

Report to the Future Melbourne Committee

Agenda item 6.1

Planning Permit Application: TP-2021-648

12 July 2022

386-392 Lonsdale Street, Melbourne**Presenter:** Marjorie Kennedy, Head of Statutory Planning**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of planning permit application TP-2021-648 for the land located at 386-392 Lonsdale Street, Melbourne (refer Attachment 2 – Locality Plan).
2. The applicant and owner is Bay Road Hotel Pty Ltd and the architects are Insite Architects.
3. The land is located within the Capital City Zone Schedule 1 (CCZ1 - Outside the Retail Core) and is affected by Design and Development Overlay Schedules 1 (DDO1 - Urban Design in Central Melbourne) and 10 (DDO10 – General Development Area- Built Form) and Parking Overlay Schedule 1 (PO1 - CCZ – Outside the Retail Core).
4. This application seeks planning approval for the use of land for Hotel and Gaming Premises, associated partial demolition, buildings and works, and a waiver of bicycle facility requirements.
5. The development comprises the use of the basement, ground and roof levels (including roof terraces) for a Hotel; partial demolition of building fabric at ground and rooftop levels; building and works associated with the introduction of a Hotel use at ground and roof levels; and installation and use of 50 Electronic Gaming Machines (EGMs) within a dedicated gaming lounge (gambling premises) at ground level.
6. Public notice of the application was undertaken and 21 objections have been received (16 of which are unique).
7. Shortly after lodgement of the permit application, the permit applicant submitted a separate application to the Victorian Gambling and Casino Control Commission (VGCCC) for the 50 EGMs. Council formally objected to the gaming application on 17 December 2021. Following a VGCCC hearing on 31 January to 3 February 2022, where Council was represented by Legal Counsel and an Expert Witness, the application for EGMs was approved subject to conditions on 14 February 2022.

Key issues

8. The key issues for consideration are the appropriateness of the land uses, social and economic impacts of the gaming premises, potential amenity impacts including noise and anti-social behaviour, streetscape design response and the waiver of bicycle facility requirements.
9. Subject to conditions, the proposal will respond appropriately to its context, minimise the potential for gambling related harm, not unreasonably impact on the amenity of the surrounding area, and comply with relevant State and Local Planning Policies, including Clause 22.22 (Policy for Licensed Premises that Require a Planning Permit) the proposed Schedule to Clause 52.28 (Gaming Premises) and Schedules 1 and 10 to the Design and Development Overlay.
10. Permit conditions are recommended to ensure that the proposal does not unreasonably impact on the amenity of the local area and adjoining residents, delivers an acceptable architectural design response to the street and promotes sustainable modes of transport for employees.

Recommendation from management

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

Attachments:

1. Supporting Attachment (Page 2 of 53)
2. Locality Plan (Page 3 of 53)
3. Selected Plans (Page 4 of 53)
4. Delegate Report (Page 22 of 53)

Supporting Attachment

Legal

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

Finance

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

Conflict of interest

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

Health and Safety

5. Relevant planning considerations such as social impacts, acoustic requirements, hours of operation, patron caps and waste management that could impact on health and safety have been considered within the planning permit application and assessment process.

Stakeholder consultation

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

Relation to Council policy

7. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

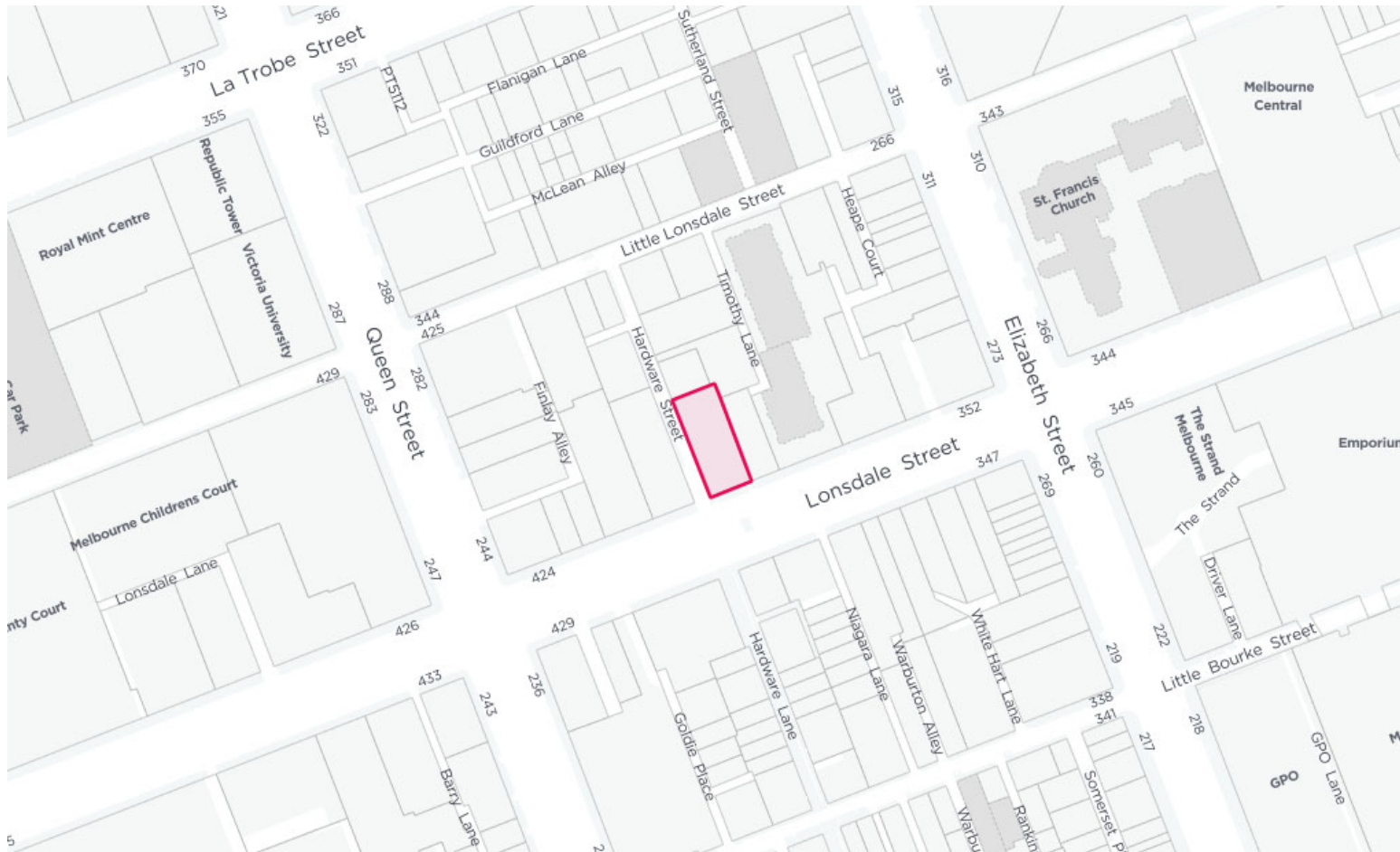
Environmental sustainability

8. The proposed uses would primarily occupy tenancies within an existing building that was recently refurbished and extended. The Sustainable Management Plan approved as part of the extension of the building states that the existing building has the capacity to achieve a 5 Star Green Star rating.
9. A condition requiring the provision of at least six bicycle spaces for employees has also been recommended.

Locality Plan

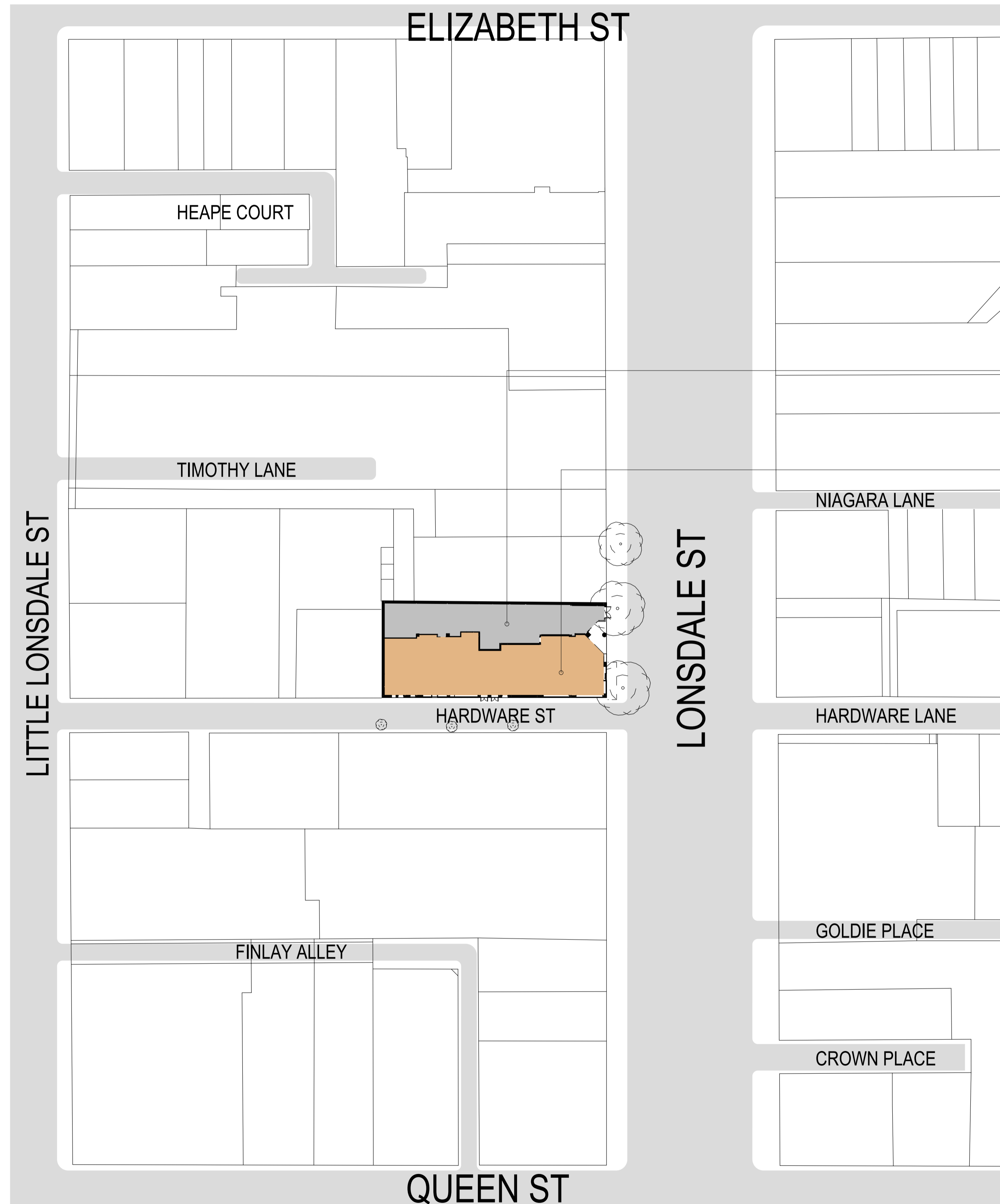
TP-2021-648 - 386-392 Lonsdale Street, Melbourne

Attachment 2
Agenda item 6.1
Future Melbourne Committee
12 July 2022



388 LONSDALE ST MELBOURNE VIC

LICENSED PREMISES - GROUND FLOOR & BASEMENT



SHORT STAY APARTMENTS
388 LONSDALE STREET,
MELBOURNE VIC 3000

LICENSED PREMISE
388 LONSDALE STREET,
MELBOURNE VIC 3000

DEVELOPMENT SUMMARY

GROUND FLOOR AND BASEMENT FLOOR
388 LONSDALE STREET, MELBOURNE VIC 3000

PROPOSED NEW LICENSED PREMISES

LOCAL GOVERNMENT - CITY OF MELBOURNE

NET AREA 723.4m²

DEVELOPMENT SUMMARY

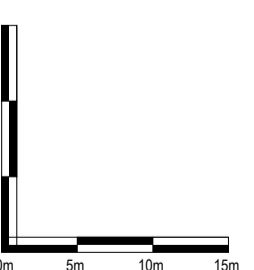
PROPOSED WORKS ENTAIL THE FOLLOWING:

- NEW ENTRY AND ALTERED STAIRS DIRECT TO BASEMENT AND CAFE LOUNGE
- NEW CAFE LOUNGE ON GROUND FLOOR WITH SERVERY AND BAR
- TAKE AWAY WINDOW FROM CAFE LOUNGE ONTO HARDWARE ST TO PROVIDE STREET INTERACTION AND ACTIVATION
- NEW PATRON TOILET FACILITIES
- NEW DESIGNATED OUTDOOR SMOKING AREA
- NEW GAMING ROOM TO REAR OF PREMISE ON GROUND FLOOR
- NEW ADMIN OFFICE
- NEW BISTRO LOUNGE WITH BAR AND SERVERY TO BASEMENT
- NEW SPORTS LOUNGE / MEETING ROOM TO BASEMENT
- NEW ROOFTOP FUNCTION AREAS WITH BARS AND OUTDOOR SPACES

SHEET NO.	SHEET NAME	REV.	DESCRIPTION
ssTP12	Proposed Basement & Ground Furniture Plans	2	PRELIMINARY ISSUE - ROOFTOP AMENDMENTS
ssTP13	Proposed Roof Terrace Furniture Plan	2	PRELIMINARY ISSUE - ROOFTOP AMENDMENTS
ssTP14	Perspective Renders - Sheet 1		
ssTP15	Perspective Renders - Sheet 2		
TP00	Development Summary	4	TOWN PLANNING ISSUE
TP01	Wider Context Analysis	5	TOWN PLANNING ISSUE - REV 1
TP02	Location Plan & Context Analysis	5	TOWN PLANNING ISSUE - REV 1
TP03	Site Plan	4	TOWN PLANNING ISSUE
TP04	Existing/Demolition - Ground & Basement Plans	4	TOWN PLANNING ISSUE
TP05	Existing/Demolition Roof Terrace Plans	4	TOWN PLANNING ISSUE
TP06	Existing/Demolition Elevations	4	TOWN PLANNING ISSUE
TP07	Existing/Demolition Roof Terrace Elevations	4	TOWN PLANNING ISSUE
TP08	Proposed Basement Plan	5	TOWN PLANNING ISSUE - REV 1
TP09	Proposed Ground Floor Plan	5	TOWN PLANNING ISSUE - REV 1
TP10	Proposed Roof Terrace Plans	5	TOWN PLANNING ISSUE - REV 1
TP11	Proposed Roof Plan	5	TOWN PLANNING ISSUE - REV 1
TP12	Proposed Elevations	5	TOWN PLANNING ISSUE - REV 1
TP13	Proposed Roof Terrace Elevations	5	TOWN PLANNING ISSUE - REV 1

1 Proposed Site Plan
1 : 500

SIGNAGE TO THE EXTERIOR OF THE BUILDING TO SUBJECT OF A SEPARATE PLANNING APPLICATION.



ISSUE	DESCRIPTION	DATE
4	TOWN PLANNING ISSUE	01/10/2021
3	PRELIMINARY ISSUE - SANITARY FACILITIES REV	22/09/2021
2	PRELIMINARY ISSUE - ROOFTOP AMENDMENTS	25/08/2021
1	PRELIMINARY ISSUE	28/07/2021
0	PRELIMINARY ISSUE	28/06/2021



CLIENT:
Client: Edge Group Pty Ltd

PROJECT:
Licensed Premises - Ground Floor & Basement

FILE: C:\Users\Christine\Documents\Melbourne_388 Lonsdale St_TP_Christine.Masse@insitearchitects.com.au.rvt

LOCATION:
388 Lonsdale St, Melbourne, VIC 3000

DRAWING TITLE:
Development Summary

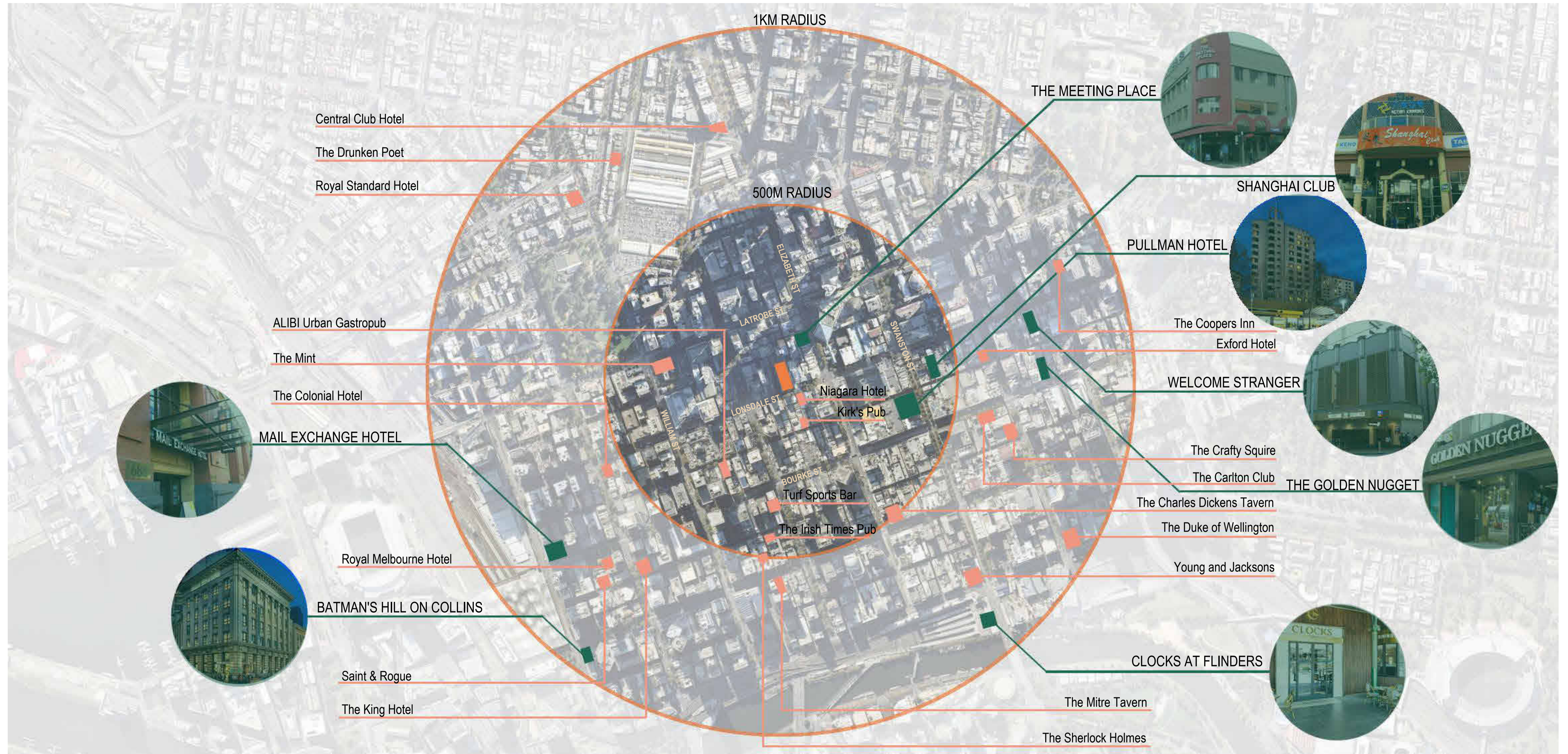
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TP00/4

TOWN PLANNING ISSUE

WIDER CONTEXT ANALYSIS



Central Club Hotel
The Drunken Poet
Royal Standard Hotel

ALIBI Urban Gastropub
The Mint
The Colonial Hotel

MAIL EXCHANGE HOTEL

Royal Melbourne Hotel

BATMAN'S HILL ON COLLINS

Saint & Rogue

The King Hotel

1KM RADIUS

500M RADIUS

ELIZABETH ST
LATROBE ST
SWANSTON ST
LONSDALE ST
WILLIAM ST
BOURKE ST

Niagara Hotel
Kirk's Pub
Turf Sports Bar
The Irish Times Pub

THE MEETING PLACE

SHANGHAI CLUB

PULLMAN HOTEL

The Coopers Inn
Exford Hotel

WELCOME STRANGER

The Crafty Squire

The Carlton Club

The Charles Dickens Tavern

The Duke of Wellington

Young and Jacksons

THE GOLDEN NUGGET

CLOCKS AT FLINDERS

The Mitre Tavern

The Sherlock Holmes

- 388 LONSDALE STREET MELBOURNE
- GAMING VENUE (GENERAL LICENSE WITH GAMING)
- GENERAL LICENSE (NO GAMING)

GENERAL NOTES		
DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT. PREPARATION OF SHOP DRAWINGS OR MANUFACTURING FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING.		
5	TOWN PLANNING ISSUE - REV 1	03/12/2021
4	TOWN PLANNING ISSUE	01/10/2021
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ISSUE	DESCRIPTION	DATE



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LOCATION:
388 Lonsdale St, Melbourne, VIC 3000

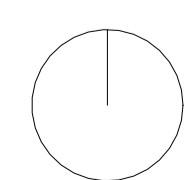
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TP01 /5

TOWN PLANNING ISSUE

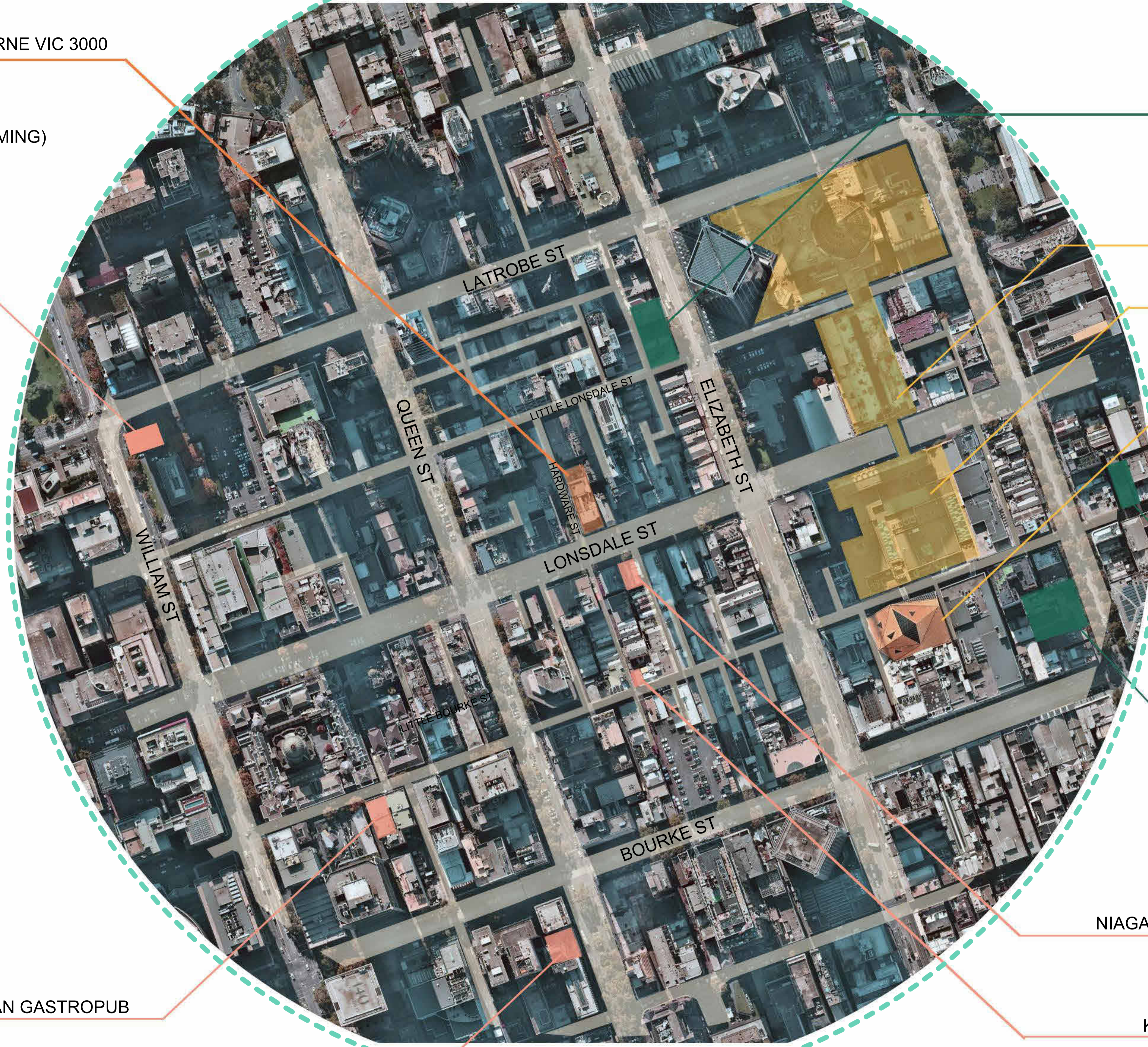
LOCATION PLAN & CONTEXT ANALYSIS

450m RADIUS

388 LONSDALE STREET, MELBOURNE VIC 3000

- GAMING VENUE
- GENERAL LICENSE (NO GAMING)
- RETAIL PRECINCT

THE MINT



THE MEETING PLACE

MELBOURNE CENTRAL

EMPORIUM MELBOURNE

MYER MELBOURNE

SHANGHAI CLUB

PULLMAN HOTEL

NIAGARA HOTEL

KIRK'S PUB

ALIBI - URBAN GASTROPUB

TURF SPORTS BAR

450m RADIUS

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VERIFY LOCATION OF EXISTING SERVICES BEFORE COMMENCEMENT.		
ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA BUILDING ACT 1975 AS AMENDED, STANDARD BUILDING BY-LAWS AND RELEVANT AUSTRALIAN STANDARDS.		
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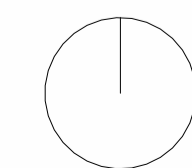
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LOCATION:
388 Lonsdale St, Melbourne, VIC 3000

DRAWING TITLE:
Location Plan & Context Analysis

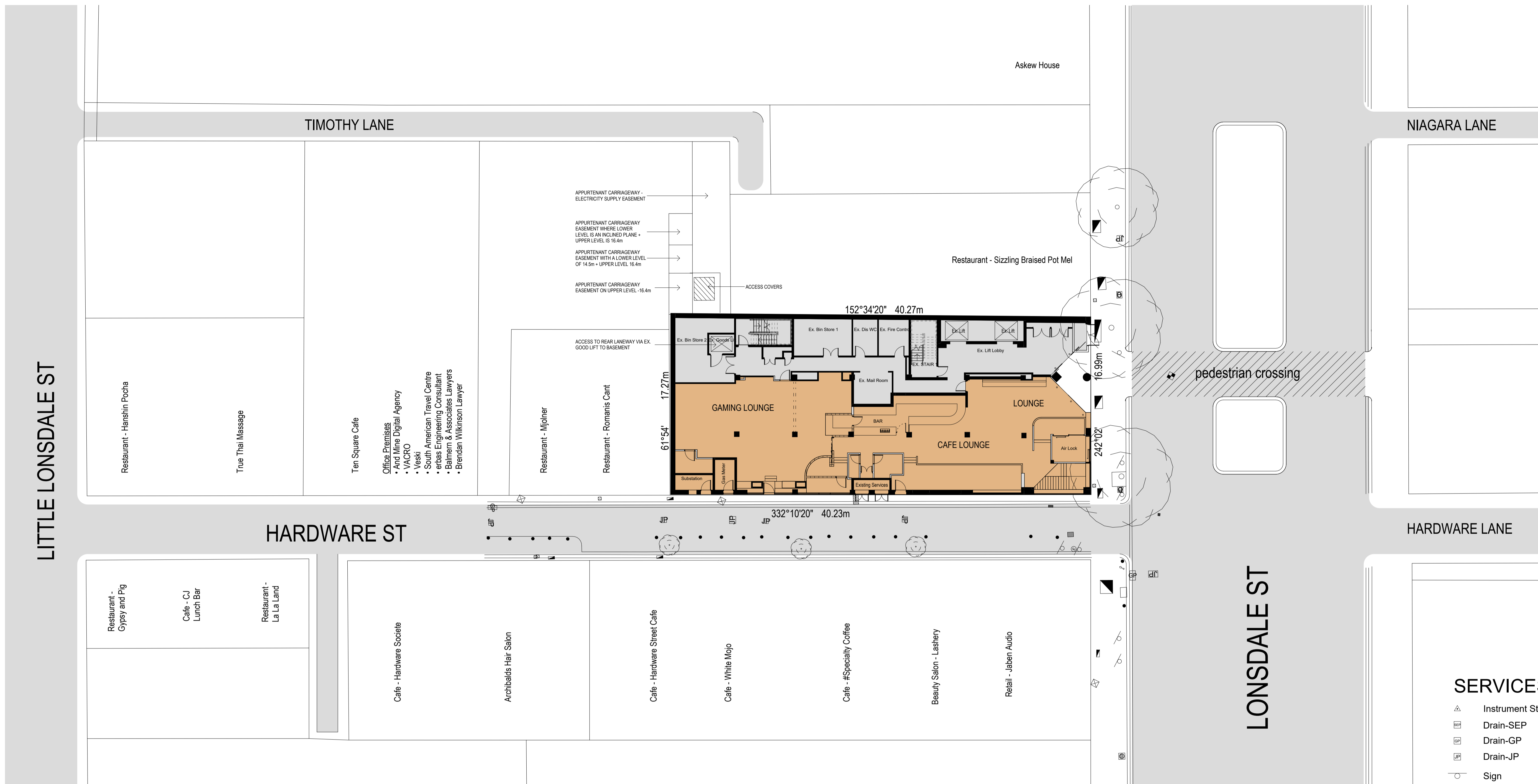
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TP02/5

TOWN PLANNING ISSUE



SERVICES LEGEND

- △ Instrument Station
- ▨ Drain-SEP
- ▨ Drain-GP
- ▨ Drain-JP
- Sign
- Bollard
- ⊗ Rubbish Bin
- ⊗ MMBW Pit
- ⊗ Light Pole
- ⊗ Electricity Pole
- ⊗ Elec Pole with Light
- ⊗ Electricity-Pit
- ⊗ Comms-Pit
- ⊗ Gas Valve
- ⊗ Gas Marker Post
- ⊗ Gas Meter
- ⊗ Sewer-Pit
- ⊗ Sewer-Insp Shaft
- ⊗ Stop Valve
- ⊗ Fire Hydrant
- ⊗ Water Meter
- ⊗ Tap
- Pit-Unclassified

1 Site Plan
1:200

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2	PRELIMINARY ISSUE - ROOFTOP AMENDMENTS	25/08/2021



CLIENT:
Client: Edge Group Pty Ltd

PROJECT:
Licensed Premises - Ground Floor & Basement

FILE: C:\Users\Christine\Documents\Melbourne_388 Lonsdale St_TP_Christine.Massey@insitearchitects.com.au.rvt

LOCATION:
388 Lonsdale St, Melbourne, VIC 3000

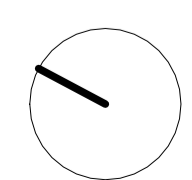
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Site Plan

