

**HOTEL WINDSOR ADVISORY COMMITTEE  
(Permit No. 2009/1687)**

**SUBMISSION BY THE CITY OF  
MELBOURNE**

**DECEMBER 10 2009**

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# Executive Summary

## **City of Melbourne's process for the review of this application**

This application was referred to the City of Melbourne for comment on 23 September 2009.

This proposal was reviewed in consultation with Council's Urban Design team, Heritage advisor and Engineering Services Group.

The application was assessed by Council's Planning Team and a recommendation to object to the proposal was presented to the Senior Officers Discussion meeting held on 29 October 2009. The minutes of this meeting were distributed to Councillors for review, including a recommendation to object to the proposal. The detailed report by the responsible planning officer which was distributed to Councillors is attached.

The Councillors considered the City of Melbourne's proposed recommendation at a Councillor forum on 10 November 2009. The recommendation was amended in consultation with Council officers. A response to the application was sent to the Department of Planning and Community Development on 25 November 2009 which generally supports the proposal and is the Council's essential position towards the proposal.

## **Response to Heritage Victoria**

A referral was received from Heritage Victoria on 30 July 2009 for the redevelopment of the Hotel Windsor site. This application was referred to Council's Heritage advisor. A letter was sent to Heritage Victoria on 17 September 2009, broadly supporting the proposal but requesting that some changes be made to reduce the height of the corner building. This letter and advice from Council's heritage advisor is attached as Item 2.

## **Response to the Department of Planning and Community Development**

A referral response was received from DPCD on 28 September 2009. A letter was sent to DPCD on 25 November 2009 advising of Council's general support for the application subject to several areas requiring further attention. This letter is attached as Item 3.

## **Terms of Reference**

A response is provided regarding the terms of reference relevant to the City of Melbourne's consideration of a planning application.

- An assessment of all issues relating to the application for planning permit no. 2009/1687 for the Hotel Windsor redevelopment.

An assessment of the proposal was completed under delegation. The detailed officer report is attached as Item 4 for your reference.

- A recommendation and reasons in relation to the determination of the Application for Planning Permit no. 2009-1687 for the Hotel Windsor

redevelopment, including recommendations as to whether a notice of decision/permit should issue and if so, under what conditions.

The response to DPCD on 25 November 2009 recommends that the application be approved subject to conditions which are recommended to be placed on any permit to issue for the site.

- Comment on the Statement of Significance for the Bourke Hill Precinct.

The City of Melbourne's Statement of Significance for the Bourke Hill Precinct is located within Clause 22.04 (Heritage Places within the Capital City Zone) of the Melbourne Planning Scheme. This is attached in full. The statement contains information of high relevance to the assessment of this application and states that: *'This precinct derives much importance from its association with Parliament House... This 19<sup>th</sup> century complex dominates the Bourke Street vista from as far away as William Street, and is emphasised by the sympathetic scale of the buildings on either side of the Bourke Street Hill.'*

The proposed development is located on the southern side of the Bourke Hill Precinct. The proposed building to Windsor Place is not considered to meet the decision guidelines of the precinct Heritage Overlay (HO500). The building presents as overly bulky in the view lines to the east on Bourke Street, looking towards Spring Street. This area at the eastern end of Bourke Street has predominantly low scale building forms. The large hotel building is out of context to the surrounding built form. It is considered that this building will adversely affect the appearance of the heritage precinct and the visual dominance of the Parliamentary buildings.

- Comment on whether the current discretionary height control that applies to the site (Design and Development Overlay, (DDO2) in the Melbourne Planning Scheme) should be mandatory.

and

- Comment on whether the current discretionary height controls over the area bounded by Spring Street, Little Collins Street., Exhibition Street and Little Bourke Street should be mandatory.

The subject site is located in DDO2 (area 4) which specifies a discretionary height requirement of 23 metres. The outcome associated with the height requirement is that: *'The Parliamentary buildings remain dominant on the Bourke Hill skyline.'* This is consistent with the statement of significance for the Bourke Hill Precinct highlighted above.

The City of Melbourne has administered this DDO since 1999 and its predecessors since the 1980's. Our experience has been that the height control in both of the above cases should be discretionary rather than mandatory.

It is considered that the other outcomes required to be considered by the Advisory Panel lie beyond the City of Melbourne's consideration of this planning application.



17 September 2009

Executive Director  
Heritage Victoria  
Department of Planning and Community Development  
GPO Box 2392  
Melbourne VIC 3001

Dear Mr Gardner

**HV REF: P14689**  
**103-137 SPRING STREET, MELBOURNE VIC 3000**  
**PROPOSED ALTERATIONS AND REDEVELOPMENT OF THE WINDSOR HOTEL**

I write regarding your letter received 30 July 2009 seeking Council's comments in relation to the application at the above mentioned property. The following comments are provided in relation to the proposed heritage components of the proposal.

The proposal is broadly supportable in relation to:

1. the extent of demolition of the historic building;
2. the extent of retention and restoration etc to the historic building;
3. the extent and nature of the proposed rear tower building behind the Windsor Hotel;
4. the essential concept of a modern addition at the corner of Spring and Bourke Streets, replacing the existing modern addition, including the contemporary architectural character that is proposed.

While there are issues of detail to be resolved in relation to items 1, 2 and 3, I accept that the general nature of the proposal seems appropriate. While the proposed tower represents a substantial change, it is noted that the site is already seen in the context of taller buildings, and the design has sought to provide a neutral but handsome backdrop that allows the Windsor Hotel to remain visually prominent and distinct.

However, in relation to point 4 above, I believe that the height of the corner facades of the proposed new envelope is approximately one storey to two storeys too high.

The appropriate height of this façade envelope in relation to the facade of the Windsor would be a height comparable to, or lesser than the main cornice line of the Windsor, rather than the height of the nearest corner

turret. The present height results in a new building that is too visually dominant, and bulky, relative to the significant hotel building and also relative to the neighbouring buildings in Bourke Street and, of course, the Parliament House. This imbalance is illustrated by the perspective view provided in the application documentation, 'View from the Parliament Steps' (SK250\_S2), with the new envelope being visually dominant relative to the Windsor.

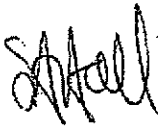
Given that the Windsor is itself already the tallest of the heritage buildings in this part of the Bourke Hill precinct (HO500), such a large new building is inappropriate. Further to this, the proposed scale seems inappropriate in relation to HO524, the group of two storey buildings opposite on Bourke Street. As a result, the height of this proposed corner building and the associated visual bulk have the potential to impact adversely upon the valued vista along Bourke Street east toward Parliament. The existing corner building has a more appropriate height relationship than the proposed corner building (see page 25 of the Contour Consultants planning report for comparison).

This aspect of the scheme requires further assessment in terms of views along Bourke Street. The lowering of the height of the facades to Spring and Bourke Streets is desirable (a) in relation to the relationship with the Windsor Hotel as a registered historic building, and (b) in terms of the impact of the new works upon the significance of the Bourke Hill precinct (HO500) and the associated vista along Bourke Street looking east.

It is understood that an application for planning permit has been lodged with the Minister for Planning as the responsible authority for the proposal.

Please contact me on the number below should you wish to discuss this matter further.

Yours sincerely



**Gail Hall**  
Senior Planning Officer

Telephone 03 9658 8612  
Facsimile 03 9650 1026  
E-mail Gail.Hall@melbourne.vic.gov.au  
CoM reference HV-2009-40



25 November 2009

Mr Adrian Salmon  
Manager, Statutory Approvals  
Department of Planning and Community Development  
GPO Box 2392  
MELBOURNE VIC 3001

Dear Adrian

**REFERRAL RESPONSE: 2009/1687**

**103-137 SPRING STREET, MELBOURNE VIC 3000  
REDEVELOPMENT OF THE WINDSOR HOTEL - DEVELOPMENT OF A  
RESIDENTIAL HOTEL COMPRISING PART DEMOLITION OF EXISTING  
HOTEL AND CONSTRUCTION OF A NEW 26 STOREY TOWER AND  
NORTH WING EXTENSION.**

I refer to the abovementioned planning permit application forwarded to the City of Melbourne under Section 52 (1)(b) of the Planning and Environment Act on 23 September 2009.

This application has been reviewed in consultation with Council's Urban Design team and Council's Engineering Services Group. The application has been assessed and a recommendation presented to the Senior Officers Discussion meeting held on 29 October 2009. The minutes of this meeting have been distributed to Councillors who have had the opportunity to informally discuss the application and in consultation with officers make the following comments.

I advise that the City of Melbourne generally supports the application. The following comments are offered for your consideration.

This application is very important as it concerns one of the most significant buildings in the City of Melbourne and the proposal has the potential to become one of Melbourne's future architectural features. The general approach to this development is supported as it will ensure the ongoing use of this historical building well into the 21<sup>st</sup> century. The restorations and alterations to the historic building itself are considered highly appropriate.

However, Council remains concerned regarding the current design for the following reasons:

The proposed height of the corner building cannot be supported. This is due to the height requirements specified in the Design and Development Overlays on the site and relevant design objectives that have not been met. The building to the Corner of Bourke and Spring Streets is above the height limit.

The projection over Windsor Place is not considered to be an appropriate design response in this narrow laneway especially considering that it is proposed to be enclosed useable floor space rather than an architectural feature.

The presentation of the building to Windsor Place has little active frontage. It should be improved by redesigning the Bourke Street and Windsor Place corner to increase the amount of glazing to Windsor Place. This could be achieved by relocating the proposed services area.

The valet car parking system is difficult to understand and has the potential to affect traffic flow and safety in the locality. A management plan is required for the valet car parking system proposed to ensure that this component of the development does not adversely affect traffic flow and safety in the surrounding street network.

The proposed building to Windsor Place is not considered to meet the decision guidelines of the Heritage Overlay. The building presents as overly bulky in view lines to the east on Bourke Street, looking towards Spring Street. This area at the eastern end of Bourke Street has predominately low scale building forms. The large hotel building is out of context to the surrounding built form. It is considered that this building will adversely affect the appearance of the heritage precinct.

The Council's officer report is attached and lists conditions that should be included on a permit should your office determine that an approval is appropriate in this instance.

I have attached a copy of Council's Engineering Services and Urban Design advice. I trust these comments are sufficient for your needs at this time; however should you require any additional information please not hesitate to contact Gail Hall on 03 9658 8612.

