

Report to the Future Melbourne (Planning) Committee**Agenda item 6.1****Ministerial Planning Referral: TPM-2022-18
28-38 Pearl River Road, Docklands****6 June 2023****Presenter:** Marjorie Kennedy, Head of Statutory Planning**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Referral (PA2201816) for land located at 28-38 Pearl River Road, Docklands (refer Attachment 2 – Locality Plan).
2. The applicant is UPCo who is acting on behalf of the owner, Capital Alliance 8 Pty Ltd. The architect is SJB.
3. The land is located within the Docklands Zone Schedule 6 (DZ6) and is covered by the Development Plan Overlay Schedule 7 (DPO7), Design and Development Overlay (DDO) Schedules 12 and 54, and Parking Overlay Schedule 10 (PO10).
4. The Site is located within the District Docklands Development Sites Development Plan – Addendum to Waterfront City Outline Development Plan October 2021 (Development Plan Addendum) area.
5. The application seeks approval for the construction of a building which includes two tower forms above a podium linked by a skybridge, function centre and external escalator. The northern tower comprises 23-26 storeys and the southern tower 11-13 storeys. The building will contain a residential hotel (serviced apartments and hotel rooms), offices, beauty salon, function centre and bar (Refer Attachment 3 – Selected Plans).
6. The Department of Transport and Planning (DTP), on behalf of the Minister for Planning, has informally referred the application to the City of Melbourne for comment.

Key issues

7. The key issues for consideration are how the proposal responds to the approved Development Plan Addendum, the built form (including height and setbacks) and public realm impacts (including street level activation, impacts to on-street car parking, overshadowing and wind).
8. The development appropriately responds to its strategic and physical context subject to the recommended conditions. The building will sit comfortably in this location and is an appropriate response to the approved Development Plan Addendum, Waterfront City Precinct and the Design and Development Overlay Schedule 54 due to the breaks in built form between the towers, the stepping down in overall height towards Docklands Drive and the use of high quality contemporary architecture which appropriately responds to the context.
9. The proposed land use mix comprising of residential hotel (serviced apartments and hotel), function centre, beauty salon (wellness centre) and bar are supported in this location in accordance with the purpose of Docklands Zone (Schedule 6) to provide for a range of commercial, accommodation, business and leisure uses.
10. It is considered that the proposed development will make a positive contribution to the currently-vacant site associated with District Docklands and adequately responds to the relevant requirements of the Melbourne Planning Scheme.

Recommendation from management

11. That the Future Melbourne Committee resolves to advise the Department of Transport and Planning that the Melbourne City Council supports the application, subject to the conditions set out in the delegate report (refer to Attachment 4 - Delegate Report).

Attachments:

1. Supporting Attachment (Page 3 of 130)
2. Locality Plan (Page 4 of 130)
3. Selected Plans (Page 5 of 130)
4. Delegate Report (Page 89 of 130)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority for determining this application. The application is exempt from the notice 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 *Planning and Environment Act 1987* (Act). Melbourne City Council therefore has no formal status under the Act in relation to the application.

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, waste management, potential amenity impacts and noise attenuation matters that could impact on health and safety have been considered within the planning permit application and assessment process.

Stakeholder consultation

5. Council officers have not undertaken public notice of the application or referred this to any other referral authorities. This is the responsibility of DTP acting on behalf of the Minister for Planning.

Relation to Council policy

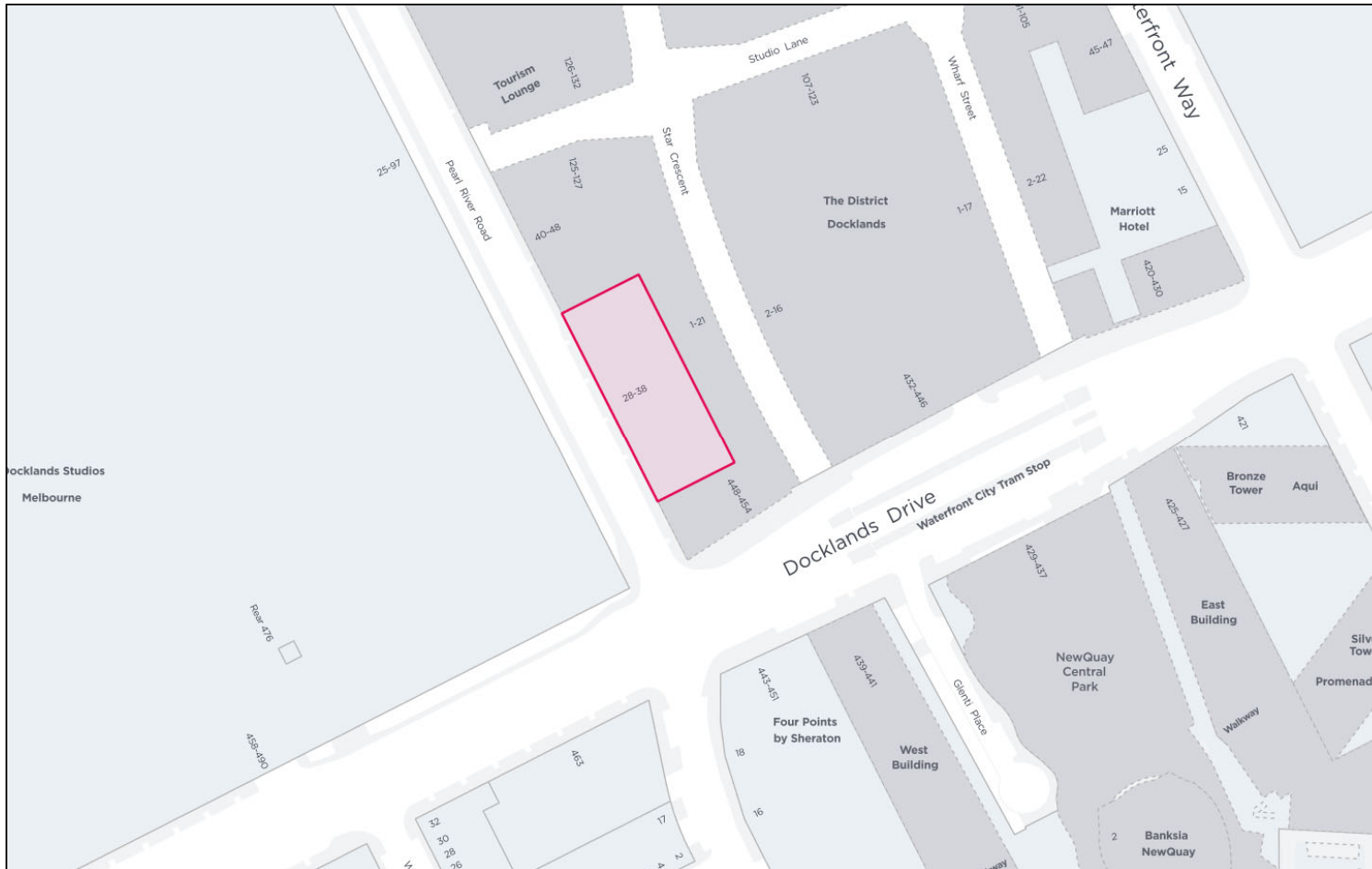
6. Relevant Council policies are discussed in the attached delegate report (refer to Attachment 4 – Delegate Report).

Environmental sustainability

7. The Environmentally Sustainable Design report submitted with the application confirms the development will achieve the relevant performance measures set out in Clauses 15.01-2L-01 (Energy and Resource Efficiency) and Clause 19.03-3L (Stormwater Management) of the Melbourne Planning Scheme.
8. The recommendation includes permit conditions requiring implementation of the ESD initiatives.

Locality Plan

28-38 Pearl River Road, Docklands



28-38 Pearl River Road, Docklands

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Attachment 3
Agenda item 6.1
Future Melbourne Committee
6 June 2023

CoM Urban Design Response

Prepared for
Capital Alliance

Issued
21 March 2023

Naarm
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At SJB we believe that the future of the city is in generating a rich urban experience through the delivery of density and activity, facilitated by land uses, at various scales, designed for everyone.

SJB acknowledge the Traditional Custodians of the land on which we live, practice, and visit, and pay our respects to Elders past, present, and emerging. We recognise the continuous engagement and caring of the lands, waters, and skies by First Nations peoples for time immemorial.

We support the Uluru Statement from the Heart and accept its invitation to walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people toward a better future.



Certified Management Systems

ISO 9001:2015 Quality Management System
ISO 45001:2018 Occupational Health & Safety Management System
ISO 14001:2015 Environmental Management System

Version: 02

Prepared by: DB
Checked by: DW / OC

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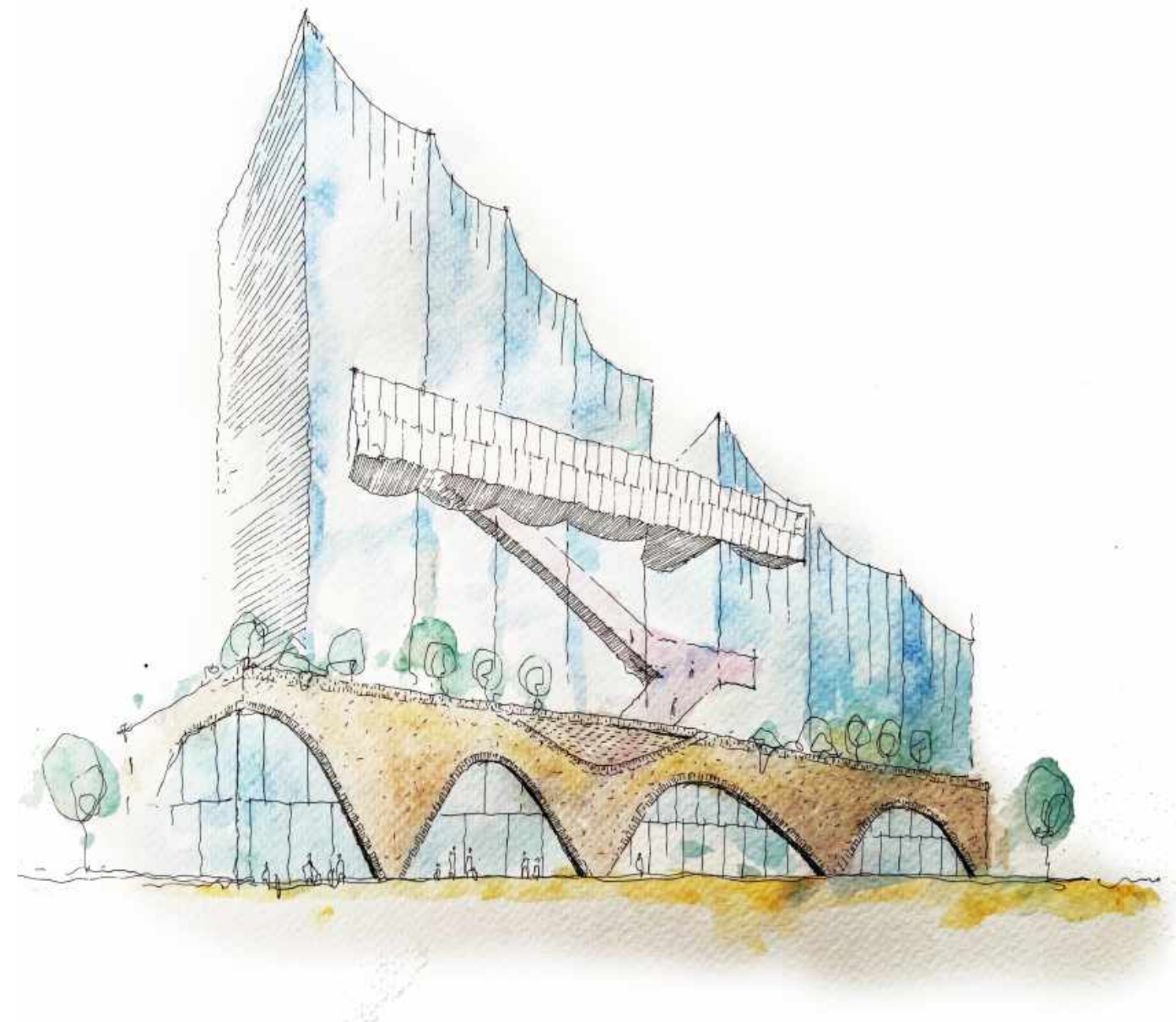
SJB Architecture Pty Ltd
ABN 68 065 207 490
ACN 065 207 490

Michael Bialek 12804
Owen Chow 14643
Tristan Wong 18127



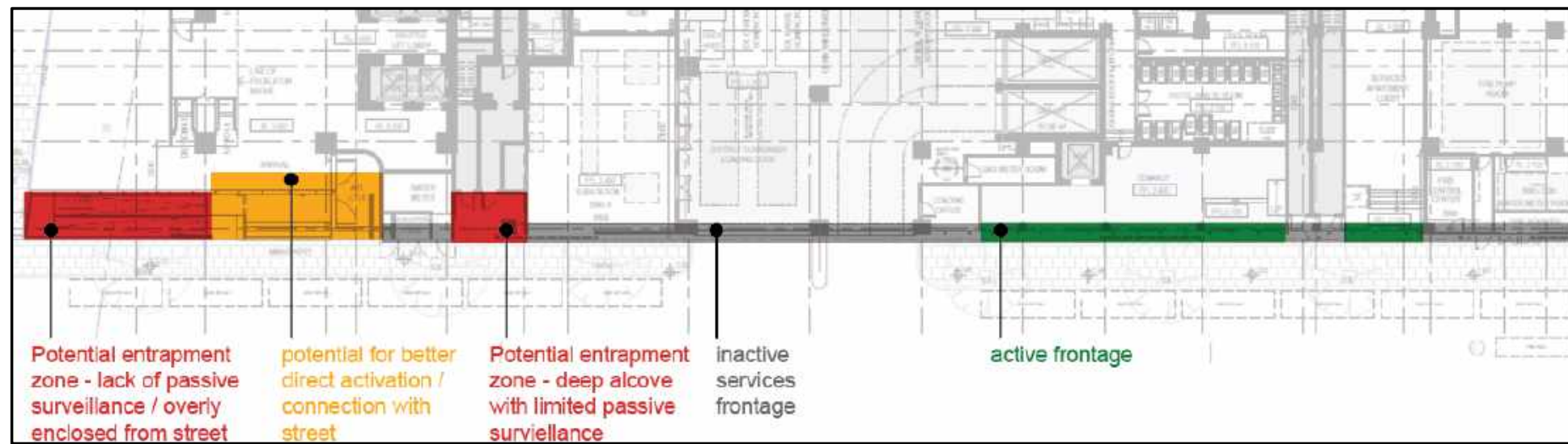
This project will provide an exciting new destination in the Docklands precinct, offering an architectural landmark which is highly visible in the Melbourne skyline. The journey through this building will blur the division between inside and outside, offering world-class uninterrupted views. Connections between the various functions within the complex occur on multiple levels, incorporating a variety of experiences.”

The pillars of our design inspiration are drawn from natural elements such as sculpted landscape forms & the proximity of the Yarra River itself. Maximising daylight and views via these expressive gestures has also been a key consideration.



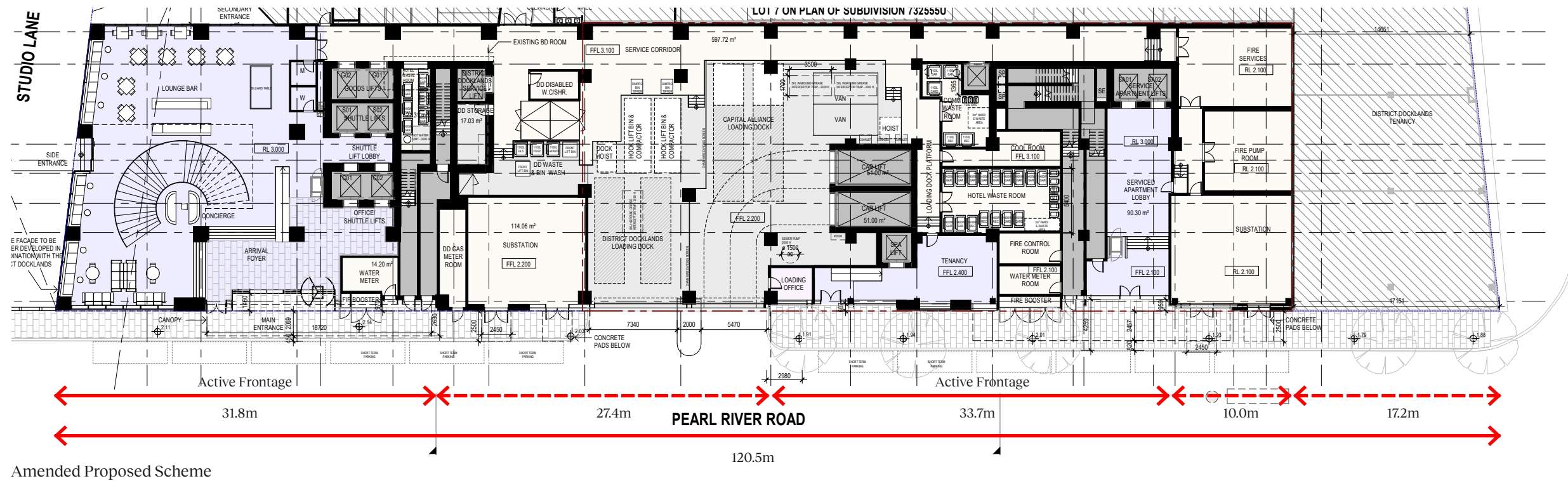
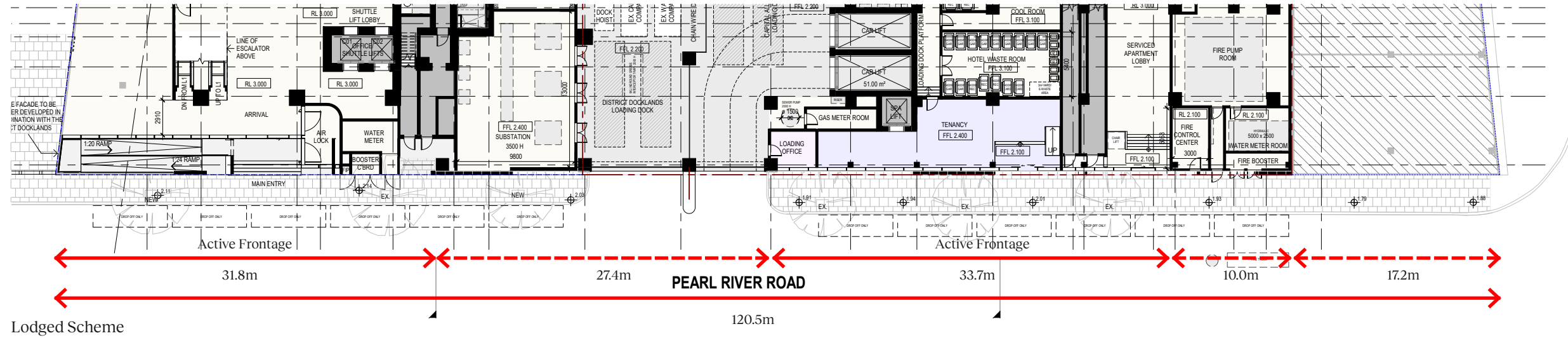
Site Layout / Public Realm Activation

Planning and Urban Design Response

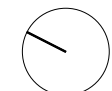
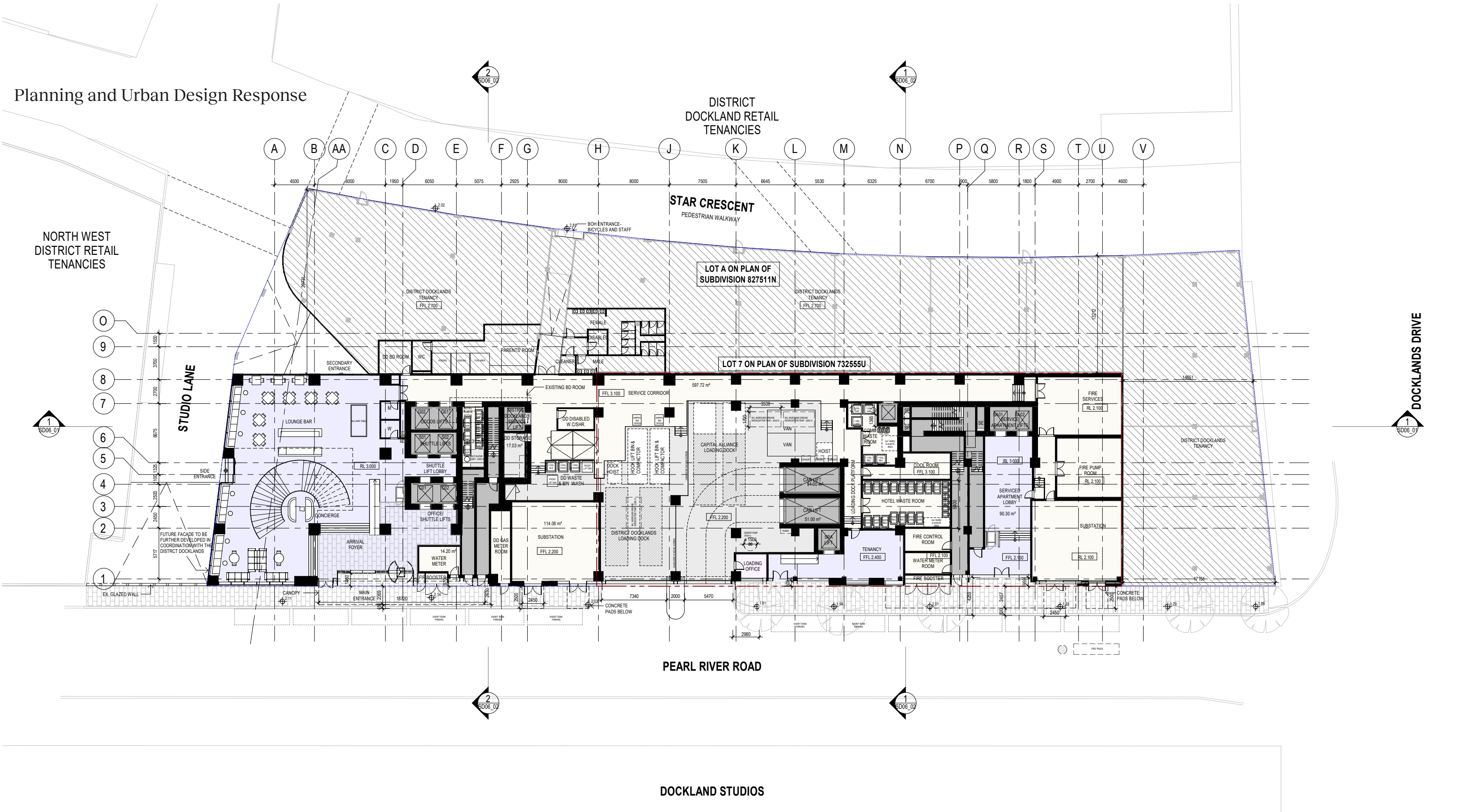


Urban design concerns and limitations

Ground Floor - Activation Comparison



Planning and Urban Design Response



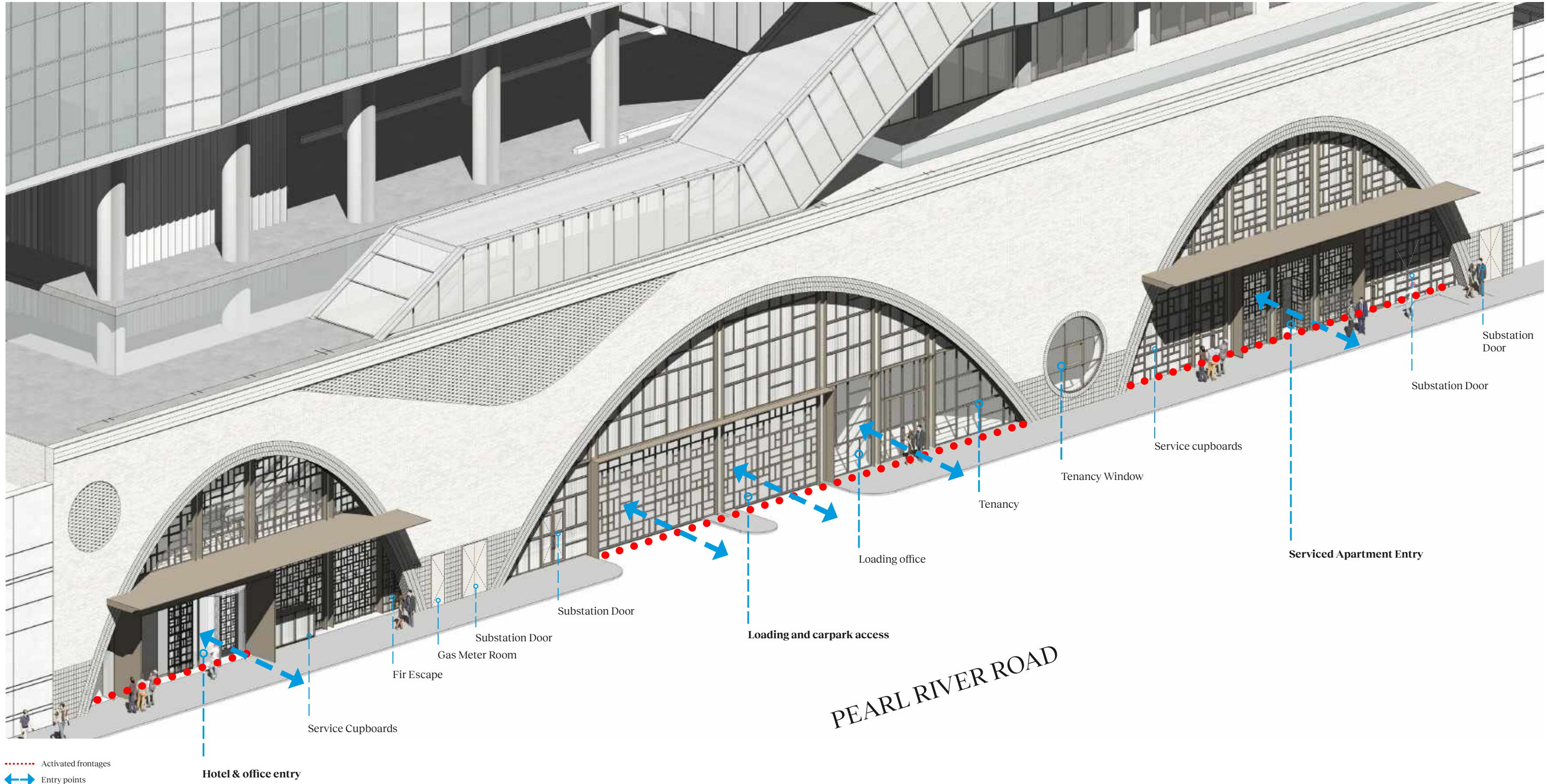
Rev	Date	Revision	By	Chk.
18	22.08.22	ISSUED FOR INFORMATION		
19	23.08.22	ISSUED FOR INFORMATION		
P1	31.08.22	ISSUED FOR TOWN PLANNING		
20	31.01.23	ISSUED FOR INFORMATION		



Streetscape and Podium Activation

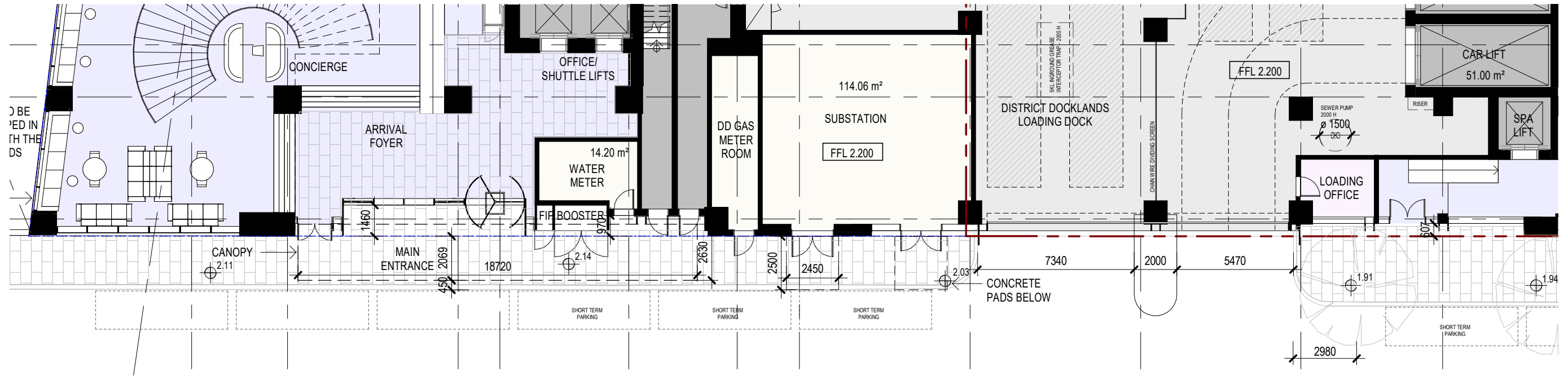
A consolidated loading and ground floor access provides the opportunity for unification and improvement in the street frontage from Studio Lane to Pearl River Road. This will see the current double height sheer wall of the existing car park replaced by active frontage, adding passive surveillance on Pearl River Road.

The hotel lobby, retail and serviced apartment lobby represent active frontage. The substation and booster and loading cross-over adopt the same architectural language as the facade treatment.

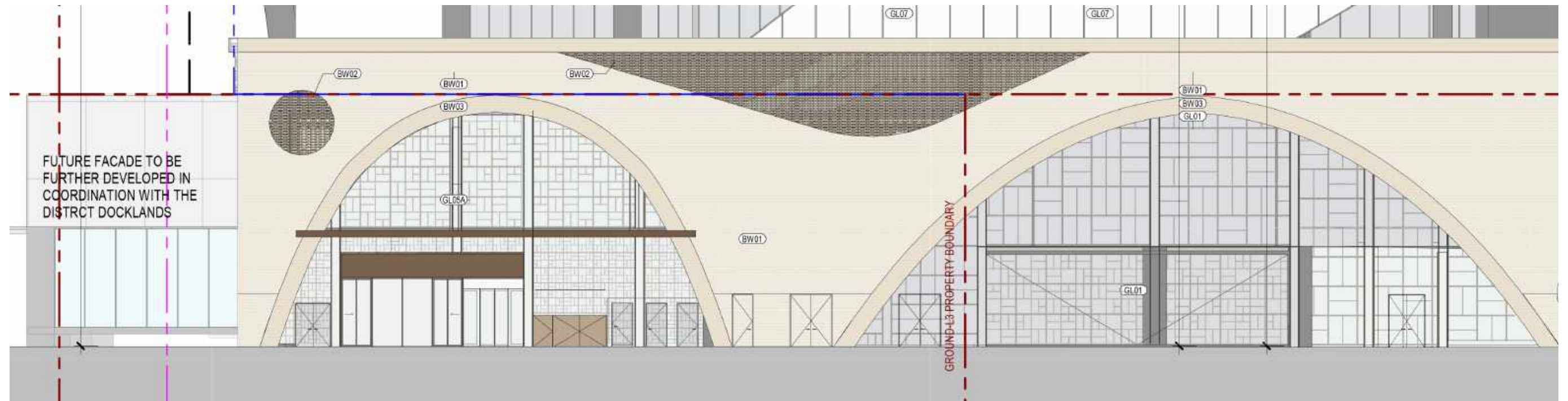


..... Activated frontages
 ↔ Entry points

Ground Floor Layout

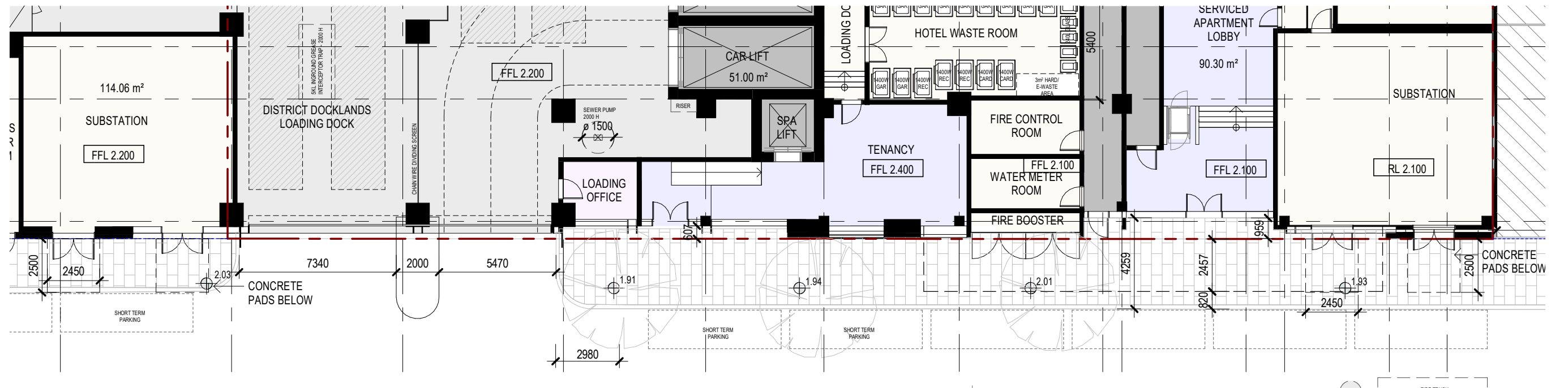


Ground Floor (northern end)

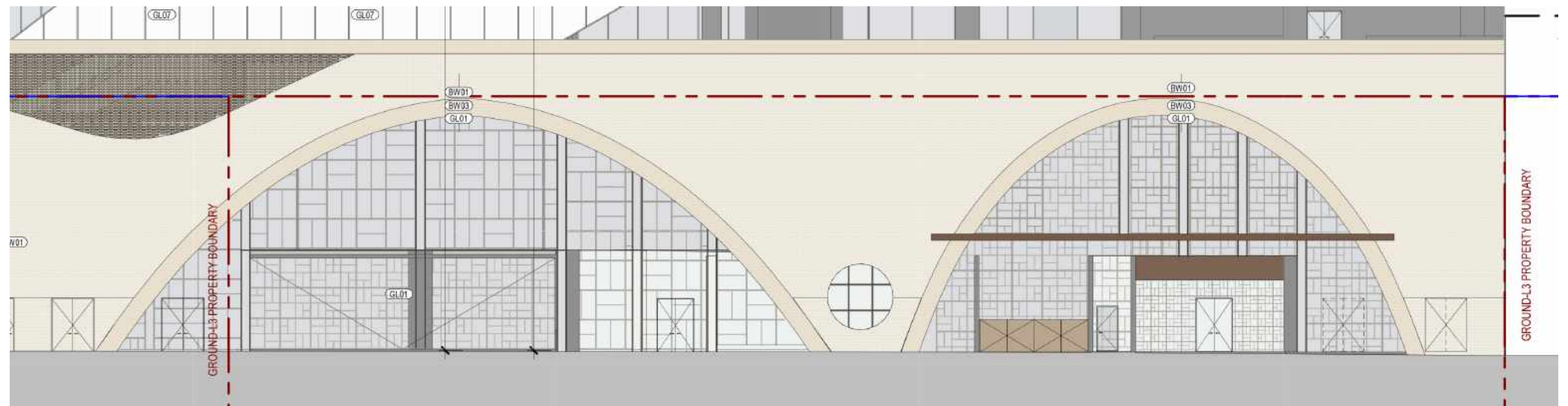


Western Elevation (northern end)

Ground Floor Layout



Ground Floor (southern end)



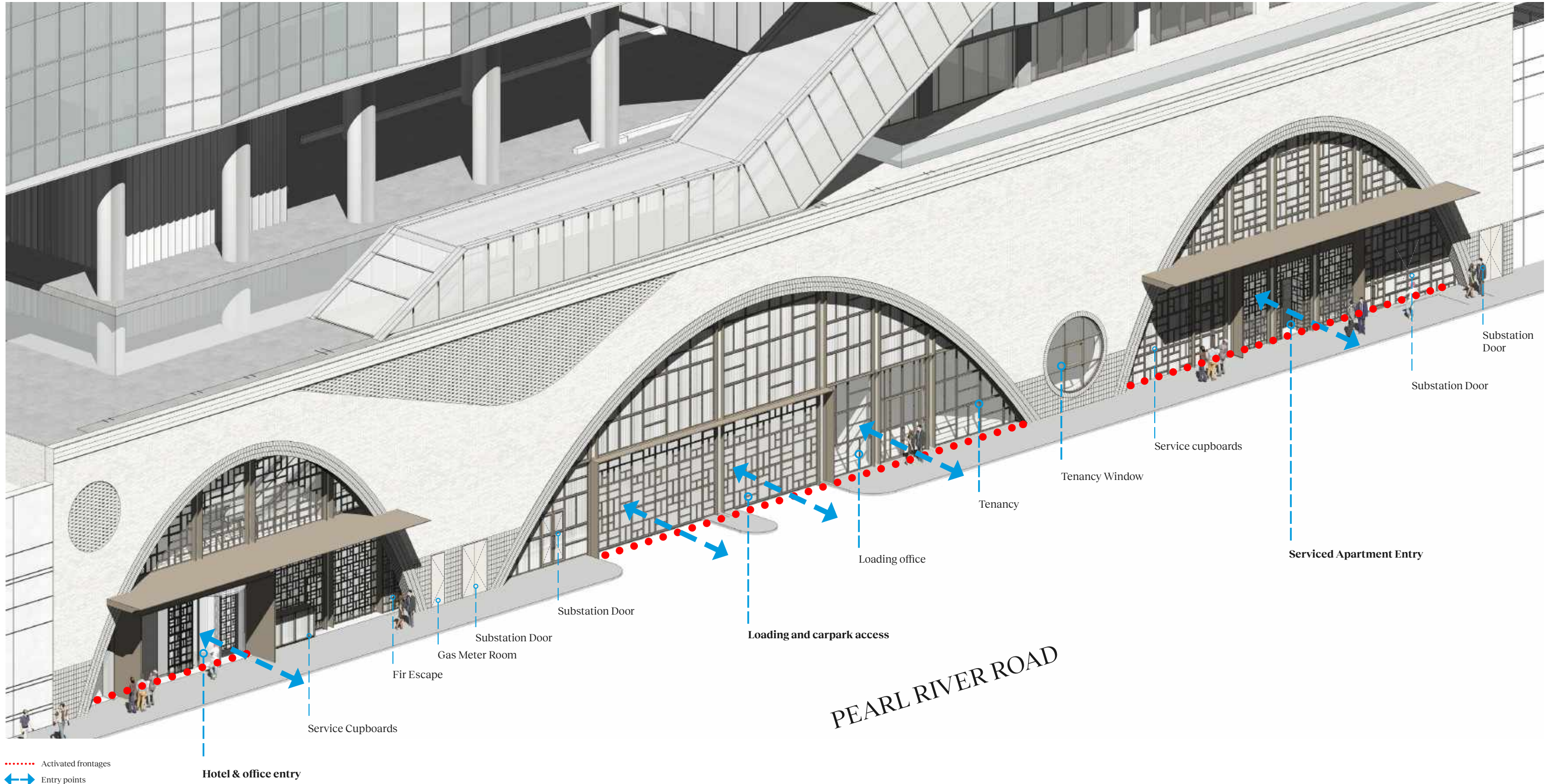
Western Elevation (southern end)

