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

#### Planning Application: TP-2016-537 109-111 Little Lonsdale Street, Melbourne

Presenter: Jane Birmingham, Practice Leader Statutory Planning

#### Purpose and background

- 1. The purpose of this report is to advise the Future Melbourne Committee of a Planning Application at 109-111 Little Lonsdale Street, Melbourne (refer to Attachment 2 – Locality Plan). The applicant is Urbis, the owner is Brady Group and the architect is Peddle Thorp Architects.
- 2. The subject site is affected by Capital City Zone Schedule 1, Design and Development Overlay Schedule 10 and Parking Overlay Schedule 1.
- 3. The planning application seeks approval for the demolition of the existing buildings and the construction of a residential hotel of 21 storeys (approximately 66.7m height) containing 51 single room hotel rooms.
- 4. The adjoining site has an existing permit (TP-2009-587) that allows a building of approximately 66m in height. The current application would effectively join the two sites so they can function and be read as one building with the same architectural language.
- 5. The application is exempt from the notice requirements of the *Planning and Environment Act 1987* under the Capital City Zone and the Design and Development Overlay.

#### Key issues

- 6. Key issues for consideration in this application are the built form, legality of the application as it relates to the adjoining site at 113-115 Little Lonsdale Street and the potential amenity impacts to residents of the adjoining Regency Towers.
- 7. It is considered the proposed development appropriately responds to the built form outcomes within Design and Development Overlay Schedule 10 by presenting a 40m podium with clear setbacks above this.
- 8. A permit condition is proposed to ensure the subject site is consolidated with the adjoining site at 113-115 Little Lonsdale Street.

#### **Recommendation from management**

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

#### Attachments:

- 1. Supporting Attachment (page 2 of 52)
- 2. Locality Plan (page 3 of 52)
- 3. Selected Plans (page 4 of 52)
- 4. Delegate Report (page 27 of 52)

#### 22 November 2016

#### **Supporting Attachment**

#### Legal

1. The City of Melbourne is the Responsible Authority for determining this application.

#### Finance

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

#### **Conflict of interest**

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

#### Stakeholder consultation

4. The application is exempt from third party review however residents were informally notified of the application.

#### **Relation to Council policy**

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

#### **Environmental sustainability**

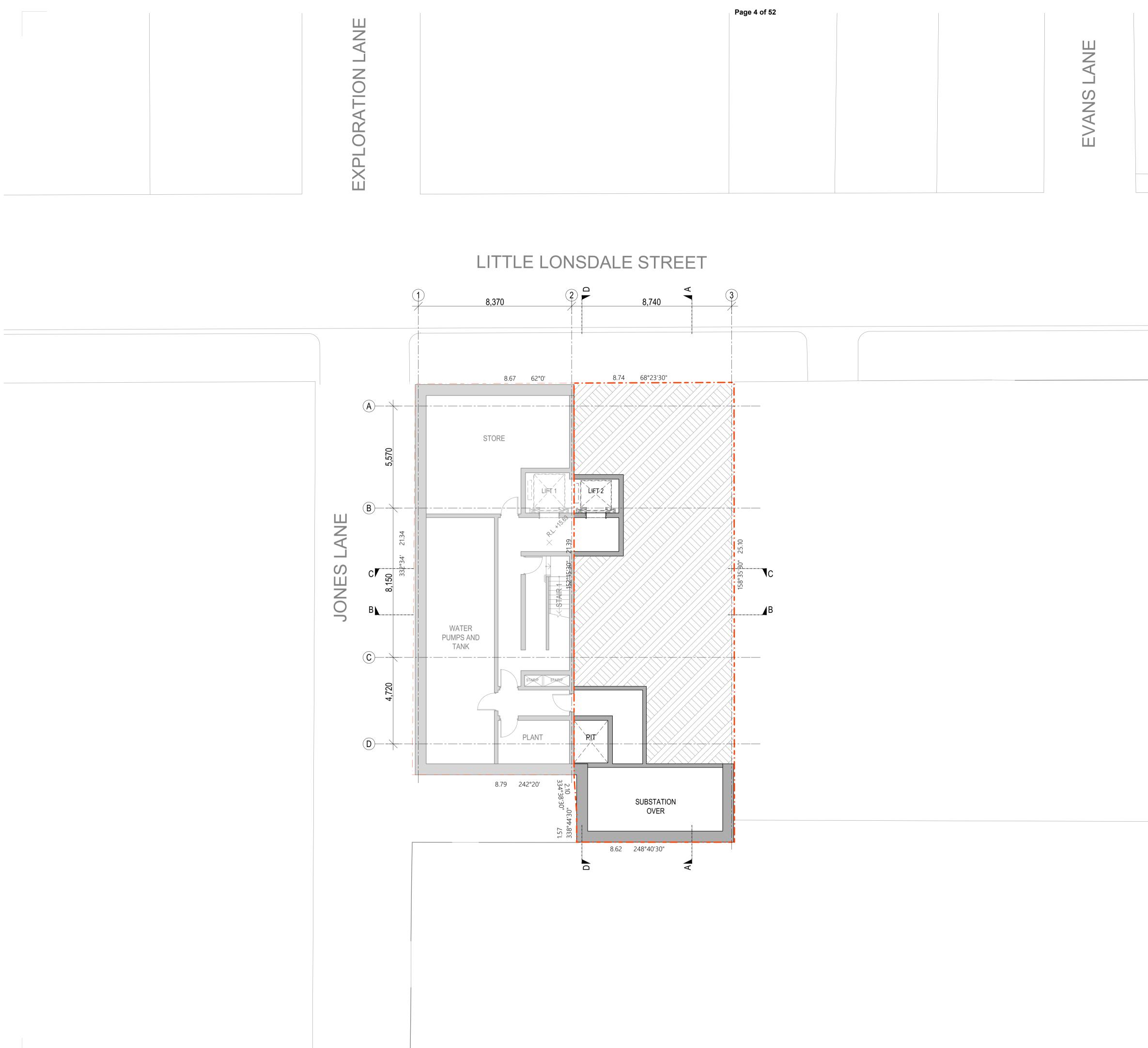
6. The development is able to achieve a 5 Star Green Star Rating under Green Star Multi Unit Residential tool v1.

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# Locality Plan 109-111 Little Lonsdale Street Melbourne

Attachment 2 Agenda item 6.2 Future Melbourne Committee 22 November 2016





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# PROPOSED BASEMENT 2 PLAN

TITLE:

### 109 LT LONSDALE ST HOTEL DEVELOPMENT

PROJECT:

34-0203



PROJECT No:

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# TOWN PLANNING

REASON FOR ISSUE:

Northbank Place East Level 1, 525 Flinders St Melbourne VIC 3000 Australia

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Attachment 3 Agenda item 6.2 Future Melbourne Committee

22 November 2016

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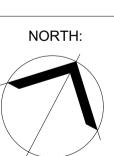
PROPOSED BASEMENT 1 PLAN

TITLE:

# 109 LT LONSDALE ST HOTEL DEVELOPMENT

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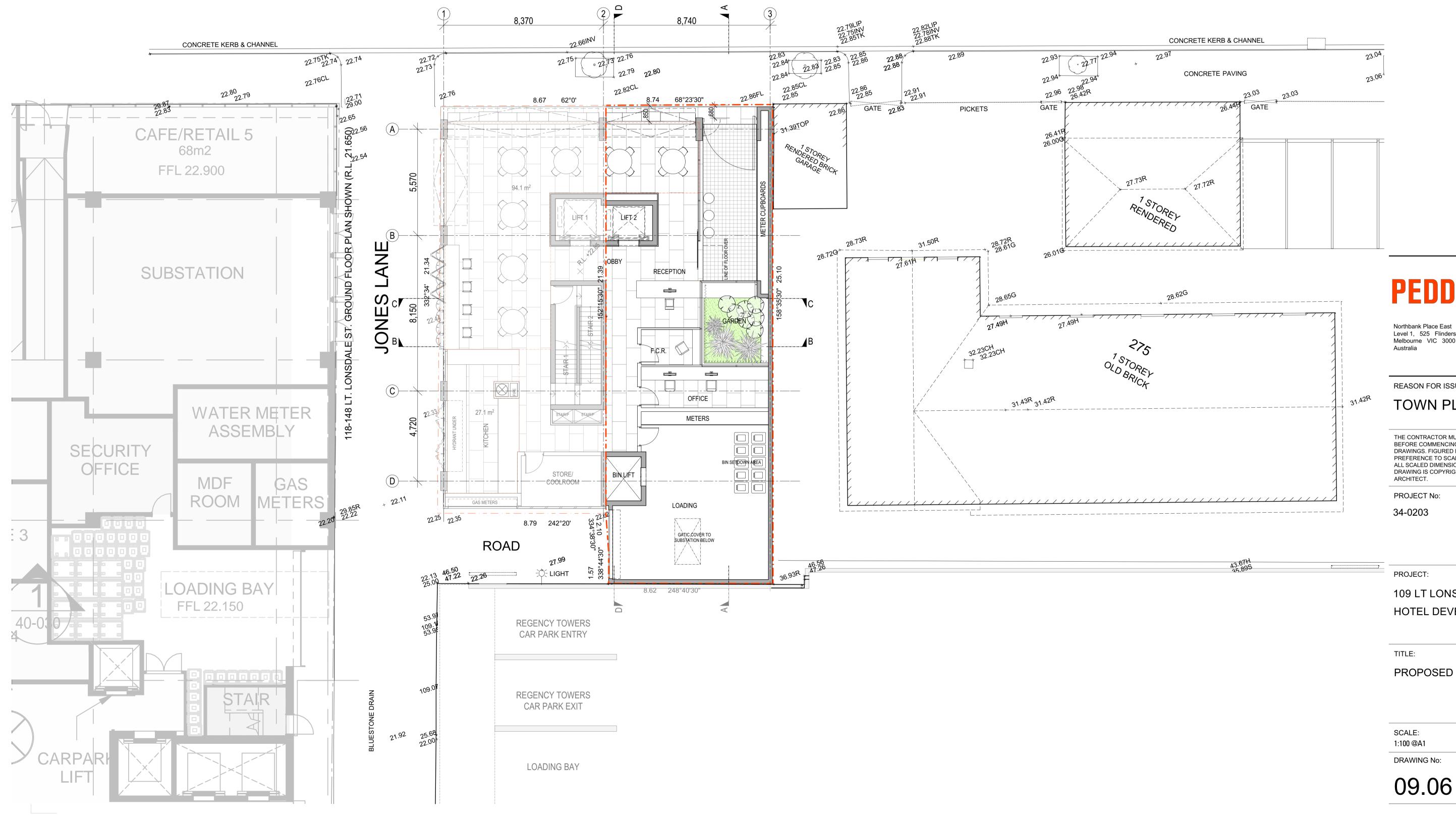
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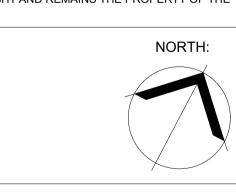
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# PROPOSED GROUND FLOOR PLAN

TITLE:

# 109 LT LONSDALE ST HOTEL DEVELOPMENT

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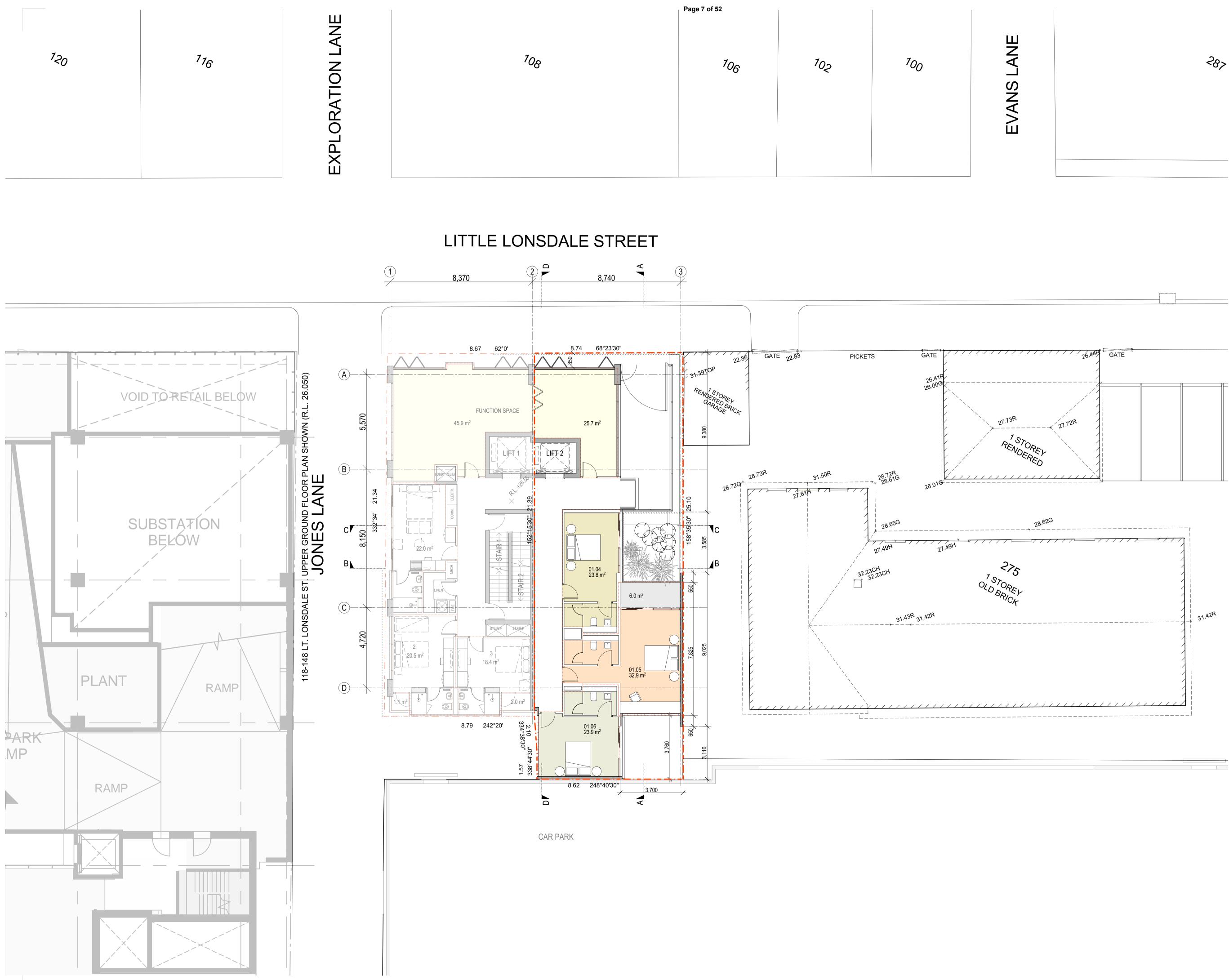
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PROJECT:

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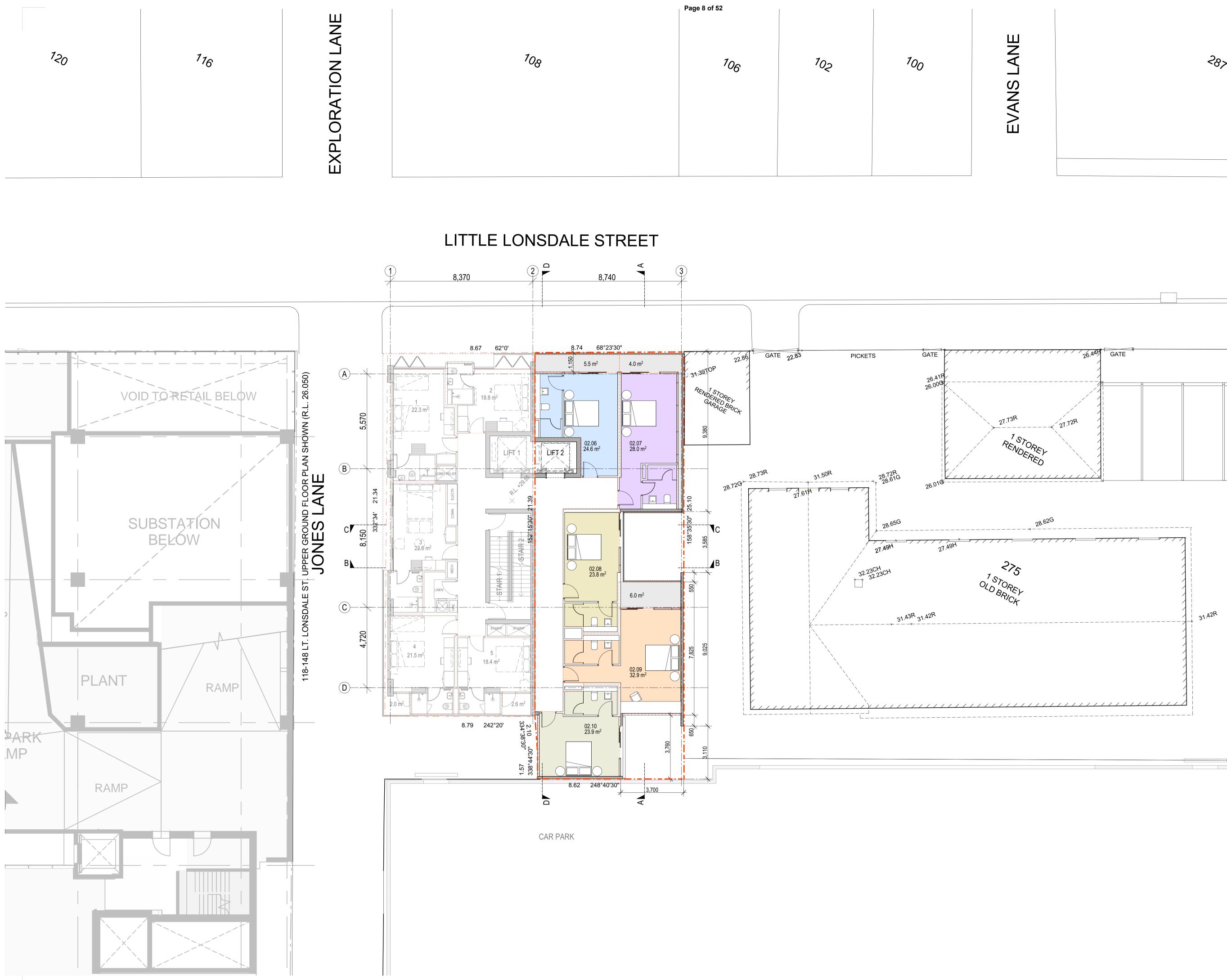
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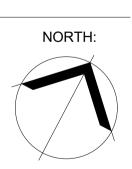
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## 109 LT LONSDALE ST HOTEL DEVELOPMENT

