

Management report to Council

Agenda item 6.14

Melbourne Metro Rail Authority (MMRA) proposed compulsory acquisition and occupation of the City Square

Council

Presenter: Rob Moore, Project Executive, Metro Rail, City Design and Projects

28 February 2017

Purpose and background

1. The purpose of this report is to present the MMRA's legal documentation as submitted to Council on 7 February 2017, in relation to compulsory acquisition of City Square (Acquisition).
2. A confidential report was presented to Council in December 2016 that outlined the MMRA's proposed acquisition of City Square. Officers have negotiated a range of matters related to the Acquisition process and confirm that arrangements outlined in this report are generally consistent with Council's resolution in December 2016.

Key issues

3. Council was issued with a Notice of Intention to Acquire (NOITA) in terms of the *Land Acquisition and Compensation Act 1986* (LACA) on 7 February 2017. (Attachment 2).
4. The MMRA will issue a Notice of Acquisition (NOA) on 7 March 2017. Based on Council's support for the acquisition, it is proposed that a minimal seven-day period be allowed between issue of the NOA and Possession.
5. The MMRA proposes to take possession of City Square on 20 March 2017.
6. Within 14 days of issue of the NOA, the MMRA is required under the LACA to issue Council with the Offer of Compensation as assessed by the Victorian Valuer General. This should be received by Council on 31 March 2017.
7. Council is obtaining two independent valuations of all property affected by the Acquisition. In terms of the LACA, Council is required to respond to the MMRA with respect to the Offer of Compensation within a three month period from the date of receipt of the offer.
8. The MMRA have proposed a Deed between MMRA and Council, to cover all matters related to the Acquisition and return of Council interests on the surface level of City Square (Attachment 3). The Deed sets out principles related to acquisition of three existing lots that make up the below ground car park, the café and the surface level of City Square together with third party interests in the form of easements above the surface level. These easements relate to airspace and access to light.
9. The Deed states that the Secretary to the Department of Economic Development, Jobs, Transport and Resources (Authority) will acquire the three existing lots. It is envisaged that the Authority will retain ownership of below ground lots together with a portion of the surface lot to accommodate new station entries. The remainder of the surface lot will be acquired back by Council on completion of the project, subject to the design and functionality of the public space being to the satisfaction of Council. Existing easements related to airspace and access to light to remain above surface level in relation to returned portion of City Square.
10. Council has formally advised Greenco that its service agreement to operate City Square car park will terminate at 11.59pm (midnight) on Sunday 19 March 2017.
11. The MMRA has advised Council that Brunetti's has been informed that they will be able to remain trading up to 31 March 2017. The MMRA have made arrangements directly with Brunetti to compensate them for disruption to their business as a result of having to relocate to new premises in Collins Street.

Recommendation from management

12. That Council:
 - 12.1. endorses the Melbourne Metro Rail Authority's (MMRA) proposal for the Secretary to the Department of Economic Development, Jobs, Transport and Resources (Authority) to acquire Lots 1, 2 and 8 on Plan of Subdivision 428405M being all of City Square in accordance with the Notice of Intention to Acquire dated 7 February 2017
 - 12.2. endorses the proposal for funds received in compensation for Lot 1 (surface level) being placed in a 'Trust Fund' in accordance with the MMRA's letter of February 2017 (Attachment 3)

- 12.3. instructs the Chief Executive Officer to sign the Deed between MMRA and the Council in accordance with the MMRA's letter February 2017 (Attachment 3)
- 12.4. notes that the Council will need to be satisfied that the legacy City Square proposed to be returned to it, meets the Council's requirements as set out in the Deed
- 12.4. notes that in the event that the legacy City Square does not meet the Council's requirements, the Council may decline to repurchase the same, as set out in the Deed
- 12.5. notes the shortened time period of not less than seven days between Notice of Acquisition and proposed possession of City Square by the Authority on 20 March 2017.

Attachments:

1. Supporting Attachment (page 3 of 96)
2. Notice of Intention to Acquire - certain interests at City Square (page 4 of 96)
3. Metro Tunnel Project - Acquisition and return of Council interests in land at City Square (page 34 of 96)

Supporting Attachment

Legal

1. Legal advice has and will continue to be provided on all aspects of the Metro Tunnel Project (MTP).

Finance

2. Financial outcomes will be subject to a negotiation process within the parameters of the LACA and will be reported to Council.

Conflict of interest

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

Stakeholder consultation

4. No consultation has been undertaken. This matter substantially relates to the compulsory acquisition of Council owned land for the purposes of the MTP.

Relation to Council policy

5. The MTP is a key public transport infrastructure project supported in all relevant Council policies.

Environmental sustainability

6. Environmental sustainability issues and impacts are not directly relevant to this matter and have been addressed in the Environmental Sustainability Management Plan and Sustainability Targets prepared and adopted for the MTP by the MMRA.



Mr Martin Cutter
Acting Chief Executive Officer
City of Melbourne
GPO Box 1603
MELBOURNE VIC 3001

Ref: LC_SW44

DOC/17/60700

<p>RECEIVED Information Management</p> <p>08 FEB 2017</p> <p>DM#: _____</p> <p>SR#: _____</p>
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Dear Mr Cutter

**MELBOURNE METRO RAIL PROJECT
NOTICE OF INTENTION TO ACQUIRE – CERTAIN INTERESTS AT CITY SQUARE**

I refer to previous correspondence in relation to the interests of the City of Melbourne (**Council**) at City Square and the Melbourne Metro Rail Project (**Project**). I would like to take this opportunity to thank Council and its officers for engaging with our team during the planning phase of the Project. The Project will deliver two new nine-kilometre rail tunnels from Kensington to South Yarra, connecting the Sunbury, Cranbourne and Pakenham lines, and five new underground stations at Arden, Parkville, CBD North, CBD South and Domain.

Notice of Intention to Acquire

I confirm that the Minister for Planning has now designated the Project Area for the Melbourne Metro Rail Project under the *Major Transport Projects Facilitation Act 2009 (MTPF Act)*. The Secretary to the Department of Economic Development, Jobs, Transport and Resources (**Authority**), as Project Authority for the Project, intends to acquire the Council's interest in fee simple only, but not any other interest or interests held by any other person, such as existing easement rights, in:

- Lot 2 on Proposed Plan of Subdivision 809025A, being part of Lot 1 on Plan of Subdivision 428405M up to a height of RL 33m AHD;
- Lot 2 on Plan of Subdivision 428405M; and
- Lot 8 on Plan of Subdivision 428405M

(**land**), for the purposes of the Project.

The land is now reserved under a planning instrument for a public purpose for the purposes of section 5 of the *Land Acquisition and Compensation Act 1986 (LAC Act)*. Accordingly, the Authority has the power under section 112 of the MTPF Act and section 6 of the LAC Act to serve on you a Notice of Intention to Acquire an interest in the land.

Therefore, in accordance with section 6 of the LAC Act, please find enclosed a Notice of Intention to Acquire and accompanying information statement which explains your rights and obligations as well as the rights and obligations of the Authority.

As you are aware, the normal timeframe for compulsory acquisition would require at least two months from the date of this letter before the Authority publishes, in the Victoria Government Gazette, a Notice of Acquisition to acquire the land. As has been the subject of earlier discussion with Council, in relation to your interests in the land at City Square, the Authority proposes to take possession of the land on **20 March 2017**. I request that you confirm in writing your agreement to abridgement of the timeframe for issue of a Notice of Acquisition of the land, in accordance with sections 20 and 106(1)(c) of the LAC Act. As you are aware, the Authority has also consulted Council about the potential for the Authority to request an abridgement of this timeframe from the Governor in Council under the LAC Act if required. We request that Council also confirm its agreement to the Authority entering into possession on 20 March 2017 under section 26(4)(b) of the LAC Act.

Ongoing relationship between MMRA and Council

The Authority and MMRA remain committed to engagement and relationship with Council including as set out in the proposed Process Deed between MMRA and Council and other ongoing discussions between MMRA and Council.

Valuation, costs and expenses

An offer of compensation will be made shortly after the Notice of Acquisition of your interest in the land is published.

The Authority will obtain independent valuation advice. Government policy requires that a valuation be obtained from the Valuer-General Victoria as well as a second valuation in some circumstances. For this reason you may be contacted by representatives from two valuation firms in the near future to make suitable arrangements to inspect the land.

From the date of this letter, you are able to claim for reimbursement of reasonable legal, valuation and professional expenses that you necessarily incur because of the acquisition of your interest in the land, in accordance with section 41 of the LAC Act. The Department of Economic Development, Jobs, Transport and Resources can provide advice on how to make a claim for reasonable legal and valuation fees, reasonable valuation fees being for a single valuation of your property.

A case manager has been assigned for you in respect of the acquisition of the land (contact details at the end of this letter) who can provide advice in relation to matters associated with the acquisition including any claim for reimbursement of reasonable legal, valuation and professional expenses that you necessarily incur because of the acquisition of your interest in the land, in accordance with section 41 of the LAC Act. If you wish to engage a valuer to value your land, you may wish to contact the Australian Property Institute on 9644 7500 for advice.

Further information

The enclosed Notice of Intention to Acquire sets out information which you are requested to supply to the Authority under the LAC Act and the Land Acquisition and Compensation Regulations 2010.

In particular, I draw your attention to the request that you supply information which would be relevant to the assessment of compensation in respect of the acquisition of any interest in the land. Your cooperation in supplying this information to your case manager as soon as possible would be appreciated.

I advise that similar correspondence including a copy of the Notice of Intention to Acquire has been forwarded to any other party the Authority understands has an interest in the land.

Should you wish to further discuss this letter or the next steps in the acquisition process, please contact your case manager Murray Carman on 8392 6282 or at murray.carman@ecodev.vic.gov.au.

Thank you for your engagement throughout the process.

Yours sincerely



Tim Cullinan
Director, Transport Property

7 February 2017



FORM 1

Ss 6 and 8(1)(a)
Reg. 7

NOTICE OF INTENTION TO ACQUIRE

To: Melbourne City Council

The Secretary to the Department of Economic Development, Jobs, Transport and Resources (**Authority**) is the project authority for the Melbourne Metro Rail Project, being a declared project to which the **Major Transport Projects Facilitation Act 2009** (other than Parts 3 and 8) applies (**Project**) and in respect of which the Melbourne Planning Scheme was amended by Amendment GC45.

The Authority intends to acquire:

- all interests held by you in Lot 1 on Plan of Subdivision 428405M, being the land contained in Certificate of Title Volume 10559 Folio 708 (including the whole of your interest in any easement in respect of which Lot 1 on Plan of Subdivision 428405M is the dominant tenement), excluding:
 - your interest in fee simple only in the land identified as Lot 1 on proposed Plan of Subdivision 809025A (attached); and
 - all other interests held by any other person or persons, such as easement interests, in Lot 1 on Plan of Subdivision 428405M.

For the avoidance of doubt, by the above acquisition the Authority intends to acquire your interest in fee simple in Lot 2 on proposed Plan of Subdivision 809025A (attached);

- all interests held by you in Lot 2 on Plan of Subdivision 428405M, being all of that land contained in Certificate of Title Volume 10559 Folio 709, excluding all other interests held by any other person, such as easement interests, in Lot 2 on Plan of Subdivision 428405M. For the avoidance of doubt, the Authority intends to acquire your interest in fee simple in Lot 2 on Plan of Subdivision 428405M; and

- all interests held by you in Lot 8 on Plan of Subdivision 428405M, being all of that land contained in Certificate of Title Volume 10559 Folio 713, excluding all other interests held by any other person or persons, such as easement interests, in Lot 8 on Plan of Subdivision 428405M. For the avoidance of doubt, the Authority intends to acquire your interest in fee simple in Lot 8 on Plan of Subdivision 428405M.

The Authority thinks that the land to be acquired is suitable for the Project as it is within the area that has been the subject of technical investigation and environmental impact assessment and is within the project area designated under the **Major Transport Projects Facilitation Act 2009**.

Pursuant to section 118(2) of the Major Transport Projects Facilitation Act 2009, the land is taken to have been reserved for a public purpose under a planning instrument for the purposes of section 5 of the **Land Acquisition and Compensation Act 1986** because it is included within the designated project area for the Project.

At the present time it is expected that the Authority may require possession of the land on approximately 20 March 2017. This date may change.

The Authority requires you to provide it with the information about the following-

1. The name of any other person who has, or you think may have, an interest in the land. (Such a person might be an occupier of the land, a tenant, a mortgagee or a person to whom you have agreed to sell the land.)
2. If you have a current building permit, liquor licence or approval or a planning permit concerning the land.
3. If you had prepared plans for the purpose of obtaining a building permit, liquor licence or approval a planning permit applying to all or any part of the land.
4. If you have sold or let or in any other way dealt with the land or were intending to deal with the land immediately before you received this notice.
5. If you know of any other person proposing to do any of those things mentioned in paragraphs 2, 3 and 4.

6. Any other matters of which you are aware which will help the Authority to work out what compensation you should receive for the land. This information may include details of any mortgage, lease or other arrangement affecting the land. If you may claim financial loss, please provide financial documents and other records to substantiate all losses. Such information may include:
- a. any business or other activities you or any other person carry out at the land;
 - b. profit and loss statements for the business or other activities;
 - c. financial statements for the business or other activities for the financial years ending 30 June 2014, 30 June 2015 and 30 June 2016, together with management accounts or the similar for the current financial year;
 - d. an explanation of how acquisition of your interest in the land would affect the business or other activities; and
 - e. what measures, if any, you would take as a consequence of the loss of the land.

All documents provided will be treated in confidence.

For and on behalf of the Authority

Signed:



Name:

TIM CULLINAN

Director, Transport Property

Department of Economic Development, Jobs, Transport and
Resources

Date:

07/02/2017

PLAN OF SUBDIVISION PLAN UNDER SECTION 35		EDITION	PS 809025A					
LOCATION OF LAND PARISH : MELBOURNE NORTH CITY: MELBOURNE SECTION: 6 CROWN ALLOTMENT: 17, 18 AND 19 (PARTS) LTO BASE RECORD: VICMAP DIGITAL PROPERTY TITLE REFERENCE : VOL.10559 FOL.708 LAST PLAN REFERENCE : PS 428405M (LOT 1) POSTAL ADDRESS : 68 SWANSTON STREET (At time of application) MELBOURNE, VIC. 3000 MGA94 Co-ordinates (of approx centre of land in plan) <table style="margin-left: 20px; border: none;"> <tr> <td>E 321110</td> <td>ZONE: 55</td> </tr> <tr> <td>N 5812680</td> <td>GDA 94</td> </tr> </table>		E 321110	ZONE: 55	N 5812680	GDA 94	COUNCIL CERTIFICATION COUNCIL NAME : MELBOURNE CITY COUNCIL REF:		
E 321110	ZONE: 55							
N 5812680	GDA 94							
VESTING OF ROADS AND/OR RESERVES		NOTATIONS						
IDENTIFIER	COUNCIL/BODY/PERSON							
NIL	NIL							
NOTATIONS		BOUNDARIES SHOWN BY THICK AND CONTINUOUS LINES ARE DEFINED BY BUILDINGS. LOCATION OF BOUNDARIES DEFINED BY BUILDINGS:- M: MEDIAN NF: NORTH FACE WF: WEST FACE SF: SOUTH FACE Survey: This plan is is not based on survey; To be completed where applicable. This survey has been connected to permanent marks no(s) In Proclaimed Survey Area No. STAGING This is is not a staged subdivision. Planning Permit No.						
DEPTH LIMITATION - DOES NOT APPLY								
<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> <p style="text-align: center; margin: 0;">WARNING</p> <p style="font-size: small; margin: 0;">THIS IS A PROPOSED PLAN OF SUBDIVISION AND THE DIMENSIONS, OWNERS CORPORATION DETAILS AND LOT AND COMMON PROPERTY BOUNDARIES MAY BE SUBJECT TO ALTERATION UPON COMPLETION OF THE FINAL SURVEY.</p> </div>								
EASEMENT INFORMATION								
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)								
SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO ALL THE LAND IN THIS PLAN								
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of				
FOR EASEMENT DETAILS SEE SHEETS 2 AND 3								
96 MORANG ROAD HAWTHORN 3122 PH. 9819 9599 FAX 9818 2322 EMAIL surveyors@madigan.com.au		SURVEYORS FILE REF: 7854 PS3 V01.DGN DATE: 03/02/2017		ORIGINAL SHEET SIZE: A3				
		LICENSED SURVEYOR: TIMOTHY J BAIRD REF : 7854 PS3		SHEET 1 OF 20 VERSION 01	PRELIMINARY			

PS 809025A

EASEMENT INFORMATION

LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO ALL THE LAND IN THIS PLAN

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	LIGHT & AIR (LIMITED IN DEPTH AS SHOWN IN SECTION)	SEE PLAN	PS 428405M	LOTS 3, 4, 801 TO 805, 807 TO 810, 901 TO 910, 1001 TO 1008, 1010, 1101 TO 1104 AND 1201 TO 1204 ON PS 428405M
E-5	EASEMENT FOR LIGHT & AIR (LIMITED TO HEIGHT & DEPTH AS SHOWN IN SECTION - SEE SHEET 3 FOR DESCRIPTION)	SEE PLAN	PS 428405M	LOTS 3, 4, 801 TO 805, 807 TO 810, 901 TO 910, 1001 TO 1008, 1010, 1101 TO 1104 & 1201 TO 1204 ON PS 428405M
E-6	LIGHT & AIR & FIRE ESCAPE (SEE LIMITATION 3 BELOW)	SEE PLAN	PS 428405M	LOTS 3, 4, 801 TO 805, 807 TO 810, 901 TO 910, 1001 TO 1008, 1010, 1101 TO 1104 & 1201 TO 1204 ON PS 428405M
E-6	FOOTWAY (SEE LIMITATION 3 BELOW)	SEE PLAN	PS 428405M	LOT 2 & 4 ON PS 428405M

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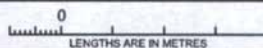
SURVEYING

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HAWTHORN 3122

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surveyors@madigan.com.au

SCALE



ORIGINAL SHEET
SIZE: A3

SHEET 3

LICENSED SURVEYOR: TIMOTHY J BAIRD

REF : 7854 PS3

VERSION 01

PRELIMINARY

LIMITATIONS

LIMITATION 3 (LIMITED TO A HEIGHT OF 2-10 METRES ABOVE THE HOTEL BASEMENT LEVEL I SLAB LEVEL & A DEPTH DEFINED BY THE HOTEL BASEMENT LEVEL I SLAB LEVEL AS SHOWN IN SECTION)

EASEMENT E-5 DESCRIPTION

EASEMENT E-5 IS AN EASEMENT FOR LIGHT AND AIR PROVIDED THAT:

A. THE EASEMENT SHALL NOT PREVENT USE OF THE LAND MARKED E-5 FOR:

- (1) THE PLACING OR REPLACING, CONSTRUCTION OR RECONSTRUCTION, MAINTENANCE AND USE ON THE LAND MARKED E-5 OF BUILDINGS, IMPROVEMENTS, TREES, LANDSCAPING, PAVING, SCULPTURE AND OTHER FEATURES APPROVED BY THE MELBOURNE CITY COUNCIL FROM TIME TO TIME AS CONSISTENT WITH THE USE OF THE LAND MARKED E-5 AS A CIVIC SQUARE; OR
- (2) THE ERECTING, MAINTENANCE AND USE OF TEMPORARY STRUCTURES, BUILDINGS OR ENCLOSURES APPROVED FROM TIME TO TIME BY THE MELBOURNE CITY COUNCIL AS CONSISTENT WITH USE OF THE LAND MARKED E-5 AS A CIVIC SQUARE INCLUDING WITHOUT LIMITATION, STRUCTURES, BUILDINGS OR ENCLOSURES FOR HOUSING LICENSEES, CONCESSIONAIRES OR OTHER OCCUPANTS OF TEMPORARY AMUSEMENT, CULTURAL OR OTHER FACILITIES OR EXHIBITIONS OF ANY KIND; AND
- (3) ERECTING, PLACING, MAINTAINING AND USING STRUCTURES, BUILDINGS OR ENCLOSURES APPROVED BY THE MELBOURNE CITY COUNCIL AS CONSISTENT WITH USE OF THE LAND MARKED E-5 AS A CIVIC SQUARE, INCLUDING, WITHOUT LIMITATION, STRUCTURES AND ENCLOSURES FOR THE PURPOSES OF PROVIDING INFORMATION TO THE PUBLIC OR SHELTER TO THE PUBLIC FROM ADVERSE WEATHER CONDITIONS; AND

B. THE EASEMENT SHALL NOT PREVENT THE CLOSING OFF ONCE A YEAR OF THE WHOLE OR ANY PART OF THE LAND MARKED E-5 WHICH IS OPEN TO THE PUBLIC SO AS TO PREVENT THE WHOLE OR PART OF THE LAND MARKED E-5 BEING DEDICATED TO PUBLIC USE; AND

C. BEFORE ERECTING OR PLACING ANY STRUCTURES ON THE LAND MARKED E-5, THE REGISTERED PROPRIETOR OF THE LAND MARKED E-5 MUST CONSULT WITH THE REGISTERED PROPRIETORS OF LOTS ON THIS PLAN AFFECTED BY THE PROPOSAL WITH THE VIEW TO ENSURING THAT ANY PROPOSED STRUCTURES DO NOT:

- (1) MATERIALLY AND ADVERSELY AFFECT THE COMMERCIAL OPERATION OF THE RETAIL AREAS AND RESTAURANTS LOCATED ON THOSE LOTS; AND
- (2) IN A PERMANENT, MATERIAL AND ADVERSE WAY OBSTRUCT OR INTERFERE WITH THE ACCESS TO LIGHT AND AIR OF THOSE LOTS; OR
- (3) PERMANENTLY, MATERIALLY AND ADVERSELY AFFECT VIEWS FROM THOSE LOTS TO THE WESTERN SIDE OF SWANSTON STREET ABOVE THE FLOOR LEVEL OF THE FOYER OF LOT 3 WHICH SHALL BE TAKEN TO BE AT LEAST 6.08 METRES ABOVE THE SITE LEVEL OF LOT 1 REGARDLESS OF WHETHER THE HEIGHT OR LOCATION OF THE FOYER LEVEL IS CHANGED AFTER REGISTRATION OF THIS PLAN; AND

D. SUBJECT TO PARAGRAPH (E) BELOW, IF THE REGISTERED PROPRIETORS OF LOTS ON THIS PLAN AFFECTED BY THIS PROPOSAL CAN DEMONSTRATE THAT A STRUCTURE PROPOSED ON THE LAND MARKED E-5 WILL:

- (1) MATERIALLY AND ADVERSELY AFFECT THE COMMERCIAL OPERATION OF THE RETAIL AREAS AND RESTAURANTS LOCATED ON THOSE LOTS; OR
- (2) IN A PERMANENT, MATERIAL AND ADVERSE WAY OBSTRUCT OR INTERFERE WITH THE ACCESS TO LIGHT AND AIR OF THOSE LOTS; OR
- (3) PERMANENTLY, MATERIALLY AND ADVERSELY AFFECT VIEWS FROM THOSE LOTS TO THE WESTERN SIDE OF SWANSTON STREET ABOVE THE FLOOR LEVEL OF THE FOYER OF LOT 3 WHICH SHALL BE TAKEN TO BE AT LEAST 6.08 METRES ABOVE THE SITE LEVEL OF LOT 1 REGARDLESS OF WHETHER THE HEIGHT OR LOCATION OF THE FOYER LEVEL IS CHANGED AFTER REGISTRATION OF THIS PLAN.

