Report to the Future Melbourne (Planning) Committee

Planning Permit Application: TP-2019-979 292–294 and 296–300 City Road, Southbank

Presenter: Larry Parsons, Head of Statutory Planning

Purpose and background

- 1. The purpose of this report is to advise the Future Melbourne Committee of Planning Permit Application TP-2019-979 for land located at 292–294 and 296–300 City Road, Southbank (refer Attachment 2 Locality Plan).
- 2. The applicant and owner is IMG Australia Investments Pty Ltd and architect is Elenberg Fraser. The Applicant has advised the cost of the development as \$120 million.
- 3. This application seeks planning approval for demolition of the existing buildings (retention and restoration of the façade at 300 City Road); construction of a multi-storey building for use as a Residential Hotel and associated hotel office and retail facilities; vary the Bicycle Facilities requirement; and create or alter access to a Category 1 Road Zone.
- 4. The land is located within the Capital City Zone Schedule 3 (CCZ3); and is affected by Heritage Overlay Schedule 376 (HO376); Design and Development Overlay Schedule 1-A3 (DDO1-A3), Schedule 3 (DDO3) and Schedule 10 (DDO10); Land Subject to Inundation Overlay Schedule 1 (LSIO1); and Parking Overlay Schedule 1 (PO1).
- 5. Public notice of the original application was undertaken and 28 objections have been received. A Section 57A Amendment application was lodged on 25 June 2021 and was not re-advertised as it was considered that the proposed amendments would not result in material detriment.

Key issues

- 6. The key issues for consideration are the response to heritage fabric (including extent of demolition and new tower relationship), the built form response (including height and setbacks), public realm impacts (including wind and overshadowing) and amenity impacts (including outlook and daylight access).
- 7. Subject to permit conditions, the heritage building on-site would be retained to a depth of 6 metres, including internal floor levels; and the façade would be largely restored to its original appearance. The new tower would be set back 6 metres behind the heritage façade to respect its integrity, with the retention and exposure of the eastern return heritage wall (against the new hotel access way) providing for its appreciation in the round.
- 8. The overall height of the tower and front, side and rear boundary comply with the DDO10 controls and sit comfortably in the City Road streetscape with taller neighbouring towers.
- 9. Neighbouring amenity including daylight, outlook and privacy (which formed a substantial part of the objections) is reasonably maintained with tower separation of 11.3 metres (minimum) to the west.
- 10. Permit conditions are recommended to ensure that the proposal delivers a high quality architectural design response and minimises adverse amenity impacts, including one way traffic access along the eastern boundary accessway serving the hotel.
- 11. Subject to permit conditions, Melbourne Water and Department of Transport (determining referral authorities) do not object to the proposal.

Recommendation from management

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

Attachments:

- 1. Supporting Attachment (Page 2 of 95)
- 2. Locality Plan (Page 3 of 95)
- 3. Selected Plans (Page 4 of 95)
- 4. Delegate Report (Page 53 of 95)



Supporting Attachment

Legal

- 1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (the Act) sets out requirements in relation to applications for permits pursuant to the relevant planning scheme. Section 61 of the Act sets out that the Council may decide to grant a permit, grant a permit subject to conditions or refuse to grant a permit on any ground it thinks fit.
- 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 within 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 such as traffic and waste management, potential amenity impacts and potentially contaminated land that could impact on health and safety have been considered within the planning permit application and assessment process.

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).

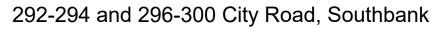
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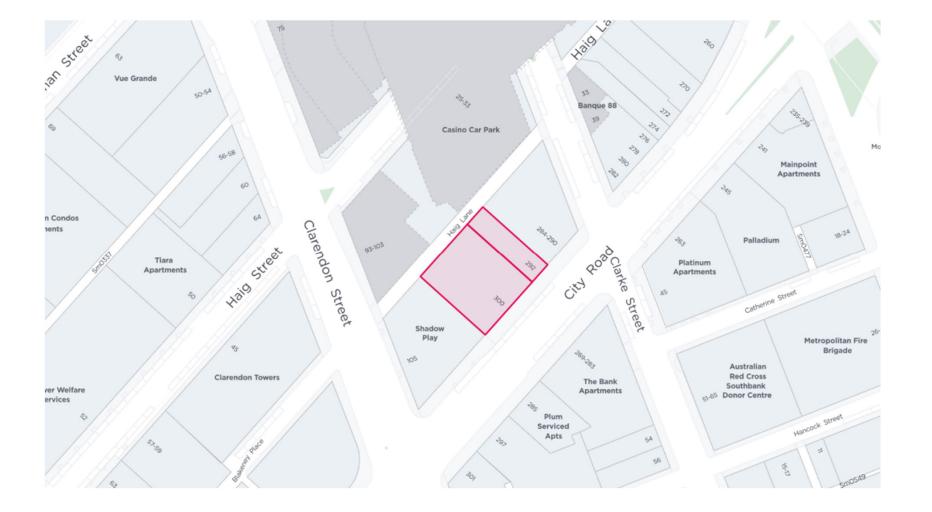
- 8. The Environmentally Sustainable Design (ESD) report submitted with the application demonstrates that the development will achieve the ESD performance requirements of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management).
- 9. Recommended conditions require the development to be carried out in accordance with a submitted ESD Report.

Page 3 of 95

Locality Plan

Attachment 2 Agenda item 6.2 Future Melbourne Committee 3 August 2021





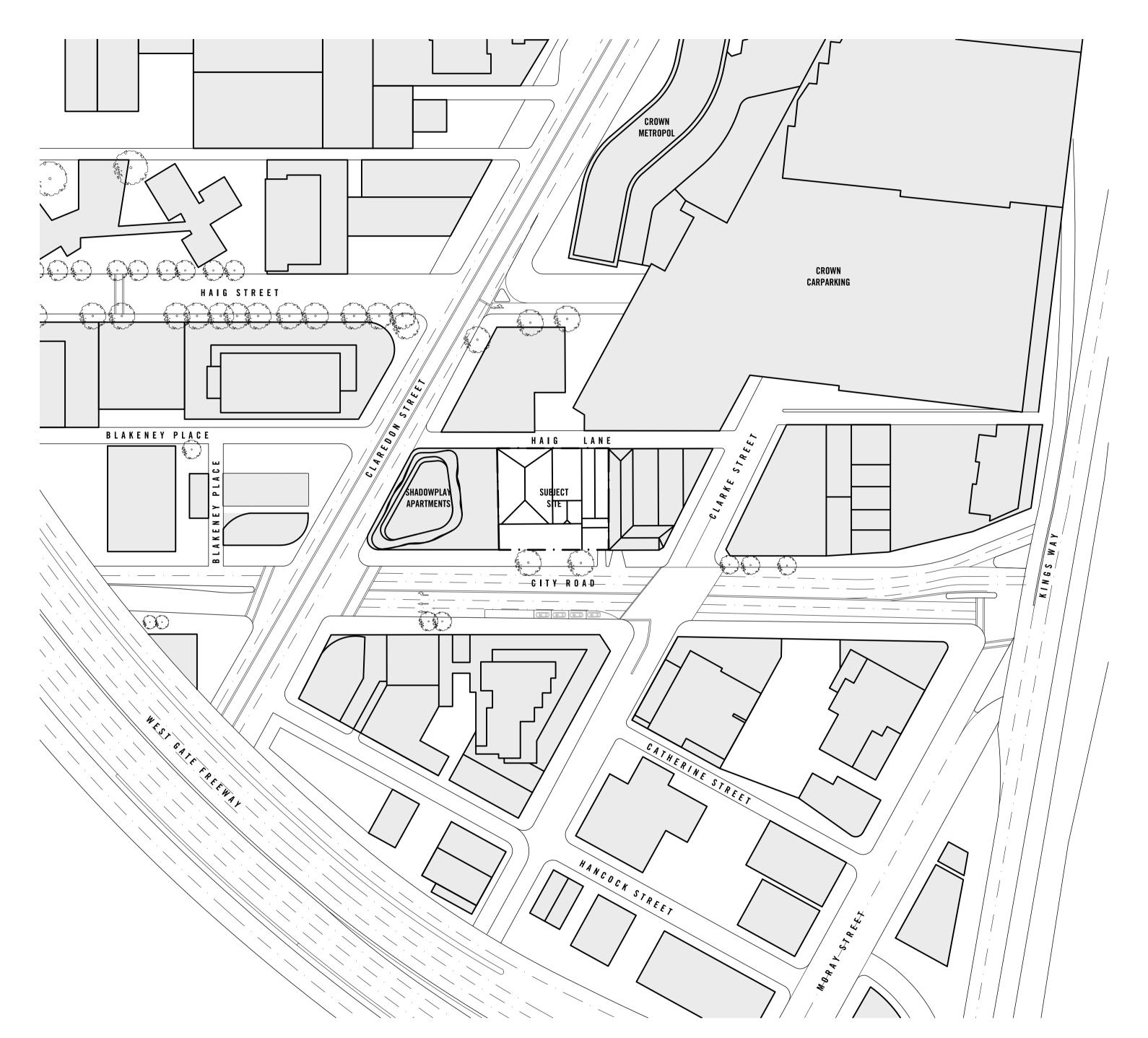
300 CITY ROAD, SOUTHBANK RFI REPORT 30.06.2021

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TOWN PLANNING RFI

SITE INFORMATION

A0000	DRAWING LIST & LOCATION PLAN
A0001	SITE CONTEXT PLAN
A0002	SITE SURVEY PLAN
A0003	EXISTING BUILDING PLAN
A0004	DEMOLITION PLAN
A0005	HERITAGE FACADE - EXISTING / PROPOSED
GENERAL	ARRANGEMENT FLOOR PLANS
A0099	BASEMENT 01 PLAN

A0099	BASEMENT 01 PLAN
A0100	GROUND FLOOR PLAN
A0101	LEVEL 01 FLOOR PLAN - ALL DAY DINING
A0102	LEVEL 02 FLOOR PLAN - FUNCTION ROOMS
A0103	LEVEL 03 FLOOR PLAN - COMMERCIAL / OFFICE
A0104	LEVEL 04 FLOOR PLAN - BUSINESS CENTRE / CO-WORKING
A0105	LEVEL 05 FLOOR PLAN - HEALTH & WELLNESS
A0106 (LEVEL 06 - 24 FLOOR PLAN - HOTEL KEYS
A0127	LEVEL 25 FLOOR PLAN - PRESIDENTIAL SUITES
A0128 >	LEVEL 26 FLOOR PLAN - ROOF
A0129	LEVEL 27 FLOOR PLAN - MACHINE ROOM

ELEVATIONS

A0900	SOUTH ELEVATION - CITY ROAD
A0901	NORTH ELEVATION - HAIG LANE
A0902	EAST ELEVATION - CLARKE STREET
A0903	WEST ELEVATION

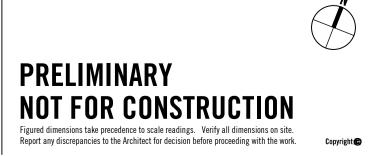
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A0950 SECTION A-A

ELEMENTAL DETAILS

A1102	HERITAGE OPENING DETAIL
A1103	THROUGH-LINK PORTAL DETAIL
A1104	THROUGH-LINK CANOPY DETAI

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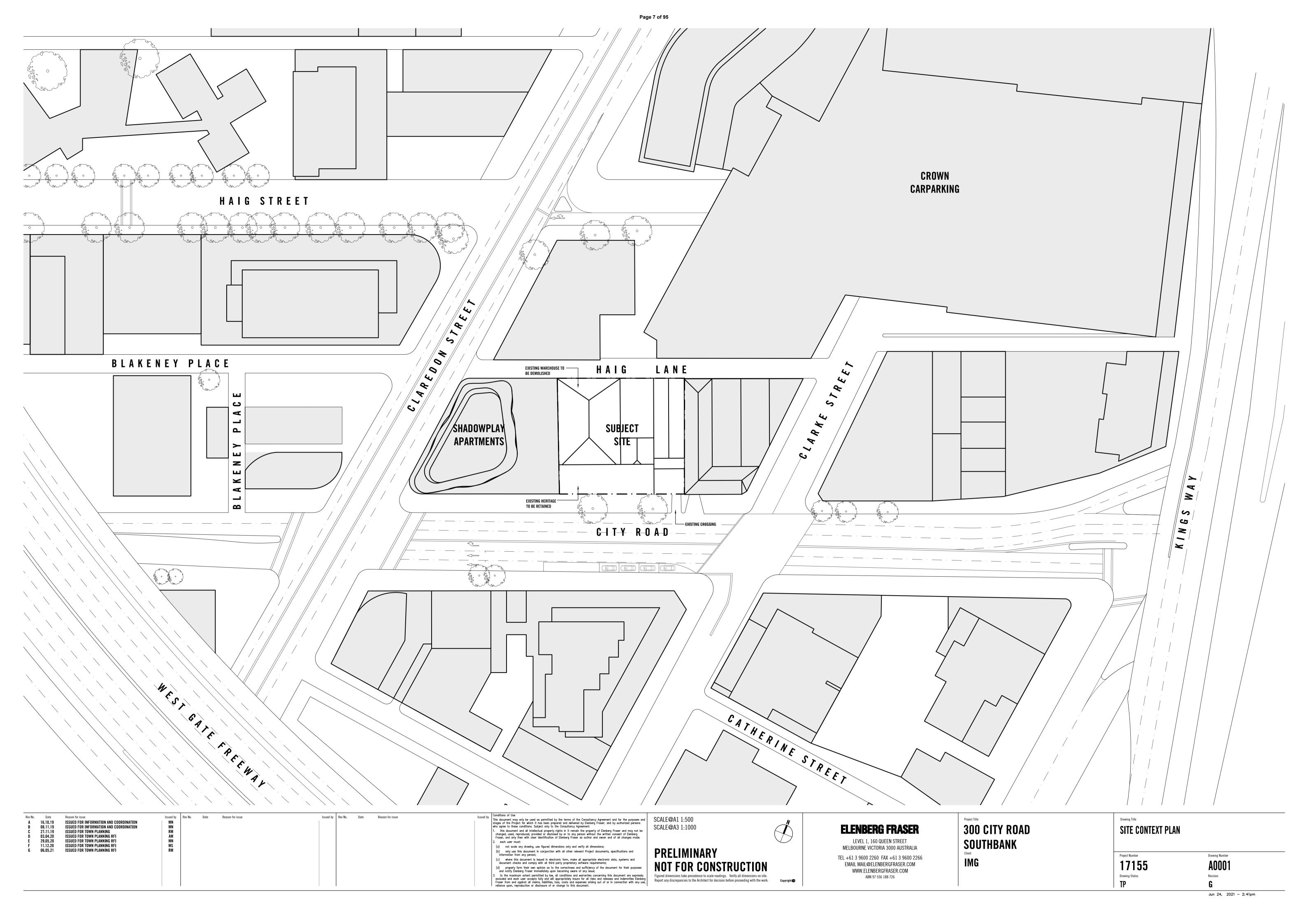
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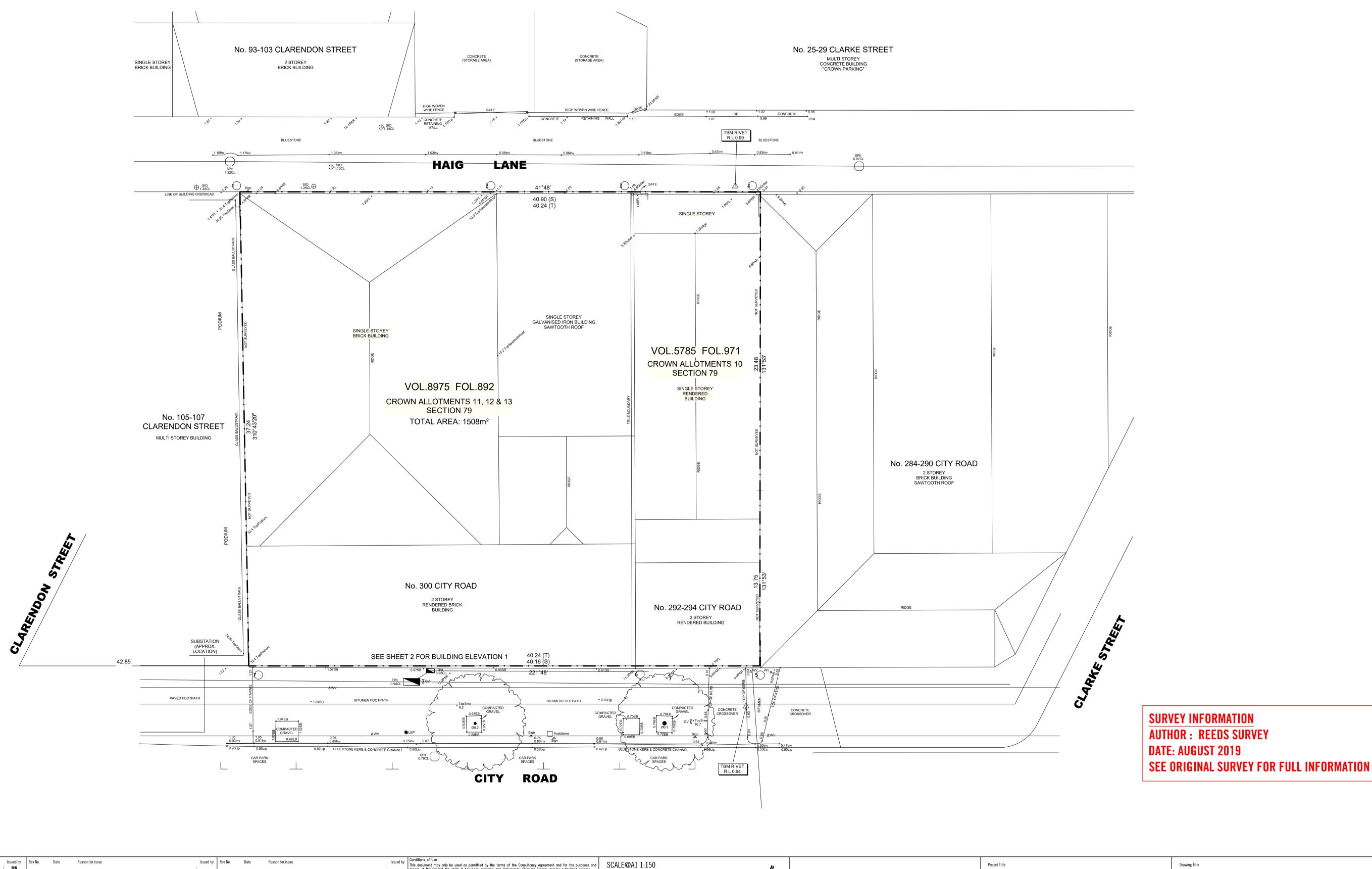
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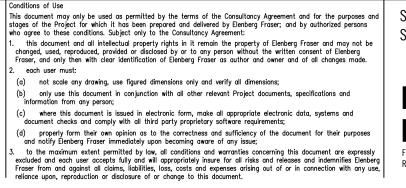
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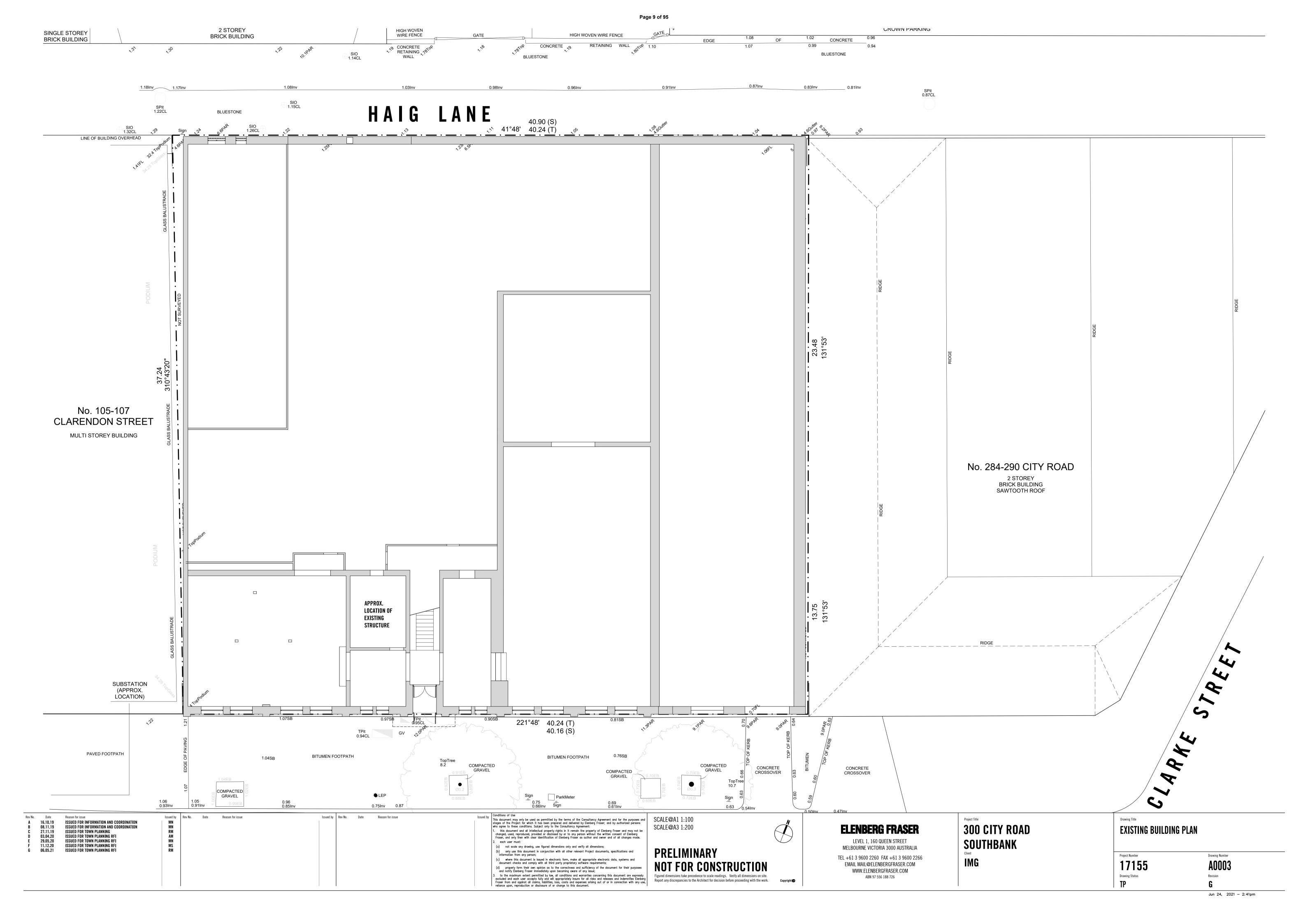
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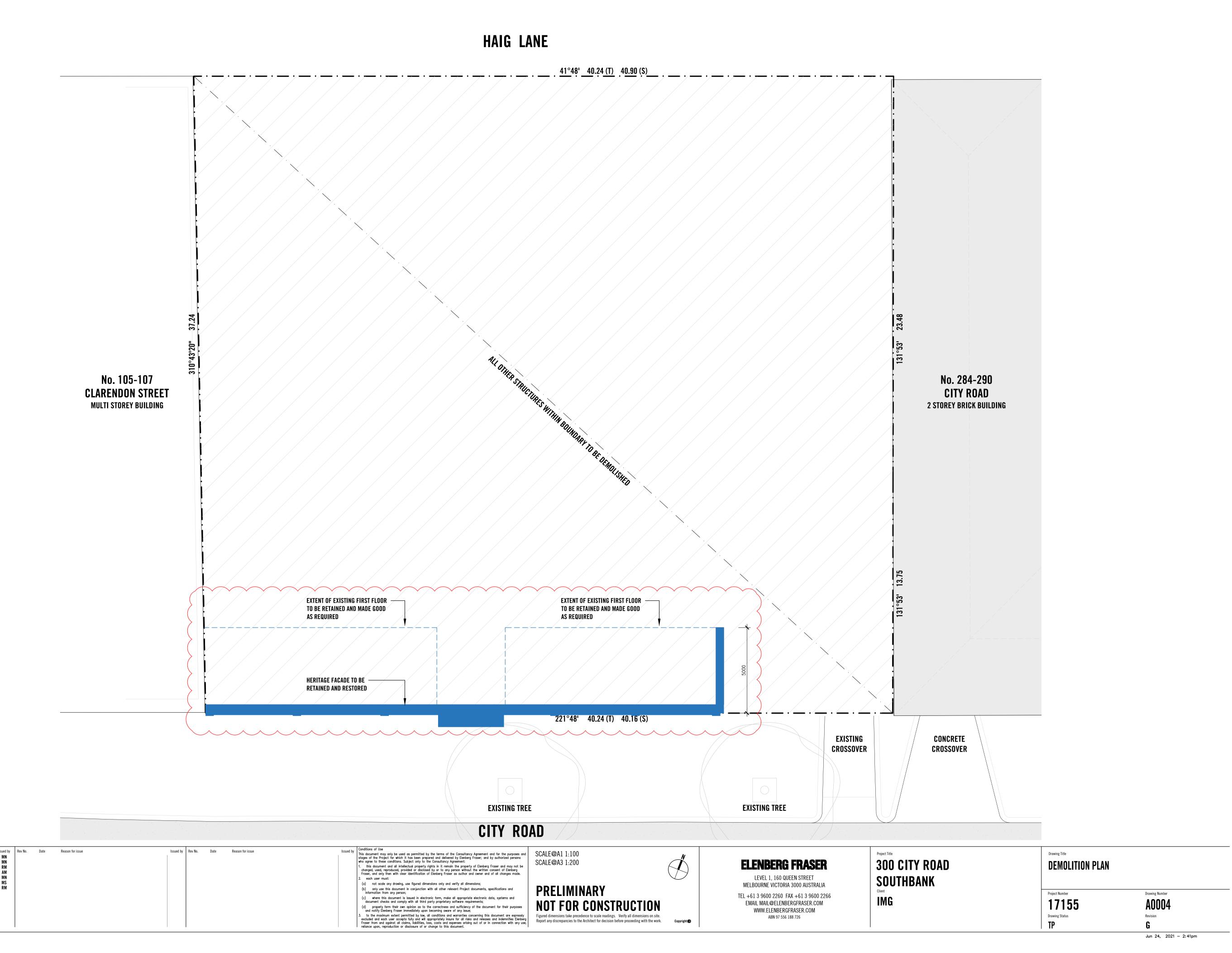
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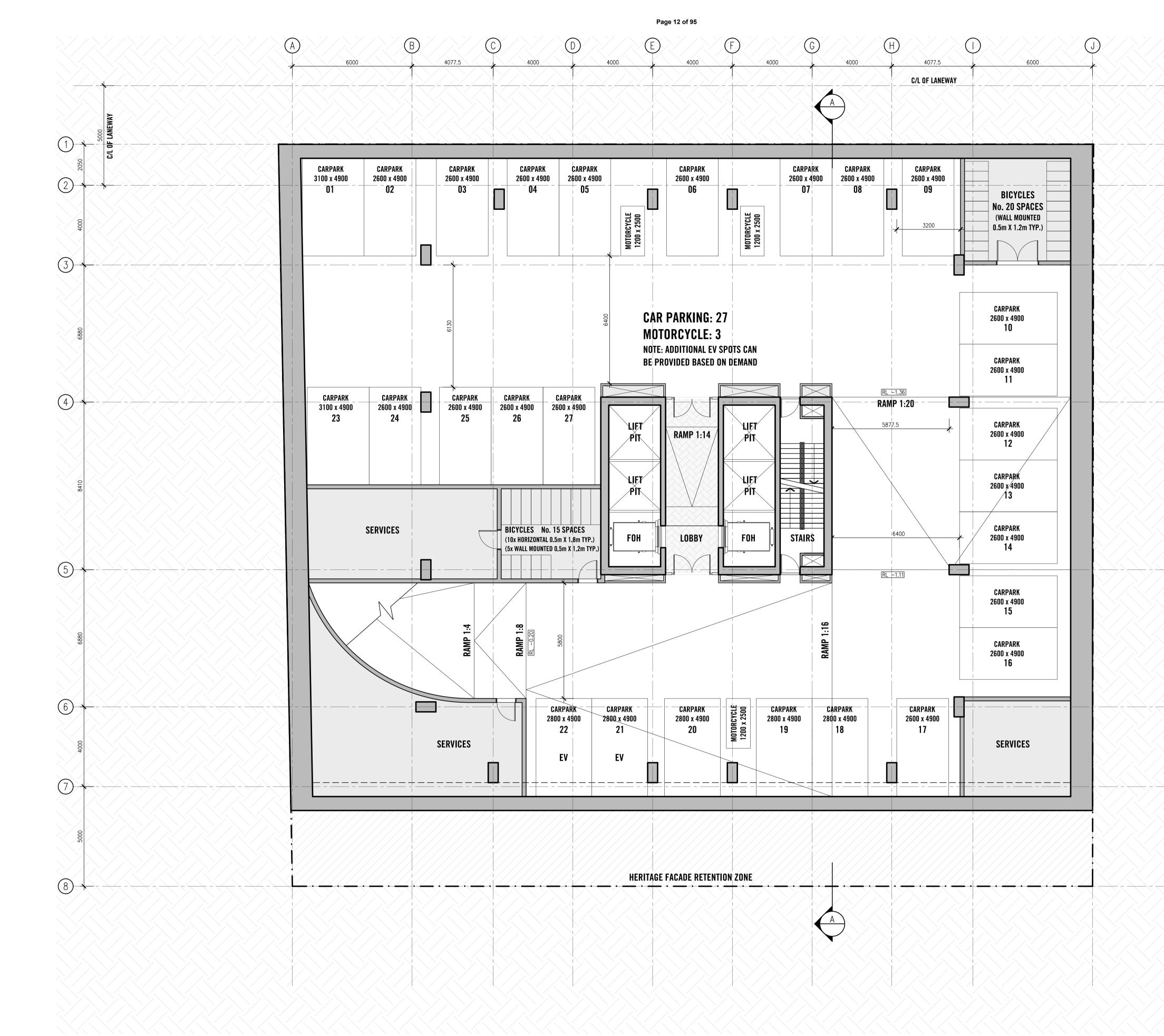


