage</li> </ul> </li> <li>• Clause 17: Economic Development                             <ul style="list-style-type: none"> <li>○ Clause 17.01: Employment</li> <li>○ Clause 17.02: Commercial</li> </ul> </li> <li>• Clause 18: Transport                             <ul style="list-style-type: none"> <li>○ Clause 18.01: Land Use and Transport</li> <li>○ Clause 18.02: Movement Networks</li> </ul> </li> <li>• Clause 19: Infrastructure                             <ul style="list-style-type: none"> <li>○ Clause 19.02: Community Infrastructure</li> <li>○ Clause 19.03: Development Infrastructure</li> <li>○ Clause 19.03-3L: Stormwater management (Water Sensitive Urban Design)</li> </ul> </li> </ul>
<b>Capital City Zone Schedule 1</b>	<p>A <b>permit is required</b> to demolish or remove a building or works.</p> <p>A <b>permit is required</b> to construct a building or construct or carry out works.</p>

Sections	Policies
<b>Heritage Overlay Schedule 632</b>	A permit is not required to develop a heritage place which is included in the Victorian Heritage Register.
<b>Design and Development Overlay Schedules 1, 10, 62</b>	A <b>permit is required</b> to construct a building or construct or carry out works.
<b>Parking Overlay Schedule 1</b>	A permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of this schedule. Not applicable in this instance as a reduction of existing number of on-site car spaces is proposed.
<b>Particular Provision – Clause 52.06 (Car Parking)</b>	If a schedule to the Parking Overlay specifies a maximum parking provision, the maximum provision must not be exceeded except in accordance with a permit issued under Clause 52.06-3. The provisions of Clause 52.06-3 do not apply as the application site is affected by Parking Overlay Schedule 1.
<b>Particular Provision – Clause 52.34 (Bicycle Facilities)</b>	A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.
<b>Particular Provision – Clause 53.18 – Stormwater Management in Urban Development</b>	Pursuant to Clause 53.18-1, the provisions of Stormwater Management in Urban Development applies to an application under a provision of a zone to subdivide land, construct a building, or construct or carry out works.
<b>General Provisions</b>	Clause 65, which includes the matters set out in section 60 of <i>the Planning and Environment Act 1987</i> .
<b>Operation Provisions</b>	Pursuant to the Schedule to Clause 72.01-2, the Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres.

## 6.1. Relevant Planning Scheme Amendments

### 6.1.1 Amendment C376melb – Sustainable Building Design

Proposed Planning Scheme Amendment C376 (Sustainable Building Design) to the Melbourne Planning Scheme was adopted by Council on 29 July 2025 and was submitted to the Minister for Planning for approval on 15 August 2025.

Amendment C376 seeks to introduce new best-practice standards into the Melbourne Planning Scheme to ensure that new buildings respond to climate change impacts and align with Council's target of net zero emissions by 2040. It also introduces the Green Factor tool which was designed by the City of Melbourne to promote and optimise the design of green infrastructure and external landscapes.

To achieve this, the Design and Development Overlay Schedule 73 (DDO73) is proposed to apply to all land in the municipality and would apply new ESD application requirements, standards and assessment criteria. It is noted the proposed DDO73 includes transitional arrangements and would not apply to permit applications, or applications to amend a permit, made before the commencement of Amendment C376 in the planning scheme.

Specific to the land affected by this application, Amendment C376 proposes to amend the Capital City Zone, Schedule 1 to include new requirements for bicycle, motorcycle and car parking.

The development currently does not align to the C376 standards with only Waste and Resource Recovery and Integrated Water Management standards achieved. Urban Heat is on track but further evidence is required. Energy Efficiency and Renewables could be achieved via a NABERS Commitment Agreement. A 5 Star Green Star rating would have to be achieved for the Environmentally Sustainable Design standard to be met. The Urban Ecology standard for Green Factor appears to be the most

challenging for the project and would require significant redesign to achieve the standard. Several matters that are on track or require further detail could be conditioned in any permit issued.

Refer to Section 8.2 (Green Infrastructure referral advice) for discussion.

### 6.1.3 Amendment C415melb – Sunlight to Public Open Spaces

Planning Scheme Amendment C415melb Sunlight to Public Open Spaces (formerly C278) is a 'seriously entertained' planning scheme amendment. It proposes to protect winter sunlight access to parks in the municipality through the introduction of Design and Development Overlay Schedule 8 (DDO8).

Shadow implications are assessed against current, prescriptive shadow controls under DDO10 and 62 at Section 9 of this report.

## 7. Public Notice and Objections

### 7.1. Public notice

Notice to the public is the responsibility of Minister for Planning as the Responsible Authority.

In this instance, all relevant permit triggers exempt the application from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

### 7.2. Objections

Notwithstanding the exemption from notice and review, concerns have been raised throughout the application's history, particularly by residents of Punch Lane. These concerns generally relate to title and ownership matters, built form, amenity and traffic impacts.

While Council has not received any further correspondence in response to the latest s.50 amendment (assessment material), the general themes of the previously raised concerns remain relevant. Although Melbourne City Council is not the responsible authority, these matters have been considered and discussed throughout this report where relevant.

## 8. Referrals

### 8.1. External referrals

External referrals are the responsibility of the Minister for Planning as the Responsible Authority.

### 8.2. Internal referrals

The table below summarises the internal advice received from the relevant Melbourne City Council internal departments, and officer response to them, as necessary.

Internal Referral Comments
<p><b>City Design</b></p> <p><b>Building Height and Massing</b></p> <ul style="list-style-type: none"> <li>The proposed tower exceeds the preferred maximum building height within DDO62 (100 m). The tower presents visual bulk on the streetscape and the height remains unjustified.</li> <li>The extent of cantilever impacts the historic prominence of the heritage building (Comedy Theatre).</li> </ul> <p><b>Officer Response</b></p> <ul style="list-style-type: none"> <li>While the Bourke Hill precinct displays some fine grain character, the height of the tower (approx. 110 m) sits comfortably in its existing environment, noting the tall form existing on the subject site (facing Exhibition Street) and surrounding context, particularly along Lonsdale Street.</li> </ul>

Notwithstanding, the height is somewhat exacerbated by the reduced setback to Lonsdale Street and this is discussed in greater detail at Section 9 of this report.

- o As outlined at Section 4.3 of this report, further design improvements are currently being considered by HV in relation to the interface and transition between the Comedy Theatre and proposed tower.
- o The massing to Punch Lane is discussed below.

**Tower Setbacks**

- The provision of a minimal setback to Punch Lane and separation from the adjacent tower is insufficient and fails to sufficiently alleviate the impact of tower bulk to the fine-grained street.

**Office Response**

- o A recessive tower proposition through increased tower setbacks from the Punch Lane boundary is recommended to assist in alleviating the visual impact from this lower-scale thoroughfare and is discussed further at Section 9 of this report.
- o The proposed tower would be separated from the existing tower on the application site (222 Exhibition Street) by a minimum of 10 m, which responds to the DDO10 requirements – discussed further at Section 9 of this report.

**Ground Plane and Public Interfaces**

Lonsdale Street

- The consolidation of basement parking and end of trip facilities creates an extensive inactive building corner.

**Officer Response**

- o While the hotel lobby is elevated along Lonsdale Street, this is due to the car park entry which is an existing condition. The active hotel lobby will be at mezzanine level and therefore still a visible space from street level.
- o The office lobby is located directly off Lonsdale Street to assist in activating this street frontage and is an improvement on existing conditions.
- o The figures below demonstrate the improvement to Lonsdale Street from existing conditions.

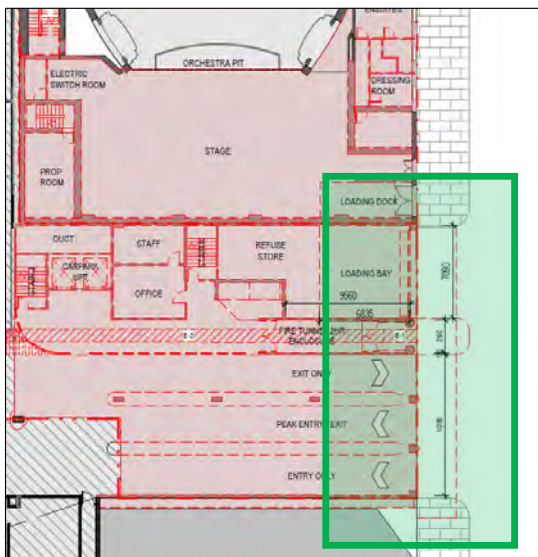


Figure 21: Existing conditions to Lonsdale Street

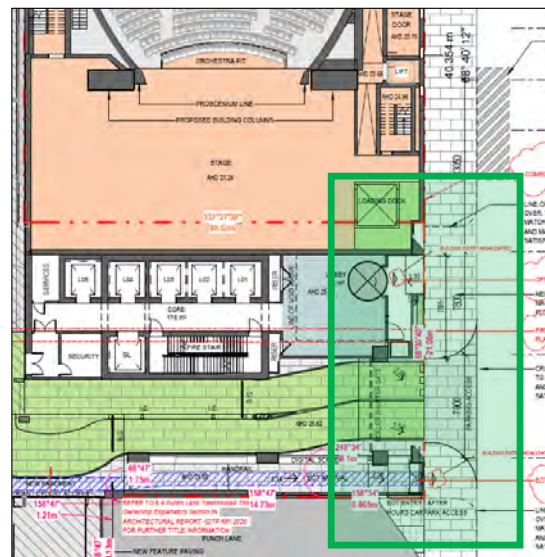


Figure 22: Proposed conditions to Lonsdale Street



Figure 23: Existing conditions to Lonsdale Street



Figure 24: Proposed conditions to Lonsdale Street

Punch Lane

- The provision of a discrete entrance to the hotel lobby from Punch Lane is not legible, resulting in poor sense of address. The adjoining stepped seating lacks a clear placemaking purpose and further weakens the sense of place.
- The end of trip facilities access to basement interfacing Punch Lane occupies a significant portion of the frontage, mostly providing views to the digital screen as an attempt to activate the laneway frontage. The large occupancy of ground floor façade for end of trip facilities and digital screening fronting Punch Lane fails to sufficiently activate the laneway.

