

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

Agenda item 6.1

**Ministerial Referral: TPMR-2018-11  
13-23 Spring Street, Melbourne (Mercure Melbourne Treasury Gardens)**

7 August 2018

**Presenter:** Evan Counsel, Practice Leader Land Use and Development

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial planning application seeking approval for the demolition of the existing building and construction of a multi-storey building to be used as dwellings and retail (other than adult sex book shop, department store, hotel, supermarket and tavern) and an increase in the statutory car parking rate at 13-23 Spring Street, Melbourne (refer Attachment 2 – Locality Plan).
2. The applicant and owner is CBUS Property Pty Ltd c/o- Urbis Pty Ltd and the architect is Bates Smart Pty Ltd.
3. The Department of Environment, Land, Water and Planning (DELWP) has referred the application to Council as a recommending referral authority.
4. The land is located within the Capital City Zone Schedule 1 and is covered by Design and Development Overlay Schedule 10 (DDO10) and Parking Overlay Schedule 1 (PO1).

**Key issues**

5. Key issues for consideration are built form, shadow and wind impacts, amenity impacts and equitable development, Clause 58 and internal amenity, parking, traffic, waste and environmentally sustainable design.
6. The proposal successfully utilises the modified floorplate provisions of DDO10 and has received support from the Council's Urban Design Team. Shadow and wind impacts are acceptable. The development satisfies the built form and design objectives of DDO10 and is consistent with the relevant sections of the State and Local planning policies.
7. The development provides generous sized high amenity apartments. The parking provision is acceptable in this instance having regard to the size of the apartments, with 64 percent having three or four bedrooms suitable for families.

**Recommendation from management**

8. That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council does not object to this application, subject to the conditions outlined in the Delegate's Report (Attachment 4).

**Attachments:**

1. Supporting Attachment (page 2 of 68)
2. Locality Plan (page 3 of 68)
3. Plans (page 4 of 68)
4. Delegate Report (page 44 of 68)

## Supporting Attachment

---

### Legal

1. The Minister for Planning is the Responsible Authority for determining the application.
2. Council is a recommending referral authority under Section 55 of the *Planning and Environment Act 1987* and Clause 66 of the Melbourne Planning Scheme.

### Finance

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

### Conflict of interest

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

### Stakeholder consultation

5. Council officers have not advertised the application or referred this to any other referral authorities. This is the responsibility of the Department of Environment, Land, Water and Planning acting on behalf of the Minister for Planning.

### Relation to Council policy

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

### Environmental sustainability

7. The Environmentally Sustainable Design Statement by Umow Lai Pty Ltd dated 19 April 2018 satisfies the requirements of Clause 22.19 (Energy, Water and Waste Efficiency). A condition requiring a water sensitive urban design response in accordance with Clause 22.23 (Stormwater Management) is recommended.



13 SPRING STREET  
**SITE AREA**  
**1 269m<sup>2</sup>**  
(EXCLUDING PORTION OF ROAD LAND)



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

13 Spring Street, Melbourne

Site Plan 

Status	Town Planning		
Scale	1 : 250	@	A1
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	11/05/2018 3:41:08 PM		
BIM			

Drawing no. **TP01.00** Revision **A**

Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

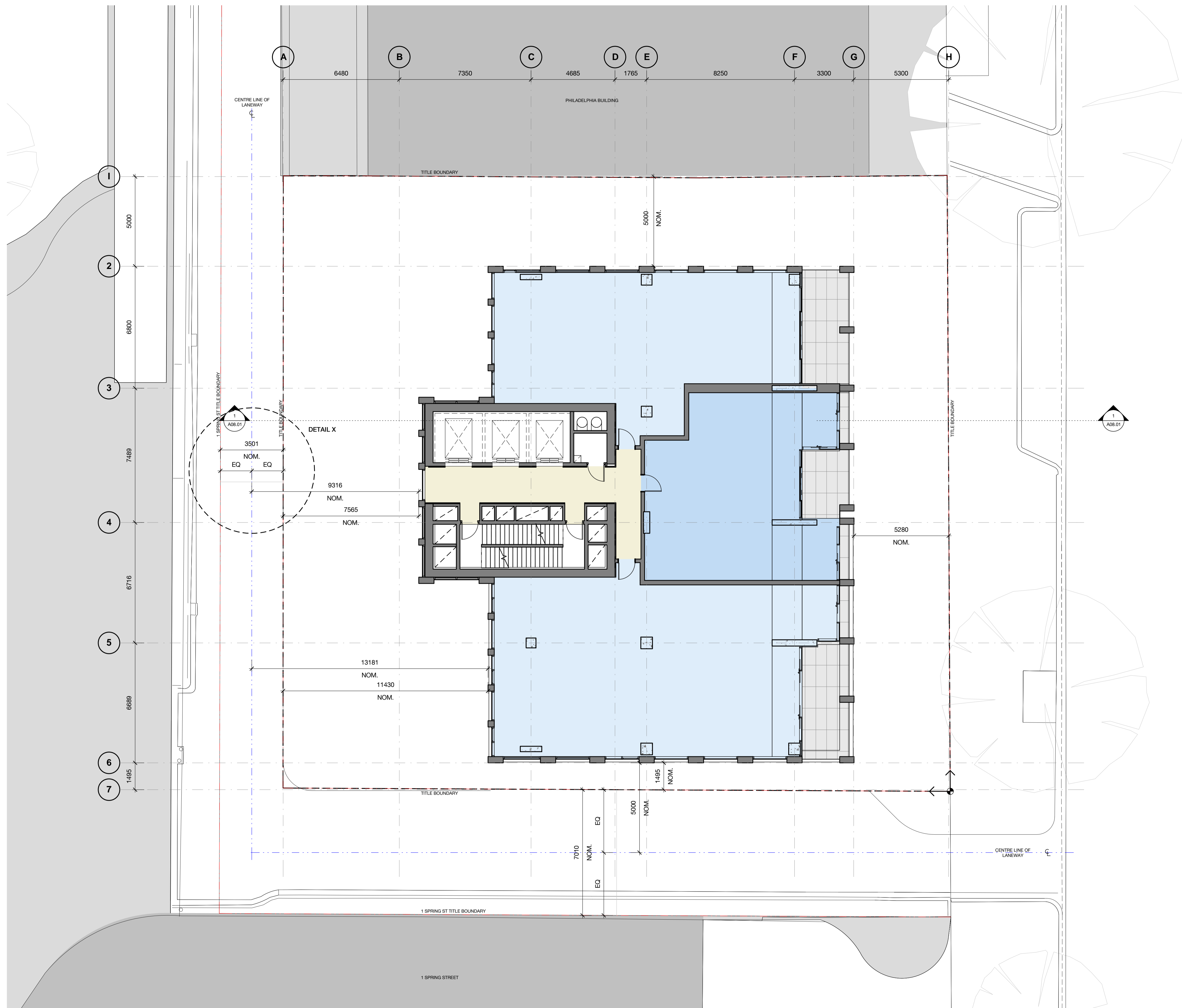
Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

**BATESSMART**



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
 Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
 All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

### 13 Spring Street, Melbourne

#### Setout Plan

Status	Town Planning		
Scale	1 : 100	@	A1
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	11/05/2018 3:42:54 PM		

Drawing no.	Revision
<b>TP01.01</b>	<b>A</b>

**Melbourne** 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
 T 03 8664 6200 F 03 8664 6300  
 email mel@batesmart.com.au  
 http://www.batesmart.com.au

**Sydney** 43 Brisbane Street  
 Surry Hills NSW 2010 Australia  
 T 02 8354 5100 F 02 8354 5199  
 email syd@batesmart.com.au  
 http://www.batesmart.com.au

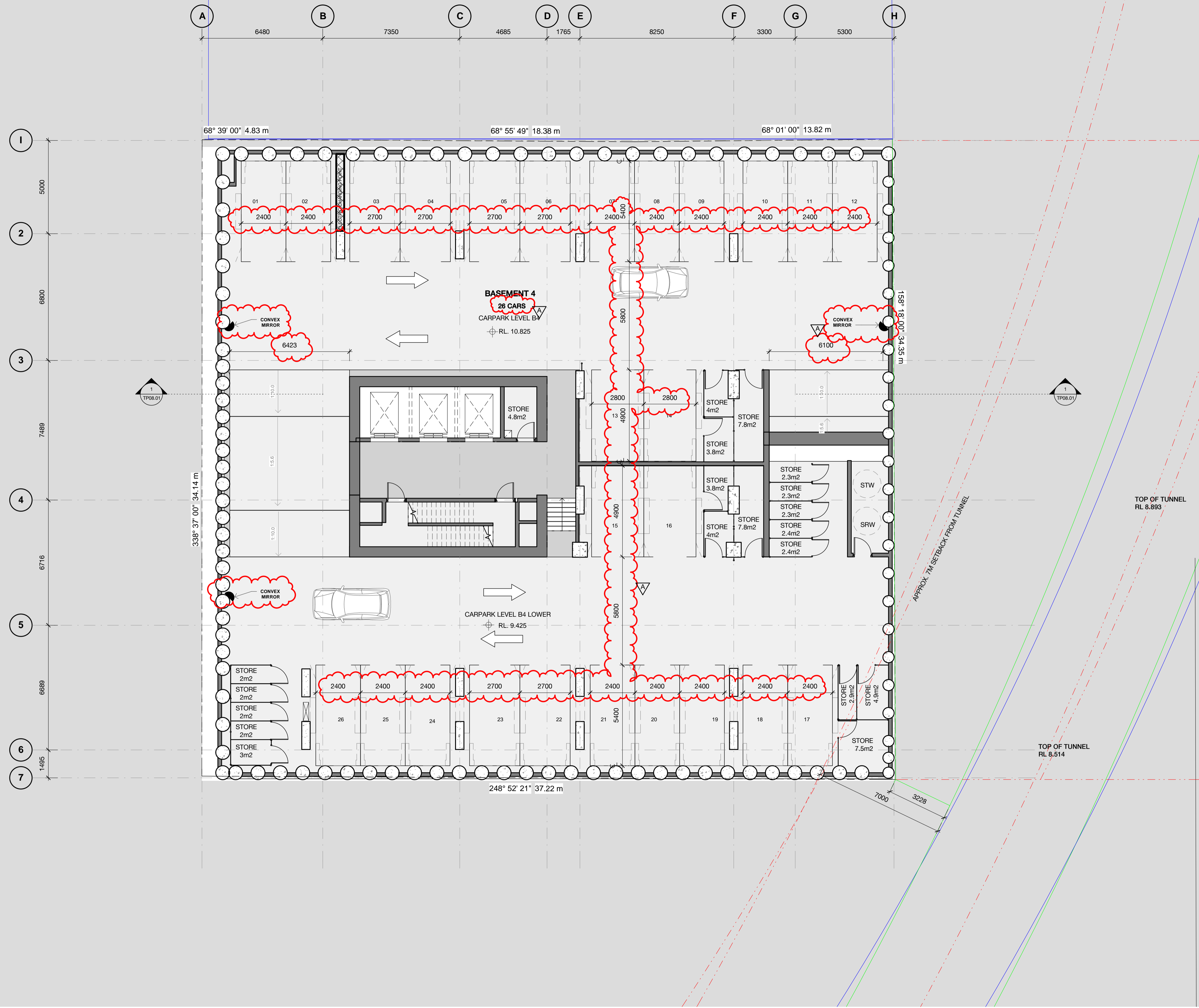
Bates Smart Pty Ltd ABN 70 004 999 400







Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
All drawings may not be reproduced or distributed without prior permission from the architect.



TOP OF TUNNEL  
RL 9.399

TOP OF TUNNEL  
RL 8.893

TOP OF TUNNEL  
RL 8.514

Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

13 Spring Street, Melbourne

Basement 4



Status	Town Planning		
Scale	1 : 100 @ A1		
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 8:13:13 AM		
BIM			

Drawing no. **TP02.B4** Revision **A**

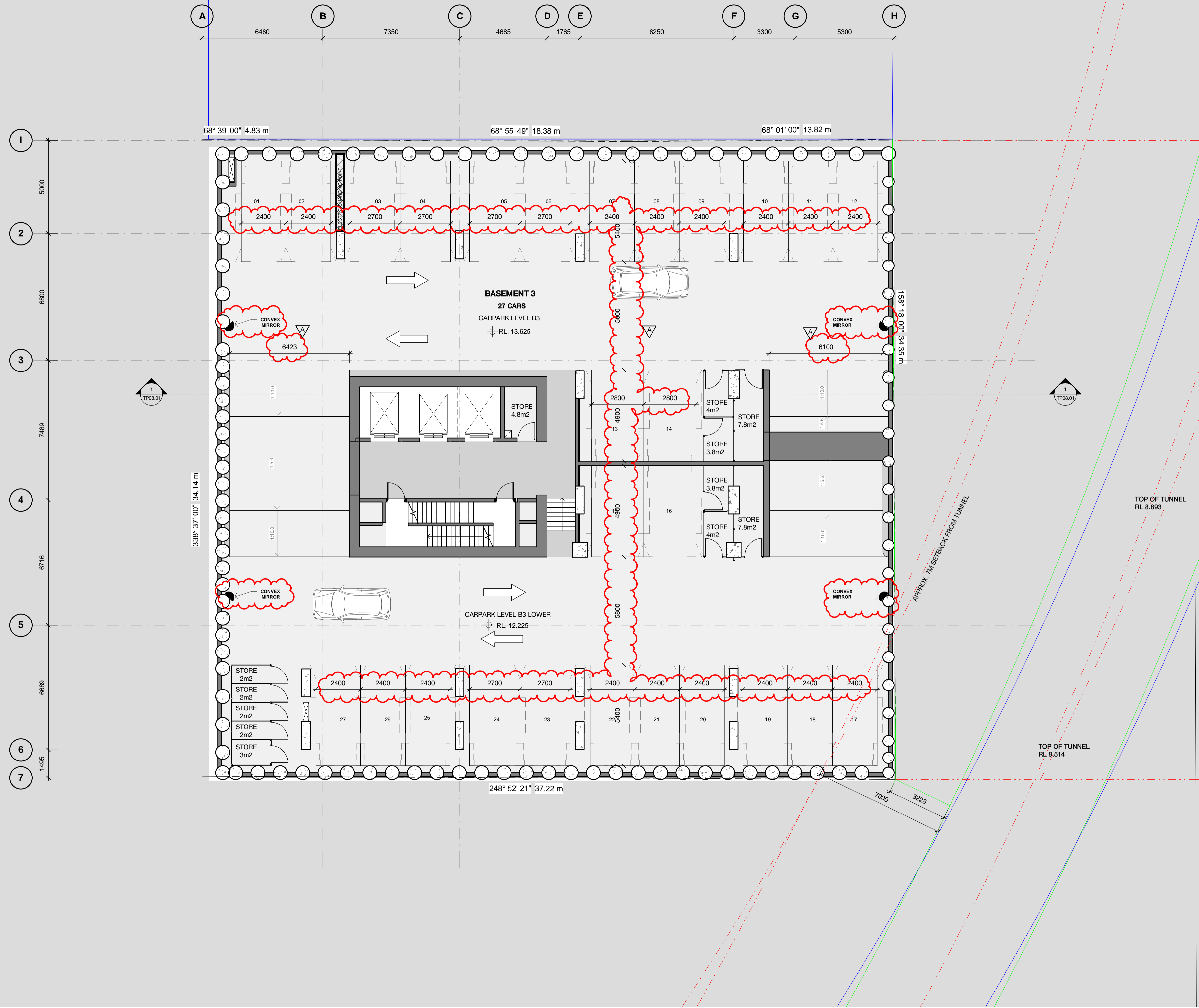
**Melbourne** 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

**Sydney** 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
All drawings may not be reproduced or distributed without prior permission from the architect.



TOP OF TUNNEL  
RL 9.399

TOP OF TUNNEL  
RL 8.893

TOP OF TUNNEL  
RL 8.514

Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

13 Spring Street, Melbourne

Basement 3



Status	Town Planning		
Scale	1 : 100 @ A1		
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 7:54:00 AM		
BIM			

Drawing no.	Revision
<b>TP02.B3</b>	<b>A</b>

Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

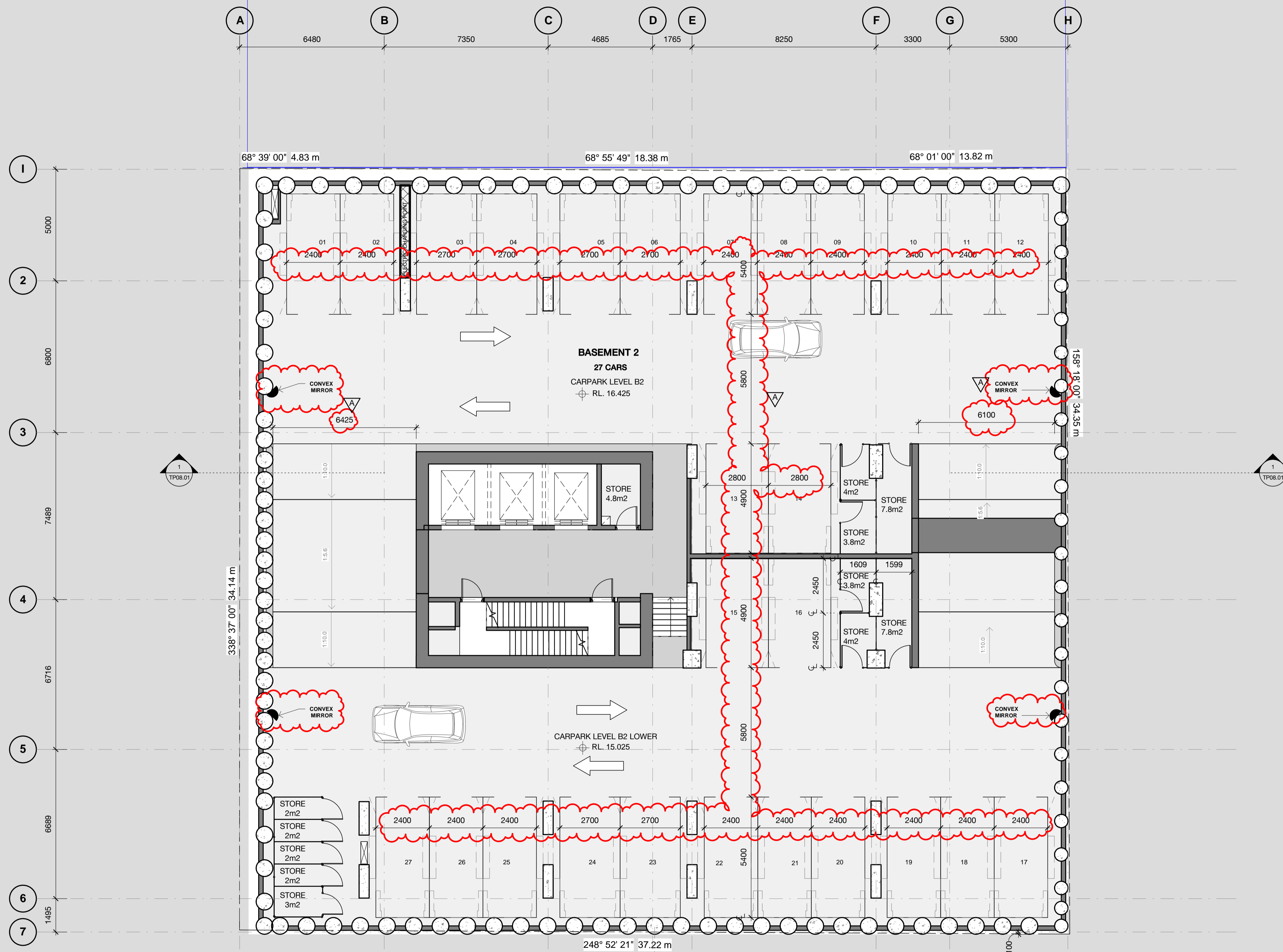
Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400





Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

13 Spring Street, Melbourne

Basement 2



Status	Town Planning		
Scale	1 : 100	@	A1
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 7:53:52 AM		
BIM			

Drawing no.	Revision
TP02.B2	A

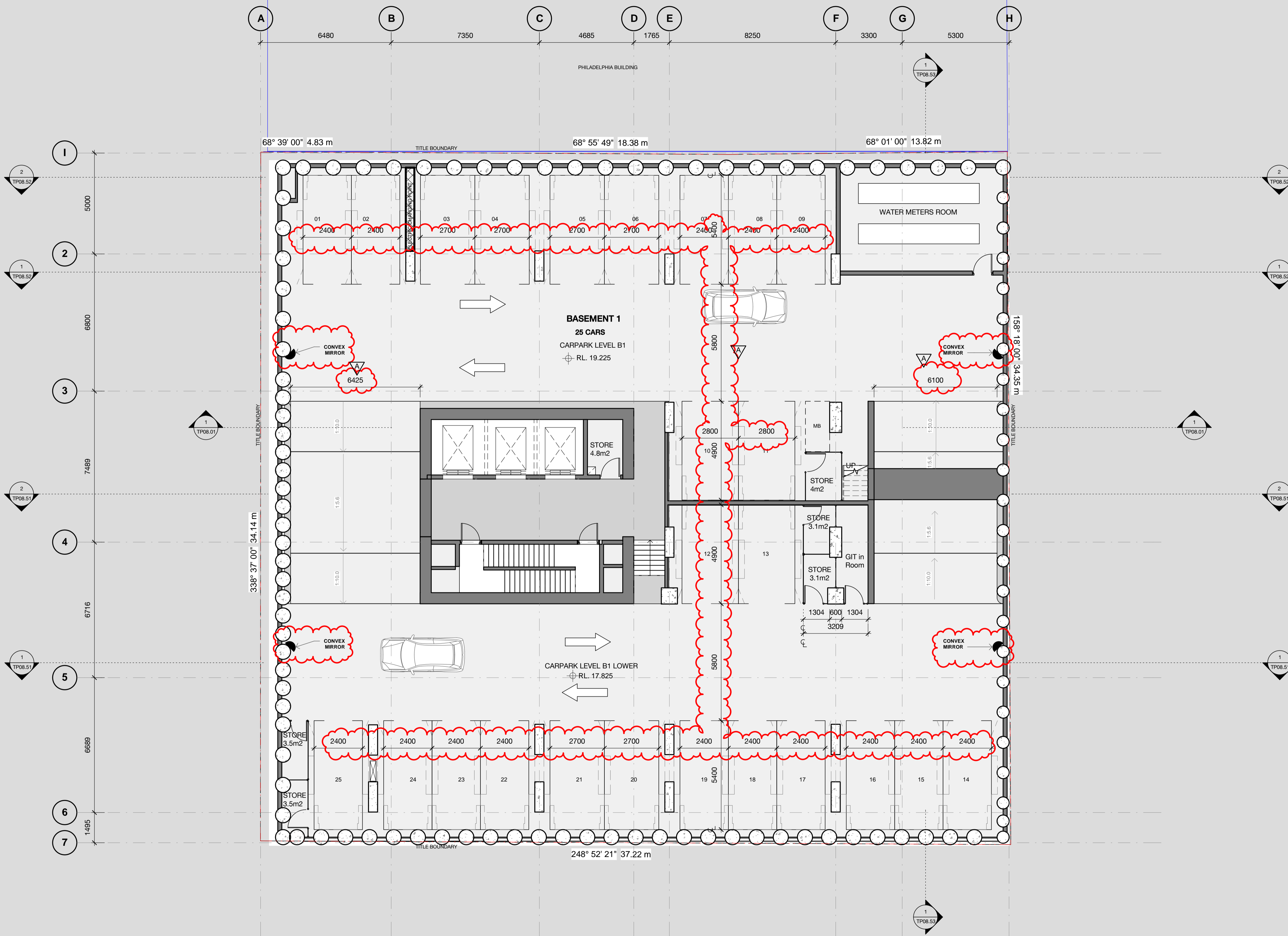
Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

**BATESSMART**

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
 Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
 All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

### 13 Spring Street, Melbourne

#### Basement 1

Status	Town Planning		
Scale	1 : 100 @ A1		
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 7:53:45 AM		
BIM			

