

Report to the Future Melbourne (Planning) Committee

Agenda item 6.2

**Ministerial Referral: TPM-2014-43
57-63 Exhibition Street, Melbourne**

4 July 2017

Presenter: Kate Yuncken, Acting Practice Leader Land Use and Development

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee (FMC) of a Ministerial Application, seeking a Planning Permit for the development of 57-63 Exhibition Street, Melbourne (refer Attachment 2 – Locality Plan).
2. At the FMC meeting on 21 March 2017, it was resolved by the Committee to defer consideration of the subject application to the FMC meeting on 4 April 2017. On 24 March 2017 the permit applicant requested a further deferral of this item until after the VCAT decision for 32-44 Flinders Street had been handed down. VCAT made a decision in relation to 32-44 Flinders Street on 18 May 2017. The recommendation from management at the FMC meeting on 21 March 2017 is consistent with the VCAT decision.
3. The applicant and owner of the land is H69 Pty Ltd and the architect is Bates Smart.
4. It is proposed to demolish the existing building and construct a multi-storey mixed use development containing a residential hotel (with ancillary offices, restaurant and other commercial uses within the podium) and dwellings (refer Attachment 3 – Plans). The proposed tower comprises a six level basement, a podium with a height of 26.77 metres (five storeys) and a tower component of 203.57 metres (58 storeys).

Key issues

5. The key issues relate to building height and overshadowing of Birrarung Marr, the proposed zero setback to the south property boundary, equitable development opportunities, and the quality of the ground plane and proposed through-block link.
6. To resolve the above issues, a number of conditions have been recommended for inclusion on any permit being granted, requiring; a reduction in the height of the tower to 183 metres to limit overshadowing impacts upon Birrarung Marr, fenestration to the southern boundary wall above a height of 80 metres, supporting material to demonstrate the feasibility of the angular glazed panel façade strategy, and a detailed plan of the ground floor plane responding to a number of specified criteria.
7. Public amenity improvements provided within the development include a through-block link, connecting Strachan Lane to Chester Lane and providing 24/7 public access. This through-block link represents an important connection that paves the way for future potential linkages to 101 Collins Street, Melbourne, in addition to facilitating a greater degree of activation and permeability within the city block defined by George Parade, Exhibition Street, Collins Street and Flinders Lane.
8. Broadly, the proposed development exhibits a high quality design, providing a podium that will successfully integrate with the height and detailing of adjacent graded historic buildings in addition to providing a high degree of activation and site permeability. The tower component achieves adequate separation and setbacks, and the design exhibits excellent internal amenity. Subject to the recommended conditions, it is considered that the subject site can support a building of this scale, and the proposal will make a positive contribution to Exhibition Street and Melbourne's City.

Recommendation from management

9. That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports the application subject to conditions outlined in the Delegate Report (refer Attachment 4 – Delegate Report).

Attachments:

1. Supporting Attachment
2. Locality Plan
3. Selected Plans
4. Delegate Report

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority for determining this application.
2. As the application was lodged prior to the gazettal of Planning Scheme Amendment C262, Council does not have Referral Authority status for the application, which has been informally referred by DELWP only.

Finance

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

Conflict of interest

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

Stakeholder consultation

5. Council officers have not advertised the application or referred this to any other referral authorities. This is the responsibility of DELWP, acting on behalf of the Minister for Planning who is the Responsible Authority.

Relation to Council policy

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

Environmental sustainability

7. The Sustainability Management Plan prepared by Norman Disney & Young, dated 27 June 2016, details a number of sustainable design initiatives, which have been demonstrated to target equivalence to a 5-star Green Star Design and As Built rating.
8. The environmental credentials of the project are considered to be appropriate, having regard to the scale of the building and requirements of Local Planning Policy Clause 22.19 (Energy, Water and Waste Efficiency), and it is recommended that a condition be included in any permit being granted requiring the implementation of the sustainable design initiatives specified in the abovementioned report.

Locality Plan

Attachment 2
Agenda item 6.2
Future Melbourne Committee
4 July 2017

57-63 Exhibition Street, Melbourne



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

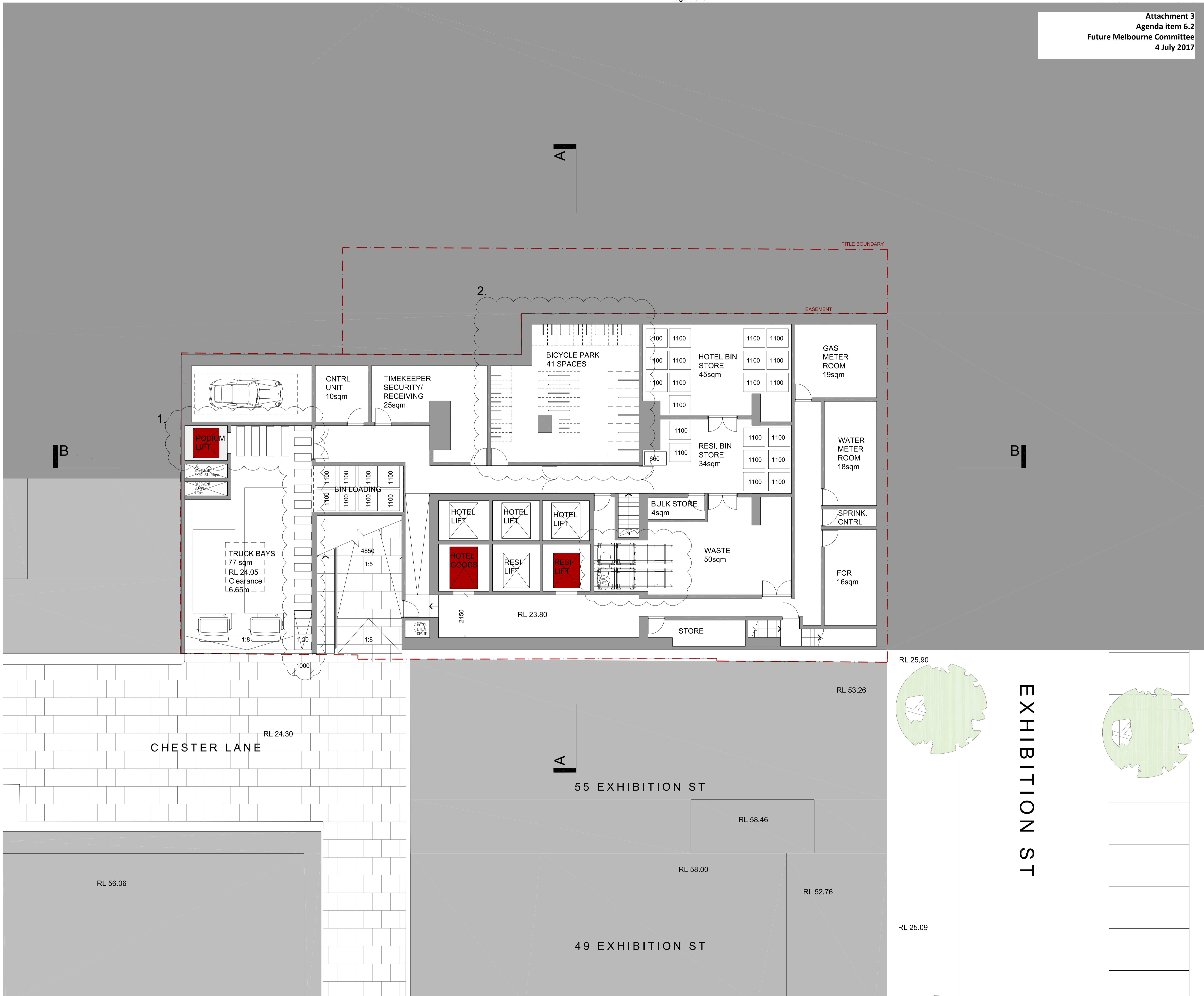
All drawings to be read in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.

Preliminary
NOT FOR CONSTRUCTION

1. New DDA lift and access to Strachan Lane. DDA compliant intercom connected to concierge desk for access
2. Bike parking allocation increased according to mix
3. Waste collection directly below chute



Revision	Date	Description	Initial	Checked
01	28.7.2016	RFI Response	BS	BS
00	6.4.2016	Town Planning	BS	BS

Revision	Date	Description	Initial	Checked
01	28.7.2016	RFI Response	BS	BS
00	6.4.2016	Town Planning	BS	BS

63 Exhibition Street

Lower Ground



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 Drawn: _____
 Checked: _____

Project No. M11970

Status: _____

Plot Date: 28/7/2016 3:30 PM

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Drawing No. [Revision]

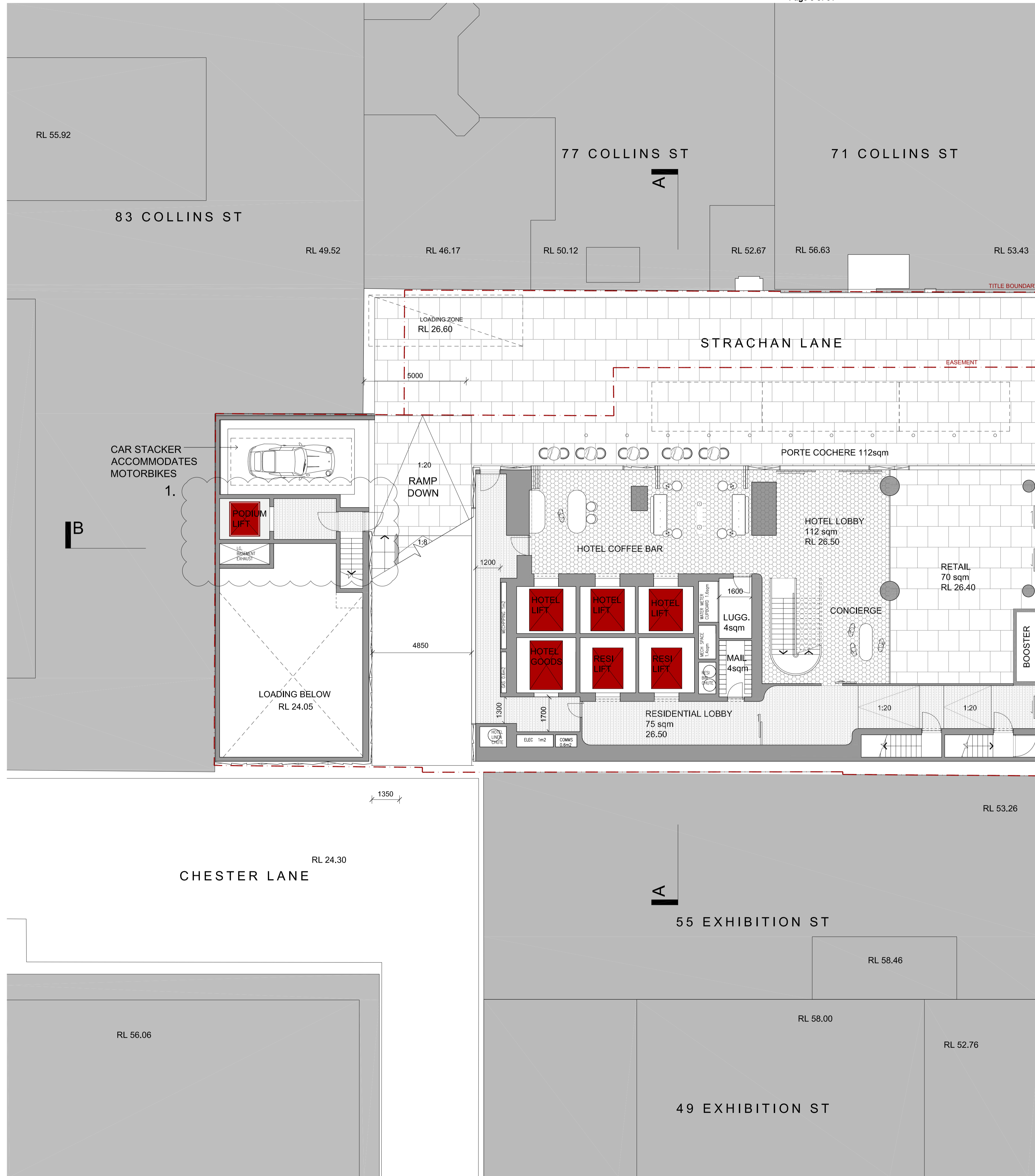
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Bates Smart Architects Pty Ltd ABN 68 094 740 986

BATESSMART



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EXHIBITION ST

01	28.7.2016	RFI Response	BS	BS
00	6.4.2016	Town Planning	BS	BS
	Revision Date	Description	Initial	Checked

63 Exhibition Street

Ground Floor

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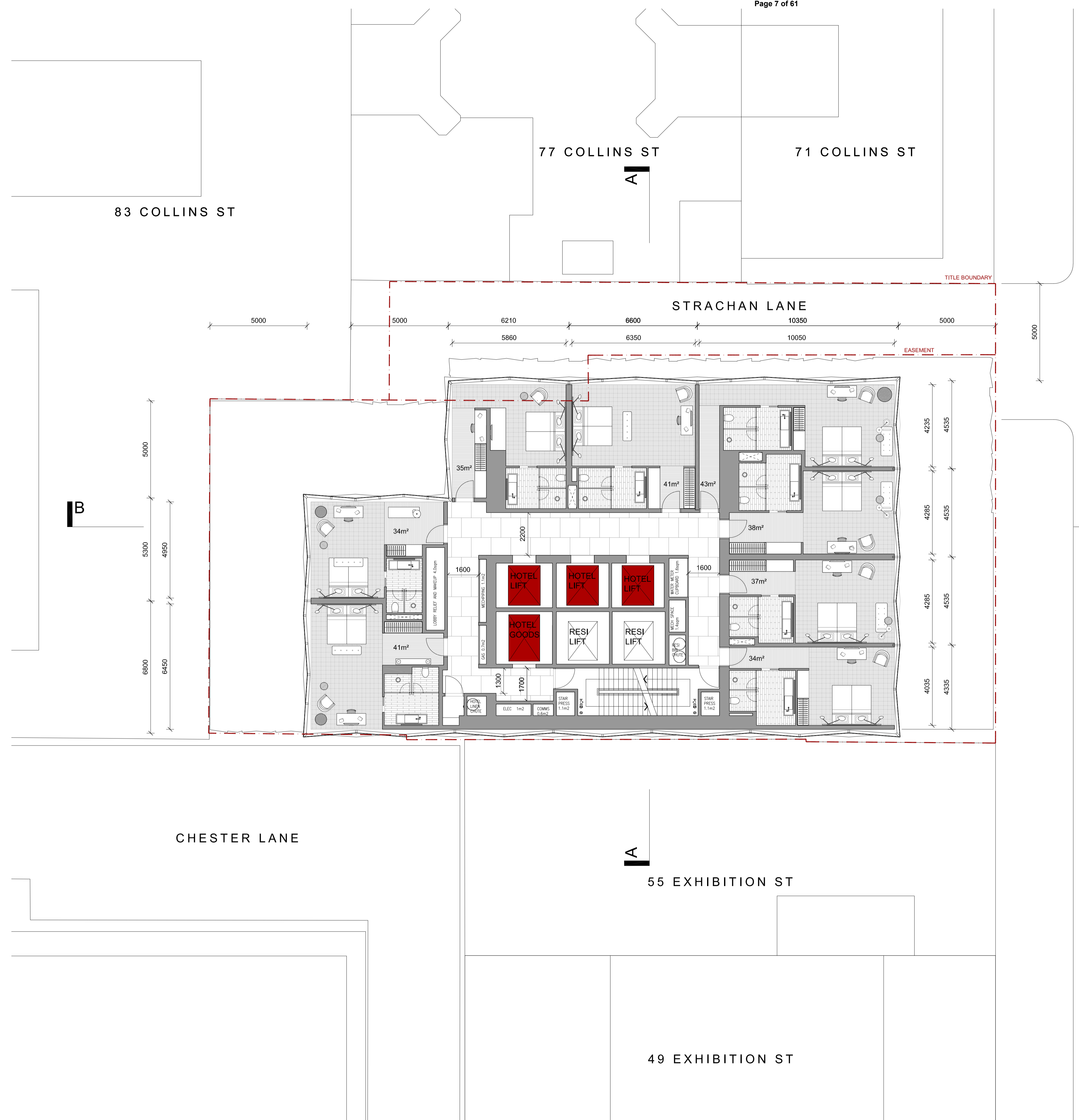
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Preliminary
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EXHIBITION ST

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01	27.5.2016	RFI Response	BS	BS
00	6.4.2016	Town Planning	BS	BS
	Revision Date	Description	Initial	Checked