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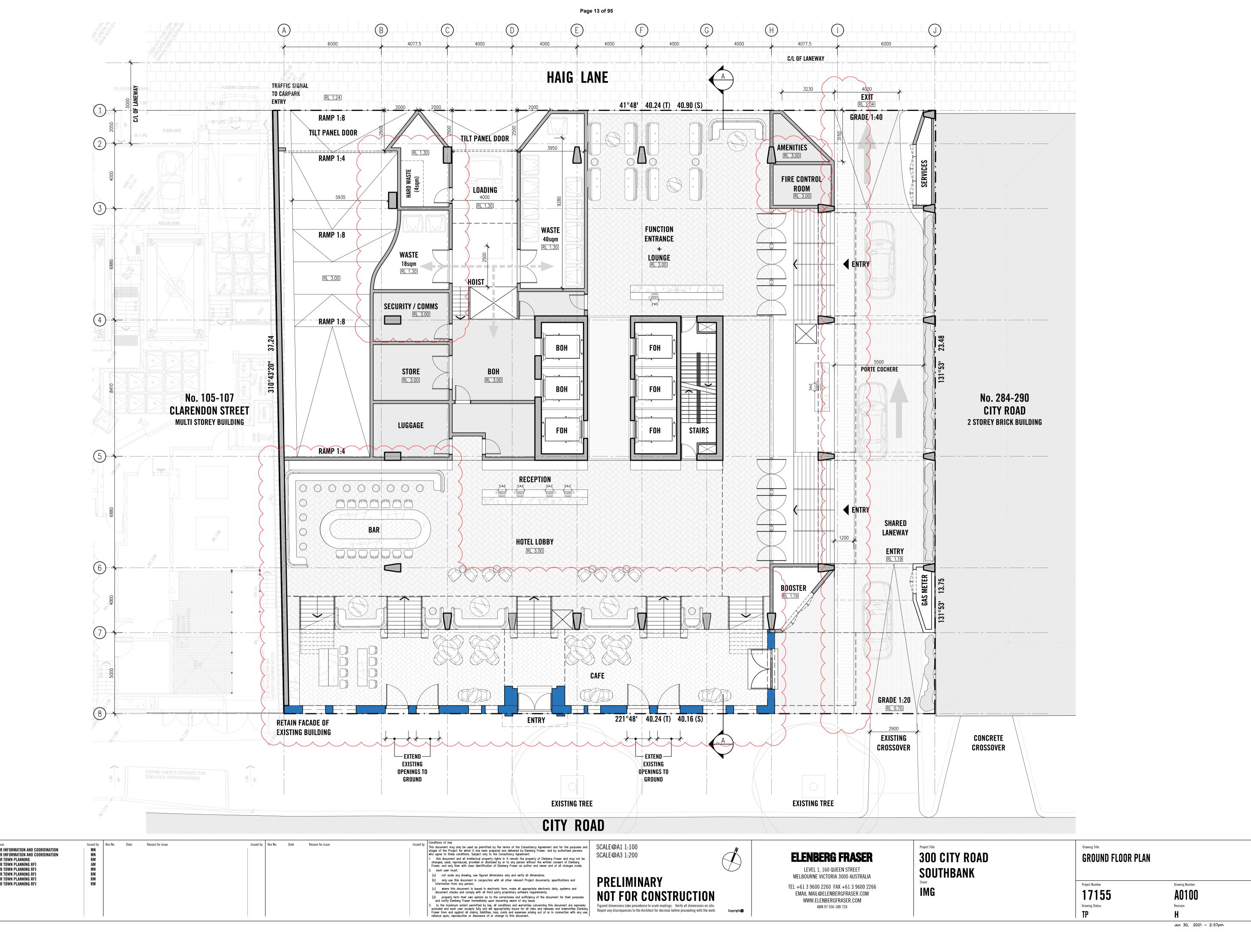
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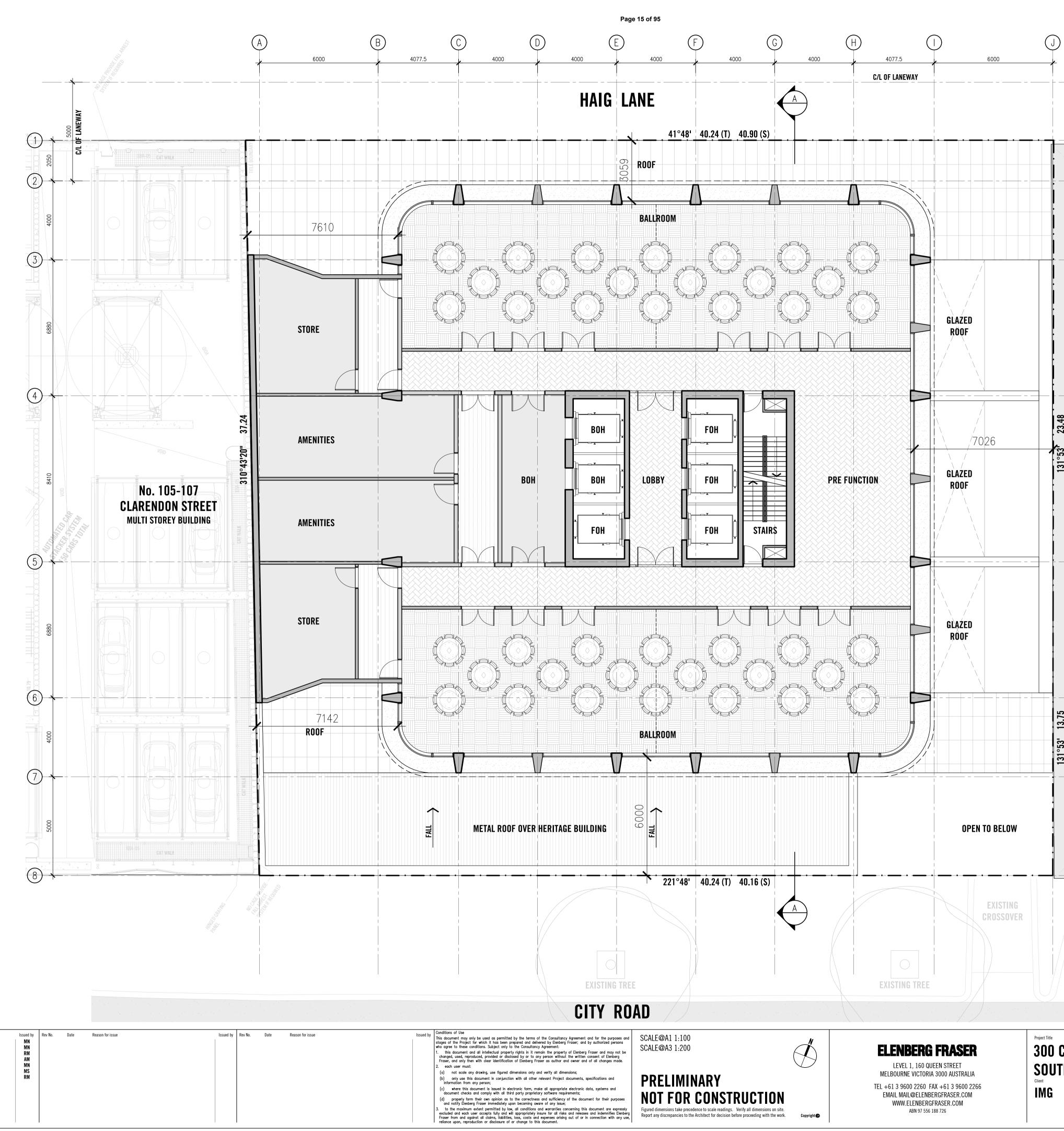
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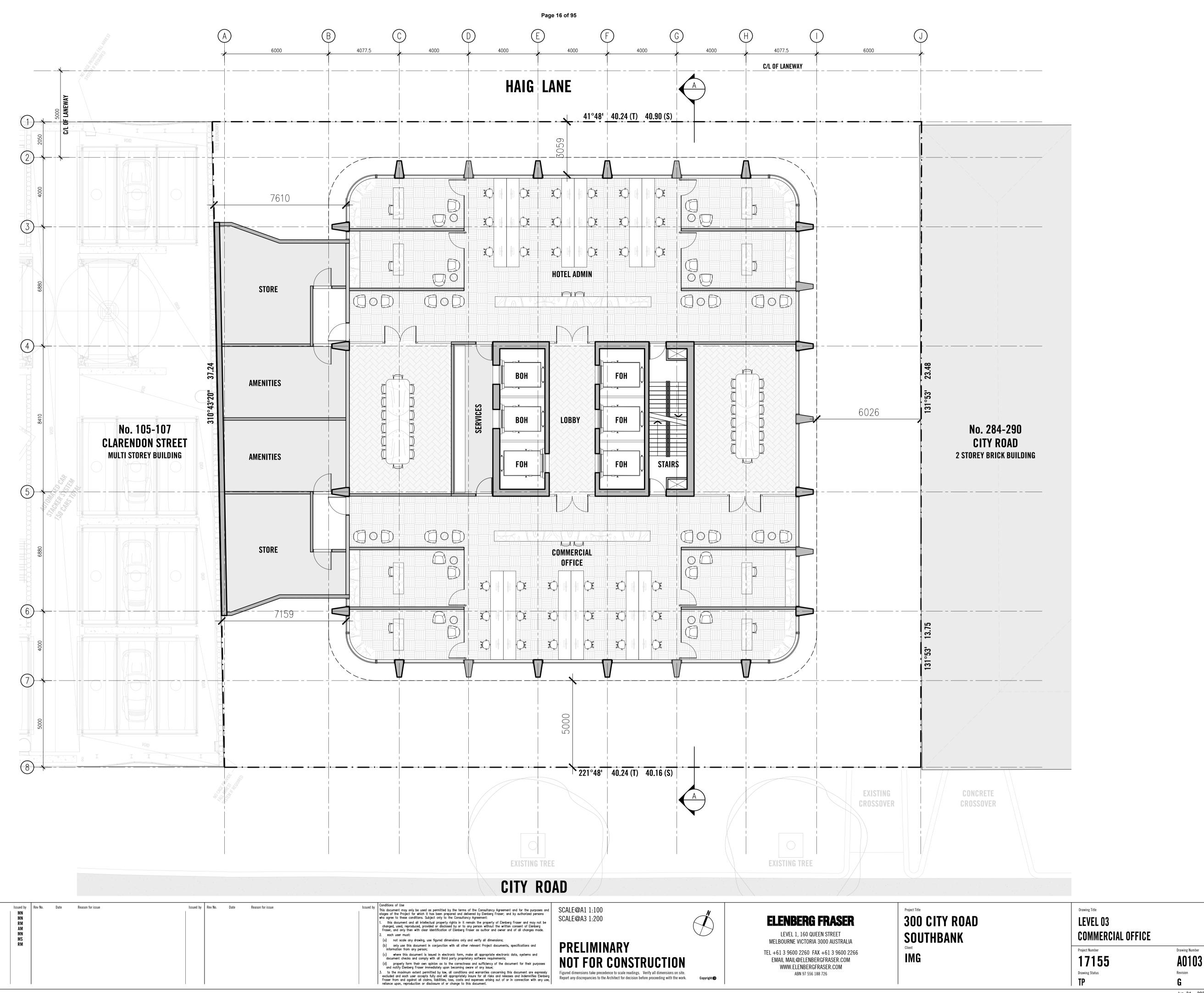
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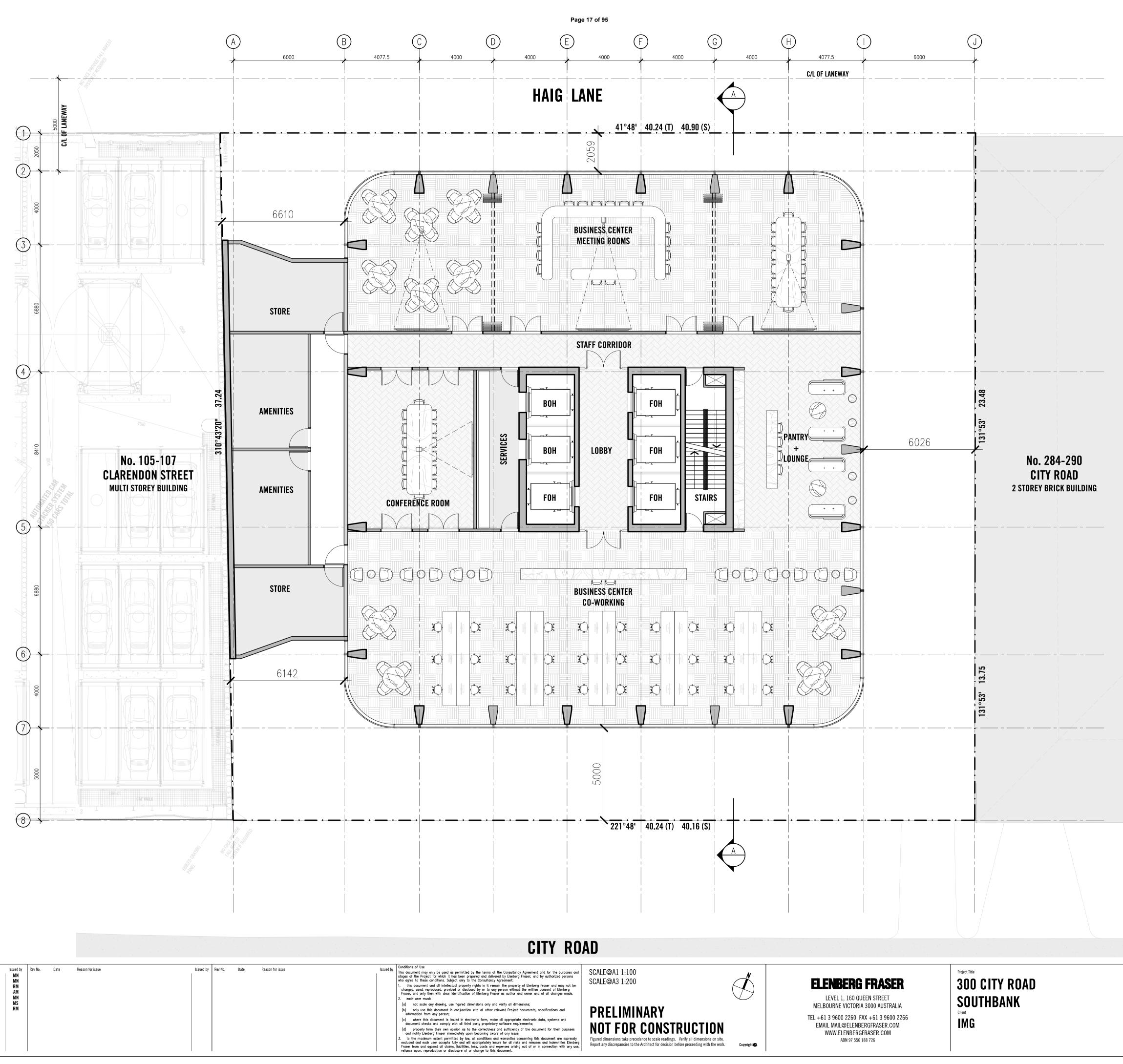
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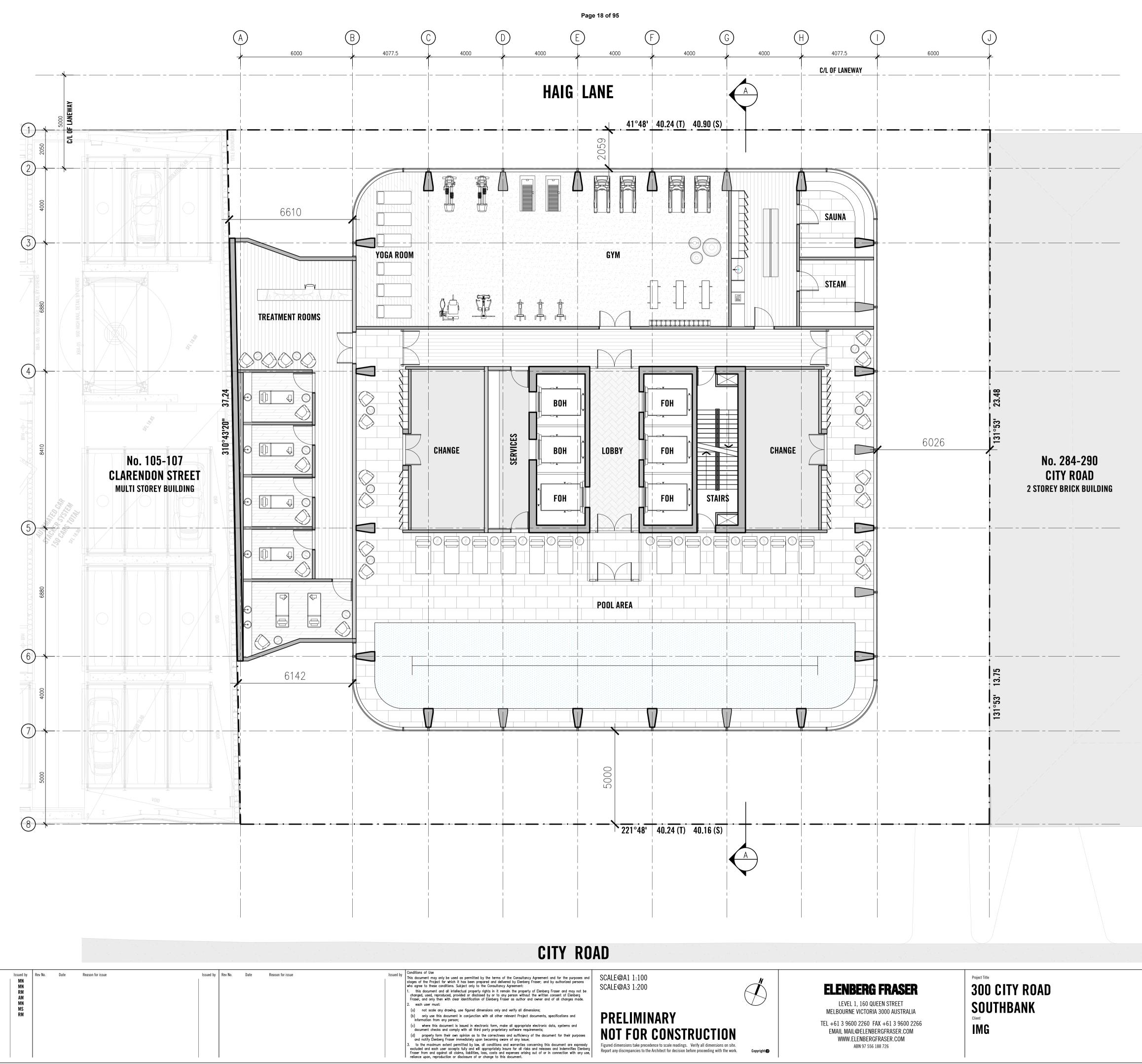
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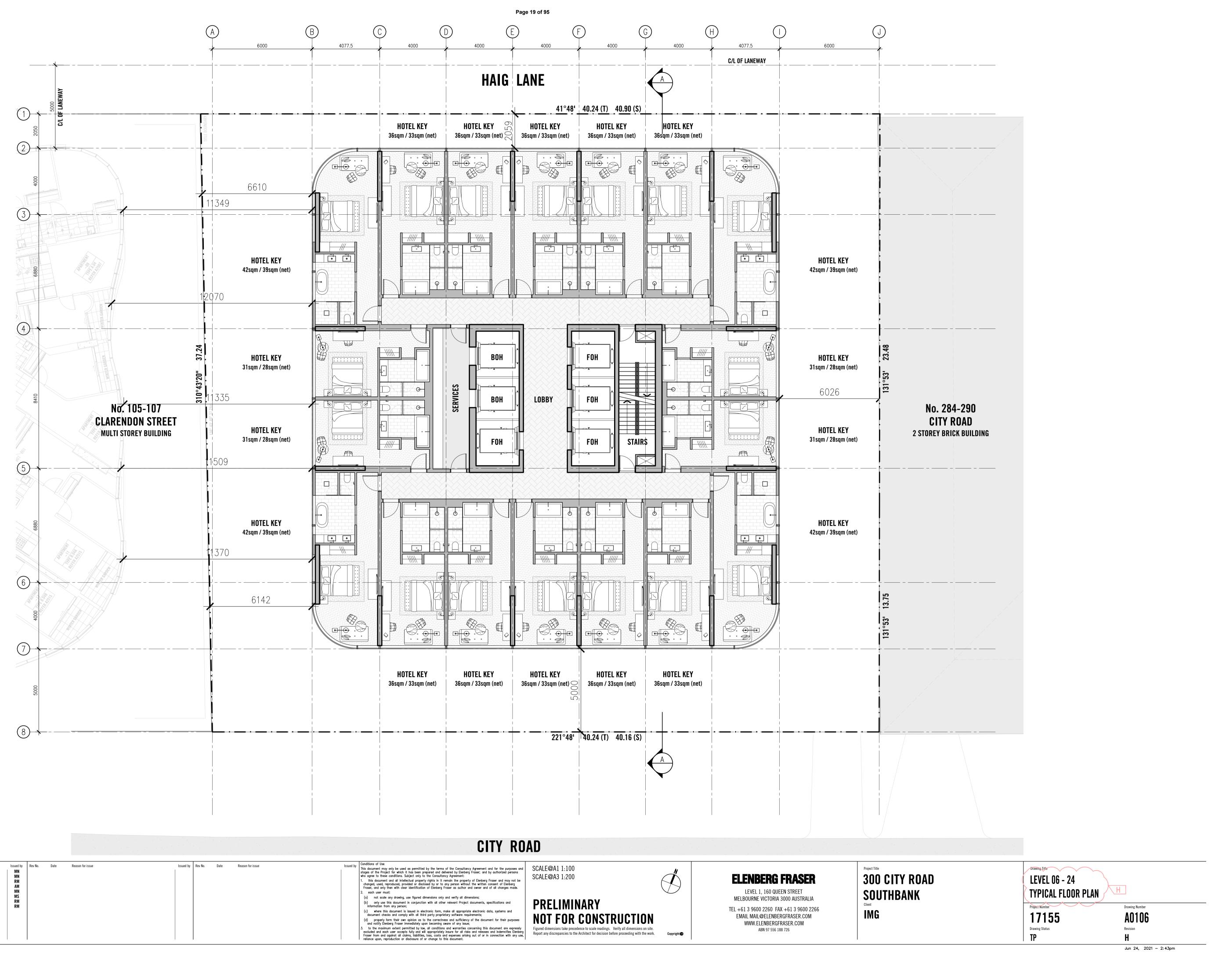
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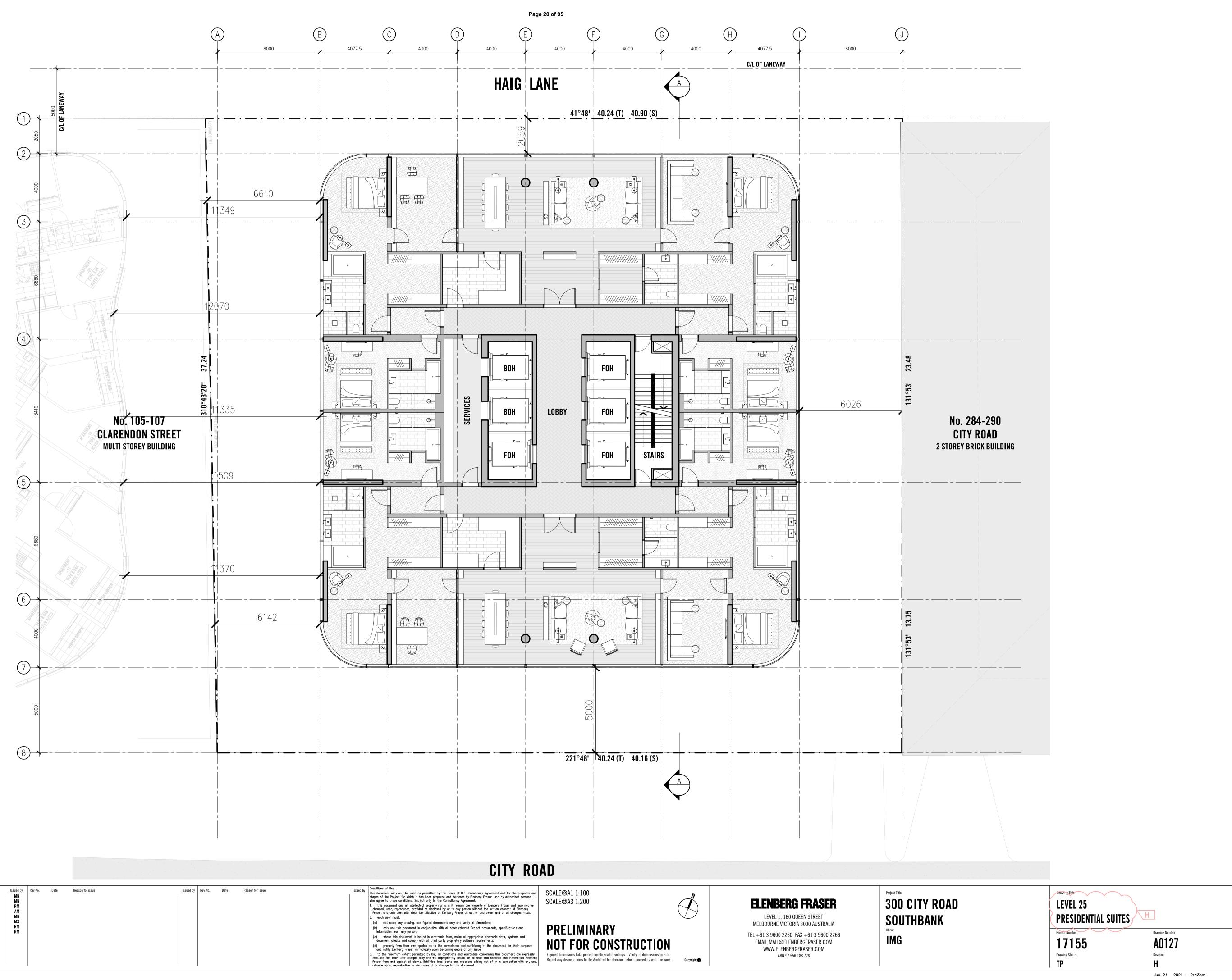