## TP02.B1 A

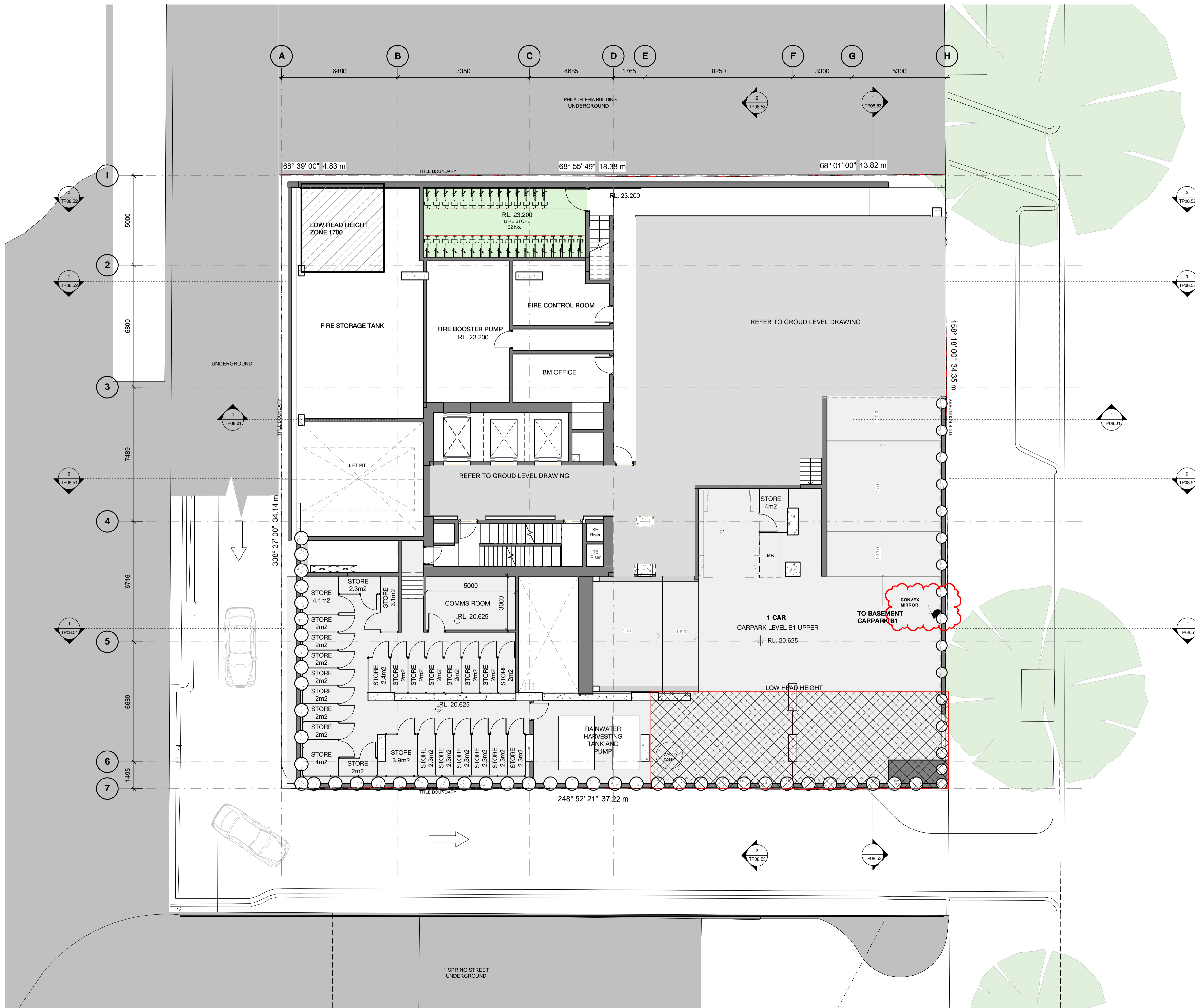
**Melbourne** 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
 T 03 8664 6200 F 03 8664 6300  
 email mel@batesmart.com.au  
 http://www.batesmart.com.au

**Sydney** 43 Brisbane Street  
 Surry Hills NSW 2010 Australia  
 T 02 8354 5100 F 02 8354 5199  
 email syd@batesmart.com.au  
 http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
 Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
 All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

### 13 Spring Street, Melbourne

Level 00 Lower



Status	Town Planning		
Scale	1 : 100	@	A1
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 7:53:37 AM		
BIM			

Drawing no. **TP02.00.LG** Revision **A**

**Melbourne** 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
 T 03 8664 6200 F 03 8664 6300  
 email mel@batesmart.com.au  
 http://www.batesmart.com.au

**Sydney** 43 Brisbane Street  
 Surry Hills NSW 2010 Australia  
 T 02 8354 5100 F 02 8354 5199  
 email syd@batesmart.com.au  
 http://www.batesmart.com.au

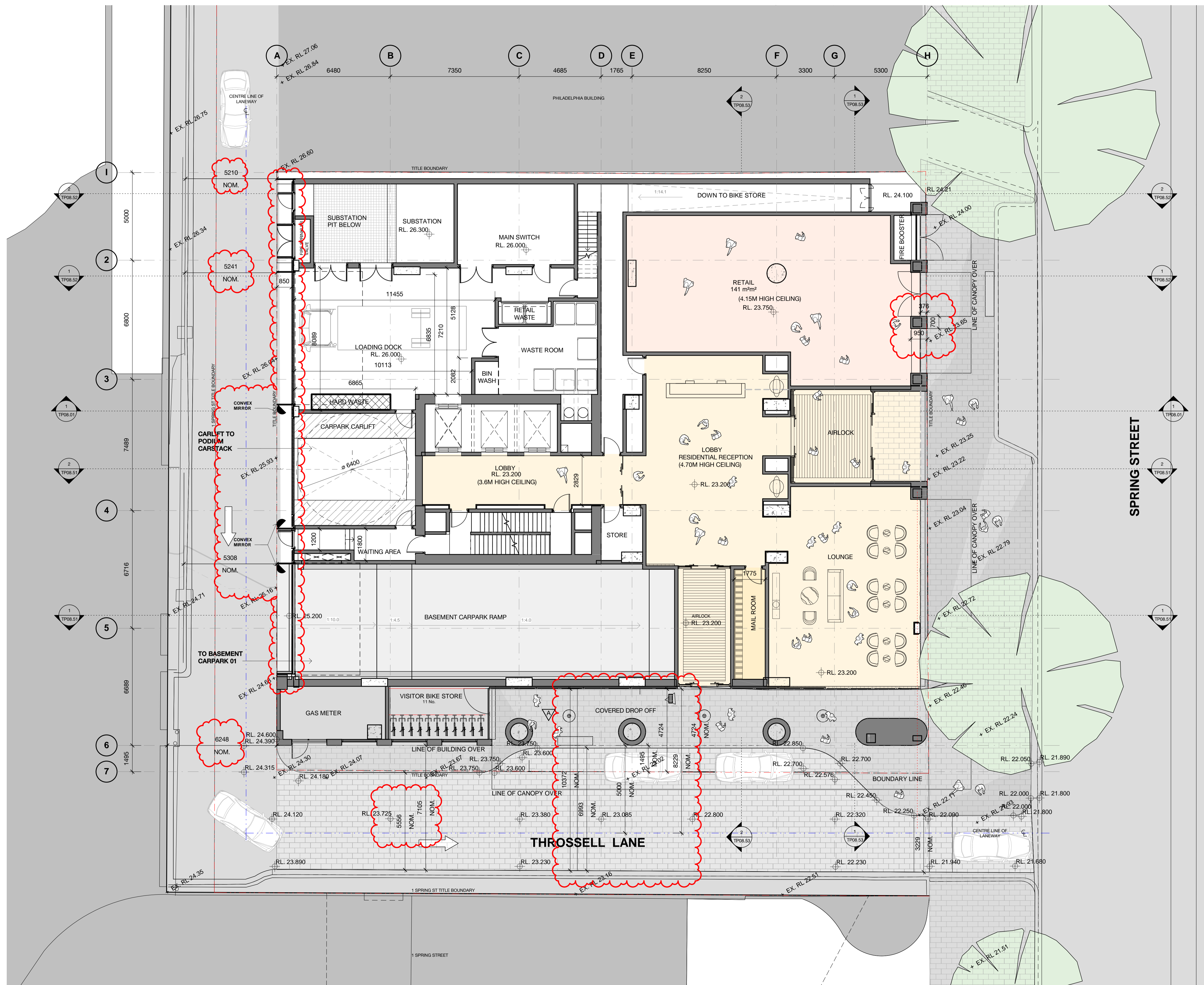
Bates Smart Pty Ltd ABN 70 004 999 400



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.

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

All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	TP Amendments	Description	Initial	Checked
A	11.05.18	TP Amendments			AZ/LC

### 13 Spring Street, Melbourne

Level 00



Status	Town Planning		
Scale	1 : 100 @ A1		
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 8:43:30 AM		
BIM			

Drawing no.	Revision
TP02.00	A

Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

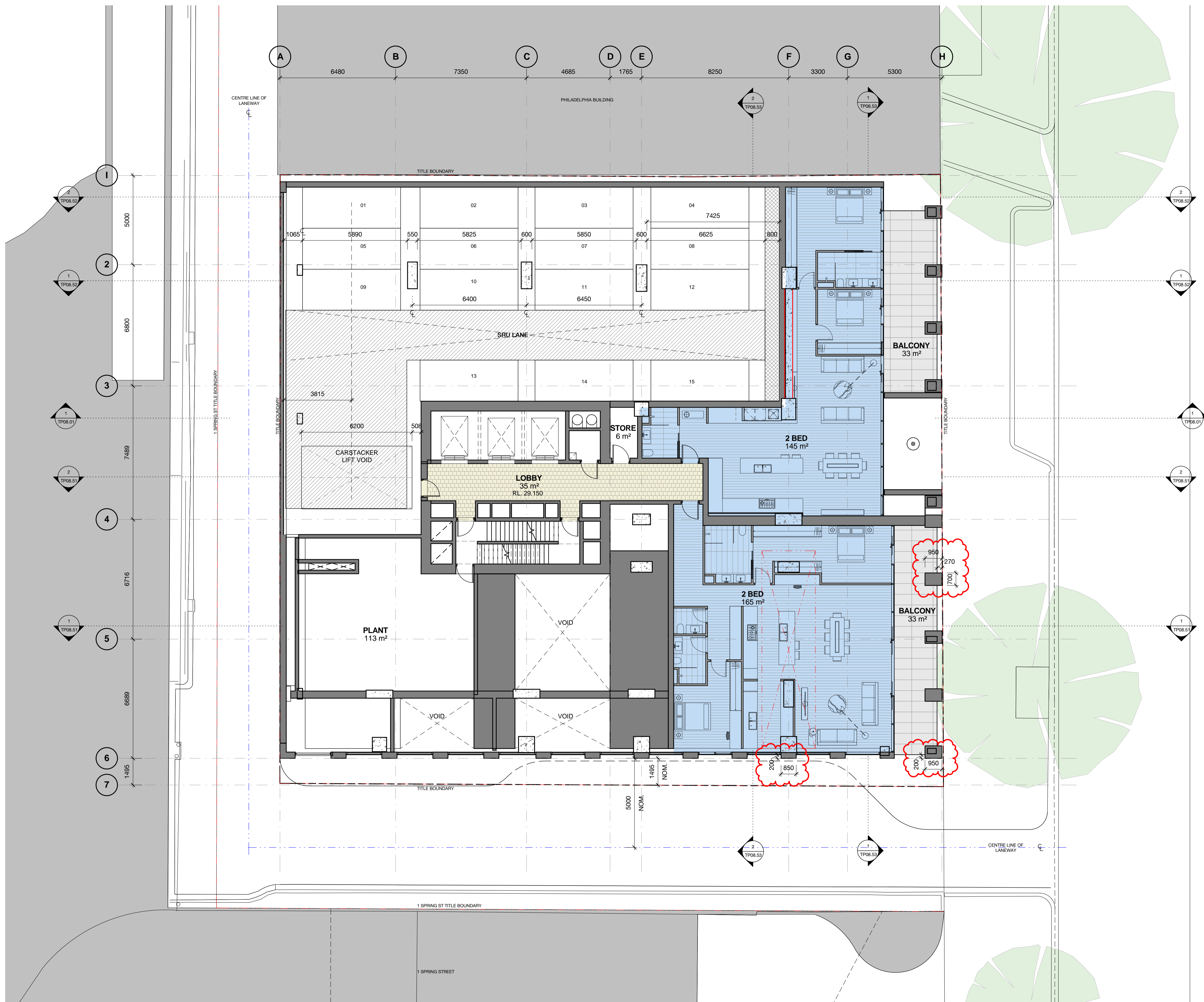
Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

**BATESSMART**



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
 Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
 All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

### 13 Spring Street, Melbourne

#### Level 00 Mezzanine



Status	Town Planning		
Scale	1 : 100 @ A1		
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 7:40:57 AM		
BIM			

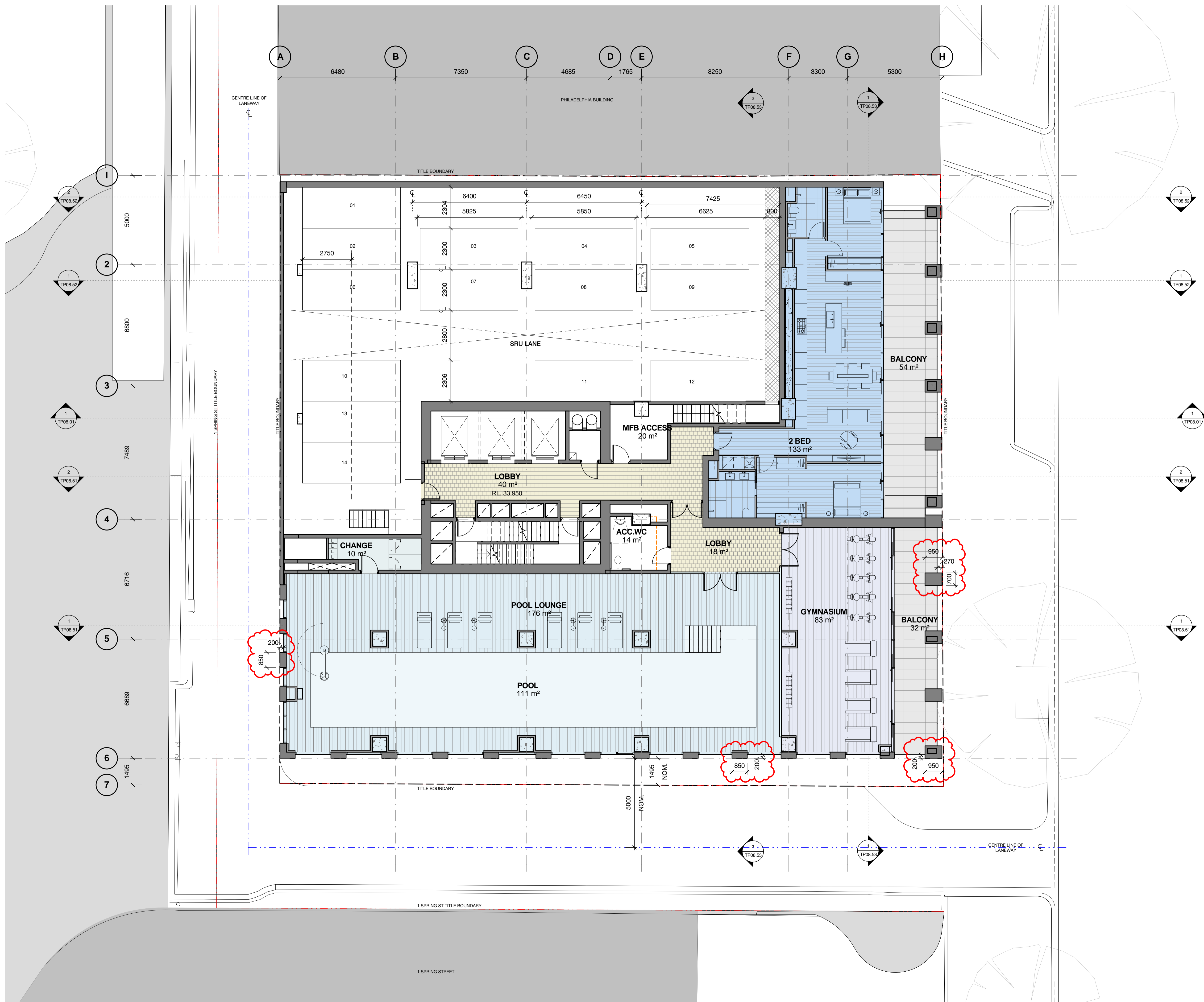
Drawing no. **TP02.00.M** Revision **A**

**Melbourne** 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
 T 03 8664 6200 F 03 8664 6300  
 email mel@batesmart.com.au  
 http://www.batesmart.com.au

**Sydney** 43 Brisbane Street  
 Surry Hills NSW 2010 Australia  
 T 02 8354 5100 F 02 8354 5199  
 email syd@batesmart.com.au  
 http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

13 Spring Street, Melbourne

Level 01



Status	Town Planning		
Scale	1 : 100 @ A1		
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 7:39:52 AM		
BIM			

Drawing no. **TP02.01** Revision **A**

Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

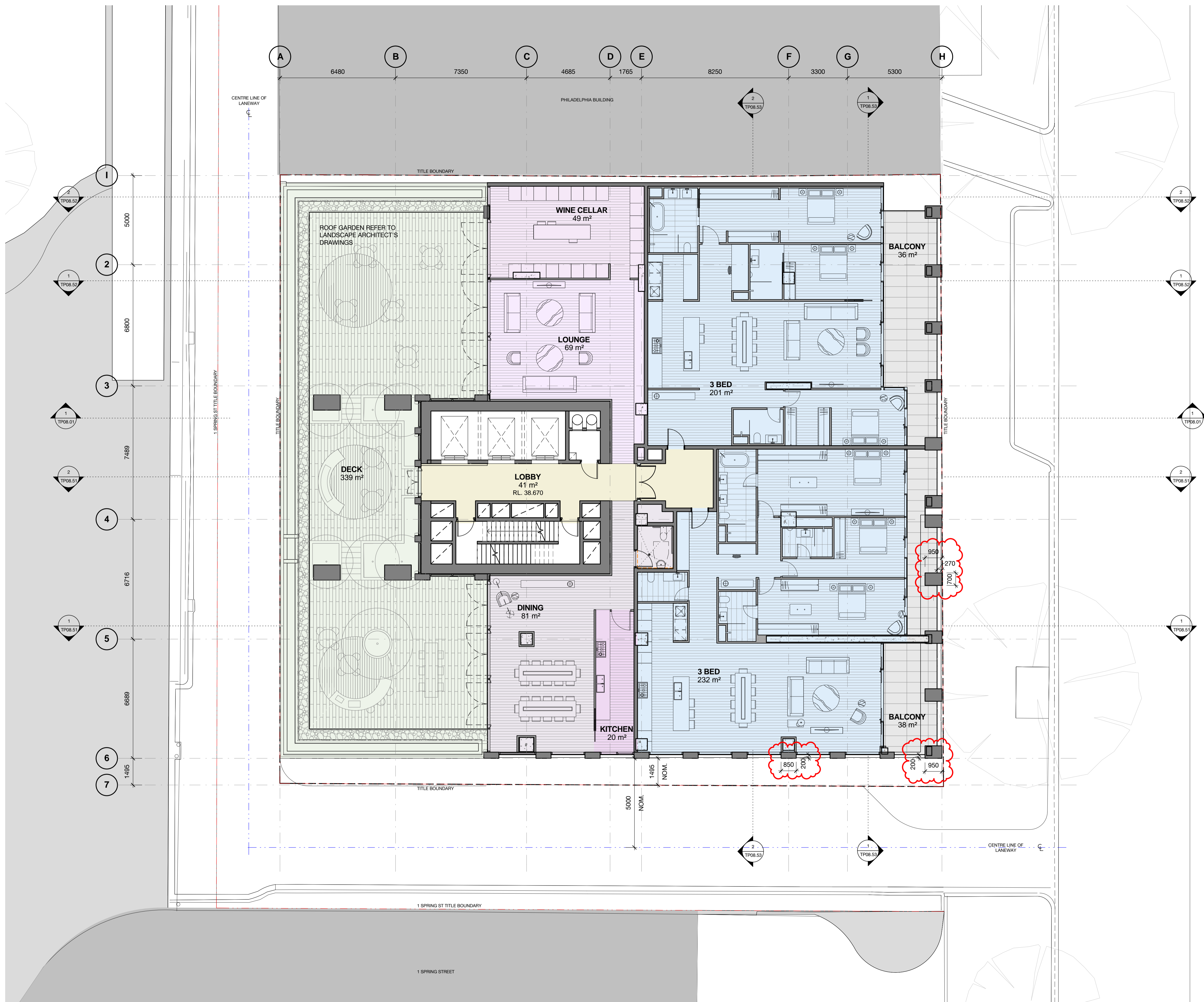
Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

**BATESSMART**



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

13 Spring Street, Melbourne

Level 02

Status	Town Planning		
Scale	1 : 100	@	A1
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 11:40:45 AM		

Drawing no.	Revision
TP02.02	A

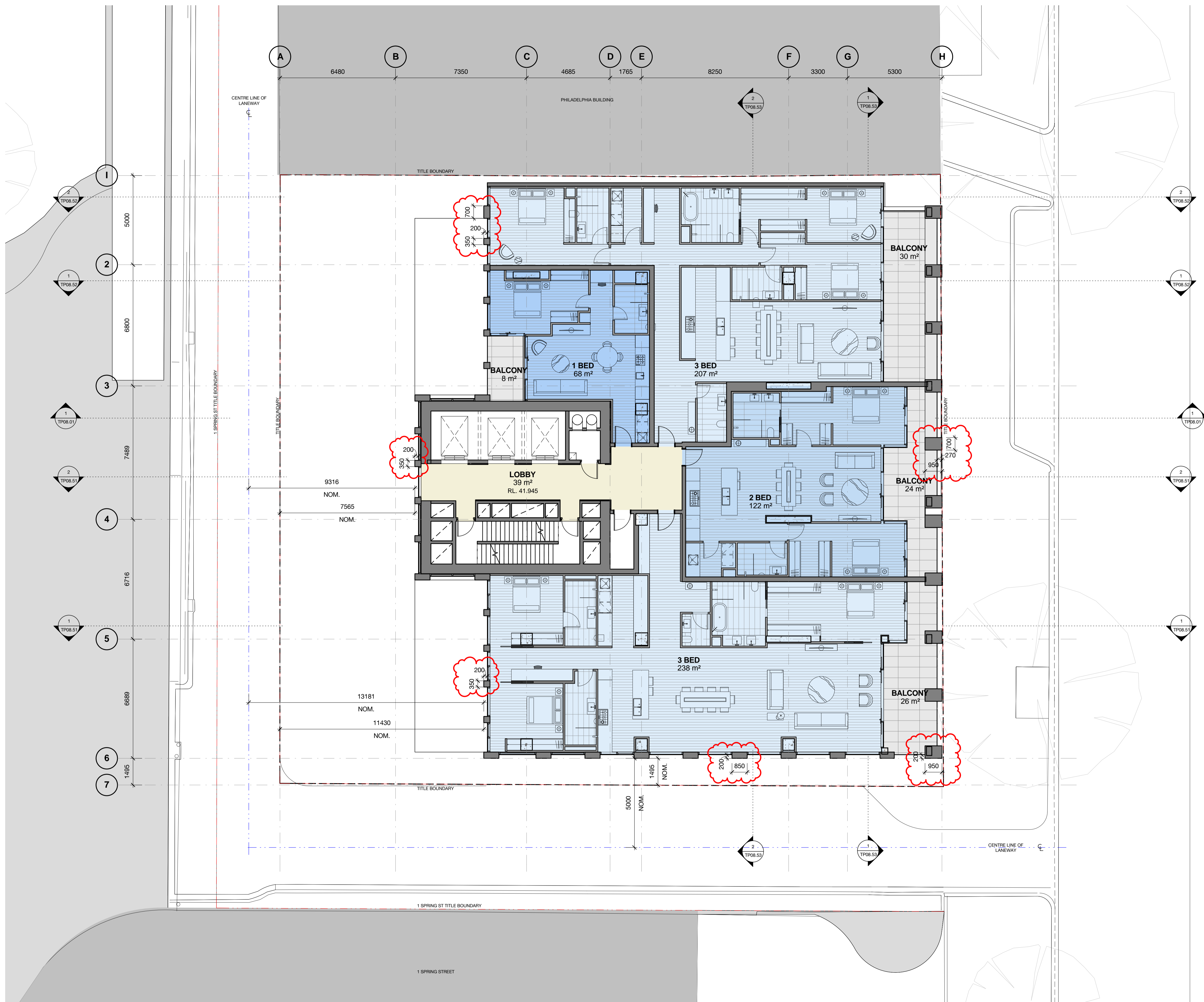
Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

**BATESSMART**

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

13 Spring Street, Melbourne

Level 03



Status	Town Planning
Scale	1 : 100 @ A1
Drawn	Author Checked Checker
Project No.	M12143
Plot Date	18/05/2018 7:40:17 AM
BIM	

