

DELEGATED PLANNING APPLICATION REPORT

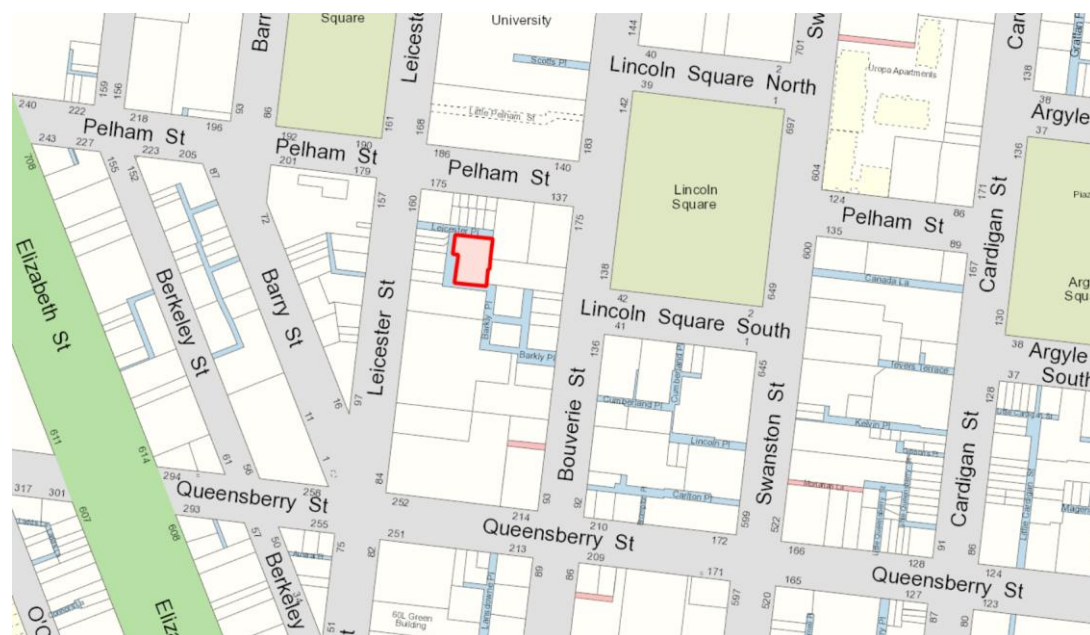
Application number:	TP-2017-616
Applicant:	MG Leicester Pty Ltd
Address:	4-12 Leicester Place, CARLTON VIC 3053
Proposal:	Demolition of existing building and the construction of a mixed use building, comprising of residential hotel and retail premises (other than Adult sex bookshop, Hotel, and Tavern).
Date of application:	27 July 2017
Responsible officer:	Kate Yuncken

1 SUBJECT SITE AND SURROUNDS

An inspection of the site and surrounding area was undertaken on 19 September 2018. The site is irregular in shape and has a total area of 704m². It is currently developed with single storey warehouse buildings, which appear to be vacant. There is a gravel car park at the south-east corner of the site.

The site is unusual in that it does not have a frontage to a primary Carlton street. The 25.14m north boundary fronts Leicester Place, which runs approximately west off Leicester Street, approximately 23m south of Pelham Street. Leicester Place is 5.8m wide with a narrow footpath on the north side and a 1.8m side footpath with three crossovers to the subject site on the south side.

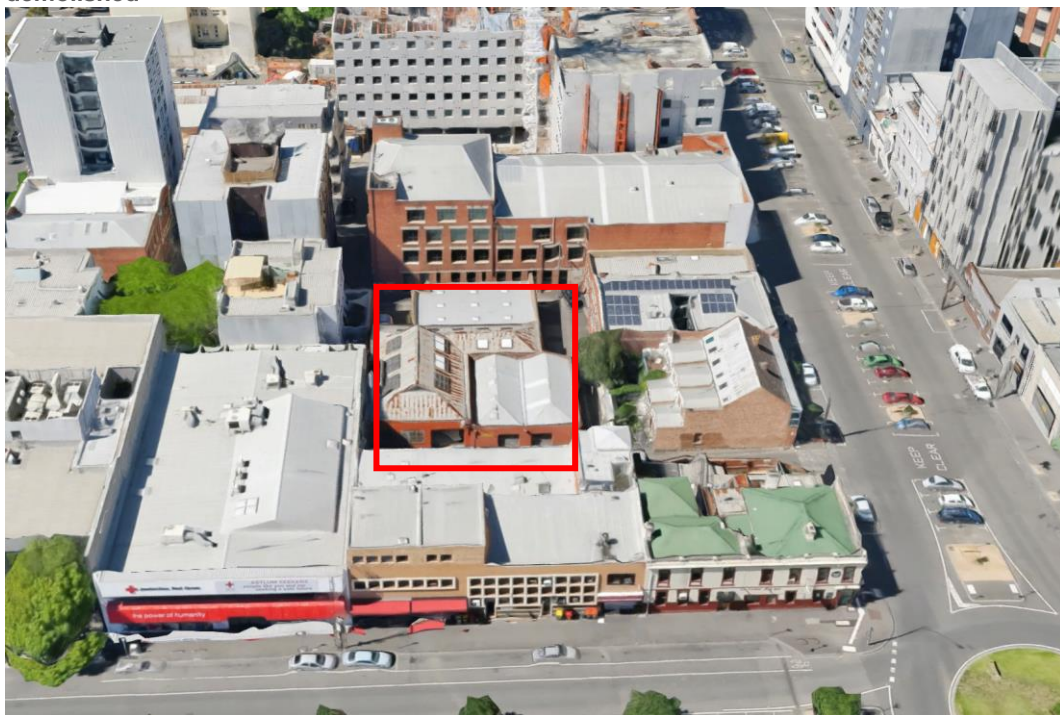
Locality Plan / Aerial Photos



CoMPASS – Subject site and surrounds



Google Maps 3D – Subject site and surrounds from the south prior to the Corkman Pub being demolished



Google Maps 3D – Subject site and surrounds from the north prior to the Corkman Pub being demolished

The west and south boundaries of the site abut Corporation Lane 1002 (CL1002), which may be accessed either from Leicester Place or from Barkly Place, which is a little street running west off Bouverie Street and north towards the subject site where it joins CL1002.

The land is on one consolidated title, which has a right of carriageway over CL1002. It is not affected by any easements or restrictive covenants. The site slopes down from Leicester Place towards the rear laneway boundary, a fall of approximately one metre.

The immediately adjacent area has a mixture of buildings dating from the Victorian era, mid-twentieth century buildings generally two-three storeys in height and

recently developed teaching and accommodation facilities associated with the University of Melbourne up to 13- storeys in height.

Buildings of heritage significance in the vicinity of the subject site are the art-deco former factory at 157-165 Pelham Street (HO 84) and to the west at 148-152 Leicester Street are a row of three two-storey terrace dwellings, known as Pattison Terrace with an individual heritage overlay HO62.

