Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a planning application at 162-198 Clarendon Street, 105-109 Albert Street, 128-148 Grey Street and 97-103 Albert Street, East Melbourne (refer to Attachment 2 – Locality Plan). The applicant is Urbis, the owner is Epworth Foundation and the architects are John Wardle Architects and STH.

2. The subject site is located within the Public Use Zone 3 - Health and Community (majority of subject site), General Residential Zone 1 (north-east corner of the site fronting Albert Street), Design and Development Overlay 21 areas 2, 3 and 5 Wellington Parade and Clarendon Street and Heritage Overlay Schedules 2, 145 and 886.

3. The planning application seeks approval for the partial and full demolition of existing buildings and the construction of a ten level building to be used as a hospital (cancer centre and consulting rooms). The building fronting Grey Street is a single storey building (GP clinics) and fronting Albert Street is a six level basement for 309 car spaces, the removal and creation of crossovers to Albert Street and the provision of drop off areas and a loading/unloading bay.

4. The application was formally advertised and received 52 objections. Due to the number of objections (>16), the ‘Delegation Policy for Planning Applications’ applies and the application must be presented at a Future Melbourne Committee meeting.

5. The majority of site is on the Victoria Heritage Register. On 5 May 2016 Heritage Victoria issued Heritage Permit (P22957) which approved the development on registered land and no planning permit is required under the Heritage Overlay for this section of the site.

Key issues

6. The key issues for consideration in the assessment of this application are in relation to built form, traffic, amenity impacts to nearby residential uses and the matters raised by objectors.

7. The built form, scale and massing of the proposed development is considered to appropriately respond to relevant objectives and built form outcomes of DDO21 and the local policies of the Melbourne Planning Scheme.

8. The proposed vehicle access arrangements to the site and proposed increased motor vehicle movements are supported by Engineering Services. Providing access to the basement car park from Grey Street and Gotch Lane is appropriate given the bicycle lane along Albert Street and the desirability of minimising vehicle movements across this facility.

9. The issues in relation to noise from the loading bay and plant equipment requires further technical analysis and can be resolved via an amended acoustic report and loading management plan.

10. Matters relating to the construction of the development are dealt with post the planning application process.

Recommendation from management

11. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit to planning application TP-2015-1136, subject to conditions included in the Delegates report (Attachment 4).

Attachments:
1. Supporting Attachment (page 2 of 50)
2. Locality Plans (page 3 of 50)
3. Selected Plans (page 4 of 50)
4. Delegate Report (page 24 of 50)
Supporting Attachment

Legal

1. Division 1 of Part 4 of the Planning and Environment Act 1987 (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 within this report.

Conflict of interest

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

Stakeholder consultation

5. Formal notification of the application was carried out on 23 February 2016 by notices to the owners and occupiers of adjoining land and by posting three signs on the site. Two consultation meetings were held on 26 April 2016 and 19 May 2016.

Relation to Council policy

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

Environmental sustainability

7. Clause 22.19 Energy Water and Waste Efficiency does not apply for applications associated with a hospital use. As such there is no specific requirement under the Melbourne Planning Scheme to require the policy of this clause to be addressed. However it is recognised that sustainability should be encouraged across all development and as such a condition of the planning permit is required that indicates what Environmental Sustainable Initiatives will be incorporated into the development.
Locality Plan

TP-2015-1136, 162-198 Clarendon Street, 105-109 Albert Street, 128-148 Grey Street and 97-103 Albert Street, East Melbourne
DELEGATED PLANNING APPLICATION REPORT

Application number: TP-2015-1136
Applicant: Epworth Foundation
Address: Freemasons Hospital, 162-198 Clarendon Street, 105-109 Albert Street, 128-148 Grey Street and 97-103 Albert Street, EAST MELBOURNE VIC 3002
Proposal: Partial and full demolition of existing buildings and the construction of a multi storey building (hospital) fronting Grey Street a single storey building (hospital) fronting Albert Street, multi level basement, the removal and creation of crossovers to Albert Street and the provision of drop off and loading areas
Date of application: 11 December 2015
Responsible officer: Brendan Cousins

1 SUBJECT SITE AND SURROUNDINGS

The subject site is located at 130 -132 Clarendon Street, 166 Clarendon Street, 128 Grey Street and 97-103 Albert Street, East Melbourne which is occupied by the Freemason Hospital.

Aerial Photo / Locality Plan

The site is approximately 9180 sqm in size, and is occupied by the original 1937 hospital building that has primary interfaces to Clarendon Street and Albert Street, a 1970's hospital addition, three Victorian terraces (included on the Heritage
Victoria Register) facing Grey Street, nurses quarters building facing Grey Street on the south-east site corner and a three storey and two storey used as hospital administration on the north-east site corner on Albert Street frontage. There is a seven metre fall from the site's south-west to north-east corner.

Currently there are 67 car parking spaces on site with 36 via Albert Street, 21 via Grey Street and 10 via Gotch Lane. Current loading/unloading is provided centrally within the site and is accessed from Albert Street. A wide range of public transport options are available in close proximity to the site.

The immediate area is characterised by variety of uses including residential, commercial and hospital/health care as well as a diversity of built forms and styles.

1.1.1 North

Albert Street is located north of the site which has Copenhagen style bicycle paths running along both sides.

North of the subject site and Albert Street are a number of taller residential buildings, include the redevelopment of the former Brewery Site (Tribeca) which has a maximum height of 13 storeys located centrally on the site.

1.1.2 South

South of the subject site is Grey Street. St Vincent’s private hospital and 150 Clarendon Street, a 13 storey residential building with ground level commercial uses are located on the southern side of Grey Street. St Vincent’s private hospital is a four to five storey rendered building fronting Grey Street and is included on the Victorian Heritage Register. Further south of the subject site is the St Francis Building (10 storeys) and Mercy Place (3 storeys), both belonging to the Mercy Hospital Complex.

1.1.3 East

East of the subject site is Gotch Lane, the Melbourne Unitarian Peace Memorial Church and the beginning of lower form residential properties along Albert Street and Grey Street. Powlett Street is located further east. 97 Albert Street is the closest eastern residential property and contains a three storey flatblock and has a separation of 1.45m to the adjoining eastern residential building.

1.1.4 West

West of the subject site is Clarendon Street and Fitzroy Gardens.

