

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

Agenda item 6.1

**Planning Permit Application: TP-2017-931/A  
407-415 King Street, West Melbourne**

**3 December 2019**

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

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of an application to amend planning permit TP-2017-931. The current permit allows partial demolition of the existing heritage building and construction of a multi-storey building for use as a residential hotel, food and drink premises (restaurant), sale and consumption of liquor (on-premises licence), construction and display of business identification signage and dispensation of car and bicycle requirements at 407-415 King Street, West Melbourne. The amendment seeks approval to change the use and development from 'residential hotel' to 'residential building (student accommodation)'.
2. The applicant is Iglu Student Accommodation c/o Tract Consultants, the owner is Iglu No.303 Pty Ltd and the architect is Bates Smart.
3. The land is located in the Mixed Use Zone and is affected by a site specific Heritage Overlay (HO842) and the Design and Development Overlay Schedule 33 (DDO33). The DDO33 outlines discretionary built form controls, including a maximum building height of 40 metres. The City of Melbourne's Heritage Places Inventory identifies the existing heritage building as 'B' graded.
4. The proposed building will be generally constructed within the already approved building envelope in terms of overall height and setbacks. The changes proposed primarily relate to the use, internal reconfiguration and the architectural expression of the building.
5. Public notice of the application was undertaken and a total of 112 objections have been received.

**Key issues**

6. The key issues for consideration are the relatively minor modifications to the design response having regards to heritage and urban design, the appropriateness of student accommodation use and layout having regard to Clause 22.24 (Student Housing Policy), external amenity impacts, loading and waste requirements, and any other issues raised by the objectors.
7. The proposed building continues to exhibit a high quality design that is respectful of the 'B' graded heritage building and the character of the surrounding area.
8. The proposed student accommodation use is considered appropriate and provides an acceptable level of internal amenity including sufficient provision of outdoor and indoor communal spaces for students. The proposed use, subject to recommended conditions requiring a Management Plan, will not have an unreasonable impact on the amenity of the surrounding area.

**Recommendation from management**

9. That the Future Melbourne Committee resolves that a Notice of Decision to Grant an Amended Permit be issued subject to the conditions set out in the Delegate Report (refer Attachment 4).

**Attachments:**

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

## Supporting Attachment

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### Legal

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

### Finance

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

### Health and Safety

5. Relevant planning considerations such as traffic and waste management and potential amenity impacts that could impact on health and safety have been considered within the planning permit application and assessment process.

### Stakeholder consultation

6. Public notice of the application has been undertaken pursuant to Section 52 of the Act.

### Relation to Council policy

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

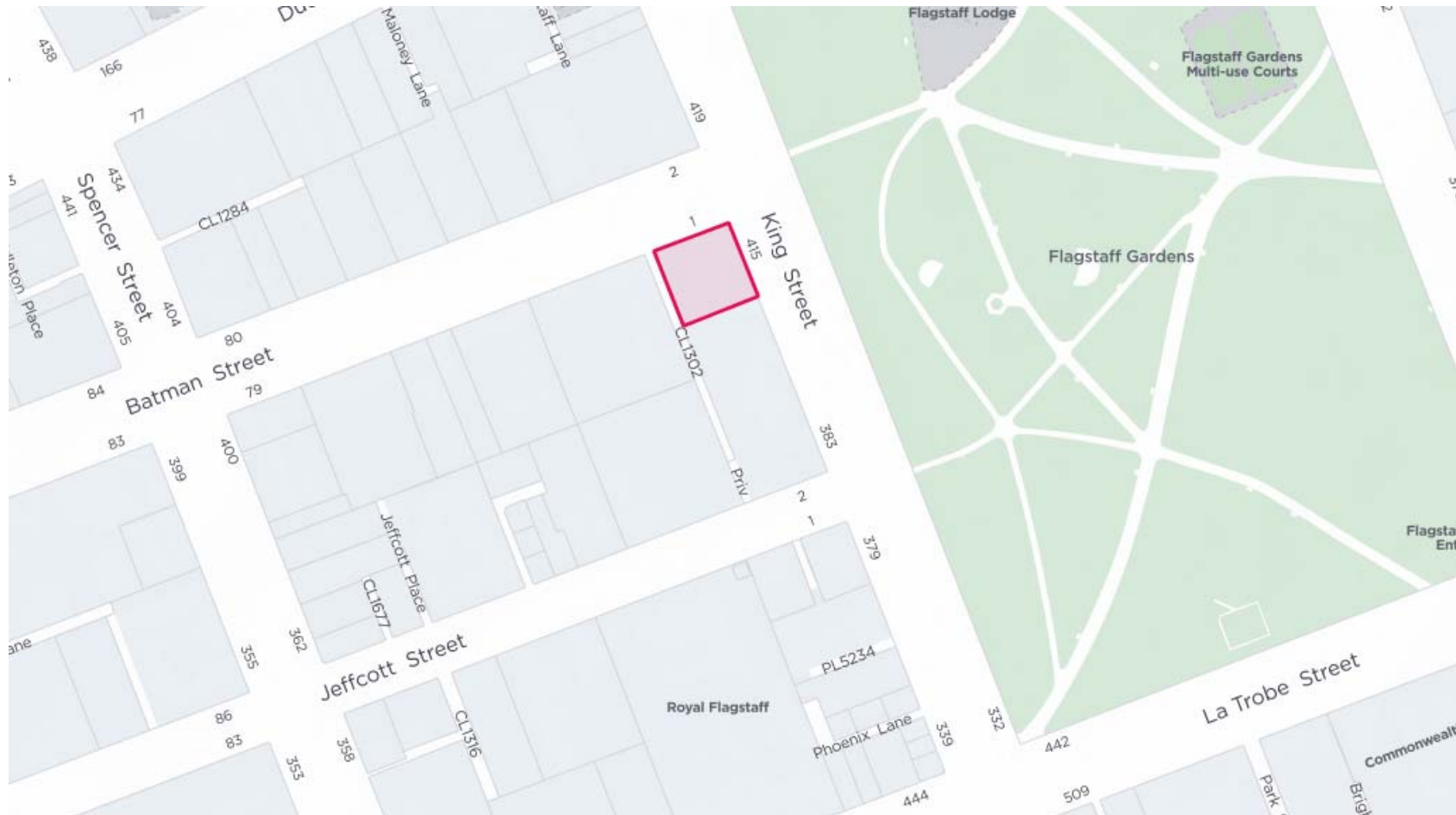
### Environmental sustainability

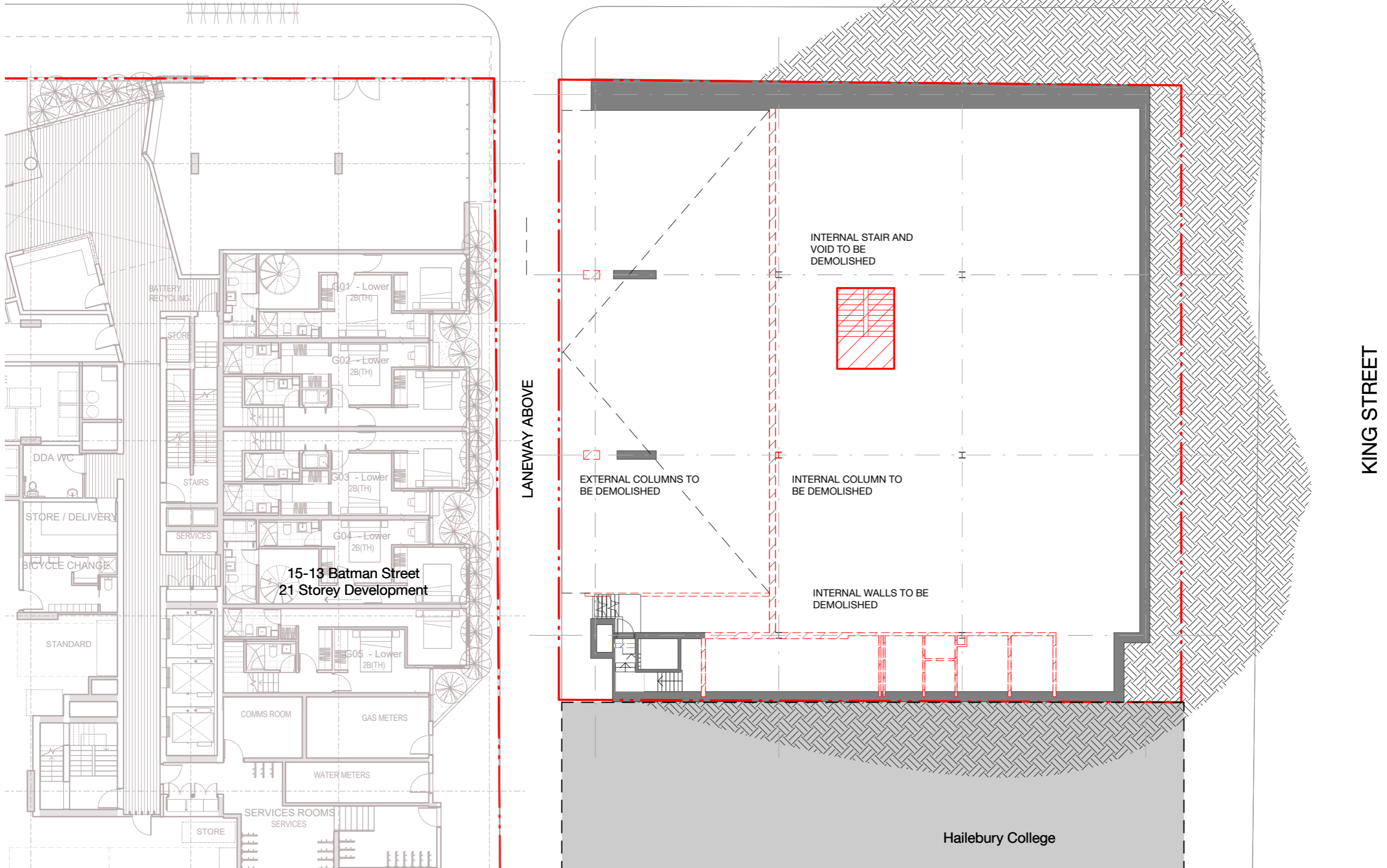
8. Permit conditions requiring an updated Environmental Sustainable Design Statement (ESD) demonstrating that the development will achieve the ESD performance requirements of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management), and requiring implementation of the ESD initiatives are recommended.

# Locality Plan

Attachment 2  
Agenda item 6.1  
Future Melbourne Committee  
3 December 2019

## 407 – 415 King Street, West Melbourne





Iglu King Street

**Demolition Floorplan LGF**

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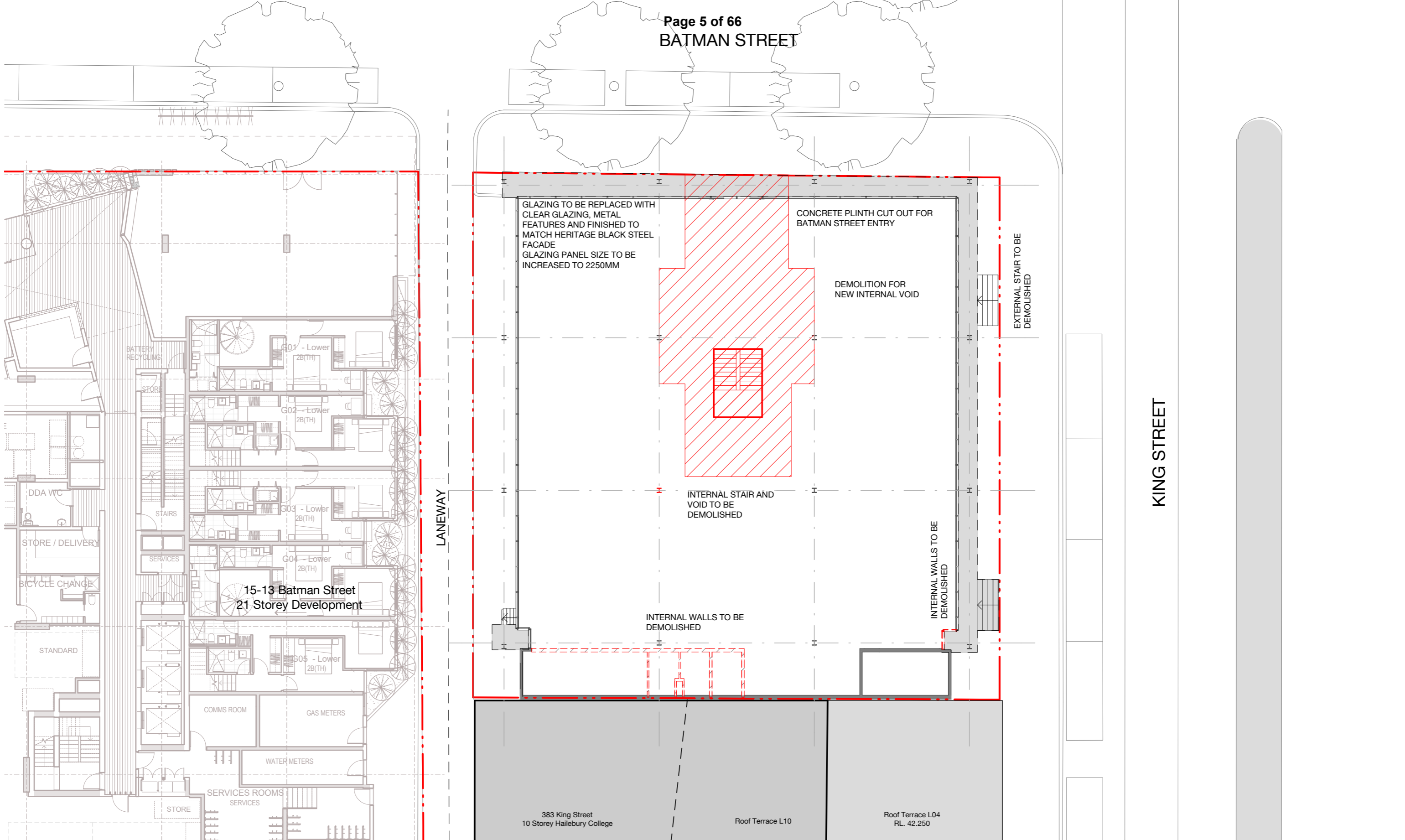
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Revision	Date	Description	Initial	Checked
B	06/09/2019	Planning Permit Addendum B	BS	
A	22/05/19	Planning Permit Amendment	BS	

Drawing no. **PP - A01.001 - Demo** Revision B





Iglu King Street

Demolition Floorplan GF

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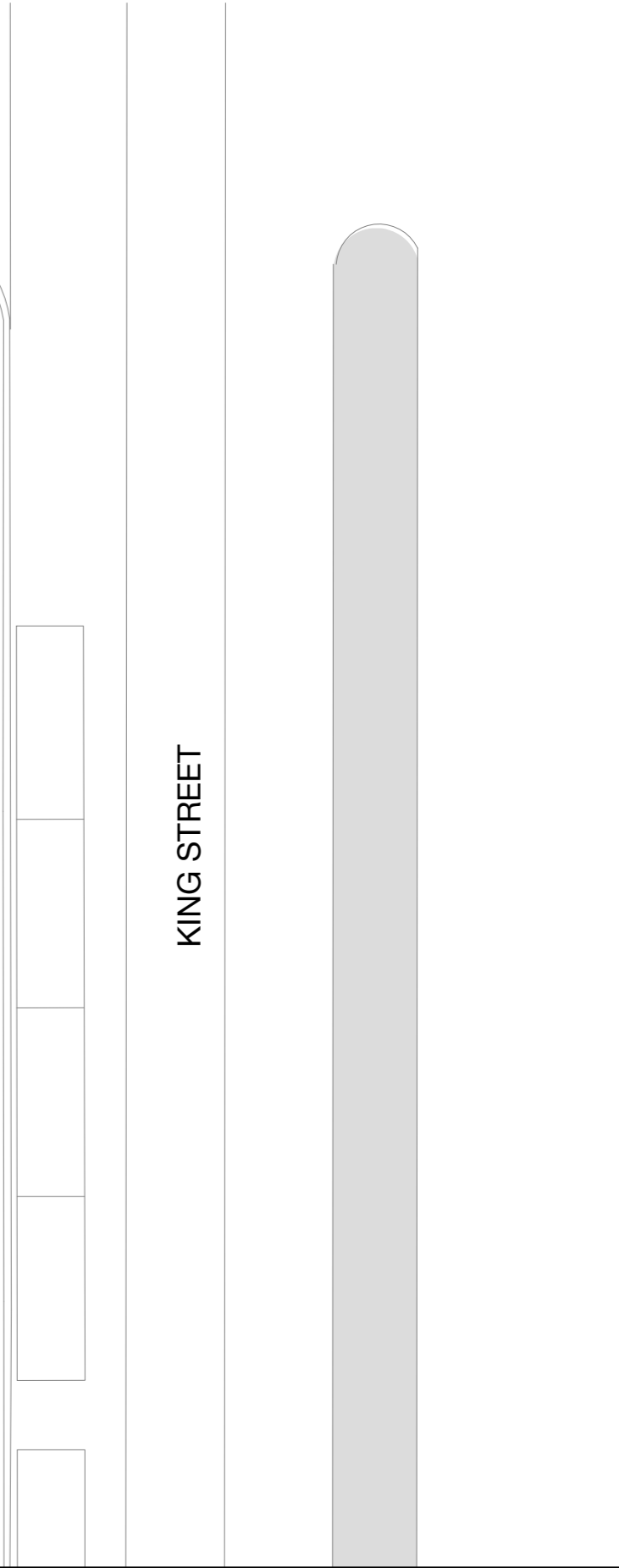
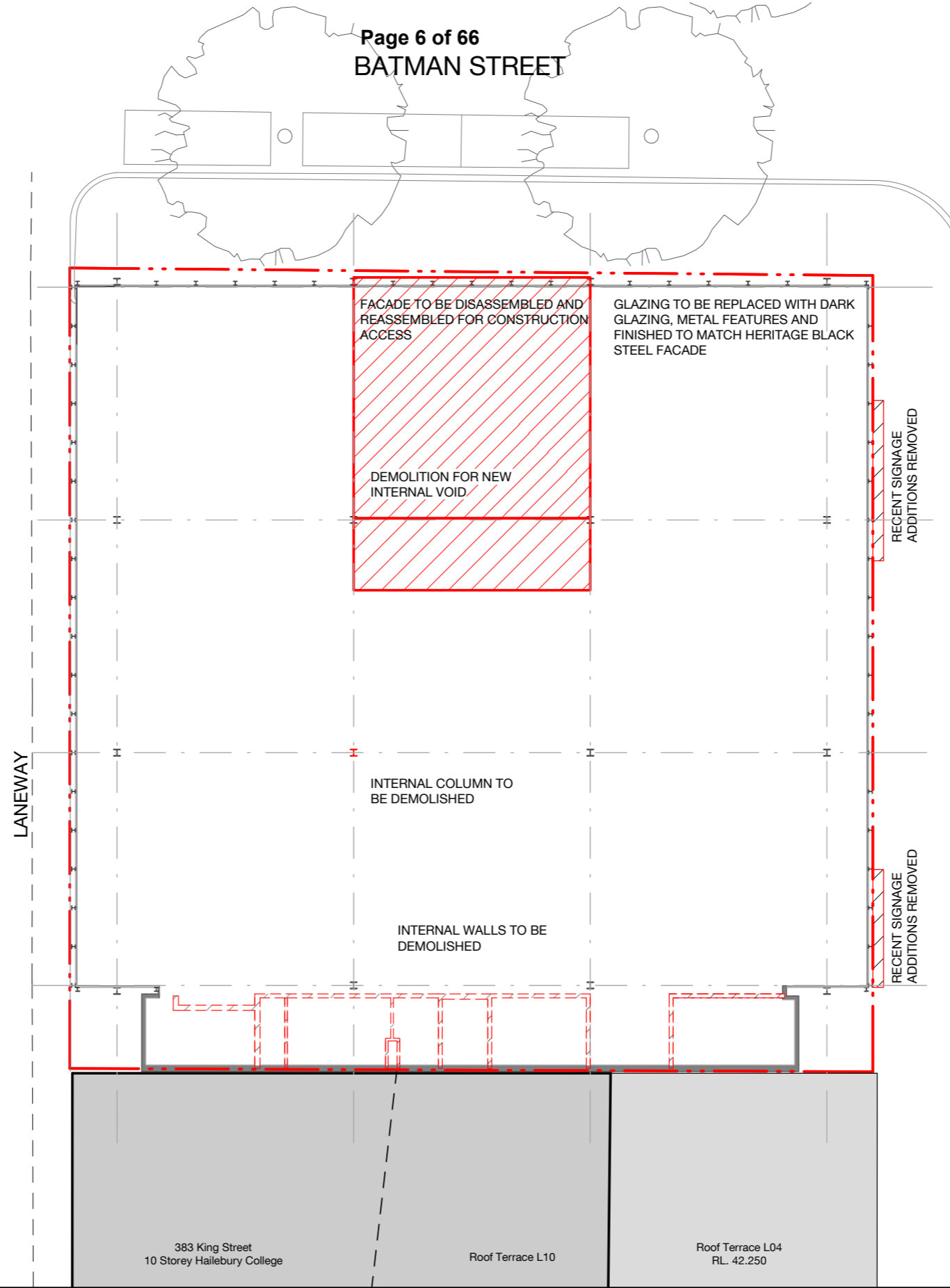
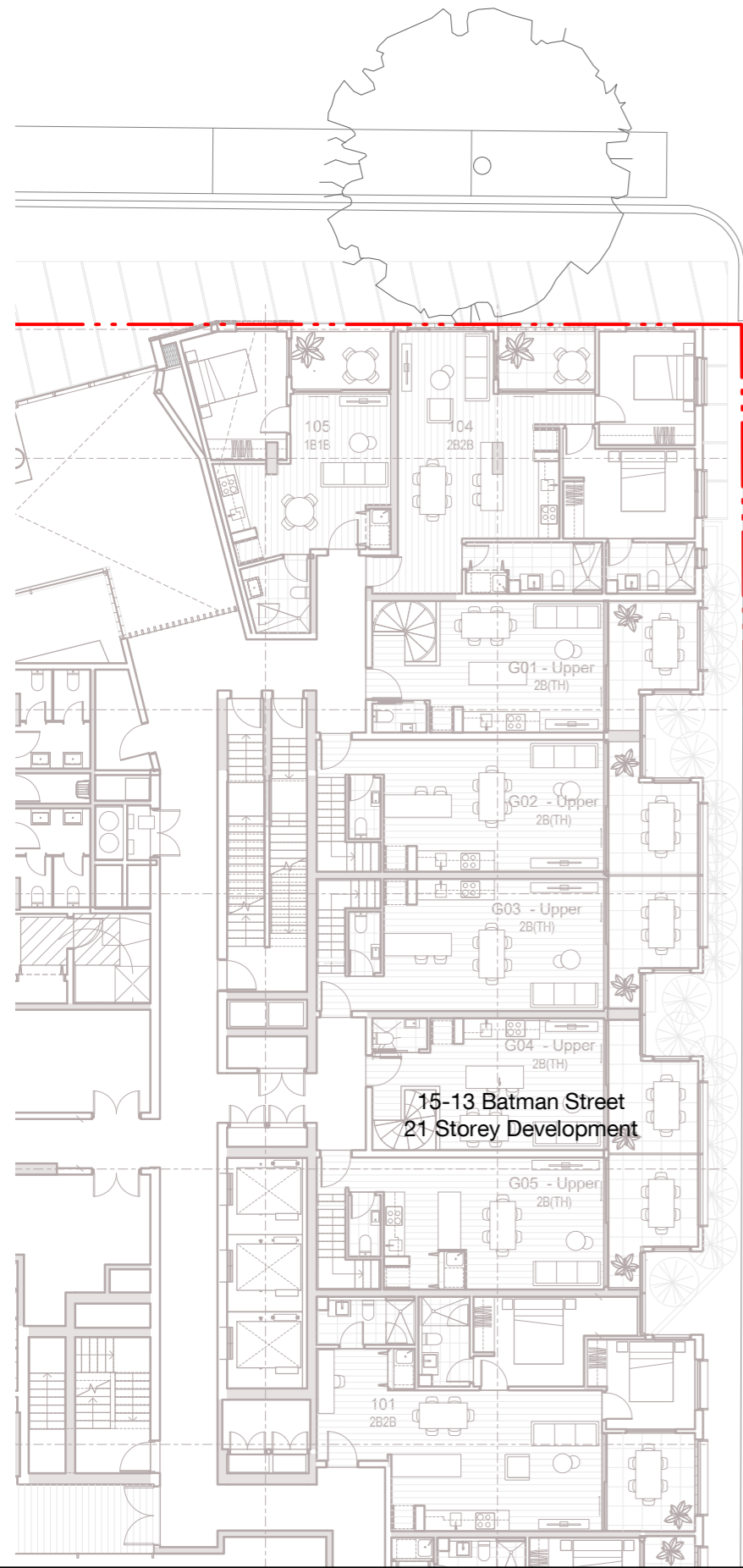
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PP - A01.100 - Demo