THEN THE REGISTERED PROPRIETOR OF THE LAND MARKED E-5 MUST NOT PROCEED WITH THE PROPOSED STRUCTURE, AND

E. THE REGISTERED PROPRIETORS OF THE BENEFITED LAND MUST NOT ACT UNREASONABLY IN SEEKING TO PREVENT PROPER USE OF THE LAND MARKED E-5, THE INTENTION BEING TO BALANCE THE REASONABLE CIVIC OBJECTIVES OF MELBOURNE CITY COUNCIL AND THE REASONABLE COMMERCIAL OBJECTIVES OF THE REGISTERED PROPRIETORS OF THE BENEFITED LAND IN RELATION TO THE USE OF THE LAND MARKED E-5 AS A CIVIC SQUARE

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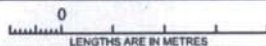
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LICENSED SURVEYOR: TIMOTHY J BAIRD

REF : 7854 PS3

VERSION 01

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SHEET 4

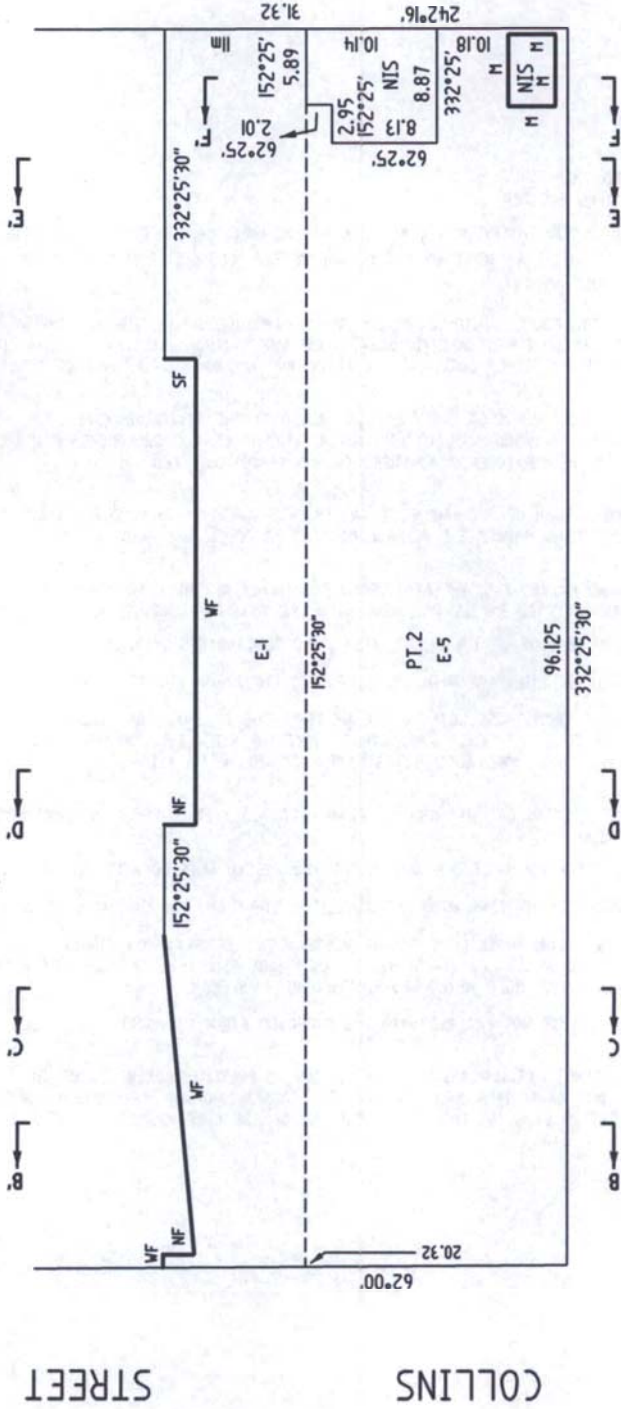
PRELIMINARY

DIAGRAM No.1
GROUND LEVEL & GROUND STOREY

PS 809025A



FLINDERS LANE



STREET

SWANSTON

COLLINS

MADIGAN

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LENGTHS ARE IN METRES

ORIGINAL SHEET
SIZE: A3

SHEET 4

LICENSED SURVEYOR: TIMOTHY J BAIRD

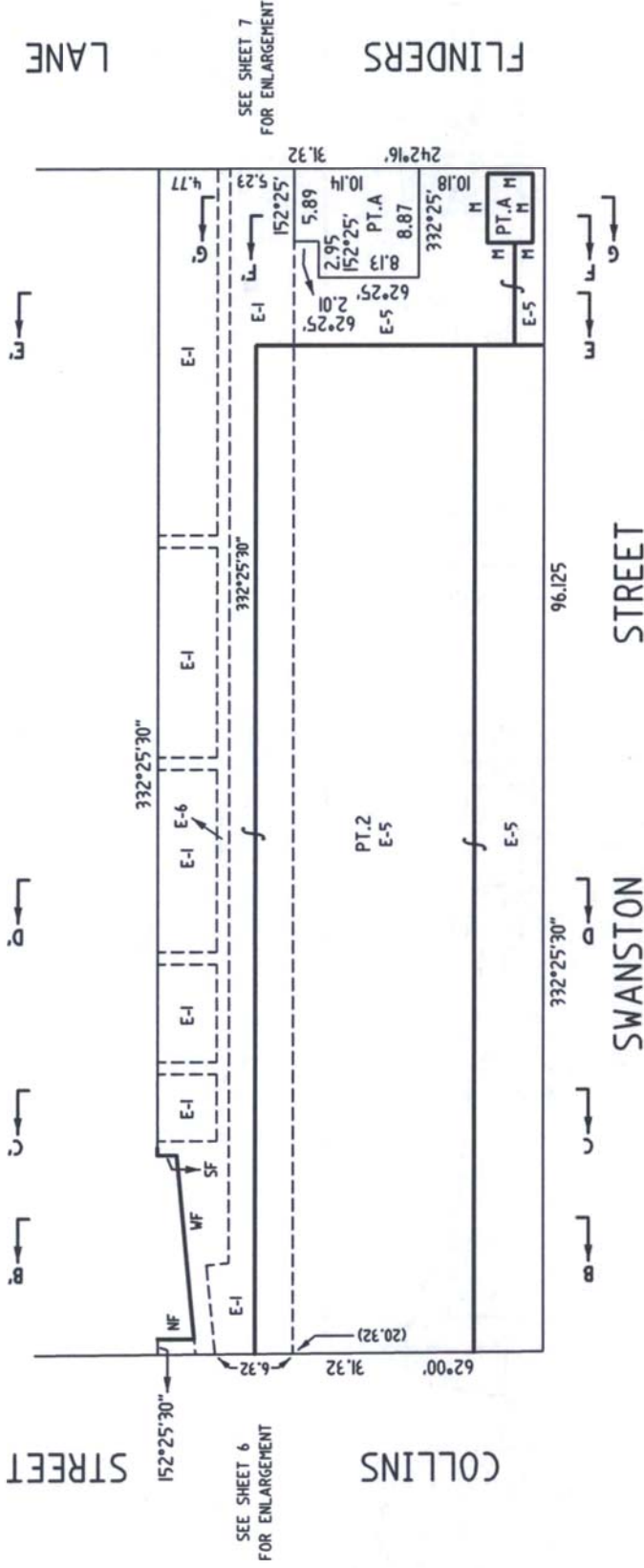
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DIAGRAM No.2
HOTEL BASEMENT LEVEL I

PS 809025A



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VERSION 01
REF : 7854.PS3

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SHEET 5

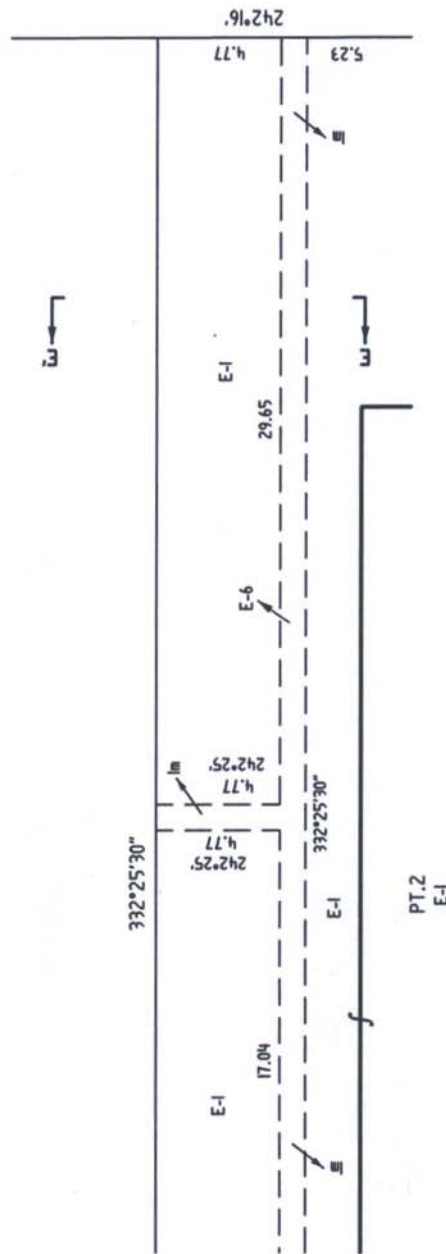
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PS 809025A

DIAGRAM No.4
HOTEL BASEMENT LEVEL I



FLINDERS LANE



SEE SHEET 6
FOR CONTINUATION

SEE SHEET 5
FOR CONTINUATION

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2 0 2 4 6 8
LENGTHS ARE IN METRES

LICENSED SURVEYOR: TIMOTHY J BAIRD

REF : 7854 PS3

VERSION 01

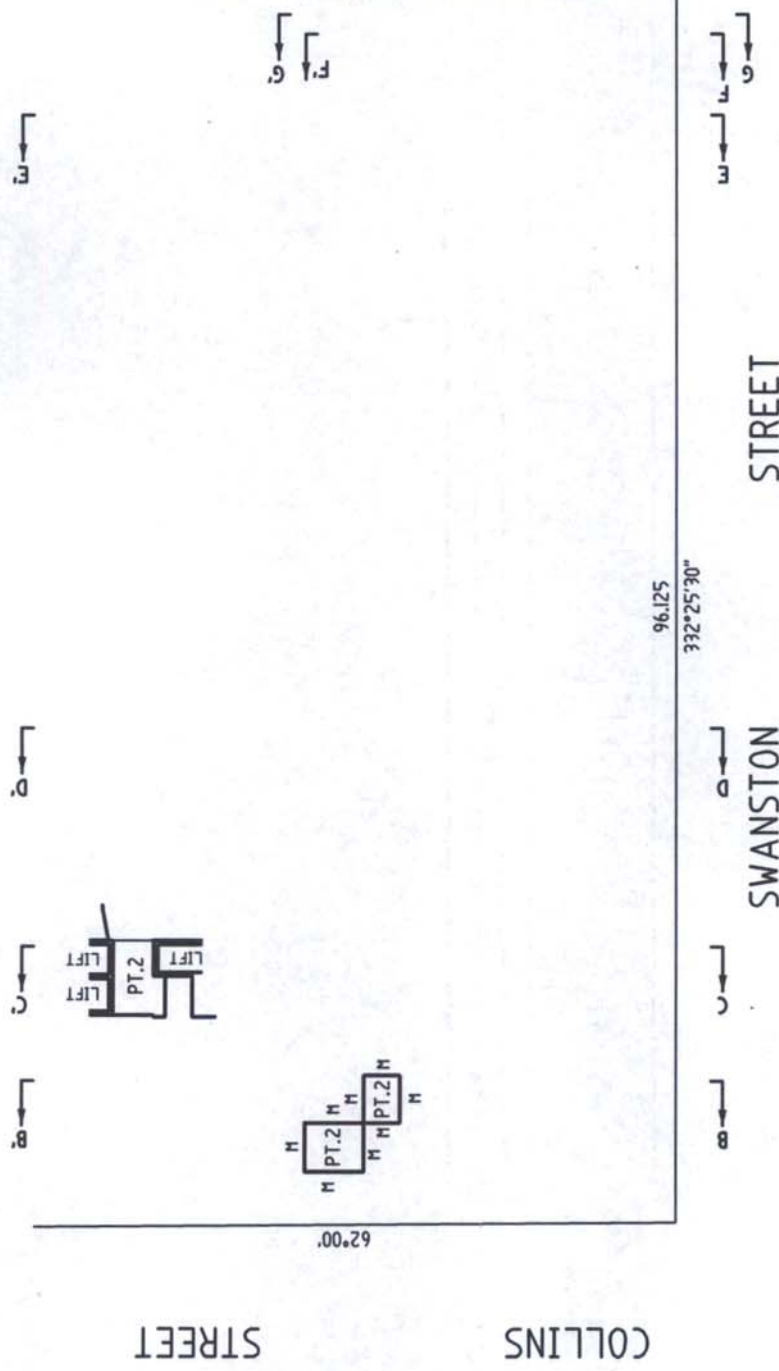
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SHEET 7

PRELIMINARY

DIAGRAM No.5
CARPARK LEVEL I

PS 809025A



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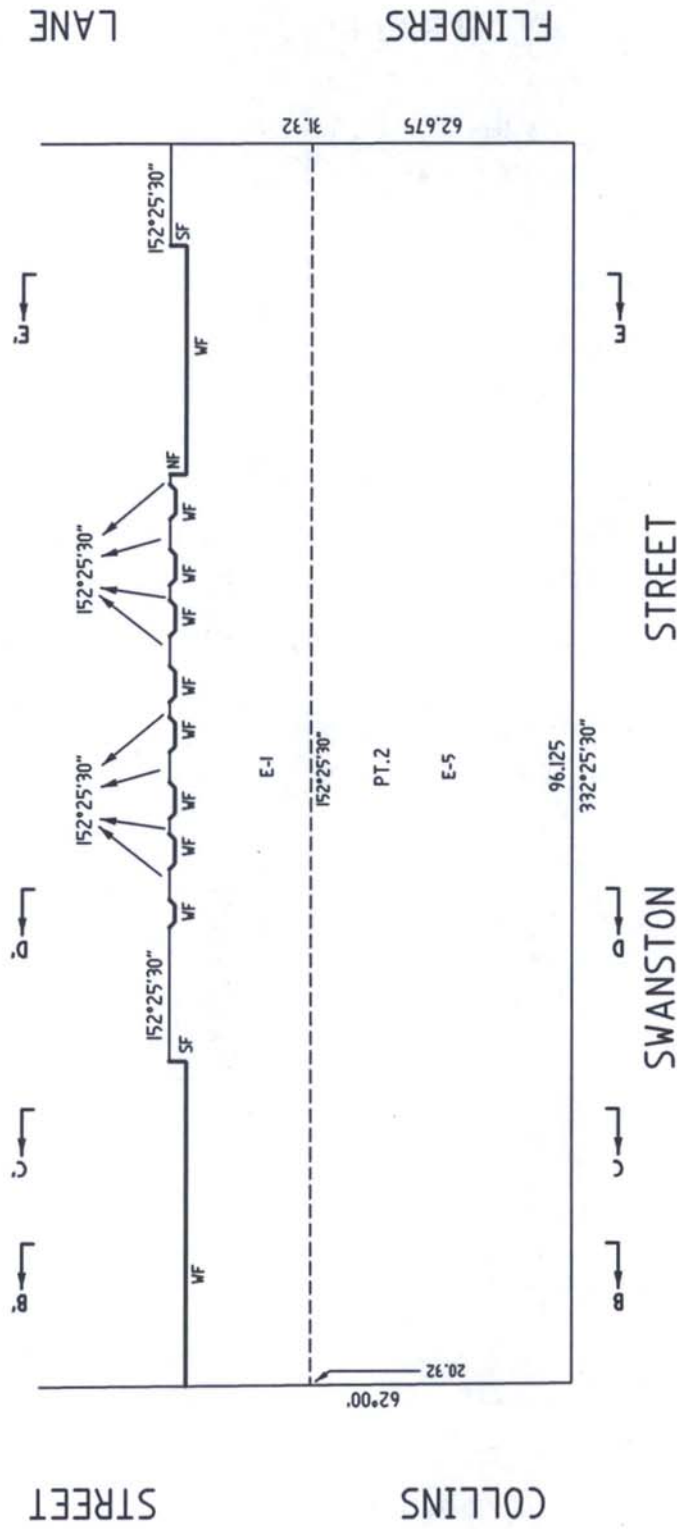
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SHEET 8

PRELIMINARY

DIAGRAM No.6
LEVEL 1 AND MEZZANINE

PS 809025A



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SHEET 9

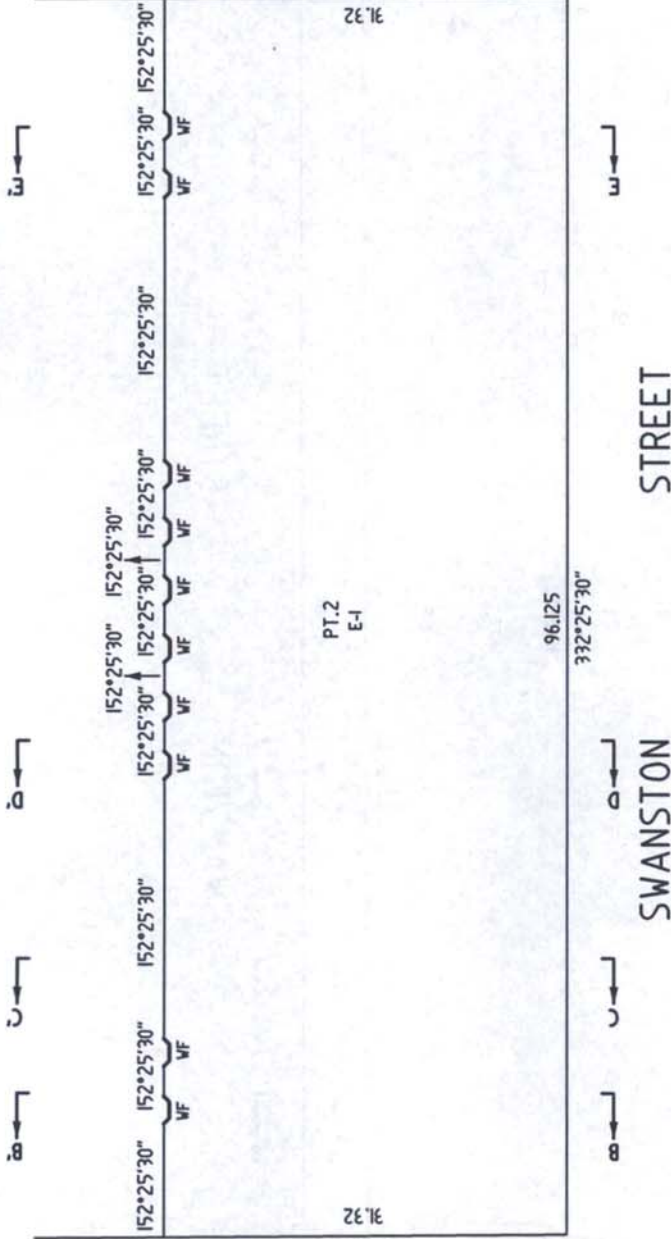
PRELIMINARY

DIAGRAM No.7
LEVEL 2-4

PS 809025A



FLINDERS LANE



COLLINS STREET

SWANSTON STREET

96 MORANG ROAD
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FAX 9818 2322



MADIGAN SURVEYING
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SCALE 1:400
LENGTHS ARE IN METRES

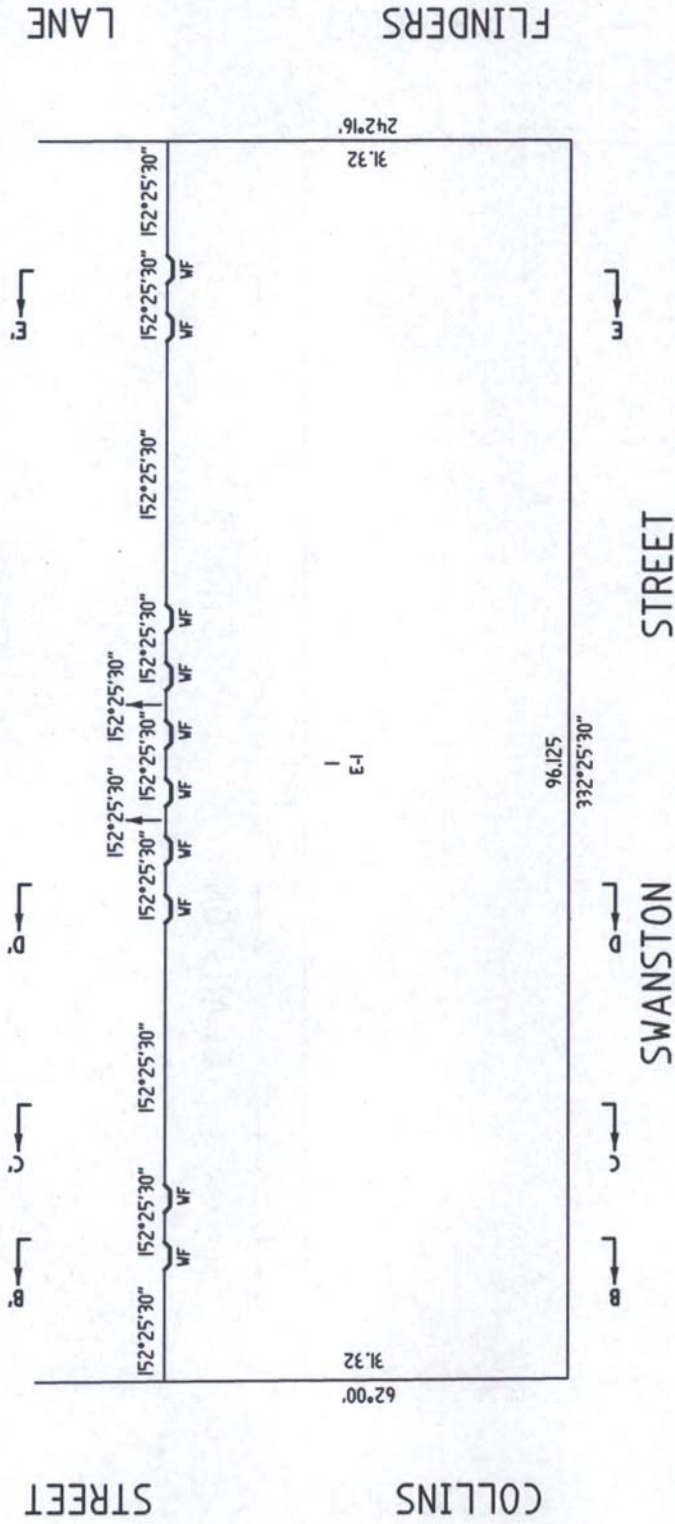
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VERSION 01

ORIGINAL SHEET SIZE: A3
SHEET 10

PRELIMINARY

DIAGRAM No.8
LEVEL 5-6

PS 809025A



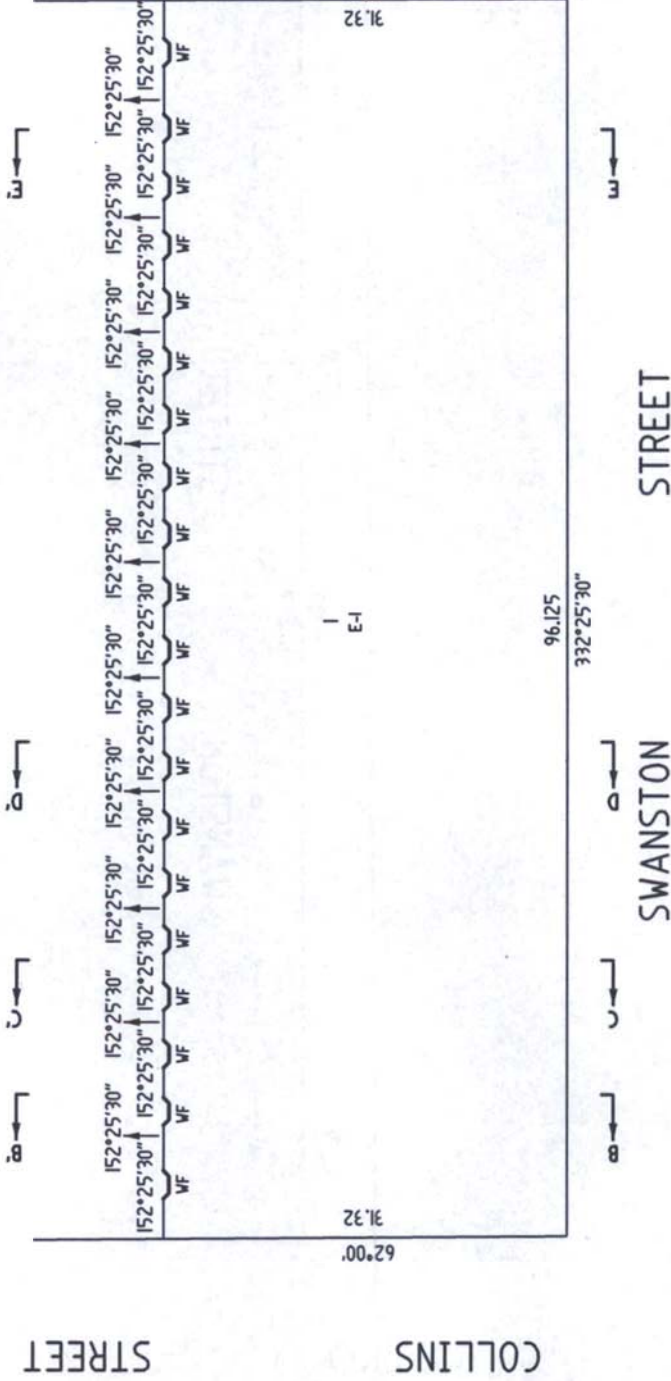
MADIGAN
96 MORANG ROAD
HAWTHORN 3122
PH. 9819 9599
FAX 9818 2322
EMAIL
surveyors@madigan.com.au

SCALE
1:400
LENGTHS ARE IN METRES
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LICENSED SURVEYOR: TIMOTHY J BAIRD
VERSION 01
REF : 7854 PS3