Podium Design

Streetscape and Podium Activation

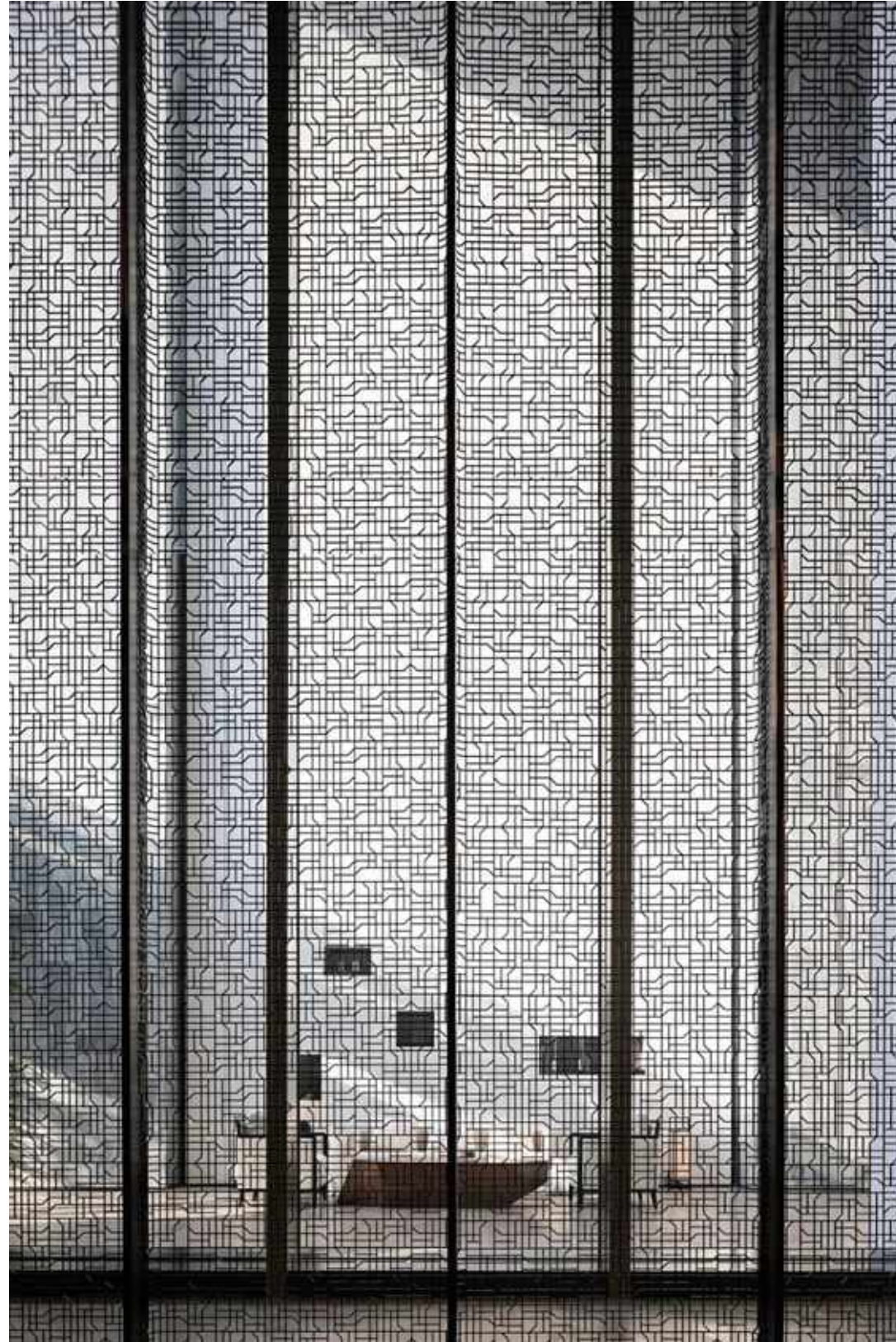
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..... Activated frontages
 ↔ Entry points

Precedents



Material Look and Feel



ME02
BRONZE METAL POWDERCOAT SCREENS



GL07
OPAQUE FLUTED GLAZING APPLIED TO
SERVICE DOORS & CUPBOARDS



ME02
BRONZE METAL POWDERCOAT CANOPY



BW01
LIGHT COLOURED BRICKWORK TO PODIUM

Hotel & Office Entry



Hotel & Office Entry



Entry Comparison

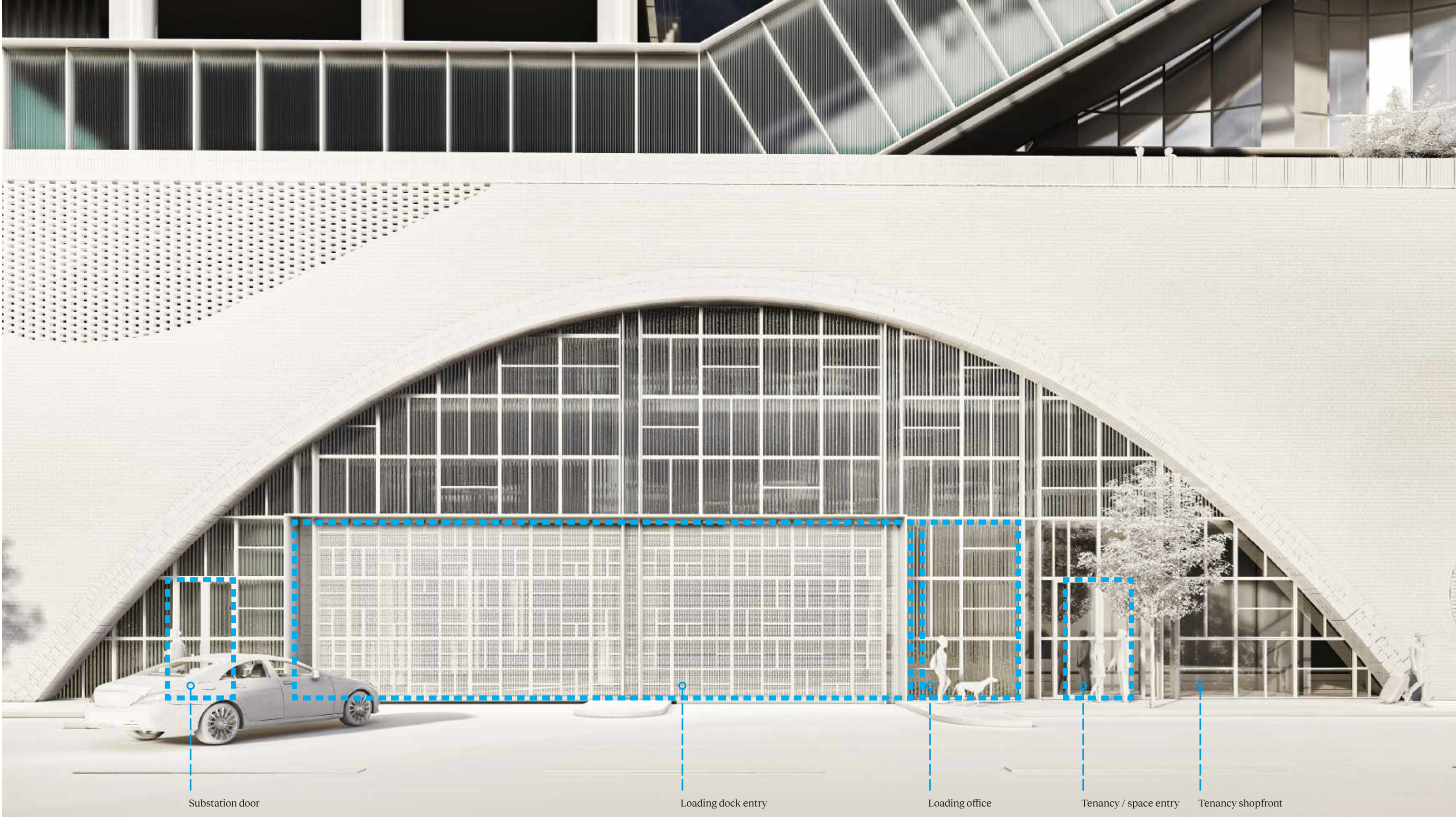


Lodged Application



Revised Entry

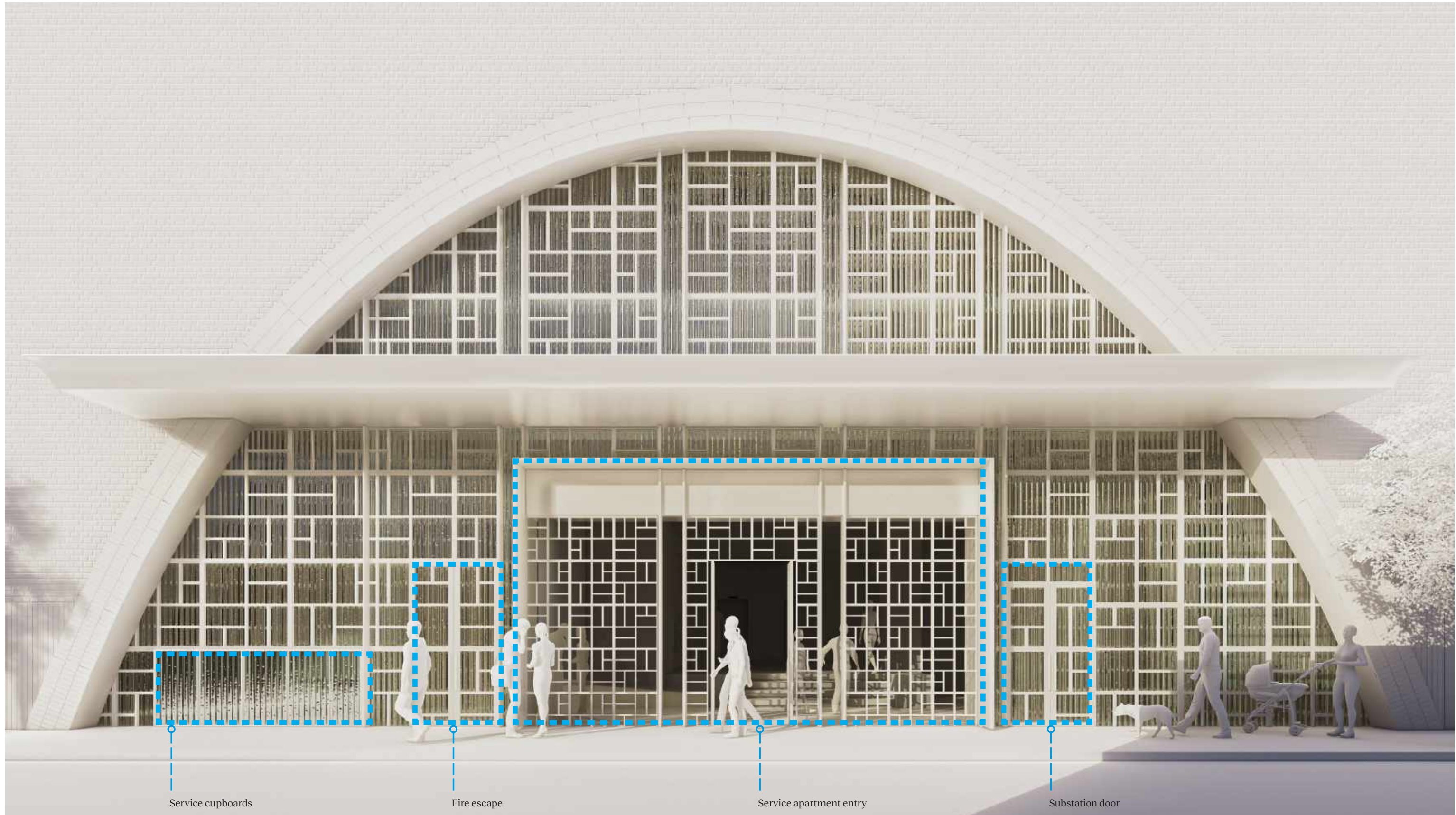
Loading Dock Entry



Loading Dock Entry



Apartment Entry



Service cupboards

Fire escape

Service apartment entry

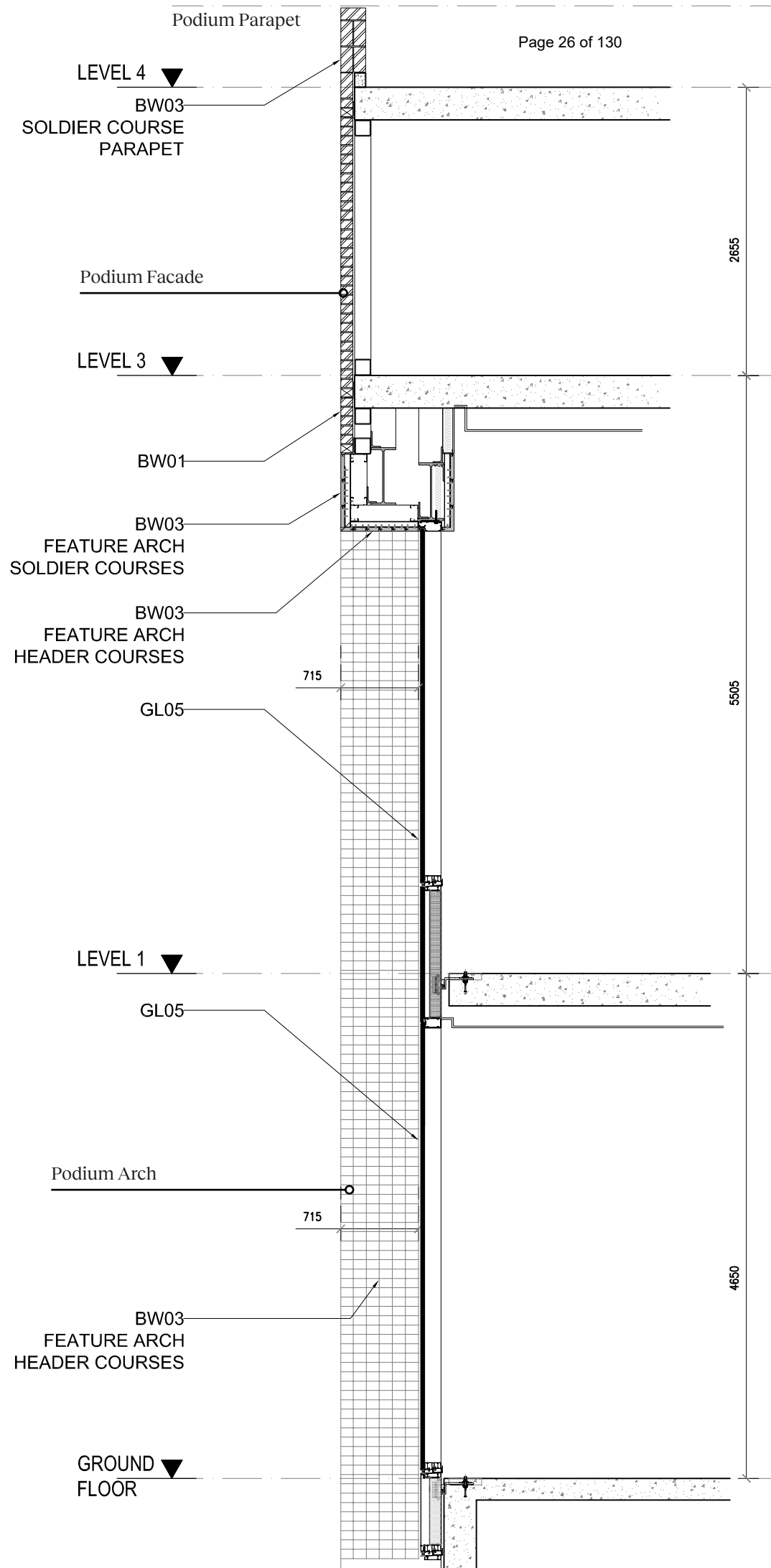
Substation door

Apartment Entry



Facade Details

Podium Arch Detail



MATERIALS LEGEND:

BW01	BRICKWORK - LIGHT COLOURED
BW02	BRICKWORK- HIT AND MISS
BW03	FEATURE ARCHES WITHIN PODIUM
CF01	PRECAST AND INSITU CONCRETE WALLS - NATURAL FINISH
CF02	PRECAST AND INSITU CONCRETE SOFFIT- NATURAL FINISH WITH CAST- IN PATTERN
CM01	METAL SPANDREL
CS01	ANGLED PHOTOVOLTAIC PANELS
GL01	TINTED COMMERCIAL GLAZING: HOTEL / OFFICE / SERVICED APARTMENTS
GL02	COLOUR-BACK COMMERCIAL GLAZING: HOTEL / OFFICE / SERVICED APARTMENTS
GL03	CLEAR NON-REFLECTIVE COMMERCIAL GLAZING: FUNCTION CENTRE
GL04	COLOUR-BACK NON-REFLECTIVE COMMERCIAL GLAZING: FUNCTION CENTRE
GL05	CLEAR COMMERCIAL GLAZING: RETAIL TENANCIES AND ENTRANCE
GL06	LIGHTWEIGHT CLEAR PANELS: EXTERNAL ESCALATORS
GL07	OPAQUE FLUTED GLAZING: GROUND FLOOR FACADE AND EXTERNAL ESCALATOR
LV01	LOUVRES DARK GREY
ME01	GREY ALUMINIUM POWDERCOAT: HOTEL / OFFICE / SERVICED APARTMENTS (GL01)
ME02	BRONZE METAL POWDERCOAT: GROUND FLOOR ENTRANCES AND CANOPY
ME03	DARK BRONZE POWDERCOAT: FUNCTION CENTRE
ME04	SOFFIT AND SLAB CLADDING: FUNCTION CENTRE
ME06	SOFFIT CLADDING TO MATCH GL06 EXTERNAL ESCALATORS
ME07	WALL CLADDING: GROUND FLOOR ENTRANCE PORTALS - CHARCOAL
ME08	PERFORATED SHEET: GROUND FLOOR LOADING DOCK DOORS
PE01	BLACK PAINT FINISH TO EXPOSED DOORS, BLOCKWORK, AND CONCRETE
PE02	GREY PAINT FINISH TO EXPOSED DOORS, BLOCKWORK, AND CONCRETE
PE03	PAINT TO SOFFIT AND SLAB EDGES - COLOUR TO MATCH CURTAIN WALL FRAMES
ST01	STONWORK: FOOTPATHS AND TERRACES
ST02	STONWORK: EXTERNAL SWIMMING POOL CLADDING
TE01	TILE EXTERNAL
TM01	TIMBER BATTENS TO SOFFIT: GROUND FLOOR ENTRANCE PORTALS

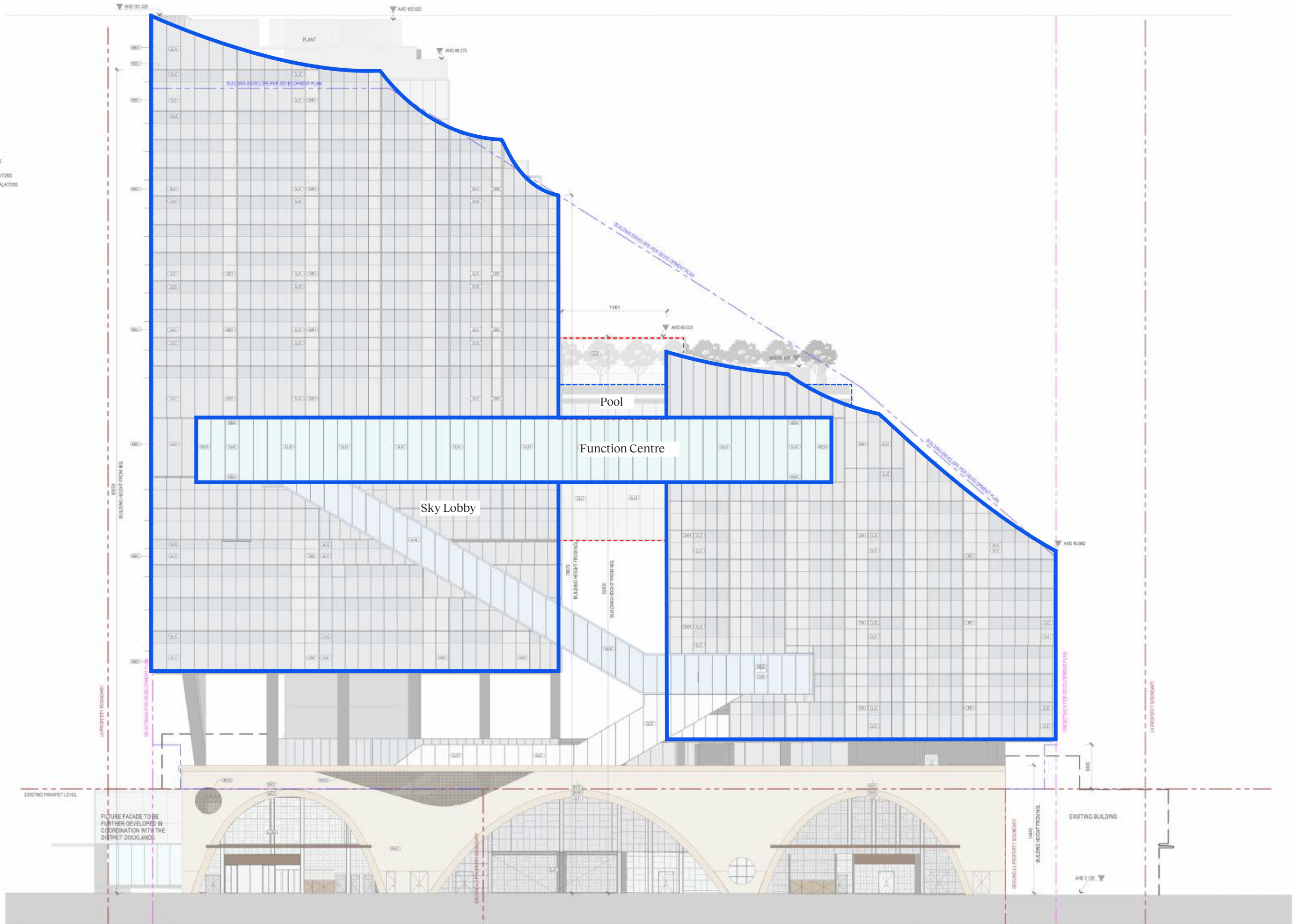
Podium Facade



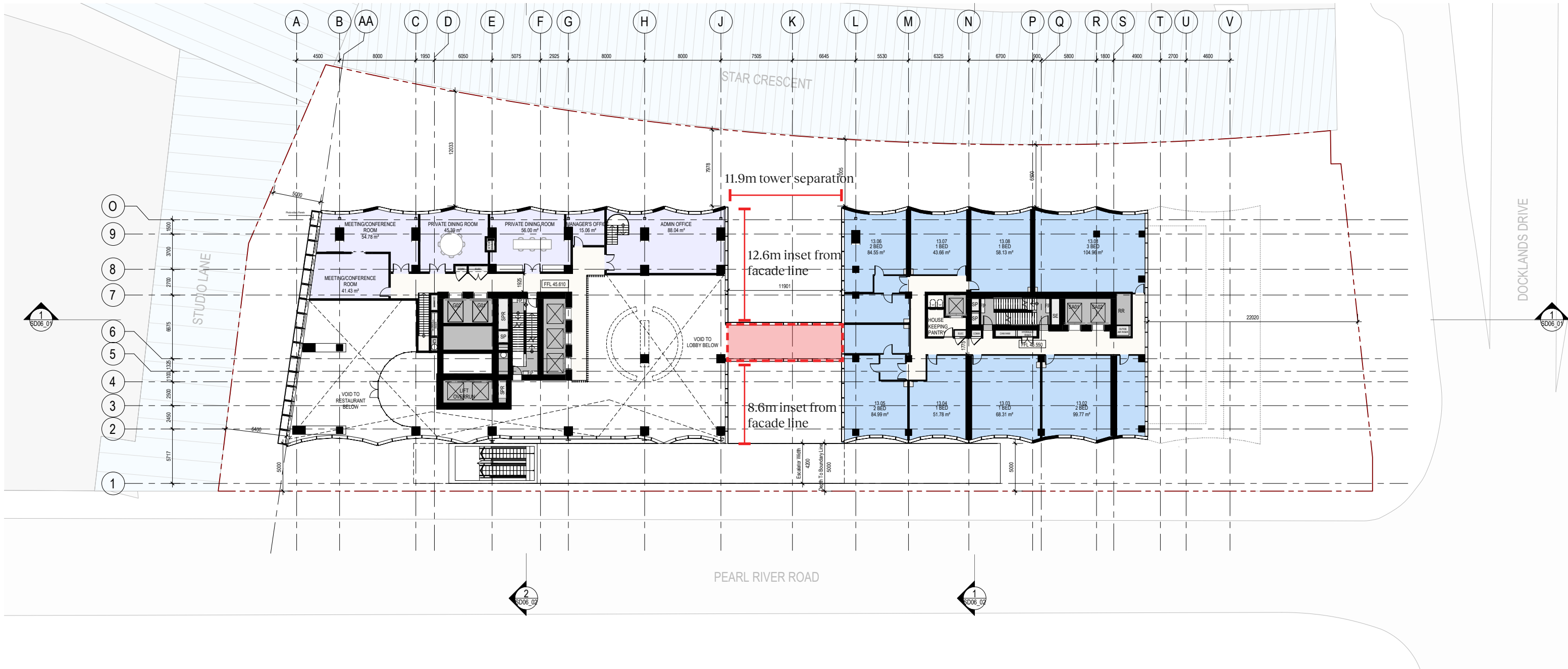
Tower Design Response

LEGEND:

- BW01 - BRICKWORK - LIGHT COLOURED
- BW02 - BRICKWORK - HIT AND MISS
- BW03 - FEATURE ARCHES WITHIN PODIUM
- CP01 - PRECAST AND IN-SITU CONCRETE WALLS - NATURAL FINISH
- CP02 - PRECAST AND IN-SITU CONCRETE SOFFIT - NATURAL FINISH WITH CAST-IN PATTERN
- CM01 - METAL SPANDREL
- CS01 - ANGLED PHOTOVOLTAIC PANELS
- GL01 - TINTED COMMERCIAL GLAZING HOTEL / OFFICE / SERVICED APARTMENTS
- GL02 - COLOUR-BACK COMMERCIAL GLAZING HOTEL / SERVICED APARTMENTS
- GL03 - CLEAR NON-REFLECTIVE COMMERCIAL GLAZING FUNCTION CENTRE
- GL04 - COLOUR-BACK NON-REFLECTION COMMERCIAL GLAZING FUNCTION CENTRE
- GL06 - CLEAR COMMERCIAL GLAZING RETAIL TENANCIES AND ENTRANCE
- GL06 - LIGHTWEIGHT CLEAR PANELS EXTERNAL ESCALATORS
- GL07 - LIGHTWEIGHT FROSTED PANELS EXTERNAL ESCALATORS
- LY01 - LOUVRES DARK GREY
- ME01 - CURTAIN WALL FRAMING HOTEL / OFFICE / SERVICED APARTMENTS (GL01)
- ME02 - CURTAIN WALL FRAMING (BRONZE) GROUND FLOOR ENTRANCES
- ME03 - CURTAIN WALL FRAMING FUNCTION CENTRE (GL03)
- ME04 - SOFFIT AND SLAB GLAZING FUNCTION CENTRE
- ME06 - SOFFIT GLAZING TO MATCH GL04 EXTERNAL ESCALATORS
- ME07 - WALL CLADDING GROUND FLOOR ENTRANCE PORTALS
- ME08 - PERFORATED SHEET GROUND FLOOR LOADING DOCK DOORS
- PE01 - BLACK PAINT FINISH TO EXPOSED DOORS, BLOCKWORK, AND CONCRETE
- PE02 - GREY PAINT FINISH TO EXPOSED DOORS, BLOCKWORK, AND CONCRETE
- PE03 - PAINT TO SOFFIT AND SLAB EDGES - COLOUR TO MATCH CURTAIN WALL FRAMES
- ST01 - STONEROCK FOOTPATHS AND TERRACES
- ST02 - STONEROCK EXTERNAL SWIMMING POOL CLADDING
- TE01 - TILE EXTERNAL
- TMB1 - TIMBER BATTENS TO SOFFIT GROUND FLOOR ENTRANCE PORTALS



Tower Bridge Link





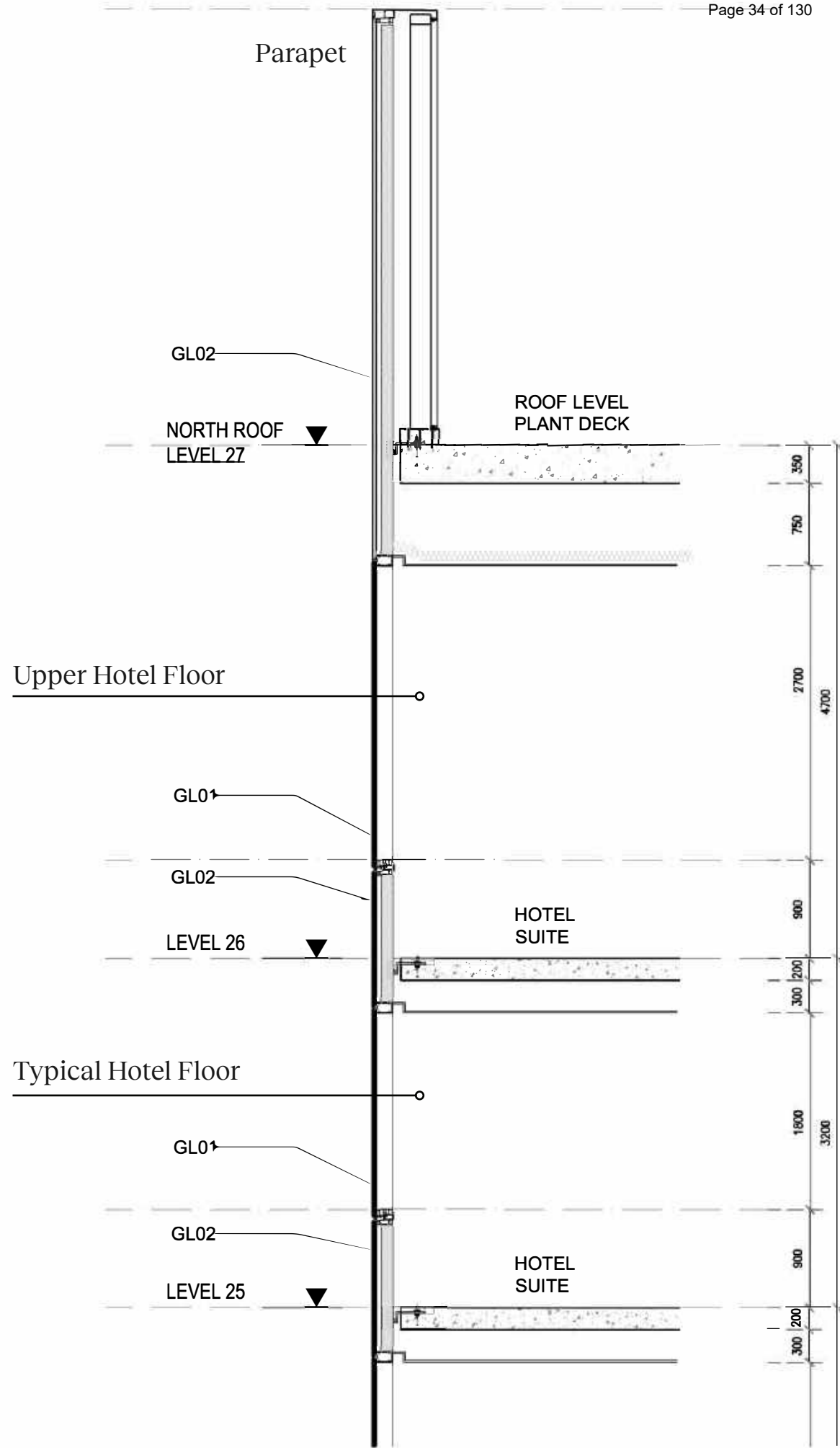
Tower Link



Tower Link



Facade Details
Tower Facade



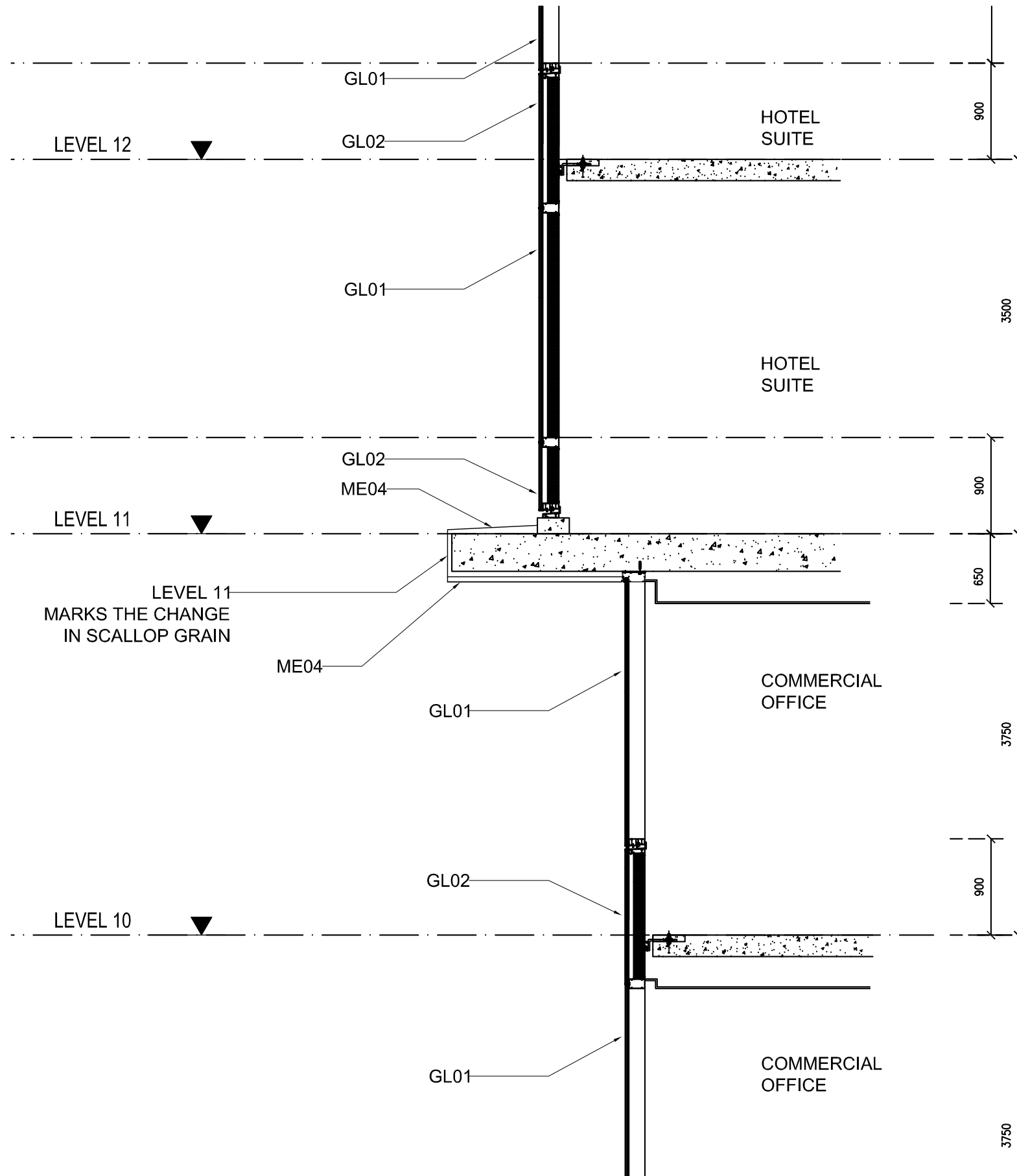
MATERIALS LEGEND:

BW01	BRICKWORK - LIGHT COLOURED
BW02	BRICKWORK- HIT AND MISS
BW03	FEATURE ARCHES WITHIN PODIUM
CF01	PRECAST AND INSITU CONCRETE WALLS - NATURAL FINISH
CF02	PRECAST AND INSITU CONCRETE SOFFIT- NATURAL FINISH WITH CAST- IN PATTERN
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CS01	ANGLED PHOTOVOLTAIC PANELS
GL01	TINTED COMMERCIAL GLAZING: HOTEL / OFFICE / SERVICED APARTMENTS
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GL03	CLEAR NON-REFLECTIVE COMMERCIAL GLAZING: FUNCTION CENTRE
GL04	COLOUR-BACK NON-REFLECTIVE COMMERCIAL GLAZING: FUNCTION CENTRE
GL05	CLEAR COMMERCIAL GLAZING: RETAIL TENANCIES AND ENTRANCE
GL06	LIGHTWEIGHT CLEAR PANELS: EXTERNAL ESCALATORS
GL07	OPAQUE FLUTED GLAZING: GROUND FLOOR FACADE AND EXTERNAL ESCALATOR
LV01	LOUVRES DARK GREY
ME01	GREY ALUMINIUM POWDERCOAT: HOTEL / OFFICE / SERVICED APARTMENTS (GL01)
ME02	BRONZE METAL POWDERCOAT: GROUND FLOOR ENTRANCES AND CANOPY
ME03	DARK BRONZE POWDERCOAT: FUNCTION CENTRE
ME04	SOFFIT AND SLAB CLADDING: FUNCTION CENTRE
ME06	SOFFIT CLADDING TO MATCH GL06 EXTERNAL ESCALATORS
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ST01	STONWORK: FOOTPATHS AND TERRACES
ST02	STONWORK: EXTERNAL SWIMMING POOL CLADDING
TE01	TILE EXTERNAL
TM01	TIMBER BATTENS TO SOFFIT: GROUND FLOOR ENTRANCE PORTALS