Iglu King Street

**Demolition Floorplan L01**

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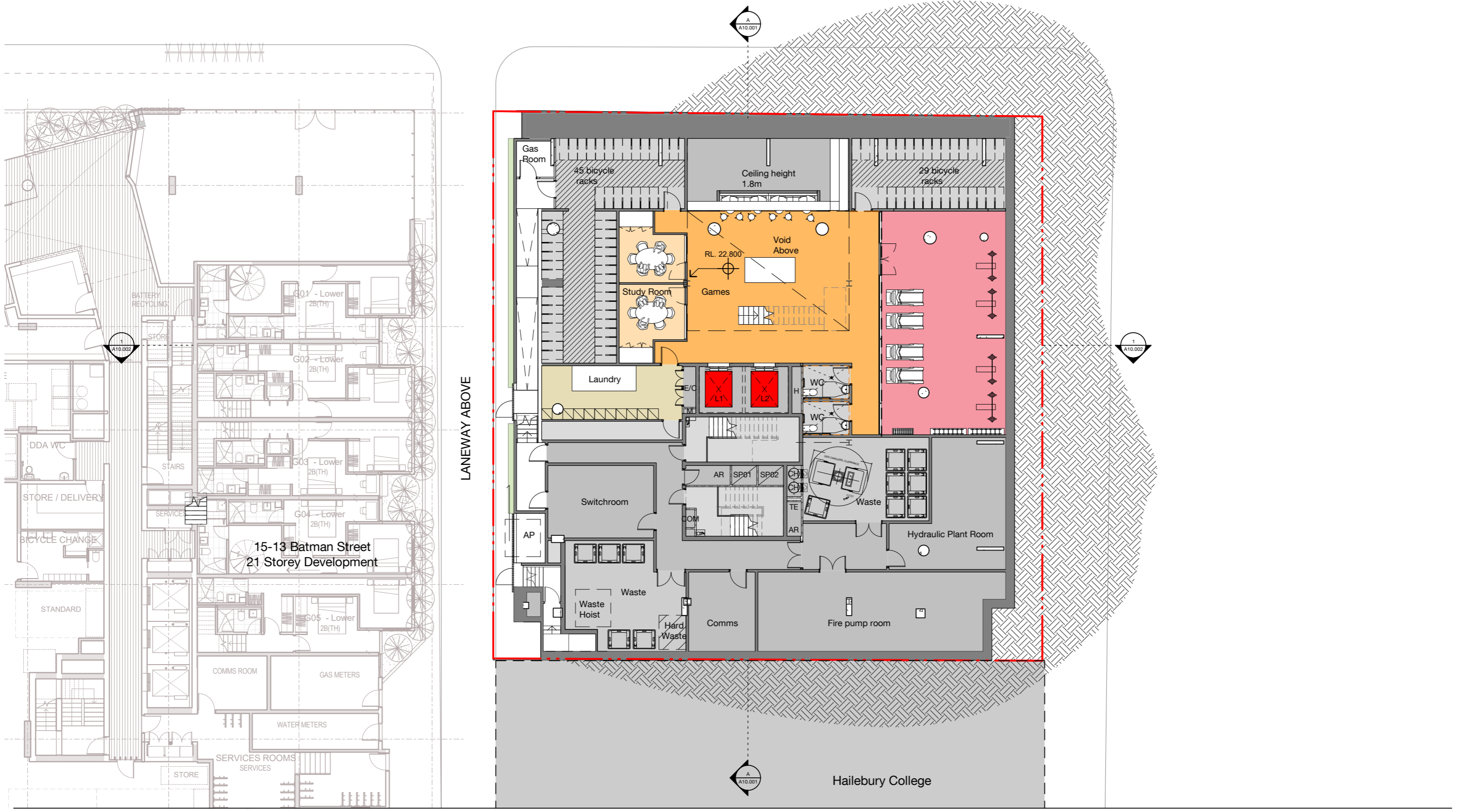
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Iglu King Street

**Floorplan LGF**

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C	21/06/19	Planning Permit RFI A	BS	
B	22/05/19	Planning Permit Amendment	BS	
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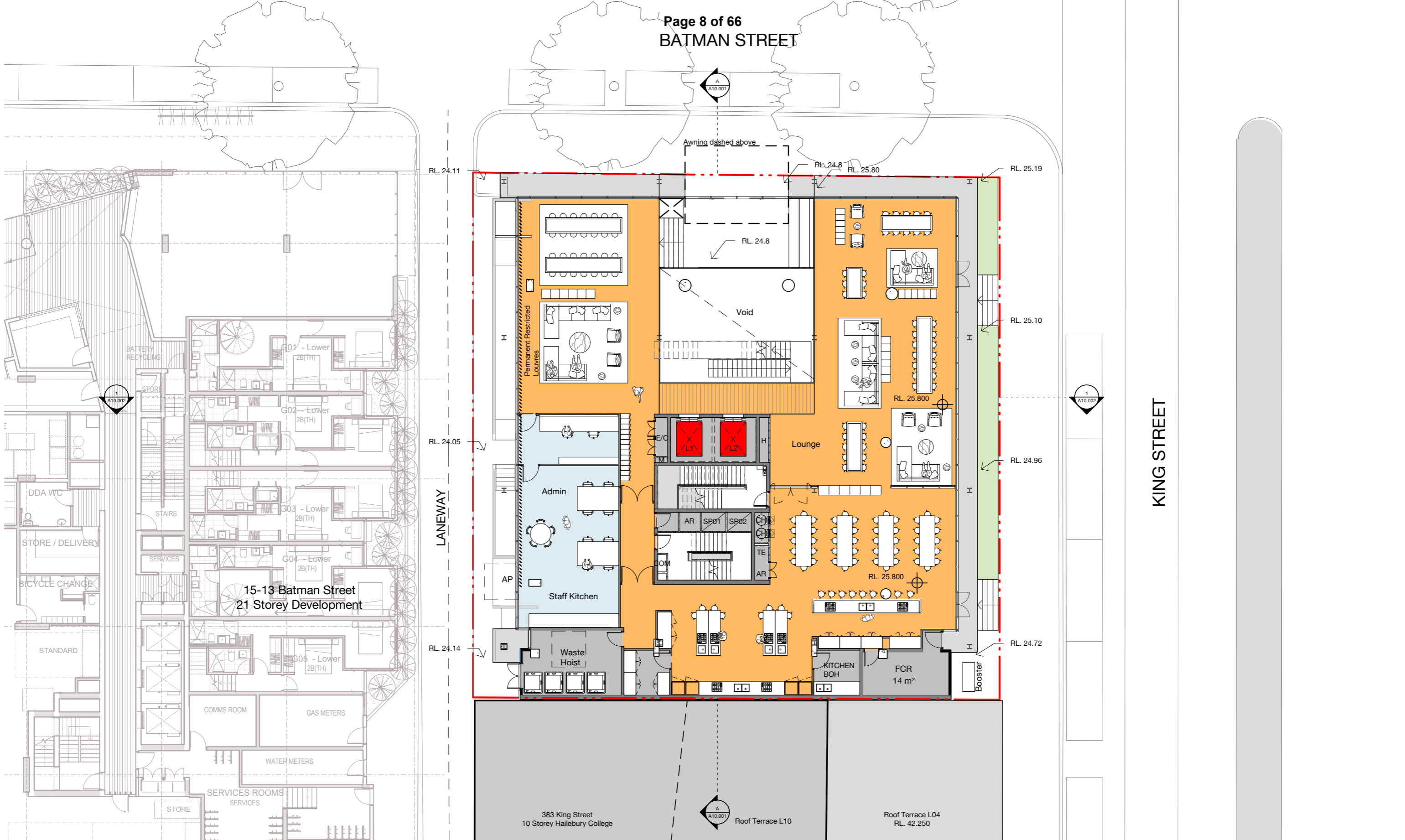
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Iglu King Street

**Floorplan GF**

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Revision D

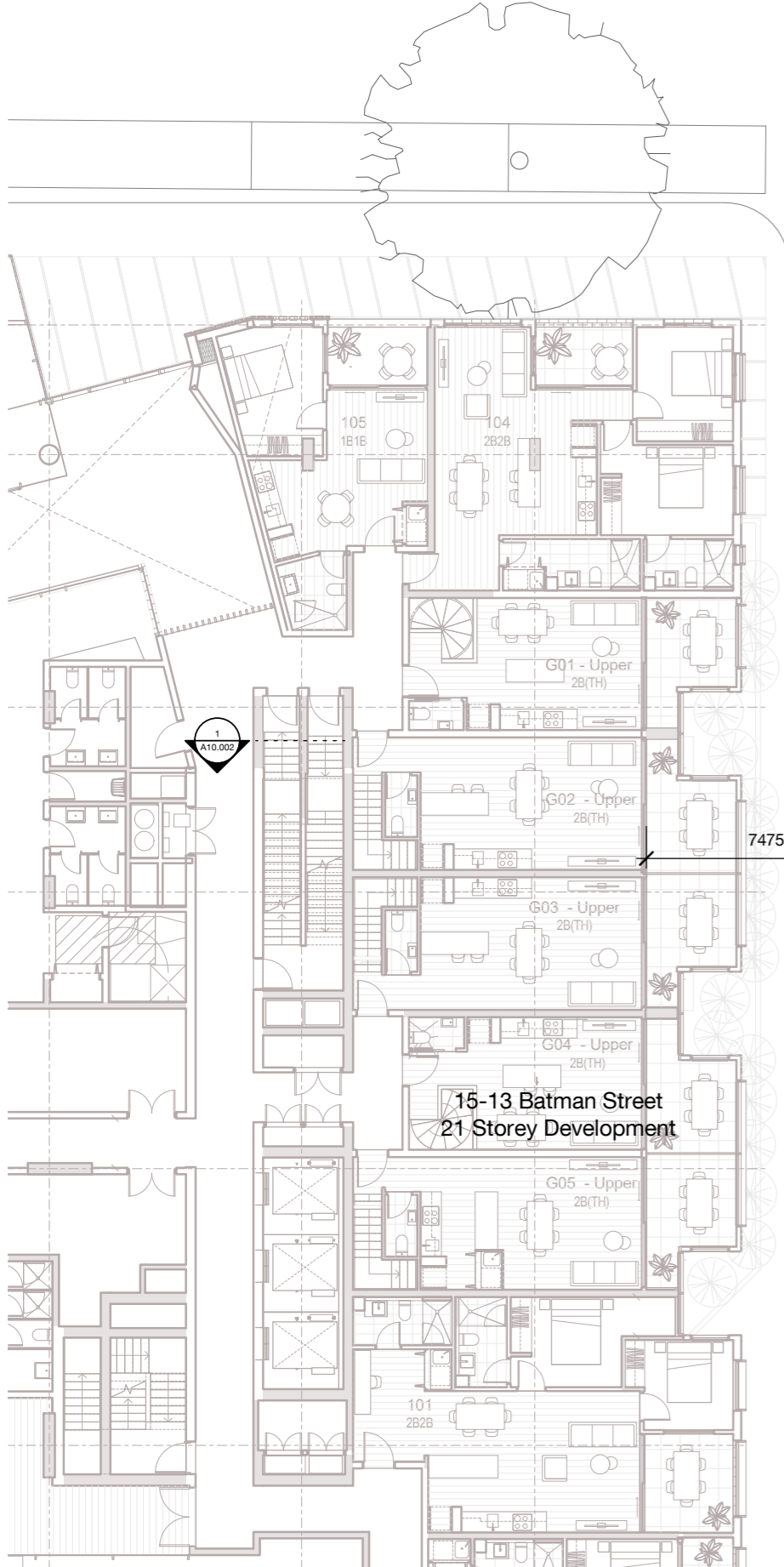
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15-13 Batman Street  
21 Storey Development

7475

105  
1B1E

104  
2B2B

G01 - Upper  
2B(TH)

G02 - Upper  
2B(TH)

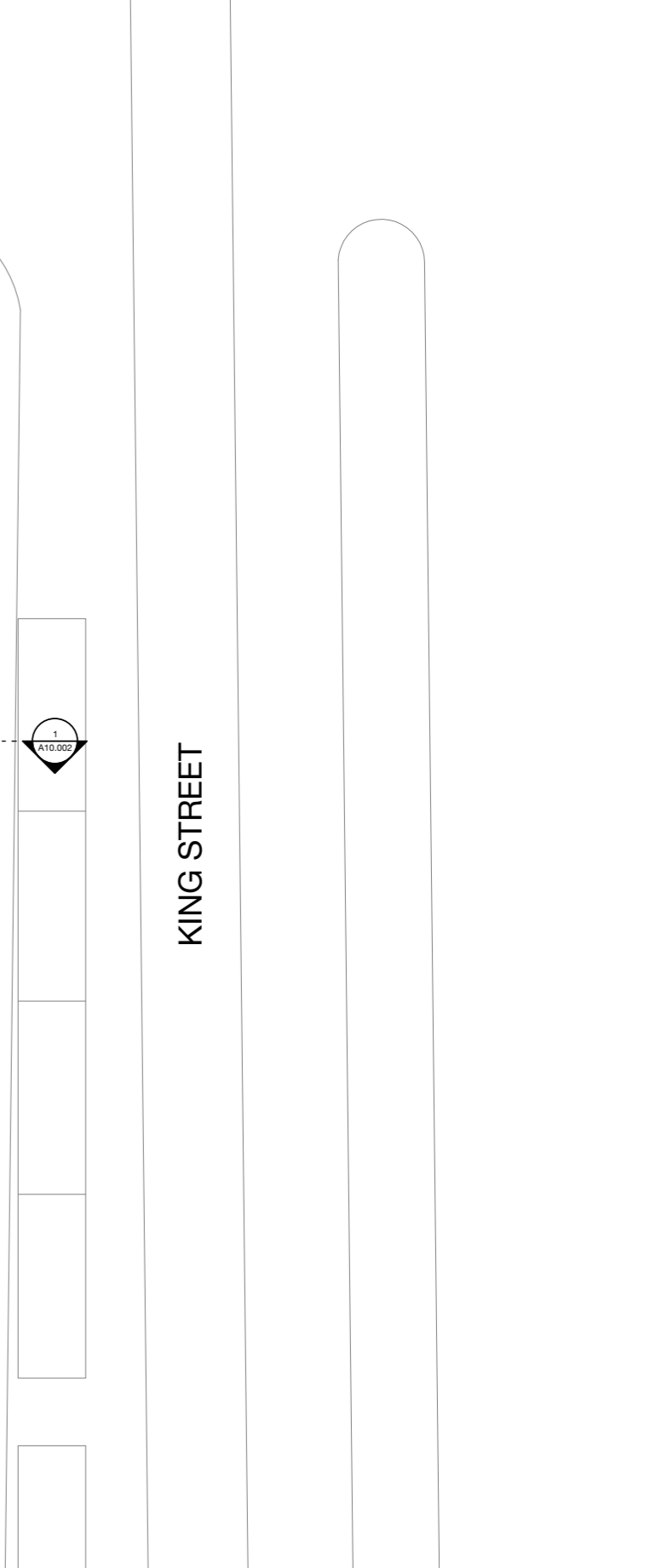
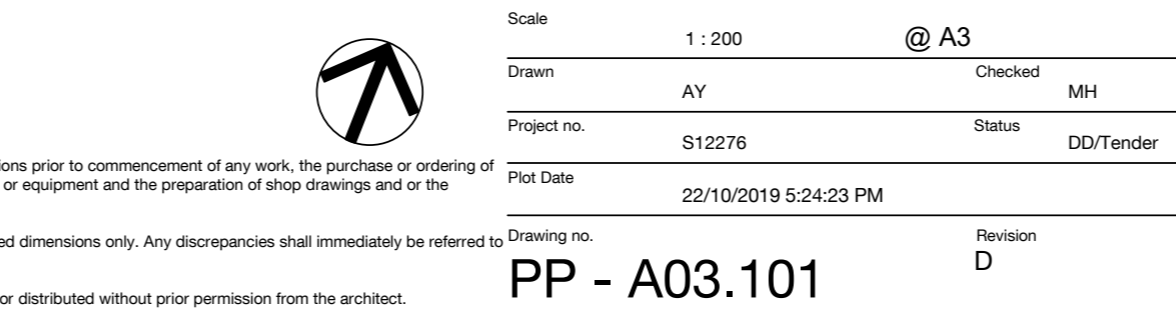
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2B(TH)

G04 - Upper  
2B(TH)

G05 - Upper  
2B(TH)

101  
2B2B

Iglu King Street



Floorplan L01

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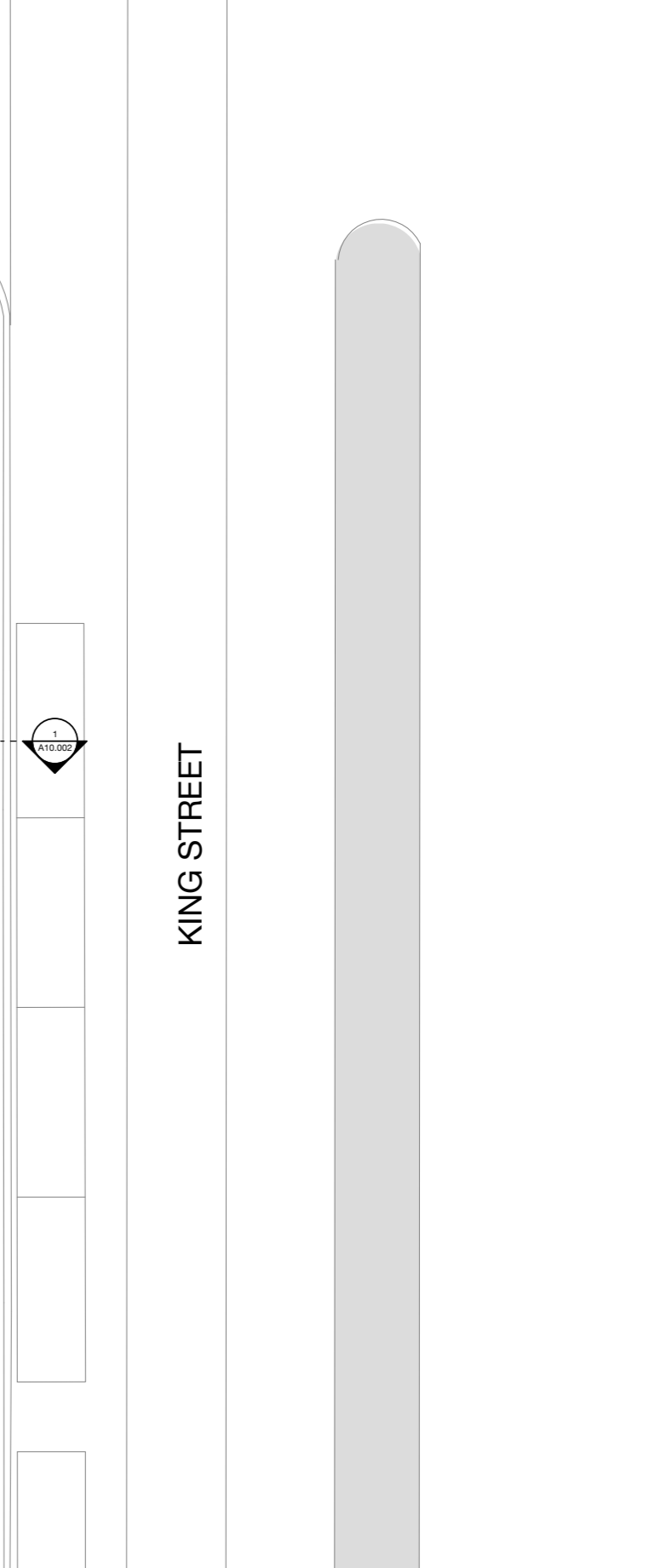
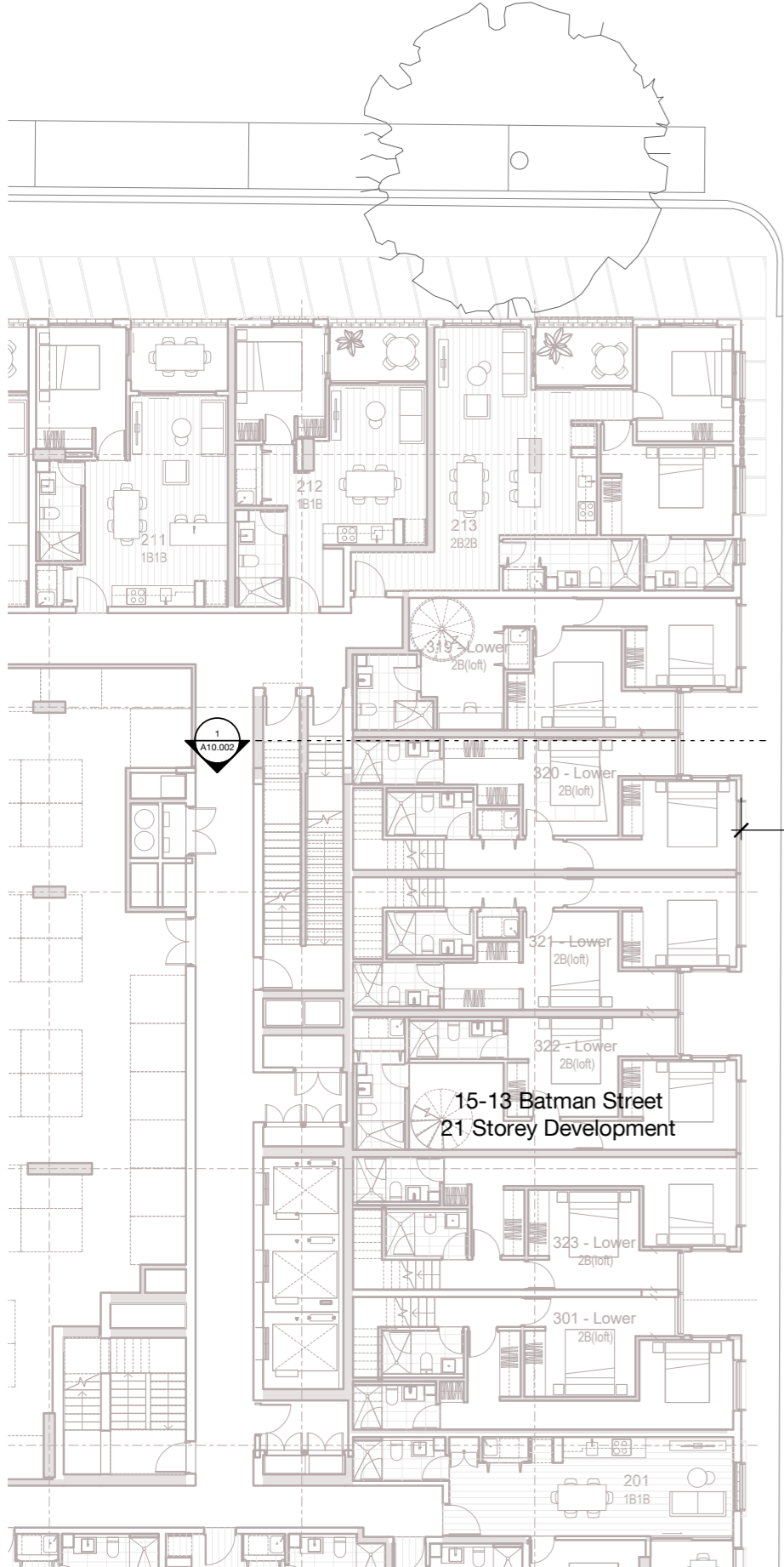
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B	22/05/19	Planning Permit Amendment	BS	
A	20/03/19	Pre Lodgement	BS	

201 181B

Iglu King Street

LANEWAY

383 King Street  
10 Storey Hailebury College

Roof Terrace L10

Roof Terrace L04  
RL. 42.250

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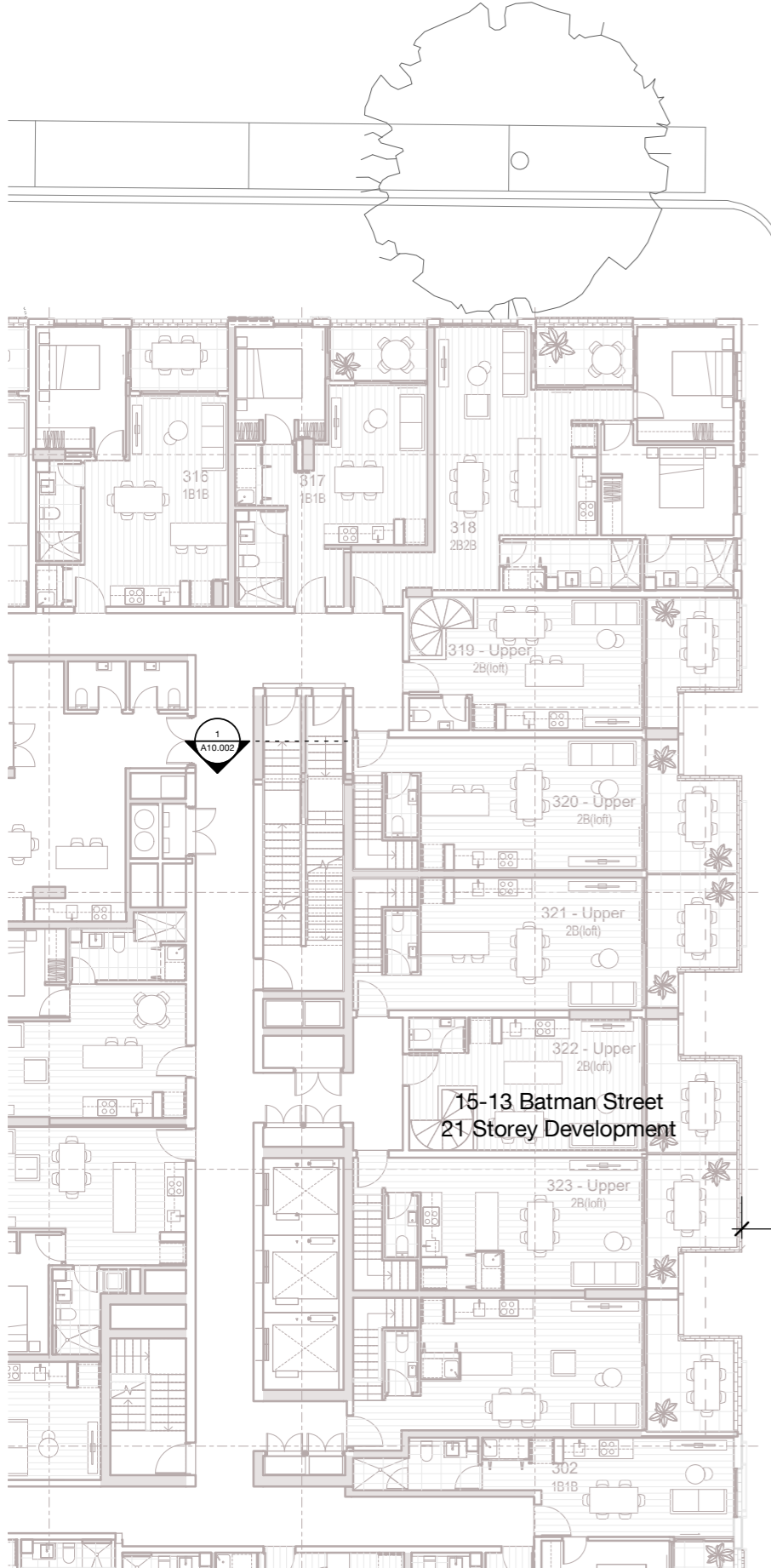
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LANEWAY

KING STREET

15-13 Batman Street  
21 Storey Development

383 King Street  
10 Storey Hailebury College

Roof Terrace L10

Roof Terrace L04  
RL. 42.250

Iglu King Street

Floorplan L03-L11

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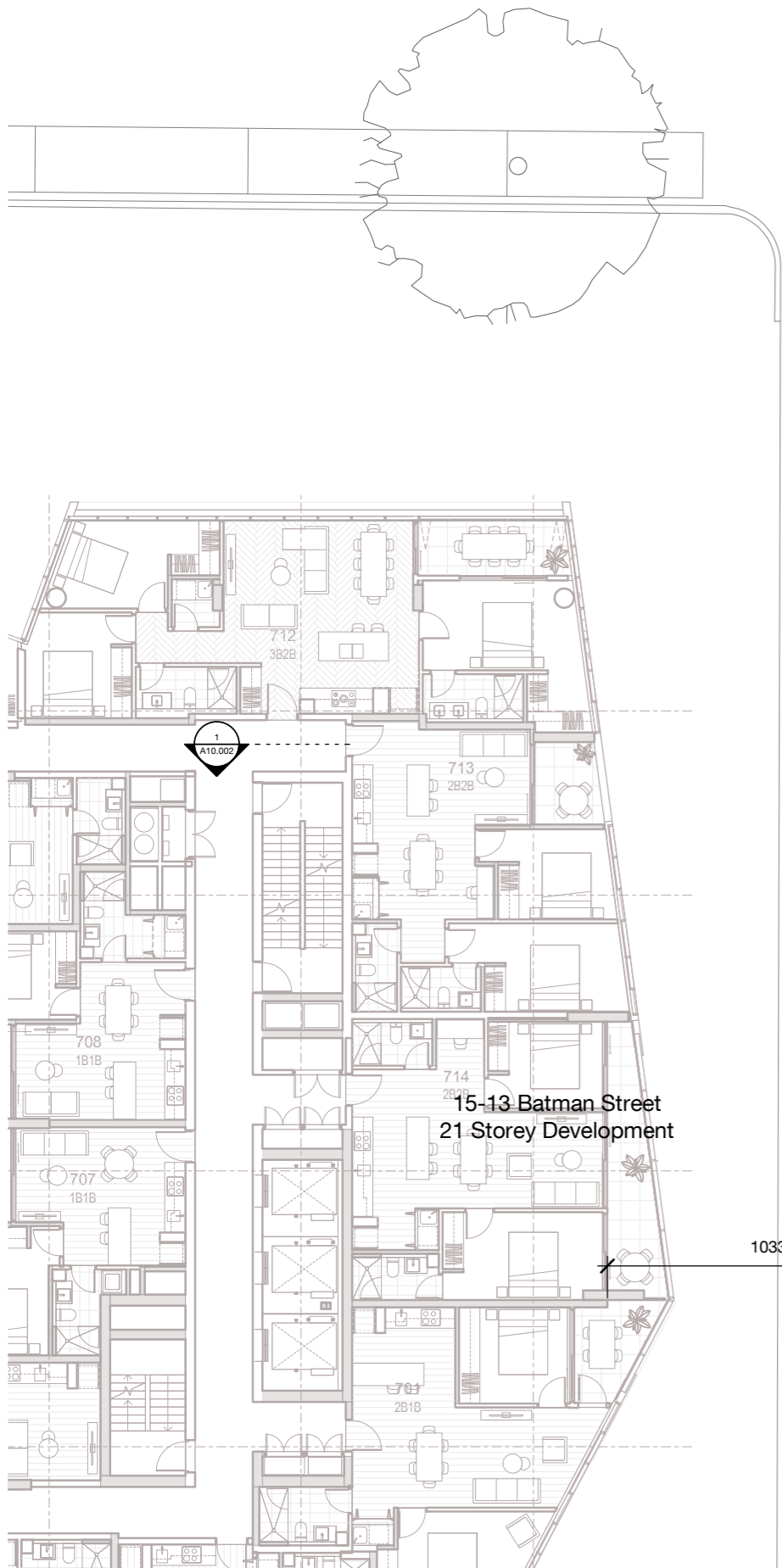
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15-13 Batman Street  
21 Storey Development



LANEWAY

KING STREET

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10 Storey Hailebury College

Roof Terrace L10

Roof Terrace L04  
RL. 42.250

Iglu King Street

Floorplan L12

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Iglu King Street

Floorplan L13-L17

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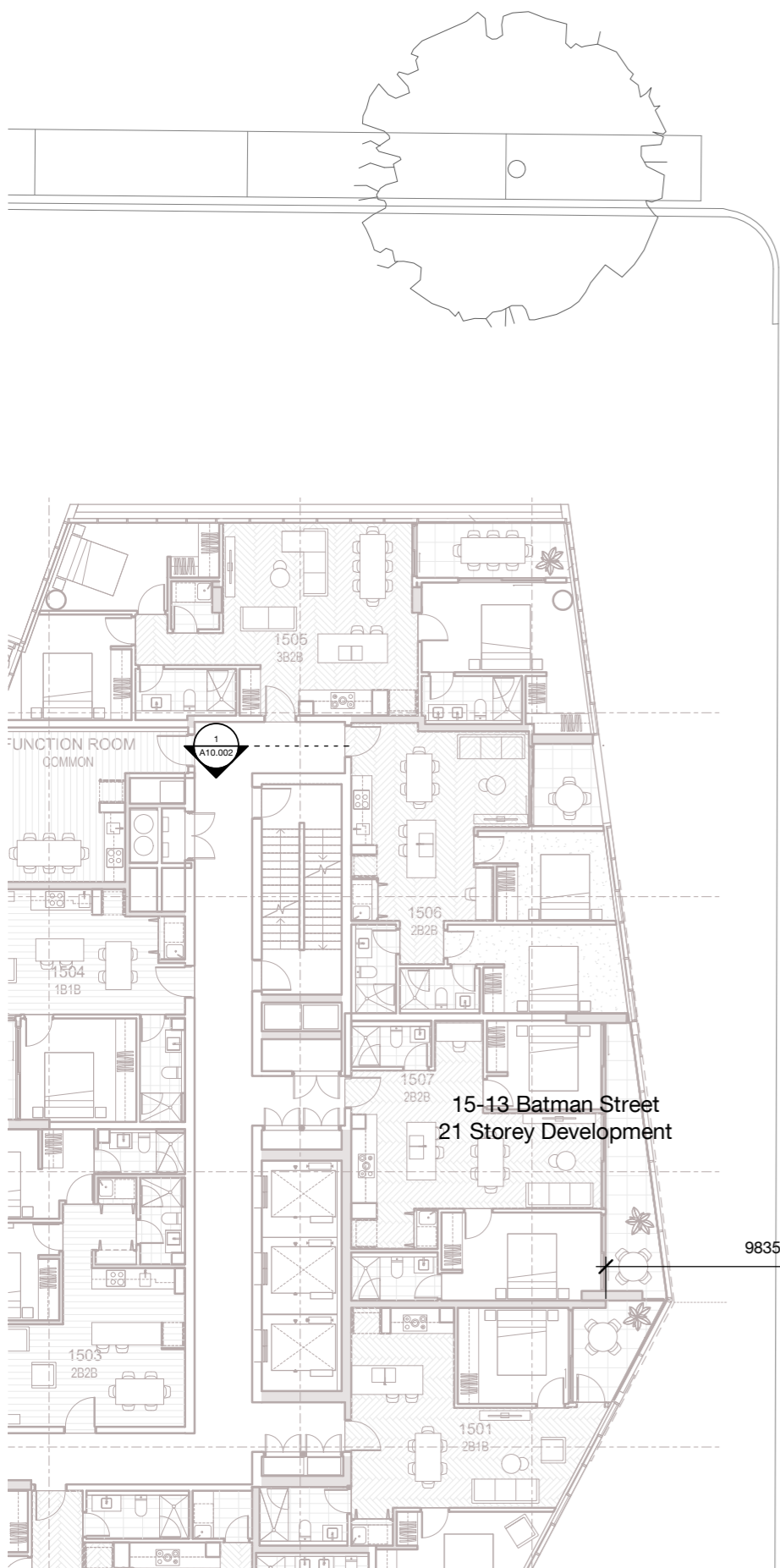
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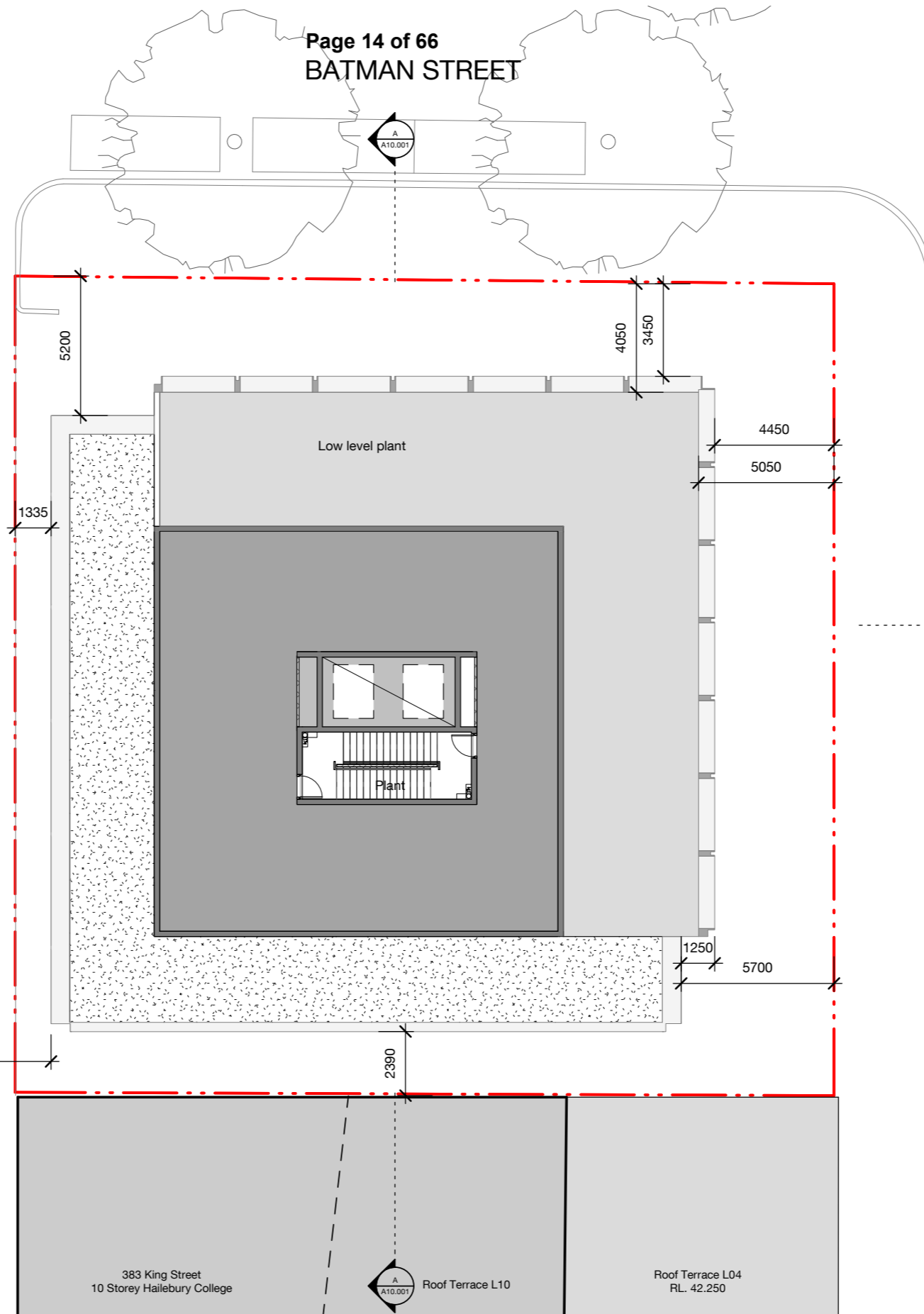
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15-13 Batman Street  
21 Storey Development



LANEWAY

KING STREET

Iglu King Street

**Plant**

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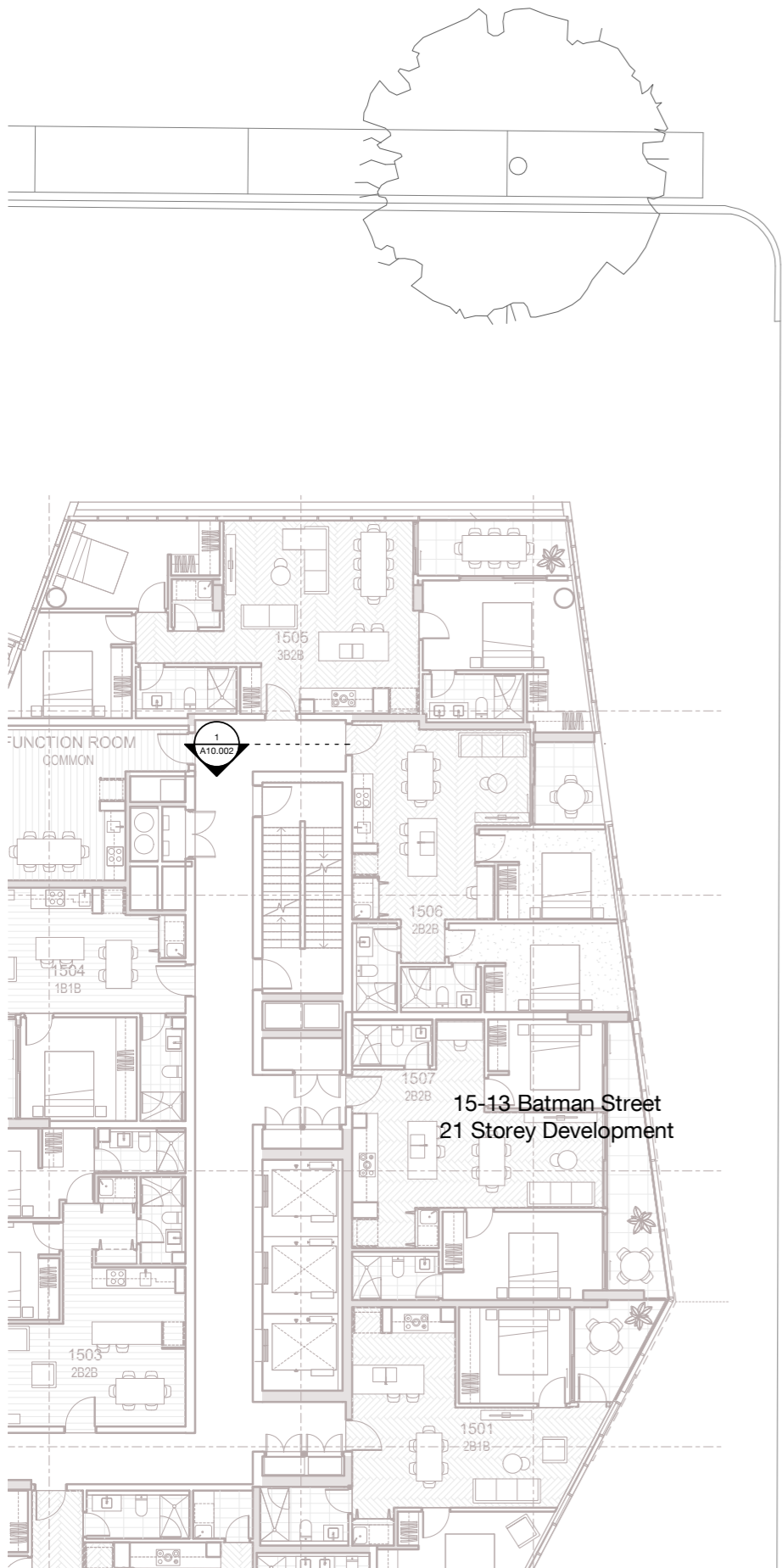
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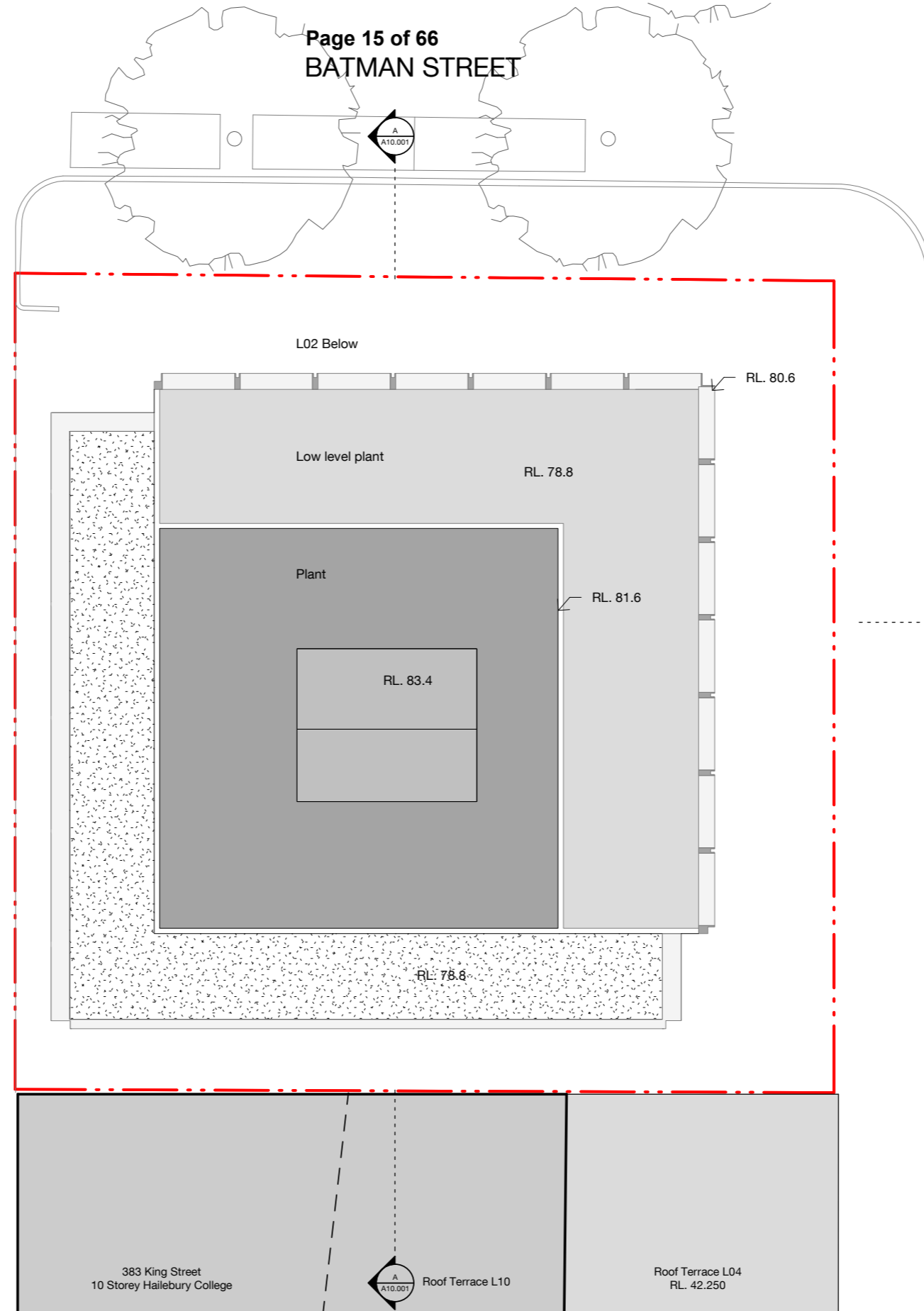
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**A**

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15-13 Batman Street  
21 Storey Development



LANEWAY

KING STREET

Iglu King Street

**Roof Plan**

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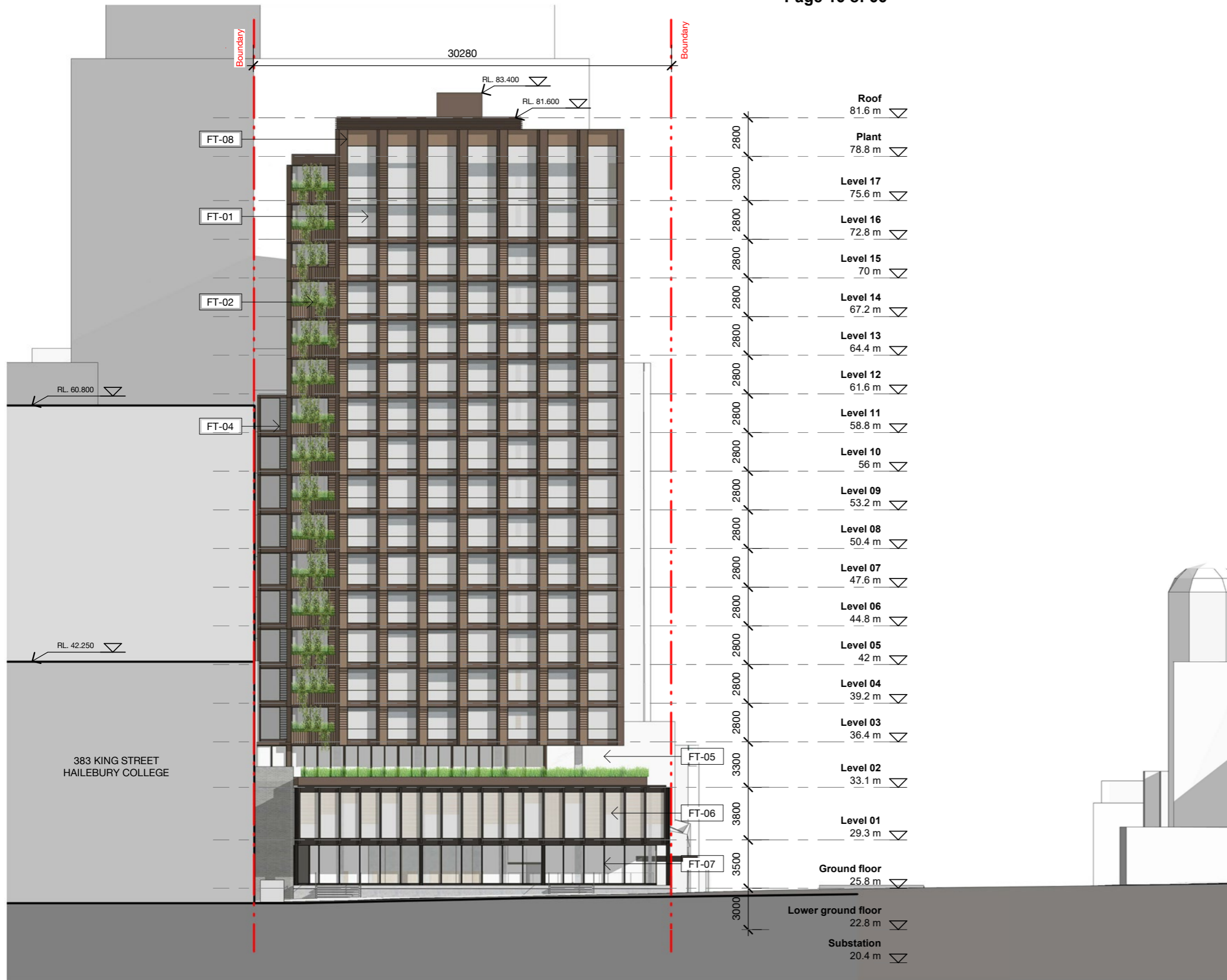
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Drawing no. PP - A03.107 Revision A

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**FT-02 \ FAÇADE TYPE 02: Tower Facade North West, West, South East**  
 \ **Vertical Sunshade:** Vertical sunshade double fin of fibre cement panel with Anodized aluminium 'dark copper' panel between fins  
 \ **Horizontal Sunshade:** Anodized aluminium 'dark copper' horizontal sunshade fin.  
 \ **Glazing:** Pressure equalised, performance IGU curtain wall facade. Anodized aluminium 'charcoal' frame.  
 \ **Vision glass:** 'Crystal grey' low iron DGU with low-E coat on face  
 \ **Operable Louvres:** Powdercoated aluminium 'copper' colored louvre panel as external layer; clear glass louvre panel as internal layer  
 \ **Planter Box:** Light grey fibre cement panel as front face with internal waterproof lining.

**FT-03 \ FAÇADE TYPE 03: Tower Facade South**  
 \ **Vertical Fin:** Vertical sunshade double fin of fibre cement panel with Anodized aluminium 'dark copper' panel between fins  
 \ **Horizontal Fin:** Anodized aluminium 'dark copper' horizontal frame.  
 \ **Glazing:** Pressure equalised, performance IGU curtain wall facade. Anodized aluminium 'charcoal' frame.  
 \ **Vision glass:** 'Crystal grey' low iron DGU with low-E coat on face  
 \ **Operable Louvres:** Powdercoated aluminium 'copper' colored louvre panel as external layer; clear glass louvre panel as internal layer  
 \ **Planter Box:** Light grey fibre cement panel as front face with internal waterproof lining.  
 \ **External panels:** Opaque U-glass panels

**FT-04 \ FAÇADE TYPE 04: Tower Facade ( Slot at the South)**  
 \ **Horizontal Sunshade:** Anodized aluminium 'dark copper' horizontal sunshade fin.  
 \ **Glazing:** Pressure equalised, performance IGU curtain wall facade. Anodized aluminium 'charcoal' frame.  
 \ **Vision glass:** Full height 'Crystal grey' low iron DGU with low-E coat on face  
 \ **Operable Louvres:** Powdercoated aluminium 'copper' colored louvre panel as external layer; clear glass louvre panel as internal layer  
 \ **Shadow Box :** 'Crystal grey'DGU to match vision glass with colour back ceramic

**FT-05 \ FAÇADE TYPE 05: Level 2 Facade**  
 \ **Glazing:** Full Height, Pressure equalised, performance IGU sliding window. Anodized aluminium 'charcoal' frame.  
 \ **Vision glass:** 'Clear' low iron DGU with low-E coat on face  
 \ **Horizontal Spandrel:** 'Clear'DGU to match vision glass with colour back ceramic on surface

**FT-06 \ FAÇADE TYPE 06: Level 1 Facade**  
 \ **Glazing:** Pressure equalised, performance IGU Facade. Frame concealed behind existing feature facade.  
 \ **Vision glass:** 'Dark' high performance DGU  
 \ **Horizontal Spandrel:** 'Dark' DGU to match vision glass with colour back ceramic on surface

**FT-07 \ FAÇADE TYPE 07: Communal Area Facade Glazing**  
 \ **Glazing:** Full Height, Pressure equalised, performance IGU. Powdercoated aluminium 'charcoal' frame.  
 \ **Vision glass:** 'Clear' low iron DGU with low-E coat on face

**FT-08 \ FAÇADE TYPE 08: Plant Room**  
 \ **External:** Powdercoated aluminium horizontal l fins 'charcoal' Vibe Aon  
 \ **Roof:** Metal roof finish 'colorbond monument' black.

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Elevation East

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Scale

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Drawn

AY

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Status

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Plot Date

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Drawing no.

PP - A09.001

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C

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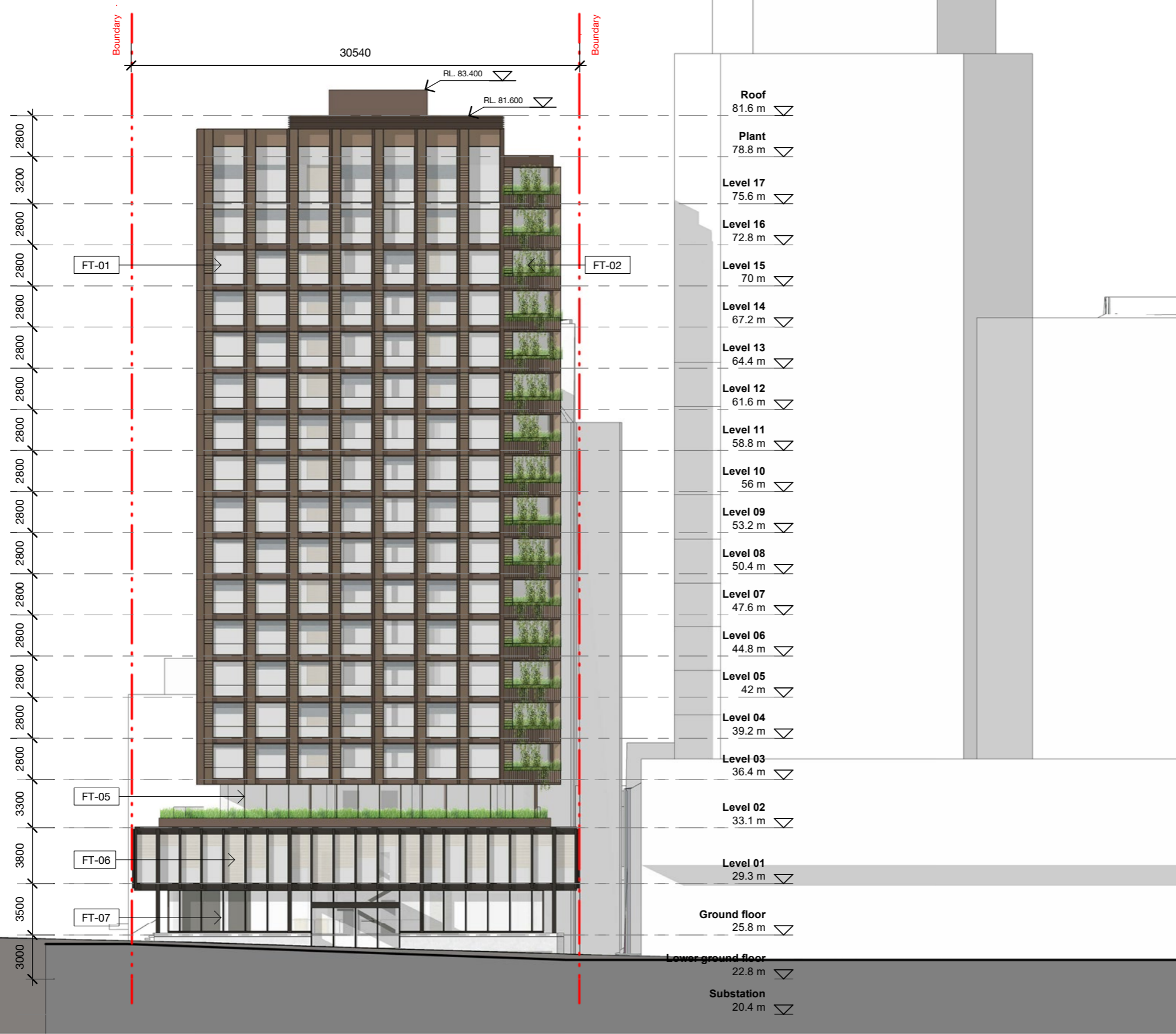
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C	06/09/2019	Planning Permit Addendum B	BS	
B	22/05/19	Planning Permit Amendment	BS	
A	20/03/19	Pre Lodgement	BS	





**FT-01 \ FAÇADE TYPE 01: Tower Facade North and West**  
 \ **Vertical Sunshade:** Anodized aluminium 'dark copper' colored vertical sunshade frame.  
 \ **Horizontal Sunshade:** Anodized aluminium 'dark copper' horizontal sunshade fin.  
 \ **Glazing:** Pressure equalised, performance IGU curtain wall facade. Anodized aluminium 'charcoal' frame.  
 \ **Vision glass:** 'Crystal grey' low iron DGU with low-E coat on face  
 \ **Operable Louvres:** Powdercoated aluminium 'copper' colored louvre panel as external layer; clear glass louvre panel as internal layer  
 \ **Shadow Box :** 'Crystal grey'DGU to match vision glass with colour back ceramic  
 \ **External panels:** Powdercoated aluminium 'dark copper' panel

**FT-02 \ FAÇADE TYPE 02: Tower Facade North West, West, South East**  
 \ **Vertical Sunshade:** Vertical sunshade double fin of fibre cement panel with Anodized aluminium 'dark copper' panel between fins  
 \ **Horizontal Sunshade:** Anodized aluminium 'dark copper' horizontal sunshade fin.  
 \ **Glazing:** Pressure equalised, performance IGU curtain wall facade. Anodized aluminium 'charcoal' frame.  
 \ **Vision glass:** 'Crystal grey' low iron DGU with low-E coat on face  
 \ **Operable Louvres:** Powdercoated aluminium 'copper' colored louvre panel as external layer; clear glass louvre panel as internal layer  
 \ **Planter Box:** Light grey fibre cement panel as front face with internal waterproof lining.

**FT-03 \ FAÇADE TYPE 03: Tower Facade South**  
 \ **Vertical Fin:** Vertical sunshade double fin of fibre cement panel with Anodized aluminium 'dark copper' panel between fins  
 \ **Horizontal Fin:** Anodized aluminium 'dark copper' horizontal frame.  
 \ **Glazing:** Pressure equalised, performance IGU curtain wall facade. Anodized aluminium 'charcoal' frame.  
 \ **Vision glass:** 'Crystal grey' low iron DGU with low-E coat on face  
 \ **Operable Louvres:** Powdercoated aluminium 'copper' colored louvre panel as external layer; clear glass louvre panel as internal layer  
 \ **Planter Box:** Light grey fibre cement panel as front face with internal waterproof lining.  
 \ **External panels:** Opaque U-glass panels

**FT-04 \ FAÇADE TYPE 04: Tower Facade ( Slot at the South)**  
 \ **Horizontal Sunshade:** Anodized aluminium 'dark copper' horizontal sunshade fin.  
 \ **Glazing:** Pressure equalised, performance IGU curtain wall facade. Anodized aluminium 'charcoal' frame.  
 \ **Vision glass:** Full height 'Crystal grey' low iron DGU with low-E coat on face  
 \ **Operable Louvres:** Powdercoated aluminium 'copper' colored louvre panel as external layer; clear glass louvre panel as internal layer  
 \ **Shadow Box :** 'Crystal grey'DGU to match vision glass with colour back ceramic

**FT-05 \ FAÇADE TYPE 05: Level 2 Facade**  
 \ **Glazing:** Full Height, Pressure equalised, performance IGU sliding window. Anodized aluminium 'charcoal' frame.  
 \ **Vision glass:** 'Clear' low iron DGU with low-E coat on face  
 \ **Horizontal Spandrel:** 'Clear'DGU to match vision glass with colour back ceramic on surface

**FT-06 \ FAÇADE TYPE 06: Level 1 Facade**  
 \ **Glazing:** Pressure equalised, performance IGU Facade. Frame concealed behind existing feature facade.  
 \ **Vision glass:** 'Dark' high performance DGU  
 \ **Horizontal Spandrel:** 'Dark' DGU to match vision glass with colour back ceramic on surface

**FT-07 \ FAÇADE TYPE 07: Communal Area Facade Glazing**  
 \ **Glazing:** Full Height, Pressure equalised, performance IGU. Powdercoated aluminium 'charcoal' frame.  
 \ **Vision glass:** 'Clear' low iron DGU with low-E coat on face

**FT-08 \ FAÇADE TYPE 08: Plant Room**  
 \ **External:** Powdercoated aluminium horizontal l fins 'charcoal' Vibe Aon  
 \ **Roof:** Metal roof finish 'colorbond monument' black.

Iglu King Street

**Elevation North**

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Project no.	S12276	Status DD/Tender
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B	06/09/2019	Planning Permit Addendum B	BS	
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**FT-01 \ FAÇADE TYPE 01: Tower Facade North and West**  
 \ **Vertical Sunshade:** Anodized aluminium 'dark copper' colored vertical sunshade frame.  
 \ **Horizontal Sunshade:** Anodized aluminium 'dark copper' horizontal sunshade fin.  
 \ **Glazing:** Pressure equalised, performance IGU curtain wall facade. Anodized aluminium 'charcoal' frame.  
 \ **Vision glass:** 'Crystal grey' low iron DGU with low-E coat on face  
 \ **Operable Louvres:** Powdercoated aluminium 'copper' colored louvre panel as external layer; clear glass louvre panel as internal layer  
 \ **Shadow Box :** 'Crystal grey'DGU to match vision glass with colour back ceramic  
 \ **External panels:** Powdercoated aluminium 'dark copper' panel

**FT-02 \ FAÇADE TYPE 02: Tower Facade North West, West, South East**  
 \ **Vertical Sunshade:** Vertical sunshade double fin of fibre cement panel with Anodized aluminium 'dark copper' panel between fins  
 \ **Horizontal Sunshade:** Anodized aluminium 'dark copper' horizontal sunshade fin.  
 \ **Glazing:** Pressure equalised, performance IGU curtain wall facade. Anodized aluminium 'charcoal' frame.  
 \ **Vision glass:** 'Crystal grey' low iron DGU with low-E coat on face  
 \ **Operable Louvres:** Powdercoated aluminium 'copper' colored louvre panel as external layer; clear glass louvre panel as internal layer  
 \ **Planter Box:** Light grey fibre cement panel as front face with internal waterproof lining.

**FT-03 \ FAÇADE TYPE 03: Tower Facade South**  
 \ **Vertical Fin:** Vertical sunshade double fin of fibre cement panel with Anodized aluminium 'dark copper' panel between fins  
 \ **Horizontal Fin:** Anodized aluminium 'dark copper' horizontal frame.  
 \ **Glazing:** Pressure equalised, performance IGU curtain wall facade. Anodized aluminium 'charcoal' frame.  
 \ **Vision glass:** 'Crystal grey' low iron DGU with low-E coat on face  
 \ **Operable Louvres:** Powdercoated aluminium 'copper' colored louvre panel as external layer; clear glass louvre panel as internal layer  
 \ **Planter Box:** Light grey fibre cement panel as front face with internal waterproof lining.  
 \ **External panels:** Opaque U-glass panels

**FT-04 \ FAÇADE TYPE 04: Tower Facade ( Slot at the South)**  
 \ **Horizontal Sunshade:** Anodized aluminium 'dark copper' horizontal sunshade fin.  
 \ **Glazing:** Pressure equalised, performance IGU curtain wall facade. Anodized aluminium 'charcoal' frame.  
 \ **Vision glass:** Full height 'Crystal grey' low iron DGU with low-E coat on face  
 \ **Operable Louvres:** Powdercoated aluminium 'copper' colored louvre panel as external layer; clear glass louvre panel as internal layer  
 \ **Shadow Box :** 'Crystal grey'DGU to match vision glass with colour back ceramic

**FT-05 \ FAÇADE TYPE 05: Level 2 Facade**  
 \ **Glazing:** Full Height, Pressure equalised, performance IGU sliding window. Anodized aluminium 'charcoal' frame.  
 \ **Vision glass:** 'Clear' low iron DGU with low-E coat on face  
 \ **Horizontal Spandrel:** 'Clear'DGU to match vision glass with colour back ceramic on surface

**FT-06 \ FAÇADE TYPE 06: Level 1 Facade**  
 \ **Glazing:** Pressure equalised, performance IGU Facade. Frame concealed behind existing feature facade.  
 \ **Vision glass:** 'Dark' high performance DGU  
 \ **Horizontal Spandrel:** 'Dark' DGU to match vision glass with colour back ceramic on surface

**FT-07 \ FAÇADE TYPE 07: Communal Area Facade Glazing**  
 \ **Glazing:** Full Height, Pressure equalised, performance IGU. Powdercoated aluminium 'charcoal' frame.  
 \ **Vision glass:** 'Clear' low iron DGU with low-E coat on face

**FT-08 \ FAÇADE TYPE 08: Plant Room**  
 \ **External:** Powdercoated aluminium horizontal I fins 'charcoal' Vibe Aon  
 \ **Roof:** Metal roof finish 'colorbond monument' black.

Iglu King Street

Elevation West

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PP - A09.003

Revision

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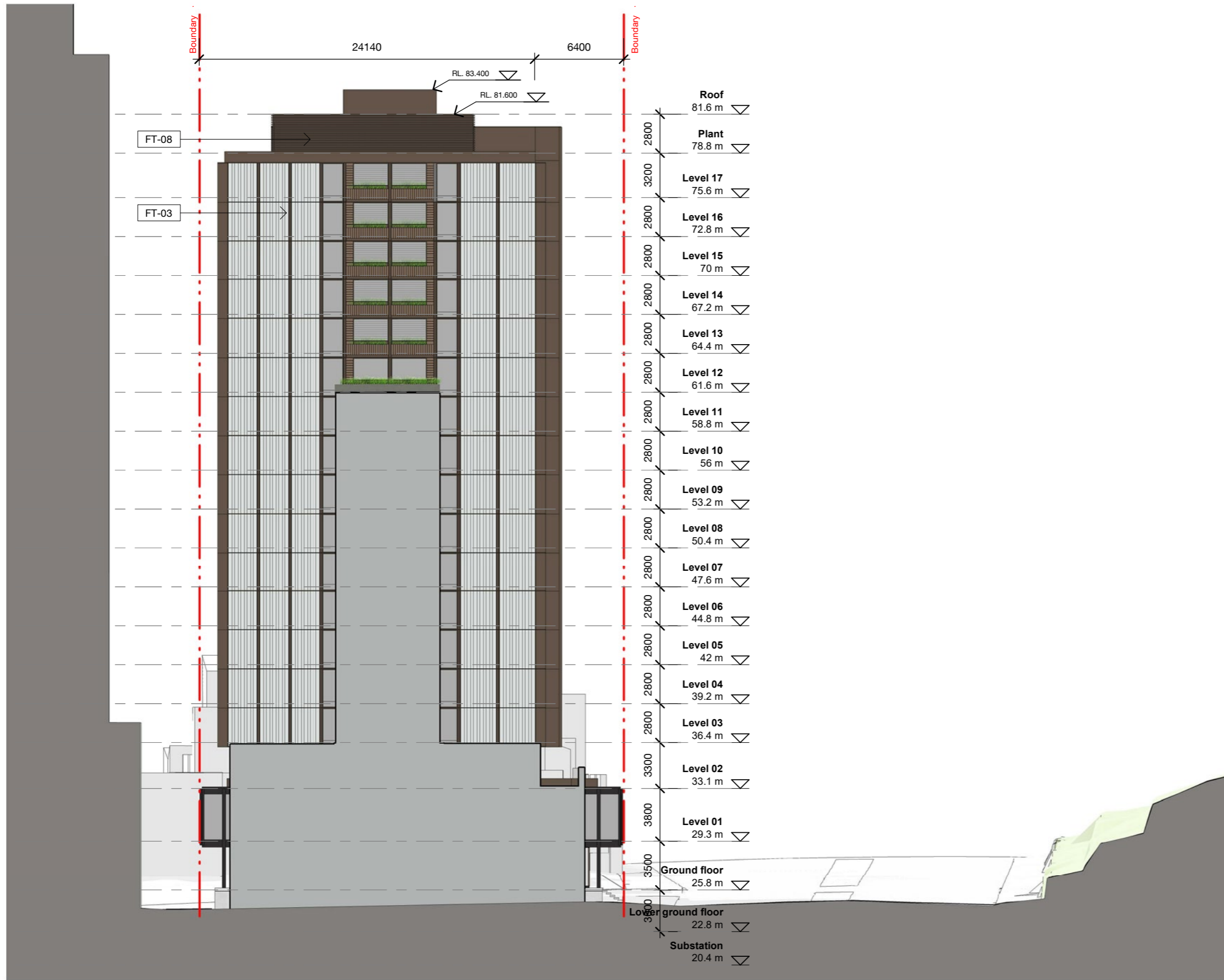
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D	06/09/2019	Planning Permit Addendum B	BS	
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B	22/05/19	Planning Permit Amendment	BS	
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**BATESSMART**



- FT-01 \ FAÇADE TYPE 01: Tower Facade North and West**
  - \ **Vertical Sunshade:** Anodized aluminium 'dark copper' colored vertical sunshade frame.
  - \ **Horizontal Sunshade:** Anodized aluminium 'dark copper' horizontal sunshade fin.
  - \ **Glazing:** Pressure equalised, performance IGU curtain wall facade. Anodized aluminium 'charcoal' frame.
  - \ **Vision glass:** 'Crystal grey' low iron DGU with low-E coat on face
  - \ **Operable Louvres:** Powdercoated aluminium 'copper' colored louvre panel as external layer; clear glass louvre panel as internal layer
  - \ **Shadow Box :** 'Crystal grey'DGU to match vision glass with colour back ceramic
  - \ **External panels:** Powdercoated aluminium 'dark copper' panel
- FT-02 \ FAÇADE TYPE 02: Tower Facade North West, West, South East**
  - \ **Vertical Sunshade:** Vertical sunshade double fin of fibre cement panel with Anodized aluminium 'dark copper' panel between fins
  - \ **Horizontal Sunshade:** Anodized aluminium 'dark copper' horizontal sunshade fin.
  - \ **Glazing:** Pressure equalised, performance IGU curtain wall facade. Anodized aluminium 'charcoal' frame.
  - \ **Vision glass:** 'Crystal grey' low iron DGU with low-E coat on face
  - \ **Operable Louvres:** Powdercoated aluminium 'copper' colored louvre panel as external layer; clear glass louvre panel as internal layer
  - \ **Planter Box:** Light grey fibre cement panel as front face with internal waterproof lining.
- FT-03 \ FAÇADE TYPE 03: Tower Facade South**
  - \ **Vertical Fin:** Vertical sunshade double fin of fibre cement panel with Anodized aluminium 'dark copper' panel between fins
  - \ **Horizontal Fin:** Anodized aluminium 'dark copper' horizontal frame.
  - \ **Glazing:** Pressure equalised, performance IGU curtain wall facade. Anodized aluminium 'charcoal' frame.
  - \ **Vision glass:** 'Crystal grey' low iron DGU with low-E coat on face
  - \ **Operable Louvres:** Powdercoated aluminium 'copper' colored louvre panel as external layer; clear glass louvre panel as internal layer
  - \ **Planter Box:** Light grey fibre cement panel as front face with internal waterproof lining.
  - \ **External panels:** Opaque U-glass panels
- FT-04 \ FAÇADE TYPE 04: Tower Facade ( Slot at the South)**
  - \ **Horizontal Sunshade:** Anodized aluminium 'dark copper' horizontal sunshade fin.
  - \ **Glazing:** Pressure equalised, performance IGU curtain wall facade. Anodized aluminium 'charcoal' frame.
  - \ **Vision glass:** Full height 'Crystal grey' low iron DGU with low-E coat on face
  - \ **Operable Louvres:** Powdercoated aluminium 'copper' colored louvre panel as external layer; clear glass louvre panel as internal layer
  - \ **Shadow Box :** 'Crystal grey'DGU to match vision glass with colour back ceramic
- FT-05 \ FAÇADE TYPE 05: Level 2 Facade**
  - \ **Glazing:** Full Height, Pressure equalised, performance IGU sliding window. Anodized aluminium 'charcoal' frame.
  - \ **Vision glass:** 'Clear' low iron DGU with low-E coat on face
  - \ **Horizontal Spandrel:** 'Clear'DGU to match vision glass with colour back ceramic on surface
- FT-06 \ FAÇADE TYPE 06: Level 1 Facade**
  - \ **Glazing:** Pressure equalised, performance IGU Facade. Frame concealed behind existing feature facade.
  - \ **Vision glass:** 'Dark' high performance DGU
  - \ **Horizontal Spandrel:** 'Dark' DGU to match vision glass with colour back ceramic on surface
- FT-07 \ FAÇADE TYPE 07: Communal Area Facade Glazing**
  - \ **Glazing:** Full Height, Pressure equalised, performance IGU. Powdercoated aluminium 'charcoal' frame.
  - \ **Vision glass:** 'Clear' low iron DGU with low-E coat on face
- FT-08 \ FAÇADE TYPE 08: Plant Room**
  - \ **External:** Powdercoated aluminium horizontal l fins 'charcoal' Vibe Aon
  - \ **Roof:** Metal roof finish 'colorbond monument' black.

Iglu King Street

Elevation South

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S12276

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Drawing no.

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Revision

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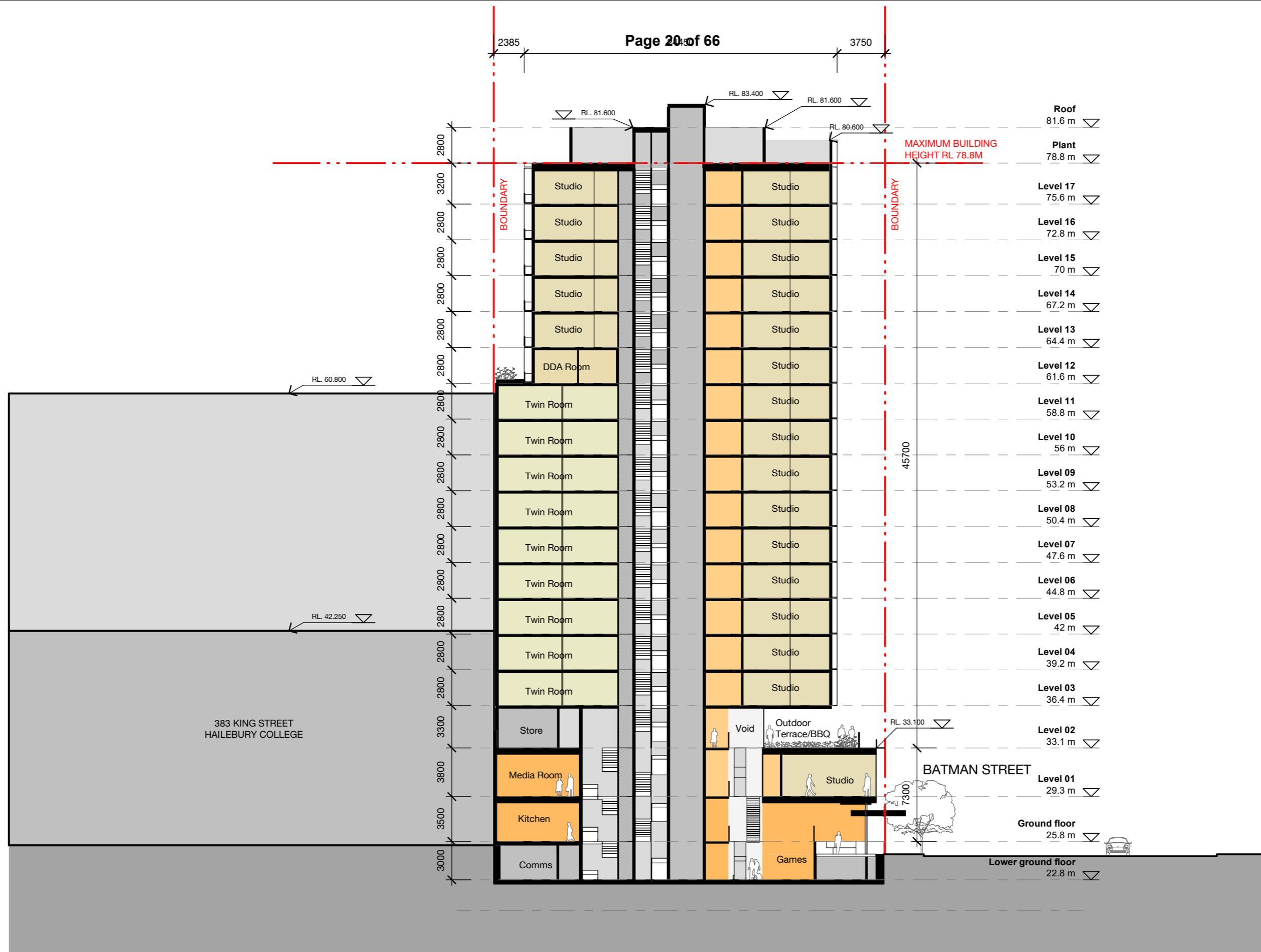
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Section A-A

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Drawing no.

PP - A10.001

Revision

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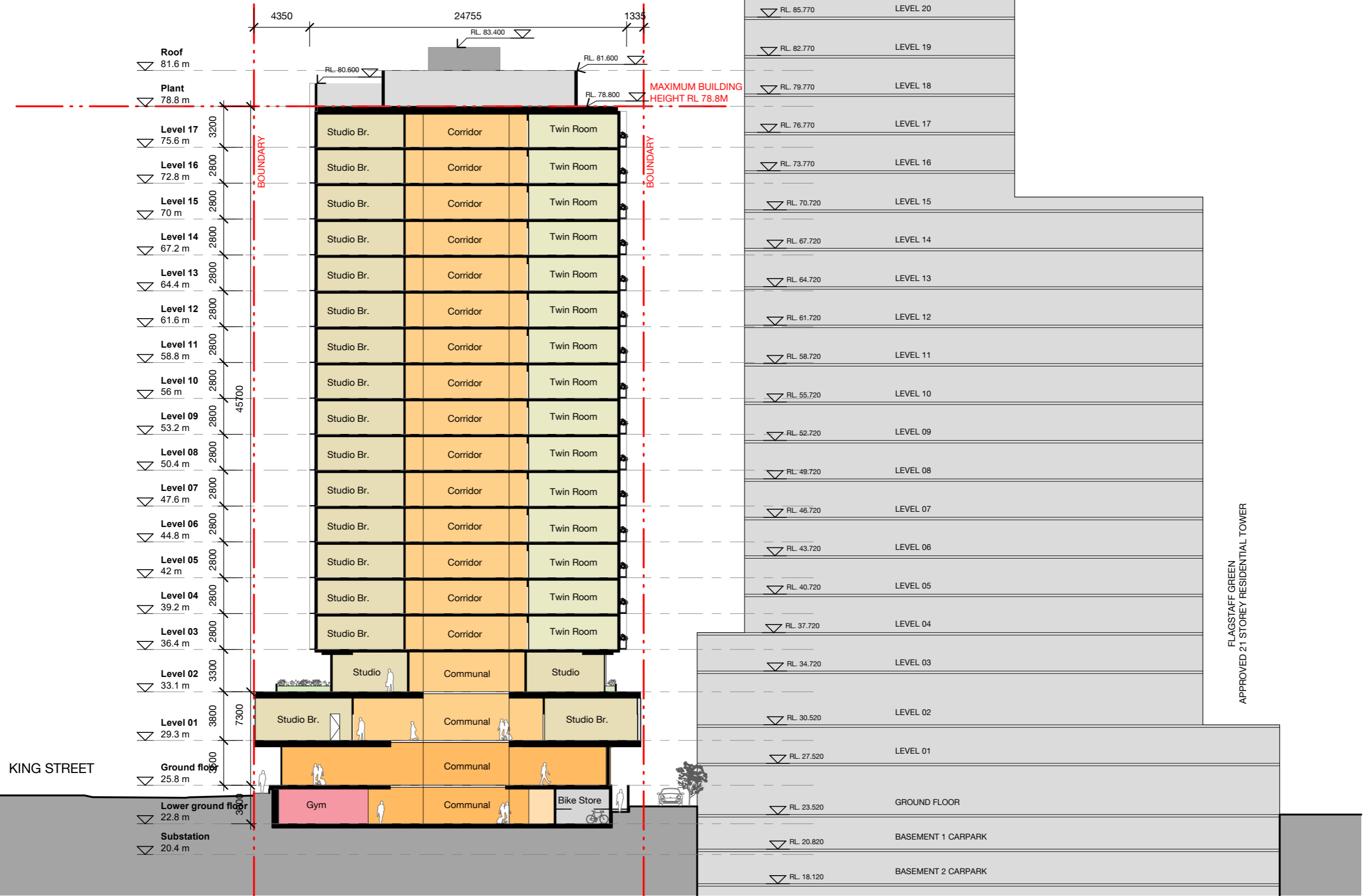
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KING STREET

Iglu King Street

Section B-B

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Plot Date	22/10/2019 3:36:26 PM	

Drawing no. Revision D

PP - A10.002

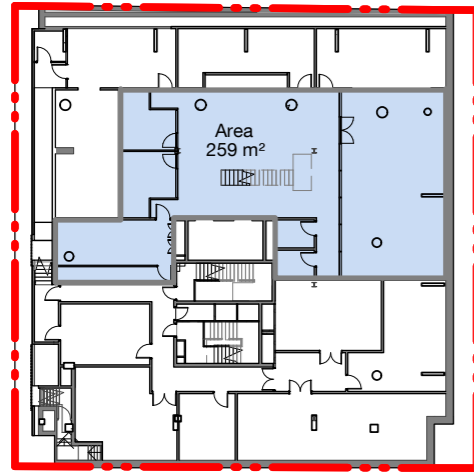
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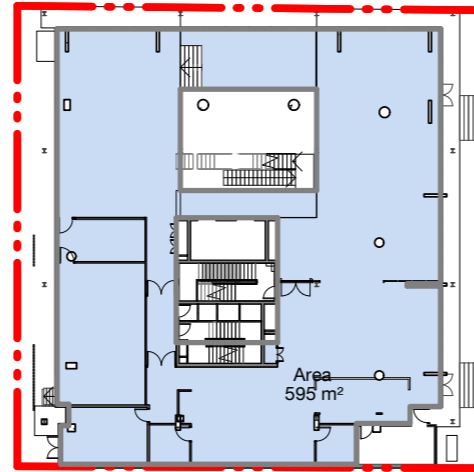
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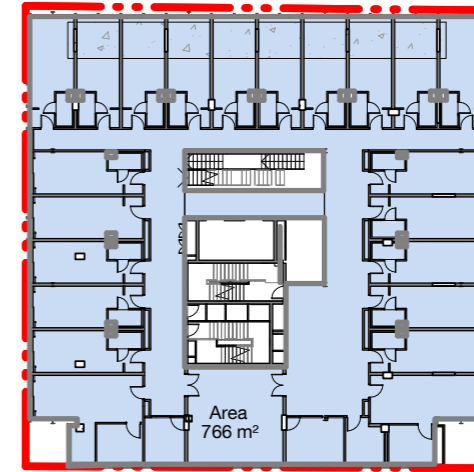
Revision	Date	Description	Initial	Checked
D	06/09/2019	Planning Permit Addendum B	BS	
C	21/06/19	Planning Permit RFI A	BS	
B	22/05/19	Planning Permit Amendment	BS	
A	20/03/19	Pre Lodgement	BS	



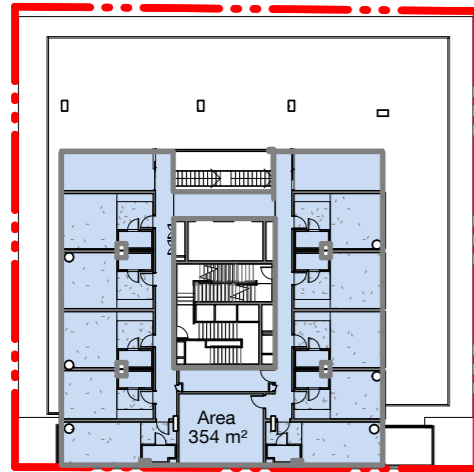
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Plan 1 : 500



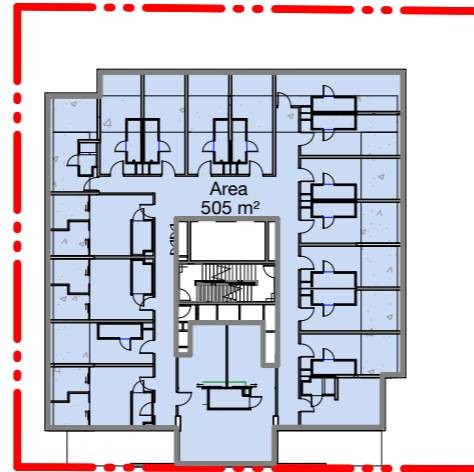
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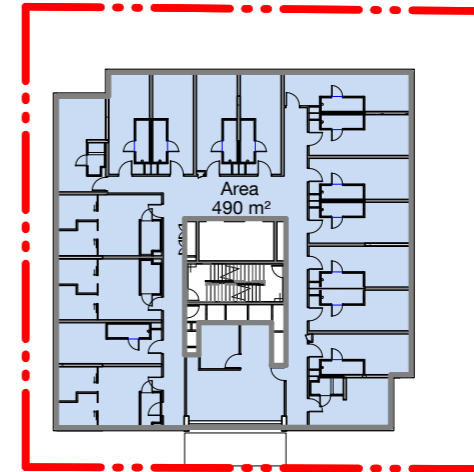
3 GFA Level 01 - PP  
Plan 1 : 500



4 GFA Level 02 - PP  
Plan 1 : 500



5 GFA Level 03 - PP  
Plan 1 : 500



6 GFA Level 12 - PP  
Plan 1 : 500

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GFA Area Plan

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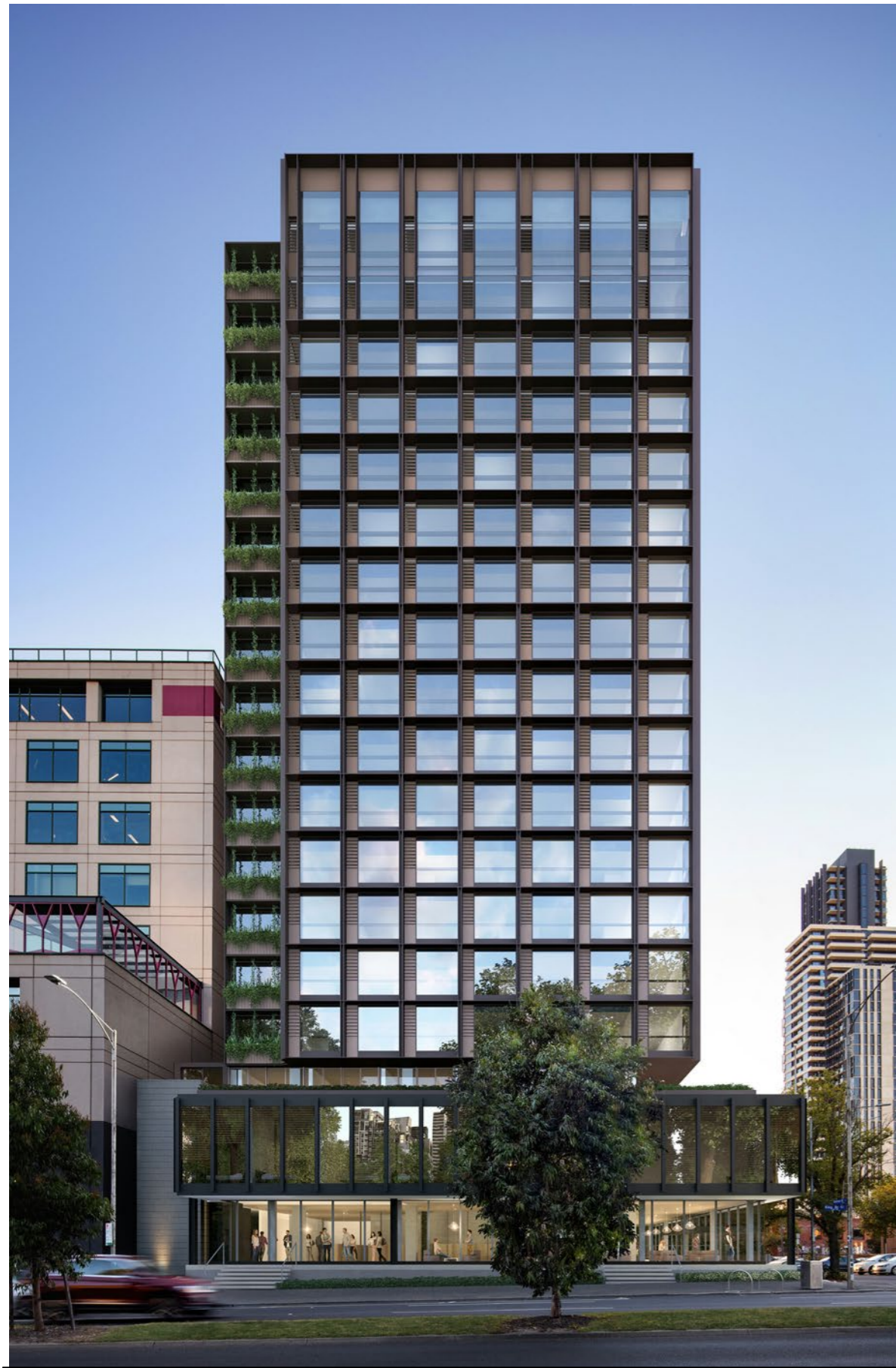
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Perspective Front

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Perspective Corner

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Project no.	S12276	Status	DD/Tender
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Scale

@ A3

Perspective North

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.

Drawn	AY	Checked	MH
Project no.	S12276	Status	DD/Tender
Plot Date	17/09/2019 1:42:37 PM		

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

Drawing no.

PP - A60.003

Revision  
B

B	06/09/2019	Planning Permit Addendum B	BS	
A	22/05/19	Planning Permit Amendment	BS	
Revision	Date	Description	Initial	Checked

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**BATESSMART**

**Site Areas & Calculations**

Site Area (sqm)	926	(Approx)
Maximum RL (m)	78.80	(Based on Conditions of Consent)
Existing Ground RL (m)	25.80	(Based on Existing Structure)

Development Summary	Rooms					Amenities and Administration								Parking	Areas	
	Studio Rooms	Twin Cluster Rooms	Twin Studios	DDA Studio Rooms	Number of beds	Lounge Spaces	Library/ Study Spaces	Media Room	Gym	Communal Landscaping	Reception	Admin	Mail	Laundry	Bicycle Parking	GFA
Room Size (m <sup>2</sup> ) All rooms are calculated excluding wet area	17.8-21.4	28	52.3	29.8-33.6												
Roof															Spaces	
Level 17	16	3	0	0	22											490
Level 16	16	3	0	0	22											490
Level 15	16	3	0	0	22											490
Level 14	16	3	0	0	22											490
Level 13	16	3	0	0	22											490
Level 12	14	3	0	1	21											490
Level 11	14	3	1	0	22											505
Level 10	14	3	1	0	22											505
Level 9	14	3	1	0	22											505
Level 8	14	3	1	0	22											505
Level 7	14	3	1	0	22											505
Level 6	14	3	1	0	22											505
Level 5	14	3	1	0	22											505
Level 4	14	3	1	0	22											505
Level 3	14	3	1	0	22											505
Level 2 (Break level)	10	0	0	0	10		33			210						354
Level 1 (Flagstaff House)	20	0	0	2	22		66	40								766
Ground Level (Flagstaff House)						476					140	71	2			595
Lower Ground (Flagstaff House)						100	26		86				31	74		259
<b>Total Number of Rooms</b>	250	45	9	3	361	576	125	40	86	210	140	71	2	31		9459
<b>Sub-Total Number of Rooms</b>				307	361				827	210				244		
<b>Total Number of Beds</b>					361											

Communal Areas	Bicycle Parking / Bed	
Indoor Communal Area Per Room	2.69	0.20
Indoor Communal Area Per Bed	2.29	
Outdoor Communal Area Per Room	0.68	
Outdoor Communal Area Per Bed	0.58	

**Definitions**

GFA- in summary, the sum of the floor area of each floor of a building measured from the internal face of external walls excluding common vertical circulation and other items.

**DELEGATE REPORT****APPLICATION TO AMEND A PLANNING PERMIT**

<b>Application number:</b>	TP-2017-931/A
<b>Applicant / owner / architect:</b>	Iglu Student Accommodation c/o Tract Consultants, Iglu No. 303 Pty Ltd, Bates Smart
<b>Address:</b>	407-415 King Street, WEST MELBOURNE VIC 3003
<b>Proposal:</b>	Partial demolition and construction of a multi storey building for use as residential building (student accommodation)
<b>Cost of works:</b>	\$30.2 million
<b>Date of application:</b>	29 May 2019
<b>Responsible officer:</b>	Esha Rahman, Senior Urban Planner

**1 SUBJECT SITE AND SURROUNDS****1.1 Site**

The subject site is located on the south-west corner of Batman and King Streets in West Melbourne. A Council Lane identified as 'CL1302' abuts the western boundary of the subject site. A portion of this lane to the rear southern end is under private ownership. The lane provides a through connection between Batman and Jeffcott Streets to the south of the site.

The site is generally square in shape, has frontages of approximately 30.33m to King Street, approximately 30.55m to Batman Street, a depth of approximately 30m and a total site area of approximately 930m<sup>2</sup>. The site has a north-south and east-west orientation. The site has a slight fall downwards from the north to the south.

The site is identified as Lots 1 and 2 on Title Plan no. 379518E. Both lots have carriageway rights over the Council lane 'CL1302' located adjacent to the western boundary of the site. The site is not affected by any restrictive covenant or any other easements.

The site currently contains a two storey vacant office building. In the City of Melbourne's Heritage Places Inventory, the subject building has a B grading and King Street is identified as a level 3 streetscape. Vehicular access to the site is currently provided via the Council Lane.

Aerial Photo / Locality Plan



Figure 1: Aerial view of subject site.