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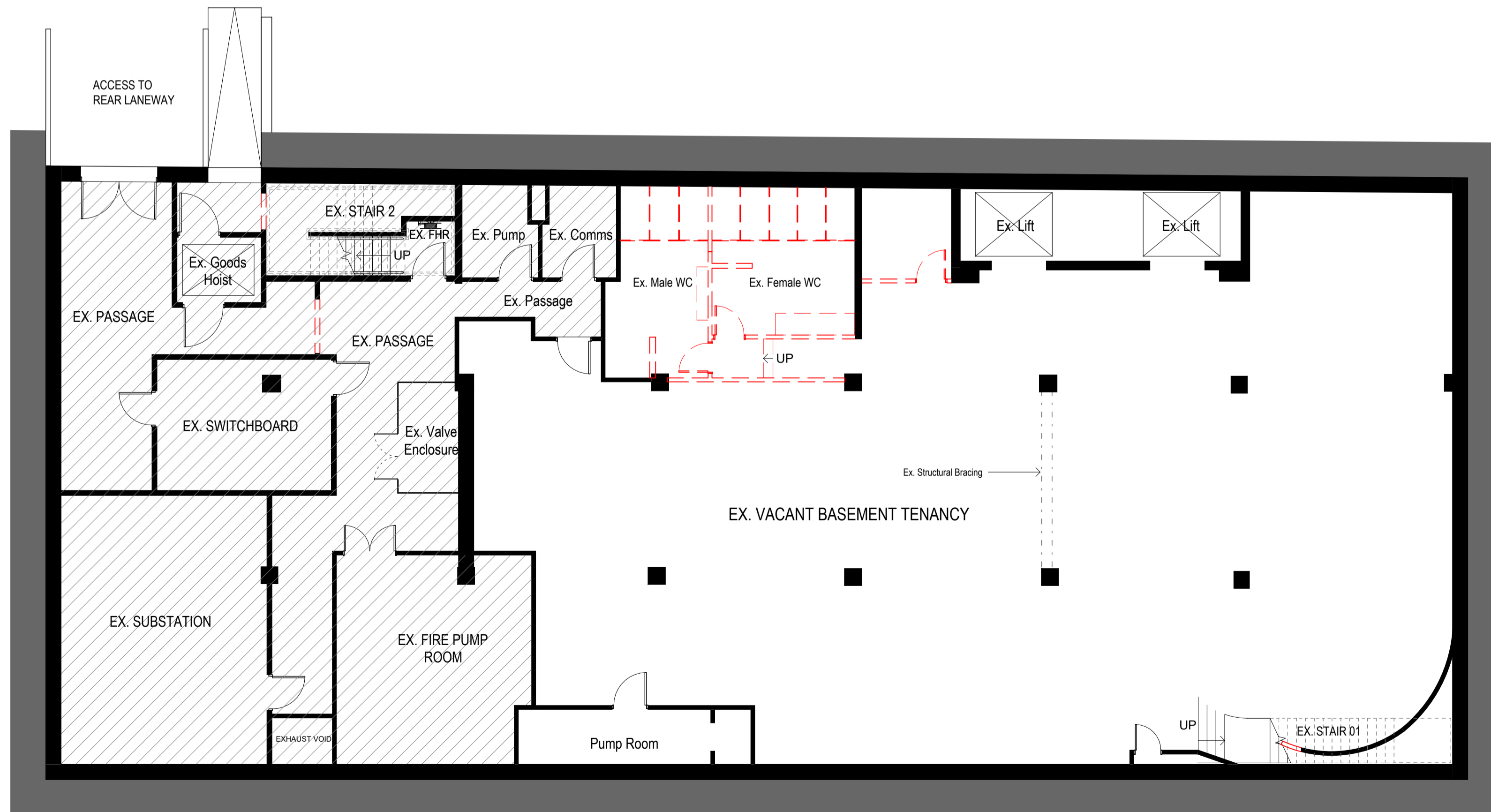
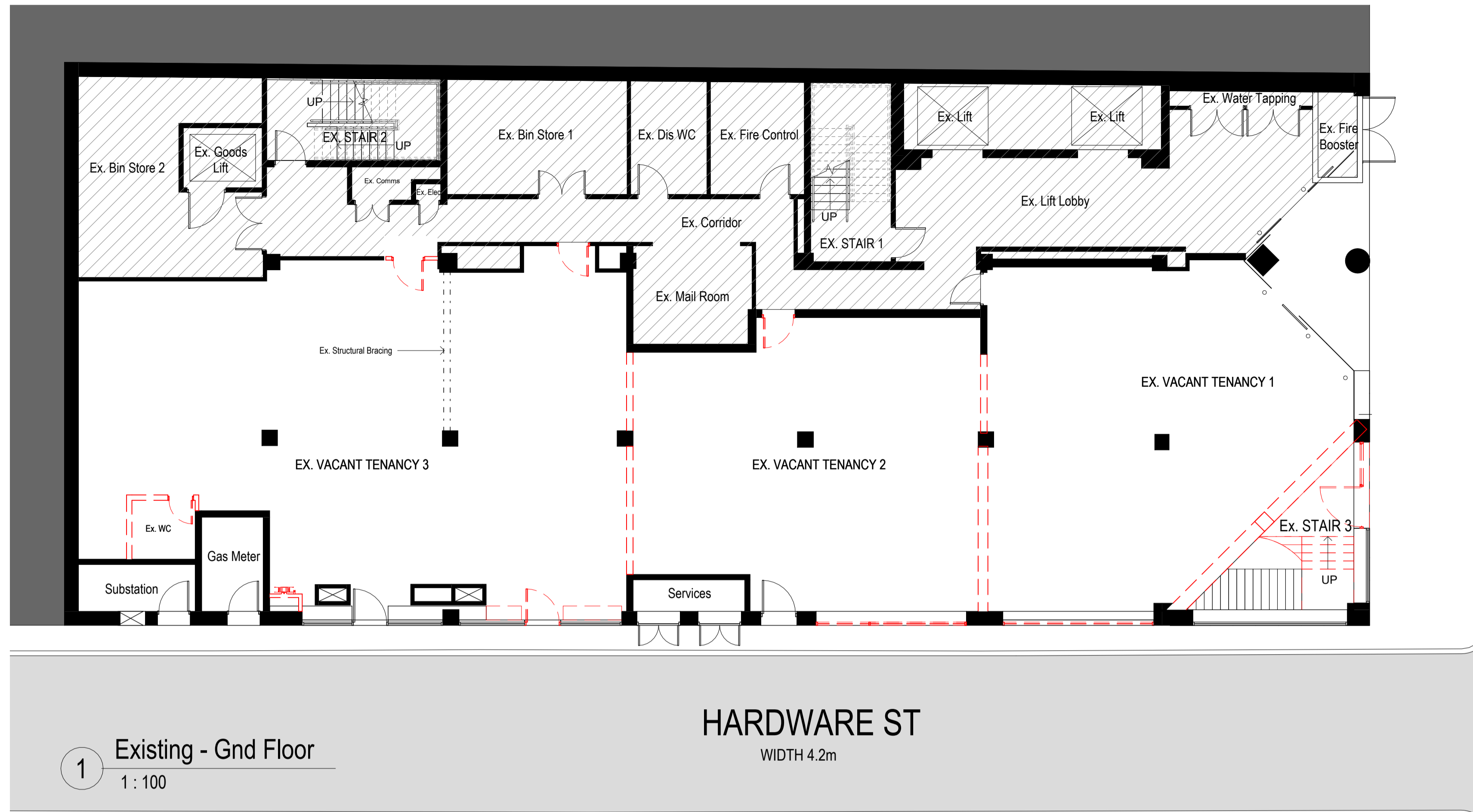
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TP03₄

TOWN PLANNING ISSUE



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CLIENT:
Client: Edge Group Pty Ltd

PROJECT:
Licensed Premises - Ground Floor & Basement

FILE: C:\Users\Christine\Documents\Melbourne_388 Lonsdale St_TP_Christine.Masse@insitearchitects.com.au.rvt

LOCATION:
388 Lonsdale St, Melbourne, VIC 3000

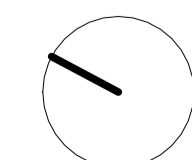
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Existing/Demolition - Ground & Basement Plans

SCALE: 1 : 100@A1 **DATE:** MAY 2021

DRAWN: CM **PRINTED:** 3/12/2021 4:49:21 PM

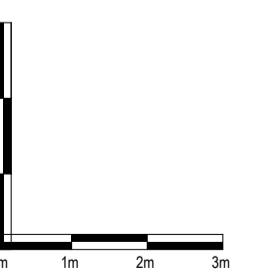
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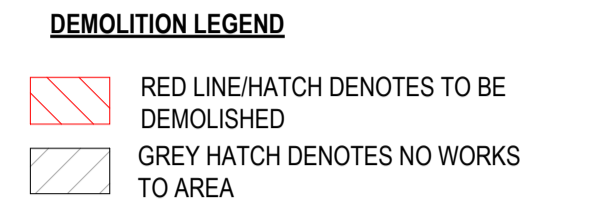
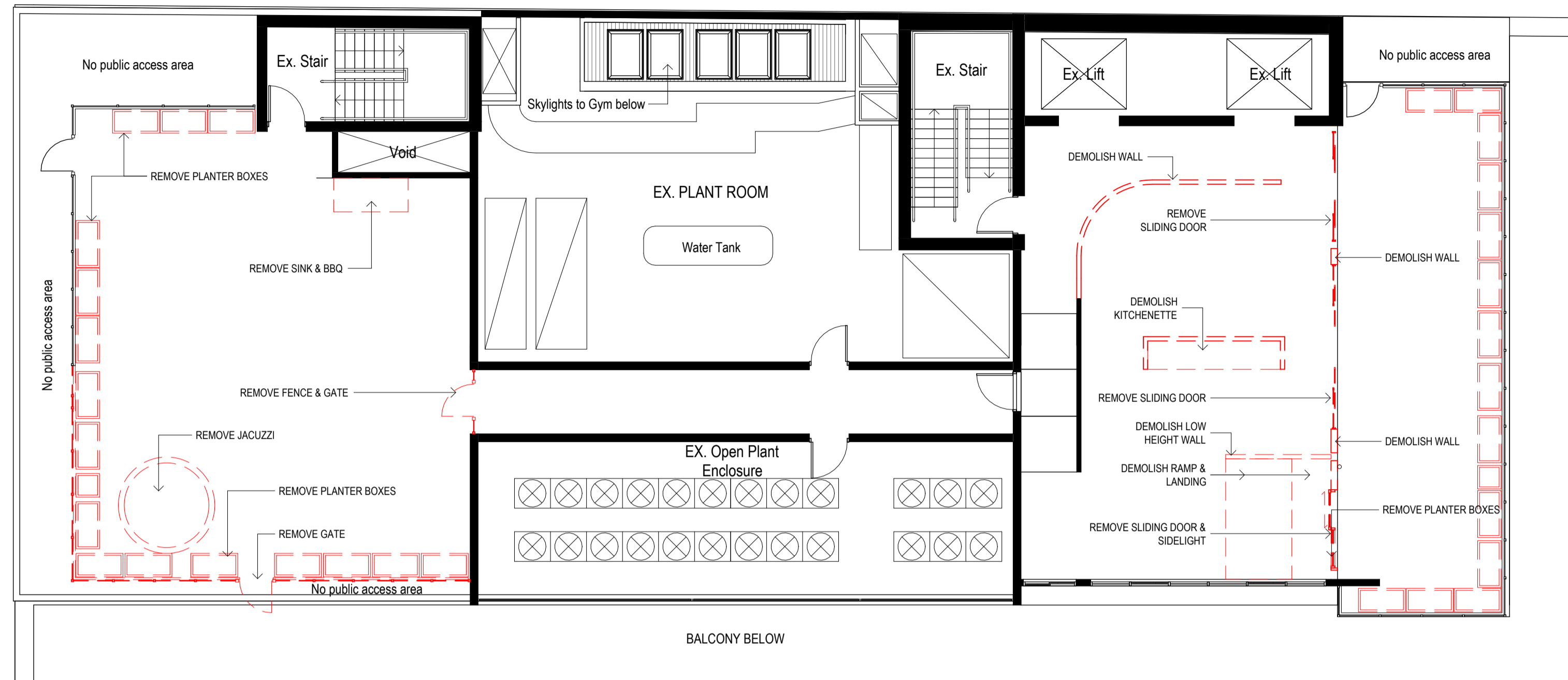
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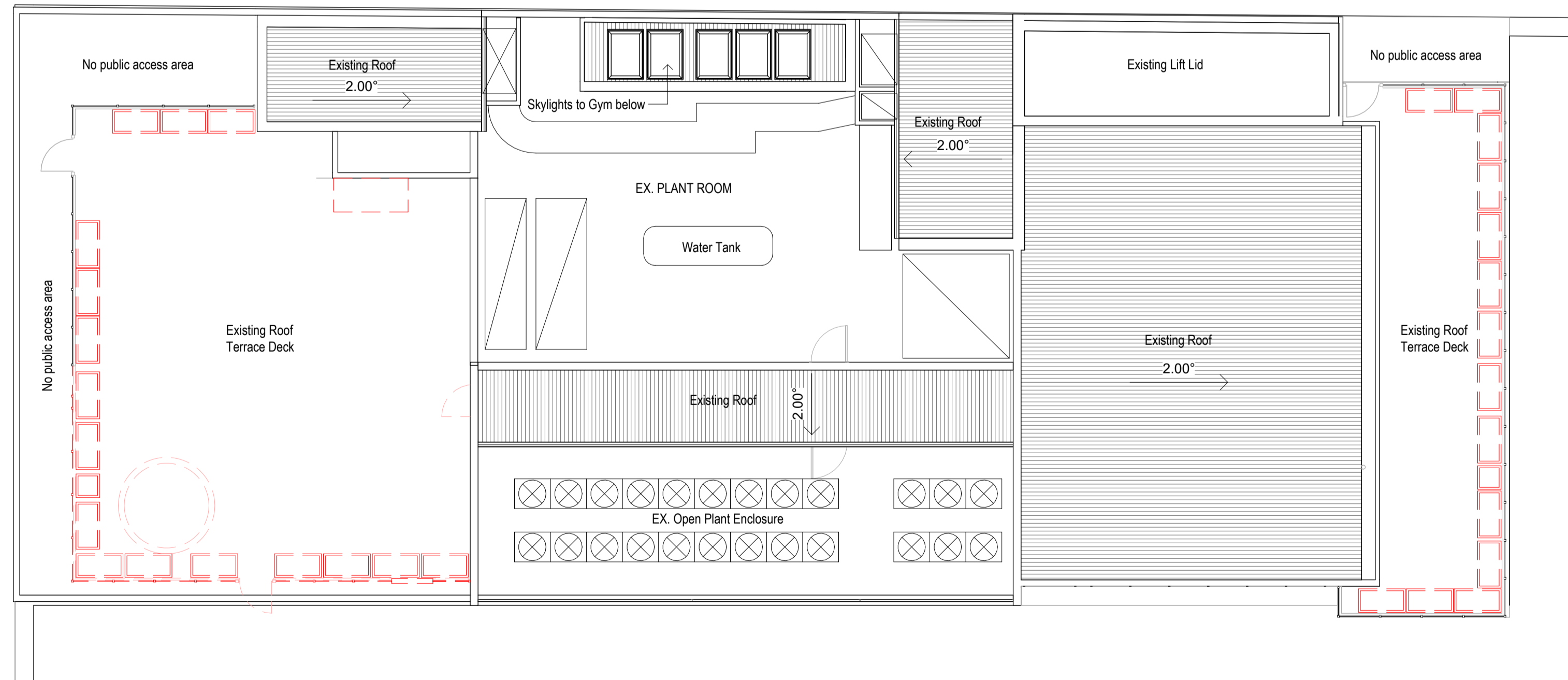
TP04₄

TOWN PLANNING ISSUE





1 Existing - Roof Terrace
1:100



2 Existing Roof Plan
1:100

GENERAL NOTES		
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2	PRELIMINARY ISSUE - ROOFTOP AMENDMENTS	25/08/2021
ISSUE	DESCRIPTION	DATE



CLIENT:
Client: Edge Group Pty Ltd

PROJECT:
Licensed Premises - Ground Floor & Basement

FILE: C:\Users\Christine\Documents\Melbourne_388 Lonsdale St_TP_Christine.Masse@insitearchitects.com.au.rvt

LOCATION:
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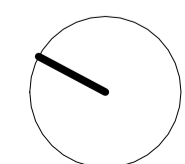
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Existing/Demolition Roof Terrace Plans

SCALE: 1:100@A1 DATE: MAY 2021

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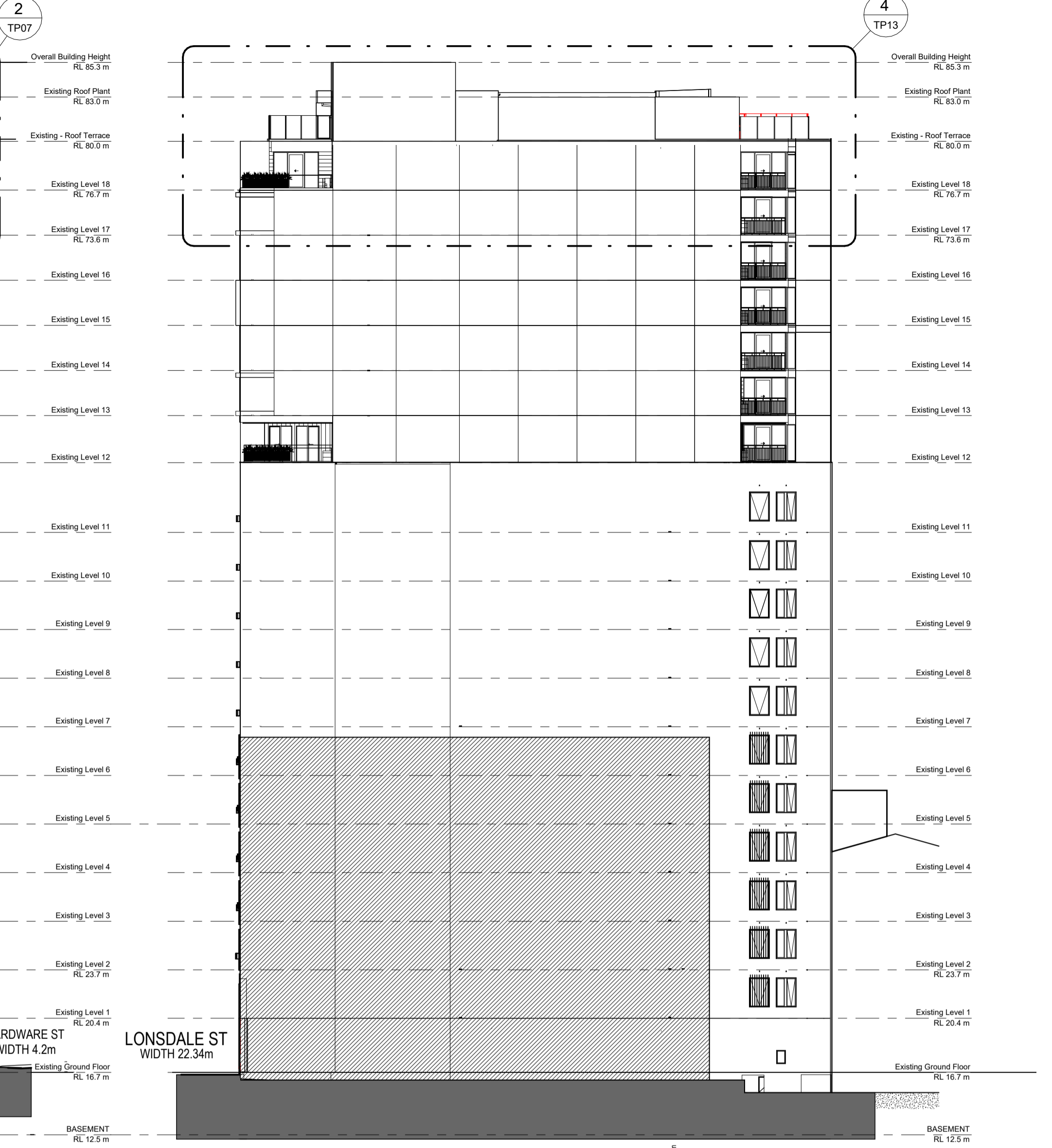
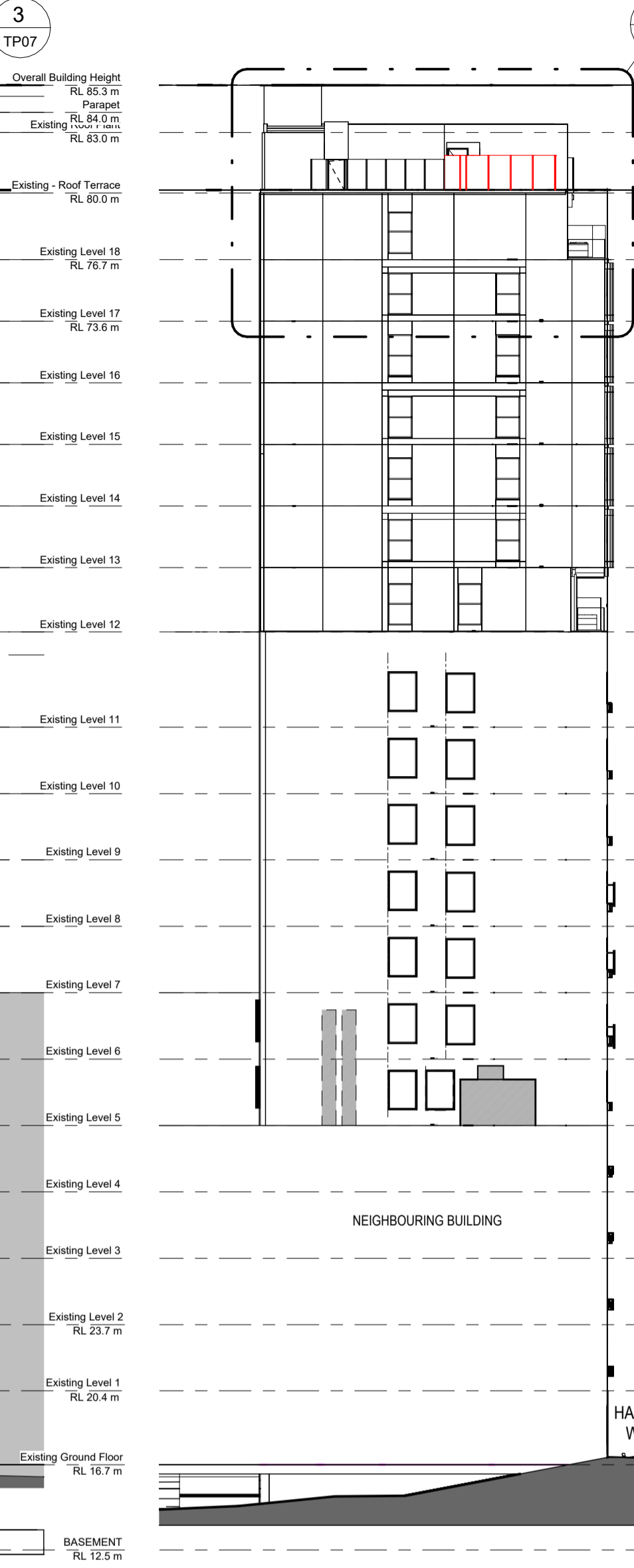
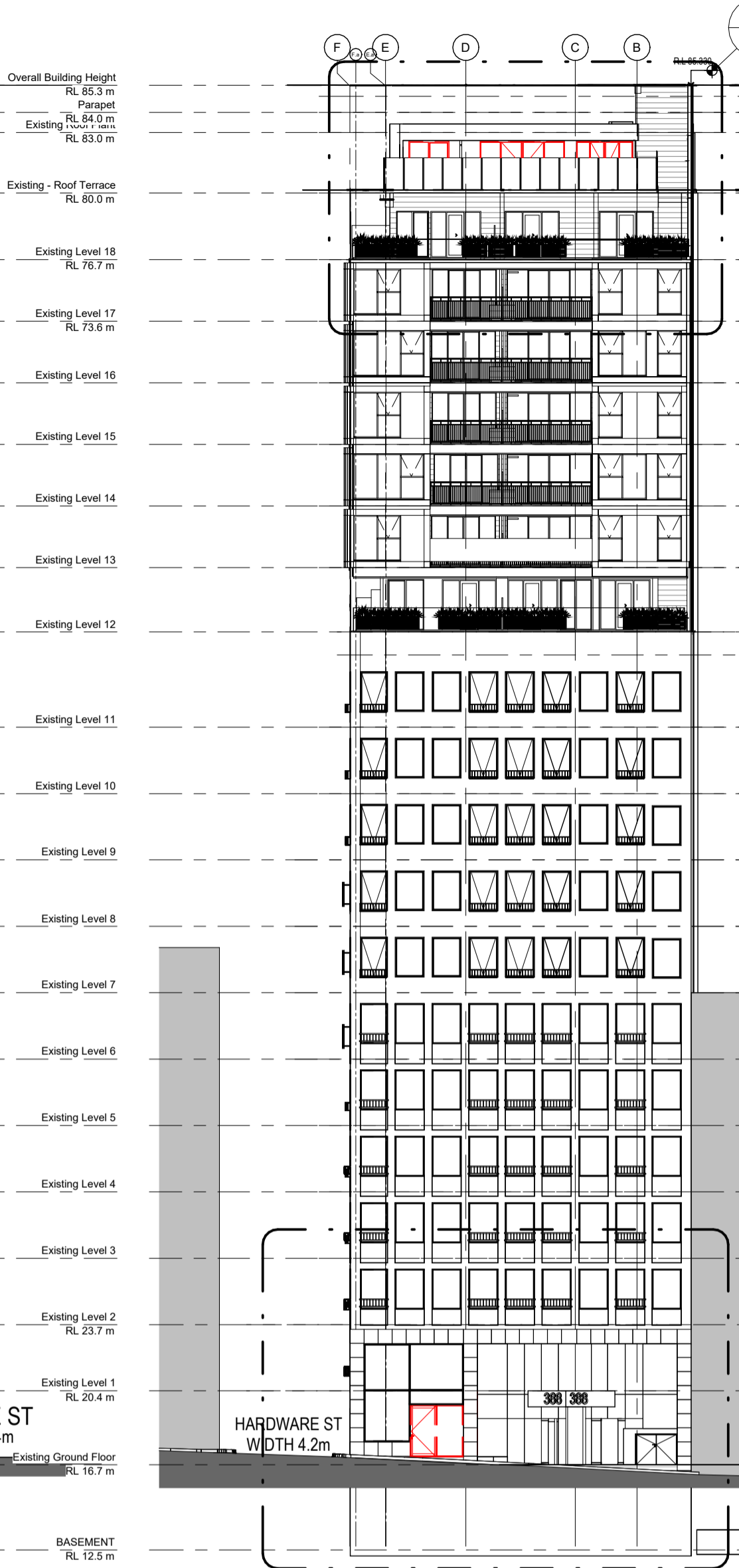
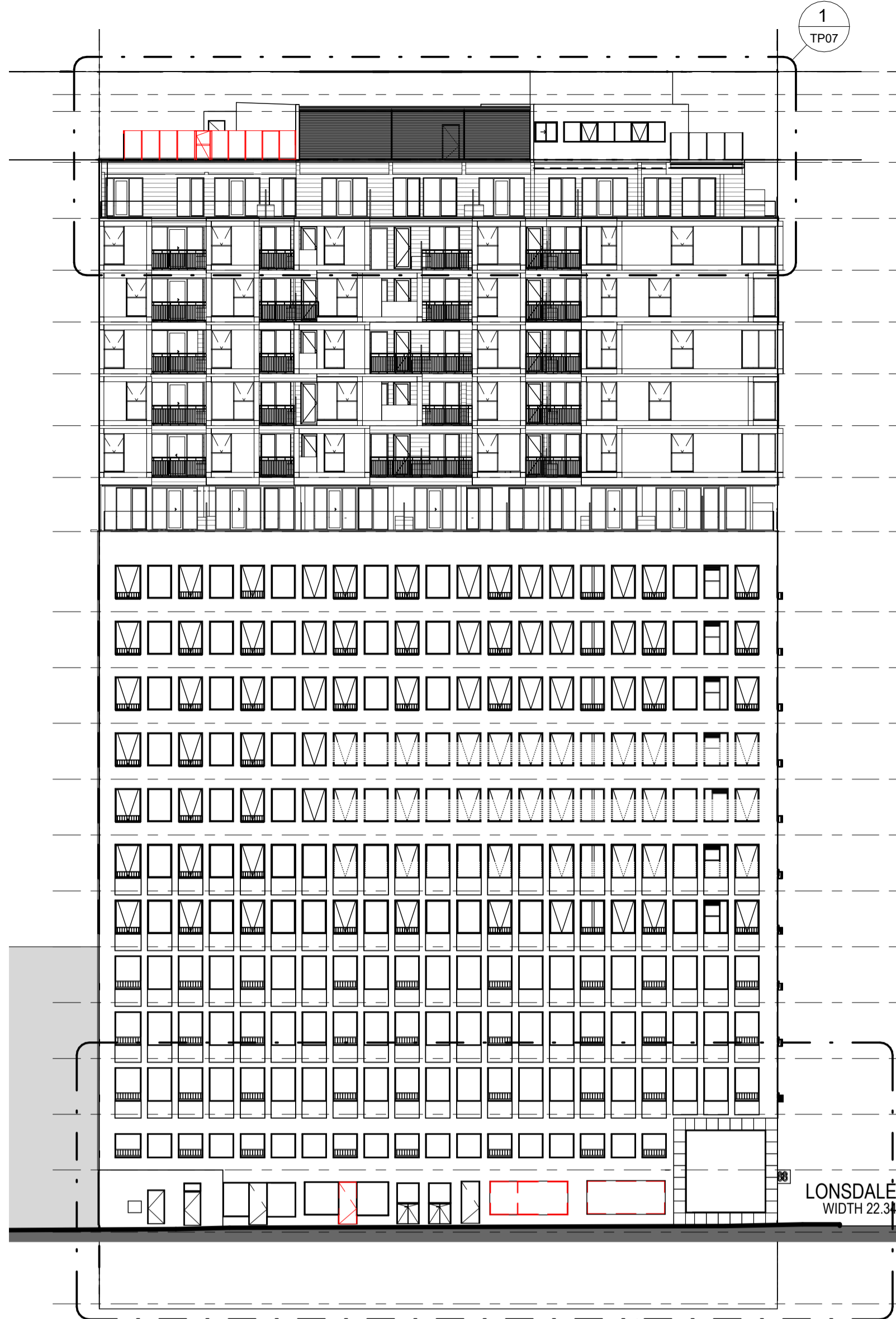
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TP05/4

TOWN PLANNING ISSUE



1 Existing - West Elevation
1 : 250

2 Existing - South Elevation
1 : 250

5 Existing - North Elevation
1 : 250

6 Existing - East Elevation
1 : 250

DEMOLITION LEGEND

- RED LINE/HATCH DENOTES TO BE DEMOLISHED
- GREY HATCH DENOTES NO WORKS TO AREA



3 Existing/Demolition - West Elevation
1 : 100

4 Existing/Demolition - South Elevation
1 : 100

GENERAL NOTES

DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT. PREPARATION OF SHOP DRAWINGS OR MANUFACTURING FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING.