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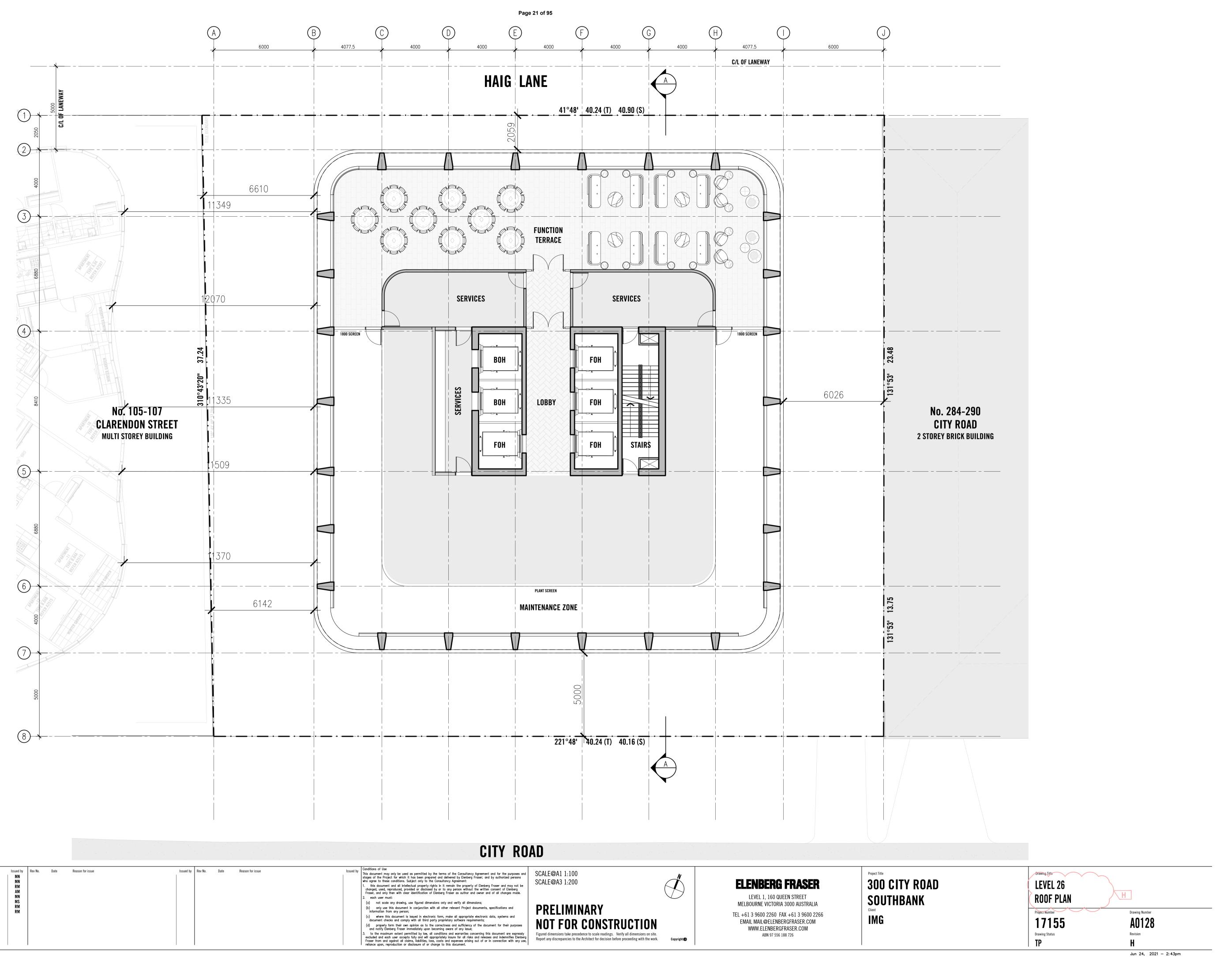
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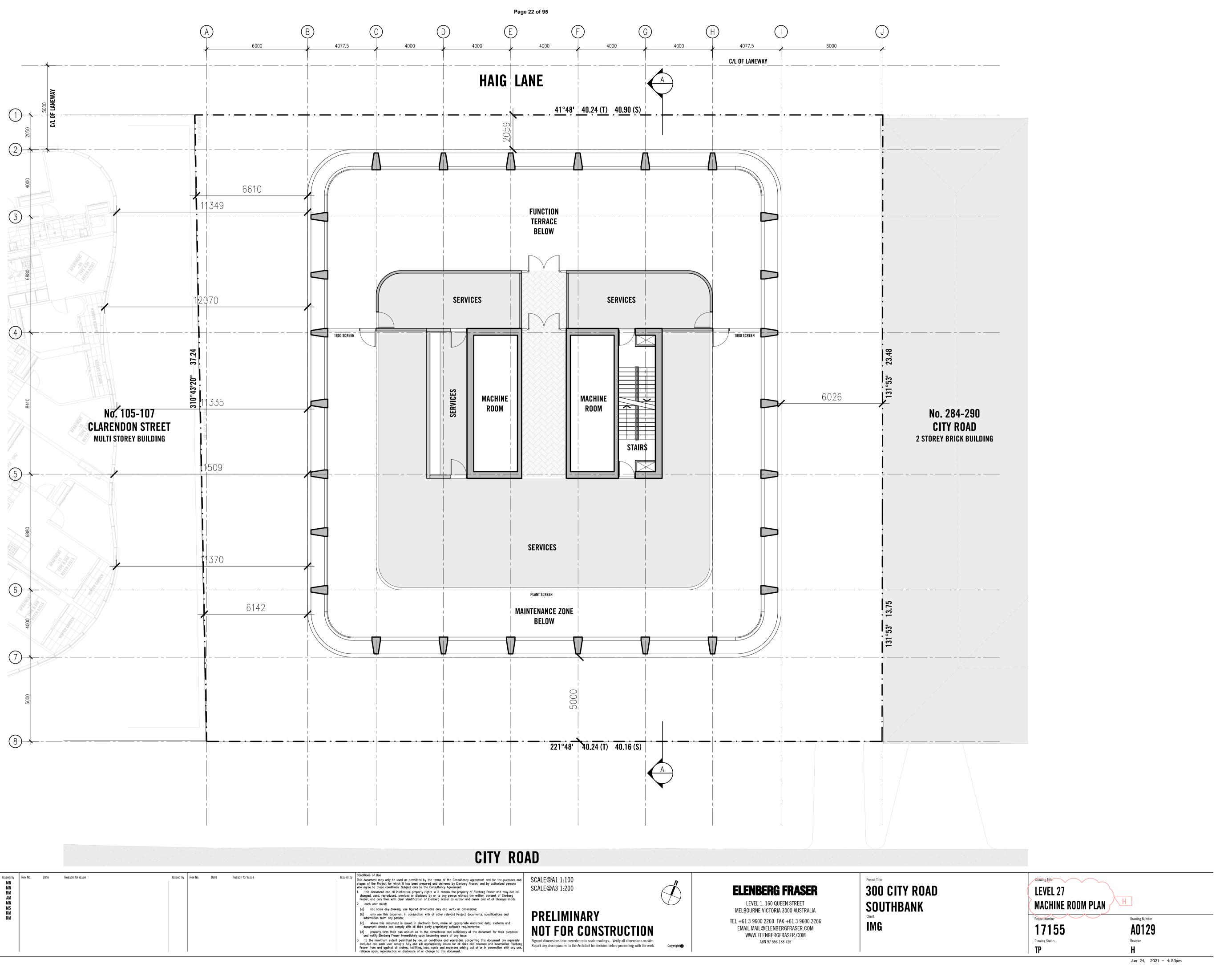
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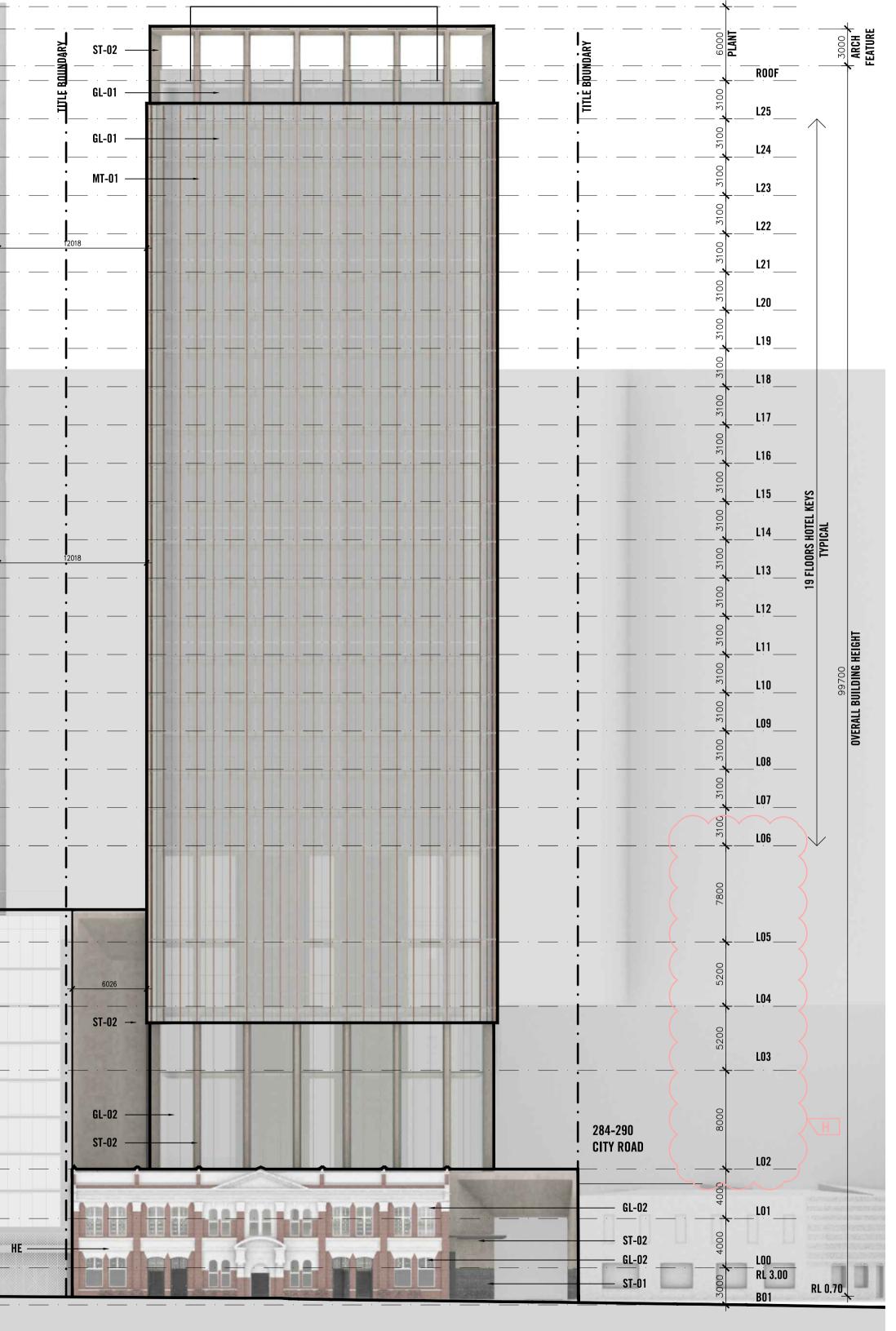
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Project Title 300 CI1 SOUTHE IMG

EXTERNA	AL FINISHES LEGEND
CODE	DESCRIPTION
CONC-01	PRECAST CONC
GL-01	REFLECTIVE – SILVER GLAZING 01
GL-02	CLEAR GLAZING
SS-01	REFLECTIVE STAINLESS STEEL
ST-01	BLUESTONE CLADDING
ST-02	
MT-01	METAL 'COPPER' FIN
HE	RESTORED HERITAGE FACADE
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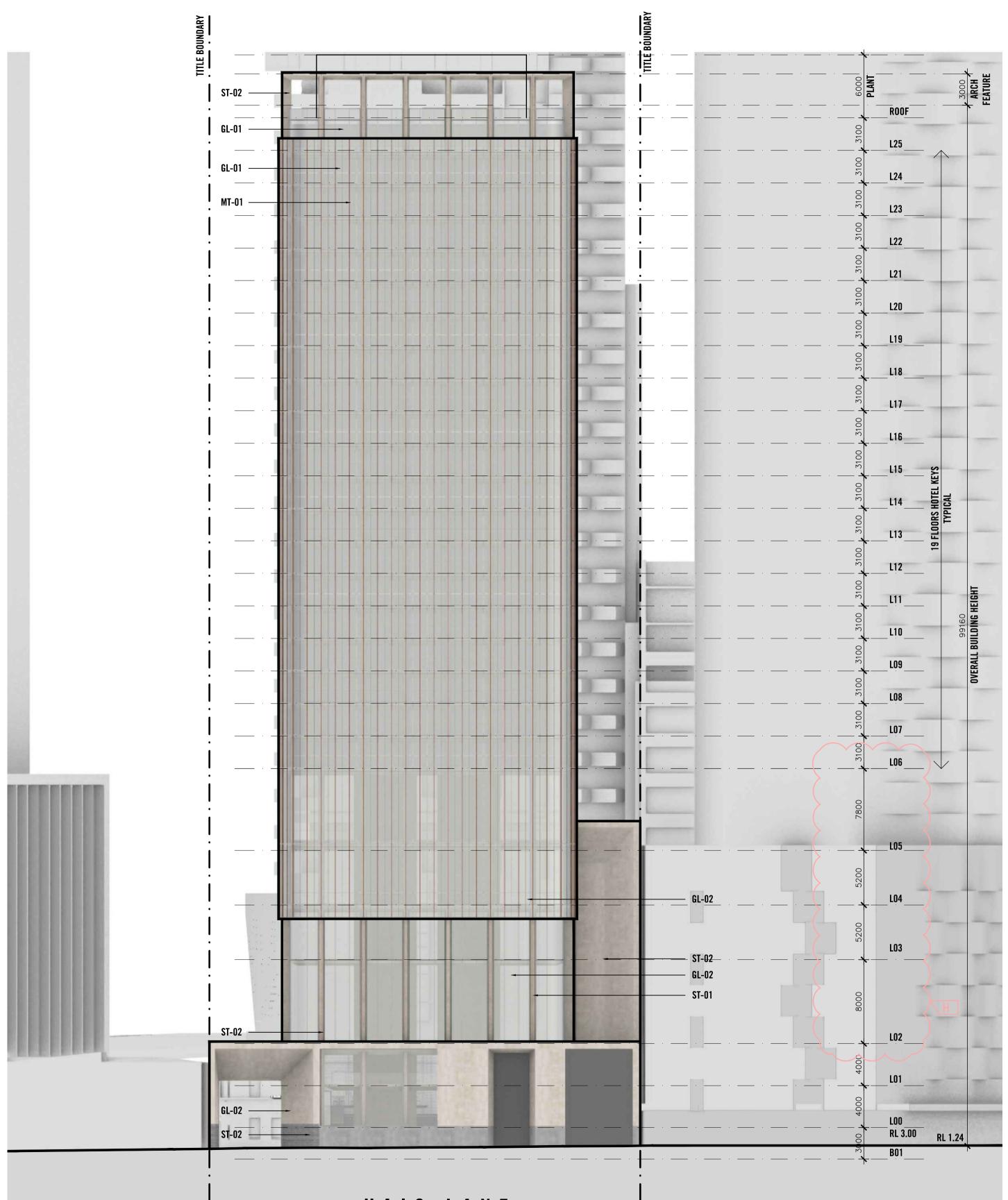
Drawing Title SOUTH ELEVATION CITY ROAD Project Number

17155 Drawing Status TP

Drawing Number A0900 Revision H

Jun 24, 2021 – 4:46pm

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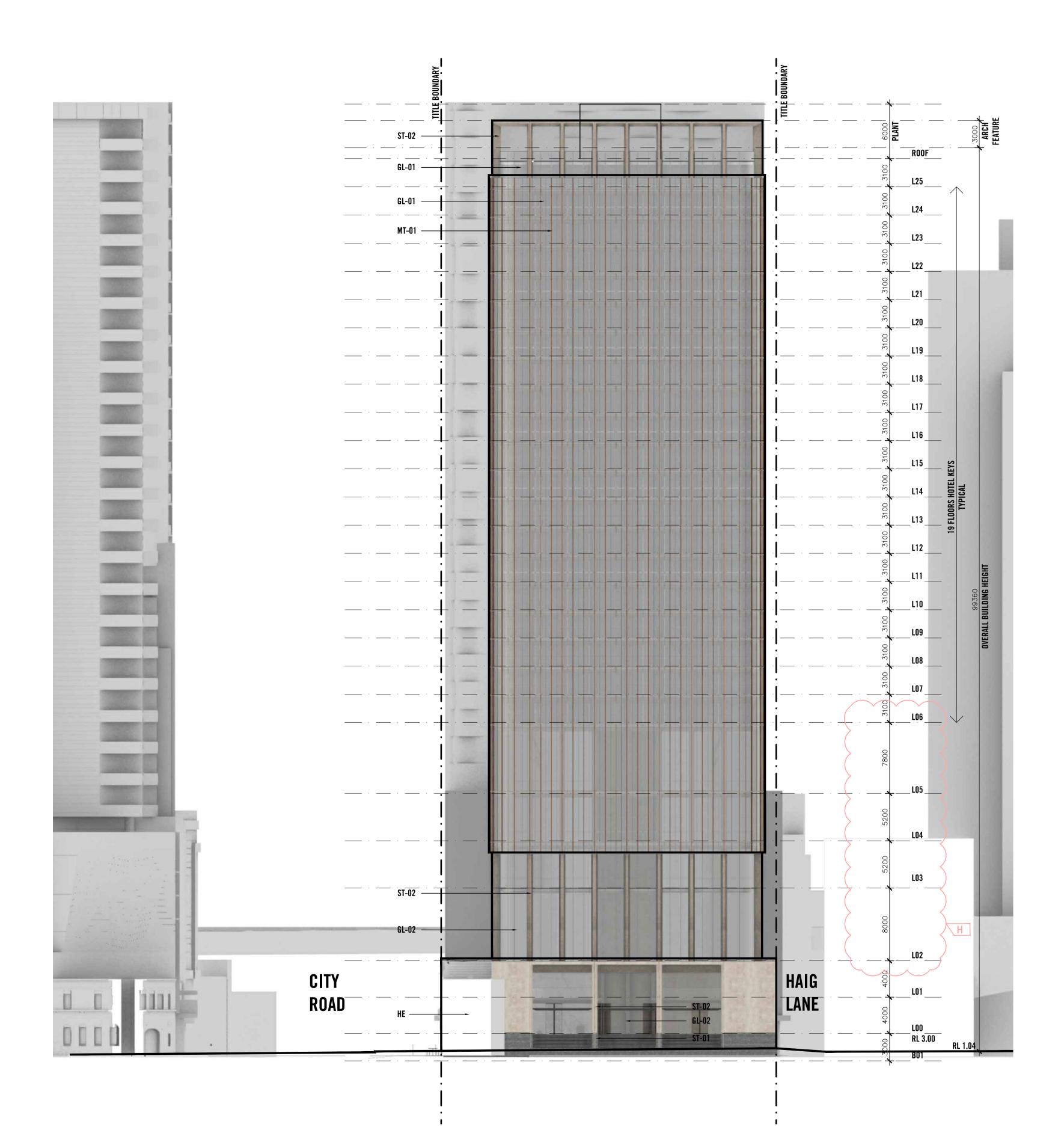
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Project Title

EXTERNA	AL FINISHES LEGEND
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CONC-01	PRECAST CONC
GL-01	REFLECTIVE – SILVER GLAZING 01
GL-02	CLEAR GLAZING
SS-01	REFLECTIVE STAINLESS STEEL
ST-01	BLUESTONE CLADDING
ST-02	FEATURE STONE
MT-01	METAL 'COPPER' FIN
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CITY ROAD Thbank	Drawing Title NORTH ELEVATION HAIG LANE		
	Project Number 17155 Drawing Status TP	Drawing Number A0901 Revision H	

Jun 24, 2021 – 4:46pm



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Project Title 300 SOU IMG

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EXTERNA	AL FINISHES LEGEND
CODE	DESCRIPTION
CONC-01	PRECAST CONC
GL-01	REFLECTIVE – SILVER GLAZING 01
GL-02	CLEAR GLAZING
SS-01	REFLECTIVE STAINLESS STEEL
ST-01	BLUESTONE CLADDING
ST-02	FEATURE STONE
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CITY ROAD JTHBANK	Drawing Title EAST ELEVATION CLARKE STREET
	Project Number 17155

Drawing Status

TP

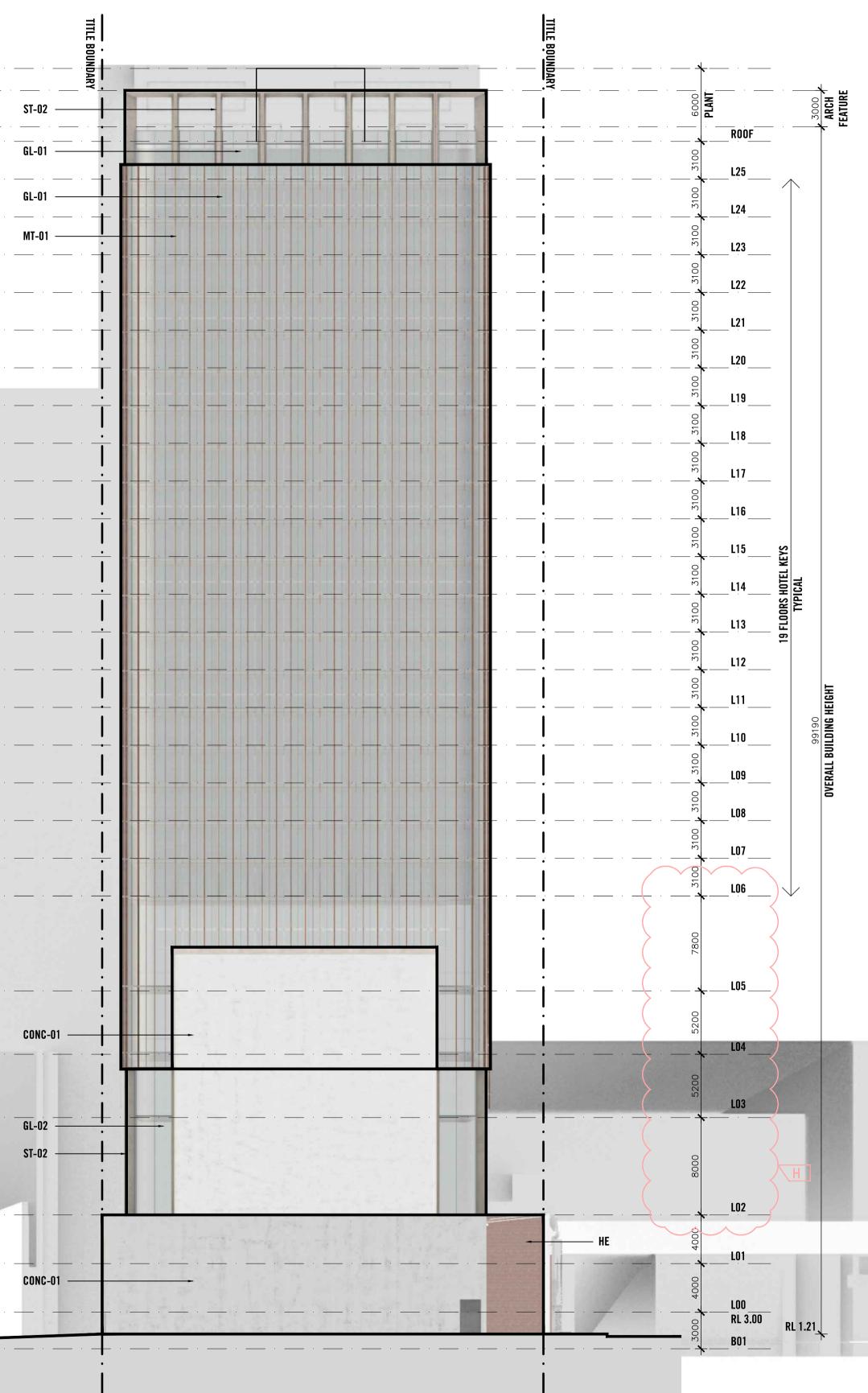
Drawing Number A0902 Revision Η

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Project Title SOUTHBANK

IMG

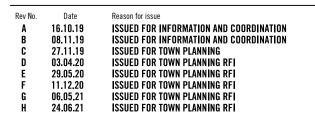
EXTERNA	AL FINISHES LEGEND
CODE	DESCRIPTION
CONC-01	PRECAST CONC
GL-01	REFLECTIVE – SILVER GLAZING 01
GL-02	CLEAR GLAZING
SS-01	REFLECTIVE STAINLESS STEEL
ST-01	BLUESTONE CLADDING
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300 CITY ROAD

