

Report to the Future Melbourne (Planning) Committee

Agenda item 6.4

Planning Permit Application: TP-2016-1105, 204-208 King Street, Melbourne

4 July 2017

Presenter: Evan Counsel, Practice Leader Land Use and Development

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of planning application TP-2016-1105, which seeks approval for demolition and construction of a new mixed-use building at 204-208 King Street, Melbourne.
2. The permit applicant is Jin Yi Pty Ltd, the owner of the land is S&M Opasinis Investments Pty Ltd, and the architect is DKO Architecture (Vic.) Pty Ltd.
3. The site is located in the Capital City Zone Schedule 1 (CCZ1) and is affected by the Design and Development Overlay (DDO) (Schedules 3 and 10) and the Parking Overlay Schedule 1. A permit is required for partial demolition of the existing building, the construction of the tower, waiver of the loading and unloading of vehicles requirement and alteration of access to a road in a Road Zone, Category 1.
4. The site is located at the corner of King Street and Little Bourke Street in Melbourne with a street frontage of 17.69m to King Street to the west, 18.42m to Little Bourke Street to the south and 17.61m to Brown Alley to the east, with a total site area of approximately 325m² (refer to Attachment 2). The property is currently occupied by the 'Great Western Hotel' (the Hotel), a two-storey brick and render 'C' graded heritage building constructed in 1864 (Central City Heritage Study Review 1993).
5. The proposal seeks to retain the King Street and Little Bourke Street facades of the Hotel, and construct a 26 storey mixed use tower within the remaining site area. The tower is to have a maximum height of 80 metres, with a floor area ratio of 20.6:1, a single-level basement, with vehicle access and services provided via Brown Alley. The building will include retail land use at ground level, office at levels 1 and 2, and 64 dwellings within the remaining floors of the tower.
6. Public notice of the application was undertaken and a total of 61 objections were received.

Key issues

7. Key issues to consider in the assessment of the application include the requirements of DDO10 (which relate to height, setbacks, overshadowing and wind effects) the requirement under CCZ1 to provide an agreed public benefit for development seeking floor area uplift (floor area uplift (FAU), for gross floor area (GFA) exceeding 18:1), the requirements of Clause 58 (Apartment Developments) and applicable Local Planning Policies.
8. The proposed development complies with the requirements of DDO10, Clause 58, and provides an appropriate public benefit in the form of office space commensurate to the FAU sought, satisfying the requirement of CCZ1.
9. The development retains the King Street and Little Bourke Street facades of the Hotel to provide a robust tower base that will register at a human scale within the public realm and assist with integrating the development into the King Street and Little Bourke Street streetscape.
10. Subject to conditions, the exterior finishes, tower setbacks and ground plane will be further resolved to ensure that proposed development is sympathetic to the street wall height and detailing of nearby historic buildings, and screening measures to alleviate direct views into the habitable room windows of neighbouring residential buildings.

Recommendation from management

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

Attachments:

1. Supporting Attachment (page 2 of 82)
2. Locality Plan (page 3 of 82)
3. Selected Plans (page 4 of 82)
4. Delegate Report (page 22 of 82)

Supporting Attachment

Legal

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

Finance

3. There are no direct financial issues arising from the recommendations contained 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 direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

5. Public notice of the application was given by ordinary mail to the owners and occupiers of surrounding properties in accordance with the requirements of Section 52 of the Act.

Relation to Council policy

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

Environmental sustainability

7. Permit conditions are recommended to ensure that the objectives and performance outcomes of Local Planning Policy Clause 22.23 (Stormwater Management (Water Sensitive Urban Design) and Clause 22.19 (Energy, Water and Waste Efficiency) are met.

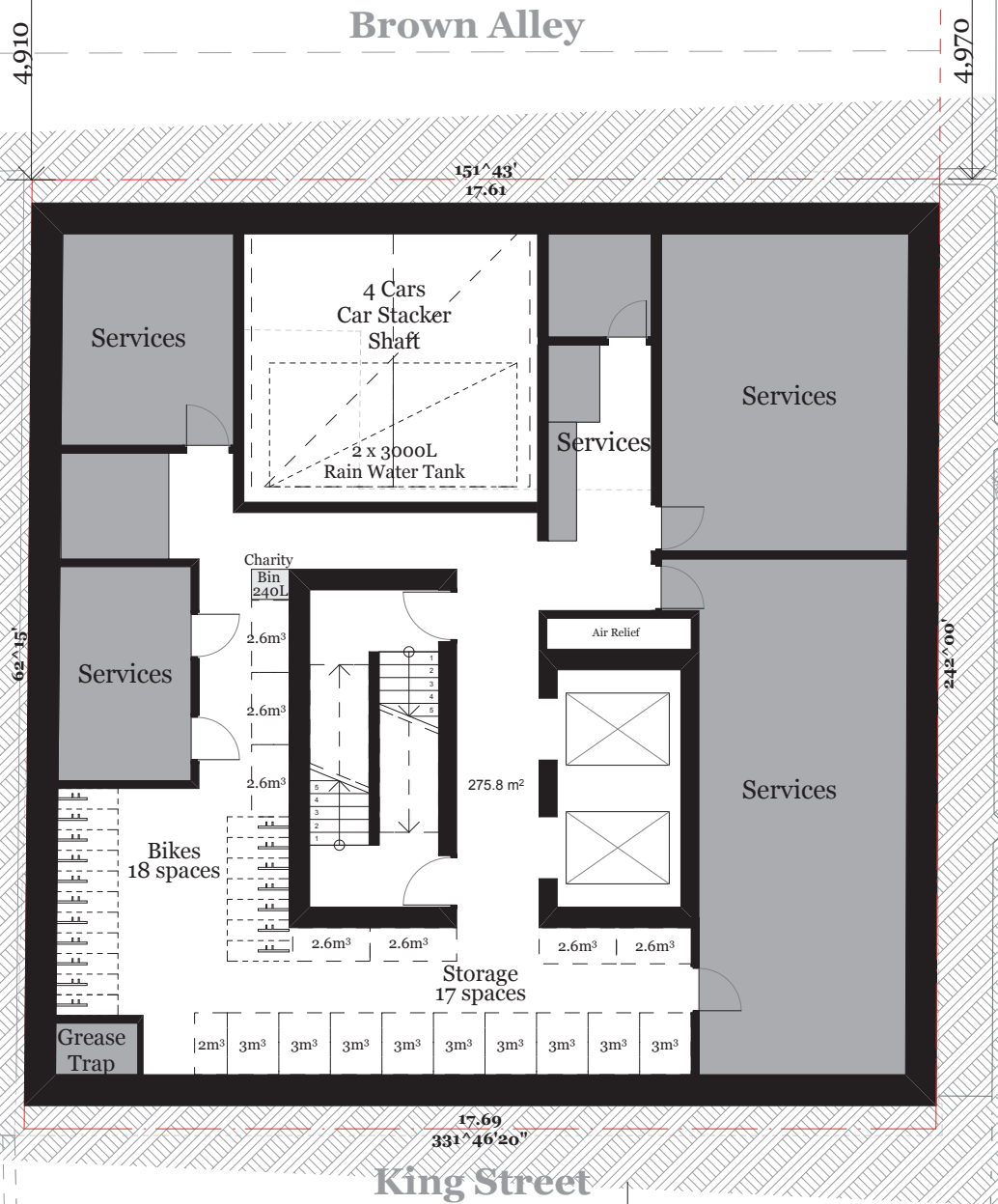
Locality Plan

Attachment 2
Agenda item 6.4
Future Melbourne Committee
4 July 2017

204-208 King Street, Melbourne



Bourke
Place



224 King Street
3 Storey
Commercial
Building

577 Lt. Bourke St
4 Storey
Commercial
Building

Lt. Bourke St



Rev.	Date	By	Ckd	Description
-	02/12/16	KN	TP	
A	25/05/17	LS	DC	TP Amendment

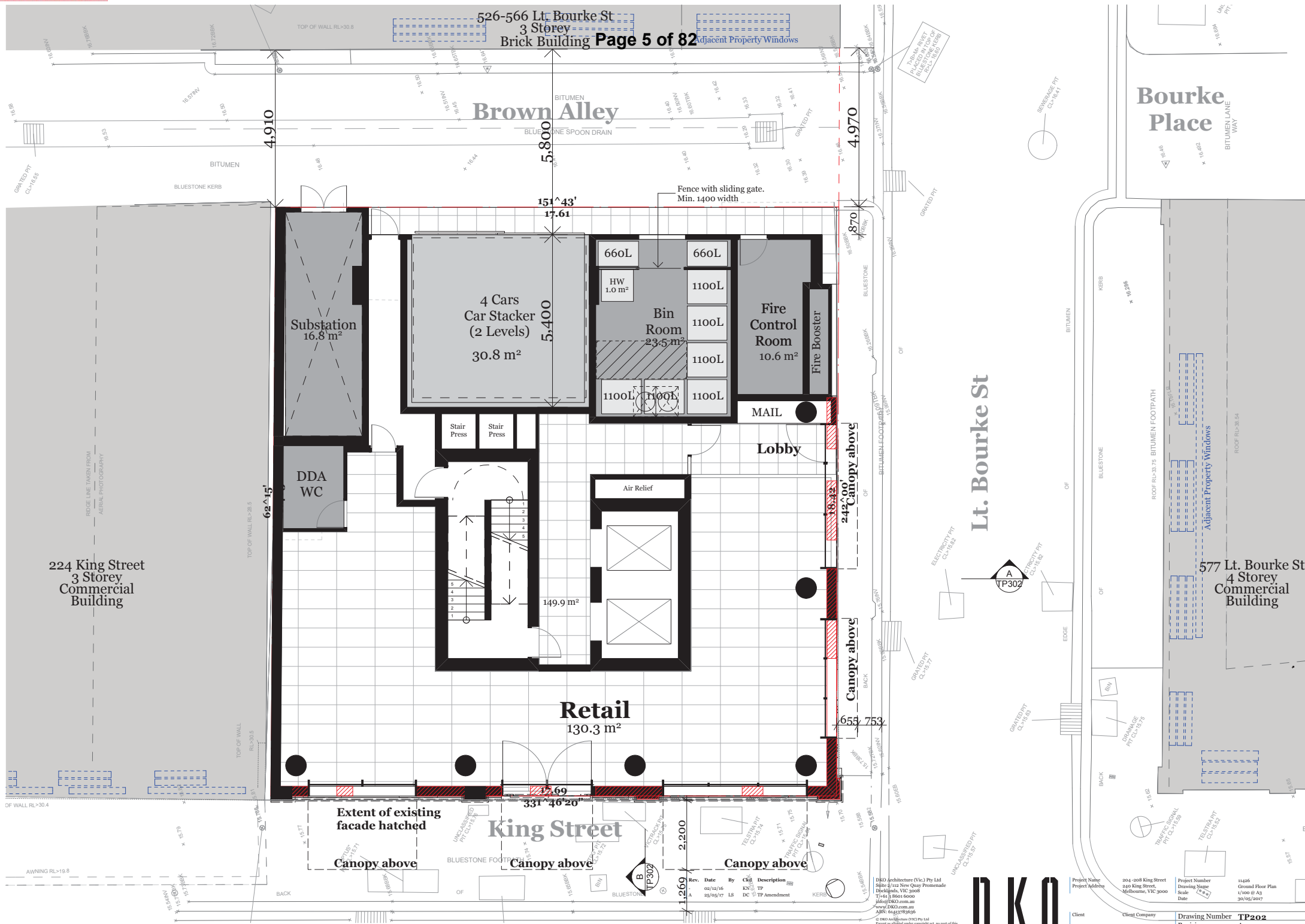
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Project Name	204 - 208 King Street	Project Number	11426
Project Address	210 King Street, Melbourne, VIC 3000	Drawing Name	Basement Plan
		Scale	1/100 @ A3
		Date	30/05/2017

Client	Client Company	Drawing Number	TP201
		Revision	A

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224 King Street
3 Storey Commercial Building

Bourke Place
Bourke Lane Way

577 Lt. Bourke St
4 Storey Commercial Building

Lt. Bourke St

Retail
130.3 m²

Substation
16.8 m²

4 Cars
Car Stacker
(2 Levels)
30.8 m²

Bin Room
23.5 m²

Fire Control Room
10.6 m²

DDA WC

Stair Press

Lobby

MAIL

Air Relief

King Street

Extent of existing facade hatched

Canopy above

Canopy above

Canopy above

Rev.	Date	By	CHK	Description
1	02/12/16	KN	TP	Issue
A	25/05/17	LS	TP	TP Amendment

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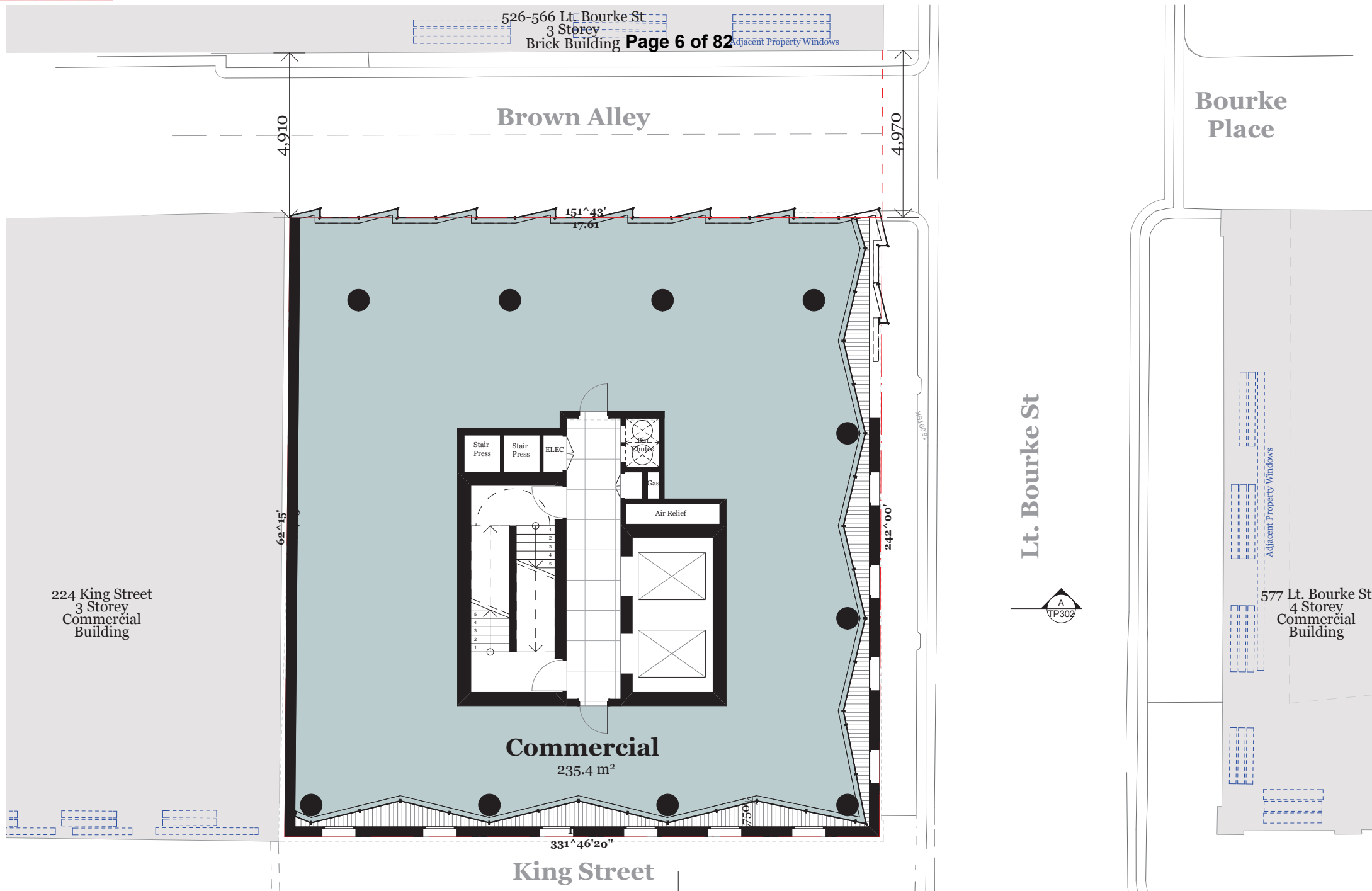


Project Name: 204 - 208 King Street
 Project Address: 204 King Street, Melbourne, VIC 3000
 Project Number: 11426
 Drawing Name: Ground Floor Plan
 Scale: 1/100 @ A3
 Date: 30/05/2017

Client: [Blank]
 Client Company: [Blank]
 Drawing Number: TP202
 Revision: A

526-566 Lt. Bourke St
3 Storey
Brick Building Page 6 of 82

Adjacent Property Windows



224 King Street
3 Storey
Commercial
Building

Brown Alley

Bourke
Place

Lt. Bourke St

577 Lt. Bourke St
4 Storey
Commercial
Building

Commercial
235.4 m²

King Street

Rev.	Date	By	Ckd	Description
-	02/12/16	KN	TP	
A	25/05/17	LS	DC	TP Amendment

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Project Name	204 - 208 King Street	Project Number	11426
Project Address	210 King Street, Melbourne, VIC 3000	Drawing Name	Level 1
		Scale	1/100 @ A3
		Date	30/05/2017

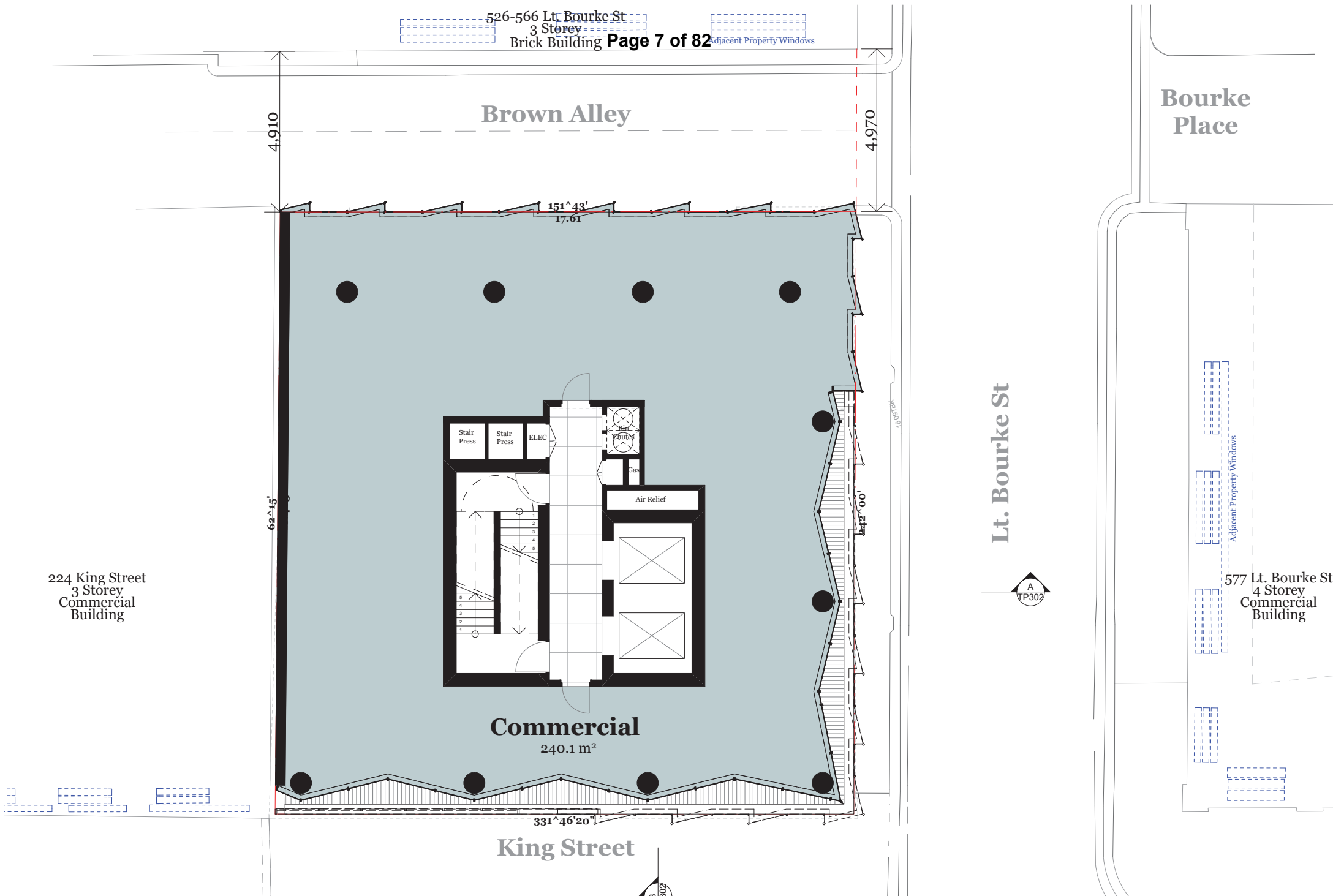
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		Revision	A

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526-566 Lt. Bourke St
3 Storey
Brick Building

Page 7 of 82

Adjacent Property Windows



Brown Alley

Bourke Place

224 King Street
3 Storey
Commercial
Building

577 Lt. Bourke St
4 Storey
Commercial
Building

Lt. Bourke St

Commercial
240.1 m²

King Street

4.910

4.970

62' ^ 15'

151' ^ 43'
17.61

42' ^ 00'

331' ^ 46' 20"



Rev.	Date	By	Ckd	Description
-	02/12/16	KN	TP	
A	25/05/17	LS	DC	TP Amendment

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Project Name	204 - 208 King Street	Project Number	11426
Project Address	210 King Street, Melbourne, VIC 3000	Drawing Name	Level 2
		Scale	1/100 @ A3
		Date	30/05/2017

Client	Client Company	Drawing Number	TP204
		Revision	A

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224 King Street
3 Storey
Commercial
Building

Bourke
Place

Lt. Bourke St

577 Lt. Bourke St
4 Storey
Commercial
Building

King Street

Rev.	Date	By	Ckd	Description
-	02/12/16	KN	TP	
A	25/05/17	LS	DC	TP Amendment

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Project Name	204 - 208 King Street	Project Number	11426
Project Address	204 King Street, Melbourne, VIC 3000	Drawing Name	Level 3-11
		Scale	1/100 @ A3
		Date	30/05/2017

