

Report to the Future Melbourne Committee**Agenda item 6.1****Ministerial Planning Referral: TPM-2023-8
54 – 66 La Trobe Street, Melbourne****21 May 2024****Presenter:** Marjorie Kennedy, Head of Statutory Planning**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of Ministerial planning permit application PA2302293 which seeks amendments to an approved development (Melbourne City Council reference TP-2016-858) for the land at 54 – 66 La Trobe Street, Melbourne (refer Attachment 2 – Locality plan) under section 72 of the *Planning and Environment Act 1987* (Act).
2. Planning permit TP-2016-858 was issued by the Council on 16 January 2019. It allows the retention of the existing four storey mixed use (dwellings and retail) building at 56-66 La Trobe Street and the construction of a multi-storey mixed-use development (dwellings, residential hotel, and shops) behind the existing retained portions of the building.
3. This proposed amendment increases the Gross Floor Area of the building above 25,000 m² thereby making the Minister for Planning the Responsible Authority. The proposed amendments include the incorporation of the land at 54-56 La Trobe Street, an increase in height from 104.8 metres to 143.7 metres (both including plant), changes to setbacks, change of architect and overall design, introduction of office use and removal of shop use, the addition of three levels of basement (previously one), and the increase of bicycle parking from 50 to 164 (refer Attachment 3 – Plans).
4. The owner is SR Brarz Commercial Pty Ltd and others, the applicant is Brarz Development City Pty Ltd, the architect is Bates Smart, and the estimated cost of development is \$100 million.
5. The subject site is located within the Mixed Use Zone (MUZ), and is affected by Design and Development Overlay, Schedule 1 (DDO1) and the Parking Overlay, Schedule 12 (PO12).
6. The application is not exempt from notice and review. The Department of Transport and Planning, on behalf of the Minister for Planning, has given notice of the application to the Council and the public.

Key issues

7. The proposed amendment to the permit represents a significant urban renewal opportunity within the central city. The increase in building height and proposed varied street wall setbacks from La Trobe Street respond to the substantial built forms to the north-east of the CBD, references the height and rhythm of neighbouring buildings, and protects the visual prominence of the Exhibition Centre within the Carlton Gardens.
8. The proposed amended setbacks are appropriate subject to the recommendation to increase the setback to the north which will improve internal amenity and provide an equitable development outcome. The proposal also retains the greater than ten metre setback to the light court of the west abutting residential building approved under the existing permit.
9. The recommendation includes the requirement for a provision of a through block pedestrian arcade from Bell Place to La Trobe Street, the re-arrangement of the ground floor uses and building services, and an additional setback above level five to the north. Further, a detailed façade strategy condition will ensure further refinement of the key elements of the proposal including the street wall and the tower.
10. The proposed height and setbacks and the impact of the wind and overshadowing of the proposal achieves compliance with the surrounding and preferred neighbourhood character, the relevant built form controls of the MUZ and the DDO1, and considered the views over the Exhibition Building within the Carlton Gardens.

Recommendation from management

11. That the Future Melbourne Committee resolves to advise the Department of Transport and Planning that the Melbourne City Council does not object to the application, subject to the conditions outlined in the delegate report (refer to Attachment 4 – Report from management).

Attachments:

1. Supporting Attachment (Page 2 of 95)
2. Locality Plan (Page 3 of 95)
3. Selected Plans (Page 4 of 95)
4. Delegate Report (Page 40 of 95)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority for determining this application.
2. The Minister for Planning has given notice of the application to the public and the Council under section 52 of the Act.

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 wind impacts, glare, noise, and waste management that could impact on health and safety have been considered within the planning permit application and assessment process (refer to Attachment 4 – Report from management).

Stakeholder consultation

6. The Council has not undertaken public notice of the application or referred this to any referral authorities. This is the responsibility of DTP acting on behalf of the Minister for Planning. It is noted that the application is subject to the notice requirements and review rights of the Act.

Relation to Council policy

7. Relevant Council policies are discussed in Attachment 4 – Report from management.

Environmental sustainability

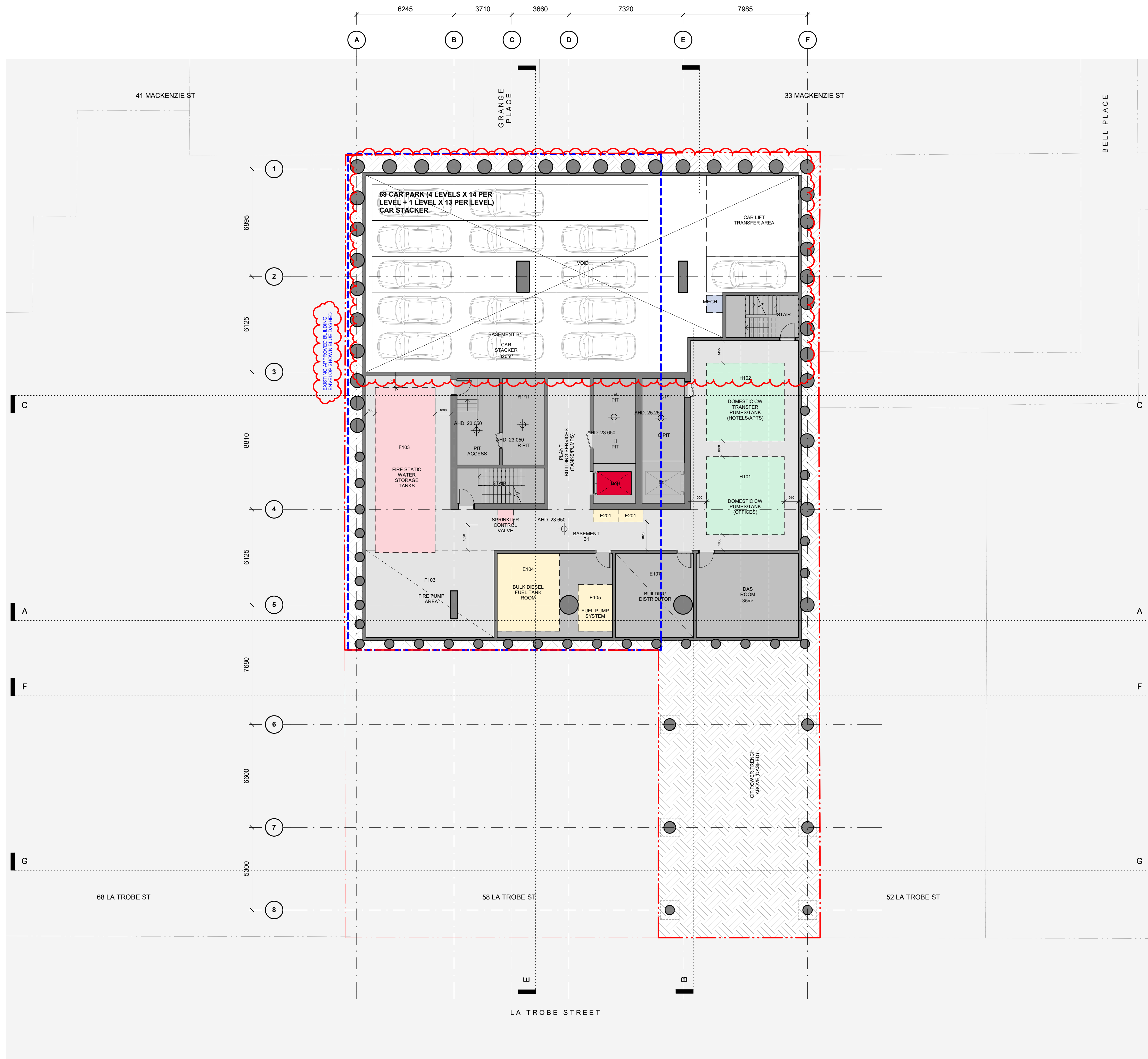
8. The Sustainability Management Plan submitted with the application demonstrates that the development will achieve the environmentally sustainable design requirements of clause 15.01-2L-01 (Energy and resource efficiency) and clause 19.03-3L (Stormwater management (water sensitive urban design)) of the Melbourne Planning Scheme.
9. Recommended planning permit conditions require further details of sustainability initiatives within the SMP, for the details to be shown on the architectural plans, and require the implementation of the sustainability initiatives outlined in the SMP (refer to Attachment 4 – Report from management).

Locality Plan

54-66 La Trobe Street, Melbourne



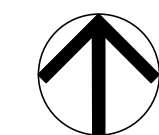
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Rev	Date	Description	Initial	Checked
2	03/10/23	RESPONSE TO RFI		
1	30/05/23	TP ISSUE		

54 La Trobe St

General Arrangement Plan
Basement B1 (CS1)



Status	Town Planning
Scale	1 : 125 @ A1
Drawn	JQ Checked JO
Project No.	M12625
Plot Date	9/10/2023 4:21:04 PM
BIM	

Drawing no.	Revision
TP03.0B1	2

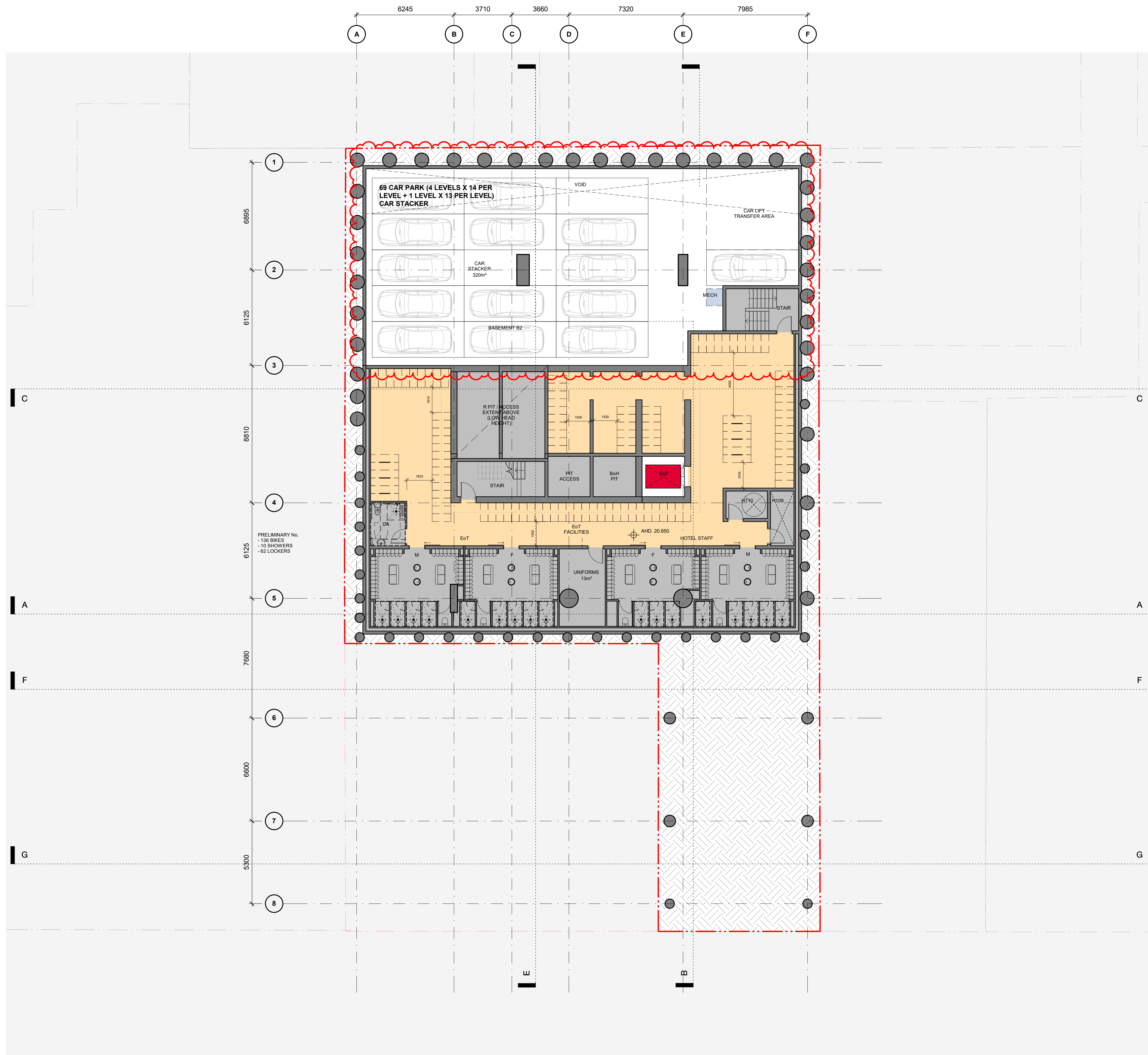
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NSW Nominated Responsible Architects: Kellie Payne Reg. 6454 / Philip Vivian Reg. 6696 / Guy Lake Reg. 7119 / Simon Swaney Reg. 7305 / Matt Allen Reg. 8498



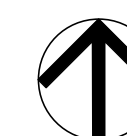
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54 La Trobe St

General Arrangement Plan
Basement B2 (CS2-3)



Status	Town Planning		
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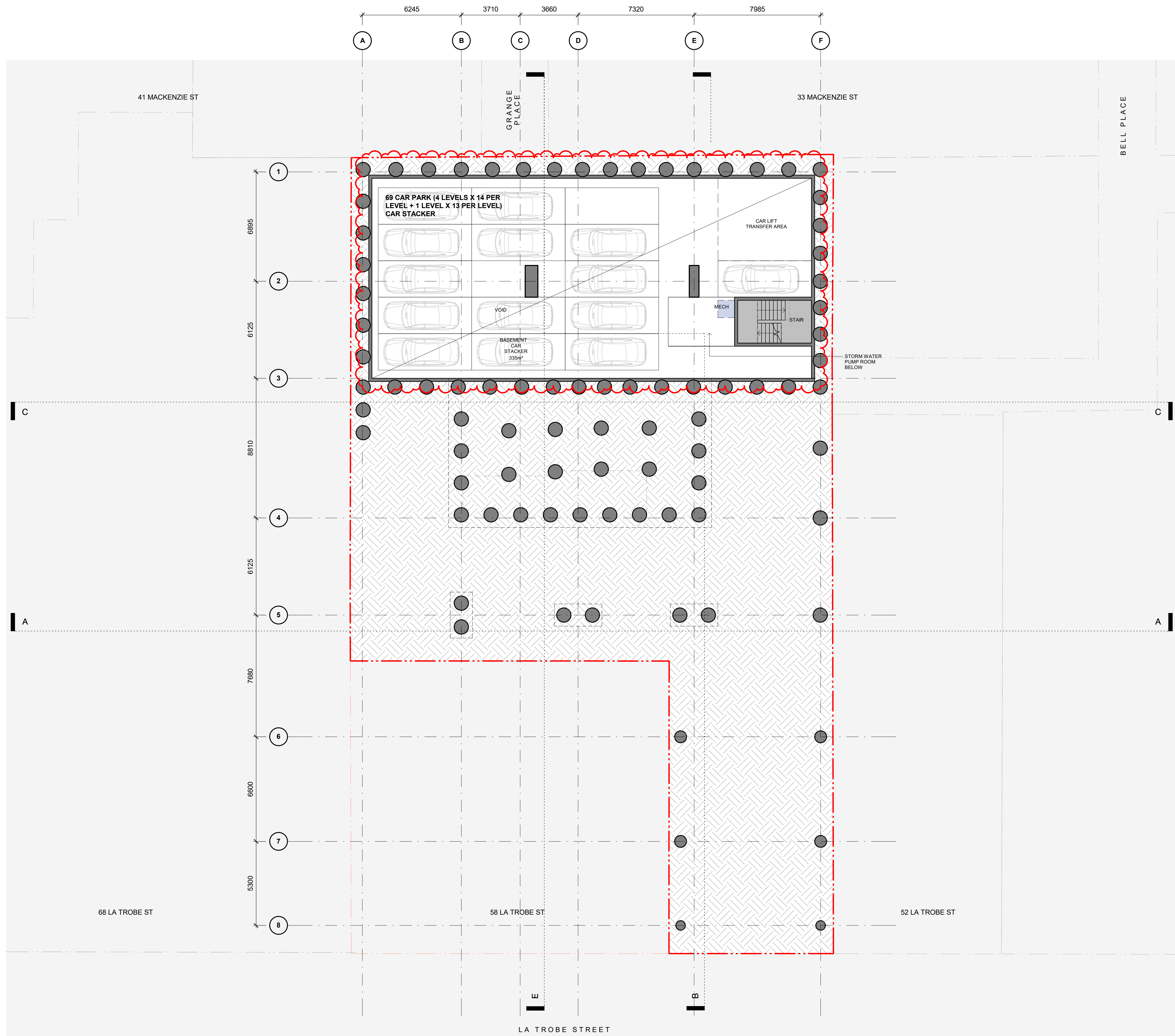
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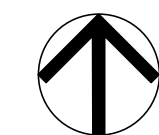
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54 La Trobe St

General Arrangement Plan
Basement CS4



Status	Town Planning		
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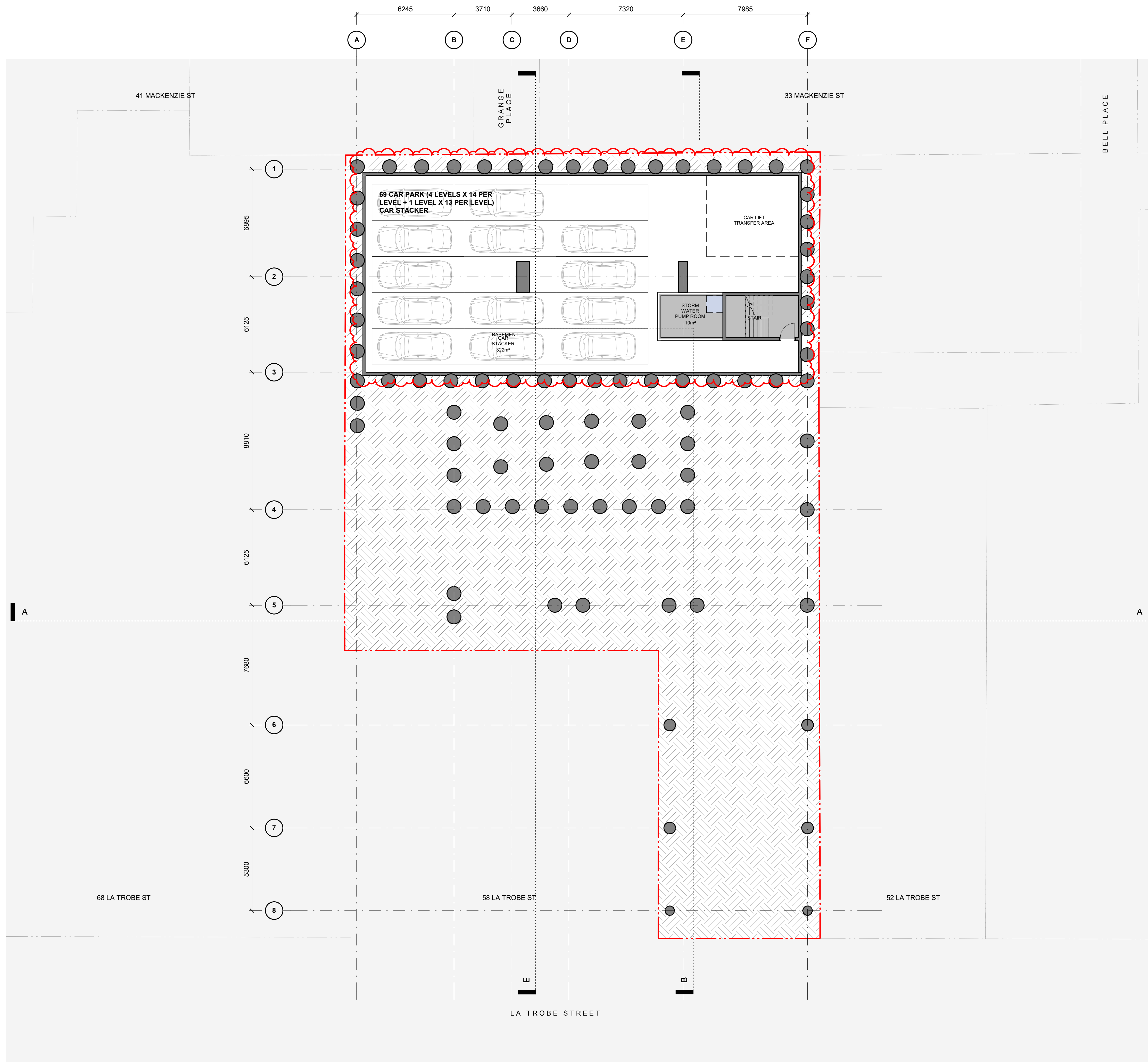
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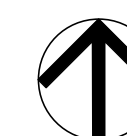
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54 La Trobe St

General Arrangement Plan
Basement CS5



Status	Town Planning		
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Drawn	JQ	Checked	JO
Project No.	M12625		
Plot Date	9/10/2023 4:19:29 PM		
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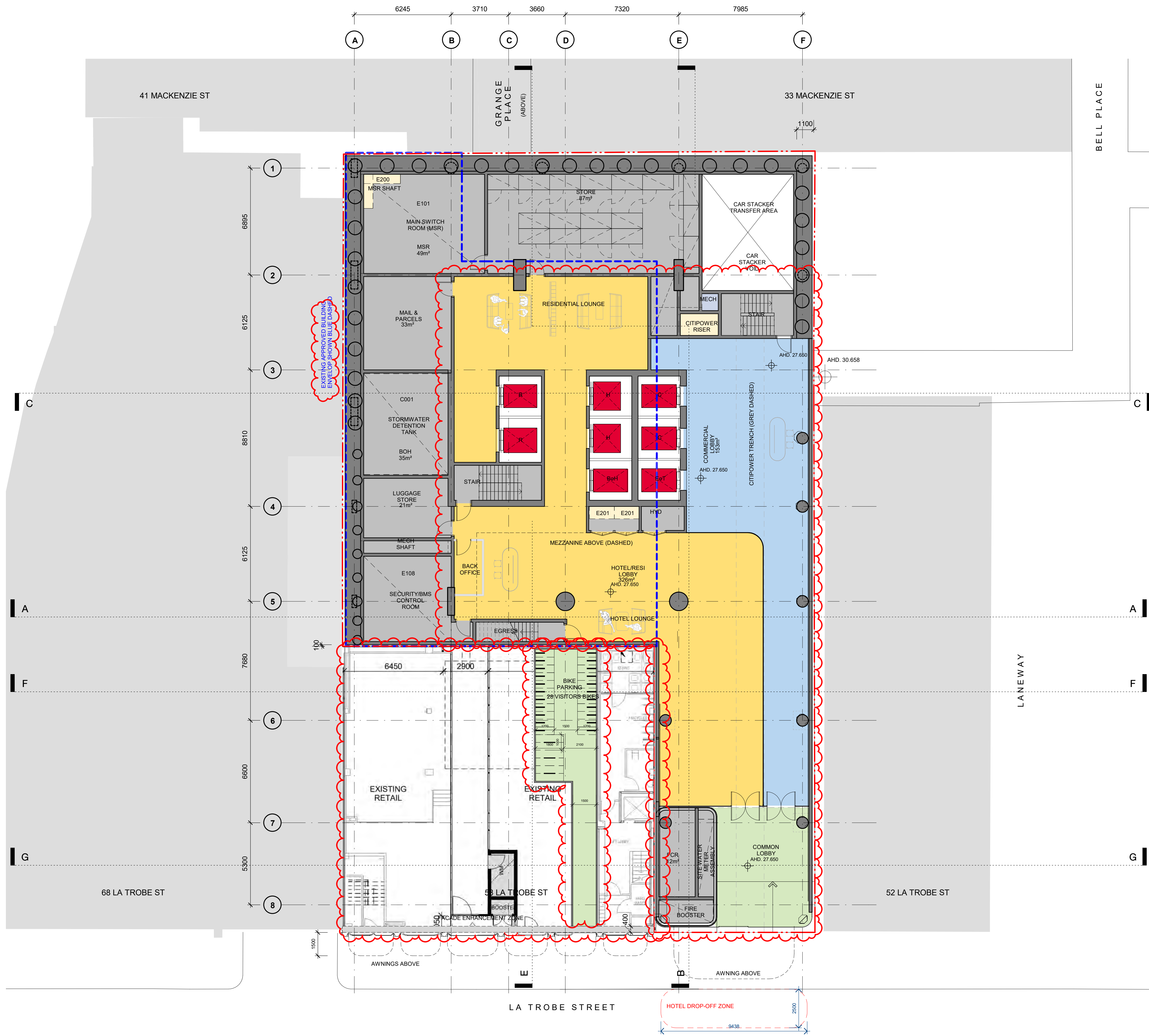
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54 La Trobe St

General Arrangement Plan Level Ground

Status	Town Planning
Scale	1 : 125 @ A1
Drawn	JQ
Checked	JO
Project No.	M12625
Plot Date	12/10/2023 11:01:18 AM
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Drawing no.	Revision

TP03.0GF 2

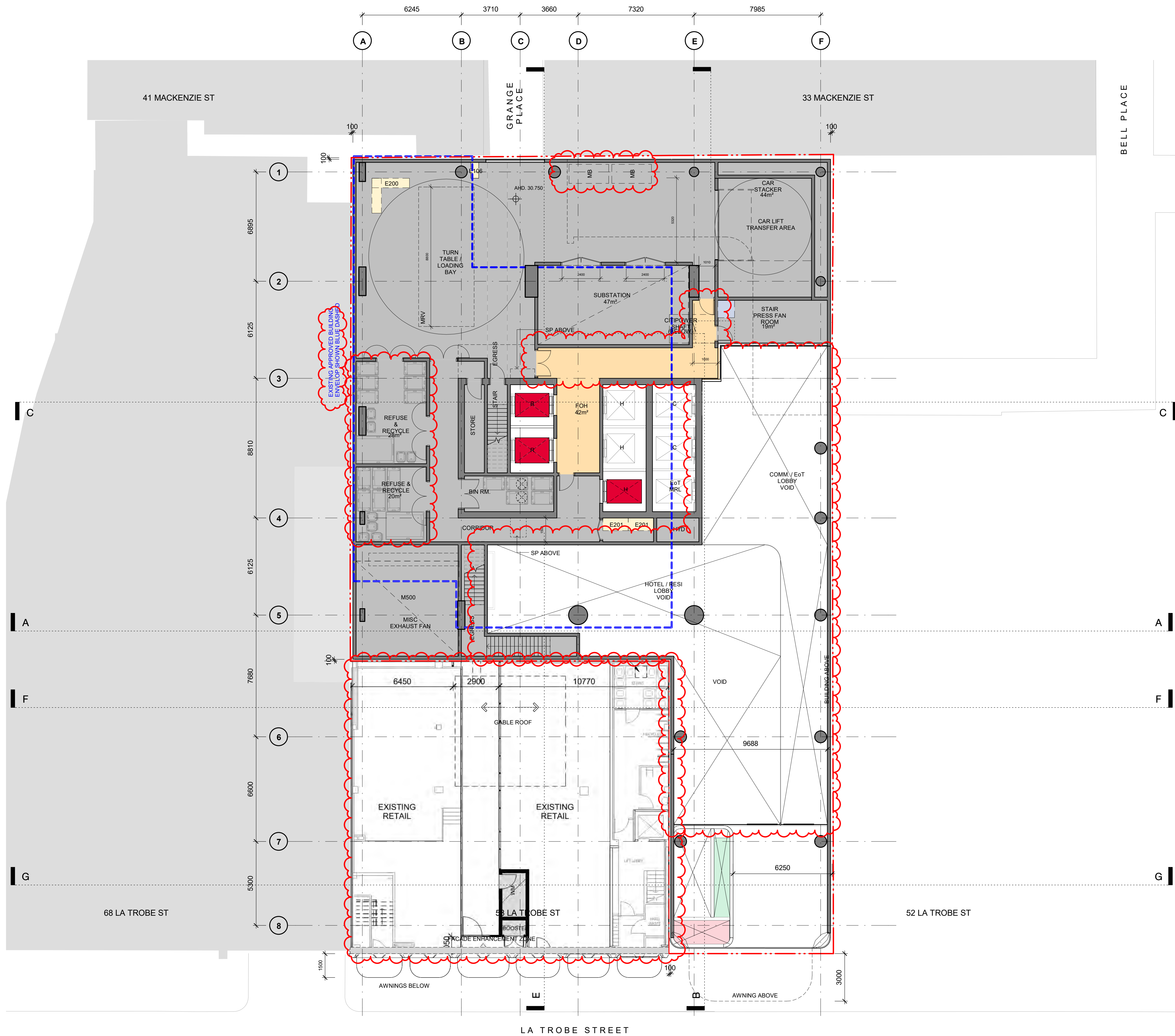
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Revision table with columns: Rev, Date, Description, Initial, Checked. Includes entries for 03/10/23 RESPONSE TO RFI and 30/05/23 TP ISSUE.

Project information including: 54 La Trobe St, General Arrangement Plan Level Mezzanine, Status: Town Planning, Scale: 1:125 @ A1, Drawing: JQ, Checked: JO, Project No: M12625, Plot Date: 12/10/2023 3:17:37 PM, Drawing no: TP03.0MZ 2.

Contact information for Bates Smart Architects Pty Ltd, including Melbourne and Sydney office addresses, phone numbers, and website.



