

Report to the Future Melbourne Committee

Agenda item 6.1

Planning Permit Application: TP-2020-838 99–129 Albert Street, East Melbourne (Epworth Freemasons Hospital)

6 July 2021

Presenter: Larry Parsons, Head of Statutory Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of an application to construct a multi-storey addition to the existing hospital at 99–129 Albert Street, East Melbourne (Refer to Attachment 2, Locality Plan).
2. The applicant is Epworth Foundation, and the owner is Northwest Healthcare Australia, the architects are Silver Thomas Hanley and John Wardle Architects.
3. The Site is located in the north-eastern corner of the Epworth Freemasons hospital precinct with a frontage to Albert Street to the north and Gotch Lane to the south east.
4. The site is located in part in the Public Use Zone Schedule 3 (PUZ3) and part in the General Residential Zone Schedule 1 (GRZ1) and is affected by the Development Overlay Schedule 21 and Heritage Overlay Schedule 886 and 2. The western portion of the land, located in Heritage Overlay 886, is also included in the Victorian Heritage Register (VHR H1972).
5. The application is Stage 2 of the redevelopment of the site, which seeks to construct an addition to the single storey entry building and basement constructed in Stage 1 and approved by Planning Permit TP-2015-1136.
6. The application proposes the construction of an additional eleven (11) storeys above the existing single level building and basement. The addition will connect to both the recent Stage 1 building facing Grey Street and the eastern wing of the Freemasons Hospital, and will be occupied by 92 inpatient, intensive care and operating recovery beds, 12 operating rooms and birthing rooms and 30 consulting suites.
7. Public notice of the proposal has been undertaken and a total of 23 objections have been received.

Key issues

8. The proposal seeks to expand an existing health facility within a designated State Significant Health Precinct, providing a significant net community benefit. The layout and height of the proposal responds to specific use requirements, including increased floor to floor heights, need for floor containment of particular facilities and direct linkages to the existing hospital specialist uses.
9. The proposed overall height exceeds the discretionary height control, being 45 m plus plant compared with 35 m and 14 m of DDO21. However, the proposal meets the design objectives and built form outcomes providing a quality architectural design and will not result in any additional overshadowing to the Fitzroy Gardens to the west from where it will form part of the existing backdrop of East Melbourne.
10. The consideration of heritage is limited to the impact on the wider East Melbourne and Jolimont Precinct, as the western portion of the building is included in the Victorian Heritage Register (hence considered exclusively by Heritage Victoria) and the eastern portion of the building is adjacent to an ungraded building. The proposed design, setbacks, podium height, overall height and materials appropriately respond to the heritage context of the site, subject to a condition for a detailed façade strategy.
11. The proposal provides an acceptable response to the eastern residential interface, providing separation from the adjacent property and landscaping at adjoining raised levels.

Recommendation from management

12. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit subject to the conditions outlined in the Delegate Report (refer Attachment 4 of the report from management).

Attachments:

1. Supporting Attachment (Page 2 of 46)
2. Locality Plan (Page 3 of 46)
3. Selected Plans (Page 4 of 46)
4. Delegate Report (Page 23 of 46)

Supporting Attachment

Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (the Act) sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme.
2. As objections have been received, sections 64 and 65 of the Act provide that the responsible authority must give the applicant and each objector notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The responsible authority must not issue a permit to the applicant until the end of the period in which an objector may apply to the VCAT for a review of the decision or, if an application for review is made, until the application is determined by the VCAT.

Finance

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

Conflict of interest

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

Health and Safety

5. Relevant planning considerations relating to health and safety have been considered within the planning permit application and assessment process, noting the proposal seeks to add further works to an existing permit and approved land use.

Stakeholder consultation

6. Public notice of the application has been undertaken to surrounding owners and occupiers, pursuant to Section 52 of the Act.

Relation to Council policy

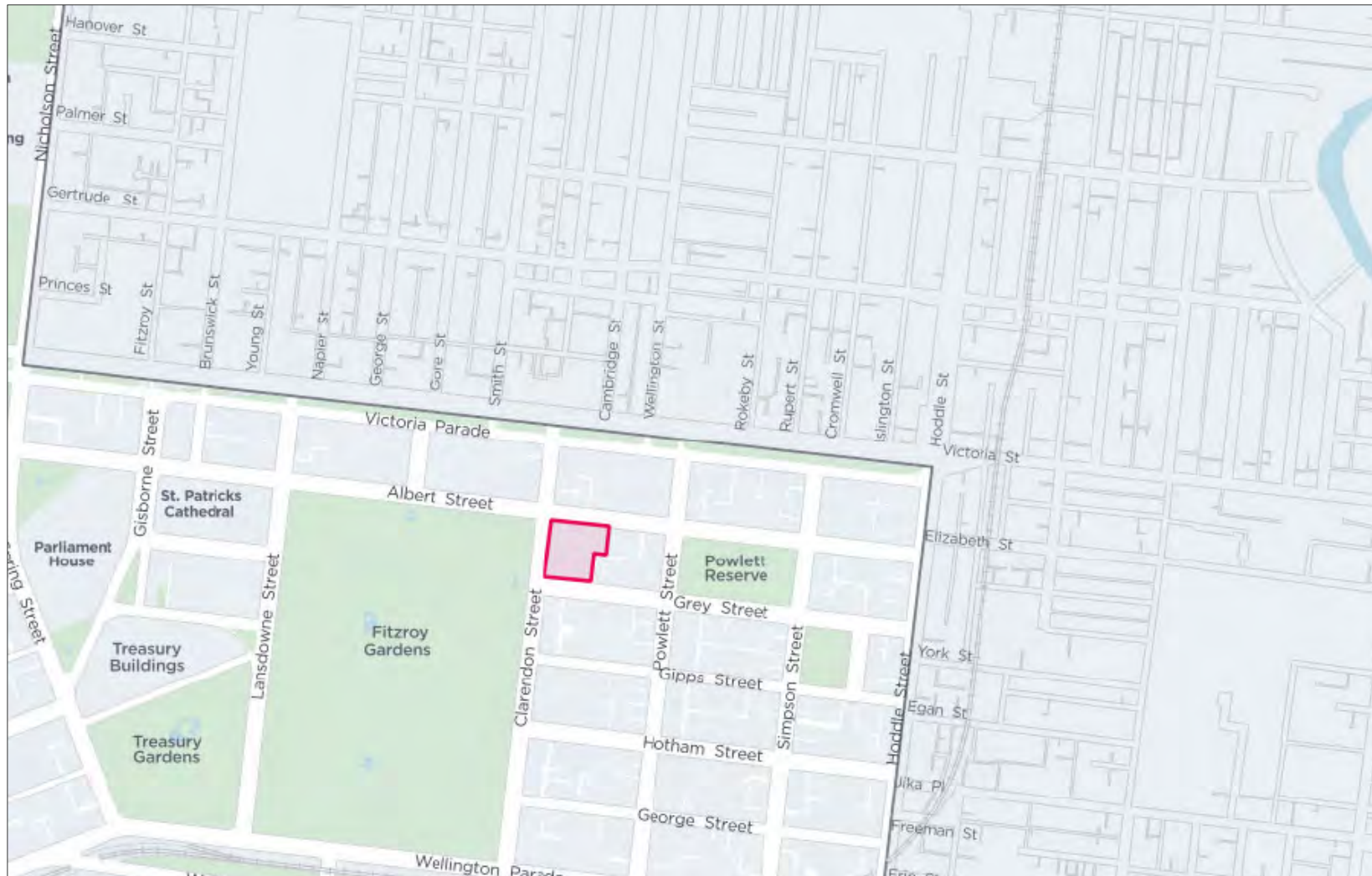
7. Relevant Council policies are discussed in the attached Delegate Report (refer Attachment 4)

Environmental sustainability

8. Environmental sustainability provisions of the Melbourne Planning Scheme have been considered in the assessment of this planning application and appropriate permit conditions included to secure an acceptable ESD outcome.

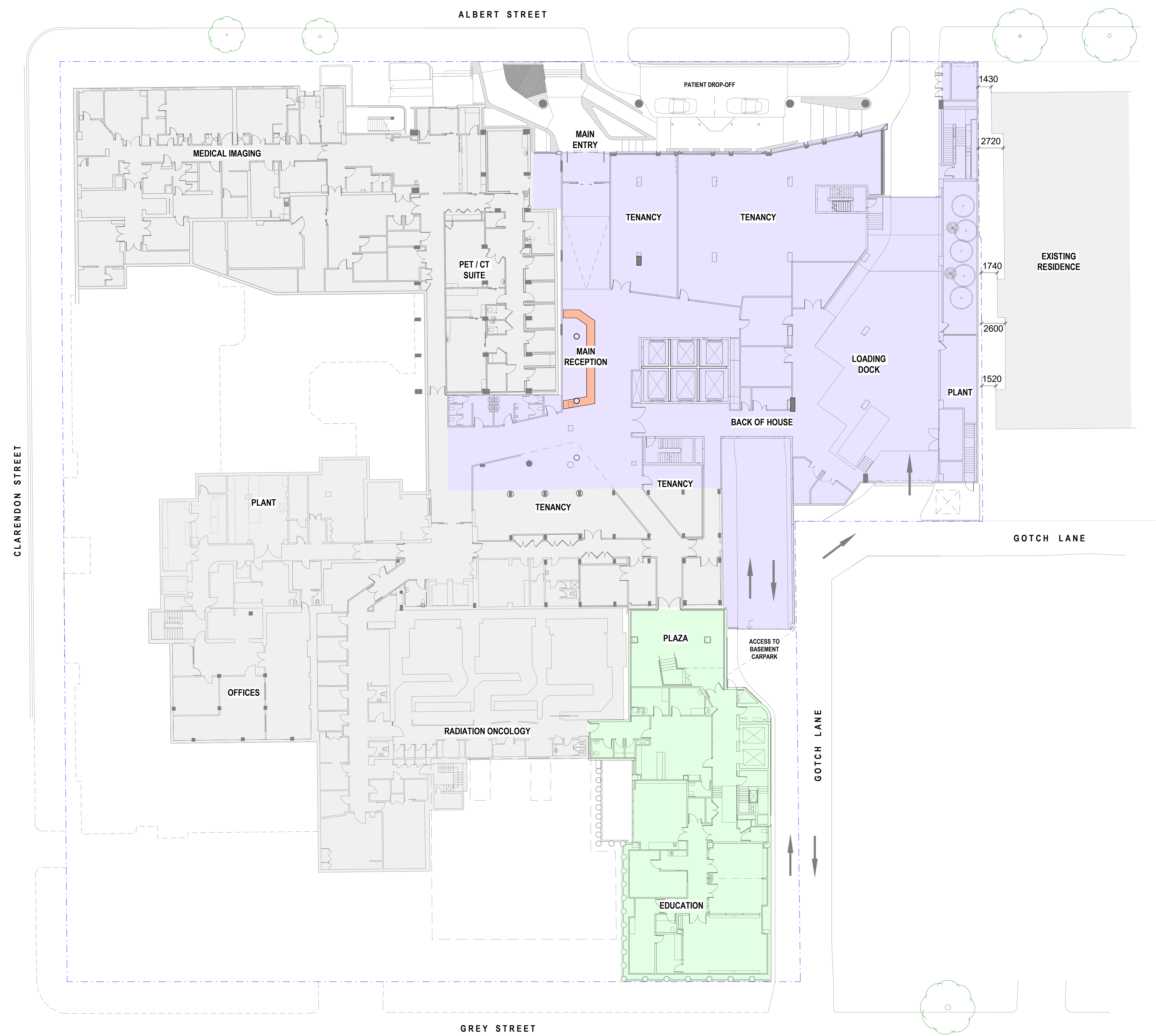
Locality Plan

Epworth Freemasons Hospital, 99-129 Albert Street, East Melbourne





- LEGEND**
- EXISTING BUILDING
 - ALBERT STREET BUILDING - STAGE 1 WORKS (COMPLETED)
 - ALBERT STREET BUILDING - STAGE 2 WORKS
 - GREY STREET CENTRE (COMPLETED)
 - SITE BOUNDARY



- LEGEND**
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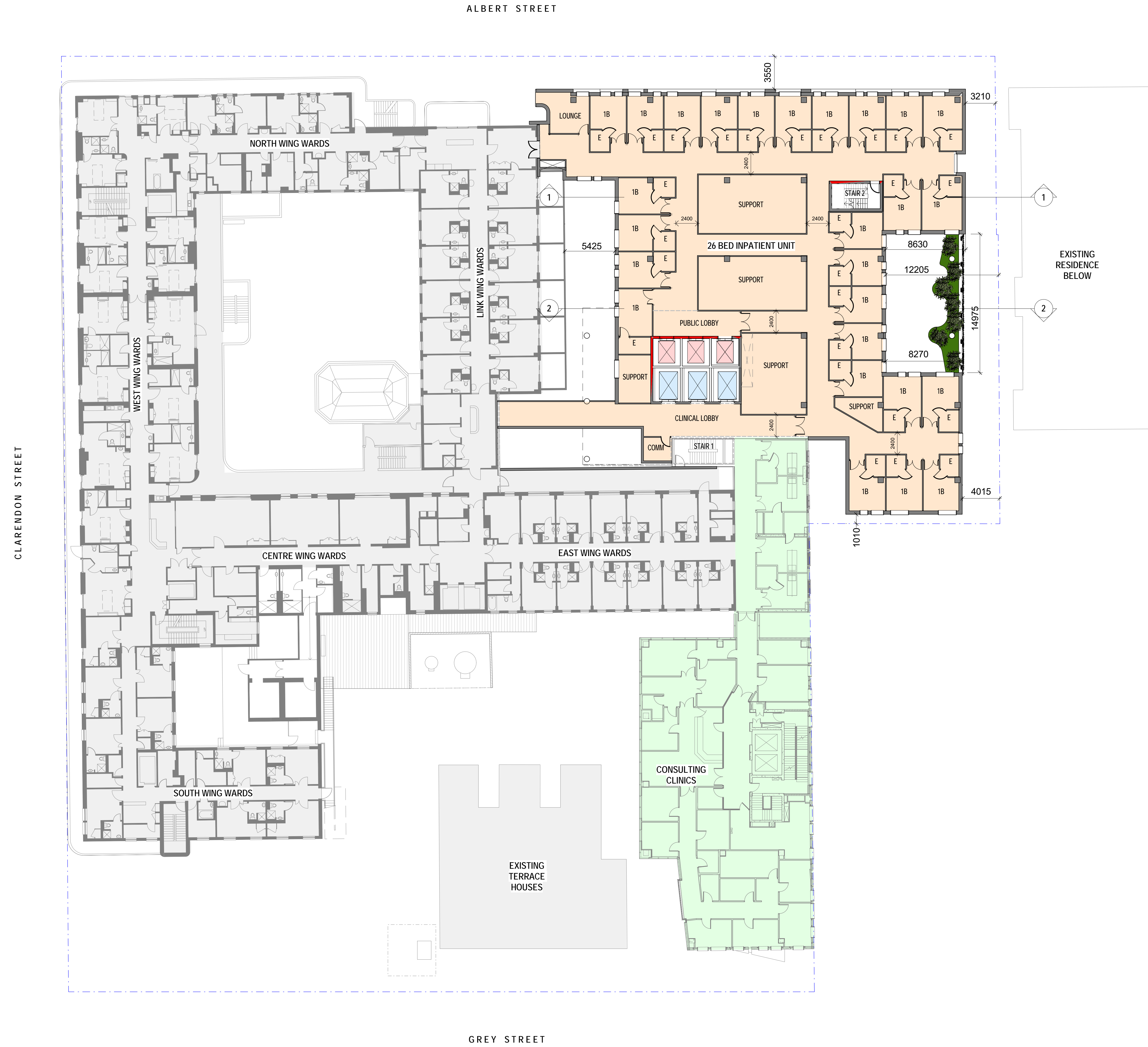
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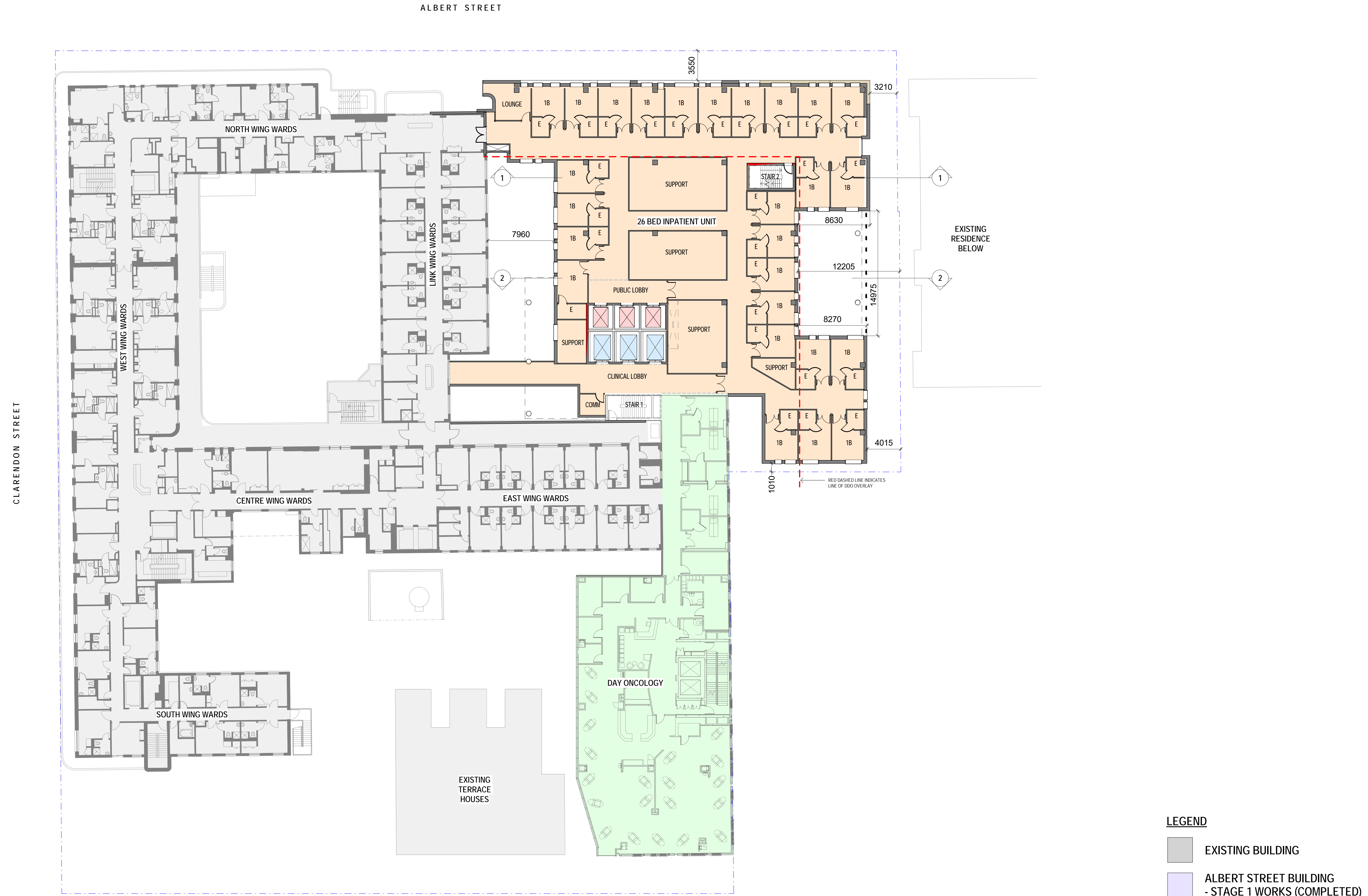
PROPOSED LEVEL GR - GROUND FLOOR
EPWORTH FREEMASONS STAGE 2

