

6.2 TP-2006-274/H - 380-388 Russell Street, Melbourne

Report Author: Colin Charman, Principal Urban Planner

Report Presenter: Nick McLennan, (Acting) Head of Statutory Planning

Executive Leader: Evan Counsel, General Manager Strategy, Planning and Climate Change

Executive Summary

1. The purpose of this report is to advise the Future Melbourne Committee of a planning permit application that seeks permission to amend Planning Permit TP-2006-274G. The amendment seeks to update the description of what the permit allows, amend the conditions of the permit, and revise the design of an authorised Level 8 addition for use as a Function Centre, to the Space Hotel at 380-388 Russell Street, Melbourne (refer to Attachment 1 – Locality Map).
2. The proposed amendment details include part demolition, alterations and additions to introduce an additional Hotel room on Level 7 of the ‘Significant’ heritage place, and changes to the layout of the Level 8 Function Centre use and outdoor terrace (refer to Attachment 2 – Plans).
3. The applicant is Dira-Mivora Pty Ltd c/- Planning & Property Partners Pty Ltd. The architect is Moull Murray Architects. The estimated cost of the permitted development is \$5,625,000 and the additional cost of the amended development is \$1 million.
4. The site is located within the Mixed Use Zone (MUZ) and is affected by the Heritage Overlay (HO848), Design and Development Overlay Schedule 1 (DDO1) and Schedule 4 (DDO4) and Parking Overlay (Schedule 12).
5. The application was publicly advertised and 36 objections were received, raising concerns regarding patron behaviour, increased traffic and associated parking, taxi and ride-share impacts, waste generation and litter, noise and amenity impacts from the late-night operation of the premises, and the adequacy of the submitted Acoustic Report, including assumptions, compliance with live music provisions and the treatment of the rooftop terrace.
6. The key matters requiring consideration include potential noise and amenity impacts posed by the changes to the authorised use of Level 8 for a Function Centre (live music entertainment is also authorised in association with this use) and the proposed revised addition’s response to Council’s Heritage Policy.
7. For the reasons set out in Attachment 3 – Planning Report, it is considered that the proposed changes to the authorised use and development will result in an improved planning outcome. The amendments enhance the development’s alignment with the Melbourne Planning Scheme by delivering a more sympathetic response to the heritage context, reducing the hours of operation of the rooftop terrace from midnight to 11.00pm, and updating permit conditions to improve clarity, transparency and enforceability.

Recommendation from management

8. That the Future Melbourne Committee resolves to:
 - 8.1. Issue a Notice of Decision to Grant an Amended Planning Permit subject to the conditions set out in the planning report (refer to Attachment 3 – Planning Report).

Purpose

9. The purpose of this report is to advise the Future Melbourne Committee of management's recommendation on amendment application TP-2006-274H. The amendment seeks to update the description of what the permit allows, amend the conditions of the permit, and revise the design of an authorised Level 8 addition for use as a Function Centre, to the Space Hotel at 380-388 Russell Street, Melbourne (refer to Attachment 2 – Plans).

Background

10. The applicant is Dira-Mivora Pty Ltd c/- Planning & Property Partners Pty Ltd. The architect is Moull Murray Architects. The estimated cost of the permitted development is \$5,625,000 and the additional cost of the amended development is \$1 million.
11. The site is located within the Mixed Use Zone (MUZ) and is affected by the Heritage Overlay (HO848), Design and Development Overlay Schedule 1 (DDO1) and Schedule 4 (DDO4) and Parking Overlay (Schedule 12).
12. The application seeks to amend the permit to alter the exterior design of authorised alterations and additions to Level 7 and Level 8 of the former 'International Order of Odd Fellows' offices (now known as Space Hotel), a 'Significant' heritage place, and alter the layout and operation of the authorised 'Function Centre' use on Level 8 of the building. The application does not seek to change the layout or operation of lower levels of the development.
13. The application has been amended once under Section 57A of the *Planning and Environment Act 1987* (Act) to address concerns raised in objections by providing an updated acoustic report, and to revise the design of the proposed addition to respond to Council's heritage expert's comments.

Key considerations

14. The key matters requiring consideration include potential noise and amenity impacts posed by the changes to the authorised use of Level 8 for a Function Centre (live music entertainment is also authorised in association with this use), including the concerns raised by objectors, and the proposed revised addition's response to Council's Heritage Policy. It is noted the addition generally adopts the same building envelope as the authorised addition under the permit.
15. Other relevant matters include the requirements of DDO1, DDO4, Council's ESD policy and the conditions of the permit and amendments requested by the applicant. In assessing compliance with DDO4 (World Heritage Environs) it is noted that Heritage Victoria are a Recommending Referral Authority for the application and have not objected to an amended permit being granted.
16. Subject to conditions the proposed changes to the authorised use and development under Application TP-2006-274H will improve the permitted use and development's performance against the requirements of the Melbourne Planning Scheme, by delivering a more sympathetic heritage design and enabling updates to the framework for management of the authorised uses to ensure it is compatible with surrounding sensitive uses.
17. The revised exterior design of the additions responds to Council's Heritage Policy by adopting window and spandrel spacing, and a façade system above the rock wall facing the Horticultural Hall, which better respects the former Independent Order of Odd Fellows (IOOF) offices' character, appearance, scale, materials, style and architectural expression.
18. The amendments to the authorised Level 8 Function Centre use will limit the hours of operation of the rooftop terrace to 11pm and demonstrate compliance with the updated Noise Protocol.
19. The recommended form of the amended permit includes a comprehensive restructure of the permit conditions to clarify the permit's operation, update the regulatory framework for noise to reflect current EPA requirements (the Noise Protocol) and improve the authorisation's transparency to manage potential noise and amenity impacts on surrounding sensitive uses.

Legal

20. Division 1A of Part 4 of the Act sets out the requirements in relation to amendment of permits by the responsible authority.
21. As objections have been received, sections 74 and 75 of the Act provide that the responsible authority must give the applicant and the objectors notice in the prescribed form of its decision to either grant an amended permit or refuse to grant an amended permit. The responsible authority must not issue an amended permit to the applicant until the end of the period in which the objectors may apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the decision or, if an application for review is made, until the application is determined by VCAT.

Finance

22. There are no financial implications as a result of the recommendation from management.

Conflict of interest

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

Charter of Human Rights and Responsibilities

24. The recommendation contained in this report is compatible with the *Charter of Human Rights and Responsibilities Act 2006* as it does not raise any human rights issues.

Health and Safety

25. No Occupational Health and Safety issues or opportunities have been identified in the preparation of the recommendation contained in this report.

Consultation

26. Public notice of the original application was undertaken to surrounding owners and occupiers pursuant to section 52 of the Act.
27. Following receipt of amended plans during the application process, the amended application was again put to public notice pursuant to section 57B of the Act.
28. A total of thirty-six (36) objections has been received raising concerns regarding patron behaviour, increased traffic and associated parking, taxi and ride-share impacts, waste generation and litter, noise and amenity impacts from the late-night operation of the premises.

Relevance to Council Plan, Vision and Council Policies

29. Relevant Council policies are discussed in the attached report to management (refer Attachment 3 – Planning Report).

Social and environmental impacts

30. **Social impacts**

There are no social impacts as a result of the recommendation contained in this report.

31. **Gender Impact Assessment**

A Gender Impact Assessment is not required for the consideration of this planning application.

32. **Environmental impacts**

Conditions have been recommended for inclusion on any amended permit being granted, to ensure the development will achieve the environmentally sustainable design requirements of Clause 15.01-2L-01 (Energy and resource efficiency) of the Melbourne Planning Scheme.

Attachment List

1. Locality Map [6.2.1 - 1 page]
2. Plans [6.2.2 - 27 pages]
3. Planning Report [6.2.3 - 74 pages]

Locality Plan

380-388 Russell Street, Melbourne



CITY OF MELBOURNE PLANNING 18/11/2025

Presentation

Town Planning
Application

Client

Dira Mivora Pty Ltd

Project

Function Room & Rooftop Terrace

Address

380 Russell Street, Melbourne

Date

11/11/25

MOULL MURRAY

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Hobart Upper Level City Hall, Market Street, Hobart, Tasmania, 700
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CITY OF MELBOURNE PLANNING 18/11/2025

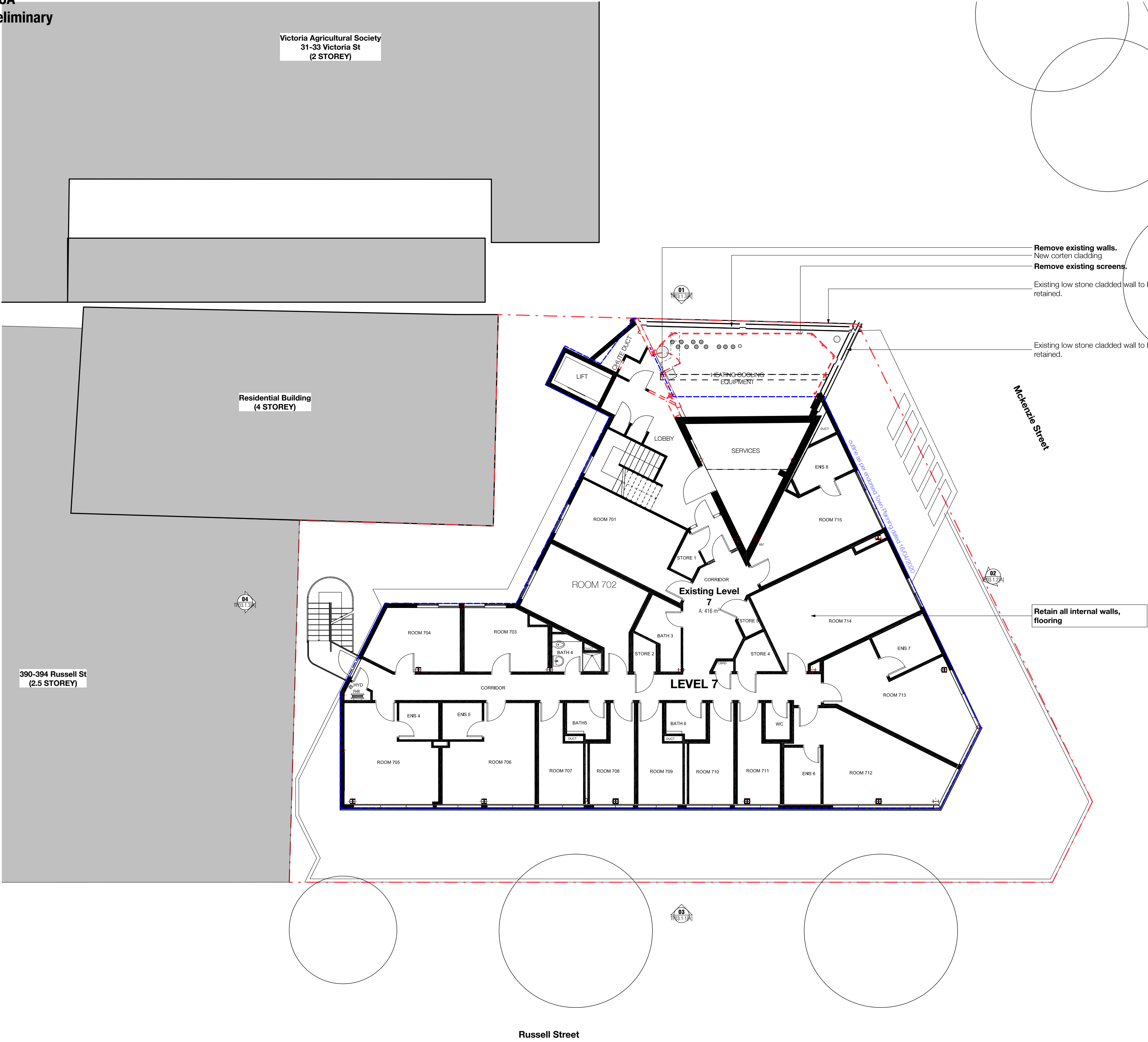
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Architectural Drawings

CITY OF MELBOURNE PLANNING 18/11/2025

Drawing Status

STCA

Preliminary



legend

outline as per endorsed Town Planning dated 16/04/2020

Level 7

1:100

MOULL MURRAY

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ABN 16 407 061 599

Client
Dira Mivora Pty Ltd

Project
Function Room & Rooftop Terrace
Address
380 Russell Street, Melbourne

Drawing
Existing and Demolition Plans
Level 7



Print Date 11/11/25 Scale 1:100 @ A1
Drawn Checked

Project No. 10408 Drawing No. TP.01.1.1 [Revision]

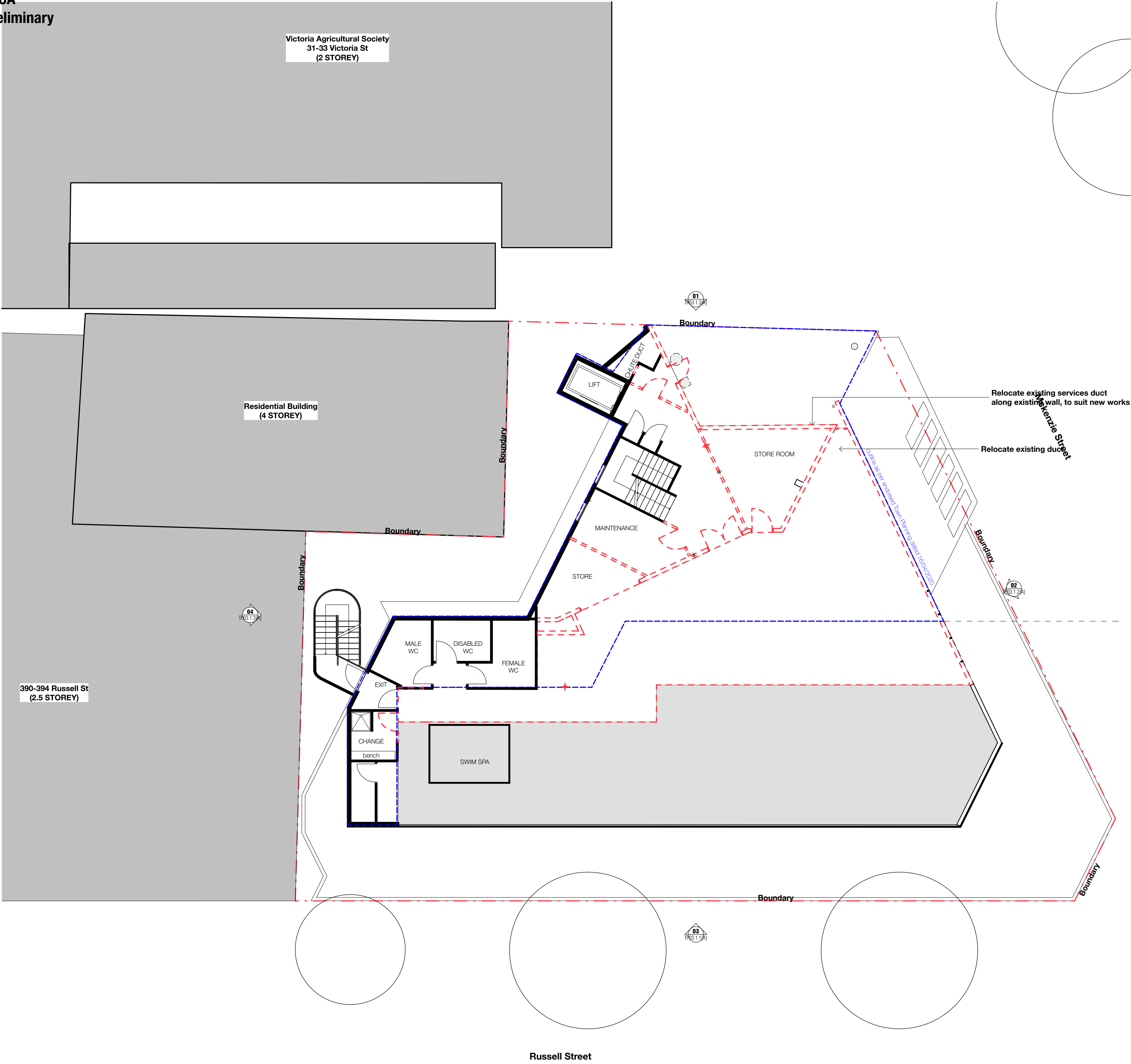
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CITY OF MELBOURNE PLANNING 18/11/2025

Drawing Status

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legend

outline as per endorsed Town Planning dated 16/04/2020

Level 8

1:100

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Client

Dira Mivora Pty Ltd

Project

Function Room & Rooftop Terrace

Address

380 Russell Street, Melbourne

Drawing

Existing and Demolition Plans

Level 8



Print Date

11/11/25

Scale

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Drawn

Checked

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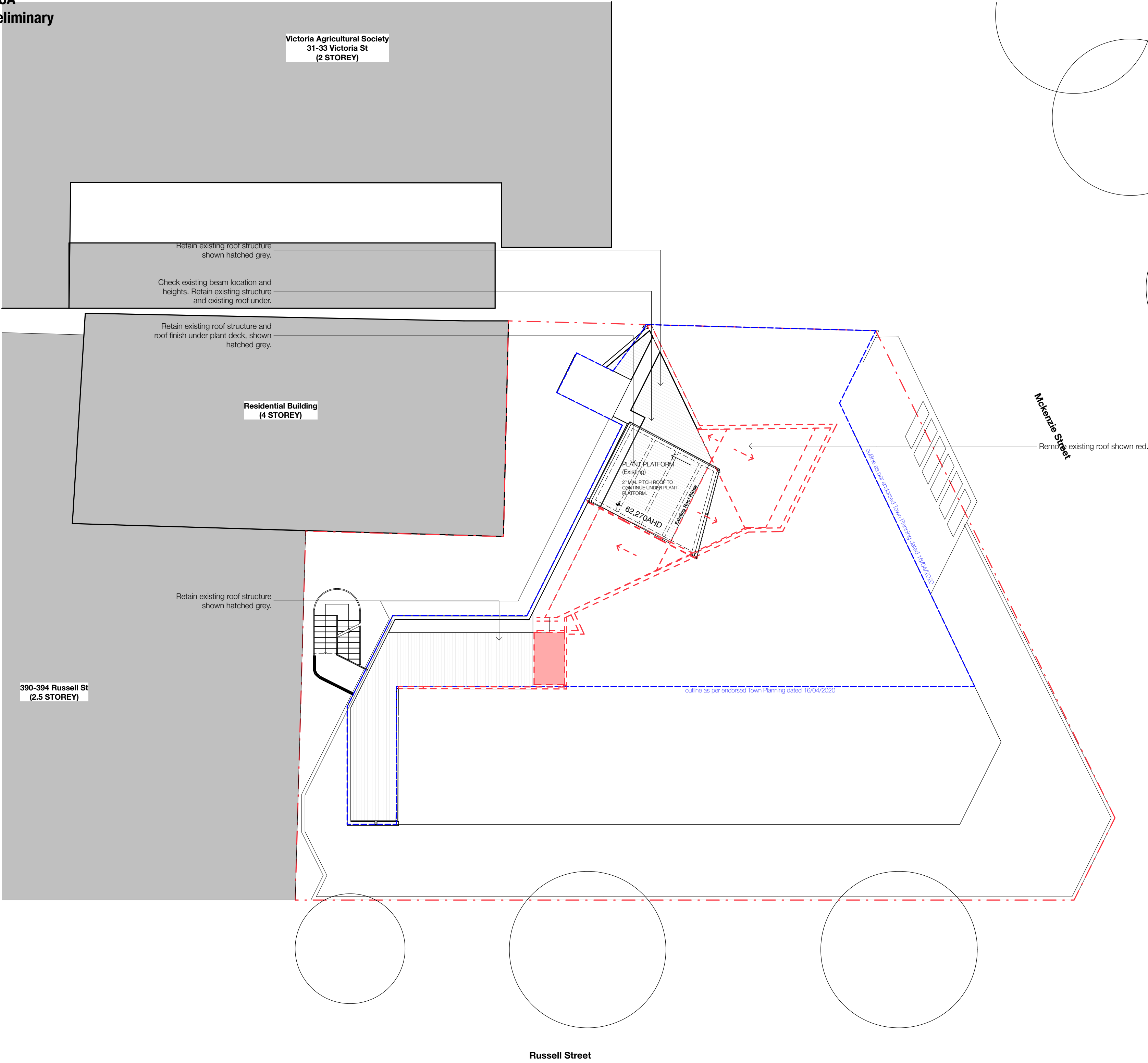
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CITY OF MELBOURNE PLANNING 18/11/2025

Drawing Status

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legend

outline as per endorsed Town Planning
dated 16/04/2020

Roof
1:100

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Client
Dira Mivora Pty Ltd

Project
Function Room & Rooftop Terrace
Address
380 Russell Street, Melbourne

Drawing
Existing and Demolition Plans
Roof Level



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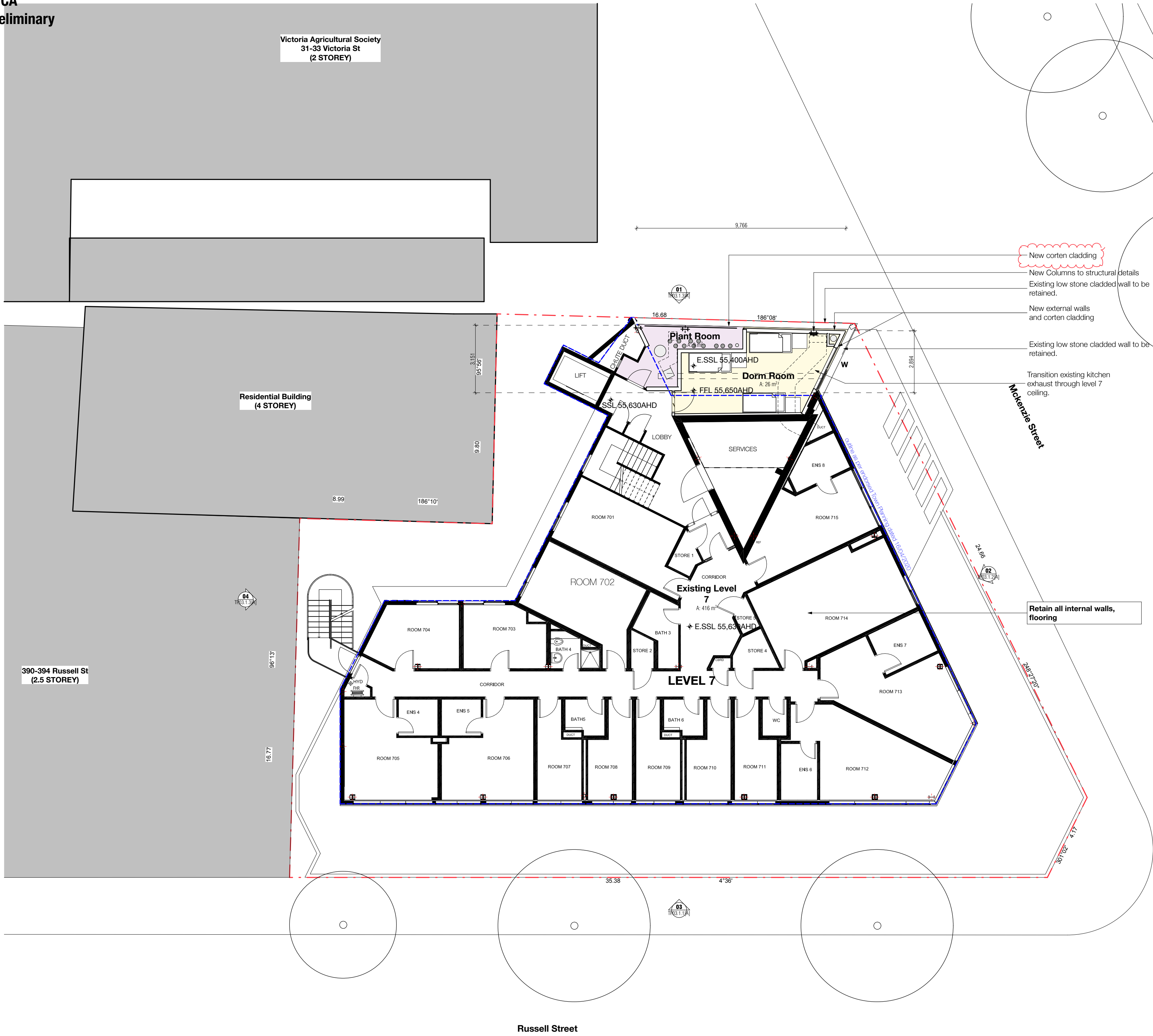
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CITY OF MELBOURNE PLANNING 18/11/2025

Drawing Status

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Preliminary



legend

outline as per endorsed Town Planning dated 16/04/2020

LEVEL 7 DEVELOPMENT SUMMARY	
Room	Area
Plant Room	9
Existing Level 7	416
Dorm Room	26
	451 m²