2 PROPOSAL

The application proposes the demolition of the existing nurses quarters fronting Grey Street (at 124-128 Grey Street), the administration ‘flat’ buildings fronting Albert Street (at 99-103 Albert Street) and the construction of a 10 storey Cancer Centre and consulting rooms fronting Grey Street and a single level building fronting Albert Street accommodating GP clinic, six levels of basement car parking, loading, building services, ambulance transfer, patient drop off and primary hospital entrance.

The roof top of the Albert Street building will be used as a temporary, ‘pop up’ space for staff and patients until it is developed in the future.

Specific details of the development are detailed below:

| Gross Floor Area (m²) | 7,689 m² |
| Building Height and Storeys | Grey Street Building – 43m (top of building services)  
Albert Street Building – 8.7m (overall height) |
|----------------------------|---------------------------------------------------------------------------------------------------|
| Building setbacks from boundaries | The building fronting Grey Street includes:  
- A four (4) level podium fronting Grey Street setback 4.65m from the title boundary.  
- Six (6) tower levels above the podium, with a setback of 13.69m from Grey Street.  
- Above Level 1, the podium and tower forms are built on the boundary to Gotch Lane.  
- A setback of 3.1m at ground floor to accommodate the widening of Gotch Lane, providing for two way access to the proposed basement carpark.  

The building fronting Albert Street Building is setback from the eastern boundary by 3.5 metres and built to the property frontage along Albert Street. |
| Proposed uses | Grey Street Building – Hospital consisting of a cancer centre (first 4 levels) and consulting rooms (top 6 levels).  
Albert Street Building – Hospital consisting of ground level GP clinic (320m²), back of house services, two loading bays, six level basement car park, patient drop off and patient transfer bays |
| Total car spaces | 309 spaces |
| Total bicycle spaces and size of associated facilities | 15 staff  
18 visitor (double sided hoops) |

3 BACKGROUND AND HISTORY

3.1 Planning Application History

There is no directly relevant history or background for this application.

3.2 Heritage Victoria Register

On the land within the Public Use Zone is the 1930s Freemasons Hospital to Clarendon Street and a row of Victorian terraces at 128-132 Grey Street. The Freemasons Hospital and the terraces in Grey Street are included in Victorian Heritage Register (VHR) as places H1972 and H0059. As such, a heritage permit is required for the proposal from Heritage Victoria and accordingly, no planning permit is required under the Heritage Overlay.

On the land within the General Residential Zone are two interwar blocks of flats at 99 and 103 Albert Street, which are excluded from the Victorian Heritage Register but affected by Heritage Overlay 2 (HO2). A planning permit for building and works is only required for this part of the development under heritage.
On 19 January 2016, Heritage Victoria referred a Heritage Application to the City of Melbourne (HV-201-6). The City of Melbourne advised by letter that the Heritage Application was not supported as the proposal will have an adverse effect upon the significance of the heritage buildings and heritage place.

A copy of Melbourne City Council’s heritage advisor’s advice was attached to this letter to HV. It is the same advice that was provided in relation to the planning application.

On 5 May 2016 Heritage Victoria issued Heritage Permit (P22957) which approved the development subject to a number of conditions. None of the conditions addressed the concerns raised by MCC.

4 STATUTORY CONTROLS

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

<table>
<thead>
<tr>
<th>Statutory Controls</th>
<th>A planning permit is not required for the proposed uses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Use Zone 3 - Health and Community (PUZ3)</td>
<td>For that part of the land which lies within the Public Use Zone, all of the uses are properly characterised as being for the purpose of “Health and Community”, which are “as of right” where carried out by or on behalf of a public land manager. Epworth Foundation is a public land manager.</td>
</tr>
<tr>
<td>(majority of subject site)</td>
<td>That part of the land which lies within the General Residential Zone possesses existing use rights which ensure that the land may continue to be used for the purpose of a hospital and medical centre. Those rights have been considered to be established by clause 63 of the Melbourne Planning Scheme.</td>
</tr>
<tr>
<td>General Residential Zone 1 (RGZ1)</td>
<td>The proposed activities sought to be introduced onto that part of the site that lies within the General Residential Zone do not seek to alter the purpose for which that part of the land is used. That land may be redeveloped for the same purpose subject to obtaining a permit for the development under clause 63.05.</td>
</tr>
<tr>
<td>(north-east corner of the site fronting Albert Street)</td>
<td>Pursuant to Schedule 21 of Clause 43.02, a permit is required to construct a building or carry out works.</td>
</tr>
<tr>
<td>Design and Development Overlay 21 areas 2, 3 and 5 Wellington Parade and Clarendon Street (DDO21).</td>
<td>• Area 2 (A2) has a discretionary height of 14m;</td>
</tr>
<tr>
<td></td>
<td>• Area 3 (A3) has a discretionary height of 17m; and</td>
</tr>
<tr>
<td></td>
<td>• Area 5 (A5) has a discretionary height of 35m.</td>
</tr>
<tr>
<td>Heritage Overlay Schedule 2, 145 and 886</td>
<td>Pursuant to Clause 43.01-1, a permit is required to demolish or remove a building and construct a building or construct and carry out works.</td>
</tr>
<tr>
<td></td>
<td>However the 1930s Freemasons Hospital to Clarendon Street and a row of Victorian terraces at 128-132 Grey Street, the Freemasons Hospital and the terraces in Grey Street are included on the Victorian Heritage (Register VHR H1972 and H0059).</td>
</tr>
<tr>
<td></td>
<td>Pursuant to Clause 43.01-2, no permit is required to develop (including demolition) a heritage place which is included on the Victorian Heritage Register. Therefore, no permit is required under</td>
</tr>
</tbody>
</table>
HO2, HO145 and HO886, as they affected by VHR.

For the land located within General Residential Zone and Heritage Overlay (HO2) a planning permit is required to the extent of demolition of buildings and for the proposed buildings and works.