Revision: 1
 Date: 02/12/20
 Scale @B1: 1 : 200
 Drawing No: AR1202

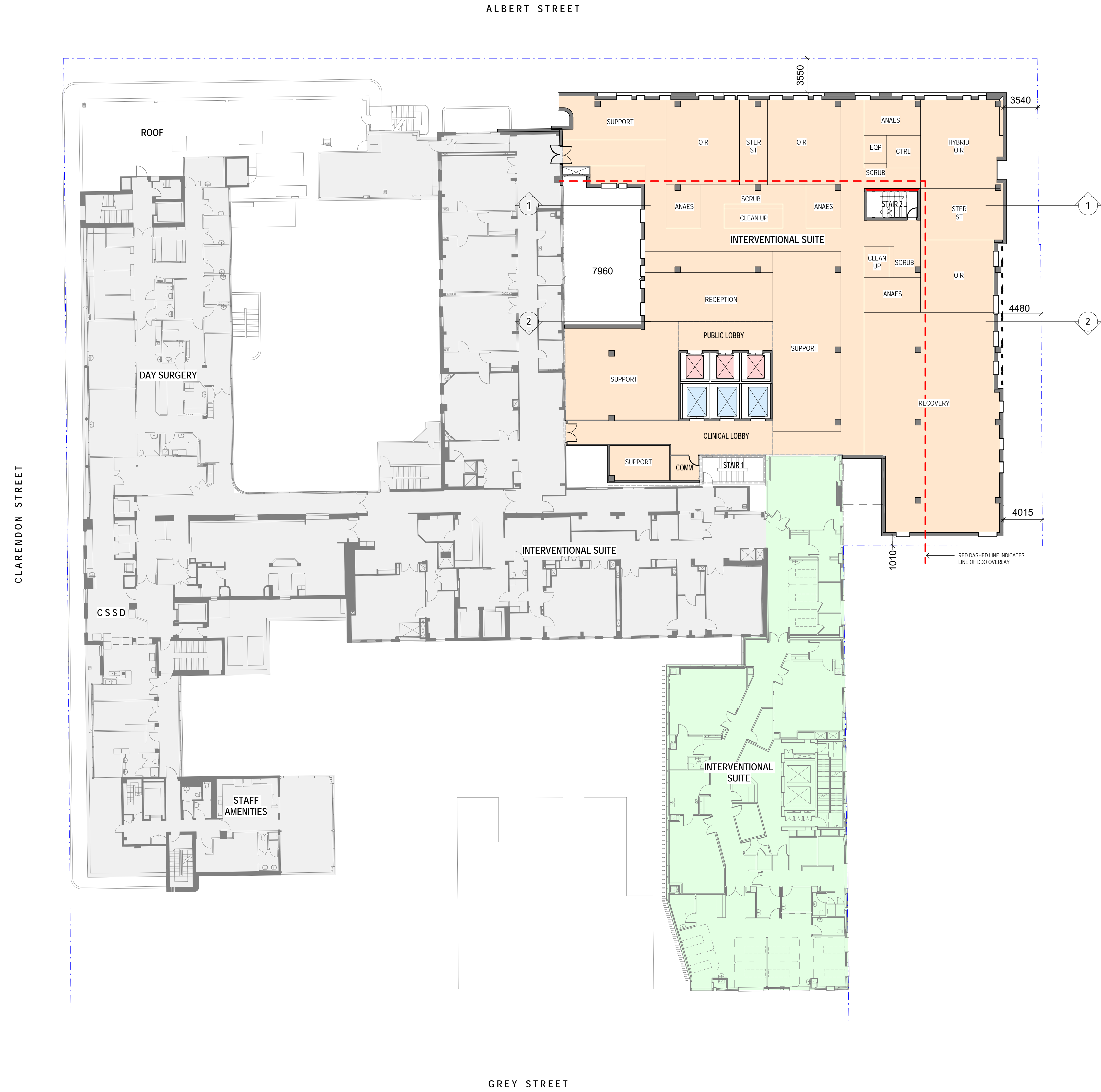




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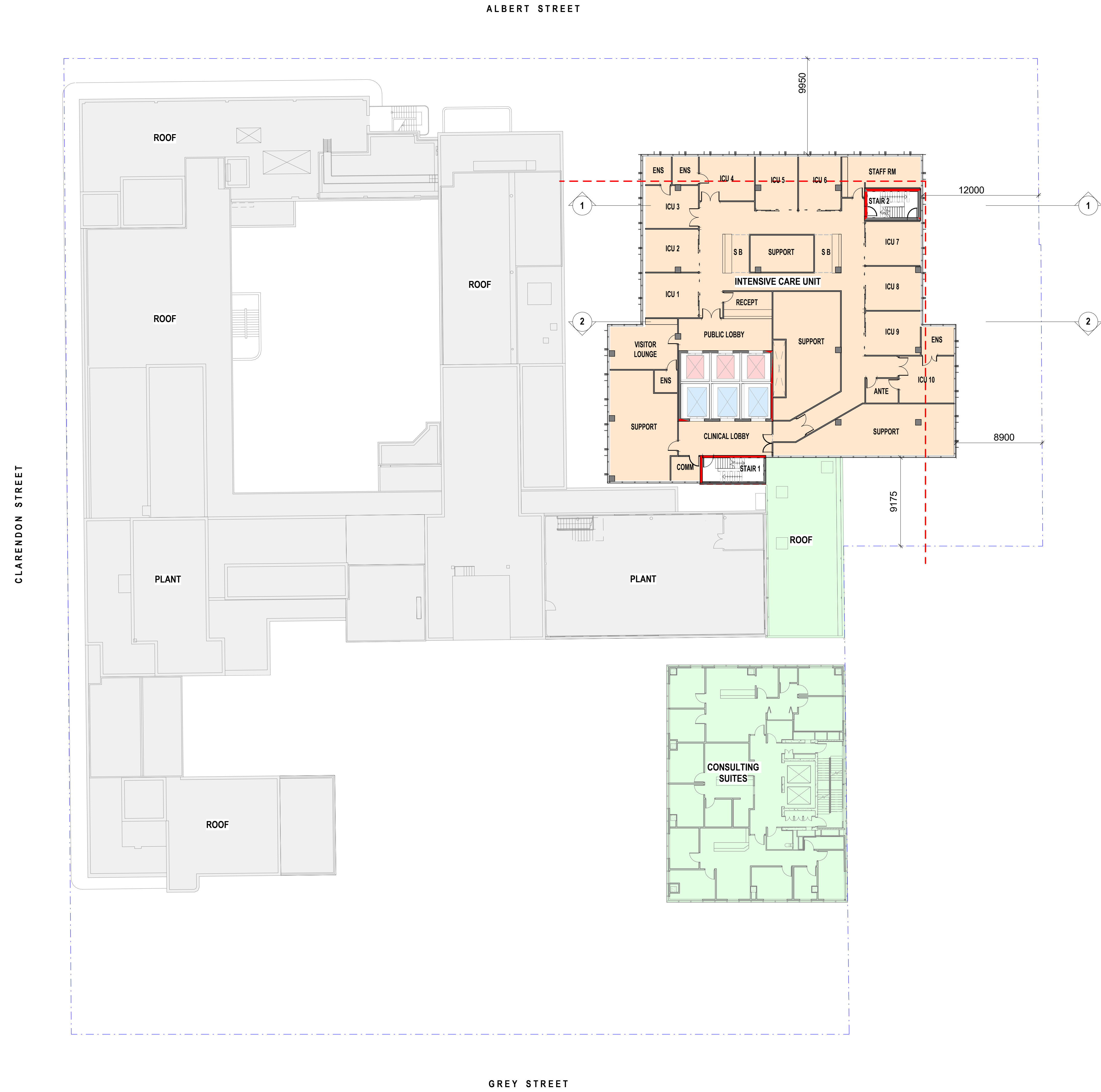
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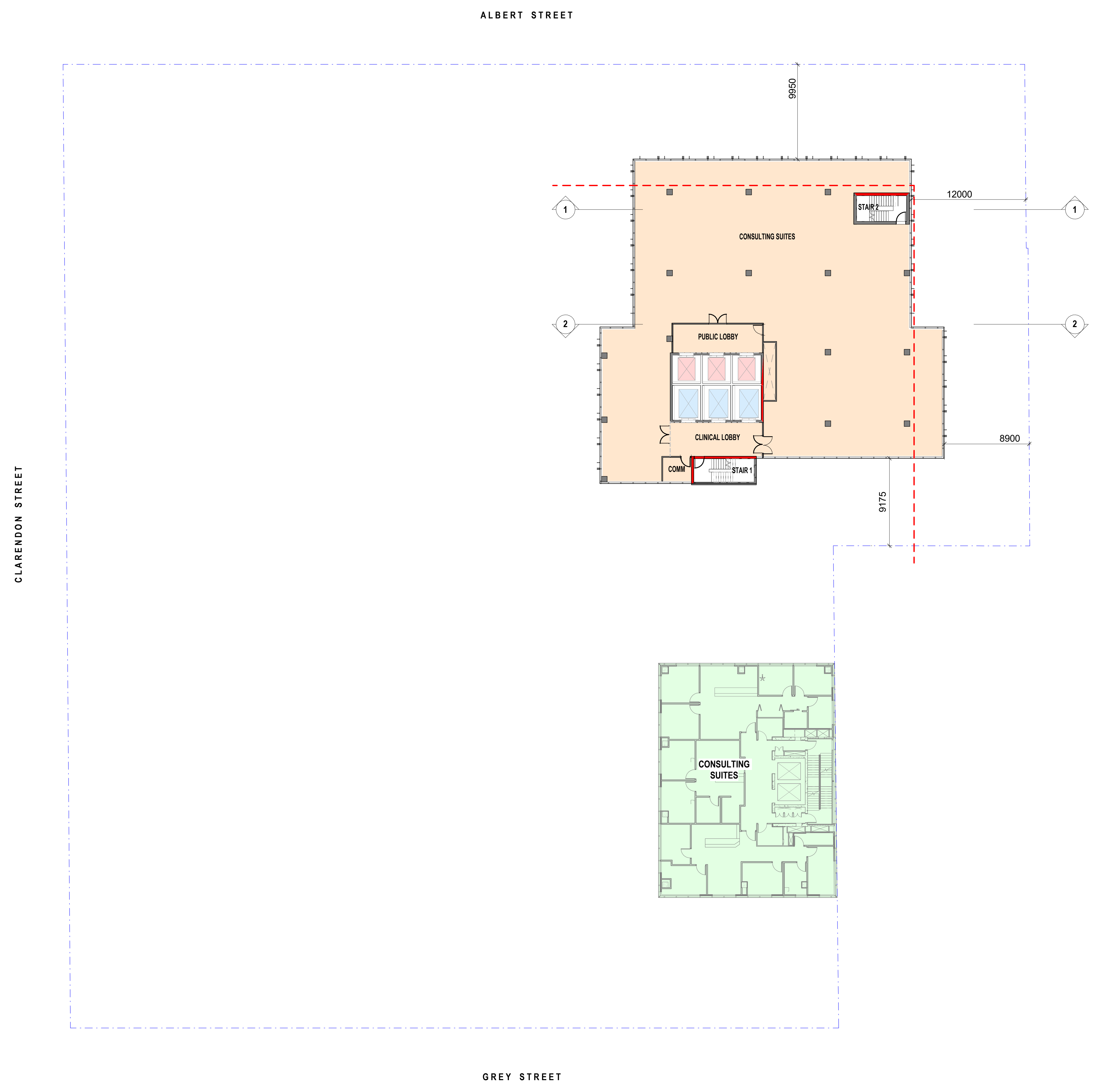
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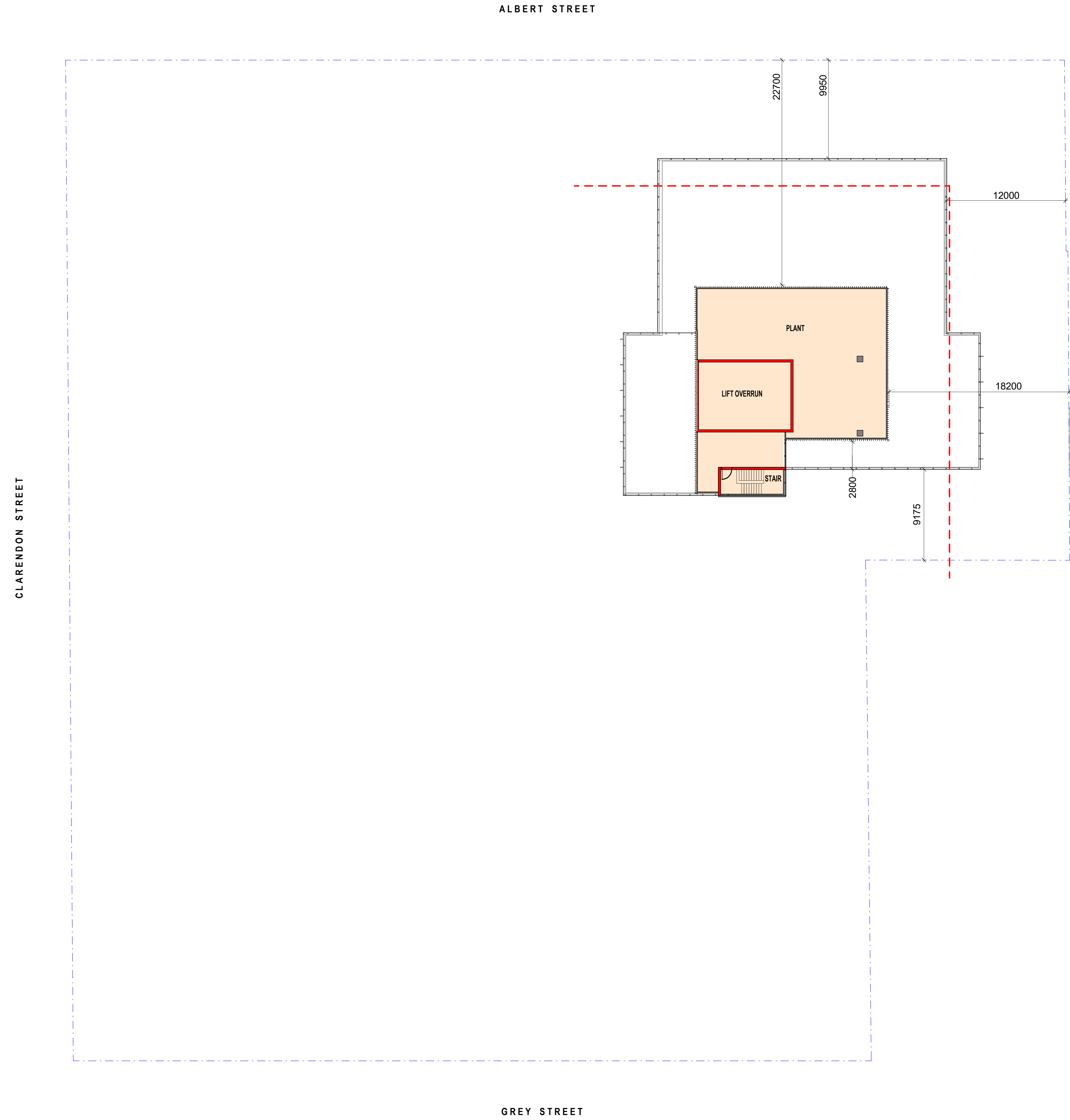
