

Report to the Future Melbourne Committee**Agenda item 6.2****Planning Permit Application: TP-2021-345
28 Clarendon Street, Southbank****16 August 2022****Presenter:** Marjorie Kennedy, Head of Statutory Planning**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of Planning Permit Application TP-2021-345 for land at 28 Clarendon Street, Southbank (refer Attachment 2). The proposal seeks approval for partial demolition of the existing building and construction of a mixed use building comprising a residential hotel, office and retail premises together with the alteration of access to a road in a Transport Zone, Category 2, the provision of car parking in excess of the car parking rate and a reduction in the required bicycle parking (visitor / shopper) rate.
2. The applicant and owner is Clarendon Tea House Pty Ltd and the architect is Snøhetta.
3. The site is located in the Capital City Zone 3 and affected by the Heritage Overlay HO765 'Fergus and Mitchell Robur Tea House, 28 Clarendon Street, Southbank', Design and Development Overlay Schedule 1, Design and Development Overlay Schedule 60 and Parking Overlay Schedule 1.
4. The land is also affected by proposed Melbourne Planning Scheme Amendment C384 which seeks to update planning scheme flood mapping and ordinance for specific areas in the municipality. The amendment is based on new modelling, which was undertaken in partnership with Melbourne Water.
5. The existing building on the site is included on the Victorian Heritage Register under the *Heritage Act 2017* (Ref H526) and is proposed to be partially demolished. A planning permit is not required pursuant to *Clause 43.01 Heritage Overlay* to develop a heritage place which is included in the Victorian Heritage Register. A separate Heritage Permit is required from Heritage Victoria.
6. The proposal seeks to develop the site with a basement car park and a north and south building either side of the existing Tea House. The north building would be between 3 and 6 storeys, connected via two bridges to the Tea House. The south building would feature a 2 storey podium with tower above to 25 storeys at its highest point (refer Attachment 3).
7. The application is exempt from third part notice and appeal rights, however one objection has been received from Melbourne Water.

Key issues

8. Key issues for consideration include the built form response having regard to the purpose and decision guidelines of the Capital City Zone, and applicable Design and Development Overlays, potential for flooding and drainage infrastructure on the Site and traffic, parking and waste considerations.
9. The proposed built form is considered to appropriately respond to its immediate context, being a prominent site within Southbank, and subject to conditions represents an acceptable design outcome.
10. Consultation has been undertaken with Melbourne Water, the applicant and Council representatives and any future flooding and drainage issues can be appropriately managed via conditions of permit.
11. Any decision on this planning permit application will not prejudice Council's ability to comment and potentially exercise its right to object to a future Heritage Permit application with Heritage Victoria.
12. The proposed development is considered to be an acceptable outcome and, subject to recommended permit conditions, satisfies relevant provisions of the Melbourne Planning Scheme

Recommendation from management

13. That the Future Melbourne Committee resolves to grant a Planning Permit subject to the conditions set out in the delegate report (refer Attachment 4).

Attachments:

1. Supporting Attachment (Page 3 of 103)
2. Locality Plan (Page 4 of 103)
3. Plans (Page 5 of 103)
4. Delegate report (Page 51 of 103)

Supporting Attachment

Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987 (Act)* sets out requirements in relation to applications for permits pursuant to the relevant planning scheme.

Finance

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

Conflict of interest

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

Health and Safety

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

Stakeholder consultation

5. The application is exempt from the notice and review requirements of Section 52 of the Act.
6. Informal consultation with Melbourne Water was undertaken in response to the site being included in Amendment C384.
7. Pursuant to Section 56(1) of the Act, Department of Transport has responded to the application and does not object to the proposed development.

Relation to Council policy

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

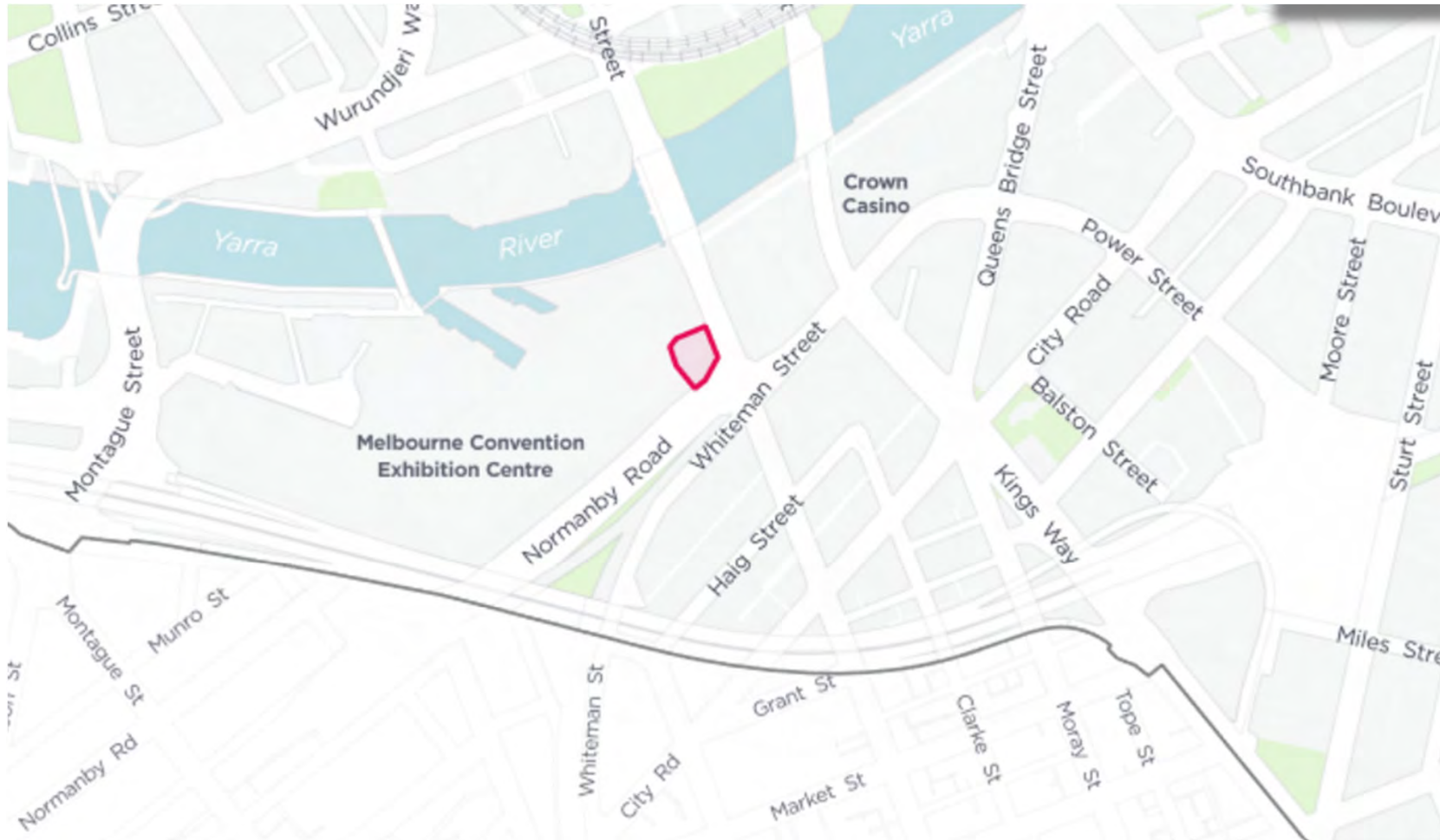
Environmental sustainability

9. The Environmentally Sustainable Design (ESD) report submitted with the application confirms the development can achieve the relevant performance measures set out in Clauses 22.19 (Energy, Water and Waste Efficiency) and 22.23 (Stormwater Management) of the Melbourne Planning Scheme, subject to conditions set out in the delegate report (refer Attachment 4 of the report from management).

Locality Plan

Attachment 2
Agenda item 6.2
Future Melbourne Committee
16 August 2022

28 Clarendon Street, Southbank



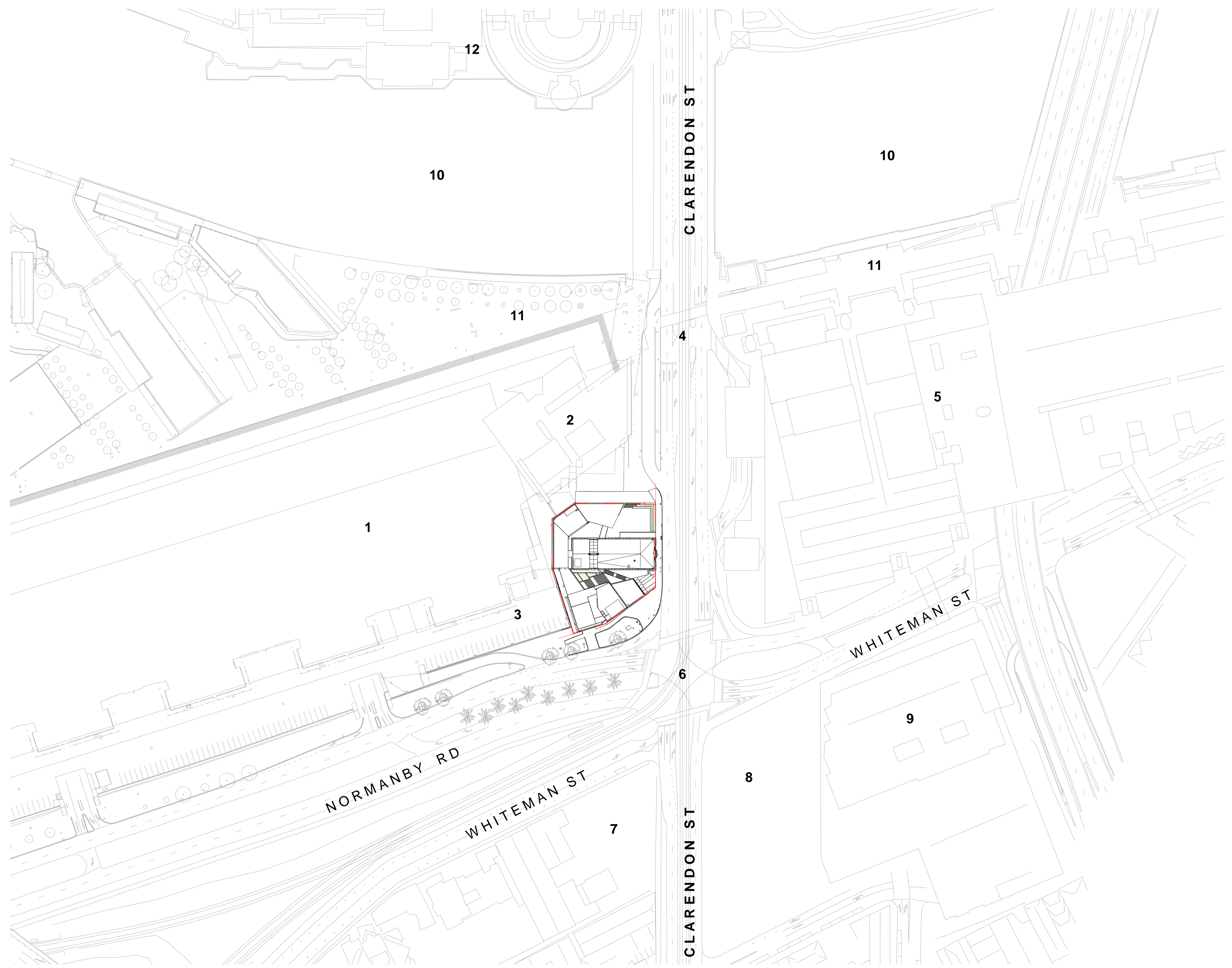


28 CLARENDON ST

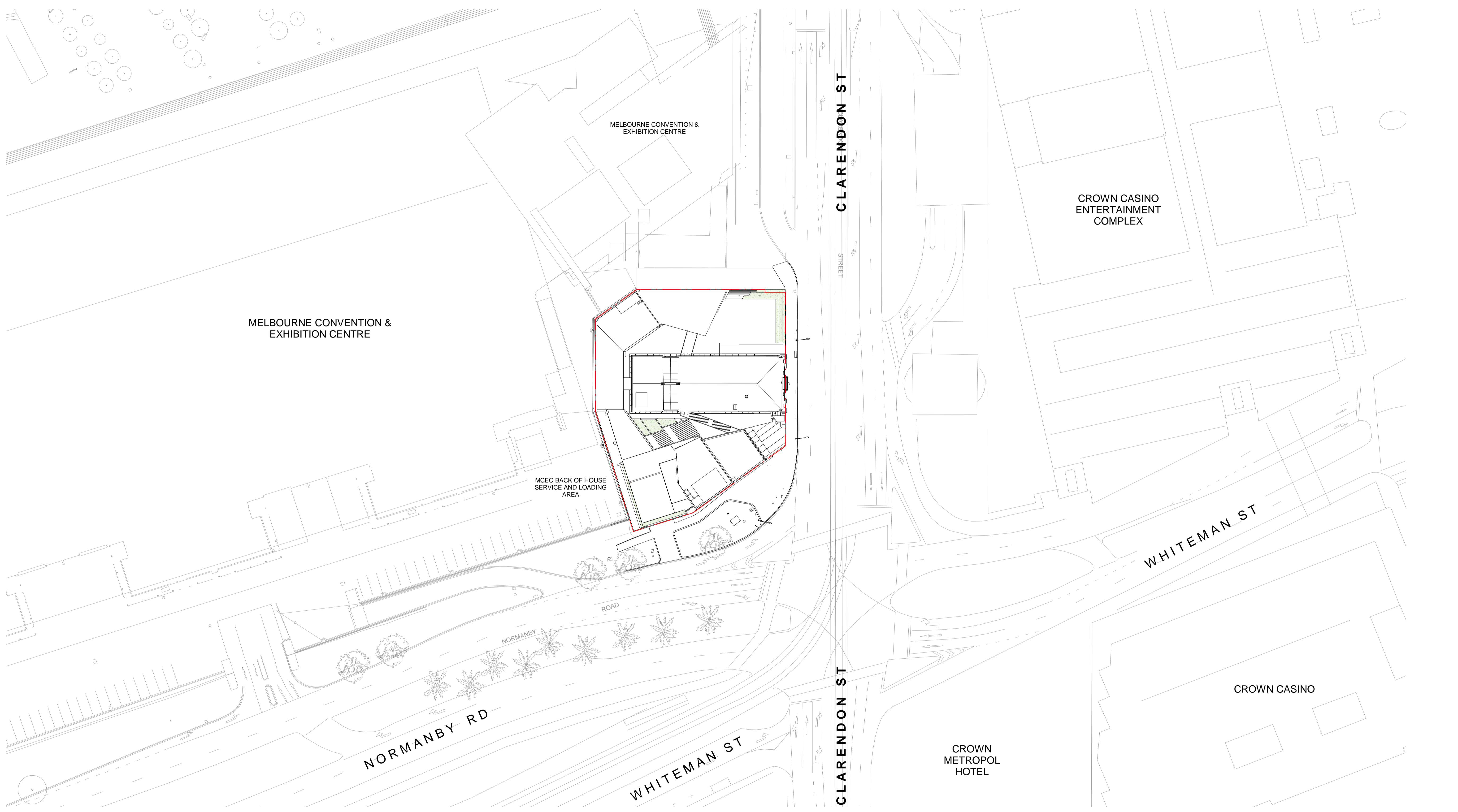
SOUTHBANK, VICTORIA

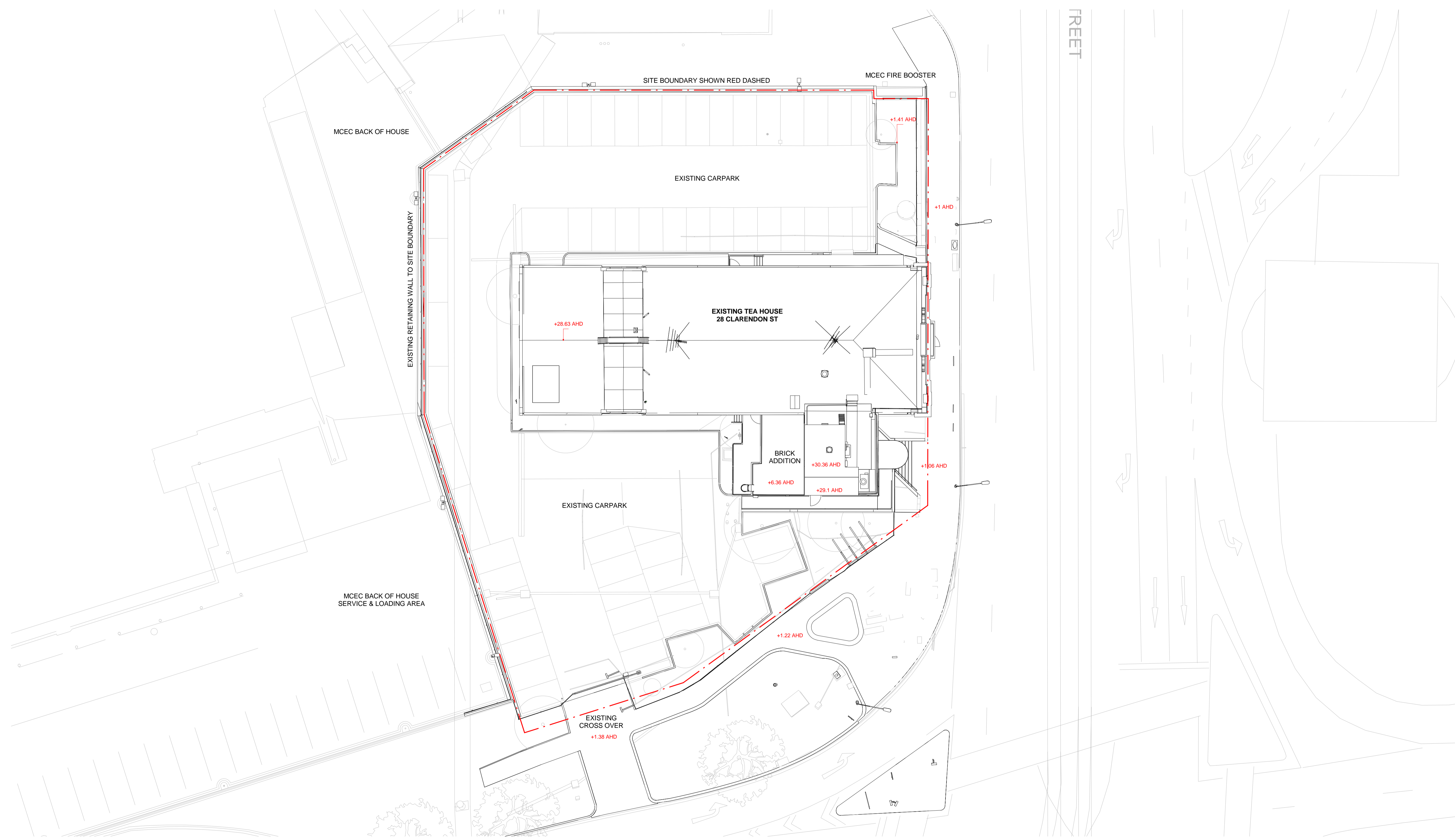
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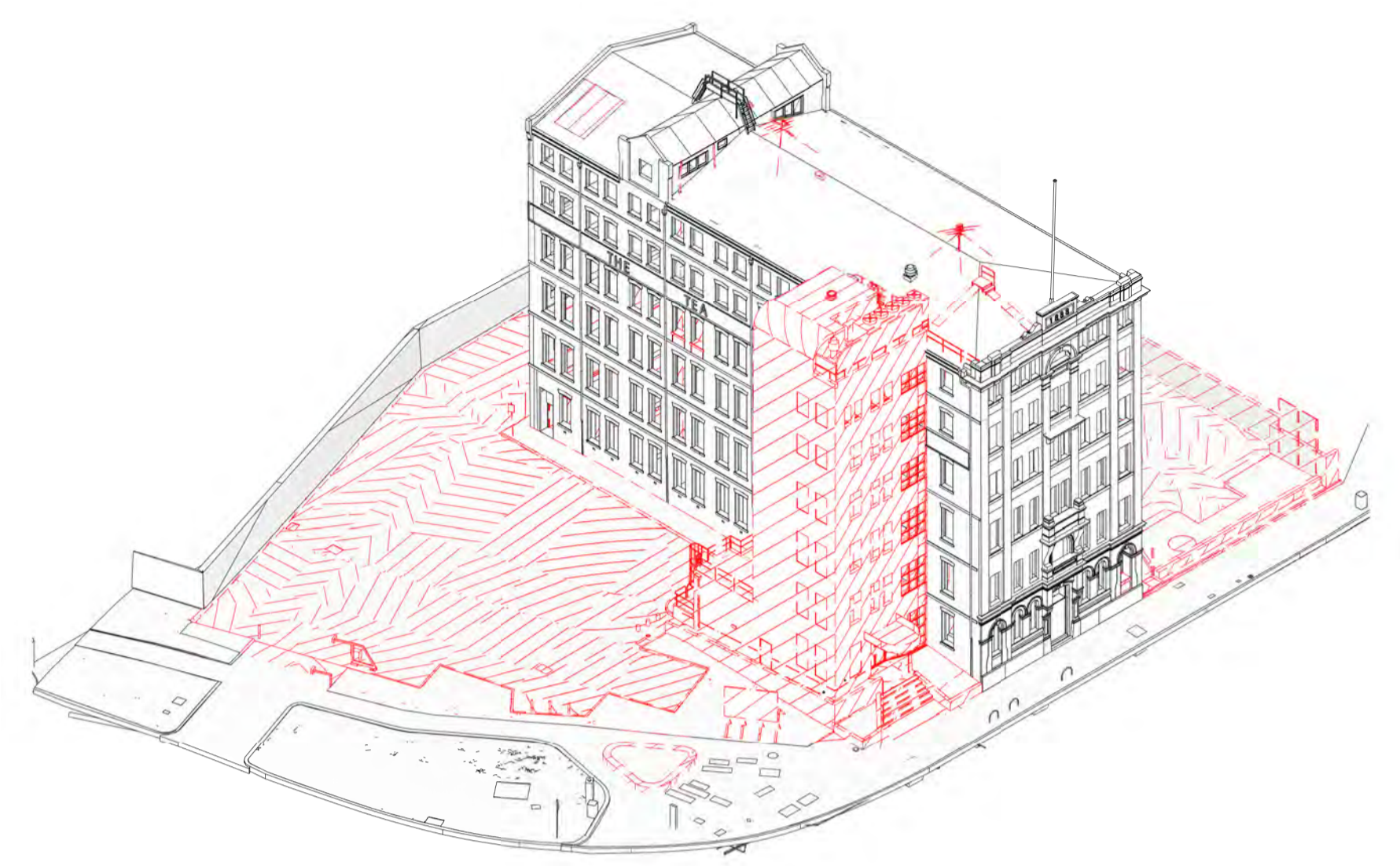
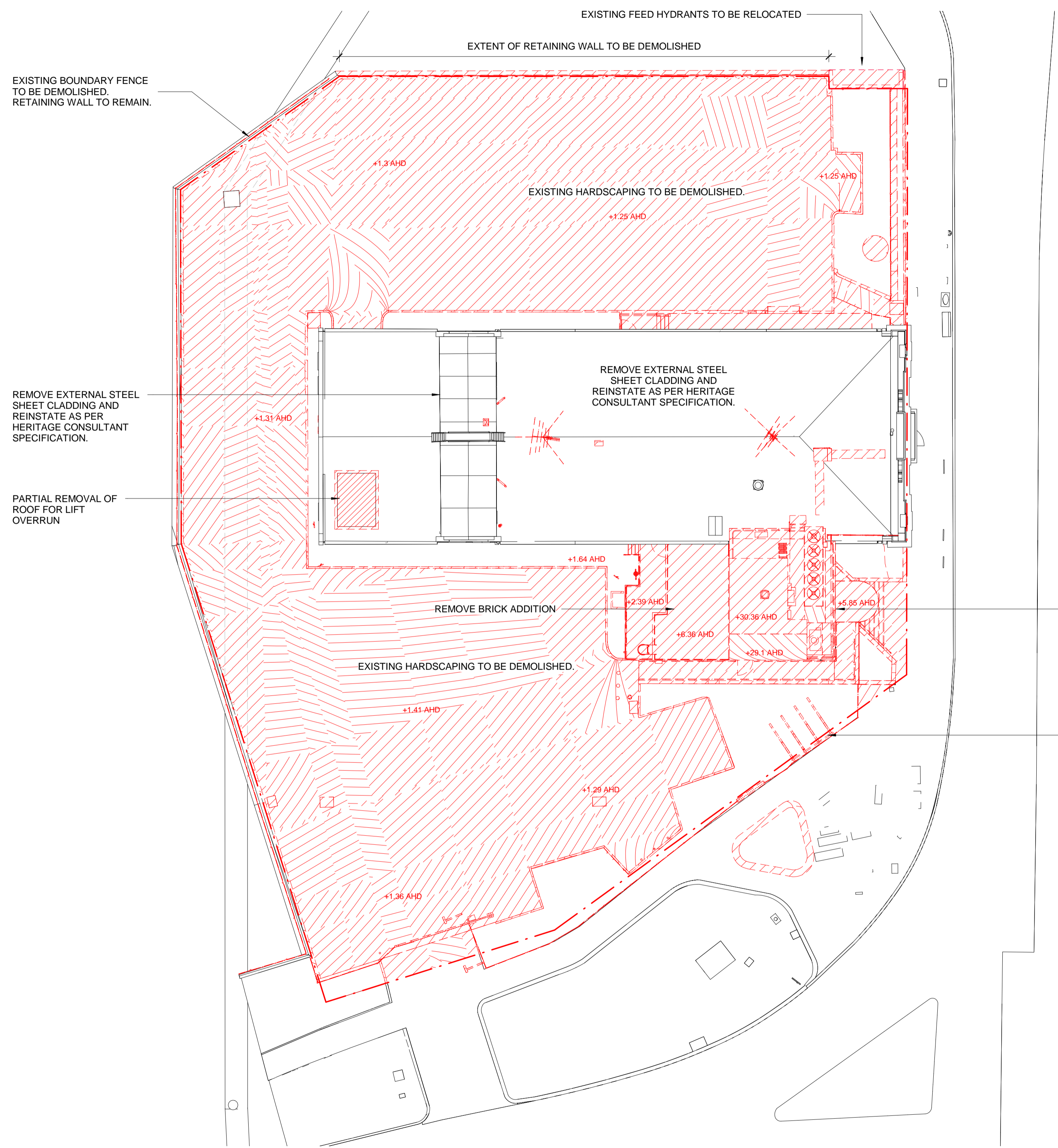
DWG NO.	TITLE
00_PROJECT INFORMATION	
A-0000	COVER SHEET
A-0100	LOCATION PLAN
A-0101	CONTEXT PLAN
01_EXISTING + DEMOLITION	
A-0200	EXISTING SITE PLAN
A-0300	DEMOLITION PLAN SITE
A-0301	DEMOLITION PLAN Lc00
A-0302	DEMOLITION PLAN Lc01 - Lc04
A-0303	DEMOLITION PLAN L2
A-0304	DEMOLITION PLAN L3
A-0305	DEMOLITION PLAN L4
A-0306	DEMOLITION PLAN Lc05
A-0307	DEMOLITION EXTERNAL ELEVATIONS
A-0308	DEMOLITION EXTERNAL ELEVATIONS
02_GENERAL ARRANGEMENT PLAN	
A-1100	SITE PLAN
A-1101	BASEMENT PLAN
A-1102	GROUND FLOOR PLAN
A-1103	L00.1.PODIUM PLAN
A-1104	Lc02 PLAN
A-1110	L01 PLAN
A-1120	L02 PLAN
A-1130	L03 PLAN
A-1140	L04 PLAN
A-1150	L05 PLAN
A-1190	L06 - L11 PLAN
A-1220	L12 PLAN
A-1230	L13 - L15 PLAN
A-1260	L16 PLAN
A-1270	L17 - L21 PLAN
A-1320	L22 PLAN
A-1330	L23 PLAN
A-1340	L24 PLAN
A-1350	L25 PLAN
A-1400	PLANT LEVEL PLAN
A-1410	ROOF PLAN
03_ELEVATIONS+SECTIONS	
A-2000	EXTERNAL ELEVATIONS - NORTH
A-2001	EXTERNAL ELEVATIONS - EAST
A-2002	EXTERNAL ELEVATION - SOUTH
A-2003	EXTERNAL ELEVATION - WEST
A-3000	SECTION NORTH - SOUTH
A-3001	SECTION EAST - WEST
A-3002	SECTION EAST - WEST
A-3003	SECTION TOWER
04_OTHER	
A-9500	MATERIALS SCHEDULE
A-9550	SHADOW STUDIES
A-9551	SHADOW STUDIES



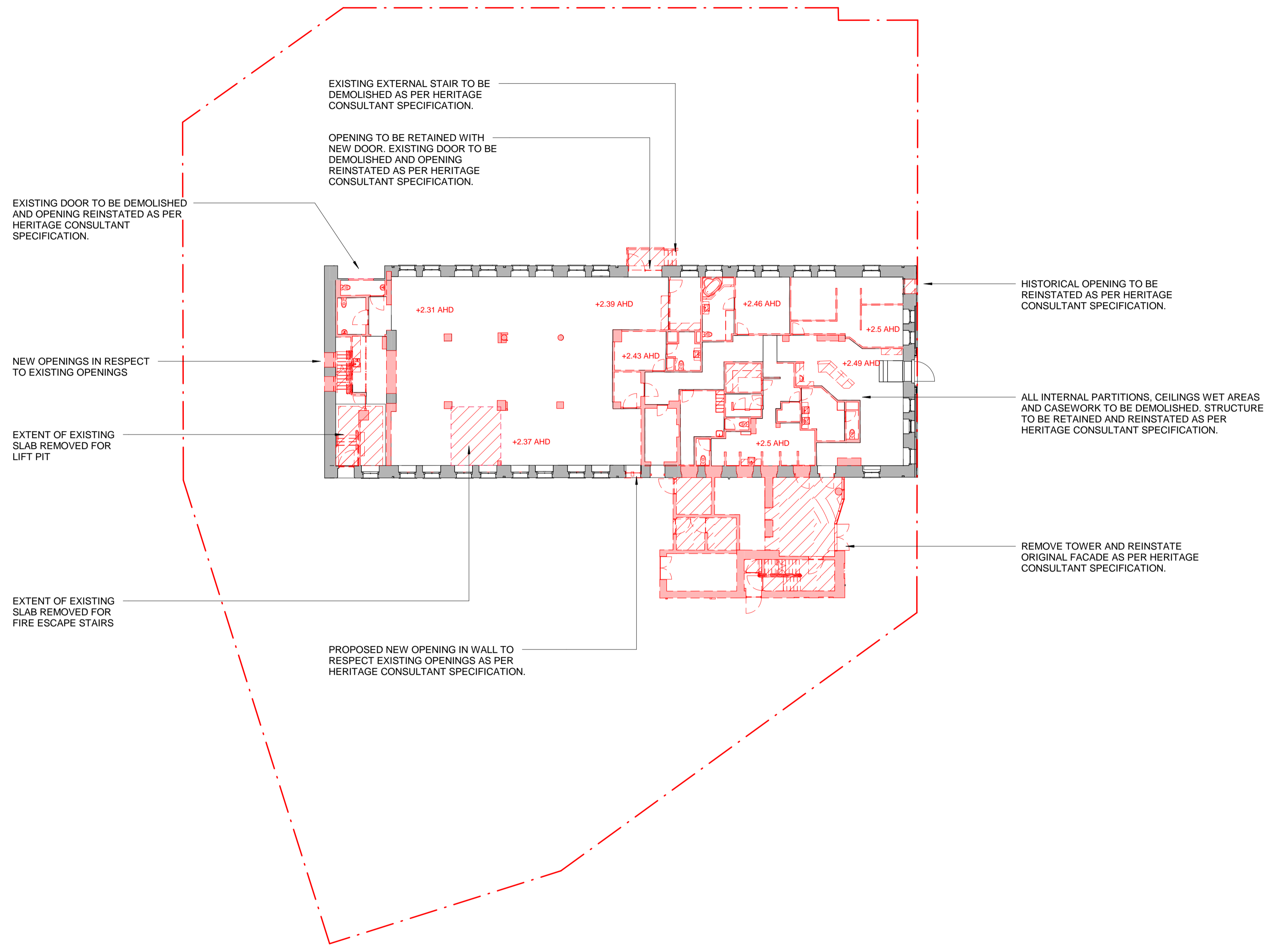
- 1. MELBOURNE CONVENTION & EXHIBITION CENTRE
- 2. MELBOURNE CONVENTION & EXHIBITION CENTRE
- 3. RAISED PLATFORM TO REAR OF MCEC FOR BACK OF HOUSE SERVICE & LOADING AREA
- 4. YARRA PROMENADE PEDESTRIAN CROSSING
- 5. CROWN MELBOURNE HOTEL, ENTERTAINMENT & CASINO COMPLEX
- 6. NORMANBY RD, WHITEMAN ST, CLARENDON ST INTERSECTION
- 7. VUE GRANDE APARTMENTS
- 8. CROWN METROPOL MELBOURNE
- 9. CROWN KINGPIN
- 10. YARRA RIVER
- 11. YARRA RIVER PROMENADE
- 12. CROWNE PLAZA MELBOURNE