**Officer Response**

- Existing conditions are poor and the development provides an opportunity to create a high quality outcome along Punch Lane. By not providing a new entrance to the hotel lobby directly off Punch Lane, a significant shortcoming and missed opportunity has resulted. Instead, an illegible entrapment space is proposed (refer figures below). Having the ability to enter the hotel lobby directly off Punch Lane would significantly improve activation and interaction along this portion of the lane, which currently presents as two blank wall interfaces.

Further design improvements to the hotel lobby access along the Punch Lane interface is recommended to ease navigation and reinforce a sense of address and improve activation; and this should include relocating the entrance directly off Punch Lane, which in-turn would balance any shortcomings of the end-of-trip frontage as described above.

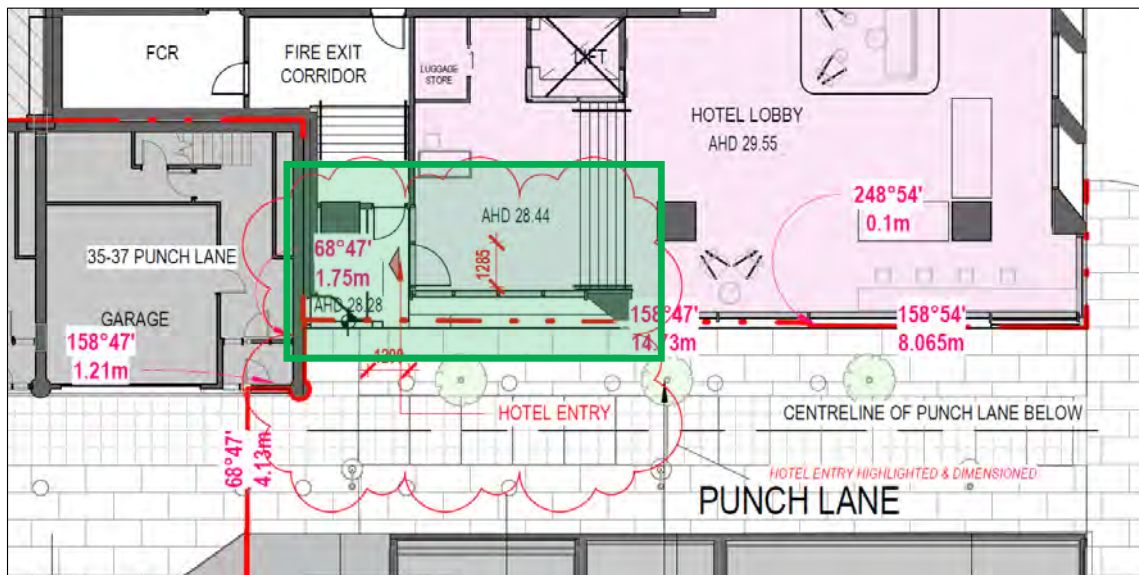
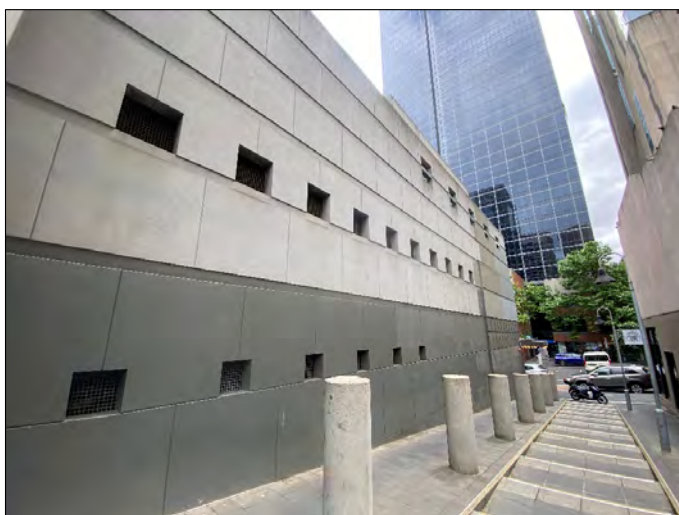


Figure 25: Proposed Punch Lane hotel lobby arrangement



Figure 26: Proposed Punch Lane hotel lobby arrangement



Figures 27 & 28: Existing Punch Lane Site conditions

In relation to the digital screen, while the plans make reference to this, nothing formal has been applied for through the application. As this frontage will be highly visible due to the extent of glazing, any future application should take into consideration that in this location, a more appropriate design outcome could be the introduction of artwork in place of a screen. This would assist in avoiding potential promotional signage that may be dominant and unappealing. If a digital screen is accepted, details of this need to be provided and it should display artwork only unless otherwise applied for and fully considered.

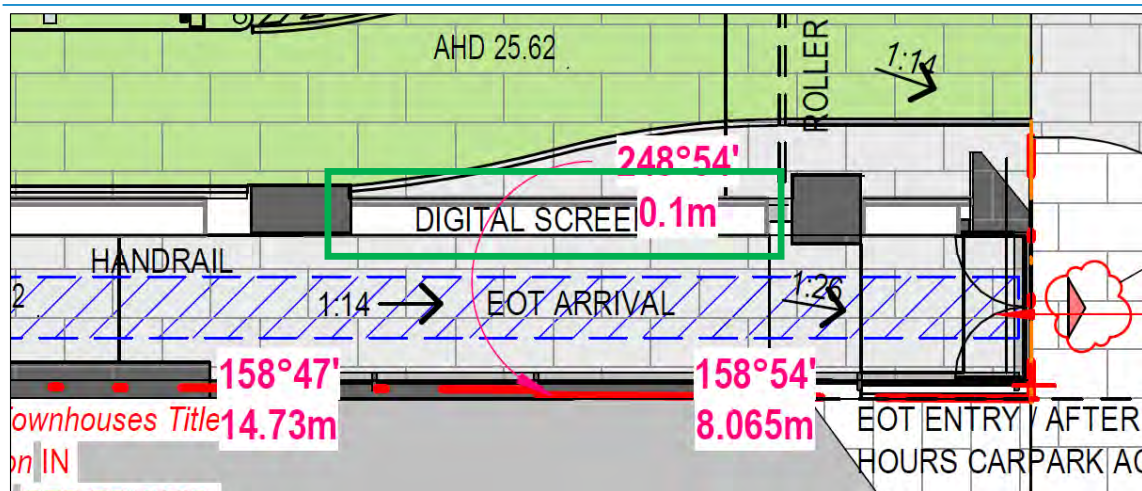


Figure 29: Proposed digital screen within end-of-trip corridor

Changes to Punch Lane activation, entrances and artwork will form a recommendation to the Minister – refer Section 10.1 of this report.

**Design detail**

- While the introduction of brickwork fabric detail wrapping around the fly tower provides visual interest, the treatment is noted to coincide with the abutting heritage building.

**Officer Response**

- o Refer discussion at Section 4.3 of this report.

**Transport Engineering**

Traffic Engineering has provided various iterations of advice throughout the application process, including reviews of each amendment submitted. Initially, Traffic Engineering raised several concerns relating to shortfalls in EoT facilities, navigating with a bike up and down stairs, car park access widths, swept paths, pedestrian safety within the car park, waste storage and collection.

Traffic Engineering has since commented that the latest s.50 amendment plans have addressed all traffic and parking concerns.

**City Infrastructure**

In addition to standard conditions that could be included in any Ministerial permit granted, City Infrastructure has made the following observations:

- Prior to the commencement of the development, both properties should be formally consolidated to be under the one title.
- The existing property has wayfinding signage located on it. This is to be reinstated with the construction of the new development.

Site consolidation is discussed under Land Tenure referral comments below. Wayfinding requirements will form a recommended condition to the Minister – refer Section 10.2 of this report.

**Waste and Recycling**

The comments provided by Waste and Recycling are in response to a review of the current proposal and history of the application with regard to previous iterations of Waste Management Plans (WMP's) submitted.

### Comedy Theatre

Renovations to the Comedy Theatre are part of this development proposal. There are significant changes proposed, and waste storage needs to be considered early. Based on existing site data, the weekly waste generated by the Theatre is approximately 7,700 L of garbage and 14,420 L of recycling.

The original WMP dated 24/05/2022 provided extensive information about waste generated by the Theatre and where it was stored. The associated drawings provided in the original application confirm that Theatre waste is proposed to be stored in a car park waste room (on title of 222 Exhibition St), and subsequent drawings were similar – refer figure below. On the basis the applicant has confirmed there are to be no changes to the waste system, it is deduced that Theatre waste will continue to be stored in a waste room at ground level in the car park of 222 Exhibition Street.

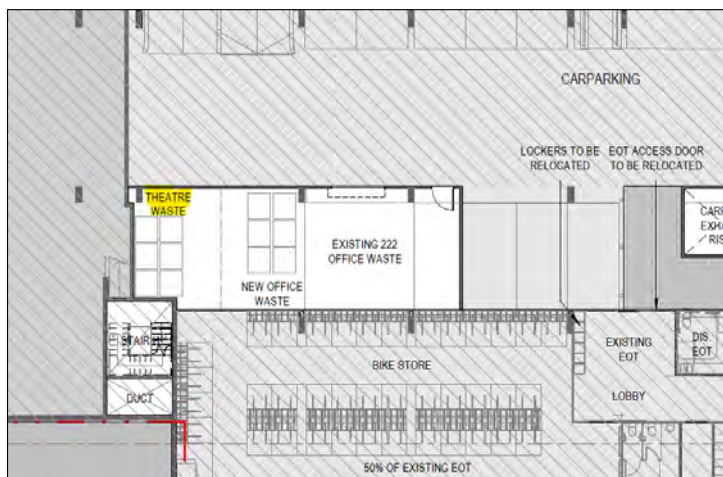


Figure 30: Location of Theatre waste within 222 Exhibition Street (earlier iteration)

Subsequent versions of the WMP all made the same statements about existing waste storage at the Theatre not changing and showed car park waste storage areas with appropriate transfer routes from the Theatre.