Client	Client Company	Drawing Number	TP206
		Revision	A



224 King Street
3 Storey
Commercial
Building

Bourke
Place

Lt. Bourke St

577 Lt. Bourke St
4 Storey
Commercial
Building

King Street

Rev.	Date	By	Ckd	Description
-	02/12/16	KN	TP	
A	25/05/17	LS	DC	TP Amendment

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Project Name	204-208 King Street	Project Number	11426
Project Address	210 King Street, Melbourne, VIC 3000	Drawing Name	Level 12
		Scale	1/100 @ A3
		Date	30/05/2017

Client	Client Company	Drawing Number	TP207
		Revision	A

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224 King Street
3 Storey
Commercial
Building

**Bourke
Place**

Lt. Bourke St

577 Lt. Bourke St
4 Storey
Commercial
Building

King Street



Rev.	Date	By	Ckd	Description
-	02/12/16	KN	TP	
A	25/05/17	LS	DC	TP Amendment

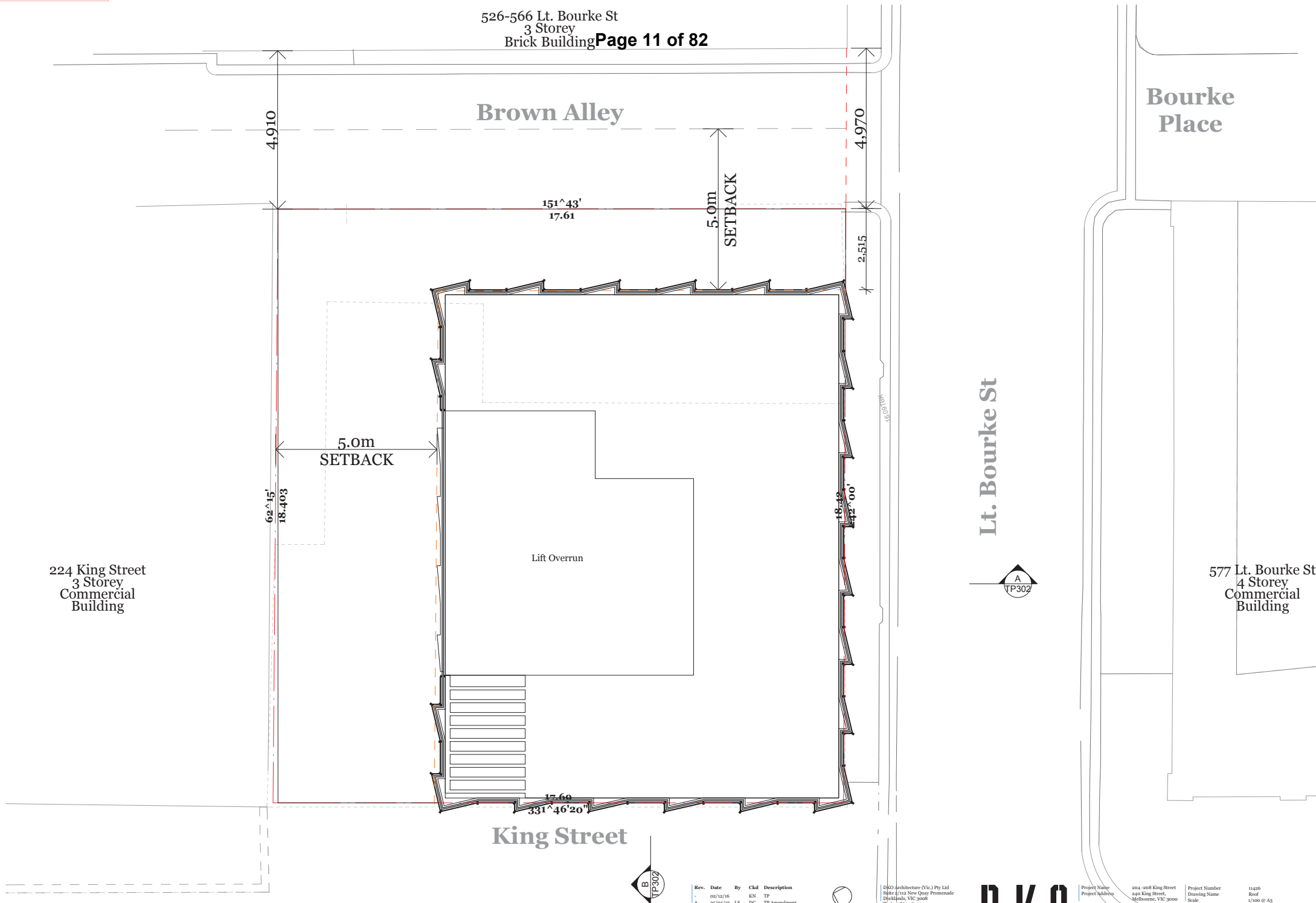
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Project Name	204 - 208 King Street	Project Number	11426
Project Address	210 King Street, Melbourne, VIC 3000	Drawing Name	Level 13-25
		Scale	1/100 @ AS
		Date	30/05/2017

Client	Client Company	Drawing Number	TP208
		Revision	A

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224 King Street
3 Storey
Commercial
Building

Brown Alley

**Bourke
Place**

Lt. Bourke St

577 Lt. Bourke St
4 Storey
Commercial
Building

King Street

Rev.	Date	By	Ckd	Description
-	02/12/16	KN	TP	
A	25/05/17	LS	DC	TP Amendment

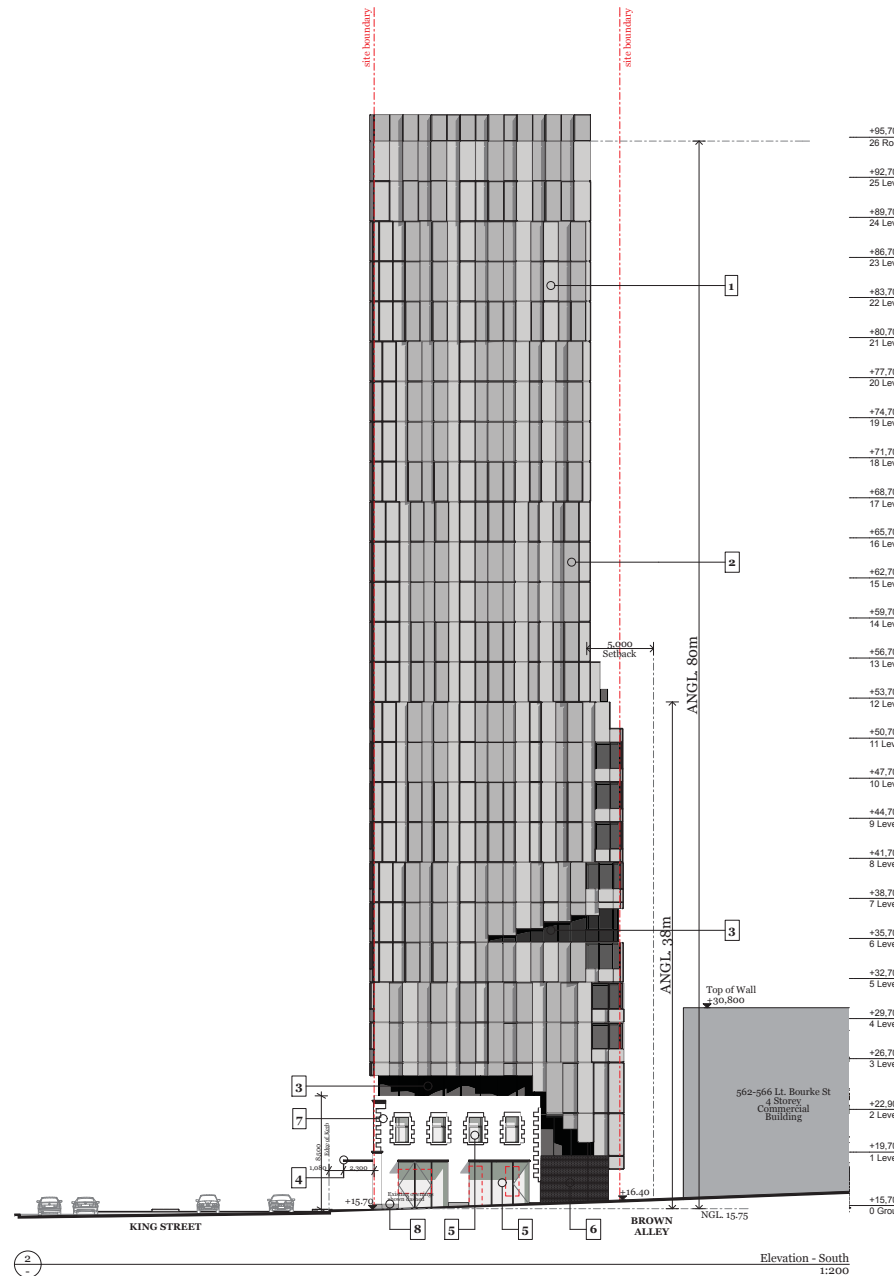
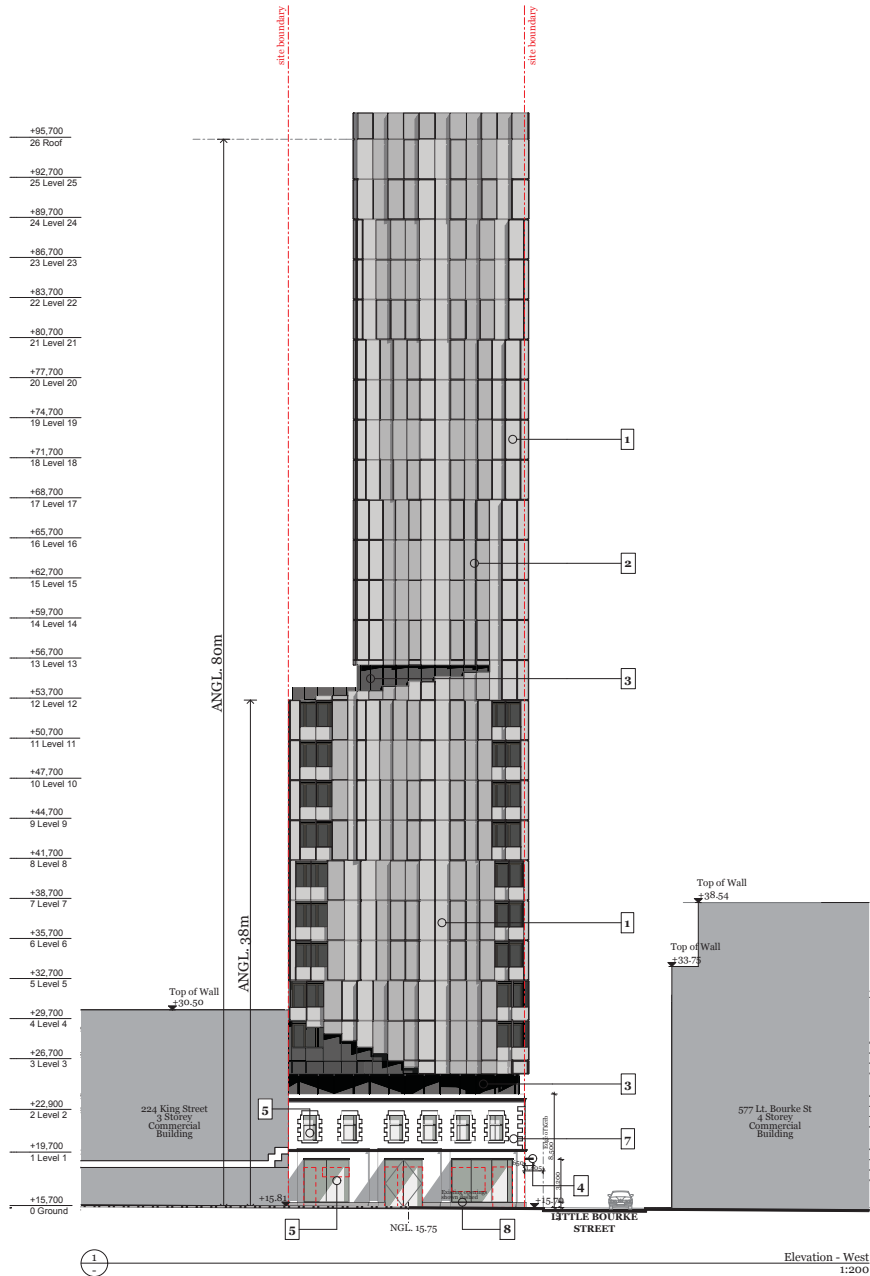
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Project Name	204 - 208 King Street	Project Number	11426
Project Address	204 King Street, Melbourne, VIC 3000	Drawing Name	Roof
		Scale	1/100 @ A3
		Date	30/05/2017

Client	Client Company	Drawing Number	TP209
		Revision	A

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- 1. Silver Glass - Silver Frame
- 2. Grey Spandrel Panel
- 3. Black Glass - Black Frame
- 4. Black Metal - Black Frame
- 5. Clear Glass - Black Frame
- 6. Black Brick
- 7. White Render
- 8. Bluestone
- 9. Textured Concrete
- 10. Metal Roller Door - to match grey spandrel

Rev.	Date	By	Ckd	Description
-	02/12/16	KN	TP	
A	25/05/17	LS	DC	TP Amendment

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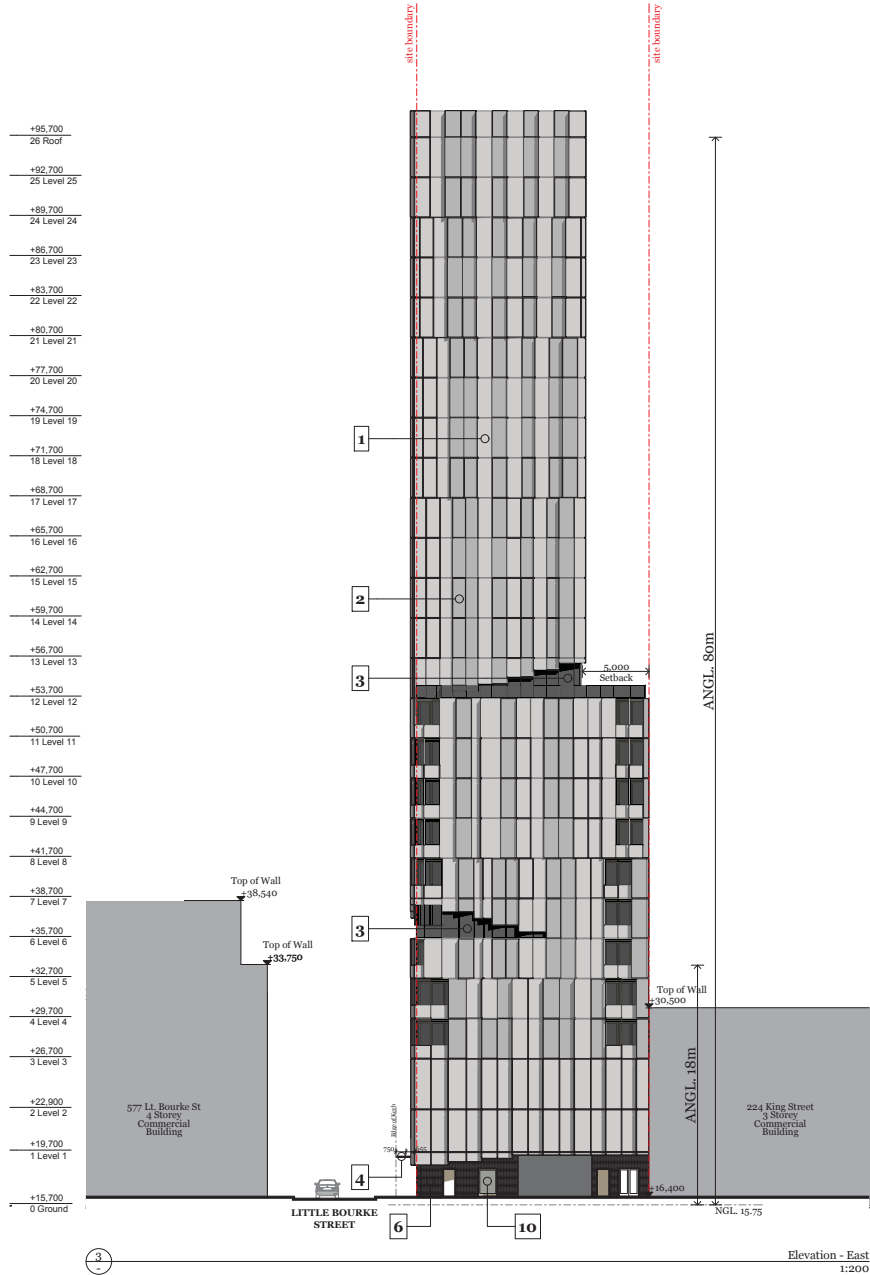


Project Name: 204-208 King Street
 Project Address: 204 King Street, Melbourne, VIC 3000

Project Number: 11426
 Drawing Name: Elevation - Sheet 1
 Scale: 1/400 @ A3
 Date: 30/05/2017

Client: [Blank]
 Client Company: [Blank]
 Drawing Number: TP300
 Revision: A

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1. Silver Glass - Silver Frame



2. Grey Spandrel Panel



3. Black Glass - Black Frame



4. Black Metal - Black Frame



5. Clear Glass - Black Frame



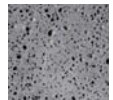
6. Black Brick



7. White Render



8. Bluestone



9. Textured Concrete



10. Metal Roller Door - to match grey spandrel

Rev.	Date	By	Ckd	Description
-	02/12/16	KN	TP	
A	25/05/17	LS	DC	TP Amendment

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Project Name 204 - 208 King Street
 Project Address 204 King Street, Melbourne, VIC 3000

Client Client Company

Project Number 11426
 Drawing Name Elevation - Sheet 2
 Scale 1/400 @ A3
 Date 30/05/2017

Drawing Number TP301
 Revision A

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Project Name 204 - 208 King Street
 Project Address 210 King Street,
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 Date

Client Client Company

Project Number 11426
 Drawing Name Artists Impression
 Scale
 Date 30/05/2017

Drawing Number TP403
 Revision A



Rev.	Date	By	Ckd	Description
-	02/12/16	KN	TP	
A	25/05/17	LS	DC	TP Amendment

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Project Name 204 - 208 King Street
 Project Address 210 King Street,
 Melbourne, VIC 3000

Client Client Company

Project Number 1126
 Drawing Name Artists Impression
 Date 30/05/2017

Drawing Number TP404
 Revision A

Adjacent Property Windows

PLAN REFERRED TO IN CONDITION 1(A)
PLANNING APPLICATION TP-2016-1105



224 King Street
3 Storey
Commercial
Building

Bourke
Place

Lt. Bourke St

577 Lt. Bourke St
4 Storey
Commercial
Building

King Street

Rev.	Date	By	Ckd	Description
-	02/12/16	KN	TP	
A	23/02/17	LS	DC	TP Amendment
B	14/06/17	LS	DC	TP Amendment

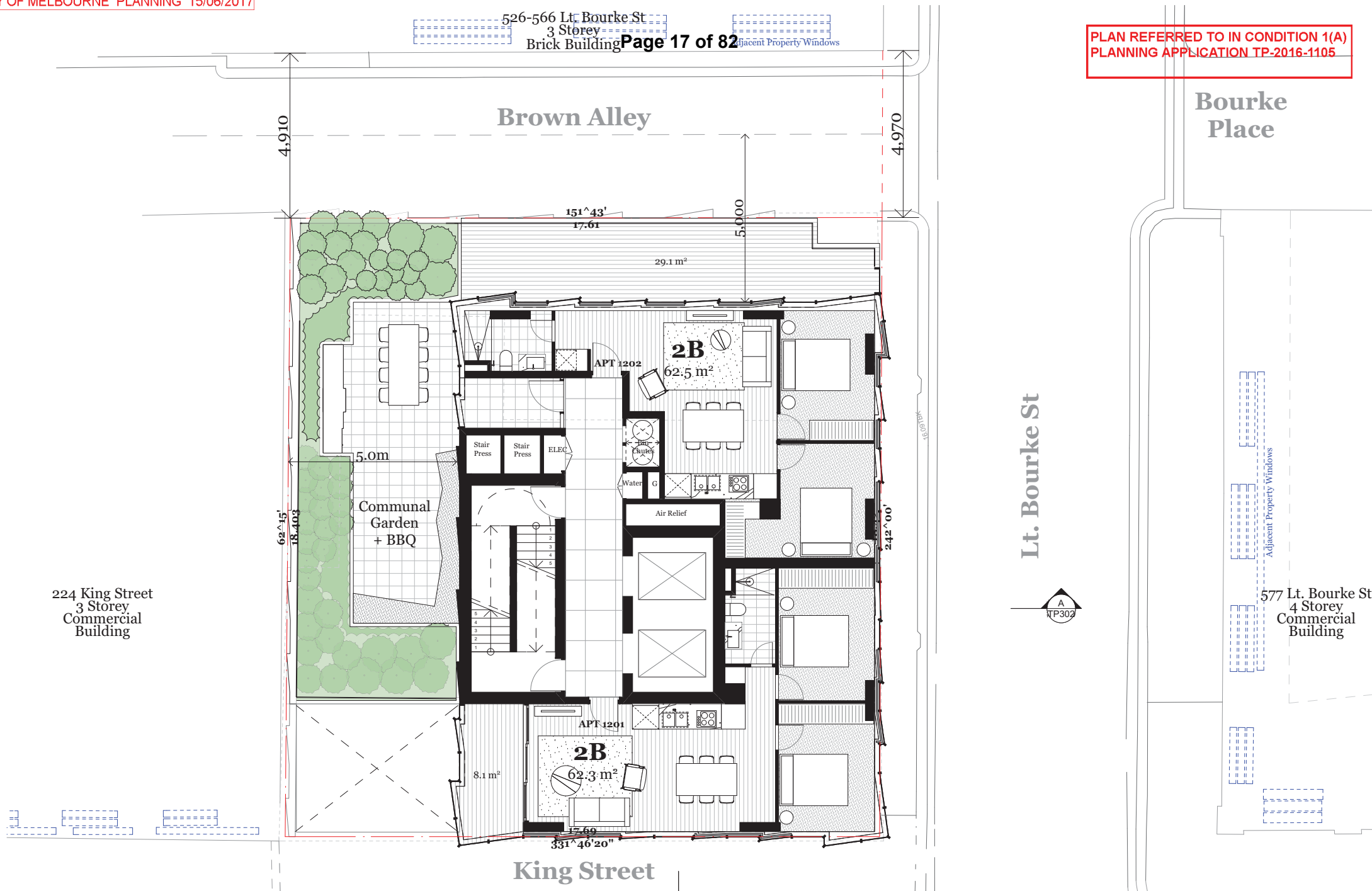
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Project Name 204 - 208 King Street
Project Address 204 King Street, Melbourne, VIC 3000
Project Number 11426
Drawing Name Level 5-11
Scale 1/100 @ A3
Date 30/05/2017