Level 7
1:100

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Client
Dira Mivora Pty Ltd

Project
Function Room & Rooftop Terrace
Address
380 Russell Street, Melbourne

Drawing
Proposed Plans
Level 7



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11/11/25
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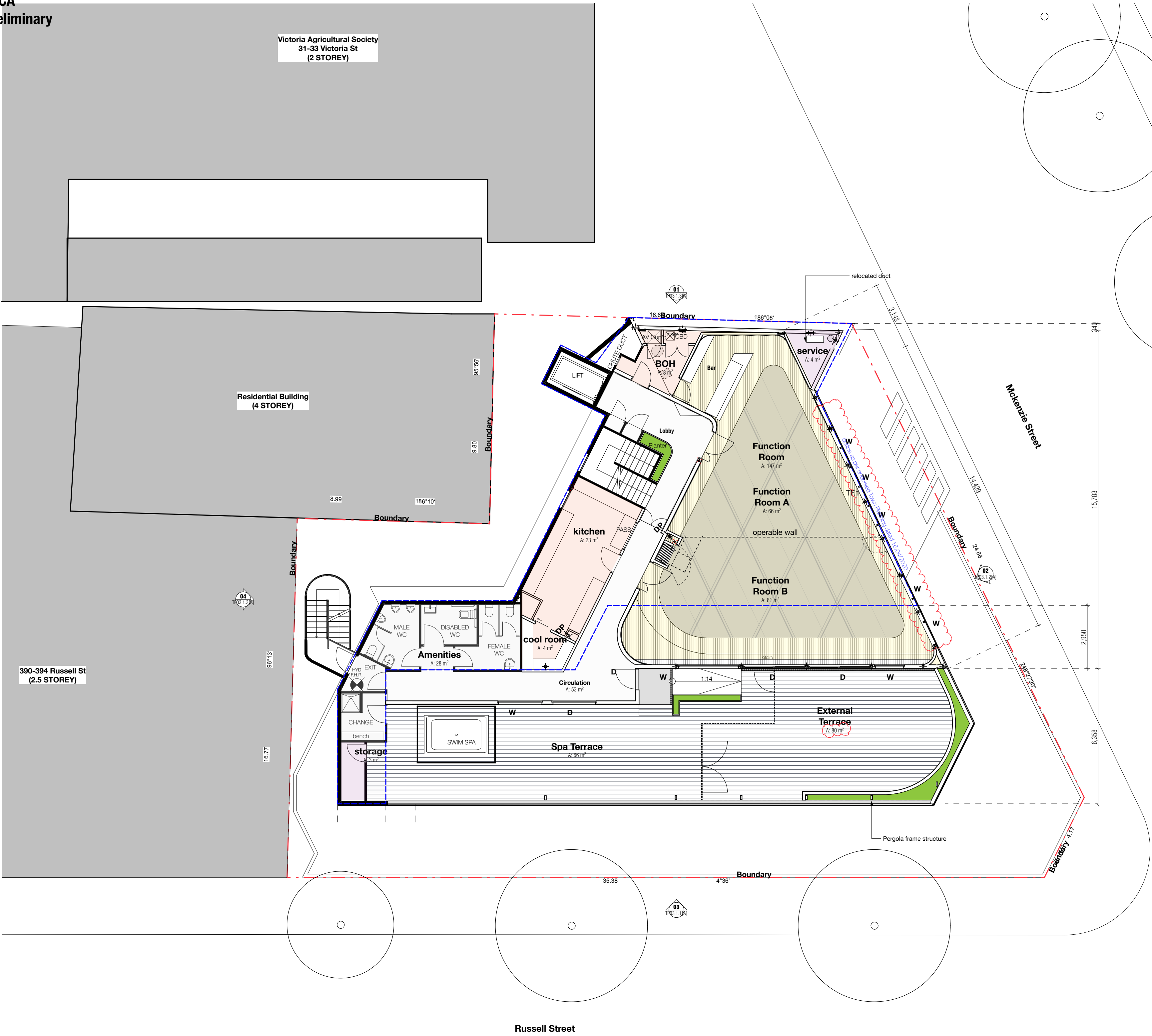
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CITY OF MELBOURNE PLANNING 18/11/2025

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legend

outline as per endorsed Town Planning dated 16/04/2020

LEVEL 8 DEVELOPMENT SUMMARY	
Room	Area
Amenities	28
BOH	8
Circulation	53
Function Room	147
cool room	4
kitchen	23
service	4
storage	3
270 m²	

Level 8
1:100
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Project
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Address
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Drawing
Proposed Plans
Level 8



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Preliminary

Victoria Agricultural Society
31-33 Victoria St
(2 STOREY)

Retain existing roof structure
shown hatched grey.

Check existing beam location and heights. Retain existing structure and existing roof under.

Retain existing roof structure and roof finish under plant deck, shown hatched grey.

**Residential Building
(4 STOREY)**

**390-394 Russell St
(2.5 STOREY)**

New roof matching existing fall.

- Outline of function room below

- Kitchen exhaust duct

New Gutter/flat roof
under existing Plant Platform

- New parapet wall as required.

High level ceiling below
shown dotted.

— Feature Beams

- Retractable shading.

Russell Street

Roof
1:100

1:100

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Client
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Project
Function Room & Rooftop Terrace
Address
380 Russell Street, Melbourne

Drawing
Proposed Plans
Roof Level



Print Date	Scale
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 Drawing No. **TP.01.2.3**

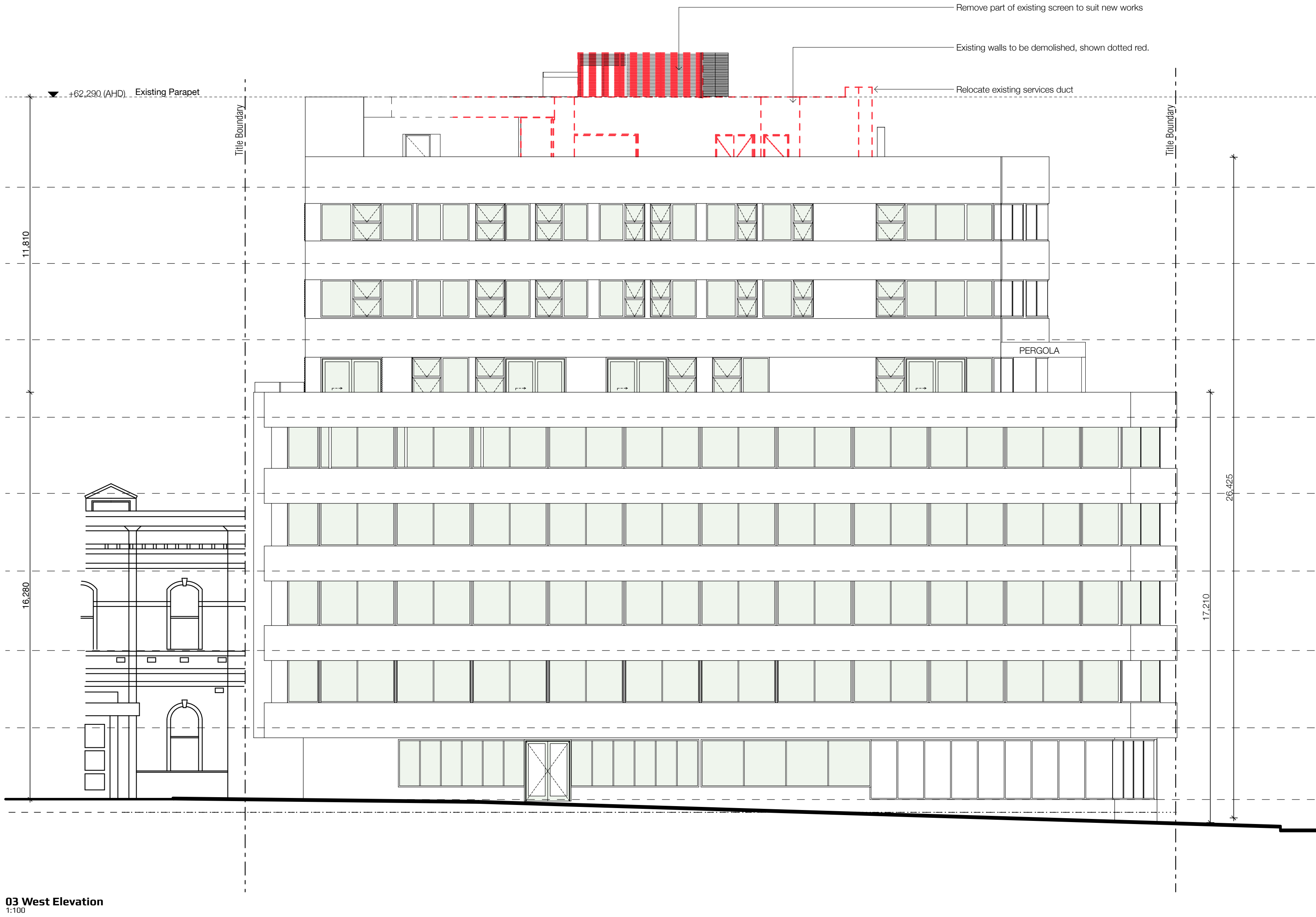
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hotel

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Client
Dira Mivora Pty Ltd

Project
Function Room & Rooftop Terrace
Address
380 Russell Street, Melbourne

Drawing
Existing and Demolition Elevations
Russel St - West Elevation

Print Date 11/11/25 Scale 1:100 @ A1
Drawn Checked

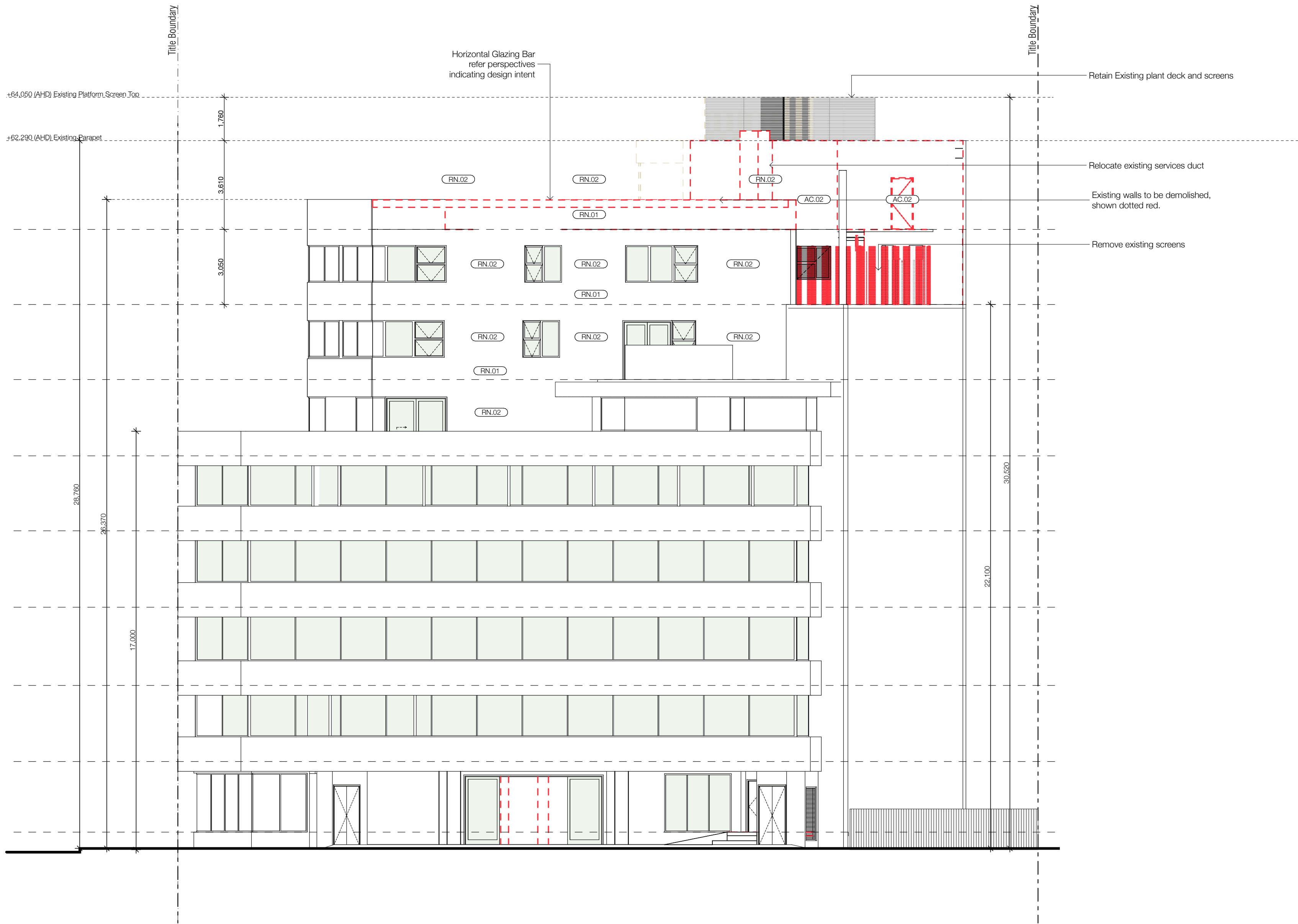
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02 South Elevation
1:100

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Client
Dira Mivora Pty Ltd

Project
Function Room & Rooftop Terrace
Address
380 Russell Street, Melbourne

Drawing
Existing and Demolition Elevations
Mackenzie St - South Elevation

Print Date 11/11/25
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Drawn
Checked

Project No. 10408
Drawing No. **TP.03.1.2[A]**
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Client
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Project
Function Room & Rooftop Terrace
Address
380 Russell Street, Melbourne

Drawing
Existing and Demolition Elevations
North & East Elevations

Print Date 11/11/25
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CITY OF MELBOURNE PLANNING 18/11/2025

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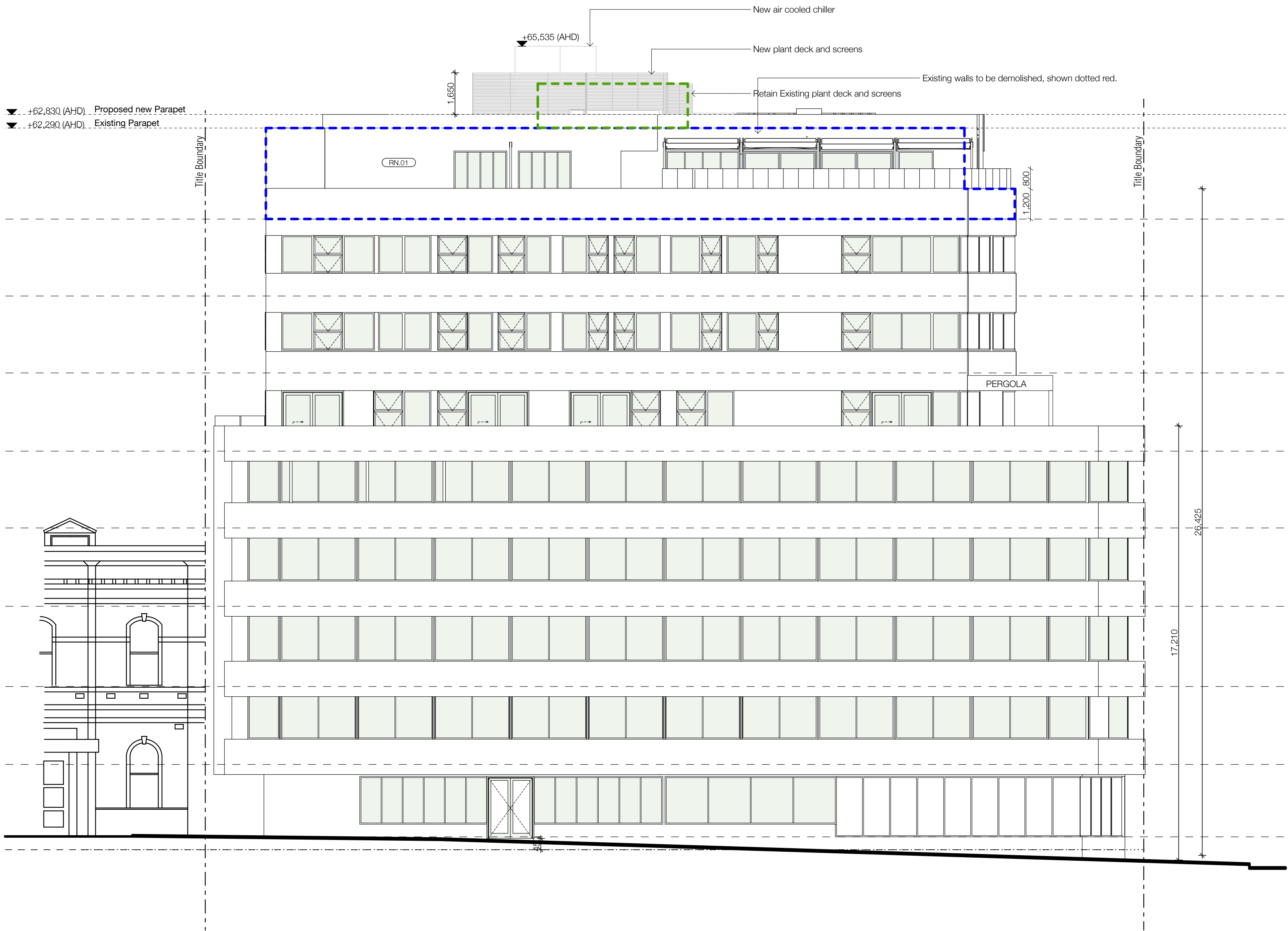
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Preliminary

legend

Building outline of endorsed Town Planning dated 16/04/2020 Existing Height as per Survey dated 14/12/2023

Plant deck screen outline of endorsed Town Planning dated 16/04/2020 Existing Height as per Survey dated 14/12/2023



03 West Elevation
1:100

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Client
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Project
Function Room & Rooftop Terrace
Address
380 Russell Street, Melbourne

Drawing
Proposed Elevations
Russel St - West Elevation

Print Date 11/11/25 Scale 1:100 @ A1
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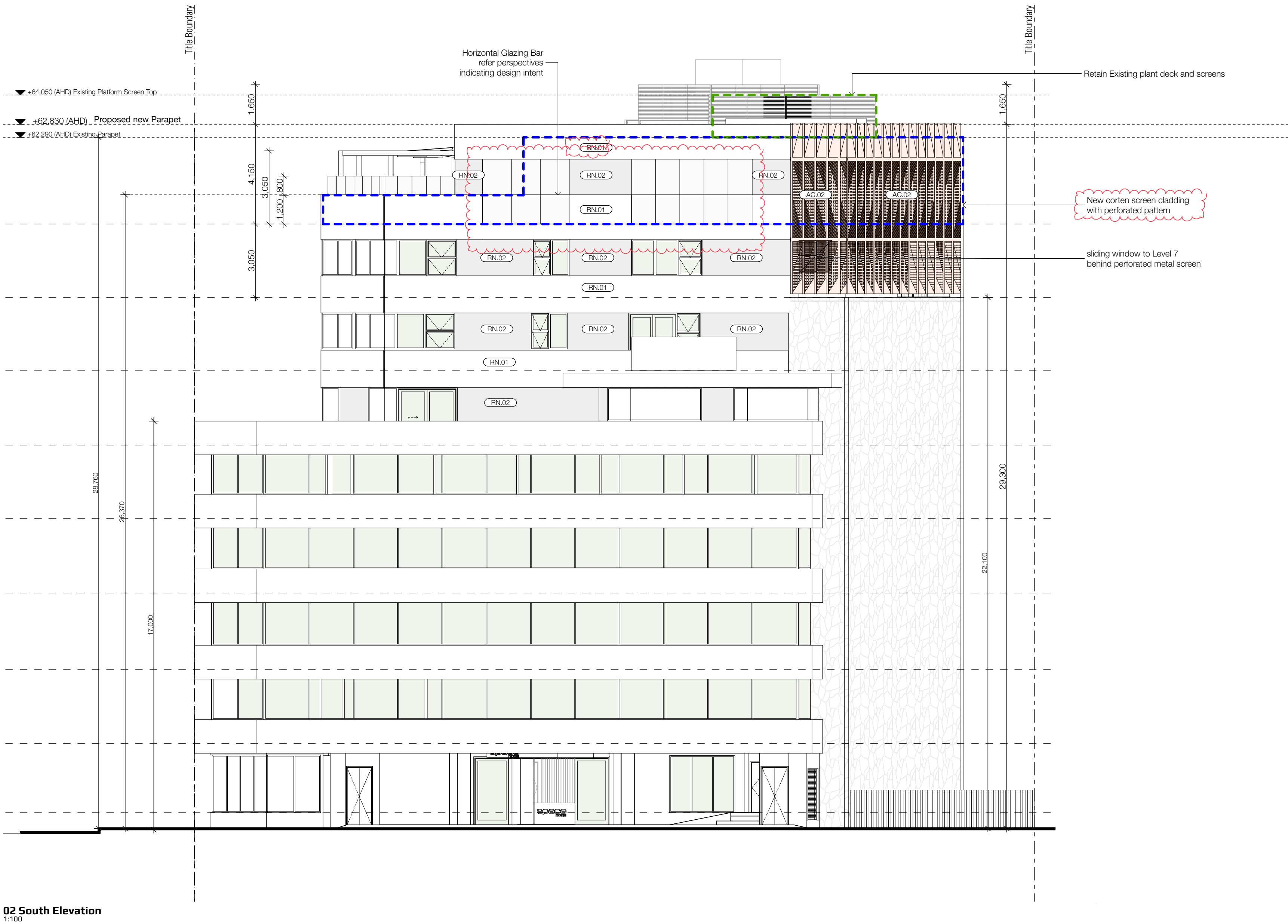
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legend

Building outline of endorsed Town Planning dated 16/04/2020
Existing Height as per Survey dated 14/12/2023

Plant deck screen outline of endorsed Town Planning dated 16/04/2020
Existing Height as per Survey dated 14/12/2023



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Client
Dira Mivora Pty Ltd

Project
Function Room & Rooftop Terrace
Address
380 Russell Street, Melbourne

Drawing
Proposed Elevations
MacKenzie St - South Elevation

Print Date
11/11/25
Scale
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Drawing No.
TP.03.2.2[B]
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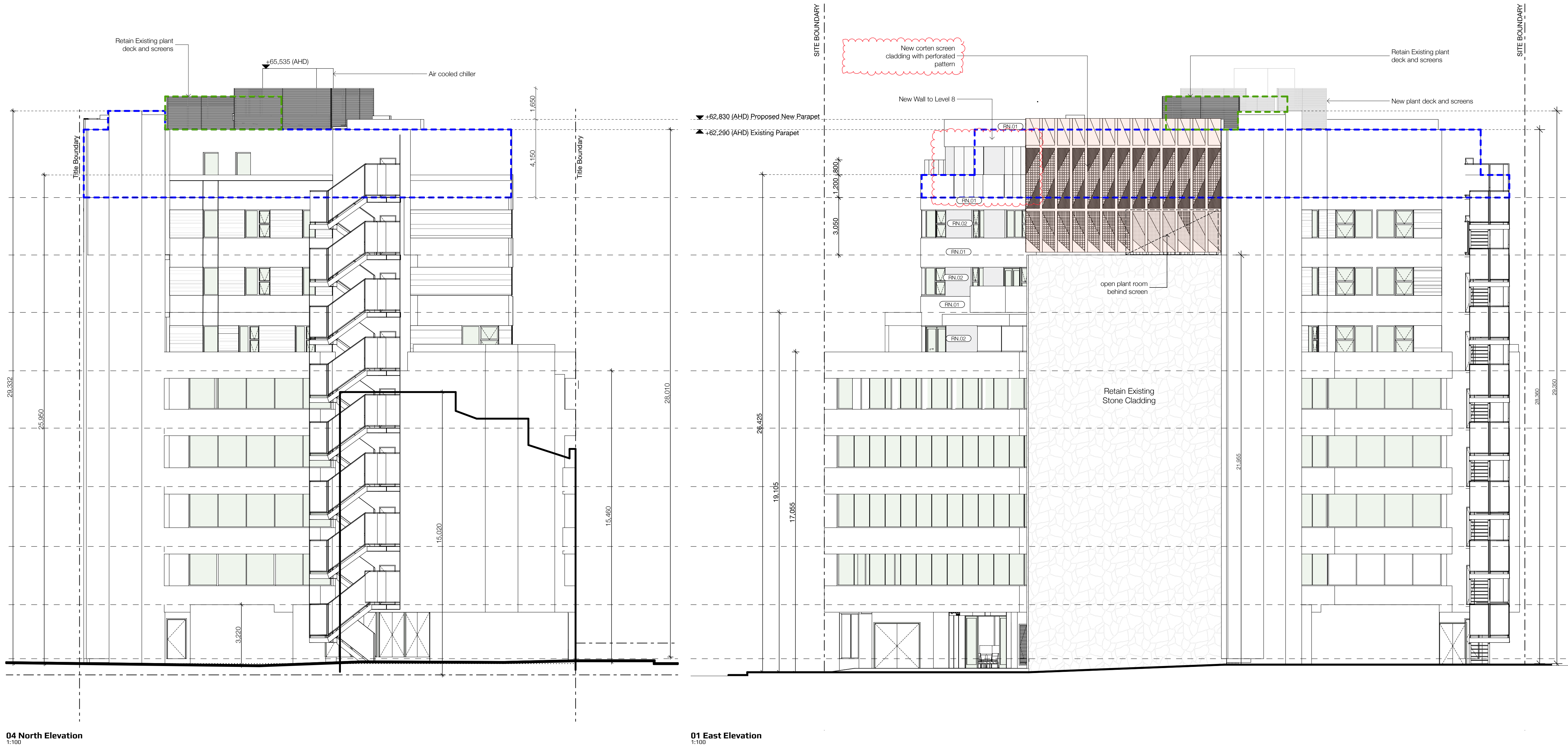
CITY OF MELBOURNE PLANNING 18/11/2025

