

**Report to the Future Melbourne (Planning) Committee**

Agenda item 6.1

**Planning Permit Application: TP-2018-527**  
**360 Little Bourke Street, Melbourne**

**4 December 2018**

**Presenter:** Jane Birmingham, Practice Leader Land Use and Development

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a planning permit application seeking approval for demolition of the existing building and construction of a multi-level building comprising a residential hotel, restaurant and shop and a reduction of the bicycle parking requirement at 360 Little Bourke Street, Melbourne (refer Attachment 2 - Locality Plan).
2. The applicant is Roxy-Pacific Melbourne House Pty Ltd c/- Urbis Pty Ltd, the owner is Roxy-Pacific Melbourne House Pty Ltd and the architect is Bates Smart Pty Ltd.
3. The land is located within the Capital City Zone Schedule 1 (CCZ1) and is affected by Design and Development Overlay Schedules 1-A2, 3 and 10 (DDO1-A2 Active Street Frontages, DDO3 Traffic Conflict Frontage, DDO10 Built Form) and Parking Overlay Schedule 1 (PO1).
4. While the application is exempt from public notice and review, a total of 35 objections have been received.

**Key issues**

5. The key issues for consideration are built form in relation to DDO10 and the impact on the Guilford and Hardware Laneways Precinct; shadow and wind impacts; amenity impacts and equitable development; parking, loading, traffic and waste; and environmentally sustainable design.
6. The development displays high quality urban design and architecture, including materials and details that respect the adjoining buildings in the Guilford and Hardware Laneways Precinct. The development has a floor area ratio of 17.6:1 and satisfies the modified requirements of DDO10 for podium height and tower setback above the street wall and from side and rear boundaries. The development is appropriately sited, massed and articulated to satisfy the design objectives and built form outcomes in DDO10.
7. The development will not cast any additional shadow over Bourke Street Mall south of the tram track, Hardware Lane and McKillop Street during the times and dates set out in DDO10. The wind conditions satisfy the safety criterion and achieve standing criterion with many also achieving sitting criterion.
8. The development will not unreasonably impact on the amenity of the adjoining dwellings at Nova Apartments and Campton House. An S173 Agreement is recommended for the windows/openings on the west boundary to provide for the equitable development of the adjoining property.
9. No onsite car parking is proposed. A reduction of bicycle parking for visitors is acceptable as it is expected that limited (if any) hotel guests will travel by bike given the short-stay nature of the accommodation. There are also a number of back of house rooms that could be repurposed for bicycle parking if demand exceeded supply. A loading dock is provided at the rear and all waste storage and collection will take place within the site. The site is centrally located and well served by public transport. Taxis and Ubers dropping-off and picking-up guests will be subject to no-stopping and on-street parking restrictions.

**Recommendation from management**

10. That the Future Melbourne Committee resolves that a Planning Permit be issued subject to the conditions set out in the Delegate Report (refer Attachment 4).

**Attachments:**

1. Supporting Attachment (Page 2 of 57)
2. Locality Plan (Page 3 of 57)
3. Plans (Page 4 of 57)
4. Delegate Report (Page 29 of 57)

## Supporting Attachment

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### 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. Sections 64 of the Act requires that if a planning scheme exempts a decision on an application from the requirements of subsections (1), (2) and (3), the responsible authority must give a copy of the decision to each person who objected under section 57.

### Finance

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

### Conflict of interest

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

### Occupational Health and Safety

5. The planning permit application requires a Construction and Traffic Management Plan. The purpose of this Plan is to ensure the health and safety of those working, residing and travelling within proximity of the location.
6. Matters including noise and waste that could impact on health and safety are also dealt with within the planning permit application process.

### Stakeholder consultation

7. Public notice of the application has not been undertaken as the proposal is exempt from public notice and review requirements of the Melbourne Planning Scheme.

### Relation to Council policy

8. Relevant Council planning policies are discussed in the Delegate Report (refer Attachment 4).

### Environmental sustainability

9. The Sustainability Management Plan submitted with the application demonstrates that the development has the preliminary design potential to achieve the performance requirements of Clause 22.19 (Energy, Water and Waste Efficiency).
10. Permit conditions requiring implementation of the ESD initiatives are recommended.

# Locality Plan

## 360 Little Bourke Street, Melbourne





IMAGE 17  
LEVEL 4 EXTENSION OF No.362

Services that were not visible at the time of survey may not be shown on this Plan. Reference should be made to Service Authority plans prior to commencement of works.  
In all instances, it is essential that the position of underground services (whether or not shown on this Plan) be verified on site and adjoining sites prior to any critical design or commencement of works. This should be done in consultation with all relevant Service Authorities.

Date of Survey April 2018  
Land Subject to Easement  
E-1 Easement of Light and Air Affecting the Same  
E-2 Easement created by indenture registered book 393 number 748

This Plan is to be read in conjunction with the attached Surveyors Report.  
Refer to Plan 3240000AA for subject building Elevation Plan

The location of buildings beyond site boundaries are indicative only.  
Information relating to adjoining properties has only been shown where visible or accessible.

Aerial photograph linework (Layer 641) is approximate only (derived from an aerial photograph).

The Digital Cadastral Map Base linework (Layer 998) is indicative only and should not be used for design purposes.

Where boundary dimensions differ from Title dimensions, Land Registry approval must be sought for the survey based dimensions prior to development.  
(S) - Survey  
(T) - Title

Windows on neighbouring properties have been located remotely and categorised by visual interpretation only.  
HW - Habitable Window  
NHW - Non-habitable Window  
H - Window head  
S - Window sill

Private Open Space is denoted as POS  
Refer to Plan Ref:3240000CA for site photographs.  
Direction of photographs shown thus

All dimensions and survey marks shown on this Plan should be verified/confirmed by all contractors and consultants prior to any future construction & site works.

Levels shown thus are to Australian Height Datum vide PM25 with a stated value of RL 34.842

Refer to frozen layers with a suffix of -L for levels.  
Refer to frozen layers with a suffix of -C for crosses.  
Refer to frozen layer "TRIANGLE" for 3D Triangles.

Contour Interval 0.2 metres.



Scale 1:150

Certified Geoff Turner Licensed Surveyor

Drawn TD

Date 16/04/18

Survey Data 3240005.see

CAD drawing number 3240000BA

Original sheet size A1

Client Roxy-Pacific Australia

Project 360 Little Bourke Street Melbourne

Details Boundary Re-establishment Feature and Level Survey C/T Vol. 9759 Fol. 817

Sheet 1 of 1

Job Number 32400

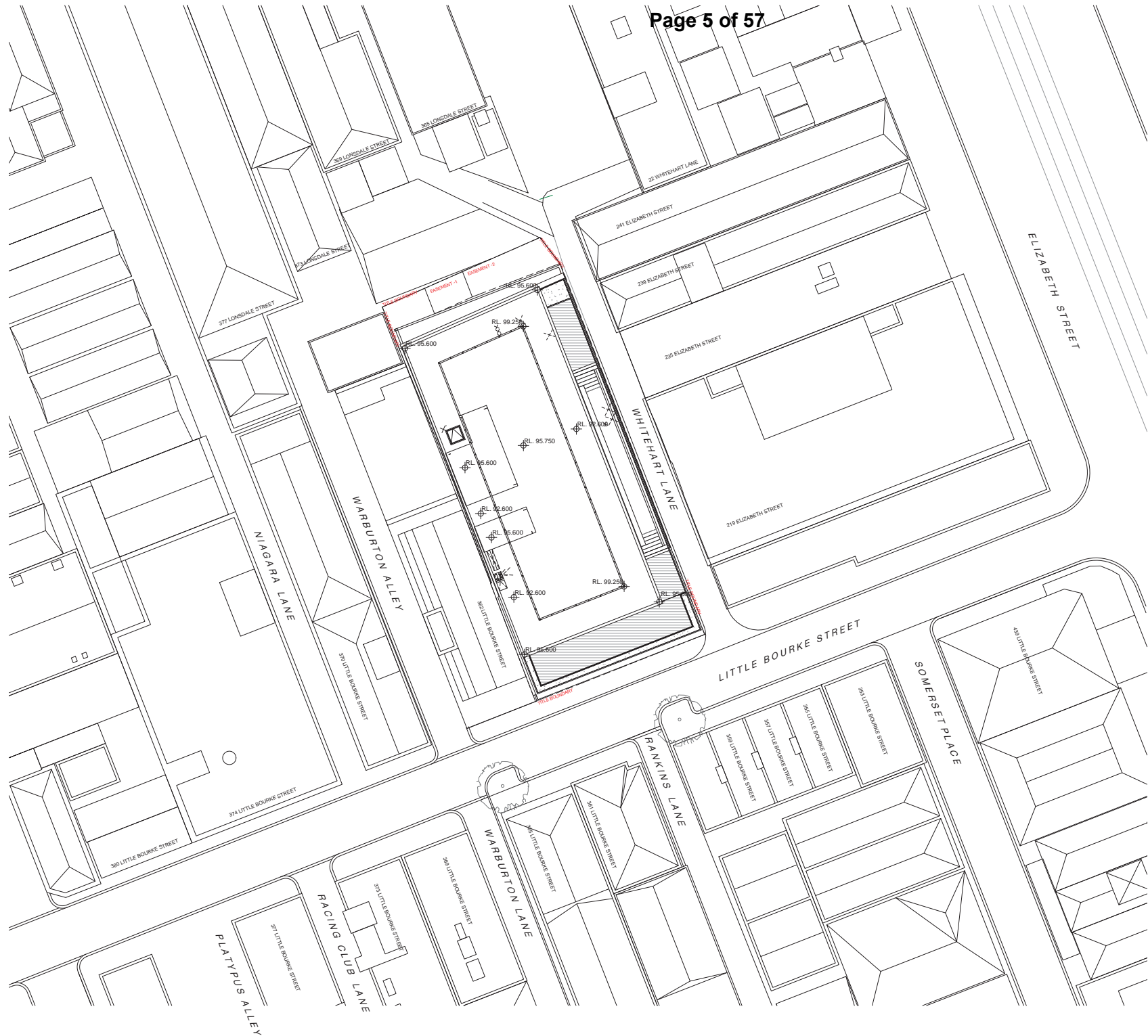
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DEVELOP WITH CONFIDENCE



- Legend: 5 TBM Rivet, 104 Existing Surface, 201 Trees 2m, 309 Grated Pit, 310 Junction Pit, 322 Kerb Outlet, 402 Spot on Bitumen, 403 Edge of Bitumen, 408 Lip of Kerb/Channel, 407 Invert of Kerb/Channel, 408 Back of Kerb/Channel, 409 Top of Kerb/Channel, 419 Edge of Concrete, 503 Sign, 521 Ballard, 524 Bike Rack, 603 Building, 604 Balcony, 605 Window, 606 Doorway, 628 Stairs / Steps, 629 Ramp, 631 Apex, 633 Parapet, 634 Ridge Line, 635 Spouting, 641 Aerial Photo linework, 711 Light Pole, 716 Electricity Pit, 729 Telecom Pit, 731 Gas Valve, 741 Sewerage Pit, 747 Inspection Shaft Cap, 751 Stop Valve, 753 Fire Hydrant, 762 Unclassified Pit, 903 Fence, 904 Gate, 950 Title, 990 Easement, 998 Digital Cadastral Map Base

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
 Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
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Revision	Date	Description	Initial	Checked
1	18.06.18	Town Planning	CP	

360 Little Bourke St, Melbourne



Status	Town Planning
Scale	1 : 200 @ A1
Drawn	Author
Project No.	M12177
Plot Date	22/06/2018 5:38:31 PM
BIM	

Drawing no.	Revision
<b>TP01.00</b>	<b>1</b>

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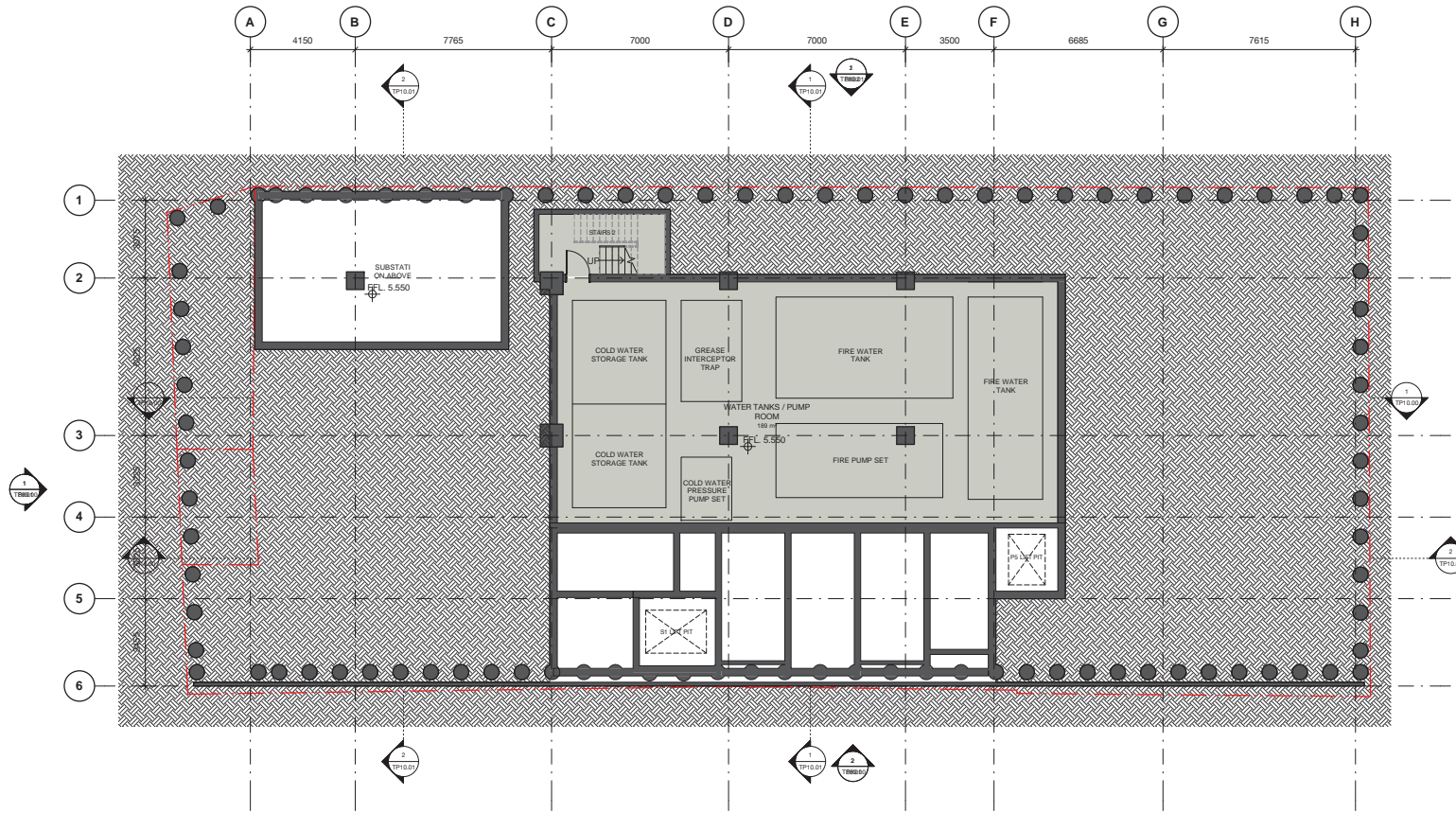
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1 Level B02  
1 : 100

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Revision	Date	Description	Initial Checked

360 Little Bourke St, Melbourne

Basement 2



Status	Town Planning
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Drawn	Author Checked Checker
Project No.	M12177
Plot Date	22/06/2018 5:40:16 PM

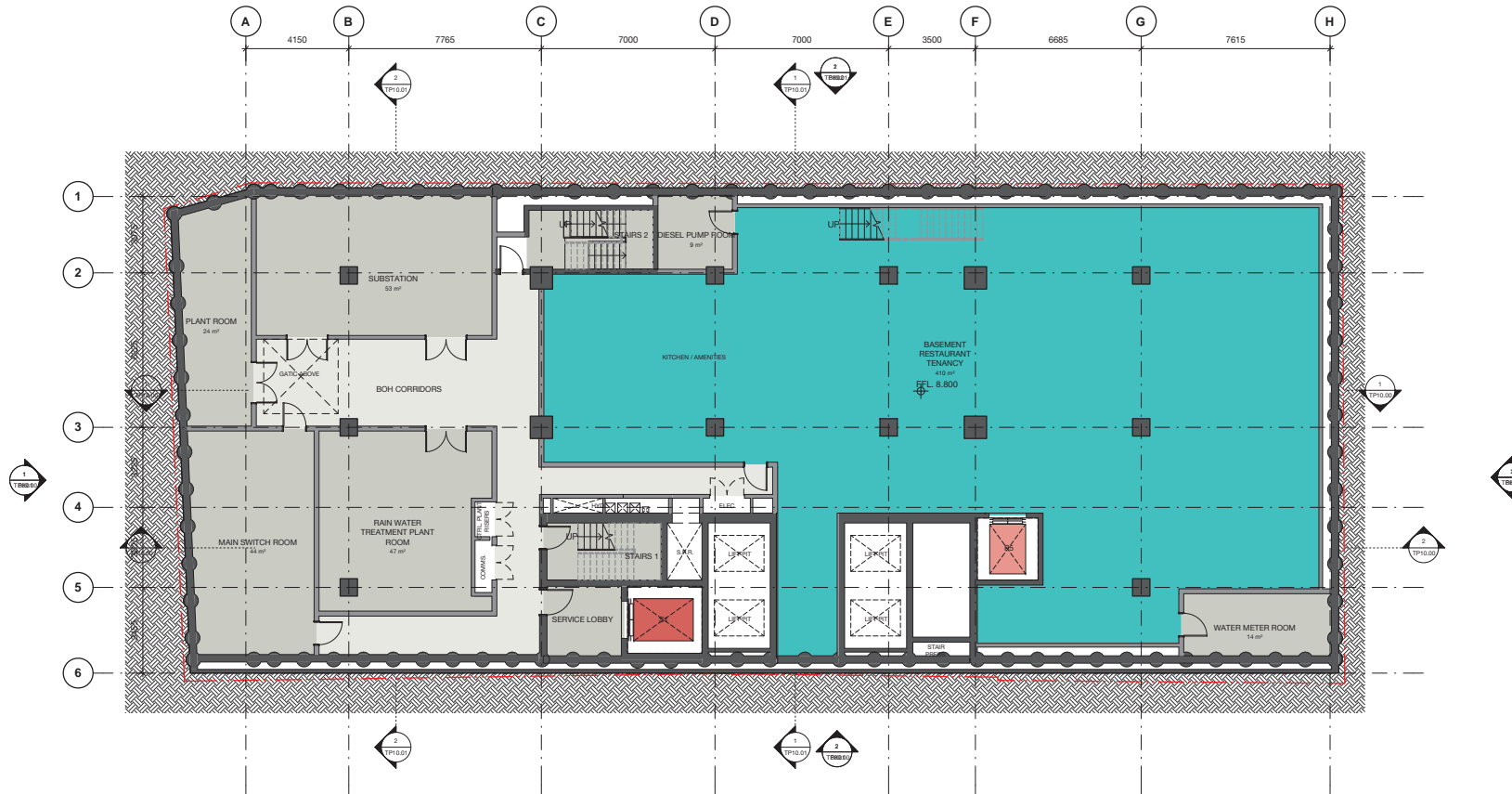
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1	18.06.18	Town Planning	CP	