Client
Client Company
Drawing Number **TP206**
Revision **A**

PLAN REFERRED TO IN CONDITION 1(A)
PLANNING APPLICATION TP-2016-1105



224 King Street
3 Storey Commercial Building

Bourke Place

Lt. Bourke St

577 Lt. Bourke St
4 Storey Commercial Building

Rev.	Date	By	Ckd	Description
-	02/12/16	KN	TP	
A	25/05/17	LS	DC	TP Amendment
B	14/06/17	LS	DC	TP Amendment

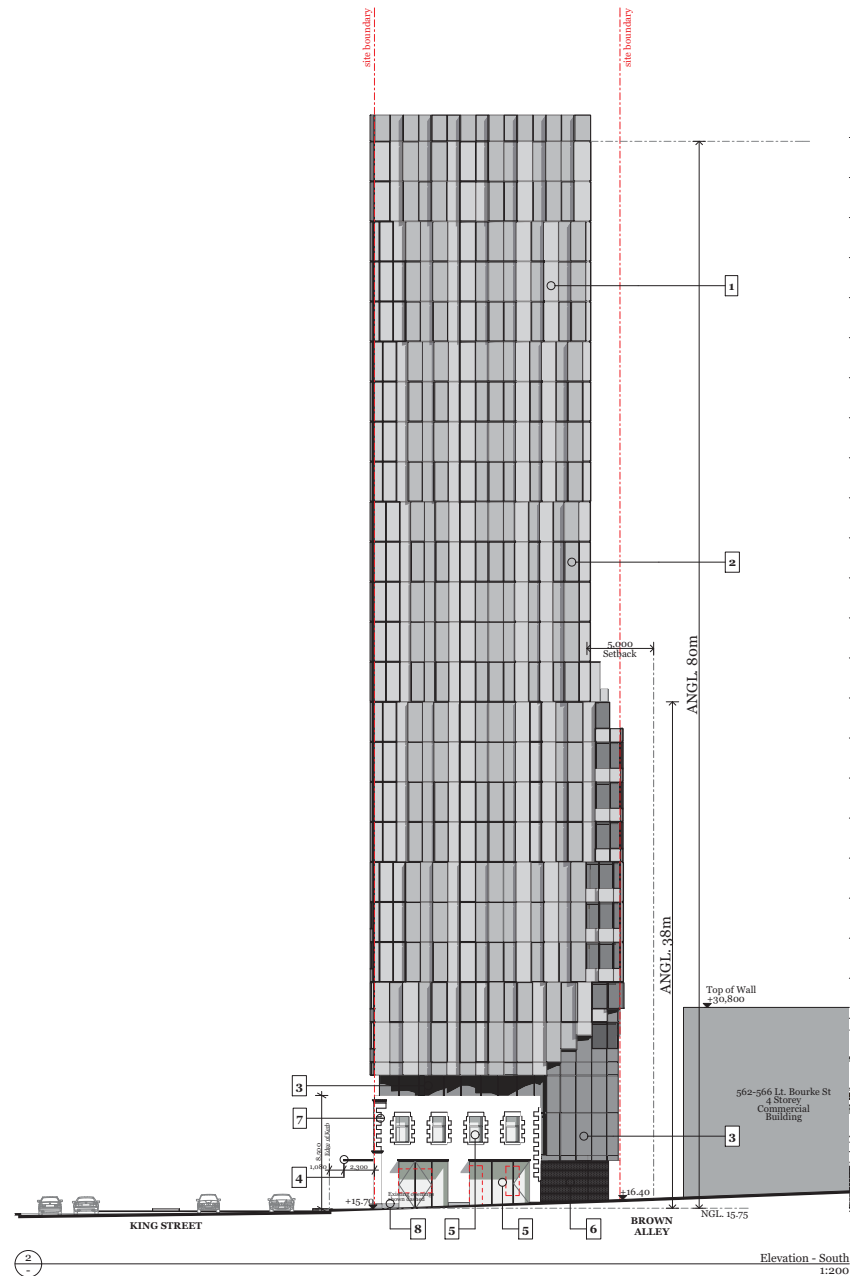
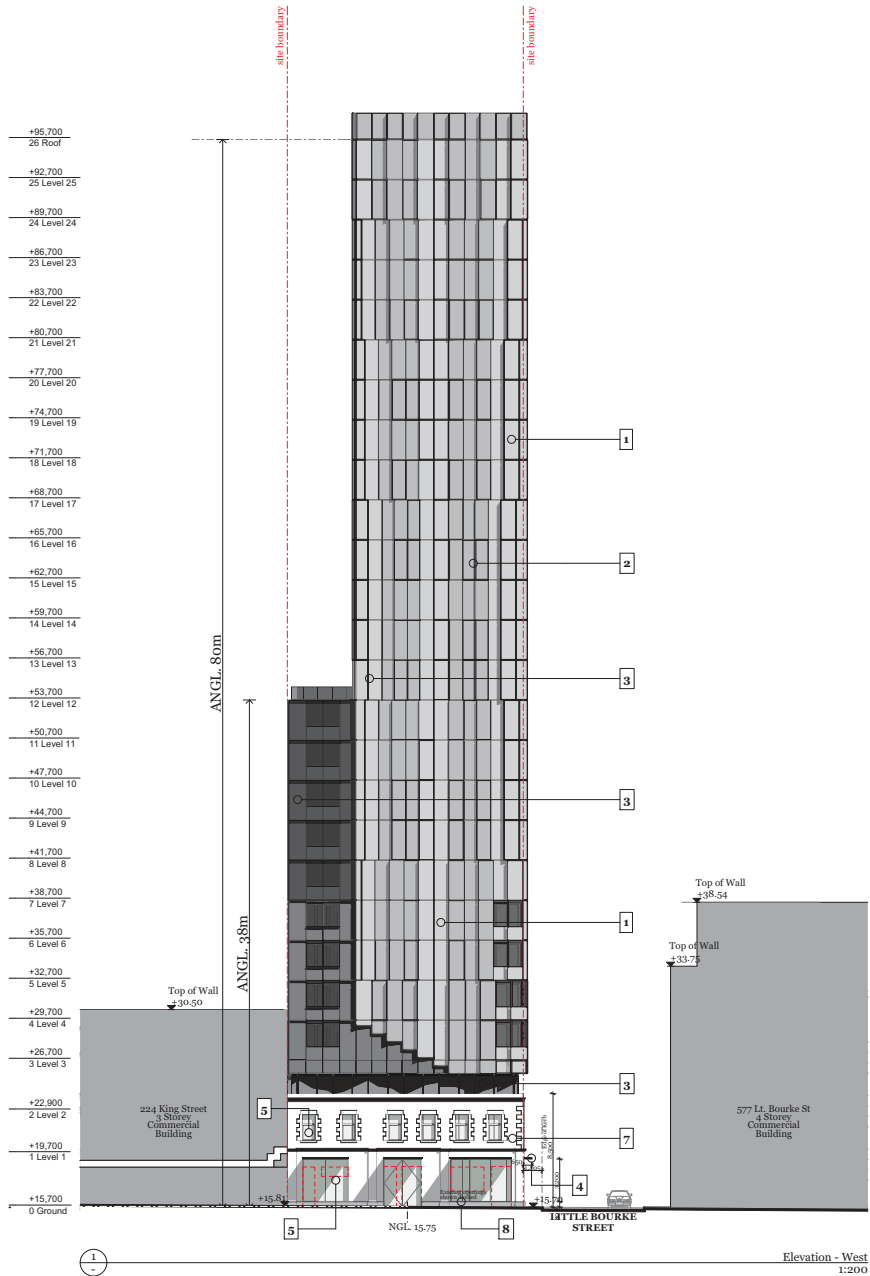
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Project Name	204-208 King Street	Project Number	11426
Project Address	204 King Street, Melbourne, VIC 3000	Drawing Name	Level 12
		Scale	1/100 @ A3
		Date	30/05/2017

Client	Client Company	Drawing Number	TP207
		Revision	A

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1. Silver Glass - Silver Frame
2. Grey Spandrel Panel
3. Black Glass - Black Frame
4. Black Metal - Black Frame
5. Clear Glass - Black Frame
6. Black Brick
7. White Render
8. Bluestone
9. Textured Concrete
10. Metal Roller Door - to match grey spandrel

1

2

Rev.	Date	By	Ckd	Description
-	02/12/16	KN	TP	TP
A	23/02/17	LS	DC	TP Amendment
B	14/06/17	LS	DC	TP Amendment

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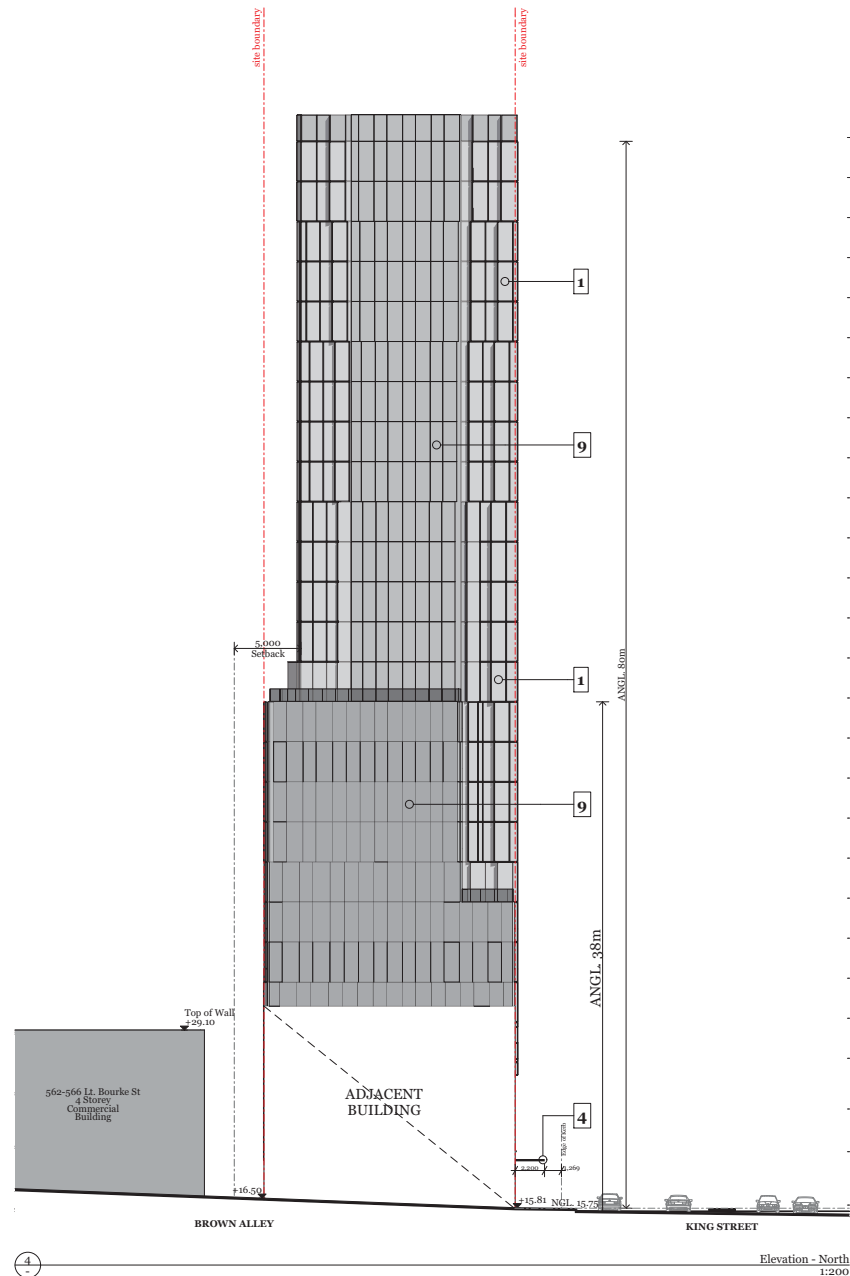
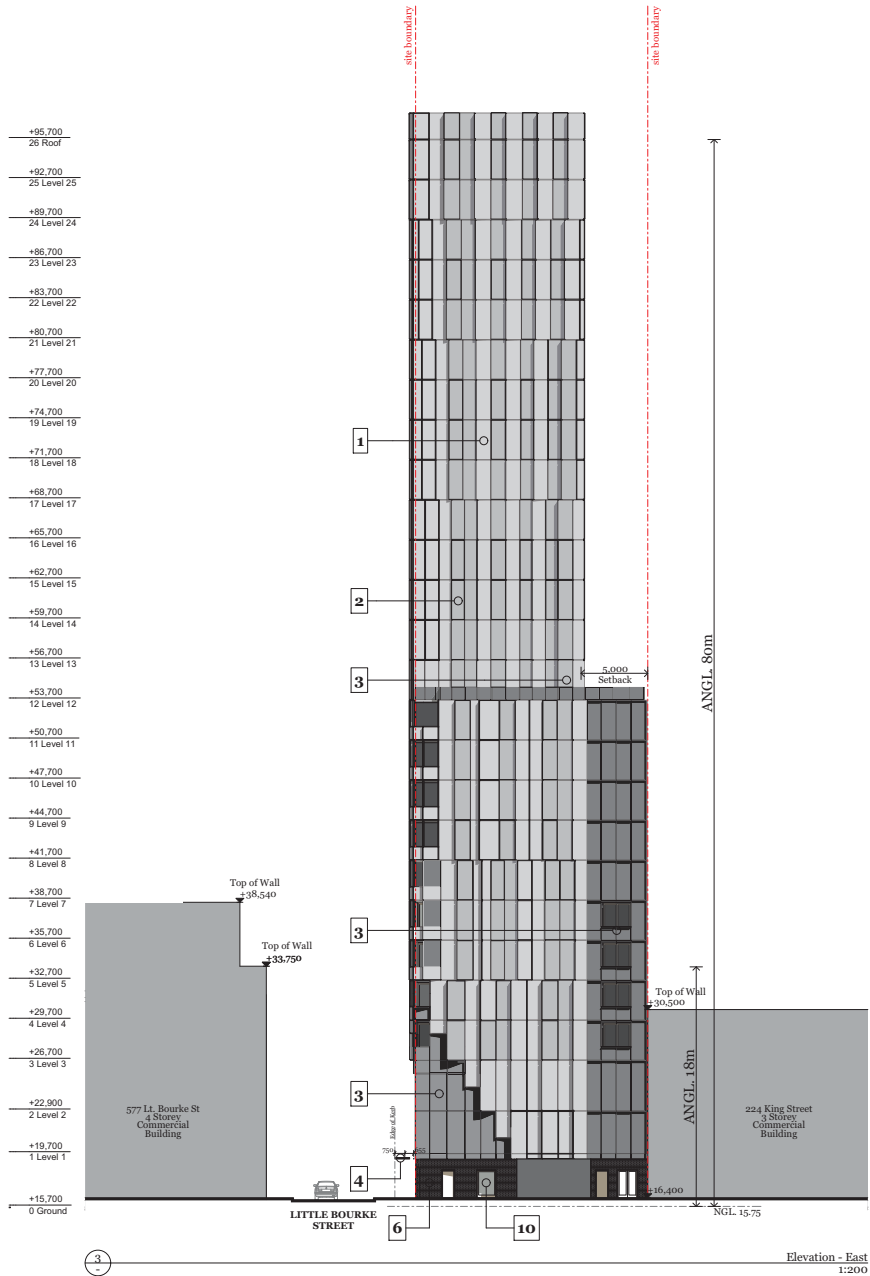


Project Name: 204-208 King Street
Project Address: 204-208 King Street, Melbourne, VIC 3000

Project Number: 11256
Drawing Name: Elevation - Sheet 1
Scale: 1/100 @ A3
Date: 30/05/2017

Client: [Blank]

Drawing Number: TP300
Revision: A



- 1. Silver Glass - Silver Frame
- 2. Grey Spandrel Panel
- 3. Black Glass - Black Frame
- 4. Black Metal - Black Frame
- 5. Clear Glass - Black Frame
- 6. Black Brick
- 7. White Render
- 8. Bluestone
- 9. Textured Concrete
- 10. Metal Roller Door - to match grey spandrel

Rev.	Date	By	Ckd	Description
-	02/12/16	KN	TP	
A	25/05/17	LS	DC	TP Amendment
B	14/06/17	LS	DC	TP Amendment

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Project Name: 204 -208 King Street
Project Address: 204 King Street, Melbourne, VIC 3000

Project Number: 11216
Drawing Name: Elevation - Sheet 2
Scale: 1/400 @ A3
Date: 30/05/2017

Client: [Blank]
Client Company: [Blank]

Drawing Number: TP301
Revision: A

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Rev.	Date	By	Ckd	Description
-	02/12/16	KN	TP	
A	23/06/17	LS	DC	TP Amendment
B	16/06/17	LS	DC	TP Amendment

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Project Name	204 -208 King Street	Project Number	11426
Project Address	204 King Street, Melbourne, VIC 3000	Drawing Name	Artists Impression
		Scale	
		Date	16/06/2017

Client	Client Company	Drawing Number	TP403
		Revision	B



Rev.	Date	By	Ckd	Description
-	02/12/16	KN	TP	
A	23/03/17	LS	DC	TP Amendment
B	16/06/17	LS	DC	TP Amendment

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Project Name	204 -208 King Street	Project Number	11426
Project Address	210 King Street, Melbourne, VIC 3000	Drawing Name	Artists Impression
Date		Scale	16/06/2017
Client	Client Company	Drawing Number	TP404
		Revision	B

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DELEGATE REPORT
APPLICATION FOR PLANNING PERMIT

Application number:	TP-2016-1105
Applicant:	Jin Yi Pty Ltd
Owner:	S&M Opasinis Investments Pty Ltd
Architect:	DKO Architecture (Vic.) Pty Ltd
Address:	204-208 King Street, Melbourne Great Western Hotel
Proposal:	Partial demolition of the existing building, development of a 26 storey mixed use tower including retail, office and 64 dwellings, waiver of the loading and unloading requirements and alteration of access to a Road Zone, Category 1
Cost of works:	\$14,800,000
Date received by City of Melbourne:	15 December 2016
Report Date:	4 July 2017
City of Melbourne's Status	Responsible Authority
Responsible officer:	Colin Charman

1. SUBJECT SITE AND SURROUNDS

1.1. Subject Site

Planning application TP-2016-1105 (the application) concerns the land known as:

- 204-208 King Street, Melbourne;
- Lot 1 on Title Plan 834430K, Vol. 9825, Fol. 471;
- Lot 1 on Title Plan 162583C, Vol. 9108, Fol. 120.

An inspection of the site and surrounding area was undertaken on 2 June 2017.

The site, 204-208 King Street, Melbourne, comprises two rectangular lots, with a frontage of 17.69 metres to King Street, 18.42 metres to Little Bourke Street and 17.61 metres to Brown Alley (per the Draft Plan of Survey prepared by Barker Monahan, plotted 8 June 2016).

The overall site area is approximately 325m².

The property is currently occupied by the 'Great Western Hotel', a two-storey brick and render building originally constructed in 1864 with a largely intact upper-floor, described as a 'C' graded historic hotel in the Central City Heritage Study Review (1993) report commissioned by City of Melbourne. The existing building on the site is not affected by a Heritage Overlay.

The topography of the land is informed by a 700mm fall from the north-east (Brown Alley, RL 16.40) to south-west (King Street, RL 15.70) frontage as measured from the pavement surface.



Photograph of King Street frontage of subject site, captured: 2 June 2017



Excerpt from CoMPASS base map, showing the subject site (red) and surrounding properties and streets

1.2. Surrounds

The immediate surrounding locality is generally informed by:

North-East

- **Brown Alley**, a 5 metre wide (approx.) bluestone Council laneway, which is north-west/south-east oriented and connects Lonsdale Street to Little Bourke Street. Merritts Place Reserve, a 315m² pocket park, is accessed via this laneway, and is located approximately 30 metres north of the subject site.
- Across Brown Alley to the north-east is **562 Little Bourke Street**, a rectangular site with an area of approximately 1,079m², occupied by a four-storey brick converted warehouse, comprising 39 residential properties and one food and drink outlet.

The existing building occupying this site is a 'B' graded historic building (formerly the 'Sun Electric Building'). This building is affected by Schedule 701 to the Heritage Overlay.

The south-west façade of the existing building occupying this site represents a sensitive interface for the subject site, comprising nine habitable room windows across three storeys.

North-West

- **212 King Street**, a rectangular site with an area of approximately 601m², occupied by a three-storey rendered brick converted warehouse.

The existing building occupying this site is a 'C' graded historic building, originally constructed in 1937, with modifications and refurbishments being made to the building in 1956 and 2006. This building is not affected by a Heritage Overlay.

The existing building occupying this site has no sensitive interfaces with the subject site.

South-East

- **Little Bourke Street**, a 10 metre wide (approx.) street, which is north-east/south-west oriented.
- Across Little Bourke Street to the south-east is **188-202 King Street**, a rectangular site with an area of approximately 605m², occupied by a four-storey brick and concrete office building, representing a renovated series of 'C' graded historic buildings with contemporary upper-floor additions. This building is not affected by a Heritage Overlay.

The existing building occupying this site has no sensitive interfaces with the subject site, noting that the windows to the north-west façade are not associated with habitable rooms forming part of a residential development.

South-West

- **King Street**, a 30 metre wide dual carriageway with a central reserve approximately 3 metres in width, which is planted with a row of mature London Plane street trees

King Street is an arterial road declared under the *Road Management Act 2004*, and located in the Road Zone – Category 1.