Drawing no.	Revision
TP02.03	A

Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

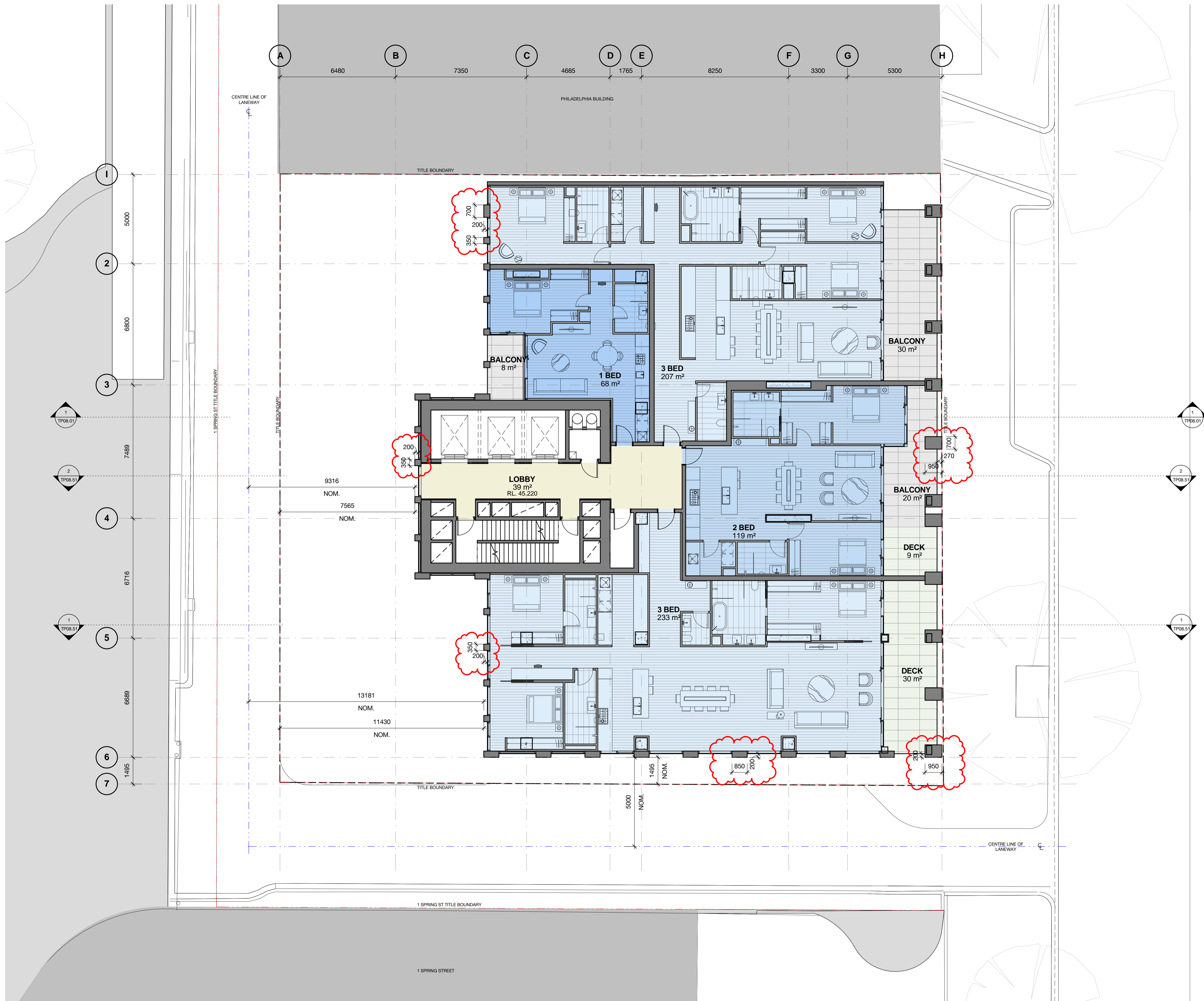
Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

**BATESSMART**



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

13 Spring Street, Melbourne

Level 04

Status	Town Planning
Scale	1 : 100 @ A1
Drawn	Author Checked Checker
Project No.	M12143
Plot Date	18/05/2018 7:40:27 AM
BIM	

Drawing no. TP02.04 Revision A

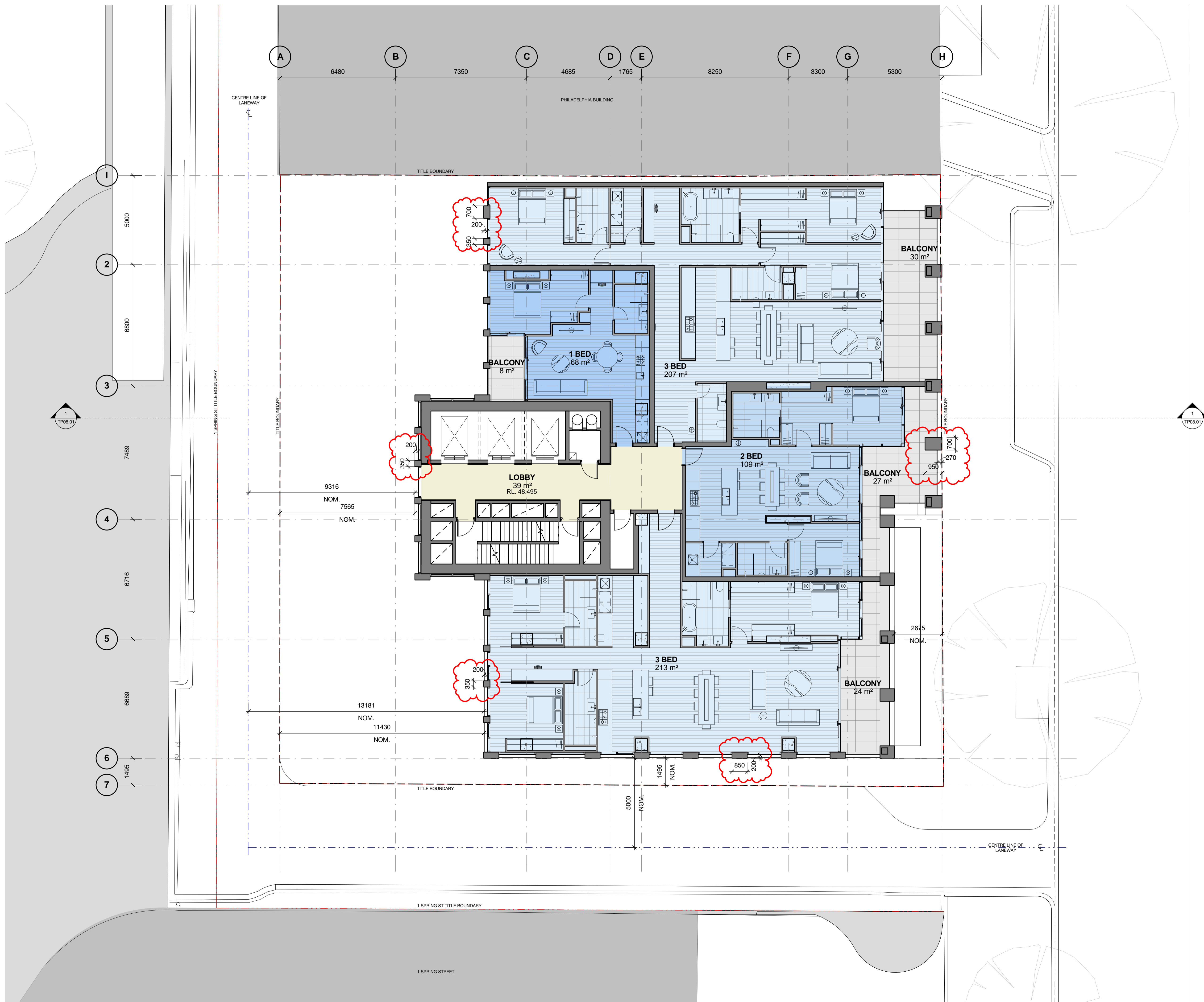
Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
 Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
 All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

### 13 Spring Street, Melbourne

Level 05



Status	Town Planning		
Scale	1 : 100	@	A1
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 7:40:36 AM		
BIM			

Drawing no.	Revision
TP02.05	A

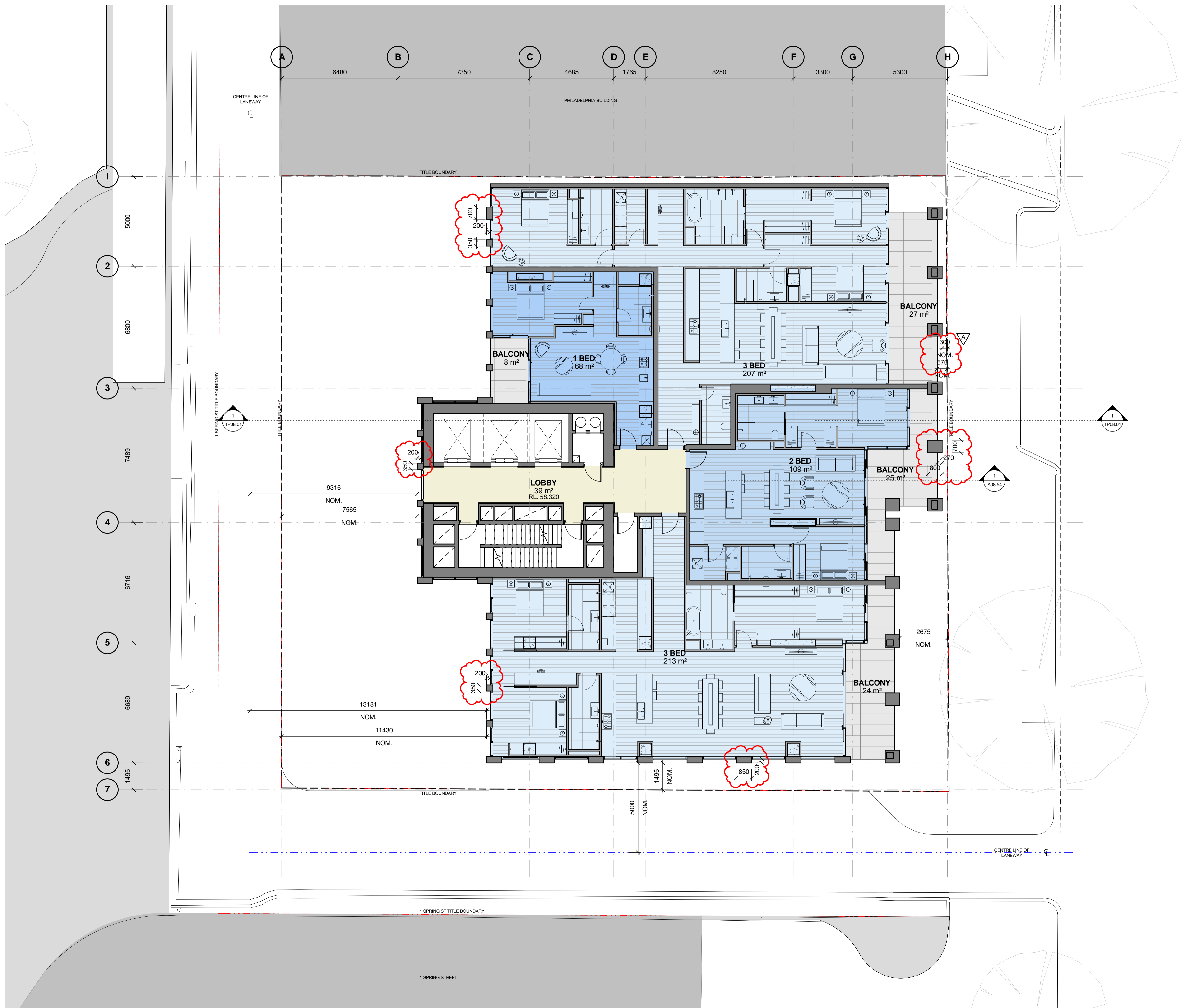
**Melbourne** 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
 T 03 8664 6200 F 03 8664 6300  
 email mel@batesmart.com.au  
 http://www.batesmart.com.au

**Sydney** 43 Brisbane Street  
 Surry Hills NSW 2010 Australia  
 T 02 8354 5100 F 02 8354 5199  
 email syd@batesmart.com.au  
 http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
 Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
 All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments	AZ/LC	

### 13 Spring Street, Melbourne

Level 08 (Typical Levels 06-08)



Status	Town Planning		
Scale	1 : 100	@	A1
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 7:41:06 AM		

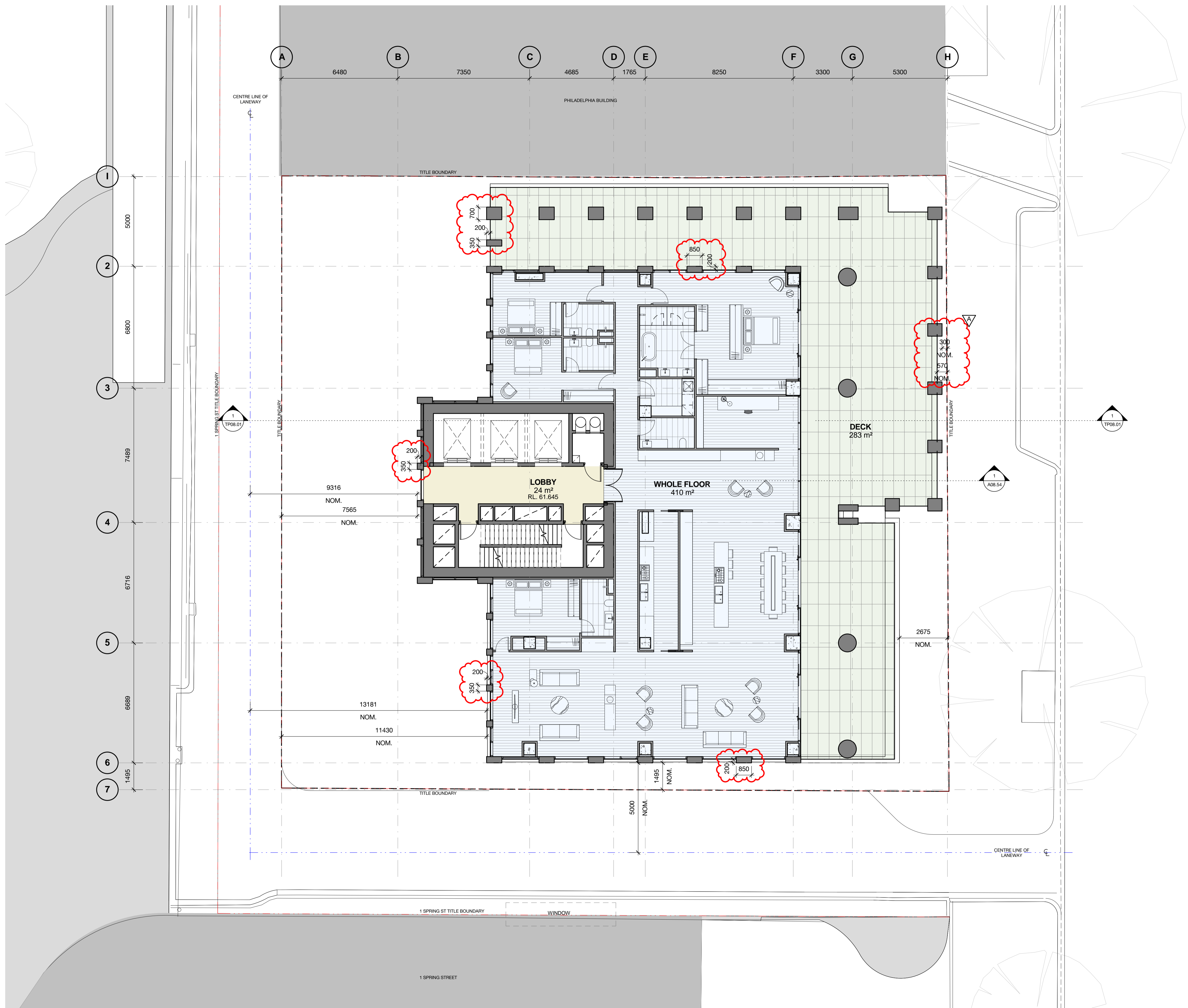
Drawing no.	Revision
TP02.08	A

**Melbourne** 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
 T 03 8664 6200 F 03 8664 6300  
 email mel@batesmart.com.au  
 http://www.batesmart.com.au

**Sydney** 43 Brisbane Street  
 Surry Hills NSW 2010 Australia  
 T 02 8354 5100 F 02 8354 5199  
 email syd@batesmart.com.au  
 http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
 Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
 All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments	AZ/LC	

### 13 Spring Street, Melbourne

#### Level 09

Status	Town Planning		
Scale	1 : 100 @ A1		
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 7:41:15 AM		

Drawing no.	Revision
<b>TP02.09</b>	<b>A</b>

**Melbourne** 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
 T 03 8664 6200 F 03 8664 6300  
 email mel@batesmart.com.au  
 http://www.batesmart.com.au

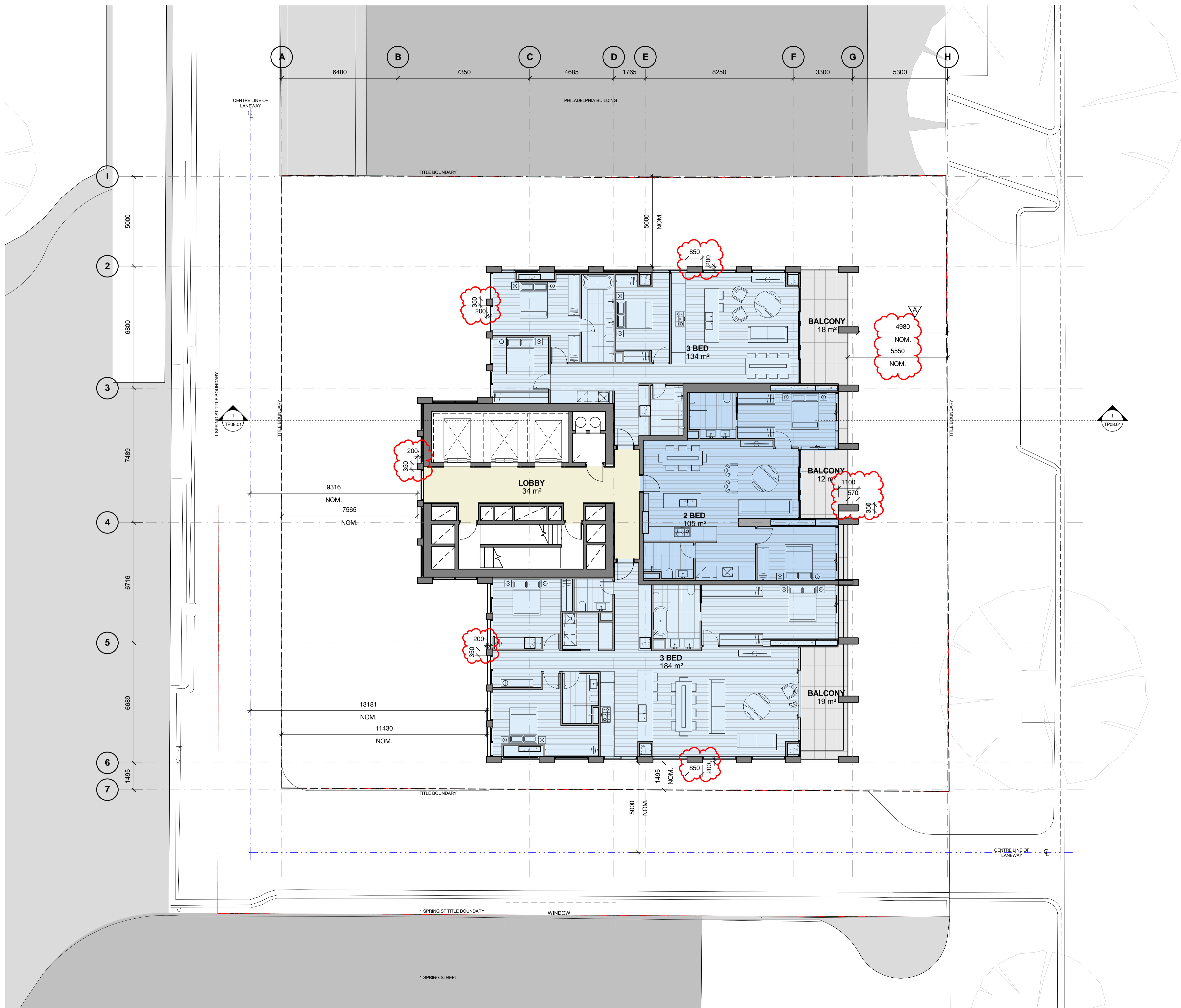
**Sydney** 43 Brisbane Street  
 Surry Hills NSW 2010 Australia  
 T 02 8354 5100 F 02 8354 5199  
 email syd@batesmart.com.au  
 http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400





Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
 Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
 All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

### 13 Spring Street, Melbourne

Level 12 (Typical Levels 10-14)



Status	Town Planning		
Scale	1 : 100	@	A1
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 8:32:08 AM		

BIM

Drawing no.	Revision
TP02.12	A

Melbourne 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
 T 03 8664 6200 F 03 8664 6300  
 email mel@batesmart.com.au  
 http://www.batesmart.com.au

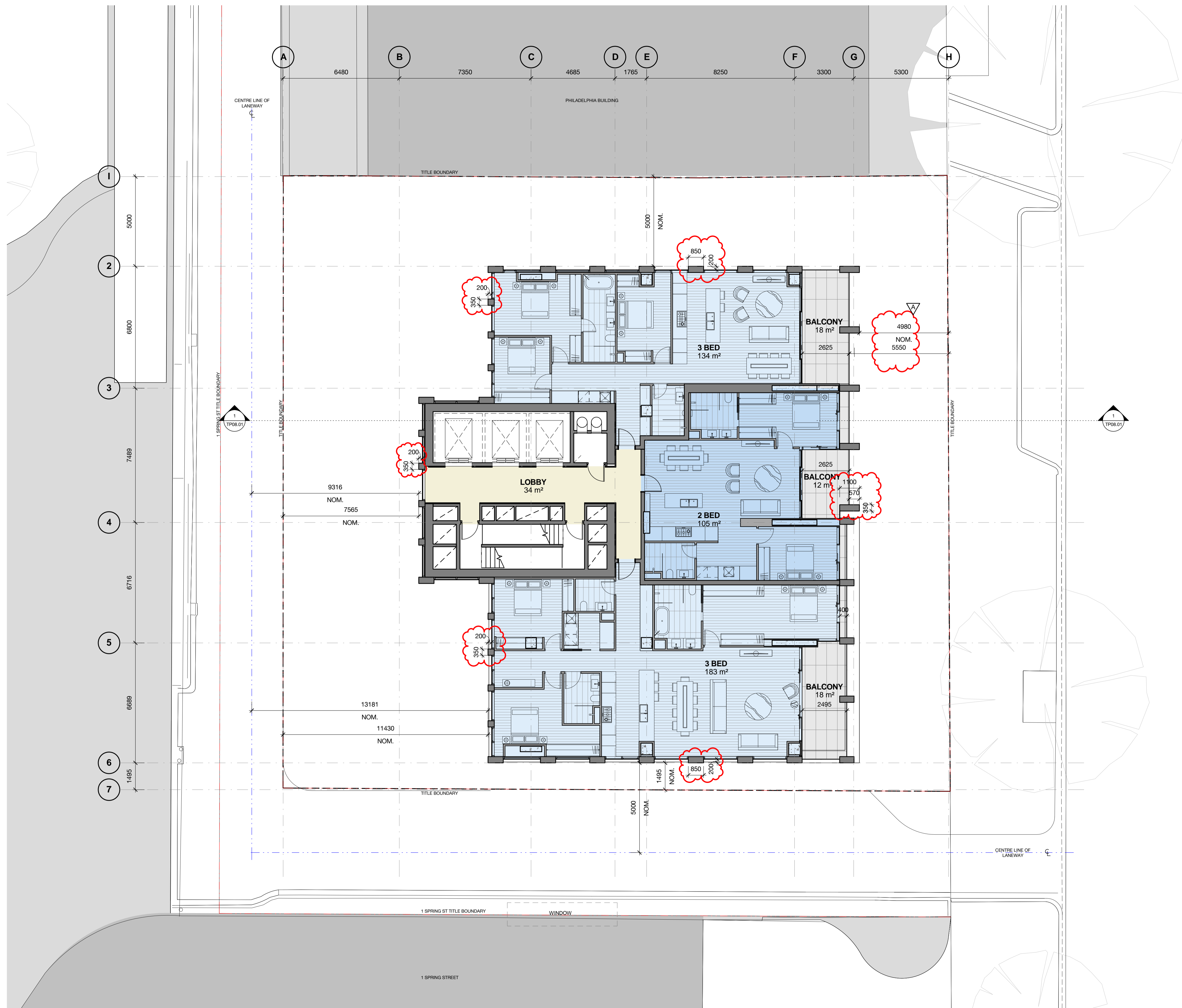
Sydney 43 Brisbane Street  
 Surry Hills NSW 2010 Australia  
 T 02 8354 5100 F 02 8354 5199  
 email syd@batesmart.com.au  
 http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.