However, the latest version of the WMP (dated 20/06/2025) stated that:

*“The Comedy Theatre will undergo refurbishment under proposed subject works. As refurbishment works will have no bearing on venue capacity, no changes in waste generation (and subsequent waste equipment) will be incurred following works, and as such no changes to the existing Comedy Theatre waste system are proposed under this WMP. Comedy Theatre waste operations will be maintained as a completely isolated system (under separate building title), and will not share any waste equipment, storage, or collections with the adjacent commercial site.”*

This statement is inconsistent with and contradicts all previously submitted WMPs and is not accepted. The latest WMP has removed all the details about waste from the Theatre that had previously been shared in multiple WMPs going back to 2022.

The applicant has more recently stated that *“the Comedy Theatre currently stores its waste within the premises, and uses its existing loading dock to Exhibition Street for waste collection.”* This is despite there still being room for Comedy Theatre waste in the shared facilities in the car park.

Given the large volume of waste produced by the Theatre, it is reasonable for the Responsible Authority to understand where the bins and cardboard bale (and presumably a baler) will be stored, if not in the car park (222 Exhibition Street) waste room as previously indicated. Given a waste room for the

Theatre is not shown on the proposed plans (240 Exhibition Street), waste management is considered an outstanding matter.

In summary, significant renovations to the Comedy Theatre are proposed and the applicant has a responsibility to provide accurate details about the proposed management of the significant weekly volume of waste being produced, as it has done several times previously. If the plan is to continue with the existing system, Council requests to understand what that is, as no waste storage is shown within the Theatre at 240 Exhibition Street.

Resolution of waste for the Comedy Theatre is an outstanding matter that must be resolved prior to a decision from the Minister for Planning – refer Section 10.1 of this report.

### Other

The following items remain outstanding:

- The WMP must indicate that retail general waste and commingled recycling includes waste from Woolworths (also located at 222 Exhibition Street). As outlined in previous waste comments, the retail volumes in table 4 already include these waste streams from Woolworths. Therefore, no change is required other than to edit wording to ensure this is clear.
- Table 7: If compaction of all garbage is required, then there needs to be another bin press in the hotel waste room where there appears to be plenty of room. It is not acceptable for garbage bins to be ferried back and forth across the car park to the sole bin press in the office and retail waste room.
- Table 9 does not list the hotel 660 L cardboard bin that is now shown in plan drawing and included in Table 12.
- Ground floor plan drawing:
  - The internal transfer pathway for Woolworths to bring waste to the retail waste room must indicate it is for general waste (not just commingled recycling).
  - Confirm what is represented by the blue dotted lines in the waste rooms.

While some of these outstanding matters could be readily addressed by way of permit condition, others (such as the Comedy Theatre and Woolworths matters) must be resolved prior to a decision from the Minister for Planning. Rather than separate outstanding matters and conditions of which would result in a piecemeal and incomplete Waste Management Plan condition, all outstanding items will be detailed under Key Outstanding Matters and a standard WMP condition included in the recommended conditions – refer Sections 10.1 and 10.2 of this report.

### Green Infrastructure

Council's Green Infrastructure team has reviewed the ESD documents and commitments, including a recent consultant advice note. The review concludes that the development commits to a level of sustainability that meets the objectives of Clause 15.01-2L-01 (Energy and resource efficiency) and Clause 19.03-3L (Stormwater management (water sensitive urban design)) of the Melbourne Planning Scheme.

In response to the recently submitted Consultant Advice Notice, prepared by Edison Consultants and dated October 2025, the Green Star Office (as listed in the local policy) and Green Star Design and As Built are both legacy tools and a project would not be able to be registered using those tools. Green Star Buildings is the most current and up to date tool and it is acknowledged that standards have increased within the tool. The SMP submitted to be assessed against Green Star Buildings, which is correct, and the assessment, has been based off that tool. The project should be registered using the Green Star Building V1 tool and if not registered prior to 30 April 2026, then V1.1 will apply.

To ensure the development can achieve the aspirations outlined in the SMP, permit conditions with specific requirements will form a recommendation to the Minister – refer Section 10.2.

### Land Tenure

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### **Consolidation of Title or Boundary Realignment**

The proposed built form is over two title boundaries and in two separate ownerships and it is unclear whether the applicant intends on subdividing the tower in the future.

#### ***Officer Response***

Site consolidation and ownership of the two properties, if the proposal is ultimately developed, is a matter for the respective owners of the land to resolve.

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### **Waste**

As outlined above (Waste and Recycling referral), the applicant has removed from the application proposal all consideration of waste from the Comedy Theatre. Previously, waste from the Theatre was proposed to be stored within the car park at 222 Exhibition Street.

#### ***Officer Response***

In the absence of consolidation of titles, if waste generated by 240 Exhibition Street (Comedy Theatre) seeks to rely on the dedicated waste areas within 222 Exhibition Street, it is recommended that a Section 173 Agreement be entered into on the title to 222 Exhibition Street requiring the waste area to be made available to the Comedy Theatre.

This requirement can form a recommendation to the Minister as a permit condition – refer Section 10.2.

Alternatively, if waste generated by 240 Exhibition Street seeks to rely on a dedicated waste area within its own site, this needs to be detailed – refer discussion above (Waste and Recycling referral).

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### **Variation of Easement**

Land Tenure does not support the applicant's request for lodgement of a permit application to vary the footway easement prior to the commencement of works. Instead, the easement must be varied (not lodged) prior to the commencement of works.

#### ***Officer Response***

This requirement can form a recommendation to the Minister as a permit condition – refer Section 10.2.

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### **Light and Air Easement**

The proposed architectural plans show windows along the southern and eastern title boundaries.

#### ***Officer Response***

DTP will be advised that, if windows on boundaries adjacent properties facing Punch Lane are proposed and they are the primary light source, a Section 173 Agreement is not acceptable, and a light and air easement must be obtained over those relevant properties (windows on the south). If the windows are not the predominant light source then a Section 173 Agreement would be recommended to protect Punch Lane properties should they be developed in the future.

Resolution of proposed windows for primary light sources is an outstanding matter that should be clarified and addressed prior to a decision from the Minister for Planning – refer Section 10.1 of this report.

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## **9. Assessment**

The key issues for consideration in the assessment of the application, having regard to the relevant planning controls affecting the site, are:

- Land use
- Extent of demolition

- Heritage considerations
- Floor area uplift and public benefit
- Response to built form outcomes
- Traffic implications
- Environmentally Sustainable Design
- Waste Management

### 9.1. Land use

The proposed development seeks to use the land for the purposes of office and residential hotel.

A planning permit is not required to use the land for these purposes. The office and residential hotel uses align with the purpose of CCZ1, which seeks to provide for a range of financial, legal, administrative, cultural, recreational, tourist, entertainment, and other uses that complement the capital city function of the locality.

### 9.2. Extent of demolition

The application proposes to partially demolish existing built form on-site. Pursuant to the CCZ1, a permit and prior approval for the redevelopment is required in order to demolish a building.

As 222 Exhibition Street is not affected by the Heritage Overlay, the extent of demolition proposed is considered acceptable, subject to support for the proposed redevelopment.

As 240 Exhibition Street is located on the VHR, any removal of heritage fabric to the Comedy Theatre is required to be considered by Heritage Victoria.

While the CCZ1 typically requires a Section 173 agreement for the construction of a temporary use should the site remain vacant for six months after the completion of demolition, or if construction activity ceases for six months, 222 Exhibition Street will continue to be occupied by the existing tower facing Exhibition Street and the Comedy Theatre – see below. Therefore, it is not considered reasonable to require such agreement in this instance.

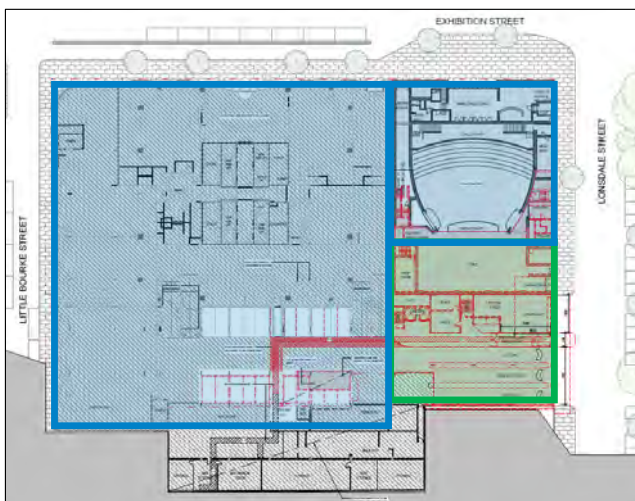


Figure 31: Confined area (green) of potentially vacant land and retained buildings on-site (blue)

### 9.3. Heritage considerations

Pursuant to Clause 43.01-3, a planning permit is not required under the Heritage Overlay to develop a heritage place which is included in the Victorian Heritage Register. The Comedy Theatre (240 Exhibition

Street) is on the Victorian Heritage Register and as such heritage matters are considered by Heritage Victoria. Heritage matters cannot be considered as part of this planning permit application.

Notwithstanding, Council has been provided with a set of discussion material that seeks to resolve preliminary Heritage Victoria concerns relating to the relationship between the Comedy Theatre and proposed tower – in particular the cantilevered section. The material provided to Council is for information purposes only and any changes to this effect does not have a fundamental impact on the assessment provided in this report.

#### 9.4. Floor area uplift and public benefit

On the basis that the application site is considered as a whole, the proposed Floor Area Ratio (FAR) is below 18:1, and a public benefit is not required. It is also noted that this requirement applies only where the site is affected by DDO10; and only a portion of the proposed tower would be located within DDO10 in this instance.