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Client: Edge Group Pty Ltd

PROJECT:
Licensed Premises - Ground Floor & Basement

FILE: C:\Users\Christine\Documents\Melbourne_388 Lonsdale St_TP_Christine.Masse@insitearchitects.com.au.rvt

LOCATION:
388 Lonsdale St, Melbourne, VIC 3000

DRAWING TITLE:
Existing/Demolition Elevations

SCALE: As indicated @A1 **DATE:** MAY 2021

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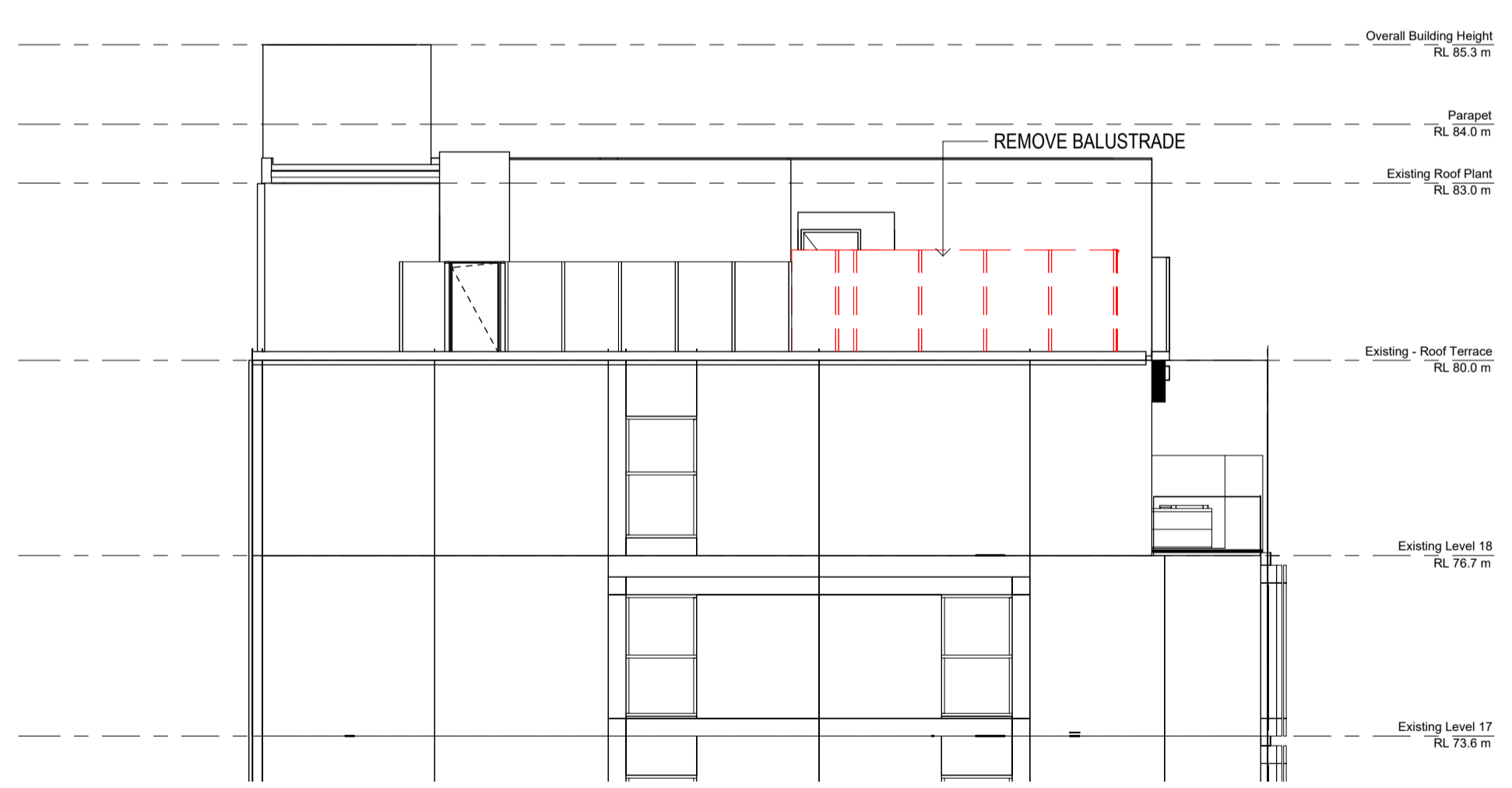
TP06₄

TOWN PLANNING ISSUE

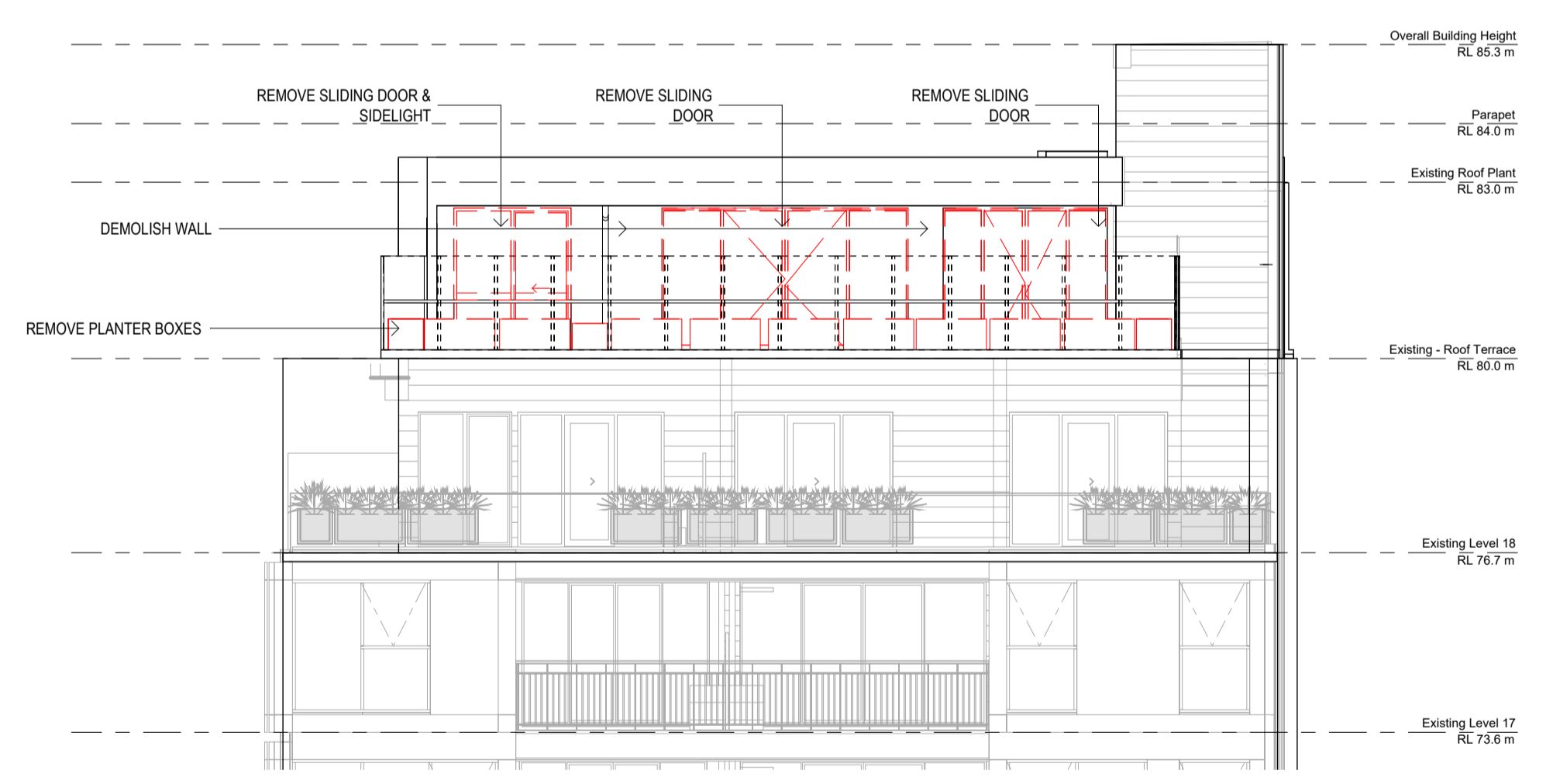
DEMOLITION LEGEND
 RED LINE/HATCH DENOTES TO BE DEMOLISHED
 GREY HATCH DENOTES NO WORKS TO AREA



1 Existing - West Elevation - Roof Terrace
 1 : 100



2 Existing - North Elevation - Roof Terrace
 1 : 100



3 Existing - South Elevation - Roof Terrace
 1 : 100

GENERAL NOTES

DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT. PREPARATION OF SHOP DRAWINGS OR MANUFACTURING FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING.

VERIFY LOCATION OF EXISTING SERVICES BEFORE COMMENCEMENT.

ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA BUILDING ACT 1975 AS AMENDED. STANDARD BUILDING BY-LAWS AND RELEVANT AUSTRALIAN STANDARDS.

ISSUE	DESCRIPTION	DATE
4	TOWN PLANNING ISSUE	01/10/2021
3	PRELIMINARY ISSUE - SANITARY FACILITIES REV	22/09/2021
2	PRELIMINARY ISSUE - ROOFTOP AMENDMENTS	25/08/2021



CLIENT:
 Client: Edge Group Pty Ltd

PROJECT:
 Licensed Premises - Ground Floor & Basement

FILE: C:\Users\Christine\Documents\Melbourne_388 Lonsdale St_TP_Christine.Masse@insitearchitects.com.au.rvt

LOCATION:
 388 Lonsdale St, Melbourne, VIC 3000

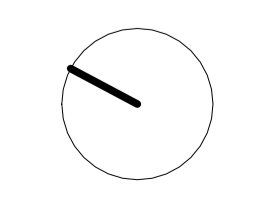
DRAWING TITLE:
 Existing/Demolition Roof Terrace Elevations

SCALE: 1 : 100@A1
DATE: MAY 2021

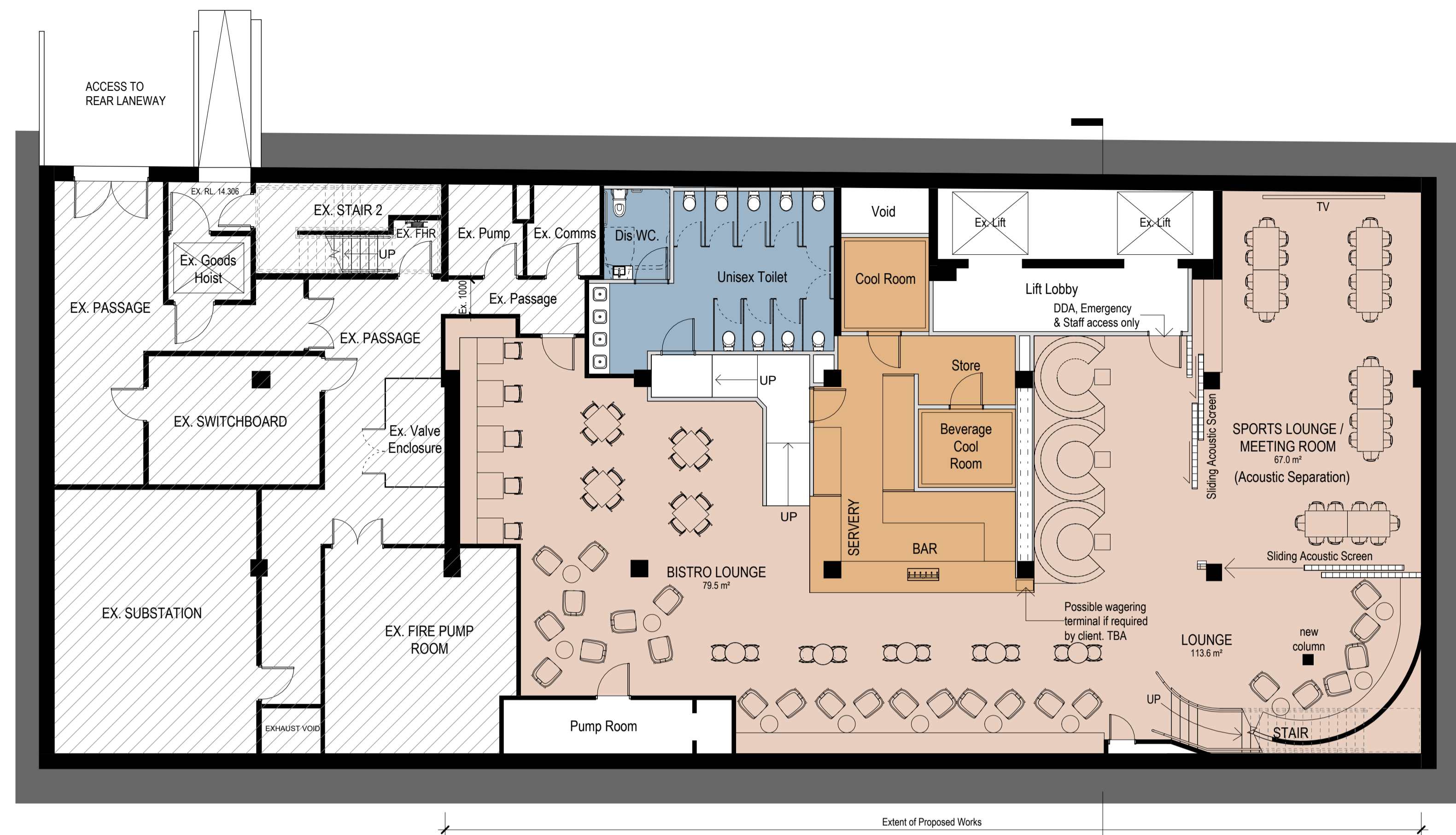
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JOB No.: J0000507

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TP07 /4
TOWN PLANNING ISSUE



2 Proposed Basement Floor Plan
1 : 100

Patron Accessible Areas	
ROOM NAME	AREA
ROOFTOP TERRACE	
ROOFTOP BAR	47.2 m ²
GROUND FLOOR	
GAMING LOUNGE	125.1 m ²
CAFE LOUNGE	61.9 m ²
LOUNGE	33.5 m ²
UPPER LOUNGE	28.6 m ²
Snug Lounge	5.0 m ²
BASEMENT	
LOUNGE	113.6 m ²
BISTRO LOUNGE	79.5 m ²
SPORTS LOUNGE / MEETING ROOM	67.0 m ²
Total	561.5 m ²

BCA Patron Facilities			
EXISTING SANITARY	EX. PAX	PROPOSED	
MALE	2 CLOSET = 300	400 PATRONS	
	3 URINALS = 150	9 UNISEX PANS	
	2 BASINS = 200	ROOFTOP	
FEMALE	2 CLOSET = 150	200 PATRONS	
	3 BASINS = 300	4 UNISEX PANS	

PROPOSED AREAS	
ROOM NAME	AREA
ROOFTOP TERRACE	
ANCILLARY	
ROOFTOP ALFRESCO	56.0 m ²
OUTDOOR FUNCTION SPACE	36.3 m ²
ROOFTOP FUNCTION ROOM	40.6 m ²
	132.9 m ²
BACK OF HOUSE	
Outdoor Bar	8.0 m ²
BAR	13.3 m ²
	21.3 m ²
CIRCULATION	
LIFT LOBBY	22.7 m ²
Hallway	28.2 m ²
Lift Lobby	Redundant Room
	50.9 m ²
PATRON ACCESSIBLE AREAS	
ROOFTOP BAR	47.2 m ²
	47.2 m ²
PATRON FACILITIES	
Dis WC.	5.2 m ²
	5.2 m ²

PROPOSED AREAS	
ROOM NAME	AREA
GROUND FLOOR	
ANCILLARY	
DOSA	6.1 m ²
	6.1 m ²
BACK OF HOUSE	
Admin Office	6.4 m ²
Cashier	4.8 m ²
BAR	13.0 m ²
SERVERY	17.3 m ²
Store	0.6 m ²
	42.1 m ²
CIRCULATION	
Landing	15.5 m ²
Air Lock	8.2 m ²
LIFT	Not Placed
Hallway 2	4.5 m ²
Hallway 1	2.2 m ²
STAIR	9.7 m ²
	40.0 m ²
PATRON ACCESSIBLE AREAS	
GAMING LOUNGE	125.1 m ²
CAFE LOUNGE	61.9 m ²
LOUNGE	33.5 m ²
UPPER LOUNGE	28.6 m ²
Snug Lounge	5.0 m ²
	254.2 m ²
PATRON FACILITIES	
Dis. WC	5.8 m ²
WC	2.3 m ²
	8.1 m ²

PROPOSED AREAS	
ROOM NAME	AREA
BASEMENT	
BACK OF HOUSE	
Cool Room	6.8 m ²
Beverage Cool Room	6.3 m ²
Store	5.5 m ²
BAR	12.7 m ²
SERVERY	13.2 m ²
	44.5 m ²
CIRCULATION	
Lift Lobby	13.1 m ²
LIFT	Not Placed
STAIR	10.4 m ²
Hallway 3	Not Placed
	23.5 m ²
PATRON ACCESSIBLE AREAS	
LOUNGE	113.6 m ²
BISTRO LOUNGE	79.5 m ²
SPORTS LOUNGE / MEETING ROOM	67.0 m ²
	260.1 m ²
PATRON FACILITIES	
Unisex Toilet	26.9 m ²
	26.9 m ²
EX. PLANT ROOM	102.8 m ²
Room	Not Placed
Unisex Toilet	17.4 m ²
Dis WC.	4.9 m ²
	125.1 m ²
Total	1088.1 m ²

SIGNAGE TO THE EXTERIOR OF THE BUILDING TO SUBJECT OF A SEPARATE PLANNING APPLICATION.

GENERAL NOTES		
ISSUE	DESCRIPTION	DATE
5	TOWN PLANNING ISSUE - REV 1	03/12/2021
4	TOWN PLANNING ISSUE	01/10/2021
3	PRELIMINARY ISSUE - SANITARY FACILITIES REV	22/09/2021
2	PRELIMINARY ISSUE - ROOFTOP AMENDMENTS	25/08/2021
1	PRELIMINARY ISSUE	28/07/2021
0	PRELIMINARY ISSUE	28/06/2021



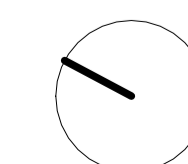
CLIENT: Client: Edge Group Pty Ltd

PROJECT: Licensed Premises - Ground Floor & Basement

LOCATION: 388 Lonsdale St, Melbourne, VIC 3000

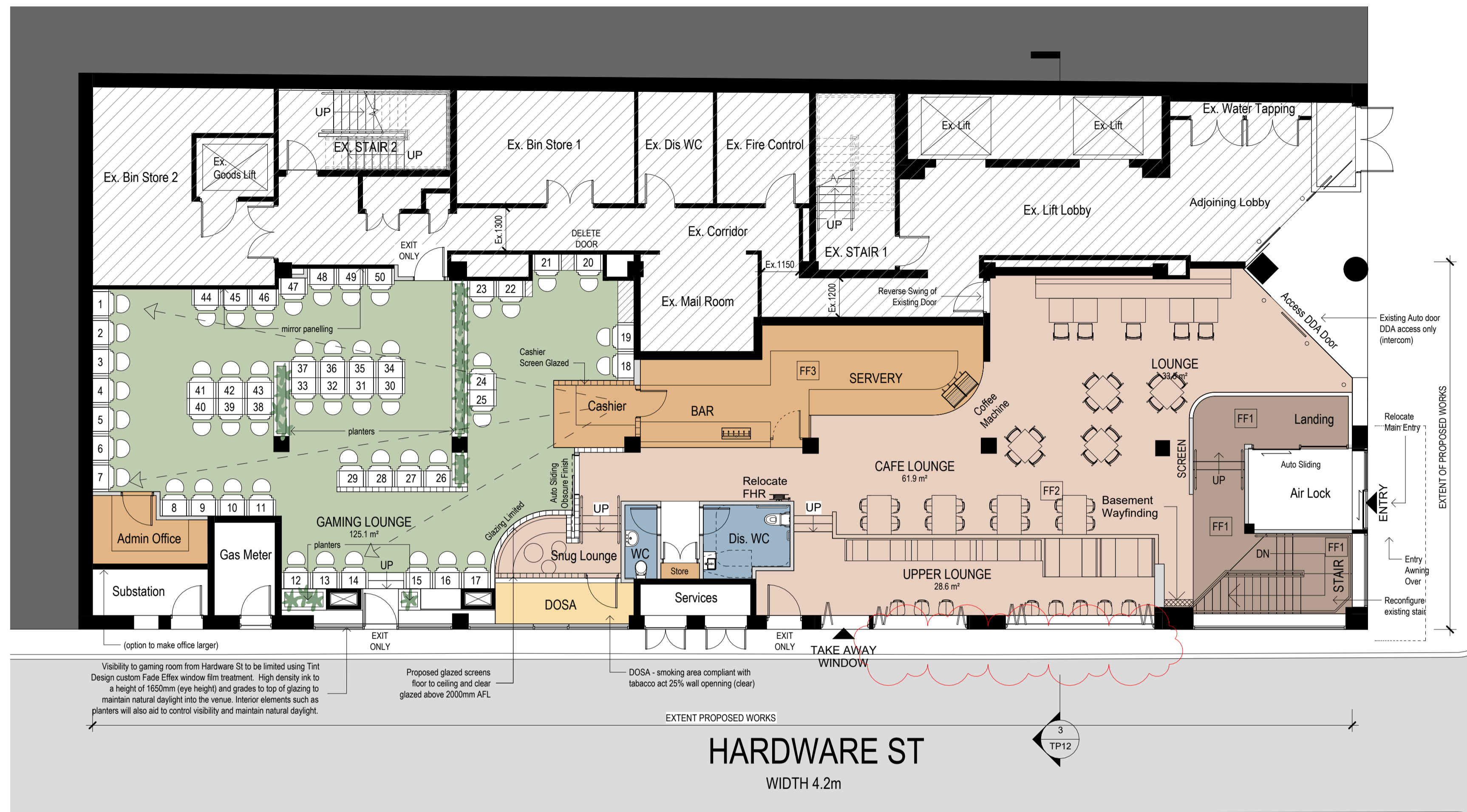
DRAWING TITLE: Proposed Basement Plan

SCALE: As indicated @A1 DATE: MAY 2021
DRAWN: CM PRINTED: 3/12/2021 4:49:29 PM
CHECKED: JB JOB No.: J0000507



TP08/5

TOWN PLANNING ISSUE



1 Proposed Ground Floor Plan
1 : 100

LONSDALE ST
WIDTH 22.34m

HARDWARE ST
WIDTH 4.2m

Patron Accessible Areas	
ROOM NAME	AREA
ROOFTOP TERRACE	
ROOFTOP BAR	47.2 m ²
GROUND FLOOR	
GAMING LOUNGE	125.1 m ²
CAFE LOUNGE	61.9 m ²
LOUNGE	33.5 m ²
UPPER LOUNGE	28.6 m ²
Snug Lounge	5.0 m ²
BASEMENT	
LOUNGE	113.6 m ²
BISTRO LOUNGE	79.5 m ²
SPORTS LOUNGE / MEETING ROOM	67.0 m ²
Total	561.5 m ²

BCA Patron Facilities			
EXISTING SANITARY	EX. PAX	PROPOSED	
MALE	2 CLOSET	= 300	400 PATRONS
	3 URINALS	= 150	9 UNISEX PANS
	2 BASINS	= 200	ROOFTOP
FEMALE	2 CLOSET	= 150	200 PATRONS
	3 BASINS	= 300	4 UNISEX PANS

PROPOSED AREAS	
ROOM NAME	AREA
ROOFTOP TERRACE	
ANCILLARY	
ROOFTOP ALFRESCO	56.0 m ²
OUTDOOR FUNCTION SPACE	36.3 m ²
ROOFTOP FUNCTION ROOM	40.6 m ²
	132.9 m ²
BACK OF HOUSE	
Outdoor Bar	8.0 m ²
BAR	13.3 m ²
	21.3 m ²
CIRCULATION	
LIFT LOBBY	22.7 m ²
Hallway	28.2 m ²
Lift Lobby	Redundant
	50.9 m ²
PATRON ACCESSIBLE AREAS	
ROOFTOP BAR	47.2 m ²
	47.2 m ²
PATRON FACILITIES	
Dis WC.	5.2 m ²
	5.2 m ²

PROPOSED AREAS	
ROOM NAME	AREA
GROUND FLOOR	
ANCILLARY	
DOSA	6.1 m ²
	6.1 m ²
BACK OF HOUSE	
Admin Office	6.4 m ²
Cashier	4.8 m ²
BAR	13.0 m ²
SERVERY	17.3 m ²
Store	0.6 m ²
	42.1 m ²
CIRCULATION	
Landing	15.5 m ²
Air Lock	8.2 m ²
LIFT	Not Placed
Hallway 2	4.5 m ²
Hallway 1	2.2 m ²
STAIR	9.7 m ²
	40.0 m ²
PATRON ACCESSIBLE AREAS	
GAMING LOUNGE	125.1 m ²
CAFE LOUNGE	61.9 m ²
LOUNGE	33.5 m ²
UPPER LOUNGE	28.6 m ²
Snug Lounge	5.0 m ²
	264.2 m ²
PATRON FACILITIES	
Dis. WC	5.8 m ²
WC	2.3 m ²
	8.1 m ²

PROPOSED AREAS	
ROOM NAME	AREA
BASEMENT	
BACK OF HOUSE	
Cool Room	6.8 m ²
Beverage Cool Room	6.3 m ²
Store	5.5 m ²
BAR	12.7 m ²
SERVERY	13.2 m ²
	44.5 m ²
CIRCULATION	
Lift Lobby	13.1 m ²
LIFT	Not Placed
STAIR	10.4 m ²
Hallway 3	Not Placed
	23.5 m ²
PATRON ACCESSIBLE AREAS	
LOUNGE	113.6 m ²
BISTRO LOUNGE	79.5 m ²
SPORTS LOUNGE / MEETING ROOM	67.0 m ²
	260.1 m ²
PATRON FACILITIES	
Unisex Toilet	26.9 m ²
	26.9 m ²
EX. PLANT ROOM	102.8 m ²
Room	Not Placed
Unisex Toilet	17.4 m ²
Dis WC.	4.9 m ²
	125.1 m ²
Total	1088.1 m ²

SIGNAGE TO THE EXTERIOR OF THE BUILDING TO SUBJECT OF A SEPARATE PLANNING APPLICATION.

GENERAL NOTES		
DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT. PREPARATION OF SHOP DRAWINGS OR MANUFACTURING FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING.		
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5	TOWN PLANNING ISSUE - REV 1	03/12/2021
ISSUE	DESCRIPTION	DATE



CLIENT:
Client: Edge Group Pty Ltd

PROJECT:
Licensed Premises - Ground Floor & Basement

LOCATION:
388 Lonsdale St, Melbourne, VIC 3000

DRAWING TITLE:
Proposed Ground Floor Plan

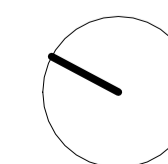
FILE: C:\Users\Christine\Documents\Melbourne_388 Lonsdale St_TP_Christine.Masse@insitearchitects.com.au.rvt

SCALE: As indicated @A1 DATE: MAY 2021

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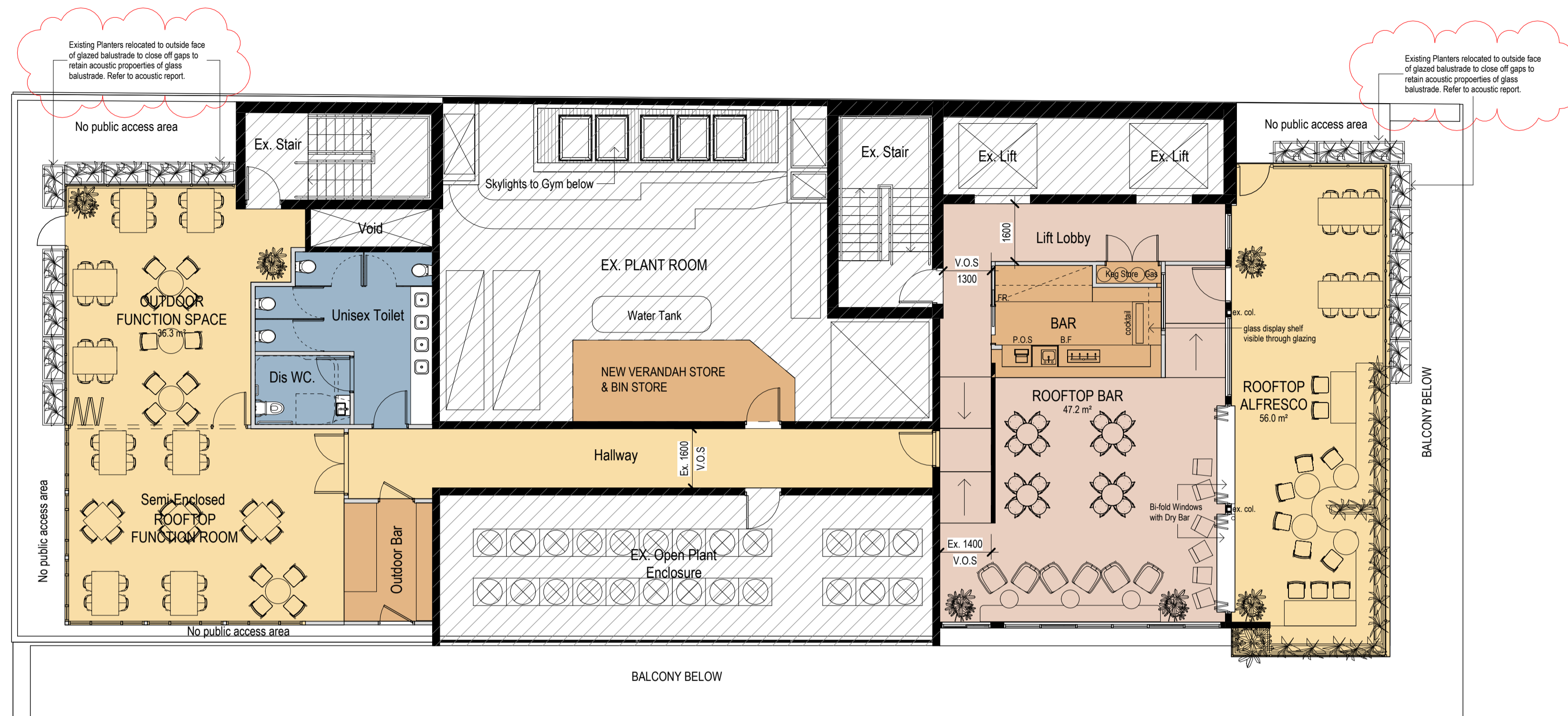
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TP09/5

PRELIMINARY ISSUE
NOT FOR SUBMISSION



1 Proposed Rooftop Terrace Plan
1:100

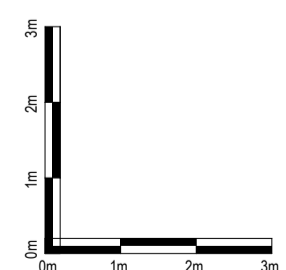
BCA Patron Facilities			
EXISTING SANITARY	EX. PAX	PROPOSED	
MALE	2 CLOSET = 300	400 PATRONS	
	3 URINALS = 150	9 UNISEX PANS	
	2 BASINS = 200	ROOFTOP	
FEMALE	2 CLOSET = 150	200 PATRONS	
	3 BASINS = 300	4 UNISEX PANS	

Patron Accessible Areas	
ROOM NAME	AREA
ROOFTOP TERRACE	
ROOFTOP BAR	47.2 m²
GROUND FLOOR	
GAMING LOUNGE	125.1 m²
CAFE LOUNGE	61.9 m²
LOUNGE	33.5 m²
UPPER LOUNGE	28.6 m²
Snug Lounge	5.0 m²
BASEMENT	
LOUNGE	113.6 m²
BISTRO LOUNGE	79.5 m²
SPORTS LOUNGE / MEETING ROOM	67.0 m²
Total	561.5 m²

PROPOSED AREAS	
ROOM NAME	AREA
ROOFTOP TERRACE	
ANCILLARY	
ROOFTOP ALFRESCO	56.0 m²
OUTDOOR FUNCTION SPACE	36.3 m²
ROOFTOP FUNCTION ROOM	40.6 m²
	132.9 m²
BACK OF HOUSE	
Outdoor Bar	8.0 m²
BAR	13.3 m²
	21.3 m²
CIRCULATION	
LIFT LOBBY	22.7 m²
Hallway	28.2 m²
Lift Lobby	Redundant Room
	50.9 m²
PATRON ACCESSIBLE AREAS	
ROOFTOP BAR	47.2 m²
	47.2 m²
PATRON FACILITIES	
Dis WC.	5.2 m²
	5.2 m²

PROPOSED AREAS	
ROOM NAME	AREA
GROUND FLOOR	
ANCILLARY	
DOSA	6.1 m²
	6.1 m²
BACK OF HOUSE	
Admin Office	6.4 m²
Cashier	4.8 m²
BAR	13.0 m²
SERVERY	17.3 m²
Store	0.6 m²
	42.1 m²
CIRCULATION	
Landing	15.5 m²
Air Lock	8.2 m²
LIFT	Not Placed
Hallway 2	4.5 m²
Hallway 1	2.2 m²
STAIR	9.7 m²
	40.0 m²
PATRON ACCESSIBLE AREAS	
GAMING LOUNGE	125.1 m²
CAFE LOUNGE	61.9 m²
LOUNGE	33.5 m²
UPPER LOUNGE	28.6 m²
Snug Lounge	5.0 m²
	254.2 m²
PATRON FACILITIES	
Dis. WC	5.8 m²
WC	2.3 m²
	8.1 m²

PROPOSED AREAS	
ROOM NAME	AREA
BASEMENT	
BACK OF HOUSE	
Cool Room	6.8 m²
Beverage Cool Room	6.3 m²
Store	5.5 m²
BAR	12.7 m²
SERVERY	13.2 m²
	44.5 m²
CIRCULATION	
Lift Lobby	13.1 m²
LIFT	Not Placed
STAIR	10.4 m²
Hallway 3	Not Placed
	23.5 m²
PATRON ACCESSIBLE AREAS	
LOUNGE	113.6 m²
BISTRO LOUNGE	79.5 m²
SPORTS LOUNGE / MEETING ROOM	67.0 m²
	260.1 m²
PATRON FACILITIES	
Unisex Toilet	26.9 m²
	26.9 m²
EX. PLANT ROOM	102.8 m²
Room	Not Placed
Unisex Toilet	17.4 m²
Dis WC.	4.9 m²
	125.1 m²
Total	1088.1 m²



GENERAL NOTES		
DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT. PREPARATION OF SHOP DRAWINGS OR MANUFACTURING FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING.		
VERIFY LOCATION OF EXISTING SERVICES BEFORE COMMENCEMENT.		
5	TOWN PLANNING ISSUE - REV 1	03/12/2021
4	TOWN PLANNING ISSUE	01/10/2021
3	PRELIMINARY ISSUE - SANITARY FACILITIES REV	22/09/2021
2	PRELIMINARY ISSUE - ROOFTOP AMENDMENTS	25/08/2021
ISSUE	DESCRIPTION	DATE



CLIENT:
Client: Edge Group Pty Ltd

PROJECT:
Licensed Premises - Ground Floor & Basement

FILE: C:\Users\Christine\Documents\Melbourne_388 Lonsdale St_TP_Christine.Masse@insitearchitects.com.au.rvt

LOCATION:
388 Lonsdale St, Melbourne, VIC 3000

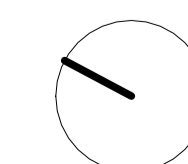
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Proposed Roof Terrace Plans