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legend

- Building outline of endorsed Town Planning dated 16/04/2020
Existing Height as per Survey dated 14/12/2023
- Plant deck screen outline of endorsed Town Planning dated 16/04/2020
Existing Height as per Survey dated 14/12/2023



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Project
Function Room & Rooftop Terrace
Address
380 Russell Street, Melbourne

Drawing
Proposed Elevations
North & East Elevations

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CITY OF MELBOURNE PLANNING 18/11/2025

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Level 7

Current Permit

Internal

Existing
7th Floor418m²

External

Existing
Services33m²

total451m²

Proposed Design

Internal

Existing
7th Floor416m²

New
Dorm Room26m²

New
Plant Room9m²

total451m²

Level 8

Current Permit

Internal

Function room109m²

Kitchen22m²

Circulation23m²

Store(s)3m²

total157m²

Proposed Design

Internal

Function room148m²

Kitchen35m²

Circulation53m²

Store(s)3m²

total239m²(+82)

External

External Terrace120m²

Spa Terrace108m²

total228m²

External

External Terrace80m²

Spa Terrace66m²

total146m²(-82)

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Client
Dira Mivora Pty Ltd

Project
Function Room & Rooftop Terrace
Address
380 Russell Street, Melbourne

Drawing
Town Planning Application
Development Schedule

Print Date11/11/25
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Project No.
10408
Drawing No.
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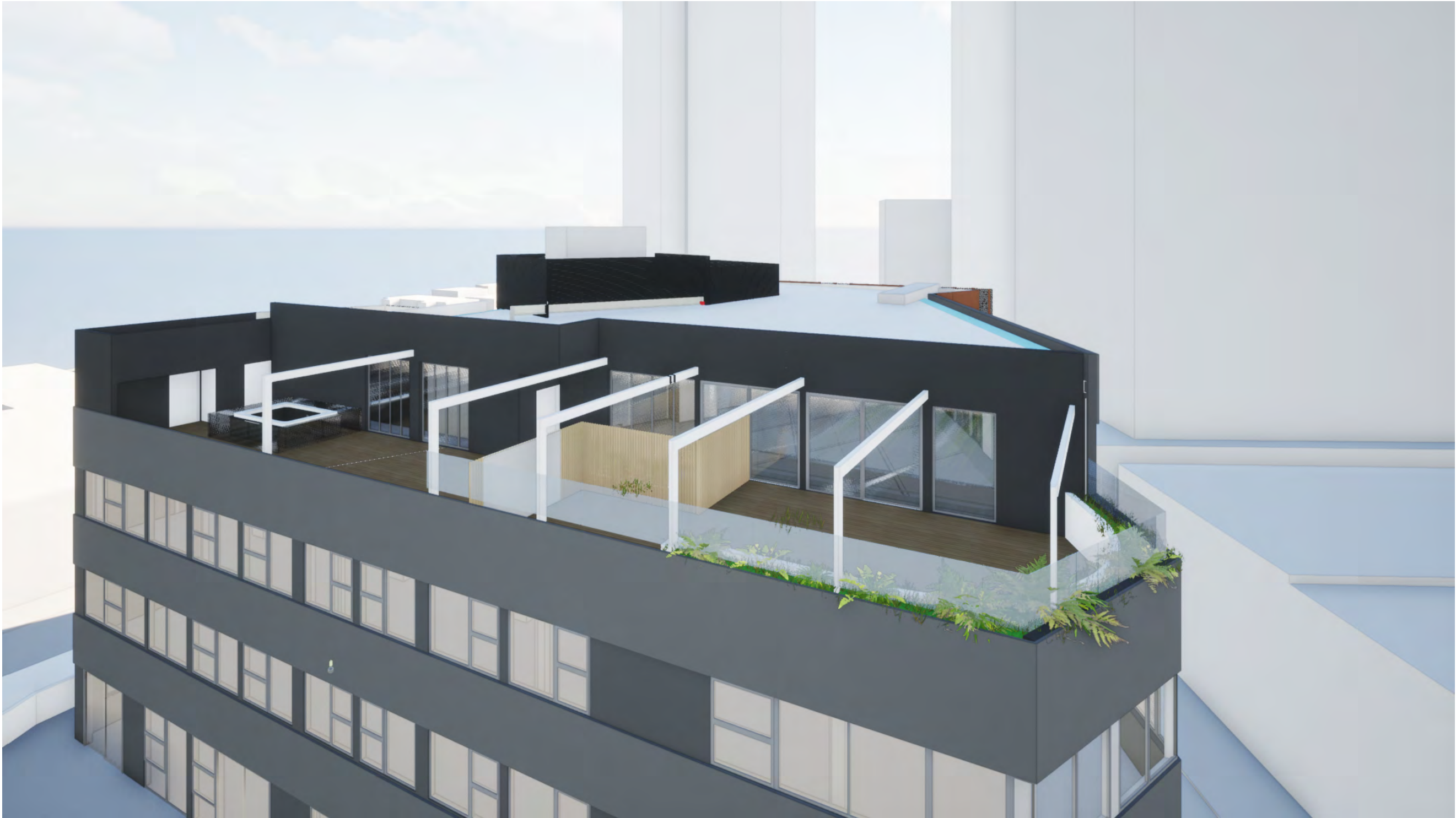
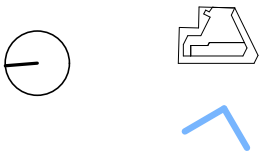
CITY OF MELBOURNE PLANNING 18/11/2025

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Imagery

CITY OF MELBOURNE PLANNING 18/11/2025

Exterior

Image Location



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Hobart Upper Level City Hall, Market Street, Hobart, Tasmania, 700
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Client
Dora Mivora Pty Ltd

Project
Function Room & Rooftop Terrace
Address
380 Russell Street, Melbourne

Drawing
Images
Exterior

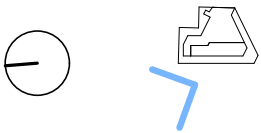
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Drawing No.
TP.05.1
[Revision]
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hobart

CITY OF MELBOURNE PLANNING 18/11/2025

Exterior

Image Location



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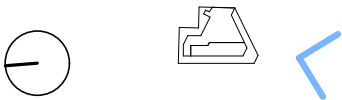
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CITY OF MELBOURNE PLANNING 18/11/2025

Exterior

Image Location



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Function Room & Rooftop Terrace
Address
380 Russell Street, Melbourne

Drawing
Images
Exterior

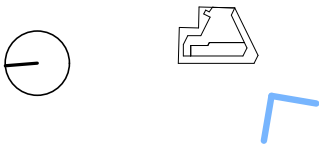
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Exterior

Image Location



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Melbourne Level 1, 312 New Street, Brighton, Victoria, 3186
Hobart Upper Level City Hall, Market Street, Hobart, Tasmania, 700
t: +61 3 9530 8905 e: hello@moullmurray.com.au
ABN 16 407 051 599

Client
Dira Mivora Pty Ltd

Project
Function Room & Rooftop Terrace
Address
380 Russell Street, Melbourne

Drawing
Images
Exterior

Print Date
11/11/25
Drawn
Checked

Project No.
10408
Drawing No.
TP.05.4
[Revision]
BIMcloud: moullmurray - BIMcloud Software as a Service/10408 russell st
hotel

CITY OF MELBOURNE PLANNING 18/11/2025

Exterior

Image Location



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Hobart Upper Level City Hall, Market Street, Hobart, Tasmania, 700
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Exterior

Print Date
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Drawn
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Project No.
10408
Drawing No.
TP.05.5
[Revision]
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hotel

CITY OF MELBOURNE PLANNING 18/11/2025

Exterior

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ABN 16 407 051 599

Client
Dora Mivora Pty Ltd

Project
Function Room & Rooftop Terrace
Address
380 Russell Street, Melbourne

Drawing
Images
Exterior

Print Date
11/11/25
Drawn
Checked

Project No.
10408
Drawing No.
TP.05.6
[Revision]
BIMcloud: moullmurray - BIMcloud Software as a Service/10408 russell st
hobart

CITY OF MELBOURNE PLANNING 18/11/2025

Exterior

Image Location



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Hobart Upper Level City Hall, Market Street, Hobart, Tasmania, 700
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ABN 16 407 051 599

Client
Dora Mivora Pty Ltd

Project
Function Room & Rooftop Terrace
Address
380 Russell Street, Melbourne

Drawing
Images
Exterior

Print Date
11/11/25
Drawn
Checked

Project No.
10408
Drawing No.
TP.05.7
[Revision]
BIMcloud: moullmurray - BIMcloud Software as a Service/10408 russell st
hotel

CITY OF MELBOURNE PLANNING 18/11/2025

Drawing Status
STCA



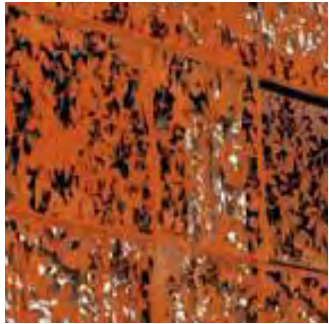
RN.01



RN.02



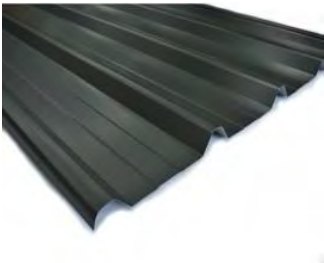
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AC.02



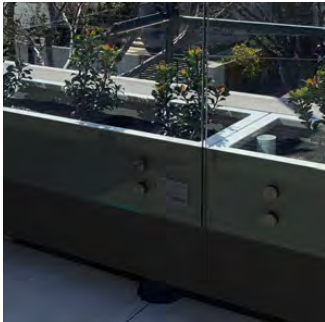
WD.01



RF.01



MS.01



LW.01

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ABN 16 407 051 599

Client
Dira Mivora Pty Ltd

Project
Function Room & Rooftop Terrace
Address
380 Russell Street, Melbourne

Drawing
Schedule
Finishes Schedule

Print Date
11/11/25
Scale
Drawn
Checked

Project No.
10408
Drawing No.
TP.06.1[A]
[Revision]

BIMcloud: moullmurray - BIMcloud Software as a Service/10408 russell st
hotel

General Notes

Wall Finishes

RN.01
Cement render
light grey (match existing
wall colour)

RN.02
Cement render
mid grey (match existing
wall colour)

**Accessories &
Window Treatments**

AC.01
Aluminium battens with
Simulated timber grain
Colour: TBC

AC.02
Laser cut corten steel
screens.

Roofing

RF.01
Metal Roof Sheet
Colour: Basalt

Window + Door

WD.01
Double Glazed Door
Glass Colour: Clear
Frame Colour: Black

WD.02
**Double glazed
Window**
Glass Colour: Clear
Frame Colour: Black

Steel

MS.01
Feature Steel Frame
Colour: White

Painting

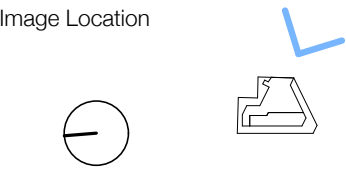
PA.01
Paint 01
Colour: TBC

Landscape Works

LW.01
**Steel feature planter
box.**
Colour: Black satin finish

CITY OF MELBOURNE PLANNING 18/11/2025

Exterior Finishes markup



MOULL MURRAY
Melbourne Level 1, 312 New Street, Brighton, Victoria, 3186
Hobart Upper Level City Hall, Market Street, Hobart, Tasmania, 700
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ABN 16 407 051 599

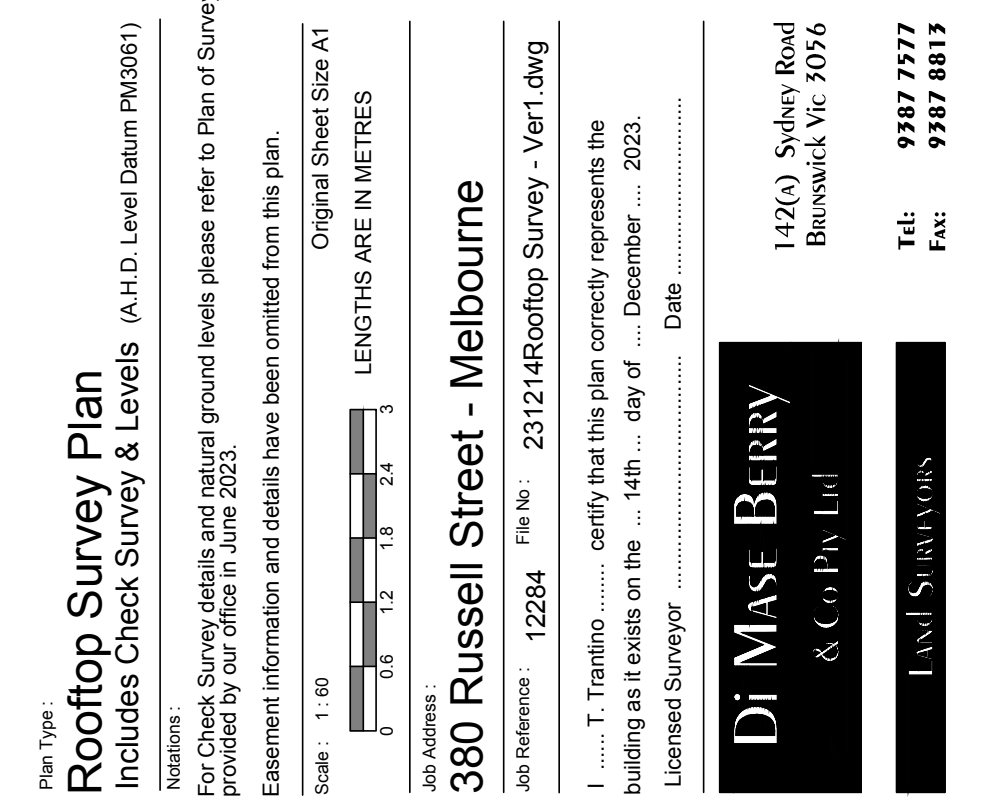
Client
Dira Mivora Pty Ltd

Project
Function Room & Rooftop Terrace
Address
380 Russell Street, Melbourne

Drawing
Schedule
Exterior Finishes markup

Print Date
11/11/25
Drawn
Checked

Project No.
10408
Drawing No.
TP.06.2
[Revision]
BIMcloud: moullmurray - BIMcloud Software as a Service/10408 russell st hotel



CITY OF MELBOURNE PLANNING 18/11/2025



T u sPLANNING REPORT

TP-2006-274H

380-388 RUSSELL STREET, MELBOURNE

A SECTION 72 AMENDMENT TO MAKE CHANGES TO THE AUTHORISED USE AND DEVELOPMENT:

- Altering the exterior design of the additions to Level 7 and 8 of the building.
- Altering the layout of Level 7 of the Hotel use to add one new dorm room.
- Altering the layout of Level 8 to extend the indoor area of the Function Centre use.
- Amending the description of what the permit allows and conditions of the permit to facilitate these changes.



Acknowledgement of Traditional Owners

The City of Melbourne respectfully acknowledges the Traditional Owners of the land we govern, the Wurundjeri Woi-wurrung and Bunurong / Boon Wurrung peoples of the Kulin Nation and pays respect to their Elders past and present. We acknowledge and honour the unbroken spiritual, cultural and political connection they have maintained to this unique place for more than 2,000 generations.

We accept the invitation in the Uluru Statement from the Heart and are committed to walking together to build a better future.

Table of Contents

1.	Application Details	4
2.	Executive Summary	5
3.	Site and Surrounds	6
3.1.	The Subject Site / Planning Unit	6
3.2.	The Surrounds	9
3.3.	Aboriginal Cultural Heritage	11
3.4.	Heritage Inventory	12
4.	Background	12
4.1.	Planning Permit TP-2006-274G	12
4.2.	Application Chronology	16
5.	Proposal	19
5.1.	Summary	19
5.2.	Key Excerpts from Assessed Plans	22
5.3.	Key 3D Renders from Assessed Plans	28
5.4.	Documents Considered in Assessment	30
6.	Planning Policies and Controls	30
6.1.	Planning Scheme Amendments / Legislation Changes	30
6.2.	Relevant Planning Scheme Policies	33
6.3.	Required Planning Permissions	34
7.	Objections	34
7.1.	Summary of Objector Concerns	34
8.	Referrals	37
8.1.	External referrals	37
8.2.	Internal referrals	38
9.	Assessment	39
9.1.	Noise and Amenity	39
9.2.	Heritage	45
9.3.	Other Matters	49
10.	Conclusion	54
11.	Description of What the Permit Allows	54
12.	Conditions	54

1. Application Details

Application Number	TP-2006-274H
Address	380-388 Russell Street, Melbourne
Applicant	Dira-Mivora Pty Ltd c/- Planning & Property Partners Pty Ltd
Owner	Dira-Mivora Pty Ltd
Architect	Moull Murray Architects
Existing Permit:	Planning Permit TP-2006-274G
Proposal	Amending the planning permit pursuant to Section 72 of the <i>Planning and Environment Act 1987</i> in the following manner: - Amending the description of what the permit allows: - to conform with the new prescribed form for Planning Permit notices. - to remove reference to Clause 52.29 (Licensed Premises), which is no longer applicable. - Amending the conditions of the permit to facilitate the proposed amendment. - Amending the plans endorsed under the permit, generally involving part demolition, alterations and additions to introduce an additional dorm room on Level 7 of the building, and changes to the layout of the Level 8 Function Centre use and outdoor terrace.
Development Cost	Cost of permitted development: \$5,625,000 Additional cost of proposed amended development: \$1 million
Planning Controls	Mixed Use Zone (MUZ) Heritage Overlay Schedule HO848: 380 Russell Street, Melbourne (HO848) Design and Development Overlay Schedule 1: Urban Design in Central Melbourne (DDO1) Design and Development Overlay Schedule 4: World Environs Area (DDO4) Parking Overlay Schedule 12 (PO12)
Permit Requirements	Use of land for a hotel, restaurant / bar and function centre in the Mixed Use Zone. Construct a building or construct or carry out works for a use in Section 2 in the Mixed Use Zone. Demolish or remove a building and construct a building or construct or carry out works in the Heritage Overlay (Schedule HO848). Construct a building or construct or carry out works in the Design and Development Overlay (Schedule 1 & 4).
No. of Objections	Thirty-six (36)

Section 173 Agreement and Covenant	The Register Search Statement for the Land in Plan of Consolidation 373942A (Vol.11382, Fol.340), records no restrictive covenants burdening the land, and one s173 agreement (Instrument No.S950080M) burdening the land. Instrument No.S950080M does not impose any restriction or covenant on the land that would prohibit / prevent the land from being developed and used in the manner proposed in the application.
Reason for FMC Referral	16 or more objections received
Recommendation	Notice of Decision to Grant an Amended Permit
Planning Officer	Colin Charman, Principal Urban Planner

2. Executive Summary

- The application seeks to amend the permit to alter the exterior design of authorised alterations and additions to Level 7 and Level 8 of the former Independent Order of Odd Fellows (IOOF) offices 'Significant' heritage place and alter the layout and operation of the authorised 'Function Centre' use on Level 8 of the building.
- For the reasons set out in this report it is considered the proposed changes to the authorised use and development under the application will improve the permitted use and development's performance against the requirements of the Melbourne Planning Scheme, by delivering a more sympathetic heritage design, reducing the hours of operation of the Rooftop Terrace from midnight to 11pm, and updating the conditions managing noise emissions to respond to the new 'Noise Protocol'.
- It is recommended that the Future Melbourne Committee resolve to issue a Notice of Decision to Grant an Amended Permit subject to the conditions set out in this report.

3. Site and Surrounds

3.1. The Subject Site / Planning Unit

3.1.1. Description of the land

The description of the land in Planning Permit TP-2006-274G (the **Land**) is, “380-388 Russell Street, Melbourne”. The Land comprises the following title(s) / parcel(s):

- Land in Plan of Consolidation 373942A (Vol.11382, Fol.340).

The Land is an irregular shaped lot located to the north-east corner of the Hoddle Grid, with two street frontages facing the intersection of Russell Street and MacKenzie Street.

The Land is currently occupied by ‘Space Hotel’, a nine-storey (~30 m tall) building currently used as a tourist hotel, which is a ‘**Significant**’¹ heritage place (not VHR listed²) in Council’s Heritage Places Inventory³. A restaurant / bar operates at ground level, the building has a port cochere to MacKenzie Street and a rooftop terrace.

3.1.2. CoPASS Cadastre Map with the Land outlined red



¹ A ‘Significant Heritage Place’ is individually important at state or local level, and a heritage place in its own right. It is of historic, aesthetic, scientific, social or spiritual significance to the municipality. A significant heritage place may be highly valued by the community; is typically externally intact; and/or has notable features associated with the place type, use, period, method of construction, siting or setting. When located in a heritage precinct a significant heritage place can make an important contribution to the precinct.

² Places that are VHR listed are included in the Victorian Heritage Register, and are subject to the requirements of the *Heritage Act 2017*.

³ Incorporated Document, ‘Heritage Places Inventory March 2022 (City of Melbourne, August 2025)’.

3.1.3. CoMPASS Aerial photograph with the Land outlined red, captured 14-Feb-26



3.1.4. Site photograph of building with authorised upper additions visible, captured 3-Apr-26



3.1.5. *Isometric aerial photograph with authorised upper additions visible, captured 14-Feb-26*



3.1.6. *Heritage Place: 380-388 Russell Street, Melbourne*

An excerpt from advice prepared by GJM Heritage to support Council's assessment is provided below, and providing details of the history and development of the heritage place:

The building at the subject site was constructed in 1962-63 as offices for the International Order of Oddfellows (IOOF), a friendly society. The building is adjacent to the IOOF's previous headquarters – the nineteenth-century two-storey building on the corner of Russell and Victoria Streets to the immediate north of the subject site.

Oakley & Parkes designed the building in 1959, during a period where the firm began to be influenced by the architecture of Frank Lloyd Wright in their design of civic and commercial buildings across Melbourne. The extant building was the first stage of a two-part redevelopment of the site and was envisaged as the foreground of a larger, ultimately unrealised composition that would have demolished the Victorian headquarters to construct a tower in the same style and materiality as the extant building at 380-388 Russell Street.

The IOOF building was described in 1965 in *Architecture and Arts*:

Limiting conditions such as total cost, allowances for extensions in area and possible later inclusion of shops in the present ground floor parking area were influencing factors in the

design of the new IOOF offices...added to this the building was required to have a reasonable finished look on completion of the first stage of development. The plan of the building is the outcome of the shape of the site and the necessity to retain the old Hall for some time...construction is fully reinforced concrete with flat plate floors cantilevered twelve feet beyond the centre line of columns at the perimeters. Windows are of fixed aluminium frames glazed with neoprene locking gasket type glazing. Finish is random stone to all external and internal concrete walls and central triangular service core. Quartz chip render is used on the external spandrel walls below the windows and internal spandrel walls are faced with plastic faced metal. Ceilings are perforated fibrous plaster backed with fibre glass insulation. The perforations together with the space above serve as the air conditioning return air plenum on each floor. Floors are covered with soft vinyl on cork throughout.

Renovations were undertaken in 1991, and again in 1994 after the sale of the building and its adaptive reuse [to hotel]...

...In 2010, a vertical extension constructed four additional storeys on top of the original building, set back from the west (Russell Street) elevation.



Figure 1: 1963 photograph looking northeast to subject site and newly-completed IOOF Building. (Source: State Library of Victoria, Wolfgang Sievers, 'IOOF Building cr. Russell and Victoria Street, Melb.', Accession No. H2003.100/635)

3.2. The Surrounds

The Site is located to the north-east edge of the Hoddle Grid and is well serviced via public transport, in close proximity to the La Trobe Street tram and nearby train stations, including Melbourne Central and Parliament Station.

Surrounding built form is a very eclectic mix of lower-scale heritage places and contemporary (some recently completed) tower developments, representative of Melbourne CBD's emerging and diverse cohort of building typologies.

3.2.1. Immediate surrounding land

North

To the **north** of the Land are the Victoria Hall Apartments at 390-394 Russell Street, Melbourne, a converted / refurbished '**Significant**' (not VHR listed) heritage place⁴ containing approximately twenty-four (24) residential apartments. This is a sensitive interface for the Land.