The former historic Corkman Pub at the south east corner of Leicester Street and Pelham Street (HO85) was a two storey rendered brick hotel built in the mid 1880's. The Hotel was demolished in October 2016 and the land is currently vacant. The site is within a site specific Design Development Overlay Schedule 68 which seeks to require the restoration and reconstruction of a significant heritage place.

Immediately north of the subject site, five three-storey dwellings have been developed at the rear of 157-165 Pelham Street, which have ground level garages and balconies and windows facing the site.

The northern part of the east boundary abuts VPC House, which is occupied by the Red Cross charity. The building presents a blank wall to the subject site and has vehicle access from the east end of Leicester Place via a roller door. The southern part of the east boundary abuts a three-four storey residential development at 157-161 Bouverie Street, which has terraces and windows facing the subject site.

South of the site at 132-138 Leicester Street is a three-four level brick building refurbished as offices in 2006. It is occupied by the charity Oxfam. The two-storey former warehouses at 140 and 146 Leicester Street are now used as offices with dwellings above.

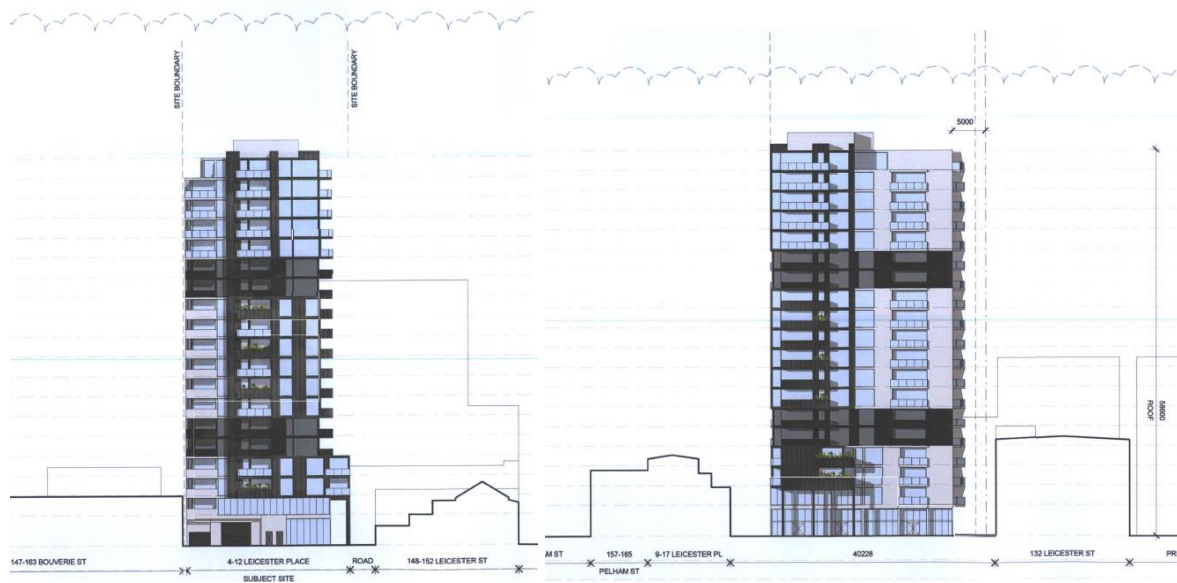
South-east of the subject site at 16-18 and 24 Barkly Place there are five and six storey residential apartment buildings, respectively. The most recently constructed development in the vicinity is the student accommodation development at 108-128 Leicester Street which is ten storeys at the frontage and rises to 13 storeys at the rear. Ground level open space and recreation facilities for this development face onto Barkly Place.

2 BACKGROUND AND HISTORY

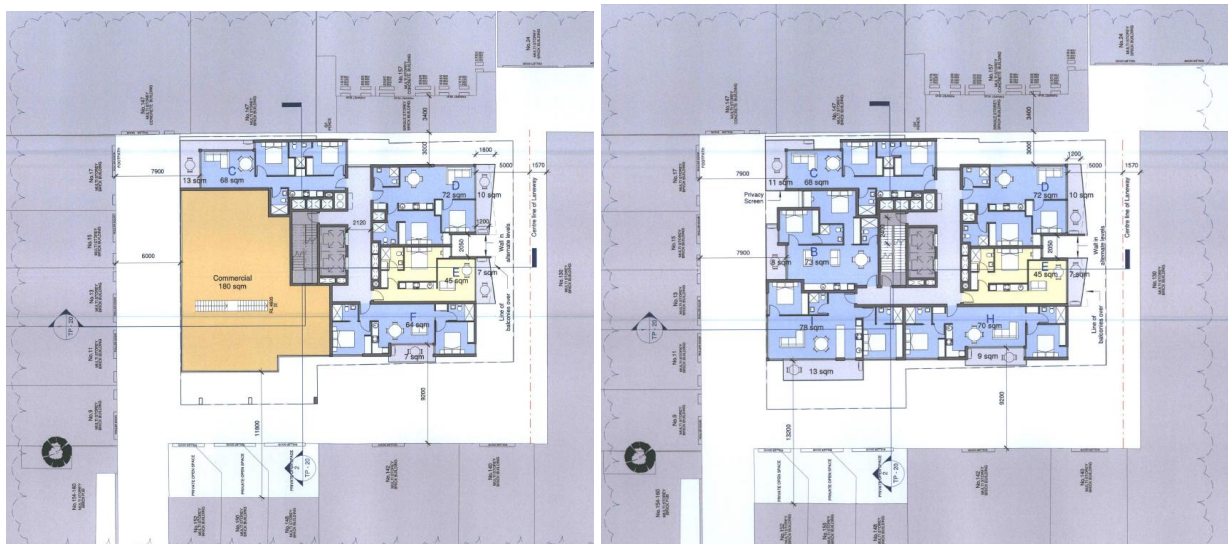
2.1 Planning Application History

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

TP number	Description of Proposal	Decision & Date of Decision
TP-2015-983	Construction of a mixed use building of 19 storeys in height, comprising commercial floorspace on the ground and first floors, and apartments above. Two basement levels provide for car parking, storage areas and services.	MCC & VCAT Refusal 6 June 2016



North and west elevations of TP-2015-983



Ground level and Levels 7 – 12 and 15 - 18 of TP-2015-983

The following are relevant extracts from VCAT Order P127/2016 / TP-2015-983 dated 6 June 2016:

1. Manor Gate Group Pty Ltd (the 'Applicant') have sought a review of the failure of the Melbourne City Council to grant a permit within the prescribed time. The proceeding relates to a proposed development of a 19 storey mixed use building on land at 4-12 Leicester Place, Carlton (the 'review site').
2. Since the lodgement of the Application for Review, the Council has determined that it opposes the grant of a permit. Its grounds raise concerns with the height and scale of the proposal, the setbacks from the road boundaries, the built form impacts on neighbouring properties some of which were within a Heritage Overlay, the impact on the equitable development opportunity of surrounding land, and traffic impacts.
3. The Tribunal must decide whether a permit should be granted and, if so, what conditions should be applied. Having considered all submissions and evidence presented with regard to the applicable policies and provisions of the Melbourne Planning Scheme, we have decided to affirm the Council's decision and direct that no permit be granted. Our reasons follow.