PROJECT:

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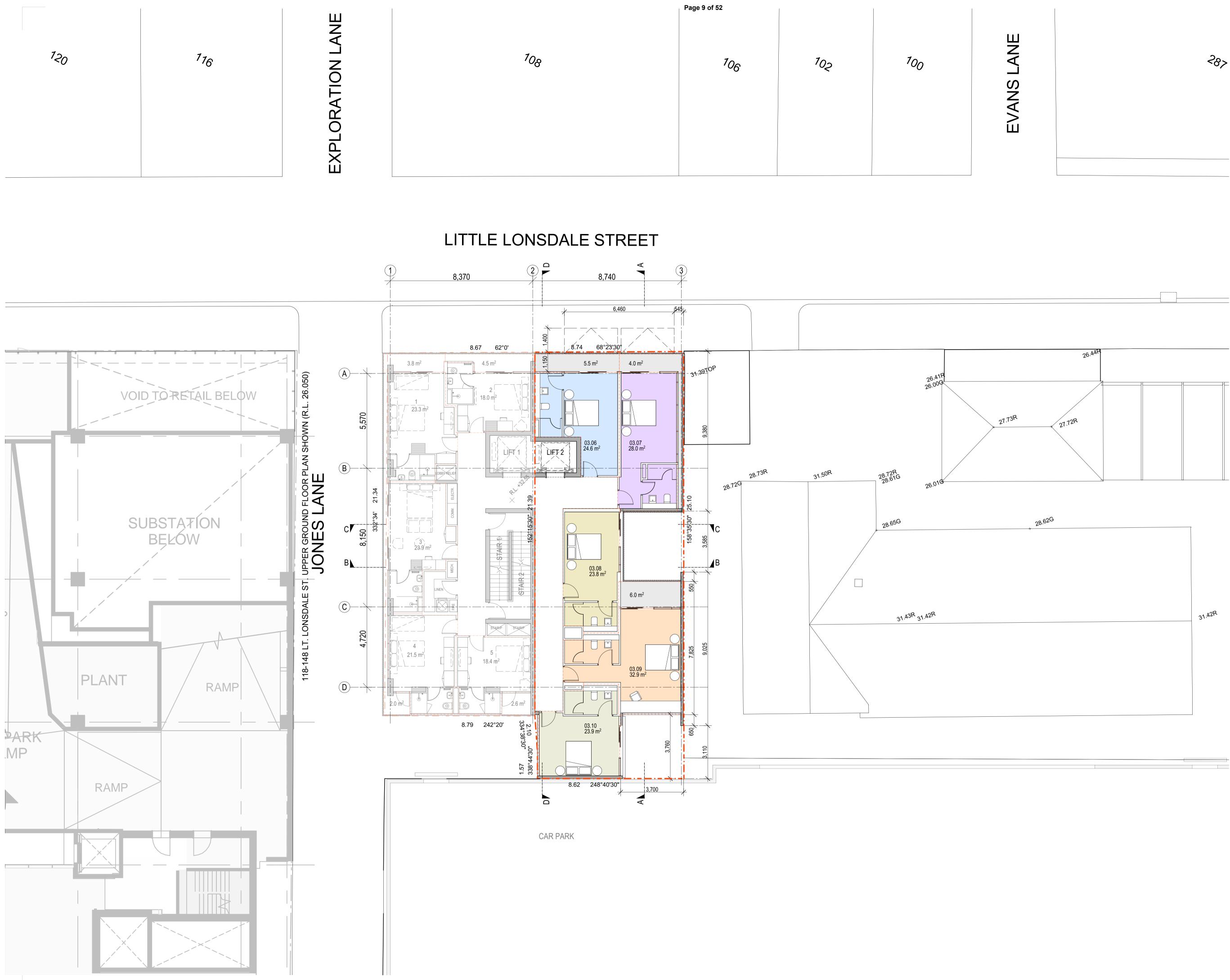
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# PROPOSED LEVEL 03 PLAN

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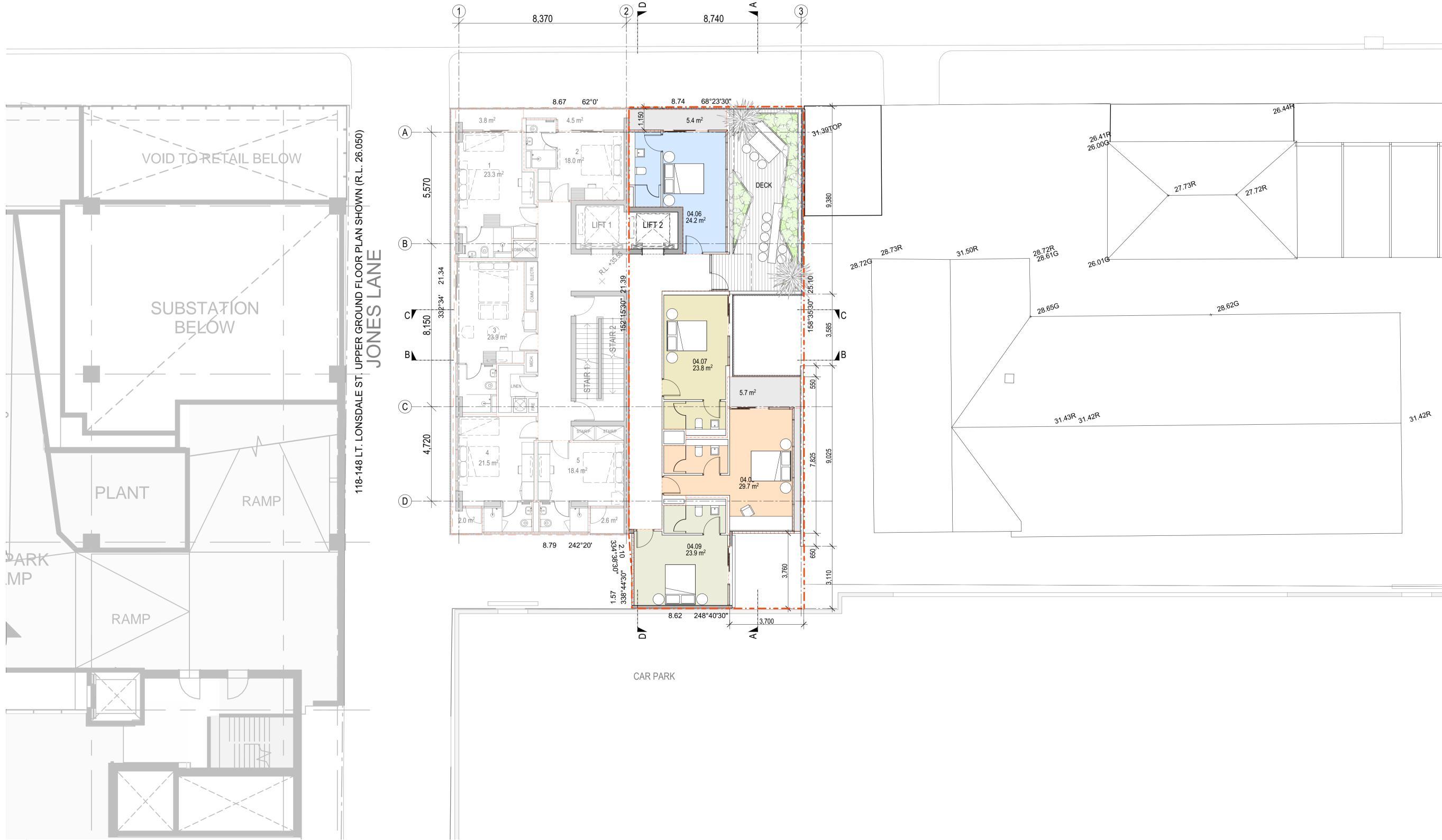
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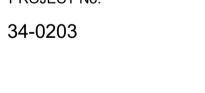
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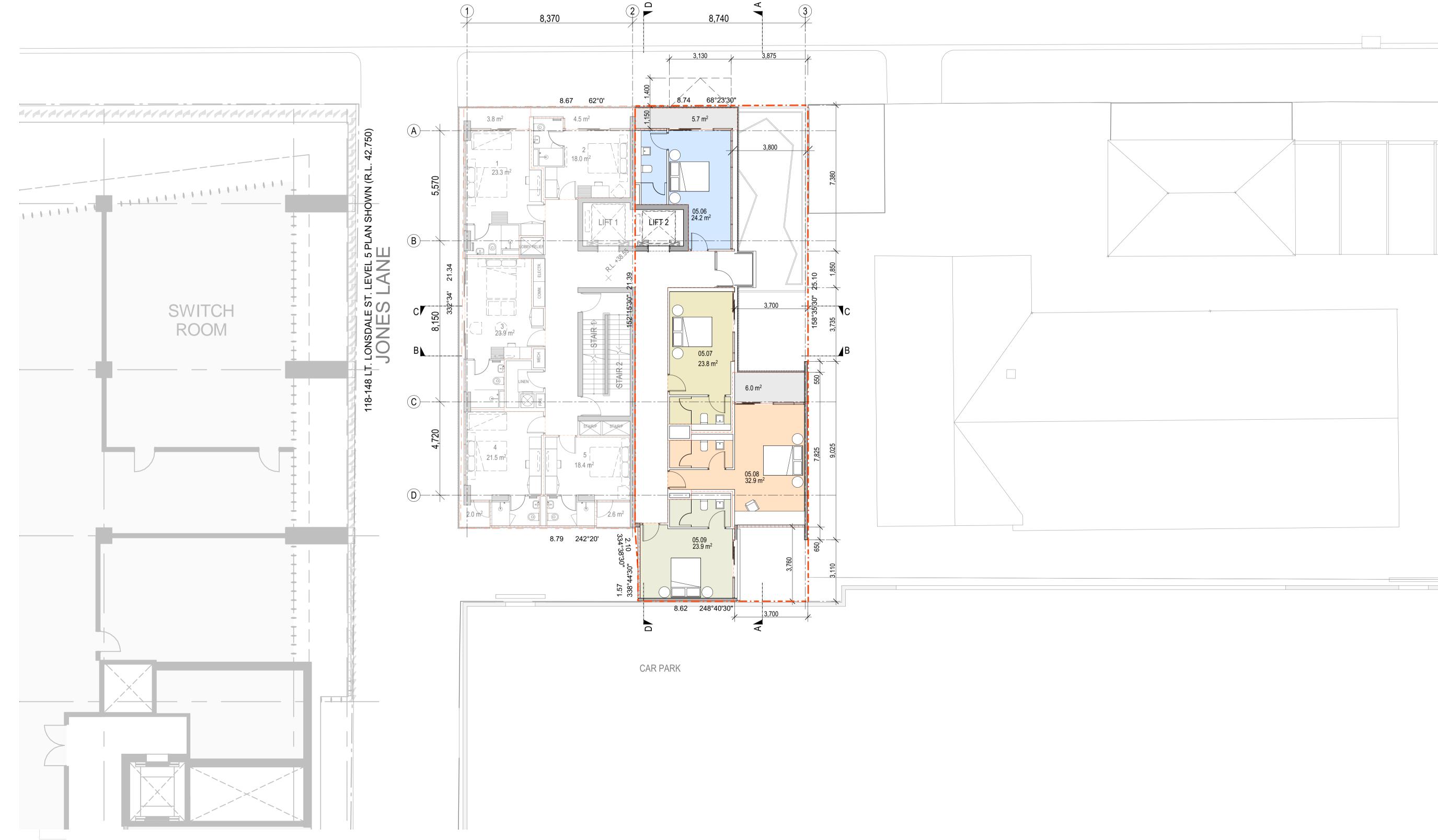
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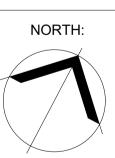
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TITLE:

# 109 LT LONSDALE ST HOTEL DEVELOPMENT

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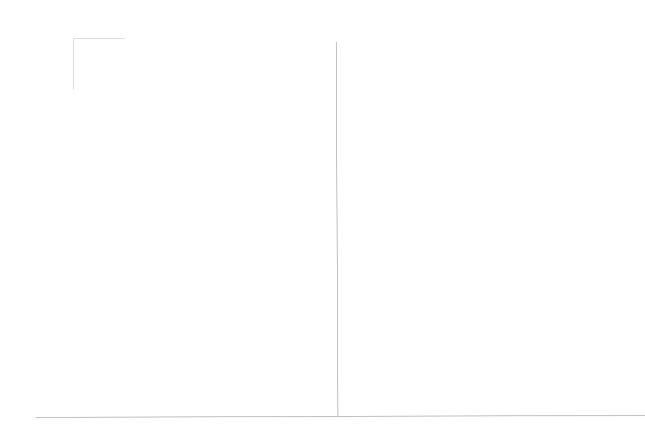
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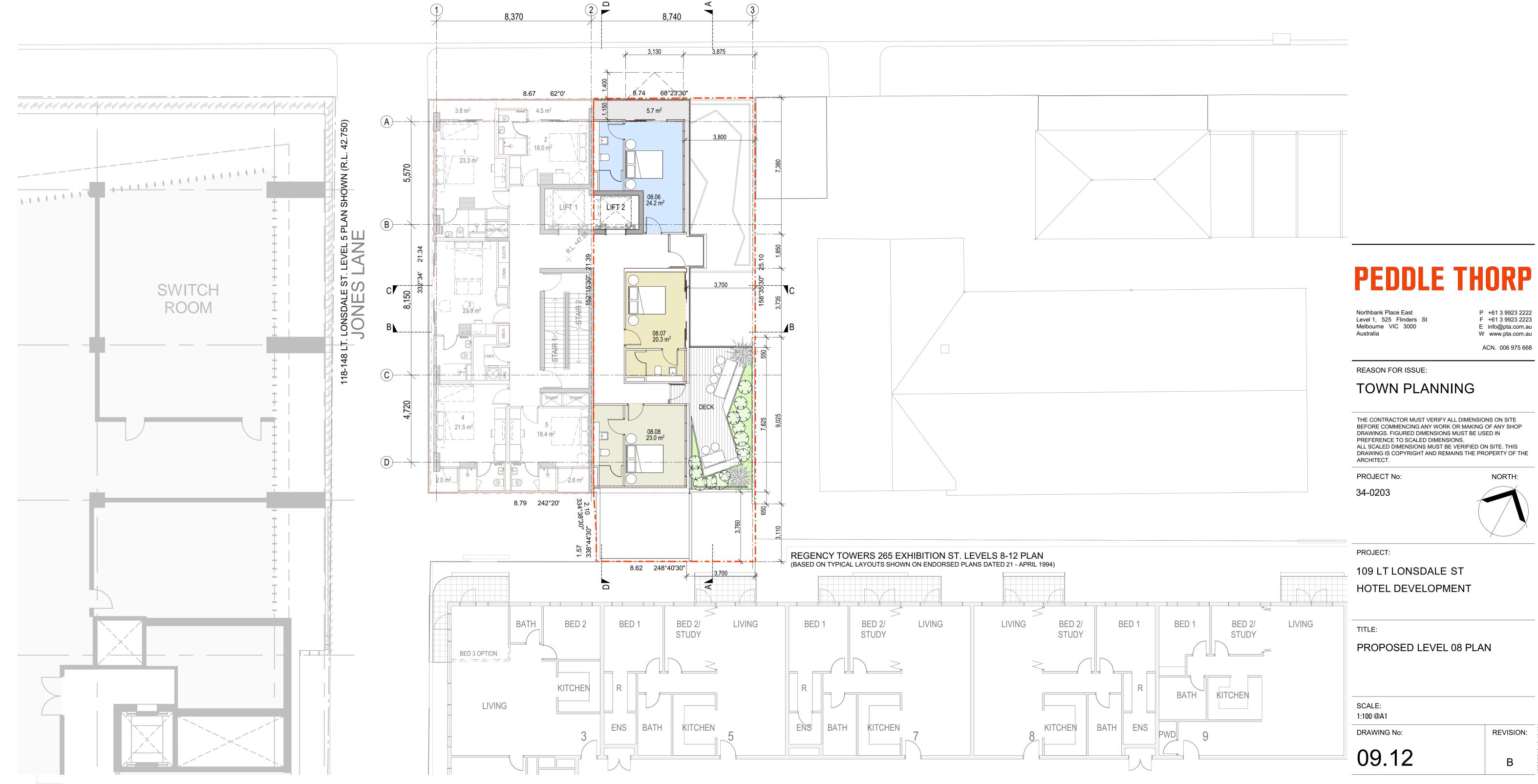
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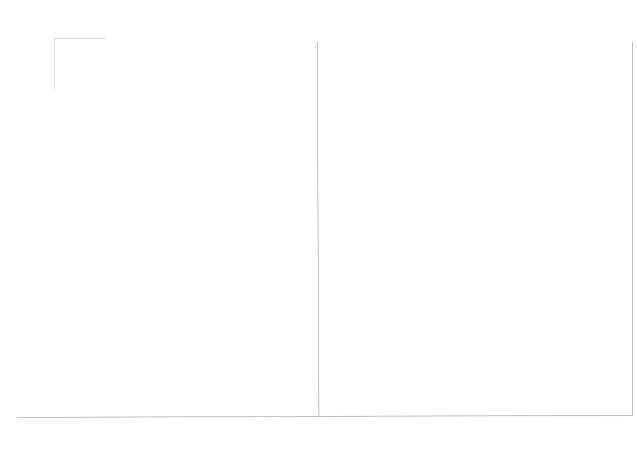