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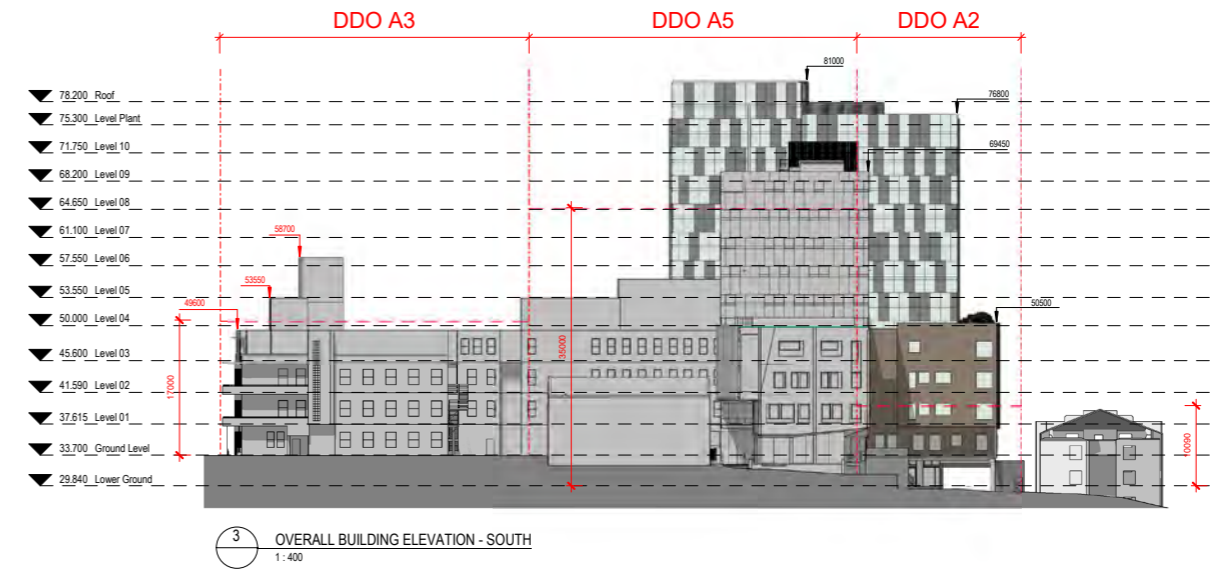
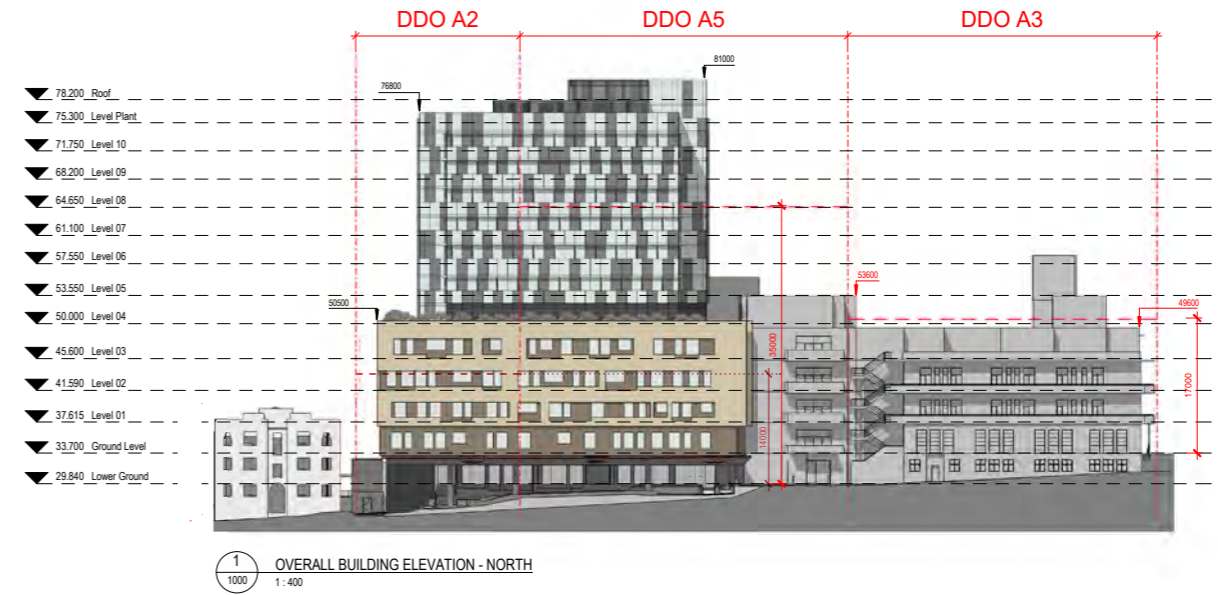
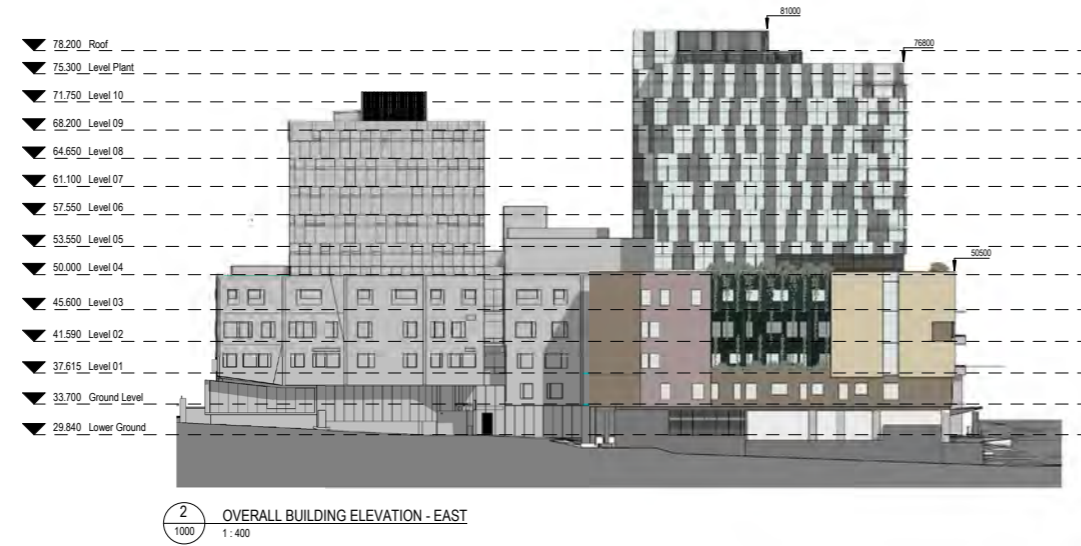
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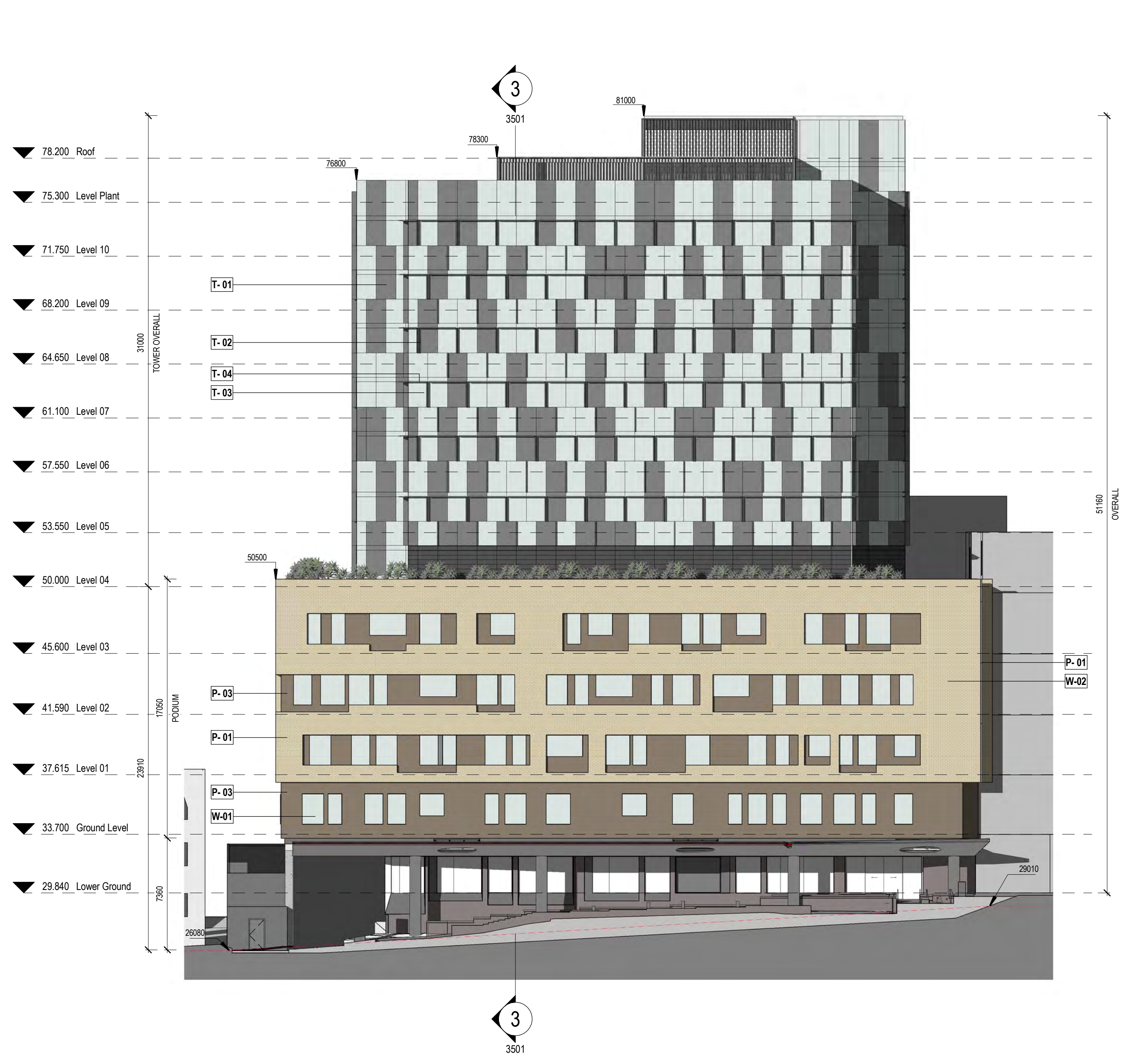
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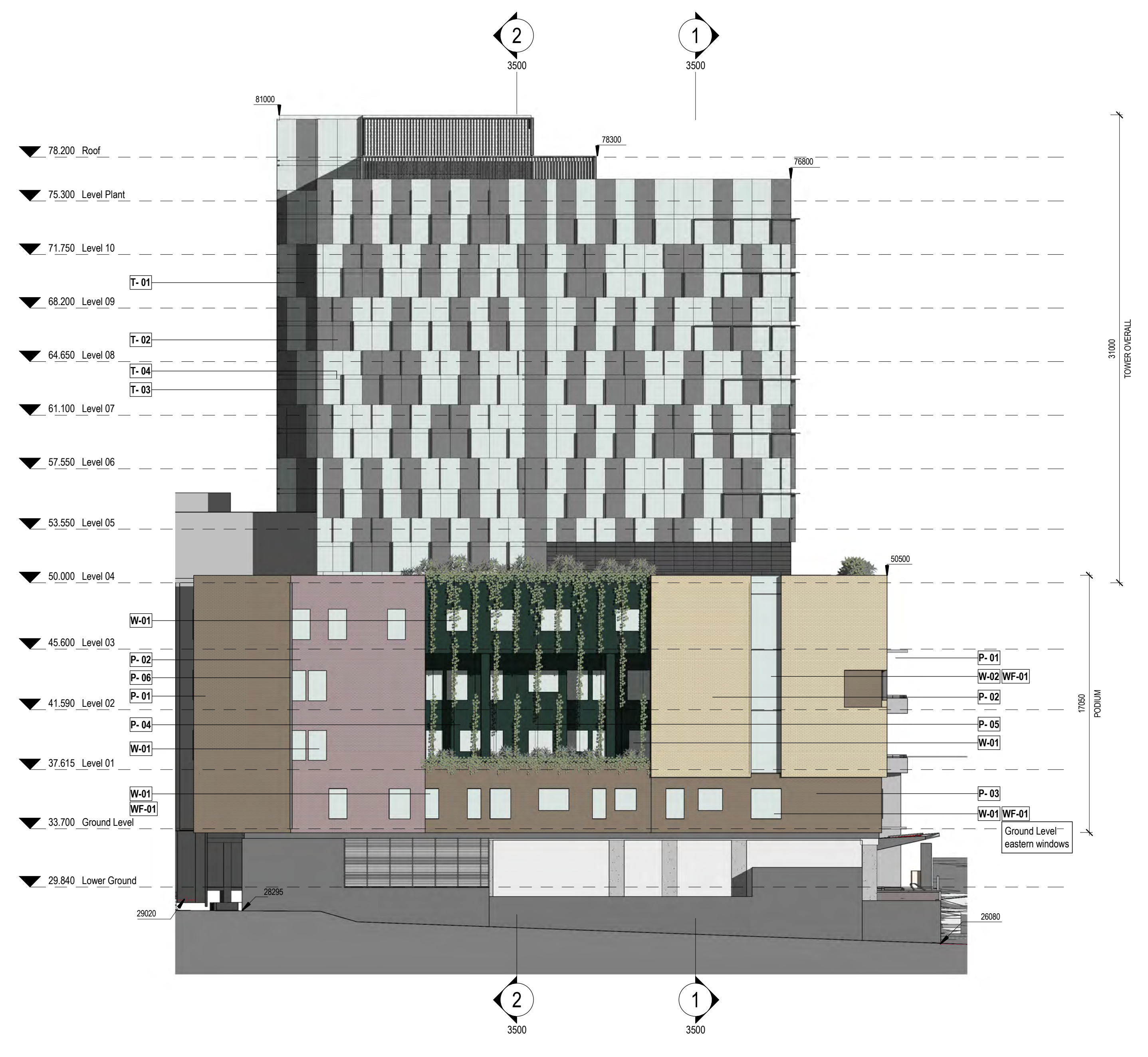
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LEGEND
 ■ EXISTING BUILDING / NO WORKS