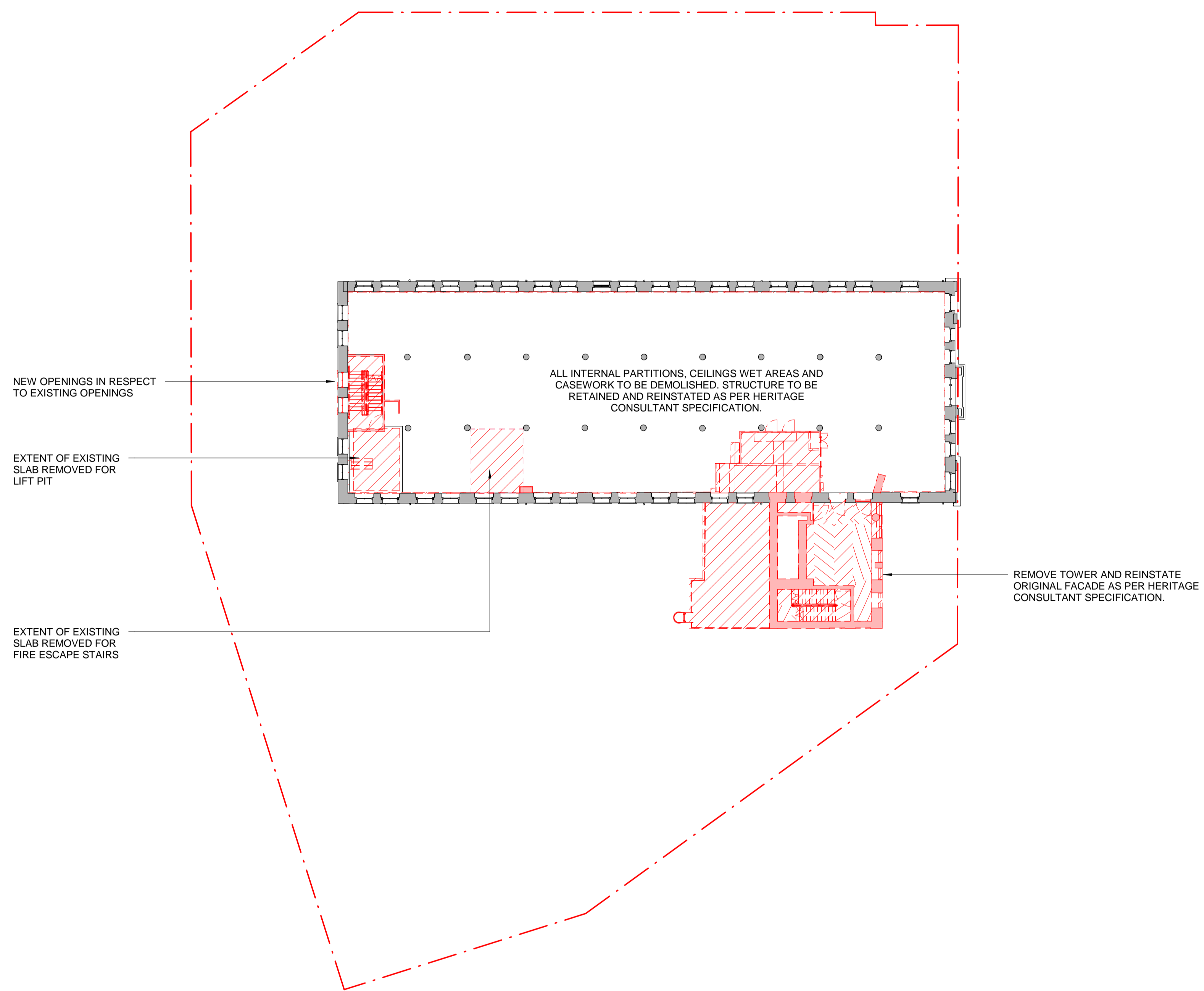


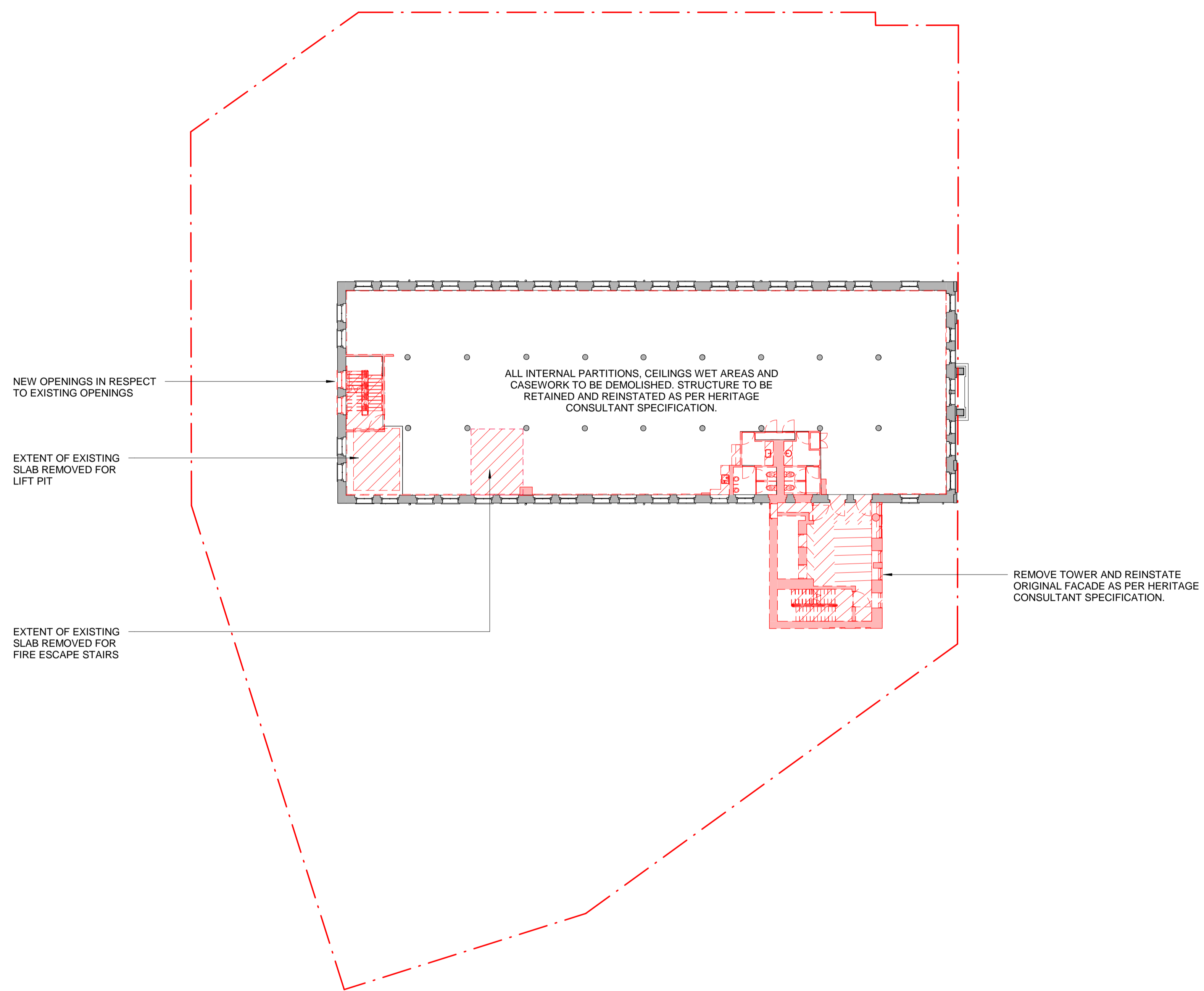


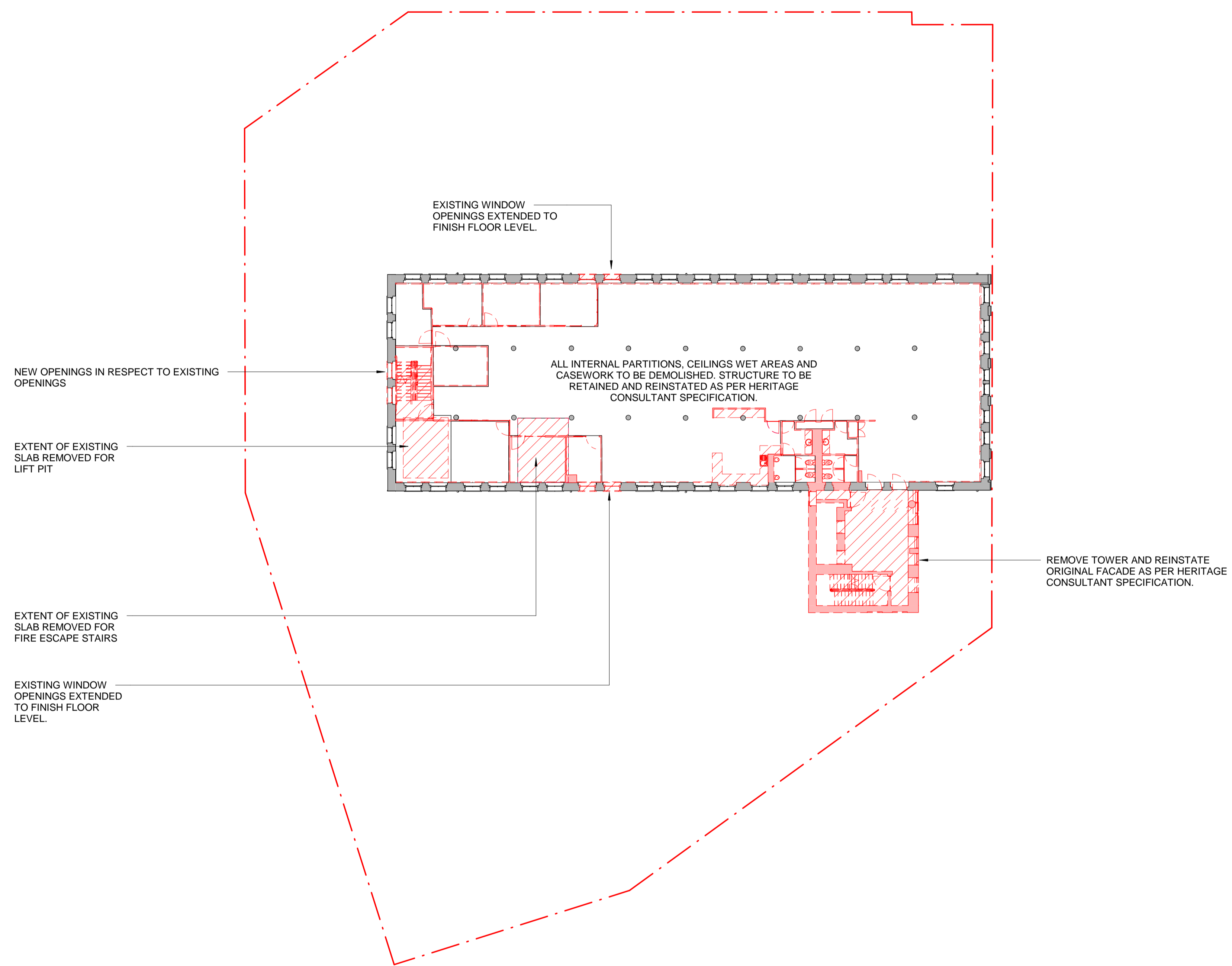


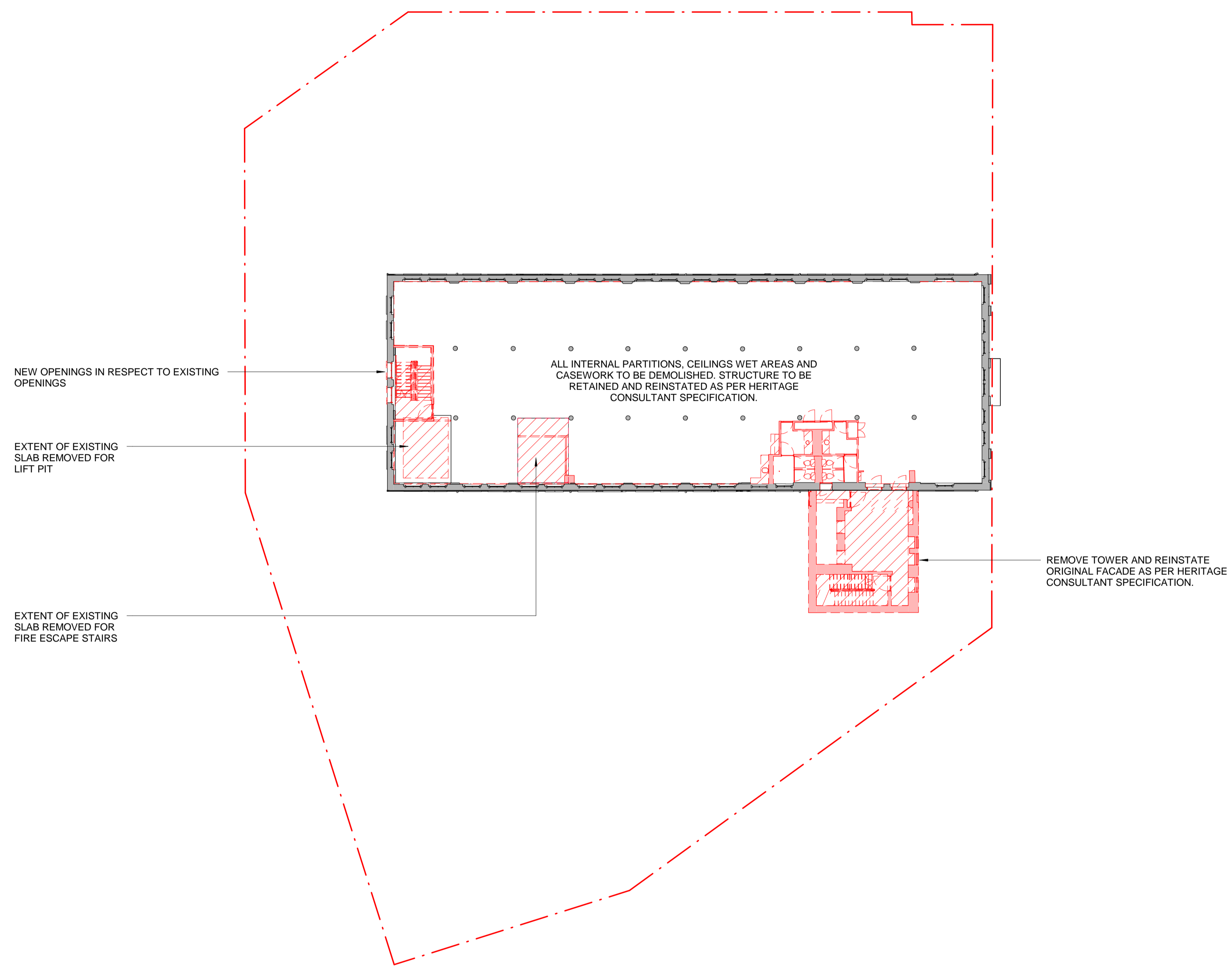
SITE DEMOLITION ISOMETRIC VIEW

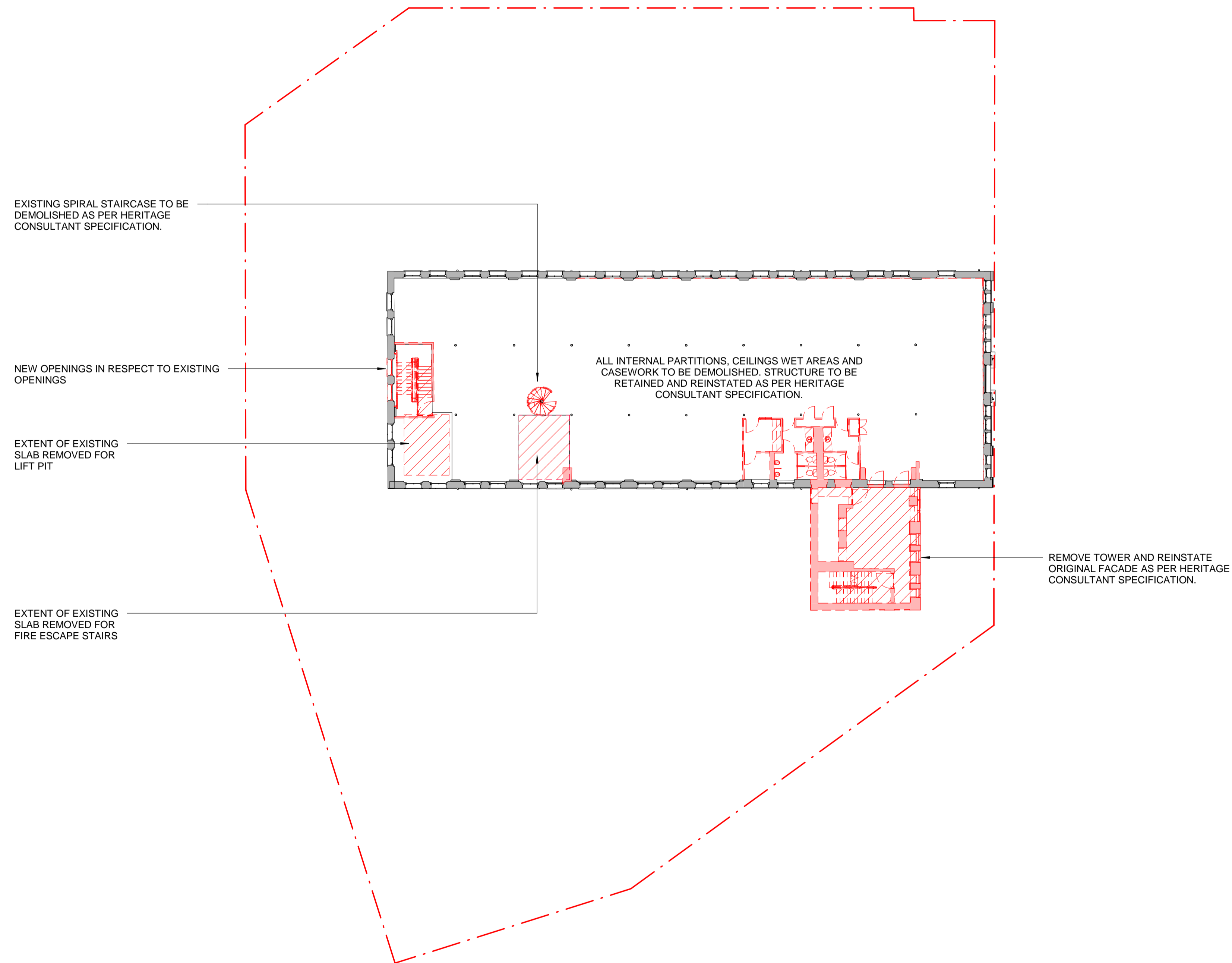


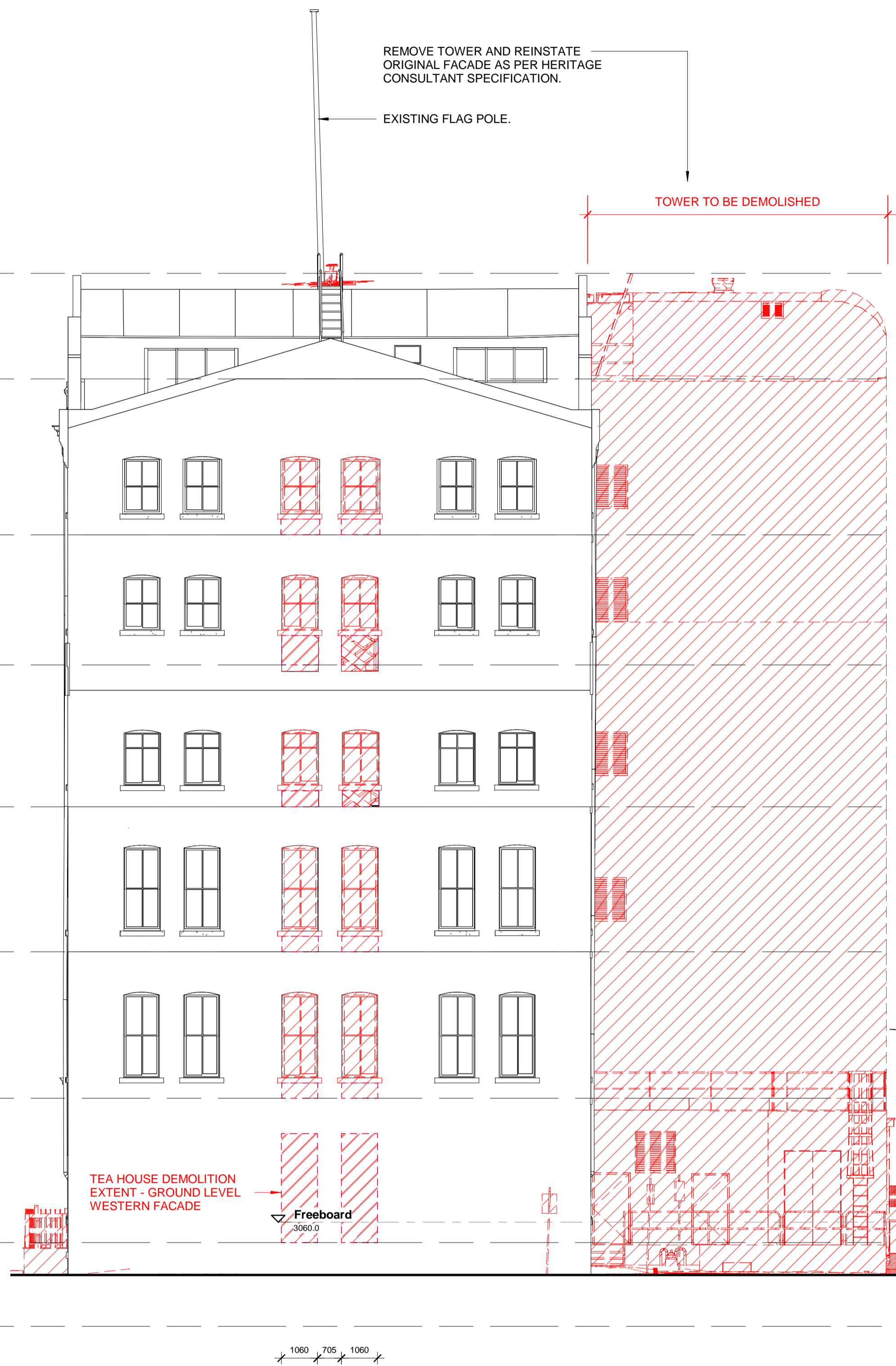








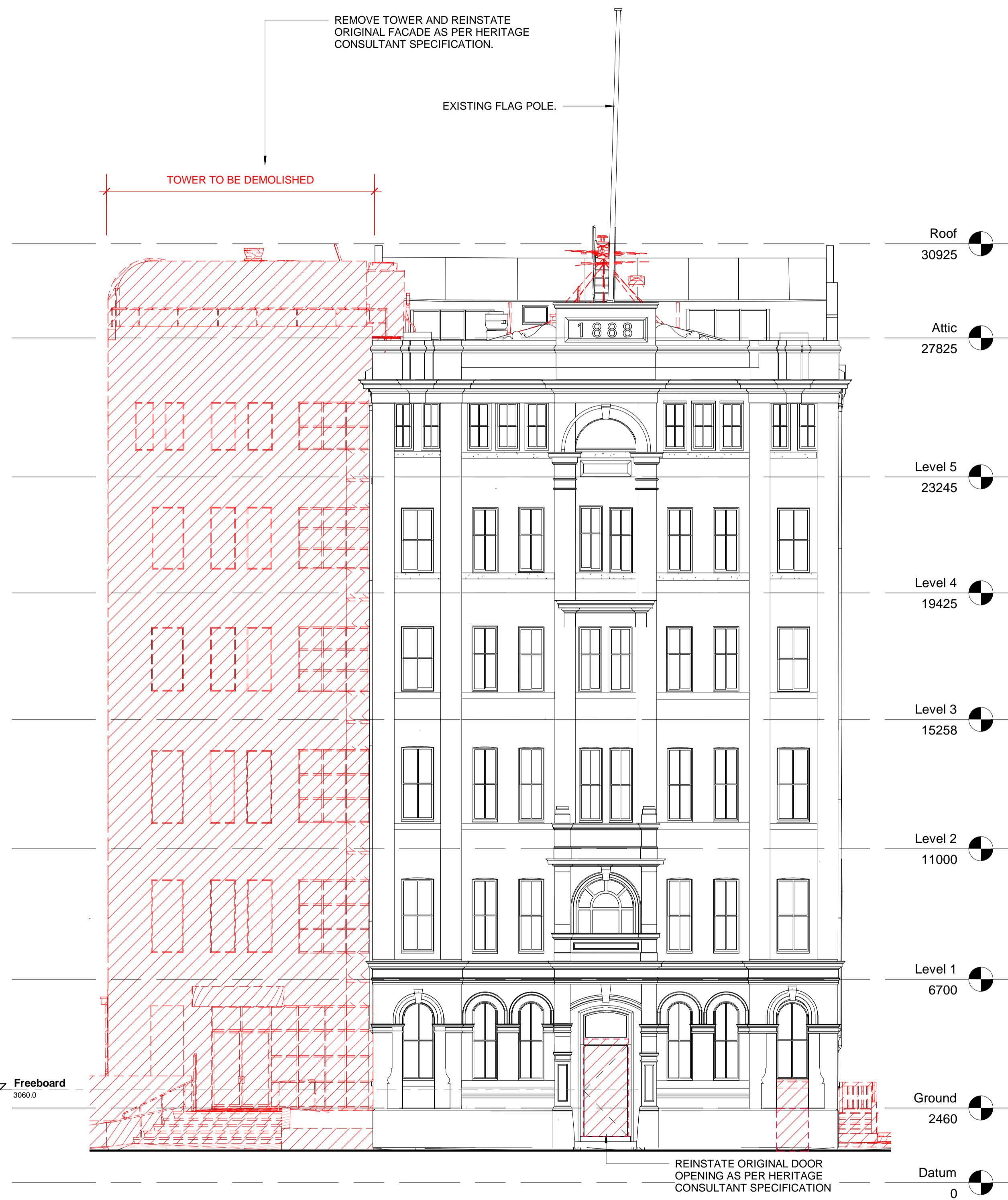




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1 : 100



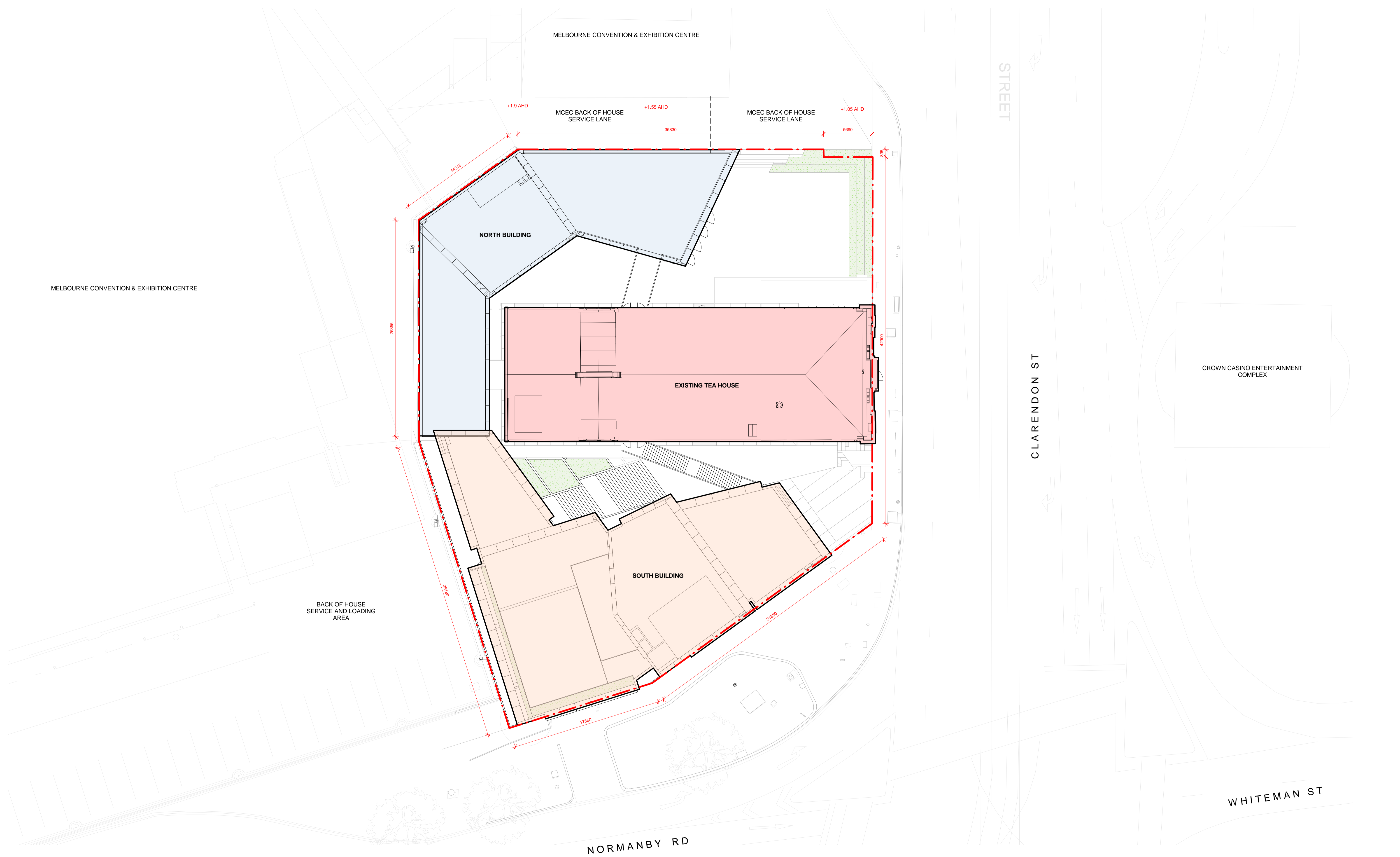
2 SOUTH DEMOLITION ELEVATION
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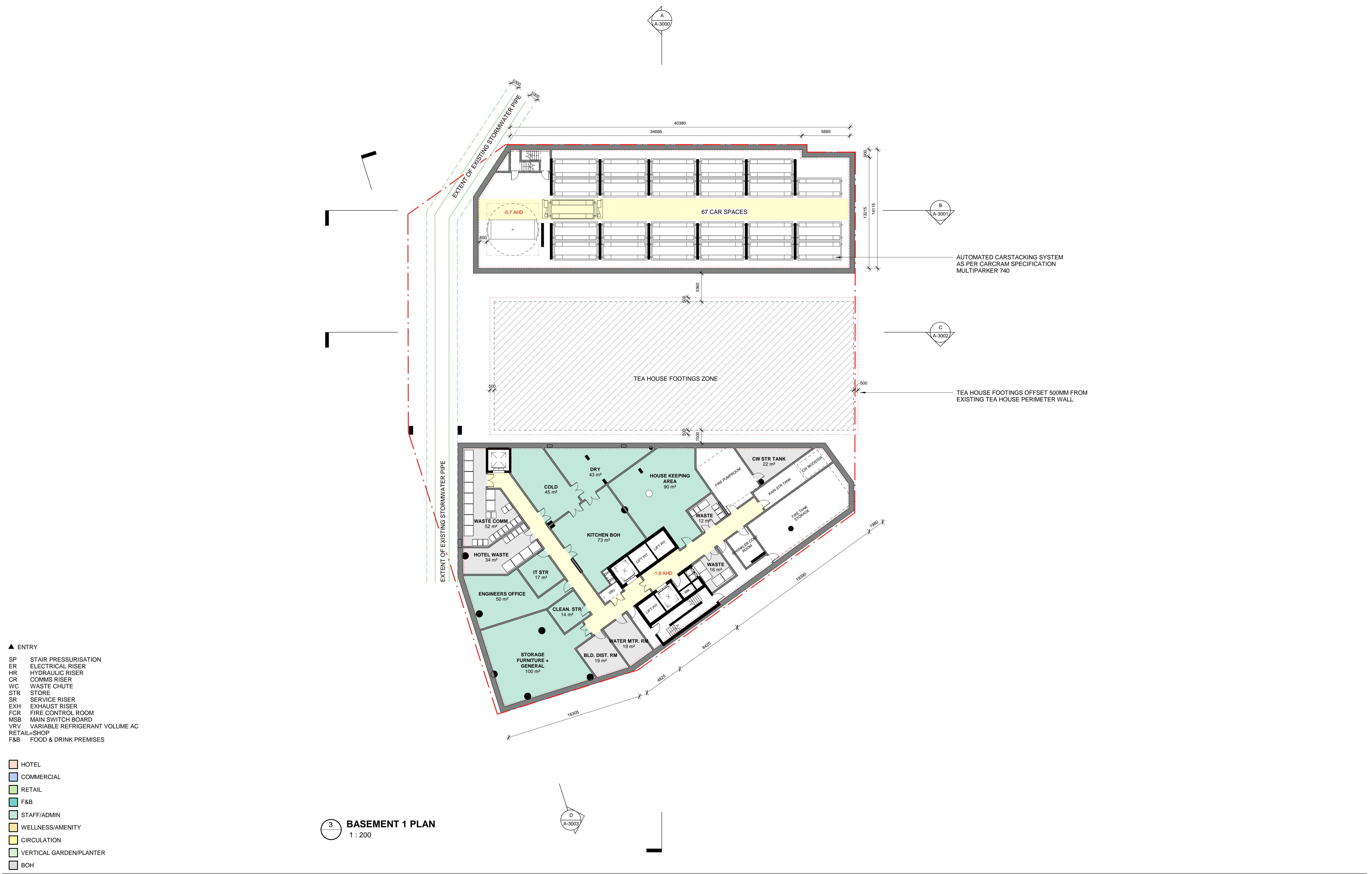


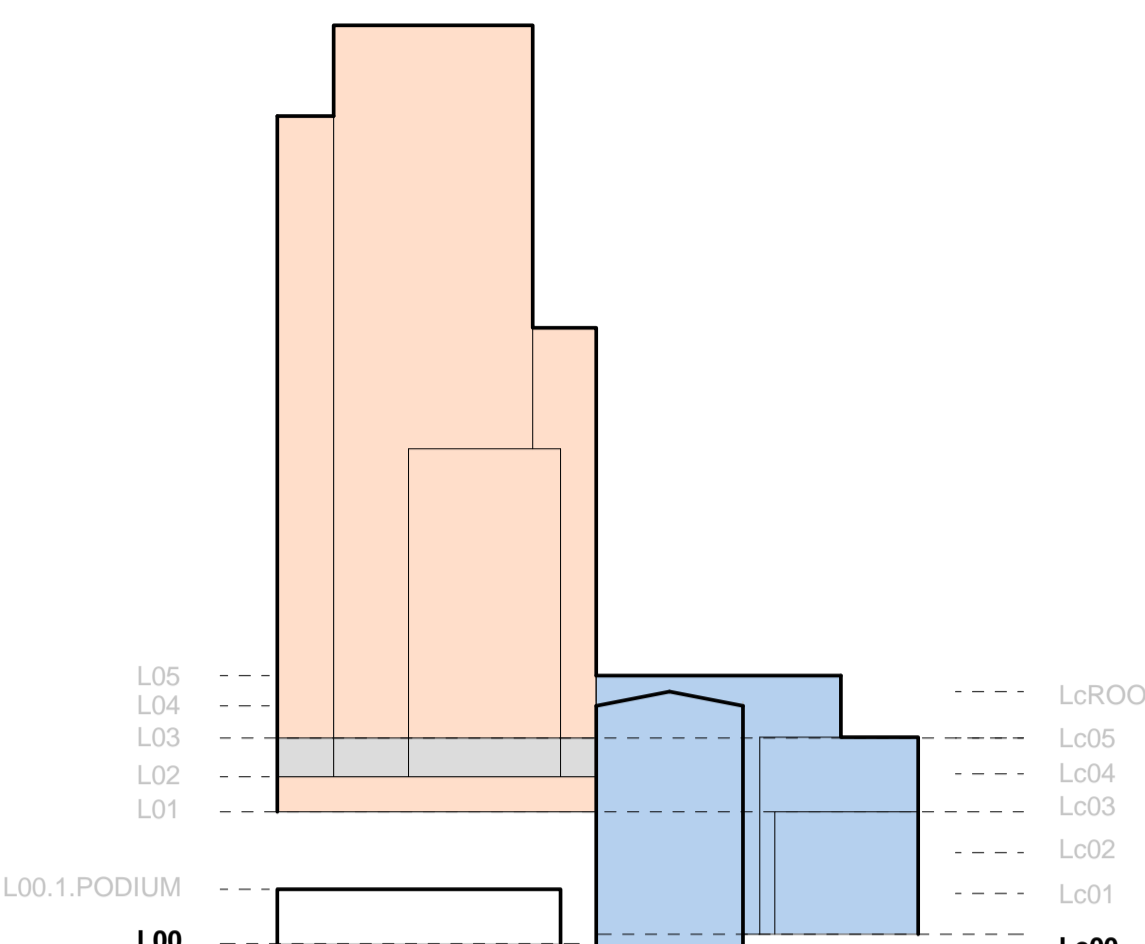
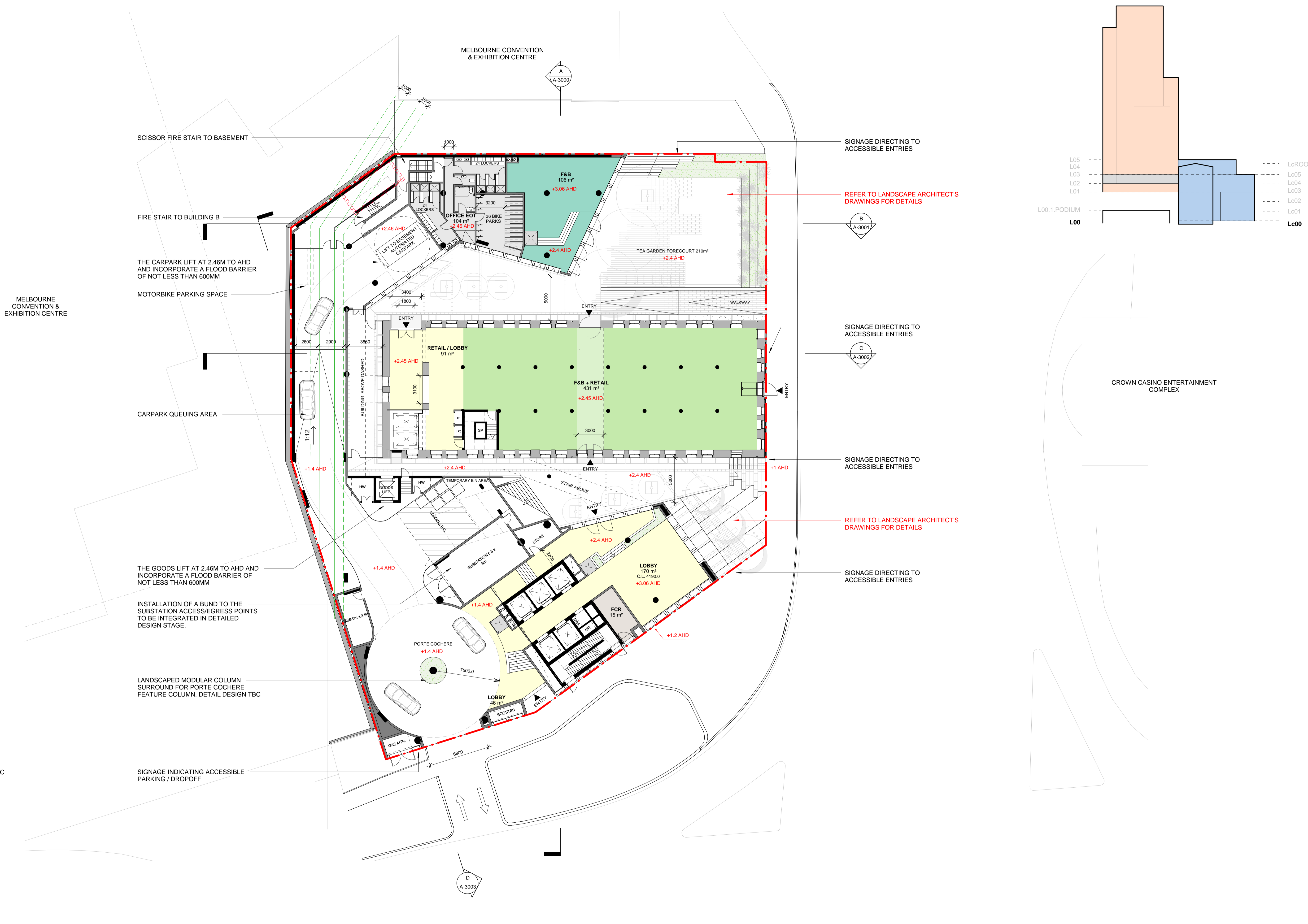
1 EAST DEMOLITION ELEVATION
1 : 100



2 NORTH DEMOLITION ELEVATION
1 : 100







- ▲ ENTRY
- SP STAIR PRESSURISATION
- ER ELECTRICAL RISER
- HR HYDRAULIC RISER
- CR COMMS RISER
- WC WASTE CHUTE
- STR STORE
- SR SERVICE RISER
- EXH EXHAUST RISER
- FCR FIRE CONTROL ROOM
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- VRV VARIABLE REFRIGERANT VOLUME AC
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- F&B FOOD & DRINK PREMISES

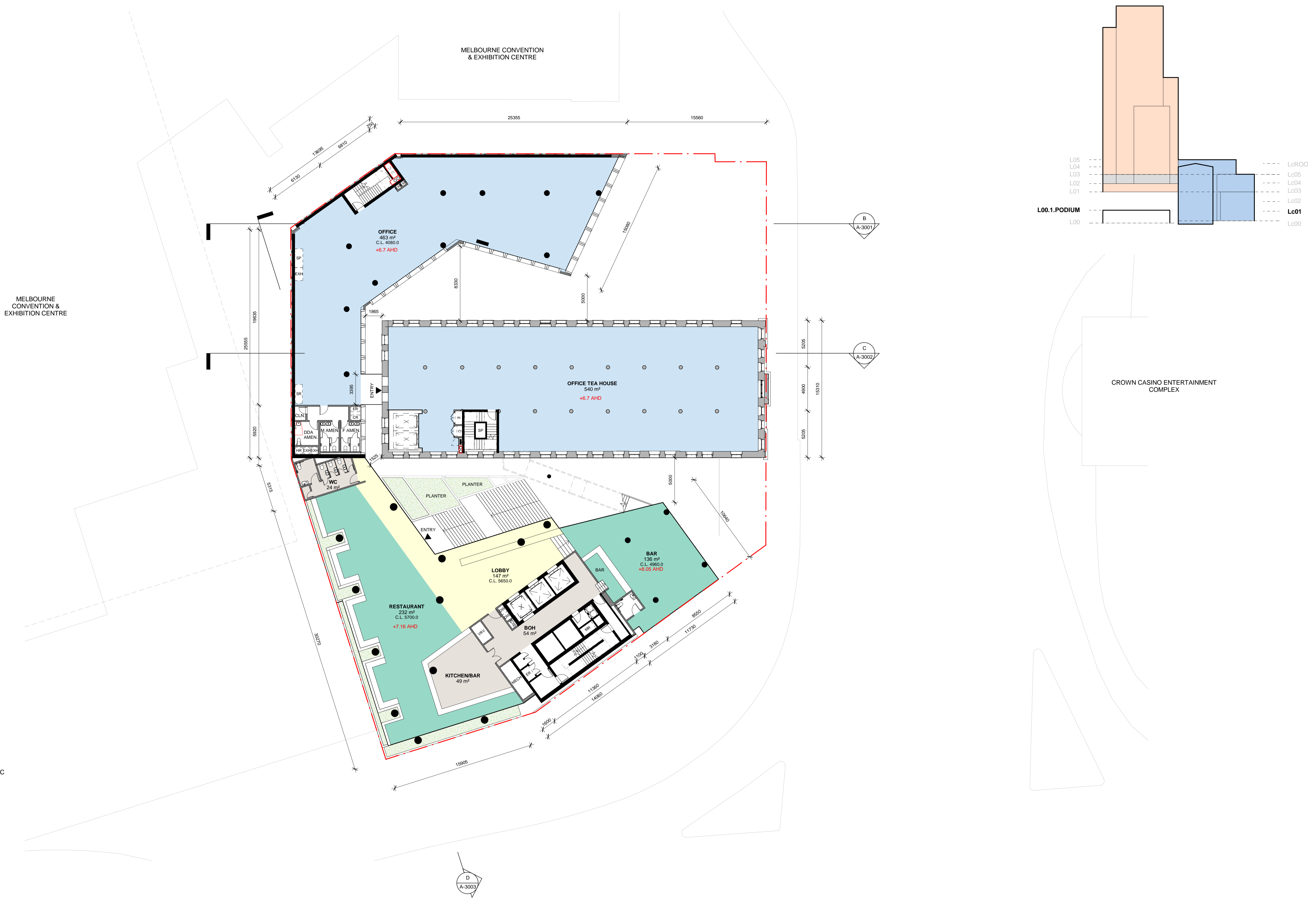
- HOTEL
- COMMERCIAL
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- F&B
- STAFF/ADMIN
- WELLNESS/AMENITY
- CIRCULATION
- VERTICAL GARDEN/PLANTER
- BOH

Notes:
 The location and design of utilities/services and selection of materials for the lower levels (i.e less than 3.06m AHD) to be designed to be resilient to flooding in further consultation with flood mitigation engineering advice.

Drawn by: JF
Reviewed by: GK
Approved by: KK

Project: 28 CLARENDON ST
Client: CLARENDON TEA HOUSE PTY LTD
Revision: 031 For Information / 2.08.2022

0 2 4 10 20 m
 Scale @ A1: 1 : 200
GROUND FLOOR PLAN A-1102



- ▲ ENTRY
- SP STAIR PRESSURISATION
- ER ELECTRICAL RISER
- HR HYDRAULIC RISER
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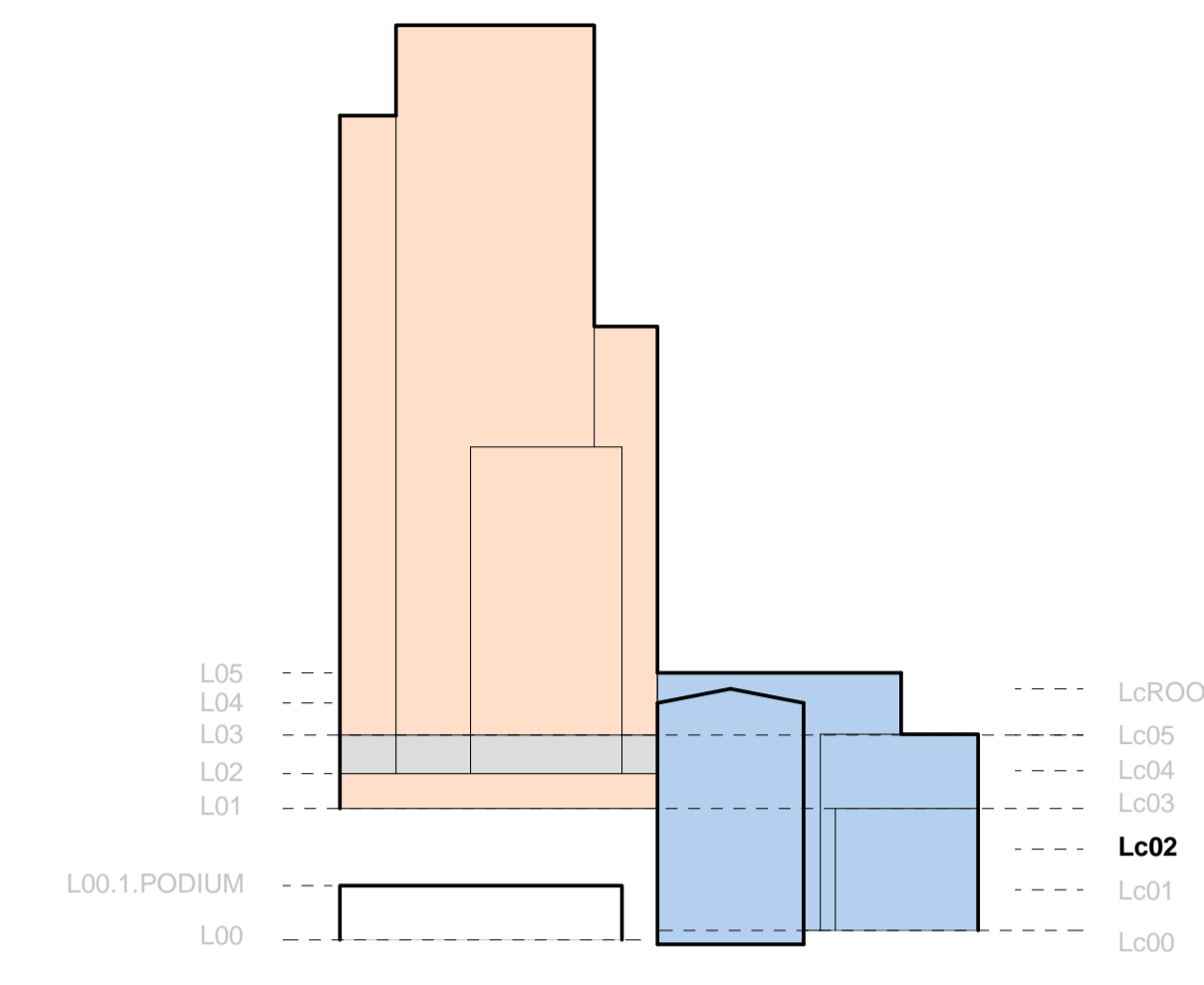
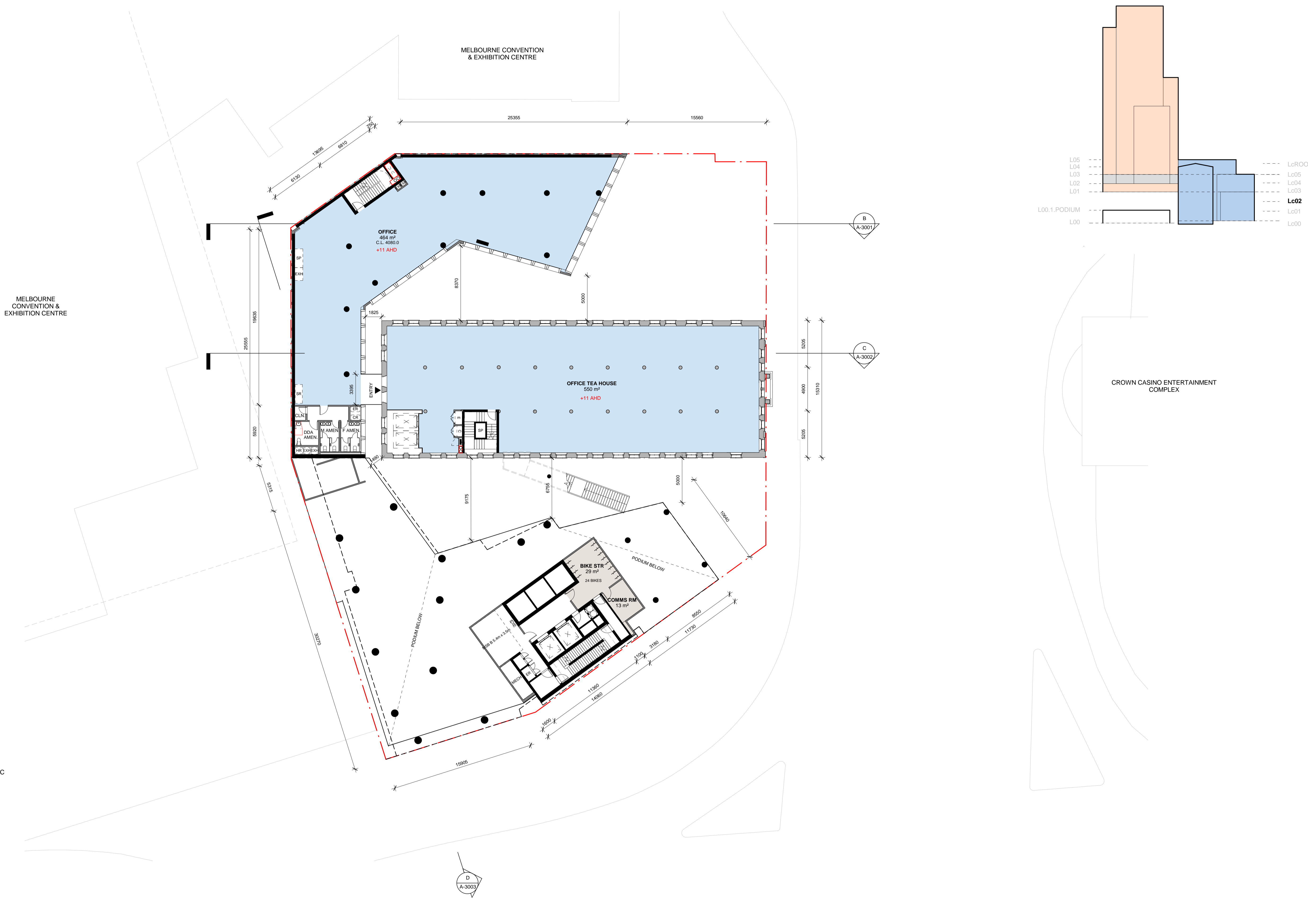
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Notes:
 Internal planning of the Hotel and associated uses is subject to change with further discussion with the Hotel Operator.