- 6As a result a range of policy at both a State and local level provide clear support for the intensification of development in this precinct, and in particular for the provision of additional housing.
- 7 The debate before us at the hearing focussed not on whether the site is suitable for this type of development, but rather whether the aspects of this particular design are sufficiently site responsive, and to the guidance provided in the Melbourne Planning Scheme....
- 31 For these reasons we find that the proposed development tries to achieve too much built form, in contrast to the strategic intent of DDO61 for the City North Area. The height of the proposed development significantly exceeds the preferred maximum height encouraged by DDO61, and will significantly and unreasonably challenge both the heights strategically intended for this precinct, and the hierarchy of heights intended for the City North Area, as set out by the Melbourne Planning Scheme. We consider both of these outcomes to be undesirable, and will result in an urban form that DDO61 specifically discourages for the review site. Further, the extensive built form that is proposed for the review site will cause amenity impacts on surrounding residential properties which are greater than those reasonably contemplated by the form of development encouraged by DDO61 and the broader guidance provided by the Melbourne Planning Scheme. The built form also contains setbacks that will not achieve the equitable development of this and an adjoining property.

3 PROPOSAL

The application was originally lodged on 27 July 2017 and sought planning permission for the demolition of existing building and the construction of a residential hotel. The building was proposed to be 52.2 metres in height.

On 24 August 2017 the City of Melbourne's formally requested for further information from the applicant. In the request letter significant concerns with the proposal were also raised stating that:

Please note that Council officers have very significant concerns with the scale and architectural merit of this proposal. It is highly unlikely that the proposal will be supported in its current form. It is recommended that the proposal be significantly amended to meet the requirements of DDO61 Area4.1. If you wish a meeting can be held with yourself and Council officers. Please contact me to arrange a time.

On 18 June 2018 the applicant responded to the request for information and also revised the proposal.



Original plans 27 July 2017 west elevation and revised plans 18 June 2018 west elevation

The proposal still seeks approval for demolition of existing building and the construction of a residential hotel. The building will primary comprise of a residential hotel use (with ancillary roof top terrace), and a retail tenancy at the ground level.

The plans received on 18 June 2018 propose the following:

- Construction of a 13 storey (40.96m plus roof terrace and plantroom) building residential hotel for 175 lodging rooms and 324 m² retail
- The development will have a total gross floor area of 8,734 m².

The application proposes the following uses:

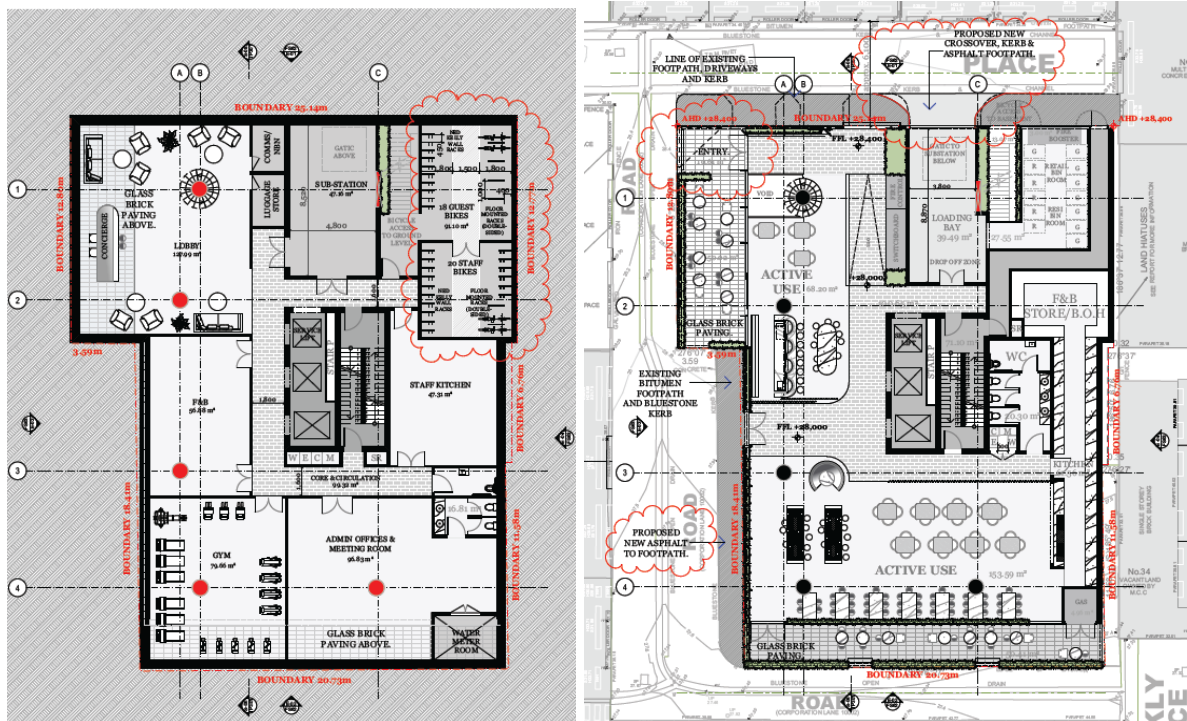
Hotel	175 Hotel Rooms,
Retail	Ground level 324 m2

The specific details of the proposal are as follows:

Building height	A total of 13-storeys (plus 3 basement levels) Podium 11.31 metres The building measures to approximately 40.96m plus roof terrace and plantroom
Setbacks above podium	<u>North</u> 5m from the centre of Leicester Place and 9m from residential properties at 9-17 Pelham St <u>South</u> 3.5m from the title boundary, 5m from the centre of Council Lane 1002 and 8m from the properties to the south <u>East</u> 4.5m from the title boundary <u>West</u> 4m from the title boundary and 8m from residential properties at 148-

	152 Leicester St and further south 0 metres from title boundary and 8 metres from 140-146 Leicester St.
Gross floor area (GFA)	8,734 m2
Car parking spaces	Zero car spaces
Bicycle facilities and spaces	18 guest and 20 staff bicycle spaces on-site;
Loading / unloading	A loading bay is proposed off Leicester Place
Pedestrian access	Pedestrian access is provided off both frontages.