ORIGINAL SHEET
SIZE: A3
SHEET 11
PRELIMINARY

DIAGRAM No.9
LEVEL 7

PS 809025A



96 MORANG ROAD
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SCALE
1:400

LENGTHS ARE IN METRES

LICENSED SURVEYOR: TIMOTHY J BAIRD
REF : 7854 PSS

VERSION 01

ORIGINAL SHEET
SIZE: A3

SHEET 12

PRELIMINARY

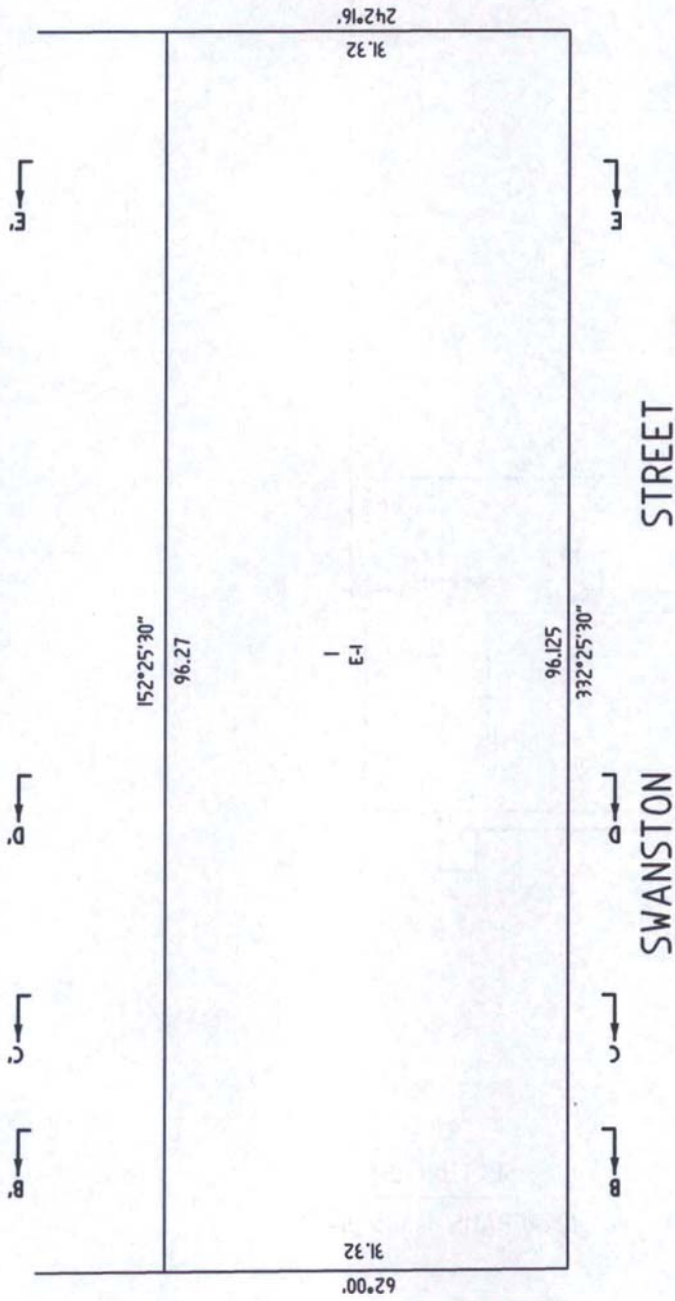
DIAGRAM No.10

LEVEL 8 AND ABOVE

PS 809025A



FLINDERS LANE



MADIGAN
96 MORANG ROAD
HAWTHORN 3122

PH. 9819 9599
FAX 9818 2322



SURVEYING surveyors@madigan.com.au

SCALE
1:400

4 0 4 8 12 16
LENGTHS ARE IN METRES

ORIGINAL SHEET
SIZE: A3

SHEET 13

LICENSED SURVEYOR: TIMOTHY J BAIRD

VERSION 01

REF : 7854 PS3

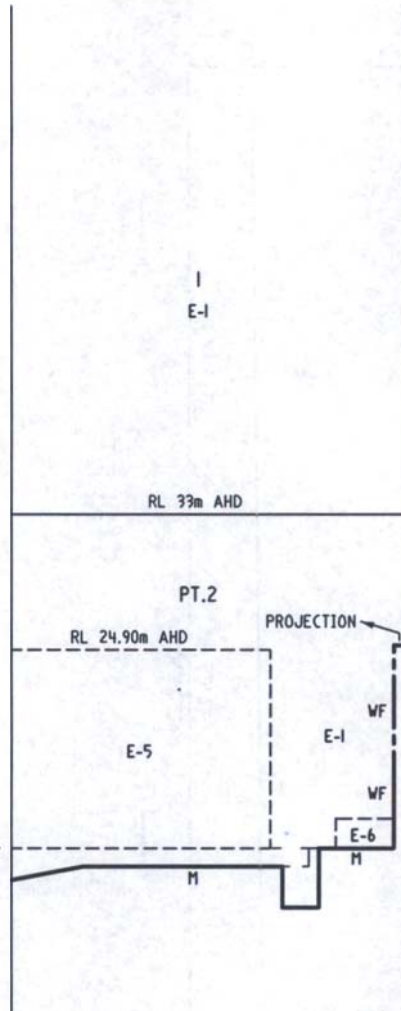
PRELIMINARY

PS 809025A

STREET

SWANSTON

- ROOF
- LEVEL 14
- LEVEL 13
- LEVEL 12
- LEVEL 11
- LEVEL 10
- LEVEL 9
- LEVEL 8
- LEVEL 7
- LEVEL 6
- LEVEL 5
- LEVEL 4
- LEVEL 3
- LEVEL 2
- MEZZANINE LEVEL
- LEVEL 1
- GROUND STOREY
- HOTEL BASEMENT 1
- SITE LEVEL
- CARPARK LEVEL 1
- CARPARK LEVEL 2
- CARPARK LEVEL 3



SECTION B-B'
(DIAGRAMS 1-3 & 5-10)

MADIGAN



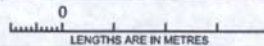
SURVEYING

86 MORANG ROAD
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PH. 9819 9599
FAX 9818 2322

EMAIL
surveyors@madigan.com.au

SCALE
N.T.S.



LICENSED SURVEYOR: TIMOTHY J BAIRD

REF : 7854 PS3

VERSION 01

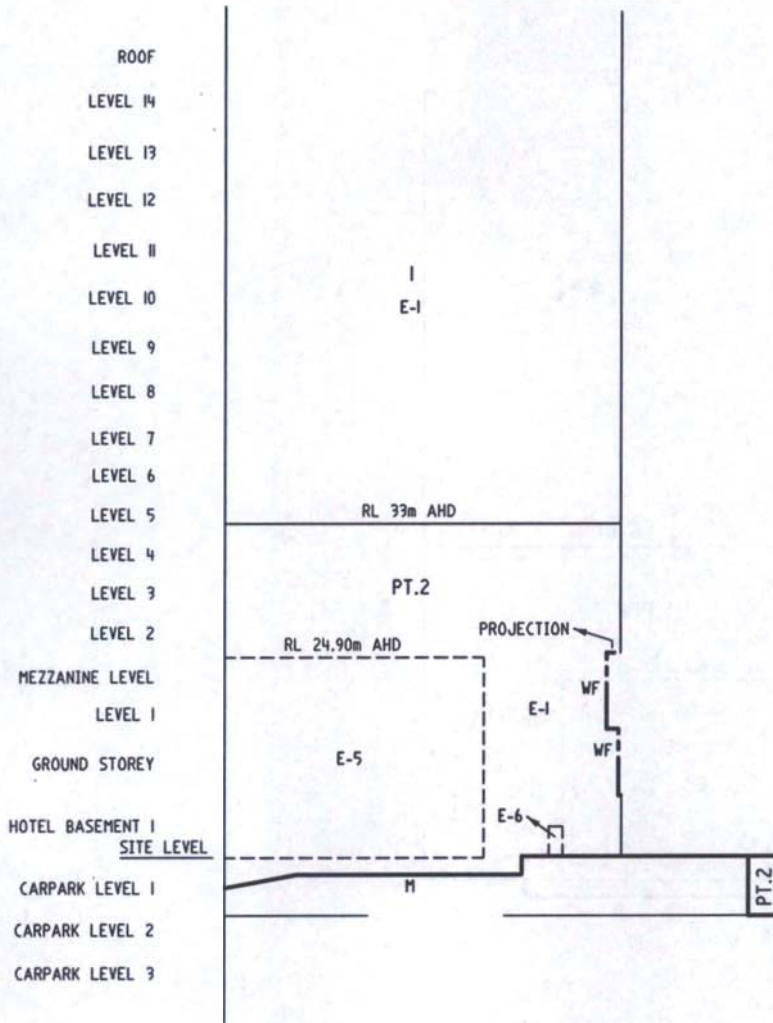
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SHEET 14

PRELIMINARY

STREET

SWANSTON



SECTION C-C'
(DIAGRAMS 1-3 & 5-10)

MADIGAN

96 MORANG ROAD
HAWTHORN 3122

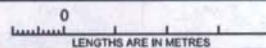


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SCALE
N.T.S.



ORIGINAL SHEET
SIZE: A3

SHEET 15

LICENSED SURVEYOR: TIMOTHY J BAIRD

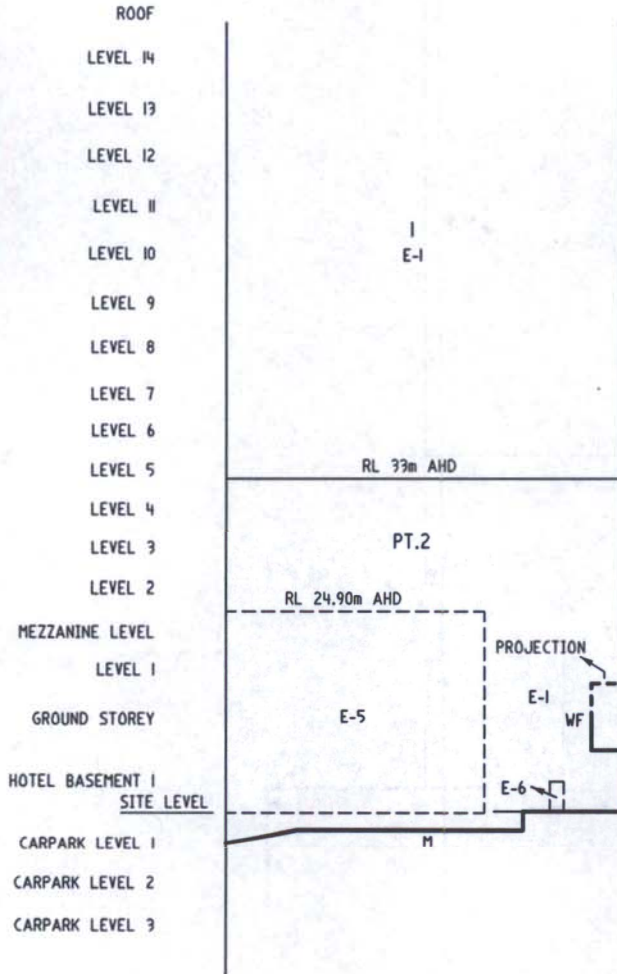
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VERSION 01

PRELIMINARY

PS 809025A

STREET
SWANSTON



SECTION D-D'
(DIAGRAMS 1-3 & 5-10)

MADIGAN



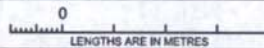
SURVEYING

96 MORANG ROAD
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FAX 9818 2322

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SCALE
N.T.S.



LICENSED SURVEYOR: TIMOTHY J BAIRD

REF : 7854 PS3

VERSION 01

ORIGINAL SHEET
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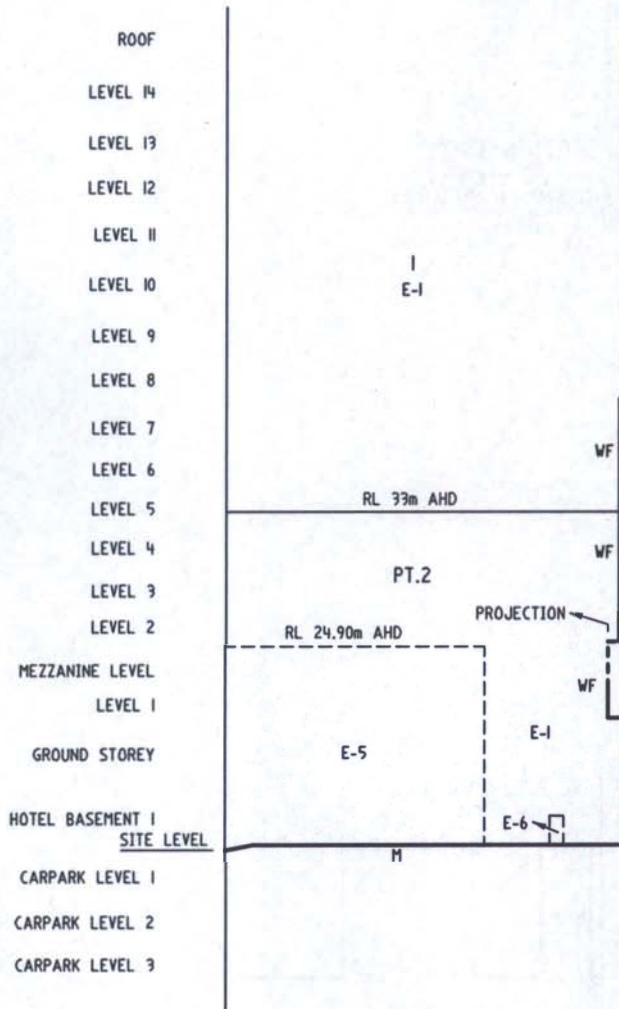
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PRELIMINARY


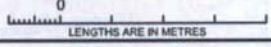
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STREET

SWANSTON

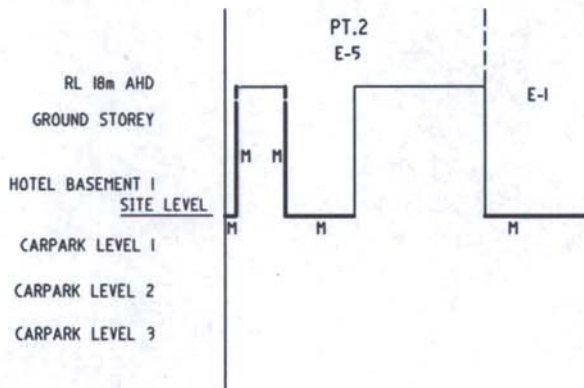


SECTION E-E'
(DIAGRAMS 1, 2 & 4-10)

 <p>MADIGAN SURVEYING</p>	<p>96 MORANG ROAD HAWTHORN 3122</p> <p>PH. 9819 9599 FAX 9818 2322</p> <p>EMAIL surveyors@madigan.com.au</p>	<p>SCALE N.T.S.</p>  <p>LENGTHS ARE IN METRES</p>	<p>ORIGINAL SHEET SIZE: A3</p>	<p>SHEET 17</p>
	<p>LICENSED SURVEYOR: TIMOTHY J BAIRD</p> <p>REF : 7854 PS3</p>	<p>VERSION 01</p>	<p>PRELIMINARY</p>	

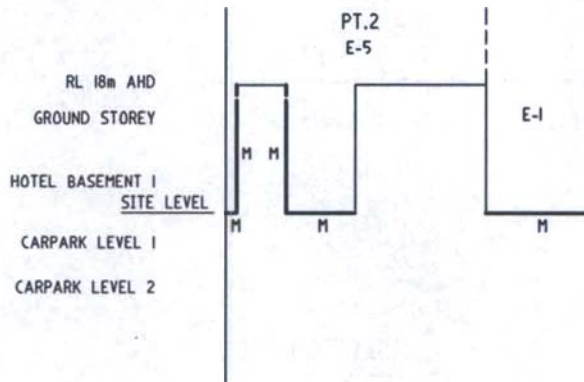
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SWANSTON STREET



SECTION F-F'
(DIAGRAMS 1, 2 & 5)

SWANSTON STREET



SECTION G-G'
(DIAGRAMS 2 & 5)

MADIGAN



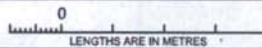
SURVEYING

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SCALE
N.T.S.



ORIGINAL SHEET
SIZE: A3

SHEET 18

LICENSED SURVEYOR: TIMOTHY J BAIRD

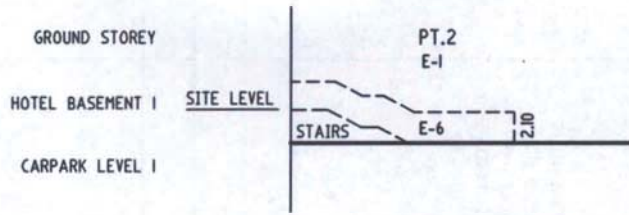
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VERSION 01

PRELIMINARY

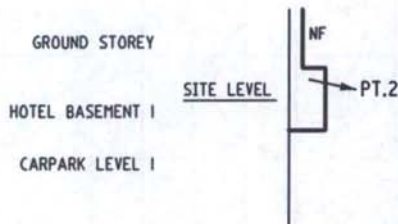
PS 809025A

COLLINS STREET



SECTION H-H'
(DIAGRAM 3)

COLLINS STREET



SECTION J-J'
(DIAGRAM 3)

MADIGAN

96 MORANG ROAD
HAWTHORN 3122

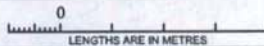


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SCALE
N.T.S.



ORIGINAL SHEET
SIZE: A3

SHEET 19

LICENSED SURVEYOR: TIMOTHY J BAIRD

REF : 7854 PS3

VERSION 01

PRELIMINARY

VESTING DATES & TRANSFER REGISTRATION DATES OF ACQUIRED LAND

LAND AFFECTED	LAND ACQUIRED BY COMPULSORY PROCESS PRIOR TO CERTIFICATION		LAND ACQUIRED BY COMPULSORY PROCESS AFTER REGISTRATION OF PLAN		LAND ACQUIRED BY AGREEMENT	LR REFERENCE OF TRANSFERS OR NOTIFICATIONS OF VESTING DATES	ASSISTANT REGISTRAR OF TITLES SIGNATURE
	VESTING DATE	GOV'T GAZ. PAGE YEAR	DATE OF RECORDING OF VESTING DATE	VESTING DATE			
LOT 2							

MADIGAN



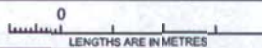
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SCALE



ORIGINAL SHEET
SIZE: A3

SHEET 20

LICENSED SURVEYOR: TIMOTHY J BAIRD

REF : 7854 PS3

VERSION 01

PRELIMINARY

STATEMENT TO ACCOMPANY NOTICE OF INTENTION TO ACQUIRE INTEREST
IN LAND

1. **What is a notice of intention to acquire land?**

The attached NOTICE OF INTENTION TO ACQUIRE informs you that the Secretary to the Department of Economic Development, Jobs, Transport and Resources (**Authority**) intends to acquire your interest in the land described in that notice.

The Authority has the power to acquire compulsorily or by agreement your interest in the land because of the **Major Transport Projects Facilitation Act 2009**.

In acquiring your land the Authority must follow certain steps set out in the **Land Acquisition and Compensation Act 1986**.

Your land is within a project area within the meaning of the **Major Transport Projects Facilitation Act 2009** and pursuant to section 118(2) of that Act, is taken to have been reserved under a planning instrument for a public purpose for the purposes of section 5 of the **Land Acquisition and Compensation Act 1986**.

2. **What does the notice do?**

The notice informs you that the Authority requires your land and at this stage intends to acquire it compulsorily or by agreement from you.

The notice is not an offer or agreement to buy the land and it does not mean that the Authority will definitely acquire the land.

3. **What you cannot do with the land**

Now that you have received the notice you must not, unless the Authority gives you permission -

- sell the land or any part of the land;
- give anybody any interest in the land;

- put any lasting improvements (such as a house or dam or swimming pool) on the land.

But a person to whom you owe money under a mortgage for the land can still, if you don't pay that person as you are required, exercise any rights. Any mortgage may be discharged by you if you wish.

4. You have been asked for certain information

You will see that the notice asks you to give the Authority certain information. This information will help the Authority work out who is to be compensated for the land and how much compensation should be paid.

5. You may sell the land to the Authority by voluntary agreement

If you wish to sell your interest in the land to the Authority by agreement rather than wait for the Authority to take the next step in the acquisition, you may be able to come to an agreement with the Authority as to the compensation to be paid for the land. If you want to do this, you should contact Murray Carman on 8392 6282. If you do not want to do this, the Authority may take the next step towards acquiring the land.

In most cases the Authority must wait for 2 months before taking the next step which is giving you a notice of acquisition. (This notice must also be published in a newspaper and in the Government Gazette).

You do not have to wait for this if you wish to sell to the Authority.

6. Compensation

If the land is acquired by agreement or compulsion by the Authority you may be able to claim compensation.

The amount of the compensation may include a sum for certain things which have affected you or the land as a result of the acquisition, for example, the special value of the land to you or losses you suffer because the Authority will not permit you to build on the land.

The compensation may also include an amount for some disadvantage or loss which cannot be assessed purely in terms of money.

With your agreement, the Authority may transfer a building or structure from project land or from land owned by the Authority or by you to other land owned by you in full or in part settlement of any compensation that the Authority is liable to pay.

If the Authority compulsorily acquires part of a parcel of land owned by you, the Authority may require you to take land that adjoins the land retained by you if that adjoining land is owned by the Authority or is surplus land. The value of that adjoining land will be deducted from any amount of compensation that the Authority is liable to pay to you.

You may also be able to claim compensation even if the Authority does not proceed to acquire your interest in the land.

7. The notice may lapse

The Authority may give you a notice of acquisition after 2 months but must do so within 6 months unless you agree that the Authority may have more time.

8. The notice can be amended

If any of the information on the notice concerning your interest or the description of the land is wrong, the Authority can amend the notice if you agree. The notice will then still be effective.

9. The notice can be cancelled

The Authority can cancel the notice. If this happens, you will be told what this means.

10. If you received an earlier notice

If you received an earlier notice which lapsed or was cancelled, the new notice does not affect your right to make your claim within 2 years of the day on which the earlier notice lapsed or was cancelled.

11. Professional advice and expenses

As the process of acquisition can be complicated, you may consider obtaining the help of a solicitor, valuer or other professional adviser. Reasonable expenses which you have to pay because of the acquisition of your interest in the land will be paid by the Authority.



Melbourne Metro Rail Authority
Level 13, 121 Exhibition Street,
Melbourne VIC 3000
T 1800 551 927

Ref: COR/17/58047

Mr Martin Cutter
Acting Chief Executive Officer
City of Melbourne
GPO Box 1603
MELBOURNE VIC 3001

Dear Martin

METRO TUNNEL PROJECT – ACQUISITION AND RETURN OF COUNCIL INTERESTS IN LAND AT CITY SQUARE

I refer to the discussions between Melbourne Metro Rail Authority and City of Melbourne regarding potential long term arrangements for City Square.

I attach a draft letter, reflecting these discussions.

I understand that you propose to table this letter, and the arrangements referred to therein, with Council at a meeting to be held on 28 February 2017. I am informed that you will recommend to Council that it authorise you to execute the letter on behalf of the City of Melbourne.

It is my expectation that, assuming the letter receives Council approval on 28 February 2017, I would sign and issue the letter to you on or about that date.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Evan Tattersall".

Evan Tattersall
Chief Executive Officer, Melbourne Metro Rail Authority

21 / 2 / 17.

Ref:

Mr Martin Cutter
Acting Chief Executive Officer
City of Melbourne
GPO Box 1603
MELBOURNE VIC 3001

Dear Martin

Metro Tunnel project Acquisition and return of Council interests in land at City Square

We refer to correspondence from Evan Tattersall of the Melbourne Metro Rail Authority (**MMRA**) to the City of Melbourne (**Council**) dated 25 January 2017, and to correspondence from Martin Cutter of Council to MMRA dated 31 January 2017, in relation to the acquisition by the Secretary to the Department of Economic Development, Jobs, Transport and Resources (**Authority**) of Council's interests in land at City Square for the purposes of the Metro Tunnel project.

1 Interest to be acquired

Pursuant to a 'Notice of Intention to Acquire' issued to Council under the Land Acquisition and Compensation Act 1986 (Vic) (**LACA**) on 7 February 2017 (the **NOITA**), the Authority proposes to acquire from Council:

- (a) all interests held by Council in Lot 1 on Plan of Subdivision 428405M, being the land contained in Certificate of Title Volume 10559 Folio 708 (including the whole of your interest in any easement in respect of which Lot 1 on Plan of Subdivision 428405M is the dominant tenement), excluding:
 - (1) Council's interest in fee simple only in the land identified as Lot 1 on proposed Plan of Subdivision 809025A (see Attachment 1); and
 - (2) all other interests held by any other person or persons, such as easement interests, in Lot 1 on Plan of Subdivision 428405M,
(Lot 1 Land); and
- (b) all interests held by Council (but excluding all other interests held by any other person or persons) in Lot 2 on Plan of Subdivision 428405M, being all of that land contained in Certificate of Title Volume 10559 Folio 709 (**Lot 2 Land**); and
- (c) all interests held by Council (but excluding all other interests held by any other person or persons) in Lot 8 on Plan of Subdivision 428405M, being all of that land contained in Certificate of Title Volume 10559 Folio 713 (**Lot 8 Land**),

(together, the **Acquired Land**).

Further detail of the Acquired Land is set out in the NOITA (see Attachment 2).

In addition to the Acquired Land, Council acknowledges that the Authority may separately acquire or occupy interests of other parties in the titles described in paragraphs 1(a) to 1(c) for the purposes of the Metro Tunnel project.

2 Agreement to time abridgement

Pursuant to section 106(1)(c) of LACA, Council agrees to the abridgement of the prescribed period for the issue of a notice to acquire of two months under section 20 of LACA such that the notice to acquire may be issued on or after 7 March 2017, with a view to the Authority entering into possession on or after 20 March 2017 (but in any case no less than 7 days after the notice to acquire).

3 Value of Acquired Land

Council agrees that its compensation for the compulsory acquisitions referred to in paragraph 1 will be determined based on the following basis:

- (a) the compensation payable to Council for all of the Lots will be resolved in accordance with the *Land Acquisition and Compensation Act 1986 (LAC Act)*;
- (b) the land value for the Lot 1 Land (the **Lot 1 Land Value**) will be determined by or on behalf of the Valuer-General Victoria;
- (c) the Lot 1 Land Value will be paid to the trust account and held and disbursed according to the trust deed established under paragraph 8 of this letter; and
- (d) Nothing in this letter affects the Council's rights under LAC Act, but if compensation for the Lot 1 Land Value that is finally agreed by the Secretary and Council or determined in accordance with the LAC Act is greater than the amount determined under 3(b) above, then:
 - (1) the additional amount will be advanced to Council by the Secretary and paid to the trust account in accordance with paragraph 3(c) above; and
 - (2) on the return of land to Council subject to the provisions of this deed, the agreed or determined land value for the Lot 1 Land will be used for the purposes of paragraph 7 below.