Yours sincerely



**Shiran Wickramasinghe**  
Manager Planning and Building

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CoM reference: TPM-2009-42, DM#5486789

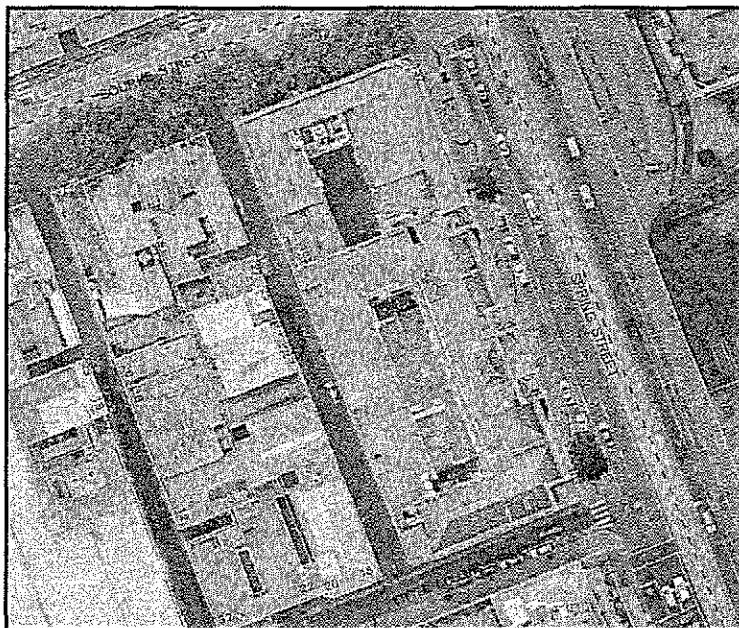
## DELEGATED PLANNING APPLICATION REPORT

<b>APPLICATION NO:</b>	TPM-2009-42
<b>APPLICANT:</b>	Department of Planning & Community Development
<b>ADDRESS:</b>	103-137 Spring Street, MELBOURNE VIC 3000
<b>PROPOSAL:</b>	Redevelopment of The Windsor Hotel - Development of a residential hotel comprising part demolition of existing hotel and construction of a new 26 storey tower and north wing extension.
<b>DATE OF APPLICATION:</b>	28 September 2009
<b>RESPONSIBLE OFFICER:</b>	Gail Hall

### SUBJECT SITE AND SURROUNDS

The subject site is bounded by Bourke Street (north), Spring Street (west), Little Collins Street (south) and Windsor Place (east), Melbourne. The land is occupied by The Hotel Windsor. The building itself is graded 'A' through Council's Central Activities District Conservation Study and is included on the Victorian Heritage Register and is classified by the National Trust of Australia (Victoria).

The site is located on the western side of Spring Street, directly opposite Parliament House and Treasury Gardens. Windsor Place is listed as a class 2 laneway as listed in Clause 22.20 of the Melbourne Planning Scheme.



Aerial photograph of the site 2008.

## 2. BACKGROUND AND HISTORY

### Pre-application discussions

Pre-application discussions were held in relation to the proposal (June 2009) prior to lodgement with the City of Melbourne. Martin Williams and Council's Heritage advisor and member of the Urban Design team were present.

### Amendments during the process

DPCD requested further information during this application process. Plans were amended to include changes which added additional information to the plans. These are the plans under assessment.

### Planning Application History

The following applications, listed as considered relevant to the current proposal, have previously been considered for the subject site:

TP number	Description of Proposal	Decision & Date of Decision
PA-2009-124	Windsor Hotel redevelopment	Completed 19/6/2009
HV-2009-40	Proposed alterations and redevelopment of the Windsor Hotel	Completed 21/9/2009

## 3. PROPOSAL

The application proposes the redevelopment of the Windsor Hotel site with the following details:

- Demolition of the Windsor Annexe (north wing);
- Demolition of the west and south range of the existing buildings;
- Restoration and refurbishment of the east and south range of the existing buildings including the grand ballroom;
- Construction of a 26 storey hotel building to the west of the site (adjacent to Windsor Place). The tower measures at a maximum height of 91 metres;
- Construction of a 5 level, 27 metre high hotel building to the corner of Bourke and Spring Streets. The 5 level building includes a roof top swimming pool and steam/sauna area that projects 3 metres over Windsor Place.
- The development is to include ground floor retail tenancies to Bourke and Spring Streets and a basement car park for 70 cars and loading and unloading bay accessed from Windsor Place.
- The building is proposed to achieve a 5 star Energy and 3 star water rating under the National Australian Building Environment Rating System (NABERS).
- Additional 152 guest rooms for a total of 332 rooms and
- 2 car lifts to service the basement parking, accessed off the northern end of Windsor Pl.

#### 4. STATUTORY CONTROLS

##### Zoning and Overlay Controls

DDO4 Weather Protection  
 HO500 Bourke Hill Precinct  
 CCZ1 Capital City Zone 1  
 HO739 Hotel Windsor 103-137 Spring Street Melb  
 DDO1-A2 Active Street Frontage  
 DDO1-A3 Active Street Frontage  
 DDO2-A4 Building Height/Setback Controls  
 DDO3 Traffic Conflict Frontage  
 DDO56 Laneways

The following controls, decision guidelines and application requirements are relevant to the application:

Clause	Permit Trigger
Capital City Zone- Schedule 1 (Outside the Retail Core)	Pursuant to Clause 37.04-4 a permit is required for buildings and works unless specifically exempted by the schedule.  Schedule 1: <ul style="list-style-type: none"> <li>• Does not exempt buildings and works from requiring a permit;</li> <li>• Exempts buildings and works from notice and appeal requirements;</li> <li>• Decision guidelines are contained in Schedule 1 and at Clause 65.</li> </ul>
Heritage Overlay-  Schedule 500 (Bourke Hill Precinct)  Schedule 739 (individual listing)	Pursuant to Clause 43.01-2 no permit is required under this overlay to develop a heritage place which is included on the Victorian Heritage Register. Schedule 739 is included on the heritage register. Schedule 500 is not included on the heritage register.
Design and Development Overlay-  Schedule 1 (Active Street Frontages) (Area 2)  Schedule 2 (Height Control) (Area 4)  Schedule 3 (Traffic Conflict Frontage)	Pursuant to Clause 43.02-2 a permit is required for buildings and works unless exempted by the schedule.  Schedule 1: <ul style="list-style-type: none"> <li>• A planning permit is required for buildings and works at ground level only.</li> </ul> Schedule 2: <ul style="list-style-type: none"> <li>• Does not exempt buildings and works from requiring a permit.</li> <li>• Does exempt buildings and works from notice and appeal requirements.</li> <li>• Area 4 specifies a discretionary height control of 23 metres and a design objective that 'the Parliamentary buildings remain dominant on the Bourke Hill skyline'.</li> </ul> Schedule 3: <ul style="list-style-type: none"> <li>• Does not exempt buildings and works from requiring a</li> </ul>

<p>(affects Spring Street frontage only)</p>	<p>permit.</p> <ul style="list-style-type: none"> <li>• Does exempt buildings and works from notice and appeal requirements.</li> <li>• Specifies that buildings with ground level street frontages must contribute the safety, visual interest, and vitality of the street.</li> </ul>
<p>Schedule 4 (Weather Protection) (affects Bourke and Little Collins Streets frontages only)</p>	<p>Schedule 4:</p> <ul style="list-style-type: none"> <li>• Does not exempt buildings and works from requiring a permit.</li> <li>• Does exempt buildings and works from notice and appeal requirements.</li> <li>• Specifies that a building with a road frontage marked Weather Protection must provide a verandah for weather protection over the footpath unless it is demonstrated to the satisfaction of the Responsible Authority that the particular circumstances do not require it.</li> </ul>
<p>Schedule 56 (CBD Lanes Class 1 &amp; 2)</p>	<p>Schedule 56: A permit is required under this overlay to construct a building or construct or carry out works if the building height along lane wall, Setback and Interface requirements of this schedule are not met.</p> <p>Requirements:</p> <ul style="list-style-type: none"> <li>• Development abutting a Class 1 lane or Class 2 lane must meet a preferred maximum lane wall building height to lane width ratio of 5:1. (Lane wall building height is defined as the maximum height of the building on the lane alignment);</li> <li>• Where a lane is also within a height control area under Schedule 2 to the Design and Development Overlay (DDO) the height of a wall abutting a lane should meet the lesser of: the maximum building height set out in Table 1 and 2 to Schedule 2 to the DDO; or the preferred maximum height to lane width ratio of 5:1.</li> <li>• Any part of the development that exceeds the preferred 5:1 Building height along lane wall must be setback from the lane way. The minimum setback must be a distance equivalent to the width of the lane.</li> <li>• On a corner site new development must meet the Building height along lane wall and Setback requirements at a point no less than 15 metres into the lane.</li> </ul> <p>The application does not meet these requirements therefore a planning permit is required.</p>

## 5. STRATEGIC FRAMEWORK

### State Planning Policy Framework

#### Clause 19.03- Design and Built Form

## **Local Planning Policy Framework (Municipal Strategic Statement)**

The MSS includes a section that is based on objectives and strategies, which revolve around the four themes of: land use, built form, transport and environment. These themes are applied to local areas of the municipality.

Clause 21.05 City Structure and Built Form, details objectives and strategies for built form under the theme, the public environment, amongst others. Pursuant to Clause 21.05-3, the public environment, one of the objectives includes:

- To increase the vitality, amenity, comfort, safety and distinctive City experience of the public realm.

The vision for the Central City includes the following:

Important components of the Central City's built form and public realm have been protected and enhanced, including the Yarra River corridor, significant parks and gardens and the Central City's significant heritage assets. The creation of a high quality, useable and exciting public realm continues to make the city an attractive and exciting place for workers, residents and visitors. The Central City is also linked to surrounding areas including Southbank, Docklands and other neighbouring suburbs.

For the public environment in the Central City, the following relevant built form implementation strategies are identified:

- Ensure that the design of tall buildings in the Central City promotes a human scale at street level especially in narrow lanes, respects the street pattern and provides a context for heritage buildings.
- Ensure that developments provide weather protection along key pedestrian routes and areas, where this does not conflict with building or streetscape integrity.
- Ensure that the design of buildings and public realm in the Central City enhances the safety of pedestrians, visitors and occupants of buildings.

## **Local Planning Policy Framework (Local Policies)**

Clause 22.01- Urban Design within the Capital City Zone  
Clause 22.04-Heritage Places within the Capital City Zone  
Clause 22.20 – CBD Lanes

## **6. PARTICULAR/ GENERAL PROVISIONS**

### **Particular Provisions**

The following Particular Provisions apply to the application:

Clause 52.06- Car Parking  
Clause 52.07- Loading and Unloading of Vehicles  
Clause 52.34- Bicycle Facilities

### **General Provisions**

Clause 65- Decision Guidelines

## **Notice and Review of the Application**

The Department of Planning and Community Development (DPCD) has determined that the giving of notice to affected parties is required. This has been completed. The application is generally exempt from the notice and review provisions of the Melbourne Planning Scheme. DPCD have determined that the application is not exempt from the notice and review provisions of the Heritage Precinct Overlay (Schedule 500) that affects the site. Notice and Review rights therefore apply to this application.

### **10. INTERNAL REFERRALS**

The application was referred to the following areas of Council who provided the following comments (summarised):

#### **Heritage**

Council's Heritage advisor is broadly supportive of the additions to the Windsor Hotel site subject to some design changes in relation to the Heritage Place part of the overlay (Schedule 739).