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

All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

### 13 Spring Street, Melbourne

Level 15



Status	Town Planning		
Scale	1 : 100	@	A1
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 8:32:15 AM		

BIM

Drawing no.	Revision
TP02.15	A

Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

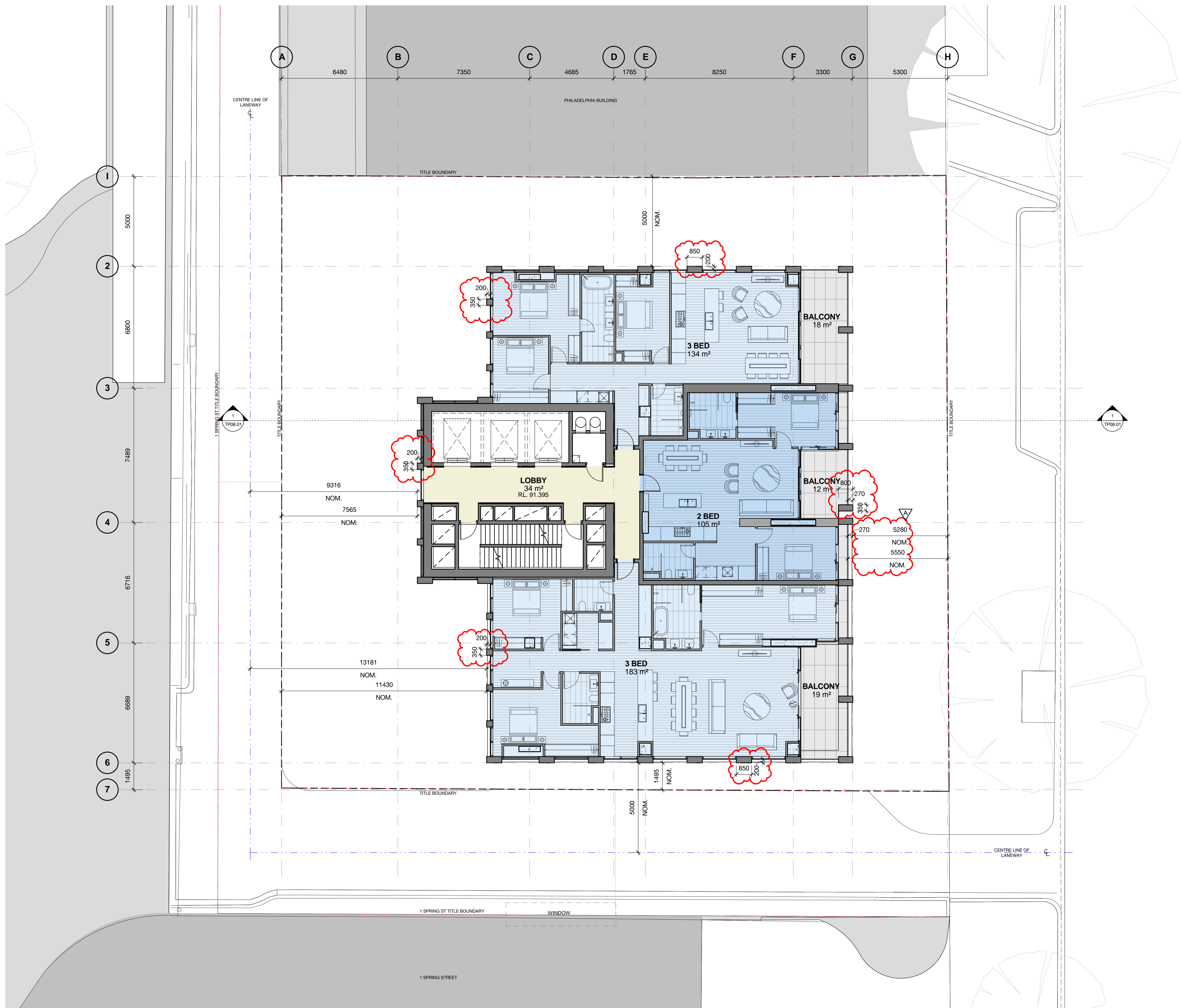
Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

**BATESSMART**



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

### 13 Spring Street, Melbourne

Level 18 (Typical Levels 16-24)



Status	Town Planning		
Scale	1 : 100	@	A1
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 7:42:23 AM		

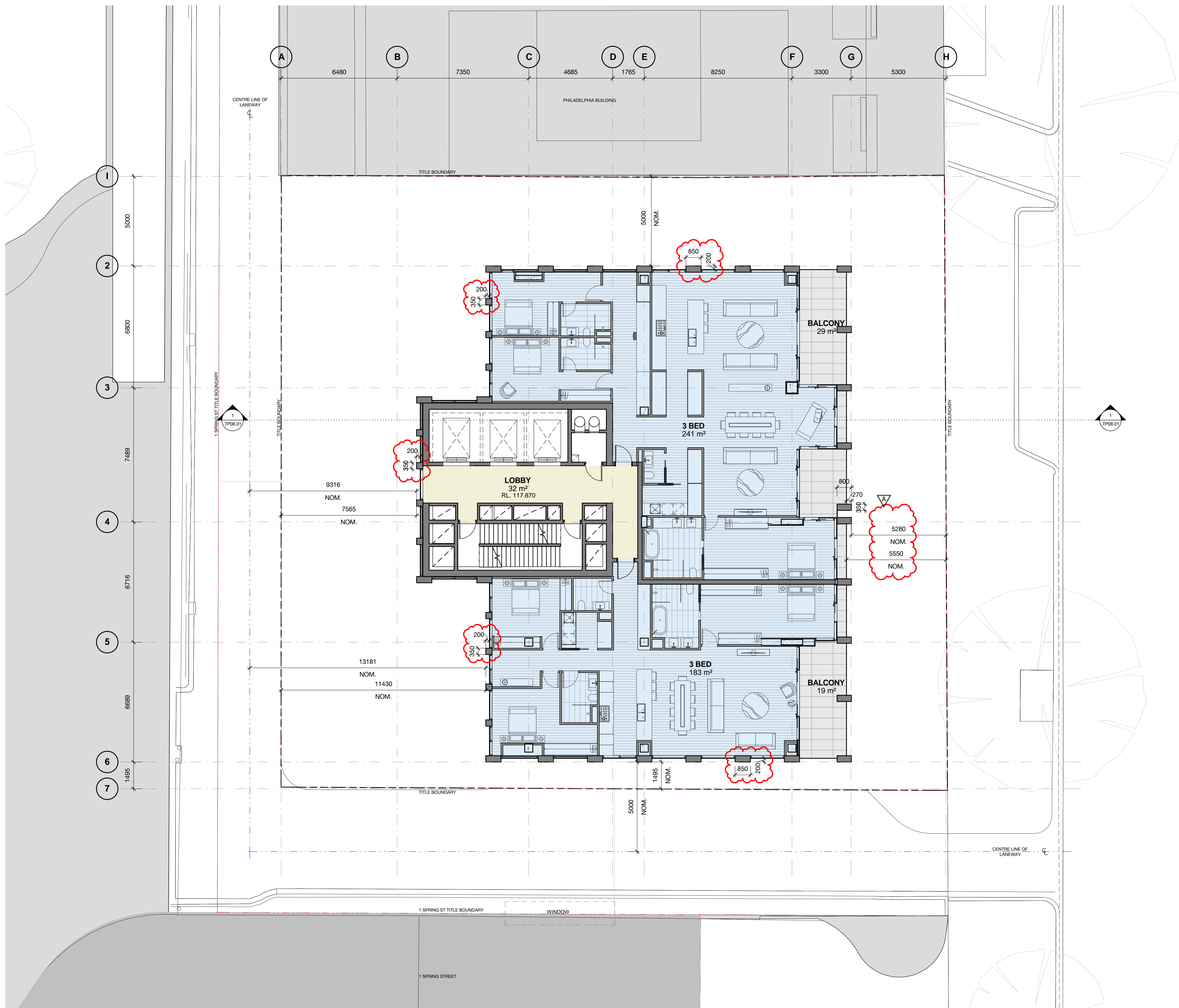
Drawing no.	Revision
TP02.18	A

**Melbourne** 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

**Sydney** 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

### 13 Spring Street, Melbourne

Level 26 (Typical Levels 25-26)



Status	Town Planning		
Scale	1 : 100	@	A1
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 7:42:31 AM		

BIM

Drawing no.	Revision
TP02.26	A

Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

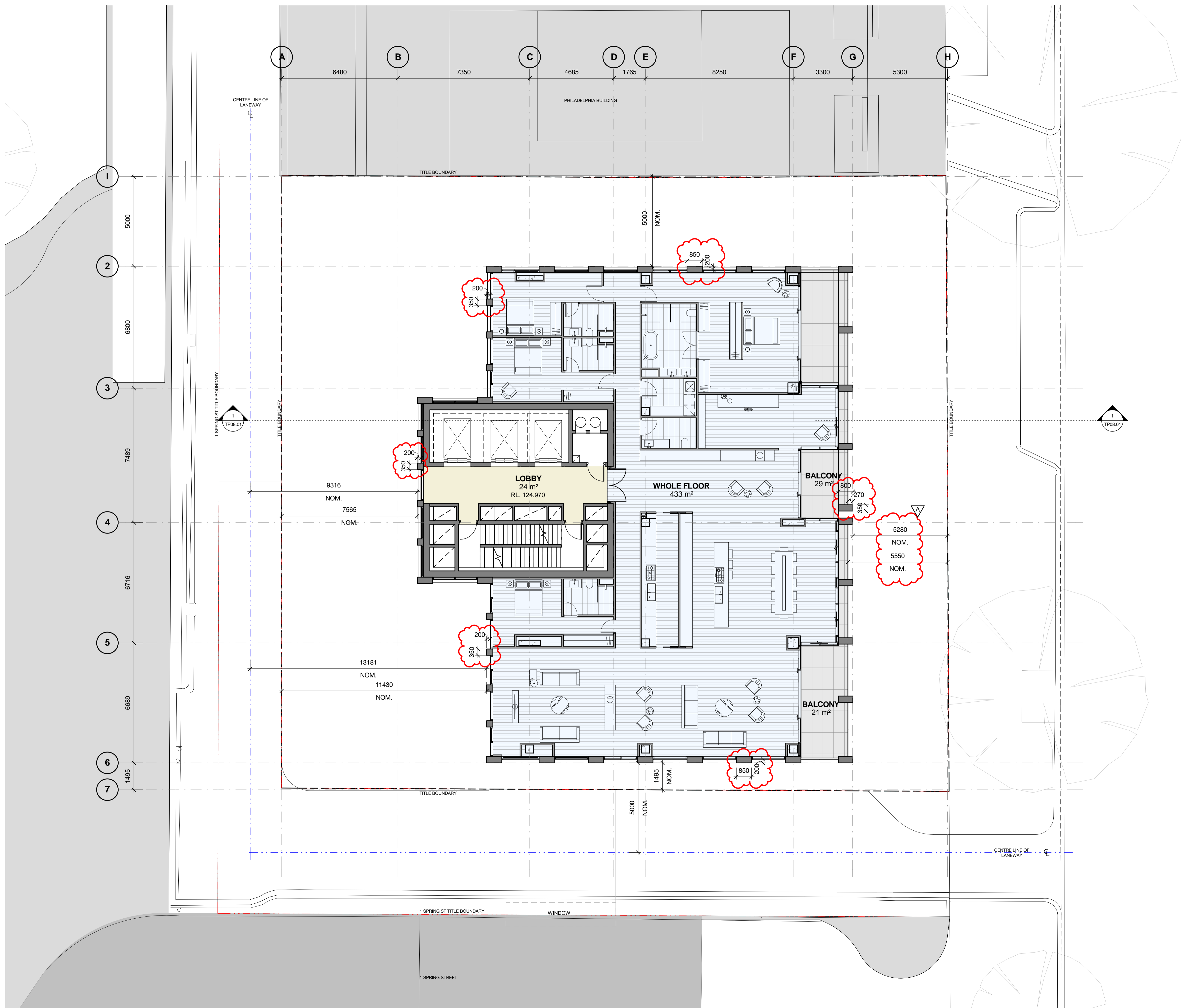
Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

**BATESSMART**



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

### 13 Spring Street, Melbourne

Level 28 (Typical Levels 27-30)



Status	Town Planning		
Scale	1 : 100	@	A1
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 7:42:39 AM		

BIM

Drawing no.	Revision
TP02.28	A

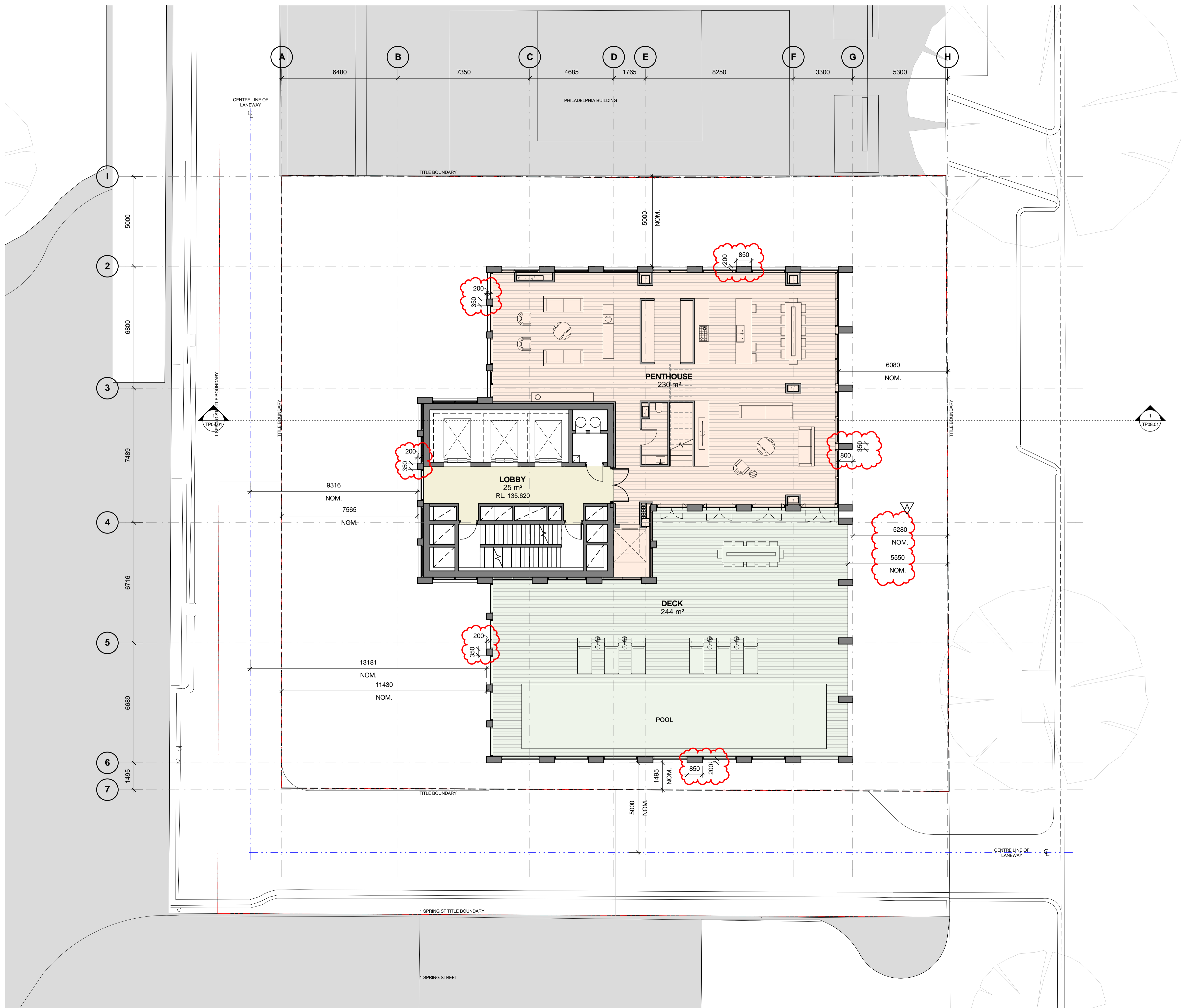
Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

**BATESSMART**

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
 Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
 All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

### 13 Spring Street, Melbourne

Level 31



Status	Town Planning		
Scale	1 : 100	@	A1
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 7:42:14 AM		

Drawing no.	Revision
TP02.31	A

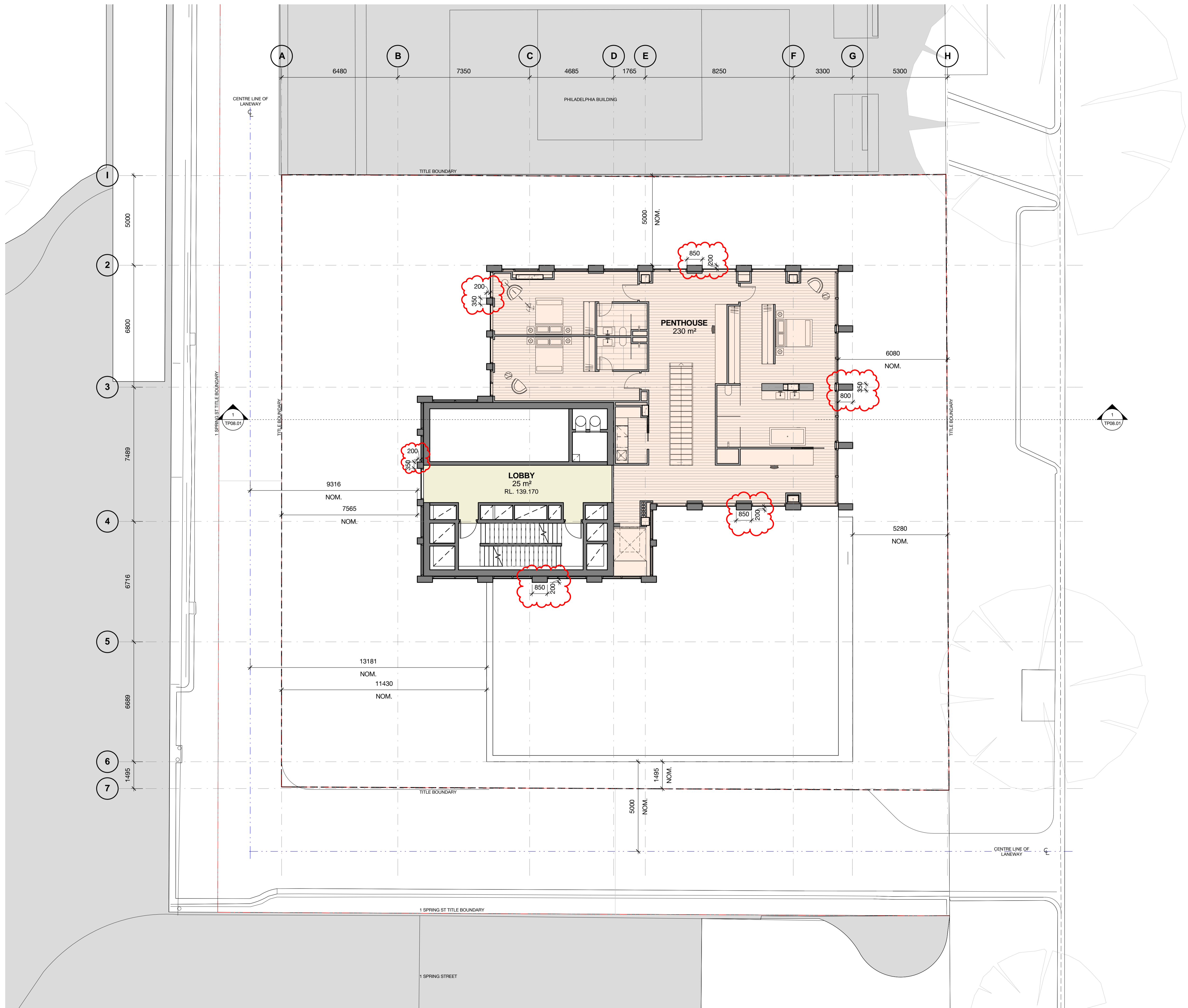
Melbourne 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
 T 03 8664 6200 F 03 8664 6300  
 email mel@batesmart.com.au  
 http://www.batesmart.com.au

Sydney 43 Brisbane Street  
 Surry Hills NSW 2010 Australia  
 T 02 8354 5100 F 02 8354 5199  
 email syd@batesmart.com.au  
 http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components. Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification. All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

13 Spring Street, Melbourne

Level 32



Status	Town Planning		
Scale	1 : 100	@	A1
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 7:42:07 AM		

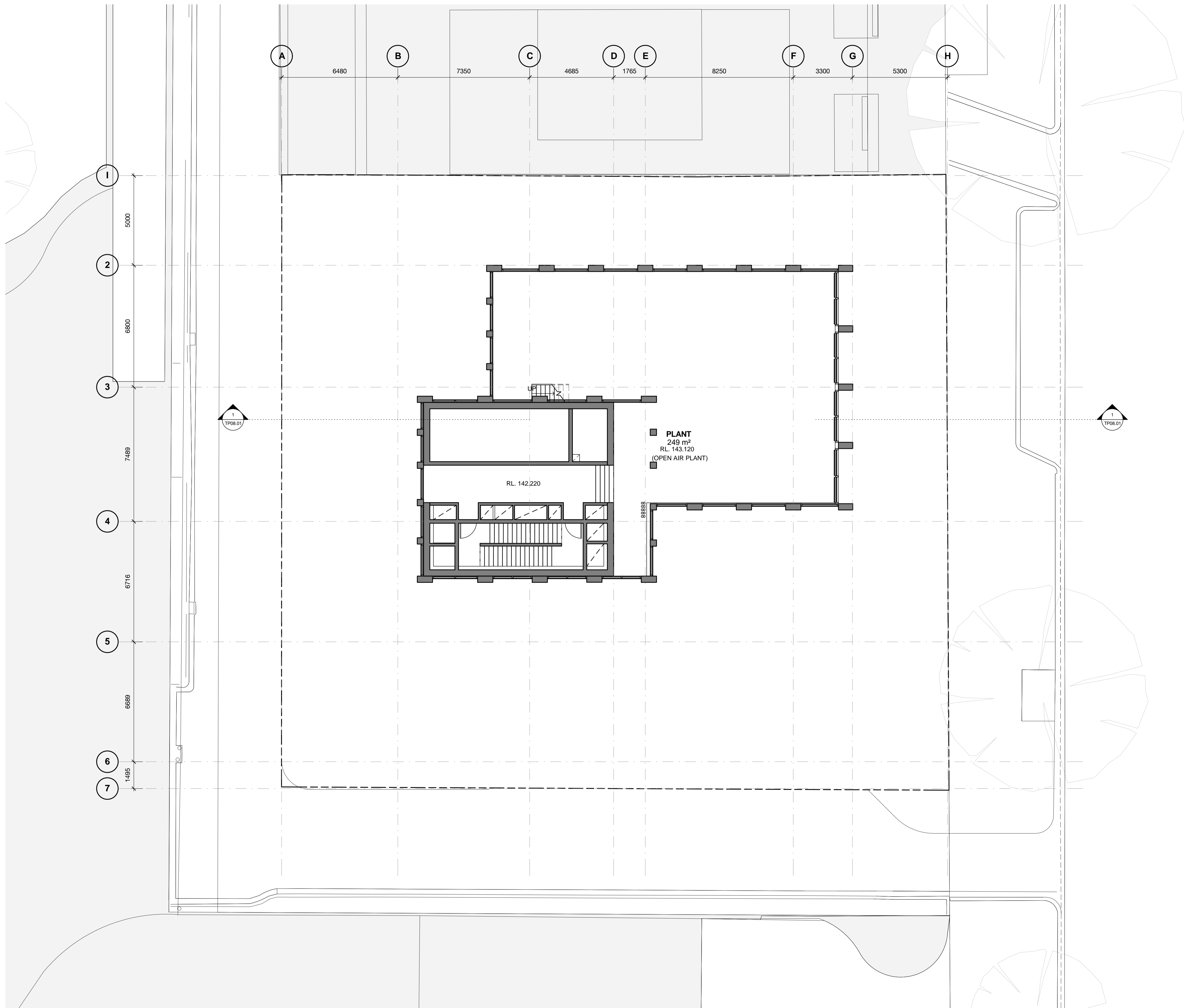
BIM  
 Drawing no. **TP02.32** Revision **A**