4 Land to be returned to Council

- (a) By countersigning this letter and subject to paragraph 6 below, Council agrees that, following completion of the Metro Tunnel project works within the Acquired Land, on request by the Authority, the Authority will transfer to Council, and Council will accept the fee simple interest in the Lot 1 Land, excluding:
 - (1) any part of the said Lot that is east of the Westin Hotel boundary wall including the Westin Hotel boundary wall itself; and
 - (2) any part of such Lot required for the Metro Tunnel and associated infrastructure,(the **Returned Lot 1 Land**).
- (b) Council agrees that it is the current intention of the parties that the fee simple interest in the Lot 8 Land, to the extent not required for the Metro Tunnel and associated infrastructure, from the surface level equivalent to the Lot 1 Land surface level, and including airspace, also be transferred to Council by the Authority (for value) upon completion of the Metro Tunnel project works. Council agree to explore with MMRA details of any such transfer.
- (c) To the extent required to facilitate the above transfer of the Returned Lot 1 Land, the Authority will procure the preparation of plans of subdivision on completion of construction.

5 Assurances for third party interests

Council must do all things reasonably required to assist the Authority to preserve third party interests in the Returned Lot 1 Land, including interests in respect of the airspace and access to light above the Returned Lot 1 Land.

6 CoM Unacceptable Outcome

If Council reasonably concludes, on the basis of expert technical advice and taking into account the views of the Independent Reviewer appointed in respect of the Metro Tunnel project, that the infrastructure on the Returned Lot 1 Land to be returned to Council:

- (a) fails to substantially meet the technical requirements of the 'CoM Design Brief' (set out in Attachment 3); or
- (b) is developed without reference to design input given by Council during the design review process,

and as a consequence of the Returned Lot 1 Land failing to satisfy the requirements of paragraph 6(a) or 6(b) above:

- (c) the Returned Lot 1 Land is not able to be utilised for Council's legitimate purposes as reflected in the CoM Design Brief; and
- (d) financial compensation or offset is not an adequate remedy,

(a **CoM Unacceptable Outcome**), Council may within 10 business days of the earlier of:

- (e) forming the opinion that a CoM Unacceptable Outcome has occurred; and
- (f) the date notified to Council by the Authority for transfer of the relevant Returned Lot 1 Land to Council,

give notice to the Authority that a CoM Unacceptable Outcome has occurred and that it elects not to accept a transfer of the Returned Lot 1 Land as contemplated by this letter.

7 Terms of agreement for return of land

The transfer of ownership of the Returned Lot 1 Land to Council is subject to the following terms:

- (a) the Authority will retain ownership of its interest in that part of the Lot 1 Land that is not Returned Lot 1 Land;
- (b) the value of the Returned Lot 1 Land, for the purposes of the transfer to Council, will be determined based on the per square metre value of the Lot 1 Land agreed or determined under paragraph 3 of this letter (the **Return Value**). The Return Value will be transferred by Council to the Authority on transfer of the Returned Lot 1 Land. Any interest accrued as a result of money being held on trust in accordance with the trust deed described in paragraph 8 of this letter may be retained by Council; and
- (c) the parties may separately agree to transfer to Council parts of the Acquired Land other than the Returned Lot 1 Land, with the valuation of such land to be determined separately from this letter by the Valuer-General Victoria.

The transfer of the Returned Lot 1 Land will be given effect under a contract of sale in accordance with the Law Institute of Victoria standard general conditions, or as otherwise agreed between the Authority and Council.

8 Trust funds

For the purpose of holding the Lot 1 Land Value on trust in accordance with paragraph 3, a trust deed will be prepared and executed by Council and MMRA:

- (a) based on the principles set out in Attachment 4 to this letter; and

- (b) containing such other terms agreed between Council and MMRA, acting reasonably.

9 Dispute resolution

- (a) A difference of opinion or dispute between the parties in relation to any matter in connection with this letter (including but not limited to the acquisition by the Authority, transfer back to Council, existence or resolution of a CoM Unacceptable Outcome, or valuation) (**Dispute**) will be progressed by the parties having regard to the "Guidelines for the conduct of disputes between different public sector bodies within the State of Victoria" issued by the Attorney General on 27 May 2008 or any replacement or update to these guidelines.
- (b) Despite the existence of a Dispute between the parties, each party must continue to perform its obligations under this letter.

10 General

- (a) This deed is governed by the law in force in Victoria.
- (b) This deed may be executed in any number of counterparts and in separate counterparts. A counterpart constitutes the deed of the party who has executed and delivered that counterpart. All such counterparts taken together will be deemed to constitute one and the same deed.
- (c) In this letter, a business day means a day in Melbourne that is not a Saturday or Sunday, or a public holiday for Melbourne pursuant to the *Public Holidays Act 1993 (Vic)*.

Yours sincerely

Melbourne Metro Rail Authority

Executed as a deed
 Signed sealed and delivered
Melbourne City Council
 by its authorised representative

sign here _____

print name _____


print title _____

date _____

DRAFT

Attachment 1: Proposed Plan of Subdivision 809025A

DRAFT

PLAN OF SUBDIVISION PLAN UNDER SECTION 35		EDITION	PS 809025A							
LOCATION OF LAND PARISH : MELBOURNE NORTH CITY: MELBOURNE SECTION: 6 CROWN ALLOTMENT: 17, 18 AND 19 (PARTS) LTO BASE RECORD: VICMAP DIGITAL PROPERTY TITLE REFERENCE : VOL.10559 FOL.708 LAST PLAN REFERENCE : PS 428405M (LOT 1) POSTAL ADDRESS : 68 SWANSTON STREET (At time of application) MELBOURNE, VIC. 3000 MGA94 Co-ordinates (of approx centre of land in plan) <table style="display: inline-table; vertical-align: middle;"> <tr> <td style="padding: 0 10px;">E</td> <td style="padding: 0 10px;">321110</td> <td style="padding: 0 10px;">ZONE: 55</td> </tr> <tr> <td style="padding: 0 10px;">N</td> <td style="padding: 0 10px;">5812680</td> <td style="padding: 0 10px;">GDA 94</td> </tr> </table>		E	321110	ZONE: 55	N	5812680	GDA 94	COUNCIL CERTIFICATION COUNCIL NAME : MELBOURNE CITY COUNCIL REF:		
E	321110	ZONE: 55								
N	5812680	GDA 94								
VESTING OF ROADS AND/OR RESERVES		NOTATIONS								
IDENTIFIER	COUNCIL/BODY/PERSON									
NIL	NIL									
NOTATIONS		BOUNDARIES SHOWN BY THICK AND CONTINUOUS LINES ARE DEFINED BY BUILDINGS. LOCATION OF BOUNDARIES DEFINED BY BUILDINGS:- M: MEDIAN NF: NORTH FACE WF: WEST FACE SF: SOUTH FACE Survey: This plan is /is not based on survey; To be completed where applicable. This survey has been connected to permanent marks no(s) In Proclaimed Survey Area No. _____ STAGING This is /is not a staged subdivision. Planning Permit No. _____								
DEPTH LIMITATION - DOES NOT APPLY										
<div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 60%;"> <p style="text-align: center; margin: 0;">WARNING</p> <p style="margin: 0;">THIS IS A PROPOSED PLAN OF SUBDIVISION AND THE DIMENSIONS, OWNERS CORPORATION DETAILS AND LOT AND COMMON PROPERTY BOUNDARIES MAY BE SUBJECT TO ALTERATION UPON COMPLETION OF THE FINAL SURVEY.</p> </div>										
EASEMENT INFORMATION										
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)										
SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO ALL THE LAND IN THIS PLAN										
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of						
FOR EASEMENT DETAILS SEE SHEETS 2 AND 3										
 96 MORANG ROAD HAWTHORN 3122 PH. 9819 9599 FAX 9818 2322 EMAIL surveyors@madigan.com.au		SURVEYORS FILE REF: 7854 PS3 V01.DGN DATE: 03/02/2017		ORIGINAL SHEET SIZE: A3						
		LICENSED SURVEYOR: TIMOTHY J BAIRD REF : 7854 PS3		VERSION 01	PRELIMINARY					

PS 809025A

LIMITATIONS

LIMITATION 3 (LIMITED TO A HEIGHT OF 2-10 METRES ABOVE THE HOTEL BASEMENT LEVEL | SLAB LEVEL & A DEPTH DEFINED BY THE HOTEL BASEMENT LEVEL | SLAB LEVEL AS SHOWN IN SECTION)

EASEMENT E-5 DESCRIPTION

EASEMENT E-5 IS AN EASEMENT FOR LIGHT AND AIR PROVIDED THAT:

A. THE EASEMENT SHALL NOT PREVENT USE OF THE LAND MARKED E-5 FOR:

- (1) THE PLACING OR REPLACING, CONSTRUCTION OR RECONSTRUCTION, MAINTENANCE AND USE ON THE LAND MARKED E-5 OF BUILDINGS, IMPROVEMENTS, TREES, LANDSCAPING, PAVING, SCULPTURE AND OTHER FEATURES APPROVED BY THE MELBOURNE CITY COUNCIL FROM TIME TO TIME AS CONSISTENT WITH THE USE OF THE LAND MARKED E-5 AS A CIVIC SQUARE; OR
- (2) THE ERECTING, MAINTENANCE AND USE OF TEMPORARY STRUCTURES, BUILDINGS OR ENCLOSURES APPROVED FROM TIME TO TIME BY THE MELBOURNE CITY COUNCIL AS CONSISTENT WITH USE OF THE LAND MARKED E-5 AS A CIVIC SQUARE INCLUDING WITHOUT LIMITATION , STRUCTURES, BUILDINGS OR ENCLOSURES FOR HOUSING LICENSEES, CONCESSIONAIRES OR OTHER OCCUPANTS OF TEMPORARY AMUSEMENT, CULTURAL OR OTHER FACILITIES OR EXHIBITIONS OF ANY KIND; AND
- (3) ERECTING, PLACING, MAINTAINING AND USING STRUCTURES, BUILDINGS OR ENCLOSURES APPROVED BY THE MELBOURNE CITY COUNCIL AS CONSISTENT WITH USE OF THE LAND MARKED E-5 AS A CIVIC SQUARE, INCLUDING, WITHOUT LIMITATION, STRUCTURES AND ENCLOSURES FOR THE PURPOSES OF PROVIDING INFORMATION TO THE PUBLIC OR SHELTER TO THE PUBLIC FROM ADVERSE WEATHER CONDITIONS; AND

B. THE EASEMENT SHALL NOT PREVENT THE CLOSING OFF ONCE A YEAR OF THE WHOLE OR ANY PART OF THE LAND MARKED E-5 WHICH IS OPEN TO THE PUBLIC SO AS TO PREVENT THE WHOLE OR PART OF THE LAND MARKED E-5 BEING DEDICATED TO PUBLIC USE; AND

C. BEFORE ERECTING OR PLACING ANY STRUCTURES ON THE LAND MARKED E-5, THE REGISTERED PROPRIETOR OF THE LAND MARKED E-5 MUST CONSULT WITH THE REGISTERED PROPRIETORS OF LOTS ON THIS PLAN AFFECTED BY THE PROPOSAL WITH THE VIEW TO ENSURING THAT ANY PROPOSED STRUCTURES DO NOT:



- (1) MATERIALLY AND ADVERSELY AFFECT THE COMMERCIAL OPERATION OF THE RETAIL AREAS AND RESTAURANTS LOCATED ON THOSE LOTS; AND
- (2) IN A PERMANENT, MATERIAL AND ADVERSE WAY OBSTRUCT OR INTERFERE WITH THE ACCESS TO LIGHT AND AIR OF THOSE LOTS; OR
- (3) PERMANENTLY, MATERIALLY AND ADVERSELY AFFECT VIEWS FROM THOSE LOTS TO THE WESTERN SIDE OF SWANSTON STREET ABOVE THE FLOOR LEVEL OF THE FOYER OF LOT 3 WHICH SHALL BE TAKEN TO BE AT LEAST 6.08 METRES ABOVE THE SITE LEVEL OF LOT 1 REGARDLESS OF WHETHER THE HEIGHT OR LOCATION OF THE FOYER LEVEL IS CHANGED AFTER REGISTRATION OF THIS PLAN; AND

D. SUBJECT TO PARAGRAPH (E) BELOW, IF THE REGISTERED PROPRIETORS OF LOTS ON THIS PLAN AFFECTED BY THIS PROPOSAL CAN DEMONSTRATE THAT A STRUCTURE PROPOSED ON THE LAND MARKED E-5 WILL:

- (1) MATERIALLY AND ADVERSELY AFFECT THE COMMERCIAL OPERATION OF THE RETAIL AREAS AND RESTAURANTS LOCATED ON THOSE LOTS; OR
- (2) IN A PERMANENT, MATERIAL AND ADVERSE WAY OBSTRUCT OR INTERFERE WITH THE ACCESS TO LIGHT AND AIR OF THOSE LOTS; OR
- (3) PERMANENTLY, MATERIALLY AND ADVERSELY AFFECT VIEWS FROM THOSE LOTS TO THE WESTERN SIDE OF SWANSTON STREET ABOVE THE FLOOR LEVEL OF THE FOYER OF LOT 3 WHICH SHALL BE TAKEN TO BE AT LEAST 6.08 METRES ABOVE THE SITE LEVEL OF LOT 1 REGARDLESS OF WHETHER THE HEIGHT OR LOCATION OF THE FOYER LEVEL IS CHANGED AFTER REGISTRATION OF THIS PLAN,

THEN THE REGISTERED PROPRIETOR OF THE LAND MARKED E-5 MUST NOT PROCEED WITH THE PROPOSED STRUCTURE, AND

E. THE REGISTERED PROPRIETORS OF THE BENEFITED LAND MUST NOT ACT UNREASONABLY IN SEEKING TO PREVENT PROPER USE OF THE LAND MARKED E-5, THE INTENTION BEING TO BALANCE THE REASONABLE CIVIC OBJECTIVES OF MELBOURNE CITY COUNCIL AND THE REASONABLE COMMERCIAL OBJECTIVES OF THE REGISTERED PROPRIETORS OF THE BENEFITED LAND IN RELATION TO THE USE OF THE LAND MARKED E-5 AS A CIVIC SQUARE

 <p>MADIGAN SURVEYING 96 MORANG ROAD HAWTHORN 3122 PH. 9819 9599 FAX 9818 2322 EMAIL surveyors@madigan.com.au</p>	SCALE	 <p>0 LENGTHS ARE IN METRES</p>	ORIGINAL SHEET SIZE: A3	SHEET 4
	LICENSED SURVEYOR: TIMOTHY J BAIRD	REF : 7854 PS3	VERSION 01	PRELIMINARY

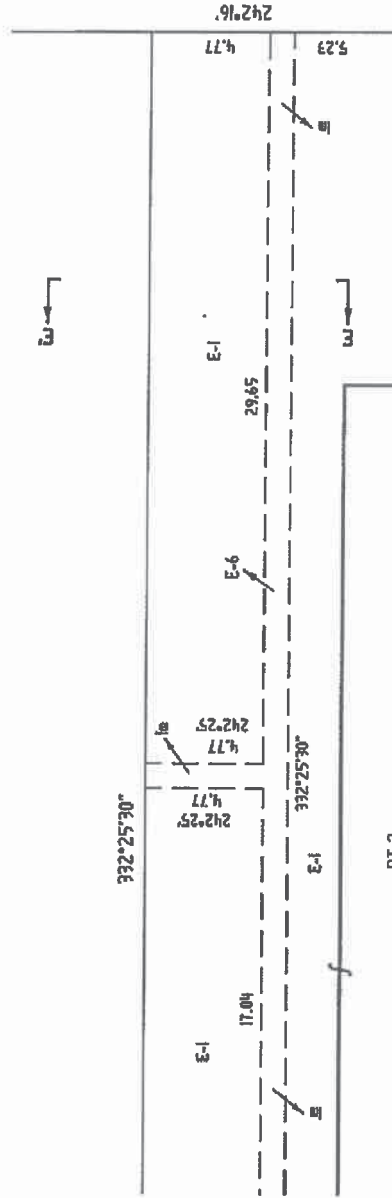
PS 809025A

DIAGRAM No.4

HOTEL BASEMENT LEVEL 1



FLINDERS LANE



SEE SHEET 6
FOR CONTINUATION

SEE SHEET 5
FOR CONTINUATION

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SURVEYING

86 MORANG ROAD
HAWTHORN 3122

PH. 9818 8599
FAX 9818 2322

EMAIL
surveyors@madigan.com.au

SCALE
1:200

2 0 2 4 6 8
LENGTHS ARE IN METRES

LICENSED SURVEYOR: TIMOTHY J BAIRD

REF : 7854 PS3

VERSION 01

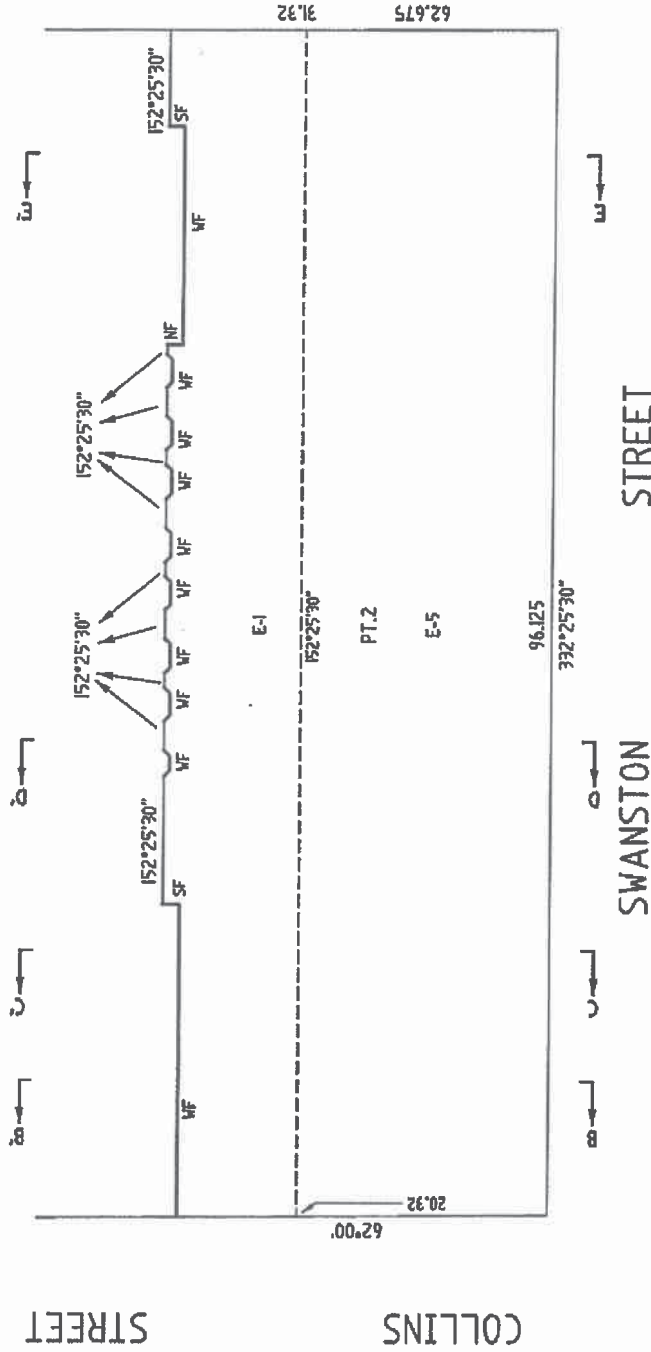
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SIZE: A3

SHEET 7

PRELIMINARY

PS 809025A

DIAGRAM No.6
LEVEL I AND MEZZANINE



MADIGAN
SURVEYING
EMAIL: surveying@madigan.com.au

SCALE
1:400

4 0 4 8 12 16
LENGTHS ARE IN METRES

ORIGINAL SHEET
SIZE: A3

SHEET 9

LICENSED SURVEYOR: TIMOTHY J BAIRD
VERSION 01

REF: 7854 PS3

PRELIMINARY

PS 809025A

DIAGRAM No.8
LEVEL 5-6

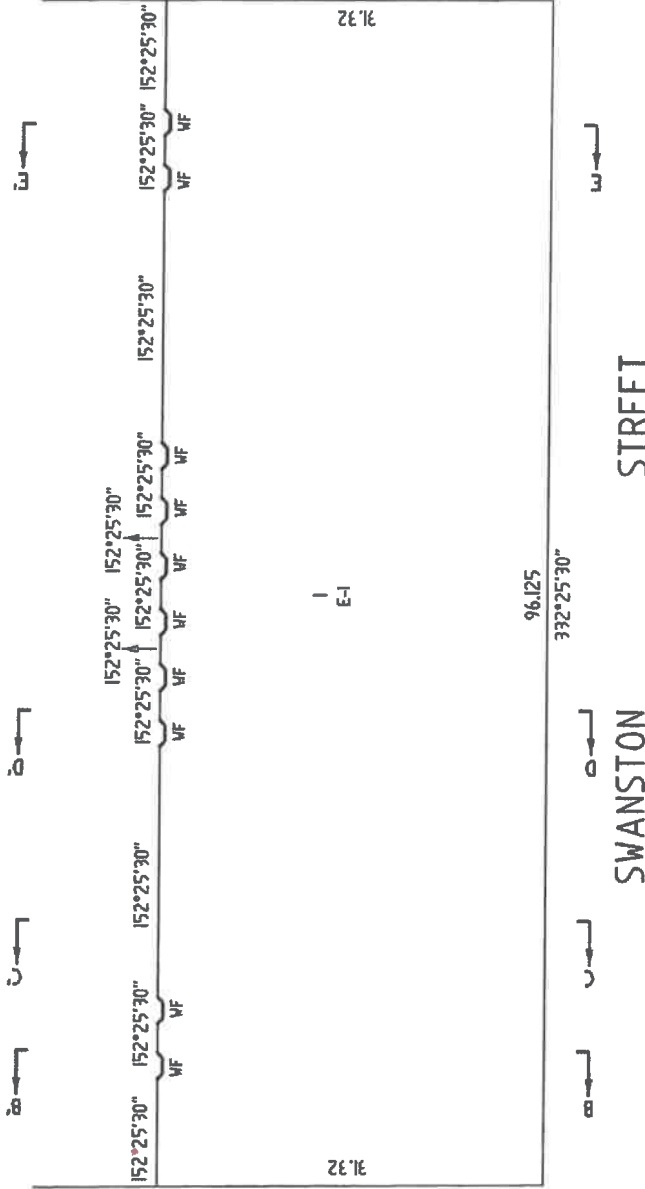


FLINDERS LANE

STREET

FLINDERS LANE

COLLINS STREET



SWANSTON STREET

SWANSTON STREET

SHEET 11

ORIGINAL SHEET
SIZE: A3

SCALE
1:400

4 0 4 8 12 16
LENGTHS ARE IN METRES

LICENSED SURVEYOR: TIMOTHY J BAIRD
REF: 7654 PS3
VERSION 01

PRELIMINARY

96 MORANG ROAD
HAWTHORN 3122

PH: 9818 9599
FAX: 9818 2322

EMAIL
surveyors@madigan.com.au

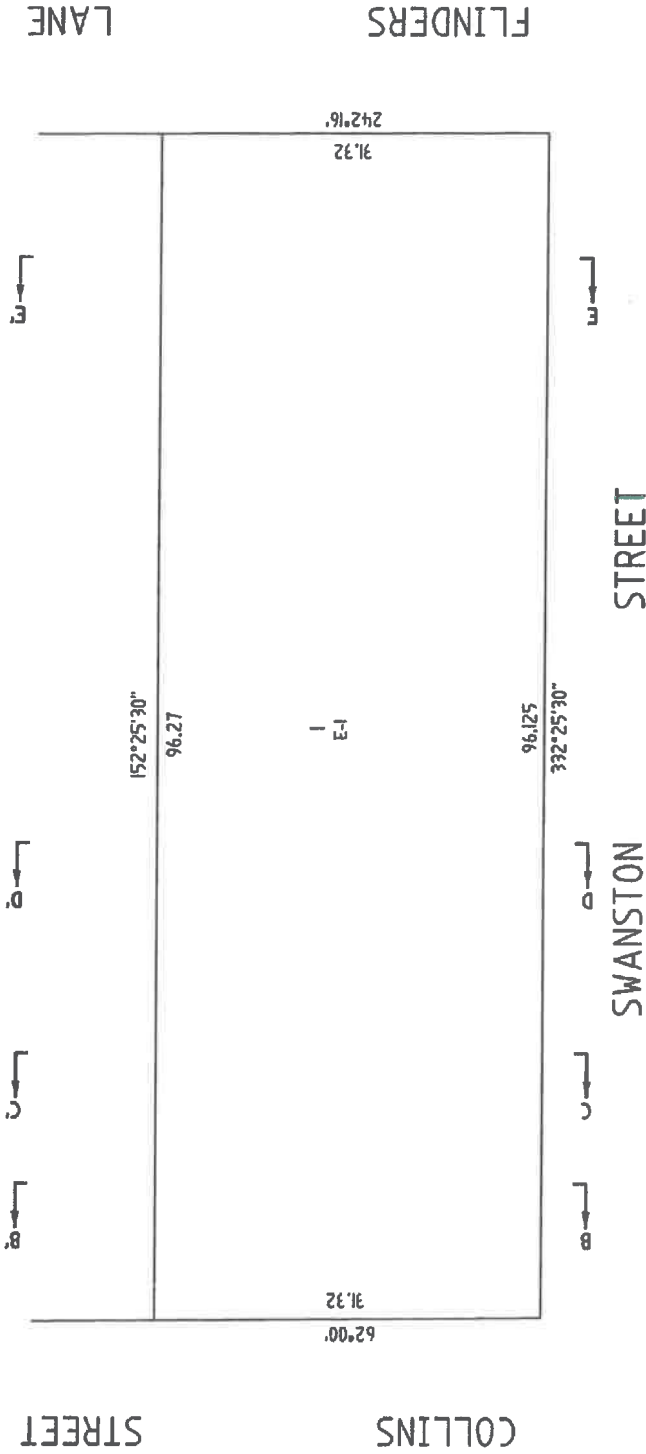
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PS 809025A