360 Little Bourke St, Melbourne

Basement 1

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Drawn	Author
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Plot Date	22/06/2018 5:40:07 PM

Drawing no.	Revision
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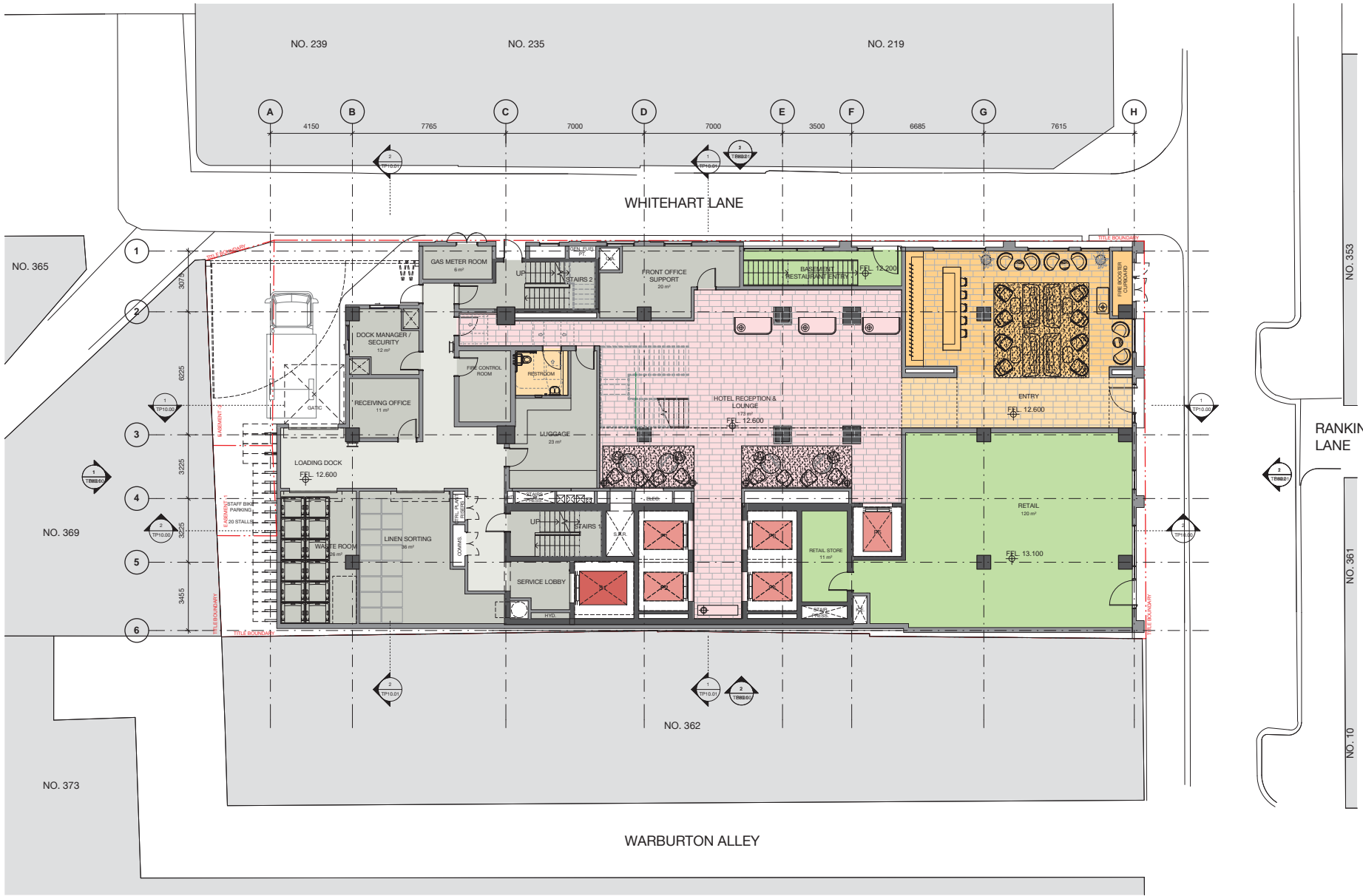
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360 Little Bourke St, Melbourne

Level 00

Status	Town Planning		
Scale	1:100 @ A1		
Drawn	Author	Checked	Checker
Project No.	M12177		
Plot Date	22/06/2018 5:38:43 PM		

Drawing no.	Revision
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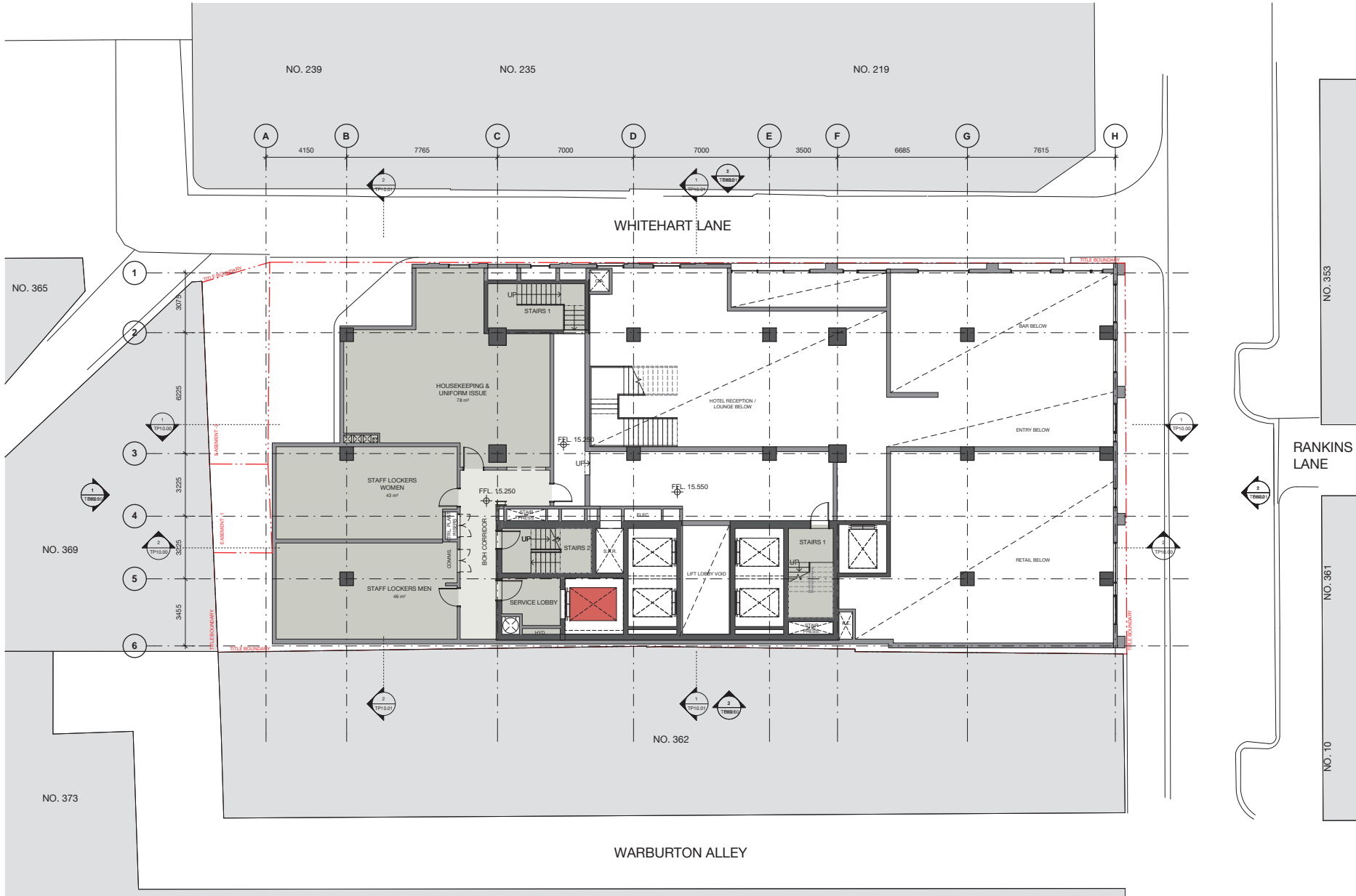


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1 Level 00  
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1 Level 00 Mezzanine  
1:100

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360 Little Bourke St, Melbourne

Level 00 Mezzanine

Status	Town Planning		
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Drawn	Author	Checked	Checker
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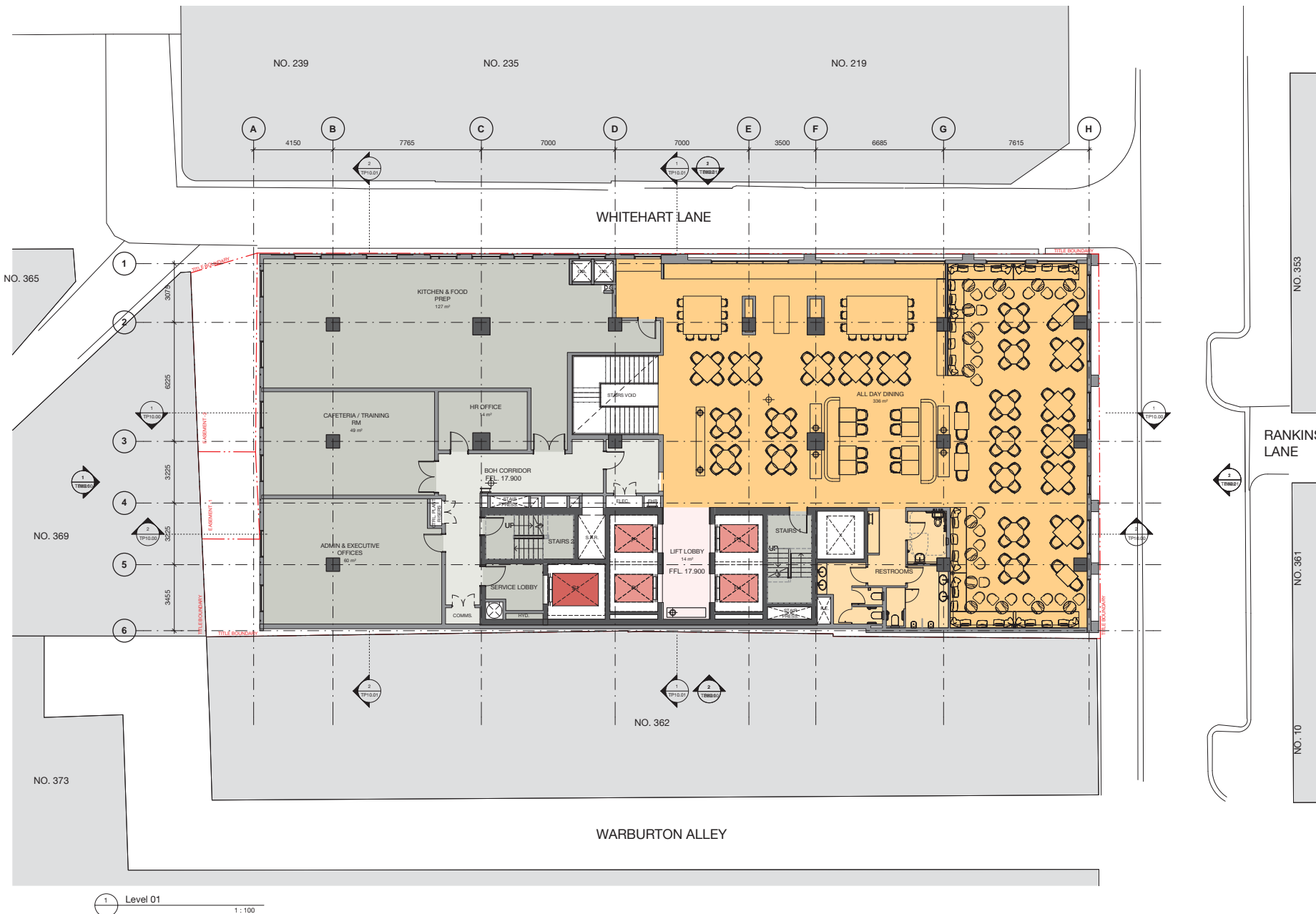
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1	18.06.18	Town Planning		CP

360 Little Bourke St, Melbourne

Level 01

Status	Town Planning		
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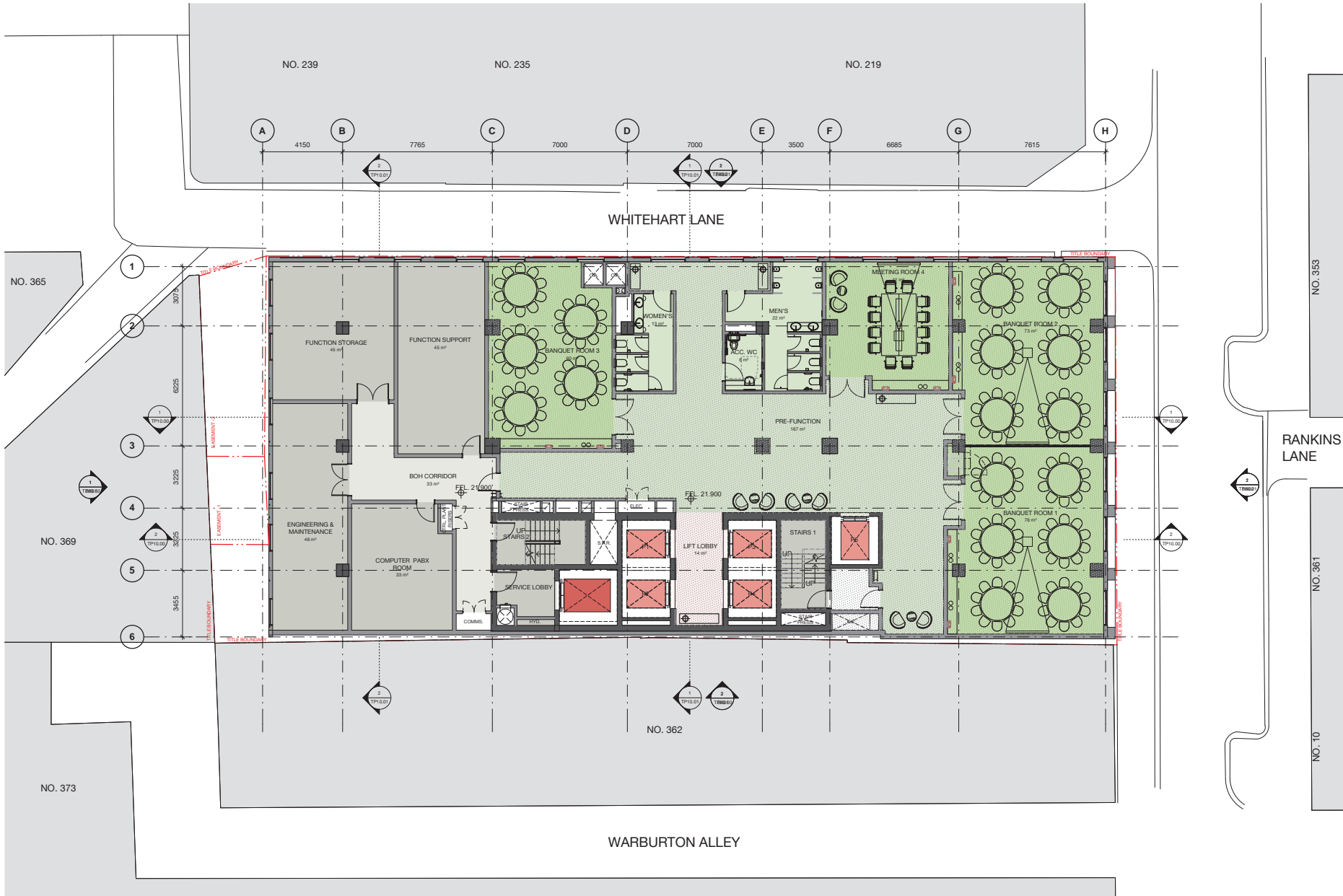
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1	18.06.18	Town Planning	CP	

360 Little Bourke St, Melbourne

Level 02

Status	Town Planning
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Drawn	Author
Project No.	M12177
Plot Date	22/06/2018 5:38:09 PM