SCALE: As indicated @A1 DATE: MAY 2021

DRAWN: CM PRINTED: 3/12/2021 4:50:05 PM

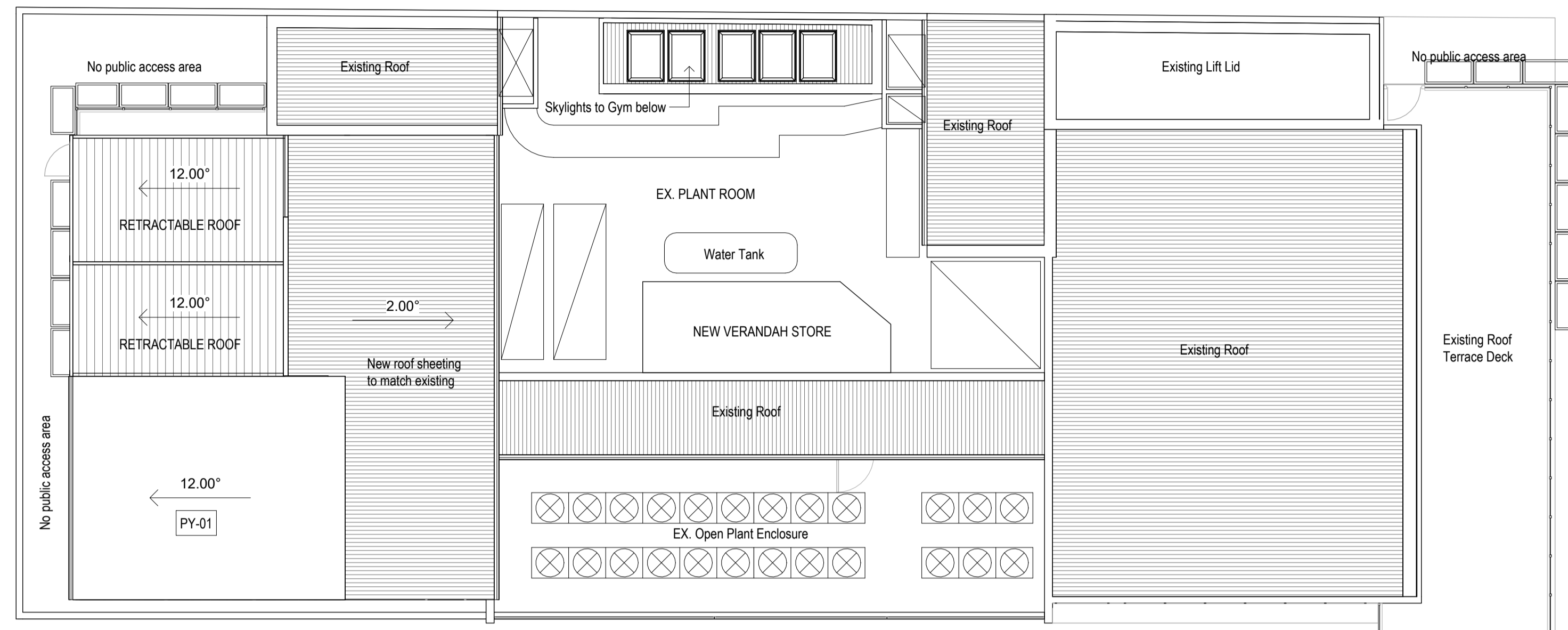
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TP10/5

PRELIMINARY ISSUE
NOT FOR SUBMISSION



1 Proposed Roof Plan
1:100

GENERAL NOTES		
DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT. PREPARATION OF SHOP DRAWINGS OR MANUFACTURING FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING.		
VERIFY LOCATION OF EXISTING SERVICES BEFORE COMMENCEMENT.		
ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA BUILDING ACT 1975 AS AMENDED, STANDARD BUILDING BY-LAWS AND RELEVANT AUSTRALIAN STANDARDS.		
5	TOWN PLANNING ISSUE - REV 1	03/12/2021
ISSUE	DESCRIPTION	DATE



CLIENT:
Client: Edge Group Pty Ltd

PROJECT:
Licensed Premises - Ground Floor & Basement

FILE: C:\Users\Christine\Documents\Melbourne_388 Lonsdale St_TP_Christine.Masse@insitearchitects.com.au.rvt

LOCATION:
388 Lonsdale St, Melbourne, VIC 3000

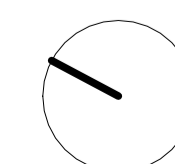
DRAWING TITLE:
Proposed Roof Plan

SCALE: 1:100@A1 DATE: MAY 2021

DRAWN: CM PRINTED: 3/12/2021 4:50:05 PM

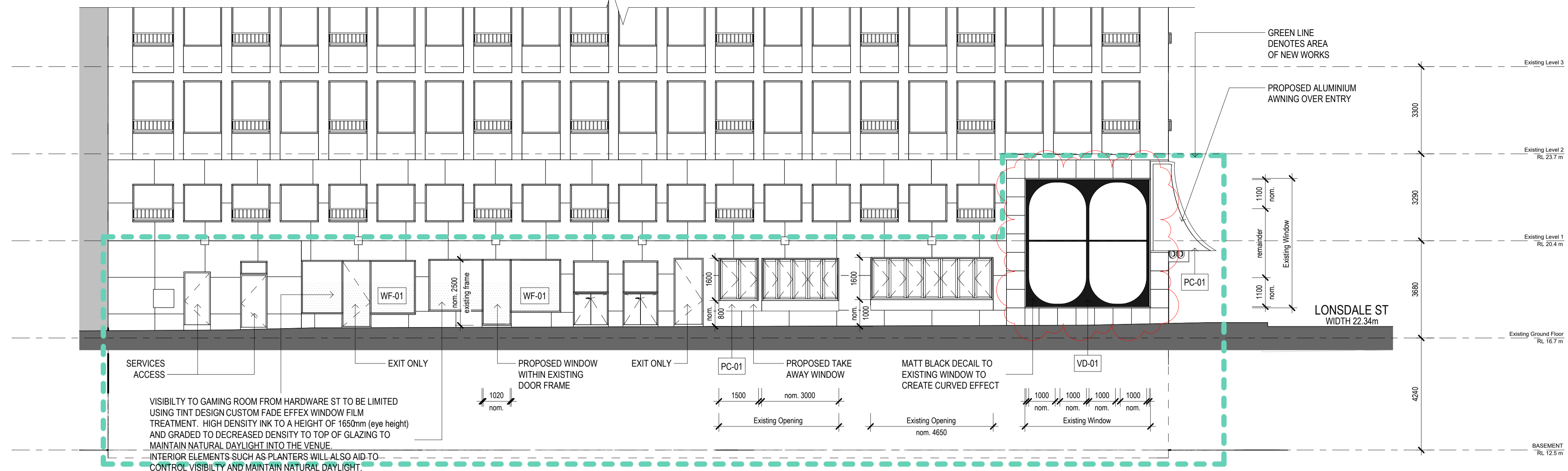
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TP11 /5

PRELIMINARY ISSUE
NOT FOR SUBMISSION



FINISHES LEGEND

- VD-01**
MATT BLACK VINYL DECAL TO CORNERS OF WINDOWS AT ENTRY TO CREATE SOFT ROUNDED EDGES
- PC-01**
POWDERCOAT BLACK (CB NIGHT SKY) MATT FINISH (OR SIMILAR)
- MC-01**
METAL CANOPY CLADDING AXOLOTL APPLIED METAL, NICKEL FINE LUNAR RANDOM, ANTIQUE WITH SEMI GLOSS TOPCOAT (OR SIMILAR)
- WF-01**
TINT DESIGN CUSTOM FADE EFFEX WINDOW FILM TREATMENT. HIGH DENSITY INK TO A HEIGHT OF 1650mm (eye height) AND GRADED TO DECREASED DENSITY TO TOP OF GLAZING. WHITE FINISH.

1 Proposed - West Elevation
1 : 100

GRADED TO DECREASED DENSITY TO TOP OF GLAZING

1650mm (eye height)

HIGH DENSITY INK WHITE FINISH.

SAMPLE OF FADE EFFEX WINDOW FILM TREATMENT HIGH DENSITY INK TO A HEIGHT OF 1650mm (eye height) AND GRADED TO DECREASED DENSITY TO TOP OF GLAZING. WHITE FINISH.

GRAPHIC REPRESENTATION OF FADE EFFEX WINDOW FILM TREATMENT

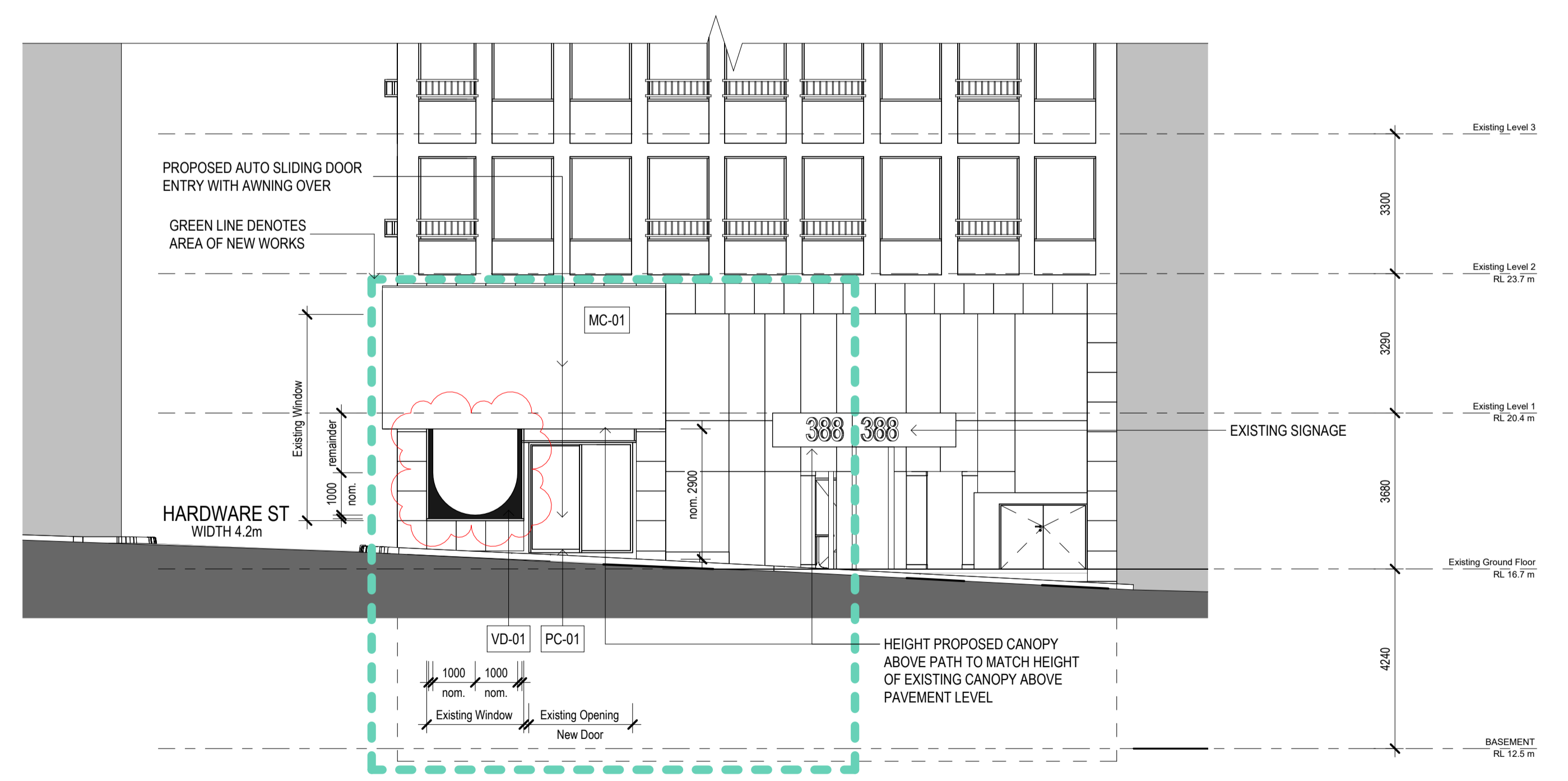
REAL WORLD EXAMPLE A OF FADE EFFEX WINDOW FILM TREATMENT APPLIED TO A BALUSTRADE IN A RETAIL SETTING (H&M IN MELBOURNE)

1:1 SAMPLE OF MATT BLACK VINYL DECAL TO CORNERS OF WINDOWS AT ENTRY TO CREATE SOFT ROUNDED EDGES

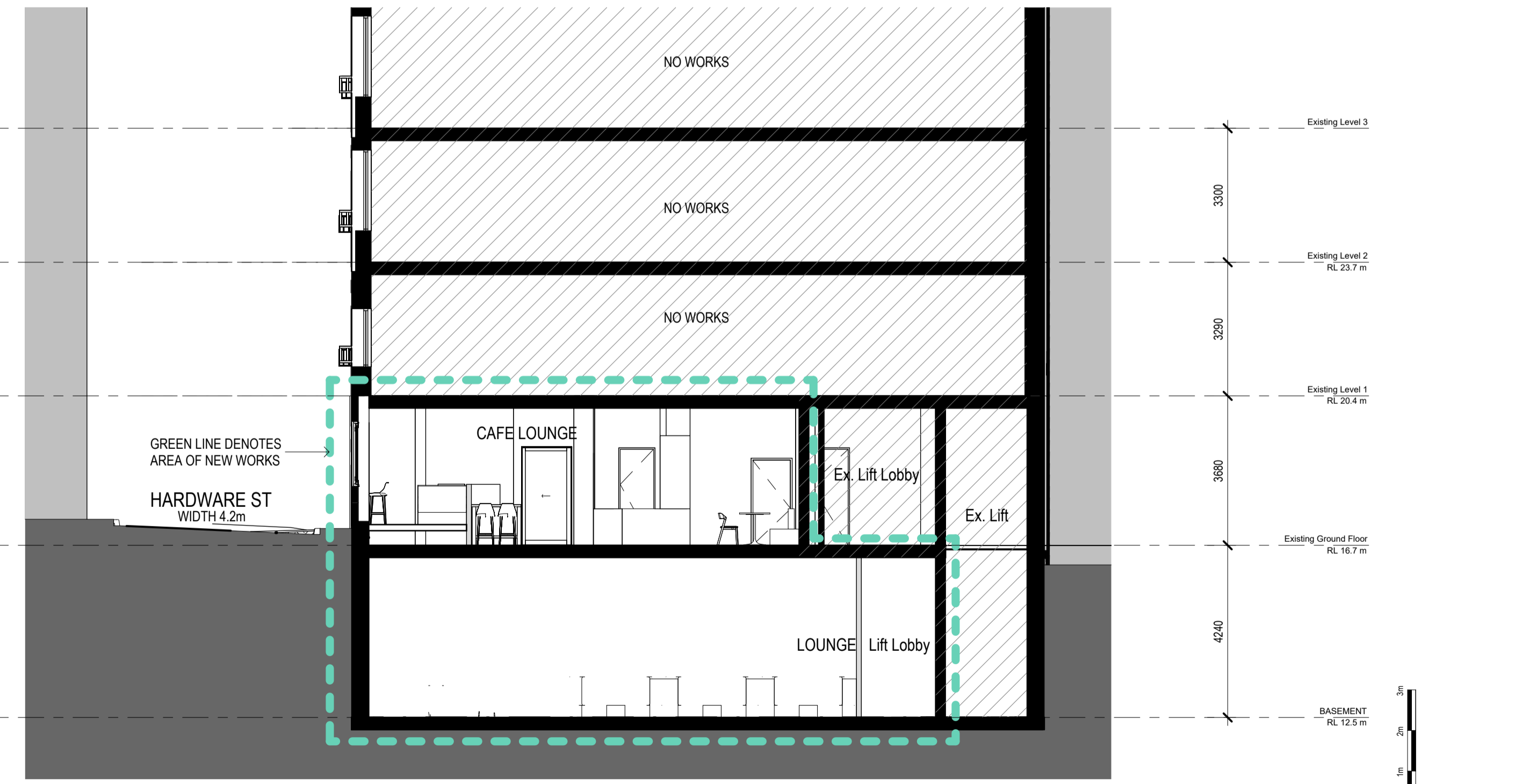
REAL WORLD EXAMPLE A OF CURVED BLACK FRAMING EFFECT TO WINDOWS

VINYL WINDOW TINT/DECAL TO GAMING ROOM WINDOWS FACING HARDWARE ST

VINYL WINDOW DECAL TO ENTRY FACING HARDWARE ST AND LONSDALE ST



2 Proposed - South Elevation
1 : 100



3 Proposed - Section A
1 : 100

GENERAL NOTES

DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT. PREPARATION OF SHOP DRAWINGS OR MANUFACTURING FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING.

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ISSUE	DESCRIPTION	DATE
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1	PRELIMINARY ISSUE	28/07/2021
0	PRELIMINARY ISSUE	28/06/2021



CLIENT:
Client: Edge Group Pty Ltd

PROJECT:
Licensed Premises - Ground Floor & Basement

FILE: C:\Users\Christine\Documents\Melbourne_388 Lonsdale St_TP_Christine.Masse@insitearchitects.com.au.rvt

LOCATION:
388 Lonsdale St, Melbourne, VIC 3000

DRAWING TITLE:
Proposed Elevations

SCALE: As indicated @A1 **DATE:** MAY 2021

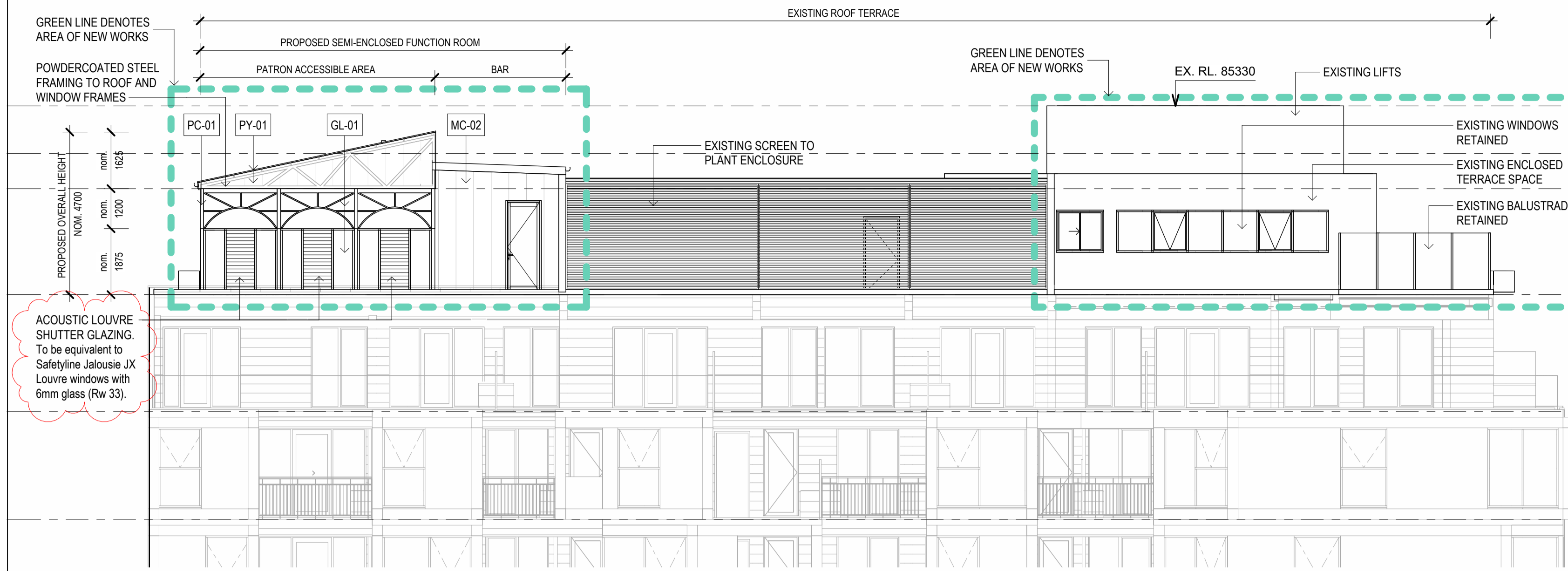
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CHECKED: JB **JOB No.:** J0000507

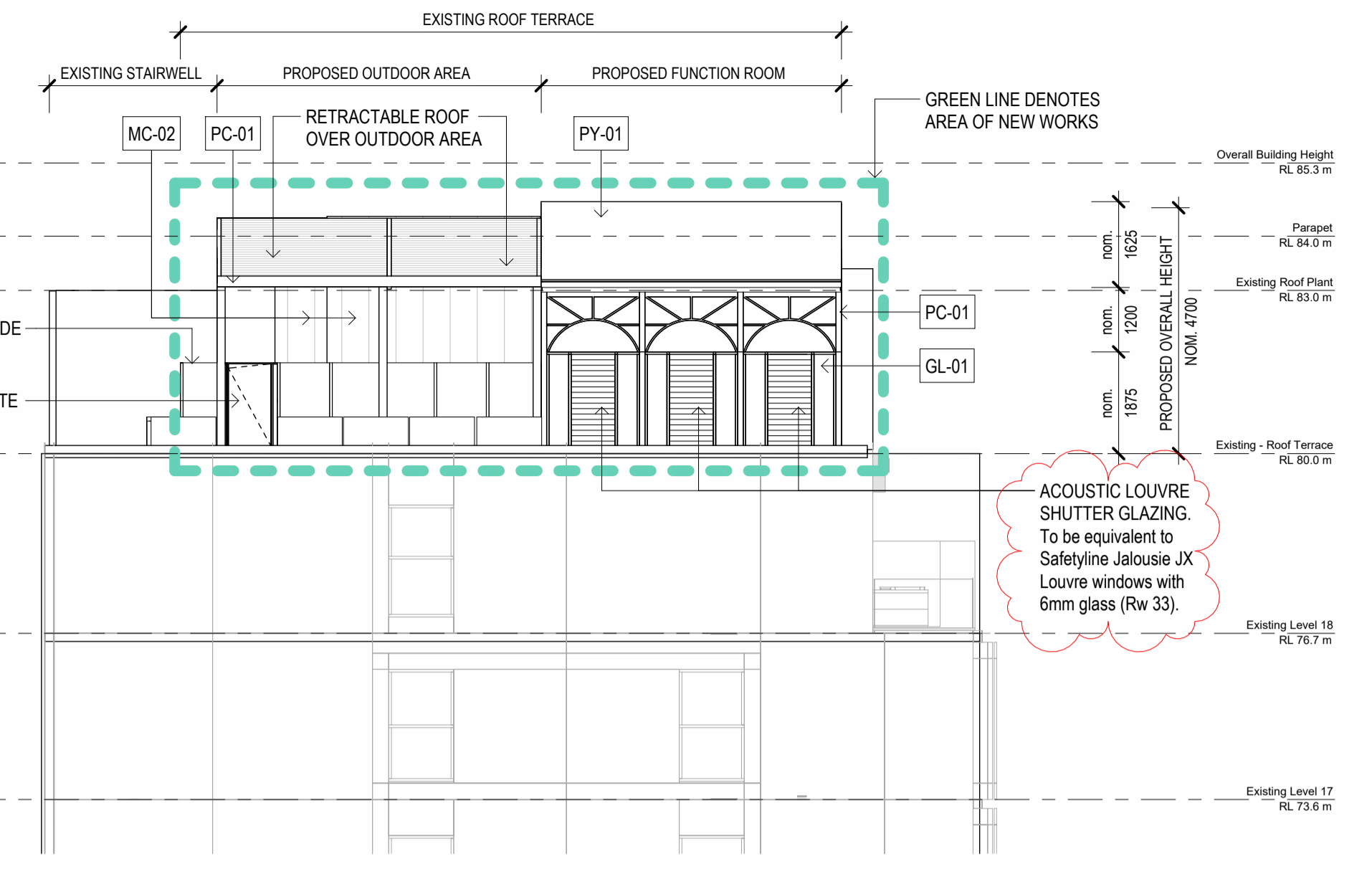
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TP12₅

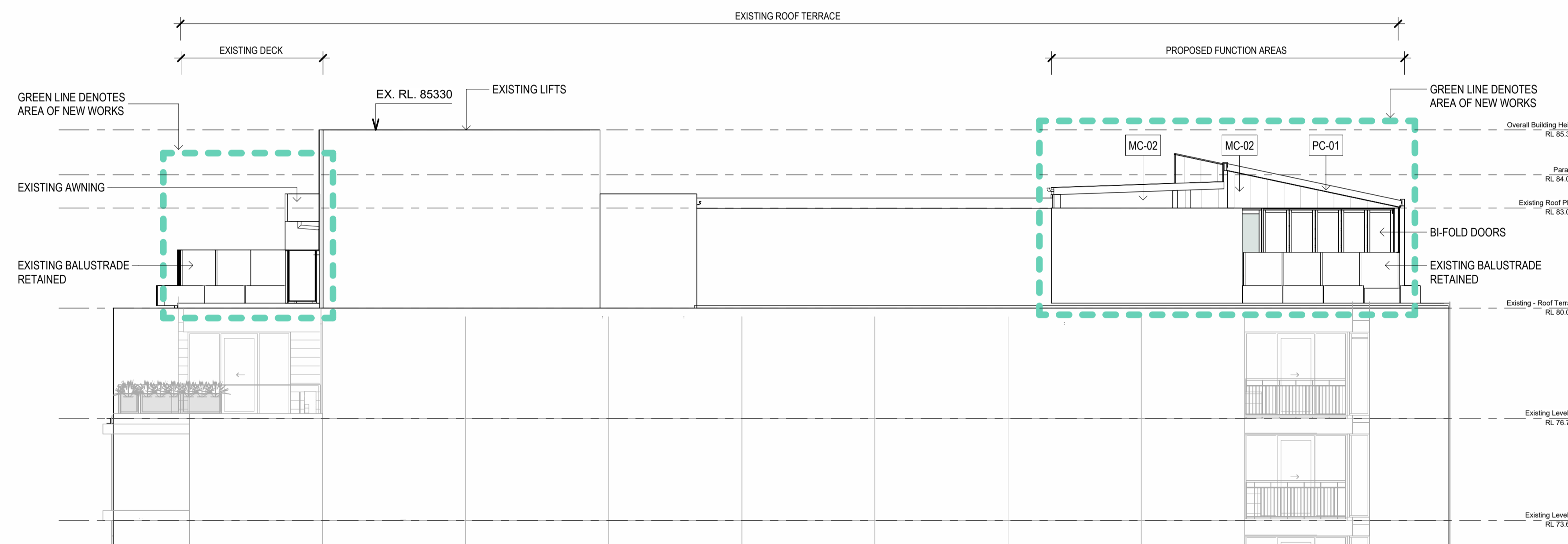
TOWN PLANNING ISSUE



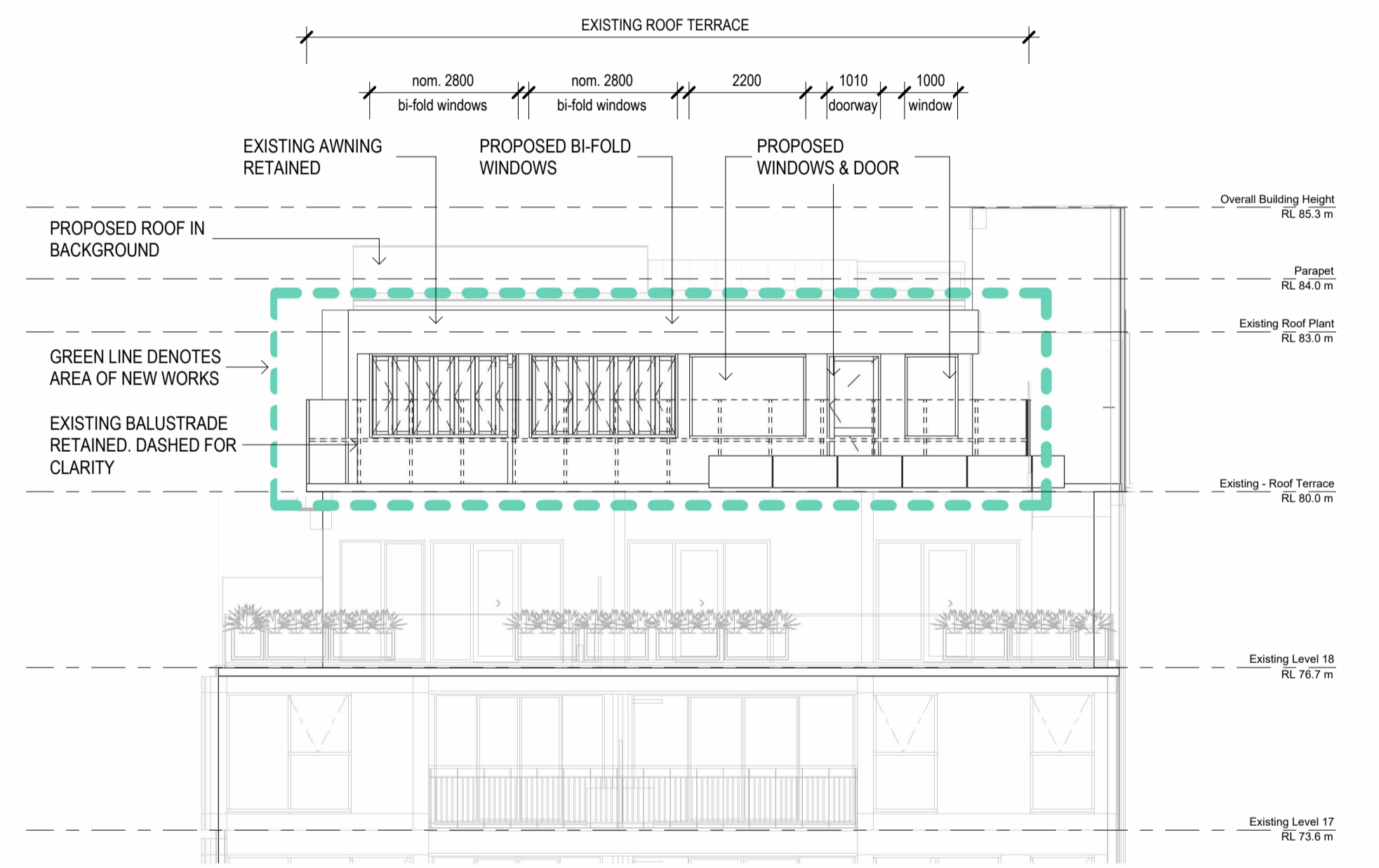
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1 : 100



2 Proposed - North Elevation - Roof Terrace
1 : 100



4 Proposed - East Elevation - Roof Terrace
1 : 100



3 Proposed - South Elevation - Roof Terrace
1 : 100

FINISHES LEGEND

PC-01
POWDERCOAT
BLACK (CB NIGHT SKY)
MATT FINISH (OR SIMILAR)

MC-02
WIDE VERTICAL PROFILE METAL
CLADDING TO MATCH EXISTING.
MATT BLACK (CB NIGHTSKY)
FINISH (OR SIMILAR)

PY-01
POLYCARBONATE ROOF SHEETING
AND FACADE CLADDING. CLEAR,
REFLECTIVE FINISH

GL-01
GLAZING. CLEAR FINISH

GENERAL NOTES		
DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT. PREPARATION OF SHOP DRAWINGS OR MANUFACTURING FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING.		
VERIFY LOCATION OF EXISTING SERVICES BEFORE COMMENCEMENT.		
5	TOWN PLANNING ISSUE - REV 1	03/12/2021
4	TOWN PLANNING ISSUE	01/10/2021
3	PRELIMINARY ISSUE - SANITARY FACILITIES REV	22/09/2021
2	PRELIMINARY ISSUE - ROOFTOP AMENDMENTS	25/08/2021
ISSUE	DESCRIPTION	DATE



CLIENT:
Client: Edge Group Pty Ltd

PROJECT:
Licensed Premises - Ground Floor & Basement

FILE: C:\Users\Christine\Documents\Melbourne_388 Lonsdale St_TP_Christine.Masse@inseearchitects.com.au.rvt

LOCATION:
388 Lonsdale St, Melbourne, VIC 3000

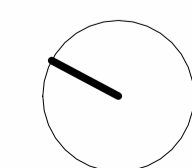
DRAWING TITLE:
Proposed Roof Terrace Elevations