DIAGRAM No.10
LEVEL 8 AND ABOVE



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98 MORANG ROAD
HAWTHORN 3122
PH: 9818 9588
FAX: 9818 2322
EMAIL: surveyors@madigan.com.au



SURVEYING

SCALE
1:400

LICENSED SURVEYOR: TIMOTHY J BAIRD
REF : 7854 PS3

VERSION 01

ORIGINAL SHEET
SIZE: A3

LENGTHS ARE IN METRES

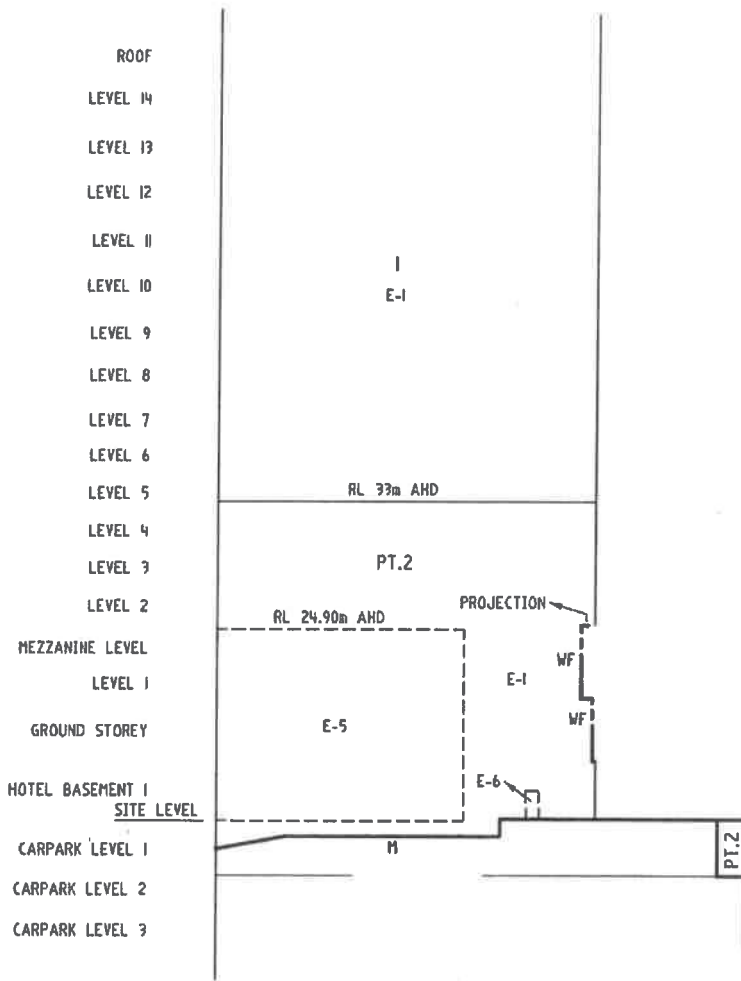
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SHEET 13

PRELIMINARY

PS 809025A

SWANSTON STREET



SECTION C-C'
(DIAGRAMS 1-3 & 5-10)

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HAWTHORN 3122

PH. 9819 9599
FAX 9818 2322

EMAIL
surveyors@madigan.com.au

SCALE
N.T.S.



LICENSED SURVEYOR: TIMOTHY J BAIRD

REF : 7854 PS3

VERSION 01

ORIGINAL SHEET
SIZE: A3

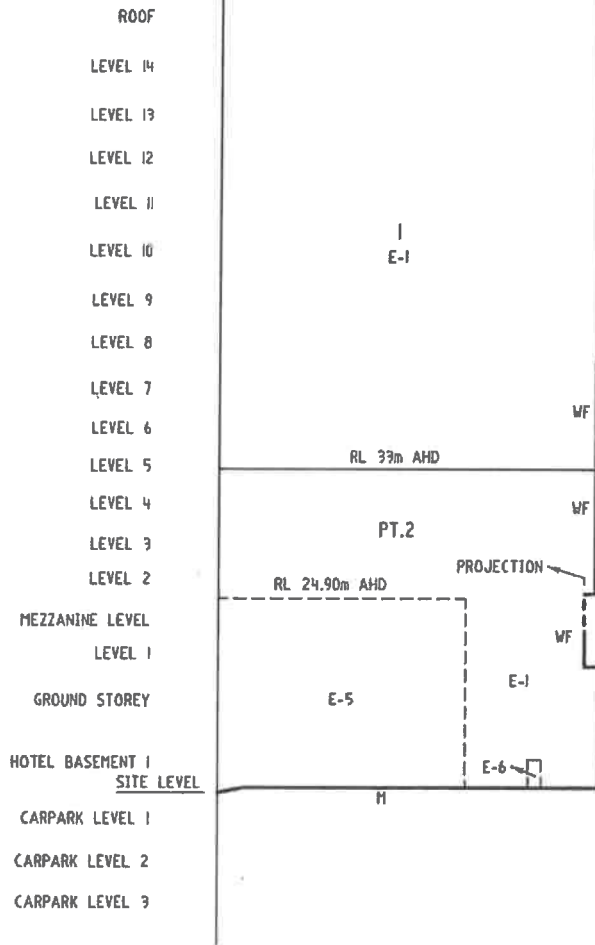
SHEET 15

PRELIMINARY

PS 809025A

STREET

SWANSTON



SECTION E-E'
(DIAGRAMS 1, 2 & 4-10)

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surveyors@madigan.com.au

SCALE
N.T.S.



ORIGINAL SHEET
SIZE: A3

SHEET 17

LICENSED SURVEYOR: TIMOTHY J BAIRD

REF : 7854 PS3

VERSION 01

PRELIMINARY

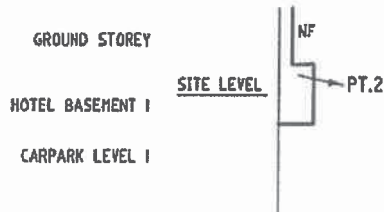
PS 809025A

COLLINS STREET



SECTION H-H'
(DIAGRAM 3)

COLLINS STREET



SECTION J-J'
(DIAGRAM 3)

MADIGAN



SURVEYING

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FAX 9818 2322

EMAIL
surveyors@madigan.com.au

SCALE
N.T.S.



ORIGINAL SHEET
SIZE: A3

SHEET 19

LICENSED SURVEYOR: TIMOTHY J BAIRD

REF : 7854 PS3

VERSION 01

PRELIMINARY

Attachment 2: NOITA

DRAFT

FORM 1

Ss 6 and 8(1)(a)
Reg. 7

NOTICE OF INTENTION TO ACQUIRE

To: Melbourne City Council

The Secretary to the Department of Economic Development, Jobs, Transport and Resources (Authority) is the project authority for the Melbourne Metro Rail Project, being a declared project to which the Major Transport Projects Facilitation Act 2009 (other than Parts 3 and 8) applies (Project) and in respect of which the Melbourne Planning Scheme was amended by Amendment GC45.

The Authority intends to acquire:

- all interests held by you in Lot 1 on Plan of Subdivision 428405M, being the land contained in Certificate of Title Volume 10559 Folio 708 (including the whole of your interest in any easement in respect of which Lot 1 on Plan of Subdivision 428405M is the dominant tenement), excluding:
 - your interest in fee simple only in the land identified as Lot 1 on proposed Plan of Subdivision 809025A (attached); and
 - all other interests held by any other person or persons, such as easement interests, in Lot 1 on Plan of Subdivision 428405M.

For the avoidance of doubt, by the above acquisition the Authority intends to acquire your interest in fee simple in Lot 2 on proposed Plan of Subdivision 809025A (attached);

- all interests held by you in Lot 2 on Plan of Subdivision 428405M, being all of that land contained in Certificate of Title Volume 10559 Folio 709, excluding all other interests held by any other person, such as easement interests, in Lot 2 on Plan of Subdivision 428405M. For the avoidance of doubt, the Authority intends to acquire your interest in fee simple in Lot 2 on Plan of Subdivision 428405M; and

- all interests held by you in Lot 8 on Plan of Subdivision 428405M, being all of that land contained in Certificate of Title Volume 10559 Folio 713, excluding all other interests held by any other person or persons, such as easement interests, in Lot 8 on Plan of Subdivision 428405M. For the avoidance of doubt, the Authority intends to acquire your interest in fee simple in Lot 8 on Plan of Subdivision 428405M.

The Authority thinks that the land to be acquired is suitable for the Project as it is within the area that has been the subject of technical investigation and environmental impact assessment and is within the project area designated under the **Major Transport Projects Facilitation Act 2009**.

Pursuant to section 118(2) of the Major Transport Projects Facilitation Act 2009, the land is taken to have been reserved for a public purpose under a planning instrument for the purposes of section 5 of the **Land Acquisition and Compensation Act 1986** because it is included within the designated project area for the Project.

At the present time it is expected that the Authority may require possession of the land on approximately 20 March 2017. This date may change.

The Authority requires you to provide it with the information about the following-

1. The name of any other person who has, or you think may have, an interest in the land. (Such a person might be an occupier of the land, a tenant, a mortgagee or a person to whom you have agreed to sell the land.)
2. If you have a current building permit, liquor licence or approval or a planning permit concerning the land.
3. If you had prepared plans for the purpose of obtaining a building permit, liquor licence or approval a planning permit applying to all or any part of the land.
4. If you have sold or let or in any other way dealt with the land or were intending to deal with the land immediately before you received this notice.
5. If you know of any other person proposing to do any of those things mentioned in paragraphs 2, 3 and 4.

6. Any other matters of which you are aware which will help the Authority to work out what compensation you should receive for the land. This information may include details of any mortgage, lease or other arrangement affecting the land. If you may claim financial loss, please provide financial documents and other records to substantiate all losses. Such information may include:
- a. any business or other activities you or any other person carry out at the land;
 - b. profit and loss statements for the business or other activities;
 - c. financial statements for the business or other activities for the financial years ending 30 June 2014, 30 June 2015 and 30 June 2016, together with management accounts or the similar for the current financial year;
 - d. an explanation of how acquisition of your interest in the land would affect the business or other activities; and
 - e. what measures, if any, you would take as a consequence of the loss of the land.

All documents provided will be treated in confidence.

For and on behalf of the Authority

Signed:



Name:


TIM CULLINAN

Director, Transport Property

Department of Economic Development, Jobs, Transport and
Resources

Date:

07/02/2017

PLAN OF SUBDIVISION PLAN UNDER SECTION 35		EDITION	PS 809025A							
LOCATION OF LAND PARISH : MELBOURNE NORTH CITY: MELBOURNE SECTION: 6 CROWN ALLOTMENT: 17, 18 AND 19 (PARTS) LTO BASE RECORD: VICMAP DIGITAL PROPERTY TITLE REFERENCE : VOL.10559 FOL.708 LAST PLAN REFERENCE : PS 428405M (LOT 1) POSTAL ADDRESS : 68 SWANSTON STREET (At time of application) MELBOURNE, VIC. 3000 MGA94 Co-ordinates (of approx centre of land in plan) <table style="margin-left: 20px; border: none;"> <tr> <td>E</td> <td>321110</td> <td>ZONE: 55</td> </tr> <tr> <td>N</td> <td>5812680</td> <td>GDA 94</td> </tr> </table>		E	321110	ZONE: 55	N	5812680	GDA 94	COUNCIL CERTIFICATION COUNCIL NAME : MELBOURNE CITY COUNCIL REF:		
E	321110	ZONE: 55								
N	5812680	GDA 94								
VESTING OF ROADS AND/OR RESERVES		NOTATIONS								
IDENTIFIER	COUNCIL/BODY/PERSON									
NIL	NIL									
NOTATIONS		BOUNDARIES SHOWN BY THICK AND CONTINUOUS LINES ARE DEFINED BY BUILDINGS. LOCATION OF BOUNDARIES DEFINED BY BUILDINGS:- M: MEDIAN NF: NORTH FACE WF: WEST FACE SF: SOUTH FACE Survey: This plan is is not based on survey; To be completed where applicable. This survey has been connected to permanent marks no(s) In Proclaimed Survey Area No. _____ STAGING This is is not a staged subdivision. Planning Permit No.								
DEPTH LIMITATION - DOES NOT APPLY										
<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 5px;">WARNING</td> </tr> <tr> <td style="text-align: center; padding: 5px; font-size: small;">THIS IS A PROPOSED PLAN OF SUBDIVISION AND THE DIMENSIONS, OWNERS CORPORATION DETAILS AND LOT AND COMMON PROPERTY BOUNDARIES MAY BE SUBJECT TO ALTERATION UPON COMPLETION OF THE FINAL SURVEY.</td> </tr> </table>					WARNING	THIS IS A PROPOSED PLAN OF SUBDIVISION AND THE DIMENSIONS, OWNERS CORPORATION DETAILS AND LOT AND COMMON PROPERTY BOUNDARIES MAY BE SUBJECT TO ALTERATION UPON COMPLETION OF THE FINAL SURVEY.				
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EASEMENT INFORMATION										
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)										
SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO ALL THE LAND IN THIS PLAN										
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of						
FOR EASEMENT DETAILS SEE SHEETS 2 AND 3										
 96 MORANG ROAD HAWTHORN 3122 PH. 9819 9599 FAX 9818 2322 EMAIL surveyors@madigan.com.au		SURVEYORS FILE REF: 7854 PS3 V01.DGN DATE: 03/02/2017		ORIGINAL SHEET SIZE: A3						
		LICENSED SURVEYOR: TIMOTHY J BAIRD REF : 7854 PS3		VERSION 01	PRELIMINARY					

PS 809025A

LIMITATIONS

LIMITATION 3 (LIMITED TO A HEIGHT OF 2-10 METRES ABOVE THE HOTEL BASEMENT LEVEL I SLAB LEVEL & A DEPTH DEFINED BY THE HOTEL BASEMENT LEVEL I SLAB LEVEL AS SHOWN IN SECTION)

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- (2) THE ERECTING, MAINTENANCE AND USE OF TEMPORARY STRUCTURES, BUILDINGS OR ENCLOSURES APPROVED FROM TIME TO TIME BY THE MELBOURNE CITY COUNCIL AS CONSISTENT WITH USE OF THE LAND MARKED E-5 AS A CIVIC SQUARE INCLUDING WITHOUT LIMITATION, STRUCTURES, BUILDINGS OR ENCLOSURES FOR HOUSING LICENSEES, CONCESSIONAIRES OR OTHER OCCUPANTS OF TEMPORARY AMUSEMENT, CULTURAL OR OTHER FACILITIES OR EXHIBITIONS OF ANY KIND; AND
- (3) ERECTING, PLACING, MAINTAINING AND USING STRUCTURES, BUILDINGS OR ENCLOSURES APPROVED BY THE MELBOURNE CITY COUNCIL AS CONSISTENT WITH USE OF THE LAND MARKED E-5 AS A CIVIC SQUARE, INCLUDING, WITHOUT LIMITATION, STRUCTURES AND ENCLOSURES FOR THE PURPOSES OF PROVIDING INFORMATION TO THE PUBLIC OR SHELTER TO THE PUBLIC FROM ADVERSE WEATHER CONDITIONS; AND

B. THE EASEMENT SHALL NOT PREVENT THE CLOSING OFF ONCE A YEAR OF THE WHOLE OR ANY PART OF THE LAND MARKED E-5 WHICH IS OPEN TO THE PUBLIC SO AS TO PREVENT THE WHOLE OR PART OF THE LAND MARKED E-5 BEING DEDICATED TO PUBLIC USE; AND

C. BEFORE ERECTING OR PLACING ANY STRUCTURES ON THE LAND MARKED E-5, THE REGISTERED PROPRIETOR OF THE LAND MARKED E-5 MUST CONSULT WITH THE REGISTERED PROPRIETORS OF LOTS ON THIS PLAN AFFECTED BY THE PROPOSAL WITH THE VIEW TO ENSURING THAT ANY PROPOSED STRUCTURES DO NOT:

- (1) MATERIALLY AND ADVERSELY AFFECT THE COMMERCIAL OPERATION OF THE RETAIL AREAS AND RESTAURANTS LOCATED ON THOSE LOTS; AND
- (2) IN A PERMANENT, MATERIAL AND ADVERSE WAY OBSTRUCT OR INTERFERE WITH THE ACCESS TO LIGHT AND AIR OF THOSE LOTS; OR
- (3) PERMANENTLY, MATERIALLY AND ADVERSELY AFFECT VIEWS FROM THOSE LOTS TO THE WESTERN SIDE OF SWANSTON STREET ABOVE THE FLOOR LEVEL OF THE FOYER OF LOT 3 WHICH SHALL BE TAKEN TO BE AT LEAST 6.08 METRES ABOVE THE SITE LEVEL OF LOT 1 REGARDLESS OF WHETHER THE HEIGHT OR LOCATION OF THE FOYER LEVEL IS CHANGED AFTER REGISTRATION OF THIS PLAN; AND

D. SUBJECT TO PARAGRAPH (E) BELOW, IF THE REGISTERED PROPRIETORS OF LOTS ON THIS PLAN AFFECTED BY THIS PROPOSAL CAN DEMONSTRATE THAT A STRUCTURE PROPOSED ON THE LAND MARKED E-5 WILL:

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THEN THE REGISTERED PROPRIETOR OF THE LAND MARKED E-5 MUST NOT PROCEED WITH THE PROPOSED STRUCTURE. AND

E. THE REGISTERED PROPRIETORS OF THE BENEFITED LAND MUST NOT ACT UNREASONABLY IN SEEKING TO PREVENT PROPER USE OF THE LAND MARKED E-5, THE INTENTION BEING TO BALANCE THE REASONABLE CIVIC OBJECTIVES OF MELBOURNE CITY COUNCIL AND THE REASONABLE COMMERCIAL OBJECTIVES OF THE REGISTERED PROPRIETORS OF THE BENEFITED LAND IN RELATION TO THE USE OF THE LAND MARKED E-5 AS A CIVIC SQUARE

MADIGAN



SURVEYING

96 MORANG ROAD
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EMAIL
surveyors@madigan.com.au

SCALE



ORIGINAL SHEET
SIZE: A3

SHEET 4

LICENSED SURVEYOR: TIMOTHY J BAIRD

REF : 7854 PS3

VERSION 01

PRELIMINARY

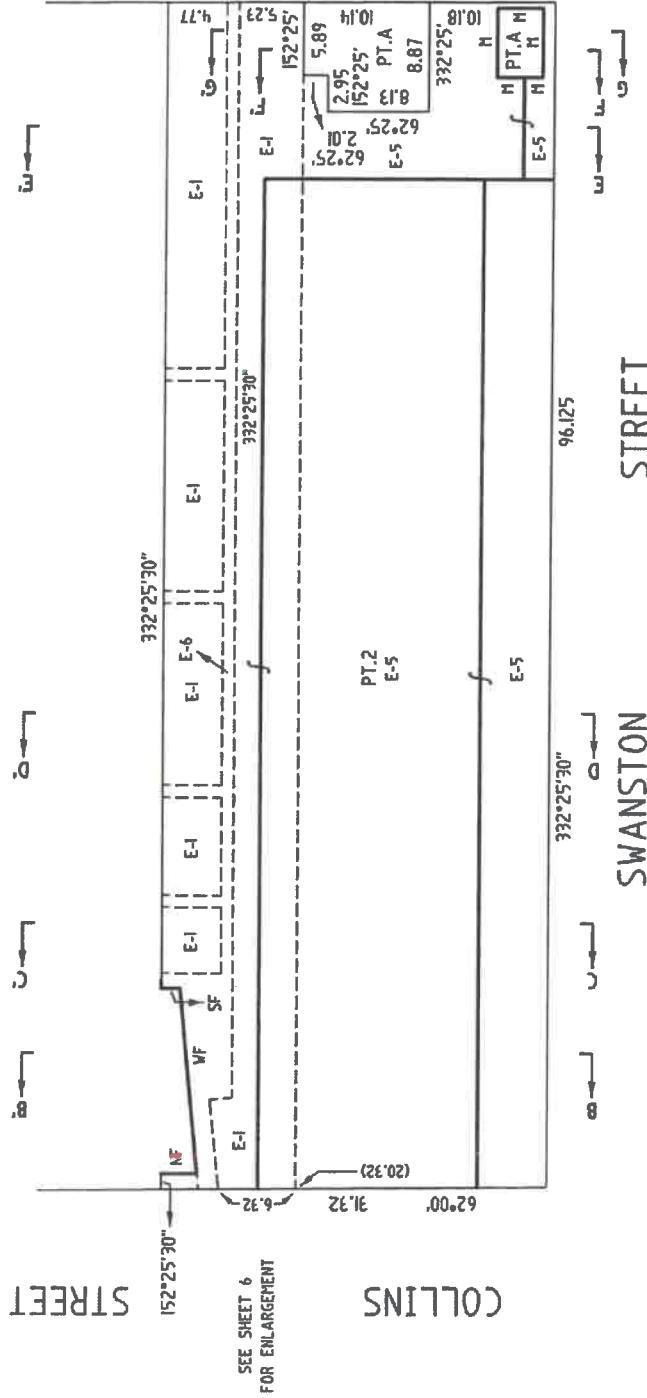
PS 809025A

DIAGRAM No.2

HOTEL BASEMENT LEVEL 1



LANE



STREET

SWANSTON

COLLINS

FLINDERS

MADIGAN



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96 MORANG ROAD
HAWTHORN 3122

PH: 9819 9589
FAX: 9818 2322

EMAIL
surveyors@madigan.com.au

SCALE
1:400

4 0 4 8 12 16
LENGTHS ARE IN METRES

ORIGINAL SHEET
SIZE: A3

SHEET 5

LICENSED SURVEYOR: TIMOTHY J BAIRD

REF : 7854 PS3

VERSION 01

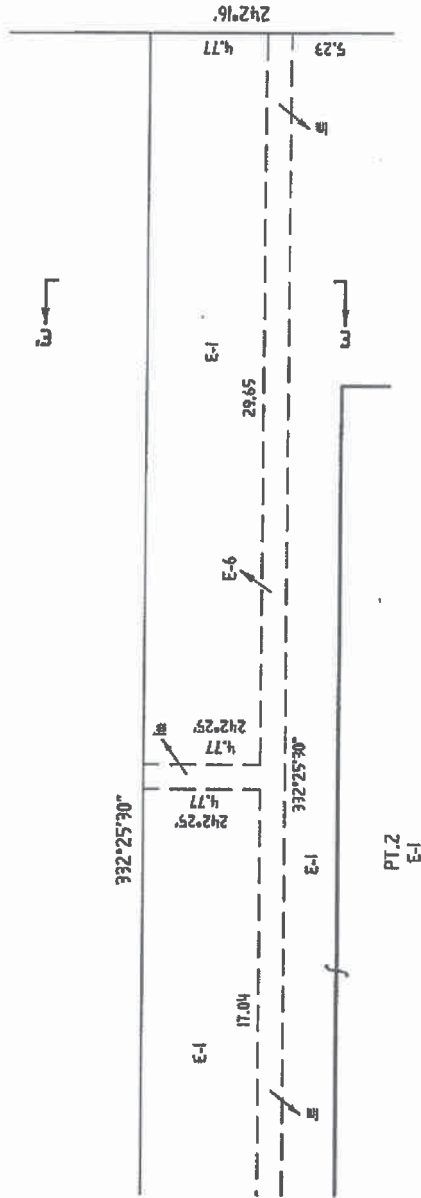
PRELIMINARY

PS 809025A

DIAGRAM No.4
HOTEL BASEMENT LEVEL 1



FLINDERS LANE



SEE SHEET 5
FOR CONTINUATION

SEE SHEET 6
FOR CONTINUATION

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SURVEYING

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HAWTHORN 3122

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FAX 9518 2352

EMAIL
surveyors@madigan.com.au

SCALE
1:200

2 0 2 4 6 8
LENGTHS IN METRES

LICENSED SURVEYOR: TIMOTHY J BAIRD

REF : 7854 PS3

VERSION 01

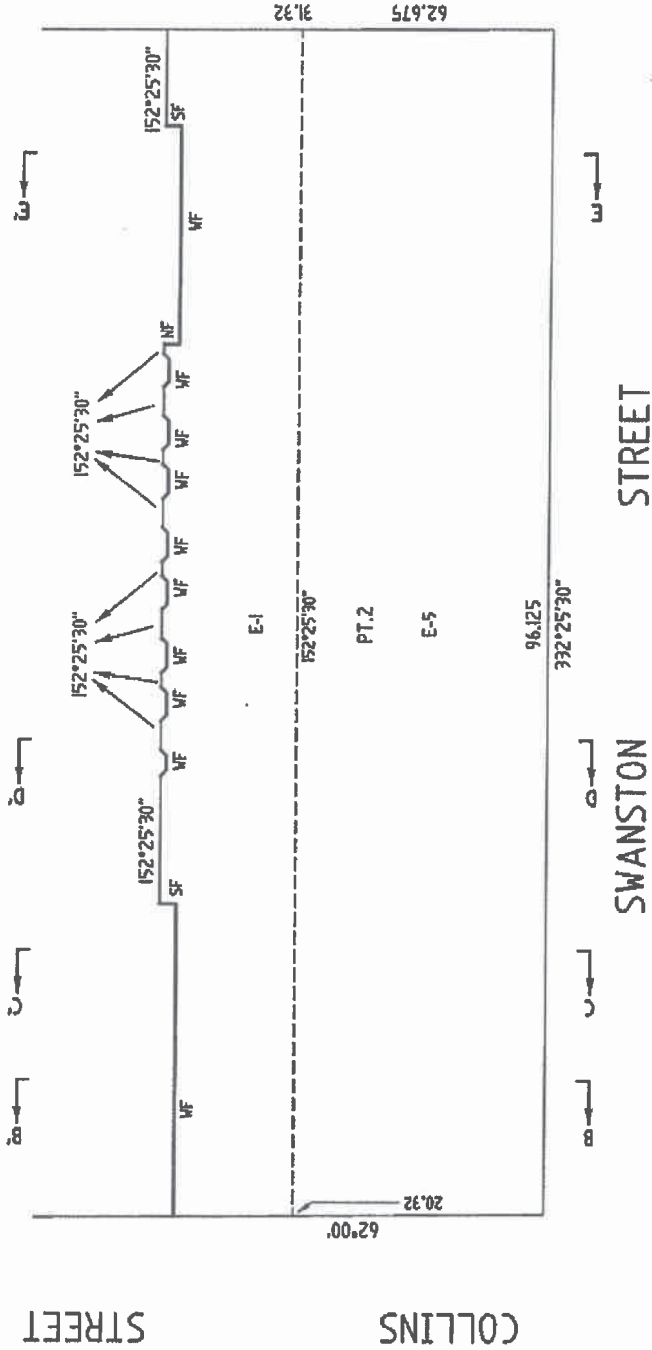
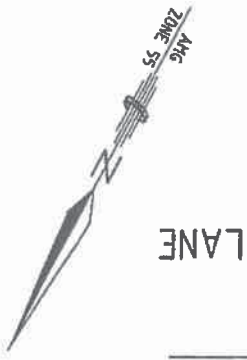
ORIGINAL SHEET
SIZE: A3