Drawing no.	Revision
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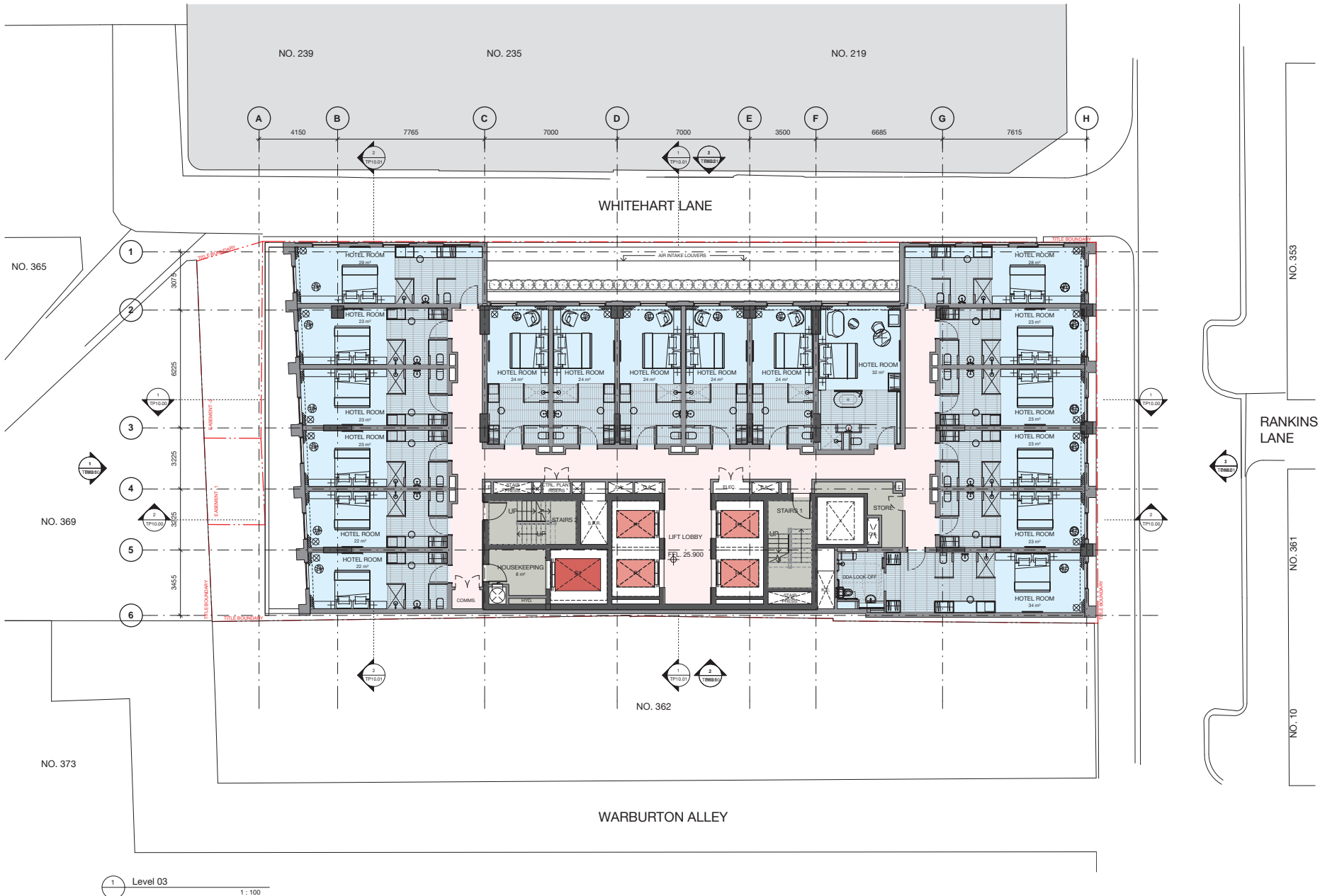
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1	18.06.18	Town Planning			CP

360 Little Bourke St, Melbourne

Level 03 (Typical Levels 03-06)

Status	Town Planning
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Drawn	Author
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Plot Date	22/06/2018 5:38:16 PM

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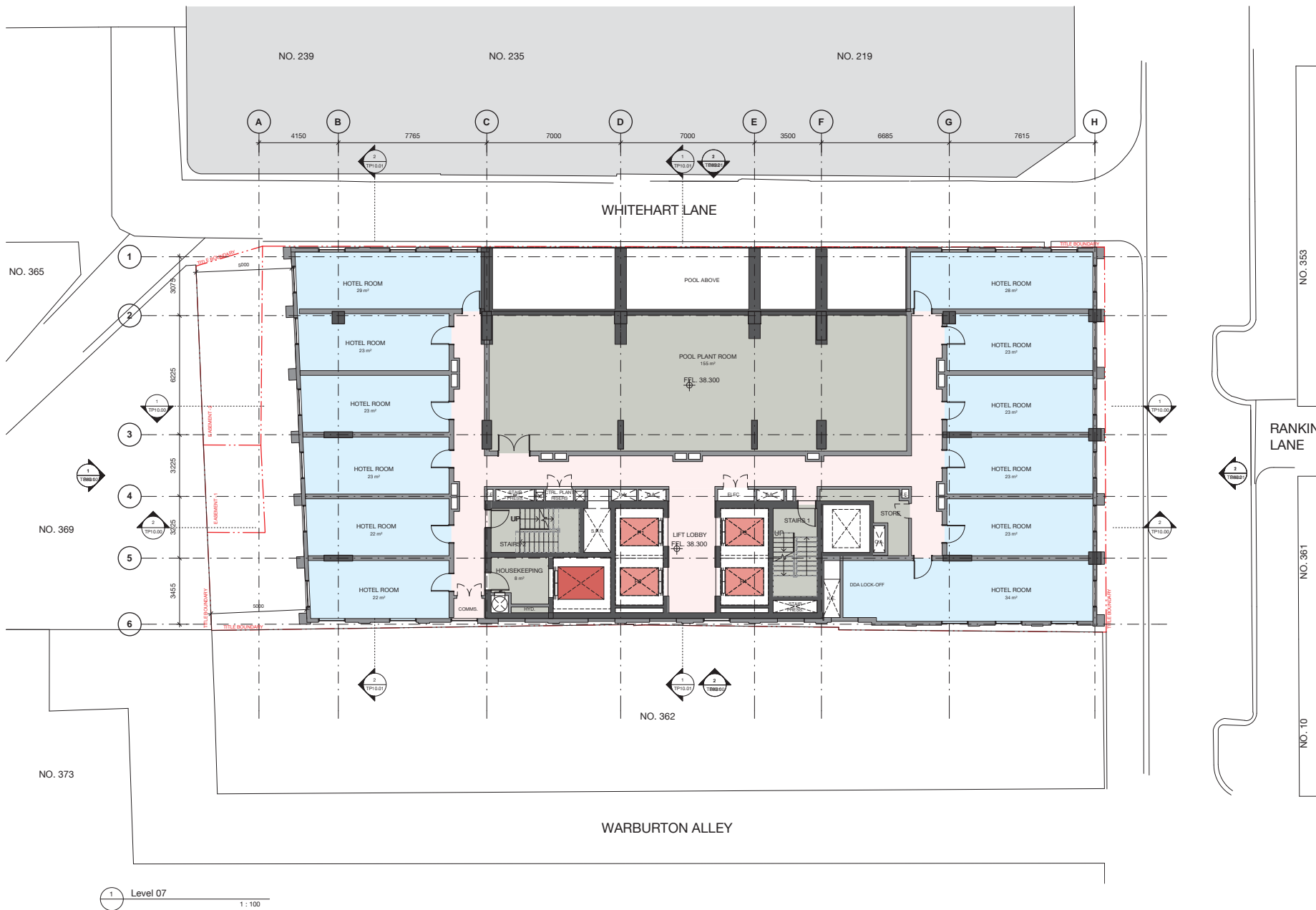
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1	18.06.18	Town Planning	CP	

360 Little Bourke St, Melbourne

Level 07

Status	Town Planning
Scale	1:100 @ A1
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Project No.	M12177
Plot Date	22/06/2018 5:38:21 PM

Drawing no.	Revision
TP02.07	1

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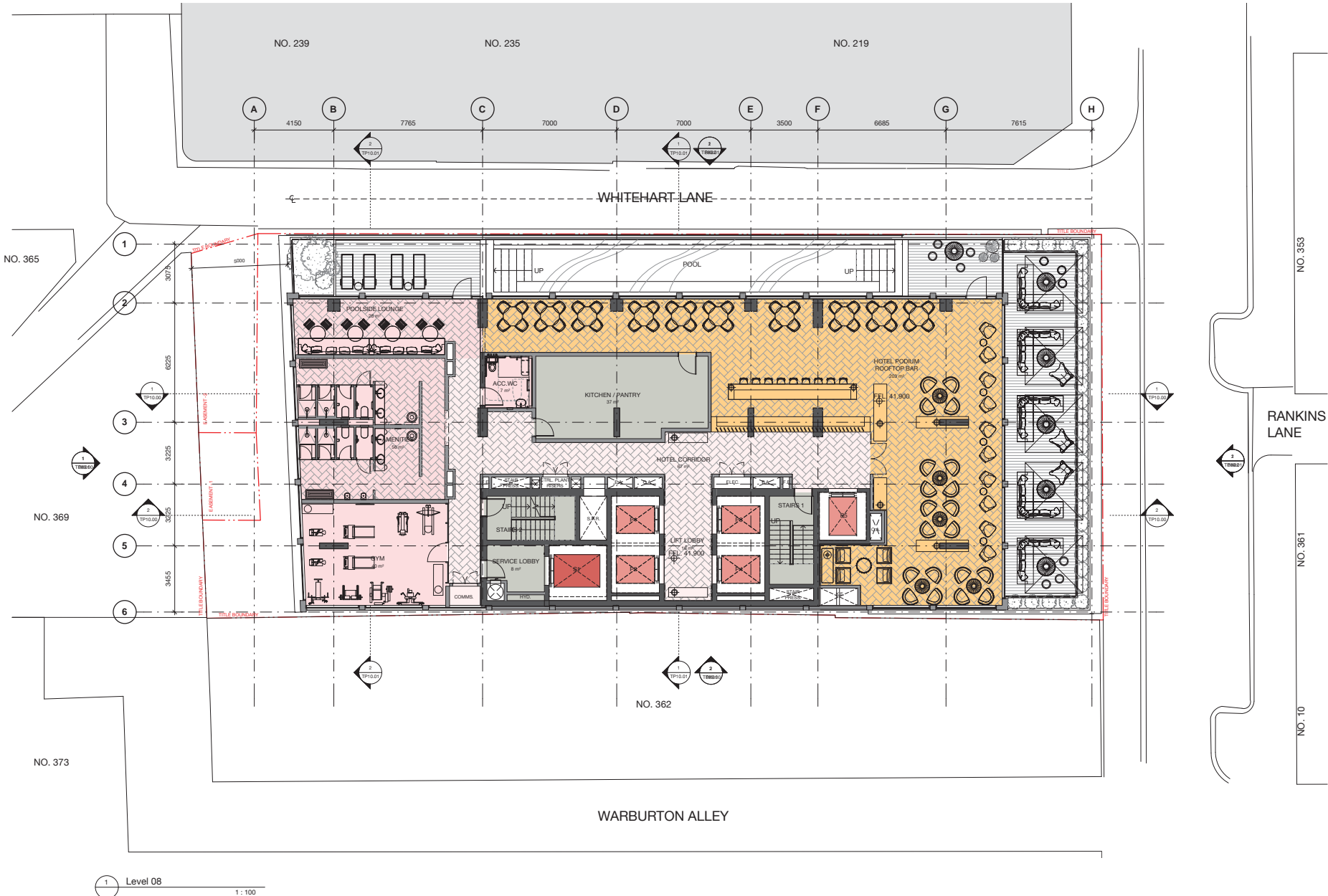
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1 Level 07  
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1	18.06.18	Town Planning		CP

360 Little Bourke St, Melbourne

Level 08

Status	Town Planning
Scale	1:100 @ A1
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Project No.	M12177
Plot Date	22/06/2018 5:38:36 PM

Drawing no.	Revision
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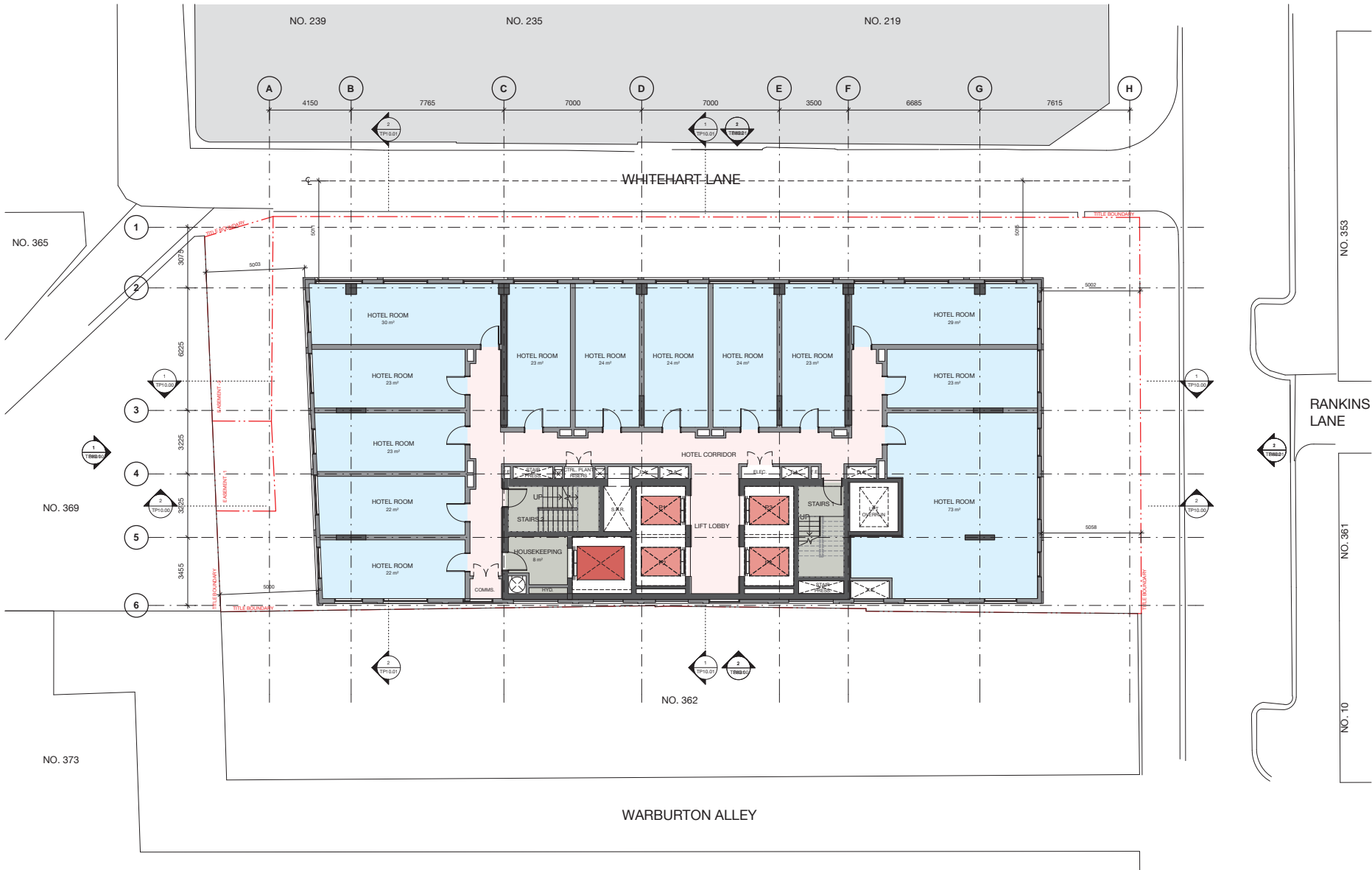
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1	18.06.18	Town Planning		CP	

360 Little Bourke St, Melbourne

Level 09

Status	Town Planning
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Project No.	M12177
Plot Date	22/06/2018 5:38:45 PM

Drawing no.	Revision
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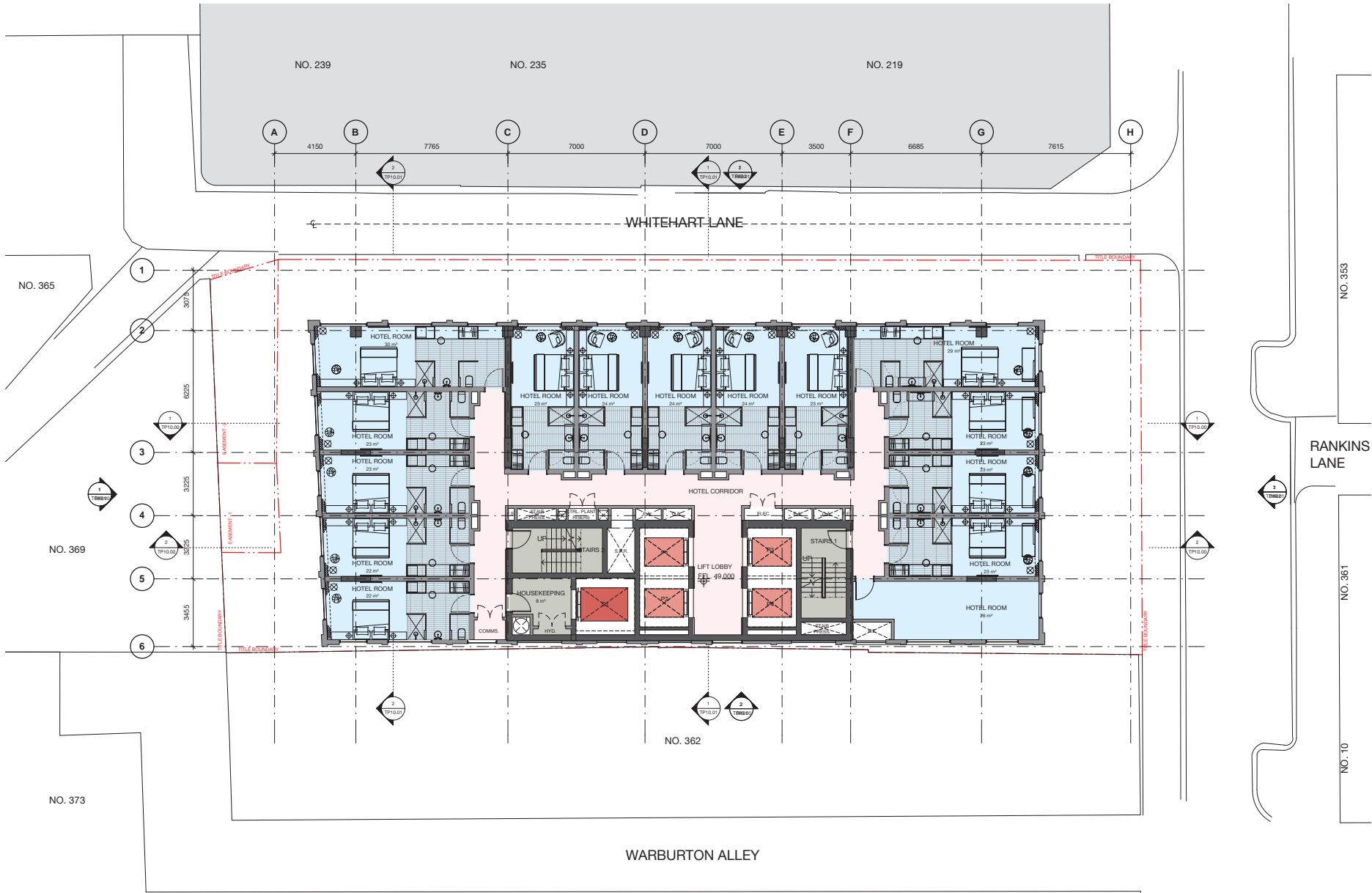
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1	18.06.18	Town Planning		CP

