

20(4) Amendment Officer Report

Planning scheme: Melbourne

Amendment No.: C480melb

Planning Permit No.: PA2403266

Details

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| Planning authority: | Minister for Planning |
| Proponent: | Miami Hotel Group C/- Echelon Planning |
| Date received by the department | 29/01/2025 |
| Fee amount paid | \$29,745.10 |
| eBriefing No. | Not applicable – delegation to determine the request was received on 14 April 2025. |

Planning permit application details

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| Address of the land/title details: | <ul style="list-style-type: none">• 13-25 Hawke Street, West Melbourne (Plan of Consolidation 375977T)• 27 Hawke Street, West Melbourne (Lot 1 on Plan of Subdivision 034651)• 599 and 601 King Street, West Melbourne (Lots 1 to 4 and Common Property on Plan of Strata Subdivision 022207B)• 605-609 King Street, West Melbourne (Lots 1 and 2 on Title Plan 962680T). |
| Permit prescribed fee | Refer above |
| Estimated development cost | \$24,868,000.00 |
| Easements / restrictions | Easements exist. No restrictions on titles |
| MPL certificate required? | Yes – provided |
| Planning permit no. | PA2403266 |

Officer Recommendation for planning scheme amendment

(Mark relevant option with X)

| | |
|-------------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> | Approval without changes – s20(4) |
| <input type="checkbox"/> | Approval with changes |

| | |
|--|--------------------|
| | Refusal to approve |
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Officer Recommendation for planning permit application

(Mark relevant option with X)

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| | Grant the permit |
| X | Grant the permit, subject to conditions |
| | Refusal to grant the permit |

Decision Maker

(Mark relevant option with X)

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| | Minister for Planning |
| X | Delegate |

Authorisation details

Amendment summary

The proposal is a request under section 20(4) of the *Planning and Environment Act 1987* (PE Act) seeking a combined application under Section 96A of the PE Act for the introduction and application of Schedule 7 to the General Residential Zone to the land, and concurrent approval of a planning permit application (PA2403266), for the use and redevelopment of the land for a residential hotel building.

Description of the proposed amendment:

The Amendment:

- Introduces General Residential Zone Schedule 7 (GRZ7)
- Applies General Residential Zone Schedule 7 to the site
- Amends Planning Scheme Map No's 5 and 8.

Schedule 7 exempts the requirement for a minimum garden area for construction or extension of a dwelling, small second dwelling or residential building.

Description of the planning permit:

The concurrent planning permit allows the use and development of the land for a five storey residential hotel building with a single-level basement for car parking. The building will provide ground level food and drink premises to Hawke Street frontage, ancillary day spa, 95 hotel rooms and two serviced apartments on the upper levels. The permit allows the demolition of fabric in a Heritage Overlay, the removal of two easements, the reduction to the parking requirements associated with a food and drink premises and alteration of access to a road in a Transport Zone 2.

Planning permit triggers:

The subject land is currently zoned General Residential Zone Schedule 1 (GRZ1) pursuant to the Melbourne Planning Scheme (the Scheme). The subject land is affected by Heritage Overlay Schedule 3 (HO3) and part of the subject land (605-609 King Street) is affected by the Environmental Audit Overlay (EAO).

Each permit trigger is identified within the table below:

| Planning scheme clause No. | Description of why a permit is required |
|-----------------------------------|--|
| 32.08-2 | Use of the land for accommodation (residential hotel) and a food and drink premises |
| 32.08-7 | Construct a residential building |
| 43.01-1 | Construct a building and carry out works, demolition |
| 52.02 | Remove two easements: <ul style="list-style-type: none"> • Drainage easement E-2 on 13-25 Hawke Street (Plan of Consolidation PC375977T), benefitting 611-617 King Street); and • Redundant party wall easement labelled "BL" for blue on LP034651 on 27 Hawke Street, benefitting 29, 31 and 33 Hawke Street, (this being only the small section in the far south eastern part of the site abutting the southern boundary). |
| 52.06-3 | Reduce the parking requirement associated with a food and drink premises (4 required, 2 provided) |
| 52.29-2 | Alteration of access to a road in a Transport Zone 2. |

Additionally, the proposal is subject to the following provisions of the Melbourne Planning Scheme:

- Clause 52.02 Easements, Restrictions and Reserves
- Clause 52.06 Car Parking
- Clause 52.27 Licensed Premises
- Clause 52.29 Land Adjacent to the Principal Road Network
- Clause 52.34 Bicycle Facilities
- Clause 53.18 Stormwater Management in Urban Development
- Clause 53.22 Significant Economic Development
- Clause 58 Apartment Developments.

Land affected by the amendment and planning permit

The subject land includes various parcels of land as detailed above and altogether these parcels have an area of 2,733 sqm. The land has frontages to both Hawke Street and King Street, as shown in Figure 1. Site access is also available from Jones Place to the south.



Figure 1: Land affected by the amendment and planning permit

The subject land comprises the following contiguous properties:

- Two Victorian terraces at 599 and 601 King Street (identified in Figure 1 as 'E' and 'D' respectively).
- A three storey early 1970's brick building that covers the majority of 13-25 Hawke Street with at grade car parking, site servicing and vehicle access, known as the Miami Hotel building (identified in Figure 1 as 'A').
- A double storey terrace at 27 Hawke Street (identified in Figure 1 as 'B')
- A vacant site (former petrol station) at 605-609 King Street (identified in Figure 1 as 'C').

The following additional site details include:

- Site frontage to King Street of 30.85m (north-west boundary)
- Site frontage to Hawke Street of 43.23m (north-east boundary)
- Depth 40.35m (south-west boundary)
- Depth of 63.07m (south-east boundary)
- Land falls from north-west to south-east approximately 2.25m
- Vehicle access in four locations (2 x concrete crossovers from Hawke Street and 1 x bluestone crossover from King Street and 1 x bluestone crossover from Jones Place)
- Bitumen footpaths along frontages to Hawk and King Streets
- Easements including:
 - E-1 (Light, Air & Carriageway in favour of neighbouring 611-617 King Street)
 - E-2 (Drainage in favour of neighbouring 611-617 King Street)
 - E-3 (Light, Air & Carriageway in favour of subject site (599 & 601 King Street))
 - E-4 (Drainage & Sewerage in favour of subject site (599 & 601 King Street))
 - E-5 (Party Wall Easement in favour of neighbouring 29, 31 and 33 Hawke Street)
 - E-6 (Party Wall Easement in favour of neighbouring 29, 31 and 33 Hawke Street)
 - A-1 (Light, Air & Carriageway in favour of the subject site) (located on 611-617 King Street).

The site is generally devoid of vegetation aside from a few ornamental trees and shrubs located in the rear yard of 599 and 601 King Street. Beyond the site boundaries there are two small street trees located in the Hawke Street road reserve and one large street tree located in the frontage of 599 and 601 King Street.

The site is adjacent to the Errol/Victoria Street retail core and less than one kilometre from the Melbourne CBD, and a similar distance to Queen Victoria Market and the Royal Melbourne, Women's and Children's Hospitals.

The subject site is located amongst a mixture of land uses and building types including commercial businesses, open space, residential properties and new development. It enjoys a high-level of exposure given its location at the confluence of locally significant roads, including King Street, Victoria Street, Errol Street and Hawke Street. It is also located directly opposite existing open space (Hawke Street Reserve) and forms part of the southern vista terminus of the Errol Street Activity Centre. The prevailing existing built form condition of the immediate surrounds is single and double storey residential built form, largely Victorian in architectural style and having some heritage significance.

The immediate site interfaces are described below:

North-west:

Land abutting to the north-west (613 King Street) is a corner allotment that contains a double-storey (approximately 11 m high) rendered brick office building. The building has been built to each of the site boundaries and can be accessed from both King and Hawke Street.