63 Exhibition Street

Level 7-26
Typical Hotel (Without Pantry)
8 Keys



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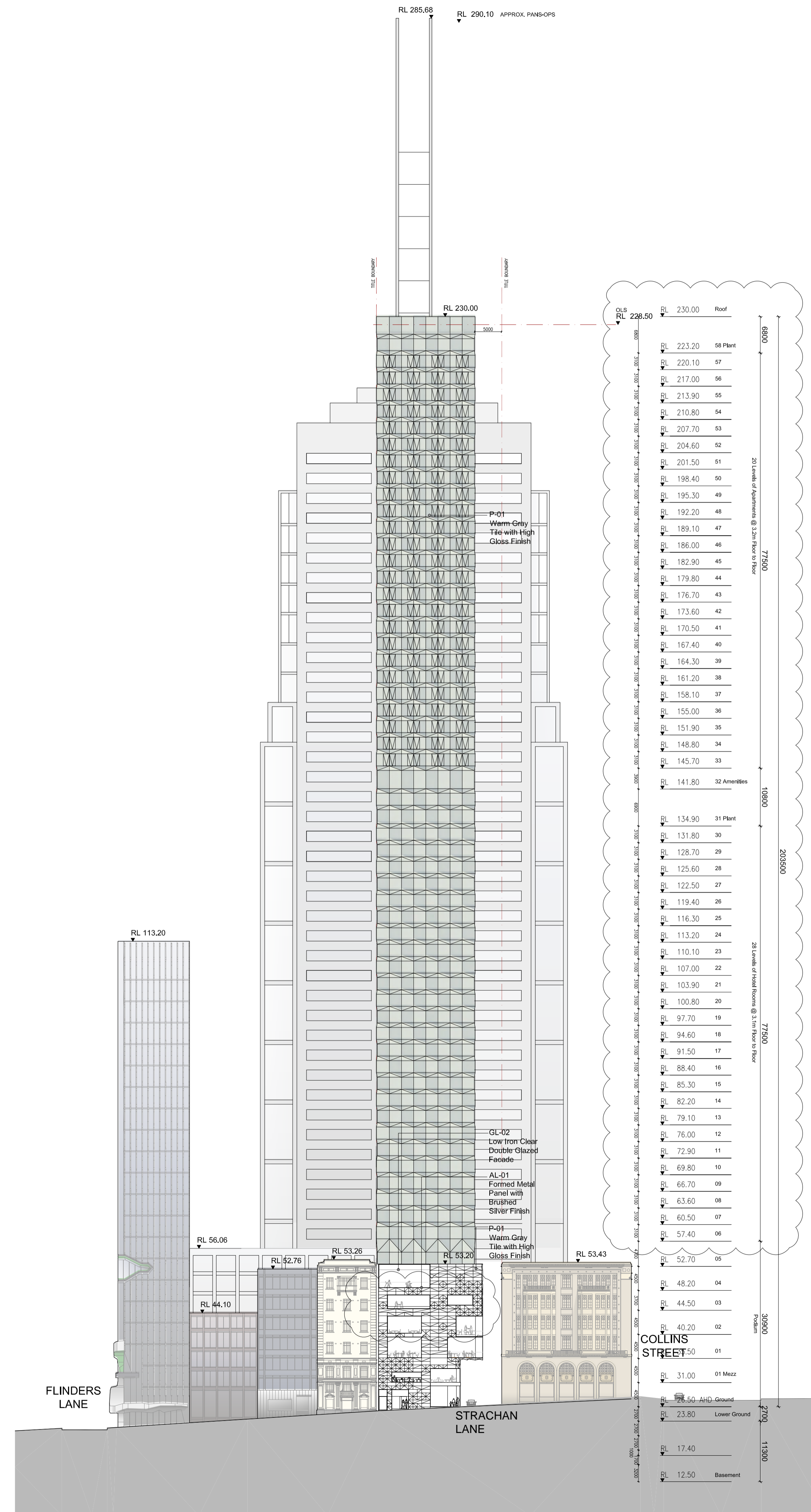
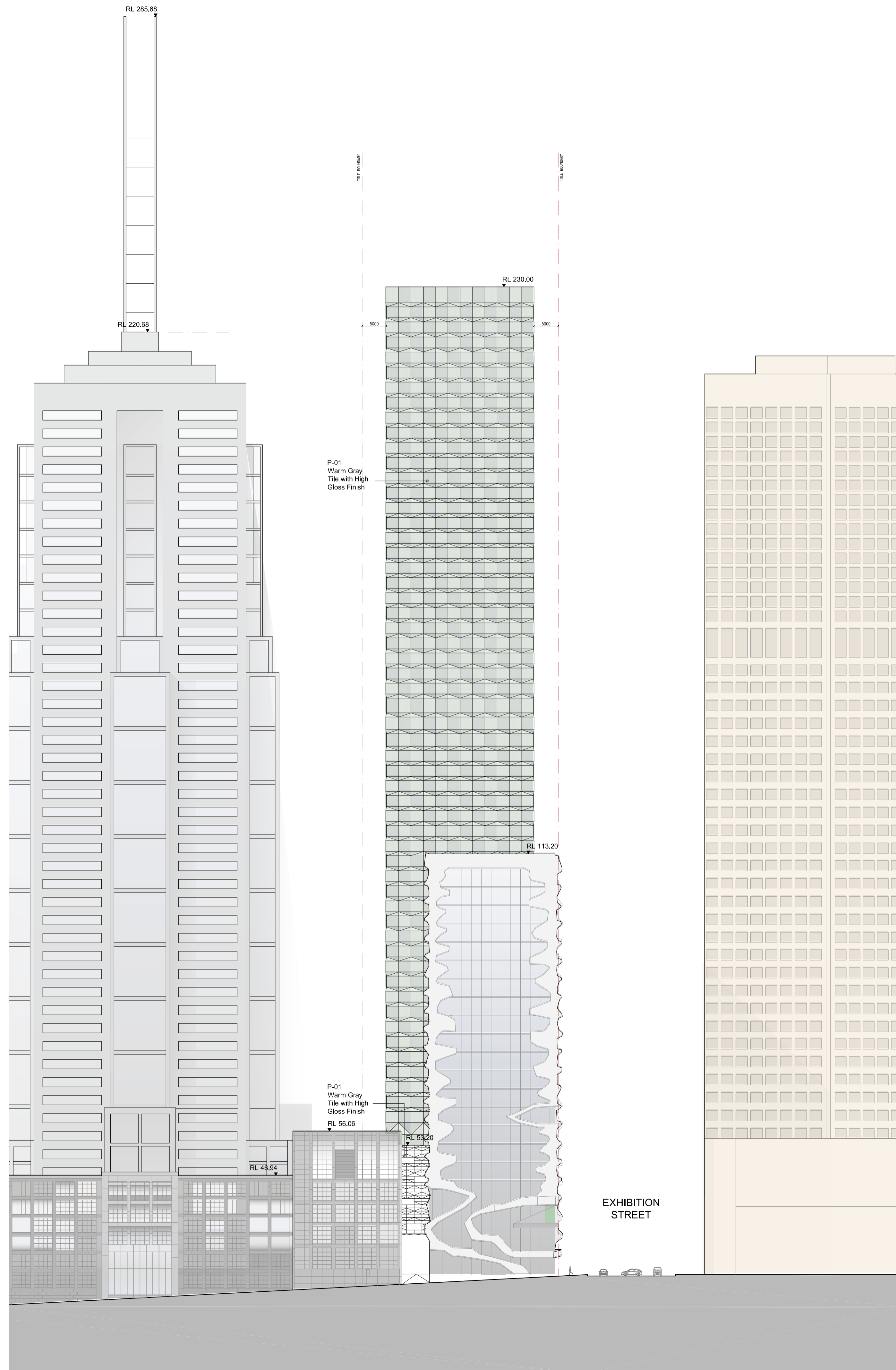
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Preliminary
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Operable awning window

Revision No.	Date	Description	Initial	Checked
01	28.7.2016	RFI Response	BS	BS
00	6.4.2016	Town Planning	BS	BS

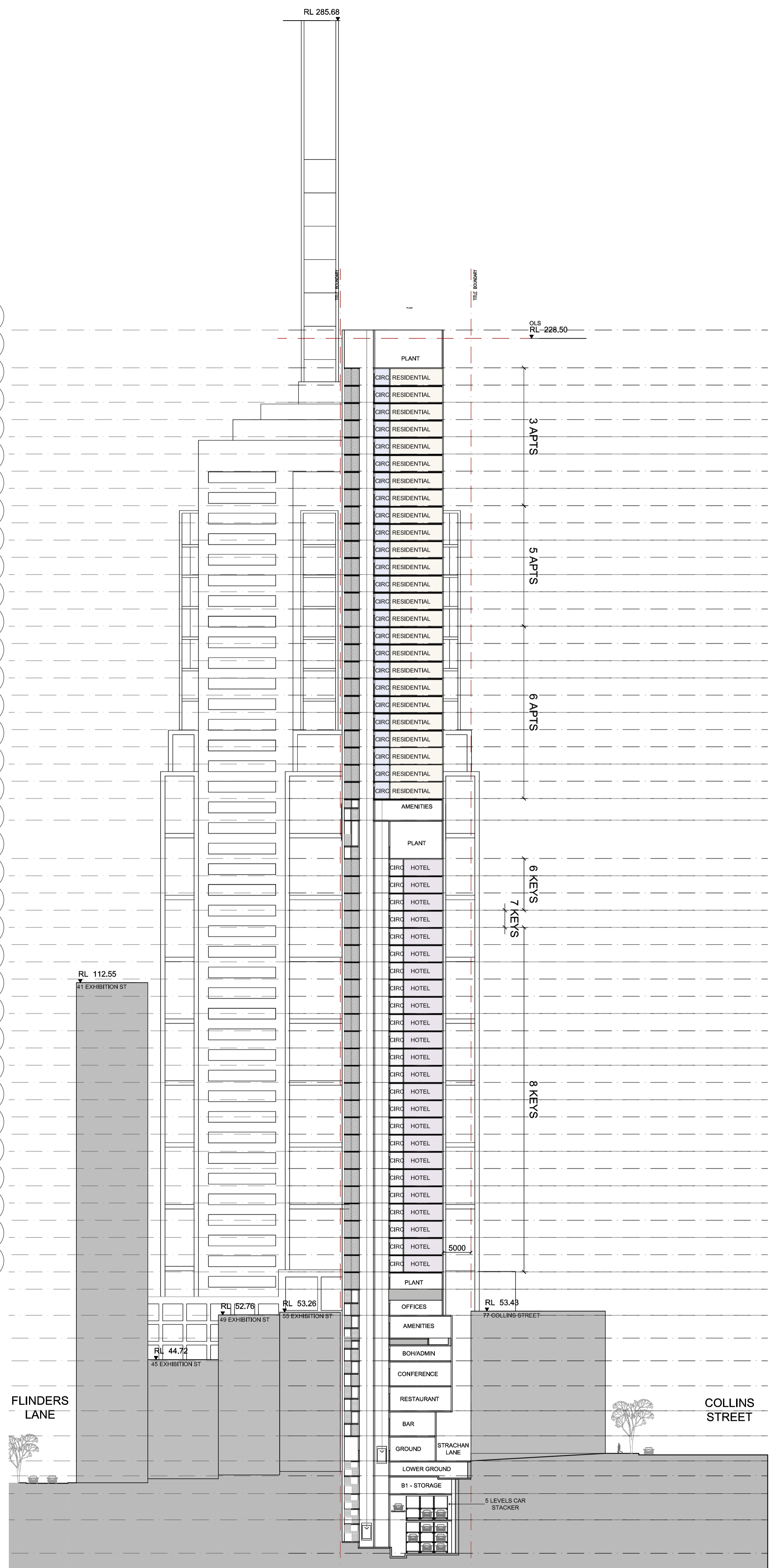
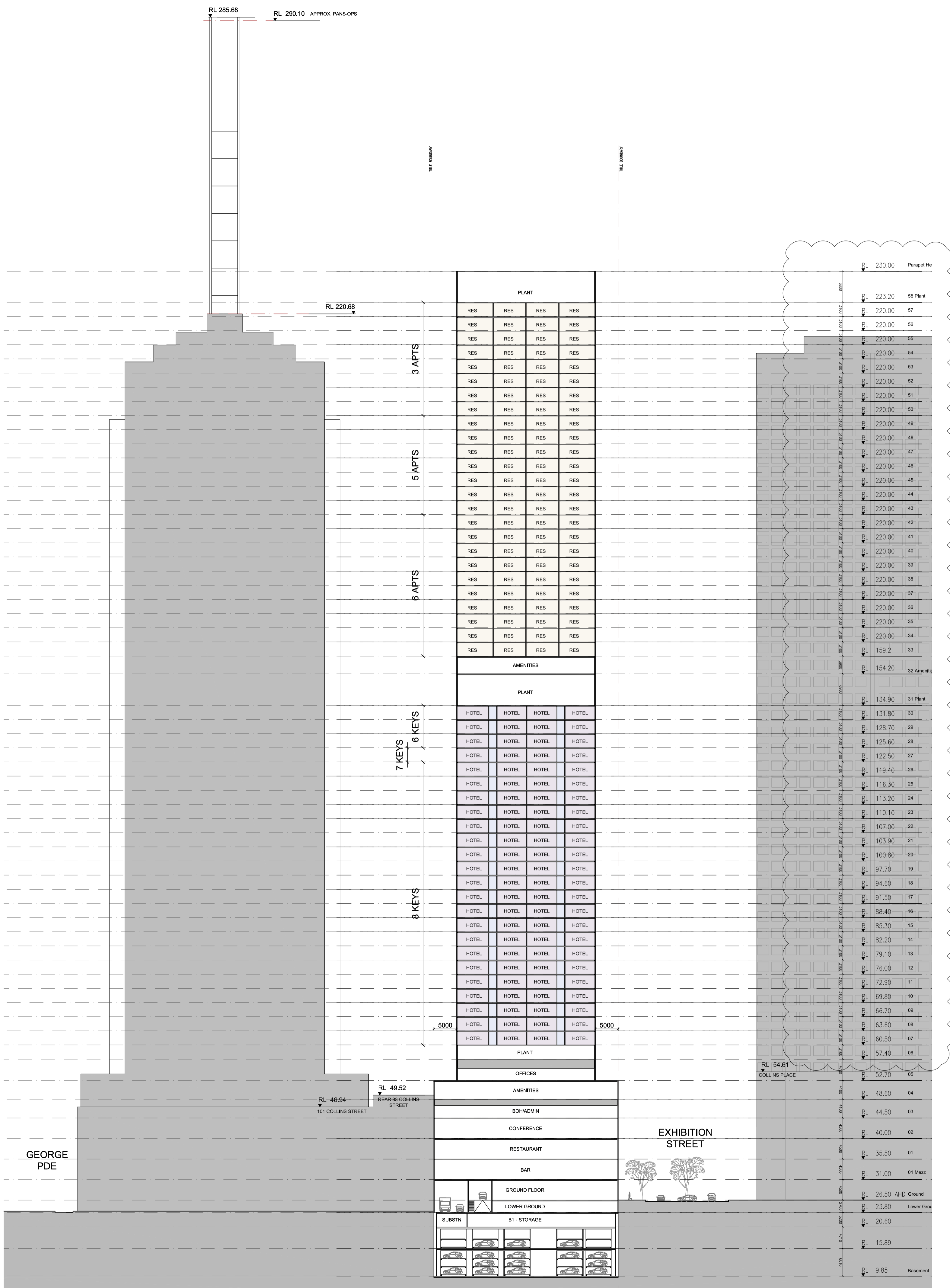
63 Exhibition Street
 South and East Elevations

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00	6.4.2016	Town Planning	BS	BS
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63 Exhibition Street

Sections

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Drawn: Checked

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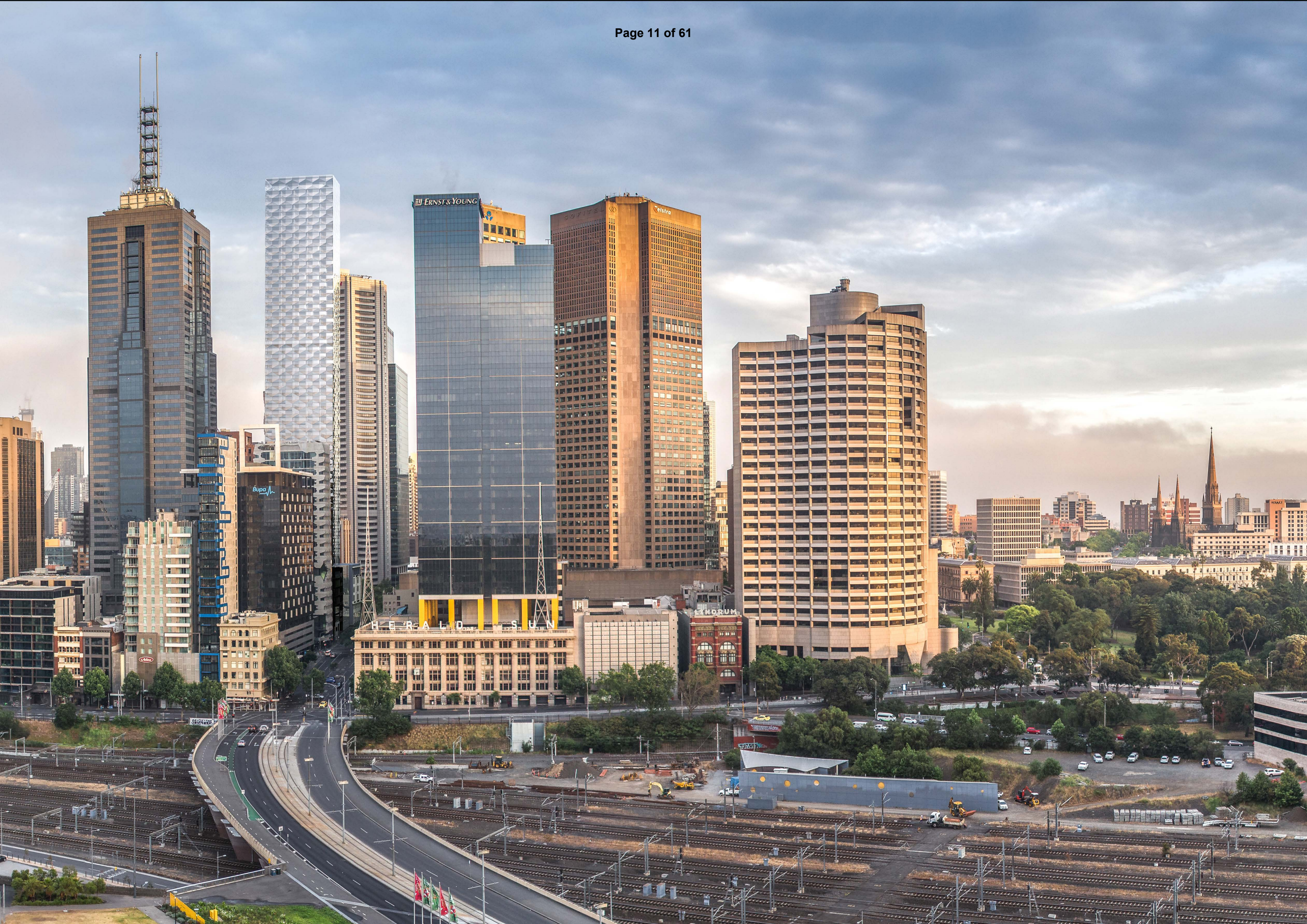
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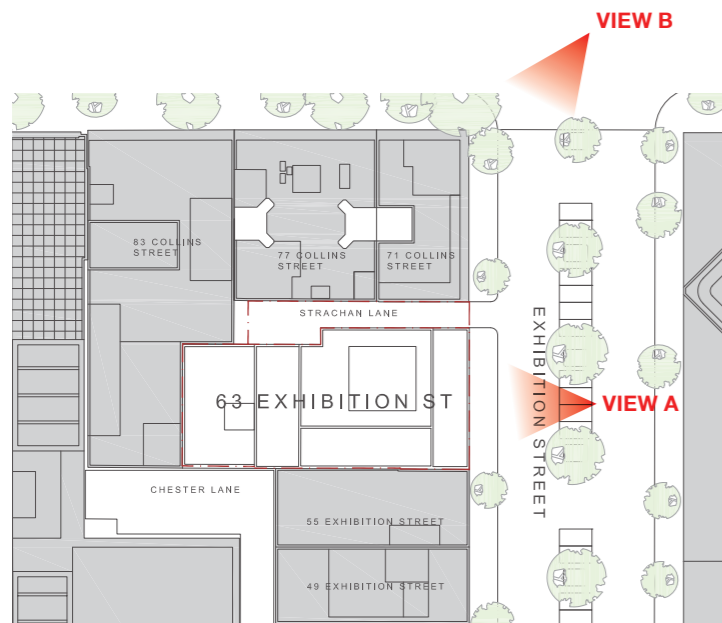
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4.11 COMPLETING THE CORNER

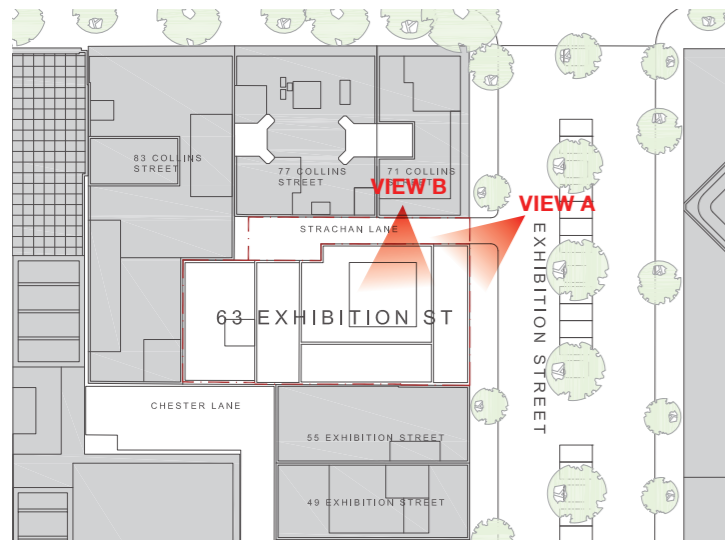
Sensitivity to the podium height in the existing adjacent buildings sees the proposal fit within the street character particularly of this important corner of Melbourne. This datum combined with the rhythm of openings in the podium results in a contemporary albeit sensitive addition to the existing fabric of Exhibition and Collins Streets.



VIEW B

4.10 THE PODIUM

In synthesising existing context, heritage elements, podium heights, and Collins Street shopfronts, the outcome is designed to draw the eye down from Collins Street, thus linking the top end of Collins Street with Exhibition Street creating an alluring podium which contributes to the success of the hotel and this part of the city.