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1	30/05/23	TP ISSUE		

54 La Trobe St

General Arrangement Plan
Level 01 - Commercial (L01 Plant)

Status	Town Planning
Scale	1 : 125 @ A1
Drawn	JQ Checked JO
Project No.	M12625
Plot Date	3/10/2023 2:45:50 PM
BIM	

Drawing no.	Revision
TP03.001	2

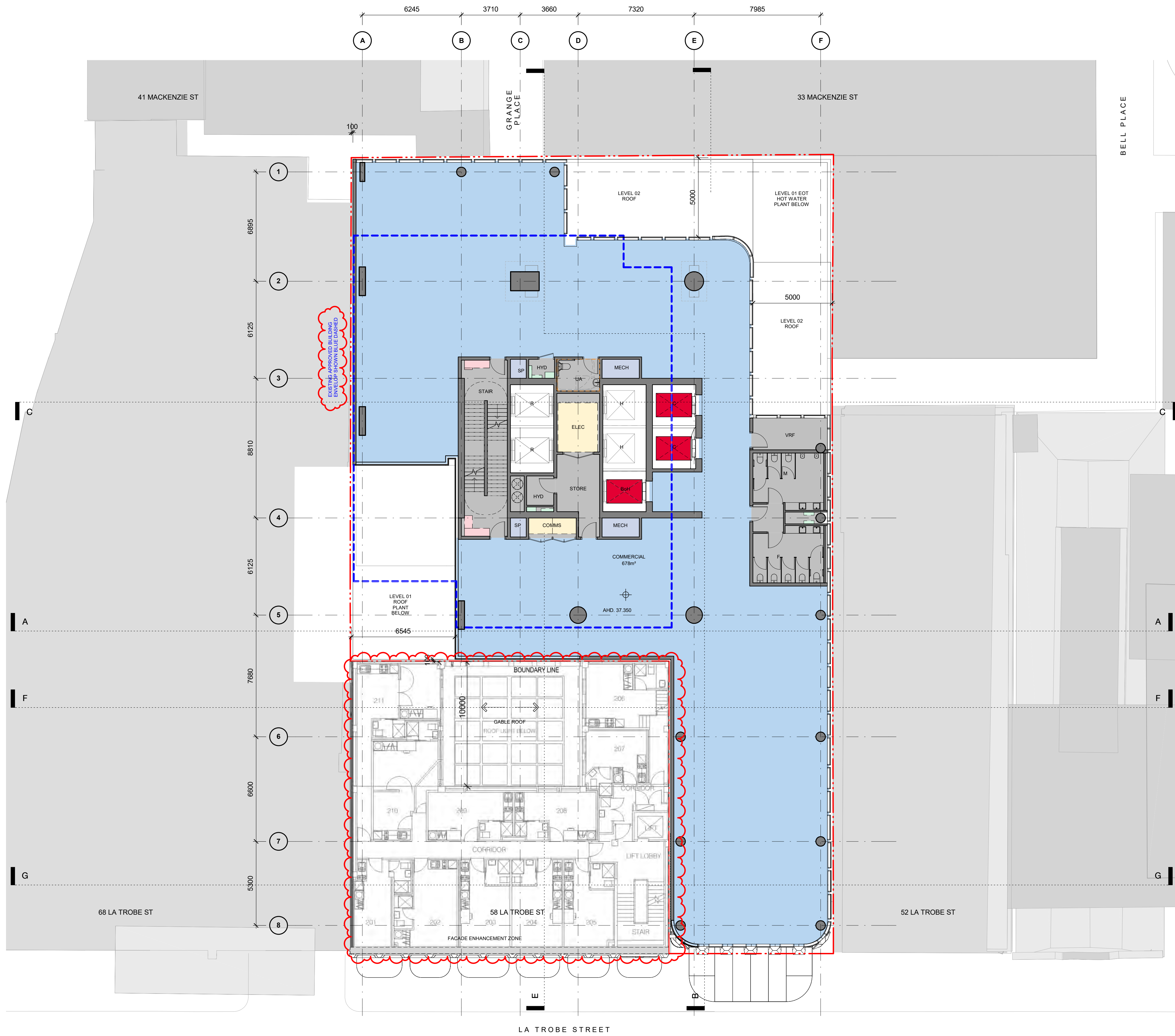
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1	30/05/23	TP ISSUE		

54 La Trobe St

General Arrangement Plan Level 02 - Commercial (L02 Roof)

Status	Town Planning
Scale	1 : 125 @ A1
Drawn	JQ Checked JO
Project No.	M12625
Plot Date	3/10/2023 2:45:59 PM
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Drawing no.	Revision
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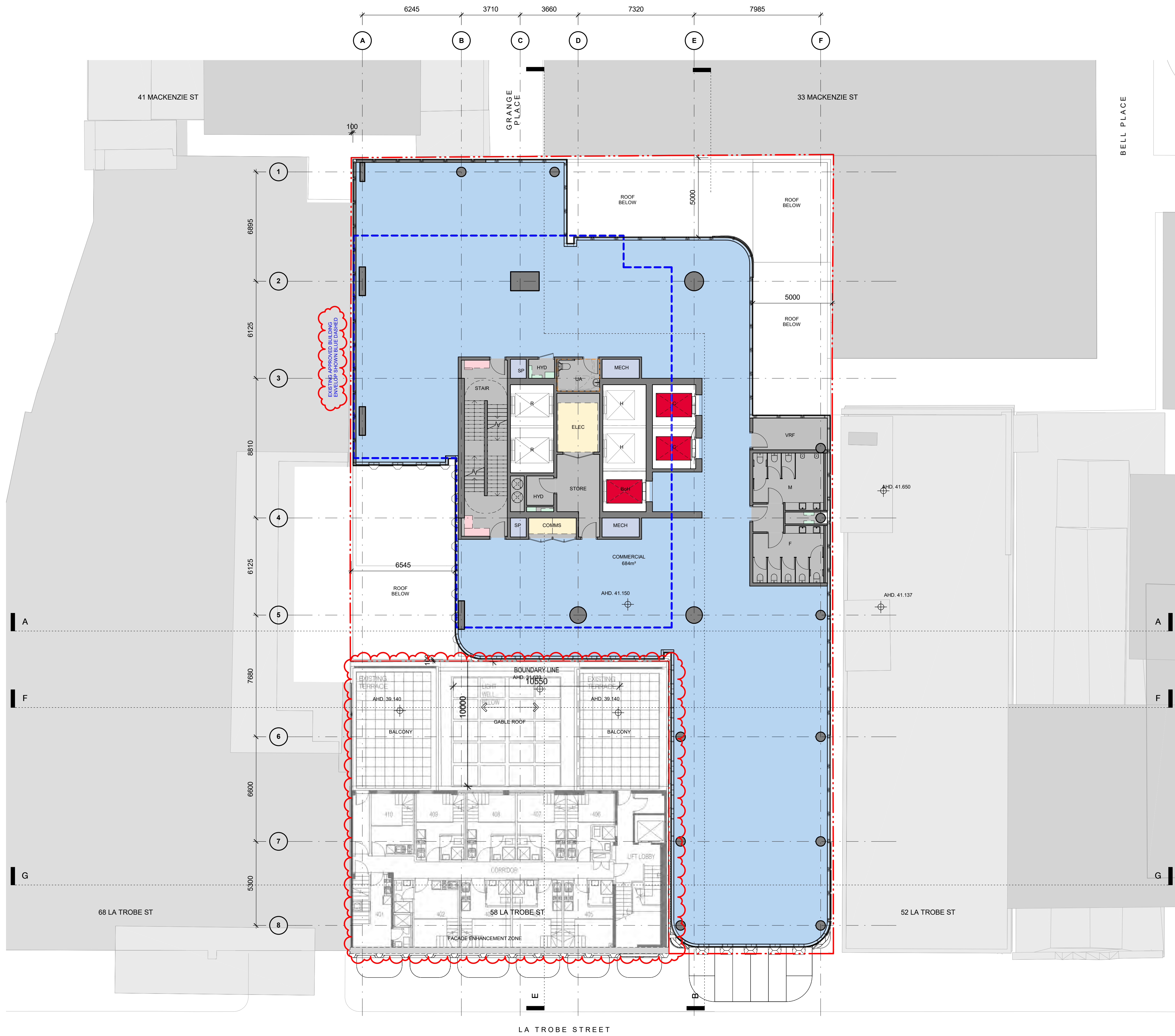
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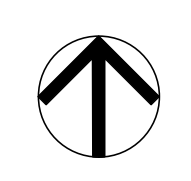
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1	30/05/23	TP ISSUE		

54 La Trobe St

General Arrangement Plan Level 03 - Commercial



Status	Town Planning
Scale	1 : 125 @ A1
Drawn	JQ
Checked	JO
Project No.	M12625
Plot Date	3/10/2023 2:46:09 PM
BIM	

Drawing no.	Revision
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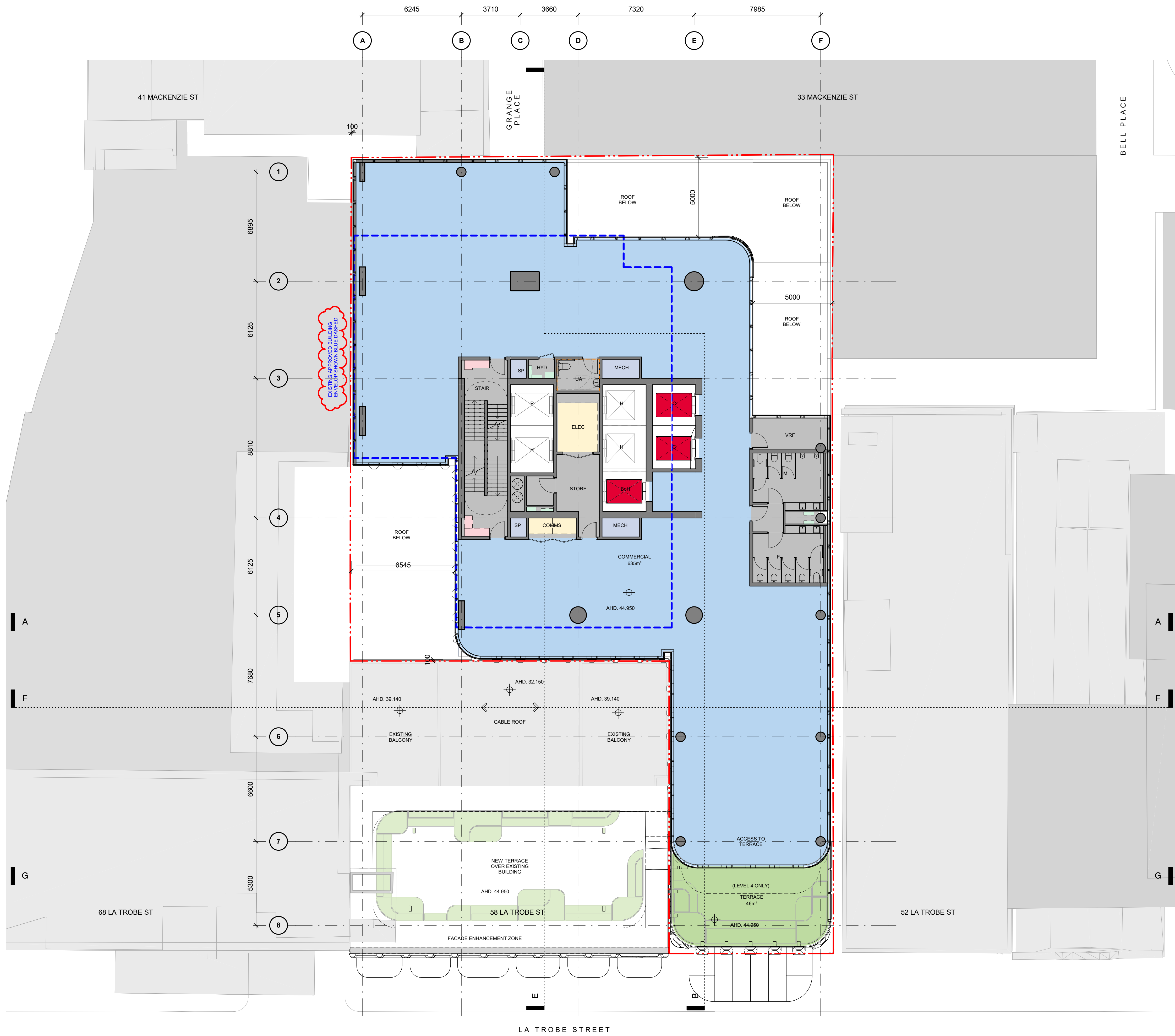
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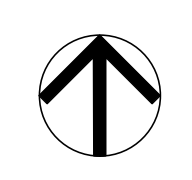
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1	30/05/23	TP ISSUE		
Rev	Date	Description	Initial	Checked

54 La Trobe St

General Arrangement Plan
Level 04 - Commercial (Terrace Level)



Status	Town Planning
Scale	1 : 125 @ A1
Drawn	JQ Checked JO
Project No.	M12625
Plot Date	3/10/2023 2:46:19 PM
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Drawing no.	Revision
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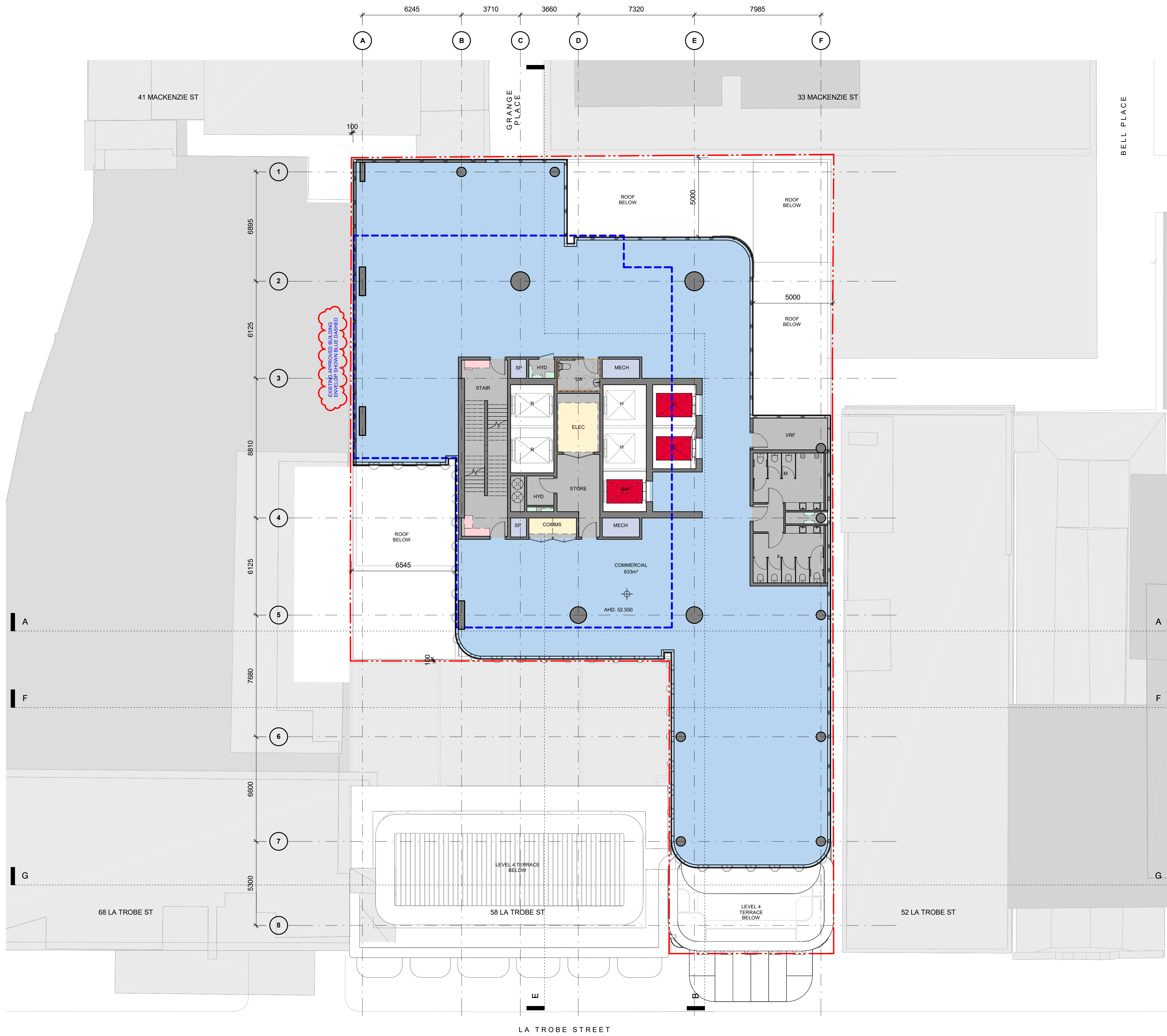
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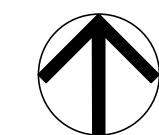
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54 La Trobe St

General Arrangement Plan
Level 06-07 - Commercial



Status	Town Planning
Scale	1 : 125 @ A1
Drawn	JQ Checked JO
Project No.	M12625
Plot Date	3/10/2023 2:46:41 PM
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Drawing no.	Revision
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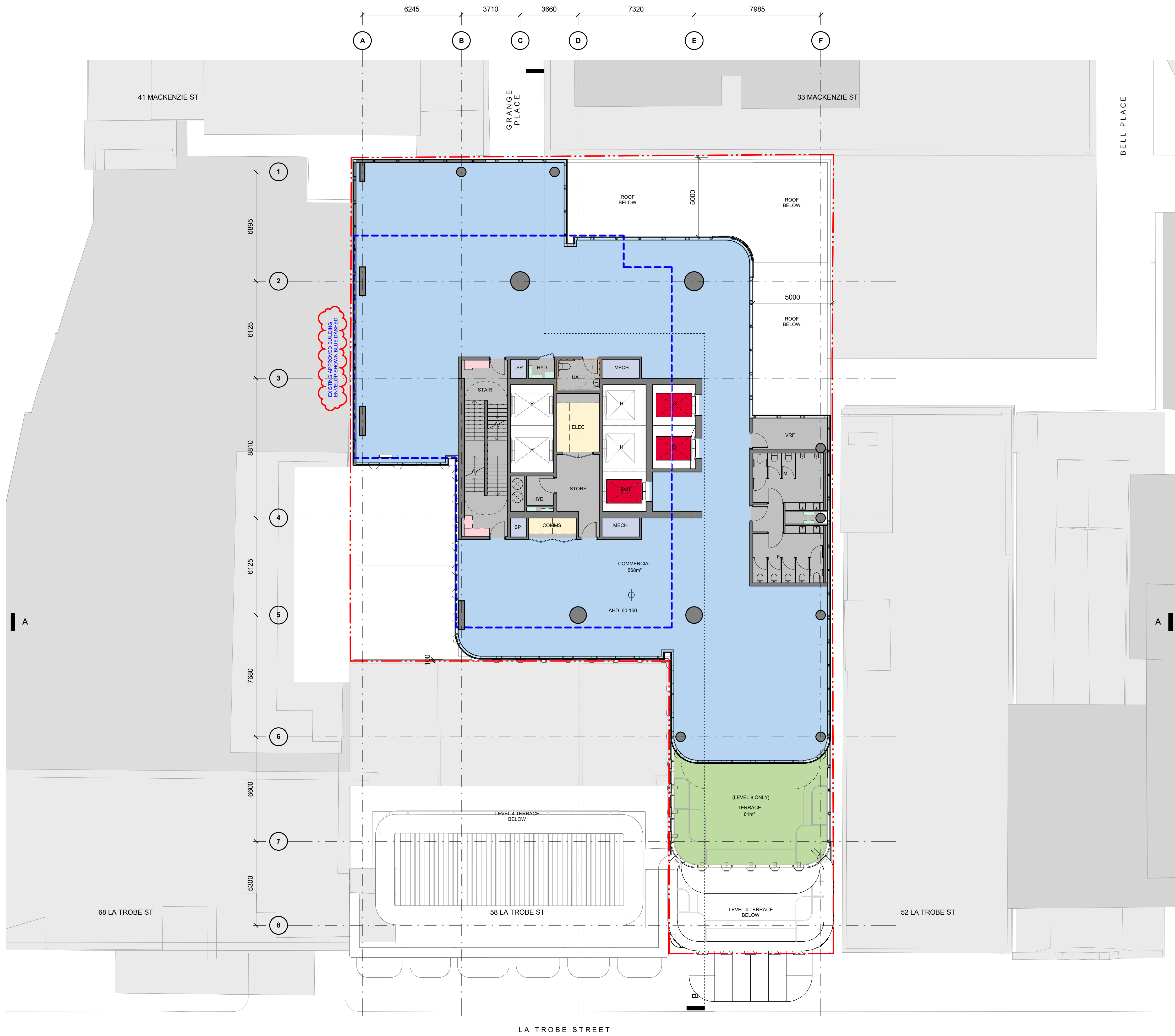
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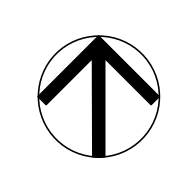
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54 La Trobe St

General Arrangement Plan
Level 08-10 - Commercial



Status	Town Planning
Scale	1 : 125 @ A1
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Project No.	M12625
Plot Date	3/10/2023 2:46:52 PM
BIM	

Drawing no.	Revision
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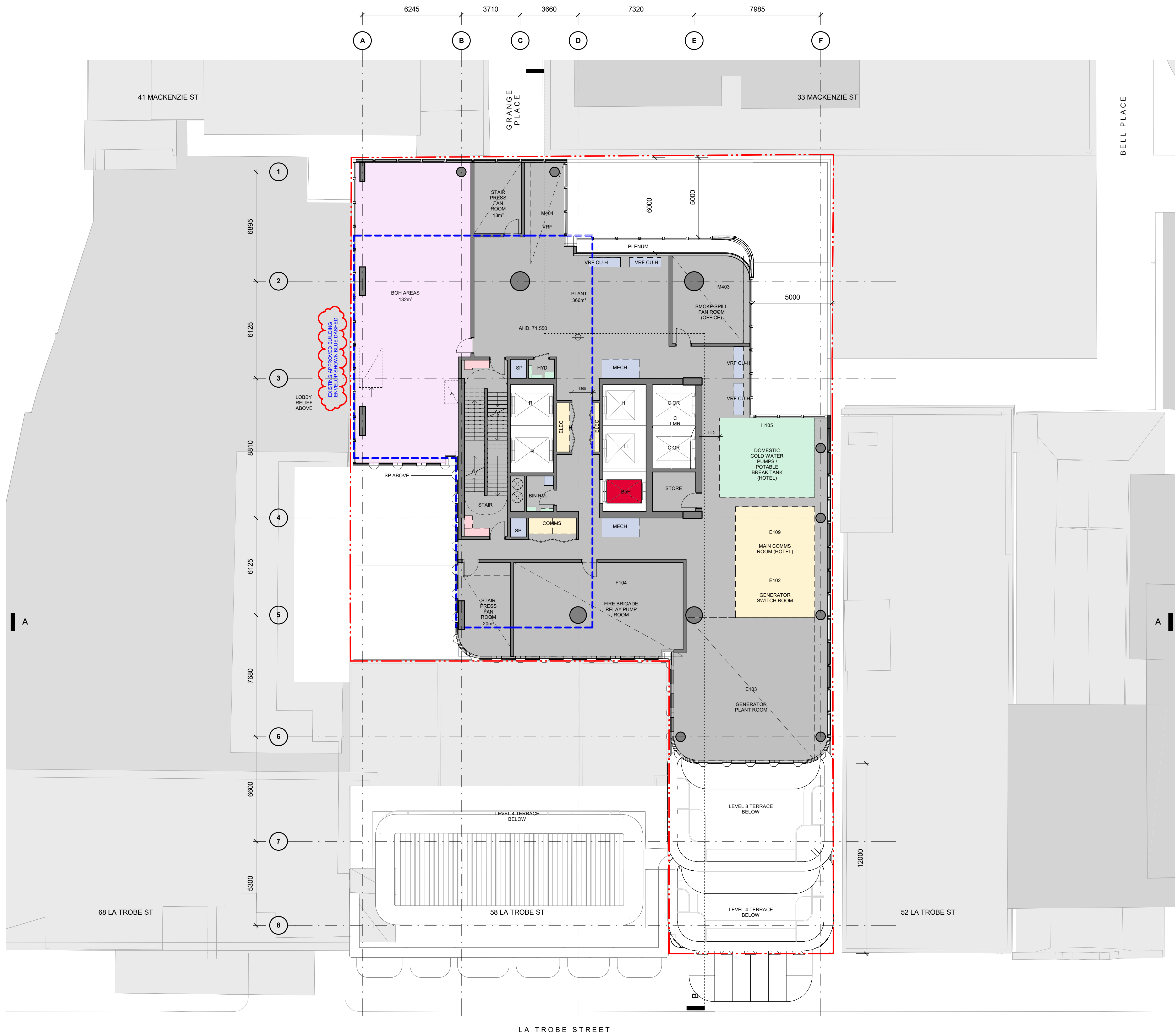
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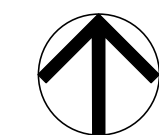
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54 La Trobe St

General Arrangement Plan Level 11 - Plant



Status	Town Planning		
Scale	1 : 125	@	A1
Drawn	JQ	Checked	JO
Project No.	M12625		
Plot Date	3/10/2023 2:47:08 PM		
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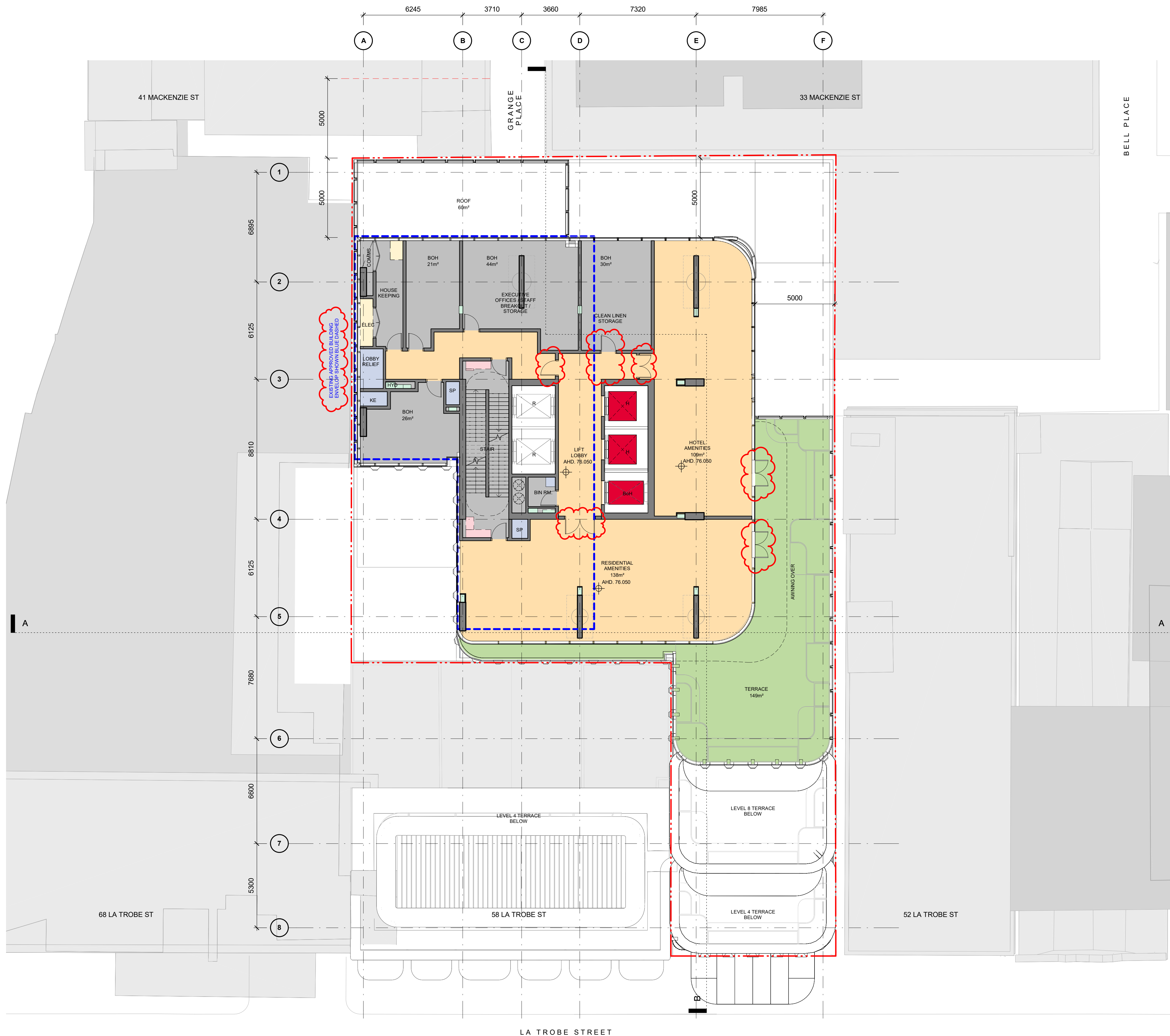
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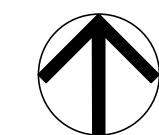
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Rev	Date	Description	Initial	Checked

54 La Trobe St

General Arrangement Plan
Level 12 - Amenities



Status	Town Planning
Scale	1 : 125 @ A1
Drawn	JQ Checked JO
Project No.	M12625
Plot Date	3/10/2023 2:47:38 PM
BIM	

Drawing no.	Revision
TP03.012	2

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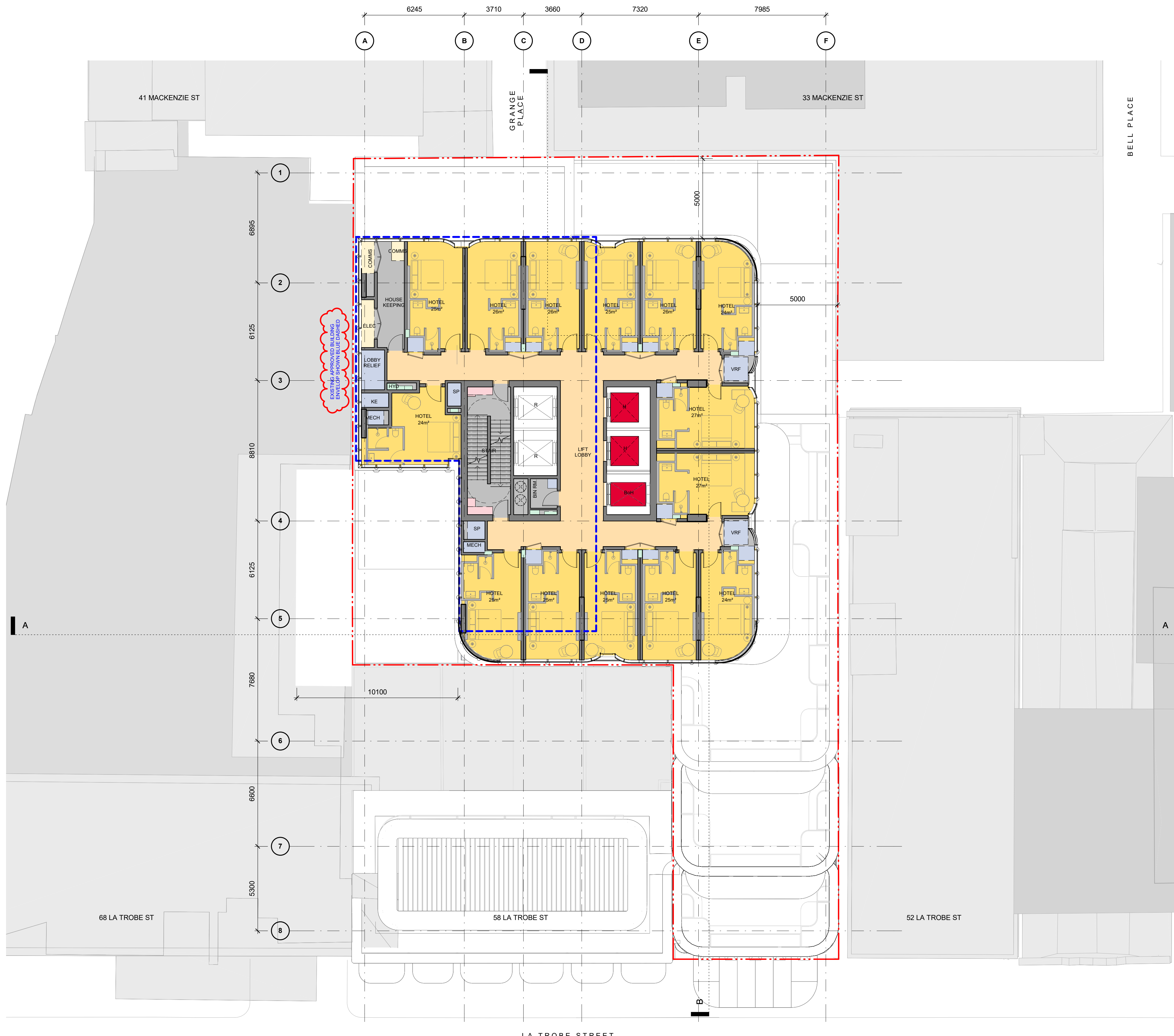
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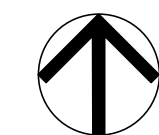
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Rev	Date	Description	Initial	Checked

54 La Trobe St

General Arrangement Plan
 Level 13-20 - Hotel



Status	Town Planning
Scale	1 : 125 @ A1
Drawn	JQ Checked JO
Project No.	M12625
Plot Date	3/10/2023 2:47:56 PM
BIM	

Drawing no.	Revision
TP03.013	2

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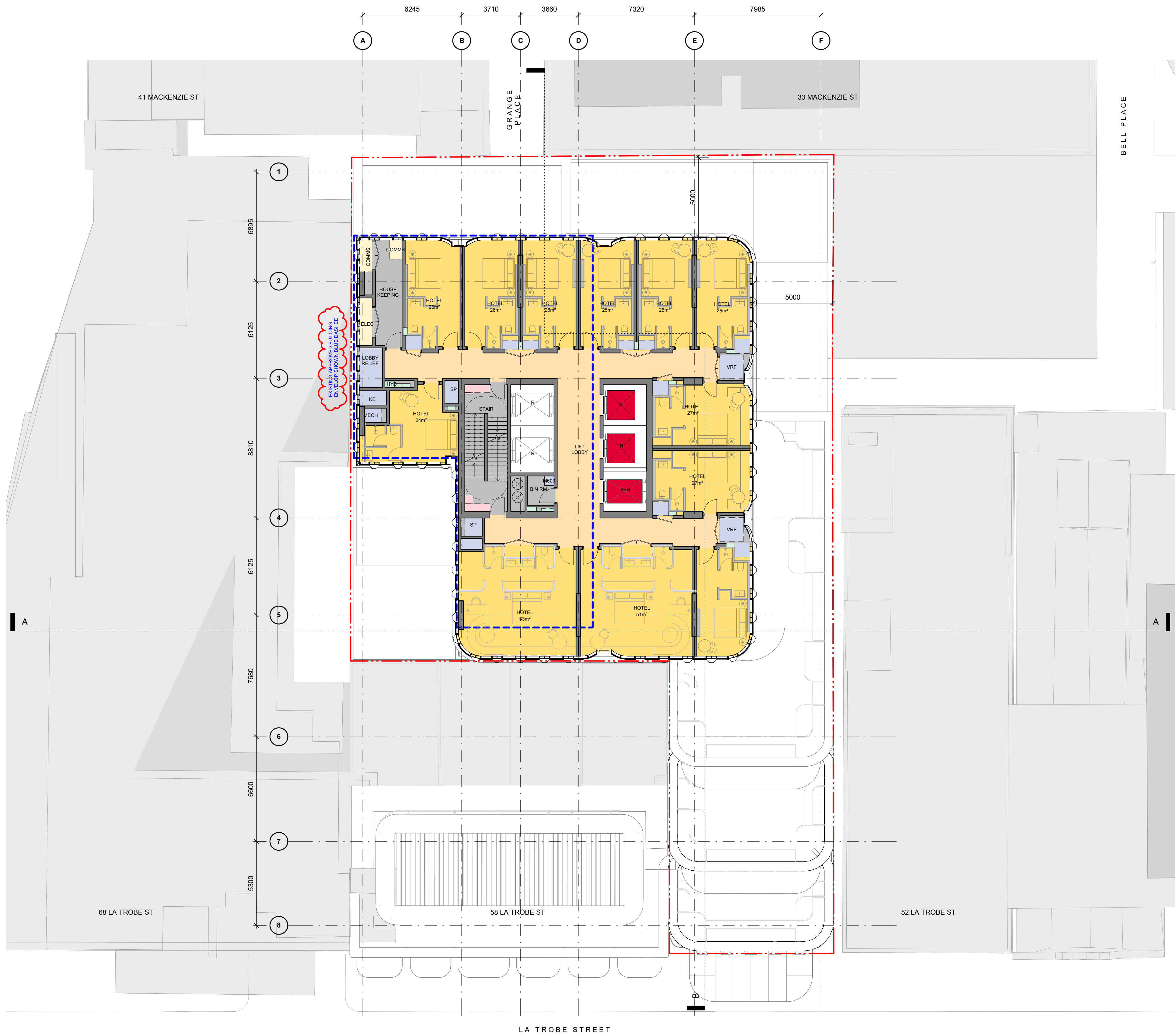
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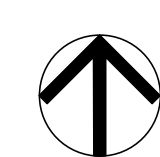
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1	30/05/23	TP ISSUE		

54 La Trobe St

General Arrangement Plan
 Level 21-24 - Hotel Suites



Status	Town Planning		
Scale	1 : 125	@	A1
Drawn	JQ	Checked	JO
Project No.	M12625		
Plot Date	3/10/2023 2:48:15 PM		
BIM			