1 NORTH ELEVATION
1:200



2 EAST ELEVATION
1:200

LEGEND

EXISTING BUILDING / NO WORKS

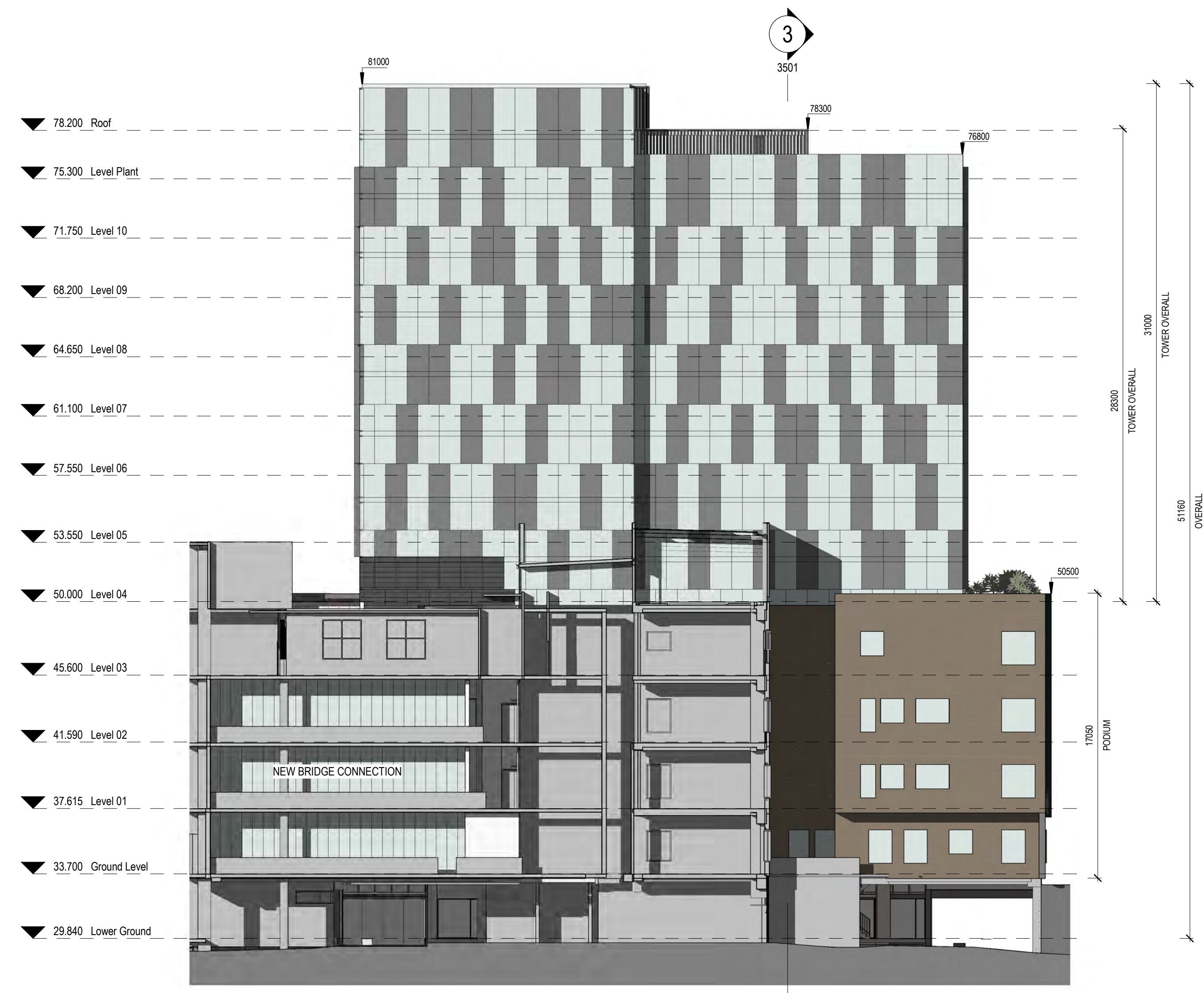


ELEVATIONS

EPWORTH FREEMASONS STAGE 2

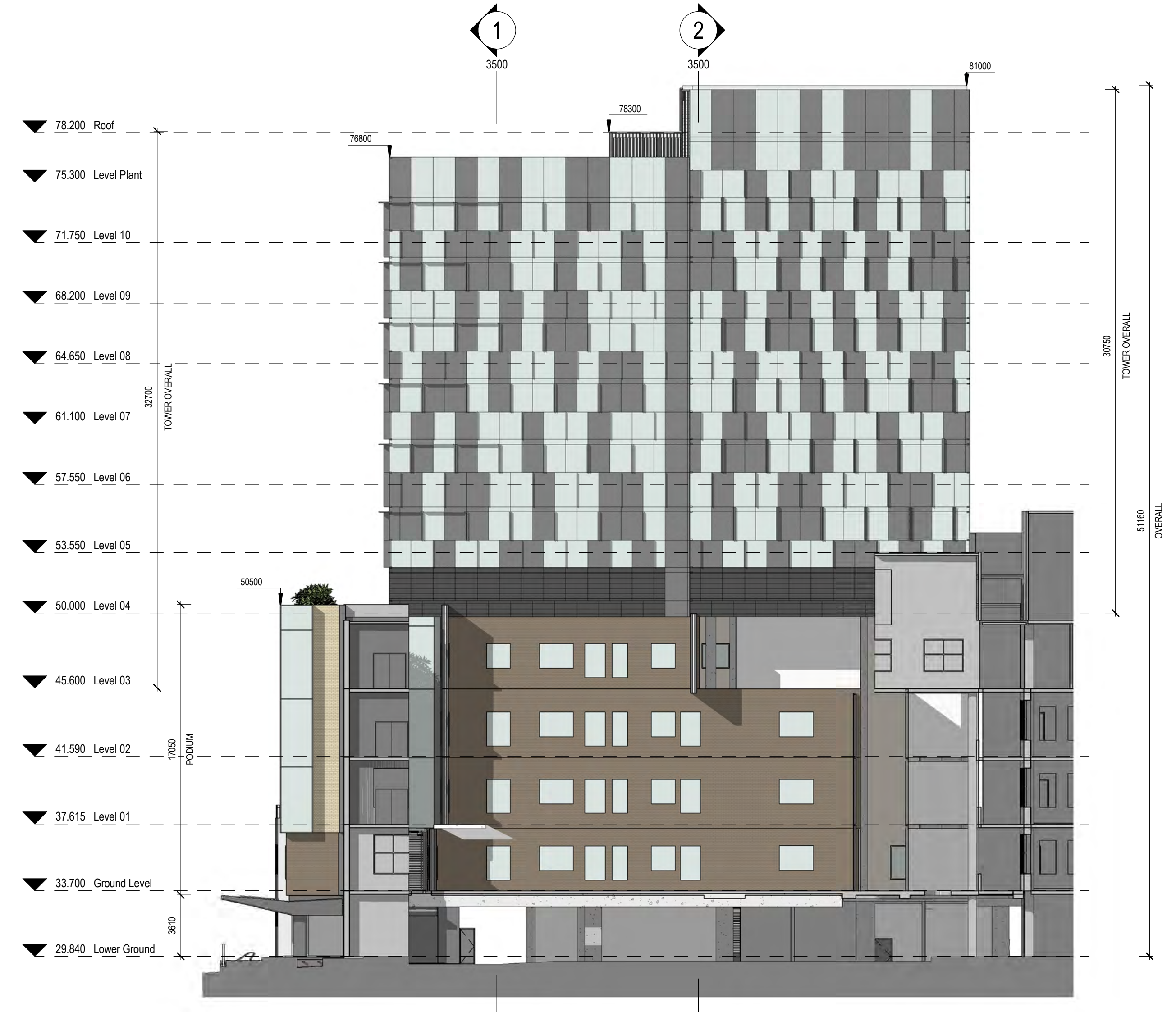
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Scale @B1: **As indicated**
Drawing No: **AR3001**