Drawn by: JF
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Approved by: KK

Project: 28 CLARENDON ST
Client: CLARENDON TEA HOUSE PTY LTD
Revision: 028 For Information / 23.05.2022

Scale @ A1: 1 : 200
L00.1.PODIUM PLAN A-1103

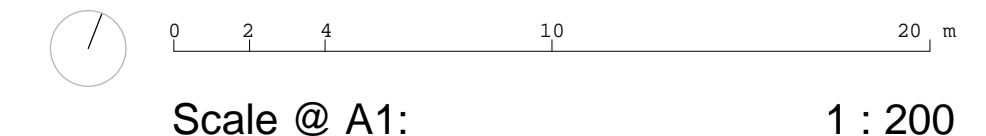


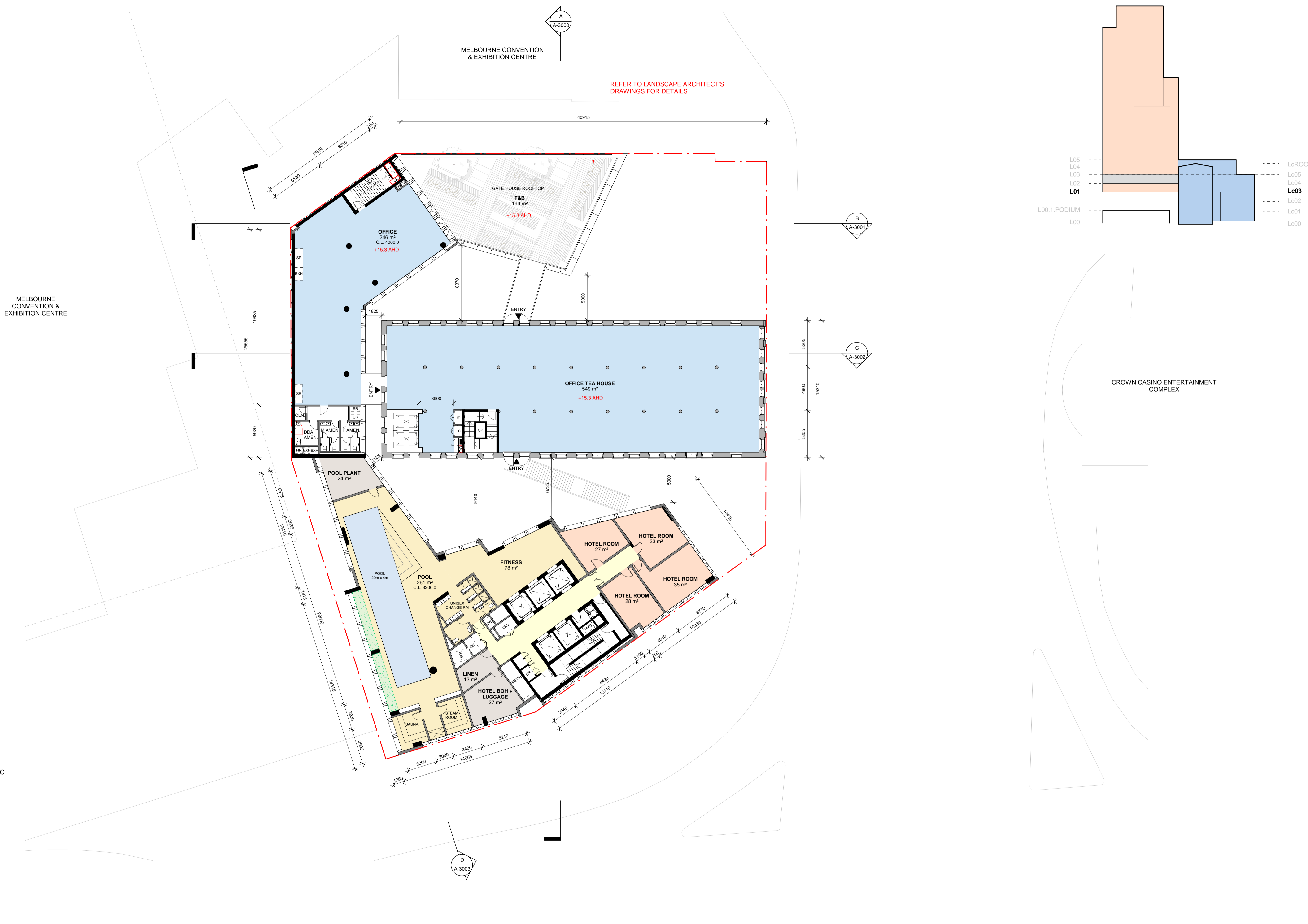
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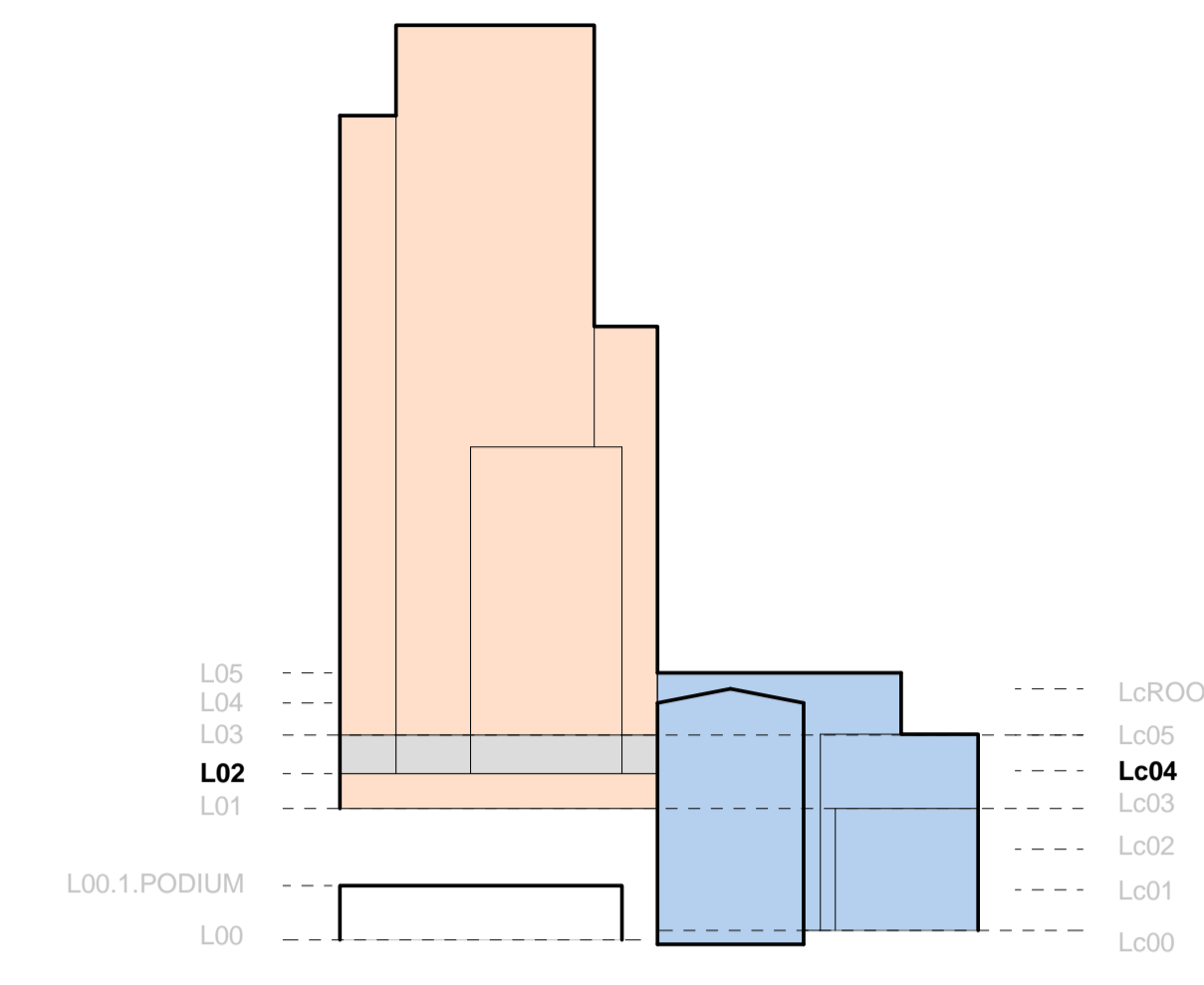
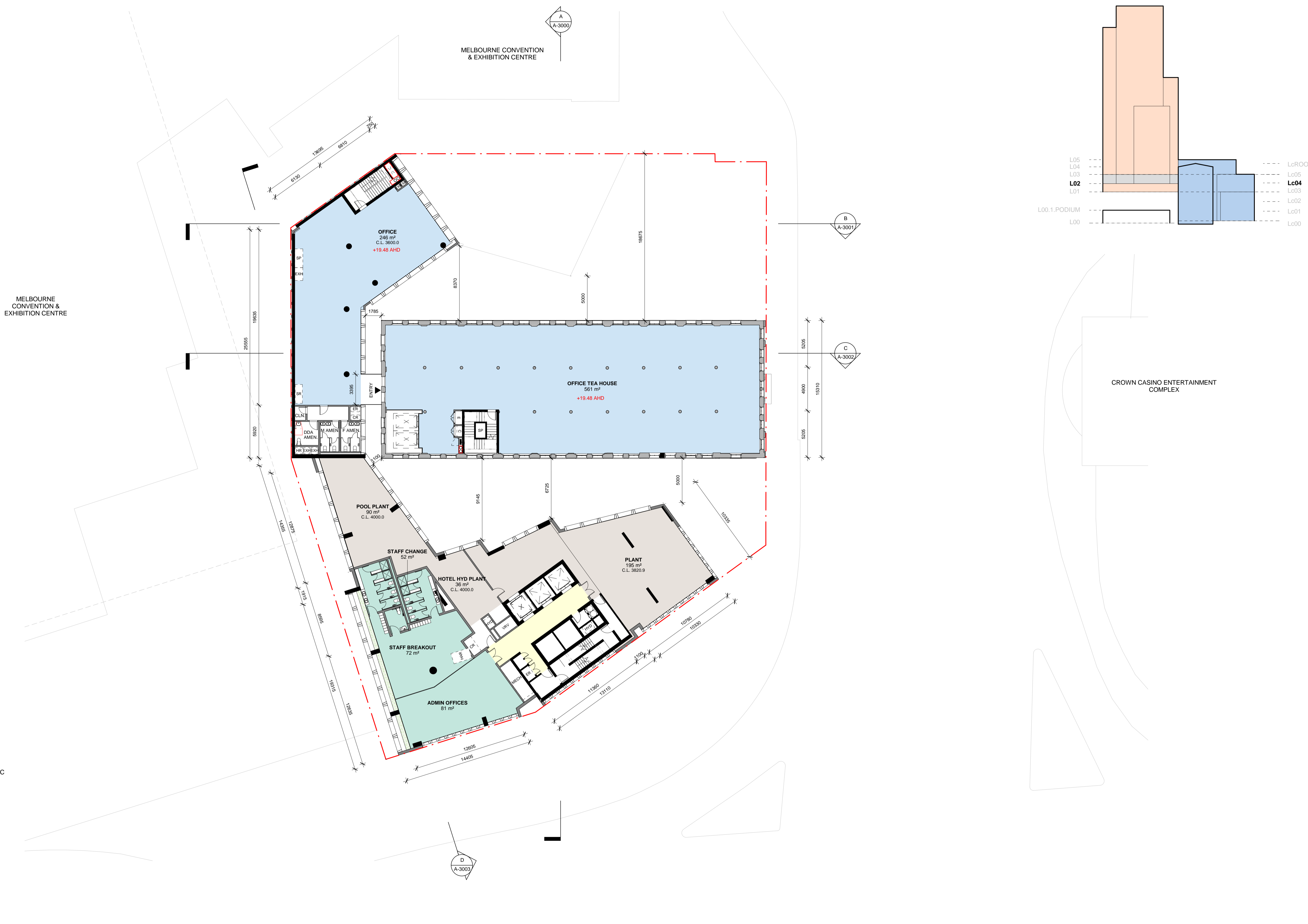
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Revision: 028 For Information / 23.05.2022







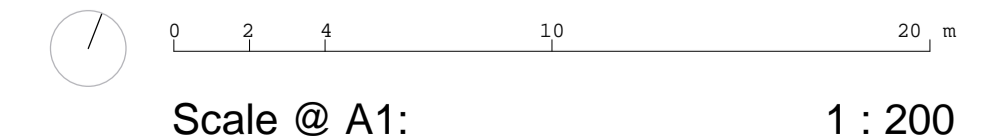
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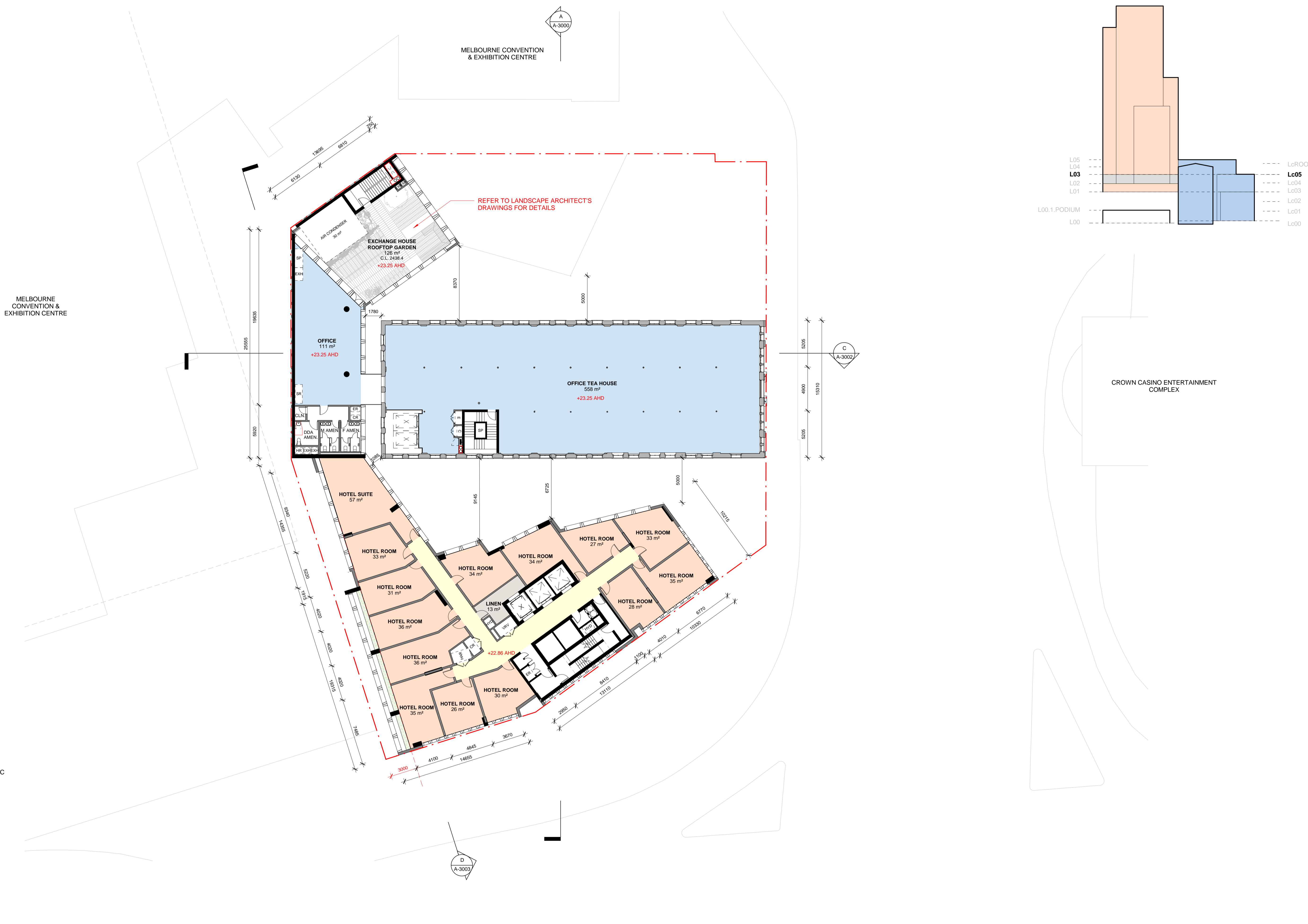
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Reviewed by: GK
Approved by: KK

Project: 28 CLARENDON ST
Client: CLARENDON TEA HOUSE PTY LTD
Revision: 028 For Information / 23.05.2022





- ▲ ENTRY
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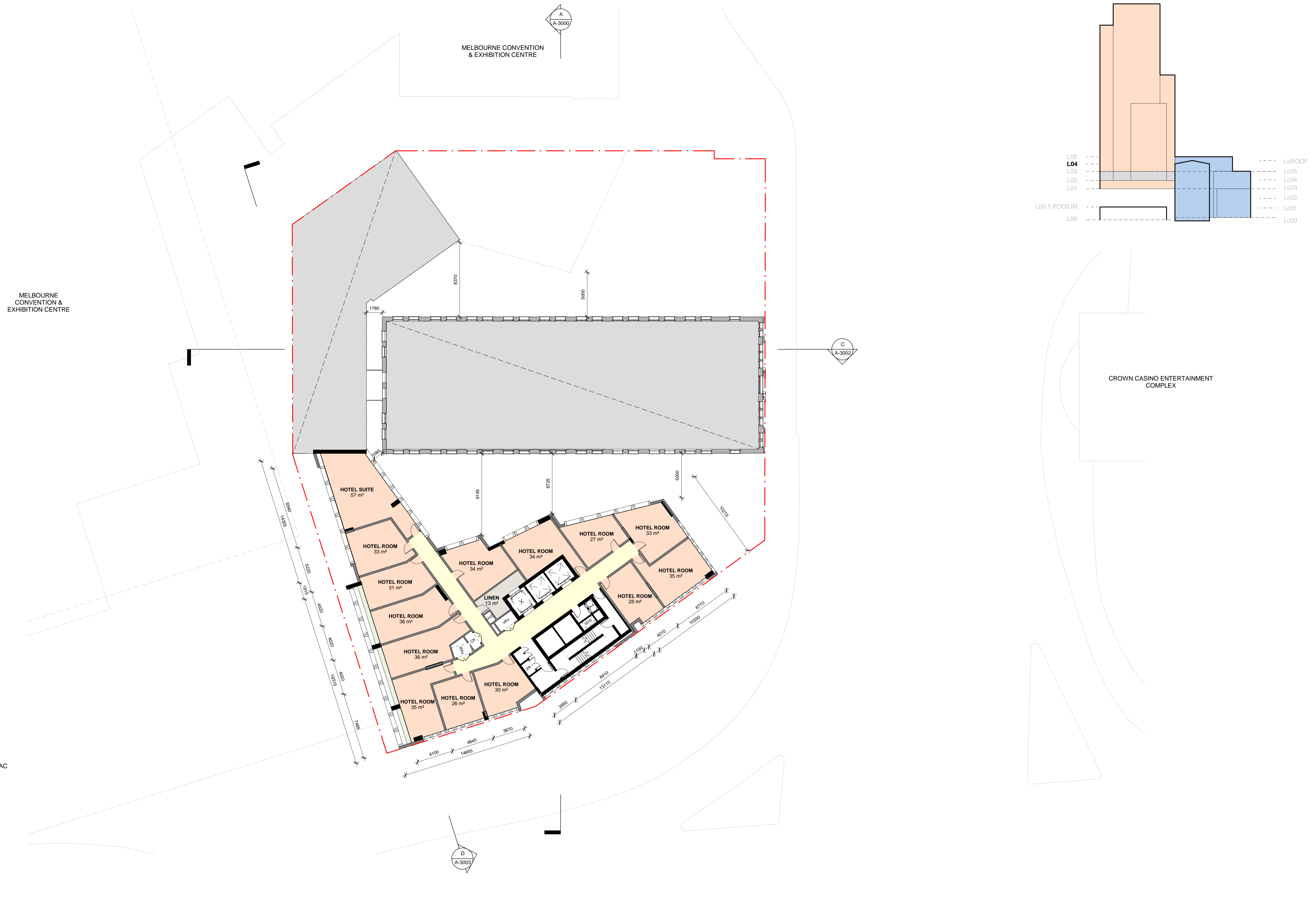
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Approved by: KK

Project: 28 CLARENDON ST
Client: CLARENDON TEA HOUSE PTY LTD
Revision: 028 For Information / 23.05.2022

Scale @ A1: 1 : 200
L03 PLAN A-1130



- ▲ ENTRY
- SP STAIR PRESSURISATION
- ER ELECTRICAL RISER
- HR HYDRAULIC RISER
- CR COMMS RISER
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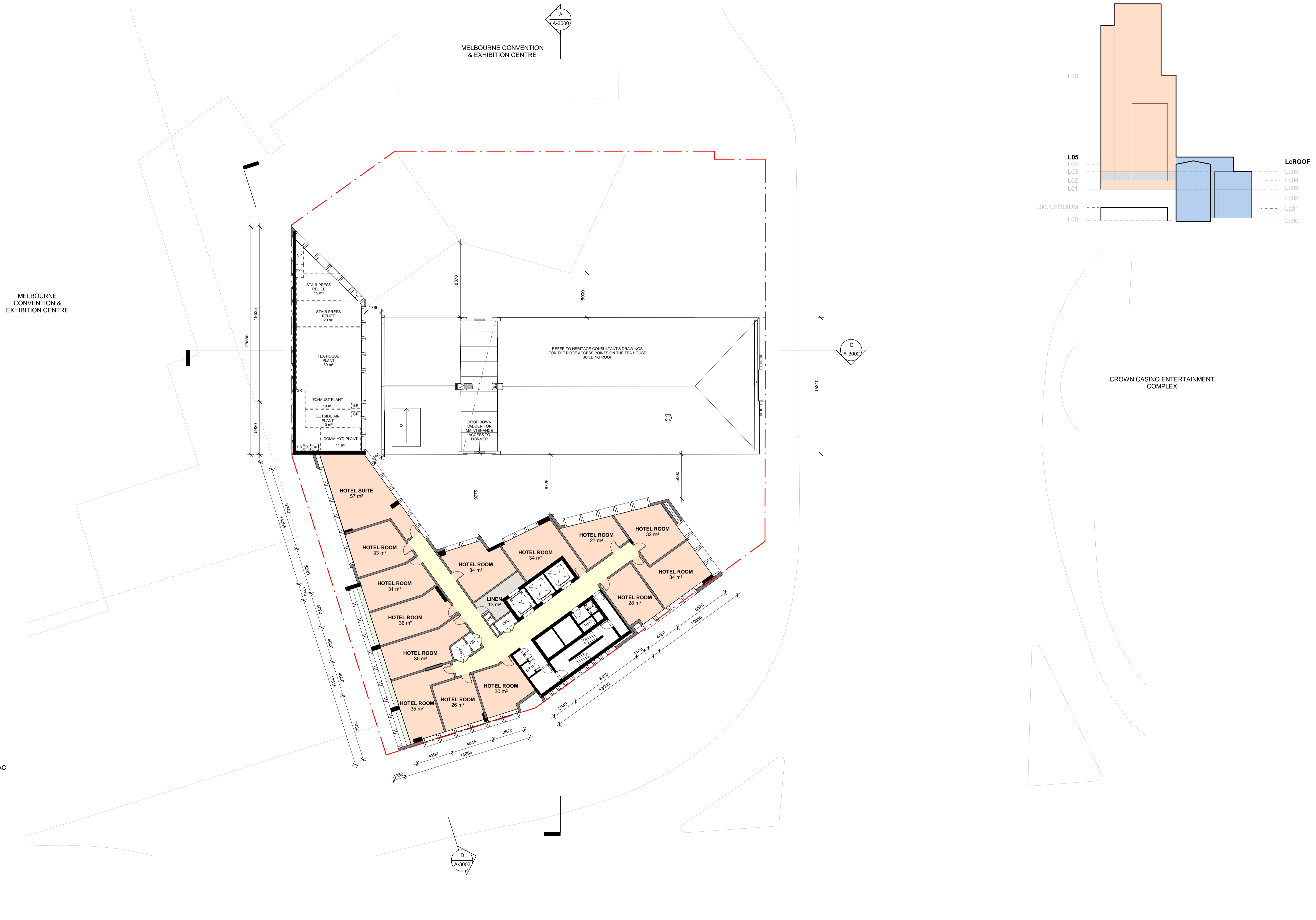
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Project: 28 CLARENDON ST
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Revision: 028 For Information / 23.05.2022

Scale @ A1: 1 : 200

L04 PLAN A-1140



- ▲ ENTRY
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- HR HYDRAULIC RISER
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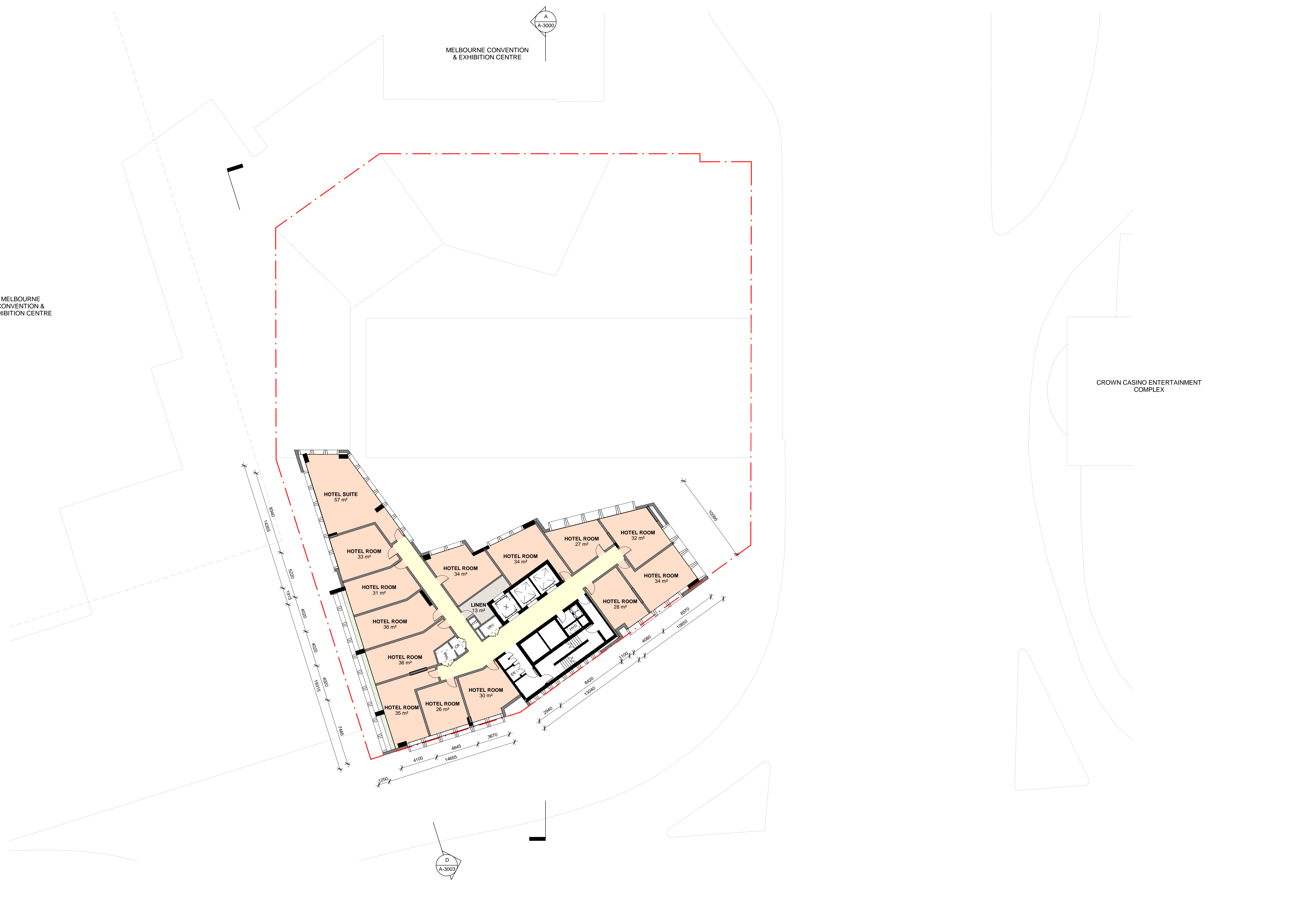
MELBOURNE CONVENTION & EXHIBITION CENTRE

MELBOURNE CONVENTION & EXHIBITION CENTRE

CROWN CASINO ENTERTAINMENT COMPLEX

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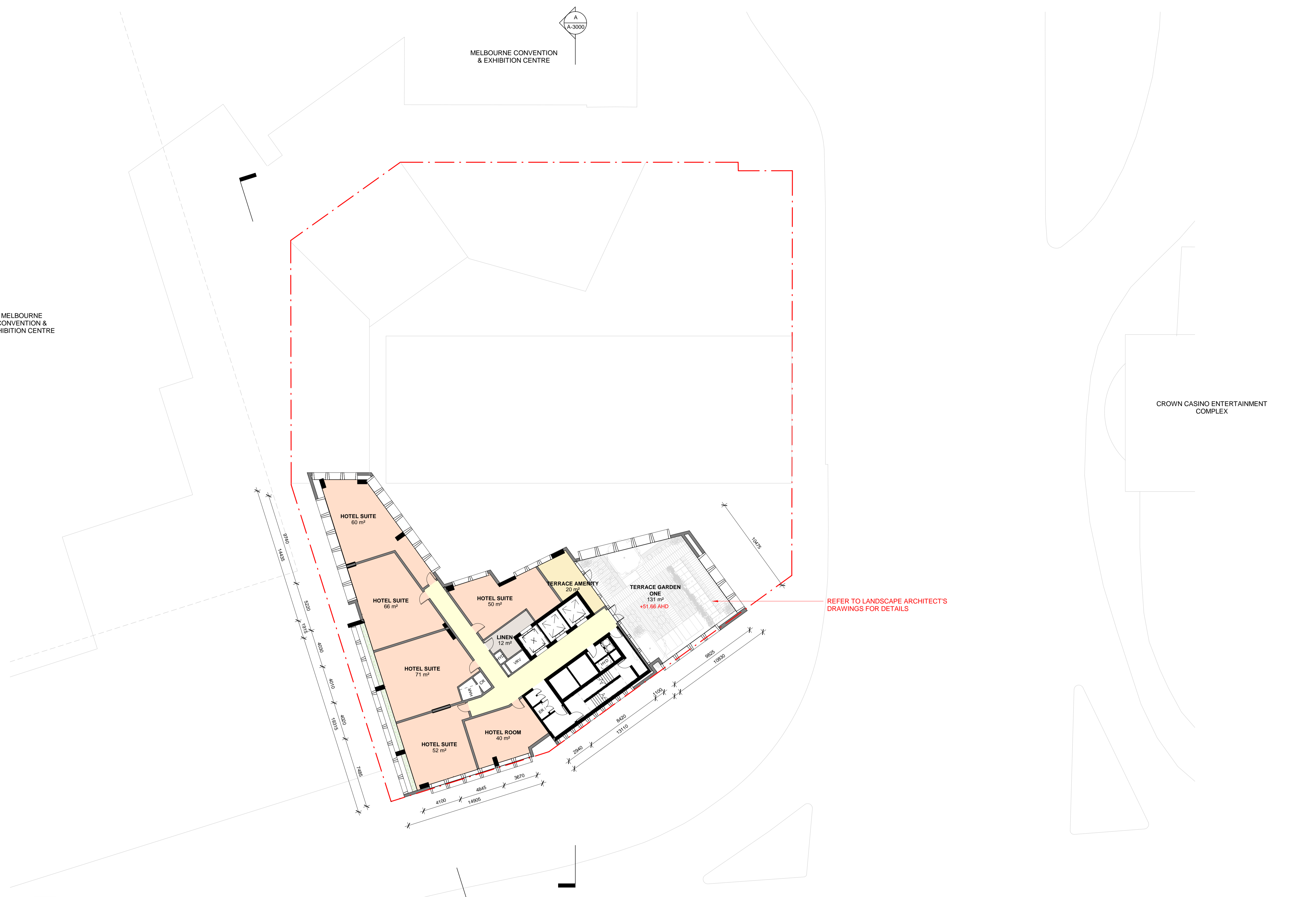
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MELBOURNE CONVENTION & EXHIBITION CENTRE

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CROWN CASINO ENTERTAINMENT COMPLEX



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Revision: 028 For Information / 23.05.2022

Scale @ A1: 1 : 200

L12 PLAN A-1220

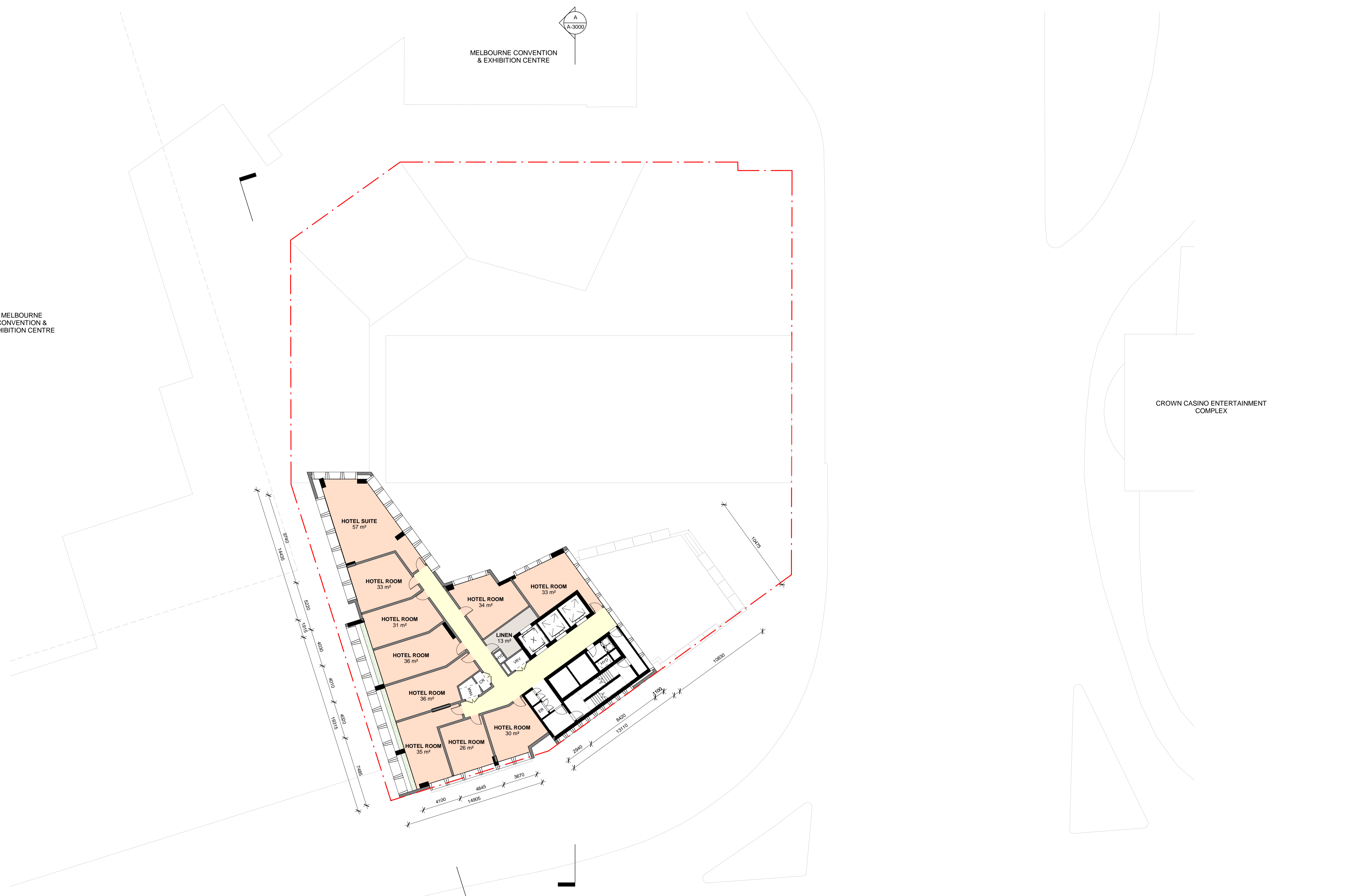
MELBOURNE CONVENTION & EXHIBITION CENTRE

MELBOURNE CONVENTION & EXHIBITION CENTRE

CROWN CASINO ENTERTAINMENT COMPLEX

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MELBOURNE CONVENTION & EXHIBITION CENTRE

MELBOURNE CONVENTION & EXHIBITION CENTRE

CROWN CASINO ENTERTAINMENT COMPLEX

REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR DETAILS

TERRACE GARDEN TWO
97 m²
+64.46 AHD

HOTEL ROOM
35 m²

HOTEL SUITE
113 m²

LINEN
13 m²

HOTEL ROOM
36 m²

HOTEL ROOM
30 m²

HOTEL ROOM
26 m²

HOTEL ROOM
35 m²

- ▲ ENTRY
- SP STAIR PRESSURISATION
- ER ELECTRICAL RISER
- HR HYDRAULIC RISER
- CR COMMS RISER
- WC WASTE CHUTE
- STR STORE
- SR SERVICE RISER
- EXH EXHAUST RISER
- FCR FIRE CONTROL ROOM
- MSB MAIN SWITCH BOARD
- VRV VARIABLE REFRIGERANT VOLUME AC
- RETAIL-SHOP
- F&B FOOD & DRINK PREMISES

- HOTEL
- COMMERCIAL
- RETAIL
- F&B
- STAFF/ADMIN
- WELLNESS/AMENITY
- CIRCULATION
- VERTICAL GARDEN/PLANTER
- BOH

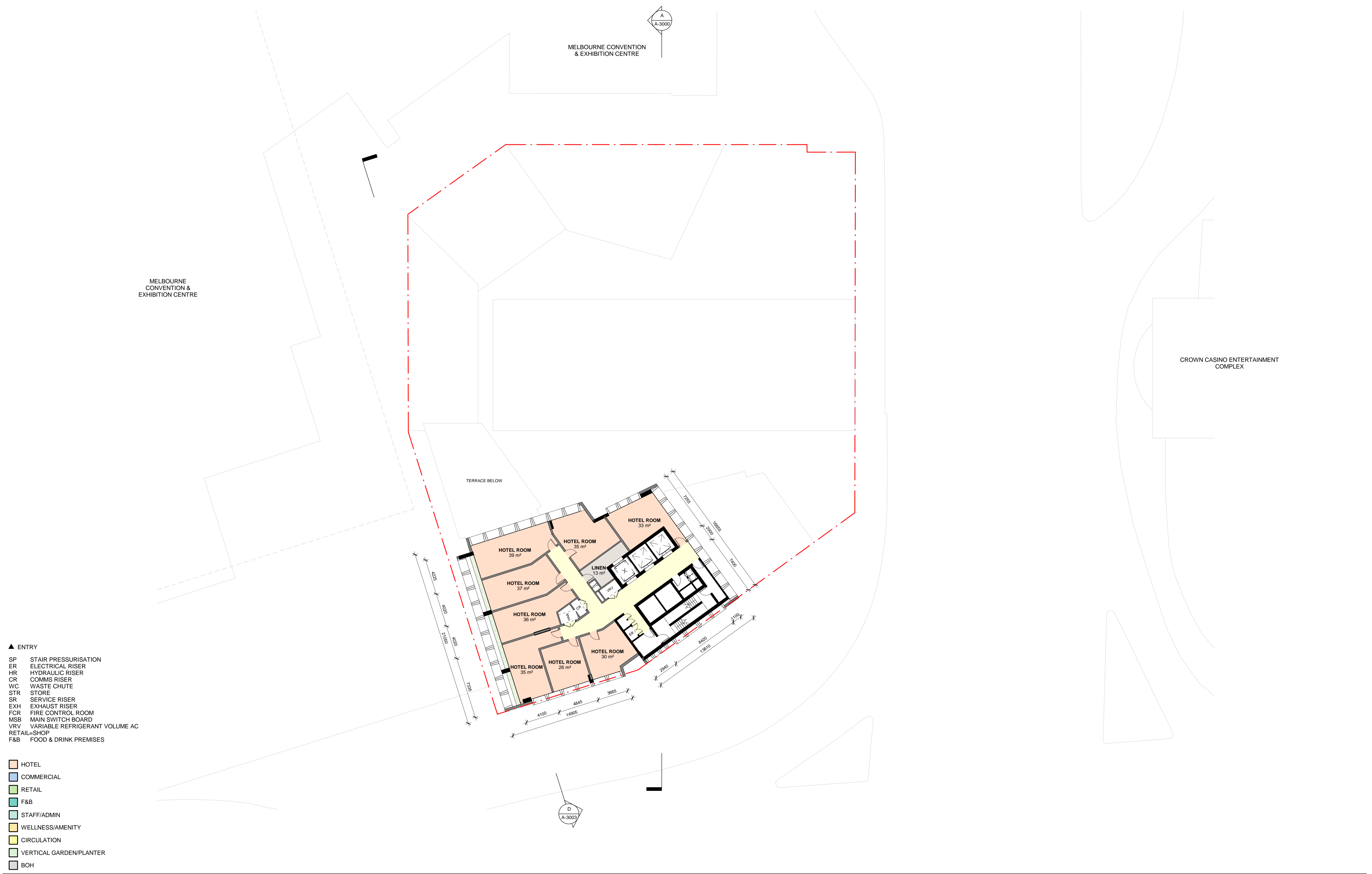
Notes:
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Drawn by: JF
Reviewed by: GK
Approved by: KK

Project: 28 CLARENDON ST
Client: CLARENDON TEA HOUSE PTY LTD
Revision: 028 For Information / 23.05.2022