**Melbourne** 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
 T 03 8664 6200 F 03 8664 6300  
 email mel@batesmart.com.au  
 http://www.batesmart.com.au

**Sydney** 43 Brisbane Street  
 Surry Hills NSW 2010 Australia  
 T 02 8354 5100 F 02 8354 5199  
 email syd@batesmart.com.au  
 http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
 Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
 All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

13 Spring Street, Melbourne

Plant Level



Status	Town Planning		
Scale	1 : 100	@	A1
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 7:42:46 AM		
BIM			

Drawing no.	Revision
TP02.33	A

**Melbourne** 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
 T 03 8664 6200 F 03 8664 6300  
 email mel@batesmart.com.au  
 http://www.batesmart.com.au

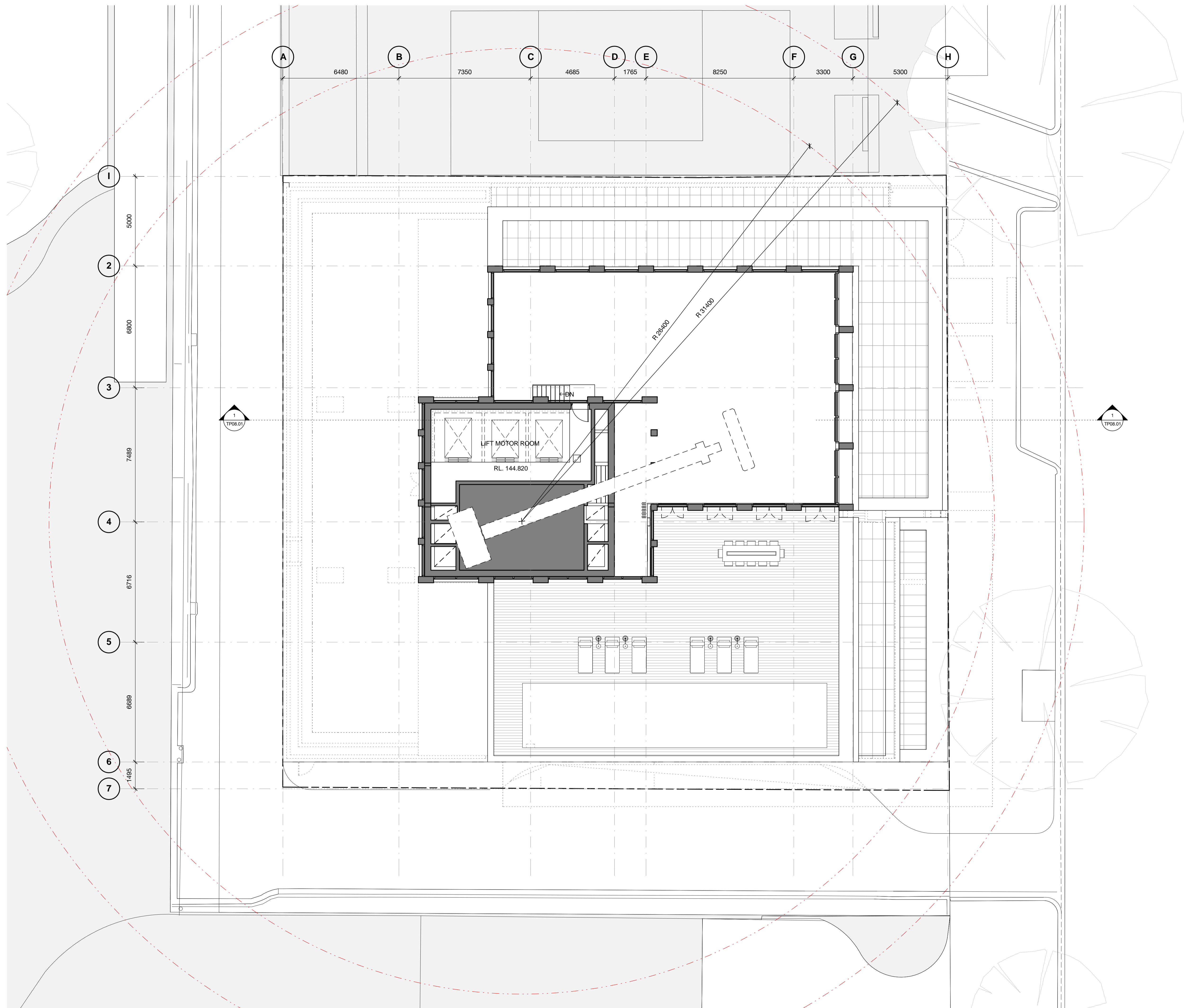
**Sydney** 43 Brisbane Street  
 Surry Hills NSW 2010 Australia  
 T 02 8354 5100 F 02 8354 5199  
 email syd@batesmart.com.au  
 http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

**BATESSMART**



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
 Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
 All drawings may not be reproduced or distributed without prior permission from the architect.



Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

### 13 Spring Street, Melbourne

Roof



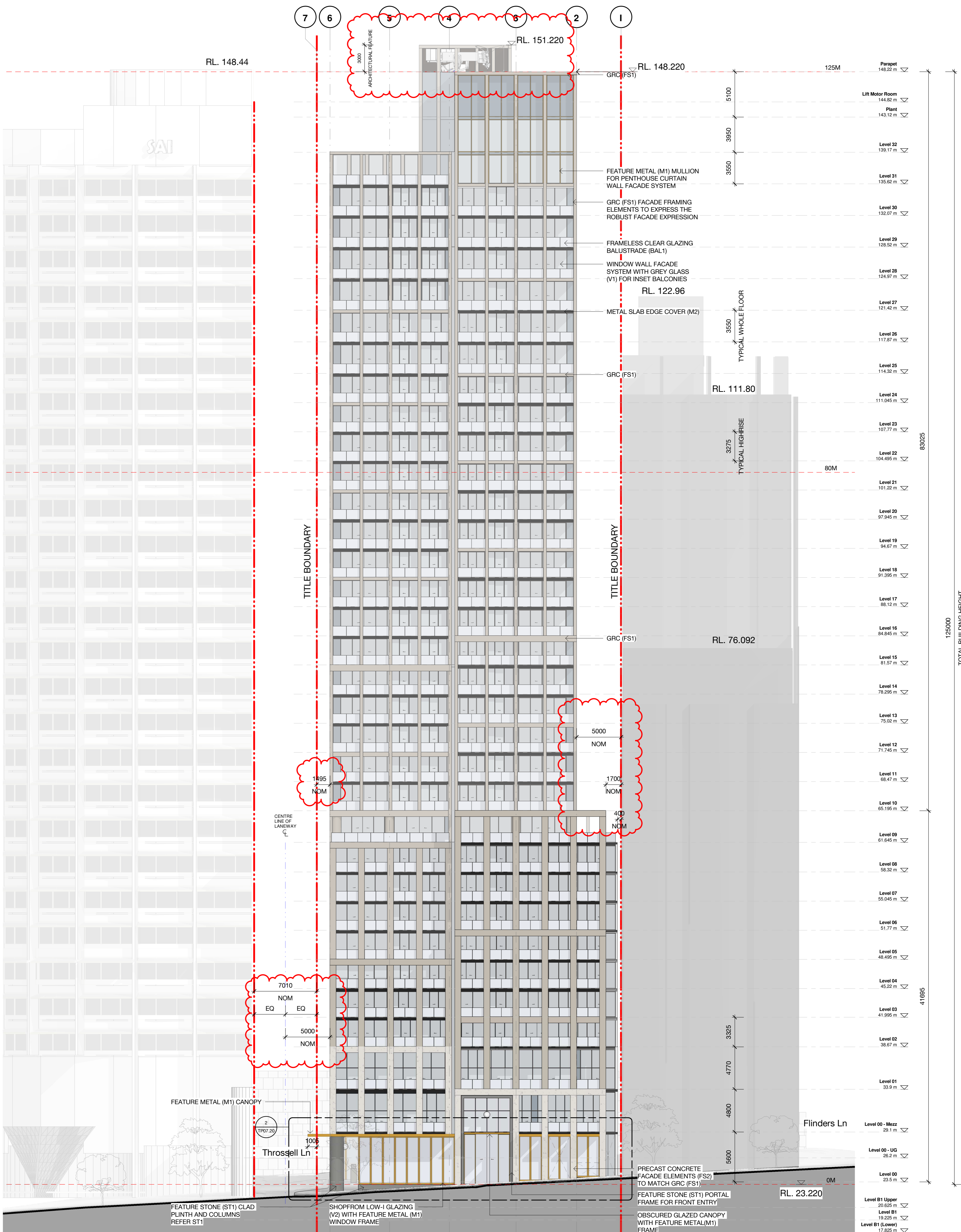
Status	Town Planning		
Scale	1 : 100	@	A1
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	18/05/2018 7:43:02 AM		
BIM			

Drawing no.	Revision
TP02.34	A

**Melbourne** 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
 T 03 8664 6200 F 03 8664 6300  
 email mel@batesmart.com.au  
 http://www.batesmart.com.au

**Sydney** 43 Brisbane Street  
 Surry Hills NSW 2010 Australia  
 T 02 8354 5100 F 02 8354 5199  
 email syd@batesmart.com.au  
 http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400



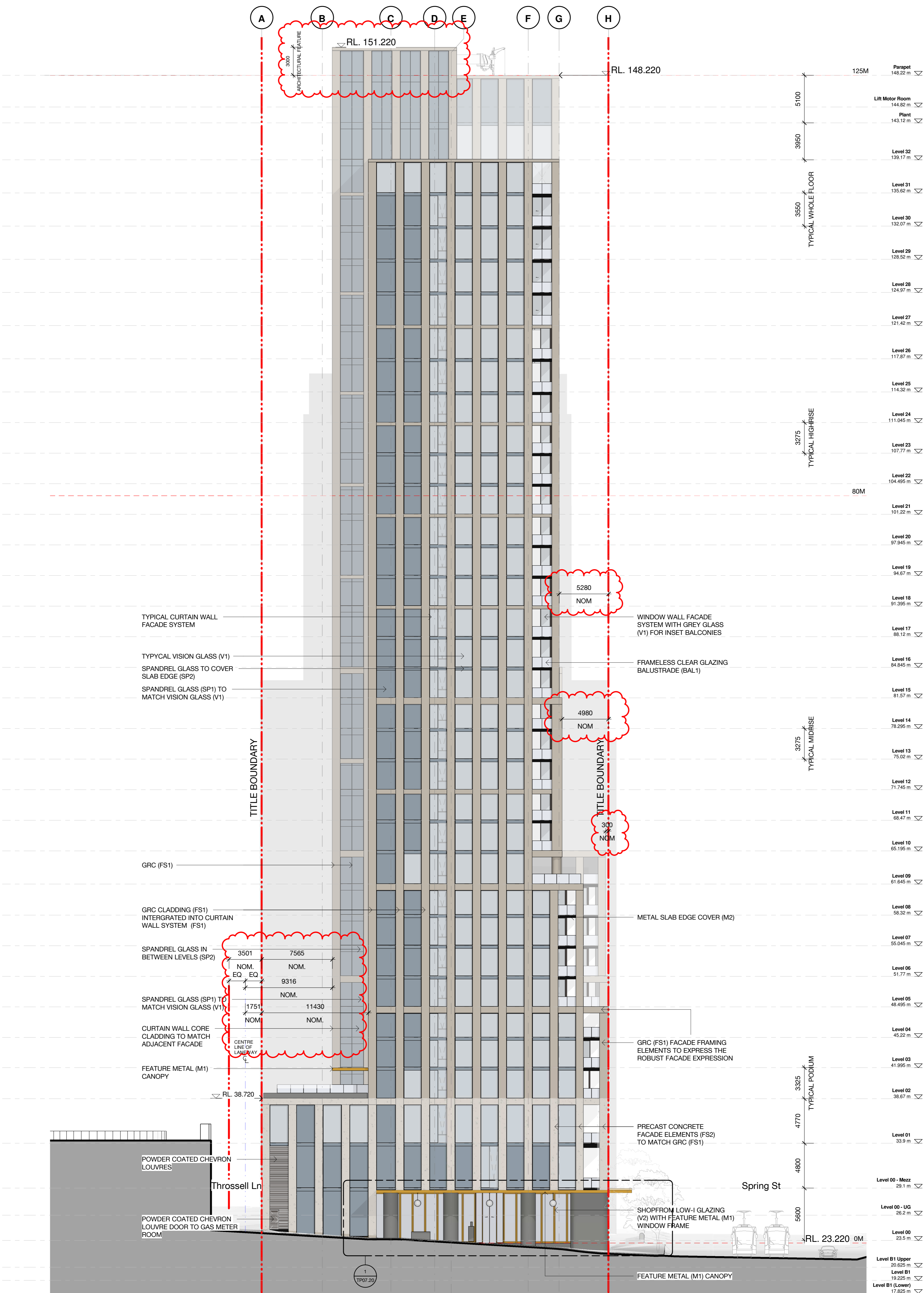
Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and on the fabrication of any components. Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification. All drawings may not be reproduced or distributed without prior permission from the architect.

Status	Town Planning	Revision	A
Scale	1 : 200	@ A1	
Drawn	LC	Checked	LC
Project No.	M12143		
Plot Date	11/05/2018 4:37:46 PM		
BIM			
Drawing no.	TP07.01	Revision	A
Melbourne	1 Nicholson Street Melbourne VIC 3000 Australia T 03 8664 6200 F 03 8664 6300 email syd@batesSMART.com.au http://www.batesSMART.com.au	Sydney	43 Brisbane Street Sydney Hills NSW 2010 Australia T 02 8354 5100 F 02 8354 5199 email syd@batesSMART.com.au http://www.batesSMART.com.au
Bates Smart Pty Ltd ABN 70 004 999 400			

**13 Spring Street, Melbourne**  
External Elevations  
East Elevation

Revision	11/05/18 TP Amendments	Description	Initial	Checked
Author	DA			





Check all dimensions and site conditions prior to commencement of any work. The purchaser or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components. Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification. All drawings may not be reproduced or distributed without prior permission from the architect.

Author: 11/05/18 TP Amendments Description: Initial Checked: A2/LC  
 Revision: Drawn: Description: Initial Checked:

**13 Spring Street, Melbourne**  
**External Elevations**  
**South Elevation**

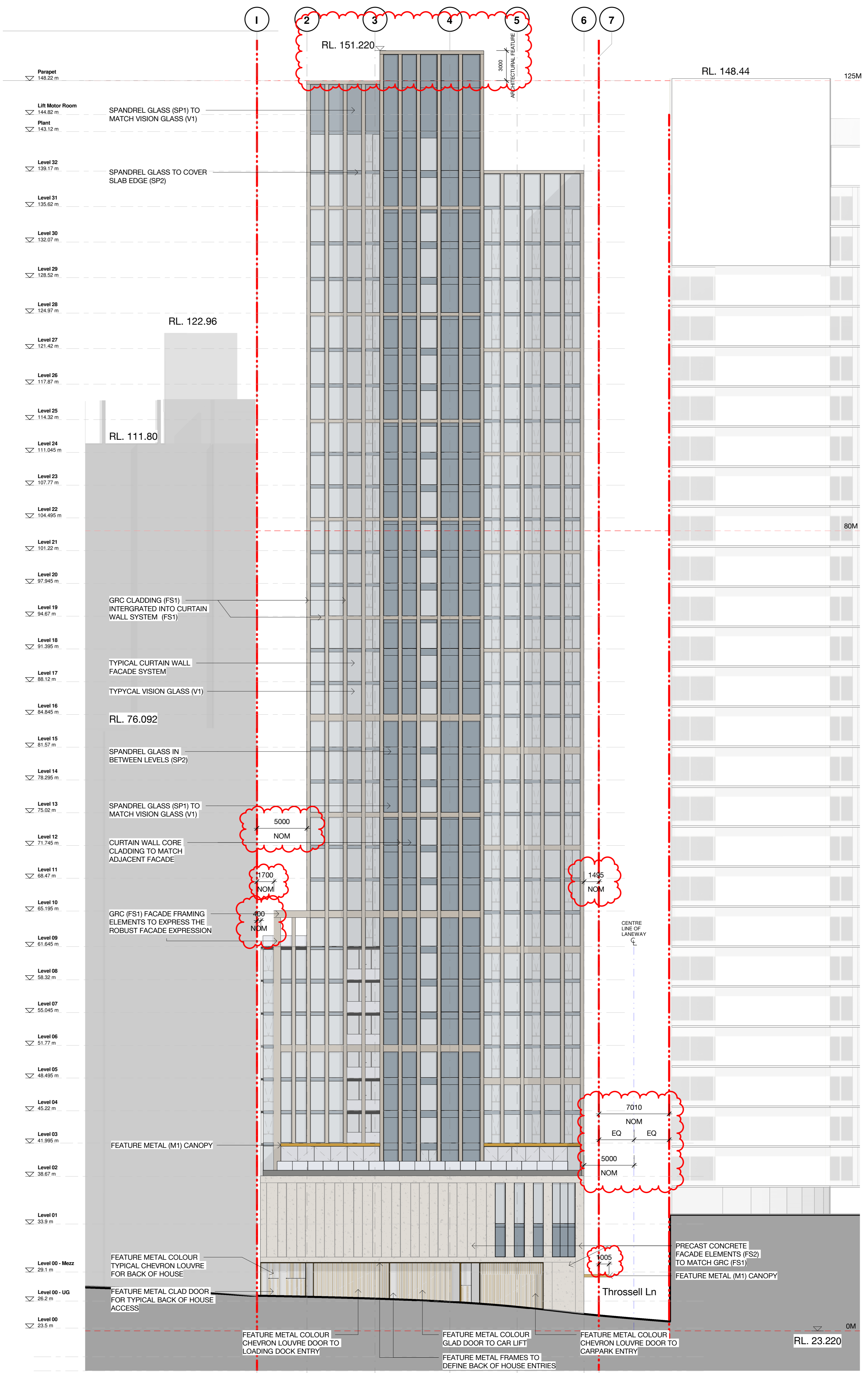
Status	Town Planning	Revision	A
Scale	1 : 200	Checked	LC
Drawn	LC	Project No.	M12143
Project No.	M12143	Plot Date	11/05/2018 4:39:22 PM
Plot Date	11/05/2018 4:39:22 PM	BIM	
Drawing no.	TP07.02	Revision	A

Melbourne: 1 Nicholson Street, Melbourne VIC 3000 Australia  
 T 03 8664 6200 F 03 8664 6300  
 email: mel@batesmart.com.au  
 http://www.batesmart.com.au

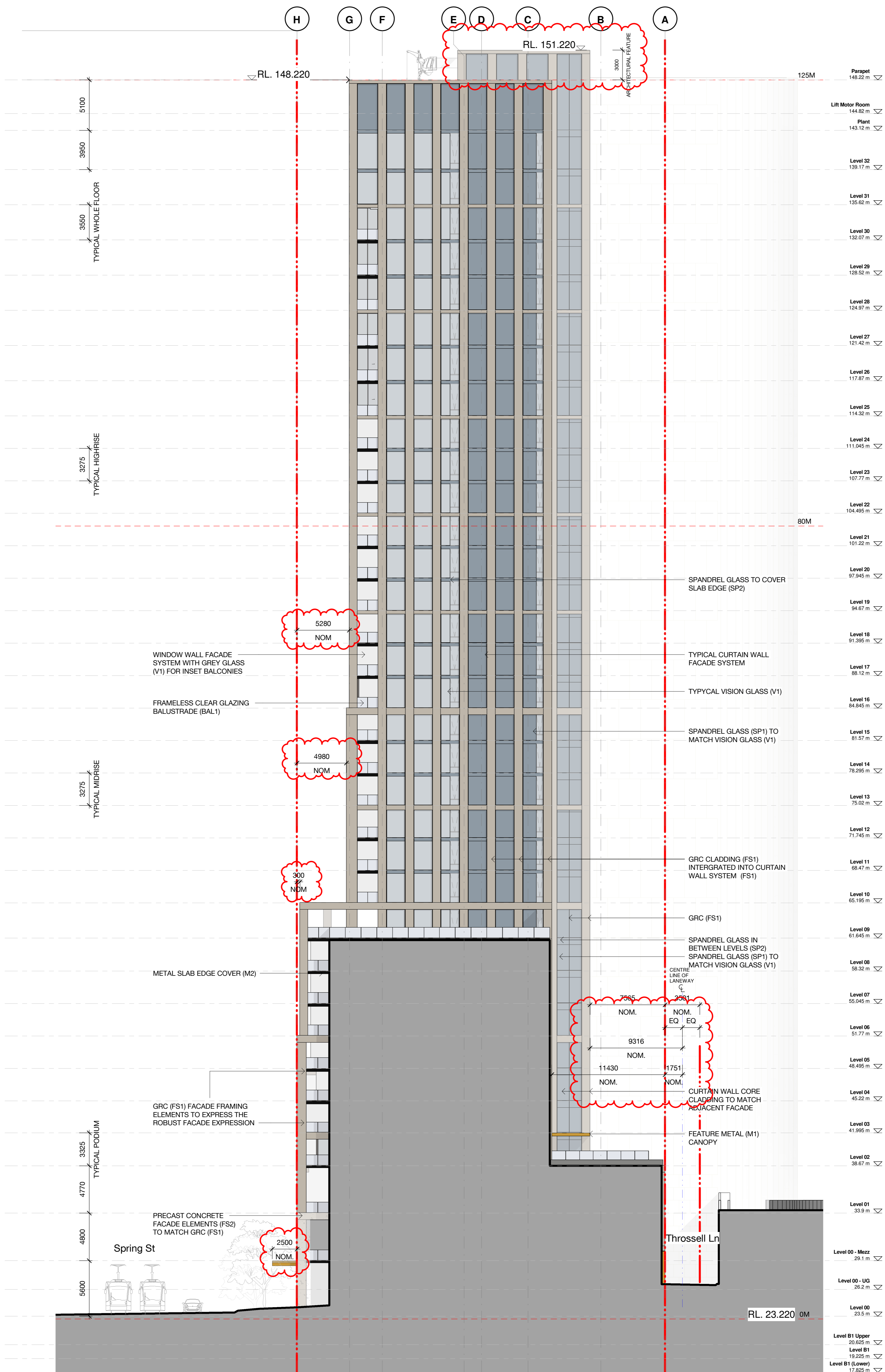
Sydney: 43 Brisbane Street, Surry Hills NSW 2010 Australia  
 T 02 8554 5100 F 02 8554 5199  
 email: syd@batesmart.com.au  
 http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400









Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

Sydney 43 Brisbane Street  
Sydney Hills NSW 2010 Australia  
T 02 8534 5100 F 02 8534 5199  
email syd@batesmart.com.au  
http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

Drawing no.	Revision
<b>TP07.04</b>	<b>A</b>
Status	Town Planning
Scale	1 : 200 @ A1
Drawn	LC
Project No.	M12143
Plot Date	11/05/2018 4:42:47 PM
BIM	

**13 Spring Street, Melbourne**  
**External Elevations**  
**North Elevation**

Revision	Date	Description	Initial	Checked
1				

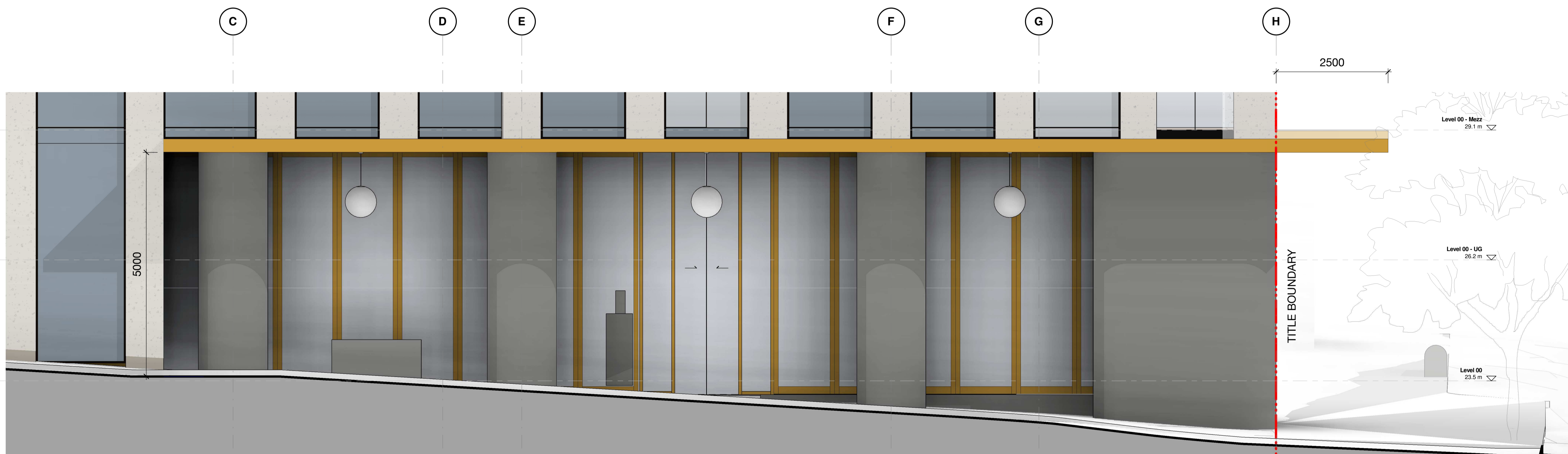
Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or fabrication of any components. Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification. All drawings may not be reproduced or distributed without prior permission from the architect.