<table>
<thead>
<tr>
<th>Clause 63.05 Existing use rights</th>
<th>For the land in General Residential Zone, a planning permit is required under Clause 63.05 for buildings and works that are connected with the continuation of an existing use.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>It is a requirement that a permit must not be granted unless the buildings and works comply with any other buildings and works requirements in the planning scheme. In this case the only applicable requirements are DD021 and HO2, and the requirement for a planning permit for buildings and works for permit required uses under the General Residential Zone.</td>
</tr>
</tbody>
</table>

5 STRATEGIC FRAMEWORK

5.1 State Planning Policy Framework (SPPF)
The relevant provisions of the SPPF are summarised as follows:

- Clause 12 Environment and Landscape values
- Clause 15 Built Environment and Heritage
- Clause 15.02-1 Energy and resource efficiency
- Clause 18.02-5 Car parking
- Clause 17 Economic Development
- Clause 19 Infrastructure

5.2 Local Planning Policy Framework (LPPF)

5.2.1 Municipal Strategic Statement (MSS)
The relevant provisions of the MSS are summarised as follows:

- Clause 21.06 Built Environment and Heritage.
- Clause 21.07 Housing.
- Clause 21.16-2 East Melbourne and Jolimont.

5.2.2 Local Policies
The relevant local policies are summarised as follows:

- Clause 22.02 Sunlight to Public Spaces.
- Clause 22.05 Heritage Places Outside of the Capital City Zone.
- Clause 22.17 Urban Design Outside of the Capital City Zone

6 PARTICULAR PROVISIONS
The following particular provision(s) apply to the application:

- Clause 52.06, Car Parking

7 GENERAL PROVISIONS
The following general provision(s) apply to the application:
Clause 63 Existing use Rights
Clause 65, Decision Guidelines, which includes the matters set out in Section 60 of the Planning and Environment Act 1987.
Clause 66, Referral and Notice Provisions

8 PUBLIC NOTIFICATION
It was determined that the proposal may result in material detriment. Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties and by posting three notices on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

9 OBJECTIONS
A total of 52 objections were received, and raised the following concerns with the proposal:

- **Heritage**
  - Inappropriate demolition of 99 and 103 Albert Street.
  - Impact of proposal on the hospital precinct between Grey and Albert Street.
  - Tower height will impact upon the heritage of the East Melbourne area.
  - The proposal does not make a positive contribution the existing heritage, built form and amenity of the area.
  - Form and materiality sit incongruously in the street block.
  - Proposal is out of context with existing character and scale which are predominantly 2-3 storeys – human scale.
  - Design is not sympathetic to adjoining heritage building ie. the 1930s Hospital in Clarendon Street and 128-132 Grey Street.
  - Height and bulk will have a detrimental impact on the streetscape of Powlett Street to the east.

- **Built form**
  - The height of the planned tower excessive and exceeds the discretionary height limits allocated to the site.
  - Non hospital?? does not justify exceeding current height of the existing Freemasons Hospital. Height of building should be reduced.
  - Construction of a commercial building on a prominent corner will have an impact upon the existing streetscape and views from VTAR and Tribeca complexes. Construction next to Fitzroy Gardens is environmental and aesthetically unsound.
  - Buildings in area vary considerably in height form and mass but there is no other freestanding tower.
  - Building cladding is just a glass box.
  - Full glass façade of building on all sides is not in keeping with the nature of the area. Possible reflection from glass is a concern.
  - Basement car park is too close to common boundary.

- **Traffic/car parking**
- Removal of median opening on Albert Street. The opening enables ease of access to VATR development.
- Traffic light cycles on Victoria and Albert Street and Clarendon And Simpson Street should be revised.
- When MCG or Tennis Centre event is occurring, signs should be put up to advise why and when gridlock is occurring.
- Left turn impediment is required for vehicles exiting Gotch Lane to Albert Street from the multilevel car park.
- Limiting additional traffic flow on Albert Street is essential given expected addition traffic flow from nearby to be completed developments.
- Expansion of hospital will exacerbate on street car parking capacity issues.
- Additional strain on public transport (trams).
- Increase of staff and visitors will make it even harder to navigate the left turn from Victoria Parade on Clarendon Street.
- Car parking capacity should be reduced. Development includes a surplus of 156 spaces for a future development.
- Public use of the car parking. Will it be available to people other than staff and visitors. Will it be expensive and therefore encourage hospital users to seek alternative cheaper street parking.
- Three crossovers to Albert Street is detrimental to the safety of cyclists.
- Access to car park should be from Albert Street (which is already a major thoroughfare) and not Grey Street.
- Impact on bike lanes in Clarendon Street and Albert Street and increasing the likelihood of bike/car accidents especially where the 3 vehicle crossovers are on Albert Street.
- Consideration of extended parking permit areas is requested for VATR residents as they have been reduced in recent years. Given the Epworth Freemasons expansion this is a matter requiring urgent action.

- **Construction management**
  - Early morning construction noise from recent minor works on subject site already a concern. Construction noise from a major development including a large car park basement is of major concern.
  - Traffic congestion caused by proposed construction works.
  - Impact of construction on existing on street parking.

**Amenity impacts**

- Amenity impact caused by loading dock by noise and hours of operation.
- Noise from staff roof top area will affect neighbourhood.
- Noise impacts from plant room located on western corner of the development

- **Staged development**
  - Insufficient detail provided in relation to “future stages” of the development.
Approval of current development will give an expectation of approval future applications.

10 CONSULTATION

Given the receipt of the above objections, the following consultation was undertaken:

- Two consultation meetings held on 26 April 2016 and 19 May 2016. The meetings were well attended and the issues raised by objectors were discussed in an open forum. The applicant has not submitted amended plans to address the objectors concerns, specifically in relation to building height and site, and traffic or car parking matters.

11 REFERRALS

11.1 Urban Design

Urban Design generally did not support proposal and outlined the following recommendations:

- That a maximum of one (1) vehicle crossing is provided per street/ lane frontage, and an Albert Street crossing be avoided.
- That active built form defines the interface with the Albert Street frontage (not a porte cochere and driveway that is parallel to the street), and any pedestrian entry is announced and unconstrained by vehicle access.
- That any on-site vehicular circulation and drop-off from Albert and Grey Streets is provided to within the site, behind building frontages, so that the built form of active buildings, not driveways, provides the appropriate active street frontage, definition and address.
- That built form defines the eastern boundary of Gotch Lane (either as building or integrated fence/wall, but not as undercroft or vehicle space that extends the public space of the lane).
- That any vehicle access off Gotch Lane be aligned perpendicular to the lane, not oblique or parallel to it, and the apparent width of the lane not be widened.
- That all building height is aligned contiguous with the ground level building (not set back from the ground level and central to the street block as the proposed tower is), where overall building forms make a positive, legible address on the street, and where the height of buildings are scaled accordingly to street and neighbouring buildings to avoid visual and shadow impacts.
- That the Grey street frontage more clearly announces the pedestrian entry on the street through the integration of built form on the site/garden boundary (for e.g., fence, wall, plinth, gate posts).