Scale @ A1: 1 : 200

L16 PLAN A-1260



- ▲ ENTRY
- SP STAIR PRESSURISATION
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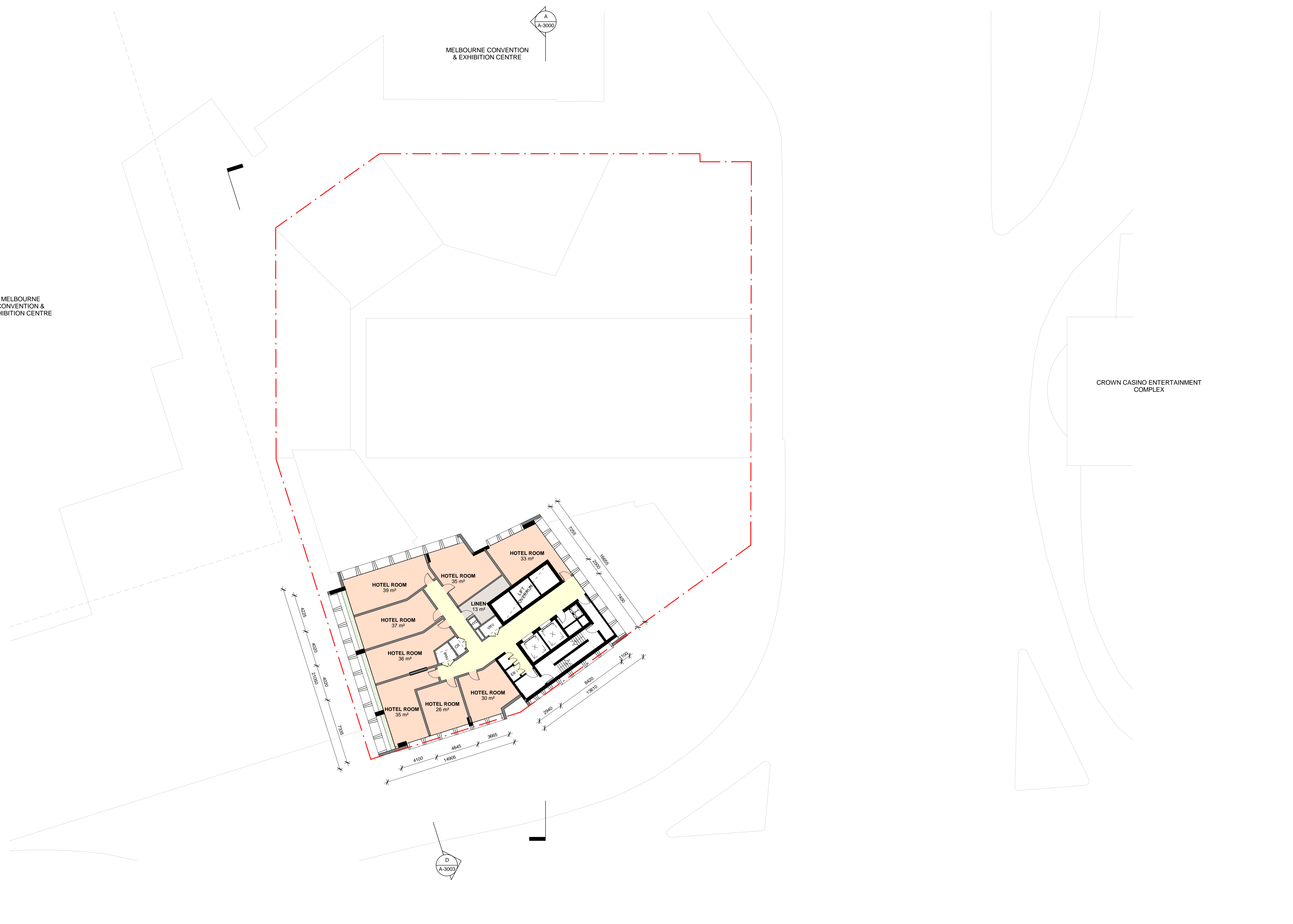
MELBOURNE CONVENTION & EXHIBITION CENTRE

MELBOURNE CONVENTION & EXHIBITION CENTRE

CROWN CASINO ENTERTAINMENT COMPLEX

- ▲ ENTRY
- SP STAIR PRESSURISATION
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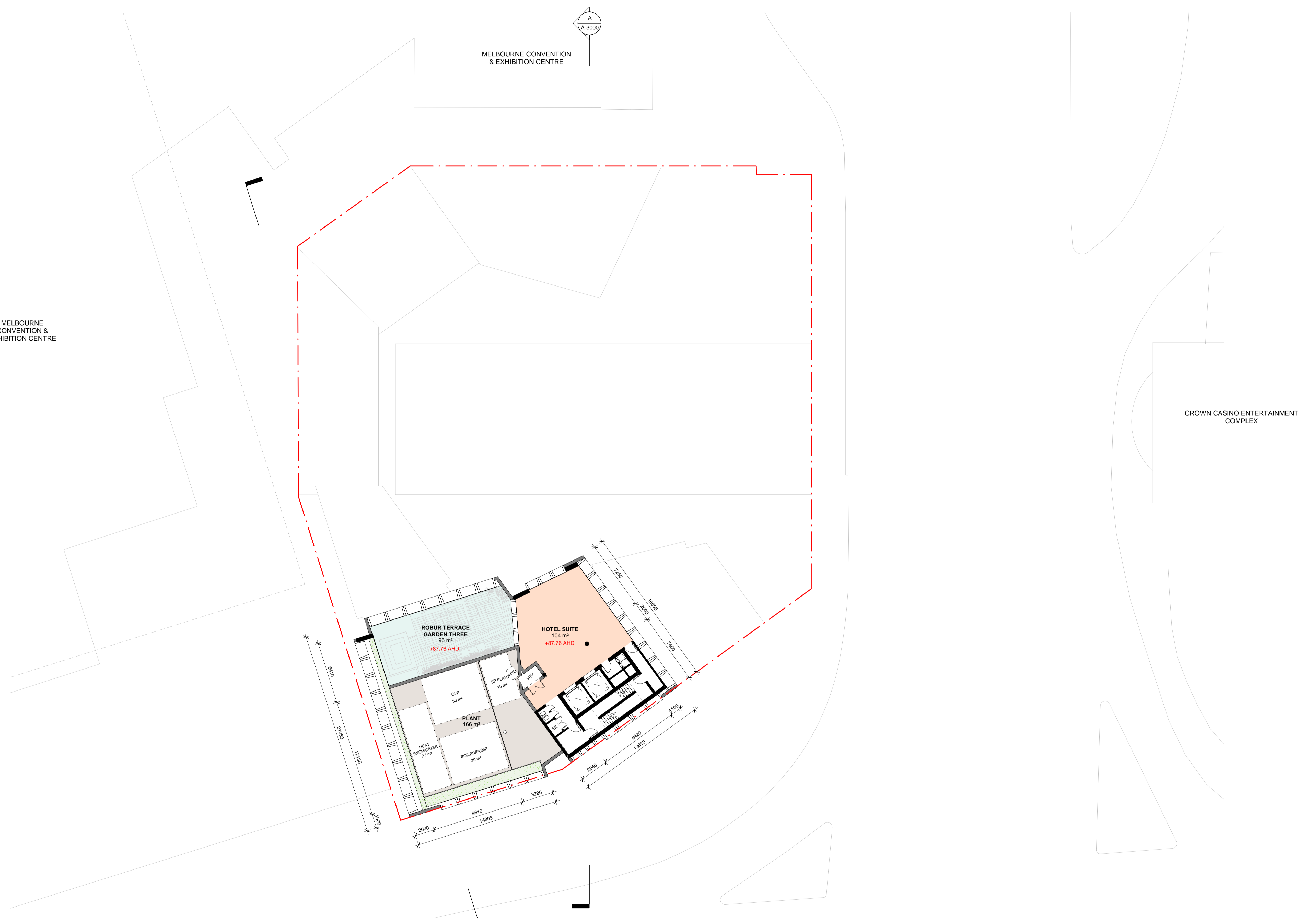
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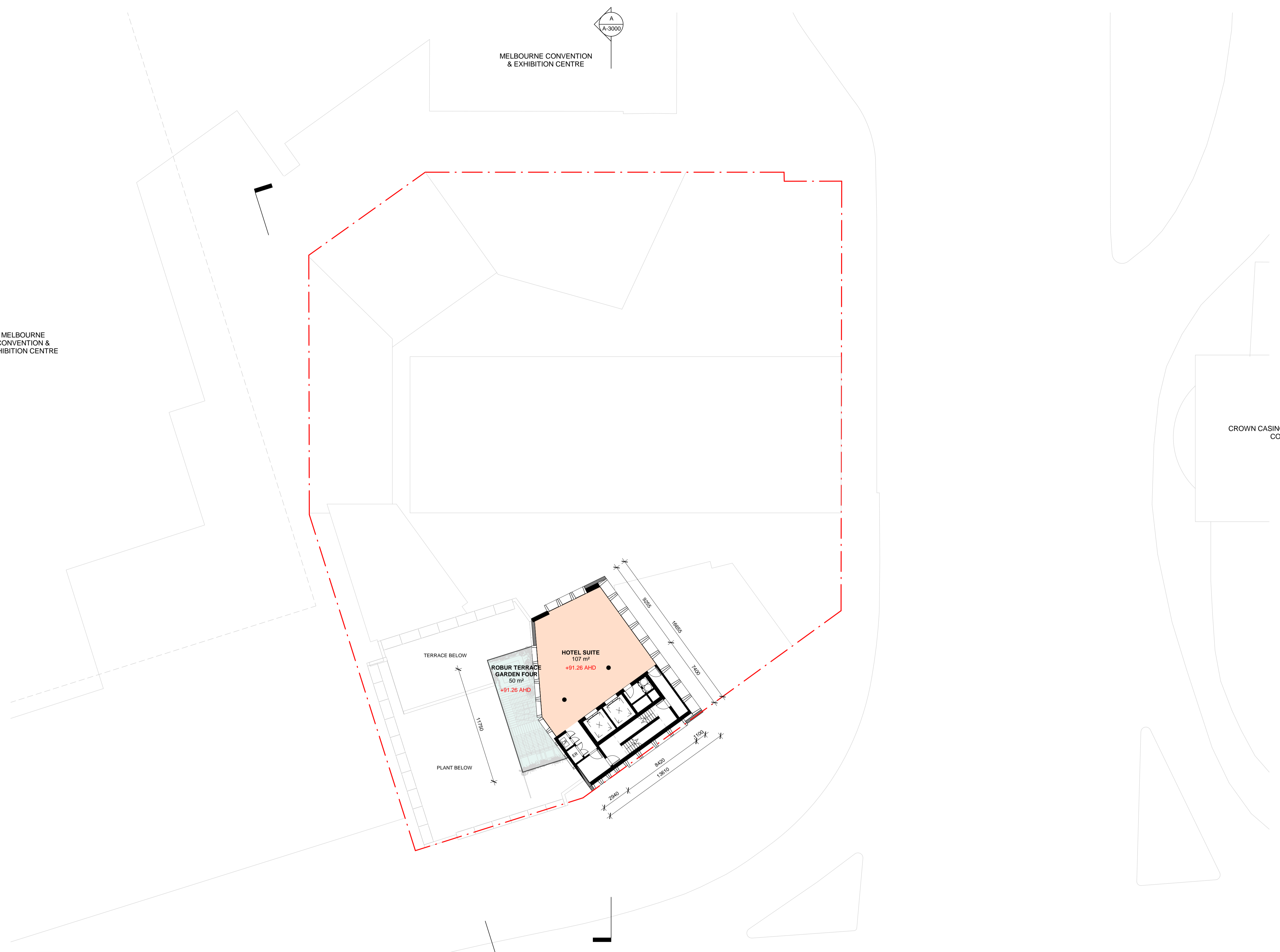
MELBOURNE CONVENTION & EXHIBITION CENTRE

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CROWN CASINO ENTERTAINMENT COMPLEX

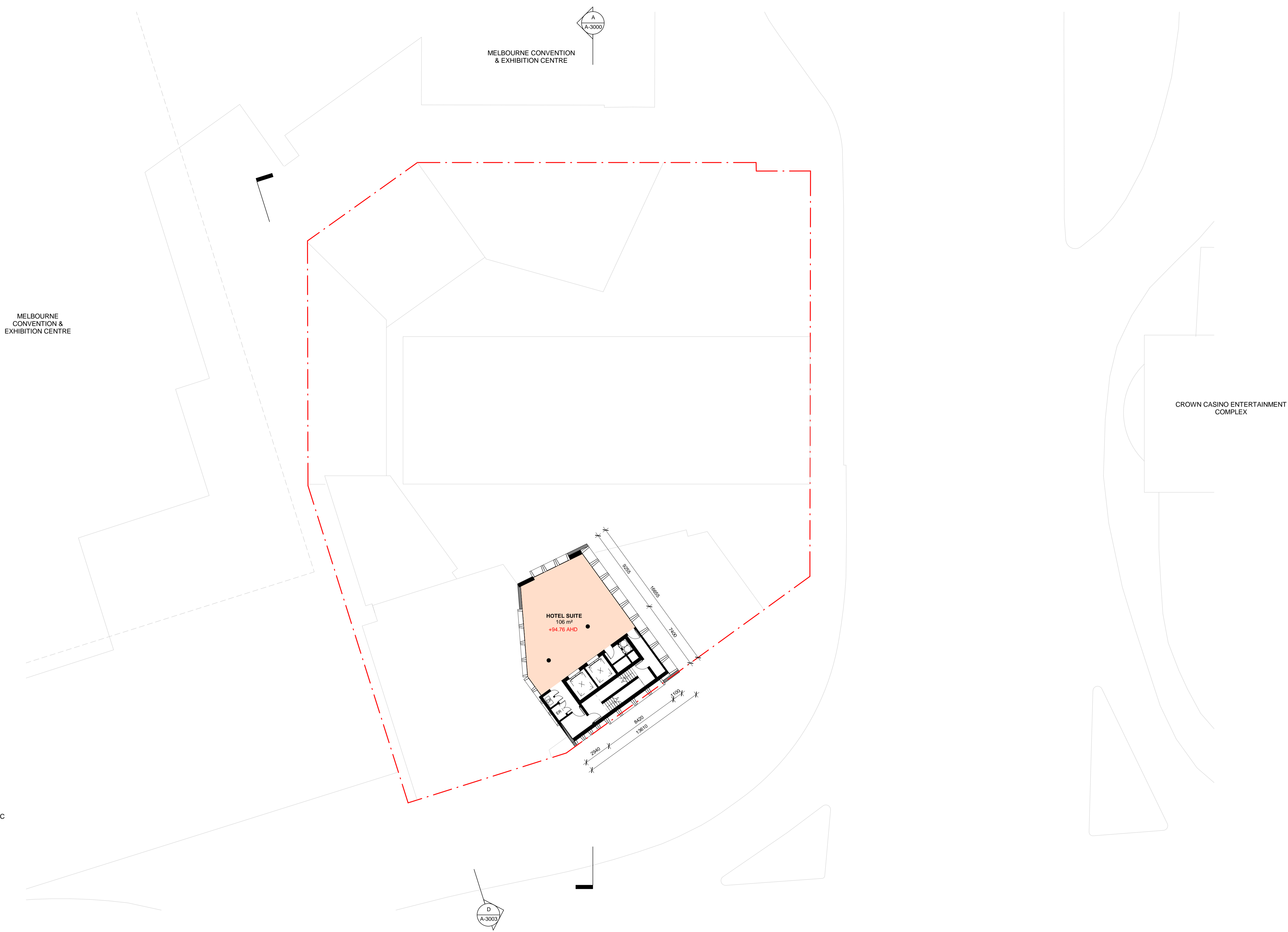
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- VERTICAL GARDEN/PLANTER
- BOH



D
A-3003

A
A-3000



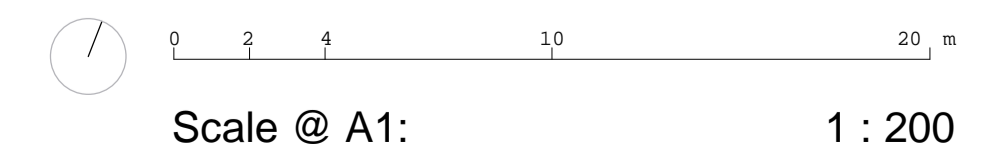
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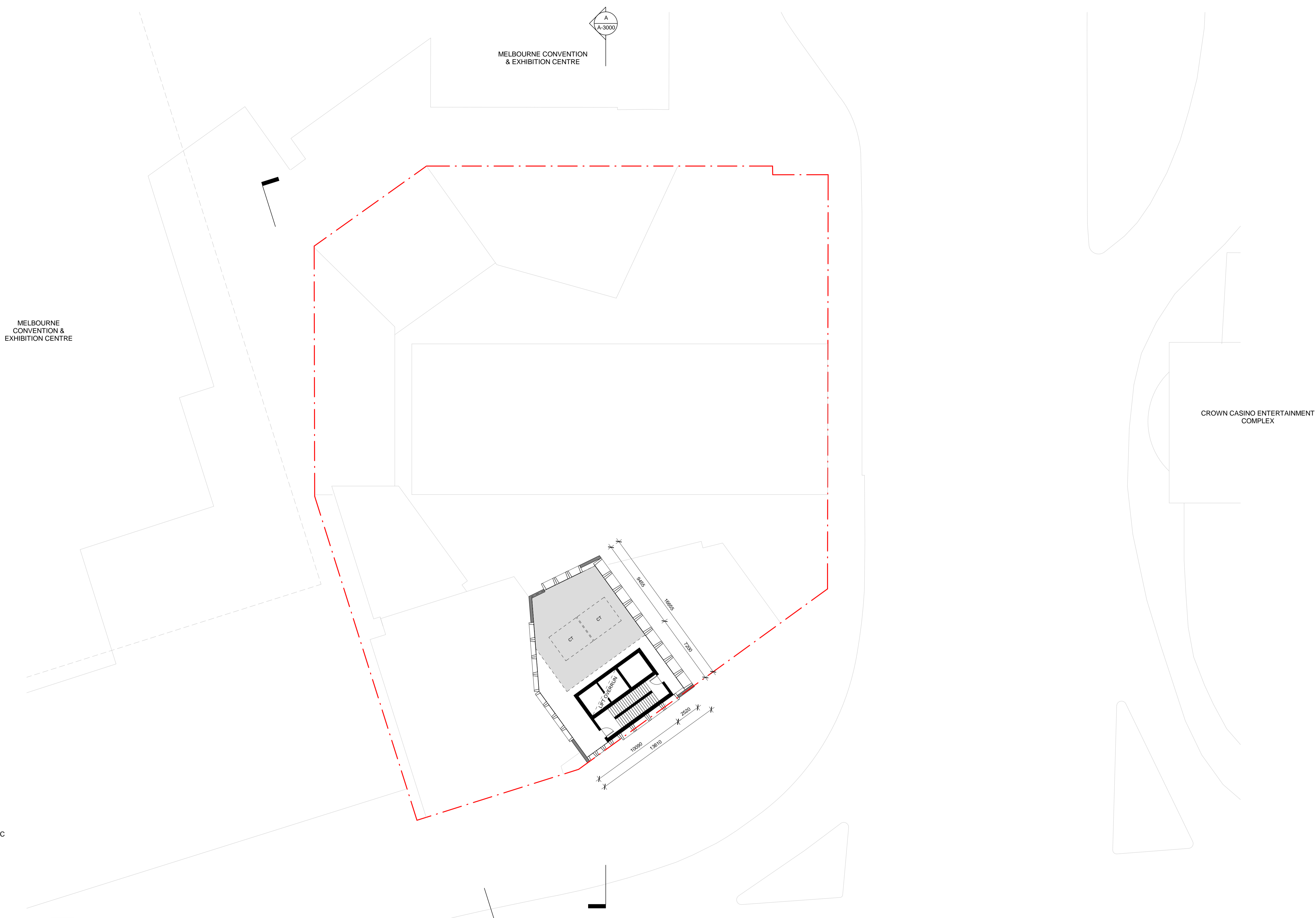
- HOTEL
- COMMERCIAL
- RETAIL
- F&B
- STAFF/ADMIN
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- STAFF/ADMIN
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- CIRCULATION
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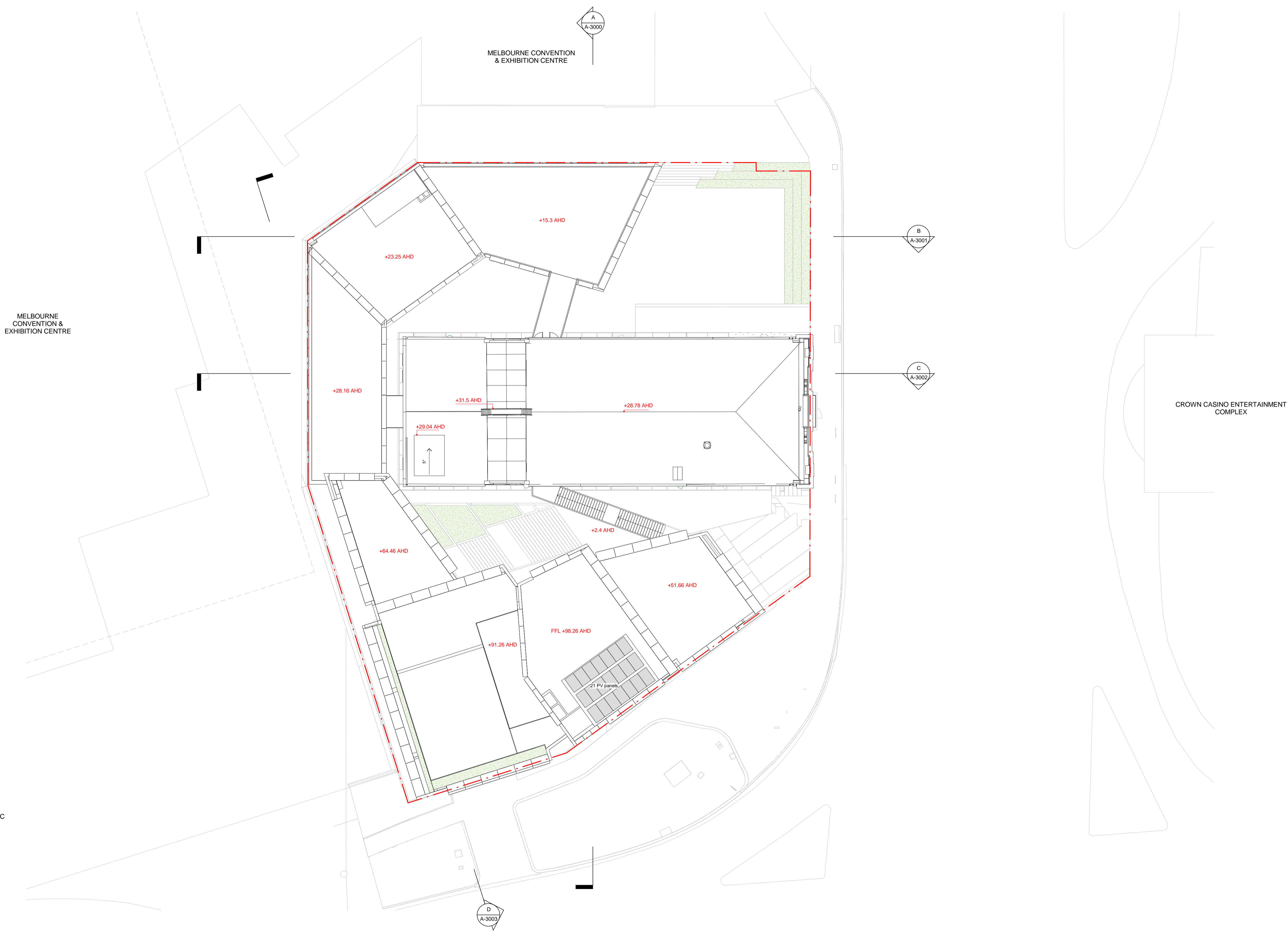
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Project: 28 CLARENDON ST
Client: CLARENDON TEA HOUSE PTY LTD
Revision: 028 For Information / 23.05.2022



Scale @ A1: 1 : 200
PLANT LEVEL PLAN A-1400



- ▲ ENTRY
- SP STAIR PRESSURISATION
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- BOH

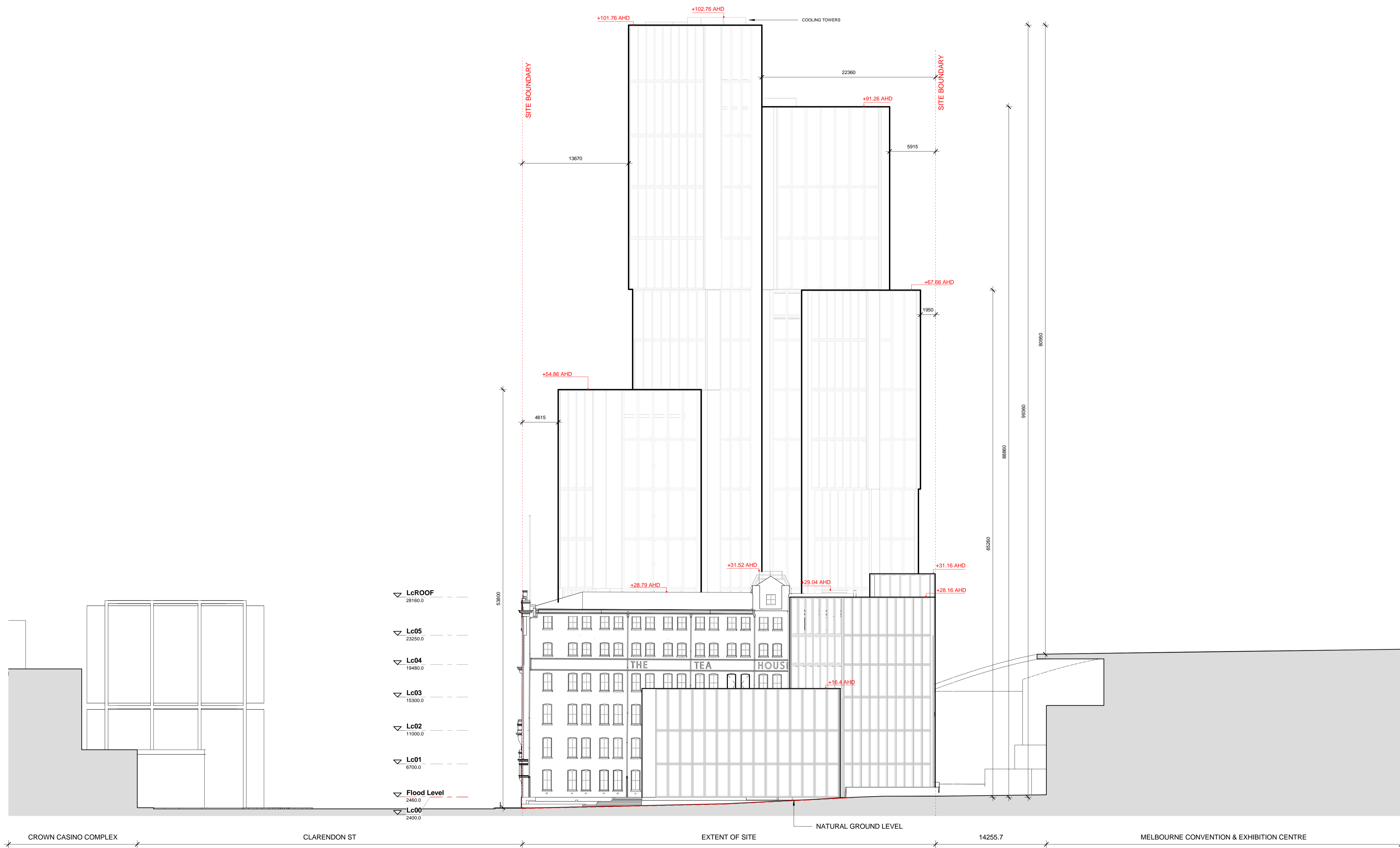
Notes:
 ROOF ACCESS POINTS TO BE DETAILED AND FINALISED WITH
 ROOF ACCESS CONSULTANT

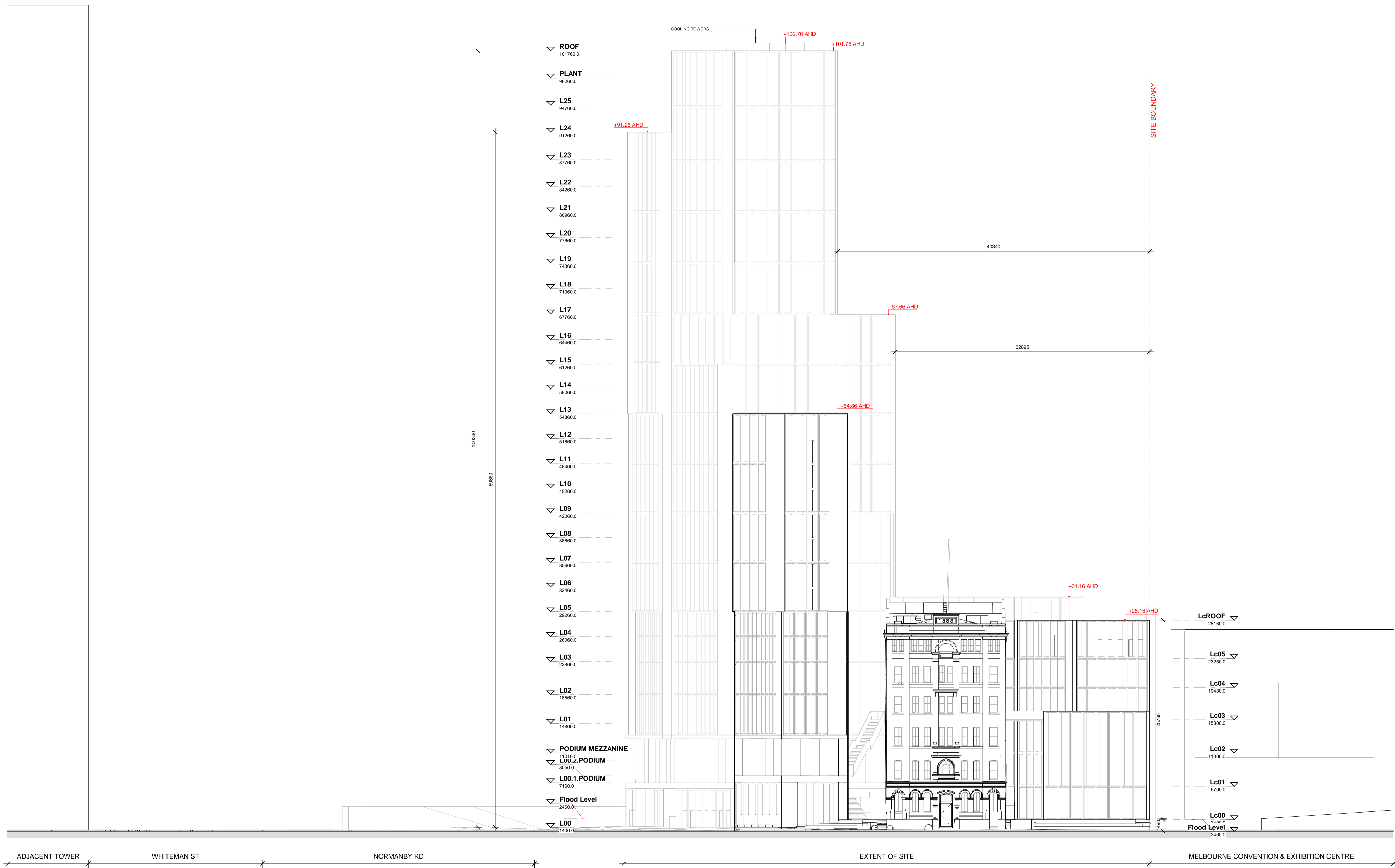
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Reviewed by: GK
Approved by: KK

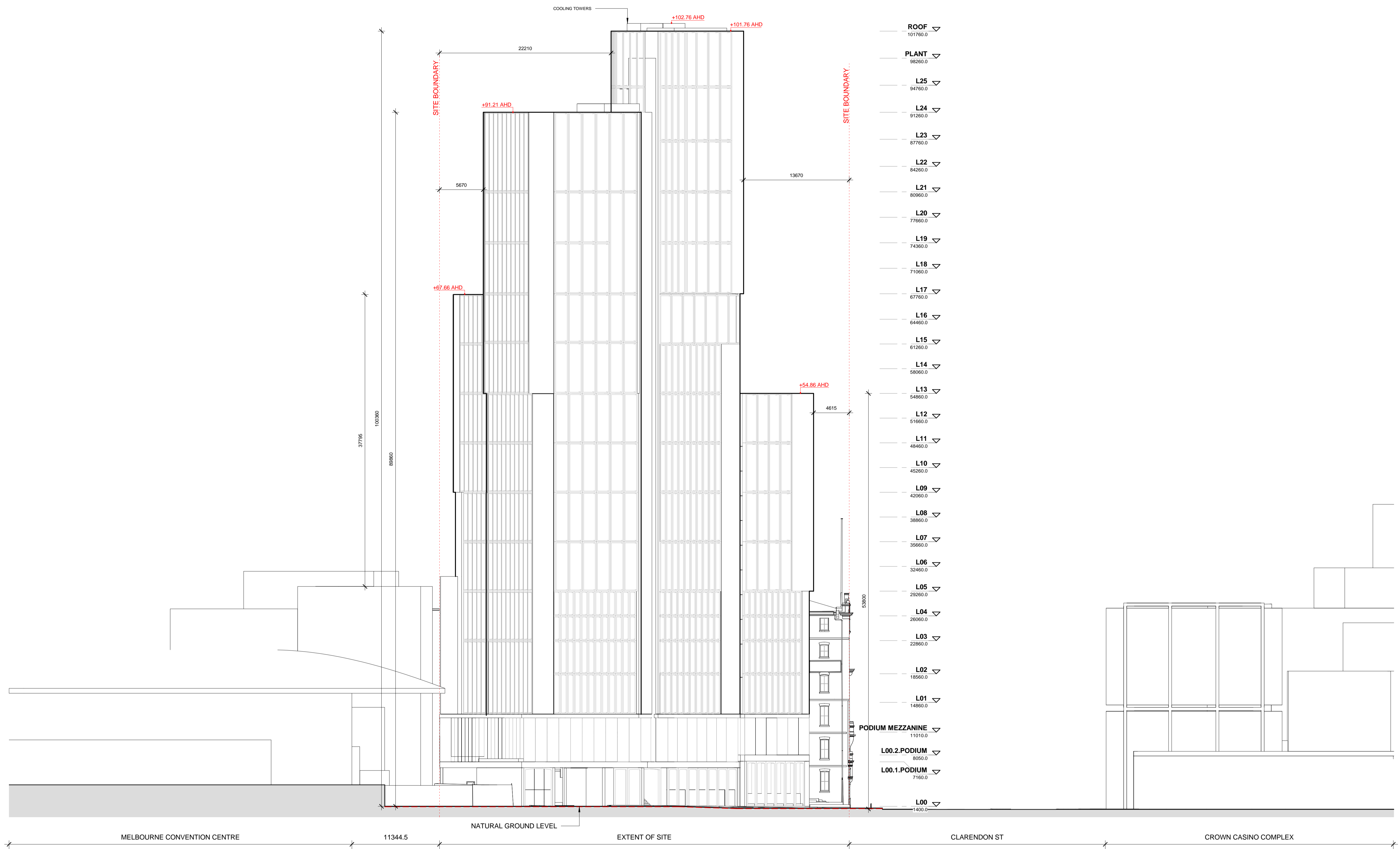
Project: 28 CLARENDON ST
Client: CLARENDON TEA HOUSE PTY LTD
Revision: 028 For Information / 23.05.2022

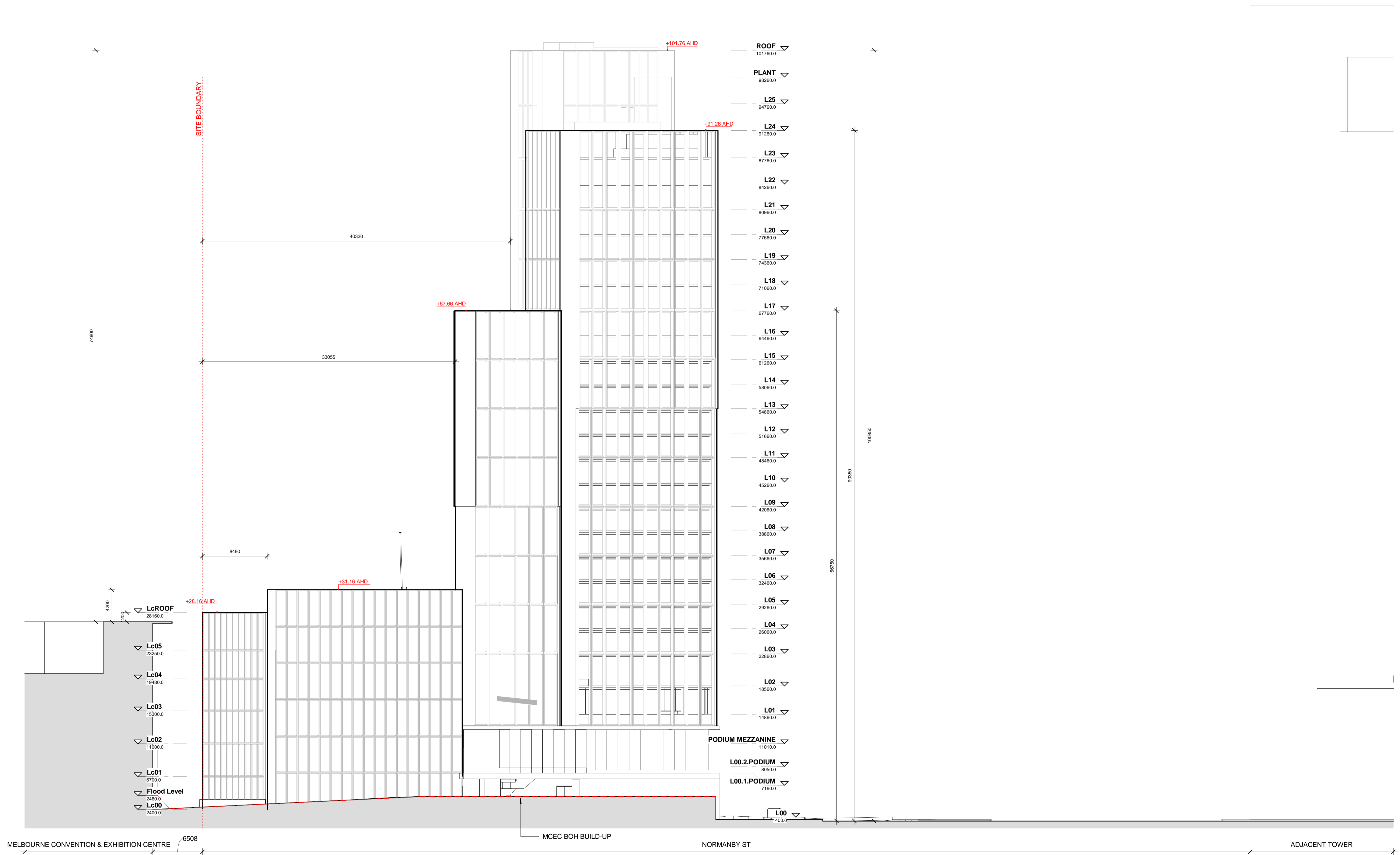
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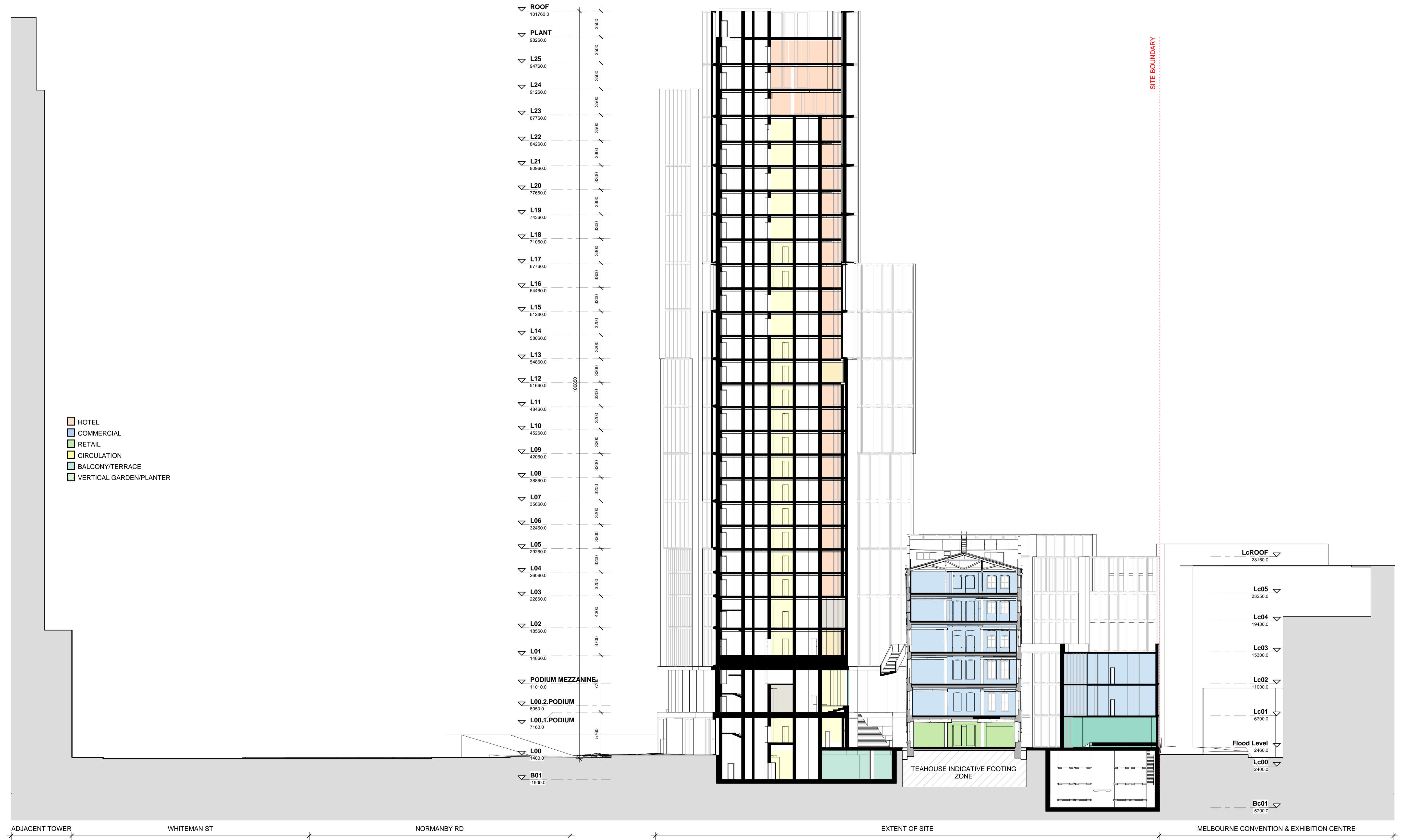
ROOF PLAN A-1410