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
 Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
 All drawings may not be reproduced or distributed without prior permission from the architect.



2 East Canopy  
 TP07.07 Elevation 1:50



1 South Canopy  
 TP07.07 Elevation 1:50

Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments	AZ/LC	

13 Spring Street, Melbourne

External Elevations  
 Porte Cochere Canopy Elevations

Status	Town Planning
Scale	1:50 @ A1
Drawn	LC Checked LC
Project No.	M12143
Plot Date	11/05/2018 4:13:45 PM
BIM	

Drawing no.	Revision
TP07.20	A

Melbourne 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
 T 03 8664 6200 F 03 8664 6300  
 email mel@batesmart.com.au  
 http://www.batesmart.com.au

Sydney 43 Brisbane Street  
 Surry Hills NSW 2010 Australia  
 T 02 8354 5100 F 02 8354 5199  
 email syd@batesmart.com.au  
 http://www.batesmart.com.au

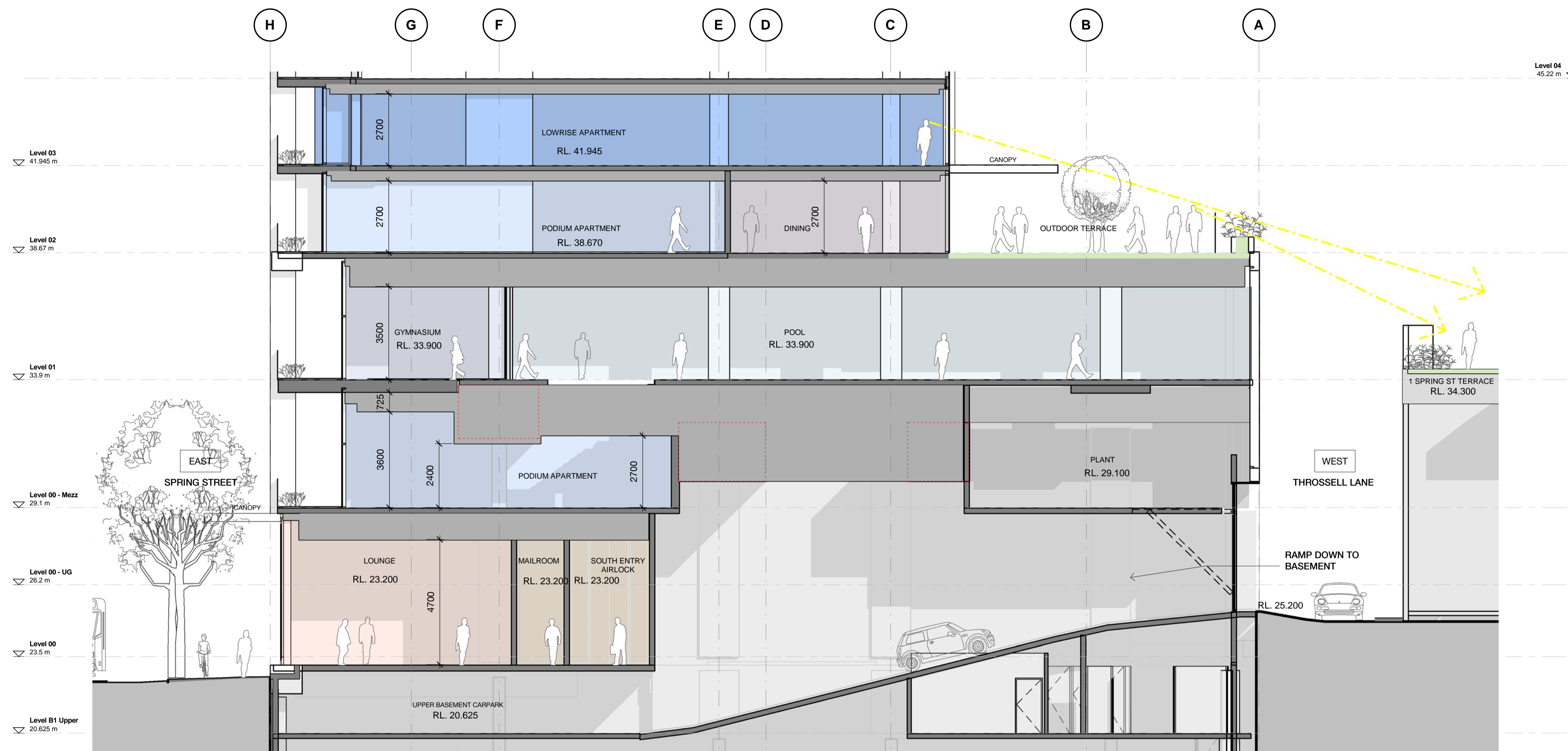
Bates Smart Pty Ltd ABN 70 004 999 400





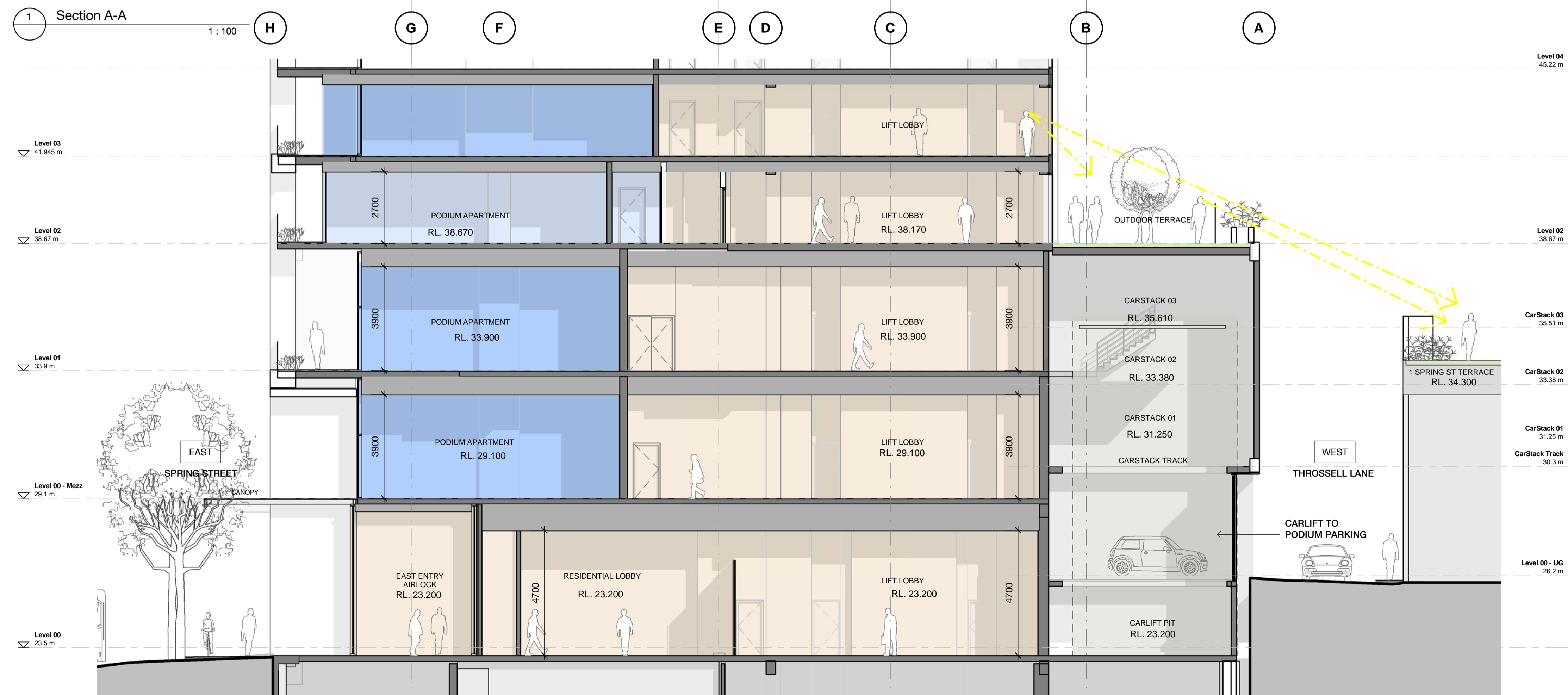


Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components. Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification. All drawings may not be reproduced or distributed without prior permission from the architect.



1 Section A-A

1 : 100



2 Section B-B

1 : 100

Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

### 13 Spring Street, Melbourne

#### East West Sections Sheet 1

Status	Town Planning
Scale	1 : 100 @ A1
Drawn	Author Checked Checker
Project No.	M12143
Plot Date	11/05/2018 4:38:10 PM
BIM	

Drawing no. **TP08.51** Revision **A**

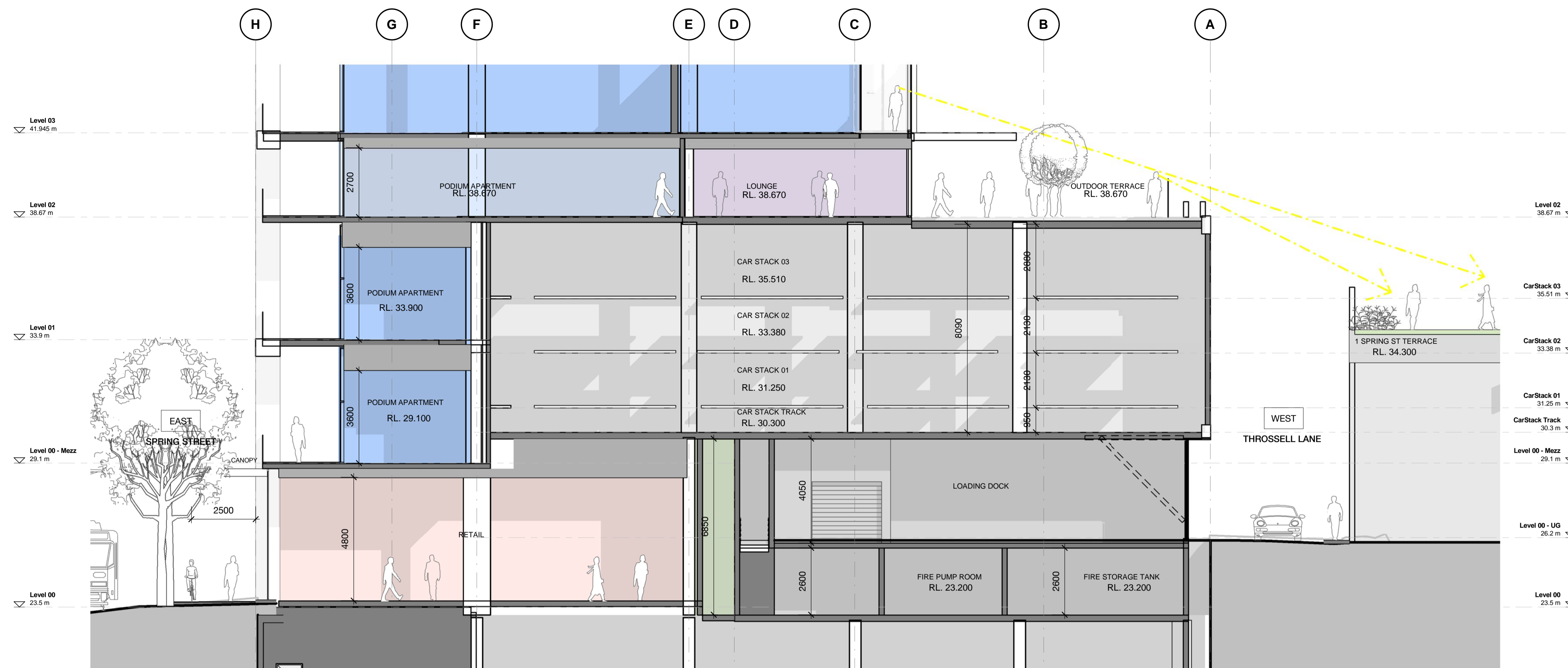
Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

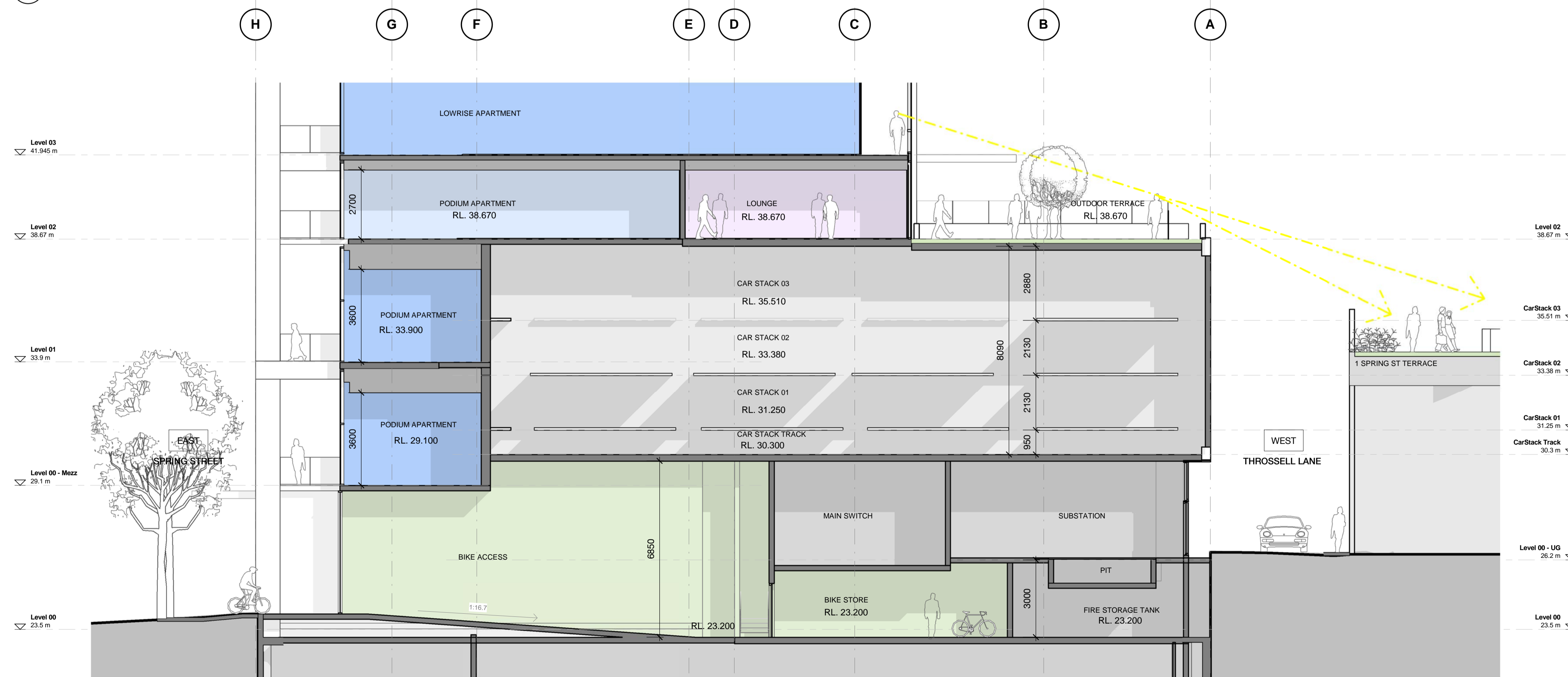


Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components. Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification. All drawings may not be reproduced or distributed without prior permission from the architect.



1 Section C-C

1 : 100



2 Section D-D

1 : 100

Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

## 13 Spring Street, Melbourne

### East West Sections Sheet 2

Status	Town Planning			
Scale	1 : 100	@	A1	
Drawn	Author	Checked	Checker	
Project No.	M12143			
Plot Date	11/05/2018 4:39:28 PM			
BIM				

Drawing no.	Revision
<b>TP08.52</b>	<b>A</b>

Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

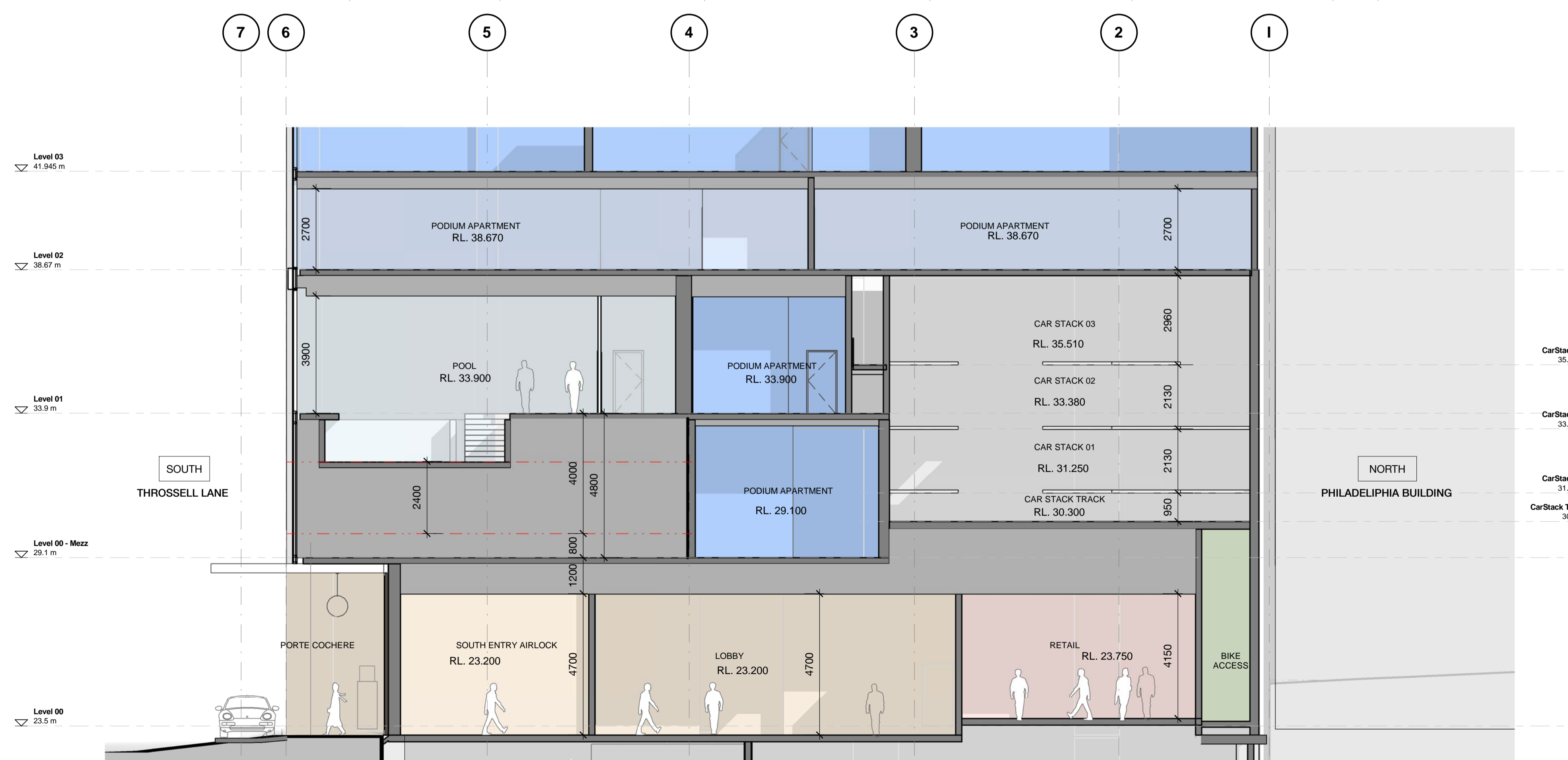
Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
http://www.batesmart.com.au

Bates Smart Pty Ltd ABN 70 004 999 400

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
All drawings may not be reproduced or distributed without prior permission from the architect.



1 Section E-E  
1:100



2 Section F-F  
1:100

Revision	Date	Description	Initial	Checked
A	11.05.18	TP Amendments		AZ/LC

13 Spring Street, Melbourne  
North South Sections Sheet 3

Status	Town Planning		
Scale	1:100 @ A1		
Drawn	Author	Checked	Checker
Project No.	M12143		
Plot Date	11/05/2018 4:40:04 PM		
BIM			

Drawing no. **TP08.53** Revision **A**  
 Melbourne 1 Nicholson Street  
 Melbourne VIC 3000 Australia  
 T 03 8664 6200 F 03 8664 6300  
 email mel@batesmart.com.au  
 http://www.batesmart.com.au  
 Sydney 43 Brisbane Street  
 Surry Hills NSW 2010 Australia  
 T 02 8354 5100 F 02 8354 5199  
 email syd@batesmart.com.au  
 http://www.batesmart.com.au  
 Bates Smart Pty Ltd ABN 70 004 999 400











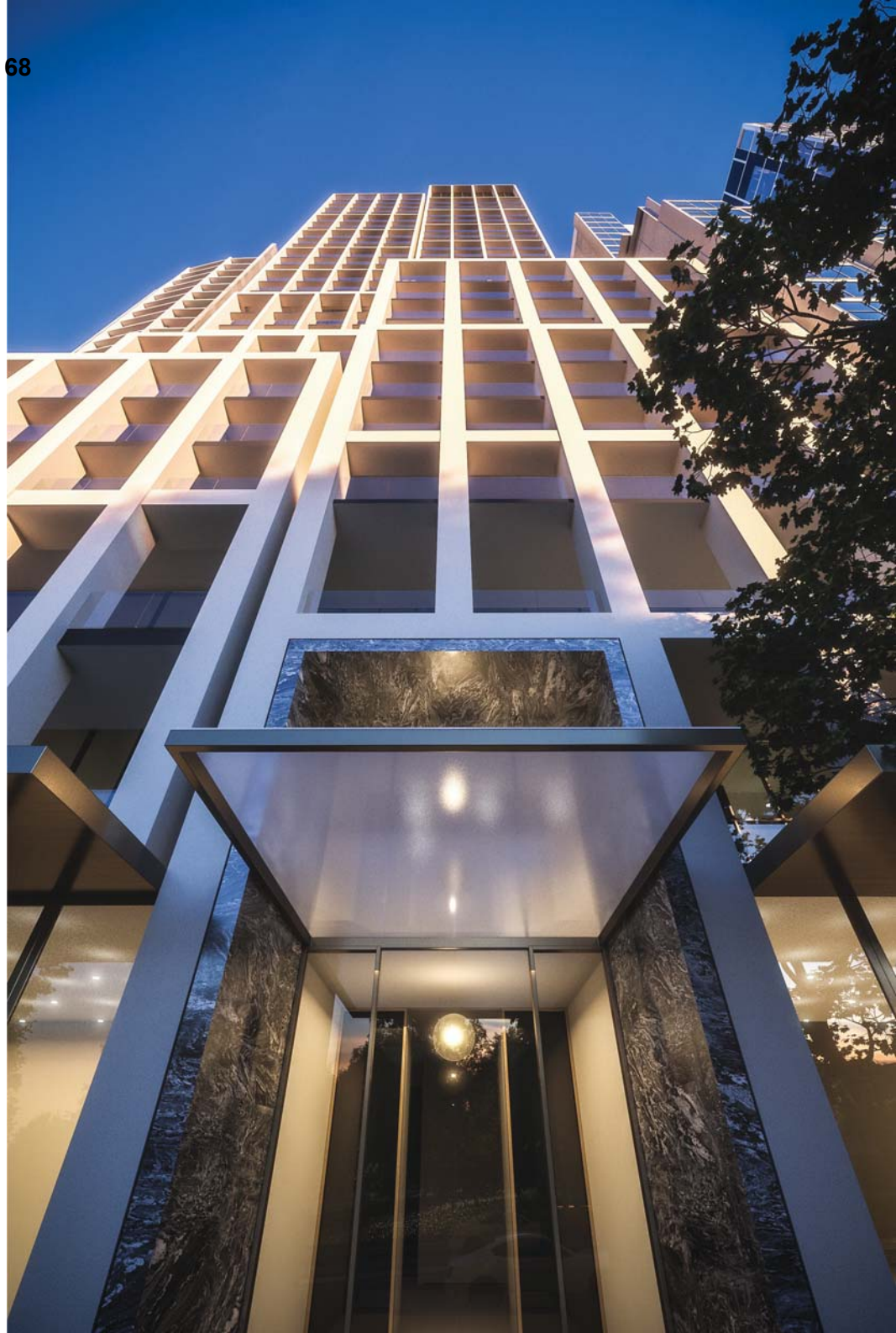












**DELEGATE REPORT****MINISTERIAL PLANNING REFERRAL**

<b>Application number:</b>	<b>TPMR-2018-11</b>
<b>DELWP Application number:</b>	PA1800351
<b>Applicant/Owner/Architect:</b>	CBUS Property Pty Ltd / CBUS Property Pty Ltd c/o- Urbis Pty Ltd / Bates Smart Pty Ltd
<b>Address:</b>	Mercure Melbourne Treasury Gardens, 13-23 Spring Street, Melbourne
<b>Proposal:</b>	Demolition of the existing building and construction of a multi-storey building to be used as dwellings and retail (other than adult sex book shop, department store, hotel, supermarket and tavern) and an increase in the statutory car parking rate
<b>Cost of works:</b>	\$100 million
<b>Date received by City of Melbourne:</b>	11 April 2018
<b>Responsible officer:</b>	Ashley Treloar
<b>Report Date:</b>	3 July 2018
<b>(DM# 11754579)</b>	

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

The site is located on the west side of Spring Street, approximately 40m north of Flinders Street and 20m south of Flinders Lane. Throssell Lane adjoins the west and south boundaries.