SCALE: As indicated @A1 DATE: MAY 2021

DRAWN: CM PRINTED: 3/12/2021 4:50:20 PM

CHECKED: JB JOB No.: J0000507

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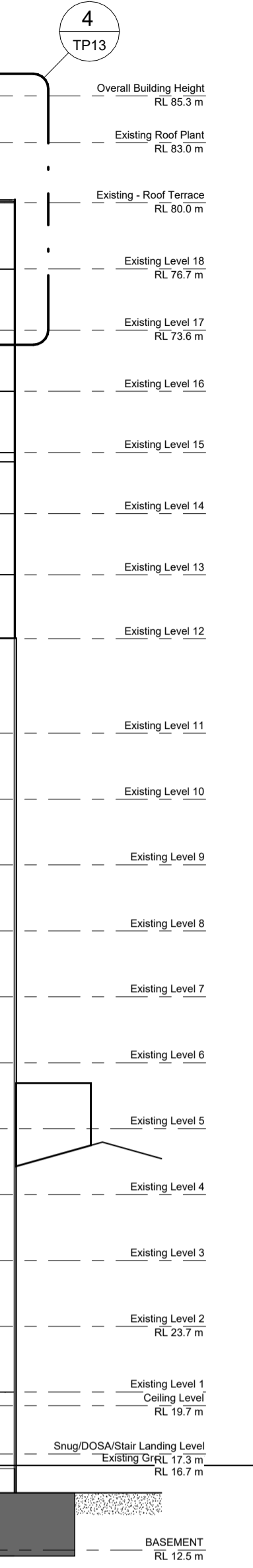
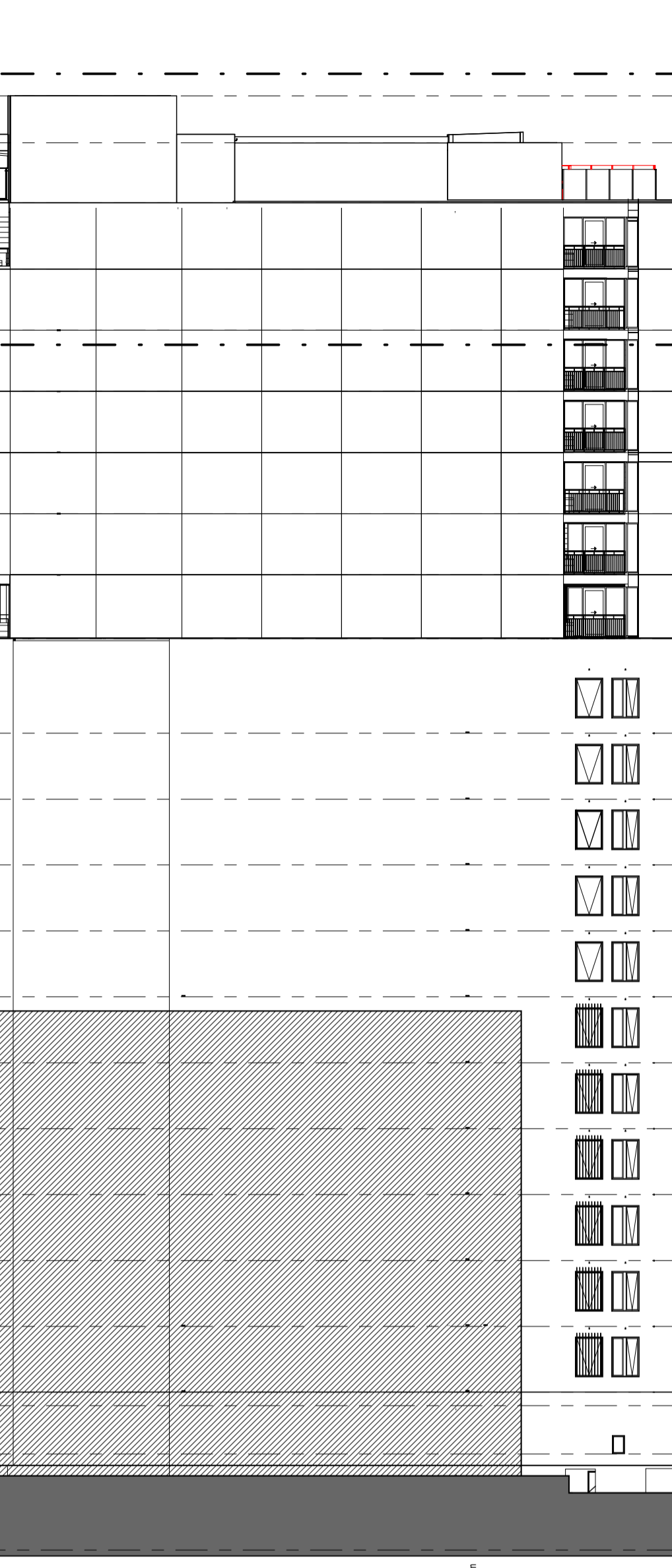
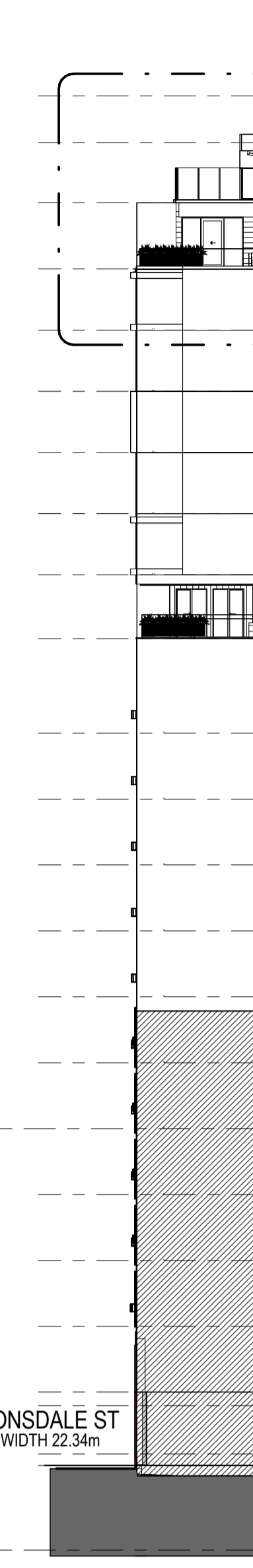
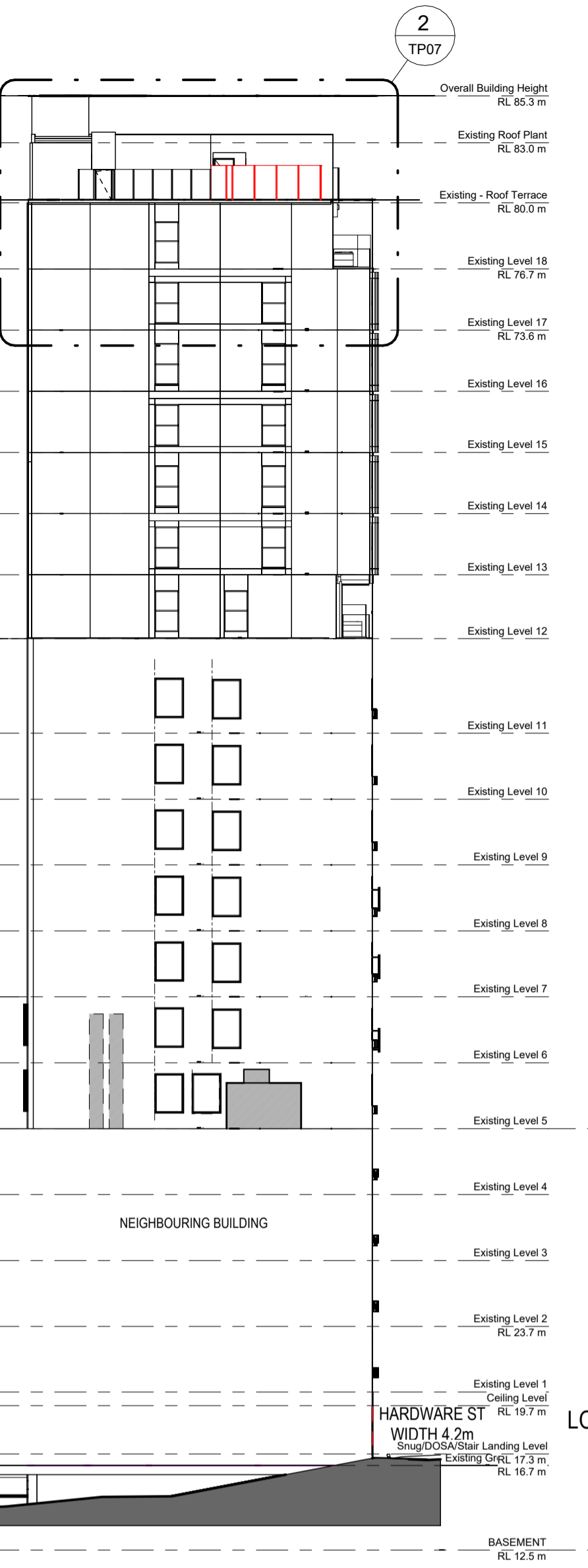
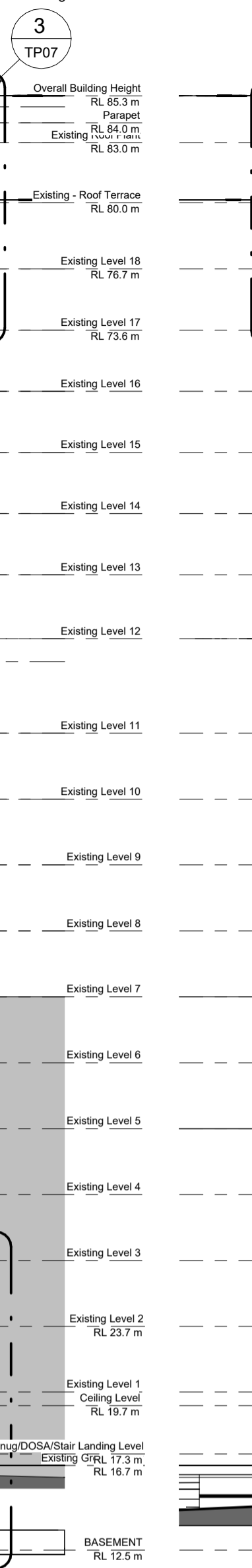
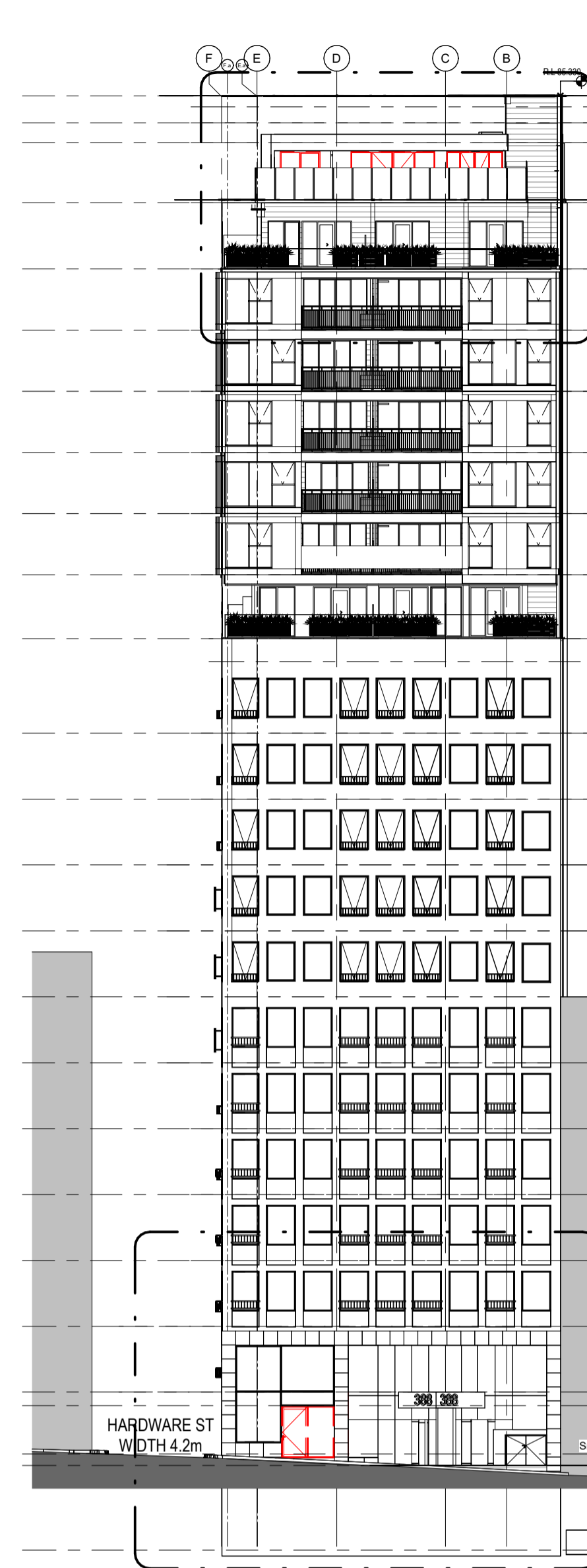
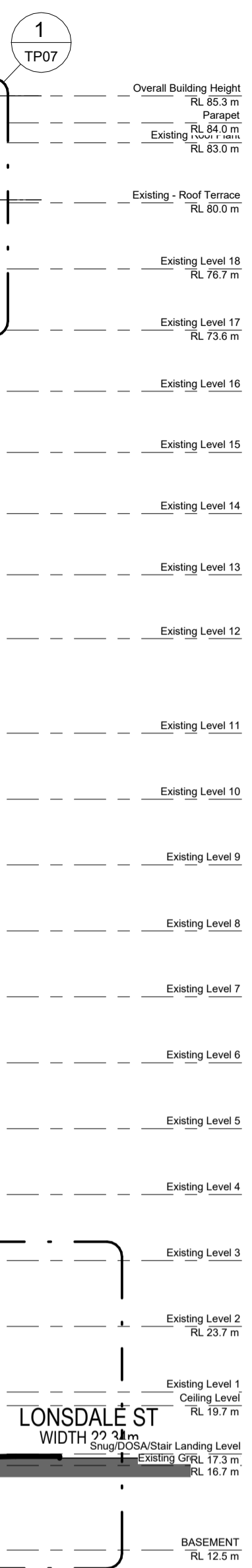
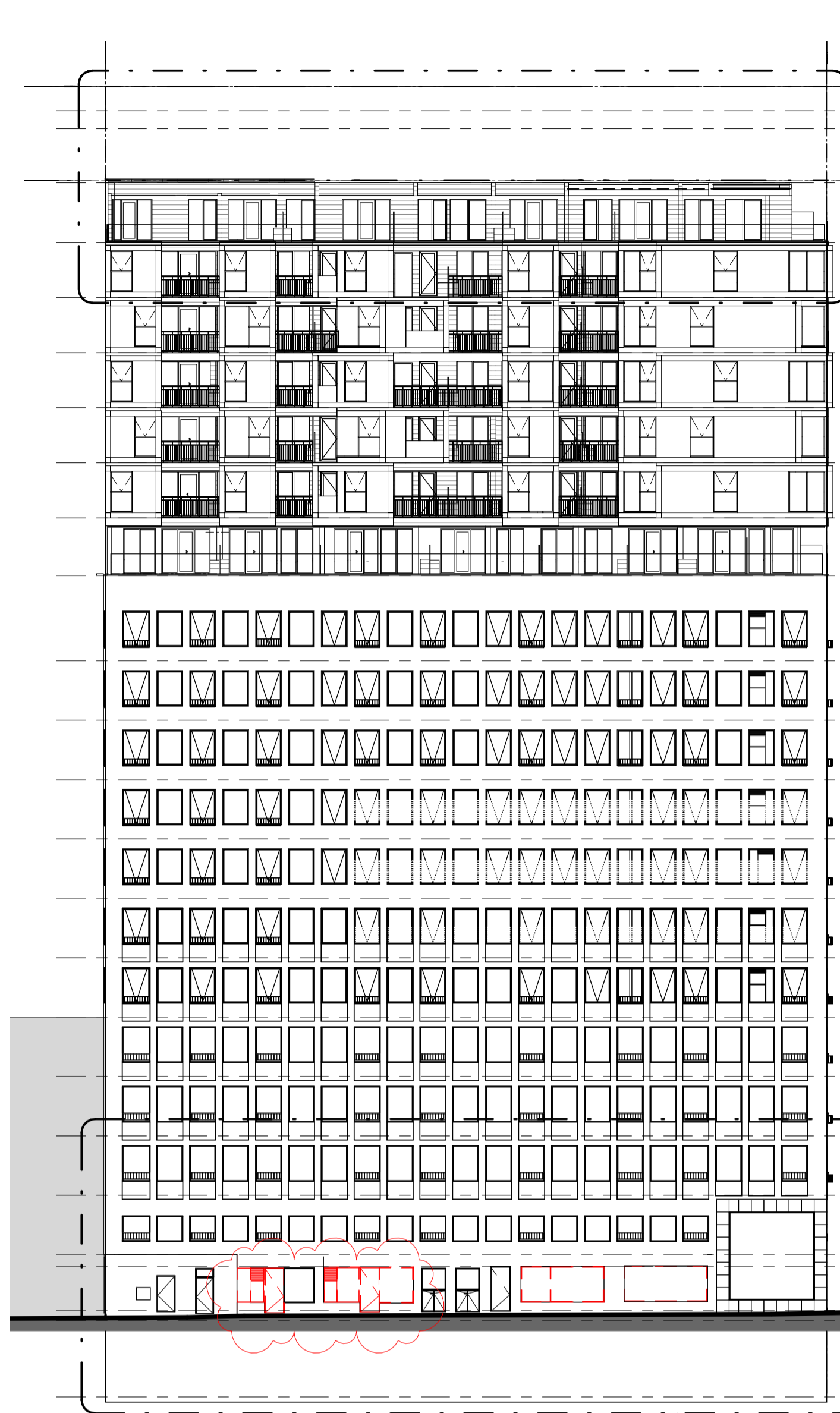


TP13/5

TOWN PLANNING ISSUE

Without Prejudice Discussion Drawings

19 May 2022

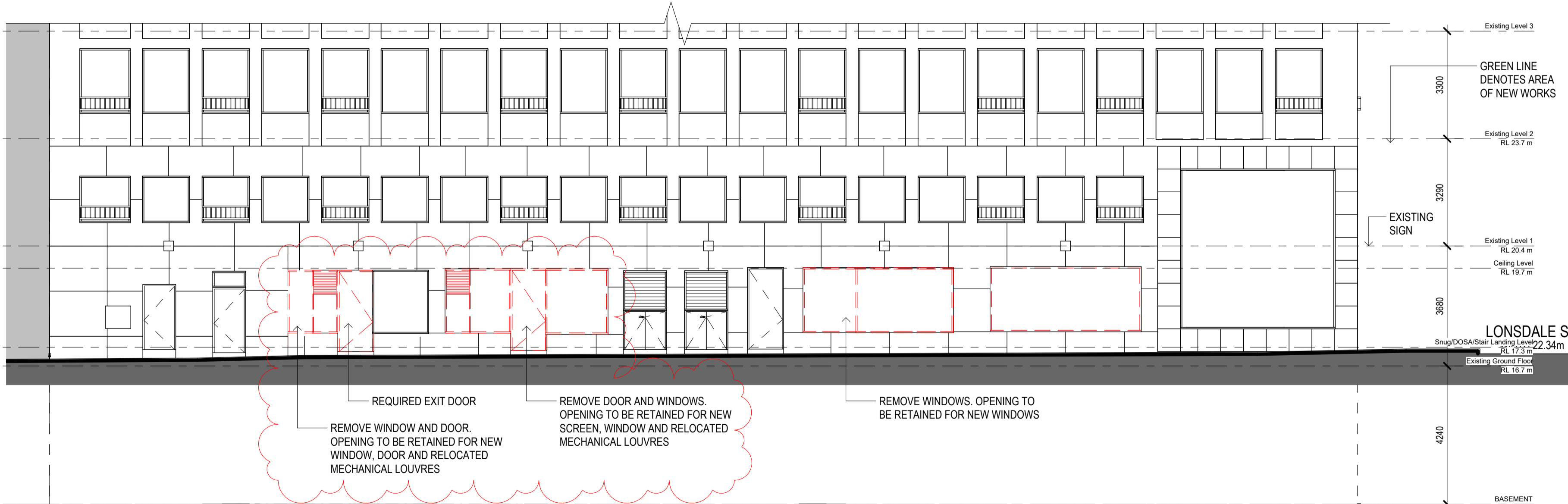
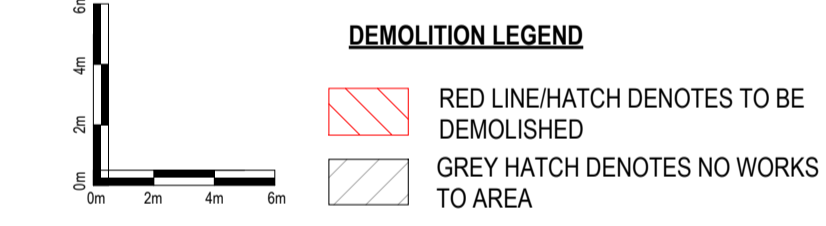


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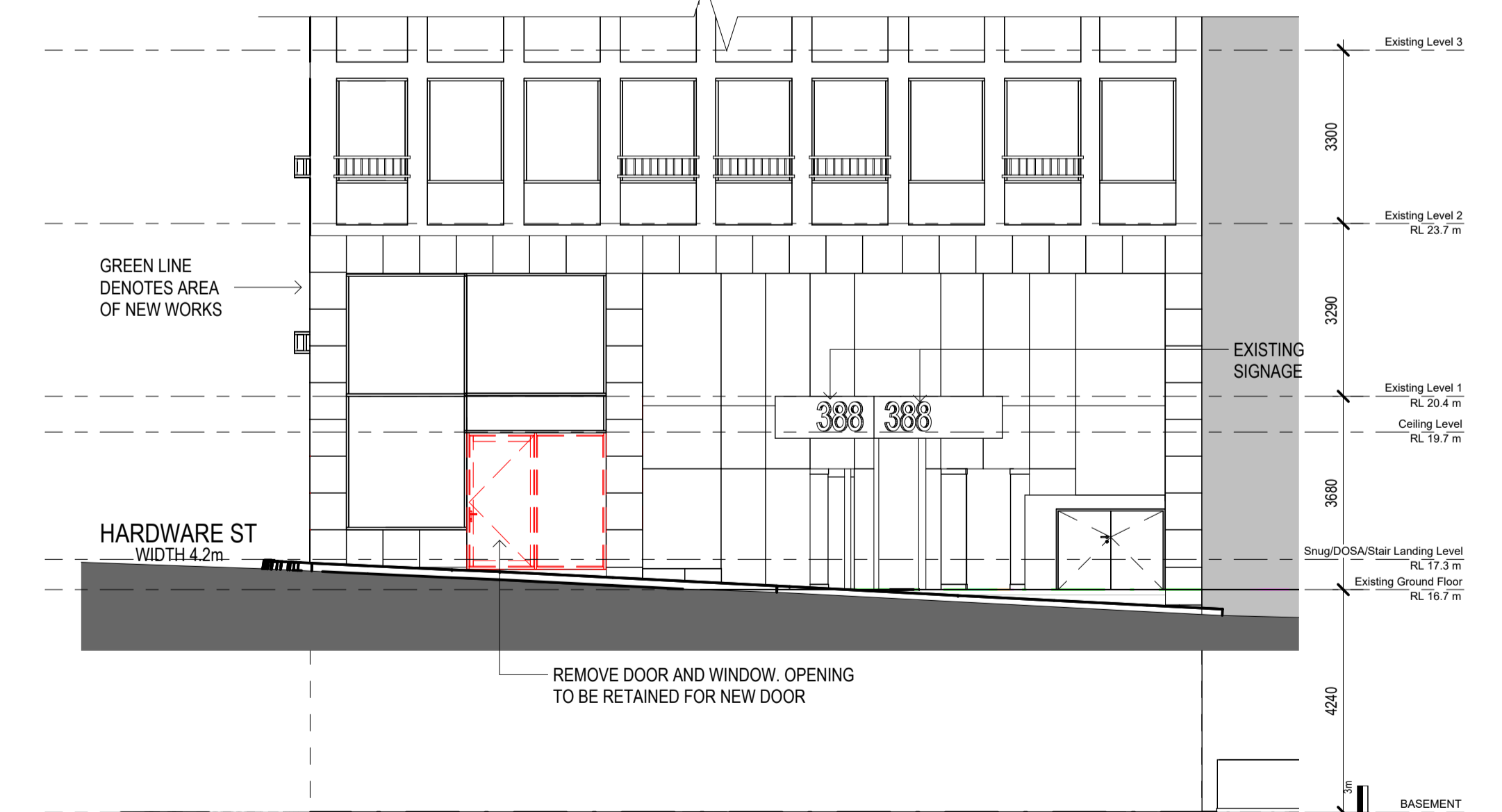
2 Existing - South Elevation
1 : 250

5 Existing - North Elevation
1 : 250

6 Existing - East Elevation
1 : 250



3 Existing/Demolition - West Elevation
1 : 100



4 Existing/Demolition - South Elevation
1 : 100

GENERAL NOTES

DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT. PREPARATION OF SHOP DRAWINGS OR MANUFACTURING FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING.

VERIFY LOCATION OF EXISTING SERVICES BEFORE COMMENCEMENT.

ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA BUILDING ACT 1975 AS AMENDED. STANDARD BUILDING BY-LAWS AND RELEVANT AUSTRALIAN STANDARDS.

ISSUE	DESCRIPTION	DATE
1	COUNCIL DISCUSSION PLANS	19/05/2022
0	TOWN PLANNING ISSUE - REV 1	03/12/2021



CLIENT:
Client: Edge Group Pty Ltd

PROJECT:
Licensed Premises - Ground Floor & Basement

LOCATION:
388 Lonsdale St, Melbourne, VIC 3000

DRAWING TITLE:
Existing/Demolition Elevations

SCALE: As indicated @A1

DATE: MAY 2022 DISCUSSION PLAN

DRAWN: CM

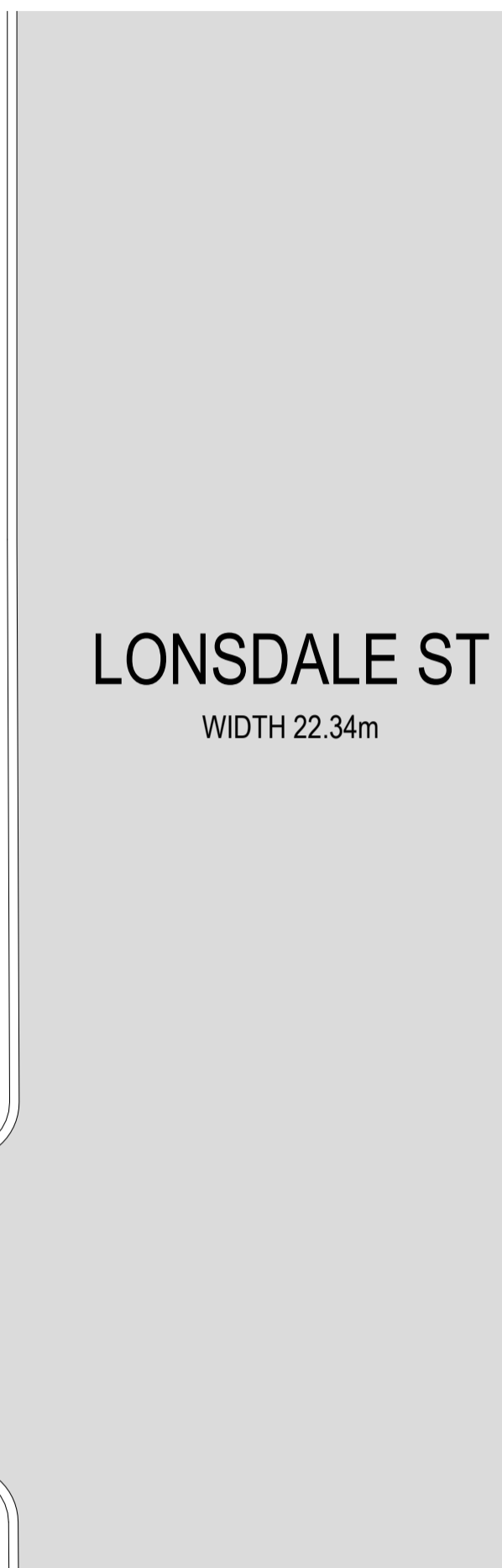
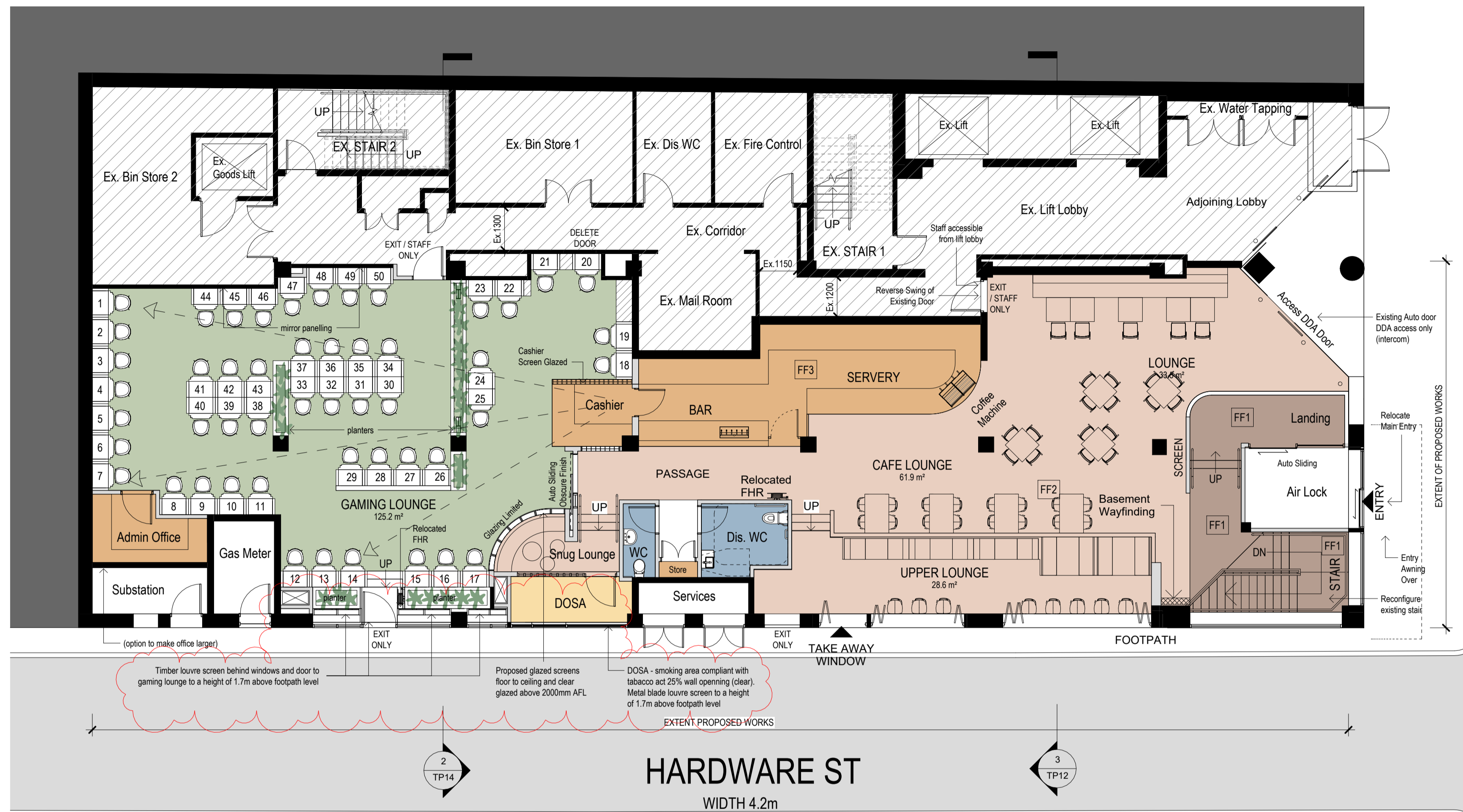
PRINTED: 19/05/2022 12:25:59 PM

CHECKED: JB

JOB No.: J0000507

TP06₁

TOWN PLANNING ISSUE



Patron Accessible Areas	
ROOM NAME	AREA
ROOFTOP TERRACE	
ROOFTOP BAR	47.2 m ²
GROUND FLOOR	
GAMING LOUNGE	125.2 m ²
CAFE LOUNGE	61.9 m ²
LOUNGE	33.5 m ²
UPPER LOUNGE	28.6 m ²
Snug Lounge	5.0 m ²
BASEMENT	
LOUNGE	113.6 m ²
BISTRO LOUNGE	79.4 m ²
SPORTS LOUNGE / MEETING ROOM	67.0 m ²
Total	561.5 m ²

BCA Patron Facilities			
EXISTING SANITARY	EX. PAX	PROPOSED	
MALE	2 CLOSET = 300	400 PATRONS	
	3 URINALS = 150	9 UNISEX PANS	
	2 BASINS = 200	ROOFTOP	
FEMALE	2 CLOSET = 150	200 PATRONS	
	3 BASINS = 300	4 UNISEX PANS	

PROPOSED AREAS	
ROOM NAME	AREA
ROOFTOP TERRACE	
ANCILLARY	
ROOFTOP ALFRESCO	56.0 m ²
OUTDOOR FUNCTION SPACE	36.3 m ²
ROOFTOP FUNCTION ROOM	40.6 m ²
	132.9 m ²
BACK OF HOUSE	
Outdoor Bar	8.0 m ²
BAR	13.3 m ²
	21.3 m ²
CIRCULATION	
LIFT LOBBY	22.7 m ²
Hallway	28.2 m ²
Lift Lobby	Redundant
	50.9 m ²
PATRON ACCESSIBLE AREAS	
ROOFTOP BAR	47.2 m ²
	47.2 m ²
PATRON FACILITIES	
Dis WC.	5.2 m ²
	5.2 m ²

PROPOSED AREAS	
ROOM NAME	AREA
GROUND FLOOR	
ANCILLARY	
DOSA	5.3 m ²
	5.3 m ²
BACK OF HOUSE	
Admin Office	6.4 m ²
Cashier	4.7 m ²
BAR	13.0 m ²
SERVERY	17.3 m ²
Store	0.6 m ²
	42.0 m ²
CIRCULATION	
Landing	15.5 m ²
Air Lock	8.2 m ²
LIFT	Not Placed
Hallway 2	4.5 m ²
Hallway 1	2.2 m ²
STAIR	9.7 m ²
	40.0 m ²
PATRON ACCESSIBLE AREAS	
GAMING LOUNGE	125.2 m ²
CAFE LOUNGE	61.9 m ²
LOUNGE	33.5 m ²
UPPER LOUNGE	28.6 m ²
Snug Lounge	5.0 m ²
	264.2 m ²
PATRON FACILITIES	
Dis. WC	5.8 m ²
WC	2.3 m ²
	8.1 m ²

PROPOSED AREAS	
ROOM NAME	AREA
BASEMENT	
BACK OF HOUSE	
Cool Room	6.8 m ²
Beverage Cool Room	6.3 m ²
Store	5.5 m ²
BAR	12.7 m ²
SERVERY	13.2 m ²
	44.5 m ²
CIRCULATION	
Lift Lobby	13.1 m ²
LIFT	Not Placed
STAIR	10.4 m ²
Hallway 3	Not Placed
	23.5 m ²
PATRON ACCESSIBLE AREAS	
LOUNGE	113.6 m ²
BISTRO LOUNGE	79.4 m ²
SPORTS LOUNGE / MEETING ROOM	67.0 m ²
	260.1 m ²
PATRON FACILITIES	
Unisex Toilet	26.9 m ²
	26.9 m ²
EX. PLANT ROOM	102.8 m ²
Room	Not Placed
Unisex Toilet	17.4 m ²
Dis WC.	4.9 m ²
	125.1 m ²
Total	1087.3 m ²

SIGNAGE TO THE EXTERIOR OF THE BUILDING TO SUBJECT OF A SEPARATE PLANNING APPLICATION.

