

Ms Anne-Marie Edgley  
Senior Planner  
Department of Transport and Planning

Submitted via online portal

23 April 2026

## ADVERTISED PLAN

**Re: Application to Amend Planning Permit No. PA2503652  
Section 72 of the Planning and Environment Act 1987  
134-138 Moray Street, South Melbourne**

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Dear Anne-Marie

We continue to act on behalf of 134 Moray Street Pty Ltd, in respect of the land at No.134-138 Moray Street, South Melbourne (the subject site).

Our client seeks to amend Planning Permit No. PA2503652 (**the permit**), pursuant to Section 72 of the Planning and Environment Act 1987 (**the Act**).

The permit was issued by the Minister for Planning on 5 August 2025.

The application seeks an additional level to the approved building resulting in a 10 storey building to a height of 32.69 metres (RL 36.43).

In support of this application, we are pleased to enclose the following:

- A recently obtained copy of the relevant Certificate of Title
- Amended architectural materials including perspectives and 3D model, prepared by Hayball
- Amended Transport Impact Assessment Report prepared by Ratio
- Amended Waste Management Report prepared by Ratio
- Amended Sustainability Management Plan prepared by Ark Resources
- Amended landscape plan prepared by Memla.

Our client also seeks concurrent endorsement of plans and reports as follows:

Condition 1 – Amended Plans Required

Condition 8 – Updated BESS Report

Condition 11 – Waste Management Plan

Condition 12 – Landscape Plan.

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## PROPOSED AMENDMENTS

An additional level is proposed to the approved building, with consequential amendments to technical reports. The number of levels in the building will increase by one, resulting in a 10-storey building, with an increase in height of less than 3 metres (2.95 metres).

An addition of 9 hotel rooms is proposed at Level 7.

A reduction of 246.6 square metres of office area at Level 7.

The addition of a hotel conference space at Level 9 (275.7 square metres).

Minor design changes and compliance with permit conditions.

The proposed amendments are detailed below, and their basis is addressed in the Assessment section of this letter.

Reference	Proposed amendment
Site Plan TP01.01	Amendment to roof layout
Basement Level TP01.01	Compliance with conditions 1f), 1e) 1g) and 1h) Change to access ramp
Ground Level Floorplan TP02.01	Relocation of substation and consequential change to restricted retail area including new northern entry and change to eastern (Moray Street) entry and change to western entry off York Street and consequential change to hotel lobby Change to access ramp because of relocation of substation Compliance with conditions 1b), 1g) and 1l)
Level 1 TP02.02	Change to canopies over street New interconnecting room doors (dual key) Change to 'cleaning/storage' area Change to 'core' area Compliance with conditions 1a), 1c) and 1g)
Level 2 TP02.03	New interconnecting room doors (dual key) Change to 'cleaning/storage' area Change to 'core' area Compliance with conditions 1a), 1c) and 1g)
Level 3 TP02.04	New interconnecting room doors (dual key) Change to 'cleaning/storage' area



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	<p>Change to 'core' area</p> <p>Compliance with conditions 1a), 1c) and 1g)</p>
Level 4 TP02.05	<p>New interconnecting room doors (dual key)</p> <p>Change to 'cleaning/storage' area</p> <p>Change to 'core' area</p> <p>Compliance with conditions 1a), 1c) and 1g)</p>
Level 5 TP02.06	<p>New interconnecting room doors (dual key)</p> <p>Change to 'cleaning/storage' area</p> <p>Change to 'core' area</p> <p>Compliance with conditions 1a), 1c), 1g) and 1j)</p>
Level 6 TP02.07	<p>New interconnecting room doors (dual key)</p> <p>Change to 'cleaning/storage' area</p> <p>Change to 'core' area</p> <p>Compliance with conditions 1a), 1c) and 1g)</p>
Level 7 TP02.08	<p>Addition of 9 hotel rooms replacing 246.6 square metres of office area and consequential changes</p> <p>Compliance with conditions 1a), 1c) and 1g)</p>
Level 8 TP02.09	<p>Reduction of commercial floor area to 589.4 square metres (from 603.2 square metres)</p> <p>Identification of 'projecting aluminium gridded sun shading louvre'</p> <p>Compliance with conditions 1a) and 1g)</p>
Level 9 TP02.10	<p>Addition of hotel conference space (275.7 square metres) including terrace area, replacing roof terrace</p> <p>Compliance with conditions 1a) and 1g)</p>
Roof Plan TP02.11	<p>New roof plan</p> <p>Compliance with condition 1k)</p>
East Elevation TP03.00	<p>New level 9</p> <p>Compliance with conditions 1c), 1d), 1j) and 1l)</p>
North Elevation TP03.01	<p>New level 9</p>