11.2 Heritage

As demonstrated in Figure 1 below, the majority of the subject site is listed on the Victorian Heritage Register. No planning permit is required under the Heritage Overlay to develop a heritage place which is included on the Victorian Heritage Register.
The only heritage matters that can be considered as a part of this planning application relates to works at 99-103 Albert Street. Council’s heritage advisor is supportive of the demolition and works. The height of the new built form and material selection that directly fronts Albert Street is respectful to the architectural character of the existing hospital building and the heritage precinct.

11.3 Engineering

11.3.1 Civil

The following comments were provided by Civil Engineering:

- The proposed development includes widening of a portion of Gotch Lane from 3.6 to 6.1 metres to facilitate access to the subject development. The widened part of the road must remain in private ownership as part of the subject land.

- The existing and new portions of Cotch Lane abutting the subject land must be reconstructed in asphalt with an open stormwater channel (250x100mm wide bluestone gutterstone), in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

- The widened portion of Gotch Lane shall be designed with a minimum vertical clearance of 5.0 metres from the road surface.

- The outward opening doors projecting into the widened part of Gotch Lane must be redesigned such that they do not project beyond the street alignment at any time.

- All new stairs abutting the property boundary must be set back sufficiently to enable all necessary tactile ground surface indicators to be installed within the property curtilage.
It is noted that the crossover abutting the subject land along Grey Street does not comply with the CoM standards. The vehicle crossing shall be reconstructed in asphalt to the satisfaction of the Responsible Authority.

The maximum permissible width of a vehicle crossover without a pedestrian refuge is 7.6 metres. Crossings wider than 7.6 metres must include pedestrian refuges a minimum of 2.0 metres in length at 7.6 metre maximum clear spacings.

Conditions in relation to the above and standard matters were recommended.

11.3.2 Traffic
Overall traffic engineering was supportive of the proposal however provided comments in relation to the following matters:

- In relation to the assessment provided by One Mile Grid, Engineering Services does not accept the parking rates nominated in Section 8.4.2.1. It is not appropriate to apply travel information collected in the City of Melbourne as a whole to workers (many of them shift workers) in a hospital in East Melbourne. Notwithstanding this concern, given that it is proposed to increase the number of on-site car parking spaces to 309 in the new basement car park plus 11 at-grade in the Grey Street car park, the increased provision of car parking is considered appropriate to cater for the additional parking demand.

- Providing access to the basement car park from Grey Street and Gotch Lane is appropriate given the bicycle lane along Albert Street and the desirability of minimising vehicle movements across this facility.

- Engineering Services will need to review the on street parking facilities along the Albert Street frontage to ensure that adequate sight distance is provided at both the exit to the Porte Cochere and Gotch Lane. This can be undertaken prior to the opening of the facility.

- In relation to the basement car park, it is recommended that the applicant be required to include an extensive parking management system (e.g. lights over each space and a sign on private property but readable from Grey Street) informing those about to enter if the car park is full, and directing drivers to empty spaces – to avoid drivers having to circulate through a full car park.

- The proposed provision of bicycle parking is acceptable.

- Engineering Services considers that the impact of the additional traffic generated by the redevelopment will be acceptable.

11.3.3 Waste
The Waste Management Plan is generally considered acceptable. The size of the onsite waste compactor should be detailed. This could be included as a condition of permit.

11.4 Tree planning
The application proposes the removal of a street tree on Albert Street. In accordance with the City of Melbourne’s Tree Retention and Removal Policy (‘the Policy’), no public tree may be removed unless in accordance the Policy. In the event that approval is provided, the costs of $23,164.62 are applicable for loss of Amenity Value, Ecological Services and Removal Costs per the Policy.

Reinstatement greening costs (section 8.3 D of the Policy) in the order of $10,000 will also be applied. This price will be determined if removal is approved and following
supply and approval of a landscape plan outlining new tree plantings and tree pit design.

All the associated cost of the tree and its removal must be paid by the property owner, or representative prior to removal.

Given that tree removal hinders the principle Urban Forest Strategy of increasing canopy cover, it is likely that the removal proposal will be received more favourably if additional plantings are provided. We believe that three new plantings will mitigate the loss of the existing tree and provide greater benefit in the longer term.

11.5 Land survey

Land survey has some reservations in relation to the proposed widening of Gotch Lane including the proposed basement underneath and proposed building over the lane at level 1.

12 ASSESSMENT

The key issues for consideration in the assessment of this application are in relation to built form, heritage, traffic, amenity impacts to nearby residential uses and the matters raised by objectors.

The use of the land for a hospital does not require a planning permit under the Public Use Zone and the land within the General Residential Zone has operated as the administrative offices for the Hospital for longer than 15 years. Therefore no planning permit is required for any of the uses on the land.

It is noted that local policy indicates clear direction and support for the retention and expansion of medical uses on this site. The proposal is consistent with the following policy directions:

- The Public Use Zone – Schedule 3 (PUZ3) which reserves land for the purposes of ‘Health & Community’. The purpose of the zone is to provide for associated uses that are consistent with the intent of the public land reservation or purpose (Clause 36.01).
- Strategy 1.2 of Clause 21.10-4 Infrastructure seeks to support the clustering of hospitals and their continued operation and development in their current locations.
- Clause 21.16–2 East Melbourne and Jolimont seeks to support hospital, medical and medical research uses in East Melbourne in the Commercial and Public Use Zones.

Consideration of the application is limited to matters relating to built form under the Design and Development Overlay 21 (DDO21) and under the Heritage Overlay Schedule 2 (HO2) and General Residential Zone Schedule 1(GRZ1) for the parts of the building that are covered by the GRZ1.

12.1 Heritage

As previously discussed the land located within the Public Use Zone is included on the Victorian Heritage Register (VHR) as places H1972 and H0059. As such, a heritage permit is required for the proposal from Heritage Victoria and accordingly no planning permit is required under the Heritage Overlay.