360 Little Bourke St, Melbourne

Level 10 (Typical Levels 10-23)

Status	Town Planning
Scale	1:100 @ A1
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Project No.	M12177
Plot Date	22/06/2018 5:38:56 PM

Drawing no.	Revision
<b>TP02.10</b>	<b>1</b>

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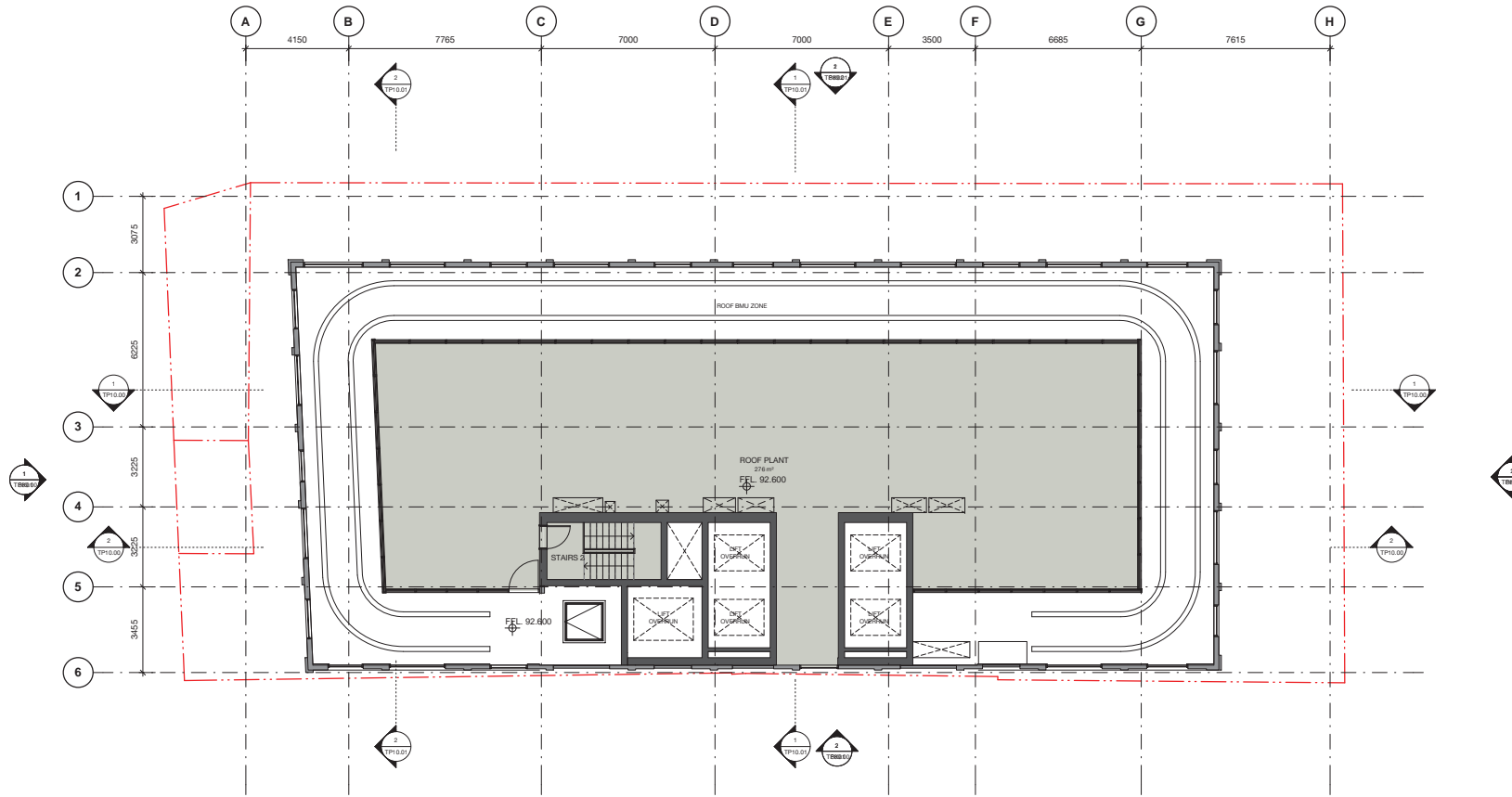
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1	18.06.18	Town Planning	CP	

360 Little Bourke St, Melbourne

Level 24 Roof 

Status	Town Planning
Scale	1:100 @ A1
Drawn	Author
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Plot Date	22/06/2018 5:40:01 PM
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Drawing no.	Revision
<b>TP02.24</b>	<b>1</b>

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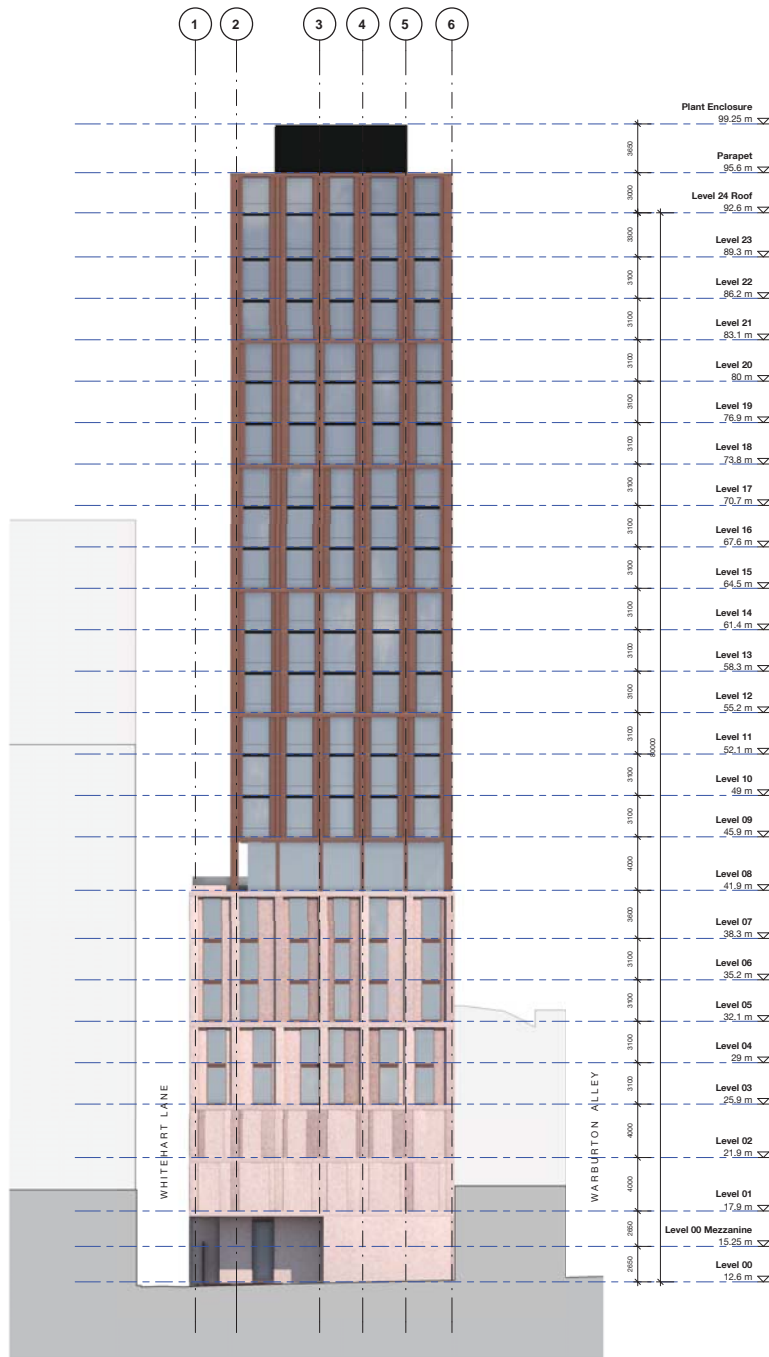
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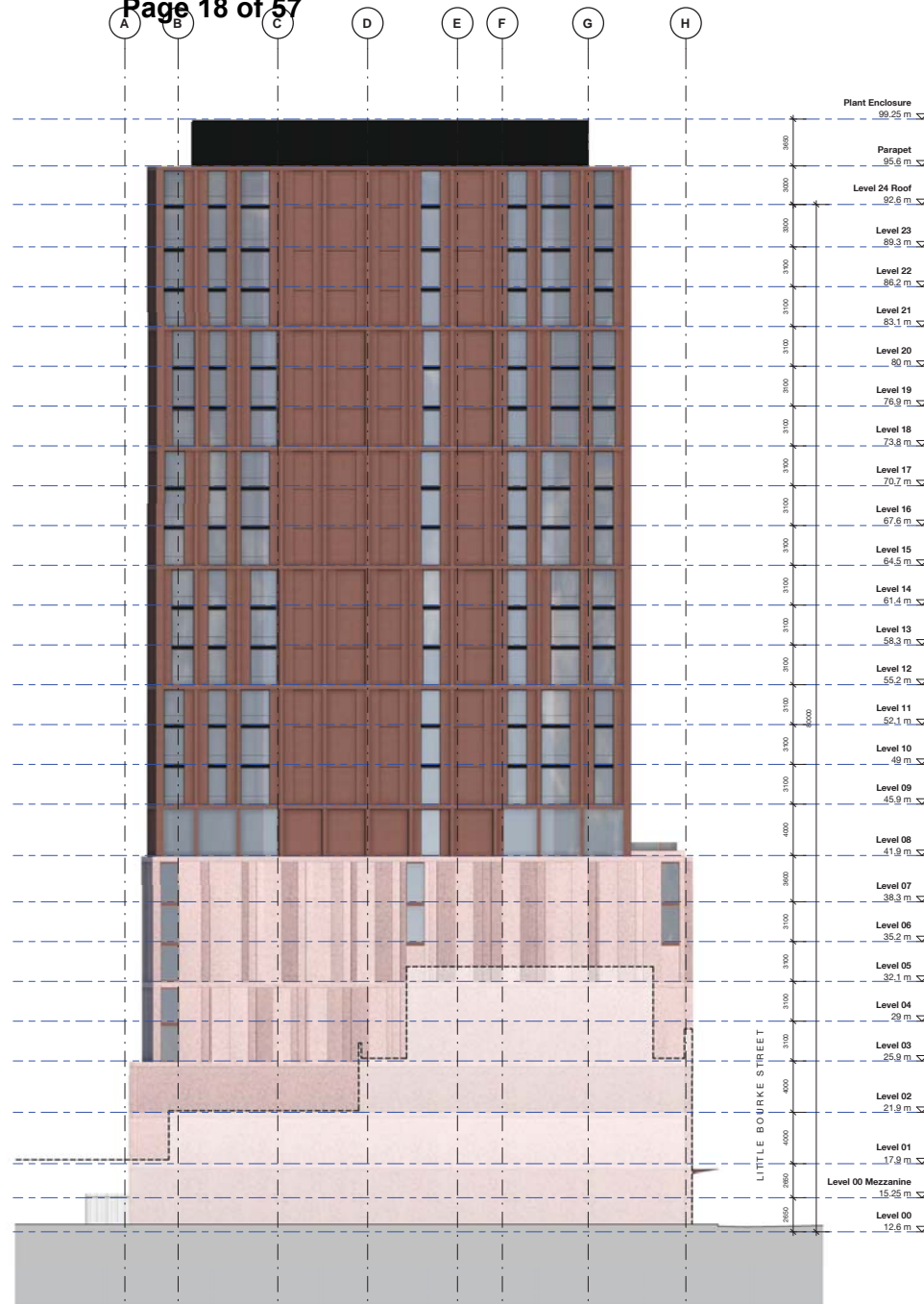
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1 North Elevation  
1:200



2 West Elevation  
1:200

Revision	Date	Description	Initial	Checked
1	18.06.18	Town Planning	CP	

360 Little Bourke St, Melbourne

North Elevation  
West Elevation

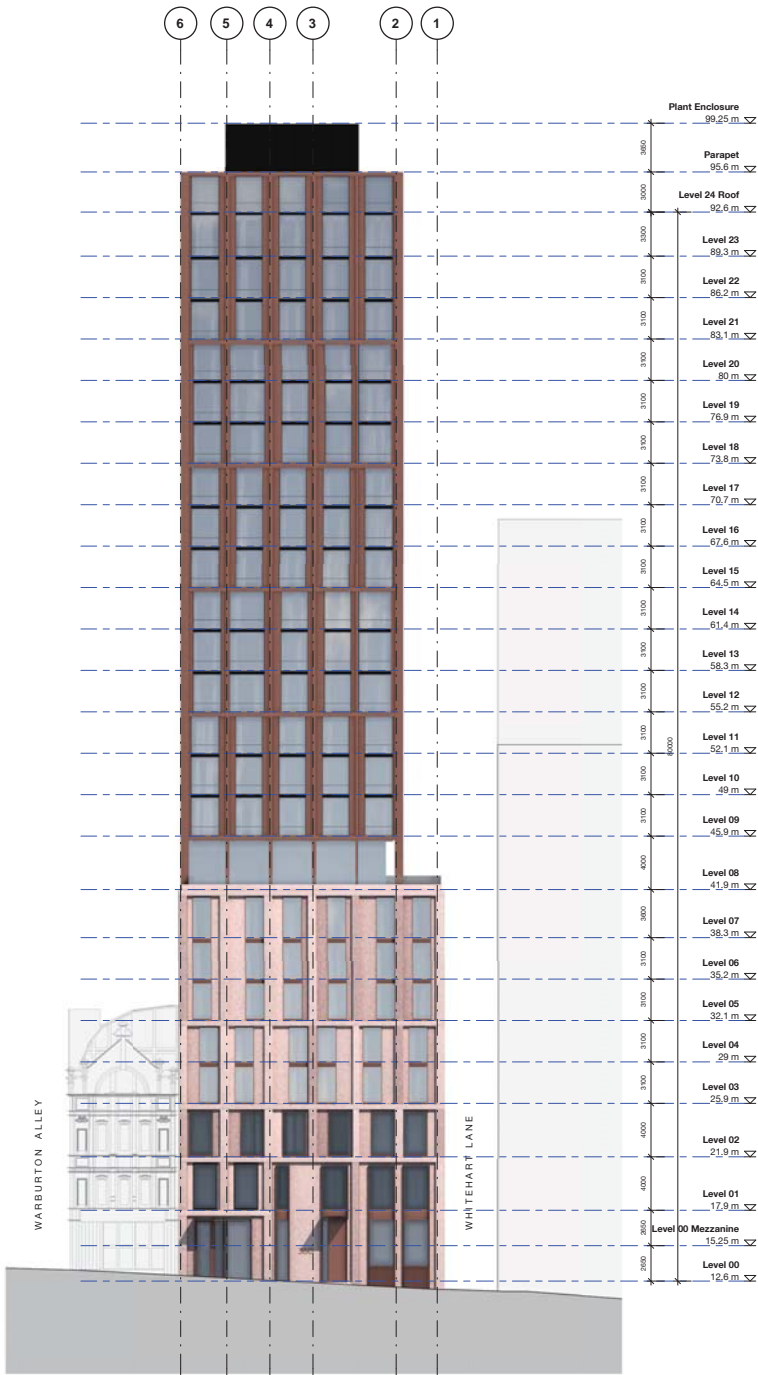
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Drawn	Author
Project No.	M12177
Plot Date	22/06/2018 5:40:28 PM
BIM	
Drawing no.	Revision
<b>TP09.00</b>	<b>1</b>

Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email: mel@batesSMART.com.au  
http://www.batesSMART.com.au