A Planning Permit is not required under the Place Heritage Overlay as the subject site is registered by Heritage Victoria. Further information can be found in the letter to Heritage Victoria who are dealing with the part of the application.

An assessment on the Heritage Precinct components of the overlay are discussed further later in the report.

#### **Urban Design**

This application is very important as it concerns one of the most significant buildings in the City of Melbourne and the proposal has the potential to become one of Melbourne's future architectural features. We support the approach to this development, as it will ensure the ongoing use of this historical building well into the 21<sup>st</sup> century. The restorations and alterations to the historic building itself are considered highly appropriate. We now offer the following comments on the greater proposal:

1. No. 1 Bourke Street: we support the decision to replace this building. The proposed replacement building is of an appropriate scale and height for this location. The façade treatment is considered suitable, and the building is well activated at the ground floor along Spring and Bourke Streets. We are disappointed that this activation is not extended around into Windsor Lane. We suggest that there may be an opportunity for the applicants to reconsider the location of the services duct to allow for some ground floor transparency and engagement with the laneway.
2. Tower: We are concerned that the proposed tower is very tall without a setback to Windsor Lane. This is especially problematic as Windsor Lane is one of only a handful of lanes in the CBD controlled by the height and setback controls of DDO 56. Ideally we would prefer for this tower to comply with the requirements of this DDO that would result in a podium of 30m beyond which a tower is setback approximately 6m. The architects have designed a slender tower form placed on the site as far from the key heritage component of the Windsor Hotel as possible.

This has resulted in an atrium space that is supported. In these particular circumstances we therefore reluctantly support the proposal for the tower on the lane with zero setback.

3. Wind: We suggest that the measure for appropriate results of a wind assessment be exceed the standard measure of comfort for walking due to the high value of Windsor Place. We also believe there is a need to ensure that approval of this proposal does not set a precedent by which the built form requirements of DDO 56 are no longer valid.
4. Projection: We are unable to support the projection of the steam room over Windsor Lane. We are generally not supportive of projections into public space which create useable floor area. We do not believe that this proposed projection would add value to the public realm, and we are particularly concerned that this is proposed in such a narrow lane.
5. Materials: The materiality of the development is integral to its success, and the proposed materials appear to be of an appropriately high quality and are supported. We would like to highlight the importance of ensuring materials, such as pre-weathered zinc cladding, are not substituted for less expensive materials, such as alucobond cladding, at the detail design stage.
6. Architects: If this proposal is to gain approval we would strongly advocate that this permission be linked to the retention of Denton Corker Marshal as the project architects at the detail design stage. The quality of design detail is integral to the execution of a development on this site, Denton Corker Marshal have previously proven that they can execute this level of quality, where as an alternative firm may fall short. As such we suggest should the applicant wish to change the project architects after the issue of a permit, then there would be a requirement for the applicant to re-apply for a new permit.

## **Engineering**

The proposed development is considered to be appropriate in principle subject to several matters being resolved as condition of any permit to issue:

1. Proposed supply of 70 car parking spaces is acceptable (only to be used for valet parking and not for employee commuter parking).
2. Applicant should clarify the number of bicycle parking spaces proposed. Minimum of 2 showers and associated change room facilities must be provided, 1 each for males and females.
3. Optimal flexibility for access would be achieved if headroom clearance of up to 4.5m is provided for the loading bay.
4. Design should ensure that collection of garbage is possible from the off-street garbage/recycling room in the basement B2 carpark level. Ultimately, the overall waste storage and collection arrangements should be fully specified and must be to the satisfaction of the Principal Engineer-Services, prior to the issue of a permit.
5. Applicant should confirm whether the valet parking demand of 64 cars is likely to materialise and should clarify the maximum number of cars forecast to enter/leave the carpark/hr; processing capacity of the car lift systems; precise nature of the

operational arrangements that will be employed to prevent queuing/congestion in Windsor PI; and arrangements proposed in the event that there are busier periods than anticipated.

6. Need to prevent vehicles queuing in Windsor PI should be a condition of permit, namely that "no vehicles are to be permitted to stand in Windsor PI while waiting to access the basement via the car lift parking system". The applicant must demonstrate that arrival/departure of valet vehicles will be managed/staggered so as to avoid any queuing in Windsor PI. Dimensions, headroom/layout of car parking spaces and various components of the car lift parking system should be fully specified. Fully dimensioned drawings of the proposed tandem parking arrangements must be submitted.
7. Signage and flashing/audio warning devices are to be installed at the loading dock and car lift exit points into Windsor PI to alert pedestrians of exiting vehicles and vice-versa. As a condition of permit, there shall be no reversing into/out of the car lifts. The car lift design should enable forward entry and exit movements by all vehicles using the basement car parking facilities. Reversing shall also not be permitted out of the loading dock area into Windsor PI.
8. Applicant must analyse the impacts of U-turns in Spring and Bourke Streets and prepare an appropriate management strategy, which should be made a condition of permit and may incorporate the introduction of traffic controls.

## 11. ASSESSMENT

The application seeks approval for partial demolition of and external buildings and works to the existing hotel buildings on the site.

The application requires permission due to the Schedule 1 of the Capital City Zone, and Schedules 1, 2, 3, 4 and 56 of the Design and Development Overlay.

The key areas for discussion are considered to be:

- the height and setback of the building proposed to the Windsor Place elevation.
- Adverse Wind Conditions.
- Car parking, loading and management of this component of the application.
- the proposed projection over Windsor Place.
- Management of the loading and parking requirements of the site.
- Heritage Matters

These are discussed in turn.

### **Height and setback of the building proposed to Windsor Place**

Clause 22.20 - CBD Lanes Policy and Design and Development Overlay –Schedule 56 CBD Lanes (Class 1 and 2 Lanes) and schedule 2 (23 metre discretionary height control) are relevant in the consideration of the proposed 26 storey building to Windsor Place.

The proposal in its current form does not comply with Clause 22.20 – CBD Lanes, specifically related to buildings and works adjoining lanes. The building is proposed to be built along the eastern side of Windsor Place to a height of 91 Metres.

DDO56 requires that a new building constructed on a laneway **must** comply with the 5:1 building height versus laneway width ratio. Windsor Place is approximately 6.3

metres in width. This equates to a 31-32 metre maximum allowable on-laneway building height. The application proposes a height of 91 metres to Windsor Place. A 91 metre building would need a 18 metre wide Laneway in order to comply with this DDO (This is almost twice the width of Little Collins Street). A corner site (the corners abutting Little Collins Street and Bourke Street in this case) does not need to comply with the Laneway requirements for the first 15 metres into the Laneway.

When the maximum building height to the laneway is reached (31 metres) then the minimum setback **must** be a distance equivalent to the width of the Laneway (6.3 metres in this case). No setbacks are proposed to Windsor Place.

The use of 'must' in a Design and Development Overlay indicates that this requirement should be met and not waived without careful consideration of the site specific circumstances.

The Responsible Authority must consider whether tower forms are generally concealed from the view of pedestrians in the laneway. It is very unlikely that this proposal could be considered concealed in this case.

Design and Development Overlay schedule 2 – Height Controls in the Capital City Zone also applies to this site. This overlay specifies a discretionary height limit of 23 metres in this area with a required built form outcome that the parliamentary buildings remain dominant in the skyline.

The Design objectives of this overlay are:

To protect sunlight access to key public places and open space areas so as to provide a comfortable, pedestrian-friendly urban environment.

To ensure that the height of new buildings reinforces the built form character of unique areas.

To maintain the visual dominance of prominent landmarks.

The proposed buildings are approximately 91 and 35 metres in height. Neither of these buildings meets the height limit. The Proposed building on Windsor Place is the tallest proposed building. From a distance, as demonstrated through the photo montages the proposed buildings will reduce the visual dominance of the Windsor as a prominent landmark. The taller proposed building is also higher than the built form surrounding the Windsor (in close proximity) and Parliamentary buildings.

It is considered that the proposed development does not meet the design objectives of DDO2 or the design objectives of DDO56 which seeks to maintain the pedestrian scale of the laneways.

#### **Visual Permeability and presentation of building to Windsor Place at Ground Level**

The CBD Lanes Policy (Clause 22.20) requires that new building adjoining lanes should encourage new development to provide highly articulated walls, encourage windows and balconies overlooking laneways and create visual interest, particularly at lower levels of buildings.

The proposed Windsor Place elevation is essentially a service dock area for the hotel parking and loading and unloading. Whilst it is understood that provision needs to be made for these areas and Windsor Place is a preferable alternative to the other interfaces of the site, it is considered that the elevation could be improved to Windsor Place, especially to the Bourke Street end of the proposal. As recommended by Council's Urban Design Team an increase to the corner glazing to the retail tenancy

to Windsor Place would help to meet the above local policy requirements. This redesign would require the relocation of the services area within this retail tenancy.

### **Adverse Wind Conditions**

The applicant indicates that the design of the building will ensure that the criterion for walking comfort conditions will not be exceeded. Councils Urban Design Team have recommended that the measure for appropriate results of a wind assessment should exceed the standard measure of comfort for walking due to the high value of Windsor Place. This would require that the proposal should not adversely affect the current wind conditions experienced in Windsor Place and the criterion for walking comfort should not be exceeded on other streets. A condition of permit should ensure that this occurs.

### **Car Parking Provision**

Parking requirements set in clause 52.06-6 of the Planning Scheme for CCZ1, outside the Retail Core, stipulate that the number of spaces must not exceed that calculated using one of the following formulas: Maximum sp.=5 x net floor area of buildings on that part of the site in m<sup>2</sup> /1000, or 12 x that part of the site area in m<sup>2</sup>/1000. The maximum parking entitlement for this development is 165 spaces.

The proposed supply of 70 spaces is less than half this maximum, which is acceptable. This parking supply is consistent with Council's sustainable transport objectives when used for valet parking, but not for employee commuter parking.

The proposed car parking area is therefore required to be used primarily for the purposes of valet parking for guests of the hotel. No commercial car parking should be allowable in any approval to issue. A proposed condition will require this.

The carpark design is unusual, relying on the use of two car lifts for access to the basement levels. Councils Engineering team has reviewed the drawings and operational arrangements described and offers no objection in principle to this carpark system, subject to a number of clarifications. The best way to deal with the potential operational concerns of this car parking area is to require that a management plan is submitted to the satisfaction of the DPCD or City of Melbourne, Engineering department. This would include information regarding all of the areas of concern listed by the engineering referral (see doc number 5420125).