Site Photograph of Victoria Hall Apartments with Space Hotel visible in background, captured 03-Apr-26

South

To the **south** of the Land is MacKenzie Street, a 20-metre wide dual carriageway with street trees, and on-street car parking.

Across MacKenzie Street to the south are the Indigo Loft Apartments at 336 Russell Street (aka 61 MacKenzie Street), Melbourne, a refurbished '**Significant**' (VHR listed) heritage place⁵ containing approximately 44 residential apartments. This is a sensitive interface for the Land.



Site Photograph of Indigo Loft Apartments immediately south across MacKenzie Street, captured 03-Apr-26

⁴ Heritage Overlay Schedule HO849: 394 Russell Street, Melbourne

⁵ Heritage Overlay Schedule HO488: [Police Headquarters Complex, 336-376 Russell Street, Melbourne](#), VHR Ref No. H0913

East	To the east of the Land is the Horticultural Hall at 31-33 Victoria Street, Melbourne, a 'Significant' (VHR listed) heritage place⁶ comprising the assembly of two building elements; • A two-storey brick Victorian building, which fronts Victoria Street, used for Victoria Opera's administrative offices. • A two-storey shed with a gabled metal roof at the rear, used as a rehearsal and performance space. This is not considered to be a sensitive interface for the Land.  Site Photograph of Horticultural 'Horti' Hall viewed from MacKenzie Street, with Space Hotel visible to the left, captured 03-Apr-26
West	To the west of the Land is Russell Street, a 30-60 metre wide dual carriageway that includes Eight Hour Reserve directly opposite the site. Across Russell Street to the west is the RMIT Campus, including the Old Melbourne Gaol. This is not considered to be a sensitive interface for the Land.

3.3. Aboriginal Cultural Heritage

The Land is on the traditional lands of Wurundjeri Woi-wurrung, but is not located within an area of legislated Cultural Heritage Sensitivity under the *Aboriginal Heritage Regulations 2018*.

⁶ Heritage Overlay Schedule HO495: [Horticultural Hall, 31-33 Victoria Street, Melbourne, VHR Ref No.H0520](#)

3.4. Heritage Inventory

The Land is not included in the Victorian Heritage Inventory, a statutory list of all known historical archaeological sites in Victoria, under the *Heritage Act 2017*.

4. Background

4.1. Planning Permit TP-2006-274G

Planning Permit TP-2006-274 was issued on 27 October 2006.

The permit has not expired, as the permit expiry criteria were met when the contemporary four-storey (dark grey exterior finish) addition above the former IOOF offices authorised by the permit was constructed, completed in 2010/2011, and the use of these levels for the Hotel commenced.

The Land continues to take the benefit of Planning Permit TP-2006-274, the permit therefore runs with the Land and the permit conditions impose an ongoing obligation on the owner.

Planning Permit TP-2006-274 has been amended several times to make further adjustments to the layout and operation of uses and authorised additions.

The most recent relevant amendments to the permit, relevant to the assessment of Application TP-2006-274H, include:

- **Amendment TP-2006-274F**, issued at the direction of the Victorian Civil and Administrative Tribunal on 4 June 2019 following successful mediation between the permit applicant, Council and registered objectors.

Amendment TP-2006-274F authorised modifications to Level 6 and 7 of the development, and alterations to, and extension of, Level 8, including use of Level 8 as a Function Centre and associated increase in the red line area and live music entertainment on Level 8.

- **Amendment TP-2006-274G**, the current iteration of the permit, which was considered by the Future Melbourne Committee at Meeting No.67 on 19 November 2019⁷.

Amendment TP-2006-274G was limited to amendment of the permit to allow provision of live music within the Ground Level Restaurant / Bar.

FMC resolved to grant an amended permit, which was issued on 6 January 2020 following notice of the decision being given to the registered objectors, allowing provision of live music entertainment associated with the Ground Level Restaurant / Bar, but restricted to karaoke only.

Recent amendments to the permit have not been acted on, or have been acted on in part, by the landowner.

It is understood that the layout and use of the building functions in accordance with a mixed assembly of plans and reports (some endorsed, some not endorsed) under the permit that pre-date the latest amended permit.

⁷ Agenda Item 6.1 – Application to Amend Planning Permit: TP-2006-274G 380-388 Russell Street, Melbourne

4.1.1. What the permit allows

Planning Permit TP-2006-274G allows:

Partial demolition and construction of alterations and additions to the existing building (to nine storeys) for use as a hotel, ground floor restaurant/tavern, function centre, sale and consumption of liquor (on premises license) and waiver of the car parking requirements.

4.1.2. Endorsed plans (16 April 2020)

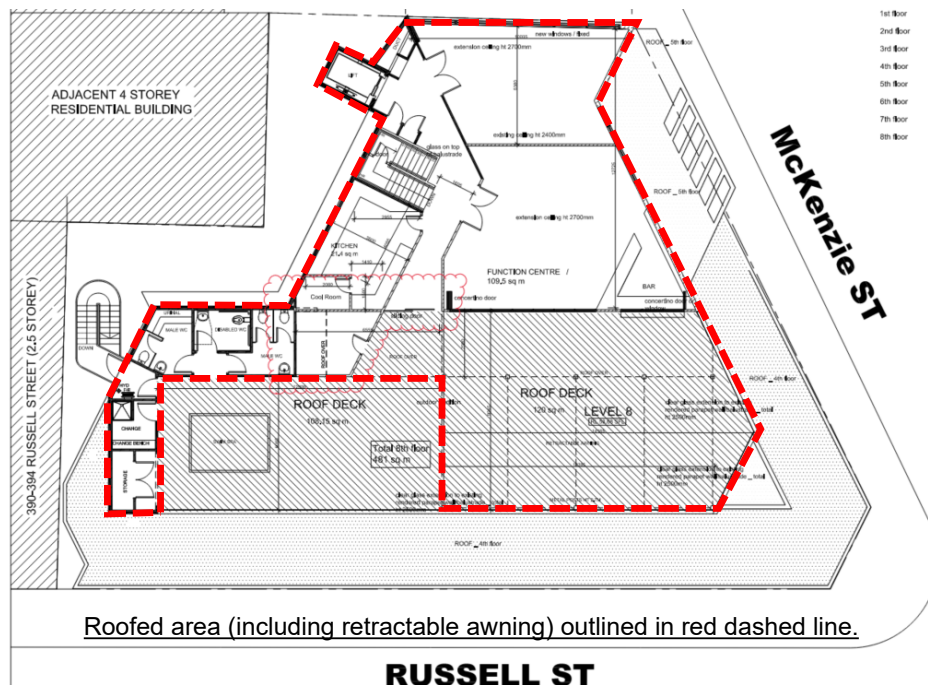
The plans endorsed under Permit TP-2006-274G cumulative with other amendments to the permit, authorise the following major exterior changes to the existing building, which have not been acted on:

- Alterations and additions to Level 7 of the building to change the layout of plant and construct a metal louvre plant screen.
- Alterations and additions to Level 8, changing the layout of interior spaces to create a new 109.5 m² 'Function Centre' use / tenancy (excluding kitchen area and amenities).
- Addition of a roofed enclosure on the rooftop terrace, including retractable awning and canopy.

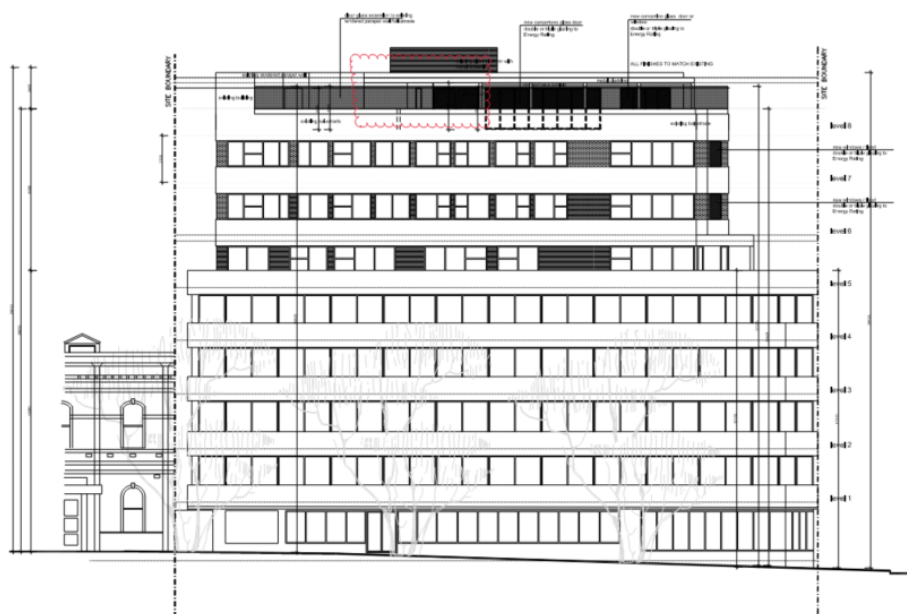
Annotated excerpt from the endorsed Russell Street (West) elevation showing layout of land uses authorised by permit (approximate)



Approved Level 8 (Function Centre and Rooftop Terrace Layout⁸)



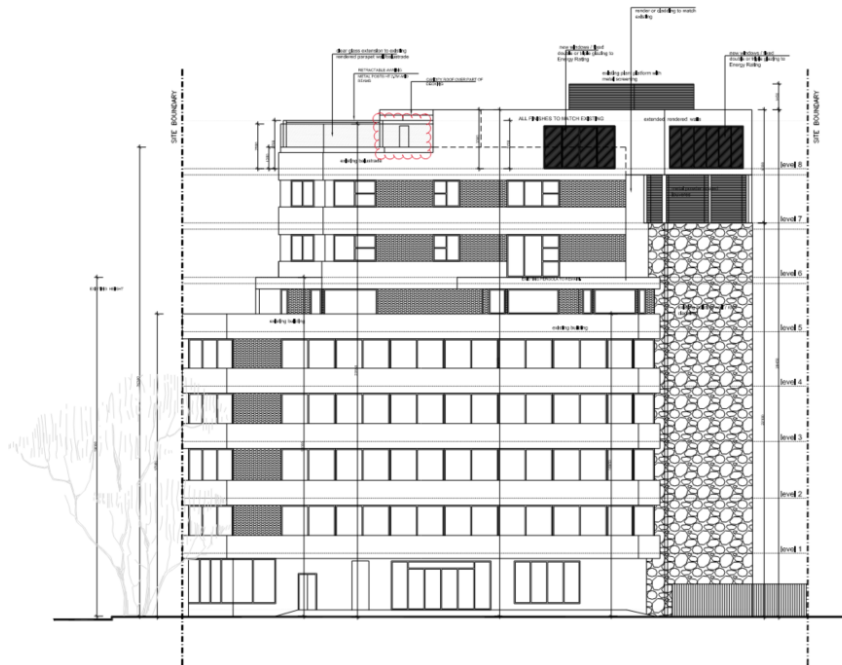
Approved West Elevation (Russell Street)⁹



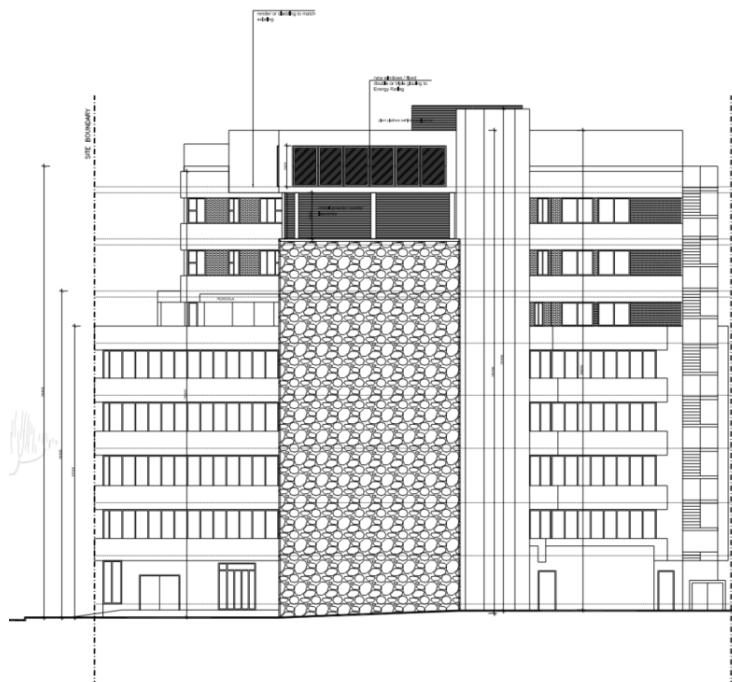
⁸ Excerpt from Drawing No.TP05a 'Proposed Plan Level 8' of the endorsed plans, stamped 16 April 2020

⁹ Excerpt from Drawing No.TP06a 'Proposed West Elevation' of the endorsed plans, stamped 16 April 2020

Approved South Elevation (MacKenzie Street)¹⁰



Approved East Elevation (facing Horticultural Hall)¹¹



¹⁰ Excerpt from Drawing No.TP07a 'Proposed South Elevation' of the endorsed plans, stamped 16 April 2020

¹¹ Excerpt from Drawing No.TP08a 'Proposed East Elevation' of the endorsed plans, stamped 16 April 2020

4.2. Application Chronology

4.2.1. 21 December 2023: Lodgement

On 21 December 2023, application TP-2006-274H was received by Council.

On 18 January 2024, further information was requested by Council under s54 of the P&E Act 1987.

On 16 August 2024, the applicant submitted a response to Council's request for further information that was accompanied by the following information:

- A submission responding to Council's request for further information.
- A Heritage Impact Statement.
- Updated Architectural Drawings inclusive of a schedule of external materials, colours and finishes.
- Copies of the existing liquor licence and red-line plan.
- An Acoustic Report.

4.2.2. 17 October 2024 – 25 January 2025: First round of public notice

Notice of Application TP-2006-274H was given in accordance with s52 of the P&E Act 1987 in the following manner:

- Council giving notice by mail to the owners and occupiers of adjoining and surrounding land on 17 October 2024.
- Council directing the applicant to display two notice signs on the property on the Russell Street and MacKenzie Street frontages and maintain these signs in good order and condition for a period of 14 days.

The applicant returned a signed statutory declaration completed on 20 January 2025 confirming that the public notice signs had been displayed on the land for a period of 14 days commencing from 3 January 2025.

Thirty-six (36) objections were received in response to the first round of public notice for Application TP-2006-274H.

4.2.3. March 2025 – November 2025: Heritage discussions

On 4 March 2025, Council requested detailed heritage advice on the application from GJM Heritage.

On 7 April 2025, detailed heritage advice prepared by GJM Heritage was provided to the applicant to inform further resolution of the design of the proposed additions in accordance with Council's Heritage Policy.

Between April 2025 and October 2025, several rounds of heritage advice and iterations of discussion plans were circulated between the permit applicant and Council to further resolve the design of the proposed additions.

Resolution of the design of the addition was guided by a series of key recommendations provided in advice in July 2025 by GJM Heritage. These recommendations broadly sought to improve the additions' response to the original Oakley and Parkes design, which demonstrates strong horizontal design expression through consistent tiered exposed aggregate concrete spandrels and recessed strip windows¹².

¹² The earlier additions completed in 2010/2011 achieved horizontal emphasis through banded windows and changes in render finish.

The outcome of this dialogue was a resolved design for the proposed addition that satisfactorily responded to GJM Heritage recommendations.

On 21 October 2025, GJM Heritage advised in summary:

The amendments presented by Moull Murray satisfactorily address all four of the dot point recommendations we presented in our July 2025 memorandum. Accordingly, we now consider the proposal to represent an acceptable heritage outcome. In terms of the options for the rainscreen articulation, we are supportive of Option 1 (TP.14).

We recommend that Council request that appropriate detail is provided in the final planning permit application drawings with regard to the proposed materiality, texture and finish of the tower element cladding and façade finish.

August 2024 pre-resolution 3D render of proposed addition and juxtaposition with heritage building



Excerpt from Drawing No.TP.05.5 Exterior, received 16 August 2024

4.2.4. 18 November 2025: S57A amended application

On 18 November 2025, Application TP-2006-274H was amended under s57A of the P&E Act 1987 to formally substitute amended drawings for assessment and provide an updated acoustic report addressing Clause 53.06 (Live Music Venues) of the Melbourne Planning Scheme.

3D renders submitted with the amended application demonstrate how meaningful adjustments to the design of the proposed addition had been incorporated into the amended plans to respond to the strong horizontal design expression of the Oakley and Parkes design of the heritage place.

November 2025 post-resolution 3D render of proposed addition and juxtaposition with heritage building



Site photograph showing visibility of 2010 addition at oblique angles from street level, captured 3-Apr-26



4.2.5. 11 February to 25 February 2026: Second round of public notice

On 11 February 2026, notice of the amended application was given in accordance with s57B of the P&E Act 1987 in the following manner:

- Sending letters to the owners and occupiers of adjoining and surrounding land.
- Sending letters to registered objectors to Application TP-2006-274H.

Five (5) registered objectors submitted further objections in response to the second round of public notice.

No new objections were received in response to the second round of public notice.

5. Proposal

5.1. Summary

Application TP-2006-274H seeks permission to amend Planning Permit TP-2006-274G pursuant to s72 of the P&E Act 1987 in the following manner:

Amendments to the description of what the permit allows:	
Amending the description of what the permit allows for conformity with the prescribed new format of planning permit notices in the <i>Planning and Environment Regulations 2015</i>, and to remove redundant permissions, as follows: Deleting the text: <i>Partial demolition and construction of alterations and additions to the existing building (to nine storeys) for use as a hotel, ground floor restaurant/tavern, function centre, sale and consumption of liquor (on-premises license) and waiver of the car parking requirements.</i> Inserting the text:	
Planning Scheme Clause	Matter for which the permit has been granted
Clause 32.04-2	Use of land for a Hotel, Bar / Restaurant and Function Centre in the Mixed Use Zone.
Clause 32.04-10	Construct a building or construct or carry out works for a use in Section 2 in the Mixed Use Zone.
Clause 43.01-1	Demolish or remove a building and construct a building or construct or carry out works in the Heritage Overlay.
Clause 43.02-2	Construct a building or construct or carry out works in the Design and Development Overlay.
Clause 52.06-3	Reduce the minimum number of car parking spaces required under Clause 52.06. ¹³

¹³ For reasons discussed in [Section 6.1.6](#) of this report, this is no longer a required permission for the use/development authorised by the permit.

Amendments to the plans endorsed under the permit (stamped 16 April 2020):

Amending the plans endorsed under the permit, including changes to the extent of demolition, alterations and additions to the existing building authorised by Permit TP-2006-274G, including:

- **Changes to Level 7**

- Part demolition and alterations and additions to Level 7 of the building footprint to construct a new Hotel Room and Plant Room built to the shared (east) boundary with the Horticultural Hall.

The revised layout of Level 7 proposed in the application will increase the internal floor area by 45 m² over the endorsed plans.

- **Changes to Level 8**

- Part demolition and alterations and additions to Level 8 of the building to construct a new Function Room, Kitchen, Amenities, circulation spaces and changes to the rooftop terrace and pergola shading structures, which will continue to be used as a 'Function Centre'.

The revised layout of Level 8 proposed in the application modifies the endorsed plans as follows:

- Increase the internal floor area of Level 8 by 82 m².
 - Reduce the external terrace area of Level 8 by 82 m².

- **Changes to Exterior Design of Addition**

- Extending the authorised Level 8 addition toward the Russell Street boundary by ~3 metres (corresponding to the 82 m² increase in the internal floor area), reducing the setback of the additions from the Russell Street boundary from 12.65 metres to 9.70 metres.
 - Altering the exterior design of the Level 8 addition by making changes to spandrels and glazing, to better respond to the features of the heritage building's Oakley and Parkes design.
 - Altering the exterior design of the wall on the shared (east) boundary with the Horticultural Hall (sitting directly above the prominent rock wall) by replacing the previous Level 7 metal louvres and Level 8 2400 mm high glazing / windows on a boundary, with perforated patterned corten screen cladding.
 - Minor adjustments to the Level 8 parapet (built to AHD 62.830, a 540 mm increase over the existing parapet height) and layout of roof plant.

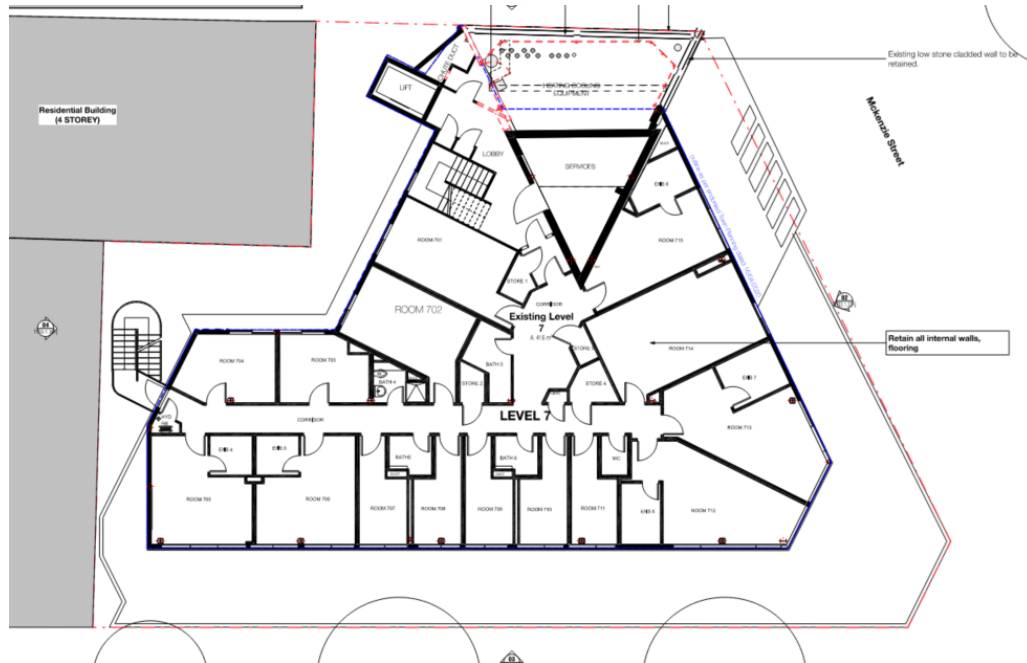
Amendments to the conditions of the permit:

Amending the conditions of the permit, by:

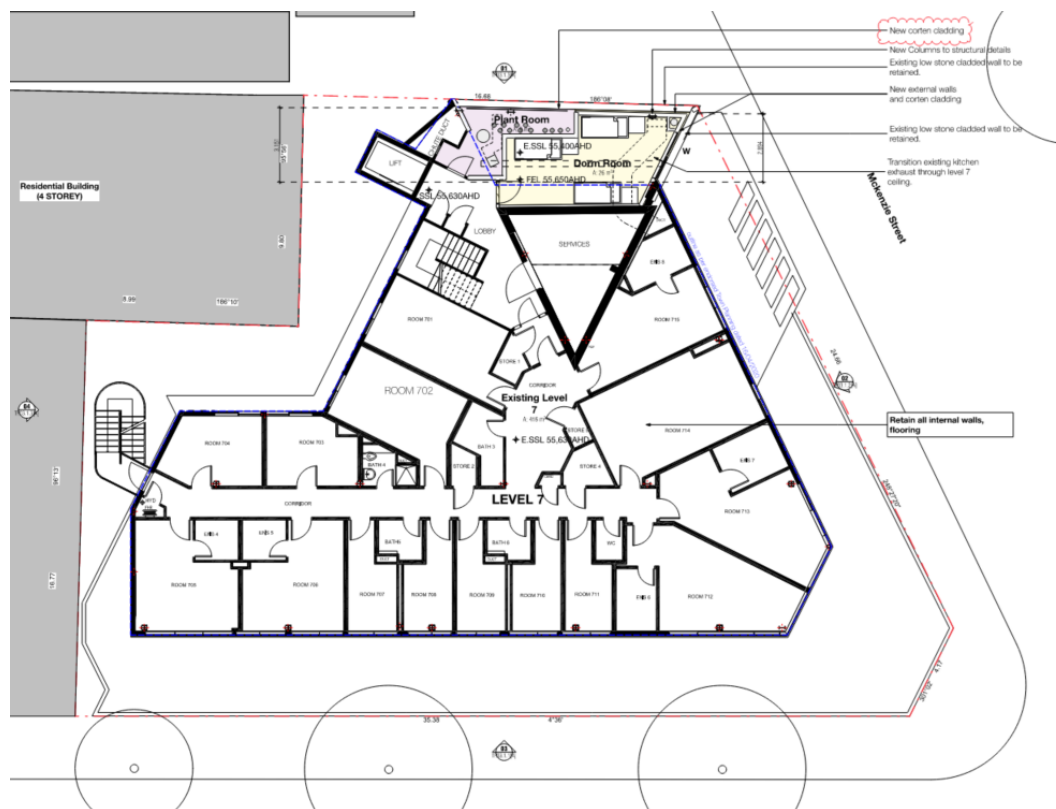
- Amending Condition 1 (Amended Plans) of the permit to refer to the plans submitted to accompany the s57A amendment application.
- Deleting Condition 9 (Licensed Premises), which requires the licensed premises to operate and be managed in accordance with the endorsed Venue Management Plan.
- Amending the conditions of the permit to substitute references to 'tavern' with 'Bar'.
- Amending Condition 13 (Acoustic Report) to refer to the acoustic report submitted to accompany the s57A amendment application.
- Deleting Condition 16 (Hours for Service and Consumption of Alcohol), which requires the licensed premises to limit the serving and consumption of alcohol to specified hours.
- Deleting Condition 34 (S173 Windows/Openings on a Boundary), which requires the land owner to enter into a s173 Agreement with Council with covenants requiring windows / openings on a boundary to be removed in the event development on neighbouring land impacts these windows / openings.
- Amending and reformatting the remaining conditions of the permit.