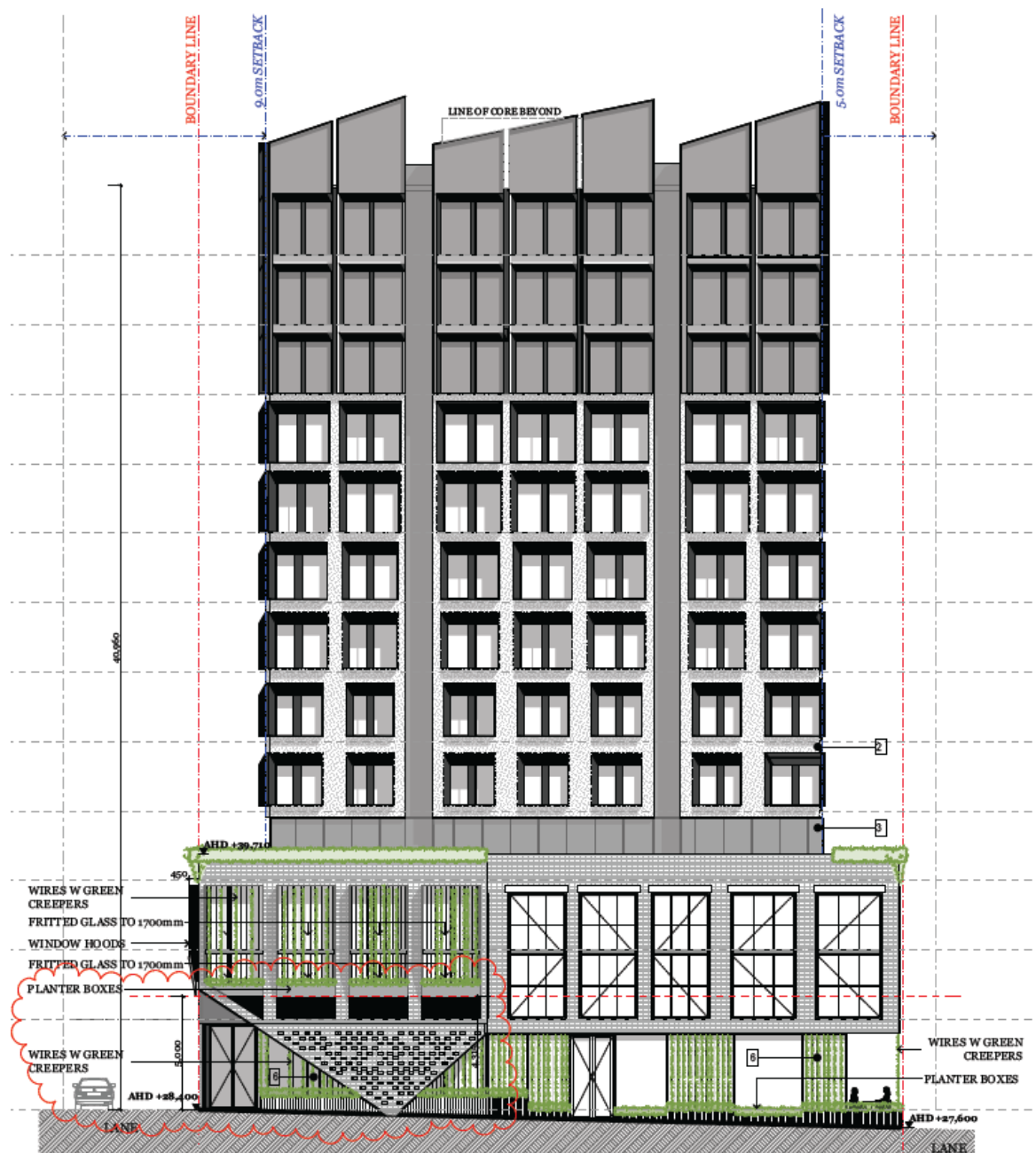
The applicant provided without prejudice plans on 16 August 2018 (plans dated 14 August 2018) to address minor matters raised by Council's Urban Designers and Engineers. The changes included reducing the size of the planter box on the north west corner to allow views into the entry, raising the projecting window hoods and planter boxes to 5m above the footpath and changes to the footpath and kerbs for the loading area.



Basement and ground floor - 14 August 2018



North west corner of proposed building - 14 August 2018



West elevation of proposed building - 14 August 2018

4 STATUTORY CONTROLS

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

Clause	Permit Trigger
<p>Clause 37.04</p> <p>Capital City Zone, Schedule 5 (CCZ5) (City North)</p>	<p>Pursuant to Clause 37.04-4:</p> <ul style="list-style-type: none"> A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise. A permit is required to demolish or remove a building or works if specified in the schedule to this zone. <p>1.0, Table of uses, of CCZ5 includes Accommodation and Retail</p>

	<p>Premises (includes a food and drink premises) as a Section 1 – no permit required uses. The accommodation frontage at ground floor level must not exceed 4 metres if shown as a street frontage at Map 1 of Clause 43.02 Schedule 61. The site is not identified in Map 1 therefore this requirement is achieved.</p> <p>4.0, Buildings and works, of CCZ5 states that a planning permit is required to construct a building or construct or carry out works. Decision guidelines are at 4.0 of CCZ5.</p> <p>5.0, Demolition or removal of a building, of CCZ5 states that a planning permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works. Decision guidelines are at 5.0 of CCZ5.</p>
<p>Clause 43.02</p> <p>Design and Development Overlay, Schedule 61 (DDO61, Area 4.1) (City North)</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required. Schedule 61 does not exempt the buildings and works from requiring a permit.</p> <p>Schedule 61 states that all buildings or works requiring a permit should:</p> <ul style="list-style-type: none"> • 'be constructed in accordance with the preferred maximum street edge height, preferred maximum building height and preferred upper level setback requirements for the specific areas as identified in Part 1.0 and Table 1 of this Schedule • meet the Design objectives and Design Requirements as set out in Table 2 of this Schedule.' <p>Table 1 identifies a preferred maximum building height of 40 metres for Area 4.1. Buildings on the street edge of laneway frontages, any part of the building above 10.5 metres should be setback 4 metres with a street edge of 40 metres.</p> <p>Table 2 sets out design requirements for all areas relating to Building Heights, Scale and Setbacks, Building Facades and Street Frontages, Active and Safe Street Frontages, Provision of Public Places, Sunlight to Public Places, Pedestrian Links and Weather Protection.</p>
<p>Clause 45.09</p> <p>Parking Overlay, Schedule 1 (PO1) (Capital City Zone – Outside the Retail Core)</p>	<p>Pursuant to Clause 52.06-2, 'before a new use commences, the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority'.</p> <p>2.0, Permit requirements, of PO1 states that a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0.</p> <p>3.0, Number of car spaces required, of PO1 states that, 'Where a site is used partly for dwellings and partly for other uses, the maximum number of spaces allowed:</p> <ul style="list-style-type: none"> • for that part of the site devoted to other uses, (excluding common areas serving the dwellings) must not exceed the number calculated using one of the following formulas: <p>5 x net floor area of buildings on that part of the site in sqm / 1000sqm</p> <p>Or 12 x that part of the site in sqm / 1000 sqm</p> <p>The proposal does not provide any car parking spaces and as such no planning permit is required pursuant to PO1.</p>
Clause 52.34	Pursuant to Clause 52.34-2, a planning permit may be granted to