Section F

Facade Details

Scalloped Tower Detail

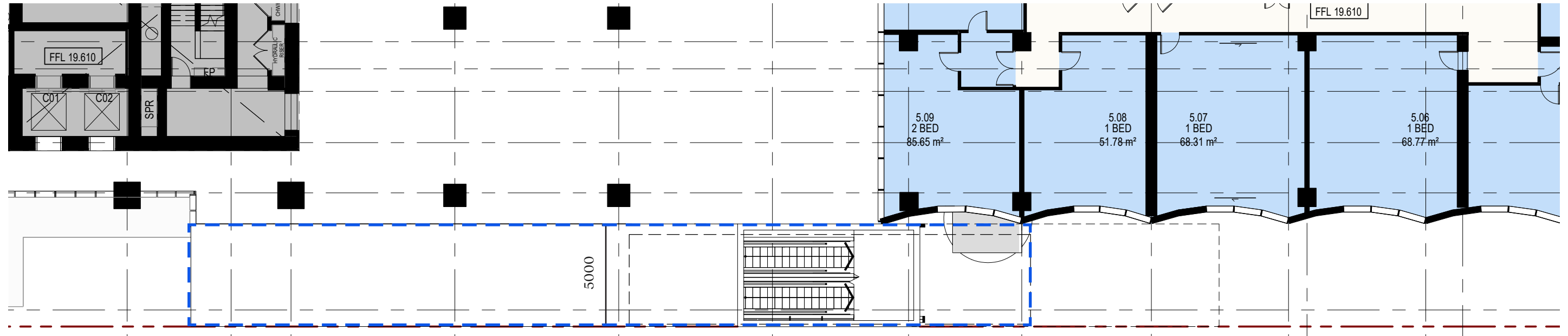


MATERIALS LEGEND:

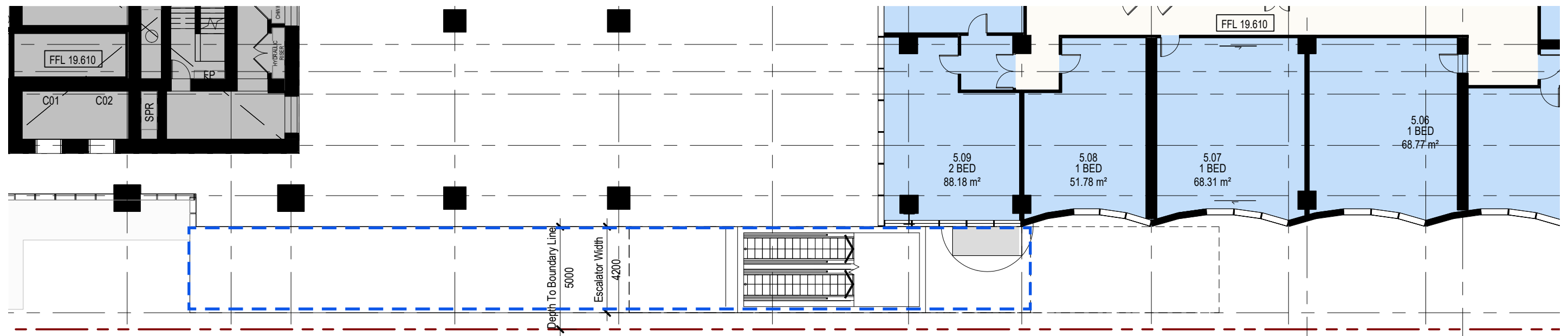
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Escalator Design

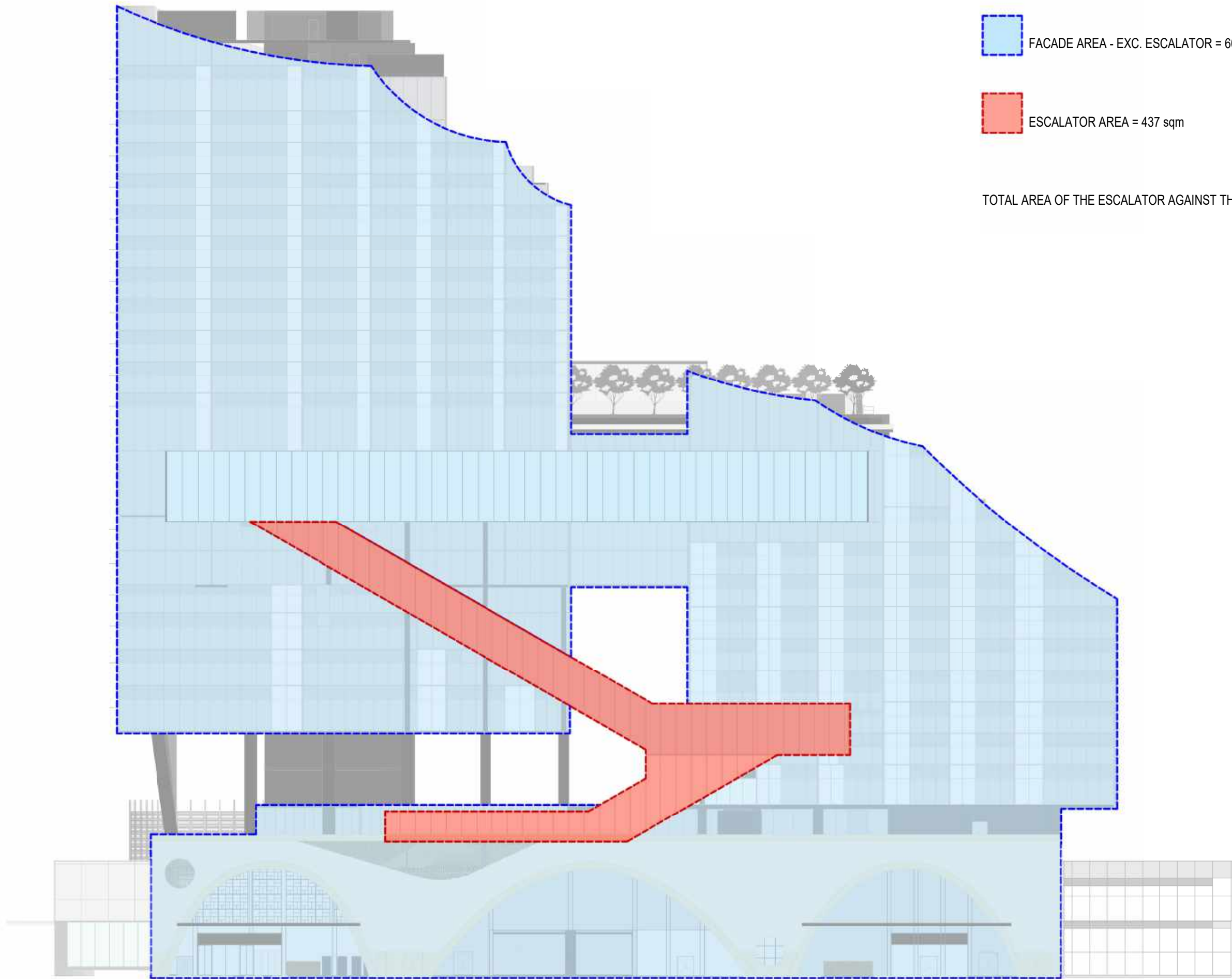
Escalator Depth





Lodged Application



Amended Plan



 FACADE AREA - EXC. ESCALATOR = 6072 sqm

 ESCALATOR AREA = 437 sqm

TOTAL AREA OF THE ESCALATOR AGAINST THE TOTAL BUILDING MASS = % 6.7

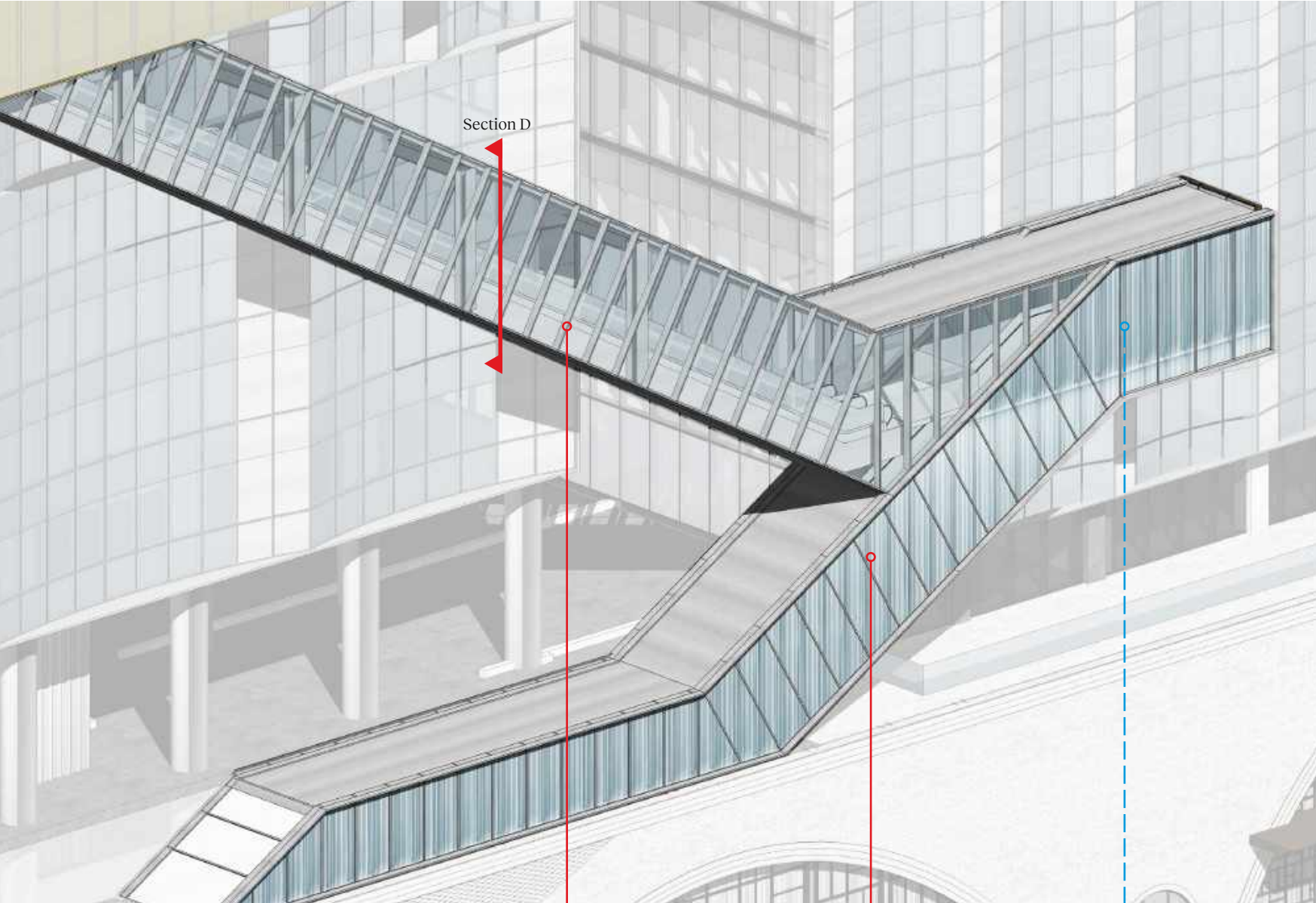
Concept & Material Precedents

A section of the escalator system transporting patrons up through the building is expressed externally on the west facade. This feature will provide a variety of experiences as the user moves both inside and outside the tower form comprised of spandrel and clear fluted glazing.

The clear glazing of the external escalator highlights circulation as significant feature of the architectural experience.

Visible to the street, the users become a centerpiece of the design as they traverse the facade.

Patrons will enjoy extensive views to the surrounding precincts and be visible to the public as they are transported to the function centre.



Clear Fluted Glazing

Fluted Glazing Spandrel

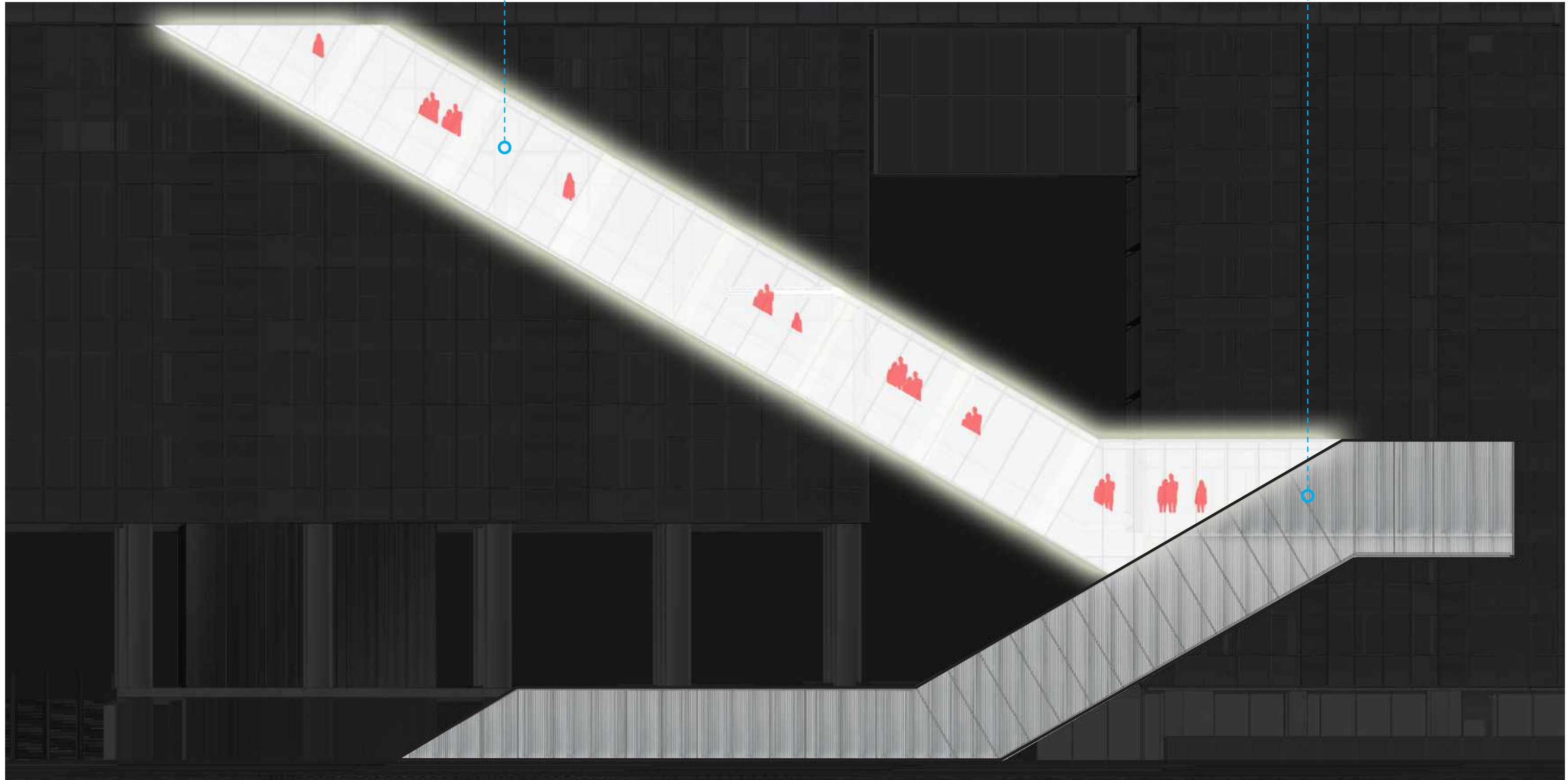
Transition zone



Escalator Concept At Night

Clear glazing on upper portion to open up views and allows people to see into the activated escalator

Enclosure to the lower portion of the escalator journey through the use of spandrel glazing to obtain a consistent materiality across the escalator



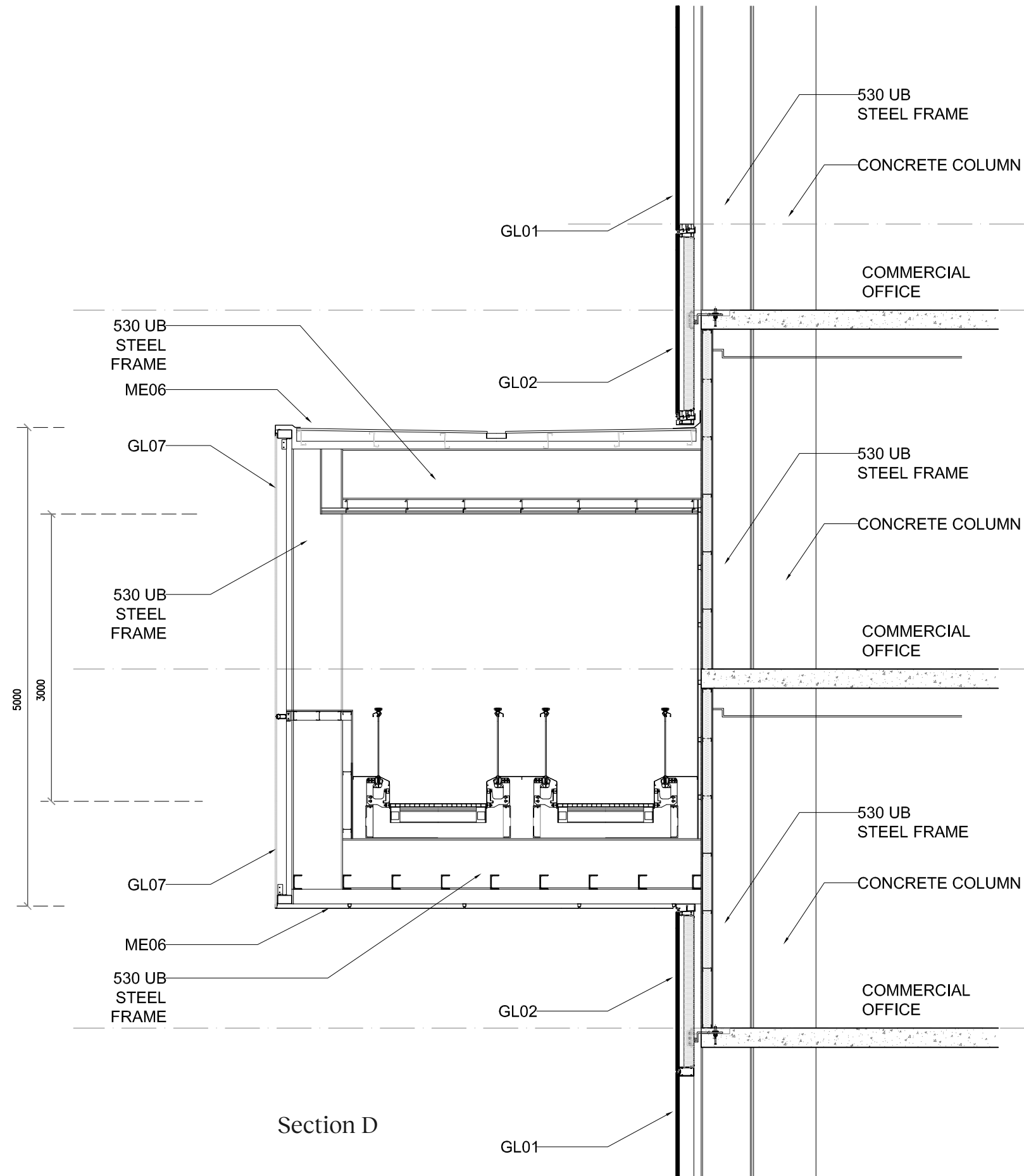
Facade Detail



Facade Detail



Facade Details
Escalator Facade



Section D

MATERIALS LEGEND:

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BW02	BRICKWORK- HIT AND MISS
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ST01	STONWORK: FOOTPATHS AND TERRACES
ST02	STONWORK: EXTERNAL SWIMMING POOL CLADDING
TE01	TILE EXTERNAL
TM01	TIMBER BATTENS TO SOFFIT: GROUND FLOOR ENTRANCE PORTALS

Shadow Comparison

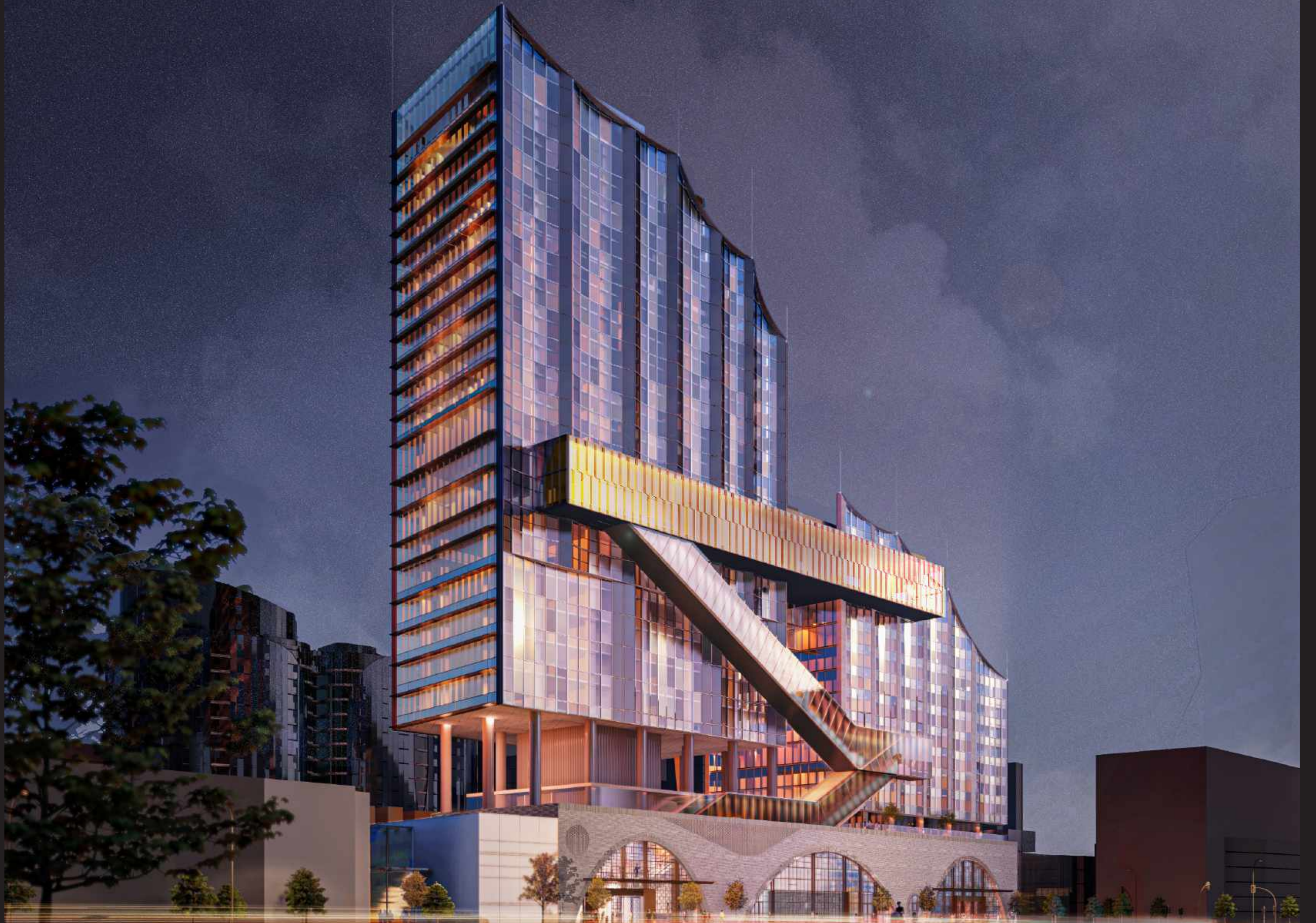
Shadow at 22nd September 3pm

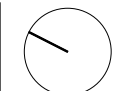
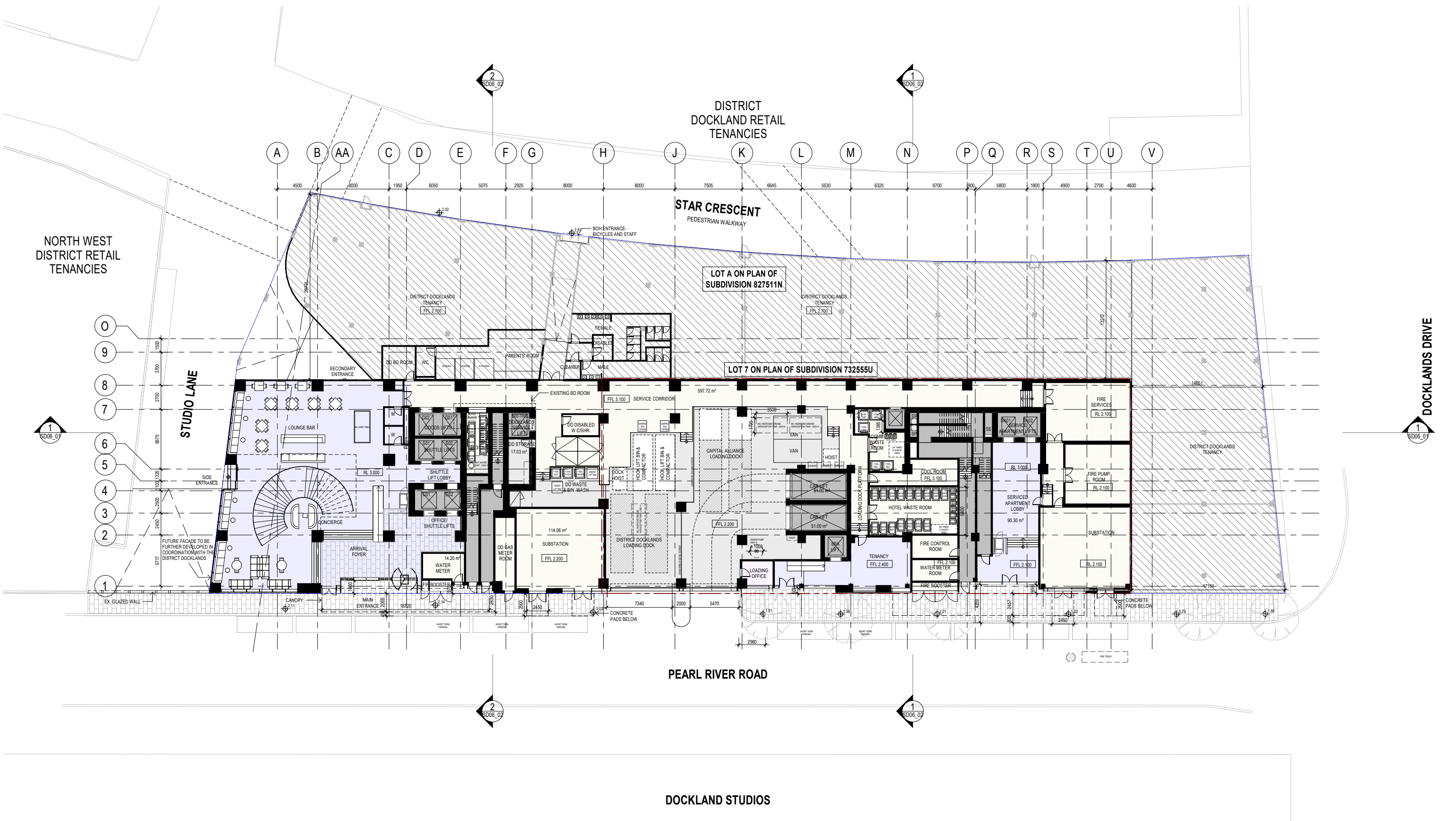


Lodged Application



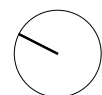
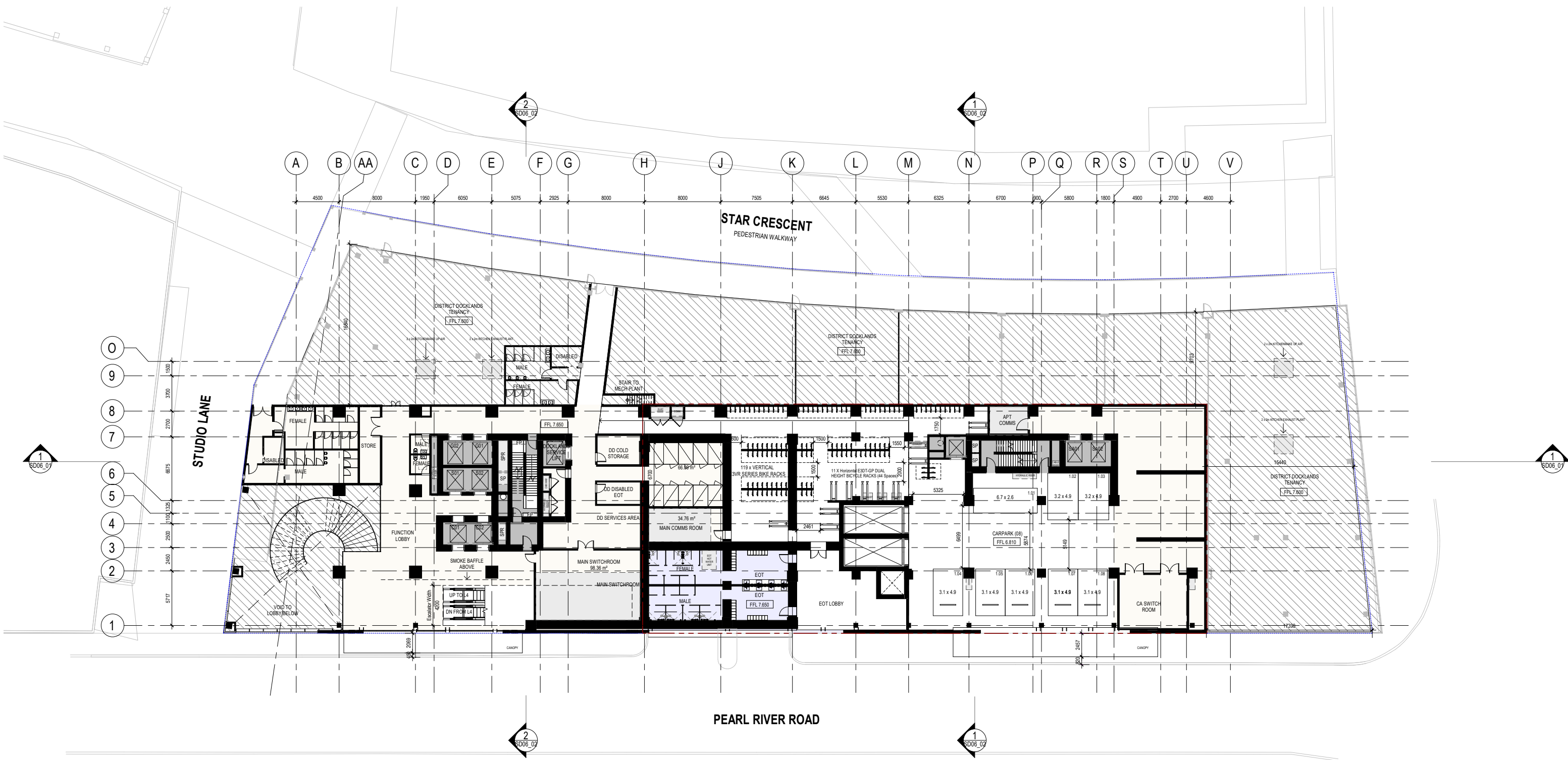
Amended Proposed Plans





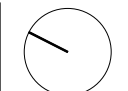
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19	23.08.22	ISSUED FOR INFORMATION		
P1	31.08.22	ISSUED FOR TOWN PLANNING		
20	31.01.23	ISSUED FOR INFORMATION		





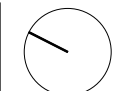
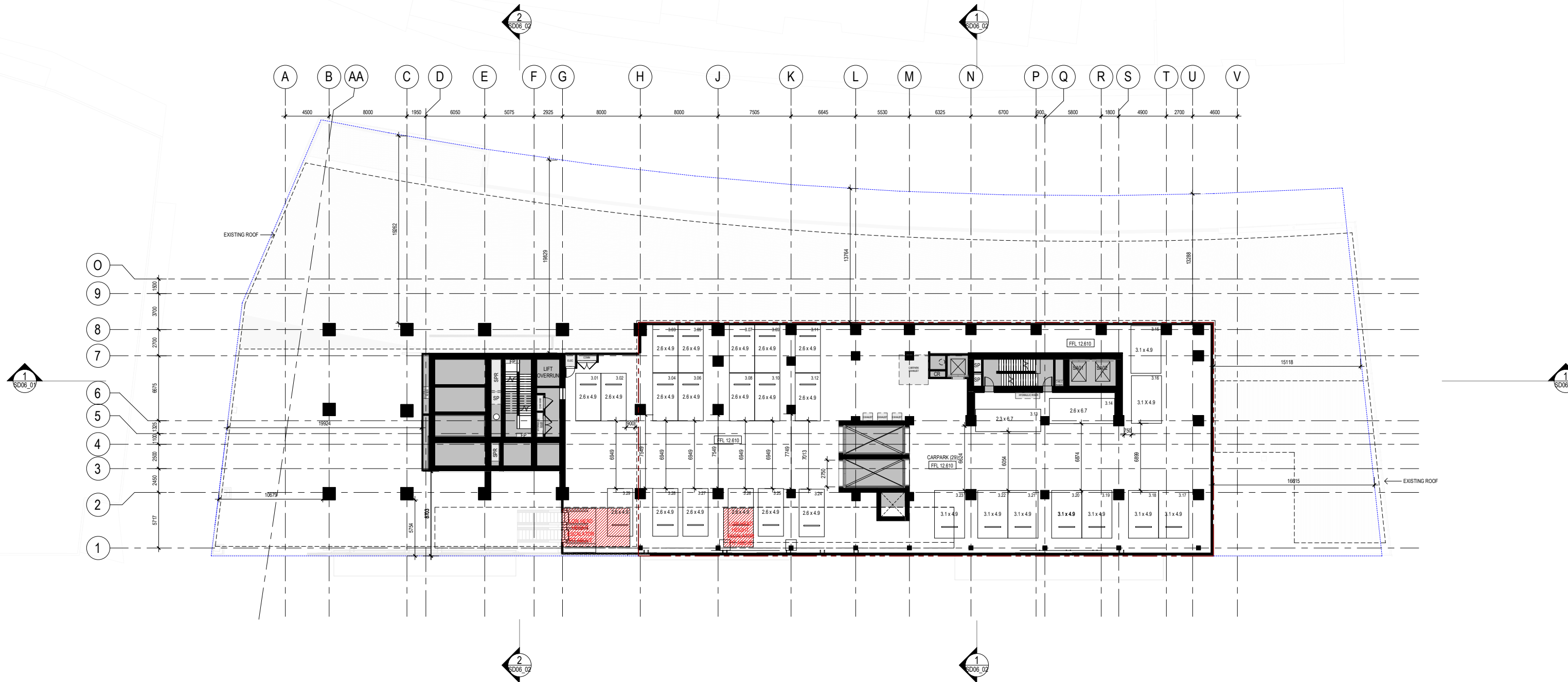
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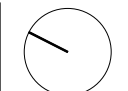
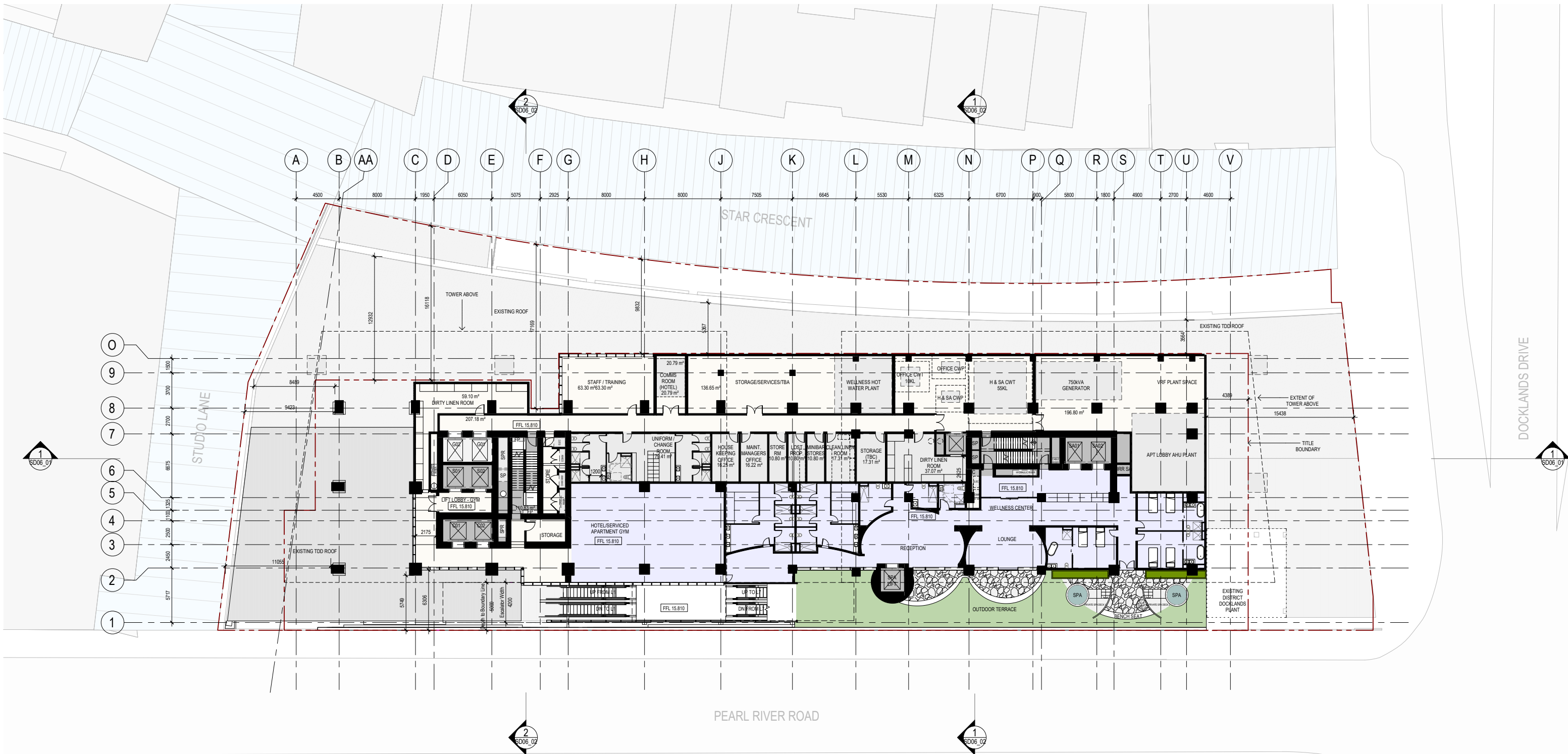
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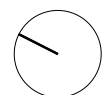
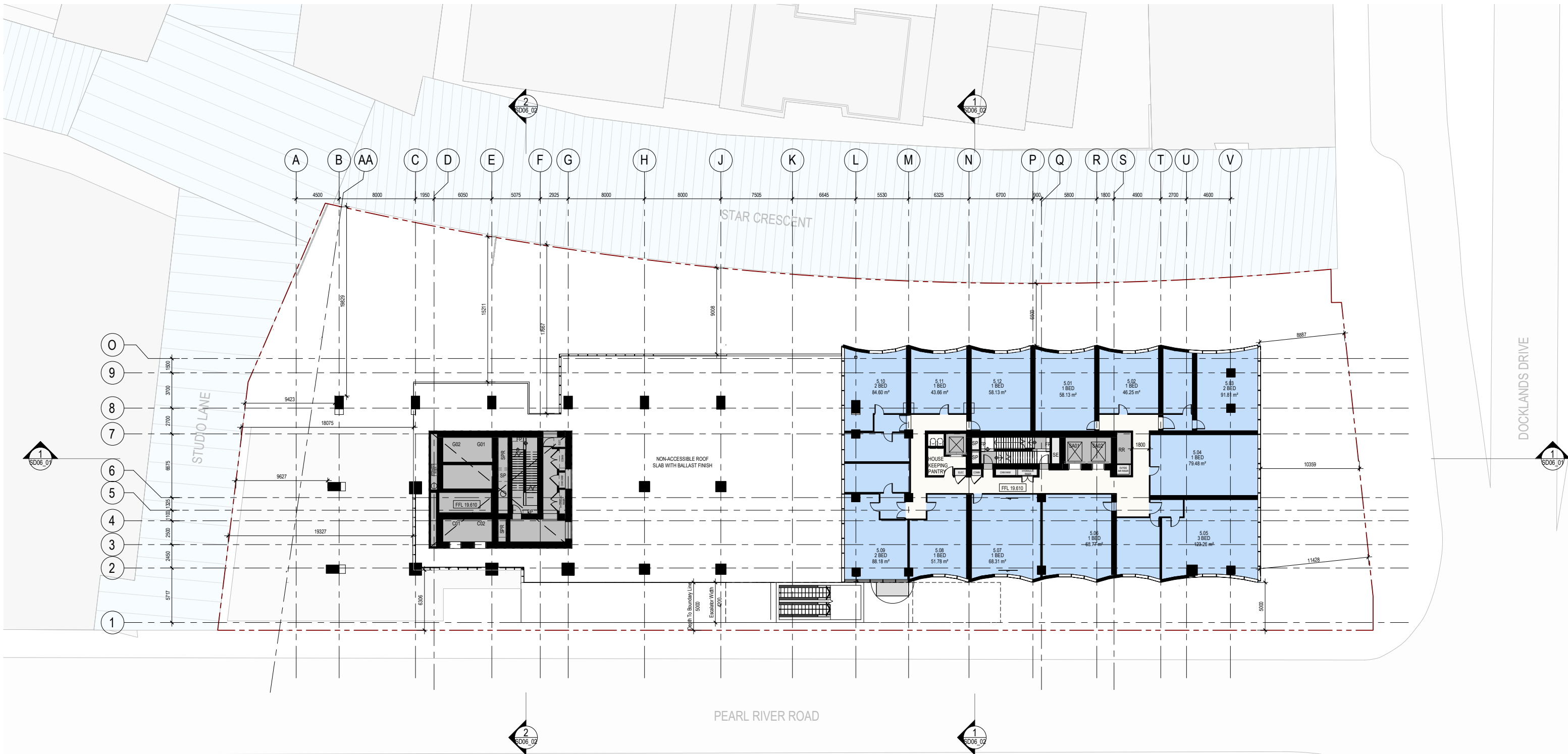
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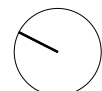
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P1	31.08.22	ISSUED FOR TOWN PLANNING		
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19	31.01.23	ISSUED FOR INFORMATION		