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	Compliance with conditions 1c), 1d), 1j) and 1l)
West Elevation TP03.02	New level 9 Compliance with conditions 1c) and 1d)
South Elevation TP03.03	New level 9
Section A-A TP04.00	New level 9
Section B-B TP04.00	New level 9
Materials and Finishes Board TP08.01	New RF01 and BK01 details
Sun Study TP10.01	Amended shadows shown

The application plans have been amended to correctly show the location of urban Art. The SMP has been amended to correctly show a 20KL rainwater tank consistent with plans (Basement Level plan TP02.00.)

## ASSESSMENT

The proposed amendments comply with the relevant elements of the Port Phillip Planning Scheme and are worthy of Council approval. We have provided our assessment below of the amendments.

### Building Height

The proposed Section 72 amendment introduces one additional level set back on all sides, increasing the building height by 2.95 metres above the approved building height. The additional level is set back from all site boundaries, ensuring it is visually recessive and does not materially alter the approved built form.



Approved 2025 Scheme



Proposed 2026 Scheme

### *York Street perspective View*

The submitted shadow diagrams confirm that overshadowing of Moray Street remains consistent with the approved development, with afternoon shadow not extending to the eastern kerb until after 3.00 pm. As such, the proposal maintains acceptable amenity outcomes and demonstrates that the amended height is appropriate in its context.

The additional level accommodates a hotel conference space at Level 9, providing functional facilities to meet operational needs of the hotel use.



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## Changes to Floor Area and Uses

Nine additional hotel rooms are proposed at Level 7, replacing 246.6 square metres of office floor area. This change responds to reduced demand for office accommodation and reflects a more efficient and viable use of floor space. Commercial floor area is now consolidated on a single level (Level 8), improving operational efficiency without altering the overall mixed-use nature of the development.

## Ground Level Entry Changes

The relocation of the substation, required to meet authority requirements, has resulted in minor reconfiguration of the restricted retail space and hotel lobby. This includes changes to the Moray Street and York Street entries, and the introduction of a new northern entry to the restricted retail area. These changes improve functionality and activation while maintaining the approved built form and streetscape presentation.

## Interconnecting Doors and Internal Adjustments

Interconnecting room doors are proposed on several levels to provide greater flexibility in hotel room configurations, including for family accommodation. Minor internal adjustments to core and service areas correct previously mis-quantified areas and remain fully internal in nature.

## Other Changes

Overall, the proposed amendments are minor in extent and do not result in any material increase in built form impacts or amenity effects beyond those already approved. The amendments appropriately respond to operational requirements and market conditions, while maintaining compliance with Clause 65 of the Port Phillip Planning Scheme.

## INFORMATION REQUESTED

In response to the matters raised by the Department of Transport and Planning at the pre-application meeting on 14 November 2025, the following information is provided.

Item	Response
Written justification of the additional height in the context of the change in status of DDO39	<p>The City of Port Phillip has adopted the <i>South Melbourne Structure Plan August 2024</i> (SMSP). It sets a long-term strategic vision for land use and development in what is described as the South Melbourne Major Activity Centre and Enterprise Precinct. In broad terms, it seeks to replace the South Melbourne Central Structure Plan of August 2007.</p> <p>It has also prepared draft Amendment C219port which proposes changes to local policy, zoning and overlay controls in the Port Phillip Planning Scheme to implement the recommendations of the SMSP.</p> <p>While there are aspects of the recently adopted structure plan that address the deficiencies of the current plan and current planning controls (including remedying the now ubiquitous and increasingly maligned 'wedding cake' design outcomes that are characteristic of medium rise buildings established in the centre in the last 15 or so years), it is noted that proposed changes to development controls appear, at least on the face of it, to diminish opportunities for development; a matter which strikes the permit applicant as being at odds with planning policy which encourages, more</p>



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than ever, intensification of activity centres to realise any number of community benefits.