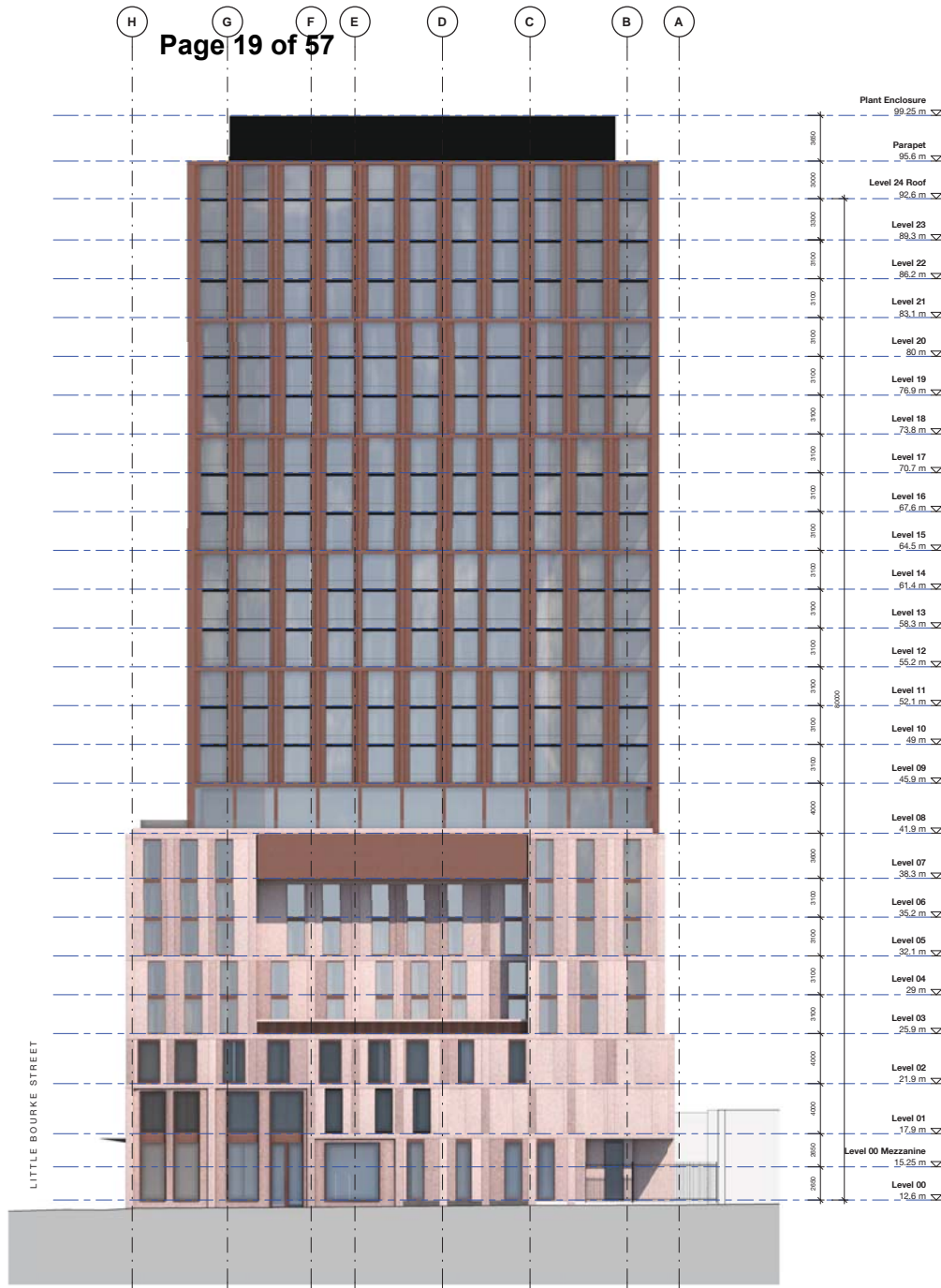
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Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
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1 South Elevation 1:200



2 East Elevation 1:200

Revision	Date	Description	Initial	Checked
1	18.06.18	Town Planning		CP

360 Little Bourke St, Melbourne

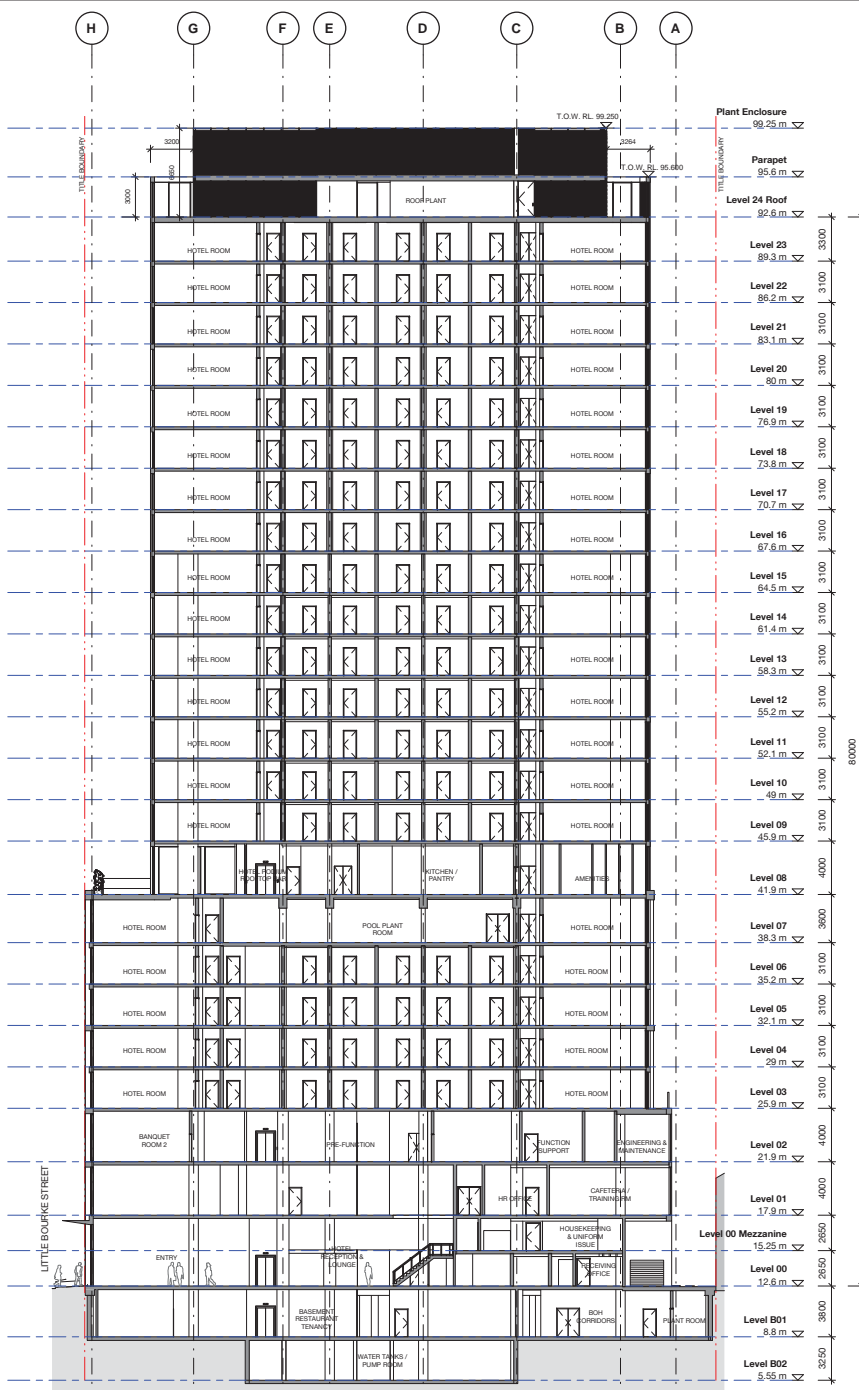
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East Elevation

Status	Town Planning
Scale	1:200 @ A1
Drawn	Author
Project No.	M12177
Plot Date	22/06/2018 5:40:41 PM
BIM	
Drawing no.	Revision
TP09.01	1

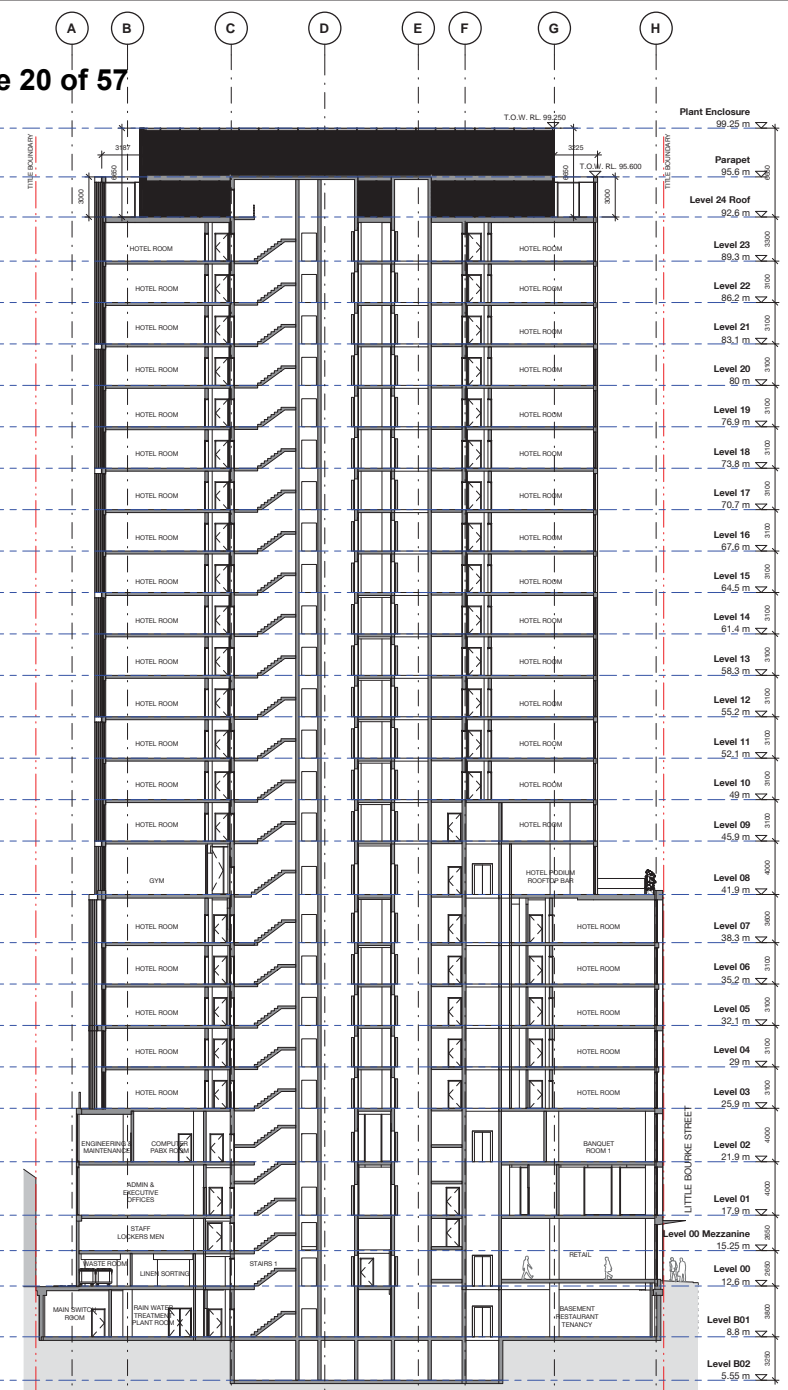
Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 9664 6200 F 03 9664 6300  
email: mel@batesSMART.com.au  
http://www.batesSMART.com.au

Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email: syd@batesSMART.com.au  
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1 Section A-A1  
1:200



2 Section B-B  
1:200

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Revision	Date	Description	Initial	Checked
1	18.06.18	Town Planning	CP	

360 Little Bourke St, Melbourne

North South Sections

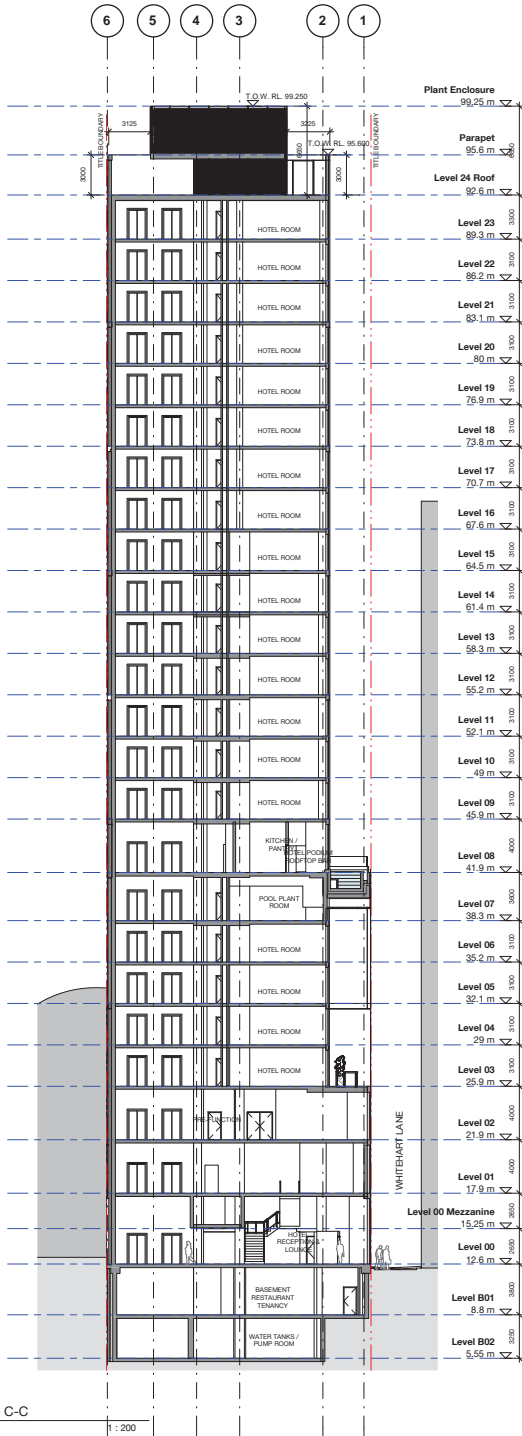
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Scale	1:200 @ A1
Drawn	Author
Project No.	M12177
Plot Date	26/06/2018 4:37:51 PM
BIM	
Drawing no.	Revision
<b>TP10.00</b>	<b>1</b>

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Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email: mel@batesmart.com.au  
http://www.batesmart.com.au

Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email: syd@batesmart.com.au  
http://www.batesmart.com.au

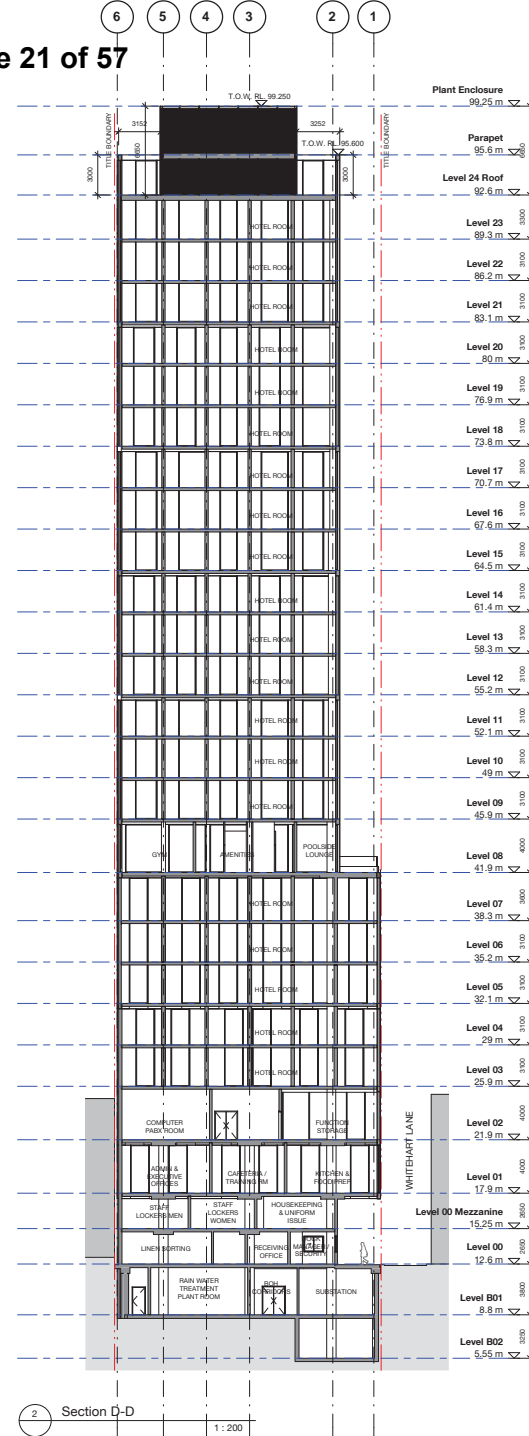
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1 Section C-C

1:200



2 Section D-D

1:200

Revision	Date	Description	Initial	Checked
1	16.06.18	Town Planning	CP	

360 Little Bourke St, Melbourne

East West Sections

Status	Town Planning		
Scale	1:200 @ A1		
Drawn	Author	Checked	Checker
Project No.	M12177		
Plot Date	26/06/2018 4:38:07 PM		

Drawing no.	Revision
<b>TP10.01</b>	<b>1</b>

Melbourne 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
 T 03 8664 6200 F 03 8664 6300  
 email: mel@batesmart.com.au  
 http://www.batesmart.com.au

Sydney 43 Brisbane Street  
 Surry Hills NSW 2010 Australia  
 T 02 8354 5100 F 02 8354 5199  
 email: syd@batesmart.com.au  
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# 4.11

## DESIGN RESPONSE

### FACADE MATERIALITY

- / Ground floor glass to be low iron glass to allow for view into lobby, retail and entry
- / Tower glass to have light grey low-e coating and be visually clear.
- / Louvres to be either metal finish or powdercoated depending on if they're being treated as part of a feature or as a recessive element.
- / Mullions to be either metal finish or powdercoated as per MTF01.
- / Balustrade glass to be low iron to not compete with the architectural form.
- / Precast concrete to be off-form or acid etched finish



01



02



03

#### Material Board

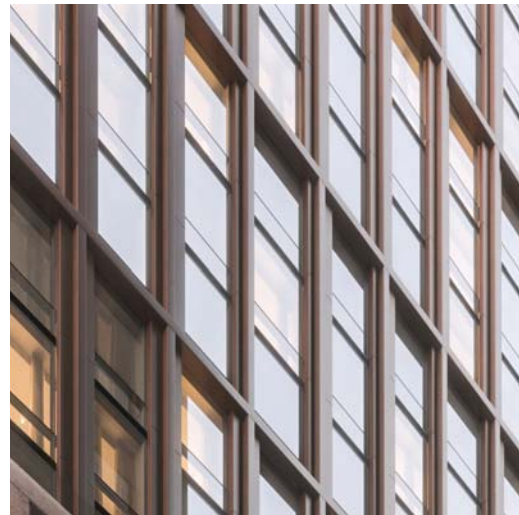
- 01. CN01 *Red pigmented precast concrete*
- 02. MTF01 *Powdercoated aluminium - Charcoal colouration*
- 03. MTF02 *Powdercoated aluminium - Bronze colouration*
- 04. GL01 *Visually clear vision glass with light grey tint*
- 05. GL02 *Low iron vision glass*