5.2. Key Excerpts from Assessed Plans

5.2.1. Demolition Floor Plan – Level 7

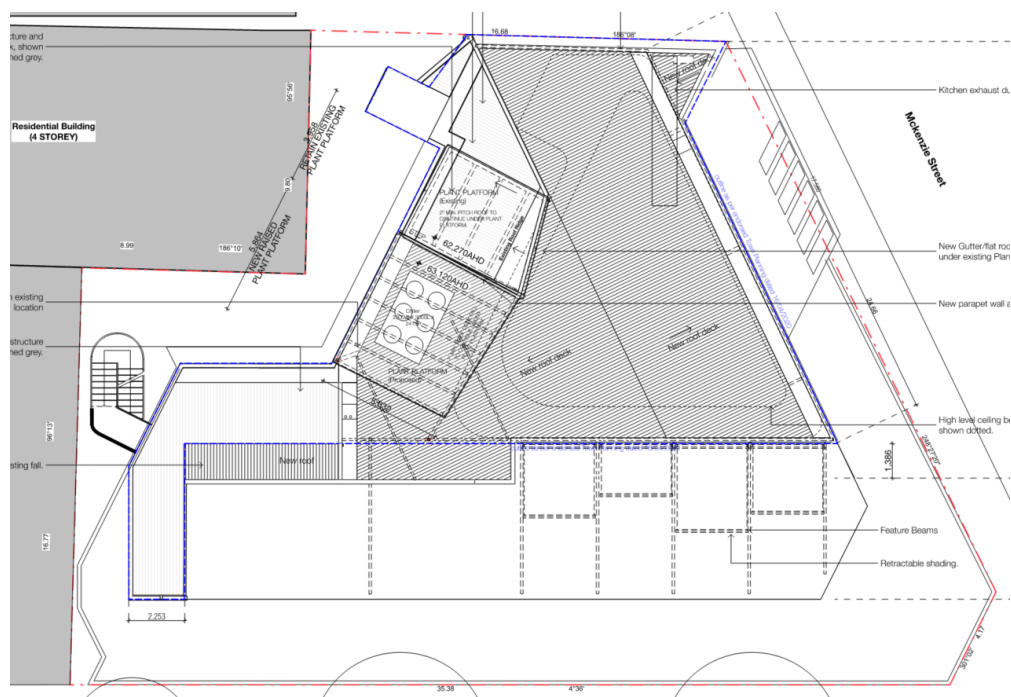


5.2.2. Proposed Floor Plan – Level 7



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5.2.5. Proposed Roof Plan

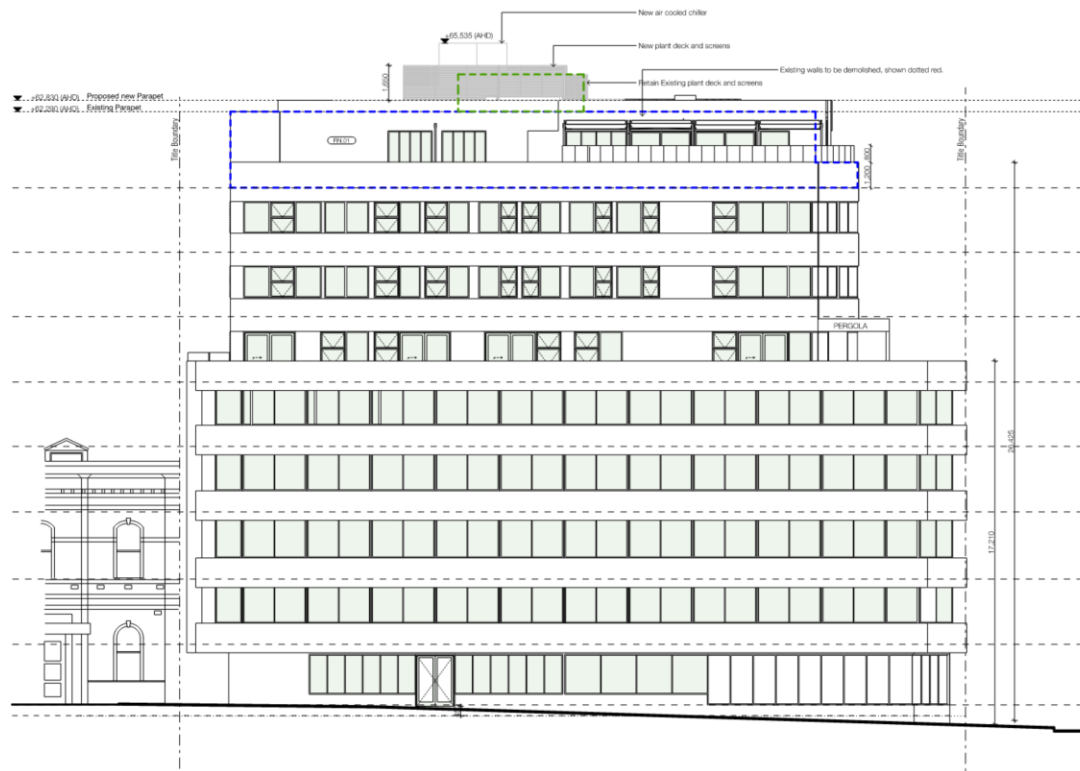


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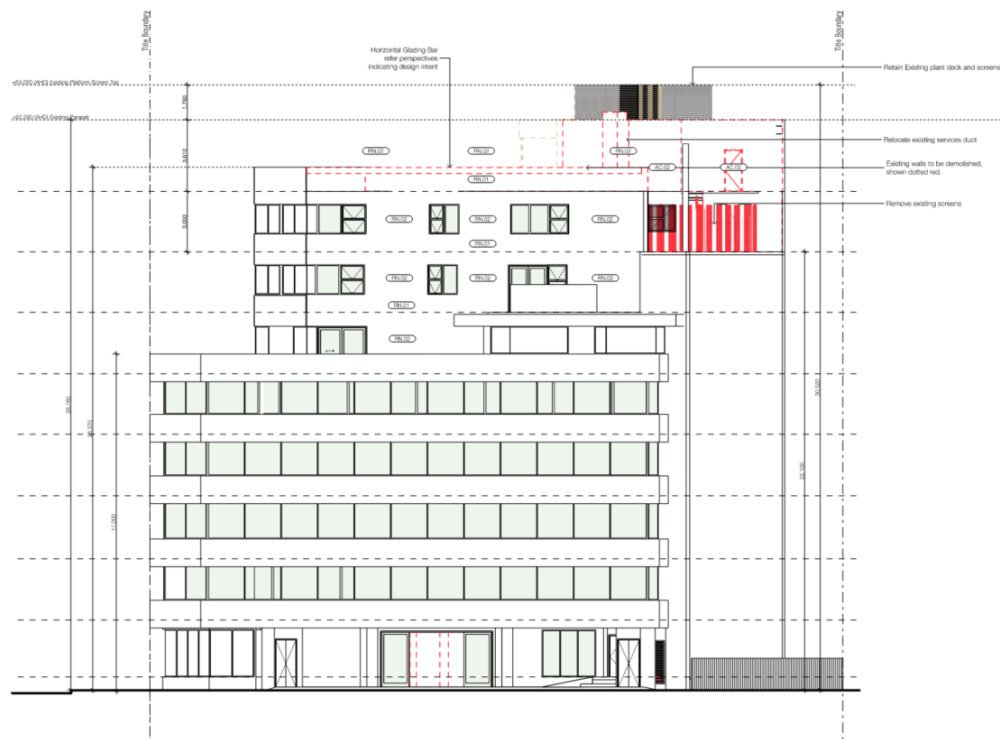
5.2.6. Demolition West (Russell Street) Elevation



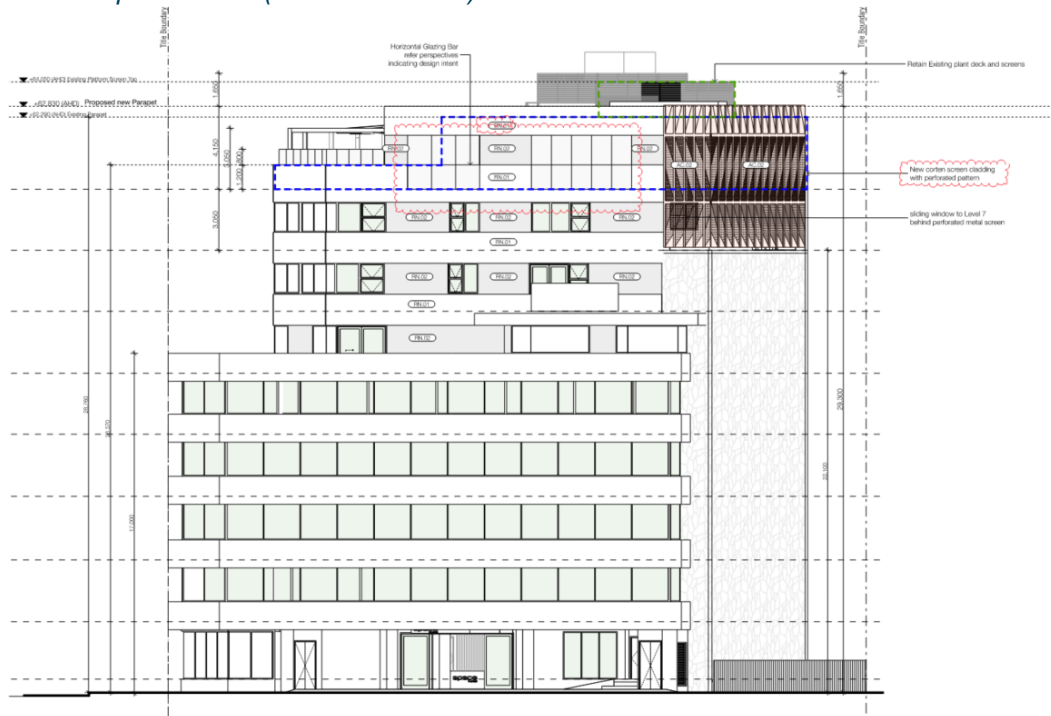
5.2.7. Proposed West (Russell Street) Elevation



5.2.8. Demolition South (MacKenzie Street) Elevation



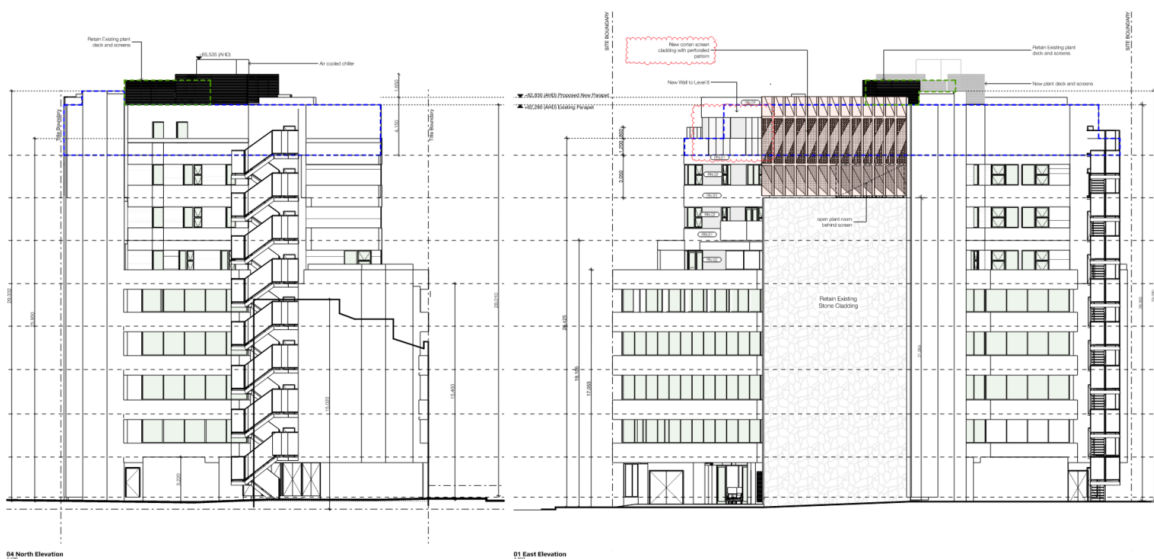
5.2.9. Proposed South (MacKenzie Street) Elevation



5.2.10. Demolition North (Victoria Hall Apartments) and East (Horticultural Hall) Elevations



5.2.11. Proposed North (Victoria Hall Apartments) and East (Horticultural Hall) Elevations

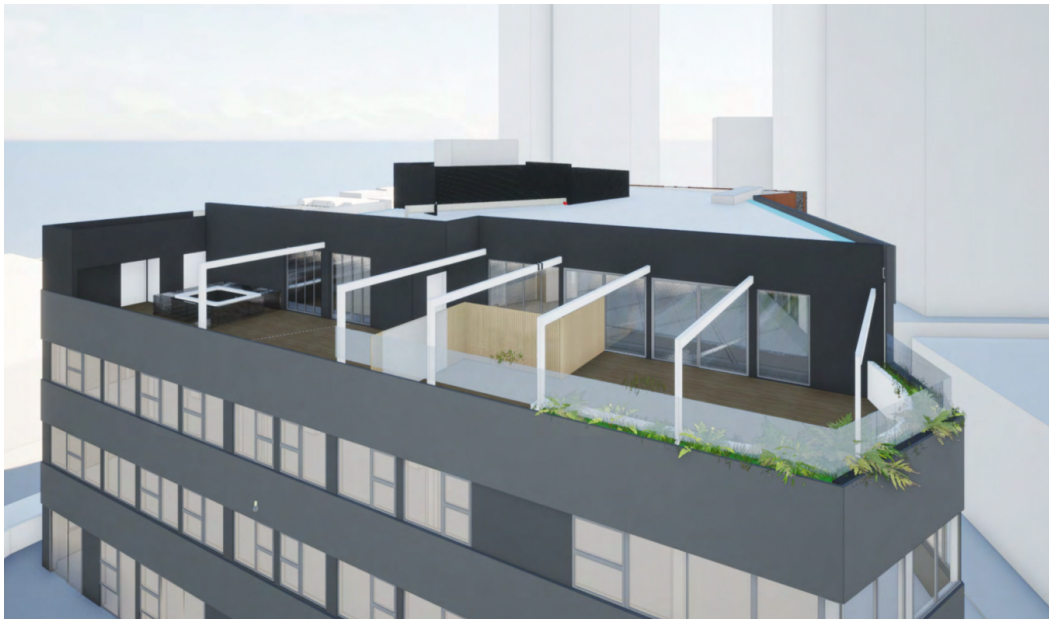


5.3. Key 3D Renders from Assessed Plans

5.3.1. 3D Render view from corner of Russell Street and MacKenzie Street



5.3.2. 3D Render view of Level 8 and proposed extension to addition footprint and changes to roof-top terrace



5.3.3. 3D Render view of South (MacKenzie Street) façade with incorporated horizontal banding and cladding responding to Council's heritage advice



5.3.4. 3D Render view of East (Horticultural Hall) rock wall with corten extension and patterned fenestration responding to Council's heritage advice



5.4. Documents Considered in Assessment

Document	Date received
S72 Amendment Form	21-Dec-23
S57A Amendment Form	11-Nov-25
Title Documents	21-Dec-23
Planning Submission, prepared by Planning & Property Partners Pty Ltd	21-Dec-23
RFI Response Submission, prepared by Planning & Property Partners Pty Ltd	16-Aug-24
S57A Amendment Submission, prepared by Planning & Property Partners Pty Ltd	11-Nov-25
S57A Architectural Drawings, prepared by Moull Murray Architects	11-Nov-25
RFI Heritage Impact Statement, prepared by Sands de Vos Architects & Heritage Consultants	16-Aug-24
S57A Acoustic Report, prepared by Broner Consulting Pty Ltd	11-Nov-24
RFI Liquor Licence and Red Line Plan	16-Aug-24
S57A RFI Track Changes Permit	23-Jan-26

6. Planning Policies and Controls

6.1. Planning Scheme Amendments / Legislation Changes

6.1.1. *Repeal of Environment Protection Act 1970*

On 1 July 2021, the Environment Protection Act 1970 was repealed, and the amended Environment Protection Act 2017 commenced.

'EPA Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues' (the Noise Protocol) commenced concurrently with the introduction of the Environment Protection Act 2017, superseding the following former policies:

- State Environmental Protection Policy No. N-1 (SEPP N-1)
- State Environmental Protection Policy No. N-2 (SEPP N-2)
- EPA Publication 1411 - Noise from Industry in Regional Victoria (NIRV).

It is recommended that conditions and acoustic reports relating to noise management be updated as part of any amendment to modernise the permit and ensure all noise obligations can be met and enforced under the current legislative framework.

6.1.2. Planning Scheme Amendment C278melb (aka C415melb): Sunlight to public parks

Melbourne Planning Scheme Amendment C415melb (formerly C278melb) seeks to introduce new planning scheme controls into the Melbourne Planning Scheme to protect specified hours of winter solar access for parks across the municipality. It excludes parks in the Hoddle Grid and Southbank which were already subject to sunlight controls. It also excludes parks in Docklands and Treasury Square, as required by the Minister as a condition of authorising the original Amendment C278. The amendment proposes to amend the planning controls affecting the subject site in the following manner:

- Applying new Schedule 8 to the Design and Development Overlay (DDO8). The proposed DDO8 introduces new planning scheme requirements for the protection of winter sunlight to the 'Eight Hour Reserve' to the west of the subject site.

Amendment C415 has not been adopted by Council due to a loss of quorum. Accordingly, Council appointed the Amendment C278 Sunlight to Parks Committee, which has submitted the PSA to the Minister for Planning for approval under section 20(4) of the Planning and Environment Act 1987. The PSA is considered seriously entertained and a decision from the Minister is currently pending.

The proposed shadows will not overshadow Eight Hour Reserve to the west of the Land within the defined period for this park (10am to 2pm on 21 June) due to the orientation and location of the Land relative to Eight Hour Reserve, and angle of shadows cast by development on 21 June during the defined period.

6.1.3. Planning Scheme Amendment C376melb: Sustainability

Melbourne Planning Scheme Amendment C376melb seeks to introduce new planning scheme controls into the Melbourne Planning Scheme to:

- Improve the liveability, experience and economic performance of the city by increasing the gardens and greenery visible to people from the street.
- Improve the performance of new buildings to reduce operational costs such as heating, cooling and water, and to support net-zero building transitions.
- Replace outdated policy in the Melbourne Planning Scheme dating from 2013 with terms and standards already well-established in the industry.

The amendment proposes to amend the planning controls affecting the Land in the following manner:

- Applying new Schedule 73 to the Design and Development Overlay (DDO73). The proposed DDO73 introduces new planning scheme requirements for sustainable building design.

PSA C376melb was publicly exhibited between 2 March 2023 and 17 April 2023. On 21 May 2024 the Future Melbourne Committee resolved to request that the Minister for Planning appoint an independent Panel to consider submissions received during the public exhibition process.

The Panel hearing was held in August 2024, and the independent Panel delivered its report to City of Melbourne on 18 October 2024. The Panel recommended that PSA C376 be adopted as exhibited subject to changes.

The Melbourne City Council adopted PSA C376melb on 29 July 2025¹⁴.

¹⁴ [Council Meeting 29 July 2025](#)

Having been progressed through public exhibition, reviewed by independent panel and adopted by the Council, PSA C376melb is considered to be a 'seriously entertained' Planning Scheme Amendment.

The adopted form of DDO73 includes the following transitional arrangements:

The requirements of this schedule do not apply to:

- *an application (including an application to amend a permit) made before the commencement of Amendment C376melb to this planning Scheme. For such applications, the requirements of this schedule, as they were in force immediately before the commencement of Amendment C376melb, continue to apply.*

As Planning Scheme Amendment C376 has not commenced, the requirements of Planning Scheme Amendment C376 do not apply to the application.

6.1.4. Planning Scheme Amendment VC286: Clause 52.27 (Licensed Premises) changes

Amendment VC286, gazetted on 1 July 2025, removed the requirement for a planning permit for the sale and consumption of liquor by deleting Clause 52.27 (Licensed premises) from the Victoria Planning Provisions and all planning schemes.

Relevant to the application, Amendment VC286:

- Removes Clause 52.27 (Licensed Premises) as a required planning permission for Permit TP-2006-274G and the application.
- Removes Clause 52.27 (Licensed Premises) as a relevant consideration in the assessment of the application.

6.1.5. Planning Scheme Amendment VC251: World Heritage Environs

Amendment VC251, gazetted on 17 April 2025, applied DDO4 to the Land and introduced a referral requirement to Heritage Victoria (Recommending Referral Authority) for buildings and works.

DDO4 implements the World Heritage Environs Area Strategy Plan for the Royal Exhibition Building and Carlton Gardens, and VC251 amended the Victoria Planning Provisions and the Melbourne and Yarra Planning Schemes.

Relevant to the application, Amendment VC286:

- Introduces DDO4 as a required planning permission for Permit TP-2006-274G and the application.
- Introduces Heritage Victoria as a Recommending Referral Authority for the application.
- Introduces a new mandatory maximum height requirement for the Land of 73 metres¹⁵, which the proposed development does not exceed.

6.1.6. Planning Scheme Amendment VC277: Public Transport Accessibility Car Parking Framework

Amendment VC277, gazetted on 18 December 2025 replaced the Principal Public Transportation Network adjusted car parking requirement rates with car parking requirement rates determined by a new Public Transport Accessibility (PTAL) system.

Land within the highest category of PTAL accessibility is generally subject to a maximum (rather than minimum) car parking requirement for land uses.

¹⁵ DDO4 specifies that nominated building heights are to be measured as the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building and must include all buildings services and plant equipment.

Relevant to the application, Amendment VC286:

- Applies the maximum PTAL Metro category to the Land (4). A PTAL Metro category of 4 alters the car parking requirements for the land in Table 1: Car parking requirement of Clause 52.06 from (formerly) minimum requirements, to a maximum requirement.
- Removes Clause 52.06 as a required planning permission for Permit TP-2006-274G and the application.

6.2. Relevant Planning Scheme Policies

Municipal Planning Strategy	• Clause 2.02: Vision • Clause 2.03: Strategic Directions • Clause 2.04: Strategic Framework Plans
Planning Policy Framework	• Clause 11: Settlement ○ Clause 11.02: Managing Growth ○ Clause 11.03: Planning for Places ○ Clause 11.03-6L-09: Hoddle Grid • Clause 13: Environmental Risks and Amenity ○ Clause 13.01: Climate Change Impacts ○ Clause 13.01-3S: Urban heat ○ Clause 13.07: Amenity, Human Health and Safety ○ Clause 13.07-1S: Land Use Compatibility ○ Clause 13.07-1L-03: Land Use Compatibility ○ Clause 13.07-1L-04: Licensed Premises ○ Clause 13.07-3S: Live Music • Clause 15: Built Environment and Heritage ○ Clause 15.01: Built Environment ○ Clause 15.01-1S: Urban Design ○ Clause 15.01-1R: Urban Design – Metropolitan Melbourne ○ Clause 15.01-1L-04: Urban Design ○ Clause 15.01-2S: Building Design ○ Clause 15.01-2L-01: Energy and resource efficiency ○ Clause 15.03 Heritage ○ Clause 15.03-1S: Heritage conservation ○ Clause 15.03-1L-02: Heritage • Clause 17: Economic Development ○ Clause 17.01: Employment ○ Clause 17.01-1R: Diversified economy – Metropolitan Melbourne ○ Clause 17.02: Commercial ○ Clause 17.02-1S: Business • Clause 18: Transport ○ Clause 18.01: Land Use and Transport ○ Clause 18.01-3R: Sustainable and safe transport – Metropolitan Melbourne ○ Clause 18.02: Movement Networks

- **Clause 19: Infrastructure**
 - Clause 19.03: Development Infrastructure
 - Clause 19.03-3L: Stormwater management (Water sensitive urban design)

6.3. Required Planning Permissions

Planning Scheme Clause	Matter for which a permit is required under the Melbourne Planning Scheme
Clause 32.04-2	Use of land for a Hotel, Restaurant / Bar and Function Centre in the Mixed Use Zone.
Clause 32.04-10	Construct a building or construct or carry out works for a use in Section 2 in the Mixed Use Zone.
Clause 43.01-1	Demolish or remove a building and construct a building or construct or carry out works in the Heritage Overlay (Schedule HO848).
Clause 43.02-2	Construct a building or construct or carry out works in the Design and Development Overlay (Schedule 1 & 4).

7. Objections

7.1. Summary of Objector Concerns

Thirty-six (36) objections have been received in relation to the application. These objections have been summarised and considered in the below table.

Table: Summary of Objector Concerns and Response

Objector concern	Concerns related to behaviour of patrons on the streets surrounding the Space Hotel building.
Planning Response	

Application TP-2006-274H does not seek to alter the development's access / egress from MacKenzie Street or Russell Street or delete or alter conditions that regulate how patron behaviour associated with the authorised use and development will be managed.

Furthermore, Application TP-2006-274H does not seek to intensify the operation of the authorised Ground Level Bar / Restaurant use or Level 8 Function Centre use by increasing the maximum patron capacity for these uses specified in the permit (200 patrons) or increasing the hours of operation (the hours of operation of the Rooftop Terrace (outdoor areas) of the Function Centre will be reduced to 11pm).

Application TP-2006-274H does seek to create one new 'Dorm Room' for the authorised Hotel land use, however this is a marginal intensification that is unlikely to transform the perceptible number of patrons engaged in the use of the building.

Any concerns or complaints in relation to the operation of the current authorised use and behaviour of patrons should be made to Council or the Liquor Control Victoria for investigation.

Any observed criminal behaviour from any member of the public should be reported to Victoria Police.

Objector concern	Concerns the proposal will lead to additional traffic generation in MacKenzie Street and Russell Street, including illegal parking and taxi and uber arrival to transport patrons.
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Planning Response

The subject site is located at the periphery of Melbourne's CBD in close proximity to public transport and has been allocated the maximum Public Transport Accessibility Level (PTAL) category (4) under the Victorian Government's Car Parking Requirement Maps (2025).

A PTAL category of 4 means the Land is subject to a maximum (not minimum) car parking requirement under the Melbourne Planning Scheme. The authorised use and development therefore does not attract a car parking requirement.

Noting that Application TP-2006-274H does not seek to increase the intensity of the authorised development and use (the maximum patron capacity is not being altered for the Level 8 Function Centre), the proposal will not unreasonably impact traffic generated in the CBD during the hours of operation or in the context of late-night commerce in the Hoddle Grid area.

The subject site (and CBD) is the appropriate location for further intensification of well managed commercial uses that do not compromise the reasonable needs of residents and other users of the city to maintain the nighttime economy and achieve aspirations in policy that support the vitality of the Central City as a 24-hour city.

Objector concern	Concerns the proposal will lead to additional waste generation, requiring additional waste collection and may lead to additional littering of the surrounding area.
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Planning Response

Planning Permit TP-2006-274G includes conditions that manage waste generation, storage and collection, including to ensure that waste is managed in a manner that does not unreasonably impact on the amenity of the surrounding area.

These conditions are not proposed to be deleted by Application TP-2006-274H.

It is recommended that conditions regulating waste management and collection for the Land be simplified, clarified and strengthened, including by requiring submission of a holistic Waste Management Plan to confirm that waste is being managed for the entire site in accordance with the conditions of the permit and Council's Waste Management Plan Guidelines.

Objector concern

Concerns relating to operation of the existing premises (which operate late into the night, including suggestions the authorised use is a 'Nightclub'), and noise generated by the premises (including noise from music and noise from patrons).

Concerns the proposal will further intensify noise and amenity disturbances for residents of nearby residential apartment buildings.

Planning Response

Council is unable to relitigate the authorised land uses, maximum patron capacity or hours of operation under Planning Permit TP-2006-274G, except in so far that the changes proposed in Application TP-2006-274H make adjustments to these uses.

The changes proposed under Application TP-2006-274H falling in the remit of Council's assessment include:

- The proposed changes to the layout of the Level 8 Function Centre.
- The proposed changes to the conditions of the permit.
- The updated Acoustic Report prepared by Broner Consulting dated 18 November 2025 submitted to accompany the application and supporting the layout changes to the Level 8 Function Centre use.

It is recommended that the 'noise regulating' conditions be updated in any amended permit being granted to clarify and improve the legibility of the requirements applying to the authorised Ground Level Bar / Restaurant, Hotel and Level 8 Function Centre, including by:

- Modernising permit conditions to refer to the current legislative framework for the management of noise emissions from commercial businesses (EPA Publication 1826: Noise Limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues).
- Clarifying which areas of the development are occupied by the authorised land uses under the permit, and the relevant Acoustic Reports and requirements of the permit that govern acoustic attenuation and noise limits for these uses.
- Updating conditions that had referred to the service and consumption of alcohol to manage potential impacts on surrounding amenity arising from the hours of operation of land uses, so that these conditions regulate the hours of operation of the land uses, which is appropriate given the location of the site in the Mixed Use Zone, and approval of Amendment VC286 ([refer to Section 6.1.4 of this report](#)).
- Making other changes to the format of conditions to ensure the regulatory function of the conditions is transparent and easily understood by the permit holder, Council and the community.

In the event noise from the use causes disturbance, conditions have been recommended to require the permit holder to undertake further testing against the Noise Protocol and implement further noise limits and acoustic attenuation or screening, to ensure compliance, as required.

[Refer to Section 9.1 of this report](#) for a detailed assessment of the changes under Application TP-2006-274H against Council's policies for Land Use Compatibility and Licensed Premises, and the requirements of Clause 53.06 Live Music Entertainment.

Objector concern	Issues with the assessed Acoustic Report, including: • Incorrect noise requirements adopted. • Incorrect assumptions relating to the acoustic treated glazing for neighbouring residential buildings (converted heritage places) adopted. • Incorrect application of the Live Music Entertainment provisions (is the applicant the 'Agent of Change'?) • Inadequate recommendations to ensure the building is appropriately acoustically treated – the Rooftop Terrace should be fully sealed on its southern edge.
Planning Response	
Refer to Section 9.1 of this report for a detailed assessment of the Acoustic Report submitted for Application TP-2006-274H against the relevant policies and requirements in the Melbourne Planning Scheme, including the requirements of Clause 53.06 Live Music Entertainment.	

8. Referrals

8.1. External referrals

Referral Authority:	Heritage Victoria
Status:	Recommending
Reason:	The Land is located within the World Heritage Environs Area and affected by Schedule 4 to the Design and Development Overlay (DDO4). An application for a planning permit in DDO4 must be referred to Heritage Victoria in accordance with s55 of the <i>Planning and Environment Act 1987</i>.

Heritage Victoria provided the following referral advice (summarised) on 2 June 2025, setting out its reasons for coming to the view that the proposed amendments will not detrimentally impact the key attributes of the World Heritage Environs Area:

Views to the Royal Exhibition Building and Carlton Gardens:

- *The proposal is for works to an existing building of nine levels.*
- *The proposed amendments will not substantially alter the form or height of the building.*
- *The proposed works will not obscure views to the Royal Exhibition Building and Carlton Gardens which is not visible from the subject building.*

Low Scale and Fine Grain Setting

- *The proposal is located some distance from the Royal Exhibition Building and Carlton Gardens in the south-western corner of the World Heritage Environs Area.*
- *380-388 Russell Street, Melbourne is located behind taller buildings which are closer to the Royal Exhibition Building and Carlton Gardens.*
- *While there are a number of Victorian Heritage Register places surrounding the subject building, they are primarily outside of the World Heritage Environs Area. The immediate surrounds of 380-388 Russell Street cannot be described as a substantially intact 19th century streetscape.*

19th Century Streetscapes and Subdivision

- *The immediate surrounds of 380-388 Russell Street do not demonstrate this attribute in the context of the Royal Exhibition Building and Carlton Gardens.*

19th and 20th Century Architecture

- *The immediate surrounds of 380-388 Russell Street and the building itself do not demonstrate this attribute in the context of the Royal Exhibition Building and Carlton Gardens.*
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8.2. Internal referrals

CoM Expert:	GJM Heritage
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As documented in [Section 4.2 Application Chronology](#) of this report, there has been meaningful consultation between the applicant and Council's Heritage Advisor in resolving the design of the additions under Application TP-2006-274H to produce an appropriate outcome that respects the significant features of the heritage place.

This consultation process has produced a built form design that is considered to meaningfully improve the exterior presentation of the authorised modifications and additions to Level 7 and Level 8 detailed in the endorsed plans dated 16 April 2020.

In final advice provided to support Council's assessment of the application, GJM Heritage advised it considered the proposal represented an acceptable heritage outcome.

Planning's assessment in [Section 9.2 of this report](#) is informed by this advice, and has concluded that the proposed alterations and additions under Application TP-2006-274H present an acceptable outcome having regard to Council's Heritage Policy.

Conditions have been recommended to ensure the resolved design expression achieved through this consultation process is included in amended plans for endorsement under the permit.

9. Assessment

The key issues for consideration in the assessment of the amendment, having regard to the relevant planning controls affecting the Land are:

- **Noise and Amenity** (the requirements of the Mixed Use Zone, Council's Land Use Compatibility and Licensed Premises policies, and Clause 53.06 Live Music Entertainment)
- **Heritage** (Councils Heritage Policy).

Other matters relevant to the consideration of the application include the requirements of DDO1, DDO4, Council's ESD policy, and the conditions of the permit and amendments requested by the applicant.

Consideration cannot be given to elements already approved as part of the original application but not sought to be amended. Pursuant to Section 72 of the *Planning and Environment Act 1987*, the ambit of discretion is limited to the proposed changes sought by the Applicant.

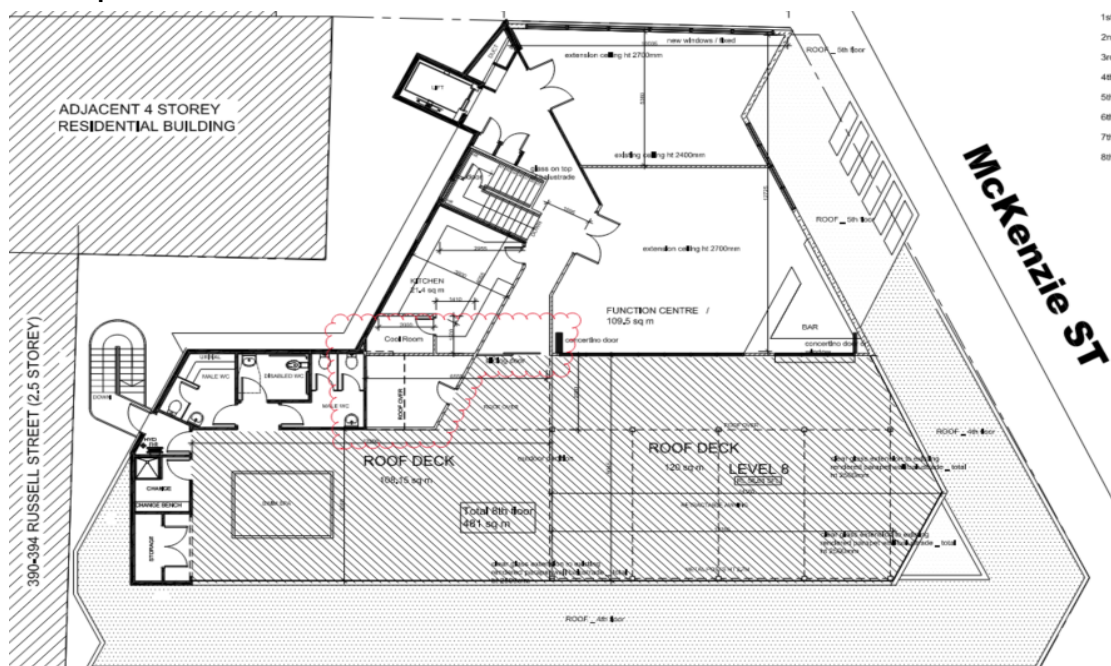
9.1. Noise and Amenity

Use of the land for a Function Centre (nested under Place of Assembly) is a 'Section 2 – permit required' land use in the Mixed Use Zone.

Planning Permit TP-2006-274G authorises use of the land for a Function Centre.

The layout of the authorised Function Centre use is shown in the below excerpt from the endorsed plans for Level 8 of the building.

Excerpt from endorsed Level 8 Floor Plan of authorised Function Centre use and Hotel use



RUSSELL ST

Non-Hatched areas = Interior Areas | Hatched areas = Outside Areas

Key details of the authorised Function Centre land use have been summarised and compared against the changes proposed under Application TP-2006-274H in the below table¹⁶.

This assessment demonstrates the limited scope of changes proposed under the application, and highlights what are considered to be positive changes for surrounding resident amenity by restricting the hours of operation of the Rooftop Terrace of the Function Centre to 11pm (previously midnight) and adopting the new Noise Protocol standards for acoustic assessment and management of noise emissions from the use.

Table: Comparison of Authorised Level 8 Function Centre use and proposed Level 8 Function Centre use

Criteria	Permit TP-2006-274G	Application TP-2006-274H
Internal Floor Area (excluding kitchen and amenities):	109.5 m ²	147 m ² (+37.5 m²)
Outdoor Floor Area:	228.15 m ²	146 m ² (-82.15 m²)
Maximum Patron Capacity:	200 patrons	200 patrons (no change)
Hours of Operation for Outdoor Areas (Rooftop Terrace):	Monday to Sunday 7.00am to midnight	Monday to Sunday 7.00am to 11.00pm (closing 1 hour earlier)
Hours of Operation for Indoor Areas:	11.30am to 1.00am (service of alcohol only)	7am until 1.00am (operating hours for Function Centre)
Legislative Framework adopted for Noise Compliance in acoustic report	SEPP N-1 and SEPP N-2 (replaced with the repeal of the Environment Protection Act 1970)	EPA Publication 1826 Noise Protocol (currently in force)
Live Music Allowed?	Yes, limited to internal areas only	Yes, limited to internal areas only (no change)
Outdoor Music Allowed?	Yes, limited to background noise only	Yes, limited to background noise only (no change)

¹⁶ It is noted that the description of how the Function Centre land use is intended to operate detailed in planning submissions and the acoustic report accompanying the application is not reflected in the proposed conditions submitted by the applicant. Any amended permit being granted will include updates to conditions to ensure that the

The suite of policies and provisions that are relevant to the assessment of the changes proposed under Application TP-2006-274H, and which the Responsible Authority is required to have regard to when assessing a land use that requires permission in the Mixed Use Zone, include:

- Clause 13.07-1L-03 Land Use Compatibility
- Clause 13.07-1L-04 Licensed Premises¹⁷
- Clause 53.06 Live Music Entertainment

An assessment of Application TP-2006-274H against these policies and provisions (as relevant) is set out in the below table.

Table: Noise and Amenity Policy/Requirements Assessment
Music and Patron Noise
Land Use Compatibility Policy Ensure noise and disturbance from late night commercial uses do not compromise the reasonable needs of residents and other users of the City. Licensed Premises Policy Ensuring uses regulate and monitor their noise, and make use of noise limiters. Live Music Entertainment (Clause 53.06) A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue. A noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any: • Indoor live music entertainment venue to below the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020) • Outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes. For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (consistent with EPA Publication 1826). Noise emissions from the uses authorised by the permit are currently managed through a medley of permit conditions regulating the operation of the land use (e.g. through hours of operation and service of alcohol, limiting of music to background noise levels and the operability of doors and windows and waste disposal) and the acoustic reports referred to in the permit, which include recommended noise limits.

¹⁷ Clause 13.07-1L-04 Licensed Premises applies to, "applications for licensed premises under Clause 52.27 or for the use of land for a bar, hotel or nightclub in the Capital City Zone and Docklands Zone". The policy is functionally out-of-date and needs to be updated to address the changes to the planning scheme introduced with Planning Scheme Amendment VC286. While technically not applying to Application TP-2006-274H, the policy is considered to provide a suitable reference point for the exercise of discretion relating to bars, hotels and the proposed function centre use in the Mixed Use Zone and Hoddle Grid setting.

The methodology and performance measures employed in the acoustic reports referred to in the permit and noise management conditions predate the repeal of the Environment Protection Act 1970 and introduction of the Environment Protection Act 2017, referring to SEPP N-1 and SEPP N-2.

As set out in [Section 6.1.1 of this report](#), the 'EPA Publication 1826: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues' (**the Noise Protocol**) commenced concurrently with the introduction of the Environment Protection Act 2017, superseding the following former policies:

- State Environmental Protection Policy No. N-1 (SEPP N-1)
- State Environmental Protection Policy No. N-2 (SEPP N-2)
- EPA Publication 1411 - Noise from Industry in Regional Victoria (NIRV)

Council is unable to revisit the acoustic report referred to in the permit relating to the Ground Level Bar / Restaurant, as this element of the authorised use / development is not proposed to be altered.

The acoustic report prepared by Broner Consulting, dated 18 November 2025 (the assessed acoustic report) includes an assessment of the use of the Level 8 Function Centre against the Noise Protocol and requirements of Clause 53.06 of the Melbourne Planning Scheme, and analysis of the location of nearby noise-sensitive land uses that may be impacted by noise emissions from the use.

The detailed summary of the findings of the acoustic testing and assessment in the assessed acoustic report is quoted below:

Broner Consulting Pty Ltd was engaged by the Dira Mivora Pty Ltd to provide an acoustic assessment of music emission from the proposed Function Centre and Rooftop Terrace located on the top floor of the Space Hotel.

Music noise from the proposed Function Centre/Rooftop Terrace must comply with the Noise Limit at the nearest residential locations as detailed in EPA Publications 1826.4 and 1997.

A music noise level of less than LAeq 55 dBA would also result in compliance with Clause 53.06 of the Melbourne Planning Scheme.

The live and recorded music level in the Function Room was assumed to be an overall 100 dBA at 1 metre from each loudspeaker while for the Outdoor Terrace, the overall level was assumed to be 90 dBA at 1 metre from each loudspeaker.

The construction of the roof and glazing for the Function Centre were specified to ensure compliance with the EPA requirements. A canopy was also specified for the Rooftop Terrace in conjunction with the increased height of the southern balustrade to ensure compliance for the Outdoor Terrace.

The noise level calculations show that the Function Room and Outdoor Terrace noise level will comply with the Noise Limit requirement at 21 – 29 Victoria Street, at 29 – 33 Mackenzie Street and at 340 Russell Street. With respect to 61 Mackenzie Street, due to the much lower height of the building relative to the height of the Outdoor terrace, the directivity effect is significant and compliance would also be achieved. Similarly with respect to 390 Russell Street, which is also acoustically shielded by building structures.

The music level at 9 – 23 Mackenzie Street would be even lower due to the greater distance from the Rooftop Terrace and would also comply.

Compliance will also be achieved with Clause 53.06 of the Melbourne Planning Scheme even when voices from 200 patrons outdoors were considered.

Broadly, the acoustic report found (subject to the noise limits and acoustic attenuation specified in the report being adopted in the use / development), that music and patron noise levels would comply with the requirements of EPA Publication 1826 (the Noise Protocol) and requirements of Clause 53.06 of the Melbourne Planning Scheme.

It is recommended that the conditions of the permit be amended to ensure:

- Noise emissions from **all uses** authorised by the permit comply with the new Noise Protocol introduced with the repeal of the Environment Protection Act 1970.
- Noise emissions from the **Ground Level Bar / Restaurant** continues to be managed in accordance with noise limits and requirements set in acoustic report prepared for this use by Broner Consulting, dated July 2019, with live music limited to Karaoke only.
- Noise emissions associated with the **Level 8 Function Centre use**, including Rooftop Terrace, will be managed in accordance with the noise limits and requirements of the assessed acoustic report prepared by Broner Consulting, dated 18 November 2025, modified to address conditions of the permit (including background music only being played in outdoor areas of Level 8).
- In the event Council receives complaints relating to noise generated by any use authorised by the permit detrimentally affecting the amenity of nearby noise-sensitive uses, general noise compliance conditions require lodgement of an acoustic report (with just cause) demonstrating that the use complies with the requirements of Noise Protocol.

Updating noise management conditions to require compliance with the Noise Protocol will provide a framework for assessing, regulating and mitigating any unreasonable cumulative noise generated by the combined existing authorised use and use of the proposed additions¹⁸, not captured by the acoustic report prepared by Broner Consulting, dated 18 November 2025.

Subject to recommended conditions and having regard to the findings of the acoustic report prepared by Broner Consulting, dated 18 November 2025, the revised Level 8 Function Centre and rooftop will comply with the requirements of Clause 53.06 (Live Music Entertainment), and satisfactorily respond to Council's policies for Land Use Compatibility and Licensed Premises.

Waste Management

Licensed Premises Policy

Minimising noise impacts associated with waste management and bottle crushing by incorporating measures such as:

- *On site storage of waste.*
- *The use of on-site bottle crushers within noise proof enclosures.*

¹⁸ See 'Wave Interference' in acoustics, including 'Constructive Interference', where the amplitude of sound waves can combine by adding their intensities (e.g. the existing amplified music systems and proposed amplified music systems), resulting in potential louder peaks (noise) production that may warrant more conservative noise limits and additional acoustic attenuation.

- *Avoiding waste collection before 7am and after 9pm or earlier when the licensed premises is closed.*

Conditions on the permit requiring waste to be disposed of quietly, and outside of the hours recommended in Council's Licensed Premises policy, will be updated and retained on any amended permit being granted.

It is recommended that conditions regulating waste management and collection for the Land be simplified, clarified and strengthened, including by requiring submission of a holistic Waste Management Plan to ensure waste is being managed for the entire site in accordance with the conditions of the permit and Council's Waste Management Plan Guidelines.

Patron Management

Licensed Premises Policy

Limiting the number of patrons permitted in a licensed premises to:

- *Manage any unreasonable impact on the amenity of surrounding uses.*
- *The maximum occupancy capacity of the premises, as determined by the Building Act 1993.*

The maximum patron capacity authorised for the Level 8 Function Centre is not proposed to be modified by Application TP-2006-274H.

Conditions of the permit that require the submission of a 'Management Plan' will be updated and clarified to support the management of patron behaviour (particularly in outdoor areas), to minimise impacts on the amenity of nearby properties.

Hours of Operation

Licensed Premises Policy

Limiting hours of operation of bars, hotels and nightclubs in the Capital City Zone and Docklands Zone to 1am.

Limiting hours of operation of licensed premises... in the Mixed Use Zone to 11pm.

In the Capital City Zone and Docklands Zone, limiting the use of outdoor areas (including smoking areas, rooftops and open courtyards); to 1am; and in noise sensitive areas, limiting alcohol consumption in outdoor areas to 11pm.

Applications to extend operating hours beyond the hours otherwise specified for indoor and outdoor areas within this policy will only be supported where the further extension of hours will not unreasonably impact on the amenity of the surrounding area.

While the Land is located in the Mixed Use Zone, the local area policy framework and physical context of the site within the Hoddle Grid is the primary informer of expectations for the operation of commerce.

Noting that Application TP-2006-274H:

- Does not propose to increase the hours of operation (i.e. to trade later into the evening).

- Proposes to reduce the hours of operation for outdoor areas on the Rooftop Terrace of Level 8 (from midnight to 11pm).
- Is supported by an acoustic report that demonstrates music and patron noise associated with the use will comply with relevant requirements.
- It is considered that the proposal is acceptable having regard to the general policy settings for Bars, Hotels, and Function Centre uses in this Central City location.

It is recommended that conditions of the permit be updated to confirm the adjusted cessation of 11pm for use of outdoor areas on Level 8, and to clarify the conditions managing hours of operation for the authorised uses under the permit.

9.2. Heritage

Council's Heritage Policy *Clause 15.03-1L-02* provides policy guidelines for the assessment of an application for a planning permit to develop land affected by a Heritage Overlay.

An assessment of Application TP-2006-274H, which seeks permission to make changes to the authorised additions to the '**Significant**' classified former offices of the International Order of Oddfellows (IOOF) affected by Heritage Overlay HO848: 380 Russell Street, Melbourne, has been undertaken below against Council's Heritage Policy.

9.2.1. Demolition

Council's Heritage Policy lists the following strategies and policy guidelines to consider when assessing an application for a planning permit to demolish or remove a building affected by the Heritage Overlay.

Demolition strategies

...

Partial demolition in the case of significant buildings and of significant elements or the front or principal part of contributory buildings will not generally be permitted.

Encourage the retention of the three dimensional form regardless of whether it is visible whilst discouraging facadism.

Encourage adaptive reuse of a heritage place as an alternative to demolition.

...

A demolition permit will not be granted until the proposed replacement building or works have been approved.

...

Demolition policy guidelines

Consider as relevant:

- *The assessed significance of the heritage place or building.*
- *The character and appearance of the proposed building or works and their effect on the historic, social and architectural values of the heritage place and the street.*
- *The significance of the fabric or part of the building, and the degree to which it contributes to its three-dimensional form, regardless of whether it is visible.*

- *Whether the demolition or removal of any part of the building contributes to the long-term conservation of the significant fabric of the building.*
- *Whether the demolition will adversely affect the conservation of the heritage place.*
- ...

The extent of demolition proposed under Application TP-2006-274H is considered acceptable, having regard to Council's Heritage Policy, noting the following:

- Demolition proposed under the application is limited to modifying the contemporary additions completed in 2010/2011 authorised by the permit. No significant fabric will be removed to facilitate the proposed alterations and additions to Level 7 and Level 8 of the building. The limited demolition proposed under the application will therefore not adversely affect the conservation of the heritage place.

9.2.2. Additions

Council's Heritage Policy lists the following strategies to consider when assessing an application for a planning permit to construct additions to a building affected by the Heritage Overlay.

Additions strategies

Ensure additions to significant or contributory buildings:

- *Are respectful of the building's character and appearance, scale, materials, style and architectural expression.*
- *Do not visually dominate or visually disrupt the appreciation of the building as it presents to the street.*
- *Maintain the prominence of the building by setting back the addition behind the front or principal part of the building, and from other visible parts.*
- *Do not build over or extend into the air space directly above the front or principal part of the building.*
- *Retain significant roof form within the setback from the building façade together with roof elements of original fabric.*
- *Do not obscure views of façades or elevations associated with the front or principal part of the building.*
- *Are distinguishable from the original fabric of the building.*

Ensure additions:

- *Adopt high quality and respectful contextual design.*
- *Avoid direct reproduction of the form of historic fabric.*
- *Adopt an interpretive design approach to other details such as verandahs, fences and shopfronts.*

The proposed additions under Application TP-2006-274H are considered acceptable, having regard to Council's Heritage Policy, noting the following:

- Planning Permit TP-2006-274 authorised the development of the four-storey (three levels of accommodation / Dorm Rooms, plus Rooftop Terrace and amenities) grey cement rendered contemporary addition to the former offices of the International Order of Oddfellows, which was completed in 2010/2011.

- The completed four-storey addition has altered the appearance and immediate context of the significant features of the heritage place, comprising the lower five storeys (the former office building now read as a podium).
- The permit has been amended several times to make adjustments to the land uses and development on the land. The most recent amendments to the permit authorise part demolition of Level 7 and Level 8 of the building to construct an addition to Level 8 (for use as a Function Centre). For key excerpts from the endorsed plans under the permit detailing the layout of the authorised additions, refer to [Section 4.1.2 of this report](#).
- The ambit of Council's discretion for Application TP-2006-274H, in assessing the proposal's compliance with Council's Heritage Policy, is limited to the proposed changes to the exterior design and layout of the alterations and additions detailed in the endorsed plans.
- Although the changes under Application TP-2006-274H nominally extend the enclosed floorspace of Level 8 of the authorised development, reducing upper level setbacks to Russell Street from 12 metres to 9 metres, the exterior design of the revised additions proposed in the application represent an improved response to Council's Heritage Policy, supported by Council's Heritage expert.

The revised design achieves this by:

- Adopting window and spandrel spacing to the MacKenzie Street (south) façade and patterned cement render exterior finishes that reflect the horizontally arranged fenestration pattern of the former IOOF offices, better respecting the heritage place's character, appearance, scale, materials, style and architectural expression.
- Replacing the exposed metal louvres to the plant deck on Level 7 and glazed window on Level 8, which were previously located directly above the prominent rock wall facing the Horticultural Hall where they competed with the legibility of this element, with a patterned corten steel facade system.

The design of the patterned corten steel façade system, which has been resolved through consultation between Council's Heritage expert and the proponent's architect, provides an improved, visually neutral, vertical extension that uses horizontal patterning which integrates with the MacKenzie Street (south) façade.

The resolved materiality and design appropriately distinguishes the new fabric from the rock wall without competing with its complex textured appearance, and utilises a negative junction (space) to further visually delineate each element,

Comparison of Endorsed Scheme's MacKenzie Street (South) Façade and Rock Wall extension with new scheme in Application TP-2006-274H



Annotated Site Photograph captured 3 April 2026 of Space Hotel presentation to Russell Street



9.3. Other Matters

9.3.1. Design and Development Overlay – Schedule 1: Urban Design in Central Melbourne

The Design and Development Overlay Schedule 1 (DDO1), regulates new buildings and changes to buildings in the Central City and Southbank to achieve specified urban design outcomes.

The following requirements of DDO1 are not relevant to Application TP-2006-274H, as changes to the authorised development proposed in the application are limited to alterations and additions to Level 7 and Level 8 of the building.

- The requirements of **Clause 2.4 Urban Structure**, relating to the network of main streets, streets, laneways and open spaces which define the size and shape of urban blocks.
- The requirements of **Clause 2.5 Site Layout**, relating to the arrangement of buildings and spaces, including the position of entries, building services and circulation cores and how these elements respond to and reinforce the character of streets and laneways.
- The requirements of **Clause 2.8 Public Interfaces**, relating to the boundary between a building and the public realm in main streets, streets, laneways and open spaces.

The changes to the authorised development proposed by Application TP-2006-274H have been assessed against the remaining requirements of DDO1 (as relevant) below.

Table: Clause 2.6 Building Mass (summarised as relevant)

Design Outcomes	Design Requirements
Building Mass that:	...
• ...	
• Respects the height, scale and proportions of adjoining heritage places or buildings within a Special Character Area.	
• ...	
• Maintains a diverse and interesting skyline through the design of roof profiles.	
Street walls that:	...
• ...	...
• Provide aesthetic interest to the public realm.	Development should reinforce the ground floor and street wall as the dominant component within the Special Character Area through visually recessive upper level built form.
• Frame comfortable and attractive streets.	Street wall heights, upper level setbacks and building separation should respond to the scale of adjacent heritage buildings.

Transitions in height, scale or prominence to a heritage place should avoid relying solely on surface treatments or decorative effects.

Assessment: Complies

The changes to the authorised addition to Level 8 of the building proposed under Application TP-2006-274H comply with the design outcomes and design requirements of Clause 2.6 Building Mass of DDO1, noting:

- The proposed changes to the footprint of the authorised addition will extend the enclosed area of Level 8 by approximately 3 metres (a 40 m² increase in floorspace) toward the Russell Street boundary.
- The west (Russell Street) façade of the revised addition will continue to achieve upper-level setbacks of:
 - 9.5 metres to the Russell Street street wall boundary.
 - 3 metres to the MacKenzie Street street wall boundary.
- The proposed extension of the Level 8 addition under the application will not appreciably increase the building mass of the existing four-storey contemporary addition to the building.
- For the reasons discussed in [Section 9.2.2 of this report](#) assessing the application against Council's Heritage Policy, it is considered that the scale and prominence of the heritage place will not be detracted from by the proposed changes to the authorised additions.

Table: Clause 2.7 Building Program (summarised as relevant)

Design Outcomes	Design Requirements
...	...
Building services that: • Minimise impacts on the public realm. • Maximise the quality and activation of the public realm. • Do not dominate the pedestrian experience and are designed as an integrated design element. • Provide waste collection facilities as an integrated part of the building design.	Rooftop plant, services and antennae should be integrated into the overall building form.

Assessment: Complies

The proposed changes to Level 7 and Level 8 under Application TP-2006-274H will improve the exterior presentation of the building's plant by:

- Concealing previously visible exposed plant on Level 7 above the prominent rock wall facing the Horticultural Hall behind a proposed corten steel fenestrated and patterned exterior façade system

to this boundary, ensuring that where plant is present in the building programme it will read as an integrated part of the building's design. A comparison of the building's presentation toward the Horticultural Hall where this change is evident is provided in [Section 4.2.3 of this report](#).

- Consolidating new plant into the rooftop plant deck.

Table: Clause 2.9 Design Detail (summarised as relevant)

Design Outcomes	Design Requirements
Exterior design that:	Facades should provide for depth and a balance of light and shadow on the street wall and upper levels through the use of balconies, integrated shading, rebates or expression of structural elements.
• Establishes a positive relationship between the appearance of new development and the valued characteristics of its context.	...
• Is visually interesting when viewed up close and from a distance.	Facades should avoid the use of surfaces which cause unacceptable glare to the public realm.
• Responds to the distance at which the building is viewed and experienced from the public realm in the selection, scale and quality of design elements.	Materials should be durable, robust and low maintenance in the higher parts of a building.
• ...	Blank walls that are visible from the public realm should be designed as an integrated component of the building composition.
• Delivers high quality design on all visible sides of a building including rooftops, where visible from the public realm.	Materials should be natural, tactile and visually interesting at the lower levels near the public interface to reinforce a human scale.
• ...	...

Assessment: Complies

For the reasons discussed in [Section 9.2.2 of this report](#) assessing the proposed addition against Council's Heritage Policy, it is considered that the exterior design, materiality and colours of the addition will establish a positive relationship with the existing building and valued characteristics of the heritage place, and will present as visually interesting when viewed up close and from a distance from Russell Street and MacKenzie Street.

9.3.2. Design and Development Overlay – Schedule 4: World Heritage Environs Area (WHEA)

The Design and Development Overlay Schedule 4 (DDO4) regulates the height and built form of development in the World Heritage Environs Area to protect the World Heritage values of the place, and the prominence of the Royal Exhibition Building and Carlton Gardens.

Having regard to the height of the authorised additions, the location of the Land relative to the Royal Exhibition Building and World Heritage Environs Area, and Heritage Victoria's referral advice summarised in [Section 8.1 of this report](#), it is considered the proposed changes under Application TP-2006-274H:

- Will not harm the World Heritage values or prominence of the Royal Exhibition Building and Carlton Gardens.
- Will not detract from, or intrude on, the prominence and visibility of the Royal Exhibition Building and Carlton Gardens.
- Will not harm views or vistas of the drum, dome, lantern and flagpole and the northern elevation and ridgeline of the western wing of the Royal Exhibition Building and Carlton Gardens.
- Will not detract from the visual prominence of the drum, dome, lantern and flagpole to a clear sky backdrop from primary vantage points.

Site photograph captured on 3 April 2026 from the Carlton Gardens south of the Royal Exhibition Building, facing the 380-388 Russell Street, Melbourne, which is not visible, being generally shielded from view by existing buildings



9.3.3. Council's ESD Policy

Council's ESD Policy, Clause 15.01-2L-01 Energy and resource efficiency applies to applications for a building (including alterations and additions) for the purpose of office, retail, education centre and accommodation.

The objectives and strategies of this policy are set out below:

Objective

To ensure buildings achieve high environmental performance standards at the design, construction and operation phases.

Strategies

Maximise the use of passive systems to achieve comfortable indoor conditions.

Support new developments that minimise their embodied energy by their use of materials, construction and retention of reusable building fabric.

Support on-site renewable and low emission generation, such as solar hot water, photovoltaic cells, wind powered turbines or combined heat and power generation systems in new developments.

Encourage use and development to minimise waste.

Conditions have been recommended for any amended permit being granted to require:

- A Waste Management Plan prepared in accordance with Council's Guidelines for Preparing a Waste Management Plan to be submitted to the Responsible Authority for approval.
- An Environmentally Sustainable Design (ESD) Statement, which demonstrates how the development meets the policy objectives to be submitted to the Responsible Authority for approval.

Subject to these conditions being included on any amended permit being granted, the changes to the authorised development proposed under Application TP-2006-274H will address Council's ESD policy.

9.3.4. The conditions of the permit

As discussed in the response to objections in [Section 7.1 of this report](#), there is an opportunity through Amendment TP-2006-274H to enhance the transparency of the conditions of the permit, benefiting the permit holder, Council and the community.

It is recommended that the conditions of Permit TP-2006-274H be updated and modernised to clearly articulate:

- The land uses authorised by the permit.
- The areas occupied by the land uses authorised by the permit.
- The conditions regulating the land uses authorised by the permit.
- The relevant (and current) acoustic requirements and supporting documentation included in the planning permit regulating the operation of the authorised uses.

10. Conclusion & Recommendation

The proposed changes to the authorised use and development under Application TP-2006-274H will improve the permitted use and development's performance against the requirements of the Melbourne Planning Scheme, by delivering a more sympathetic heritage design and enabling updates to the framework for management of the authorised uses to ensure it is compatible with surrounding sensitive uses.

Specifically:

- The revised exterior design of the additions responds to Council's Heritage Policy by adopting window and spandrel spacing, and a façade system above the rock wall facing the Horticultural Hall, which better respects the former IOOF offices' character, appearance, scale, materials, style and architectural expression.
- The amendments to the authorised Level 8 Function Centre use will limit the hours of operation of the Rooftop Terrace (outdoor areas) of the Function Centre to 11pm and demonstrate compliance with the updated Noise Protocol.
- The amendment of the permit will be supported by a complete restructure of the permit conditions to clarify and update the regulatory framework, improving management of potential noise and amenity impacts on surrounding sensitive uses.

Having considered Application TP-2006-274H it is recommended that the Future Melbourne Committee resolve to issue a Notice of Decision to Grant an Amended Permit subject to the conditions set out in this report.

11. Description of what the Amended Permit will allow

THIS PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
Clause 32.04-2	Use of land for a Hotel, Bar / Restaurant and Function Centre in the Mixed Use Zone
Clause 32.04-10	Construct a building or construct or carry out works for a use in Section 2 of the Mixed Use Zone
Clause 43.01-1	Demolish or remove a building and construct a building or construct or carry out works in the Heritage Overlay (Schedule HO848)
Clause 43.02-2	Construct a building or construct or carry out works in the Design and Development Overlay (Schedule 1 and Schedule 4)

12. Conditions

12.1. Draft Conditions

The following conditions are recommended to be included on any amended permit issued.

Due to the numerous incremental and cumulative amendments made to the permit over the past twenty years, it is necessary to undertake permit maintenance by redrafting the conditions holistically.

This approach will ensure the permit can be read and understood as a coherent whole, using contemporary drafting and formatting for clarity, rather than as a compilation of piecemeal changes that have accrued over time and are increasingly difficult to interpret. A tracked change version of the conditions is contained at **Appendix 1** of this report.

Amended Plans

1. Prior to the commencement of the development, the applicant must submit to the Responsible Authority amended plans generally in accordance with the former endorsed plans stamped 16 April 2020, but amended to show:
 - a. Any changes required by:
 - i. The acoustic report endorsed under Condition 17 of this permit for the Ground Level Bar/Restaurant;
 - ii. The acoustic report endorsed under Condition 18 of this permit for the Level 8 Function Centre.
 - b. Any changes required by the endorsed Waste Management Plan.
 - c. Changes to Level 7, Level 8 and the roof/plant of the development detailed on plans prepared by Moull Murray Architects, dated 11 November 2025, Project No.10408.
 - d. A colourised schedule with photographic examples of all external materials, colours and finishes. The schedule must show the materials, colours and finishes of all external walls, roofs, fascias, window frames, glazing types, doors, balustrades, and screening.
 - e. A development and land use schedule setting out the following:
 - i. The gross floor area of the development, calculated for each storey in the building.
 - ii. The leasable floor area (including indoor and outdoor areas) for all uses within the building, including:
 1. The Hotel use;
 2. The Bar/Restaurant use on the Ground Level;
 3. The Function Centre use on Level 8.
 - iii. The number of Hotel lodging rooms.
 - f. Colourised and annotated floor plans showing generally:
 - i. For the Ground Level Bar/Restaurant:
 1. Indoor Areas.
 2. Outdoor Smoking Area.
 - ii. For the Level 8 Function Centre:
 1. Indoor Areas.
 2. Outdoor Rooftop Terrace.
 - iii. Any shared/common areas used by the Hotel.

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

Compliance with endorsed plans

2. The development and uses as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

3. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the Responsible Authority.

Demolition and Construction Management Plan

4. Prior to the commencement of the development, a Construction Management Plan must be submitted to and approved by the Responsible Authority – Site Services.

The Construction Management Plan is to be prepared in accordance with the City of Melbourne's Code of Practice for Building, Construction and Works and is to address the following:

- a. public safety, amenity and site security
- b. operating hours, noise and vibration controls
- c. air and dust management
- d. stormwater and sediment control
- e. waste and materials reuse
- f. traffic management.

Management of Glare from Exterior Materials

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

Permission Required to Display Advertising Signs

6. No advertising signs shall be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the exemption provisions of the Melbourne Planning Scheme.

Land Use Management Conditions**All Uses – Management Plan**

7. Prior to commencement of the use of the Level 8 Function Centre, an updated Management Plan must be submitted to the Responsible Authority, generally in accordance with the former endorsed Management Plan approved with amendment TP-2006-274D.

When provided to the satisfaction of the Responsible Authority, the Management Plan will be endorsed to form part of this permit. All activities forming part of the uses authorised by this permit must operate in accordance with the endorsed Management Plan.

The Management Plan must comply with the conditions of this permit and detail the following:

- a. The hours of operation for:
 - i. The Hotel use (front of house);
 - ii. The Ground Level Bar/Restaurant use;
 - iii. The Level 8 Function Centre use;
 - iv. Use of the Rooftop Terrace by the Function Centre and Hotel.
- b. Details of the provision of music.
- c. Security arrangements and management to minimise queues outside the venue.
- d. Training of staff in the management of patron behaviour.
- e. A complaint handling process.

- f. Management of patrons who are smoking.
- g. Management of any outdoor areas to minimise impacts on the amenity of nearby properties
- h. Electronic security measures to be used including but limited to lighting and surveillance equipment.

All Uses - Designated Manager

8. At all times when the premises is open for business, a designated manager must be in charge of the premises. The designated manager is responsible for ensuring the uses authorised by this permit are conducted in accordance with the endorsed Management Plan, to the satisfaction of the Responsible Authority.

All Uses – Hours of Operation

9. Except with the prior written consent of the Responsible Authority the land uses authorised by this permit must operate in accordance with the hours set out in the below tables:

Table: Use of Ground Level for Bar/Restaurant		
Days	Indoor Areas	Outdoor Smoking Area
Monday to Sunday	11.30am to 1.00am the following morning	11.30am to midnight

Table Use of Level 8 and Rooftop Terrace for Function Centre and Hotel		
Days	Indoor Areas	Outdoor Rooftop Terrace
Monday to Sunday	7.00am to 1.00am the following morning	7.00am to 11.00pm

All Uses – Operable External Windows and External Doors

10. Operable External Windows and External Doors must operate in accordance with the below tables:

Table: Use of Ground Level for Bar/Restaurant		
Days	External Windows (except Outdoor Smoking Area)	External Doors
Monday to Sunday	Closed between the hours of 8.00pm to 7.00am the following morning Closed when Karaoke is performed at all other hours	Closed from 11.00pm through to close of business, except for access and egress

Table: Use of Level 8 and Rooftop Terrace for Function Centre and Hotel		
Days	External Windows	External Doors
Monday to Sunday	Refer to endorsed acoustic report	Closed from 11.00pm through to close of

		business, except for access and egress
--	--	--

All Uses – Maximum Patron Capacity

11. Except with the further written consent of the Responsible Authority, the maximum number of patrons within the premises must comply with the below table:

Table: Maximum Patron Capacity	
Use	Maximum Number of Patrons
Ground Level Bar/Restaurant:	200 patrons at any one time
Level 8 Function Centre and Rooftop Terrace (including if these facilities are used by the Hotel)	200 patrons at any one time

All Uses – Patrons to Exit Premises in Quiet and Orderly Fashion

12. A clear sign must be attached to an internal wall in a prominent position adjacent to the entry / exit point to advise patrons to leave in a quiet and orderly fashion, to the satisfaction of the Responsible Authority.

Noise Management Conditions

All Uses – Compliance with Noise Protocol

13. The noise generated by the premises must at all times comply with the requirements of EPA Publication 1826 – Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (**EPA Publication 1826**), to the satisfaction of the Responsible Authority.

The Responsible Authority, with just cause, may at any time request lodgement of an acoustic report, prepared by a suitably qualified acoustic consultant. The report must be to the satisfaction of the Responsible Authority and identify all potential noise sources and sound attenuation work required to address any noise issues to ensure noise generated by the premises comply with EPA Publication 1826. The recommendations of the report must be implemented to the satisfaction of the Responsible Authority.

All Uses – Restrictions on Live Music Entertainment

14. No live music entertainment is permitted on the premises, other than:
- Karaoke performances within Indoor Areas of the Ground Level Bar/Restaurant use in accordance with the acoustic report endorsed under Condition 17 of this permit.
 - Live Music Entertainment within Indoor Areas of the Level 8 Function Centre use in accordance with the acoustic report endorsed under Condition 18 of this permit.

All Uses – Restrictions on Outdoor Loudspeakers, Amplifiers or Other Audio Equipment

15. No loudspeaker, amplifier, relay or other audio equipment must be installed or used outside the building other than in association with the Level 8 Function Centre use in accordance with the acoustic report endorsed under Condition 18 of this permit.

Use of Level 8 Rooftop Terrace – Background Music Only

16. Background music only is permitted on the Level 8 Rooftop Terrace to the satisfaction of the Responsible Authority.

Use of Ground Level Bar/Restaurant – Recommendations of Acoustic Report to be Implemented

17. The recommendations contained within the Acoustic Report prepared by Broner Consulting, dated 9 July 2019 must be implemented and complied with in relation to the Ground Level Bar/Restaurant to the satisfaction of the Responsible Authority.

Use of Level 8 Function Centre – Requirement for Amended Acoustic Report

18. Prior to commencement of the use of the Level 8 Function Centre, an Acoustic Report prepared by a suitably qualified acoustic engineer must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the recommendations contained within the report prepared by Broner Consulting dated 18 November 2025 but amended to address the permit conditions. The recommendations contained within the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Use of Ground-Level Bar/Restaurant and Level 8 Function Centre – Noise Limiter

19. A Noise Limiter must be installed in the Ground Level Bar/Restaurant and Level 8 Function Centre.

The Noise Limiter must:

- a. Be set at a level specified by the endorsed acoustic report for each use in accordance with the conditions of this permit;
- b. Be maintained and operated at all times that music is played; and
- c. Be to the satisfaction of the Responsible Authority.

Use of Level 8 Function Centre – Noise Limiter Operation Acoustic Report

20. Prior to commencement of the use of the Level 8 Function Centre, a report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Responsible Authority confirming that a Noise Monitor and Limiter ("the Device") is operating and has each and every of the following characteristics which are also operating:
 - a. The Device limits noise levels so as to ensure compliance with the indoor entertainment venue noise limits set out in EPA Publication 1826.4 (Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues); and set out in the Acoustic Report prepared by Broner Consulting Pty Ltd;
 - b. The device is able to control octave band music levels;
 - c. The device is set up for all amplified music inside Level 8 to be controlled by the limiter;
 - d. The device is capable of recording and storing logged music noise levels in 15 minute intervals for a period of at least 30 days. The logged levels are to be provided to the Responsible Authority on request;
 - e. The device is located in a tamperproof box or has a software lock, not accessible to personnel other than the venue's acoustic consultant;
 - f. The device is commissioned by a suitably qualified acoustic consultant to ensure compliance with the noise limits for all time periods. In addition to meeting the nominated octave band levels within the venue, compliance measurements are to be undertaken at sensitive receiver locations;
 - g. The music noise limiter shall be recalibrated as necessary to maintain compliance when any changes are made to the audio equipment or to the layout, which have the potential to affect the compliance status of the venue;

- h. The Device is wired to ensure that the limiter governs all power points potentially accessible for amplification;
- i. The Device is set in such a way that power to the amplification equipment is reduced to compliant levels if the sound level generated by the amplification equipment exceeds for one second the maximum sound level for which the monitor is set;
- j. The monitor level component of the Device includes a calibratable frequency discriminating sound analyser with an internal microphone incorporated in its own tamper-proof enclosure (beyond the normal reach of a person). Such a sound analyser will indicate by green, amber and red illuminated halogen lamps the approach and exceeding of the set maximum noise level. The lamps must be in the clear view of staff and any disc jockey in the room;
- k. The Device must prevent a relevant noise level referred to in these conditions being exceeded.

Once submitted and approved, the noise report will be endorsed to form part of the permit.

Waste Management

- 21. Prior to commencement of the use of the Level 8 Function Centre, a Waste Management Plan (**WMP**) must be submitted to and approved by the Responsible Authority – Waste and Recycling. The WMP must detail waste storage and collection arrangements for the uses and development with reference to the Melbourne City Council Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without the prior written consent of the Responsible Authority – Waste and Recycling.
- 22. Empty bottles from the operation of the premises must be deposited into recycling bins quietly so as not to cause disturbance to adjoining and nearby residents, to the satisfaction of the Responsible Authority.
- 23. No bottles or other waste material may be removed from the site between the hours of 9.00pm on any day and 7.00am the following morning.
- 24. No garbage bin or waste materials generated by the permitted uses shall be deposited or stored outside the site, and bins must be returned to the garbage storage area as soon as practicable after garbage collection.

Infrastructure and Traffic Conditions

- 25. Any portions of road (including footpaths, crossings, public lighting, street trees, pavement marking and signage) in Russell Street and MacKenzie Street damaged by construction related activity must be reconstructed prior to the occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.
- 26. Prior to the occupation of the development hereby approved, a storm water drainage system must be constructed for the development and provision made to connect this system to Council's storm water drainage system in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.
- 27. Existing street levels in Russell Street and MacKenzie Street must not be altered without first obtaining approval from the Responsible Authority – City Infrastructure.
- 28. No street tree adjacent to the site may be removed, lopped, pruned or root-pruned without the prior written consent of Council's Manager Parks and Recreation.
- 29. No vehicle may reverse out of the site into MacKenzie Street.
- 30. Any cost associated with the temporary or permanent relocation of the light pole in MacKenzie Street shall be met by the owner and the location of the light pole must be to the satisfaction of the Responsible Authority – City Infrastructure.