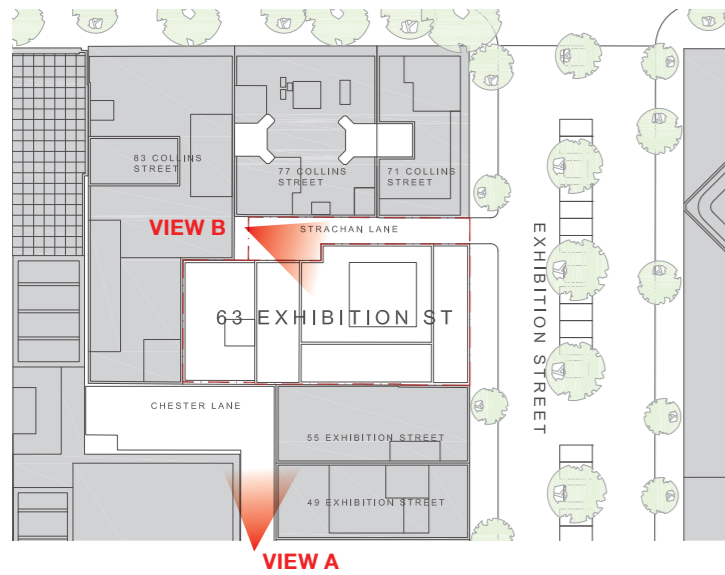
VIEW A



VIEW B

4.12 A NEW MELBOURNE LANEWAY CONNECTION

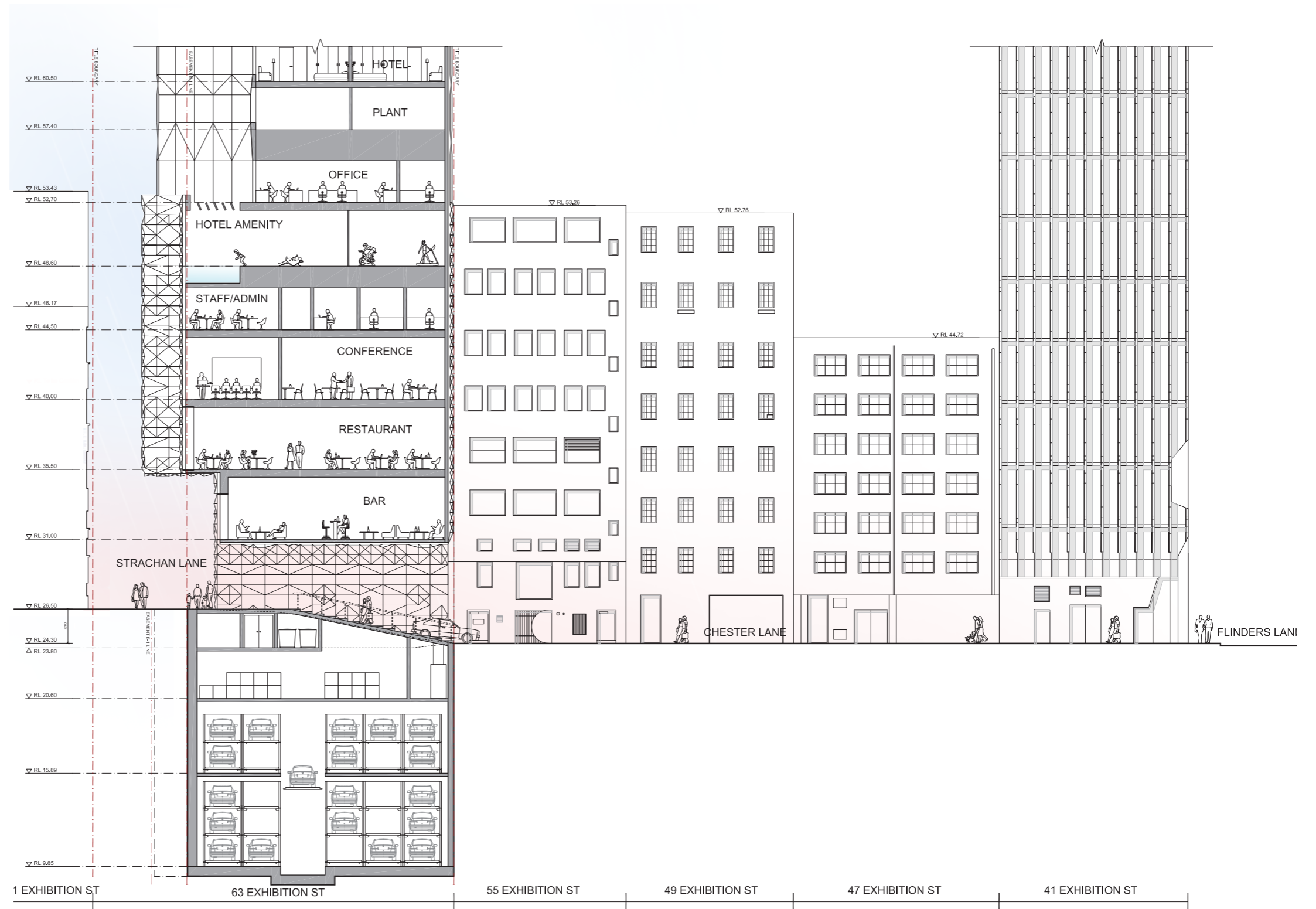
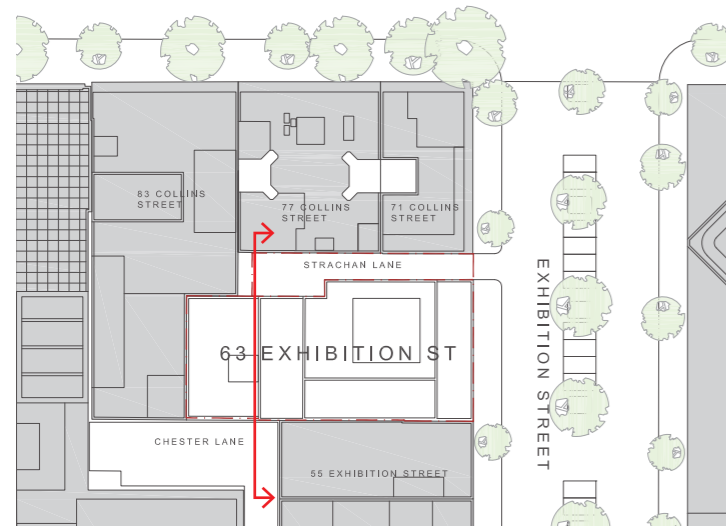
Central to the ground plane of the proposal is the laneway link proposed between Strachan and Chester Lane. Through the considered placement of openings and fine detailing in the podium facade and the ramp's internal elevations, this alluring detail and materiality becomes the focus of Chester Lane when experienced from Flinders Lane, enticing passers by to explore further. Such a proposal would allow for future development by the adjoining properties on Exhibition Street and offer an additional opportunity for Melbourne's rich laneway culture.



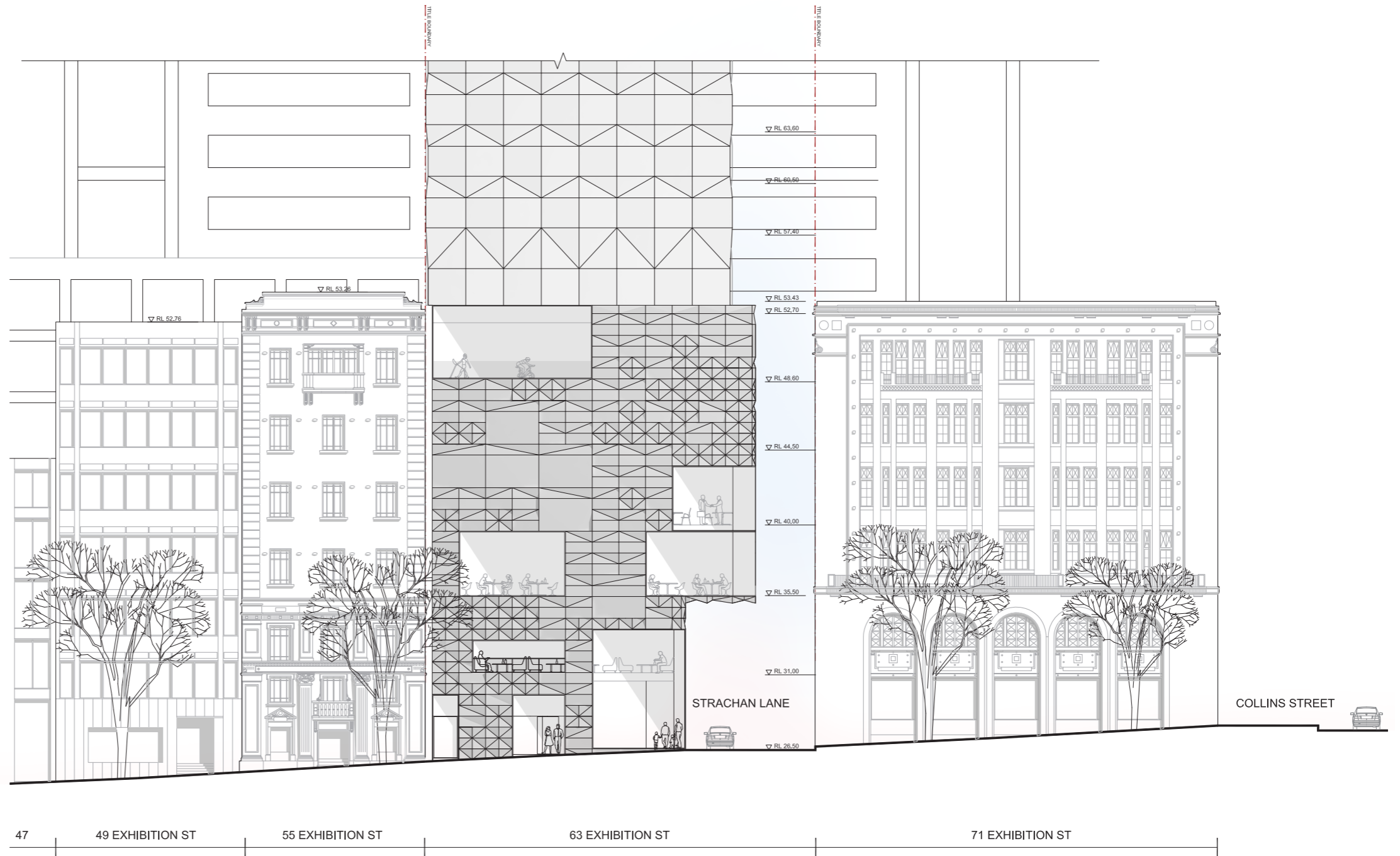
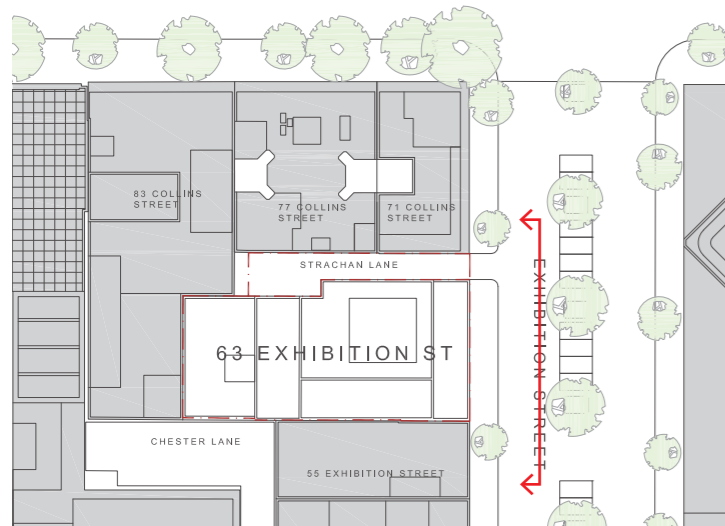
VIEW A

4.15 CHESTER LANE ELEVATION

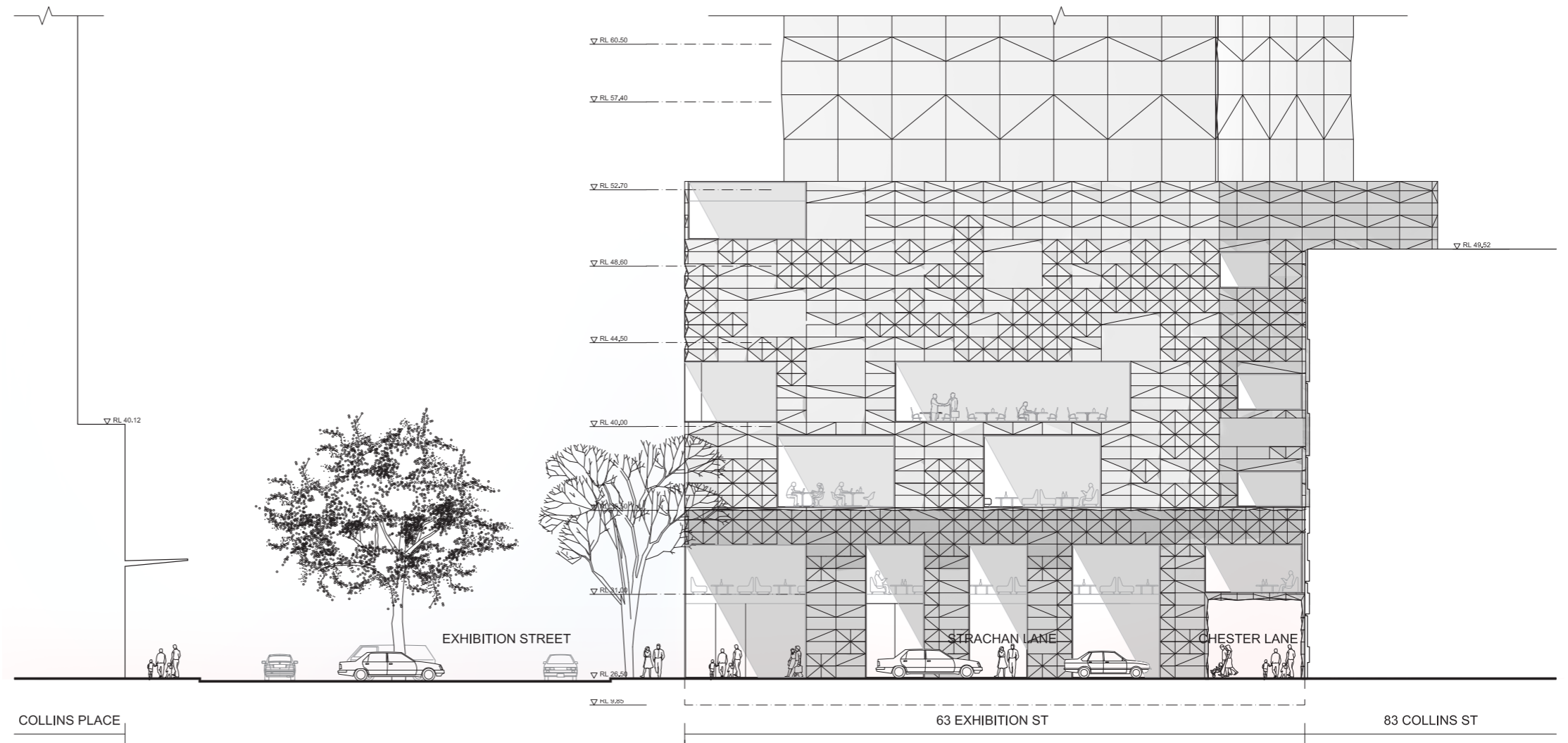
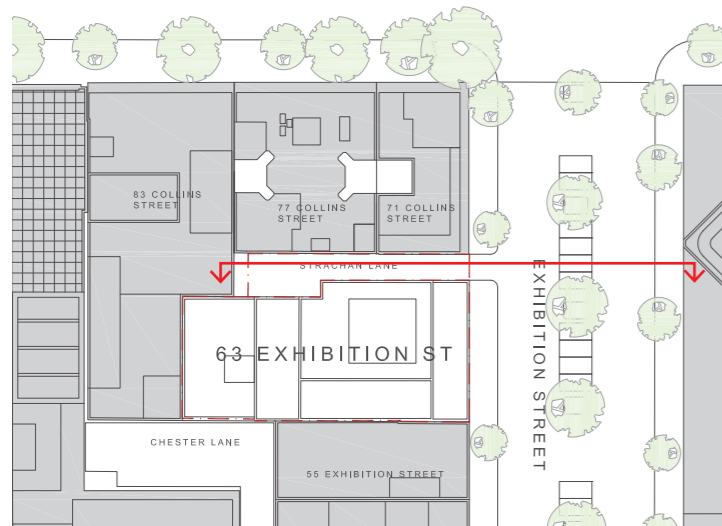
This section through the podium describes the change in level between Strachan Lane and Chester Lane. It also illustrates the rear elevations of Exhibition Street buildings along Chester Lane and the potential for future retail or social amenities which could be created via their activation onto the laneway.



4.16 EXHIBITION STREET ELEVATION



4.17 STRACHAN LANE ELEVATION



**PLANNING REPORT
MINISTERIAL REFERRAL**

Application number:	TPM-2014-43
DTPLI Application number:	2014/003155
Applicant:	Urbis Pty. Ltd.
Owner:	Salta Properties Pty. Ltd.
Architect:	Bates Smart
Address:	57-63 Exhibition Street, MELBOURNE VIC 3000
Proposal:	Demolition of the existing building and the development of a 58-storey mixed use tower and associated works
Cost of works:	\$255,000,000
Date received by City of Melbourne:	27 October 2014
Date received by DELWP	11 August 2014
City of Melbourne's Status	No Referral Authority Status (informal referral only)
Responsible officer:	Colin Charman
Report Date:	6 March 2017

1. SUBJECT SITE AND SURROUNDS

1.1. Subject Site

Planning Application 2014/003155 (the application) concerns the land known as:

- 57-63 Exhibition Street, Melbourne
- Lot 1 on Title Plan 818996W, Vol. 10585, Fol. 586
- Lot 1 on Title Plan 819017E, Vol. 10585, Fol. 585
- Lots 1 and 2 on Title Plan 819012Q, Vol. 10585, Fol. 587

An inspection of the site and surrounding area was undertaken on 14 February 2017.

The subject site is located to the west of Exhibition Street and is generally rectangular in shape, with a frontage of 23.64 metres to Exhibition Street to the east, 12 metres to Chester Lane to the south, and a maximum depth of 40.49 metres (see Figure 2 overleaf).

The overall site area is approximately 894m².

The subject property is currently occupied by 'ASF House' (formerly Citicorp House, then 63 Exhibition Street), a 14 level glass fronted concrete and steel building completed in 1969, with levels 12-14 stepped-in from the front and rear title boundaries (see Figure 1 overleaf). A four-storey brick building abuts 'ASF House' to the rear and fronts Chester Lane, providing access to a two-level basement car park containing 28 car parking spaces. The buildings occupying the site are of no heritage significance.

To the immediate north of 'ASF House' is Corporation Lane 452 (aka Strachan Lane), which forms part of the land (noting that whilst it is included in Lot 1 and 2 on Title Plan 819012Q, Vol. 10585, Fol. 587, Corporation Lane 452 is included on Council's Register of Public Roads and has arguably achieved 'public highway' status under common law).

The topography of the land is informed by a 2.81 metre level discrepancy between Strachan Lane (RL 26.91) and Chester Lane (RL.24.10), as measured from each laneway surface.