Drawing no.	Revision
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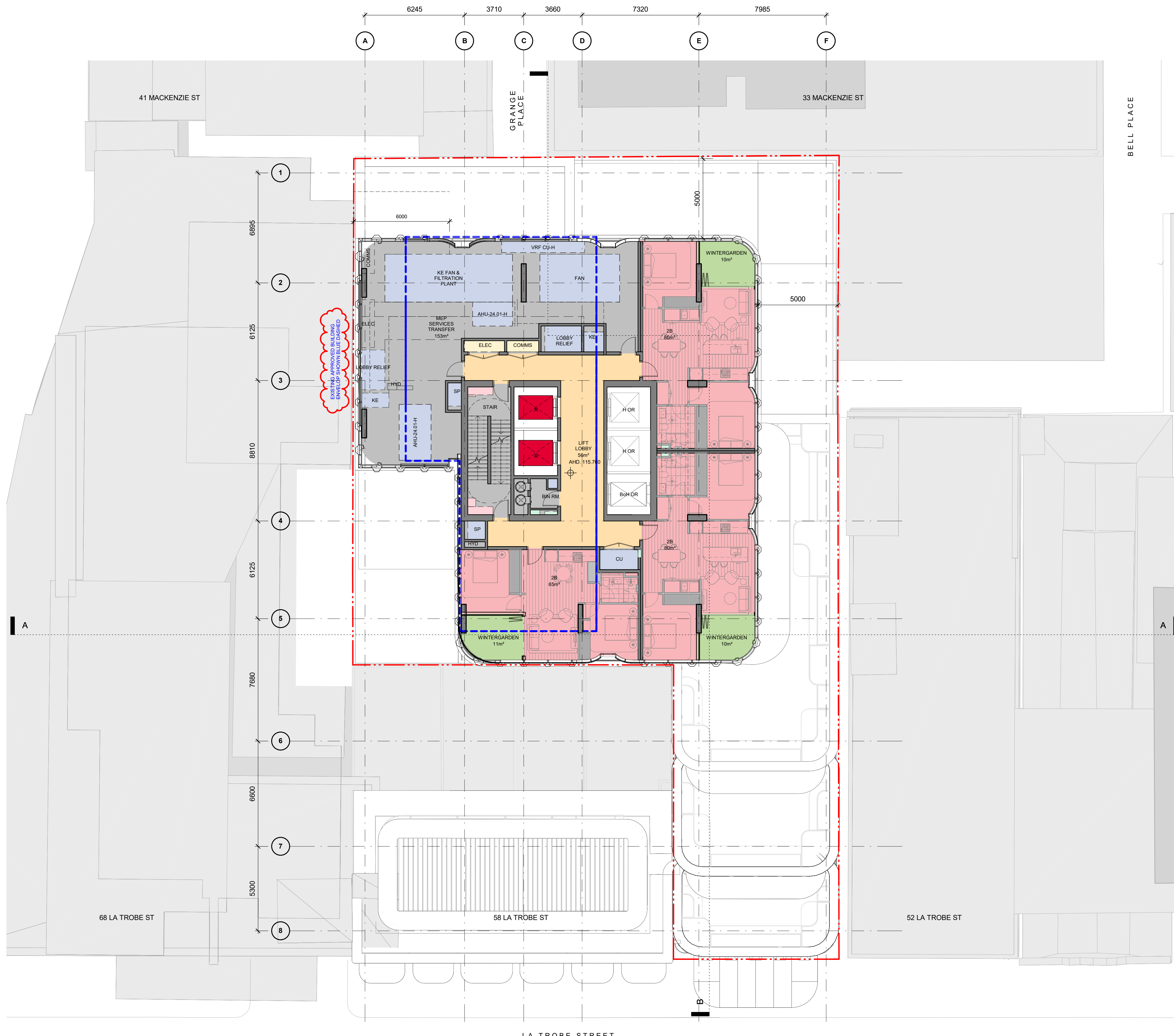
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Rev	Date	Description		

54 La Trobe St

General Arrangement Plan
 Level 25 - Residential (Hotel OR & Plant)

Status	Town Planning
Scale	1 : 125 @ A1
Drawn	JQ Checked JO
Project No.	M12625
Plot Date	3/10/2023 2:48:36 PM
BIM	

Drawing no.	Revision
TP03.025	2

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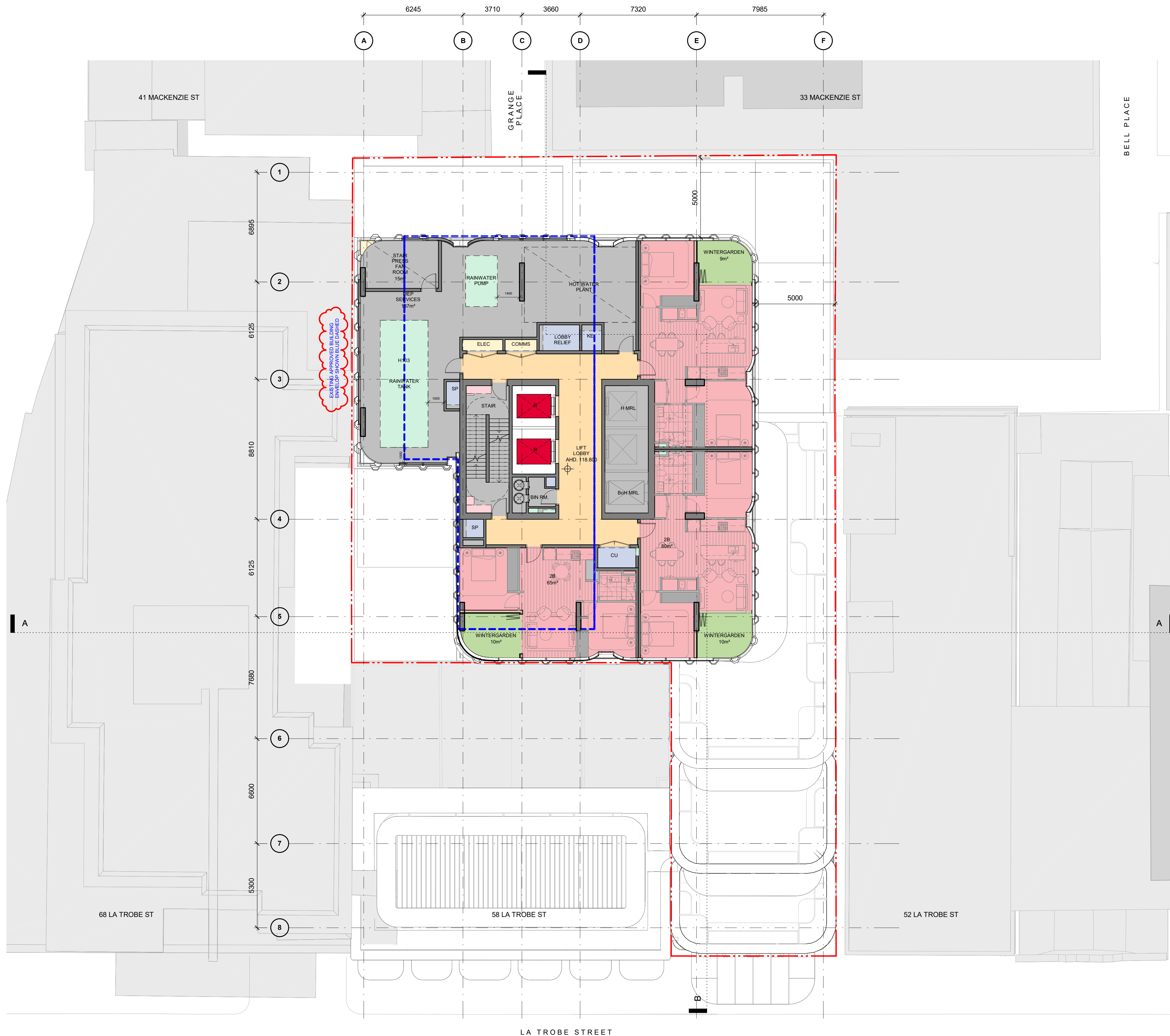
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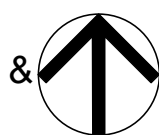
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1	30/05/23	TP ISSUE		

54 La Trobe St

General Arrangement Plan
Level 26 - Residential (Hotel LMR & Plant)



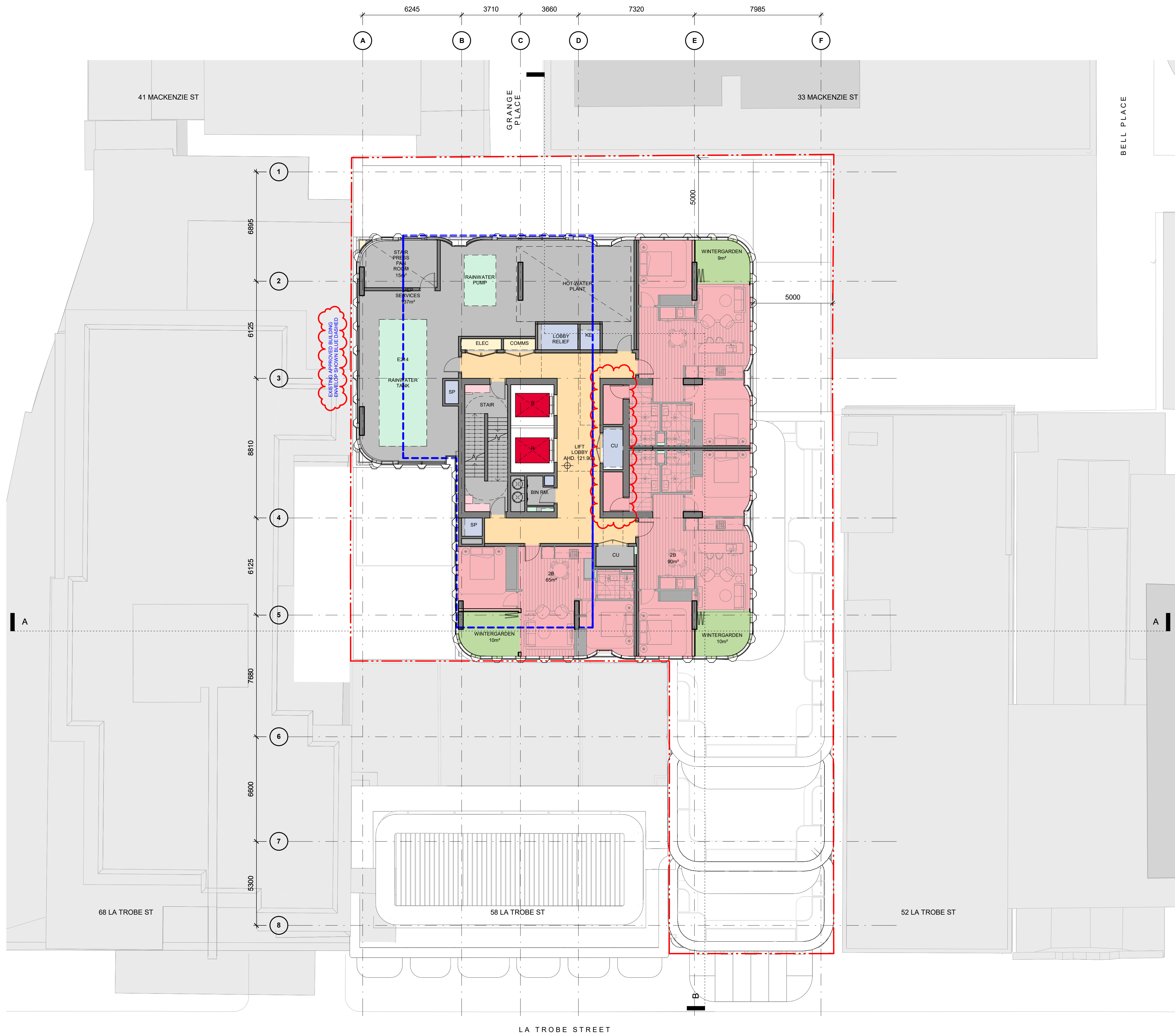
Status	Town Planning		
Scale	1 : 125	@	A1
Drawn	JQ	Checked	JO
Project No.	M12625		
Plot Date	3/10/2023 2:49:02 PM		

Drawing no.	Revision
TP03.026	2

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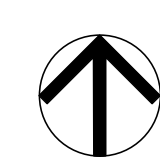


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54 La Trobe St

General Arrangement Plan
 Level 27 - Residential (Plant)



Status	Town Planning			
Scale	1 : 125	@	A1	
Drawn	JQ	Checked	JO	
Project No.	M12625			
Plot Date	3/10/2023 2:49:28 PM			

Drawing no.	Revision
TP03.027	2

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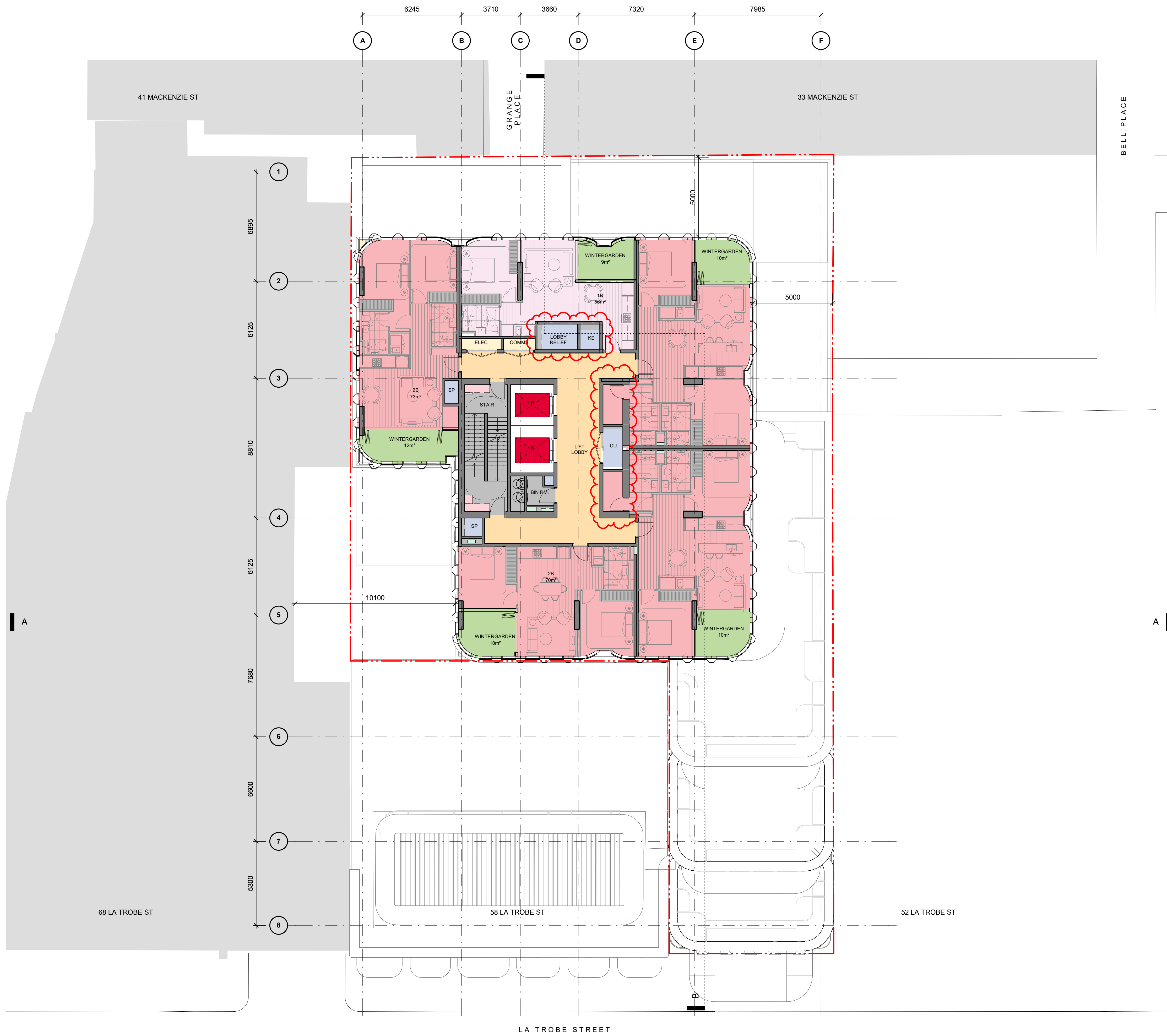
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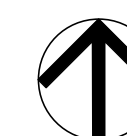
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1	30/05/23	TP ISSUE		

54 La Trobe St

General Arrangement Plan Level 28-37 - Residential



Status	Town Planning		
Scale	1 : 125	@	A1
Drawn	JQ	Checked	JO
Project No.	M12625		
Plot Date	9/10/2023 4:34:12 PM		
BIM			

Drawing no.	Revision
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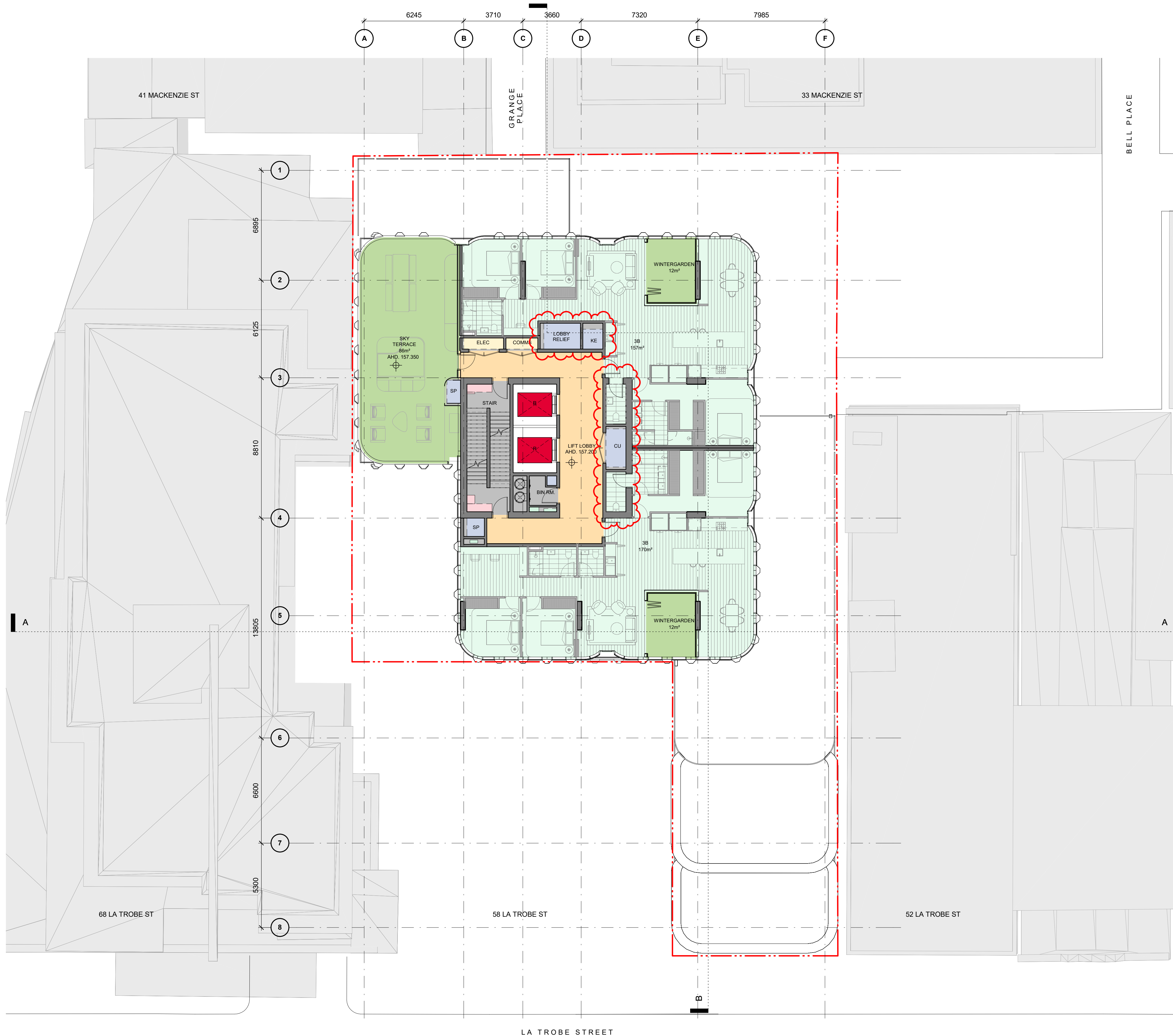
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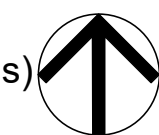
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54 La Trobe St

General Arrangement Plan Level 38 - Residential (Penthouses)



Status	Town Planning		
Scale	1 : 125	@	A1
Drawn	JQ	Checked	JO
Project No.	M12625		
Plot Date	3/10/2023 2:50:02 PM		

Drawing no.	Revision
TP03.038	2

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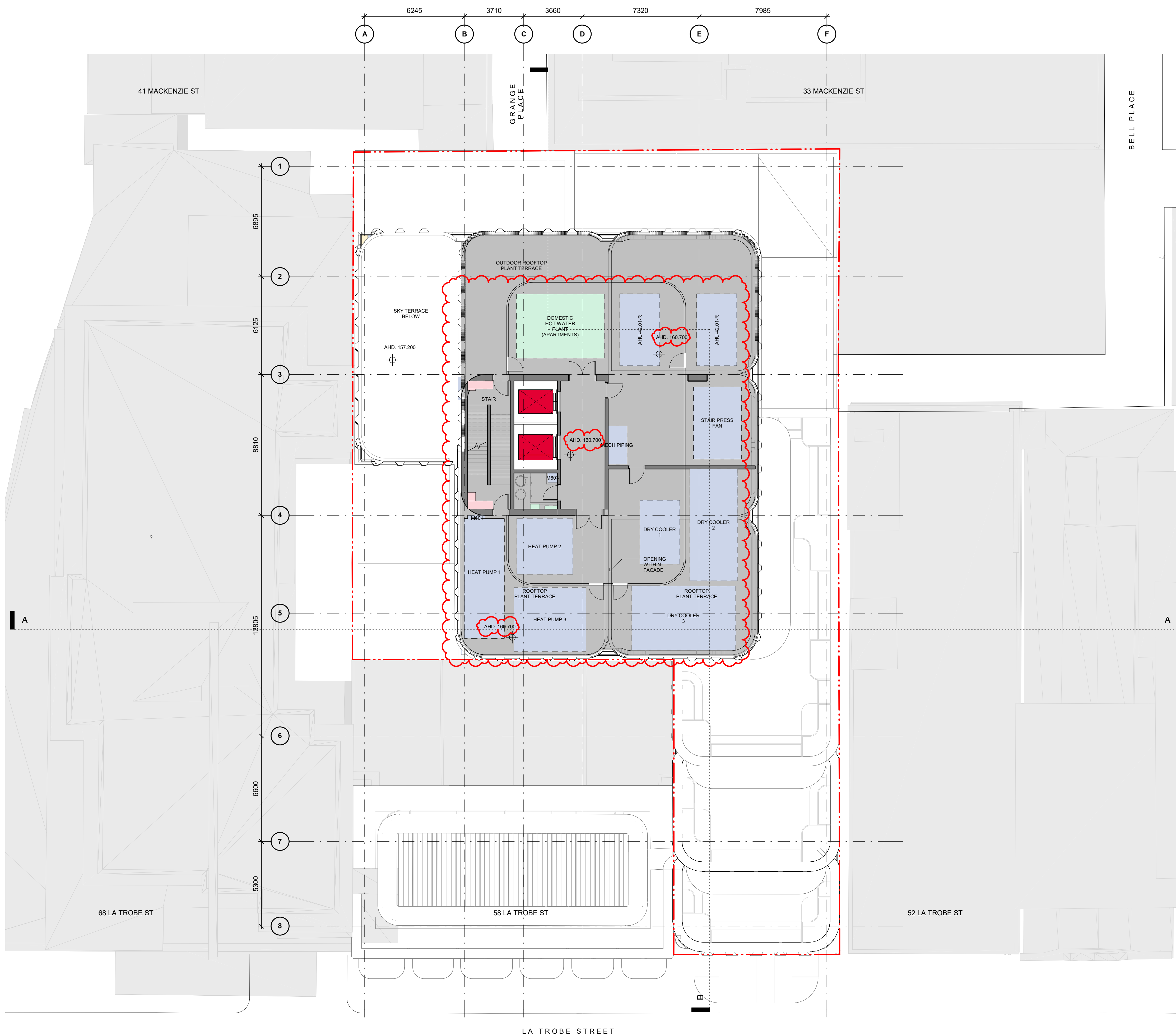
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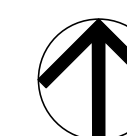
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54 La Trobe St

General Arrangement Plan Level 39 - Plant



Status	Town Planning		
Scale	1 : 125	@	A1
Drawn	JQ	Checked	JO
Project No.	M12625		
Plot Date	3/10/2023 2:50:34 PM		
BIM			

Drawing no.	Revision
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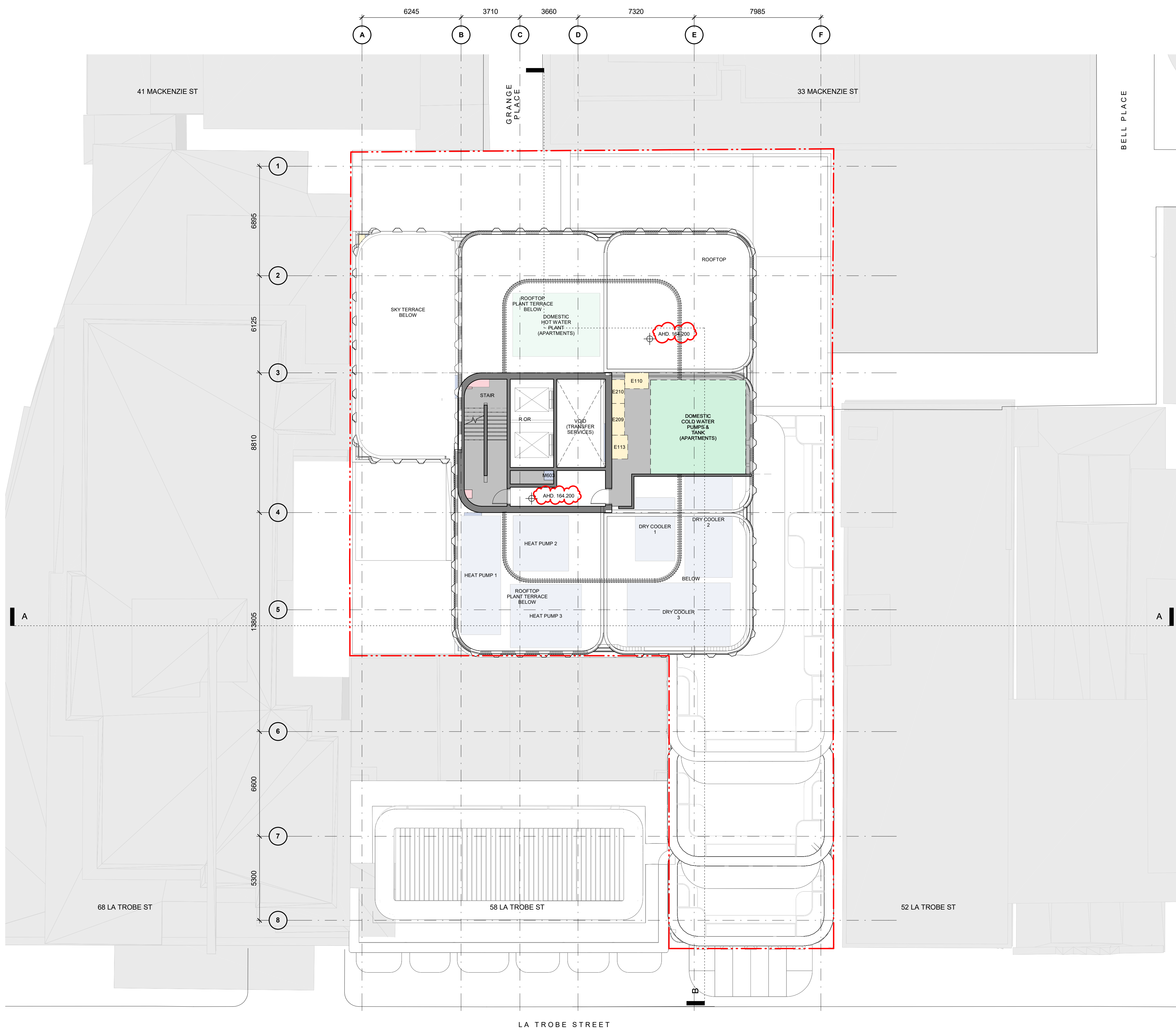
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54 La Trobe St

General Arrangement Plan
Level 40 - OR & Plant

Status	Town Planning		
Scale	1 : 125	@	A1
Drawn	JQ	Checked	JO
Project No.	M12625		
Plot Date	3/10/2023 2:51:07 PM		
BIM			

Drawing no.	Revision
TP03.040	2

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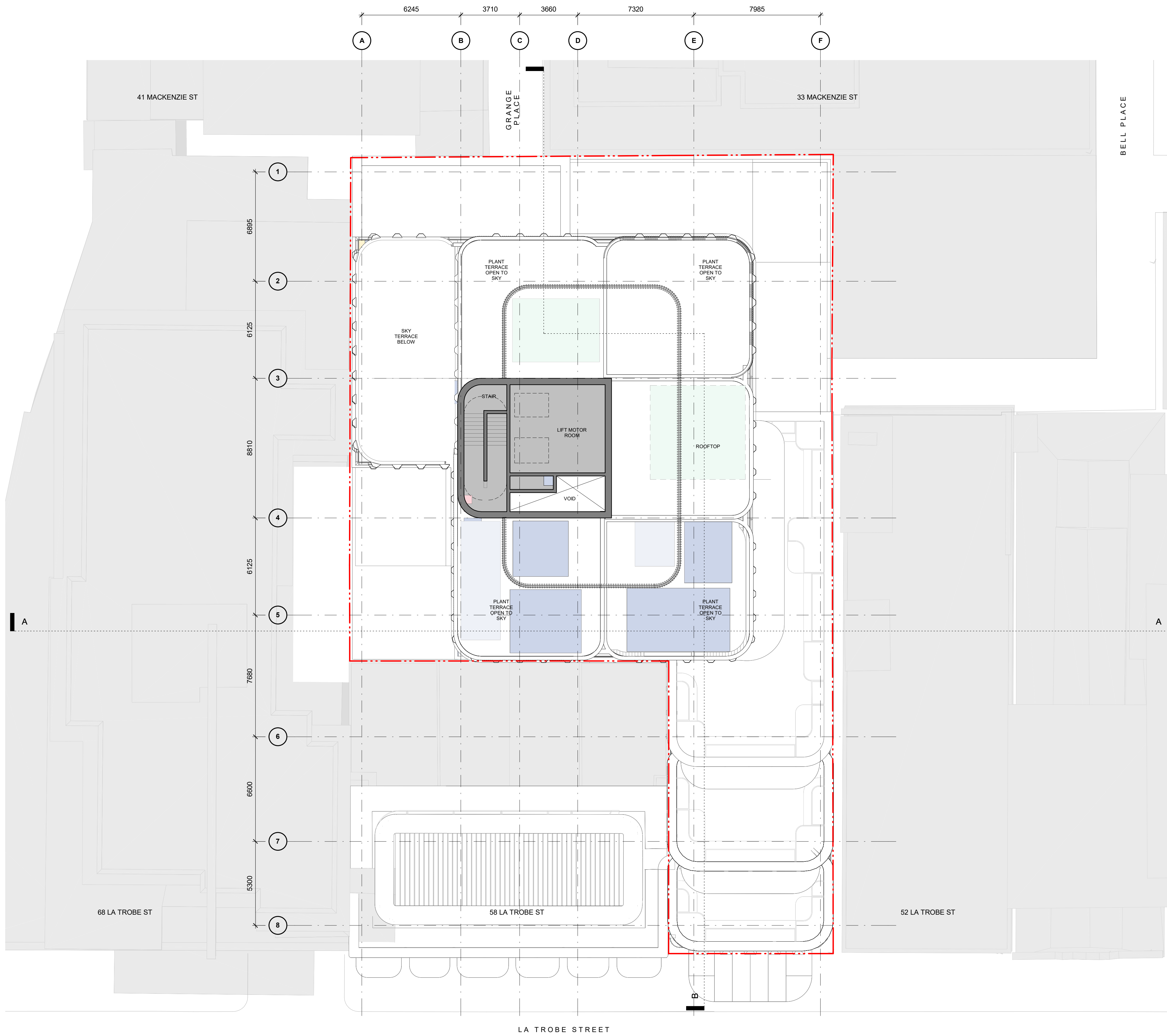
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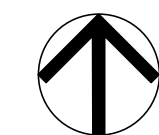
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Rev	Date	Description		

54 La Trobe St

General Arrangement Plan LMR



Status	Town Planning		
Scale	1 : 125	@ A1	
Drawn	JQ	Checked	JO
Project No.	M12625		
Plot Date	3/10/2023 2:51:35 PM		
BIM			