Bicycle facilities	<p>vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.</p> <p>Pursuant to Table 1 to Clause 52.34-3 (bicycle spaces), residential buildings (other than specified in this table) of four or more storeys should provide 1 resident space to each 10 lodging rooms and 1 visitor space to each 10 lodging rooms.</p> <p>The design of bicycle spaces should comply with the requirements of Clause 52.34-4.</p> <p>The current proposal for is for 175 hotel rooms, which equates to a statutory requirement for 17.5 spaces for residents and 17 spaces for visitors. The applicant has submitted that the proposal provides for 18 guest and 20 staff bicycle spaces on-site bicycle parking spaces, which is in excess of the statutory requirement and as such no planning permit is required.</p>
Clause 66.02 – Use and Development Referrals	<p>Pursuant to Clause 66.02-11 – Integrated Public Transport an application to subdivide land, to construct a building or to construct or carry out works for a residential building comprising 60 or more lodging rooms must be referred to the Head of Transport for Victoria as a determining referral authority</p>

5 STRATEGIC FRAMEWORK

5.1 State Planning Policy Framework (SPPF)

- **Clause 11.02-1S (Supply of urban land)** seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- **Clause 15.01-1R (Urban design – Metropolitan Melbourne)** seeks to create a distinctive and liveable city with quality design and amenity.
- **Clause 15.01-1S (Urban design)** seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- **Clause 15.01-5S (Neighbourhood character)** seeks to ensure that development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place.
- **Clause 15.02-1S (Energy and resource efficiency)** seeks to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.
- **Clause 17.02-1S (Business)** seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial services.
- **Clause 18.02-2S (Public transport)** seeks to facilitate greater use of public transport and promote increased development close to high-quality public transport routes.

5.2 Local Planning Policy Framework (LPPF)

5.2.1 Municipal Strategic Statement (MSS)

- **Clause 21.04 (Settlement)** identifies the site as being located within the Hoddle Grid.
- **Clause 21.06-1 (Urban design)** seeks to ensure that the height and scale of development is appropriate to the identified preferred built form character of an area.
- **Clause 21.06-3 (Sustainable development)** seeks to encourage environmentally sustainable building design innovation.

- **Clause 21.14 (City North)** identifies that the City North is an area in transition and change is already underway.

5.2.2 Local Policies

Clause 22.01 (Urban design within the Capital City Zone) seeks to deliver design excellence; appropriate building height, setbacks and scale; public realm amenity; internal building amenity; sunlight; wind conditions; and attractive publicly accessible spaces, streets, lanes and public parks and gardens.

Clause 22.02 (Sunlight to public spaces) seeks to ensure new buildings and works allow good sunlight access to public spaces.

Clause 22.19 (Energy, Water and Waste Efficiency) seeks to ensure buildings achieve high environmental performance standards at the design, construction and operation phases.

Clause 22.23 (Stormwater Management – Water Sensitive Urban Design) seeks to promote the use of water sensitive urban design, including stormwater re-use.

6 ZONE

The subject site is located within Capital City Zone, Schedule 5 (CCZ5), which seeks to:

- 'To develop City North as a mixed use extension of the Central City.
- To provide for a range of educational, research and medical uses as part of an internationally renowned knowledge district.
- To encourage a range of uses that complements the capital city function of the locality and serves the needs of residents, workers, students and visitors.'

As set out above at Section 4, a permit is required for the proposed demolition and buildings and works pursuant to CCZ5. Decision guidelines are set out in CCZ5 at 4.0 for buildings and works and 5.0 for demolition.

7 OVERLAY(S)

The subject site is affected by Design and Development Overlay, Schedule 61 (DDO61, Area 2.4) (City North) and Parking Overlay, Schedule 1 (PO1) (Capital City Zone – Outside the Retail Core).

As set out above at Section 4, a permit is required for the proposed demolition and building and works. However, a planning permit is not required for the proposal pursuant to PO1.

1.0 of DDO61 sets out the following relevant design objectives:

- 'To encourage City North to develop as a central city precinct characterised by university, research and medical buildings.
- To ensure development responds appropriately with suitable building scale, heights and setbacks to the existing character, context, and interfaces with established residential areas, and immediate amenity.
- To ensure that new buildings respect the rich heritage fabric of the area and that new buildings that adjoin the heritage buildings respect their height, scale, character and proportions.
- To develop a fine grain urban form by encouraging buildings with a wide street to be broken into smaller vertical sections.
- To ensure university, research and medical buildings are actively integrated with the surrounding public realm.

- To design buildings to provide passive surveillance and activation of ground floors addressing the streets.
- To ensure development allows good levels of daylight and sunlight to penetrate to the streets and to lower storeys of buildings by providing adequate separation between buildings.
- To deliver a scale of development that provides a high level of pedestrian amenity having regard to sunlight, sky views and wind conditions.
- To improve the walkability of the precinct by encouraging new laneways and pedestrian connections.

The preferred built form outcomes for Area 1 and Areas 1-5 at Table 1 are set out above at Section 4. In addition, as noted, Table 2 includes general design requirements for all DDO Areas.

8 PARTICULAR PROVISIONS

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

- Clause 52.06, Car Parking

9 GENERAL PROVISIONS

The following general provision(s) apply to the application:

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

10 PUBLIC NOTIFICATION

Pursuant to Clause 37.04-4 and CCZ5 and Clause 43.02-2 and DDO61, an application to construct a building or construct or carry out works, and to demolish or remove a building or works is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

11 OBJECTIONS

A total of 5 objections were received for originally submitted plans, and raised the following concerns with the original plans:

- The scale of the development is inconsistent with the preferred mid-rise scale of buildings established for this precinct of the City North area.
- That insufficient attention has been given to the heritage guidance provided in the Design and Development Overlay – Schedule DDO 61.
- Construction Management Plan issues
- While the façade treatment of the revised development proposal is much more restrained, we do not think that a 15 level tower, just 7.2 metres from the 2 storey Heritage Places to the west, or 10 metres from the residential properties to the north is a respectful outcome.
- Traffic congestion and movements in the laneway
- Foot traffic and pedestrian noise
- Wind effects at ground level

As noted above, the application is exempt from notice requirements pursuant to the CCZ5 and DDO61. The concerns as raised by the objectors however will be addressed in further detail in the assessment below.