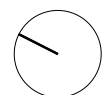
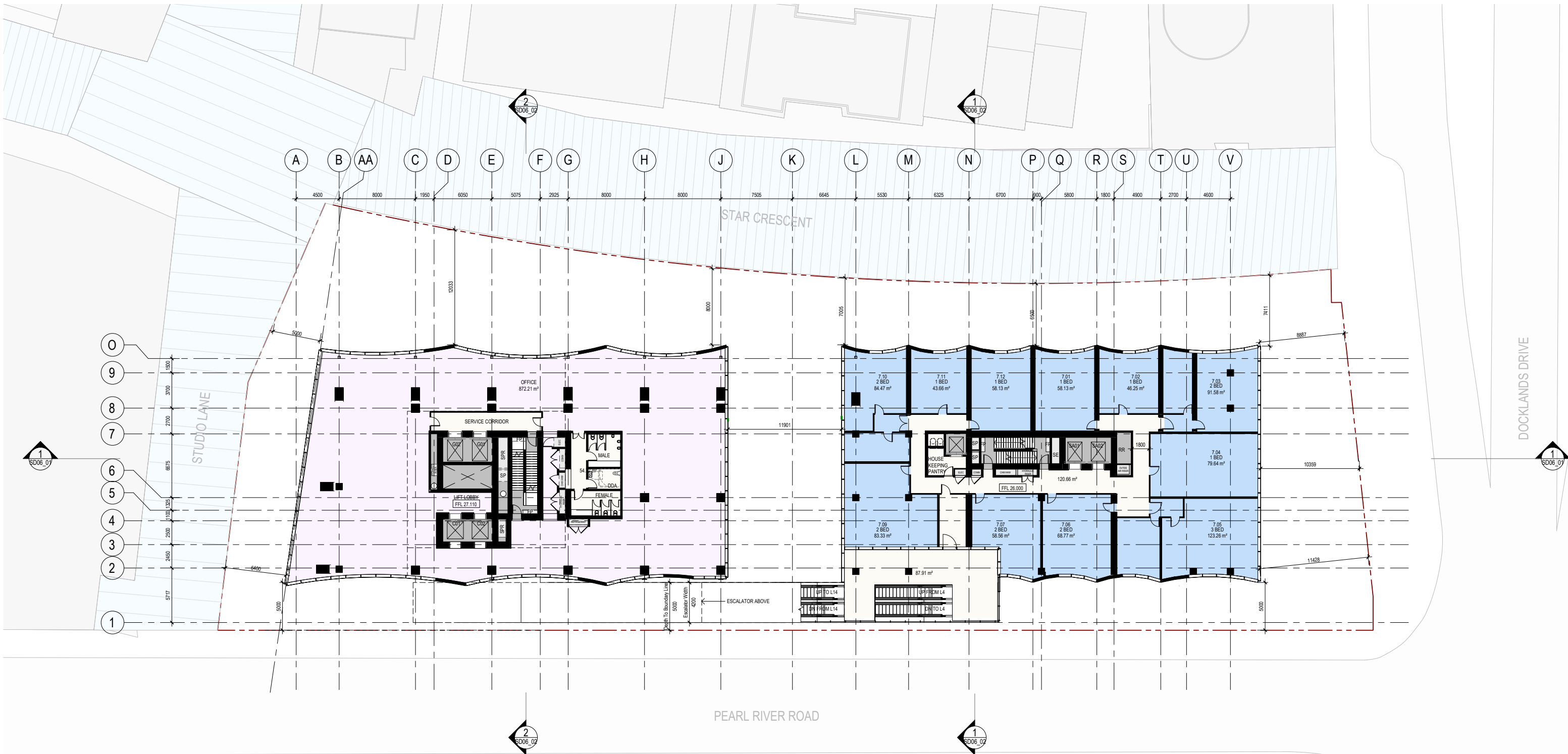
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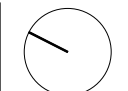
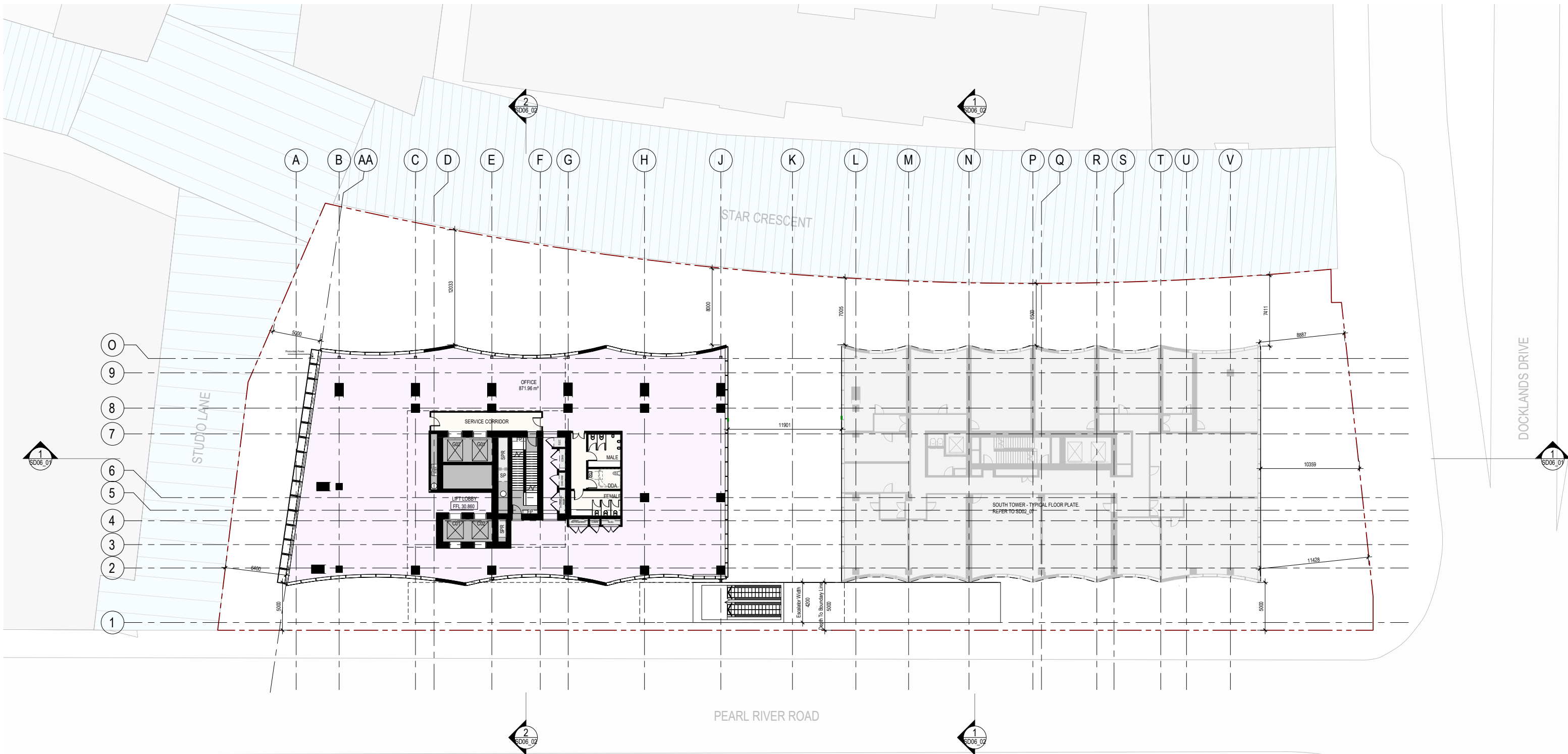
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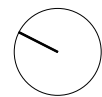
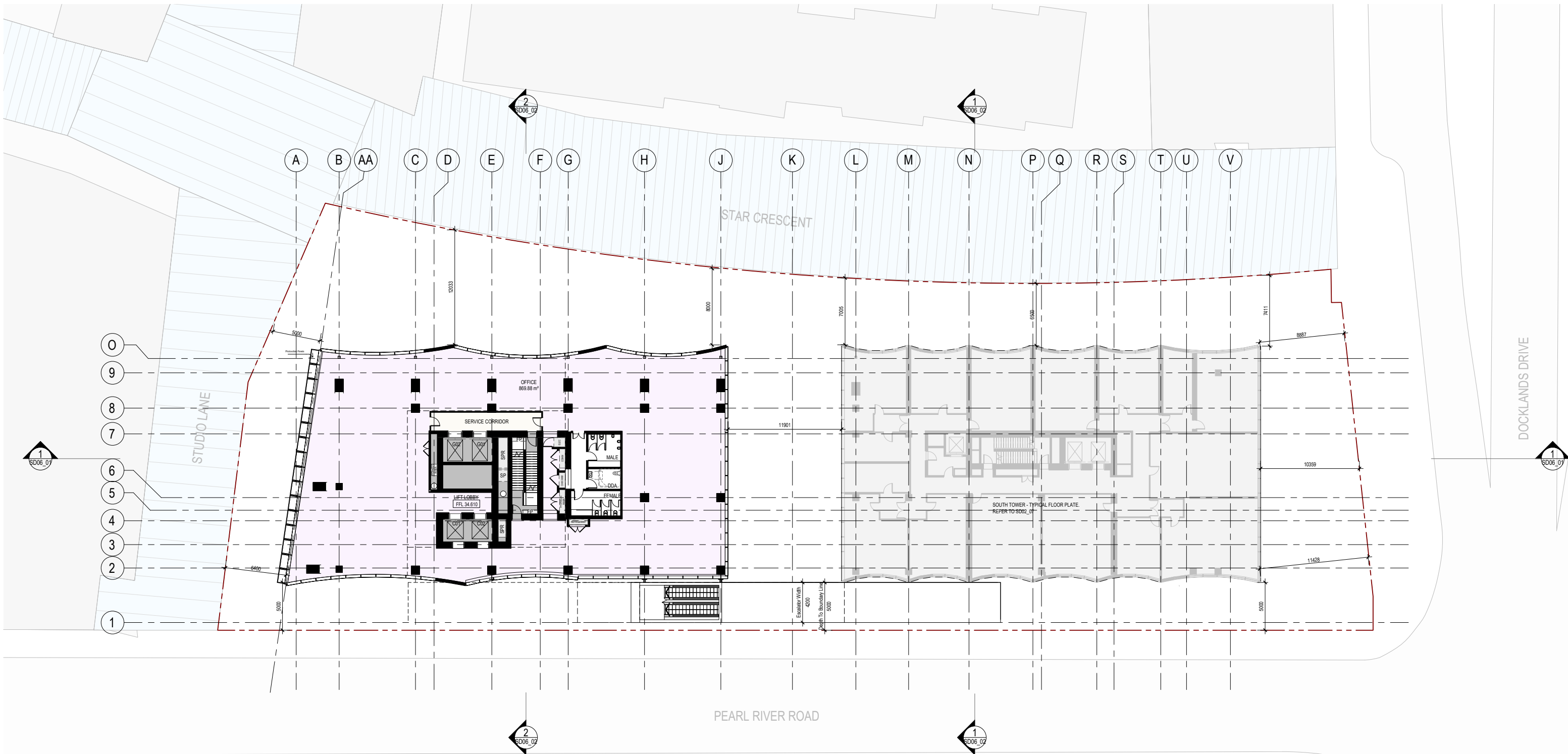
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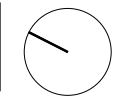
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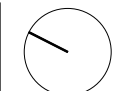
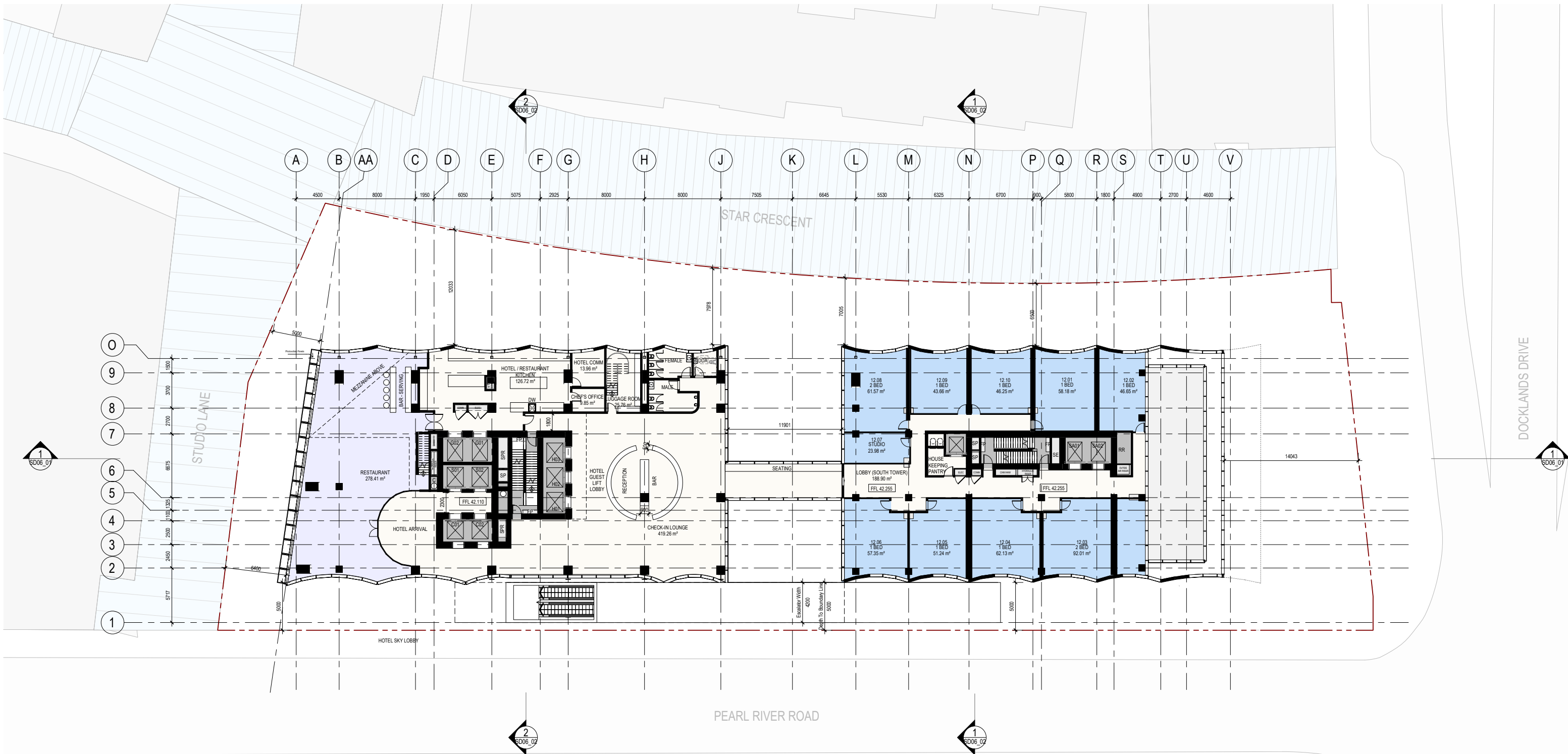
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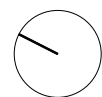
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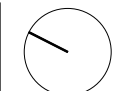
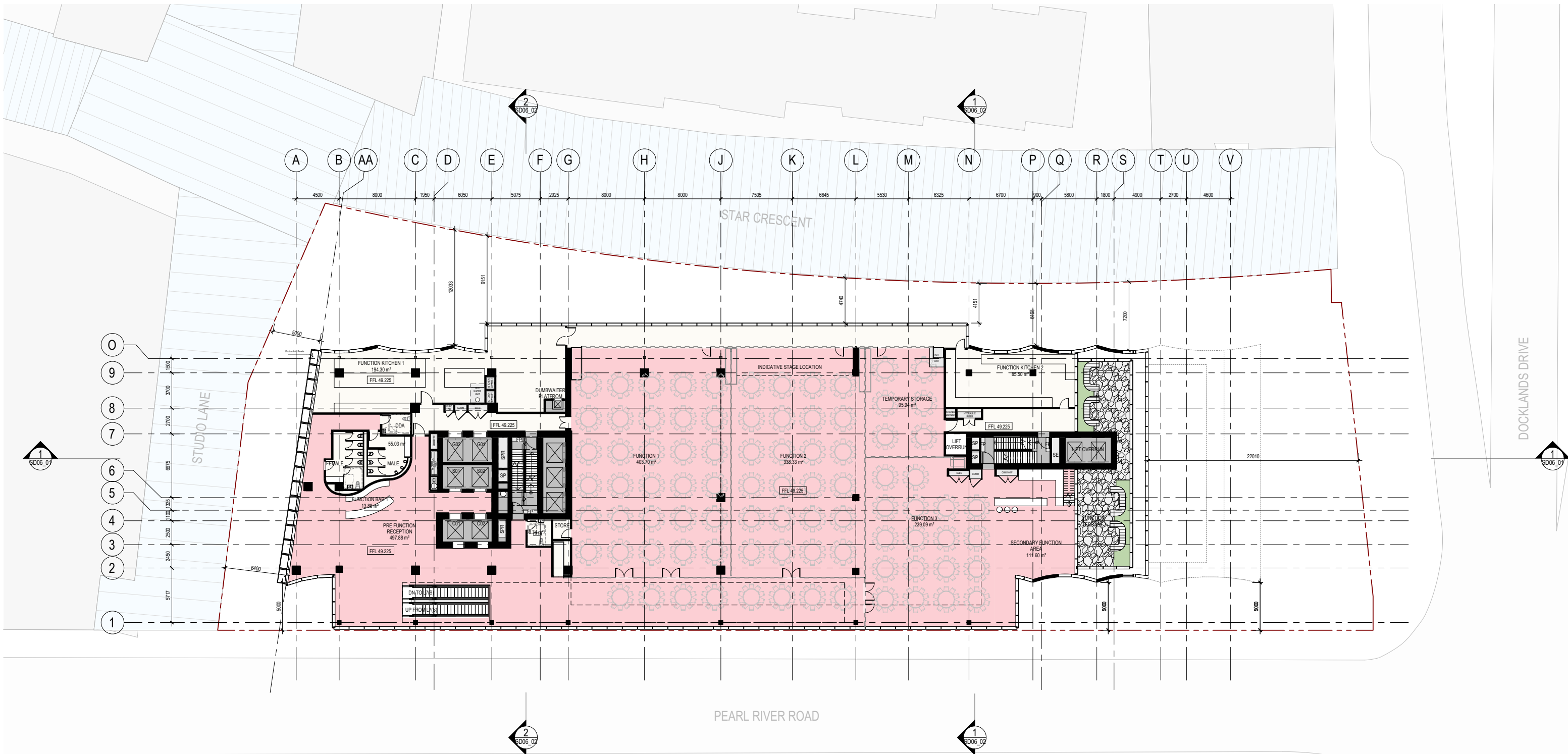
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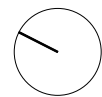
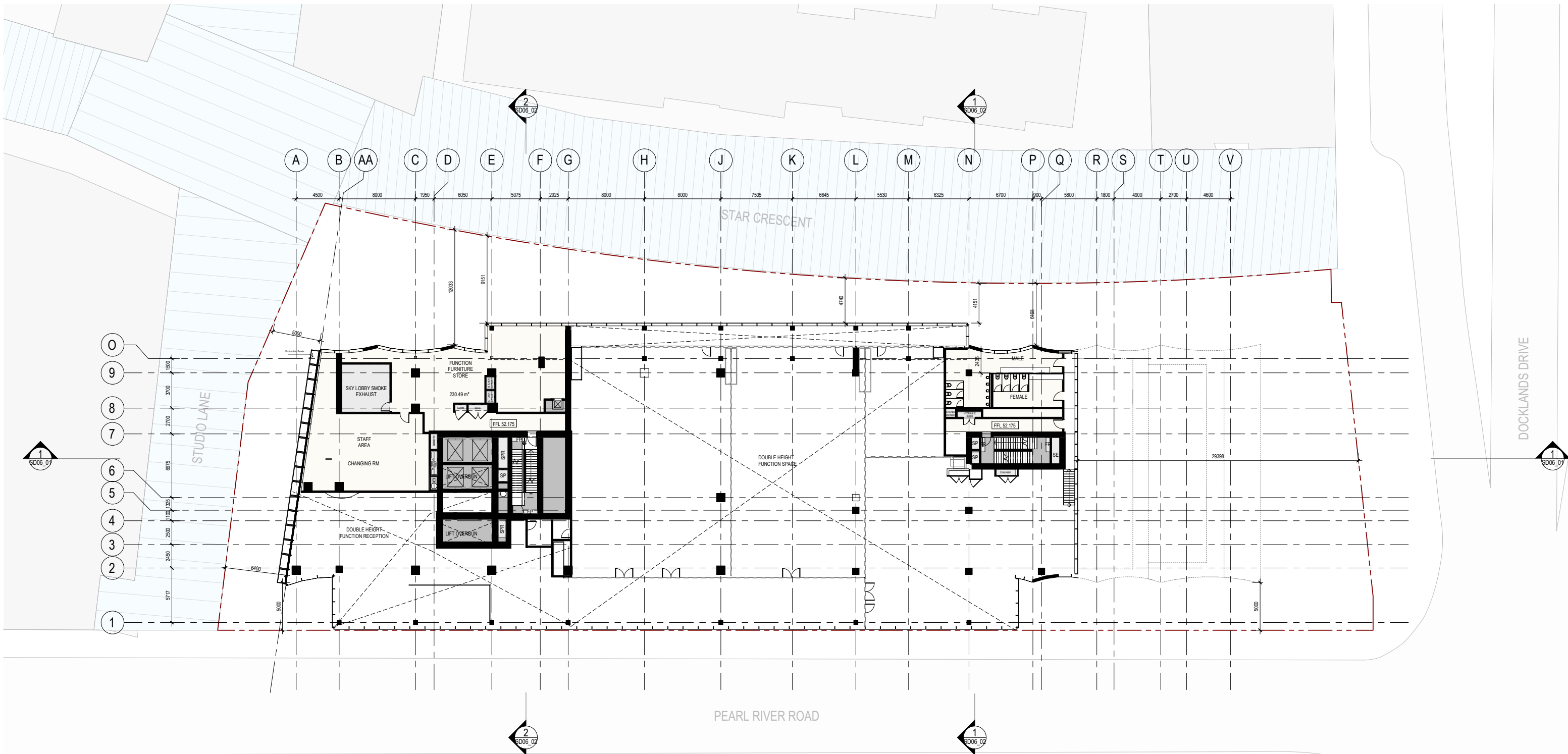
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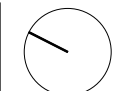
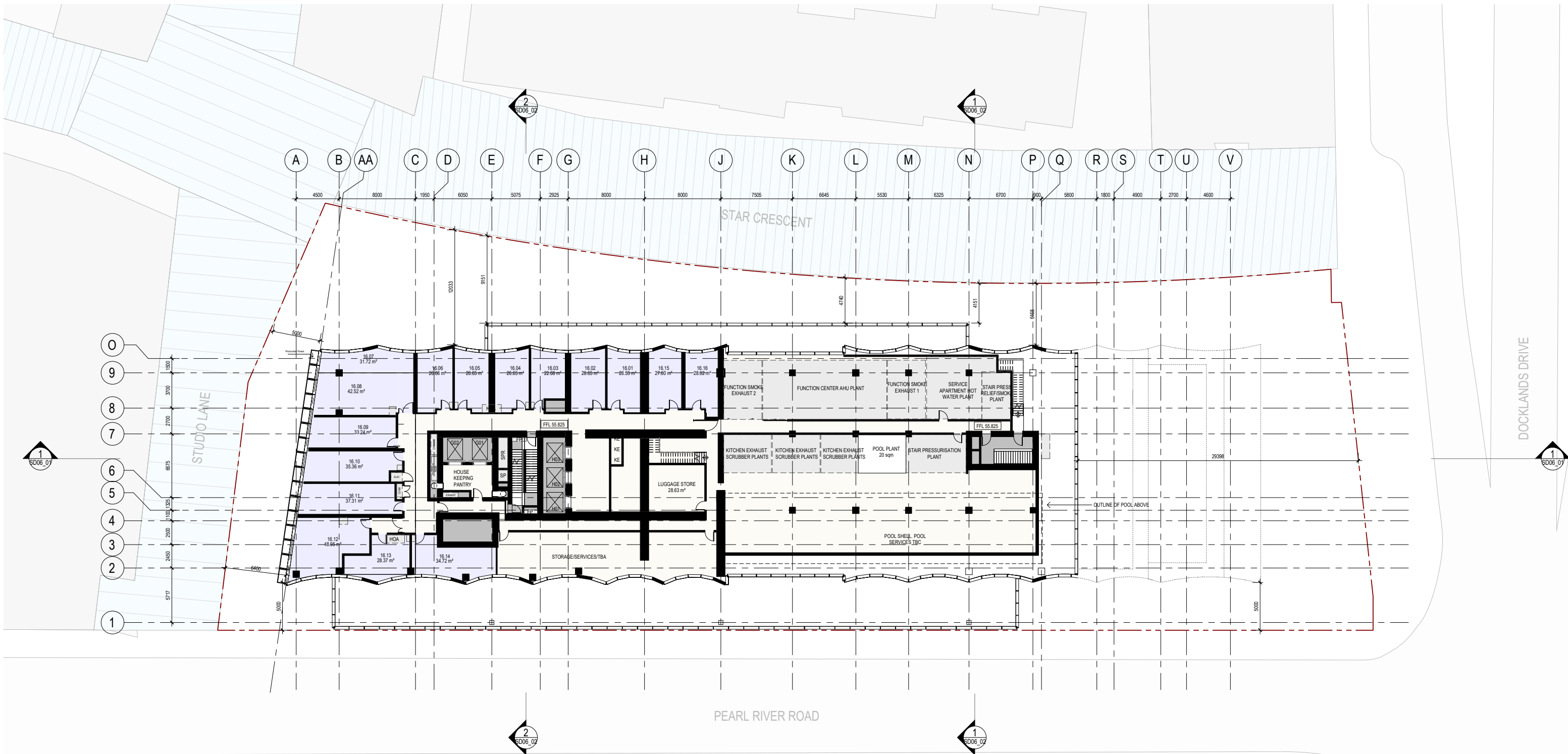
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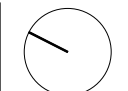
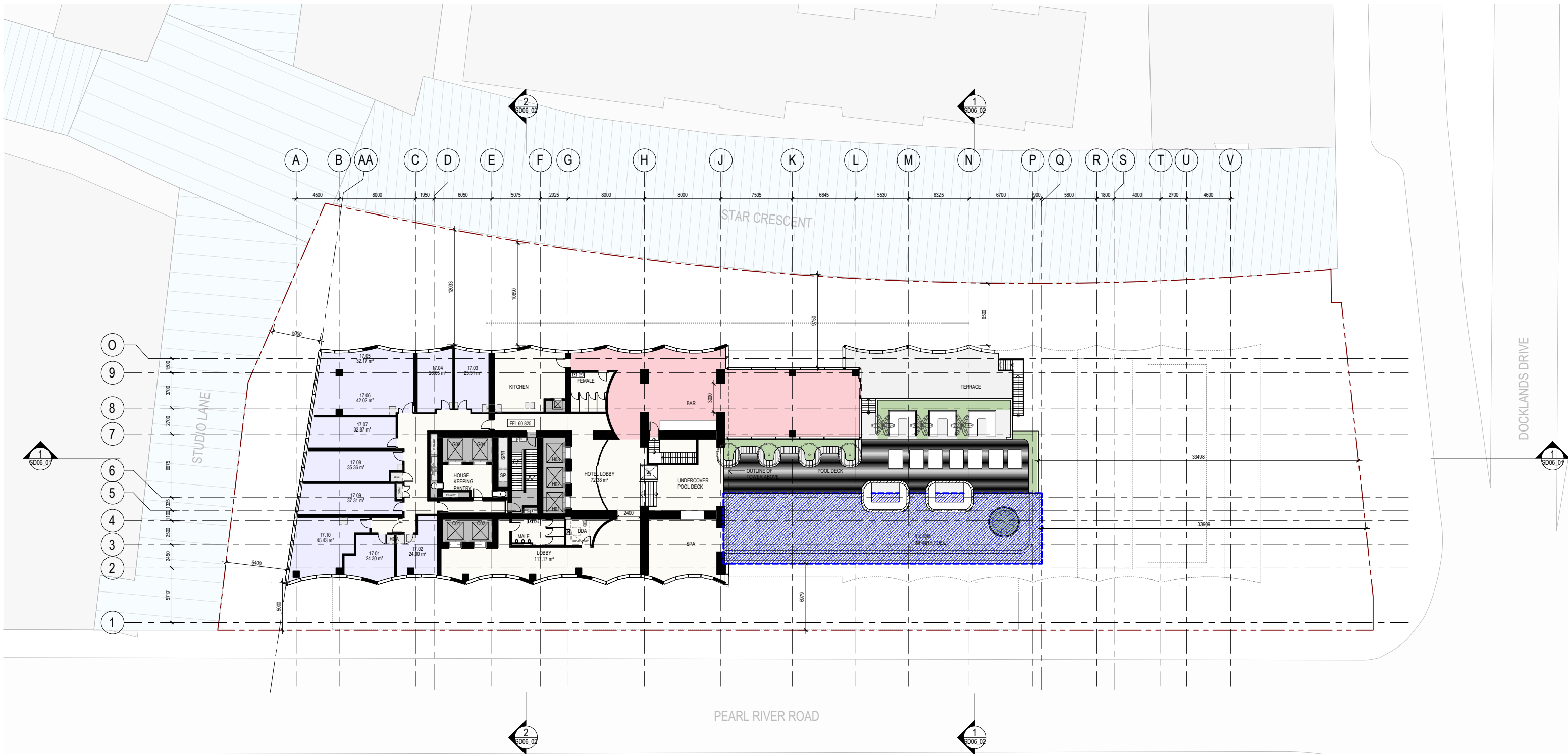
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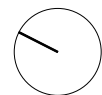
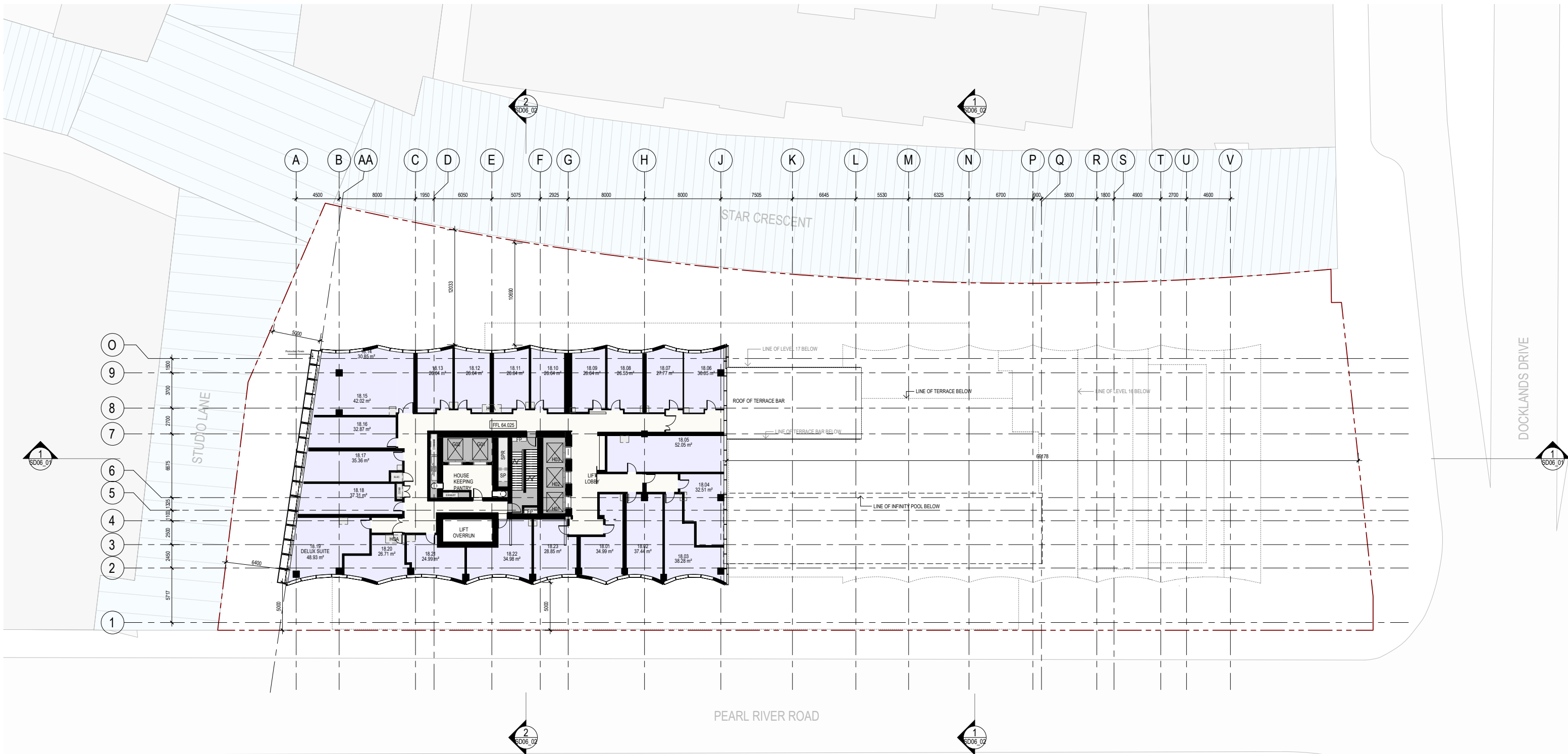
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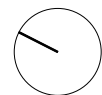
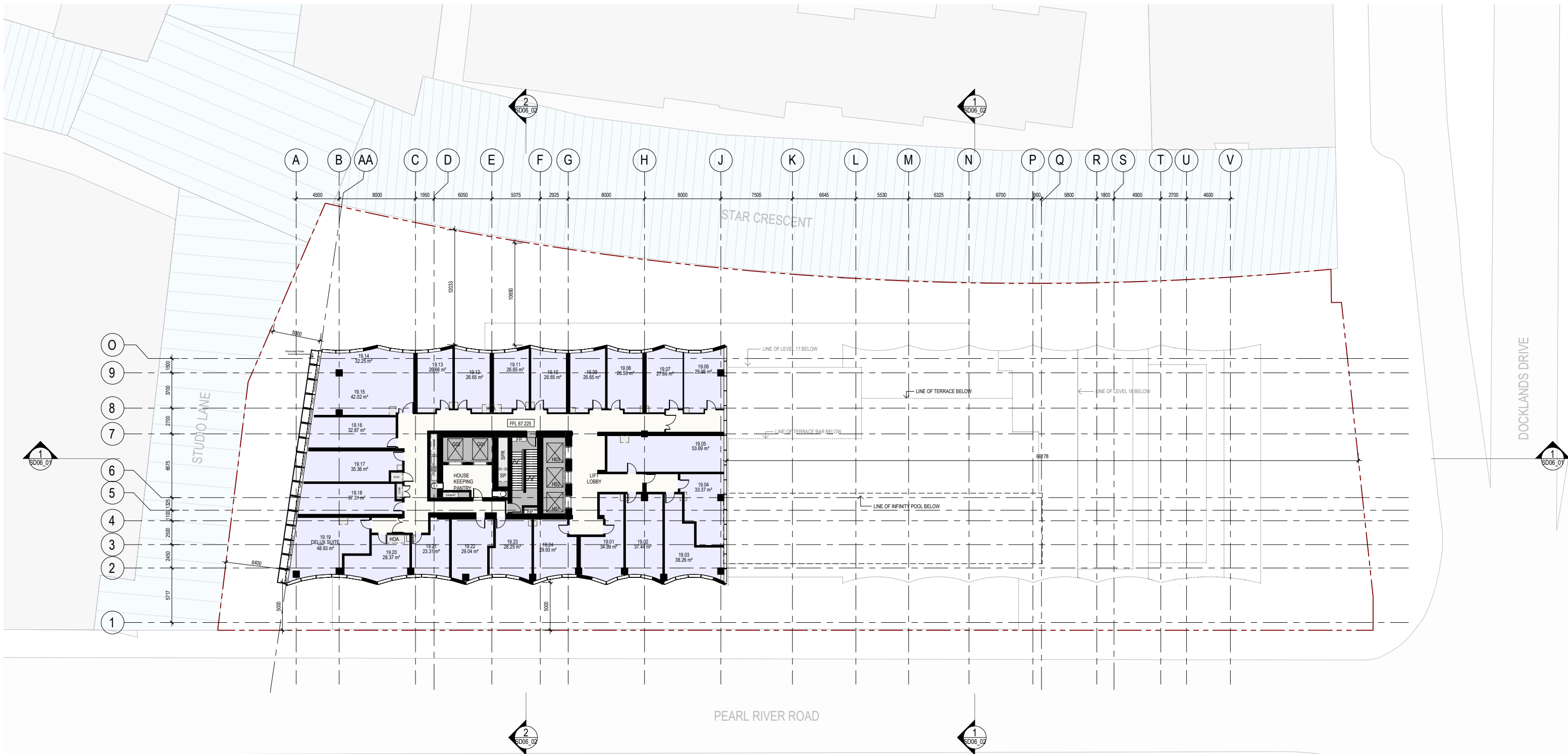
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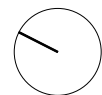
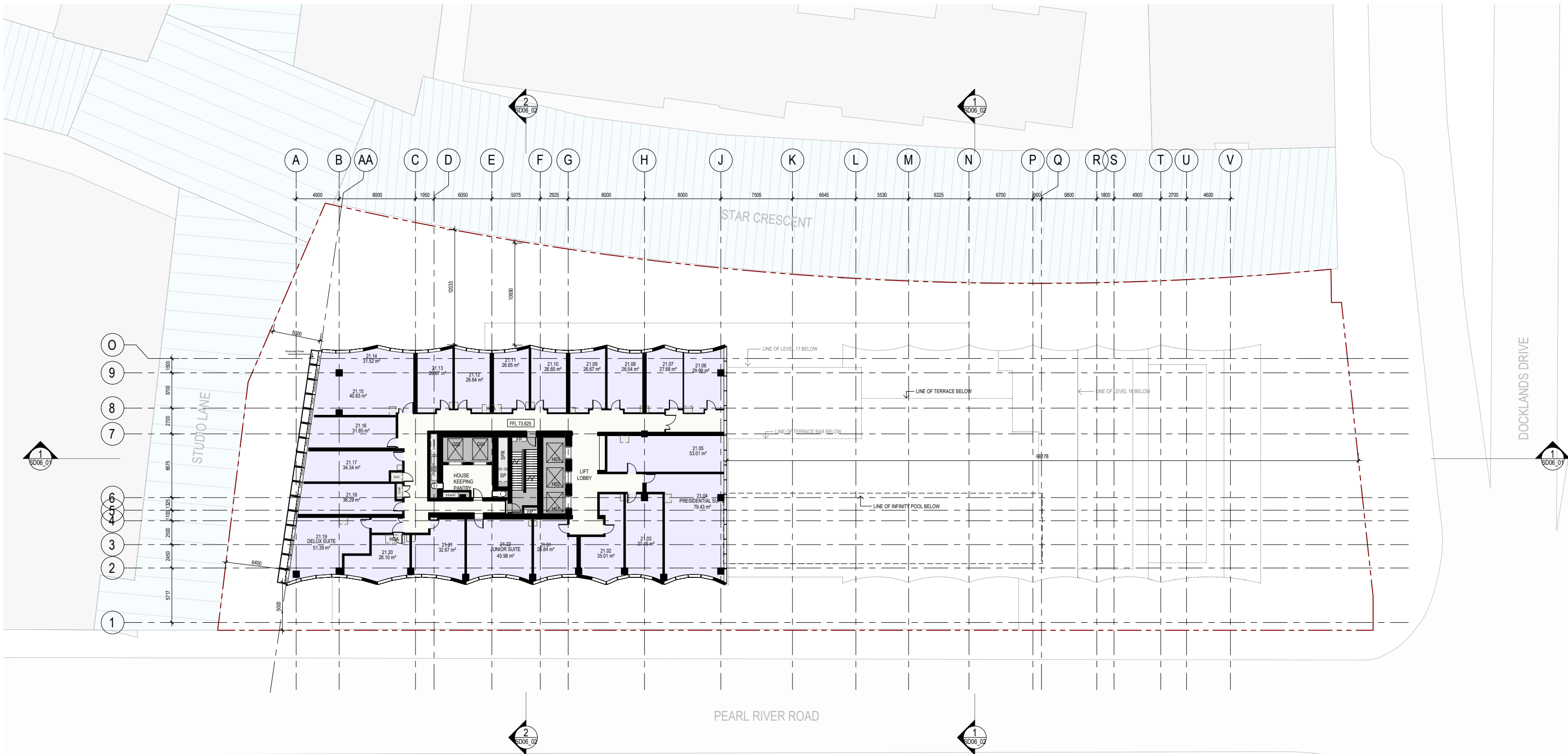
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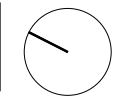
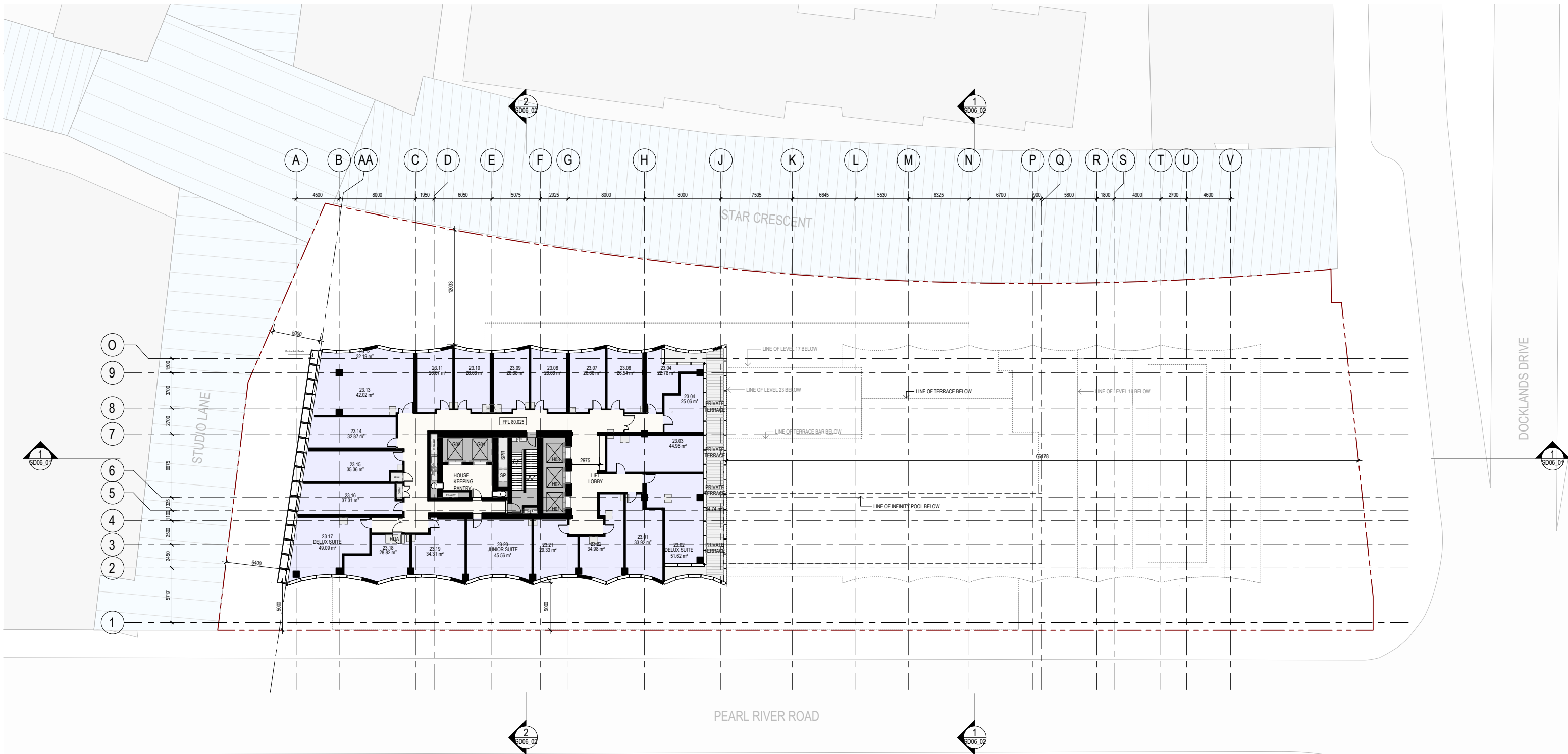
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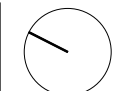
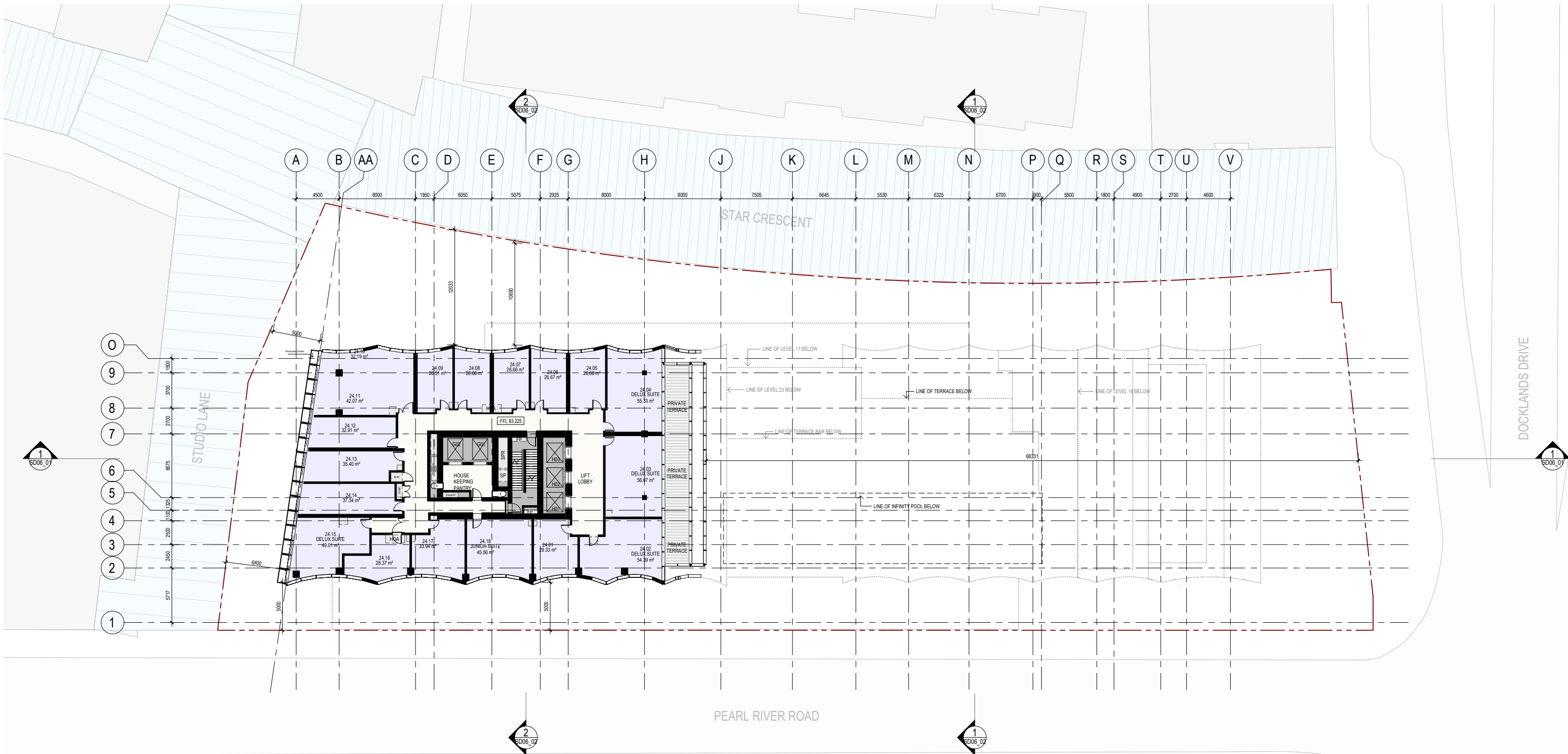
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11	31.01.23	ISSUED FOR INFORMATION		