Drawing no.	Revision
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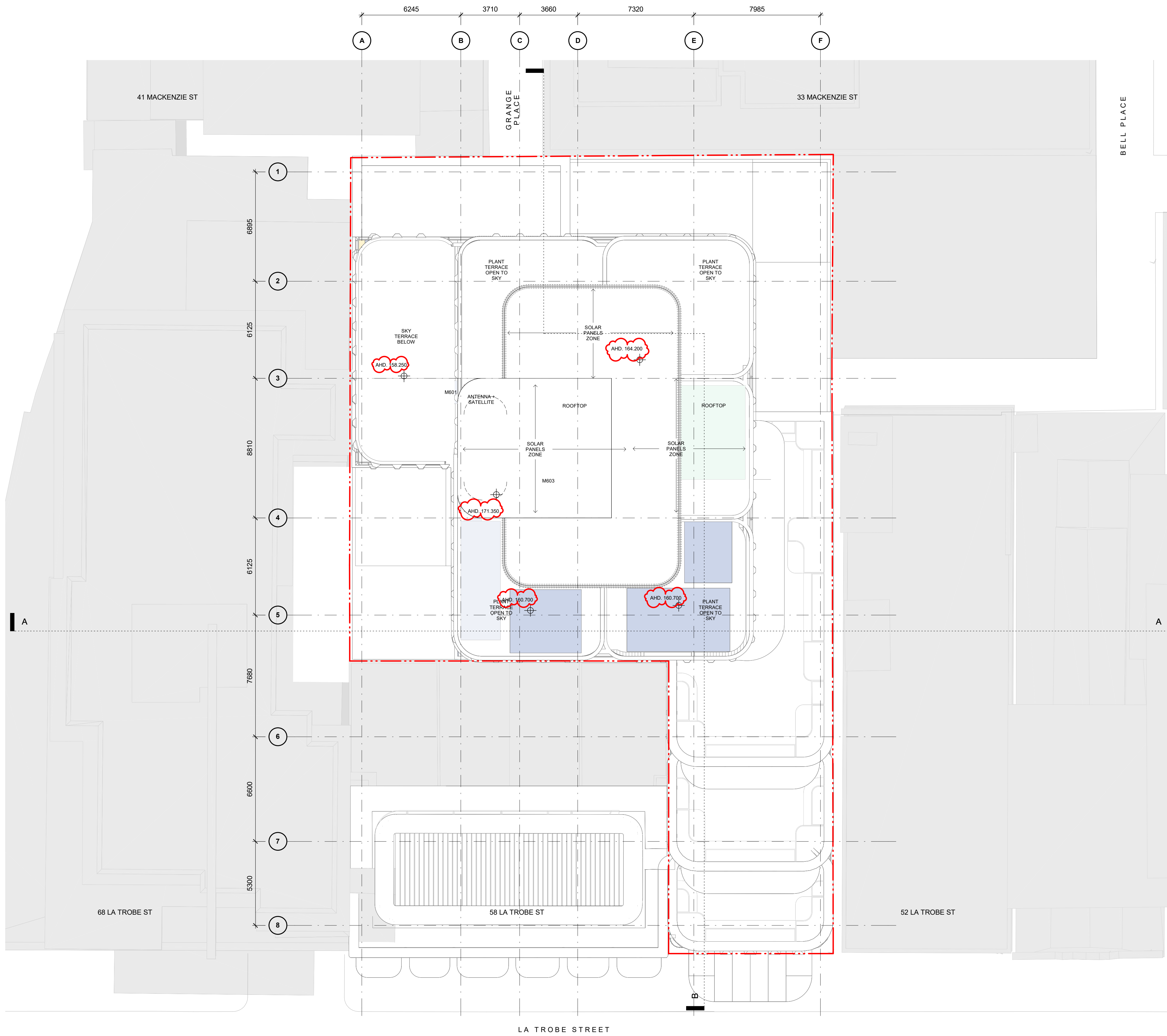
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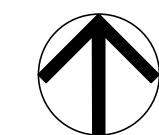
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54 La Trobe St

General Arrangement Plan Rooftop



Status	Town Planning		
Scale	1 : 125	@ A1	
Drawn	JQ	Checked	JO
Project No.	M12625		
Plot Date	3/10/2023 2:52:05 PM		
BIM			

Drawing no.	Revision
TP03.042	2

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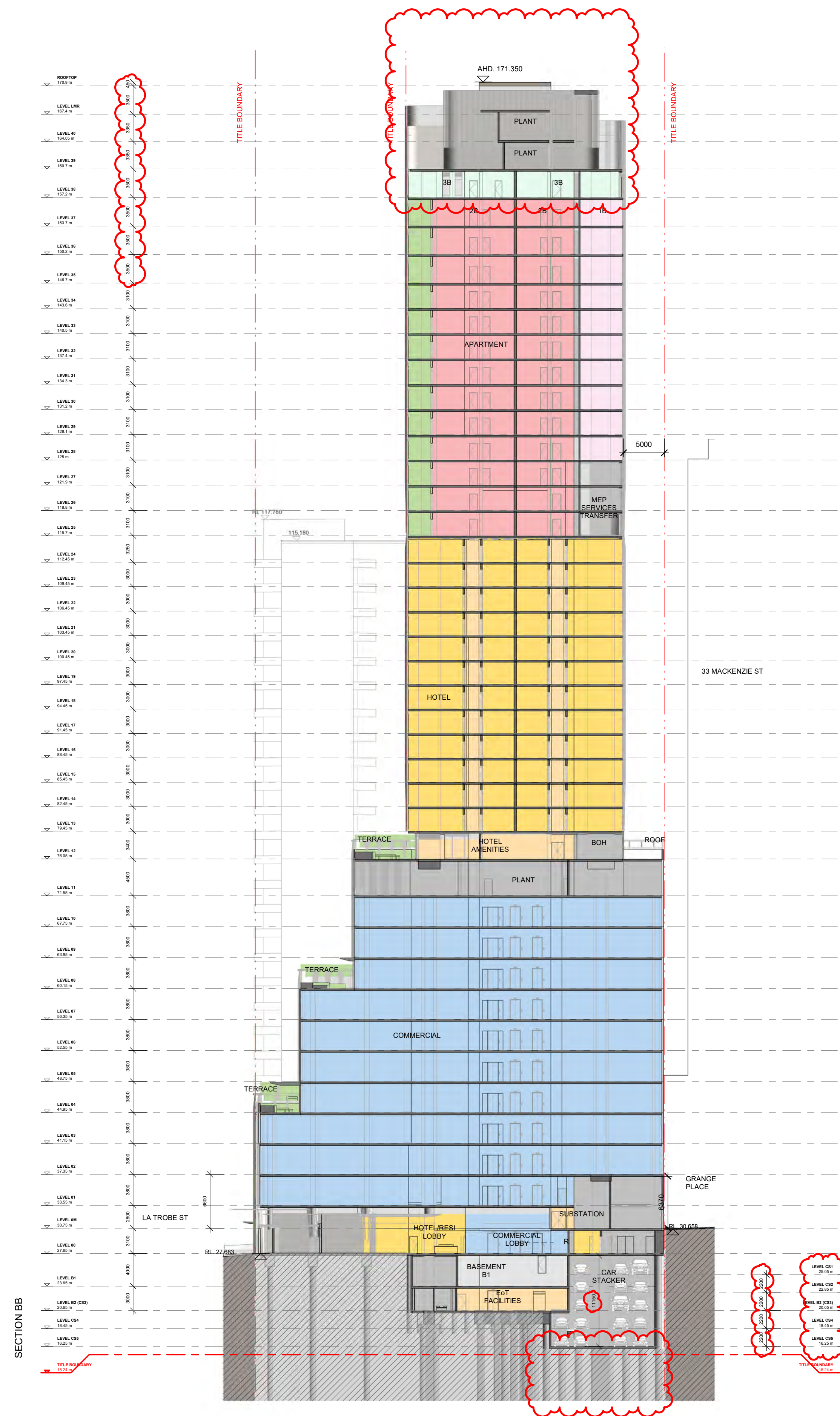
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54 La Trobe St

Building Section Section AA & BB

Status	Town Planning
Scale	1 : 350 @ A1
Drawn	JQ Checked JO
Project No.	M12625
Plot Date	25/10/2023 1:52:00 PM
BIM	
Drawing no.	Revision
TP04.001	2

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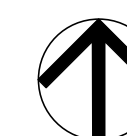
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54 La Trobe St

Building Section Section CC



Status	Town Planning		
Scale	1 : 125	@ A1	
Drawn	JQ	Checked	JO
Project No.	M12625		
Plot Date	6/10/2023 4:06:29 PM		

Drawing no.	Revision
TP04.011	2

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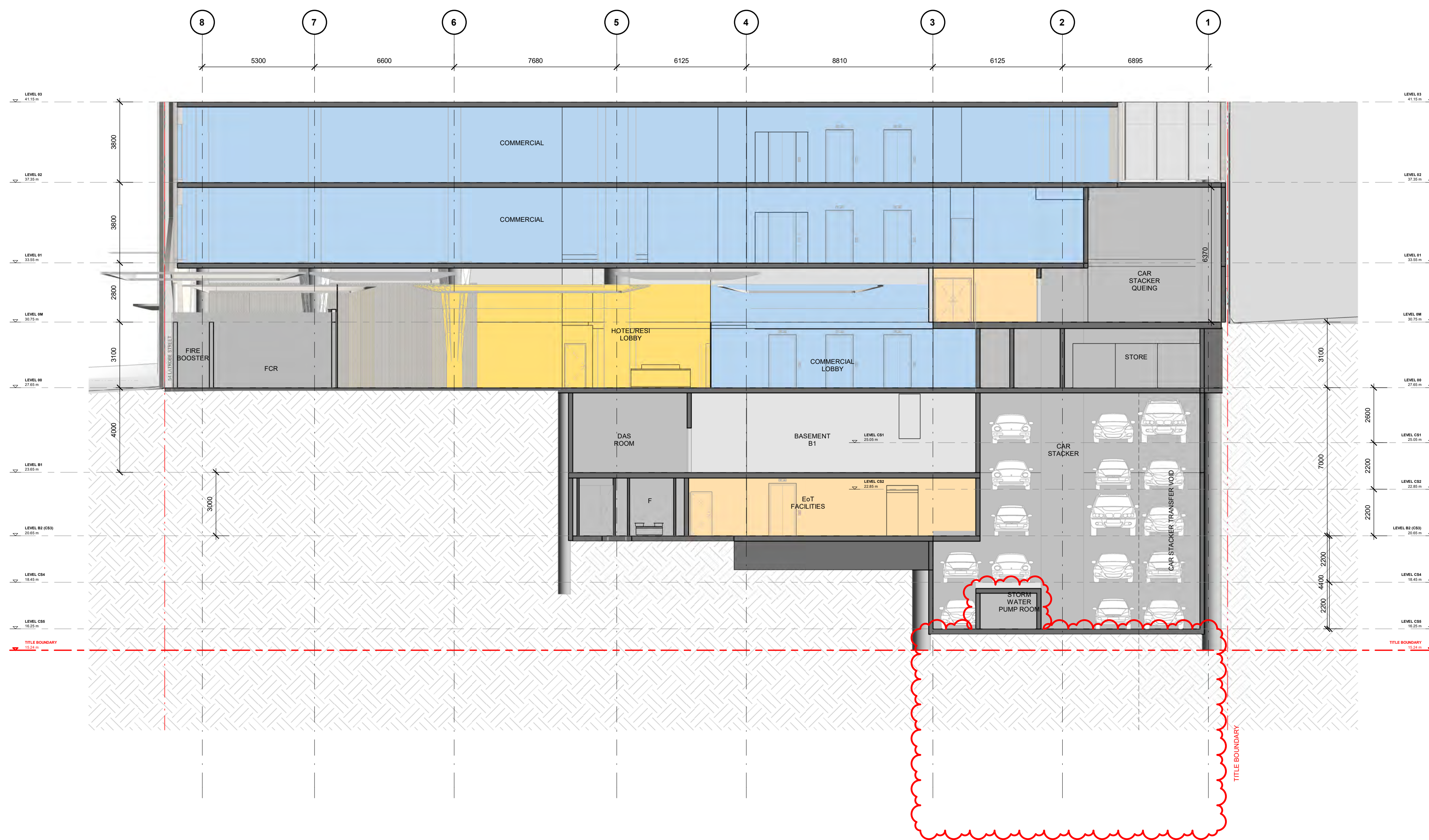
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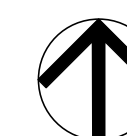
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54 La Trobe St

Building Section
Section DD



Status	Town Planning		
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Project No.	M12625		
Plot Date	6/10/2023 4:06:44 PM		

Drawing no.	Revision
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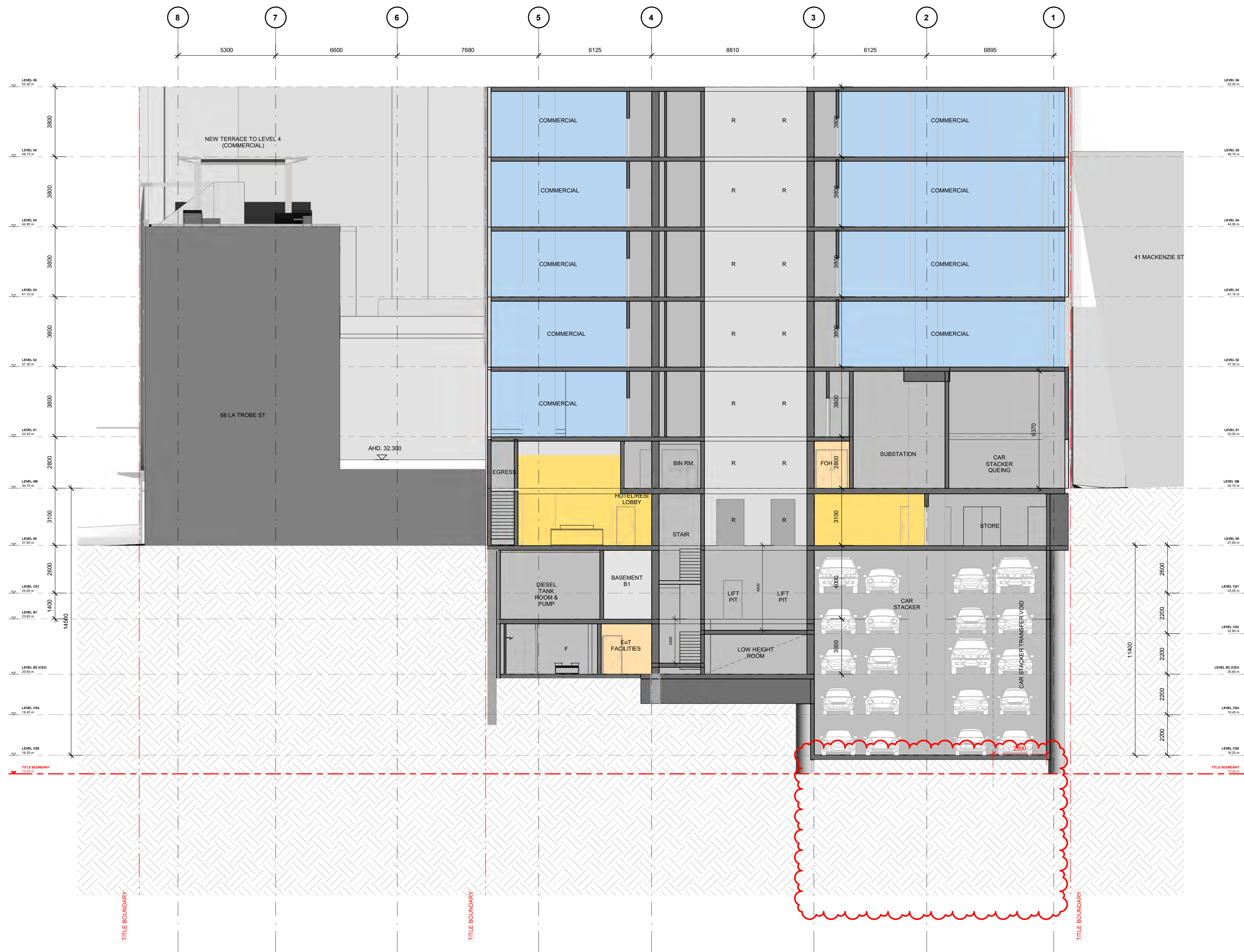
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NSW Nominated Responsible Architects: Kellie Payne Reg. 6454 / Philip Vivian Reg. 6696 / Guy Lake Reg. 7119 / Simon Swaney Reg. 7305 / Matt Allen Reg. 8498

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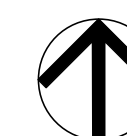
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Rev	Date	Description	Initial	Checked
2	03/10/23	RESPONSE TO RFI		
1	30/05/23	TP ISSUE		

54 La Trobe St

Building Section Section EE



Status	Town Planning
Scale	1 : 125 @ A1
Drawn	JQ Checked JO
Project No.	M12625
Plot Date	6/10/2023 4:06:57 PM
BIM	

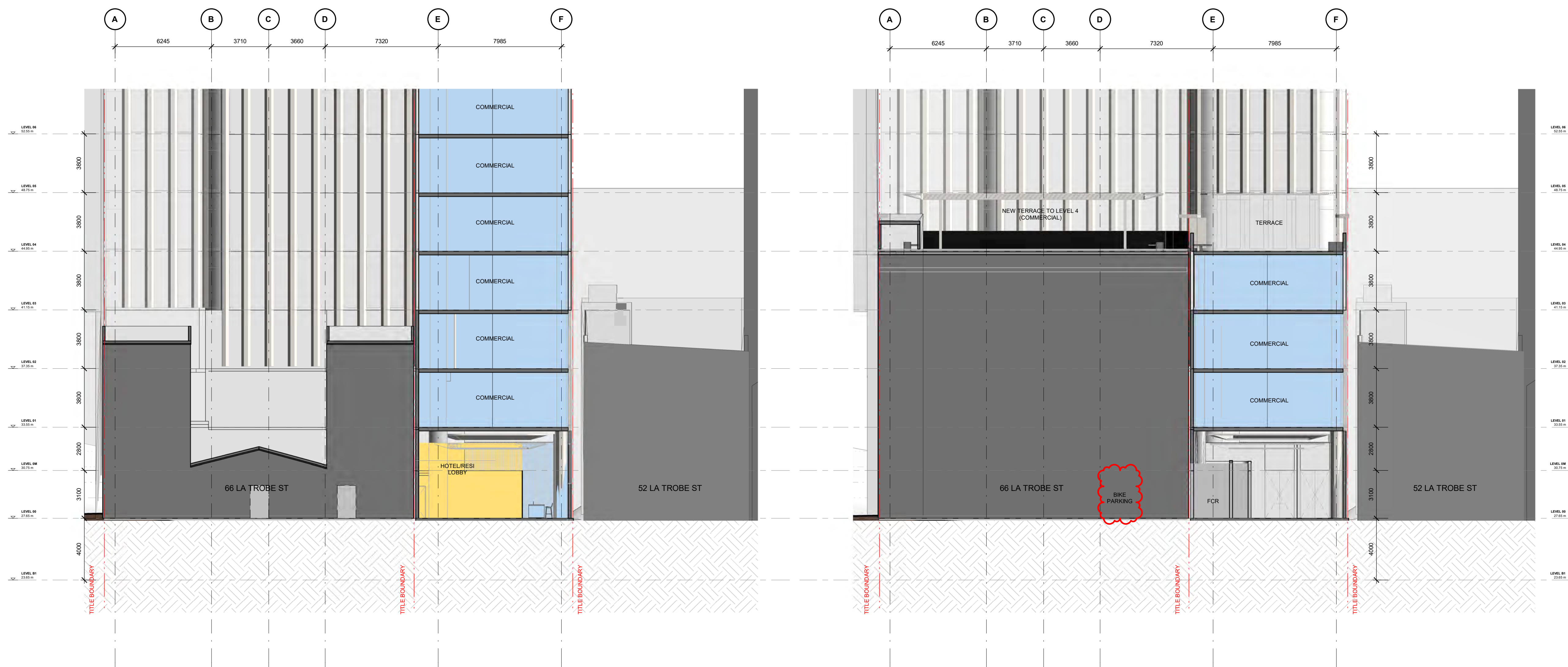
Drawing no.	Revision
TP04.013	2

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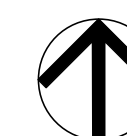
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1	30/05/23	TP ISSUE	Initial	Checked

54 La Trobe St

Building Section Section FF & GG



Status	Town Planning		
Scale	1 : 150	@	A1
Drawn	JQ	Checked	JO
Project No.	M12625		
Plot Date	6/10/2023 4:07:23 PM		

Drawing no.	Revision
TP04.014	2

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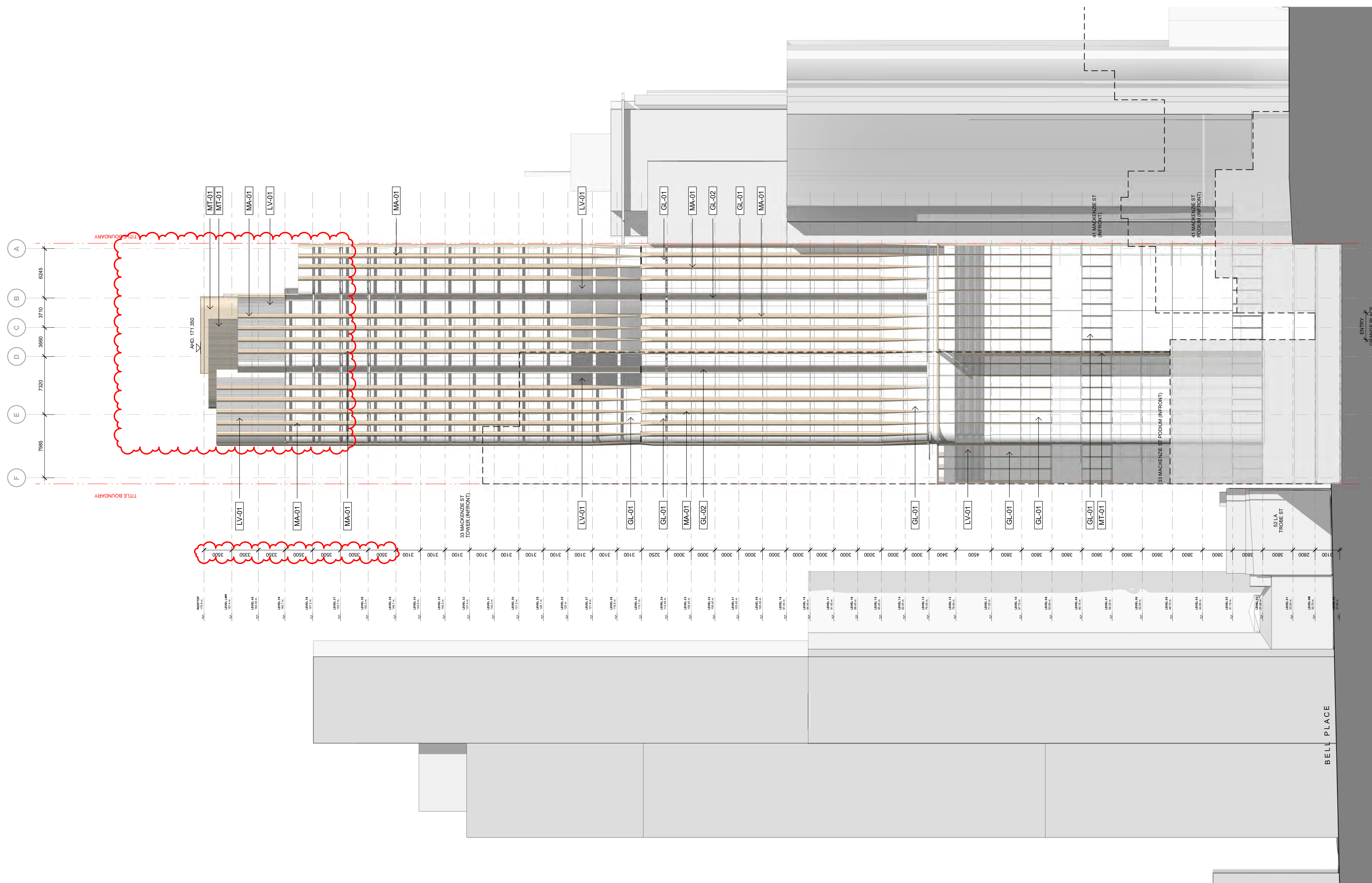
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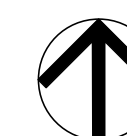
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- GL-02 Spandrel Glass
- LV-01 Light Warm Louvre
- MA-01 Light Warm Masonry-like Material
- MT-01 Light Warm Metal



Rev	Date	Description	Initial	Checked
2	03/10/23	RESPONSE TO RFI		
1	30/05/23	TP ISSUE		

54 La Trobe St

Elevation
North Elevation



Status	Town Planning		
Scale	1 : 250	@	A1
Drawn	JQ	Checked	JO
Project No.	M12625		
Plot Date	5/10/2023 3:59:26 PM		
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Drawing no.	Revision
TP09.001	2

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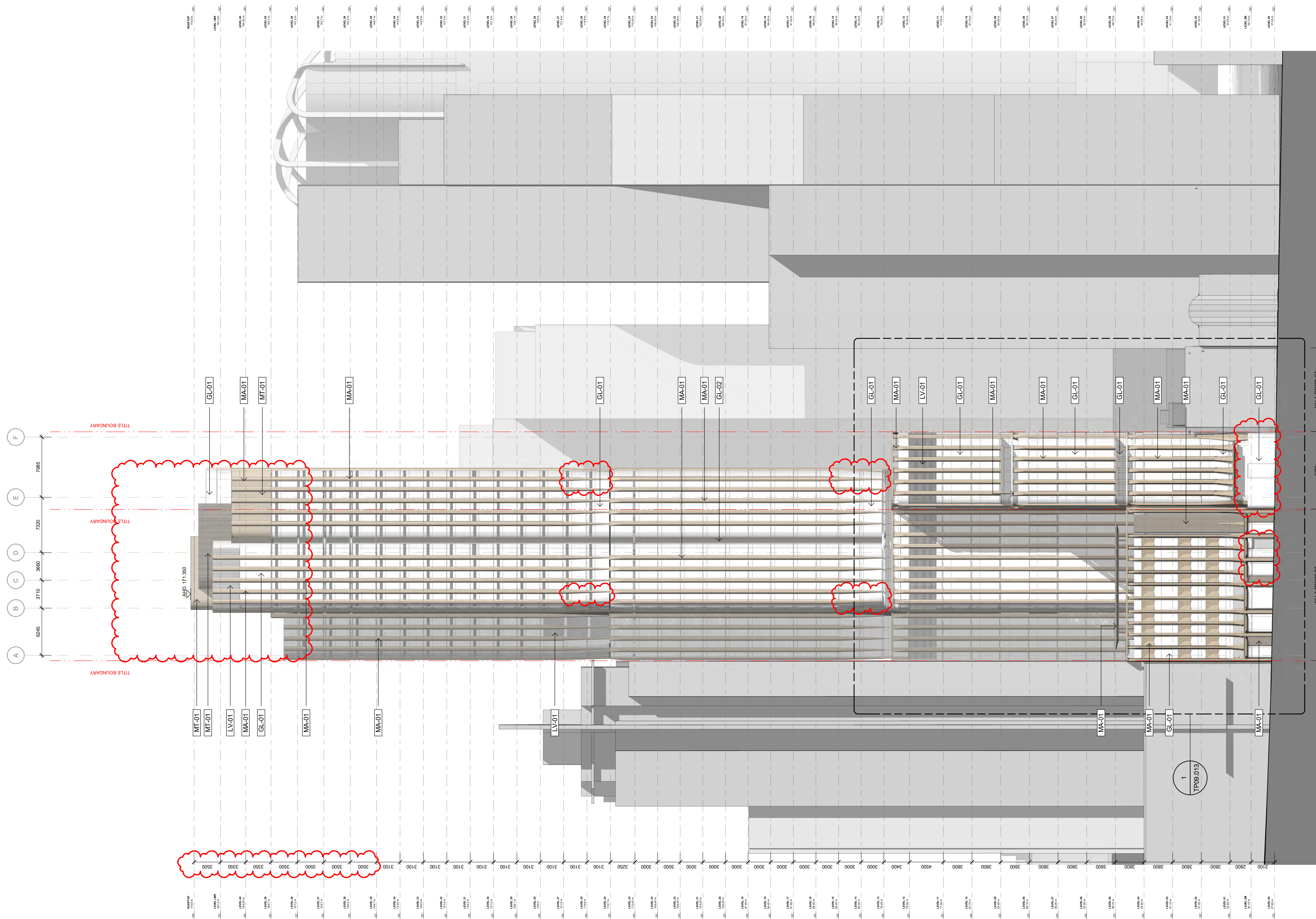
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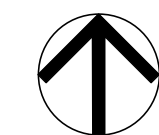
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- MT-01 Light Warm Metal



Rev	Date	Description	Initial	Checked
2	03/10/23	RESPONSE TO RFI		
1	30/05/23	TP ISSUE		

54 La Trobe St

Elevation
South Elevation



Status	Town Planning
Scale	1 : 250 @ A1
Drawn	JQ
Checked	JO
Project No.	M12625
Plot Date	5/10/2023 4:31:39 PM

Revision	Description
2	TP09.003

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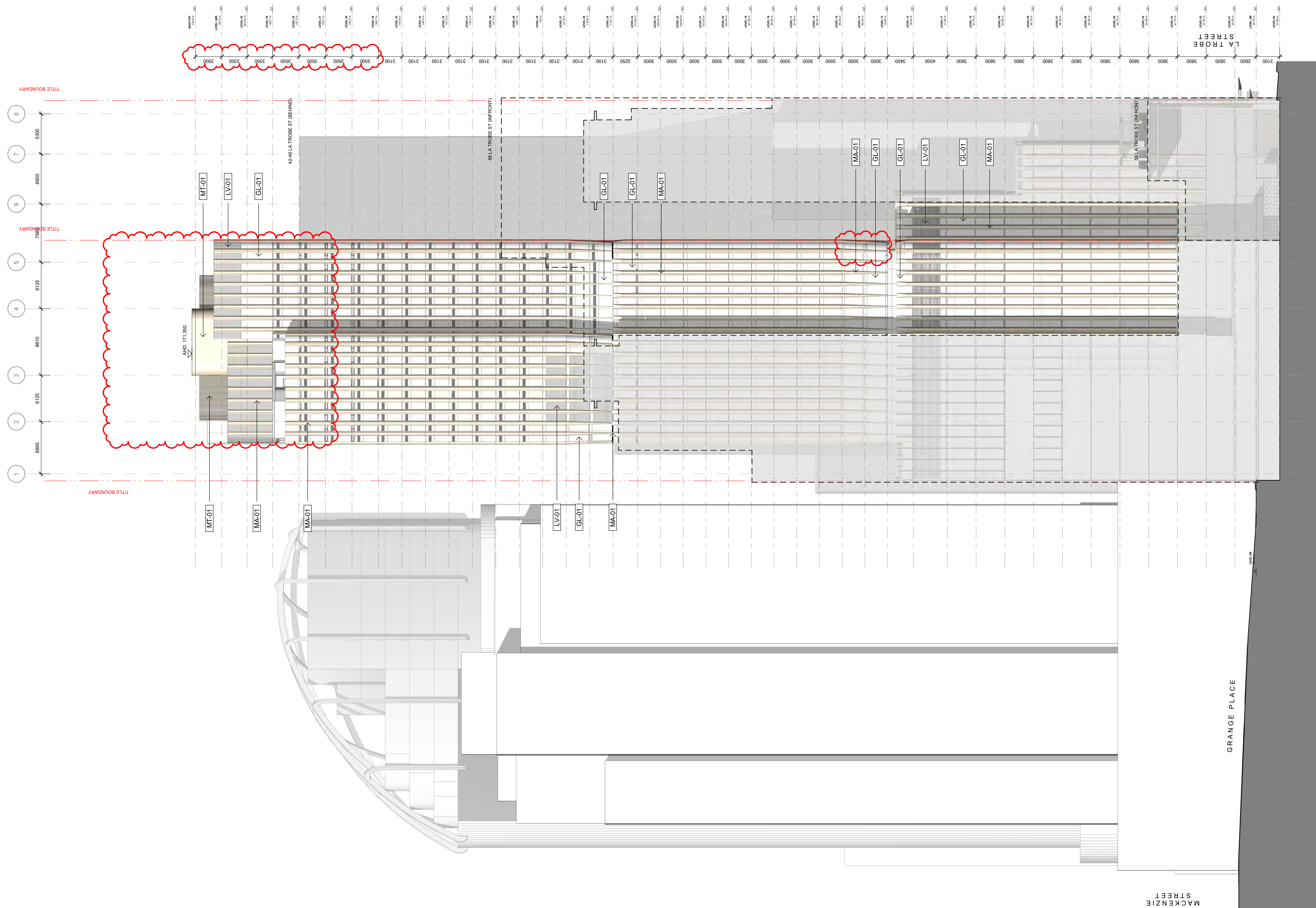
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Material Legend

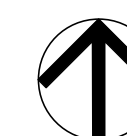
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- MA-01 Light Warm Masonry-like Material
- MT-01 Light Warm Metal



2	03/10/23	RESPONSE TO RFI		
1	30/05/23	TP ISSUE	Initial	Checked
Rev	Date	Description		

54 La Trobe St

Elevation
West Elevation



Status	Town Planning		
Scale	1 : 250	@	A1
Drawn	JQ	Checked	JO
Project No.	M12625		
Plot Date	5/10/2023 4:48:00 PM		
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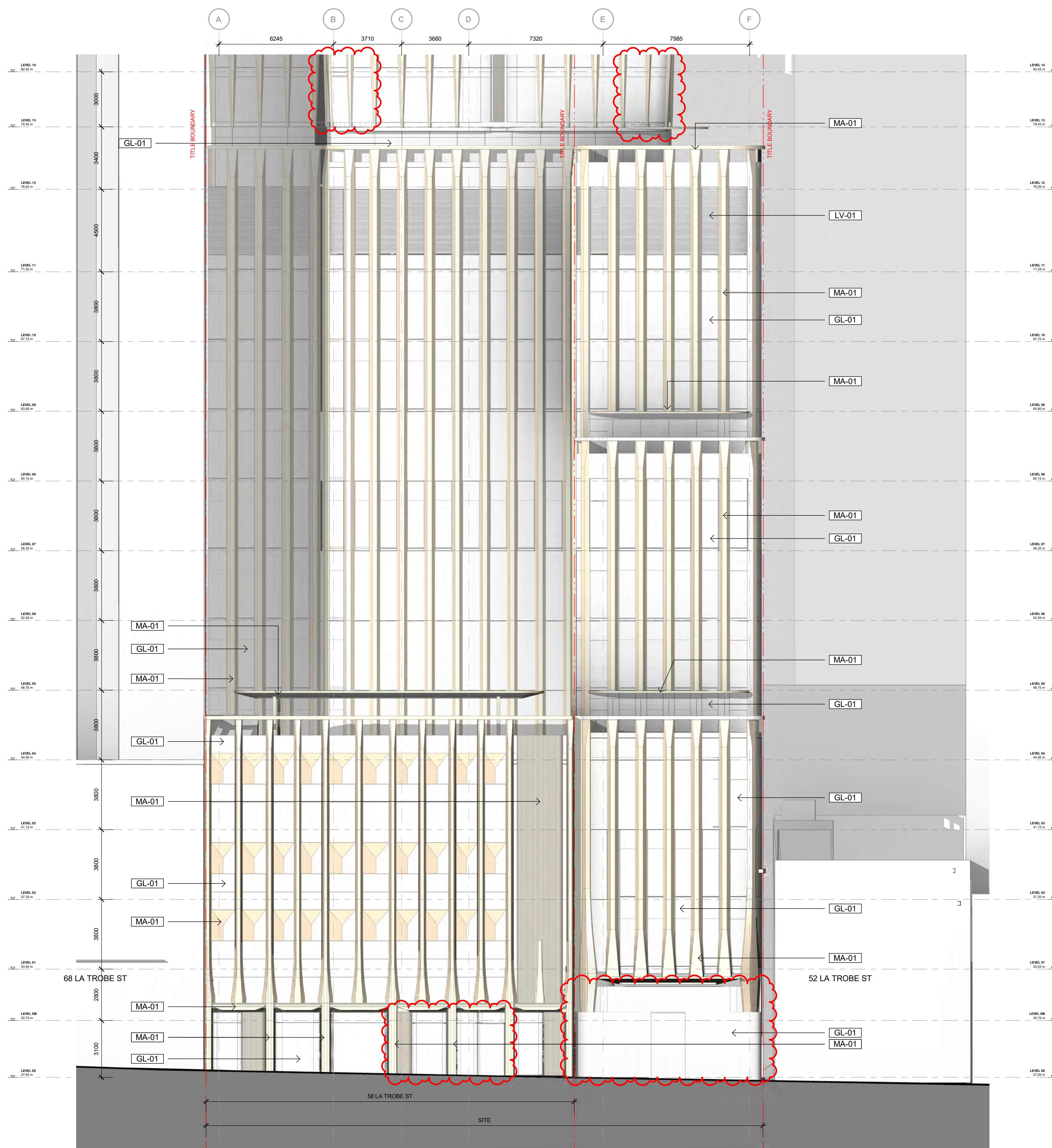
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TP09.004	2

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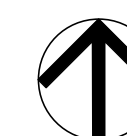
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Rev	Date	Description	Initial	Checked
2	03/10/23	RESPONSE TO RFI		
1	30/05/23	TP ISSUE		

54 La Trobe St

Elevation
South Elevation - Podium



Status	Town Planning		
Scale	1 : 125	@ A1	
Drawn	JQ	Checked	JO
Project No.	M12625		
Plot Date	5/10/2023 3:36:17 PM		

Drawing no.	Revision
TP09.013	2

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DELEGATE REPORT

MINISTERIAL PLANNING REFERRAL

Melbourne City Council application number:	TPM-2023-8
Department of Transport and Planning application number:	PA2302293
Applicant:	Brarz Development City Pty Ltd
Owner:	SR Brarz Commercial Pty Ltd and others
Architect:	Bates Smart
Address:	54-66 La Trobe Street, Melbourne
Proposal:	Façade alterations and the addition of a roof terrace to an existing retained building, the construction of a multi-storey building for use as dwellings, office and residential hotel, and an associated reduction in the statutory car parking rate for office and the bicycle facilities requirements for the residential hotel
Cost of works:	\$100 million
Date received by the Melbourne City Council:	13 June 2023
Responsible officer:	Matthew Mukhtar, Principal Urban Planner

1 BACKGROUND

1.1 TPM-2023-8

Planning permit application TPM-2023-8 / PA2302293 (**Application**) is a proposed amendment to planning permit TP-2016-858. The proposed amendments to the architectural plans result in an increase in the Gross Floor Area (**GFA**) above 25,000 m² thereby making the Minister for Planning (through the Department of Transport and Planning) the Responsible Authority.