#### 9.5. Response to built form outcomes

The proposed development has been assessed against the following policies and controls of the Planning Scheme:

- Planning Policy Framework
- Capital City Zone (Schedule 1)
- Design and Development Overlay (Schedule 1)
- Design and Development Overlay (Schedule 10)
- Design and Development Overlay (Schedule 62)
- CBD Lanes

##### 9.5.1 Planning Policy Framework and Capital City Zone (Schedule 1)

The proposal has strong strategic support for the following reasons:

- The strategic directions at Clause 02.03 envisages the substantial development and provision of office uses within the Melbourne CBD to support its economic development and growth. The proposal includes office and residential hotel uses, consistent with the purpose of the CCZ1. The proposed development is supported both strategically and from an urban context perspective.
- Subject to recommendations made throughout this report, the proposal will incorporate high-quality architecture, design and materials that will respond to and enhance the character of the area and positively contribute to the public realm, in accordance with Clauses 11 and 15.
- The proposal advances Clause 18 by contributing to the reduction of car dependency. This is achieved through a reduction in the number of existing on-site car parking spaces as part of the proposal.

##### 9.5.2 Design and Development Overlay (Schedule 1)

DDO1 seeks to ensure that all development achieves high-quality urban design, architecture, and landscape outcomes. Several requirements determine whether an application meets the design objectives of this overlay. The proposal complies with these design objectives, which are summarised below by category.

###### Urban Structure

- No pedestrian connections are proposed; however, the proposal will promote use of Punch Lane by introducing the hotel lobby (subject to refinement through recommendations to the Minister).

**Site Layout**

- The proposed building is aligned to Lonsdale Street and Punch Lane and appears to avoid unreasonable alcoves that may act as entrapment spaces (subject to refinement of Punch Lane hotel lobby entrance through recommendations to the Minister).
- The proposed vehicle entry utilises existing accessways for this purpose to Lonsdale Street.

**Building Mass**

- Street wall heights are discussed in detail below.

**Building Program**

- Public realm activation could be improved, particularly to Punch Lane – refer City Design commentary at Section 8.2 for details.
- Building services appear to be well integrated into the design of the building.
- The proposal does not seek to intensify existing on-site car parking or vehicle access.

**Public Interfaces**

- The public interface with both Lonsdale Street and Punch Lane is an improvement on existing conditions, which is predominantly vehicle accessway or blank walls – refer site photos included in this report.
- No weather protection (canopies) is proposed as part of this development proposal.

**Design Detail**

- Refer City Design discussion at Section 8.2 for details.

**9.5.3 Design and Development Overlay (Schedule 10)**

The following extent of new building is located within the area of the Site affected by DDO10:

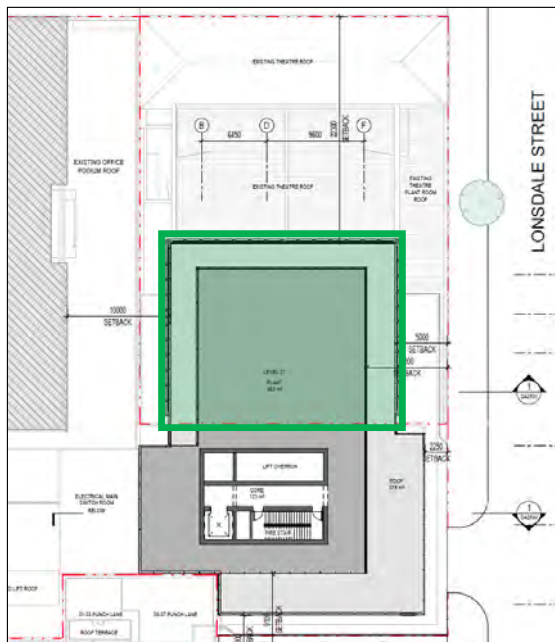


Figure 32: Extent of proposed building within DDO10

**Built Form**

The built form outcomes are guided by Table 3 as contained in DDO10. An assessment against these built form outcomes is detailed below.

Street Wall Height requirement		
Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
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: <ul style="list-style-type: none"> <li>• A human scale.</li> <li>• An appropriate level of street enclosure having regard to the width of the street with lower street wall heights to narrower streets.</li> <li>• Consistency with the prevalent parapet height of adjoining buildings.</li> <li>• Height that respects the scale of adjoining heritage places.</li> <li>• Adequate opportunity for daylight, sunlight and sky views in the street.</li> <li>• Definition of main street corners and/or public space where there are no significant impacts on the amenity of public spaces.</li> <li>• Maintenance of the prevailing street wall height and vertical rhythm on the street.</li> </ul>

**Comments:**

There is no change to the existing street wall to Exhibition Street (Comedy Theatre façade).  
For the most part, the street wall to Lonsdale Street (Comedy Theatre side elevation) is being retained; however, the proposed fly tower will extend a portion of this elevation to a height of approximately 24 m (partially within DDO10 and partially within DDO62). Where the wall is within DDO10, this is below the modified requirement and the built form outcomes are met insofar as a human scale will continue to be provided and the height is appropriate for the wide street.

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

**Comments:**

Above the street wall (Comedy Theatre), the proposed tower is set back 22.9 m from Exhibition Street and 5 m from Lonsdale Street, complying with the modified requirement and responding to the built form outcomes insofar as the setbacks respond to the context of the area.

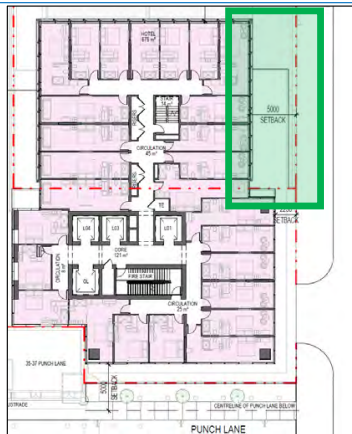


Figure 33: Proposed 5 m Lonsdale Street setback above the street wall (within DDO10)

**Building setbacks from side and rear boundaries (or from the centre line of an adjoining laneway) and tower separation requirement**

Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
<p>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.</p>	<p><b>Towers exceeding 80 metres in total height:</b>                      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.</p> <p><b>Tower separation within a site:</b>                      Towers must be separated by a minimum of 10 metres.</p>	<p>Tower and additions are designed and spaced to ensure:</p> <ul style="list-style-type: none"> <li>• Sun penetration and mitigation of wind impacts at street level.</li> <li>• Provision of reasonable sunlight, daylight, privacy and outlook from habitable rooms, for both existing and potential development on adjoining sites.</li> <li>• Buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them.</li> <li>• Buildings do not visually dominate heritage places and streetscapes, nor significant view lines.</li> </ul>

**Comments:**

Side and rear setbacks are not applicable in this instance as the south (side) boundary abuts 222 Exhibition Street, which is part of the Site.

The proposed tower will provide a 10 m separation from the existing building on the Site (222 Exhibition Street).

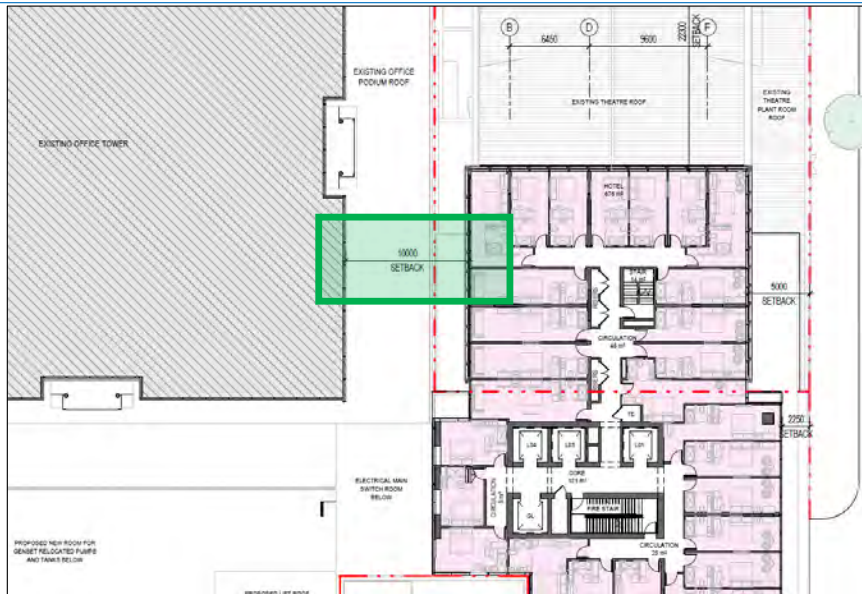


Figure 34: Proposed tower separation

Tower floorplate requirement		
Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
<p>The tower floorplate is determined by the preferred requirement for building setbacks from side and rear boundaries and tower separation within a site, and the modified requirement for building setback(s) above the street wall.</p>	<p>The tower floorplates above the street wall for a tower above 80 metres in height may be adjusted in terms of location and/or shape but must not:</p> <ul style="list-style-type: none"> <li>Result in an increase in the floorplate area;</li> <li>be situated less than 5 metres from a side or rear boundary (or from the centre line of an adjoining laneway);</li> <li>be less than 5 metres to a street boundary;</li> <li>be less than 10 metres to an adjoining tower on the site.</li> </ul>	<p>The adjusted floorplate is designed and spaced to:</p> <ul style="list-style-type: none"> <li>Reduce impact on existing and potential neighbours in terms of privacy, outlook, and daylight and sunlight access.</li> <li>Minimise visual bulk.</li> <li>Reduce impact on public spaces, including overshadowing and wind effects and reduced visual dominance.</li> <li>Buildings do not visually dominate heritage places and streetscapes, nor significant view lines.</li> <li>Buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them.</li> </ul>

**Comments:**

As the proposed tower extends across multiple DDOs (DDO10 and DDO62), the tower floorplate requirements do not strictly apply. This is because only 409 m<sup>2</sup> of the tower floorplate is located within DDO10, while the remaining 500 m<sup>2</sup> is located outside DDO10, within DDO62. In this instance, the side and rear boundaries form part of 222 Exhibition Street (the Site). Although the Site has not been consolidated, for the purposes of this assessment it is considered as a single entity. Accordingly, a broader assessment approach has been adopted in response to the relevant built form outcomes of DDO62, as outlined at Section 9.5.4 of this report.