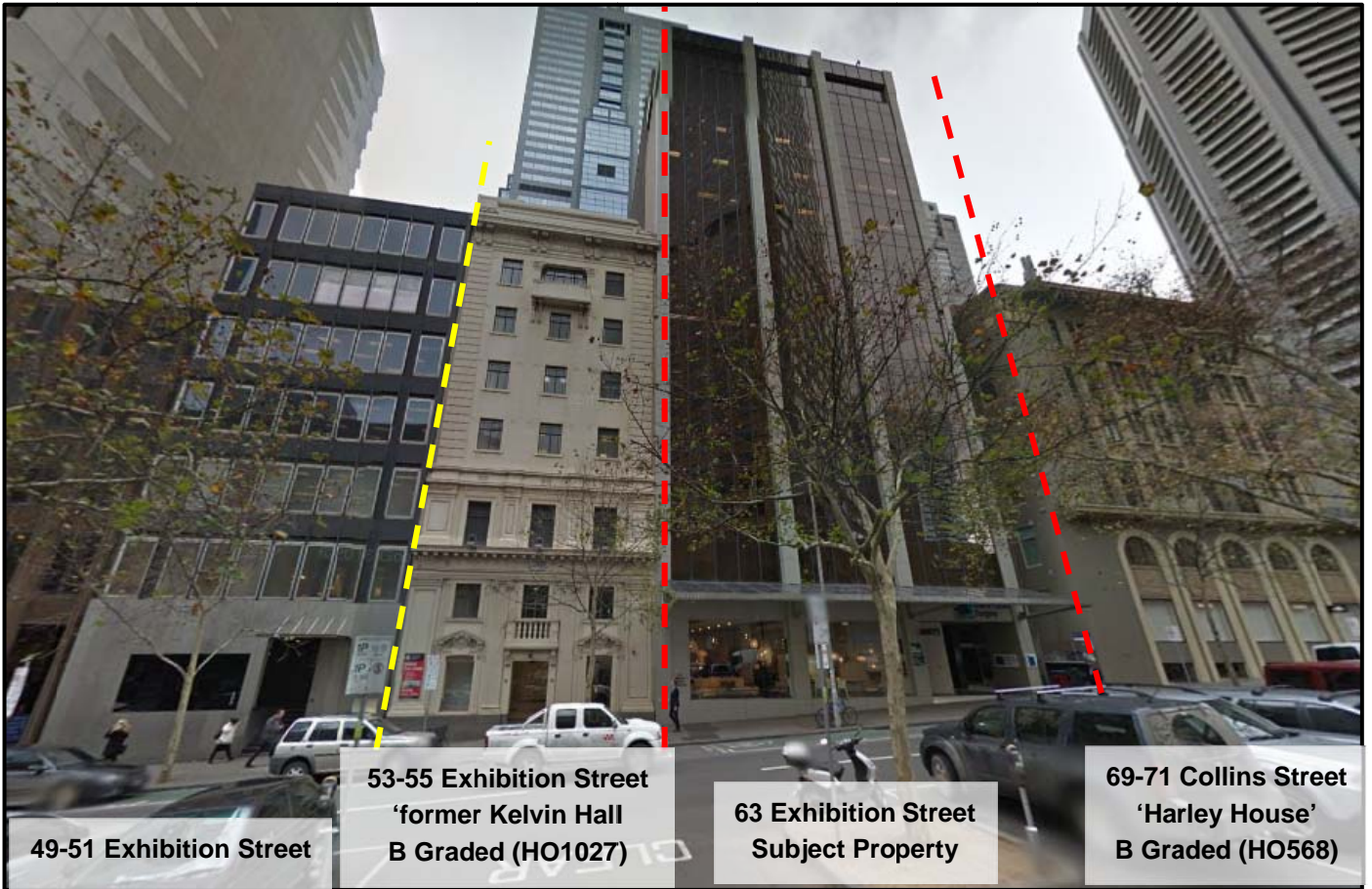


Figure 1: Google Street View photograph of Exhibition Street streetscape showing adjoining protected heritage buildings, captured in June 2014



Figure 2: Excerpt from CoMPASS base map showing the location of the subject property and surrounding streets

1.2. Surrounds

The immediate surrounding locality is generally informed by:

North (69-71 Collins Street)

69-71 Collins Street, Melbourne: a rectangular shaped lot, which abuts part of the length the subject site's north property boundary (approximately 13 metres).

The site is occupied by 'Harley House', a 'B' graded six level Inter War commercial building with a Neo-Greco cement rendered façade completed in 1923, protected under Schedule 568 to the Heritage Overlay.

A restaurant occupying the basement level of the building 'La Chinesca', appears to have its primary access point from Strachan Lane.

North (73-81 Collins Street)

73-81 Collins Street, Melbourne: a rectangular shaped lot, which abuts part of the length the subject site's north property boundary (approximately 18.5 metres).

The site is occupied by the 'Alexandra Club', a 'B' graded five level Inter War commercial building with a Neo-Georgian clinker face brick façade completed in 1937, protected under Schedule 568 to the Heritage Overlay.

Three fire-escapes (including a recess behind a cyclone mesh gate) occupy the ground level of the building with access from Strachan Lane.

South

53-55 Collins Street, Melbourne: a rectangular shaped lot, which abuts the full length of the subject site's south property boundary (approximately 27 metres).

The site is occupied by the former Kelvin Hall, a 'B' graded seven level Inter War residential building with a cement rendered façade completed in 1927, protected under Schedule 1027 to the Heritage Overlay)

The building was strata subdivided into 7 units in 1990, and was later refurbished in 1994 and 2012.

East

Exhibition Street, a dual carriageway road approximately 30 metres wide with each carriageway separated by a central row of 90° parking spaces and tree plots occupied by London Plane trees.

Across Exhibition Street to the west is the ANZ tower, a forty-six storey office building with a 4 storey podium, which presents to the subject property as a sheer wall at ground level.

West

83-87 Collins Street, Melbourne: an irregular shaped lot, which abuts the subject site's north property boundary for a length of 9.22 metres, and the full length of the subject site's west property boundary (approximately 17.22 metres).

The site is occupied by the Athenaeum Club; a 'B' graded seven level Inter War commercial building with a brick façade, and recessed levels 6 and 7, completed in 1932, protected under Schedule 568 to the Heritage Overlay.

1.3. Restrictions / Easements

The register search statement for the subject property submitted with the application identifies that subject land is not burdened by any restrictive covenants or Section 173 Agreements.

The land is encumbered by a 31.1 metre long L-shaped easement running along part of its north property boundary in favour of the City of Melbourne, marked 'E-1', corresponding to the alignment of Corporation Lane 452 (aka Strachan Lane).

The easement is 3.66 metres wide where it abuts Exhibition Street, increasing to 6.10 metres in width at a depth of 20.97 metres.

1.4. Aboriginal Heritage Protection

The subject site is not located within an area of cultural heritage sensitivity as described in the *Aboriginal Heritage Regulations 2007*.

Accordingly, a Cultural Heritage Management Plan is not required to be performed prior to any statutory authorisation being granted under the *Planning and Environment Act 1987*.

2. APPLICATION HISTORY

The application was received by the Department of Environment, Land, Water and Planning (DELWP) (then known as the Department of Transport, Planning and Local Infrastructure) on 27 October 2014.

It is noted that at the time the application was received by DELWP, the subject site was not affected by planning controls that provided a robust framework for assessing built form (i.e. by providing plot ratio, building height, and setback requirements in an overlay).

DELWP subsequently issued a preliminary concerns letter to the applicant on 7 November 2014, which identified a number of key issues with the proposal, with general themes paraphrased and broadly summarised below:

- *The height of the podium, and its distinction from the tower component of the development are not successful, contributing to the undesired effect of creating a large undefined mass that is not respectful of adjacent heritage buildings.*
- *Setbacks*
 - *Lack of lower level setbacks to the north boundary and Strachan Lane is not appropriate. Recommendation that the development be setback 5 metres from the midpoint of this lane.*
 - *The zero setback to the south is insufficient and inconsistent with earlier advice provided, noting that a full-height blank wall would not be appropriate for a building of this height. Recommendation that a minimum setback of 5 metres be provided from all other boundaries.*
- *Apartment layout does not achieve consistent and adequate access to daylight (particularly south aspect apartments).*
- *Façade treatment accentuates verticality and height of the development, representing a poor response to the fine-grain characteristics of adjacent heritage buildings.*
- *Overshadowing associated with the development will contribute to a significant impact over the north bank of the Yarra River.*

On 29 February 2016 a pre-application meeting was held at DELWP's offices, attended by the permit applicant, property owner and the City of Melbourne to discuss a comprehensive revised strategy for the application in response to DELWP's concerns letter.

Following the above pre-application meeting the applicant informally amended their application in accordance with the revised strategy on 11 April 2016. The City of Melbourne was notified of this amendment by DELWP on 13 April 2016.

DELWP subsequently requested additional information from the applicant on 12 May 2016, in addition to raising the following matters for the applicant's consideration and response:

- Legibility of Exhibition Street elevation for retail and residential entries.
- Adequacy of clearance associated with through-block link for large delivery vehicles.
- Apartment mix (particularly with respect to a perceived dearth of 3BR apartments).

Revised application documentation received in response to this request for additional information by DELWP on 9 August 2016 has informed Council's assessment in this report.

3. PROPOSAL

3.1. Plans / Reports considered in assessment

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

Table 1: Plans / Reports considered in assessment			
Plan / Report Title	Author/Creator	Drawing/Report No.	Drawing/Report Date
Town Planning Report	Urbis Pty. Ltd.	MA8885-Rep03	August 2016
Heritage review	Trethowan Architecture Pty. Ltd.	N/A	21/03/2016
Wind report	MEL Consultants Pty. Ltd.	76/16	June 2016
Aviation advice	Thompson GSC Pty. Ltd.	N/A	24/05/2016
Sustainability Management Plan	Norman Disney and Young Pty. Ltd.	Revision 6.0	27/06/2016
Traffic Impact Assessment report	GTA Consultants Pty. Ltd.	16M1471000	01/08/2016
Waste Management Plan	WasteTech Pty. Ltd.	N/A	06/07/2016
DDA Compliance Advice re: through-block link	Chateau Chin Pty. Ltd.	N/A	20/06/2016
Architectural Plans	Bates Smart	Rev 01	28/07/2016

3.2. Summary of proposed development

The Application seeks planning approval to demolish the existing building on site, and develop a new 58-storey mixed use tower comprising a residential hotel, offices, 119 new dwellings and basement level car parking.

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

Table 2: Summary of proposed development			
Site Area:	894m ²	Gross floor area:	37,668m ²
Built form			
Number of storeys above ground level:	58 levels	Number of basement levels:	6 levels
Podium height:	26.77 metres	Depth of excavation:	11.3 metres
Tower height:	203.5 metres	Floor area ratio:	42:1
Traffic			
Car parking spaces: (note: 0 motorcycle spaces are provided)	85 10: Hotel parking 75: Dwelling parking	Bicycle facilities:	41
Loading/unloading:	77m ² loading bay accessible by an 8.8 metre long Medium Rigid Vehicle (MRV) from Chester Lane		
Vehicle access:	Chester Lane (loading/unloading) Strachan Lane (hotel port cochere / access to basement parking)		
Programme			
Podium			

Ground: Retail, residential hotel foyer, residential dwelling foyer and port cochere			
Mezzanine: Bar			
Level 1-4: Restaurant, conference, ancillary offices and amenities for residential hotel			
Tower			
Level 5: Ancillary offices for residential hotel			
Level 6: Lower-plant			
Level 7-30: Residential hotel rooms			
Total rooms:	185 rooms (ranging between 34m ² and 82m ² in area)		
Level 31: Mid-plant			
Level 32: Residential amenities for dwellings			
Level 33-57: Dwellings			
Total Dwellings:	119	1BR:	89
2BR	14	3BR	16
Level 58: Top plant			

3.3. Proposed development (detail)

Demolition

The application seeks planning approval for the complete demolition of the 'ASF House' building on the subject property, in addition to the four-storey annexe at the subject site's rear.

Development

Basement

The proposed development incorporates a six-level basement car park, accommodating 85 parking spaces and 41 bicycle spaces for use by the residential hotel and dwellings. The basement car park will be accessed via a car lift to Strachan Lane, with vehicles egressing via a proposed through-block link to Chester Lane. A substation, wine cellar, linen store and 71 residential storage cages are also provided.

Podium

The podium component of the development contains five storeys (including a mezzanine over the ground floor), providing retail space and a residential hotel and apartment foyer at ground level, with a restaurant, conference rooms, ancillary office space associated with the residential hotel and hotel amenities within levels 1-4.

A through-block link is also proposed, to connect Strachan Lane to Chester Lane to the subject site's south (see overleaf for greater detail).

Height

The parapet height of the proposed podium is RL 53.20 (corresponding to a height of 26.77 metres as measured from a spot level of RL 26.43 at the centre of the Exhibition Street frontage), generally maintaining the parapet height of the adjoining historic buildings to the north and south, which feature parapet heights of RL 53.43 and RL 53.26, respectively.

Setbacks

The podium will feature a zero setback to the Exhibition Street (east) title boundary, south and west title boundaries.

The ground and mezzanine levels of the podium will be setback 8.56 metres from the north property boundary (preserving Strachan Lane and providing for a 4.9 metre wide port cochere), which decreases to 3.61 metres for the remaining 4 levels of the podium.

Through-block link

The proposal seeks to create a through-block link connecting Strachan Lane to Chester Lane to the south. The link will allow pedestrian access via a stair adjacent to the east wall of the loading bay, and one-way vehicle access from Strachan Lane via a ramp.

Tower

The tower component of the development contains levels 5 to 58, providing additional ancillary office space associated with the residential hotel at level 5, 185 hotel lodging rooms between levels 7 to 30, and residential amenities and 119 dwellings between levels 32 to 57.

Height

The apex of the tower is RL 230.00 (corresponding to a height of 203.57 metres as measured from a spot level of RL 26.43 at the centre of the Exhibition Street frontage).

Setbacks

The tower will feature a zero setback to the south title boundary, and a 5 metre setback to all other title boundaries, with the exception of the northerly section of the west title boundary (representing the termination of E-1 on Title Plan 819012Q).

A 2.5 metre setback is provided to the midpoint of Strachan Lane.

Land Uses

Residential Hotel

The proposal includes a 185 room residential hotel, with suites ranging between 34m² and 82m² located between levels 7 and 30 of the tower.

A range of ancillary services and facilities for residential hotel guests will be provided within the podium, including valet car parking, mezzanine bar, café, restaurant, private dining rooms, conference and meeting rooms, gym and swimming pool.

Ancillary offices, associated back of house, administration and management of the residential hotel will also be provided at level 3 and level 5.

Residential Apartments (dwellings)

The proposal includes 119 dwellings between levels 33 and 57 of the tower, providing the following mix of dwellings; 1 bedroom (89), 2 bedrooms (14) and 3 bedroom (16) ranging between 58m² and 196m².

4. STATUTORY CONTROLS

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

Table 3: Statutory Controls (Zones and Overlays)	
Clause	Permit Trigger
Zone	
<p>Clause 37.04 – Capital City Zone Schedule 1: Outside the Retail Core Transitional provisions apply – the requirements of this Schedule as they were in force immediately before Amendment C262 apply</p>	<p><i>Land Use – Permit not required</i> Pursuant to Clause 1.0 of Schedule 1 to the Capital City Zone, use of land for Accommodation is a Section 1 (permit not required) land use. Accordingly, a permit is not required for the use of land for Accommodation (residential hotel and dwellings) under the Capital City Zone.</p> <p><i>Demolition – Permit required (exempt from notice)</i> Pursuant to Clause 4.0 of Schedule 1 to the Capital City Zone, a permit and prior approval for the redevelopment of a site are required to demolish or remove a building or works. Accordingly, a permit is required for the demolition of ‘ASF House’ at the subject property under the Capital City Zone.</p> <p><i>Buildings and Works – Permit required (exempt from notice)</i> Pursuant to Clause 3.0 of Schedule 1 to the Capital City Zone, a permit is required to construct a building or construct or carry out works Accordingly, a permit is required for the proposed development under the Capital City Zone.</p>
Overlays	
<p>Clause 43.01 – Heritage Overlay Schedule 504: Collins East Precinct*</p>	<p><i>Buildings and Works – Permit required</i> Pursuant to Clause 43.01-1, a permit is required to construct a building or construct or carry out works, including road works and street furniture other than:</p> <ul style="list-style-type: none"> Traffic signals, traffic signs, fire hydrants, parking meters, post boxes and seating, speed humps, pedestrian refuges and splitter islands where the existing footpaths or kerb and channel are not altered. <p>Accordingly, a permit is required for any works occurring within the Strachan Lane alignment as delineated on Title Plan 819012Q under the Heritage Overlay, in addition to the development of cantilevered sections of the building projecting over the lane.</p> <p>*note Schedule 504 to the Heritage Overlay applies to Strachan Lane (representing the land marked E-1 on Title Plan 819012Q)</p>
<p>Clause 43.02 – Design and Development Overlay Schedule 10: General Development Area – Built Form Transitional provisions apply – the proposed development is not subject to the requirements of this Schedule.</p>	<p><i>No applicable requirements</i> Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works unless a schedule to the Design and Development Overlay specifically states that a permit is not required. Clause 7.0 of Schedule 10 to the Design and Development Overlay provides that the requirements of this schedule do not apply to:</p> <ul style="list-style-type: none"> An application (including any application to amend the permit) made before the commencement of Amendment C262 to this planning scheme. For such applications, the requirements of this scheme, as they were in force immediately before the commencement of Amendment C262, continue to apply. <p>Accordingly, the proposed development is not subject to the requirements of Schedule 10 to the Design and Development Overlay and no permit is required.</p>

Table 3: Statutory Controls (Zones and Overlays)	
Clause	Permit Trigger
<p>Clause 43.02 – Design and Development Overlay Schedule 4: Weather Protection*</p>	<p>Weather protection - requirement</p> <p>Clause 2.0 of Schedule 4 to the Design and Development Overlay requires a building with a road frontage marked Weather Protection to provide a verandah for weather protection over the footpath, unless it is demonstrated to the satisfaction of the Responsible Authority that the particular circumstances do not require it.</p> <p>*note: Schedule 4 to the Design and Development Overlay applies to the pavement abutting the subject property's Exhibition Street frontage.</p>
<p>Clause 45.09 – Parking Overlay Schedule 1: Outside the Retail Core</p>	<p>Provide parking in excess of parking rate - Permit not required</p> <p>Pursuant to Clause 2.0 of Schedule 2 to the Parking Overlay, a permit is required to provide car parking in excess of the following rates:</p> <ul style="list-style-type: none"> For that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling. For that part of the site devoted to other uses, (excluding common areas serving the dwellings) must not exceed the number calculated using one of the following formulas: <p>Maximum spaces =</p> $\frac{5 \times \text{net floor area of buildings on that part of the site in } m^2}{1000m^2}$ <p>Or</p> $\frac{12 \times \text{that part of the site area in } m^2}{1000m^2}$ <p>The proposed development includes 85 parking spaces, of which 10 will be allocated to the hotel use, and 75 will be allocated to the dwellings.</p> <p>Adopting the above car parking rate, an allowable limit of 73 parking spaces is available to the hotel use, and 119 spaces to the dwellings.</p> <p>It is noted that a statutory motorcycle parking rate of 1 space for every 100 car parking spaces provided within a building applies.</p> <p>Rounding up, the proposed development generates a statutory requirement for 1 motorcycle parking space.</p> <p>The Traffic Impact Assessment report prepared by GTA consultants dated 1 August 2016 identifies that motorcycles will be able to access the car stacker system, and the above requirement is therefore satisfied.</p> <p>Accordingly, as the number of parking spaces within the development does not exceed the allowable limit provided for under Schedule 1 to the Parking Overlay, and provision for motorcycle parking has been made, a permit is not required under the Parking Overlay.</p>