The Application relates to the two parcels of land at 58-66 La Trobe Street and 54-56 La Trobe Street, Melbourne (referred collectively as the **Site**).

1.2 TP-2016-858

Planning permit TP-2016-858 was issued by the Melbourne City Council for the land at 58-66 La Trobe Street (that is, it did not include 54-56 La Trobe Street) on 16 January 2019. The permit allows:

Part demolition and refurbishment of existing building on La Trobe Street, and the construction of an upper level addition to it, and the construction of a multi-level building for use as dwellings and residential hotel, and ground floor retail premises, with a reduction in the

standard parking rate for the retail premises and residential hotel, and a waiver of the loading bay requirements for the retail premises in accordance with the endorsed plans.

The approved building is described as follows:

- 104.8 metres (including plant) in height.
- Includes dwellings, residential hotel, and shops.
- Built behind the existing retained four storey residential building fronting La Trobe Street, with pedestrian access provided through the retained building.
- Set back a minimum of 5.0 metres to the north title boundary from level two, is setback 6.4 metres above level 3 from the light court from the apartment building at 68 La Trobe Street, and is setback 5.0 metres to the east from 54-66 La Trobe Street from level 11.
- Vehicle access to an internal stacker system provided via Grange Place.

The approved development is described and assessed in the officer's report dated 29 September 2016 (the **Previous Officer Report**).

The permit expires if the development is not commenced by 16 January 2025.

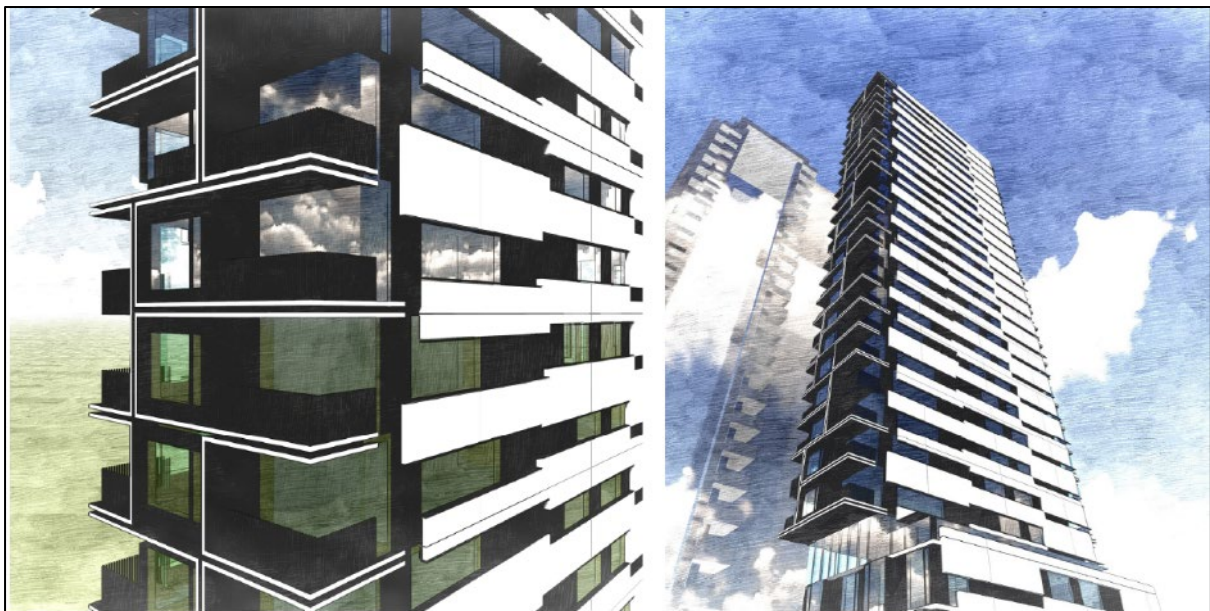


Figure 1 – render of the approved development under permit TP-2016-585 prepared by Hayball Architects dated 27 February 2018

2 SITE AND SURROUNDS

2.1 Site

The Site is approximately 1,521 m² in area and is rectangular in shape. It is located on the northern side of La Trobe Street (a 30 metre road reserve), between Russell Street and Elizabeth Street. It has a frontage to La Trobe Street of approximately 30 metres, an interface of approximately 4 metres to Grange Place (providing existing vehicle access), an interface to Bell Place, and a depth of approximately 50 metres (La Trobe Street to Grange Place).

58-66 La Trobe Street is developed as a four-storey concrete and brick building containing dwellings, with ground floor retail. 54-56 La Trobe Street is developed as a three-storey office building.

The Site slopes upward from La Trobe Street to the rear of the Site by approximately 2.98 metres.

Abutting and surrounding properties are described as follows:

- North:
 - Grange Place, a road providing vehicle access to the Site and properties abutting the street, 27-39 Mackenzie Street, a 32 storey residential building, and 43 Mackenzie Street, a part two and part four storey office building.
- East:
 - 52 La Trobe Street, a three storey building used for a bar.
 - 42-50 La Trobe Street, a six storey student accommodation building forming part of a 44 storey student accommodation building.
- South: Russell Street, a 30 metres wide street with dual carriage way, tram and bicycle infrastructure, and parallel on-street restricted car parking. Directly in front of the Site is a no standing zone and one London Plane street tree.
- West: 68 La Trobe Street, a 27 storey residential building known as the Blue Tower, consisting of approximately 280 apartments with a light court abutting the Site.



Figure 2 – aerial image of the Site and surrounds (Source: Nearmap, dated 2 March 2024)



Figures 3 and 4 – view to the frontage of the Site from La Trobe Street (left) and the rear of the Site from Grange Place (Source: Melbourne City Council, dated 1 February 2024)

2.2 Surrounds

The Site is located within Melbourne’s Central Business District (CBD) where high density retail, entertainment, residential, and commercial uses are within close proximity and supported with multiple transport options and public parks (including Eight Hour Reserve and the Carlton Gardens).

Nearby developments proximate to the Site include:

- 42-50 La Trobe Street, a 43 storey (plus plant) student accommodation building.
- 36-40 La Trobe Street (The Trillium), a 38 storey residential development.
- 33 Mackenzie Street (MacKenzie Tower), a 32 storey residential building.
- 9-23 Mackenzie Street (Conservatory Melbourne), a 42 storey residential building.
- 23 - 29 Victoria Street, 25 storey student accommodation building.
- 302-324 Russell Street (Abode318), a 57 storey residential building.

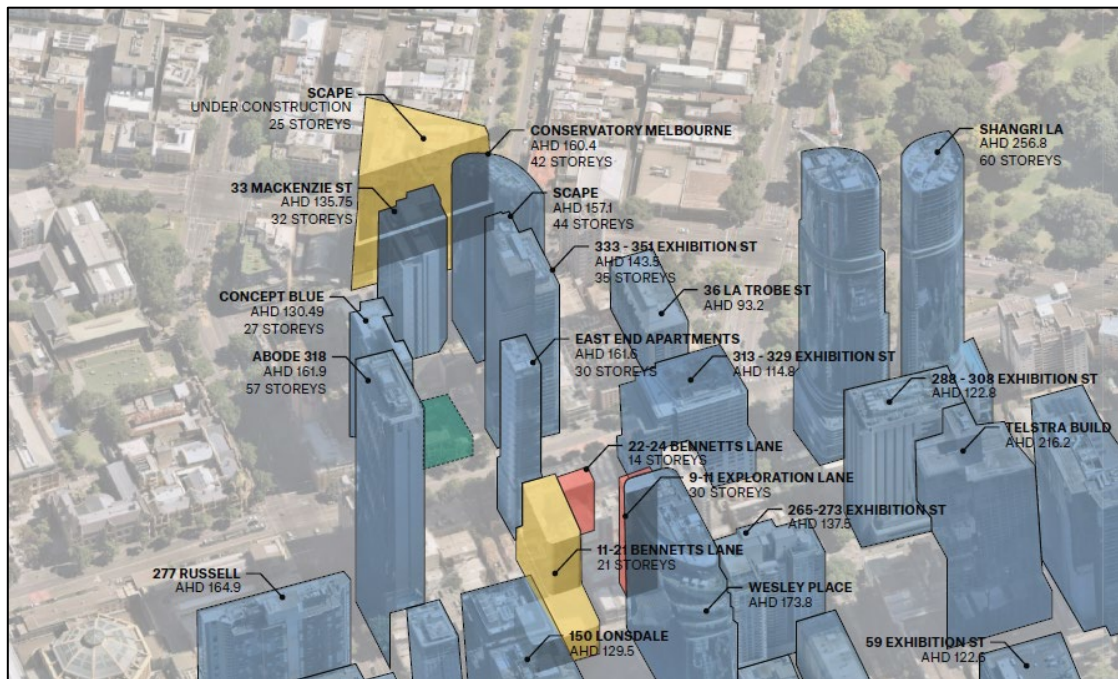


Figure 5 – Extract from the Town Planning Report - RFI Response prepared by Bates Smart dated October 2023 (Rev. A)

2.3 Certificate of title

The registered search statement for the Site does not appear to include any restrictive covenants or agreements under section 173 of the *Planning and Environment Act 1987 (Act)*.

2.4 Aboriginal cultural heritage

The Site is not included in an area of legislated cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2018*.

2.5 Victorian Heritage Inventory

54-56 La Trobe Street is included in the Victorian Heritage Inventory for its potential to contain historical archaeological remains. Under the terms of the *Heritage Act 2017* there is protection for all historical archaeology sites and objects which the applicant must ensure compliance with. A note will be recommended on the permit (should one issue) to remind the permit holder of this.

3 HISTORY OF THE APPLICATION

3.1 Pre-application meeting

Pre-application discussions were held between the applicant and officers from the Department of Transport and Planning (DTP) and the Melbourne City Council. The following matters were raised with the applicant (may not be an exhaustive list):

- Raised concern with the proposed height of 44 storeys.
- The Design and Development Overlay, Schedule 1 has been introduced to the Melbourne Planning Scheme (**Planning Scheme**) and the Site since the original permit was issued.
- Provide detailed equitable development studies which assess the impact of the proposed building on the development potential of abutting properties with further development potential.
- The commercial floor plates to lower levels do not appear to receive sufficient daylight.
- The ground floor pedestrian interface to La Trobe Street should be made more active, including a reduction of building services.
- The layout, activation and amenity of the ground level lobby spaces to La Trobe Street to be improved.
- Provide further details of the proposed through block pedestrian arcade from Bell Place, through the proposed ground floor, to La Trobe Street.

3.2 Response to request for further information

On 14 December 2023, the Melbourne City Council was provided with the applicant's final and complete response to DTP's request for further information. In addition to responding to the request, the application was amended to include the following key changes (not an exhaustive list):

- Reduction of the building height from 44 storeys to 40 storeys.
- Amendments to the ground floor and the retained building, including the alteration of the proposed lobby spaces, details of the façade changes to the existing building, and the removal of the through block arcade.
- The provision of a daylight assessment for the commercial floor plates.

3.3 Discussion studies and reports

On 18 April 2024, following further discussions between the applicant and officers from DTP and the Melbourne City Council, the applicant provided the following (may not be an exhaustive list):

- Equitable development studies prepared by Bates Smart assessing the impact of the proposed building on the development potential of abutting properties.
- Above level four, providing a five metre setback to 41-45 Mackenzie Street.
- Visual studies prepared by Orbit Solutions of the proposed development as viewed from over the Exhibition Centre in the Carlton Gardens.
- Amended Waste Management Plan and Traffic and Transport Assessment.

3.4 Relevant planning scheme amendments and Melbourne City Council policies

The following gazetted and proposed amendments to the Planning Scheme are relevant to consider.

3.4.1 Carlton Gardens World Heritage Environs Area (WHEA)

On 26 July 2022, the boundaries of the WHEA were extended to include the Site (amongst other parts of the City of Melbourne and the City of Yarra). See figure 6 below.

The WHEA is managed in accordance with the *World Heritage Strategy Plan (WHSP)*, which sets out strategies for the WHEA which is a buffer zone protecting the WHEA.

Following public notice, a draft amended WHSP and associated planning controls have been considered at a hearing held by the Heritage Council. A regulatory committee of the Heritage Council, after considering all submissions received and conducting a hearing into the matter, has recently discharged its obligations under section 175 of the *Heritage Act 2017* in relation to the WHSP by lodging the plan to the Minister for Planning for approval. The Minister for Planning may approve the Strategy Plan with or without amendments. The Strategy Plan comes into effect on the date it is published in the Government Gazette.

Amongst other things, the draft amended WHSP included a draft Design and Development Overlay that is proposed to apply to the Site and surrounds. It is understood that should the Minister for Planning support the amended Strategy Plan, the proposed planning controls would go through a Planning Scheme amendment process. Relevant to the Site, it proposed a discretionary height limit of 115 metres and a mandatory maximum height of 125 metres, with the following design objectives:

To protect the World Heritage values and prominence of the Royal Exhibition Building and Carlton Gardens.

To protect views and vistas of the drum, dome, lantern and flagpole of the Royal Exhibition Building and Carlton Gardens, and maintain the visual dominance of the dome to a clear sky backdrop from primary vantage points.

To ensure development within the WHEA maintains and conserves the significant historic character (built form and landscapes) of the WHEA and the Royal Exhibition Building and Carlton Gardens.

To reinforce the built form character of the WHEA as being predominantly of low-rise buildings in consistent heritage streetscapes.

In regard to the WHSP, on 21 September 2021, the Future Melbourne Committee resolved:

Endorses the submission to the World Heritage Strategy Plan Review for the Royal Exhibition Building and Carlton Gardens as shown at Attachment 2 of the report from management, subject to management making further amendments prior to submission to give effect to the following positions:

- ...

- ...
- If it were to be recommended that further work be undertaken to apply built form controls to the land bounded by Russell, Victoria, Exhibition and La Trobe Streets, the City of Melbourne would wish to lead and choose the timing of such an exercise, taking all planning considerations and site context into account.

Notes that, despite the positions set out in the paragraphs above, the City of Melbourne’s position retains support for new regional policy, expanded WHEA and overlay boundaries and, if implemented, will result in a stronger planning framework to manage the environs of the World Heritage site.

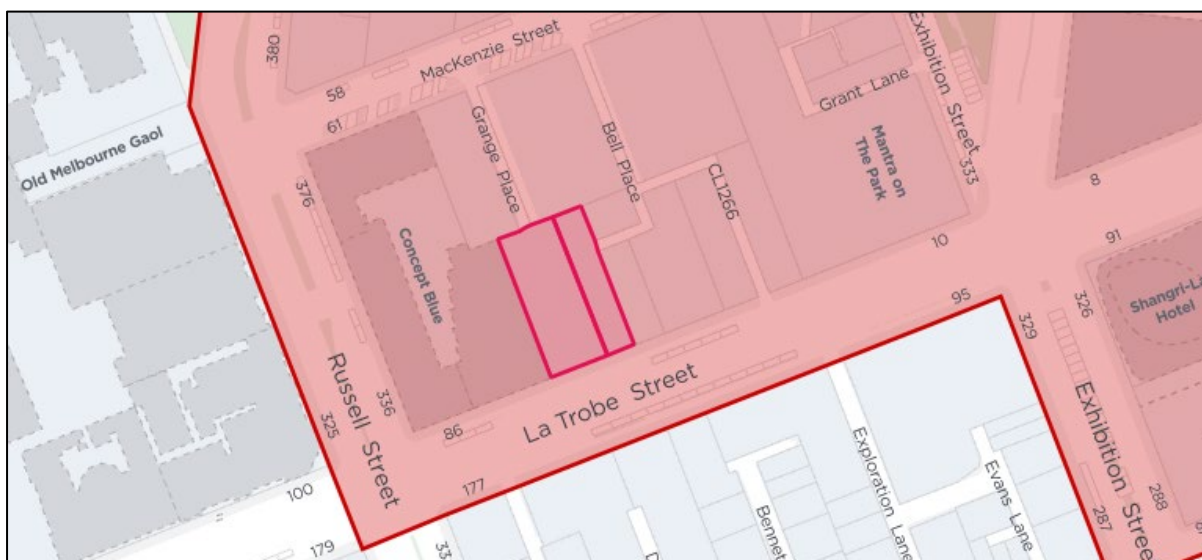


Figure 6 – extract of the WHEA boundary (shown in light red) with the Site (outlined in darker red) (Source: CoMPass)

3.4.2 Amendment VC250 (Residential reticulated gas service connection)

Amendment VC250 was gazetted into the Planning Scheme on 1 January 2024. The amendment, among other things, introduced clause 53.03 with the purpose of prohibiting residential reticulated gas connections to new dwellings, new apartment developments and new residential subdivisions. The requirements of this clause do not apply to either an application lodged before the approval date of the amendment, or an application for an amendment to a permit with respect to a permit issued in accordance with the above. The application benefits from these exemptions. Notwithstanding this, the discussion Sustainability Management Plan referenced in section 4.3 below confirms the building will be electric with no natural gas infrastructure installed.

3.4.3 City of Melbourne – Transport Strategy 2030

The City of Melbourne’s Transport Strategy 2030 is a comprehensive plan that outlines the city’s vision for a sustainable, efficient, and accessible transport system over the next decade.

The strategy focuses on several key areas to improve mobility and reduce congestion while prioritising the needs of pedestrians, cyclists, and public transport users.

By prioritising these modes, the strategy aims to reduce reliance on private cars and decrease traffic congestion, leading to a more sustainable and liveable city.

4 PROPOSAL

4.1 The proposal

The application seeks approval to amend planning permit TP-2016-858 under section 72 of the Act to include the land at 54-56 La Trobe Street, to make changes to the built form including: an increase in height, change to setbacks, and changes that alter the design of the building, and changes to the use of the building including the inclusion of office land use.

4.1.1 Land use (incl. bicycle and car parking)

The proposed building comprises of the following:

- 6,172 m² of office space (net leasable area) spread across levels 1 to 10.
- 4,192 m² of residential hotel space (net leasable area) spread across Levels 13 to 24, comprising 160 hotel rooms and indoor and outdoor amenities.
- 61 dwellings spread across Levels 25 to 38, as follows:
 - 10 x one-bedroom dwellings
 - 49 x two-bedroom dwellings
 - 2 x three-bedroom
- 287 m² of communal residential amenity¹, comprising:
 - 138 m² of internal residential amenity on level 12.
 - 149 m² of external residential amenity on level 12².
- 69 car parking spaces (61 spaces to the dwellings and 8 spaces to the office) in a stacker arrangement accessed from Grange Place (no change to vehicle access being provided from Grange Place).
- 164 bicycle parking spaces and associated End of Trip (**EoT**) facilities.

4.1.2 Built form

The proposed building extends beyond the approved building's envelope as the Site has increased in size due to the incorporation of the land at 54-56 La Trobe Street. The decision plans include a hatched blue line which compares the setbacks of the approved building to that of the proposal.

The key built form amendments include:

- Construction of an additional three levels of basement.
- Amended design of the façade to the retained four storey building at 58-66 La Trobe Street, including a proposed rooftop terrace accessed via the adjacent office tenancy.
- The inclusion of 54-56 La Trobe Street results in changes to the composition of the ground floor, including: pedestrian access and a partial new wall on boundary to 52 La Trobe Street to 48.4 metres (AHD 76.05)
- Increase in overall building height from 104.8 metres to 143.7 metres (both including plant).
- Alternative design, setbacks, and composition of the approved building, including:
 - The north elevation built in part of the boundary (to level 11) and in part setback five metres – previously set back five metres above level one.

¹ The 'SKY TERRACE' on level 38 is not communal, it is dedicated to apartments to the apartments on level 38

² Refer to the assessment section of the report which recommends permit conditions to demarcate the outdoor hotel amenity space and the outdoor residential amenity space.

- The east built in part to the boundary (to level 12) and in part setback five metres – previously built to the boundary to level 10 and set back five metres (to 54-56 La Trobe Street) above.
- The west elevation to setback to match the existing light court of 68 La Trobe Street from proposed level 1 and setback from the west title boundary of 6.5 metres – the existing light court of 68 La Trobe Street was previously matched from level four and previously set back 6.5 metres.
- The south elevation built in part to the north boundary of the retained building on the Site – previously built to the north boundary of the retained building on the Site or setback a minimum of setback of 2.1 metres.



Figure 7 – render of the proposal (Source: Town planning report – RFI response prepared by Bates Smart dated October 2023 (Rev. A))

4.2 Comparison to the original permit

The table below summarises the key changes between the planning permit and the proposal.

	Planning permit	Proposal
Address	58-66 La Trobe Street	54-66 La Trobe Street
Land use	Retail, residential hotel, and dwellings	Office, residential hotel, and dwellings
Site area (incl. retained building)	1,011 m ²	1,521 m ²
Building height (storeys)	34 storeys	40 storeys

Building height (metres)	104.8 m	143.7 m
Podium height	30.7 m	Stepped podium to 17.2 m, 32.5 m, and 48.4 m
Gross floor area (incl. basement)	13,038 m ²	30,709 m ²
Office floor area (NLA)	Nil	6,127
Retail floor area (NLA)	286	Nil
Residential hotel rooms	44	160
Dwellings	88	61
Car spaces	32	69
Bicycle spaces	50	164

4.3 Documents considered in assessment

The table below identifies the key documents considered in the assessment of the Application.

Original lodgement or Request for Further Information response		
Document	Author	Date and Revision No.
Certificates of title	Landata	Various
Architectural plans ³	Bates Smart	3 October 2023 (all Rev. 2)
Town planning report – RFI response	Bates Smart	October 2023 (Rev. A)
Façade RFI response	Bates Smart	October 2023 (Rev. A)
Town planning report	Urbis	October 2023
Visual amenity document	Orbit solutions	5 April 2024
Traffic and transport assessment	Impact	12 October 2023 (Rev. F02)
Waste management plan	Impact	11 October 2023 (Rev. F02)
Environmental Wind Assessment	Mel Consultants	7 December 2023
Sustainability management plan (including a commercial daylight assessment)	NDY	25 October 2023 (Rev. 2.0)
Stormwater quality report	NDY	16 June 2023 (Rev 1.0)

³ A development summary and detailed apartment diagrams are contained within the Town planning report – RFI response prepared by Bates Smart dated October 2023 (Rev. A). It is appropriate that this information be included in the architectural plans and therefore a condition is recommended to be added to this effect should a permit issue.

Landscape plan and landscape maintenance plan	Barber	May 2023
Re-Establishment, Feature and Levels Plan	Unknown. Included within the Town planning report – RFI response prepared by Bates Smart	Unknown
Discussion Documents		
Document	Author	Date and Revision No.
Town planning letter	Urbis	16 April 2024
Amendment TP03.0MZ (General Arrangement Plan Level Mezzanine) architectural plan	Bates Smart	19 March 2024 (Rev. 4)
Development studies report	Bates Smart	March 2024
Visual amenity document	Orbit Solutions	5 April 2024
Traffic and transport assessment	Impact	25 March 2024 (Rev. F03)
Waste management plan	Impact	25 March 2024 (Rev. F03)
Sustainability management plan	NDY	22 March 2024 (Rev. 4.0)

5 PLANNING CONTROLS AND POLICIES

5.1 Zone, overlays, and particular, general, and operational provisions

The table below summarises the key planning controls of the Planning Scheme.

It is noted that when the original planning permit issued, due to a mapping area, the Heritage Overlay applied to a slither of the Site. This error has since been corrected and therefore the Heritage Overlay does not apply to the Site. The effect of this, as it relates to planning permit triggers, is that there is no longer a requirement for a planning permit for demolition. Associated changes to the permit, should a permit issue, include changes to what the permit allows to remove the reference to demolition.

Zone	
Clause 32.04	Mixed Use Zone
Mixed Use Zone (MUZ) – Melbourne Mixed Use Areas	<p><i>Land use – permit required</i></p> <p>A permit is not required to use the land for dwellings.</p> <p>A permit is required to use the land for accommodation (residential hotel) as this is a section 2 (permit required use), and office as the proposed leasable floor area exceeds 250 m².</p> <p>The retail uses on the ground floor of the existing retained building are not subject to assessment by this application as these are not proposed to be amended by this Application.</p> <p><i>Construction of a building – permit required</i></p> <p>A permit is required to construct a residential building and to construct for a permit required use.</p>

Clause 58 (Apartment developments) does not apply as this is an application to amend a permit which was lodged before the approval date of amendment VC136 to the Planning Scheme.

Overlays	
Clause 43.02	Design and Development Overlay
Schedule 1 – Urban Design in Central Melbourne (DDO1)	<i>Buildings and works – permit required</i> A permit is required to construct a building.
Clause 44.09	Parking Overlay
Schedule 12 – Residential Development in Specific Inner City Areas (PO12)	<i>Car parking for dwellings – no permit required</i> The PO12 establishes a maximum car parking rate of one space per dwelling. It does not apply to any other use and therefore clause 52.06 applies to the other uses (as discussed below). The Traffic and Transport Assessment prepared by Impact confirms that 69 car parking spaces are proposed with the following allocation: <ul style="list-style-type: none"> • Dwellings: 61 spaces for the 61 dwellings. • Office: 8 spaces. • Residential hotel: 0 spaces. As such, no permit is required under the PO12 as no more than one space per dwelling is proposed. Should a permit issue it is recommended that this is given force and effect through a condition.

Particular Provisions	
Clause 52.06	Car parking
<i>Provision of car parking spaces for the ‘office’ – permit required</i> Under clause 52.06-5 the proposed office requires 183 car parking spaces (3 spaces per 100 m ² of office floor area). As discussed above, eight spaces are proposed for the office and therefore a permit is required to reduce the statutory requirement.	
<i>Provision of car parking spaces for residential hotel – no permit required (provision to the satisfaction of the Responsible Authority)</i> Under clause 52.06-6, as a residential hotel is not listed in the table at clause 52.06-5, the provision of car parking for the use must be provided to the satisfaction of the Responsible Authority.	
<i>Design standards</i> The design standards and decision guidelines of clauses 52.06-9 and 52.06-10 apply to the design of the proposed car parking at the Site.	
Clause 52.34	Bicycle facilities
<i>Reduction of the bicycle facilities requirements for the ‘residential hotel’ – permit required</i> As the below table shows, the proposed development provides in excess of the required number of bicycle facilities and showers and therefore does not require a permit under clause 52.34-2. However, the applicant has confirmed that due to the short stay nature of the residential hotel use, it is not proposed to provide for any bicycle parking facilities for the use. As such, a permit is required to reduce the bicycle facilities requirements for the ‘residential hotel’. A condition on permit will require the design of the bicycle spaces to be in accordance with the requirements of clause 52.34 (Bicycle facilities) of the Planning Scheme and/or comply with the relevant Australian Standards.	

Use	No.	Statutory requirement	No. of bicycle spaces / showers required
Dwelling	61 apartments	Resident: In developments of four or more storeys, 1 to each 5 dwellings	12 bicycle spaces
		Visitor In developments of four or more storeys, 1 to each 10 dwellings	6 bicycle spaces
Office	6,127 m ²	Employee: One space to each 300 m ² of net floor area	20 bicycle spaces
		Visitor: One space to each 1,000 m ² of net floor area	6 bicycle spaces
Residential building (residential hotel)	160 lodging rooms	Resident: In developments of four or more storeys, 1 to each 10 lodging rooms	16 bicycle spaces
		Visitor: In developments of four or more storeys, 1 to each 10 lodging rooms	16 bicycle spaces
Showers		5 or more employee bicycle spaces are required, that 1 shower should be provided for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.	2 showers (for the office use as it includes requirements for employees)
Change rooms		1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room.	2 change rooms associated with the showers above
Total		Bicycle spaces required: Bicycle spaces provided: Showers required: Showers provided:	76 164 2 17 (with associated change rooms)

Clause 53.18**Stormwater Management in Urban Development**

Under Clause 53.18-3, an application to construct a building or construct or carry out works:

- Must meet all of the objectives of Clause 53.18-5 and 53.18-6.
- Should meet all of the standards of Clause 53.18-5 and 53.18-6.

Conditions recommended by the Melbourne City Council's City Infrastructure and Environmentally Sustainable Design departments, including the existing condition on the permit for a construction

management plan, will appropriately manage stormwater runoff from the development in a manner that meets the requirements of this clause.

General Provisions

Clause 65

Decision guidelines

Before deciding on an application or approval of a plan, the Responsible Authority must consider the matters set out in clause 65 of the Planning Scheme, including section 60 of the Act, as appropriate.

Operational Provisions

Clause 72.01

Responsible Authority

The Minister for Planning (through DTP) is the Responsible Authority for this application as the GFA of the development exceeds 25,000 m².

6 STRATEGIC FRAMEWORK

The most relevant policies of the Municipal Planning Strategy (**MPS**) and Planning Policy Framework (**PPF**) of the Planning Scheme are listed below. Regard has been given to key policies relevant to the proposed development at section eight of this report.