1 Proposed Ground Floor Plan
1:100

GENERAL NOTES		
DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT. PREPARATION OF SHOP DRAWINGS OR MANUFACTURING FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING.		
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1	COUNCIL DISCUSSION PLANS	19/05/2022
0	TOWN PLANNING ISSUE - REV 1	03/12/2021
ISSUE	DESCRIPTION	DATE



CLIENT:
Client: Edge Group Pty Ltd

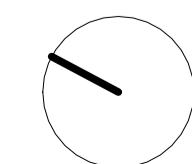
PROJECT:
Licensed Premises - Ground Floor & Basement

FILE: C:\Users\Christine\Documents\Melbourne_388 Lonsdale St_TP_Christine.Masse@institute.com.au.rvt

LOCATION:
388 Lonsdale St, Melbourne, VIC 3000

DRAWING TITLE:
Proposed Ground Floor Plan

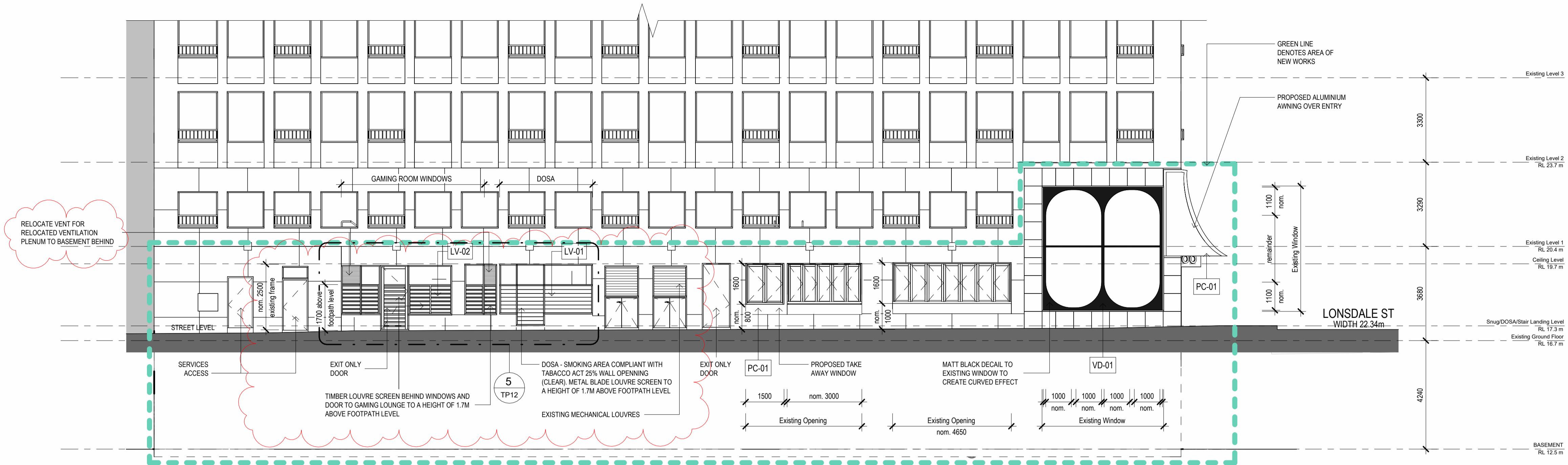
SCALE:	As indicated@A1	DATE:	MAY 2022 DISCUSSION PLAN
DRAWN:	CM	PRINTED:	19/05/2022 12:26:04 PM
CHECKED:	JB	JOB No.:	J0000507



TP09/1

TOWN PLANNING ISSUE

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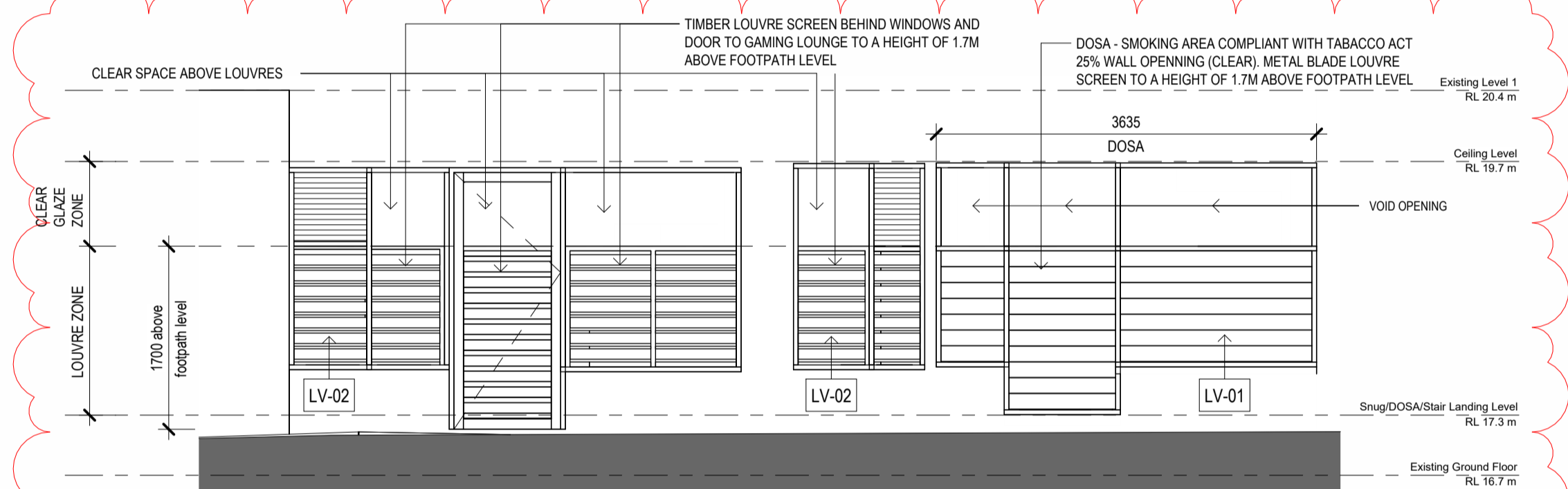


FINISHES LEGEND

- VD-01**
MATT BLACK VINYL DECAL TO CORNERS OF WINDOWS AT ENTRY TO CREATE SOFT ROUNDED EDGES
- PC-01**
POWDERCOAT BLACK (CB NIGHT SKY) MATT FINISH (OR SIMILAR)
- MC-01**
METAL CANOPY CLADDING AXOLOTL APPLIED METAL, NICKEL FINE LUNAR RANDOM, ANTIQUE WITH SEMI GLOSS TOPCOAT (OR SIMILAR)
- WF-01**
DELETED
- LV-01**
BLACK POWDERCOAT ALUMINUM SCREEN NOMINAL 200mm BLADES FIXED AT AN ANGLE WITHIN FRAME
- LV-02**
TIMBER LOUVRE SCREEN NOMINAL 200mm BLADES FIXED AT AN ANGLE WITHIN FRAME

1 Proposed - West Elevation

1:100



5 Proposed - West Elevation - Gaming Room Windows & DOSA

1:50

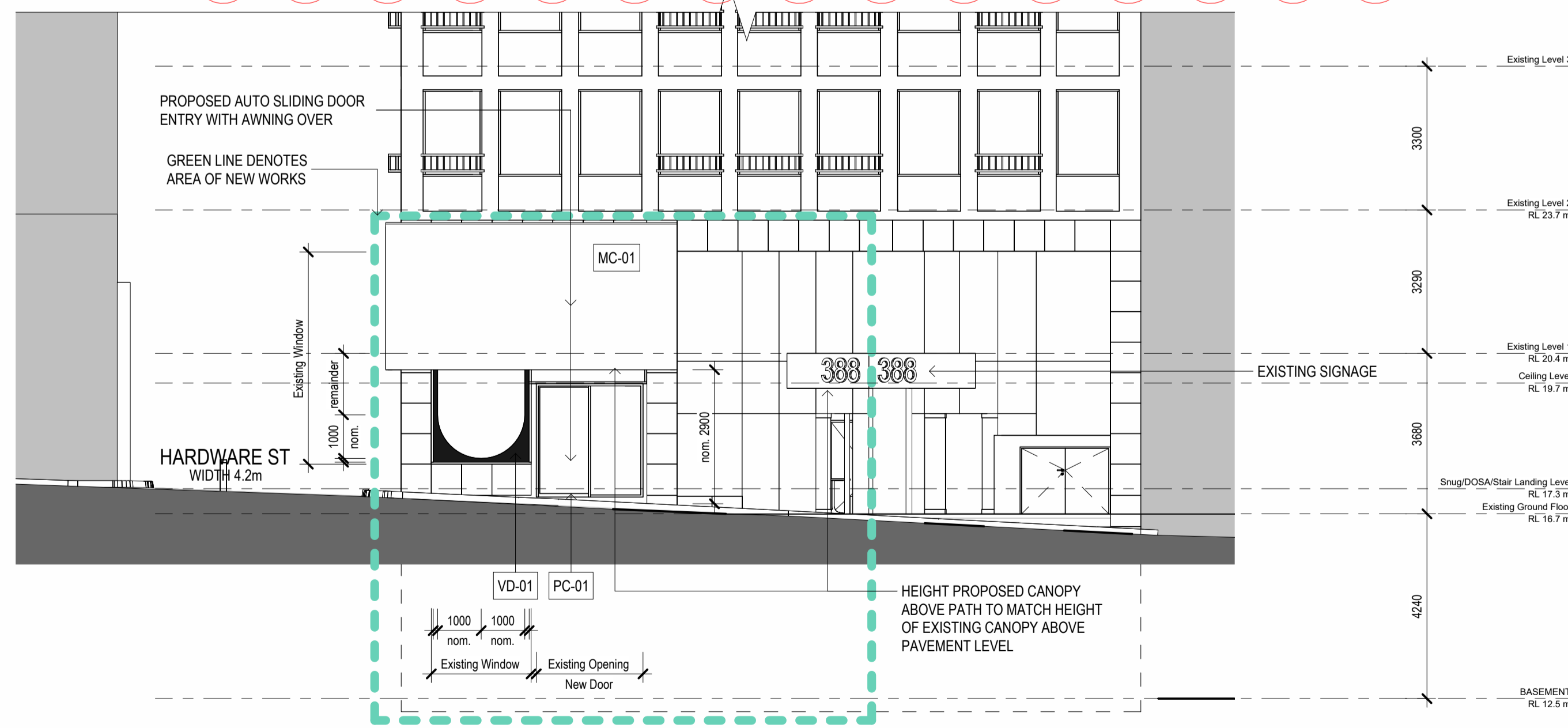


1:1 SAMPLE OF MATT BLACK VINYL DECAL TO CORNERS OF WINDOWS AT ENTRY TO CREATE SOFT ROUNDED EDGES



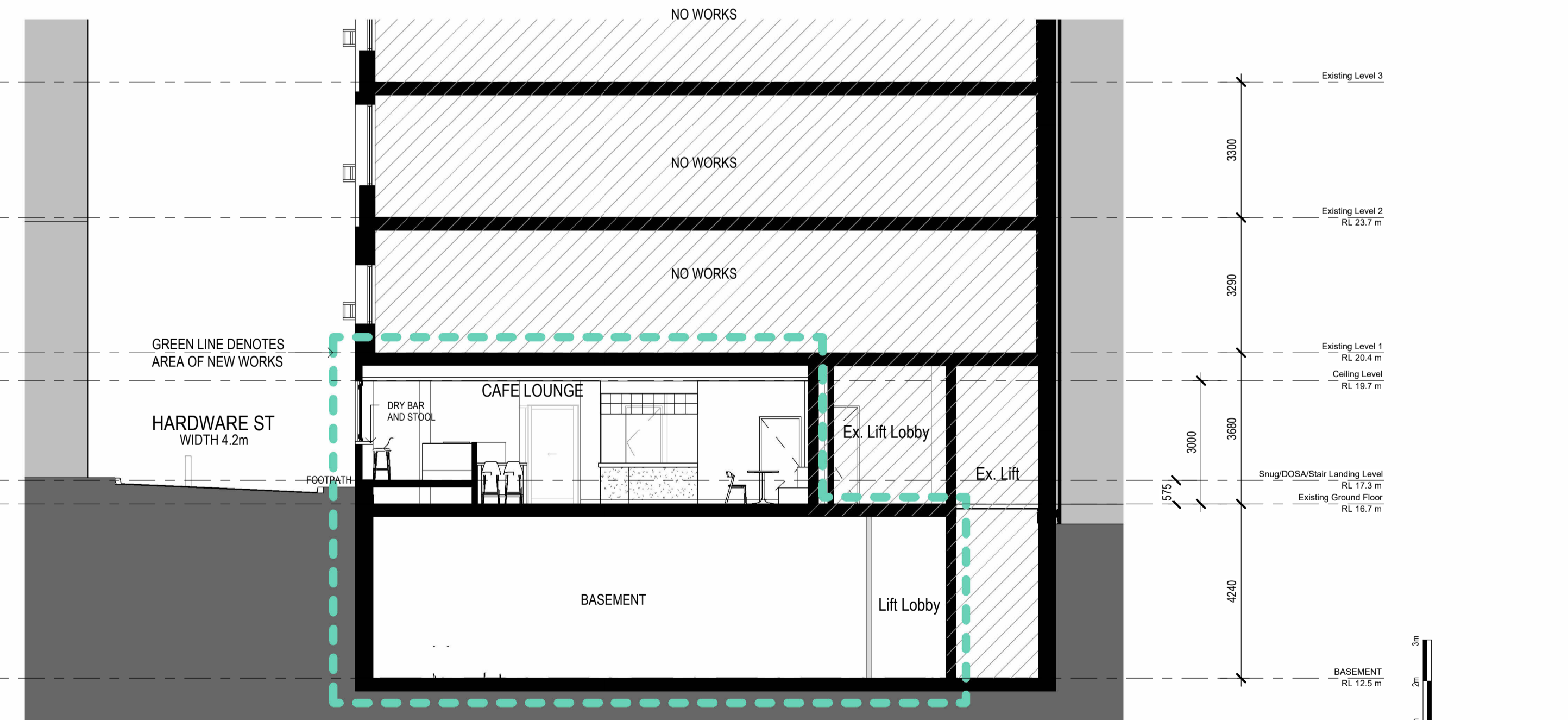
REAL WORLD EXAMPLE A OF CURVED BLACK FRAMING EFFECT TO WINDOWS

VINYL WINDOW DECAL TO ENTRY FACING HARDWARE ST AND LONSDALE ST



2 Proposed - South Elevation

1:100



3 Proposed - Section A

1:100

GENERAL NOTES

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ISSUE	DESCRIPTION	DATE
1	COUNCIL DISCUSSION PLANS	19/05/2022
0	TOWN PLANNING ISSUE - REV 1	03/12/2021



CLIENT:
Client: Edge Group Pty Ltd

PROJECT:
Licensed Premises - Ground Floor & Basement

FILE: C:\Users\JackA\Documents\Melbourne_388 Lonsdale St_TP_1\mstr019EQJ.rvt

LOCATION:
388 Lonsdale St, Melbourne, VIC 3000

DRAWING TITLE:
Proposed Elevations

SCALE: As indicated@A1 **DATE:** MAY 2022 DISCUSSION PLAN
DRAWN: CM **PRINTED:** 19/05/2022 5:12:32 PM
CHECKED: JB **JOB No.:** J0000507

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TP12₁

TOWN PLANNING ISSUE

DELEGATE REPORT PLANNING PERMIT APPLICATION

Application number:	TP-2021-648
Applicant / Owners / Architect:	Bay Road Hotel Pty Ltd C/- Ratio Consultants Pty Ltd / 388 Lonsdale Street Pty Ltd / Insite Architects
Address:	386-392 Lonsdale Street, Melbourne
Proposal:	Use of land for Hotel and Gaming Premises, associated partial demolition, buildings and works, and a waiver of bicycle facility requirements.
Cost of works:	\$250,000
Date received by City of Melbourne:	1 October 2021
Responsible officer:	Markus Tschech, Principal Urban Planner

1 SUBJECT SITE AND SURROUNDS

1.1 Subject Site

Planning Application TP-2021-648 (the Application) concerns the land known as:

- 386-392 Lonsdale Street, Melbourne
- Lot 14 on Plan of Subdivision 301310H (Vol. 10275, Fol. 200)

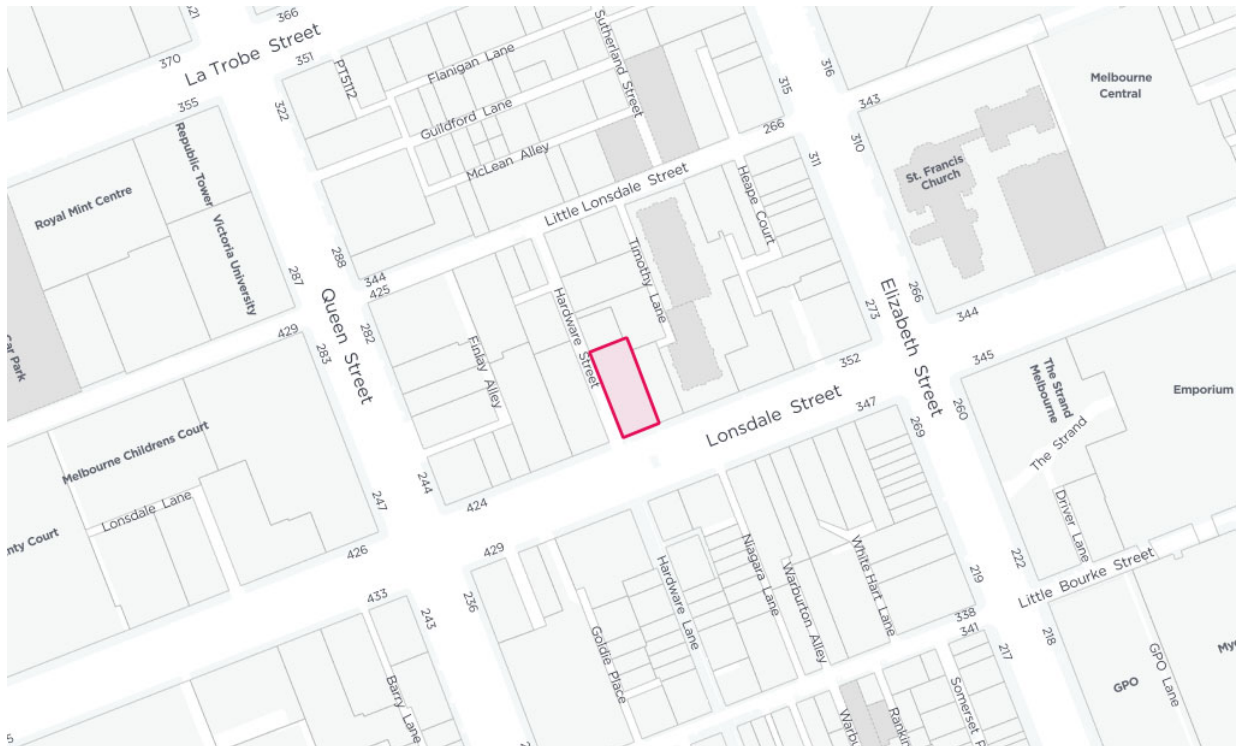


Figure 1 - Site Locality Plan

Table 1: Subject Site Details / Dimensions	
Site Inspection Date:	21 February 2022
Existing Site Conditions:	<p>The site is rectangular in shape with frontages to Lonsdale Street and Hardware Street.</p> <p>It is improved by a recently refurbished and extended 20 storey building with a vacant retail tenancy at ground and basement levels and 147 serviced apartments on levels 1 and above.</p> <p>There is no car parking associated with the site and pedestrian access is provided via Lonsdale Street as well as Hardware Street for Tenancy 2 and 3 on the ground floor.</p>
Street Frontage:	17.27 metres to Lonsdale Street (south) 40 metres to Hardware Street (west)
Site Depth:	17.27 metres
Site Area:	689 m ²
Topography:	The site itself is flat, though the immediately surrounding land falls approximately two metres from west to east.
Heritage Grading of Building On-Site	Amendment C258: Contributory: <input type="checkbox"/> Significant: <input type="checkbox"/> N/A: <input checked="" type="checkbox"/>
Heritage Grading of Streetscape	Not Applicable: <input checked="" type="checkbox"/> Significant: <input type="checkbox"/> N/A: <input type="checkbox"/>



Figure 2 - Aerial Photo of subject site. Captured on 27 March 2022



Figure 3 - Photo of site from Lonsdale Street. Taken on 21 February 2022



Figure 4 - Photo of site from Hardware Street. Taken on 21 February 2022

1.2 Relevant Planning Permit History for Subject Site

Planning Permit TP-2014-370 was issued on 27 October 2014 and allowed for the partial demolition and construction of alterations and additions to the existing building on the subject site, including six additional levels and waiver of loading bay requirements. The development contained retail uses at the ground level and dwellings above.

The permit has been amended three times since, including once to increase the height of the extension by one storey. The permit now allows:

Partial demolition and construction of alterations and additions to the existing building, including seven additional levels, waiver of loading bay requirements in accordance with the endorsed plans; and creation of a Light and Air Easement unlimited in height over the land shown as A-1 on Plan of Subdivision No PS301310H under Clause 52.02 of the Melbourne Planning Scheme; and reduction of the bicycle facilities requirement.

This permit has since been acted upon.

1.3 Restrictive Covenants / Easements

The register search statement for Lot 14 on Plan of Subdivision 301310H identifies that the land is burdened by the following Section 173 Agreements, and is encumbered by the easements, listed below:

- Section 173 Agreement AL980817L which requires existing windows and wall openings along the northern and eastern boundaries to be removed if the neighbouring properties develop in a manner that Council considers would affect the windows / openings.
- Section 173 Agreement AL980860K which requires the landowner to maintain all projections over the Title boundary and indemnifies Council against all actions, claims, demands, losses, damages, costs and expenses for which the Council may become liable in respect of or arising from the projections.
- Carriageway, electricity supply and flow of light air easement A-1.
- Carriageway Easements A-2, A-3 and A-4 and Light and Air Easement A-1.

The Application will not:

- Result in a breach of the abovementioned restrictive covenant(s) & Section 173 Agreement(s).
- Result in a development that conflicts with the rights conferred by any easement encumbering the property.

1.4 Aboriginal Cultural Heritage

The subject site is not included in an area of legislated cultural heritage sensitivity.

2 BACKGROUND AND HISTORY

2.1 Planning Application History

2.1.1 Pre-application Meeting

The permit applicant did not meet with Council Officers prior to lodging the application.

2.1.2 Request for Further Information

Following a preliminary review of the application, Council issued a Request for Further Information (RFI) on 29 October 2021 seeking a detailed response to the policies forming part of Planning Scheme Amendment C366 and Schedule 10 to the Design and Development Overlay (DDO10), additional details on drawings, an amended acoustic report, patron management plan and building surveyor report confirming maximum patron numbers.

The RFI also noted preliminary concerns relating to the proposal's potential for gambling harm, maximum patron capacity, acoustic impacts to neighbouring residents as a result of late-night trading on the roof terraces and a poor streetscape interface.

The permit applicant submitted an amended set of drawings, form and report as part of a response to Council's RFI on 14 December 2021. The applicant's response included further detailed justification for the proposal, including new and updated reports; though did not encompass any significant changes.

2.1.3 Post-Advertising Consultation

A copy of objections received during the formal notice period, in addition to final feedback from Council's Urban Design Advisor and Planning Team, were provided to the permit applicant on 20 April 2022.

In response to the above concerns the permit applicant submitted a final set of without prejudice drawings on 27 May 2022; showing improvements to the streetscape interface, including replacement of vinyl screened windows with a combination of timber and aluminium battens. No changes were made in relation to patron numbers or operating hours of the roof terraces.

2.2 Planning Scheme Amendments

2.2.1 Planning Scheme Amendment C366 (Gaming Policy)

Melbourne Planning Scheme Amendment C366 proposes to implement the outcomes of a review of the City of Melbourne's gaming policy in the Melbourne Planning Scheme, by strengthening the policy to ensure that electronic gaming machines (EGMs) are suitably located and operated as part of the range of entertainment in the City, while ensuring that any social and economic impacts are also assessed.

This Amendment is highly relevant to the proposal, as it would apply Council's Gaming Policy to land within the Capital City Zone, and provides clear direction in relation to the location and design of new venues incorporating EGMs.

Amendment C366 was submitted to the Minister for Planning for approval on 30 August 2019, it is therefore seriously entertained.

2.3 Victorian Gambling and Casino Control Commission Approval

Shortly after lodgement of the permit application, the permit applicant submitted a separate application for the 50 EGMs to the Victorian Gambling and Casino Control Commission (VGCCC).

The application was referred to Council on 18 October 2021 (LIQREF-2021-184). Council formally objected to the gaming application on 17 December 2021.

Following a VGCCC hearing on 31 January to 3 February 2022, where Council was represented by Legal Counsel and an Expert Witness, the application was approved on 14 February 2022.

Key findings made by the VGCCC in their 'Decision and reasons for decision' dated 15 March 2022 include:

- *The Commission is of the view that granting the Application will generate employment at the Premises, and this is a positive economic benefit. The Commission accepts the Applicant's evidence that 42 FTE positions will be created if the Application is successful, including nine FTE positions in the gaming room.*
- *While there may be an increase in problem gambling expenditure at the Premises, the high rate (60% to 90%) of transfer expenditure from existing gaming venues in the Melbourne CBD lessens, to some extent, the Commission's concerns about this aspect of this consideration.*
- *The Commission finds that there will be an economic disbenefit associated with problem gambling as a result of this Application, on which it places marginal weight.*
- *The Commission considers that granting this Application has the potential to increase the incidence and impact of problem gambling in the City of Melbourne, specifically the Melbourne CBD. As such, the Commission accepts that the disbenefit associated with problem gambling is a negative social impact upon which it places marginal weight to low weight.*
- *After considering the economic benefits of the proposal against the detriments, the Commission considers that, on balance, the proposal is likely to have no impact to a marginally positive impact.*
- *After considering the social benefits of the Application against the detriments, the Commission considers that, on balance, the proposal is likely to have a neutral social impact.*

The decision includes a total of seven conditions which primarily relate to the ongoing operation of the venue (should a Planning Permit ultimately issue). Condition 2 relates to community contributions, and is worth highlighting, given Council's involvement:

- a. *The Venue Operator must make cash contributions in the sum of \$75,000 per annum (indexed to CPI) for as long as any of the fifty (50) gaming machines are operational at the Premises (Contribution).*
- b. *The Contribution must be allocated each year to not-for-profit community groups and sporting organisations providing services and facilities to residents within the City of Melbourne (Council).*
- c. *The Contribution must be distributed as determined by a Committee (Committee) established by the Venue Operator comprising:*
 - i. *Two representatives of the Venue Operator; and*
 - ii. *One representative of Council, or in the event that Council is unwilling to provide a representative, a community representative nominated by the Venue Operator.*
- d. *The Committee must advertise annually in a newspaper circulating in the City of Melbourne area for submissions from not-for-profit organisations providing services and facilities to residents within the City of Melbourne (such as community and sporting organisations), regarding the distribution of the Contribution to be made by the Venue Operator each year. The Committee will assess requests for cash contributions in accordance with guidelines to be established by the Committee.*
- e. *If the Contribution is not allocated in each full year in accordance with this condition, the operation of fifty (50) gaming machines must cease immediately for as long as the Contribution (or part thereof) remains outstanding.*

3 PROPOSAL

3.1 Plans / Reports considered in assessment

The plans which have been considered in this assessment are identified in Table 2 below:

Table 2: Plans / Reports considered in assessment		
Plan / Report Title	Drawing/ Report Author	Drawing/Report Date
Planning Report	Ratio	December 2021
RFI Response Letter	Ratio	14 December 2021
Architectural Drawings (TP00 – TP13)	Insite Architects	3 December 2021
Plan of Management	N/A	December 2021
Social and Economic Impact Assessment	Ratio	October 2021
Occupancy Analysis	Checkpoint Building Surveyors	14 September 2021
Bay Road Pty Ltd RSG Management Report	PVS	September 2021
Acoustic Report	Enfield Acoustics	24 November 2021

3.2 Summary of proposed development

The Application seeks planning permission for the following:

- Use of the basement, ground and roof levels (including roof terraces) for a Hotel.
- Partial demolition of building fabric at ground and rooftop levels.
- Building and works associated with the introduction of a Hotel use at ground and roof levels.
- Installation and use of 50 Electronic Gaming Machines (EGMs) within a dedicated gaming lounge (gambling premises) at ground level.

The proposal primarily relies on the existing built form, with a revised streetscape interface and extensive works on the rooftop level. The basement and ground levels would operate as a typical hotel with a separate dedicated gaming lounge at ground level and lounge and sports bar at ground level.

The rooftop would be available for private functions only on Thursday, Friday and Saturday evenings.

As a Hotel, the sale of alcohol for consumption off premises would also be permitted.