SHEET 7

PRELIMINARY

PS 809025A

DIAGRAM No.6
LEVEL 1 AND MEZZANINE

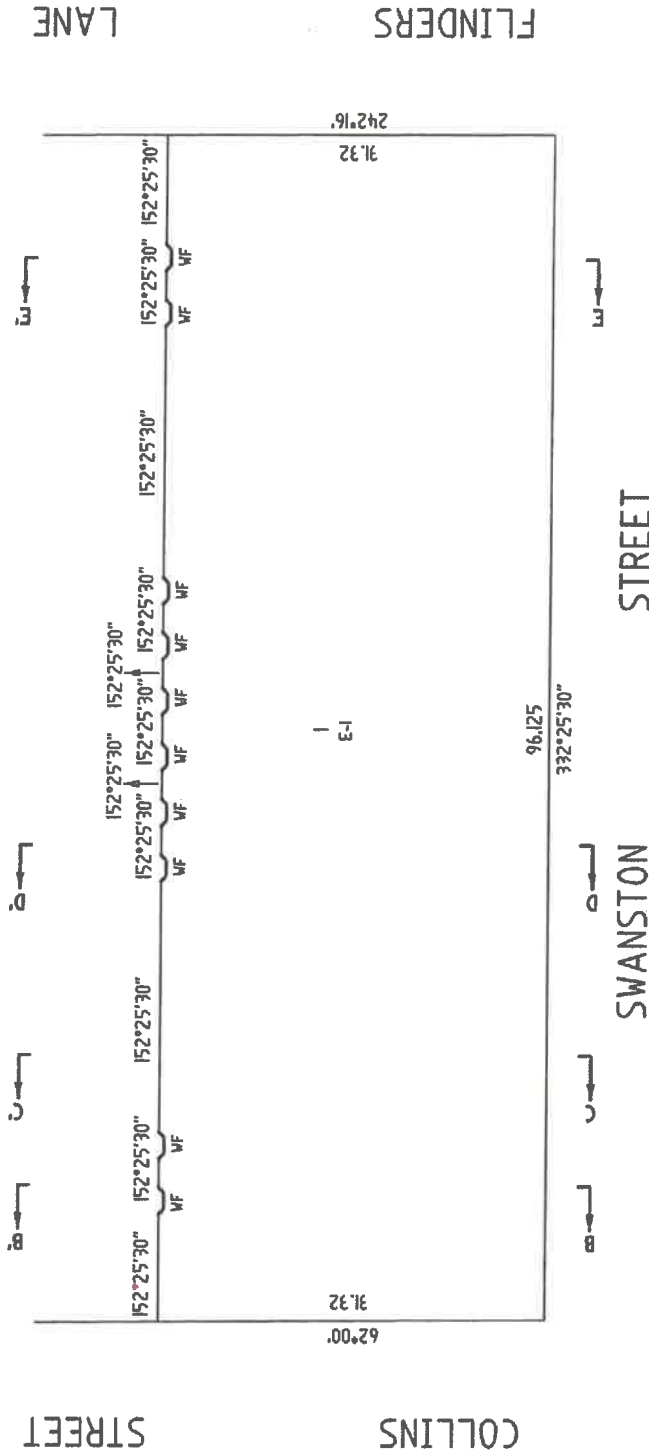


MADIGAN 96 MORANG ROAD HAWTHORN 3122 PH: 9819 5589 FAX: 9818 2322 EMAIL: surveyors@madigan.com.au	SCALE 1:400	LENGTHS ARE IN METRES 4 0 4 8 12 16	ORIGINAL SHEET SIZE: A3	SHEET 9
	LICENSED SURVEYOR: TIMOTHY J BAIRD REF: 7854 PS3		VERSION 01	

PRELIMINARY

PS 809025A

DIAGRAM No.8
LEVEL 5-6



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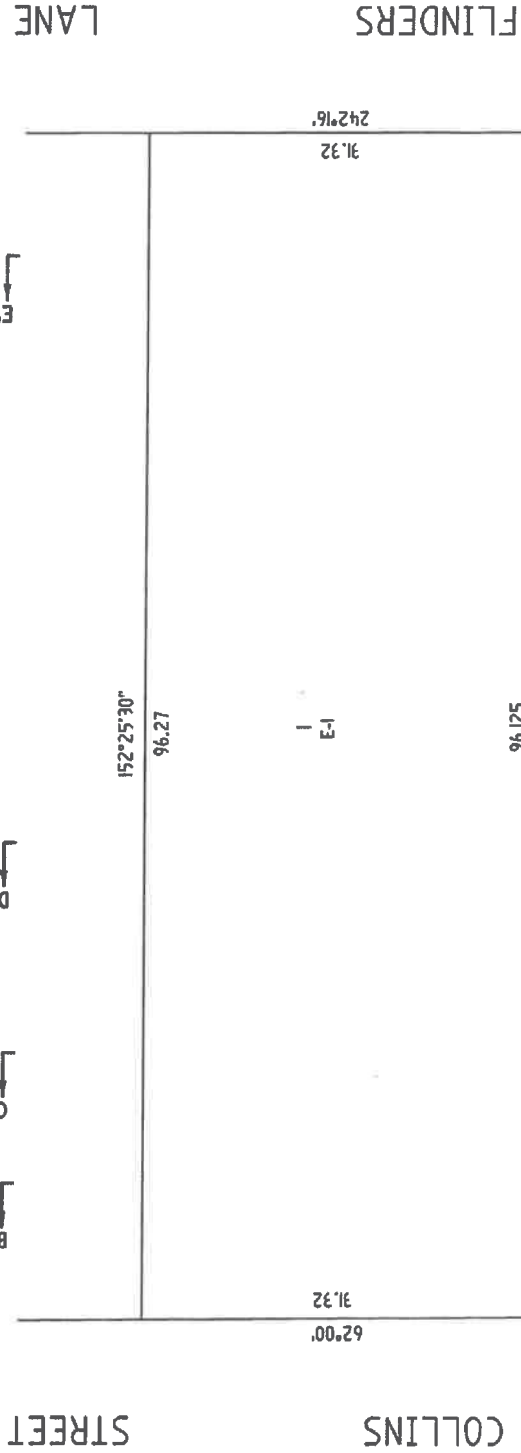
 SURVEYING
 96 MORANG ROAD
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SCALE 1:400
 4 0 4 8 12 16
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 VERSION 01

ORIGINAL SHEET SIZE: A3
 SHEET 11
PRELIMINARY

PS 809025A

DIAGRAM No.10
LEVEL 8 AND ABOVE



MADIGAN



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SCALE
1:400

4 0 4 8 12 16
LENGTHS ARE IN METRES

ORIGINAL SHEET
SIZE: A3

SHEET 13

LICENSED SURVEYOR: TIMOTHY J BAIRD

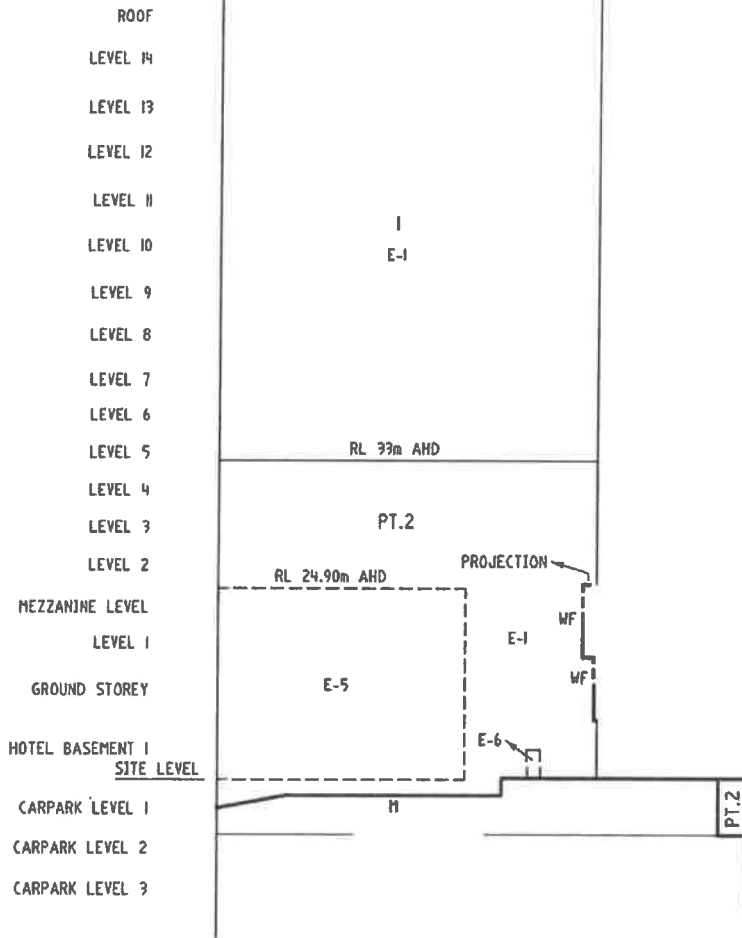
VERSION 01

REF : 7854 PS3

PRELIMINARY

PS 809025A

STREET
SWANSTON



SECTION C-C'
(DIAGRAMS 1-3 & 5-10)

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SCALE
N.T.S.



LICENSED SURVEYOR: TIMOTHY J BAIRD

REF : 7854 PS3

VERSION 01

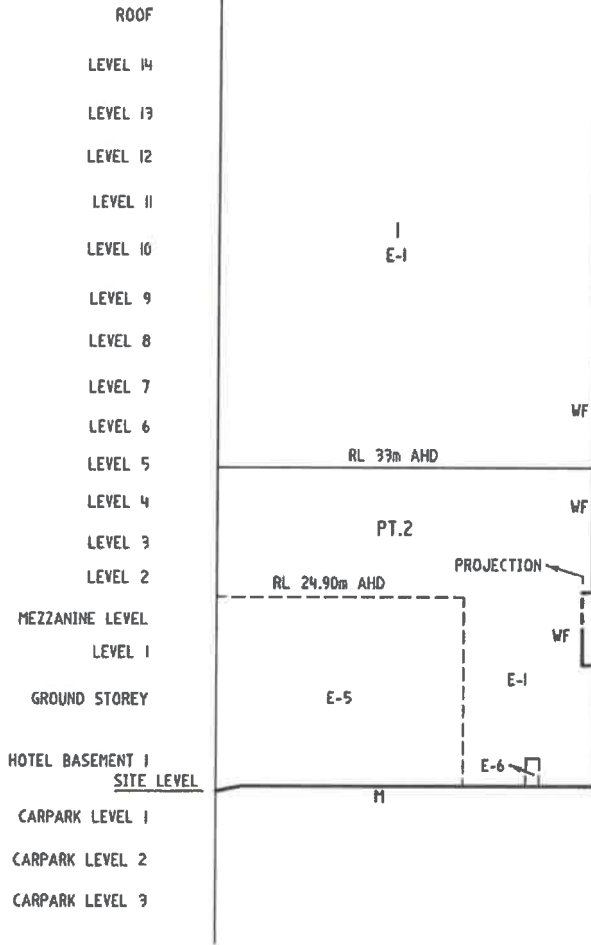
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SIZE: A3

SHEET 15

PRELIMINARY

PS 809025A

SWANSTON STREET



SECTION E-E'
(DIAGRAMS 1, 2 & 4-10)

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LICENSED SURVEYOR: TIMOTHY J BAIRD

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VERSION 01

ORIGINAL SHEET
SIZE: A3

SHEET 17

PRELIMINARY

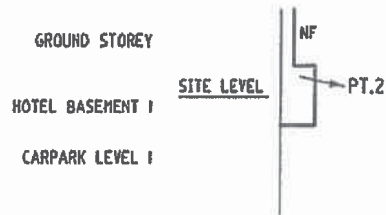
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COLLINS STREET



SECTION H-H'
(DIAGRAM 3)

COLLINS STREET



SECTION J-J'
(DIAGRAM 3)

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SCALE
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ORIGINAL SHEET
SIZE: A3

SHEET 19

LICENSED SURVEYOR: TIMOTHY J BAIRD

REF : 7854 PS3

VERSION 01

PRELIMINARY

Attachment 3: CoM Design Brief

DRAFT

METRO TUNNEL PROJECT

CBD SOUTH STATION

CITY SQUARE BACKGROUND PAPER



Issue 1 - For Information

August 2016

Disclaimer

This document has been prepared in response to the Metro Tunnel Project's CBD South proposal in City Square. It is intended as a background paper to provide the relevant information for the basis of discussion and coordination with the Melbourne Metro Rail Authority.

This document is provided for information and does not purport to be complete. While care has been taken to ensure the content in the report is accurate, we cannot guarantee it without flaw of any kind. There may be errors and omissions or it may not be wholly appropriate for your particular purposes. In addition, the publication is a snapshot in time based on historic information which is liable to change. The City of Melbourne accepts no responsibility and disclaims all liability for any error, loss or other consequence which may arise from you relying on any information contained in this report.

OVERVIEW

“The original city square designed in the early 1980s, while attractive from an architectural point of view, had failed to generate the activity that would be expected of a city square, namely 24/7 activity within a public space.

At the same time, the context of central Melbourne had changed with the creation of Federation Square as the main public gathering space. With this, the opportunity presented itself to redevelop the existing city square as a more intimate, active, flexible space. It would also need to perform a civic role, holding together a precinct between the Town Hall and the Cathedral situated on Melbourne’s major civic spine, Swanston Street.

With the development of the Westin’s theatre and the extension of the footpath, the City Square will, for the first time, read as a space contained between the Westin Melbourne Hotel, Swanston Street, the Cathedral and the Town Hall. It is an intimate space that has attracted high numbers of casual users throughout most of the week. The transition space between the square and Swanston Street will, in the next few years, be further enhanced by the extension of footpaths to allow a disability access tram stop in this location.

The city designers were also responsible for the design of the original cafe outlet in the City Square, which contains Brunetti. While this has undergone a number

of minor modifications, it has served as a successful anchor to the space on a more intimate level. Adjacent to the cathedral, it encourages activity back onto the space.

While the City Square plays a secondary role to Federation Square, it has provided Melbourne with the intimacy of an urban space that celebrates informal and formal activities, such as Christmas celebrations. Its success is most probably measured by the number of people using it and it plays an important part in the ongoing improvement of the Swanston Street civic spine.”

Professor Rob Adams AM, director of the City Design Studio at the City of Melbourne, 2011



STRATEGIC FRAMEWORK AND CONTEXT

The redevelopment or creation of new City of Melbourne open spaces are underpinned by strategic plans and context as well as informed by community and stakeholder input.

Summaries and maps are provided for key relevant City of Melbourne strategies in the following pages. These summaries are intended to provide brief overview only and do not capture the full detail of the strategies.



**CITY SQUARE
OPEN SPACE BRIEF**

CONTEXT

**COMMUNITY AND
STAKEHOLDER
ENGAGEMENT
(TO BE
UNDERTAKEN IN
FUTURE)**

Historical

Pre-settlement Wurundjeri Country'

1837 Robert Hoddle sets out the Melbourne city grid. The city is planned with a number of large parks around the periphery of the central business district but no civic open spaces within.

1961 Sir Bernard Evans, architect, city councillor and later Lord Mayor raises the idea of a City Square.

1966 Land acquisition for City Square commences.

1968 Temporary City Square constructed.

1976 City of Melbourne launches architectural competition for the design of the permanent City Square which is won by Denton Corker Marshall Architects.

1990's City of Melbourne sells the eastern half of the City Square to developers in order to fund the restoration of the Regent Theatre.

1997-2000 City Square is redeveloped with a simpler plan, taking into consideration the changed context of central Melbourne with the creation of Federation Square as the main gathering space.

2003 Raised lawn areas are added to the Swanston Street edge of City Square.

Existing

City Square is classified as Capital City open space - Iconic open space that is primarily established and managed to stage activities and events of international, national, state and metropolitan importance, catering to a broader public need.

Future

- **2017** commence construction of the Melbourne Metro Tunnel Project CBD South Station in City Square.
- **2026** Melbourne 3000 residential population projected to increase from 21 080 to 35 264.
- **2026** Melbourne 3000 workers projected to increase from 223 326 to 323 885.

STRATEGIC FRAMEWORK AND CONTEXT CONTINUED

KEY CITY OF MELBOURNE STRATEGIES SNAPSHOT

Open Space Strategy

Melbourne is identified as one of the most liveable cities in the world, and one of the major contributory elements to this liveability is the quality and amount of open space. Each open space has a unique role within the network depending on its location, size, use and character.

The population growth and forecast development in Melbourne is significant, resulting in increased demands on existing open spaces. Growth will require improvement to the quantity, diversity, quality and natural features of open space to adequately cater to the increased population. In addition, open space plays an important role in mitigating the urban heat island effect and assisting the city adapt to more extreme weather patterns.

Overall direction;

- Maintain and expand a quality open space network
- Provide distributed open space within easy walking distance
- Improve community health and wellbeing
- Additional Capital City open space in urban renewal areas
- Additional Municipal open space in urban renewal areas
- Urban heat island effect mitigation and environmental improvements

3000 Precinct Summary

The Melbourne 3000 central city area was originally designed with a ring of open space around the central grid rather than within it. The inherent strength of the larger open spaces around the grid will continue to be the main areas of open space for this community into the future. Gardens and forecourts to buildings have formed an integral part of the public realm, and more public open spaces in this form is encouraged through the central city as it continues to intensify. This is to accommodate an expanding community of workers and residents in Melbourne 3000.

There will also be an increasing number of small green oases provided as retreat spaces within the central city grid. These spaces will not interrupt the strength and value of the grid but expand on the existing highly valued public open spaces such as the Library Forecourt, City Square and Federation Square. These spaces will encourage people outdoors close to where they live and work and provide places to pause, observe and rest.

The green character will be driven by sustainable water harvesting and reuse with the intention to create moist and cool spaces in summer that have a role in urban heat island effect mitigation. Opportunity sites include church grounds and others are to be identified as major sites redevelop across the central city, particularly where they are located with roads to the north and west, minimising overshadowing from adjoining built form.

Specific recommendations, actions and targets for postcode 3000;

- The existing spaces are to continue to be maintained and additional small green open spaces are required.
- Any future redevelopment of land needs to investigate the improvement of visual and physical access to the Yarra River from Flinders Street.
- Redevelopment will also need to demonstrate that it is not resulting in further overshadowing of the existing open space.
- City Square is classified as Capital City in the open space hierarchy - Iconic open space that is primarily established and managed to stage activities and events of international, national, state and metropolitan importance, catering to a broader public need. These spaces are synonymous with the character of the City of Melbourne and provide facilities that are known by and primarily for international and interstate visitors to Victoria and the City of Melbourne.
- Action 7.6C-3 City Square : Continue to maintain.
- Swanston Street is an open space link via the street network

MAP : OPEN SPACE STRATEGY

MELBOURNE 3000 MAP

Investigate potential open space in the vicinity of the Queen Victoria Market which complements existing cultural and retail activity while also catering to the needs of the growing community of City North urban renewal area. This has potential to include upgrades to existing open spaces and/or the utilisation of road reserves.

Provide new Small Local open spaces through the core area of the central grid that form green oases and encourage people to spend time outside

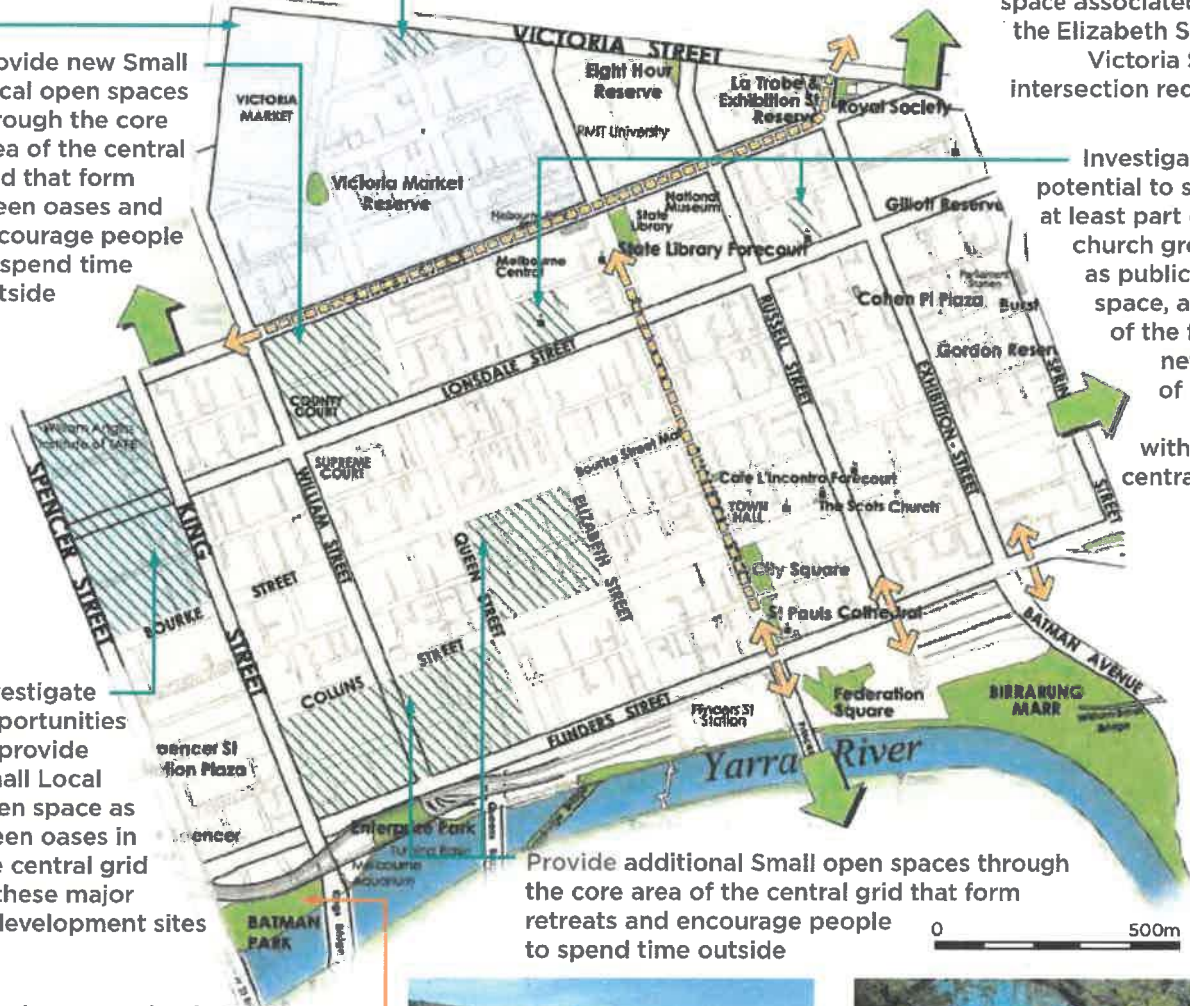
Future Small Local open space associated with the Elizabeth Street/ Victoria Street intersection redesign

Investigate the potential to secure at least part of the church grounds as public open space, as part of the future network of green oases within the central grid

Investigate opportunities to provide Small Local open space as green oases in the central grid in these major redevelopment sites

Provide additional Small open spaces through the core area of the central grid that form retreats and encourage people to spend time outside

Continue to maintain some of the informal character to this open space in any future redevelopment, particularly the open grassed areas, and protect the space from further overshadowing to retain sunlight access to the north bank of the Yarra River



STRATEGIC FRAMEWORK AND CONTEXT CONTINUED

KEY CITY OF MELBOURNE STRATEGIES SNAPSHOT

Urban Forest Strategy and Central City Urban Forest Precinct Plan

The City of Melbourne's urban forest comprises around 70 000 trees in streets and parks which contribute significantly to the character and identity of Melbourne. The principles of the urban forest strategy are as listed below;

- Mitigate and adapt to climate change
- Reduce the urban heat island effect
- Design of health and wellbeing
- Create healthier ecosystems
- Design for liveability and cultural integrity
- Become a water sensitive city
- Position Melbourne as a leader in urban forestry.