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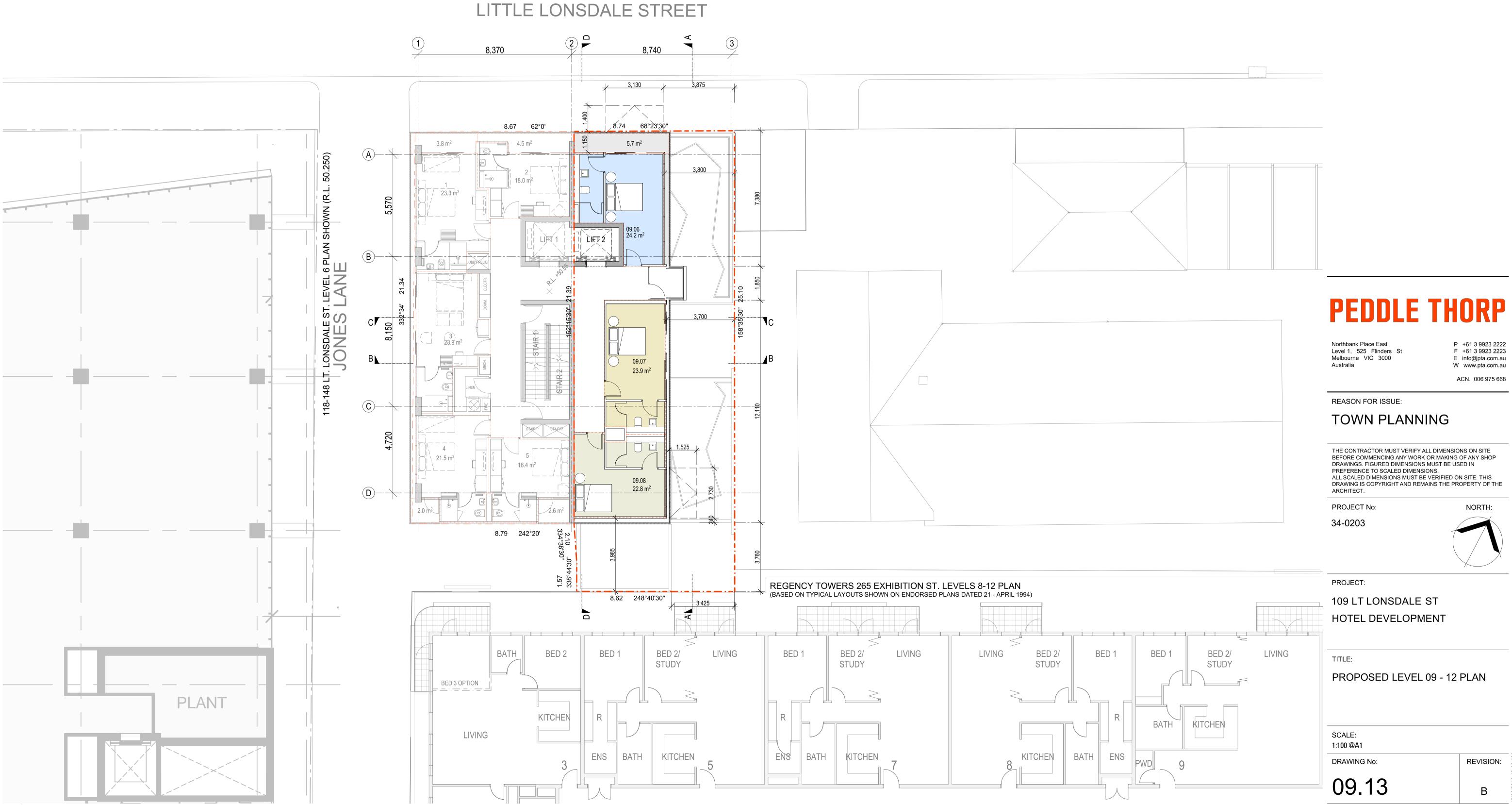
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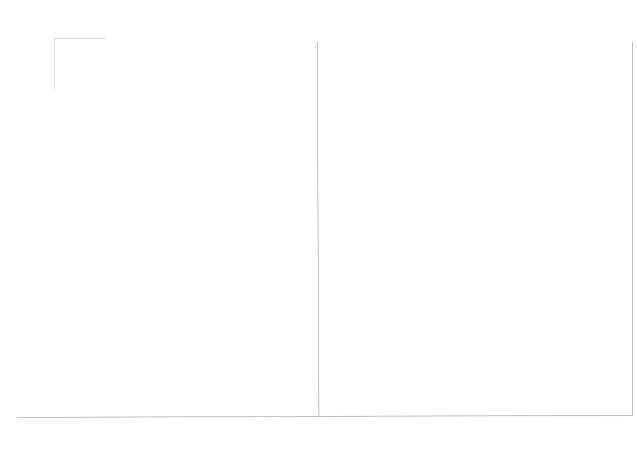




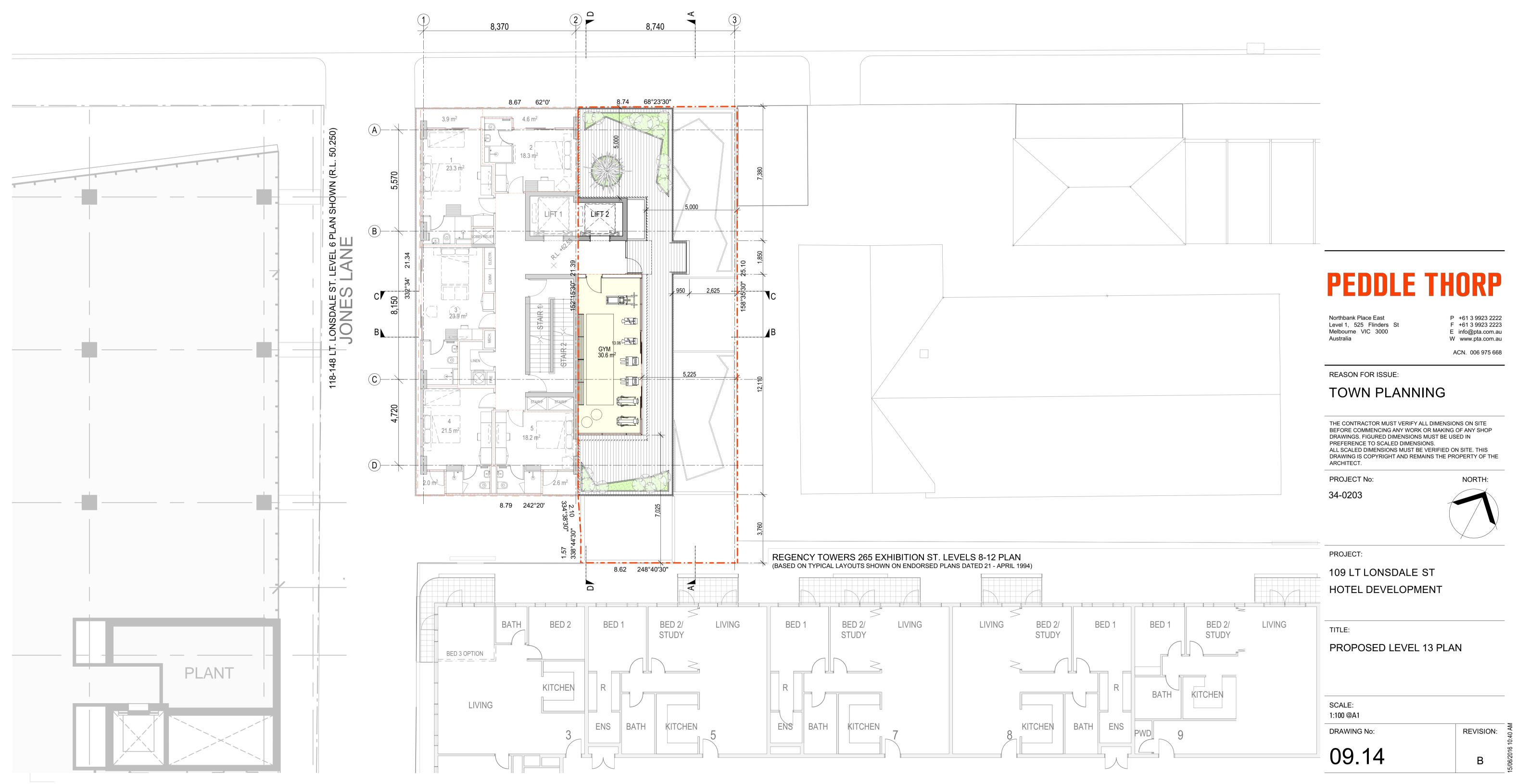


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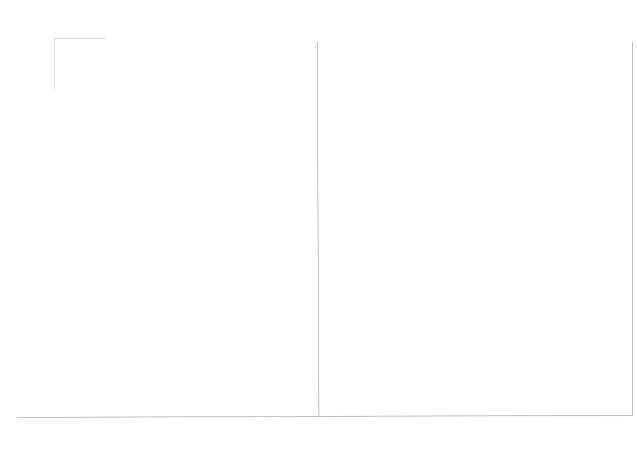




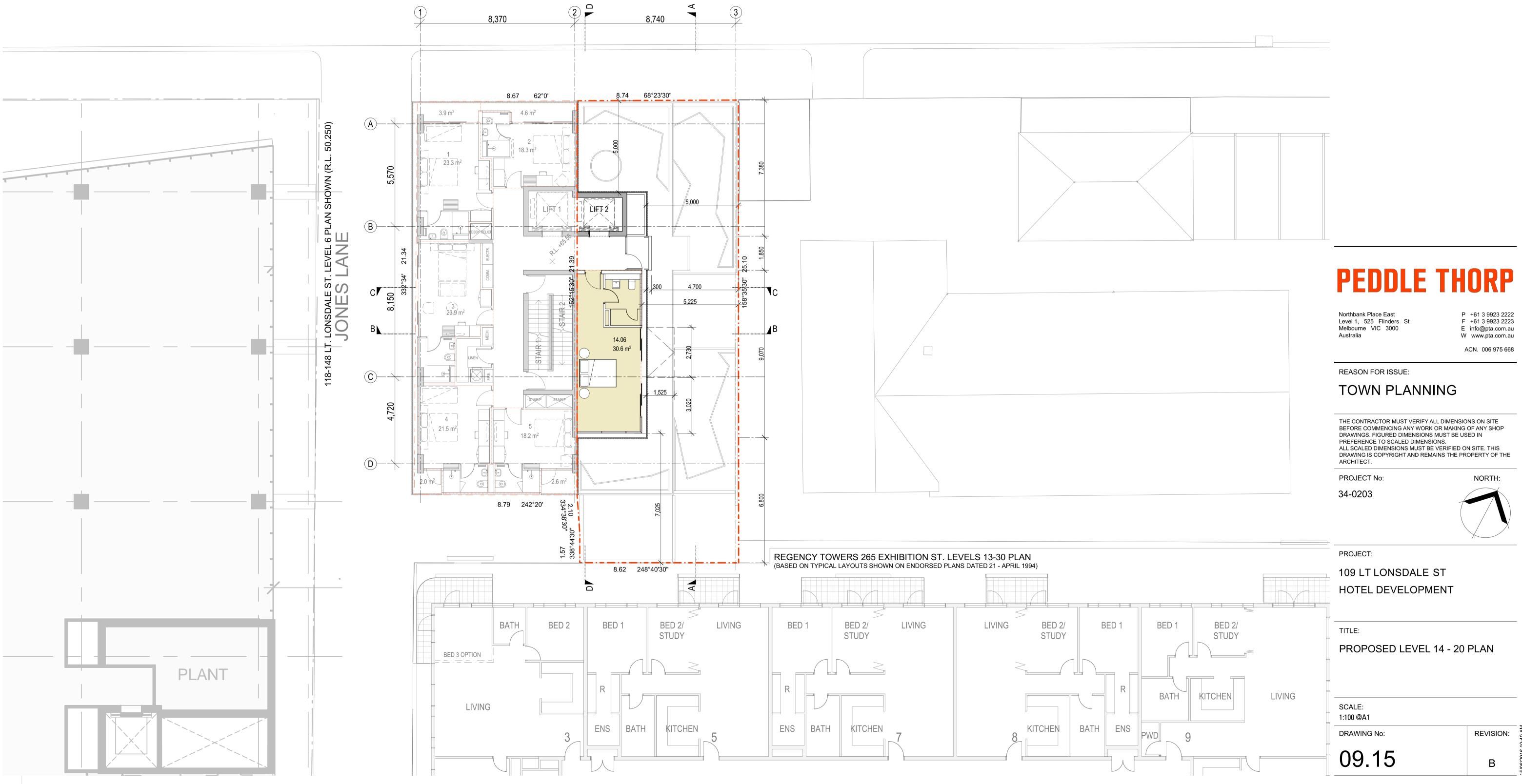
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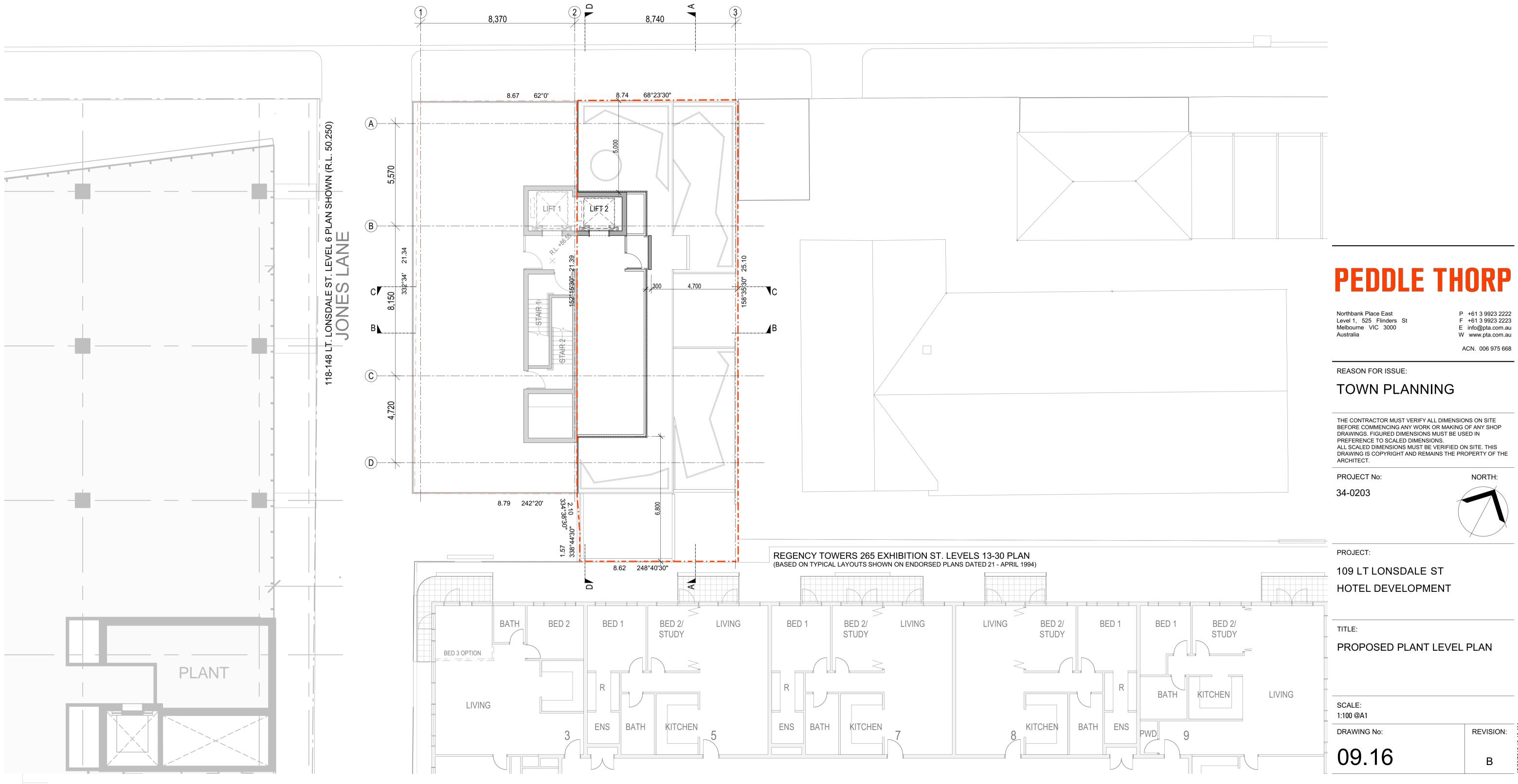
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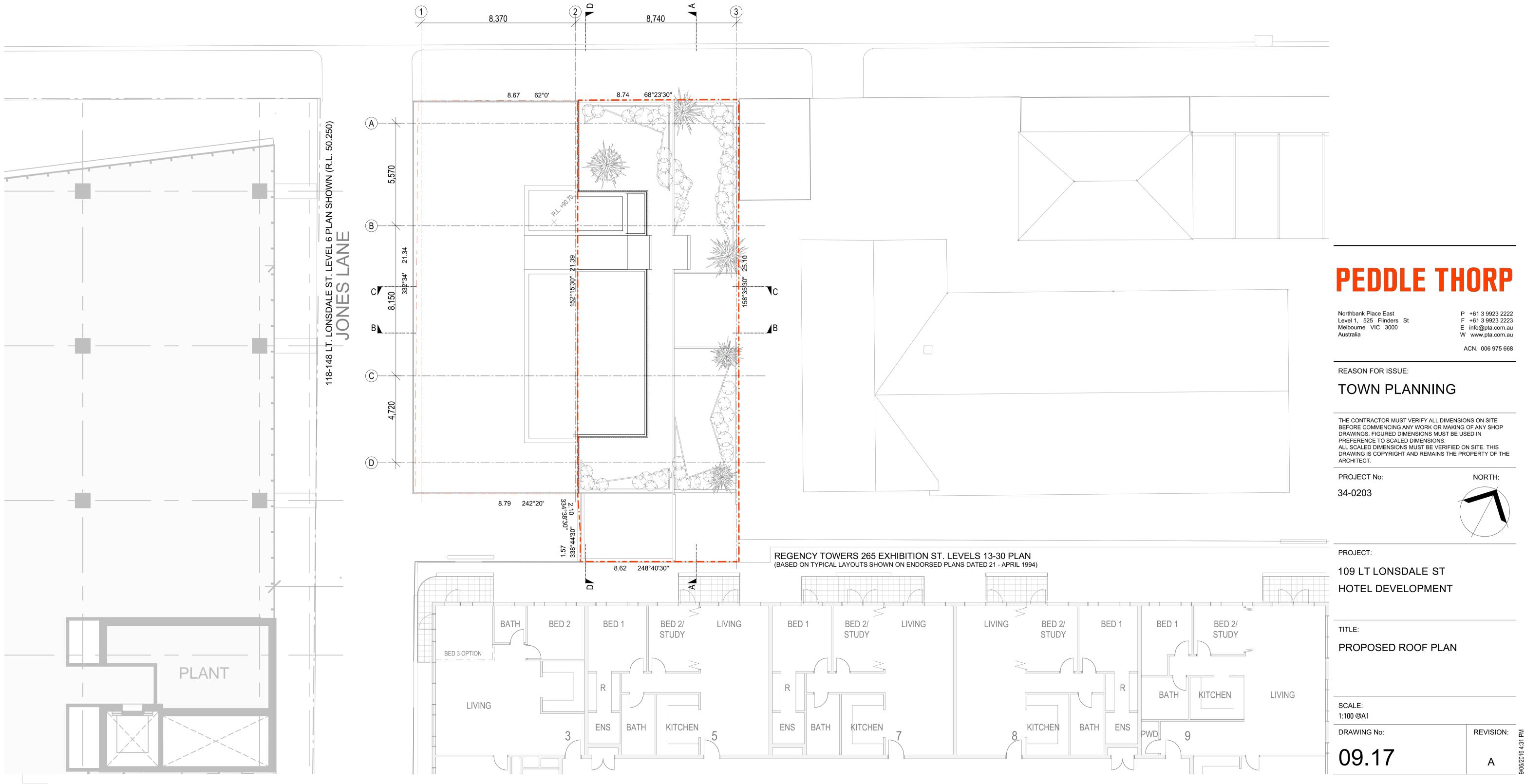