Amendment C219port proposes to replace Design and Development Overlay Schedule 8 'South Melbourne Central' (DDO8) with Design and Development Schedule 39 'South Melbourne Enterprise Precinct East and Kings Way Mixed Use Corridor' (DDO39).

In relation to how the proposed Schedule 39 to the DDO affects the subject site, we note the following controls are to be applied:

- A mandatory Floor Area Ratio (FAR) of 6.0:1 under Part 2.4
- A discretionary height control of 29.2 metres under Part 2.5
- A discretionary height control of 7 storeys under Part 2.5
- Application of a discretionary streetwall height of 21.2 metres and 5 storeys under Part 2.5.

## **Proposed Floor Area Ratio**

In the case of the subject site (and all land affected by the proposed FAR control), the FAR control should be discretionary in combination with other built form controls (such as building setbacks, building spacing and overshadowing requirements) to deliver design excellence, contextually appropriate and highly integrated developments that will meet the needs of future communities (such as workers, residents, visitors).

The use of mandatory controls removes the opportunity for deeper analysis of a site's opportunities and constraints, which could justify departures from preferred and mandatory built form controls. It also restricts sites from providing a meaningful contribution to housing targets and/or employment opportunities in a Major Activity Centre.

The subject site is centrally located within the Enterprise East Precinct away from the low-scale heritage context of Clarendon Street, within an area where taller built form will integrate into the precinct and create a new, more intensive built form character, in line with both the Structure Plan and the proposed DDO Schedule 39.

## **Building Height**

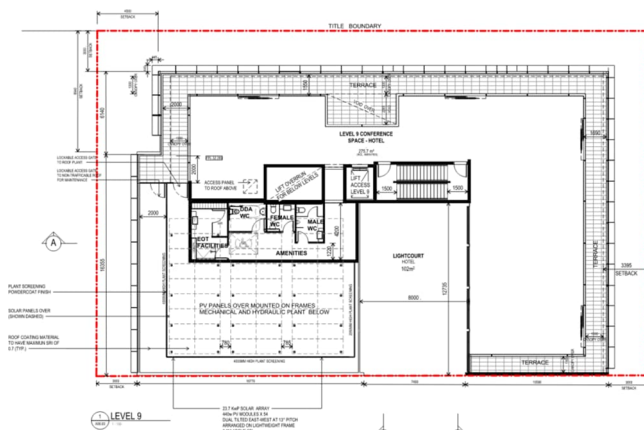
The existing planning permit has allowed a building height of 9 storeys (RL 33.38) to the top of parapet - 29.74 metres plus screening and lift overrun to 33.19 metres (RL 36.830).

The proposed Section 72 amendment is seeking one additional level to the approved building to a top of parapet height of 10 storeys (RL 36.43) and 32.69 metres. This is less than 4 metres above the preferred building height of DDO39 being 29 metres.

The proposed additional level is 275 square metres in area and set back from all sides of the property boundary and will be imperceptible.



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Plan TP02.10 Level 9



York Street perspective View

While the existing DDO8 and proposed DDO39 does not apply built form requirements relating to overshadowing, the approved design and the amended has respected the desirability of *sunlight access* for Moray Street. The shadow diagrams forming part of the application, show that afternoon shadow from the development falls over Moray Street but does not impact the eastern kerb until after 3.00pm. That in our view indicates an appropriate building height is proposed when amenity impacts, such as overshadowing is considered.