A summary of the key relevant details of the proposed development are provided in Table 3 below:

Table 3: Summary of proposed development			
	Basement	Ground Level	Rooftop
Net Lettable Area (m ²)	331.5	350.5	186
Publicly accessible area (m ²)	260.1	254.1	139.5
Hours of operation	7 Days 9.00am – 1.00am	7 Days 9.00am – 1.00am	Functions Only Thursday – Saturday 6.00pm – 1.00am
Patron numbers	250	250	200
Electronic Gaming Machines	0	50	0
Amplified music	Background only		
Employees	27 full time staff and 29 part time staff		

3.3 Key excerpts from development plans

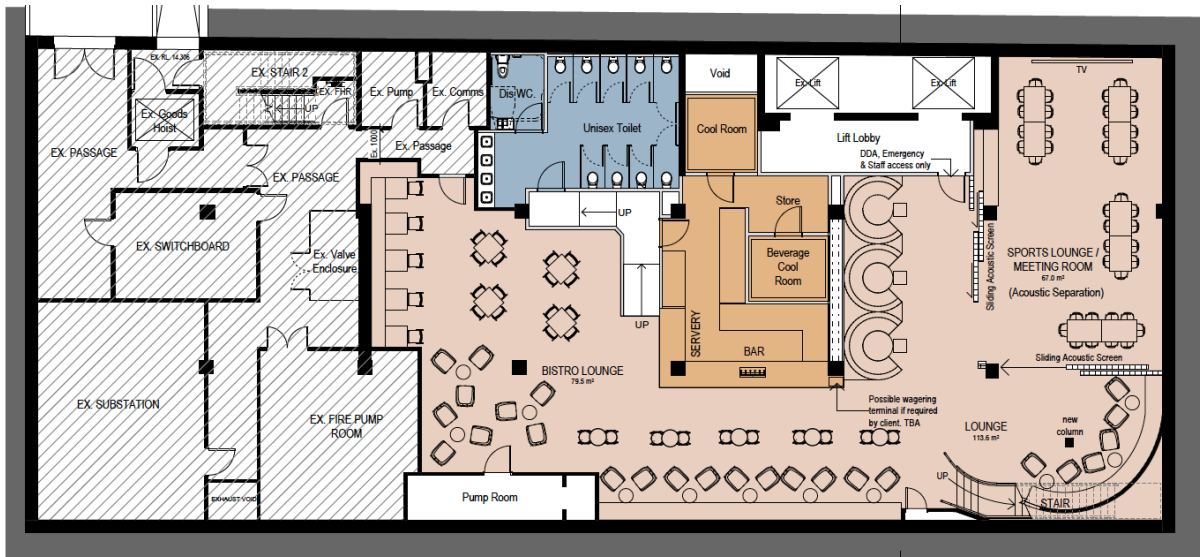


Figure 5 - Proposed Basement Level. From Drawing TP08

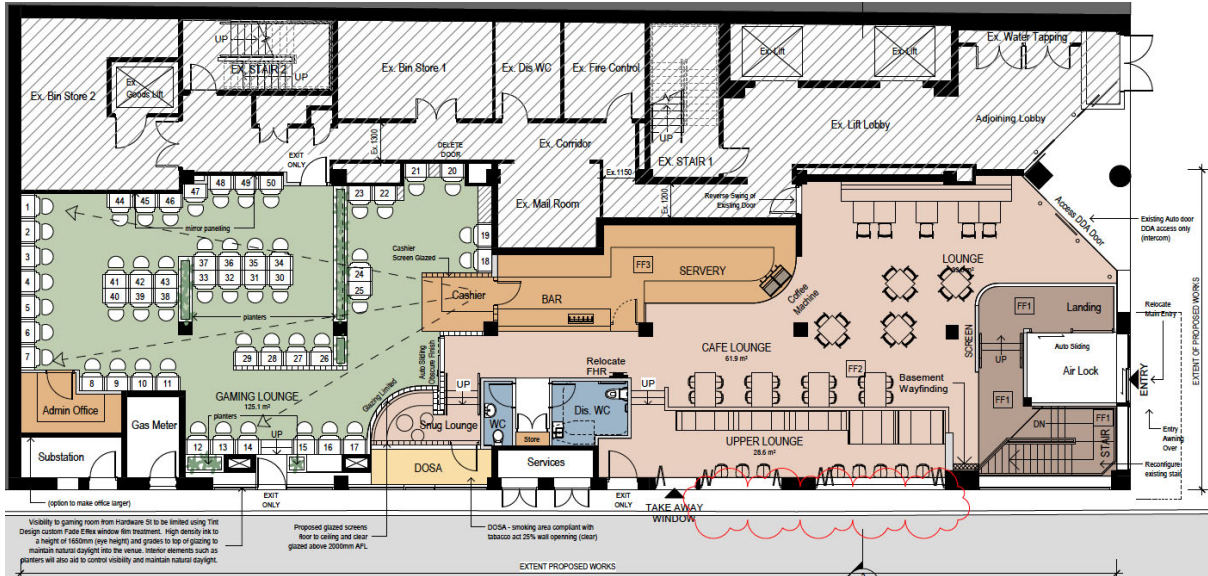


Figure 6 - Proposed Ground Level. From Drawing TP09

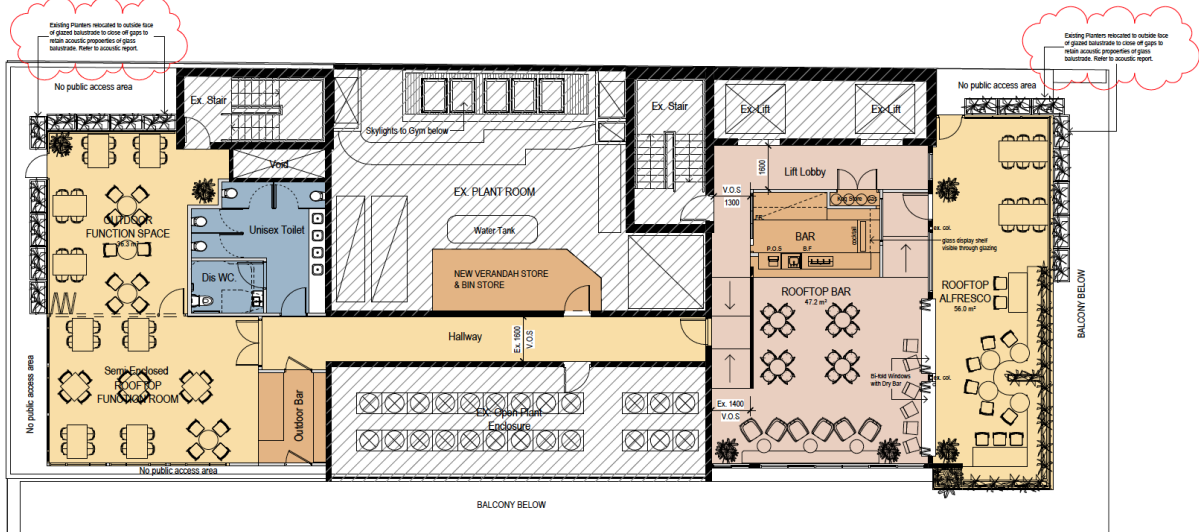


Figure 7 - Proposed Roof Level. From Drawing TP10

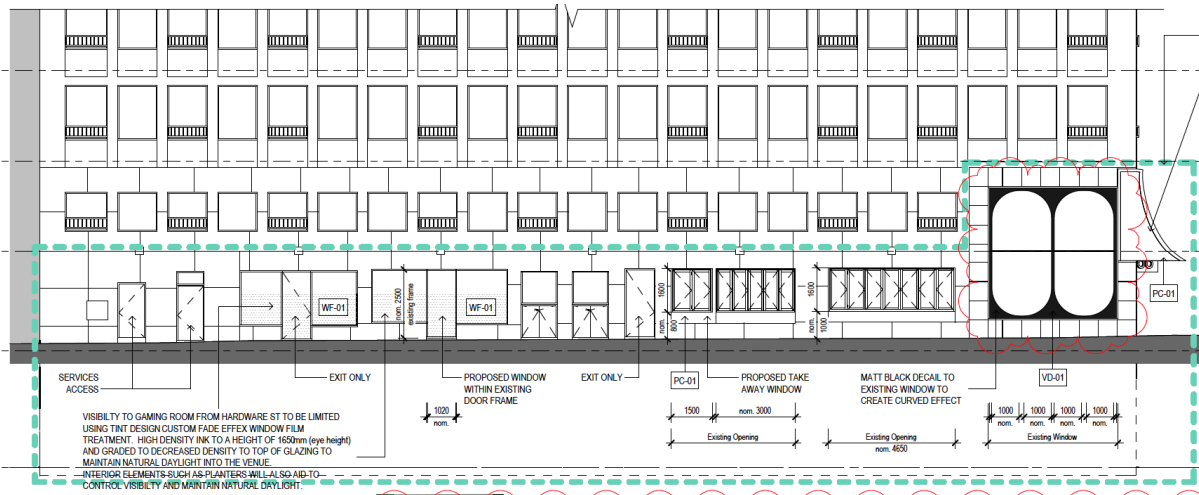


Figure 8 - Proposed Western Elevation. From Drawing TP12

4 STATUTORY CONTROLS

The following planning controls and requirements of the Melbourne Planning Scheme apply to the subject site and proposed development:

Clause	Permit Trigger
37.04 Capital City Zone Schedule 1	Pursuant to Clause 34.07-1, a permit is required to use land for the purpose of a 'Hotel'. Pursuant to Clause 37.04-4, a planning permit is required to construct a building or construct or carry out works and to demolish or remove a building.
43.02 Design and Development Overlay Schedules 1 and 10	Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.
45.09 Parking Overlay 1	Pursuant to Clause 45.09-3, a permit is required to provide car parking spaces in excess of the specified car parking rates in the schedule. As no parking is proposed, a permit is not required pursuant to Clause 45.09.
52.28 Gaming	Pursuant to Clause 52.28-3, A permit is required to install or use a gaming machine.
52.34 Bicycle Facilities	Pursuant to Clause 52.34-2, a permit is required to waive the bicycle facility requirements at Tables 1, 2 and 3 and Clause 52.34-6.

5 STRATEGIC FRAMEWORK

5.1 Planning Policy Framework (PPF)

The relevant provisions of the SPPF include:

- Clause 9 – Plan Melbourne
- Clause 10 – Operation of the State Planning Policy Framework
- Clause 13 – Environmental Risks
 - Clause 13.04 – Noise and Air
- Clause 15 – Built Environment and Heritage
 - Clause 15.01 – Urban Design
 - Clause 15.02 – Sustainable Development
- Clause 17 – Economic Development
 - Clause 17.01 – Employment
 - Clause 15.02 – Sustainable Development

5.2 Local Planning Policy Framework (LPPF)

5.2.1 Municipal Strategic Statement (MSS)

The relevant provisions of the MSS include:

- Clause 21.01 – The Municipal Strategic Statement – introduction
- Clause 21.02 – Municipal Profile
- Clause 21.03 – Vision
- Clause 21.06 – Built Environment and Heritage
- Clause 21.07 – Housing
- Clause 21.14 – Proposed Urban Renewal Areas

- Clause 21.14-1 – City North
- Clause 21.14-2 – Arden Macaulay
- Clause 21.14-3 – E-Gate
- Clause 21.12 – Hoddle Grid

5.2.2 Local Policies

The relevant local policies are summarised as follows:

- Clause 22.20 – CBD Lanes
- Clause 22.22 – Policy for Licensed Premises that Require a Planning Permit
- Clause 22.19 – Energy, Water and Waste Efficiency

6 GENERAL PROVISIONS

The following general provisions apply to the application:

- Clause 65 – Decision Guidelines, which includes the matters set out in;
- Section 60 of *the Planning and Environment Act 1987*.

7 PUBLIC NOTIFICATION

Public notice of the application was given by sending letters to the owners and occupiers of adjoining and surrounding properties on 10 January 2022 and by instructing the permit applicant to erect one public notice on the Lonsdale Street frontage of the site and one public notice on the Hardware Street frontage of the site for a 14 day period in accordance with Section 52 of the *Planning and Environment Act 1987*.

A signed statutory declaration confirming that the permit applicant had erected the public notice sign(s) in accordance with Council's requirements was returned on 15 June 2022.

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

- Buildings and works within the CCZ1.
- Buildings and works within DDO1 and DDO10.

8 OBJECTIONS

A total of 21 objections have been received as of the date of this report. Of the 21 objections 16 are unique objections and a further five are identical (pro forma) to objections from other submitters.

The concerns in objections received by Council have been summarised below.

Further consideration of the objections is given in section 11 of this report.

8.1 Summary of objector concerns

- Potential impact on gambling-related harm.
- Potential increase in crime, vandalism and anti-social behaviour.
- Potential impact on amenity and neighbourhood character with introduction of a gaming component.
- Noise from the roof terrace.
- Co-location of gaming venue with accommodation.
- Waiver of bicycle parking requirement.
- Potential for spread of Covid-19.

9 CONSULTATION

In addition to individual consultation with adjoining property owners / residents being undertaken by telephone, a copy of the objections received in respect of the application at the conclusion of the formal notice period was forwarded to the applicant for their consideration and response.

The applicant did not prepare a response to the objections.

10 REFERRALS

10.1 Internal

Conditions and notes will be included on any permit being granted to give force and effect to the recommendations and advice of Council's internal referral agencies, listed below.

10.1.1 City Safety, Health and Wellbeing

The application was discussed extensively with Council's City Safety, Health and Wellbeing team in relation to the proposal's social impact and potential for gambling related harm.

Given the concurrent (at the time) Liquor Referral from the VGCCC for the EGMs (LIQREF-2021-184), the consideration of social impacts and potential for gambling related harm was focussed on this referral.

As part of the above process, Council commissioned the preparation of Social and Economic Impact Statement by Symplan. The report, dated 13 December 2021, concludes that:

'The proposal is likely to cause or exacerbate gambling related harms to the community of the City of Melbourne in general and the community in the proposal site's catchment in particular. These disbenefits will cause disproportionate harm to those who are most at risk.'

Social and economic impacts of the proposal are discussed at Section 11.3.2 of this report.

10.1.2 Urban Design Advisor

Council's Urban Design Advisor raised concerns in relation to the opaque film treatment to windows facing Hardware Street, the location of the Designated Outdoor Smoking Area (DOSA), proposed trading to the street via takeaway windows and low height of the awnings. Their advice included the following recommendations:

- *Create a more positive relationship with the street by replacing the gaming machines adjacent to the windows with a more active program, or using a different type of screening material that adds visual interest, such as textured glass or channel glass.*
- *Relocate DOSA away from pedestrian activities.*
- *Remove the takeaway window and seating outside to ensure pedestrian safety.*
- *Ensure the awning height of above 3.5 m.*

Given the straightforward nature of the comments, the RFI Response plans, which sought to address the concerns were not re-referred to Urban Design.

These concerns are discussed at Section 11 of this report.

10.1.3 Land Survey

Council's Land Surveyor recommended a condition requiring the land that forms part of the proposal to be consolidated on one Title to ensure appropriate management of the venue. The condition should be included on any permit issued.

10.1.4 Waste Management

Council's Waste Planning Engineer advised that the Waste Management Plan (WMP) prepared by Lid Consulting dated 18 October 2021 was unacceptable based on the following grounds:

- *The table on page 2 is incomplete (the second column is missing data). There also appears to be an inconsistency in the total estimated waste volume and bin numbers / sizes / collections nominated. For example, 4 x 660 L garbage bins collected 3 times per week allows for 7920 L of*

garbage collected per week, yet only 2408 L of garbage has been estimated (7920 L aligns with our generation rates as opposed to 2408 L, so further clarification is required).

- *Collections from Timothy Lane are illegal given it is zoned as 'No Stopping'. Please nominate an alternative collection location, showing where the waste vehicle will stop for collections on a floor plan.*
- *Please include complete floor plans in the WMP, so paths of travel for tenants to the waste room can be ascertained.*
- *Please include details of the management of hard waste / e-waste and show a communal hard waste storage area on the floor plan.*

The permit applicant did not provide a response to the above comments. A condition on any permit issued will therefore require the submission of a WMP to Council's satisfaction.

10.2 External

The application was not required to be referred externally in accordance with Clause 66 of the Melbourne Planning Scheme.

11 ASSESSMENT

11.1 Key Planning Considerations

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

- Appropriateness of the hotel land use having regard to the CCZ1 and relevant State and Local Planning Policies.
- Appropriateness of the gaming premises having regard to the Decision Guidelines at Clause 52.28 (Gaming) and Council's proposed Gaming Policy.
- Potential amenity impacts.
- Built form considerations.
- Waiver of bicycle facility requirements.
- Response to objector concerns.

These matters are addressed in turn in the following sections.

11.2 Land Use

The purpose of the Capital City Zone - Schedule 1 (Outside the Retail Core) is:

- *To provide for a range of financial, legal, administrative, cultural, recreational, tourist, entertainment and other uses that complement the capital city function of the locality.*

Relevant Decision Guidelines at CCZ1 include:

- *The existing and future use and amenity of the land and the locality.*
- *The impact on the amenity of any existing dwellings on adjacent sites.*

Clause 22.12 (Hoddle Grid) provides the following policy, which is relevant to the proposed Hotel:

- *Encourage the development of a range of complementary precincts within the Hoddle Grid that offer a diverse range of specialist retail, cultural and entertainment opportunities.*
- *Support entertainment, bars, eating and other evening uses throughout the Hoddle Grid.*

Having regard to the above, it is evident that the CCZ1 and Local Policy encourages recreational and entertainment uses such as Hotels within the Central City, subject consideration of amenity impacts. Potential amenity impacts are assessed separately at Section 11.4 of this report.

As the proposal involves the establishment of a Hotel within the basement, ground and rooftop levels of the existing building, Clause 22.22 (Policy for Licensed Premises that Require a Planning Permit) also applies. The Objectives of Clause 22.22 seek:

- *To identify appropriate locations and trading hours for licensed premises.*
- *To manage the operation of licensed premises to minimise adverse impacts on the amenity of the area and maintain the positive character, image and function of the city.*
- *To ensure that the cumulative impacts of licensed premises are assessed where venues are clustered in the one location.*

An assessment against the relevant Policy directions at Clause 22.22 follows.

11.2.1 Noise

Noise impacts are assessed separately at Section 11.4 of this report.

11.2.2 Patron Numbers

Clause 22.22 states that:

'The maximum number of patrons permitted in a licensed premise should be limited to manage any unreasonable impact on the amenity of the surrounding uses and area and the maximum occupancy capacity of the premises, as determined by the Building Act 1993.'

It also includes the following policy direction for Hotels within the CCZ:

'Taverns, hotels and nightclubs which accommodate less than 100 patrons and which have appropriate noise attenuation will be encouraged throughout the Capital City Zone and Docklands Zone.'

The proposal seeks approval for a total of 700 patrons, spread across all three levels; including 250 each on the basement and ground levels and 200 on the rooftop. The Occupancy Analysis prepared by Checkpoint Building Surveyors, and submitted as part of the RFI Response indicates that the proposed patron numbers have had regard to the requirements of the Building Code of Australia (BCA).

Although not shown on the submitted drawings, the Acoustic Report prepared by Enfield Acoustics, is based on 50 patrons on the southern terrace and 30 patrons on the northern terrace; with the remaining 120 patrons within two separate internal areas.

The proposed 700 patrons represents a significant departure from the 100 encouraged at Clause 22.22. This is nevertheless considered acceptable based on the following:

- The proposed Hotel constitutes a total of four discrete lounges / bars, a rooftop bar and terrace and separate outdoor function space. At maximum capacity, the patrons would be distributed fairly evenly across the six spaces, rather than congregate in large rooms, which would have a greater propensity to lead to increased amenity impacts and anti-social behaviour.
- Due to the nature of the premises, patronage is likely to vary throughout the day and evening, and unlikely to result in a mass exodus of patrons at closing time, as is sometimes the case at more typical bars and nightclubs.
- Seating is provided for a large proportion of patrons which reduces the potential for anti-social behaviour within the proposed venue.
- Council has issued permits for licensed venues in the Central City since the introduction of the 100 patron preferred maximum on 11 November 2010, including:
 - 'HER' bar at 268-270 Lonsdale Street (328 patrons across three levels); noting that the ground and first floor bars (203 patrons) are open two hours longer than the rooftop bar (125 patrons).
 - 'Jobs Warehouse' at 54-62 Bourke Street (673 patrons).
- Although not requiring a permit, the 'Holey Moley Golf Club' at 590-592 Little Bourke Street, benefits from a Liquor Licence capping patron numbers at 700. Although the venue is not categorised as a bar or hotel, there is still a requirement to limit amenity impacts to the surrounding area as a result of the patronage associated with the consumption of liquor on premises.
- Offsite amenity impacts, including noise, are discussed at Section 12.4 of this report.

As the caps on patrons on terraces are recommended in the acoustic report a condition on any permit issued will require this to be annotated on amended plans.

11.2.3 Hours of Operation

Clause 22.22 states that:

'Applications to extend operating hours beyond the hours otherwise specified for indoor and outdoor areas within this policy will only be supported where the further extension of hours will not unreasonably impact on the amenity of the surrounding area.'

It also includes the following policy direction for Hotels within the CCZ:

- *Hours of operation of taverns, hotels and nightclubs in the Capital City Zone and Docklands Zone should be limited to 1am.*
- *Outdoor areas, including smoking areas, rooftops and open courtyards, should not be occupied past 1am and in noise sensitive areas alcohol should not be consumed in those areas after 11pm.*

As depicted at Figure 2, the subject site abuts a number of high rise apartment buildings, and is therefore classified as a noise sensitive area.

The venue is proposed to operate between 9am and 1am, 7 days a week. The rooftop component, including the outdoor terraces, is proposed to be used for private functions only and would operate Thursday, Friday and Saturday between 6pm and 1am.

The operation of the *indoor* components of the proposal is consistent with Council's Policy and therefore achieves an appropriate balance between contributing to the night-time economy and protecting residential amenity.

The operation of the outdoor terraces until between 11pm and 1am is, however, inconsistent with Policy at Clause 22.22. The permit applicant submits that this is nevertheless acceptable, as the submitted acoustic report states the outdoor terraces still meet relevant acoustic requirements, that closing roof terraces at 11pm would limit the viability of the rooftop venue, and that Council has approved other roof terraces within the Central City until 1am.

In response, it is worth noting that the venues referred to in the Applicant's submission varied from the proposal in critical ways, including:

- 'HER' bar at 268-270 Lonsdale Street has a smaller roof terrace and does not directly adjoin any dwellings.
- 'Loop' bar at 19-23 Meyers Place was approved by VCAT after the initial application (TP-2011-781) was refused by Council. The venue does not directly adjoin any dwellings, and has also been the subject of extensive enforcement proceedings due to complaints from nearby residents.
- A key consideration in the operation of a rooftop bar at the Crafty Squire at 115-127 Russell Street (TP-2021-200) until 1am was that it benefited from existing use rights as a Hotel.

It is acknowledged that neighbouring residents cannot expect the same level of amenity as those residing within suburban areas. It is for that reason that Council's Policy allows for roof terraces to operate until 11pm within the Central City, as opposed to 6pm in residential areas. Whether or not the roof terraces are able to meet acoustic requirements, it is considered that they would nevertheless be unduly disruptive to the amenity enjoyed by neighbouring residents.

Operation of the outdoor terraces between 11pm and 1am is therefore **not** supported and a condition on any permit issued should therefore limit trading on the outdoor terraces to 11pm.

11.3 Gaming Premises

The primary guidance for the assessment of gaming premises is at Clause 52.28 (Gaming), which seeks:

- *To ensure that gaming machines are situated in appropriate locations and premises.*
- *To ensure the social and economic impacts of the location of gaming machines are considered.*
- *To prohibit gaming machines in specified shopping complexes and strip shopping centres.*

Relevant Decision Guidelines include:

- *The compatibility of the proposal with adjoining and nearby land uses.*
- *The capability of the site to accommodate the proposal.*
- *Whether the gaming premises provides a full range of hotel facilities or services to patrons or a full range of club facilities or services to members and patrons.*

Although the Planning Scheme includes a specific Local Planning Policy on Gaming (Clause 22.12) it does not apply to proposals within the Capital City Zone (other than Schedule 5).

As described at Section 2.2 of this report, Amendment C366, which is now seriously entertained, proposes to significantly update Council's Gaming Policy, including its application to all land within the City of Melbourne.

The new Gaming Policy is sought to form part of a Schedule to Clause 52.28 (Gaming) and seeks:

- *To minimise gambling-related harms to individuals and the community and ensure that gaming machines are situated in appropriate locations and premises to minimise convenience gambling.*
- *To ensure that where gaming machines operate, they do so as part of an overall range of social, leisure, entertainment and recreation activities and facilities.*
- *To manage the concentration of gaming machines and gaming venues away from areas or communities vulnerable to gambling related harms.*
- *To discourage the proliferation of gaming premises in locations where the predominant use is residential.*
- *To ensure that the location and operation of gaming machines increases community benefit and decreases community disbenefit.*

An assessment against the Objectives and Decision Guidelines of Clause 52.28 and the proposed Schedule follows.

11.3.1 Location

Policy in the proposed Schedule to Clause 52.28 encourages gaming venues to be located in areas with a range of non-gaming entertainment, leisure, social and recreation uses; away from relatively disadvantaged areas; and not within residential buildings or areas. New gaming venues should also not be in direct line of site of:

- A shopping complex (whether or not listed in the Schedule to Clause 52.28-4).
- Core retail areas.
- A supermarket or other convenience retail facility targeted to meet the day to day needs of customers.
- An existing gaming venue.
- A train station or major tram stop.

Such venues should also not be functionally or visually integrated with:

- A gambling sensitive service or facility that is used by people experiencing or vulnerable to gambling-related harms such as the offices of specific problem gambling services, financial counselling services and material and financial aid services.
- Concentrations of student accommodation.
- Social housing (housing for people on lower incomes that is owned or leased by the Department of Health and Human Services, registered housing associations or not-for-profit housing organisations).

The proposal is generally consistent with the above policy directions, based on the following:

- The site is located within the Central City and enjoys convenient access to a wide range of non-gaming entertainment and recreation uses, including cinemas, ten-pin bowling, karaoke bars, billiard rooms and a range of theatres, galleries, restaurants, bars and cafes.
- As outlined in the Social and Economic Impact Assessment (SEIA) prepared by Symplan on behalf of the City of Melbourne, the municipality is not considered to be one of socio-economic disadvantage.
- Given its ground level location and extent of surrounding built form, it is not within direct line of sight of any of the locations referred to in the Schedule to Clause 52.28.
- The site is within close proximity (less than 20 metres) of two law firms, and a Government organisation at 116 Hardware Street that provide services to clients affected by gambling harm. The aforementioned support services are not, however, visually or functionally integrated with the proposed venue.

Further to the above, it is noted that the venue is proposed within a serviced apartment building, which is a type of short-term accommodation. This aspect of the proposal was interrogated in detail at the VGCCC hearing on 31 January to 3 February 2022, where it was confirmed that the Brady Hotel comprises 147 serviced apartments and can be booked from one night up to six months. In its decision, the VGCCC stated that, in their view, the existing serviced apartments are not consistent with the definition of 'permanent residential accommodation' in the Ministerial Guidelines.

Although the serviced apartments are self-contained, and could revert to permanent residential accommodation, the application must be considered based on existing site conditions. On that basis, it is considered that the location of the proposed gaming venue is acceptable.

11.3.2 Social and Economic Impacts

Current and proposed Gaming Policy seeks to ensure that social and economic impacts are considered, and to minimise the potential for gambling harm.

As noted in the preceding section, the SEIA prepared by Symplan found that the City of Melbourne broadly is not an area of social and economic disadvantage compared to Greater Melbourne. As illustrated in Figure 9 below, this average somewhat obscures the wide range of socio-economic disadvantage within the Central City, which has a greater level of relative disadvantage than most areas outside of the Central City.



Figure 9 - Index of relative socio-economic disadvantage map from the Symplan SEIA, where 1 represents the most disadvantaged and 5 is the least disadvantaged

In that regard, the report states (at Paragraph 135) that:

The community within the 400m catchment displays relatively high levels of socio-economic disadvantage, compared with the City of Melbourne.

And (at Paragraph 137):

The community in the proposal site's catchment is considered somewhat at risk of gambling related harms.

Based on an assessment of the proposal and its location, the SEIA states that it would have the following potential **benefits**:

- *Economic:*
 - *Community contribution (marginal)*
 - *Employment generation (marginal)*
 - *Economic stimulus (marginal)*
 - *Tourism (marginal)*
 - *EGM expenditure not associated with gambling-related harms (marginal)*
- *Social:*
 - *Community contribution - cash (marginal)*
 - *Community contribution – in kind (negligible)*
 - *Opportunities to use EGMs for those not affected by gambling-related harm (marginal)*
 - *Access to non-gambling social, leisure, recreation and entertainment facilities (negligible)*

And the following potential **disbenefits**:

- *Economic:*
 - *EGM expenditure associated with gambling-related harm (low to moderate)*
- *Social:*
 - *Community sentiment (moderate)*
 - *Gambling-related harms (moderate to significant).*

Having regard to the above findings, the report concludes that:

'The proposal is likely to cause or exacerbate gambling related harms to the community of the City of Melbourne in general and the community in the proposal site's catchment in particular. These disbenefits will cause disproportionate harm to those who are most at risk.'

The above assessment was considered in detail at the VGCCC hearing, where the assessment and evidence of the proponent were favoured over that presented on behalf of the City of Melbourne. The report prepared by the VGCCC concludes (at Paragraph 109) that the proposal would **not** result in net detriment to the social and economic wellbeing of the community in the municipal district in which the Premises are located.

Given the rigorous assessment process undertaken by the VGCCC in relation to the potential for gambling harm as a result of the proposal, the final decision of the VGCCC is accepted.

11.3.3 Design, Layout and Facilities

The proposed Schedule to Clause 52.28 includes the following Policy direction in relation to the location of gaming machines within a venue:

'Gaming machines should be located:

- *In venues that offer alternative forms of non-gambling activities, such as social, leisure, entertainment and recreation activities during gaming hours*

- *In existing venues approved for the operation of gaming machines in preference over new venues*
- *In venues where the gaming area is physically, visually and functionally separated from non-gambling facilities, passers-by, pedestrian and vehicular access and car parking*
- *In venues that have signage that is of high quality design and does not detract from the visual appearance and amenity of the surrounding area.*

*Gaming machines should **not** be located:*

- *In venues that operate for 24 hours per day*
- *In venues where the gaming area is more than 25 per cent of the total leasable floor area that is open to the public.'*

It is considered that the layout and design of the proposed gaming venue is consistent with the Policy and Decision Guidelines of the proposed Schedule to Clause 52.28 based on the following:

- The proposed hotel includes a range of facilities and activities including a cafe lounge, bistro lounge and sports lounge in addition to the gaming room.
- The gaming room is located to the rear of the venue at ground level, and is only accessible via Lonsdale Street (not via Hardware Street).
- The gaming room is screened from Hardware Street, and would not be readily visible by pedestrians. The potential for convenience gambling as a result of exposure to gaming opportunities would therefore be reduced.
- The gaming room would be closed for a minimum of eight hours each day between 1am and 9am.
- The gaming room comprises approximately 22 per cent of the publicly accessible indoor areas of the overall venue (i.e. including the rooftop bar).
- No signage is proposed as part of the application.
- Although the Policy expresses a preference for expanded, rather than new venues, this is a preference rather than clear direction.

As it is critical that the other facilities remain open at the same time as the gaming room, a condition should be placed on any permit issued, requiring such.

11.4 Potential amenity impacts

The Policy basis for Clause 22.22 (Policy for Licensed Premises that Require a Planning Permit) acknowledges that:

'Some parts of the municipality (especially the Central City) are encouraged to develop as a "24 hour" precinct where a range of activities, including licensed premises are supported.'

And

'Well managed licensed premises contribute positively to the activity, appearance, character, and image of the area.'

As noted previously in this report, the subject site adjoins several residential buildings, and the proposal must therefore be designed to minimise adverse amenity impacts on the surrounding area. An assessment against potential cumulative impacts, noise and anti-social behaviour follows.

11.4.1 Cumulative impact

Decision Guidelines at Clause 22.22 require Council to consider, inter alia:

'The cumulative impact of any existing and the proposed liquor license, the hours of operation and number of patrons, on the amenity of the area.'

The immediately surrounding area, like the majority of the Central City, includes a large number of licensed venues (including restaurants, cafes, bars and hotels), with over 20 within a 100 metre radius of the site.

Despite the addition of a Hotel, it is considered that it would not contribute unreasonably to cumulative impact based on the following:

- The proposed hotel is distinct from nearby late-night venues, and would likely attract a different clientele to the bars and nightclubs within proximity of the site.
- The venue would cease operation at 1am, which is consistent with other late-night venues, and with the preferred hours of operation at Clause 22.22.
- The premises has a high proportion of seating for patrons, with a limited focus on vertical drinking.
- It is unlikely to generate significant queuing outside the venue.

11.4.2 Acoustic impacts

Policy at Clause 22.22 states that:

'The licensed premises should be operated to ensure that noise emissions from the premises:

- *Will not have an unreasonable impact on the amenity of the surrounding area;*
- *Comply with the standards as specified in the State Environmental Protection Policies; and*
- *Are regulated and monitored, making use of noise limiters where appropriate.'*

Although only background music is proposed as part of the application, given its incorporation of a rooftop bar / function venue and outdoor terraces, due consideration of the acoustic impacts to neighbouring and nearby residents, as well as serviced apartments within the same building is critical.