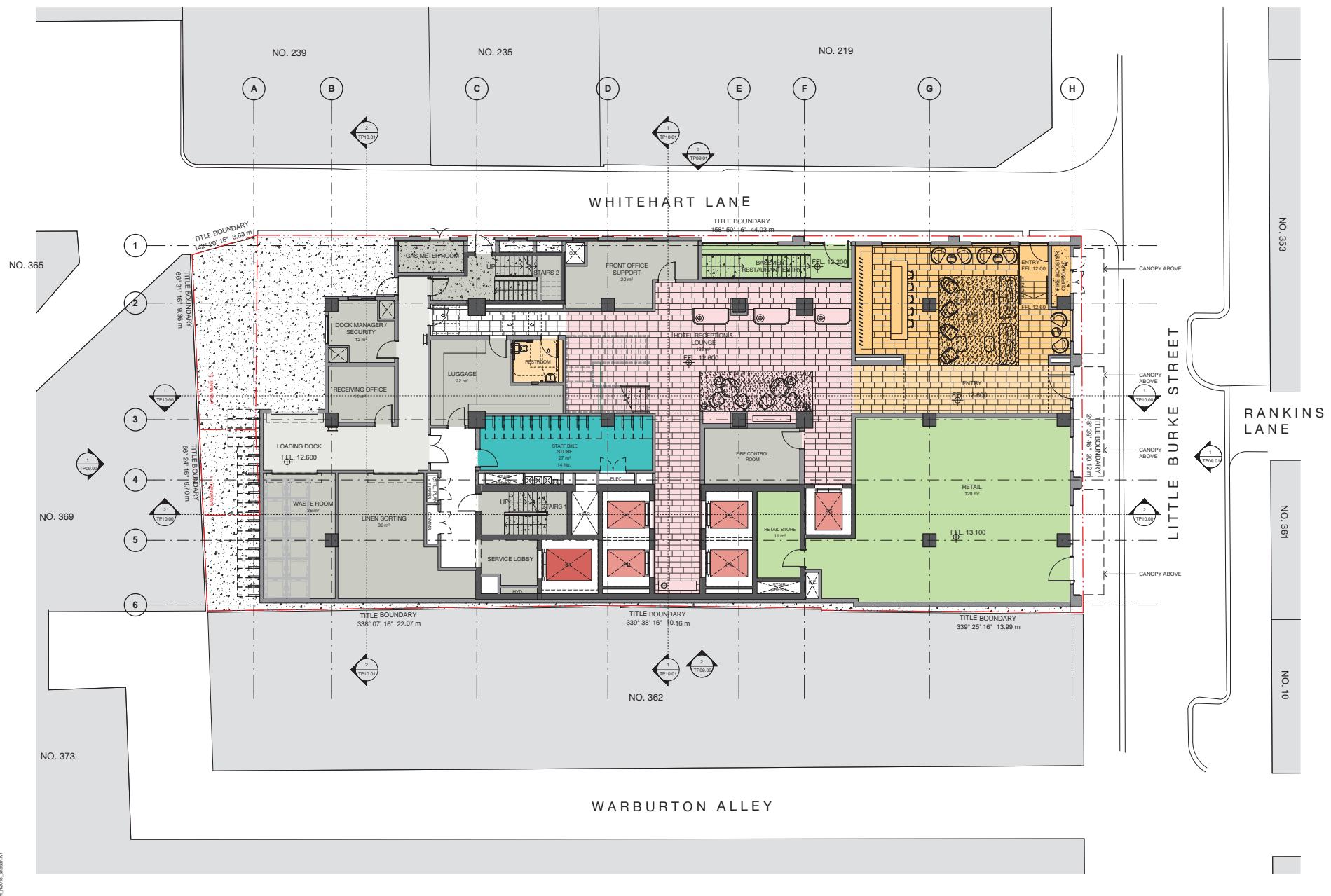
04



05



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Revision	Date	Description	Initial	Checked
1	18.06.18	Team Planning		CP

360 Little Bourke St, Melbourne

Level 00

Status	Team Planning
Scale	1:100 @ A1
Drawn	for
Project No.	M11177
Plot Date	06-Oct-18 4:53:52 PM
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Drawing no.	Revision
TP02.00	1

Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8364 6100 F 02 8364 5199  
email syd@batesmart.com.au  
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1 Level 00  
1:100

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Revision	Date	Description	Initial	Checked
1	18.06.18	Team Planning		CP

360 Little Bourke St, Melbourne

Level 01

Status	Team Planning
Scale	1:100 @ A1
Drawn	for
Project No.	M12177
Plot Date	06-Oct-18 4:54:37 PM
Blk.	
Drawing no.	Revision
TP02.01	1

Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 9564 6200 F 03 9564 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
http://www.batesmart.com.au

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1 Level 01  
1:100

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## PLANNING PERMIT APPLICATION

### DELEGATE REPORT

<b>Application number:</b>	<b>TP-2018-527</b>
<b>Applicant / Owner / Architect:</b>	Roxy-Pacific Melbourne House Pty Ltd c/- Urbis Pty Ltd /  Roxy-Pacific Melbourne House Pty Ltd / Bates Smart Pty Ltd
<b>Address:</b>	360 Little Bourke Street, Melbourne
<b>Proposal:</b>	Demolition of the existing building and construction of a multi-level building comprising residential hotel, restaurant and shop and a reduction of the bicycle parking requirement
<b>Cost of works:</b>	\$68 million
<b>Date of application:</b>	28 June 2018
<b>Responsible officer:</b>	Ashley Treloar

## 1 SUBJECT SITE AND SURROUNDS

### 1.1 Site

The subject site (Melbourne House) is located on the north side of Little Bourke Street between Elizabeth Street to the east and Queen Street to the west. Whitehart Lane adjoins the east boundary.

The site has an irregular shape with a 20.12m frontage to Little Bourke Street, a 47.61m frontage to Whitehart Lane and a total area of approximately 939 square metres.

The land has a gentle slope from northwest to southeast.

The site is developed with a circa 1923 six storey commercial building with retail on the ground floor and office on the upper levels. The building is constructed to the south, east and west boundaries and is setback from the north boundary. While the building is of some architectural and historical merit, it is not located within a Heritage Overlay (existing or proposed).

The site is formally described as Land in Plan of Consolidation 164424E, Volume 09759 Folio 817. The site is not affected by any restrictive covenants. Carriageway and light and air easements adjoin the north boundary (see the Boundary Re-establishment Feature and Level Survey overleaf).

## Boundary Re-establishment Feature and Level Survey



### 1.2 Adjoining properties

#### East

225 Elizabeth Street (Nova Apartments) is developed with a 17 storey (58.9m high) building that contains nine retail units and 136 dwellings. The building has a 12 storey (41.4m high) street wall. The upper levels are setback 5.8m from Little Bourke Street, 0.3m from Whitehart Lane and 0.9m from Elizabeth Street. The building has habitable room windows and balconies facing the subject site.

235 Elizabeth Street is developed with a two storey building that contains a shop.

239 Elizabeth Street is developed with a three storey building that contains a shop.

#### North

369 Lonsdale Street is developed with a three storey building that contains a shop. The rear of the site contains the Former F Lowe & Co Store and is affected by Heritage Overlay Schedule 1212.

Whitehart Bar is located at the rear of 359 Lonsdale Street with access from Whitehart Lane.

#### West

362 Little Bourke Street (Campton House) is developed with a circa 1889 four storey former warehouse in the Queen Anne Revival style that has been extended with two additional levels and converted into one retail unit and three dwellings. The site is affected by Heritage Overlay Schedules 1051 and 1205.

### 1.3 Surrounds

Little Bourke Street has a 10m wide road reserve with one-way west-bound traffic and indented kerbside parking on the south side generally restricted to loading, 15 minute parking between 7.30am and 7.30pm Monday to Friday and 1 hour parking between 7.30am and 7.30pm Saturday and 7.30am and 6.30pm Sunday.

Whitehart Lane has a 3.6m wide road reserve that runs north for approximately 50m where it then turns 45 degrees northwest and runs for approximately 15m. A 15minute loading zone between 9am and 4pm is provided approximately 10m before the bend. There are 'No Stopping' restrictions at all other times.

The site is located between the Retail Core (identified by CCZ2) and the Guildford and Hardware Laneways Precinct (identified by HO1204 and HO1205). The surrounding uses include a mix of shops, cafes, restaurants, offices and dwellings. The built form is characterised by masonry buildings with typically raw and industrial materials.

The site is well served by public transport and is within walking distance of tram corridors on Elizabeth Street, Swanston Street, William Street, Bourke Street and Collins Street as well as Melbourne Central and Flinders Street Train Stations.

**Aerial Photograph (Source: Council's GIS 19 October 2018)**



## 2 BACKGROUND AND HISTORY

### 2.1 Pre-application discussions

A pre-application meeting was held with Council's Urban Planners prior to lodgement.

### 2.2 Background to the application

Informally amended ground and first floor plans and three revised renders were received 16 October 2018 in response to the referral comments provided by Urban Design and Engineering Services. The plans and renders include the following changes:

- Incorporation of a canopy feature.
- Reduction in the width of the plinth adjacent the main entry from 2.4m to 1.5m.
- Reduction in the size of the '360' sign by 50%.

- Increase in the bicycle parking provision from 20 to 37 spaces.

### 2.3 Planning application history

The subject site has no relevant planning history. The following applications are relevant to the surrounding properties.

Address	Reference	Description	Decision
225 Elizabeth Street, Melbourne (Nova Apartments)	TP-1999-823	Alterations and additions to the existing building for residential apartments, including five additional levels and use of the basement and first floor for car parking	Permit 24/9/1999
372-378 Little Bourke Street, Melbourne (Chart House)	TP-2018-120	Part demolition, alterations and additions for the construction of a multi-level building to be used for retail and office purposes and associated signs	Under assessment

## 3 PROPOSAL

The application seeks planning permission for demolition of the existing building and construction of a multi-level building comprising a residential hotel, restaurant and shop and a reduction of the bicycle parking requirement.

The plans that have been considered in this assessment are the originally submitted (received 28/6/2018) and informally amended drawings (received 16/10/18) by Bates Smart Pty Ltd.

Details of the proposal can be summarised as follows:

GFA	17,758sq.m
FAR	17.6:1
Building height	80m excluding architectural features and building services
Number of storeys	24 storeys excluding mezzanine and two basement levels
Street wall (podium)	8 storeys – 29.3m
Tower setbacks	South boundary: 5m East boundary: 5m from centre of Whitehart Lane North boundary: 5m West boundary: no setback
Retail units	1 x 410sq.m restaurant in the basement 1 x 120sq.m shop on the ground floor
Hotel rooms	308
Car parking	Zero
Bicycle parking	37
Loading/ unloading	Loading dock in the northeast corner, off Whitehart Lane



- The development features an 8 storey podium plus a 16 storey tower.
- The podium is setback from the rear to provide for the carriageway and light and air easements.
- The podium has a 20.8m long x 3.2m deep inset on Levels 3 to 6, which increases the separation to Nova Apartments.
- The tower is setback 5m from the north and south boundaries and 5m from the centre of Whitehart Lane to the east. The tower abuts the west boundary (Campton House).
- The core adjoins the west boundary and the hotel rooms have primary outlook to Little Bourke Street, Whitehart Lane and the north.
- The basement includes a 410 square metre restaurant with access via the core and stairs off Whitehart Lane.
- The ground floor includes a 120 square metre shop in the southwest corner and hotel reception, lounge and bar in the southeast corner.
- The hotel includes the following amenities and facilities: 336 square metre restaurant on Level 1; 417 square metre function and conference facilities on Level 2; outdoor pool and terrace, 28 square metre lounge, 30 square metre gym and 209 square metre bar on Level 8.
- Levels 3 to 7 and 9 to 23 contain hotel rooms.
- The development has a vertical expression and the main material is precast concrete panels with a red pigment. The following description is provided by the Architect:

*The vertical expression is achieved by suppressing the spandrel panels every second or third floor and utilising an engaged column element that attaches to the facade and continues up building in both the podium and tower. This provides articulation and allows for a play of light and shadow across the facade.*

*The podium also plays on the concept of verticality by modulating the expression of the slab elements and using a single, then double, then triple storey step to draw the eye upwards from street level. The increasing steps create a much longer and more elegantly proportioned facade bay at the upper levels of the podium.*

*Each facade bay is broken down into a solid vertical spandrel element and a fixed width window element that moves horizontally within the facade bay to create a sense of movement and further contribute to drawing the eye upwards.*

*The tower continues the facade bay proportion established at the upper level of the podium and continues it throughout the tower by linking three levels between the engaged columns causing an elongation of the scale of the facade bay, adding to its vertical reading.*

*The detail and articulation of the surrounding context has been drawn upon to inform the design of the proposed building. At lower levels, the reveal to the window has been extended beyond the wall face through a metal surround to the window. At upper levels, the window bay has a layering of elements consisting of vertical spandrel in metal or precast, with a window frame and glazing set within a uniform engaged pilaster grid. Taking cues from the rendered facades facing Little Bourke Street, the finish of the wall surface is a uniform precast finish that presents a dressed face to the street.*

Proposed Renders



Little Bourke Street



View from Rankins Lane



View from the south along Whitehart Lane



View from the north along Whitehart Lane



View from the west along Little Bourke Street



View from the east along Little Bourke Street



SE perspective



SW perspective



North East Perspective North West Perspective  
NE, NW, SW and SE perspectives



South West Perspective South East Perspective

#### 4 STATUTORY CONTROLS

The following provisions of the Melbourne Planning Scheme apply.

Planning Policy Framework	<p>Clause 11 – Settlement</p> <p>Clause 15 – Built Environment and Heritage</p> <p>Clause 17 – Economic Development</p> <p>Clause 18 – Transport</p> <p>Clause 19 – Infrastructure</p>
Municipal Strategic Statement	<p>Clause 21.04 – Settlement</p> <p>Clause 21.06 – Built Environment and Heritage</p> <p>Clause 21.08 – Economic Development</p> <p>Clause 21.09 – Transport</p> <p>Clause 21.10 – Infrastructure</p> <p>Clause 21.12 – Hoddle Grid</p>
Local Planning Policies	<p>Clause 22.01 – Urban Design within the Capital City Zone</p> <p>Clause 22.02 – Sunlight to Public Spaces</p> <p>Clause 22.19 – Energy, Water and Waste Efficiency</p> <p>Clause 22.20 – CBD Lanes</p> <p>Clause 22.23 – Stormwater Management</p>

Statutory Controls	
Capital City Zone Schedule 1	<p>A permit is required to demolish a building and construct a building or carry out works.</p> <p>A permit is required to construct a building with fewer than one bicycle parking space per 500sq.m of GFA in the case of a new building without onsite car parking.</p> <p>A permit must not be granted to construct a building with a FAR in excess of 18:1 on land to which DDO10 applies unless a public benefit is provided.</p>
Design and Development Overlay Schedule 1-A2	A permit is required for buildings and works at ground level.
Design and Development Overlay Schedule 3	A permit is required to construct a building or carry out works associated with the creation or alteration of a crossover or vehicle accessway.
Design and Development Overlay Schedule 10	<p>A permit is required to construct a building or carry out works.</p> <p>Buildings and works:</p> <ul style="list-style-type: none"> <li>• must meet the design objectives;</li> <li>• must satisfy the built form outcomes for each relevant design element in Table 3; and</li> <li>• should meet the preferred requirement for each relevant design element in Table 3.</li> </ul> <p>An application that does not meet the preferred requirement must be</p>

	<p>considered under the modified requirement for each relevant design element.</p> <p>A permit must not be granted for buildings and works that do not meet the modified requirement for any relevant design element.</p> <p>A permit must not be granted for a building in excess of 40m that would cause unsafe wind conditions and should not be granted for a building that would not achieve comfortable wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40m or half the total height of the building, whichever is greater.</p> <p>A permit must not be granted for buildings or works that would cast any additional shadow over Bourke Street Mall south of the tram track between 12pm and 2pm on 22 April and 22 September.</p> <p>A permit must not be granted for buildings and works that would cast additional shadow over Hardware Lane and McKillop Street between 12pm and 2pm on 22 April and 22 September, unless the overshadowing would not unreasonably prejudice the amenity of the space.</p>
<p>Parking Overlay Schedule 1</p>	<p>A permit is required to provide car parking spaces in excess of:</p> <p style="text-align: center;"><u>5 x net floor area of buildings on the site in sq.m</u> 1000 sq.m</p> <p style="text-align: center;">or</p> <p style="text-align: center;"><u>12 x site area in sq.m</u> 1000 sq.m</p> <p>All buildings that provide onsite car parking must provide 1 motorcycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.</p>

Particular Provisions	
<p>Clause 52.06 Car Parking</p>	<p>Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>A permit is required to reduce the following bicycle parking requirements.</p> <p>Shop</p> <ul style="list-style-type: none"> <li>• 1 employee space to each 600sq.m of leasable floor area if the leasable floor area exceeds 1,000sq.m</li> <li>• 1 visitor space to each 500sq.m of leasable floor area if the leasable floor area exceeds 1,000sq.m</li> </ul> <p>Restaurant</p> <ul style="list-style-type: none"> <li>• 1 employee space to each 100sq.m available to the public</li> <li>• 2 visitor spaces plus 1 space to each 200sq.m of floor area available to the public if the floor area available to the public exceeds 400sq.m</li> </ul> <p>Residential hotel of four or more storeys</p> <ul style="list-style-type: none"> <li>• 1 employee space to each 10 lodging rooms</li> <li>• 1 visitor spaces to each 10 lodging rooms</li> </ul>

	<p>Showers</p> <ul style="list-style-type: none"> <li>If 5 or more employee spaces are required, 1 shower for the first 5 spaces plus 1 shower to each 10 spaces thereafter.</li> </ul> <p>Change rooms</p> <ul style="list-style-type: none"> <li>1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room.</li> </ul>
<p>Clause 53.06 Live Music and Entertainment Noise</p>	<p>A noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from indoor and outdoor live music venues.</p>

General Provisions	
<p>Clause 65 Decision Guidelines</p>	<p>The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause, which include the matters set out in Section 60 of the Planning and Environment Act 1987.</p>
<p>Clause 66 Referral and Notice Provisions</p>	<p>An application to construct a residential building comprising 60 or more lodging rooms must be referred to Transport for Victoria.</p>

## 5 PLANNING SCHEME AMENDMENTS

The site is affected by Amendment C308 – Central City and Southbank Urban Design, which proposes new urban design provisions and includes the Central Melbourne Design Guide.