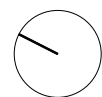
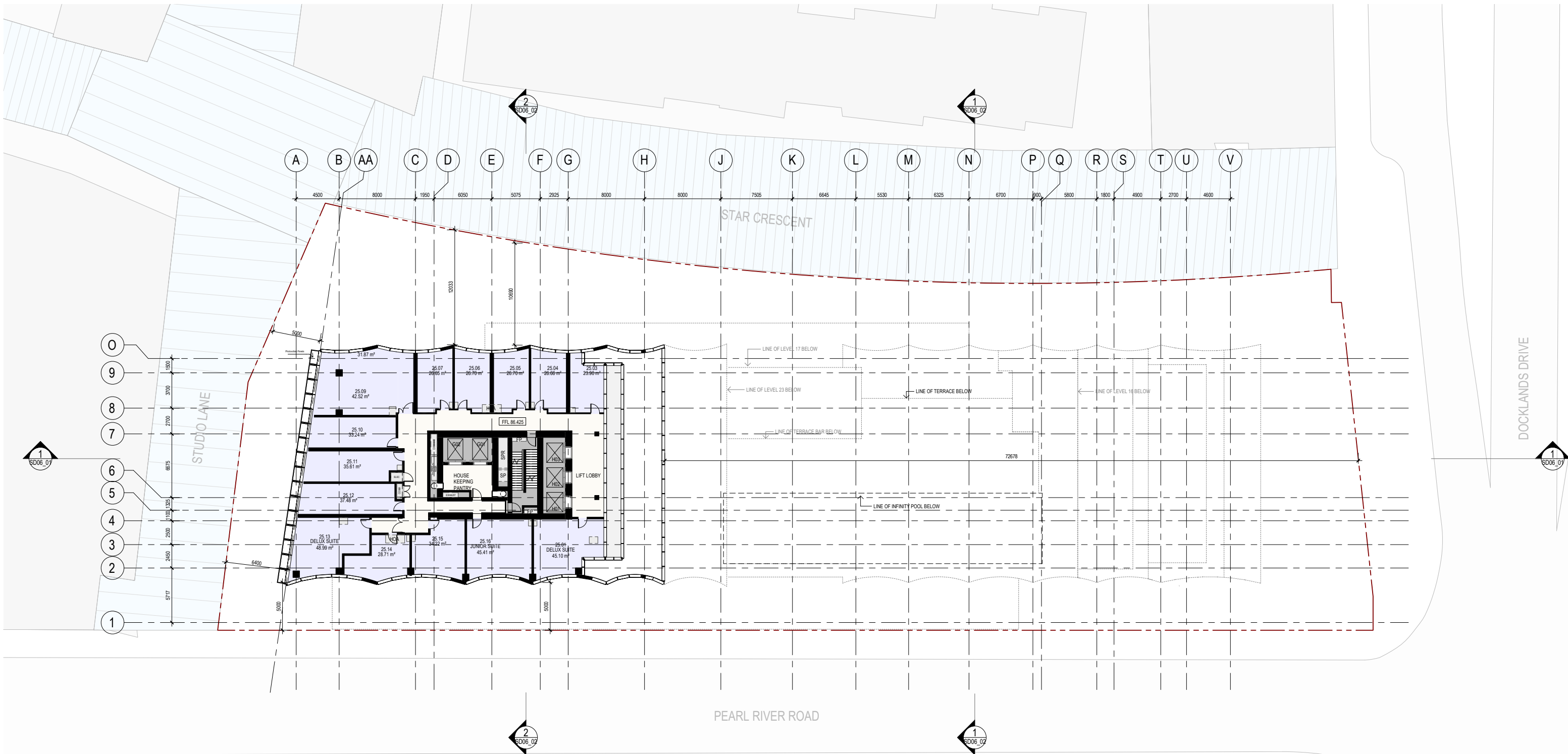
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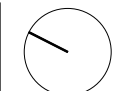
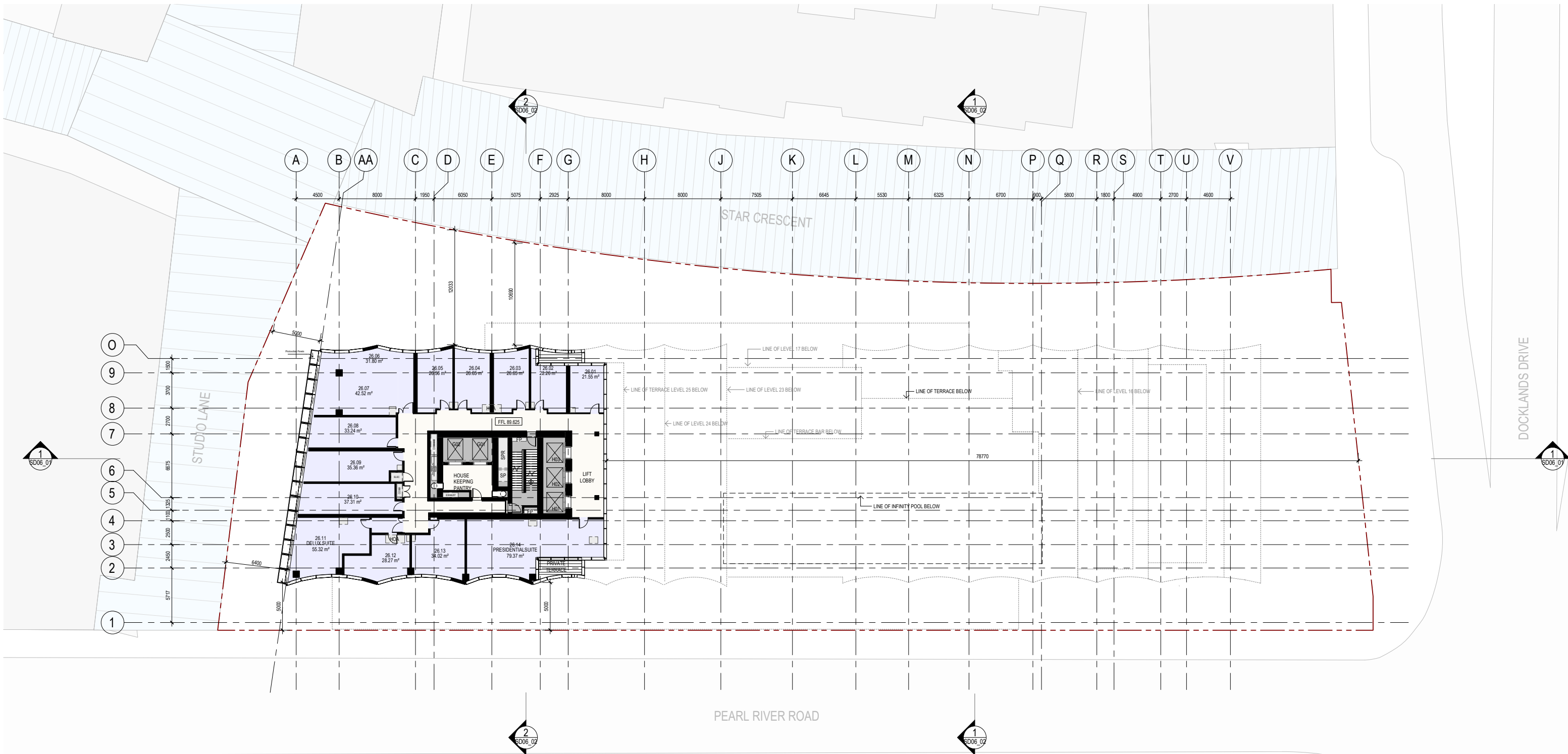
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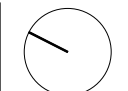
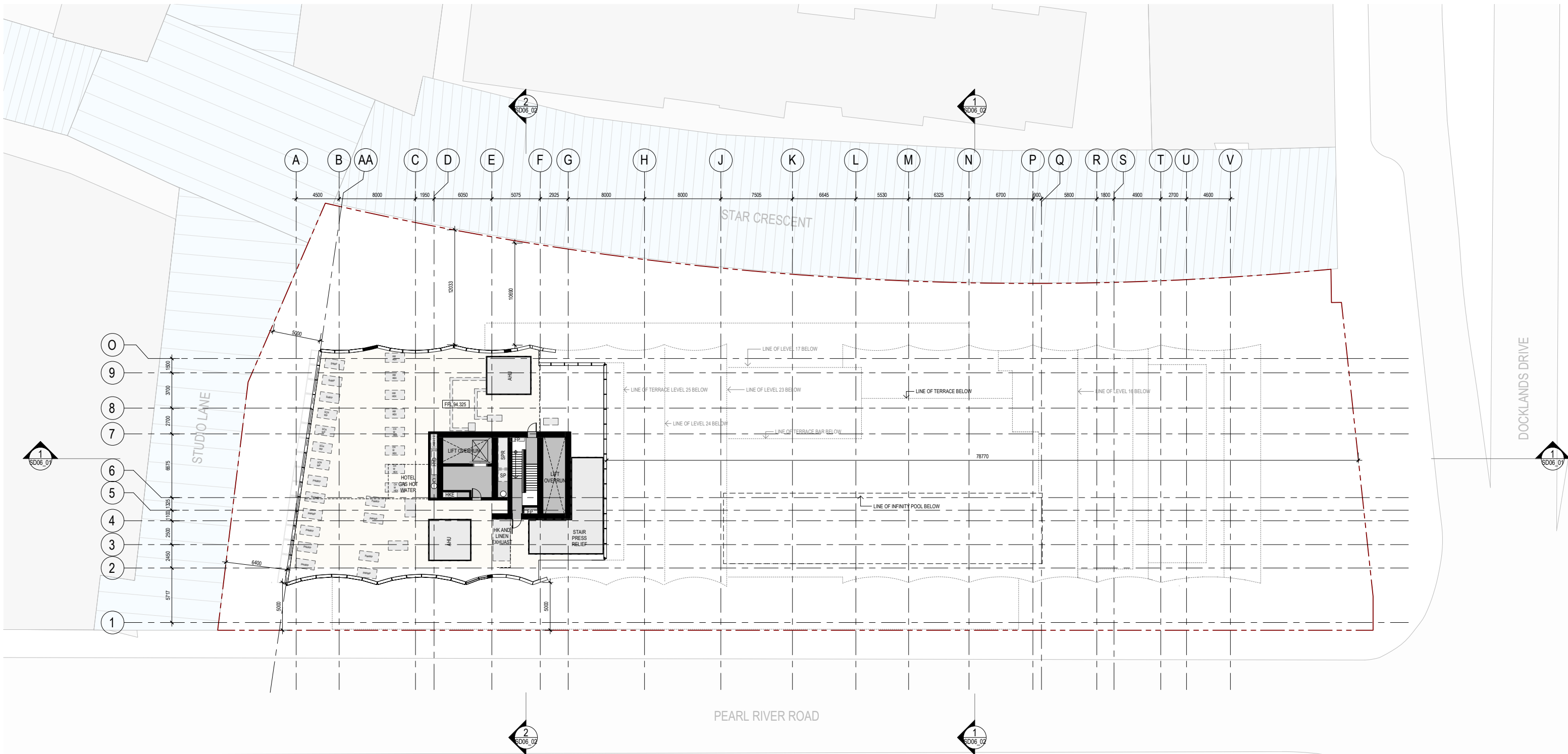
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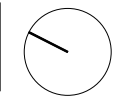
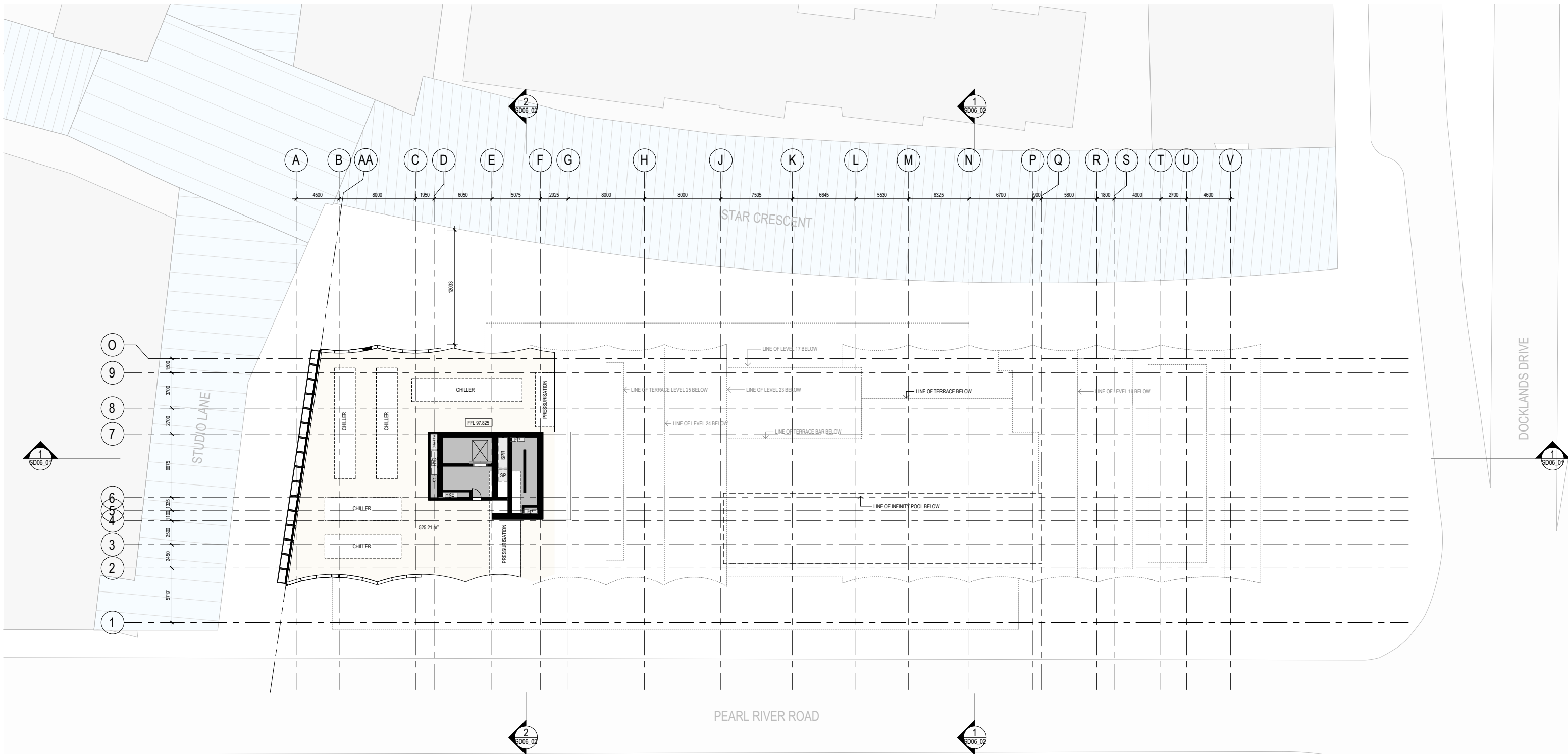
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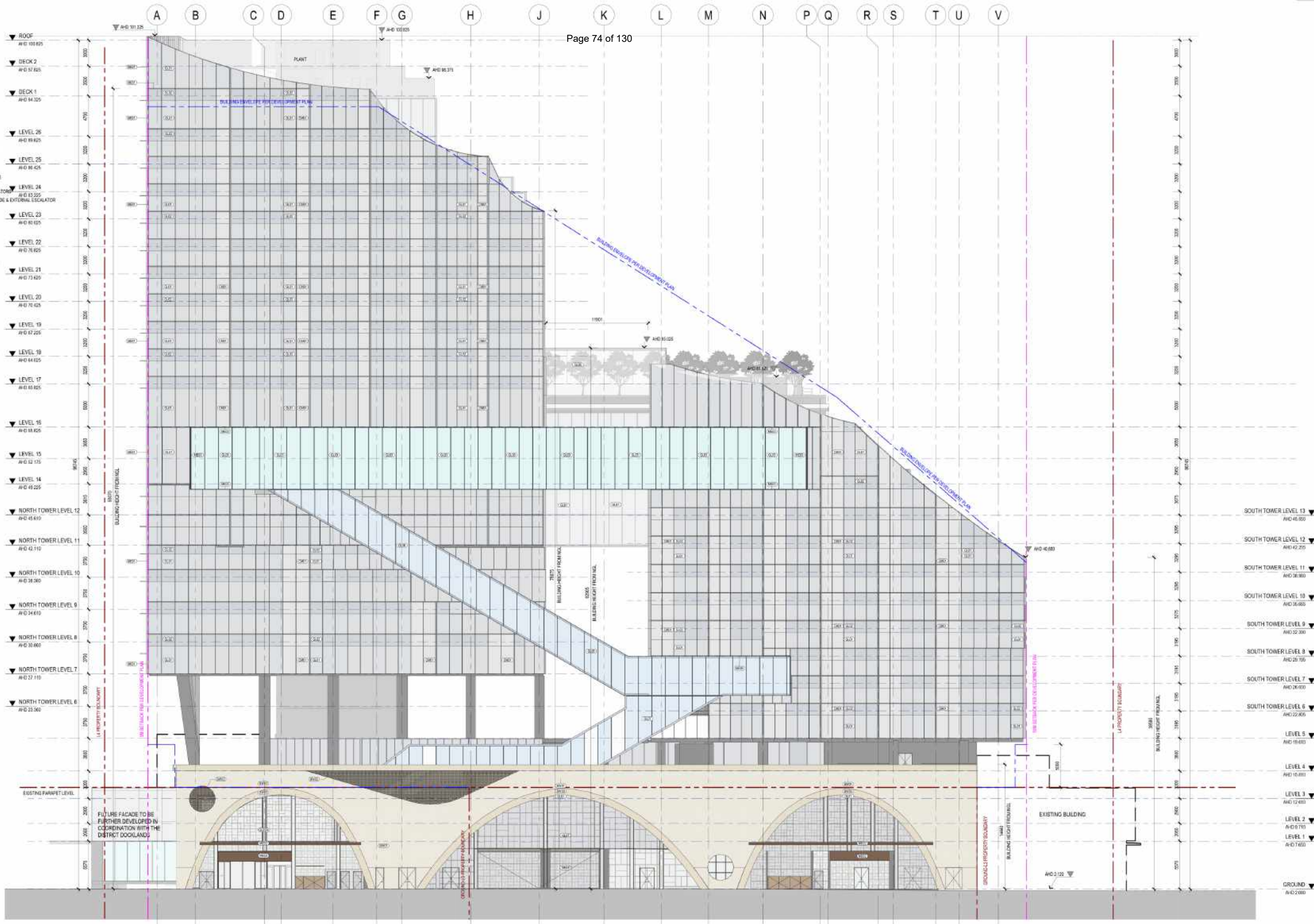


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P1	31.08.22	ISSUED FOR TOWN PLANNING		
3	31.01.23	ISSUED FOR INFORMATION		



LEGEND:

- BW01 - BRICKWORK - LIGHT COLOURED
- BW02 - BRICKWORK - HIT AND MISS
- BW03 - FEATURE ARCHES WITHIN POOL
- CP01 - PRECAST AND IN situ CONCRETE WALLS - NATURAL FINISH
- CP02 - PRECAST AND IN situ CONCRETE SOFFIT - NATURAL FINISH WITH CAST - IN PATTERN
- CM01 - METAL STRANDS
- CS01 - ANKLED PHOTOVOLTAIC PANELS
- GL01 - TINTED COMMERCIAL GLAZING HOTEL / OFFICE / SERVICED APARTMENTS
- GL02 - COLOUR-BLACK COMMERCIAL GLAZING HOTEL / SERVICED APARTMENTS
- GL03 - CLEAR NON-REFLECTIVE COMMERCIAL GLAZING FUNCTION CENTRE
- GL04 - COLOUR-BLACK NON-REFLECTIVE COMMERCIAL GLAZING FUNCTION CENTRE
- GL05 - CLEAR COMMERCIAL GLAZING RETAIL TENANCIES AND ENTRANCE
- GL06 - LIGHTWEIGHT CLEAR PANELS: EXTERNAL ESCALATORS
- GL07 - FRAGILE FILLED GLAZING: GROUND FLOOR FACADE & EXTERNAL ESCALATOR
- LV01 - LAMINAR DARK GREY
- MB01 - GREY ALUMINIUM POWDERCOAT: HOTEL / OFFICE / SERVICED APARTMENTS (GL01)
- MB02 - BRONZE METAL POWDERCOAT: GROUND FLOOR ENTRANCES & CANOPY
- MB03 - DARK BRONZE ALUMINIUM POWDERCOAT: FUNCTION CENTRE
- MB04 - SOFFIT AND SLAB CLADDING: FUNCTION CENTRE
- MB05 - SOFFIT CLADDING TO MATCH GL08 EXTERNAL ESCALATORS
- MB07 - WALL CLADDING: GROUND FLOOR ENTRANCE PORTALS
- MB08 - PERFORATED SHEET: GROUND FLOOR LOADING DOCK DOORS
- FB01 - BLACK PAINT FINISH TO EXPOSED DOORS, BLOCKWORK, AND CONCRETE
- FB02 - GREY PAINT FINISH TO EXPOSED DOORS, BLOCKWORK, AND CONCRETE
- FB03 - PAINT TO SOFFIT AND SLAB EDGES - COLOUR TO MATCH CURTAIN WALL FRAMES
- ST01 - STONEROCK: FOOTPATHS AND TERRACES
- ST02 - STONEROCK: EXTERNAL SWIMMING POOL
- TE01 - TILE EXTERNAL
- TW01 - TIMBER BATTENS TO SOFFIT: GROUND FLOOR ENTRANCE PORTALS



1 WEST ELEVATION
SCALE 1:200

Project
CAPITAL ALLIANCE
38-38 PEARL RIVER ROAD, DOCKLANDS

Job No. 21578
Scale As indicated @A1

Rev	Date	Revision	By	CHK
8	22.09.22	ISSUED FOR INFORMATION		
7	23.08.22	ISSUED FOR INFORMATION		
PH	11.08.22	ISSUED FOR TOWN PLANNING		
6	11.01.23	ISSUED FOR INFORMATION		

Drawing
SD05_01
WEST ELEVATION

Revision
8
31.01.23

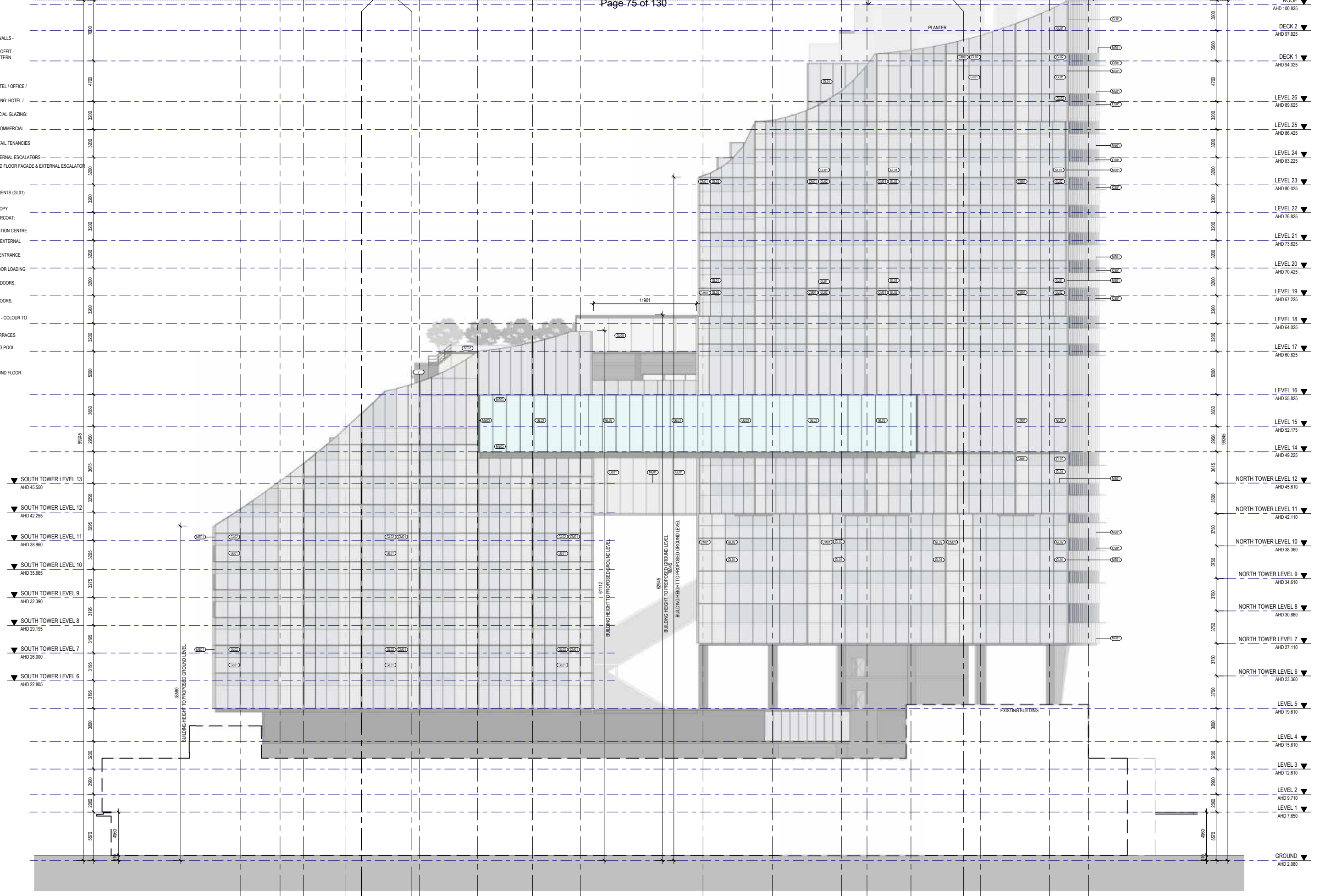
Level 5, 18 Oliver Lane
Melbourne VIC
3000 Australia
T61 3 9609 6588
sjb.com.au