The balance of land located within the General Residential Zone are excluded from the Victorian Heritage Register but affected by Heritage Overlay 2 (HO2). As such the extent of consideration of heritage matters extends only to the part of the building within the General Residential Zone Schedule 1 which is a small part of the overall development.
Although Council advised Heritage Victoria (HV) that they did not support the heritage application for the Grey Street Cancer Centre building, a heritage permit (P22957) was issued by HV on the 5 May 2016. As such any impacts upon registered buildings within Heritage Overlays 145 and 886 have been considered by Heritage Victoria and cannot be assessed further by Council.

The existing buildings at 99-103 Albert Street are not heritage graded and are proposed to be demolished and replaced with a single building (with basement car parking beneath). Both the removal of these building and replacement building (with basement car parking beneath) are supported by Council’s heritage advisor.

The replacement building to Albert Street is single storey in height and is setback approximately 3.5 metres from the shared boundary with 97 Albert Street. The building as presented in the application is appropriate and respectful in its heritage context. The replacement building is generally consistent with the heritage objectives and decision guidelines of both the Heritage Overlay and Clause 22.05 Heritage Places outside the Capital City Zone.

Further discussion on the building height and design (for the two buildings facing Grey Street and Albert Street) will be discussed in greater detail in section 12.2 Building Form of this report.

12.2 Building Form

The development is covered by Design and Development Overlay Schedule 21 areas 2, 3 and 5 (see image below for extent of areas):

![Figure 2 - DDO21 areas](image)

Schedule 21 to the Design and Development Overlay specifies the following relevant design objectives:

- To minimise the visual impact and overshadowing effect of buildings on the Fitzroy Gardens and Yarra Park;
- To respect the scale and significance of heritage buildings on the site or on adjacent sites.
The building heights for each area are described in the table below:

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum building height</th>
<th>Built form outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>14 Metres</td>
<td>New development is of quality architectural design and in scale with the buildings in Albert Street, Grey Street and the residential areas on Gipps Street.</td>
</tr>
<tr>
<td>3</td>
<td>17 Metres</td>
<td>Development that does not overshadow Fitzroy Gardens between 11am and 2pm on 22 September and 22 March. New development is of quality architectural design and in scale with the hospital building fronting Clarendon Street.</td>
</tr>
<tr>
<td>5</td>
<td>35 Metres</td>
<td>Development that does not overshadow Fitzroy Gardens between 11am and 2pm on 22 September and 22 March New development that provides for a higher built form to the rear of the hospital building fronting Clarendon Street.</td>
</tr>
</tbody>
</table>

The maximum building heights under DDO21 are discretionary and can be varied by a permit. The variation to the requirements of DDO21 are best detailed in the diagram below (with the areas outside the red dotted line areas encroaching beyond the preferred maximum height):

![Image demonstrating areas of non-compliance with the discretionary height control under DDO21](image)

At 16.925 metres, the podium of the Grey Street Cancer Centre complies with the Area 3 building height of 17 metres. However the taller part of the building does encroach into Area 3 by approximately 11 meters and up to a height of 39.32 metres (42.92 metres inclusive of plant equipment). As DDO21 excludes plant equipment from building height the variation is calculated from 39.93 metres rather than 42.92 metres.

DDO21 seeks that development within this area is of a quality design and in scale with the hospital building fronting Clarendon Street. Objectors have raised concern with the extent of glass proposed. Whilst it is considered that the primary architectural quality (including material selection) and, scale relates to heritage matters which have been covered by the heritage permit issued by HV, it is also noted that the residential development at 150 Clarendon Street is predominately
glass at its upper levels. The glass façade also assists with this taller element of the building being more recessive.

The lower component of the building complies with the DDO21 and those elements of the building which encroach into Area 3 that are above 17 metres have been considered to be appropriate by HV. DDO21 states that buildings should respect the scale and significance of heritage buildings on the site or on adjacent sites. The adjoining properties to the east, although covered by Heritage Overlay (HO2) - the East Melbourne and Jolimont Heritage Precinct, are ungraded and therefore do not form part of significant heritage streetscape.

Within Area 5, the Grey Street Cancer Centre building is constructed to 39.32 metres (excluding services), a variation of approximately 4.3 metres. By virtue of the heritage permit approval issued by Heritage Victoria, it is considered that the objective ‘to respect the scale and significance of heritage buildings on the site or on adjacent sites’, is satisfied despite Council’s objection to the Heritage Victoria application. As previously mentioned the properties to the east of the site whilst within a Heritage Overlay, are ungraded and therefore do not contribute to the existing heritage streetscapes along Albert Street and Grey Street.

As demonstrated in Figure 2, Area 5 encourages new development that provides higher built form to the rear of the hospital fronting Albert Street. Although exceeding the height recommended under Area 5 of 35 metres by 4.3 metres, the Grey Street Cancer Centre building is considered to satisfy this built form outcome. The height control is not mandatory and does allow taller built form to be considered. The additional height is approximately one level of the building which has floor to floor height of 3.75 metres or approximately an additional 12 percent of the recommend height (35 metres). Furthermore, the upper section of the building has a relatively small footprint that is approximately 18.7 metres wide by 24.6 metres in depth with an approximate floor plate of 460 sqm (per level). This is a very small fraction of the total site area of the Freemasons Hospital.

There is higher built form found within this pocket of East Melbourne and the planning controls which affect the development encourage higher built form at the rear of the site. St Vincent’s private hospital and 150 Clarendon Street, a 13 storey residential building are located on the southern side of Grey Street. St Vincent’s private hospital is a four to five storey rendered building fronting Grey Street and is included on the Victorian Heritage Register. Further south is the St Francis Building (10 storeys) and Mercy Place (3 storeys). To the north there are a number of taller residential buildings including the former brewery site which is developed with a 13 storey residential building.

The images below indicates the heights of existing development north and south of the subject site, buildings of particular note being 150 Clarendon Street, the former brewery site (Tribeca) and St Francis building, which are comparable or taller in height (actual height is detailed as H and E is the elevational height).
Figure 2 - existing building heights north of the subject site

Figure 3 - existing building heights south of the subject site
It is clear that although some parts of East Melbourne are of a lower built form, there are also areas of higher built form and this site has been identified as being able to accommodate higher built form and there are already existing buildings of a comparable or higher built form within close proximity.
With the absence of the ability to consider heritage, it is considered reasonable to allow the variation to heights recommended by DDO21.