1 SOUTH ELEVATION
1:200

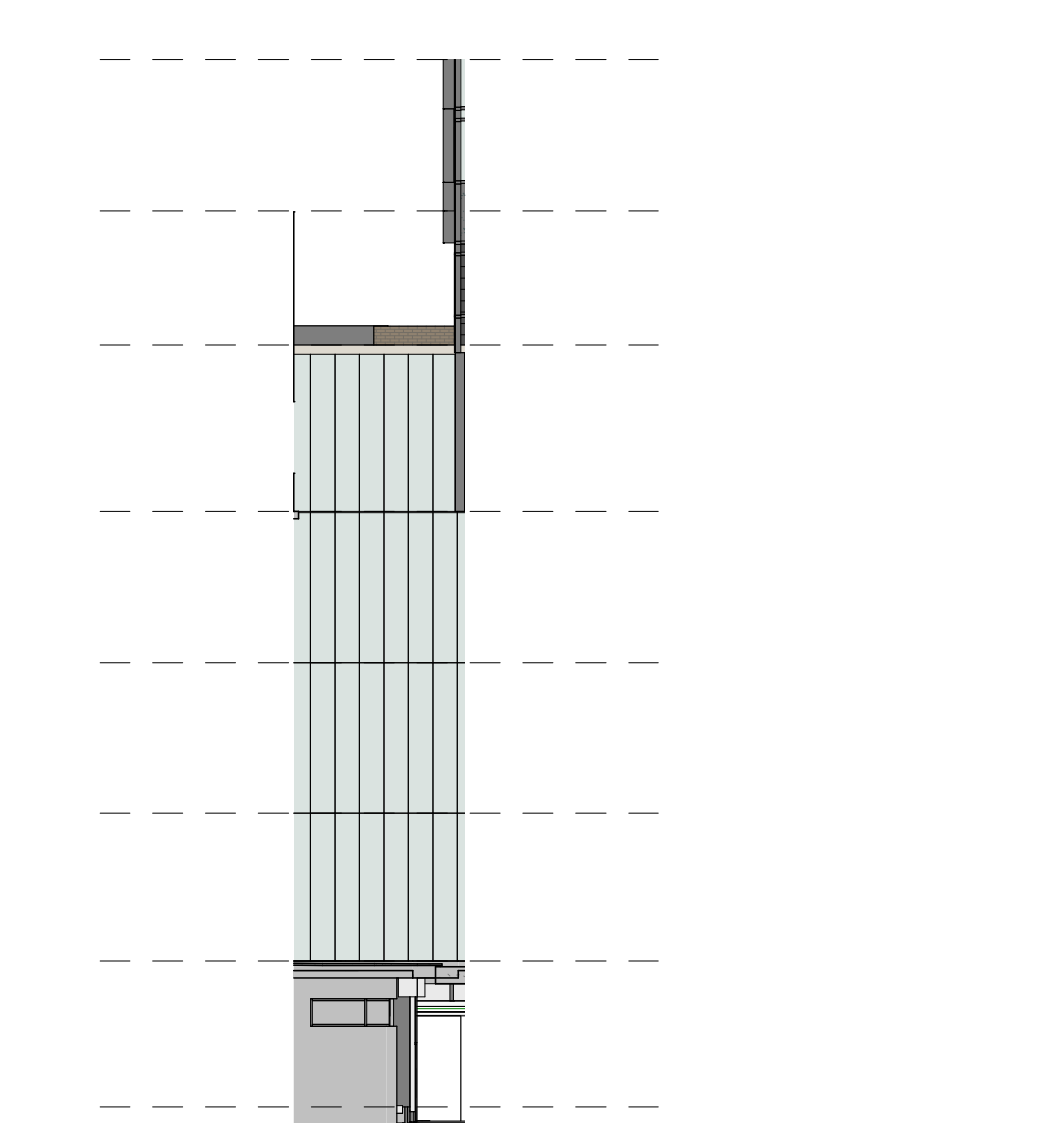
LEGEND
EXISTING BUILDING / NO WORKS



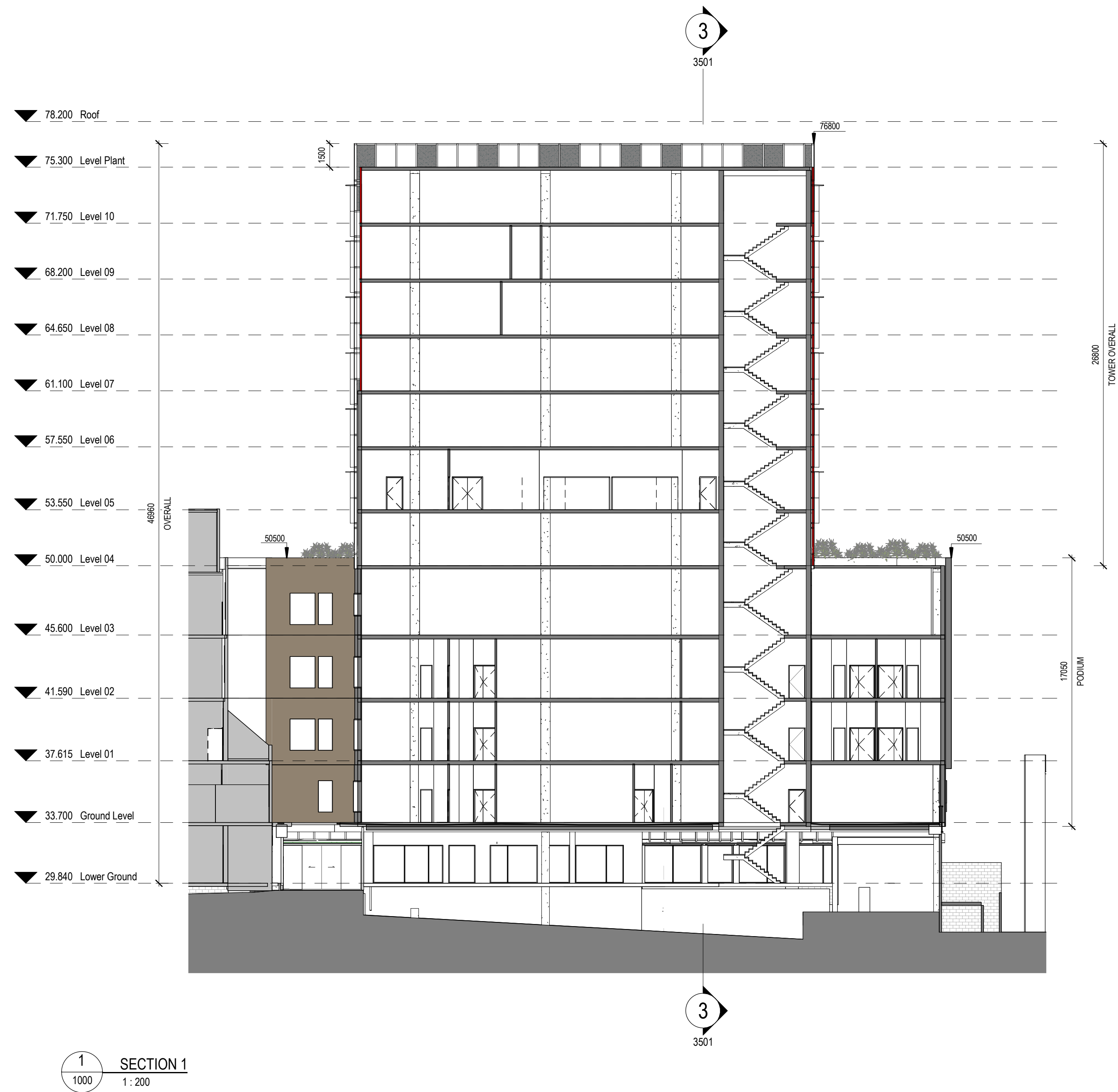
2 WEST ELEVATION
1:200



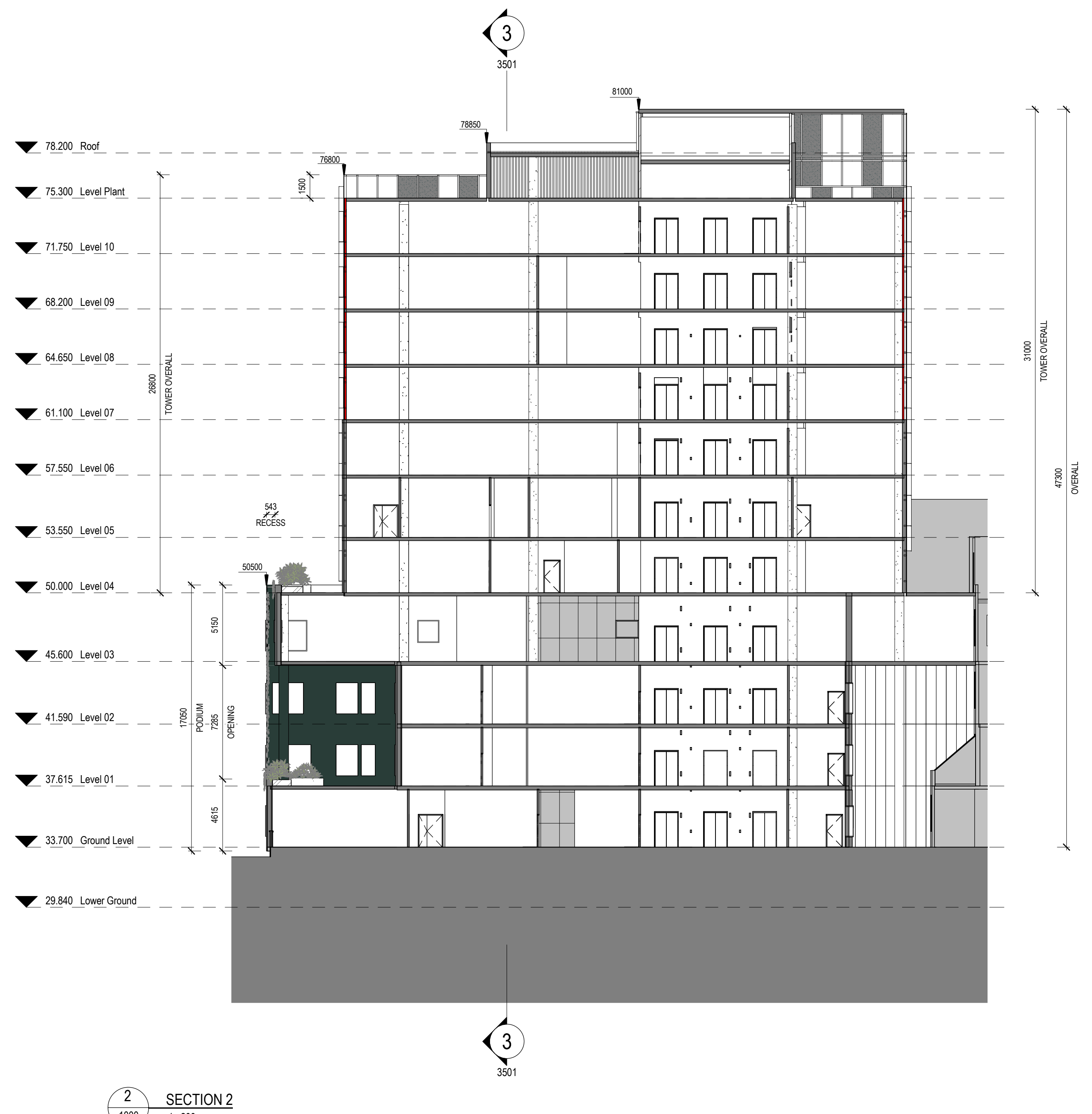
3 INTERNAL ATRIUM - NORTH ELEVATION
1:200



4 INTERNAL ATRIUM - SOUTH ELEVATION
1:200

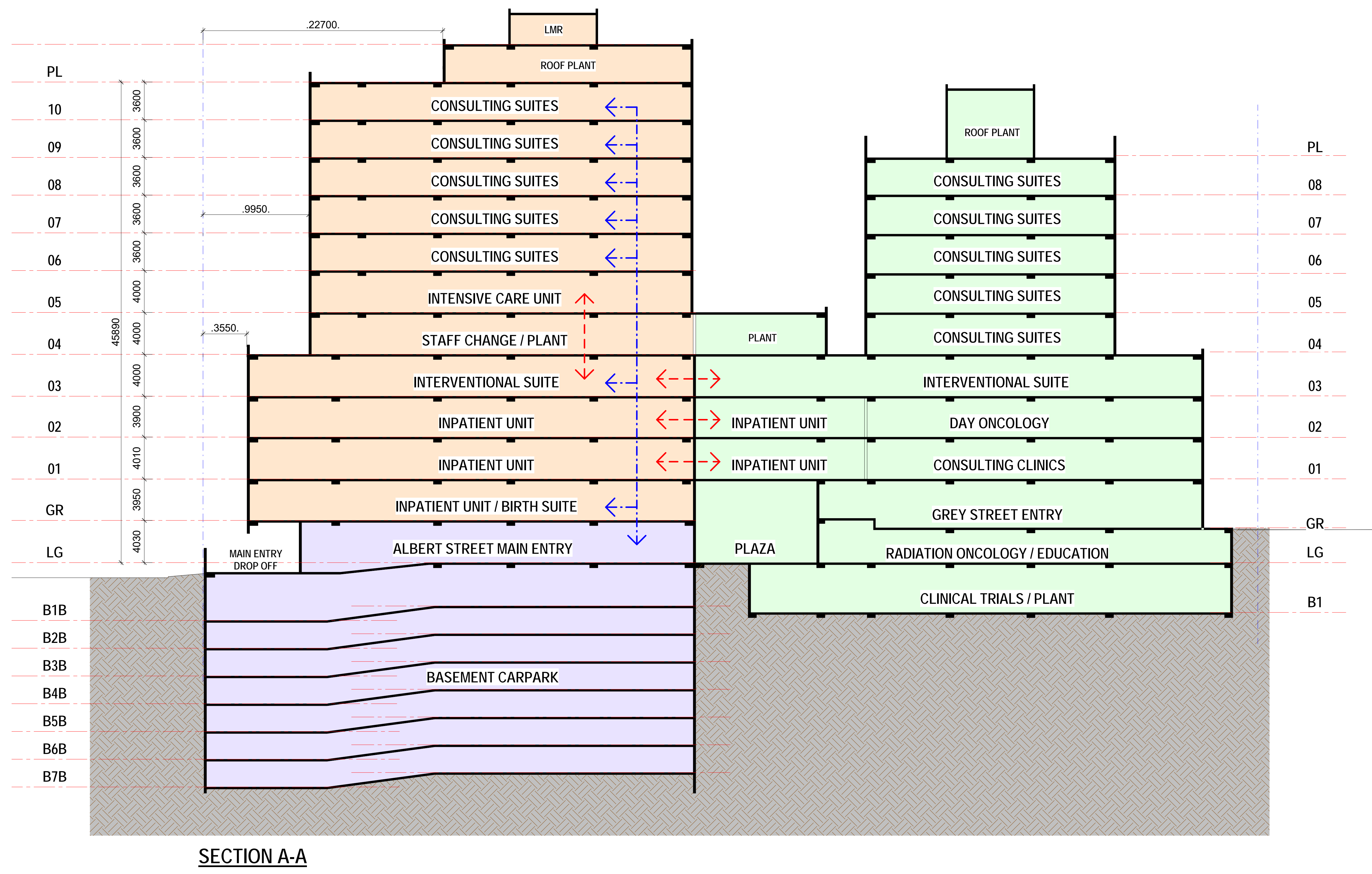


1 SECTION 1
1:200



2 SECTION 2
1:200

LEGEND
EXISTING BUILDING / NO WORKS



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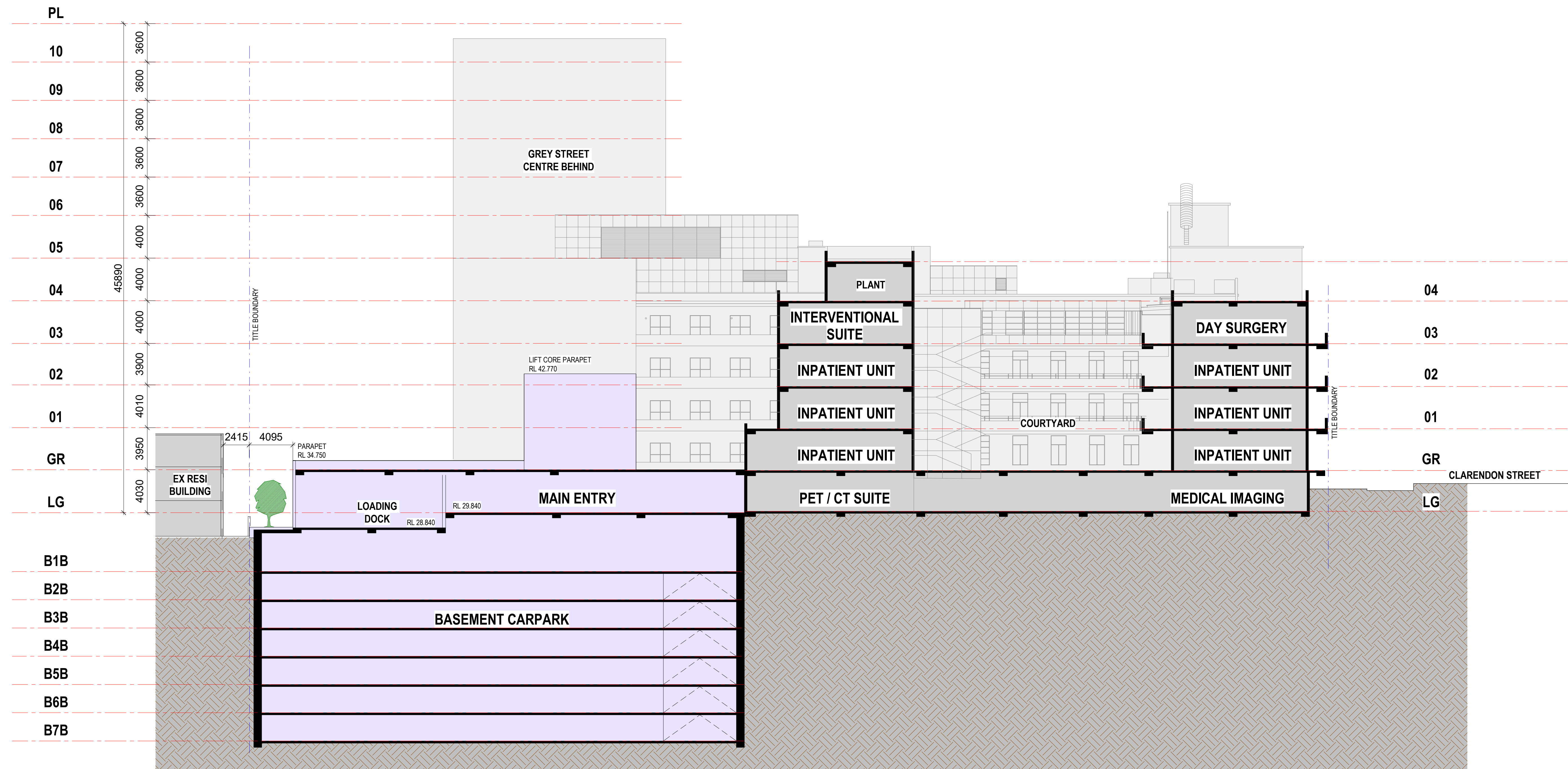


CLINICAL RELATIONSHIP SECTION - NORTH/SOUTH SECTION

EPWORTH FREEMASONS STAGE 2

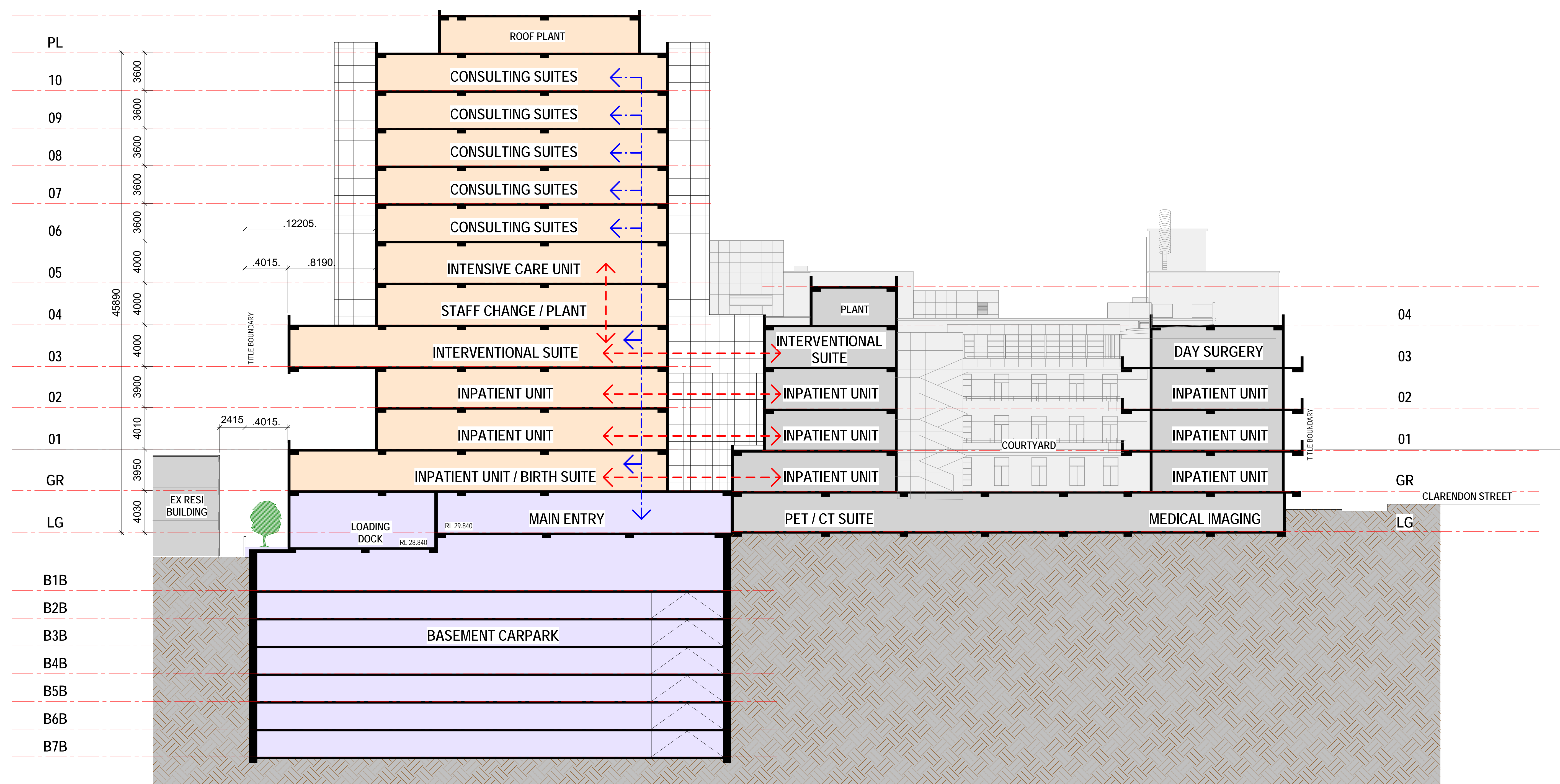
Revision: **B**
 Date: 02/12/20
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 Drawing No: AR4501





SECTION B-B (STAGE 1)

- LEGEND**
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SECTION B-B (STAGE 2)