V U T S R Q P N M L K J H G F E D C B A

LEGEND:

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- GL01 - TINTED COMMERCIAL GLAZING: HOTEL / OFFICE / SERVICED APARTMENTS
- GL02 - COLOUR-BACK COMMERCIAL GLAZING: HOTEL / SERVICED APARTMENTS
- GL03 - CLEAR NON-REFLECTIVE COMMERCIAL GLAZING: FUNCTION CENTRE
- GL04 - COLOUR-BACK NON-REFLECTION COMMERCIAL GLAZING: FUNCTION CENTRE
- GL05 - CLEAR COMMERCIAL GLAZING: RETAIL TENANCIES AND ENTRANCE
- GL06 - LIGHTWEIGHT CLEAR PANELS: EXTERNAL ESCALATORS
- GL07 - OPAQUE FLUTED GLAZING: GROUND FLOOR FACADE & EXTERNAL ESCALATORS
- LV01 - LOUVRES DARK GREY
- ME01 - GREY ALUMINIUM POWDERCOAT: HOTEL / OFFICE / SERVICED APARTMENTS (GL01)
- ME02 - BRONZE METAL POWDERCOAT GROUND FLOOR ENTRANCES & CANOPY
- ME03 - DARK BRONZE ALUMINIUM POWDERCOAT: FUNCTION CENTRE
- ME04 - SOFFIT AND SLAB CLADDING: FUNCTION CENTRE
- ME06 - SOFFIT CLADDING TO MATCH GL06 EXTERNAL ESCALATORS
- ME07 - WALL CLADDING: GROUND FLOOR ENTRANCE PORTALS
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1 EAST ELEVATION
 SCALE 1:200
 Project
CAPITAL ALLIANCE
 28-38 PEARL RIVER ROAD, DOCKLANDS

Job No. 21578
 Scale As indicated @A1
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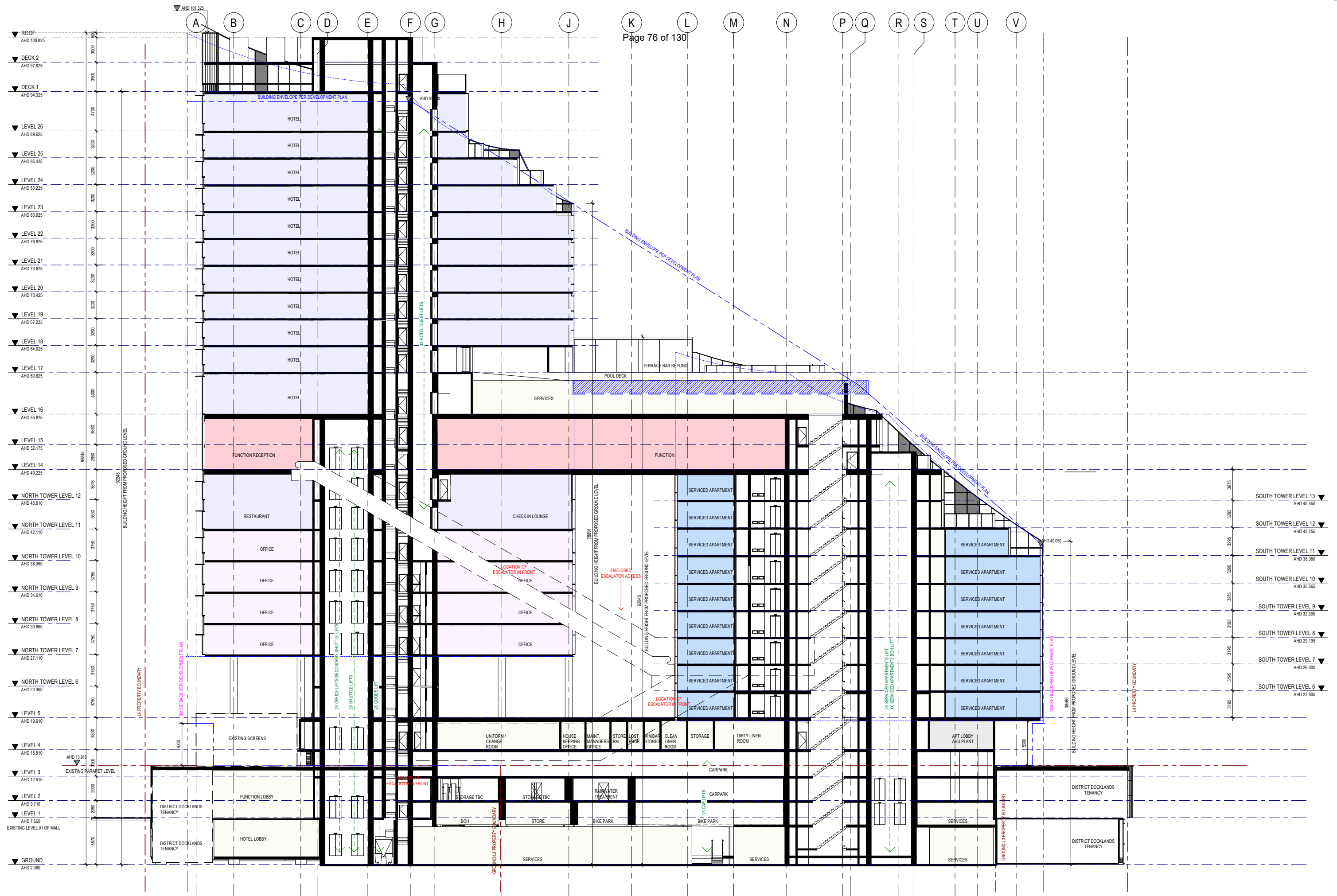
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7	23.08.22	ISSUED FOR INFORMATION		
P1	31.08.22	ISSUED FOR TOWN PLANNING		
8	31.01.23	ISSUED FOR INFORMATION		

Drawing
 SD05_02
 EAST ELEVATION

Revision
 8
 31.01.23

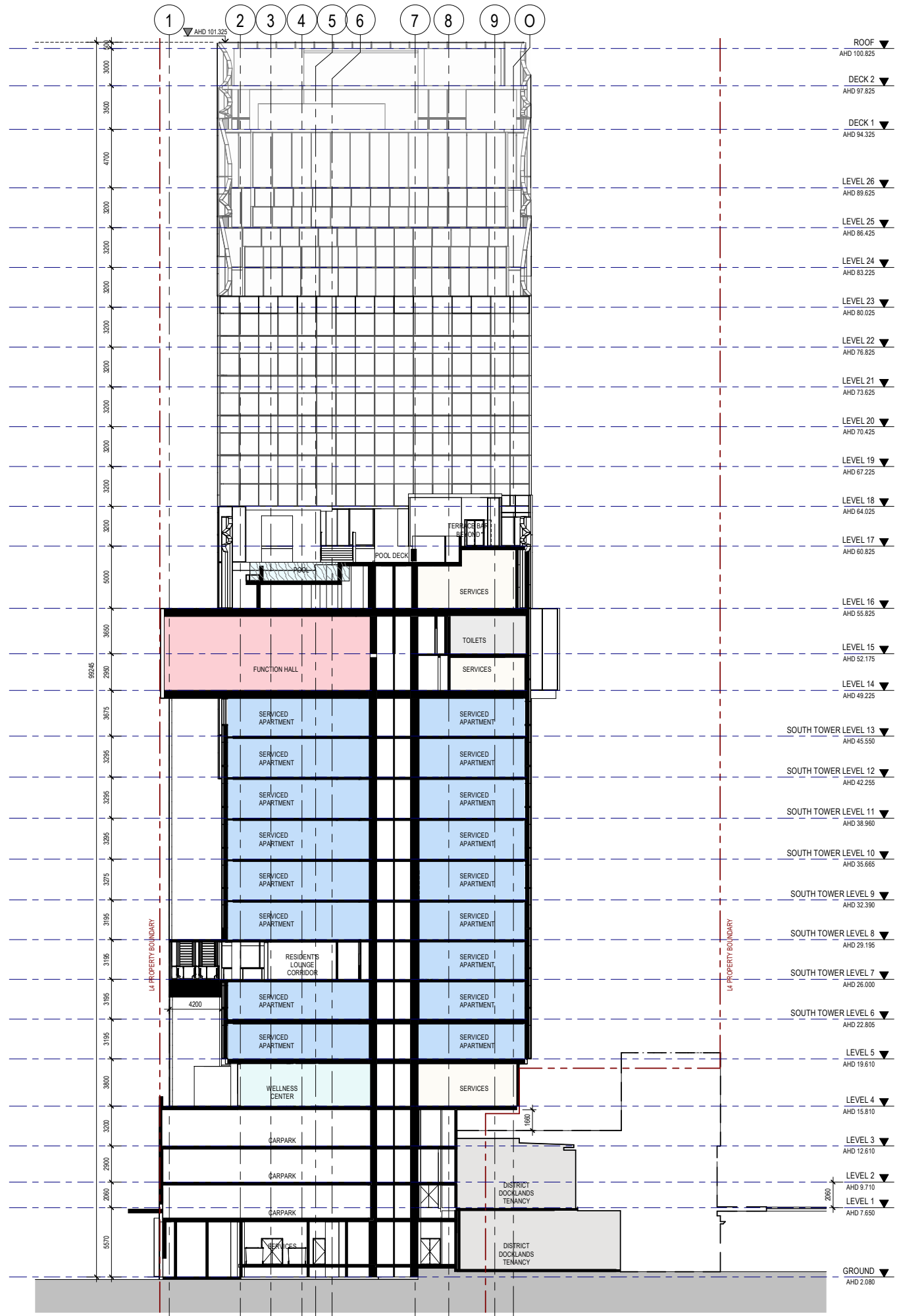
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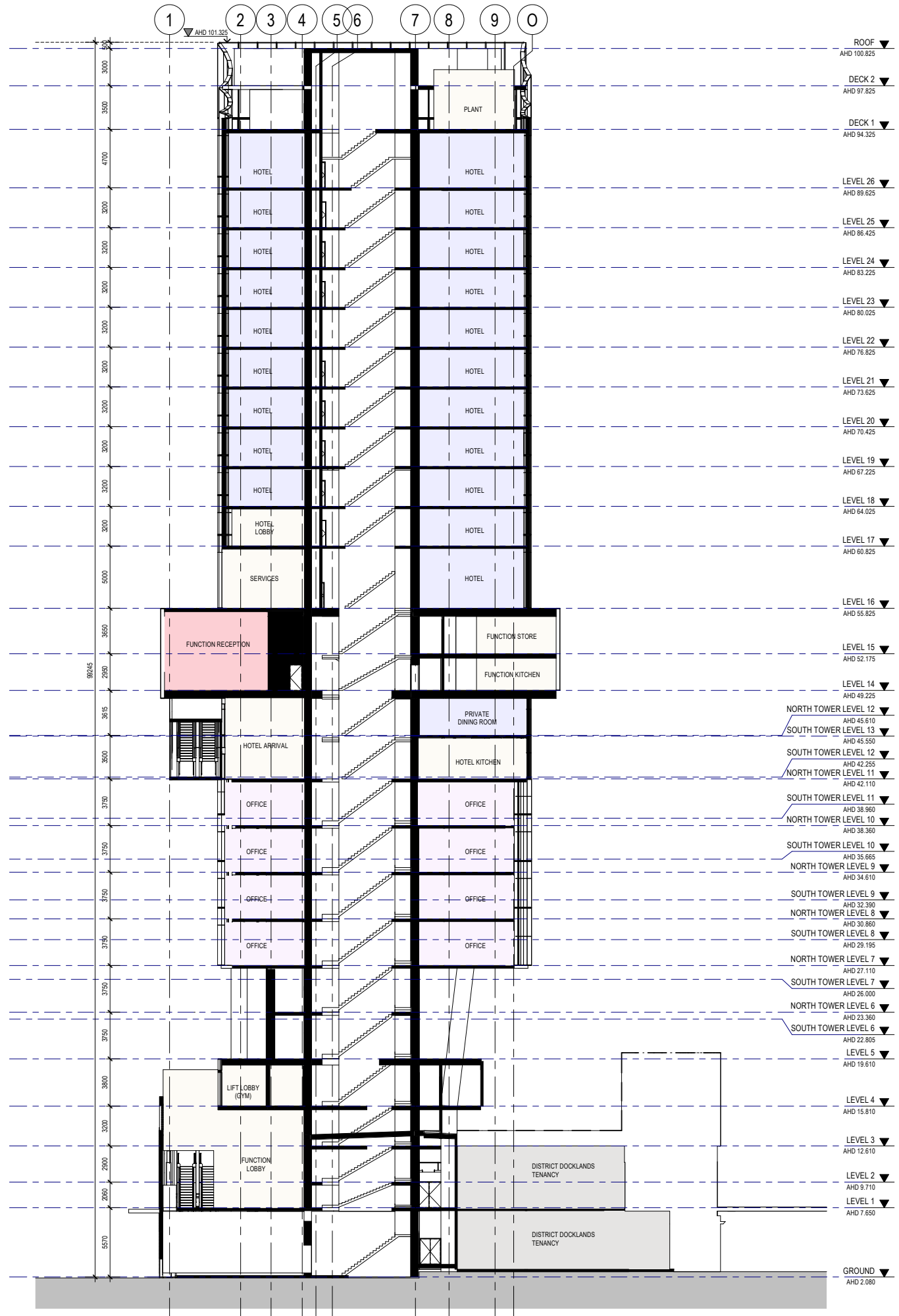


1 SECTION 01
SD02_01 SCALE 1:200





1 SECTION 02
SD02_01/ SCALE 1:200



2 SECTION 03
SD02_01/ SCALE 1:200

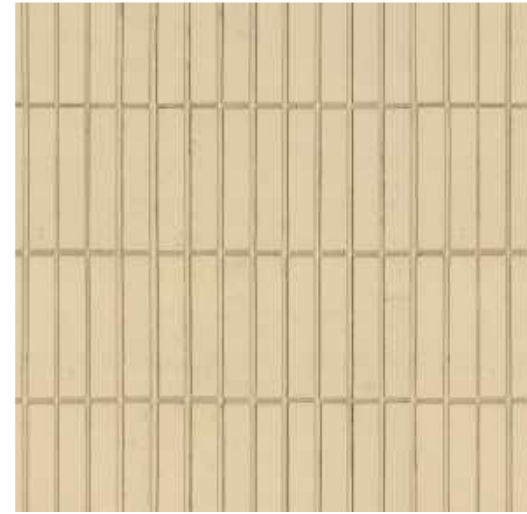




BW01 - BRICKWORK - LIGHT COLOURED



BW02 - BRICKWORK - HIT AND MISS



BW03 - FEATURE ARCHES WITHIN PODIUM



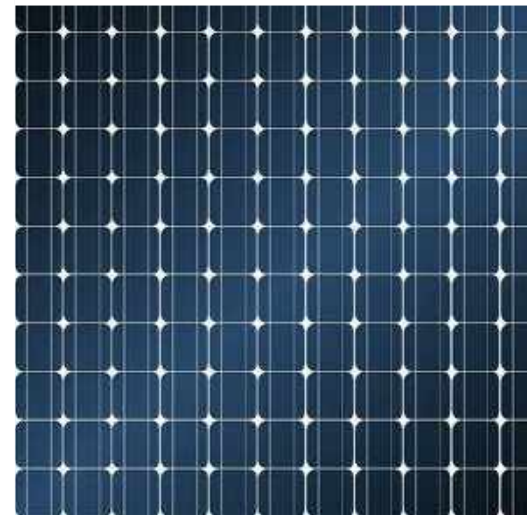
CF01 - PRECAST AND INSITU CONCRETE WALLS - NATURAL FINISH



CF02 - PRECAST AND INSITU CONCRETE SOFFIT - NATURAL FINISH WITH CAST-IN PATTERN



CM01 - METAL SPANDREL



CS01 - ANGLED PHOTOVOLTAIC PANELS



GL01 - TINTED COMMERCIAL GLAZING: HOTEL / OFFICE / SERVICED APARTMENTS



GL02 - COLOUR-BACK COMMERCIAL GLAZING: HOTEL / SERVICED APARTMENTS



GL03 - CLEAR NON-REFLECTIVE COMMERCIAL GLAZING: FUNCTION CENTRE



GL04 - COLOUR-BACK NON-REFLECTIVE COMMERCIAL GLAZING: FUNCTION CENTRE



GL05 - CLEAR COMMERCIAL GLAZING: RETAIL TENANCIES AND ENTRANCE



**GL06 - LIGHTWEIGHT CLEAR PANELS:
EXTERNAL ESCALATORS**



**GL07 - OPAQUE FLUTED GLAZING:
GROUND FLOOR FACADE & EXTERNAL ESCALATOR**



LV01 - LOUVERS DARK GREY



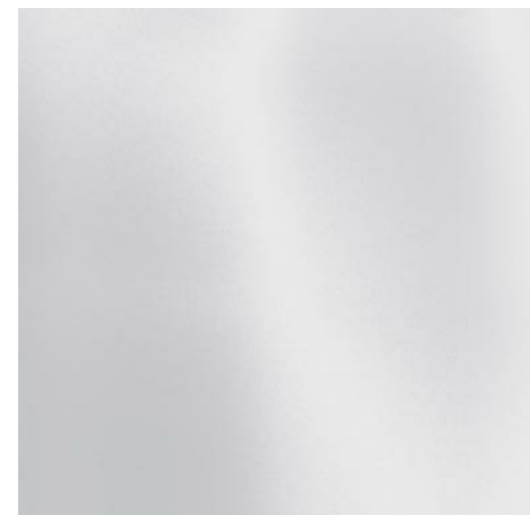
**ME01 - GREY ALUMINIUM POWDERCOAT:
HOTEL / OFFICE / SERVICED APARTMENTS**



**ME02 - BRONZE METAL POWDERCOAT:
GROUND FLOOR ENTRANCES & CANOPY**



**ME03 - DARK BRONZE POWDERCOAT:
FUNCTION CENTER**



**ME04 - SOFFIT AND SLAB CLADDING:
FUNCTION CENTRE**



**ME06 - SOFFIT CLADDING TO MATCH GLO6
EXTERNAL ESCALATORS**



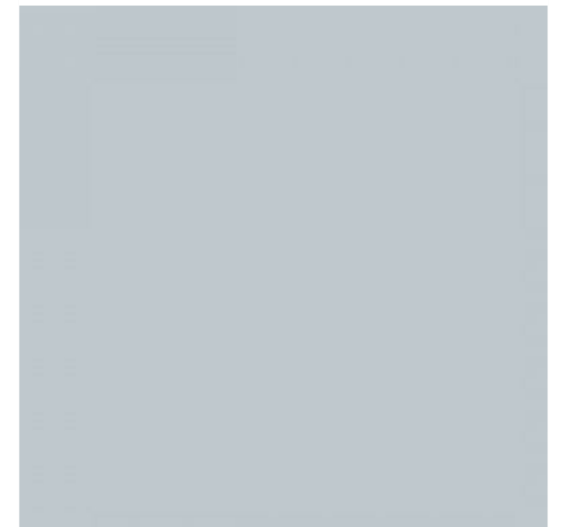
**ME07 - WALL CLADDING: GROUND FLOOR
ENTRANCE PORTALS**



**ME08 - PERFORATED SHEET: GROUND FLOOR
LOADING DOCK DOORS**



**PE01 - BLACK PAINT FINISH TO EXPOSED
DOORS, BLOCKWORK, AND CONCRETE**



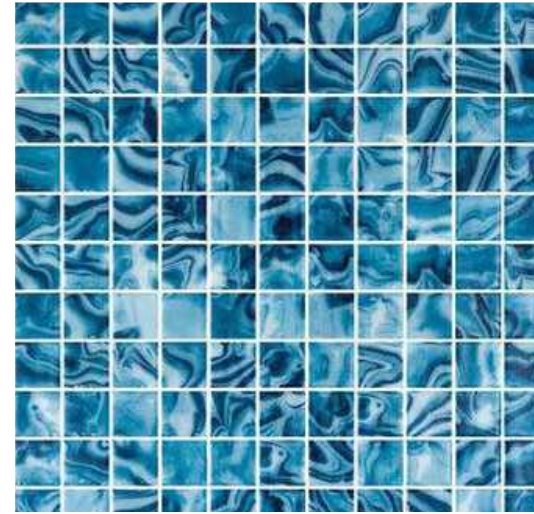
**PE02 - GREY PAINT FINISH TO EXPOSED DOORS,
BLOCKWORK, AND CONCRETE**



**PE03 - PAINT TO SOFFIT AND SLAB EDGES -
COLOUR TO MATCH CURTAIN WALL FRAMES**



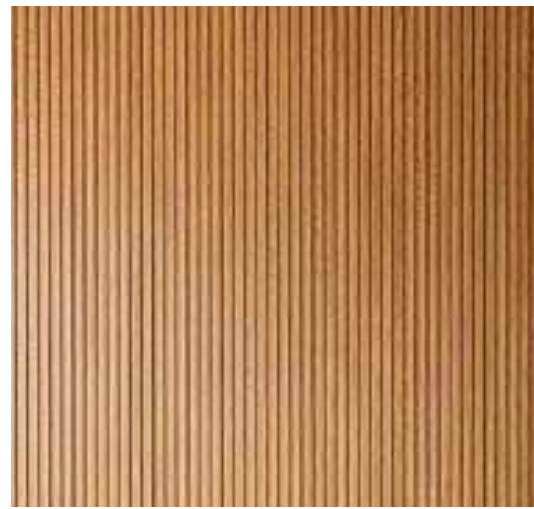
**ST01 - STONEWORK: FOOTPATHS AND
TERRACES**



**ST02 - STONEWORK: EXTERNAL SWIMMING
POOL CLADDING**



TE01 - TILE EXTERNAL

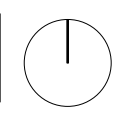


**TM01 - TIMBER BATTENS TO SOFFIT: GROUND
FLOOR ENTRANCE PORTALS**





1 SHADOW DIAGRAM_22 SEPTEMBER 9AM
 SD01_06 SCALE 1:500



Rev	Date	Revision	By	Chk.
1	22.08.22	ISSUED FOR INFORMATION		
2	23.08.22	ISSUED FOR INFORMATION		
P1	31.08.22	ISSUED FOR TOWN PLANNING		
3	31.01.23	ISSUED FOR INFORMATION		





1 SHADOW DIAGRAM_22 SEPTEMBER 10AM
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Rev	Date	Revision	By	Chk.
1	22.08.22	ISSUED FOR INFORMATION		
2	23.08.22	ISSUED FOR INFORMATION		
P1	31.08.22	ISSUED FOR TOWN PLANNING		
3	31.01.23	ISSUED FOR INFORMATION		



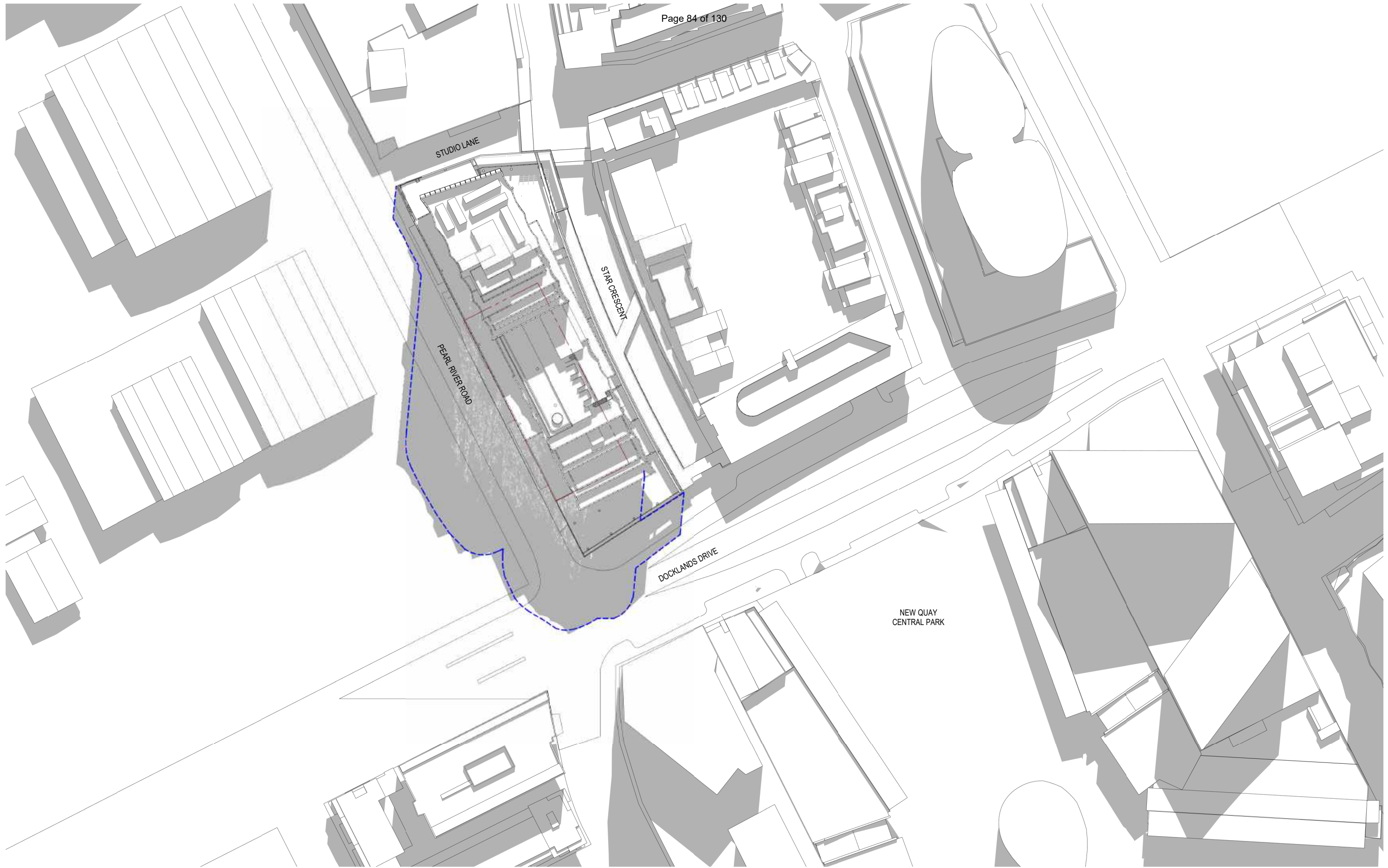


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Rev	Date	Revision	By	Chk.
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2	23.08.22	ISSUED FOR INFORMATION		
P1	31.08.22	ISSUED FOR TOWN PLANNING		
3	31.01.23	ISSUED FOR INFORMATION		





1 SHADOW DIAGRAM_22 SEPTEMBER 12PM
 SD01_06 SCALE 1:500

Project
 CAPITAL ALLIANCE
 28-38 PEARL RIVER ROAD, DOCKLANDS

Job No.
 21578

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Rev	Date	Revision	By	Chk.
1	22.08.22	ISSUED FOR INFORMATION		
2	23.08.22	ISSUED FOR INFORMATION		
P1	31.08.22	ISSUED FOR TOWN PLANNING		
3	31.01.23	ISSUED FOR INFORMATION		



Drawing
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 SHADOW DIAGRAM 12PM

Revision
 3
 31.01.23

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1 SHADOW DIAGRAM_22 SEPTEMBER 1PM
 SD01_06 SCALE 1 : 500



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1	22.08.22	ISSUED FOR INFORMATION		
2	23.08.22	ISSUED FOR INFORMATION		
P1	31.08.22	ISSUED FOR TOWN PLANNING		
3	31.01.23	ISSUED FOR INFORMATION		



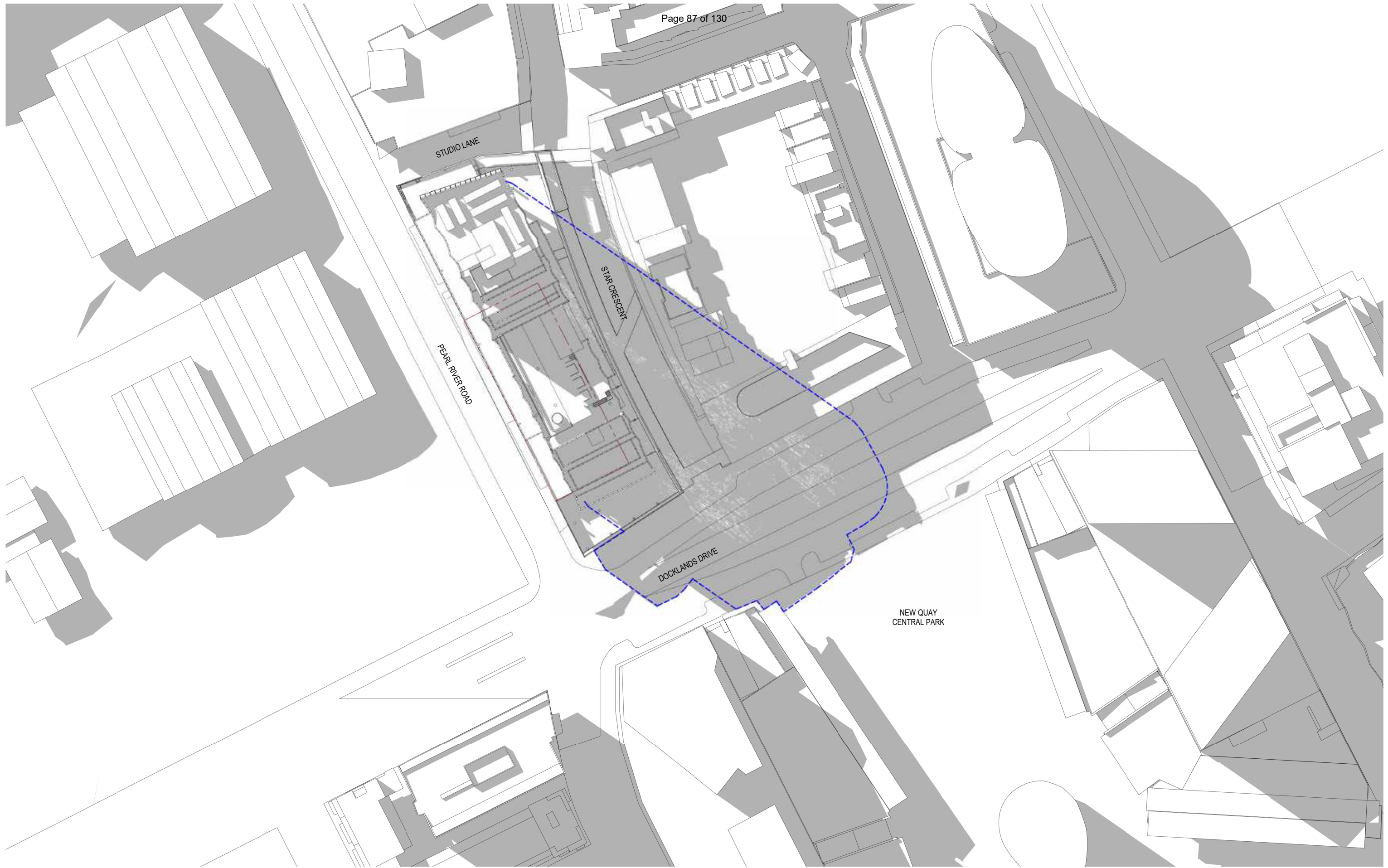


1 SHADOW DIAGRAM_22 SEPTEMBER 2PM
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Rev	Date	Revision	By	Chk.
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2	23.08.22	ISSUED FOR INFORMATION		
P1	31.08.22	ISSUED FOR TOWN PLANNING		
3	31.01.23	ISSUED FOR INFORMATION		





1 SHADOW DIAGRAM_22 SEPTEMBER 3PM
 SD01_06 SCALE 1:500



Rev	Date	Revision	By	Chk.
1	22.08.22	ISSUED FOR INFORMATION		
2	23.08.22	ISSUED FOR INFORMATION		
P1	31.08.22	ISSUED FOR TOWN PLANNING		
3	31.01.23	ISSUED FOR INFORMATION		



SJB is passionate about the possibilities of architecture, interiors, urban design and planning. Let's collaborate.

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DELEGATE REPORT

MINISTERIAL PLANNING REFERRAL

Application no:	TPM-2022-18
Department of Transport and Planning no:	PA2201816
Applicant:	Capital Alliance 8 Pty Ltd C/- Urban Planning Collective (UPco)
Owner:	Capital Alliance 6 Pty Ltd
Architect:	SJB Architecture
Address:	28-38 Pearl River Road, Docklands 448-454 Docklands Drive, Docklands
Proposal:	Buildings and works to construct a mixed use multi-level building comprising a residential hotel (serviced apartments and hotel rooms), offices, beauty salon (wellness centre), function centre and bar.
Cost of works:	\$150,000,000
Date received:	30 September 2022
Responsible officer:	Xavier Livy, Principal Urban Planner

1 SUBJECT SITE AND SURROUNDS

1.1 Subject site

The subject site (the Site) is located within the Waterfront City precinct on the east side of Pearl River Road, just north of Docklands Drive, Docklands.

The Site is rectangular in shape with a frontage of 59.13 m and depth of 24.02 m giving a total area of 1,420 square metres. The site is relatively flat and is the balance of a parcel developed on the three sides by a commercial development over two levels comprising shops and back of house services. These developments present featureless walls on the east, north and south boundaries to approximately 11 m in height.

The Site is approximately 17 metres north of the intersection with Docklands Drive and currently has no formal vehicle access. The footpath in front of the site has four semi-mature street trees, one light pole, and various pits and signs. To the north there is a bus stop and an entrance to a loading dock and a pedestrian entrance for the commercial uses to the east, known as Harbour Town.



Figure 1: Locality map of subject site and surrounds

The Site is formally described as Lot 7 on Plan of Subdivision 732555U and benefits from air rights over Lot A on Plan of Subdivision 827511N (448-454 Docklands Drive, Docklands). It is noted that the application includes buildings and works on Lot A on PS 827511N at ground level.



Figure 2: Locality map identifying Lot 7 and Lot A

1.2 Surrounds

The Site is located within the Business Park precinct of Docklands which is characterised by a range of mixed use developments in line with the precinct objectives under Schedule 6 to the Docklands Zone.

To the north and east, the site is surrounded by 'The District Docklands' which can be described as a town centre style mixed use precinct comprising retail premises, food and drink premises (including a brewery), offices, residential apartments, entertainment facilities (including a recently completed cinema), and the visually prominent 'Melbourne Star' observation wheel that has a maximum height of 120 metres. This area has two generally north-south pedestrian malls and an east-west pedestrian mall. The immediately surrounding built form generally comprises of two to three storeys.

To the west, directly opposite the Site is car parking areas associated with the Docklands Studios. This western side of the road adjacent to the Docklands Studios is signed as 'No Standing'.

To the south, across Docklands Drive at 6-22 Pearl River Road is a high-rise residential building with a residential hotel component.

The surrounding area is serviced by public transport and has access to tram services (35, 70 and 86) in Docklands Drive within walking distance. In addition, the Site is part of the District Docklands and within walking distance to Costco, Medibank Icehouse and various local entertainment / retail shops along New Quay Promenade.



Figure 3: View of the Site along Pearl River Road looking north



Figure 4: View of the Site along Pearl River Road looking south

2 BACKGROUND AND HISTORY

2.1 Approved Development Plan

The Waterfront City Outline Development Plan (WFCDP) was approved by the Minister for Planning on 28 November 2003.

An Addendum to the WFCDP (the 'Development Plan Addendum'), prepared on behalf of Capital Alliance Investment Group was referred to Council for comment by the Minister for Planning on 7 December 2018 (TPM-2018-23).

The Development Plan Addendum applies specifically to the Site, and to the similar sized parcel of land at 3-43 Waterfront Way, Docklands to the east (Melbourne Marriot Hotel Docklands). It varies the controls of the 2003 WFCDP, including (but not limited to):

- An increase in the maximum building height from 25 metres to 93.13 metres.
- Specific setback requirements.
- A maximum GFA of 40,000 m² for the subject site.
- An 80 space cap on car spaces for the subject site.
- A requirement that any building on the subject site does not contribute to additional overshadowing of New Quay Central Park and the adjacent footpath on the Winter Solstice, beyond what is permitted by the existing approval.
- Specific land use guidelines to ensure the site will be used for office, commercial and residential.

Following the Future Melbourne Committee meeting on 15 October 2019, where the Development Plan Addendum was supported unanimously, it was approved by the Minister on 3 December 2019, subject to conditions.

It is also noted the Minister for Planning issued an amended Development Plan Addendum on the 2 December 2021 which updated the land use guidelines to allow for consideration of ‘hotel’ and ‘short stay accommodation including serviced apartments’. As such the proposal must be assessed against the current and most up to date ‘District Docklands Development Sites Development Plan – Addendum to Waterfront City Outline Development Plan October 2021’.