The site is not affected by an Overlay or other planning control which sets a specific benchmark for noise limits within nearby noise sensitive receivers (such as dwellings).

In order to properly assess this impact, the applicant submitted an Acoustic Report prepared by Enfield Acoustics, dated 24 November 2021. As the report was prepared during a lockdown period of 2021, it is based on both acoustic logging on site, as well as experience on comparable nearby sites. Given the circumstances, this is considered appropriate.

The report concludes that the proposal would comply with relevant acoustic requirements, including patron noise; noting in particular that:

- *Amplified background where played within Ground level uses is expected to comply with the Noise Protocol. To mitigate any risk of non-compliance, we recommend that a ceiling be constructed on Ground Floor in accordance with Section 4.1.1 of this report.*
- *Amplified background music where played within the rooftop outdoor function space, semi-enclosed function room and rooftop bar (indoors only) are expected to comply with the Noise Protocol, providing that it is played at background levels, no greater than the levels presented in Section 4.2.1 of this report (when measured at distance of approximately 3 m from loudspeakers).*
- *Patron noise emissions are expected to comply with patron noise targets at all identified sensitive uses, noting that a glass balustrade has already been installed within the outdoor rooftop areas. Existing planter boxes (or equivalent) around the terrace would also need to be retained so that gaps at the foot of the existing balustrade are closed off; and*
- *No adverse noise impacts are expected from Basement level use as the nearest sensitive uses (Level 1 apartments) are inherently separated by Ground level.*

The report also recommends a number of conditions be placed on any permit issued, giving effect to the above findings.

In addition to the recommended conditions, the following should also be included on any permit issued:

- A requirement for an updated Management Plan which requires all glass louvers on the rooftop to be closed at 10pm to comply with the external noise targets for the night period.

- An amended Roof Plan be submitted which sets maximum patron numbers for each of the publicly accessible spaces on the roof level.

Furthermore, Section 4.2.1 of the Acoustic Report states that:

Our inspection of the glass balustrades indicate that they would provide mitigation similar to an acoustic fence, given that there are no gaps between the glass panes. While a small gap exists to the foot of the balustrade, there are planter boxes (that are to be retained) that effectively seals the gap.

This is inconsistent with the proposed rooftop plans which show the planter boxes removed and placed on the *outside* of the retained balustrades. As the report relies on their retention, this needs to be reflected in an updated report.

Subject to the above conditions, it is considered that noise emanating from the proposal would not unreasonably impact the acoustic amenity enjoyed by neighbouring and nearby residents.

11.4.3 Anti-social behaviour

Clause 22.22 requires that applications for hotels should provide a Management Plan which sets out obligations for the future management of the venue so as to avoid anti-social behaviour within and surrounding the premises.

The Plan of Management, dated December 2021, submitted as part of the application generally addresses the requirements of Clause 22.22 and is likely to reduce the potential for anti-social behaviour.

The following additions and changes are, however, required in order for it to be acceptable:

- Revised requirements for smoking. Point 22 directs patrons to leave the premises to smoke, despite a DOSA proposed at ground level. This section should be updated to reflect this, and direct smokers to this space to minimise impacts on members of the public.
- Revised Hours of Operation in accordance with Section 11.2.3 of this report.
- A requirement for all glass louvers on the rooftop to be closed at 10pm in accordance with Section 11.4.2 of this report.
- Details of lighting within and outside the boundaries of the site.

Subject to the above conditions and changes, the proposal is not considered to significantly contribute to anti-social behaviour.

11.5 Built form considerations

The proposal involves some external alterations to the existing building to accommodate the proposed use. The ground level and rooftop works are assessed separately below.

11.5.1 Ground level

At ground level, the proposal involves a small amount of demolition (as depicted in Figures 10 and 11) to allow for the creation of a new entry, external changes and a DOSA (as depicted in Figures 12 and 13).

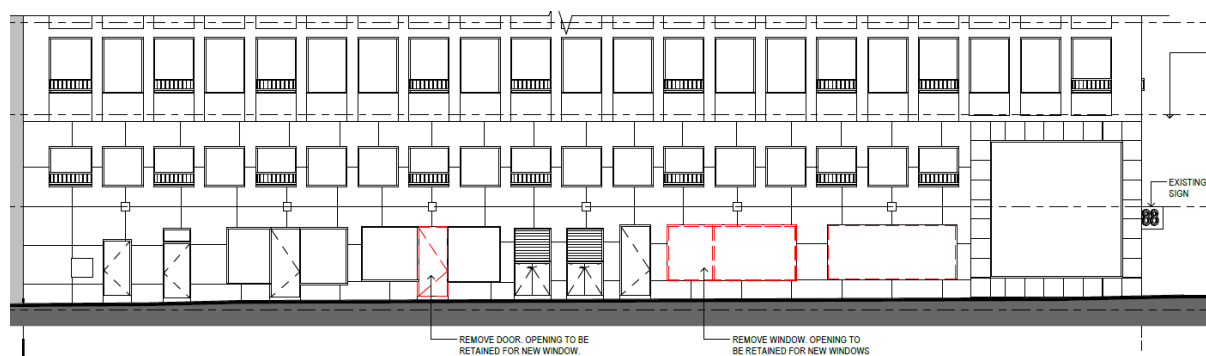


Figure 10 - Proposed demolition at ground level of the Hardware Street elevation. From Drawing TP06

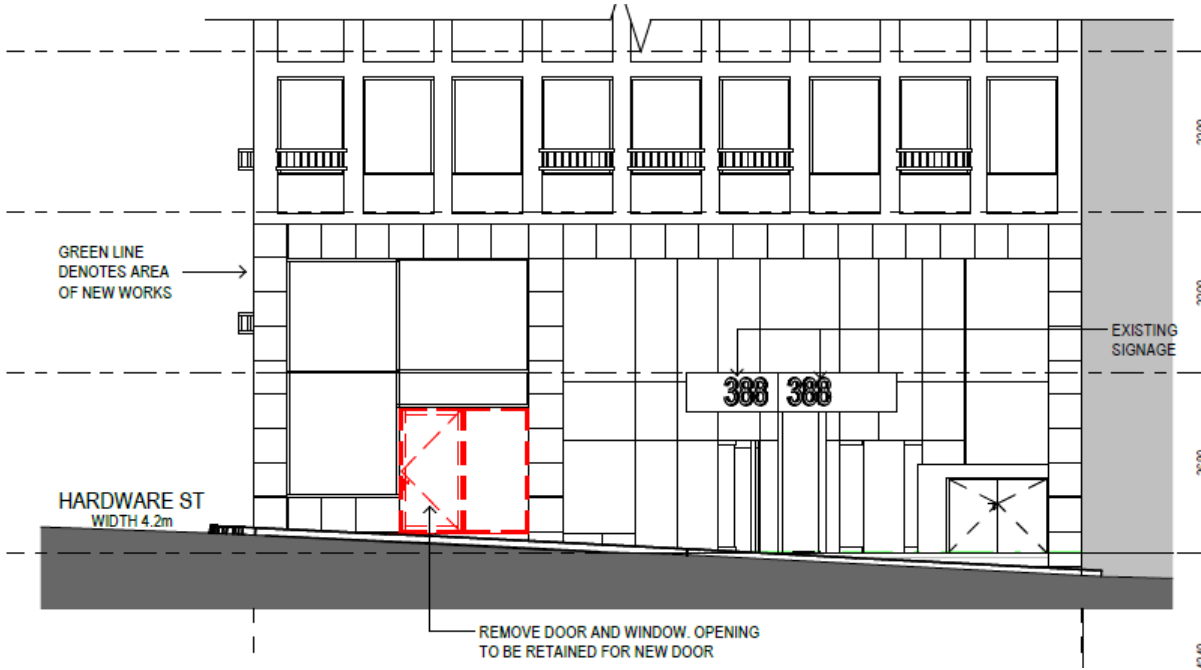


Figure 11 - Proposed demolition at ground level of the Lonsdale Street elevation. From Drawing TP06



Figure 12 - Proposed works at ground level along the Hardware Street frontage. From Drawing TP12

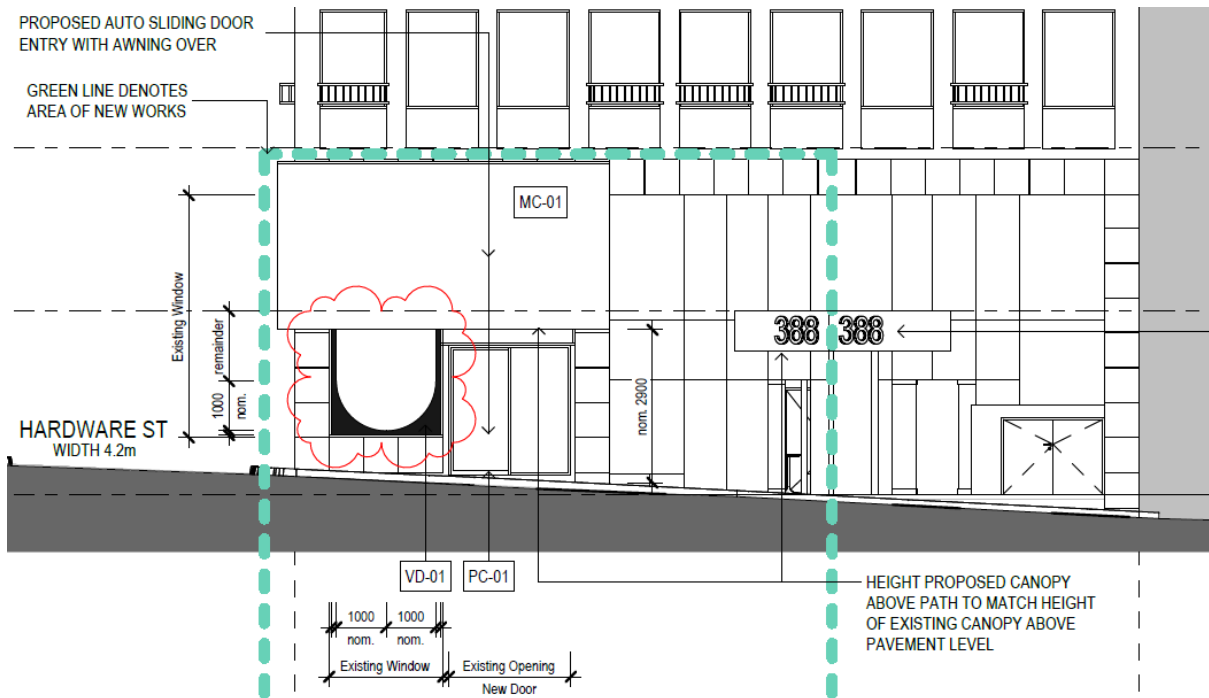


Figure 13 - Proposed works at ground level along the Lonsdale Street frontage. From Drawing TP12

The site is affected by Schedule 1 to the Design and Development Overlay (DDO1) which seeks:

- To ensure that all development achieves high quality urban design, architecture and landscape architecture.
- To ensure that development integrates with, and makes a positive contribution to, its context, including the hierarchy of main streets, streets and laneways.
- To ensure that development promotes a legible, walkable and attractive pedestrian environment.
- To ensure that the internal layout including the layout of uses within a building has a strong relationship to the public realm.
- To ensure that development provides a visually interesting, human scaled and safe edge to the public realm.

Hardware Street is also identified as a 'Class 1 Lane' at Clause 22.20 (CBD Lanes), which are defined as follows:

'Class 1 lanes show signs of all four core value characteristics and support a high level of pedestrian activity. The character and/or function of these lanes are significant and require protection.'

Relevant Objectives at Clause 22.20 seek, inter alia:

- To enhance the climatic conditions and amenity of the laneway to encourage more intensive pedestrian use and social activity.
- To encourage activity, vitality and interaction between public laneways and adjacent private uses.
- To carefully manage future development in and adjacent to Class 1 lanes to protect their significant character and function.
- [To] discourage developments from locating primary access and loading facilities on Class 1 and Class 2 lane ways...

Noting the relatively blank interface to the street, the overall concept of introducing an active use at ground level is positive, and improves the potential for interaction between this Class 1 laneway and the building. As set out at Section 10.1.2, Council's Urban Designer identified a number of concerns and recommended that the development be amended to:

- Create a more positive relationship with the street by replacing the gaming machines adjacent to the windows with a more active program, or using a different type of screening material that adds visual interest, such as textured glass or channel glass.
- Relocate DOSA away from pedestrian activities.
- Remove the takeaway window and seating outside to ensure pedestrian safety.
- Ensure the awning height of above 3.5 m.

These concerns were forwarded to the permit applicant who submitted several discussion drawings to address the interface between the gaming lounge and adjacent laneway. The final version, dated 19 May 2022 shows the replacement of the dark window film with a combination of timber and metal blade louvers. This is considered to be a higher quality and more robust response to the streetscape, which achieves an acceptable balance between interactivity, daylight access and minimising views of the EGMs. A condition on any permit issued should therefore require the design changes shown in the aforementioned drawings to be included in the endorsed plans.

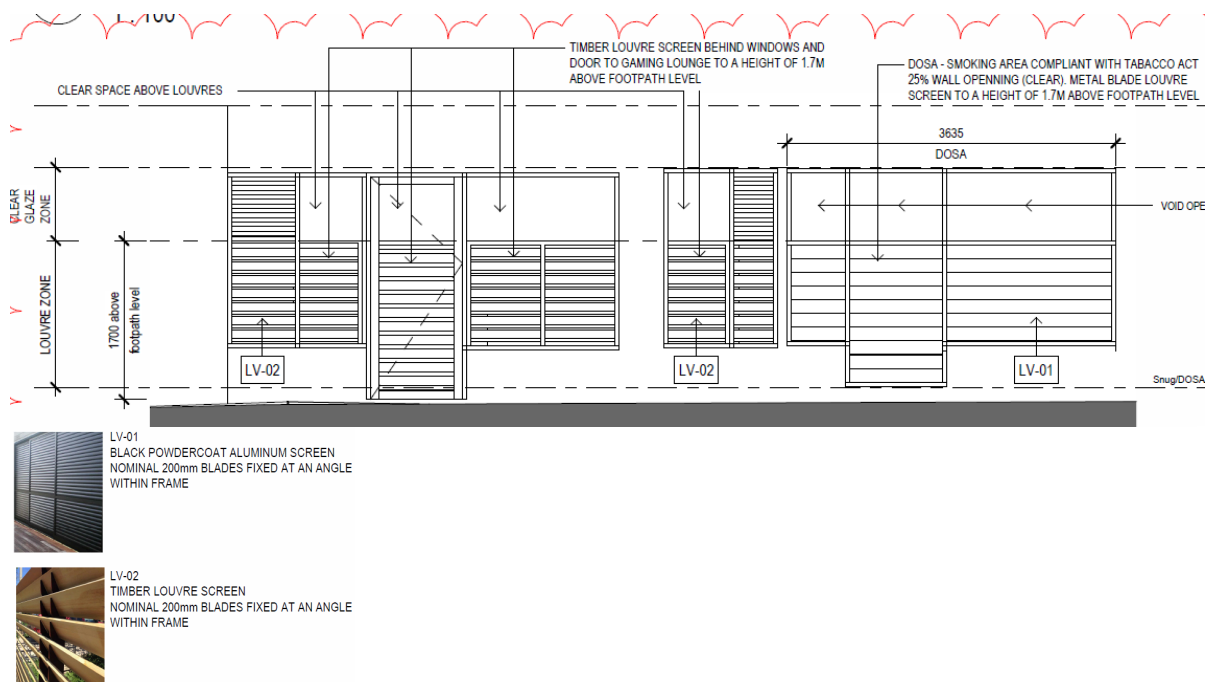


Figure 14 - Extracts from the Discussion Drawings dated 19 May 2022 showing the revised treatment to the gaming lounge and DOSA

The other outstanding matters are addressed below:

- The inclusion of a DOSA reduces the impact of smoking on the public realm and is located towards the rear of the premises. As there is no opportunity to create a DOSA away from a street frontage, the proposed location is considered to be acceptable.
- The inclusion of a take away window is not supported, given the potential for queuing within Hardware Street to hinder pedestrian movement. A condition should therefore be included on any permit issued removing reference to a take away window.
- The proposed replacement canopy would achieve a clearance of approximately 2.7 metres above the Lonsdale Street footpath. This is less than the three metres stipulated in Council's *Road Encroachment Guidelines*. A condition on any permit issued will therefore require the awning to be redesigned so as to comply with the Guidelines.

11.5.2 Rooftop

The proposed works at the rooftop are also relatively minor and consist of:

- Demolition of planter beds, some internal and external walls.

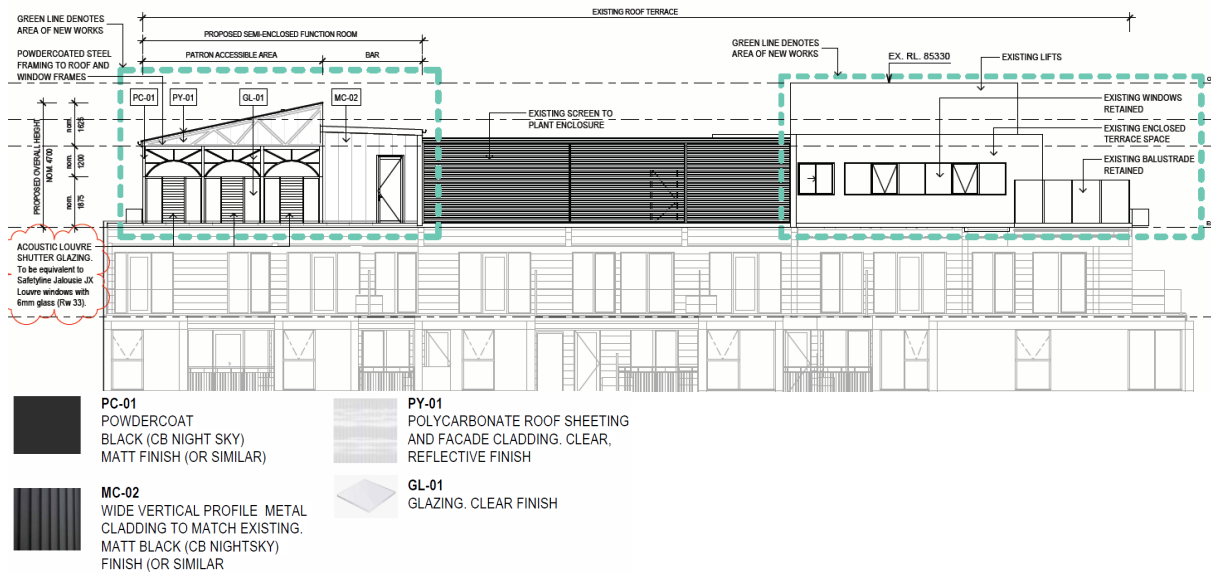


Figure 17 – Proposed West Elevation showing the rooftop works. From Drawing TP13

The site is covered by Schedule 10 to the Design and Development Overlay, which includes specific controls relating to building heights, setbacks, wind and overshadowing. A brief assessment against these provisions follows:

Building height

The proposal does not vary the maximum overall building heights.

Street wall height

The proposed works do not vary the existing street wall height.

Setbacks above the street wall

The works do not reduce the minimum building setbacks from either street frontage.

Side boundary setbacks

Table 3 to DDO10 requires the following side and rear boundary setbacks for additions above the street wall and up to 80 metres in height:

‘Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres.’

Setback is defined at DDO10 as: *‘the shortest horizontal distance from a building façade, including projections such as balconies, building services and architectural features greater than 300 mm, to the boundary.’*

The existing terraces on the rooftop are bordered by glass balustrades that are approximately 1.8 metres high. As they are greater than 300 mm in height, the existing building setbacks are therefore defined by the glass balustrades, which are set back approximately 1.5 metres from the northern boundary.

As a result, the proposed enclosed and semi-enclosed terraces on the northern side of the rooftop do not technically vary the existing setback of the building on the rooftop.

The proposal does, however, propose to locate planter boxes between the retained glass balustrades and the northern boundary. These planter boxes are greater than 300 mm in height and would be prohibited in accordance with Table 3 to DDO10. A condition on any permit issued must therefore require their deletion.

Owing to the fact that the submitted acoustic report is based on the proposed planter boxes, it would also need to be updated to reflect the amendment.

Wind impacts

The proposal involves the construction of two small rooms and semi-enclosed spaces on an existing rooftop. These structures are no more than 4.7 metres in height and lower than existing rooftop plant. They are also set back from the building parapet further than existing structures, and it is therefore highly unlikely that they would cause additional wind impacts.

Overshadowing

Table 2 to DDO10 states buildings and works should not cast additional shadow over Hardware Street between 12pm and 2pm and between 22 April and 22 September, unless the overshadowing will not unreasonably prejudice the amenity of the space.

As the proposed works are located on the northern side of existing rooftop built form and do not increase the overall height of the building, they would not cast additional shadow over Hardware Street, located to the south of the site.

11.6 Traffic

11.6.1 Bicycle facilities

Pursuant to Clause 52.34 (Bicycle Facilities), the proposal, with 139.5 m² of publicly accessible bar and 514 m² of lounge area, generates a demand for 12 bicycle spaces, comprising six for employees and six for patrons. One shower and change room for employees is also required.

No bicycle parking is proposed within the premises and a full waiver is sought as part of the application.

The waiver of bicycle parking is generally supported based on the following:

- The proposal is for a new use within an existing building, which does not offer the same flexibility as a new building in relation to the provision of bicycle facilities.
- The vacant retail tenancies at ground and basement levels are not afforded any bicycle facilities.
- The anticipated clientele is less likely to travel to and from the site on bicycles.
- If there is demonstrable demand for bicycle parking, there are plentiful opportunities for additional on-street bicycle facilities which could be provided by Council.

Notwithstanding the above, the majority of the bicycle parking demand is for employees of the Hotel. The application material suggests that a total of 27 full time staff and 29 part time staff would be employed by the premises, with no indication of maximum staff at any one time. Hotel staff, which include gaming room attendees, kitchen, bar, function and administration staff are considered more likely to travel to and from the site on a bike.

As the basement level enjoys direct lift access for DDA, emergency access and employees; it is considered that there is sufficient space within the basement for the provision of six bicycle hoops or hooks for employees which will be required as a condition of permit. This represents half the overall demand, and is considered appropriate for a Hotel of this scale in order to promote sustainable forms of transport.

11.6.2 Car Parking

The proposal does not include any off-street car parking spaces. This is consistent with the requirements of Schedule 1 to the Parking Overlay and is an appropriate outcome for the site.

11.7 Sustainability

Clause 22.19 (Energy, Water and Waste Efficiency) seeks to:

- *Minimise the production of greenhouse gas emissions and maximise energy efficiency.*
- *Minimise mains potable water use and encourage the use of alternative water sources.*
- *Minimise waste going to landfill, maximise the reuse and recycling of materials and lead to improved waste collection efficiency.*

The proposal involves only a minor extension to the existing building on the site, and it is not considered appropriate to require the submission of an ESD report addressing the above objectives and relevant application requirements.

Importantly, Condition 13 of Planning Permit TP-2014-370/C which allowed the recent extension to the existing building refers to an endorsed Sustainability Management Plan (SMP) prepared by Wood & Grieve Engineers and dated 23 May 2014. This SMP states that the development had the potential to achieve a 5 Star Green Star Design rating and could achieve one point for the WAT-1 credit. The existing building therefore exhibits a high degree of environmental sustainability.

In relation to waste efficiency, as noted at Section 10.1.4, Council's Waste Planning Engineer advised that the Waste Management Plan (WMP) prepared by Lid Consulting dated 18 October 2021 was unacceptable. A condition on any permit issued should therefore require the submission of a WMP to Council's satisfaction.

11.8 Objector concerns

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

11.8.1 Overlooking

One objector raised concerns in relation to overlooking into their neighbouring apartment from the rooftop bar / function rooms.

As a Hotel, there is no statutory requirement for the minimisation of overlooking into nearby habitable rooms or secluded private open space.

11.8.2 Potential for spread of Covid-19

One objector raised concerns in relation to the potential for the proposed use to accelerate the spread of Covid-19. Managing public health measures such as viral contagions is not within the remit of a planning merits assessment.

12 CONCLUSION

Subject to conditions, the proposed development will respond appropriately to its context, minimise the potential for gambling related harm, not unreasonably impact on the amenity of the surrounding area, and comply with relevant State and Local Planning Policies, including Clause 22.22 (Policy for Licensed Premises that Require a Planning Permit) the proposed Schedule to Clause 52.28 (Gaming Premises) and Schedules 1 and 10 to the Design and Development Overlay.

13 RECOMMENDATION

Having considered all relevant provisions of the Melbourne Planning Scheme, in addition to the matters required under Section 60 of the *Planning and Environment Act 1987*, Planning recommends that the Future Melbourne Committee issue:

- A Notice of Decision to Grant a Permit, subject to the conditions set out below.

13.1 Permit Preamble

Use of land for Hotel and Gaming Premises, associated partial demolition and buildings and works and waiver of bicycle facility requirements.

13.2 Permit Conditions

Amended Plans

1. Prior to the commencement of the development, including demolition, plans drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans prepared by Insite Architects dated 3 December 2021 (TP00 – TP13), but amended to show:
 - a) The design revisions detailed in the discussion plans prepared by Insite Architects, dated 19 May 2022 which include:

- i. Additional demolition along the Hardware Street frontage at ground level.
 - ii. The replacement of obscure windows with timber and aluminium battens along the Hardware Street frontage at ground level.
- b) Deletion of all planter boxes located on the northern side of the retained glass balustrades on the rooftop.
 - c) The clearance of the awning along Lonsdale Street increased so as to comply with City of Melbourne's Road Encroachment Operational Guidelines.
 - d) Sets maximum patron numbers for each of the publicly accessible spaces on the roof level consistent with the Acoustic Report required by condition 20.
 - e) Removal of all labels referring to a 'Take Away Window' at ground level.
 - f) Introduction of at least six bicycle spaces within the basement for use by employees.
 - g) The Title Boundary clearly labelled on all plans.
 - h) Any changes as required by the Waste Management Plan required by condition 17.
 - i) Any changes as required by the Acoustic Report required by condition 20.

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

Layout not altered and satisfactory completion

2. The development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
3. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.
4. Prior to the commencement of the use, all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.

Hours of operation

5. Except with the prior written consent of the Responsible Authority, the premises must only be open for the use between the following hours:

Basement and Ground Levels	
Monday to Sunday excluding Good Friday and Anzac Day	9.00am – 1.00am
Good Friday and Anzac Day	12.00pm – 1.00am

Rooftop		
	Indoor areas	Outdoor areas
Thursday to Saturday excluding Good Friday and Anzac Day	6.00pm – 1.00am	6.00pm – 11.00pm
Good Friday and Anzac Day	12.00pm – 1.00am	12.00pm – 11.00pm

Patron numbers

6. The maximum number of patrons on the premises must be no more than:
 - a) 250 at basement level
 - b) 250 at ground level
 - c) 200 at roof level, with no area exceeding the maximum nominated on the endorsed roof plan

at any one time unless with the prior written consent of the Responsible Authority.

7. Patron numbers must be counted and logged, and records must be made available on request to an authorised police officer, an authorised officer of Council, or an authorised officer under the *Liquor Control Reform Act 1998* at any time.

Use of the Hotel

8. At all times when the premises is open for business, a designated manager must be in charge of the premises.
9. A sign must be attached to an internal wall in a prominent position adjacent to the entry / exit point to advise patrons to leave the premises in a quiet and orderly fashion. The sign must be to the satisfaction of the Responsible Authority.
10. Prior to the commencement of the use, a clearly legible sign must be placed directly outside the entrance to the premises, providing a telephone number effective for contacting the designated manager at all hours during which the premises is operating. The design, lighting and maintenance of the sign must be to the satisfaction of the Responsible Authority.
11. No amplified live music or entertainment is permitted on the premises without the prior written consent of the Responsible Authority.

Gaming venue

12. The number of Electronic Gaming Machines shall not exceed 50.
13. All facilities at ground and basement levels, including all lounges and serveries must be open to members of the public while the Electronic Gaming Machines are in use.

No sexually explicit entertainment

14. Sexually explicit entertainment must not be provided on the premises at any time. Sexually explicit entertainment is that provided by a person or persons who are nude, display sexual organs or are topless females. Entertainment includes “table-top” dancing “lap” dancing, topless bar serving staff, live strip tease shows and their equivalent.

Patron Management Plan

15. Prior to the commencement of the use the applicant must submit an operational management plan, generally in accordance with the Plan of Management dated December 2021, submitted as part of the application, but amended to include:
 - a) A requirement for an updated Management Plan which requires all glass louvers on the rooftop to be closed at 10pm to comply with the external noise targets for the night period.
 - b) The revised hours of operation at Condition 5.
 - c) Revised requirements for smoking, which requires management to direct smokers to the dedicated DOSA at ground level.
 - d) Details of lighting within and outside the boundaries of the site.

The management plan must be to the satisfaction of, and be approved by, the Responsible Authority. Once approved, the management plan will form a part of the endorsed documents under this permit. The operation of the use must be carried out in accordance with the endorsed operational management plan unless with the prior written consent of the Responsible Authority.

Construction Management Plan

16. Prior to the commencement of the development, including demolition, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group.

This construction management plan must be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:

- a) Public safety, amenity and site security.

- b) Operating hours, noise and vibration controls.
- c) Air and dust management.
- d) Stormwater and sediment control.
- e) Waste and materials reuse.
- f) Traffic management.
- g) Protection of street trees.

Waste Management

17. Prior to the commencement of the development, including demolition, an amended Waste Management Plan (WMP) to the satisfaction of the Responsible Authority shall be prepared and submitted to the City of Melbourne – City Infrastructure. The WMP must detail waste storage and collection arrangements and be prepared with reference to the Melbourne City Council Guidelines for Preparing a Waste Management Plan.

The amended WMP must be:

- a) Prepared on the basis of the approved development.
- b) Generally in accordance with the WMP prepared by Lid Consulting dated 18 October 2021.
- c) Complete and address inconsistencies between the total estimated waste volume and bin numbers / sizes / collections nominated.
- d) Updated to nominate an alternative collection location, showing where the waste vehicle will stop for collections on a floor plan.
- e) Updated to include complete floor plans, including paths of travel for tenants to the waste room.
- f) Updated to include details of the management of hard waste / e-waste and show a communal hard waste storage area on the floor plan.

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

Waste storage and collection arrangements as shown in the endorsed WMP must not be altered without the prior consent of the City of Melbourne – City Infrastructure.

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.

Noise Attenuation

18. Prior to the commencement of the development, an amended acoustic report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Responsible Authority. The report must identify all potential noise sources and sound attenuation work required to ensure that the noise levels generated by plant equipment in the premises do not exceed the levels specified in EPA Publication 1826.4 (or subsequently updated publication): Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues to the satisfaction of the Responsible Authority.

The amended Acoustic Report must be generally in accordance with the report prepared by Enfield Acoustics, dated 24 November 2021, and must:

- a) Incorporate all built form changes required to the roof level pursuant to Condition 1.
- a) Reflect the revised hours of operation pursuant to Condition 5.

When approved the report will be endorsed and will form part of the permit. The recommendations of the report must be implemented at no cost to the Melbourne City Council prior to commencement of the use.

19. The Responsible Authority, with just cause, may at any time request lodgement of an acoustic report, prepared by a suitably qualified acoustic consultant. The report must be to the satisfaction of the Responsible Authority and identify all potential noise sources and sound attenuation work

required to address any noise issues and to comply with *EPA Publication 1826.4* (or subsequently updated publication): *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*. The recommendations of the report must be implemented by the applicant to the satisfaction of the Responsible Authority.

20. The noise generated by the premises must at all times comply with the requirements of the EPA Publication 1826.4 (or subsequently updated publication): *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, to the satisfaction of the Responsible Authority.
21. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority.
22. All music played on Rooftop level shall be limited to background levels only.
23. A suspended ceiling shall be constructed on the Ground Floor as part of the fitout works.

Civil Engineering

24. Prior to the commencement of the development, excluding demolition and including bulk excavation, a stormwater drainage system incorporating integrated water management design principles must be submitted to, and approved, by the Responsible Authority – City Infrastructure. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's stormwater drainage system.
25. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – City Infrastructure.
26. 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.
27. All external lighting of the site must be located, directed and baffled so that no nuisance is caused to adjoining or nearby residents. All external lighting must be energy efficient. External lighting must be to the satisfaction of the Responsible Authority.

Consolidation prior to development

28. Prior to the commencement of the development, the land titles must be consolidated, to the satisfaction of the Responsible Authority.
29. Advertising signs must not be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the exemption provisions of the Melbourne Planning Scheme.

Permit Expiry

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

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

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

13.3 Permit Notes

- All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the responsible authority – Director City Infrastructure Branch.

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

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

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