Drawing Title WEST ELEVATION

Project Number 17155 Drawing Status TP

Drawing Number A0903 Revision H Jun 24, 2021 – 4:46pm



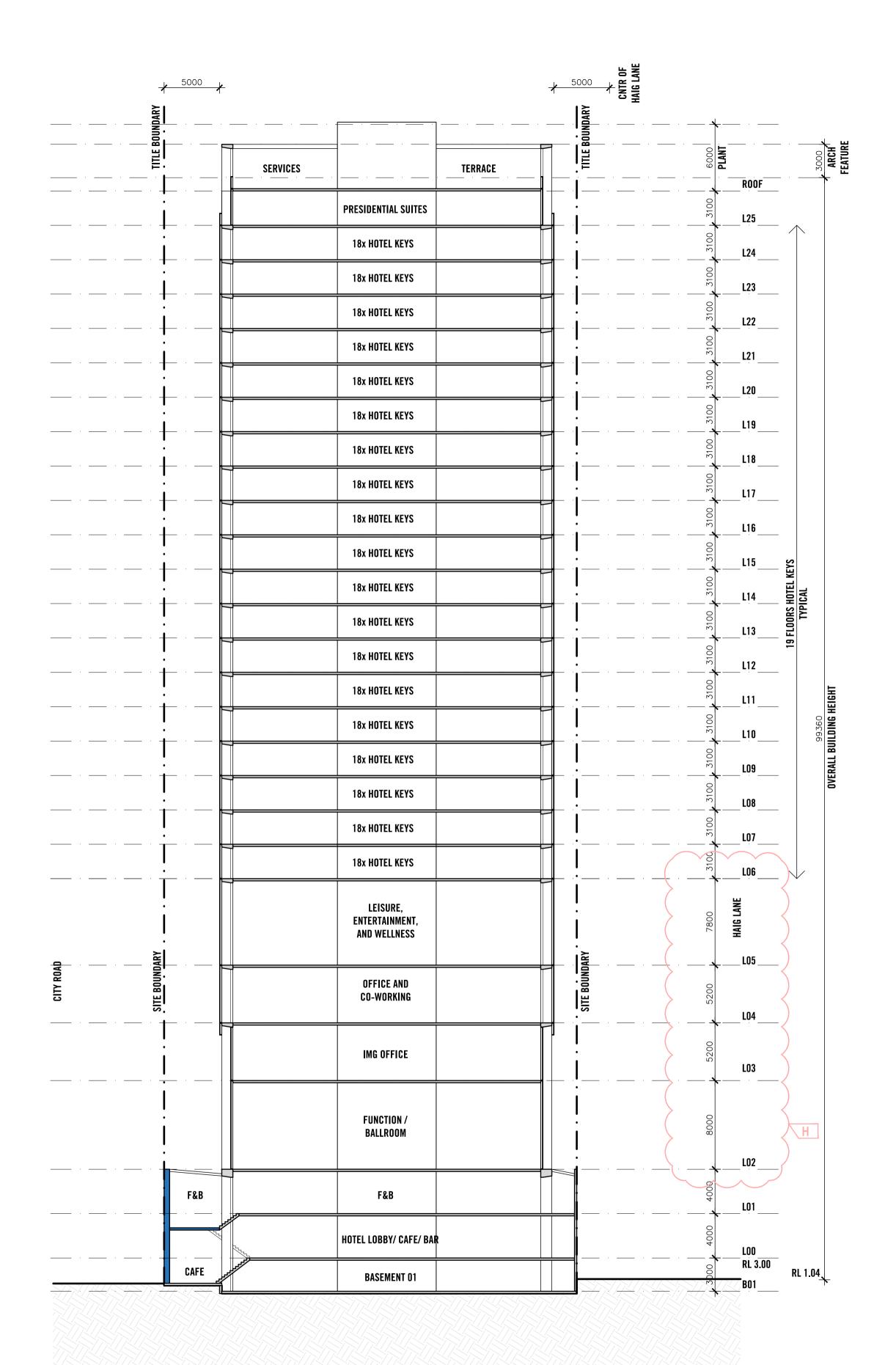
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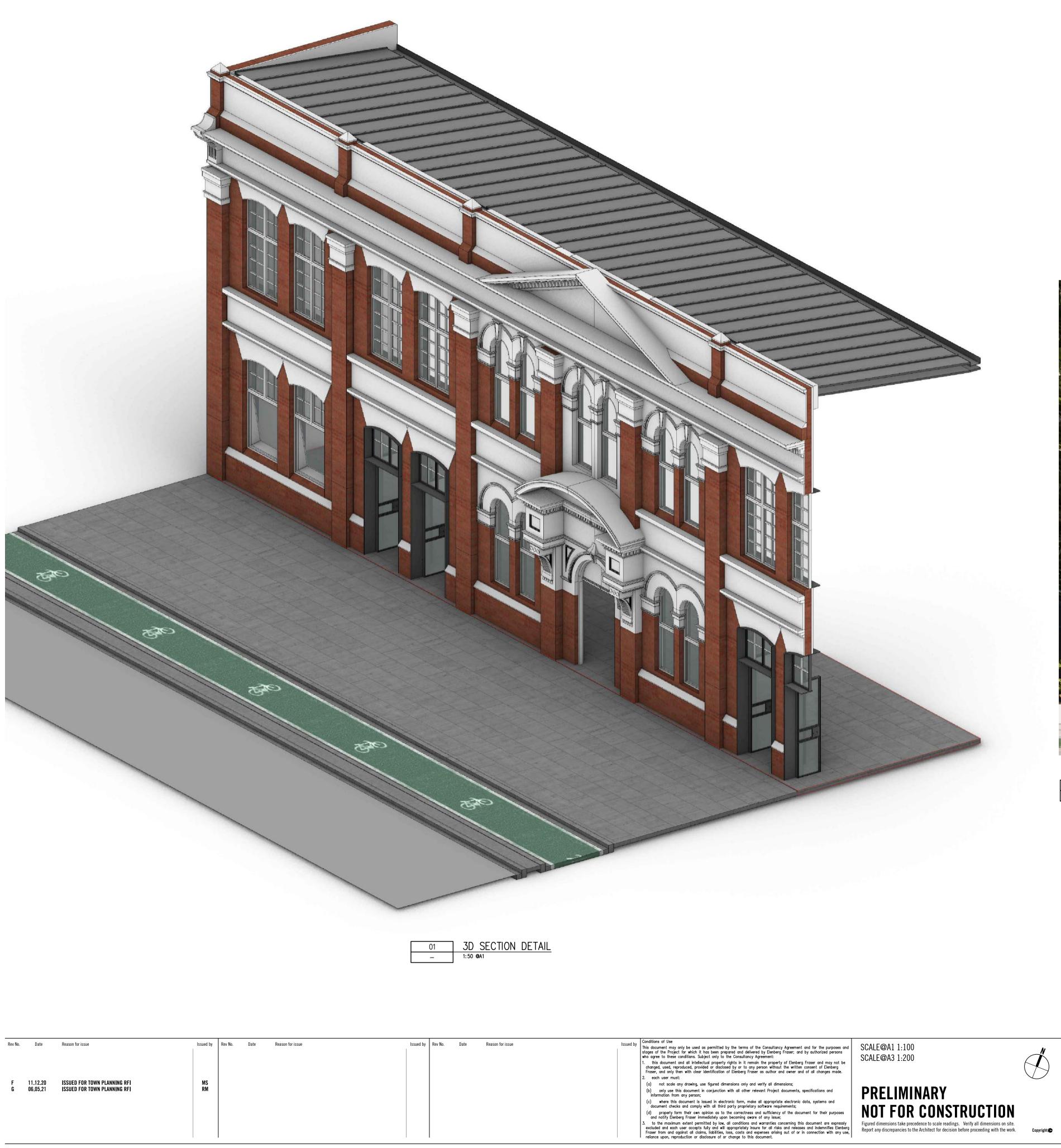
Project Title IMG

300 CITY ROAD SOUTHBANK

Drawing Title **SECTION A-A**

Project Number 17155 Drawing Status TP

Drawing Number A0950 Revision Н Jun 24, 2021 – 4:46pm





02 3D DETAIL RENDER

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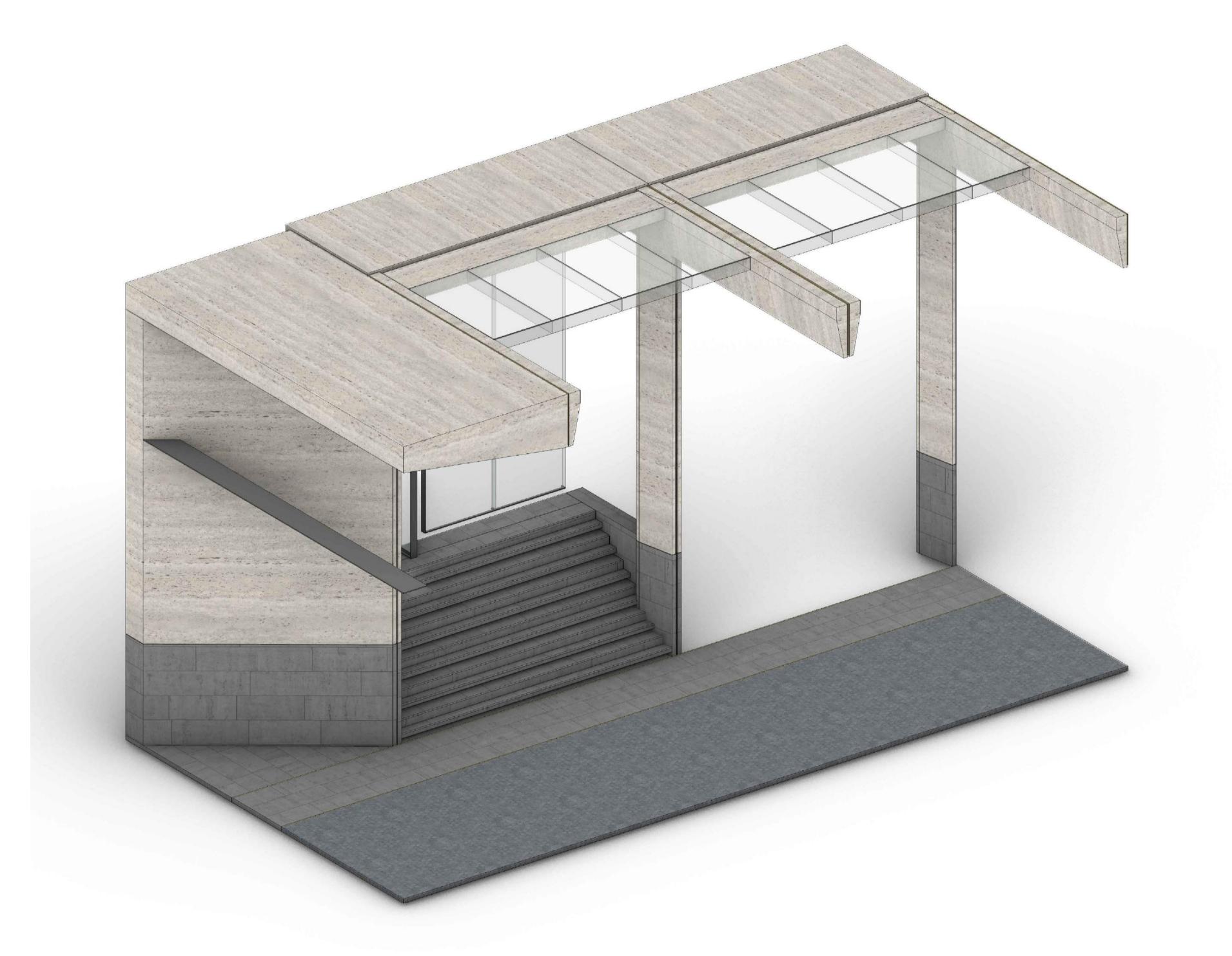
Project Title IMG

300 CITY ROAD SOUTHBANK

Drawing Title HERITAGE FACADE OPENING DETAIL

Project Number 17155 Drawing Status TP

Drawing Number A1102 Revision Jun 24, 2021 – 2:43pm





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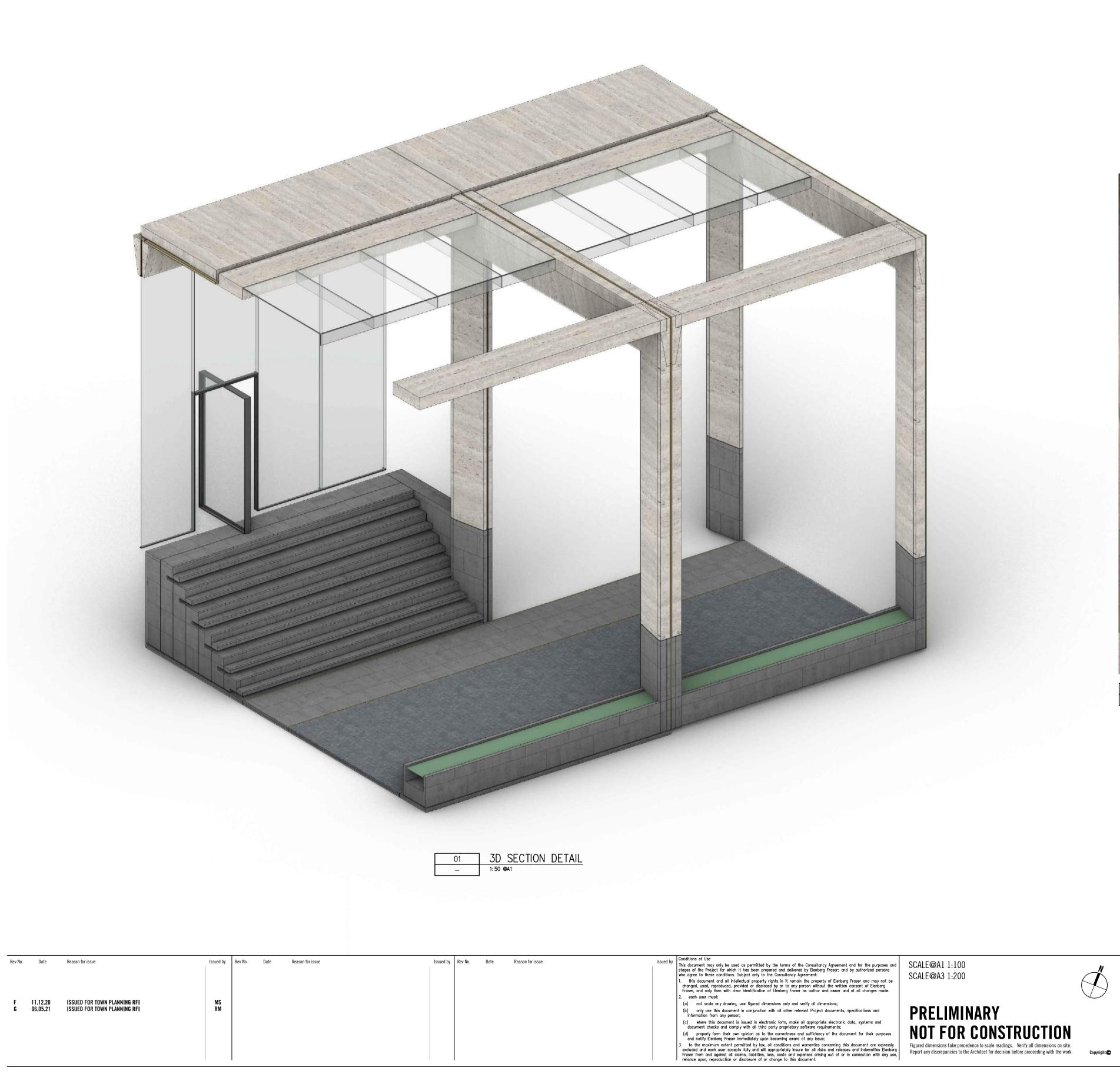
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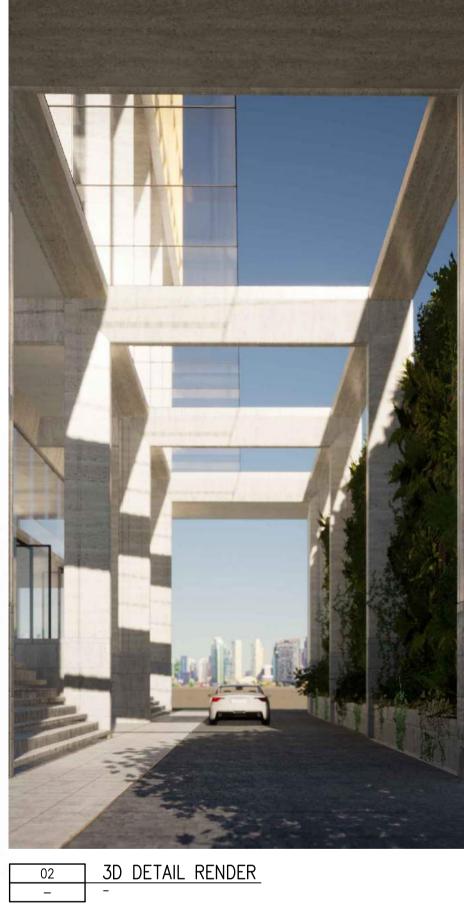
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Drawing Title PORTAL THROUGHLINK DETAIL

Project Number Drawing Number 17155 Drawing Status TP









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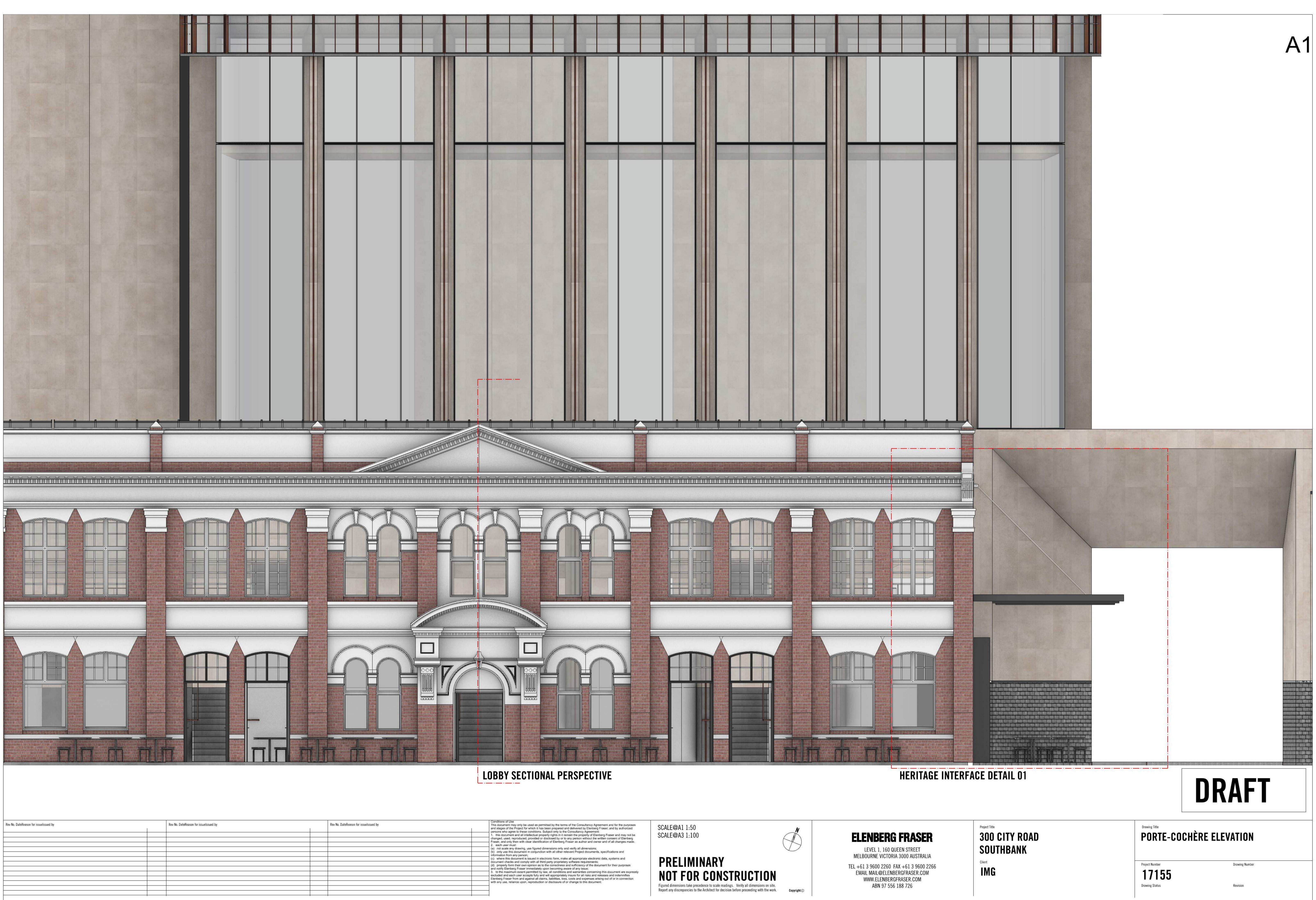
Project Title IMG

300 CITY ROAD SOUTHBANK

Drawing Title THROUGH LINK CANNOPY DETAIL

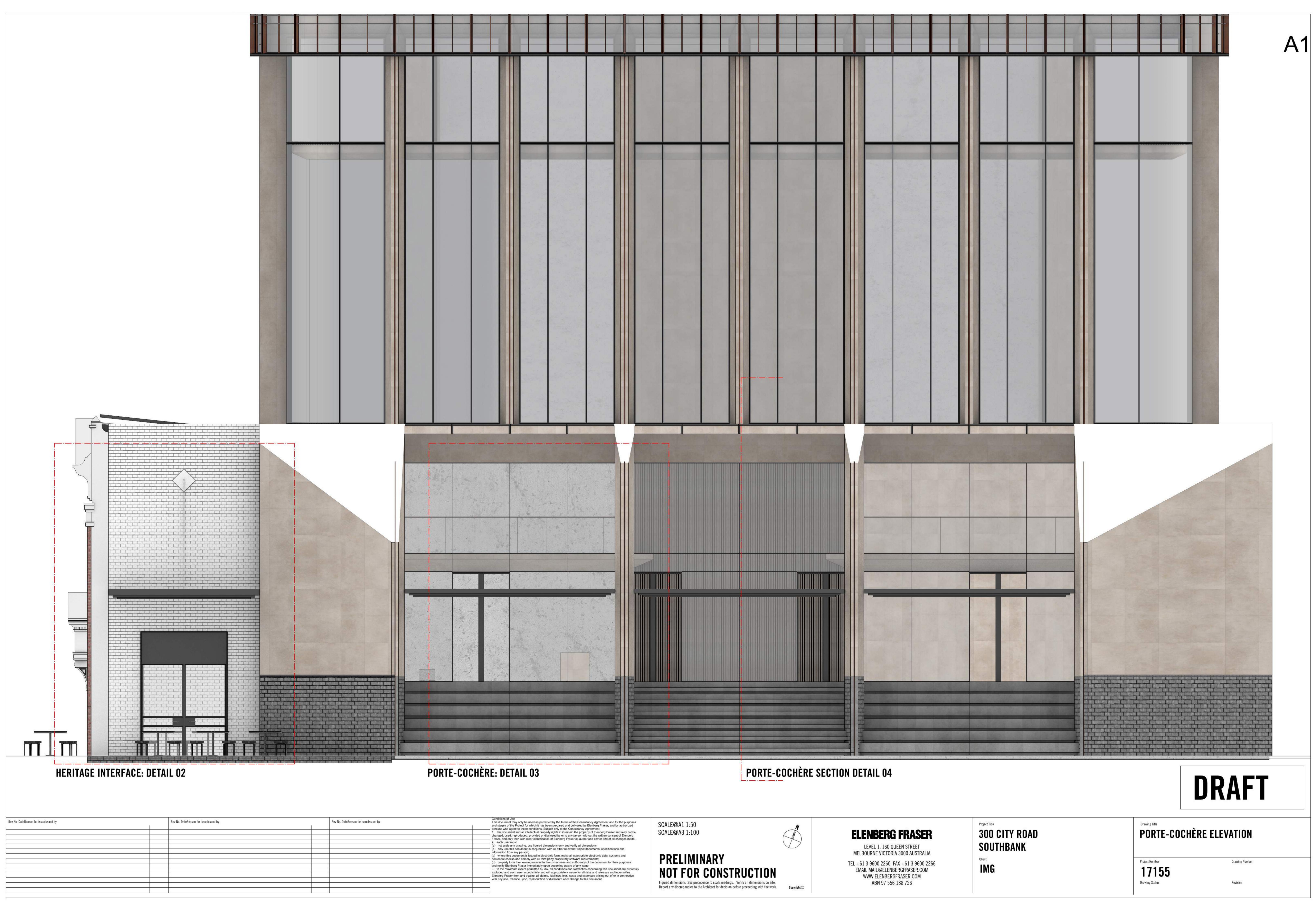
Project Number 17155 Drawing Status TP





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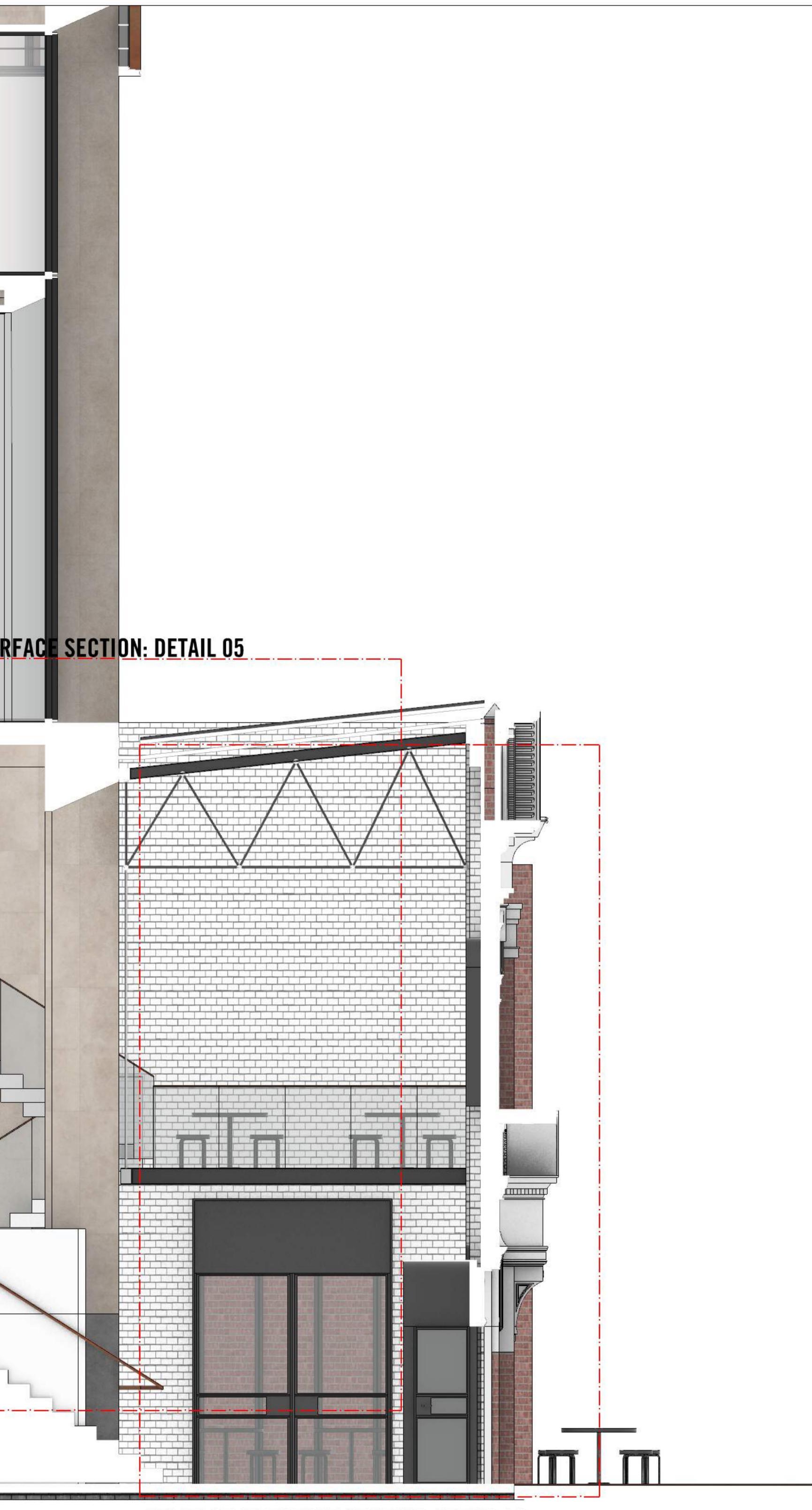
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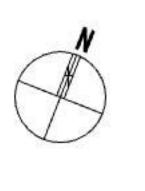
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Project Title **300 CITY ROAD** SOUTHBANK Client IMG