- Across King Street to the South-West are several rectangular properties between 205 King Street and 221 King Street, each occupied by a two-storey building. The existing buildings at 205 and 209-211 King Street, immediately

opposite the subject site, are 'C' graded historic buildings. None of the properties between 205 King Street and 221 King Street are affected by a Heritage Overlay.

1.3. Restrictions / Easements

The register search statements for each lot forming part of the subject site identify that land is not burdened by any restrictive covenants or Section 173 Agreements, and is not encumbered by any easements.

1.4. Archaeology and Heritage Inventory

The land is included in the Victorian Heritage Inventory (H7822-1223 Great Western Hotel) which identifies it as a historical archaeological site under the Heritage Act 1995.

The permit applicant has obtained consent for the disturbance of the historical archaeological site from the Executive Director, Heritage Victoria (Consent No. C1092, dated 4 October 2016), subject to carrying out requirements related to undertaking archaeological investigations and monitoring.

2. APPLICATION HISTORY

Pre-Application Meeting (14 June 2016)

A pre-application meeting was held on 14 June 2016 between the permit applicant and Council. A summary of the issues raised in this pre-application meeting is provided below:

- *Further investigation into heritage fabric of existing building warranted – particularly how this could be translated / utilised in proposed tower.*
- *Ground floor layout should be reconsidered, particularly with respect to:*
 - *6 space car stacker (provides no benefit to public realm and deactivates critical street edge at ground level) should be replaced with loading bay or commercial tenancy.*
 - *Articulated / inverted cantilevered interface with Brown Alley not supported (must straighten out this facade to remove entrapment opportunities).*
- *Brick materials to be integrated into ground floor / podium façade to reference surrounding heritage fabric.*
- *Projections over alleys/lanes and abutting streets must comply with Road Encroachment Operational Guidelines.*

Initial Consultation Post Lodgement (19 April / 15 May 2017)

The application was received by Council on 15 December 2016.

After carrying out public notice of the application pursuant to Section 52 of the *Planning and Environment Act 1987* (for which the formal notice period extended from 13 February 2017 and 27 February 2017) Council raised design concerns with the application in a meeting held on 19 April 2017.

These design concerns were further articulated in Council's Urban Design Advisor's advice, sent to the permit applicant on 16 May 2017, which included the following recommendation with respect to the proposal:

"Whilst the above referral focuses on the proposal as detailed in the application package, we acknowledge further consideration is required of the heritage asset, and its potential integration. Notwithstanding the heritage considerations

there is a strong basis for integrating the primary street oriented elements of the hotel structure to provide a robust, pedestrian oriented form to contextualise the tower with a strengthened base.”

Section 57A Amendment Application (26 May 2017)

In response to the design concerns raised by Council, the permit applicant amended the planning application pursuant to Section 57A of the *Planning and Environment Act 1987* on 26 May 2017.

The key changes to the proposed development made as part of this amendment application, included:

- Retention and integration of the ‘Great Western Hotel’ King Street and Little Bourke Street exterior facades into the base of the proposed tower.
- Increasing the height of the street wall of the tower to King Street within 5 metres of the north-west title boundary, and to Little Bourke Street within 5 metres of the centre-line of Brown Alley, from 18 metres to 38 metres.
- Increasing the Floor Area Ratio from 18:1 to 20.6:1, with associated provision of office floor area to levels 1 and 2 of the building to provide the agreed public benefit.

Notice of the S.57A amendment application received on 26 May 2017 was not given in accordance with Section 57B of the *Planning and Environment Act 1987*, as it was not considered that the amendments made to the application introduced any new potential for the development to cause material detriment to any person.

Final Consultation (2 June 2017)

Council met with the permit applicant on 2 June 2017 to discuss the amended proposal received on 26 May 2017.

Following a period of consultation after this meeting, the permit applicant provided discussion plans on 15 June 2017, detailing further changes to the development to address Council’s outstanding concerns related to the design of the amended proposal.

The key changes to the proposed development shown in these discussion plans include:

- Levels 7 -11 setback approximately 4 metres from the King Street title boundary within a distance of 5 metres from the north-west title boundary, reducing height of this portion of the street wall of the tower to King Street from 38 metres to 23 metres.
- Amending the materials and finishes of the tower base and ‘stepping-up’ the expressed cladding above the recessed portion of the base to the Little Bourke Street façade to provide an improved interface with 562 Little Bourke Street, Melbourne.

The discussion plans received on 15 June 2017 showing the above changes have assisted Council’s assessment of the application, and will be referenced in permit conditions to require the nominated changes to be undertaken in the completed development.

3. PLANNING SCHEME AMENDMENTS

In the intervening period between when the application was first received by Council and the date of this report, the following planning scheme amendments have been gazetted which have altered the planning controls applying to the subject site.

Planning Scheme Amendment VC136

Planning Scheme Amendment VC136, the 'Better Apartments' amendment, was gazetted on 13 April 2017 and introduced:

- Clause 58 (Apartment Developments) into the Melbourne Planning Scheme, in addition to amending Clause 55 (Two or More Dwellings on a Lot) to add several new objectives and standards related to Apartment Developments under Clause 55.07.

Clause 37.04-4 provides transitional provisions related to the application of Amendment VC136, which specifies that Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under Section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Pursuant to Section 57A(7) of the *Planning and Environment Act 1987*, on the amendment of an application under this section:

- a) The amended application is to be taken –
 - i To be the application for the purposes of this Act; and
 - ii To have been received on the day that the request for an amendment was received by the responsible authority; and
- b) All objections made in relation to the original application are to be taken to be objections to the amended application.

The application was amended pursuant to Section 57A of the Act on 26 May 2017 (after the gazettal of Planning Scheme Amendment VC136).

Accordingly, the amendment to the application gave force and effect to the requirements of Planning Scheme Amendment VC136 (including Clause 58) over the proposed development.

The application has therefore been assessed against Clause 58.

4. PROPOSAL

4.1. Plans / Reports considered in assessment

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

Table 1: Plans / Reports considered in assessment			
Plan / Report Title	Author/Creator	Drawing/Report No.	Drawing/Report Date
Town Planning Report	SJB Planning Pty Ltd	554419R001	December 2016
Cover letter accompanying amendment S.57A	SJB Planning Pty Ltd	554419L002	26 May 2017
Architectural Plans	DKO Architecture (Vic) Pty Ltd	Rev A *Rev B	25/05/2017 *15/06/2017

Landscape Plan	John Patrick Landscape Architects Pty Ltd	16-644	July 2016
Plan of Survey	Barker Monahan	13649	8 June 2016
Plot Ratio Calculation	Napier & Blakely	N/A	30 May 2017 *15 June 2017
Wind report	MEL Consultants Pty. Ltd.	D71/17	30 May 2017
Sustainable Management Plan	NJM Design Pty Ltd	4235	3 August 2016
Traffic Engineering Assessment	Sustainable Transport Surveys Pty Ltd (Salt ³)	16174T (Revision D01)	9 December 2016
Waste Management Plan	Sustainable Transport Surveys Pty Ltd (Salt ³)	16174W (Revision F03)	24 May 2017
<i>*Discussion reports/plans received on 15 June 2017 to supplement formally amended application documents</i>			

4.2. Summary of proposed development

Planning Permit Application No. TP-2016-1105 seeks planning approval for:

- Partial demolition of the Great Western Hotel, retaining the King Street and Little Bourke Street facades of the building and creating new openings at ground level.
- Development of a twenty-six (26) storey mixed use tower with a total building height of 80 metres, comprising commercial tenancies at the ground, first and second floor, and 64 dwellings within the remaining upper storeys.
- Waiver of the loading and unloading of vehicles requirements under Clause 52.07.
- Alteration of access to a Road Zone – Category 1 under Clause 52.29.

A summary of the key relevant details of the proposed development are provided in Table 2 below:

Table 2: Summary of proposed development			
Site Area:	325m ² (approx.)	Gross floor area:	6,698.9m ²
Built form			
Number of storeys above ground level:	26	Number of basement levels:	1
Total building height / street wall height: (per DDO10 definition)	80 metres	Floor area ratio: (per Cl.22.03 definition)	20.6:1
Floor area uplift sought (GFA above 18:1 floor area ratio):	848.9m ² (\$760,614.40)	Agreed public benefit	601.1m ² of office floor area secured by legal agreement (\$1,142,090.00)
Traffic			
Car parking spaces: (note: 0 motorcycle)	4 spaces (for independent use)	Bicycle facilities:	18

spaces are provided)	by 4 apartments)		
Loading/unloading:	N/A		
Vehicle access:	Brown Alley (car stacker)		
Apartment Mix			
Total Dwellings:	64	1BR:	18
2BR	46	3+BR	0
Programme			
Basement			
Services			
18 bicycle spaces			
17 storage spaces (volumes ranging from 2.6m ³ to 3m ³)			
Ground Floor (zero setbacks)			
Retail tenancy with a leasable floor area of 130.3m ² , with frontage of 17.69 metres to King Street and 10 metres to Little Bourke Street (representing a total of 27.69 metres of active shopfront frontage).			
Residential apartment lobby and mail room accessed via Little Bourke Street			
Car stacker (4 spaces), substation (16.8m ²), waste storage (23.5m ²) and fire control room (10.6m ²) accessed via Brown Alley			
Fire booster occupying 3.5 metres of the Little Bourke Street frontage			
Levels 1-2 (expressed façade treatment with variable setbacks to King Street and Little Bourke Street)			
Office tenancies with a combined leasable floor area of 475.5m ² (Note: the commercial tenancies at Level 1 and Level 2 are proposed to be secured by 10 year agreement to provide the requisite floor area uplift sought by the development)			
Level 3-11 (zero setbacks)			
Residential apartments (18x1BR & 18x2BR)			
Level 12 Setbacks:			
North-East: 5 metre setback to the centre-line of Brown Alley			
North-West: 5 metre setback to the north-west title boundary (212 King Street)			
Communal garden + BBQ area (73.7m ²)			
Residential apartments (2x2BR)			
Level 13-25			
North-East: 5 metre setback to the centre-line of Brown Alley			
North-West: 5 metre setback to the north-west title boundary (212 King Street)			
Residential apartments (26x2BR)			
Roof			
North-East: 5 metre setback to the centre-line of Brown Alley			
North-West: 5 metre setback to the north-west title boundary (212 King Street)			
Services			

5. STATUTORY CONTROLS

Table 3 and Table 4 below set out the statutory controls and planning provisions of the Melbourne Planning Scheme that apply to the subject site and proposed development.

Table 3: Statutory Controls (Zones and Overlays)	
Clause	Permit Requirement
Zone	
Clause 37.04 – Capital City Zone Schedule 1: Outside the Retail Core	<p><i>Land Use – Permit not required</i></p> <p>Pursuant to Clause 1.0 of Schedule 1 to the Capital City Zone, use of land for Accommodation (other than Corrective Institution), Office and Retail Premises (other than Adult sex bookshop, Department store, Hotel, Supermarket, and Tavern) represent Section 1 (permit not required) land uses.</p> <p>Accordingly, a permit is not required for the proposed use of the land under the Capital City Zone.</p> <p><i>Demolition – Permit required (exempt from notice)</i></p> <p>Pursuant to Clause 4.0 of Schedule 1 to the Capital City Zone, a permit and prior approval for the redevelopment of a site are required to demolish or remove a building or works.</p> <p>Accordingly, a permit is required for the partial demolition of the 'Great Western Hotel' at the subject property under the Capital City Zone.</p> <p><i>Buildings and Works – Permit required (exempt from notice)</i></p> <p>Pursuant to Clause 3.0 of Schedule 1 to the Capital City Zone, a permit is required to construct a building or construct or carry out works</p> <p>Accordingly, a permit is required for the proposed development under the Capital City Zone.</p>
Clause 36.04 – Road Zone – Category 1	<p><i>Buildings and Works – Permit required</i></p> <p>Pursuant to Clause 36.04-2 of the Road Zone (Category 1), a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 36.04-1.</p> <p>Accordingly, a permit is required for the proposed projections over King Street under the Road Zone – Category 1.</p>
Overlays	
Clause 43.02 – Design and Development Overlay (DDO)	<p>Pursuant to Clause 43.02-2 of the Design and Development Overlay a permit is required to construct a building or construct or carry out works, unless:</p> <ul style="list-style-type: none"> • A schedule to this overlay specifically states that a permit is not required. • To the construction of an outdoor swimming pool associated with a dwelling unless a specific requirement for this matter is specified in a schedule to this overlay.
DDO Schedule 3: Traffic Conflict Frontage	<p><i>Buildings and Works – Permit not required</i></p> <p>Schedule 3 to the Design and Development Overlay provides that a permit is not required to construct a building or construct or carry out works other than those associated with the creation or alteration of a crossover or vehicle accessway.</p> <p>The proposed development does not seek to create or alter an existing crossover or vehicle accessway within the part of the land</p>

Table 3: Statutory Controls (Zones and Overlays)	
Clause	Permit Requirement
	<p>affected by Schedule 3 to the Design and Development Overlay.</p> <p>Accordingly, a permit is not required for the proposed development under Schedule 3 to the Design and Development Overlay.</p>
DDO Schedule 10: General Development Area – Built Form	<p><i>Buildings and Works – Permit required (exempt from notice)</i></p> <p>Schedule 10 to the Design and Development Overlay does not specify any applicable criteria that would exempt the proposed development from the requirement for a permit under the Design and Development Overlay.</p> <p>Accordingly, a permit is required for the proposed development under Schedule 10 to the Design and Development Overlay.</p> <p>Clause 2.3 of Schedule 10 to the Design and Development Overlay provides that a permit must not be granted for a proposed development which does not meet specified mandatory requirements related to built form, wind effects and overshadowing in the Schedule.</p> <p>An assessment of the proposed development against the requirements of Schedule 10 to Clause 43.02 is provided in the body of this report.</p>
Clause 45.09 – Parking Overlay Schedule 1: Outside the Retail Core	<p><i>Provide parking in excess of parking rate - Permit not required</i></p> <p>Pursuant to Clause 2.0 of Schedule 2 to the Parking Overlay, a permit is required to provide car parking in excess of the following rates:</p> <ul style="list-style-type: none"> For that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling. For that part of the site devoted to other uses, (excluding common areas serving the dwellings) must not exceed the number calculated using one of the following formulas: <p>Maximum spaces =</p> $\frac{5 \times \text{net floor area of buildings on that part of the site in } m^2}{1000m^2}$ <p>Or</p> $\frac{12 \times \text{that part of the site area in } m^2}{1000m^2}$ <p>The proposed development includes 4 parking spaces allocated to the residential apartments.</p> <p>Adopting the above car parking rate, an allowable limit of 56 parking spaces is available to the dwellings, and 3 parking spaces is available to the commercial tenancies.</p> <p>Accordingly, as the number of parking spaces within the development does not exceed the allowable limit provided for under Schedule 1 to the Parking Overlay, a permit is not required under the Parking Overlay.</p>

Table 4: Planning Provisions (Particular Provisions and General Provisions)	
Clause	Permit Requirement
Particular Provisions	
Clause 52.06 – Car Parking	<p><i>Reduce or waive the car parking requirements – Permit not required</i></p> <p>Pursuant to Clause 52.06-3, a permit is not required to reduce the car</p>

	<p>parking requirement if a schedule to the Parking Overlay specifies that a permit is not required under this clause.</p> <p>Clause 3.0 of Schedule 1 to the Parking Overlay specifies that no car parking spaces are required for any use.</p> <p>Accordingly, a permit is not required for the development under Clause 52.06.</p> <p>Clause 52.06-8 provides design standards for Car Parking which apply to the proposed development, which the application has been assessed against by Council's Traffic Engineer.</p>															
<p>Clause 52.07 – Loading and Unloading of Vehicles</p>	<p><i>Reduce or waive the loading and unloading requirements – Permit required</i></p> <p>Pursuant to Clause 52.07, no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless specified criteria are met.</p> <p>The Traffic Engineering Assessment report prepared by Sustainable Transport Surveys Pty Ltd (Salt3) identifies that a loading and unloading area has not been provided.</p> <table border="1" data-bbox="576 797 1439 1120"> <thead> <tr> <th data-bbox="576 797 954 875">FLOOR BUILDING</th> <th data-bbox="954 797 963 875">AREA</th> <th data-bbox="963 797 973 875">OF</th> <th data-bbox="973 797 1161 875">MINIMUM DIMENSIONS</th> <th data-bbox="1161 797 1362 875">LOADING BAY</th> </tr> </thead> <tbody> <tr> <td data-bbox="576 875 954 1039">2,600m² or less in single occupation</td> <td data-bbox="954 875 963 1039"></td> <td data-bbox="963 875 973 1039"></td> <td data-bbox="973 875 1161 1039">Area Length Width Height clearance</td> <td data-bbox="1161 875 1362 1039">27.4m² 7.6m 3.6m 4.0m</td> </tr> <tr> <td data-bbox="576 1039 954 1120">For every additional 1,800m² or part</td> <td data-bbox="954 1039 963 1120"></td> <td data-bbox="963 1039 973 1120"></td> <td data-bbox="973 1039 1161 1120">Additional 18 m²</td> <td data-bbox="1161 1039 1362 1120"></td> </tr> </tbody> </table> <p>The proposed retail tenancy at the ground floor level triggers a technical requirement to provide the minimum loading bay dimensions identified in the excerpt from Clause 52.07 above.</p> <p>Accordingly, as the development does not incorporate a loading and unloading area meeting the minimum dimensions referenced above, a permit is required under Clause 52.07.</p>	FLOOR BUILDING	AREA	OF	MINIMUM DIMENSIONS	LOADING BAY	2,600m ² or less in single occupation			Area Length Width Height clearance	27.4m ² 7.6m 3.6m 4.0m	For every additional 1,800m ² or part			Additional 18 m ²	
FLOOR BUILDING	AREA	OF	MINIMUM DIMENSIONS	LOADING BAY												
2,600m ² or less in single occupation			Area Length Width Height clearance	27.4m ² 7.6m 3.6m 4.0m												
For every additional 1,800m ² or part			Additional 18 m ²													
<p>Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road</p>	<p><i>Create or alter access to a road in a Road Zone – Category 1 – Permit required</i></p> <p>Pursuant to Clause 52.29, a permit is required to create or alter access to a road in a Road Zone, Category 1.</p> <p><i>Referral Requirement – Determining Referral Authority</i></p> <p>VicRoads verbally advised Council on 6 February 2017 that they considered the proposal represented an alteration of access to a road in a Road Zone – Category 1, and that a permit was therefore required under Clause 52.29.</p> <p>Accordingly, the application was referred to VicRoads on 6 February 2017, pursuant to Section 55 of the <i>Planning and Environment Act 1987</i>.</p> <p>VicRoads represent a Determining Referral Authority for the application.</p>															

<p>Clause 52.34 – Bicycle Facilities</p>	<p><i>Reduce or waive bicycle facilities requirements – Permit not required subject to conditions (exempt from notice)</i></p> <p>Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land.</p> <p>The table to Clause 52.34-3 include the following bicycle facilities rate, which applies to the proposed development:</p> <table border="1" data-bbox="576 439 1439 913"> <thead> <tr> <th data-bbox="576 439 772 495">USE</th> <th data-bbox="772 439 1094 495">EMPLOYEE</th> <th data-bbox="1094 439 1439 495">VISITOR/SHOPPER</th> </tr> </thead> <tbody> <tr> <td data-bbox="576 495 772 600">Residential</td> <td data-bbox="772 495 1094 600">In developments of four or more storeys, 1 to each 5 dwellings</td> <td data-bbox="1094 495 1439 600">In developments of four or more storeys, 1 to each 10 dwellings</td> </tr> <tr> <td data-bbox="576 600 772 741">Office other than specified in this table</td> <td data-bbox="772 600 1094 741">1 to each 300m² of net floor area if the net floor area exceeds 1000m²</td> <td data-bbox="1094 600 1439 741">1 to each 1000m² of net floor area if the net floor area exceeds 1000m²</td> </tr> <tr> <td data-bbox="576 741 772 913">Retail premises other than specified in this table</td> <td data-bbox="772 741 1094 913">1 to each 300m² of leasable floor area</td> <td data-bbox="1094 741 1439 913">1 to each 500m² of leasable floor area</td> </tr> </tbody> </table> <p>The required bicycle facilities rate is: 19 bicycle spaces</p> $\left(\frac{64}{5}\right) + \left(\frac{64}{10}\right) = 19.2$ <p><i>(note: Clause 52.34-3 specifies that if in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number.</i></p> <p>As the proposed development does not provide an adequate number of bicycle parking spaces to meet the above requirement, a permit is required to reduce the requirements of Clause 52.34 (Bicycle Facilities).</p> <p>A condition will be included on any permit being granted requiring the development to provide at least 19 bicycle spaces for the reasons described in Section 12.7.3 of this report.</p>	USE	EMPLOYEE	VISITOR/SHOPPER	Residential	In developments of four or more storeys, 1 to each 5 dwellings	In developments of four or more storeys, 1 to each 10 dwellings	Office other than specified in this table	1 to each 300m ² of net floor area if the net floor area exceeds 1000m ²	1 to each 1000m ² of net floor area if the net floor area exceeds 1000m ²	Retail premises other than specified in this table	1 to each 300m ² of leasable floor area	1 to each 500m ² of leasable floor area
USE	EMPLOYEE	VISITOR/SHOPPER											
Residential	In developments of four or more storeys, 1 to each 5 dwellings	In developments of four or more storeys, 1 to each 10 dwellings											
Office other than specified in this table	1 to each 300m ² of net floor area if the net floor area exceeds 1000m ²	1 to each 1000m ² of net floor area if the net floor area exceeds 1000m ²											
Retail premises other than specified in this table	1 to each 300m ² of leasable floor area	1 to each 500m ² of leasable floor area											
<p>Clause 52.36 – Integrated Public Transport Planning</p>	<p>Referral Requirement – Determining Referral Authority</p> <p>Pursuant to Clause 52.36-1, an application to construct a building or to construct or carry out works involving:</p> <ul style="list-style-type: none"> • A residential building comprising 60 or more dwellings or lots; or <p>Must be referred in accordance with Section 55 of the <i>Planning and Environment Act 1987</i> to the Public Transport Development Authority.</p> <p>As the proposed development includes in excess of 60 dwellings, the application was referred to Public Transport Victoria on 9 June 2017 pursuant to Section 55 of the <i>Planning and Environment Act 1987</i>.</p> <p>Public Transport Victoria represent a Determining Referral Authority for the application.</p>												

<p>Clause 58 – Apartment Developments</p>	<p><i>Apartment Developments – Must Meet Requirements</i></p> <p>Clause 37.04-4 of the Capital City Zone provides that an apartment development must meet the requirements of Clause 58 (Apartment Developments).</p> <p>An assessment of the proposed development has therefore been undertaken against the standards and objectives of Clause 58 (Apartment Developments) of the Melbourne Planning Scheme.</p> <p>An assessment of the proposed development against the standards and objectives of Clause 58.04 (Amenity Impacts) is provided in the body of this report.</p> <p>An assessment of the proposed development against the remaining standards and objectives of Clause 58 is provided in Appendix 2 of this report.</p>
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6. STRATEGIC FRAMEWORK

6.1. State Planning Policy Framework (SPPF)

The relevant provisions of the SPPF are summarised as follows:

- Clause 9 – Plan Melbourne
- Clause 10 – Operation of the State Planning Policy Framework
- Clause 11 – Settlement
 - Clause 11.01 – Activity Centres
 - Clause 11.02 – Urban Growth
- Clause 15 – Built Environment and Heritage
 - Clause 15.01 – Urban Design
 - Clause 15.02 – Sustainable Development
 - Clause 15.03 – Heritage
 - Clause 15.03-1 – Heritage Conservation
- Clause 16 - Housing
- Clause 17 – Economic Development
 - Clause 17.01-1 – Business
- Clause 18 – Transport
 - Clause 18.02 – Movement Networks

6.2. Local Planning Policy Framework

6.2.1. Municipal Strategic Statement (MSS)

The relevant provisions of the MSS are summarised as follows:

- Clause 21.01 – The Municipal Strategic Statement – introduction
- Clause 21.02 – Municipal Profile
- Clause 21.03 – Vision
- Clause 21.04 – Settlement
 - Clause 21.04-1 – Growth Area Framework
- Clause 21.06 – Built Environment and Heritage

- Clause 21.08 – Economic Development
- Clause 21.09 – Transport
- Clause 21.10 – Infrastructure
 - Clause 21.10-4 – Health Facilities
- Clause 21.12 – Hoddle Grid

6.2.2. Local Policies

The relevant local policies are summarised as follows:

- Clause 22.01 – Urban Design within the Capital City Zone
- Clause 22.02 – Sunlight to Public Spaces
- Clause 22.03 – Floor Area Uplift and Delivery of Public Benefits
- Clause 22.19 – Energy, Water and Waste Efficiency
- Clause 22.20 – CBD Lanes
- Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)

7. GENERAL PROVISIONS

The following general provisions apply to the application:

- Clause 65 – Decision Guidelines, which includes the matters set out in Section 60 of the *Planning and Environment Act 1987*.
- Clause 66 – Referral and Notice Provisions
 - Schedule to Clause 66.04

8. PUBLIC NOTIFICATION

Formal notice period: 13 February 2017 to 27 February 2017

Notice of the proposal was given by ordinary mail to the owners and occupiers of adjoining and surrounding properties on 13 February 2017 in accordance with Section 52 of the *Planning and Environment Act 1987*.