### **Bicycle Provision**

Clause 52.34 of the Planning Scheme specifies bicycle parking requirements for the proposed development. The applicant should clarify the number of bicycle parking spaces proposed. Although the number of bicycle parking spaces/supporting facilities is obtained by application of relevant rates for land uses under Clause 52.34-3, there is no requirement under the Planning Scheme to provide bicycle parking for the hotels (closest land use is motel). The application of the motel rate (1 sp./40 rooms, no visitor stipulated) generates a requirement for 9 employee bike spaces. As the demand for visitor bike parking is likely to be small, the lack of such parking is acceptable. The number of employee showers proposed as part of the development is unclear. A minimum of 2 showers (linked to 9 employee sp.; the Clause stipulates 1 shwr/1<sup>st</sup> 5 employee sp.+1/10 employee sp.) and associated change room facilities must be provided, 1 each for males and females.

### **Loading and Unloading Facilities**

The refurbishment includes provision of a new loading area, accessed off Windsor Pl and catering for 7.5m delivery vehicles. As an inspection of the loading activities has confirmed that most of the delivery vehicles (laundry vans, food vans, etc) are relatively short, the new loading facility should be able to cater for many of the delivery vehicles, an improvement on the current situation where there is reliance on use of the laneway. The size/layout of the loading area appears reasonable and its proximity to service lifts and linkages to bin rooms, store rooms and other hotel service areas will enable most servicing/delivery activities to be effectively confined off-street. Therefore, the provision of this facility is supported and could contribute to maintaining satisfactory loading arrangements for the hotel. Optimal flexibility for access would be achieved if headroom clearance of up to 4.5m is provided. The overall loading bay layout and design appears reasonable.

The location of the loading bay whilst not strictly in accordance with the ideals of the CBD lanes policy (CI 22.20) is considered reasonable given the site is constrained by both Lonsdale and Little Lonsdale Streets to the North and South of the site where we are unlikely to encourage such loading bays either.

### **Garbage Collection**

Windsor Pl has been used for decades by the hotel's garbage collection vehicles (garbage stored on-site and taken out at pick-up time), which has been satisfactorily managed. It is therefore accepted that such collection could continue, as other frontages are not suitable and the laneway's narrowness may prevent large garbage trucks from reversing into the loading facilities. While it is preferred for developments to confine all garbage storage/collection off-street, it is recognised that in this instance the refurbishment of an existing historic hotel limits the potential for totally redirecting such activities off-street. The design should nonetheless ensure that collection of garbage is possible from the proposed off-street garbage/recycling room located in the basement B2 carpark level. Ultimately, the overall waste storage and collection arrangements should be fully specified and must be to the satisfaction of the Principal Engineer-Services, prior to the issue of a permit.

### **Vehicle Movements and Traffic Considerations**

Signage and flashing/audio warning devices are to be installed at the loading dock and car lift exit points into Windsor Pl to alert pedestrians of exiting vehicles and vice-versa. As a condition of permit, there shall be no reversing into/out of the car lifts. The car lift design should enable forward entry and exit movements by all vehicles using the basement car parking facilities. Reversing shall also not be permitted out of the loading dock area into Windsor Pl. This could be included as part of the management plan requirements.

As vehicles arrive at the hotel, the occupants will disembark at the front entrance and valet attendant will move the vehicle to the basement carpark. The shortest route to the carpark is via a U-turn on Spring St and right turns into Lt Collins St and Windsor Pl. Drivers collecting cars from the basement will exit into Bourke St, where they may U-turn and turn right into Spring. These manoeuvres will lead to hundreds of U-turns in both Spring and Bourke Streets weekly, an undesirable outcome and highly disruptive to trams. The applicant must therefore undertake further analysis of these impacts and prepare an appropriate management strategy (e.g. designation of routes to/from the carpark that may not rely on U-turns), which should be made a condition of permit and may incorporate the introduction of traffic controls.

## **Projection over Windsor Place**

Councils Urban Design Team are unable to support the projection of the steam room over Windsor Lane. They are generally not supportive of projections into public space which create useable floor area. It is also not considered that this proposed projection would add value to the public realm, and there is particular concern with this projection in such a narrow lane.

The proposed projection does not meet the requirements of Councils Road Encroachment Operational Guidelines. Councils Engineering Services department recommends that the maximum allowable projection beyond the street alignment should be one tenth of the road width. A dispensation under the building permit will be required in relation to this aspect of the application. The applicant should be aware that as the projection does not meet the above requirements a dispensation may be refused at a later date.

As such the proposal should be redesigned to either remove this component of the proposal, or reduce the size of the projection and remove any proposed useable floor area from the plans.

## **Heritage Matters**

A Planning Permit is not required under the place Heritage Overlay as the subject site is registered by Heritage Victoria. A planning permit is required for the precinct overlay that covers the site. Further information on Council's comments on the Heritage Place can be found in the letter to Heritage Victoria who is dealing with the heritage components of the application.

With regards to the Heritage Precinct, the proposed building to Windsor Place is not considered to meet the decision guidelines of the Heritage Overlay. The building presents as overly bulky in the view lines submitted on Bourke Street, looking towards Spring Street. This area at the eastern end of Bourke Street has predominately low scale building forms. The large hotel building is out of context to the surrounding built form. It is considered that this building will adversely affect the appearance of the heritage precinct.

## **Conclusion**

This application is very important as it concerns one of the most significant buildings in the City of Melbourne and the proposal has the potential to become one of Melbourne's future architectural features. The general approach to this development is supported as it will ensure the ongoing use of this historical building well into the 21<sup>st</sup> century. The restorations and alterations to the historic building itself are considered highly appropriate. The proposed height of the new buildings however cannot be supported due to the height requirements specified in two separate Overlays on the site. The projection over Windsor Place is not considered to be an appropriate design response in this narrow laneway. The presentation of Windsor Place should be improved by redesigning the Bourke Street and Windsor Place corner to increase the amount of glazing to Windsor Place. This could be achieved by relocating the proposed services area. A management plan is required for the valet car parking system proposed to ensure that this component of the development does not adversely affect traffic flow and safety in the surrounding street network.

## **12. RECOMMENDATION**

That DPCD be notified of Council's concerns and objections regarding the proposed development.

### **13. CONDITIONS**

#### **Amended Plans**

Prior to the commencement of any demolition, bulk excavation, construction or carrying out of works on the land, the applicant must submit to the Responsible Authority three copies of plans drawn to scale generally in accordance with the plans received on 18 September 2009 but amended to show:

- a). An increase in the ground floor glazed area to Windsor Place closest to Bourke Street to increase activation within this laneway;
- b). Deletion of the projection that has enclosed useable floor space to Windsor Place.
- c). The outward opening doors projecting into Windsor Place redesigned so they do not project beyond the street alignment when open, when closed or when being opened or closed (unless this is an existing situation).
- d). The location of all external plant equipment, including air conditioner units, and how it is to be screened from view from all public roads;

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

#### **Car parking layout amended plans**

Prior to the commencement of the development, including demolition, hereby permitted the applicant must submit to the Responsible Authority three copies of plans drawn to scale and an amended Traffic Report which will inform the management plan to be developed in consultation with the City of Melbourne – Engineering Services, generally in accordance with the plans dated September, 2009, and the Traffic Engineering Assessment prepared by Cardno Grogan Richards dated July 2009, but amended to show;

- e). The location and number of bicycle spaces to be a minimum of 9 spaces and;
- f). A minimum of 2 showers and associated change room facilities must be provided, 1 each for males and females;
- g). That collection of garbage is possible from the off-street garbage/recycling room in the basement B2 carpark level;
- h). Dimensions, headroom/layout of car parking spaces and various components of the car lift parking system specified.
- i). Fully dimensioned drawings of the proposed tandem parking arrangements;

- j). Signage and flashing/audio warning devices to be installed at the loading dock and car lift exit points into Windsor PI to alert pedestrians of exiting vehicles and vice-versa;
- k). Parking spaces to be used for valet parking and not for employee commuter parking.

These amended plans must be to the satisfaction of the Responsible Authority, in consultation with the City of Melbourne, and when approved shall be the endorsed plans of this permit.

### **Car Parking Management plan**

Prior to the commencement of the use hereby permitted the applicant must submit a management plan for the proposed valet car parking system (generally in accordance with the information submitted) describing:

- a) the maximum number of cars forecast to enter/leave the carpark/hr;
- b) processing capacity of the car lift systems;
- c) precise nature of the operational arrangements that will be employed to prevent queuing/congestion in Windsor PI (how will valet attendant be able to despatch a vehicle to Windsor Place knowing that they will not be held up and can immediately enter a lift?);
- d) arrangements proposed in the event that there are busier periods than anticipated, which may test the operational efficiency of the lift system (if such circumstances arise, will the valet operator temporarily redirect traffic to other locations?);
- e) the need to prevent vehicles queuing in Windsor Place. The applicant must demonstrate that arrival/departure of valet vehicles will be managed/staggered so as to avoid any queuing in Windsor Place.
- f) that there shall be no reversing into/out of the car lifts.
- g) what the potential impacts of the transfer of cars to and from the front of the Windsor Hotel to the Valet parking area would be. Further analysis of these impacts is required and an appropriate strategy (e.g. designation of routes to/from the carpark that do not rely on U-turns) should be prepared. This may incorporate the introduction of traffic controls.
- h) that parking spaces are only to be used for valet parking for hotel occupants only and not for employee commuter parking (unless otherwise agreed in writing by the responsible authority).
- i) the ways in which staff are to be made aware of the conditions attached to this permit.

The management plan must be to the satisfaction of, and be approved by, the responsible authority. Once approved, the management plan will form a part of the endorsed documents under this permit. The operation of the valet car parking must be carried out in accordance with the endorsed management plan unless with the prior written consent of the Responsible Authority.

### **Waste**

The waste storage and collection arrangements must be to the satisfaction of the Principal Engineer – Services, City of Melbourne.

### **Urban Design**

The proposed materials must not be substituted for lower quality materials, such as alucobond cladding, at the detail design stage.

### **Drainage**

The owner of the subject land should construct a drainage system, incorporating water sensitive urban design, within the development and make provision to connect this system to Council's stormwater drainage system in accordance with plans and specifications first approved by the Responsible Authority; Manager - Engineering Services.

All projections should be drained to legal points of discharge in accordance with plans and specifications first approved by the Responsible Authority - Manager Engineering Services

### **Roads**

The Owner of the subject land should construct all necessary vehicle crossings and demolish all unnecessary vehicle crossings adjacent the subject land in accordance with plans and specifications first approved by the Responsible Authority; Manager - Engineering Services.

The footpaths in Windsor Place should be upgraded and reconstructed in sawn bluestone together with associated works including the renewal and/or relocation of kerb and channel and the relocation of all services pits and covers as necessary at the cost of the Owner/Developer in accordance with plans and specifications first approved by the Responsible Authority; Manager - Engineering Services.

### **Notes:**

All projections over the street alignment must conform to Building Regulations 2006, Part 5, Sections 505 to 514 as appropriate.