12 CONSULTATION

Given that the built form has been significantly amended the objectors were provided with a copy of the revised 2018 plans for their information. One objector has responded stating:

Thank you for your reply and for providing access to the current proposal. I understand the exemption from any requirement for notice, objections and appeals.

Thanks too for the attention that you and the Planning Dept of COM has given to the various proposals. I for one am pleased that the applicant has sought to improve almost every aspect of the design, and comply with the DDO etc, and pleased that they have engaged an architect firm that has a good record in Melbourne with similar sites and proposals.

13 REFERRALS

13.1 Internal

13.1.1 Urban Design (summarised)

We support the proposal and confirm that the revised scheme responds to and resolves the majority of Urban Design's initial concerns and previous VCAT evidence. We are highly supportive of the positive ground floor resolution and commend the architects for reducing the impact to the public realm through the relocation of services, especially the substation and 'back of house' to the basement levels.

*Urban Design advice has been incorporated into the assessment section of the proposal.

13.1.2 Engineering

Civil

- Engineering Services objected to the proposed new paving to footpath around the redevelopment. The August 2018 without prejudice plans revised the footpath to address this concern.
- The advice recommends standard civil conditions.

Traffic

- Generally supportive of the proposal subject to a Traffic and Loading Management Plan to ensure that the checking-in/checking-out of guests and loading/servicing activities are scheduled to occur outside the 7-9am and 4-7pm Mon-Fri traffic peak periods.

Waste

- The Waste Management Plan for this proposed development is acceptable.

13.2 External

13.2.1 Transport for Victoria

Transport for Victoria provided a response on 28 August 2018 and stated they did not object to the grant of a planning permit.

14 ASSESSMENT

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

- The built form and setbacks having regard to DDO61-A4.1 (City North) and adjacent properties
- The design and layout of the hotel, including the room typologies, communal facilities and legibility of hotel entrance.
- Traffic, waste management, deliveries and servicing.

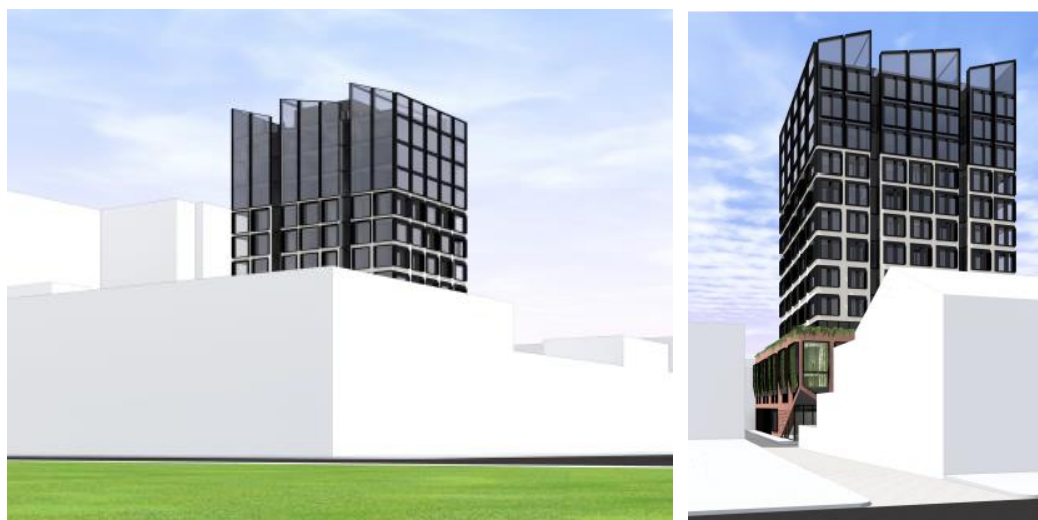
14.1 Built form

Building Mass

DDO61 A4.1 provides the urban design guidance for the site. A maximum height of 40m with a street wall height of 10.5m applies to this laneway context. 4m setbacks are required above the street wall to secure internal amenity. However, limited guidance exists to balance the competing matters of development equity and privacy for residences abutting the site.

The building height has been reduced from 15 storeys (52.2m) to 12 storeys (40.96m) not including architectural features. Setbacks to the east and west have been increased from the previous scheme, resulting in a narrower tower form. Given the amended height and setbacks, the massing of the tower now adopts a scale, mass and separation from surrounding the buildings that better responds to context and secures amenity.

Set above the hotel floorplate, the angled and varied parapet to the roof terrace helps to achieve verticality throughout the facade by adding a 3 dimensional quality to the otherwise horizontal plane of the roof. This also protects the roof terrace from wind, while allowing glimpses out through the gaps created by the rebates. From the surrounding area including Lincoln Square and University Square, this will present a well-considered silhouette in the round and is supported.



East and West viewpoints of proposed building

The properties to the north and west are small allotments. Maintaining an appropriate level of residential amenity (privacy, outlook and sunlight) to these properties has been achieved.

The northern boundary interfaces with Leicester Place and a row of 5, 2-4 storey residential properties with front doors and vehicle access to the lane. These properties have habitable rooms on the second storey and open terraces above with primary outlook to Leicester Place. The proposed podium provides a 6m separation

between these properties across Leicester Place. This is acceptable given the exiting vehicle dominated interface.



Streetview Google: 9-17 Leicester Place (left), 147-155 Pelham (centre) and subject site (right)

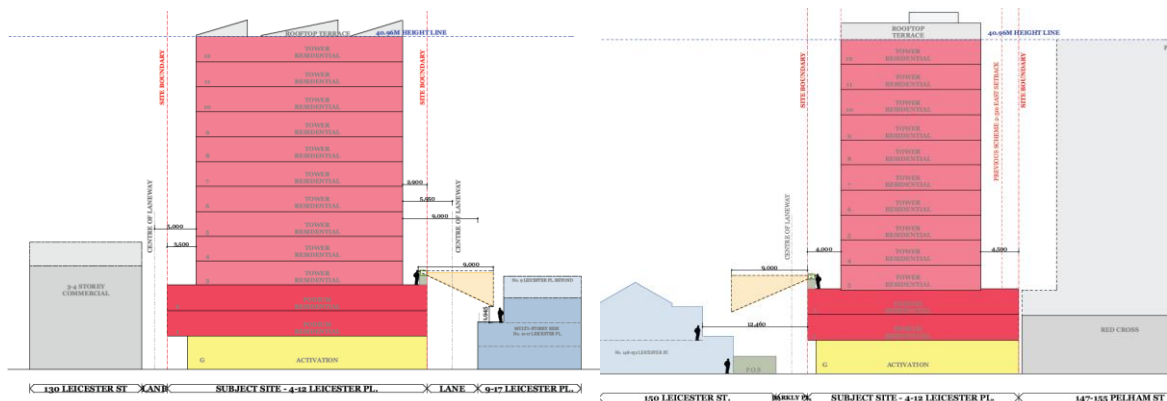
The double story residential terraces, west of the subject site at 148 – 152 Leicester Street have private open spaces at the rear of their sites, fronting onto the Council Lane 1002. 148 Leicester Street also as a first floor terrace also facing towards Council Lane 1002 and the subject site. These properties have habitable rooms on ground and first levels with outlook to Council Lane 1002. The proposed podium provides a 9m separation between the ground floor habitable rooms of 148 – 152 Leicester Street across Council Lane 1002.