Further north-west:

Further to the north-west is 643 King Street that has been developed with a six-storey mixed use development with apartments and community facilities. The building abuts Hawke Street and King Street and built to the boundary at ground level.

East:

A row of two-storey residential Victorian terraces is located to the east of the subject site at 581-597 King Street and abuts the 599 & 601 King Street terraces that comprise part of the subject site. The front wall of the dwellings are setback only a few metres from the street containing a small area of landscaping, a patio and pedestrian entrance. Rear yards contain open space, outbuildings and modern rear extensions. The buildings are commensurate to a three-storey height given they have substantially higher ceilings when compared to contemporary dwellings.

South-east:

There are a number of properties to the south-east of the site. These include 55, 59 and 61 Jones Place and 62-66 Roden Street. These properties all have garages accessible from Jones Place. Small courtyard areas are provided for some of these properties behind street walls/roller garage doors facing Jones Place. 55 Jones Place has solar photovoltaic cells on the roof of the building and second floor windows facing north-west towards the rear of the subject land.

North-east:

To the north-east of the site (on the north side of King Street) is the Errol and Victoria Street shopping precinct. This precinct generally contains two-storey commercial buildings that front onto Errol and Victoria Streets. The area is a commercial focal point for North Melbourne and is recognised in the Melbourne Planning Scheme as a core retail area. Adjacent the site is the 3 Crowns Hotel, a number of Victorian terraces and retail premises.

Hawke Street:

Hawke Street fronts the subject sites north-west boundary. The road has two lanes in either direction and has restricted on-street car parking (against the kerb and also within a central island). Directly in front of the subject is a bus parking zone that can accommodate two buses and a 2 x 2P car space (7:30 am to 6:30 pm Monday to Friday and 7:30 to 12:30 pm Saturday).

King Street:

King Street also fronts the subject site and has two lanes in either direction (separated by a traffic island in front of the subject site).

Kerbside 1P on-street parking (7:30 am to 6:30 pm Monday to Friday and 7:30 to 12:30 pm Saturday) (permitted residents exempted) is located along the frontage of the subject (599 and 601 King Street) and further east of the site.

Along the frontage of 605-609 King Street is a 2 x car 30 minute Loading Zone (7:30 am to 6:30 pm Monday to Friday and 7:30 to 12:30 pm Saturday).

Spencer Street:

Spencer Street is located approximately 200 metres to the south of the site and provides another area of commercial development. The built form is generally two and three storeys with no setbacks to the street. A significant building is located on the corner of Spencer and Hawke Streets (the Radio Parts building) and is three storeys in height.

Merits of amendment

(Mark relevant option with X)

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|---|---|
| X | The form and content of planning schemes |
| X | MD 1: Potentially contaminated land |
| X | MD 9: Metropolitan planning strategy |
| X | MD 11: Strategic assessment of amendments |
| | MD 12: Urban growth areas |
| | MD 13: Managing coastal hazards and the coastal impacts of climate change |
| | MD 14: Port environs |
| X | MD 15: The planning scheme amendment process |
| | MD 17: Localised planning statements |
| | MD 18: VPA advice on planning scheme amendments |
| | MD 19: Amendments that may result in impacts on the environment, amenity and human health |
| | MD 20: Major hazard facilities |
| | MD 21: Golf Course Redevelopment |
| | Preparation and content and reporting requirements for Infrastructure Contributions Plans |
| | Preparation and content and reporting requirements for Development Contributions Plans |

An assessment against the relevant Ministerial Directions (MD) and amendment requirements is undertaken below:

The form and content of planning schemes

The amendment adheres with the MD and proposes to introduce and apply Schedule 7 to the General Residential Zone that are consistent with the relevant annexures of the MD.

MD 1: Potentially contaminated land

MD 1 is relevant because part of the subject land, specifically 605-609 King Street, is affected by the Environmental Audit Overlay (EAO). This land has been identified to be potentially contaminated due to its past use as a service station/fuel storage facility. Standard conditions of the planning permit will require an assessment of the site by suitably qualified person to determine the suitability of the site for its intended use. Conditions of a permit will require either a certificate of environmental audit for the land to be issued or a statement of environmental audit to be issued for the stating the suitability of the land for the use or proposed use.

MD 9: Metropolitan planning strategy

The metropolitan strategy sets out a long-term framework for the future growth and development of Melbourne. The amendment complies with MD 9 as it facilitates the development of the site in accordance with the directions contained within 'Plan for Victoria', which is the current metropolitan planning strategy. The proposed design incorporates residential development, environmentally sustainable design features and landscaping, achieves high visual interest and will improve the design and feel of the public realm.

MD 11: Strategic assessment of amendments

The purpose of this Direction is to ensure a comprehensive strategic evaluation of an amendment and the outcomes it produces. A response to the above strategic considerations is provided in this report and the Explanatory Report which form part of the amendment.

MD 15: The planning scheme amendment process

Process requirements of MD 15 have been observed. Consultation of the amendment was undertaken via Section 20(5) of the PE Act notifying relevant government agencies, including City of Melbourne, and adjoining and nearby owners and occupiers of land of the amendment and permit application. Consideration of all submissions was undertaken in preparing the amendment.

Relevant background to the amendment

- **West Melbourne Structure Plan (Amendment C309 /C385)**
 - The site was considered as part of the West Melbourne Structure Plan Amendment C385 (formerly C309). The Miami Hotel Group made a submission to the proposed amendment seeking rezoning of the land to the Mixed Use Zone (MUZ) to facilitate the ongoing use and development of the existing hotel operation. The key factors preventing such development are the mandatory height limit and garden area requirement under the applicable GRZ1.
 - The Amendment C309 Panel report dated 19 October 2019 made the following findings in relation to the site:
 - The site is capable of accommodating more intensive built form than what would be allowed under the existing General Residential Zone.
 - Further work should be undertaken to inform the selection of an appropriate suite of controls that suitably responds to the Structure Plan, the site's context and its sensitive interfaces.
 - Any change to the controls that apply to the site should be the subject of a separate amendment to allow participation from potentially affected third parties.
- **Section 96A combined amendment and permit application (TP-2022-462)**
 - Subject land included 599, 601 and 605-609 King Street and 13-25 and 27 Hawke Street. Application was lodged with City of Melbourne (CoM) as a Section 96A combined planning permit and planning scheme amendment to rezone the land to the Residential Growth Zone and apply a Design and Development Overlay. The s96A would allow the subject site to bypass the mandatory height control and garden area requirement.
 - In response to concerns due to a lack of certainty in the delivery of the use and development outcomes of the proposed controls, on 11 January 2023 the application was subsequently transferred into Draft Planning Scheme Amendment C435melb.