**Wind Effects**

Clause 2.3 and 2.5 of the DDO10 requires the consideration of wind impacts to publicly accessible areas surrounding the proposed building.

A wind tunnel study was completed by MEL Consultants for the original design, which outlined that the proposal is not expected to generate unsafe wind conditions and wind conditions for all Test Locations in

the streetscape and building frontages would satisfy the walking criterion at a minimum, with the exception of several locations on Exhibition and Lonsdale Streets intersection where wind conditions would be above the walking criterion.

MEL Consultants have prepared a revised letter, dated 13 February 2025 and submitted with the most recent s50 amendment material, outlining minor variations from the outcomes described in the original wind tunnel study. These include:

- The reduction in building height from the original scheme will likely be favourable from a wind perspective, as lower buildings generate less adverse wind impacts.
- Wind conditions for the entry arrangement from Lonsdale Street are expected to be less favourable than the former entry from Punch Lane but are still expected to achieve the standing comfort criteria; and the revolving door inset from Lonsdale Street will be a slight improvement.
- Ground floor wind conditions in the vicinity of the end-of-trip entry and within Punch Lane are expected to be consistent with the wind tunnel study.

On this point, design changes are recommended to the Punch Lane hotel lobby and therefore, a permit condition will be included as a recommendation to the Minister to identify that if a permit is granted, an updated wind study should be prepared based on the approved building design.

- Wind conditions on the level 5 terrace are expected to be generally consistent with the comfort criteria for the former level 7 terrace.

While these conclusions are noted, a full wind tunnel study has not been completed since the original design, which has changed significantly, and which may change further should outstanding key matters be addressed. For these reasons, an updated wind tunnel study would form a recommended condition if a permit were to issue.

While DDO10 does not require the assessment of wind conditions on private properties, residents of Punch Lane have raised concerns regarding potential wind impacts on their balconies and terraces. Accordingly, the recommended conditions will include a requirement for a wind assessment addressing these habitable spaces, ensuring the proposed development does not create unsafe wind conditions to these spaces.

### **Overshadowing**

Clause 2.3 of DDO10 requires consideration and assessment of potential shadow impacts to public parks and key areas within the municipality.

Relevant to this application, a permit must not be granted for buildings and works which would cast any additional shadow across the following spaces listed within Table 2 to DDO10 during the hours and dates specified, unless the overshadowing will not unreasonably prejudice the amenity of the space:

- The southern footpath of Bourke Street between Spring Street and Exhibition Street during the hours between 12pm and 2pm on the dates of 22 April to 22 September.
- The southern building line of Little Bourke Street between Spring and Swanston Streets and Cohen Place / Chinatown Plaza during the hours between 12pm and 2pm on the dates of 22 April to 22 September.
- Liverpool Street and Crossley Street during the hours between 12pm and 2pm on the dates of 22 April to 22 September.

#### 22 April

Shadow diagrams prepared by Architectus demonstrate that the proposal does not generate additional shadowing to any of the areas referenced on 22 April between 12pm and 2pm. The proposal generates minor additional shadowing along Little Bourke Street at 11am and 3pm – outside the hours specified in DDO10.

#### 22 September

On 22 September, the proposal does not result in any additional overshadowing to the areas referenced above at 12pm. Between 1pm and 2pm, sections of Little Bourke Street and Liverpool Street experience additional shadowing. As demonstrated in the figures below, the areas of additional shadowing are minor and would not be considered to unreasonably prejudice the existing amenity of these spaces.



Figure 35: Proposed shadow at 1pm 22 September



Figure 36: Proposed Shadow at 2pm 22 September

### 9.5.4 Design and Development Overlay (Schedule 62)

The following extent of new building is located within the area affected by DDO62, noting there are two sub-areas that affect the site (Areas B4 and B6):

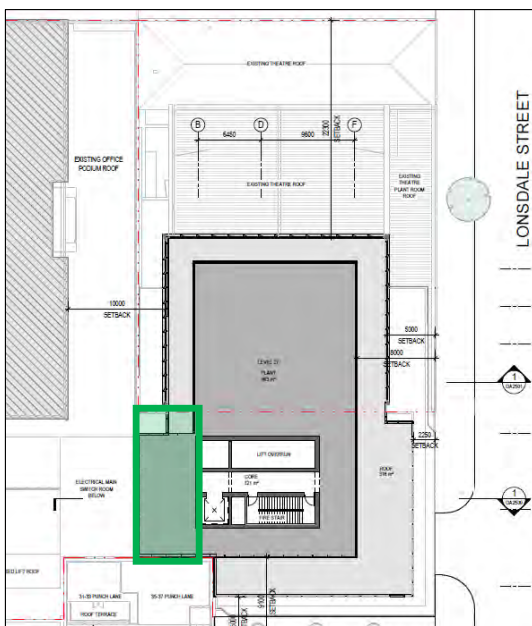


Figure 37: Extent of proposed building within DDO62-B4

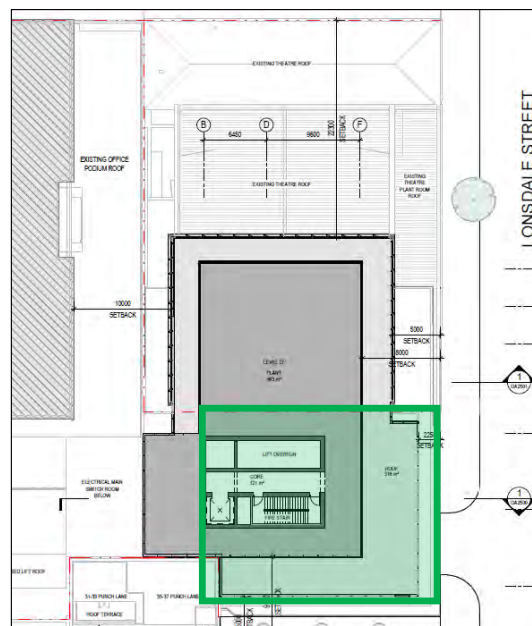


Figure 38: Extent of proposed building within DDO62-B6

### Built Form

The built form outcomes are guided by Tables 3, 4 and 5 as contained in DDO62. An assessment against these built form outcomes is detailed below.

Table 3 to Schedule 62		
Preferred Building Height	Modified Requirement	Built Form Outcomes

B4	40 metres	10:1 Floor Area Ratio	<p>Development does not visually intrude upon the Parliament House view lines.</p> <p>Maintain the low scale built form context to Bourke Street and the general bowl shaped prospect view from Parliament House.</p> <p>Development responds to the low scale nature of area B1 and provides a transition to the higher built form scale of area B5 and area B6.</p> <p>Development responds to the human scale of Little Collins Street.</p> <p>Upper levels are visually recessive from streets and laneways.</p> <p>The visual impact of taller buildings, above the preferred building height, is alleviated through increased upper level setbacks.</p> <p>Overshadowing of the public realm is limited to ensure pedestrian amenity is maintained by providing a high level of sunlight access to the Parliament House steps and 'forecourt', public spaces and:</p> <ul style="list-style-type: none"> <li>To Little Bourke Street (street frontage on the south side of the street) and to Crossley Street and Liverpool Street, between 11.00 am to 2.00 pm on 22 September.</li> </ul> <p>Development does not adversely impact on the highly valued public realm and amenity attributes of areas B1, B2 and B3.</p> <p>Development limits additional overshadowing of the Melbourne Club Garden to protect the viability of existing and future plantings and to ensure that significant trees are not compromised by lack of sunlight resulting from development.</p>
B6	100 metres	15:1 Floor Area Ratio	<p>Development responds to the higher rise, commercial edge of the north side of Lonsdale Street without compromising the integrity and amenity of the low scale Bourke Hill heritage precinct.</p> <p>Overshadowing of the public realm is limited to ensure pedestrian amenity is maintained by providing a high level of sunlight access to the Parliament House steps and 'forecourt', public spaces and:</p> <ul style="list-style-type: none"> <li>To Little Bourke Street (to the building line, south side) and to Crossley Street and Liverpool Street between 11.00 am and 2.00 pm on 22 September.</li> </ul> <p>Development does not adversely impact on the highly valued public realm and amenity attributes of areas B1, B2 and B3.</p> <p>The visual impact of taller buildings, above the preferred building height, is alleviated through increased upper level setbacks.</p>

**Comments:**

The portion of the proposed tower located within Area B4 is confined to a small section well within the site boundaries. It is not adjacent to any streets and adjoins only neighbouring properties — namely, 222 Exhibition Street (the application site) to the west and the residential properties along Punch Lane to the south.

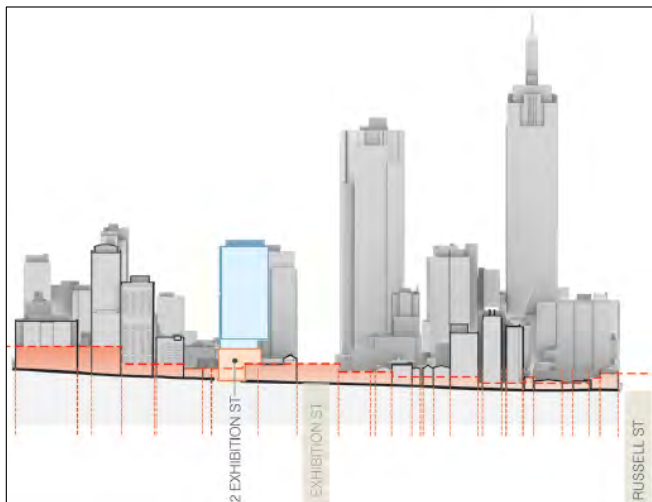
The portion of the proposed tower within Area B6 is larger and extends to Lonsdale Street to the east, as well as Punch Lane and the adjoining residential properties to the south.