The targets set out in the urban forest strategy are to;

- Increasing canopy cover from 22% to 40% by 2040.
- Increasing forest diversity with no more than 5% of one tree species, no more than 10% of one genus and no more than 20% of any one family.
- Improving vegetation health. 90% of the City's tree population will be healthy by 2040.
- Improving soil moisture. Soil moisture levels will be maintained at levels to provide healthy growth of vegetation.
- Improving biodiversity. Protect and enhance urban ecology and biodiversity to contribute to the delivery of healthy ecosystem services.
- Informing and consulting with the community. The community will have a broader understanding of the importance of our urban forest, increase their connection to it and engage with its process of evolution.




Specific recommendations, actions and targets.

- The Central City's urban forest will provide a safe and inviting habitat for people. The forest will be beautiful, colourful and diverse, achieving whimsy in playful spaces and elegance along grand city streets.
- Consultation with the Central City community indicated a preference for trees that would provide large, arching canopies over streets. Trees that would provide colour and seasonal interest were also preferred.
- City Square is a significant open space identified by the community
- Swanston Street is a significant section of street identified by the community
- Swanston Street is a proposed open space link with minimum 20-40% canopy cover

MAP : CENTRAL CITY URBAN FOREST PRECINCT PLAN
CANOPY COVER AND BIODIVERSITY OUTCOMES



LEGEND

-  Minimum canopy cover of 40%
-  Minimum canopy cover of 20% - 40%
-  Minimum canopy cover of 20%

STRATEGIC FRAMEWORK AND CONTEXT CONTINUED

KEY CITY OF MELBOURNE STRATEGIES SNAPSHOT

Total Watermark City as a Catchment and Elizabeth Street Catchment Integrated Water Cycle Management Plan.

Total Watermark is our plan for integrated water cycle management. Our vision is a healthy city in a healthy catchment. Seeing our city as a catchment means that we recognise the important roles of the natural and man-made catchments, including roads, roofs and impermeable surfaces.

The Elizabeth Street Catchment Integrated Water Cycle Management Plan is a strategy for sustainable water management within the 308-hectare Elizabeth Street Catchment that will guide our actions for the next 15 years to 2030.

The Elizabeth Street catchment sits entirely within the City of Melbourne and is categorised by Melbourne Water as being at Extreme Flood Risk – the highest level of risk.

Parkville, City North and City South stations are all within the Elizabeth Street catchment.

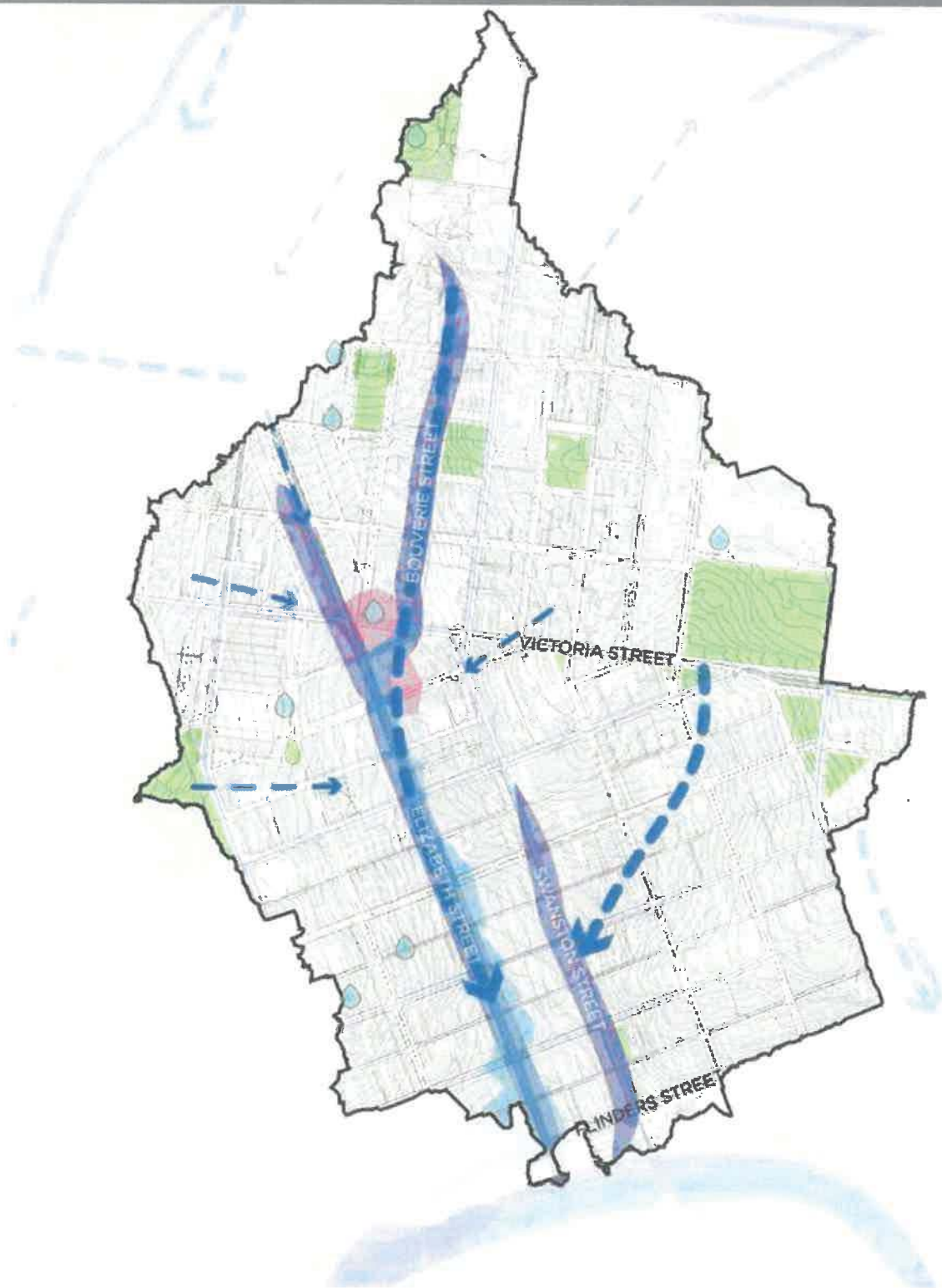
Strategic objectives

- To reduce the Catchment's Melbourne Water Flood Risk rating from Extreme to High.
- To increase open space, soil moisture and areas of unsealed soil in Elizabeth Street Catchment.
- To mimic the natural water cycle by retaining more rainwater in the upper section of the catchment and reducing stormwater runoff.
- To improve the health of existing vegetation through irrigation from alternative water sources.










Implementation targets;

- Flooding - 1:20 Average Recurrence Interval (ARI) (or equivalent) flow capacity of all council drains within the catchment.
- Alternative water use - 20% all municipal water use sourced from alternative water sources and 50% of all council water use sourced from alternative water sources (2030)
- Unsealed soil - 40% of the Elizabeth Street Catchment's soil surface is unsealed by 2030 (baseline year 2014 is 17%), this target is further broken down to 55% of CoM managed areas and 30% of private areas (Green roofs are one of the methods used to offset the effect of creating a sealed surface.)
- Water quality - 30% reduction in Total Nitrogen contributed to the waterways from the municipality of Melbourne's catchment by 2030 (baseline year 2000).
- Open space - Increase the provision of open space in the Catchment in line with the Open Space Strategy and the City North Structure Plan.
- Canopy cover - Increase canopy cover to 40% on public land across the Catchment by 2040.

MAP : ELIZABETH STREET CATHMENT INTEGRATED WATER CYCLE MANAGEMENT PLAN 2015
 ELIZABETH STREET CATCHMENT MAP



THE ELIZABETH STREET CATCHMENT

- | | | |
|--|--|--|
|  Buildings |  Key water flow direction |  Contours |
|  Flood prone area |  Catchment boundary |  Historical watercourses |
|  Existing green space |  Existing water re-use stations |  Historical swamp conditions |

STRATEGIC FRAMEWORK AND CONTEXT CONTINUED

KEY CITY OF MELBOURNE STRATEGIES SNAPSHOT

Bicycle Plan 2016-2020

Melbourne is committed to becoming a cycling city with safe and connected bicycle routes. We're developing a four year action plan to realise this vision.

The goals of the plan are to:

- plan for future growth that includes high quality bicycle infrastructure
- deliver a connected network for people of all ages and abilities to ride bikes
- increase bicycle-friendly facilities to make it easy to travel by bike and park
- deliver a safer environment for people to ride bikes
- encourage more people to take up riding or ride more frequently
- evaluate changes, manage data and continuously improve our performance.

2016 targets

- There will be a 50 per cent increase in bicycle trips to, from and within the municipality on weekdays
- There will be a 15 per cent change in the number of local trips under seven kilometres from car and public transport to bicycle
- 15 per cent of all vehicles entering the central city during the morning peak will be bicycles
- There will be a reduction of serious injury crashes by a minimum of 10 per cent relative to the number of cyclists per year
- Two safe, high quality east-west and two north-south bicycle routes will be designed within the central city.

2020 targets;

- transport infrastructure projects will include facilities or viable alternatives for people riding bikes
- short and medium term actions for four cycling corridors will be complete
- the community is connected to

schools, shops and community facilities by local neighbourhood routes

- bicycle parking will be increased by 800 in key public locations and planning for large scale, safe parking facilities at transport hubs will be progressed
- bicycle maintenance stations will be available at entrances to the city
- 10 per cent reduction in the amount of fatalities and serious injury crashes relative to the number of people riding bikes per year
- one in four vehicles entering the central city in the morning peak will be bicycles

Specific recommendations, actions and targets.

- Work with the Victorian Government to provide end of trip facilities at major transport hubs especially planned Melbourne Metro stations
- Swanston Street is identified for "New cycling corridor upgrades" (it is the primary North South route through the CBD and the municipality).

MAP : BICYCLE PLAN 2016-2020

BICYCLE ROUTES (EXISTING) AND PROPOSED NEW AND UPGRADED ROUTES 2016-2020



STRATEGIC FRAMEWORK AND CONTEXT CONTINUED

KEY CITY OF MELBOURNE STRATEGIES SNAPSHOT

Walking Plan 2014-2017

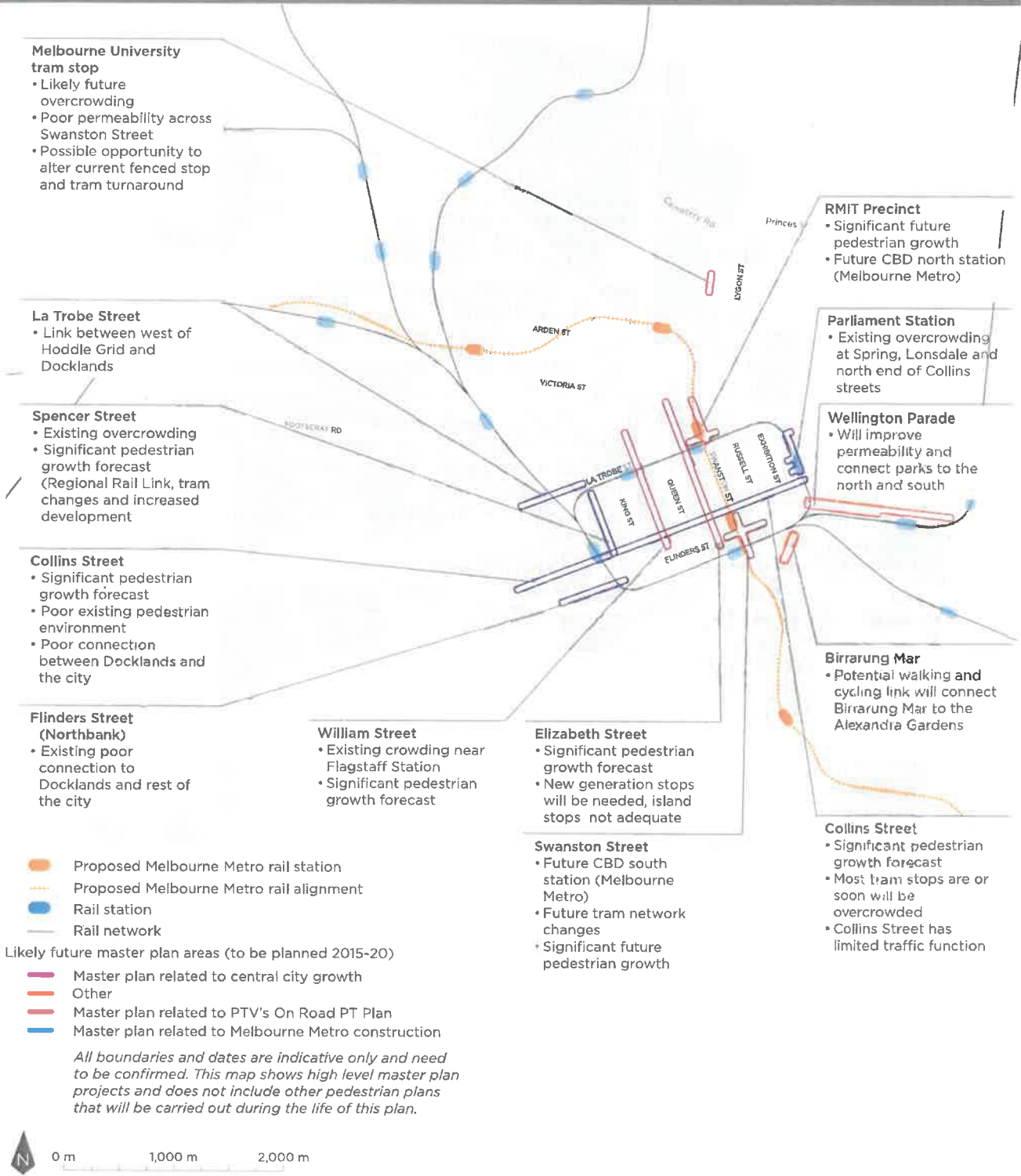
Walking is our most fundamental mode of transport; almost everyone walks, and walking makes up part of every journey in the city. Walking accounts for 66% of all trips within the municipality (86% within the Hoddle Grid). The City of Melbourne has a 4 year priority plan of expanding and prioritising a connected, safe and easy to access pedestrian network.

Walking network issues in this area include;

- Significant pedestrian growth forecast for Collins Street and Swanston Street.
- Most Collins Street trams stops are or soon will be overcrowded.
- Existing moderate overcrowding is identified at the intersection of Swanston Street and Flinders Lane.
- Existing significant overcrowding is identified at the intersection of Swanston Street and Collins Street.
- Pedestrian accessibility plans needed for train stations in the Hoddle Grid to increase pedestrian safety and service.

MAP : WALKING PLAN

WALKING NETWORK ISSUES AND OPPORTUNITIES IN FUTURE MASTERPLAN AREAS



STRATEGIC FRAMEWORK AND CONTEXT CONTINUED

KEY CITY OF MELBOURNE STRATEGIES SNAPSHOT

Melbourne for All People

The Melbourne for All People Strategy 2014-17 sets out the ways in which the City of Melbourne will connect, support and engage people throughout their lives from 0 to 100+.

Strategic objectives;

- Melbourne is a barrier free city for people of all ages and abilities.
- Melbourne is a place where people of all ages and abilities feel physically and emotionally safe, at home, at work and in the community.
- Melbourne is a place where there are strong connections between people of different ages, abilities and backgrounds and where people feel welcome and that they belong.
- Melbourne is a place where people have access to the information, programs, community facilities and quality open spaces they need to be happy and healthy.
- Melbourne is a place where people can learn throughout their lives gaining knowledge, opportunities, independence and confidence.
- Melbourne is a place where people are involved in civic decision-making and where all voices are recognised, heard and valued.
- Summary of relevant goals, actions and implementation targets
- Ensure our facilities are accessible and designed and managed to maximise their use by diverse groups
- 100 per cent of City of Melbourne new, and 80 per cent of refurbished, facilities meet Disability Discrimination Act requirements and Building Code of Australia standards
- 100% new facilities incorporate Dementia Enabling Environment guidelines at design stage
- Increase percentage of people reported feeling safe from 96 per cent during the day and 57 per cent by night as reported in the City of Melbourne Annual Report 2013-14
- 90 per cent of footpath assets are better or equal to current condition as at December 2014
- Facilitate structured and unstructured play opportunities for children of all abilities and their families to promote physical, mental, emotional and social development
- Include Changing Places toilet facilities in new City of Melbourne developments and scope feasibility to incorporate within existing City of Melbourne facilities.
- Provide opportunities for people of all ages, abilities and diverse backgrounds to actively participate in civic activities and decision making and to make sure that they are aware of how their input has influenced outcomes
- Deliver and advocate for more opportunities to hear the voices of children, young people, people with a disability and older people and actively involve them in consultation and decision making processes

Reconciliation Action Plan 2011-2014 and Aboriginal Heritage Action Plan 2016-2018

Acknowledgment of Traditional Owners

The City of Melbourne respectfully acknowledges the Traditional Owners of the land. For the Woiwurrung (Wurundjeri), Boonwurrung, Taungurong, Dja Dja Wurrung and the Wathaurung groups who form the Kulin Nation, Melbourne has always been an important meeting place for events of social, educational, sporting and cultural significance.

Today we are proud to say that Melbourne is a significant gathering place for all Aboriginal and Torres Strait Islander peoples.

Aboriginal Melbourne

The landscape surrounding the place where the Birrarung (the Yarra River) runs into the Nerm (Port Phillip Bay) is Kulin country; a place now known as Melbourne; a place that Aboriginal people, particularly those of the Kulin Nation, have lived on, cared for, gathered on and undertaken cultural rituals on for at least 30,000 years. This connection to country has continued since the

arrival of Europeans in a variety of traditional and contemporary ways. While there are many stories and places in Melbourne that contain evidence of this connection to country, this is not always something that is apparent to people who live, work or visit Melbourne.

Where once the Kulin Nation used local trees for the creation of canoes and shields, their presence is still felt through the scarred trees that stand proudly in Fitzroy Gardens and Yarra Park.

Where once the people of the Kulin Nation gathered on the banks of the Birrarung, its importance is honoured and shared with everyone in Melbourne at Birrarung Marr.

Where once the Kulin Nation gathered for ceremonies, political and social gatherings on the land now known as the Melbourne Cricket Ground, we see their descendants, and the descendants of many other Australians, playing a game whose origins come from the Aboriginal game Marngrook.

This place we call Melbourne is Kulin country, Aboriginal country – Aboriginal Melbourne.

The City of Melbourne advocates in conjunction with the local Aboriginal and Torres Strait Islander Community:

- The ideal of reconciliation with Aboriginal and Torres Strait Islander peoples to redress their serious social and economic disadvantage
- Working together for a treaty or other instrument of reconciliation
- A commitment to the elimination of racism or discrimination ensuring the right of all our community to enjoy equal rights and be treated with equal respect
- Recognition and protection of and respect for Aboriginal sacred sites and special places
- Education of the broader community about Aboriginal and Torres Strait Islander heritage and culture and the impact upon it of non-Indigenous settlement of this country
- Advocacy on behalf of Aboriginal and Torres Strait Islander members of our community to ensure the principles and commitments of this statement are upheld.