Table 4: Planning Provisions (Particular Provisions and General Provisions)																
Clause	Permit Trigger															
Particular Provisions																
Clause 52.06 – Car Parking	<p><i>Reduce or waive the car parking requirements – Permit not required</i></p> <p>Pursuant to Clause 52.06-3, a permit is not required to reduce the car parking requirement if a schedule to the Parking Overlay specifies that a permit is not required under this clause.</p> <p>Clause 3.0 of Schedule 1 to the Parking Overlay specifies that no car parking spaces are required for any use.</p> <p>Accordingly, a permit is not required for the development under Clause 52.06.</p> <p>Clause 52.06-8 provides design standards for Car Parking which apply to the proposed development, and have which the application has been assessed against by Council's Traffic Engineer.</p>															
Clause 52.07 – Loading and Unloading of Vehicles	<p><i>Reduce or waive the loading and unloading requirements – Permit not required</i></p> <p>Pursuant to Clause 52.07, no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless specified criteria are met.</p> <p>The Traffic Impact Assessment report prepared by GTA Consultants Pty. Ltd. has calculated the floor area of the part of the building that the statutory rate under Clause 52.07 applies to as 5,006m² GFA.</p> <table border="1"> <thead> <tr> <th>FLOOR AREA OF BUILDING</th> <th colspan="2">MINIMUM LOADING BAY DIMENSIONS</th> </tr> </thead> <tbody> <tr> <td rowspan="4">2,600m² or less in single occupation</td> <td>Area</td> <td>27.4m²</td> </tr> <tr> <td>Length</td> <td>7.6m</td> </tr> <tr> <td>Width</td> <td>3.6m</td> </tr> <tr> <td>Height clearance</td> <td>4.0m</td> </tr> <tr> <td>For every additional 1,800m² or part</td> <td colspan="2">Additional 18 m²</td> </tr> </tbody> </table> <p>A floor area of 5,006m² attracts the following statutory requirement, in terms of the minimum area for an on-site loading bay: 51.48m²</p> $27.4 + \left(\left(\frac{5,006 - 2,600}{1800} \right) \times 18 \right) = 51.46$ <p>Accordingly, as the development provides an on-site loading bay of 77m², a permit is not required under Clause 52.07.</p>	FLOOR AREA OF BUILDING	MINIMUM LOADING BAY DIMENSIONS		2,600m ² or less in single occupation	Area	27.4m ²	Length	7.6m	Width	3.6m	Height clearance	4.0m	For every additional 1,800m ² or part	Additional 18 m ²	
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Clause 52.34 – Bicycle Facilities	<p><i>Reduce or waive bicycle facilities requirements – Permit required (exempt from notice)</i></p> <p>Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land.</p> <p>The table to Clause 52.34-3 include the following bicycle facilities rate, which applies to the proposed development:</p> <table border="1"> <thead> <tr> <th>USE</th> <th>EMPLOYEE</th> <th>VISITOR/SHOPPER</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>In developments of four or more storeys, 1 to each 5 dwellings</td> <td>In developments of four or more storeys, 1 to each 10 dwellings</td> </tr> <tr> <td>Residential building other than specified in this table</td> <td>In developments of four or more storeys, 1 to each 10 lodging rooms</td> <td>In developments of four or more storeys, 1 to each 10 lodging rooms</td> </tr> </tbody> </table>	USE	EMPLOYEE	VISITOR/SHOPPER	Residential	In developments of four or more storeys, 1 to each 5 dwellings	In developments of four or more storeys, 1 to each 10 dwellings	Residential building other than specified in this table	In developments of four or more storeys, 1 to each 10 lodging rooms	In developments of four or more storeys, 1 to each 10 lodging rooms						
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	<p>The required bicycle facilities rate is: 73 bicycle spaces</p> $\left(\frac{119}{5}\right) + \left(\frac{119}{10}\right) + \left(\frac{185}{10}\right) + \left(\frac{185}{10}\right) = 72.7$ <p><i>(note: Clause 52.34-3 specifies that if in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number.</i></p> <p>Accordingly, as the proposed development does not provide an adequate number of bicycle parking spaces to meet the the above requirement, a permit is required to reduce the requirements of Clause 52.34 (Bicycle Facilities).</p>
Clause 52.35 – Urban Context Report and Design Response for Residential Development of Five or More Storeys	<p>Pursuant to Clause 52.35, an application for a residential development of five or more storeys in any zone must be accompanied by:</p> <ul style="list-style-type: none"> • An urban context report. • A design response.
Clause 52.36 – Integrated Public Transport Planning	<p>Referral Requirement – Determining Referral Authority</p> <p>Pursuant to Clause 52.36-1, an application to construct a building or to construct or carry out works involving:</p> <ul style="list-style-type: none"> • A residential building comprising 60 or more dwellings or lots; or • A residential building comprising 60 or more lodging rooms, <p>Must be referred in accordance with Section 55 of the <i>Planning and Environment Act 1987</i> to the Public Transport Development Authority.</p> <p>As the proposed development includes in excess of 60 dwellings and hotel lodging rooms, the application must be referred to Public Transport Victoria pursuant to Section 55 of the <i>Planning and Environment Act 1987</i>.</p>
General Provisions	
Clause 61.01 – Administration and Enforcement of this Scheme	<p>Pursuant to Clause 2.0 of the Schedule to Clause 61.01, the Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 and Part 4AA of the <i>Planning and Environment Act 1987</i> and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority in relation to:</p> <ul style="list-style-type: none"> • Developments with a gross floor area exceeding 25,000 square metres. <p>The development has a gross floor area of 37,668m², and the Minister for Planning is therefore the responsible authority for the application.</p>

5. STRATEGIC FRAMEWORK

5.1. State Planning Policy Framework (SPPF)

The relevant provisions of the SPPF are summarised as follows:

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

- Clause 17 – Economic Development
 - Clause 17.01-1 – Business
- Clause 18 – Transport
 - Clause 18.02 – Movement Networks

5.2. Local Planning Policy Framework

5.2.1. Municipal Strategic Statement (MSS)

The relevant provisions of the MSS are summarised as follows:

- Clause 21.01 – The Municipal Strategic Statement – introduction
- Clause 21.02 – Municipal Profile
- Clause 21.03 – Vision
- Clause 21.04 – Settlement
 - Clause 21.04-1 – Growth Area Framework
- Clause 21.06 – Built Environment and Heritage
- Clause 21.08 – Economic Development
- Clause 21.09 – Transport
- Clause 21.10 – Infrastructure
 - Clause 21.10-4 – Health Facilities
- Clause 21.12 – Hoddle Grid

5.2.2. Local Policies

The relevant local policies are summarised as follows:

- Clause 22.01 – Urban Design within the Capital City Zone
- Clause 22.02 – Sunlight to Public Spaces
- Clause 22.04 – Heritage Places within the Capital City Zone
- Clause 22.19 – Energy, Water and Waste Efficiency
- Clause 22.20 – CBD Lanes
- Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)

6. GENERAL PROVISIONS

The following general provisions apply to the application:

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

7. REFERRALS

7.1. Internal

7.1.1. Urban Design Advisor

Council's Urban Design Advisor provided referral comments on 6 July 2016, a copy of which is provided below:

Issues

1. Existing Conditions:

The site is currently occupied by an office building, about 50m tall, with no setbacks from the front or side boundaries.

2. Massing, Height & Setbacks

The proposed six-level podium, about 26.7m high, is well-scaled and responds to its context. We would also support a slight increase in podium height to facilitate the planting or usage of the podium roof.

The proposed tower is about 203m tall, with 5m setbacks from most boundaries but no setback from the south boundary.

As the original application preceded Amendment C262, the following design standards apply under Clause 22.01: maximum plot ratio of 12:1 for the block as a whole (which, for equity, suggests 12:1 for each site), a tower setback of at least 10m from the street and tower separation of 24m (which, for equity, suggests 12 setbacks from common boundaries).

For a tower of the proposed height, we recommend that the full 10m front setback be provided. The site is not within 24m of any existing towers, but account also needs to be taken of potential future towers.

Consideration should be given to the cumulative effect of development. Depending on the outcome of Amendment C270, sites south of the proposal could be consolidated and intensively developed. If the subject proposal were approved, there would be an incentive for the adjoining site to exercise the option of building to 80m to one side boundary, resulting in a "wall of towers" extending south of the subject site. Alternatively, if an adjoining tower were set back 5m, the proposed development would impact heavily on its southern neighbour, presenting a 203m tall wall at a separation of only 5m, limiting the neighbour's access to light, sun and views. We would not support the zero setback from the south boundary unless air-rights were acquired over the property to the south, together with restraint on development of that site to prevent any tower construction.

Under Clause 22.20, Chester and Strachan are Class 3 lanes. Policy includes: "Maintain and enhance the intimate environment of lanes by ensuring that higher tower forms are set back from the predominate parapet height along the laneway to ensure a sense of openness that reinforces a human scale." To Strachan Lane, the proposal presents a podium which is about seven times the lane width; this relationship is supported. Above the podium, the tower is set back 1.4m relative to the podium; while we acknowledge that Strachan Lane sits within the site boundary, we also note that an increased tower setback from the north would improve its relationship with the lane as well as its impact on the site to the north. The tower has no setback from Chester Lane, which is not considered acceptable.

The proposal would significantly reduce afternoon sun to Birrarung Marr in winter.

The proposal is considered to be an overdevelopment of the site, as reflected in its plot ratio of about 41:1. Taking the above issues into account, we recommend that setbacks be increased to a minimum of 10m from the front boundary and a minimum of 6m from all other boundaries. Alternatively, the height would need to be significantly reduced, which may result in little additional floor area beyond that of the existing building.

3. Building Design

The design of the podium is commendable, with intricately-patterned, faceted tile cladding wrapping onto soffits and punctuated by well-framed, deep-set windows. Similarly, a 400mm wall thickness is provided to achieve depth and interest in the tower facades. It will be important for any permit issued to include conditions requiring this design quality to be maintained and further developed by Bates Smart.

4. Public Space and Active Frontages

We commend the provision of a pedestrian connection between Chester and Stachan Lanes, and this compensates to a degree for the limited tower setbacks from the lanes.

With the substation located in the basement, the layout is effective in maximising habitable space at ground floor level. We note that the above-recommended reductions in bulk would be likely to result in the deletion of the apartment component, which would in turn enable the ground floor level to be further improved and reduce vehicular traffic in the lane.

Level 3 appears to have no windows, resulting in a lack of passive surveillance and natural lighting as well as compromised amenity. This should be addressed – either by inserting windows or by making some of the tiles transparent. Similarly, it would be beneficial to provide windows or display cabinets to animate and/or provide passive surveillance to the new link between lanes.

Recommendations

This proposal is not supported in its current form. A significant reduction in the tower's floor plate or height is needed to achieve acceptable bulk, public realm impacts and equitable development rights.

7.1.2. Engineering Services Branch

Traffic Engineer

Council's Traffic Engineer provided referral comments on 17 June 2016 and 29 September 2016, which have been used to inform assessment of the proposed development against traffic related matters in Section 8.5 of this report.

Civil Infrastructure Engineer

Council's Civil Engineer provided referral comments on 21 June 2016, and recommended the inclusion of a number of standard conditions for new development within the City of Melbourne, in addition to non-standard conditions to ensure adequate drainage provision and to protect City of Melbourne's road-based assets.

Urban Services Engineer

Council's Urban Services Engineer provided referral comments on 17 January 2017, a copy of which is provided below:

*We have reviewed the submitted WMP for this proposed development and found it to be **unacceptable** – there are some minor changes required to meet our requirements.*

- *Swept paths for the Council vehicles (8.8m MRV) haven't been shown for entry from Flinders Lane into Chester Lane to get to the loading bay of the development. Council is concerned that this sized vehicle cannot access this location in a safe/efficient manner.*
- *Recycling can be fully comingled (bottles/cans/paper and cardboard all in together) this will reduce the need for third truck (cardboard) at this location.*
- *Conflicting information across the docs (GTA traffic report, URBIS Planning Report and WasteTech WMP) about collection truck and who will be undertaking collections.*
 - *4.8.3 of URBIS report on page 137 of DM#100114879 para one states a council service by 8.8m MRV then at para three states a private until council has smaller fleet this is conflicting and needs to be addressed (above info will assist with this we believe)*
 - *7.3 of GTA traffic report on page 208 states that 8.8m MRV will not get into Chester Lane from Flinders Lane and a "junior" waste truck will be required. What is a junior waste truck and note that Council does not have this vehicle in their current fleet.*
 - *3.3.1 of the Waste Tech WMP states that Council collections will be undertaken at this development with 8.8m MRV.*

7.1.3. Land Survey

Council's Land Survey Team provided referral comments on 23 June 2016, a copy of which is provided below:

Land Survey Team has no objection to the application subject to the following conditions:

Vesting of Lane

Prior to the occupation of the development the land shown as E-1 on TP819012Q which is known as Strachan Lane (being CL452) must be vested in Council on a Plan of Subdivision to the satisfaction of the Responsible Authority. The portion at the rear may be limited in height to exclude any structure which must be a minimum of 5 metres above the existing surface of Strachan Lane.

It is noted that the physical lane on site is approximately 2 metres longer than on the title plan, it is considered that this forms part of the lane through long term usage, and that it could be requested as part of the permit that it be added to the lane by way of a Public Highway declaration which includes all of Strachan Lane and vests the land in Council in a Plan of Subdivision. This would create more light and air at ground level but needs further discussion before adding it to the permit as it is more difficult to achieve.

Building over Easements

Prior to the commencement of the development (excluding demolition), the permit holder must either obtain the necessary permissions from the relevant parties/authorities to construct over the easements and provide evidence of this to the Responsible Authority; or obtain planning permission to remove or vary the location of the easements.

This condition is needed for the portion of the structure which encroaches into E-1 on TP819012Q.

8. ASSESSMENT

The Application seeks planning approval for the following:

- Demolition of the existing building under the Capital City Zone.
- Excavation and works within Strachan Lane under the Heritage Overlay.
- Buildings and works associated with the construction of a 58 storey tower with a six-level basement under the Capital City Zone.
- Reduction of the bicycle facilities requirement under Clause 52.34 (Bicycle Facilities).

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

- Impact on heritage buildings and the integration of the development within the streetscape.
- The built form of the proposed tower, including;
 - Building height and impact on sunlight to public spaces;
 - Building envelope;
 - Building design;
 - Facades; and
 - City roofs and profiles.
- Internal amenity of residential suites and hotel apartments.
- Pedestrian permeability, connectivity and quality of the through-block link within the ground plane.
- The adequacy of the development layout and traffic management arrangements for car parking, bicycle facilities, and loading and unloading and other traffic related matters.
- The appropriateness of the proposed development having regard to other relevant considerations related to environmental risks and sustainability.

8.1. Heritage

Capital City Zone (Schedule 1)

Schedule 1 to Clause 37.04 provides that before deciding on an application under this Schedule, the Responsible Authority must consider the following matters, as deemed relevant to the heritage context of the proposal:

- *The State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *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.*

Clause 22.01-2 – Building Designs (Urban Design within the Capital City Zone)

Clause 22.02-2 provides that it is policy that a proposed development is designed and assessed against the following requirements, as deemed relevant to the heritage context of the proposal:

- *Respect the height, scale and proportions of adjoining heritage places.*

Assessment

As described in the heritage review commissioned by the applicant prepared by Trethowan Architecture Pty. Ltd., the subject property is surrounded by four historic buildings, 71, 77 and 83 Collins Street and 53-55 Exhibition Street, which have been designated as being of national or state importance (see section 1.2 of this report).

The report prepared by Trethowan Architects Pty. Ltd. identifies the following key design elements that will contribute to the successful integration of the proposed development into the heritage streetscape:

- The podium height, which should incorporate a parapet height that does not protrude above the street wall height of adjacent historic buildings;
- Recession of the tower component of the development above the podium from Exhibition Street, to emphasise the height of the responsive podium form;
- Use of detailed design and materials to form a relationship with the intricate heritage detail of adjacent historic buildings (as opposed to replicating heritage detail or forms).

It is considered that the proposed development incorporates the above key design elements identified by Trethowan Architects Pty. Ltd., and will successfully integrate with its immediate heritage context, achieving compliance with Schedule 1 to Clause 37.04 and Clause 22.01, noting the following:

- The height of the proposed podium is RL 53.20 (corresponding to a height of 26.77 metres as measured from a spot level of RL 26.43 at the centre of the Exhibition Street frontage), generally maintaining the parapet height of the adjoining historic buildings to the north and south, which feature parapet heights of RL 53.43 and RL 53.26, respectively.
- The tower form above the podium will be setback 5 metres from the Exhibition Street façade. Whilst it is acknowledged that this is less than the preferred 10 metre setback (provided in Schedule 1 to Clause 37.04), the clear distinction between the podium and tower components of the development through use of quality materiality that successfully uses scale and detail to break up the built form will contribute to the desired effect.

8.2. Built Form

Capital City Zone (Schedule 1)

Schedule 1 to Clause 37.04 provides that before deciding on an application under this Schedule, the Responsible Authority must consider the following matters, as deemed relevant to the built form of the proposal:

- *The State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *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 effect of the proposed works on solar access to existing open spaces and public places.*
- *The impact on the amenity of any existing dwellings on adjacent sites.*

8.2.1. Tower Height

Clause 22.02 (Sunlight to Public Spaces) applies to public spaces throughout the municipality, identifying the quality of these spaces as a fundamental feature of Melbourne's character, liveability, comfort and attractiveness, including the valuable role sunlight plays in contributing to the amenity and useability of these spaces.

The objectives of Clause 22.02 include:

- *To achieve a comfortable and enjoyable public realm.*
- *To ensure new buildings and works allow good sunlight access to public spaces.*
- *To ensure that overshadowing from new buildings or works does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians.*
- *To protect, and where possible increase the level of sunlight to public spaces during the times of the year when the intensity of use is at its highest.*
- *To create and enhance public spaces to provide sanctuary, visual pleasure and a range of recreation and leisure opportunities.*

Assessment

It is considered that subject to conditions, the development will achieve compliance with Clause 22.02, noting the following:

- The height of the proposed tower, RL 230.00 (corresponding to a height of 203.57 metres as measured from a spot level of RL 26.43 at the centre of the Exhibition Street frontage), appears to be a product of various local planning policy settings that have sought to limit the height of new development to prevent further shadowing of the north bank of the Yarra River (inclusive of a 15 metre wide strip of land extending north of the river edge) between 11.00am and 2.00pm on 22 June.

Figure 3 below includes an excerpt from shadow studies prepared by Bates Smart for 22 June at 11.00am, delineating the extent of the shadow cast by the tower (bold black line), in addition to the 'north bank' of the Yarra River (bold red line).

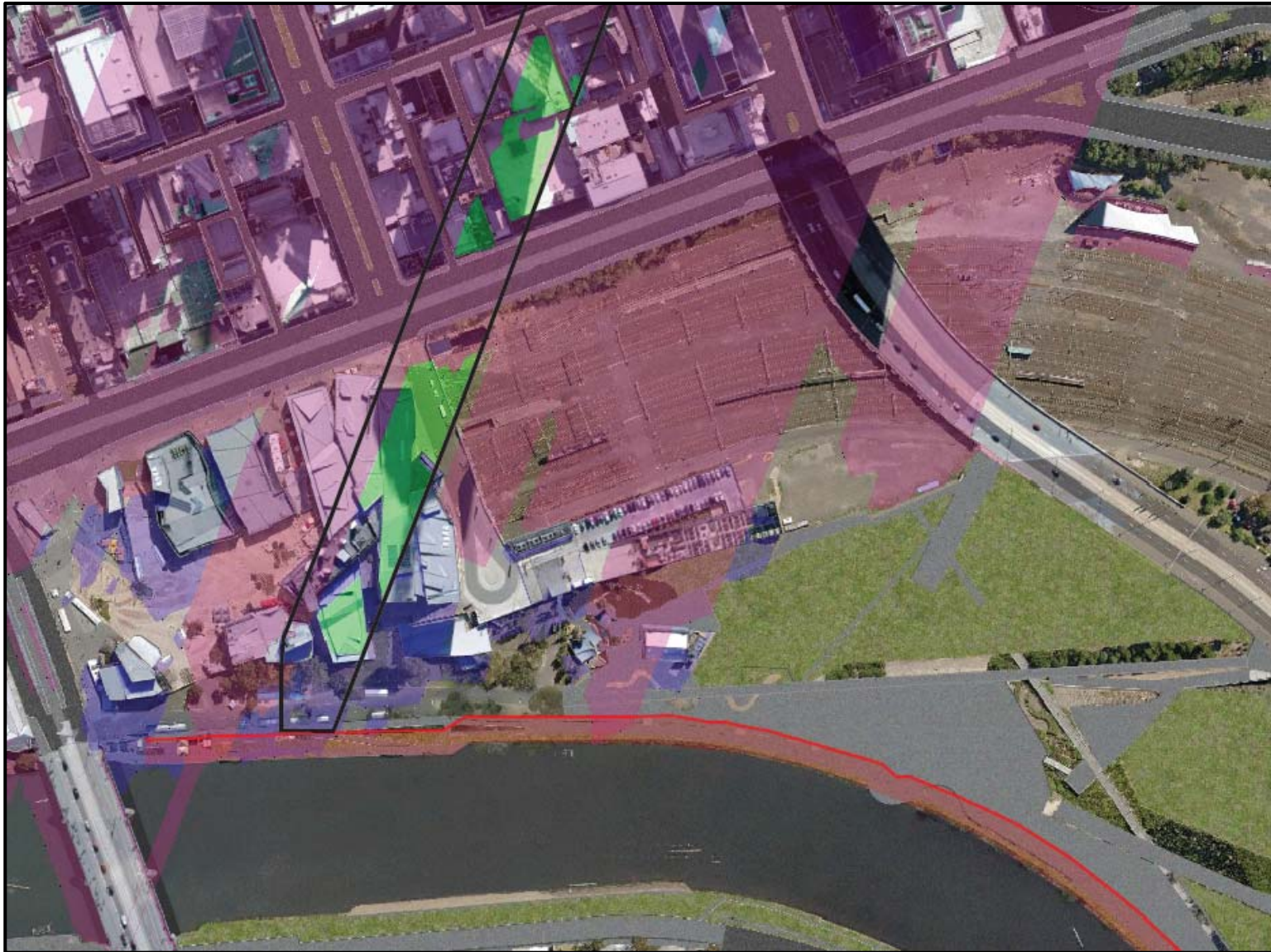


Figure 3: Excerpt from 'Shadow Study 22 June 11AM' prepared by Bates Smart

- In the intervening period between when the application was first lodged and the date of this report, Planning Scheme Amendment C270 was gazetted, which amended Clause 22.02 (Sunlight to Public Spaces) to significantly expanded the list of key public spaces afforded protection from additional shadow cast by development proposals under the policy.
- Of relevance to the proposed development, the expanded list of key public spaces afforded protection by Clause 22.02 now includes Birrarung Marr.