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

## **14. DECISION**

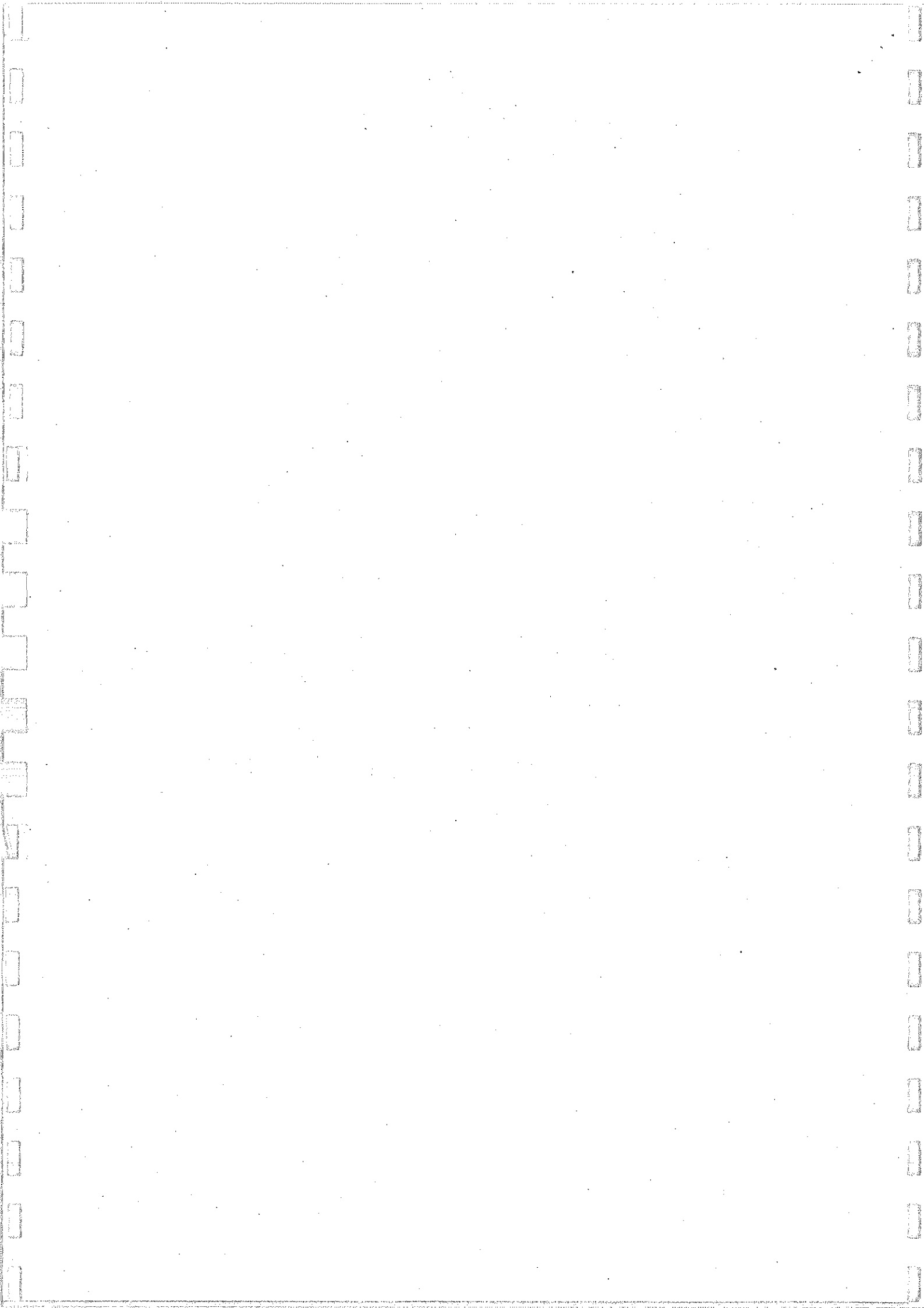
The Lord Mayor, Deputy Lord Mayor and Councillors were notified of the above recommendation on 30 October 2009.



**Gail Hall**

Senior Planning Officer

30 October 2009



# MEMORANDUM

**Date** 14 October 2009

**To** Gail Hall  
Senior Planning Officer

**From** Haig Poulson  
Principal Engineer – Traffic Engineering

**Subject** 103-137 SPRING STREET, MELBOURNE  
ALTERATIONS & REDEVELOPMENT, WINDSOR HOTEL  
HV-2009-40



Reference is made to your memorandum dated 15 September 2009 regarding the above. Engineering Services (ES) has reviewed the documentation, comprising drawings by Denton Corker Marshall and traffic report by Cardno Grogan Richards (CGR report).

The submission deals with a proposed expansion and refurbishment of Windsor Hotel, to provide:

- Additional 152 guest rooms for a total of 332 rooms;
- Basement (exclusive valet) parking over 2 levels, for 70 cars;
- 2 car lifts to service the basement parking, accessed off the northern end of Windsor Pl; and
- New on-site loading area, accessed off the northern end of Windsor Place.

## Traffic and Parking Considerations

### 1. Statutory Parking Entitlement and Parking Supply

Parking requirements set in clause 52.06-6 of the Planning Scheme for CCZ1, outside the Retail Core, stipulate that the number of spaces must not exceed that calculated using one of the following formulas: *Maximum sp. = 5 x net floor area of buildings on that part of the site in m<sup>2</sup> /1000, or 12 x that part of the site area in m<sup>2</sup>/1000.* CGR report has determined that the maximum parking entitlement is 165. The proposed supply of 70 spaces is therefore less than half this maximum, which is acceptable. This parking supply is consistent with Council's sustainable transport objectives when used for valet parking, but not for employee commuter parking.

### 2. Bicycle parking & showers

While CGR report makes no reference to bicycle parking, the drawings indicate bike stores on each basement carpark level (number of spaces unspecified). The applicant should clarify the number of bicycle parking spaces proposed. Although the number of bicycle parking spaces/supporting facilities is obtained by application of relevant rates for land uses under Clause 52.34-3, there is no requirement under the Planning Scheme to provide bicycle parking for the hotels (closest land use is motel). The application of the motel rate (1 sp./40 rooms, no visitor stipulated) generates a requirement for 9 employee bike spaces. As the demand for visitor bike parking is likely to be small, the lack of such parking is acceptable. The number of employee showers proposed as part of the development is unclear. A minimum of 2 showers (linked to 9 employee sp.; the Clause stipulates 1 shwr/1<sup>st</sup> 5 employee sp.+1/10 employee sp.) and associated change room facilities must be provided, 1 each for males and females.

### 3. Loading Bay

The refurbishment includes provision of a new loading area, accessed off Windsor Pl and catering for 7.5m delivery vehicles. As an inspection of the loading activities has confirmed that most of the delivery vehicles (laundry vans, food vans, etc) are relatively short, the new loading facility should be able to cater for many of the delivery vehicles, an improvement on the current situation where there is reliance on use of the laneway. The size/layout of the loading area appears reasonable and its

proximity to service lifts and linkages to bin rooms, store rooms and other hotel service areas will enable most servicing/delivery activities to be effectively confined off-street. Therefore, the provision of this facility is supported and could contribute to maintaining satisfactory loading arrangements for the hotel. Optimal flexibility for access would be achieved if headroom clearance of up to 4.5m is provided. The overall loading bay layout and design appears reasonable.

#### 4. Garbage Collection

Windsor Pl has been used for decades by the hotel's garbage collection vehicles (garbage stored on-site and taken out at pick-up time), which has been satisfactorily managed. It is therefore accepted that such collection could continue, as other frontages are not suitable and the laneway's narrowness may prevent large garbage trucks from reversing into the loading facilities. While it is preferred for developments to confine all garbage storage/collection off-street, it is recognised that in this instance the refurbishment of an existing historic hotel limits the potential for totally redirecting such activities off-street. The design should nonetheless ensure that collection of garbage is possible from the proposed off-street garbage/recycling room located in the basement B2 carpark level. Ultimately, the overall waste storage and collection arrangements should be fully specified and must be to the satisfaction of the Principal Engineer-Services, prior to the issue of a permit.

#### 5. Carpark Design

The carpark design is unusual, relying on the use of two car lifts for access to the basement levels. ES would not normally endorse such a system if the carpark was open to the public. However, ES has reviewed the drawings and operational arrangements described in the CGR report and offers no objection in principle to this carpark system, subject to a number of clarifications and as long as it is strictly operated as a valet carpark for hotel occupants only. Under the proposed operational arrangements, cars will be taken to the basement levels by valet staff only. However, it is unclear what the total time will be to transfer a vehicle from Windsor Pl to the lowest basement level and return to ground level (representing worst-case scenario with 2<sup>nd</sup> stationary vehicle needing to wait in Windsor Pl while 1<sup>st</sup> vehicle is taken down). It is important to understand the combined hourly capacity, as the report has identified a peak hourly valet parking volume of 64 cars. This equates to a service rate of 32 cars/hr/lift, requiring each lift to pick up a vehicle, deposit it on one of the basement levels and return to Windsor Pl in around 1 min:52 sec. The peak forecast valet parking demand of 64 represents nearly 100% of the static carpark capacity of 70 sp. The applicant should confirm whether such "intense" valet parking demand is likely to materialise. Irrespective of actual demands, the principal requirement is to achieve a system that significantly avoids the queuing of vehicles in Windsor Pl. *Therefore, the applicant should clarify - the maximum number of cars forecast to enter/leave the carpark/hr; processing capacity of the car lift systems; precise nature of the operational arrangements that will be employed to prevent queuing/congestion in Windsor Pl (how will valet attendant be able to despatch a vehicle to Windsor Pl knowing that it will not be held up and can immediately enter a lift?); and arrangements proposed in the event that there are busier periods than anticipated, which may test the operational efficiency of the lift system (if such circumstances arise, will the valet operator temporarily redirect traffic to other locations?).* The need to prevent vehicles queuing in Windsor Pl should be a condition of permit, namely that no vehicles are to be permitted to stand in Windsor Pl while waiting to access the basement via the car lift parking system. The applicant must therefore demonstrate that the arrival/departure of valet vehicles will be managed and staggered in such a way as to avoid any queuing on Windsor Pl. The dimensions, headroom and layout of the car parking spaces and the various components of the lift system should be fully specified. The supplied drawings lack any detail of proposed parking arrangements, although the CGR report refers to specific dimensions, adoption of tandem pairs and aisle width. While the parking layout appears reasonable, fully dimensioned drawings of the proposed tandem parking arrangements must be submitted for ES's review.

#### 6. Vehicle Movements

Signage and flashing/audio warning devices are to be installed at the loading dock and car lift exit points into Windsor Pl to alert pedestrians of exiting vehicles and vice-versa. As a condition of permit, there shall be no reversing into/out of the car lifts. The car lift design should enable forward entry and exit movements by all vehicles using the basement car parking facilities. Reversing shall also not be permitted out of the loading dock area into Windsor Pl.