STRATEGIC FRAMEWORK AND CONTEXT CONTINUED

EXISTING CONDITIONS

EVERYDAY USE

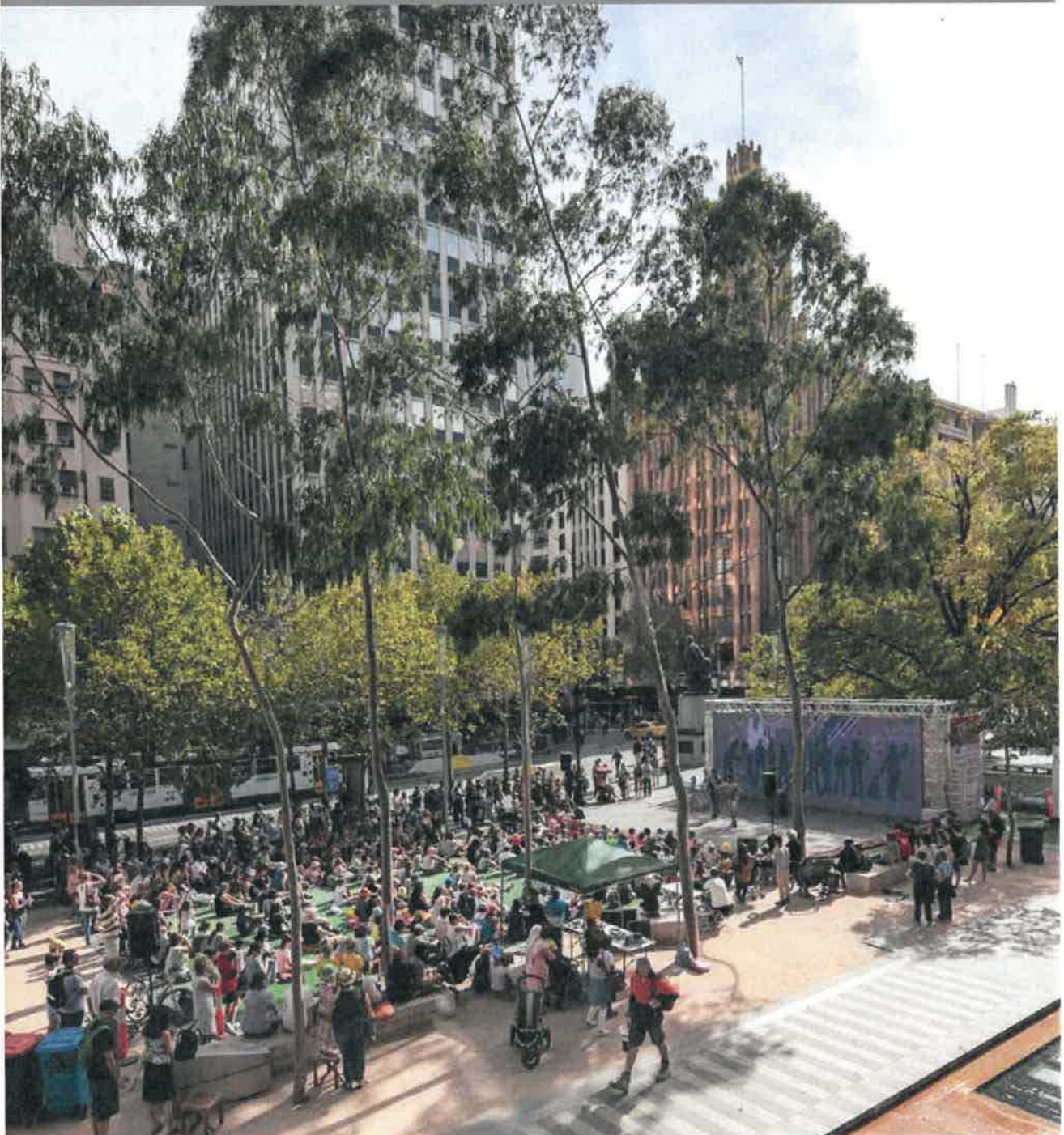


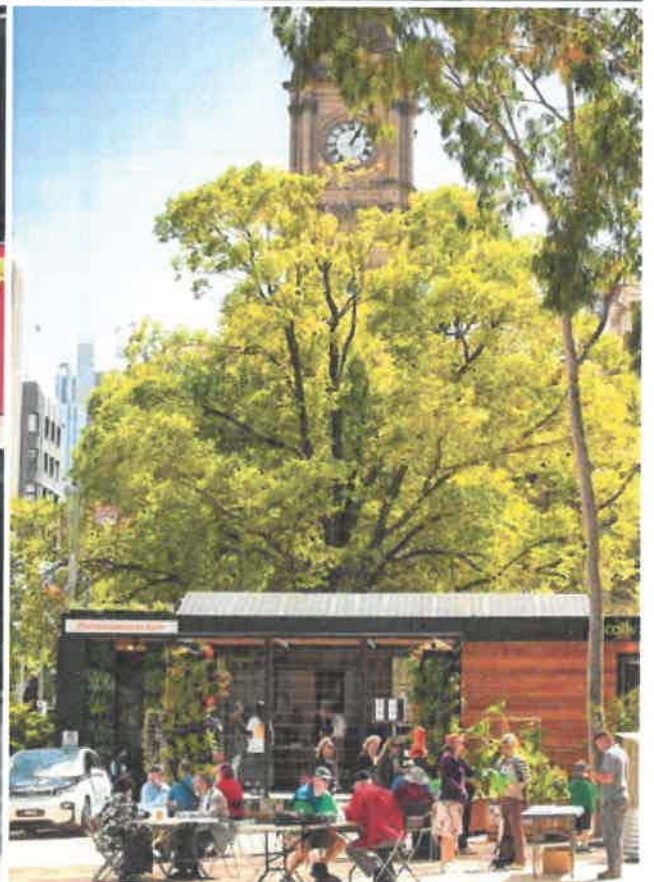


STRATEGIC FRAMEWORK AND CONTEXT CONTINUED

EXISTING CONDITIONS

EVENTS



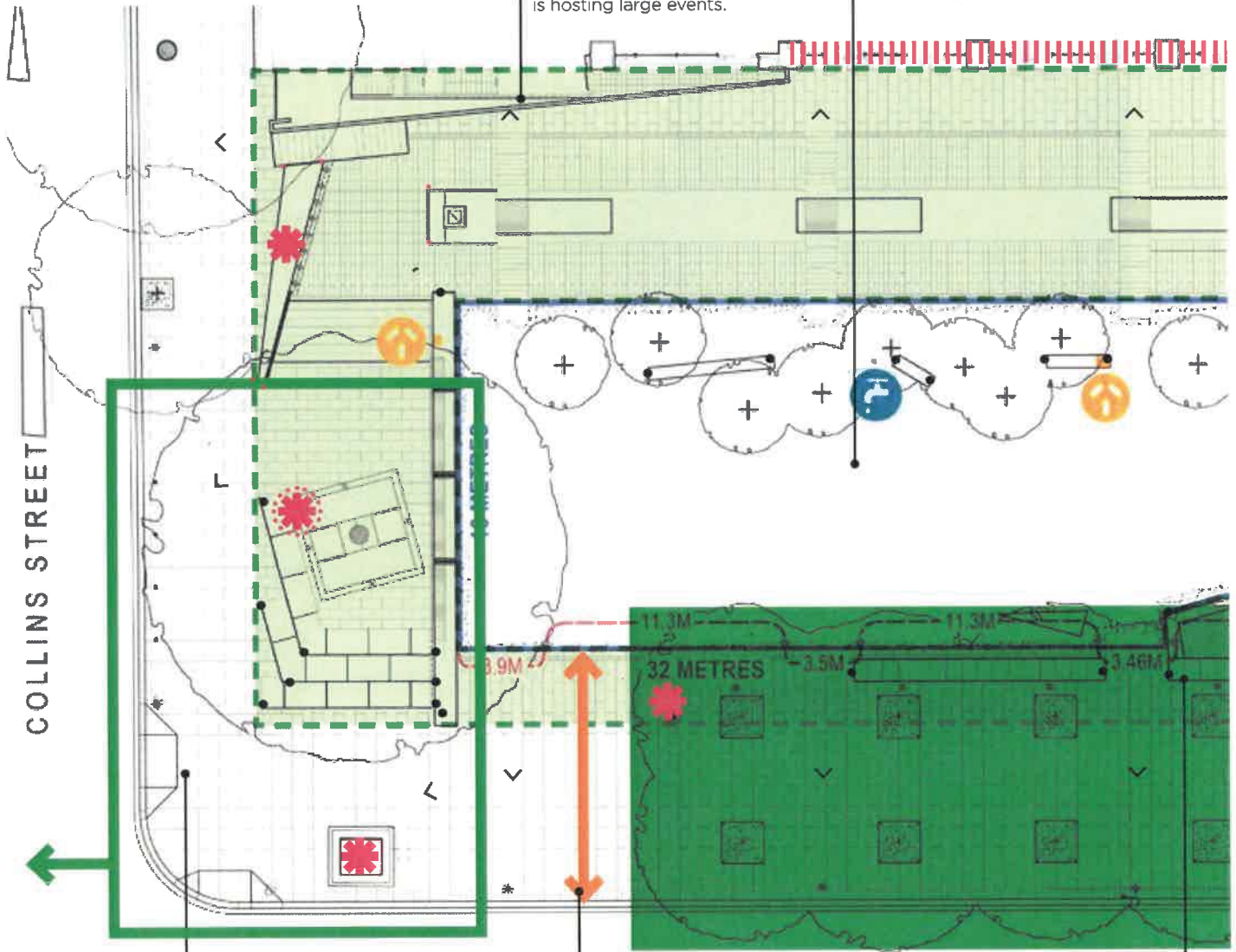


STRATEGIC FRAMEWORK AND CONTEXT CONTINUED

EXISTING CONDITIONS VALUED QUALITIES AND FEATURES PLAN

24/7 Public Open Space. Almost 70% of City Square remains open to the public for its primary purpose of "everyday" uses as a place to sit and relax close to where people work and live as well as circulate through even when it is hosting large events.

Flexible, flat space which can be used for events. (Events in City Square are not commercial and can only be applied for by non-profit organisations, community groups and or government agencies)



Open space on this corner for the following reasons;

- Symbolic connection to Town Hall across Collins Street and as place for people to gather
- Not overshadowed by surrounding buildings
- Existing pedestrian overcrowding at this intersection

Existing width of footpath (TYP 10.7m to front of kerb)

- Consistent with other "civic" sections of Swanston Street e.g. State Library, Town Hall and St Paul's Cathedral
- Significant future pedestrian growth projected in this section of Swanston Street

Occupiable edges and seating opportunities sheltered by trees canopies which face in and out of the Square

SWANSTON STREET

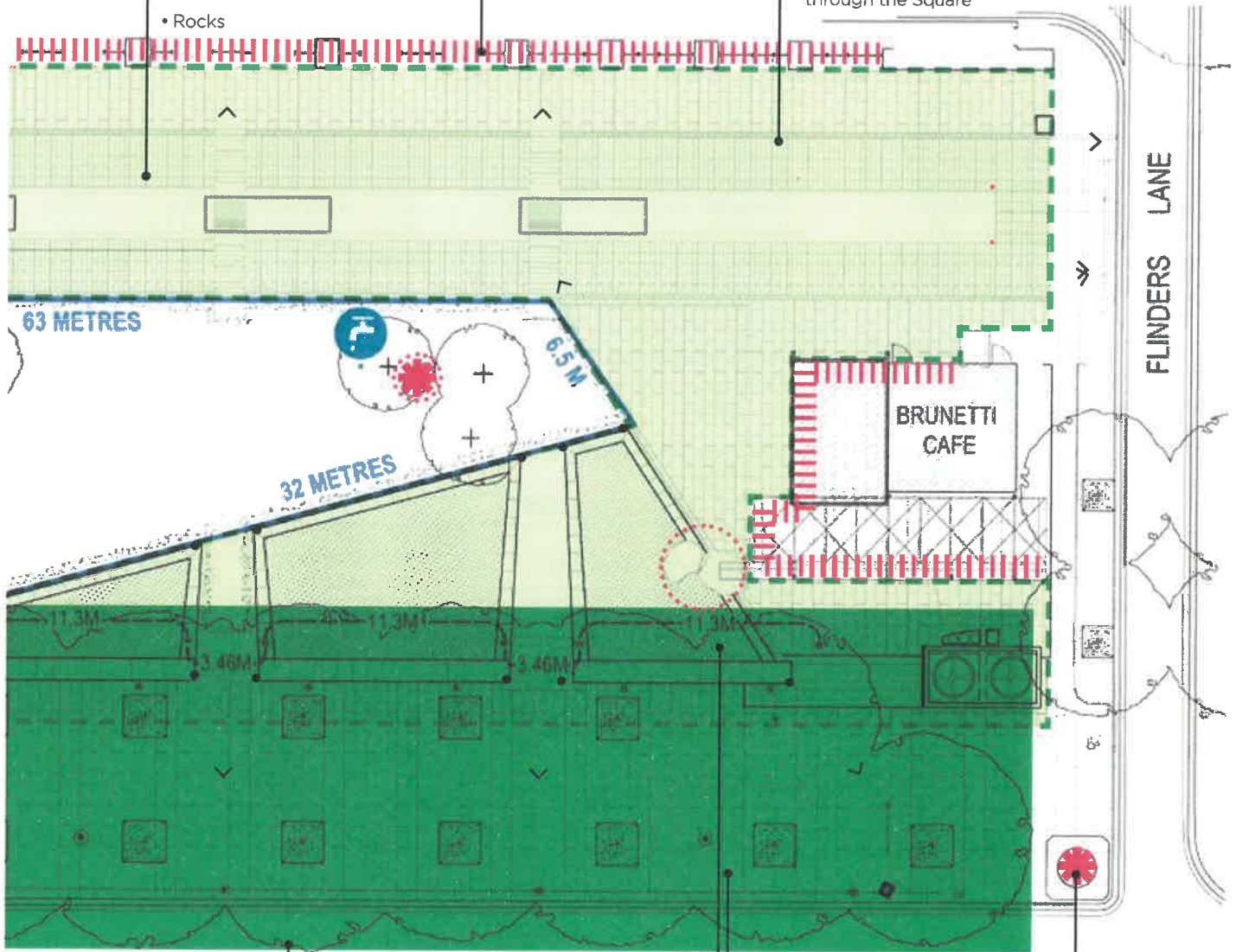
Unstructured play opportunities which include;

- "Glass River" Fountain
- Mockridge Fountain
- "Larry LaTrobe"
- "Wombat"
- Rocks

Activity fronting the Square on all buildings

Accessibility, permeability and visibility through the Square

- Minimal level changes
- Multiple east west and north south routes
- Visibility from Swanston Street through the Square



SWANSTON STREET

Swanston Street tree arbour for the following reasons;

- The 6m spacings of these trees to match the portico of the Melbourne Town Hall
- Continuous tree canopy to walk under for pedestrians significantly improves pedestrian comfort and amenity
- Environment benefits including but not limited to reduced urban heat island effect and wind amelioration
- Creates a specific sense of space in this section of Swanston Street which is consistent with its adjacency to public open space
- Visually and experientially connects Swanston St to the Square

Real nature of lawn and mature trees which offer respite from the hard paved city as well as environmental benefits such as urban heat island mitigation and wind & dust amelioration.

Public art and civic markers

EVENTS AND ACTIVITIES

City Square's value as a centrally-located event and activation site is significant as it provides a level of flexibility which does not exist elsewhere in the central CBD. In the 2015 calendar year, City of Melbourne permitted or produced approximately 38 events in the square.

The site provides a suitable location for not for profit promotional activities and large events with significant public profile or infrastructure. It also provides an essential ancillary congregation site for events and activities which take place over multiple CBD locations.

Charity and not-for-profit promotional activities

CoM predominantly encourages the use of City Square as a site for not-for-profit and charity organisations to conduct promotional activities. These activities are typically small to medium sized and are focused on engaging with the public and raising awareness. Examples from 2015 which illustrate the variety in type and size of promotional activities include:

- Starlight day - Fundraiser and awareness-raising for Starlight Children's foundation comprising branded storage facility, pop-up marquee and merchandise table. Estimated attendance 3000 people.
- The Big Breakfast - Health awareness activity around children and food access comprising a marquee and the distribution of promotional material. Estimated attendance 1000 people.
- F1 World - 10 day engagement activity to promote the

Formula 1 Grand Prix to the general public comprising branding installations, podium a shipping container and various promotional structures. Estimated attendance 15000 people.

City Square provides significant value as a promotional, awareness-raising and engagement site due to:

- Central location in major CBD thoroughfare
- Openness, visibility and accessibility
- Access to utilities (power and water)
- Flat, hard surface area and significant weight bearing capacity for infrastructure.

If the square were not available, City of Melbourne's capacity to provide a central, visible and open public space for non-commercial awareness and engagement activities would be significantly limited.

Annual / high-profile events

City Square hosts a number of annual events with a substantial public profile and is able to accommodate infrastructure and larger crowds where other central sites are not.

Its proximity to shopping, business and entertainment precincts also make it valuable to event organisers. The following examples from 2015 provide an overview of the range of high-profile public events hosted in the square.

- Melbourne Spring Fashion Week Hub - Annual, large scale event hub showcasing Melbourne fashion with a focus on retail

connection and activation in the core entertainment precinct comprising large-scale infrastructure, branding, retail and promotional structures. Estimated attendance 18 600 people.

- Sustainable Living Festival 2015 - Week long showcase of a temporary home to engage with public and educate on sustainable ways to live involving installation of an 18 tonne, 77 square metre home, a stage and marquee. Estimated attendance 20 000 people.
- CoM Christmas Festival - Annual, month long Christmas activation of the square with strong connection to core entertainment and retail precincts and the charity sector involving significant infrastructure installation including decorations, projector towers, temporary structures and the CoM Christmas tree. Estimated attendance 200 000 people.

City Square represents a unique location for large-scale, public events, allowing for activation visibility and integration with entertainment and retail precincts.

As well as being able to accommodate large-scale event infrastructure, the square allows City of Melbourne to offer:

- Close proximity to major public transport hubs
- Access to utilities (power and water)
- Access to sewerage points / pits
- Open, flat space
- Flexible vehicle accessibility for bump-ins / outs

- Significant weight bearing capacity
- No height restrictions
- Access to public toilets
- Both grassed and paved / granitic areas
- Removable bollards for traffic management
- Bins.

Outside of City Square, there are few, highly visible central CBD sites managed by City of Melbourne able to cater to events of this nature and scale.

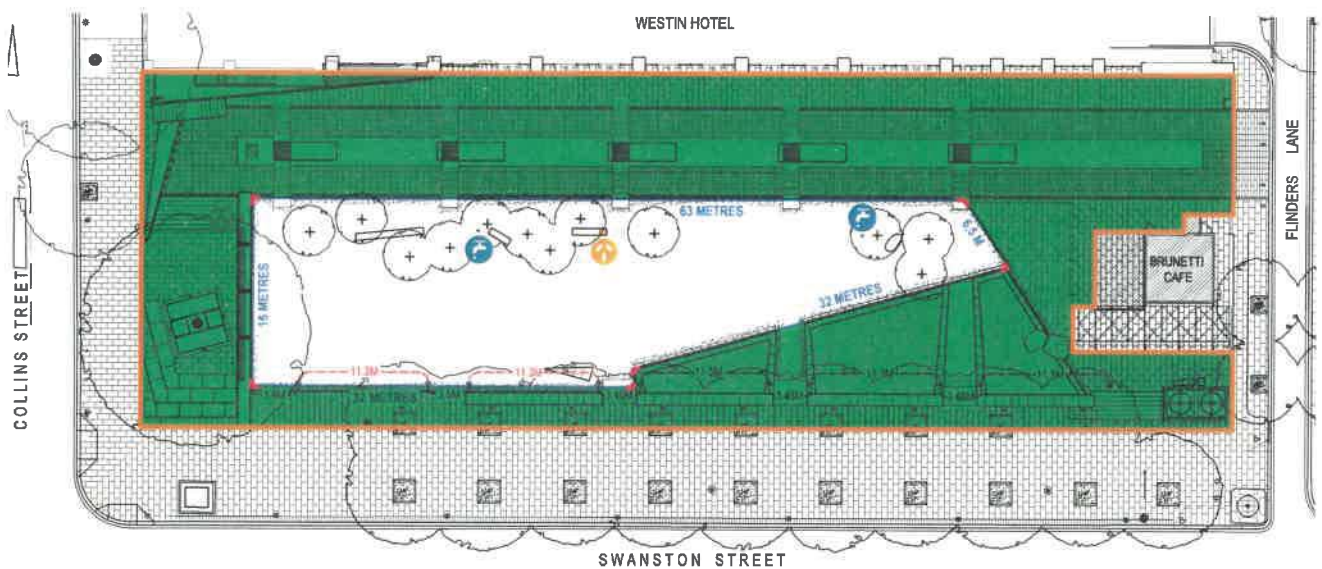
Ancillary / congregation site

As well as being a primary site for events and activations, City Square also provides a secondary activation or crowd-congregation site for events that occupy one or more spaces within the central entertainment precinct and the wider CBD. Examples include:




- ANZAC Day
- Melbourne Fringe
- Melbourne International Comedy Festival
- Melbourne Marathon
- New Year's Eve
- White Night.

Should City Square not be available, consideration to the limited amount of remaining, open, public space in the central CBD should be taken into account in the planning of such events and activities.

(Information provided by Events Melbourne)



LEGEND

-  City Square total area 2900m²
-  City Square area continuously open to the public 1999m²
-  City Square event space 901m² (31%)

OPEN SPACE PRINCIPLES

OPEN SPACE PRINCIPLES



A connection to the past



Meeting the needs of the future



Balancing priorities in a limited space

VALUED QUALITIES AND FEATURES TO BE RETAINED



1

24/7 public open space that celebrates informal and formal activities



2

Civic role holding together a precinct between the Town Hall and St Pauls Cathedral



3

Flexible event space in the central city



4

Swanston Street tree arbour and widened footpath



5

Occupiable edges and seating opportunities



6

Nature in the city



7

Activity fronting the square



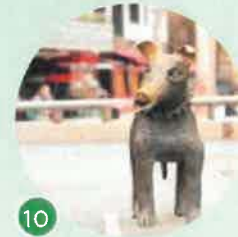
8

Opportunities for unstructured play



9

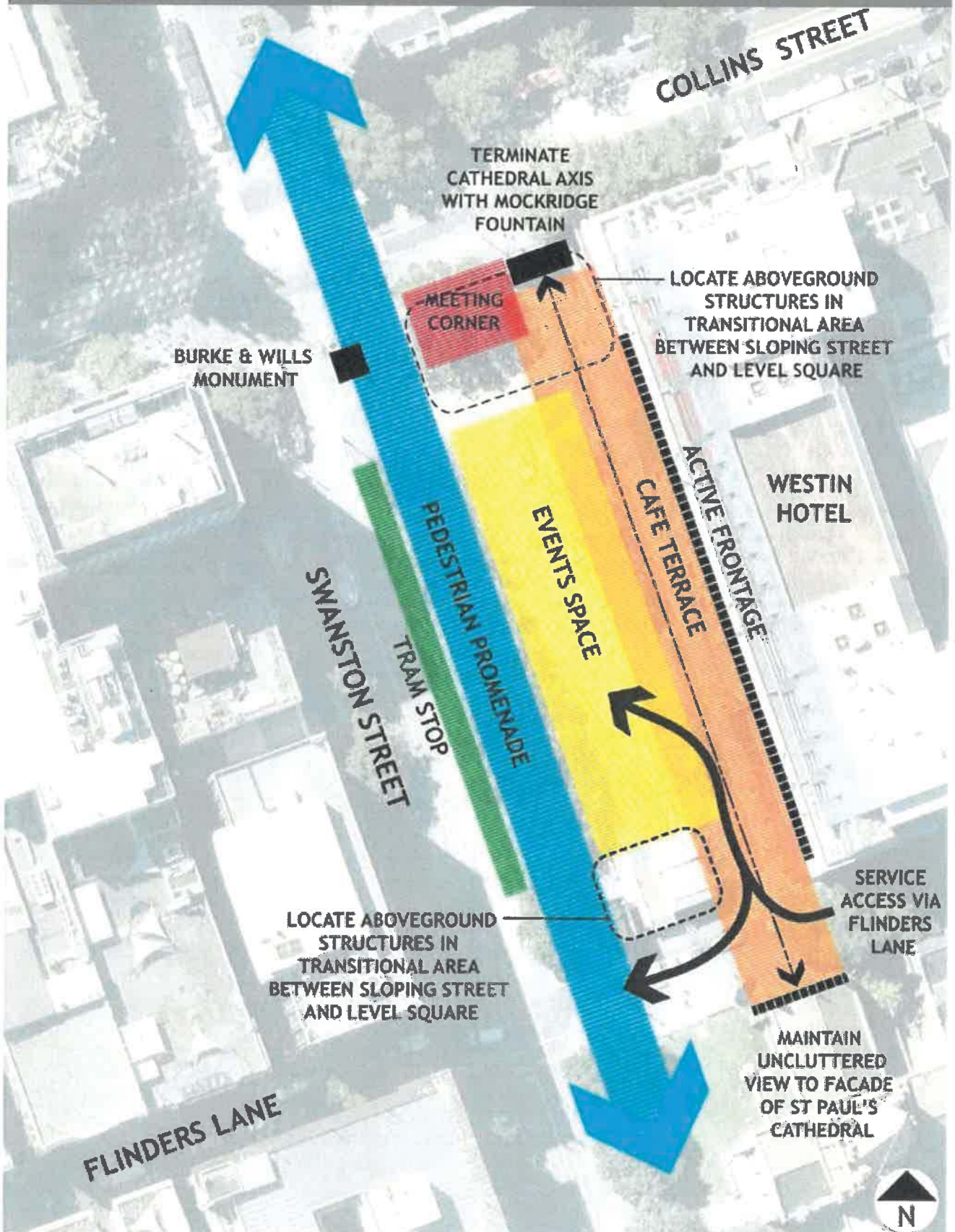
Accessibility, permeability and visibility



10

Public art and civic markers

MAP : CITY SQUARE LANDSCAPE STRUCTURE DIAGRAM SHOWING KEY CONSIDERATIONS AND WHERE STATION ELEMENTS COULD BE INCORPORATED WITH MINIMAL LOSS / FRAGMENTATION OF OPEN SPACE.



KEY REQUIREMENTS

1. The design, siting, size and orientation of the Station entry must not indicate this as the primary CBD South Station entry. It will be the minimum statutory size required and must not exceed width of other civic stairs on Swanston Street - indicatively, Town Hall Portico 16m, State Library central stairs 12m, St Paul's Cathedral 10.5m.
2. Pedestrian access, egress and dispersal from the Station must be from the street and not through the body of the Square to maintain the integrity of the space in keeping with its status as a Capital City Open Space.
3. Station entry structure and any above ground infrastructure must be kept to minimum and can not compromise the Square's useable open space at street level. Skylights and other optional architectural improvements to basement levels are not considered acceptable intrusions into the Square.
4. Structural slab design (e.g. loading capacity and setdown) must not restrict future works in the Square. This includes no level changes or upturns at the slab which introduce additional grade differences at the ground level.
5. Minimum 1.5m between finished surface level to top of slab level (exclusive of drainage layers, waterproofing and slab grading etc.) across the full site extent. Refer also information supplied by City of Melbourne Urban Forest team regarding soil depth and volume.
6. Event mode of the Square must still allow for everyday use of the Square as an intimate open space for people to pause and relax close to where they live and work.
7. No station infrastructure (vents etc) should be located outside City Square in the Swanston Street footpath area. Swanston Street (east side) between Flinders Lane and Collins Street should be reinstated to existing configuration with double row of trees.
8. Large vehicle access is required from either Swanston Street or Flinders Lane for events bump in and out (Flinders Lane is preferred). Refer also information supplied by Events Melbourne.
9. Provide integrated waste and recycling infrastructure for the precinct in consultation with the City of Melbourne.
10. A number of public artworks owned by the City of Melbourne will be effected by the works in City Square. The City of Melbourne must be involved in all aspects of any artworks requiring action including but not limited to documentation / de-install / storage / conservation / installation. Refer to detailed information provided by Arts Melbourne.

Attachment 4: Trust fund principles

- (a) Council will declare that it holds the Lot 1 Land Value on trust for the benefit of itself and the Authority (**Acquisition Trust**) to be applied by Council in the following order of priority:
- (1) first, to pay bank fees due and payable in respect of the trust account, and where Council is replaced as trustee pursuant to paragraph (k), the reasonable expenses and remuneration of the replacement trustee;
 - (2) second, to pay the Return Value to the Authority on transfer of the Returned Lot 1 Land to Council;
 - (3) third, to pay any consideration agreed between Council and the Authority on transfer to Council of any Acquired Land other than the Returned Lot 1 Land; and
 - (4) fourth, following written confirmation by MMRA that the Authority does not intend to make any further transfers of Acquired Land to Council, to Council for its own account (including any remaining interest earned on the trust funds).
- (b) If:
- (1) a CoM Unacceptable Outcome occurs; and
 - (2) Council elects not to accept a transfer of the Returned Lot 1 Land affected by the CoM Unacceptable Outcome in accordance with paragraph 5,
- Council in its capacity as Trustee must apply the then remaining balance of the Acquisition Trust monies in accordance with items (a)(1), (3) and (4) set out above.
- (c) If the Metro Tunnel project works within the Acquired Land are abandoned for a period greater than 24 months, the Authority may give notice to Council as trustee that it may apply the trust funds to its own account in which case, if the Metro Tunnel project works within the Acquired Land are later completed, Council must satisfy its obligations under this letter from its own account.
- (d) At least 7 days prior to applying any trust funds, Council as trustee must give notice to MMRA detailing the amount of and reason for the disbursement.
- (e) Council as trustee must not pay funds out of trust without the written consent of MMRA.
- (f) Any dispute regarding a disbursement of trust funds must be determined between the MMRA and Council in accordance with paragraph 9 of this letter.
- (g) Where a dispute has been commenced in connection with a disbursement of trust funds, the relevant trust funds must not be dealt with until the dispute is resolved.
- (h) The trust will terminate on the complete disbursement of trust funds in accordance with paragraphs (a) to (c).
- (i) All trust moneys must be held by Council as trustee:
- (1) in a separate account established solely for the purpose of holding the trust fund with a bank which:
 - (A) has been advised of Council's status as trustee;

- (B) has acknowledged the requirement that MMRA countersign any withdrawal from the account;
 - (C) has agreed not to consolidate the trust funds with any other funds or proceeds;
 - (D) has agreed not to claim a security interest in respect of the account; and
 - (E) is approved by MMRA; and
- (2) must not be comingled with any other property held by Council.
- (j) Council's liability as trustee in connection with this letter is limited to the amount held on trust, other than where Council is not entitled to be indemnified from trust funds as a result of Council's fraud, negligence or wilful default.
 - (k) In the event that Council is no longer able to act as trustee, the Authority must nominate a replacement trustee.

DRAFT