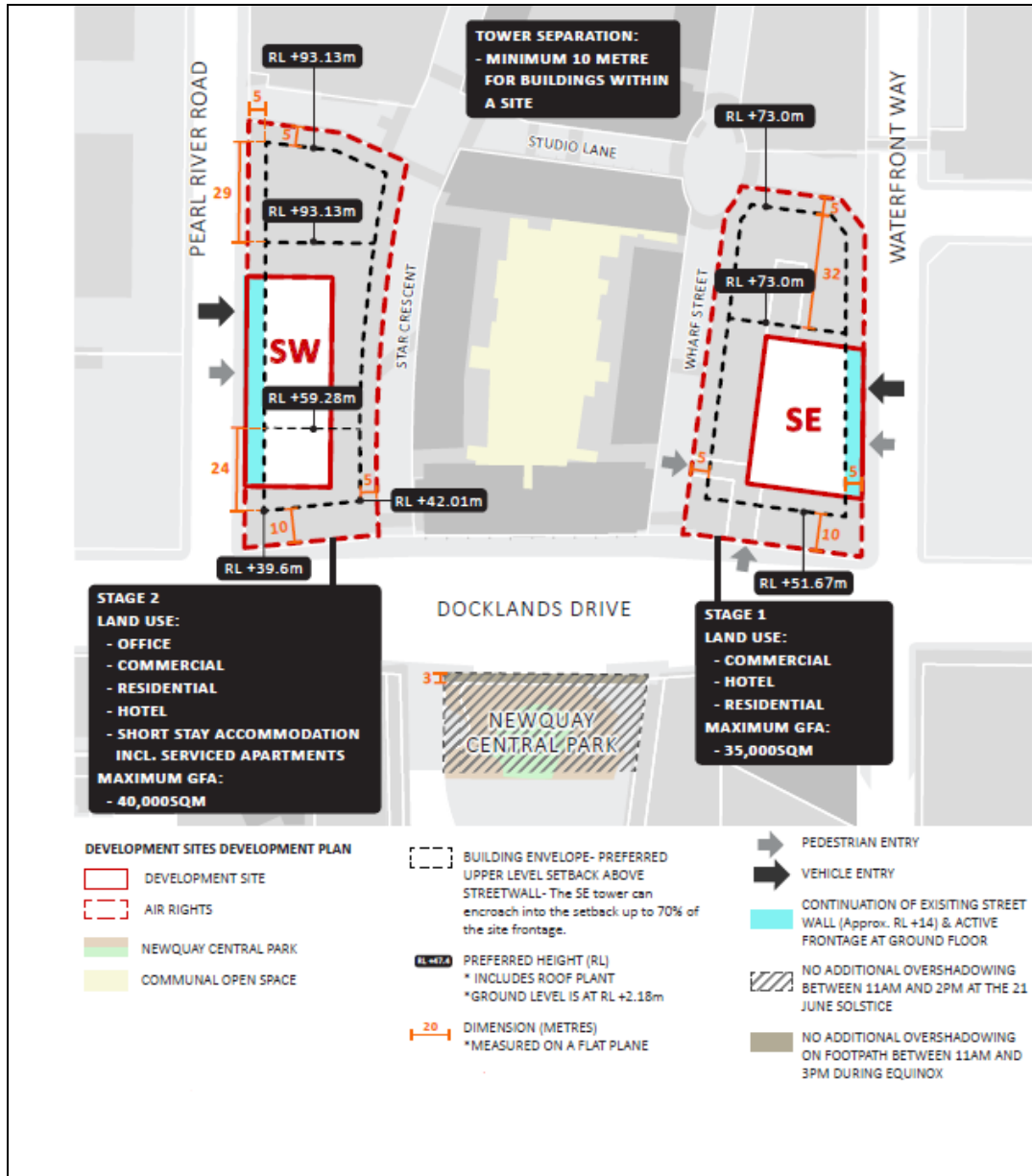


Figure 5: District Docklands Development Sites Development Plan – Addendum to Waterfront City Outline Development Plan October 2021

2.2 Planning application history

The following historical planning permit applications are of relevance:

28-38 Pearl River Road, Docklands (the Site)		
CoM Reference	Description	Decision
TP-2013-242	Construction of a 17 storey building comprising of dwellings, ground floor	Permit issued by Council 28 June

	retail and a waiver of loading and unloading requirements.	2013. The development has not commenced and therefore expired on 28 June 2021.
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3-43 Waterfront Way, Docklands (Corner of Waterfront Way and Docklands Drive)		
CoM Reference	Description	Decision
TPM-2017-11 (PA1700219)	Buildings and works to construct a multi-level building containing hotel and residential apartments and a reduction in bicycle parking requirements	Planning Permit issued by the Minister for Planning on 20 August 2017
TPM-2017-11/A	Amendment to the architectural plans to increase the overall height of the mixed use building resulting in an overall height of 67.8 metres.	Amended Planning Permit issued for Planning on 10 March 2020

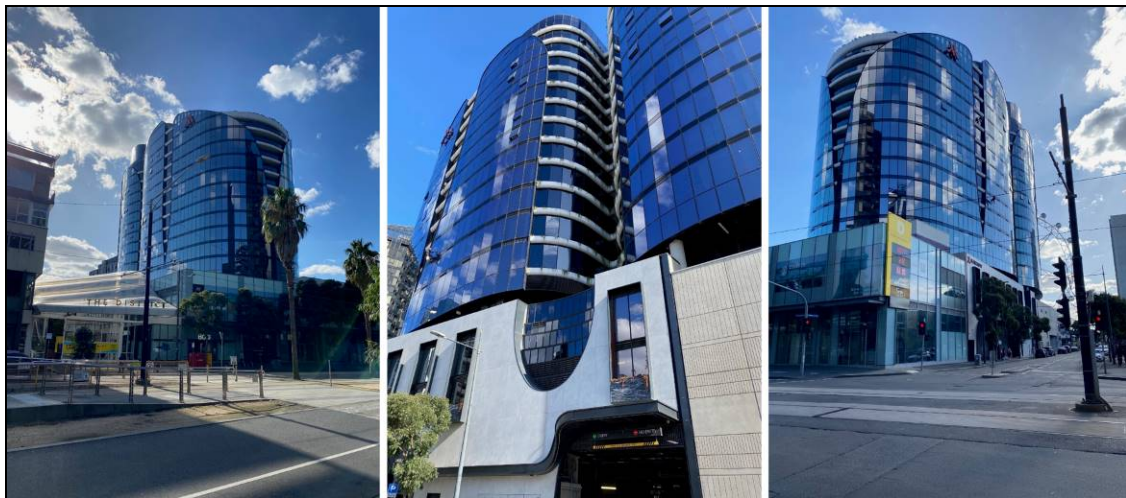


Figure 6: Recently completed Melbourne Marriot Hotel Docklands on 'SE' site

2.3 Pre-application meetings

Pre-application discussions were facilitated by the Department of Transport and Planning (DTP) on 13 July 2022, attended by the permit applicant and council officers. Initial concerns were raised in relation to how ground floor activation could be improved, the proposal's response to the approved Development Plan Addendum and any overshadowing implications.

3 PROPOSAL

3.1 Documents considered in assessment

The plans and supporting documentation which have been considered in this assessment are identified in the following table:

Documents considered in assessment		
Document	Author	Date
Architectural Plans	SJB	31 January 2023
Landscape Plans	Jack Merlo Design and Landscape	9 March 2023
Town Planning Report	UPco	March 2023
Cultural Heritage Assessment	Andrew Long & Associates	19 July 2022
Traffic Impact Assessment Report	Stantec	16 March 2023
Hotel Valet Management Plan	Stantec	14 March 2023
Loading Management Plan	WSP	16 March 2023
Environmental Wind Assessment	MEL Consultants	28 February 2023
Waste Management Plan	WSP	16 March 2023
Environmentally Sustainable Design Statements	Sustainable Development Consultants	17 March 2023
Arboricultural Assessment	Greenwood Consulting	29 August 2022
Acoustic Report	Acoustic Logic	10 March 2023

3.2 Proposal details

The planning permit application proposes to construct a mixed use multi-level building comprising a residential hotel (serviced apartments and hotel rooms), offices, beauty salon (wellness centre), function centre and a bar.

Key features of the proposal are summarised below:

- Construction of a building which includes two tower forms above a podium linked by a skybridge, function centre and external escalator.
- Northern tower comprises between 23 and 26 storeys (78.8 metres to 93.1 metres in height) and the southern tower comprises of 11 to 13 storey (38.6 metres to 61 metres in height). The towers step down in height towards Docklands Drive, with the roof structure expressed in a scalloped form.
- The proposal includes a 14.4 metre high podium generally constructed to all boundaries with points of access from Pearl River Road.
- A separate lift core is provided to each tower.
- Services, loading docks and bin rooms are located at ground level. It is noted the existing Districts Docklands development loading bay area has been consolidated into the proposal.

- External materials and finishes of the development include exposed brickwork, precast and insitu concrete, metal spandrel, glazing, front and clear panels, metal cladding and timber battens.

Specific details of the proposal are contained in the following table:

Maximum Height (both towers)	61.1 metres (southern tower) and 98.7 metres (northern tower)
Podium height	14.4 metres
Tower Setbacks	<p>Northern tower set back 5 to 6.4 metres from Studio Lane.</p> <p>Southern tower set back 8.8 metres to 11.4 metres from Docklands Drive.</p> <p>Both towers set back 5 metres from Pearl River Road.</p> <p>Both towers set back 6 metres to 10.6 metres east from Star Crescent.</p> <p>Separations of 11.9 metres between northern and southern tower.</p> <p>Note: the above setbacks exclude projections associated with the function centre, skybridge and escalator.</p>
Gross Floor Area (GFA)	38,362 square metres
Hotel	7,134 square metres of gross floor area including 210 hotel rooms.
Serviced apartments	<p>6,998 square metres of gross floor area including 133 serviced apartments:</p> <ul style="list-style-type: none"> • 65 one bedroom • 27 two bedroom • 7 three bedroom.
Offices gross floor area	3,465 square metres, provided within northern tower
Function Centre gross floor area	1,705 square metres provided on Level 14.
Bar (Tavern) gross floor area	229 square metres provided on Level 17.
Beauty Salon (wellness centre) gross floor area	697 square metres provided in the podium across Level 1 and Level 4.
Loading/ Unloading/ Vehicle access	Ground level via Pearl River Road
Car Parking Spaces	49 spaces between Level 1 and 3
Bicycle Parking Spaces	163 spaces at Level 1



Figure 7: 3D render of the podium facing Pearl River Road



Figure 8: 3D render of the proposed development

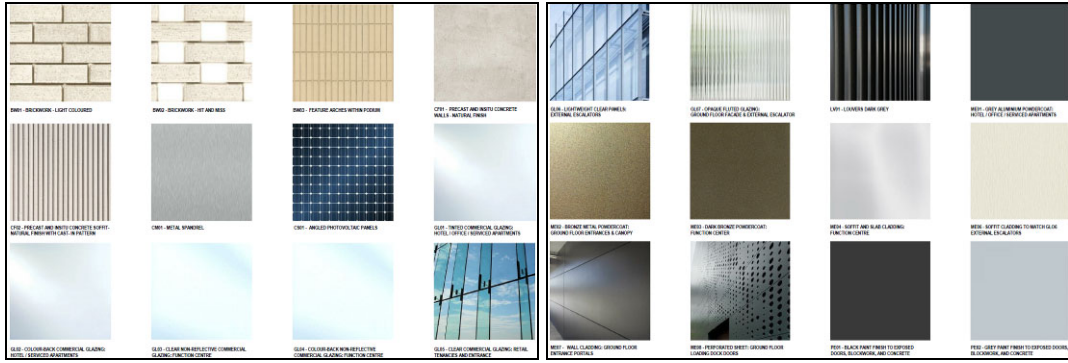


Figure 9: Material schedule associated with podium and tower forms

3.3 Amendment during application

The application was formally amended under Section 50A of the *Planning and Environment Act 1987*. The amended application was referred to Council by DTP on 27 March 2023. The amendment included ground floor level modifications to improve the active frontages to Pearl River Road.

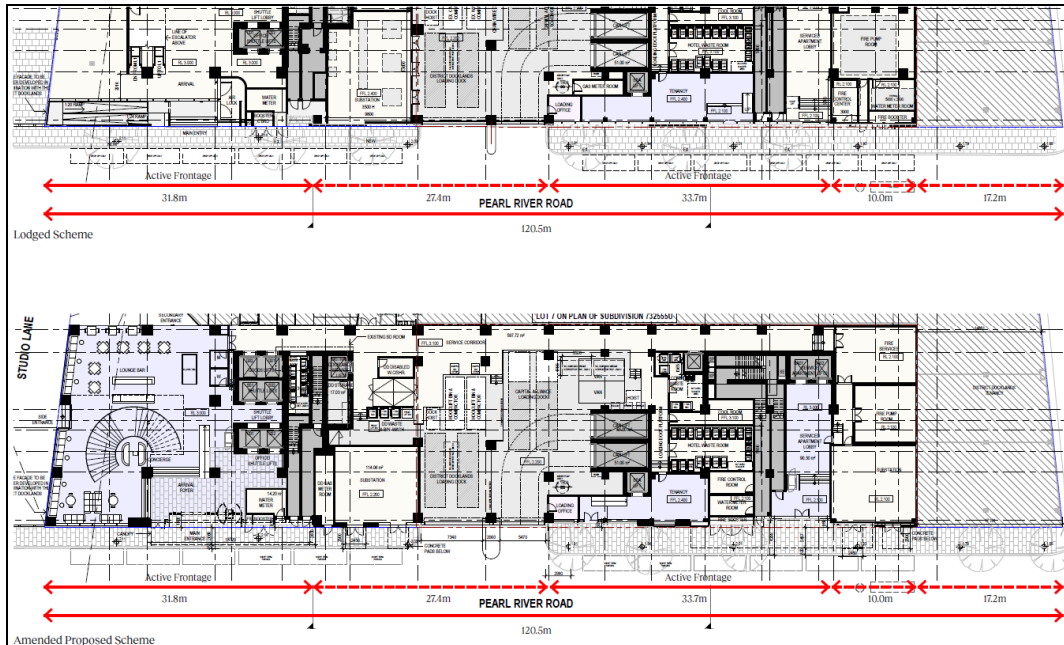


Figure 10: Comparison of original (top) and amendment (bottom) ground level activation

4 PLANNING POLICY FRAMEWORK, CONTROLS AND PROVISIONS

The following policies, controls and provisions of the Melbourne Planning Scheme are relevant to the application:

Policy	
Purpose and Vision	Clause 02.02 – Vision Clause 02.03 – Strategic Directions Clause 02.04 – Strategic framework plans
Planning Policy Framework	Clause 11 – Settlement Clause 13 – Environmental Risks and Amenit y

	<p>Clause 17 – Economic Development</p> <p>Clause 18 – Transport</p> <p>Clause 19 – Infrastructure</p>
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Controls	
<p>Clause 37.05 Docklands Zone Schedule 6 (Business Park Precinct)</p>	<p><u>Use</u></p> <p>Pursuant to Clause 37.05-1, 'Residential Hotel (serviced apartments and hotel rooms)', 'Shop', 'Office', 'Place of Assembly (Function Centre)' and 'Tavern (Bar)' are Section 1 uses in the Waterfront City. Therefore no permit is required for any of the proposed uses.</p> <p>It is noted that Clause 11.03-6L-03 (Docklands) identifies the Site as being within Precinct 1 (Waterfront City).</p> <p><u>Development</u></p> <p>Pursuant to Clause 37.05-4, 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><u>Environmental Audits</u></p> <p>Pursuant to Clause 37.05-8, before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the timing for which must be to the satisfaction of the responsible authority having regard to the Melbourne Docklands Environmental Management Plan as amended, either:</p> <ul style="list-style-type: none"> • A preliminary risk screen assessment statement in accordance with the <i>Environment Protection Act 2017</i> must be issued stating that an environmental audit is not required for the use or proposed use; or • An environmental audit statement under Part 8.3 of the <i>Environment Protection Act 2017</i> must be issued stating that the land is suitable for the use or proposed use; or • A certificate of environmental audit must be issued for the land in accordance with Part IXD of the <i>Environment Protection Act 1970</i>; or • An environmental auditor appointed under the <i>Environment Protection Act 1970</i> must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use. <p>The proposal includes a residential hotel which is a sensitive residential use as listed above.</p>
<p>Clause 43.02</p>	<p>Pursuant to Clause 43.02-2, a permit is required to</p>

<p>Design and Development Overlay</p> <p>Schedule 12 (Noise Attenuation Area)</p>	<p>construct a building or construct or carry out works unless a schedule to the overlay specifies otherwise.</p> <p>Schedule 12 states that a 'permit is not required for buildings and works other than buildings and works associated with new, refurbished or converted developments for noise sensitive uses'.</p> <p>For the purpose of this overlay, noise-sensitive uses are those that have an element of residential accommodation and are nested under the definition of accommodation in the planning scheme.</p> <p>Therefore, as the proposal includes a noise sensitive residential use (residential hotel), a permit is required.</p>
<p>Clause 43.02</p> <p>Design and Development Overlay - Schedule 54 (DDO54)</p> <p>Business Park Precinct, Area 1</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works unless a schedule to the overlay specifies otherwise.</p> <p>Schedule 51 states that a permit is not required to construct a building or construct or carry out works if the requirements of Table 1 to this schedule are met. The proposed building is within Area 1 which sets a discretionary maximum building height of 45 metres.</p> <p>A maximum building height of 93.1 metres (excluding architecture features and building services) is proposed and therefore a permit is required.</p>
<p>Clause 43.04</p> <p>Development Plan Overlay - Schedule 7 (DPO7)</p> <p>Business Park Precinct</p>	<p>Pursuant to Clause 43.04-2, a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.</p> <p>This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority. Schedule 4 states that a permit can be granted before a development plan is prepared.</p> <p>A permit granted must:</p> <ul style="list-style-type: none"> • Be generally in accordance with the development plan. • Include any conditions or requirements specified in a schedule to this overlay.
<p>Clause 45.09</p> <p>Parking Overlay</p> <p>Schedule 10 (Docklands – Business Park)</p>	<p>Pursuant to Schedule 10 of Clause 45.09, a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of the schedule.</p> <p>As relevant to this proposal, the applicable rates are as follows:</p> <ul style="list-style-type: none"> • 0.4 spaces to each room associated with the residential hotel. • 3 to each 100 square metres of gross floor area associated with the office.

	<ul style="list-style-type: none"> • 2 to each 100 square metres of gross floor area associated with the Place of Assembly (Function Centre). • 4 to each 100 square metres of gross floor area associated with the Retail Premises (Shop and Bar). <p>This equates to a maximum provision of 290 car spaces.</p> <p>The proposal includes 49 car spaces which is less than the maximum provision. Therefore, a permit is not required.</p>
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Particular Provisions	
Clause 52.06 - Car Parking	Requirements for the provision of on-site car parking are contained in the Parking Overlay as discussed above.
Clause 52.34 - Bicycle Facilities	<p>Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.</p> <p>In relation to the proposed development, Clause 52.34 requires the following number of bicycle parking spaces:</p> <ul style="list-style-type: none"> • Offices require a total of 15 spaces • Residential Hotel requires a total of 68 spaces • Place of Assembly (Function Centre) requires a total of 4 spaces • Retail Premises (Shop and Bar) requires a total of 20 spaces. <p>The proposal has a statutory requirement of 107 bicycle spaces. The proposal includes total of 163 spaces which exceeds the statutory requirement.</p> <p>The proposal also carries a requirement to provide a total of 48 showers and a communal change room. The proposal includes separate end of trip facilities in the basement of each tower comprising individual male, female, gender neutral and accessible change rooms, accommodating a total of 104 showers and 1,080 lockers.</p> <p>As the minimum requirements of this clause have been exceeded, a permit is not required.</p>
Clause 53.18 – Stormwater Management in Urban Development	<p>The requirements of Clause 53.18 are applicable, which seek to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.</p> <p>The application provided a Water Sensitive Urban Design response which has been assessed in conjunction with Clause 19.03-3L (Stormwater management – Water sensitive urban design) and reviewed by Council's ESD</p>

	Officer.
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General and Operational Provisions	
Clause 65 - Decision Guidelines	Clause 65.01 (Approval of an application or plan) outlines the matters which must be considered by the Responsible Authority prior to deciding on an application or approval of a plan.
Clause 72.01 - Responsible Authority for this Planning Scheme	<p>The Minister for Planning is the Responsible Authority for this application as the gross floor area (GFA) of the development exceeds 25,000 square metres.</p> <p>The Minister for Planning has referred the application to the City of Melbourne as an interested party seeking Council's recommendation on the application, including recommended permit conditions.</p>

5 PUBLIC NOTIFICATION

The application has been referred to the City of Melbourne for comment. Any public notice is the responsibility of the Minister for Planning as the Responsible Authority.

However it is noted that as a development plan has been prepared for the Site and therefore the application is exempt from 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 *Planning and Environment Act 1987*.

6 REFERRALS

6.1 City Design – Urban Design and Landscape Architecture

The application was referred to City Design with their comments summarised as follows:

- If built form is to encroach into the setbacks required by the Development Plan the proposal should demonstrate the achievement to public benefit, activation, visual interest and advanced design ambition.
- While the use of clear glazing and fluted spandrel glazing across the escalator allows a consistent design approach to the remainder of the tower, further measures are required to ensure the approach is exceptional considering the encroachment of this feature into the tower setback zone.
- A detailed façade strategy condition is recommended requesting further design detail to ensure design excellence is achieved to these forms, through integrated lighting, greening, art, innovative design techniques or materials, or other strategies.
- Further on street planting along Pearl River Road must be provided and this would also need to be to the satisfaction of Council's Urban Forest and Ecology team. It appears three additional replacement trees can be provided along Pearl River Road directly in front of the Site between the proposed crossover and Studio Lane from a review of the submitted landscape plans prepared Jack Merlo Design and Landscape dated March 2023.

Officer comment

Recommended permit conditions will address detailed design matters raised above, including a condition for the endorsement of a Façade Strategy which will ensure design excellence and achieve an exceptional outcome particularly for those features which project outside the Development Plan Addendum setbacks. Recommended permit condition to the Landscape and Maintenance Plan and Tree Protection Plan have also been sought to ensure three additional replacement trees are provided along Pearl River Road directly in front of the Site between the proposed crossover and Studio Lane.

6.2 Traffic Engineering

The application was referred to Traffic Engineering with their comments summarised as follows:

- The proposed access arrangements are not supported as they rely on 5 on-street car parking spaces to accommodate a waiting area to / from the car lifts, which is unacceptable. The required waiting area must be provided on-site. The 98 percentile queue to the car lifts must be accommodated on-site, including the waiting vehicles.
- The provision of 49 car parking spaces is acceptable in principle, as it is below the maximum limitation of 286 spaces.
- The proposed bicycle parking provision is supported as it exceeds the Melbourne Planning Scheme requirements.
- A Formal Road Safety Audit must be undertaken, including the proposed access / loading arrangements, internal layout and vehicle circulation within the site. The findings of any Audit must be incorporated into the design at the expense of the permit holder.

Officer comment

The matters raised above are capable of being addressed through recommended permit conditions, including conditions requiring the endorsement of any amended Traffic Report, Loading Management Plan and a Road Safety Audit.

6.3 City Infrastructure

The application was referred to City Infrastructure, with their comments summarised as follows:

- All works must be undertaken in accordance with the current Docklands Design and Construction Standards for Infrastructure Works.
- All projections over the street alignment must conform to Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate. Reference can be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face / back of kerb. Structures must not impact the road reserve at ground level.
- Outward opening doors projecting into the Pearl River Road footpath shall be redesigned such that they do not project beyond the street alignment when open, when closed or when being opened or closed.
- Standard conditions relating to drainage, access construction, public lighting street works and footpaths need to be included on any decision.

Officer comment

Where necessary, the above matters are addressed through permit conditions in the recommendation.

6.4 Waste Services

The application was referred to Waste Services, with the amended Waste Management Plan prepared by WSP dated 16 March 2023 considered to be unsatisfactory. Their outstanding comments summarised as follows:

- The waste room floor plan needs to show the 240 L e-waste bin specified for use in both waste rooms.
- The floor plan for Waste room A correctly shows 3 x 120 L organics bins, but several tables in the WMP show the use of only 2 x 120 L organics bins, which would be insufficient capacity (720 L capacity for 838 L organic waste).

Officer comment

A recommended permit condition will require an amended Waste Management Plan to address the outstanding items.

6.5 Land Survey

The application was referred to Land Survey, with their comments summarised as follows:

- Any approval must comply with Section 173 Agreements AF700583E and Af700581J which are between the land owner and Development Victoria (previously VicUrban).
- The proposed development appears to rely on right over the existing title boundary for access. The applicant must be made to demonstrate that the subject land has title rights over the abutting title boundary and if not how these rights will be obtained.
- Any proposed projection over Pearl River Road must comply with Council's Road Encroachment Guidelines.
- The applicant must demonstrate that the subject land has light and air rights over the abutting title boundary as the proposed development proposes windows along the boundary of both properties.
- Where storage cages are not independently accessed and rely on access over an adjoining car space, they must be used in association with that car space for which access is relied and must be assigned to a single unit or tenancy within the development.
- Car parking spaces 2.01, 2.02, 3.15 and 3.16 should be deleted or amended to ensure adequate access to service areas.
- Car parking space 3.04 should be deleted or marked as a small car parking space as access is limited due to the overhead escalator above.

Officer comment

The above matter can be addressed through permit conditions in the recommendation, where necessary.

6.6 Urban Forest and Ecology

The application was referred to Urban Forest and Ecology, with their comments summarised as follows:

- The submitted Arboricultural Impact Assessment identifies five public trees are proposed for removal due to the proposed development. While the assessment of the trees rated their retention value as low, this rating is not supported by Urban Forest and Ecology. The submitted landscape plan does show greening of the proposed structure and five replacement street trees but of species with lower potential growth to that of the tree to be removed. The Urban Forest Precinct Plan identifies that large evergreen species are to be planted on Pearl River Road.
- The Tree Policy would allow support for the proposed removal of existing trees where improved greening would result. While the greening of the structure is supported, the contribution of this greening to canopy cover is limited. The proposal does not improve soil volumes for the replacement trees within the public realm (Pearl River Road), which would allow trees to reach their potential and positively contribute to cooling etc, or confirm that existing or proposed below ground utilities would allow for new tree plot construction or enhancement.
- Support could be given provided replacement trees met the requirements of the Urban Forest Precinct Plan by maintaining the current species selection (*Angophora costata*) and if the tree plots were enhanced to provide improved soil volumes with the use of structural soils.

Officer comment

The recommendation includes a requirement for a Tree Protection Plan, forming part of a Construction Management Plan, and associated tree protection conditions to ensure the health of the existing street trees during and post construction. The recommendation also includes specific conditions on both the Tree Protection Plan and Landscape and Maintenance plan to ensure three additional replacement trees are provided along Pearl River Road directly in front of the Site between the proposed crossover and Studio Lane. Existing and replacement trees must all be *Angophora costata* and provided in deep soil plots.

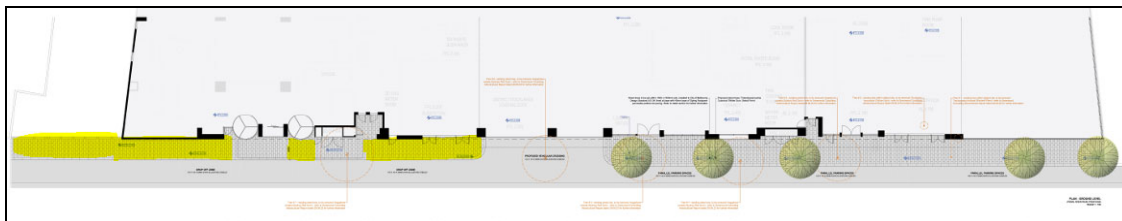


Figure 11: Areas highlighted in yellow show indicative locations for three street trees. These trees would be provided in addition to the replacement trees proposed to the south of the crossover on Pearl River Road, resulting in a total of eight *Angophora costata* trees.

6.7 Green Infrastructure and Environmentally Sustainable Design

The application was referred to Council's Senior Green Infrastructure and Environmentally Sustainable Design Officer, with their comments summarised as follows:

- The development commits to a level of sustainability that generally meets the objectives of Clause 15.01-2L-01 and Clause 19.03-3L of the Melbourne Planning Scheme.
- The proposal has committed to achieving a minimum 4 Star Green Star Building certified rating amongst other sustainable design initiative, however, additional information is required.

- Permit conditions are recommended to endorse and implement the ESD statements, and to require the provision of a Green Infrastructure Landscape Package.

Officer comment

The recommendation includes conditions for an amended Environmentally Sustainable Design Statement and to ensure these commitments are reflected on any architectural plans. The request for the provision of a Green Infrastructure Landscape Package, inclusive of Green Factor Scorecard and Landscape Maintenance Plan, will be integrated into the recommended landscape plan condition.

7 ASSESSMENT

The key issues in the consideration of the proposed amendments are:

- Compliance with the approved Development Plan Addendum.
- Built form, including building height, setbacks, gross floor area and design detail.
- Public realm considerations, including overshadowing and wind.
- Response to DDO12 and DDO54.
- Land use.
- Bicycle facilities, car parking, traffic impacts and waste services.
- Environmentally Sustainable Design.
- Aboriginal Cultural Heritage.
- Potentially Contaminated Land.

Each is addressed in turn below.

7.1 Compliance with the approved Development Plan Addendum

An assessment against all relevant provisions of the 'District Docklands Development Sites Development Plan – Addendum to Waterfront City Outline Development Plan October 2021' has been undertaken as part of this review. As set out in the following sections, the proposal can be considered generally in accordance with the Development Plan Addendum which is discussed in detail below.

7.2 Built Form

7.2.1 Building Height

The proposal involves a building with two tower forms that are linked by a function centre, skybridge and escalator. The massing and height generally aligns with the Development Plan Addendum which anticipates an outcome ranging from RL 39.6 to 93.13 metres. The marked up section below depicts (approximately) how the design fits within the building envelope allowed by the Development Plan Addendum.

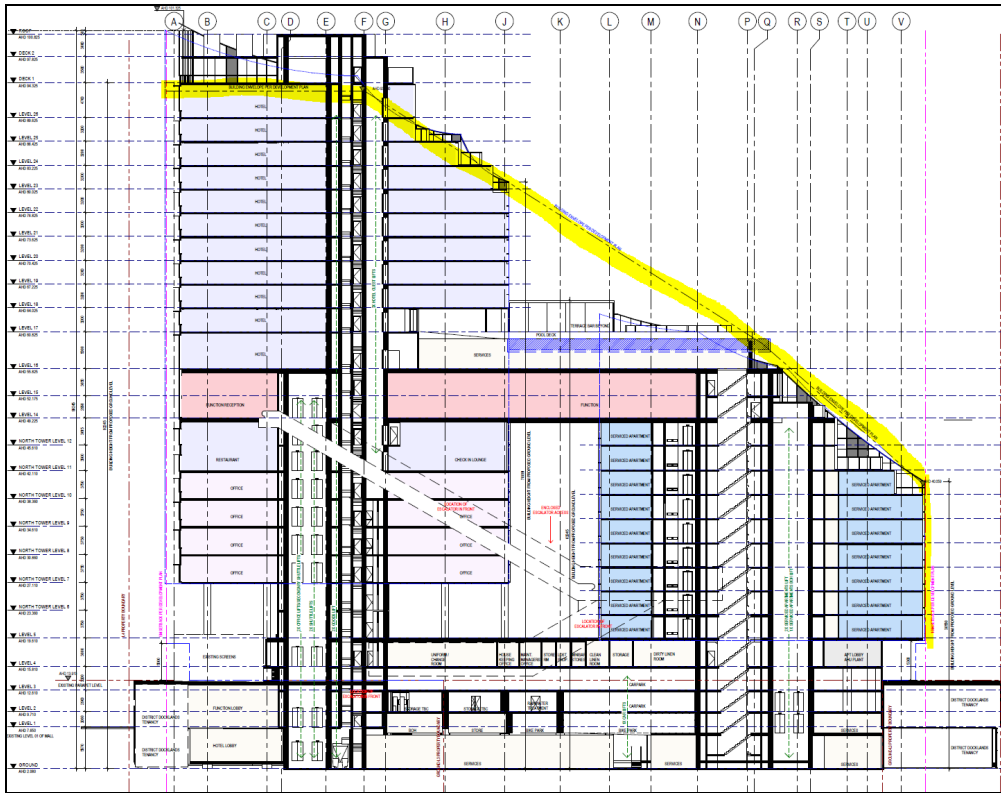


Figure 12: Section of development highlighting the Development Plan Addendum approved envelope

Level 26 reaches an overall height of 93.1 metres and while there are areas which extend outside of the building envelope associated with the Development Plan Addendum of up to 98.7 metres they are limited to building services, the lift core, plant deck and architectural features such as the glass façade. Furthermore the areas which extend outside of the envelope are of minimal consequence with regard to unreasonably impacting on any existing views within Docklands, from the CBD and the waterfront of Victoria Harbour. It is noted the Development Plan Addendum requires buildings be well designed with obscured plant areas and that any building height should not unreasonably impact on views to and from the Wheel. Therefore the recommendation includes a condition for additional screening to the building services and lift core while ensuring any modifications consider the requirements of the Development Plan Addendum.

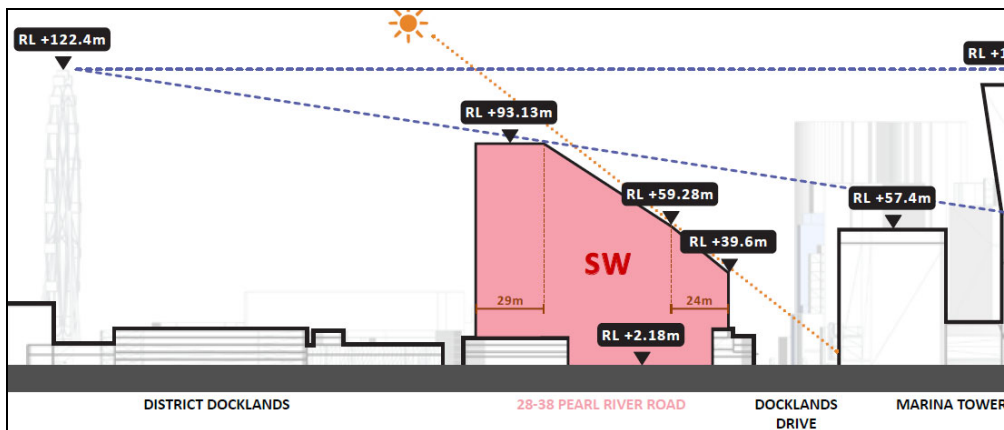


Figure 13: North-South cross section from Development Plan Addendum

The proposed building height considers other matters such as the need to taper down to RL 39.6 towards the southern boundary of the site (see above) as well as achieving a human scale podium level of 14.4 metres. In addition, the prescribed building height does not impact from an overshadowing perspective which is discussed further below.

The proposed building height is therefore generally consistent with the provisions of the Development Plan Addendum and is considered to be acceptable.

7.2.2 Setbacks

The Development Plan Addendum requires any building on the Site be setback ten metres from Docklands Drive and five metres from all other boundaries.

The proposal largely aligns with the tower setback requirements of the Development Plan Addendum. The areas where the encroachments do not meet strict compliance with the Development Plan Addendum are outlined below. Justification for the variations are also addressed below:

- The southern tower set back ranges from 8.8 to 11.4 metres rather than a consistent 10 metres from Docklands Drive. The outcome is considered acceptable as on average the 10 metre setback is achieved and the 8.8 metre setback is limited to the south eastern corner from Level 5 to 17 only.

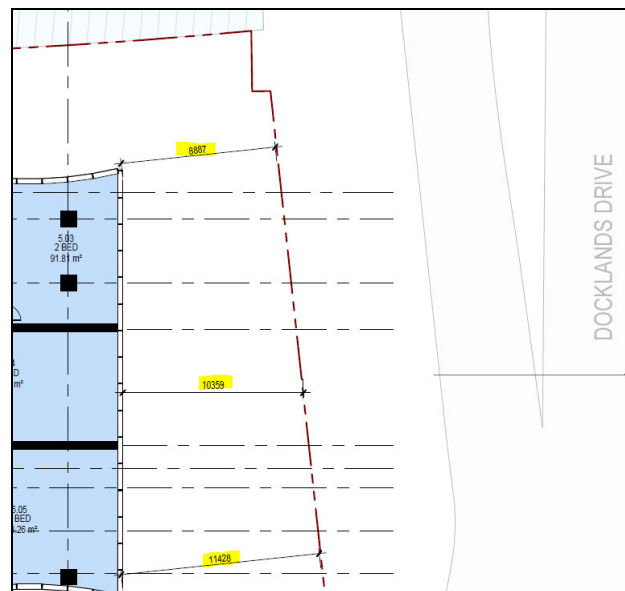


Figure 14: Tower setback from Docklands Drive ranges from 8.8 to 11.4 metres.

- The proposal includes built form between the northern and southern tower from Level 11 to 17 rather than achieving a consistent 10 metre tower separation. While there is encroachment into this space it does not extend across all levels and is setback further than the tower forms. In addition the towers generally adopt a separation of 11.9 metres which is greater than the 10 metres anticipated by the Development Plan. They also continue to present as two distinct tower forms and the varied setbacks allow for adequate relief when the building is viewed from various points.

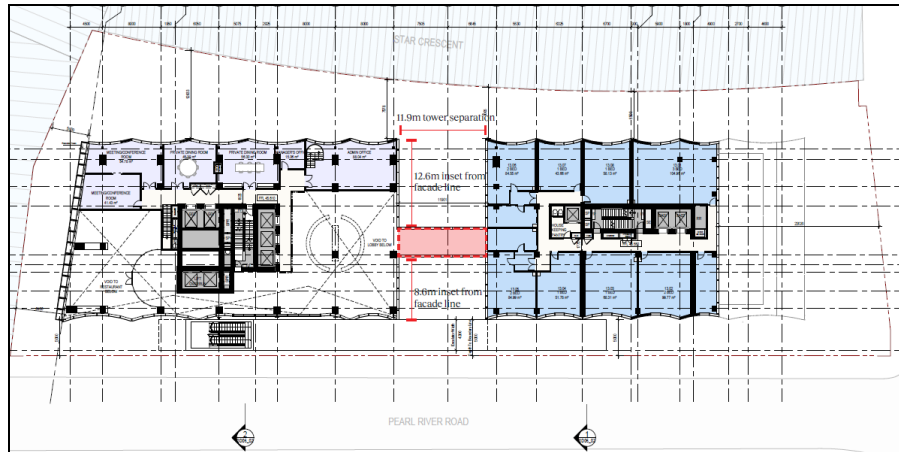


Figure 15: Encroachments and links between northern and southern towers

- Provision of an external escalator facing Pearl River Road which extends from Level 4 to 14. The encroachment of the escalator is minor and only accounts for 6.7% (red) when compared against the broader façade (blue) of the building.

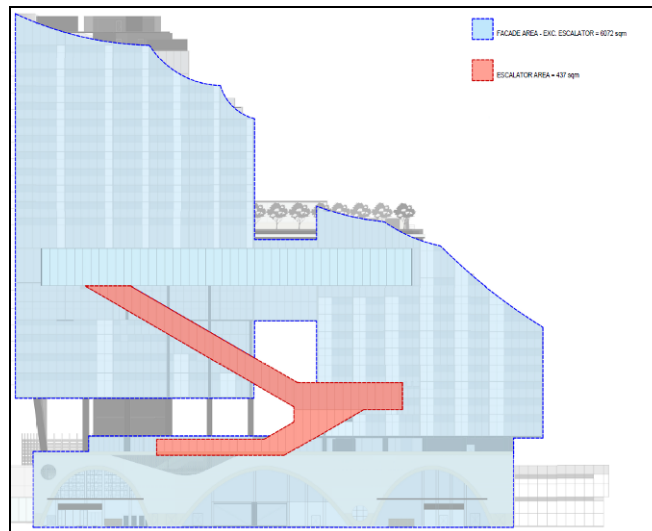


Figure 16: Area associated with the escalator compared against building façade.

In addition to the above, the following built form objectives and guidelines required by the Development Plan Addendum should also be met:

- *Encourage a street wall definition that responds to its street width and positively contribute to the public realm.*
- *Encourage building forms which vary in height and form, which contribute to an attractive and interesting skyline when viewed from a distance.*
- *Provide varied setbacks or other design technique above the existing street wall form of District Docklands to create interesting relationships between the base and building envelope proposals.*

As identified above, the Development Plan Addendum anticipates varied setbacks and other design techniques subject to achieving an outcome that is of visual interest and contributes to the attractiveness of the area. As discussed under Section 6.1, City Design consider the proposal to be of high quality however, do encourage further efforts to be made. Therefore subject to the proposal addressing the recommended conditions the outcome will appropriately respond to the Development Plan Addendum and in particular the built form objectives.