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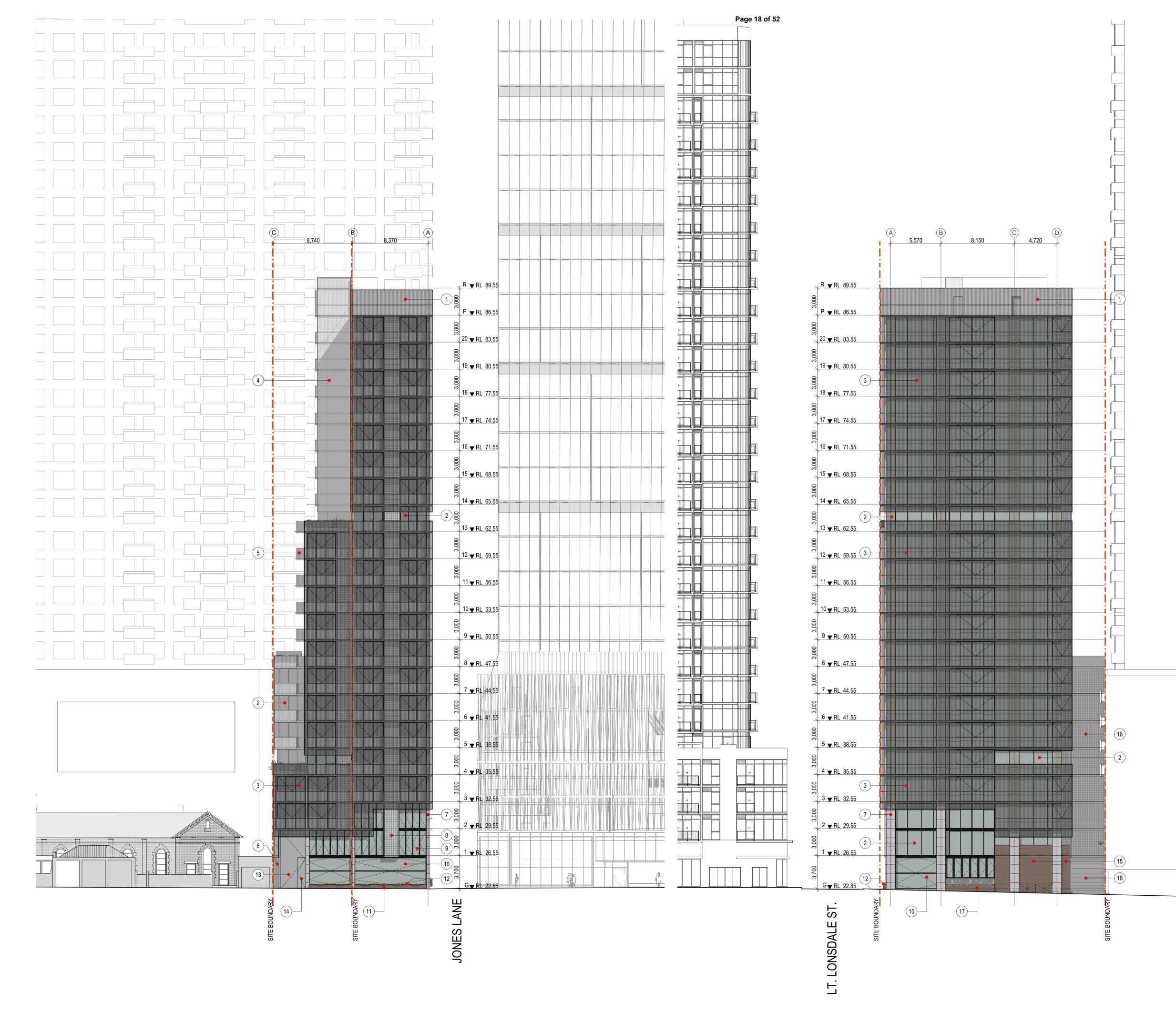




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# LITTLE LONSDALE STREET

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PROPOSED NORTH ELEVATION

ISSUE REVISION	DRN CHK/APP DATE

#### MATERIALS LEGEND

- WEBFORGE SCREEN (OR SIMILAR) PLANT ROOM SCREEN
   HIGH PERFORMANCE GLAZING GREY WITH CHARCOAL
- POWDER-COATED WINDOW FRAMES 3 - WEBFORGE SCREEN (OR SIMILAR) WITH HIGH PERFORMANCE
- GLAZING BEHIND 4 - WEBFORGE SCREEN (OR SIMILAR) WITH LIFT CORE WALL
- BEHIND 5 - CONCRETE BALUSTRADE WITH CLEAR GLASS SIDES & EQUAL
- ANGLE HANDRAIL 6 - SPLIT-FACE STONE
- 7 STAINLESS STEEL COLUMNS WITH RECESSED JOINTS
  8 GLASS BRICK
- 9 CHARCOAL POWDER-COATED WINDOW FRAMES WITH BI-FOLD HIGH PERFORMANCE DOORS & GLASS BALUSTRADE BEHIND
- 10 SHOPFRONT CLEAR GLAZING IN BI-FOLD DOORS SYSTEM
- 11 RED BRICK SEATING PLINTH IN STRETCHER BOND PATTERN12 TIMBER (SPOTTED GUM) BENCH TOP FIXED TO BRICK PLINTH
- 13 LARGE PIVOT DOOR WITH ARTISTS MURAL SET INTO FACE
- 14 GLAZED PIVOT DOOR
- 15 RED BRICK WALL IN STRETCHER BOND PATTERN16 OPAQUE GLASS BRICKS WITH INSET STRUCTURAL STEEL FRAME
- 17 RED BRICK PLANTER IN STRETCHER BOND PATTERN
- 18 PANELISED CHARCOAL GREY ROLLER DOOR
- 19 CONCRETE BALUSTRADE

# **PEDDLE THORP**

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ACN. 006 975 668

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# TOWN PLANNING

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PROJECT No:

34-0203

PROJECT:

109 LT LONSDALE ST HOTEL DEVELOPMENT

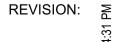
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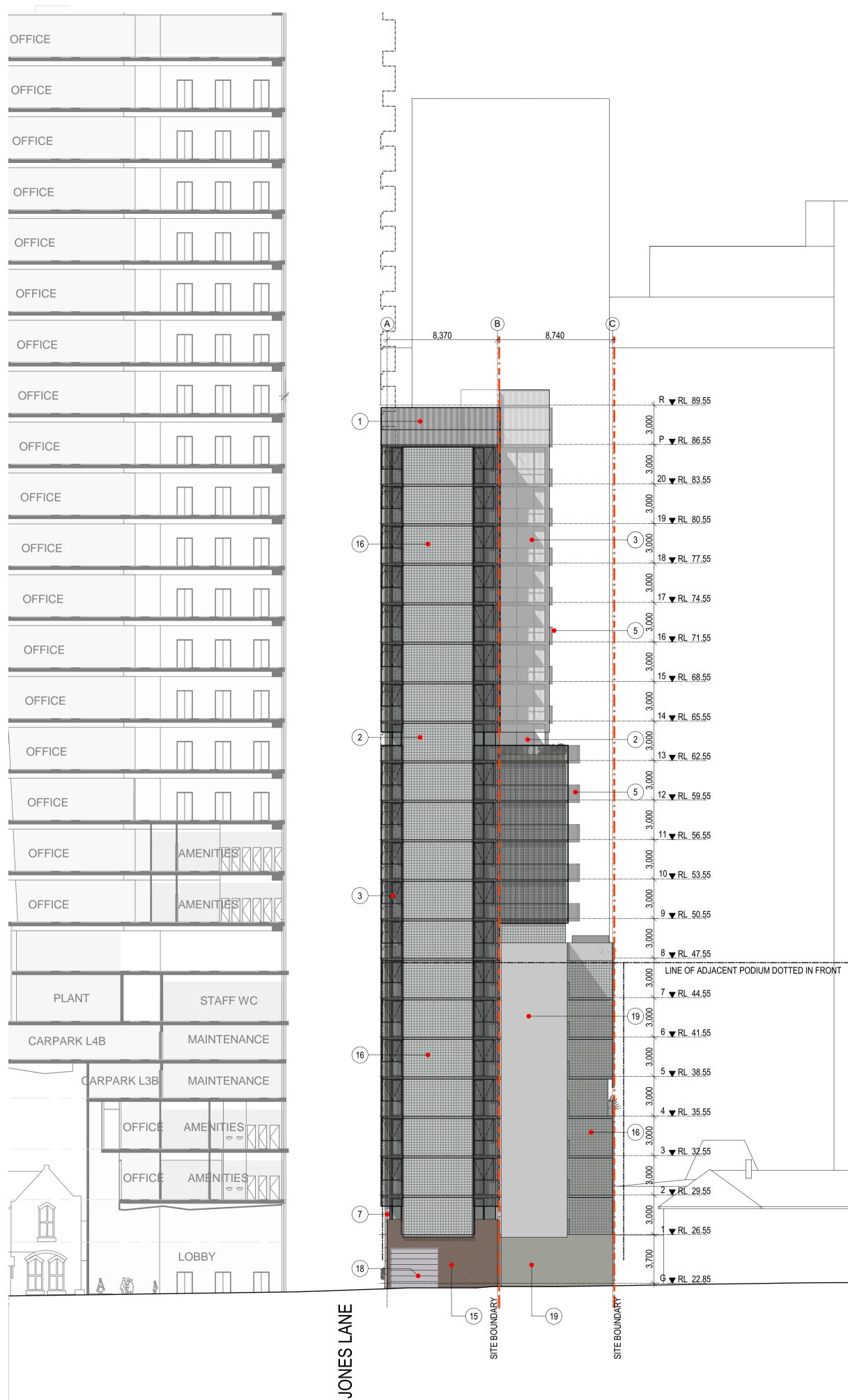
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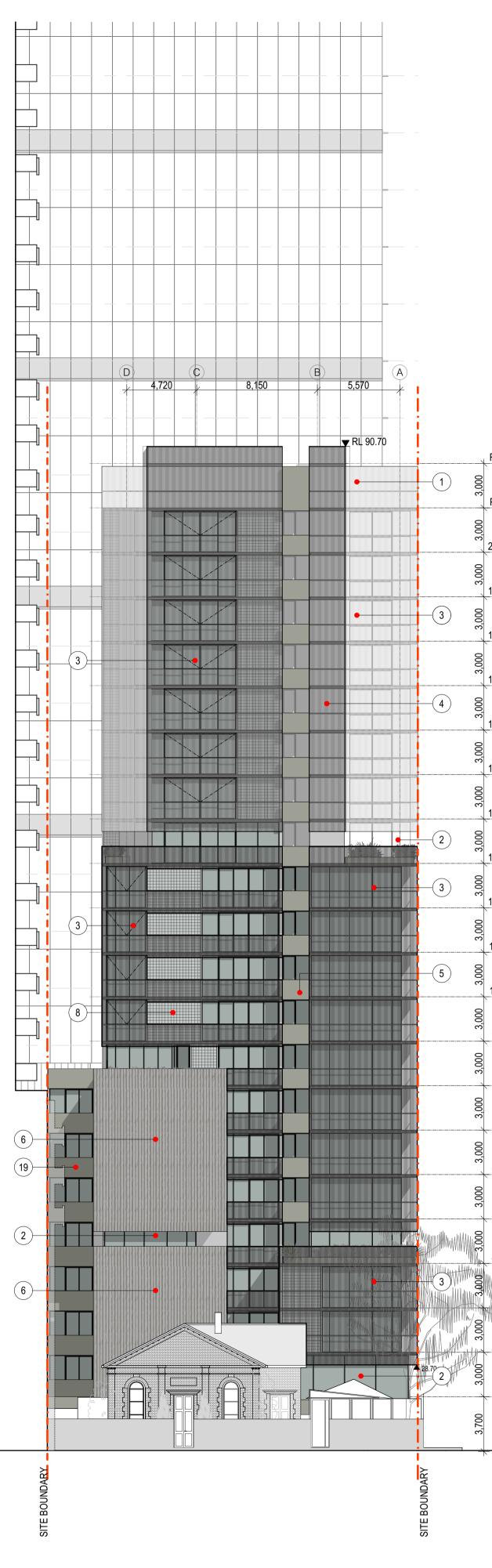




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MATERIALS LEGEND
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POWDER-COATED WINDOW FRAMES
3 - WEBFORGE SCREEN (OR SIMILAR) WITH HIGH PERFORMANCE
GLAZING BEHIND
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DRN CHK/APP DATE

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- 14 GLAZED PIVOT DOOR

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- 15 RED BRICK WALL IN STRETCHER BOND PATTERN 16 - OPAQUE GLASS BRICKS WITH INSET STRUCTURAL STEEL FRAME
- 17 RED BRICK PLANTER IN STRETCHER BOND PATTERN
- 18 PANELISED CHARCOAL GREY ROLLER DOOR 19 - CONCRETE BALUSTRADE

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PROJECT:

109 LT LONSDALE ST HOTEL DEVELOPMENT

TITLE:

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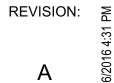
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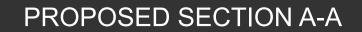
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PROPOSED SECTIONS A-A & B-B

TITLE:

# 109 LT LONSDALE ST HOTEL DEVELOPMENT

PROJECT:

34-0203

PROJECT No:

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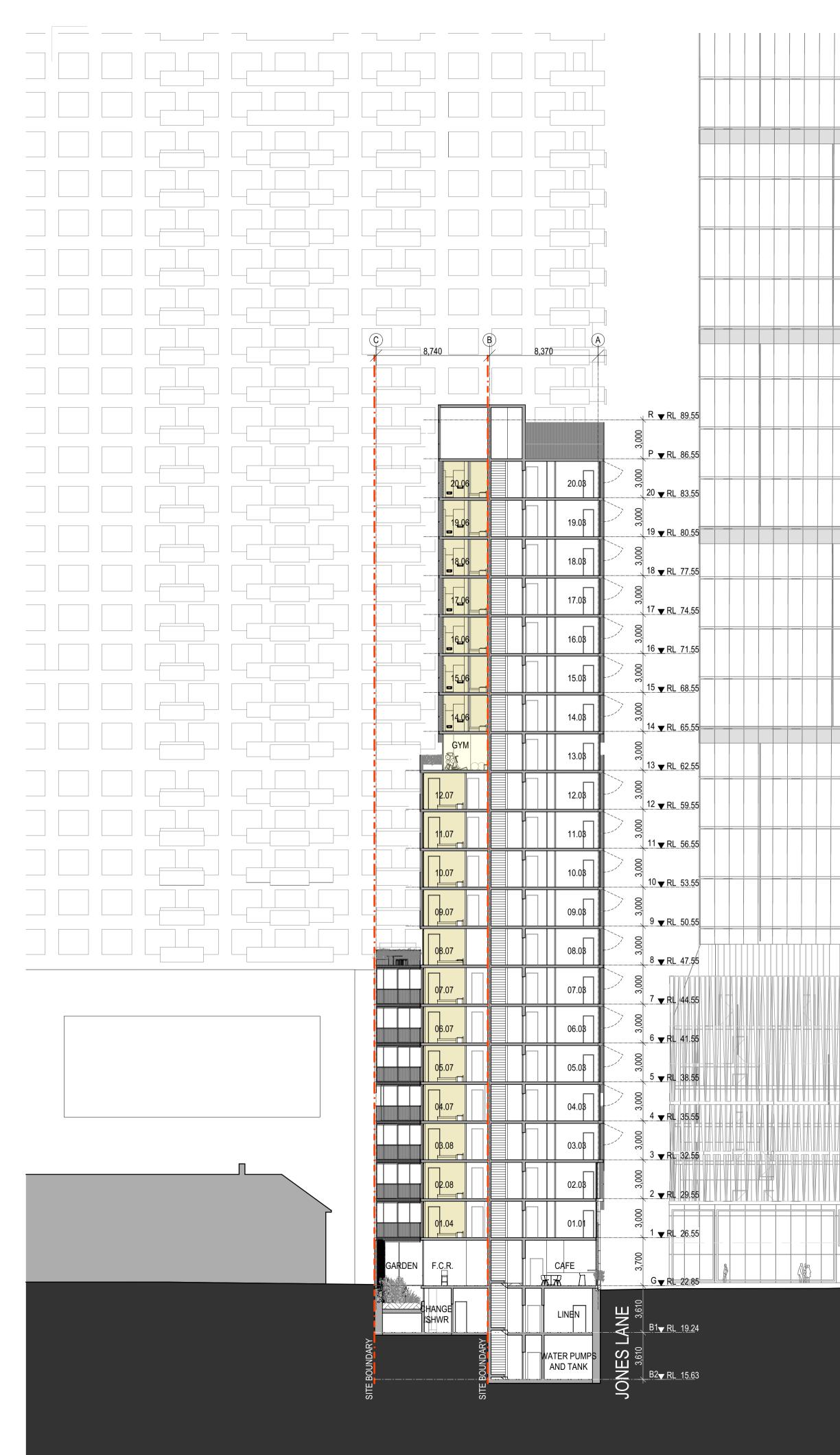
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# **PEDDLE THORP**

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PROPOSED SECTIONS C-C & D-D

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# 109 LT LONSDALE ST HOTEL DEVELOPMENT

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PROJECT No:

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#### MATERIALS LEGEND

- 1 WEBFORGE SCREEN (OR SIMILAR) PLANT ROOM SCREEN 2 - HIGH PERFORMANCE GLAZING - GREY WITH CHARCOAL
- POWDER-COATED WINDOW FRAMES
- 3 WEBFORGE SCREEN (OR SIMILAR) WITH HIGH PERFORMANCE GLAZING BEHIND
- 4 WEBFORGE SCREEN (OR SIMILAR) WITH LIFT CORE WALL BEHIND
- 5 CONCRETE BALUSTRADE WITH CLEAR GLASS SIDES & EQUAL ANGLE HANDRAIL
- 6 SPLIT-FACE STONE
- 7 STAINLESS STEEL COLUMNS WITH RECESSED JOINTS 8 - GLASS BRICK
- 9 CHARCOAL POWDER-COATED WINDOW FRAMES WITH BI-FOLD HIGH PERFORMANCE DOORS & GLASS BALUSTRADE BEHIND
- 10 SHOPFRONT CLEAR GLAZING IN BI-FOLD DOORS SYSTEM
- 11 RED BRICK SEATING PLINTH IN STRETCHER BOND PATTERN 12 - TIMBER (SPOTTED GUM) BENCH TOP FIXED TO BRICK PLINTH
- 13 LARGE PIVOT DOOR WITH ARTISTS MURAL SET INTO FACE
- 14 GLAZED PIVOT DOOR
- 15 RED BRICK WALL IN STRETCHER BOND PATTERN 16 - OPAQUE GLASS BRICKS WITH INSET STRUCTURAL STEEL FRAME
- 17 RED BRICK PLANTER IN STRETCHER BOND PATTERN
- 18 PANELISED CHARCOAL GREY ROLLER DOOR
- 19 CONCRETE BALUSTRADE

# **PEDDLE THORP**

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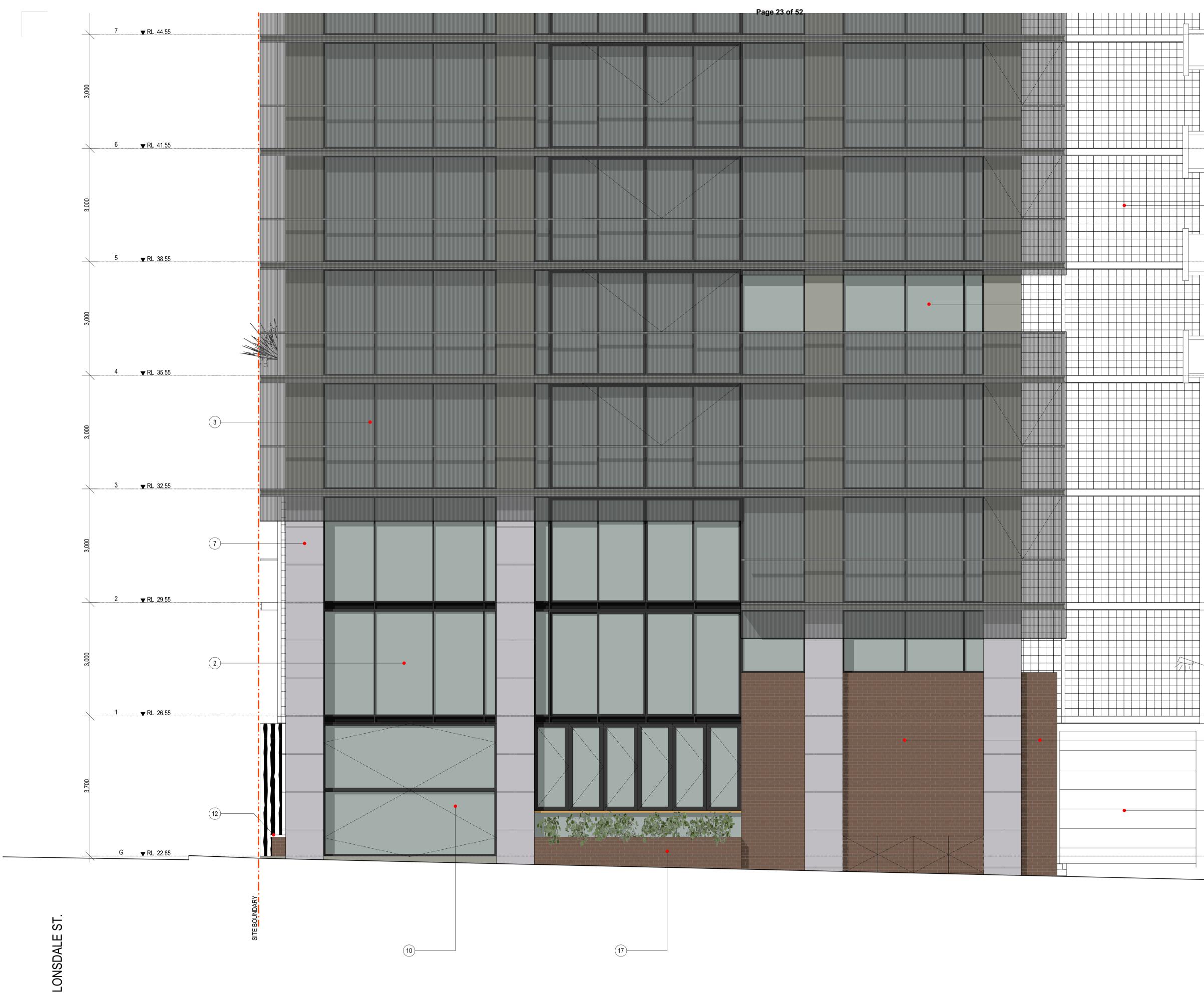
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109 LT LONSDALE ST

HOTEL DEVELOPMENT

SHOPFRONT NORTH ELEVATION



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# SHOPFRONT WEST ELEVATION

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# 109 LT LONSDALE ST HOTEL DEVELOPMENT

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**PEDDLE THORP** 

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12 - TIMBER (SPOTTED GUM) BENCH TOP FIXED TO BRICK PLINTH 13 - LARGE PIVOT DOOR WITH ARTISTS MURAL SET INTO FACE

- 15 RED BRICK WALL IN STRETCHER BOND PATTERN
- 14 GLAZED PIVOT DOOR
- 16 OPAQUE GLASS BRICKS WITH INSET STRUCTURAL STEEL

1 - WEBFORGE SCREEN (OR SIMILAR) PLANT ROOM SCREEN

4 - WEBFORGE SCREEN (OR SIMILAR) WITH LIFT CORE WALL

7 - STAINLESS STEEL COLUMNS WITH RECESSED JOINTS

3 - WEBFORGE SCREEN (OR SIMILAR) WITH HIGH PERFORMANCE

5 - CONCRETE BALUSTRADE WITH CLEAR GLASS SIDES & EQUAL

9 - CHARCOAL POWDER-COATED WINDOW FRAMES WITH BI-FOLD HIGH PERFORMANCE DOORS & GLASS BALUSTRADE BEHIND

10 - SHOPFRONT CLEAR GLAZING IN BI-FOLD DOORS SYSTEM

11 - RED BRICK SEATING PLINTH IN STRETCHER BOND PATTERN

2 - HIGH PERFORMANCE GLAZING - GREY WITH CHARCOAL

- FRAME
- 17 RED BRICK PLANTER IN STRETCHER BOND PATTERN
- 18 PANELISED CHARCOAL GREY ROLLER DOOR

MATERIALS LEGEND

GLAZING BEHIND

ANGLE HANDRAIL

6 - SPLIT-FACE STONE

8 - GLASS BRICK

BEHIND

POWDER-COATED WINDOW FRAMES

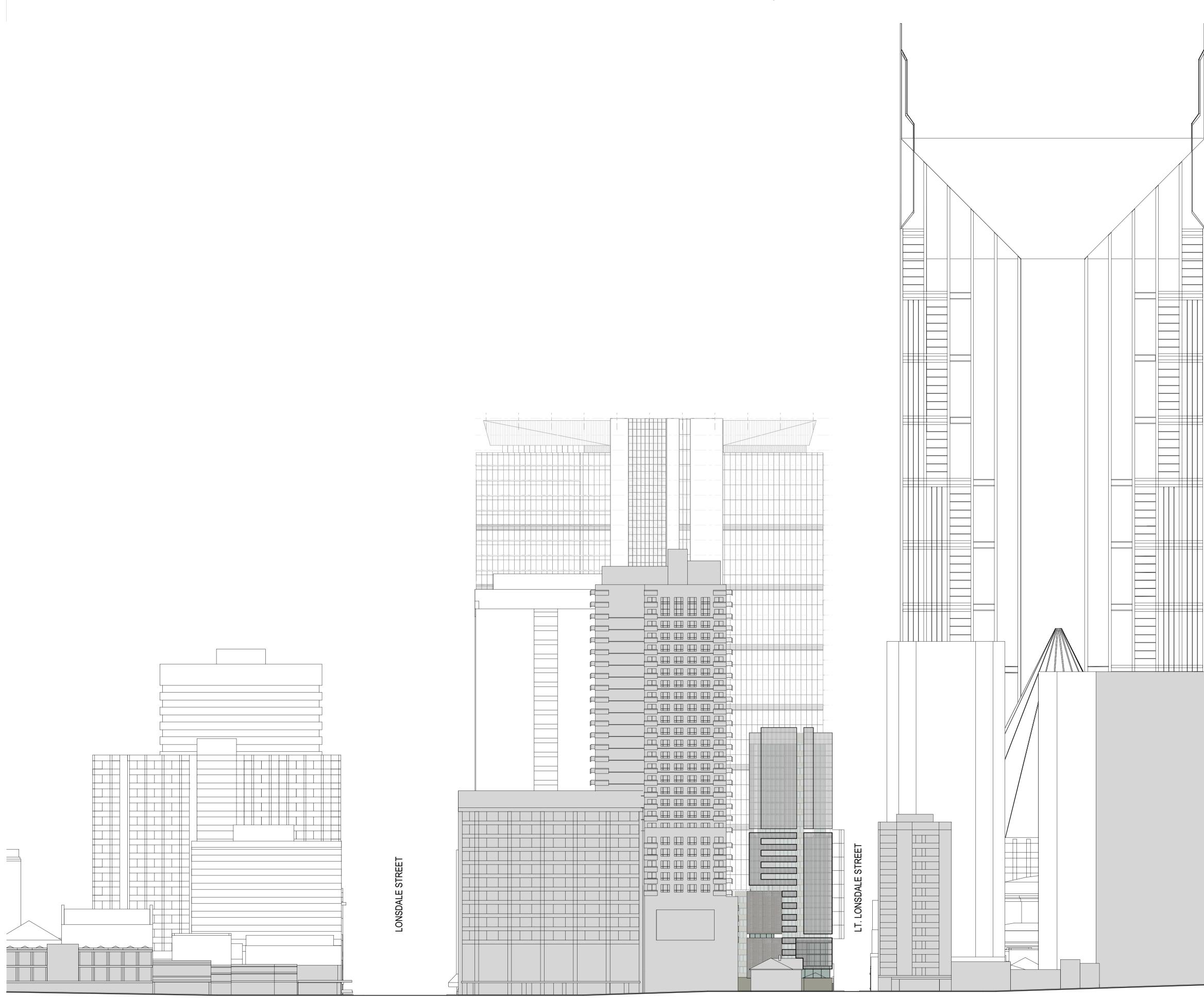
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EXHIBITION STREET ELEVATION

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### 109 LT LONSDALE ST HOTEL DEVELOPMENT

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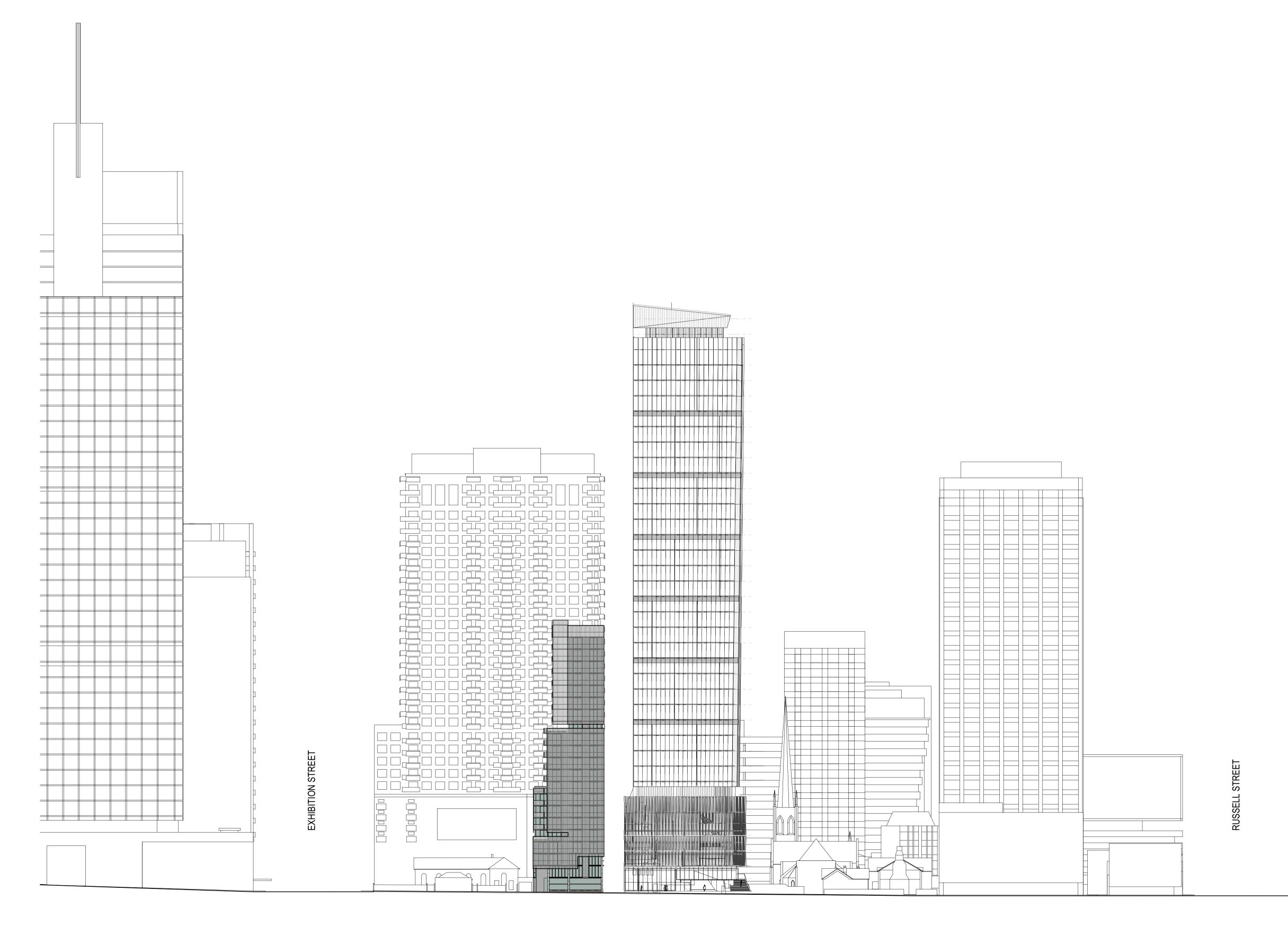
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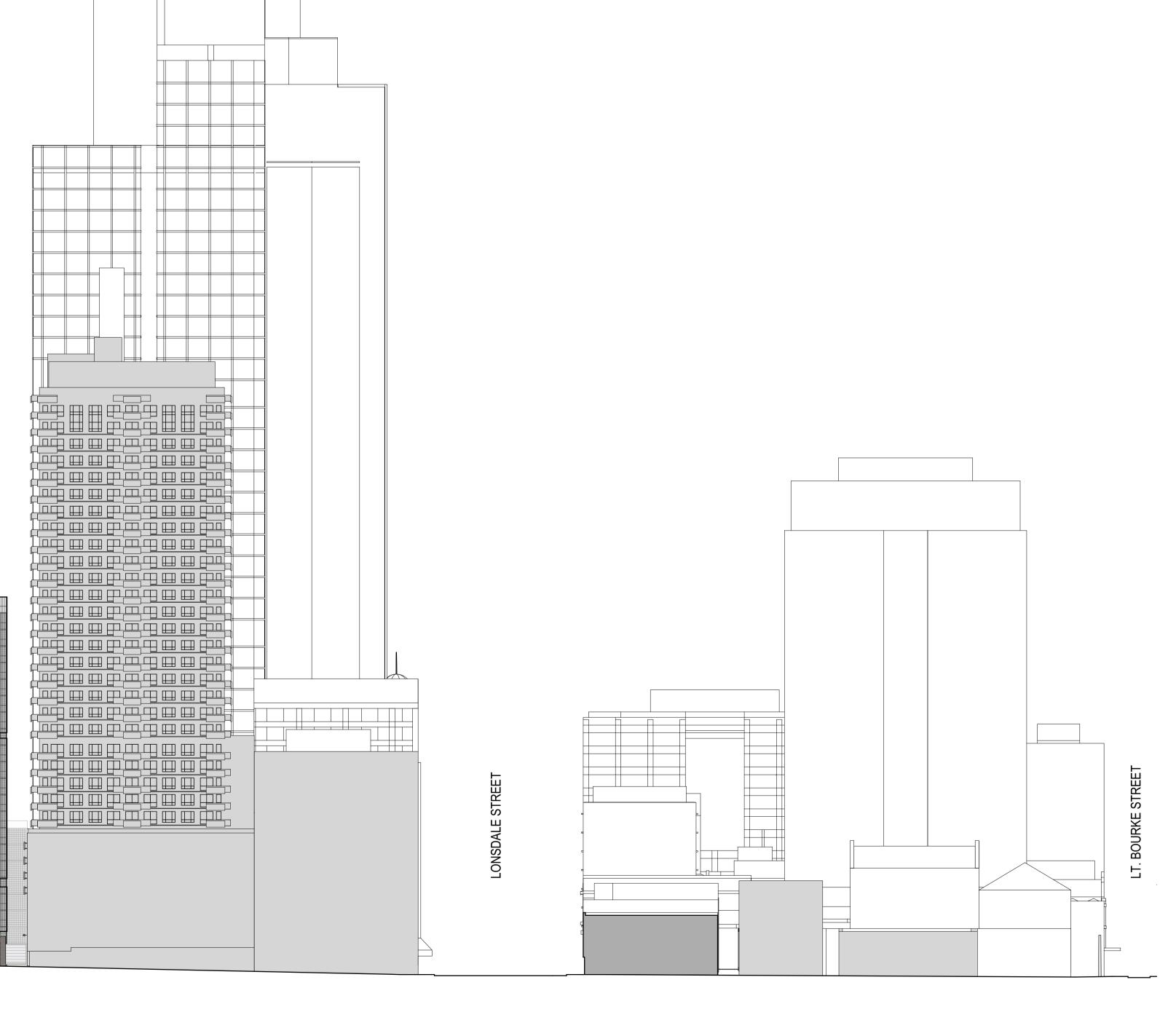
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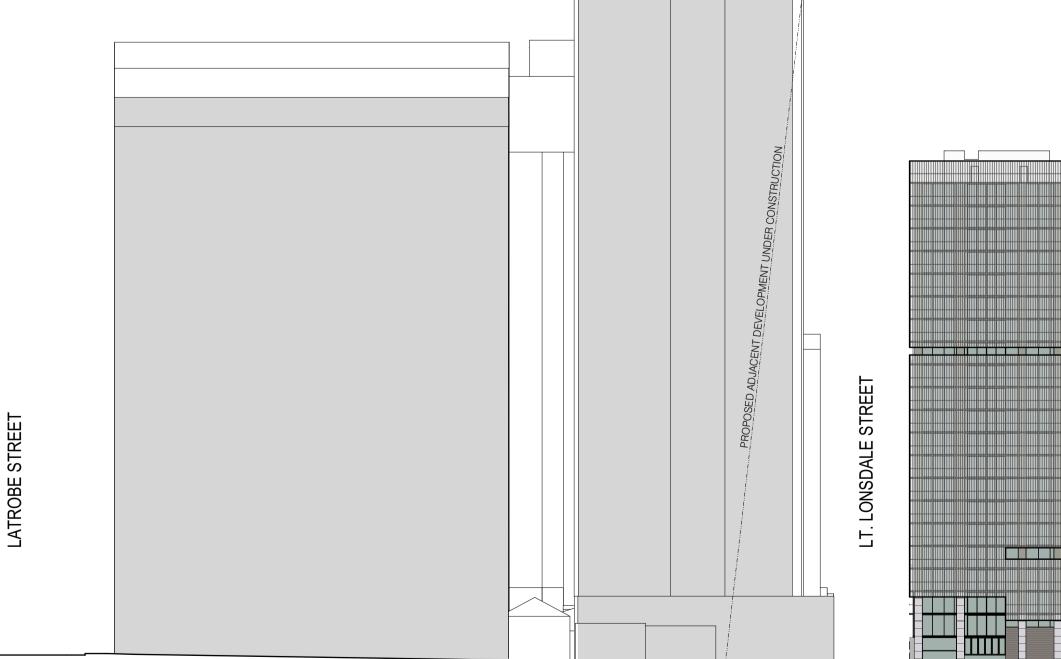
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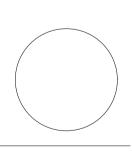
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# JONES LANE ELEVATION

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# 109 LT LONSDALE ST HOTEL DEVELOPMENT

PROJECT:



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# **PEDDLE THORP**

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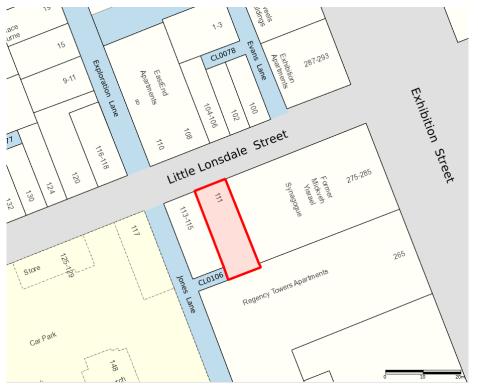
#### **DELEGATED PLANNING APPLICATION REPORT**

Application number:	TP-2016-537
Applicant:	Brady Jones Pty Ltd
Address:	109-111 Little Lonsdale Street, MELBOURNE VIC 3000
Proposal:	Proposed demolition of existing building and construction of a residential hotel
Date of application:	4 July 2016
Responsible officer:	Billy Rebakis

#### 1 SUBJECT SITE AND SURROUNDS

The subject site is located on the south side of Little Lonsdale Street between Exhibition Street and Jones Lane. It is a regular-shaped site with a frontage to Little Lonsdale Street of approximately 8.7 metres, a depth of approximately 25 metres and a total area of approximately 217 square metres. The rear part of the west boundary abuts Council Lane CL0106.

Aerial Photo / Locality Plan





The subject site is developed with a two-storey building identified as D-graded in the City of Melbourne's *Central Activities District Conservation Study* 1984. However, the subject site is not included within a Heritage Overlay.

The surrounding sites are developed with a range of building styles and heights. The immediately adjoining sites are as follows:

- To the west is a two-storey Edwardian former warehouse/factory at 113-115 Little Lonsdale Street. It has a valid permit TP-2009-587 allowing for the demolition of the existing building and construction of a 20-storey (60m) building with no setbacks. This permit has been extended a number of times and will now expire if the development does not commence by 3 November 2016. The applicant seeks to create a consolidated residential hotel across the subject site and 113-115 Little Lonsdale Street (refer below to Section 3).
- To the north, over Little Lonsdale Street, is the 30-storey EastEnd Apartment building at 8 Exploration Lane and a two-storey building used for a food and drink premises at 104-106 Little Lonsdale Street.
- To the east is former Mickveh Yisrael Synagogue and School at 275-285 Exhibition Street, which is included on the Victorian Heritage Register (reference No H766) and currently used as a food and drink premises known as Trunk.
- To the south is the 34-storey Regency Tower Apartments at 265 Exhibition Street. It has minor setbacks to the subject site and Jones Lane.

The applicant has declared that there are no applicable easements or restrictive covenants on the subject site.

#### 2 BACKGROUND AND HISTORY

#### 2.1 Pre-application discussions

Pre-application discussions were held on 26 April 2016 and 31 May 2016. The key areas of discussion related to the ability of the applicant to effectively combine the two sites to create a singular building with one architectural language.

#### 2.2 Planning Application History

The following applications, listed as considered relevant to the current proposal, have previously been considered for the subject site and adjoining sites:

Address & TP number	Description of Proposal	Decision
109-111 Little Lonsdale	Demolition of the existing building and construction of a residential hotel	Refusal 7/10/2015
Street		Decision affirmed by VCAT 5/4/2016
TP-2015-243		The grounds for refusal related to the proposed height (95 metres) and insufficient setbacks.
113-115 Little	The demolition of a building, the	VCAT Permit 3/11/2010
Lonsdale Street	construction of a building and the construction and carrying out of works	Refusal 29/12/2009
TP-2009-587		It allows a 21-storey building (66.75 metres) comprising ground level retail, café/restaurant and 92 serviced apartments.

There is a current Secondary Consent amendment proposed for TP-2009-587 which seeks to create an opening in the eastern façade on each level to 'plug into' the opening on the western elevation of this application.

If both the amendment and this application were to be approved, this would effectively create one building to be read as a whole.

#### 3 PROPOSAL

The proposal seeks approval for the demolition of the existing building and construction of a residential hotel. The plans which have been considered in this planning assessment are plans 09.03 to 09.23 and 10.01 to 10.03 prepared by Peddle Thorp and dated June 2016.

The proposal is described as follows in the submitted *Planning Application Report* prepared by Urbis:

'The proposal seeks approval to demolish an existing two storey building and redevelop the subject site at 109-111 Little Lonsdale Street with a 21 storey residential hotel building (inclusive of ground floor).

The proposed development will link with the adjoining approved hotel development at 113-115 Little Lonsdale Street to form one consolidated development that occupies both sites, as described in further detail below.

[..]

The overall consolidated development is intended to comprise:

• 109-111 Little Lonsdale Street – Planning approval is sought via a new planning application for the proposed development of this site (current application).

• 113-115 Little Lonsdale Street - Proposed modifications to the approved building on this site are sought by way of a separate secondary consent request under Planning Permit No. TP-2009-587.

The secondary consent is for proposed modifications to the approved hotel building to link it with the proposed hotel development at 109-111 Little Lonsdale Street.

We seek that the two submissions above will be considered by Council concurrently with each other due to the linked nature of the two applications and the overall planning outcome that is sought to be achieved.'

In terms of the consideration of two applications concurrently, the applicant states that 'that there is discretion for two separate applications to be made for individual properties which together form the one building, given that under the Planning and Environment Act, 1987 a "building" is defined to include "a structure and part of a building or a structure" '.

The key details of this proposal are summarised as follows:

- Demolition of the existing two-storey building
- Construction of a 21-storey residential hotel comprising 51 lodging rooms and café, ancillary function space and gymnasium connected to 113-115 Little Lonsdale Street to create a consolidated residential hotel development with a total of 149 lodging rooms
- Basement levels accommodating 36 bicycle parking spaces and facilities, building services and a courtyard garden
- A podium of approximately 39.7 metres in height comprising 13 levels as follows:
  - Ground floor café tenancy, hotel lobby (connected with 113-115 Little Lonsdale Street), office, building services, courtyard garden, loading bay and waste storage accessed via CL0160
  - Level 1 function space (connected with 113-115 Little Lonsdale Street), three lodging rooms with the corridor connected to 113-115 Little Lonsdale Street
  - Levels 2 to 3– five lodging rooms with the corridor connected to 113-115 Little Lonsdale Street
  - Level 4 rooftop deck at front, four lodging rooms with the corridor connected to 113-115 Little Lonsdale Street
  - Levels 5 to 7 four lodging rooms with the corridor connected to 113-115 Little Lonsdale Street
  - Level 8 rooftop deck at rear, three lodging rooms with the corridor connected to 113-115 Little Lonsdale Street
  - Levels 9 to 12 three lodging rooms with the corridor connected to 113-115 Little Lonsdale Street
- Level 13 ancillary gymnasium and outdoor area
- Tower levels 14 to 20 one lodging room per floor with the corridor connected to 113-115 Little Lonsdale Street
- Level 21 plant and building services

The key dimensions are as follows:

- Minimum tower setbacks of 5 metres from Little Lonsdale Street to the north, 5 metres from 275-285 Exhibition Street to the east, 7 metres from 265 Exhibition Street to the south
- Connected to the proposed development at 113-115 Little Lonsdale Street so 0 metres from this current boundary to the west
- Overall building height of approximately 66.7 metres to match that approved under TP-2009-587 for 113-115 Little Lonsdale Street
- 36 bicycle spaces in the basement accessed via a lift from the ground floor

The proposed materials and finishes include webforge screen, glazing, charcoal powder-coated window frames, concrete balustrades, split-face stone, stainless steel columns and opaque glass bricks.

#### 4 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Clause	Permit Trigger
Clause 37.04	Pursuant to Clause 37.04-4:
Capital City Zone, Schedule 1 (CCZ1) (Outside the Retail Core)	<ul> <li>A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.</li> </ul>
	<ul> <li>A permit is required to demolish or remove a building or works if specified in the schedule to this zone.</li> </ul>
	1.0, Table of uses, of CCZ1 includes Accommodation (includes residential hotel) and retail premises (includes a café) as a Section 1 – no permit required use.
	3.0, Buildings and works, of CCZ1 states that a planning permit is required to construct a building or construct or carry out works. Decision guidelines are at 3.0 of CCZ1.
	4.0, Demolition or removal of a building, of CCZ1 states that a planning permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works. Decision guidelines are at 4.0 of CCZ1.
Clause 43.02 Design and Development Overlay, Schedule 10 (DDO10) (Built Form Controls)	Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.
	Clause 2.0, Buildings and Works, of Schedule 10 states that:
	'A permit cannot be granted for buildings and works which exceed the requirements specified in Table 1 to this schedule, with the exception of:
	Architectural features, building services and landscaping.
	• [].'
	[]
	A permit cannot be granted for buildings or works which exceed the site plot ratio specified in Table 2 to this schedule unless it can be demonstrated that the buildings and works will achieve the Design Objectives and Built Form Outcomes of this schedule, any local planning policy requirements, and at least one of the following requirements is met: []'
	Clause 4.0, Transitional arrangements, of Schedule 10 states that:

'The requirements of this schedule do not apply to: []
<ul> <li>an application made before the commencement of Amendment C262 to this planning scheme. For applications made before the commencement of Amendment C262 the requirements of this scheme, as they were in force immediately before the commencement of Amendment C262, continue to apply.'</li> </ul>
Planning Scheme Amendment C262 was gazetted into the Melbourne Planning Scheme on 4 September 2015 to provide interim built form controls.
The application was lodged 4 July 2016 therefore, the requirements of DDO10 apply.
Table 1 includes the following mandatory built form requirements:
<ul> <li>Podium height – Up to 40 metres</li> </ul>
<ul> <li>Street setbacks (where a street is defined as a road reserve of 9 metres or greater in width) – Above the podium height, towers are setback a minimum of 5 metres to the street</li> </ul>
<ul> <li>Tower setbacks to all boundaries excluding street(s) (where a street is defined as a road reserve of 9 metres or greater in width and a laneway is defined as a road reserve of less than 9 metres in width) – For buildings up to or equal to 100 metres in height, a minimum tower setback of 5 metres from all boundaries or from the centre of the laneway above the podium</li> </ul>
The relevant built form outcomes for each requirement are as follows:
Podium height
'Building podiums which have:
• a human scale.
<ul> <li>provide an appropriate level of street enclosure having regard to the width of the street.</li> </ul>
<ul> <li>are consistent with the dominant parapet height of adjoining sites.</li> </ul>
<ul> <li>have a height and setback that respects the scale of an adjoining heritage building(s).</li> </ul>
Street setbacks
'Towers are setback to ensure:
<ul> <li>large buildings do not dominate the built form at ground level.</li> </ul>
• the dominant podium or streetscape scale is maintained.'
Tower setbacks
'Towers are designed and spaced to ensure:
• sun penetration and mitigation of wind impacts at street level.
<ul> <li>sunlight, daylight, privacy and an outlook from habitable rooms for both existing and proposed development can be provided.</li> </ul>
• buildings do not appear as a continuous wall at street level or

	former an analysis and the second
	from nearby vantage points.'
	Table 2 sets out a site plot ratio of 24:1. The relevant built form outcome is:
	'To ensure individual sites do not produce development outcomes which are inequitable and/or would represent a quantum of development that compromises the function, form and capacity of footpaths, roads, public transport and services.'
	DDO10 was introduced by Planning Scheme Amendment C262 to provide interim built form controls. The controls cease to have effect after 31 December 2016.
	Planning Scheme Amendment C270 is currently at exhibition to implement permanent built form controls. These proposed permanent controls differ from the interim controls in terms of the podium height (20 metres), tower setbacks (6 per cent for buildings higher than 80 metres) and site plot ratio (18:1).
Clause 45.09 Parking Overlay, Schedule 1 (PO1) (Capital City Zone – Outside the Retail Core)	Pursuant to Clause 52.06-2, 'before a new use commences, the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority'.
	2.0, Permit requirements, of PO1 states that a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0.
	3.0, Number of car spaces required, of PO1 states that, 'Where a site is used partly for dwellings and partly for other uses, the maximum number of spaces allowed:
	<ul> <li>for that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling.</li> </ul>
	<ul> <li>for that part of the site devoted to other uses, (excluding common areas serving the dwellings) must not exceed the number calculated using one of the following formulas:</li> </ul>
	5 x net floor area of buildings on that part of the site in sqm / 1000sqm
	Or 12 x that part of the site in sqm / 1000 sqm
	The proposal seeks no car parking spaces. Therefore, no planning permit is required pursuant to PO1.
Clause 52.07 Loading and unloading of vehicles	Pursuant to Clause 52.07, no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:
	<ul> <li>'Space is provided on the land for loading and unloading vehicles as specified in the table below.</li> </ul>
	• The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres.
	<ul> <li>The road that provides access to the loading bay is at least 3.6 metres wide.'</li> </ul>
	A permit may be granted to reduce or waive these requirements if either:
	The land area is insufficient.
	Adequate provision is made for loading and unloading

	vehicles to the satisfaction of the responsible authority.'
	For a floor area of 2600 square metres or less in a single occupation, the minimum loading bay dimensions are:
	Area 27.4 square metres
	Length 7.6 metres
	Width 3.6 metres
	Height clearance 4.0 metres
	The proposal is for a residential hotel with café and ancillary function area and gymnasium. The primary use as a residential hotel does not trigger a requirement for a loading bay. However, the café use does and a loading bay is provided at ground floor and accessed via CL0160. Therefore, no permit is required pursuant to Clause 52.27.
Clause 52.34 Bicycle Facilities	Pursuant to Clause 52.34-2, a permit is required to reduce or waive any requirement of Clause 52.34-3 and 52.34-4.
	Table 1 of Clause 52.34-3 specifies the following relevant rates:
	<ul> <li>Residential building (in developments of 4 or more storeys) - 1 resident space to each 10 lodging rooms and 1 visitor space to each 10 lodging rooms</li> </ul>
	<ul> <li>Restaurant – 1 employee space to each 100 sq m of floor area available to the public and 2 plus to 1 each 200 sq m of floor area available to the public if the floor area available to the public exceeds 400 sq m.</li> </ul>
	Based on the above rates, the proposal requires a total of 12 spaces including 5 resident spaces, 7 visitor spaces (including 5 for the residential hotel). Change rooms are also provided.
	The proposal seeks 36 spaces to account for the 98 lodging rooms at 113-115 Little Lonsdale Street, which together with the 51 proposed as part of this application, requires a total of 30 spaces. Therefore, no permit is required pursuant to Clause 52.34.

#### 5 STRATEGIC FRAMEWORK

#### 5.1 State Planning Policy Framework (SPPF)

The relevant provisions of the SPPF are summarised as follows:

- Clause 11.04-1, Delivering jobs and investment, relates to Metropolitan Melbourne and seeks to 'create a city structure that drives productivity, supports investment through certainty and creates more jobs'.
- Clause 15.01-2, Urban design principles, which seeks to 'achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties'.
- Clause 15.02-1, Energy and resource efficiency, which seeks to 'encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions'.
- Clause 17.01-1, Business, which seeks to 'encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities'.

- Clause 18.02-1, Sustainable personal transport, which seeks to, 'promote the use of sustainable personal transport'.
- Clause 18.02-2, Cycling, which seeks to 'integrate planning for cycling with land use and development planning and encourage as alternative modes of travel'.

#### 5.2 Local Planning Policy Framework (LPPF)

#### 5.2.1 Municipal Strategic Statement (MSS)

Council's Municipal Strategic Statement (MSS) is contained at Clause 21.

The subject site is located within the Hoddle Grid.

Clause 21.04–1.1 The original city centre – the Hoddle Grid, includes the following statement:

'Central City functions will be located in the Hoddle Grid. This area will be managed to facilitate continued growth where appropriate and limit change or the scale of development in identified locations to preserve valued characteristics. A strong emphasis will be placed on a quality public realm and good pedestrian amenity and connectivity.'

Clause 21.06, Built Environment and Heritage, recognises that:

'Melbourne's character is defined by its distinctive urban structure, historic street pattern, boulevards and parks, heritage precincts, and individually significant heritage buildings. Heritage buildings, precincts and streetscapes are a large part of Melbourne's attraction and the conservation of identified heritage places from the impact of development is crucial.

The buildings in the private realm should be coordinated with the development of the streets, paths, parks and places in the public realm. Development must add positively to Melbourne's public realm and contribute to making it safe and engaging for users. Public and private open spaces should be able to support a range of uses including physical movement, communal exercising, social interaction, quiet enjoyment and connections to the natural environment.'

Clause 21.12 also includes the following relevant statements for the Hoddle Grid in terms of Built Environment and Heritage:

- 'Protect the regular grid layout, laneways, tree-lined boulevards and identified significant public open spaces.
- Ensure that the design of tall buildings in the Hoddle Grid promote a human scale at street level especially in narrow lanes, respects the street pattern and provides a context for heritage buildings.
- Ensure that new tall buildings add architectural interest to the city's sky line.
- Ensure tower buildings are well spaced and sited to provide equitable access to an outlook and sunlight for all towers.
- Ensure development fronting streets creates a continuous building edge and integrated streetscape.'

#### 5.2.2 Local Policies

The relevant local policies are summarised as follows:

• Clause 22.01, Urban Design within the Capital City Zone, recognises that 'Melbourne's buildings, streets, open spaces and landscape features combine to give the Central City its unique appearance and feeling'. It includes policy relating to building design, facades, public spaces and access and safety.

- Clause 22.02, Sunlight to Public Spaces, states that developments 'should not reduce the amenity of public spaces by casting any additional shadows on public parks and gardens, public squares, major pedestrian routes including streets and lanes (including all streets within the retail core of the Capital City Zone), and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September'.
- Clause 22.19, Energy, Water and Waste Efficiency, which includes objectives and policy relating to greenhouse gas reduction and energy efficiency, water consumption and waste management. Clause 22.19-5 sets out relevant performance measures for accommodation over 5000 square metres gross floor area and retail premises up to 2000 square metres gross floor area.
- Clause 22.23, Stormwater Management (Water Sensitive Urban Design), seeks to promote the use of water sensitive urban design and includes an application requirement for a Water Sensitive Urban Design Response.

#### 6 ZONE

The subject site is located within Capital City Zone, Schedule 1 (CCZ1), which seeks to 'provide for a range of financial, legal, administrative, cultural, recreational, tourist, entertainment and other uses that complement the capital city function of the locality'.

As set out above at Section 4, a permit is required for the proposed demolition and buildings and works pursuant to CCZ1.

Decision guidelines are set out at 3.0 of CCZ1 including:

- 'The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The comments and requirements of relevant authorities.
- The size and shape of the parcel of land to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the land, adjoining land and adjoining development.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking, loading of vehicles and access to parking spaces and loading bays.
- The adequacy of entrance to and egress from the site.
- The streetscape, the scale and height of the neighbouring buildings and the proposed development, the proximity to heritage places, the design of verandahs, access from street frontages, the protection of active frontages to pedestrian areas, the treatment of the front and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The existing and future use and amenity of the land and the locality.
- The location, area, dimensions and suitability of use of land proposed for public use.

- The provision of landscaping.
- The effect of the proposed works on solar access to existing open spaces and public places.
- The potential for increased ground-level wind speeds and the effect on pedestrian comfort and the amenity of public places.
- The responsibility for the maintenance of buildings, landscaping and paved areas.
- The impact on the amenity of any existing dwellings on adjacent sites.
- Where new buildings incorporate dwellings, that the design respects and anticipates the development potential of adjacent sites, to ensure that the future development of the adjacent site does not cause a significant loss of amenity to the subject site.
- Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45 dB in accordance with relevant Australian Standards for acoustic control.
- The design of buildings to provide for solar access, energy efficiency and waste management.
- The impact on amenity of existing or proposed sensitive land uses susceptible to the off-site effects of industry.'

# 7 OVERLAY(S)

The subject site is affected by the Design and Development Overlay, Schedule 10 (DDO10) (Built Form Controls) and Parking Overlay, Schedule 1 (PO1) (Capital City Zone – Outside the Retail Core).

As set out above at Section 4, a permit is not required for the proposed building and works pursuant to PO1 but is required pursuant to DDO10.

1.0 of DDO10 sets out the following relevant design objectives:

- 'To ensure development supports a high quality of pedestrian amenity in relation to human scale and microclimate conditions within the public realm including acceptable levels of sunlight access and wind.
- To ensure that development respects the built form scale and urban structure of the Central City.
- To provide clear parameters to guide appropriate built form outcomes.
- To ensure development is consistent with the function, form and infrastructure capacity of the city, including the capacity of footpaths, roads, public transport and services.
- To encourage a quantum of development that maintains the valued public realm attributes of the Central City while providing equitable development opportunities.
- To ensure that new buildings respect the future development potential of adjacent sites and allow for equitable access to privacy, sunlight, daylight and an outlook from habitable rooms.
- To provide a high level of internal amenity for building occupants.'

The built form requirements and outcomes of Table 1 and Table 2 relating to podium height, tower setbacks, tower separation and site plot ratio are set out above at Section 4.

# 8 PARTICULAR PROVISIONS

The following particular provisions apply to the application:

- Clause 52.07, Loading and Unloading of Vehicles
- Clause 52.34, Bicycle Facilities
- Clause 52.35, Urban Context Report and Design Response for Residential Development of Five or More Storeys
- Clause 52.36, Integrated Public Transport Planning

Pursuant to Clause 52.36-1, an application for an excess of 60 dwellings and 60 lodging rooms must be referred to PTV for comment.

## 9 GENERAL PROVISIONS

The following general provisions apply to the application:

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

# 10 PUBLIC NOTIFICATION

Pursuant to clauses 37.04-4 and CCZ1, 43.02-2 and DDO10, an application to construct a building or construct or carry out works, and to demolish or remove a building or works. is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

Therefore notice of the application was not required.

# 11 OBJECTIONS

The application has not received any objections.

### 12 CONSULTATION

Given the lack of objections, no further consultation was arranged.

### 13 REFERRALS

#### 13.1 Internal

The application was referred internally to Urban Design and Engineering.

### 13.1.1 Urban Design

Urban Design was broadly supportive of the proposal on the assumption that the use of the high quality aluminium webforge is enforced via a permit condition.

The ground floor should be activated as much as possible via entrances off Jones Lane and Little Lonsdale Street.

## 13.1.2 Engineering

The application including the *Traffic and Transport Assessment* prepared by the Cardno and dated 16 June 2015 and the *Waste Management Plan* (WMP) prepared by Wastech and dated 16 June 2016 was referred to Council's Engineering Services Group (ESG).

The following key relevant comments were provided on 5 August 2015 (traffic), 5 October 2016 (civil) and 15 September 2016 (waste):

#### Traffic

- ESG support the bicycle parking provision including change rooms and showers.
- The loading bay accessed via CL0106 is also supported subject to a height clearance of 3.5 metres for a 6.4 metres service vehicle. This can be addressed via a permit condition.
- Any deliveries by an 8.8 metres service vehicle will need to use existing on street loading facilities in Little Lonsdale Street. ESG advised that the City of Melbourne will not necessarily alter existing on street parking facilities in the area and therefore any issues with loading will be for the applicant to resolve.
- The anticipated level of traffic generation is low and therefore will have no impact on the operation of the surrounding road network.

#### Civil

- ESG objects to the outward opening by-fold doors and windows projecting into Jones Lane. However, this relates to the secondary consent application for 113-115 Little Lonsdale Street.
- All projections over the street alignment must conform to Building Regulations 2006, Part 5, Sections 505 to 514 as appropriate. Reference may be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to the required clearances from road pavement.
- The comments also include standard permit conditions and notes relating to drainage, bluestone footpaths, street levels and street lighting.

#### Waste

• ESG reviewed the submitted WMP and found it to be unacceptable given that it does not show scaled bins in the diagram. This matter can be addressed via a permit condition for an amended WMP.

### 13.2 External

The recent application TP-2015-243 was referred externally to Public Transport Victoria (PTV) pursuant to Clause 52.36-1. PTV responded on 13 May 2015 with no objection to the application. It is considered this response is relevant for this current application with a reduced scale.

### 14 ASSESSMENT

The application seeks approval for the demolition of the existing building and construction of a residential hotel.

This assessment relates to 109-111 Little Lonsdale Street not the approved development under TP-2009-587 for 113-115 Little Lonsdale Street and the current secondary consent application. However, it is important to acknowledge that these

applications seek to create a consolidated residential hotel development across both 109-111 Little Lonsdale Street and 113-115 Little Lonsdale Street.

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

- Built form
- External amenity
- Internal amenity
- Environmentally sustainable design
- Stormwater management

These issues are addressed in the following sections.

In relation to heritage impacts, it is noted that the existing building is identified as Dgraded in the City of Melbourne's *Central Activities District Conservation Study* 1984. However, the subject site is not included within a Heritage Overlay. In relation to the recent application TP-2015-243, Council's Heritage Advisor provided no objection to the proposed demolition of the existing building and commented that given the 'anticipated substantial change to the heritage setting the proposed design appears a considered and reasonably responsive approach' (refer comments dated 13 May 2015). The current proposal provides a minimum 5 metres tower setback from the east boundary, which will provide greater separation from the significant Mickveh Yisrael Synagogue and School at 275-285 Exhibition Street compared with TP-2015-243.

# 14.1 Built form

With regard to built form, Design and Development Overlay, Schedule 10 (DDO10) and Clause 22.01, Urban Design within the Capital City Zone, are relevant to the proposal and include policy relating to height, setbacks and facades.

The design objectives of DDO10 seek to ensure high quality pedestrian amenity, respectful built form scale, equitable development opportunities and a high level of internal amenity. The mandatory built form requirements in terms of podium height, tower setbacks and site plot ratio and the related built form outcomes are set out above at Section 4.

The proposal complies with the mandatory built form requirements as follows:

- The proposed maximum podium height of approximately 39.7 metres is just less than the requirement of up to 40 metres
- The proposed minimum street setback of the tower from Little Lonsdale Street of 5 metres complies with the street setback requirement.
- The proposed minimum tower setbacks are 5 metres from 275-285 Exhibition Street to the east and 7 metres from 265 Exhibition Street to the south. These setbacks comply with the tower setback requirement for buildings up to 100 metres.
- The proposal does not include a tower setback from 113-115 Little Lonsdale Street to the west. However, as identified, this proposal and the adjoining approved development will be combined to create a consolidated residential hotel development via new openings sought via a secondary consent application under TP-2009-587. On the basis of the applicant's agreement to consolidate the two properties, it is considered that there is no requirement for a mandatory 5 metres setback from 113-115 Little Lonsdale Street as this is

not the ultimate 'site' boundary. The consolidation of the sites can be ensured via a permit condition.

• The site plat ratio is approximately 12:1, which is considerably less than the requirement of 24:1.

In addition, it is considered that the proposal is consistent with the relevant built form outcomes of DDO10 as follows:

- The proposed podium with a maximum height of approximately 39.7 metres provides an appropriate street edge height to Little Lonsdale Street given the variety of existing and approved built form. In particular, it complies with the built form requirement of 40 metres and is in between that approved under TP-2009-587 at 113-115 Little Lonsdale Street with no podium and higher than that opposite of the EastEnd Apartment building at 8 Exploration Lane with a four-storey podium. In addition, the podium height steps down on the east side of the site with a void above the rooftop deck at level 4. This appropriately acknowledges the lower built form of the significant Mickveh Yisrael Synagogue and School at 275-285 Exhibition Street.
- In relation to the impact on the significant Mickveh Yisrael Synagogue and School at 275-285 Exhibition Street, Council's Heritage Advisor did not review this proposal but commented on the proposed 95 metres tower with no podium under TP-2015-243. In particular, as noted above, Council's Heritage Advisor stated that given the 'anticipated substantial change to the heritage setting the proposed design appears a considered and reasonably responsive approach'. On this basis, it is considered that the current application is also acceptable as it includes a podium and a minimum 5 metres tower setback from the shared boundary.
- The proposed minimum street setback of 5 metres from Little Lonsdale Street complies with the built form outcomes and will ensure that the tower does not dominate the built form at ground level.
- The minimum tower setbacks from the east and south boundaries also comply with the built form requirements. In relation to the adjoining Regency Tower Apartments at 265 Exhibition Street, the proposed minimum setback of 7 metres results in a combined tower separation of approximately 9 metres between windows and approximately only 7 metres to adjoining balconies given the minimal setbacks of this adjoining tower. It is considered that the proposed minimum setback of 7 metres from this boundary is acceptable given that it is greater than the allowable 5 metres and so provides more opportunity for sunlight, daylight, privacy and an outlook than required. The built form outcomes relating to external and internal amenity impacts such as access to sunlight and privacy are addressed below in Section 14.2 and 14.3.

Although the building separation is considered acceptable, the proposed level 8 deck will result in unreasonable impacts in terms of visual amenity and outlook from the directly adjacent living room of the Regency Tower Apartments. The proposed deck and potential rooftop access to level 7 is not an ideal interface between the subject site and Regency Tower Apartments

- The lack of tower setback from 113-115 Little Lonsdale Street to the west does result in a continuous wall of tower. However, this is by design given that this development and the adjoining approved development will be combined to create one consolidated residential hotel development.
- The proposed site plot ratio of 12:1 is half that of the built form requirement and is therefore considered that the proposal would not compromise the

'function, form and capacity of footpaths, roads, public transport and services'. The total site plot ratio across the combined development will be approximately 17:1, which also complies with the built form requirement.

Maximum building height is not specified in DDO10 or Clause 22.01. However, the proposed height of approximately 66.7 metres is considered to be acceptable given the abovementioned tower setbacks and the consistency with the height approved under TP-2009-587 for 113-115 Little Lonsdale Street. In addition, it is noted that the proposed height is approximately 28 metres lower than that refused under TP-2015-243.

In terms of built form, Clause 22.01 also includes relevant policy relating to facades such as:

- 'Encourage new facades to respect the rhythm, scale, architectural features, fenestration, finishes and colour of the existing streetscape.
- Encourage detail that engages the eye of the pedestrian.
- Encourage the use of high quality building material and details.'

The proposal seeks an active frontage with ground floor openings (setback so as to not open over the footpath) and a café tenancy providing passive surveillance and pedestrian interest to Little Lonsdale Street. Together with the approved for 113-115 Little Lonsdale, it will ensure greater active frontage compared with the existing buildings. In addition, with regard to materials and details, the proposal will draw from the approval at 113-115 Little Lonsdale to create an integrated façade using webforge screening with openings in the podium to provide additional passive surveillance.

## 14.2 External amenity

With regard to external amenity, Clause 22.02, Sunlight to Public Spaces, the decision guidelines of CCZ1 and the *Design Guidelines for Higher Density Residential Development* are relevant and reference sunlight to public spaces and the impact on the amenity of dwellings on adjacent sites. In addition, as set out above in Section 14.1, external amenity considerations are referenced in DDO10.

Clause 22.02 states that development, 'should not reduce the amenity of public spaces by casting any additional shadows on public parks and gardens, public squares, major pedestrian routes including streets and lanes (including all streets within the retail core of the Capital City Zone), and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September'.

The surrounding public spaces are pedestrian routes including Little Lonsdale Street, Jones Lane and Exhibition Street. The submitted shadow diagrams indicate overshadowing from both the subject site and 113-115 Little Lonsdale Street. Due to existing built form and the approved development at 113-115 Little Lonsdale Street, the shadow diagrams indicate that this proposal will not create any additional overshadowing of the surrounding pedestrian routes between 11.00am and 2.00pm on 22 September.

In relation to external private amenity, the decision guidelines of CCZ1 include the 'impact on the amenity of any existing dwellings on adjacent sites' and the design objectives of DDO10 refer to 'sunlight, daylight, privacy and an outlook from habitable rooms for both existing and proposed development'. In addition, the *Design Guidelines for Higher Density Residential Development* includes objectives relating to equitable access to outlook and sunlight (Objective 2.6) and overlooking (Objective 2.9). An assessment against these key objectives is as follows:

• The key existing interface in terms of private amenity impacts is the 34-storey Regency Tower Apartments at 265 Exhibition Street. The internal layout of this building is provided on the submitted plans and indicates that one apartment has windows and balconies with an outlook over the subject site.

As identified above, the proposed minimum setback of 7 metres from the south boundary results in a combined tower separation of approximately 9 metres between windows to the Regency Tower Apartments and approximately only 7 metres to adjoining balconies. On the basis that the setback is greater than the minimum 5 metres under DDO10, the proposal is considered acceptable as it maintains the opportunity for more sunlight, daylight, privacy and outlook than required. It is acknowledged that sunlight will be reduced for some north-facing windows directly opposite the subject site. However, this is lessened given the proposed 7 metres setback from the boundary and the 5 metres setback from the east boundary.

In addition, the proposed podium includes a setback of approximately 3.8 metres at the upper podium levels of 8 to 12 to recognise that the Regency Tower Apartments has a podium with car parking only up to level 7. Therefore, whilst not required by DDO10, this podium setback provides some separation between the proposed development and adjoining dwellings.

- The adjoining Mickveh Yisrael Synagogue and School to the east is included on the Victorian Heritage Register (reference No H766) and therefore unlikely to be developed for residential in the future. Notwithstanding, the proposed 5 metres setback from the east boundary means that any future development on this adjoining site would have to provide an equivalent setback resulting in a separation of at least 10 metres. On this basis, the proposal maintains the opportunity for appropriate outlook and daylight should the adjoining property be developed. In addition, it is noted that the lodging rooms in the tower have dual outlook. Finally, the proposed podium includes recesses such as the internal courtyard garden from the east boundary.
- The submitted shadow diagrams indicate that the proposal will cause additional overshadowing of the Regency Tower Apartments. Given the orientation of the subject site, this private overshadowing is unavoidable and considered to be acceptable within the CCZ1 where higher built form is expected.
- The proposal includes south-facing windows in the tower with an outlook towards the Regency Tower Apartments. As identified above, given the proposed tower setback from the south boundary, the resulting separation would be approximately 9 metres between windows and approximately 7 metres to adjoining balconies. This setback is reduced for the proposed podium levels. In terms of privacy, the resulting separation is not consistent with Standard B22 at Clause 55.05-6. However, it is considered to be acceptable subject to a permit condition relating to the details of the proposed webforge screen on the south elevation.

In addition, Clause 22.01, Urban Design within the Capital City Zone, also includes policy relating to the external amenity impacts of wind and weather.

In terms of wind, it states that towers 'should be appropriately set back from all streets at the podium to assist in deflecting wind downdrafts from penetrating to street level'. The submitted *Environmental Wind Speed Measurements* prepared by MEL Consultants and dated 27 May 2016 concludes that:

'This can Wind tunnel tests have been conducted on 1/400 scale model of the proposed 109-115 Little Lonsdale Street development, Melbourne, to provide

data on environmental wind conditions at ground level. The model of the Development, within surrounding buildings, was tested in a simulated upstream boundary layer of the natural wind. The wind conditions measured have been related to the free stream mean wind speed at a reference height of 300m and compared with criteria developed for the Melbourne region as a function of wind direction.

For the Basic Configuration, with no dependence on street trees, it has been shown that the wind conditions along the streetscapes surrounding the proposed development were within the criterion for walking comfort, with many wind directions achieving short and long term stationary criteria. The majority of wind conditions at the Test Locations were similar to existing wind conditions (i.e. without the development in place).

The wind conditions adjacent to the Little Lonsdale Street entrance of the proposed development have been shown to achieve the criterion for short term stationary activities for all wind directions.'

The results are considered to be acceptable in terms of wind impacts to adjoining public areas.

In relation to weather protection, the subject site is not affected by Schedule 4 to the Design and Development Overlay (DDO4) (Weather Protection – Capital City Zone) and the existing building does not provide a canopy, In addition, there is limited weather protection provided along Little Lonsdale Street due to the narrow width of the footpath. As such, it is considered acceptable that the proposal does not include any weather protection.

### 14.3 Internal amenity

The Design Guidelines for Higher Density Residential Development also comprise objectives relating to internal amenity including apartment layout (Objective 5.3), natural light and ventilation (Objective 5.4), storage (Objective 5.5) and private and communal open space (Objectives 6.1 to 6.4).

These guidelines are more relevant to residential apartments rather than lodging rooms in a residential hotel. However, it is noted that the internal amenity of the proposal is acceptable as follows:

- All lodging rooms have access to natural ventilation and daylight including over an internal courtyard garden. In addition, the minimum tower separations of 5 metres to the east boundary and 7 metres to the south boundary ensure all windows have acceptable outlook in terms of adjoining built form.
- Some lodging rooms have access to private balconies.
- Shared facilities are proposed in the form of a function area, gymnasium and outdoor areas.
- Bicycle parking is provided at basement level in excess of the requirements of Clause 52.34.
- The application does not address internal noise levels, which is a decision guideline for habitable rooms of new dwellings at 3.0 of CCZ1. Whilst this application is not for dwellings, maximum internal noise levels of 45dB(A)Leq can be ensured via a permit condition for an acoustic report.

#### 14.4 Environmentally sustainable design

Clause 22.19, Energy, Water and Waste, is relevant to the proposal and includes policy objectives at Clause 22.19-2 and policy requirements at Clause 22.19-3. In addition, Clause 22.19-4 requires all applications to include a Waste Management

Plan (WMP) and an Environmentally Sustainable Design (ESD) Statement. In terms of the ESD Statement, Clause 22.19-4 states that:

• 'Applications for buildings over 2,000 square metres in gross floor area must provide a statement from a suitably qualified professional verifying that the building has the preliminary design potential to achieve the relevant required Performance Measures set out in clause 22.19-5.'

The relevant Performance Measures are:

- For accommodation (which includes a residential building) over 5000 square metres gross floor area - 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent plus a 5 star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent.
- For retail premises up to 2000 square metres gross floor area 5 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Retail rating tool or equivalent.

The application includes a WMP prepared by Wastech and dated 16 June 2016. As noted above, ESG commented that the WMP is unacceptable but an amended WMP can be required via a permit condition.

The submitted *ESD* report prepared by Sustainable Built Environments and dated 04 July 2016 relates to the consolidated hotel development and states that the proposal will achieve the relevant performance measures for accommodation as set out at Clause 22.19-5. The report references the retail premises with regard to the proposed café tenancy at ground floor. If the application was supported, <compliance with the ESD Statement could be ensured via a permit condition.

### 14.5 Stormwater management

Clause 22.23, Stormwater Management (Water Sensitive Urban Design), requires that applications include a Water Sensitive Urban Design (WSUD) Response addressing the details set out in Clause 22.23-4.

The submitted *Water Sensitive Urban Design* report prepared by Sustainable Built Environments and dated 04 July 2016 relates to the consolidated hotel development and provides commentary regarding stormwater management referencing the requirements set out at Clause 22.23-4. The proposed development meets the policy objectives of Clause 22.23. If a permit is issued this report will be endorsed to ensure compliance with the policy.

### 14.6 Conclusion

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Planning Permit be issued for the proposal subject to the following conditions:

### 15 **RECOMMENDATION**

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

- 1. Prior to the commencement of any demolition, bulk excavation, construction or carrying out of works on the land, the applicant must submit to the Responsible Authority two copies of plans drawn to scale generally in accordance with the plans prepared by Peddle Thorpe Architects and dated June 2016 but amended to show:
  - a) An entry added to the ground floor for direct access off Jones Lane

- b) South elevation updated to replace opaque glass blocks with translucent glass blocks
- c) Updated materials legend to confirm aluminium webforge material and delete 'or similar' reference
- d) Delete the deck on level 8 and associated structures.
- e) Any modifications to the plans required by the Waste Management Plan
- f) Minimum vertical clearance of 3.5m provided for the loading bay to Council Lane 0106
- g) Confirmation that direct views into the secluded private open space and habitable room windows of surrounding dwellings within a horizontal distance of 9m are prevented in accordance with the requirements of Standard B22 at Clause 55.04-6 of the Melbourne Planning Scheme
- h) The location of all external plant equipment, including air conditioner units, and details of screening proposed to limit views from public roads.

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

- 2. The development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 3. Prior to the commencement of the development, including demolition, 109-111 Little Lonsdale Street and 113-115 Little Lonsdale Street must be consolidated into one certificate of title to the satisfaction of the Responsible Authority.
- 4. Prior to the commencement of the development, including demolition, the related secondary consent application under TP-2009-587 to create a consolidated residential hotel development across 109-111 Little Lonsdale Street and 113-115 Little Lonsdale Street must be approved.
- 5. Concurrent with the submission of plans for endorsement under Condition 1, an amended Waste Management Plan (WMP) shall be prepared and submitted to the City of Melbourne Engineering Services. The WMP should detail waste storage and collection arrangements and be prepared with reference to the City of Melbourne Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne Engineering Services.
- 6. Prior to the commencement of the development (excluding any demolition, bulk excavation, construction or carrying out of works) a 3D digital model of the approved development must be submitted to, and must be to the satisfaction of the Responsible Authority. The model should be prepared having regard to the Advisory Note 3D Digital Modelling Melbourne City Council. Digital models provided to the Melbourne City Council may be shared with other government organisations for planning purposes. The Melbourne City Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to, and be to the satisfaction of the Responsible Authority.

- 7. A schedule and samples of all external materials, colours and finishes must be submitted to the satisfaction of the Responsible Authority prior to the commencement of the development, excluding demolition. The schedule must show the materials, colours and finishes of all external walls, roof, fascias, window frames, glazing types, doors, balustrades and paving. When approved, the schedule will be endorsed and will then form part of the permit. All finishes and surfaces of all external buildings and works, including materials and colours, must be in conformity with the approved schedule to the satisfaction of the Responsible Authority.
- 8. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement prepared by Sustainable Built Environments and dated 04 July 2016 must be achieved in the completed development.

Any change during detailed design, which prevents or alters the attainment of the performance outcomes specified in the endorsed ESD Statement, must be documented by the author of the endorsed ESD statement in an addendum to this report, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.

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

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

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

Temporary works may include:

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

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

10. Prior to the commencement of the development, an acoustic report prepared by a qualified acoustic consultant must be submitted to and be to the satisfaction of the Responsible Authority. The report must provide for noise attenuation measures to achieve a maximum noise level of 45dB(A)Leq in unfurnished and uncarpeted habitable rooms with all windows and doors closed, unless there is no suitable air conditioning and/or mechanical ventilation, in which case the maximum noise level of 45dB(A)Leq in unfurnished and uncarpeted habitable rooms must be achieved with all the windows half open and the doors closed. The report must be based on average external noise levels measured as part of a noise level assessment. The recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority, prior to the occupation of the dwelling(s)

- 11. Prior to the commencement of the development, including demolition or bulk excavation, a detailed Construction and Demolition Management Plan must be submitted to and be approved by the Responsible Authority. This construction management plan is to be prepared in accordance with the *City of Melbourne Construction Management Plan Guidelines* and is to consider the following:
  - a) public safety, amenity and site security;
  - b) operating hours, noise and vibration controls;
  - c) air and dust management;
  - d) stormwater and sediment control;
  - e) waste and materials reuse; and
  - f) traffic management.
- 12. Prior to the commencement of the development (excluding demolition), the applicant must carry out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended use(s). This PEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development (excluding demolition). The PEA should include:
  - Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This should include details of how long the uses occupied the site.
  - A review of any previous assessments of the site and surrounding sites including details of the anticipated sources of any contaminated materials.
- 13. Should the PEA reveal that further investigative or remedial work is required to accommodate the intended use(s), then prior to the commencement of the development (excluding demolition), the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended use(s). This CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. This CEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the use / development (excluding demolition). The CEA should include:
  - Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This includes details of how long the uses occupied the site.

- A review of any previous assessments of the site and surrounding sites, including details of any on-site or off-site sources of contaminated materials. This includes a review of any previous Environmental Audits of the site and surrounding sites.
- Intrusive soil sampling in accordance with the requirements of Australian Standard (AS) 44582.1. This includes minimum sampling densities to ensure the condition of the site is accurately characterised.
- An appraisal of the data obtained following soil sampling in accordance with ecological, health-based and waste disposal guidelines.
- Recommendations regarding what further investigate and remediation work, if any, may be necessary to ensure the site is suitable for the intended use(s).

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

- 14. Should the CEA recommend that an Environmental Audit of the site is necessary then prior to the occupation of the building the applicant must provide either:
  - a) A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act* 1970; or
  - b) A Statement of Environmental Audit in accordance with Section 53Z of the *Environment Protection Act* 1970. This Statement must confirm that the site is suitable for the intended use(s).
- 15. Where a Statement of Environmental Audit is provided, all the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority and prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or other person acceptable to the Responsible Authority. In addition, the signing off of the Statement must be in accordance with any requirements in it regarding the verification of works.

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

- 16. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.
- 17. All building plant and equipment on the roofs are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.

- 18. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.
- 19. All service pipes, apart from roof down pipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.
- 20. The title boundaries for the property may not exactly agree with the road alignments of the abutting Council lane. The approved works must not result in structures that encroach onto any Council lane.
- 21. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Responsible Authority Engineering Services.
- 22. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.
- 23. All damaged or affected portions of the roads adjacent to the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
- 24. The footpath adjoining the site along Little Lonsdale Street must be reconstructed 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 Responsible Authority Engineering Services.
- 25. The existing street levels abutting to the subject land must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority Engineering Services.
- 26. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority Engineering Services.
- 27. This permit will expire if one or more of the following circumstances apply:
  - a) The development is not started within two years of the date of this permit
  - b) The development is not completed within four years of the date of this permit

The Responsible Authority may extend the date upon which the permit expires. A request for an extension of time must be in writing and be received before the permit expires, or within three months afterwards.

#### Notes

- a) All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the responsible authority Manager Engineering Services Branch.
- b) All projections over the street alignment must conform to Building Regulations 2006, Part 5, Sections 505 to 514 as appropriate. Reference may be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face/back of kerb.
- c) 8.8m service vehicles accessing the loading bay will need to use existing on street loading facilities in Little Lonsdale Street as Jones Lane is a no stopping area.
- d) The City of Melbourne will not alter existing on street parking facilities for the purposes of this development.
- e) This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.
- f) The applicant/owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.
- g) The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Responsible Authority prior to the commencement of any buildings or works.
- h) 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.

### 16 DECISION

The Lord Mayor, Deputy Lord Mayor and Councillors were notified of the above recommendation on 2<sup>nd</sup> November 2016.

It has been requested that this application be presented to the Future Melbourne Committee for decision.

Date affirmed:

# **Billy Rebakis** Planning Officer