- **C435melb**
 - C435melb sought to introduce a Specific Controls Overlay (SCO) and associated Incorporated Document to facilitate redevelopment of the land associated with an existing hotel. The draft planning scheme amendment authorisation request has not been approved.
 - The proponent has decided to pursue the Clause 53.22 (Significant Economic Development) pathway.
 - SPP has been consulted and is aware of the current s96A combined permit and amendment proposal. Once a decision is made on C480melb, SPP will determine / advise the council to withdraw the C435melb request.
- **Submissions and consultation**
 - Agency and community views were sought under Section 20(5) of the PE Act which included notifying relevant government agencies, including CoM, Head Transport for Victoria (HTfV), and adjoining and nearby owners and occupiers of land affected by the amendment and planning permit. The consultation period was open for 5 weeks and was hosted on the Engage Victoria website.
 - A total of 22 submissions were received from adjoining and nearby owners and occupiers. These will be discussed later in the report.
 - Responses were also received from CoM and HTfV. Details of these responses is included below:
- **City of Melbourne (CoM)**
 - C435melb was considered at a council Future Melbourne Committee Meeting held on 13 June 2023, where it was decided to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C435melb. C435melb would have amended the height control and garden area requirement of the GRZ1 through applying a Specific Controls Overlay to the site.
 - On 17 February 2025, during the C480melb consultation process, CoM provided the following comments via email:
 - *We acknowledge your confirmation that this amendment is generally consistent with Council Planning Scheme Amendment C435melb, with the only material difference to the proposed development being the provision of two serviced apartments. Therefore, considering the similarities between the two Amendments, please regard the Future Melbourne Committee (FMC) documents on C435melb as Council's comments on the draft PSA C480.*
 - *On 13 June 2023, the FMC resolved to seek authorisation to prepare and exhibit Amendment C435melb. The authorisation request was acknowledged by DTP on 9 August 2023 and no further instructions have been provided to date.*
 - *We wish to reiterate that the preferred approach to the proposed redevelopment of the site is via an Incorporated Document and Specific Controls Overlay, which would secure the development outcome to the strategic justification provided (i.e. residential hotel) and would revert to the existing planning controls in any other circumstance.*
 - *This is consistent with advice provided by both CoM and DTP that led to this approach being taken in Amendment C435melb, and the abandonment of a previous Section 96A application, in 2023.*
 - *We also encourage the notice provided under Section 20(5) to be extended to parties who previously made submissions to Amendment C435melb (list can be provided upon request).*
 - The Incorporated Document which was presented to the FMC Meeting on 23 June 2023 included conditions responding to internal referrals. Officer support was conditional on implementation of updated draft conditions in the Incorporated Document. Internal referrals were sought as part of the planning Scheme Amendment C435melb from the following CoM departments:
 - Waste
 - Land survey
 - Traffic engineering

- City infrastructure
 - Heritage
 - City Design
 - Green Infrastructure and environmentally sustainable design.
- The CoM referral responses generally provided high level support with further advice to address matters raised. The matters raised were included in the proposed Incorporated Document which will also be included in the permit conditions of PA2403266, however the conditions have been updated to reflect any changes since C435melb was considered.
- **Head, Transport for Victoria (HTfV)**
 - No objection subject to the inclusion of a condition relating to the demolition of the footpath, kerb and channel and its reconstruction including the vehicle crossing.
 - Some additional comments were provided which generally support the proposal. A comment was raised regarding the use of the existing 'loading zone' fronting King Street and its use as a hotel drop-off and pick-up, however the nature of the operation of this area can be addressed via separate approval under the *Road Management Act 2004*.

Merits assessment of amendment and permit

Consideration of the amendment and permit incorporates assessment against the PE Act, relevant provisions of the Melbourne Planning Scheme, relevant Ministerial Guidelines and Planning Practice notes and the matters raised in submissions and referral authorities.

How does the amendment meet the Act's objectives (section 4)?

The amendment achieves the objectives of the PE Act which include the following relevant objectives:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;*
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- (d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
- (e) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d);*
- (f) to balance the present and future interests of all Victorians.*

The amendment implements these objectives by:

- Enabling the land to be appropriately re-developed with a building of a scale that supports an economically viable residential hotel.
- Supporting new business and economic growth through contributing to diverse employment opportunities in a highly accessible location and close to housing.
- Facilitating renewal of an infill site for an accommodation use which is located close to the Central City, adjacent to the Errol/Victoria Street retail core and near to the Queen Victoria Market, Royal Melbourne, Children's and Women's Hospitals and North Melbourne Train Station. This central location is highly accessible for walking, cycling and public transport.
- Supporting the implementation of Clause 11.03-6L-15 (West Melbourne) and Clause 17.04-1S (Facilitating tourism) by facilitating ongoing tourism use of the site and a diversity of business and employment opportunities close to where people live.
- Contributing to the mix of uses in the area with a residential hotel which will bring people to West Melbourne supporting the local businesses and centres such as Errol Street.

Does the amendment use the appropriate Victoria Planning Provision tools?

The amendment makes proper use of the Victoria Planning Provisions (VPPs) by introducing a Schedule to the General Residential Zone (GRZ7) into the Melbourne Planning Scheme.

In the absence of the introduced schedule, the proposal would not be allowed under the current planning controls. The amendment and introduction of the schedule has the effect of exempting the project from the

mandatory garden area requirement of the planning scheme and would issue a planning permit allowing the use and development of land for the project in accordance with the plans. The exemption from the mandatory garden area requirements will enable the redevelopment of the subject land for its intended purpose in line with the permit. The garden area exemption also aligns with the purpose of Clause 53.22 in facilitating significant economic benefit to the surrounding area and Melbourne.

Clause 53.22 exempts developments from the mandatory maximum building height of 11 m and 3 storeys, which is currently applicable to the subject land. The exemption will allow a permit to be issued for the redevelopment of the residential building with up to 5 storeys and a maximum height of approximately 20 m.

Furthermore, the other existing planning controls on the subject land will be retained.

A Specific Controls Overlay is not proposed as part of this application.

Planning considerations

The proposed development enjoys strong strategic support at the State and local policy level. West Melbourne more broadly has been undergoing significant change, noting the renewal of several large sites of former industrial uses for contemporary built forms. The proposal is to facilitate the renewal of the site for a new hotel and supporting uses. It will enable a long-standing business to continue to operate in West Melbourne as an upscaled and modern hotel providing a more affordable alternative to CBD accommodation.

Planning Policy Framework (PPF)

A response to the relevant clauses of the PPF are provided below:

- The proposal is consistent with the objectives and strategies of Clause 11 through promoting sustainable mixed-use development and capitalising on an urban renewal/infill opportunity at a site with a high level of access to facilities, services and public transport. The proposal will contribute positively to the diversity of uses and built form in West Melbourne.
- The proposal retains the existing use of the site and focuses on expanding in order to remain commercially viable into the future. This expansion supports Clause 11.03-6L-15 (West Melbourne) by retaining existing employment as well as providing for new employment to meet the City of Melbourne's target to provide additional jobs in the precinct.
- The proposal has been designed to complement the built environment and heritage characteristics of West Melbourne. A detailed site analysis and urban context study ensures that the development responds to the current local context by being appropriate in scale and including active frontages with greenery that contributes to the Hawke Street Linear Park (Clause 11.03-6L-15).
- The proposed development has been designed to focus activity to the King Street and Hawke Street frontages to reduce impacts from noise emissions to surrounding residences in support of Clause 13.
- The proposal has been purposely conceived to be sympathetic to the preferred lower-scale character of this part of West Melbourne in support of Clause 15, noting:
 - The design incorporates podiums that are responsive to the lower-scale building heights of adjoining heritage dwellings
 - The upper levels are setback a pronounced and appropriately distance for each streetscape having regard to its sensitivity and adjoining properties
 - The setbacks and the lower-scale building heights also help to minimise overshadowing impacts
 - Material have been selected which creative a cohesive design response, reflect the nature of the building for a boutique hotel and provide visual interest to the immediate neighbourhood and broader area
 - The proposal will enhance the appearance of the site, which is currently underutilised and contains a dated hotel building with a utilitarian design that is unsympathetic to the preferred character of the neighbourhood
 - The proposal incorporates modern environmentally sustainable design features and landscaping across its five storeys