The applicant is willing to address some matters raised by Urban Design, specifically:

- Improving the activation of the Albert Street Facade and provide clearer identification of the location of a new hospital entrance.
- Provide an alternative architectural treatment of the undercroft of the Grey Street building form to refine the western interface to Gotch Lane.
- Provide a clearer delineation between the Grey Street public and private realm and improved legibility of the pedestrian entrance through integration of appropriate architectural expression (i.e. fence, wall, plinth, gate post) or more prominent landscaping at this boundary.

The above matters can be included as conditions of permit.

Relocating the upper level of the building further towards the Grey Street frontage is not supported as it is contrary to Heritage Victoria permit, and would have a detrimental impact upon the heritage significance of the adjoining terraces facing Grey Street.

The building facing Albert Street building complies with the building height as stipulated under Area 5 and 2. Detailed design matters in relation to the Albert Street façade and eastern elevation will be required as a condition of permit.
Figure 6 - streetscape image of the Albert Street Building

For the reasons above it is not considered that this development is responsive to the objectives and built form outcomes of the DDO and to the context of the immediate area. It is noted further that any future development of the Freemasons Hospital will require a separate assessment under the applicable planning controls and in relation to the context at time.

Objectors have raised concerns that views from VTAR and Tribeca complexes will be lost. The protection of views from private realm is not a decision guideline for this application and therefore cannot be considered.

12.3 Traffic

There are a number of concerns raised by objectors in relation traffic matters which are detailed in Section 9 of this report. The plan excerpt from the applicant’s traffic impact assessment (OneMileGrid 9 December 2015 page 26), clearly details the proposed access arrangements to the site.
Broadly, the proposed access arrangements to the site are supported. Internal traffic (engineering services) advice indicates the following:

- Providing access to the basement car park from Grey Street and Gotch Lane is appropriate given the bicycle lane along Albert Street and the desirability of minimising vehicle movements across this facility.
- Engineering Services considers that the impact of the additional traffic generated by the redevelopment will be acceptable.
- Vehicle access to the drop off spaces along the Porte Cochere require drivers to reverse across a pedestrian crossing. This is undesirable, however it does not appear that there is any alternative given the constraints of the design. The parallel spaces in the Porte Cochere are shorter than required by the Planning Scheme, which will make access more difficult however as the vehicle will need to be positioned partly over the crossing to commence the reverse manoeuvre into the parking space, pedestrians will be well aware of the presence of the vehicle.
- Engineering Services will need to review the on street parking facilities along the Albert Street frontage to ensure that adequate sight distance is provided at both the exit to the Porte Cochere and Gotch Lane. This can be undertaken prior to the opening of the facility.

Engineering services have concluded that based on information provided by the applicant, it is expected that the proposed hospital development will generate approximately 102 vehicle movements in the morning peak period and 86 vehicle movements in the afternoon peak. In Engineering terms, this level of traffic generation is considered to be modest and will easily be absorbed in the local traffic network. The analysis provided by OneMileGrid indicates that the degree of saturation (ie the measure of the capacity of an intersection) at the Grey Street/Clarendon Street intersection is barely affected, and will continue to operate under excellent conditions. The intersections of Albert Street and Powlett Street and Albert Street and Clarendon Street will also experience little change and will operate under excellent and good to very good conditions respectively.

While it is appreciated that the current proposal will increase traffic generation along Grey Street, Engineering Services considers that on balance the provision of the carpark entrance off Grey Street will be a far safer option as motorists entering the carpark from this location will have a lower level of conflict to contend with compared to the location of the carpark entrance and porte-cochere along Albert Street where motorists have to contend with higher traffic volumes, cyclists travelling along the segregated bicycle lane and possibly higher levels of pedestrian movements as the main entrance to the hospital is also located at this point. Bearing in mind that cyclists are one of the most vulnerable road users and are often difficult to see, it is considered necessary to remove any potential for conflict between these two traffic movements and as a result, Engineering Services have indicated that they cannot support the provision of a carpark entrance off Albert Street.

As indicated above, the increased traffic will not have a significant impact on the local road network and the analysis undertaken by OneMileGrid indicates that intersections in this area will experience minimal capacity increases which can be easily accommodated. Of the 102 vehicles estimated to be generated during the morning peak, it is expected that approximately 70 percent will arrive from the east and 30 percent from the west. This would therefore add approximately one extra vehicle per minute from the east using Powlett and Grey Streets, and one vehicle every two minutes using Clarendon Street from the west. Motorists leaving in the afternoon peak period have similar options with the possibility of also using Powlett
Street to access Wellington Parade. As a result, the distribution of vehicles accessing the hospital as indicated above would create little impact on the local road network.

Although the number of car parking spaces is in excess of what the planning scheme requires, internal advice indicates that it is appropriate to cater for the additional parking demand generated by the development. The applicant has submitted that a surplus of 156 spaces is provided to cater for any future development of the hospital. On balance it is considered that this approach is reasonable however, any future development associated with Stage 2 will require the full justification of traffic impacts which may limit the size and intensity of this building.

On street parking restrictions in the area are not proposed to be modified. These restrictions are short term and not suitable for longer term parking by local workers or MCG patrons. Parking restrictions along the Hospital frontage are not resident priority parking spaces.

The removal of the ability to turn right into Albert Street from the loading bay and porte cochere by extending the road median will increase the safety for cyclists. It is appreciated that this will have an impact upon residents located on the northern side of Albert Street. Engineering Services have indicated that the median opening width can be reduced (to approximately 6 metres) by extending median further west. This will permit westbound motorists to undertake U turns but prevent right turns into the porte cochere and also allow eastbound traffic to make right turns.

Objectors have raised concern that the proposed extension will add strain to public transport (trams). The Melbourne Planning Scheme encourages the use of Public Transport as a preferred alternative to private vehicles. It is noted that the proposal incorporates safe, attractive and convenient pedestrian access to public transport stops and private car parking and is supported.

12.4 Amenity impacts to adjoining properties

The buildings and works under the General Residential Zone must have consideration of the potential offsite amenity. Clause 63.05 states that ‘the amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right’. It is noted that the use of the land as a hospital is not prohibited under the General Residential Zone.