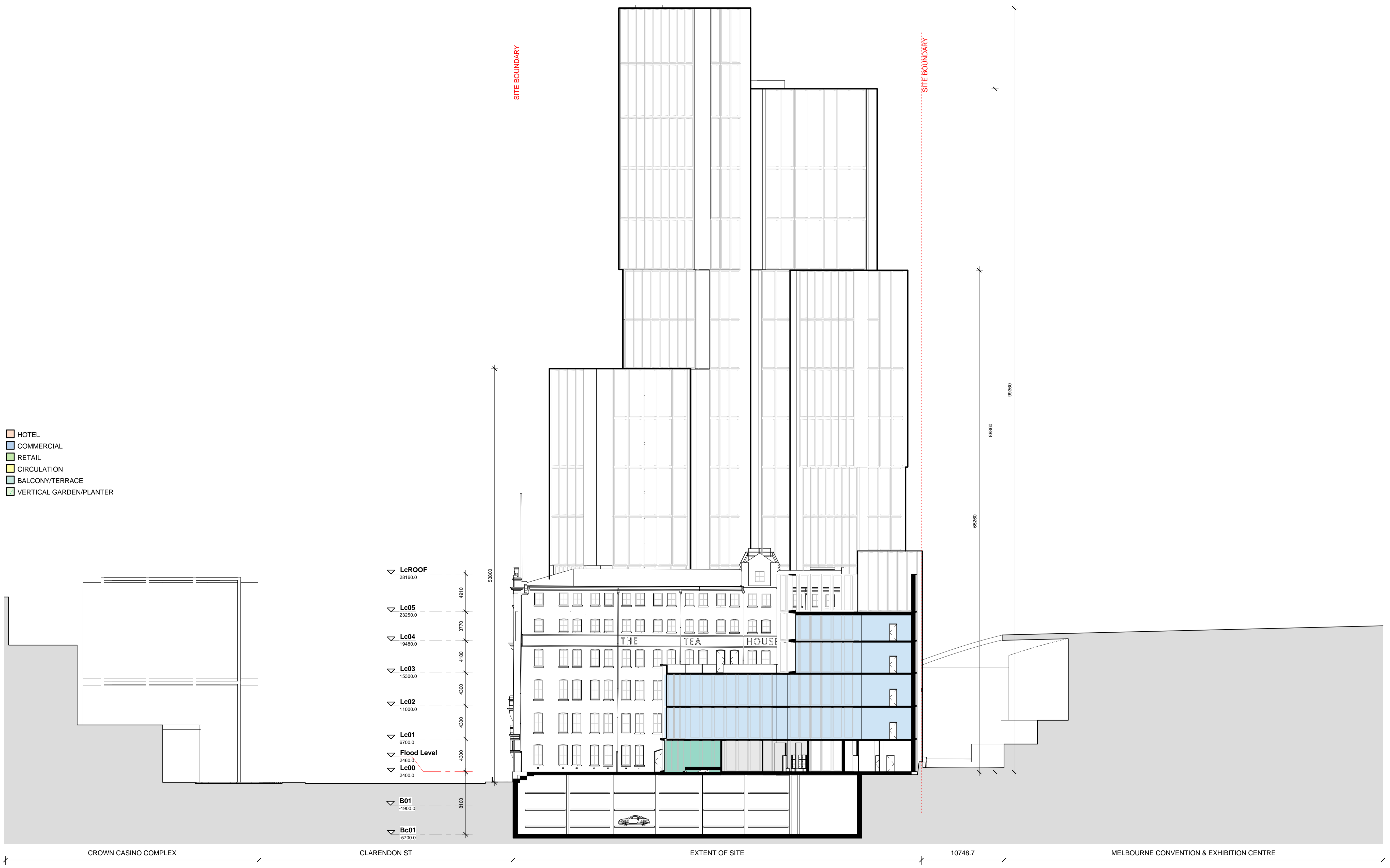


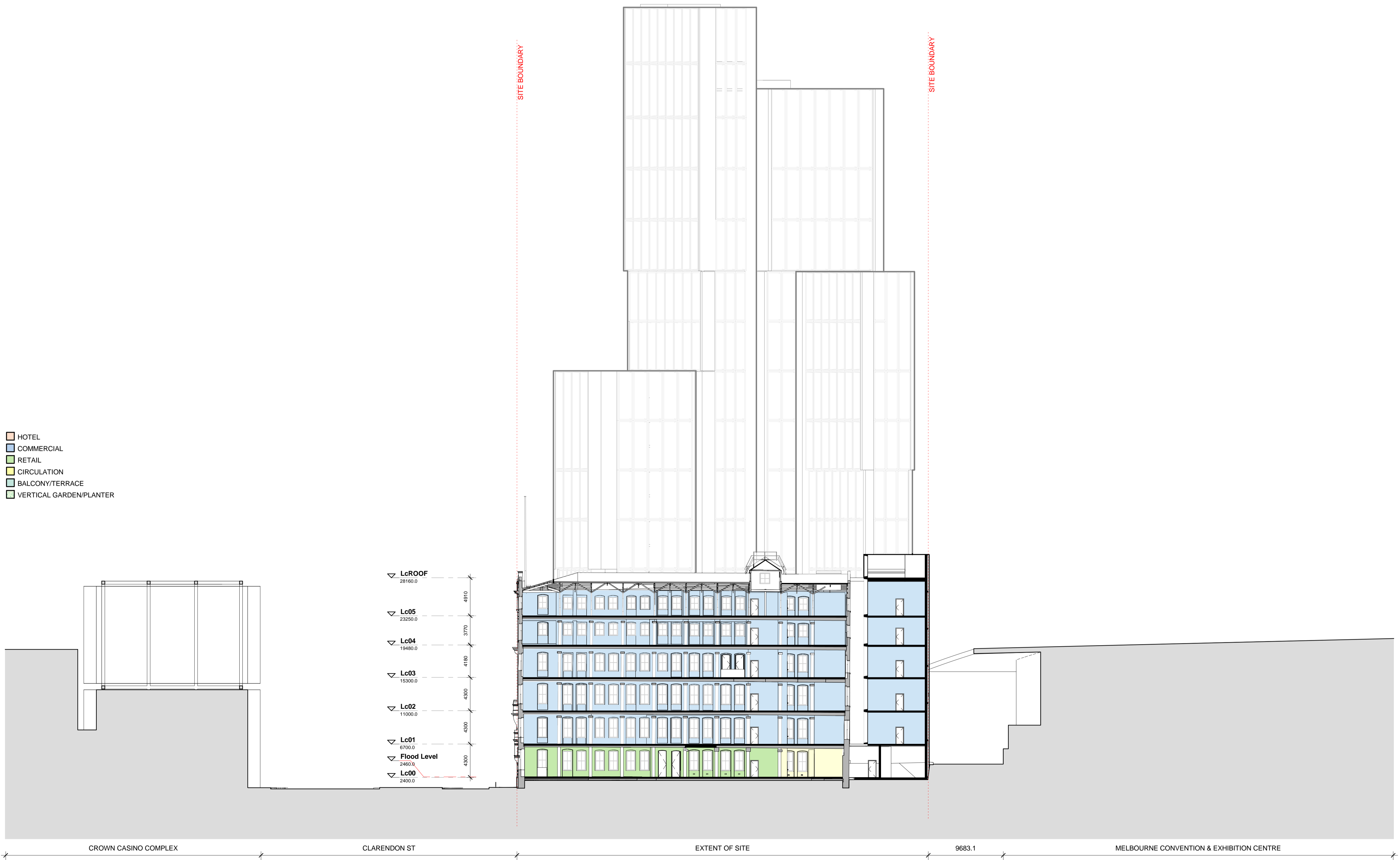




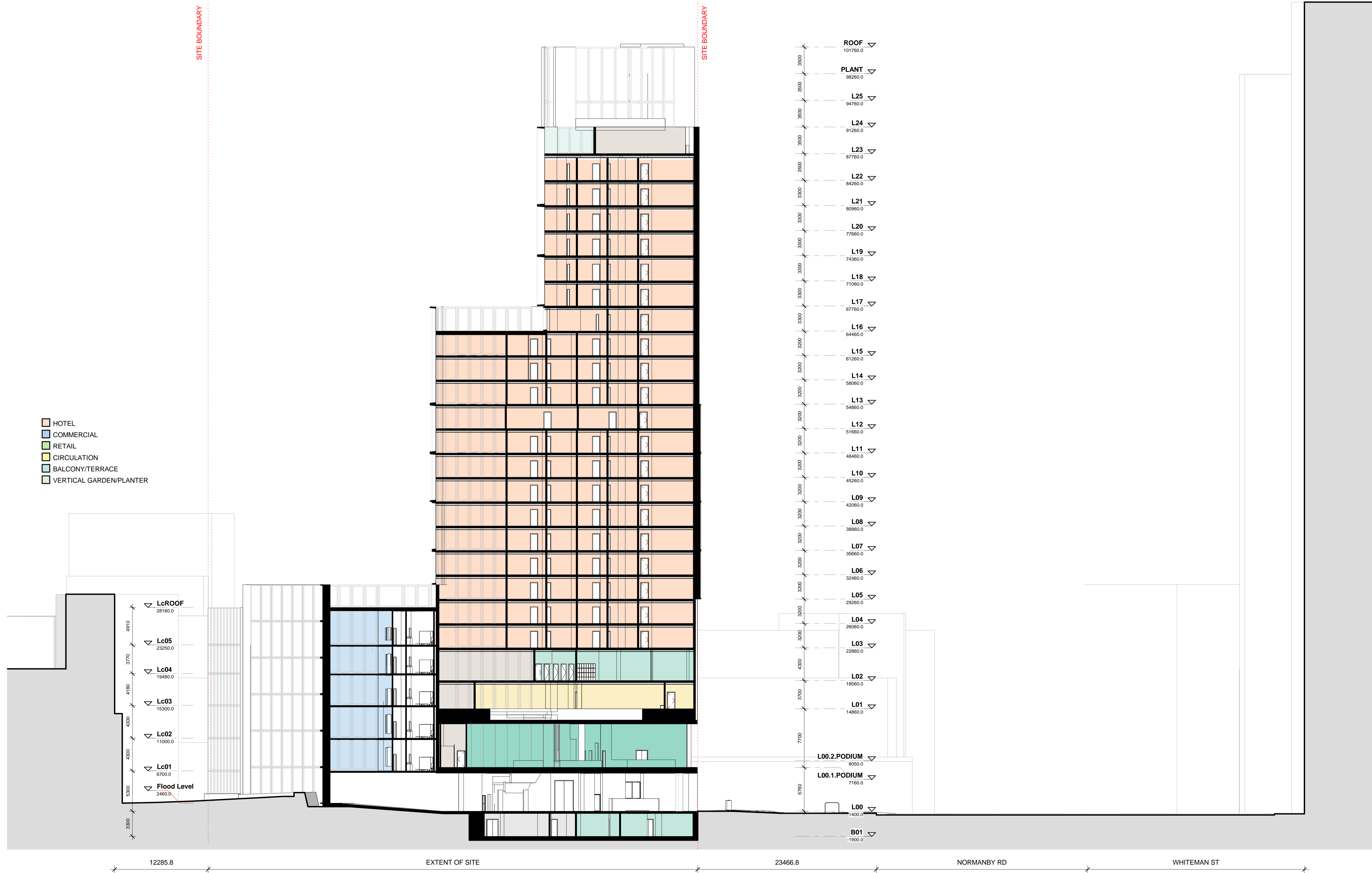




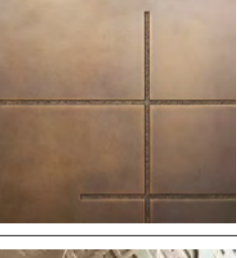





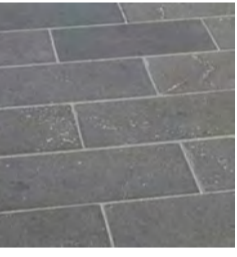
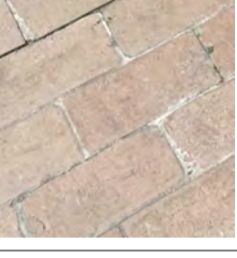
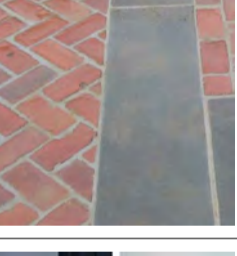


- HOTEL
- COMMERCIAL
- RETAIL
- CIRCULATION
- BALCONY/TERRACE
- VERTICAL GARDEN/PLANTER

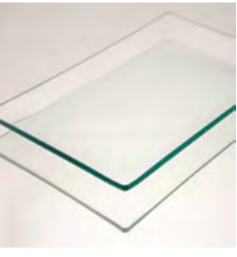
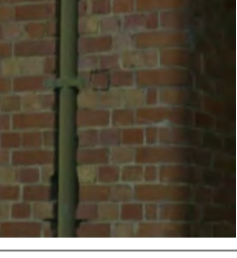




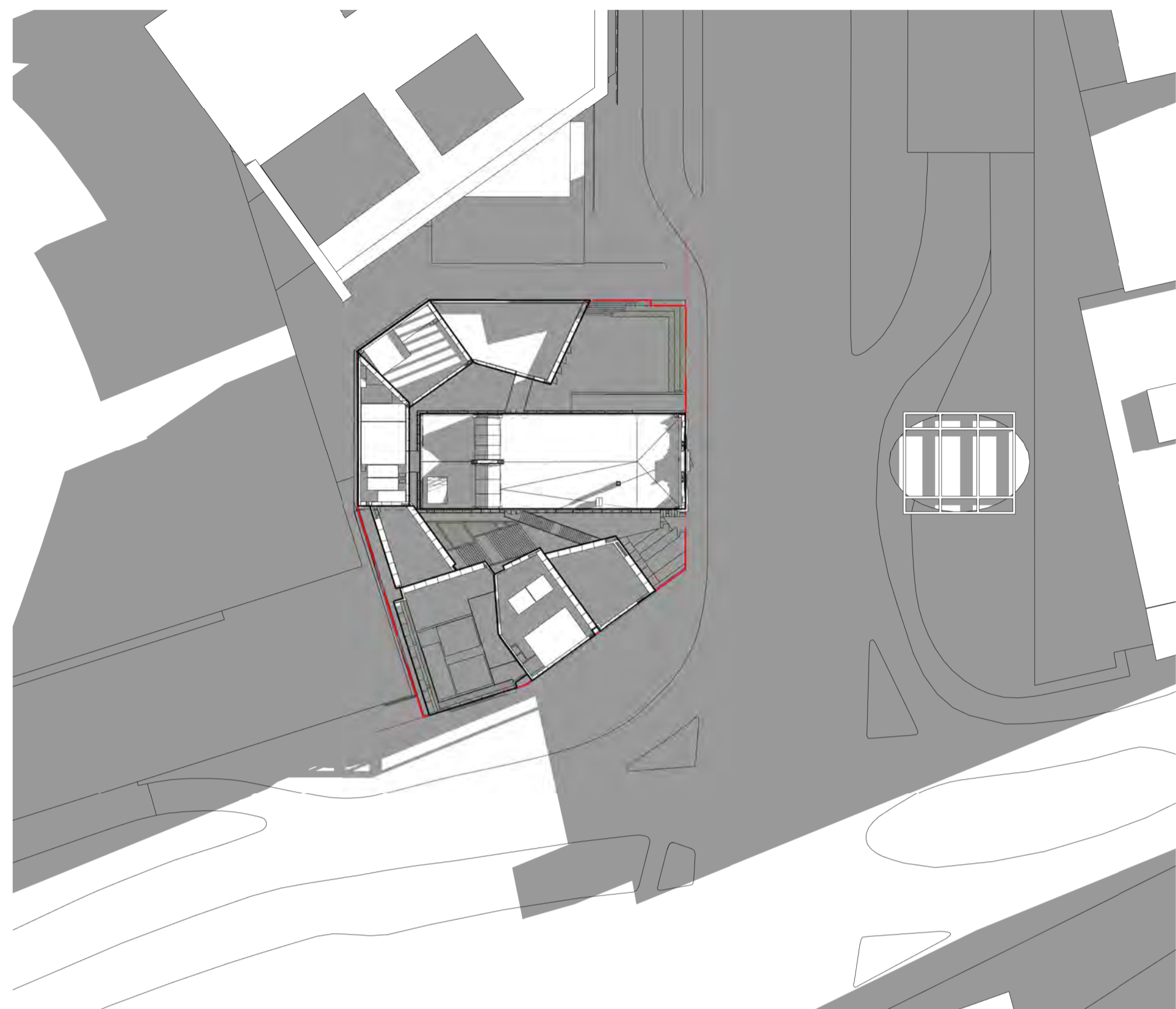
MATERIAL SCHEDULE				
CODE	MATERIAL	IMAGE	INDICATIVE LOCATION	DESCRIPTION
1. BUILDING A FACADE				
CLD.01	RECONSTITUTED TERRACOTTA PANEL		1. BUILDING A FACADE	RECONSTITUTED TERRACOTTA (PALLADIANA) OR PRECAST CONCRETE WITH STONE AGGREGATE MIX
CLD.02	CONCRETE WITH PIGMENTED COLOUR		1. BUILDING A FACADE	TBC CONCRETE - OXIDE HONED FINISH OR SIMILAR
GLS.02	GLAZING		1. BUILDING A FACADE	CLEAR DOUBLE GLAZING FOR NEW FENESTRATION
MT.03	SOLID METAL PANEL WITH APPLIED FINISH		1. BUILDING A FACADE	AXOLOTL SHEET METAL - SPECTRUM STAINLESS STEEL OR SIMILAR

MATERIAL SCHEDULE				
CODE	MATERIAL	IMAGE	INDICATIVE LOCATION	DESCRIPTION
2. PODIUM FACADE				
CLD.01	RECONSTITUTED TERRACOTTA PANEL		2. PODIUM FACADE	RECONSTITUTED TERRACOTTA (PALLADIANA) OR PRECAST CONCRETE WITH STONE AGGREGATE MIX
GLS.02	GLAZING		2. PODIUM FACADE	CLEAR DOUBLE GLAZING FOR NEW FENESTRATION
MT.01	SOLID METAL PANEL WITH APPLIED FINISH		2. PODIUM FACADE	AXOLOTL APPLIED METAL - GOLD BRONZE GRAPHITE OR SIMILAR SOLID METAL PANEL
MT.02	SOLID METAL PANEL WITH APPLIED FINISH		2. PODIUM FACADE	AXOLOTL APPLIED METAL - BRONZE CARVED CROSS HATCH OR SIMILAR SOLID METAL PANEL
PM.01	PERFORATED METAL PANEL		2. PODIUM FACADE	LOCKER OR SIMILAR PERFORATED METAL PANEL - BRONZE FINISH

MATERIAL SCHEDULE				
CODE	MATERIAL	IMAGE	INDICATIVE LOCATION	DESCRIPTION
3. TOWER FACADE				
CLD.03	METAL CLADDING		3. TOWER FACADE	METAL CLADDING TBC - WITH TEXTURE FINISH. VARIES IN COLOUR.
FAC.01	LIGHTWEIGHT CLADDING		3. TOWER FACADE	LIGHTWEIGHT CLADDING - NATURAL VARIATION IN COLOUR
FG.01	GLAZING TYPE 01		3. TOWER FACADE	FIXED CLEAR DOUBLE GLAZING FOR NEW FENESTRATION
FG.02	OBSCURED GLAZING		3. TOWER FACADE	FIXED OSCURED DOUBLE GLAZING - PODIUM WEST

MATERIAL SCHEDULE				
CODE	MATERIAL	IMAGE	INDICATIVE LOCATION	DESCRIPTION
LANDSCAPED PUBLIC REALM				
FL-01	PAVER		LANDSCAPED PUBLIC REALM	BLUESTONE
FL-02	PAVER		LANDSCAPED PUBLIC REALM	BRICK PAVER
FL-03	PAVER BLUESTONE EDGE		LANDSCAPED PUBLIC REALM	BRICK PAVER WITH BLUESTONE EDGING
FL-04	BLUESTONE AND TIMBER SEATING		LANDSCAPED PUBLIC REALM	HARDWOOD TIMBER AND BLUESTONE SEATING IN PUBLIC AREAS
MW-02	STEEL 'BRONZE' EDGING		LANDSCAPED PUBLIC REALM	POWDER COATED STEEL PANEL
WT-01	BLUESTONE STACKED WALL		LANDSCAPED PUBLIC REALM	BLUESTONE STACKED WALL EXISTING TO BE RETAINED

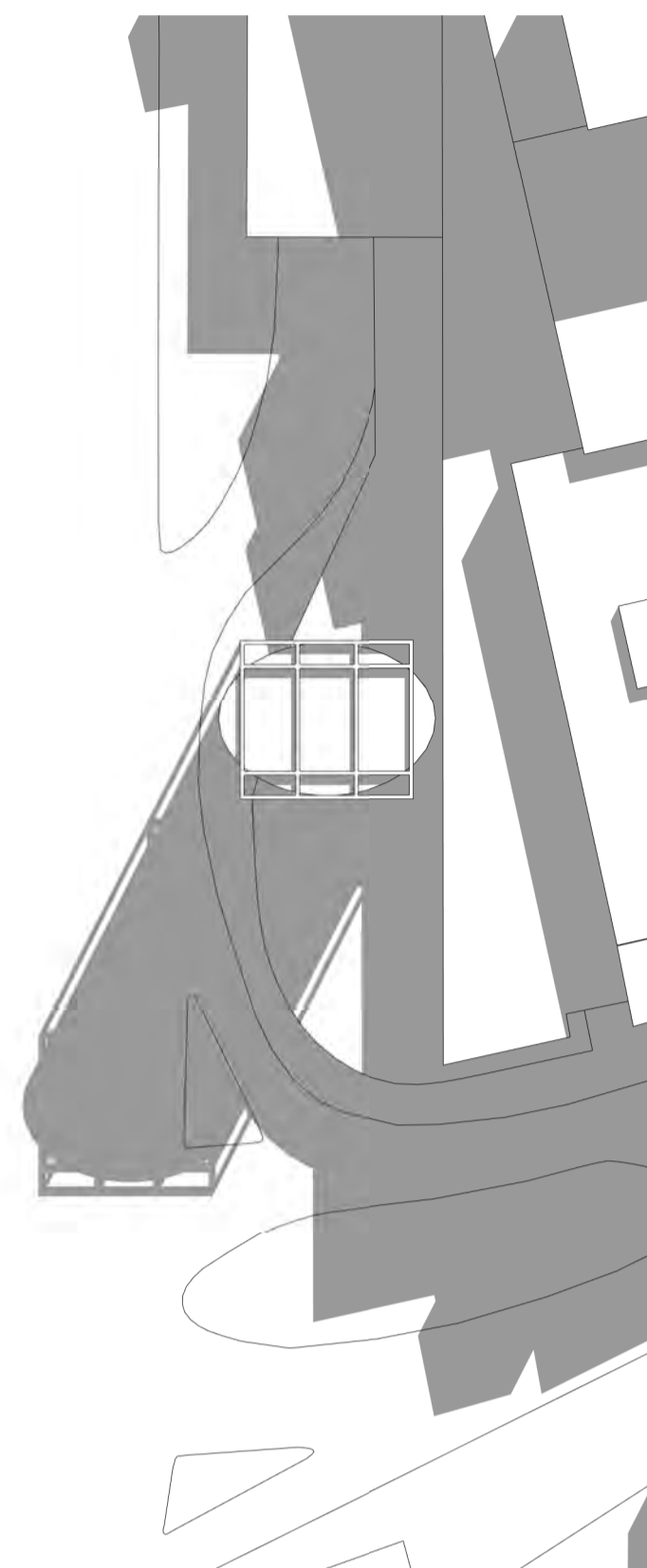
MATERIAL SCHEDULE				
CODE	MATERIAL	IMAGE	INDICATIVE LOCATION	DESCRIPTION
TEA HOUSE				
GLS.01	GLAZING		TEA HOUSE	GLAZING FOR RESTORED FENESTRATION AS PER HERITAGE CONSULTANT'S SPECIFICATION
MA-03	TEA HOUSE BRICK		TEA HOUSE	EXISTING AND RESTORED BRICK FACADE ON TEA HOUSE
MA-04	TEA HOUSE SILL		TEA HOUSE	SILL AT BASE OF EXISTING AND RESTORED TEA HOUSE FENESTRATION
MA-05	TEA HOUSE PLASTER		TEA HOUSE	PLASTER DETAILS EXISTING AND RESTORED ON TEA HOUSE FACADE



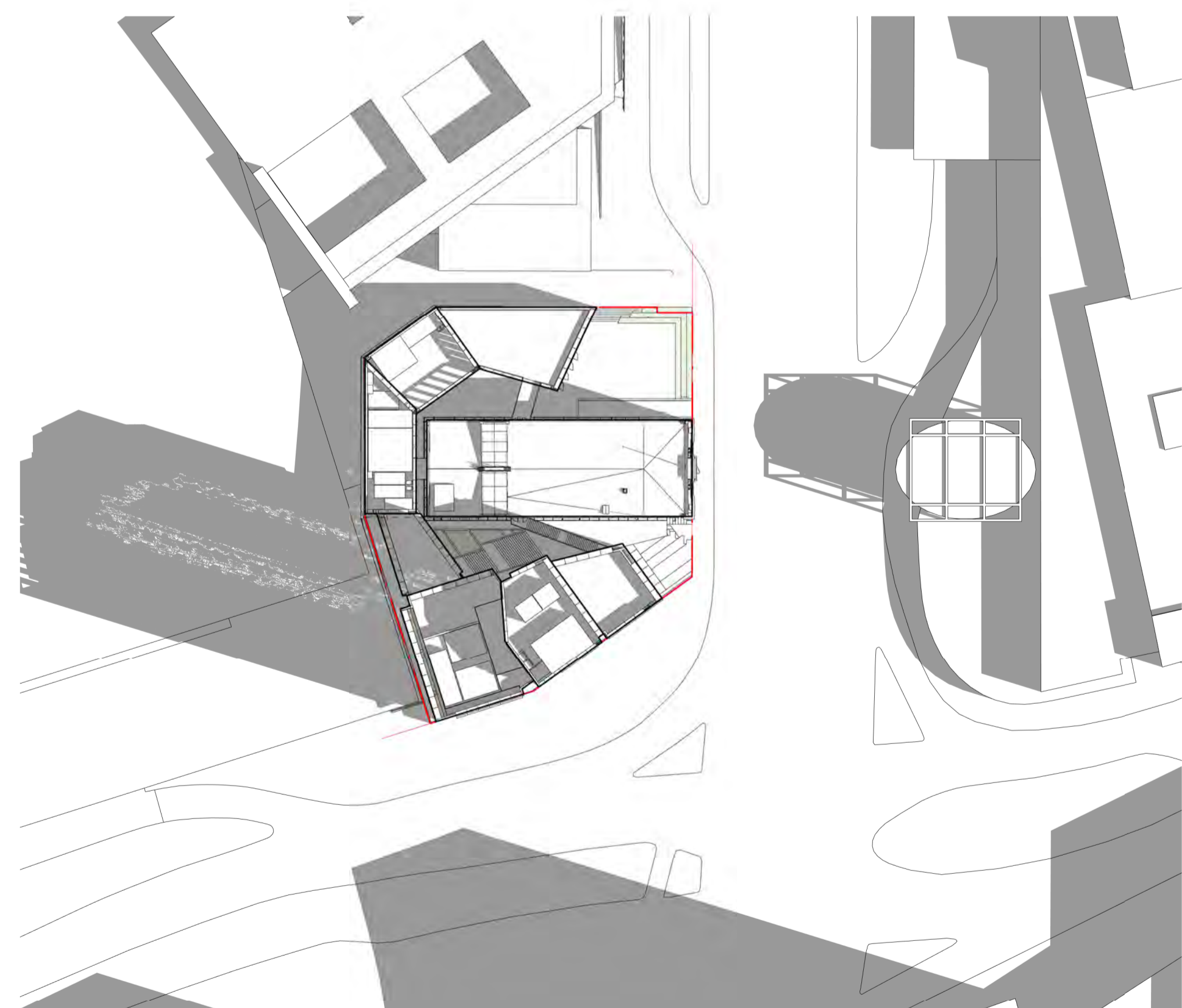
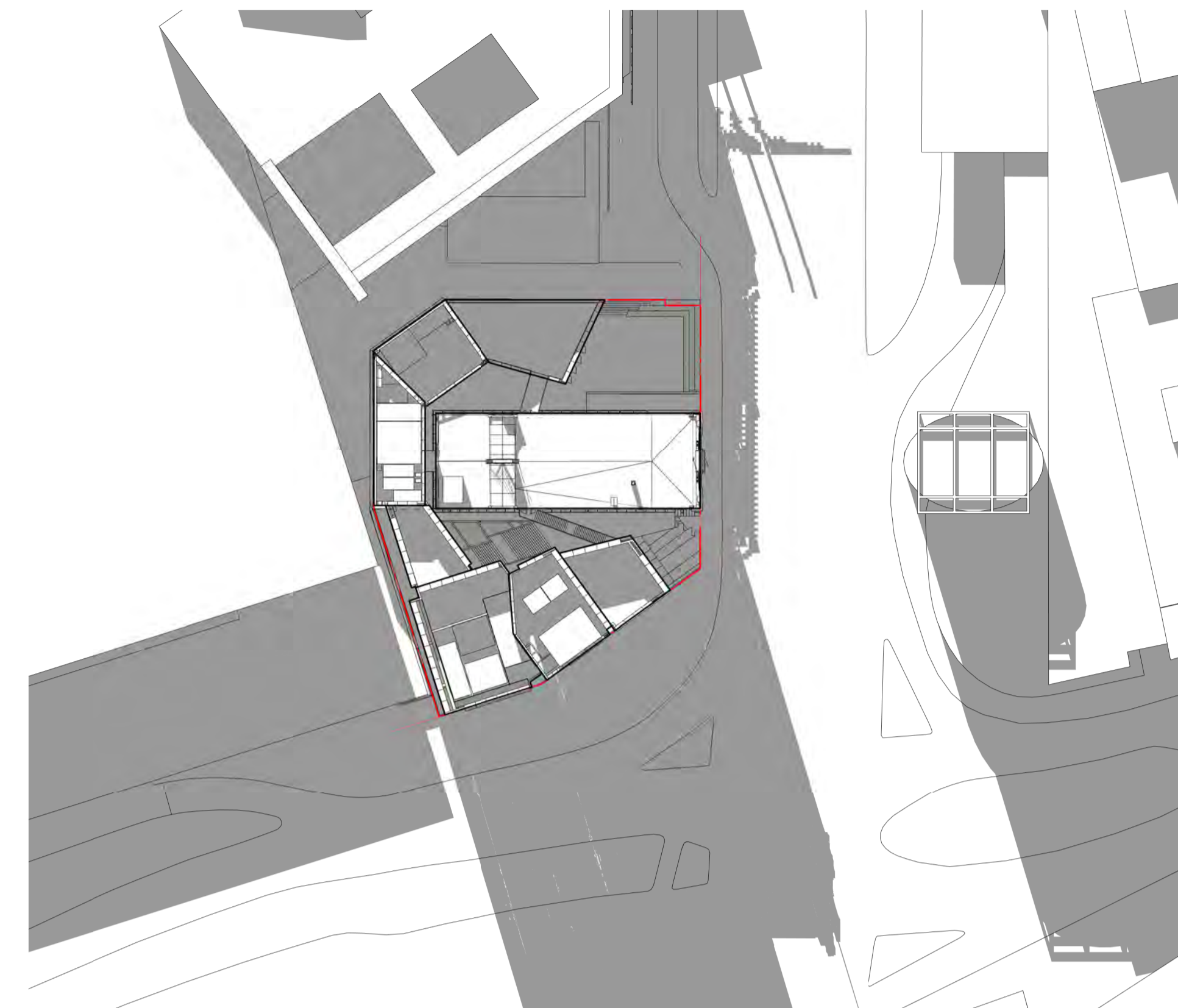
WINTER SOLSTICE
JUNE 21
21 JUNE 9AM



21 JUNE 12PM



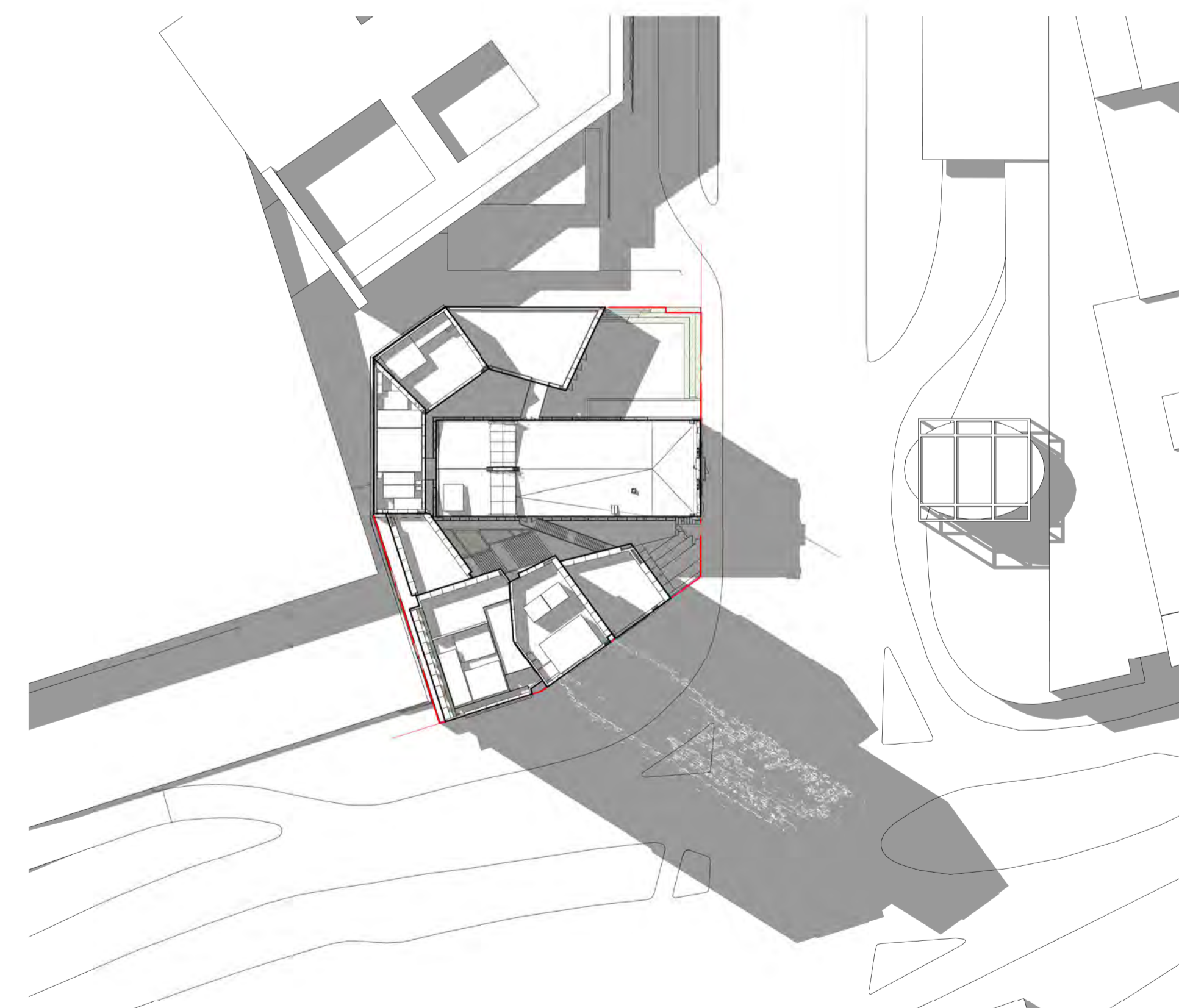
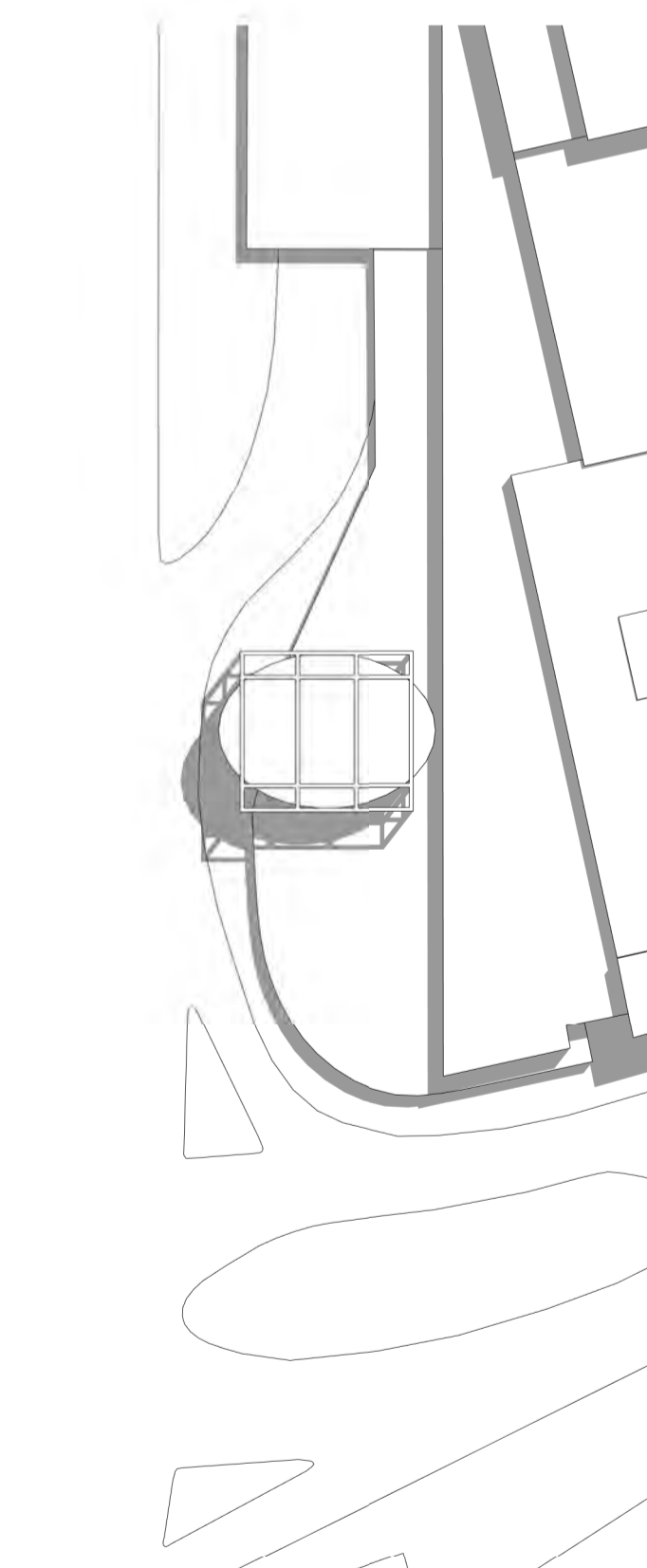
21 JUNE 3PM



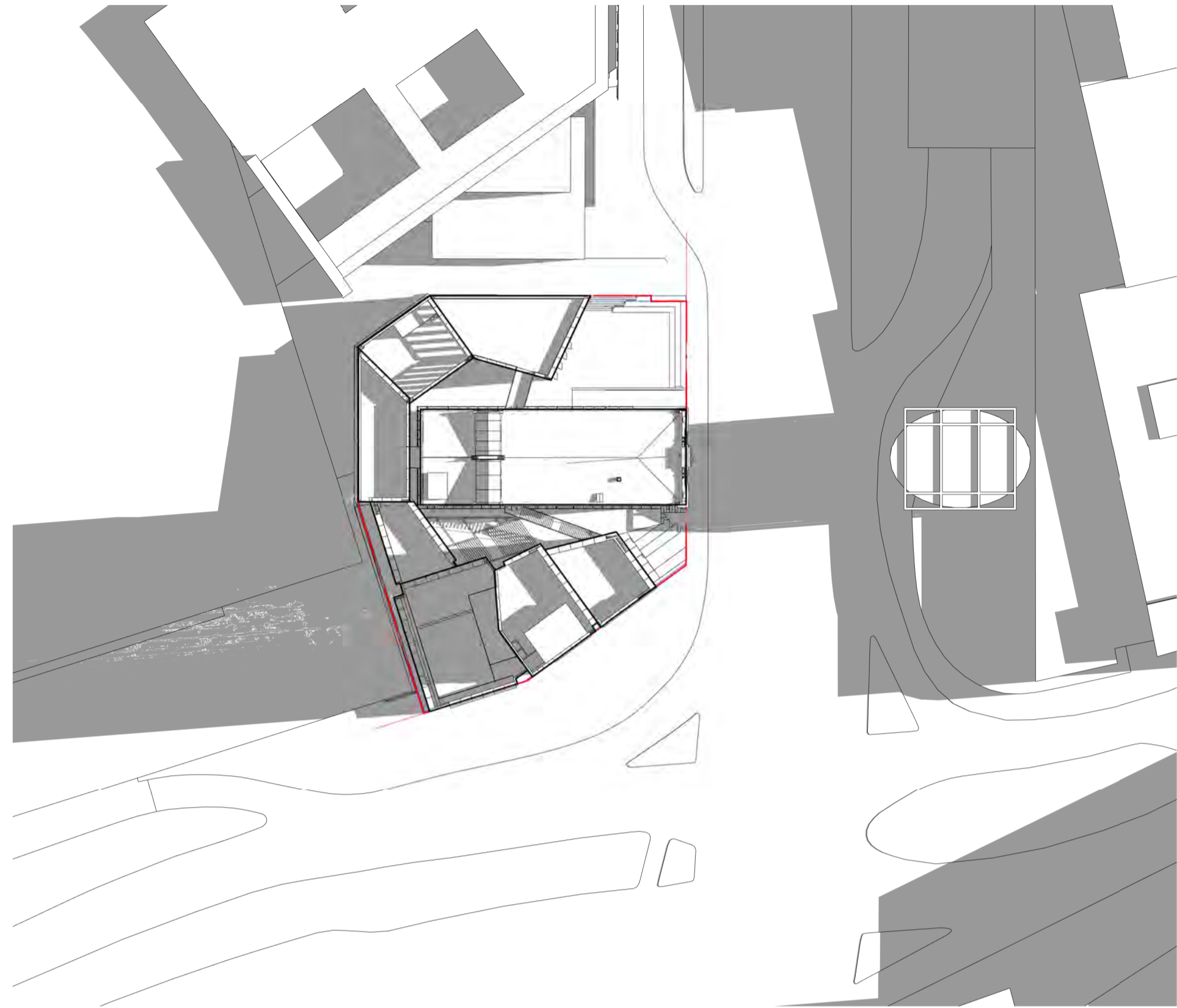
SUMMER SOLSTICE
DECEMBER 22
22 DECEMBER 9AM