- Has the ability (based on preliminary design) to achieve the required 5-Star rating under a current version of a Green Star rating tool (i.e. achieving a rating of "Australian Excellence")
- Will operate with a Waste Management Plan that has been prepared by Leigh Designs in accordance with the current version of the City of Melbourne's Guidelines for Waste Management Plans.
- In response to Clause 15.01-1L-05 (Urban Design Outside the Capital City Zone), the development:
 - Achieves a high standard of design that will positively contribute to West Melbourne, Hawke Street and King Street and complement the existing built form at the Hawke and King Street intersection
 - Responds to the form, height, and scale of recent taller development in the surrounding area, while ensuring that new development respects the 1 and 2 storey heritage forms through appropriate design, setbacks and use of materials and colours.
 - Creates clear contrasts between the recessive and projecting elements of its frontages to Hawke and King Street, as shown in TPA13, TPA14 and TPA15, as well as the break-up of its volume into several sub-volumes and constituent parts to minimise the appearance of its bulk and mass.
 - Provides a Hawke Street frontage that integrates planting into the built form to maintain and contribute to the Hawke Street linear park.
- The proposal is highly compliant with the relevant provisions of Clause 15.03-1L-02 (Heritage) as follows:
 - Only non-contributory heritage fabric is proposed to be demolished.
 - Retention of most of the three-dimensional form of 599-601 King Street responds to policy and avoids a facadism type design approach.
 - The proposed height of the building and its podiums to Hawke and King Street is commensurate to prevailing streetscape heights and scales. The height and number of storeys of the new development is less than the six-storey mixed use development at 643 King Street, and the form and setbacks of the new building are highly sympathetic to the surrounding streetscape and existing heritage places.
 - On King Street, the street frontage of the building continues the rhythm of presentation to the street with a similar width and height as the adjoining heritage terraces to the south.
 - Upper levels are appropriately setback and recessed and given they are a small footprint they are not prominent in the skyline or views to the site.
 - The façade height of the podiums is consistent with the height of adjoining buildings, as shown by Architectural Drawings TPA13 and TPA14.
 - The proposal maintains clear property boundaries and does not build over or extend into the air space directly above the front or principal part of significant or contributory buildings, including at 599-601 King and 27 Hawke Street. As shown by TPA19, TP020 and TPA33, the new building observes a clear separation between contemporary and heritage fabric.
 - At its interface with Jones Place, the design of the building is respectful of the scale and form of existing buildings. As shown within TPA03, the proposal includes retention of portions of the existing wall situated along the site's southern boundary. Additionally, as noted in the Heritage Impact Statement prepared by Bryce Raworth, Jones Place is characterised by modern rear building additions, rear boundary walls/fences and modern rear garage frontages and is not considered a sensitive heritage environment.
 - The building design demonstrates high-quality modern architecture that will improve the amenity of the area and contribute to its eclectic existing and emerging character. The new building will sit harmoniously within more contemporary examples of building design within West Melbourne but will also ensure that heritage fabric is respected through concealment, recessed levels and complementary heights and external finishes.
- Consistent with Clause 17, the proposed hotel, day spa and commercial space will contribute to the mixed use function of the area and provide on-going (and elevated) employment opportunities and economic activity from the site. The location is appropriate for tourist accommodation and will assist in promoting Melbourne's diverse offering of unique "local" places to visit and become immersed in.
- The proposal is highly accessible to public transport options and will assist to promote greater usage of the existing system of trains and trams routes near the site in support of Clause 18. The proposal also includes adequate car parking in a basement accessed via an existing (widened) crossing within Hawke Street. Vehicle access to the site will be rationalised with the removal of a crossing within King Street, improving safety for pedestrians and the function of this road.

- The proposal meets the objectives of clause 19 by appropriately managing water supply and usage, drainage, and stormwater. The development incorporates water tanks that will harvest stormwater for reuse and reduce and control flows from the site. A waste management plan has been prepared by Leigh Designs that will promote recycling and the reduction and appropriate disposal of waste.

Assessment against relevant planning strategies

- In line with the outcomes and objectives of *Plan for Victoria*, the proposal facilitates the redevelopment of a strategic site close to the Melbourne CBD. The proposed design incorporates ESD features and landscaping, achieves high visual interest and will improve the design and feel of the public realm. While the modern design takes full advantage of the site attributes, the proposed massing, setbacks and detailed design is appropriately sensitive to on-site and surrounding heritage fabric and preferred neighbourhood character.
- The proposal is compliant with *Urban Design Guidelines for Victoria (2017)* by providing ample opportunities for ground floor activation, enhanced connections to existing and planned public spaces, including the future Hawke Street Linear Park, and increased visual interest within the surrounding public realm.
- The proposal aligns with the broader vision of the *West Melbourne Structure Plan (WMSP) (2018)* to continue to accommodate a diverse range of business and employment uses and allow the suburb to evolve as a counterpoint to the central city. The proposal will facilitate an enhanced tourism accommodation offering close to the CBD and with convenient access to public transport.

Assessment against relevant planning controls

An assessment of the key planning controls and issues of the proposal will follow. It should be noted that while the CoM did not provide a response to the current proposal being considered for C480melb and PA2403266, they requested that we give regard to their comments provided as part of the earlier amendment authorisation request for C435melb (which was for a similar proposal). As such, some comments from the CoM 'Delegate Report' to C435melb will be included and referred to as part of this assessment, as necessary.

Zoning, use of the land and appropriateness of amendment

The subject land is zoned General Residential Zone Schedule 1 (GRZ1).

A permit is triggered to use the land for a 'residential hotel' and to use the land for a 'food and drink premises'. A permit is triggered to construct a residential building pursuant to Clause 32.08-7.

The proposed use for a residential hotel is appropriate for the subject land. While 13-27 Hawke Street is currently used for a residential hotel, the use is to be expanded to occur on the remaining parcels of land that form the subject land. It will facilitate 95 hotel rooms and 2 serviced apartments over 5 storeys. The residential hotel will operate 24 hours a day and 7 days a week. The day spa, an ancillary use to the residential hotel, will be available to both hotel guests and the general public between the hours of 7am and 8.30pm.

The food and drink premises will serve both hotel guests and the general public. It should be noted that a permit is not triggered for the sale and consumption of liquor given the definition of a residential hotel includes the sale of liquor for consumption on, or off the premises if the residential building has at least 20 bedrooms.

Clause 32.08-4 includes a requirement to provide 35% of a lot to be set aside as garden area for the construction of a residential building comprising above 650 sqm. This requirement is not varied under the GRZ1.

The amendment C480melb will introduce a General Residential Zone Schedule 7 (GRZ7) which exempts the requirements for a minimum garden area for construction to a residential building. Requiring 35% garden area would be a significant departure from the site's existing conditions, immediately comparable built form context and contrary to the broader planning policy objectives of the planning scheme to support efficient land use and development within well-serviced areas. The site's location supports a more intensive yet

contextually sensitive development. The proposed GRZ7 schedule will balance increased density with heritage considerations, enhancing urban character while allowing efficient land use.

The proposed amendment is required to facilitate the appropriate development of the site in a manner that aligns with the strategic aspirations for both the immediate area and West Melbourne more broadly. The amendment seeks to enable a built form outcome that respects the site's scale and location while providing certainty about development expectations.

Clause 32.08-11 stipulates a maximum building height of 11 m and three storeys, which cannot be varied by Schedule 1. However, given the planning permit was initiated through Clause 53.22 (Significant Economic Development), Clause 53.22-2 allows the waiving or variation to any building height or setback requirement. While the maximum overall height proposed for the development is 20 m, the podium height at Hawke Street and King Street will sit at 9.49 m and 10.4 m respectively. Furthermore, the street setback above the podium to Hawke Street and King Street will be 7.7 m and 10.7 m respectively. The setbacks at the upper levels will respect the two storey terraces at 599 and 601 King Street and the corner building at 613 King Street. As such, the varied heights and setbacks are considered appropriate in terms of how it relates to the patterns of height and scale of existing development in the surrounding area and is therefore appropriate.

Furthermore, the West Melbourne Structure Plan (WMSP) is a background document which supports the continuation and expansion of existing commercial businesses, facilitates new employment opportunities in the local area and the replacement of a building with a sensitively designed, modern form. The Panel report that responded to the Amendment for the WMSP specifically stated that *'the site is capable of accommodating more intensive built form than what would be allowed under the existing General Residential Zone.'* As such, the proposed development complies with building form and detailed design outcomes of the WMSP.