The building facing Albert Street does not exceed the height of the existing building that is being demolition and is approximately 8.7 metres at the point closest to the adjoining residential properties at 97 Albert Street. The building will be setback 3.5 metres from the property boundary which will increase separation between the proposed development and the existing residential building at 97 Albert Street.

Landscaping within this space will help soften the impact however minimal detail has been provided in relation to eastern elevation of this building and it is considered that more detail is required to clearly justify the impact of this wall. Additional detail of the roof top deck area for staff will also be required, although the submitted landscape plan indicates that it is not located in the General Residential Zone. Overall subject to further details it is considered that the buildings and works within the General Residential Zone are appropriate and will not have unreasonable impacts to the adjoining residential properties.

The applicant has indicated that the Albert Street building represents the first stage of development. It is considered that any future stages of the Freemasons Hospital redevelopment will be subject to a future planning permit and consideration of issues such as setbacks and shadow impacts.

The new loading bay is located on land within the General Residential Zone and is adjacent to a residential building at 97 Albert Street. Objectors have raised concern about potential noise impacts from the loading area. The acoustic report prepared by
Acoustic Logic Consultancy (ALC) (for the applicant) concludes that provided that the recommendations as detailed in Section 6 of the report are implemented the development will comply with the nominated criteria under SEPP N-1. The recommendations are as follows:

- Loading dock area should have absorptive material underneath the slab in the area.

- Install a solid screen along the eastern boundary of the loading dock, the screen should be full height to the underneath of the slab of the roof garden.

- It is recommended that the loading dock not to be used out of the proposed operation hours (6am – 10pm) and it is recommended that garbage and recycling truck operation occur between 6am and 10pm.

It is not clear that these recommendations have been incorporated into the design, and in fact the location of the louvres on the eastern elevation strongly indicate that they have not. Furthermore, although the report is clear in relation to the operation of vehicles within the loading bay, it does not make the operation of the sectional aluminium doors when vehicles enter and exit the site. An amended acoustic report and a loading/unloading management plan are recommended to ensure that impacts to adjoining properties are not increased.

It is not considered that the Grey Street Cancer Centre will cause there to be any additional amenity impacts in relation to built form. The traffic impacts have been discussed above, and other matters relating to noise from plant equipment and glass reflectivity can be addressed by standard conditions of permit.

12.5 Objectors concerns
The majority of the objectors concerns including heritage, built form, amenity impacts and traffic are addressed by the above assessment. The remaining matters are addressed below:

12.5.1 Construction management
Construction management issues including methods of construction, noise and impact on traffic are not planning issues and are matters dealt with post the planning permit process. A condition of permit will require the submission of a Construction Management Plan.

Any structural issues associated with construction are dealt with via the building permit process and after the planning permit process has completed.

12.5.2 Staged development
The applicant has stated that there will be a later Stage 2 associated with the redevelopment of the Freemasons Hospital. This detail is not included on the plans, however, the basement car park and loading facilities have been designed to accommodate for any future redevelopment of the land. It is not possible to assess a future development and its impact. Should this application be approved it does not set a precedent (raised as a concern from objectors), and when lodged, any future development will be subject to an assessment of the merits of the development based upon the context of the area and the planning controls at that time.

13 RECOMMENDATION
On balance it is considered that the proposal is generally consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above and that a Notice of Decision to Grant a Permit be issued subject to the following conditions:
1. Prior to the commencement of the development on the land, two copies of plans, drawn to scale must be submitted to the Responsible Authority, generally in accordance with the plans received 11 December 2015 but amended to show:

   a. Elevation design details at a scale of 1:50 of the eastern wall of the Albert Street building that faces 97 Albert Street.

   b. Improved activation of the Albert Street Facade and clearer identification of the location of new hospital entrance.

   c. Elevation plan showing the Gotch Lane access to the loading/unloading bay.

   d. Alternative architectural treatment on the undercroft of the Grey Street building form to refine the western interface to Gotch Lane. The widen portion of Gotch Lane must be designed with a minimum vertical clearance of 5.0 metres from the road surface.

   e. Clear delineation between the Grey Street public and private realm and improved legibility of the pedestrian entrance through integration of appropriate architectural expression (i.e. fence, wall, plinth, gate post) or more prominent landscaping at this boundary.

   f. The outward opening doors projecting into the widen part of Gotch Lane must be redesigned such that they do not project beyond the street alignment when open, when closed or when being opened or closed.

   g. All new stairs abutting the property boundary must be set back sufficiently to enable all necessary tactile ground surface indicators to be installed within the property curtilage.

   h. The location of the staff roof top deck located on the Albert Street building. The roof deck must be located wholly within land covered by the Public Use Zone and must be full dimensioned and detailed including setbacks from all boundaries.

   i. Any changes required as a result of the recommendations within the revised acoustic report as required by this permit.

   j. Any changes required as a result of the recommendations within the landscape plan as required by this permit.

The amended plans must be to the satisfaction of the Responsible Authority and when approved will be an endorsed plan of this permit.

Landscape plan

2. Prior to the commencement of the development, a revised detailed landscape plan prepared by a suitably qualified landscape architect, and in association with Melbourne City Council's Open Space Planning branch, must be submitted and approved by the Responsible Authority. This plan must include:

   a. A schedule of all soft and hard landscaping and treatments including all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes and maturity, and quantities of each plant.

   b. A schedule of all hardscape and urban design elements including, but not limited to, paving, retaining walls, lighting, seating, irrigation and public art.
c. Response to water sensitive urban design principles and type of irrigation systems to be used.

d. Specific details of the landscaping works located between the eastern elevation and 97 Albert Street.

The amended landscape plan must be to the satisfaction of the Responsible Authority and when approved will be the endorsed plans of this permit.

3. Landscape works as shown on the endorsed plans must be completed within 6 months from the completion of the development to the satisfaction of the Responsible Authority and subsequently maintained to the satisfaction of the Responsible Authority.

Street Trees

4. Prior to the commencement of the development (including any demolition, bulk excavation, construction or carrying out of works), a Tree Protection Plan must be prepared by a suitably qualified and experienced Arborist and submitted to the City of Melbourne – Urban Landscapes. The Tree Protection Plan must include recommendations to ensure the viability of the street tree adjacent to the proposed lobby before, during and after construction to the satisfaction of the Responsible Authority.