Our office has made submissions to the Planning Panels Victoria Hearing of Amendment C219. Amongst specific submissions about various sites throughout the Structure Plan area, general submissions have been made as follows:

- The imperative for Melbourne’s existing activity centres to do the ‘heavy lifting’ with respect to new housing and commercial development has never been clearer. Plan for Victoria unequivocally states that Port Phillip must provide its fair share of development and that it will be provided at the northern end of the municipality.
- The built form controls proposed to be applied under Amendment C219 create confusion and unintended consequences with respect to the subject site’s capacity for change and capacity to deliver on the floor area and housing objectives of the Structure Plan.
- It is unnecessarily complicated, too ‘granular’ and is based on a premise that fails at the first pass. Mandatory built form controls are not justified and are not needed.
- The drafted DDO is substantially flawed and requires simplification to deliver effective outcomes and stimulate the type of change that is envisaged by the



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South Melbourne Structure Plan and to better reflect the clear instructions of Practice Notes 59 and 60.

A table outlining each height through the history of the approvals on site (VCAT, current approval, DDO39 control, proposed).

Approval	Approved Built Form	Maximum Building Height
Planning Permit No.1194/2016 (VCAT, 11 December 2018)	<i>10-storey commercial building</i>	North Elevation: 10 storeys (RL 33.9) to the top of roof parapet - 29.33 metres plus screening and lift overrun to 31.63 metres (RL 36.2)
Planning Permit No.1194/2016 was amended on by the Council on 21 May 2021	<i>8-storey commercial building</i>	North Elevation: 8 storeys (RL 32.6) to the top of roof parapet - 28.03 metres plus screening and lift overrun to 36.2 metres (RL 36.83)
Planning Permit No.1194/2016 was amended on by the Council on 28 November 2022	<i>8-storey commercial building (plans endorsed Jan 2023)</i>	North Elevation: 8 storeys (RL 32.6) to the top of roof parapet - 28.03 metres plus screening and lift overrun to 36.2 metres (RL 36.830)
Planning Permit PA2503652 was issued on 5 August 2025 by the Minister for Planning	<i>9-storey residential hotel</i>	North Elevation: 9 storeys (RL 33.38) to the top of roof parapet - 29.74 metres plus screening and lift overrun to 33.19 metres (RL 36.830)
DDO39		A discretionary height control of 29.2 metres/7 storeys



S72 Amendment	10-storey residential hotel	North Elevation:  10 storeys (RL 36.43) to the top of roof parapet - 32.69 metres including screening and RL 36.63 (32.89 metres) to lift over run.
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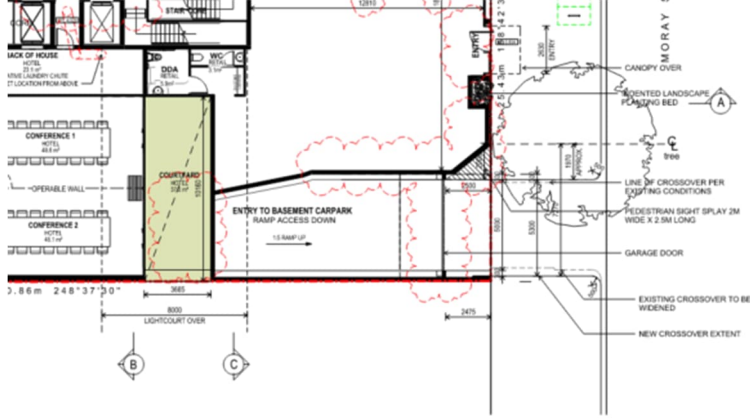
Shadow plans to show the extent of shadow resulting from the additional level, clearly highlighted in context of the existing shadow approved.	A Sun Study (Plan TP10.01) has been prepared by Hayball. The shadow diagrams show that afternoon shadow from the development falls over Moray Street but does not impact the eastern kerb until after 3.00pm. That in our view indicates an appropriate building height is proposed when amenity impacts, such as overshadowing is considered.
Signage – to be included as part of this Section 72 Amendment application (if permit triggered).	Signage that requires a planning permit is not sought or shown on plans. The subject site is in Category 1 – Commercial areas.
Street view renders to understand the true impact of the additional level. Renders are to be at a pedestrian eye height level.	A York Street perspective view has been prepared that compares the approved PA2503652 building with the proposed.
Check floor to ceiling height of the additional level. Appears to be high at 3.7m, consider reduction in height.	Commercial floor heights of between 3.6 and 4 metres are common for modern office buildings to provide functionality and long-term adaptability and to increase occupant amenity with enhanced daylight penetration, ventilation, and spatial quality.  The comparative perspectives and shadow diagrams show that the additional building height does not exhibit excessive building mass or amenity impacts to the east by way of shadow.
Clarification of height of the lift over run and any additional height	The lift over run shown on north elevation (TP03.01) is at RL36.630, being 200 millimetres above the roof parapet.  Top of screening is at RL 36.33 with the majority not visible to the north and no screening visible to the east.