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Drawing Title LOBBY SECTION

Project Number 17155 Drawing Status

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Drawing Number

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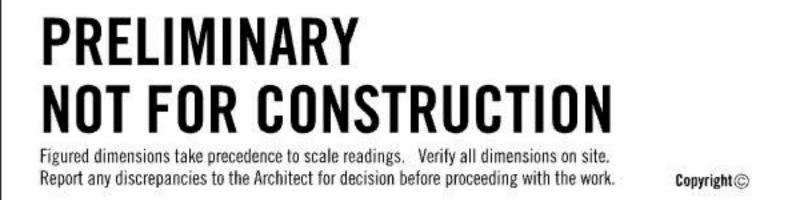
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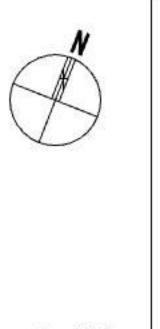


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DRAFT

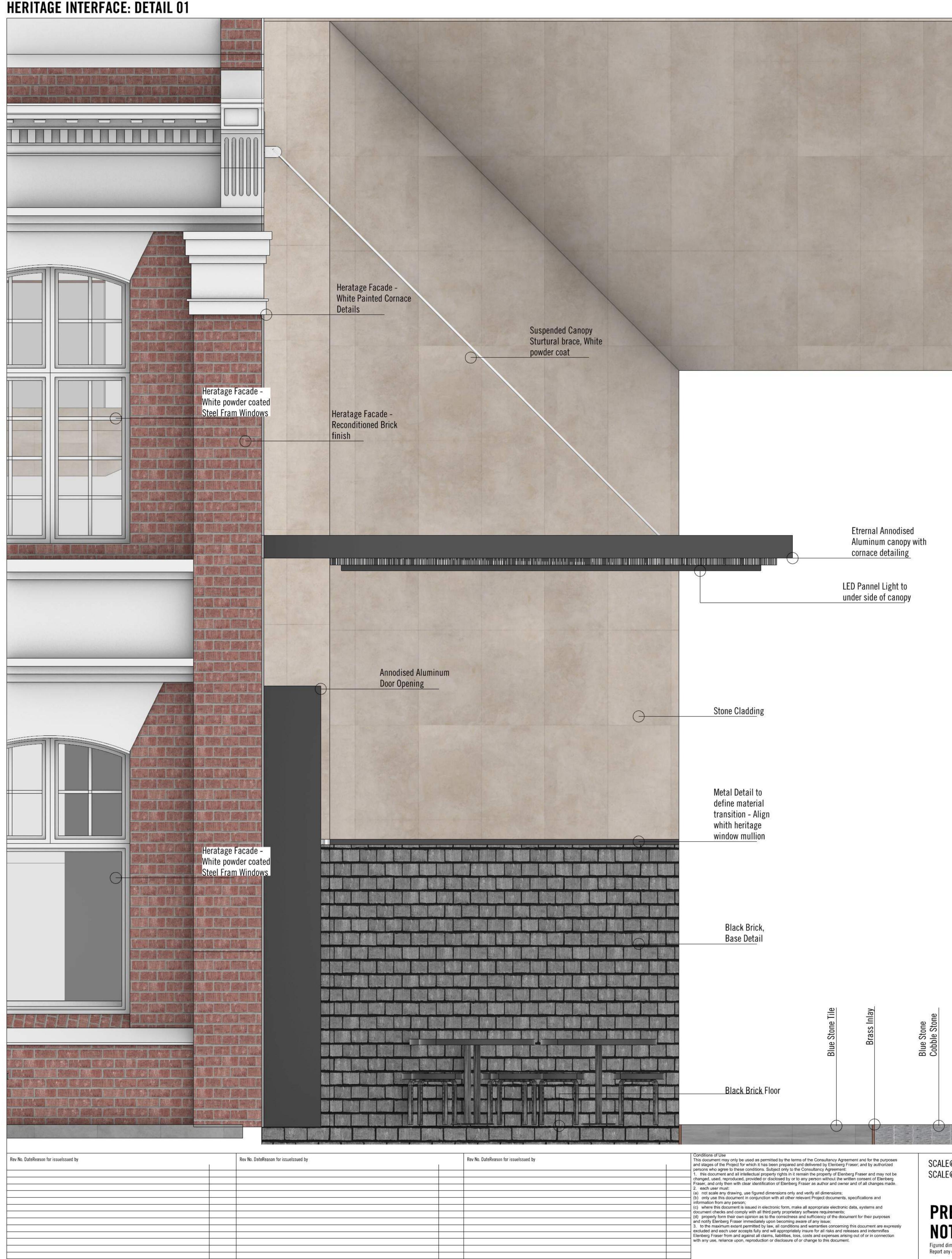
Drawing Title **Lobby Sectional Perspective**

Project Number 17155 Drawing Status

Revision

Drawing Number

HERITAGE INTERFACE: DETAIL 01



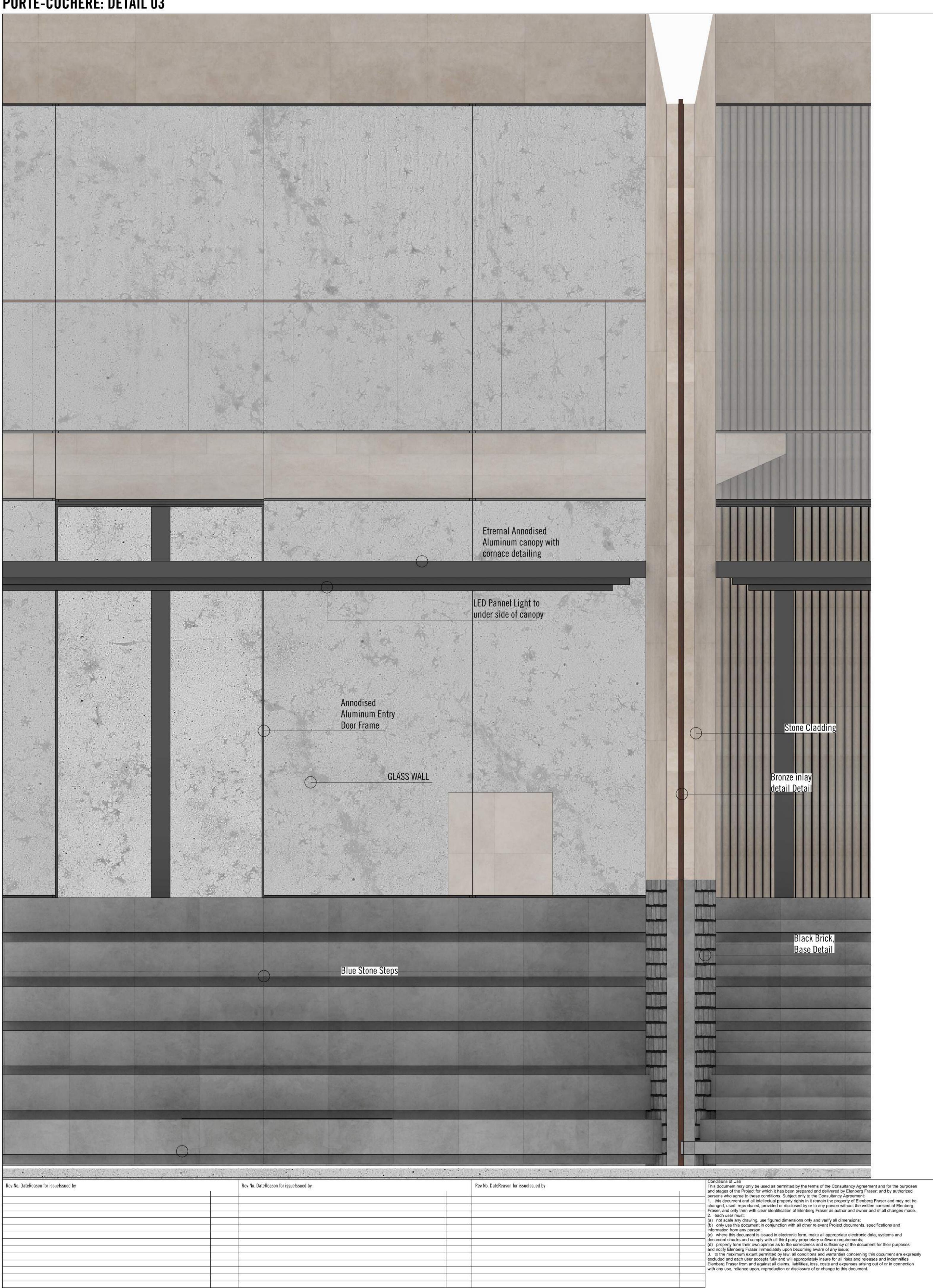
HERITAGE INTERFACE: DETAIL 02

Page 35 of 95

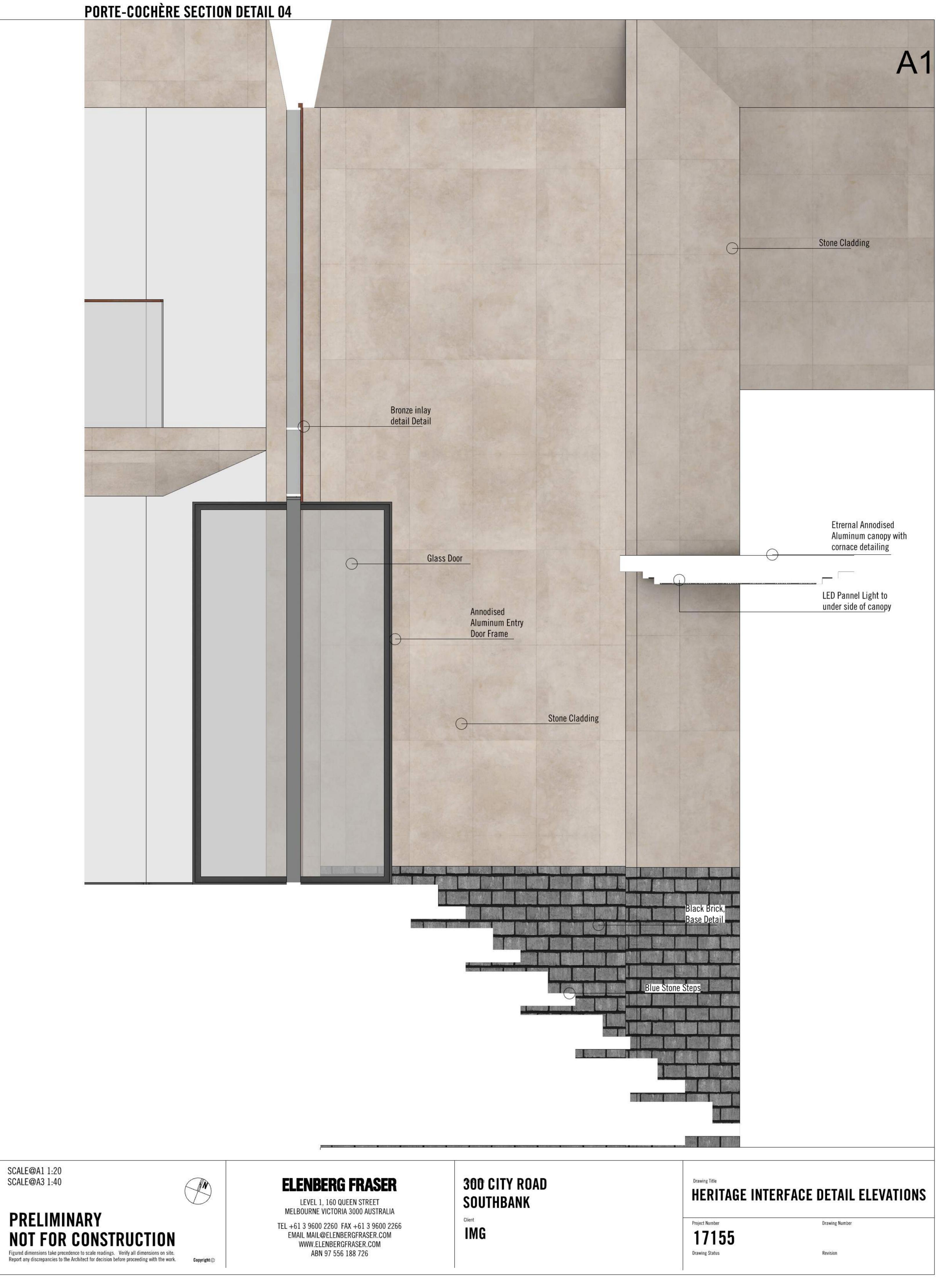


AD	Black Brick, Base Detail	Traving Number
	Annodised Aluminum Door Opening Metal Detail to define material transition - Align whith heritage window mullion	
	Annodised Aluminum	<u>Stone Cladding</u>
Suspended Canopy Sturtural brace, White powder coat		
Suspended Canopy Sturtural brace, White powder coat		A1

PORTE-COCHÈRE: DETAIL 03



Page 36 of 95



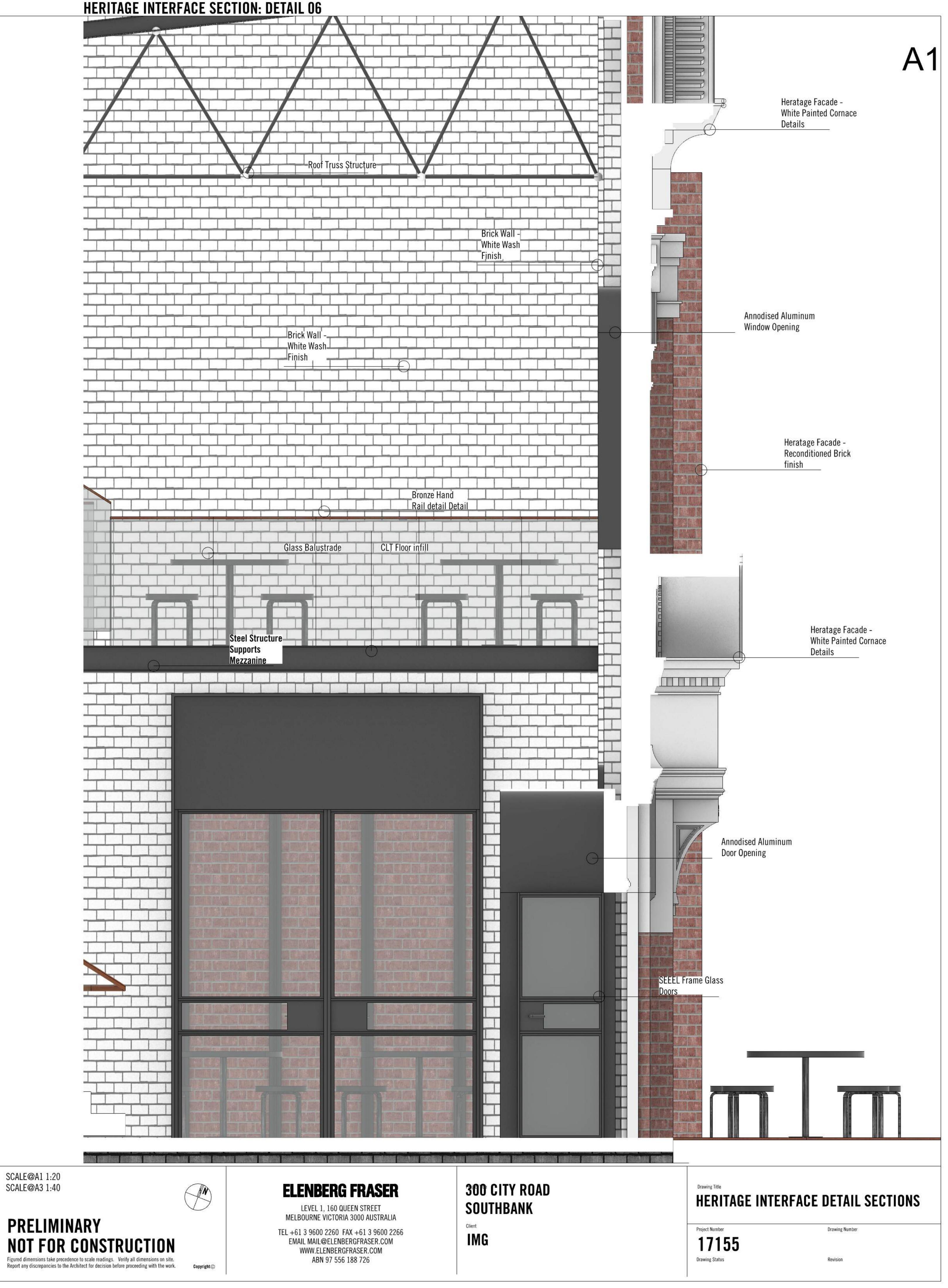
SCALE@A1 1:20 SCALE@A3 1:40











SCALE@A1 1:20 SCALE@A3 1:40





01 RESTORED HERITAGE FACADE Heritage Brickwork and Detaling Returned to its Original colours

02 WHITE WASHED BRICK Painted white Brick Finish

03 BLACK BRICK Through Colour Black Bricks

04 FEATURE STONE Stone cladding to feature columns



05 STEEL FRAME Steel Frame doors and windows

06 FRAMED WINDOW OPENINGS Punched Metal Reveal Openings.

01 SILVER GLAZING High Performance reflective silver glazing to Hotel levels

02 METAL FINS FINS TO TOWER LEVELS

03. VIEWS KEY PLAN 00

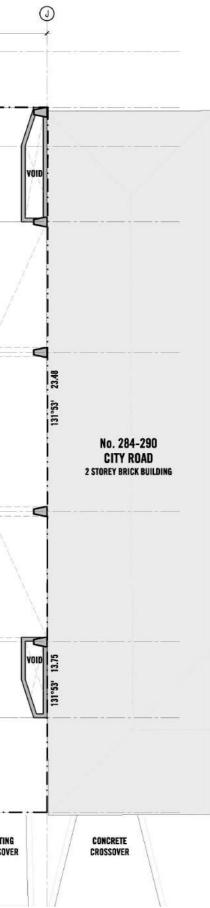


Page 41 of 95

03. VIEWS KEY PLAN 01



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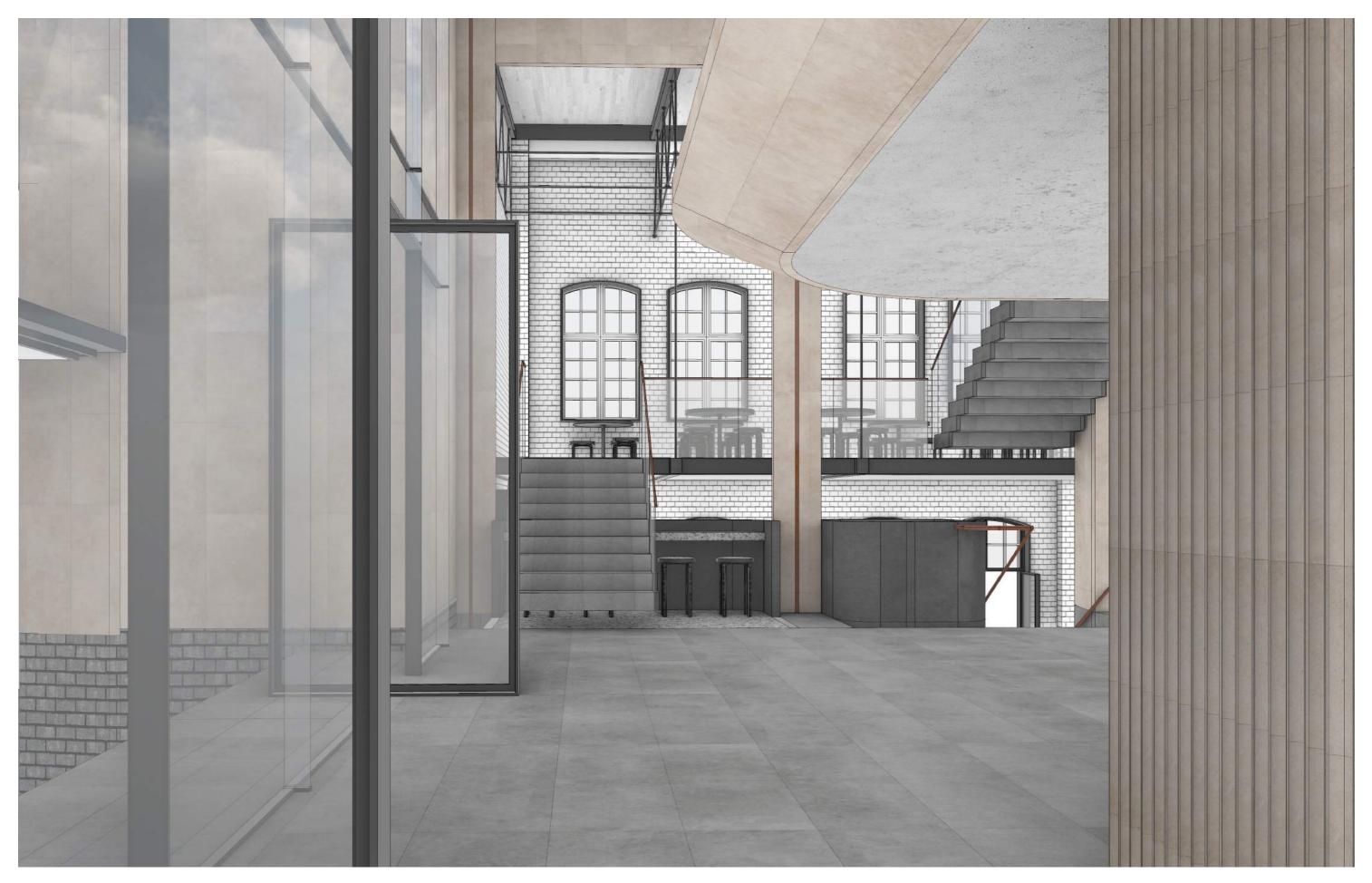
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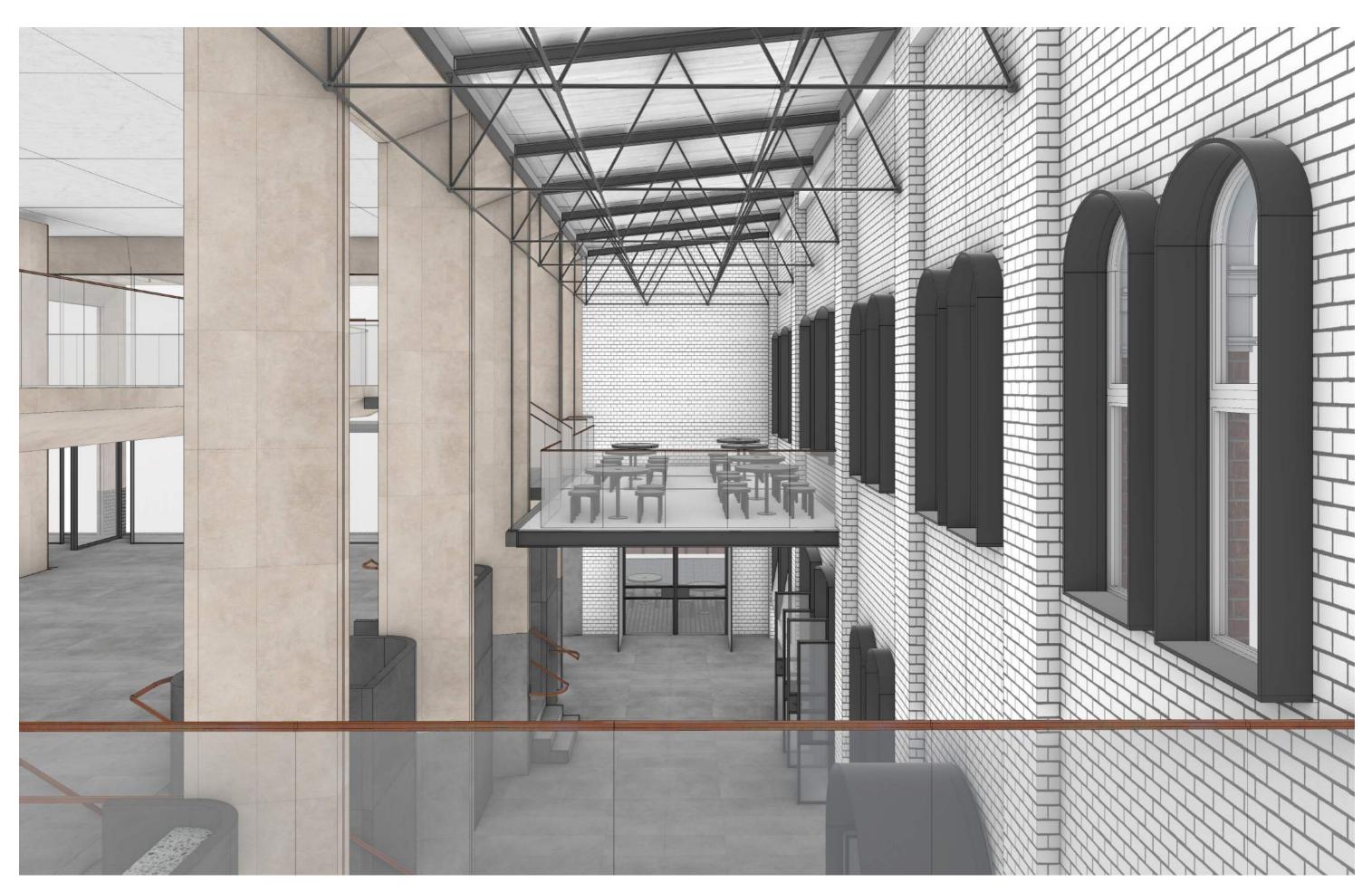












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17155 300 CITY ROAD, SOUTHBANK_TOWN PLANNING

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STAGE TP

REV

Notes and Disclaimer: 1. This scheme has been produced without planning advice or preliminary meetings with the responsible authorities and as such may not comply with building or other statutory regulations. It represents a possible development that may be achieved with full consultation and liaison with state government and other relevant authorities, however no warranty is given that the yield or layouts will be acceptable to the authorities or other interested parties. Hence Elenberg Fraser presents this information as a possible solution only, subject to council approval. 2. This scheme and schedule have been prepared for preliminary feasibility purposes only. The information here is based on the limited information available at the time of preparation and is believed to be correct at the time of preparation however is not guaranteed. 3. The layouts contained herein were prepared without structural or services advice hence no allowance has been made at this stage. 4. Changes to the layouts and associated figures will be made during the development of the project hence recipients must rely on their own enquiries to satisfy themselves in all aspects.