6.1 MPS

- Clause 02.01 – Context
- Clause 02.02 – Vision
- Clause 02.03 – Strategic Directions
- Clause 02.04 – Strategic Framework Plans

6.2 PPF

- Clause 11 – Settlement
 - Clause 11.02 – Managing growth
 - Clause 11.03 – Planning for places
 - Clause 11.03-6L-09 – Hoddle grid
- Clause 13 – Environmental risks and amenity
 - Clause 13.07 – Amenity, Human Health and Safety
- Clause 15 – Built environment and heritage
 - Clause 15.01 – Built environment
 - Clause 15.01-1S – Urban design
 - Clause 15.01-1L-01 – CBD Lanes
 - Clause 15.01-1L-03 – Sunlight to public spaces
 - Clause 15.01-1L-05 – Urban design outside the Capital City Zone
 - Clause 15.01-2L-01 – Energy and resource efficiency
 - Clause 15.03 – Heritage
 - Clause 15.03-1L-01 – Heritage places within the World Heritage Environs Area
- Clause 16 – Housing

- Clause 17 – Economic Development
 - Clause 17.01 – Employment
 - Clause 17.02 – Commercial
- Clause 18 – Transport
 - Clause 18.01 – Land use and transport
 - Clause 18.02 – Movement networks
- Clause 19 – Infrastructure
 - Clause 19.02 – Community infrastructure
 - Clause 19.03 – Development infrastructure
 - Clause 19.03-3L – Stormwater management (water sensitive urban design)

7 PUBLIC NOTICE, OBJECTIONS, AND EXTERNAL REFERRALS

Public notice and external referrals are the responsibility of DTP as the Responsible Authority.

7.1.1 Public notice and objections

In accordance with section 52(1)(b) of the Act, DTP has given notice of the application to the Melbourne City Council.

The planning controls applying to the Site do not exempt the proposal from notice and review. It is understood that notice of the application commenced on 19 December 2023.

It is understood that a number of objections have been lodged with DTP.

Two objections were lodged with the Melbourne City Council. Officers wrote to each objector advising that DTP are the Responsible Authority for the Application and that their objections would be forwarded to DTP. Neither objection was withdrawn and are considered in the assessment section of this report. The objections are summarised as follows:

- Reduction of daylight to surrounding apartments.
- Overlooking to surrounding apartments.
- Impacts of construction, including noise, dust, and financial loss.
- Notice of the application was not conducted properly.
- In regard to the proposed retained building 58-66 La Trobe Street:
 - The proposed new façade to the existing building will reduce daylight into the apartments.
 - The existing balconies should remain.
 - Concerns with respect to the owners corporation.
 - The existing building should be demolished, instead of being integrated into the proposed development.

7.1.2 External referrals

Head, Transport for Victoria is a determining referral authority under clause 66.02-11 (Land use and transport integration) of the Planning Scheme.

8 INTERNAL REFERRAL COMMENTS

The table below summarises the internal advice received from the relevant Melbourne City Council internal departments, and officer response to them. Full copies of the comments are on file and have been considered in the assessment of the Application.

Comment	Officer response
City Design	
<p>The City Design branch does not support the proposed building.</p> <p>A summary of the concerns is as follows:</p> <ul style="list-style-type: none"> • The proposed building height and Floor Area Ratio. • The lack of a through block connection which is supported by the DDO1 and provides for a public benefit. • The extent of building services to the ground floor to La Trobe Street. • The program of the ground floor including the separation of the commercial and residential lobbies. • The orientation of the residential lift which results in an entrapment space on the ground floor. • The location of the proposed visitor bicycle parking located within the existing retained building. • Consider ways that the design can facilitate and encourage changes to the ground floor at 58 La Trobe Street to activate and enhance the pedestrian arcade. Moving the location of services for example to enable a tenancy the opportunity to open onto the public arcade. • Provide a setback to the existing retained building in accordance with the original planning permit. • The glazing to the boundary of the western elevation to levels 28-37 which could require spandrel glazing which could be inconsistent with the façade and have negative impacts on amenity to the apartments. • The proposed building does not provide a sufficient equitable development opportunity to abutting properties which are yet to be developed. • Light studies to demonstrate appropriate lighting levels are achieved at lower commercial areas. • A detailed wind assessment is required. 	<p>As discussed in further detail at section 9 of this report, the following conditions are recommended to address concerns with the proposal:</p> <ul style="list-style-type: none"> • A pedestrian arcade from Bell Place, through the proposed building, to La Trobe Street designed in accordance with the requirements of the DDO1. • Building services to the ground floor of La Trobe Street to be made internal to the building. • A revision to the lobby spaces to create a more cohesive pedestrian experience and connection to La Trobe Street and the pedestrian arcade. • Orientate the residential lobby to the east to avoid the entrapment space. • Relocation of the visitor bicycle parking within the lobby space / arcade. • As the west elevation plan TP09.004 depicts the west facing windows of levels 25 – 27 include material LV-01 (Light Warm Louvre). It is not clear on the information before the Melbourne City Council why this is required. A condition will be recommended to provide this information or alternatively removed the louvres. • Provision of a wind tunnel report based on a scale model of the building which ensures appropriate wind conditions in public areas surrounding the proposed building. <p>As discussed in further detail at section 9 of this report, the following elements of the proposal are considered to be acceptable having regard to the physical and policy context of the site:</p> <ul style="list-style-type: none"> • The building height is considered to be acceptable to the site's context and planning controls • By way of permit condition, it is recommended that a solid wall (or similar

treatment) is pursued ground to level four, or an appropriate setback if there are existing north facing windows for the proposed retained building.

- With a proposed five metre setback to the north title boundary which is recommended via condition on permit, the proposal is considered to provide for equitable development and adequate sunlight to the commercial areas.
- The proposal does not prejudice the ability to create further activation via the south-east corner tenancy of the existing retained building.
- Following review of the additional analysis provided by the applicant, it is not considered that further setbacks are required for equitable development.

Transport Engineering

The Transport Engineering team reviewed the architectural plans and the traffic and transport assessment referenced in section 4.3 above and made the following comments:

- The amount of parking spaces is acceptable.
- Recommends that more than two motorcycle spaces are provided.
- More information is required on how visitors will access the visitor bicycle spaces.
- The development should provide for adequate pick up and drop off area within the property for the residential hotel. The proposed development must not rely on on-street parking spaces.
- The redundant vehicle crossing must be removed and one metre separation island constructed.
- A Loading Management Plan (**LMP**) is required to detail how the loading area will be managed, including details of scheduling.

- The PO12 does not include rates for motorcycle parking spaces. The PO1 provides guidance that one motorcycle spaces should be provided per 100 car spaces. The proposed two motorcycle spaces exceeds this.
- The proposal provides the required amount of visitor bicycle spaces accessed conveniently via La Trobe Street.
- Noting the existing approved residential hotel does not include a pick up and drop off zone within the property boundary, the constrained nature of the Site, and the Site's location within the Melbourne CBD that an on-site pick up and drop off zone is not required. The plans include reference to a dedicated 'HOTEL DROP-OFF ZONE' on La Trobe Street. This will be required to be removed via a recommended condition as changes in on-street car parking cannot be considered by a planning permit application.
- Condition 18 of the planning permit requires the removal of redundant vehicle crossovers. This condition is recommended to be amended to also

	<p>require the construction of a separation island as well.</p> <ul style="list-style-type: none"> • A LMP can be provided via condition. The Traffic and Transport Assessment prepared by Impact puts forward some suggestions about the contents of the LMP which are acceptable and will be included within the condition.
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City Infrastructure

<p>In addition to a number of standard permit conditions to be included on any permit being granted to protect Melbourne City Council's assets and integrate the development with the stormwater drainage system, the following comments were provided:</p> <ul style="list-style-type: none"> • The Application should be referred to the Land Survey and Urban Forestry and Ecology departments. • The footpath to the front of the Site must be upgraded. • Records indicate a drain on the property which may require relocation and an easement. • Encroachments outside of the title boundary must comply with the relevant building regulations (reference can be made to the Road Encroachment and Operational Guidelines). 	<ul style="list-style-type: none"> • The recommended standard permit conditions will be recommended to be included on any permit to issue. • The application was referred to the Land Survey department, a summary of that referral is below. • The application was not referred to Urban Forest and Ecology. Existing planning permit conditions 12 – 14 consider the impacts of the approved development on street trees. These conditions will be updated to require a revised Tree Protection Plan to ensure the impacts of construction on these street trees are considered. • The applicant has committed to upgrading the footpath to La Trobe Street. A condition will be recommended to this effect. • Conditions 23 and 24 of the planning permit appropriately consider the drainage easement and are proposed to be retained. • The canopies to La Trobe Street encroach outside of the title boundary. There is insufficient information to determine whether these comply with the regulations (the Road Encroachment and Operational Guidelines) and therefore a condition will be recommended to require compliance.
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Waste and Recycling

<p>The Waste and Recycling department reviewed the architectural plans and the WMP referenced in section 4.3 above and determined that it required changes to achieve compliance with the Melbourne</p>	<p>The applicant provided an amended WMP prepared by Impact dated 25 March 2024 (Rev. F03) and a corresponding amended</p>
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City Council's Guidelines for Preparing a Waste Management Plan.

mezzanine drawing TP03.0MZ (Rev. 4) prepared by Bates Smart.

The Waste and Recycling department reviewed these amended documents and advised that the amended WMP is acceptable but that the mezzanine level plan needs to be amended to show an additional bin shown in the WMP.

This item can be addressed via recommended conditions on permit.

Land Survey

The Land Survey reviewed the title documents and architectural plans referenced in section 4.3 above and made the following comments:

- Architectural plans should be submitted to show title dimensions.
- Lot S2 on PS611556T has a depth limitation of 15.24 metres. Anything below appears to be Crown Land.
- Compliance is required with the Road Encroachment and Operational Guidelines.
- The applicant should clarify how the proposed built form complies with the Owners Corporation rules on the title.
- The land does not benefit from light and air rights over the adjoining property boundaries.
- Recommended a condition that the titles on the Site should be consolidated.

- The architectural plans need to clearly identify that the existing retained building at 58-66 la Trobe Street as forming part of the planning unit (i.e. the land subject to this Application). A condition will be recommended to require this.
- The basement depth was reduced to 11.15 metres.
- As above, a permit condition has been recommended which goes to the Road Encroachment and Operational Guidelines.
- Owners corporation rules are not a consideration under the Act. A note will be recommended to be included reminding the permit holder (should a permit issue) that owners corporation consent may be required.
- Combined with the additional setback from the north boundary discussed at section 3.3 above, it is considered that a section 173 agreement requiring the closure of windows on the boundary should abutting buildings be developed is satisfactory to respond to abutting buildings.
- A condition will be recommended to be included on the permit to consolidate the titles.

Environmental Sustainable Design (ESD) and Landscape

The ESD department reviewed an SMP prepared by NDY dated 25 October 2023 (Rev. 2.0) and the architectural plans referenced in section 4.3 above.

The conditions will be recommended to be included on any permit to issue.

The SMP referenced on section 4.3 above included a daylight assessment.

The ESD department advised that the development commits to a level of sustainability that meets the objectives of clauses 15.01-2L-01 and 19.03-3L of the Planning Scheme subject to providing further information via permit conditions.

As discussed above, a discussion SMP was provided. This amended SMP will be given force and effect through recommended conditions. The applicant has committed to register the building with Green Star which will be required via condition.

Urban Forestry and Ecology

The Land Survey reviewed the ground floor plan of the architectural plans referenced in section 4.3 above and made the following comments:

- The street tree to the La Trobe Street frontage does not appear to be accurately detailed on the plans.
- The proposed building awnings must ensure the retention of the street trees.

In addition to standard permit conditions requiring a Tree Protection Plan to manage impacts on existing street trees during the construction phase, a condition will be recommended requiring the details of the street tree, and an arboricultural assessment prepared by a suitably qualified person to ensure that the canopy and façade alterations are designed to retain the street tree.

Conditions 11 – 13 of the original planning permit refer to bond payments and previous arboricultural assessments. It is considered appropriate to delete these conditions and replace them with the conditions above as the design of the building has changed significantly and a new assessment should be undertaken.

9 ASSESSMENT

It is considered that the proposal is acceptable when reviewed against the relevant planning policies and controls. The key issues for consideration in the assessment of the Application are:

- Strategic planning policy
- Land use
- Built form
- Clause 58 (Apartment developments)
- Sustainability and landscaping
- Engineering
- Contamination
- Objections

9.1 Strategic planning policy

The proposal must satisfy the planning policies of the Planning Scheme, including:

- Plan Melbourne
- Planning Policy Framework

- Mixed Use Zone

The proposal has strong strategic support for the following reasons:

- The proposal directly responds to a number of the directions in Plan Melbourne which encourage the continued growth of the central city, so to become Australia's largest commercial and residential centre by 2050. The proposal is also consistent with a key focus of Plan Melbourne in providing opportunity for investment, innovation and job creation.
- The strategic directions at clause 2.03 of the Planning Scheme envisage substantial development and supply of office within the Melbourne CBD to contribute to its economic growth.
- The proposal will support the important role of the Melbourne CBD to accommodate significant employment opportunities and the intensification of existing urban areas to provide a mix of uses including office, residential and hotel, in accordance with the objectives of clause 11 of the Planning Scheme.
- The proposal will incorporate high-quality architecture, design, and materials that will respond to and enhance the character of the area and positively contribute to the public realm, in accordance with clauses 11 and 15 of the Planning Scheme. As discussed below, the scale, siting, massing and bulk of the development is considered to complement the adjoining and nearby built form, relating to the prevailing patterns of height and scale in the existing surrounding area, as directed by the objectives of clause 15.01-1L-05 of the Planning Scheme.
- The proposal advances the thrust of clause 18 of the Planning Scheme by contributing to the reduction of private car dependency. The proposed building is well serviced by shops, public open space and cycling and public transport infrastructure.
- A Sustainable Management Plan has been prepared by NDY which outlines the ESD response and initiatives which responds to the sustainability policies of the Planning Scheme, including clause 15.01-2L-01.
- Although not strictly required, the proposed amendments to the ground floor and the apartments are generally compliant with the DDO1 and clause 58 as discussed later in this report.

9.2 Land use

As outlined above, a permit is required for the use of the land for office and residential hotel and the original planning permit allows for the use of the Site for a residential hotel.

The objectives of the MUZ include:

To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

To provide for housing at higher densities.

There are no specific decision guidelines with respect to the proposed uses within the MUZ.

Planning policies including clauses 13.07-1S and 13.07-1L-03 (both named Land use compatibility) aim to protect amenity and wellbeing while facilitating appropriate commercial or other uses with potential adverse off-site impacts. Planning policies such as clauses 2.03 (Strategic directions), 11.03-6L-09 (Hoddle grid), and 17 (Economic development) envisage the substantial development and supply of commercial uses within the Melbourne CBD.

The multiple uses within the proposed building will contribute to the Melbourne CBD and mixed use area. The proposal balances the need for higher density housing with the provision of short stay accommodation and office uses. The uses have been arranged to provide views and amenity for the

apartments and residential hotel afforded by the upper levels, with the proposed office use within the podium and lower tower level providing activation toward the streetscape.

The proposed external areas of the office and the residential hotel are located to the south and east side of the proposed building to reduce amenity impacts to surrounding sensitive land uses. The roof plant is higher than the existing surrounding buildings and will not have an unreasonable impact on surrounding sensitive land uses.

Noting the location within the Melbourne CBD and the conditions of the existing permit, it is not considered necessary to impose operational conditions on the residential hotel or the office, with the exception of standard acoustic conditions which ensure compliance with the relevant Environmental Protection Agency (EPA) noise standards for commercial uses.

Existing planning permit condition 3 – which includes operation hours for the approved use of the land for the purpose of a ‘shop’ – is recommended to be deleted given the use is no longer proposed.

9.3 Built form

As discussed throughout this report, there are no specific built form controls in the Planning Scheme that dictate a maximum building height applying to the Site (or the surrounding area bounded by La Trobe Street, Exhibition Street, Victoria Street and MacKenzie Street).

In the absence of built form controls, the built form outcomes for the Site are guided by the various planning policies of the Planning Scheme including:

- Clauses 15.01-1L-04 (Urban design), 15.01-1L-05 (Urban design outside of the capital city zone), and 11.03-6L-09 (Hoddle grid) require that new development to respect the existing built form of surroundings, to respond to the height of the existing and preferred future built form character, provide a human scale, and provide for architectural interest.
- Other policies seek building separations that support private amenity and reinforce neighbourhood character, avoid unreasonable impacts on adjoining properties by addressing outlook, and sunlight.

The proposal is an acceptable response to the Planning Scheme for the reasons discussed below.

9.3.1 Height

Clauses 11.03-6L-09 (Hoddle grid) and 11.03-6L-02 (Carlton) identify that existing physical context is a relevant consideration and that there is a transition from the north-east corner of the Melbourne CBD to the lower rise forms of Carlton.

As figure 8 below depicts, there are a range of existing high rise buildings in the vicinity which are contrasted with the lower rise forms of Carlton.

The applicant has undertaken a photo montage assessment prepared by Orbit Solutions. The montage provides an analysis of the visibility of the proposed building from the key vantage points north of the Royal Exhibition Building’s dome as identified by the draft amended WHSP as discussed above. The analysis, an extract of which is included at figure 8 below, confirms that the proposal does not interfere with the visual dominance of the dome. While the proposed building may exceed the heights under the proposed Design and Development Overlay (which does not form part of the Planning Scheme) discussed above, the proposal meets the design objectives of the control, which includes ‘[t]o protect views and vistas of the drum, dome, lantern and flagpole of the Royal Exhibition Building and Carlton Gardens, and maintain the visual dominance of the dome to a clear sky backdrop from primary vantage points.’

The incorporation of a through block pedestrian connection is considered of critical importance to justify the proposed height sought. By incorporating the property 54-56 La Trobe Street into the Site, the proposal has the opportunity to realise a through block connection from Bell Place to La Trobe

Street. As discussed in further detail at section 9.3.3 below, it is recommended via condition that this connection be established. The proposal seeks to provide a height of 143.7 metres which is considered to be an appropriate height in response to the various policies that apply to the Site. Furthermore, subject to conditions the proposal will provide a demonstrable public benefit of a through block link.

Subject to conditions, the proposed building height is a suitable response to the existing surrounding character, provides a transition to areas outside of the Melbourne CBD, and does not impact on the WHEA.

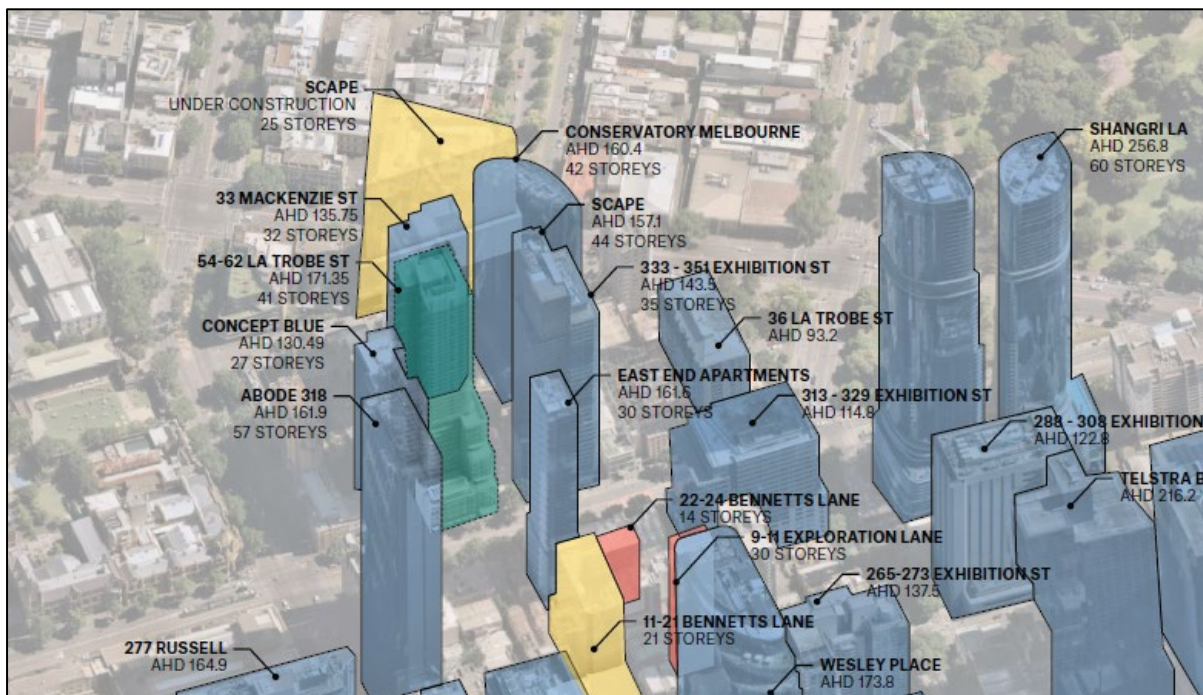


Figure 8 – Extract from the Town Planning Report - RFI Response prepared by Bates Smart dated October 2023 (Rev. A)



Figure 9 – Extract from the Visual amenity document prepared by Orbit Solutions dated 5 April 2024

9.3.2 Setbacks and equitable development

Subject to conditions, the proposed setbacks respond appropriately to the abutting properties by providing acceptable amenity, equitable development, and visual relief between buildings.

Key changes to the proposed setbacks compared to the approved plans, include:

- Reduction in setbacks to the east through the inclusion of 54-56 La Trobe Street into the Site.
- The reduction of the five metre setback to the north for the podium levels (up to level 12).
- Reduction of the setback to the existing retained four storey building on the Site.



Figure 10 – extract of the Town Planning Report depicting the proposed tower setbacks prepared by Urbis dated October 2024 (Rev. 02)

To the north, the proposal provides a build to the boundary proposition to level 12 before setting back a minimum of five metres, which was previously set back five metres above level 1 under the original permit. It is not considered that a build to the boundary proposition to level 12 responds to the development potential of 41-45 MacKenzie Street (which is unlikely to achieve a matching podium height based on the lower podium heights of MacKenzie Street) or the existing podium and tower form of the residential building at 27-39 MacKenzie Street.

In response, the applicant provided development studies prepared by Bates Smart (see figure 11 below) that identify the development potential of 41-45 MacKenzie Street and propose a five metre setback from level five from the north title boundary. This change, which will be recommended via condition, is considered to provide for an acceptable response to the future development potential of 41-45 MacKenzie Street, the existing podium and tower form of 27-39 MacKenzie Street, and increase the daylight received to these areas.

The change does not result in the reduction of the GFA below 25,000 m² so there is no change to the status of the Responsible Authority.

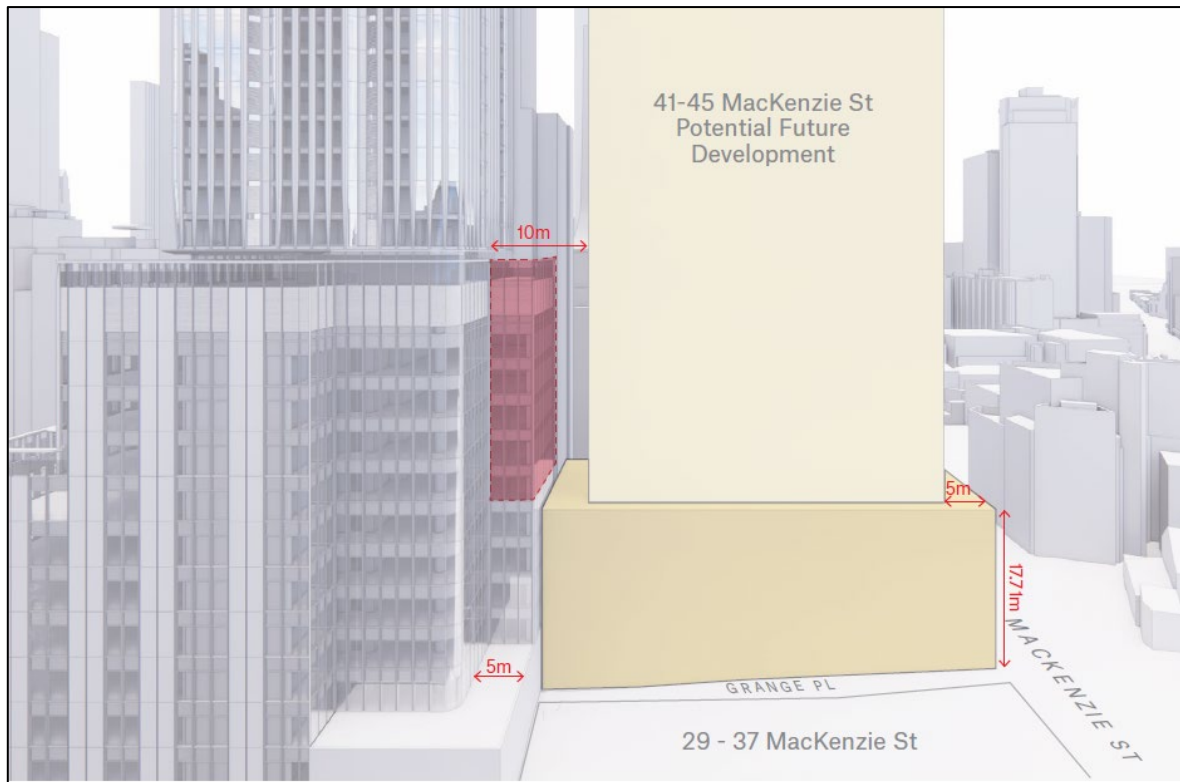


Figure 11 – extract of the TP Response prepared by Bates Smart dated March 2024

To the east, the proposal includes a five metre setback above the podium which is generally consistent with the existing approval and allows for the reasonable development of 52 La Trobe Street. This outcome allows 52 La Trobe Street to be developed with substantial walls on boundary to the east elevation (it can also do so to the west given an existing wall on boundary) and provide a reasonable setback to respond to the five metres provided by the proposal. The concept of equitable development provides, amongst other things, that larger sites should do their fair share with respect to setbacks. The applicant has provided some diagrams (see an example at figure 12 below) of some potential options of the development of 52 La Trobe Street which confirms that both office and dwellings can be considered on the Site that do not need to rely on an equal five metre setback. A section 173 agreement will be recommended as a condition on permit to require the closure of any openings and windows to this interface to ensure the development rights of 52 La Trobe Street are sufficiently protected.

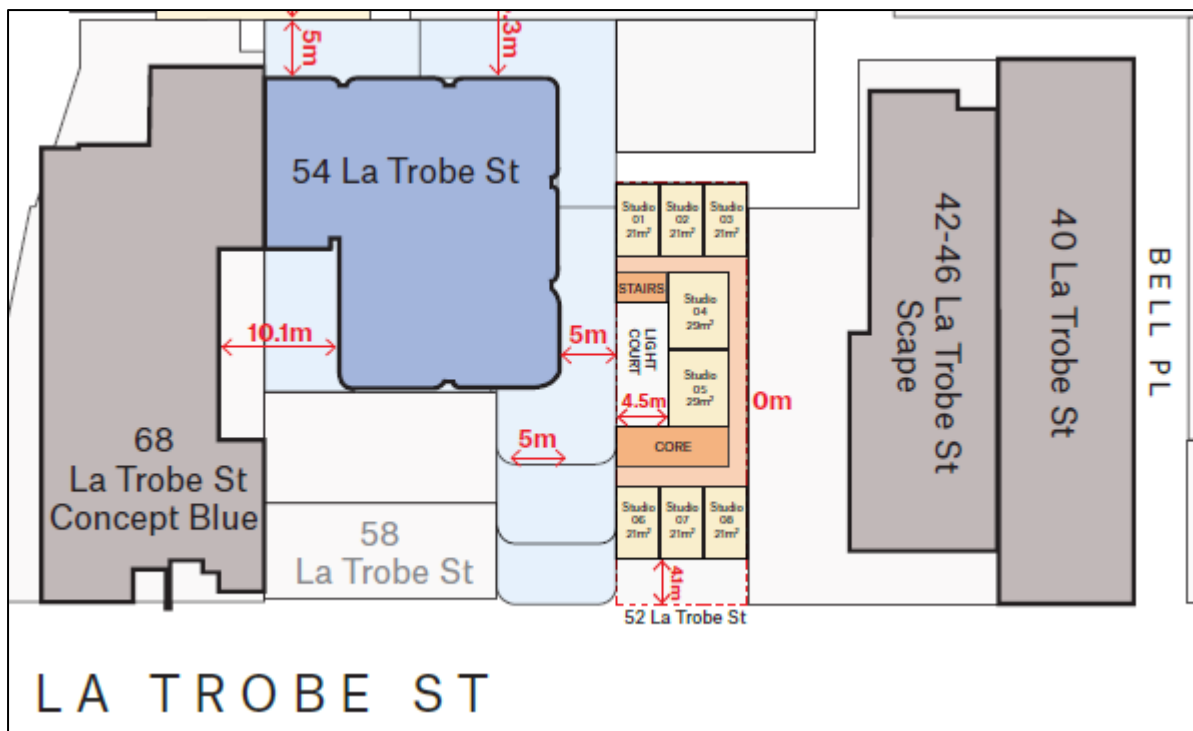


Figure 12 – extract of the TP Response prepared by Bates Smart dated March 2024

To the west:

- From level one upwards as the proposal interfaces with the existing light court, the proposed setback matches the existing approved setback of 6.5 metres. This continues to provide over a 10 metre separation to the existing light court. This is an improvement on the approval which provides four storeys built to the west boundary adjacent to this light court prior to being set back.
- North of the light court, the proposal provides for a wall on boundary to match the wall on boundary of the existing apartment building which is acceptable.

To the south, the approved building varies between a 0 and 2.1 metre setback to the existing retained building and includes habitable room windows to the interface. The proposal seeks to build to the boundary and include windows on the boundary to the commercial tenancies.

As discussed above, the City Design department have raised concerns with this interface, including that confirmation is required to ensure there are no existing windows to this interface from the apartments at 58 La Trobe Street, opposing the glazing to the commercial tenancy which would look into the balconies of 58 La Trobe Street, and a setback should be provided for equitable development. The application material does not appear to show there are any windows to the north elevation of the existing proposed building and this should be confirmed by the Department of Transport and Planning as the Responsible Authority. If there are no windows, it is not considered that a setback is necessary for the proposal given the retained building forms part of the Site and there is no unreasonable loss of amenity when compared to the existing approval in terms of shadows and visual bulk, however, having windows from the proposed office interfacing with a communal rooftop terrace does result in unacceptable amenity impacts. As such, by way of permit condition, it is recommended that a solid wall (or similar treatment) is pursued ground to level four, or an appropriate setback if there are windows.

9.3.3 Design and Development Overlay, Schedule 1

Since the issuing of the original planning permit, the DDO1 has been gazetted into the Planning Scheme. The DDO1 sets out requirements relating to urban design within the Central City. A suite of design outcomes and design requirements determine whether an application achieves the design

objectives of the DDO1. The proposal complies with the design objectives as set out in the following table:

Urban Structure	
<p>Urban Structure relates to the network of main streets, streets, laneways and open spaces which define the size and shape of urban blocks.</p>	
Design Outcome	Design Requirements
<p>An urban block structure that:</p> <ul style="list-style-type: none"> • Is sufficiently fine grained to support walking as the primary mode of transport. 	<p>Where the average urban block length is greater than 100 metres, development should provide a new through-block pedestrian connection. In Southbank these pedestrian connections should be open to the sky.</p> <p>Note: Urban blocks with an average length of more than 100 metres are identified on Map 1 to the Appendix of the Central Melbourne Design Guide.</p> <p>Within 200 metres of a rail station, more frequent pedestrian connections should be provided to manage high pedestrian volumes.</p> <p>Where possible, pedestrian connections should be located less than 70 metres from the next intersection or pedestrian connection.</p> <p>Development with an abuttal to two or more streets or laneways should provide a pedestrian connection between those abuttals where this improves the walkability of the urban block.</p>
Assessment	
<p>The inclusion of 54-56 La Trobe Street means that the proposal abuts two or more streets or laneways and provides an opportunity to improve the walkability of the urban block via a pedestrian connection from Bell Place, through the proposed building, to La Trobe Street.</p> <p>As recommended by the City Design branch, and consistent with the DDO1, the development should provide for a pedestrian connection between those abuttals where this improves the walkability of the urban block.</p> <p>Unlike Grange Place which is largely a vehicle thoroughfare, Bell Place is fine grain and pedestrian friendly. As discussed above, the originally lodged application (i.e. the application prior to the response to DTP’s request for further information) included a pedestrian arcade connection from Bell Place via a platform lift and stair (due to a level difference) through the proposed building via a double height enclosed arcade to La Trobe Street.</p> <p>City Design is supportive of a condition requiring a through block connection designed in accordance with the DDO1. This may include making the connection at-grade, increasing the width of the arcade, creating a sense of openness through increasing daylight and using tactile materials, and altering the location of the building services. Given the connection is internal to a building it may be appropriate that the arcade is closed at certain times. The potential operational conditions of an arcade were not available to the Melbourne City Council at the time of this recommendation.</p> <p>It is recommended, via conditions, that a pedestrian arcade connection is established and that further work is done to ensure a sense of openness and connection.</p> <p>Noting that there is no formal requirement for a public benefit being required under the Planning Scheme, it is recommended this be secured by way of a planning permit condition with a notation</p>	

<p>on the floor plans detailing the link is publicly accessible during a specific period, rather than a section 173 agreement.</p>	
<p>A pedestrian network that:</p> <ul style="list-style-type: none"> • Reduces walking distances. • Completes existing connections and laneways. • Retains and improves existing connections. • Provides partial connections which can be completed when adjacent site development occurs. 	<p>Where a development could deliver part of a pedestrian connection that is able to reduce the average urban block length to less than 100 metres, but does not extend the full depth of the block, the development should include a connection that can be completed when a connection is provided through an adjoining site.</p> <p>Where a development has the potential to achieve a through-block connection by extending an existing or proposed connection on an adjoining site, the development should provide for the completion of the through-block connection.</p> <p>Development should retain and improve the quality of existing pedestrian connections.</p>
<p>Assessment</p> <p>See discussion above. The development provides an opportunity to provide an arcade connection between Bell Place and La Trobe Street.</p>	
<p>Pedestrian connections that are:</p> <ul style="list-style-type: none"> • High quality. • Safe and attractive. • Accessible by people of all abilities. • Easily identified and legible. • Designed to enable stationary activities. 	<p>Pedestrian connections that reduce (or when completed will reduce) an average urban block length to less than 100 metres should be:</p> <ul style="list-style-type: none"> • Open 24 hours a day. • Open to the sky, an arcade or a through-building connection. • Pedestrian connections should be: <ul style="list-style-type: none"> • Direct, attractive, well-lit and provide a line of sight from one end to the other. • Safe and free of entrapment spaces and areas with limited passive surveillance. • Publicly accessible at ground level and appropriately secured by legal agreement. • Lined by active frontages. <p>Laneways should be:</p> <ul style="list-style-type: none"> • At least six metres wide. • Laneways may be less than six metres wide where, either: <ul style="list-style-type: none"> • The laneway is the same width or wider than an existing laneway that it continues. • The laneway does not provide for vehicle access. <p>Arcades should:</p> <ul style="list-style-type: none"> • Adopt vertical proportions with a height greater than the width. • Be a minimum of two storeys in height.