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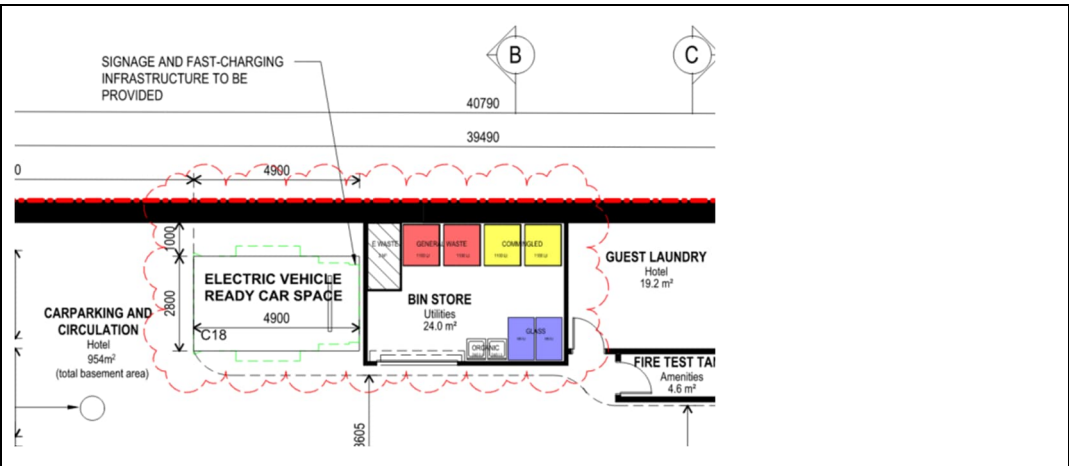
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## COMPLIANCE WITH PERMIT CONDITIONS