In response to the purpose and decision guidelines of the General Residential Zone (GRZ), the proposal achieves the following compliance:

- The development is respectful of the largely residential character of the area. The design of the building, including form and setbacks, and its chosen materials are sensitive to surrounding development, whilst also enabling the subject site to contribute to the emerging, more diverse character of the area.
- The proposal delivers affordable visitor accommodation location close to existing settlement and transport networks, the CBD, and key retail precincts such as Errol/Victoria Street and the Victoria Market.
- The development serves a key community, municipality, and broader metropolitan need for a range of accommodation opportunities.
- The building will not cause any overshadowing of existing rooftop solar energy systems on dwellings either or adjoining or nearby lots, including those systems present at 53-57 Jones Place and 68 Roden Street to the south-west and 643 King Street to the north-east.
- The site has been used for accommodation (hotel) since 1970, and whilst there will be an increase in the built form and the number of people working and staying on site, the development includes design measures to minimise amenity impact, such as locating typically noisy areas away from residential boundaries and designing the building to minimise overshadowing and overlooking, in order to ensure that the use is compatible with surrounding residential use.
- The development includes façade treatments to both King Street and Hawke Street that provide green infrastructure, as well as roof gardens that include landscaped areas with substantive planting.
- The proposal responds to the design, form, height, and scale of recent taller development in the surrounding area, while ensuring that new development respects the 1 and 2 storey heritage forms through appropriate design, setbacks and use of materials and colours.
- The proposal provides car and bicycle parking, which includes 44 car spaces for the hotel and ancillary uses, 2 car spaces for the food and drink premise, 4 car spaces for the serviced apartments, 23 bicycle spaces for staff (as well as end of trip facilities) and 2 bicycle spaces for the serviced apartments.

Heritage Overlay – Schedule 3 (HO3)

A permit is triggered for the demolition or removal of a building and to construct a building or construct or carry out works, pursuant to the HO3.

The *Heritage Places Inventory February 2020* provides gradings such as 'significant', 'contributory' and 'non-contributory' heritage places. The relevant gradings for the subject site and surrounding properties have been taken into consideration and the application has been informed by heritage analysis of Bryce Raworth and is compliant with the purpose and decision guidelines of the HO3 as follows:

- The design retains all the original fabric comprising the original double-storey front volume of the double storey terraces at 599 & 601 King Street which are assigned significant gradings. This includes their roof form and chimneys (only non-contributory fabric added to the rear is proposed to be removed).
- The proposal retains the original front portion of 27 Hawke Street. As noted by Bryce Raworth, the existing double-storey addition to the rear of this address is modern in origin and non-contributory, and hence its demolition as part of the proposal is supported by policy.
- The existing hotel building proposed for demolition at 13-25 Hawke Street is a utilitarian structure dating from the 1970s which does not have a heritage listing or grading. Its demolition will not detract from the heritage precinct, noting also that Clause 22.05 does not specify any provisions relating to the demolition of non-graded buildings.
- The replacement building will clearly be an improvement to both the site and the surrounding streetscapes/area. The design and materials of this new building will ensure that does not visually dominate the retained elements of heritage fabric on site.
- The appearance, bulk and form of the new building is commensurate to surrounding fabric and appropriately manages impacts to sensitive interfaces. The height of the podium and façade of the building along King Street is in keeping with the height and façade of the double storey terraces at 599 & 601 King Street, as well as neighbouring 597, 595, and 591 King Street properties to the east. Front setbacks at this interface will further maintain the visual prominence of these terraces, and upper-level setbacks will ensure that the visibility of these levels is minimised from street level.
- The height of the podium and façade of the new building along Hawke Street is commensurate to the height and façade of 611-617 King Street, as recommended by Bryce Raworth.
- Proposed external materials are of high-quality and have been carefully selected to complement existing materials found in the area. The building design utilises glazing and reflective materials appropriately, and external materials and finishes complement the appearance and colours of existing building fabric adjoining the subject site.
- Overall, in line with the heritage advice provided by Bryce Raworth, the proposed demolitions and new building forms respond appropriately and sensitively manage the significance of heritage places on and adjoining the subject site and will not pose unacceptable impacts to the character, value or appearance of these places and streetscapes.

CoM commented in relation to the earlier amendment of C435melb request stating that *'The overall height and massing of the proposal generally achieves an acceptable outcome having regard to the significance and appearance of the heritage places which form part of the site, as well as those in the immediate surrounds.'*

Environmental Audit Overlay (EAO)

No permit is triggered pursuant to the EAO however part of the subject land is affected by the EAO, specifically the vacant parcel of land known as 605-609 King Street. This parcel of land was identified (as part of a Preliminary Land Contamination Assessment undertaken for the West Melbourne Structure Plan) as a site that could be potentially contaminated. The EAO applies to land in an Environmental Audit Overlay and applies whether or not a permit is required.

Clause 45.03-1 requires that:

Before a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school commences or before the construction or carrying out of buildings and works in association with these uses commences:

- A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or

- An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use; or
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
- A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.

The use of 605-609 King Street for the purpose of a hotel is classified as a sensitive use and therefore the above requirements apply. As such, appropriate permit conditions will be included to ensure that before the use is commenced, the land is suitable for the hotel use and will not be significantly adversely affected by any contamination.

Clause 52.02 (Easements, Restrictions and Reserves)

A permit is triggered, before a person proceeds under Section 23 of the *Subdivision Act 1988* to create, vary or remove an easement or restriction.

The proposal includes the removal of a drainage easement (Easement E-2 on 13-25 Hawke Street), in favour of the neighbouring corner property at 611-617 King Street and the removal of a redundant party wall easement labelled "BL" for blue on LP034651 on the boundary of 27 Hawke Street and which is in favour of neighbouring properties 29, 31 and 33 Hawke Street.

As background, there is a driveway located on the site, which provides access from Hawke Street in the north-west part of the lot that is shared with the corner property at 611-617 King Street. This was a Former Right of Way (FROW) known as PL5136. Half of this FROW was purchased from Council by the Miami Hotel Group and the other half by the previous owners of 611-617 King Street. This occurred on the condition of granting easements of carriageway, light and air over each other's half of this land.

The FROW sale included a long narrow strip of land which had formed part of the FROW and included the drainage rights adjoining the rear and south-east boundaries of 605-609 King Street. A new drainage easement (E-2) was created between 605-609 King Street and 13-25 Hawke Street in favour of 611-617 King Street as a precaution because it was at the time unknown whether the Drain Easement served a function.

Investigations have since found that the Drainage Easement does not contain drainage pipes and at best would only allow for some flow of surface drainage over the subject site to a point of discharge within the subject site, which is not a legal point of drainage discharge. On the basis that the easement does not serve a function, this application seeks its removal. Any surface flows will be directed to a grate drain in front of the Hotel access from Hawke Street.

In addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people. Given that the easement in question does not contain drainage infrastructure, and any above surface flows across the subject land can be re-directed to a drain forming part of the new development, it is considered that the proposal will have no impact on 611-617 King Street, which is the only property that has an interest. Furthermore, it should be noted that the owners of 611-617 King Street were notified of the proposal through the s20(5) consultation process however no submission was received.

With regard to the removal of the redundant Party Wall Easement, it serves no further purpose and its removal is considered appropriate.

It is noted that the officer report from the CoM that was considered at the FMC meeting in June 2023 as part of C435melb remained silent on the removal of easements and the Incorporated Document did not include permit conditions to reflect the removal of the easements. However suitable permit conditions will be included to allow the removal of these easements.