Figure 4 below includes an excerpt from shadow studies prepared by Bates Smart for 22 June at 2.00pm. This diagram has been annotated to delineate the extent of additional shadow cast by the tower (bold black line), and the extent to which this shadow impacts Birrarung Marr.



Figure 4: Excerpt from 'Shadow Study 22 June' prepared by Bates Smart

- The overshadowing associated with the proposed development will contribute to a significant loss of sunlight over Birrarung Marr, impacting on the Lower, Middle and Upper Terrace, as detailed in Figure # above.
- It is recognised that Schedule 10 to Clause 43.02 (whilst not applying to the subject site due to the activity of transitional controls) only seeks to limit overshadowing for 22 April and 22 September, and not 22 June, as the above shadow diagrams have been prepared for.
- Notwithstanding the above, it is considered that the height of the proposed development is excessive in light of the objectives of Clause 22.02, the protected status of Birrarung Marr as a key public space in the municipality, and the quantum of overshadowing associated with the development.
- DELWP has advised the City of Melbourne that it has undertaken shadow analysis of the proposed development, and considers that a reduction in height of 21 metres (to an overall building height of 183 metres, or RL 209), would restrict the extent of overshadowing to the upper terrace of Birrarung Marr at 2.00pm on 22 June.

- Limiting the extent of overshadowing to the upper terrace of Birrarung Marr at 2.00pm on 22 June is considered to represent an acceptable outcome, having regard to the objectives of Clause 22.02.
- Accordingly, subject to a condition being included on any permit being granted requiring the overall height of the tower being reduced in the manner identified above by DELWP, it is considered that overshadowing posed by the proposed tower will be limited in a manner that would achieve compliance with the Clause 22.02.

8.2.2. Tower Separation and Equitable Development Opportunities

Clause 22.01-1 (Building Envelope) and Clause 22.01-2 (Building Design) provides that it is policy that a proposed development is designed and assessed against the following requirements, as deemed relevant to tower separation and equitable development opportunities associated with the proposal:

- *Require an upper level setback to adjoining sites above the street wall height which allows sufficient separation between buildings so as not to reduce the development potential of adjoining sites, to ensure a high level of amenity for both existing and future occupants of buildings, and to ensure adequate sunlight and daylight access to the street.*
- *Encourage towers to be well spaced, to equitably distribute access to outlook, daylight and sunlight between towers and ensure adequate sunlight and daylight penetration at street level.*
- *Tower separation should demonstrate that towers are offset and habitable room windows do not directly face one another and that consideration is given to the development potential of adjoining sites.*

Assessment

It is considered that subject to conditions, the development will achieve compliance with Clause 22.01-1 and above referenced policy guidelines of Clause 22.01-2 (Building Design), noting the following:

- The tower will feature a zero setback to the south title boundary, and a 5 metre setback to all other title boundaries, with the exception of the of northerly section of the west title boundary (representing the termination of E-1 on Title Plan 819012Q).

The setbacks that have been adopted for the informally amended plans appear to generally respond to DELWP's letter dated 7 November 2014, which stated:

- *Setbacks*
 - *Lack of lower level setbacks to the north boundary and Strachan Lane is not appropriate. Recommendation that the development be setback 5 metres from the midpoint of this lane.*
 - *The zero setback to the south is insufficient and inconsistent with earlier advice provided, noting that a full-height blank wall would not be appropriate for a building of this height. Recommendation that a minimum setback of 5 metres be provided from all other boundaries.*

The exception to the recommendation made by DELWP in its letter dated 7 November 2014 is a reduced setback to the midpoint of Strachan Lane (2.5 metres) and the retention of a zero-setback to the south title boundary.

- The proposed tower will achieve minimum separation of 24 metres from the nearest tower (101 Collins Street).

Figure 5 overleaf includes an excerpt from a diagram prepared by Bates Smart to demonstrate tower separation between the proposed development and surrounding city blocks, generally demonstrating that the proposed tower will achieve adequate separation from any neighbouring towers exceeding a height of 40 metres.



Figure 6: Google Street View Photograph 41 Exhibition Street, captured in April 2015

- Each of the potential undesirable consequences associated with the zero setback sought to the south boundary raised on page 21 above have been considered individually below.

Interior Layout

As detailed in Section 8.3 of this report, the internal layout of the proposed development will achieve a high degree of internal amenity for its future occupants, with no dwellings relying on habitable room windows located on the south property boundary.

The functional internal layout extends from the residential apartments at the 58th level down to the ground plane, which has been analysed in Section 8.4 of this report, and will make a strong contribution to Exhibition Street and the abutting laneways, Strachan Lane and Chester Lane, subject to conditions.

The proposed development has been designed to ensure the zero setback poses no consequences to the internal layout of the tower.

Equitable Development Opportunities

The planning report prepared by Urbis Pty. Ltd advances the following arguments in support of the proposed zero setback, having regard to the equitable development opportunities of the adjoining property at 53-55 Exhibition Street, which have been accepted by Council:

- 53-55 Exhibition Street is occupied by a graded historic building protected under a site specific Heritage Overlays, limiting the scale of potential future development (see Figure 7 overleaf for a map showing heritage protected properties surrounding the subject property).

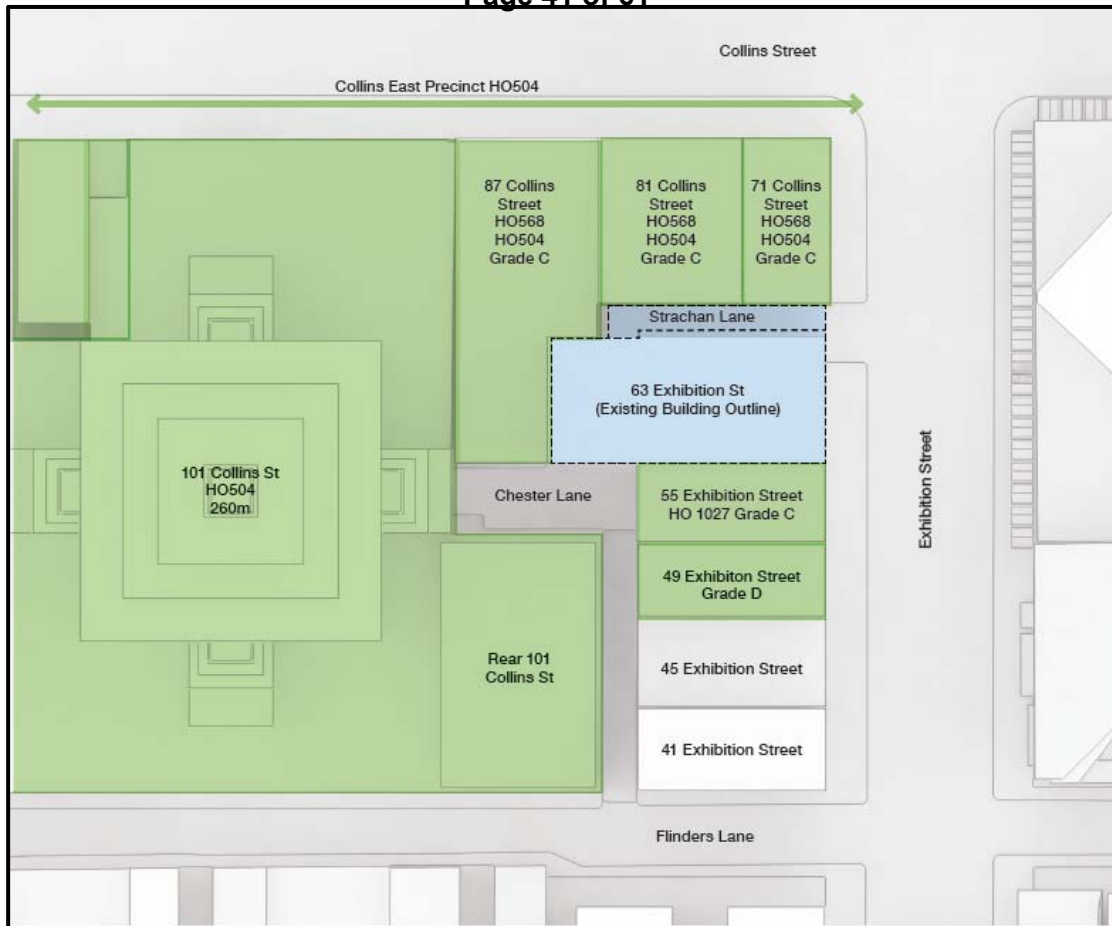


Figure 7: Excerpt from 'Immediate Context – Future Development' prepared by Bates Smart

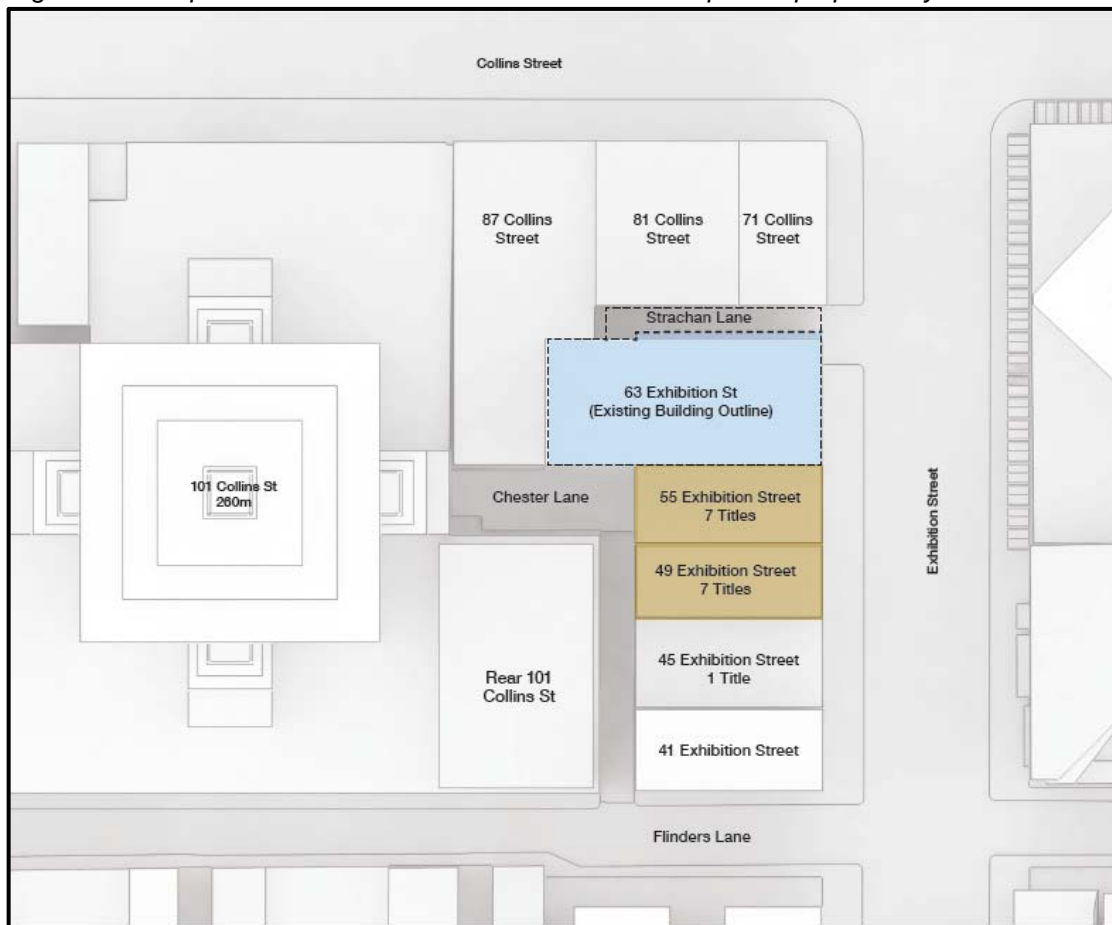


Figure 8: Excerpt from 'Immediate Context – Future Development' prepared by Bates Smart

- The title to 53-55 Exhibition Street and its neighbouring property to the south, 49 Exhibition Street, have been strata-subdivided and are subsequently in fragmented ownership (currently in use for dwellings) limiting the likelihood of these lots being consolidated to enable development (see Figure 8 on page 23 above for a map showing fragmented titles surrounding the subject property).
- Per analysis by Bates Smart, in the unlikely event that the adjoining property to the south at 53-55 Exhibition Street and its neighbour at 49 Exhibition Street were consolidated, Schedule 10 to the Design and Development Overlay would render development of a tower form with a height greater than 80 metres on the consolidated property unviable.

Furthermore, Schedule 10 to the Design and Development Overlay includes mechanisms that would enable the adjoining property to the south to build to a height of 80 metres to the shared boundary with the subject property, providing a robust framework that enables the subject property to be developed with a zero setback whilst preserving equitable development opportunities for its neighbour.

Façade Design

As detailed in Section 8.2.4 of this report, the architectural treatment to the south-facing façade, representing the most important consideration when determining whether to support the zero setback (particularly given its high degree of visibility), will achieve a high quality exterior finish that will make a strong contribution to the city skyline.

Notwithstanding the above, the proposed exterior finishes will not address the outstanding concern of a deactivated façade at night.

The angular glazed panels utilised in the exterior finishes will assist to a degree (by refracting light from surrounding towers and streets), however, the creation of openings to non-habitable rooms abutting the south-boundary (where there is no risk to the amenity of the occupants should these need to be closed in future), would contribute to the overall effect.

For the reasons discussed above, it is considered unlikely that the adjoining property at 53-55 Exhibition Street will be developed in the near future, however, were it to be developed in accordance with Schedule 10 to the Design and Development Overlay, the most likely avenue for development would be to build up to a maximum height of 80 metres on the shared boundary with the subject property.

A reasonable requirement, having regard to the likely development envelope for the adjoining property at 53-55 Exhibition Street, and the need to provide a degree of activation to the southerly façade of the proposed development, would therefore be to condition the provision of windows to bathrooms on floors above RL 107.00, to the south façade abutting the shared property boundary with 53-55 Exhibition Street, Melbourne.

8.2.3. Podium Design and Acoustic Attenuation for Sensitive Uses

Clause 22.01-2 (Building Design) provides that it is policy that a proposed development is designed and assessed against specified criteria relating to building design.

It is considered that subject to conditions, the development achieves compliance with Clause 22.01, noting the following:

- As discussed in section 8.1 of this report, the podium height and architectural treatment to differentiate the tower form above this element of the development are considered appropriate, successfully integrating the development with the established street wall provided by the neighbouring historic buildings at 71 Collins Street (north) and 53-55 Exhibition Street (south).

- As the proposed development provides for sensitive new uses (residential hotel and residential dwellings), it is considered that a condition should be included on any permit being granted requiring an acoustic report prepared by a qualified acoustic consultant to be provided, certifying that the development has been designed to limit internal noise levels to a maximum of 45 dB in habitable rooms.

This condition will ensure that the amenity of the occupants of the building will be protected, whilst supporting the continued trajectory of commercial activity in Melbourne toward a vibrant 24-hour city in accordance with local policy.

- Subject to the above condition being included in any permit, the development is considered to achieve compliance with above referenced policy guidelines of Clause 22.01-2.

8.2.4. Façade Design (Detail)

Clause 22.01-4 (Facades) provides that it is policy that a proposed development is designed and assessed against a specified criteria relating to façade design.

It is considered that subject to conditions, the development achieves compliance with Clause 22.01-4, noting the following:

- In composing the façade strategy, the applicant has undertaken an extensive contextual analysis of Exhibition Street and Collins Street, with particular attention to the historic forms within the streetscape that incorporate fine-grain façade details.
- In response to the immediate heritage context, the proposed façade strategy incorporates a high degree of craft, in terms of its depth and intricate detailing, in addition to the quality of the materials that have been adopted.
- Given the critical importance of this façade strategy to support the building envelope (including zero setback) of the tower, in addition to its presence within the city skyline, it is considered that a condition should be included on any permit being granted to endorse the Design Response prepared by Bates Smart dated 8 April 2016, and require submission of evidence demonstrating that a supplier exists that is capable of fabricating these materials at the volume necessary for the development to proceed.
- Furthermore, a condition can be included on any permit being granted to require additional details with respect to how the façade strategy will address elements of the ground plane (including signs, lighting and utilities).
- Subject to the above recommended conditions being included on any permit being granted, it is considered that the proposed development will achieve compliance with Clause 22.01-4.

8.2.5. Tower Crown/Cap

Clause 22.01-5 (City Roofs and Profiles) provides that it is policy that a proposed development is designed and assessed against a specified criteria relating to the tower crown and profile.

It is considered that subject to conditions, the development achieves compliance with Clause 22.01-5, noting the following:

- The proposed development does not incorporate a 'crown' roof profile (i.e. where the tower is capped and incorporates a distinct roof design), and this is not considered necessary given the focus of the design response on the use of detailed angular glazed panels (promising a high degree of 'craft' in the exterior finishes) for the full façade treatment.
- Subject to conditions being included on any permit being granted requiring building appurtenances to be concealed behind the façade treatment for the proposal, or appropriately designed so that they integrate with the façade strategy, it is considered that appurtenances to the building will be suitably integrated within the development to comply with Clause 22.01-5.

8.2.6. Projections

Clause 22.01-6 (Projections) provides that it is policy that a proposed development is designed and assessed against a specified criteria relating to tower projections, as deemed relevant to projections associated with the proposal:

It is considered that subject to conditions, the development achieves compliance with Clause 22.01-6, noting the following:

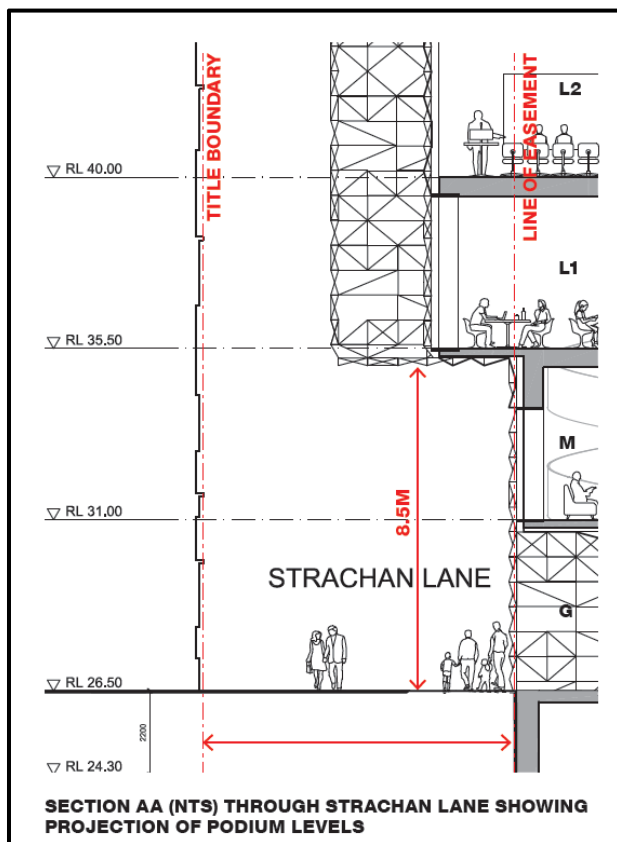
- The north-west corner of the podium (measuring 2.334m x 7.189m) and tower (measuring 1.034m x 7.189m) will project over easement 'E-1' on Title Plan 819012Q, representing the current Strachan Lane alignment.
- Detailed plans provided by the applicant showing the extent of this encroachment over Strachan Lane identify that the minimum clearance from the laneway surface to the underside of the cantilevered podium is 8.5 metres (see Figure 9 below).

8.5 metres clearance is considered more than sufficient to enable the safe movement of large service and delivery vehicles within Strachan Lane through to the existing loading zone area at its westerly terminus, and complies with the minimum clearance requirements of Council's Road Encroachment Operational Guidelines.