	<ul style="list-style-type: none"> • Incorporate high quality exterior grade materials and finishes to all surfaces including paving, walls, ceilings and lighting. • Have highly legible entries including any doors or gates.
<p>Assessment</p> <p>Refer to the discussion above.</p>	
<p>Site Layout</p> <p>Site layout refers to the arrangement of buildings and spaces, including the position of entries, building services and circulation cores and how these elements respond to and reinforce the character of streets and laneways.</p>	
<p>Design Outcome</p>	<p>Design Requirements</p>
<p>Site layout that:</p> <ul style="list-style-type: none"> • Reinforces the valued characteristics of streets and laneways. • Delivers a well-defined public realm. 	<p>Building should be aligned to the street at ground level unless they provide for a plaza.</p> <p>Development should avoid narrow publicly accessible alcoves and recesses that lack a clear public purpose.</p> <p>Development should avoid entrapment areas and areas with limited passive surveillance.</p> <p>Development should cater for anticipated pedestrian volumes.</p>
<p>Assessment</p> <p>The proposal, subject to conditions, provides for a well-defined public realm.</p> <p>The proposed building is sufficiently built to the street edge and provides for passive surveillance to La Trobe Street via the existing retail tenancies and proposed lobby space and office levels above. A façade strategy will be recommended to be included on any amended permit to issue which will include detailed information to ensure a high quality ground floor is provided, including the design of the overhead canopies, shopfront facades and entrances.</p> <p>As discussed below City Design have raised concern with regard to the ground floor entrance to the proposed building, and the internal entrapment space created by the orientation of the residential lifts facing to the west. It is considered that a condition requiring the building services to La Trobe Street be made internal to the building and the orientation of the residential lifts be altered to face east provides for sufficient response to the policy.</p>	
<p>Plazas that:</p> <ul style="list-style-type: none"> • Are accessible to people of all abilities. • Are safe and attractive. • Deliver opportunities for stationary activity. • Alleviate pedestrian congestion. 	<p>Plazas should:</p> <ul style="list-style-type: none"> • Be open to the sky. • Be accessible to people of all abilities. • Provide opportunities for stationary activity. • Be lined with active frontages. • Incorporate soft and hard landscaping elements. • Have access to sunlight. <p>Development should retain at least 50 per cent of any existing publicly accessible private plaza where:</p> <ul style="list-style-type: none"> • It is oriented to a main street or street.

	<ul style="list-style-type: none"> • It helps reduce pedestrian congestion. • A high quality space with opportunities for stationary activity can be achieved. <p>Where a plaza contributes to the significance of a heritage place, retention of more than 50 per cent of the plaza may be required to conserve the heritage value of the place.</p>
<p>Assessment</p> <p>There is no requirement for the proposal to provide a plaza.</p>	
<p>Vehicle entries that:</p> <ul style="list-style-type: none"> • Do not create traffic conflict. • Do not undermine the attractiveness or safety of the pedestrian experience. 	<p>Vehicle access and loading bays:</p> <ul style="list-style-type: none"> • Should not be located on main streets. • Should not be constructed on a traffic conflict frontage or in a lane leading off a traffic conflict frontage shown on Map 2. • In the Retail Core Area – Schedule 2 to the Capital City Zone must not be constructed on a traffic conflict frontage shown on Map 2, or in a lane leading off a traffic conflict frontage. <p>The location and width of car park entries should minimise the impacts on the pedestrian network.</p>
<p>Assessment</p> <p>The proposed vehicle entrance from Grange Place is retained as approved under the original planning permit. As discussed above, the proposal removes an existing crossover and reinstates an on-street island to La Trobe Street which improves the La Trobe Street pedestrian walkway and bicycle infrastructure.</p>	
<p>Colonnades that:</p> <ul style="list-style-type: none"> • Are safe and attractive. • Are accessible to people of all abilities. 	<p>Colonnades should:</p> <ul style="list-style-type: none"> • Adopt vertical proportions with a height greater than the width. • Incorporate high quality design detail to all publicly visible planes and surfaces. • Provide ground level spaces that are accessible to people of all abilities. • Have a clear public purpose. • Be well-lit and provide clear lines of sight from one end to another. • Be safe and free of entrapment spaces and areas with limited passive surveillance.
<p>Assessment</p> <p>No colonnades are proposed.</p>	
<p>Building Mass</p> <p>Building mass relates to the three dimensional form of a building, including its scale, height, proportions and composition.</p>	
<p>Design Outcome</p>	<p>Design Requirements</p>

<p>Building mass that:</p> <ul style="list-style-type: none"> • Distinguishes between different buildings where a development comprises multiple buildings. • Respects the height, scale and proportions of adjoining heritage places or buildings within a Special Character Area. • Reinforces the fine grain and visual interest of streetscapes. • Maintains a diverse and interesting skyline through the design of roof profiles. 	<p>Development should adopt a diversity of forms, typologies and architectural language, within a cohesive design framework, on large site where a development comprises multiple buildings.</p>
<p>Assessment</p> <p>The design, height, scale and proportions of the proposed building are an appropriate built form response to the DDO1, subject to conditions.</p> <p>The proposed building comprises of legible and distinct forms including: a podium that references the height and rhythm of neighbouring buildings, and a tower form that is broken up into its separate parts with horizontal elements (see discussion below), differing façade expression, and altering floor to floor heights and façade expression that divides the tower into its parts.</p> <p>See figure 13 below.</p> <p>The above policy requires that development adopts a diversity of forms and architectural language. In response, the applicant provided a detailed assessment of the proposed façade which included further information around the horizontal expressions in the façade to differentiate the internal program and create diversity in the form. It is recommended that this be further refined via condition forming part of a detailed façade strategy.</p>	

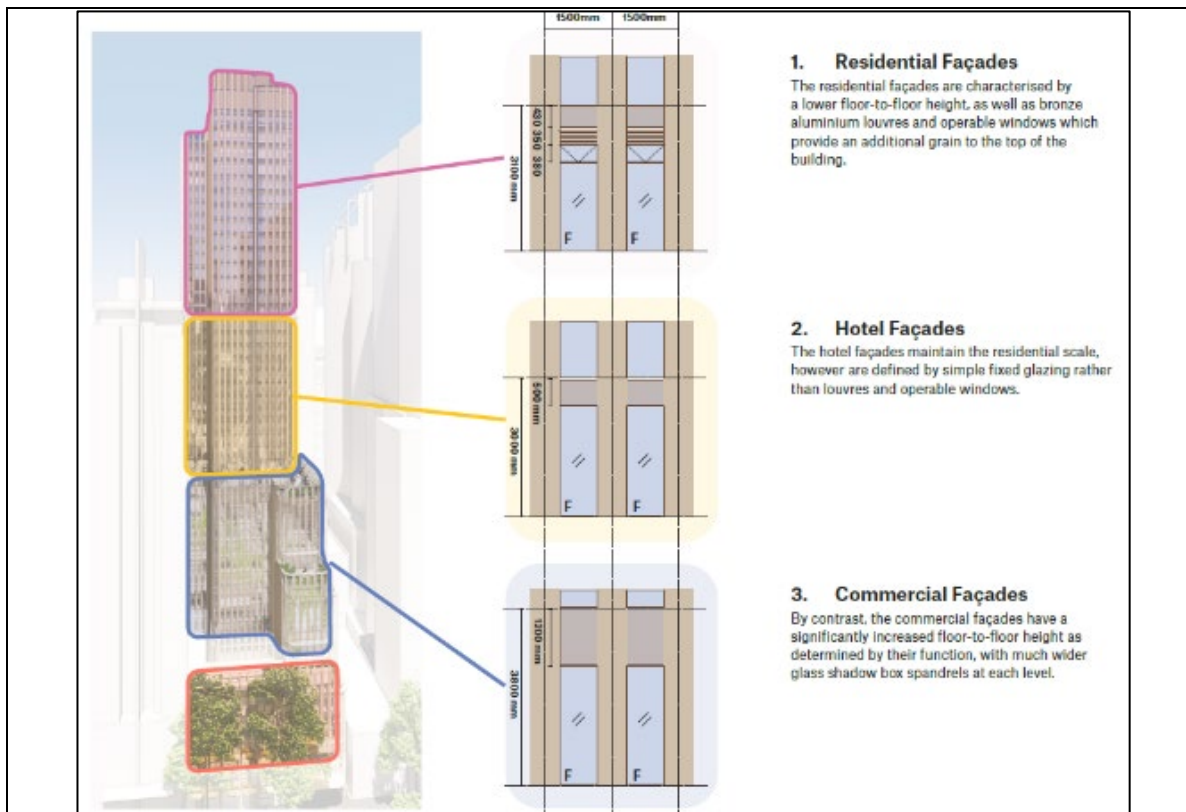


Figure 13 – extract from the Façade RFI response (Rev. A) prepared by Bates Smart dated October 2023

Street walls that:

- Adopt a variety of street wall heights to reinforce the traditional fine grain, vertical rhythm and visual interest of streetscapes.
- Provide aesthetic interest to the public realm.
- Frame comfortable and attractive streets.

Street wall heights should be lower along laneways and streets less than 10 metres wide.

Buildings with a street frontage greater than 25 metres in length should be broken into smaller vertical sections, with a range of parapet heights and rebates of sufficient depth to provide modulation in the street façade.

Development should reinforce the ground floor and street wall as the dominant component within the Special Character Area through visually recessive upper level built form.

Street wall heights, upper level setbacks and building separation should respond to the scale of adjacent heritage buildings.

Transitions in height, scale or prominence to a heritage place should avoid relying solely on surface treatments or decorative effects.

Assessment

The proposed street wall height is between 19.3 (west interface) and 20.0 metres (east interface) due to the downward slope of La Trobe Street toward Exhibition Street. The proposed street wall reinforces the heights of surrounding street walls, provides for vertical rhythm and visual interest and while over 25 metres in length, it is suitably broken down via its vertical and horizontal elements. As discussed above, further refinement of the materials is recommended via a condition forming part of a façade strategy.



Figure 14 – render of the proposal (Source: Town planning report – RFI response prepared by Bates Smart dated October 2023 (Rev. A))

Building program

Building program relates to the position and configuration of internal spaces to a building. This is a key urban design consideration due to the direct relationship of internal areas to the public realm.

Design Outcome	Design Requirements
<p>A building program that:</p> <ul style="list-style-type: none"> • Delivers safe and high quality interfaces between the public and private realm. • Maximises activation of the public realm. • Can accommodate a range of tenancy sizes, including smaller tenancies in the lower levels of the building. • Allows for adaptation to other uses over time. • Delivers internal common areas or podium-rooftop spaces that maximise passive surveillance and 	<p>Development should position active uses to address the public realm.</p> <p>Development should:</p> <ul style="list-style-type: none"> • Maximise the number of pedestrian building entries. • Avoid long expanses of frontage without a building entry. <p>Large floorplate tenancies should be sleeved with smaller tenancies at ground level at a boundary to a street, laneway or pedestrian connection.</p> <p>Floor to ceiling heights should be a minimum of:</p> <ul style="list-style-type: none"> • 4.0 metres at ground level. • 3.8 metres for levels two and three. • 3.5 metres above level three and up to 20 metres. <p>Development should be designed so that any areas containing uses provided as part of a public benefit under the provisions of Schedule 1 to the Capital City Zone, are located in the lower levels of a building so that they have a direct visual and physical connection to the public realm.</p> <p>Development should be designed so that any areas containing new uses provided as part of a public benefit under the</p>

<p>interaction with the public realm.</p> <ul style="list-style-type: none"> Promotes a strong physical and visual relationship between any uses provided as part of a public benefit under the provisions of Schedule 1 to the Capital City Zone within the building, and the street. 	<p>provisions of Schedule 1 to the Capital City Zone internal to a building co-located with adjacent public space or pedestrian connections.</p> <p>Ground floor tenancies should be configured so that they do not rely upon queuing within the public realm, except where this occurs on a pedestrian only laneway where this is the established character.</p>
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Assessment

The development appropriately addresses La Trobe Street via retention of the existing tenancies within the proposed retained building and proposing a lobby space directly interfacing with La Trobe Street. The principal pedestrian entrance to La Trobe Street is appropriately demarcated with a deeper canopy which draws attention to the entrance. The floor to ceiling heights of the development are greater than 4.0 metres for the ground floor and are 3.5 metres above ground up to 20 metres which is consistent with the policy.

However, the details of the ground floor pedestrian entrance to the shared lobby space are not sufficiently detailed on the architectural plans (e.g. the south elevation podium plan TP09.013). The Facade RFI Response Rev A document prepared by Bates Smart dated October 2023 provides further information of this entrance, being a glass entrance built to the La Trobe Street title boundary. By way of permit condition, details of the entrance are recommended to be included on the plans to deliver a high quality and active interface between the public and private realm.

Relevant to this policy, the City Design branch has raised concern in regard to:

- The separation of the two internal ground floor programs (i.e. the residential and lobby space), the narrow length of corridor for the commercial tenancy.
- Extent and location of building services to the ground floor to the principal La Trobe Street entrance.
- The location of the bicycle spaces within the existing retained building.

The following changes are recommended via condition to resolve the above concerns:

- The ground floor design is not considered to provide for internal common areas that maximise passive surveillance and interaction with the public realm. It is recommended that a review into the ground floor layout take place that removes the separation between the commercial lobby and the hotel / residential lobby to create legible separate entrances accessed via the public through link or via a consolidated lobby.
- Insufficient justification and evidence has been provided that the building services to the ground floor principal pedestrian entrance to La Trobe Street are required to be in the proposed location and at the length proposed. It is recommended that the building services to be located internally to the building to improve activation. Consistent with the City Design comments this will provide the opportunity for a commercial tenancy the opportunity to open onto the public arcade from the retained building at 58 La Trobe Street. It is not considered necessary to require any notations on the plans in this regard to this potential commercial connection from 58 La Trobe Street to the pedestrian link as the changes to the ground floor discussed are considered to be an acceptable response to the policy. Should this wish to be pursued by the permit holder it can be facilitated via an amendment to the plans.

<ul style="list-style-type: none"> The proposed location of the bicycle spaces within the existing retained building dilutes the retail offering of this building and results in a lack of connection to the proposed new building. The bicycle spaces are recommended to be located within the ground floor of the building. 	
<p>Building services that:</p> <ul style="list-style-type: none"> Minimise impacts on the public realm. Maximise the quality and activation of the public realm. Do not dominate the pedestrian experience and are designed as an integrated design element. Provide waste collection facilities as an integrated part of the building design. 	<p>Ground floor building services, including waste, loading and parking access:</p> <ul style="list-style-type: none"> Should be minimised. Must occupy less than 40 per cent of the ground floor area of the site area. <p>Internal waste collection areas should be sleeved.</p> <p>Services, loading and waste areas should be located away from streets and public spaces, or within basements or upper levels.</p> <p>Service cabinets should be located internally with loading, waste or parking areas where possible.</p> <p>Undercroft spaces for waste or loading should not adversely impact safety and continuity of the public realm.</p> <p>Access doors to any waste, parking or loading area should:</p> <ul style="list-style-type: none"> Be positioned no more than 500 millimetres from the street edge. Be designed as an integrated element of the building. <p>Rooftop plant, services and antennae should be integrated into the overall building form.</p>
<p>Assessment</p> <p>While the proposal's building services are less than 40 per cent of the ground floor area, as discussed above, it is considered that services are not appropriately minimised and a condition is recommended to require the relocation of the services to La Trobe Street. Subject to this condition the proposed building is an appropriate response to the policy.</p> <p>The location and layout of building services (with the exception of the ground floor building services fronting La Trobe Street as discussed above) are designed to minimise their impact on the public realm, through their positioning to the rear of the Site away from La Trobe Street.</p> <p>The rooftop plant has been designed into the overall building form.</p>	
<p>Car parking that:</p> <ul style="list-style-type: none"> Minimises the impact of car parking on the public realm 	<p>In the Central City area shown in Map 1 to Schedule 1 to the Design and Development Overlay, all car parking must be located in a basement unless it is part of a development that removes existing open to sky at grade car parking.</p> <p>Car park ramps should be capable of removal for future adaptation.</p> <p>Avoid car parking entries on small sites, where they impact on the activation and safety of the public realm.</p> <p>Above ground car parking:</p> <ul style="list-style-type: none"> Must be located on the first floor or above. Must be sleeved to streets. <p>Should have a floor to ceiling height of at least 3.2 metres.</p>

<p>Assessment</p> <p>Consistent with the existing approval, the proposal includes car parking contained fully at basement levels, accessed away from the primary pedestrian interface to La Trobe Street which accords with this design outcome.</p>	
<p>Public interfaces</p> <p>Public interfaces relates to the boundary between a building and the public realm in main streets, streets, laneways and open spaces.</p>	
<p>Design Outcome</p>	<p>Design Requirements</p>
<p>Public interfaces that:</p> <ul style="list-style-type: none"> • Contribute to the use, activity, safety and interest of the public realm. • Provide continuity of ground floor activity along streets and laneways. • Allow unobstructed views through openings into the ground floor of buildings. 	<p>The following ground level frontage requirements should be met for development in General Development Areas and laneways in Special Character Areas, and must be met for development in streets in Special Character Areas:</p> <ul style="list-style-type: none"> • At least 80 per cent of the combined length of the ground level interfaces of a building to streets and laneways are an entry or window. This measurement excludes: <ul style="list-style-type: none"> ▪ Stall-risers to a height of 700 mm. ▪ Pilasters. ▪ Window and door frames. • Windows that have clear glazing without stickers or paint that obscures views. <p>The ground level frontage requirements do not apply to the development of a building in a heritage overlay or heritage graded building. Development of a building in a heritage overlay or a heritage graded building should not reduce compliance with the public interface design outcomes.</p> <p>Security grills or mesh should:</p> <ul style="list-style-type: none"> • Be transparent. • Not block views into tenancies at night. • Be mounted internally to the shop windows. <p>Avoid tinted, opaque or high reflectivity glass which obscures views between the public realm and building interior.</p> <p>In flood prone areas or on sloping sites, a direct connection should be established at grade to usable space within ground level tenancies, with level transitions contained within the building envelope.</p> <p>In flood prone areas, transitions in floor levels should not rely on external stairs, ramps or platform lifts which disconnect interior spaces from the public realm.</p>
<p>Assessment</p> <p>Subject to the conditions discussed above, including the relocation of the building services, the retention of the existing retail tenancies within the proposed retained building and the introduction of the lobby space and canopies, the proposal sufficiently contributes to the use, activity, safety and interest of the public realm of La Trobe Street.</p>	

As discussed above, to further improve activation, detailed design and elevations will be required regarding the ground floor tenancies at 58-66 La Trobe Street, overhead canopies, shopfront facades and arcade entrances.

The Site is not identified as being within a flood prone area.

Facade projections and balconies that:

- Do not adversely impact the levels of daylight or views to the sky from a street or laneway.
- Do not obstruct the service functions of a street or laneway through adequate clearance heights.
- Add activity the public realm.
- Form part of a cohesive architectural response to the public realm.

Upper level projections and canopies should allow for the growth of existing and planned street trees.

Upper level projections such as juliet balconies, adjustable screens or windows, cornices or other architectural features may project into streets or laneways:

- On main streets up to 600 mm.
- On streets and laneways up to 300 mm.

On main streets, balconies associated with an active commercial use may project up to 1.6 metres from the facade or 800 mm from the back of kerb.

Balcony projections should be at least 5 metres above any public space measured from ground level.

Development should not include enclosed balconies or habitable floor space projecting over the public realm.

Ensure that public realm projections (excluding canopies) at the upper levels do not extend the full width of a building frontage.

Assessment

The proposal includes the façade changes to the retained existing building and canopies that project outside of the title boundary.

In regard to the façade changes, these are dimensioned at 400 mm beyond the title boundary into La Trobe Street and are above the proposed canopies, which is consistent with the above policies.

In regard to the canopies, as discussed above, these are supported subject to being designed in accordance with the Melbourne City Council’s Road Encroachment and Operational Guidelines.

Weather protection that:

- Delivers pedestrian comfort in the public realm and protection from rain, wind and summer sun.
- Uses canopies that are functional, of high quality design, and contribute to the human scale of the street.

Development should include continuous weather protection along main streets except where a heritage place warrants an alternative approach.

Weather protection canopies should:

- Be between 3.5 metres and 5 metres above ground measured to the underside of the soffit.
- Provide for exposure to winter sun and shelter from summer sun.
- Not enclose more than one third of the width of a laneway.

Display a high design standard including material selection in the appearance of the soffit and fascia.

Assessment

See discussion above, the proposed canopy to La Trobe Street will meet these requirements.

Design Detail	
Design detail refers to the resolution of a contextually responsive building exterior that contributes to the quality of the public realm through its architectural expression, materials and finishes.	
Design Outcome	Design Requirements
<p>Exterior design that:</p> <ul style="list-style-type: none"> Establishes a positive relationship between the appearance of new development and the valued characteristics of its context. Is visually interesting when viewed up close and from a distance. Responds to the distance at which the building is viewed and experienced from the public realm in the selection, scale and quality of design elements. Incorporates sufficient design detail in the lower levels of a building to deliver a visually rich and engaging pedestrian experience. Delivers high quality design on all visible sides of a building including rooftops, where visible from the public realm. At the ground level interface, provides visual connection between the public realm and interior spaces. 	<p>Facades should provide for depth and a balance of light and shadow on the street wall and upper levels through the use of balconies, integrated shading, rebates or expression of structural elements.</p> <p>Street wall facades should avoid a predominately glazed appearance.</p> <p>Street wall facades should establish a balance of transparency and solidity.</p> <p>Facades should avoid the use of surfaces which cause unacceptable glare to the public realm.</p> <p>Materials should be durable, robust and low maintenance in the higher parts of a building.</p> <p>Blank walls that are visible from the public realm should be designed as an integrated component of the building composition.</p> <p>Materials should be natural, tactile and visually interesting at the lower levels near the public interface to reinforce a human scale.</p> <p>Ground level interfaces including shopfronts should provide thickness, depth and articulation and avoid long expanses of floor to ceiling glazing.</p> <p>Materials and finishes such as painted concrete or ventilation louvres should be avoided at the lower levels where they undermine the visually rich, tactile quality of streets and laneways.</p> <p>Service cabinets should not visually dominate street frontages and should use high quality materials.</p>
Assessment	
As discussed above, the design of the building, including its street wall, tower, and architectural conceptual narrative is supported, subject to the conditions discussed above. In particular, the	

design is visually interesting, the tower is broken down into separate parts to provide a human scale, and there is depth to the façade which creates a balance of transparency and solidity.

See the discussion below regarding glare.

9.3.4 Wind

An Environmental Wind Assessment prepared by Mel Consultants was submitted with the application. The report provides a desktop assessment against the standards of Design and Development Overlay, Schedule 10 of expected wind conditions within the public realm and private areas (e.g. terraces) of the building. As it relates to public spaces, the assessment finds that:

- The streetscapes surrounding the proposed development would have wind conditions that would satisfy the walking criterion.
- The wind conditions at the primary entrance off La Trobe Street would be expected to satisfy the standing criterion.

Noting that the assessment is a desktop assessment (not a wind tunnel test), as identified throughout this report there are a number of changes recommended to the proposed building, it is recommended via condition that a wind tunnel test be undertaken against the amended building envelope to ensure acceptable wind conditions.

This is introduced via an amendment to conditions 29 – 31 of the planning permit.

9.3.5 Shadows

Clause 15.01-1L (Sunlight to public spaces) seeks to ensure that a proposed development does not unreasonably reduce the amenity of spaces (by casting shadows) on public parks and gardens, major pedestrian routes, open spaces associated with a place of worship and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September.

As it relates to the Site and the proposed development relevant public spaces include the forecourt of the State Library of Victoria and Swanston Street (both of these spaces are also identified for protection under the Design and Development Overlay, Schedule 10).

Shadow diagrams prepared by the applicant assess the shadow impacts of the proposal and confirm that the proposal does not result in any offending shadows.



Figure 15 – extract of the proposed 11am shadow and 2pm shadow on 22 September (Source: Town planning report – RFI response prepared by Bates Smart dated October 2023 (Rev. A))

9.3.6 Glare

The proposal is not accompanied by a report which provides an assessment against the *Planning Practice Note 96: Planning Considerations for Reflected Sunlight Glare*. This practice note was prepared after the planning permit issued and is considered relevant to consider due to the change in design of the tower. As such, it is recommended that the assessment be required by way of condition.

9.4 Internal amenity

9.4.1 Clause 58 (Apartment developments)

Pursuant to clause 32.04-6 (MUZ) an application for an apartment development must meet the requirements of clause 58. The purpose of the clause is to ensure apartments provide reasonable standards of amenity and to encourage apartment development that is responsive to the site and surrounding area.

As discussed above, the original planning permit was lodged before amendment VC136 introduced clause 58 into Planning Schemes. Therefore, the clause does not apply to the Application.

Notwithstanding this, the design of the apartments generally align with the requirements of clause 58.

An assessment against the key objectives concerning internal amenity is as follows which finds that the proposal is acceptable, subject to conditions.

The Town Planning Report – RFI Response prepared by Bates Smart dated October 2023 (Rev. A) includes detailed internal diagrams of the apartments. It is recommended these are included within the approved architectural plans by way of condition.

- Standard D7 (Communal open space): the Standard requires 30 m² of communal outdoor open space and an additional space of 2.5 m² per dwelling or 220 m² (whatever is the lesser). With 61 dwellings, the additional space is 155 m². The proposal exceeds this requirement via providing an outdoor area⁴ of 149 m² and an indoor area of 138 m² on level 12 – see figure 16 below. However, given there is no internal separating wall, it appears that the outdoor terrace is shared with the residential hotel which does not make it exclusive for use for the permanent residents. It is recommended via condition that the two areas be demarcated via a wall at the boundary of the indoor hotel amenity area on level 12. This allows an outdoor area for the residential hotel and a terrace area for the apartments that meets Standard D7. There may be other ways to achieve an appropriate outcome.

⁴ The proposed 'SKY TERRACE' on level 38 is not included in these calculations as the applicant confirms this is for use by the apartments on that level exclusively.

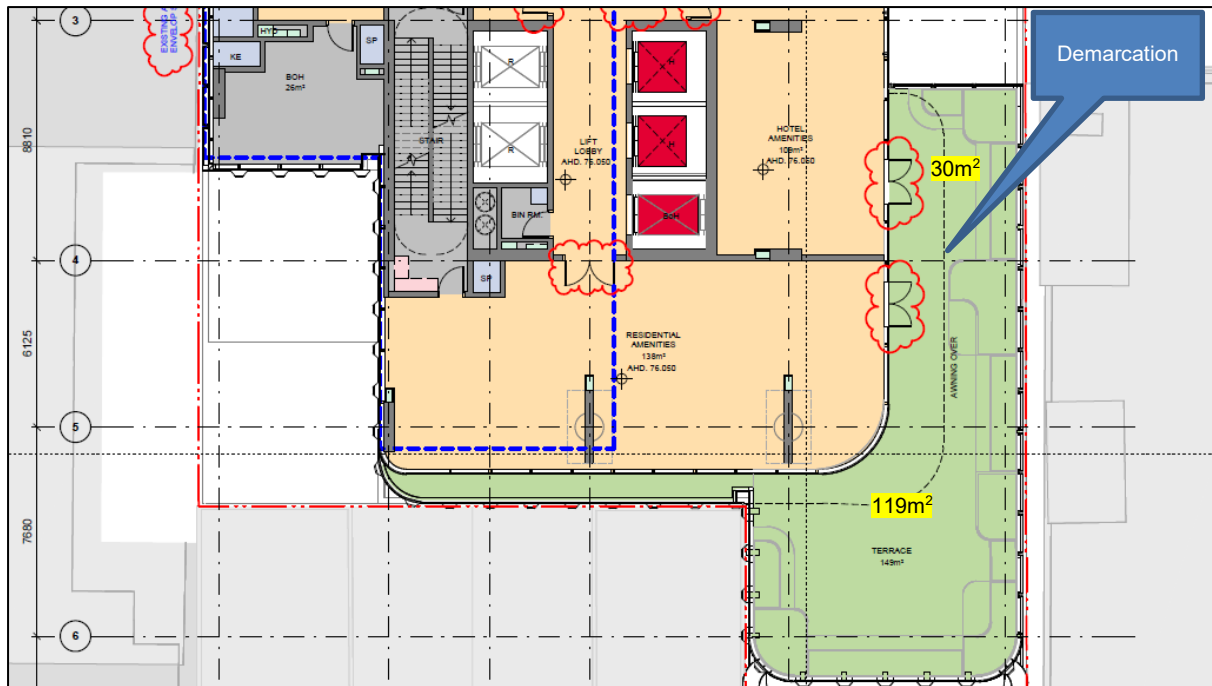


Figure 16 – extract of the level 12 plan with notations added by the Melbourne City Council

- Standard D18 (Accessibility): over 50 per cent of the bathrooms achieve the minimum dimensions and therefore the Standard is met.
- Standard D20 (Private open space): due to the curved nature of the proposed building, some winter gardens do not achieve the minimum dimensions of the Standard, but achieve the minimum area. The applicant has confirmed that central heating / cooling is provided and as such a condition will require a notation that no A/C units are placed on the balconies. A condition will also require the façade strategy to detail the operability of the external windows on the wintergardens to ensure they provide for amenity if required by the future residents.
- Standard D21 (Storage): Each dwelling is provided with internal storage in accordance with the requirements of the Standard.
- Standard D26 (Functional layout): due to the curved nature of the proposed building, some of the bedrooms and living areas do not achieve the minimum width requirements – see figure 17 below as an example. Where the minimum width is not achieved however the total area of the habitable room exceeds compliance and is considered to provide for suitable useability, functionality and amenity.
- Standard D27 (Room depth): the floor to ceiling heights for the apartments are at least 2.7 metres and all single aspect rooms achieve the Standard.
- Standard D28 (Windows): all habitable rooms within each dwelling are provided with direct external daylight access. However, as discussed above, the west elevation plan TP09.004 depicts the west facing windows of levels 25 – 27 include material LV-01 (Light Warm Louvre). It is not clear on the information before the Melbourne City Council why this is required. A condition will be recommended to provide this information or alternatively removed the louvres.
- Standard D29 (Natural ventilation): at least 40 per cent of the dwellings provide for ventilation in accordance with the Standard which meets the Standard.

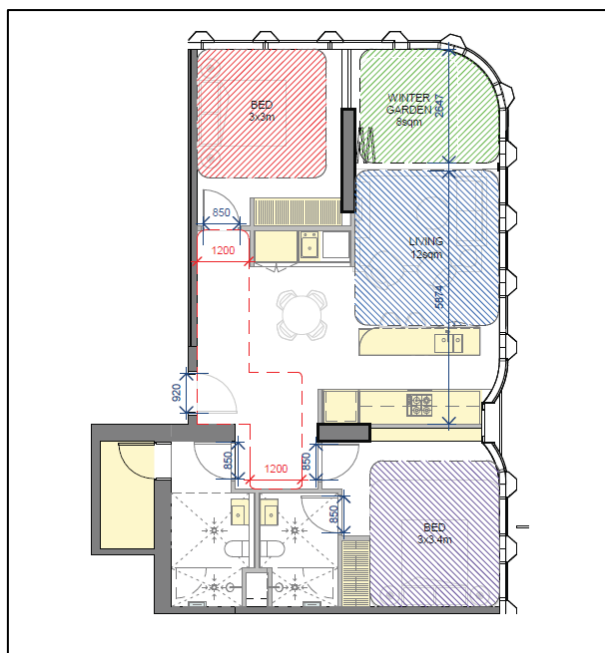


Figure 17 – extract of the Town Planning Report (Rev A) prepared by Bates Smart

9.4.2 Residential hotel

As residential hotel rooms provide for short-stay accommodation, they do not require the same standard of internal amenity as permanent accommodation. The proposed lodging rooms are all one-bedroom designed in a studio arrangement, built directly to an external facing window, and include a living room with space for a seating area and large bed. While the width of the bedrooms is less than the relevant clause 58 standard, the depth of the bedrooms is relatively limited. The internal amenity provided to the rooms is acceptable.