The site has a rectangular shape with a 34.35m frontage to Spring Street, a depth of 37.22m and an area of 1,269m<sup>2</sup>.

The site has a 4m level change from northwest to southeast and is developed with the Mercure Melbourne Hotel; a 12 storey concrete building with basement car park constructed in 1972.

The site is formally described as:

- Lot 1 on Title Plan 369111T and Volume 01679, Folio 745.
- Lot 1 on Title Plan 3244518P or Volume 08503, Folio 235.
- Lot 1 on Title Plan 608636B or Volume 08782, Folio 215.

The site is not affected by any restrictive covenants and benefits from a carriage way easement over Throssell Lane.

**1.2 Surrounds**

The site is located at the edge of the Central City, opposite Treasury Gardens.



Spring Street is commonly known for its heritage buildings including Parliament House, Old Treasury Building, Hotel Windsor, Princess Theatre and Alcaston House.

The site is located at the southern end of Spring Street in a cluster of high-rise buildings, including:

- 1 Spring Street (Shell House); a 28 storey office tower by Harry Seider constructed 1989. This building is affected by a site specific Heritage Overlay Schedule 637 and is included on the Victorian Heritage Register (Ref No H2148).
- 31 Spring Street (Philadelphia Building); a 25 storey residential tower constructed 2001 with remnants of the 12 storey concrete office building constructed 1974.
- 35 Spring Street; a recently completed 42 storey residential tower.

Recent approvals in the surrounding area include:

- 85 Spring Street (Golden Age); a 39 storey residential tower due to commence construction in late 2018.
- 26 Flinders Street (Hotel Lindrum); a 30 storey tower above the heritage building comprising a hotel and apartments.
- 32 Flinders Street; a 56 storey tower to Flinders Street and a 15-storey building to Flinders Lane for commercial and residential purposes.

The site has excellent access to open space and public transport infrastructure, including:

- Treasury Gardens, 35m east
- Fitzroy Gardens, 290m east
- Birrarung Marr, 550m south
- Parliament Gardens, 500m north
- Parliament Station, 290m north
- Flinders Street Station, 900m southwest
- Tram routes 11, 12, 48 and 109 on Spring Street
- Tram routes 35, 70 and 17 on Flinders Street
- Tram routes 86 and 96 on Bourke Street

Aerial Photograph (Source: Council’s GIS Map dated 4 April 2018)



Aerial Photograph (Source: Bates Smart Pty Ltd date unknown)



## 2. THE PROPOSAL

The plans referred to the City of Melbourne for comment are those received 24 May 2018 following DELWPs request for further information.

Details of the proposal can be summarised as follows:

<b>Gross floor area (GFA)</b>	28,110m <sup>2</sup>
<b>Floor area ratio</b>	17.9:1
<b>Building height</b>	Total height: 125.22m (148.22m AHD) Total storeys: 34 (GF, mezzanine and 32 levels)
<b>Podium height</b>	Podium height: 38.15m (61.65 AHD) Podium storeys: 11 (GF, mezzanine and 8 levels)
<b>Tower setbacks</b>	North: 5m from side boundary South: 5m from centre of lane



	<p>East: 5m from front boundary</p> <p>West: 9.3m and 13.2m from centre of lane</p>
<b>Dwellings</b>	<p>Total number of dwellings: 84</p> <p>1 bedroom dwellings: 6 (7%)</p> <p>2 bedroom dwellings: 24 (29%)</p> <p>3 bedroom dwellings: 49 (58%)</p> <p>4 bedroom dwellings: 5 (6%)</p>
<b>Communal areas</b>	<p>Total communal areas: 1,101m<sup>2</sup></p> <p>Indoor: 730m<sup>2</sup> (GF, L1 and L2)</p> <p>Outdoor: 371m<sup>2</sup> (L1 and L2)</p>
<b>Retail units</b>	<p>Total number of retail units: 1 (140m<sup>2</sup>)</p>
<b>Parking spaces</b>	<p>Total car parking spaces: 148</p> <p>Total motorcycle parking spaces: 2</p> <p>Total bicycle parking spaces: 43</p>
<b>Vehicle access</b>	<p>Vehicle access to the car parking in basement levels 1 to 4 is via a ramp off Throssell Lane (north-south section).</p> <p>Vehicle access to the car parking in the mezzanine and L1 is via a car lift off Throssell Lane (north-south section).</p> <p>A kerbside porte-cochere adjoins the south boundary with vehicle access via Throssell Lane (east-west section).</p>
<b>Loading/unloading</b>	<p>A loading dock is located at GF with vehicle access via Throssell Lane (north-south section).</p>

3D Renders (Source: Bates Smart Pty Ltd)





### 3. BACKGROUND

#### Pre-application discussions

A pre-application meeting was held and attended by the applicant, DELWP and the City of Melbourne (PA-2017-594) prior to the application being lodged.

The proposal was also subject to a design review by the Office of the Victorian Government Architect (OVGA).

#### Site history

There is no relevant history or background for this application.

### 4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	Clause 9 – Plan Melbourne Clause 10.01 – Integrated Decision Making Clause 11.06 – Metropolitan Melbourne Clause 15.01 – Urban Environment Clause 15.02 – Sustainable Development Clause 16.01 – Residential Development Clause 17.01 – Commercial Clause 18.02 – Movement Networks Clause 19.03 – Development Infrastructure
Municipal Strategic Statement	Clause 21.03 – Vision Clause 21.04 – Settlement Clause 21.06 – Built Environment and Heritage Clause 21.07 – Housing



	<p>Clause 21.08 – Economic Development</p> <p>Clause 21.09 – Transport</p> <p>Clause 21.10 – Infrastructure</p> <p>Clause 21.12 – Hoddle Grid</p>
Local Planning Policies	<p>Clause 22.01 – Urban Design within the Capital City Zone</p> <p>Clause 22.02 – Sunlight to Public Spaces</p> <p>Clause 22.19 – Energy, Water and Waste Efficiency</p> <p>Clause 22.20 – CBD Lanes</p> <p>Clause 22.23 – Stormwater Management</p>

Statutory Controls	
Capital City Zone Schedule 1	<p>A permit is required to demolish or remove a building or works.</p> <p>A permit is required to construct a building or construct or carry out works.</p> <p>A permit must not be granted to construct a building or construct or carry out works with a floor area ratio in excess of 18:1 on land to which DDO10 applies unless:</p> <ul style="list-style-type: none"> <li>• a public benefit as calculated and specified in a manner agreed to by the responsible authority is provided; and</li> <li>• the permit includes a condition (or conditions) which requires the provision of a public benefit to be secured via an agreement made under section 173 of the Planning and Environment Act 1987.</li> </ul>
Design and Development Overlay Schedule 10	<p>A permit is required to construct a building.</p> <p>The provisions of the overlay relate to built form, wind effects and overshadowing.</p>
Parking Overlay Schedule 1	<p>A permit is required to provide car parking spaces in excess of the car parking rates in clause 3.0, which require that where a site is used partly for dwellings and partly for other uses, the maximum number of spaces allowed:</p> <ul style="list-style-type: none"> <li>• for that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling.</li> <li>• for that part of the site devoted to other uses, (excluding common areas serving the dwellings) must not exceed the number calculated using one of the following formulas:</li> </ul> $\frac{5 \times \text{net floor area of buildings on that part of the site in m}^2}{1000 \text{ m}^2}$ <p style="text-align: center;">or</p> $\frac{12 \times \text{that part of the site area in m}^2}{1000 \text{ m}^2}$ <p>A permit is required to increase the car parking rate for the dwelling component by 64 spaces (148 spaces for 84 dwellings).</p> <p>All buildings that provide car parking must provide motorcycle parking at a minimum rate of one (1) motorcycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a</p>

	<p>lesser number is sufficient.</p> <p>The proposal meets the motorcycle parking requirement.</p>
--	---

Particular Provisions	
<p>Clause 52.06 Car Parking</p>	<p>A permit is required to provide more than the maximum parking provision specified in a schedule to the Parking Overlay.</p> <p>Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>A permit may be granted to vary, reduce or waive the bicycle requirements, which are:</p> <ul style="list-style-type: none"> <li>• Dwellings in developments of four or more storeys: <ul style="list-style-type: none"> <li>• 1 resident space to each 5 dwellings</li> <li>• 1 visitor space to each 10 dwellings</li> </ul> </li> <li>• Retail premises: <ul style="list-style-type: none"> <li>• 1 employee space to each 300m<sup>2</sup> leasable floor area</li> <li>• 1 shopper space to each 500m<sup>2</sup> leasable floor area</li> </ul> </li> </ul> <p>The development exceeds the bicycle parking requirement. As such, no permit is required.</p>
<p>Clause 58 Apartment Developments</p>	<p>An apartment development in the Capital City Zone must:</p> <ul style="list-style-type: none"> <li>• Meet all of the objectives of this clause</li> <li>• Should meet all of the standards of this clause.</li> </ul>

General Provisions	
<p>Clause 61.01 Administration and Enforcement of this Scheme</p>	<p>The Minister for Planning is the responsible authority for this application as the gross floor area of the development exceeds 25,000 square metres.</p>
<p>Clause 65 Approval of an Application or Plan</p>	<p>The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause, which include the matters set out in Section 60 of the Planning and Environment Act 1987.</p>
<p>Clause 66.02 Use and Development Referrals</p>	<p>The Minister for Planning is responsible for referrals of the kind listed in Clauses 66.02-11.</p>
<p>Clause 66.04 Referral of Permit Applications under Local Provisions</p>	<p>The Minister for Planning has referred the application to Melbourne City Council (recommending referral authority).</p>

## 5. PUBLIC NOTIFICATION

The application is exempt from notice and review pursuant to Clause 37.04-1 (Capital City Zone Schedule 1), Clause 43.02-2 (Design and Development Overlay Schedule 10) and Clause 52.06-4 (Car Parking).



## 6. REFERRALS

The application was referred to the following internal departments, who provided the following comments (summarised):

### 6.1 Urban Design

#### Site layout

- Services are appropriately located to the laneway frontages to prioritise activation to Spring Street.
- The porte-cochere removes vehicles from Spring Street and Flinders Lane and is setback to maintain the operation of Throssell Lane.

#### Massing

- The tower form is generally supported. It respects the local context and doesn't overwhelm the important heritage building at 1 Spring Street.
- The street wall is an appropriate response to the Philadelphia Building and maintains the prevailing street wall height and rhythm.
- The transition of both the street wall and tower, stepping away from Shell House to the Philadelphia Building is supported.
- The splitting of both the podium and tower into two vertical elements and varying the parapets is supported as it breaks-up the bulk and mass and contributes to a human scale.
- The modified requirement is a positive response to DDO10. The tower is oriented to maximise outlook to the public realm and minimise views to the blank walls of the adjacent buildings.

#### Building program

- We have concerns with the volume of car parking.
- Above ground car parking in the central city is generally discouraged. However in this instance, we support sleeving this space and the lack of sloped floorplates which permit future adaptability.
- Residential amenity is generally high. Within the podium levels, one apartment on each floor has outlook to the rear, however the separation distance provides acceptable outlook.
- The residential lounge on the corner of Spring Street and Throssell Lane is not supported. Our preference is for a non-residential use to active the public realm and provide a destination.

#### Public interfaces

- Deep airlocks that remove the visual connection between the interior and exterior at arrival points are generally discouraged. However in this instance, this arrangement can be supported if the corners to adjacent tenancies are glazed to allow oblique views.
- The colonnade design to the porte-cochere appears to obscure sightlines from Spring Street and should adhere to Crime Prevention through Environmental Design (CPTED) principles.
- The location and separation of the bike entrance from vehicle and pedestrian movement is positive. However, the recess and potential entrapment space should be removed as shown on the Urban Design Response Package dated 19 June 2018 Revision 00.

- The lower level interface with Throssell Lane could be enhanced by:
  - Relocating the pool and gym to actively express the upper podium levels.
  - Expressing the precast concrete panels that conceal the car stackers to reflect the intention to retrofit.

Design quality

- The positive massing is weakened by the rectilinear grid with minimal variation across the façade, which has the effect of visually unifying the different volumes of the podium and tower. Further exploration of the expression is required to achieve distinction between the parts.
- The elevated renders make it difficult to assess the success of the façade strategy. Further renders from 1.6m above street level should be submitted to demonstrate the proportions and modulation of the rectilinear grid from key approaches.
- The external materials and masonry selection are strongly supported. The masonry columns provide depth, light and shade across the façade. The window treatment at ground floor is strongly supported, including the stone plinth, steel mullions and non-reflective glazing. It is imperative that the design quality is achieved through the proposed materials and not substituted for interior materials.

**6.2 Traffic**

Parking provision

The development includes 148 car parking spaces for 84 dwellings, allocated as follows:

Car parking allocation	
1 bedroom dwellings	0 spaces
2 bedroom dwellings	1 space per dwelling
3 bedroom dwellings	2 spaces per dwelling
Half and whole floor dwellings	3-4 spaces per dwelling

The car parking provision is acceptable having regard to the size of the dwellings.

A condition should be included on any permit limiting the use of the car parking to residents or employees of the retail component on the site.

The provision of 2 motorcycle parking spaces meets the requirement for 1 motorcycle parking space for each 100 car parking spaces.

Clause 52.34 requires 17 bicycle parking spaces for residents and 8 spaces for visitors. A total of 43 spaces are proposed; 32 within the bike store on Lower Level 00 and 11 within the bike store on Level 00. Engineering Services are concerned that the secure bike store is not convenient for visitors and recommend that 8 external spaces be provided.

Access and layout

Internally, the ramp turns 90 degrees to enter the basement with no radius specified for the inside turn. Vehicles entering the basement will need to swing wide, and as a result cars in both directions will not be able to pass at this location. To ensure visibility, a convex mirror is proposed at the opposite corner of the ramp. Engineering Services consider this arrangement to be acceptable given the low number of vehicles using the basement.



Full sight triangles should be provided on both sides of all vehicle accesses as pedestrians and cyclists may use Throssell Lane in the northbound direction, notwithstanding that it is one-way (southbound). If this is not possible, convex mirrors should be mounted, particularly at the car cabin which has restricted sightlines. Throssell Lane will be made a 'shared zone' in the near future.

The canopy to the porte-cochere extends beyond the title boundary and should be redesigned to avoid damage to vehicles that are likely to use Throssell Lane.

Consideration should be given to improving the waiting area for cars to be retrieved from the parking system and increasing the size of the spaces to allow for larger, luxury vehicles.

#### Loading

A loading area for deliveries and waste collection is proposed on Level 00 with access via Throssell Lane. It appears that the loading bay will accommodate an 8.8m service vehicle, which is acceptable.

#### Traffic generation and traffic impact

Engineering Services accepts that traffic generation will be relatively low and the impact on the road network will be acceptable. It is noted that delays to traffic in Throssell Lane will increase as traffic volumes increase.

### **6.3 Waste**

Engineering Services has reviewed the waste management plan (WMP) for this development and found it to be acceptable. The waste storage and collection arrangements must be in accordance with the WMP prepared by onemilegrid dated 1 June 2018.

### **6.4 Infrastructure**

#### General comments

All projections over the street alignment must conform to Building Regulations 2006, Part 5, Section 505 to 514 as appropriate. Reference may be made to the City of Melbourne's Road Encroachment Operation Guidelines with respect to projections impacting on street trees and clearances from the back of the kerb.

There is a significant fall across the land. This must be taken into account when fixing the floor levels at new vehicle crossings and pedestrian entrances as no localised ramps are allowed at these locations.

#### Recommendation

The Infrastructure Team supports the proposed development, subject to the following conditions:

- Drainage of projections (PR.09)
- Works abutting Council lanes (DET.02)
- Drainage connection underground (DET.11)
- Demolish and construct access (AC.02)
- Roads – Throssell Lane
- Sawn bluestone paths (AC.06)
- Street levels not to be altered (AC.11)
- Street lighting – Spring Street and Throssell Lane
- Existing street lighting not altered without approval (AC.12)

## 6.5 Land Survey

The westernmost 3.5m (or thereabouts) of land in Certificate of Title Volume 8503 Folio 235 (Lot 1 on TP324518P) forms part of the road (Throssell Lane (Corporation Lane No. 1197)). The road was first constructed in or about 1871 at the cost of abutting property owners. The road is under Council's care and management and is treated by Council as a Public Highway. Furthermore, the road is included in Council's Register of Public Roads under the Road Management Act 2004. As such it is a formal public highway as defined in the Local Government Act 1989.

The following condition should be included on any permit:

- Prior to occupation of the development the western most 3.5m (or thereabouts) of the land in Certificate of Title Volume 8503 Folio 235 being Lot 1 on TP324518P which forms part of Throssell Lane, must be vested in Council as a Road on the Plan of Subdivision, unlimited in height and depth.

## 6.6 Urban Forest

There are two mature street trees adjacent the subject site (Elm – assets 1025276 and 1067396) growing in tree plots covered with bonded gravel. Both trees are shown for retention on the drawings but an Arboricultural Impact Assessment (AIA) has not been submitted.

An AIA is required to establish the impact of the demolition and construction activities as well as the canopies and any other infrastructure to be located within the tree protection zones.

The AIA will inform the Tree Protection Plan that should also be required by condition along with a Tree Protection Bond.

The canopy on Spring Street should be redesigned to ensure unrestricted growth of public trees.

## 7. ASSESSMENT

The key issues in the consideration of this application are:

- Built form
- Shadow and wind impacts
- Amenity impacts and equitable development
- Clause 58 and internal amenity
- Parking, traffic and waste
- Environmentally sustainable design

### 7.1 Built form

#### Floor area ratio

The CCZ1 states that a permit must not be granted to construct a building with a floor area ratio in excess of 18.1 on land to which DDO10 applies, unless a public benefit is agreed to and secured by a Section 173 Agreement.

The development has a floor area ratio of 17.9:1 and as such a public benefit is not required.

#### Height

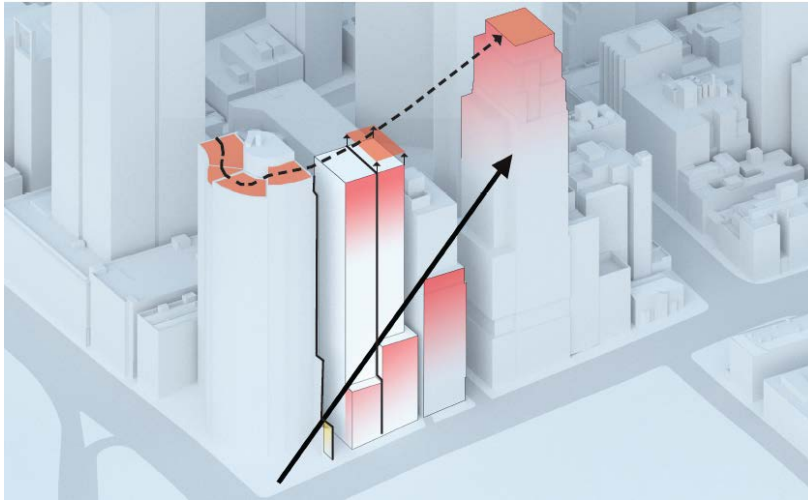
The tower has a total height of 125.22m (148.22m AHD) measured to the top of the parapet from the centre of the site frontage to Spring Street.

The tower sits comfortably between Shell House (136m high) and the Philadelphia Building (88m high) and the wider streetscape, including 35 Spring Street. While taller than Shell House, the tower will not dominate the adjoining heritage building. It



is considered that the robust architectural design of Shell House holds its own as it claims its space at this city corner strongly and effectively. The height proposed at this junction is appropriate.

**Tower transition (Source: Bates Smart Pty Ltd)**



Street wall

The street wall is stepped and has a maximum height of 38.15m (61.65m AHD).

DDO10 has a preferred requirement of 20m and a modified requirement of 40m or 80m where it fronts a public space, such as Treasury Gardens.

The street wall satisfies the modified requirement and achieves the built form outcomes of DDO10. The street wall respects the scale of the adjoining buildings and provides an appropriate graduation in height between the lower blade wall at Shell House and the higher street wall of the Philadelphia Building. It provides a human scale having regard to the width of Spring Street and the large area of open space opposite. It maintains adequate opportunities for daylight, sunlight and sky views at street level.

Building setback above the street wall

DDO10 has a preferred requirement of 10m and a modified requirement of 5m.

The 5m setback above the street wall satisfies the modified requirement and achieves the built form outcomes of DDO10. The tower is slender and distinguished from the podium. It does not visually dominate Spring Street or Treasury Gardens. The street wall and overall height provide an appropriate transition between Shell House and the Philadelphia Building, and maintain the vertical rhythm of the street. The tower does not result in unreasonable shadow and wind impacts as discussed in Section 7.2 of this report.

Side and rear setbacks from the boundary or centre of the lane

DDO10 has a preferred requirement of 5m or 6% of the total building height, whichever is greater. In this instance, 6% of the total building height is greater at 7.51m.

DDO10 has a modified setback requirement for towers exceeding 80m in total height (5m) and the development must meet the design element requirements for tower floorplates.

Proposed setbacks:

West (adjoining Throssell Lane)	The podium is 12.47m high (38.67m AHD). The tower is setback 9.91m and 13.19m from the centre of the lane.
---------------------------------------	---

South (adjoining Throssell Lane)	The podium and tower are setback 5m from the centre of the lane, as such there is no street wall and tower setback.
North (adjoining the Philadelphia Building)	The podium is setback 300mm from the north boundary due to earthquake requirements.  The podium is 15.45m and 38.43m high (38.67m AHD and 61.65m AHD).  The tower is setback 5m from the north boundary.

The side and rear setbacks satisfy the modified requirement and the built form outcomes of DDO10, including those relating to the tower floorplate as discussed below. The development is appropriately sited and massed to respond to the site and its context. The side and rear setbacks allow sun penetration and wind mitigation at street level as discussed in Section 7.2. They also provide for the amenity and equitable development of the adjoining sites as discussed in Section 7.3.

Tower floorplate

The preferred requirement for the tower floorplate is determined by the preferred requirement for side and rear setbacks (7.51m) and the modified requirement for building setback above the street wall (5m), which provides a developable area of 628m<sup>2</sup> for the subject site.