## 8. Traffic Considerations

As vehicles arrive at the hotel, the occupants will disembark at the front entrance and valet attendant will move the vehicle to the basement carpark. The shortest route to the carpark is via a U-turn on Spring St and right turns into Lt Collins St and Windsor Pl. Drivers collecting cars from the basement will exit into Bourke St, where they may U-turn and turn right into Spring. These manoeuvres will lead to hundreds of U-turns in both Spring and Bourke Streets weekly, an undesirable outcome and highly disruptive to trams. The applicant must therefore undertake further analysis of these impacts and prepare an appropriate management strategy (e.g. designation of routes to/from the carpark that may not rely on U-turns), which should be made a condition of permit and may incorporate the introduction of traffic controls. Once this analysis has been undertaken, ES will be in a position to understand/comment on the potential traffic impact of the development on the surrounding road network, including tram operations.

## **Conclusions Regarding Traffic and Parking**

The conclusions regarding traffic and parking are as follows:

1. Proposed supply of 70 car parking spaces is acceptable (only to be used for valet parking and not for employee commuter parking).
2. Applicant should clarify the number of bicycle parking spaces proposed. Minimum of 2 showers and associated change room facilities must be provided, 1 each for males and females.
3. Optimal flexibility for access would be achieved if headroom clearance of up to 4.5m is provided for the loading bay.
4. Design should ensure that collection of garbage is possible from the off-street garbage/recycling room in the basement B2 carpark level. Ultimately, the overall waste storage and collection arrangements should be fully specified and must be to the satisfaction of the Principal Engineer-Services, prior to the issue of a permit.
5. Applicant should confirm whether the valet parking demand of 64 cars is likely to materialise and should clarify the maximum number of cars forecast to enter/leave the carpark/hr; processing capacity of the car lift systems; precise nature of the operational arrangements that will be employed to prevent queuing/congestion in Windsor Pl; and arrangements proposed in the event that there are busier periods than anticipated.
6. Need to prevent vehicles queuing in Windsor Pl should be a condition of permit, namely that *"no vehicles are to be permitted to stand in Windsor Pl while waiting to access the basement via the car lift parking system"*. The applicant must demonstrate that arrival/departure of valet vehicles will be managed/staggered so as to avoid any queuing in Windsor Pl. Dimensions, headroom/layout of car parking spaces and various components of the car lift parking system should be fully specified. Fully dimensioned drawings of the proposed tandem parking arrangements must be submitted.
7. Signage and flashing/audio warning devices are to be installed at the loading dock and car lift exit points into Windsor Pl to alert pedestrians of exiting vehicles and vice-versa. As a condition of permit, there shall be no reversing into/out of the car lifts. The car lift design should enable forward entry and exit movements by all vehicles using the basement car parking facilities. Reversing shall also not be permitted out of the loading dock area into Windsor Pl.
8. Applicant must analyse the impacts of U-turns in Spring and Bourke Streets and prepare an appropriate management strategy, which should be made a condition of permit and may incorporate the introduction of traffic controls.

## Civil Design Considerations

Engineering Services advises that the following conditions should be incorporated into any permit to issue:

1. Engineering Services objects to the two outward opening doors projecting into Windsor Place. The doors shall be redesigned such that they do not project beyond the street alignment when open, when closed or when being opened or closed.
2. All projections over the street alignment must conform to Building Regulations 2006, Part 5, Sections 505 to 514 as appropriate.
3. Engineering Services recommends that the minimum clearance to the underside of the proposed projection projecting over Windsor Place from the existing footpaths should be 3.0 metres and the minimum setback from the adjacent faces of kerb should be 750mm. Projection proposed to project beyond 750mm behind the face of kerb should have a minimum clearance to the underside of 5.0 metres above the road surface. The maximum allowable projection beyond the street alignment should be one tenth of the road width. All projections should be drained to legal points of discharge in accordance with plans and specifications first approved by the Responsible Authority – Manager Engineering Services.
4. The owner of the subject land should construct a drainage system, incorporating water sensitive urban design, within the development and make provision to connect this system to Council's stormwater drainage system in accordance with plans and specifications first approved by the Responsible Authority; Manager - Engineering Services.
5. The Owner of the subject land should construct all necessary vehicle crossings and demolish all unnecessary vehicle crossings adjacent the subject land in accordance with plans and specifications first approved by the Responsible Authority; Manager - Engineering Services.
6. The footpaths in Windsor Place should be upgraded and reconstructed in sawn bluestone together with associated works including the renewal and/or relocation of kerb and channel and the relocation of all services pits and covers as necessary at the cost of the Owner/Developer in accordance with plans and specifications first approved by the Responsible Authority; Manager - Engineering Services.
7. All necessary approvals and permits are to be first obtained from Council and the works performed to the satisfaction of Manager - Engineering Services.

If you have any queries related to traffic/parking, please contact Alex Gorelik on extension 9423. If you have any queries related to civil design matters, please contact Mahes Maheswaran on extension 8492.



**Haig Poulson**  
Principal Engineer – Traffic Engineering

Telephone 9658 8562  
Facsimile 9658 8886

CoM Reference Doc#5420125  
SR1098308



# URBAN DESIGN COMMENTS

**Date** 8 October 2009

**To** Planning  
Attention: Gail Hall, Senior Planning Officer

**From** Urban Design  
Attention: Sarah Merat, Urban Designer

**Subject** **The Windsor Hotel**  
**103-137 Spring Street, Melbourne**

**File** TPM-2009-42

**Documents** Drawings prepared by Denton Corker Marshall dated July 2009.

We refer to your request for urban design advice regarding the above application. We consider this application to be very important as it concerns one of the most significant buildings in the City of Melbourne and the proposal has the potential to become one of Melbourne's future architectural features. We support the approach to this development, as it will ensure the ongoing use of this historical building well into the 21<sup>st</sup> century. We understand the need for growth and revitalisation on this site to ensure the long term viability of the operation of the Windsor Hotel. The restorations and alterations to the historic building itself are considered highly appropriate. We now offer the following comments on the greater proposal:

1. No. 1 Bourke Street: This mid-twentieth century addition to the original Windsor Hotel building is not considered architecturally significant, but rather a recessive element adjacent to the Windsor building. The passiveness of the design allows the building to play a subservient role to the heritage listed 103-111 Spring Street, equally this means that this building does not greatly contribute to the public realm. It also provides very little interest for pedestrians and fails to activate the street at ground level. As such we support the decision to replace this building.

The proposed replacement building is of an appropriate scale and height for this location. The façade treatment is considered suitable, and the building is well activated at the ground floor along Spring and Bourke Streets. We are disappointed that this activation is not extended around into Windsor Lane. We suggest that there may be an opportunity for the applicants to reconsider the location of the services duct to allow for some ground floor transparency and engagement with the laneway.

2. Tower: We are concerned that the proposed tower is very tall without a setback to Windsor Lane. This is especially problematic as Windsor Lane is one of only a handful of lanes in the

CBD controlled by the height and setback controls of DDO 56. Ideally we would prefer for this tower to comply with the requirements of this DDO that would result in a podium of 30m beyond which a tower is setback approximately 6m. However we understand that given the constraints of the existing heritage building, a building for set back from the lane would prohibit a tower development on this site. The architects have designed a slender tower form placed on the site as from from the key heritage component of the Windsor Hotel as possible. This has resulted in an atrium space that is supported. In these particular circumstances we therefore reluctantly support the proposal for the tower on the lane with zero setback. We do however suggest that a through wind assessment of this proposal should be undertaken prior to approval of this development. We also suggest that the measure for appropriate results of a wind assessment be exceed the standard measure of comfort for walking due to the high value of Windsor Place. We also believe there is a need to ensure that approval of this proposal does not set a precedent by which the built form requirements of DDO 56 are no longer valid.

3. Projection: We are unable to support the projection of the steam room over Windsor Lane. We understand that this element is an attempt to break up the façade and create an architectural feature, however we suggest this could equally be achieved through a recess or a change in materiality at this level. We are generally not supportive of projections into public space which create useable floor area. In instances where we have been supportive of such elements, it has generally been because the projection would contribute to the public realm. We do not believe that this proposed projection would do so, and we are particularly concerned that this is proposed in such a narrow lane.
4. Materials: The materiality of the development is integral to its success, and the proposed materials appear to be of an appropriately high quality and are supported. We would like to highlight the importance of ensuring materials, such as pre-weathered zinc cladding, are not substituted for less expensive materials, such as alucobond cladding, at the detail design stage.
5. Architects: If this proposal is to gain approval we would strongly advocate that this permission be linked to the retention of Denton Corker Marshal as the project architects at the detail design stage. The quality of design detail is integral to the execution of a development on this site, Denton Corker Marshal have previously proven that they can execute this level of quality, where as an alternative firm may fall short. As such we suggest should the applicant wish to change the project architects after the issue of a permit, then there would be a requirement for the applicant to re-apply for a new permit.

Please do not hesitate to contact me should you require further information.

Sarah Merat  
Urban Designer  
Extn 8606

## CONSERVATION CONSULTANT HERITAGE ADVICE

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I have reviewed the material provided.

As per my earlier advice to Council, it is my view that the proposal is broadly supportable in relation to:

1. the extent of demolition of the historic building
2. the extent of retention and restoration etc to the historic building
3. the extent and nature of the proposed rear tower building behind the Windsor Hotel
4. the essential concept of a modern addition at the corner of Spring and Bourke Streets, replacing the existing modern addition, including the contemporary architectural character that is proposed.

While there are issues of detail to be resolved in relation to items 1, 2 and 3, I accept that the general nature of the proposal seems appropriate. While the proposed tower represents a substantial change, it is noted that the site is already seen in the context of taller buildings, and the design has sought to provide a neutral but handsome backdrop that allows the Windsor Hotel to remain visually prominent and distinct.

However, in relation to point 4 above, I believe that the height of the corner facades of the proposed new envelope is approximately one storey too high or possibly two storeys too high.

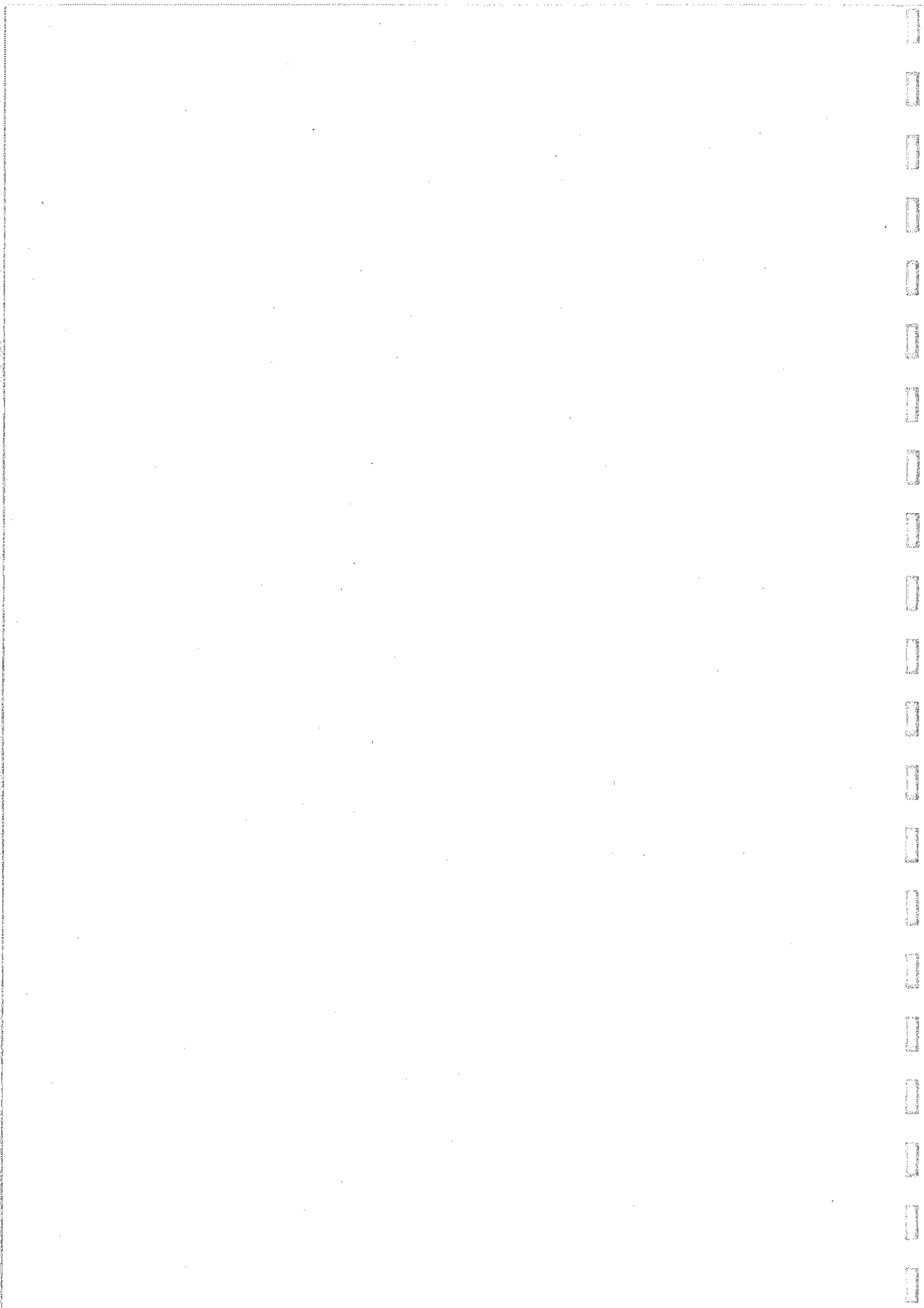
The appropriate height of this façade envelope in relation to the facade of the Windsor would be a height comparable to or lesser than the main cornice line of the Windsor, rather than the height of the nearest corner turret. The present height results in a new building that is too visually dominant, and too bulky, relative to the significant hotel building and also relative to the neighbouring buildings in Bourke Street and, of course, the Parliament House. This imbalance is illustrated by the perspective view provided in the application documentation, 'View from the Parliament Steps' (SK250\_S2), with the new envelope being visually dominant relative to the Windsor. Given that the Windsor is itself already the tallest of the heritage buildings in this part of the Bourke Hill precinct (HO500), such a large new building is inappropriate. Further to this, the proposed scale seems inappropriate in relation to HO524, the group of two storey buildings opposite on Bourke Street. As a result, the height of this proposed corner building and the associated visual bulk have the potential to impact adversely upon the valued vista along Bourke Street east toward Parliament. The existing corner building has a more appropriate height relationship than the proposed corner building (see page 25 of the Contour Consultants planning report for comparison).

This aspect of the scheme requires further assessment in terms of views along Bourke Street, but at this stage it is my view that the lowering of the height of the facades to Spring and Bourke Streets is desirable (a) in relation to the relationship with the Windsor Hotel as a registered historic building, and (b) in terms of the impact of the new works upon the significance of the Bourke Hill precinct (HO500) and the associated vista along Bourke Street looking east.

**Bryce Raworth**  
**17/9/9**

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**22.04**19/01/2006  
VC37**HERITAGE PLACES WITHIN THE CAPITAL CITY ZONE**

This policy applies to the Capital City Zone.

**Policy Basis**

The heritage of the Capital City Zone area, comprising individual buildings, precincts, significant trees, and aboriginal archaeological sites, is a significant part of Melbourne's attraction as a place in which to live, visit, do business and invest. It is also important for cultural and sociological reasons, providing a distinctive historical character and a sense of continuity. Much of Melbourne's charm is provided by its older buildings, which, while not always of high individual significance, together provide cultural significance or interest, and should be retained in their three dimensional form, not as two dimensional facades as has sometimes occurred.

The identification, assessment, and citation of heritage places have been undertaken over decades, as part of an ongoing heritage conservation process and their recognition and protection have been a crucial component of planning in Melbourne since 1982.

**Objectives**

- To conserve and enhance all heritage places, and ensure that any alterations or extensions to them are undertaken in accordance with accepted conservation standards.
- To consider the impact of development on buildings listed in the Central Activities District Conservation Study and the South Melbourne Conservation Study.
- To promote the identification, protection and management of aboriginal cultural heritage values.
- To conserve and enhance the character and appearance of precincts identified as heritage places by ensuring that any new development complements their character, scale, form and appearance.

**Policy**

The following matters shall be taken into account when considering applications for buildings, works or demolition to heritage places as identified in the Heritage Overlay:

- Proposals for alterations, works or demolition of an individual heritage building or works involving or affecting heritage trees should be accompanied by a conservation analysis and management plan in accordance with the principles of the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance 1992 (The Burra Charter).
- The demolition or alteration of any part of a heritage place should not be supported unless it can be demonstrated that that action will contribute to the long-term conservation of the significant fabric of the heritage place.
- The impact of proposed developments on aboriginal cultural heritage values, as indicated in an archaeologist's report, for any site known to contain aboriginal archaeological relics.
- The recommendations for individual buildings, sites and areas contained in the Central City Heritage Study Review 1993.
- All development affecting a heritage precinct should enhance the character of the precinct as described by the following statements of significance.
- Regard shall be given to buildings listed A, B, C and D in the individual conservation studies, and their significance as described by their individual Building Identification Sheet.

## Statements of Significance and Key Attributes for Heritage Areas within the Heritage Overlay

### *Bank Place Precinct*

#### Statement of Significance

The character of the intimate space within Bank Place is created by the architectural variety of the comparatively small, individual buildings that enclose it. They vary in style from the English domestic of the Mitre Tavern (1865), through to the Victorian facades of Stalbridge Chambers and the romanesque revival of Nahun Barnett's Bank Houses. The Savage Club, 12 Bank Place, was erected as a townhouse in the 1880s and is now on the Victorian Heritage Register. With its narrow entrances, flanked at the northern end by the impressive and ornately detailed Stalbridge Chambers on one side and on the other by a significant row of two-storey shops, representing the oldest legal offices in what was once Chancery Lane, it provides a pleasant and intimate space in the heart of the City. The area extends across Little Collins Street to include the Normanby Chambers, another sophisticated facade featuring Italian and English Renaissance design, another office long associated with the legal fraternity, and forming an architectural focus for Bank Place.

#### Key Attributes

- The intimate scale and character of Bank Place, as well as its strong social and traditionally pedestrian role.
- Architecturally interesting building facades and detailing throughout.

### *Bourke Hill Precinct*

#### Statement of Significance

This precinct derives much importance from its association with Parliament House, which was built progressively from 1856. This 19th century complex dominates the Bourke Street vista from as far away as William Street, and is emphasised by the sympathetic scale of the buildings on either side of the Bourke Street Hill. The precinct also includes such stylish and prominent buildings facing Spring Street as the Princess Theatre (1886) and the Hotel Windsor (1883). These contribute to the high level of amenity of Spring Street and its gardens. The buildings on either side of Bourke Street reflect the variety of social activities that have taken place in this area since the mid-19th century. The scale of the City's buildings prior to the boom era of the 1880s is seen in the simple design and low scale of the two-storey Crossley's Building (1884-1885).

The area also comprises part of the entertainment precinct of the central city, and buildings such as the Salvation Army Temple (1890) reflect the interest of social reformers in the nearby 'back slums' epitomised by the nearby former Gordon House (1883-1884). A philanthropic venture built by a syndicate headed by the actor-manager and politician George Coppin, it was named after the martyr of Khartoum and was an ambitious venture intended to provide family accommodation for the respectable poor. However, the venture was not successful in achieving its purpose and Gordon House later became a shelter for homeless men and now a hotel. It survives as a unique social document in the narrow confines of Little Bourke Street, and is complemented by the low-scale of surrounding red brick buildings.

The juxtaposition of the Parliament, the former deprived areas of Little Bourke Street and the style of Bourke Street gives the precinct an unrivalled historic texture and overall the theatres, hotels, cafes and quality bookshops contribute to the relaxed and elegant character of the eastern end of the city.

### **Key Attributes**

- Low-scale Victorian buildings.
- The visual dominance of the parliamentary buildings on the Bourke Hill skyline, and the vista along Bourke Street to Parliament House.

### ***Bourke West Precinct***

#### **Statement of Significance**

Architecturally diverse but coherent in scale and picturesque setting, this precinct contains highly expressive elements of the late 19th and early 20th century city. Apart from containing a rare and interesting mix of diverse functions and building types, this precinct includes a range of government services located in the western quarter of the City. Some buildings such as Unity Hall (1916), Hudsons's Stores (1876-77) and the Old Tramways Building (1891) have important historical associations with transport and the Spencer Street railway yards. The comparatively low levels of even the tallest buildings contrast well with the single-storey structures on the southern side of Bourke Street, enabling the taller structures to be seen from their original perspective.

#### **Key Attributes**

- A group of architecturally diverse 19th and early 20th century buildings that are consistent in scale and associated with public services and warehousing.
- The dominance of the Tramways Building on the south side of Bourke Street and the Mail Exchange building on the north side.
- The amenity of the garden around St Augustine's Church.

### ***Collins East Precinct***

#### **Statement of Significance**

Collins Street has often been identified as Melbourne's leading street. This is due, in part, to the pleasant amenity and distinctive character of its eastern end. Its relative elevation and proximity to the Government Reserve and points of access to the City provided for its development as an elite locale. Initially a prestige residential area, the Melbourne Club re-established itself here in 1857 and by the 1860s the medical profession had begun to congregate. By the turn of the century it was firmly established as a professional and artistic centre of Melbourne, with part of its fame due to its tree plantations in the French boulevard manner (hence the 'Paris end'), which date from 1875.

A number of significant buildings come together in this precinct to form a series of prominent streetscapes. These include, at the western end, the Town Hall, Athenaeum, and Assembly Hall through to the Scots and Independent Churches, with the Regent Theatre through to the redeveloped T&G building opposite. The eastern end includes the early 19th century residential and artists' studio buildings at the foot of No. One Collins, with the predominantly 20th century intact run to the north featuring Alcaston, Anzac Portland and Chanonry Houses, and Victor Horsley Chambers plus the nearby Melbourne Club.

At all times until the post 1939-45 war period, redevelopment took place in a quiet and restrained manner with an emphasis on dignity, harmony and compatibility with the intimate scale and pedestrian qualities of the street. These qualities are still embodied in significant remnant buildings and other artifacts, despite the intrusion of large developments. The qualities of the street are also embodied in the social functions of the

buildings which include elite smaller scale residential, religious, social, quality retailing and professional activities.

#### **Key Attributes**

- The buildings remaining from before the Second World War.
- The boulevard quality of this end of Collins Street with street tree plantations and street furniture.
- A consistent height, scale, character and appearance of the remaining 19th and early 20th century buildings.
- The historic garden of the Melbourne Club.

#### ***Flinders Gate Precinct***

##### **Statement of Significance**

This precinct comprises the City's southern face, a major access point at Princes Bridge, and the specialised commercial district of Flinders Street. The area has been a gateway to the City from the south ever since the first Prince's Bridge (1841) and Melbourne's first railway were constructed, and Flinders and Spencer Street stations were linked by a viaduct in 1879. A grand new Princes Bridge (1886) confirmed the trend to redevelopment in the latter decades of the 19th century. The present Flinders Street Station (1906-10) also dates from this period. Proximity to the centre of Victoria's railway system explains the location and the size of the Commercial Travellers' Club (1899) in Flinders Street.

It was here, at Melbourne's southern gate, that the Anglican community chose to build their grand new St Paul's Cathedral (1880-91), replacing an earlier church on the same site. The choice was a logical one as many of them lived in the southern and eastern suburbs. More commercial motives saw the construction in Flinders Street of large retail emporia such as the former Mutual Store (1891) and Ball and Welch (1899).

This precinct offers evidence of all these changes, and also includes two of Melbourne's earliest and best known hotels, the Duke of Wellington (1850) and Young and Jackson's Princes Bridge Hotel (1854). An important feature of Flinders Street's southern face of buildings is their uniform height facing the station, Federation Square and the Yarra River.

#### **Key Attributes**

- The traditional gateway to the central city from the south and an area associated with retailing.
- Major 19th and early 20th century buildings including Flinders Street Station, St Paul's Cathedral and Princes Bridge.

#### ***Flinders Lane Precinct***

##### **Statement of Significance**

Proximity to the Yarra River, Queens Wharf and the Customs House marked Flinders Lane as an appropriate location for the establishment of wholesaling businesses in the 19th century. Up until the 1870s and 1880s, Melbourne was the centre of the colonial re-export trade. Overseas cargoes were received, re-packed and distributed to the southern colonies and New Zealand. This trade created a demand for functional warehouses offering large areas of space close to the ground without any need for external display. This generation

19/01/2006  
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**SCHEDULE 2 TO THE DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO2**

**HEIGHT CONTROLS - CAPITAL CITY ZONE**

**1.0**

19/01/2006  
VC37

**Design objectives**

- To protect sunlight access to key public places and open space areas so as to provide a comfortable, pedestrian-friendly urban environment.
- To ensure that the height of new buildings reinforces the built form character of unique areas.
- To maintain the visual dominance of prominent landmarks.

**2.0**

19/01/2006  
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**Requirements**

With the exception of architectural features and building services, buildings and works must not be constructed to exceed the maximum height set out in Table 1 to this schedule. A permit cannot be granted to vary this requirement.

Buildings or works should not be constructed to exceed the maximum height set out in Table 2 to this schedule.

An application to exceed the maximum heights must be accompanied by a site analysis plan and a written urban context report documenting how the development will achieve the specific design objectives and outcomes of this schedule.

The height of a building or works is the height of its highest point above the permanent footpath at the centre of the site frontage. If there is no footpath, the natural surface level of the centre of the site frontage is the base level.

**Table 1 to Schedule 2**

HEIGHT CONTROL AREA	MAXIMUM BUILDING HEIGHT	OUTCOMES
HC-1 Core Height Control	40 metres	<p>A feeling of openness and intimate scale for pedestrians is maintained.</p> <p>Reasonable solar access is maintained to the streets between 11.00 am and 2.00 pm on 22 March and 22 September.</p>

Table 2 to Schedule 2

HEIGHT CONTROL AREA	MAXIMUM BUILDING HEIGHT	OUTCOMES
HC-2	15 metres	The low-rise, high-density and pedestrian oriented built form of the Chinatown, Bourke Hill, and McKillop/ Hardware/ Guilford Lane precincts is maintained.
HC-3	20 metres	Pedestrian gateways to the Chinatown and Hardware Lane precincts are developed to provide a comfortable scale transition between the precinct and the broader area.
HC-4	23 metres	The Parliamentary buildings remain dominant on the Bourke Hill skyline.
HC-5	40 metres	The scale of development complements and is compatible with the nearby retail core.  St Paul's Cathedral remains the dominant building on the Flinders Street skyline between Swanston and Russell Streets.  The Parliamentary buildings remain dominant in vistas along Bourke Street.
HC-6	30 metres	The scale of development on these gateway sites takes advantage of the opportunities of consolidated sites, but maintains a comfortable relationship with the surrounding low-scale and pedestrian oriented built form character of the Chinatown precinct and does not unreasonably overshadow streets in the precinct.
HC-7	80 metres	The scale of development takes advantage of the opportunities of a large consolidated site but maintains a comfortable relationship with the surrounding low-scale precinct and does not intrude upon the long vistas to Parliament House along Bourke Street.
HC-8	60 metres	The scale of development takes advantage of the opportunities of consolidated sites in the Chinatown and Bourke Hill precincts, which are set back from important pedestrian laneways, but also maintains a comfortable relationship with the surrounding low-scale precincts.
HC-9	30 metres	The Town Hall and the historic buildings in the block remain visually dominant.

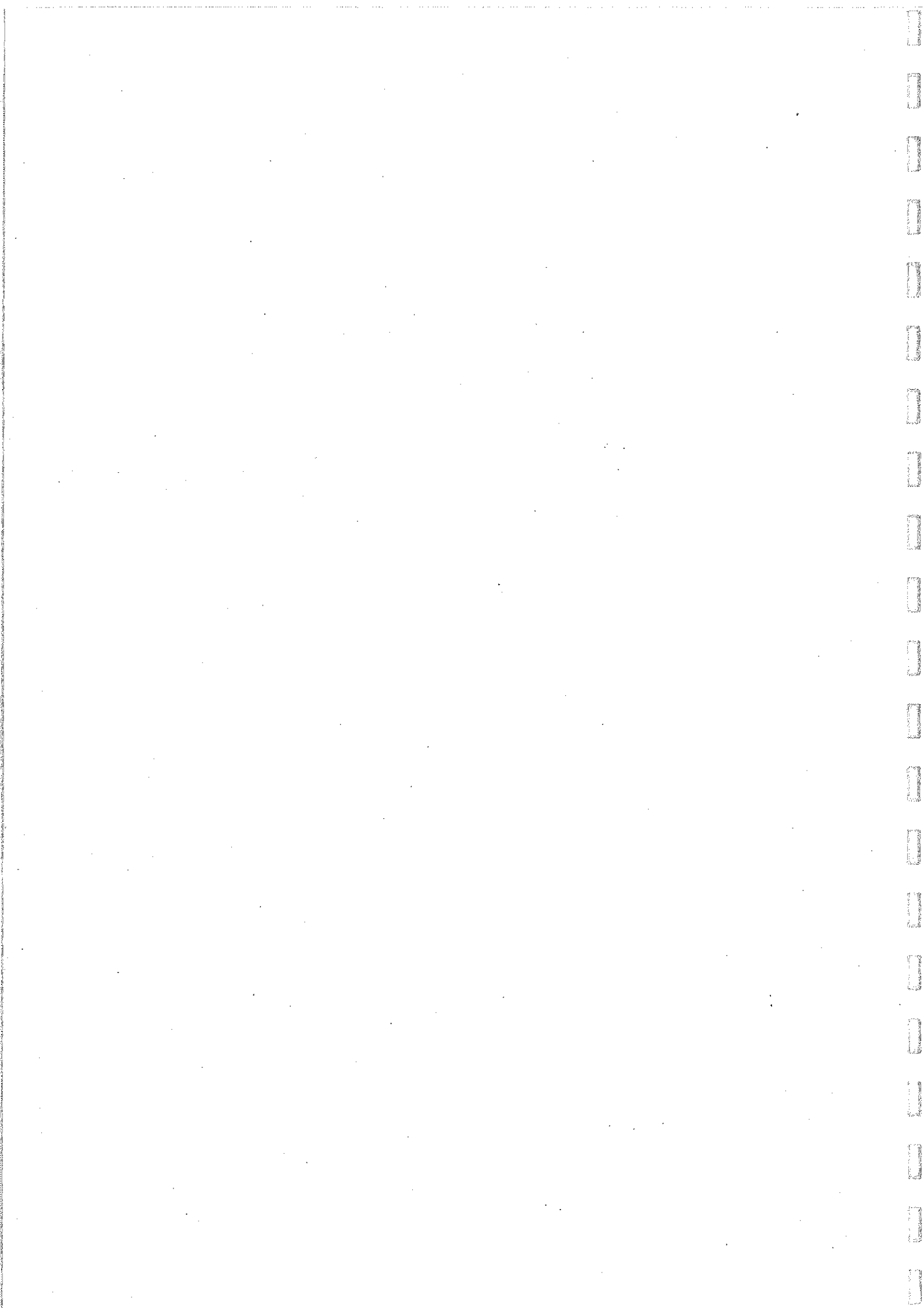
**Note:** *Design and Development Overlay – Schedule 14 specifies maximum building height requirements for the Queen Victoria Market and surrounding land.*

**3.0**

19/01/2006  
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**Exemption from notice and appeal**

An application to construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.





Scale 1:1615

# Design and Development Overlay Schedule 2



## LEGEND

- Street Label 1500
- Street Label 2000
- Street Label 10000
- Street Label 15000
- PT Tram Symbol
- PT Train Symbol
- Train
- Train (Underground)
- Freeway Overland
- MCC Municipal Boundary
- Road Layout
- Bridge
- Street Alignment
- Street Alignment
- Arcade Alignment
- Water
- Water
- MV Area
- MV Boundary
- Docklands Boundary
- River
- Property
- DDO2
- DDO2-A1
- DDO2-A2
- DDO2-A3
- DDO2-A4
- DDO2-A5
- DDO2-A6
- DDO2-A7
- DDO2-A8
- DDO2-A9
- PAO2
- PAO2
- PAO1
- PAO1
- IPO1
- IPO1



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