Clause 52.06 (Car Parking)

A permit is triggered to reduce the parking requirement associated with a food and drink premises from 4 to 2 car spaces. Some relevant details of the proposal are provided below:

- 50 car spaces are provided within the basement and allocated as follows:
 - 48 spaces for the hotel and ancillary uses and the two serviced apartments
 - 2 spaces for the food and drink premises
- An additional 5 on-street spaces as guest hotel drop off zones within the frontage of the hotel
- Deliveries and waste collection will occur within the on-site loading bay from Jones Place to the rear.

In terms of assessing the appropriateness of the car parking proposed, a residential hotel is not listed in Table 1 at Clause 52.06-5 and therefore in accordance with Clause 52.06-6, car spaces are to be supplied to the satisfaction of the Responsible Authority.

For a food and drink premises, a rate of 3.5 spaces per 100 sqm of leasable floor area applies. For 133.75 sqm this equates to statutory requirement to provide 4 spaces. The reduction of car spaces sought equates to 2 spaces given that 2 spaces are proposed to be supplied for the food and drink premises use.

Overall, the provision of 50 car spaces for the hotel and its ancillary uses, the two serviced apartments and for the food and drink premises is considered satisfactory. A Transport Impact Assessment report, prepared by Ratio was submitted to justify the appropriateness of the car parking spaces for the proposed uses and development. Ratio found that the reduction in car parking requirements of 2 spaces for the commercial tenancy and the allocation of 48 spaces to the hotel satisfactorily meets Clause 52.06 for the following reasons:

- The site is highly accessible to the public transport network that includes a variety of forms of public transport options (ie. tram, bus, and trains, metropolitan and V-Line).
- The site is highly accessible to bicycle paths and bicycle facilities have been provided in excess to the statutory requirements of Clause 52.34.
- Visitors to the commercial tenancy are expected to be generated from existing traffic within the precinct and would be serviced by vacant car parking identified by parking surveys taken for the area (including 4 spaces in the immediate frontage of the property).
- Parking nearby is restricted to short-term promoting high turnover of use for commercial tenancy and avoiding use by hotel staff.
- The proposal promotes the reduction in dependence on private motor vehicles consistent with State and local planning policy.
- Car sharing vehicles are available nearby the site and within walking distance that may be used by hotel guests and staff.

Ratio assessed the physical provision of the car parking within the basement and the loading bay and turning area at the rear of the building and have found that the car parking spaces dimensions, access isles and entry ramp all meet the requirements of the planning scheme and/or AS/NZS 2890.1:2004.

Clause 52.27 (Licensed Premises)

A permit is not triggered pursuant to Clause 52.27 because Clause 73.03 (land use definitions) states that a residential hotel allows *'the sale of liquor for consumption on, or off, the premises,'* given more than 20 hotel rooms are proposed.

Loading area and deliveries from Jones Place:

A dedicated loading area is proposed to support the development which is to be located on the southern corner of the site with a turnaround area provided to enable forward entry and exit manoeuvring via Jones Place. A number of submissions received through the section 20(5) consultation process raised strong concerns about the appropriateness of using Jones Place as the entrance to provide deliveries of goods. Concerns raised included the amenity impacts that would result from an increase in noise and traffic and safety issues.

In order to satisfactorily address these concerns, the proponent has agreed to modify the plans so that all loading areas and all deliveries is located from the proposed Hawke Street ramp providing access to the basement. It is considered that this is a suitable outcome and will satisfactorily address the concerns raised by numerous submitters. A suitable condition of permit will be included to require the architectural plans be amended to reflect the change. Any changes will need to be in accordance with AS/NZS 2890.1:2004.

Clause 52.29 (Land Adjacent to the Principal Road Network)

A permit is triggered to alter access to a road in a Transport Zone 2 (TZ2). King Street is declared a TZ2 and it is proposed to alter the access to King Street by removing the existing access and replacing it with footpath, kerb and channel.

The removal of the cross-over will improve the operation of King Street and public safety. The proposal will remove the current ability for vehicles to enter and exit the site via King Street and will remove a conflict point between vehicles and pedestrians utilising the King Street footpath.

HTfV are a determining referral authority pursuant to Clause 52.29 for the alteration of access to a road declared as an arterial road under the *Road Management Act 2004*. They are also a determining referral authority pursuant to Clause 66.02-11 for an application to construct a building for a 'residential building comprising 60 or more lodging rooms'.

The application was referred to HTfV and they responded stating that they have no objection subject to the following condition being included on any permit issued:

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

The proposal includes a hotel guest drop off zone within King Street in front of the 605-609 King Street property forming part of the site. The 2 x on-street car parking spaces currently in this location are restricted as a 30 minute Loading Zone (from 7:30 am to 6:30 pm Monday to Friday and 7:30 to 12:30pm Saturday).

HTfV also provided the following additional comments:

- *Given the median on Hawke St (a local road), all movements are self regulated and restricted to only left in / left out. Being one vehicle every two minutes, this quantum of trip generation is unlikely to impact the network to the extent mitigative actions are required.*
- *The removal of the crossover on King Street is a positive outcome for the King Street (arterial) road network.*
- *The only low level concern we have which could have been addressed by a Traffic Impact Assessment is the left turn from King St into Hawke St is quite busy during PM Peak. There is a "Loading Zone" that is applicable between 7:30am-6:30pm Mon-Fri and 7:30am-12:30pm on Saturday, with "1P" allowed to the south of the crossover. This would have been a great opportunity to review whether the current restrictions need to be expanded to be applicable to the entire frontage of the hotel. The "Loading Zone" is inappropriate for hotel drop off and pick ups, however the nature of restrictions would be for Council to negotiate to ensure the hotel drop off/pick up is located appropriately so it does not impact arterial road performance.*

In response to the last dot point above, the following note will be included in any permit issued:

- *The proposed development requires works within the road reserve. Separate approval under the Road Management Act 2004 for this activity will be required from the Head, Transport for Victoria. Please contact the Department of Transport and Planning prior to commencing any works.*

The above note was included by HTfV in an earlier response to C435melb and can therefore be included as a note in PA2403266.

Clause 52.34 (Bicycle Facilities)

Clause 52.34 applies to the proposal however a permit is not triggered if the requirements of Clause 52.34-5 and Clause 52.34-6 are met. In this case, the bicycle facilities provided exceed the requirements. An assessment by Ratio was provided as part of the Traffic Impact Assessment report which identified that 21 spaces are required to be provided. Given the architectural plans show the provision of 36 bicycle spaces made up of 21 bicycle spaces and 4 e-bicycle parking spaces provided for staff on the Basement Level and a total of 11 bicycle spaces provided for visitors on the Ground Level, the proposal easily exceeds the bicycle parking requirements.

Clause 53.18 (Stormwater Management in Urban Development)

A permit is not triggered pursuant to Clause 53.18 however its consideration is relevant. This provision seeks to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

The proposal is consistent to the purpose of the clause through retaining and re-using stormwater (water will be captured from the roof space in 2 x 20,000lt tanks for re-use in toilets on ground level and level 1, mitigating impacts to stormwater on the environment (litter will be managed through implementation of a waste management plan) and cooling the environment (landscaping will help to cool the building).

The proposal satisfactorily addresses the stormwater requirements, however a condition of the permit will require that before development starts, a stormwater drainage strategy be submitted to the Responsible Authority for approval, in consultation with the City of Melbourne.

Clause 53.22 (Significant Economic Development)

Clause 53.22 is relevant in that the proponent chose to lodge their planning permit application through the Clause 53.22 pathway. The proposal qualifies for consideration given the estimated cost of the development exceeds \$28M and a residential hotel is listed in Table 2 of Clause 53.22.

The proposal is supported by the decision guidelines at Clause 53.22-5 by:

- Providing for the efficient and effective use of land and facilitate use and development with high quality urban design, architecture and landscape architecture.
- Providing a significant economic benefit to the surrounding area and Melbourne through:
 - Initial employment opportunities during construction.
 - Ongoing employment through the management and running of the hotel, day spa and retail premises.
 - Supporting and promoting the visitor economy through providing tourism accommodation.
 - Supporting the nearby activity centre along Errol Street, Victoria Market and Melbourne's CBD.