Environmentally Sustainable Design

31. Prior to the commencement of the development, an Environmentally Sustainable Design (ESD) Statement shall be prepared by a suitably qualified professional and submitted to and approved by the Responsible Authority. The ESD Statement must demonstrate that the additions to Level 7 and Level 8 of the building authorised by Amendment TP-2006-274H have the preliminary design potential to meet the policy objectives of Clause 15.01-2L-01 Energy and resource efficiency of the Melbourne Planning Scheme to the satisfaction of the Responsible Authority.
32. The performance outcomes specified in the endorsed ESD Statement must be achieved in the completed development to the satisfaction of the Responsible Authority. Any change during detailed design, which prevents or alters the attainment of the performance outcomes specified in the endorsed ESD Statement, must be documented by the author of the endorsed ESD statement in an addendum to this report, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.

Time to Commence and Complete Development, and Commence Use under Amendment TP-2006-274H

33. Except with the further written consent of the Responsible Authority, the development associated with the demolition, alterations and additions to Level 7 and Level 8 of the building authorised by Amendment TP-2006-274H must;
 - a. The development associated with the demolition, alterations and additions to Level 7 and Level 8 of the building authorised by Amendment TP-2006-274H must commence within three years of the approval date of Amendment TP-2006-274H.
 - b. The development associated with the demolition, alterations and additions to Level 7 and Level 8 of the building authorised by Amendment TP-2006-274H must be completed within five years of the approval date of Amendment TP-2006-274H.
 - c. The use of Level 7 and Level 8 of the building authorised by Amendment TP-2006-274H must commence within six years of the approval date of Amendment TP-2006-274H.

12.2. Draft Amendment Register

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of responsible authority that approved the amendment</i>	<i>Section of the Act under which the permit has been amended</i>
	Amending the planning permit pursuant to Section 72 of the <i>Planning and Environment Act 1987</i> in the following manner: • Amending the description of what the permit allows: ○ to conform with the new prescribed form for Planning Permit notices. ○ to remove reference to Clause 52.29 (Licensed Premises), which is no longer applicable.	Melbourne City Council	Section 72

-
- Amending the conditions of the permit to facilitate the proposed amendment.
 - Amending the plans endorsed under the permit, generally involving part demolition, alterations and additions to introduce an additional dorm room on Level 7 of the building, and changes to the layout of the Level 8 Function Centre use and outdoor terrace.
-

Appendix 1 – Tracked Change version of Amended Permit and conditions

Draft Address of the land

380-388 Russell Street, Melbourne

Draft Permit Preamble

~~Partial demolition and construction of alterations and additions to the existing building (to nine storeys) for use as a hotel, ground floor restaurant/tavern, function centre, sale and consumption of liquor (on premises license) and waiver of the car parking requirements.~~

THIS PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
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<u>Clause 32.04-2</u>	<u>Use of land for a Hotel, Bar/Restaurant and Function Centre in the Mixed Use Zone</u>
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<u>Clause 32.04-10</u>	<u>Construct a building or construct or carry out works for a use in Section 2 of the Mixed Use Zone</u>
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<u>Clause 43.01-1</u>	<u>Demolish or remove a building and construct a building or construct or carry out works in the Heritage Overlay (Schedule HO848)</u>
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<u>Clause 43.02-2</u>	<u>Construct a building or construct or carry out works in the Design and Development Overlay (Schedule 1 and Schedule 4)</u>
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Draft Conditions

Amended Plans

1. Prior to the commencement of ~~any demolition, construction or carrying out of works on the land~~ the development, the applicant must submit to the Responsible Authority ~~three copies of amended plans drawn to scale generally in accordance with the plans submitted on 11 July 2018~~ former endorsed plans stamped 16 April 2020, but ~~further~~ amended to show:
 - i. ~~Deletion of proposed demolition, alterations and additions to level 6 and the level 7 extension to be limited to match the footprint of the retained level 6 below.~~
 - ii. ~~The level 8 alterations and additions to align with level 6 and level 7 on the MacKenzie Street interface.~~
 - iii. ~~The roof plan and elevations amended to reflect the changes to levels 6, 7 and 8.~~
 - iv. ~~An amended red line plan for the function centre and roof deck.~~
 - i. Any changes required by: the endorsed acoustic report.
 - The acoustic report endorsed under Condition 17 of this permit for the Ground Level Bar/Restaurant;

- The acoustic report endorsed under Condition 18 of this permit for the Level 8 Function Centre.

v-ii. Any changes required by the endorsed ~~w~~Waste ~~m~~Management ~~p~~Plan.

iii. ~~Changes as shown on the Sheet TP02 'updated existing plan ground floor' prepared by Agart Studio. Revision 'D' 5 July 2018. Changes to Level 7, Level 8 and the roof/plant of the development detailed on plans prepared by Moull Murray Architects, dated 11 November 2025, Project No.10408.~~

iv. ~~A colourised schedule with photographic examples of all external materials, colours and finishes. The schedule must show the materials, colours and finishes of all external walls, roofs, fascias, window frames, glazing types, doors, balustrades, and screening.~~

v. ~~A development and land use schedule setting out the following:~~

- ~~The gross floor area of the development, calculated for each storey in the building.~~
- ~~The leasable floor area (including indoor and outdoor areas) for all uses within the building, including:~~
 - ~~The Hotel use;~~
 - ~~The Bar/Restaurant use on the Ground Level;~~
 - ~~The Function Centre use on Level 8.~~
- ~~The number of Hotel lodging rooms.~~

vi. ~~Colourised and annotated floor plans showing generally:~~

- ~~For the Ground Level Bar/Restaurant:~~
 - ~~Indoor Areas.~~
 - ~~Outdoor Smoking Area.~~
- ~~For the Level 8 Function Centre:~~
 - ~~Indoor Areas.~~
 - ~~Outdoor Rooftop Terrace.~~
- ~~Any shared/common areas used by the Hotel.~~

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

Compliance with endorsed plans

2. The development and uses as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
3. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the Responsible Authority.

Demolition and Construction Management Plan

4. Prior to the commencement of the development, ~~including demolition or bulk excavation,~~ a ~~detailed construction and demolition~~ Construction ~~m~~Management ~~p~~Plan must be submitted to and ~~be~~ approved by the Responsible Authority – Site Services.

~~The~~ Construction ~~m~~Management ~~p~~Plan is to be prepared in accordance with the City of Melbourne's Code of Practice for Building, Construction and Works – Construction Management Plan Guidelines and is to ~~address~~ consider the following:

vi-vii. ~~public safety, amenity and site security~~

vii-viii. ~~operating hours, noise and vibration controls~~

- ~~viii-ix.~~ air and dust management
- ~~ix-x.~~ stormwater and sediment control
- ~~x-xi.~~ waste and materials reuse
- ~~xi-xii.~~ traffic management.

~~A revised schedule and samples of all external materials, colours and finishes must be submitted to the satisfaction of the Responsible Authority prior to the commencement of the development. The schedule must show the materials, colours and finishes of all external walls, roof, fascias, window frames, glazing types, doors, balustrades, fences and paving, (including car park surfacing), outbuildings and structures.~~

Management of Glare from Exterior Materials

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

~~Provision must be made on-site for the storage of trade waste, materials for recycling and garbage. The design of this area and the arrangements for collection must be to the satisfaction of Council's Principal Engineer — Environment.~~

Permission Required to Display Advertising Signs

6. No advertising signs shall be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the exemption provisions of the Melbourne Planning Scheme.

Land Use Management Conditions

All Uses – Management Plan

~~Prior to the commencement of the permitted use~~Prior to commencement of the use of the Level 8 Function Centre, the applicant must submit an updated Mmanagement Pplan must be submitted to the Responsible Authority, generally in accordance with the former endorsed Management Plan approved with amendment TP-2006-274D.

7. When provided to the satisfaction of the Responsible Authority, the Management Plan will be endorsed to form part of this permit. All activities forming part of the uses authorised by this permit must operate in accordance with the endorsed Management Plan.

The Management Plan must comply with the conditions of this permit and detail the following, to describe:

xiii. The Hhours of operation for:

- The Hotel use (front of house);
- The Ground Level Bar/Restaurant use;
- The Level 8 Function Centre use;
- Use of the Rooftop Terrace by the Function Centre and Hotel, the tavern, hotel, function centre and roof top terrace use

~~xii-xiv.~~ Details of the provision of music.

~~xiii-xv.~~ Security arrangements~~including hours of operation~~ and management to minimise queues outside the venue.

~~xiv-xvi.~~ Training of staff in the management of patron behaviour.

~~xv-xvii.~~ A complaint handling process.

~~xvi-xviii.~~ Management of patrons who are smoking.

~~xvii.~~ General rubbish storage and removal arrangements, including hours of pick up

~~xviii.~~ Bottle storage and removal arrangements, including hours of pick up

~~xix.~~ Noise attenuation measures including the use of noise limiters, if applicable

~~xx-xix.~~ Management of any outdoor areas to minimise impacts on the amenity of nearby properties

~~xxi-xx.~~ Electronic security measures to be used including but limited to lighting and surveillance equipment.

~~All Uses - Designated Manager The management plan must be to the satisfaction of, and be approved by, the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed Management Plan unless the prior written consent of the Responsible Authority is obtained.~~

~~The licensed premises must operate and be managed in accordance with the conditions and provisions of the approved Management Plan to the satisfaction of the Responsible Authority.~~

8. ~~At all times when the premises is open for business, a designated manager must be in charge of the premises. The designated manager is responsible for ensuring the uses authorised by this permit are conducted in accordance with the endorsed Management Plan, to the satisfaction of the Responsible Authority.~~

~~The noise generated by the premises must at all times comply with the requirements of the State Environment Protection Policy, Control of Noise from Commercial, Industrial or Trade Premises within the Melbourne Metropolitan Area No. N-1, and Control of Music Noise from Public Premises No. N-2, to the satisfaction of the Responsible Authority.~~

~~xxii. —The operable windows to the ground level restaurant / tavern (with the exception of the smoking area) must be closed between the hours of 8pm to 7am or when karaoke is performed.~~

All Uses – Hours of Operation

~~The external doors from the restaurant / tavern, the level 8 function centre and external roof deck must be closed from 11pm through to close except for access and egress.~~

9. ~~Except with the prior written consent of the Responsible Authority the land uses authorised by this permit must operate in accordance with the hours set out in the below tables:~~

Table: Use of Ground Level for Bar/Restaurant		
Days	Indoor Areas	Outdoor Smoking Area
Monday to Sunday	11.30am to 1.00am the following morning	11.30am to midnight

Table Use of Level 8 and Rooftop Terrace for Function Centre and Hotel		
Days	Indoor Areas	Outdoor Rooftop Terrace
Monday to Sunday	7.00am to 1.00am the following morning	7.00am to 11.00pm

All Uses – Operable External Windows and External Doors

10. ~~Operable External Windows and External Doors must operate in accordance with the below tables:~~

Table: Use of Ground Level for Bar/Restaurant		
Days	External Windows (except Outdoor Smoking Area)	External Doors

<u>Monday to Sunday</u>	<u>Closed between the hours of 8.00pm to 7.00am the following morning</u> <u>Closed when Karaoke is performed at all other hours</u>	<u>Closed from 11.00pm through to close of business, except for access and egress</u>
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Table: Use of Level 8 and Rooftop Terrace for Function Centre and Hotel		
<u>Days</u>	<u>External Windows</u>	<u>External Doors</u>
<u>Monday to Sunday</u>	<u>Refer to endorsed acoustic report</u>	<u>Closed from 11.00pm through to close of business, except for access and egress</u>

All Uses – Maximum Patron Capacity

11. Except with the further written consent of the Responsible Authority, the maximum number of patrons within the premises must comply with the below table:

Table: Maximum Patron Capacity	
<u>Use</u>	<u>Maximum Number of Patrons</u>
<u>Ground Level Bar/Restaurant:</u>	<u>200 patrons at any one time</u>
<u>Level 8 Function Centre and Rooftop Terrace (including if these facilities are used by the Hotel)</u>	<u>200 patrons at any one time</u>

All Uses – Patrons to Exit Premises in Quiet and Orderly Fashion

12. A clear sign must be attached to an internal wall in a prominent position adjacent to the entry / exit point to advise patrons to leave in a quiet and orderly fashion, to the satisfaction of the Responsible Authority.

Noise Management Conditions

All Uses – Compliance with Noise Protocol

13. The noise generated by the premises must at all times comply with the requirements of EPA Publication 1826 – Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (EPA Publication 1826), to the satisfaction of the Responsible Authority.

The Responsible Authority, with just cause, may at any time request lodgement of an acoustic report, prepared by a suitably qualified acoustic consultant. The report must be to the satisfaction of the Responsible Authority and identify all potential noise sources and sound attenuation work required to address any noise issues to ensure noise generated by the premises comply with EPA Publication 1826. The recommendations of the report must be implemented to the satisfaction of the Responsible Authority.

All Uses – Restrictions on Live Music Entertainment

14. No live music entertainment is permitted on the premises, other than:
- xxi. Karaoke performances within Indoor Areas of the Ground Level Bar/Restaurant use in accordance with the acoustic report endorsed under Condition 17 of this permit.
 - xxii. Live Music Entertainment within Indoor Areas of the Level 8 Function Centre use in accordance with the acoustic report endorsed under Condition 18 of this permit.

All Uses – Restrictions on Outdoor Loudspeakers, Amplifiers or Other Audio Equipment

15. No loudspeaker, amplifier, relay or other audio equipment must be installed or used outside the building other than in association with the Level 8 Function Centre use in accordance with the acoustic report endorsed under Condition 18 of this permit.

Use of Level 8 Rooftop Terrace – Background Music Only

16. Background music only is permitted on the Level 8 Rooftop Terrace to the satisfaction of the Responsible Authority.

~~Prior to the commencement of the function centre use a report prepared by a suitably qualified acoustic engineer must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the recommendations contained within the acoustic assessment by Broner Consulting dated 13 November 2018 but amended to address the permit conditions. The recommendations contained within the approved acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.~~
Use of Ground Level Bar/Restaurant – Recommendations of Acoustic Report to be Implemented

17. The recommendations contained within the Acoustic Report prepared by Broner Consulting, dated 9 July 2019 must be implemented and complied with in relation to the Ground Level Bar/Restaurant to the satisfaction of the Responsible Authority.

Use of Level 8 Function Centre – Requirement for Amended Acoustic Report

18. Prior to commencement of the use of the Level 8 Function Centre, an Acoustic Report prepared by a suitably qualified acoustic engineer must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the recommendations contained within the report prepared by Broner Consulting dated 18 November 2025 but amended to address the permit conditions. The recommendations contained within the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Use of Ground-Level Bar/Restaurant and Level 8 Function Centre – Noise Limiter

~~In relation to the function centre use and the provision of live music on level 8 of the building and the ground level restaurant / tavern, the Responsible Authority may with just cause at any time require an acoustic report prepared by a suitably qualified acoustic engineer. The report must identify all potential noise sources and noise attenuation work required to address any noise issue and to comply with the conditions of permit. The recommendations contained within the acoustic assessment must be implemented and complied with to the satisfaction of and at no cost to the Responsible Authority.~~

19. Prior to the commencement of the use of the land for a function centre and performance of karaoke in the ground floor restaurant / tavern a noise limiterA Noise Limiter must be installed in the Ground Level Bar/Restaurant and Level 8 Function Centre within the function centre space at level 8 and the ground floor restaurant / tavern.

The ~~n~~Noise ~~l~~Limiter must:

- xxiii. Be set at a level specified by the endorsed acoustic report for each use and relevant in accordance with the conditions of this permit;
- xxiv. Be maintained and operated at all times that music is played; and
- xxv. Be to the satisfaction of the Responsible Authority.

Use of Level 8 Function Centre – Noise Limiter Operation Acoustic Report

20. Prior to commencement of the use of the Level 8 Function Centre, a report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Responsible Authority confirming that a Noise Monitor and Limiter ("the Device") is operating and has each and every of the following characteristics which are also operating:
- xxvi. The Device limits noise levels so as to ensure compliance with the indoor entertainment venue noise limits set out in EPA Publication 1826.4 (Noise limit and assessment protocol for

the control of noise from commercial, industrial and trade premises and entertainment venues); and set out in the Acoustic Report prepared by Broner Consulting Pty Ltd;

xxvii. The device is able to control octave band music levels;

xxviii. The device is set up for all amplified music inside Level 8 to be controlled by the limiter;

xxix. The device is capable of recording and storing logged music noise levels in 15 minute intervals for a period of at least 30 days. The logged levels are to be provided to the Responsible Authority on request;

xxx. The device is located in a tamperproof box or has a software lock, not accessible to personnel other than the venue's acoustic consultant;

xxxi. The device is commissioned by a suitably qualified acoustic consultant to ensure compliance with the noise limits for all time periods. In addition to meeting the nominated octave band levels within the venue, compliance measurements are to be undertaken at sensitive receiver locations;

xxxii. The music noise limiter shall be recalibrated as necessary to maintain compliance when any changes are made to the audio equipment or to the layout, which have the potential to affect the compliance status of the venue;

xxxiii. The Device is wired to ensure that the limiter governs all power points potentially accessible for amplification;

xxxiv. The Device is set in such a way that power to the amplification equipment is reduced to compliant levels if the sound level generated by the amplification equipment exceeds for one second the maximum sound level for which the monitor is set;

xxxv. The monitor level component of the Device includes a calibratable frequency discriminating sound analyser with an internal microphone incorporated in its own tamper-proof enclosure (beyond the normal reach of a person). Such a sound analyser will indicate by green, amber and red illuminated halogen lamps the approach and exceeding of the set maximum noise level. The lamps must be in the clear view of staff and any disc jockey in the room;

xxxvi. The Device must prevent a relevant noise level referred to in these conditions being exceeded.

Once submitted and approved, the noise report will be endorsed to form part of the permit.

Waste Management

21. Prior to commencement of the use of the Level 8 Function Centre, a Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority – Waste and Recycling. The WMP must detail waste storage and collection arrangements for the uses and development with reference to the Melbourne City Council Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without the prior written consent of the Responsible Authority – Waste and Recycling. The premises shall only be used for the service and consumption of alcohol between the following hours:

Monday to Sunday 11.30am to 1am the following morning for internal areas

Monday to Sunday: 11.30am to midnight for external ground floor smoking area and external roof top terrace.

Except with the prior written consent from the Responsible Authority.

Except with the further permission of the Responsible Authority, the maximum number of patrons within the licensed premises shall not exceed:

200 on the roof top terrace; and

200 in the tavern.

No amplified live music or entertainment is permitted on the premises, other than within the internal function areas on level 8 of the building and karaoke performed in the ground floor restaurant / tavern, without the written consent of the Responsible Authority.

Background music only is permitted on the Level 8 roof terrace to the satisfaction of the Responsible Authority.

No loudspeaker, amplifier, relay or other audio equipment must be installed or used outside the building other than on level 8 of the building and those detailed in the Acoustic Assessment by Broner Consulting dated July 2019.

The designated manager must conduct the premises so as to ensure that the operation does not cause or permit any undue detriment to the amenity of the area to arise out of or in connection with the use of the tavern, function rooms or roof top terrace to the satisfaction of the Responsible Authority.

A clear sign must be attached to an internal wall in a prominent position adjacent to the entry / exit point to advise patrons to leave in a quiet and orderly fashion, to the satisfaction of the Responsible Authority.

22. Empty bottles from the operation of the premises must be ~~placed into a bag and~~ deposited into recycling bins quietly so as not to cause disturbance to adjoining and nearby residents, to the satisfaction of the Responsible Authority.

23. No bottles or other waste material may be removed from the site between the hours of 9.00pm on any day and 7.00am the following morning.

~~The rooftop deck must only be available to hotel or function guests and must only be open between the following hours: a) Monday to Sunday 7am to midnight.~~

~~All garbage and waste material must be stored in an area set aside for such purpose to the satisfaction of the Responsible Authority. No goods, garbage, packing material or similar material shall be left outside the venue on adjoining footpaths or roads.~~

24. No garbage bin or waste materials generated by the permitted uses shall be deposited or stored outside the site, and bins must be returned to the garbage storage area as soon as practicable after garbage collection.

Infrastructure and Traffic Conditions

25. ~~All Anynew or altered~~ portions of road (including ~~the provision of~~ footpaths, crossings, public lighting, street trees, pavement marking and signage) in Russell Street and MacKenzie Street ~~damaged by construction related activity~~ must be ~~re~~constructed prior to the occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority ~~– City Infrastructure. – Council's Group Manager Engineering Services.~~

26. Prior to the occupation of the development hereby approved, a storm water drainage system must be constructed for the development and provision made to connect this system to Council's storm water drainage system in accordance with plans and specifications first approved by the Responsible Authority ~~– City Infrastructure. – Council's Group Manager Engineering Services.~~

27. Existing street levels in Russell Street and MacKenzie Street must not be altered ~~for the purpose of constructing new vehicle crossings or pedestrian entrances~~ without first obtaining approval from the Responsible Authority ~~– City Infrastructure. – Council's Group Manager Engineering Services.~~

28. No street tree adjacent to the site may be removed, lopped, pruned or root-pruned without the prior written consent of Council's Manager Parks and Recreation.

29. No vehicle may reverse out of the site into MacKenzie Street.

30. Any cost associated with the temporary or permanent relocation of the light pole in MacKenzie Street shall be met by ~~the applicant~~ ~~the owner~~ and the location of the light pole must be to the satisfaction of the ~~R~~responsible Authority ~~– City Infrastructure and the relevant electricity authority.~~

Environmentally Sustainable Design

31. ~~Prior to the commencement of the development, an Environmentally Sustainable Design (ESD) Statement shall be prepared by a suitably qualified professional and submitted to and approved by the Responsible Authority. The ESD Statement must demonstrate that the additions to Level 7 and Level 8 of the building authorised by Amendment TP-2006-274H have the preliminary design potential to meet the policy objectives of Clause 15.01-2L-01 Energy and resource efficiency of the Melbourne Planning Scheme to the satisfaction of the Responsible Authority.~~

32. The performance outcomes specified in the endorsed ESD Statement must be achieved in the completed development to the satisfaction of the Responsible Authority. Any change during detailed design, which prevents or alters the attainment of the performance outcomes specified in the endorsed ESD Statement, must be documented by the author of the endorsed ESD statement in an addendum to this report, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.

Time to Commence and Complete Development, and Commence Use under Amendment TP-2006-274H

33. Except with the further written consent of the Responsible Authority, the development associated with the demolition, alterations and additions to Level 7 and Level 8 of the building authorised by Amendment TP-2006-274H must:

xxxvii. The development associated with the demolition, alterations and additions to Level 7 and Level 8 of the building authorised by Amendment TP-2006-274H must commence within three years of the approval date of Amendment TP-2006-274H.

xxxviii. The development associated with the demolition, alterations and additions to Level 7 and Level 8 of the building authorised by Amendment TP-2006-274H must be completed within five years of the approval date of Amendment TP-2006-274H.

The use of Level 7 and Level 8 of the building authorised by Amendment TP-2006-274H must commence within six years of the approval date of Amendment TP-2006-274H.

xxv. Prior to the commencement of the development on the land, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must provide that the windows / openings on the boundary must be removed when the adjoining property is further developed in a manner that the Responsible Authority considers would affect these windows / openings.

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

xxvii. Prior to the commencement of the use of the function centre, a Waste Management Plan (WMP) shall be prepared, submitted and approved by the Melbourne City Council – Engineering Services. The WMP should detail waste storage and collection arrangements for the approved Function Centre and be prepared with reference to the Melbourne City Council Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without prior consent of the Melbourne City Council – Engineering Services.

xxviii. This permit will expire if one or more of the following circumstances apply:

xxix. The development is not started within two years of the date of this permit.

xxxix. The development is not completed within four years of the date of this permit.

xxx. The use is not started within four years of the date of this permit.

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

12.3. Draft Amendment Register

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of responsible authority that approved the amendment</i>	<i>Section of the Act under which the permit has been amended</i>
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Amending the planning permit pursuant to Section 72 of the *Planning and Environment Act 1987* in the following manner:

- Amending the description of what the permit allows:
 - to conform with the new prescribed form for Planning Permit notices.
 - to remove reference to Clause 52.29 (Licensed Premises), which is no longer applicable.
 - Amending the conditions of the permit to facilitate the proposed amendment.
 - Amending the plans endorsed under the permit, generally involving part demolition, alterations and additions to introduce an additional dorm room on Level 7 of the building, and changes to the layout of the Level 8 Function Centre use and outdoor terrace.
-

Dd/mm/yyyy

Melbourne City
Council

Section 72

How to contact us**Online:**

melbourne.vic.gov.au

In person:

Melbourne Town Hall - Administration Building
120 Swanston Street, Melbourne
Business hours, Monday to Friday
(Public holidays excluded)

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GPO Box 1603
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