As the tower spans two sub-areas, it is neither practical nor reasonable to undertake a separate assessment against the Built Form Outcomes of each sub-area for only a portion of the tower. Instead, the Outcomes should be considered in relation to the tower as a whole, noting the similarities between the Outcomes of the two sub-areas.

Furthermore, as each sub-area has a different height control and Floor Area Ratio (FAR), both of which are discretionary, the key assessment criterion in this instance is the Built Form Outcomes.

Assessment

- The development would not visually intrude upon the Parliament House view lines.
- The tower is well-removed from Bourke Street, and behind the existing 29 storey tower on the Site to ensure that it does not overwhelm any surrounding low-scale built form.
- The tower does, however, respond to the higher rise, commercial edge of Lonsdale Street as demonstrated in the figures below. These figures exhibit a tall corridor along both the north and south sides of Lonsdale Street – particularly between Exhibition Street and Spring Street.
- The tower is well-removed from Little Collins Street.
- Overshadowing of the public realm is limited as detailed at Section 9.5.3 of this report.
- The tower does exceed the preferred height of both 40 m and 100 m, extending up to approximately 110 m. Therefore, a key built form outcome is whether the form above the height control (in this instance 100 m as it relates to the Lonsdale Street interface) is visually recessive. Increased setbacks at upper levels are not proposed in this instance and an assessment against this outcome is considered in Table 5 below.



Figures 39 & 40: Built form scale along Lonsdale Street

**Table 4 to Schedule 62**

Area	Building Design Features	Built Form Outcomes
B4	Street wall height should not exceed 25 metres. Buildings above the street wall should be setback no less than 5 metres from a laneway or Little Collins Street.	The provision of a street wall and setback is responsive to the characteristics and operational function the adjoining laneway. The street wall height and setback should respond to the Built Form Outcomes for area B4 as listed at Table 1 to this Schedule.

**Comments:**

No new street walls are proposed within Area B4.

**Table 5 to Schedule 62**

Design Element	Requirement	Built Form Outcomes
Street wall height	Street wall height should not exceed 20 metres, or the preferred building height, whichever is lower, excluding the areas specified in Table 3 above.	Street wall height is scaled to ensure: <ul style="list-style-type: none"> <li>• a human scale.</li> <li>• consistency with the prevalent parapet height of adjoining buildings.</li> <li>• height and setback that respects the scale of adjoining heritage places.</li> </ul>

		<ul style="list-style-type: none"> <li>The adequate opportunity for daylight, sunlight and skyviews in the street.</li> </ul>
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**Comments:**

A new street wall is proposed to Lonsdale Street. For the most part, the street wall to Lonsdale Street (Comedy Theatre side elevation) is being retained; however, the proposed fly tower will extend a portion of this elevation to a height of approximately 24 m (partially within DDO10 and partially within DDO62). Where the wall is within DDO62, this is slightly above the modified requirement; however, the built form outcomes are considered to be met insofar as a human scale will continue to be provided and the height is appropriate for the wide street.

Upper level street setbacks	Above the street wall, upper levels of a building should be set back a minimum of 5 metres.	<p>Buildings are setback to ensure:</p> <ul style="list-style-type: none"> <li>larger buildings do not visually dominate the street or public space.</li> <li>the dominant street wall scale is maintained.</li> <li>sun penetration and mitigation of wind impacts at street level.</li> </ul>
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**Comments:**

As outlined in Table 3 to Schedule 62 above, one of the built form outcomes is to ensure that the visual impact of taller buildings – those exceeding the preferred building height – is mitigated through increased upper-level setbacks. In this instance, an “increased setback” would mean a distance greater than 5 metres, given that 5 metres is the preferred minimum setback above the street wall specified in the controls.

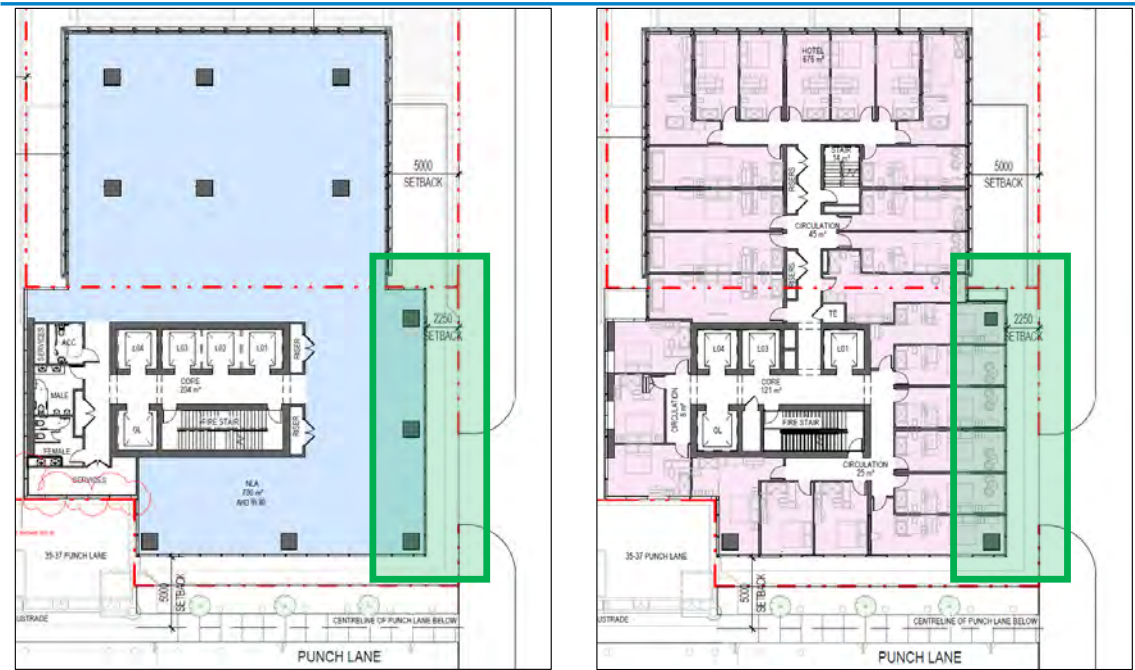
The proposed tower seeks to exceed the preferred height of 100 metres. On that basis, the upper-level setback to Lonsdale Street should exceed 5 metres to appropriately respond to the relevant built form outcome. However, the portion of the proposed tower affected by DDO62 provides a maximum setback of only 2.25 metres.

While it is acknowledged throughout this report that the prevailing context along this section of Lonsdale Street comprises tall buildings with minimal upper-level setbacks, the visual impact in this instance is not sufficiently alleviated.

As shown in the figures below, the location of structural columns and the lift core constrains the ability to increase the setback – even to 5 metres, as applied to the portion of the tower within DDO10. Furthermore, increasing the setback and relocating the structural columns would likely reduce the leasable office floor area on the middle levels and impact the hotel room layouts on the upper levels.

It is noted that the visual dominance of the tower is somewhat contained, as it would generally sit comfortably within its immediate context; the podium street wall would remain a dominant element at pedestrian level; and sun and wind impacts are limited. On that basis, the Built Form Outcomes for the ‘upper-level street setbacks’ Design Element could be considered met.

However, the cumulative visual impacts resulting from reduced setbacks to Punch Lane, alongside the reduced Lonsdale Street setbacks, are problematic – refer to the discussion under the ‘setback(s) from side boundary’ Design Element below.



Figures 41 & 42: Proposed 2.25 m Lonsdale Street setback above the street wall (within DDO62)

<p>Setback(s) from side boundary</p>	<p>Above the street wall the setback from side boundary should be:</p> <ul style="list-style-type: none"> <li>• 5 metres if above 40 metres, or</li> <li>• 6% of the total building height if above 80 metres.</li> </ul> <p><b>If a laneway:</b></p> <p>Above the street wall, the setback to the centreline of the laneway from side boundary should be:</p> <ul style="list-style-type: none"> <li>• 5 metres if above 20 metres; or</li> <li>• 6% of the total building height if above 80 metres.</li> </ul>	<p>Buildings are setback to ensure:</p> <ul style="list-style-type: none"> <li>• provision of adequate sunlight, daylight, privacy and outlook from habitable rooms, for both existing and proposed developments.</li> <li>• provision of adequate daylight and sunlight to laneways.</li> <li>• buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them.</li> </ul>
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**Comments:**  
 Where the tower has a side setback, it abuts the Site. Therefore, the 'setback(s) from rear boundaries' design element is considered more relevant in this instance – see below.

<p>Setback(s) from rear boundaries</p>	<p>Above the street wall the setback from rear boundary should be:</p> <ul style="list-style-type: none"> <li>• 5 metres if above 20 metres, or</li> <li>• 6% of the total building height if above 80 metres</li> </ul> <p><b>If a laneway:</b></p> <p>Above the street wall the setback to the centreline of the laneway from side boundary should be:</p> <ul style="list-style-type: none"> <li>• 5 metres if above 20 metres; or</li> <li>• 6% of the total building height if above 80 metres.</li> </ul>	<p>Buildings are setback to ensure:</p> <ul style="list-style-type: none"> <li>• provision of adequate sunlight, daylight, privacy and outlook from habitable rooms, for both existing and proposed developments.</li> <li>• taller buildings transition down in height to adjacent areas that have a lower height limit, so as not to visually dominate or compromise the character of adjacent existing low-scale development areas.</li> </ul>
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**Comments:**

As the tower exceeds 80 metres in height, the setback above the street wall should be 6% of the total building height, equivalent to 6.6 metres.

In some locations along the rear boundary, adjacent to the Punch Lane residential properties to the south, there is no setback for the full height of the tower (see image below). This represents a significant departure from the setback requirement and does not adequately address the Built Form Outcome, which calls for taller buildings transitioning down in height to adjacent areas that have a lower height limit, so as not to visually dominate or compromise the character of adjacent existing low-scale development areas.