Public exhibition of Amendment C308 closed 10 August 2018 and it is not currently a seriously entertained policy as it is yet to be considered by an independent Planning Panel.

## 6 PUBLIC NOTIFICATION

The application is exempt from notice and review pursuant to Clause 37.04-4 (Capital City Zone Schedule 1), Clause 43.02-2 (Design and Development Overlay Schedules 1, 3 and 10), Clause 52.06-4 (Car Parking) and Clause 52.34-3 (Bicycle Facilities).

## 7 OBJECTIONS

While the application is exempt from notice and review, 35 objections were received, which raised the following concerns (summarised):

- Demolition of the existing building and loss of significant heritage fabric.
- The height of the development is inconsistent with the surrounding buildings.
- The development will adversely impact the heritage significance of the Guildford and Hardware Laneways Precinct (HO1204 and HO1205).
- The development will overshadow Rankins Lane, Warburton Lane and the GPO building.
- Overshadowing and overlooking the adjoining dwellings at Nova Apartments and Campton House.

- Loss of views.
- The development will increase pedestrian and vehicle traffic in Little Bourke Street and Whitehart Lane, which will in turn:
  - Increase noise, fumes, congestion and general disruption.
  - Increase the conflict between pedestrians and vehicles.
  - Increase bicycle parking, motorcycle parking, queuing on the street and outdoor dining, which will reduce foot traffic and negatively affect trade.
- The development will increase the number of bins in Little Bourke Street for kerbside collection.
- Noise, dust, congestion and general disruption from demolition and construction activities, which will negatively impact on residents and businesses.

## **8 REFERRAL COMMENTS**

### **8.1 Internal Referrals**

#### **8.1.1 Urban Design**

- We are generally supportive of the design response within this particularly vibrant context and acknowledge the clarity of the renders and drawings and the information provided in the Urban Context Report.
- The layout of the development is supported and we commend the design team on elevating the status quo through providing greater activation, diversity and uses at ground level.
- The 8 storey street wall provides a transition between the 12 storey street wall to the east and the 4 storey street wall to the west.
- The recess in the podium along the east elevation increases the separation to the habitable room windows and balconies at Nova Apartments.
- The east elevation to Whitehart Lane is activated through visual permeability, high quality detailing and an entry to the basement restaurant. The cantilevered northeast corner and vertical gate is also supported.
- We are generally supportive of the massing strategy, façade treatments and references to the history of this unique context. The development presents a strong design response, high quality materials and timeless architecture.

#### Recommendations:

- Provide a distinct band or canopy structure to denote the ground floor.
- Redesign the elegant lettering and concrete plinth to align with the small-scale, intimate character of the streetscape.
- Juliet balconies to the first floor windows on Little Bourke Street could further enhance the activity and engagement with the street (see Lustre Bar in Flinders Lane or Cookie on Swanston Street).
- The bar in the southeast corner should be a public bar distinct from the hotel lobby. This could be achieved by enclosing the bar and/or providing an additional entry on Little Bourke Street or Whitehart Lane.

The without prejudice plans and renders received 16 October 2018 address the first and second recommendations. A response to the third and fourth recommendations is provided in section 9.1.6 of this report.

### **8.1.2 Traffic**

#### Car parking

- No car parking is proposed.

#### Bicycle parking

- 20 bicycle parking spaces are proposed in a secure compound at the rear of the site and 17 spaces are proposed in a bike store on the ground floor.
- End of trip facilities are proposed in the form of male and female change rooms with lockers, each equipped with multiple showers, on the mezzanine.
- The bicycle parking provision does not meet the requirements of the Planning Scheme with a deficiency of 33 spaces.

#### Motorcycle parking

- The development does not include car parking and therefore does not generate a requirement for motorcycle parking.

#### Loading

- A dedicated area for loading and unloading is proposed at the rear of the site with access off Whitehart Lane. The loading dock is specifically designed for the proposed use and will accommodate 6.4m rigid vehicles, which is expected to cater for the majority of the loading and unloading activity to the site.
- In addition to onsite loading, on-street loading is provided along Little Bourke Street and Whitehart Lane. The loading zones on the south side of Little Bourke Street provide for 30 minute loading between 7.30am and 7.30pm Monday to Friday and 15 minute loading between 7.30am and 7.30pm on all days. The loading zone on Whitehart Lane provides 15 minute loading between 9am and 4pm on all days.
- The combination of onsite loading for the majority of operations and the potential to use on-street loading zones in the immediate vicinity is expected to easily accommodate all loading needs.

#### Traffic volumes

- The traffic volumes generated by the development are very low and are expected to be easily accommodated and result in no measurable disruption to the operation of Little Bourke Street or Whitehart Lane.

### **8.1.3 Waste**

- The Waste Management Plan by Onemilegrid dated 26 June 2018 is acceptable.

### **8.1.4 Civil**

- All projections over the street alignment must conform to Building Regulations 2006, Part 5, Section 505 to 514, as appropriate. Reference may be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting street trees and clearances from face/ back of kerb.
- The development will impact existing wall mounted street lights attached to the east elevation fronting Whitehart Lane. The development should be redesigned to allow installation of power conduits and street lights on the external walls of the building. The power conduits for the wall mounted street lights should be designed perpendicular to the surface pavement. The building should provide a minimum vertical clearance of 6.0m above and 2.0m below the surface pavement to allow installation of electrical conduits and wall mounted lights.



- Recommended conditions:
  - Drainage of projections (PR.09)
  - Works abutting Council lanes (DET.02)
  - Drainage connection underground (DET.11)
  - Demolish and construct access (AC.02)
  - Street works required (AC.03)
  - Sawn bluestone footpath (AC.06)
  - Street levels not to be altered (AC.11)
  - Existing street lighting not to be altered without approval (AC.12)
  - Whitehart Lane
  - Public lighting

### **8.1.5 Land Survey**

A Section 173 Agreement is required for the windows/openings on the west boundary.

## **8.2 External Referrals**

### **8.2.1 Transport for Victoria**

- Transport for Victoria did not object to the grant of a planning permit.

## **9 ASSESSMENT**

The key issues in the consideration of this application are:

- Built form in relation to DDO10 and the impact on the adjoining Guildford and Hardware Laneways Precinct
- Shadow and wind impacts
- Amenity impacts and equitable development
- Parking, loading, traffic and waste
- Environmentally sustainable design

### **9.1 Built form**

#### **9.1.1 Floor area ratio**

The CCZ1 states that a permit must not be granted to construct a building with a floor area ratio in excess of 18:1 on land to which DDO10 applies, unless a public benefit is agreed to and secured by a Section 173 Agreement.

The development has a floor area ratio of 17.6:1, as such a public benefit is not required.

#### **9.1.2 Building height**

The DDO10 defines total building height as the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of non-habitable architectural features not more than 3m high and building services setback 3m behind the façade.

The roof of the building is 80m high.

The building services project 6.7m above this and are setback 3.2m behind the façade.

The building services are partly concealed by a 3m high parapet (architectural feature) that continues the façade treatment up the building.

The development has an eight storey podium plus a 16 storey tower (29.3m and 80m high respectively, excluding architectural features and building services as set out above). The tower is setback 5m from Little Bourke Street, 5m from the centre of Whitehart Lane and 5m from the north boundary.

To the east, Nova Apartments has a 12 storey street wall and a five storey addition (41.4m and 58.8m high respectively, as taken from the centre of the Little Bourke Street frontage). The addition is setback 5.8m from Little Bourke Street, 0.3m from Whitehart Lane and 0.9m from Elizabeth Street.

To the west, Campton House has a four storey street wall with a decorative parapet and two additional recessed upper levels.

While the development is seven storeys (21.2m) taller than Nova Apartments and notably taller than the other buildings in this section of Little Bourke Street (except 190 and 200 Queen Street that bookend the streetscape), the height is considered acceptable because:

- This development, together with Nova Apartments, provides a bookend to this section of Little Bourke Street with 190 and 200 Queen Street providing the other bookend.
- This juxtaposition of high-rise towers and low-scale heritage buildings is not uncommon within the Central City.
- Little Bourke Street is a narrow street and the overall height will be apparent in distant views rather than nearby vantage points.
- The development will not result in unacceptable wind or shadow impacts as set out in section 9.2 of this report.

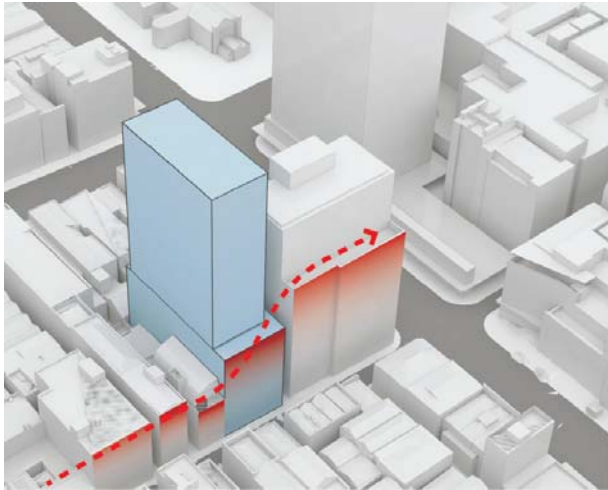
### **9.1.3 Street wall**

The DDO10 has a preferred requirement of up to 20m and a modified requirement of up to 40m.

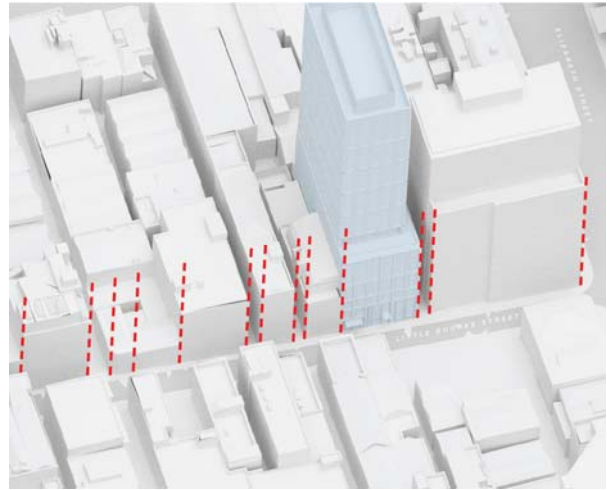
The development has a 29.3m high (eight storeys) street wall.

The street wall satisfies the modified requirement and achieves the design objectives and built form outcomes of DDO10. It provides an appropriate graduation in height between Nova Apartments (12 storeys) and Campton House (four storeys). It is appropriately articulated with a vertical expression to respect the rhythm of the streetscape and reduce the perceived bulk and mass. The canopy, as shown on the revised renders, defines the ground floor, provides a human scale and reinforces the intimate streetscape.

While the site is 20.1m wide and presents an opportunity to provide a step in the street wall, the podium is acceptable as proposed given the rhythm of the street, which includes a mix of fine grain and wider sites.



Transition in street wall



Rhythm of the street

#### 9.1.4 Setback above the street wall

The DDO10 has a preferred requirement of 10m and a modified requirement of 5m.

The tower has a 5m setback above the street wall, which satisfies the modified requirement and is acceptable because the tower is slender and distinguished from the podium. The podium height and the tower setback ensure that the development does not visually dominate Little Bourke Street or Whitehart Lane and provides an appropriate graduation between the adjoining buildings. Further, the development will not result in unacceptable wind or shadow impacts as set out in section 9.2 of this report.

#### 9.1.5 Setbacks from side and rear boundaries

The DDO10 has a preferred requirement of 5m or 6% of the total building height, whichever is greater. In this instance, 5m is greater than 6% of the total building height (4.8m).

The modified requirement allows towers up to 80m high to be constructed to one side or rear boundary, excluding a laneway, if an existing/ approved/ proposed/ potential building on an adjoining site is built to that boundary and if a minimum of 5m is met to all other side and rear boundaries or centre of adjoining laneway.

Proposed setbacks:

- East (adjoining Whitehart Lane): 5m from the centre of the laneway
- North (adjoining 369 Lonsdale Street): 5m
- West (adjoining Campton House): no setback

The side and rear setbacks satisfy the modified requirement and achieve the design objectives and built form outcomes of DDO10. The podium and tower are appropriately sited and massed to respond to the site and its context. The podium is appropriately articulated so not to visually dominate Campton House or the adjoining Guildford and Hardware Laneways Precinct. The setback from the east boundary coupled with the separation provided by Whitehart Lane and Warburton Alley ensure that the development does not result in a continuous street wall and provide sky views between the buildings. The setbacks mitigate wind impacts and allow sunlight to penetrate street level. The development will not unreasonably impact on the amenity of the adjoining dwellings or the development potential of the adjoining properties as set out in section 9.3 of this report.

In relation to the tower abutting the west boundary, it is envisaged that any potential future addition to Campton House would be:

- Setback 10m from the front façade given the heritage significance of the existing building and HO1051 and HO1205.
- Setback 5m from the centre of Warburton Alley given the requirements of DDO10.
- Setback 5m from the rear given the requirements of DDO10.
- Abut the east boundary (subject site) given the setbacks from all other boundaries.

This provides a 5.3m wide x 32m long approx. tower floorplate for Campton House, which is considered to satisfy the modified requirement for building to a boundary.

The boundary wall and S173 Agreement for the windows/ openings on the west boundary provide for the equitable development of Campton House as set out above.

### **9.1.6 Design details**

The development has received support from Council's Urban Design Team and satisfies the objectives and policies of Clause 22.01 for the following reasons.

- The development displays high quality urban design and architecture, including materials and details that respect the adjoining buildings in the Guildford and Hardware Laneways Precinct. Conditions are recommended to retain the Architect and provide samples of the materials and finishes.
- The street wall is articulated by six vertical sections that respect the rhythm of the streetscape and four unequal horizontal sections that indicate the floor levels without emphasising all of them. This arrangement reduces the perceived bulk by drawing the eye of the pedestrian to the framing element and not the floor levels so that more floors can be contained within a single vertical division. This arrangement together with the warm materials, podium height and tower setback provide an appropriate design response to Campton House.
- The layered façade, including the engaged pilasters, vertical spandrels and expressed slabs provide a vertical expression and a depth that allows for the play of light and shadow across the facade.
- The building has been considered in the round and all visible sides have been designed to a high standard to provide visual interest. The west elevation is articulated with window openings and the same façade language, albeit in a panelised form.
- The canopy denoting the ground floor provides a human scale and reinforces the intimate streetscape.
- The window openings provide an active façade and passive surveillance of Little Bourke Street and Whitehart Lane.
- The 3m high parapet conceals the recessed 6.7m high building services and provides an attractive roofscape.
- The development provides a canopy for weather protection and a pedestrian oriented ground floor with at least 80% as an entry or display window to a shop or customer service area, in accordance with DDO1-A2.
- The ground floor has a shop and hotel entrance, lobby and bar on Little Bourke Street that wraps the corner to Whitehart Lane. The laneway also features separate entrances to the hotel bar on the ground floor and the restaurant in the

basement. These features together with the façade treatment satisfy the objectives and policies of Clause 22.20.

- While the Urban Design Team recommended that Juliet balconies be provided to the first floor windows on Little Bourke Street, the applicant decided not to do so and the windows are considered acceptable as proposed.
- The Urban Design Team also recommended changes to delineate the hotel bar from the lobby and reception. It is important to note that the hotel bar is not a tavern and is ancillary to the residential hotel. As such, it is important to maintain the connection with the lobby and reception as proposed.
- The development does not project beyond the title boundaries except for the canopy.

### **9.1.7 Impact on the adjoining Guildford and Hardware Laneways Precinct**

The site is located adjacent to the Guildford and Hardware Laneways Precinct identified by HO1204 and HO1205.

The Statement of Significance for the Precinct includes the following key characteristics:

- Density and narrow proportions of laneways.
- Red brick, rendered masonry, bluestone and concrete.
- Windows and doors expressed as punched openings in masonry walls rather than large expanses of glazing.
- Original window and, to a lesser degree, door joinery.
- Buildings constructed boundary to boundary.
- Heights of buildings vary but are generally within one to four storeys, with some exceeding this.
- Other notable built form characteristics include: elevated ground floors and visible basements, high parapets and very little visibility of roof forms, original signage and building names, and chamfered corners.

The development is based on a thorough understanding of the site and surrounds and the Urban Context Report by Bates Smart comprehensively sets out how the design response respects and reinforces the key characteristics of the adjoining Guildford and Hardware Laneways Precinct.

The development will not unreasonably impact the heritage significance of the Precinct for the reasons given throughout this report, noting that the heritage overlay and heritage policy are not relevant to this assessment.

## **9.2 Shadow and wind impacts**

### **9.2.1 Shadow**

Clause 22.02 recognises that sunlight contributes to the amenity and useability of public space, public health and wellbeing, and supports trees and other plants.

The DDO10 states that a permit must not be granted for buildings or works that would cast any additional shadow over Bourke Street Mall south of the tram track between 12pm and 2pm on 22 April and 22 September. The shadow diagrams demonstrate that the development will not cast any additional shadow over Bourke Street Mall south of the tram track during the specified times and dates.

Further, DDO10 states that a permit must not be granted for buildings and works that would cast additional shadow over Hardware Lane and McKillop Street between

12pm and 2pm on 22 April and 22 September, unless the overshadowing will not unreasonably prejudice the amenity of the space. The shadow diagrams demonstrate that the shadow cast by the development is entirely contained within shadow cast by existing built form.

### **9.2.2 Wind**

The DDO10 states that a permit must not be granted for a building in excess of 40m that would cause unsafe wind conditions and should not be granted for a building that would not achieve comfortable wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40m or half the total height of the building, whichever is greater.

The Wind Report by MEL Consultants Pty Ltd dated 28 May 2018 concludes that the wind conditions for all test locations surrounding the development satisfy the safety criterion and achieve standing criterion, with many also achieving sitting criterion.

### **9.3 Amenity impacts and equitable development**

The development will not unreasonably impact on the amenity of the adjoining dwellings or the equitable development of the adjoining properties.

#### **9.3.1 East**

Nova Apartments is a 17 storey residential building with a 12 storey street wall and a five storey addition setback 5.8m from Little Bourke Street and 0.3m from Whitehart Lane. The dwellings have habitable room windows and balconies facing the subject site.