A permit condition will be recommended restricting the use of the parts of the building shown as 'hotel' as a residential hotel as defined by clause 73.03 of the Planning Scheme to ensure that the rooms cannot be converted into dwellings.

9.4.3 Retained residential building at 58-66 La Trobe Street

As discussed throughout this report, the proposal includes facade alterations and a rooftop terrace (part over the roof) to the existing retained residential building at 58-66 La Trobe Street.

See figure 18 below.

The original planning permit includes façade alterations to the retained building, which are detailed on the approved plans – see figure 19 below.

Façade alterations

The façade alterations to the existing building is intended to create a consistent design language with the proposed building. In the view of officers, the architectural plans lack the necessary information to acceptability of the façade alterations with respect to providing adequate daylight into existing habitable rooms. It is noted that the daylight assessment provided by the applicant does not go to this matter. It is also noted that the renders and the architectural plans do not appear to match up with the architectural plans. This is matter has also been raised by objectors.

As such, it is recommended that the Responsible Authority assure itself that the proposal does not result in an unacceptable loss of amenity to the existing building. A condition on the planning permit will be recommended to this effect.



Figure 18 – google street view of 58-66 La Trobe Street dated Feburaty 2023 (left) and the proposed south elevation (right)

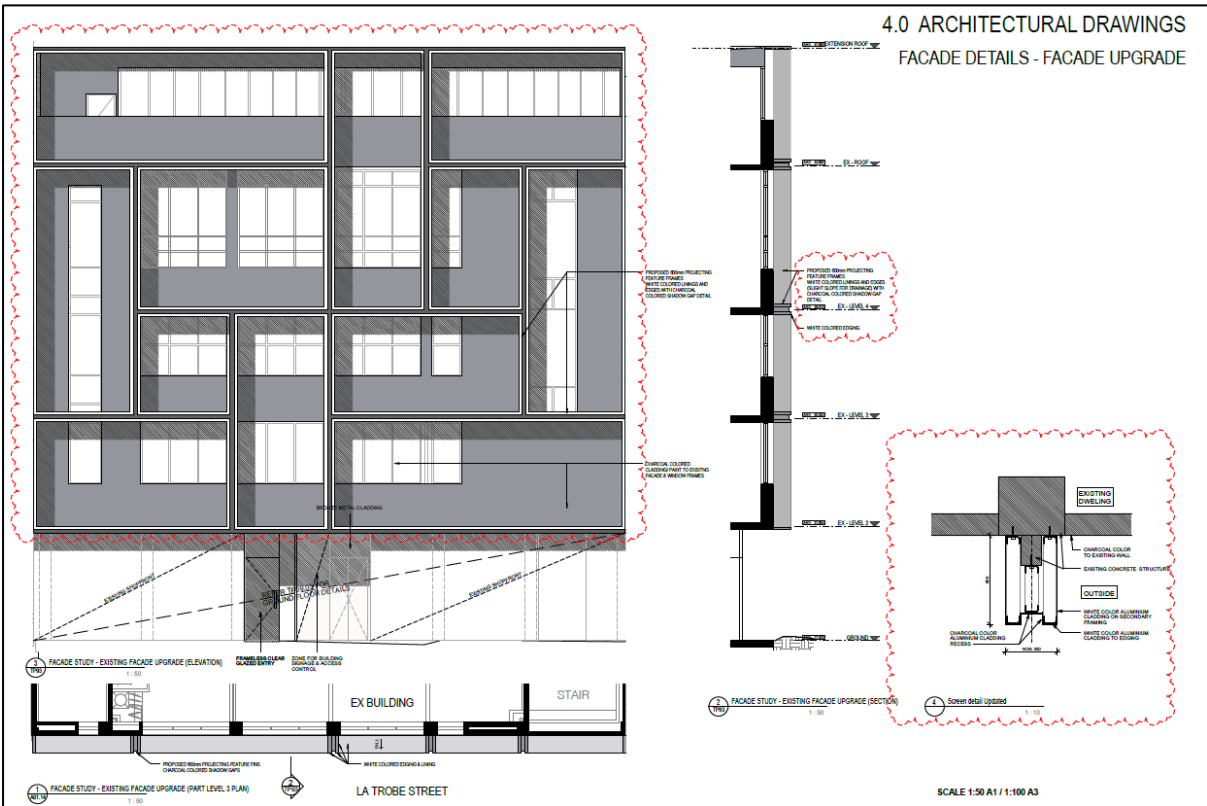


Figure 19 – extract of the approved plans prepared by Hayball Architects dated 27 February 2018

Rooftop terrace

The existing retained building includes communal balconies on level four to its rear, and a privately owned roof to La Trobe Street with a common property lift to the north east corner.

The Town Planning Report prepared by Urbis dated October 2023 (Rev. 02) describes the proposed roof terrace as the following:

The Level 4 terrace for commercial use on the western side of the building (refurbishment of the roof space of 58 la Trobe Street) incorporates a recessed suspended deck of the existing structure and is defined by blackened steel planters, concrete bench seating and a planting palette of purple and yellow tones. This provides additional planting opportunities and amenity to the commercial podium. Importantly, this provides also provides an enhanced visual aspect and outlook from the higher levels of the building. The habitable terrace space is below a

louvred canopy which will provide for weather protection, ensuring this space is usable in all conditions.

See figures 20 and 21 below.

The applicant has confirmed that the terrace is for use by the commercial tenants and will be accessed from the office floor adjacent. There is insufficient detail on the plans in regard to the access arrangements to the terrace and a potential conflict with the existing lift core to the north east of the roof. While the design of the terrace is acceptable noting that it matches the architectural language of the proposed building, as figure 20 below depicts, access to the terrace needs to be carefully considered. It is therefore recommended that DTP request further information on this matter and it is recommended that a condition confirm the access arrangement is free of the lift core.

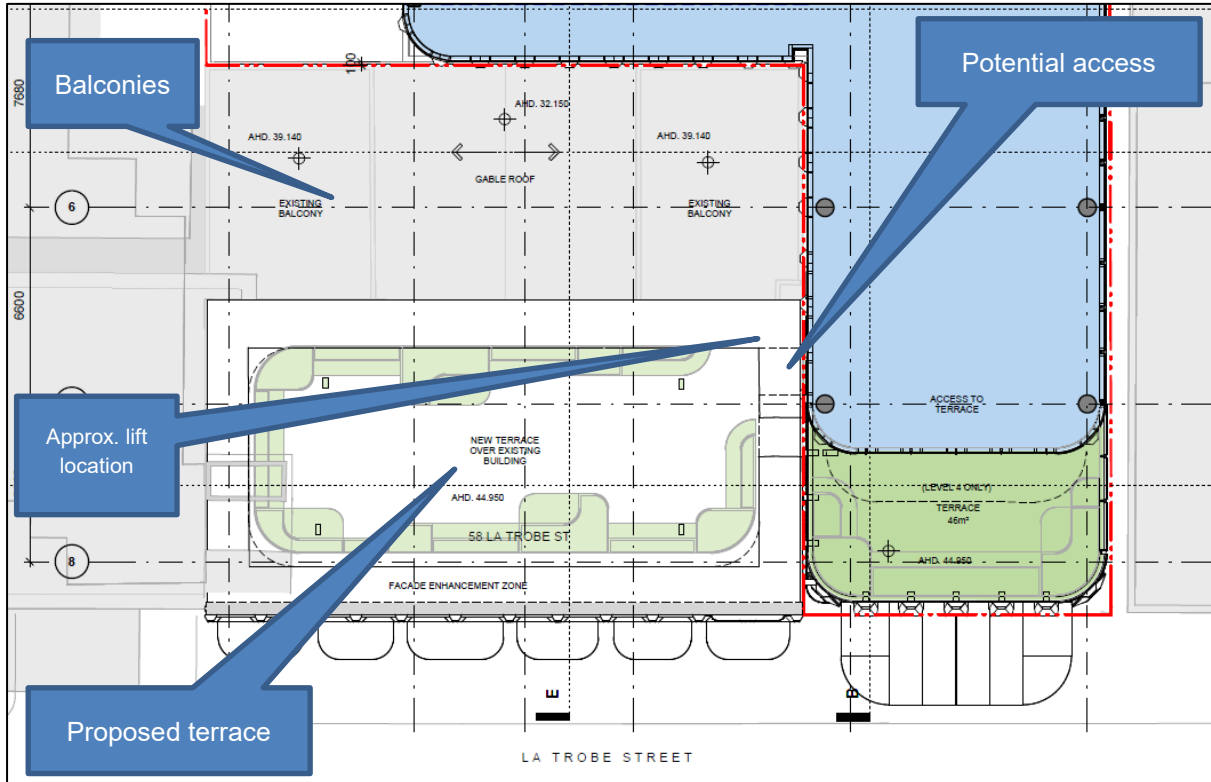


Figure 20 – extract of the level 4 plan TP03.004

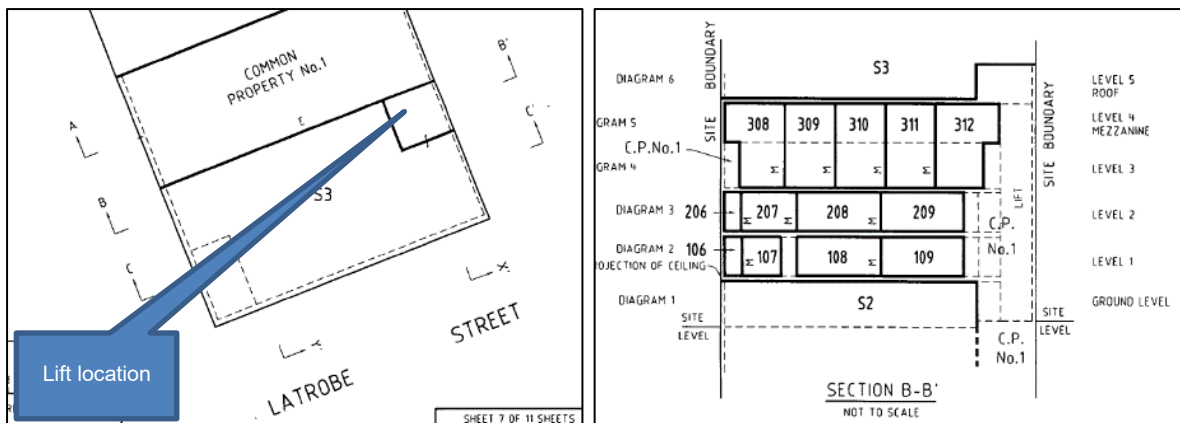


Figure 21 – extract of the certificate of title

9.5 Sustainability and landscaping

Clause 15.01-2L-01 of the Planning Scheme aims to (amongst other things) minimise greenhouse gas emissions and maximise energy efficiency. As discussed at section eight of this report, the ESD officer has reviewed the proposal, including the SMP and found it to be generally in accordance with clause 15.01-2L-01, subject to conditions.

Refer to the amended permit conditions at section 10 below.

9.6 Engineering

Refer to the discussion at section eight above. The proposal responds to the relevant engineering provisions of the Planning Scheme subject to conditions.

However, in addition to the comments provided by the Transport Engineering department, it is recommended that the visitor bicycle spaces are made available to the users of the residential hotel, including the staff. While short stay accommodation may be less likely to utilise bicycles, the staff (and others) may be more inclined to use bicycles to travel to work. As such, it is recommended that spaces be made available by way of condition.

Refer to the amended permit conditions at section 10 below.

9.7 Contaminated land

The Previous Officer Report discusses the Responsibility Authority’s considerations with respect to contaminated land, which are also included in section 60 of the Act. Accordingly, conditions 34 – 36 were included on the original planning permit.

It is recommended these conditions are updated to reflect the contemporary wording of contaminated land conditions as discussed in *Planning Practice Note 30: Potentially contaminated land*.

Refer to the amended permit conditions at section 10 below.

9.8 Street trees

Conditions 12 – 14 of the original planning permit included requirements for the protection of street trees. It is recommended these conditions are deleted and/or amended accordingly to contemporary requirements of the Melbourne City Council.

Details of the canopy of street tree(s) to La Trobe Street in front of the site, and an arboricultural assessment prepared by a suitably qualified person of the street tree(s) and the canopy and façade alterations to ensure the retention of the street tree(s).

Refer to the amended permit conditions at section 10 below.

9.9 Objections

Where concerns raised in an objection that was lodged with the Melbourne City Council have not been addressed in the above assessment, these matters have been separately considered below.

Objection	Response
Reduction of daylight and overlooking	<p>To the west, the proposal maintains the approved setback to 58-66 La Trobe Street which provides for sufficient distance to mitigate unreasonable amenity impacts.</p> <p>To the north elevation, the existing building at 27-39 MacKenzie Street has a solid wall to the south elevation which mitigates unreasonable impacts.</p>
Impacts of construction	The impacts of construction are acknowledged as something that needs to be managed. It is not grounds for refusing a planning permit application.

	<p>Condition 32 of the planning permit requires a Construction Management Plan to be approved which is not proposed to be amended by the applicant.</p> <p>The loss of income or devaluation of a property in association with a proposed development does not fall within the remit of Responsible Authority's discretion when assessing a planning application in accordance with the Act.</p>
Notice was not conducted properly	Notice was undertaken by DTP.
The proposed new facade to the retained existing building at 58-66 La Trobe will reduce daylight to the existing building	A condition is recommended to ensure daylight to the habitable rooms is acceptable.
The rooftop terrace to the retained existing building at 58-66 La Trobe should remain	There are existing terraces to the north of the retained building which are retained. The applicant owns the southern part of the roof where the terrace is proposed. As discussed in the report, the terrace is acceptable however further information on access arrangements are required.
The existing building at 58-66 La Trobe Street proposed to be retained should instead be demolished	The Responsible Authority is required to assess the application that is before it.
Approval required from the owners corporation	<p>Owners Corporation Rules are established under the <i>Owners Corporation Act 2006</i>.</p> <p>The Melbourne City Council is not a party to these rules.</p> <p>Any concerns with respect to following these rules is a civil matter that that needs to be raised with the owners corporation.</p> <p>A note is recommended to be added to the permit should it be amended to remind the permit holder that owners corporation rules may apply.</p>

10 RECOMMENDATION

Having considered all relevant provisions of the Planning Scheme, in addition to the matters under section 60 of the Act, it is recommended that the Future Melbourne Committee resolves to advise the Department of Transport and Planning that the Melbourne City Council does not object to issue an amended planning permit subject to the below conditions.

The proposed amendments to the existing planning permit are substantial and material. As such, new planning permit conditions are recommended, as opposed to amending the existing conditions.

10.1 Conditions

Amended architectural plans

1. Prior to the commencement of development, an electronic copy of the plans drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority in consultation with the Melbourne City Council. The plans must be generally in accordance with the plans prepared by Bates Smart dated 3 October 2023 (all Rev. 2), but amended to:
 - a. Provide a minimum setback of 5 metres from the northern title boundary for levels 5 to 12.

- b. Provide a public pedestrian ground floor arcade from Bell Place, through the approved building, to La Trobe Street, including the following:
 - i. A minimum height of two storeys
 - ii. at-grade entrances (if practically possible)
 - iii. details of the high quality materials and finishes including active and legible entrances, and
 - iv. hours of operation.
- c. In regard to the ground floor:
 - i. Relocate the bicycle parking spaces internal to the lobby and have a connection with the arcade required by condition 1(b)(i) above.
 - ii. Relocate the building services to La Trobe Street internal to the approved building.
 - iii. Revise the separation between the commercial lobby and the hotel / residential lobby. Create legible separate entrances accessed via the public arcade or via a consolidated lobby.
 - iv. Reorientate the residential lifts to open to the east.
- d. Provide further information and amendments (if required) to ensure the façade alterations to the existing retained building provide sufficient daylight to enter habitable rooms, to the satisfaction of the Responsible Authority.
- e. Confirm and detail the operability of the external windows to the wintergardens to the apartments.
- f. Provide details of any north facing boundary windows for the existing retained building at 58-66 La Trobe Street and if there are no windows provide a solid wall (i.e. not windows) between the south elevation of the proposed building as it interfaces with the existing retained building from ground to level four, or if there are windows, provide for a setback to the satisfaction of the Responsible Authority.
- g. Provide further details of the 'NEW TERRACE OVER EXISTING BUILDING' on level 4 plan TP03.004, including: access arrangements, a notation that it is to only be used in associated with the adjacent office use, and that it does not build into any common property (e.g. the existing lift core).
- h. Provide a wall on the level 12 outdoor terrace to demarcate the 'HOTEL AMENITIES' outdoor terrace from the 'RESIDENTIAL AMENITIES' outdoor terrace. The wall is to be located to the southernmost internal wall of the internal 'HOTEL AMENITIES'.
- i. Delete all references and annotations associated with the proposed 'HOTEL DROP-OFF ZONE' on La Trobe Street.
- j. Confirm and detail the requirement for LV-01 (Light Warm Louvre) on the west elevation plan TP09.004 or alternatively removed the louvres.
- k. Provide sections and dimensions of the canopies encroaching outside of the title boundary to ensure they comply with Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate. Reference can be made to the Melbourne City Council's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face / back of kerb.
- l. Amend the red boundary line on all floor plans and elevations to include the title boundary of the existing retained building at 58-66 La Trobe Street.
- m. Provide a development summary generally in accordance with the development summary in the Town Planning Report – RFI Response prepared by Bates Smart dated October 2023 (Rev. A), but amended to include any relevant changes required by the conditions of this permit.

- n. Provide detailed and fully dimensioned internal apartment diagrams generally in accordance with the Town Planning Report – RFI Response prepared by Bates Smart dated October 2023 (Rev. A).
- o. Provide and include details of an arboricultural assessment (prepared by a suitably qualified person) including: the canopy of nearby street tree(s) on La Trobe Street, and that the pedestrian canopies and façade alterations to the existing building approved by this permit retain the nearby street tree(s).
- p. Provide a notation that cooling or heating units cannot be installed on the apartment balconies.
- q. Provide bicycle spaces to the users and staff of the approved residential hotel, to the satisfaction of the Responsible Authority.
- r. Provide a notation that bicycle facilities are to be designed in accordance with the requirements of clause 52.34 (bicycle facilities) of the Melbourne Planning Scheme and/or comply with the relevant Australian Standard(s).
- s. Provide any changes, technical information, plan notations, or otherwise required as a consequence of any other condition in this permit.

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

Secondary consent provision

- 2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit.
- 4. 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.

Use

- 5. The part of the approved building shown as a 'hotel' on the endorsed plans must only be used as a residential hotel as defined by clause 73.03 of the Melbourne Planning Scheme.

Retention of architect

- 6. Bates Smart must be retained to provide architectural oversight during detailed design, construction, and completion of the development as shown in the endorsed plans, except with the written consent of the Responsible Authority.

Glare

- 7. Glazing materials used on all external walls must be of a type that does not reflect more than 15 per cent of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.
- 8. Concurrent with the endorsement of plans under condition one of this permit, a glare assessment prepared by a suitably qualified person, must be submitted and approved by the Responsible Authority. This report must demonstrate that the external materials and finishes of the building will not result in hazardous glare for public transport operators and motorists, and must not result in a disabling glare for pedestrians, occupants of surrounding buildings or public spaces.

Waste management plan

- 9. Concurrent with the endorsement of plans under condition one, a revised Waste Management Plan (WMP) must be submitted to and approved by the Melbourne City Council – Waste and Recycling department. The amended WMP must be generally in accordance with the WMP prepared by Impact dated 11 October 2023 (Rev. F02), but amended to:

- a. Introduce the changes by the WMP prepared by Impact dated 25 March 2024 (Rev. F03) and the corresponding amended mezzanine level drawing prepared by Bates Smart TP03.0MZ (Rev. 4), but amending the mezzanine level drawing to show all required bins.

Once approved, the amended WMP will be endorsed and form part of this permit. The waste storage and collection must be undertaken in accordance with the endorsed WMP. The WMP must not be altered or amended without the written consent of the Melbourne City Council – Waste and Recycling department.

Loading management plan

10. Concurrent with the endorsement of plans under condition one, a Loading Management Plan (LMP) must be submitted to and approved by the Responsible Authority, in consultation with the Melbourne City Council. The LMP must include the following:
 - a. Specify how the access / egress of loading vehicles is to be managed.
 - b. The design of the loading areas, including all space dimensions, grades and height clearances should comply with Australian Standard AS2890.1:2018.
 - c. Building management will be responsible for controlling the operation of the loading bay and the unloading of goods.
 - d. A booking system for loading vehicles.
 - e. Identifying a no loading period during peak arrival / departure period for the dwellings and during waste collection.

Once approved, the LMP will be endorsed and will form part of this permit. The building must operate in accordance with the endorsed LMP at all times. The LMP must not be altered or amended without the written consent of the Responsible Authority, in consultation with the Melbourne City Council.

Car parking

11. Allocation of car parking in accordance with the following:
 - a. Dwellings – maximum of 1 car space per dwelling.
 - b. Office – 8 car spaces.
12. The areas set aside for car parking, the access of vehicles, and access ways must be constructed, and clearly identified to indicate each car space, the access ways and the direction in which vehicles must proceed along the access ways, in conformity with the endorsed plans. Parking areas and access ways must be kept available for these purposes at all times and maintained to the satisfaction of the Melbourne City Council.

Acoustics

13. Prior to the commencement of development, an acoustic report must be submitted to and be approved by the Responsible Authority. The acoustic report must confirm that habitable rooms of new dwellings and residential hotel have been designed to limit internal noise levels to a maximum of 45dB in accordance with relevant Australian Standards for acoustic control. Acoustic measures for the development must be in accordance with the acoustic report, to the satisfaction of the Responsible Authority.
14. Noise levels associated with the approved use and development must not exceed noise levels as determined by the EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4, or result in unreasonable and aggravated noise as defined by Part 5.3 of the Environment Protection Regulation 2021, or other equivalent policy to the satisfaction of the Responsible Authority.

Environmentally sustainable design

15. Concurrent with the endorsement of plans under condition one of this permit, an amended Sustainability Management Plan (SMP) prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority in consultation with the Melbourne City Council. The amended SMP must be generally in accordance with the SMP prepared by NDY dated 25 October 2023 (Rev. 2.0) and the Stormwater Quality Report prepared by NDY dated 16 June 2023 (Rev 1.0), but amended to:

- a. Include any change required by condition one of this permit.
- b. Include the changes required by the SMP prepared by NDY dated 22 March 2024 (Rev. 4.0).
- c. Include the registration details of the project with the Green Building Council of Australia under Green Star Buildings (5 Star) and provide a registration number and reference to the Green Star Buildings directory.
- d. Include an air barrier schematic as per the requirements of Credit 3.
- e. Indicate glazing Visual Light Transmittance for GL-01 (Vision Glass) on all elevations with a value of 50 per cent or higher.
- f. Provide a pre-screening climate change checklist and Climate Adaptation Plan for the project.
- g. Provide information on site / roof plan that complies with Heat Resilience Credit 1.
- h. Provide evidence that the development can achieve the minimum requirements for up front carbon emissions.
- i. Provide details, including on the endorsed architectural plans under condition one of this permit, the details of the on-site PV solar system, including: total system size, panel wattage and number of panels.
- j. Provide evidence that the stormwater treatments can be adequately maintained.

The Responsible Authority, in consultation with the Melbourne City Council may consent in writing to vary any of these requirements.

Once approved, the SMP will be endorsed and will form part of this permit. The performance outcomes specified in the SMP must be achieved in the completed development. The SMP must not be altered or amended without the written consent of the Responsible Authority and Melbourne City Council.

16. Prior to the occupation of any building, a report from the author of the endorsed SMP, or similarly qualified persons or companies, outlining how the performance outcomes specified in the approved and endorsed SMP have been implemented must be submitted to the Responsible Authority and Melbourne City Council. The report must be to the satisfaction of the Responsible Authority and Melbourne City Council and must confirm and provide sufficient evidence that all measures specified in the approved SMP have been implemented in accordance with the relevant approved plans.

Landscape architecture

17. Prior to the commencement of the development, an amended landscape plan prepared by a suitably qualified landscape architect must be submitted and approved by the Responsible Authority in consultation with Melbourne City Council. The amended Landscape Plan must be generally in accordance with the landscape plan and landscape maintenance plan prepared by Barber dated May 2023 and must be updated to include:
 - a. Any change required by condition one of this permit.
 - b. Detailed planter sections.
18. Prior to the occupation of the development, the approved landscaping must be implemented. The landscaped areas must be maintained to the satisfaction of the Responsible Authority in consultation with the Melbourne City Council.

Facade strategy

19. Concurrent with the endorsement of plans under condition one of this permit, a façade strategy must be approved and endorsed by the Responsible Authority in consultation with the Melbourne City Council. The façade strategy must include:
 - a. A concise description by the architect of the building design concept and how the façade works to achieve this.
 - b. Elevation details (generally at a scale of 1:50) illustrating street level elevations including key public realm interfaces, entries, lobbies and doors, utilities and structural columns, as

well as typical tower details, key junctures and any special features which are important to the building's presentation, including, but not limited to:

- i. The street wall, including the façade alterations to the existing retained building.
 - ii. Further investigations and detail into the tower form, including the horizontal breaks to emphasise the differing program within the approved building.
 - iii. The canopies to La Trobe Street.
 - iv. Ground floor shopfront façades and entrances, including the entrance to the communal lobby.
 - v. Ground floor building services, ensuring they are integrated into the overall design, are constructed of high quality materials, and provide for visual interest.
- c. Cross sections or another method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and materials.
 - d. Information about how the façade will be accessed and maintained and cleaned, including any planting.
 - e. Precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high quality built outcome in accordance with the design concept.
 - f. A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, contextually appropriate, durable and fit for purpose. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a photograph of a physical sample board with coding.

Once approved, the façade strategy will be endorsed and will form part of this permit. The façade strategy must not be altered or amended without the written consent of the Responsible Authority in consultation with the Melbourne City Council.

Wind

20. Concurrent with the endorsement of plans under condition one of this permit, wind tests carried out by a suitably qualified professional must be carried out on a model of the approved building. A report detailing the outcome of the testing must be submitted to and approved by the Responsible Authority. The report must recommend any modifications which must be made to the design of the building to reduce any adverse wind conditions in areas used by pedestrians, to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.

Tree protection

21. Prior to the commencement of the development, a Tree Protection Plan (TPP) must be approved by the Melbourne City Council – Urban Forest and Ecology department. The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
 - a. Reference to the Melbourne City Council's asset numbers for the subject trees.
 - b. Reference to the finalised construction management plan, including any public protection gantries, loading zones and machinery locations.
 - c. Site specific details of the temporary tree protection fencing to be used to isolate public trees from the demolition and / or construction activities or details of any other tree protection measures considered necessary and appropriate to the works.

- d. Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.
 - e. Full specifications of any pruning required to public trees with reference to marked images.
 - f. Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
 - g. Details of the frequency of the project arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).
22. If required by the TPP and prior to the commencement of the development, including demolition, bulk excavation, and development preparation, a bond equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond must be lodged by the Principal contractor. The bond value will be calculated by the Melbourne City Council – Urban Forest and Ecology. Should any tree be adversely impacted by the works, the Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.
23. All works within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Melbourne City Council – Urban Forest and Ecology.

Land consolidation

24. Prior to the commencement of the development, all the land for the approved development must be owned by the one entity and consolidated onto the one certificate of title, to the satisfaction of the Melbourne City Council – Land Survey.

City Infrastructure

Existing drain relocation

25. Prior to the commencement of the development, stormwater drains must be relocated in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Build over easement

26. Prior to the commencement of the development, all relevant build over easement consent(s) must be obtained to the satisfaction of the Responsible Authority, in consultation with the Melbourne City Council.

Drainage of projections

27. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Works abutting Council Lanes

28. The title boundaries for the property may not exactly agree with the road alignments of the abutting Melbourne City Council lane. The approved works must not result in structures that encroach onto any Melbourne City Council lane.

Drainage system upgrade

29. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Melbourne City Council – City Infrastructure. This system must be constructed prior to the occupation of the development and provision made to connect this system to Melbourne City Council's underground stormwater drainage system. Where necessary, Melbourne City Council's drainage network must be upgraded to accept the discharge from the site in

accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Demolish and construct access

30. Prior to the occupation of the development, all necessary vehicle crossings and separation islands must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed and upgraded, in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Roads

31. All portions of roads and laneways affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Sawn bluestone footpaths

32. Prior to the occupation of the development, the footpath adjoining the site along La Trobe Street must be reconstructed and upgraded in sawn bluestone together with associated works including the renewal of kerb and channel and/or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Street levels not to be altered

33. Existing street levels in La Trobe Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Melbourne City Council – City Infrastructure.

Existing street lighting not altered without approval

34. 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 Melbourne City Council – City Infrastructure.

Street furniture

35. All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on La Trobe Street footpath outside the proposed building to plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Public lighting

36. Prior to the commencement of the development, or as otherwise agreed to by the Melbourne City Council – City Infrastructure, a lighting plan must be prepared and approved to the satisfaction of the Melbourne City Council. The lighting plan must be generally in accordance with the Melbourne City Council's Lighting Strategy, and include the provision of public lighting in Grange Place, Bell Place and La Trobe Street, to the satisfaction of the Melbourne City Council – City Infrastructure. The lighting works must be undertaken prior to the occupation of the development, in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Creation of easement

37. A 1.5 metre wide drainage easement must be created along the centre of the property (north to south direction) of the subject land in favour of Melbourne City Council. The easement must be to the satisfaction of the Melbourne City Council.

Legal agreements

Drainage

38. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987*. The agreement must provide the following;
- a. The existing 225 mm diameter storm water drain located along the centre of the property (north to south direction) of the subject land shall be upgraded and reconstructed in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.
 - b. A drainage easement shall be created over the reconstructed stormwater drain running along the centre of the property (north to south direction) of the subject land. The easement shall be created in favour of the Melbourne City Council to the satisfaction of the Melbourne City Council – City Infrastructure.
 - c. Liability and maintenance of Melbourne City Council's stormwater drain/s located within the subject land.
 - d. Indemnify the Melbourne City Council against any claims arising from the existence of the stormwater drain located within structures above and / or below the subject land, and require the owner to maintain and repair all structures above or below the subject land at their cost and to the satisfaction of the Melbourne City Council.

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

Windows and openings on boundary

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

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

Construction management plan

40. Prior to the commencement of the development, a detailed construction management plan must be submitted to and be approved by the Melbourne City Council – Site Services. This construction management plan must be prepared in accordance with the Construction Management Plan Guidelines and is to include the following (may not be an exhaustive list):
- 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.

3D Digital Model

41. Prior to the occupation of the approved building, a three dimensional digital model of the development must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. The model must be prepared having regard to the Advisory Note – 3D Digital Modelling Melbourne City Council. In the event that substantial modifications are made to the building envelope a revised three dimensional digital model must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council.

Potentially Contaminated Land and Remediation

42. Prior to the commencement of the development (excluding works required to facilitate this condition), a Preliminary Risk Screen Assessment (PRSA) of the site must be conducted by a suitably qualified environmental auditor. The PRSA statement and report must be submitted to the Responsible Authority in accordance with section 205 of the Environment Protection Act 2017 and respond to the matters contained in Part 8.3, Division 2 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority.
43. If the PRSA requires an Environmental Audit be undertaken, or if the permit holder decides to undertake an Environmental Audit, then prior to the commencement of the development (excluding works required to facilitate this condition), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the Responsible Authority in accordance with section 210 of the Environment Protection Act 2017 responding to the matters contained in Part 8.3, Division 3 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority. The EAS must either:
- State the site is suitable for the use and development allowed by this permit.
 - State the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.

All the recommendations of the EAS must be complied with for the full duration of any buildings and works on the land in accordance with the development hereby approved, and must be fully satisfied prior to the occupation of the approved building. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS prior to the occupation of the building.

If any of the conditions of the EAS require ongoing maintenance or monitoring, prior to the occupation of the approved building and prior to the issue of a statement of compliance under the Subdivision Act 1988 the owner of the land must enter into an agreement with the Melbourne City Council under section 173 of the Planning and Environment Act 1987 to the effect that all conditions of the EAS issued in respect of the land will be complied with.

Permit Expiry

44. This permit will expire if one of the following circumstances applies:
- The development is not started within three years of the date of this amended permit.
 - The development is not completed within five years of the date of this amended permit.
 - The uses are not commenced within five years of the date of this amended permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

10.2 Notes

Other approvals may be required

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

Melbourne City Council – City Infrastructure

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

Car parking and bicycle spaces

The Melbourne City Council is not obliged to change on-street parking restrictions to accommodate the servicing, delivery and parking needs of the development under this planning permit.

The Melbourne City Council is not obligated to provide any additional bicycle parking facilities to cater for this development.

Body Corporate / Owners Corporation

This planning permit does not constitute Body Corporate / Owners Corporation approval for the development. The consent of the Body Corporate / Owners Corporation of the property may be required to be obtained.

Archaeology

The land affected by this planning permit appears to be identified in Heritage Victoria's Heritage Inventory as having archaeological potential. The permit holder is advised to contact Heritage Victoria prior to the commencement of the development.

Urban Forest and Ecology

A tree protection bond can be provided as a bank guarantee or by EFT. A bank guarantee must be:

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

If the bond is to be lodged as an EFT, Council's bank details will be provided on request.

An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.

Any pruning works identified in the Tree Protection Plan will be undertaken once the Tree Protection Bond is lodged, all permits issued and works are ready to commence.

On completion of the works, the bond will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the public trees have not been affected by the works.