Given the above, it is considered that the proposed setbacks and encroachments are acceptable noting the higher elements read as distinct from the lower form and subject to the recommended conditions which seek to ensure the proposal achieves design excellence.

7.2.3 Gross Floor Area

The Development Plan Addendum anticipates a maximum gross floor areas of 40,000 m². The proposed GFA is 38,362 m² and is therefore under the maximum requirement.

7.2.4 Design Detail and Materiality

The approved Development Plan Addendum includes the following Detailed Design Objectives and Guidelines which any development on the site should meet:

- *To integrate building elements into the overall building form and design.*
- *Deliver high quality buildings and materials.*
- *Create a high level of visual interest.*
- *Provide a streetscape that improves the existing blank and inactive condition.*
- *Ensure development provides a detailed material and finishes schedule.*
- *Buildings should be designed with an appropriate scale, rhythm and proportion to its use and context.*
- *The design of a building is three dimensional, where building volumes, façades and building elements (entries, interior public spaces, drainage, security, services, heating and air conditioning, telecommunications, etc.), must be appropriately integrated in the overall design.*
- *Create visual interest through openings to the building which allows for views of both daytime and night time activity at the ground plane and levels above.*

Having regard to the above objectives and guidelines it is considered that the design is acceptable for the following reasons:

- Both the podium and towers present a unique and visually interesting building façade, incorporating a variety of materials and textured finishes.
- The design incorporates contemporary architecture, reflecting the varied land uses and results in an improved level of activation to Pearl River Road.
- The massing, form and scale are respectful to the area and surrounding precincts within the Docklands. The design transitions in height from north to south and includes various breaks in built form to assist in reducing visual bulk and impacts to views.
- The ground level proposes active uses and glazing along the ground level interface which seek to encourage pedestrian activity and movement.
- The design includes a length of 65.5 metres of activated entries, with the remaining areas being required for services and vehicular entries. This is appropriate having regard to the site context, existing conditions and the practical constraints of the Site.

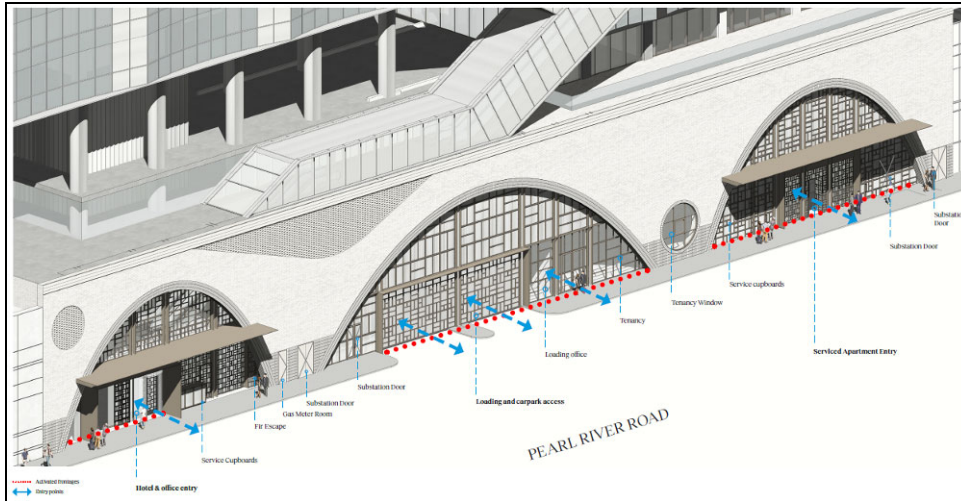


Figure 17: Activated frontages and key entry points along Pearl River Road

Notwithstanding the above, Council’s Urban Design team raised that further efforts must be made to the proposal to achieve design excellence. Therefore the recommendation includes the requirement for a detailed façade strategy which seeks to ensure further efforts are made particularly to the function centre and escalator projections which project into the setbacks stipulated within the Development Plan Addendum.

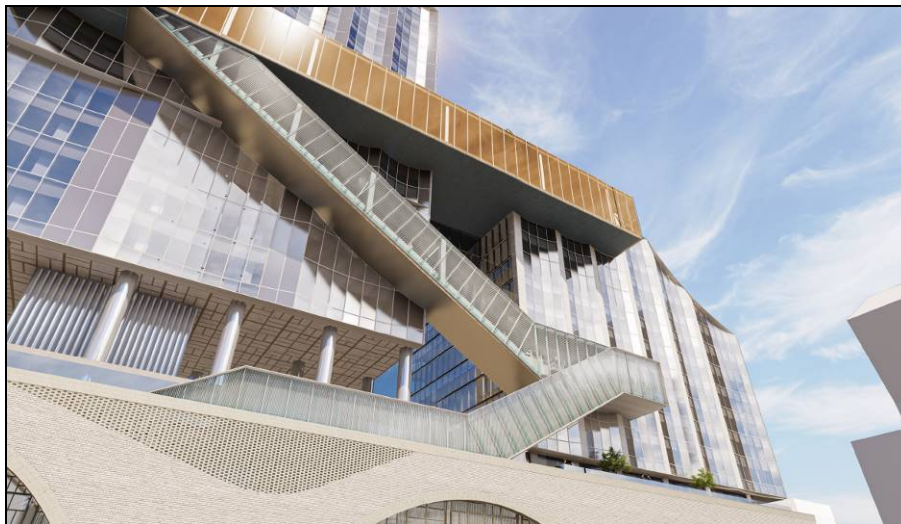


Figure 18: Faetre escalator with direct access to function centre

7.3 Public realm

7.3.1 Overshadowing

In relation to overshadowing, the Development Plan Addendum requires the proposal to manage its impact to the New Quay Central Park which faces Docklands Drive. The Development Plan Addendum advises the New Quay Central Park should be protected from additional shadow to the green and brown areas as depicted below, during the following times:

- *Between 11am - 3pm at the 22 September equinox.*
- *Between 11am - 2pm at the 21 June solstice.*

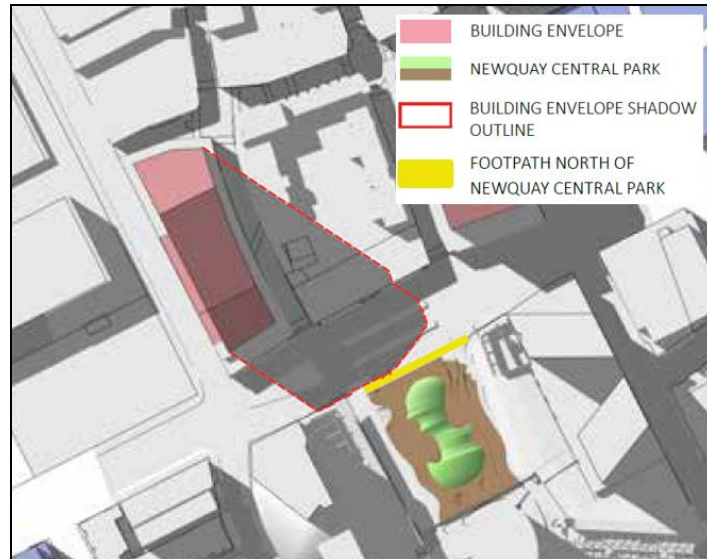


Figure 19: Building Envelope Shadow outlined in the Development Plan Addendum

A shadow analysis provided by the permit applicant indicates there is no additional shadow to the New Quay Central Park beyond the shadow diagrams within the Development Plan Addendum.

The shadow diagram provided by the permit applicant show the approved 'Development Plan Envelope' juxtaposed against the proposed building shadow. The diagram confirms the proposal results in no additional shadow to New Quay Central Park as depicted below.

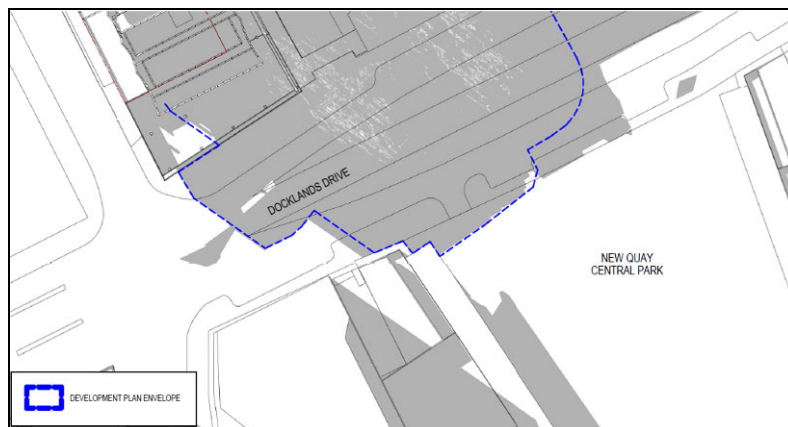


Figure 20: Comparison of Development Plan Envelope (blue) against proposed shadow at 3pm, 22 September equinox.

It is considered that the shadowing impacts of the development are acceptable and that it will not have any unreasonable impact on the amenity of the surrounding area.

7.3.2 Wind

In accordance with the Development Plan Addendum, any planning application on the Site must be accompanied by a wind report based on a wind tunnel study. This wind report must demonstrate that the proposed development achieves the following Guidelines of the Development Plan Addendum:

Seek to achieve reasonable wind conditions on Pearl River Road, Waterfront Way and Docklands Drive by employing the appropriate wind criterion as follows:

Public Realm

- *Pedestrian Transit Areas (footpaths, roads) - Walking Criterion.*
- *Retail store facades (window shopping) - Standing Criterion.*
- *Retail outdoor seating areas (café) - Sitting Criterion.*
- *Building Entrances (retail, residential) - Standing Criterion.*

Private Realm

- *Communal open space - Walking Criterion.*
- *Specific key locations (BBQ areas etc.) – Standing / Sitting Criteria.*
- *Allow for a range of wind mitigation techniques including aerodynamic tower shapes, vented facades, airlocks, awnings, screens and/or built form.*

MEL Consultants undertook a wind tunnel model study of the development including the most recent Section 50A Amendment plans. In their advice dated 28 February 2023, MEL Consultants concluded the following:

The Proposed Configuration with wind mitigation strategies, wind conditions for all Test Locations in the streetscapes surrounding the Development have been shown to satisfy the walking comfort criterion at a minimum as well as the Safety standard. The wind conditions outside eastern entrances into the building were also shown to satisfy the recommended standing comfort criterion for building entrances.

The wind conditions for the Proposed Configuration on the upper level terraces at Levels 4, 5, 14, 17 and 24 have been generally shown to satisfy the walking comfort and safety criteria with the exception of 2 Test Locations at Levels 5 and 17 which have been shown to fail the safety criterion. However, it has been demonstrated that with wind mitigation strategies, the wind conditions on Levels 5 and 17 would improve to satisfy the walking comfort criterion and safety criteria.

As such, the proposal is considered to satisfy the relevant guidelines for wind effects. The recommendation includes a condition that would require the endorsement of the Wind Impact Assessment.

7.4 Design and Development Overlay

7.4.1 Schedule 12

The Site is affected by Design and Development Overlay Schedule 12 which seeks to ensure that new or refurbished developments for new residential and other noise sensitive uses constructed in the vicinity of the Docklands Major Sports and Recreation Facility include appropriate acoustic measures to attenuate noise levels, in particular music noise, audible within the building; and to ensure that land use and development in the vicinity of the Docklands Major Sports and Recreation Facility is compatible with the operation of a Major Sports and Recreation Facility.

An acoustic report, prepared by Acoustic Logic dated March 2023, has been submitted with the application. The report makes general recommendations for external glazing, doors and ventilation systems in order to comply with the requirements of DDO12 and in particular the maximum noise level of 45 dB. It is noted that the Site is located outside the 400 m radius from the centre point of the Dockland Stadium. As such, ducted air conditioning is not required. The recommendation includes a condition to ensure endorsement and compliance with the submitted acoustic report.

7.4.2 Schedule 54

Schedule 54 to the Design and Development Overlay states that a permit is not required to construct a building or construct or carry out works if the requirements of Table 1 and Table 2 to this schedule are met.

The Site is in Area 1 within the DDO54, where a 45 metre preferred building height limit applies and therefore the proposed building height of 93.1 metres (excluding architectural features and building services) exceeds this control. It is important to appreciate the context of the DDO54 when considering any variation to the building height controls. The overlay was introduced in 2008 prior to any substantial redevelopment of surrounding precincts such as New Quay. The site context has changed significantly since this time which can be seen in the emerging built form plan below.



Figure 21: Existing and anticipated building heights within immediate area

A detailed Development Plan and subsequent addendums have been prepared for the District Docklands and Waterfront City area with the most recent addendum approved in December 2021. These plans went through a lengthy and detailed planning assessment process which resulted in final approval by the Minister for Planning. It is considered that the 'District Docklands Development Sites Development Plan – Addendum to Waterfront City Outline Development Plan October 2021' better reflects the current development expectations for the area than the DDO54.

In light of this the maximum preferred height as specified within the Development Plan (93.13 metres), which varies substantially from that within the DDO54 (45 metres) is considered to be the more current planning vision for the site.

While the proposal departs from the preferred height outlined by the DDO54, it still achieves a reasonable level of compliance with the remaining design objectives, including generous separation from existing built form, active and appropriate presentation to Pearl River Road, provides a mixture of uses to support the function of the precinct, preservation of existing vistas and wind mitigation measures. It is acknowledged that a planning permit is required under the DDO54 to exceed the requirements of Table 1 and Table 2, however, when determining whether this outcome is reasonable it is appropriate to consider the outcomes sought by the approved Development Plan which ultimately supports the proposed height.

7.5 Land Use

The Development Plan Addendum provides land use guidelines and strategies which in summary seek to ensure any development on the site provides *commercial, office and residential (including hotel, short stay or serviced apartments)*. The development also accommodates a function centre, beauty salon and bar which are land uses that could be considered as ancillary to the primary residential hotel use. Notwithstanding, Schedule 6 to the Docklands Zone lists all uses associated with the development (residential hotel (serviced apartments and hotel), office, function centre, beauty salon and bar) as Section 1 – Permit not required land uses.

A notable proportion of recent developments within this part of Docklands have been for residential purposes, with a lower level of office development being realised. The recent Development Plan Addendum addressed this matter via ensuring any development of the Site being contingent upon the inclusion of a Section 173 Agreement to secure the 3,465 square metres of office (commercial) floor space. In addition it is also considered reasonable for any Section 173 Agreement to ensure that the serviced apartments and hotel uses only be used for short-term accommodation in accordance with the 'Residential Hotel' land use definition listed at Clause 73.03 of the Melbourne Planning Scheme. The recommendation includes a condition to ensure the owner enters into an agreement between the Minister for Planning and Melbourne City Council.

7.6 Bicycle facilities, car parking and traffic impacts

7.6.1 Bicycle Facilities

The proposal provides a total of 163 bicycle parking spaces in excess of the statutory requirement by 107 spaces. This outcome was supported by Council's Traffic Engineering team.

The design / dimensions of the bicycle parking must comply with the relevant Australian Standards and Bicycle Network guidelines which forms part of the officer recommendation.

7.6.2 Car Parking

The Development Plan Addendum approval stipulates that the maximum amount of car parking for the Site is 80 spaces.

The proposal includes 49 car spaces which is less than the maximum provision under the Development Plan Addendum as well as the Parking Overlay Schedule 10.

7.6.3 Traffic Impacts

Council's Traffic Engineering team, in their review of the application primarily raised concern with the proposal seeking to modify existing car parking provisions along Pearl River Road.

The proposal seeks to rely on five on-street car parking spaces to accommodate a waiting area to and from the car lifts. It is not considered appropriate for on-street car parking to be relied upon for the determination of a planning permit. Flexibility is needed for Council to change parking restrictions over time, or to facilitate public improvement works.

Council's Traffic Engineering team recommended any vehicles waiting to access the internal car lifts be accommodated onsite. The provided Traffic Management Plan and Hotel Valet Management Plan indicate that the site is capable of accommodating one

vehicle in the waiting area. Any additional cars waiting to enter the car lift will need to be managed by the Hotel Valet staff.

It is also worth noting the Development Plan Addendum stipulates the following:

- *The proposal must not unreasonably impact on car parking and traffic in the area.*
- *On-street car parking in the vicinity of the site is limited.*

In light of the above, the outcome is not considered generally in accordance with the Development Plan Addendum nor is it supported by Council's Traffic Engineering team. Therefore conditions require modifications to the development to ensure that it can accommodate the queuing of a minimum of one vehicle on the Site is recommended and removal of references to on street parking removed from the plans.

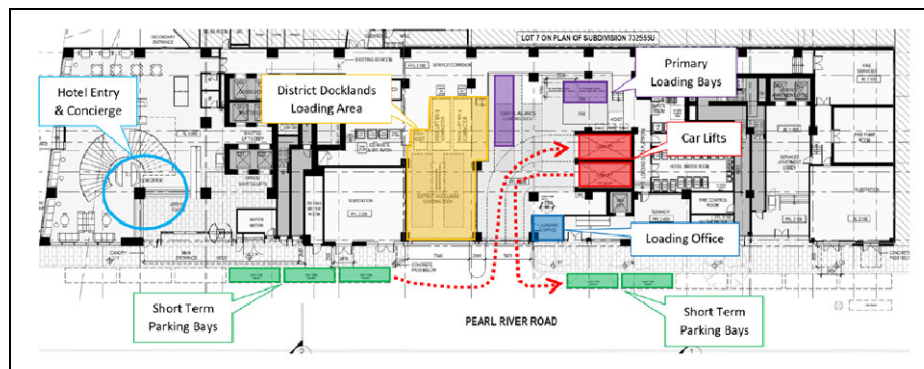


Figure 22: Proposed changes to on-street car parking spaces to accommodate proposed development

7.6.4 Waste Engineering

Referring to Section 6.4 of this report, a Waste Management Plan has been submitted and reviewed by Council's Waste Services team. There are outstanding items that can be resolved via an amended waste management plan. Once this is undertaken it is considered the proposed waste arrangement will be suitable for endorsement.

7.7 Environmentally Sustainable Development

The proposal is considered to achieve an appropriate response when assessed against Clause 15.01-2L-01 (Energy and Resource Efficiency) and Clause 19.03-3L (Stormwater Management) of the Melbourne Planning Scheme. As noted in Section 6.7 of this report further details are required to ensure the commitments stipulated within the Sustainability Management Plan are achievable.

To ensure the commitments are achievable and that there is consistency between the plans and ESD report, an amended report is requested within the officer recommendation.

7.8 Aboriginal Cultural Heritage

Clause 15.03-2S seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance. The Site is partially located within an area of Aboriginal Cultural Heritage Sensitivity in the north-western corner as shown in green on the map below.



Figure 23: Minor encroachment of Aboriginal Cultural Heritage Sensitivity Area

A desktop Cultural Heritage Assessment undertaken by Andrew Long & Associates was submitted with the application, to determine whether significant ground disturbance has occurred in the area of sensitivity as defined under the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2018*. This determination impacts on whether there is a requirement for a mandatory Cultural Heritage Management Plan for the proposed development.

The assessment concluded that there has been significant ground disturbance within the area of Aboriginal Cultural Heritage Sensitivity, on the basis of available records. As such, it was determined that there is no requirement for a mandatory Cultural Heritage Management Plan.

7.9 Potentially Contaminated Land

Pursuant to Clause 37.05-8 (Docklands Zone), before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the timing for which must be to the satisfaction of the responsible authority having regard to the Melbourne Docklands Environmental Management Plan as amended, either:

- *A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or proposed use; or*
- *An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use; or*
- *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or*
- *A statement of environmental audit must be issued in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the sensitive use.*

The proposal includes a residential hotel which triggers consideration of this provision.

As such, it is considered appropriate to recommend a permit condition which requires the submission of assessments relating to the proposed development in accordance with the current regulatory framework under the *Environmental Protection Act 2017*.

7.10 Conclusion

It is considered that the proposal satisfies the recently approved Development Plan Addendum, remains consistent with relevant planning provisions of the Melbourne Planning Scheme and will make a positive contribution to the wider Docklands precinct.

8 RECOMMENDATION

That the Future Melbourne Committee resolves to advise the Department of Transport and Planning that the City of Melbourne supports the planning permit application, subject to conditions set out below:

Amended Plans

1. Prior to the commencement of the development, including demolition and bulk excavation, an electronic set of plans drawn to scale, must be submitted to the Responsible Authority in consultation with the Melbourne City Council, generally in accordance with the plans prepared by SJB Architects, Sheets SD02-01 to SD28-03 and dated 31 January 2023, but amended to show:
 - a) Additional screening to the lift core and services area which complement and are integrated into the building design. The modifications must not:
 - i. Result in any additional shadow to New Quay Central Park; and,
 - ii. Unreasonably impact views to and from the Wheel in accordance with District Docklands Development Sites Development Plan – Addendum to Waterfront City Outline Development Plan October 2021.
 - b) Modifications to ensure the queuing or waiting of a minimum of one vehicle accessing the development can be accommodated within the site.
 - c) Removal of reference to ‘short term parking’ along Pearl River Road.
 - d) All outward-opening doors projecting into Pearl River Road footpath be deleted or redesigned such that they do not project beyond the street alignment when open, when closed, or when being opened or closed.
 - e) Deletion or modification to car parking spaces 2.01, 2.02, 3.15 and 3.16 to allow for adequate access to the adjoining service areas.
 - f) Deletion of car parking space 3.04 or an annotation to indicate the space can only be used as a small car parking space due to the overhead escalator above.
 - g) A notation that bicycle facilities are to be designed and dimensioned in accordance with the requirements of Clause 52.34 (Bicycle Facilities) of the Melbourne Planning Scheme.
 - h) A notation that all projections over future street alignments must conform to Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate. Reference can be made to the Melbourne City Council’s Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face / back of kerb.
 - i) The changes as required by the Façade Strategy required by Condition 3 of this permit.

- j) Any changes as a result of the Environmentally Sustainable Design Statement required by Condition 5 of this permit.
- k) Any changes as a result of the Landscape Plans required by Condition 7 of this permit.
- l) Annotations to accord with the Wind Assessment required by Condition 9 of this permit.
- m) Any changes as a result of the Traffic Impact Assessment Report required by Condition 10 of this permit.
- n) Any changes as a result of the Loading Management Plan required by Condition 11 of this permit.
- o) Any changes as a result of the Road Safety Audit required by Condition 12 of this permit.
- p) Any changes as a result of the Waste Management Plan required by Condition 13 of this permit.
- q) Any changes as a result of the Acoustic Report required by Condition 14 this permit.
- r) Any changes as a result of the Reflected Glare Assessment required by Condition 15 of this permit.

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 must be submitted to and be approved by the Responsible Authority in consultation with the Melbourne City Council. 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 architect of the building design concept and how the façade works to achieve this.
 - b) Elevation details generally at a scale of 1:50 illustrating street level elevations including key public realm interfaces, entries, lobbies and doors, utilities and structural columns, as well as typical tower details, key junctures and any special features which are important to the building's presentation.
 - 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.
 - 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) Specification of glazing to ensure high levels of transparency and reflectivity to not exceed 15%.

- g) 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 linking them to a physical sample board with coding.
- h) Further design efforts and modifications must be made to the external escalator and function room projections to ensure they achieve design excellence. This could be achieved through integrate lighting, greening, art, innovative design technique, materials or other strategies.

The Façade Strategy must be to the satisfaction of the Responsible Authority and when approved must form a part of the endorsed plans of this permit.

Endorsed plans

- 4. Except with the written consent of the Responsible Authority, SJB Architects must be retained to complete and provide architectural oversight during construction of the detailed design shown in the endorsed plans and endorsed schedule of materials, to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design (ESD) Statement

- 5. Prior to the commencement of the development including demolition and bulk excavation, an amended Environmentally Sustainable Design Statement (ESD) is to be prepared by a suitable qualified person and must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. When approved, the amended ESD will be endorsed and form part of this permit. The amended ESD must be generally in accordance with the ESD prepared by Sustainable Design Consultants dated March 2023, but modified to include or show:
 - a) Evidence that the project is registered under the Green Star Buildings v1 tool with the Green Building Council of Australia.
 - b) Air barrier schematic locations and an air tightness target.
 - c) Alignment of Operational Waste Management with City of Melbourne Waste Management Guidelines with the ESD and the WMP.
 - d) Provide preliminary daylight modelling that indicate all spaces have adequate access to daylight.
 - e) A pre-screening Climate Change checklist and evidence that a climate change risk and adaptation assessment has been completed.
 - f) Provide a climate change risk and adaptation assessment for the project.
 - g) A site plan showing materials that reduce urban heat and demonstrate Credit 19 Heat Resilience can be achieved.
 - h) Calculations / evidence that demonstrate the upfront carbon emissions reductions and life cycle assessment targets can be met.
 - i) A Zero Carbon Action Plan.
 - j) Integrate water use reductions into the ESD to state that a 15% reduction can be achieved.
 - k) Update the ESD to indicate what the minimum sustainable transport requirements are for each element including changing facilities, lockers, bicycle parking facilities and electric vehicle charging.

This ESD report must be to the satisfaction of the Responsible Authority and when approved must form a part of the endorsed plans of this permit.

Any change during detailed design, which prevents or alters the attainment of the performance outcomes specified in the endorsed ESD Statement, must be documented by the author of the endorsed ESD statement in an addendum to this

report, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.

Implementation of Environmentally Sustainable Design (ESD)

6. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed Environmentally Sustainable Design Statement (ESD), or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD have been implemented must be submitted to the Responsible Authority. The ESD must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved ESD have been implemented in accordance with the relevant approved plans.

Landscape Plans and Maintenance

7. Prior to the commencement of the development, including demolition and bulk excavation, construction or carrying out of works, an amended Landscape Design Package is to be submitted to the satisfaction of the Responsible Authority. When approved, the amended Landscape Design Package will be endorsed and form part of this permit. The amended Landscape Design Package must be generally in accordance with the Landscape Design Package prepared by Jack Merlo dated 9 March 2023, but modified to include or show:
 - a) Further to the provided proposed vegetation to including indicative vegetation locations.
 - b) Maintenance schedule for the *Pinus Thunbergii* specimen tree.
 - c) Dwarf palm species in lieu of *Washingtonia robusta*.
 - d) Three additional replacement trees along Pearl River Road directly in front of the site between the proposed crossover and Studio Lane (total of eight *Angophora costata* replacement trees). All replacement trees must be *Angophora costata* and provided in deep soil plots to the satisfaction of the Melbourne City Council – Urban Forest.
 - e) An amended planting schedule which include more biodiverse planting including indigenous and native species.
 - f) Annotated construction details including sectional diagrams of all planters, including depth, height, width and volume of planters.
 - g) Support structures.
 - h) Specifications of growing media, volume and depths are required.
 - i) Waterproofing.
 - j) Drainage.
 - k) Tree anchors.
 - l) Irrigation including demonstrating use of non-potable water sources (rainwater, storm water and recycled water) is required.
 - m) City of Melbourne Green Factor Scorecard (PDF and GFT files).
 - n) Landscape Maintenance Plan:
 - i. A statement to describe how the canopy, vegetation and urban ecology planning provisions that are required by the development will be successfully maintained in the future.
 - ii. Maintenance tasks for establishment period.
 - iii. Ongoing maintenance schedule for after the initial 52-week period detailing weed and pest management, succession planting, re-mulching, plant nutrition.
 - iv. Replacement timeframes for poorly performing vegetation.
 - v. Maintenance schedule for green infrastructure structures.

8. Prior to the occupation of the development, landscape works as shown on the endorsed plans must be completed and be maintained to the satisfaction of the Responsible Authority.

Wind Assessment

9. Prior to the commencement of the development, including demolition or bulk excavation, the Wind Assessment prepared by MEL Consultants dated August 2022 and February 2023 must be updated as required by Condition 1 of this permit and submitted to the satisfaction of and be endorsed by the Responsible Authority in consultation with the Melbourne City Council.

The recommendations contained within the endorsed Wind Assessment must be implemented at no cost to the Responsible Authority and the Melbourne City Council and be to the satisfaction of the Responsible Authority.

Traffic Impact Assessment Report

10. Prior to the commencement of the development, including demolition or bulk excavation, an amended Traffic Impact Assessment Report must be prepared and submitted to the satisfaction of the Responsible Authority in consultation with the Melbourne City Council. The Traffic Impact Assessment Report must be generally in accordance with the Traffic Impact Assessment Report prepared by Stantec dated 16 March 2023, and updated to reflect the changes required under Condition 1 of this Permit. Once approved, the Traffic Impact Assessment Report will be endorsed to form part of the permit.

Loading Management Plan

11. Prior to the commencement of the development, including demolition and bulk excavation, an amended Loading Management Plan must be submitted to and approved by the Responsible Authority in consultation with the Melbourne City Council. The Loading Management Plan must be in accordance with the submitted Waste Management Plan prepared by WSP dated 16 March 2023, but amended to show:

- a) The modifications required to demonstrate how the queuing or waiting of any vehicles accessing the development will be accommodated on site.
- b) Removal of reference to 'short term parking' along Pearl River Road and to include a statement about how the proposed development does not rely on any changes to on street parking to accommodate the servicing, delivery and parking needs of this development.
- c) Details on any amended Hotel Valet Management Plan.
- d) Any other amendments required by Condition 1.

Once approved, the Loading Management Plan will be endorsed to form part of the permit.

Road Safety Audit

12. Prior to the commencement of the development, including demolition and bulk excavation, a formal independent Road Safety Audit must be undertaken and submitted to the Responsible Authority in consultation with the Melbourne City Council. The Road Safety Audit must include an assessment of:
 - a) Internal layout and circulation throughout the site.
 - b) Access arrangements.
 - c) Loading arrangements.

- d) Pedestrian and bicycle access and movements within the site and in the public realm.
- e) Potential conflicts between vehicles / pedestrians / cyclists.
- f) Road safety issues affecting all road users.

The findings of the Audit should be incorporated into the design at the developer's expense to the satisfaction of the Responsible Authority and the Melbourne City Council.

Waste Management Plan

13. Prior to the commencement of the development, including demolition and bulk excavation, an amended Waste Management Plan (WMP) must be submitted and approved by the Melbourne City Council – Waste Services. The WMP must be in accordance with the submitted Waste Management Plan prepared by WSP dated 16 March 2023, but amended to show:
- a) The waste room floor plan to show the 240 L e-waste bin specified for use in both waste rooms.
 - b) Waste rooms to show 3x120 L organics bins.
 - c) Any amended as required by Condition 1.

Once approved, the WMP will be endorsed to form part of the permit. Waste storage and collection arrangements must not be altered without prior consent of the Melbourne City Council – Waste Services.

Acoustic Report

14. Prior to the commencement of the development, including demolition and bulk excavation, the Acoustic Report prepared by Acoustic Logic dated 10 March 2023 must be updated as required by Condition 1 of this permit and submitted to the satisfaction of and be endorsed by the Responsible Authority.

The recommendations contained within the endorsed Acoustic Report must be implemented at no cost to the Responsible Authority and the Melbourne City Council and be to the satisfaction of the Responsible Authority.

Reflected Glare Assessment

15. Prior to the commencement of the development, including demolition and bulk excavation, a reflected glare assessment of external building materials and finishes, utilising an appropriate methodology prepared by a suitably qualified person, must be prepared and submitted to the satisfaction of the Responsible Authority.
16. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.
17. Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the Responsible Authority.

Construction Management Plan and Tree Protection Plan

18. Prior to the commencement of the development, including demolition and bulk excavation, a detailed Construction Management Plan, inclusive of a Tree Protection Plan, must be submitted to and be approved by the Melbourne City Council.

Council – Construction Management Group. This Construction Management Plan must be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider the following:

- a) Public safety, amenity and site security.
- b) Operating hours, noise and vibration controls.
- c) Air and dust management.
- d) Stormwater and sediment control.
- e) Waste and materials reuse.
- f) Traffic management.
- g) A Tree Protection Plan (TPP) must be provided to the satisfaction of the Melbourne City Council - Urban Forestry and Ecology. The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
 - i. City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestryvisual.com.au>).
 - ii. Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries, loading zones and machinery locations.
 - iii. Site specific details of the temporary tree protection fencing to be used to isolate public trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the works.
 - iv. Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.
 - v. Full specifications of any pruning required to public trees with marked images.
 - vi. Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
 - vii. Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).
 - viii. Proposed replacement tree plots on Pearl River Road. These must also be enhanced to provide greater soil volumes with the use of structural soils.
 - ix. Replacement tree species within the public realm must be *Angophora costata*. Tree planter soils and stock must be to the satisfaction of the Melbourne City Council – Urban Forestry and Ecology.

Once approved, the Construction Management Plan will be endorsed to form part of the permit.

3D Model

19. Prior to the occupation of the development, or as otherwise agreed with the Responsible Authority, a 3D digital model of the development must be submitted to and must be to the satisfaction of the Responsible Authority. In the event that substantial modifications are made to the building envelope and design, a revised

3D digital model must be submitted to and be to the satisfaction of the Responsible Authority, before these modifications are approved.

Contaminated Land

20. Prior to the commencement of the development, including demolition and bulk excavation (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.

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:

- a) State the site is suitable for the use and development allowed by this permit.
- b) State the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.

All the recommendations of the EAS must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land in accordance with the development hereby approved, and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.

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.

Legal Agreement

21. 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 Responsible Authority, the owner of the land must enter into an agreement with the Responsible Authority and Melbourne City Council pursuant to Section 173 of the *Planning and Environment Act 1987*. This agreement must:
- a) Secure the office use area (minimum of 3,400 square metres) within the development as shown on the endorsed plans.
 - b) The serviced apartments and hotel within the development as shown on the endorsed plans are restricted to short-stay serviced apartments defined as "Residential Hotel" by the Melbourne Planning Scheme. Permanent occupation of apartments premises as a primary residence is prohibited.

- c) The Agreement must make provision for the removal or variation of these requirements subject to the written consent of the Responsible Authority and Melbourne City Council.

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

Drainage of Projections

22. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Drainage System Upgrade

23. 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 Melbourne City Council – 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 stormwater drainage system.

Demolish and Construct Access

24. Prior to the commencement of the occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Street Works Required

25. All altered portions of road (including the provision of footpaths, public lighting, street trees, new street furniture, pavement marking and signage) in Pearl River Road must be constructed prior to the occupation of the development, in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Footpath

26. The footpath adjoining the site along Pearl River Road must be reconstructed together with associated works including the renewal of kerb and channel and / or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Street Levels not to be Altered

27. Existing street levels must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Melbourne City Council – City Infrastructure.

Existing street lighting not altered without approval

28. 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. Interim lighting arrangements must be provided until the reinstatement / upgrade of public lighting is completed. Existing public street lighting must not be altered without first obtaining the written approval of the Melbourne City Council – City Infrastructure.

Consolidation

29. Prior to the commencement of the development, including demolition, all the land for the proposed development must be owned by the one entity and consolidated onto the one certificate of title to the satisfaction of the Melbourne City Council.

Building over Easements

30. Prior to the commencement of the development excluding demolition, bulk excavation and site preparation works, the owner must provide evidence that they have obtained the necessary permissions from the relevant parties / authorities to construct over easements, or obtain planning permission to remove or vary their location, and provide evidence of this to the satisfaction of Melbourne City Council.

Light, Air and Passageway Easements

31. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, or as otherwise agreed with the Responsible Authority, the owner must provide evidence to the Responsible Authority that a light and air easement and passageway easement over the abutting title boundary/s has / have been created to ensure that passageway access is provided where required and to protect windows along the northern, eastern and southern boundaries to the satisfaction of the Melbourne City Council.

Public Tree Protection

32. No public tree adjacent to the site can be removed or pruned in any way without the prior written approval of the Melbourne City Council.
33. All works (including demolition), within the Tree Protection Zone 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 Arboricultural Assessment by John Patrick Landscape Architects dated 25 February 2022 except with the prior written consent of the Melbourne City Council.

Public Lighting

34. 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 Melbourne City Council, a lighting plan must be prepared to the satisfaction of the Melbourne City Council - City Infrastructure. The lighting plan should be generally consistent with Council's Lighting Strategy, and include the provision of public lighting in adjoining roads to the satisfaction of the Melbourne City Council - City Infrastructure. The lighting works must be undertaken prior to the commencement of the occupation of the development, in accordance with plans and specifications first approved by the Melbourne City Council - City Infrastructure.

Road Encroachments

35. All projections over street alignments must conform to Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate. Reference can be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face / back of kerb.

Building appurtenances and structures above roof level

36. All building plant and equipment are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts, including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.

37. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority.
38. 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.

Expiry

39. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within three years of the date of this permit.
 - b) The development is not completed within five years of the date of this permit.

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

PERMIT NOTES

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.

Drainage Point and Method of Discharge

- The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Responsible Authority prior to the commencement of any buildings or works.

Other Approvals May be Required

- This Planning Permit does not represent the approval of other departments of City of Melbourne 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.

Signs

- No advertising signs either external or internal to the building/s must be erected, painted or displayed without the prior written approval of the Responsible Authority, unless otherwise in accordance with Clause 52.05 of the Melbourne Planning Scheme.

Residential Hotel (serviced apartment and hotel)

- The development approved is associated with a residential hotel (serviced apartments and hotel). Therefore an assessment against Clause 58 of the Melbourne Planning Scheme has not been undertaken. The development must not be used as a 'dwelling' as the short term stays do not comply with Clause 58.

Civil Design

- All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the responsible authority – City Infrastructure Branch.
- The provision of public lifts for DDA access must remain in private ownership. The City of Melbourne will not own and maintain public lifts associated with the development.

Car Parking Restrictions

- The City of Melbourne (CoM) will not change on-street parking restrictions to accommodate the servicing, delivery and parking needs of this development, as the restrictions are designed to cater for other competing demands and access requirements. However, new parking restrictions may be introduced in the surrounding streets at the discretion of CoM.

Urban Forest and Ecology

- In accordance with the Tree Retention and Removal Policy a bank guarantee must be:
 1. Issued to City of Melbourne, ABN: 55 370 219 287.
 2. From a recognised Australian bank.
 3. Unconditional (i.e. no end date)
 4. Executed (i.e. signed and dated with the bank stamp)
- Please note that insurance bonds are not accepted by the City Of Melbourne. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.
- At the time of lodgement of the bank guarantee the completed Project Arborist Confirmation Form must be provided. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the health of the subject public trees has not been compromised.
- Approval for any tree removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited to significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.
- All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of trees to be removed, must be met by the applicant / developer / owner of the site. The costs of these works will be provided and must be agreed to before council will remove the subject trees.

- All new or replacement tree plots must utilise structural soils to increase soil volume and rooting area.
- Tree species must be in accordance with the City of Melbourne Future Climate Ready species lists.