The following permit requirements as bearing on the proposed development are exempt from the notice requirements of Section 52(1)(a), (b) and (d) and the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act:

- Capital City Zone (Schedule 1)
 - Demolition
 - Buildings and Works
- Design and Development Overlay (Schedule 10)
 - Buildings and Works
- Clause 52.34 (Bicycle Facilities)

9. OBJECTIONS

A total of 61 objections (excluding additional submissions from the same objector) have been received as of the date of this report

The concerns raised in each objection have been summarised below to identify key themes and issues raised and have informed consideration of the application in section 12 of this report.

Summary of Concerns

60 submissions received by Council raised concerns in respect of the following:

- Demolition of the 'Great Western Hotel'.

One submission received by Council raised concerns in respect of the following:

- Overshadowing impacts over residential development at 562 Little Bourke Street, including by limiting daylight to habitable room windows and casting a shadow over roof-top skylights.
- Impact on pedestrian/vehicle movement within Brown Alley during construction of the tower and afterward, including on residents of 562 Little Bourke Street.
- Appropriateness of loading / unloading arrangements and waste collection occurring from Brown Alley.

10. CONSULTATION

Due to the large number of objections that have been received to-date, in addition to the content of objections being generally focussed on heritage related matters (which do not represent a relevant consideration for the application), formal consultation was not organised prior to listing the application on the agenda for Council's Future Melbourne Committee meeting.

It is noted that individual consultation was undertaken with the party who raised concerns in relation to the impact of the development on 562 Little Bourke Street over telephone.

11. REFERRALS

11.1. External

11.1.1. VicRoads (Determining Referral Authority)

The application was referred to VicRoads pursuant to Section 55 of the *Planning and Environment Act 1987* on 6 February 2017.

A copy of the S.57Amendment application was referred to VicRoads pursuant to Section 55 of the *Planning and Environment Act 1987* on 9 June 2017.

VicRoads have provided written advice requiring a number of specified conditions to be included on any permit being granted.

Conditions will be included on any permit being granted to give effect to VicRoads requirements.

11.1.2. Public Transport Victoria (Determining Referral Authority)

A copy of the original application, together with the S.57Amendment application, was referred to Public Transport Victoria pursuant to Section 55 of the *Planning and Environment Act 1987* on 9 June 2017.

Public Transport Victoria have provided written advice indicating they do not require conditions to be included on any permit being granted.

11.2. Internal

11.2.1. Urban Design Advisor

The application was referred to Council's Urban Design Advisor on 6 February 2017.

Preliminary Comments (16 May 2017)

Council's Urban Design Advisor provided the following referral comments on 16 May 2017:

"Issues

1. Response to Context

- *The existing building on site is known as 'The Great Western Hotel'. It is a double storey rendered brick building, however it is not included in the Melbourne Planning Scheme Heritage Overlay despite it's 'D' grading in the City of Melbourne's heritage inventory. We strongly encourage retention and integration of this valued form into the development proposal from an Urban Design perspective to maintain a tactile, visually interesting and high quality masonry base, with a taller form set above.*
- *The subject site is located on the corner of King St and Lt Bourke St and serviced by Brown Alley. To the north of the site is 212 King St, a 3 storey commercial rendered brick building built to all boundaries and currently has no windows facing the subject site. To the east of the site across from Brown Alley is 562-555 Lt Bourke St which is included in the heritage schedule overlay as HO701 and a 4 storey warehouse conversion with habitable windows facing the subject site. The proposal has balconies and bedroom windows overlooking the alley way and fronting these existing balconies with just under 5 metres separation. As discussed further below this interface is subject to change to comply with existing policies. To the south across Lt Bourke St is a 4 storey commercial public bar and restaurant building, with balconies fronting the site however the street width and existing character in this street does not pose any issues.*
- *The buildings across the intersections of King St and Little Bourke St are 4-5 stories including the majority of buildings along King St, providing a consistent streetwall to the immediate area.*

2. Building / Tower Setbacks & Spacing

- *The tower form at levels 6 and above is set back 5 metres on the eastern boundary to the centre of Brown Alley, and the northern setback is 5 metres to the adjacent 3 story commercial building at 224 King St. The windows and balconies along this northern facade require articulation to ensure that future development along this frontage will not create issues of overlooking, in addition to the avoidance of conventional screening. There are no setbacks proposed to the west and south boundary fronting King St and Little Bourke St in response to the 80m allowance for a pencil tower on a major street corner in the Hoddle Grid within Amendment C270 / DDO10.*
- *The 80 metre tower is set back 5 metres from the northern boundary and 5 metres from the centre of Brown Alley. We are unconvinced that this achieves a high quality laneway environment to Brown Alley, which connects to a high quality outdoor spaces a short distance along the lane. Rendered views should be provided from within the lane on the oblique angle to communicate the impact on the lane of the minor setback.*

- *The built form outcomes specify that a tower should be a distinctly different from or consist of an architectural expression that varies from the podium. In this instance the corner exposure and 80m allowance for a pencil tower on a major street corner permits an alternate design response, comparable to 41X, Phoenix Tower or 168 Lonsdale Street. To resolve a successful urban tower of this type however warrants a highly tactile and engaging shop front / plinth and canopy treatment in lieu of a traditional podium. The significant 1864 hotel structure offers an excellent 'ready made' opportunity to resolve this objective of the DDO10, whilst maintaining a contemporary pencil tower profile above.*

3. Building Program and elevation

- *The ground floor design response of retail active frontage along King St and wrapping around Lt Bourke St to the lobby entrance is supported. The proposed retail activation fronting Lt Bourke St and King St and residential use in this area is supported, but must ensure that the ceiling to floor heights of podium residential levels are adaptable for future commercial uses.*
- *It is unclear how the dwellings at the upper level provide for a perception of passive surveillance and connection with the street, with a highly reflective glazing system with very little variation in the façade. The tower form and use of materials create an appearance of a commercial building due to the lack of depth achieved in residential balconies, a lost opportunity for dynamism over the surface of the façade. We require further clarification on the location, and dimensions of operable windows and balconies above level 5 to provide variation in the large glazed tower form.*
- *The proposed black brick finish shown on the frontages for approximately 4m strips on King St and Lt Bourke St are an attempt at connecting to the existing character of the adjoining buildings and providing a 'joint' which allows the tower form to stand alone at the corner. We encourage this approach to be maintained in conjunction with the retained hotel form, effectively creating a 'cradle' within which the jewel like pencil tower can be sited.*

4. Public Space

- *The proposed communal open space is approximately 75m² in total and proposed to be located on the north side of the level 5 podium. The soil depth for sufficient tree plantings should be a minimum of 1 metre, with adequate access to sun and shade throughout the year to achieve a landscaped open space for residents.*
- *If the adjacent property at 224 King St (currently 3 storey commercial) is to be developed, the entire communal area would be overshadowed. There are no private residential amenities proposed in the building. It is recommended that the applicant explore other areas of the building that could accommodate communal open space areas that wouldn't be compromised by potential future adjacent developments including spaces contained within the building or with balcony access.*

Recommendations

Whilst the above referral focuses on the proposal as detailed in the application package, we acknowledge further consideration is required of the heritage asset, and it's potential integration. Notwithstanding the heritage considerations there is a strong basis for integrating the primary street oriented elements of the hotel structure to provide a robust, pedestrian oriented form to contextualise the tower with a strengthened base."

Comments on Amended Proposal (2 June 2017)

The permit applicant formally amended their application on 26 May 2017, responding to design issues raised in a meeting held on 19 April 2017, and Council's Urban Design Advisor's advice dated 16 May 2017.

A meeting was subsequently held with the permit applicant on 2 June 2017 to discuss the amended proposal's resolution of the design concerns raised in Council's Urban Design Advisor's advice dated 16 May 2017.

Council narrowed its concerns with the design of the amended proposal during this discussion, with key outstanding issues touched on including:

- The exterior materials and finishes and differentiation between the base (podium) and tower form;
- Façade expression above the retained portions of the Great Western Hotel; and
- Integration of the street wall height of the tower with adjoining and immediately surrounding historic buildings.

Comments on Discussion Plans (9 June 2017)

The permit applicant circulated sketch plans on 7 June 2017, responding to the key outstanding issues raised by Council in the above meeting.

Council provided the following comments on 9 June 2017 addressing these sketch plans,

We have reviewed the sketch and are broadly comfortable with the revised strategy, comprising a 5m setback in the party-wall above approximately 20m in height to the northern neighbour. The effect of this is to encourage a reciprocal setback to future development to the north, above a retained heritage form, whilst avoiding an unsightly large expanse of party-wall in the near to medium term.

Further, the raising of the rear treatment is helpful in creating a stronger sense of base, subject to detailed material resolution. It will be important that this rear treatment to the street is more detailed than simply black glass, as this would not represent a good pedestrian scale outcome within the Little Bourke Street context. Further refinement of the material palette will be required particularly at the ground level. We will also give careful consideration to the suitability of the projections over the rear lane.

The sketch plans were subsequently professionally drafted by DKO Architecture (Vic.) Pty Ltd and submitted as discussion plans on 15 June 2017.

Conditions will be included on any permit being granted to give effect to the further design revisions detailed in the discussion plans received on 15 June 2017, in addition to requiring an improved material palette for the ground plane and deletion of projecting elements of the building over Brown Alley.

The negotiated outcome and recommendations of Council's Urban Design Advisor described above have been used to inform assessment of the proposed development against urban design related matters in Section 12 of this report.

11.2.2. Engineering Services Branch

The application was referred to Council's Engineering Services Branch on 6 February 2017.

Traffic Engineer

Council's Traffic Engineer provided referral comments on 6 March 2017, which have been used to inform assessment of the proposed development against traffic related matters in Section 12 this report.

Civil Infrastructure Engineer

Council's Civil Engineer provided referral comments on 13 February 2017, which recommended the inclusion of a number of conditions and notes on any permit being granted to ensure adequate drainage provision, and to protect VicRoads, the Coordinating Road Authority for King Street, and City of Melbourne's, road-based assets.

In addition to recommending the inclusion of a number of conditions on any permit being granted, Council's Civil Engineer raised the following concern with the proposed development:

"We object to the outward opening door projecting into the rear lane way Brown Alley. The doors shall be redesigned such that they do not project beyond the street alignment when open, when closed or when being opened or closed."

Conditions will be included on any permit being granted to give effect to Council's Civil Infrastructure Engineer's recommendations and to address any concerns raised.

Urban Services Engineer

Council's Urban Services Engineer provided the following referral comments on 3 April 2017:

"We have reviewed the WMP by Salt 3 dated 9 Dec 2016 for this proposed development and found with some minor amendments we can accept."

The amendments required are as follows:

- *Swept path diagrams showing how the 8.8m waste truck will access Brown Alley is required.*
- *Fully comingled bins are to be used at this address – no cardboard separated bins."*

The permit applicant provided an updated Waste Management Plan prepared by Salt 3, dated 24 May 2017, with the amended application provided to Council on 26 May 2017.

It is noted that this WMP generally appears to address the two outstanding matters raised by Council's Urban Services Engineer in their advice dated 3 April 2017 (importantly; swept-path diagrams have been provided demonstrating an 8.8m waste tuck can access Brown Alley).

Notwithstanding the above, as Council's Urban Services Engineer has not reviewed the amended WMP as of the date of this report (which details altered waste storage arrangements to cater to the new proposed office tenancies), conditions will be included on any permit being granted to require an amended WMP to be submitted to the satisfaction of the Responsible Authority.

This will enable these matters to be further resolved as part of submission of Condition 1 plans at a later date.

11.2.3. Land Survey

Council's Land Survey Team provided verbal comments on 15 June 2017, and identified that the layout of the title boundaries on the submitted Survey Plan prepared by Barker Monaghan dated 8 June 2016 did not appear to align with the title boundaries shown in Title Plan 834430K and Title Plan 162583C.

Council's Land Survey Team were guided by the Survey Plan prepared by Barker Monaghan, and verbally advised that the footprint of the proposed development must be fully contained within the title boundaries for the subject site, and must not encroach over Council land (specifically, Brown Alley).

Conditions will be included on any permit being granted to give effect to Council's Land Survey Team's recommendations.

12. ASSESSMENT

The Application seeks planning approval for the following:

- Demolition under the Capital City Zone (Schedule 1);
- Development of a 26 storey mixed use tower under the Capital City Zone (Schedule 1) and Design and Development Overlay (Schedule 10);
- Waiver of the loading and unloading of vehicles requirements under Clause 52.07.
- Alteration of access to a Road Zone – Category 1 under Clause 52.29.
- A reduction of the bicycle facilities requirements under Clause 52.34 (by one space).

The key issues for consideration in the assessment of this application include the following:

- The appropriateness of the proposed demolition, having regard to the Capital City Zone (Schedule 1);
- The floor area uplift sought by the proposed development, having regard to the requirements of the Capital City Zone (Schedule 1) and Local Planning Policy Clause 22.03 (Floor Area Uplift and Delivery of Public Benefits);
- The built form of the proposed tower, having regard to the design objectives decision guidelines and requirements of Schedule 10 to the Design and Development Overlay, including;
- Detailed urban design and the interface of the development with the public realm, having regard to Local Planning Policy Clause 22.01 (Urban Design within the Capital City Zone);
- Equitable development opportunities;
- The development's compliance with the requirements of Clause 58 (Apartment Developments), which includes consideration of external amenity impacts and internal amenity for apartments;
- The adequacy of the development layout and traffic management arrangements for car parking, bicycle facilities, and loading and unloading and other traffic related matters.
- The appropriateness of the proposed development having regard to other relevant considerations related to environmental risks and sustainability.

12.1. Demolition

Capital City Zone (Schedule 1)

Clause 4.0 of Schedule 1 to the Capital City Zone provides that before deciding on an application to demolish or remove a building, the responsible authority may require an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* between the landowner and the responsible authority, requiring as appropriate:

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

Consideration

An agreement pursuant to Section 173 of the *Planning and Environment Act 1987* in the manner described above is not considered necessary in this instance, noting that the amended application seeks to retain the King Street and Bourke Street frontages of the 'Great Western Hotel', and there is therefore no risk that the site will be completely cleared and left vacant for a protracted period (leading to a de-activated frontage for the corner site lacking in visual interest).

Further, a condition will be included on any permit being granted requiring the permit holder to provide evidence to the Responsible Authority that substantial progress has been made toward obtaining the necessary building permits for the development prior to carrying out any part demolition of the existing building.

Subject to conditions, the proposed demolition is considered acceptable having regard to Schedule 1 to the Capital City Zone.

12.2. Floor Area Uplift (Capital City Zone and Clause 22.03)

Capital City Zone (Schedule 1)

Clause 3.0 of Schedule 1 to the Capital City Zone provides that permit must not be granted (or amended) to construct a building or construct or carry out works with a floor area ratio in excess of 18:1 on land to which schedule 10 to the Design and Development Overlay applies unless:

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

Clause 22.03 –Floor Area Uplift and Delivery of Public Benefits

Clause 22.03 provides that in considering any Floor Area Uplift as set out in this policy, the responsible authority in consultation with the receiving agency of the proposed public benefit(s) must assess whether the Floor Area Uplift is appropriately matched by the public benefit(s) to be provided, by considering the following:

- *whether the public benefit(s) is consistent with state and local policy, strategic initiatives and relevant guidelines; and*
- *whether the quantity and value of the Floor Area Uplift has been appropriately calculated and the proposed public benefit(s) is of a matching value; and*
- *whether the proposed public benefit(s) can be realistically delivered and secured by a suitable legal agreement; and*

- *whether the proposed public benefit is supported by the proposed receiving agency and can be maintained for a reasonable period of time.*

Consideration

A calculation of the Floor Area Uplift sought by the development in accordance with the police reference document, 'How to Calculate Floor Area Uplifts and Public Benefits', referred to in Clause 22.03, and prepared on the basis of the discussion plans received on 15 June 2017 and an independent valuation of the Gross Realisation Values for residential and commercial floor space in the 'Western Core' precinct prepared by Jones Lang LaSalle Advisory Services Pty Ltd (dated 25 May 2017), is provided in Appendix 1 of this report.

On the basis of these calculations it is considered that the proposed public benefit, representing 601.1m² (GFA) of office floor area across levels 1 and 2 of the development, secured by legal agreement for at least 10 years, is acceptable.

A condition will be included in any permit being granted to give effect the proposed public benefit, satisfying the requirement of Clause 3.0 of Schedule 1 to the Capital City Zone.

12.3. Built Form (Design and Development Overlay – Schedule 10)

Design and Development Overlay (Schedule 10)

Clause 5.0 of Schedule 10 to the Design and Development Overlay provides the following decision guidelines which are considered to be relevant to the proposed development and which the Responsible Authority must consider before deciding on an application:

- *The Design Objectives.*
- *The Built Form Outcomes of Table 1 to this schedule.*
- *Whether the development respects the built form scale and urban structure of the precinct where it is located.*
- *Whether the development provides a high quality architectural response.*
- *Whether the cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale and microclimate conditions including overshadowing and wind impacts.*
- *Whether the development provides a high level of amenity for building occupants.*
- *Whether the proposed street wall height responds appropriately to the prevalent parapet height of adjoining buildings, respects the scale of adjoining heritage places and provides a human scale.*
- *Whether the proposed tower setbacks are sufficient to allow for equitable access to privacy, sunlight, daylight and outlook from habitable rooms for both existing and potential development of adjoining sites.*
- *The effect of the proposed buildings and works on solar access to existing and proposed open spaces and public places.*
- *The potential for increased ground-level wind gust speeds and the effect on pedestrian comfort and the amenity of public places, with allowance to exceed uncomfortable conditions only if the wind effects of the proposed development do not exceed the existing wind condition(s).*

Consideration

The proposed development has been assessed against the decision guidelines of Clause 5.0 of Schedule 10 to the Design and Development Overlay in several sections below, relating to:

- Tower / street wall height and setbacks
- Wind effects
- Overshadowing

12.3.1. Tower / Street Wall Height and Setbacks

Requirement

Pursuant to Clause 2.3 of Schedule 10 to the Design and Development Overlay, buildings and works:

- *Must meet the Design Objectives specified in this schedule;*
- *Must satisfy the Built Form Outcomes specified for each relevant Design Element in Table 1 to this schedule; and*
- *Should meet the Preferred Requirement specified for each relevant Design Element in Table 1 to this schedule.*

An application to vary the Preferred Requirement for any Design Element specified in Table 1 to this schedule must document how the development will achieve the relevant design Objectives and Built Form Outcomes.

A permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) for buildings and works that do not meet the Modified Requirement for any relevant Design Element specified in Table 1 to this schedule (excerpt provided below).