The tower is setback 4 metres from this section of Council Lane 1002 and achieves a separation of 13 metres from the ground floor habitable rooms of 148 – 152 Leicester Street. This setback is acceptable as it ensures an appropriate level of amenity is retained for these residential properties as well as achieving the built form outcome of ensuring that Council Lane 1002 has an appropriate access to daylight and sunlight.



Streetview Google: Council Lane 1002 and rear of 148 – 152 Leicester Street

Downward views from the first and second level hotel rooms along the northern and western interface have been mitigated by the use of window frames with integrated planter boxes. Wires with creepers and the fritted glass to 1700mm from finished floor level and clear glazing above have been applied to the lower windows. This treatment will screen views between habitable rooms across the Leicester Place.



Overlooking Screening L3 North and L3 West and tower setbacks

Council's urban design team raised concern with the use of fritted glazing as it results in a loss of primary outlook opportunities to the public realm (Leicester Place). The applicant reviewed the use fins to screen views instead of fritter glazing. The applicant is of the view that the depth of fins required to buffer overlooking would be detrimental to the amenity of the hotel rooms as they will have very limited access to natural light and no outlook.

The tower setbacks to the eastern boundary have been increased from 2.5m to 4.5m and help to secure amenity and equitable development for properties to the east. The third podium level is one level higher than the adjacent private open space/terrace of 157 Bouverie Street. Endorsed plans of the neighbouring floorplans indicate that these rooms are bedrooms and not the primary living rooms.

Building Program

The removal of car parking from the development is highly positive, addresses earlier concerns with vehicle access and liberates the ground floor for active uses. The mixed use activities within the site support trips at different times of the day, which increases safety of the building interfaces and surrounding laneway context. It is very positive to see that back of house uses, such as storage, linen and laundry located in

the basement levels. The level of investment in achieving a productive and active ground plane is commended.

The layout of the hotel rooms around a central lift core is positive and takes advantage of the surrounding laneways with rooms oriented to have a primary outlook to the street. However, the hotel rooms along the eastern boundary have their primary outlook onto the light court. Light courts should only be considered as a secondary outlook, but considering this only affects 2 rooms per level and are to be used as short term accommodation, this is an accepted outcome. This outcome would not be supported if the project were student accommodation or regular market housing with longer tenancy durations.

Whilst the arrangement of the rooms around a lift core is supported it is also noted that this has resulted in narrow, deep rooms. It is acknowledged however that hotel rooms are not subject to minimum dimensions through BADS.

The location of the loading bay in the north east corner with access from Leicester Place is supported as it is the most efficient location of the loading bay and bicycle access, as residents already use this section of the lane for private vehicle access. This consolidates vehicle access to and from the site along this portion of this lane and reduces through block traffic.

Public Interfaces

The podium achieves a sense of solidity and weight, which is an appropriate response to the surrounding red brick context, whilst the upper form is more heavily glazed and therefore lightweight. The recessed setback is maintained but holds the building line through a combination of planter boxes and articulated angled brick façade that grounds the building. This responds well to earlier pre-application comments and provides for usable semi-outdoor space.

The staggered western property boundary has the potential to create unsafe entrapment areas. These have been removed through the angles created in the ground floor facade, punctuated brickwork and low profile planter boxes, which provide clear sight lines through this recessed area.

The hotel lobby is located on the first basement level, out of direct view, which is interesting and represents a unique challenge from a legibility perspective. This highlights the importance of a direct and legible entry from the public realm, especially the approach from the drop-off on Leicester Street. The without prejudice plan dated 14 August 2018 show a reduced the planter box which allows for direct views to entry and the entrance has also been further distinguished through the use of thicker mullions.

Design Quality

The use of restrained material palette of brick, concrete and steel to reflect the established, predominantly red brick surroundings is applauded. In addition the use of planter boxes with vertical creepers provides another layer of tactile, fine grain landscaping to this predominantly residential laneway.

The materials correlate to the massing strategy and are supported. Detailed sections and elevations at a scale of 1:20 or 1:50 are required however to demonstrate how the angled brick work and perforations will be constructed across the lower levels. This will secure the design quality from concept through to delivery.

The projecting steel window hoods to both the podium and tower form provide a common building language and provide depth within the façade. Further detailed drawings should show how the precast panels will be joined at the corners of the prominent upper form.

Importantly the expressing verticality of the tower through rebates successfully breaks up the horizontal mass and avoids the tower being perceived as a continuous wall, from the public realm and Lincoln Square Park.

14.2 Loading and Traffic Management

Although a planning requirement, the development has incorporated on-site loading which is strongly supported. The loading bay provides a location for off street waste collection and delivery of goods which reduces traffic impacts on Leicester Place and surrounding streets. The location and size of the loading bay has been reviewed by Council's traffic engineers and is supported.

There are a number of residential properties requiring vehicular access to both Leicester Place and CL1002. The movement of vehicles via these laneways to/from the hotel could potentially obstruct the residents' vehicles and vice versa, particularly during the AM/PM peak periods. This situation is common in the Capital City Zone and is applauded that the applicant is providing a loading bay to mitigate vehicles from stopping in Leicester Place.

In order to reduce the likelihood of multiple vehicles needing to use the loading bay at the same time it is recommended that Loading Management Plan be prepared outlining management strategies to manage scheduling of loading and servicing vehicles. This can be addressed by condition of permit.

No on-site car parking is proposed which is encouraged by the Parking Overlay Schedule 1 and also results in a better urban outcome at the ground plane. The site has close proximity to:

- The university precinct;
- The Central City and various shops, cafes, restaurants, supermarkets, community services and facilities etc;
- Open spaces with convenient access by walking or public transport including University Square, Lincoln Square, Argyle Square, Carlton Gardens, Flagstaff Gardens, Princes Park and Royal Park;
- Public transport services including Tram Routes Nos. 1, 3/3a, 5, 6, 8, 16, 64, 67, 73 and 401 and Melbourne Central Railway Station, which is less than 1km walking distance;
- Nearby GoGet and Flexicar car share facilities; and
- Short-term parking restrictions which protect the area from long-term users and is ideal for visitors and customers.

It is considered that in this context that the provision of no car parking can be supported.

14.3 Waste

A Waste Management Plan prepared by Salt Pty Ltd dated 13 June 2018 has been submitted and is in accordance with the City of Melbourne's Guidelines for Waste Management Plans.