5. Prior to the commencement of development (including any demolition, bulk excavation, construction or carrying out of works), a bond or bank guarantee for the protection of the tree must be submitted to the City of Melbourne. The bond is equal to the combined tree amenity and tree ecosystem services value. The bond will be returned when the works are completed to the satisfaction of the Responsible Authority.

6. Prior to the commencement of development (including any demolition, bulk excavation, construction or carrying out of works), owner of the land must pay $33,164.62 to the City of Melbourne for the costs in connection with the removal, relocation or replacement of the street tree, including the amenity value of the tree to be removed and reinstatement greening costs.

Acoustic report

7. Prior to the commencement of the development, an amended acoustic report prepared by a qualified acoustic consultant must be submitted to and be to the satisfaction of the Responsible Authority. The report must be generally in accordance with the Acoustic Logic Report prepared 2 December 2015 but amended to include assessment of any noise impacts from the loading bay doors that from Albert Street and Gotch Lane, and any proposed plant equipment including the Plant Room located on the south east corner of the loading bay (adjoining 97 Albert Street). The recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority, prior to the occupation of the building.

8. The maximum noise level emitted from the premises must not exceed levels specified in the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.

9. 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

Traffic report

10. Prior to the commencement of the development, a parking management system (e.g. lights over each space and a sign on private property but readable from Grey Street) informing those about to enter if the car park is full, and directing drivers to empty spaces – to avoid drivers having to circulate through a full car park must be submitted to and be to the satisfaction of Melbourne City Council, Engineering Services

Traffic

11. Prior to the occupation of the development the Albert Street median break must be modified to allow westbound motorists to undertake U turns but to prevent right turns into the Albert Street porte cochere and also allow eastbound traffic to make right turns at the cost of the developer in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

Loading management plan

12. Prior to the commence of the development, a loading management plan must be prepared, to the satisfaction of Melbourne City Council, Engineering Services demonstrating the means which the loading/unloading will be managed from the site in a manner that will minimize amenity impacts to adjoining residential properties and for the safety of the vehicles and bicycles along Albert Street. The loading management plan must have reference to the recommendations of the amended acoustic report as required by condition 7.

ESD

13. Prior to the commencement of the development, an Environmentally Sustainable Design (ESD) Statement must be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The ESD Statement must outline the how the development responds to the objectives and policies of Clause 22.19 Energy Water and Waste Efficiency.

Construction Management Plan

14. Prior to the commencement of each stage of the development, excluding demolition, bulk excavation, site preparation and retention works, soil remediation, piling, footings, ground beams and ground slabs, a detailed Construction Management Plan (CMP) must be prepared to and be approved by the City of Melbourne. All development must be carried out in accordance with the approved Construction Management Plan to the satisfaction of the City of Melbourne. The CMP must describe how the occupier of the subject land will manage the environmental, construction and amenity impacts associated with the construction of the development. The CMP must address the following:

a) Staging of construction;

b) Management of public access and linkages around the site during construction;

c) Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian access ways);

d) Any works within the adjoining street network road reserves;
e) Sediment control and site drainage;
f) Hours of construction;
g) Control of noise, dust and soiling of roadways;
h) Discharge of polluted waters;
i) Collection and disposal of building and construction waste;
j) Reasonable measures to ensure that disruption to adjacent public transport services are kept to a minimum.

Legal Agreement

15. Prior to the occupation of the development, the owner of the land must enter into an agreement with Melbourne City Council, pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:

a) Give rights of public access to the road abutting Gotch Lane, 24 hours, 7 days a week but to remain at all times in private ownership as part of the subject land.

b) The owner must, at their cost, maintain the private road to the same standards as it is required by Council for the abutting public road.

c) The owner must undertake all required works associated with maintenance or reconstruction of the private road on a written request from Council within 20 business days.

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

Land survey

16. Prior to the commencement of the works, including demolition, all the land for the proposed development must be consolidated onto the one certificate of title to the satisfaction of the Responsible Authority, Team Leader Land Survey.

Civil works

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

18. 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.

19. Prior to the commencement of the development the owner of the subject land must obtain approval for reconstruction of Gotch Lane from the Responsible Authority – Engineering Services.

20. The road adjoining the site along Gotch Lane must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
21. The footpath adjoining the site along Albert Street must be reconstructed together with associated works including the provision of street trees, street furniture and renewal of kerb and channel and/or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

22. Existing street levels in roads abutting the subject land must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services.

Waste

23. Prior to the commencement of the development or any stage (excluding bulk excavation and demolition) an amended Waste Management Plan (WMP) must be prepared and submitted to the City of Melbourne (Engineering Services). The waste management plan must be generally in accordance with the Epworth Health Care Waste Management Review prepared 2015 but must be amended to detail the size of the onsite waste compactor. The WMP must detail waste storage and collection arrangements and be prepared with reference to the City of Melbourne Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without prior consent of the Melbourne City Council – Engineering Services.

24. No garbage bin or surplus materials generated by the permitted use may be deposited or stored outside the site and bins must be returned to the garbage storage areas as soon as practicable after garbage collection.

25. The loading and unloading of vehicles and delivery of goods to and from the premises must at all times take place within the boundaries of the site.

Glazing

26. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

Architect to be retained

27. Except with the consent of the Responsible Authority, John Wardle Architects and STH (Silver Thomas Hanley) 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 Responsible Authority.

3D Model

28. Before the development starts or as otherwise agreed with the Melbourne City Council an updated 3D digital model of the development and its immediate surrounds which reflects the required modifications under condition 1 of this permit, as appropriate, must be submitted to the Melbourne City Council and the City of Melbourne and be to the satisfaction of the Responsible Authority in conformity with the Department of Transport, Planning and Local Infrastructure Advisory Note 3D Digital Modelling. In the event that further substantial modifications are made to the building envelope a revised 3D digital model must be submitted to and be to the satisfaction of the Melbourne City Council.

Development time limit

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

   a. The development is not started within two years of the date of this permit.
b. The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the 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.

NOTES

a) Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.

b) Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – Engineering Services.

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

14 DECISION

In accordance with the ‘Delegation Policy for Planning Applications’ the application will be presented to the next available FMC meeting as it has given rise to substantial public objection (there being a quantity of 16 or more non-identical submissions) and is not recommended to be refused.

Signature:      Date affirmed:

Brendan Cousins
Senior Planning Officer