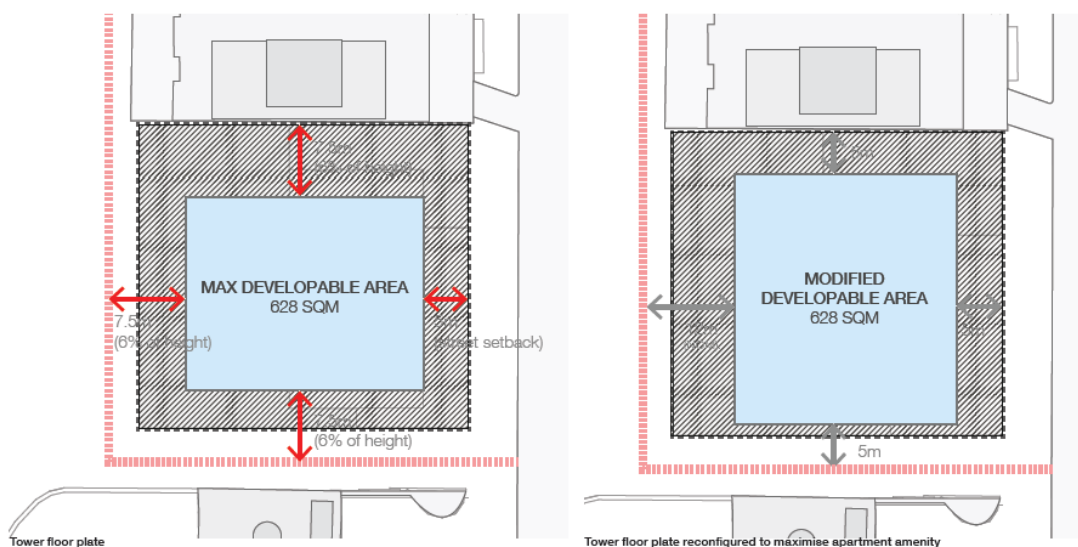
The modified requirement relates to towers exceeding 80m in total height and states that the floorplate may be adjusted in terms of its location and/or shape but must not:

- Result in an increase in the floorplate area;
- Be situated less than 5m from a side or rear boundary or from the centre of the lane;
- Be less than 5m to a street boundary; and
- Be less than 10m to an adjoining tower on the site.

The development satisfies the modified requirement for the tower floorplate as shown in the illustration below.

The location and shape of the tower has been modified so that the longest face addresses Treasury Gardens

**Preferred and modified tower floorplate diagram (Source: Bates Smart Pty Ltd)**





### Design details

The development has received support from Council's Urban Design Team, and satisfies the objectives and policies of Clause 22.01 for the following reasons:

- The development displays high quality urban design and architecture, including materials and details.
- The building envelope, including heights and setbacks, responds to the site's context and sits comfortably within the Spring Street and Throssell Lane streetscapes.
- The podium and tower is broken-up into smaller vertical sections with a balanced composition.
- The expressed columns and masonry grid respect the positive attributes of the streetscape, engage the eye of the pedestrian and provide depth.
- The development provides a human scale and contributes to passive surveillance of Spring Street and Throssell Lane.
- The building has been considered in the round and all visible sides have been designed to a high standard to provide visual interest.
- The stepped roof is integrated as part of the overall form and positively contributes to city skyline.
- The building has a grand residential lounge on the southeast corner with residential entrances on either side. While the Urban Design Team would prefer a non-residential use in this location, the shopfront and residential lobby provide an active frontage and are acceptable.
- The Spring Street entry features a double-storey stone frame. The Throssell Lane entry features a stone colonnade and porte-cochere. The curved shapes of the stone columns complement the blade wall at Shell House. While the Urban Design Team raised concern regarding sightlines, the size, shape and location of the stone columns has been carefully considered from a design and traffic perspective and Engineering Services has raised no objection in this regard.
- To the north of the main entry is a 141m<sup>2</sup> retail tenancy. The northeast corner provides direct access to the loading bay and a floor level closest to street level. The depth of the retail tenancy provides for amenities and back of house facilities.
- The shopfronts have stone plinths and slim metal façade systems. The glazing will be low iron glass with no reflective coating to allow views into the building.
- The car parking sleeving the podium is designed to enable future conversion.
- The development does not project beyond the title boundaries, except for the fire booster on Spring Street and the canopies on Spring Street and Throssell Lane. The ground floor has been setback from Throssell Lane so that the external doors and service cupboards do not project into the road reserve when they are open, closed or being opened or closed.

## **7.2 Shadow and wind impacts**

### Shadow

The site is located in proximity to Treasury Gardens, Birrarung Marr and Wellington Park.

DDO10 states that a permit must not be granted for buildings and works that cast any additional shadow across a space listed within Table 2 during the hours and

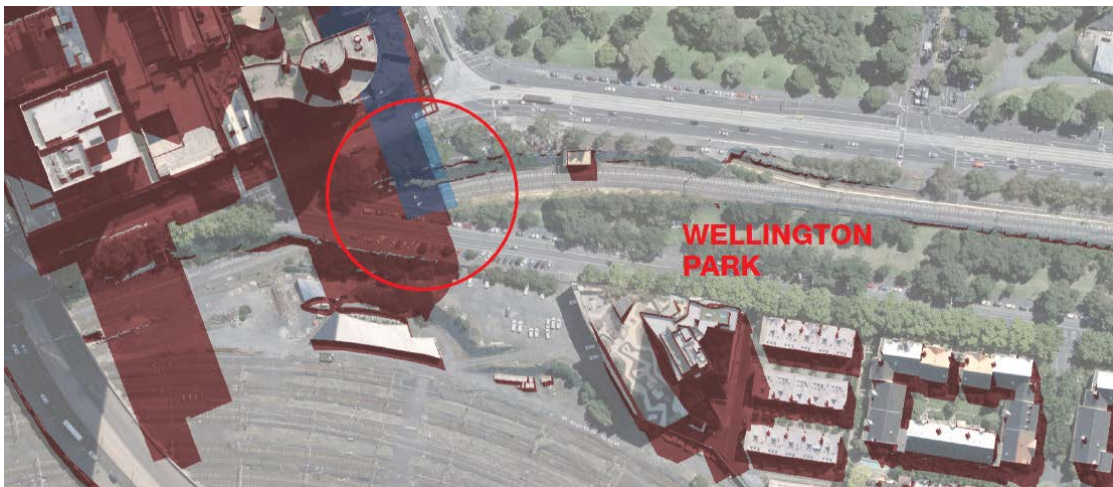
dates specified, unless the overshadowing does not unreasonably prejudice the amenity of the space.

An extract of Table 2 and overshadowing assessment is provided below.

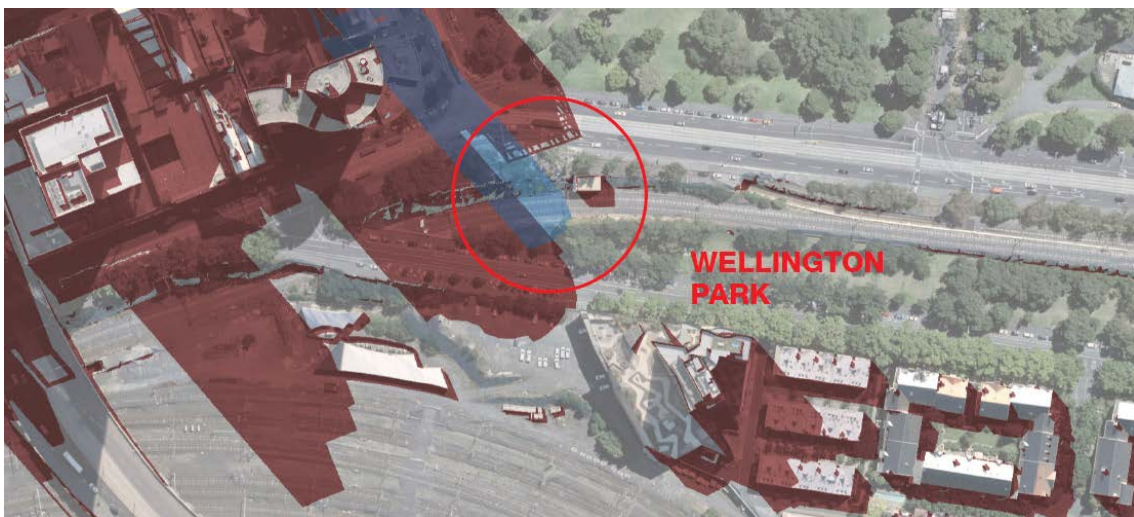
Space	Hours	Dates	Assessment
Treasury Gardens	11am – 3pm	22 Apr – 22 Sept	No additional shadow
Birrarung Marr	11am – 2pm	22 Apr – 22 Sept	No additional shadow
Any public park, including Wellington Park	11am – 2pm	22 Sept	Minor additional shadow at 1pm and 2pm on 22 September

The development will cast minor additional shadow over the western edge of Wellington Park between 1pm and 2pm on 22 September.

Shadow Diagrams (Source: Bates Smart Pty Ltd)



1pm 22 September



2pm 22 September



Wellington Park (Source: Google Maps)



Wellington Park is a tree lined, linear space that serves as a buffer between the railway tracks to the north and the residential and commercial properties to the south. The additional shadow is minor and will not unreasonably prejudice the amenity of the space.

Wind

DDO10 states that a permit must not be granted for a building that would cause unsafe wind conditions and should not be granted for a building that would not achieve comfortable wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40m or half the total height of the building, whichever is greater.

The Wind Assessment by MEL Consulting dated May 2018 concludes that for the proposed configuration, wind conditions for all test locations in the surrounding streets pass the walking criterion and some pass the sitting and standing criterion, which satisfies DDO10.

Wind conditions for the test locations on the outdoor terraces (L2 and L31) pass the standing criterion.

**7.3 Amenity impacts and equitable development**

The development will not adversely affect the amenity or equitable development of the adjoining properties.

North

The Philadelphia Building to the north at 31 Spring Street presents a solid concrete wall to the subject site.

The tower is appropriately setback from all boundaries so as not to adversely affect the adjoining east and west windows and balconies and maintain an appropriate separation between the buildings.

Philadelphia Building (Source: Urbis Pty Ltd)



South

Shell House at 1 Spring Street to the south is an office building with a single bank of north-facing windows above the existing building on the subject site.

Throssell Lane separates the buildings. Shell House is setback 3.5m from the centre of the lane and the development will be setback 5m from the centre of the lane, providing a total separation distance of 8.5m.

The 8.5m separation distance will maintain adequate light and ventilation to the adjoining windows.

Shell House (Source: Urbis Pty Ltd)



West

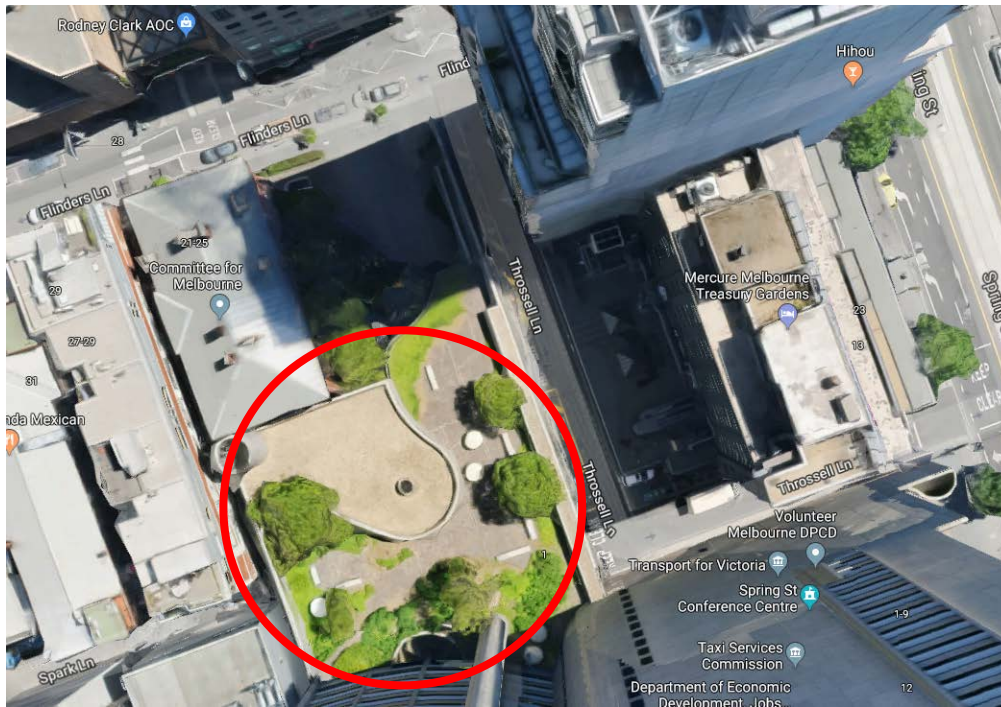
To the west is the raised courtyard of Shell House, approximately 6-7m above ground level.

The podium is 12.47m high and the tower is setback 9.91m and 13.19m from the centre of the lane.

In the event that the adjoining courtyard is developed with a 5m setback from the centre of the lane, this will provide a total separation distance of 14.91m and 18.19m, which is acceptable.



Aerial photo of raised courtyard at the Shell House (Source: Google Maps)



#### 7.4 Clause 58 and internal amenity

The development provides generous apartments that meet all of the objectives of Clause 58. Variations to the standards are discussed below.

##### Standard D8 – Solar access to communal open space

Communal open space is located on L1 (339m<sup>2</sup> west-facing) and L2 (32m<sup>2</sup> east-facing).

Standard D8 requires that 50% or 125m<sup>2</sup> (whichever is lesser) receives a minimum of two hours sunlight between 9am and 3pm on 21 June.

A variation of Standard D8 is acceptable having regard to solar access to the east-facing private balconies and the site's proximity to public open space.

##### Standard D25 – Room depth

Standard D25 requires that single aspect habitable rooms do not exceed a room depth of 2.5 times the ceiling height. The depth of an open plan, single aspect habitable room may be increased to 9m if all of the following are met:

- The room combines the kitchen, dining and living.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7m.

Approximately 90% of the apartments have open plan, single aspect habitable rooms that exceed 9m depth. A variation of Standard D25 is acceptable having regard to:

- The rooms meet the above criteria.
- The development, including the internal layout, is an appropriate design response to the site and its context.
- The rooms have flexible and functional layouts with large windows that provide adequate daylight.

- The apartments are relatively large, starting at 68m<sup>2</sup> for 1 bedroom, 105m<sup>2</sup> for 2 bedrooms, 133m<sup>2</sup> for 3 bedrooms and 410m<sup>2</sup> for 4 bedrooms. A greater room depth is to be expected.

## 7.5 Parking, traffic and waste

### Parking

PO1 has a maximum car parking rate of one space per dwelling. The development includes 148 spaces for 84 dwellings; a rate of 1.8 spaces per dwelling. This ratio is acceptable having regard to the size of the dwellings with 64% being 3-4 bedrooms suitable for families.

The development exceeds the minimum bicycle parking requirement by 18 spaces. Engineering Services raised concern that the secure visitor bike store adjacent the porte-cochere was not convenient for visitors and recommend that eight external spaces be provided. The secure visitor bike store is acceptable as proposed. Reception staff will be on hand to assist visitors.

Motorcycle parking meets the minimum standard.

### Access and layout

Conditions are recommended to address Engineering Services concerns regarding the access and layout.

### Traffic

Engineering Services advised that traffic generation will be relatively low and the impact on the road network will be acceptable.

### Waste

Engineering Services reviewed the waste management plan and found it to be acceptable.

## 7.6 Environmentally sustainable design

Clause 22.19 requires that the development achieve:

- 1 point for Wat-1 credit under the Green Star – Multi Unit Residential rating tool or equivalent.
- 5 star rating under the Green Star – Multi Unit Residential rating tool or equivalent.

The Environmentally Sustainable Design Statement by Umow Lai Pty Ltd dated 19 April 2018 demonstrates that the development has the design potential to achieve:

- 1 point for Wat-1 credit under the Green Star – Design & As Built rating tool.
- 5 star rating under the Green Star – Design & As Built rating tool.
- NatHERS 5 Star individual apartments with a targeted 6.6 Star building average.

A water sensitive urban design response is required by condition in accordance with Clause 22.23.

## 8. CONCLUSION AND OFFICER RECOMMENDATION

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme and that a letter should be sent to DELWP advising that the City of Melbourne does not object to the proposal, subject to the following conditions:

### **Amended Plans**

1. Prior to the commencement of the development, including demolition and bulk excavation, two copies of plans, drawn to scale must be submitted to the Responsible Authority, generally in accordance with the plans prepared by Bates Smart Pty Ltd dated 18 May 2018 Revision A and the City of Melbourne Urban



Design Response Package dated 19 June 2018 Revision 00, but amended to show:

- a) Convex mirrors positioned within the basement to ensure suitable visibility at each end of the ramp.
- b) Full sight triangles on both sides of the vehicle accesses or convex mirrors where this is not possible.
- c) The canopy over the porte-cochere redesigned to avoid damage to vehicles that are likely to use Throssell Lane.
- d) The canopy over Spring Street redesigned to ensure the health of public trees.
- e) Outward opening doors onto the public realm redesigned to comply with Council's Road Encroachment Guidelines.

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.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

### **Materials and finishes**

4. Prior to the commencement of the development, including demolition and bulk excavation, a schedule and sample board including a colour render and notated plan/elevations that illustrate the location and details of all external materials and finishes must be submitted to and be to the satisfaction of the Responsible Authority and when approved will form part of the endorsed plans. All finishes and surfaces of all external buildings and works, including materials and colours must be in conformity with the approved schedule to the satisfaction of the Responsible Authority.

### **Non-reflective glazing**

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

### **Retain architects**

6. Except with the written consent of the Responsible Authority, Bates Smart Pty Ltd must be retained to provide architectural oversight during construction and completion of the detailed design as shown in the endorsed plans and schedule of materials and finishes to the satisfaction of the Responsible Authority.

### **Demolition**

7. Prior to the commencement of demolition or removal of the existing building or works on the land, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:
  - a) If the land remains vacant for 6 months after completion of the demolition;
  - b) Demolition or construction activity ceases for a period of 6 months; or
  - c) Construction activity ceases for an aggregate of 6 months after commencement of the construction

The owner must construct temporary works on the land to the satisfaction of the Responsible Authority.

Prior to the commencement of construction of the temporary works, details of the works must be submitted to and be to the satisfaction of the Responsible Authority.

Temporary works may include:

- a) The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage; or
- b) Landscaping of the site for the purpose of public recreation and open space.

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

### **Construction Management Plan**

8. Prior to the commencement of the development, including demolition and bulk excavation, a detailed demolition and construction management plan must be submitted to and be approved by the City of Melbourne – Construction Management Group. This demolition and construction management plan must be prepared in accordance with the City of Melbourne – Construction Management Plan Guidelines and is to consider the following:
  - a) Staging of construction
  - b) Management of public access and linkages around the site during construction
  - c) Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian access ways)
  - d) Any works within the adjoining street network road reserves
  - e) Sediment control and site drainage
  - f) Hours of construction
  - g) Control of noise, dust and soiling of roadways
  - h) Discharge of polluted waters
  - i) Collection and disposal of building and construction waste
  - j) Reasonable measures to ensure that disruption to adjacent public transport services are kept to a minimum.

### **Civil Design**

9. The title boundaries for the property may not exactly agree with the road alignments of the abutting Council lanes. The approved works must not result in structures that encroach onto any Council lane.
10. Prior to 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 City of Melbourne.
11. The road adjoining the site along Throssell Lane on the southern boundary must be upgraded and reconstructed together with associated works including the upgrade of stormwater pipe and pits, upgrade of footpath, kerb and channel on the opposite side, reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the City of Melbourne.
12. The road adjoining the site along Throssell Lane on the western boundary must be reconstructed together with associated works including reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the City of Melbourne.



13. The footpath adjoining the site along Spring Street must be reconstructed in sawn bluestone together with associated works including the renewal or relocation 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 City of Melbourne.
14. Existing street levels in Spring Street and Throssell Lane must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the City of Melbourne.
15. Prior to the commencement of the development, including demolition and bulk excavation, a review of current lighting levels adjacent to the subject land and a lighting design must be submitted to and approved by the City of Melbourne. If the report finds lighting levels adjacent to the subject land are inadequate, additional street lighting must be installed at the cost of developer. Lighting design must meet AS1158 category P3 requirements as a minimum. CitiPower approved LED luminaries and poles must be incorporated in the lighting design.
16. Existing public street lighting must not be altered without first obtaining the written approval of the City of Melbourne.

### **Drainage**

17. 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 City Of Melbourne – Engineering Services.
18. 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 City Of Melbourne – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.

### **Environmentally Sustainable Design**

19. The performance outcomes specified in the Environmentally Sustainable Design Statement by Umow Lai Pty Ltd dated 19 April 2018 must be achieved in the completed development.

Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.

20. Within six months of occupation of the development, a report must be provided to the satisfaction of the Responsible Authority, which details the designed initiatives implemented within the completed development that achieve the performance outcomes specified in the endorsed ESD Statement.

### **Waste Management**

21. The waste storage and collection arrangements must be in accordance with the waste management plan by onemilegrid dated 1 June 2018.
22. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Responsible Authority.

### **3D Model**

23. Prior to the commencement of the development, excluding demolition and bulk excavation, an updated 3D digital model of the development and its immediate surrounds which reflects the required modifications under condition 1 of this permit, as appropriate, must be submitted to and be to the satisfaction of Melbourne City Council in conformity with the Department of Environment, Land,

Water and Planning Advisory Note 3D Digital Modelling. In the event that further substantial modifications are made to the building envelope a revised 3D digital model must be submitted to and be to the satisfaction of Melbourne City Council.

### **Noise Attenuation**

24. Prior to the commencement of the development, excluding demolition and bulk excavation, a report from a suitably qualified acoustic consultant, must be submitted to the satisfaction of the Responsible Authority certifying that the development has been designed to limit internal noise levels to a maximum of 45 dB in accordance with relevant Australian Standards for acoustic control. The recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority.

### **Building Appurtenances and Services**

25. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.
26. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.
27. All service pipes, apart from roof downpipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.

### **Street Trees**

28. Prior to the commencement of the development, including demolition and bulk excavation, a Tree Protection Plan (TPP) must be provided to the satisfaction of the Responsible Authority (Urban Forest & Ecology) and demonstrate how publically owned tree assets 1067396 and 1025276 will be protected during construction activities associated with the development. The TPP must be in accordance with AS 4970-2009 – Protection of Trees on Development Sites, and include:
  - a) Full reference to construction and traffic management proposals, including any public protection gantries etc. The construction and traffic management requirements must relate directly to those provided to Council in relation to any other permit conditions.
  - b) Site specific details of the temporary tree protection fencing to be used to isolate the publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
  - c) Specific details of any special construction methodologies to be used within the Tree Protection Zones of the publicly owned trees.
  - d) Full specifications of any pruning required to the publicly owned trees.
  - e) Any special arrangements required to allow ongoing maintenance of the publicly owned trees for the duration of the development.
  - f) Name and contact details of the project arborist who will monitor the implementation of the Tree Protection Plan for the duration of the development (including demolition).



- g) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to Council's email via [trees@melbourne.vic.gov.au](mailto:trees@melbourne.vic.gov.au).

When provided to the satisfaction of the Responsible Authority, the TPP will be endorsed to form part of this permit.

29. Following the approval of a Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by Council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted on, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.
30. In the event that a Construction Management Plan or Traffic Management Plan changes any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed Tree Protection Plan (TPP), a revised TPP must be provided to the satisfaction of the City Of Melbourne. When provided to the satisfaction of the City Of Melbourne, the revised TPP will be endorsed to form part of this permit and will supersede any previously endorsed TPP for the purpose of condition 28.
31. If any public trees are proposed for removal at any stage of the development under a Tree Protection Plan endorsed under this permit, then prior to the commencement of the development (including demolition and bulk excavation), the applicant must submit a Street Tree Plot Replacement Strategy to the City Of Melbourne, which shows replacement and/or additional tree plots in accordance with Council's Tree Retention and Removal Policy. When provided to the satisfaction of the City Of Melbourne, the Street Tree Plot Replacement Strategy will be endorsed to form part of this permit.
32. Prior to the occupation of the development, the replacement and/or additional street tree plots shown on the Street Tree Plot Replacement Strategy endorsed under this permit must be constructed at no cost to the City Of Melbourne and be to the satisfaction of the City Of Melbourne.

#### **Throssell Lane vested in Council**

33. Prior to occupation of the development, the western most 3.5m (or thereabouts) of the land in Certificate of Title Volume 8503 Folio 235 being Lot 1 on TP324518P which forms part of Throssell Lane, must be vested in Council as a Road on the Plan of Subdivision, unlimited in height and depth.

#### **Loading**

34. The loading and unloading area shown on the endorsed plans must be kept available for that use at all times and accessways must not be obstructed or otherwise rendered inaccessible.

#### **Car Parking**

35. The areas set aside for car parking on the endorsed plans must only be used for the parking of vehicles by owners and occupiers of, or bona fide visitors to residential lots in the building and must not be operated as a public car parking facility.

#### **Development time limit**

36. 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 six years of the date of this permit.

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

**Notes:**

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.

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.

This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

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

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

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

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

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

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