Council officers recommend that this interface be reconsidered and that a setback from the Punch Lane properties (specifically 35–37 Punch Lane) be introduced. A 100-plus metre tower with zero setback directly behind three-storey townhouses would compromise the character of Punch Lane.

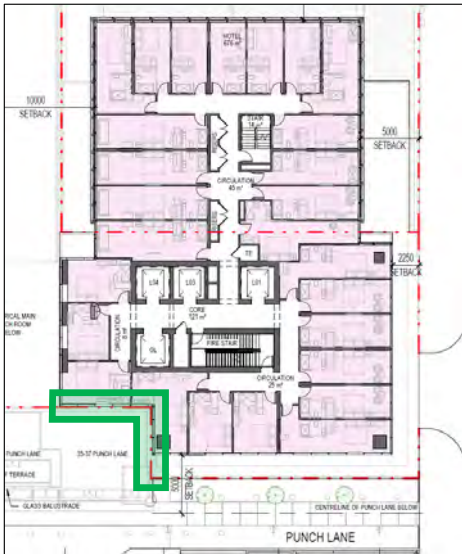


Figure 43: Proposed zero setback at upper levels



Figure 44: Low-scale Punch Lane built form

**If a Laneway:**

Above the street wall, the setback to the centreline of the laneway from a side or rear boundary should be 5 metres up to a height of 80 metres, or 6% of the total building height above 80 metres.

To the centreline of Punch Lane, the proposed tower is set back 3.075 metres up to a height of 21 metres, and 5 metres above 21 metres (see figures below).

Similar to the assessment above, Council officers recommend increasing the setbacks to the centreline of Punch Lane to ensure that the Built Form Outcomes are achieved. A prescriptive setback is not considered appropriate. Instead, the setback shortfall would be recorded as an outstanding matter to be resolved prior to a decision from the Minister for Planning – refer to Section 10.1 of this report.

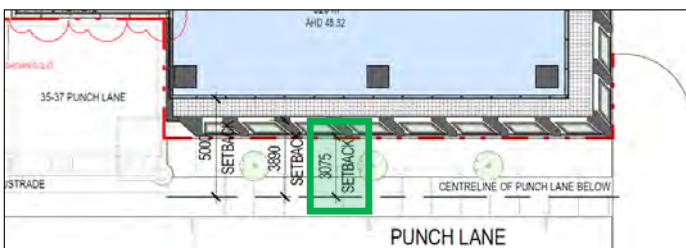


Figure 45: Proposed 3.075 metre setback from the centreline of Punch Lane to a height of 21 metres

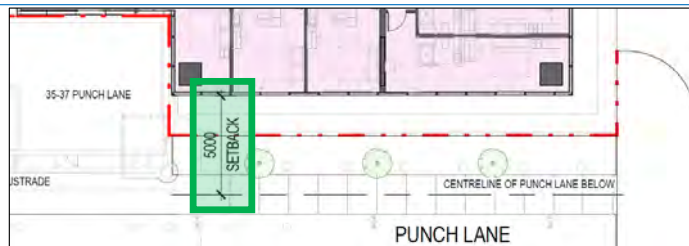


Figure 46: Proposed 5 metre setback from the centreline of Punch Lane above a height of 21 metres

**Wind Effects**

Clause 2.3 and 2.5 of DDO62 requires the consideration of wind impacts to publicly accessible areas surrounding the proposed building. Wind requirements are generally consistent with those in DDO10, which are assessed in detail at Section 9.5.3 of this report.

**Overshadowing**

Clause 2.3 of DDO62 considers shadow impacts to public parks and key areas within the municipality. Shadow considerations are generally consistent with those in DDO10, which are assessed in detail at Section 9.5.3 of this report.

**9.5.5 CBD Lanes**

Pursuant to Clause 15.01-1L-01 (CBD Lanes), Punch Lane is a ‘Class 2 Lane’. The character and/or function of Class 2 lanes are significant and require protection. An assessment of the relevant strategies is in the table below.

CBD Lanes (Clause 15.01-1L.01)	
Maintain and enhance the intimate environment of lanes by ensuring that higher tower forms are set back from the predominate parapet height along the laneway to ensure a sense of openness that reinforces a human scale.	Refer discussion under ‘Table 5 to Schedule 62’ at Section 9.5.4 of this report.
Encourage new development to provide highly articulated and well detailed facades that create visual interest, particularly at the lower levels.	The podium provides a visually interesting design outcome.
Encourage new development to respond to the fine grain pattern, vertical articulation and division of building frontages where this forms part of the established lane way character.	The design of the podium to Punch Lane includes vertical and horizontal references in response to the fine grain nature of the lane and adjoining low-scale buildings. The frontage is divided into segments, responding to the slope of the lane.
Encourage development to orientate windows and balconies to overlook lane ways.	The proposed development orientates views from the lobby across Punch Lane to promote passive surveillance. Views directly over Punch Lane are also afforded by proposed office spaces and some hotel rooms on upper floors.
Require development along lanes to minimise adverse microclimate effects.	Refer to the wind assessment within this report.
Encourage small scale tenancies and spaces at ground level to promote activities such as retail, service and community facilities that contribute to the enjoyment of lane ways.	The hotel lobby is proposed off Punch Lane, however not directly. As discussed throughout this report, providing a pedestrian entry directly off Punch Lane would significantly improve the functionality of the laneway.
Discourage buildings and works from extending over lanes.	The proposal does not cantilever over the laneway.

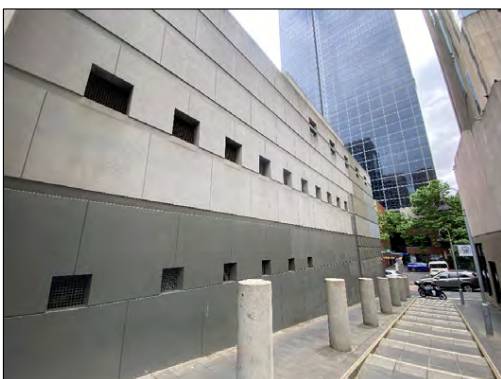
**CBD Lanes (Clause 15.01-1L.01)**

Discourage developments locating primary access and loading facilities on Class 1 and Class 2 lane ways.

No loading is proposed onto Punch Lane.



Figures 47 & 48: Existing and proposed Punch Lane activation



Figures 49 & 50: Existing and proposed Punch Lane activation

**9.6. Traffic**

Referring to Section 8.2 of this report, all outstanding traffic matters have been addressed in the assessment plans.

Specific to car parking numbers, the proposal seeks to reduce the existing number of on-site spaces from 461 to 371 (no change to DDA numbers), which is a reduction of 90 spaces, and which is supported by policy and consistent with the requirements of Parking Overlay Schedule 1.

Specific to bicycle facilities, a total of 232 bicycle spaces is proposed on ground floor alongside end-of-trip facilities including showers, change rooms and lockers.

Specific to motorcycle parking, four spaces are proposed.

### 9.7. Environmentally Sustainability Design

The proposed development has been reviewed by Council's ESD Officer and is considered to generally comply with performance measures set out in Clause 19.03-3L or could be addressed via recommended conditions. Refer details at Section 8.2 of this report.

### 9.8. Waste Management

A Waste Management Plan for the proposed development has been reviewed by Council's Waste and Recycling team as discussed in Section 8.2 of this report, noting some outstanding matters are not capable of being addressed through permit conditions as detailed in this report.

### 9.9. Conclusion

For the reasons discussed in this report, it is considered that the proposal generally achieves an acceptable outcome having regard to the relevant provisions of the Melbourne Planning Scheme. Subject to the resolution of tower setbacks, ground level activation, waste management and light source protection, and permit conditions, the application is considered to warrant support.

## 10. Recommendation

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 resolution of the following key outstanding matters and permit conditions.

### 10.1. Outstanding Key Matters

The following matters should be considered and resolved before a permit can be granted:

#### 10.1.1 Tower Setbacks

- Additional tower setbacks that better respond to the preferred requirements and built form outcomes of Design and Development Overlay Schedule 62, including:
  - Lonsdale Street boundary above the street wall.
  - Rear boundary (adjacent 31-37 Punch Lane properties) above 20 metres.
  - Centreline of Punch Lane above 20 metres.

#### 10.1.2 Activation

- Ground level design improvements to the Punch Lane interface, including reconfiguring the pedestrian entry to enhance wayfinding and reinforce a clear sense of address, ensuring that the hotel lobby is directly accessible from Punch Lane while minimising the risk of secluded or unsafe insets.
- Replace the proposed digital screen in the end-of-trip corridor with artwork to better enhance the quality and character of the space.

#### 10.1.3 Waste Management

- Provide additional information relating to waste at 240 Exhibition Street, including:
  - Accurate details about the proposed management of the significant weekly volume of waste being produced. If the plan is to continue with the existing system, Council requests to understand where and how it will be managed. If 240 Exhibition Street waste is to be located on title at 222 Exhibition Street, Council's recommends that the following condition is included if a permit were to issue:

#### **Legal agreement**

1. *Prior to certification of the plan, the owner of the land must enter into and have registered on the 222 Exhibition Street title being land in Volume 9908 Folio 652, Lot 1 on LP218078M, an agreement with Melbourne City Council, pursuant to Section 173 of the Planning and*

*Environment Act 1987. The owner of the land must pay all of the City of Melbourne's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement must provide for the following in relation to the Centralised Waste Area:*

*a) That it be made available for the use of the Comedy Theatre title being land in Volume 5842 Folio 234, Lot 1 on TP611666X in accordance with documents/plans endorsed under Condition X of this permit.*

*The agreement must also contain such other conditions as may be advised by Council's Chief Legal Counsel.*

- The WMP must indicate that retail general waste and commingled recycling includes waste from Woolworths.
- Table 7: If compaction of all garbage is required, then there needs to be another bin press in the hotel waste room where there appears to be plenty of room. It is not acceptable for garbage bins to be ferried back and forth across the car park to the sole bin press in the office and retail waste room.
- Table 9 does not list the hotel 660 L cardboard bin that is now shown in plan drawing and included in Table 12.
- Ground floor plan drawing:
  - The internal transfer pathway for Woolworths to bring waste to the retail waste room must indicate it is for general waste (not just commingled recycling).
  - Confirm what is represented by the blue dotted lines in the waste rooms.