Assessment

Relevant provisions are set out and assessed below:

Street Wall Height			
Design Element:	Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
Street wall height	Up to 20 metres	The street wall height must be no greater than: <ul style="list-style-type: none"> • 40 metres; or • 80 metres where it: <ul style="list-style-type: none"> • Defines a street corner where at least one street is a main street and the 80 metre high street wall should not extend more than 25 metres along each street frontage, and/or • Fronts a public space including any road reserve wider than 80 metres. 	Street wall height is scaled to ensure: <ul style="list-style-type: none"> • A human scale. • An appropriate level of street enclosure having regard to the width of the street with lower street wall heights to narrower streets. • Consistency with the prevalent parapet height of adjoining buildings. • Height that respects the scale of adjoining heritage places. • Adequate opportunity for daylight, sunlight and sky views in the street. • Definition of main street

			<p>corners and/or public space where there are no significant impacts on the amenity of public spaces.</p> <ul style="list-style-type: none"> Maintenance of the prevailing street wall height and vertical rhythm on the street.
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Assessment

The proposed tower **does not meet the preferred requirement**.

The proposed tower **meets the modified requirement**, noting the following:

- The subject property is located at the corner of King Street (main street) and Little Bourke Street.
- The proposed tower adopts a street wall height of 80 metres to King Street and Little Bourke Street, reducing in height to 38 metres within a distance of 5 metres from the north-west title boundary, and 5 metres from the centre-line of Brown Alley.
- The length of the street wall to King Street is 17.69 metres.
- The length of the street wall to Little Bourke Street is 18.42 metres.

Subject to conditions being included on any permit being granted giving effect to the revisions to the King Street street wall and the exterior materials and design of the tower base detailed in the discussion plans received by Council on 15 June 2017, it is considered that the proposal will achieve the built form outcomes referred to above.

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

<p>Building setbacks from side boundaries and rear boundaries (or from the centre line of an adjoining laneway)</p>	<p>Above the street wall or 40 metres, whichever is the lesser, towers and additions should be setback a minimum of 5 metres or 6% of the total building height, whichever is greater</p>	<p>Towers and additions up to 80 metres in height:</p> <p>Towers and additions 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 the boundary and if a minimum setback of 5 metres is met to all other side and rear boundaries.</p> <p>Where a building on an adjoining site cannot, by legal restriction benefitting the application site, be developed above the street wall height, a tower may also be constructed to the boundary of that adjoining site.</p>	<p>Tower and additions are designed and spaced to ensure:</p> <ul style="list-style-type: none"> Sun penetration and mitigation of wind impacts at street level. Provision of reasonable sunlight, daylight, privacy and outlook from habitable rooms, for both existing and potential development on adjoining sites. Buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them.
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Assessment:

The proposed tower **meets the preferred requirement**, noting the following:

- Above 40 metres, the tower will be setback 5 metres from the shared boundary with 224 King Street, Melbourne.
- Above 40 metres, the tower will be setback 5 metres from the centre line of Brown Alley.

It is therefore considered that the proposal will achieve the built form outcomes referred to above.

12.3.2. Wind Effects

Requirement

Pursuant to Clause 2.3 of Schedule 10 to the Design and Development Overlay:

- *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 (refer Figure 1 of this clause for measurement parameters).*
- *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 (refer Figure 1 of this clause for measurement parameters).*

Assessment

A desktop wind assessment for the development has been undertaken by Mel Consultants Pty Ltd in a report dated 30 May 2017 (ref: D71/17), on the basis of the development plans prepared by DKO Pty Ltd dated 25 May 2017.

Section 6 (Conclusions) of this report specifies the following:

“The wind conditions in the surrounding streetscapes have been assessed as being within the criterion for walking comfort for all wind directions, with conditions for some wind directions approaching the stationary activities criteria.”

Accordingly, on the basis of the desktop wind assessment report prepared by Mel Consultants Pty Ltd dated 30 May 2017, the proposed development will not cause unsafe wind conditions in publicly accessible areas in the streetscapes surrounding the subject site, and is considered to comply with the wind effects requirements of Schedule 10 to the Design and Development Overlay.

Clause 2.5 of Schedule 10 to the Design and Development Overlay specifies that a wind analysis report is an application requirement for a development proposed under DDO10.

The wind analysis report must:

- *Explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all facades, or half the total height of the building, whichever is greater.*
- *At a minimum, model the wind effects of the proposed development and its surrounding buildings (existing and proposed) using wind tunnel testing.*
- *Identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.*
- *Not rely on street trees or any other element such as screens, within public areas for wind mitigation.*

The desktop wind assessment report for the development prepared by Mel Consultants Pty Ltd does not address all of the wind analysis report criteria listed in DDO10.

Whilst it is considered that a desktop wind assessment is acceptable for the purpose of determining wind conditions to enable assessment of the application, a condition will be included on any permit being granted requiring a more fulsome assessment and comprehensive report to be undertaken (including a methodology which makes use of wind modelling techniques).

12.3.3. Overshadowing

Requirement

Pursuant to Clause 2.3 of Schedule 10 to the Design and Development Overlay, a permit must not be granted for buildings and works which cast any additional shadow across a space at the hours listed in Figure 2 of this clause (excerpt provided below, as deemed relevant to the application).

Space	Hours between	Date(s)
Any public space, public parks and gardens, public squares, open spaces associated with a place of worship and privately owned public spaces accessible to the public. Note: St Augustine's Church and Merritt's Place Reserve represent the closest properties incorporating open space that are protected under the Overshadowing requirements of DDO10.	11.00am and 2.00pm	22 September

Assessment

Shadow diagrams for 22 September prepared by DKO Architects Pty Ltd dated 27 May 2017 demonstrate that the proposed development will not cast any additional shadow over any nearby space listed in Figure 2 of Clause 2.3 of Schedule 10 to Clause 43.02.

The proposed tower is therefore considered to comply with the overshadowing requirements of Schedule 10 to the Design and Development Overlay.

12.4. Detailed Urban Design and the Public Realm

Clause 22.01 (Urban Design within the Capital City Zone), sets out several policies that collectively seek to ensure that development contributes to a high quality public realm, including through improving the experience of the city for pedestrians by providing a human scale to the street wall of development.

These policies are supported by the decision guidelines and design objectives of Schedule 1 to the Capital City Zone, and Schedule 10 to the Design and Development Overlay, representing the applicable planning requirements as bearing on the proposal.

As discussed by Council's Urban Design Advisor in their comments provided on 16 May 2017, the policy direction above is particularly important for the proposed development, comprising a pencil tower profile with a tower 'base' in lieu of a traditional podium/tower form.

It is considered that the amended application received on 26 May 2017, which retains the 'Great Western Hotel' King Street and Little Bourke Street facades represents a meaningful improvement over the original application, and will readily achieve the policy outcomes of Clause 22.01 that seek to encourage a detailed, visually attractive and activated ground plane.

To further resolve the materiality and strength of the tower base, as recommended by Council's Urban Design Advisor, conditions will be included on any permit being granted requiring:

- Detailed design initiatives for the King Street and Little Bourke Street ground floor facades, which assist with providing a robust base to the tower (e.g. by providing a plinth to fixed glazing within the shopfront and canopies where appropriate).

- Colour rendered and notated elevation plans at 1:50 scale for all street and laneway oriented facades of the tower, showing:
 - a) Finished floor levels and ceiling levels;
 - b) Detailed design information regarding external materials, colours and finishes, glazing, services, security doors and lighting at the ground level; and
 - c) Details of external painting and conservation works to the retained portions of the 'Great Western Hotel' façade.

Subject to the above conditions being included on the permit, it is considered that the tower base for the proposed development will achieve a high quality urban design outcome, having regard to the interface of the development with the public realm, complying with the relevant policies of Clause 22.01.

12.5. Equitable Development Rights

Schedule 10 to the Design and Development Overlay and Clause 22.01 (Urban Design within the Capital City Zone) specify design objectives and policies, respectively, which seek to ensure that new buildings provide equitable development rights for adjoining sites, which includes allowing for reasonable access to privacy, sunlight, daylight and outlook for habitable room windows.

It is considered that the layout of the proposed development will reasonably allow equitable development opportunities for its immediate neighbour to the north (212 King Street, Melbourne), noting the following:

- The proposed development incorporates a featureless northern boundary wall meeting the modified height requirement of Schedule 10 to the Design and Development Overlay, ensuring that the adjoining property can build to this property to the same height without interfering with daylight/outlook for the subject site.
- All of the apartments within the proposed development will have primary outlook to a street, with no apartments relying on primary outlook over the neighbouring site at 212 King Street, Melbourne.
- The proposed communal open space, whilst abutting the shared property boundary with the neighbouring site at 212 King Street, Melbourne, will not impede equitable development opportunities for 212 King Street, noting the following:
 - The proposed communal open space will be elevated 38 metres above ground level, and is therefore not at risk of being 'built-out' by an imposing higher northern boundary wall (which would be limited to 2 metres in height to comply with the modified requirement under Schedule 10 to the Design and Development Overlay).
 - The proposed communal open space is dual aspect, with outlook over both Brown Alley and King Street, ensuring that outlook enjoyed by future occupants will be preserved should 212 King Street be developed.
 - Built form controls under Schedule 10 to the Design and Development Overlay require reciprocal setbacks for adjoining land above a height of 40 metres. Accordingly, should 212 King Street be developed in future, a 5 metre setback would need to be provided above 40 metres in height to the shared property boundary with the subject site, together with a 5 metre setback from the centre-line of Brown Alley.

These built form controls would act to appropriately moderate any potential impact from the envisaged building envelope for 212 King Street over the communal open space, in terms of sunlight, visual bulk and outlook.

- The Brown Alley interface of the communal open space (including the laneway alignment) is northern oriented, ensuring that this space will continue to receive sunlight at midday if 212 King Street is developed.

12.6. Amenity

Clause 58 of the Melbourne Planning Scheme sets out requirements for apartment developments, which apply to the proposed tower.

A development:

- Must meet all of the objectives of this clause.
- Should meet all of the standards of this clause.

The applicable requirements of Clause 58 (Apartment Developments) as bearing on amenity related matters for the proposed development have been summarised and considered below.

A detailed assessment of all other requirements of Clause 58 has been undertaken in Appendix 2 of this report.

12.6.1. Communal Open Space (Clause 58.03-2)

The objective of Clause 58.03-2 (Communal Open Space Objective) is:

- *To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.*

Standard D7 to Clause 58.03-2 specifies the following:

Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser. Communal open space should:

- *Be located to:*
 - *Provide passive surveillance opportunities, where appropriate.*
 - *Provide outlook for as many dwellings as practicable.*
 - *Avoid overlooking into habitable room windows and private open space of new dwellings.*
 - *Minimise noise impacts to new and existing dwellings.*
- *Be designed to protect any natural features on the site.*
- *Maximise landscaping opportunities.*
- *Be accessible, useable and capable of efficient management.*

Standard D7 provides a requirement of 160m² of communal open space for the development (representing 2.5m² per dwelling).

The area of proposed communal open space within the development, located to abut the north-west property boundary at level 12 (38 metres above ground level) provides an area of 67m² for communal open space, of which 35m² will be landscaped area.

It is considered that the variation sought to the minimum communal open space area for the development under Standard D7 is acceptable, and the proposed development will meet the objective of Clause 58.03-2, noting the following:

- The location, layout, extent of landscaping, and accessibility of the communal open space area demonstrate compliance with Standard D7.
- It is anticipated that the communal open space will demonstrate compliance with Standard D8 to Clause 58.03-3 (Solar Access to Communal Outdoor Open Space Objective), and meets the objective of this clause.
- Residents of the proposed development will have immediate access to Merritts Place Reserve, a 315m² public park that has excellent solar access and public amenities and is located approximately 30 metres from the subject site.

It is noted that the discussion plans received on 15 June 2017 do not seek to alter the layout or location of the communal open space, as detailed on the amended plans received on 26 May 2017.

12.6.2. Amenity Impacts (Clause 58.04)

Clause 58.04-1 – Building Setback Objective (Standard D14)

The objective of Clause 58.04-1 (Building Setback Objective) is:

- *To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.*
- *To allow adequate daylight into new dwellings.*
- *To limit views into habitable room windows and private open space of new and existing dwellings.*
- *To provide reasonable outlook from new dwellings.*
- *To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.*

Standard D14 to Clause 58.04-1 specifies the following:

The built form of the development must respect the existing or preferred urban context and respond to the features of the site.

Buildings should be set back from side and rear boundaries, and other boundaries within the site to:

- *Ensure adequate daylight into new habitable room windows.*
- *Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.*
- *Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.*
- *Ensure the dwellings are designed to meet the objectives of Clause 58.*

Clause 58 provides that for Clause 58.04-1 (Building setback):

- *If the land is included in an overlay and a schedule to the overlay specifies a building setback requirement different from the requirement set out in Clause 58.04-1 or a requirement set out in the zone or a schedule to the zone, the requirement for building setback in the overlay applies.*

Schedule 10 to the Design and Development Overlay sets out building setback requirements, against which the proposed development has been separately assessed in Section 12.3.1 of this report.

The scope of the objective of Clause 58.04-1 is therefore limited with respect to the proposed development.

Notwithstanding the above, it is considered that the potential amenity impacts associated with the development (particularly overlooking) must still be properly addressed in this assessment.

Council has received an objection raising concerns with respect to the potential for the development to allow direct views into habitable room windows of the neighbouring dwelling at 562 Little Bourke Street.

Subject to a condition being included in any permit being granted requiring design measures to be implemented to limit direct views from north-east facing habitable room windows and balconies into the habitable room windows to the south-west façade of the existing residential building at 562 Little Bourke Street, Melbourne, having regard to the assessment in Section 12.3.1 of this report, it is considered that the proposed development will meet the objective of Clause 58.04-1.

Clause 58.04-2 – Internal Views Objective (Standard D15)

The objective of Clause 58.04-2 (Internal Views Objective) is:

- *To limit views into the private open space and habitable room windows of dwellings within a development.*

Standard D15 to Clause 58.04-2 specifies the following:

Windows and balconies should be designed to prevent overlooking of more than 50 percent of the private open space of a lower-level dwelling directly below and within the same development.

Subject to a condition being included on any permit being granted requiring details of all internal screening devices to prevent internal overlooking between the balconies of apartments within the development, it is considered that the proposed development will meet the objective of Clause 58.04-2.

Clause 58.04-3 – Noise Impacts Objective (Standard D16)

The objective of Clause 58.04-3 (Noise Impacts Objective) is:

- *To contain noise sources in developments that may affect existing dwellings.*
- *To protect residents from external and internal noise sources.*

Standard D16 to Clause 58.04-2 specifies the following:

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq, 16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Excerpt from Table D3: Noise Influence Area	
Noise source	Noise influence area
Roads	
<i>Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume</i>	<i>300 metres from the nearest trafficable lane</i>

Subject to a condition being included on any permit being granted requiring the apartments within the development to be designed to achieve the noise levels specified above, it is considered that the proposed development will meet the objective of Clause 58.04-3, noting the following:

- No noise sources within the development are located near bedrooms of immediately adjacent existing dwellings.
- Noise sensitive rooms within the development are generally located to avoid noise impacts from mechanical plant within the development, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.
- The proposed development abuts King Street, an arterial road with an annual average daily traffic volume of approximately 19,000 vehicles in 2016¹.
- Given the proximity of the proposed development to King Street, in addition to the intensity of the nearby central city precinct, it is considered that new dwellings within the development should be provided with an appropriate level of acoustic protection in accordance with the requirements of Standard D16.

A condition will be included on any permit being granted requiring an acoustic report be prepared by a suitably qualified acoustic consultant, certifying that new dwellings within the development have been designed to achieve the specified noise levels.

12.6.3. Internal Amenity (Clause 58.07)

The development has been assessed against the standards and objectives of Clause 58.07 (Internal Amenity) in the technical report provided in Appendix 2:

The objectives comprising Clause 58.07 include:

- Clause 58.07-1 – Functional Layout Objective
- Clause 58.07-2 – Room Depth Objective

¹ "Traffic Volume Information", Excel Spreadsheet provided by VicRoads, obtained from

<https://www.vicroads.vic.gov.au/traffic-and-road-use/road-network-and-performance/road-use-and-performance>

- Clause 58.07-3 – Windows Objective
- Clause 58.07-4 – Natural Ventilation Objectives

It is considered that the proposed development meets all internal amenity objectives provided in Clause 58.07, and generally demonstrates compliance with the applicable standards for each clause.

The internal amenity of the proposed development is therefore considered to be acceptable, having regard to the requirements of the Melbourne Planning Scheme.

12.7. Traffic

12.7.1. Car Parking (Clause 45.09 / Clause 52.06)

Parking provision

Council's Traffic Engineer has reviewed the provision of parking within the development and considers that the car stacker providing 4 parking spaces complies with the relevant provisions of the Melbourne Planning Scheme.

The proposed parking provision for the development is therefore considered to be acceptable.

Traffic generation

Council's Traffic Engineer has reviewed the likely traffic generation posed by the development and considers that the provision of a car stacker providing 4 parking spaces will have minimal impact on traffic generation for the site.

Traffic levels posed by the development are therefore considered to be acceptable.

Access and layout

Council's Traffic Engineer has reviewed the design and operation of the proposed car stacker, and has made the following recommendations:

- *Detailed dimensions of the clear platform width and height clearance be provided to demonstrate compliance with the standards of Clause 52.06;*
- *Access for residents parking in the car stacker to enter the building without walking along Brown Alley and Little Bourke Street be provided;*
- *Implementation of a signalling system/flashing light, to operate when a vehicle is using the car stacker system and warn approaching pedestrians/traffic.*

Conditions will be included on any permit being granted to give effect to Council's Traffic Engineer's recommendations above, with the exception of the recommendation regarding access for residents parking, which is not considered necessary given the limited provision for car parking within the development.

Subject to these conditions being included in any permit being granted, it is considered that the access and layout of the proposed car stacker is acceptable.

Miscellaneous issues

Council's Traffic Engineer made the following recommendation, on the basis of the subject site's immediate context at the intersection of Little Bourke Street and King Street:

- *Given the narrowness of the Little Bourke Street footpath and the number of pedestrians in this area, it is recommended that consideration be given to*

providing a splay at ground floor level at the intersection of King Street and Little Bourke Street to provide better pedestrian storage and visibility.

Due to the amended proposal seeking to retain the King Street and Little Bourke Street facades of the Great Western Hotel, provision of a corner splay in the manner requested by Council's Traffic Engineer is not possible – noting that this would compromise the composition of the retained extant fabric.

12.7.2. Loading and Unloading (Clause 52.07)

Council's Traffic Engineer has advised that on-street loading and unloading are acceptable in association with the proposed retail tenancy at the ground floor level.

The waiver of the loading and unloading of vehicles requirements Clause 52.07 is therefore considered acceptable.

In addition to the above comments, Council's Traffic Engineer offered the following advice regarding loading and unloading activities in association with the apartments (i.e. furniture moving):

"While the Planning Scheme does not require loading facilities to be provided for residential use, it is noted that there will be frequent moving in and moving out activities associated with the 56 apartments, and loading from the street is likely to be problematic due to the restricted parking facilities in the area. Although Brown Alley currently provides "No Stopping Restrictions, vehicles actually engaged in taking up or setting down goods excepted", these restrictions are not designed for long term parking activities by furniture vans etc. As a result, if such activities occur, it is likely that restrictions in Brown Alley will be modified to ensure that clear access through the lane is maintained."

A note will be included on any permit being granted to draw the permit holder's attention to these matters.

12.7.3. Bicycle Facilities (Clause 52.34)

Reduction in bicycle facilities requirement

The required number of bicycle parking spaces for the proposal under Clause 52.34 is 19 bicycle spaces.

The proposed development includes provision for 18 bicycle spaces within the basement.

A reduction in the bicycle facilities requirement for the proposed development is not considered appropriate, given the number of dwellings contained within the tower and the absence of car parking alternatives for future residents.

A condition will be included in any permit being granted requiring amended plans to be submitted, which demonstrate bicycle facilities that meet the requirements of Clause 52.34 (Bicycle Facilities) of the Melbourne Planning Scheme.

12.7.4. Waste Management (Clause 22.19)

Subject to a condition being included in any permit being granted to enable the fine tuning of waste management arrangements prior to development commencing, it is considered that waste storage and collection for the site can be appropriately managed in accordance with Clause 22.19.

12.7.5. Alteration of Access to a road in a Road Zone – Category 1

Clause 52.29 provides that before deciding on an application to create or alter access to a road in a Road Zone – Category 1, the responsible authority must

consider the views of the relevant road authority and the effect of the proposal on the operation of the road and on public safety.

Per Council's Traffic Engineer's advice, the proposed 4 space car stacker within the development will have minimal impact on traffic generation for the site, ensuring that the proposal will not have any adverse effect on the operation of King Street and on public safety.

Subject to conditions and notes being included on any permit being granted to give effect to VicRoads referral advice, it is considered that the views of the relevant road authority for the subject site will have been appropriately addressed in the development.

The proposed alteration of access to King Street associated with the development under Clause 52.29 is therefore considered acceptable.

12.8. Environmental Risk

12.8.1. Use of Contaminated and Potentially Contaminated Land

Clause 13.03-1 provides objectives, strategies and policy guidelines that direct the Responsible Authority to require investigation into potentially contaminated land (in addition to requiring remediation of this land so that the land is fit for the proposed future land use –if the land is found to be contaminated).

Given the sensitive nature of the proposed use of the land (for Accommodation), the proximity of the subject site to historic industrial land uses, in addition to the extent of excavation necessary to construct the proposed tower, it is considered that investigation of the potential contamination of the land is warranted.

Subject to conditions being included on any permit being granted to prompt this investigation, and site remediation (if warranted), it is considered that the proposed development will achieve compliance with Clause 13.03-1.

12.9. Sustainability

12.9.1. Clause 22.19 – Energy, Water and Waste Efficiency

Clause 22.19 provides that it is policy to encourage buildings that:

- *Minimise greenhouse gas emissions and maximise energy efficiency.*
- *Minimise mains potable water consumption and encourage the use of alternative water sources, such as rainwater and grey water.*
- *Provide the facilities that will enable building users and occupants to reduce waste sent to landfill, maximise the recycling and reuse of materials and support the municipality's progress towards becoming a resource and material-efficient city.*

Subject to conditions being included on any permit being granted giving force and effect to the Sustainability Management Plan prepared by NJM Design Pty Ltd, dated 3 August 2016, and to require provision of an amended Waste Management Plan addressing the outstanding concerns of Council's Urban Services Engineer, it is considered that the proposed development will achieve compliance with Clause 22.19.