It is appropriate that clause 53.22 be utilised to exempt the development from the height control within GRZ1 given the unique opportunities presented. The site's scale and location are well suited to the uses and development proposed and has enabled a sensitive design response that is respectful of its context. Furthermore, the operations of the use can be appropriately managed through suitable planning permit conditions.

Clause 58 (Apartment Developments)

Clause 58 does not technically apply because the development is for 95 lodging rooms for a residential building (hotel). While the development includes two serviced apartments (which technically are self contained dwellings), one is located on Level 3 and the other on Level 4 and they are not located above the ceiling level or below the floor level of each other, therefore do not meet the definition of 'apartment'.

Regardless, it should be noted that the proposed development meets all relevant standard and objectives of this Clause 58.

Amenity considerations

Building bulk:

The building has been sensitively designed to ensure that podiums are of a height and form that is sympathetic to neighbouring buildings and appropriately responds to the existing pattern of development.

The upper levels above the podiums have been setback a pronounced distance from the street (minimum of 10.5m to King and 7.7m to Hawke Street) and side and rear boundaries (minimum of 14.35m to southern side boundary and 9.452m to the eastern rear boundary) to be subordinate to the podiums and reduce impact to the adjoining streets and neighbouring properties.

The CoM 'Delegate Report' to C435melb at that time commented that *'the proposed built form responds to its immediate context through its siting and massing, achieving a high level of recession to the upper floors and an adequate transition to lower scale built form in the immediate surrounds. The building would present as a predominantly four storey built form as viewed in the wider context, due to the setbacks provided to the upper levels and the response of the building to the sloping topography of the site.'*

The built form is softened by landscaping through providing a green edge and façade treatments through providing articulation and visual interest that will reduce the appearance of building bulk from all external vantages.

However, while the plans detail the location of 'feature green wall', a condition of permit will be required to provide a detailed 'Green Infrastructure Landscape Plan'.

Noise:

The proposal is to replace an existing hotel in an inner-city location with improved outcomes for adjoining properties in relation to noise. The development includes the following layout and features:

- The restaurant, function room and hotel bar are located centrally on the ground floor and will be enclosed other than the beer garden and restaurant alfresco area, which are separated by solid walls and are an appreciable distance from sensitive noise receptors.
- There are no openings such as doors or windows in the eastern wall of the ground floor where the function room, restaurant or hotel bar is located.
- The quieter areas of the hotel lobby and back of house are located against the eastern wall abutting the neighbouring dwelling at 597 King Street.
- Most of the balconies of the hotel accommodation rooms and serviced apartments generally face towards Hawke and King Street and/or have been setback a pronounced distance from the property boundaries. Balconies are enclosed to further prevent noise emissions.
- The buildings services are centrally located on the roof away from sensitive receptors and will be enclosed within a walled structure.
- Deliveries will not take place from Jones Place (as proposed) but rather from the Hawke Street frontage (as per a condition of permit to require this).
- Waste collection for the hotel will be restricted to the basement garage and will occur by a private contractor. All bin storage will occur within the basement (for the hotel and serviced apartments). Waste collection bins will feature rubber wheels and the waste bin store area will be designed to meet BCA and AS2107 acoustic requirements. The collector will actively minimise noise during collection. Waste collection times will be as per Council local laws.
- For the two serviced apartments, waste collection will occur from the Hawke Street kerb by Council.
- The kitchen, ground floor services, workshop, housekeeping / linen room and refuse bin area are located within the building.
- Car parking is located within a basement car park. Access to the car parking is provided from an existing cross-over (to be widened) that is separated from neighbouring dwellings from 27 Hawke Street.

Contamination:

This was discussed in detail under Clause 45.03 EAO. With the inclusion of suitable conditions, they will ensure that before the use is commenced, the land is suitable for the hotel use and will not be significantly adversely affected by any contamination.

Over-shadowing:

Shadow diagrams have been prepared for both existing shadows and those resulting from the development. The diagrams demonstrate no unreasonable shadows will occur to the neighbouring properties.

Overlooking:

There will be no unreasonable overlooking resulting from the proposed development. The building has been designed to avoid overlooking to the neighbouring residential properties to the east and south. Balconies facing east and south have been setback from the property boundaries and have green roof spaces or similar roof voids that will prevent guests looking down into neighbouring properties.

Does the proposal achieve net community benefit?

The proposal will create a net community benefit by:

- Replacing an existing building which contributes little to the streetscape noting its age and a basic, functional design, with a contemporary, attractive building which reflects the site's prominent position on two key streets.
- Removing a crossover on King Street and reinstating the pathway along this frontage.
- Introducing facilities which are ancillary to the hotel but open to the public such as the hotel restaurant, hotel bar and day spa as well as a new food and drinks premises.
- Activating the street edges by locating the new uses with direct and inviting entries from the street and designing the building to allow views in and out.
- Introducing landscaped edges and green wall treatments along the key interfaces.

Other comments:

It should be noted that the draft planning permit that went out to consultation was generally based on the Incorporated Document that was used as part of Amendment C435melb which at that time sought to introduce a Specific Controls Overlay (SCO) and an associated Incorporated Document to facilitate the redevelopment of the subject land generally similar to that as proposed by C480melb and the planning application PA2403266. As such, many of the draft permit conditions are outdated and therefore the permit conditions for PA2403266 have been updated to reflect current requirements and provisions of the Melbourne Planning Scheme.

Exemption from Notice

Section 20(4) of the Act enables the Minister for Planning to exempt an amendment which the Minister for Planning prepared from any requirements of sections 17, 18 and 19 of the Act and the Regulations. In seeking to exercise this power, section 20(4) of the Act requires that the Minister must consider that compliance with any of those requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate.

It is considered that the interests of Victoria make such an exemption appropriate because:

- The prompt adoption and approval of the amendment and granting of a planning permit will facilitate the timely redevelopment of the existing hotel site allowing development to be exempt from the mandatory garden area requirement of the Melbourne Planning Scheme and would issue a planning permit allowing the use and development of the land for the project in accordance with the plans.
- The prompt adoption and approval of the amendment and granting of a planning permit supports the implementation of Clause 11.03-6L-15 (West Melbourne) and Clause 17.04-1S (Facilitating tourism) by facilitating ongoing tourism use of the site and a diversity of business and employment opportunities close to where people live.

Community views on the proposed permit and amendment were sought. Consultation was carried out under section 20(5) of the Act with consultation letters provided to:

- City of Melbourne (CoM)
- Head, Transport for Victoria (HTfV)
- Adjoining and nearby owner and occupiers (and as recommended by CoM, including the parties who previously made submissions to C435melb).

The letter sent to all parties noted that if the Minister decides to prepare, adopt, and approve draft Amendment c480melb, this will allow for the approval of draft Planning Permit PA2403266 and will facilitate the development of the land. The letter also advised that they were being consulted under section 20(5) of the Act and sought their views about the draft amendment and draft planning permit.