It is noted that the encroachment of the podium over Strachan Lane (easement E-1 on Title Plan 819012Q) has previously been considered by Council's Engineering Services Branch at a meeting held on 24 March 2016, where no concerns were identified subject to adequate clearance being provided above the laneway surface in accordance with Council's Road Encroachment Operational Guidelines.

- Subject to conditions recommended by Council's Land Survey team being included on any permit being granted, prompting the permit holder to obtain approval to build over easement E-1 on Title Plan 819012Q from Melbourne City Council it is considered the development will achieve compliance with Clause 22.01-6.

Figure 9: excerpt from plan titled '1.4 Strachan Lane Podium Projection, prepared by Bates Smart



8.3. Internal Amenity

Capital City Zone (Schedule 1)

Schedule 1 to Clause 37.04 provides that before deciding on an application under this Schedule, the Responsible Authority must consider the following matters, as deemed relevant to the internal amenity of the building:

- *Where new buildings incorporate dwellings, that the design respects and anticipates the development potential of adjacent sites, to ensure that the future development of adjacent sites 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*
- *The design of buildings to provide for solar access, energy efficiency and waste management.*

Guidelines for Higher Density Residential Development

The Guidelines for Higher Density Residential Development (GHDRD) (Department of Sustainability and Environment 2004) provide a framework for considering the design of high density residential buildings, having regard to solar access and energy efficiency.

The Objectives of the GHDRD should be achieved in high density residential developments.

Design suggestions specified under each Objective of the GHDRD will generally achieve the design objectives.

Objective 5.4 of the GHDRD seeks:

- *To ensure that a good standard of natural lighting and ventilation is provided to internal building spaces.*

Design Suggestion 5.4.1 specifies the following:

- *Encourage direct natural light and ventilation to all habitable rooms – living rooms, bedrooms, studies – in the form of operable windows. The ‘borrowing’ of light and air should be avoided, particularly in ventilating bedrooms, although this may not always be possible, when reusing existing buildings. Where light is borrowed from another room, ideally it should be taken from the principal living area rather than from corridors or other bedrooms.*

Assessment

The proposed development is considered to achieve a high degree of internal amenity for residential suites and residential apartments, and is considered to achieve compliance with Schedule 1 to Clause 37.04 and the GHDRD, for the following reasons:

- The floor layout for the building has been configured to ensure that all habitable rooms are provided with natural lighting and ventilation.
- Notably all bedrooms and primary living areas within the development have direct access to light and ventilation, and do not rely on borrowed light, including ‘snorkels’ (i.e. in a saddleback configuration) or constrained light courts, and are expected to achieve a high degree of compliance with the Better Apartment Design Standards, when gazetted later in March.
- The planning report prepared by Urbis Pty. Ltd. also identifies that many of the proposed residential dwellings achieve compliance with the design criteria contained within the NSW Apartment Design Guide (NSW ADG) and State Environment Protection Policy No. 65, with apartments, noting the following:
 - A minimum 80% of apartments receive 2 or more hours of direct sunlight.
 - All apartments have a depth of less than 8 metres.
 - All habitable rooms have a minimum floor to ceiling height of 2.7 metres.
 - All 1 bedroom apartments have a floor area greater than 56m² (where the NSW ADG requires 50m²).

- All 2 bedroom apartments have a floor area greater than 101m² (where the NSW ADG requires 75m²).

Accordingly, the proposed development is considered to achieve compliance with Schedule 1 to Cause 37.04 and the GHDRD.

8.4. Ground Plane and Through-block Link

Clause 22.01-3 (Pedestrian Permeability and Connectivity), Clause 22.01-8 (Public Spaces) and Clause 22.01-9 (Access and Safety), provide that it is policy that a proposed development is designed and assessed against specified criteria, which broadly emphasise the importance of the ground plane and connectivity.

It is considered that subject to conditions, the development achieves compliance with Clause 22.01-3, Clause 22.01-8 and Clause 22.01-9, noting the following:

- Broadly, the podium of the proposed development incorporates a high degree of activation to its Exhibition Street and Strachan Lane frontages, providing multiple points of entry for a highly permeable ground plane, and subject to the successful implementation of the through-block link, will provide a valuable connection between Exhibition Street and Chester Lane.
- Subject to a detailed plan of the ground plane being submitted, addressing the following key criteria, it is considered that the proposed development will achieve compliance with Clause 22.01-3, Clause 22.01-8 and Clause 22.01-9:
 - Clearly delineation of responsibilities for the operation and maintenance of the widened section of Strachan Lane (port cochere) (which should be privately operated and maintained to ensure the efficient operation of the residential hotel).
 - Demonstration of how wayfinding through the undercroft and through-block link will be resolved for pedestrians (particularly at the Chester Lane interface where ramp grades of 1:5 are provided within 2 metres of the laneway alignment), to ensure that there are no conflicts with vehicle movements.
 - Resolution of the interface between the nominated outdoor seating area adjacent to the port cochere.
 - Provision of detailed design information regarding exterior cladding and lighting at the ground level (including within the through-block link).
 - Employment of an alternative response to provide DDA compliant access via the through-block link that does not rely on a concierge operated lift with egress through a loading bay.

The advice and solution offered by Du Chateau Chun Pty Ltd will result in a highly segregated and unequal outcome for persons with disabilities, and is not considered to represent an appropriate outcome for a public thoroughfare (see Figure 10 and Figure 11 overleaf for excerpts from the wayfinding plan prepared by Du Chateau Chun Pty Ltd.).

- Provision of improved passive surveillance of the through-block link (i.e. by adding west-facing windows to the ground floor hallway adjacent to the hotel coffee bar, and elevator core).
- Provision of details of clearance signage to prevent inappropriately sized service vehicles from entering the through-block link from Strachan Lane.

- Subject to a further condition being included on any permit being granted requiring a legal agreement to be entered into with the Responsible Authority to ensure the through-block link remains publicly accessible 24 hours a day, 7 days a week, it is considered that the proposed development will achieve compliance with Clause 22.01-3, Clause 22.01-8 and Clause 22.01-9.

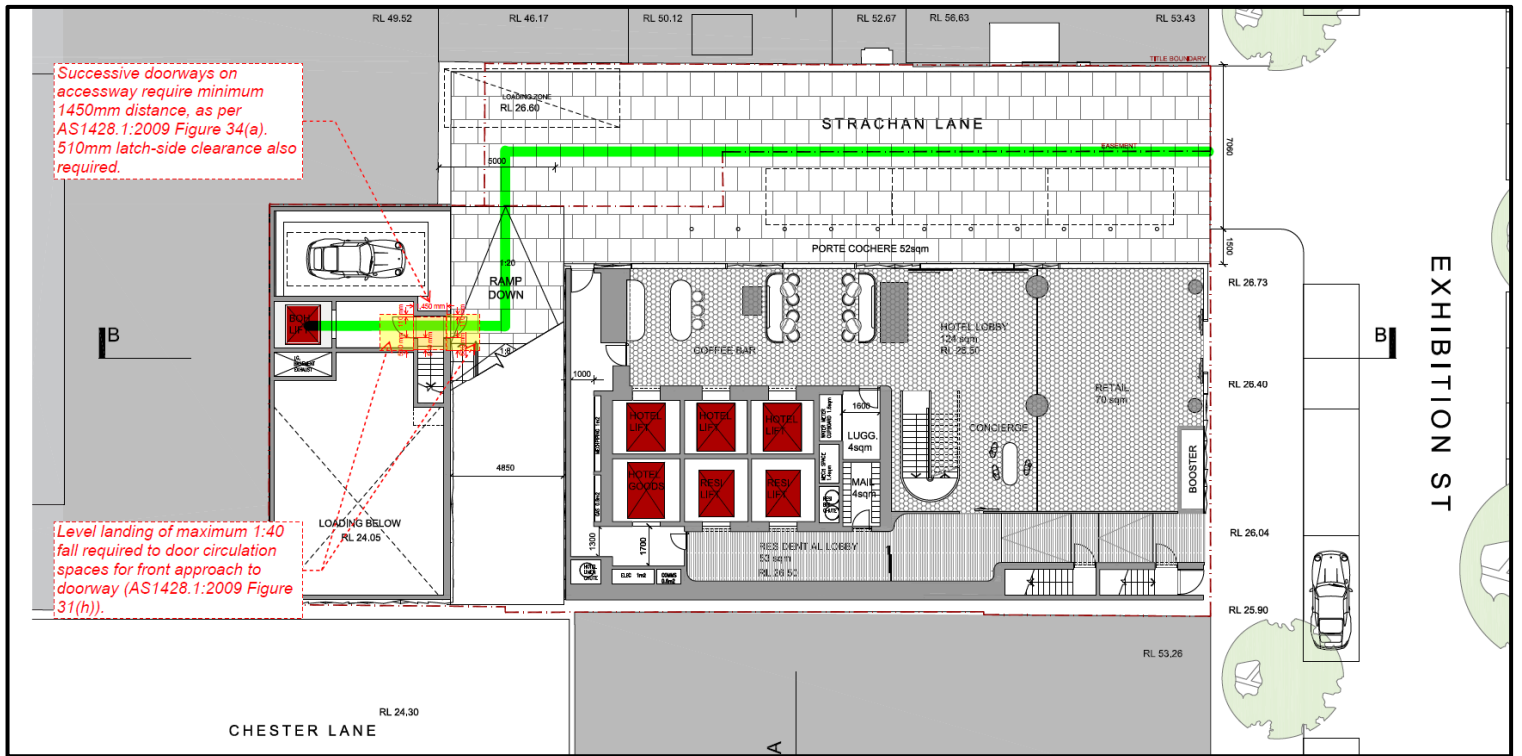


Figure 10: Excerpt from 'Accessibility Marked Plan' (Ground Floor) dated 17 May 2016 prepared by Du Chateau Chun Pty. Ltd.

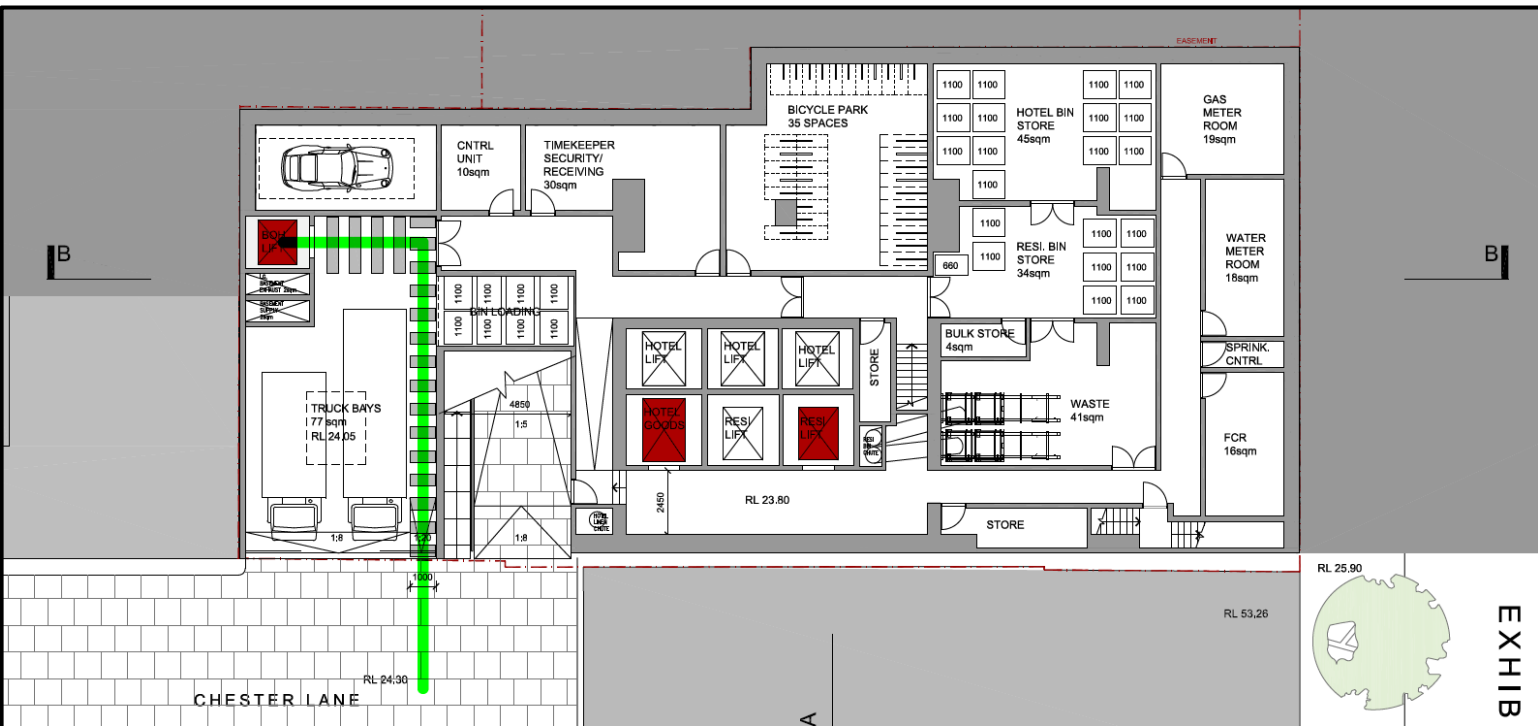


Figure 11: Excerpt from 'Accessibility Marked Plan' (Lower Ground Floor) dated 17 May 2016 prepared by Du Chateau Chun Pty. Ltd.

8.5. Traffic

8.5.1. Car Parking / Motorcycle Facilities (Clause 45.09 / Clause 52.06)

Traffic generation

Council's Traffic Engineer has reviewed the proposal and has generally found that the development will not contribute to traffic generation associated with the residential hotel, or residential apartments, that would pose any material impact on the operation of Strachan Lane or the wider road network.

Traffic levels posed by the operation of the tower are therefore considered to be acceptable.

Automated car stacker operation

Council's Traffic Engineer has reviewed the operation of the proposed car stacker, as described in the Traffic Impact Assessment report prepared by GTA Consultants Pty. Ltd. dated 1 August 2016, and has advised that a sufficient queuing area is provided on the site and that the design is acceptable.

The design and operation of the proposed car stacker system is therefore considered to be acceptable.

Parking and access design

Council's Traffic Engineer has reviewed the configuration of access to the car stacker system from Strachan Lane, and has confirmed that vehicles will be able to comfortably enter the stacker system from Strachan Lane and egress via Chester Lane without interfering with existing loading bay in Strachan Lane.

The configuration of access to the car stacker system from Strachan Lane, with egress only permitted via Chester Lane, is therefore considered acceptable.

Ramp grade within through-block link

Council's Traffic Engineer has identified that the proposed ramp grades within the through-block link to Chester Lane do not 'strictly' comply with the requirements of the Melbourne Planning Scheme.

Council's Traffic Engineer has suggested that the applicable requirement as bearing on the ramp grade for the through-block link is 1:10 (10%) for the first 5 metres of the site from the frontage to Chester Lane and Strachan Lane.

The proposed ramp grade for the through-block link graduates from 1:20 (5%) at its interface with Strachan Lane to 1:5, (20%) where it interfaces with Chester Lane (with grade transitions of 1:8 (12.5%)). The total length of the ramp within the through-block link is 17.1 metres long.

The presence of the ramp grade of 1:5 (20%), 2 metres from the Chester Lane title boundary (with the grade for the remaining 2 metre length of the ramp being 1:8 (12.5%)) is not ideal, with respect to the safety of pedestrians exiting the through-block link into Chester Lane.

Notwithstanding the fact that the ramp grades do not 'strictly' comply with the requirements of the Melbourne Planning Scheme, Council's Traffic Engineer has advised that the ramp grade proposed for the through-block link were considered acceptable by Engineering Services' Consultant.

Noting that the north-south grade transitions for the subject site are unique (with a 2.81 metre level discrepancy between Strachan Lane and Chester Lane), subject to wayfinding being fully resolved via the provision of detailed plans for the through-block link to ensure that conflicts between vehicles and pedestrians are minimised, in addition to signage deterring inappropriately sized service vehicles from using this ramp, it is considered that the ramp grade and proposed transitions are acceptable.

8.5.2. Loading and Unloading (Clause 52.07)

Council's Traffic Engineer has advised that they are satisfied with the area provided for on-site loading, noting that Medium Rigid Vehicles (MRV) will not be able to enter Chester Lane from Flinders Lane without interfering with loading zone areas and on-street parking within Flinders Lane.

Council's Traffic Engineer has advised that Melbourne City Council will not support the removal of the loading zone area on the south side of Flinders Lane opposite Chester Lane, or adjacent on street car parking spaces, to enable MRV's to manoeuvre into Chester Lane from Flinders Lane to service the development.

It is recommended that a note be included on any permit being granted to notify the permit holder of this.

8.5.3. Bicycle Facilities (Clause 52.34)

Bicycle facilities design

Council's Traffic Engineer has advised that the layout of the proposed bicycle parking facilities have been designed in accordance with Australian Standards (AS2890.3-2015), and are therefore considered acceptable.

Reduction in bicycle facilities requirement

The required number of bicycle parking spaces for the proposal under Clause 52.34 is 73 bicycle spaces.

The proposed development includes provision for 41 bicycle parking spaces.

A reduction in the bicycle facilities requirement of 32 spaces is considered acceptable, noting that the subject site is well located with regard to public transport accessibility, and provides a diverse range of transport options for patrons of the residential hotel and ancillary services and residents of the residential apartments.

8.5.4. Waste Management (Clause 22.19)

Council's Urban Services Engineer and Traffic Engineer have advised that the proposed waste collection arrangements are not currently acceptable.

Specifically, whilst the report prepared by GTA Consultants dated 1 August 2016 provides swept path diagrams demonstrating that an 8.8 metre long Medium Rigid Vehicle (MRV) can safely and efficiently manoeuvre into the loading and unloading bay within the lower ground floor from Chester Lane, it does not demonstrate that an MRV can safely and efficiently manoeuvre into Chester Lane from Flinders Lane.

Council's Traffic Engineer has advised that an MRV would not be able to safely and efficiently manoeuvre into Chester Lane from Flinders Lane without interfering with on street parking and loading zone areas within Flinders Lane.

The removal and relocation of these on street parking areas and/or loading zone areas to facilitate MRV access to the development is not supported by Council.

It is therefore recommended that a condition be included on any permit being granted requiring preparation of a revised Waste Management Plan, which must:

- Detail waste storage and collection arrangements in a manner that complies with the City of Melbourne Guidelines for Preparing a Waste Management Plan 2015; and
- Nominate an alternative waste collection arrangement in consultation with Council's Urban Services Engineer, which does not rely on 8.8 metre long Medium Rigid Vehicles (MRV) and utilises a smaller class of vehicle that can safely and efficiently manoeuvre from Flinders Lane into Chester Lane without interfering with extant on street parking or loading zone areas.

It is noted that Council has previously indicated to the applicant that it is in the process of transitioning from MRV waste trucks to SMV waste trucks, utilising 8/10m³ compactors for waste collection.

It is anticipated that consultation with Council's Urban Services Engineer prompted by the above recommended condition, and a further permit note, will facilitate a pathway toward the development transitioning from private waste collection to Council waste collection via SMV waste trucks.

8.6. Environmental Risk

8.6.1. Weather protection (Schedule 4 to the Design and Development Overlay)

Pursuant to Clause 2.0 of Schedule 4 to the Design and Development Overlay, a building with a road frontage marked Weather Protection must provide a verandah for weather protection over the footpath unless it is demonstrated to the satisfaction of the Responsible Authority that the particular circumstances do not require it.

It is not considered that the particular circumstances of the proposed development require provision of weather protection to the full extent of the Exhibition Street frontage, having regard to the design objectives of Clause 1.0 of Schedule 4 to the Design and Development Overlay and Local Planning Policy Clause 22.01-7 (Wind and Weather Protection), noting the following:

- The development layout provides an acceptable degree of protection from rain, wind and sun for patrons of the residential hotel and ancillary uses within the podium by providing a cantilevered podium over the new proposed port cochere and entry point to the building adjacent to Strachan Lane to the north.
- The integrity of the Exhibition Street façade may be compromised by requiring provision of a canopy or verandah for the full extent of the facade, noting that the following design elements would be interrupted:
 - The transition of the intricate grain and detailing within the podium façade facing Exhibition Street between the ground level and level 4.
 - The contiguous vertical glazing connecting the ground floor and mezzanine levels.
- Adjacent historic buildings to the north and south of the subject site do not incorporate canopies or verandahs. The absence of a canopy or verandah to the full extent of the podium of the proposed tower therefore assists with integrating the development with the streetscape, ensuring it does not interfere with the integrity or character of neighbouring heritage buildings.