VIEW 1  
Looking towards subject site from the edge of Flagstaff Gardens.



VIEW 2  
Looking towards subject site along Batman St.



VIEW 3  
Looking towards subject site from Batman St.



VIEW 4  
Looking South at subject site along King St.

Figure 2: Photos of the existing B graded heritage building as viewed from King and Batman Streets.

## 1.2 Surrounds

The surrounding area comprises a mixture of residential, commercial and educational land uses. The subject site has the following immediate interfaces:

- To the north of the site is Batman Street and across this is the single storey St James Old Cathedral which is included on the Victorian Heritage Register. To the immediate west of this church are single and double storey buildings which are used for residential and commercial purposes.
- Directly to the south is a 10 storey building which is occupied by Haileybury College. This building is constructed to the northern boundary / common boundary with the subject site. Outdoor recreation spaces associated with the school are located in the front setback above street level. A roof space / terrace exists at the rooftop level of the building.
- To the east is King Street and across this is the Flagstaff Gardens.
- To the west is the Council Lane 'CL1302' and across this is the property at 15 Batman Street which is a residential apartment building with an overall height of 67 metres. The apartments have habitable room windows and private open spaces located on the eastern boundary adjacent to the subject site. Further to the west are properties occupied by residential apartment buildings which are constructed to a height of between 40 and 43 metres.

## 2 BACKGROUND AND HISTORY

### 2.1 Planning Application History

Planning application TP-2016-398 seeking approval for partial demolition of the heritage building, construction of a 69.4 metres high tower to be used for dwellings, a residential hotel and a licensed restaurant was lodged with the City of Melbourne on 29 May 2016. On 26 September 2016, a failure appeal was lodged at the Victorian Civil and Administrative Tribunal (VCAT). Council formed the view that, had a failure appeal not been lodged, the application would have been refused due to significant concerns relating to heritage, built form and design matters. On 13 April 2017 VCAT directed that no planning permit issue.

On 13 November 2017, planning application TP-2017-931 was lodged with the City of Melbourne seeking approval for partial demolition of the heritage building, construction of a 62.8 m high residential hotel with retail, licensed restaurant and a function centre, construction and display of business identification signs and a reduction in the bicycle parking requirements

This application received 10 objections. The key factors which were considered during the assessment of this application related to the built form, heritage, design detail, amenity impacts, the appropriateness of the proposed uses, parking, traffic and waste.

This application was presented at the Council's Future Melbourne Committee (FMC) meeting held on 16 October 2018 and the FMC determined to issue a Notice of Decision to Grant a Permit. The decision was not appealed to VCAT and subsequently a planning permit was issued on 27 November 2018. Condition 1 of the permit required amended plans to be submitted showing, amongst other things, a reduction in the building height to 53m and the removal of the function centre use. Plans are yet to be endorsed to form part of the permit.

On 28 May 2019, an amended application to the planning permit was lodged under Section 72 of the Act seeking approval to replace the residential hotel use with

student accommodation, undertake modifications to the architectural design and for subsequent changes to the permit preamble and conditions.

## 2.2 Amendments during the process

Council Officers initially raised concerns with the internal amenity of the student rooms, the amount of outdoor communal space provided and the proposed façade expression. This resulted in the applicant formally submitting amended plans pursuant to Section 57a of the Act which were received by Council on 25 October 2019. The amended plans supersede the previously advertised plans initially submitted with the application. The amended plans prepared by Bates Smart dated 17/09/2019, Revision B show the following key changes:

- Internal reconfiguration to improve the internal amenity.
- Changes to the façade expression.
- Increase in the total number of bedrooms from 297 to 307. This is a result of a net increase in studio rooms.
- Increase in outdoor communal facilities.
- Decrease in indoor communal facilities.
- Increase in bicycle spaces from 24 spaces to 74 spaces.

The changes will be discussed in greater detail below.

## 3 PROPOSAL

The application seeks approval to amend Planning Permit TP-2017-931 pursuant to Section 72 of the Act in the following ways:

- Amend the permit preamble to:
  - Delete reference to residential hotel, food and drink premises, sale and consumption of liquor, construction and display of illuminated business identification signage, and dispensation of the car parking requirements.
  - Include the use of the land for the purpose of residential building (student accommodation).
- Amend the following planning permit conditions:
  - Condition 1:
    - Deletion reference to Fender Katsalidis plans and replace with the Bates Smart Plans.
    - Deletion conditions 1a to 1f.
  - Condition 5: Remove reference to Fender Katsalidis plans and replace with Bates Smart plans.
  - Condition 7: Remove reference to Fender Katsalidis and replace with Bates Smart.
  - Condition 20: Delete reference to previous Waste Management Plan (WMP) and make reference to the current WMP.
  - Condition 22: Delete reference to previous Environmentally Sustainable Design (ESD) Report and make reference to current ESD report.

- Conditions 30 and 31: Delete conditions relating to car parking as the amended application does not propose any car parking.
  - Conditions 33 to 36: Delete conditions relating to signage as the amended application does not propose any signage as part of this application.
  - Condition 37: Make reference to ‘excluding demolition’.
  - Conditions 46 to 53: Delete these conditions relating to licensed premises as this use is not proposed as part of the amended
  - Insert new conditions relating to student accommodation use.
  - Re-number conditions accordingly.
- Amend the plans which were considered.

The plans which have been considered in this planning assessment are prepared by Bates Smart Bates Smart dated 17 September and 22, 24 October 2019, Revision A, B, C and D.

The application seeks approval for the following use:

<b>Student accommodation</b>	Total number of rooms: 307 Total number of beds: 361 Studio rooms: 250 DDA studios: 3 Twin cluster rooms: 45 Twin studios: 9
<b>Indoor communal space</b>	Total of 827 m <sup>2</sup> provided (2.29m <sup>2</sup> per bed) on lower ground, ground, levels 1 and 2.
<b>Outdoor communal space</b>	Total of 210 m <sup>2</sup> provided (0.58m <sup>2</sup> per bed) as an outdoor terrace area on level 2 fronting Batman Street.

The proposed built form will be generally constructed within the approved building envelope in terms of its overall height and setbacks with the following exceptions:

- A high parapet to the Batman and King Street frontages of the building which will be constructed to an additional height of 2.8m above the approved façade height.
- A lift overrun which will be constructed 1.8m higher than the previously approved lift overrun.

A section plan of the proposed building is showing in figure 3 below.

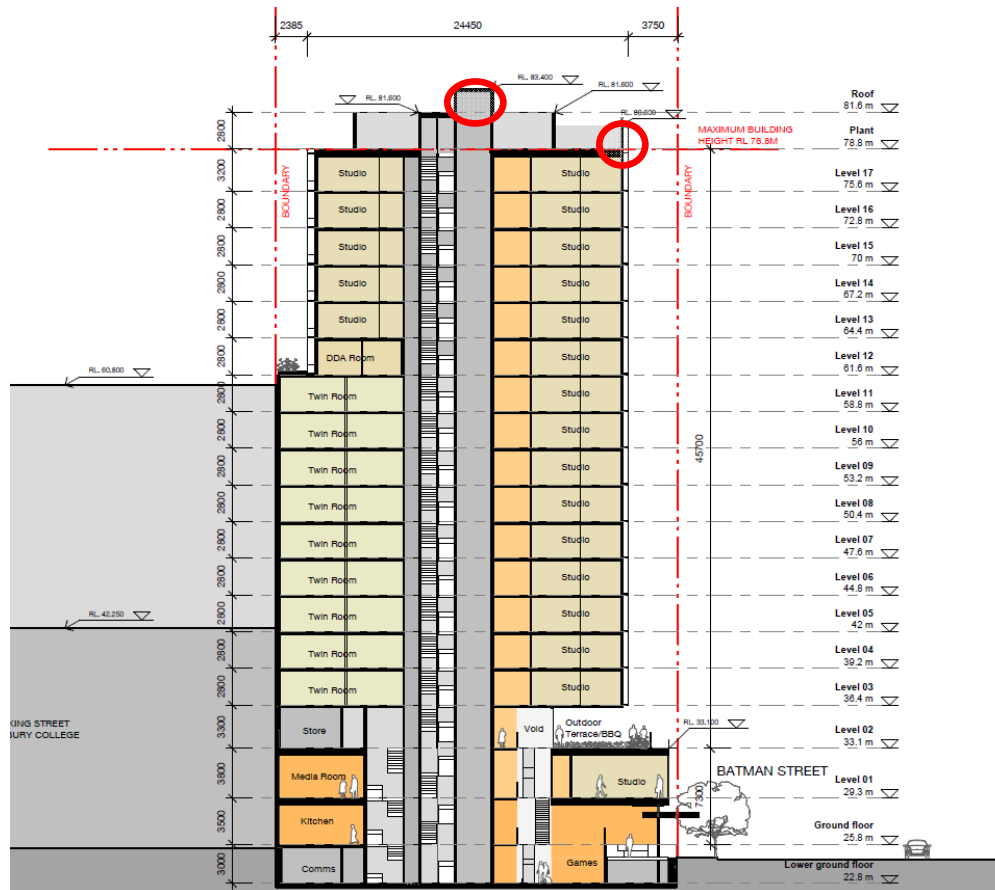


Figure 3: Proposed section plan. The red dashed horizontal line denotes the approved building height. The red circle denotes the parapet of the facade and the extents of the lift overrun which is proposed above the approved building height.

The key changes proposed are a change of use from a residential hotel to student accommodation and changes to the architectural expression of the building. A comparison between the approved and the proposed architectural expression is shown in figure 4 below.

Specific details of the proposal are provided in the table below. The table also provides a comparison of the approved development and the proposed development:

	Approved development	Current proposed development
<b>Building height</b>	53m (excluding top of plant services and lift overrun) (16 storeys)	53m (excluding top of plan services and lift overrun) (17 storeys).
<b>Podium height</b>	Existing two storey heritage building to be retained.	Existing two storey heritage building to be retained.
<b>Front, side and rear setbacks*</b>	<p><u>North (fronting Batman Street):</u></p> <ul style="list-style-type: none"> <li>Level 2: 2.3m (to external glass balustrade)</li> <li>Level 3 to 16: between 3.45m (to the external fins) to 5.2m.</li> </ul> <p><u>South (rear):</u></p> <ul style="list-style-type: none"> <li>Up to Level 9 built to the</li> </ul>	<p><u>North (fronting Batman Street):</u></p> <ul style="list-style-type: none"> <li>Level 2: 2.67m (to external glass balustrade)</li> <li>Levels 3 to 17: between 3.45m to 5.2m</li> </ul> <p><u>South (rear):</u></p> <ul style="list-style-type: none"> <li>Up to Level 2 built to the boundary.</li> </ul>



	<p>boundary</p> <ul style="list-style-type: none"> <li>Levels 10 to 16: 2.215m (to the external fins)</li> </ul> <p><u>East (fronting King Street):</u></p> <ul style="list-style-type: none"> <li>Level 2: 2.65m (to external glass balustrade)</li> <li>Level 3: between 4.45m (to the external planter facade) to 5.7m.</li> <li>Levels 4 to 16: between 4.575m (to the external planter facade) to 5.7m.</li> </ul> <p><u>West (side):</u></p> <ul style="list-style-type: none"> <li>Level 1 built to boundary</li> <li>Level 2: 2m.</li> <li>Levels 3 to 16: 1.335m (to the external planter facade).</li> </ul>	<ul style="list-style-type: none"> <li>Levels 3 to 11: a wall to a length of 6.5m built to the boundary. The remaining part of the development is setback 2.33m from the boundary.</li> </ul> <p><u>East (fronting King Street):</u></p> <ul style="list-style-type: none"> <li>Level 2: between 3m to 6m.</li> <li>Levels 3 to 17: 4.45m to 5.7m.</li> </ul> <p><u>West (side):</u></p> <ul style="list-style-type: none"> <li>Level 1 built to boundary.</li> <li>Level 2: 2.9m</li> <li>Levels 3 to 17: 1.335m</li> </ul>
<b>Gross floor area</b>	11,478.8 m <sup>2</sup>	9459 m <sup>2</sup>
<b>Car parking spaces</b>	3 on-site	0
<b>Bicycle spaces</b>	43 spaces	74 spaces

- The main entry to the building will be provided from Batman Street. There is a canopy proposed directly above the main entry.
- The lower-ground floor will contain bicycle spaces, service areas, waste storage, laundry and study rooms.
- The ground floor will contain the main entry to the building and indoor communal spaces.
- The upper levels will contain student rooms.
- Outdoor communal space is proposed in the form of a balcony fronting Batman Street on Level 2.

### 3.1 Architectural expression

The previous approved residential hotel building included planting on the Batman and King Streets façades of the building. The secondary element referred to as being the 'buttress element' was to be a solid curtain wall. The proposed student accommodation building seeks to remove the planting from the primary façades fronting King and Batman Streets and replace it on the secondary element. The proposed architectural expression also has a more vertical grid-like approach when compared to the previous and has a taller parapet on the top which acts as a cap to the façade expression. An image showing the approved and proposed architectural expression is shown in figure 4 below.



Figure 4: The image to the left is the approved east elevation. The image to the right is the proposed east elevation plan.



Figure 5: Architect's impression of proposed student accommodation building as viewed from the corner of Batman and King Streets.

## 4 STATUTORY CONTROLS

The following provisions of the Melbourne Planning Scheme apply:

Planning Policy Framework	<p>Clause 11 – Settlement</p> <p>Clause 15 – Built Environment and Heritage</p> <p>Clause 16 – Housing</p> <p>Clause 18 – Transport</p> <p>Clause 19 – Infrastructure</p>
Municipal Strategic Statement	<p>Clause 21.04 – Settlement</p> <p>Clause 21.06 – Built Environment and Heritage</p> <p>Clause 21.07 – Housing</p> <p>Clause 21.09 – Transport</p> <p>Clause 21.10 – Infrastructure</p> <p>Clause 21.12 – Hoddle Grid</p>
Local Planning Policies	<p>Clause 22.17 – Urban Design Outside the Capital City Zone</p> <p>Clause 22.19 Energy, Water and Waste Efficiency</p> <p>Clause 22.23 Stormwater Management (Water Sensitive Urban Design)</p> <p>Clause 22.24 Student Housing Policy</p>

Statutory Controls	
Clause 32.04 Mixed Use Zone	<p>The table to Clause 32.04-2 outlines that a permit is required for the following uses:</p> <ul style="list-style-type: none"> <li>Accommodation (other than Community care accommodation, Dependent person's unit, Dwelling, Residential aged care facility and Rooming House). As such, the proposed use of the site for the purpose of residential building (student accommodation) requires a planning permit.</li> </ul> <p>Pursuant to Clause 32.04-6, permit is required to carry out buildings and works associated with a section 2 use (permit required use).</p>
Clause 43.01 Heritage Overlay Schedule 842 (HO842)	<p>Pursuant to Clause 43.01-1, a planning permit is required for the following:</p> <ul style="list-style-type: none"> <li>Demolish or remove a building.</li> <li>Construct a building or construct or carry out works.</li> </ul>
Clause 43.02, Design and Development Overly – Schedule 33 (CBD Fringe)	<p>Pursuant to Clause 43.02-2, a permit is required for buildings and works unless exempted by the schedule.</p> <p>Schedule 32:</p> <ul style="list-style-type: none"> <li>Does not exempt the buildings and works from requiring a permit.</li> <li>Outlines a maximum height limit of 40m (discretionary) with the following podium height and setback: <ul style="list-style-type: none"> <li>Podium height: 16m or an appropriate lesser height where the site is adjacent to a heritage building.</li> <li>Setbacks above podium: 6m from all front, side</li> </ul> </li> </ul>

	<p>and rear boundaries and 2m from laneways.</p> <ul style="list-style-type: none"> <li>• Outlines the following relevant built form outcome: <ul style="list-style-type: none"> <li>○ Built form which provides a visual transition between the taller prevailing heights of the CBD and the lower scale built form of West Melbourne.</li> <li>○ Development provides a transition to adjoining lower scale heritage buildings by the use of podiums and upper level setbacks.</li> <li>○ Development that does not overshadow Flagstaff Gardens between 11am and 2 pm on 22 September and 22 June.</li> <li>○ Building setbacks that strengthen the pedestrian scale and focus of the area and maintain a sense of open outlook from the Flagstaff Gardens.</li> </ul> </li> </ul>
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Particular Provisions	
<p>Clause 52.06 Car Parking</p>	<p>Clause 52.06-5 does not provide any car parking rate for student accommodation or a residential building. As such, pursuant to Clause 52.06-6 car parking spaces for the se uses must be provided to the satisfaction of the responsible authority.</p> <p>The local Student Housing Policy at Clause 22.24 of the Melbourne Planning Scheme provides support for applications that provide limited or no car parking for students. The proposal does not seek to provide any on-site car parking.</p>
<p>Clause 52.34, Bicycle Facilities</p>	<p>Pursuant to Clause 52.34-2, a permit is required to reduce or waive any requirement of Clause 52.34-3 and 52.34-4.</p> <p>Table 1 of Clause 52.34-3 specifies the following relevant rates:</p> <ul style="list-style-type: none"> <li>• Residential building (in developments of 4 or more storeys) - 1 resident space to each 10 lodging rooms and 1 visitor space to each 10 lodging rooms.</li> </ul> <p>Therefore based on the above requirements, the proposal has a requirement to provide a total of 60 spaces for a total of 307 rooms; 30 spaces for students and 30 spaces for visitors. The proposal seeks to provide a total of 74 bicycle spaces which exceeds the requirements.</p>

General Provisions	
<p>Clause 65 Decision Guidelines</p>	<p>The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause, which include the matters set out in Section 60 of the Planning and Environment Act 1987.</p>
<p>Clause 66 Referral and Notice Provisions</p>	<p>Pursuant to Clause 66.02-11, an application to construct a building or construct or carry out works for a residential building comprising 60 or more lodging rooms must be referred to Transport for Victoria (determining authority).</p>

#### 4.1 Planning Scheme Amendments

##### C309 West Melbourne Structure Plan

The site is affected by Amendment C309 West Melbourne Structure Plan. With regards to the subject site, the new structure plan seeks to rezone the site from

Mixed Use Zone to Special Use Zone and outlines the following specific built form controls:

- Maximum floor area ratio (FAR) of 6:1
- Preferred maximum building height of 16 storeys
- Street wall height range between 3 and 10 storeys
- Ground floor setback of 3m from the laneway centre line
- Minimum 6m setback above the podium from laneways and all side and rear boundaries
- Minimum 3m setback from the podium from front boundary
- Minimum floor-to-ceiling height of 3.3 m for non-residential uses or 4m if ground floor.

The Future Melbourne Committee (FMC) endorsed the West Melbourne Structure Plan on February 2018. The Amendment has gone through a panel hearing and a panel report has been provided. This report is currently being reviewed by Council officers and has been scheduled to be presented at Council's Future Melbourne Committee meeting in February 2020. Amendment C309 has not been adopted by Council, and therefore has not yet attained the status of a seriously entertained planning scheme amendment.

It is further noted that the building envelope has been approved under the existing permit. The current amendment application seeks primarily to change the use with only minor modifications to the approved built form.

## **5 PUBLIC NOTIFICATION**

### **5.1 Initial plans**

It was determined that the proposal may result in material detriment. Notice of the plans initially submitted with the amended planning permit application was given by ordinary mail to the owners and occupiers of surrounding properties and by posting a total of two notices on the King and Batman Streets frontages of the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

### **5.2 Formal amended plans**

Notice of the amended plans formally submitted pursuant to 57a of the Act was given by ordinary mail to all objectors for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*. No notice was required to be erected on site as the changes primarily related to internal layout modifications and minor changes to the façade expression.

## **6 OBJECTIONS**

At the time of writing this report the application has received a total of 112 objections. The concerns raised in the objections are summarised below:

- Excessive building height and scale.
- Demolition of a significant heritage building.
- Unreasonable amenity impacts (outlook, overshadowing, overlooking, loss of views and noise) on the owners and occupiers of the apartments located to the west at 15 - 31 Batman Street.
- Negative impact on property values.

- Inadequate on-site car parking and bicycle parking provided on site. This would have an impact on the existing street traffic and on-street parking.
- Impacts during construction (fumes, dust, noise).
- Students likely to display unreasonable behaviour.

## **7 CONSULTATION**

The applicants undertook an independent consultation meeting on 11 November 2019 and invited all objectors to view and discuss the proposal with the project team. Approximately 25 people attended and the key issues discussed are noted below:

- Description of the amended proposal.
- The Section 72 amendment process.
- Height and scale of the proposal.
- Student behaviour and caretaker role of the student accommodation provided.
- Amenity impacts; overlooking and daylight access to neighbouring residential apartments.

## **8 REFERRALS**

### **8.1 Internal**

The application was internally referred to Council's Urban Design Team, Heritage Advisor, the Environmental Sustainability Officer and Engineering Services (Waste and Traffic). The comments received are noted below.

#### **8.1.1 Urban Design**

##### **Initial plans**

The plans as originally submitted were referred to Council's Urban Design Team. They were supportive of the proposed student housing use and a tower language which strongly connected with the modernist language of the heritage form. In particular, the Urban Design Team outlined that the solution of the expressed blade façade and taller scale 'building cap' expressed over multiple levels has the potential to be more successful than the previous approval.

However they expressed the following concerns:

- The interlocking massing strategy which does not achieve the same level of depth compared to the previously approved scheme.
- The amount of communal outdoor space provided which is low.
- The design of the several student rooms which do not provide adequate amenity.

The Urban Design Team required the following matters to be addressed:

- Investigate a rooftop terrace to increase the amount of communal open space per student.
- Modify either the primary or secondary mass to achieve the previously approved distance (outlined in diagrams below).

- Clarify the façade detailing to demonstrate that the intended depth can be achieved.
- Remove the setback entry from the King Street frontage (if supported by heritage).
- Investigate a primary DDA entrance from Batman Street and remove the ramp from the King Street frontage (if supported by heritage).
- Reconfigure west facing studio rooms along the southern boundary between Level 3-11 to ensure adequate outlook and daylight.
- Remove / reconfigure west facing twin rooms along southern boundary between Level 3 -11.
- Demonstrate how the central corridors will achieve adequate daylight, ventilation and a high quality environment.

The above concerns were discussed with the applicant which resulted in the submission of informal discussion plans. These plans were reviewed by Council's Urban Design team who advised as follows:

'There have been positive changes to the proposal that respond to our previous recommendations and subsequent meeting with the applicant on the 22 of August 2019.

We support the changes to the ground floor to retain the northern stair along the King Street interface and to relocate the main entrance to Batman Street.

We also support the changes to the building envelope to ensure the upper form sits symmetrically over the heritage base.

We note the improvement to the twin rooms overall. However, there are still a number of twin rooms along the western boundary that do not achieve adequate daylight to the dining/kitchen areas.

We recommend swapping the studio room on the south west corner with one of the twin rooms to reduce the number rooms with inadequate daylight across levels 3-11 and 13-17.

Otherwise, we support the revised scheme and thank the applicant and design team for working with us.'

### **Amended plans**

The amended plans which have been formally submitted pursuant to S57a of the Act, received by Council on 25 October 2019 are generally in accordance with the discussion plans and seek to address the above concerns. As such, the formal amended plans were not re-referred to Council's Urban Design Team.

#### **8.1.2 Heritage Advisor**

The plans as originally submitted were referred to Council's Heritage Advisor who provided the following comments:

'As communicated there is not any concern with regards to the change from 5 vertical divisions in the approved scheme to 7 divisions in the scheme presently proposed.

The irregular spacing of the bays at the northeast corner is a concern as symmetry of the new 'grid' element with respect to the host has been a

primary consideration from the outset of discussion on the prospect of such a substantial addition.

One recommendation would be that the approved façade layering, elements and depth, including the location and expression of the 'buttress' element on the south side should all be required to be unaltered with the only change to be accepted the variation to the vertical grid units.

The proposal to strip the planting from the approved location and green a series of balconies up the southern buttress element is in my view unsuccessful as these balconies become evident placed into which occupation, and interest is projected by the viewer. This visual interest in the element intended to be secondary (as is the original simple concrete buttress element of the heritage host) is exacerbated by the planting and is contrary to the intent –and resolution- of the approved design.

In my view the set back of this secondary element with regard to the primary presence of the addition should not be negotiable. Certainly in my view the secondary buttress element should retain an expression of a simple and singular elemental form without visual complexity other than some limited textural quality that might better draw a visual reference to the comparative element of the host building.