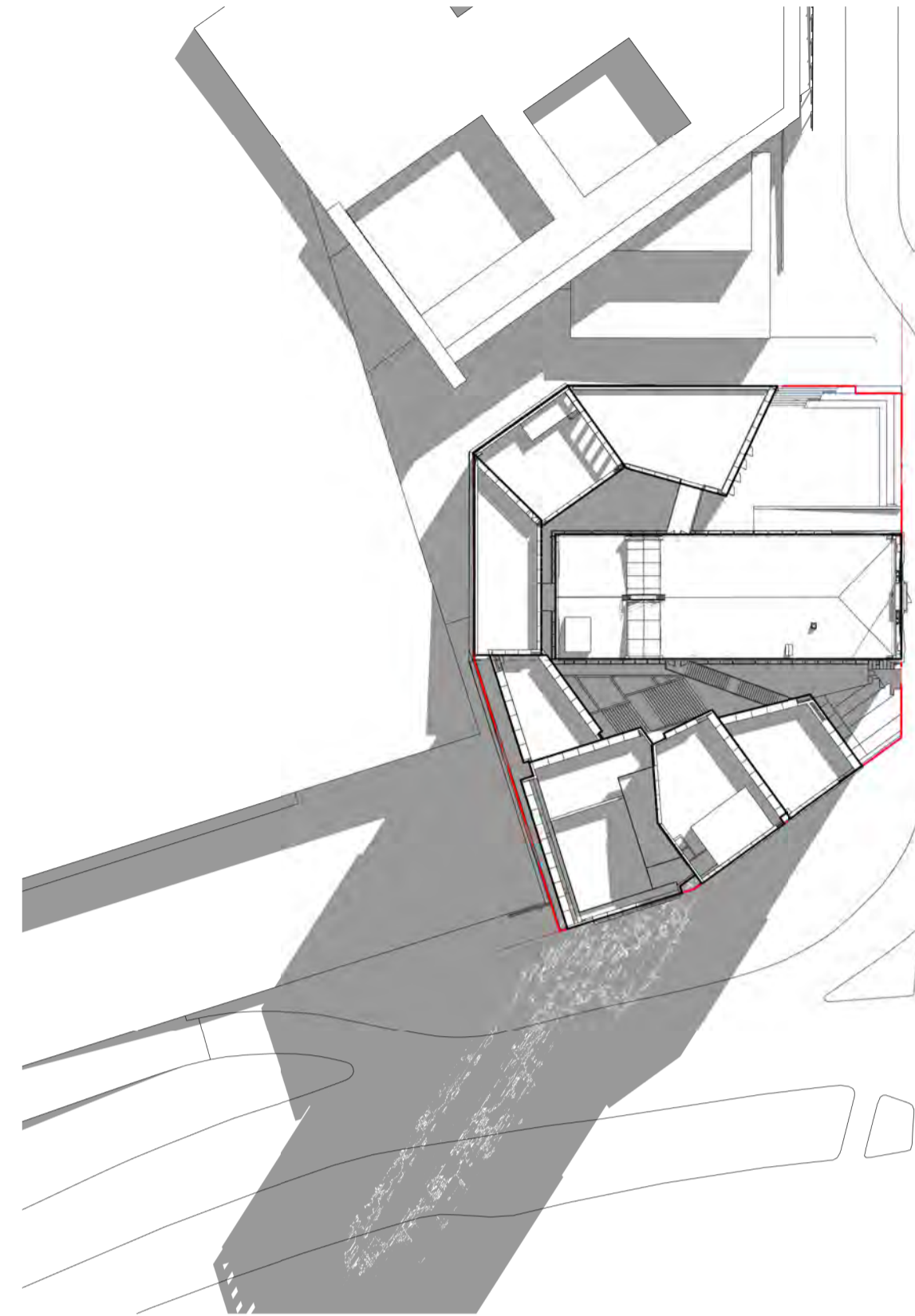
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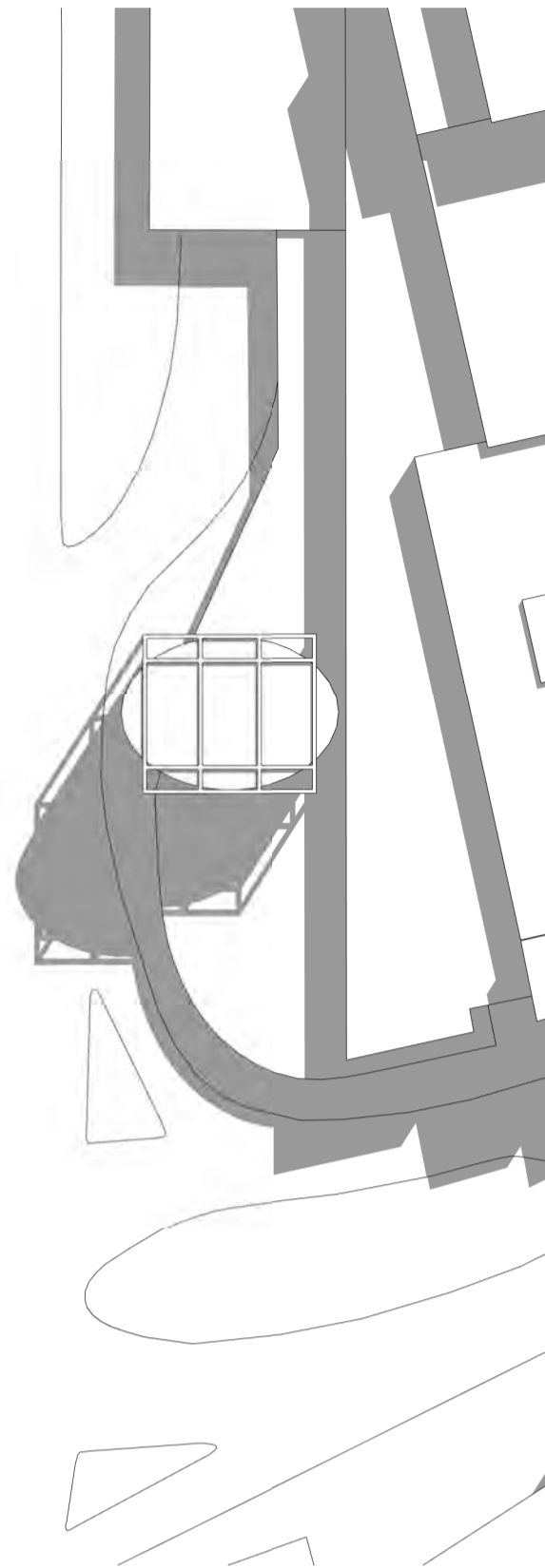
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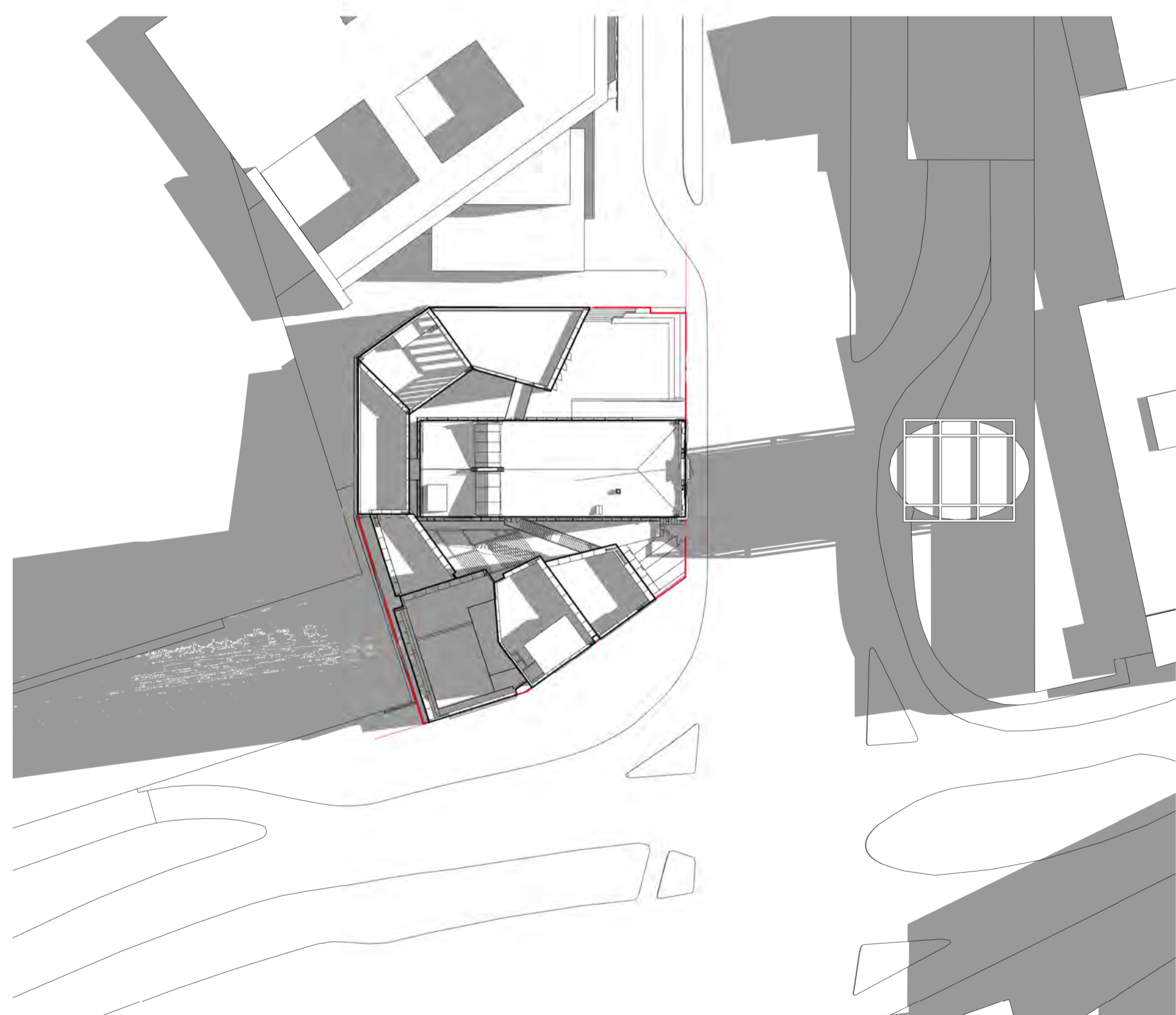
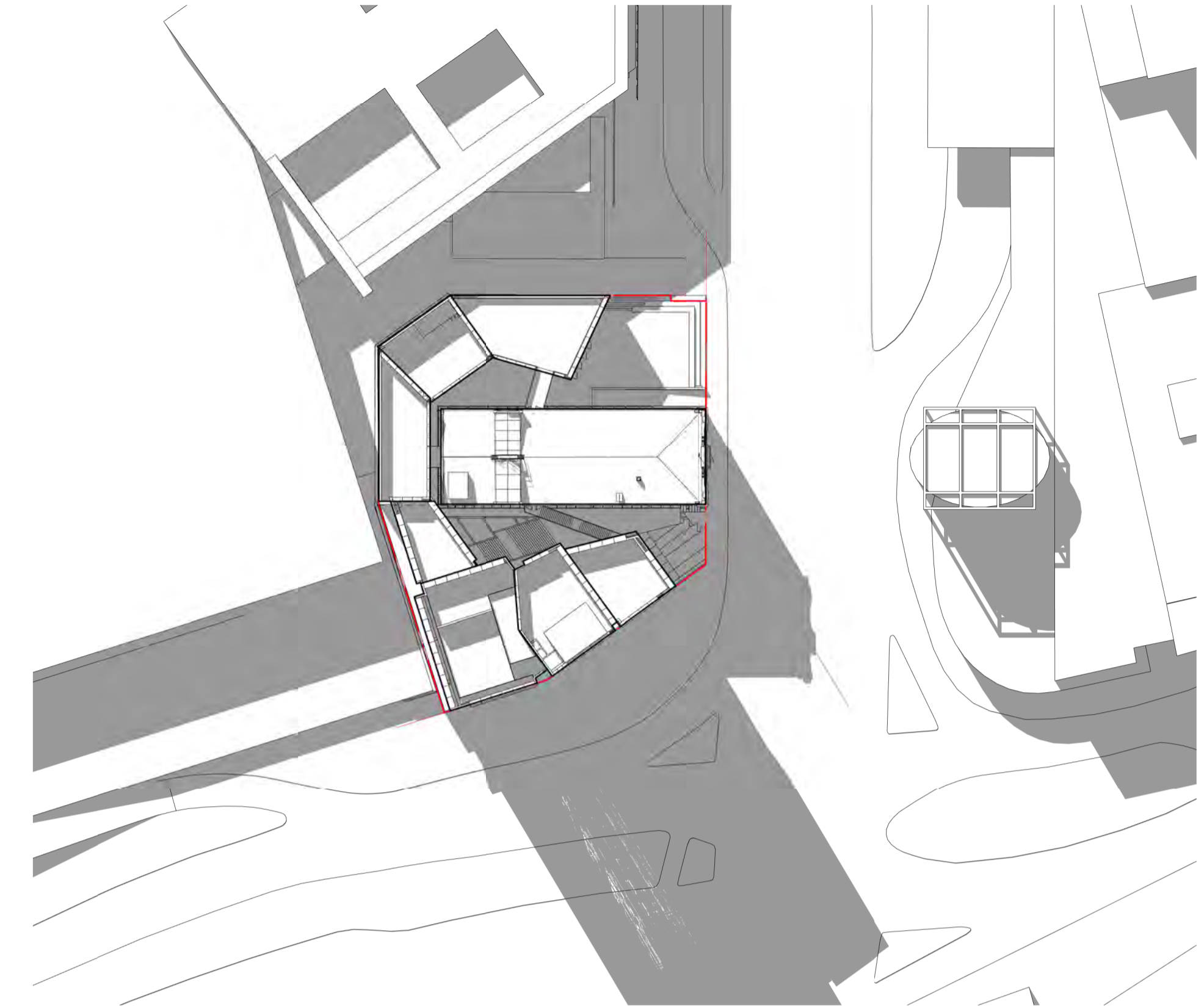
AUTUMN EQUINOX
MARCH 22
22 MARCH 9AM



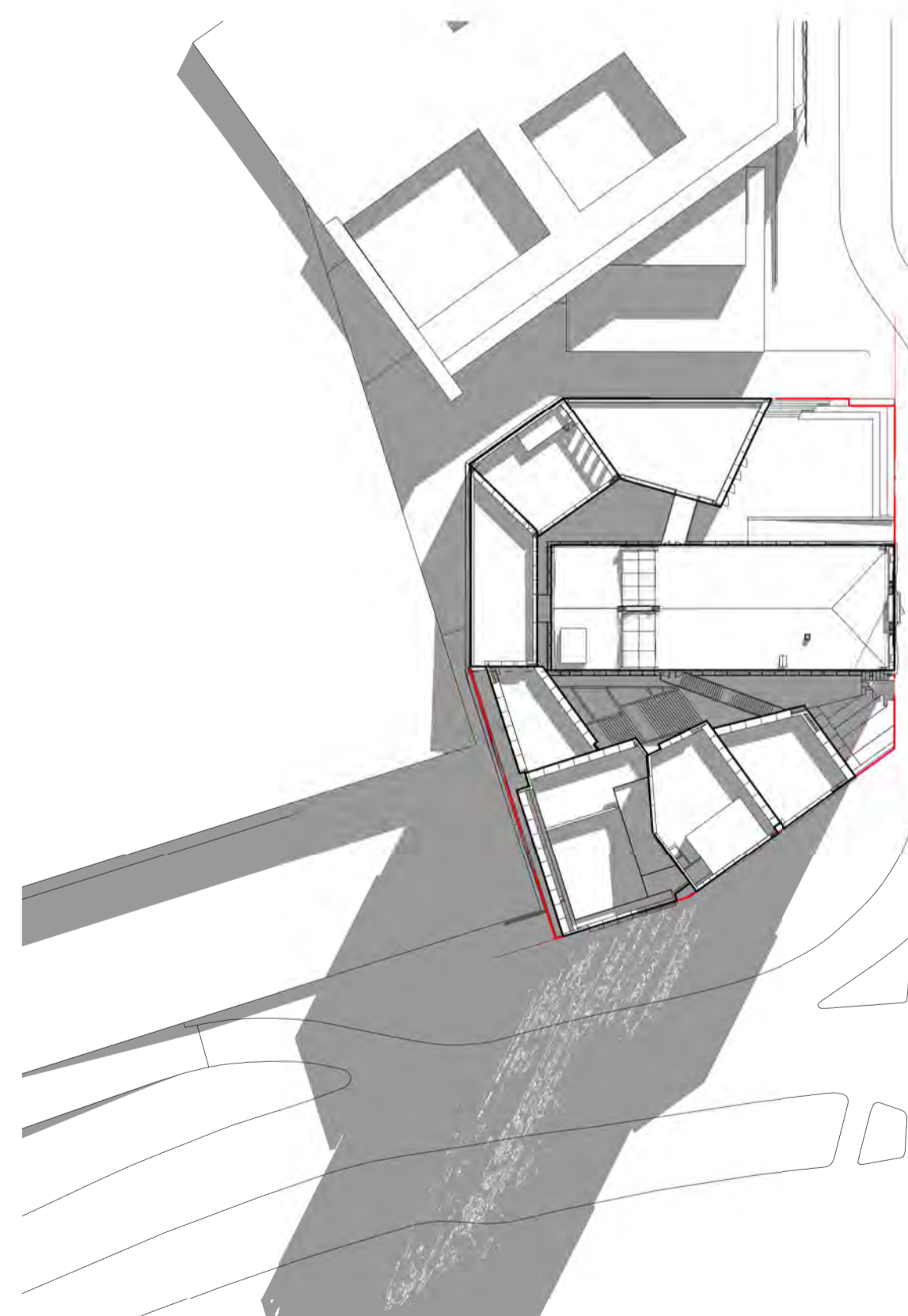
22 MARCH 12PM



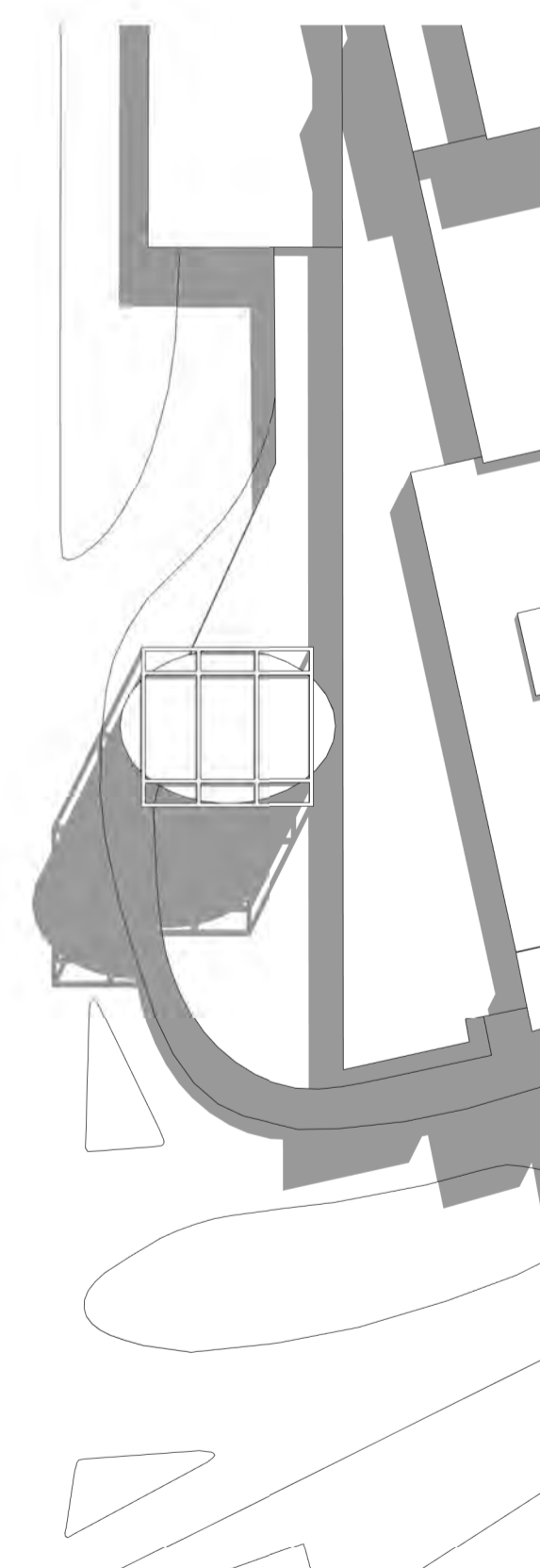
22 MARCH 3PM



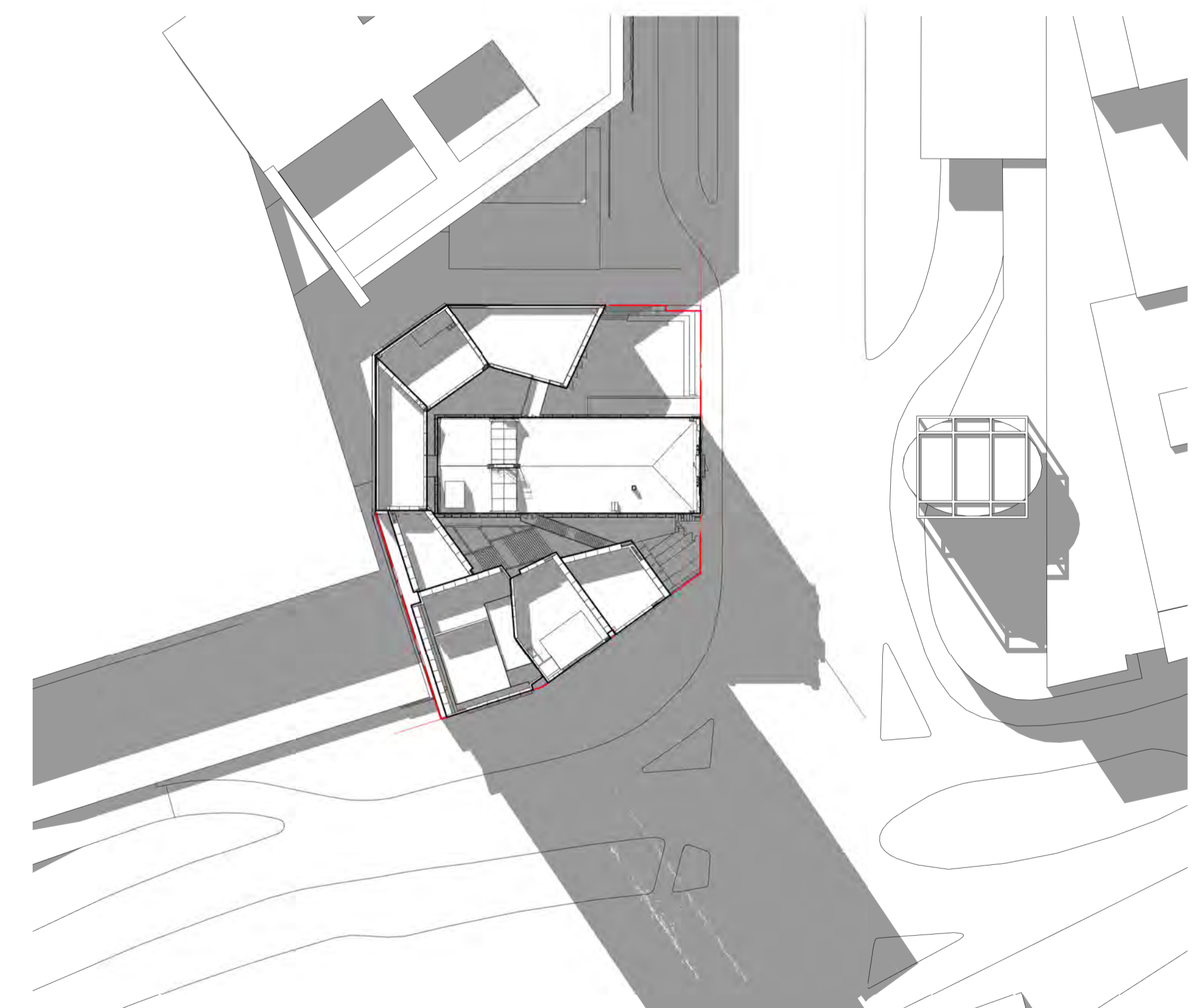
SPRING EQUINOX
SEPTEMBER 22
22 SEPTEMBER 9AM



22 SEPTEMBER 12PM



22 SEPTEMBER 3PM



OVERALL GFA

NOTE: GROSS FLOOR AREA (GFA) IS CALCULATED AS THE SUM OF 'FULLY ENCLOSED AREAS' (FECA) AND 'UNENCLOSED COVERED AREAS(UCA) AS DEFINED BY THE AUSTRALIAN INSTITUTE OF QUANTITY SURVEYORS (AIQS) BOOK OF AREAS, AND MEASURED TO INSIDE FACE (I.E. EXCLUDING THE WALL OR BALUSTRADE THICKNESS).

EXCLUDED FROM THE GROSS FLOOR AREA ARE THE FOLLOWING:

- void area for vertical circulation, such as lifts and stairs, and
- any basement;
- any balconies and rooftop terraces

NET SALEABLE AREA (NSA) IS CALCULATED IN ACCORDANCE TO PROPERTY COUNCIL OF AUSTRALIA (PCA) GUIDELINES AND MEASURED TO FOLLOWING METHODOLOGY:

- Commercial/Retail NSA** measured excludes fire stairs, amenities, lift shafts and service risers. (Assumed whole floor tenancy)
- to the internal face of all abutting core/stair/shaft/service riser walls
 - to the internal face of the glazing line
 - to the internal finished surfaces of the internal walls and outer building walls

OVERALL GFA PER USE

USE	AREA
F&B	918 m ²
F&B + RETAIL	439 m ²
HOTEL	10218 m ²
HOTEL AMENITIES	616 m ²
LOBBY	334 m ²
OFFICE	1964 m ²
OFFICE TEA HOUSE	2744 m ²
PLANT / BOH	1343 m ²
PORTE COCHERE / CARPARK ACCESSWAY	603 m ²
	19179 m ²

SITE AREAS

BASEMENT AREAS

NAME	AREA
BASEMENT NORTH	607 m ²
BASEMENT SOUTH	964 m ²
	1571 m ²

PUBLIC OUTDOOR AREA

NAME	AREA
SOUTHERN COURTYARD	193 m ²
TEA GARDEN FORECOURT	513 m ²
	706 m ²

TERRACES

NAME	AREA
GATEHOUSE ROOFTOP GARDEN	199 m ²
EXCHANGE HOUSE ROOFTOP GARDEN	126 m ²
TERRACE GARDEN ONE	131 m ²
TERRACE GARDEN TWO	97 m ²
ROBUR TERRACE GARDEN THREE	96 m ²
ROBUR TERRACE GARDEN THREE	50 m ²

TOTAL SHARED VISITOR BIKE SPACES	28
TOTAL SHARED SECURE BIKE SPACES	60
TOTAL MOTORBIKE PARKING	6
TOTAL CAR PARKING SPACES	67

COMMERCIAL GFA & NSA

COMMERCIAL GFA

LEVEL	USE	AREA
L00	OFFICE EOT	121 m ²
Lc01	OFFICE	528 m ²
Lc02	OFFICE	528 m ²
Lc03	OFFICE	309 m ²
Lc04	OFFICE	309 m ²
Lc05	OFFICE	169 m ²
Lc01	OFFICE TEA HOUSE	537 m ²
Lc02	OFFICE TEA HOUSE	548 m ²
Lc03	OFFICE TEA HOUSE	548 m ²
Lc04	OFFICE TEA HOUSE	556 m ²
Lc05	OFFICE TEA HOUSE	556 m ²
		4708 m ²

COMMERCIAL NSA

LEVEL	USE	AREA
Lc01	OFFICE	463 m ²
Lc02	OFFICE	464 m ²
Lc03	OFFICE	246 m ²
Lc04	OFFICE	246 m ²
Lc05	OFFICE	111 m ²
Lc01	OFFICE TEA HOUSE	540 m ²
Lc02	OFFICE TEA HOUSE	550 m ²
Lc03	OFFICE TEA HOUSE	549 m ²
Lc04	OFFICE TEA HOUSE	561 m ²
Lc05	OFFICE TEA HOUSE	558 m ²

RETAIL GFA & NSA

RETAIL GFA

LEVEL	USE	AREA
L00	F&B	109 m ²
L00	F&B + RETAIL	439 m ²
L00.1.PODIUM	F&B	599 m ²
Lc03	F&B	210 m ²
		1357 m ²

RETAIL NSA

LEVEL	USE	AREA
Lc00	F&B	106 m ²
Lc00	F&B + RETAIL	431 m ²
L00.1.PODIUM	RESTAURANT	232 m ²
L00.2.PODIUM	BAR	136 m ²
Lc03	F&B	199 m ²
		1104 m ²

HOTEL AREAS

HOTEL NUMBER SCHEDULE

LEVEL	COUNT	ROOM TYPE	NSA
L01	4	HOTEL ROOM	124 m ²
L01: 4			124 m ²
L03	13	HOTEL ROOM	419 m ²
L03	1	HOTEL SUITE	57 m ²
L03: 14			476 m ²
L04	13	HOTEL ROOM	419 m ²
L04	1	HOTEL SUITE	57 m ²
L04: 14			476 m ²
L05	13	HOTEL ROOM	417 m ²
L05	1	HOTEL SUITE	57 m ²
L05: 14			474 m ²
L06	13	HOTEL ROOM	417 m ²
L06	1	HOTEL SUITE	57 m ²
L06: 14			474 m ²
L07	12	HOTEL ROOM	382 m ²
L07	2	HOTEL SUITE	93 m ²
L07: 14			474 m ²
L08	13	HOTEL ROOM	417 m ²
L08	1	HOTEL SUITE	57 m ²
L08: 14			474 m ²
L09	13	HOTEL ROOM	417 m ²
L09	1	HOTEL SUITE	57 m ²
L09: 14			474 m ²
L10	13	HOTEL ROOM	417 m ²
L10	1	HOTEL SUITE	57 m ²
L10: 14			474 m ²
L11	13	HOTEL ROOM	417 m ²
L11	1	HOTEL SUITE	57 m ²
L11: 14			474 m ²
L12	1	HOTEL ROOM	40 m ²
L12	5	HOTEL SUITE	298 m ²
L12: 6			338 m ²
L13	9	HOTEL ROOM	295 m ²
L13	1	HOTEL SUITE	57 m ²
L13: 10			353 m ²

HOTEL NUMBER SCHEDULE

LEVEL	COUNT	ROOM TYPE	NSA
L14	9	HOTEL ROOM	295 m ²
L14	1	HOTEL SUITE	57 m ²
L14: 10			353 m ²
L15	9	HOTEL ROOM	297 m ²
L15	1	HOTEL SUITE	57 m ²
L15: 10			354 m ²
L16	5	HOTEL ROOM	163 m ²
L16	1	HOTEL SUITE	113 m ²
L16: 6			276 m ²
L17	8	HOTEL ROOM	272 m ²
L17: 8			272 m ²
L18	8	HOTEL ROOM	272 m ²
L18: 8			272 m ²
L19	8	HOTEL ROOM	272 m ²
L19: 8			272 m ²
L20	8	HOTEL ROOM	272 m ²
L20: 8			272 m ²
L21	8	HOTEL ROOM	272 m ²
L21: 8			272 m ²
L22	8	HOTEL ROOM	272 m ²
L22: 8			272 m ²
L23	1	HOTEL SUITE	104 m ²
L23: 1			104 m ²
L24	1	HOTEL SUITE	107 m ²
L24: 1			107 m ²
L25	1	HOTEL SUITE	106 m ²
L25: 1			106 m ²

HOTEL ROOM COUNT

ROOM TYPE	AREA	COUNT
HOTEL ROOM	6569 m ²	201
HOTEL SUITE	1450 m ²	22
Grand total: 223	8019 m ²	

DELEGATE REPORT

PLANNING PERMIT APPLICATION

Application number:	TP-2021-345
Applicant:	Clarendon Tea House Pty Ltd
Owner:	Clarendon Tea House Pty Ltd
Architect:	Snøhetta
Address:	Robur Tea House, 28 Clarendon Street, SOUTHBANK
Proposal:	Partial demolition of the existing building and construction of a mixed use building comprising a residential hotel, office and retail premises together with the alteration of access to a road in a Transport Zone, Category 2
Cost of works:	\$89 million
Date of application:	3 June 2021
Responsible officer:	Nick McLennan, Manager Statutory Planning

1 SUBJECT SITE AND SURROUNDS

1.1 Subject Site

The subject site (the Site) is located at the north-west corner of the intersection of Clarendon Street and Normanby Road, Southbank, and adjoins the Melbourne Convention and Exhibition Centre to its rear.

The Site is irregular in shape with a frontage to Clarendon Street of 43 metres, curving to a boundary of 52 metres along Normanby Road. The overall site area is approximately 2,944 square metres.

The Site is currently occupied by the Robur Tea House, a 6 storey red brick warehouse constructed in 1887-1888 as a warehouse and factory for printers and manufacturing stationers Fergusson & Mitchell. In 1906 the building was occupied by merchants and shipping agents James Service & Co, importers of grocery items from India and the Far East who specialised in Robur Tea, hence the renaming of the building as Robur Tea House.

A red brick lift core was added to the building's south-east side in the 1980s and included a pedestrian entrance to the building via steps from the Clarendon Street boundary.

Open-air car parking is provided to the north, west and south sides of the building, with access via a crossover on Normanby Road.



Figure 1: Aerial image of Site (Source: Compass)



Figure 2: Image of Site from Clarendon Street (Source: Google Streetview)

The Site is included on the Victorian Heritage Register under *the Heritage Act 2017* (Ref H526). The Victorian Heritage Database Report for the Site explains its significance:

The Robur Tea Building is of scientific (technical) significance because of several innovative techniques employed in its construction. The most notable feature of the building is the solution to the problem of foundations. The building was erected on a swampy site and initial advice to the owners was that a building of the size proposed was not feasible. The engineer John Grainger was engaged and he devised a system of 450 ironbark piles and concrete rafts to support the six storey structure. It was a remarkable solution and no directly comparable buildings exist because such difficult foundations were not tackled again until after WWI. Another innovation was the use of steel beams supporting the floors, one of the earliest uses of such technology in Victoria. These innovations are a tribute to John Grainger, architect and engineer, who, in partnership with several reputed architects, contributed to such noted structures as Princes Bridge, the swing bridge over the La Trobe River at Sale, the administration block of the Melbourne Town Hall, Elizabeth House and Collins House and the conversion of Cliveden Mansions, East Melbourne.

The Robur Tea Building is of architectural significance as one of the finest and most prominent examples of a 19th century warehouse in Melbourne. It was for many years one of the tallest buildings outside the CBD, its height and freestanding character making it a South Melbourne landmark even today. The functional requirements of a warehouse are clearly evident in its simple box-like shape, but a certain amount of pride is expressed in the restrained decoration of the eastern facade. The Robur Tea Building is of architectural significance as a noted work of Nahum Barnet. Barnet was a most prominent architect in the four decades that saw Melbourne emerge from the 1890s depression and flourish during the Edwardian period. Certain architectural details indicate that this building was seminal in Barnet's development as an architect. In particular the central arched motif links the six storeys of the facade, a detail that became a major element in his central city buildings. Buildings such as the Auditorium Building, Paton Building and the Davison Building at the corner of Collins Street and Elizabeth Street are

typical of his city buildings. Barnet's practice was extensive, however, and included such buildings as the Villa Chandos in East Melbourne, the Florida Mansions in St Kilda and the Toorak Road Synagogue. The Robur Tea Building is of historical significance as a reminder of the character and location of 19th century commerce in Melbourne. The Tea building is one of the few remaining traces of the industrial and warehousing establishments that until the 1970s and 1980s dominated the south bank of the Yarra, in an area where swampy land made substantial building difficult and residential development unattractive. These older uses have now been 'swamped' in their turn by leisure and luxury apartment developments. While the building has been known for some time as the Tea House, it is worth remembering that it was originally constructed as a stationer's warehouse and factory, and is now one of the few remaining factory buildings in the centre of the city. Its later use as a tea warehouse also serves as a reminder that this part of the river bank was once a thriving wharf area, before bigger ships and changed cargo handling methods led to the construction of larger capacity port facilities further towards the mouth of the Yarra.

The Site is also identified as being in an area of cultural heritage sensitivity, as defined in the *Aboriginal Heritage Regulations 2018* where Aboriginal places are more likely to be located.

1.2 Surrounds

As described above, the Melbourne Convention and Exhibition Centre adjoins the Site to the rear, with vehicle access from Normanby Road, pedestrian access from Clarendon Street, and a vehicle drop-off service road also from Clarendon Street.

Crown Casino sits on the east side of Clarendon Street and the Yarra River is approximately 120 metres north.

Whiteman Street, to the south, runs parallel to Normanby Road and is occupied by the Crown Metropol Hotel to the east and multi-storey apartment buildings to the west.

Clarendon Street features two lanes of traffic travelling north-south, separated by tram tracks, with a tram stop approximately 100 metres north. Similarly, Normanby Road also features two lanes of traffic travelling east-west, separated by a landscaped median. The Clarendon Street tram junction separates Normanby Road from Whiteman Street and caters for several different tram routes.

Given the number of tram stops within 100 metres of the Site, as well as other public transport options in walking distance, the Site is well served by public transport and in proximity to a range of services and facilities expected with the Site's location at the edge of the Central City.

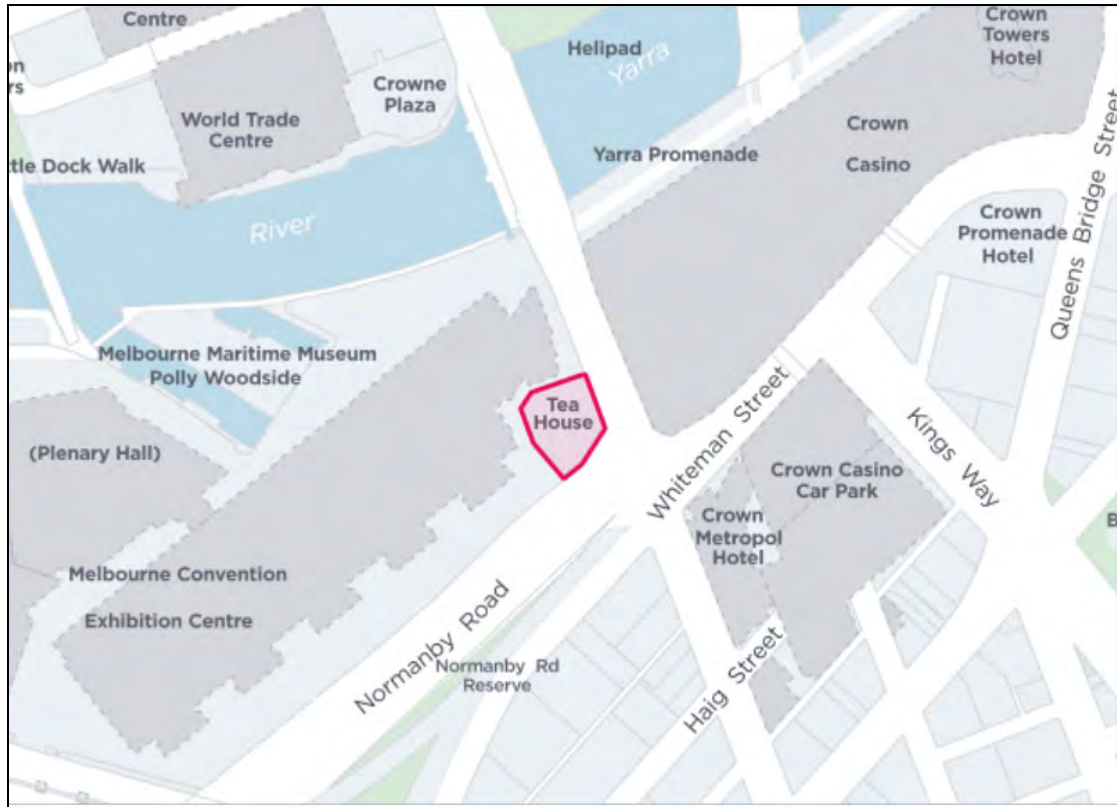


Figure 3: Location plan (Source: Compass)

2 BACKGROUND AND HISTORY

2.1 Pre-application discussions

Pre-application discussions were held prior to the application being submitted.

2.2 Planning Application History

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

TP number	Description of Proposal	Decision & Date of Decision	Officer Comment
PA-2020-334	Pre-application advice for Robur Tea House	Completed 29 July 2020	Pre-application process included meeting with Office of the Victorian Government Architect. See Section 9.
TP-2017-801	Partial demolition and buildings and works to construct a multi-storey building and altering access to a road in a Road Zone Category 1	Application lapsed 6 June 2019	Application lodged concurrently with application to Heritage Victoria, described below. Lapsed following HV refusal.
HV-2017-57	Permit application for Robur Tea Building to extend the area of registration and to construct a new building	Refused by Heritage Victoria 21 December	Grounds included (summarised): <ul style="list-style-type: none"> • 24 storey tower would have a

	(Heritage Victoria Number P27432)	2018	<p>substantial detrimental impact on cultural heritage significance of the place and on the setting and views of the place; and</p> <ul style="list-style-type: none"> • Viable economic use of the place does not require level of change proposed.
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2.3 Heritage Victoria

The subject site is included on the Victorian Heritage Register (H526).

As part of Council's request for further information to the applicant, the need for an application to Heritage Victoria to be submitted concurrently with the planning permit application was outlined, given that heritage matters form crucial element of the Site's redevelopment.

The applicant was advised that this approach would ensure that if the proposal was supported, heritage matters would also be resolved and the heritage and planning approvals would therefore be consistent with each other.

At the time of writing, Council has been advised that no application has been made to Heritage Victoria.

Should a permit be issued under the current application, it does not necessarily follow that a permit will also be granted by Heritage Victoria. Should a permit be granted in the future by Heritage Victoria, it may also mean that any planning permit issued may need to be amended via an application under Section 72 of the *Planning and Environment Act 1987* to be consistent with that permit.

The applicant has submitted a memorandum by Lovell Chen dated 27 May 2021 titled 'summary comment on heritage issues', which discusses the key differences between the previous proposal, which was refused by Heritage Victoria, and the current proposal:

Across the design as a whole and as compared to the 2017-18 proposal, the emphasis is on delivering a very refined architectural composition whereby the bulk and form of the development has been crafted to respond to the materiality, structure and presence of the existing building. A careful balance has been struck between maintaining the heritage landmark presence of the Tea House and equally delivering an enclosing form which avoids stark contrasts. The response is one which maintains the primary views to the building from the north and east and opens up now concealed views to the east end of the south facade.

It is noted that Council reserves the right to provide comment, feedback and/or object to the future Heritage Permit application when lodged with Heritage Victoria.

2.4 Office of the Victorian Government Architect

Heritage Victoria requested an independent design review of the proposal by the OVGA prior to lodgement of the planning application.

Two separate reviews were undertaken in September and December 2020, with the final report by the OVGA in December 2020 building on earlier advice provided in September 2020. Council attended both review meetings.