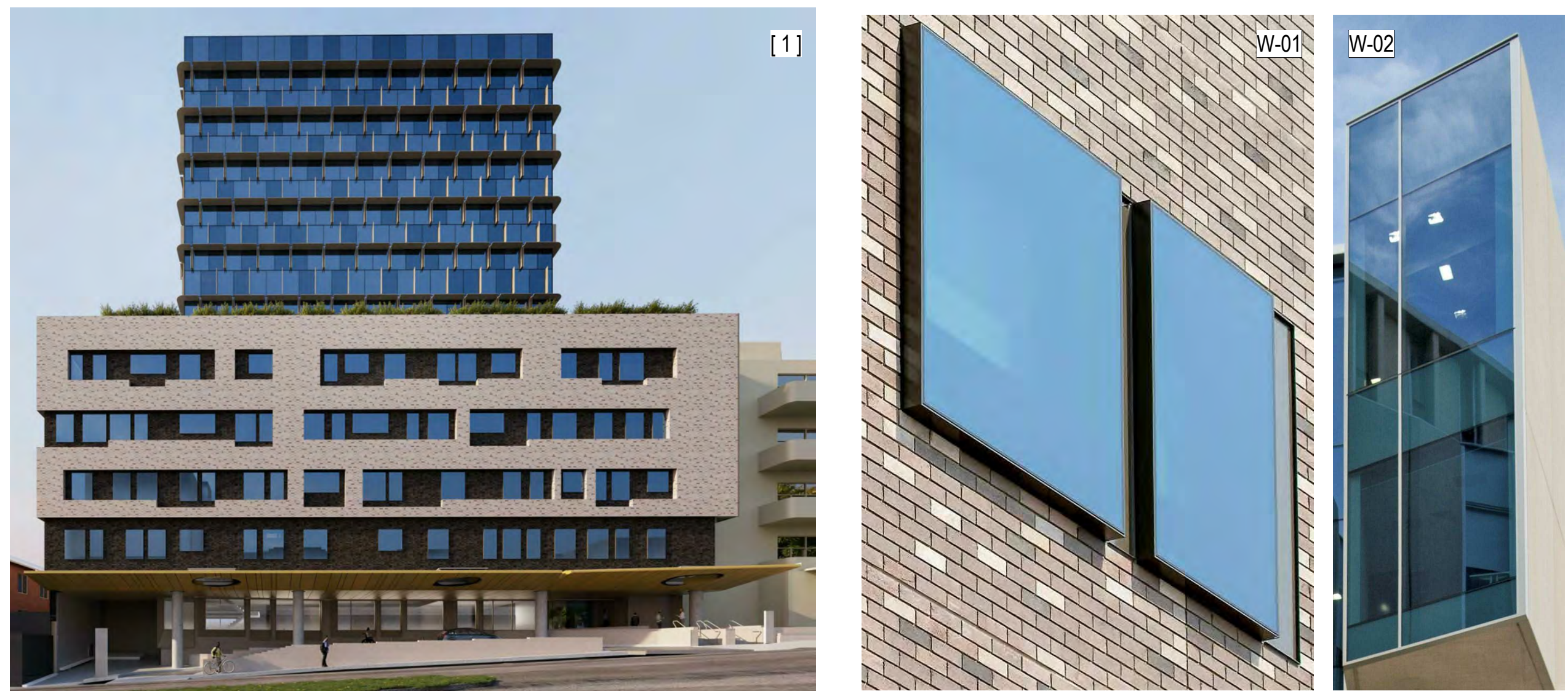
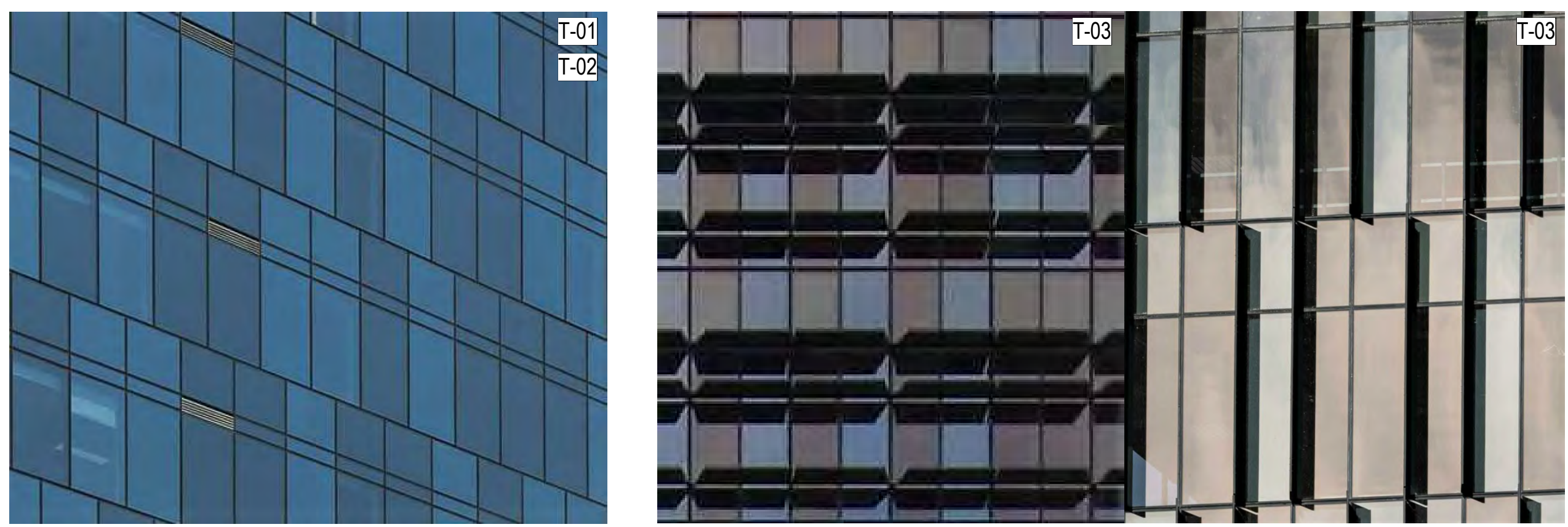
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CLINICAL RELATIONSHIP SECTION - EAST/WEST SECTION
EPWORTH FREEMASONS STAGE 2

Revision: **B**
 Date: **02/12/20**
 Scale @B1: **1 : 200**
 Drawing No: **AR4503**





- [1] Proposed Stage 2 Albert Street Elevation
- [2] Proposed Stage 2 Eastern Elevation
- T-01 GLAZED CURTAIN WALL SYSTEM - LEVEL 04 TO 10
Front Glazed Aluminium Curtain Wall.
Structurally Glazed Split Mullions powdercoat Finish
CGU High Performance Glass with low-E coating,
With two glazing types alternating vertical stretcher bond pattern
- T-02 GLAZED CURTAIN WALL BACKPANS - LEVEL 04 TO 10
As per T-01 with coloured aluminium backpan to curtain wall
spandrels with two glazing types
- T-03 VERTICAL & HORIZONTAL ALUMINIUM BOX SUNSHADES
Concealed Fixed to Split Mullions- Selected Powdercoat finish
- P-01 FEATURE BRICKWORK PODIUM - NORTH & EAST FACADE
Brickwork with mixed brick tones - light colours
- P-02 FEATURE BRICKWORK PODIUM - EAST FACADE
Brickwork with mixed brick tones - mid-brown colours
- P-03 FEATURE BRICKWORK PODIUM - EAST FACADE
Brickwork with mixed brick tones - dark colours
- P-04 FEATURE BRICKWORK PODIUM - EAST FACADE
Glazed Brickwork with mixed brick tones - dark green colours
- P-05 PODIUM VINE TRELLIS CABLING - EAST FACADE
Stainless Steel Wiring conceal fixed to Podium Brickwork
- P-06 FEATURE VERTICAL REVEAL - EAST FACADE
Recessed mild steel plate - dark paint finish
- W-01 FEATURE BOX WINDOW - NORTH, EAST & SOUTH FACADE
Steel Framed Box Window with flush clear High Performance Glazing
- W-02 FEATURE VERTICAL WINDOW STRIP - NORTH & EAST & FACADE
Curtain Wall system with clear High Performance Glazing
- WF-01 WINDOW FILM
Semi -opaque window film interlayer 25% min opacity min
1700 Above Finished Floor level



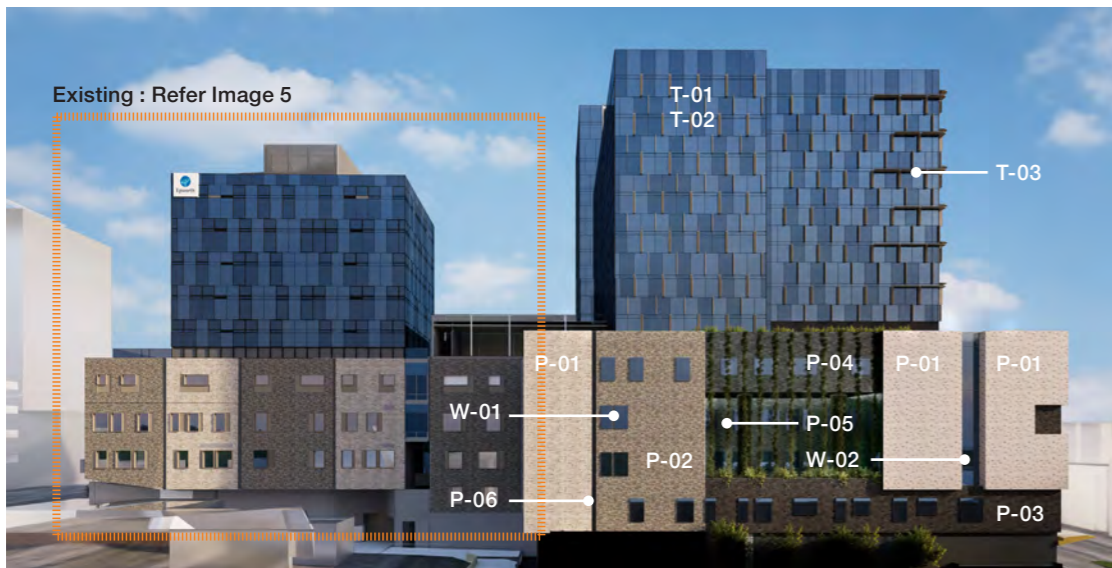


IMAGE 1 : Proposed Stage 2 East Elevation



IMAGE 3 : Proposed Stage 2 Albert Street Perspective



IMAGE 2 : Proposed Stage 2 North Elevation Albert Street Podium

Proposed Stage 2 Albert Street Material Schedule

T-01	GLAZED CURTAIN WALL SYSTEM - LEVEL 04 TO 10 Front Glazed Aluminium Curtain Wall. Structurally Glazed Split Mullions powdercoat Finish CGU High Performance Glass with low-E coating, With two glazing types alternating vertical stretcher bond pattern
T-02	GLAZED CURTAIN WALL BACKPANS - LEVEL 04 TO 10 As per T-01 with coloured aluminium backpan to curtain wall spandrels with two glazing types
T-03	VERTICAL & HORIZONTAL ALUMINIUM BOX SUNSHADES Concealed Fixed to Split Mullions- Selected Powdercoat finish
P-01	FEATURE BRICKWORK PODIUM - NORTH & EAST FACADE Brickwork with mixed brick tones - light colours
P-02	FEATURE BRICKWORK PODIUM - EAST FACADE Brickwork with mixed brick tones - mid-brown colours
P-03	FEATURE BRICKWORK PODIUM - EAST FACADE Brickwork with mixed brick tones - dark colours
P-04	FEATURE BRICKWORK PODIUM - EAST FACADE Glazed Brickwork with mixed brick tones - dark green colours
P-05	PODIUM VINE TRELLIS CABLING - EAST FACADE Stainless Steel Wiring conceal fixed to Podium Brickwork
P-06	FEATURE VERTICAL REVEAL - EAST FACADE Recessed mild steel plate - dark paint finish
W-01	FEATURE BOX WINDOW - NORTH, EAST & SOUTH FACADE Steel Framed Box Window with flush clear High Performance Glazing
W-02	FEATURE VERTICAL WINDOW STRIP - NORTH & EAST & FACADE Curtain Wall system with clear High Performance Glazing



IMAGE 4 : Existing Stage 1 Grey Street Elevation

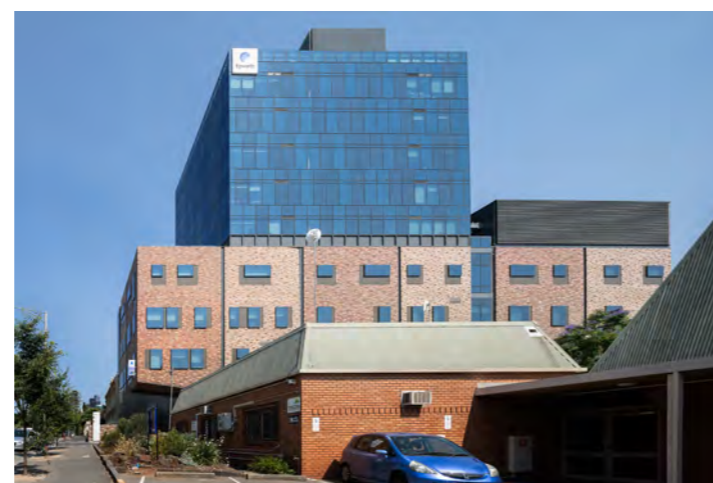


IMAGE 5 : Existing Stage 1 Eastern Elevation



IMAGE 6 : Existing Stage 1 Albert Street Porte-Cochere & Entrance

DELEGATE REPORT

PLANNING PERMIT APPLICATION

Application number:	TP-2020-838
Applicant:	Epworth Foundation
Owner:	Northwest Healthcare Australia
Architect:	Silver Thomas Hanley and John Wardle Architects
Address:	Epworth Freemasons Hospital, 99-129 Albert Street, East Melbourne
Proposal:	Building and works associated with a Section 2 Use (Hospital) and in a Heritage Overlay
Cost of works:	\$50,000,000
Date of application:	31 December 2020
Responsible officer:	Marjorie Kennedy

1. SUBJECT SITE AND SURROUNDS

1.1. The site

The Epworth Freemasons hospital precinct is located at 130-132 Clarendon Street, 166 Clarendon Street, 124-128 Grey Street and 97-103 Albert Street, East Melbourne.

This application forms Stage 2 of the redevelopment of the Epworth Freemasons hospital site and is limited to 99 – 129 Albert Street, East Melbourne, the north-eastern portion of the Freemason Hospital precinct.



Above: Aerial photo of hospital precinct and Stage 2

The land is formally known as Lot 1 on TP 68469N (Volume 11192 Folio 598) and part of Plan of Consolidation 108758.

The recently constructed Stage 1 (Planning Application TP-2015-1136) included the construction of a 10 storey Cancer Centre and consulting rooms fronting Grey Street and a single level building fronting Albert Street.

The portion of Stage 1 located on the subject site (shown below) accommodates a single storey GP clinic, six levels of basement car parking, loading, building services, ambulance transfer, patient drop off and the primary hospital entrance.



Above: Photograph of Stage 1 viewed from Albert Street and original Freemasons building

1.2. Surrounds

The immediate area is characterised by a variety of uses including residential, commercial and hospital / health care as well as a diversity of built forms and styles.

West

West of the subject site is the original 1937 Freemasons hospital building with primary interfaces to Clarendon Street and Albert Street. The 1970's hospital wing addition immediately abuts the subject site.



Above: Photograph of original Freemasons building viewed from Albert Street.

North

Albert Street is located to the north of the site which has Copenhagen style bicycle paths running along both sides.

On the north side of Albert Street are a number of taller residential buildings, include the redevelopment of Tribeca (a former brewery) which has a maximum height of 13 storeys located centrally on the site.



Above: Photograph of Tribeca (former brewery)

South

Immediately south of the subject site is the 10 storey cancer centre approved and constructed in Stage 1 of the redevelopment of the site.



Above: Photograph of Stage 1 viewed from Grey Street

Further south is Grey Street. St Vincent’s private hospital and 150 Clarendon Street, a 13 storey residential building with ground level commercial uses are located on the southern side of Grey Street. St Vincent’s private hospital is a four to five storey rendered building fronting Grey Street and is included on the Victorian Heritage Register. Further south of the subject site is the St Francis Building (10 storeys) and Mercy Place (3 storeys), both belonging to the Mercy Hospital Complex.

East

East of the subject site is 97 Albert Street which contains a three storey residential building, which has a separation of 1.43 – 2.72 m from the subject site. There is no private open space located on the site.



Above: Photograph of 97 Albert Street (left) and Stage 1(right)

1.3. Restrictive Covenants / Easements

The register search statement identifies that a Section 173 Agreement is recorded on the title, however the agreement relates to Gotch Lane and is not relevant to this planning application.