With the planting to the approved design the depth of the façade was considerably greater than is now proposed. Some of this depth has been appropriated to increase the room depth. Whilst the comparison of the approved elevation and the rendered image of the proposed is less that straight forward, and the analysis of vertical against horizontal expression is more subjective than conclusive, it is my view that the amended proposal is more simplistic than that which was approved. The host building being close to the public has a strong sense of façade depth and this sense of façade was explicitly developed in the approved design. The proposed overlaid primary and secondary grids do not in my assessment achieve the same textural depth that was promised in the approved design. By comparison the balconies to the secondary 'buttress' element in the render show on the sheet 9.0 Façade Approach, draw the eye to a considerably greater extent than does the primary addition. The flattening of the façade expression has not improved the relationship of the new building presence in its visual relationship with either the heritage host, or with its secondary 'buttress' element in comparative relationship with the parts of the host building.

It is clear that the amended proposal offers some significant internal improvement from the heritage perspective regarding the expression of the retained host buildings, noting that the interiors of that building have no heritage controls. There are also clear improvements of the proposed scheme for the external works to the heritage host by comparison with the approved proposal.'

The heritage and urban design concerns raised resulted in the submission of informal discussion plans seeking to address the concerns. The discussion plans were reviewed by Council's Heritage Advisor who provided the following comments:

'The long standing concern remains. There is a clear visual hierarchy in the heritage host with the 'buttress' element on the south side secondary and mute by comparison with the primary element.

In the present proposal, with the removal of greening from the general façade as was proposed in the approved plans a layer of visual interest is removed.



This can reasonably be accepted as the original design did not have greening elements. The problem remains evident in the documents and imaging provided where the planting as a ladder up a side of the principal new façade elements will present with greater visual connectivity than does the modernist façade. (People have more affinity for a planted balcony than the machine age façade and the gaze is drawn to the section of building presented as occupiable space.)

The greening of the west façade facing the apartments to the west is a sound proposal however for King Street and Batman Street the maintenance of the visual primacy of the host and an evident and legible response and reference to that host is the requirement addressed by the approved scheme. The principal features of the heritage are the symmetry of the suspended box form with the secondary side buttress, the rebates and plinth. The structural expression and composition is also key.

In the south-eastern view I recommend that the expression of the southeast corner room be as seamless and unitary as possible so as to directly reference the existing 'buttress' element. With the planting removed from the approved proposal for the majority of the rooms fronting the north and east facades there is simply no internal use or amenity justification for insisting on the greening to the secondary elements. The greening simply competes for visual primacy with the main façade.

At the northwest corner as viewed in juxtaposition with the primary Batman Street façade there is similarly no justification for the greening. This should be removed from the north façade and from the west façade for the 6 metres from the north corner back to beyond the first bedroom. South of the vertical divide (at about 6 metres from the corner) the green façade is appropriate and would have a proportion also appropriate as matching the principal King and Batman facades of the addition.

The recommended treatment should be a uniform curtain wall with appropriate seraphic or tint or pattern of the glass to almost present as solid as possible.

At the rebated level of the second floor at the south end the perspective (PP A60.001) and (PP A60.002) show the rebate level and running out to the south which destabilises the symmetry. The expression of the southern end of the façade at the rebate level, that is in the same plane as the east wall glazing of the rooms to the 'buttress' element above, should be of the same expression of the buttress element to the north side of the third studio from the south to provides some response to symmetry.'

### **Amended plans**

The amended plans formally submitted do not seek to address the above heritage concerns. As such, these plans have not been re-referred to Council's Heritage Advisor. It is noted that the applicant has submitted a response dated 25 October 2019 to the above heritage comments for consideration.

#### **8.1.3 Environmental Sustainable Design**

An Environmentally Sustainable Design Statement prepared by WSP dated 22 May 2019 was submitted with the initial amended planning permit application. This was

reviewed by Council's Environmental Sustainable Design (ESD) officer who considered the submitted ESD response to be of a high standard with appropriate targets and specifications. The ESD officer requested minor changes to the ESD report and the plans to show location and capacity of proposed solar PV panels, and required further details with regards the details and feasibility of the proposed landscaping. The ESD officer was satisfied that should a permit be issued this could be imposed as conditions.

#### **8.1.4 Traffic**

Council's Traffic Department had no objections to no car parking being provided noting the following:

- There are excellent public transport provisions in the area.
- As no car parking will be provided, the development will attract students who don't own cars and will either rely on sustainable transport modes including public transport, walking, cycling and motorcycling, or park in the commercial car parks.
- The students will not have access to resident parking permits and given the short-term restrictions applicable to the on-street parking in the surrounding streets, there will be limited opportunity for them to park on street.

With regards to bicycle parking, as the proposal seeks to provide a total of 24 spaces for a total of 362 beds, traffic engineering recommended that provision be made for at least 1 space per student in accordance with the Student Housing Policy at Clause 22.24 of the Melbourne Planning Scheme. They acknowledged that although this level of provision is not mandatory, it is nonetheless highly desirable, particularly as no car parking is proposed. It is therefore requested that at least 90 spaces be provided in order to meet the likely demand. Without providing at least 1 space for every 2 students for such developments, City of Melbourne's vision of becoming a cycling city, as outlined in our Bicycle Plan 2016-20, cannot be achieved.

With regards to loading, Traffic Engineering recommended that appropriate on-site loading area be provided because given the Clearway restrictions in King Street and the existing / future parking demand generated by the recently constructed apartment developments in Batman Street, the availability of suitable on-street loading facilities in the vicinity of the site cannot be guaranteed.

Traffic also recommended that should a permit be issued, a condition be imposed requiring a formal independent desktop Road Safety Audit of the proposed development which should be undertaken prior to construction, at the developer's expense and include the vehicle / bicycle / loading / pedestrian access arrangements. The findings of the Audit should be incorporated into the detailed design, at the developer's expense.

#### **8.1.5 Waste**

A Waste Management Plan (WMP) prepared by Leigh Design dated 22 May 2019 was submitted with the initial amended planning permit application. This was reviewed by Council's Waste team who found it to be unacceptable and required the following items to be addressed:

- Given that the truck will be stopping in CL1302 to perform collections and will be blocking vehicular access, collection times will need to be kept to a minimum. It is unacceptable to bring bins up to the collection vehicle one at a time via a hoist. All 4 bins will need to be in a holding area at ground level and be readily available for collection.

- Full swept path diagrams for the ingress manoeuvre from the nearest main street are required.
- Swept path diagrams and floor plans need to be attached to the WMP.

A revised WMP prepared by Leigh Design dated 22 October 2019 seeking to address the above comments was submitted with the formal amended plans. This was reviewed by Council's Waste Team and the Traffic Engineering Department. There was a concern raised with the use of the Council Lane by waste vehicles as this is a 'No-stopping' lane and the rear southern portion of the lane is private, noting that the subject site does not have carriageway rights over this private lane. It was therefore recommended that the waste collection be revised to ensure that it is undertaken solely within the property's boundaries. Council's Waste Department also provided the following comments:

- Ensure the general waste bins have red lids.
- In addition to the issues raised by the Traffic Engineer (email from Alex Gorelik dated 11/11/19), as this development has multiple collection days, bins must not be located outside the property boundary for collection.

### **8.1.6 Civil**

As part of this application, it is proposed to seek approval to amend condition 37 of the existing planning permit TP-2017-391. Currently condition 37 outlines the following:

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

As development constitutes demolition, it is proposed to amend this condition by making reference to 'excluding demolition'. The applicant has stated that this is required to allow the demolition contractor and builder to be engaged more effectively.

As this condition was imposed at the recommendation of Council's Civil Department, this was referred to them. On 6 September 2019, the civil engineer confirmed that they have no objection to the proposed changes.

### **8.2 External**

The application was externally referred to Public Transport Victoria (PTV) pursuant to Section 55(1) of the Planning and Environment Act 1987. PTV did not have any objection to the application.

## **9 ASSESSMENT**

The proposal seeks approval to amend the existing permit under Section 72 of the Act by changing the approved residential hotel use to student accommodation, making modifications to the architectural expression of the building and modifying the permit preamble and conditions.

The plans which have been considered in this planning assessment are prepared by Bates Smart dated 17 September and 22, 24 October 2019, Revision A, B, C and D.

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

- Built form, height and setbacks.

- Design response having regards to heritage and urban design.
- Appropriateness of the proposed student accommodation use and internal amenity.
- Potential external amenity impacts
- Environmental Sustainable Design (ESD).
- Car and bicycle parking, loading and waste collection.

## **9.1 Built form**

### **9.1.1 Height**

The current Planning Permit TP-2017-931 approved a building to an overall height of 53 metres to the roof (a maximum of RL 78.8) with an additional 2.8m height of plant services above. As depicted in figure 4 above, the proposed amendment generally accords with the originally approved heights with the exception of a higher parapet fronting Batman and King Streets and a taller lift overrun.

As depicted in figure 3 above, the high parapets have been proposed on the Batman and King Streets façades. The high parapet will sit 2.8m above the approved façade height and will act as a 'capping' to the architectural expression of the proposed building. This high parapet does not form an additional level to the building. Both Council's Urban Design team and Heritage Advisor are of the view that this is a successful approach as it enhances the architectural expression of the building.

The proposed lift overrun will be constructed 1.8m higher than the previous approved lift overrun. As depicted in figure 3 above, the lift overrun is well setback from the title boundaries and will occupy only a small area of the roof level. The lift overrun will not be visible from the public realm and therefore is considered to have a negligible impact on the overall height of the tower.

### **9.1.2 Setbacks**

As outlined in the table at Section 3 of this report, the setbacks of the proposed building are generally the same as approved. This is depicted in the proposed floor plans shown in figure 6 below. Of particular note is the setback from the western title boundary, opposite the residential apartment building at 15 -31 Batman Street, which generally remains the same as previously approved.



Figure 6: Typical proposed floor plan. The blue line denotes the approved development outline.

In addition, compared to the approved development, the proposed building will have a lesser length of wall constructed to the southern (rear) boundary adjacent to Haileybury College located at 383 King Street. Refer to figure 6 above.

## 9.2 Design response: Heritage and Urban design matters

While the proposed building remains within the parameters of the approved built form in terms of its overall height and setbacks, there are changes proposed to the architectural expression of the building. This is depicted in figure 5 above.

There are two fundamental elements to the approved and proposed façade design. These are the primary element; the main façade, and the secondary element referencing the buttress. Refer to figure 7 below.



Figure 7: Typical proposed floor layout plan. Blue circle denotes the primary element and the red circle denotes the secondary element.

The plans which were initially submitted as part of the amended application had the secondary element constructed closer to the primary element, therefore resulting in a loss of façade depth compared with the approved scheme. This was a concern raised by both Council's Heritage Advisor and the Urban Designer. As a result, it was recommended that the previously approved setback between the primary and secondary elements (approximately 1.25m on the east elevation and approximately 1.46m on the northern elevation) be maintained as a minimum to distinguish the volumes. This has been reflected in the current amended plans formally submitted pursuant to Section 57a of the Act. Refer to figure 7 above.

One of the changes in the proposed architectural expression relates to the proposed building adopting seven vertical bays instead of five which results from the tight student room module width. Refer to figure 7 above. Both Council's Urban Design Team and the Heritage Advisor are supportive of this change. It is noted that this approach still continues the language of the heritage building and adopts a similar design response to the previously approved scheme.

As depicted in figure 7 above, the approved building contained a series of planting to the primary element, and the secondary element was to be constructed of a singular material. The proposed design seeks to remove the planting from the primary element and relocate it to the secondary element. Council's Heritage Advisor is concerned that this design approach will result in the secondary element visually dominating the primary element which was not the intention of the approved design.

While it is agreed that the planting on the secondary element will add visual interest, the planting is only to a side element which is setback from the primary element therefore creating an appropriate depth. This also ensures that the secondary element is 'hidden' from immediate view and does not dominate the primary element. It is considered that both elements sit comfortably when viewed within the overall façade of the proposed building and are respectful of the 'Modernist' architectural form of the heritage building. It is also considered that the green planted façade to the west elevation will assist in softening the outlook of the proposed building for the

occupants of the residential apartments located to the immediate west at 15 – 31 Batman Street.

Furthermore, Council's Urban Design Department has not raised any concerns with the relocating of the planting to the secondary element of the building.

### **9.3 Student Accommodation**

The City of Melbourne's Student Housing Policy at Clause 22.24 applies to the use and development of the site for student accommodation. The objectives of the clause set out at Clause 22.24-2 are:

- To ensure that the internal layout of rooms and communal facilities provide sufficient space and amenity for the reasonable requirements of an active social, work, and private life of the student while promoting social interaction.
- To provide a safe, healthy, secure and well managed living environment.

The following assessment addresses the relevant policy requirements of Clause 22.24-3:

#### **9.3.1 Bicycle, car parking, loading and unloading**

Clause 22.24-3 requires the provision of at least one bicycle parking space per student. The proposal seeks to provide a total of 74 bicycle parking spaces for a total of 307 rooms. The bicycle facilities requirements at Clause 52.34 of the Melbourne Planning Scheme require a residential building with a total 307 lodging rooms to provide a total of 60 spaces; 30 for students and 30 for visitors. The proposal exceeds this requirement. However, the proposal does not comply with the Student Housing Policy requirements at Clause 22.24-3 which requires a total of 361 bicycle spaces for 361 students. While this does not comply with the above policy, it is an increase from the previous 24 spaces proposed as part of the initial plans submitted with the application. The applicant has outlined that the operator Iglu operates a similar student accommodation on a site in Franklin Street in Melbourne where it was found that given a high proportion of students are international, they do not typically make large purchases i.e. buying bicycles as the process of selling them can get difficult when they return home overseas. As such, the space provided to store bicycle spaces becomes a waste.

It is noted that the requirements of the policy at Clause 22.24 are not mandatory. In addition the site has heritage constraints. The site is located within close proximity to public transport and universities which are within convenient walking distances.

Furthermore, a review of previous student accommodation approvals highlights that bicycle spaces have been provided generally in accordance with Clause 52.34 of the Planning Scheme. As such the provision of 74 spaces which exceeds the Clause 52.34 requirements is supported.

The proposal does not seek to provide any car parking on-site. This is supported by Clause 22.34 which, amongst other things, seeks to support applications that provide limited or no car parking for students. This is also supported by Council's Traffic Engineering Department.

With regards to loading and unloading, Clause 22.24-3 requires adequate space be provided on the land for loading and unloading vehicles which is supported by Council's Traffic Engineering Department. The proposal does not seek to provide an on-site loading area and instead seeks to utilise the existing parking / loading bays provided on Batman Street. It is noted that there are no mandatory requirements in the Melbourne Planning Scheme to provide for a loading area for student accommodation. In addition, given the site constraints, including the need to retain the heritage façade, providing an on-site loading area is not considered to be

appropriate. Nevertheless, concerns have been raised with the proposed waste collection and it is recommended that options be explored to provide for waste collection on site which may require utilising the setback area of the site adjacent to the Council Lane. This was the arrangement approved for the current residential hotel scheme. This will be discussed in greater detail below. Should it be necessary, loading can be undertaken in a similar manner noting that loading for student accommodation should not be intensive as it will mainly consist of student's personal luggage.

### **9.3.2 Layout, student rooms and shared spaces**

Student accommodation will be provided predominantly as single bed studios. There will be twin cluster rooms and some twin studios and D DA studio rooms. All rooms will contain private bathrooms and food preparation facilities.

Shared spaces comprise of lounge s, communal kitchen and dining areas, a games room, laundry, gymnasium, library, media room and outdoor terrace areas located from the lower ground level to level 3 of the proposed development.

### **9.3.3 Student rooms**

The sizes of the proposed rooms are not nominated in the plans but are shown in the design response submitted initially as part of the amended planning permit application. The design response highlights that the bedrooms have a minimum floor area of 10.8 m<sup>2</sup> (excluding ensuite and kitchen) and can accommodate the following:

- A bed accessible from a long side.
- A study area with a desk and bookshelf.
- A robe / drawer unit with storage space for clothing and personal items.
- Computer and TV.
- A table or bench to provide a space to eat separate from that used for study purposes.

Should a permit be issued, condition will be imposed requiring a detailed floor plan to a scale of 1:20 of each room type indicating that they have a minimum floor space of 10.8 m<sup>2</sup> be submitted to form part of endorsement.

Council's Urban Design Team had concerns with the internal amenity of the rooms on the plans initially submitted. However the current formal amended plans have addressed the majority of the concerns.

Council's Urban Design Team remained concerned with the daylight access to the kitchen / dining area of the twin rooms located on the western boundary. Refer to figure 9 below.

It is noted that this type of configuration is unavoidable on a site of such a shape and with heritage constraints. Nevertheless, as depicted in figure 9 above, these rooms will continue to receive daylight and natural ventilation. In addition, these rooms are associated with student accommodation. While a reasonable level of internal amenity should be provided, the same cannot be expected as would be required in a dwelling.

All other rooms will receive adequate daylight and ventilation.

It is noted that from levels 12 to 17 the proposed studios on the southern boundary will have windows which are setback 2.9m from the title boundary. These windows are the only source of daylight and outlook to these studios. Refer to figure 8 below. Should the adjoining site be redeveloped, it will be expected that any development be constructed with a similar setback resulting in a total separation of approximately 6m. As these rooms are not the primary place of amenity for the students i.e. there are



internal and external communal spaces, this is considered acceptable as there will still be adequate daylight and ventilation to these rooms.

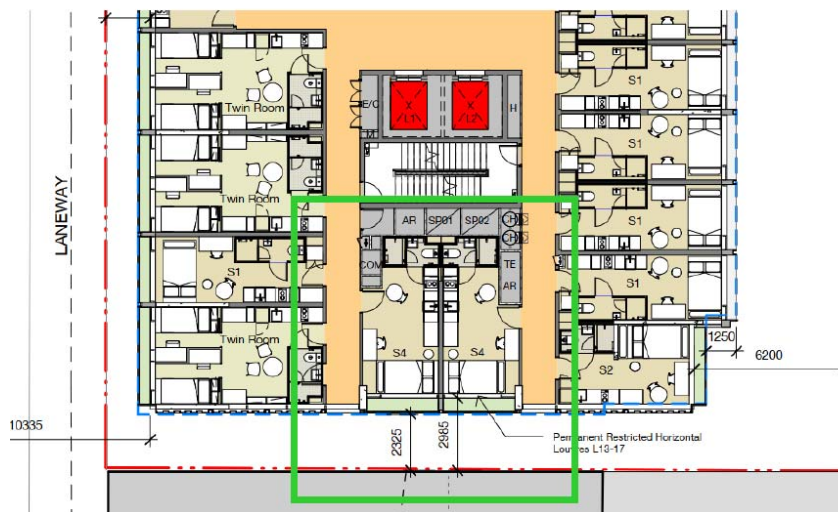


Figure 8: Proposed floor plan showing the twin rooms on the west boundary and the studios with windows setback 2.9m from the southern boundary.

### 9.3.4 Shared facilities

Shared spaces containing communal laundry, cooking and dining facilities are located in safe and accessible locations. These spaces are adequately sized and are attractive, allowing for incidental socialising.

Storage and waste management facilities are located on the ground level. The internal corridors from levels 3 and above will have access to natural light via windows at the southern end of each level.

### 9.3.5 Communal outdoor space and internal communal areas

Clause 22.24 states that one way to comply with the policy in regards to outdoor space would be to provide 2.5 m<sup>2</sup> of space per student; and for indoor space would be to provide 15 m<sup>2</sup> per 12 students; 1.25 m<sup>2</sup> per student.

The proposal seeks to provide 0.58 m<sup>2</sup> of outdoor communal space per student and 2.29 m<sup>2</sup> of indoor communal space per student. The indoor communal space exceeds the requirement while the provision of outdoor communal space falls short.

It is noted that Clause 22.24 Student Housing Policy does not cater for student accommodation in a tower typology where providing outdoor communal space can be difficult. As such a balance should be provided. There is currently no benchmark with regards to the provision of outdoor communal space in a tower typology student accommodation development.

The proposal initially sought to provide 93 m<sup>2</sup> of outdoor communal space in the form of an outdoor terrace located on level 2. The amended plans have resulted in an increase to the area of this space to 210 m<sup>2</sup> which is considered to be an improvement. As the amount of indoor communal space exceeds the requirements of Clause 22.24, the amount of outdoor communal space provided is considered reasonable. In addition, the subject site is located directly opposite the Flagstaff Gardens.

The applicant was advised to explore the opportunity of providing a roof top terrace. However they have advised that the roof is already occupied by a substantial amount of plant which would require any additional open space to be located above the plant area (or vice versa). This will result in an increase to the height of the building which

would contravene the height limit restrictions as imposed in the original VCAT decision and in the planning permit issued for the residential hotel development.

### 9.4 Potential external amenity impacts

One of the key concerns raised by the occupiers and owners of the apartments located to the west of the subject site at 15 -31 Batman Street are amenity impacts: overlooking, visual bulk, overshadowing, impact on views and impacts during construction. These are discussed below.

#### 9.4.1 Overlooking

Condition 1c of the current Planning Permit TP-2017-931 requires screening to be provided to the windows on the western elevation to prevent overlooking into the habitable room windows and balconies of the dwellings at 15 Batman Street that are within a distance of 9 metres to demonstrate compliance with Standard B22 to Clause 54.04-6 of the Melbourne Planning Scheme.

The proposed development seeks to construct screening in the form of louvres from ground to level 4. Details of the louvres are provided in figure 10 below. The louvres comply with the requirements of the condition. Above level 4, there is no potential for overlooking as there is a minimum separation of 9m between the habitable room windows / balconies of the neighbouring dwellings to the proposed rooms. This is depicted in figure 9 below.

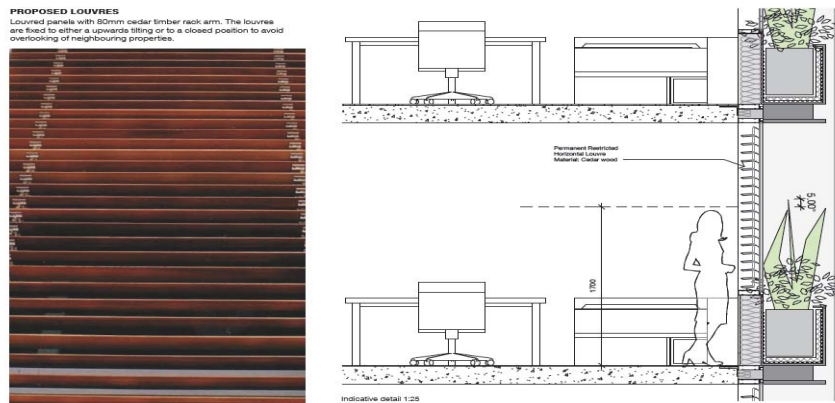


Figure 9: Details of proposed louvres to address overlooking.

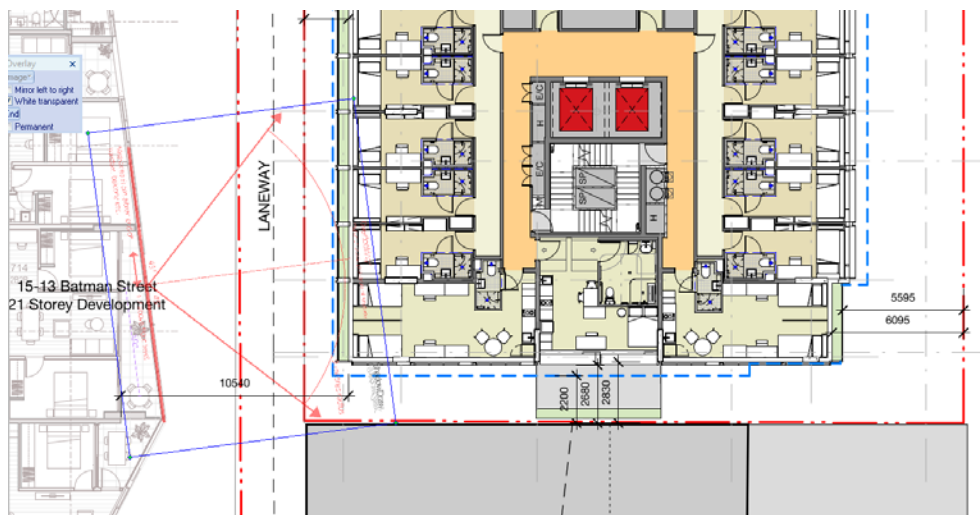


Figure 10: Overlooking diagram. The blue box highlights that the window to the student rooms are located at a distance greater than 9m from the balcony balustrade of the apartments located to the west at 15 – 31 Batman Street.