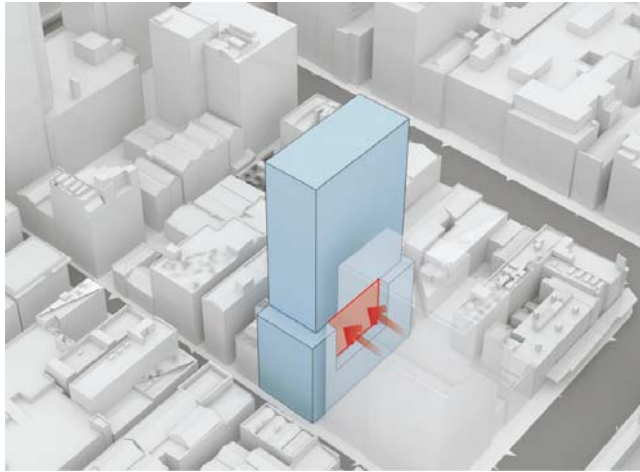
Numbers 235 and 239 Elizabeth Street are developed with two and three storey buildings used as shops and do not present sensitive interfaces.

Whitehart Lane is 3.6m wide and separates the subject site and Nova Apartments.

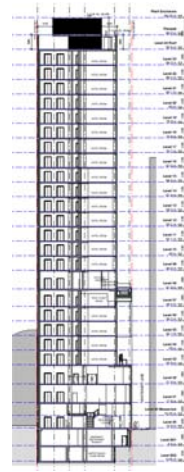
The development has an eight storey podium and a 16 storey tower (24 storeys in total). The podium has a 20.8m long x 3.2m deep inset on Levels 3 to 6, which increases the separation between the buildings to 6.8m. The tower is setback 5m from the centre of the lane, which provides a 6.8m separation between the buildings.

The 6.8m separation provides adequate light, outlook and privacy to the adjoining dwellings and the hotel rooms, having regards to:

- The inner city context.
- The north-south orientation of Whitehart Lane.
- The siting and massing of Nova Apartments, which is largely built to the boundary.
- The layout of the dwellings in the five storey addition to Nova Apartments, which have north and south facing windows.
- The nature of the uses; dwellings and residential hotel.



20.8m long x 3.2m deep inset in the podium



6.8m separation

### 9.3.2 West

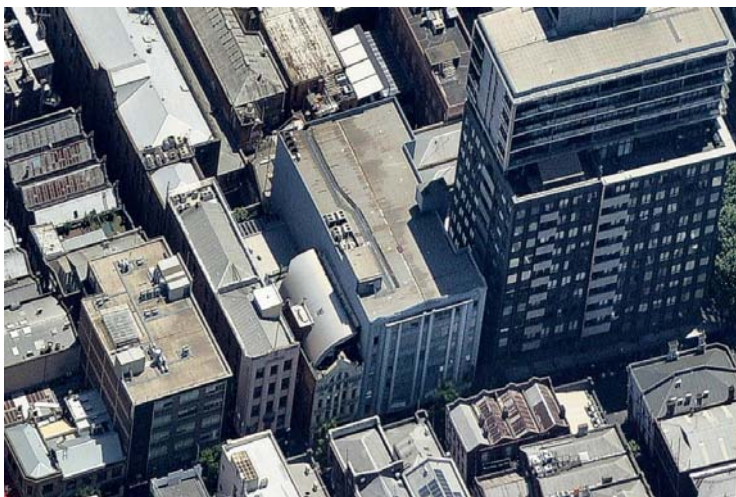
Campton House is a four storey building with two additional recessed upper levels and terraces at the front and rear. The building contains a retail unit and three dwellings.

The existing building has a six storey boundary wall to Campton House.

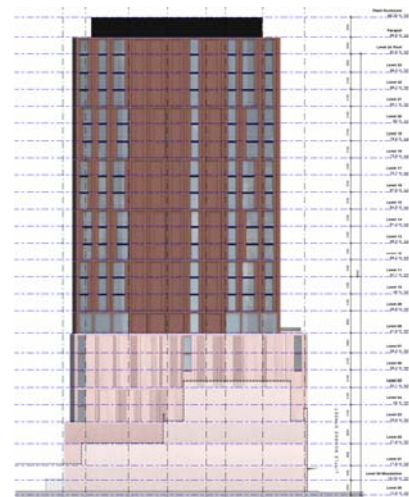
The development will have a 24 storey boundary wall with windows to the corridor and secondary windows to the north and south facing hotel rooms.

The development will not unreasonably affect the amenity of the adjoining dwellings having regards to the existing boundary wall and the surrounding windows with outlook to the terraces e.g. 370 Little Bourke Street (Niagara House). While the development will increase overshadowing, this is not unreasonable given the site's location within the Central City.

A S173 Agreement is recommended for the windows/ openings on the west boundary to protect the equitable development of the adjoining property.



Existing building



West elevation

### **9.3.3 North**

The rear of 369 Lonsdale Street contains the Former F Lowe & Co Store, which is affected by Heritage Overlay Schedule 1212.

Carriageway and light and air easements adjoin the north boundary.

The podium and tower are setback from the easements (3.5m to 2.9m and 5m, respectively). This setback allows light into the back of house facilities on the Ground Floor, Mezzanine, Level 1 and 2. Levels 3 to 23, which include hotel rooms, are setback 5m from the boundary. This setback provides for the equitable development of the adjoining property, in the event that it is developed.

## **9.4 Parking, traffic and waste**

### **9.4.1 Car parking**

The development does not provide car parking.

### **9.4.2 Bicycle parking**

CCZ1 states that a permit is required to construct a building with fewer than one bicycle parking space per 500 square metres GFA in the case of a new building without onsite car parking. This equates to 36 spaces for the development (17,758 square metres GFA).

Pursuant to Clause 52.34, the development generates a statutory requirement of:

- four spaces for restaurant staff
- four spaces for restaurant visitors
- 31 spaces for hotel staff
- 31 spaces for hotel visitors
- four showers for restaurant and hotel staff with change rooms

This equates to a total of 70 spaces and four showers.

The development provides 37 spaces and seeks a reduction of 33 spaces, having regard to the greater statutory requirement (Clause 52.34).

A reduction of 33 spaces is acceptable because:

- Bicycle parking is provided for staff demand.
- The primary use of the land is residential hotel and it is not expected that many (if any) visitors would travel by bike given the short-stay nature of the accommodation.
- On-street bicycle parking is available for unforeseen short-stay visitor demand.
- There are a number of back of house rooms in the Basement, Ground Floor, Mezzanine and Levels 1 and 2 that could be repurposed for bicycle parking if demand exceeded supply.

The male and female lockers on the Mezzanine provide ample space for showers and change rooms (89 square metres in total).

### **9.4.3 Motorcycle parking**

The development does not generate a statutory requirement for motorcycle parking as no car parking is provided.



#### **9.4.4 Loading**

Clause 65.01 requires consideration of the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

A dedicated area for loading and unloading is proposed at the rear of the site with access off Whitehart Lane. The loading dock is specifically designed for the proposed use and will accommodate 6.4m rigid vehicles, which is expected to cater for the majority of the loading and unloading activity to the site. In addition to onsite loading, on-street loading is provided along Little Bourke Street and Whitehart Lane.

Engineering Services has advised that the onsite loading dock for the majority of operations and the potential to use on-street loading zones in the immediate vicinity is expected to easily accommodate all loading needs.

#### **9.4.5 Traffic volumes**

Engineering Services has advised that the traffic volumes generated by the development are very low and are expected to be easily accommodated and result in no measurable disruption to the operation of Little Bourke Street or Whitehart Lane.

#### **9.4.6 Waste**

Engineering Services has advised that the Waste Management Plan by Onemilegrid dated 26 June 2018 is acceptable.

### **9.5 Environmentally Sustainable Design**

Clause 22.19 requires that applications for buildings over 2,000 square metres GFA demonstrate that the building has the preliminary design potential to achieve the relevant performance measures set out in Clause 22.19-5.

Clause 22.19-5 requires that residential hotels over 5,000 square metres GFA achieve:

- 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent.
- 5 star rating under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent.

The Sustainability Management Plan by Wood & Grieve Engineers dated 20 June 2018 demonstrates that the development has the preliminary design potential to achieve these performance measures. Conditions are recommended to ensure that the sustainability initiatives are achieved in the completed development.

Clause 22.23-4 requires that applications be accompanied by a water sensitive urban design response. The applicant has requested that this be dealt with by condition.

### **9.6 Other**

#### **9.6.1 Live music and entertainment noise**

The site is located opposite Whitehart Bar, a tavern within a double height shipping container with outdoor areas.

Clause 53.06 seeks to protect live music venues from the encroachment of noise sensitive residential uses, amongst other things. It requires that noise sensitive residential uses be designed and constructed to include noise attenuation measures that will reduce noise levels from any:

- Indoor live music entertainment venue to below the noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2).

- Outdoor live music entertainment venue to below 45dB(A), assessed as an  $L_{eq}$  over 15 minutes.

For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (Schedule B1 of SEPP N2 does not apply).

Conditions are recommended to this effect.

#### **9.6.2 Other matters raised by the objectors**

The site is not affected by any existing or proposed Heritage Overlays and as such the loss of any heritage fabric is not a relevant consideration.

The existing building (Melbourne House) was included in the Guildford and Hardware Laneways Study (May 2017) by Lovell Chen and was not recommended to be included in the Precinct nor recommended for a new individual Heritage Overlay. The building has been subject to alterations which were considered to have diminished its heritage value and impacted on its form and intactness. The following was also noted:

- None of the historical uses and occupants of the building elevate it to a level of historical significance, which would justify a contributory or significant grading.
- The building is not considered to be of social significance. This heritage value is associated with, and derives from, the contemporary attachment of a specific or defined group, and is typically enduring and long term.
- The building is not considered to be of aesthetic or architectural significance, due to the changes which have diminished its integrity and intactness.

The Statement of Significance for the Precinct notes that where there is historic development to both sides of a laneway or street, including the fronts, sides or rears of properties, the precinct boundary generally incorporates the subject laneway or street. In this regard, Nova Apartments significantly impacts Whitehart Lane.

Rankins Lane, Warburton Lane and the GPO building are not identified in Clause 22.02 or DDO10 with regard to overshadowing.

Loss of views is not a relevant planning consideration and sufficient outlook is considered to be maintained.

Engineering Services has advised that traffic volumes generated by the development are very low and are expected to be easily accommodated and result in no measurable disruption to the operation of Little Bourke Street or Whitehart Lane.

The site is centrally located and well served by public transport. Taxis and Ubers dropping-off and picking-up guests will be subject to no-stopping and on-street parking restrictions.

The development will utilise a private contractor to manage the collection and disposal of all waste. Bins will be stored in a dedicated bin store on the Ground Floor at the rear of the building, adjacent the loading dock. The waste collection vehicle will drive in a forward direction into Whitehart Lane and reverse into the loading dock from where the bin collection will occur. Following collection, the bins will be returned to the bin store and the waste collection vehicle will exit Whitehart Lane in a forward direction. No bins will be placed kerbside.

A traffic, demolition and construction management plan is recommended by condition.

## 9.7 Conclusion

The proposal is generally consistent with the relevant sections of the Melbourne Planning Scheme. It is recommended that a Planning Permit is issued subject to the following conditions.

## 10 RECOMMENDATION

That a Planning Permit is issued subject to the following conditions:

### Amended plans

1. Prior to the commencement of the development, including demolition and bulk excavation, two copies of plans, drawn to scale must be submitted to the Responsible Authority, generally in accordance with the drawings by Bates Smart Pty Ltd dated 18 June 2018, but amended to show:
  - a) A canopy feature as shown on the revised renders received 16 October 2018.
  - b) The width of the plinth adjacent the main entry reduced from 2.4m to 1.5m as shown on the revised renders received 16 October 2018.
  - c) The size of the '360' building identification sign reduced by 50% as shown on the revised renders received 16 October 2018.
  - d) 37 bicycle parking spaces as shown on the revised ground floor plan received 16 October 2018.
  - e) 1:20 drawings of the fenestration and façade details at key junctions.
  - f) Outward opening doors onto the public realm redesigned to comply with Council's Road Encroachment Guidelines.

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

### Endorsed plans

2. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

### Materials and finishes

4. Prior to the commencement of the development, including demolition and bulk excavation, a schedule and sample board including a colour render and notated plan/elevations that illustrate the location and details of all external materials and finishes must be submitted to and approved by the Responsible Authority and when approved will form part of the endorsed plans. All materials and finishes of the external building must be in accordance with the approved schedule to the satisfaction of the Responsible Authority.

### Non-reflective glazing

5. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

### Retain architects

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

**Legal agreement for windows/openings on boundary**

7. Prior to the commencement of the development, including demolition and bulk excavation on the land, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:
  - a) The windows/openings on the western boundary must be removed when the adjoining property is further developed in a manner that the Responsible Authority considers would affect these windows/openings.

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

**Legal agreement for demolition in the Capital City Zone**

8. Prior to the commencement of the demolition or removal of existing buildings or works (excluding demolition or removal of temporary structures) on the land, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:
  - a) If the land remains vacant for 6 months after completion of the demolition;
  - b) Demolition or construction activity ceases for a period of 6 months; or
  - c) Construction activity ceases for an aggregate of 6 months after commencement of the construction,

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

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

Temporary works may include:

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

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

**Noise attenuation for live music and entertainment noise**

9. Prior to the commencement of the development, including demolition and bulk excavation, an acoustic report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Responsible Authority. The report must provide noise attenuation measures that will reduce noise levels from any:
  - a) Indoor live music entertainment venue to below the noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2).

- b) Outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes.

For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (Schedule B1 of SEPP N2 does not apply).

The recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority, prior to the occupation of the residential hotel.

### **Construction management plan**

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

### **Civil design**

11. 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.
12. The title boundaries for the property may not exactly agree with the road alignments of the abutting Council lane(s). The approved works must not result in structures that encroach onto any Council lane.
13. Prior to the commencement of the development, including demolition and 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.
14. Prior to 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.

15. All new or altered portions of road (including the provision of footpaths, public lighting, street trees, pavement marking and signage) in Little Bourke Street and Whitehart Lane must be constructed prior to occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
16. The footpath adjoining the site along Little Bourke Street must be reconstructed in sawn bluestone together with associated works including the renewal of kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
17. The road adjoining the site along Whitehart Lane must be reconstructed together with associated works including the modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
18. Existing street levels in Little Bourke Street and Whitehart Lane 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.
19. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.
20. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy, and include the provision of public lighting in Whitehart Lane. The lighting works must be undertaken prior to occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

#### **Environmentally sustainable design**

21. The performance outcomes specified in the Sustainability Management Plan (SMP) by Wood & Grieve Engineers dated 20 June 2018 must be achieved in the completed development.
22. Any change during detailed design, which prevents or alters the attainment of the performance outcomes specified in the endorsed SMP, must be documented by the author of the endorsed SMP or a suitably qualified consultant in an addendum to this report, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.
23. Within six months of occupation of the development, a report must be provided to the satisfaction of the Responsible Authority, which details the designed initiatives implemented within the completed development that achieve the performance outcomes specified in the endorsed SMP.

#### **Waste management**

24. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) by Onemilegrid dated 26 June 2018.

The WMP must not be altered without prior consent of the City of Melbourne – Engineering Services.

25. 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.

### **3D model**

26. Prior to the commencement of the development, excluding demolition and bulk excavation, a 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 the 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.

### **Building appurtenances and services**

27. 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.
28. All service pipes, apart from roof downpipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.

### **Street trees**

29. Prior to the commencement of the development, including demolition and bulk excavation, a Tree Protection Plan (TPP) for any public trees that may be affected by the development, must be provided to the satisfaction of the Responsible Authority – Urban Forestry & Ecology. The TPP must be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
  - a) City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
  - b) Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries.
  - c) Site specific details of the temporary tree protection fencing to be used to isolate publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
  - d) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree. These must be provided for any utility connections or civil engineering works.
  - e) Full specifications of any pruning required to publicly owned trees.
  - f) Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.

- g) Name and contact details of the project arborist who will monitor the implementation of the Tree Protection Plan for the duration of the development (including demolition).
  - h) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to Council's email via [trees@melbourne.vic.gov.au](mailto:trees@melbourne.vic.gov.au).
30. Following the approval of a TPP a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of demolition and construction activities. The bond amount will be calculated by Melbourne City Council and provided to the applicant/ developer/ owner of the site. Should any tree be adversely impacted on, Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.
31. In the event that a Construction Management Plan or Traffic Management Plan change any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed TPP, a revised TPP must be provided to the satisfaction of the Responsible Authority – Urban Forestry & Ecology. When approved, the revised TPP will be endorsed to form part of the permit and will supersede any previously endorsed TPP.
32. In the event that public trees are proposed for removal at any stage of the development, the applicant must submit plans for the approval of Melbourne City Council that show replacement and or additional tree plots of a larger size and increased soil volume than currently exists in the street frontages adjacent to the development.
33. All works, including demolition and bulk excavation, within the Tree Protection Zones of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.

#### **Loading dock**

34. Prior to occupation of the development, the area shown on the endorsed plan for the loading and unloading of vehicles, must be provided and must be maintained and reserved for this purpose at all times, to the satisfaction of the Responsible Authority.

#### **Development time limit**

35. 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.

#### **Notes:**

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.

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.

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.

All necessary approvals and permits are to be first obtained from Melbourne City Council and the works performed to the satisfaction of Melbourne City Council – Manager Engineering Services.

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

1. Issued to City of Melbourne, ABN: 55 370 219 287,
2. From a recognised Australian bank,
3. Unconditional (i.e. no end date),
4. Executed (i.e. signed and dated with the bank stamp).

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

At the time of lodgement of the bank guarantee written confirmation that identifies the name of the Project Arborist who will supervise the implementation of the Tree Protection Plan will be required in writing. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the project and a final completion report confirms that the health of the subject public trees has not been compromised.

All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a tree to be removed, must be met by the applicant/developer/owner of the site. The costs of these works will be provided and must be agreed to before council removes the subject trees.

Council may not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development. However, new parking restrictions may be introduced in the surrounding area if considered appropriate by Council.