The OVGA was generally supportive of the proposal; however, identified the need for:

- Further justification of the scale, density and number of towers.
- Greater separation between the Tea House and proposed built form.
- The consideration of sightlines.
- Further resolution of the interfaces with the Melbourne Convention and Exhibition Centre.
- The need for slender tower forms and high quality materials to be retained.
- Improvement of activation to Normanby Road.

The proposal was revised following this advice and a report addressing the above was submitted as part of the current application.

These items will be discussed further in Section 11.

2.5 Section 57A Amendment

In response to ongoing discussions with Council officers and Melbourne Water, the permit applicant amended the application pursuant to Section 57A of the *Planning and Environment Act 1987* (Act) on 22 June 2022 and included the following changes:

- Modifications to the Normanby Rad frontage / elevation including relocation of services (including the sub-station) and introduction of an additional entry.
- Increased setback to Clarendon Street for the south building.
- Increased setback to the Tea House for the south building.
- Increased setback to the Tea House for the north building.
- Internal changes to the Porte-Cochere area.
- Changes and increases in the floor levels throughout the site.
- Minor programmatic changes.
- Deletion of the 'branded residences' component associated with the hotel use and the use of the south building being wholly residential hotel rooms.

The application was again amended pursuant to Section 57A of the Act on 3 August 2022. The amendments included the following changes:

- Reduction of three car spaces to provide a total of 67 spaces in accordance with the statutory requirement.
- Provision of additional bicycle parking spaces in excess of the statutory requirement.
- Clarification that the proposal includes 223 hotel rooms.

The architectural plans subject to assessment in this report are the s57A amendment plans prepared by Snøhetta Revision 28, 30 and 31 dated 23 May and 2 August 2022 and submitted to Council on 3 August 2022.

3 PROPOSAL

The application proposes partial demolition of the existing building and construction of two new buildings on the Site (a north and south building), to contain a residential hotel, office and retail premises. The application also proposes the alteration of access to a road in a Transport Zone, Category 2.

The plans which have been considered in this planning assessment are those plans formally submitted pursuant to s57A of *the Planning and Environment Act 1987* on the 3 August 2022.

The development summary includes the following:

Site area	2,948 m ²
Gross Floor Area (GFA)	19,179 m ²
Hotel rooms	223
Commercial area NLA	4,286 m ²
Retail NLA	1,104 m ²
Residential Hotel	8,019 m ²
Car parking spaces	67
Motorbike spaces	6
Bicycle parking spaces	88

The 'north' building is located to the north and west of the Tea House and is between 3 and 6 levels in height, with Level 6 to the west only, and slightly higher than the Tea House roof. A bridge link will be constructed between the rear of the Tea House and north building with a second link between the north side of the Tea House and rooftop terrace at Level 1 of the north building.

The 'south' building will feature a 2 storey podium with interconnected towers with heights of 12, 16, 23 and 25 levels with plant above.

A basement will be constructed on either side of the existing building, with car parking provided in stackers to the north, and back of house / services to the south.

Vehicle access will be via the existing crossover on Normanby Road, with the provision of a porte-cochere adjacent to the south building lobby, and basement ramp along the west side of the Site.

The majority of the ground floor will be occupied by retail, food and beverage tenancies and the lobby for the hotel. A ramped walkway will be provided for pedestrian access from Clarendon Street and an adjacent garden forecourt is shown allowing access between the Site and the Melbourne Exhibition and Convention Centre.

Above ground floor, the existing building and north building will house office space in the podium and Levels 1, 2 and 3, with roof top food and beverage tenancies at Levels 1 and 3 on the north building, and roof top services at Level 5.

Above ground floor in the south building a restaurant and bar will be provided in the podium level; hotel pool and fitness facilities at Level 1; hotel rooms at Levels 1 and 3-25. Four hotel garden terraces will be provided for hotel guests between Level 12 and 24.



Figure 4: Proposal viewed from the east in front of Crown Casino (Source: Applicant)



Figure 5: Proposal viewed from south-west on Normanby Road (Source: Applicant)

4 STATUTORY CONTROLS

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

Clause	Permit Trigger
Clause 37.04 Capital City Zone Schedule 3	<p>Use – permit not required</p> <p>Buildings and works – permit required</p> <p>Demolition – permit required</p> <p>Pursuant to Clause 37.04-1, a permit is not required to use the land for:</p> <ul style="list-style-type: none"> • Accommodation (on the condition that the ground floor of the building has a floor to ceiling height of at least 4 metres); • Office; or • Retail premises (other than Adult sex bookshop, Department store, Hotel, and Tavern). <p>Pursuant to Clause 37.04-4, a permit is required to construct a building or construct or carry out works and to demolish or remove a building or works.</p> <p>A permit must not be granted or amended (unless the amendment</p>

	<p>does not increase the extent of non-compliance) to construct a building or construct or carry out works with a floor area ratio in excess of 18:1 on land to which schedule 10 to the Design and Development Overlay applies. Given the Site is not affected by Schedule 10, this is not relevant to the current application.</p> <p>Section 3 of Schedule 3 to the zone states that a permit is not required for alterations to a building authorised under the Heritage Act, provided the works do not alter the existing building envelope or floor area.</p>
<p>Clause 43.01 Heritage Overlay HO765 Mitchell and Robur Tea House 28 Clarendon Street, Southbank</p>	<p>Buildings and works and demolition –permit not required</p> <p>Pursuant to Clause 43.01, a permit is not required under the overlay to develop a heritage place which is included in the Victorian Heritage Register.</p>
<p>Clause 43.02 Design and Development Overlay Schedule 1 Urban Design in Central Melbourne</p>	<p>Buildings and works –permit required</p> <p>Pursuant to Clause 43.02, a permit is required to construct a building or construct or carry out works unless a schedule to the overlay specifically states that a permit is not required.</p> <p>Section 2.2 of Schedule 1 states that a permit is not required to develop a heritage place which is included on the Victorian Heritage Register if either:</p> <ul style="list-style-type: none"> • A permit for the development has been granted under the Heritage Act 2017. • The development is exempt under Section 66 of the Heritage Act 2017 <p>A permit has not been granted under the Heritage Act 2017 and the development is not exempt. Therefore, a permit is required.</p>
<p>Clause 43.02 Design and Development Overlay Schedule 60-A1 Special Character Areas – Built Form (Southbank)</p>	<p>Buildings and works – permit required</p> <p>Pursuant to Clause 43.02, a permit is required to construct a building or construct or carry out works unless a schedule to the overlay specifically states that a permit is not required.</p> <p>The application does not meet the exemptions in Schedule 60 and, therefore, a permit is required.</p> <p>The schedule specifies a range of mandatory and discretionary requirements relating to built form, wind effects, and overshadowing to be met.</p>
<p>Clause 45.09 Parking Overlay Schedule 1 Capital City Zone – Outside the Retail Core</p>	<p>No Permit required</p> <p>Pursuant to Clause 45.09-3, a permit is required to provide parking in excess of the car parking rates as follows:</p> <p>Where no part of the site is used for dwellings the number of car parking spaces must not exceed the number calculated using one of the following formulas:</p> <p>Maximum spaces =</p> <ul style="list-style-type: none"> • 5 x net floor area of buildings on that part of the site in sqm/1000 sqm; or • 12 x that part of the site area in sqm/1000 sqm. <p>However, Schedule 1 also goes on to say the permit requirement</p>

	<p>does not include the provision of additional car parking, to the satisfaction of the responsible authority, which is required to serve on site use for dwellings or a residential hotel.</p> <p>The proposal includes the provision of 67 spaces which equal to the 67 allowable and, therefore, a permit is not required.</p> <p>Schedule 1 states that all buildings that provide on-site car parking must provide motorcycle parking for the use of occupants and visitors, at a minimum rate of one motor cycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.</p> <p>The application proposes 6 motorcycle parking spaces, exceeding this requirement.</p>
Particular Provisions	Permit Trigger
<p>Clause 52.06 Car Parking</p>	<p>No Permit required</p> <p>Pursuant to Clause 52.06-3, a permit is required to provide more than the maximum parking provision specified in a schedule to the Parking Overlay.</p> <p>Under Schedule 1 to the Parking Overlay, a total maximum of 67 spaces would be permitted with 67 proposed.</p> <p>As the proposal does not exceed the maximum spaces allowed, a permit is not required.</p> <p>The access and car parking arrangement is assessed against the design standards at Clause 52.06-9.</p>
<p>Clause 52.29 Land adjacent to the Principal Road Network</p>	<p>Permit required – to create or alter access to a road</p> <p>Pursuant to Clause 52.29-2, a permit is required to create or alter access to a road in a Transport Zone 2.</p> <p>Pursuant to Clause 52.29-4, an application must be referred under Section 55 of the Act to the Head, Transport for Victoria.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>No Permit required</p> <p>Pursuant to Clause 52.34-2, a permit may be granted to vary, reduce or waive the bicycle parking requirements of Clause 52.34-5.</p> <p>Clause 52.34-5 requirements are as follows:</p> <ul style="list-style-type: none"> • Residential Hotel – 1 resident space per 10 rooms and 1 visitor space per 10 rooms; • Office – 1 to each 300 m² of net floor area for employees and 1 to each 1000 m² of net floor area for visitors; and • Retail premises - 1 to each 300 m² of leasable floor area for employees and 1 to each 500 m² of leasable floor area for shoppers. <p>The proposal generates a requirement for 66 (39 plus 27 visitor) spaces including 22 for lodgers / guests of the hotel (plus 22 visitor spaces); 14 for office employees (plus 4 visitor spaces); and 3 for retail employees (plus 1 visitor space). A total of 88 are proposed as follows:</p> <ul style="list-style-type: none"> • 60 permanent spaces, including: <ul style="list-style-type: none"> - 36 commercial (office and retail) spaces at ground floor level.

	<ul style="list-style-type: none"> - 24 Hotel Spaces at Levels Lc02 and • 28 visitor spaces within the public forecourt / plaza areas <p>The proposal provides more bicycle parking spaces than required and therefore, a permit is not required.</p> <p>The proposal also generates a requirement for 2 showers and change rooms, whereas 6, plus one accessible shower / change room, will be provided, exceeding this requirement.</p>
Clause 53.18 Stormwater Management in Urban Development	<p>Permit required</p> <p>Pursuant to Clause 53.18-3, an application to construct a building or construct or carry out works:</p> <ul style="list-style-type: none"> • Must meet all of the requirements of Clauses 53.18-5 and 53.18-6; and • Should meet all of the standards of Clauses 53.18-5 and 53.18-6.
General Provisions	Permit Trigger
Clause 65 Decision Guidelines	The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.
Clause 66 Referral and Notice Provisions	Applications of the kind listed in Clauses 66.01, 66.02, 66.03 and 66.04 must be referred to the person or body specified as a referral authority in accordance with section 55 of the Act.

5 STRATEGIC FRAMEWORK

Policy	Clause
Planning Policy Framework	Clause 11.01-1S – Settlement Clause 11.03-1S – Activity Centres Clause 13.04-1S – Contaminated and Potentially Contaminated Land Clause 15.01-1S – Urban Design Clause 15.01-2S – Building Design Clause 15.02-1S – Energy and Resource Efficiency Clause 15.03-2S – Aboriginal Cultural Heritage Clause 16.01-1S – Housing Supply Clause 17.01-1S – Diversified Economy Clause 17.02-1S – Business
Local Planning Policy Framework	Clause 21.06 – Built Environment and Heritage Clause 21.07 - Housing Clause 21.08 – Economic Development Clause 21.13-1 – Southbank (Urban Renewal Areas) Clause 22.02 – Sunlight to Public Places Clause 22.19 – Energy, Water and Waste Efficiency Clause 22.23 – Stormwater Management (WSUD)

6 PLANNING SCHEME AMENDMENTS

The following amendments to the Scheme are considered to be relevant as bearing on the Application.

6.1 Amendment C308

Planning Scheme Amendment C308 was gazetted into the Melbourne Planning Scheme on 30 September 2021. The amendment implements the recommendations of the *Synthesis Report: Promoting High Quality Urban Design Outcomes in the Central City and Southbank, January 2018* by introducing new urban design-built form controls in Central Melbourne. Specifically, Amendment C308:

- Deletes Clause 22.01 (Urban Design in the Capital City Zone) Policy.
- Replaces Design and Development Overlay Schedule 1 (Active Street Frontages) with a new Schedule 1 (Urban Design in Central Melbourne). The revised DDO1 includes development requirements to ensure a high standard of urban design, architecture and landscape architecture in all new development.
- Deletes Design and Development Overlay Schedule 3 (Traffic Conflict Frontage – Capital City Zone) and incorporating the provisions of this schedule into the revised DDO1.
- Deletes Design and Development Overlay Schedule 4 (Weather Protection – Capital City Zone) and incorporating the provisions of this schedule into the revised DDO1.
- Replaces the Schedule to Clause 72.03 with a new Schedule to Clause 72.03.
- Amends the Schedule to Clause 72.08 (Background Documents) to include the *Central Melbourne Design Guide (City of Melbourne, 2019)* as a background document.
- Amends associated Planning Scheme Maps.

Refer Section 11 of this report for further assessment.

6.2 Amendment VC205

On 20 January 2022, Amendment VC205 was gazetted into the Scheme which introduced a new Transport Zone to replace the Road Zone and Public Use Zone Schedule 4. The amendment also makes consequential change within the Scheme. It is noted that the Site abuts a Transport Zone.

6.3 Proposed Amendment C384

Proposed Planning Scheme Amendment C384 seeks to update the planning scheme flood mapping and ordinance for specific areas in the municipality based on new modelling, which was undertaken in partnership with Melbourne Water.

The amendment proposes to apply the Land Subject to Inundation Overlay (LSIO) and Special Building Overlay (SBO) to land affected by riverine flooding and drainage flooding respectively, and includes corresponding planning provisions. The overlays will trigger the requirement for a planning permit assessment for additional areas in the municipality once gazetted in the planning scheme.

Exhibition of the amendment concluded on 29 November 2021.

As part of the amendment, Melbourne City Council, Melbourne Water and Port Phillip City Council have collaborated in drafting the *Good Design Guide for Buildings in Flood Affected Areas in Fishermans Bend, Arden and Macaulay* (the Guide). The Guide was endorsed by Council on 3 August 2021. It is intended that the Guide will become a background document in the Melbourne Planning Scheme.

Planning applications for land located within the proposed LSIO are currently being informally referred to Melbourne Water for comment. See Sections 10 and 11 for further information.

6.4 Proposed Amendment C376

Planning Scheme Amendment C376 seeks to introduce new best-practice ESD Standards into the planning scheme to ensure that new buildings in the municipality respond to climate change. Amendment C376 also implements the Green Factor tool, which is an online green infrastructure assessment tool designed by City of Melbourne, and was developed to help with optimising the design of green infrastructure and external landscapes on buildings.

The Standards will apply to new buildings in the City of Melbourne as well as alterations and additions that meet a certain size threshold and will mean that new developments in the city need to achieve specific environmental targets. This includes solar panels, green roofs and walls, better insulation, using water more wisely and bike racks to encourage cycling.

Amendment C376 and the Green Factor Tool were endorsed by Council on 15 September 2020.

7 PUBLIC NOTIFICATION

The following types of applications are exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act:

- Pursuant to Clause 37.04-4 (Schedule 3) an application to construct a building or construct or carry out works for a use in Section 1 of Clause 37.04-1.
- Pursuant to Clause 37.04-4 (Schedule 3) an application to demolish or remove a building or works.
- Pursuant to Clause 43.02-2 (Schedule 1) an application to construct a building or to construct or carry out works.
- Pursuant to Clause 43.02-2 (Schedule 60) an application to construct a building or construct or carry out works for land that is within the Capital City Zone.

Therefore, notice of the application was not required.

8 OBJECTIONS

The application has received an objection from Melbourne Water. This objection is discussed further in Section 20.2.2 of this report.

9 CONSULTATION

10 REFERRALS

10.1 Internal

The application was referred internally to the following:

Urban Design

Council's Urban Design team have provide comments on the original and subsequent amended proposal and have provided recommendations for further improvements to the design, which can be resolved by condition.

- We fundamentally support this development which shows potential for achieving a high level of architectural quality.
- Upon review of the matte and textured 'terracotta look' aluminium sample viewed at Snøhetta site offices we are happy to support the use of this material to the Tea House Tower facades.
- We continue to have significant urban design issues with the lack of a secure door to separate public realm (publicly accessible areas within the porte-cochere) from the vehicle ramp and potential entrapment zones. This is a significant ongoing urban design concern which must be addressed to enable City Design support for a porte-cochere in this location.
- There is insufficient area for pedestrian movement within the porte-cochere. The access path to the platform lift to the rear conflicts with the driveway. A 1.8 m minimum distinct pedestrian zone should be provided to avoid safety impacts.
- There is insufficient direct activation to Normanby Street, or the publicly accessible spaces within the site. The lobby function is unlikely to provide activation, interest or purpose to the street or internal public spaces. The provision of a retail tenancy will maintain some level of public activation to improve safety and passive surveillance, and promote public use of these spaces. Operable windows or other measures could be used to create permeability at street interfaces where a physical tenancy entry cannot be provided.

This response is discussed in Section 11 below however it is considered that the above matters can be addressed via permit condition should one issue.

10.1.2 Land Survey

Council's Land Survey team reviewed the proposal and noted that the Ground floor plan shows an accessible entry off the abutting property (Melbourne Convention and Exhibition Centre). The Site does not benefit from rights over the abutting title boundary if stairs are being relied on for access.

This response is discussed in Section 11 below.

10.1.3 Infrastructure and Assets

Council's Infrastructure and Assets team commented that the proposed development includes construction of a building over a 1650 mm in diameter stormwater drain. Prior to commencement of the building works, a new drainage easement is required to be created over the stormwater drain. The developer must also demonstrate that an appropriate sized truck can access the drain.

The existing vehicle crossing must be redesigned in alignment with the accessway and service doors must not open outwards, projecting beyond the street alignment.

Works within the road reserve require the consent of VicRoads.

Conditions have been recommended for inclusion on any permit to issue.

This response is discussed in Section 11 below.

10.1.4 ESD

Council's Environmental Sustainable Design officer has undertaken a review of the Sustainability Strategy and additional information provided by Arup and Stormwater Management Plan by Robert Bird Group.

A number of outstanding items are required to satisfy the Sustainability Strategy and should be required as a condition of permit, should one issue.

This response is discussed in Section 11 below.

10.1.5 Traffic

Council's Traffic Engineers reviewed the original proposal and noted that fewer car spaces than the maximum allowable are proposed and this is acceptable.

More than the required number of bicycle spaces are proposed and this is also acceptable.

Parking, loading and access are satisfactory, subject to standard conditions.

A Road Safety Audit is required.

The application must be referred to DoT given that both Clarendon Street and Normanby Road are under their care.

Traffic's preferred design response would be to make the existing pedestrian access to the Tea House building a secondary access point only, with the primary entry and exit points set back from the Clarendon Street footpath where possible. This is to limit movements directly to and from this footpath should Council wish to convert it to a shared path in the future as there is currently a missing bicycle link between Normanby Road and the Yarra River.

This response is discussed in Section 11 below.

10.1.6 Waste

Council's Waste Department reviewed the Waste Management Plan (WMP) prepared by Leigh Design dated 25 March 2022 and found it to be acceptable.

Standard waste conditions are recommended.

This response is discussed in Section 11 below.

10.2 External

The application was referred externally to the following:

10.2.1 Head, Transport for Victoria (Determining)

The Head, Transport for Victoria has considered this application and does not object to the grant of a permit. No conditions or notes were put forward to be added to any permit to issue.

10.2.2 Melbourne Water (Informal)

Melbourne Water provided a number of letters objecting to the proposed development and have highlighted significant flood risk challenges that affect the site.

Melbourne Water also requested the following documents to be submitted prior to a decision being made on the application:

- a hydraulic report detailing the flood characteristics of the site and the associated design response.
- a policy assessment of the proposal against the relevant planning policy and DELWP Guidelines.

- a draft flood risk management plan outlining how flood safety risks around the site are addressed.
- amended development plans detailing any changes proposed as a result of the above reports including paths to safety and shelter in place.

Following the formal submission of amended plans and technical reports on 22 June 2022, the application was again informally referred to Melbourne Water who commented that the proposed changes to the ground floor plan were generally consistent with the previously provided concept plan, and that subject to some minor changes adequately met freeboard requirements and the flood damage objectives.

Nonetheless, Melbourne Water reiterated fundamental concerns with the proposal, specifically around safe access and egress.

This response is discussed in Section 11 below.

11 ASSESSMENT

The application seeks the partial demolition of existing building and construction of a mixed use building comprising a residential hotel, office and retail premises together with the alteration of access to a road in a Transport Zone, Category 2. The key issues for consideration in the assessment of this application are:

- The Site's potential for containing Aboriginal cultural heritage material.
- Heritage.
- Built form, including the purpose and decision guidelines of the Capital City Zone, and applicable Design and Development Overlays.
- Potential for flooding and drainage infrastructure on the Site.
- Traffic, parking and waste.
- ESD.
- Potentially contaminated land.

The following is an assessment against relevant permit requirements and decision guidelines.

11.1 Aboriginal Cultural Heritage

The Site is identified as being in an area of cultural heritage sensitivity, as defined in the Aboriginal Heritage Regulations 2018. These areas relate to landforms and soil types where Aboriginal places are more likely to be located and, of relevance to the Site, include land within 200 metres of named waterways.

A Cultural Heritage Management Plan (CHMP) by Andrew Long and Associates dated 13 April 2021 was submitted as part of the application. The CHMP was approved under delegation of the Secretary, Department of Premier and Cabinet on 17 April 2021.

The executive summary of the CHMP states that no Aboriginal cultural heritage places were found within the activity area during a standard assessment. It concluded that the Site has a low probability of containing Aboriginal cultural heritage material due to relatively high levels of prior ground disturbance. However, the CHMP does include recommendations for the management of any unexpected discovery of Aboriginal cultural heritage.

A note should be included on any permit to issue that these recommendations should be followed.

11.2 Heritage

Pursuant to Clause 43.01, a permit is not required under the overlay to develop a heritage place which is included in the Victorian Heritage Register.

The subject site is on the Victorian Heritage Register and as such heritage matters are considered by Heritage Victoria and are not a consideration of this planning permit application.

11.3 Built Form

11.3.1 Capital City Zone 3

The proposed uses on the Site – accommodation (based on the ground floor having a floor to ceiling height that exceeds 4 metres at 5.76 metres), office, and retail premises do not require planning permission as they are section 1 uses within Schedule 3 of the Capital City Zone.

The uses align with the purpose of Schedule 3, which include the following:

- To develop Southbank as an extension of the central city, providing for a mix of commercial and residential land uses that complement the capital city function of the locality.
- To comfortably accommodate a residential and worker population in a pleasant neighbourhood where all public spaces are comfortable, bright and safe.
- To deliver local services and facilities within an approximate 400 m walk from all residences.
- To provide uses at ground floor and upper podium floors to promote a visual link with, and facilitate the passive surveillance of, the public realm.

The development meets the requirements of the CCZ3 outlined in the decision guidelines at Clause 3.0 of Schedule 3 by virtue of:

- Its compliance with relevant policy contained in the PPF, MSS and LPPF in relation to urban design, housing, activity centres, economic development and business.
- It meets the design objectives, outcomes and elements of Schedule 1 of the Design and Development Overlay.
- It meets the design objectives, built form outcomes and design elements of Schedule 60 of the Design and Development Overlay.

Pursuant to Clause 37.04-4, a permit is required to demolish or remove a building or works.

Clause 3 of Schedule 3 states that a permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.

The extent of demolition proposed to the existing building ensures the existing original form of the Tea House remains substantially intact having regard to its Heritage Significance and as such demolition under the Capital City Zone provisions is acceptable.


Given that the site is included on the Victorian Heritage Register, and a planning permit for demolition is not required under the Heritage Overlay in this instance, Council defers to any decision by Heritage Victoria to confirm that the extent of demolition on the Site is appropriate.

11.3.2 Design and Development Overlay 1

The design objectives of Schedule 1 include the following:

- To ensure that all development achieves high quality urban design, architecture and landscape architecture.
- To ensure that development integrates with, and makes a positive contribution to, its context, including the hierarchy of main streets, streets and laneways.
- To ensure that development promotes a legible, walkable and attractive pedestrian environment.
- To ensure that the internal layout including the layout of uses within a building has a strong relationship to the public realm.
- To ensure that development provides a visually interesting, human scaled and safe edge to the public realm.

The proposal seeks to provide a high level of street activation and improved pedestrian experience across the Site, exhibiting a high level of compliance with the requirements of DDO1. The following provides an assessment against those requirements:

2.5 Site Layout	
Design outcome	Assessment against Design requirements
<p>Site layout that: Reinforces the valued characteristics of streets and laneways. Delivers a well-defined public realm.</p>	<p>The southern building will be aligned to Clarendon Street and Normanby Road aside from pedestrian and vehicle entries which improve the Site's permeability. The north building will be set back from Clarendon Street to allow for the creation of a forecourt / public plaza which will be legible and easily accessible.</p>
<p>Plazas that: Are accessible to people of all abilities. Are safe and attractive. Deliver opportunities for stationary activity. Alleviate pedestrian congestion.</p>	<p>The forecourt / public plaza will be accessible via a series of steps up from Clarendon Street (and potentially the MCEC forecourt, subject to conditions being met) as well as a ramp adjacent to the north wall of the Tea House. The forecourt will be open to the street and provide direct access into the proposed food and drinks tenancy fronting the forecourt. Landscape plans show that seating will be provided in the forecourt as well as further to the west, drawing people into the Site.</p> <p>A condition of any permit to issue will require this space to remain publicly accessible at all times.</p>  <p>Figure 12: Garden Forecourt interface with Food and Beverage offerings (Source: applicant)</p>
<p>Vehicle entries that: Do not create traffic conflict. Do not undermine the attractiveness or safety of the pedestrian experience.</p>	<p>The vehicle entrance is located in the Site's south-west corner, utilising the existing crossover. Concerns have been raised by Council's Urban Design team in regard to the proposed porte-cochere failing to incorporate sufficient area for safe pedestrian movement, sufficient separation of the platform lift and pedestrian zone. Further there is concern that there is insufficient area for pedestrian movement within the porte-cochere noting the access path to the platform lift to the rear conflicts with the driveway.</p> <p>Having regard to the issues raised above it is appropriate to include a condition on any permit to issue requiring a redesign of the proposed porte-cochere to incorporate sufficient area for safe pedestrian movement, sufficient separation of the platform lift and pedestrian zones.</p>
<p>Colonnades that: Are safe and attractive. Are accessible to people of all abilities.</p>	<p>No colonnade is proposed as part of the current application.</p>
2.6 Building Mass	
Design outcome	Assessment against Design requirements
<p>Building mass that: Distinguishes between different buildings where a development comprises multiple buildings.</p>	<p>The north and south buildings have been designed to be set back from the heritage building on the Site, and finished in materials that complement the red brick building.</p> <p>The south building is higher, in line with surrounding buildings across</p>

<p>Respects the height, scale and proportions of adjoining heritage places or buildings within a Special Character Area.</p> <p>Reinforces the fine grain and visual interest of streetscapes.</p> <p>Maintains a diverse and interesting skyline through the design of roof profiles.</p>	<p>Normanby Road (on Whiteman Street) and across Clarendon Street, while the north building is set back from Clarendon Street and lower in height to complement the Tea House and seeks to reinforce views of the building from the north and east.</p>
<p>Street walls that:</p> <p>Adopt a variety of street wall heights to reinforce the traditional fine grain, vertical rhythm and visual interest of streetscapes.</p> <p>Provide aesthetic interest to the public realm.</p> <p>Frame comfortable and attractive streets.</p>	<p>A continuous street wall is not proposed for the street boundaries of the Site. The Tea House is retained with buildings to the north and south set back to allow views of the heritage building. A higher street wall is proposed along Normanby Road which has been provided to reinforce the development's prominence in this prime location. Materials, finishes and design detail will ensure aesthetic interest in the public realm and the quality of these will be confirmed via condition should a permit issue.</p>
2.7 Building Program	
Design outcome	Assessment against Design requirements
<p>A building program that:</p> <p>Delivers safe and high quality interfaces between the public and private realm.</p> <p>Maximises activation of the public realm.</p> <p>Can accommodate a range of tenancy sizes, including smaller tenancies in the lower levels of the building.</p> <p>Allows for adaptation to other uses over time.</p> <p>Delivers internal common areas or podium-rooftop spaces that maximise passive surveillance and interaction with the public realm.</p> <p>Promotes a strong physical and visual relationship between any uses provided as part of a public benefit under the provisions of Schedule 1 to the Capital City Zone within the building, and the street.</p>	<p>The development is designed to incorporate active uses in the ground floors of each building while also ensuring future flood management mitigation measures are incorporated, with extensive glazing and pedestrian entrances ensuring maximum activation of the public realm. Council's Urban Design team have identified that further work should be done on the Normanby Street interface in regard to activation and a condition of any permit to issue can require further work to be undertaken in this regard.</p> <p>Larger tenancies, particularly the ground floor of the Tea House could readily be adapted in the future if required.</p> <p>The rooftop garden in the north building is publicly accessible and would allow for passive surveillance.</p>
<p>Building services that:</p> <p>Minimise impacts on the public realm.</p> <p>Maximise the quality and activation of the public realm.</p> <p>Do not dominate the pedestrian experience and are designed as an integrated design element.</p>	<p>Services are appropriately located to not disrupt the activation of the public realm and have been incorporated into the overall design of the building.</p> <p>Waste storage is located in the basement level, with loading facilities provided to the north of the porte-cochere, not visible from the public realm and located so as not to cause any pedestrian conflict.</p>

Provide waste collection facilities as an integrated part of the building design.	
Car parking that: Minimises the impact of car parking on the public realm.	Car parking is also located in the basement and accessed via the existing crossover and accessway along the Site's west boundary. There will be no impact on the public realm.
2.8 Public Interfaces	
Design outcome	Assessment against Design requirements
Public interfaces that: Contribute to the use, activity, safety and interest of the public realm. Provide continuity of ground floor activity along streets and laneways. Allow unobstructed views through openings into the ground floor of buildings.	The public interfaces provided will contribute to the use, activity, safety and interest of the public realm. A large portion of the street boundary will be publicly accessible. Extensive use of glazing will allow views into the ground floor of each building however as previously discussed, further work to the Normanby Road interface is required to improve activation and this will be required as a condition of any permit to issue.
Facade projections and balconies that: Do not adversely impact the levels of daylight or views to the sky from a street or laneway. Do not obstruct the service functions of a street or laneway through adequate clearance heights. Add activity to the public realm. Form part of a cohesive architectural response to the public realm.	No projecting balconies are proposed. Large portions of the facade are proposed to feature concrete fins which will provide a cohesive architectural response without adversely impacting levels of daylight or views to the sky from the public realm.
Weather protection that: Delivers pedestrian comfort in the public realm and protection from rain, wind and summer sun. Uses canopies that are functional, of high quality design, and contribute to the human scale of the street.	Canopies are incorporated where possible, providing a transition from the public to private realm and offering protection from rain and sun.
2.9 Design Detail	
Design outcome	Assessment against Design requirements
Exterior design that: Establishes a positive relationship between the appearance of new development and the valued characteristics of its context. Is visually interesting when viewed up close and from a distance. Responds to the distance at	The design and placement of new buildings on the Site has been arranged with the Tea House at the forefront to allow that building to still be viewed in its 3-dimensional form while redeveloping the Site for more meaningful purpose and public benefit. The development will be visually interesting when viewed from key vantage points and tactile materials at the lower levels will provide visual interest and an engaging pedestrian experience when viewed closer. All sides of the site will be visible from the public realm at certain vantage points (albeit with certain interventions into the retained Tea

<p>which the building is viewed and experienced from the public realm in the selection, scale and quality of design elements.</p> <p>Incorporates sufficient design detail in the lower levels of a building to deliver a visually rich and engaging pedestrian experience.</p> <p>Delivers high quality design on all visible sides of a building including rooftops, where visible from the public realm.</p> <p>At the ground level interface, provides visual connection between the public realm and interior spaces.</p>	<p>House building) and the development as a whole has been designed with this in mind.</p> <p>Publicly accessible pedestrian entry points, building entries and the extensive use of glazing at the ground floor will ensure a visual connection between the public realm and interior spaces.</p>
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Figure 13: Integrated seating along Normanby Road (Source: Applicant)



Figure 14: Tea Garden forecourt from Clarendon Street (Source: Applicant)



Figure 15: Pedestrian access and landscaping across the Site (Source: Applicant)

11.3.3 Design and Development Overlay 60 Area 1

Schedule 60 relates to the Special Character Area for built form in Southbank. The Site is located in Area 1. Design objectives of relevance contained in the schedule include:

- To ensure that the suitability of each development to its context takes precedence over the individual merit of the building.

- To ensure that new buildings respect the future development potential of adjacent sites and allow for an equitable spread of development potential on these sites.
- To ensure that new buildings respect the potential of future development on adjacent sites to access privacy, sunlight, daylight and an outlook from habitable interiors.
- To ensure the height of new buildings does not overwhelm the public domain.
- To allow daylight and sunlight to penetrate to the street and lower building levels.
- To ensure development supports high levels of pedestrian amenity in relation to human scale and microclimate conditions within the public realm including acceptable levels of sunlight access and wind.
- To ensure that development provides a high level of amenity for building occupants.

Specific design objectives for Areas 1 and 7– Arts Centre and River Environs, of relevance, include:

- To reinforce the breadth and grandeur of the Yarra River.
- To maintain the existing low-scale urban form along the river corridor.

Built form and wind requirements are included at Section 2.3 of the schedule. The following is an assessment against those requirements:

Table 4 to DDO60

Area	Preferred building height	Modified requirement	Built form outcomes
Area 1 – River Environs	24 m	6:1 FAR	<p>Development that protects and enhances the Yarra River (including views to and from it), as an important natural, recreational and tourism asset of Melbourne.</p> <p>Low scale development that enhances the sense of openness along both the Yarra River and St Kilda Road.</p> <p>To ensure that the height of new buildings does not overwhelm the public domain.</p>
<p>Assessment:</p> <p>The proposed south building exceeds the preferred building height at 100.85 metres (25 storeys). The Tea House has an existing height of 27.38 metres and the north building will have a height of 26.76 metres.</p> <p>The modified requirement for a FAR of 6:1 is also exceeded at 6.5:1.</p> <p>Both the preferred and modified requirements are discretionary.</p> <p>The applicant has suggested the additional floor area proposed is partially acceptable based on the public benefit provided by the proposed development. Given DDO10 does not apply to the Site, the FAR requirements of the CCZ3 are not applicable, nor are the requirements of Clause 22.03. However the applicant has provided a calculation of the floor area uplift (consistent with those provisions) to demonstrate the value of the public benefit proposed:</p>			

Site Area	2,948m ²
Applicable Floor Area Ratio (preferred)	6 : 1 = 17,688m ²
Proposed Floor Area Ratio	6.5 : 1 = 19,179m ²
Floor Area Uplift in square metres	+1,491m ²
Gross Realisation Value per/sqm (GRV/m ²) (Southbank Precinct Residential Use)	\$5,000
GRV/m ² x 10%	\$500
Total Value of FAU	1,491m ² x \$500 / m ² = \$745,500.00
Public Benefit to be Provided	\$745,500.00

Table 1: Floor Area Uplift Calculation (Source: Applicant)

Publicly Accessible Open Space	
Site Valuation	\$28m
Per m ² rate	\$9,497 / m ²
Publicly Accessible Open Space	678m ²
Public Benefit Value	\$9,497m ² x 678m ² = \$6,438,966
Open Space Works	
Per m ² rate cost of works	\$2,500/m ² *
Total Area	678m ²
Public Benefit Value	\$2,500/m ² x 678m ² = \$1,695,000
TOTAL PUBLIC BENEFIT VALUE:	\$8,133,966

**Indicative only*

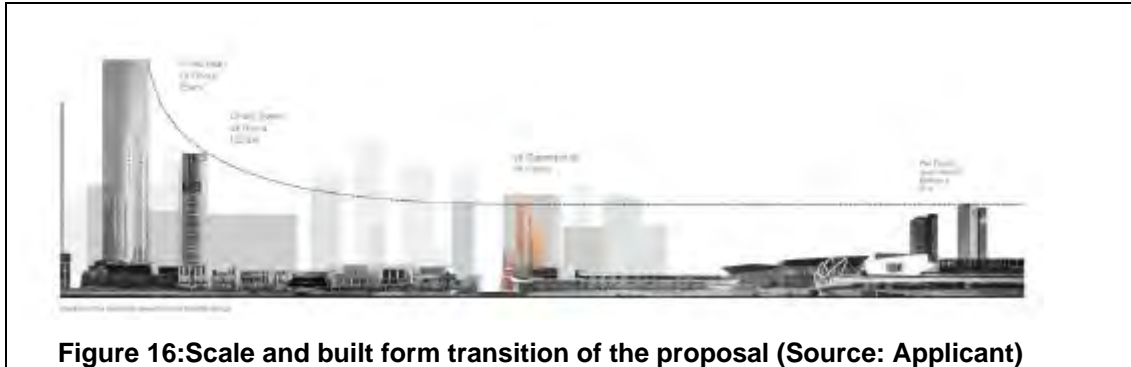
Note: The above figures are based on the latest amended proposal to which the s50 Amendment relates.

Table 2: Public Benefit Calculation (Source: Applicant)

As demonstrated above, the public benefit to be provided on the Site, including the large publicly accessible forecourt and additional outdoor seating areas, has a value in excess of that which would be required if the FAR requirements were applicable. Having regard to the location of the subject site within the central city, the overall design response and the public benefits of the proposal, the additional floor area proposed is acceptable. A condition of any permit to issue will require a legal agreement to be entered into to ensure this open space area is publicly accessible at all times.

Having regard to the proposed design response, the proposal achieves the design objectives and built form outcomes of Schedule 60 and is acceptable for the following reasons:

- The development is in proximity to the Yarra River and provides additional publicly accessible seating areas as an extension to outdoor open space within close proximity to the banks of the river.
- The increase in height from north to south provides a transition from low scale development along the banks of the river to taller buildings on the south side of Whiteman Street and beyond. The height is commensurate with the Vue Grande Apartments on the corner of Clarendon and Whiteman Streets comprising 35 levels and the Crown Metropol Hotel on the opposite corner comprising 29 levels.
- The height of buildings on the Site will not overwhelm the public domain. The primary frontage where pedestrians are more likely to pass or enter the Site is from Clarendon Street. The forecourt in the north-east corner of the Site provides a space for pedestrians to sit and allows views into the Site of the Tea House, lower-scale north building, and taller south building beyond. A wide pedestrian access point is also provided on the south side of the Tea House.



An assessment against the preferred built form controls in Table 5 as applicable to the site is provided below.

Table 5 to DDO60

Design element	Requirement	Built form outcomes
Street wall height	Street wall height should not exceed 20 m or the preferred building height, whichever is lower.	Street wall height is scaled to ensure: <ul style="list-style-type: none"> • A human scale. • Consistency with the prevalent parapet height of adjoining buildings. • Adequate opportunity for daylight, sunlight and sky views in the street.
<p>Assessment:</p> <p><u>Clarendon Street</u></p> <p>The development's north building is set back from the east boundary and does not have a street wall on Clarendon Street. The Tea House has an existing street wall to Clarendon Street which exceeds the preferred height by approximately 6.0 metres.</p> <p><u>Normanby Road</u></p> <p>The full height of the south building is located on the Normanby Road boundary, well in excess of 20 metres ranging from 53.8 metres to 100.36 metres. However, having regard to the direct interface to the site, the staggered nature of the street wall along the street boundary and the distribution of the highest section of the building being centrally located with a width of 13.61 metres from the total of approximately 40 metres, the proposed street wall is acceptable. The plan and elevation below demonstrate the change in heights across the south building on the Site.</p>		



Figure 17:Roof plan highlighting relevant RL levels (Source: Applicant)

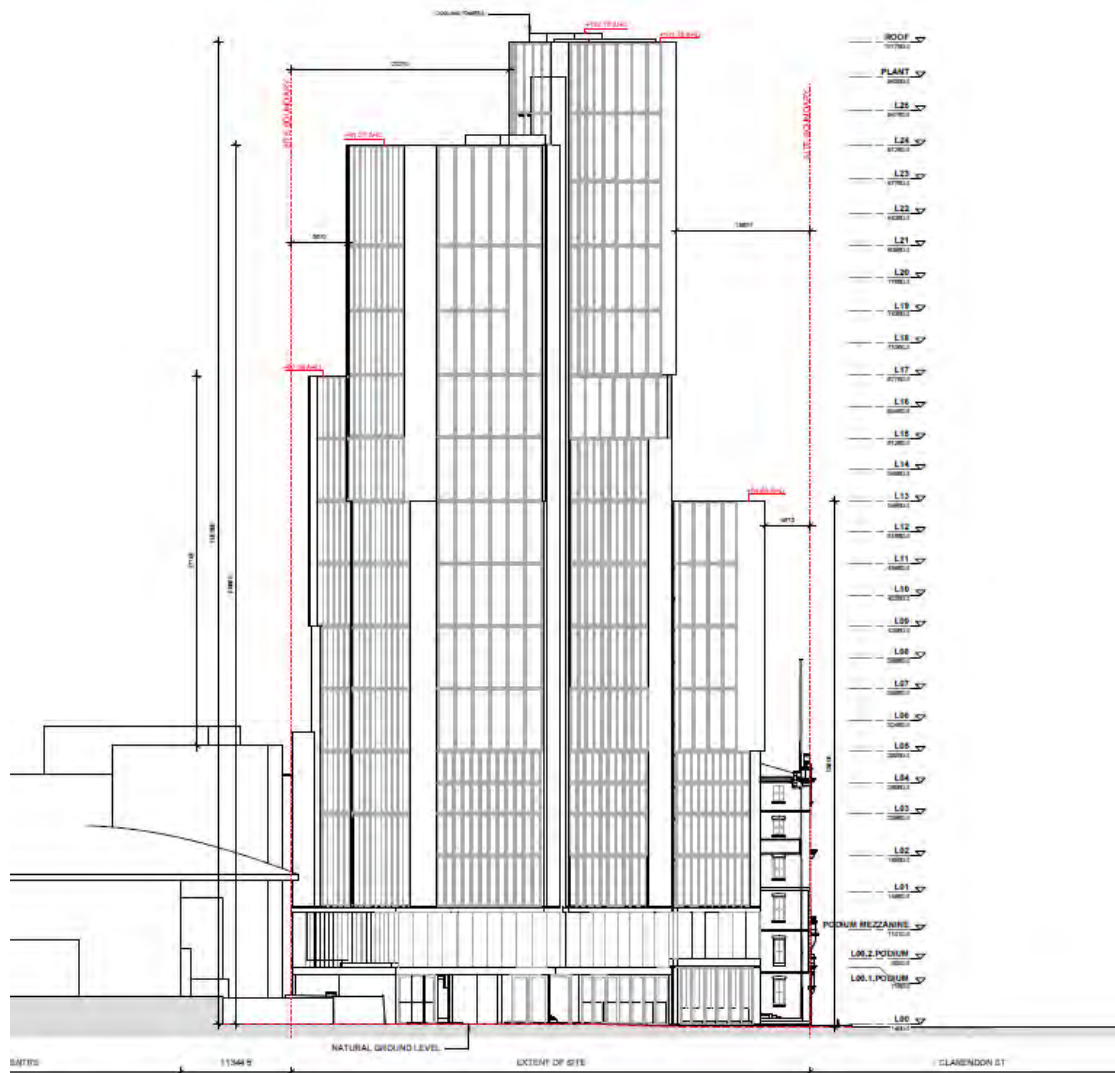


Figure 18: South building heights (Source:Applicant)

The Site is unique in nature with no similar adjoining developments to provide a reference

point to assess the street wall height against. However, the street wall will allow adequate opportunity for daylight, sunlight and sky views in the street and will not have any unreasonable wind or overshadowing impacts, as further discussed below.