2. THE PROPOSAL

2.1. Plans / Reports considered in assessment

The plans which have been considered in this assessment are identified in Table 1 below:

Table 1: Plans / Reports considered in assessment		
Plan / Report Title	Drawing / Report Author	Drawing / Report Date
Urban Context and Planning Report	Urbis	December 2020
Architectural Drawings (AR1200 - AR9001)	John Wardle Architects and Silver Thomas Hanley	2 December 2020
Heritage Impact Assessment	Lovell Chen	December 2020

Traffic Impact Assessment Report	One Mile Grid	2 December 2020
Green Travel Plan	One Mile Grid	2 December 2020
Desktop Environmental Wind Assessment	ViPac	2 November 2020
Waste Management Plan	Epworth HealthCare	2 December 2020
ESD Report	Sustainable Built Environments	25 May 2021
Acoustic Report	Acoustic Logic	1 December 2020

2.2. SUMMARY OF PROPOSED DEVELOPMENT

The application proposes the construction of an additional eleven (11) storeys above the existing single level building and basement, in a podium and tower form.

Key details are summarised below:

Building height	Maximum overall height RL 81.00 / 51.1 m Level 11 roof RL 75.30 / 45.4 m
Podium height	RL 50.50 / 24.3 m max height (17 m above existing building)
Podium setbacks	East – 3.2 m – 12 m North – 3.5 m
Above podium setbacks	East - 8.9 m – 12 m North – 9.9 m
Expanded Hospital use	92 beds – Inpatient, intensive care and operating recovery 12 rooms – Operating rooms and birthing rooms 30 consulting suites

Podium

The proposal seeks to construct a podium which incorporates an additional four (4) levels above the existing ground floor (referred to as lower ground in the architectural plans) constructed in Stage 1. The maximum height of the podium will be 24.3 m, which is 17 m above the existing single storey building.

The podium is proposed to accommodate inpatient units, birth suites and interventional suites. The podium is proposed to be constructed of brickwork, dark at ground level and a lighter tone at Levels 1-3 to reflect the solidity and materials of the adjoining properties and heritage streetscape.

Landscaping opportunities are provided at the recess on the eastern elevation at Level 1 and 2 which incorporates a landscaped terrace and planting trellis which connects to the landscape podium located on the Level 4 roof.

Above podium

The proposal seeks to construct seven (7) levels above the podium and a roof plant. The proposed maximum overall height is 51.1 m (RL 81.00) and 45.4 m (RL75.30) to the Level 11 roof.

The levels above the podium are proposed to be constructed of a glazed curtain wall system with feature vertical and horizontal aluminium box sunshades. The increased setbacks in conjunction with the change in materials contrasts with and emphasises the podium.



Above: Render of proposal and adjoining properties

3. BACKGROUND

3.1. Site history

The following planning permit issued for this site is relevant to this application:

TP number	Description of Proposal	Decision & Date of Decision
TP-2015-1136	Partial and full demolition of existing buildings and the construction of a multi storey building (hospital) fronting Grey Street, a single storey building (hospital) fronting Albert Street, multi level basement , the removal and creation of crossovers to Albert Street and the provision of drop off and loading areas	Permit 18 August 2016

The above application approved Stage 1 of the redevelopment of the land, importantly this included the following on the subject site:

- 341 car space carpark within 7 levels of basement.

- 17 employee bicycle spaces and 9 visitor bicycle spaces.
- Lower ground floor which includes the loading dock and plant and services.

3.2. Heritage Victoria Register

On the portion of the land within the Public Use Zone is the 1930s Freemasons Hospital which is included in Victorian Heritage Register (VHR) H1972. Therefore, a Heritage Victoria permit is required for the proposal and no planning permit is triggered under the Heritage Overlay for the western portion of the development. A Heritage Victoria Permit application has been submitted by the applicant and is currently under consideration.

The land within the General Residential Zone is excluded from the Victorian Heritage Register but is affected by Heritage Overlay 2 (HO2). A planning permit for building and works is only required for this part of the development, pursuant to Clause 43.01 of the Scheme.



Above: Extent of land on the subject site identified in the Victorian Heritage Register

4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	<ul style="list-style-type: none"> • Clause 11 - Settlement • Clause 15 - Built Environment and Heritage • Clause 17 - Economic Development • Clause 18 - Transport
Municipal Strategic Statement	<ul style="list-style-type: none"> • Clause 21.04 - Settlement • Clause 21.06 - Built Environment and Heritage • Clause 21.08 - Economic Development • Clause 21.16-2 - East Melbourne and Jolimont
Local Planning Policies	<ul style="list-style-type: none"> • Clause 22.05 Heritage Places Outside of the Capital City Zone. • Clause 22.14 – Discretionary Uses in the NRZ and GRZ • Clause 22.17 Urban Design Outside of the Capital City Zone

	<ul style="list-style-type: none"> • Clause 2.19 – Energy, Water and Waste Energy • Clause 22.23 Stormwater Management (WSUD)
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Statutory Controls	
<p>Public Use Zone 3 - Health and Community (PUZ3) (western portion of the site)</p> <p>General Residential Zone 1 (GRZ1) (eastern portion of the site)</p>	<p>For that part of the land which lies within the Public Use Zone, all of the uses are characterised as being for the purpose of "Health and Community", which are as of right where carried out by or on behalf of a public land manager. Epworth Foundation is a public land manager.</p> <p>That part of the land which lies within the General Residential Zone has been previously approved for use as a hospital and the application seeks to expand this use.</p> <p>A permit is required to carry out buildings and works associated with a Section 2 use (hospital).</p>
<p>Design and Development Overlay 21 areas 2 and 5 Wellington Parade and Clarendon Street (DDO21).</p>	<p>Pursuant to Schedule 21 of Clause 43.02, a permit is required to construct a building or carry out works.</p> <ul style="list-style-type: none"> • Area 2 (A2) has a discretionary height of 14 m. • Area 5 (A5) has a discretionary height of 35 m.
<p>Heritage Overlay Schedule 2 and 886</p>	<p>Pursuant to Clause 43.01-1, a permit is required to construct a building or construct and carry out works.</p> <p>Pursuant to Clause 43.01-2, no permit is required to develop a heritage place which is included on the Victorian Heritage Register. Therefore, no permit is required under HO886, as the 1930s Freemasons Hospital is affected by VHR H1972.</p> <p>For the land located within General Residential Zone and Heritage Overlay (H02), the eastern portion of the land, a planning permit is required for the proposed buildings and works.</p>

Particular Provisions	
<p>Clause 52.06, Car Parking</p>	<p>Hospital is not included in Table 1 of Clause 52.06, therefore car parking is to be provided to the satisfaction of the Responsible Authority.</p>
<p>Clause 52.34, Bicycle Facilities</p>	<p>A permit may be granted to reduce or waive the bicycle parking requirement.</p> <p>The proposal (92 hospital beds and 30 practitioners) generates a requirement of 10 bicycle spaces for employees and 11 bicycle spaces for visitors.</p>

	A reduction is not required as Stage 1 provided a surplus of 14 employee spaces and 11 bicycle spaces for visitors.
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General Provisions	
Clause 53.18 – Stormwater Management in Urban Development	Clause 53.18 requires an application to be accompanied by details of the proposed storm water management system, including drainage works and retention, detention and discharges of storm water to the drainage system

5. PUBLIC NOTIFICATION

It was determined that the proposal may result in material detriment. Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties and by posting a notice on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

6. OBJECTIONS

A total of 23 objections were received, and raised the following concerns with the proposal:

- **Heritage**
 - Inappropriate podium height in response to the adjoining buildings.
 - Proposed height will have an adverse impact on the heritage precinct and Albert Street streetscape.
- **Built form**
 - Insufficient eastern setbacks.
 - Inappropriate building height.
 - Eastern recess and landscaping will not be visible from eastern adjacent residential building.
- **Traffic and parking**
 - The proposal will result in additional traffic and parking issues.
 - Expansion of hospital will exacerbate on street car parking capacity issues.
- **Offsite amenity**
 - Reduced daylight and increased overshadowing impact to the eastern adjacent property.
 - Reduced outlook for eastern adjacent property.
 - Overlooking into eastern adjacent property.
 - Expansion will result in increased noise impacts.
- **Construction Management**
 - Ongoing construction noise and disruption following Stage 1.

7. REFERRALS

The application was referred to the following internal departments and a summary of the advice is noted below.

7.1. Urban Design

Summary of the advice:

Building Height

- Support for the overall proposed building height.
- Note that the tower height is considerably setback from neighbouring boundaries and the shadow studies indicate no impacts upon the Fitzroy Gardens.
- Support for the proposed podium height.
- Note that the development is set within an increasingly changing context where numerous substantive, taller forms are taking shape so this is not setting a new precedent for the area.
- Note that the development is delivering a health facility within a designated State Significant Health Precinct which incur specific use requirements, including increased floor to floor heights, need for floor containment of

particular facilities and direct linkages to the existing hospital specialist uses that has contributed to the proposed podium and overall height.

- Recommendation to provide wind tunnel report.

Podium and tower design

- Note that the visual expression of both the podium and tower is generally aligned with the treatments found on Stage 1.
- Recommend a façade strategy to ensure that the aspiration for a high quality and articulated podium interface is implemented.
- Recommend that the proposed landscape treatments to the façade, must ensure that sufficient space, soil depth, watering and protection for planting to be sustained is provided.

Heritage relationship

- Note that the proposal appears to offer a fairly subtle transition between the Freemasons Hospital and the proposal, with a direct building return with unadorned abuttal and a fin reoriented parallel to the façade pointing to the west and overlapping the existing blank interface wall. This provides an acceptable relationship from an urban design perspective.

Officer comment

It is noted that comments were provided in relation to the ground floor, however this was approved by Stage 1 and is not a relevant consideration in this application.

The recommended conditions in relation to the façade strategy and landscape plan are included in the Officer recommendation.

However, the recommendation for wind tunnel testing is not considered to be appropriate for the reasons provided at Section 8.4.1 of this report.

7.2. Traffic and Parking

Supportive of the application, no changes or conditions required. A summary of the advice is provided below:

- Car parking is to the satisfaction of the Responsible Authority.
- 341 spaces were provided in Stage 1 of the development, which provided a surplus of 187 car spaces which were intended to be used for Stage 2 (this application).
- The submitted car parking demand assessment of 95 spaces for hospital staff and visitors and 92 spaces for the consulting suites (total of 187) is accepted and can be accommodated in the 187 surplus spaces within the basement constructed in Stage 1.
- Noted that there is no change in vehicle access.

7.3. ESD Advice

The proposal is supported subject to the following recommendations:

- Architectural plans to be amended to include the PV system proposed with the ESD report

- A Stormwater Management Plan to demonstrate that Clause 22.23 of the Melbourne Planning Scheme would be met. Noting that rainwater harvesting and use should be prioritised over proprietary stormwater treatment products.
- Demonstration that 3 points would be achieved in the water credit under the current version of the Green Star rating tool.

Officer comment

An updated ESD report dated 25 May 2021 was submitted in response to the referral comments and is referred to in the conditions contained within the Officer recommendation.

7.4. Civil design

Supported subject to standard conditions, noting that public works were approved in Stage 1.

7.5. Waste

The following items were raised in the Waste referral comments:

- There is a large variation between waste volumes provided for the WMP for Stage 1 and the recently submitted WMP. Please explain these variations.
- A waste volume estimate has been provided for cardboard, but not plastic and PET recyclables. Please provide the latter estimate so that the capacity and frequency of collection of the recycling bins can be confirmed.
- Given there is a cafeteria within the site, consideration should be given to the provision of organic bins to reduce the overall amount of waste going to landfill.
- Query as to whether there is scope to reduce the collection frequency of medical waste.
- The lower ground floor plan needs to clearly show the main waste storage areas, with individual bins shown drawn to scale.
- Full swept path diagrams need to be included. If the building footprint remains unchanged from Stage 1, the previously approved swept path diagrams can be used.

The referral comments were provided to the permit applicant and the following response was provided:

- The proposed figures within the submitted Waste Management Plan (WMP) for Stage 2 are correct. The variations found between the Stage 1 and Stage 2 WMPs are as a result of the former being an estimate at the time of submission whilst Stage 2 is based on a combination of data from existing

conditions on the site, and the addition of the Victoria Parade clinical and consulting functions.

- The estimate listed as cardboard includes plastic and PET recyclables.
- Due to the organic nature of medical waste, daily collection is necessary, and this is standard practice for hospitals.
- Updated plans have been provided which indicate the waste storage locations. Within the Clinical Waste Hold and the Co-Mingled Waste bins are 240 L in capacity, whilst in the Bin Store bins are 660 L.
- Swept Path Diagrams have been provided for the loading dock prepared by One Mile Grid.
- There is no current collection of organic waste at Epworth Hospital, however the hospital has made enquiries to their waste provider.

Officer comments:

The additional information responds to the Waste Referral comments and are included in the Waste Management Plan condition contained within the Officer recommendation.

8. ASSESSMENT

The key issues in the consideration of this application are:

- Overall height
- Design of the podium
- Impact on the heritage precinct
- Amenity impact on the eastern adjacent property

The use of the land for a hospital does not require a planning permit under the Public Use Zone and the land within the General Residential Zone benefits from existing use rights, however the proposal seeks to expand this use.

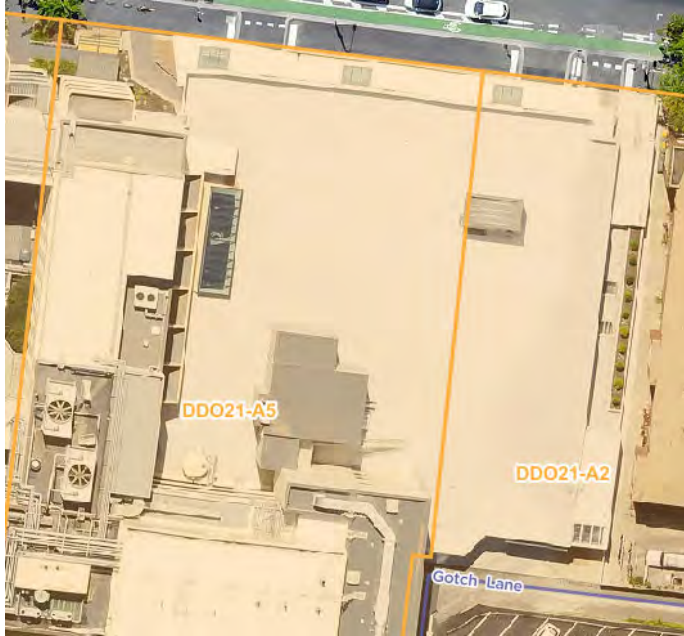
It is noted that the Planning Scheme indicates clear direction and support for the retention and expansion of medical uses on this site. The proposal is consistent with the following policy directions:

- The Public Use Zone – Schedule 3 (PUZ3) which reserves land for the purposes of ‘Health & Community’. The purpose of the zone is to provide for associated uses that are consistent with the intent of the public land reservation or purpose (Clause 36.01).
- Strategy 1.2 of Clause 21.10-4 Infrastructure seeks to support the clustering of hospitals and their continued operation and development in their current locations.
- Clause 21.16–2 East Melbourne and Jolimont seeks to support hospital, medical and medical research uses in East Melbourne in the Commercial and Public Use Zones.
- Clause 22.14 seeks to support discretionary uses where a net community benefit is provided to the local community and are adjacent to a boundary with a non-residential zone.

It is considered that the expansion of the existing Hospital is appropriately supported by policy and will result in a net community benefit.

8.1. Overall building height

The site is located in the Design and Development Overlay Schedule 21 'Wellington Parade and Clarendon Street'. The western portion of the site is in Area 5 and the eastern portion of the site is located in Area 2, as shown below.



Above: Aerial demonstrating DDO21 area boundaries on the site

The discretionary building heights and built form outcomes for each area are described in the table below:

Area	Maximum building height	Built form outcomes
2	14 metres	New development is of quality architectural design and in scale with the buildings in Albert Street, Grey Street and the residential areas on Gipps Street.
5	35 metres	Development that does not overshadow Fitzroy Gardens between 11am and 2pm on 22 September and 22 March New development that provides for a higher built form to the rear of the hospital building fronting Clarendon Street.

The maximum building heights under DDO21 are discretionary and can be varied by a permit.