A canopy limited to the extent of the residential apartment entry from Exhibition Street would be appropriate, particularly given the findings of the submitted Wind Assessment Report prepared by Mel Consultants Pty. Ltd., which identified that wind conditions adjacent to the Exhibition Street frontage met walking comfort criteria only (i.e. not long or short term stationary criteria).

Subject to a condition being included on any permit being granted requiring provision of a thoughtfully designed canopy, forming an integral part of the Exhibition Street façade, over the residential apartment entry, it is considered that the requirements of Schedule 4 to the Design and Development Overlay will be satisfied.

8.6.2. Wind effects (Capital City Zone – Schedule 1 and Clause 22.01-7)

Capital City Zone (Schedule 1)

Schedule 1 to Clause 37.04 provides that before deciding on an application under this Schedule, the Responsible Authority must consider the following matters, as deemed relevant to potential wind effects of the proposal:

- *The State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The potential for increased ground-level wind speeds and the effect on pedestrian comfort and the amenity of public places.*

Clause 22.01-7 (Wind and Weather Protection)

Clause 22.01-7 provides that it is policy that wind and weather protection measures are assessed against the following design standards, as deemed relevant to the potential wind effects posed by the development:

- Towers should be appropriately set back from all street frontages above the street wall or podium to assist in deflecting wind downdrafts from penetrating to street level.
- Within the tower setback, some variation in treatment may provide a transition between the podium and tower. Such treatment should be carefully checked for wind effects at street level.

Assessment

The report prepared by MEL Consultants Pty. Ltd. dated June 2016, which documents findings from a wind tunnel model of the proposed development, identifies that the proposed development will meet specified short and long term stationary comfort criteria, and walking comfort criteria in accordance with the excerpt from this report provided below in Figure 12.

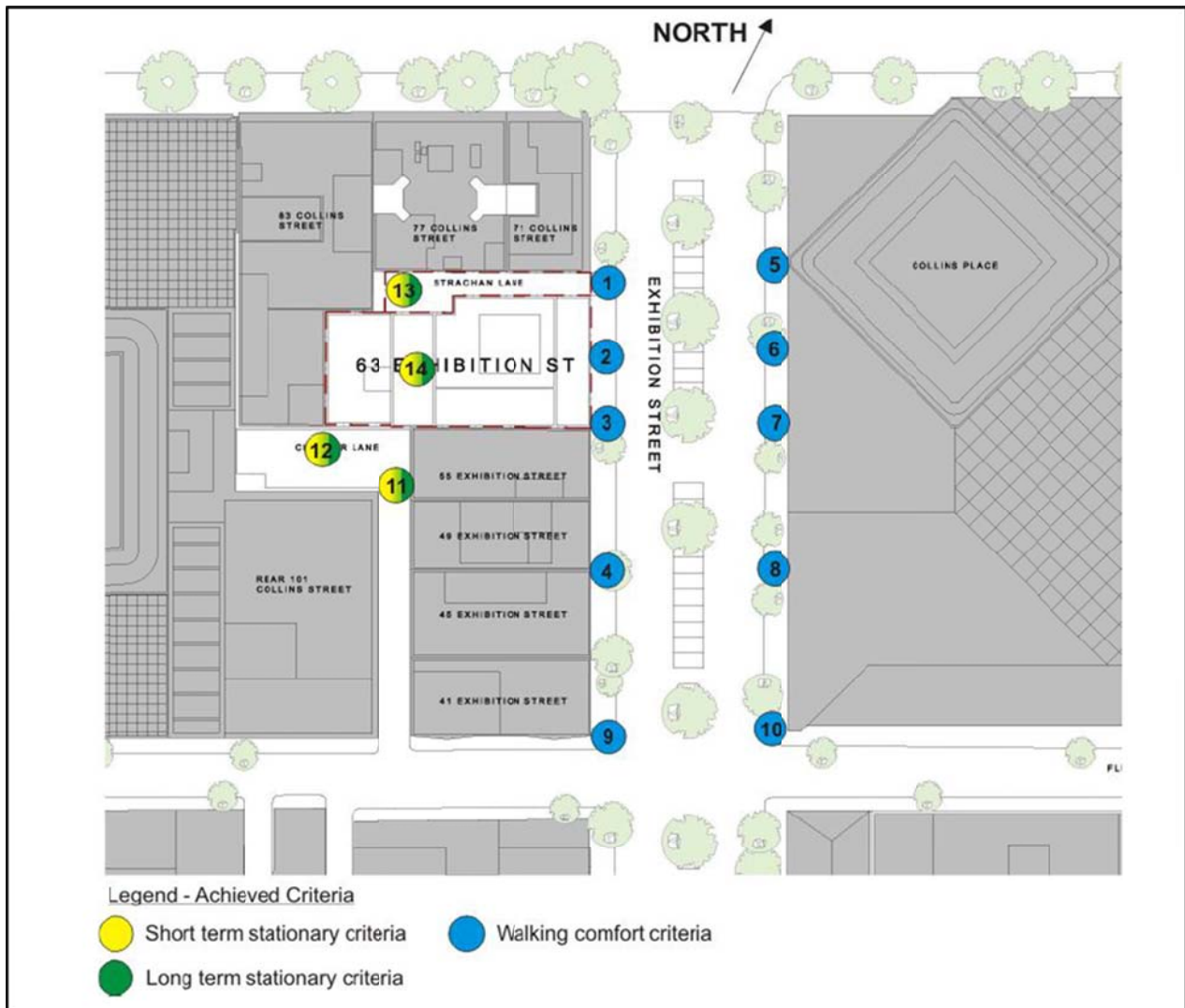


Figure 12: Excerpt from report prepared by MEL Consultants Pty. Ltd. dated June 2016 detailing wind conditions at ground level for proposed development.

As detailed in section 8.6.1 of this report above, subject to a condition being included on any permit being granted requiring provision of a canopy over the residential apartment entry to provide protection for residents of the building, the development will not contribute detrimentally to wind speeds at ground level, or compromise pedestrian comfort and amenity.

A further condition is recommended to be included on any permit being granted, to require wind tests to be carried out on the final development (as amended to comply with the conditions of any permit being granted), with a report prepared detailing ground level wind conditions to ensure the findings of the report dated June 2016 are not altered.

Subject to the above conditions being included on any permit being granted, it is considered that the proposed development will achieve compliance with Schedule 1 to Clause 37.04 and Clause 22.01-8.

8.6.3. Clause 13.03-1 – Use of Contaminated and Potentially Contaminated Land

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

Given the sensitive nature of the proposed use of the land (for Accommodation), in addition to the large amount of material that will need to be excavated to support the development, it is considered that investigation of the potential contamination of the land is warranted.

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

8.7. Sustainability

1.1.1 Clause 22.19 – Energy, Water and Waste Efficiency

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

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

Subject to conditions being included on any permit being granted giving force and effect to the Sustainability Management Plan prepared by Norman Disney and Young Pty. Ltd. dated 27 June 2016, and to require provision of an amended Waste Management Plan addressing the outstanding concerns of Council's Urban Services Engineer (see 9.6.4 above), it is considered that the proposed development will achieve compliance with Clause 22.19.

1.1.2 Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)

Clause 22.23 includes the following policy objectives:

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

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

Subject to a condition being included on any permit being granted giving force and effect to the Sustainability Management Plan prepared by Norman Disney and Young Pty. Ltd. dated 27 June 2016, in addition to conditions recommended by Council's Civil Engineer, it is considered that the proposed development will achieve compliance with Clause 22.23.

8.8. Conclusion

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

- The State Planning Policy Framework;

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

Having been satisfied of the limited impact the development will have on the equitable development of adjoining properties, subject to the tower being reduced in height to 183 metres to limit overshadowing over Birrarung Marr, and the detailed design and through-block link being successfully translated into the completed development, it is considered that the subject property can support a building of this scale, and the proposal will contribute positively to Melbourne's CBD.

DECISION

That a letter be sent to the Department of Environment, Land, Water and Planning advising that the City of Melbourne support the proposed development, subject to the following conditions being included on any permit being granted which authorises:

Preamble:

- Demolition or removal of a building and works;
- Construction of a multi-storey mixed-use building and associated works;
- Reduction of the requirements for bicycle parking

In accordance with endorsed plans

Conditions:

Amended plans

1. Prior to the commencement of the development, including demolition and bulk excavation, two copies of plans, which are drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans received on 15 August 2016 but amended to show:
 - a. Detailed elevation and floor plans of the ground plane (lower ground, ground floor and mezzanine) including the through-block link and loading bay, showing interfaces between the podium and Strachan Lane, Chester Lane and Exhibition Street, which must:
 - i. Clearly delineate responsibilities for the operation and maintenance of the widened section of Strachan Lane (port cochere), which must be privately operated and maintained.
 - ii. Demonstrate how wayfinding through the undercroft and through-block link will be resolved for pedestrians (particularly at the Chester Lane interface where ramp grades of 1:5 are provided within 2 metres of the laneway alignment), to ensure that there are no conflicts with vehicle movements.
 - iii. Resolve the interface between the nominated outdoor seating area adjacent to the port cochere.
 - iv. Provide detailed design information regarding exterior cladding and lighting at the ground level (including within the through-block link).
 - v. Employ an alternative response to provide DDA compliant access via the through-block link that does not rely on a concierge operated lift with egress through a loading bay.
 - vi. Provide improved passive surveillance of the through-block link (i.e. by adding west-facing windows to the ground floor hallway adjacent to the hotel coffee bar, and elevator core).

- vii. Provide details of clearance signage to prevent inappropriately sized service vehicles from entering the through-block link from Strachan Lane.
- b. Placement of hazard lights on the top corners of the building to assist helicopter operators conducting operations around the building in a safe manner as recommended by Thompson GCS in their advice dated 24 May 2016.
- c. Provision of a canopy providing weather protection to the residential apartment entry on Exhibition Street. The canopy must be thoughtfully designed as an integral part of the building podium and comply with Melbourne City Council's Road Encroachment Operational Guidelines
- d. Reduction in the height of the tower to 183 metres in height (as measured from a spot level of RL 26.5 at the property frontage) so that no part of the building, with the exception of building appurtenances, exceeds RL 209.
- e. Provision of windows to bathrooms on floors above RL 107.00, to the south façade abutting the shared property boundary with 53-55 Exhibition Street, Melbourne.
- f. Any design revisions to the development shown in the endorsed Waste Management Plan.
- g. Any design revisions to the development shown in the endorsed Wind Assessment Report.

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

Layout not altered and satisfactory completion

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

Schedule of materials

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

The schedule and samples must:

- a. Include example prototypes and/or precedents that demonstrate the intended design outcome as described in the Design Response for 63 Exhibition Street prepared by Bates Smart dated 8 April 2016.
 - b. Identify a supplier capable of fabricating and providing the angled series of glazed panels to be utilised for the exterior cladding of the building, as described in the Design Response for 63 Exhibition Street prepared by Bates Smart dated 8 April 2016, at the quantity necessary for the development to proceed,.
6. Except with the written consent of the Responsible Authority, all external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.

Retain architects

7. Except with the written consent of the Responsible Authority, Bates Smart must be retained to complete and provide architectural oversight during construction of the

detailed design as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of the Responsible Authority.

Demolition

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

Construction Management Plan

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

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

- a. public safety, amenity and site security.
- b. operating hours, noise and vibration controls.
- c. air and dust management.
- d. stormwater and sediment control.
- e. waste and materials reuse.
- f. traffic management.
- g. protection of street trees.
- h. reasonable measures to ensure that access to Strachan Lane is not disrupted for the occupants and patrons of adjoining properties.

Wind Test Modelling

10. Prior to the commencement of the development, including demolition and bulk excavation, wind tests carried out by a suitably qualified consultant must be carried out on a model of the approved building. A report detailing the outcome of the testing must be submitted to and be to the satisfaction of the Responsible Authority. The report must also 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, and to the satisfaction of, the Responsible Authority and must not include reliance on street trees.

Waste Management

11. Prior to the commencement of the development, including demolition and bulk excavation, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority shall be prepared and submitted to the City of Melbourne - Engineering Services. The WMP must:
 - a. Detail waste storage and collection arrangements in a manner that complies with the City of Melbourne Guidelines for Preparing a Waste Management Plan 2015; and
 - b. Nominate an alternative waste collection arrangement in consultation with Council's Urban Services Engineer, which does not rely on 8.8 metre long Medium Rigid Vehicles (MRV) and utilises a smaller class of vehicle that can safely and efficiently manoeuvre from Flinders Lane into Chester Lane without interfering with extant on street parking or loading zone areas.
12. Waste storage and collection arrangements as shown in the endorsed WMP must not be altered without the prior consent of the City of Melbourne - Engineering Services.

13. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design

14. The performance commitments specified in the 'Sustainability Management Plan' (aka Environmentally Sustainable Design (ESD) Statement) prepared by Norman Disney and Young Pty. Ltd. dated 27 June 2016 must be achieved in the completed development.

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

Protection of Street Trees

15. Prior to the commencement of the development, including demolition and bulk excavation, a Tree Protection Management Plan (TPMP) prepared by a suitably qualified arborist (AFQ Level 5) for all Council Trees with a Tree Protection Zone (TPZ) overlapping the proposed development must be provided to the satisfaction of the Melbourne City Council (Urban Forestry Team).

This TPMP must meet all of the following criteria:

- a. The report must be prepared in accordance with Council's Tree Retention and Removal Policy.
- b. The report must clearly identify that the identified Street Tree(s) are to be retained and protected.
- c. The report must include recommendations to ensure that the identified Street Tree(s) will not be adversely impacted on by the development hereby approved.

When provided to the satisfaction of the Melbourne City Council (Urban Forestry Team), this TPMP will be endorsed to form part of this permit.

16. At all times during demolition, site preparation and construction activity, the recommendations contained in the endorsed TPMP of this permit must be implemented and maintained to the satisfaction of the Responsible Authority.
17. Prior to the commencement of any works, including demolition or bulk excavation, a bank guarantee or bond equivalent to the combined environmental and amenity values of the retained Street Tree(s) identified in the approved TPMP, must be deposited with the Melbourne City Council, to ensure that should any Street Tree be adversely impacted on, Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.
18. Street trees identified as being protected and retained in the endorsed TPMP must not be adversely impacted or removed in association with the development hereby approved.

Noise Attenuation

19. Prior to the commencement of the development, excluding demolition and bulk excavation, an acoustic report prepared by a qualified acoustic consultant must be submitted to the Responsible Authority, certifying that the development has been designed to limit internal noise levels to a maximum of 45 dB in habitable rooms, in accordance with relevant Australia Standards for acoustic control. When provided to the satisfaction of the Responsible Authority, this report will be endorsed to form part of this permit.
20. Prior to the occupation of the building, the recommendations in the endorsed acoustic report referenced in the above condition must be implemented at no cost to the Responsible Authority, to the satisfaction of the Responsible Authority.

3D Digital Model

21. Prior to the occupation of the development, 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 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.

Legal Agreements

22. Prior to the commencement of the development, including demolition and bulk excavation, the owner of the land must enter into a legal agreement(s) under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority and Melbourne City Council. The owner(s) must make provision for the following:
- a. Give rights of public access to the through-block link from Strachan Lane to Chester Lane subject to the following criteria:
 - i. Provide that the link will remain privately owned and controlled;
 - ii. Require the owner to maintain unobstructed public access between 24 hours a day, 7 days a week, unless otherwise agreed to;
 - iii. Provide that the owner is solely responsible for the care and maintenance of the link at the owners cost and to the satisfaction of the Responsible Authority and Melbourne City Council;
 - b. The Section 173 Agreement must not include any sunset clause.

The owner of the land must pay all of the Responsible Authority or Melbourne City Council's (as the case may be) reasonable legal costs and expenses associated with the agreement, including preparation and drafting, execution and registration on title.

23. Prior to the commencement of the development, including demolition and bulk excavation, the owner of the land must enter into a legal agreement(s) under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority and Melbourne City Council. The owner(s) must make provision for the following:
- a. The windows/openings on the south property boundary must be removed when the adjoining property is further developed in a manner that the Responsible Authority considers would affect these windows/openings.

The owner of the land must pay all of the Responsible Authority or Melbourne City Council's (as the case may be) reasonable legal costs and expenses associated with the agreement, including preparation and drafting, execution and registration on title.

Vesting of Strachan Lane in Council

24. Prior to the occupation of the development the land shown as E-1 on TP819012Q which is known as Strachan Lane (being CL452) must be vested in Council on a Plan of Subdivision to the satisfaction of the Responsible Authority. The portion at the rear may be limited in height to exclude any structure which must be a minimum of 5 metres above the existing surface of Strachan Lane.

Building over Easements

25. Prior to the commencement of the development (excluding demolition), the permit holder must either obtain the necessary permissions from the relevant parties/authorities to construct over the easements and provide evidence of this to the Responsible Authority; or obtain planning permission to remove or vary the location of the easements.

This condition is needed for the portion of the structure which encroaches into E-1 on TP819012Q.

Potentially Contaminated Land and Remediation

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

The PEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This should include details of how long the uses occupied the site.
- A review of any previous assessments of the site and surrounding sites including details of the anticipated sources of any contaminated materials.
- Identification of the likelihood of the site being potentially contaminated.

27. Should the PEA reveal that further investigative or remedial work is required to accommodate the intended use(s), then prior to the commencement of the development, including any bulk excavation, the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended use(s).

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

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

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

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

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

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

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

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

Building Appurtenances

31. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.
32. 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.
33. Mailboxes and newspaper receptacles must be provided prior to the occupation of the development, including an additional mailbox for the body corporate if and when the development is subdivided, to the satisfaction of the Responsible Authority.
34. 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.

Drainage

35. 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.
36. Prior to the commencement of the development, excluding demolition and including bulk excavation, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.

Engineering

37. All pedestrian paths and access lanes shown on the endorsed plans must be constructed and maintained to the satisfaction of the Responsible Authority – Engineering Services.
38. Prior to the occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
39. The road adjoining the site along Strachan lane 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.
40. The footpath adjoining the site along Exhibition Street must be reconstructed in sawn bluestone together with associated works including the renewal or relocation of kerb and channel and/or services as necessary at the cost of the developer, in accordance with

plans and specifications first approved by the Responsible Authority – Engineering Services.

41. Existing street levels in Exhibition Street, Strachan Lane and Chester Lane must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services.
42. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.
43. All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on Exhibition Street footpath outside the proposed building to plans and specifications first approved by the Responsible Authority – Engineering Services.

REFERRAL AUTHORITY CONDITIONS PLACEHOLDER

Permit Expiry

44. This permit will expire if one of the following circumstances applies:

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

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

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

PERMIT NOTES

Waste Collection

Council's waste truck fleet does not currently support Small Rigid Vehicles (SMV). It is recommended that the applicant directly consult with Council's Urban Services Engineer when preparing an amended Waste Management Plan to facilitate transition from private waste collection to Council waste collection should these circumstances change in future.

Land Survey

It is noted that the physical layout of Strachan Lane is approximately 2 metres longer than on the title plan, it is considered that the rear part of this lane forms part of the lane through long term usage, and that it could be requested at some future stage that it be added to the lane by way of a Public Highway declaration which includes all of Strachan Lane

Vehicle Movements into Chester Lane

Melbourne City Council notes that Medium Rigid Vehicles (MRV) (up to 8.8 metres in length) will not be able to safely and efficiently manoeuvre into Chester Lane from Flinders Lane without interfering with existing loading zone areas and on-street parking in Flinders Lane.

Please note: Melbourne City Council will not support the removal of the loading zone area on the south side of Flinders Lane opposite Chester Lane, or adjacent on street car parking spaces, to enable MRV's to manoeuvre into Chester Lane from Flinders Lane to service the development.

Building Approval Required

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

Building Works to Accord with Planning Permit

The applicant/owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

Projections

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

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

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

Civil Engineering

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

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.

Signature:

Date: 6 March 2017

Colin Charman

Planning Officer