It is also proposed to construct fixed windows on the southern elevation of the twin room located in the south-west corner of the building. This has been included at the suggestion of the Council's Urban Designer to improve daylight and amenity to these rooms. These windows will be constructed 0.8m above floor level and will be constructed behind a translucent glass panel. As such, there is no potential for overlooking to occur from these corner bedrooms.

The proposal also seeks to provide screening in the form of louvres to the southern elevation from Level 13 and above to restrict overlooking into the rooftop terrace of Haileybury College located at 383 King Street. This is depicted in figure 12 below.

It is noted that there is no potential for overlooking to occur from level 12 of the proposed building to the roof terrace of Haileybury College as these levels will be constructed to a similar floor level and there are balustrade and planter boxes screening between the two levels. Refer to figure 11 below.

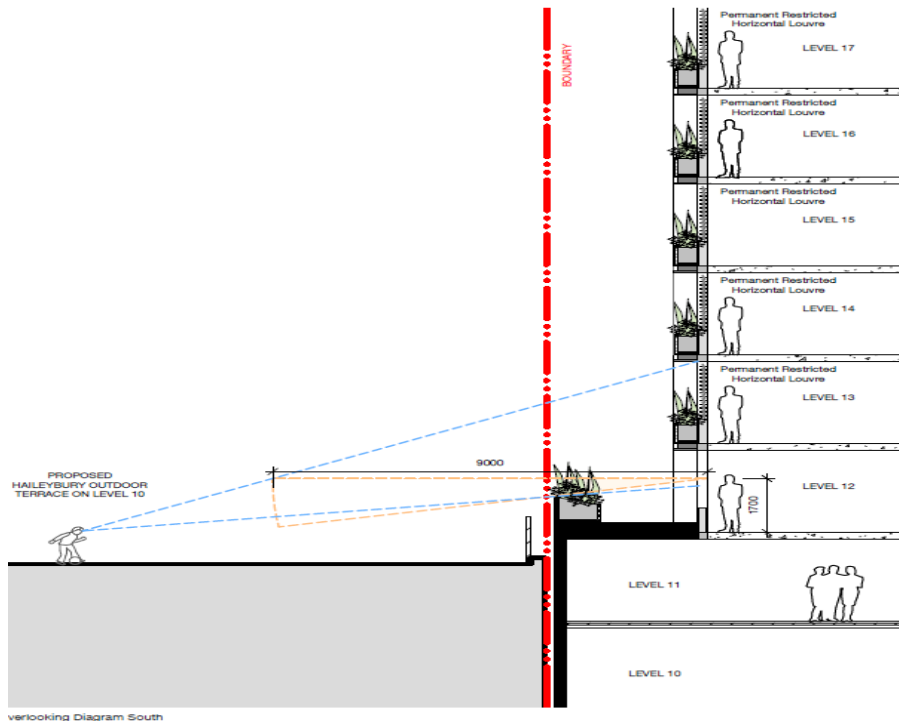


Figure 11: Proposed overlooking diagram demonstrating how proposed screening prevents overlooking into the rooftop terrace of 383 King Street.

#### 9.4.2 Visual bulk and overshadowing

As outlined in Section 9.1 of this report, the proposed development will be built within the existing envelope of the approved built form in terms of overall height and setbacks. However the proposed development will contain a taller lift overrun which will result in a minor increase to shadowing on 21 June at 9am when compared to the previously approved scheme. However, this additional shadow will be on the roof of the residential apartment building of 33- 41 Batman Street and will not be on habitable room windows or private open spaces. There will be no increase in the shadows to the apartment building at 15 Batman Street when compared to the shadows cast from the approved scheme.

### **9.4.3 Views**

One of the concerns raised by the objectors relates to the loss of views to the Flagstaff Gardens. The Melbourne Planning Scheme does not seek to protect private views and as such, this is not considered as part of the planning application.

### **9.4.4 Impacts during construction: noise and air**

Condition 12 of the current planning permit TP-2017-931 requires a Construction Management Plan to be submitted. Should an amended permit be issued, this will continue to be imposed. This would ensure that construction and demolition works are undertaken as per relevant standards and that the associated amenity impacts are minimised.

## **9.5 Environmental Sustainable Design (ESD).**

A Environmentally Sustainable Design Statement prepared by WSP dated 22 May 2019 was submitted with the initial amended planning permit application. This was reviewed by Council's Environmental Sustainable Design (ESD) officer who requested minor changes to the ESD report and the plans to show the location and capacity of the proposed solar PV panels, and required further details regarding the feasibility of the proposed landscaping. The ESD officer was satisfied that, should a permit be issued, these matters could be addressed via conditions.

## **9.6 Car parking, bicycle, loading and waste.**

An assessment relating to car parking, bicycle and loading has been undertaken in Section 9.3.1 of this report.

With regards to waste, the WMP initially submitted with the application was reviewed by Council's Waste Department who found it to be unacceptable and required items to be addressed. This is outlined in Section 8.1.5 of this report. As a result an amended WMP prepared by Leigh Design dated 22 October 2019 was submitted seeking to address the concerns. This was reviewed and a concern was raised by both Council's Waste and Traffic Departments relating to use of the Council Lane 'CL1302' for waste collection as this is a 'No-stopping' lane and the rear southern portion of the lane is private, noting that the subject site does not have carriageway rights. It was therefore recommended that the waste collection be revised to ensure that it is undertaken entirely from within the property's boundaries. Council's Waste Department also provided the following comments:

- Ensure the general waste bins have red lids.
- In addition to the issues raised by the Traffic Engineer (email from Alex Gorelik dated 11/11/19), as this development has multiple collection days, bins must not be located outside the property boundary for collection.

The existing heritage building on the subject site is set back from the site's title boundary to the west. The previously approved residential hotel scheme had waste collection and loading undertaken from this setback area adjacent to the lane. The current amended proposal seeks to construct stairs and ramps providing access to the on-site bicycle and services areas, which restricts any vehicle entering or stopping in this setback area. As per Council's Waste Department's recommendation, waste must be collected from within the site's title boundaries. One option would be to revert back to the approved arrangement. This was discussed with the applicant who advised that some internal modifications to the ground floor layout would be required to facilitate this. It is therefore recommended that a condition requiring the submission of an amended WMP requiring all waste collection to occur within the site's title boundaries and associated changes to the plans be imposed, should a permit be issued.

## 9.7 Other concerns raised by objector

One of the concerns raised by objectors is the negative impact on property values if the proposed building is approved. This is not a valid planning consideration.

Another concern raised relates to the potential unreasonable behaviour of students. It is noted that should an amended permit be issued, standard conditions will be imposed requiring a Management Plan to be submitted and approved prior to the occupation of the building. The Management Plan includes, amongst other things, a resolution process for disputes and information for students on how to use the building responsibly. Furthermore, staff will reside on the site 24 hours a day to ensure the effective care and management of the student accommodation.

## 9.8 Conclusion

In summary, the proposed student accommodation building will be constructed largely within the same envelope of the approved building in terms of overall height and setbacks. The changes relate to the use and the architectural expression of the building. For the reasons outlined above, these changes are supported.

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant an Amended Permit be issued subject to the following conditions.

## 10 RECOMMENDATION

### Details of amendment:

- Amend planning permit preamble in the following ways:
  - Delete reference to residential hotel, food and drink premises, sale and consumption of liquor, construction and display of illuminated business identification signage, and dispensation of the car parking requirements.
  - Include the use of the land for residential building (student accommodation).
- Amend the following planning permit conditions:
  - Condition 1:
    - Deletion of reference to Fender Katsalidis plans and replace with the Bates Smart Plans.
    - Deletion of conditions 1a to 1f.
    - Insertion of new conditions 1b and 1e.
  - Condition 5: Remove reference to Fender Katsalidis plans and replace with Bates Smart plans.
  - Condition 7: Remove reference to Fender Katsalidis and replace with Bates Smart.
  - Condition 22: Delete reference to previous Waste Management Plan (WMP) and make reference to the current WMP.
  - Condition 25: Delete reference to previous Environmentally Sustainable Design (ESD) Report, make reference to current ESD report and require an amended ESD report to be submitted showing further details.

- Conditions 33 and 34: Deletion of these conditions relating to car parking as the amended application does not require any car parking,
- Conditions 36 to 39: Delete these conditions relating to signage as the amended application does not propose any signage as part of this application.
- New Condition 34: Make reference to 'excluding demolition'.
- Conditions 50 to 57: Delete these conditions relating to licensed premises as this use is not proposed as part of the amended
- Insert new conditions as follows:
  - Insertion of new conditions 10 and 11 requiring a Conservation Management Plan and Work Method Statement for the existing building on the land, and ensuring that works are undertaken in accordance with this plan and statement.
  - Insertion of condition 23 requiring waste storage and collection arrangements to be in accordance with the endorsed WMP.
  - Insertion of new conditions 43 to 46 requiring the following:
    - A Management Plan.
    - Entering into a Section 173 Agreement requiring the site to be exclusively used for students.
    - Requiring a full time manager to reside on-site.
- Re-number conditions accordingly.

Refer to Attachment 1 for a full list of the conditions.

**Attachment 1:**

**Planning Permit preamble:** Partial demolition and construction of a multi storey building for use as residential building (student accomodation).

**Conditions:**

**Amended plans prior to endorsement**

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 prepared by **Bates Smart dated 17 September and 22<sup>nd</sup>, 24<sup>th</sup> October 2019, Revision A, B, C and D** ~~Fender Katsalidas dated 13.04.2018, drawings no: TP099, TP100 to 108, TP200, TP201, TP300, TP250, TP251, TP252, TP270, SK001, SK002~~ but amended to show:
  - ~~a. An overall reduction in building height by two levels (to a maximum of RL 78.800 excluding building services and lift overrun)~~
  - ~~b. Removal of the function centre use.~~
  - ~~c. Screening to the windows on the western elevation to prevent overlooking into the habitable room windows and balconies of the dwellings at 15 Batman Street that are within a distance of 9 metres to demonstrate compliance with Standard B22 at Clause 55.04-6 of the Melbourne Planning Scheme.~~
  - ~~d. Overlooking diagrams/sections demonstrating how the screens to the windows as required by conditions 1c) prevent overlooking into the neighbouring habitable room windows and balconies within 9 metres of the subject site.~~
  - ~~e. Permanent opaque glazing to the glass spandrel panels on the southern elevation to prevent overlooking into the outdoor spaces of the school to the south at 383 King Street, West Melbourne.~~
  - ~~f. Details including materials and finishes, dimensions (height, width and depth) and level of illumination of the signs to be constructed on the northern, southern and eastern elevations.~~
  - a. The awning / canopy over the building entrance on Batman Street to be constructed at a minimum height of 2.7 m above footpath level and setback 750 mm from the face of the footpath kerb. The awning / canopy must be designed to have no impacts on existing public trees or future tree growth.
  - b. Detailed floor plans of all room types at a scale of 1:20 showing a minimum floor area of 10.8 square metres (excluding ensuite and kitchen)**
  - c. Any changes as required by condition 5 - façade strategy.
  - d. Any changes as required by condition 8 – wind test.
  - e. Any changes as required by condition 22 – waste management plan.**

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 and land use 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.

### **External materials, colours and finishes**

5. Prior to the commencement of the development, excluding demolition and including bulk excavation, a facade strategy must be submitted to and approved by the Responsible Authority. The facade strategy for the redevelopment must be generally in accordance with plans prepared by ~~Fender Katsalidas dated 13.04.2018~~ **Bates Smart dated 17 September and 22<sup>nd</sup>, 24<sup>th</sup> October 2019, Revision A, B, C and D** and detail:
  - a. A schedule of materials, finishes and details, including but not limited to the colour, type and quality of materials showing their application and appearance.
  - b. Construction details of the conservation works to the retained portions of the existing heritage building.
  - c. Detailed design information regarding external materials, colours and finishes, glazing, services, security doors and lighting at the ground level.
  - d. Information about how the façade will be accessed and maintained and cleaned, including the provision of maintenance and up keeping of planting where proposed.
6. Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

### **Retain architects**

7. Except with the written consent of the Responsible Authority, ~~MSG Architects~~ **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.

### **Wind Tests**

8. Prior to the commencement of the development (excluding any demolition, bulk excavation) wind tests carried out by a suitably qualified consultant, must be carried out on a model of the approved building. A report, generally in accordance with the wind assessment report titled 'DCF 407 King Street Developing Entity Pty Ltd 407 – 411 King Street, Melbourne Pedestrian Level Wind- Wind Tunnel Test' dated 25 October 2017 prepared by Vipac Engineers and Scientist, 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 balconies /



terraces, areas used by pedestrians, communal open spaces on the subject site and the outdoor areas located on levels 4 and 10 of the school to the immediate south at 383 King Street to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.

### **Demolition**

9. Prior to the commencement of the development, including demolition, a report prepared by a suitably qualified Structural Engineer, or equivalent, must be submitted to the Responsible Authority, demonstrating the means by which the retained portions of buildings will be supported during demolition and construction works to ensure their retention, to the satisfaction of the Responsible Authority. The recommendations contained within this report must be implemented at no cost to City of Melbourne and be to the satisfaction of the Responsible Authority.
10. **Before the development starts, including demolition and bulk excavation, a Conservation Management Plan and a Work Method Statement for the existing building on the land must be submitted to and be approved by Melbourne City Council. The Conservation Management Plan and the Work Method Statement must include:**
  - a. **Details of how the retained portion of the building is going to be supported during demolition, excavation and construction works;**
  - b. **Details of the restoration within the building;**
  - c. **Detailed construction drawings; and,**
  - d. **A comprehensive coloured photographic record of the building recording the interior and exterior of the building and accompanied by plans indicating the location of the photographs.**
11. **When approved, the Conservation Management Plan will form part of the permit. Works to the building at 407 – 415 King Street, West Melbourne approved under this permit must be undertaken in accordance with the Conservation Management Plan to the satisfaction of Melbourne City Council.**
12. Prior to the commencement of the development, including demolition and bulk excavation, the permit holder must provide evidence to the Responsible Authority that 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 is actively procuring the construction services for the development, or otherwise agreed with the Responsible Authority.
13. The buildings and works associated with the approved development must be planned and constructed in a manner which prevents damage to the heritage fabric that is to be retained. Where hidden original or inaccessible details of the buildings are uncovered, works are to cease until the appropriate further record has been made. Where unanticipated original detail is discovered the Responsible Authority is also to be notified prior to re-commencement of the works.

### Construction Management Plan

14. 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.

### Protection of Street Trees

15. A Tree Protection Plan (TPP) must be provided with a Construction Management Plan application to the satisfaction of the Responsible Authority (Urban Forestry & Ecology). The TPP must be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
- a. City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
  - b. Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries.
  - c. Site specific details of temporary tree protection fencing to be used to isolate publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
  - d. Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree. These must be provided for any utility connections or civil engineering works.
  - e. Full specifications of any pruning required to publicly owned trees.
  - f. Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
  - g. Name and contact details of the project arborist who will monitor the implementation of the Tree Protection Plan for the duration of the development (including demolition).
  - h. Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to Council's email via [trees@melbourne.vic.gov.au](mailto:trees@melbourne.vic.gov.au).
16. Following the approval of a Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the

duration of construction activities. The bond amount will be calculated by council and provided to the applicant / developer / owner of the site. Should any tree be adversely impacted on, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.

17. If any public trees are proposed for removal at any stage of the development under a Tree Protection Plan endorsed under this permit, then prior to the commencement of the development (including demolition and bulk excavation), the applicant must submit a Street Tree Plot Replacement Strategy to the Responsible Authority, which shows replacement and / or additional tree plots in accordance with Council's Tree Retention and Removal Policy. When provided to the satisfaction of the Responsible Authority (Urban Forest & Ecology), the Street Tree Plot Replacement Strategy will be endorsed to form part of this permit.
18. Prior to the occupation of the development, the replacement and / or additional street tree plots shown on the Street Tree Plot Replacement Strategy endorsed under this permit must be constructed at no cost to Melbourne City Council and be to the satisfaction of the Responsible Authority (Urban Forest & Ecology).
19. Prior to the occupation of the development the applicant must construct three new street tree plots on King Street (abutting the title boundary). The plots must be identified on Engineering drawings submitted for endorsement and meet City Of Melbourne specification.

#### **Landscaping**

20. Prior to commencement of development (excluding demolition), a scheme for landscaping and planting in connection with the proposed development must be submitted to, and be approved by the Responsible Authority. The scheme must incorporate water sensitive urban design features to the satisfaction of the Responsible Authority. Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The landscaped areas must be maintained to the satisfaction of the Responsible Authority.
21. Prior to the commencement of all landscaping works associated with the development a landscape management plan detailing the ownership, maintenance regime and management responsibilities of the landscaping associated with the development must be prepared and submitted to the satisfaction of the Responsible Authority.

If the landscaping fails, details of an alternative treatment must be submitted to, and approved by, the Responsible Authority. The alternative treatment must be implemented within three months of approval at no cost to Council and to the satisfaction of the Responsible Authority.

#### **Waste Management**

22. ~~The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Leigh Design dated 2<sup>nd</sup> November 201. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne Engineering Services.~~

**Prior to commencement of development, excluding demolition and bulk excavation, an amended Waste Management Plan (WMP) shall be prepared and be submitted to the City of Melbourne-Engineering Services. The WMP should detail waste storage and collection**

arrangements and be prepared in reference to the City of Melbourne Guidelines for preparing a Waste Management Plan. The amended WMP must be generally in accordance with the WMP submitted with the application prepared by Leigh Design dated 22 October 2019 but modified to show / outline the following:

- a. **The general waste bins to have red lids.**
  - b. **Waste collection to be undertaken within the property boundaries.**
  - c. **No bins to be located outside the property boundary for collection.**
23. **The waste storage and collection arrangements must be in accordance with the endorsed Waste Management Plan (WMP).**
24. 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 Statement**

25. ~~The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement prepared by (WSP Parsons Brinckerhoff and dated 2 November 2017 for the development must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority.~~

**Prior to the commencement of the development, excluding demolition and bulk excavation, an Environmentally Sustainable Design (ESD) Statement shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The ESD Statement must be generally in accordance with the ESD Statement prepared by WSP dated 22 May 2019 but amended to include / detail the following:**

- a. **An amended Green Star pathway incorporating a minimum 10% points buffer to the required 60 points to be submitted.**
  - b. **Any Green Star Design & As Built calculators and modelling, including associated reports, used to determine points claimed in the Green Star pathway must be submitted as an Appendix to the ESD report.**
  - c. **Location and capacity of rainwater tank to be shown on the architectural plans.**
  - d. **Location and capacity of solar PV system.**
  - e. **Irrigation performance specification (or detailed irrigation strategy) to be submitted.**
26. Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.
27. Within six months of the occupation of the development, a report from the author of the endorsed ESD Statement or other suitably qualified consultant

must be provided to the satisfaction of the Responsible Authority, which details design initiatives implemented within the completed development that achieve the performance outcomes specified in the endorsed ESD Statement.

### **3D Digital Model**

28. 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.

### **Building Appurtenances and Services**

29. 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.
30. 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.
31. 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.

### **Traffic**

32. Prior to the commencement of the development (excluding demolition), a formal Road Safety Audit must be undertaken of the access / egress, loading and pick up / drop off arrangements to ensure that likelihood of conflict among all road users is minimised. The audit must be undertaken by a suitable qualified person to the satisfaction of the Responsible Authority. The findings of the audit should be incorporated into the design at the developer's expense.
- ~~33. The on-site car parking spaces, including access arrangements, must be generally in accordance with the relevant Australian Standards or meet the Planning Scheme requirements to the satisfaction of the City of Melbourne Engineering Services.~~
- ~~34. The areas set aside for parking on the endorsed plans must not be operated as a public car parking facility.~~
33. The bicycle spaces, as shown on the endorsed plans, must be in accordance with the relevant Australian Standards or meet the Planning Scheme requirements to the satisfaction of the City of Melbourne Engineering Services.

### **Advertising Signage**

- ~~36. The signs, including their structure and advertising material as shown on the endorsed plan, must at all times be maintained in good order and condition, to the satisfaction of the Responsible Authority.~~
- ~~37. The location, size, material of construction, colours, wording and degree of illumination of the signs shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.~~
- ~~38. The signs must not be animated or contain any flashing light.~~
- ~~39. The lighting of the signs must be so positioned that no direct light or glare shall be visible from any roadway or from any adjoining property, to the satisfaction of the Responsible Authority.~~

### **Civil Works**

34. Prior to the commencement of the development, **excluding demolition**, 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 stormwater drainage system.
35. Prior to the commencement of the use / 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.
36. The road adjoining the site along the corporation lane CL1302 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.
37. The footpaths adjoining the site along King Street and Batman Street must be reconstructed together with associated works including the renewal of kerb and channel and reconstruction or relocation services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
38. Existing street levels in roads adjoining the site 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.
39. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.
40. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – Engineering Services.

### **Drainage**

41. 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.

## Use

42. The use of any land or building or part thereof as shown on the endorsed plan(s) must not be altered or modified unless with the prior written consent of the Responsible Authority.

## Operation of Land Use (Student Accommodation)

43. **Prior to the occupation of the development, a Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Management Plan must establish a set of 'house rules' for the use, to be followed thereafter to the satisfaction of the Responsible Authority. The Management Plan must ensure that a suitably qualified full time manager with responsibility to oversee student is either on-site during general business hours or contactable off-site after hours by both professionally trained staff and residents. The Management Plan must also detail the maintenance, cleaning, garbage storage and collection, supervision and security of the site.**
44. **Prior to the occupation of the development, the owner of the land must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must provide the following:**
- a. **The accommodation provided on the subject land is to be used for the exclusive accommodation of students enrolled full time at a secondary or tertiary level educational institution and to be vacated within three months of completion of full time studies.**
  - b. **The building to operate at all times in accordance with the Management Plan as required by Condition 33 of this permit to the satisfaction of the Responsible Authority. The requirements contained in the agreement shall form part of any lease of the premises which the owner of the land under this permit may enter into with another party. The owner of the land must pay all of the City of Melbourne's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.**
45. **Any future subdivision of the accommodation facility must show all communal facilities (including the laundry and bicycle parking) as common property to be managed for the benefit of the residents.**
46. **A manager or caretaker must be present on the site at all times. The manager or caretaker must ensure that the use of the building does not cause detriment to the amenity of the area, to the satisfaction of the Responsible Authority.**

## ~~Licensed premises~~

- ~~50. The noise generated by the premises must at all times comply with the requirements of the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority.~~
- ~~51. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority.~~
- ~~52. No amplified live music or entertainment is permitted on the premises without the prior written consent of the Responsible Authority.~~

- ~~53. The Responsible Authority, with just cause, may at any time request lodgement of an acoustic report, prepared by a suitably qualified acoustic consultant. The report must be to the satisfaction of the Responsible Authority and identify all potential noise sources and sound attenuation work required to address any noise issues and to comply with *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2*. The recommendations of the report must be implemented by the applicant to the satisfaction of the Responsible Authority.~~
- ~~54. The maximum number of patrons in the restaurant hereby approved must be no more than 120 at any one time unless with the prior written consent of the Responsible Authority.~~
- ~~55. Except with the prior written consent of the Responsible Authority, the restaurant must only be open for the use between the following hours:~~
- ~~a. Monday to Sunday: 6am – 1am (the following day)~~
- ~~56. The predominant activity carried on at the restaurant, hereby approved, during all trading hours must be the preparation and serving of meals for consumption on the premises at all times.~~
- ~~57. In the restaurant tables and chairs must be placed in position so as to be available for at least 75 percent of patrons attending the premises at any time.~~

### **Permit Expiry**

47. 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.
  - c. The uses are not started within five years of the date of this permit.

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

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

48. This permit, in relation to the signs expires 15 years from the date of issue, at which time the signs and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority

### **Notes**

#### *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>

### *Traffic Engineering*

Council will not change the on-street parking restrictions to accommodate the access, servicing, delivery or parking needs of this development, as the restrictions are designed to cater for a number of other competing demands and access requirements. The residents who will occupy this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions.

### *Civil Engineering*

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

### *Urban Forestry – Bank Guarantee Execution*

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

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

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

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

Approval for any tree removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.

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