Schedule 21 to the Design and Development Overlay specifies the following relevant design objectives:

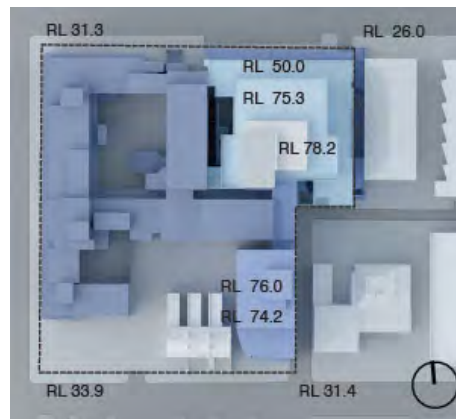
- *To minimise the visual impact and overshadowing effect of buildings on the Fitzroy Gardens and Yarra Park.*
- *To respect the scale and significance of heritage buildings on the site or on adjacent sites.*

The proposed overall height meets the design objectives of DDO21. The proposal is designed and located to provide no additional overshadowing to the Fitzroy Gardens to the west and will form part of the existing backdrop of East Melbourne when viewed from the Fitzroy Gardens, which includes higher towers at the Former Mercy Hospital (126-158 Clarendon street, East Melbourne) and the Former Victoria Brewery site (162 Albert Street, East Melbourne).

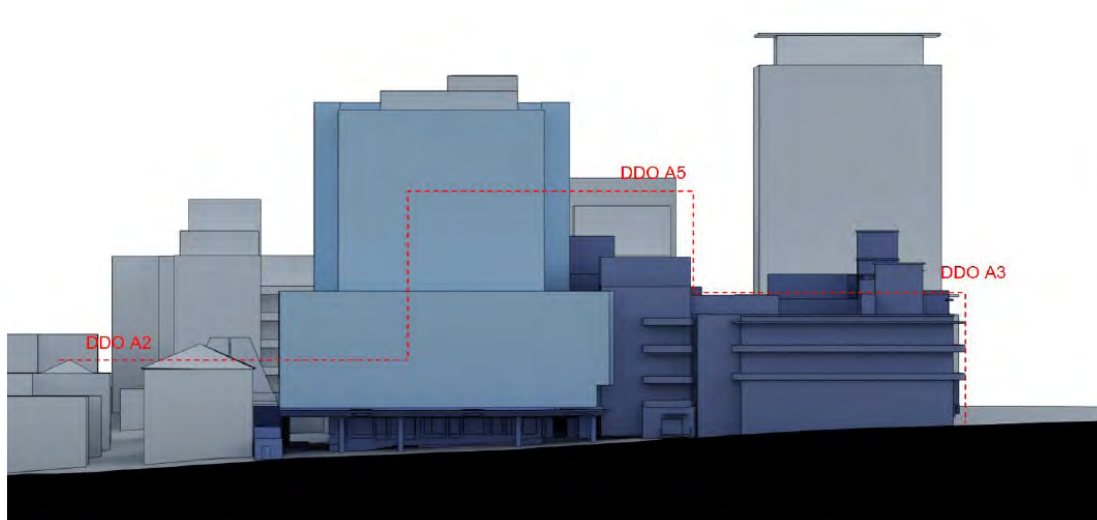
Furthermore, the objective seeks to respect the scale and significance of heritage buildings on the site or adjacent sites. The eastern adjacent site is ungraded, therefore is not considered to be a heritage building. To the west is the Freemasons hospital which is on the Victorian Heritage Register and therefore, the relationship of the proposal with this building will be assessed by Heritage Victoria.

The form above the podium is setback from all boundaries and is also separated from the southern tower built in Stage 1, which in conjunction with the use of a curtain wall system ensures that the tower is recessive and a secondary element in the streetscape.

It is considered that whilst the overall height exceeds the discretionary height control, as demonstrated below, the overall height will sit comfortably with Stage 1 on the site (1.1 m higher than Stage 1) and meets the design outcome of Area 5 of DDO21 which provides for a higher built form to the rear of the hospital building fronting Clarendon Street.



Above: Massing analysis and heights of Stage 1 and 2



Above: Massing analysis comparing DDO21 heights and existing and proposed buildings (Albert Street frontage)

As demonstrated above part of the site is located in Area 2, which has a discretionary height control of 14 m, which both the podium and upper levels exceed. The built outcome sought by Area 2 is to provide a quality architectural design in scale with the buildings in Albert Street, Grey Street and the residential areas on Gipps Street.

As noted by Council's Urban Design referral comments, the development is set within an increasingly changing context where numerous substantive, taller forms are taking shape, therefore this will not be setting a new precedent for the area. The proposal is considered to be a quality architectural design which will be supported by conditions requiring a façade strategy and retention of the architects to ensure that the quality that is shown is achieved.

For the reasons provided it is considered that the overall height of the proposal complies with the design objectives and built form outcomes within DDO12 and will provide a high quality insertion into the streetscape and surrounding area, whilst also providing a net community benefit associated with the expanded hospital facility.

8.2. Podium height

The proposed podium has a maximum height of 24.3 m at the lowest point on the land (east), which is 17 m above the existing building.

The proposed podium height is determined by the physical link at each floor into the existing eastern wing of the Freemasons building.

The height of the podium matches the height of the 1970s wing, however the existing wing has a partial front setback creating a recess in the built form along Albert Street. This creates separation between the proposed podium and the original Freemason hospital building and a respectful transition. Furthermore, the western end of the proposed podium features a full length vertical glazing feature marking the transition point between the new and old and further softening the transition.



Above: Render of proposal and existing Freemasons hospital

At the eastern interface the proposed podium is higher than the existing three storey residential building at 97 Albert Street. In response, a minimum eastern setback of 3.2 m is proposed, a central 12 m deep landscaped recess at Level 1 and 2 and a landscaped trellis which connects Level 1 to the podium rooftop. This provides an appropriate separation from the eastern adjacent property, breaks down the massing and softens oblique views from the east.

The solidity of the expression of the podium and use of brick in the podium is also aligned with the treatments of Stage 1, to ensure that there is a sense of unity of the Epworth hospital site.

Within the context of the Albert Street streetscape, it is not considered that the height or width would have an unreasonable impact, as there is undulating built form with variations in heights and setbacks.

Having regard to the relevant Policy Objectives, Decision Guidelines of Clause 21.16-2, 22.05 and 22.17 and comments from Council's Urban Designer, it is considered that proposed podium is an acceptable design response to the character of the streetscape whilst also providing physical links to each level of the existing hospital.

8.3. Heritage

The considerations of heritage are limited to the impact on the wider East Melbourne and Jolimont Precinct as the western portion of the building is included in the Victorian Heritage Register and the eastern portion of the building is adjacent to an ungraded building.

The proposed built form responds to Clause 22.05 'Heritage Places Outside the Capital City Zone' and the East Melbourne and Jolimont Precinct as follows:

- The proposed use of brickwork in the podium reflects the predominant material within the precinct and Albert Street.
- The solidity and pattern of openings is respectful to the heritage character of the streetscape, in particular the adjoining buildings.

- The proposed use of a glass curtain wall system in the tower form in conjunction with increased setbacks ensures that the tower is read as a distinct and secondary element to the street wall building.
- The podium has been designed to physically connect to the existing hospital whilst also responding to the varied streetscape of Albert Street.

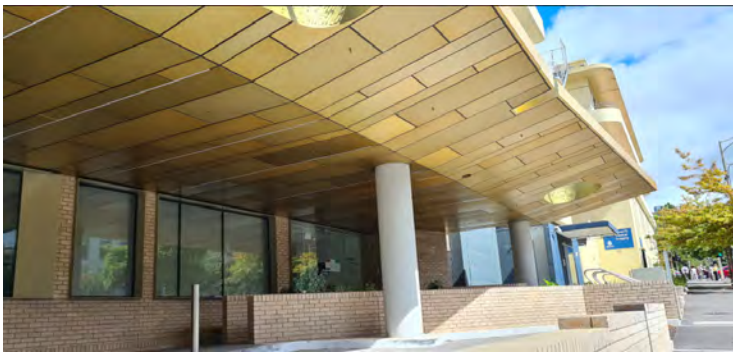
It is considered that the proposal provides and addresses both the practical requirements of the expansion of an existing medical facility whilst also providing an appropriate response to the context of the heritage precinct, having regard to the relevant Policy Objectives, Decision Guidelines of Clause 22.05.

8.4. Potential Amenity Impacts

8.4.1. Wind

The area for wind assessment is limited to the ground level footpath on Albert Street for walking comfort criterion and the main entrance to Albert Street for standing comfort criterion and the desktop assessment conducted by Vipac Engineers determined the development is expected to achieve an acceptable wind environment and no recommendations for the alteration of the design for wind control treatments.

For the main entrance the entry is set back under the building above and features a deep canopy and is therefore sheltered from westerly winds and downwash of northerly wind.



Above: Photograph of existing Albert Street entry and canopy

For the footpath, the height of the building within the surrounding buildings is expected to be within the standing walking comfort criterion and similar to existing conditions.

Therefore, it is considered in this instance that wind tunnel testing is not required, noting that wind tunnel testing was also not required for Stage 1.

8.4.1. Impact on habitable windows of eastern adjacent property

Objections raised concern with overshadowing, overlooking and visual bulk impacts of the proposal on the eastern adjacent residential property. It is noted that the eastern adjacent property does not have any private or communal open space (no balconies or courtyards), therefore the amenity impact is limited to the west facing windows.

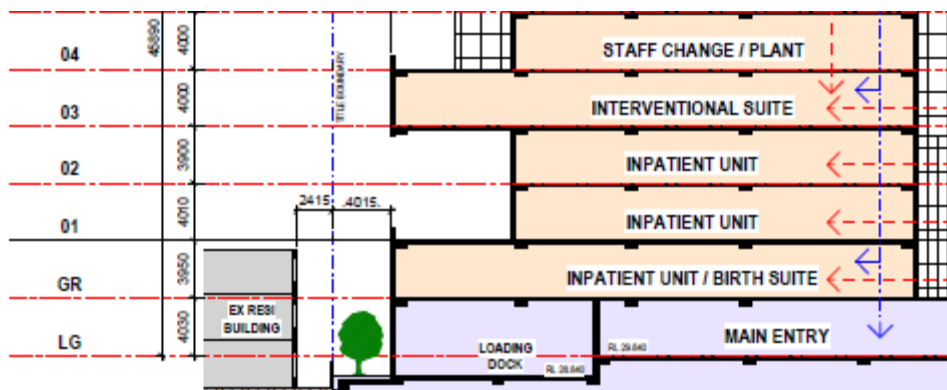
The eastern portion of the subject site is located in a General Residential Zone, however the proposal is a non-residential use therefore there are no shadow,

overlooking or setback standards relevant to the application. There are also no shadow or setback requirements in DDO21.

Prior to the construction of Stage 1, a three storey building was located on the subject site with a setback in the order of 1-2 m from the common boundary as shown below.



Above: Photograph of 97 Albert Street (left) and previous building on subject site (centre)



Above: Section of proposal showing landscaped podium and 97 Albert Street

The proposal provides an increased setback of 3.5 – 12 m from the eastern boundary, which provides an improved outlook compared to the previous conditions. It is considered that proposed response to the amenity of the eastern adjacent property is acceptable considering:

- Due to the orientation of the site, shadow impacts are limited to the afternoon and will not impact on any secluded private open space.
- The proposed side setback of the proposal is greater than the previous building on the site and greater than the side setback of the affected 97 Albert Street.
- The proposal provides a generous 12 m deep central recess at Level 1 and 2.
- The proposed side setbacks are not unreasonable or unusual in an inner city context.
- The amenity expectations of 97 Albert Street must be balanced against the community benefits of the expansion of an existing health facility.
- Hospital and consulting rooms are not required by the Planning Scheme to be screened, however the proposal limits overlooking into the western adjacent habitable room windows as follows:
 - At ground floor the eastern windows are provided with 25% transparent interlayer window film (WF01) a minimum of 1.7 m above finished floor level.
 - At first level the corridor window is screened with 25% transparent interlayer window film (WF01) a minimum of 1.7 m above finished floor level.
 - All other first level windows are greater than 9 m from habitable windows at 97 Albert Street.



Above: Photograph of interface with eastern adjacent property

Conclusion

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to grant a Planning Permit be issued for the proposal subject to the following conditions:

1. OFFICER RECOMMENDATION

Revised plans

1. Prior to the commencement of the development on the land, an electronic set of plans drawn to scale must be submitted to the Responsible Authority, generally in accordance with the plans received 2 December 2020 prepared by John Wardle Architects and Silver Thomas Hanley Architects but amended to show:
 - a. Details of how the landscape podiums will be accessed for maintenance.
 - b. Photo Voltaic system detailed in the report required by Condition 6 to be shown on the plans.
 - c. Any changes required as a result of the recommendations within the landscape plan as required by this permit.
 - d. Any changes required as a result of the Waste Management Plan required by this permit.

The amended plans must be to the satisfaction of the Responsible Authority and when approved will constitute endorsed plans of this permit.

Secondary consent provision

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

Façade Strategy

3. Concurrent with the endorsement of plans pursuant to Condition 1, a Façade Strategy and Materials and Finishes must be submitted to and be approved by the Responsible Authority. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. Unless otherwise approved by the Responsible Authority, the Façade Strategy must be generally in accordance with the development plans and must detail:
 - a) A concise description by the architect(s) of the building design concept and how the façade works to achieve this.
 - b) Elevation details generally at a scale of 1:50 illustrating typical podium details, balcony niches, and utilities, typical tower detail, and any special features which are important to the building's presentation. The drawings must demonstrate:
 - i. 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.
 - ii. Information about how the façade will be accessed and maintained and cleaned, including any planting if proposed.

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

Landscape plan

4. Prior to the commencement of the development, a revised detailed landscape plan prepared by a suitably qualified landscape architect, must be submitted and approved by the Responsible Authority. This plan must include:
 - a. A schedule of all soft and hard landscaping and treatments including all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes and maturity, and quantities of each plant.
 - b. A schedule of all hardscape and urban design elements including, but not limited to, paving, retaining walls, lighting, seating, irrigation and public art.
 - c. Response to water sensitive urban design principles and type of irrigation systems to be used.
 - d. Specific details of the landscaping works located on Level 1 and Level 4.
 - e. Specific details of the landscaped trellis located on the eastern façade.

The amended landscape plans must be to the satisfaction of the Responsible Authority and when approved will be the endorsed plans of this permit.

5. Landscape works as shown on the endorsed plans must be completed within 6 months from the completion of the development to the satisfaction of the Responsible Authority and subsequently maintained to the satisfaction of the Responsible Authority.

ESD

6. Prior to the commencement of the development, an updated Environmentally Sustainable Design (ESD) Statement generally in accordance with the report prepared by SBE dated 25 May 2021 must be prepared by a suitably qualified professional and submitted and approved to the satisfaction of the Responsible Authority. The ESD Statement must outline the how the development responds to the objectives and policies of

Clause 22.19 Energy Water and Waste Efficiency and Stormwater Management Plan to demonstrate that Clause 22.23 of the Melbourne Planning Scheme.

Construction Management Plan

7. Prior to the commencement of the development, or as otherwise agreed with the Responsible Authority, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Site Services. This construction management plan must be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:
 - a) Staging of construction and demolition.
 - b) Management of public access and linkages around the Site during construction and demolition including consideration of current or anticipated construction activities on nearby sites to avoid simultaneous conflict.
 - c) Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian access ways).
 - d) Any works within the adjoining street network road reserves.
 - e) Sediment control and site drainage.
 - f) Hours of construction and demolition.
 - g) Control of noise, dust and soiling of roadways.
 - h) Discharge of polluted waters.
 - i) Collection and disposal of building and construction waste.
 - j) Reasonable measures to ensure that disruption to adjacent public transport services are kept to a minimum.

Waste Management Plan

8. Prior to the commencement of the development or any stage (excluding bulk excavation and demolition) an amended Waste Management Plan (WMP) must be prepared and submitted to the City of Melbourne (Assets and Infrastructure). The waste management plan must be generally in accordance with the Epworth Health Care Waste Management Review prepared 2 December 2020. The WMP must detail waste storage and collection arrangements, any organic bin collection and be prepared with reference to the City of Melbourne Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without prior consent of the Melbourne City Council – Assets and Infrastructure.
9. No garbage bin or surplus materials generated by the permitted use may be deposited or stored outside the site and bins must be returned to the garbage storage areas as soon as practicable after garbage collection.
10. The loading and unloading of vehicles and delivery of goods to and from the premises must at all times take place within the boundaries of the site.

Glazing

11. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light when measured at an angle of 90

degrees to the glass surface, to the satisfaction of the Responsible Authority.

Architect to be retained

12. Except with the consent of the Responsible Authority, John Wardle Architects and Silver Thomas Hanley must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of Responsible Authority.

Development time limit

13. This permit will expire if one of the following circumstances applies:

- a. The development is not started within three years of the date of this permit.
- b. The development is not completed within five years of the date of this permit.

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