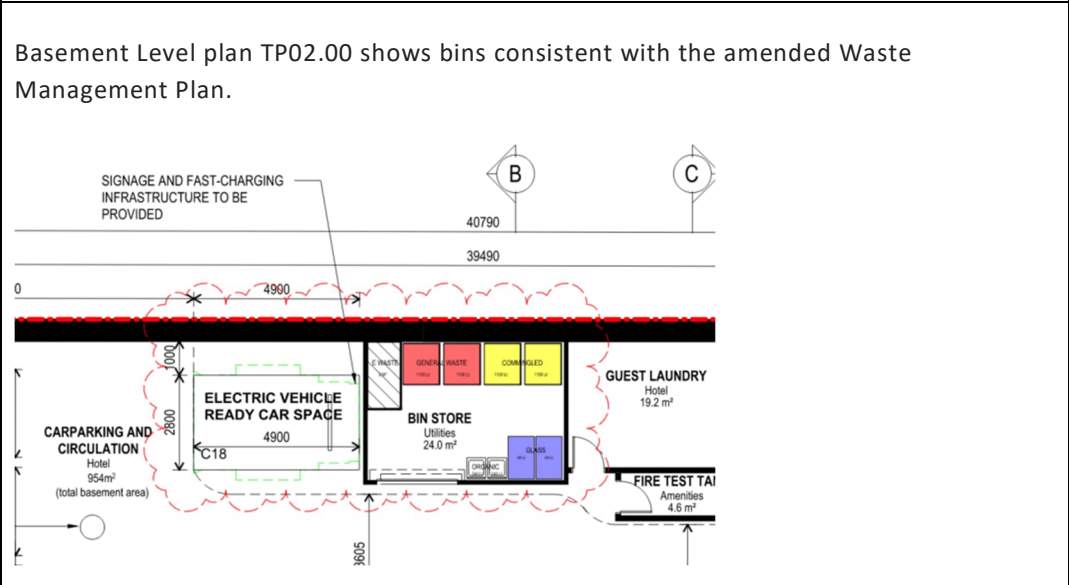
Condition	UPco Comment
1a) All setback dimensions for each level of the development.	Setbacks for all levels are dimensioned on the floor plans.
1b) The garage door closer to the street frontage.	<p>The garage door location has been amended to be closer to the street frontage, as shown on the Ground Level Floor Plan (TP02.01):</p>  <p>The diagram is a detailed architectural floor plan of the ground level. It shows a building footprint with various rooms including 'CONFERENCE 1', 'CONFERENCE 2', 'OPERABLE HALL', 'COURTYARD', and 'ENTRY TO BASEMENT CARPARK'. A 'GARAGE DOOR' is highlighted in red, showing its new location closer to the street frontage. The plan includes setbacks from the street, a 'NEW CROSSOVER EXTENT', and 'EXISTING CROSSOVER TO BE WIDENED'. Dimensions are provided in meters and feet. Section lines A-A, B-B, and C-C are indicated.</p>
1c) A minimum of 40% of hotel suites shown to have access to natural ventilation via operable windows along the façade.	A minimum of 40% of hotel suites include operable windows. Where windows are operable, they are shown on the elevations and sections.
1d) External shading to north, east and west facing windows.	The façade design incorporates vertical and horizontal sunshading devices. The Sustainable Management Plan prepared by ARK Resources has undertaken J1V3 analysis that demonstrates compliance with Performance Requirements J1P1 of NCC 2022.
1e) Electric vehicle ready car space/s to be marked, including signage and	An electric vehicle-ready car space is shown on Basement Level Plan TP02.00. Signage and fast-charging infrastructure are noted on the plan.



fast-charging infrastructure.



1f) Basement plan to show number/extent of recycling bins as per the amended Waste Management Plan.



1g) Plans to note all sustainability measures as listed within the 'supporting evidence' table, page 2 of the BESS report prepared by Ark Resources and dated 20 December 2024.

Floor plans show the sustainability measures listed in the 'supporting evidence' table on page 2 of the BESS report prepared by Ark Resources (dated 20 December 2024).

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1h) Rainwater tank volume, connection details for stormwater re-use and access

A 20KL rainwater tank is shown on Basement Level plan TP02.00. An access point is shown. Re-use details are provided in the Sustainable Management Plan prepared by ARK Resources.



hatch to be shown.	
1i) Updated landscape plan with notated water-efficient species to be provided.	The plant list shown on LC02 prepared by Memla shows all as water-efficient species.
1j) Details as to how the raised planters on level 5 and level 6 will be maintained noting these are not accessible from any corridor	<p>Secure access points to raised planters on levels 5 and 6 are shown on plans TP02.06 and TP02.07.</p> <p style="text-align: center;"><b>ADVERTISED PLAN</b></p>
1k) Roof cladding material is to have a minimum SRI of 0.7 to reduce Urban Heat Island affect.	The trafficable roof membrane is shown to achieve a 'minimum SRI of 0.7' – Roof Plan TP02.11 and Materials and Finishes Board TP08.01.
1l) The proposed location of Urban Art.	Proposed urban art location is shown on Ground Level Floorplan TP02.01.
1m) Any changes required by condition 8 (Sustainable Management Plan).	The amended plans are consistent with the Sustainable Management Plan.
1n) Any changes required by condition 11 (Waste	The amended plans are consistent with the Waste Management Plan.

Management Plan).	
1o) Any changes required by condition 12 (Landscape Plan).	The amended plans are consistent with the Landscape Plan.

The plans forming part of the Section 72 application include compliance with conditions of the planning permit as outlined above.

**CONCLUSION**

We trust this submission and the enclosed material will enable Council to assess and determine this application.

Should you have any questions, please do not hesitate to contact me on 8648 3500.

Yours sincerely



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