Design element	Requirement	Built form outcomes
Upper level street setbacks	Above the street wall, upper levels of a building should be setback a minimum of 5 m.	Buildings are setback to ensure: <ul style="list-style-type: none"> • Larger buildings do not visually dominate the street or public space. • The dominant street wall scale is maintained. • Sun penetration and mitigation of wind impacts at street level.

Assessment:

Not applicable as no built form is above the street wall.

Design element	Requirement	Built form outcomes
Setback(s) from side boundary	Above 40 m, upper levels of a building should be setback a minimum of 5 m from a side boundary.	Buildings are setback to ensure: <ul style="list-style-type: none"> • Provision of adequate sunlight, daylight, privacy and outlook from habitable rooms, for both existing and proposed developments. • Buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain sky views between them.

Assessment:

Adjoining boundary with MCEC

The podium of the south building is constructed on the shared boundary with the MCEC, with a staggered setback increasing to 5.67 metres from Level 17 upwards (67.66 m AHD). This variation is considered acceptable within the context of the adjoining MCEC, which is unlikely to be developed further, and the absence of any habitable rooms that would be impacted on that site.

Across the development, at the upper levels the buildings will not appear as a continuous wall at street level or from nearby vantage points as the north and south buildings are separated from the central Tea House building.

Design element	Requirement	Built form outcomes
Setback(s) from rear boundary	Above 40 m, upper levels of a building should be setback a minimum of 5 m from a side boundary.	Buildings are setback to ensure: <ul style="list-style-type: none"> • Provision of adequate sunlight, daylight, privacy and outlook from habitable rooms, for both existing and proposed developments. • Buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain sky views between them.

Assessment:

The rear boundary of the Site will be occupied by the north building with a height of 31.16 m AHD, less than the setback requirement from 40 metres and above. The Melbourne

Convention and Exhibition Centre is located to the rear of the site and will not be impacted by way of unreasonable loss of light or outlook to habitable rooms.

Design element	Requirement	Built form outcomes
Ground floor height of a building	The ground floor of a building should have a floor to ceiling height of at least 4 m.	Provide potential for active commercial or retail uses.
<p>Assessment:</p> <p>The ground floor of each building will feature active uses, with the north building featuring a food and drinks tenancy adjacent to the forecourt, the Tea House ground floor to also feature a ground floor retail / food and drinks tenant and the south building's ground floor activated by its use as the residential and hotel lobby space. A condition of any permit to issue will require further resolution of the Normanby Road interface as previously discussed.</p>		

11.3.4 Wind effects

Pursuant to DDO60 an application for a permit for a building with a total building height in excess of 40 metres must be accompanied by a wind analysis report prepared by a suitably qualified person.

The wind analysis report must:

- explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all façades, or half the total height of the building, whichever is greater.
- at a minimum, model the wind effects of the proposed development and its surrounding buildings (existing and proposed) using wind tunnel testing.
- identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
- not rely on street trees or any other element such as screens, within public areas for wind mitigation.

A permit must not be granted for buildings and works with a total building height in excess of 40 metres that would cause unsafe wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40 metres in height measured from all façades, or half of the total height of the building, whichever is greater.

A permit should not be granted for buildings and works with a total building height in excess of 40 metres that do not achieve comfortable wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40 metres in height measured from all façades, or half the total height of the building, whichever is greater.

A Pedestrian Wind Study by RWDI dated 20 May 2021 was submitted with the application. That study found that existing wind conditions would not markedly change as a result of the proposed development, noting that conditions for the footpath to the south of the Site already exceed safe wind conditions.

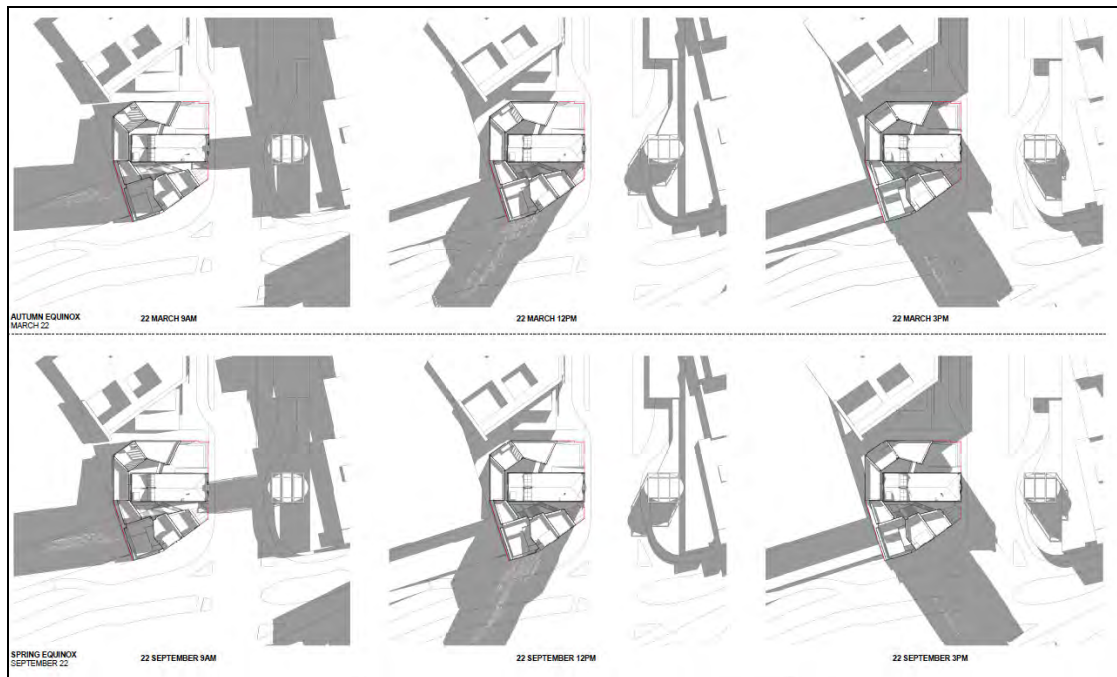
The study concluded that all relevant areas within the Site, including pathways, balconies and terraces achieve comfortable wind conditions, with the exception of the south-east corner of the Site where mitigation measures are recommended in the form of landscaping / wind screens / trellises.

Given these mitigation measures have not been included on the architectural plans and further design changes have been made since the original Wind Study was undertaken, a condition of permit should require that a new wind study should be undertaken to confirm the development complies with the relevant planning scheme requirements and that any mitigation recommendations be incorporated into the proposal. It is noted that the wind mitigation measures will need to conform with the general design principles incorporated into the development to the satisfaction of the Responsible Authority.

11.3.5 Overshadowing impacts

Clause 22.02 (Sunlight to Public Spaces) and DDO60 state that a permit must not be granted for buildings and works that would cast additional shadow across any public space, public parks and gardens, public squares, open spaces associated with a place of worship and privately-owned publicly-accessible spaces between 11am and 2pm on 22 September, unless the overshadowing will not unreasonably prejudice the amenity of the space.

Shadow diagrams have been provided by the applicant which confirm that the proposed development does not cast any additional shadows on the referenced public spaces within the Scheme. Further as can be seen in the shadow diagrams below, the proposal includes a publicly accessible open space to the north side of the Tea House which will receive appropriate amounts of sunlight to ensure it is an attractive useable space throughout the year.



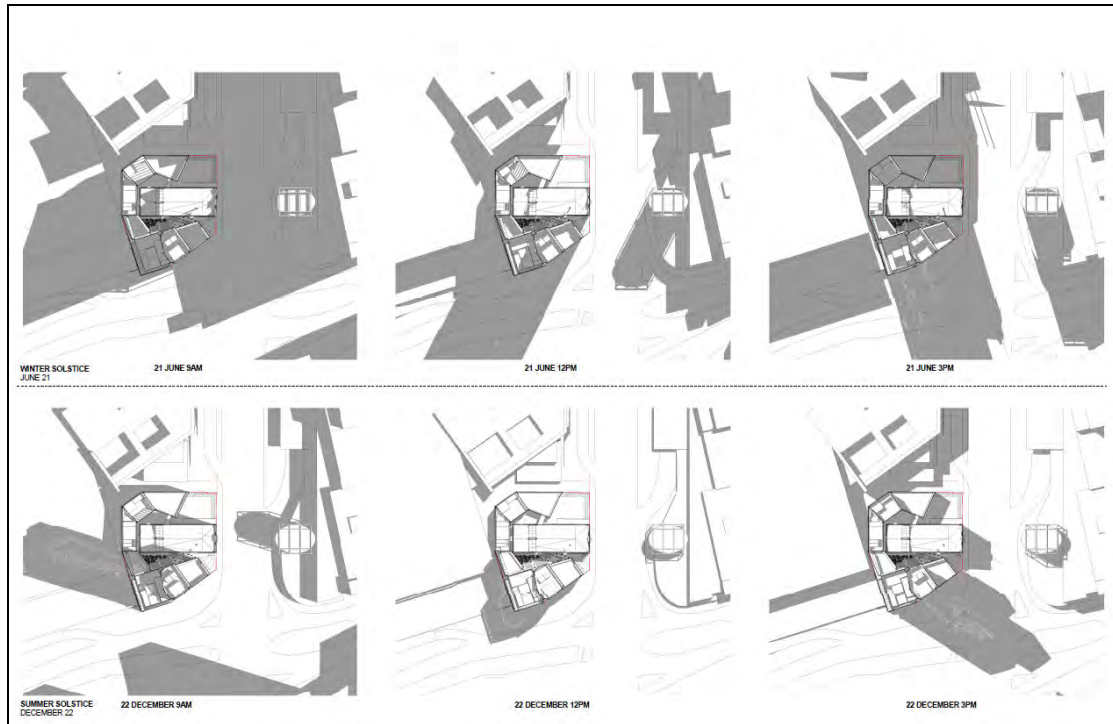


Figure 19: Shadow study for March, June, August and December (Source: Applicant)

11.4 Internal Amenity

The application was amended via S57A to remove all residential dwellings from the proposal and as such an assessment against the requirements of Clause 58 is not required to be undertaken.

11.5 Flooding and Drainage

11.5.1 Flood Levels

The Site is affected by the Draft Planning Scheme Amendment C384 which proposes to update the planning scheme flood mapping based on new modelling undertaken in partnership with Melbourne Water. The Site is within the proposed LSI0 and the application was informally referred to Melbourne Water as a result.



Figure 20: The Site's location within the proposed LSIO (Source: Compass)

Melbourne Water originally responded to Council's informal referral on 18 February 2022, objecting to the proposal and outlining the following:

Melbourne Water has undertaken modelling for this catchment which considers increased rainfall intensity due to climate change. The flood level for this property by the year 2100 is estimated to be 2.46 metres to Australian Height Datum (AHD).

The following development requirements are applicable:

- 1. All building ground floor areas (including retail areas and lifts) must be constructed with finished floor levels set no lower than 3.06 metres to Australian Height Datum (AHD), which is 600mm above the applicable flood level of 2.46 m to AHD.*
- 2. The car stacker and lift must be set at no lower than 3.06 m to AHD, which is 600mm above the applicable flood level of 2.46m to AHD. All the electrical components must be set no lower than 3.06m to AHD.*
- 3. All doors, windows, vents and openings to the basement car park must be set no lower than 3.06m to AHD, which is 600mm above the applicable flood level of 2.46m to AHD.*
- 4. The basement carpark must incorporate a flood proof apex and associated bunding constructed no lower than 3.06m to AHD, which is 600mm above the applicable flood level of 2.46m to AHD.*
- 5. Some service areas, transitional areas containing landings, steps or ramps may be allowed at lower levels, to the satisfaction of Melbourne Water. This does not include lift and stair lobbies.*
- 6. All electrical and plumbing fittings e.g. gas meters, fire controls etc. must be to the standards of the Relevant Authority for areas subject to inundation, for all services contained within the ground floor.*

It is noted that a flood barrier mechanism for the car stacker and/or basement apex may be considered, subject to achieving minimum ramping requirements up to or above the applicable flood level of 2.46m to AHD.

Based on the above, the applicant submitted revised plans for discussion which altered the ground floor layout and increased finished floor levels for key areas which would potentially be affected.



Figures 21 and 22: Original (left) and revised (right) proposal with increased FFLs (Source: Applicant)

Melbourne Water provided a further response to Council's referral, following receipt of the revised plans, dated 31 March 2022. That response continued to object to the proposal but outlined that the service areas, amenities, BOH areas, external areas, existing heritage building, transitional areas (including those containing landings), steps or ramps may be allowed at lower levels, to the satisfaction of Melbourne Water.

Following subsequent correspondence with Melbourne Water, the applicant submitted a package of revised plans, titled 'RFI – Melbourne Water Input' dated May 2022 (which includes the current plans under assessment) and subsequently formally amended the plans via s57A to include these changes. The ground floor plan within that s57A package is identical to that provided in response to Melbourne Water's initial feedback, with the only difference being the location of stairs adjacent to the porte-cochere. All FFLs remain identical to the revised plans Melbourne Water continued to object to.

Melbourne Water have provided a further objection to the s57A Plans dated 22 July 2022. The updated objection is primarily concerned with safe access and egress matters noting the submitted Flood Risk Management Plan prepared by GHD dated 22 June 2022 relies on a combination of evacuation prior to flooding and shelter in place options to address flood risk.

Notwithstanding the above, conditions are recommended to be included on any permit to issue requiring an updated Flood Risk Management Plan to the satisfaction of Melbourne Water and Council, an audit of this plan to be conducted and a Section 173 agreement placed on the land.

It is noted that the referral to Melbourne Water was informal. They are not a formal referral authority as defined in Section 55 of the *Planning and Environment Act 1987* and do not have any appeal rights should Council determine to grant a permit.

11.5.2 Drainage

Council's Civil Engineers have advised that there is a 1.65 metre wide stormwater drain beneath the Site which could be impacted by the proposed development. The drain, as shown below, would be located under the accessway and ground floor works to the north. With the development over the drain from Level 1 above.



Figure 23: Location of 1650 mm stormwater drain beneath Site (Source: Compass)

Initial feedback on the proposal from Council's Civil Engineers recommended that the building be redesigned so that it does not encroach over the drain.

The applicant has met with Council officers and have demonstrated that access to the drain following completion of the development would still be possible.

The building at the ground floor is proposed to be set back 1.0 metre from the east side of the drain, with non-structural or demountable walls otherwise directly above the drain to the north of the Site.

Council's Civil Engineers have provided a range of conditions, including a requirement for a legal agreement to create an easement over the drain, to ensure the development does not compromise ongoing access to the drain.

These conditions will be included on any permit to issue and are sufficient to ensure there are no ongoing issues in regards to access.

11.6 Traffic, Parking, Access and Waste

11.6.1 Access

The site is located on the south-west side of the Capital City and within the PPTN, with excellent access to walking and cycling routes as well as public transport. Employees, visitors and Hotel users of the development would not need to heavily rely on private motor vehicles for transport.

Access to the Site is via an existing crossover on Normanby Road, currently used to access the existing car park to the south of the Tea House. DoT have reviewed the application and confirmed they have no objection to the proposed alteration of access to the Transport Zone 2 which affects both Normanby Road and Clarendon Streets. Council's Traffic Engineers have advised the accessway needs to be realigned to the existing crossover. This can be required as a condition of permit, should one issue.

A porte-cochere will serve as a drop-off / pick-up point for the hotel. The accessway beyond will allow for access to the basement car park, via a car stacker arrangement, as well as loading.



Figures 24 and 25: Basement showing provision for 70 spaces in stacker system to the north (left) and ground floor vehicle access (right) (Source: Applicant)

Council's Traffic Engineers have recommended a condition requiring a Road Safety Audit to ensure arrangements for vehicular, bicycle and pedestrian access, loading and waste, and internal circulation / layout on the Site are appropriate. This can be required as a condition of permit, should one issue.

Concern was also raised by Council's Traffic Engineers regarding pedestrian access to the Site from the existing Tea House entrance on Clarendon Street. They advised the preferred approach would be that this serves as a secondary access point only, with primary entry and exit points set back from the Clarendon Street footpath where possible. This is due to the potential for a shared path to be created here in the future to connect the missing link in bicycle paths between Normanby Road and the Yarra River.

It is noted that this section of Clarendon Street already serves as an informal shared path. Despite the signage requiring cyclists to dismount, it is not uncommon for cyclists to traverse this section of the footpath by bicycle regardless.

Permeability of the Site overall will be improved under the current application, with additional access points on the north and south sides of the Tea House itself, access via the 'garden forecourt' adjacent to the Clarendon Street boundary, and the pedestrian entrance to the hotel from the south. Further, it is noted that the existing Tea House entrance will only provide access to the ground floor retail / food and beverage tenancy. Lift access to office levels above is in the building's south-west corner so it is more likely that employees would enter the Tea House by an alternative access point.

Given the above, any requirement to formally restrict access to the existing Tea House entrance is unnecessary.

11.6.2 Parking

Based on rates outlined in Schedule 1 to the Parking Overlay which affects the Site, the following is the maximum number of parking spaces allowed:

Use	Size	Parking rate	Maximum spaces
Residential hotel	5,019 m ²	The maximum number of spaces must not exceed 5 x net floor area of buildings in m ² /1,000 m ²	13
Retail	1,104 m ²		54
Office	4,286 m ²		
Total			67spaces

A total of 67 spaces are proposed (as reflected on the plans).

No concerns have been raised by Council's Traffic Engineers in relation to the design and layout of parking. However, standard conditions have been provided to ensure Australian Standards are met in relation to the dimensions of spaces, gradients, accessways and column locations. It has also been recommended that pedestrian sight triangles are provided at the exit from the car park.

11.6.3 Bicycle parking

Clause 52.34 seeks to encourage cycling as a mode of transport and sets out requirements for bicycle facilities to be provided for dwellings, offices and retail premises, of relevance to the current application.

The s57A amended proposal provides for a total of 88 spaces, as follows:

- 60 permanent spaces, including:
 - 36 commercial (office and retail) spaces at ground floor level.
 - 24 hotel spaces at Levels Lc02.
- 28 visitor spaces within public forecourt / plaza areas (refer Landscape Plan).
- In addition, 48 lockers and six showers are provided.

Clause 52.34-5 requires the proposal provide for 66 spaces (39 plus 27 visitor spaces). The proposal includes the requisite amount of permanent and visitor bicycle parking spaces are per the requirements of the Planning Scheme.

EoT facilities for employees will be provided at the rear of the ground floor, accessible via the ramped walkway on the north side of the Tea House.

Council's Traffic Engineers have not raised any concerns in regards to the proposed bicycle parking, recommending a condition that spaces comply with Australian Standards. This can be included as a condition of permit, should one issue.

11.6.4 Waste and Loading

Loading will occur via the accessway from Normanby Road, with a loading bay and temporary bin holding area to the rear of the porte-cochere. Council's Traffic Engineers have not raised any concerns with proposed loading, recommending that the loading bay should meet Australian Standards. A condition can be included on any permit to issue to require this.

Waste storage will be located in the basement. A Waste Management Plan (WMP) prepared by Leigh Design dated 25 March 2022 was submitted to Council and was found to be acceptable to Council's Waste and Recycling team however since the submission of this WMP the application has been formally amended via s57A to remove the Residential dwellings from the application and as such a condition of any permit to issue will require the submission of a new WMP which reflects the plans as proposed.

11.7 ESD

A Sustainability Strategy by Arup dated 27 May 2021 was submitted with the application. Various items of correspondence from Arup have subsequently been submitted in response to concerns that have been raised by Council's ESD Officer.

Council's ESD Officer has advised that, overall, the proposed development aims to deliver adequate sustainability outcomes. However, additional information is required to demonstrate that those aims will be achieved. The aims cited by Arup include:

- Residential areas targeting a 7 Star NatHERS target for the apartments (on average), exceeding the planning requirements which require 6 stars.
- Non-residential areas are targeting an improvement of at least 7% beyond the NCC Section J 2019 requirements for the thermal envelope and 3% beyond the NCC Section J requirements for the solar envelope using the Deemed to Satisfy Method 2 pathway for the window and walls.
- Development is targeting a 5 star Green Star Design and As-built v1.3 rating with the current design intent capable of meeting at least 60 points. Not seeking formal certification.
- Office areas are targeting a 5 Star NABERS Energy target for the base building office spaces.
- Climate Active certification for the precinct is targeted in operation for the Scope 1 and 2 emissions of the base building and apartment common areas and will be certified in operation.

Council's ESD Officer has provided permit conditions to ensure the above aims are adequately documented in the Sustainability Strategy and the completed development will include all ESD measures, as proposed. These can be included on any permit to issue.

Subject to conditions of permit being met, the development will achieve the requirements of Clauses 22.19, 22.23 and 53.18.

11.8 Contaminated Land

Clause 13.04-1S provides objectives, strategies and policy guidelines to ensure potentially contaminated land is used and developed safely.

The Site has a documented history of being used for industrial purposes, amongst others, and it is possible that sources of contaminants exist on the site.

An Environmental Site Assessment (ESA) by Prensa dated September 2021 was submitted as part of the application.

Results of the ESA indicated that soil on the Site is contaminated, beyond health criteria for sensitive uses, and would therefore be classified as contaminated land. Groundwater was also found to be contaminated. However, the ESA concluded that due to the mixed-use nature of the development the contamination is unlikely to pose a risk to future users of the Site.

The ESA recommends the following measures based on the findings of the ESA and regulatory requirements:

- Notifying EPA Victoria of the groundwater contamination, along with the proposed management (ie. excavation for basement construction and encapsulating the Site in paving).

- Disclosing information pertaining to soil and groundwater contamination to appropriate stakeholders (ie. contractors, maintenance workers and future occupants).
- Development of a Construction Soil Management Plan (CSMP) to manage potential risks associated with soil and groundwater contamination and acid sulfate soil during construction.
- Implementation of an Environmental Management Plan (EMP) for the Site to assist in disclosing of information related to the contaminated land to relevant stakeholders.

Although the abovementioned ESA has been submitted as part of the application, it is not clear that this meets the EPA requirements for a Preliminary Risk Screen Assessment (PRSA), as required under the EP Act 2017. Additionally, the ESA does not confirm whether an Environment Audit is required. As a result, a standard condition requiring a PRSA and confirmation of audit requirements have been recommended for inclusion on any permit to be granted to ensure that appropriate ongoing management of contamination at the Site.

11.9 Conclusion

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and a permit should issue, subject to the below conditions.

12 RECOMMENDATION

That the Future Melbourne Committee resolves to issue a Planning Permit subject to the following conditions:

Amended plans

1. Prior to the commencement of the development on the land, an electronic copy of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans amended via s57A prepared by Snøhetta and submitted on 3 August 2022, but amended to show:
 - a) Increased activation and permeability to the Normanby Street interface at ground floor and publicly accessible spaces within the site.
 - b) Redesign of the proposed porte-cochere to incorporate sufficient area for safe pedestrian movement, removal of entrapment zones, accessibility, sufficient separation of the platform lift and pedestrian zones.
 - c) 1:50 elevations of all public interfaces (including internal forecourts), detailing:
 - i. Integrated elements to enhance human scale to all building public realm interfaces, including:
 - solid elements to ensure human scale and façade depth
 - operable windows
 - plinths
 - an integrated landscape edge
 - awnings over tenancy entries.

All materials used should be robust, natural, textured and of a high quality.

- d) The existing vehicle crossing to be designed to be in alignment with the driveway and reconstructed.
- e) Any doors to Clarendon Street and Normanby Road redesigned so that they do not project beyond the street alignment when open, when closed or when being opened or closed.
- f) An updated schedule of materials, including specification detail, finish, colour and imagery accurately depicting appearance, and confirmation that the reflectivity of all glazing is not greater than 15%. Any additional materials added as a result of responding to permit conditions are to be included.
- g) All doors, windows, vents and openings to the basement carpark set no lower than 3.06 m to AHD unless otherwise agreed with Melbourne Water.
- h) All entries and exits, including openings to any basement has a flood proof apex finished no lower than 3.06 m to AHD and details of any proposed mechanical flood barrier at the entry to the basement to achieve this height.
- i) Notation that all services on the ground floor for electrical and plumbing fittings, eg gas meters, fire controls meet the standards of the Relevant Authority for areas subject to inundation.
- j) Bicycle parking must comply with AS2890.3:2015 and / or Bicycle Network guidelines.
- k) All spaces, ramps, grades, transitions, access ways & height clearances must be generally designed in accordance with the MPS and / or AS/NZS 2890.1:2004.
- l) The design of the loading bay, including all space dimensions, grades & height clearances, must comply with relevant standards for Commercial Vehicles (AS2890.2-2002).
- m) A ramp grade of <math><1:10</math> must be provided for the first 5 m from site boundary at the access.
- n) Pedestrian sight triangles of 2 x 2.5 m must be provided at the exits from the carpark.
- o) Columns must be located between 0.25 - 1.25 m from the open end, and no more than 1.75 m from the closed end of the relevant standard car spaces, as per Clause 52.06 of the Melbourne Planning Scheme.
- p) Any changes required by the Sustainability Strategy at Condition 7.
- q) Any changes required by the Flood Risk Management Plan at Condition 20.
- r) Any changes required by the Noise Assessment at Condition 25.
- s) Any changes required by the Pedestrian Wind Study at Condition 26.
- t) Any changes required by the Waste Management Plan at Condition 28.
- u) Any changes required by the Civil Design modifications at Condition 30.
- v) Any changes required by the Road Safety Audit at Condition 36.
- w) Any changes required by the Access to Melbourne Convention and Exhibition Centre requirements at Condition 45.

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

Endorsed plans

2. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.

Façade strategy

3. Concurrent with the endorsement of plans pursuant to Condition 1, a Façade Strategy and Materials and Finishes must be submitted to and be approved by the Responsible Authority. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Façade Strategy must be generally in accordance with the development plans and must detail:
 - a) A concise description by the architects of the building design concept and how the façade works to achieve this.
 - b) Elevation details generally at a scale of 1:50 illustrating typical lower level details, balcony niches, entries and doors, and utilities, typical tower detail, and any special features which are important to the building's presentation. The drawings must demonstrate:
 - i. Application of matt and textured 'terracotta look' aluminium to the tower facades.
 - ii. Genuine robust terracotta, concrete or masonry finishes to lower levels and direct street level interfaces.
 - c) Cross sections or another method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and / or material.
 - d) Information about how the façade will be accessed and maintained and cleaned, including any planting if proposed.
 - e) Example prototypes and / or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high quality built outcome in accordance with the design concept.
 - f) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, contextually appropriate, durable and fit for purpose. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes.

Once approved, the Façade Strategy will be endorsed to form part of this permit.

Retention of Architectural Firm

4. Except with the written consent of the Responsible Authority Snøhetta Architects must be retained to complete and provide architectural oversight

during construction of the detailed design as shown in the endorsed plans, façade strategy and the endorsed schedule of materials and finishes.

Features above roof level

5. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.

Construction and Demolition Management Plan

6. Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan (CDMP) must be submitted to and be approved by the Responsible Authority. The CDMP must be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to include the following matters:
 - a. Staging of construction.
 - b. Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian accessways).
 - c. Public safety, amenity and site security.
 - d. Operating hours.
 - e. Air and dust management.
 - f. Stormwater and sediment control.
 - g. Waste and materials reuse.
 - h. Traffic management.

Construction and demolition must be carried out in accordance with the endorsed CDMP to the satisfaction of the Responsible Authority.

Sustainability Strategy

7. Prior to the commencement of the development (excluding demolition, bulk excavation and site preparation works), an amended Sustainability Strategy (Sustainability Management Plan) to the satisfaction of the Responsible Authority and prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The amended Sustainability Strategy must be generally in accordance with the Sustainability Strategy prepared by ARUP dated 27 May 2021, but amended to include:
 - a) Additional credits to demonstrate 65 points can be achieved.
 - b) Green Star Sustainable Transport Calculator demonstrating development can achieve 6.5 points.
 - c) Green Star Potable Water Calculator demonstrating development can achieve 5 points.
 - d) Green Star Urban Ecology Calculator demonstrating development can achieve 1.5 points.
 - e) Daylight modelling compliant with 12.1 Daylight credit and 12.2 Views credit achieving 2 points (1 per credit).

- f) A site plan with SRI values provided to demonstrate 75% of the site complies with Urban Heat Island credit requirements.
 - g) Evidence the project has registered with Climate Active for a Precinct rating.
- When approved, the amended Sustainability Strategy will be endorsed and form part of this permit.

Sustainability Strategy (Tender Stage)

- 8. Prior to the commencement of the development an updated Sustainability Strategy that outlines and provides evidence of the proposed sustainable design initiatives that equate to 65 points / 5 Star Green Star Design and As Built V1.3 must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Sustainability Strategy will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

Incorporation of Sustainability Strategy initiatives

- 9. The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Strategy to the satisfaction of the Responsible Authority.

Implementation of Sustainability Strategy initiatives

- 10. Before the occupation of the development approved under this permit, a report from the author of the Sustainable Strategy approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the Sustainable Strategy have been implemented and incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

Landscape package

- 11. Prior to the commencement of development, a complete Landscape package, Landscape Maintenance Plan and a Landscape Irrigation Performance Specification in connection with the proposed development must be submitted to, and be approved by the Responsible Authority. The landscape package must include detailed planter sections including soil volumes and schedules of species with specific consideration given to soil volume requirements and growing medium proposed.
- 12. Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development.
- 13. The landscaped areas must be maintained to the satisfaction of the Responsible Authority.

Street Trees

- 14. Prior to the commencement of the development, including demolition, and bulk excavation and site preparation works, a Tree Protection Plan (TPP) for any public trees that may be affected by the development, must be provided to the satisfaction of Melbourne City Council – 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 Demolition and Construction Management Plan, including any public protection gantries.
 - c) Site specific details of the 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 construction.
 - g) Name and contact details of the project arborist who will monitor the implementation of the TPP for the duration of construction (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.
15. Following the approval of a 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 demolition and construction activities. The bond amount will be calculated by Melbourne City Council and provided to the applicant / developer / owner of the site. Should any tree be adversely impacted on, Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.
16. In the event that a Traffic, Demolition and Construction Management Plan changes any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed TPP, a revised TPP must be provided to the satisfaction of Melbourne City Council – Urban Forestry & Ecology. When approved, the revised TPP will be endorsed to form part of the permit and will supersede any previously endorsed TPP.
17. All works, including demolition and bulk excavation, within the Tree Protection Zones of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of Melbourne City Council – Urban Forestry & Ecology.

Public Tree Removal

18. Approval for any tree removal is subject to the Melbourne City Council's Tree Retention and Removal Policy, Council's Delegations Policy and requirements

for public notification, and a briefing paper to Councillors. Certain tree removals including but not limited to significant or controversial tree removals, may be subject to decision by Melbourne City Council or a Committee of Council.

19. 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 Melbourne City Council remove the subject trees.

Flood Risk Management Plan

20. Concurrent with the endorsement of the plans, a Flood Risk Management Plan to the satisfaction of the Responsible Authority and Melbourne Water must be submitted to and approved by the Responsible Authority and Melbourne Water. When approved, the Flood Risk Management Plan will be endorsed and will form part of this permit.

The plan must be generally in accordance with the draft Flood Risk Management Plan prepared by GHD dated 22 June 2022 and hydraulic report dated 24 June 2022, but modified to include / address each of the following:

- a) Available details of the Hanna Street Main drain included in the flood analysis.
- b) Removal of all reference to City of Melbourne being responsible in the implementation of the Management Plan.
- c) Details of how the building manager will be alerted to likely impacts on the site during a flood event.
- d) Information about the timing of flooding to the site will be obtained.
- e) The specific triggers that will inform actions by the building manager to evacuate and warn occupants.
- f) A list of signage and other flood mitigation equipment that needs to be maintained and levels of maintenance required for each item.
- g) Details of how occupants will be communicated with in the event evacuation isn't achieved.
- h) Detail relevant flood response activities from the CoM's Municipal Emergency Plan Flood Sub-Plan.
- i) Detail the role the building manager plays in obtaining information and how they will engage with CoM, Vic Pol and / or Vic SES to inform their actions.
- j) Details with regards to flood level, depth, velocity etc and how risks associated with flash flooding events (where little to no warning is available) are to be managed.

All to the satisfaction of Melbourne Water and the Responsible Authority.

21. Any requirements of the Flood Risk Management Plan endorsed under this permit must be implemented to the satisfaction of the Responsible Authority and Melbourne Water at all times.

Audit of the Flood Risk Management Plan

22. The implementation of the FRMP must be audited on the anniversary of its approval, or such other times as agreed in writing by Melbourne Water, by a suitably experienced and qualified professional with expertise in emergency and flood risk management. The FRMP audit report must be provided to Melbourne Water and the Responsible Authority. The auditor's report must:
 - a) Confirm that the requirements of the FRMP have been implemented over the audit period.
 - b) Provide any recommendations for improvements to the FRMP.
 - c) If it is recommended to change any requirement in the FRMP a risk assessment that addresses the consequences of that change in requirement must be undertaken and provided to Melbourne Water.
23. Any recommendations made by the auditor of the FRMP must be the subject of a revised FRMP to be provided to the Responsible Authority and Melbourne Water, and approved by Melbourne Water before any amendment may take effect.

Flood risk Management Plan Implementation Agreement

24. Within six months of commencing the development, the owner of the Land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority and Melbourne Water Corporation. All costs associated with the creation, review, execution and registration of the agreement by Melbourne Water and the Responsible Authority, including legal fees, must be borne by the owner of the Land. The agreement must be registered on title and run with the land, and must provide, to the satisfaction of the Responsible Authority and Melbourne Water, for the following:
 - a) That the owner of the Land acknowledges the high flood depths predicted on-site and on surrounding land has the potential to result in high levels of risk to human safety and property from floodwaters from the Yarra River.
 - b) That the uses of the land must at all times be operated in accordance with endorsed Flood Risk Management Plan.

Noise

25. Prior to commencement of the use the recommendations contained within the Noise Assessment and Façade Design prepared by WSP, dated 27 May 2021, must be implemented at no cost to the Melbourne City Council and be to the satisfaction of the Responsible Authority.

Wind

26. Prior to the commencement of the development, including demolition, bulk excavation and site preparation works, a revised Wind Impact Assessment generally in accordance with the Pedestrian Wind Study prepared by RWDI, dated 20 May 2021, but updated to consider the decision plans, must be submitted to and approved by the Planning Authority. The revised Wind Impact Assessment must:

- a) Respond to the wind effects provisions and definitions in Schedule 60 to the Design and Development Overlay.
 - b) Explain the effect of the development on the wind conditions in publicly accessible areas impacted by the development as well as any balconies and / or rooftop areas within the development.
 - c) At a minimum, model the wind effects of the development and its surrounding buildings (existing and proposed) using wind tunnel testing.
 - d) Identify the principal role of each part of the publicly accessible areas for sitting, standing or walking purposes.
 - e) Not rely on any trees or other elements within publicly accessible areas for wind mitigation.
 - f) Make recommendations for modifications to the design of the building, if required, to achieve comfortable wind conditions consistent with the identified principle role for publicly accessible areas as well as any balconies and / or rooftop areas within the development.
27. Any modifications to the development to ensure comfortable wind conditions to the surrounding streets, building entries, publicly accessible areas and any balconies and / or rooftop areas within the development must be carefully developed as a high quality integrated architectural solution to the satisfaction of the Responsible Authority and implemented at no cost to the Melbourne City Council.

Waste

28. Prior to the commencement of the development, a Waste Management Plan (WMP) must be prepared, submitted and approved by the Melbourne City Council - Waste and Recycling. The WMP must detail waste storage and collection arrangements and be prepared with reference to the Melbourne City Council Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without prior consent of the Melbourne City Council - Waste and Recycling.

Drainage connection underground

29. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – City Infrastructure. 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.

Amended plans – civil works

30. Prior to the commencement of development, detailed development plans including full architectural drawings, plans, sections and elevations of the development must be submitted to and approved by the Council. The plans must be drawn to scale and fully dimensioned, including heights to Australian Height Datum for all levels unless agreed otherwise by the Responsible Authority. The plans must address the following:

- a) Removal of all internal walls from the new drainage easement created over the Council's stormwater drain.
- b) Redesign sections of the external building walls located within the drainage easement to fully demountable.
- c) Provide swept path diagrams for a 9.8 metre long service vehicle showing egress and ingress manoeuvres from Normanby Road to the Council's stormwater drain.
- d) Details of height clearances for relevant service vehicles throughout entry of Normanby Road and access ways for the maintenance of the Council's stormwater drain.

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

Legal agreement

31. Prior to the commencement of development (excluding any demolition, bulk excavation, construction or carrying out of works) on the subject land, the owner/s of the subject 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 for the following unless agreed otherwise by the Responsible Authority:
 - a) A 4.4 m wide drainage easement must be created over a 1650 mm in diameter stormwater drain (Drain) located within the subject land, in favour of the Council. The easement is to have an upper level at least 5.0 metres above the finished ground floor level of the building. The easement must be unlimited in depth and exclude any basement and / or building supporting structures.
 - b) The Drain must be reconstructed in accordance with plans and specifications first approved by the Council – City Infrastructure.
 - c) The Council will have unimpeded access to the subject land for the inspection, maintenance and / or reconstruction of the Drain.
 - d) The owner of the subject land will be responsible for additional cost the Council may incur when undertaking future maintenance and / or upgrade of the Drain.
 - e) The Owner will indemnify the Council against all actions, claims, demands, losses, damages, costs and expenses for which the Council may become liable in respect of or arising from the existence of the Drain.

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

Legal Agreement for Public Plaza

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

- a) Give rights of public access 24 hours a day, 7 days a week to the plaza located within the subject land, which are to remain at all times in private ownership as part of the subject land.
- b) The owner must, at its cost, maintain the plaza as well as maintaining the corresponding public liability insurance.

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.

Groundwater management

33. All groundwater and water that seeps from the ground adjoining the building basement (seepage water) and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to the Council's drainage network. All contaminated water must be treated via a suitable treatment system and fully reused on site or discharged into a sewerage network under a relevant trade waste agreement with the responsible service authority.

Demolish and construct access

34. 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 – City Infrastructure.

Roads

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

Road Safety Audit

36. Concurrent with the submission of plans pursuant to Condition 1, a formal Road Safety Audit prepared by a suitably qualified professional must be provided to the satisfaction of Melbourne City Council – City Infrastructure. The Road Safety Audit must address the following matters:
 - a. Vehicular / bicycle / pedestrian access arrangements. Specific regard to be given to potential pedestrian conflict within the port-cochere.
 - b. Loading and waste arrangements.
 - c. Internal circulation / layout.

When provided to the satisfaction of the Melbourne City Council – City Infrastructure, the Road Safety Audit will be endorsed to form part of this permit.

Sawn bluestone footpaths

37. The footpaths adjoining the site along Clarendon Street and Normanby Road must be reconstructed in sawn bluestone together with associated works including the installation of sawn bluestone kerb and channel, the provision of tree plots, street furniture and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

Street levels not to be altered

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 – City Infrastructure.

Existing street lighting not altered without approval

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 – City Infrastructure.

Public Lighting

40. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy, and include review of public lighting in Normanby Road. The lighting works must be undertaken prior to the commencement of the use / occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

Potentially contaminated land

41. Prior to the commencement of the development (excluding any works necessary to undertake the assessment), a Preliminary Risk Screen Assessment (PRSA) of the site must be conducted by a suitably qualified environmental auditor. The PRSA statement and report must be submitted to the Responsible Authority in accordance with section 205 of the Environment Protection Act 2017 and respond to the matters contained in Part 8.3, Division 2 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority.
42. If the PRSA requires an Environmental Audit be undertaken, then prior to the commencement of the development (excluding any works necessary to undertake the audit), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the Responsible Authority in accordance with section 210 of the Environment Protection Act 2017 responding to the matters contained in Part 8.3, Division 3

of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority. The EAS must either:

- state the site is suitable for the use and development allowed by this permit; or
 - state the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.
43. All the recommendations of the Environmental Audit Statement (EAS) must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works remaining on the land in accordance with the development hereby approved, and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.
44. If any of the conditions of the EAS require ongoing maintenance or monitoring, prior to the commencement of the use and prior to the issue of a statement of compliance under the Subdivision Act 1988 the owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority to the effect that all conditions of the EAS issued in respect of the land will be complied with.

Access to Melbourne Convention and Exhibition Centre

45. Prior to the commencement of the development on the land, evidence must be provided, in the form of a legal agreement or similar, confirming the development has the right to use adjoining land at 2 Clarendon Street, Southbank (Melbourne Convention and Exhibition Centre) for access, to the satisfaction of the Responsible Authority. Alternatively any reference to access from the subject site onto 2 Clarendon Street, Southbank (Melbourne Convention and Exhibition Centre) must be removed.

No Advertising Displayed on Building

46. No signs shall be erected, painted or displayed on the land without the prior written permission of the Responsible Authority unless in accordance with the provisions of the Melbourne Planning Scheme.

3D Digital Model

47. 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, Melbourne City Council. The model should be prepared having regard to Advisory Note – 3D Digital Modelling Melbourne City Council. Digital models provided to the Council may be shared with other government organisations for planning purposes. The 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 Council.

Time limit

48. This permit will expire if one or more of the following circumstances apply:
- a) The development is not started within three years of the date of this permit.
 - b) The development is not completed within six 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 permit if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

Notes

Heritage Victoria Permit Requirement

Prior to the commencement of any buildings or works allowed by this Planning Permit, the proposed buildings and works must also be approved in writing by Heritage Victoria.

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.

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.

Civil Design

All necessary approvals and permits are to be first obtained from the City of Melbourne's City Infrastructure Branch and VicRoads and the works performed to the satisfaction of the responsible road authority.

Transport and Parking

Council will not change the on-street parking restrictions to accommodate the access / servicing / delivery / parking needs of this development, as the restrictions are designed to cater for a number of other competing demands and access requirements. As per Council's policy, new developments in this area that increase the density of residential development on the site are not entitled to resident parking permits. Therefore, the students / staff / visitors of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions.

Cultural Heritage Management Plan

A Cultural Heritage Management Plan (CHMP) for the land by Andrew Long and Associates dated 13 April 2021 was approved under delegation of the Secretary, Department of Premier and Cabinet on 17 April 2021. The recommendations contained within the CHMP must be adhered to for all buildings and works allowed by this Planning Permit at all times.