12.9.2. Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)

Clause 22.23 includes the following policy objectives:

- *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- *To promote the use of water sensitive urban design, including stormwater re-use.*

Clause 22.23 provides that it is policy that development applications relating to new buildings incorporate water sensitive urban design that achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Guidelines, CSIRO 1999 (or as amended).

Subject to a condition being included on any permit being granted giving force and effect to the Sustainability Management Plan prepared by NJM Design Pty Ltd, dated 3 August 2016, in addition to conditions recommended by Council's Civil Engineer, it is considered that the proposed development will achieve compliance with Clause 22.23.

12.10. Consideration of Objector Concerns

Where issues raised in an objection have not been addressed in the above assessment, these matters have been separately considered below.

12.10.1. Demolition of the Great Western Hotel

Of the 61 objections received by Council, 60 of these objections raised concerns in respect of the heritage significance of the Great Western Hotel, and the need for this building to be protected.

It is noted that the scope of the proposed demolition has been modified over the course of the assessment of the planning application in response to concerns raised by Council in relation to the details and materials of the tower base, and the potential to integrate the street wall of the development with the King Street and Little Bourke Street streetscapes.

The amended application received on 26 May 2017 seeks to partially demolish the 'Great Western Hotel', a 'C' graded historic building originally constructed in 1864 (Central City Heritage Study Review, 1993).

Notwithstanding the grading of the historic building in a heritage study commissioned by the City of Melbourne, the property is not currently covered by a Heritage Overlay.

The heritage significance of the 'Great Western Hotel' therefore does not represent a relevant consideration in determining whether a permit should be granted for the proposed demolition and development on the subject site.

Excerpts have been provided below from renders depicting the original tower base design (which sought to completely demolish the Great Western Hotel), and the amended tower base design (which now seeks to retain the King Street and Little Bourke Street facades with alterations at the ground level).



Excerpt from render of tower base as originally proposed in application received by Council on 15 December 2016



Excerpt from render of amended tower base received by Council on 19 June 2017, as per the discussion plans received by Council on 15 June 2017

12.10.2. Impact of construction activities on pedestrian/vehicle movement within Brown Alley

One objection received by Council from 562 Little Bourke Street, Melbourne raised concerns in relation to the impact of construction activities associated with the development on pedestrian / vehicle movement within Brown Alley.

A condition will be included on any permit being granted requiring the developer to prepare and submit a detailed construction management plan to Council's Construction Management Group, which, when approved, will set out how the construction process will be carried out having regard to the following matters:

- public safety, amenity and site security.
- operating hours, noise and vibration controls.
- air and dust management.
- stormwater and sediment control.
- waste and materials reuse.
- traffic management.
- protection of street trees.

Subject to the above condition being included on any permit being granted, it is considered that any impact posed by construction activities associated with the development will be appropriately managed.

12.11. Conclusion

For the reasons described above it is considered that subject to conditions the proposed development is acceptable; having regard to:

- The State Planning Policy Framework;
- The Local Planning Policy Framework;
- The Capital City Zone and applicable overlays;
- All relevant Particular Provisions; and
- Clause 65 (Decision Guidelines), including the matters set out in Section 60 of *the Planning and Environment Act 1987*.

13. RECOMMENDATION

That the Future Melbourne Committee resolve to issue a Notice of Decision to Grant a Permit for the proposed development, subject to the following conditions being included on any permit being granted, the preamble of which will authorise:

- Part demolition or removal of a building and works;
- Construction of a multi-storey mixed-use building and associated works;
- Waiver of the loading and unloading of vehicles requirements; and
- Alteration of access to a road in a Road Zone – Category 1.

13.1. Conditions

Amended plans

1. Prior to the commencement of the development, including demolition and bulk excavation, two copies of plans, which are drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans received on 26 May 2017 but amended to show:

- a. The design revisions detailed in the discussion plans received by Council on 15 June 2017, including:
 - i. Setting back levels 7 – 11 (inclusive) a minimum of 4 metres from the King Street title boundary within a distance of 5 metres from the north-west title boundary shared with 224 King Street.
 - ii. Amending the materials and exterior finishes of the tower base to distinguish this element from the upper tower form and provide an improved interface with adjoining and surrounding historic buildings.
 - iii. 'Stepping-up' the expressed cladding above the recessed portion of the tower base above the retained Little Bourke Street façade of the Great Western Hotel, referencing the height of 562 Little Bourke Street.
- b. Design measures to limit direct views from north-east facing habitable room windows and balconies into the habitable room windows to the south-west façade of the existing residential building at 562 Little Bourke Street, Melbourne.

Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, and from a height of 1.7 metres above floor level.
- c. Details of internal screening devices to prevent overlooking between balconies within the development.
- d. All openings and doors redesigned so that they do not project beyond the street alignment when opened, when closed, or when being opened or closed.
- e. No architectural features of the building projecting beyond the Brown Alley title boundaries, as determined by a licensed surveyor.
- f. The location of all mechanical plant and equipment
- g. Dimensions of the car stacker system, including the clear platform width and height clearance of all spaces, which must comply with the requirements of Clause 52.06 unless otherwise agreed to by Council's Traffic Engineer.
- h. Detailed dimensions for all canopies projecting over a road, which must demonstrate compliance with Council's Road Encroachment Operational Guidelines.
- i. Detailed design initiatives for the King Street and Little Bourke Street ground floor facades, which assist with providing a robust base to the tower (e.g. by providing a plinth to fixed glazing within the shopfront and canopies where appropriate).
- j. A minimum 20% of apartments must demonstrate compliance with Standard D17 to Clause 58.05-1 (Accessibility Objective) of the Melbourne Planning Scheme.
- k. Provision of bicycle facilities meeting the requirements of Clause 52.34 (Bicycle Facilities) of the Melbourne Planning Scheme.
- l. A signalling system/flashing light provided within the title boundaries of the subject site at the entrance/exit of the car stacker, to operate when a vehicle is using the car stacker system and warn approaching pedestrians/traffic within Brown Alley.

- m. Any design revisions to the development shown in the endorsed Waste Management Plan.
- n. Any design revisions to the development recommended in the endorsed Wind Analysis report.
- o. **(VicRoads Condition)** The canopy located along the King Street façade at the corner of Little Bourke Street must be revised to provide a minimum setback of 0.5m from any part of the traffic signal at this location.

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

Layout not altered and satisfactory completion

- 2. The development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 4. Prior to the occupation of the development hereby approved, all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.

External materials, colours and finishes

- 5. Prior to the commencement of the development , excluding demolition and including bulk excavation, a schedule of all external materials, colours and finishes including a colour rendered and notated set of elevations must be submitted to the Responsible Authority. When provided to the satisfaction of the Responsible Authority, the schedule of materials will be endorsed by the Responsible Authority to form part of this permit.

The colour rendered and notated elevation plans must include detailed elevations (1:50 scale) for all street and laneway oriented facades of the tower base, which must show:

- a) Finished floor levels and ceiling levels;
 - b) Detailed design information regarding external materials, colours and finishes, glazing, services, security doors and lighting at the ground level; and
 - c) Details of external painting and conservation works to the retained portions of the 'Great Western Hotel' façade.
- 6. Except with the written consent of the Responsible Authority, all external glazing must be of a type that does not reflect more than 15% of visible light when measured at an angle of incidence normal to the glass surface.

Retain architects

- 7. Except with the written consent of the Responsible Authority, DKO Architects Pty. Ltd. must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of the Responsible Authority.

Demolition

- 8. 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 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 City of Melbourne and be to the satisfaction of the Responsible Authority.

9. Prior to the commencement of the development, including demolition and bulk excavation, the permit holder must provide evidence to the Responsible Authority that substantial progress has been made toward obtaining the necessary building permits for the development of the land generally in accordance with the development hereby approved, and that the permit holder has entered into a bona fide contract for the construction of the development, or otherwise agreed with the Responsible Authority.

Construction Management Plan

10. Prior to the commencement of the development, including demolition and 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 City of Melbourne - 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. protection of street trees.

Wind Test Modelling

11. Prior to the commencement of the development, including demolition and bulk excavation, an amended Wind Tunnel Test and Wind Analysis report of the development, as amended to comply with Condition 1 of this permit, must be undertaken by a suitably qualified person.

The Wind Analysis report must be submitted to the Responsible Authority and must clearly establish that the development will demonstrate compliance with the 'Wind Effects' requirements of Clause 2.3 of Schedule 10 to the Design and Development Overlay, setting out recommended design revisions (if necessary) to achieve these requirements.

When provided to the satisfaction of the Responsible Authority, the Wind Analysis report submitted in accordance with this condition will be endorsed to form part of this permit.

Waste Management

12. Prior to the commencement of the development, including demolition and bulk excavation, an amended Waste Management Plan (WMP) to the satisfaction of the Responsible Authority shall be prepared and submitted to the City of

Melbourne - Engineering Services. The WMP must detail waste storage and collection arrangements in a manner that complies with the City of Melbourne Guidelines for Preparing a Waste Management Plan 2015. When provided to the satisfaction of the Responsible Authority, the WMP submitted in accordance with this condition will be endorsed to form part of this permit.

13. Waste storage and collection arrangements as shown in the endorsed WMP must not be altered without the prior consent of the City of Melbourne - Engineering Services.
14. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design

15. The performance outcomes specified in the 'Sustainability Management Plan' (aka Environmentally Sustainable Design (ESD) Statement) prepared by NJM Design Pty Ltd dated 3 August 2016, endorsed to form part of this permit, must be achieved in the completed development.

Prior to the commencement of the development, excluding demolition and bulk excavation, any change during detailed design that prevents or alters the attainment of the performance outcomes specified in the endorsed ESD Statement must be documented by a suitably qualified person in an addendum to this report, which must be provided to the satisfaction of, and approved by, the Responsible Authority.

16. Within six months of the occupation of the development, a report from the author of the endorsed ESD Statement must be provided to the satisfaction of the Responsible Authority, which details design initiatives implemented within the completed development that achieve the performance outcomes specified in the endorsed ESD Statement.

Landscape Plan

17. Prior to the commencement of the development, including any bulk excavation and excluding demolition, a detailed landscape plan generally in accordance with the 'Landscape Plan for Town Planning' plan prepared by John Patrick Landscape Architects Pty. Ltd. dated July 2016 must be submitted to and approved by the Responsible Authority. This plan must include:

- a) Details of all soft and hard landscape treatments within the communal garden, including paving details;
- b) Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- c) The location and type of irrigation systems to be used for the proposed communal garden, which must incorporate water sensitive urban design principles;

This landscape plan must be to the satisfaction of the Responsible Authority and when approved shall form a part of the endorsed plans of this permit.

18. Prior to the occupation of the development, landscape works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.

19. Landscape works within all common areas of the development must be maintained to the satisfaction of the Responsible Authority, except with the written consent of the Responsible Authority.

Noise Attenuation (Clause 58.04-3)

20. Prior to the commencement of the development, excluding demolition and bulk excavation, an acoustic report prepared by a suitably qualified acoustic consultant must be submitted to the Responsible Authority, certifying that new dwellings within the development have been designed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq, 8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed as an LAeq, 16h from 6am to 10pm.

Noise levels must be assessed in unfurnished rooms with a finished floor and the windows closed.

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

21. Prior to the occupation of the building, the recommendations in the endorsed acoustic report referenced in the above condition must be implemented at no cost to the Responsible Authority, to the satisfaction of the Responsible Authority.

3D Digital Model

22. Prior to the occupation of the development, an amended 3D digital model of the approved development must be submitted to, and must be to the satisfaction of, the Responsible Authority. The model should be prepared having regard to Advisory Note – 3D Digital Modelling Melbourne City Council. Digital models provided to the Melbourne City Council may be shared with other government organisations for planning purposes. The Melbourne City Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to, and be to the satisfaction of, the Responsible Authority.

Public Benefit

23. Before the development starts, the owner of the land must enter into an agreement with Melbourne City Council under Section 173 of the Planning and Environment Act 1987. The owner of the land must pay all of Melbourne City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement(s) must:

- a) Identify that the public benefit agreed to for the purpose of satisfying the requirement under Clause 3.0 of Schedule 1 to the Capital City Zone of the Melbourne Planning Scheme is the provision of office use at Level 1 and Level 2 of the building, which is to be accommodated generally as shown on the endorsed plans;
- b) The office use of Level 1 and Level 2 of the building must be secured for a minimum of 10 years from the date of issue of a certificate of occupancy for the building;
- c) The office use is defined as 'land used for administration or clerical, technical, professional or other like business activity. No goods or materials intended for manufacture, sale or hire may be stored on the

land' which must be physically separated and administratively independent of any other use within the building; and

- d) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

Potentially Contaminated Land and Remediation

24. Prior to the commencement of the development, excluding demolition and including bulk excavation, the applicant must carry out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended use(s). This PEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development.

The PEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This should include details of how long the uses occupied the site.
 - A review of any previous assessments of the site and surrounding sites including details of the anticipated sources of any contaminated materials.
 - Identification of the likelihood of the site being potentially contaminated.
25. Should the PEA reveal that further investigative or remedial work is required to accommodate the intended use(s), then prior to the commencement of the development, including any bulk excavation, the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended use(s).

This CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. This CEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development. The CEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This includes details of how long the uses occupied the site.
- A review of any previous assessments of the site and surrounding sites, including details of any on-site or off-site sources of contaminated materials. This includes a review of any previous Environmental Audits of the site and surrounding sites.
- Intrusive soil sampling in accordance with the requirements of Australian Standard (AS) 44582.1. This includes minimum sampling densities to ensure the condition of the site is accurately characterised.
- An appraisal of the data obtained following soil sampling in accordance with ecological, health-based and waste disposal guidelines.
- Recommendations regarding what further investigative and remediation work, if any, may be necessary to ensure the site is suitable for the intended use(s).
- Recommendations regarding whether, on the basis of the findings of the CEA, it is necessary for an Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970 to be performed or a Statement of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970 is required, to ensure the site is suitable for the intended use(s).

26. The recommendations of the CEA must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land in accordance with the development hereby approved, and must be fully satisfied prior to the occupation of the development.

Prior to the occupation of the development the applicant must submit to the Responsible Authority a letter confirming compliance with any findings, requirements, recommendations and conditions of the CEA.

27. Should the CEA recommend that an Environmental Audit of the site is necessary then prior to the commencement of the development, including any bulk excavation, the applicant must provide either:

a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970;

or

b) A Statement of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970. This Statement must confirm that the site is suitable for the intended use(s).

28. Where a Statement of Environmental Audit is provided, all of the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land, and must be fully satisfied prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or other person acceptable to the Responsible Authority. In addition, the signing off of the Statement must be in accordance with any requirements regarding the verification of remedial works.

If there are conditions on the Statement that the Responsible Authority consider requires significant ongoing maintenance and/or monitoring, the applicant must enter into a legal agreement in accordance with Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. This Agreement must be executed on title prior to the occupation of the building. The owner of the site must meet all costs associated with the drafting and execution of this agreement including those incurred by the Responsible Authority.

Building Appurtenances and Services

29. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.
30. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.
31. Mailboxes and newspaper receptacles must be provided prior to the occupation of the development, including an additional mailbox for the body corporate if and when the development is subdivided, to the satisfaction of the Responsible Authority.

32. All service pipes, apart from roof down pipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.

Advertising Signage

33. Advertising signs must not be erected, painted or displayed on the land without the permission of the Responsible Authority, unless in accordance with the exemption provisions of the Melbourne Planning Scheme.

Drainage

34. 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 – Engineering Services.
35. Prior to the commencement of the development, excluding demolition and including bulk excavation, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Engineering Services. 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.

Civil Works

36. Prior to the 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 – Engineering Services.
37. The road adjoining the site along Brown Alley 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 – Engineering Services.
38. The footpath adjoining the site along King Street and Little Bourke Street must be reconstructed in sawn bluestone together with associated works including the renewal or relocation of kerb and channel and/or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
39. Existing street levels in King Street, Little Bourke Street and Brown Alley must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services.
40. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.
41. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – Engineering Services.
42. All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on King Street footpath outside the proposed building to plans and specifications first approved by the Responsible Authority – Engineering Services.

VicRoads (Determining Referral Authority)

43. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning pursuant to Section 138A(11) of the *Land Act 1958* for the elements of the approved development that project more than 300mm beyond the land's King Street boundary (i.e. the canopies, fixed shading devices, architectural features, balcony framing etc.), to indemnify the Crown in relation to any claim or liability arising from the projections within the King Street road reserve.
44. Separate consent will be required from VicRoads (the Roads Corporation) under the *Road Management Act 2004* for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (i.e. King Street). Please contact VicRoads prior to commencing any works.

Permit Expiry

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

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards.

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

13.2. 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.

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.

Projections

All projections over the street alignment must conform to Building Regulations 2006, Part 5, Sections 505 to 514 as appropriate, unless with the report and consent of the Municipal Building Surveyor.

Reference may be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face/back of kerb, which can be located at the following website:

<https://www.melbourne.vic.gov.au/SiteCollectionDocuments/road-encroachment-guidelines.pdf>

Civil Engineering

All necessary approvals and permits are to be first obtained from the City of Melbourne – Manager Engineering Services Branch and VicRoads and the works

performed to the satisfaction of the City of Melbourne – Manager Engineering Services Branch and VicRoads.

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.

Loading Activities on Brown Alley associated with Apartments

Brown Alley currently provides "No Stopping Restrictions, vehicles actually engaged in taking up or setting down goods excepted" these restrictions are not designed for long term parking activities by furniture vans etc. As a result, if such activities occur in association with the apartments approved under this permit, it is likely that restrictions in Brown Alley will be modified to ensure that clear access through the lane is maintained."

APPENDIX 1 – FAU UPLIFT CALCULATIONS

The calculation provided below has been performed in accordance with the policy reference document, 'How to Calculate Floor Area Uplifts and Public Benefits' (Department of Environment Land, Water and Planning, April 2016) on the basis of the discussion plans received by Council on 15 June 2017, using base data for valuing the Floor Area Uplift sought provided in an independent valuation obtained by the permit applicant, which calculates the Gross Realisation Values per square metre for the applicable uses of the subject site as follows:

- \$7,060/m² for commercial office.
- \$8,960/m² for residential use.

Step	Calculation	Proposal
1. Base Gross Floor Area (i.e. floor area available based on a floor area ratio of 18:1)	Site Area x 18	Base gross floor area: 5,850m ² $325m^2(\text{site area}) \times 18 = 5,850m^2$
2. Proposed Development Gross Floor Area	Gross floor area calculated in accordance with definition provided in Schedule 1 of the Capital City Zone	Proposed gross floor area ² : 6,606.4m ²
3. Floor Area Uplift (FAU) sought in square metres	Proposed gross floor area (from Step 2) minus Base gross floor area (from Step 1)	FAU sought: 756.4m ² $6,606.4m^2 - 5,850m^2 = 756.4m^2$
4. Base data for valuing FAU	The FAU sought is residential, and the location of the subject site is in the 'Western Core' precinct ³	The GRV/m ² associated with residential use in the 'Western Core' precinct, as provided in an independent valuation submitted by the permit applicant, is: \$8,960/m ² .
5. Value of each square metre of FAU	10% of applicable GRV/m ² (from Step 4)	FAU value: \$896/m ² $\$8,960/m^2 \times 0.10 = \$896/m^2$
6. Total value of FAU	FAU sought (from Step 3) x value of each square metre of FAU (from Step 5)	Total value of FAU: \$677,734.40 $756.4m^2 \times 896/m^2 = \$677,734.40$
7. Value of Public Benefit to be provided	Equal to (or greater than) the total value of FAU (from Step 6)	At least \$677,734.40
8. Agreed Public Benefit to be provided	-	601.1m ² (GFA) of office floor area secured by legal agreement for at least 10 years. The GRV/m ² associated with commercial use in the 'Western Core' precinct, as provided in an independent valuation submitted by the permit applicant, is: \$7,060/m ² . The value of the agreed public benefit is therefore: \$1,142,090.00 $\$8,960/m^2 - \$7,060/m^2 = \$1,900/m^2$ $601.1m^2 \times \$1,900/m^2 = \$1,142,090.00$

² Per Drawing No. TP500, 'Area Schedule', prepared by DKO Architects Pty Ltd received by Council on 15 June 2017

³ 'How to Calculate Floor Area Uplifts and Public Benefits' (Department of Environment, Land, Water and Planning, April 2016, p.2)

APPENDIX 2 – CLAUSE 58 (APARTMENT DEVELOPMENTS) ASSESSMENT

Application TP-2016-1105 – ‘Great Western Hotel’, 204-208 King Street, Melbourne

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To encourage apartment development that provides reasonable standards of amenity for existing and new residents.

To encourage apartment development that is responsive to the site and the surrounding area.

Requirements

A development

- **Must meet all of the Objectives**
- **Should meet all of the standards of this Clause**

What is the definition of an ‘apartment’?

A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.

Clause 58.01 – Urban Context Report and Design Response

Requirements	Standards	Planner’s Comments
An application must be accompanied by: <ul style="list-style-type: none"> • An urban context report. • A design response. 	<input checked="" type="checkbox"/> Urban Context Report Submitted? <input checked="" type="checkbox"/> Design Response Submitted?	Requirements satisfied An urban context and design response were submitted with the application, and were considered to satisfactory at the time of lodgement.