DEVELOPMENT SUMMARY

No.	LEVELS	GBA	TOTAL GBA	TOTAL PLOT Ratio gfa	TOTAL GFA Dev sum	HOTEL KEYS NSA	TOTAL Hotel Keys NSA	TERRACE	HOTEL KEYS	TOTAL Hotel Keys	BOH	HOTEL Lobby	F&B	PRE - Function	FUNCTION 01	FUNCTION 02	TOTAL Function	ADMIN	OFFICE	CONFERENCE	GYM	HEALTH & Wellness	POOL	EFFICENCY /Floor		TOTAL GFA Carpark	CAR Spaces /Floor	CAR Spaces Total
1	B01	1355	1355	1355	1355		0			0														0%	1355	1355	27	27
1	L00	1009	1009	1009	1009		0			0	241	299	203	140			140							0%		0		0
1	L01	1109	1109	1109	1109		0			0	216		372											0%		0		0
1	L02	891	891	891	891		0			0	235			155	190	190	535							0%		0		0
1	L03	891	891	891	891		0			0	182							293	293					0%		0		0
1	L04	979	979	979	979		0			0	162								408	233				0%		0		0
1	L05	979	979	979	979		0			0	21										132	221	419	0%		0		0
19	L06-L24	843	16017	16017	16017	598	11362		18	342	441													71%		0		0
1	L25	843	843	843	843	644	644		2	2	21													76%		0		0
1	L26 (R00F)	843	843	667	378		0	176		0														0%		0		0
1	L27 (PLANT)	378	378	378	378		0			0														0%		0		0
	TOTALS		25294	25118	24829		12006	176		344	1519	299	575	295	190	190	675	293	701	233	132	221	419			1355	27	27

SITE AREA	1,508
PLOT RATIO	16.66

NOTE: HOTEL ROOMS NSA MEASURED AS CLEAR INTERNAL AREAS TERRACES NOT INCLUDED IN TOTAL PLOT RATIO GFA OR TOTAL GFA TOTAL PLOT RATIO EXCLUDES TERRACES

DELEGATE REPORT

PLANNING PERMIT APPLICATION

Application Number:	TP-2019-979
Applicant:	IMG Australia Investments Pty Ltd C/- Urbis
Address:	292-294 & 296-300 City Road, Southbank
Proposal:	Demolition of the existing buildings (retention and restoration of the façade at 300 City Road); construction of a multi- storey building for use as a Residential Hotel and associated hotel office and retail facilities; vary the Bicycle Facilities requirement; and create or alter access to a Category 1 Road Zone
Date of Application:	12 December 2019
Responsible Officer:	Richard Cherry, Principal Urban Planner

1 SUBJECT SITE AND SURROUNDS

The application site (Site) consists of two properties:

- 292-294 City Road a two storey brick warehouse most recently used as an office. The north portion of the façade includes a roller door with vehicle access off a single width crossover to City Road. A second vehicle access point is located at the rear off Haig Lane.
- 296-300 City Road a two storey Classic Revival style building constructed c.1900. Notable features include an elaborate / high standard design of cement rendered surfaces. This building is noteworthy for its classically inspired details. The stucco mouldings around the doors and windows are of special interest, as are the ornate cornice details. The giant order pilasters are of plain brick. This combination of brick and stucco is commonplace in the central areas of Melbourne, but it is unusual in areas south of the river. The building is graded 'Significant' in Council's Heritage Places Inventory February 2020 (Amended May 2021). The front portion of the building has a flat (slightly sloping) roof to a depth of approximately 9m. A mix of pitched, hipped and flat roof forms are located behind this and a double roller door is located at the rear of the site off Haig Lane.

The Site has a combined area of approximately 1,500m².

The adjoining property to the north-east at 284-290 City Road is developed with a two storey former brick warehouse, currently used as office. The building is constructed to all boundaries and has frontages to City Road, Clarke Street and Haig Lane.

The adjoining property to the south-west at 105 Clarendon Street is developed with a 46 storey residential (apartments and short-term stay) tower, known as Shadow Play. The building was constructed between 2016 and 2018 and has frontages to City

Road, Clarendon Street and Haig Lane. The building includes a nine storey podium to City Road.

On the opposite (south) side of City Road is a row of towers including a 41 storey building (known as Bank Apartments) at 269-283 City Road; a 16 storey building (known as Plum Serviced Apartments) at 285 City Road; and a 34 storey building (known as 109 Clarendon) at 109-117 Clarendon Street.

Crown Casino is located on the opposite (north) side of Haig Lane to the rear.

City Road is a Category 1 Road Zone.

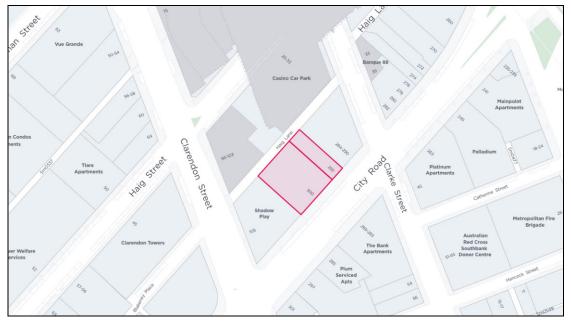


Figure 1: Map of subject site and surrounds

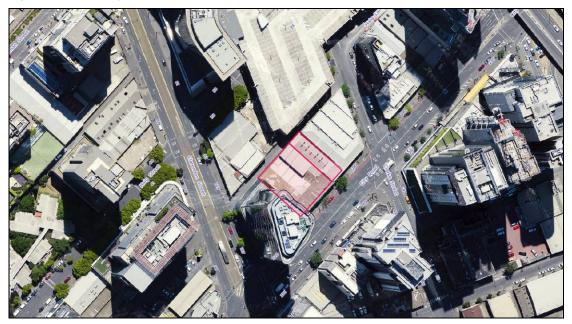


Figure 2: Aerial of subject site and surrounds (3 November 2020)



Figure 3: Subject site from City Road



Figure 4: City Road looking north-east

Figure 5: City Road looking south-west



Figure 6: Subject site interface with Shadow Play

Figure 7: Haig Lane looking south-west

2 APPLICATION HISTORY

2.1 Application Background

- The original planning application was lodged with Council on 9 December 2019.
- Over the course of the application's history, two iterations of discussion plans were provided to Council in response to concerns raised by Planning Officers and internal referral departments.
- The most recent discussion plans (refer table at Section 2.2 and details at Section 3 of this report) addressed the heritage concerns that Council had previously identified. Subsequently, Council proceeded to commence the full assessment of the application, having regard to the informal changes made to the proposed development.
- During the full assessment, Council identified an error in the Gross Floor Area (GFA) calculations; determining that the proposed development exceeded 25,000m² GFA. The Minister for Planning is therefore the responsible authority under Clause 72.01 of the Melbourne Planning Scheme.
- The applicant was made aware of the calculation error and subsequently lodged a Section 57A Amendment application that, amongst other things, reduced the GFA below 25,000m². The City of Melbourne is therefore the responsible authority for the current assessment plans, detailed at Sections 2.2 and 3 of this report.

Material	Date Submitted
Planning Application	09/12/2019
RFI response (part 1)	29/05/2020
RFI response (part 2)	04/06/2020

2.2 Application Material

Response to Council's referral comments (discussion plans)	16/12/2020
Response to objections (written)	18/05/2021
Response to Council's further referral comments (discussion plans)	18/05/2021
Section 57A Amendment Application	25/06/2021
Section 57A Amendment additional material	30/06/2021
Tower Floorplate discussion plan	07/07/2021
Tower Floorplate discussion plan (revised)	13/07/2021

3 PROPOSAL

3.1 Advertised Material

- Demolition of the existing buildings across the application site with the exception of the 296-300 City Road two storey façade and eastern return wall.
- Alterations to the retained façade, including:
 - Removal of four ground level windows and replacement with new steelframed glass doors;
 - o Removal of entry gate and replacement with new steel-framed glass door;
 - Removal of paintwork to expose and make good brickwork;
 - Make good existing windows.
- Construction of a lower level (nominated as basement on the plans) with 27 car spaces, 20 bicycle spaces and services. The 'basement' is predominantly above ground and therefore considered a storey.
- Construction of a 28 storey building (above the nominated 'basement') for use as a Residential Hotel. Floor layouts include:
 - Ground Level: Alfresco-style café directly behind the retained façade; stairs leading up to the hotel lobby and hotel bar, which is set back 5m from the façade; hotel function lounge; back-of-house; waste room; and loading bay and basement vehicle access off Haig Lane. A porte cochère is proposed along the east side of the building for one-way vehicle traffic and pedestrian entry (via stairs). The porte cochère is double height and includes a glazed roof over.
 - Level 1: Hotel dining and associated kitchen facilities; and services including substation. The front wall is set back 5m from the façade with void above ground level café (later varied in subsequent plans).
 - Level 2: Function space.
 - Level 3: Hotel admin and office space.
 - o Level 4: Co-working office space and meeting rooms.
 - o Level 5: Hotel amenities including gym, pool and treatment rooms.
 - Level 6-26: Hotel rooms (18 keys per floor).
 - Level 27: Presidential hotel suites (two, but adaptable).
 - Level 28: Function terrace; and services.
 - Roof Level: Services.

- Materials include restored brick façade; feature stone to the lower tower levels and porte cochère; and reflective silver glazing with feature metal fins to the tower.
- Specific details of the proposal are as follows:

Building Height	99.7m
Setbacks	South-East (City Road)
	5m from Level 2
	North-West (Haig Lane)
	2.06m from Level 2 (5m to centreline of Haig Lane)
	North-East (side)
	5.5m at Ground Level
	6.03m from Level 2
	South-West (side)
	Zero setback between Ground Level and Level 5
	6.15m from Level 6
Total Floors	29
Hotel Rooms	380
Gross Floor Area (GFA)	26,620m ² (includes raised basement and GFA later varied in subsequent plans)
Floor Area Ratio (FAR)	17.65:1
Car Parking Spaces	27 car spaces
Motorcycle Spaces	Zero motorcycle spaces
Bicycle Spaces	25 bicycle spaces

3.2 Discussion Plans (16/12/2020)

On 16 December 2020, the applicant submitted a set of discussion plans in response to Council's internal referral comments. The changes from the advertised plans include:

- Additional bicycle spaces (from 20 to 35);
- Three motorcycle spaces;
- Two EV charging stations;
- Additional Ground Level vehicle entry/exit splays;
- Increased waste room area;
- Changes to the porte cochère;
- Landscape paving material changes.

3.3 Discussion Plans (18/05/2021)

On 18 May 2021, the applicant submitted a further set of discussion plans in response to Council's internal referral comments. The additional changes to the plans include:

- Retention of the existing floor levels behind the retained façade to a depth of 5m;
- Reduction of void space over Ground Level café directly behind the retained façade;

• Changes to the porte cochère.

3.4 Section 57A Plans (25/06/2021)

On 25 June 2021, the applicant lodged a Section 57A Amendment application. The changes formalised those that were included in the discussion plans (referred to at Sections 3.2 and 3.3 of this report) along with:

• A reduction of two hotel floor levels.

The loss of two floors is offset by an increase in floor-to-ceiling heights at levels 2 (2m), 3 (1.2m), 4 (1.2m) and 5 (1.8m); therefore, resulting in no change to the overall building height or envelope from the original application plans.

Building Height	99.7m
Setbacks	South-East (City Road)
	5m from Level 2
	North-West (Haig Lane)
	2.06m from Level 2 (5m to centreline of Haig Lane)
	North-East (side)
	5.5m at Ground Level
	6.03m from Level 2
	South-West (side)
	Zero setback between Ground Level and Level 5
	6.15m from Level 6
Total Floors	27
Hotel Rooms	344
Gross Floor Area (GFA)	24,829m²
Floor Area Ratio (FAR)	16.46:1
Car Parking Spaces	27 car spaces
Motorcycle Spaces	3 motorcycle spaces
Bicycle Spaces	35 bicycle spaces

A comparison between the original and s.57A plans is as follows:

3.5 Tower Floorplate Material (07/07/2021 and 13/07/2021)

On 7 July 2021, the applicant submitted a typical tower floor plan showing an additional 1m setback from Haig Lane. The additoinal setback resulted in a reduced tower floorplate.

On 13 July 2021, the applicant submitted an updated typical tower floor plan showing an additional 1m setback from City Road instead of Haig Lane.

These sketch plans were submitted in response to Design and Development Overlay Schedule 10 requirements and are discussed in greater detail at Section 9.5 of this report.



Figure 8: Proposed development from City Road

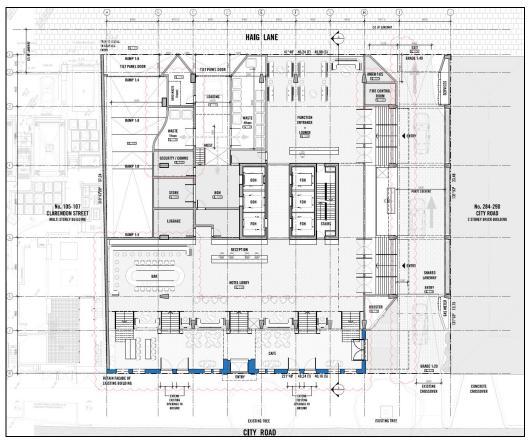


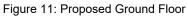
Figure 9: Proposed development from City Road



Figure 10: Proposed development from City Road looking south-west

Page 61 of 95





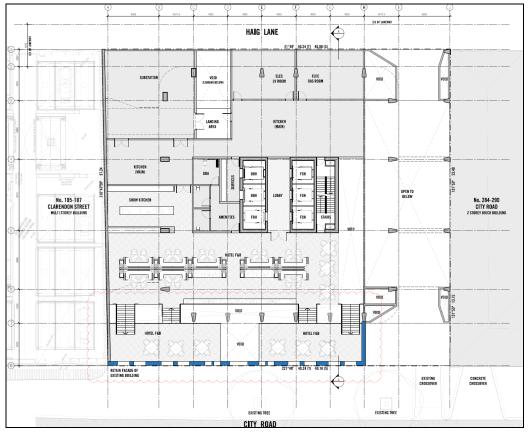
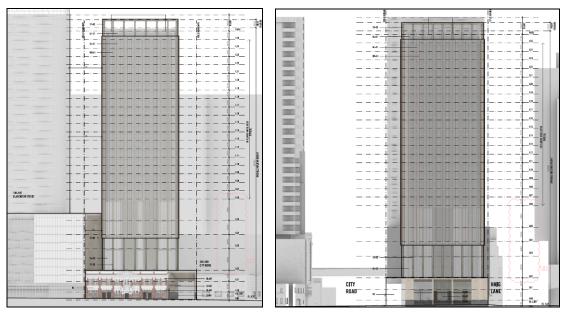


Figure 12: Proposed First Floor



Figures 13 & 14: Proposed South-East (left) and North-East (right) elevations

4 STATUTORY CONTROLS

4.1 Policy Framework

Section	Policy
Planning Policy	Clause 15.01 – Built Environment
Framework	Clause 15.02 – Sustainable Development
	Clause 15.03 – Heritage
	Clause 17.01 – Employment
	Clause 17.02 – Commercial
	Clause 17.04 –Tourism
Local Planning Policy	Clause 21.06 – Built Environment and Heritage
Framework	Clause 21.08 – Economic Development
	Clause 21.13-1 – Southbank (Urban Renewal Areas)
	Clause 22.01 – Urban Design within the Capital City Zone
	Clause 22.02 – Sunlight to Public Spaces
	Clause 22.04 – Heritage Places within the Capital City Zone
	Clause 22.19 – Energy, Water and Waste Efficiency
	Clause 22.23 – Stormwater Management (WSUD)

4.2 Statutory Controls

Clause	Permit Trigger
Clause 37.04	<u>Use</u>
Capital City Zone 3	Pursuant to Schedule 3 to Clause 37.04, a permit is not required to use the land for the purpose of Accommodation, which includes Residential Hotel.
	<u>Development</u>
	Pursuant to Schedule 3 to Clause 37.04, a permit is required to construct a building or construct or carry out works and to demolish or remove a building or works.
Clause 43.01 Heritage Overlay 376	Pursuant to Clause 43.01-1, a permit is required to demolish or remove a building and to construct a building or construct or carry out works.

Clause 43.02 Design and Development Overlay 1-A3, 3, 10	Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.
Clause 44.04 Land Subject to Inundation Overlay 1	Pursuant to Clause 44.04-2, a permit is required to construct a building or construct or carry out works. Pursuant to Clause 44.04-7, an application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.
Clause 45.09 Parking Overlay 1	Pursuant to Schedule 2 to Clause 45.09, a permit is required to provide car parking in excess of the car parking rates in the schedule.

4.3 Particular Provisions

Clause 52.06 Car Parking	Pursuant to Clause 52.06-3, a permit is required to provide more than the maximum parking provision specified in a schedule to the Parking Overlay. Car parking should be designed in accordance with the design standards within Clause 52.06.
Clause 52.29 Land adjacent to a Road	Pursuant to Clause 52.29-2, a permit is required to create or alter access to a road in a Road Zone, Category 1.
Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road	Pursuant to Clause 52.29-4, an application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the Road Management Act 2004, land owned by the Head, Transport for Victoria for the purpose of a road, or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority for the land, must be referred to the Head, Transport for Victoria under section 55 of the Act.
Clause 52.34 Bicycle Facilities	Pursuant to Clause 52.34-1, 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.
	Pursuant to Clause 52.34-2, a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.

4.4 General Provisions

Clause 65 Decision Guidelines	Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.
Clause 66 Referral and Notice Provisions	<u>Clause 66.02</u> Pursuant to Clause 66.02-11 (Integrated Public Transport Planning):
	 An application to subdivide land, to construct a building or to construct or carry out works for a residential building comprising 60 or more lodging rooms must be referred to Head, Transport for Victoria (Department of Transport) as a

determining referral authority.
<u>Clause 66.03</u>
Pursuant to Clause 66.03 (Referral of Permit Applications Under Other State Standard Provisions):
• An application under the Land Subject to Inundation Overlay within the waterway management district of Melbourne Water Corporation must be referred to Melbourne Water Corporation as a determining referral authority.
• An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or an arterial road Clause 52.29 under the Road Management Act 2004, land owned by the Head, Transport for Victoria for the purpose of a road, or land in a PAO if the Head, Transport for Victoria is the acquiring authority for the land, subject to exemptions specified in the clause must be referred to Head, Transport for Victoria (Department of Transport) as a determining referral authority.

4.5 Planning Scheme Amendments

Amendment C308 Central Melbourne Design Guide	Amendment C308 (including the Central Melbourne Design Guide) was adopted by Council on Tuesday 26 November 2019.
	Amendment C308 seeks to introduce a revised urban design policy in the form of a Design and Development Overlay Schedule 1 (DDO1) into the Melbourne Planning Scheme with a complementary illustrative guide, the Central Melbourne Design Guide. The amendment seeks to improve the urban design quality of development in the Central City and Southbank.
	Amendment C308 was sent to the Minister for Planning on 12 December 2019 for final approval to be included in the Melbourne Planning Scheme. Amendment C308 is therefore considered to be a seriously entertained planning control.

5 PUBLIC NOTIFICATION

5.1 Planning Application

Capital City Zone (Clause 37.04)

Pursuant to Schedule 3 of the Capital City Zone, an application to construct a building or construct or carry out works for a use in Section 1 of Clause 37.04-1 and to demolish or remove a building or works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Heritage Overlay (Clause 43.01)

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 four notices on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

Design and Development Overlay (Clause 43.02)

Pursuant to Schedules 1, 3 and 10 of the Design and Development Overlay, an application to construct a building or construct or carry out works is exempt from the

notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Land Subject to Inundation Overlay (Clause 44.04)

Pursuant to the Land Subject to Inundation Overlay, an application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Bicycle Facilities (Clause 52.34)

Pursuant to Bicycle Facilities, an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

5.2 Section 57A Amendment Application

It was considered that the proposed amendments would not result in material detriment to any person for the following reasons:

- The amendment seeks to make minor internal layout changes;
- There is no change to the height or building envelope originally advertised;
- There is a reduction in hotel rooms;
- The external glazing changes are minor and do not alter the visual appearance of the proposed tower;
- The application was advertised under the Heritage Overlay only and the amendment does not make any further external changes to the heritage building retained on-site.

Therefore, further notice of the application was not required.

6 OBJECTIONS

A total of 28 objections were received in response to the original application. The following concerns were raised:

- Loss of daylight and sunlight;
- Loss of privacy;
- Overshadowing;
- Extent of demolition of heritage building;
- Heritage impacts;
- Materiality;
- ESD (greening) compliance;
- Traffic impacts;
- Bicycle shortfall.

These concerns are discussed throughout the report.

- Loss of views;
- Noise and traffic impacts during construction;
- Oversupply of apartments;

• Oversupply of hotels.

These concerns are not relevant planning considerations and it is noted that a Construction Management Plan would be included as a condition if a permit is granted.

• Loss of on-street parking bays.

There is no change to the existing on-street parking network as part of this planning application. Changes to City Road as depicted in renders do not form part of the proposal.

7 INTERNAL REFERRALS

7.1 Heritage

The original application was referred to Council's Heritage Advisor who made the following observations:

- The construction of a tower form rising out of the building at 5m from the frontage is evident expression that the building has been reduced to a shell.
- As the original depth of the building is 10 metre, as with the buildings at 235 and 269 City Road, the 10 (or as a minimum 8) metres in depth should be retained.
- If there is to be a reduction in this accepted conservation standard clearly reasoned explanation of how the integrity of the heritage entity can be expected to be appreciated with some lesser set back of the tower should be required.
- On the basis of the applicable heritage policy, the proposed development would substantially diminish the perception and appreciation of the integrity of the principal or front part of this heritage entity and no necessity for such a compromise has been demonstrated.

Planner's Response

The fundamental component of the originally lodged development application was the complete removal of the internal floors directly behind the retained façade. This extent of demolition, albeit noting HO376 does not have any internal controls, was contrary to local policy at Clause 22.05 (Heritage Places within the Capital City Zone) of the Melbourne Planning Scheme, where façadism is discouraged. Façadism is defined in Clause 22.05 as the retention of the exterior face/faces of a building without the three-dimensional built form providing for its/their structural support and understanding of its function.

Removal of the internal floors directly behind the retained façade would result in the understanding of the building's function being lost, is not supported by Council and the applicant was advised accordingly.

As described at Section 3 of this report, a set of discussion plans were submitted to Council on 18 May 2021, which included the following amendments:

- Retention of the existing floor levels behind the retained façade to a depth of 5m;
- Subsequent reduction of void space over Ground Level café directly behind the retained façade.

These changes were retained in the S.57A Amended plans.

The Statement of Significance (Southbank 2020) for the host building identifies the following contributory elements:

• Two storey parapeted brick warehouse form of approximately 10m depth;

- Edwardian-era Classical revival styling;
- Six façade bays arranged either side of an ornate cemented entry;
- Large parapet pediment above the entry;
- Paired arcuated fenestration with hood moulds set above and below a cemented panel in the central three bays;
- A boldly modelled bracketed tympanum set over another segmental archway at the doorway at the entry;
- Double-hung sash windows used throughout the central bays;
- Casement sashes typical of the Edwardian-era, with paired top lights set in segmentally arched openings for the rest of the street elevation;
- Contribution to nearby commercial streetscape of the Murphy buildings, as enhanced by the stone paved Haig Lane backing onto the site.

It also identifies that the building is significant:

- Historically for its representation of the extensive industrial and distribution development that existed at Southbank over a long period, aided by good railway and shipping access, and its long association with the firm White & Hancock, who were well-known in the poultry industry; and
- Aesthetically for the ornate Edwardian classicism of the façade, particularly the entry bays, judged within Edwardian-era warehouse and manufacturing structures.

The proposal seeks to retain the host heritage building to a depth of 5m behind the façade, including north-east returning wall; and restore the façade by removing finishes that were added at a later date. The extent of retained building is less than the 8-10m depth encouraged by the heritage policy, being the 'front or principal part of a building'.

The extent of demolition is not considered to adversely affect the conservation of the heritage place. City Road is a changing landscape. The immediate context is characterised by several towers with minimal setbacks from the street. A nine storey podium directly abuts the host building and is particularly evident when viewed from the north-east – refer Figures 3-10. A balance must be achieved between retention and respect of existing heritage form with the expected and encouraged development growth envisaged through the Capital City Zone and Design and Development Overlay (Schedule 10).

The proposed tower form respects the host building's character and appearance. Having regard to the tall built form in the immediate context including the adjoining Shadow Play building, the proposed tower is not considered visually dominant or disruptive of the retained heritage place. This is most evident in Figures 8 and 10, which depict a tower form that does not extend across the entire width of the site; sits adjacent a taller building constructed on the City Road boundary; and incorporates a lightweight glazed 'break' (levels 2 and 3) directly above the retained roof. Behind the façade, the existing heritage building as a three-dimensional form is largely obscured from the west, due to the siting of the Shadow Play podium and tower. This is depicted in Figures 4 and 5, which provides context for how the existing building sits within this diverse streetscape.

The tower adopts a contemporary design response distinguishable from the heritage building; a high quality and respectful contextual design; and avoids direct reproduction of the form of historic fabric.

Internally, with the exception of a new void, the matching floor structures behind the façade and returning wall will maintain an appreciation and understanding of the building's function, which has been adapted for reuse as a café associated with the residential hotel. The retained side wall and substantial setback of the porte cochère entry clearly emphasise the three-dimensional form of the heritage building.