#### **10.1.4 Boundary Windows**

- If any proposed habitable windows are located on shared boundaries with residential properties facing Punch Lane and are deemed the primary light source, a light and air easement should be obtained over the relevant properties, registered prior to the commencement of works, and executed prior to occupation. If the windows are not the primary light source, a Section 173 Agreement should be recommended to protect the Punch Lane properties in the event of future development.

#### **10.2. Recommended Conditions**

The following conditions are recommended to be included on any permit issued, once the key outstanding matters have been resolved:

##### **Amended Plans**

2. Prior to the commencement of the development, including demolition and site preparation works, an electronic set of plans drawn to scale and an updated development summary, must be submitted to the Responsible Authority in consultation with Melbourne City Council, generally in accordance with the application plans prepared by Architectus, but amended to show:
  - a) Any changes resulting from responses to the Key Outstanding Matters.
  - b) 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.

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

##### **Endorsed Plans**

3. At all times what the permit allows must be carried out in accordance with the requirements of any document endorsed under this permit to the satisfaction of the Responsible Authority.
4. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.

**Completion of Development**

5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Retention of Architect**

6. Except with the written consent of the Responsible Authority, Architectus must be retained to provide architectural oversight during construction and completion of the detailed design as shown in the endorsed plans and schedule of materials and finishes to the satisfaction of the Responsible Authority.

**Façade Strategy**

7. Concurrent with the endorsement of plans pursuant to Condition 1, a Façade Strategy must be submitted to and be approved by the Responsible Authority in consultation with 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 Melbourne City Council. The Façade Strategy must be generally in accordance with the development plans and must detail:
  - a) A concise description by the architect of the building design concept and how the façade works to achieve this.
  - b) Elevation details (generally at a scale of 1:50) illustrating typical lower level details, balcony niches, entries, lobbies and doors, utilities and structural columns, as well as typical tower details, key junctures and any special features which are important to the building's presentation.
  - c) Street level elevations (generally at a scale of 1:20) for all public interfaces. All proposed materials at the street wall level should be robust and of high quality.
  - d) Cross sections or another method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
  - e) Information about how the façade will be accessed and maintained and cleaned, including any planting if proposed.
  - f) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high quality built outcome in accordance with the design concept.
  - g) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, contextually appropriate, durable and fit for purpose.

The façade strategy must be to the satisfaction of the responsible authority and when approved will be endorsed to form part of the permit. The façade strategy must not be altered or amended without the written consent of the Responsible Authority.

**Reflected Glare**

8. Prior to the commencement of the development, including demolition and site preparation works, 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.
9. 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.
10. Specular light reflectance from external materials and finishes must be less than 15% to the satisfaction of and unless otherwise approved by the Responsible Authority.

**Sustainable Management Plan**

11. Concurrent with the endorsement of plans pursuant to Condition 1, 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. When

approved, the amended SMP report will be endorsed and form part of this permit. The amended SMP report must be generally in accordance with the SMP report prepared by Edison Consulting (Issue 6, 7 June 2023), but modified to include or show:

- a) Evidence via a registration letter and project number that the development is registered under the Green Star Buildings v1 tool with the Green Building Council of Australia. The project should target a 5 star Green Star Buildings rating with a minimum acceptable target of 4 Star Green Star Buildings V1.
- b) A pre-screening Climate Change checklist and evidence that a climate change risk and adaptation assessment has been completed.
- c) A site plan showing materials that reduce urban heat and demonstrate Credit 19 Heat Resilience can be achieved.
- d) Calculations / Evidence that demonstrate the upfront carbon emissions reductions and life cycle assessment targets can be met.
- e) A signed NABERS Commitment Agreement using the pathway in Green Star Buildings for both the office and hotel spaces.
- f) A Zero Carbon Action Plan.
- g) Water use calculations via the potable water calculator that demonstrate how the development can achieve a 45% reduction in potable water use compared to a reference building.
- h) Indicate the location of the 18 kL rainwater tank on the architectural drawings with a notation to indicate connection to toilets for flushing and washdown uses.

Once approved, the SMP will be endorsed and will form part of this permit. The performance outcomes specified in the SMP must be achieved in the completed development. The SMP must not be altered or amended without the written consent of the Responsible Authority and Melbourne City Council.

#### **Implementation of Sustainable Management Plan Report**

12. 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.

Within 24 months of occupation of the building, certification must be submitted to the satisfaction of the responsible authority, that demonstrates that the building has achieved at least a minimum 4 Star Green Star Buildings V1 rating (or equivalent).

#### **Waste Management Plan**

13. Prior to the commencement of the development, a Waste Management Plan (WMP) must be prepared, submitted and approved by the Melbourne City Council - Waste and Recycling. The WMP must detail waste storage and collection arrangements and be prepared with reference to the Melbourne City Council Guidelines for Preparing a Waste Management Plan. 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 the Melbourne City Council – Waste and Recycling.

#### **Acoustic Report**

14. Concurrent with the endorsement of plans under Condition 1, an amended acoustic report must be submitted to and be approved by the responsible Authority. The report must be generally in accordance with the Acoustic Letter prepared by Acoustic Logic dated 18 February 2025, but amended to:

- a) Include the following additional assessment of residential hotel room compliance:
- i. Assesses noise emissions from surrounding entertainment and live music venues including but not limited to the Comedy Theatre and Her Majesty's Theatre.
  - ii. Provides recommended acoustic treatment measures to ensure compliance with EPA Publication 1826.4 Noise Protocol Part 1 when assessed within hotel guest rooms.
  - iii. The development be designed to ensure external traffic noise intrusion within hotel guest rooms is designed to limit internal noise levels to a maximum of 45dB LAeq,1hr within rooms suitably furnished ready for occupation.
- b) Any changes associated with Condition 1 of this permit.

When provided to the satisfaction of the Responsible Authority, the Acoustic Letter will be endorsed to form part of this permit.

15. Prior to the occupation of the development, the provisions, recommendations and requirements of the endorsed Acoustic Letter must be implemented and complied with to the satisfaction of the Responsible Authority. The report must not be altered or amended without the written consent of the Responsible Authority.

#### **Wind**

16. Concurrent with the endorsement of plans under Condition 1, the Environmental Wind Conditions report prepared by MEL Consultants dated 13 February 2025 must be amended to reflect the amended plans required by Condition 1, include wind tunnel testing zones at all building entrances, publicly accessible spaces and external private open space of any residential properties adjoining the site (ensuring the proposed development does not create unsafe wind conditions to external private open space), and must be submitted and approved by the Responsible Authority.

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.

17. Prior to the occupation of the development, the provisions, recommendations and requirements of the endorsed Environmental Wind Conditions report must be implemented and complied with to the satisfaction of the Responsible Authority. The report must not be altered or amended without the written consent of the Responsible Authority.

#### **3D Model**

18. Prior to the occupation of the development, or as otherwise agreed with the Responsible Authority, a 3D digital model of the development must be submitted to and must be to the satisfaction of the Responsible Authority and the Melbourne City Council. In the event that substantial modifications are made to the building envelope and design, a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority, before these modifications are approved.

#### **Easements**

19. Prior to the commencement of the development, including demolition, bulk excavation and site preparation works, the owner must provide evidence to the Responsible Authority that the footway easement E-1, E-2, E-3 & E-4 on LP218078M has been varied to allow for unobstructed access.

#### **Construction Management Plan**

20. Prior to the commencement of the development, including demolition and site preparation works, a detailed demolition and construction management plan must be submitted to and be approved by the Melbourne City Council – Site Services. This demolition and construction management plan must be prepared in accordance with the City of Melbourne's Code of Practice for Building, Construction and Works and is to address 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.

**Wayfinding**

21. The existing property has wayfinding signage located on it. All existing wayfinding signage is to be reinstated during construction of the new development.

**Works abutting Council laneway**

22. The title boundaries for the property may not exactly agree with the road alignments of the abutting the City of Melbourne's laneway. The approved works must not result in structures that encroach onto the City of Melbourne's laneways.

**Drainage system upgrade**

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

The City of Melbourne's underground stormwater drainage network must be upgraded and extended as necessary via the construction of a new 300 mm minimum diameter RCP pipe on Lonsdale Street to accept the discharge from the site in accordance with plans and specifications first approved by City of Melbourne – City Infrastructure (or as otherwise agreed in writing).

**Groundwater management**

24. All groundwater and water that seeps from the ground adjoining the building basement (seepage water) and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to the Council's drainage network. All contaminated water must be treated via a suitable treatment system and fully reused on site or discharged into a sewerage network under a relevant trade waste agreement with the responsible service authority.

**Demolish and construct access**

25. Prior to the commencement of the use / occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the City of Melbourne – City Infrastructure.

**Roads**

26. All portions of roads and laneways affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the City of Melbourne – City Infrastructure.

**Street levels not to be altered**

27. Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the City of Melbourne – City Infrastructure.

**Existing street lighting not altered without approval**

28. 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 City of Melbourne – City Infrastructure.

**Existing street furniture**

29. Existing street furniture must not be removed or relocated without first obtaining the written approval of the City of Melbourne – City Infrastructure.

**Street furniture**

30. All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on footpaths outside the proposed building to plans and specifications first approved by the City of Melbourne – City Infrastructure.

**Building appurtenances and services**

31. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority and Melbourne City Council or as otherwise exempt under the Melbourne Planning Scheme.

**Development time limit**

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

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

**NOTES****Building Approval Required**

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

**Other Approvals May be Required**

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

**City Infrastructure**

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

All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – City Infrastructure.

## How to contact us

### Online:

[melbourne.vic.gov.au](http://melbourne.vic.gov.au)

### In person:

Melbourne Town Hall - Administration Building  
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### Telephone:

03 9658 9658  
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### Fax:

03 9654 4854

### In writing:

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