Clause 58.02 – Urban Context

Objectives	Standards	Planner’s Comments
Clause 58.02-1 – Urban Context (Standard D1)		
To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area. To ensure that development responds to the features of the site and the surrounding area	The design response must be appropriate to the urban context and the site. The proposed design must respect the existing or preferred urban context and respond to the features of the site.	The development is considered to meet the objective subject to conditions. (refer to Section 12 of the delegate’s report)
Clause 58.02-2 – Residential Policy Objective (Standard D2)		
To ensure that residential development	A written statement describes how the development is consistent with	The development is considered to meet the

<p>is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> <p>To support higher density residential development where development can take advantage of public and community infrastructure and services.</p>	<p>relevant housing polices in SPPF and LPPF.</p>	<p>objective subject to conditions. (refer to Section 12 of the delegate's report)</p>
<p>Clause 58.02-3 – Dwelling Diversity Objective (Standard D3)</p>		
<p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Development of 10 or more dwellings should provide a range of dwelling sizes and types, including dwelling with a different number of bedrooms.</p>	<p>The development is considered to meet the objective.</p>
<p>Clause 58.02-4 – Infrastructure Objective (Standard D4)</p>		
<p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and road.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>	<p>The development is considered to meet the objective subject to conditions.</p>
<p>Clause 58.02-5 – Integration with the Street Objective (Standard D5)</p>		
<p>To integrate the layout of development with the street.</p>	<p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Development should be oriented to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to</p>	<p>The development is considered to meet the objective subject to conditions.</p>

	complement the open space.	
Clause 58.03 – Site Layout		
Objectives	Standards	Planner’s Comments
Clause 58.03-1 – Energy Efficiency (Standard D6)		
<p>To achieve and protect energy efficient dwellings and buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p> <p>To ensure dwellings achieve adequate thermal efficiency.</p>	<p>Buildings should be:</p> <ul style="list-style-type: none"> Oriented to make appropriate use of solar energy. Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. <p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is optimised.</p> <p>Dwellings should not exceed the maximum NatHERS annual cooling load of 30MJ/M² per annum (Climate Zone 21).</p>	<p>The development is considered to meet the objective subject to conditions.</p>
Clause 58.03-2 – Communal Open Space Objective (Standard D7)		
<p>To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.</p>	<p>Applicable to: Developments with 40 or more dwellings only</p> <p>2.5m² per dwelling or 250m², whichever is lesser</p> <p>Be located to:</p> <ul style="list-style-type: none"> Provide passive surveillance opportunities, where appropriate. <ul style="list-style-type: none"> Provide outlook for as many dwellings as practicable. Avoid overlooking into habitable rooms and private open space of new dwellings. Minimise noise impacts to new and existing dwellings. Be designed to protect any natural features on the site. Maximise landscaping opportunities. Be accessible, useable and capable of efficient management. 	<p>Variation to Standard D7 acceptable</p> <p>Standard D7 Requirement: 160m²</p> <p>Proposed: 67m² (93m² shortfall)</p> <p>The area of proposed communal open space within the development, located to abut the north-west property boundary at level 12 (38 metres above ground level) provides an area of 67m² for communal open space, of which 35m² will be landscaped area.</p> <p>It is considered that the variation sought to the minimum communal open space area for the development under Standard D7 is acceptable, and the proposed development will meet the objective of Clause 58.03-2, noting the following:</p> <ul style="list-style-type: none"> The location, layout, extent of landscaping, and accessibility of the communal open space area demonstrate compliance with Standard D7. It is anticipated that the communal open space will demonstrate compliance with Standard D8 to Clause 58.03-3 (Solar Access to Communal Outdoor Open Space Objective), and meets the objective of this clause. Residents of the proposed development will have immediate access to Merritts Place Reserve, a 315m² public park that has excellent solar access and public amenities

		<p>and is located approximately 30 metres from the subject site.</p> <p>It is noted that the discussion plans received on 15 June 2017 do not seek to alter the layout or location of the communal open space, as detailed on the amended plans received on 26 May 2017.</p>			
<p>Clause 58.03-3 – Solar Access to Communal Outdoor Open Space Objective (Standard D8)</p>					
<p>To allow solar access into communal outdoor open space.</p>	<p>The communal outdoor open space should be located on the north side of a building, if appropriate.</p> <p>At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.</p>	<p>Complies Standard D8</p> <p>Shadow diagrams submitted with the amended application demonstrate that the communal open space will receive full sunlight between 9.00am and 3.00pm during the September Equinox.</p> <p>Given the absence of any higher development on adjoining sites, and the height of the communal open space terrace above ground level (38 metres), it is anticipated that the terrace will achieve compliance with Standard D8 on 21 June.</p> <p>Further, it is considered unlikely to be significantly overshadowed or built-out in future, noting:</p> <ul style="list-style-type: none"> • The height of the terrace above ground level (38 metres); • The northern orientation of the terrace, which includes a street interface; • The dual aspect layout of the terrace • Built form controls under Schedule 10 to the Design and Development Overlay requiring reciprocal setbacks for adjoining land above a height of 40 metres. <p>The development is considered to meet the objective.</p>			
<p>Clause 58.03-4 – Safety Objective (Standard D9)</p>					
<p>To ensure the layout of development provides for the safety and security of residents and property.</p>	<p>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>The development is considered to meet the objective subject to conditions.</p>			
<p>Clause 58.03-5 – Landscape Objective (Standard D10)</p>					
<p>To encourage development that respects the landscape</p>	<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 25%;">Site area (m²)</td> <td style="width: 25%;">Deep Soil</td> <td style="width: 25%;">Min. tree provision</td> </tr> </table>	Site area (m²)	Deep Soil	Min. tree provision	<p>The development is considered to meet the objective subject to conditions.</p>
Site area (m²)	Deep Soil	Min. tree provision			

<p>character of the area.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p> <p>To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.</p>	Areas			
	750-1000	5% (min. dimension 3m)	1 small tree*/30m ²	
	1001-1500	7.5% (min. dimension 3m)	1 medium tree^/50m ² Or 1 large tree#/90m ²	
	1501-2500	10% (min. dimension 6m)	1 large tree#/90m ² Or 2 medium trees/90m ²	
	>2500	15% (min. dimension 6 m)	1 large tree#/90m ² Or 2 medium trees/90m ²	
<p>* small tree – 6-8 metres</p> <p>^ medium tree – 8-12 metres</p> <p># large tree – 12 metres+</p>				

Clause 58.03-6 – Access Objective (Standard D11)

<p>To ensure the number and design of vehicle crossovers respects the urban context.</p>	<p>Width of accessway or car space not exceed:</p> <ul style="list-style-type: none"> • 33% of the frontage, or • 40% if frontage >20m <p>No more than 1 single-width crossover per dwelling.</p> <p>Maximise on-street parking.</p> <p>Minimise access point on RDZ1.</p> <p>Access for services, emergency and delivery vehicles.</p>	<p>The development is considered to meet the objective.</p>
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Clause 58.03-7 – Parking Location Objective (Standard D12)

<p>To provide convenient parking for resident and visitor vehicles.</p> <p>To protect residents from vehicular noise within developments.</p>	<p>Facilities be close and convenient to dwelling, secure & ventilated.</p> <p>At least 1.5m from accessway or 1m with a fence of at least 1.5m high or has a window sill of 1.4m</p>	<p>The development is considered to meet the objective.</p>
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Clause 58.03-8 – Integrated Water and Stormwater Management Objective (Standard D13)

<p>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</p> <p>To facilitate stormwater collection, utilisation and infiltration within the development.</p> <p>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</p>	<p>Collect rainwater for non-drinking purpose.</p> <p>Connect to non-portable dual pipe reticulated water supply.</p> <p>Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</p> <p>Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</p>	<p>The development is considered to meet the objective subject to conditions.</p>
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Clause 58.04 – Amenity Impacts

Objectives	Standards	Planner's Comments
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Clause 58.04-1 – Building Setback Objective (Standard D14)

<p>To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>To allow adequate daylight into new dwellings.</p> <p>To limit views into habitable room windows and private open space of new and existing dwellings.</p> <p>To provide a reasonable outlook from new dwellings.</p> <p>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</p>	<p>Built form must respect existing or preferred urban context and respond to features of site.</p> <p>Setback from side and rear boundaries, and other buildings within the site to:</p> <ul style="list-style-type: none"> • Ensure adequate daylight into new habitable room windows. • Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views. • Provide an outlook from dwellings that creates a reasonable visual connection to the external environment. • Ensure the dwellings are designed to meet the objectives of Clause 58. 	<p>Clause 58 provides that for Clause 58.04-1 (Building setback):</p> <ul style="list-style-type: none"> • <i>If the land is included in an overlay and a schedule to the overlay specifies a building setback requirement different from the requirement set out in Clause 58.04-1 or a requirement set out in the zone or a schedule to the zone, the requirement for building setback in the overlay applies.</i> <p>Schedule 10 to the Design and Development Overlay sets out building setback requirements, against which the proposed development has been separately assessed in Section 12.3.1 of the delegate report.</p> <p>The scope of the objective of Clause 58.04-1 is therefore limited with respect to the proposed development.</p> <p>Notwithstanding the above, it is considered that the potential amenity impacts associated with the development (particularly overlooking) must still be properly addressed in this assessment.</p> <p>Council has received an objection raising concerns with respect to the potential for the development to allow direct views into habitable room windows of the neighbouring dwelling at 562 Little Bourke Street.</p> <p>Subject to a condition being included in any permit being granted requiring design measures to be implemented to limit direct views from north-east facing habitable room windows and</p>
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		balconies into the habitable room windows to the south-west façade of the existing residential building at 562 Little Bourke Street, Melbourne, having regard to the assessment in Section 12.3.1 of this report, it is considered that the proposed development meets the objective of Clause 58.04-1.
Clause 58.04-2– Internal Views Objective (Standard D15)		
To limit views into the private open space and habitable room windows of dwellings within a development.	Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.	Subject to a condition being included on any permit being granted requiring details of all internal screening devices to prevent internal overlooking between the balconies of apartments within the development, it is considered that the proposed development will meet the objective of Clause 58.04-2.
Clause 58.04-3 – Noise Impacts Objective (Standard D16)		
To contain noise sources in developments that may affect existing dwellings. To protect residents from external and internal noise sources.	Avoid noise impact to mechanical plants, lift, building services, non-res uses, car parking, communal areas and other dwelling near bedroom and living area. Minimise noise transmission within site. Employ acoustic attenuation measures to reduce external noise. Buildings within a noise influence area specified in Table D3 (industrial, road or railway) should be designed and constructed to achieve the following noise levels: <ul style="list-style-type: none"> • Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am. • Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements. Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.	Subject to a condition being included on any permit being granted requiring the apartments within the development to be designed to achieve the noise levels specified above, it is considered that the proposed development will meet the objective of Clause 58.04-3, noting the following: <ul style="list-style-type: none"> • No noise sources within the development are located near bedrooms of immediately adjacent existing dwellings. • Noise sensitive rooms within the development are generally located to avoid noise impacts from mechanical plant within the development, lifts, building services, non-residential uses, car parking, communal areas and other dwellings. • The proposed development abuts King Street, an arterial road with an annual average daily traffic volume of approximately 19,000 in 2016, given the proximity of the proposed development to King Street, in addition to the intensity of the nearby central city precinct, it is considered that the new dwellings within the development should be provided with an appropriate level of acoustic protection in accordance with the requirements of Standard D16. A condition will be included on any permit being granted requiring an acoustic report to be prepared by a suitably qualified acoustic consultant, certifying that new dwellings within the development have been designed to achieve the specified noise levels.
Clause 58.05 – On-site Amenity and Facilities		
Objectives	Standards	Planner's Comments
Clause 58.05-1 – Accessibility Objective (Standard D17)		

<p>To ensure the design of dwellings meets the needs of people with limited mobility.</p>	<p>At least 50% of the dwellings must:</p>		<p>Variation to Standard D17 acceptable subject to conditions</p> <p>The existing apartment scheme does not nominate any apartments demonstrating compliance with Standard D17 to Clause 58.05-1.</p> <p>Consideration</p> <p>The variation sought to Standard D17 (representing a complete variation of the standard) is not considered acceptable, and will achieve the required objective of ensuring the design of dwellings meets the needs of people with limited mobility.</p> <p>A condition will be included on any permit being granted requiring a minimum of 20% of apartments to demonstrate compliance with Standard D17.</p> <p>Subject to this condition being included on any permit being granted it is considered that the development will meet the Objective of Clause 58.05-1.</p>	
	Design option A			Design option B
	Door opening	A clear 850mm wide door opening.		A clear 820mm wide door opening located opposite the shower.
	Door design	<p>Either:</p> <ul style="list-style-type: none"> A slide door, or A door that opens outwards, or A door that opens inwards that is clear of the circulation area and has readily removable hinges. 		<p>Either:</p> <ul style="list-style-type: none"> A side door, or A door that opens outwards, or A door that opens inwards and has readily removable hinges.
	Circulation area	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> A minimum area of 1.2 metres by 1.2 metres. Located in front of the shower and the toilet. Clear of the toilet, basin and the door swing. <p>The circulation area for the toilet and shower can overlap.</p>		<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> A minimum width of 1 metre. The full length of the bathroom and a minimum length of 2.7 metres. Clear of the toilet and basin. <p>The circulation area can include a shower area.</p>
	Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.		Not applicable.
	Shower	A hobless (step-free) shower.		A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.		

Clause 58.05-2 – Building Entry and Circulation (Standard D18)

<p>To provide each dwelling and building with its own sense of identity.</p> <p>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</p> <p>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</p>	<p>Entries be visible and easily identifiable, with shelter, sense of personal address and transition space around entry.</p> <p>Distinguish residential and non-res entrances.</p> <p>Provide windows to entrances to residential and lift areas.</p> <p>Provide visible, safe and attractive stairs from entry level.</p> <p>Common areas and corridors have:</p> <ul style="list-style-type: none"> At least one source of natural light and ventilation. Avoid obstruction from services. Maintain clear sight lines. 	<p>The development is considered to meet the objective.</p>
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Clause 58.05-3 – Private Open Space (Standard D19)

<p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<ul style="list-style-type: none"> 25m² with min. dimension of 3 metres at NRL and convenient access from living room, or 15m² with min. dimension of 3 metres at podium or base and convenient access from living room, or 10m² with min. dimension of 2 metres at roof-top and convenient access from living room, or A balcony with area & 	<p>Variation to Standard D19 acceptable Standard D19 requirement:</p> <ul style="list-style-type: none"> Minimum area of 8m² and minimum dimension of 1.8 metres for 1BR apartments Minimum area of 8m² and minimum dimension of 2 metres for 2BR apartments <p>Proposed:</p> <p><i>Apartments in levels 3-11</i></p> <ul style="list-style-type: none"> Minimum area of 5m² and minimum dimension of 1.5 metres for 1BR apartments Minimum area of 7m² and minimum
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	dimension listed below:	dimension of 1.7 metres for 2BR apartments											
	<table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Minimum dimension</th> </tr> </thead> <tbody> <tr> <td>Studio or 1 bedroom dwelling</td> <td>8 square metres</td> <td>1.8 metres</td> </tr> <tr> <td>2 bedroom dwelling</td> <td>8 square metres</td> <td>2 metres</td> </tr> <tr> <td>3 or more bedroom dwelling</td> <td>12 square metres</td> <td>2.4 metres</td> </tr> </tbody> </table> <p>*If a cooling/heating unit is located in balcony, an additional 1.5m² required.</p>	Dwelling type	Minimum area	Minimum dimension	Studio or 1 bedroom dwelling	8 square metres	1.8 metres	2 bedroom dwelling	8 square metres	2 metres	3 or more bedroom dwelling	12 square metres	2.4 metres
Dwelling type	Minimum area	Minimum dimension											
Studio or 1 bedroom dwelling	8 square metres	1.8 metres											
2 bedroom dwelling	8 square metres	2 metres											
3 or more bedroom dwelling	12 square metres	2.4 metres											

Clause 58.05-4 – Storage Objective (Standard D20)

To provide adequate storage facilities for each dwelling.	<p>Total storage (incl. kitchen, bathroom and bedroom storage) must meet the following:</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Total minimum storage volume</th> <th>Minimum storage volume within the dwelling</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>8 cubic metres</td> <td>5 cubic metres</td> </tr> <tr> <td>1 bedroom dwelling</td> <td>10 cubic metres</td> <td>6 cubic metres</td> </tr> <tr> <td>2 bedroom dwelling</td> <td>14 cubic metres</td> <td>9 cubic metres</td> </tr> <tr> <td>3 or more bedroom dwelling</td> <td>18 cubic metres</td> <td>12 cubic metres</td> </tr> </tbody> </table>	Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling	Studio	8 cubic metres	5 cubic metres	1 bedroom dwelling	10 cubic metres	6 cubic metres	2 bedroom dwelling	14 cubic metres	9 cubic metres	3 or more bedroom dwelling	18 cubic metres	12 cubic metres	The development is considered to meet the objective.
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling															
Studio	8 cubic metres	5 cubic metres															
1 bedroom dwelling	10 cubic metres	6 cubic metres															
2 bedroom dwelling	14 cubic metres	9 cubic metres															
3 or more bedroom dwelling	18 cubic metres	12 cubic metres															

Clause 58.06 – Detailed Design

Objectives	Standards	Planner's Comments
Clause 58.06-1 – Common Property Objective (Standard D21)		
To ensure that communal open space, car parking, access areas and site facilities are practical, attractive	<p>Public, communal and private areas clearly delineated?</p> <p>Common property are functional and capable of efficient management?</p>	The development is considered to meet the objective.

<p>and easily maintained. To avoid future management difficulties in areas of common ownership.</p>		
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Clause 58.06-2– Site Services Objective (Standard D22)

<p>To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive.</p>	<p>The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Mailboxes should be provided and located for convenient access as required by Australia Post.</p>	<p>The development is considered to meet the objective.</p>
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Clause 58.06-3 – Waste and Recycling (Standard D23)

<p>To ensure dwellings are designed to encourage waste recycling. To ensure that waste and recycling facilities are accessible, adequate and attractive. To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</p>	<p>Note: Clause 22.19 of the Melbourne Planning Scheme, and Council’s Guidelines for Preparing a Waste Management Plan, represent the appropriate framework for determining whether a development meets the objective of this Clause.</p>	<p>The development is considered to meet the objective subject to conditions.</p>
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Clause 58.07 – Internal Amenity

Objectives	Standards	Planner’s Comments
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Clause 58.07-1 – Functional Layout Objective (Standard D24)

<p>To ensure dwellings provide functional areas that meet the needs of residents.</p>	<p>Bedroom should:</p> <ul style="list-style-type: none"> Meet the minimum internal room dimensions specified in Table D7: <table border="1" data-bbox="391 1792 865 1870"> <thead> <tr> <th>Bedroom type</th> <th>Minimum width</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Main bedroom</td> <td>3 metres</td> <td>3.4 metres</td> </tr> <tr> <td>All other bedrooms</td> <td>3 metres</td> <td>3 metres</td> </tr> </tbody> </table> <ul style="list-style-type: none"> Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe. 	Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	<p>Variation to Standard D24 acceptable Standard D24 requirement:</p> <ul style="list-style-type: none"> Bedrooms: <ul style="list-style-type: none"> Minimum dimensions of 3 metres (width) x 3.4 metres (depth) for main bedroom. Minimum dimensions of 3 metres x 3 metres for all other bedrooms. Living area dimensions: <ul style="list-style-type: none"> 1BR: Minimum dimension of 3.3
Bedroom type	Minimum width	Minimum depth									
Main bedroom	3 metres	3.4 metres									
All other bedrooms	3 metres	3 metres									

Living areas (excluding dining and kitchen areas) should:

- Meet the minimum internal room dimensions specified in Table D8:

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

metres, minimum area of 10m² (excluding kitchen).

- 2BR+: Minimum dimension of 3.6 metres, minimum area of 12m² (excluding kitchen).

Proposed:

Apartments in levels 3-11

- Bedrooms:
 - Minimum dimensions of 2.7 metres (width) x 3.6 metres (depth) for main bedroom.
- Living area dimensions:
 - 1BR: Minimum dimension of 3.1 metres, minimum area of 19m² (excluding kitchen).
 - 2BR: Minimum dimension of 3.1 metres, minimum area of 22m² (excluding kitchen).

Apartments in levels 13-25

- Bedrooms:
 - Minimum dimensions of 2.8 metres (width) x 3.6 metres (depth) for main bedroom.
- Living area dimensions:
 - 2BR: Minimum dimension of 3.8 metres, minimum area of 21m² (excluding kitchen).

Discussion plans:

The apartment layout for levels 7-11 detailed in the discussion plans received by Council on 15 June 2017 alter the apartment mix for these levels from 2x1BR and 2x2BR to 4x1BR.

The 1BR apartments in levels 7-11 of the discussion plans incorporate the following dimensions:

- The Bedrooms:
 - Minimum dimensions of 2.8 metres (width) x 3.6 metres (depth) for main bedroom.
- Living area dimensions:
 - 1BR: Minimum dimension of 3.7 metres, minimum area of 21m² (excluding kitchen).

The 2BR apartments on level 12 of the discussion plans incorporate private open space with the following minimum area and minimum dimensions

- The Bedrooms:
 - Minimum dimensions of 2.8 metres (width) x 3.8 metres (depth) for main bedroom.

		<ul style="list-style-type: none"> • Living area dimensions: <ul style="list-style-type: none"> • 2BR: Minimum dimension of 3.3 metres, minimum area of 19m² (excluding kitchen). <p>Consideration</p> <p>The variation sought to Standard D24 is considered acceptable, noting that that the living areas provided within the proposed apartments are typically generous in overall area, offsetting the minor variations to the minimum width dimension for bedrooms by ensuring the apartments will have a functional living room layout.</p> <p>The development is considered to meet the objective.</p>
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Clause 58.07-2 – Room Depth Objective (Standard D25)

<p>To allow adequate daylight into single aspect habitable rooms.</p>	<p>Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.</p> <p>The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:</p> <ul style="list-style-type: none"> • The room combines the living area, dining area and kitchen. • The kitchen is located furthest from the window. • The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. <p>The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.</p>	<p>Complies Standard D25</p> <p>The development is therefore considered to meet the objective.</p>
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Clause 58.07-3 – Windows Objective (Standard D26)

<p>To allow adequate daylight into new habitable room windows.</p>	<p>Habitable rooms should have a window in an external wall of the building.</p> <p>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. (Settle-back)</p> <p>The secondary area should be:</p> <ul style="list-style-type: none"> • A minimum width of 1.2 metres. • A maximum depth of 1.5 times the width, measured from the 	<p>Complies Standard D26</p> <p>The development is therefore considered to meet the objective.</p>
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	external surface of the window.	
Clause 58.07-4 – Natural Ventilation Objective (Standard D27)		
<p>To encourage natural ventilation of dwellings.</p> <p>To allow occupants to effectively manage natural ventilation of dwellings.</p>	<p>The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</p> <ul style="list-style-type: none"> • At least 40 per cent of dwellings should provide effective cross ventilation that has: • A maximum breeze path through the dwelling of 18 metres. • A minimum breeze path through the dwelling of 5 metres. • Ventilation openings with approximately the same area. <p>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</p>	<p>Complies Standard D26</p> <p>The development is therefore considered to meet the objective.</p>