On 14 March 2025, consultation concluded with 22 submissions received. On 17 February 2025, a response from the CoM was received. A response from HTfV Victoria (determining referral authority) was received on 28 March 2025. The response from the CoM and the HTfV is summarised below:

| Organisation | Response |
|------------------------------|--|
| City of Melbourne | Referred to the Future Melbourne Committee (FMC) documents on C435melb as CoM comments for the draft C480melb. The council's preferred approach is via an Incorporated Document and Specific Controls Overlay, as was prepared for C435melb. It should be noted that the referral responses that were sought as part of C435melb generally provided a high level support with further advice to address matters raised. These matters were included in the then Incorporated Document which have now been transferred as permit conditions to PA2403266. |
| Head, Transport for Victoria | No objection subject to the inclusion of a condition relating to the demolition of the footpath, kerb and channel and its reconstruction including the vehicle crossing. Some additional comments were provided which generally support the proposal. A comment was raised regarding the use of the existing 'loading zone' fronting King Street and its use as a hotel drop-off and pick-up, however the nature of the operation of this area can be addressed via separate approval under the <i>Road Management Act 2004</i> . |

All concerns raised by the 22 other submitters have been summarised and a response from DTP provided below:

| Submitter comment | DTP response |
|---|--|
| Support proposal as West Melbourne is in much need of redevelopment. | Agree with response that the Miami Hotel is in much need of appropriate redevelopment. |
| Jones Place is not suitable for deliveries and will increase safety and noise concerns. | This is acknowledged by the proponent who has agreed to change proposal so that no deliveries to the subject land is from Jones Place, but rather from Hawke Street. DTP agree to this change and will be addressed via permit conditions. |
| Architectural plans state 50 car spaces, but plans show less. | 50 car spaces are noted and provided on the architectural plans, all of which include the minimum 2.6 m by 4.9 m. |
| 50 car parking spaces for hotel use is insufficient. | A traffic report was submitted which stated that the provision of 50 spaces for the development is appropriate and will not result in any adverse |

| | |
|--|--|
| | amenity or traffic impacts. |
| Jones Place is 5.8 m wide, not 7.5 m. | Could not find the inconsistency however with the permit condition to restrict deliveries from Jones Place being incorporated in the permit, this becomes a non-issue. |
| Loss of amenity through increase traffic and noise. | There will not be an unreasonable increase in traffic or noise resulting from the proposed redevelopment of the Miami Hotel. 50 car spaces will be provided underground at the basement level and the accessways will accord with the standard requirements. Furthermore, with the change proposed to remove any deliveries to occur from Jones Place, minimal new traffic and noise will be generated from Jones Place. |
| Overdevelopment of the site, not in keeping with the character of the area and excessive height. | The West Melbourne Structure Plan highlighted that the area is subject to an increase in height controls and it supports the continuation and expansion of existing commercial businesses, facilitates new employment opportunities in the local area and the replacement of a building with a sensitively designed, modern form. |
| Development will result in unacceptable overlooking. | The development has been designed to avoid any unreasonable overlooking. |
| Garden space should be provided. | 35% garden area required by GRZ1 beyond current site conditions and not consistent with redevelopment potential and character on site. A condition of permit will require a suitable landscape plan be provided that includes vertical garden treatments. Character impacts acceptable on balance. |
| Too many hotels in Melbourne. | The Miami Hotel currently exists and the owners are within their rights to seek to redevelop the land with a modern and expanded hotel. |
| Heritage controls are ignored. | The heritage controls applicable are not ignored and rather the design incorporates retaining the existing facades that reflect the Victorian era for the existing terrace dwellings. |
| Historic wall at the end of Jones Place should be retained. | This wall could be retained given that no deliveries will be undertaken from Jones Place. A condition of permit will address this. |
| Sewer connection for #27 Hawke Street should have its own and not be through #29 Hawke Street. | The relevant service authorities will address any change that is required with regard to any changes to sewer connection. |
| The Development Facilitation Program (DFP) is an unfair process. | The DFP pathways are part of the planning processes in Victoria. The grounds for intervention are presented elsewhere in this report. |

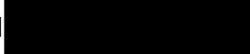
Checklist

| | |
|-----|--|
| Yes | The Minister has had regard to the relevant Minister's Directions, the Strategic Assessment Guidelines, the Victoria Planning Provisions and all relevant strategies in preparing the amendment. |
| NA | The amendment affects Agreement Land therefore the Minister is required to send notice of approval to the amendment to First Nations Legal & Research Services. |

| | |
|----|---|
| NA | The amendment affects land that is wholly or partially part of a Distinctive Areas and Landscapes declared area under Part 3AAB – Distinctive areas and landscapes, Section 46AO of the Planning and Environment Act 1987 |
| NA | All changes made by the department to the request have been detailed in the letter to the proponent. |
| No | The amendment includes an incorporated document. |
| No | The amendment includes a section 173 agreement. |
| No | The fee amount paid is zero, and a 'Waiving of Fee' form has been generated. |
| No | The amendment requires ratification by Parliament |

Declaration

Officer

I  declare that I have:

- a. Considered whether I have a conflict of interest in considering this amendment, and determined that I have:

(Mark relevant option with X)

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | No conflict |
| <input type="checkbox"/> | Conflict, and have therefore undertaken the following actions: <ul style="list-style-type: none"> Read the Department's 'Conflict of interest policy'. Filed a copy of the completed 'Conflict of interest declaration and action plan' form into the 'Decision' folder in ATS. |

b. ATS:

- The 'Details' tab in ATS is up-to-date, including the 'Amendment short description'.
- A 'Recommendation' record has been created in 'Decision Recommendation' tab, the recommendation is populated, and the record has been assigned to the peer reviewer / manager.
- All amendment documentation (including this officer report) is saved in the 'Decision' folder in ATS, and all files have 'Approval Final' in the file name.

| | |
|--|---------------------------|
| Signature  | Date: 2 April 2025 |
|--|---------------------------|

Reviewer

I, [\[insert peer review name\]](#), declare that I have:

- a. Considered whether I have a conflict of interest in reviewing this amendment and officer recommendation, and determined that I have:

(Mark relevant option with X)

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | No conflict |
| <input type="checkbox"/> | Conflict, and have therefore undertaken the following actions: <ul style="list-style-type: none"> Read the Department's 'Conflict of interest policy'. Filed a copy of the completed 'Conflict of interest declaration and action plan' form into the 'Decision' folder in ATS. |

b. ATS:

- Reviewed all amendment documentation and the officer recommendation.
- Updated ATS to include the 'Review date' in the 'Decision recommendation' record and assigned the ATS record to the Manager (or back to the officer if changes are required).

| | |
|-------------------|--------------|
| Signature: | Date: |
|-------------------|--------------|

Manager, Development Assessment

I, [REDACTED] declare that I have:

- a. Considered whether I have a conflict of interest in considering this amendment, and determine that I have:

(Mark relevant option with X)

| | |
|---|---|
| X | No conflict |
| | Conflict, and have therefore undertaken the following actions: <ul style="list-style-type: none"> • Read the Department's 'Conflict of interest policy'. • Filed a copy of the completed 'Conflict of interest declaration and action plan' form into the 'Decision' folder in ATS. |

- b. Concurred with the officer recommendation, reviewed the amendment documents, and undertaken the following actions:

| Delegate Approval | | Ministerial Approval | |
|-------------------|--|----------------------|--|
| ATS | | ATS | |
| Decision folder | | Decision folder | |
| x | Checked all documentation are in the 'Decision' folder in ATS, with 'Approval Final' in the file name. | | Checked all documentation are in the 'Decision' folder in ATS, with 'Approval Final' in the file name. |
| ATS record | | ATS record | |
| x | Populated the 'Planning Manager' section of the 'Decision Recommendation' record | | Confirm Amendment Status is 'Approval under Consideration' |
| x | Populated the 'On the Delegate List?' items and comments in the 'Decision Recommendation' record | | Confirm Substatus is 'Pre delegation review' |
| x | Confirm Amendment Status is 'Approval under Consideration' | | Assigned the ATS record to Letitia Neilson (Metro) or Senior Manager (Regional) |
| x | Confirm Substatus is 'Delegation review' | | |
| x | Assigned the ATS record to Director, State Planning Services (Metro) or Senior Manager (Regional / SSS) | | |

| | |
|--|--------------------------------|
| <p>Signature: </p> | <p>Date: 30/04/2025</p> |
|--|--------------------------------|