Notwithstanding the above, the applicant has confirmed that a 6m tower setback from the retained façade (being an additional 1m from the current 5m setback proposed) could be introduced. This change has been triggered for DDO10 reasons, with officers requesting the additional setback be to the City Road frontage rather than to the rear lane, in order to improve the heritage outcome. This is discussed in greater detail at Section 9.5 of this report.

Restoration of the façade is proposed. Conditions would be included in any permit granted to ensure that restoration is appropriately planned and documented and the structural integrity of the retained building is not impacted during demolition/construction – **refer recommended Conditions 5-6**.

It is also noted that the original application was lodged with Council in December 2019 and Planning Scheme Amendment C258 (Heritage Review) was not gazetted until July 2020. The form, setbacks and siting of the proposed building is generally consistent with pre-C258 discussions and would be improved through the additional 1m tower setback achieved to City Road.

7.2 Urban Design

The original application was referred to Urban Design who advised that they support the overall massing principles proposed for the site; however, required further refinements to ensure a higher quality urban design response. The applicant provided a response to each item and Urban Design subsequently provided a further reply. The observations and subsequent responses are as follows:

• Refinement of laneway design to be more activated and usable for pedestrians.

Urban Design has observed that:

- Amendment C308 of Urban Design policy within the Central City and Southbank is now seriously entertained, and a key requirement is ensuring high quality and safe through-block links and overall pedestrian network. While the proposition of a through-block link is positive, a primarily vehicle connection from City Road to Haig Lane has the potential to disrupt the pedestrian connectivity ambitions of the City Road Masterplan, and the urban structure ambitions of Amendment C308.
- No substantial changes to the proposed floor plans have been included to improve activation and openness of this laneway experience, and no additional drawings have been provided to demonstrate fine grained and high quality human scale experience. As a minimum, it should be demonstrated that pedestrian activity is accommodated by providing a distinct pedestrian path clear of vehicle traffic against the eastern frontage (minimum 1.5m in width); and adequate activation is provided along the western frontage of the laneway. Consolidation of entry stairs along western edge of building, and introduction of a sleeved active use atgrade is recommended.
- If the overall portal structure is to remain as is, a lower height canopy or identifying element is located over the ground floor entrance from the laneway interface is recommended.

It is agreed that further details are required to ensure a clear pedestrian path is provided, including materiality and width; noting that a 1.2m wide path would be appropriate on the basis that a clear distinction in surface material is provided – **refer recommended Condition 13g**.

While encouraged, consolidation of stairs and at-grade active uses is not considered fundamental to the urban design outcomes and success of the through-link. Hotel porter desk and Melbourne Water requirements must be considered in this instance.

A lower height canopy or identifying element over the ground floor entrance would likely result in an awkward urban design outcome given the double height canopy already proposed above the through-link. The hotel entry along this lane is clear.

• Refinement of canopy structure over laneway to provide a better sense of openness and ownership to pedestrians, and better relate to characteristics of adjoining heritage building.

Urban Design has observed that:

• The canopy glazing has been reduced to half-width of the through-block link, and the overall height of the portal structure soffit has increased; however, detailed information has not been provided to demonstrate how the design relates to the human scale, emphasises pedestrian hierarchy and relates to the characteristics of the adjoining heritage building.

The Façade Strategy would be required to include the necessary detail sought by Urban Design – **refer recommended Condition 13**.

• Further ground floor design detail. Request 1:20 detailed elevations, demonstrating the achievement of a finer grain of articulation, interaction and detail.

Greater design detail is provided in the S.57A Amendment package.

• A better sense of human scale to 'sandstone finish' podium form adjoining Shadow Play building though provision of further material detail, and articulation.

Urban Design has observed that no change has been demonstrated and no additional detail has been provided to demonstrate how further material detail and articulation is incorporated to the solid stone podium element adjoining the Shadow Play building.

These details could be requested through a Façade Strategy condition in any permit granted – **refer recommended Condition 13h**.

• Material codes and annotations to elevations, and detailed material specification.

Urban Design has observed that:

- While material selection generally alludes to robustness and quality, there is a limited about of detail, specifically in regards to the primary stone finish to the podium.
- Further details are requested to demonstrate that the primary podium finish will have an adequate level of texture, quality and human scale, and contextually relate to the adjoining heritage building.

These details could be requested through a Façade Strategy condition in any permit granted – **refer recommended Condition 13b and 13c**.

• Detail of glazing break-up, and glazing specification. Low reflectivity to glass should be specified throughout, and highly transparent glazing should be used to the podium and ground levels.

Urban Design has observed that:

- No information on glazing break up or detailed specification has been included.
- Plan and sectional details are required to demonstrate how the vertical fins will be integrated with construction and glazing break-up of the tower form.
- Reflectivity of glazing should be a maximum of 15% to minimise the amount of uncomfortable glare to the public realm.

These details could be requested through a Façade Strategy condition in any permit granted – **refer recommended Condition 13i, 13j and 24**.

• Further detail on how landscape features are to be achieved by providing drawings by a landscape architect.

Urban Design has observed that no additional information on landscape elements have been provided. Landscape elements, including flooring, planters and seating, integrated with the overall design of the proposed laneway space will be crucial in creating a high quality pedestrian friendly environment.

These details could be requested through a Landscape Plan condition in any permit granted – **refer recommended Condition 32**.

7.3 Traffic Engineering

The original application was referred to Traffic Engineering who made several observations. The applicant provided a response to each item and Traffic Engineering subsequently provided a further reply. The observations and subsequent responses are as follows:

• The provision of 27 car spaces is below the maximum 121 spaces required by the Melbourne Planning Scheme and is considered acceptable. All pick up/set down activities associated with the hotel must be accommodated on-site, either within the basement car park or within the proposed Private Laneway at the eastern site boundary.

The above pick up/set down requirement could be formally introduced by way of condition in any permit granted – **refer recommended Condition 10**.

• All spaces, ramps, grades, transitions, accessways & height clearances must be generally designed in accordance with the MPS or AS/NZS 2890.1:2004.

As part of the applicant's response to referral comments, an addendum letter was provided by Traffix Group.

The response identified that all parking spaces, ramps, grades transitions, accessways and height clearances are generally provided in accordance with the Planning Scheme of AS/NZS 2890.1:2004; however, there is a slight variation for the ramp grade at the property boundary to Haig Lane where it exceeds 1:10. This was considered to be an appropriate outcome given the very low number of pedestrian movements that do, and are expected to, occur within the laneway and having regard to the site's flood level. There will be no adverse impacts as a result of this variation to the Planning Scheme design elements.

Council's Traffic Engineers accepted this response.

• Pedestrian site triangles of 2x2.5m should be provided, both at the exit from the car park and from private lane into Haig Lane.

Traffix Group's addendum letter identified that the amended plans (provided with the response to referral comments) show a pedestrian sight triangle to the south-west from the private laneway into Haig Lane. With regard to the carpark exit, the ramp is located approximately 800mm off the south-west boundary and there is no scope to extend this space to provide the full sight triangle. It was therefore recommended that a warning light system be installed to alert approaching pedestrians and vehicles in Haig Lane of an exiting vehicle. A convex mirror could also be used to improve sightlines.

Council's Traffic Engineers accepted this response and clarified that a warning light system should be installed to alert pedestrians/vehicles in Haig Lane of exiting vehicles and a convex mirror should also be installed. These requirements could be formally introduced by way of condition in any permit granted – **refer recommended Condition 1b**.

Note that the pedestrian sight triangle remains in the Section 57A amended plans and therefore, no additional conditions are required if a permit is granted.

 As the vehicles accessing/egressing the private lane PL from/into City Road, and accessing/egressing Haig Lane from/into Clarendon Street would have an impact on the operation of both City Road and Clarendon Street, this application should be referred to VicRoads for comments/approval.

Refer DoT's (VicRoads) response at Section 8.1 of this report.

• While the signalisation of the City Road / Clarke Street intersection is proposed as part of the City Road Masterplan, these works are not currently funded. As this development will result in a significant number of pedestrians wishing to cross City Road, it is requested that the developer fully fund the signalisation of the City Road / Clarke Street intersection, which should be required as condition of permit. The signal layout must be designed to the satisfaction of both VicRoads and Council.

The applicant opposes this requirement; however, Council's Traffic Engineers continue to call for the signalisation of City Road / Clarke Street. As City Road is a category 1 Road Zone, written agreement from VicRoads is required and this request from Traffic Engineering would therefore be excluded from any permit granted.

• Swept Path Diagrams should be provided, clearly showing all required vehicles turning from City Road into the private lane; from the private lane into Haig Lane; from Haig Lane into/out of the car park; and from/into Haig Lane into/from Clarendon Street (clearly showing all road infrastructure, kerbs, on-street parking, poles, etc.).

Traffix Group included a set of swept path diagrams in their addendum letter, which Council's Traffic Engineers confirmed demonstrated suitable turning movements at each of the requested intersections.

• It is recommended that access from City Road into the private lane be restricted to Left Turns Only to reduce the impact on traffic/buses/pedestrians in City Road, subject to agreement from VicRoads.

Traffix Group identified in their addendum letter that there is no reason to suggest that right-in movement to the private lane would have any significant adverse impacts to traffic or pedestrians along City Road. Furthermore, the Road Safety Audit (submitted with the addendum letter) did not find this to be a safety concern.

Council's Traffic Engineers accepted this response.

• A Zebra pedestrian crossing with a raised pavement should be installed at the intersection of the private lane with City Road to improve pedestrian safety.

Traffix Group identified in their addendum letter that the crossover to City Road is a private access (entry only). Both pedestrians and vehicles will have clear sightlines to one another and therefore do not anticipate any safety concerns. Furthermore, pedestrians always have priority over vehicles at crossovers and the installation of a raised pavement zebra crossing treatment is unnecessary.

Council's Traffic Engineers accepted this response.

 A Loading Management Plan must be prepared, specifying how the access/egress of loading vehicles is to be managed. A Dock Manager should be employed, responsible for controlling the operation of the loading bays and unloading of goods. The design of the loading area, including all space dimensions, grades and height clearances should comply with relevant standards for Commercial Vehicles (AS2890.2-2002). The reversing of vehicles into the loading bay should only be undertaken with the assistance of the Dock Manager.

A Loading Management Plan could be formally introduced by way of condition in any permit granted – **refer recommended Condition 8**.

• The provision of only 20 bicycle spaces is not supported. At least 56 spaces should be provided, as required by Melbourne Planning Scheme. The design/dimensions of bicycle parking should comply with the relevant Australian Standards or Bicycle Network guidelines.

Traffix Group's addendum letter identified that the amended plans (provided with the response to referral comments) provide for an increased number of bicycle spaces from 20 to 35; and identified that high-end hotels do not typically generate any significant demand for bicycle parking.

Council's Traffic Engineers accepted this response. These 35 spaces remain in the Section 57A amended plans and therefore, no additional conditions are required if a permit is granted.

• The provision of at least three motorcycle parking spaces is requested.

Traffix Group's addendum letter identified that the amended plans (provided with the response to referral comments) show three motorcycle spaces within the basement. These three spaces remain in the Section 57A amended plans and therefore, no additional conditions are required if a permit is granted.

In 2015, Council approved a new car share policy that has set a target of 2,000 on-street and off-street car share spaces within the municipality by 2021. Such an ambitious target was approved because car share programs help reduce the number of privately owned cars on the road and in private car parks. Research suggests that each car share vehicle reduces each member's private vehicle usage by 50%. To meet the likely demand, it is requested that several car share and electric charging space be provided within the site.

Traffix Group identified in their addendum letter that the basement carpark is a secure location which will not be accessible to the general public and it is not sensible to provide car share spaces within the basement for this use. Furthermore, if hotel patrons did want to make use of a car share vehicle, the City of Melbourne has many existing spaces spread throughout the municipality, which are more appropriately located. The closest parking spaces to the site are on Haig Street, immediately west of Clarendon Street and on Clarke Street, immediately south of City Road, with both locations being within 100m of the site. The plans have been updated to reflect that there are two electric vehicle charging spaces which are

available should there be a demand for their use (retained in the Section 57A amended plans). Significantly, the basement car park will be managed by the hotel operator and vehicles will be allocated to a space which is most appropriate.

Council's Traffic Engineers accepted this response.

 A formal independent desktop Road Safety Audit of the development should be undertaken prior to construction, at the developer's expense, which should include the vehicle/bicycle/pedestrian access arrangements, loading arrangements, internal circulation/layout and any works within the public realm. The findings of the Audit should be incorporated into the detailed design, at the developer's expense.

A Road Safety Audit was submitted with Traffix Group's addendum letter for the site's vehicle connections to the external road network (City Road and Haig Lane).

Council's Traffic Engineers accepted this response and a standard Road Safety Audit findings condition could be included in any permit granted – **refer recommended Condition 9**.

7.4 Civil Design

Council's Civil Design team has provided a set of standard conditions that could be included in any permit granted – **refer recommended Conditions 14-23**.

7.5 Waste Engineering

Council's Waste Engineering team reviewed the WMP submitted with the original application and identified the following item to be addressed:

• CoM supports reduced truck movements within the municipality, and therefore, daily truck movements are not allowed. The amount of waste that will be generated at this development warrants the use of compactors, which would see truck movements reduced to four per week in total. If the preference is for a bin based system, CoM restricts commercial collections to three truck movements per week per waste stream.

The amended plans provided with the applicant's response to referral comments show a change to the bin storage area with the addition of two bins in an adjacent bin room. However, Council's Waste Engineers have confirmed that this still does not provide enough bin capacity to meet the collection requirements outlined in the original Waste referral comments from a daily collection to three times per week; and the requirement of a garbage compactor as a more practical solution to the large number of bins that would be required for a bin based system remains a requirement.

The waste rooms remain the same in the Section 57A amended plans and therefore, the above requirement could be formally introduced by way of condition in any permit granted – **refer recommended Condition 7**.

7.6 Green Infrastructure

Council's Green Infrastructure team has commented that the development has acceptable ESD targets to satisfy the minimum requirements of Clause 22.19, but has detailed several outstanding items, as follows:

- Green Star pathway requires updating to remove ineligible Innovation credit for financial transparency
- All preliminary Green Star calculators or modelling used to determine points for inclusion in the Green Star pathways must be appended to the ESD reports

- Greater detail of the Energy response for the "office" component of the development is to be provided in the ESD report
- Preliminary daylight modelling or hand calculations as per Green Star guidelines are required to confirm targets in ESD report
- A Clause 22.23 compliance response including MUSIC or STORM calculations and diagrams as appropriate are required to be completed, along with demonstration of compliance with Green Star stormwater reduction targets as per Green Star pathway.

Subsequently, the applicant provided an amended ESD report, which was rereferred to Green Infrastructure, who commented that the items requiring further information have been addressed. Further points of clarification are as follows:

- 1. The Green Star GHG Emissions report is clear and complete subject to the following clarifications:
 - The modelled values should be confirmed and resubmitted as the annual natural gas consumptions noted in tables in sections 3.6, 3.7 and 4 appear to be inconsistent (perhaps typos) and appear to exclude heating gas consumption (section 3.4.3). For example proposed natural gas consumption for domestic hot water appears to show as being ~98% of the total for the building.
- 2. The Green Star IEQ12.1 Daylight Access Modelling report is generally sound and is accepted subject to the following clarifications:
 - The modelling appears to have been completed with surrounding buildings as 2 storey (Figure 1). This does not reflect the current or future built form of the area. The report does not comment on the suitability of this approach and associated assumptions. The surroundings buildings at current and future scales would reduce daylight access to the building.
 - The surrounding building modelling should be confirmed with additional 3D view included if Figure 1 does not represent the full model.
- 3. The Stormwater Management Plan proposes compliance with Clause 22.23 by use of a 30kL rainwater tank and a proprietary filter product. It is the preference of the City of Melbourne that rainwater harvesting and reuse is prioritised before the use of proprietary products. It is strongly recommended that the sizing calculations are revisited to investigate the potential for increasing the size of the rainwater tanks for the development. If a proprietary product is used, a signed maintenance agreement for a period of no less than 5 years must be submitted as a condition of permit.

Along with standard ESD conditions, the outstanding items listed above could be addressed through conditions in any permit granted – **refer recommended Conditions 28-31**.

7.7 Urban Forest and Ecology

Council's Urban Forest and Ecology department identified that the Site Survey Plan shows two public trees (English Oak trees, assets 1030532 and 1030531) in footpath planting plots adjacent to the site boundary on City Road. Council's asset plans shows a third tree (Juvenile Japanese Chestnut Oak, asset 1744643) adjacent to the south western site boundary on City Road. This tree plot is shown on a separate plan.

While the proposed plans do not show any works in the public realm, it is probable that footpath upgrade works will be required, which, along with physical construction

requirements, could negatively impact the identified public trees. As the design response does not show any on-site built form that would impact tree retention, Urban Forest and Ecology has no objection to the application, subject to the inclusion of standard conditions, which could be included in any permit granted – **refer recommended Conditions 33-34**.

8 EXTERNAL REFERRALS

8.1 Department of Transport

The original application was referred to Department of Transport in accordance with the requirements detailed at Section 4.4 of this report. Response received is as follows:

The Head, Transport for Victoria has considered this application and does not object if the permit is subject to the following conditions:

- 1. Before the use approved by this permit commences the following must be completed at no cost to and to the satisfaction of the Responsible Authority and or the Roads Corporation:
 - a. The installation of "Entry Only" sign/s, line marking, painted arrow and associated road works permitting movements from City Road into the Porte Cochere (private laneway).
 - b. The installation of "Exit Only" sign/s, linemarking, painted arrow and associated road works prohibiting movements from Haig Lane into the Porte Cochere (private laneway).
- 2. Before the development starts, including demolition and bulk excavation, three (3) copies of a Traffic Management Plan (the Plan) must be submitted to and approved by the Head, Transport for Victoria. The Plan must include details of (but not be limited to) management proposals to ensure no impacts on bus operations along City Road (bus lane). All demolition and construction works must be carried out in accordance with the approved Plan at no cost to the Head, Transport for Victoria. The Plan may interface with any other such plans required within this permit.

The above conditions would be included in any permit granted – **refer Conditions 37-38**.

The S.57A Amendment application was not re-referred to DoT as there was no change to traffic conditions, no change to the built form and no increase in hotel rooms.

8.2 Melbourne Water

The original application was referred to Melbourne Water in accordance with the requirements detailed at Section 4.4 of this report. Melbourne Water did not object to the proposal subject to the following conditions to be included in any permit granted:

- 1. The ground floor (excluding cafe area enclosed by existing heritage facade and minimal transition areas) must be set no lower than 3.0 metres to Australian Height Datum (AHD).
- 2. The security and store rooms (excluding minimal transition areas) must be set no lower than 2.4 metres to AHD.

- 3. The amenities, fire control room, services room, booster must be set no lower than 3.0 metres to AHD or as otherwise agreed with the relevant utility provider and Melbourne Water.
- 4. The entrance to the basement must be constructed with a flood proof apex and associated walls/bunding set no lower than 3.0 metres to AHD, to prevent the entry of floodwater into the basement.
- 5. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels of the ground floor (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
- 6. Prior to the issue of an Occupancy Permit, the owner of the Land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority and Melbourne Water Corporation. All costs associated with the setting up of the agreement must be borne by the permit holder. The agreement must be registered on the title of the Land and must provide, to the satisfaction of the Responsible Authority and Melbourne Water, for:
 - a. Prospective and future owners of the Land to be informed of the floor space located below the applicable flood level;
 - b. Restriction of use of the floor space below the applicable flood level to 'food and drink premises'; and
 - c. Indemnify Melbourne Water against any actions, proceedings, claims or demands brought against Melbourne Water as a result of flooding to the floor space located below the applicable flood level.

The above conditions would be included in any permit granted – **refer Conditions 1i** and **39-44**.

The s.57A Amendment application was not re-referred to Melbourne Water as the applicant confirmed RL levels nominated on the ground floor plan were to AHD and demonstrated compliance with the Melbourne Water's conditions with the exception of the Booster room. The applicant advised that MFB has requested the booster remain at its current floor level (1.19m AHD for access reasons. As such, the condition relating to the Booster would be included in any permit granted and the applicant will need to satisfy Melbourne Water accordingly.

8.3 Australian Pipeline Authority (APA Group)

On the basis of the information provided, APA would not object to the proposal given;

1. An assessment of the application identified that rupture of the pipelines in this location is deemed to be non-credible and therefore the proposed subject site is outside of the area in which APA would have greatest concern for sensitive land uses, rather than the entire measurement length. APA has no objection to the proposal.

9 ASSESSMENT

9.1 Use

The proposed residential hotel use is consistent with a purpose of CCZ3, which is to develop Southbank as an extension of the central city, providing for a mix of commercial and residential land uses that complement the capital city function of the locality.

In any event, Accommodation, which includes Residential Hotel is an as-of-right use and therefore actively encouraged in this location.

9.2 Heritage

Refer detailed discussion at Section 7.1 of this report.

9.3 Design and Development Overlay Schedule 1

Active Street Frontages

Design Objectives	• To ensure ground floor frontages are pedestrian oriented and add interest and vitality to city streets.	
	 To provide continuity of ground floor shops along streets and lanes within the retail core. 	
	 To ensure ground floor frontages contribute to city safety by providing lighting and activity. 	
Area 3 Requirements	Buildings should provide a positive architectural response when viewed from street level and provide active street frontages and opportunities for engagement with pedestrians, by providing:	
	 At least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or window which allows occupants to engage with the street. 	

The proposed development includes retention of the façade and associated windows. Minor changes include rearrangement of four windows to new pedestrian entry doors. Behind the façade, a café is proposed, which is part of the hotel but open to the public. The café and retained fenestration would improve pedestrian interest and vitality to City Road and the hotel nature would ensure there is improved safety 24/7. Any change to façade openings and glazing would be detrimental to the heritage value of the host building and therefore, while the Area 3 requirement would not be met, the design objectives would be.

9.4 Design and Development Overlay Schedule 3

Traffic Conflict Frontage

Design Objectives	 To promote pedestrian flow, safety and amenity. To improve opportunities for the enhancement of roads for pedestrian use by discouraging further access to off-street car parking across traffic conflict frontages. To minimise conflict between pedestrians and vehicles on footpaths.
Requirements	 Vehicular ingress or egress points, excluding loading and unloading bays, should not be constructed on a traffic conflict frontage or in a lane leading off a traffic conflict frontage. Vehicular ingress or egress points must not be constructed on a traffic conflict frontage, or in a lane leading off a traffic conflict frontage, or in a lane leading off a traffic conflict frontage.

An existing crossover is located at the north-east portion of the site, along City Road. The proposal does not seek to change the location or width of the crossover, but it will continue to be utilised for pick-up/drop-off in the Porte Cochere. Where relevant, the design objectives and requirements of DDO3 would be met. For further details, refer Traffic Engineering comments at Section 7.3 of this report.

9.5 Design and Development Overlay Schedule 10

The site is affected by Design and Development Overlay Schedule 10. An assessment against the relevant criteria and requirements is as follows:

9.5.1 Built Form

Design Objectives

Objective	Response
To ensure development achieves a high quality of pedestrian amenity in the public realm in relation to human scale and microclimate conditions such as acceptable levels of sunlight access and wind.	Human ScaleThe existing two storey heritage façade would be retained, which would continue to provide a human scale along City Road. Refer Section 9.3 of this report for further details.SunlightAn acceptable level of sunlight would be maintained along City Road, particularly in the morning period (9am-10am). Shadow would fall over City Road from 11am; however, the orientation of the site and the existing/expected built form nature of the area limits the possibility of full sunlight being achieved within the public realm throughout the day.Wind Wind conditions are discussed at Section 9.5.2 of this report.
To ensure that development respects and responds to the built form outcomes sought for the Central City.	Refer to Table 3 below.
To encourage a level of development that maintains and contributes to the valued public realm attributes of the Central City.	The immediate area is undergoing substantial changes to the built form and streetscape character. The proposed building has been successfully designed to further enhance City Road as a more pedestrian-oriented thoroughfare.
To ensure that new buildings provide equitable development rights for adjoining sites and allow reasonable access to privacy, sunlight, daylight and outlook for habitable rooms.	The tower has been sited and designed to provide equitable development rights for the adjoining site at 284-290 City Road by introducing a 6m setback from the north-east side boundary. On the south-west side, adjacent Shadow Play apartments (105 Clarendon Street), a minimum 6.1m setback is proposed, which will ensure a tower separation of between 11.3m and 12m. The separation ensures adequate and reasonable privacy, outlook and daylight is maintained to the north-east facing apartments at Shadow Play; and sunlight is not reduced from midday.
To provide a high level of internal amenity for building occupants.	The proposed development has been designed to offer hotel guests a high level of internal amenity.
To ensure the design of public spaces and buildings is of a high quality.	Public spaces within the site have been discussed throughout this report. In summary, they generally achieve a high quality outcome for users of this new precinct building, subject to further details to be introduced by way of conditions in any permit granted – refer Section 7.2 of this report for details.
To encourage intensive developments in the Central City to adopt a podium and tower format.	A podium and tower format is adopted, utilising the existing two storey heritage façade as its podium.

Table 3 to Schedule 10

Design Preferred Modified Requirement Built Form Outcomes

Element	Requirement		
Element Street wall height	Kequirement Up to 20 metres	 The street wall height must be no greater than: 40 metres; or 80 metres where it: defines a street corner where at least one street is a main street and the 80 metre high street wall should not extend more than 25 metres along each street frontage, and/or fronts a public space including any road reserve wider than 80 metres. 	 Street wall height is scaled to ensure: a human scale. an appropriate level of street enclosure having regard to the width of the street with lower street wall heights to narrower streets. consistency with the prevalent parapet height of adjoining buildings. height that respects the scale of adjoining heritage places. adequate opportunity for daylight, sunlight and skyviews in the street. definition of main street corners and/or public space where there are no significant impacts on the amenity of public spaces. maintenance of the prevailing street wall height and vertical rhythm on the street.
Response The existing 9.8m high (approx.) heritage façade, being the street wall in this instance, is to be retained. The street wall measures less than the preferred requirement (20m) and will ensure a human scale and consistency with the low-scale buildings immediately north-east of the site.			
Design Element	Preferred Requirement	Modified Requirement	Built Form Outcomes
Building setback(s) above street wall	Above the street wall, towers and additions should be setback 10 metres from the title boundary.	Above the street wall, towers must be setback a minimum of 5 metres from the title boundary.	 Towers and additions are setback to ensure: large buildings do not visually dominate the street or public space. the prevalent street wall scale is maintained. overshadowing and wind impacts are mitigated

Response

Above the street wall, a 6m setback is proposed at Levels 2 and 3. A 5m setback is proposed for the remaining height, although the 13 July 2021 discussion plan increases this to 6m.

impacts are mitigated.

the tower or addition includes a distinctly different form or architectural expression.

Despite the setbacks above the street wall being less than the preferred 10m, the retained heritage building, which will be enhanced through restoration and ground level activation, will assist to ensure the tower form is visually recessive. The prevalent street wall scale, being the heritage frontage is maintained.

As described at Section 7.2 of this report, subject to design detail, the overall massing principles proposed for the site is supported.

Wind and overshadowing impacts are discussed at Sections 9.5.2 and 9.5.3 of this report respectively.

Design Element	Preferred Requirement	Modified Requirement	Built Form Outcomes
Building setbacks from side boundaries and rear boundaries	Above the street wall or 40 metres (where there is no street wall), towers	Towers and additions up to 80 metres in height: Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres.	 Towers and additions are designed and spaced to ensure: sun penetration and mitigation of wind impacts at street level. provision of reasonable sunlight, daylight, privacy and outlook

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

Response

The proposed tower exceeds 80m in height (99.7m). The preferred setback requirement above the podium is 6% of 99.7m, which equates to 5.98m.

North-East Side

The tower is set back 6.026m from the north-east side boundary. The setback will provide for the reasonable tower separation of any future building on the site to the north, while the setback proposed and orientation of the site will ensure reasonable sunlight, daylight, privacy and outlook is achieved having regard to the equitable development rights of 284-290 City Road.

Heritage impacts are discussed at Section 7.1 and 9.2 of this report.

South-West Side

The proposal introduces a boundary wall adjacent the south-west side boundary to a height of approximately 32m to act as a podium element on-site. This building element is set back 9m from City Road and 6.05m from Haig Lane. It abuts the podium of the adjoining Shadow Play building.

Above the boundary wall, a tower setback of between 6.1m and 6.6m is proposed.

The setbacks proposed provide for tower separation with Shadow Play of between 11.3m (minimum) and 12m (maximum). Several residents of Shadow Play have raised concerns for their amenity in the form of loss of sunlight, daylight, outlook and privacy. These distances are a reasonable outcome in the Central City to ensure neighbouring amenity is adequately protected. The proposed tower's setbacks at the very least reciprocate the setbacks of Shadow Play and in some instances exceed them. The proposed tower is lower than the Shadow Play building and the separation will ensure that sunlight penetration will be adequately achieved from midday.

The street wall which is significantly lower than the adjoining street wall at Shadow Play; the tower separation; and the varied articulation between the buildings will ensure that from street level, buildings along City Road do not appear continuous. From certain vantage points, open sky views will be maintained.

North-West Rear

A 9.8m tall podium wall is proposed along Haig Lane. Above the podium, a 3.06m boundary setback is proposed at Levels 2 and 3. This results in a 6m setback from the centreline of Haig Lane. A 2.06m setback is proposed for the remaining height, or a 5m setback from the centreline of Haig Lane.

13 July 2021 Discussion Plan

The front and rear setbacks are now proposed to be varied via the 'adjusted floorplate' mechanism in DDO10 (refer to Tower Floorplate response below).

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

Response

On 7 July 2021, the applicant provided Council with an assessment (floor plan) of the base tower floorplate that identifies the area in square metres that the proposed tower floorplate cannot exceed in accordance with the tower floorplate Design Element of DDO10. The calculation determines that the base (allowable) tower floorplate is 832.7m². To comply with DDO10, the proposed tower (above Level 5 in this instance) cannot exceed this floorplate.

The Section 57A Amendment proposed tower floorplate equates to 843m², which exceeds the allowable tower floorplate and therefore is non-compliant with the mandatory requirements of DDO10.

However, the floor plan provided to Council on 7 July 2021 included an increased setback from Haig Lane by 1m. The additional 1m setback results in a compliant tower floorplate as it reduces the proposed floorplate to 815m² (less than 843m²).

It was discussed with the applicant that, while the additional 1m tower setback from Haig Lane is a reasonable outcome, Council considers that the additional 1m setback should instead be taken from the City Road (front) elevation. As discussed at Section 7.1 of this report, while the current 5m tower setback from the retained heritage façade is an acceptable heritage outcome, a 6m setback would further improve these conditions. There are no structural reasons why the setback cannot be taken from City Road (as opposed to Haig Lane) and the applicant has subsequently confirmed this. An updated floor plan was subsequently submitted to Council on 13 July 2021, which shows the additional 1m setback from City Road.

On its merits, the informal plan submitted to Council on 13 July 2021 (refer Figure 15) responds to the Modified Requirement and Built Form Outcomes insofar as:

- The proposed tower floorplate does not result in an increase from the base floorplate;
- The tower is not situated less than 5m from a street boundary (City Road);
- The tower is not situated less than 5m from a side or rear boundary (including the centreline of Haig Lane);
- Tower separation is greater than 10m from the adjoining Shadow Play tower;
- The siting adequately addresses privacy, outlook, daylight and sunlight impacts;
- The tower separation ensures there are no visual impacts in the round;
- Wind impacts are addressed at Section 9.5.2 of this report;
- There is no overshadowing of public spaces identified in Section 9.5.3 of this report; and
- There would be no negative impacts on nearby heritage buildings, discussed throughout this report.

The additional 1m setback from City Road could be formally introduced by way of condition in any permit granted to ensure the tower floorplate complies with DDO10 – **refer recommended Condition 1a**.

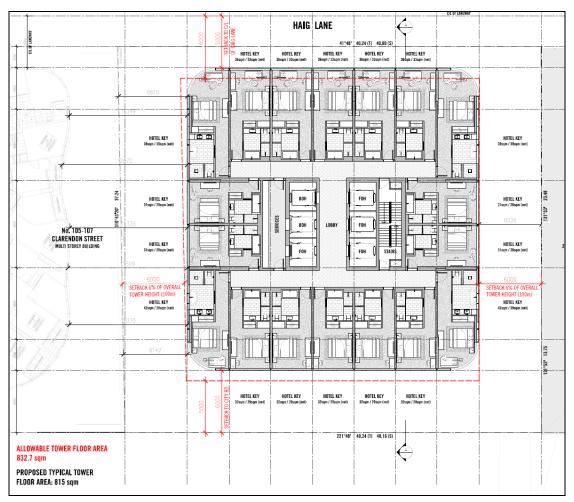


Figure 15: Discussion Plans (13 July 2021) showing an adjusted floorplate

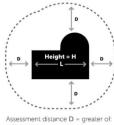
9.5.2 Wind

DDO10 states the following:

A permit must not be granted for buildings and works with a total building height in excess of 40 metres that would cause unsafe wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40 metres in height measured from all façades, or half the total height of the building, whichever is greater as shown in Figure 1.

A permit should not be granted for buildings and works with a total building height in excess of 40 metres that do not achieve comfortable wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40 metres in height measured from all façades, or half the total height of the building, whichever is greater as shown in Figure 1.

Figure 1



L/2 (Half longest width of building) OR H/2 (Half overall height of building)

The proposed development exceeds 40m in height. DDO10 defines unsafe wind conditions, comfortable wind conditions and mean wind speed.

A Pedestrian Wind Environment Statement has been prepared by Windtech and submitted as part of the original application. The report identifies that no wind tunnel testing was undertaken for the subject development, and hence this report addresses only the general wind effects and any localised effects that are identifiable by visual inspection. Any recommendations in this report are made only in-principle and are based on extensive experience in the study of wind environment effects.

The report assesses the following areas:

- Pedestrian footpaths;
- Porte Cochere (on-site);
- Rooftop Terrace (on-site); and
- Ground level pedestrian trafficable areas.

The report makes the following conclusions:

Pedestrian Footpaths

Existing high-rise residential buildings located to the west and south of the development site assist in providing shielding from direct westerly and southerly wind effects. Furthermore, the tower form set back above the podium is also useful as it can ameliorate the impact of downwashed winds. Notwithstanding, The funnelling winds due to the two towers to the south of the site are expected to impact and sidestream along the City Road frontage. This wind is expected to cause adverse wind conditions for the proposed outdoor café areas on this frontage. Localised operator controlled screening or planter boxes is recommended to mitigate this adverse wind effect.

Porte Cochere

• There is potential for southerly winds to downwash from the southern façade of the building, through the gap between the heritage building roof and the Porte Cochere roof and cause adverse wind conditions. The extension of the glazed roof on Level 2 further towards the boundary would serve to mitigate this effect. In addition to the potential downwash effects, winds are expected to funnel through the Porte Cochere. The majority of this space is for vehicular access, and generally non trafficable for pedestrians. The pedestrian trafficable component of the Porte Cochere vehicle drop off and entry location is recessed into the overall building form which is beneficial in reducing the adverse wind effects in this area. Additional localised screening is expected to further improve wind conditions.

Rooftop Terrace

• The rooftop terrace is exposed to the prevailing northerly, southerly and westerly winds. The exposure to both direct and upwash winds from all three of the prevailing wind directions is expected to adversely affect this area by accelerating around the corners of the built form. The two 1.8m screens facing the north-eastern and north-western aspects of the outdoor rooftop terrace are recommended to be retained in the final design of the development. Additional localised screening is expected to further improve wind conditions for the occupants.

Ground Level Pedestrian Trafficable Areas

• The ground level pedestrian trafficable areas assessed further from the development site is based on half the total height of the tower (approximately 50m away from the site), as stipulated under Clause 2.3 in DDO10 of the Melbourne Planning Scheme. With consideration given to the significant tower setback from the edge of the podium, the overall building form, its alignment and interaction with the prevailing winds, and its location with respect to the nearby buildings, it is not expected that the development will cause adverse wind conditions for pedestrians in these areas.

While the conclusions made are generally positive, wind tunnel testing is a mandatory requirement to ensure the proposed building does not cause unsafe wind conditions in the surrounding environment; as well as demonstrate whether standing/walking/sitting comfort criteria is achieved in accordance with the definitions within DDO10. This additional material must be supplied and would therefore be included by way of conditions in any permit granted, including as a Condition 1 so that wind impacts are demonstrated prior to any demolition on-site and should changes be required to the built form, these would need to be agreed to by Council – **refer recommended Conditions 1f and 12**.

In addition to this, the recommendations to improve on-site wind conditions must be considered further from a design and functional perspective. Therefore, further details could be requested by way of conditions in any permit granted – **refer recommended Conditions 1f and 12**.

9.5.3 Overshadowing

Table 2 to DDO10 lists key locations that must not be affected by new shadow at certain times of the day, on certain dates. The proposed development would not overshadow any spaces listed in DDO10.

9.6 Traffic and Parking

9.6.1 Car Parking

The proposed development has been assessed by Council's Traffic Engineering department, who has offered no objections to the proposed development from a traffic and parking perspective – refer Section 7.3 of this report for details.

The site is affected by Parking Overlay Schedule 1. PO1 sets a maximum rate for on-site parking. Where no part of the site is used for dwellings the number of car parking spaces must not exceed the number calculated using one of the following formulas:

5 x net floor area of buildings on the site $(m^2) / 1,000m^2$;

Or

12 x site area (m²) / 1,000m²

The application Traffic Report identifies that a maximum 121 car spaces under the first formula. This is based on the site's GFA rather than NFA. Notwithstanding, only 27 car spaces are proposed, which is substantially less than the maximum allowable in the Parking Overlay. The number of car spaces is appropriate for the residential hotel use and the site's location amongst good public transport options.

9.6.2 Bicycle Parking

Pursuant to Clause 52.34-5, a Residential Hotel (Residential Building) has a statutory bicycle parking rate of one space to each ten hotel rooms for employee/resident and one space to each ten hotel rooms for visitor/shopper/student.

The S.57A Amended plans propose at total 344 hotel rooms, resulting in a requirement of 34 spaces for employee/resident and 34 spaces for visitor/shopper/student – totalling 68.

The proposal includes a total 35 bicycle spaces, which is less than the statutory requirement. The shortfall is accepted as hotel use is not expected to have a high demand for bicycle parking spaces. The on-site spaces are sufficient to cater for a small number of visitors that may have a bicycle and for employees in the building.

9.7 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 Permit be issued for the proposal subject to conditions.

10 RECOMMENDATION

That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit subject to the following conditions:

1. Amended plans before endorsement

Prior to the commencement of the development on the land, including demolition or bulk excavation, an electronic copy of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the Section 57A Amended plans prepared by Elenberg Fraser and dated 30.06.2021, but amended to show:

- a) The proposed building, from Level 4 and above, set back at least 6 metres from the south-east (City Road) boundary, generally in accordance with the informal floor plan (Drawing No. A0106 Rev. K) dated 13 July 2021, but maintaining the proposed design intent.
- b) A warning light system and convex mirror installed to alert pedestrians/vehicles in Haig Lane of exiting vehicles.
- c) Clearly detailed lift platform or other measures to secure DDA-compliant access to the raised ground floor, alongside internal and external stairs.
- d) Any design revisions to the development in accordance with the endorsed Façade Strategy.
- e) Any design revisions to the development in accordance with the endorsed Waste Management Plan.
- f) Any design revisions to the development in accordance with a full wind tunnel test according to the parameters specified in Design and Development Overlay Schedule 10 and the associated endorsed Wind Report.
- g) Any design revisions to the development in accordance with the endorsed Environmentally Sustainable Design Statement.
- h) Any design revisions to the development in accordance with the endorsed Landscape Plan.
- i) Any design revisions to the development in accordance with Melbourne Water's conditions.

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

2. Endorsed plans

The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.

3. Legal Agreement – Demolition in Capital City Zone

Prior to the commencement of the demolition or removal of existing buildings or works (excluding demolition or removal of temporary structures) on the land, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:

- a) if the land remains vacant for 6 months after completion of the demolition;
- b) demolition or construction activity ceases for a period of 6 months; or
- c) construction activity ceases for an aggregate of 6 months after commencement of the construction,

The owner must construct temporary works on the land to the satisfaction of the Responsible Authority.

Prior to the commencement of construction of the temporary works, details of the works must be submitted to and be to the satisfaction of the Responsible Authority.

Temporary works may include:

- a) The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage; or
- b) Landscaping of the site for the purpose of public recreation and open space.

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

4. Construction Management Plan

Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group. This construction management plan must be prepared in accordance with the Melbourne City Council – Construction Management Plan Guidelines and is to consider the following:

- a) public safety, amenity and site security.
- b) operating hours, noise and vibration controls.
- c) air and dust management.
- d) stormwater and sediment control.
- e) waste and materials reuse.
- f) traffic management.
- g) a Tree Protection Plan (TPP), for any public trees that may be affected by the development, must be provided to the satisfaction of the Responsible Authority (Urban Forestry & Ecology). The TPP must be in accordance with AS 4970-2009 Protection of trees on development sites and include:
 - i. City of Melbourne asset numbers for the subject trees (found at <u>http://melbourneurbanforestvisual.com.au</u>).
 - ii. Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries.
 - iii. Site specific details of the temporary tree protection fencing to be used to isolate publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.

- iv. Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree. These must be provided for any utility connections or civil engineering works.
- v. Full specifications of any pruning required to publicly owned trees.
- vi. Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
- vii. Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to Council's email via trees@melbourne.vic.gov.au.

5. Structural Report

Prior to the commencement of the development, including demolition, a report prepared by a suitably qualified Structural Engineer, or equivalent, must be submitted to the Responsible Authority, demonstrating the means by which the retained portions of the building will be supported during demolition and construction works to ensure their retention, to the satisfaction of the Responsible Authority. The recommendations contained within this report must be implemented at no cost to Melbourne City Council and be to the satisfaction of the Responsible Authority.

6. Heritage Management Plan

Prior to the commencement of the development, including demolition, a Heritage Management Plan must be submitted to and be approved by the Responsible Authority. The Heritage Management Plan must include details and methodology of the restoration of existing heritage fabric.

When approved, the Heritage Management Plan will form part of the permit. Works to the heritage building approved under this permit must be undertaken in accordance with the Heritage Management Plan to the satisfaction of the Responsible Authority.

7. Waste Management Plan

Prior to the commencement of the development, including demolition or bulk excavation, an amended waste management plan shall be submitted to and approved by the City of Melbourne – Waste and Recycling Branch. The WMP must be generally in accordance with the Waste Management plan prepared by Leigh Design and dated 29 November 2019, but modified to address the following:

- a) Increase in bin capacity to meet collection to three times per week;
- b) Consideration of a garbage compactor as a more practical solution.

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

8. Loading Management Plan

Prior to the occupation of the development, a Loading Management Plan (LMP) must be prepared and submitted to the City of Melbourne. Unless otherwise agreed by Council, the LMP must detail how the access/egress of loading vehicles is to be managed. A Dock Manager should be employed, responsible for controlling the operation of the loading bays and unloading of goods. The design of the loading area, including all space dimensions, grades and height clearances should comply with relevant standards for Commercial Vehicles (AS2890.2-2002). The reversing of vehicles into the loading bay should only be undertaken with the assistance of the Dock Manager. The Loading Management Plan must be submitted to and be to the satisfaction of the City of Melbourne – Engineering Services and when approved, will be endorsed to form part of the permit.

9. Road Safety Audit

The findings of the Road Safety Audit, prepared by Traffix Group and dated December 2020, must be incorporated into the detailed design, at the developer's expense.

10. Pick Up / Drop Off

All pick up/set down activities associated with the hotel must be accommodated onsite, either within the basement car park or within the proposed Private Laneway at the eastern site boundary.

11. Road Safety Audit

Prior to the occupation of the development, a formal independent desktop Road Safety Audit of the proposed development must be prepared and undertaken at the developer's expense and submitted to the City of Melbourne. Unless otherwise agreed by Council, the Audit must include the vehicle / bicycle / pedestrian access arrangements, loading arrangements and internal circulation / layout; and the design / operation of Waterfall Lane. The findings of the audit must be incorporated into the detailed design, at the developer's expense.

The Loading Management Plan must be submitted to and be to the satisfaction of the City of Melbourne – Engineering Services and when approved, will be endorsed to form part of the permit.

12. Wind Report

Prior to the commencement of the development, including demolition or bulk excavation, a wind tunnel study must be submitted to and be to the satisfaction of the Responsible Authority. Modifications must be made to the design of the development to ensure that all test locations pass the Design and Development Overlay (Schedule 10) safety and comfort criterion, to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.

The wind report must consider the Pedestrian Wind Environment Statement prepared by Windtech, dated May 25, 2020, but updated to include full wind tunnel testing and reflect any changes to the proposed development in accordance with current surrounding building conditions and any changes to the plans as required by conditions of this permit.

13. Façade Strategy

Before the development starts (excluding demolition or bulk excavation), a Façade Strategy must be submitted to and approved by the Responsible Authority. The Façade Strategy for the development must include:

- a) A concise description by the architect(s) of an overall design concept which respects and enhances the prominence of the existing heritage building and achieves a high level of architectural quality, including description of how the façade works to achieve this.
- b) A schedule of materials including but not limited to the type, finish, colour and quality of material as it relates to its specific location and application on building elevations. Materials must be contextually appropriate, durable, visually interesting and fit for purpose.

- c) Provision of a material sample for primary façade materials to ensure a robust, tactile and visually interesting finish is selected.
- d) Variants of any material used to different building surfaces and elements (i.e. window framing, façade panelling, plant screening) must be individually defined and specified in the schedule of materials with correlating annotations to building elevations.
- e) Example images that demonstrate the intended design outcome, including specific examples of proposed materiality and intended application.
- f) Cross sections or another method of demonstrating how the façade systems, including fixing details indicating junctions between materials, are to be implemented.
- g) Provision of a distinct pedestrian path clear of vehicle traffic against the through-link's western frontage (minimum 1.2m in width).
- h) Demonstration of how further material detail and articulation is incorporated to the solid stone podium element adjoining the Shadow Play building.
- i) Details of glazing break up and specification.
- j) Plan and section details demonstrating how the vertical fins will be integrated with construction and glazing break-up of the tower form.

Once approved, the Façade Strategy will be endorsed to form part of the permit.

14. Drainage of projections

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

15. Works abutting CoM laneways

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

16. Drainage connection underground

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 – Infrastructure and Assets. 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.

17. Demolish and construct access

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 Responsible Authority – Infrastructure and Assets.

18. Roads

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 Responsible Authority – Infrastructure and Assets.

19. Sawn bluestone footpath

The footpath adjoining the site along City Road must be reconstructed in sawn bluestone together with associated works including the renewal of kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.

20. Street levels not to be altered

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

21. Existing street lighting not altered without approval

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

22. Street furniture

All street furniture such as street litter bins recycling bins, seats and bicycle rails must be supplied and installed on City Road footpath outside the proposed building to plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.

23. Public lighting

Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy, and include the provision of public lighting in streets and laneways adjacent to the development. The lighting works must be undertaken prior to the commencement of the use/occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.

24. Non-reflective glazing

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.

25. Noise Levels

The maximum noise level emitted from the premises must not exceed levels specified in EPA Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues.

26. No external audio equipment

No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority.

27. No live music

No amplified live music or entertainment is permitted on the premises without the prior written consent of the Responsible Authority.

28. Environmentally Sustainable Design (ESD) Review

Prior to commencement of development of any building approved under this permit, including demolition or bulk excavation, an amended report shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the ESD Statement Report prepared by Integrated Group Services and dated 11/12/2020, but modified to include the following:

- a) Confirm modelled values and resubmit as the annual natural gas consumptions noted in tables in sections 3.6, 3.7 and 4 appear to be inconsistent and appear to exclude heating gas consumption (section 3.4.3).
- b) Completed Daylight Access Modelling with the inclusion of existing built form scale of the area.

29. Maintenance Agreement

Where the Clause 22.23 response proposes use of proprietary treatment products, a signed maintenance agreement(s) for the product with a minimum term of 5 years must also be submitted to satisfaction of City of Melbourne – Infrastructure & Assets.

30. Implementation of Environmentally Sustainable Design (ESD)

Prior to the occupation of any building approved under this permit, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans. The report must include all final calculations and modelling reports to the appropriate standard, commissioning and testing reports, building user guides and other supplementary materials etc. that have been produced to demonstrate compliance with the relevant targets included in the endorsed ESD report.

31. Certification of Environmentally Sustainable Design (ESD)

Following formal certification under the third party schemes referred to in the endorsed ESD report, copies of the certificates must be submitted to the Responsible Authority.

32. Landscape Package

Prior to commencement of development, including demolition or bulk excavation, a detailed scheme for landscaping and planting in connection with the proposed development must be submitted to, and be approved by the Responsible Authority in consultation with the City of Melbourne. This should include:

- a) Landscape plans with detailed planter sections including soil volumes, wind protection, maintenance access etc;
- b) Schedules of species with soil volume requirements and growing media proposed;
- c) A complete landscape irrigation design;

d) A Landscape Maintenance Plan providing details of proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion.

Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.

33. Public Tree Protection

All works (including demolition), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.

34. Public Trees Bank Guarantee

Following the approval of a Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted on, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.

35. Legal Agreement – Through-Link

Prior to the commencement of the development (excluding any demolition, bulk excavation, construction or carrying out of works) on the land, the owner of the land must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must provide the following:

- a) Be at no cost to the Responsible Authority;
- b) Be registered on the relevant certificate(s) of title to which it affects;
- c) Give rights of public access to the through-link located within the subject land 24 hours a day, 7 days a week, but to remain at all times in private ownership as part of the subject land as marked on an agreed plan;
- d) The owner must, at its cost, maintain the through-link to the same standards as is required by the Melbourne City Council; and
- e) Include timing of construction of the through-link to be before the occupation of the relevant abutting building.

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

36. Architectural Oversight

The owner of the land must retain Elenberg Fraser Architects to complete the design and to provide architectural oversight of the delivery of the detailed design, as shown in the endorsed architectural and design material, during construction unless with the prior written approval of the Responsible Authority in consultation with the City of Melbourne.

Department of Transport conditions

- **37.** Before the use approved by this permit commences the following must be completed at no cost to and to the satisfaction of the Responsible Authority and or the Roads Corporation:
 - a. The installation of "Entry Only" sign/s, line marking, painted arrow and associated road works permitting movements from City Road into the Porte Cochere (private laneway).
 - b. The installation of "Exit Only" sign/s, linemarking, painted arrow and associated road works prohibiting movements from Haig Lane into the Porte Cochere (private laneway).
- **38.** Before the development starts, including demolition and bulk excavation, three (3) copies of a Traffic Management Plan (the Plan) must be submitted to and approved by the Head, Transport for Victoria. The Plan must include details of (but not be limited to) management proposals to ensure no impacts on bus operations along City Road (bus lane). All demolition and construction works must be carried out in accordance with the approved Plan at no cost to the Head, Transport for Victoria. The Plan may interface with any other such plans required within this permit.

Melbourne Water conditions

- **39.** The ground floor (excluding cafe area enclosed by existing heritage facade and minimal transition areas) must be set no lower than 3.0 metres to Australian Height Datum (AHD), unless with the prior written agreement from Melbourne Water.
- **40.** The security and store rooms (excluding minimal transition areas) must be set no lower than 2.4 metres to AHD, unless with the prior written agreement from Melbourne Water.
- **41.** The amenities, fire control room, services room, booster must be set no lower than 3.0 metres to AHD or as otherwise agreed with the relevant utility provider and Melbourne Water.
- **42.** The entrance to the basement must be constructed with a flood proof apex and associated walls/bunding set no lower than 3.0 metres to AHD, to prevent the entry of floodwater into the basement, unless with the prior written agreement from Melbourne Water.
- **43.** Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels of the ground floor (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
- **44.** Prior to the issue of an Occupancy Permit, the owner of the Land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority and Melbourne Water Corporation. All costs associated with the setting up of the agreement must be borne by the permit holder. The agreement must be registered on the title of the Land and must provide, to the satisfaction of the Responsible Authority and Melbourne Water, for:
 - a. Prospective and future owners of the Land to be informed of the floor space located below the applicable flood level;

- b. Restriction of use of the floor space below the applicable flood level to 'food and drink premises'; and
- c. Indemnify Melbourne Water against any actions, proceedings, claims or demands brought against Melbourne Water as a result of flooding to the floor space located below the applicable flood level.

45. Development Time Limit

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

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

The Responsible Authority may extend the 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.

With the publication of new inundation modelling, the application may need to be further reviewed by Melbourne Water.

Building Works to Accord with Planning Permit

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

Drainage Point and Method of Discharge

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

Other Approvals May be Required

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

Civil Design

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

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

Urban Forest and Ecology

In accordance with the Tree Retention and Removal Policy a bank guarantee must be:

- 1. Issued to City of Melbourne, ABN: 55 370 219 287.
- 2. From a recognised Australian bank.

- 3. Unconditional (i.e. no end date)
- 4. Executed (i.e. signed and dated with the bank stamp)

Please note that insurance bonds are not accepted by the City Of Melbourne. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email <u>trees@melbourne.vic.gov.au</u> to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.

At the time of lodgement of the bank guarantee the completed Project Arborist Confirmation Form must be provided. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the health of the subject public trees has not been compromised.

Department of Transport

Separate consent <u>may</u> be required from Head, Transport for Victoria under the Road Management Act 2004 for buildings and works (i.e. canopies) undertaken outside the title boundary within a Road Zone Category 1 (i.e. City Road). Please contact Head, Transport for Victoria prior to commencing any works.

Melbourne Water

Melbourne Water considers that this property will be affected by a rise of 0.8 metres in the mean sea level of Port Phillip Bay by 2100 and therefore this property will be affected by flooding from the Bay in the future. Historically, Melbourne Water has adopted a 1 in 100 year flood level of 1.6 metres to Australian Height Datum for Port Phillip Bay. A future sea level rise of not less than 0.8 metres by 2100 will translate to a level for Port Phillip Bay of 2.4 metres to Australian Height Datum.