14.4 ESD

The NJM Design Consulting Engineers Pty Ltd Sustainability Management Plan dated 14 June 2018 states that the development will be capable of achieving:

- 5 Star Green Star rating, using the Design & As-Built v1.2 rating tool
- Project meets a STORM score of 139% and 7 points. The percentage reduction in Potable Water Consumption is 45 compared to the Standard Practice Building

14.5 Potentially contaminated land

The site has been used for industrial uses in the past therefore a condition for an environmental audit and any identified associated remediation works is required.

14.6 Construction management

Objectors have raised concerns with the amenity issues associated with the demolition and construction of the development. These issues are not planning matters however a condition of permit will be required for a Construction Management Plan to be prepared in consultation with Council's Site Services team.

14.7 Objections

The application is exempt from notice requirements pursuant to the CCZ5, PO1 and DDO61. The application has however received 5 objections. These objections relate to the originally submitted plans and raised similar concerns to the concerns raised by council officers in 2017. The application has since been significantly amended.

The concerns raised by objectors such as height, scale, setbacks, context and construction management have been addressed above.

15 RECOMMENDATION

That a Permit be issued subject to the following conditions:

1. Prior to the commencement of any demolition, bulk excavation, construction or carrying out of works on the land, the applicant must submit to the Responsible Authority three copies of plans drawn to scale generally in accordance with the plans received 22 April 2018 but amended to show:
 - a) The development as shown on the drawings TP200, TP206, TP302 and TP305 dated 14/8/2018
 - b) Details of brick wall treatment to north and west elevations
 - c) Any changes as required by the landscape management plan

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

2. The development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
3. Prior to the demolition hereby permitted, the permit holder must satisfy the Responsible Authority that substantial progress has been made towards obtaining the necessary building permits for the development of the land generally in accordance with the development of the land approved under this permit and that the permit holder has entered into a bona fide contract for the construction of the development.
4. Prior to the commencement of the development, including demolition or bulk excavation, a detailed Construction and Demolition Management Plan must be submitted to and be approved by the Responsible Authority. This construction management plan is to be prepared in accordance with the *City of Melbourne - Construction Management Plan Guidelines* and is to consider the following:
 - a) public safety, amenity and site security;

- b) operating hours, noise and vibration controls;
 - c) air and dust management;
 - d) stormwater and sediment control;
 - e) waste and materials reuse; and
 - f) traffic management.
5. Prior to the commencement of the development (excluding demolition), the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended uses. This CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. The assessment must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development (excluding demolition). The CEA must include:
- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This includes details of how long the uses occupied the site.
 - A review of any previous assessments of the site and surrounding sites, including details of any on-site or off-site sources of contaminated materials. This includes a review of any previous Environmental Audits of the site and surrounding sites.
 - Intrusive soil sampling in accordance with the requirements of Australian Standard (AS) 44582.1. This includes minimum sampling densities to ensure the condition of the site is accurately characterised.
 - An appraisal of the data obtained following soil sampling in accordance with ecological, health-based and waste disposal guidelines.
 - Recommendations regarding what further investigate and remediation work, if any, may be necessary to ensure the site is suitable for the intended use(s).

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

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

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

8. Prior to the commencement of the development (excluding demolition) a landscape management plan detailing hard and soft infrastructure and assets (such as planter boxes, irrigation methods, soil depth, soil types, plant species) the ownership, maintenance regime and management responsibilities of the infrastructure and assets associated with the development must be prepared and submitted to the satisfaction of the Responsible Authority prior to the commencement of all landscaping works associated with the development.

If plants die, they must be removed and replaced within three months to the satisfaction of the Responsible Authority.

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

9. Prior to the commencement of the development (excluding demolition), an acoustic report prepared by a qualified acoustic consultant must be submitted to and be to the satisfaction of the Responsible Authority. The report must provide for noise attenuation measures to achieve a maximum noise level of 45dB(A)Leq in unfurnished and uncarpeted hotel rooms with all windows and doors closed, unless there is no suitable air conditioning and/or mechanical ventilation, in which case the maximum noise level of 45dB(A)Leq in unfurnished and uncarpeted habitable hotel rooms must be achieved with all the windows half open and the doors closed. The report must be based on average external noise levels measured as part of a noise level assessment. The recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority, prior to the occupation of the building.
10. Within six months of the occupation of the development, a report from the author of the endorsed ESD Statement must be provided to the satisfaction of the Responsible Authority, which details designed initiatives implemented within the completed development that achieve the performance outcomes specified in the endorsed ESD Statement.
11. Except with the consent of the Responsible Authority, DKO Architecture (Vic) Pty Ltd must be retained to complete the detailed development plans and to 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 to the satisfaction of the Responsible Authority.
12. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.
13. All building plant and equipment on the roofs are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant

machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts, and communications equipment, shall be to the satisfaction of the Responsible Authority.

14. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP), by Salt Pty Ltd dated 13 June 2018. The endorsed WMP must not be altered without prior consent of the Responsible Authority – Engineering Services.
15. Prior to the commencement of the use a Loading Management Plan must be prepared by a suitably qualified expert and must be to the satisfaction of the Responsible Authority. The Loading Management Plan must outline management strategies to ensure no more than one loading or servicing vehicle is scheduled at any time.

The recommendations of the Loading Management must be implemented at no cost to Council prior to commencement of the use. The endorsed Loading Management Plan must not be altered without prior consent of the Responsible Authority.

16. Prior to the commencement of the development (excluding demolition), a stormwater drainage system incorporating integrated water management design principles must be submitted to, and approved, by the Responsible Authority - Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's stormwater drainage system.
17. Prior to the commencement of the use/occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
18. The footpaths adjoining the site along Leicester Place and Corporation Lane 1002 must be reconstructed in asphalt together with associated works including the renewal/reconstruction of kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
19. Existing street levels in Leicester Place and Corporation Lane 1002 must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services.
20. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.
21. This permit will expire if one or more of the following circumstances apply:
 - a) The development is not started within two years of the date of this permit

b) The development is not completed within four years of the date of this permit

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

Notes

- The roof terrace must be managed by the hotel operator.
- All necessary approvals and permits are to be first obtained from the City of Melbourne – Manager Engineering Services Branch and the works performed to the satisfaction of the City of Melbourne – Manager Engineering Services Branch
- The City of Melbourne will not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development, as the restrictions are designed to cater for other competing demands and access requirements.

16 DECISION

The Lord Mayor, Deputy Lord Mayor and Councillors were notified of the above recommendation on 8 November 2018

< OPTION 1 >

No request for this application to be presented to the Future Melbourne Committee has been received from The Lord Mayor, Deputy Lord Mayor or a Councillor. The signature and date below confirm this recommendation as the Council's decision.

OR

< OPTION 2 >

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

Signature:

Kate Yuncken

Principal Planning Officer

Date affirmed: